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PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, SECOND SESSION

SENATE—*Monday, March 13, 1972*

The Senate met at 12 o'clock meridian and was called to order by Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, Father of our spirits, Giver of all wisdom from whom all power and authority proceeds, we pray for Thy servants in the Government of this Nation. Rule their hearts, control their wills, employ their minds, direct their actions for the welfare of all the people. May days of uncertainty become the time for renewing the moral fiber and deepening the spiritual life of the Nation. Bind together in firm affinity all elements of the population that each may serve the other and all may bring to fulfillment the kingdom of justice and peace. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 13, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. GAMBRELL thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. GAMBRELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes, in which the concurrence of the Senate is requested.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 1746), an act to further promote equal employment opportunities for American workers.

The enrolled bill was signed by the Acting President pro tempore (Mr. GAMBRELL).

HOUSE BILL REFERRED

The bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes, was read twice by its title and referred to the Committee on Commerce.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, March 9, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EDUCATION AMENDMENTS OF 1972

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 659.

The ACTING PRESIDENT pro tempore (Mr. GAMBRELL) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education—the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore appointed Mr. PELL, Mr. RANDOLPH, Mr. WILLIAMS, Mr. KENNEDY, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, Mr. DOMINICK, Mr. JAVITS, Mr. SCHWEIKER, Mr. BEALL, and Mr. STAFFORD conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, this is on the higher education bill which will now go to conference.

INTERNATIONAL COFFEE AGREEMENT ACT OF 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 656, H.R. 8293.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 8293, to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Michigan (Mr. GRIFFIN) desire to be recognized at this time?

Mr. GRIFFIN. No, Mr. President.

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Massachusetts (Mr. KENNEDY) is now recognized for not to exceed 15 minutes.

(The remarks Mr. KENNEDY made at this point on the introduction of S. 3327 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Maryland is recognized for not to exceed 15 minutes.

(The remarks Mr. BEALL made at this point on the introduction of S. 3329 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

AUTHORIZATION FOR SECRETARY OF THE SENATE TO MAKE TECHNICAL CORRECTIONS IN S. 888

Mr. MANSFIELD. Mr. President, I send to the desk a concurrent resolution authorizing the Secretary of the Senate to make technical corrections in the enrollment of the bill S. 888, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be stated.

The assistant legislative clerk read as follows:

S. CON. RES. 67

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 888), providing for the relief of David J. Crumb, is hereby authorized and directed to make the following correction:

Strike out "5742(a)" and insert "5724a".

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution.

There being no objection, the concurrent resolution (S. Con. Res. 67) was considered and agreed to.

AUTHORIZATION FOR PREPARATION OF OFFICIAL DUPLICATES OF CONFERENCE PAPERS ON S. 2097

Mr. MANSFIELD. Mr. President, it is my understanding that the conference papers on S. 2097, to establish a Special Action Office for Drug Abuse Prevention, have been lost. I send to the desk a concurrent resolution and I ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The assistant legislative clerk read as follows:

S. CON. RES 68

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to prepare and sign official duplicates of the conference papers of the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 68) was considered and agreed to.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 30 minutes, with a limitation of 3 minutes on statements therein.

WAIVER OF CALL OF THE CALENDAR UNDER RULE VIII

Mr. MANSFIELD. Mr. President, I ask unanimous consent to waive the call of the calendar for unobjected to measures under rule VIII.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

(The remarks of Mr. MANSFIELD and Mr. AIKEN on the introduction of Senate Joint Resolution 215 and the ensuing discussion are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

THE UNITED STATES AND THE SOVIET UNION: POTENTIALS FOR PEACE

Mr. TAFT. Mr. President, this past Friday evening I had the opportunity to listen to a major address presented by the Secretary of Defense to the Cincinnati Council on World Affairs concerning the relationship between the Soviet Union and the United States. In describing this relationship, the Secretary presented in the clearest terms that I can recall the potentials for peace that it provides the world. He did not mince words with platitudes and bouquets. He did not try to gloss over the eminent facts of life and history that the differences that exist between our two great nations are not real; are not apparent; or will disappear overnight. Rather, Mel Laird, as he always has done in Congress and as Secretary of Defense, faced up to the issues. He highlighted for everyone to see the support that the Soviet Union continues to provide the North Vietnamese; the Soviets tremendous maritime expansion; its strategic arms buildup; and its growing political presence in the Middle East, the Mediterranean, the Indian Ocean, and closer to home, the Caribbean.

He stated carefully what has to be done. Our people must know what the score is. We must not be wishful thinkers. A visit to China and a visit to Moscow cannot erase the threat involved, even though they represent a truly giant step toward the generation of peace the whole world cherishes. Our position must be one of negotiation from strength. The Secretary has outlined why.

As we continue to improve the communications with the Soviet Union and China, the relationship expounded by the Defense Secretary as one "based on reciprocal self-restraint and mutual accommodation of interests" has a reasonable chance of success.

This is a good speech. It is a hard, nonsense speech. And it is one to which we all can relate. Mr. President, I ask unanimous consent to have printed in the RECORD the address by the Secretary of Defense.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE UNITED STATES AND THE SOVIET UNION: POTENTIALS FOR PEACE

I commend the Cincinnati Council on World Affairs on the timing and scope of this Conference. No better moment could have been chosen for a serious and thorough study of the Soviet Union with emphasis on our country's relations with that country.

In little more than two months, President Nixon will visit Moscow. As in the case of his recent visit to Mainland China, the President's trip is part of this Administration's steady effort to achieve our nation's main foreign policy goal: a generation of peace.

President Nixon has repeatedly emphasized his hope of bringing about a basic change in our relations with the USSR—a change from confrontation to negotiation. If a generation of peace is to be realized, nothing is more important than the relationship between the United States and the Soviet Union.

There are profound differences and disagreement between us and the Soviet Union which cannot simply be ascribed to historical accidents or misunderstandings. They are rooted in different conceptions of the rights and responsibilities of men and of governments. They are rooted in different approaches in dealing with other nations. They manifest themselves in conflicting interests in different regions of the world.

Accordingly, we cannot eliminate overnight the profound differences that separate us. We and the Soviets are now and will remain for some time, if not adversaries, then at least political-military opponents with different global policies. Unless we accept these strategic and political realities and make this recognition the starting point for our efforts toward peace, we diminish the chances to achieve peace and increase the risks to our own basic interests.

I believe great nations today can be peaceful adversaries without being belligerent antagonists.

The true question confronting us is not whether it is possible to have instant revolution in our relations with the Soviet Union. The question instead is whether we can manage our relationship so that we resolve what can be resolved and control what cannot.

That is what the President's Strategy for Peace is all about.

That strategy is based on three pillars. Willingness to negotiate is one of those pillars.

The other two—the pillars that can change meaningful negotiations from an elusive hope to a potential reality—are strength and partnership.

The Nixon Doctrine and the Strategy of Realistic Deterrence are derived from the strength and partnership pillars of the President's Strategy for Peace.

The Nixon Doctrine and its supporting national security strategy strike a balance between what America should do and what our friends can do. This policy allows us to do enough, without doing or attempting to do too much. It pledges that we will keep our treaty commitments; that we will provide a nuclear shield; that we will assist our friends in safeguarding world stability—but without doing everything ourselves.

It is only through the support of continued strength and strong partnership that the third pillar of the President's Strategy for Peace can stand. Strength and partnership form the indispensible foundation for meaningful and successful negotiations.

The potential for successful talks is possible, because we realistically proceed to negotiations from a position of strength and because we refuse to put negotiations and strength into separate and isolated compartments.

Some want us to negotiate by unilaterally disarming. I strongly believe that such a course of action would be counter-productive and dangerous to the security of our country and the safety of our people.

We wish to move from an era of confrontation to an era of negotiation. But to put it simply and candidly, we are not going to place our destiny or that of our friends or allies at the mercy of the hoped-for goodwill of any other power. We will pursue two courses of action that are mutually supporting:

First, we must maintain adequate strength to deter war. In this way, we reduce the likelihood of war and remain prepared should war come.

Second, we must demonstrate, as we are doing, a willingness to negotiate agreements that can lead to arms limitation instead of arms competition and that can help achieve peace.

But a cardinal rule guiding our Strategy of Realistic Deterrence is that our essential strength will not be reduced unilaterally in the absence of agreements that reduce the need for our strength.

This is not to say that we are unprepared to take every reasonable risk for peace. On the contrary, we are trying to build a new relationship with the Soviet Union; a relationship based on *reciprocal* self-restraint and *mutual* accommodation of interests. But, however ready the U.S. may be to base its policies on these principles, that alone will not suffice to create a more stable and positive relationship with the Soviet Union. These are principles that *both* sides must observe or nothing will be changed.

There are encouraging signs. We see those signs in agreements relating to Berlin, in the banning of biological and toxin weapons, in improved communications to diminish the danger of nuclear conflict, and in provisions for cooperation in space exploration and in medical research.

But just as we must give full weight to those positive elements, so we cannot ignore other less promising but equally real facts which bear on our hopes for a better relationship with the Soviet Union:

We cannot shut our eyes to the rapid and sustained Soviet strategic arms build-up in recent years.

We cannot ignore the world-wide expansion of Soviet maritime activity.

We cannot disregard their growing military presence and involvement in the Middle East, the Mediterranean, the Indian Ocean and the Caribbean.

We cannot discount the large, highly capable and improving forces they maintain in Europe that exert a constant political pressure against both Western and Eastern Europe.

We cannot discount the fact that the Soviet Union has been and remains the major supplier of military arms and munitions to the North Vietnamese and is thereby a major contributor to continued conflict in Southeast Asia.

Against this background, we must recognize that the prospects for ultimate peace in areas like Southeast Asia rest, to a major degree, with the Soviet Union. Against this background too, we must recognize the need for maintaining military power—ours and our Allies. For a stable military balance between us and the Soviets is and will continue to be for the foreseeable future a necessary condition. It is necessary not only for protecting our interests, but also for achieving the more stable and positive relationship with the Soviet Union that is so important to our hopes for a generation of peace.

Under the National Security Strategy of Realistic Deterrence we do not build military power to threaten anyone. We build and maintain military power to convince others that there is no profit in threatening or using force in an attempt to impose their political will on us and to advance their interests at the expense of ours.

We are, at the same time, prepared to extend the principles of self-restraint and accommodation in seeking agreements that would limit or reduce the burdens and dangers that large military forces represent for both sides. In this spirit, we hope for agreements stemming from the on-going Strategic Arms Limitation Talks and for a response from the Soviets to NATO's designation of Manlio Brosio last October to engage in exploratory talks on Mutual and Balanced Force Reductions (MBFR).

Any agreement, whether relating to strategic weapons, to mutual and balanced force reductions, or to other subjects, must be based on mutual concessions of relatively equal magnitude and importance which are subject to adequate verification. Any agreement must provide for reciprocal reduction or limitation so that its effect will not be to tilt the existing balance of strength to the advantage of either signatory.

To make the transition from confrontation to negotiation in our relations with the Soviet Union, the American people must continue to be ready to accept the long term challenges and responsibilities of world leadership. To build a world of stable peace, we shall need all of the patience, persistence, and resoluteness we can muster.

That is why our nation must continue to strengthen our strategic forces—until by mutual action, restraints are accepted by both the Soviet Union and ourselves. That is why we must maintain our troop strength in Europe—until by mutual action both NATO and Warsaw Pact forces are reduced.

What breakthroughs, what obstacles, what frustrations, may lie ahead as we pursue this difficult and lengthy transition, no one can foretell. We are pursuing this course not with euphoria or pessimism, but with hopeful realism.

The President's journey to Moscow will, we hope, open new avenues to peace. But whatever the progress we have made or will make sufficient military strength and national resolve will be necessary.

In our continuing efforts to achieve the goal of lasting peace, we need and ask for the understanding and support of such citizens as are represented in this meeting of the Cincinnati World Affairs Council and of all Americans.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VICE PRESIDENT AGNEW'S SHOWING IN NEW HAMPSHIRE

Mr. GRIFFIN. Mr. President, if Vice President Agnew had made a showing in the New Hampshire primary which by any standard of comparison could have been overlooked by the news media in its imagine that the fact would not have been overlooked by the news media in its coverage. If the Vice President's showing had been only good or about what might be expected under such circumstances, the lack of press notice could be understood, of course.

But now that I have had the opportunity to review the New Hampshire primary statistics, I find it rather difficult to understand why the news media has all but ignored the spectacular vote chalked up by Vice President Agnew last Tuesday.

Considering that the Vice President's name did not even appear on any of the ballots, and that every vote for him had to be a conscious, deliberate write-in effort, it is interesting—and should be noteworthy—that Mr. Agnew received more votes for Vice President on a write-in basis than Senator Muskie received for President with his name on the ballot.

Not only did Mr. Agnew receive 70 percent of all Republican votes for Vice President in the New Hampshire primary, but in addition, 5 percent of the Democrats who voted for Vice President took the trouble to write in Mr. Agnew's name.

Looking over the New Hampshire statistics, I also notice not only that President Nixon's vote was impressive, but also that he received more votes than Senator Muskie and Senator McGovern combined.

Mr. President, I ask unanimous consent that a tabulation of the New Hampshire primary results be printed in the Record.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

NEW HAMPSHIRE PRIMARY RESULTS—WITH 99 PERCENT OF THE VOTE TALLIED AT MONDAY PRESS TIME, THE RESULTS OF THE NEW HAMPSHIRE PRIMARY ARE AS FOLLOWS—

	Number	Percent
Republican:		
Nixon	77,398	69
McCloskey	22,678	20
Ashbrook	10,740	10
Paulsen	1,146	1
Democrat:		
Muskie	40,425	48
McGovern	31,812	37
Yorty	5,244	6
Mills	3,508	4
Hartke	2,326	3
Kennedy	794	1
Humphrey	292	0
Coll	256	0
Jackson	87	0
McCarthy	39	
Vice President—Republican:		
Agnew	42,830	70
Burton	10,843	18
Brooke	7,196	12
Democrat:		
Peabody	36,443	95
Agnew	1,837	5

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Gambrell) laid before the Senate the following letters, which were referred as indicated:

Report of National Commission on Productivity

A letter from the Chairman, National Commission on Productivity, transmitting, pursuant to law, a report of that Commission, for the period from July 1970 through February 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Proposed Amendment of Title III of the International Claims Settlement Act of 1949

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting a draft of proposed legislation to amend section 304, title III of the International Claims Settlement Act of 1949, as amended, to provide for additional claims for payment out of the Italian Claims Fund (with an accompanying paper); to the Committee on Foreign Relations.

Proposed American-Mexican Boundary Treaty Act of 1972

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to facilitate compliance with the treaty between the United States of America and the United Mexican States, signed November 23, 1970, and for other purposes (with accompanying papers); to the Committee on Foreign Relations.

Report on Anthracite Mine Water Control and Mine Sealing and Filling Program

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on the Anthracite mine water control and mine sealing and filling program (with an accompanying report); to the Committee on Interior and Insular Affairs.

Proposed Amendment of Water Resources Planning Act

A letter from the Chairman, U.S. Water Resources Council, Washington, D.C., transmitting a draft of proposed legislation to amend the Water Resources Planning Act to authorize increased appropriations (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report on Modification of Certain Contracts Relating to National Defense

A letter from the General Manager, U.S. Atomic Energy Commission, reporting, pursuant to law, on the modification of contracts relating to national defense, for the calendar year 1971; to the Committee on the Judiciary.

Report of Commission on Population Growth and the American Future

A letter from the Chairman, Commission on Population Growth and the American Future, Washington, D.C., transmitting, pursuant to law, a report of that Commission, dated March 10, 1972 (with an accompanying report); to the Committee on Labor and Public Welfare.

Report of National Commission on School Finance

A letter from the Commissioner of Education, Department of Health, Education, and Welfare, transmitting, pursuant to law, the final report and recommendations of the National Commission on School Finance (with an accompanying report); to the Committee on Labor and Public Welfare.

Proposed Increase of Compensation for Disabled Veterans

A letter from the Administrator of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to increase the rates of compensation for disabled veterans (with an accompanying paper); to the Committee on Veterans' Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. GAMBRELL):

Resolutions of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION EXPANDING THE MEDICARE PROGRAM AND INCREASING THE FUNDING OF MEDICAL RESEARCH

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation providing for the funding of medical research, with particular emphasis on research into kidney diseases, in an amount equal to that requested in the first session of the Ninety-first Congress; expanding the Medicare program to include the cost of drugs: providing that all persons in the United States shall, upon attaining sixty-five years of age, be eligible for Medicare coverage; providing for the payment by the federal government of all medical expenses incurred by members of the Medicare program and expanding the Medicare program to include persons who are receiving funds under the special security program because they are permanently and totally disabled; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

"Senate, adopted, February 14, 1972.

"NORMAN L. PIDGEON, *Clerk*.

"House of Representatives, adopted in concurrence, February 17, 1972.

"WALLACE C. MILLS, *Clerk*.

"Attest:

"JOHN F. X. DAVOREN,
"*Secretary of the Commonwealth.*"

Resolutions of the Commonwealth of Massachusetts; to the Committee on Veterans' Affairs:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ESTABLISH A NATIONAL CEMETERY IN THE COMMONWEALTH

"*Whereas*, It is the right of every veteran to be accorded the honor of a burial in a national place of honor; and

"*Whereas*, Out of the ninety-eight national cemeteries in the United States, there is none in the New England area; and

"*Whereas*, The saturation point of these cemeteries is rapidly being reached and the need for new land is pressing; now, therefore, be it

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact such legislation as may be necessary to establish a National Cemetery in the Commonwealth of Massachusetts! and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of the Congress and to each branch of the Congress and to each member thereof from the Commonwealth.

"House of Representatives, adopted, February 28, 1972.

"WALLACE C. MILLS, *Clerk*.

"Senate, adopted in concurrence, March 1, 1972.

"NORMAN L. PIDGEON, *Clerk*.

"Attest:

"JOHN F. X. DAVOREN,
"*Secretary of the Commonwealth.*"

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING THAT THE FEDERAL GOVERNMENT ASSUME THE FULL COST OF VETERANS' SERVICES

"*Whereas*, The cost of providing veterans' services has put a serious financial burden on both the cities and towns of Massachusetts and the commonwealth itself; now, therefore, be it

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation providing that the federal government assume the cost of veterans' services; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

"Senate, adopted, February 14, 1972.

"NORMAN L. PIDGEON, *Clerk*.

"House of Representatives, adopted in concurrence, February 17, 1972.

"WALLACE C. MILLS, *Clerk*.

"Attest:

"JOHN F. X. DAVOREN,
"*Secretary of the Commonwealth.*"

A joint memorial of the Legislature of the State of New Mexico; to the Committee on Interior and Insular Affairs:

"A JOINT MEMORIAL REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE MINERAL LEASING ACT TO PROVIDE THAT ALL STATES IN WHICH ARE LOCATED FEDERAL LANDS BE ALLOCATED 90 PERCENT OF THE REVENUE REALIZED FROM MINIMAL LEASES AND PERMITS ON SUCH LANDS

"Whereas, under the federal Mineral Leasing Act, the state of New Mexico is allocated thirty-seven and one-half percent of the revenue from mineral leases and permits on federal lands within the state boundaries; and

"Whereas, the state of Alaska is allocated ninety percent of the revenue from mineral leases and permits on federal lands in Alaska; and

"Whereas, the state of Alaska has over thirteen times more federal acreage than New Mexico has, but less than one-third of New Mexico's population; and

"Whereas, the per capita income of residents of the state of Alaska is almost twice the amount of residents of New Mexico;

"Now, therefore, be it resolved by the Legislature of the State of New Mexico that the Congress of the United States is requested to amend the Mineral Leasing Act to provide that all states in which federal lands are located shall be allocated ninety percent of all revenue from mineral leases and permits on such lands; and

"Be it further resolved that copies of this memorial be transmitted to the speaker of the United States house of representatives, the president pro tempore of the United States senate and to the members of New Mexico's delegation to the Congress of the United States."

A resolution adopted by the city council, San Francisco, Calif., praying for the enactment of legislation to provide funds for continuation of the survey of streams at and in the vicinity of south San Francisco; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, with amendments:

S. 2895. A bill to enable producers of commercial eggs to consistently provide an adequate but not excessive supply of eggs to meet the needs of consumers for eggs and to stabilize, maintain, and develop orderly marketing conditions for eggs at prices reasonable to the consumers and producers (Rept. No. 92-686).

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on March 10, 1972, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 602. An act to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket numbered

50233, U.S. Court of Claims, and for other purposes;

S. 671. An act to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket numbered 279-A, and for other purposes;

S. 860. An act relating to the Trust Territory of the Pacific Islands;

S. 996. An act relating to the transportation of mail by the U.S. Postal Service;

S. 1163. An act to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, and operation, and expansion of low-cost meal projects, nutrition training, and education projects, opportunity for social contacts, and for other purposes;

S. 2423. An act to amend the Federal Aviation Act of 1958 to provide for the suspension and rejection of rates and practices of air carriers and foreign air carriers in foreign air transportation, and for other purposes;

S. 3244. An act to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition; and

S.J. Res. 190. Joint resolution to provide for an extension of the term of the Commission on the Bankruptcy Laws of the United States, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. MAGNUSON, Mr. CRANSTON, Mr. EAGLETON, Mr. HUGHES, Mr. MONDALE, and Mr. STEVENSON):

S. 3327. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes. Referred to the Committee on Labor and Public Welfare, by unanimous consent, and, if and when reported, to the Committee on Finance, if desired by the Committee on Finance.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 3328. A bill to amend the Social Security Act to assure that whenever there is a general increase in social security benefits there will be a corresponding increase in the standard of need used to determine eligibility for aid or assistance under State plans approved under title I, X, XIV, or XVI of such act. Referred to the Committee on Finance.

By Mr. BEALL:

S. 3329. A bill to establish a National Institute of Health Care Delivery, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MANSFIELD (for Mr. JACKSON):

S. 3330. A bill to establish a national policy for the management, conservation, use, and development of the Nation's natural resources, to provide for the establishment of a Board on Natural Resources Planning and Policy, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. ERVIN:

S. 3331. A bill relating to the constitutional rights of Indians; and

S. 3332. A bill to amend title 18 of the United States Code, section 702, relating to the unauthorized wearing of uniforms of the Armed Forces and the Public Health Service. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 3333. A bill to authorize a compact between the several States relating to taxation of multi-State taxpayers and to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce. Referred to the Committee on Finance.

By Mr. MAGNUSON (by request):

S. 3334. A bill to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes; and

S. 3335. A bill to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce. Referred to the Committee on Commerce.

By Mr. MANSFIELD (for himself and Mr. AIKEN):

S.J. Res. 215. A joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. MAGNUSON, Mr. CRANSTON, Mr. EAGLETON, Mr. HUGHES, Mr. MONDALE, and Mr. STEVENSON):

S. 3327. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a quality Health Care Commission, and for other purposes. Referred to the Committee on Labor and Public Welfare, by unanimous consent, and, if and when reported, to the Committee on Finance, if desired by the Committee on Finance.

HEALTH MAINTENANCE ORGANIZATION AND RESOURCES DEVELOPMENT ACT OF 1972

Mr. KENNEDY. Mr. President, I send to the desk for appropriate reference a bill entitled the "Health Maintenance Organization and Resources Development Act of 1972."

Mr. President, I introduce the measure on behalf of myself, the Senator from New York (Mr. JAVITS), the Senator from Washington (Mr. MAGNUSON), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MONDALE), and the Senator from Illinois (Mr. STEVENSON).

Mr. President, this bill is designed to provide support for health maintenance organizations, health service organizations and area health education, and service centers. In addition, it provides for the establishment of an independent Commission on Quality Health Care and extends the authority of several sections of the Public Health Service Act important to the development and support of our national health care resources.

During its activities throughout the past 13 months, the Health Subcommittee has seen striking evidence of the disorganization, waste, and inefficiency inherent in our fragmented system of health care. Almost every witness to testify before our hearings into the health care crisis, into health manpower and into health maintenance organizations has attested to the need for far better rationalization and organization of personal health services.

The degree of waste within the health system is illustrated by an interesting statistic. At the present time, we are spending almost enough money on personal health services to purchase two memberships in Kaiser or any other of the major prepaid group practices for every resident of the United States.

Yet, we are not receiving nearly as much for our investment as we could be, and many Americans are receiving virtually no services at all.

In his health message of February 17, 1971, President Nixon endorsed the concept of health maintenance organizations and stressed the important role the Federal Government would play in encouraging their development. In his state of the Union message to Congress on January 20, 1972, the President once again called for the passage of HMO legislation. He said:

> They ought to be everywhere available so that families will have a choice. . . .

That choice is not currently available to the American people. At the present time, 96 percent of all Americans receive their health care on a fee-for-service basis, largely from solo practitioners.

For the past 7 months, the Health Subcommittee of the Committee on Labor and Public Welfare has been conducting hearings concerning the subject of health maintenance organizations. We have heard from a great many very knowledgeable witnesses, who have almost unanimously endorsed the concept of HMO's. Substantial disagreement exists among the witnesses, however, as to the precise nature of an HMO.

The only areas upon which agreement exists are that an HMO should provide a wide range of services to a defined, enrolled population for a predetermined, prepaid, periodic premium. The premium is unrelated to the actual number of services utilized by a particular enrollee in a particular time period.

However, many areas of disagreement exist concerning the definition of a health maintenance organization and concerning the appropriate role of the Federal Government in encouraging the development of HMO's.

Many questions remain unanswered. For example, what is an appropriate range of services to be provided by an HMO? How large should an HMO be? What should the physician-enrollee ratio be? Will HMO's work in rural areas? What is the roll of profitmaking HMO's and what should the Government's role vis-a-vis profitmaking enterprises in the health field be? Given the fact that the financial incentives in an HMO are designed to reduce costly services, what mechanisms exist to assure the consumer of health services that necessary services will not be withheld or that the services they receive will be of uniformly high quality? How is it possible to assure that all Americans will be able to purchase services from a federally subsidized HMO if one is available in their community?

Mr. President, many of these questions cannot be fully answered at the present time. The bill I am introducing contains some suggested approaches which seem to be reasonable and seem likely to be most effective based upon testimony the subcommittee has heard to date.

Perhaps the most important single aspect of the HMO debate up to the present time is that it has forced us to focus on issues in the health care field which have, until the present time, been only abstract ideas.

Just as an HMO is intended to organize currently fragmented health services, so the HMO debate has forced us to organize our thinking about such issues as the cost of personal health services within a defined unit of time; the range of services necessary to maintain health and treat disease; the means to achieve equitable delivery of services; the efficient utilization of allied health professionals; and the quality of health care.

Mr. President, the bill I am introducing today contains five titles. Title I deals with health maintenance organizations, intended primarily for metropolitan areas. Title II is concerned with the support of health service organizations, intended primarily for nonmetropolitan and rural areas. Title III provides assistance for the establishment of area health education and service centers, intended to facilitate the rapid and widespread dissemination of new medical information into our currently medically underserved nonmetropolitan areas. Title IV provides for the establishment of a Commission on Quality Health Care in order to create and monitor standards relating to the quality of health services delivered in the United States. Title V contains other amendments to the Public Health Service Act which are designed to strengthen and improve the availability of health care resources.

Mr. President, I think it is important to describe the provisions contained in this bill in some detail, and to comment upon certain of those provisions.

TITLE I: HEALTH MAINTENANCE ORGANIZATIONS

Title I of this bill defines and authorizes support for health maintenance organizations.

DEFINITION

The title defines a health maintenance organization as an entity which provides comprehensive health services which are uniformly available to all its enrollees, directly through its own staff and its own supporting resources or through a medical group or groups. It stipulates that payment by the enrollee to the HMO is to be made on a periodic basis without regard to the frequency, extent, or type of health service actually furnished an enrollee; and that payment is uniform, except for adjustments for family rates, for all its enrollees. The title requires that the health maintenance organization assume responsibility for the provision of health services to its enrollees 24 hours a day, 7 days a week, and that it provide for out-of-area services when necessary.

Mr. President, it is my feeling that experience rating, the practice wherein low-risk persons are sold health insurance at preferential rates, has been extraordinarily damaging to the entire health industry and to the patterns of availability of services. This practice of "skimming the cream," of leaving those people most in need of health services to pay the highest bills—often without the assistance of adequate insurance, cannot and should not be encouraged by any program utilizing Federal funds.

The HMO must provide an opportunity for the ongoing education of its staff and of the physicians associated with it, as well as for the provision of enrollee health education. It must be organized in such a manner that its enrollees are assured a substantial role in the making of policy, and it must have meaningful procedures for hearing and resolving grievances.

The bill further requires that an HMO have quality control arrangements, satisfactory to the Quality of Health Care Commission, which will be established according to provisions contained further on in the bill. There is, in addition, a requirement that certain data, relating to the operation, cost, utilization rates, and effectiveness of the services rendered by the HMO, be reported periodically to the Secretary of Health, Education, and Welfare.

Another important requirement for an HMO under this section is that it assume financial responsibility for the cost of care delivered to its enrollees, without the benefits of reinsurance, up to the first $5,000 per enrollee per year. It is this provision which will be most effective in providing incentives for the HMO to reduce utilization of unnecessary services to the greatest extent possible.

It is further required that an HMO have an open enrollment period of at least 30 days per year, during which it accepts individuals in the order in which they apply. Once enrolled, an enrollee cannot be excluded for any reason related to his health status as long as he continues to pay his premiums. This provision is intended to prevent the type of "skimming" of low-risk cases which is so prevalent in the health insurance industry, and which makes it so difficult for people with a high requirement for health services to obtain adequate care.

An HMO, according to the definition contained in this bill, may enroll no more than 50 percent of its membership from medically underserved areas. This provision is intended to prevent the perpetuation of the dual-class system of medical care which exists at the present time in this country. It is only through the development of a single class, single standard of mainstream medical care that ghetto medicine can be eliminated.

The 50 percent maximum requirement is waived in the case of medically underserved rural areas, at the discretion of the Secretary.

The bill requires an HMO to deliver a comprehensive range of services. "Comprehensive health services" means a minimum range of services which must be offered by an HMO before it may qualify for assistance under this title. "Comprehensive health services" include health services provided without limitation as to time or cost as follows: "Physicians' services; inpatient and outpatient hospital services; extended care facilities services; home health services; diagnostic laboratory and diagnostic and therapeutic radiologic services; physical medicine and rehabilitative services—including physical therapy; preventive health and early disease detection services; emergency health services; reimbursement for expenses incurred for out-of-area health services when medically indicated; mental health services, with an emphasis on the utilization of existing community mental health centers; dental services, with an emphasis on preventive dental health services for children; prescription drugs; and such other additional personal health services as the Secretary may determine are necessary, including services dealing with alcoholism and drug abuse.

This rather broad range of services is thought by many experts to be a minimal goal for which an HMO should strive. The intent of the inclusion of these basic services among the range of services offered by a health maintenance organization is to encourage the movement of as many personal health services as possible into an organized, prepaid setting. The inclusion of many of these services will allow the health maintenance organization to achieve much greater flexibility in the allocation of services among health categories, and will enable them to create a maximum impact on the prevention and early detection of disease.

There appears to be a consensus among those providers who are currently actively engaged in the operation of a health maintenance organization and who have testified to date before the subcommittee that the most effective form of professional organizations within an HMO is a medical group. It is their opinion that a true medical group offers the greatest possible flexibility in delivering a wide range of health services to a defined population—flexibility in the ability of a medical group to modify its staffing patterns to suit the situation; its ability to foster continuing professional development among its members; and its ability to assure an informal, ongoing peer review which results in the practice of medicine of higher quality than may be the case in solo practice.

For these reasons, a health maintenance organization, according to the definitions contained in this bill, must utilize the services of a medical group, or directly employ the physicians rendering services. A medical group is defined as "a partnership or other association or group of not less than four persons who are licensed to practice medicine, osteopathy, or dentistry in a State and who, as their principal professional activity, engage in the coordinated practice of their profession as a group responsibility."

If not employees or retainees of a health maintenance organization, they must pool their income from practice as members of the group and distribute it among themselves according to a prearranged salary or drawing account plan. They must jointly use or share medical or other records, as well as substantial portions of major equipment and professional, technical, and administrative staff. In addition, they must share or jointly utilize such additional health professionals and allied health professionals as are needed to provide comprehensive health services.

Continuing education is difficult to encourage among busy practitioners. Therefore, HMO's are required to encourage the continuing education of their medical group members in clinical medicine.

Another important characteristic of the health maintenance organization is its obligation to serve a defined, enrolled population of enrollees. The bill defines enrollee as an individual who has entered into contractual arrangement, or on whose behalf a contractual arrangement has been entered into, with a health maintenance organization or a health service organization, under which such organization assumes the responsibility for the provision of comprehensive health services and additional health services to such individual.

SUPPORT

Mr. President, the bill I am introducing today contains a number of different approaches supporting the planning and development of effective health maintenance organizations. Grants are authorized for the purposes of planning and feasibility studies for public or private nonprofit agencies, organizations, or institutions in order to assist them in projects for studying the feasibility of, or planning for, health maintenance organizations.

The bill also authorizes the Secretary to make grants in order to assist a health maintenance organization in meeting its costs prior to its first day of operation. Limits of a total of $1 million and a total availability of the grants for a period not to exceed 2 years are stipulated in this section. These grants are intended to enable the health maintenance organization to implement an enrollment campaign; design and make arrangements for the provisions of the required health services; develop administrative and internal organizational arrangements which will enable the health maintenance organization to operate, recruit, and train personnel; pay architects' and engineeers' fees; and for such other relevant purposes as the Secretary may deem appropriate. The Secretary is directed to give priority to those HMO's which give assurances that at least 30 percent of their enrollment shall be persons from medically underserved areas.

The bill authorizes the Secretary to make grants in order to assist any public or private nonprofit health maintenance organization in meeting the costs of construction of facilities or portions of facilities for ambulatory services, and capital investments for necessary transportation equipment to be used by it for the provision of health services to its members. The Secretary is directed to give special considerations to those applicants whose intention is to acquire or renovate existing facilities.

The Secretary is further directed to give special considerations to those applicants whose intention is to acquire or renovate existing facilities. The Secretary is directed to give priority to those applicants who provide assurances that at least 30 percent of their total enrollment shall be persons from medically underserved areas. Funds for the construction of inpatient services are not made available, since funds for those purposes are available through the Hill-Burton program.

Subsequent to its first day of operation, a health maintenance organization can be expected to experience a period of deficit operation, during which its premium income will be less than its costs of operation due to the time lag necessary for it to reach full enrollment. As the enrollment of an HMO increases toward its capacity, the operating deficit can be expected to diminish. For this reason, the bill authorizes the Secretary to make grants and loans for the purpose of assisting health maintenance organizations in meeting their costs of operation during their initial 3 years in operation.

The Secretary is authorized to make grants to public and nonprofit private health maintenance organizations, which may not exceed 100 percent of the first year's operating deficit during the HMO's first year of operation; 67 percent of its first year's operating deficit for the second year of operation; and 33 percent of the first year's operating deficit for the third year of operation. Similarly, loans may be made by the Secretary for any public or private nonprofit health maintenance organization which are not to exceed 60 percent of the first year's operating expenses during the HMO's first year of operation, 40 percent of the operating expenses for the second year of operation, and 20 percent of the operating expenses for the HMO's third year of operation.

TITLE II: HEALTH SERVICE ORGANIZATIONS

Mr. President, in testimony taken before the subcommittee during the past year, it has become apparent that the problems of the provision of health services to rural areas are far different from those which exist in urban areas. The problems most important in rural areas seem to be those of attracting adequate numbers of health practitioners and problems associated with transportation and communication once health professionals have located in the area. For that reason, title II of the bill I am introducing today is intended to encourage the improvement of the organization and distribution of health services to nonmetropolitan areas. The bill authorizes the support of health service organizations. A health service organization differs from a health maintenance organization in that the requirement for the provision of health services directly or by a medical group or groups may be waived by the Secretary where the existence of a medical group is not feasible due to low population density. The requirement for reimbursement of professionals by a salary or drawing account arrangement is waived in the case of the health service organization.

In addition, the Secretary of Health Education, and Welfare may waive the requirement for specific services within the range of "comprehensive health services" if adequate resources are not available which would enable the HSO to deliver such services. However, in such a case, the HSO must demonstrate its intention to make the full range of comprehensive health services available as soon as is feasible.

In addition, the health service organization is required to have a written agreement with an area health education and service center, as defined later in the bill, for the use of the educational and service facilities and programs of the center, if such a center is located in the geographic area served by the health service organization.

In making grants, loans, or loan guarantees under the authority provided by this legislation, the Secretary is directed to give priority to those health maintenance and health service organizations whose policymaking body is composed of a majority of consumers of its services.

In other respects, the definition of a health service organization is similar to that of a health maintenance organization. The types and amounts of support available to each are identical.

TITLE III: AREA HEALTH EDUCATION AND SERVICE CENTERS

The third title of this bill, Mr. President, deals with area health education and service centers. It authorizes grants to cover costs of development and construction of facilities in order to assist area health education and service centers.

One important reason for the maldistribution of health professionals resulting in the shortage existing in rural areas seems to be the sense of professional isolation felt by health professionals who choose to practice in relatively isolated areas. The Carnegie Commission, in their report entitled "Higher Education and the Nation's Health," issued in 1970, recognized this problem.

Among the recommendations contained in that report were those relating to the establishment of area health education centers in various locations throughout the United States. The Carnegie Commission recommended 126 locations. This title of the bill is patterned after the recommendations contained in the Carnegie report, with an emphasis on rural areas, since absolute shortages of medical care seem to be most severe in those areas.

An area health education and service center is defined as "A hospital, educational facility, or other public or private nonprofit entity affiliated with a university health center with the purpose of providing clinical training in a nonmetropolitan area."

It is required to have an agreement with a health service organization, if such an organization exists in the geographic area served by the center, and to provide educational services to and health services through such a center. In addition, the area health education and service center is required to make its facilities and programs available to all licensed health professionals in the geographic area which it serves. In this way, it is hoped that the area health education and service center will benefit, through the health care providers located in a given geographic area, all of the people receiving health services within that area.

The purpose of an area health education and service center is to facilitate the rapid dissemination of current medical information to relatively remote, isolated and sparsely populated areas of the country, and to provide for and encourage clinical experience in a nonmetropolitan setting for students from university health centers, with the hope that such experience will encourage some of them to remain in rural areas to practice.

For that purpose, the Secretary is authorized to make grants to university health centers or to regional medical programs, where they exist, in order to assist in meeting the costs involved in the development of area health education and service centers. Such funds shall be available for expenditure for a maximum of 2 years, and are intended to be used to facilitate the design of education, health, and medical services and the integration of these services with the university health centers' research and educational programs. Grant funds are also authorized for university health centers to assist them in the construction and equipment of educational facilities in conjunction with the development of area health education and service centers.

Mr. President, the remainder of title III of this bill deals with general provisions which enable the Secretary to carry out the intent of the legislation.

Several of the provisions under general requirements deserve special mention. It has become clear throughout the course of the hearings into HMO's that the source of ongoing support for an HMO following its initial few years of operation are of great concern to many of the witnesses who testified before the subcommittee. If the Federal Government is to invest public funds in the creation of a new type of health delivery entity, I believe the Congress has the obligation to insure that all people who live in the area around such an organization are able to benefit from its services. Toward that end, the bill contains a provision authorizing the Secretary to make annual grants to HMO's and health service organizations for the purpose of enabling such organizations to provide services to all people desiring such services.

For that purpose, the Secretary is authorized to make grants to HMO's and HSO's equal in amount to the difference between the amount the member could reasonably be expected to pay for health services, as determined by the Secretary, and the cost of the premium in the HMO or HSO, multiplied by the number of persons enrolled in the HMO or HSO requiring such assistance.

In considering the amount a member should pay toward the premium, the Secretary is directed to consider all sources —including public sources—of income available to each member. In this way, as additional sources of support for personal health services become available in the future, this particular program can be phased out. Grants under this section of the bill may not exceed 25 percent of the total premium receipts for a health maintenance organization or health service organization.

Another provision under this title is the preemption of restrictice State legislation which would impair the formation or operation of HMO's and HSO's. Many States currently have laws in effect which restrict group practice, the corporate practice of medicine, advertising, and other practices. For that reason, the bill allows any organization or medical group qualifying for funds under this legislation to function regardless of restrictive State legislation.

TITLE IV: COMMISSION ON QUALITY HEALTH CARE

The preemption of State standards governing the delivery of health services makes it necessary to replace those standards with others. For that reason and others, title IV of the bill I am introducing today deals with the creation of an independent Federal agency, the Commission on Quality Health Care. Because of the incentives inherent in the financing mechanisms of health maintenance organizations and health service organizations, a danger exists that such organizations will provide health services in less than optimal amounts in order to reduce expenses.

In testimony before the Senate Health Subcommittee on October 6, 1971, Dr. Paul Ellwood, of the American Rehabilitation Foundation and the Institute for Interdisciplinary Studies in Minneapolis, testified concerning the need for additional, innovative quality controls in the health care field. Dr. Ellwood and many other experts in the field of health care. This work has resulted in the development of title IV of the bill before you.

It is extremely important that the Commission be independent of the Department of Health, Education, and Welfare. This is necessary in order to avoid the inevitable conflict of interest inherent in the situation where responsibility for administering a program and for regulating it are vested in the same hands.

The purposes of the Commission are threefold: First of all, it will have broad authority to certify providers of health care services according to a number of quality control parameters set forth in detail in the bill. No provider of health services will be eligible for support under this legislation without such certification by the Commission on Quality Health Care.

Second, the Commission will have a heavy responsibility for the conduct of research and developmental activities in the field of health care delivery, intended to develop standards of quality health care. Most standards in existence at the present time do not deal directly with the issue of quality. The state of the art concerning the measurement of the results of health care on the health of an individual or a group of individuals is poorly developed at the present time. The Commission would have a heavy responsibility for fostering the development of techniques to enable the quality of health care to be measured.

A third major area for which the Commission shall have responsibility is to assure the consumers of health services that adequate and accurate information is made available to them concerning those providers of health care who are certified by the Commission. To this end, the legislation requires that the description of any health care benefit plan covered by this legislation shall be published within 90 days after establishment of such plan or at the time the plan becomes subject to the legislation.

The information to be disclosed must include information concerning fees and prices; benefits and services of benefit packages; accessibility and availability of services, including the location of facilities, equipment available, hours of operation, practitioners by type and location, and amenities; the name and type of administration of the plan; and a statement of certification by the Commission.

One of the most serious problems currently existing in the health care system of this country is the difficulty consumers experience in trying to obtain accurate information concerning the quality of health services they receive. It is the intent of this title of the bill to make it possible for the consumer to accurately evaluate the costs, quality, and nature of health services he is purchasing, in order to enable him to make informed decisions regarding the services he receives.

In order to better enable the Commission to perform its functions, the National Center for Health Statistics is transferred to the Commission.

The supercession of State law provided for by this bill takes effect only if a provider is certified by the Commission on Quality Health Care. In addition, providers who elect to submit to the jurisdiction of the Commission on Quality Health Care receive a cash payment equal to 2 percent of their gross revenues in order to assist them in defraying expenses associated with quality assurance program implementation complying with the requirements of the Commission.

It is important to point out the fact that under the terms of the bill, any provider of health services, whether or not he is an applicant for grant or loan assistance under the provisions of this bill, may voluntarily submit to the Commission's jurisdiction. If that health care provider is certified by the Commission, he is eligible for the quality health care initiative awards; for exemption from restrictive State legislation, where this is applicable; and for the protection against malpractice litigation which is afforded in the legislation.

To meet the critical need for reform in medical malpractice litigation, this bill authorizes arbitration of medical malpractice disputes as an important alternative approach to meet the needs of both providers of care and patients. Provisions in this bill allow for health maintenance organizations and thier enrollees to agree to submit all medical malpractice claims to arbitration.

Litigation of medical malpractice claims has become a burdensome and unsatisfactory means of achieving a fair result for both the provider of medical care and the patient. Physicians have increasingly become apprehensive as the insurance rates for malpractice alarmingly increase and the specter of protracted law suits arises ever more frequently.

A study showed that in New York, for example, the usual premium for malpractice insurance in 1950 was $75. In 1967, the premium was $324, or a 332-percent increase. Furthermore, in 1950 the policies generally were for $100,000.

In 1967, 75 percent of the physicians had policies for $200,000 and a sizable minority had $1 million. It is also significant that while the premiums had increased 332 percent, the insurance companies' losses increased by 375 percent. The result has been to have many physicians less willing to risk treatment approaches or procedures which involve any possibility of a malpractice suit.

The present system is also detrimental to the patient. Malpractice insurance is not compulsory, and the patient may not receive compensation for a bona fide claim if the defendant is insolvent and uninsured. The protracted process extending from the patient's first recognition of the possibility of malpractice to the ultimate trial or disposition involves an enormous amount of time and expense for preparation.

Both patient and doctor must await months or years before the case can be tried in court, a considerable burden for both to bear. When the trial begins, the physician must spend long hours in court away from the care and treatment of his own patients. Because of the lengthy delay, the patient may no longer have as great a degree of demonstrable injury from the alleged act of malpractice as originally documented.

In the process, needless ill will is created, and public confidence in obtaining a just resolution is undermined. Patients faced with rules of procedure and evidence in court to prove their claim have emphasized application of legal procedures which increase the likelihood of physician liability. In response to physicians' concerns, States have enacted legislation to limit the scope of malpractice litigation and to provide for physician immunity from liability in certain circumstances.

General frustration with the inherent inadequacies and inefficiencies in present malpractice litigation creating escalating costs and protracted delays has led to alternative approaches. In New Jersey and Pima County, Ariz., there are pretrial screening panels staffed by legal and medical personnel where medical malpractice claims may be voluntarily submitted by both parties for a determination.

The judgment of the panel may be binding if so agreed to by the interested parties. The advantages of this approach are to discourage groundless suits and to expedite the disposition of the claim by possibly avoiding involvement in lengthy legal procedures.

An improvement in the screening panel procedure, and as an alternative to medical malpractice litigation, is arbitration. Agreements between the providers of care and the patients for both to submit malpractice claims to arbitration have worked successfully for the past 20 years at the Ross-Loos Clinic in California. Physicians' insurance premiums in the clinic are 80 percent less than for comparable physicians in the area, and claims are handled expeditiously. A pilot program for arbitration involving nine California hospitals has been in operation 2 years. In that time, 65,000 patients have been admitted, only 41 of whom refused to agree to arbitration on admission. Of the 41, only three refused to sign an arbitration agreement after discharge.

Mr. President, recognizing the need for a major change in the current approach to medical malpractice litigation, I have proposed in this bill a basis for arbitration in lieu of court litigation. Arbitration is the most effective way we can reduce the inflating costs of protracted law suits. This bill provides a better means to settle medical malpractice claims which involve technical questions of fact requiring expert testimony.

In this bill the health maintenance or health service organization may elect to provide an arbitration plan which can equally meet its needs and that of its enrollees. Both may benefit from an expeditious hearing to settle disputes without prolonged controversy. The agreement will be in accordance with the laws of the local jurisdiction. A Federal medical malpractice insurance program is provided for through the Commission on Quality Health Care. The Commission will establish the premium rates and an insurance fund to meet the costs of the program.

I consider this program to be of critical importance not only to deal with the failures of the present malpractice approach, but to provide the Commission with a new and evolving criteria for standards of medical care in this country. The litigation in court of medical malpractice claims has been one method of determining what are relevant standards of medical care. However, the process has been cumbersome and often unproductive. The courts have had to rely on conflicting medical testimony as to what constitutes good medical care.

Standards have been difficult to articulate and have varied from one jurisdiction to another. The availability and credibility of medical expertise and testimony are factors creating variable standards for judgments of medical malpractice claims.

The present malpractice approach has not been able to effectively monitor present health care practice. The use of arbitration will have a greater impact on medical care standards as provided for in my bill. Arbitration will be closely related to the functions of the Commission on Quality Health Care. The Commission will carefully review arbitration proceedings as part of its mandate to develop criteria for health care standards.

Arbitration will provide a more effective and efficient means of settling malpractice claims as well as provide important data for the Commission in evaluating and developing standards for quality medical care.

TITLE V: OTHER LEGISLATIVE AUTHORITIES

Finally, Mr. President, I want to briefly described the last title of this comprehensive bill. Most all of the legislation the Congress has passed which has as its principal purpose reforming the health delivery system is contained within the Public Health Service Act.

Virtually all of those legislative authorities are time limited and expire at the end of every 3-year period; in fact, more than a dozen of those important legislative authorities expire either at the end of June 1972 or at the end of June 1973. Accordingly, the Congress will have to take action to extend and improve these crucial health delivery reform authorities within the very near future. I am convinced that several of these expiring legislative authorities can and should be extended in the context of the general debate on health maintenance organization legislation.

For that reason I have included in title V language which will extend these authorities in consonance with the HMO effort. Needless to say, the legislative authorities which have not been included in this bill are ones which will also be acted upon independently by my subcommittee.

Before I describe each of the individual expiring authorities in some detail, Mr. President, I do want to make some overall general comments. First of all, I want my colleagues to know that the language included in this title of the bill generally extends, without time limit and without specifying authorization levels, the legislative authority for each of these programs. For the most part, no substantive changes in the legislative authorities are included in this bill.

The reason for this is the simple fact that the subcommittee has as yet taken no testimony or developed no legislative record in respect to what the specific nature of improvements or modifications in these authorities should be. Therefore, the committee is open to all points of view regarding the nature of the modifications which need to be made in these important programs. Equally obvious is the committee's need to determine the specific dollar levels which should be included in the bill at the time that it is reported from the committee to the Senate.

Now, I would like to briefly describe each of the authorities which is extended by the bill. Title V of the bill extends section 314 of the Public Health Service Act which encompasses the authority for the comprehensive health planning services program. This important health planning effort is one which the committee will rely heavily upon in terms of bringing additional rationality to the health services delivery system in the country. And in that respect, the bill does make one important substantive change in the authority.

The bill requires that with respect to the approval of assistance under the Hill-Burton hospital construction program, the Secretary of the Department of Health, Education, and Welfare must receive recommendations from the State comprehensive health planning agency and the area health planning agency recommending approval of such assistance. In addition, the bill requires that the Secretary also be so advised by the appropriate regional medical program authorized under title IX of the Public Health Service Act.

Title V of the bill extends the authority for the National Center for Health Services Research and Development administered by the Health Services and Mental Health Agency of Health, Education, and Welfare. The dozen or so centers around the country funded by the NCHSRD are important instruments in the rationalization of health services generally, and the extension of this authority is crucial in respect to HMO development.

The bill also extends the authority under title VI of the Public Health Service Act of the Hill-Burton hospital construction and modernization program. This effective program, which dates back to 1946, has been significant in making available additional health resources to the American people. The language of the bill in respect to this authority does make two important changes.

First of all, the formula under which the funds are allocated among the States has been altered in order to remove the disproportionate weighting in favor of the smaller, rural States. The provision contained in the bill is identical to the provision contained in the Hill-Burton extension of 1970 which passed the Senate.

In addition, the bill requires that the Secretary obligate grant funds in respect to hospital construction and modernization along with the making of loan guarantees and the granting of interest subsidies. This provision is identical to language which became law last year in the committee's extension of the Health Manpower and Nurse Training Acts.

The bill also extends the authority under title IX of the Public Health Service Act regarding the regional medical programs. The language in respect to RMP broadens the authority under title IX to permit the program to become involved in area health education and service centers as authorized under title III of the bill.

Title V also extends the authority in title VII of the Public Health Service Act with respect to training of allied health professionals. In addition, the bill creates new authority for grants for management training for HMO's, HO's, and the area health education and service centers. This authority enables the Secretary to make fellowships for traineeships in order to enhance the training of persons expert in this area.

Also, the bill includes new authority for the Secretary to support clinical training provided by health maintenance organizations, health service organizations, and area health education and service centers. These grants may be used to cover the cost of health professional schools or schools or nursing as well as HMO's, HSO's, or area health education and service centers for the provision of clinical training including administration and faculty salaries for health professionals practicing in HMO's.

Finally, the bill extends the authority under the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 in respect to community mental health centers. Other provisions of the bill strive to integrate to the maximum possible HMO's with community mental health activties. In this respect, it is quite important to consider the extension of the community mental health centers legislation at the same time that the committee will be considering this bill.

Lastly, Mr. President, the bill includes a provision which is now contained in the Public Health Service Act but which will expire shortly which assures that funds appropriated by the Congress for the program of the Public Health Service Act and the Mental Retardation Facilities and Community Mental Health Centers Act of 1963 shall be made available for obligation and expenditure by the executive branch of the Government.

Mr. President, this bill is an extensive, complex piece of legislation. However, the activities of the Senate Health Subcommittee over the past year have convinced me that the problems of the delivery of health care to the American people are monumental and complex. They will require bold, imaginative, and innovative measures if they are ever to be solved.

It would be a major disservice to the American people to continue expending ever-increasing amounts of public and private funds for health services without taking the kind of steps which result in a true reform of the way they are delivered. Increasing the health insurance coverage for the people of this country is a futile exercise unless we simultaneously alter the manner in which health care services are delivered. I believe this legislation is a necessary first step in that direction.

I believe this legislation will form the basis for continued hearings into the problems associated with the delivery of personal health services in this country. In considering this bill together with the other HMO bills, the Health Subcommittee fully intends to report meaningful and effective legislation to the Committee on Labor and Public Welfare and, ultimately, to the full Senate.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from California (Mr. CRANSTON) is recognized for not to exceed 15 minutes.

PRIVILEGE OF THE FLOOR

Mr. CRANSTON. Mr. President, I ask unanimous consent that Louise Ringwalt of the staff of the Committee on Labor and Public Welfare be granted the privilege of the floor during this discussion.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I am particularly pleased to join with the chairman of the Subcommitte on Health (Mr. KENNEDY) in cosponsoring this very important measure, the proposed Health Maintenance Organization and Resources Development Act of 1972.

The leadership the Senator from Massachusetts has shown on this important issue is of vast significance to countless people in our country. I am delighted to be joining him in this effort.

This bill offers a broadly-based approach to resolving the major issues involved in improving the Nation's health care system. Among these issues are:

The need to bring health care within the reach of everyone through a viable organizational structure.

The need to do so without imposing such an undue burden on the Nation's health facilities that they would be unable to withstand or meet the new demands;

The need to make the system more responsive to the patient's and community's needs and viewpoints.

ORGANIZATIONAL STRUCTURE

The bill will meet these challenges through providing the resources to develop three types of organizational entities: The Health Maintenance Organization, the Health Service Organization; and the Area Health Education and Service Center.

First. The Health Maintenance Organization is an entity which would provide comprehensive health care to its members through its own staff, utilizing, where necessary, other health professional organizations or groups for special services. Individuals would enroll in the Health Maintenance Organization by payment of a fixed amount. This amount would be uniform for all members regardless of age, physical condition or preexisting medical history and would provide the same benefits to all members. No differentiation would be permitted as to high option, or low option. The Health Maintenance Organization would operate predominantly in urban areas or suburban areas where there is not a shortage of health personnel, health facilities or other health resources.

Second. The Health Service Organization would be a similar entity operating in a rural or nonmetropolitan community offering comprehensive services similar to those offered by the HMO, with a fixed payment which would be uniform also for all members. However, it would be subject to two variations which would make it especially adaptable to the needs of the medically underserved community. These would be, first, the ability to contract with an individual provider on a fee for service basis as is now practiced by medical foundations; and, second, provision for the Secretary of HEW to permit some flexibility based on the availability of resources and personnel in the scope of services HSO's are required to provide.

There would also be a requirement for a written agreement with an Area Health Education and Service Center for the use of its educational and service facilities and programs.

Third. The Area Health Education and Service Center would generally be a clinical facility, in a rural—nonmetropolitan—area, affiliated with a university medical school or health center, which would also have an agreement with a Health Service Organization or other provider of health care to provide educational services and health care services through its facilities and staff. Its resources would not be limited to an organized HSO, but would be available to all health professionals licensed to practice in the surrounding community.

The definition of "area health education and service center" in the bill needs further study to ensure that, although priority should be given to areas with no such facilities at present, assistance to underserved or other geographical areas would be permitted. These three types of entities would form the nucleus of a system designed to provide services to all those not now covered by present systems or those who seek a more comprehensive coverage than is available to them now. In addition, they would provide the means for training the necessary manpower and demonstrating the new techniques which can expand the ability of our Nation's health resources to meet the steadily increasing demand for services.

One requirement in each of these entities which I feel is vital to the success of these new health care provider systems is the stipulation that every type of health professional be fully involved and actively participate in the organization and development of these organizations and be an integral part of the system when it is operational. I feel experience has demonstrated the value of the psychologist, the clinical pharmacist, the optometrist, and the podiatrist in providing specialized health services to the patient in addition to those provided by the physician, osteopath or dentist.

I also believe these new entities should look to developing a greater role for the nurse as an independent practitioner. As these organizations develop a greater reliance on continuing preventive health care and total care for the post-hospital patient, the nurse offers invaluable skills in bridging the transition between hospital and home and in providing total family care and counseling when one family member becomes ill.

Mr. President, I think it is important to emphasize that the proposal incorporated in S. 3327 is not offered as a substitute for the existing health care system. It is offered rather to complement already existing methods of providing health care and to build upon existing resources in an effort to extend the capacity to serve the public. The Health Maintenance Organizations and Health Service Organizations established under this bill would thus exist side-by-side with the more traditional forms of providing health care services. There would remain ample opportunity for those physicians and other health professionals and consumers who wished to, to continue in the fee-for-service system.

I believe the American health care consumer is searching for health care which will be comprehensive, accessible, and not prohibitively expensive. I believe the health professional is seeking a means of providing care which will insure that the critically sick receive priority consideration, while the rest of the population receives adequate preventive or maintenance care to help insure against the development of serious illnesses or chronic, debilitating conditions.

HEALTH CARE SERVICES UTILIZATION EXPERIENCE

Experience in the past 10 years has indicated wide variations in utilization rates in several forms of health insurance systems. The following tables were developed from experiences of the health plans offered Federal employees and represent utilization, except for maternity benefits, of all employees.

Health plan	All benefits (percent)		Inhospital (percent)		Hospital days per thousand	
	1961–62	1968	1961–62	1968	1961–62	1968
Average	21.5	32.9	9.2	8.9	762.6	835.1
Blue Cross/Blue Shield	16.8	31.8	9.9	9.5	826.2	878.6
Indemnity (Aetna)	16.9	24.1	7.8	8.4	707.9	884.5
Employee organization plans	22.5	29.2	9.8	8.6	729.0	775.1
Group practice	79.7	80.6	5.7	4.8	454.2	418.7
Foundation	79.6	76.0	9.8	6.4	538.0	472.3

These statistics indicate that the greatest utilization of the health system is encountered in both the group practice and the foundation systems of providing coverage. However, these statistics also indicate that this utilization is heaviest in the outpatient or continued care services and considerably less—and decreasing since 1961–62—in the utilization of hospital facilities.

While these figures may not represent any decrease in the overall demand for health manpower services, they do indicate a reduction in both the group practice and foundation plans of the utilization of the more costly care provided in an acute care facility. An accompanying saving is to the patient in days not lost on the job or with his family at home.

Thus, there is good indication that many of the goals of patient and provider can be achieved most effectively through group practice or foundation programs.

THE KAISER EXAMPLE

One of the outstanding examples of the success of prepaid group practice systems is that of Kaiser in California. I can no longer claim Kaiser as a unique California experience, since Kaiser has now successfully established new plans in Colorado and in Ohio. Figures on utilization for Kaiser are strikingly similar to those I indicated earlier for group practice plans. A study by the Health Manpower Commission in 1967 indicated that per capita medical care costs between the years 1960 and 1965, while increasing some 43.5 percent for private consumer expenditures throughout the United States, increased in Kaiser plans in California only 19.1 percent. And even this rise, according to the report, was caused mainly by rising wage rates. During the same period, Kaiser was able to reduce the personnel required per member.

The Health Manpower Commission report stated:

> A reasonable conclusion to draw from these data and the evidence that the quality of care is good is that the Kaiser system has been relatively successful in restricting medical services in general, and hospital care in particular, to medically justified situations. It would appear that as medical technology and accepted practice has changed, Kaiser has been able to shift more care to an outpatient basis and reduce lengths of hospital stay for many types of illness. This has resulted in a significant savings in hospital expense per person. It also seems likely that the changes explain at least part of Kaiser's reduction in the number of medical personnel required per member.

In analyzing this conclusion, the report determined that much of the savings achieved were due to the ability of the individual physicians to control the costs of medical care while continuing to provide high quality care. The report concludes:

> The Kaiser Foundation Medical Care Program has achieved real economies, while maintaining a high quality of care, through a delicate interplay of managerial and professional interests. This has resulted from structuring economic arrangements so that both professional and managerial partners have a direct economic stake in the successful and efficient operation of the overall program. As a result, there has been created a cost consciousness among the health professionals and a health care consciousness among the administrators which enables them to work toward a common goal without either sacrificing or overemphasizing their own points of view.

INITIAL FUNDING

There is no question, however, Mr. President, that efficiency of service and utilization cannot be provided without a major initial investment in funds and in manpower. Kaiser's experience again bears this out. Their success has been achieved only through substantial investments in money and personnel over a long period of time.

I am sure one of the first questions that will be raised is, "What will enable these new entities to be viable"? This is a question to which we have addressed ourselves and on which we have sought a great many views. The Health Subcommittee has already held over a dozen days of hearings on HMO legislation. Obviously, the investment necessary in HMO's and HSO's will be great both in terms of financing and in terms of health manpower, both very scarce resources.

This bill provides a means of meeting both these requirements. First, it would provide for substantial financial support under appropriate safeguards aimed at insuring the adequacy, continuity, and quality of the health services provided by the organization.

This support will be available through either grants or interest-subsidized loans for the first 3 years of operation to [illegible]p the nonprofit organization plan, develop, and meet the initial operating expenses of providing comprehensive health services to its enrollees. Nonprofit HMO's accepting and meeting the quality of care standards would be eligible for guaranteed loans.

Provision is also made for annual grants to those organizations serving persons who cannot meet the expenses of the payments. Such grants would be made under regulations insuring that the organization is soundly organized and fairly representative of the population of the total community. There are to be no "ghetto" HMO's supported by the bill. Except in rural areas, no more than 50 percent of enrollees are to reside in medically underserved areas. The goal is one standard of care for high-, middle-, and low-income patients.

MEETING MANPOWER NEEDS

Another major purpose of the bill is to provide for meeting the manpower shortage through the development of area health education and service centers. The health manpower shortage has several aspects: First, the basic shortage in numbers of trained manpower; second, the geographic maldistribution of trained manpower; and, third, the poor utilization of the skills of scarce health personnel.

Area health education and service centers will approach the manpower shortage with respect to each of these aspects. By providing thec linical facilities for community health manpower training institutions and through linkages with university medical centers, they can increase the capacities of those institutions to train—and to train more relevantly—greater numbers of students. Since it has been documented that health professionals tend to practice in the communities in which they served their residencies, the area health education and service centers, through their residency programs, hopefully, will attract young professionals to train in the rural or nonmetropolitan community and then to remain in the community upon completion of their residencies.

These centers can also provide a unique opportunity for innovations in the development of new types of professionals and for the team training of professionals. They will provide an incentive for the utilization of the more highly skilled paraprofessionals in taking on many of the duties of the professional, leaving the professional more time to concentrate on those aspects of medicine requiring highly trained special skills. The association of these centers with Health Service Organizations and Health Maintenance Organizations will provide a natural opportunity for employment of the more skilled paraprofessionals as well as for trainees entering at the lower levels of the health career ladder.

HEALTH MANPOWER TRAINING AT VA HOSPITALS

Establishment of these types of centers was one of the recommendations of the Carnegie Commission Report on Higher Education and the Nation's Health. That report recommended the affiliation of these centers with regional medical programs and with hospitals having underutilized health manpower training resources. I have incorporated these recommendations in S. 2219, a bill I introduced in the first session of this Congress and which is currently under consideration in the Veterans' Affairs Committee, having been reported from the Subcommittee on Health and Hospitals on February 16. S. 2219 would bring about greater utilization of Veterans' Administration hospitals in the training of health manpower both for the needs of the Veterans' Administration and for the needs of the Nation. S. 2219 provides for the establishment and strengthening of area health education centers—as well as health professions schools and allied health professions schools—utilizing the Veterans' Administration hospital as a clinical training center. Indeed, steps have already been taken by the Veterans' Administration to survey the potential for, and begin the development of a number of such centers in affiliation with VA hospitals, with very promising results.

I feel the bill and S. 2219 will be complementary to the mutual advantages of veteran patients and the community. I have long felt that this system of 166 hospitals, which for years has provided training for a large portion of our health professionals, and has provided outstanding leadership in both clinical basic research as well as providing hospital care to millions of veterans each year offers a tremendous potential to the Nation as a medical resource.

ROLE OF REGIONAL MEDICAL PROGRAMS

Another potential resource for the development of area health education and service centers is the regional medical programs. In my State of California we have one of the outstanding regional medical programs in the Nation. As I indicated earlier, this bill would seem to define such centers too narrowly and probably needs to be revised in order to utilize area health education and service capacities as effectively as possible. That program has surveyed the State and has concluded that within a half year of adoption of enacting legislation, between 12 and 16 sites for area health education and service centers could be designated. In some cases, the director of the program reports, enthusiasm has been so great that implementation could be undertaken immediately. This implementation could be accomplished immediately in the following areas: San Fernando Valley, Fresno, south central Los Angeles, San Diego, San Joaquin County, and Santa Rosa. Other sites which offer great potential are in Contra Costa County, Alameda County, northeastern California, southeastern and trans-Sierra California, and Orange, Santa Cruz, and Santa Clara Counties.

Mr. President, I ask unanimous consent to set forth at the end of my remarks, excerpts from a paper prepared by the California regional medical program listing these potential sites in more detail.

RESPONSIVENESS TO PATIENT AND COMMUNITY NEEDS

Each health maintenance organization and health service organization must be organized in a way to assure its members a substantial role in policymaking for the organization as well as meaningful procedures for presenting and resolving grievances. The bill provides for priority support to these organizations whose policymaking body has a majority representation of consumers. Each organization must also provide for health education services for its enrollees. With respect to assistance to HMO's priority would be given to those with 30 percent of their memberships from medically underserved populations in the community—no more than 50 percent of an HMO membership may be from that same population segment except in rural areas designated by the Health, Education, and Welfare Secretary. The bill also provides for periodic open enrollment periods where applicants must be accepted on a first-come-first-enrolled basis.

Mr. President, I believe the consumer role and consumer services provided for in HMD's and HSD's can and should be even greater than the excellent provisions presently in the bill, and I plan to work with Senator Kennedy to strengthen and expand this aspect.

QUALITY CONTROL

A vital component of S. 3327 to the consumer is the establishment of the Commission on Quality Health Care. The members of this Commission would be presidentally appointed with the advice and consent of the Senate, and would represent the providers of health care, private organizations involved in developing health care quality standards which may be applicable on a national basis, and consumers. More specificity needs to be written into the bill to insure that the Commission members will be truly representative. The Commission's task would be to develop health care standards and prescribe quality control systems for Health Maintenance Organizations and Health Service Organizations. An entity receiving grants, loans, or incentive awards under the provisions of the Public Health Service Act new title XI proposed by S. 3327 would be required to comply with the health care standards and quality control systems prescribed by the Commission.

Thus, the patient would be assured of receiving quality care in an HMO or HSO supported by the authorities of this bill. Other organizations could voluntarily submit themselves to the Commission's jurisdiction.

They would be provided an incentive to do so by provisions which offer coverage of liability for medical malpractice for any providers of health care complying with the quality standards promulgated by the Commission and having agreements with their patients to submit medical malpractice claims to binding arbitration.

CONCLUSION

The provisions I have cited form the nucleus of the bill. As this legislation proceeds through the legislative process, it will be improved as testimony is provided indicating how the purposes of the bill can be achieved more effectively.

Such major legislative proposals, as incorporated in this bill, will necessarily affect the other authorities of the Public Health Service Act, and we shall be considering means of integrating the programs established under those authorities more effectively into the system offered by this bill of providing quality consumer oriented health care. It is for this reason that the bill includes extensions to certain major provisions of the Public Health Service Act—such as regional medical programs, comprehensive health planning, allied health training, Hill Burton construction, National Center for Health Services Research and Development—as well as the mental retardation facilities and Community Mental Health Centers Construction Act.

I have been extremely gratified with the responsiveness of Senator KENNEDY to suggestions for modifications in S. 3327 and have worked with him closely in preparing this legislation. I am confident the bill will be further strengthened as hearings develop justification for additional changes.

There are three areas of the bill that

I plan to investigate very closely—in addition to expansion of the consumer role and redefinition of the "area health education and service center"—with a view toward offering amendments. These areas are as follows:

First. Providing that HMO's must make special efforts to enroll migrant workers and requiring that a nonresident HMO enrollee temporarily residing in another area must be provided treatment by a federally assisted HMO in that area and also that such HMO enrollees who change their residence must be given first priority for admission to a federally assisted HMO in the area to which they move, as soon as that HMO has a space available.

Second. Requiring that "preventive health services" in HMO's and HSO's, include provision of family planning information—where appropriate—and nutrition education services.

Third. Requiring that HMO's utilize clinical pharmacists to the greatest practicable extent, in drug abuse and alcoholism programs, general inpatient and outpatient care, and the dispensing, monitoring and evaluation of medication dosages.

S. 3327 offers a basic framework for modernizing and making more effective the Nation's health systems. Senator KENNEDY has provided outstanding leadership and courage in presenting this program to the Congress. It will generate a healthy discussion of health issues and philosophies of health care which I believe will enlist the energies of the best minds and talents in the Nation to seeking a better, more responsive and responsible system of health care for all.

I thank Senator KENNEDY and his staff for their cooperation and congratulate them for the highly innovative bill introduced today and which I am privileged to join in sponsoring.

I ask unanimous consent to have printed in the RECORD excerpts from a paper offered by California regional medical programs.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM PAPER OFFERED BY CALIFORNIA REGIONAL MEDICAL PROGRAMS ON LOCATION OF AREA HEALTH EDUCATION CENTERS IN CALIFORNIA

Because of its inherent complexity and because it cannot depend on any single source for organizing strength, the AHEC concept lends itself particularly to the idea of a consortium, set up in the pattern already demonstrated repeatedly by the regional medical programs, which brings together groups of schools, or groups of hospitals and clinics, or groups of both, working out of a central office of their own.

POTENTIAL SITES

A preliminary survey and series of discussion in all parts of California conducted by RMP strongly suggests that within half a year from the passage of legislation on AHEC's, between 12 and 16 sites for local programs could be delineated. In fact, the speed with which the idea has been embraced in some places is startling. Much preliminary work was already done, under sponsorship by RMP and related agencies, so that in six instances in California, the AHEC could set out on its organizational course at once.

1. *San Fernando Valley.* A health consortium is already in existence under the leadership of Dr. Addie Klotz, director of student health services for the San Fernando Valley State College. The consortium relates to RMP projects directed by California RMP Area IV. Relationships have also been maintained with RMP Area V, and, through the two area offices and personnel, with UCLA and USC medical centers. The consortium has brought together a number of hospitals ready to assume teaching functions. With them are representatives of medicine and nursing and the other key health professions. Schools ready to participate in an AHEC are the San Fernando Valley State College itself, and several two-year community colleges. A number of hospitals which have increased in size and medical staff strength in recent years the work of the existing consortium is promising for an AHEC.

2. *Fresno.* The community, from private groups to the Mayor's Office, has long been eager to increase the health training capacity of the central San Joaquin Valley around Fresno. A strong teaching base is provided by Fresno State College and related institutions. Several hospitals, including the VA facility, can provide the needed clinical base. The medical community of Fresno, in spite of considerable distances, has maintained links with several university medical centers. These have been systematically developed through the district organization and a number of operational programs of the California RMP through its Area IV and UCLA.

3. *South Central Los Angeles.* The health needs of the inner city, with its concentration of minority groups, have been documented. A development of national importance has been the establishment of the Drew School for medical training in South Central Los Angeles. The Drew School is already a training base for allied health professions. The King Hospital offers an admirable clinical center. Also of great importance is the neighborhood health center established earlier a few blocks away from the Drew School and the King Hospital. South Central Los Angeles could be an immediate organizing site for an AHEC.

4. *San Diego.* Somewhat resembling the San Fernando Valley health consortium is a coordinating council for health education set up in San Diego county under the leadership of the medical school of the University of California at San Diego and California RMP's Area VII. This council, too, already exists and can be turned to account with minimum delay in the creation of an AHEC. A number of hospitals in San Diego are candidates for inclusion in the AHEC and clinical teaching sites. The community mix in San Diego also promises cooperative action reaching all ethnic groups. Favorable, too, is a geographic cohesiveness which has promoted joint activity between RMP and the local office for Comprehensive Health Planning.

5. *San Joaquin County.* Further to the north, around Stockton, is another immediately favorable situation for the launching of an AHEC. Here a private instiution of higher education, the University of the Pacific, has long been ready to increase its reach into health professional training. The local medical community has sponsored a number of forward looking programs. Not only hopsitals, but a significant new ambulatory care center, which will provide service for, among others, migrant farm workers, can provide a clinical base. First discussions of an AHEC have already been carried out between local health leaders and the California RMP (Area III—Stanford).

6. *Santa Rosa.* Santa Rosa has long been a center for residency training for physicians with a strong push toward family practice of medicine. In the last five years, support for this concept has come from Area I of the California RMP. This preliminary work, again in the presence of a cluster of schools including the 4-year Sonoma State College, promises a base for quick and vigorous development of an AHEC.

A number of other possible sites for AHEC's could be listed. The ones named above are simply those in which substantial preliminary work has already been done, promising speedy establishment of functioning AHEC's. Other possible sites, where, for example, other California RMP area offices have been at work, include:

At least two other sites in the San Francisco Bay Area are being examined by Area I at Richmond, perhaps, and in Oakland or Berkeley;

Matching the dispersed features of population and health installations, RMP Area II visualizes a large scale consortium for northeastern California organized from an office at Davis, with the cooperation of the University of California campus there.

A similar consortium, based on Loma Linda University, is seen developing out of California Area VI, for the benefit of southeastern and trans-Sierra California.

In Orange County, with cooperative links reaching into the Long Beach Area, California RMP Area VIII is also assembling the key units for an AHEC, with the help of the medical campus of the University of California at Irvine.

Within Los Angeles, work done by California RMP Areas IV and V indicates another three or four AHEC sites can be established.

In Santa Cruz and Santa Clara Counties, AHEC's may also be established through existing institutions and health professional groups in conjunction with California Area III.

Mr. KENNEDY. First, I wish to thank the Senator from California for his contribution to the development of health legislation. He has been one of the most active and interested members of the committee. California, of course, has so many areas of excellence in the health community and has been the site of many imaginative approaches in a wide variety of different areas of health. I am sure this legislation will benefit from Senator CRANSTON's deep personal interest and dedication. I want to thank him and also the Senator from Minnesota, who has been very interested in all health matters and has contributed greatly to an understanding of the health crisis.

Mr. CRANSTON. I thank the Senator very much. I wanted to express my great thanks to him for his cooperation and that of his staff in this effort, for providing leadership, and for the introduction of this very innovative bill.

Mr. MONDALE. Mr. President, I thank the Senator from Massachusetts.

PRIVILEGE OF THE FLOOR

Mr. MONDALE. Mr. President, I ask unanimous consent that Mr. Herbert Jasper may be permitted to remain on the floor during this discussion.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I understand our time is very short, but I wanted to express my appreciation and admiration to the Senator from Massachusetts for the development of this excellent proposal, known as the Health Maintenance Organization and Resources Development Act of 1972. I think it reflects the high degree of sophistication which has been developed by the Senator, and by the committee, as the result of some of the most sweeping and intensive hearings ever held in the history of this body.

I think it may well be one of the most significant pieces of health legislation considered by the Congress in this decade. Proposed national health insurance legislation addresses itself, primarily, to the financing of health care. This legislation is addressed to the equally important problem of delivering that care to the people.

The bill should make it possible to achieve the objective noted by the President of making health maintenance organizations available throughout the United States. Unfortunately, the legislation proposed by the administration to support that objective has been found, through extensive hearings, to fall short of the mark. This bill should give us the mechanisms to make the growth and development of health maintenance organizations a reality.

I am especially pleased to be a cosponsor of this bill for two reasons. First, the Institute of Interdisciplinary Studies, in my own State of Minnesota, has been a leading force, if not the leading force, in the development for the health maintenance organization "strategy." This organization, headed by my good friend, Dr. Paul Ellwood, was instrumental in persuading the administration to adopt the health maintenance strategy. Since then, through testimony before the Health Subcommittee, and in consultation with members and staff of the subcommittee, Dr. Ellwood and his excellent interdisciplinary team have provided an invaluable resource in developing the approach which is reflected in this legislation.

I am also pleased that the bill reflects the substance of my proposed Community Medicine Act of 1971, S. 1301. My bill seeks to engage medical schools and teaching hospitals in the delivery of health services to under-served populations through health maintenance organizations. Thus, it has two objectives: To improve the quality and relevance of medical education, and to improve the level of services to those whom the present delivery system has left behind. The provisions for area health education and service centers in the new bill should achieve the same objectives. Perhaps most significantly, this new bill will make it possible for high quality, comprehensive, medical services to be brought to citizens in our rural areas who have increasingly been denied such care.

I am greatly encouraged by the possibility that enactment of this legislation will contribute to the control of health care costs. As we all know, these have been skyrocketing. Experts agree that group practice, emphasizing preventive care and early detection of disease, can help to cut the costs of medical care, while not sacrificing quality.

The bill also provides for a significant innovation in the form of a quality health care commission. This commission should be able to lead the way in the development of new measures and standards tq monitor and improve the quality of care. The Institute for Interdisciplinary Studies in Minneapolis contributed significantly to the development of these features in the bill.

There is a rapidly growing consensus on the advantages of using health maintenance organizations as a means for delivering health care. A brief survey of the experience under one such plan, in Columbia, Md., and of the legislative situation was printed in the Minneapolis Tribune a few months ago. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Minneapolis Tribune, Aug. 8, 1971]

"New Medicine" Testing Health Care Alternative

(By Richard P. Kleeman)

Columbia, Md.—"They're good doctors," the young mother said, wrapping up her view of the "new medicine" practiced in this growing "new town" under a prepaid family health care plan.

A psychologist and early member of the two-year-old Columbia Medical Plan, she chatted with a reporter while supervising her three youngsters at play in a village-square sandbox:

"They discovered a condition in one of my kids that put him on constant medication. We travel a lot and he gets strange injections—but all our bills are covered."

From her librarian's desk, a mother of four also talked about the medical plan: "I had major surgery last fall and got excellent care, but I also feel it's preventive medicine, and I've always believed in that. You can have a physical without being afraid of a cost that floors you."

Her child's hay fever medicine and her own contraceptive supplies, bought through the clinic, cost less than half of drugstore prices, she said.

And a young recreation worker—calling the plan "a Godsend to new parents"—said major surgery on varicose veins in both legs, cost him all of $4 at the Baltimore, Md., hospital of Johns Hopkins University, which sponsors the Columbia plan.

But at Columbia's subsidized housing project there was another kind of reaction: The mother of two youngsters, separated from her husband, said, "I'm all for the plan, but it's too expensive right now."

The monthly charges found excessive by these hard-pressed families were recently raised to $15 for individuals and $51 for a family of more than two members. The monthly premium for two-member families has just been cut from $43.60 to $30.

"Sure, some people in the low- and mid-income scale would find those premiums high," admits William P. Towle, 39, a St. Paul native who trained in hospital administration at the University of Minnesota and now administers the Columbia plan.

"But if you compare the costs of medical care, you find annual per capita costs relatively the same in or outside the plan—roughly $600 per family—so it becomes a matter of how the dollar is used."

At Columbia, the medical plan dollar buys doctor care—general and specialized, except for dentistry and prolonged psychiatry—on a round-the-clock basis. It also buys coverage while away from home and, pending completion of the first section of a planned 180-bed hospital in Columbia, hospitalization plus additional specialist care at Hopkins' hospital in Baltimore.

Depending on which version of the plan they use, subscribers pay $2 per clinic visit—or nothing. Drugs generally runs $2 per prescription.

The plan is offered only to groups through their employer's health insurer, but the 14,000-plus residents of Columbia, located between Baltimore and Washington, D.C., constitute a "group." About half have chosen to join the medical plan, along with another 75,500 nonresidents.

Towle expects membership to hit 15,000 next June and the plan to start breaking even not long afterwards.

The Columbia plan, with which Towle has been associated since its planning stages in 1966 and which he has run since 1969, is testing many things for many interested onlookers.

The Nixon administration, as well as every member of Congress concerned about the national health care crisis—i.e., most of them—are watching plans like Columbia's.

For virtually every broad-gauge national health proposal—including those of Minnesota Senators Walter Mondale and Hubert Humphrey—provides for some form of government support for prepaid group health plans, which the administration calls HMOs (health maintenance organizations).

"The way health care is financed today works against the consumer's interest," declared a 1970 study made for the administration by the Health Services Research Center of the American Rehabilitation Foundation in Minneapolis.

Since payment traditionally has been based on the number of doctor-visits and hospital days used, the greater the number of such visits and days, the greater the reward to the provider, the study pointed out, adding:

"The consumer, unable to judge his own treatment needs, pays for whatever he is told he needs."

In contrast, the Minneapolis study suggested a "health maintenance strategy" aimed at a "highly diversified, pluralistic and competitive health industry."

Under such an approach, HMOs of various types would be paid annual fees to keep people healthy—as well as to care for them when sick.

Mr. Nixon clearly accepted these arguments. In his "national health strategy" message last February, he restated points from the Minneapolis report and emphasized that for the seven million Americans enrolled in HMOs, "studies show they are receiving high quality care at a significantly lower cost—as much as one-fourth to one-third lower than traditional care in some areas.

"They go to hospital less often and they spend less time there when they go," the President added.

"Patients and practitioners alike are enthusiastic about this organizational concept. So is this administration."

He proposed—and Congress is still debatting—making HMO membership available, where possible to every health plan subscriber; providing up to $23 million initially to aid in planning some 163 new HMOs—118 of them in areas now unserved medically—and allocating $300 million in federal loan guarantees for building HMO clinics and meeting start-up deficits.

The President also proposed a model law for adoption in the 21 states where—under past pressure from the organized medical profession—laws restrict group medical practice.

(The University of Minnesota has been mentioned among many organizations contemplating establisment of an HMO, and the Nicollet Clinic and Eitel Hospital announced plans to cooperate on such a plan.)

Towle admits to some uncertainties about the best financing mix for HMOs, but is convinced, for both personal and professional reasons, of their underlying soundness.

With his employer paying half the monthly premiums for his family—a wife and four daughters—Towle said he had less than $50 out-of-pocket expense for routine medical care last year, on top of his $300 half-share in the premium. His wife's major surgery cost him nothing. He recognizes that—despite an 87 percent favorable reaction to Columbia's plan from its members in a recent survey—some subscribers feel smaller families should not subsidize larger ones. A three-rate structure is under review, he noted.

But the prepaid plan basically aims at taking care of what Towle calls "gray-zone people": Those of middle-income, neither old enough to be eligible for Medicare nor poor enough to qualify for Medicaid.

Some such people, he said, buy no medical insurance, taking a chance their families won't get sick.

"But if they lose, those who gamble that way can lose awfully hard," Towle observed.

The administration's "'national health insurance partnership"—which supporters of full-scale national health insurance call inadequate—proposes that all employers must provide their employees with basic health insurance coverage. An employee could have the option of using his employer's contribution toward membership in an HMO.

Some such plan, Towle said, would begin to take care of working "gray-zone people"—but there still would need to be government subsidy, as the administration has proposed, for the low-income self-employed and for the unemployed.

Of Columbia's fast-growing plan, which looks toward an eventual enrollment of 100,000, Towle says, "It may seem like socialism to some—but what we're doing is simply pooling our resources."

Mr. MONDALE. Mr. President, we have a similar plan operating very successfully in St. Paul, Minn., and another excellent plan serving the northern Minnesota communities of Hibbing and Virginia. The experience in our State amply justifies the reliance that this bill places on health maintenance organizations as an important contribution to improved health delivery.

Mr. President, I believe this is an outstanding bill. I am proud of my contribution and that of a number of outstanding Minnesotans to it. I hope and trust the bill will be acted on promptly. Once again, I wish to express my admiration and respect for the very significant work in the field of health represented by this measure offered by the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to comment upon the legislation the Senator mentioned, S. 1301. It would provide assistance to medical schools that relates in a substantial way to the delivery of health care. That feature of his bill has been incorporated into the HMO legislation.

There is no reason in the world not to encourage medical schools to move into this area and to provide the kind of expertise, research, and training that only they can. We have included this feature of S. 1301 in the bill, and I think as a result it will provide the kind of additional assistance to medical schools which will bring new energy into HMO's and into the delivery of health care.

I wanted to acknowledge the very substantial contribution of the Senator from Minnesota in this area and thank him for his comments.

Mr. President, I ask unanimous consent that the bill be referred to the Committee on Labor and Public Welfare, and that if and when the bill should be reported, that it be referred to the Committee on Finance for that committee's consideration of any provisions relating to trust funds, and so forth, which might fall within the jurisdiction of the Finance Committee if the Finance Committee so desires.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a very splendid statement by the distinguished Senator from Washington (Mr. MAGNUSON) be printed in the RECORD as a comment on the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR MAGNUSON

Mr. President, I am pleased to add my support to the Health Maintenance Organization and Resources Development Act of 1972 which the distinguished Chairman of the Senate Health Subcommittee (Mr. KENNEDY) is introducing today. Senator Kennedy once more deserves commendation for his continuing efforts to focus national attention upon the health care crisis in America.

I view this bill not as a finished legislative product but rather as an extremely valuable working paper, a springboard for serious Congressional consideration of the complex issues involved in the delivery of health care. Hopefully, out of this deliberation will come answers to some of the problems that now hinder the delivery of health care.

How can we re-orient health care so that more emphasis will be placed on preventing illness as opposed to just treating its ravages? How can we overcome the maldistribution of health care resources which now denies care to millions of Americans living in rural areas and in inner-city neighborhoods? How can we maximize the use of every health care dollar so that all Americans can receive maximum-quantity health care at minimum cost? These are just some of the questions which must be answered if the dream of quality health care for all is ever to become a reality.

As Chairman of the Health Appropriations Subcommittee, I am committed to translating that dream into reality. That is why I have consistently urged the Congress and the Administration to increase federal expenditures on health research, health manpower training, health facilities construction and the direct delivery of health care to those who would otherwise go unattended. That is why I introduced the National Health Service Corps Act in the 91st Congress and why I have introduced both the Children's Dental Health Act and the Children's Catastrophic Health Care Act in the 92nd Congress.

For the same reason, Mr. President, I joined as one of the original co-sponsors in supporting the National Health Security Act when Sen. Kennedy first introduced it in 1970. That bill has spurred a wide-ranging debate in Congress and throughout the nation about the best methods for financing health care. Hopefully, the Health Maintenance Organization and Resources Development Act of 1972 will spur a similar national debate over the delivery of health care. Out of that debate, hopefully, will come answers to some of our health care delivery problems. And out of all our efforts will come, hopefully, the day when quality health care for all will be a reality rather than just a dream.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD a section-by-section analysis, together with the text of the bill.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 3327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Maintenance Organization and Resources Development Act of 1972".

SEC. 2. (a) The Congress finds that—

(1) there is a shortage and maldistribution of quality health care resources which has resulted in limited access to quality health care in the United States;

(2) the present health care system is not organized in a manner which encourages the efficient and economical provision of quality health care;

(3) the present health care system is oriented toward providing care to those manifesting disease, rather than toward providing health maintenance services and maintaining good health;

(4) the establishment of health maintenance organizations, health service organizations, and area health education and service centers will aid in alleviating the maldistribution of health care resources, in providing health care in a more efficient and economical manner, and in reorienting the health care system toward the maintenance of health;

(5) there is a need to provide technical assistance and resources to individuals and groups, undertaking the planning, development, and initial operation of health maintenance organizations, health service organizations, and area health education and service centers;

(6) there is a shortage of educational facilities in health sciences, unbalanced emphasis on hospital practice and on rare and exotic diseases in medical education; and

(7) there exists an excessive variance in the quality of health care and health services.

(b) The purpose of this Act is to assist in improving the system for the delivery of health care through encouragement of and support for the planning, development, and initial operation of health maintenance organizations, health service organizations, and area health education and service centers, particularly with the intent of improving the health of populations in medically underserved areas.

TITLE I—HEALTH MAINTENANCE ORGANIZATIONS

SEC. 101. The Public Health Service Act is amended by inserting after title X the following new title:

"TITLE XI—HEALTH MAINTENANCE ORGANIZATIONS AND HEALTH SERVICE ORGANIZATIONS

"PART A—SUPPORT OF HEALTH MAINTENANCE ORGANIZATIONS

"DEFINITIONS

"SEC. 1101. For purposes of this title:

"(1) The term 'health maintenance organization' means an entity which—

"(A) provides as a minimum for all its enrollees (or subscribers) comprehensive health services (as defined in this section) which are uniformly available to all its enrollees (or subscribers) directly through its own staff and supporting resources or through a medical group or groups and such other additional services as may be required through other health delivery entities, for a fixed payment which (i) is to be paid on a periodic basis without regard to the frequency, extent, or kind of health service actually furnished to any particular enrollee; and (ii) is uniform for all its enrollees;

"(B) demonstrates to the satisfaction of the Secretary ability to assure that appropriate comprehensive health services are available and accessible to all its enrollees promptly and in a manner which assures continuity;

"(C) demonstrates to the satisfaction of the Secretary financial responsibility through proof of adequate provision against the risk of insolvency;

"(D) is organized in such a manner (as prescribed by regulations of the Secretary) that assures its members a substantial role in the making of policy for the health maintenance organization, with equitable representation of members from medically underserved areas, and provides meaningful procedures for hearing and resolving grievances (i) between its enrollees and the health maintenance organization (including the medical group or groups and other health delivery entities providing health services) and (ii) between the medical group or groups providing health services and other employees and the health maintenance organization;

"(E) encourages and actively provides for its enrollees (i) health education services, and (ii) education in the appropriate use of health services provided;

"(F) has organizational arrangements, established in accordance with regulations of the Commission on Quality Health Care (established under title IV of this Act) for an ongoing quality assurance program which stresses health outcomes and assures that health services provided meet the quality standards established in accordance with regulations of the Commission on Quality Health Care;

"(G) provides, in accordance with regulations of the Secretary (including safeguards concerning the confidentiality of the doctor-patient relationship), an effective procedure for developing, compiling, evaluating, and reporting to the Secretary, data (which the Secretary shall publish and disseminate on an annual basis) relating to (i) the cost of its operations, (ii) the patterns of utilization of its services, (iii) the availability, accessibility, and acceptability of its services, and (iv) such other matters as the Secretary may require and disclose at least annually and in a manner acceptable to the Secretary, such data to its enrollees and to the general public;

"(H) except for (i) out of area emergency care, and (ii) care reasonably valued in excess of the first $5,000 per member per year, assumes full financial responsibility, without benefit of insurance, on a prospective basis for the provision of the comprehensive health services defined in this section;

"(I) subject to the requirements of paragraph (K), has an open enrollment period (of not less than thirty days) at least once during each consecutive twelve-month period during which it accepts individuals in the order in which they apply for enrollment up to its capacity as determined by the Secretary;

"(J) assumes responsibility for the provision of health care services to its enrollees twenty-four hours a day, seven days a week, as may be appropriate and for the prompt availability of such services in emergencies;

"(K) shall enroll no more than 50 per centum of its members from medically underserved areas, except in rural areas as designated by the Secretary;

"(L) provides, or makes arrangements for continuing education for its staff;

"(M) emphasizes the use of physician's assistants, dental therapists, nurse practitioners, and other allied health personnel;

"(N) meets such other criteria for its organization and operations as the Secretary may by regulation prescribe, consistent with the provisions of this title; and

"(O) does not refuse enrollment to or expel an enrollee for any reason concerning his health status or requirements for the provision of health services.

"(2) The term 'comprehensive health services' means health services, provided without limitation as to time or cost, as follows: (A) physician services (including consultant and referral services); (B) inpatient and outpatient hospital services; (C) extended care facility services; (D) home health services; (E) diagnostic laboratory, and diagnostic and therapeutic radiologic services; (F) physical medicine and rehabilitative services (including physical therapy); (G) preventive health and early disease detection services; (II) vision care and podiatric services; (I) reimbursement for expenses incurred for necessary out-of- area emergency health services; (J) mental health services (including drug abuse and alcoholism), utilizing existing community mental health centers on a priority basis; (K) dental services (including preventive dental health services to children); (L) provision of, or payment for, prescription drugs; and (M) such other additional personal health services as the Secretary may determine are necessary to insure the protection, maintenance, and support of human health.

"(3) The term 'medical group' means a partnership or other association or group of not less than four persons who are licensed to practice medicine, osteopathy, or dentistry in a State and who (A) as their principal professional activity engage in the coordinated practice of their profession as a group responsibility; (B) if not employees or retainees of a health maintenance organization, or health service organization, pool their income from practice as members of the group and distribute it among themselves according to a prearranged salary or drawing account; (C) jointly use or share medical and other records, and substantial portions of major equipment and professional, technical, and administrative staff (D) share or jointly utilize such additional health professionals and allied health professionals which may include but are not limited to psychologists and other mental health workers, optometrists, podiatrists, dental therapists, physicians' assistants, nurse practitioners, and nurse midwives, as are needed to provide comprehensive health services; and (E) arrange for and encourage the continuing education of their members in the field of clinical medicine and related areas.

"(4) The term 'enrollee' when used in connection with a health maintenance organization or health service organization (as defined in part B) means an individual who has entered into a contractual arrangement, or on whose behalf a contractual arrangement has been entered into, with a health maintenance organization or a health service organization under which such organization assumes the responsibility for the provision of health services to such individual.

"(5) The term 'medically underserved area' means an urban or rural area or population group designated by the Secretary as an area or population group with a shortage of personal health services. Such a designation may be made by the Secretary only after consideration of the comments, if any, of (A) each State comprehensive health plannnig agency designated pursuant to section 314(a) of this Act, covering, in whole or in part, such area, (B) each areawide comprehensive health planning agency designated pursuant to section 314(b) of this Act, covering, in whole or in part, such area, and (C) regional medical programs established pursuant to title IX of this Act.

"(6) The terms 'construction' and 'cost of construction' include (A) the construction of new buildings, and the acquisition, expansion remodeling, replacement, and alteration of existing buildings, including architects' fees, and acquisition of land, and (B) equipping new buildings and existing buildings, whether or not acquired, expanded, remodeled, or altered with assistance under this title.

"(7) The term 'university health center' means those health care institutions which are owned and operated by a university or college of medicine or which have a written affiliation arrangement with a university or college of medicine for the purpose of educating undergraduate medical students.

"(8) The term 'area health education and service center means a hospital, educational facility, or other public or private nonprofit entity affiliated with a university health center for the purpose of providing clinical training in a nonmetropolitan area (other than an area presently served by a university health center) which—

"(A) has an agreement with a health maintenance organization or health service organization (if such an organization exists within the geographical area served by such center) to provide education services to, and health care services through such organization;

"(B) has an agreement with other providers of health care to provide education services to, and health care services through such center; and

"(C) provides, to all licensed health professionals in the geographic area which it serves, equal opportunity to use its facilities and programs.

"(9) The term 'non-metropolitan area' means an area no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget, and does not contain a city whose population exceeds fifty thousand persons.

"GRANTS FOR PLANNING AND FEASIBILITY STUDIES

"SEC. 1102. (a) The Secretary may make grants, subject to the general provisions of this title, to public or private nonprofit agencies, organizations, or institutions to assist in projects for planning or studying the feasibility of developing or expanding health maintenance organizations. No project may receive more than $250,000 in grants under this section. Funds awarded under sucn grants shall be available for expenditure by the grantee for such period (not to exceed two years from the date of award) designated by the Secretary.

"(b) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"(c) There are authorized to be appropriated to carry out the provisions of this section; $15,000,000 for the fiscal year ending June 30, 1973; $21,000,000 for the fiscal year ending June 30, 1974; $40,000,000 for the fiscal year ending June 30, 1975; $62,000,000 for the fiscal year ending June 30, 1976; and $85,000,000 for the fiscal year ending June 30, 1977.

"GRANTS FOR INITIAL DEVELOPMENT COSTS

"SEC. 1103. (a) The Secretary may make grants, subject to the general provisions of this title, to any public or private nonprofit agencies, organizations, or institutions, to assist it in meeting the costs involved in a project for the initial development of a health maintenance organization prior to its first day of operation. No project may receive more than $1,000,000 in grants under this section.

"(b) Sums awarded under such grant shall be available for expenditure by the grantee for not more than two years, and shall be utilized for such purposes as may be prescribed in regulations of the Secretary, including but not limited to (1) implementation of an enrollment campaign; (2) detailed design of and arrangements for the health services to be provided; (3) development of administrative and internal organizational arrangements, including fiscal control and fund accounting procedures and the development of a capital financing program; (4) recruitment of personnel and the conduct of personnel training activities; and (5) payment of architects' and engineers' fees.

"(c) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"(d) There are authorized to be appropriated to carry out the provisions of this section; $42,565,000 for the fiscal year ending June 30, 1973; $68,720,000 for the fiscal year ending June 30, 1974; $74,700,000 for the fiscal year ending June 30, 1975; $141,940,000 for the fiscal year ending June 30, 1976; and $241,690,000 for the fiscal year ending June 30, 1977.

"CONSTRUCTION GRANTS

"SEC. 1104. (a) The Secretary may make grants, subject to the general provisions of this title, to assist any public or private nonprofit health maintenance organization or any public or private nonprofit agency, organization, or institution intending to become a health maintenance organization in meeting the cost of construction of facilities or portions of facilities for ambulatory care and capital investment for necessary transportation equipment, to be used by it for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for grants for the acquisition or renovation of existing facilities, except for exceptional circumstances, in which case up to 90 per centum of the cost of construction (as determined by the Secretary) may be authorized by the Secretary, no grant under this section for any project may exceed 75 per centum of the cost of construction of such project. No project may receive more than $2,500,000 in grants under this section.

"(b) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"(c) There are authorized to be appropriated to carry out the provisions of this section such sums as may be necessary.

"GRANTS FOR INITIAL COSTS OF OPERATION

"SEC. 1105. (a) Where the Secretary determines that the applicant has made all reasonable attempts to meet his operating expenses (including loans and loan guarantees), he may make grants to public and private nonprofit health maintenance organizations to assist them in meeting operating deficits during the initial three-year period of their operation.

"(b) Grants under this section shall be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day; and such grant with respect to any such organization may not exceed 100 per centum of such operating deficit for the first year after such first day; 67 per centum of such first year operating deficit for the second year after such first day; and 33 per centum of such first year operating deficit for the third year after such first day.

"(c) There are authorized to be appropriated to carry out the provisions of this section such sums as may be necessary.

"CONSTRUCTION LOANS

"SEC. 1106. (a) The Secretary may make loans, subject to the general provisions of this title, to any public or private nonprofit health maintenance organization, or any public or private nonprofit agency, organization, or institution intending to become a health maintenance organization, to assist it in meeting the cost of construction of facilities for ambulatory care and transportation services for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for loans for the acquisition or renovation of existing facilities. No loan under this section for any project may exceed 90 per centum of the cost of construction (as determined by the Secretary) of such project.

"(b) There are authorized to be appropriated to carry out the provisions of this section such sums as may be necessary. Sums so appropriated, regular with repayments of loans made under this section and any other receipts in connection with the program under this section, shall be placed in and constitute a revolving fund which shall be available to the Secretary without fiscal year limitation for use in making loans and other expenditures in the exercise of his functions under this section.

"LOANS FOR INITIAL COSTS OF OPERATION

"SEC. 1107. (a) The Secretary may make loans, subject to the general provisions of this title, to any public or private nonprofit health maintenance organization to assist it in meeting, for the period prescribed in subsection (b), a portion of its initial operating costs in excess of gross revenues determined under regulations of the Secretary.

(b) Loans under this section for initial costs of operation may be made only for the period beginning with the first day of the first month for which such a loan is made and ending with the close of three years after such first day; and such loans with respect to any project may not exceed 60 per centum of such costs of operation, for the first year after such first day; 40 per centum, of such costs for the second year after such first day; and 20 per centum, of such costs for the third year after such first day.

"(c) There are authorized to be appropriated to carry out the provisions of this section such sums as may be necessary. Sums so appropriated, together with repayments of loans made under this section and any other receipts in connection with the program under this section, shall be placed in and constitute a revolving fund which shall be available to the Secretary without fiscal year limitation for use in making loans and other expenditures in the exercise of his functions under this section."

TITLE II—SUPPORT OF HEALTH SERVICE ORGANIZATIONS

STATEMENT OF PURPOSE

SEC. 201. It is the purpose of this title to assist in the establishment of health service organizations and area health education centers primarily directed at defined rural population groups which are characterized by a lack of medical care services.

AMENDMENT TO PUBLIC HEALTH SERVICE ACT

SEC. 202. The Public Health Service Act, as amended by this Act, is further amended by inserting after part A of title XI the following new part:

"PART B—HEALTH SERVICE ORGANIZATIONS

"DEFINITIONS

"SEC. 1120. For the purpose of this part the term—

"(1) 'health service organization' means an entity operating in a rural or non-metropolitan area which—

"(A) provides as a minimum for all its enrollees indirectly or directly through its own staff, and supporting resources or through a medical group or groups, comprehensive health services, to the extent the Secretary determines such organization is able, which are uniformly available to all its enrollees and such additional services as may be required through other health delivery entities, for a fixed payment which—

"(i) is to be paid on a periodic basis without regard to the frequency, extent, or kind of health service actually furnished to any particular enrollee; and

"(ii) is uniform for all its members, subject to rules and regulations regarding family rates;

"(B) demonstrates to the satisfaction of the Secretary ability to assure that appropriate health services are available and accessible to all its members promptly in a manner which assures continuity;

"(C) has a written agreement with an area health education and service center for the use of the educational and service facilities and programs of such center, if such a center is located in the geographic area served by such health service organization;

"(D) provides, to the extent the Secretary determines such health service organization is able, ongoing education for its staff;

"(E) demonstrates to the satisfaction of the Secretary financial responsibility through proof of adequate provision against the risk of insolvency;

"(F) is organized in such a manner (as prescribed by regulations of the Secretary) that assures its enrollees a substantial role in the making of policy for the health service organization and provides meaningful procedures for hearing and resolving grievances (i) between its enrollees and the health service organization (including the medical group or groups and other health delivery entities providing health services) and (ii) between the medical group or groups providing health services and other employees of the health service organization;

"(G) encourages and actively provides for its enrollees (i) health education services and (ii) education in the appropriate use of the health services provided;

"(H) has organizational arrangements established in accordance with regulations of the Commission on Quality Health Care for an ongoing quality assurance program which stresses health outcomes, and assures that health services provided meet quality standards established in accordance with regulations of the Commission on Quality Health Care;

"(I) provides in accordance with regulations of the Secretary an effective procedure for developing, compiling, evaluating, and reporting to the Secretary, data (which the Secretary shall publish and disseminate on an annual basis) relating to (i) the cost of its operation, (ii) the patterns of utilization of its services, (iii) the availability, accessibility, and acceptability of its services, (iv) such other matters as the Secretary may require and discloses at least annually in a manner acceptable to the Secretary such data to its members and to the general public;

"(J) except for (i) out-of-area emergency services; and (ii) care reasonably valued in excess of the first $5,000 per enrolleee, per year assumes full financial responsibility without benefit of insurance, on a prospective basis for the provision of health services as defined in this section;

"(K) has an open enrollment period of not less than thirty days at least once during each consecutive twelve-month period, during which it accepts individuals in the order in which they apply for enrollment;

"(L) assumes responsibility for health care services to its enrollees twenty-four hours a day, seven days a week as may be appropriate and for the prompt availability of such services in emergencies;

"(M) does not refuse enrollment to or expel an enrollee for any reason concerning his health stuatus or requirements for the provisions of health services;

"(N) emphasizes the use of physician's assistants, dental therapists, nurse practitioners, and other allied health personnel; and

"(O) meets such other criteria including plans for providing full comprehensive health care at a future date where the Secretary has determined such an organization was not able to provide such health services under paragraph (A), for its organization and operations as the Secretary may by regulation prescribe, consistent with the provisions of this title.

"GRANTS FOR PLANNING AND FEASIBILITY STUDIES

"SEC. 1121. (a) The Secretary may make grants subject to the general provisions of this title to public or private nonprofit agencies, organizations, or institutions, to assist in meeting the costs of projects for planning or studying the feasibility of developing or expanding a health service organization. No project may receive more than $250,000 in grants under this section. Funds awarded under such grants shall be available for expenditure by the grantee for such period, not to exceed two years from the date of the award, designated by the Secretary.

"(b) There are authorized to be appropriated to carry out the provisions of this section such sums as may be necessary.

"GRANTS FOR INITIAL DEVELOPMENT COSTS

"SEC. 1122. (a) The Secretary may make grants, subject to the general provisions of this title, to any public or private nonprofit entity to assist in it meeting the costs involved in a project for the initial development of a health service organization prior to its first day of operation. No project may receive more than $1,000,000 in grants under this section.

"(b) Sums awarded under such grant shall be available for expenditure by the grantee for not more than two years and shall be utilized for such purposes as may be prescribed in regulations of the Secretary including but not restricted to, (1) implementation of an enrollment campaign, (2) detailed design of an arrangement for the health services to be provided, (3) development of administrative and internal organizational arrangements including fiscal control and fund accounting procedures and the development of a capital financing program, (4) recruitment of personnel and the conduct of personnel training activities, and (5) payment of architects' and engineering fees.

"(c) There are authorized to be appropriated to carry out the provisions of this section such sums as may be necessary.

"CONSTRUCTION GRANTS

"SEC. 1123. (a) (1) The Secretary may make grants subject to the general provisions of this title to assist any public or private nonprofit health service organization in meeting the cost of construction of facilities or portions thereof for ambulatory care and capital investment for necessary transportation equipment to be used by it for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for grants for the acquisition or renovation of existing facilities.

"(2) Except for exceptional circumstances in which costs up to 90 per centum of the cost of construction may be authorized by the Secretary, no grant under this section for any project may exceed 75 per centum of the cost of construction on such project.

"(3) No project may receive more than $2,500,000 in grants under this section.

"(b) There are authorized to be appropriated to carry out the provisions of this section such sums as may be necessary.

"GRANTS FOR INITIAL COST OF OPERATION

"SEC. 1124. (a) Where the Secretary determines that the applicant has made all reasonable attempts to meet his operating expenses (including loans and loan guarantees), he may make grants to public or private nonprofit health service organizations to assist them in meeting operating deficits during the initial three-year period of their operation.

"(b) Grants under this section shall be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day and such grant with respect to any such organization may not exceed 100 per centum of such operating deficit for the first year after such first day; 67 per centum of such first year operating deficit for the second year after such first day; and 33 per centum of such first year operating deficit for the third year after such day.

"(c) There are authorized to be appropriated to carry out the provisions of this section such sums as may be necessary.

"CONSTRUCTION LOANS

"SEC. 1125. (a) The Secretary may make loans subject to the general provisions of this title to any public or private nonprofit health service organization or any public or private nonprofit agency, organization, or institution intending to become a health service organization to assist it in meeting the cost of construction and facilities for ambulatory care and transportation services for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for loans for the acquisition or renovation of existing facilities. No loan under this section for any project may exceed 90 per centum of the cost of construction of such project.

"(b) There are authorized to be appropriated to carry out the provisions of this section $37,500,000 for the fiscal year ending June 30, 1973; $50,000,000 for the fiscal year ending June 30, 1974; $62,500,000 for the fiscal year ending June 30, 1975; $112,500,000 for the fiscal year ending June 30, 1976; and $187,500,000 for the fiscal year ending June 30, 1977. Sums so appropriated together with repayments of loans made under this section and any other receipts in connection with the program under this section shall be placed in and constitute a revolving fund which shall be available to the Secretary for use in making loans and other expenditures in the exercise of his functions under this section.

"LOANS FOR INITIAL COST OF OPERATION

"SEC. 1126. (a) The Secretary may make loans subject to the general provisions of this title to any public or private nonprofit health service organization to assist it in meeting, for the period prescribed in subsection (b), a portion of its initial operating costs in excess of gross revenues determined under regulations of the Secretary.

"(b) Loans under this section may be made only for the period beginning with the first day of the first month for which such a loan is made and ending with the close of three years after such first day and such loans with respect to any project may not exceed 60 per centum of such initial operating costs for the first year after such first day; 40 per centum of such initial operating costs for the second year after such first day and 20 per centum of such initial operating costs for the third year after such first day.

"(c) There are authorized to be appropriated to carry out the provisions of this section $2,250,000 for the fiscal year ending June 30, 1973; $15,500,000 for the fiscal year ending June 30, 1974; $41,000,000 for the fiscal year ending June 30, 1975; $62,500,000 for the fiscal year ending June 30, 1976; and $84,500,000 for the fiscal year ending June 30, 1977. Sums so appropriated together with repayments of loans made under this section and any other receipts in connection with the program under this section shall be placed in and constitute a revolving fund which shall be available to the Secretary for use in making loans and other expenditures in the exercise of his functions under this section."

TITLE III—AREA HEALTH EDUCATION AND SERVICE CENTERS AND GENERAL REQUIREMENTS

SEC. 301. The Public Health Service Act, as amended by this Act, is further amended by inserting after part B of title XI the following new parts:

"PART C—GRANTS TO ASSIST AREA HEALTH EDUCATION AND SERVICE CENTERS

"STATEMENT OF PURPOSE

"SEC. 1130. It is the purpose of this part to—

"(1) promote communication between area health education and service centers and health service organizations;

"(2) provide for and encourage, the ongoing education of providers of health care services in a designated area;

"(3) provide for and encourage clinical experience in a nonmetropolitan setting for students from university health centers; and

"(4) encourage the utilization of regional medical programs where such programs exist.

"GRANTS FOR COSTS OF DEVELOPMENT

"SEC. 1131. (a) The Secretary is authorized to make grants to university health centers (or to regional medical programs where they exist) to assist in meeting the costs involved in the development of area health education and service centers.

"(b) Funds awarded under such grants shall be available for expenditure by the grantee for a maximum of two years and shall be utilized for such purposes as may be prescribed in regulation by the Secretary, including but not limited to: (1) detailed design of and arrangements for education, health and medical services, and integration with the institution's research and educational programs; (2) development of administrative and internal and organizational arrangements, including fiscal control and fund accounting procedures and the development of a capital financing program; and (3) recruitment of personnel and conduct of personnel training activity.

"(c) For the purpose of carrying out the provisions of this section, there are hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973; $20,000,000 for the fiscal year ending June 30, 1974; $25,000,000 for the fiscal year ending June 30, 1975; $25,000,000 for the fiscal year ending June 30, 1976; and $25,000,000 for the fiscal year ending June 30, 1977.

"CONSTRUCTION OF FACILITIES

"SEC. 1132. (a) The Secretary is authorized to make grants to university health centers (or to regional medical programs where they exist) to assist them in the construction and equipment of educational facilities in conjunction with the development of area health education and service centers. An award under this authority shall be made only after the Secretary has determined that assistance for the construction proposed has been sought and is not available under titles I and II of the Medical Facilities Construction and Modernization Amendments of 1970 and title IX of the National Housing Act.

"(b) for the purpose of carrying out the provisions of this section, there are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973; $50,000,000 for the fiscal year ending June 30, 1974; $75,000,000 for the fiscal year ending June 30, 1975; $75,000,000 for the fiscal year ending June 30, 1976; and $75,000,000 for the fiscal year ending June 30, 1977.

"PART D—GENERAL PROVISIONS

"GRANTS AND LOANS

"SEC. 1140. (a) Any loan by the Secretary shall bear interest at a rate comparable to the current legal rate of interest prevailing with respect to loans which are guaranteed under section 1141. No payment of principal on a loan shall be required for the first five years after such loan is made.

"(b) No such loan shall be made unless—

"(1) the Secretary is reasonably satisfied that the applicant therefor will be able to make payments of principal and interest thereon when due, and

"(2) the applicant provides the Secretary with reasonable assurances that there will be available to it such additional funds as may be necessary to complete the project with respect to which such loan is requested.

"(c) Any such loan shall have such security, have such maturity date, be repayable in such installments, and be subject to such other terms and conditions (including provisions for recovery in case of default) as the Secretary determines to be necessary to carry out the purposes of this title while adequately protecting the financial interests of the United States.

"(d) No such loan shall have a term in excess of fifteen years.

"(e) The Secretary may, for good cause, waive any right of recovery which he has by reason of the failure of a public organization to make payment and interest on a loan under this section.

"(f) Applicants for grants and loans under this title shall submit a plan for approval to the Secretary for the inclusion of dental and mental health services as they become available.

"LOAN GUARANTEES AND INTEREST SUBSIDIES

"SEC. 1141. (a) In order to assist (1) private health maintenance orgainizations, health service organizations (or entities intending to become either), to carry out construction projects for ambulatory care facilities and transportation services to be used by it for the provision of health services to its members or to meet their initial development costs (for not more than three years) or to meet their costs of operation (for not more than five years), (2) assist university health centers in the development of area health education, and service centers, and to provide working capital for the operation of such area health education and service centers as well as to subsidize the difference between income and operating expenditures, the Secretary, during the period beginning January 1, 1973, and ending with the close of June 30, 1977, may, in accordance with the provisions of this section, and subject to the general provisions of this Act (A) guarantee to non-Federal lenders making loans to such organizations for such purposes, payment of principal of and interest on such loans which are approved under this section, and (B) in the case of nonprofit health maintenance or health service organizations, pay to the holder of such loans (and for and on behalf of the organization which received such loan) amounts sufficient (not to exceed 3 per centum per annum) to reduce the net effective interest rate otherwise payable on such loan. No loan guarantee or interest subsidy under this section may, except under such special circumstances and under such conditions as are prescribed by regulations, apply to or be made for an amount which, when added to any grant or other loan under this or any other law of the United States, is—

"(i) with respect to any construction, in excess of 90 per centum of the cost of such construction,

"(ii) with respect to initial development costs, in excess of 90 per centum of such costs, or

"(iii) with respect to initial operating costs, in excess of 90 per centum of such costs.

No such loan guarantee may apply to more than 90 per centum of the loss of principal and interest on the loan.

"(b) The Secretary may not approve the application of a health maintenance organization, health service organization, or university health center, unless—

"(1) he determines, in the case of a loan for which a guarantee or an interest subsidy payment is sought, that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States;

"(2) the term of a loan for which a guarantee and interest subsidy is sought does not exceed twenty-five years if for construction, or fifteen years if for operating costs, or such shorter period as the Secretary prescribes; and

"(3) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require.

"(c) Guarantees of loans and interest subsidy payments under this section shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this section will be achieved, and, to the extent permitted by subsection (e), any of such terms and conditions may be modified by the Secretary to the extent he determines it to be consistent with the financial interests of the United States.

"(d) In the case of any loan guaranteed under this section, the United States shall be entitled to recover from the applicant the amount of any payments made pursuant to such guarantee unless the Secretary, for good cause, waives his right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(e) Any guarantee of a loan under this section shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"(f) (1) There is established in the Treasury a Health Maintenance Organization and Health Service Organization and Area Health Education and Service Center Loan Guarantee and Interest Subsidy Fund (hereafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts (A) to enable him to discharge his responsibilities under guarantees issued by him under this title, and (B) for interest subsidy payments authorized by this title. There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required by the fund. To the extent authorized from time to time in appropriation Acts there shall be deposited in the fund amounts received by the Secretary as interest payments or repayments of principal on loans and any other moneys, property, or assets derived by him from his operations under this title, including any moneys derived from the sale of assets.

"(2) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under this title to meet the obligations under guarantees of loans under subsection (a) or to make interest subsidy payments on such loans, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.

"(g) (1) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this section may not exceed such limitations as may be specified in appropriation Acts.

"(2) In any fiscal year no loan guarantee or agreements to make loan subsidy payments may be entered into under this title of the making of such guarantee or the entering into of such agreement would cause the cumulative total of—

"(A) the principal of the loans guaranteed under this title in such fiscal year, and

"(B) the principal of the loans for which no guarantee has been made under this title and with respect to which an agreement to make interest subsidy payments is entered into under this title in such fiscal year, to exceed the amount of grant funds obligated under this Act in such fiscal year; except that this paragraph shall not apply if the amount of grant funds obligated under this title in such fiscal year equals the sums appropriated for such fiscal year under this title.

"APPLICATION REQUIREMENTS

"SEC. 1142. (a) No grant, contract, loan, loan guarantee, or interest subsidy may be made under this title unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, consistent with subsection (b) (1), as the Secretary shall by regulation prescribe.

"(b) (1) An application for a grant, loan, loan guarantee, or interest subsidy under this title shall include to such extent, in such manner and among such other matters as the Secretary may by regulation prescribe, satisfactory specification of the existing or anticipated (A) population group or groups to be served by the existing or proposed health maintenance organization or health service organization described in the application, (B) enrollment for such organization, (C) methods, terms, and periods for the enrollment of enrollees, (D) nature and estimated costs per enrollee of the health care and educational services to be provided, (E) sources of professional services, and organizational arrangements for providing health care and educational services, (F) organizational arrangements for an ongoing quality assurance program in conformance with standards of the Commission on Quality Health Care, (G) sources of prepayment and other forms of payment for the services to be provided, (H) facilities available for and additional capital investments and sources of financing therefor, required to provide the level and scope of services proposed, (I) administrative, managerial, and financial arrangements and capabilities of such organization, (J) role for enrollees in the planning and policymaking for such organization, (K) grievance procedures for enrollees, staff, and employees, and (L) evaluation or evaluations of the support for and acceptance of such organization by the population to be served, the sources of operating support, and the professional groups to be involved or who would be affected thereby. An organization making multiple applications for assistance under this title simultaneously or over the course of time shall not be required to submit duplicate or redundant information but shall be required to update the description of the existing or proposed organization in such manner and with such frequency as the Secretary may by regulation prescribe.

"(2) Upon completion of assistance under this title, the recipient of assistance shall make a full and complete report to the Secretary, in such manner as he may by regulation prescribe. Each such report shall include, among such other matters as the Secretary may by regulation prescribe, descriptions of plans, developments, and operations in those areas enumerated in paragraph (1) for specification in applications for assistance.

"(c) A health maintenance organization, health service organization, or university health center receiving assistance under this title shall submit to the Secretary as a condition of its continued assistance, satisfactory assurances, in accordance with such regulations as the Secretary shall prescribe, including but not limited to the following: (1) financial responsibility, and (2) development and operation consistent with the terms of this title and the plans contained in such organization's application or applications for assistance.

"(d)(1) An application for a grant or for a loan, loan guarantee, or interest subsidy under this title shall contain assurances satisfactory to the Secretary that the applicant will, in accordance with such criteria as the Secretary shall by regulation prescribe, enroll the maximum number of persons that its available and potential resources (as determined under regulations of the Secretary) will enable it to effectively serve; except that the applicant shall enroll no more than 50 per centum of its enrollee from medically underserved areas except in rural areas as designated by the Secretary.

"(2) No grant may be made and no loan, loan guarantee, or interest subsidy payment may be made under this title unless the applicant demonstrates to the satisfaction of the Secretary that the applicant will or has enrolled, and will maintain an enrollment of, the maximum number of persons that is available and potential resources (as determined under regulations of the Secretary) will enable it to effectively serve, except that the applicant shall enroll no more than 50 per centum of its enrollees from medically underserved areas except in rural areas as designated by the Secretary.

"(e) The Secretary shall have the authority after a hearing on the record to terminate or cancel any grant, loan, loan guarantee, or interest subsidy to any health maintenance organization, university health center, or health service organization which it determines is in substantial noncompliance with any material provision of this title or after notice from the Commission on Quality Health Care that such organization has had its certificate of approval suspended or revoked.

"(f) Except for assistance under sections 1102, 1103, 1121, and 1122, no assistance shall be available to any entity which would otherwise qualify for assistance, unless such entity submits with its application for assistance proof of compliance with the standards of the Commission on Quality of Health Care, except that during the first two years after the enactment of this Act, or until such time as the standards of the Commission on Quality Health Care are effective, which ever is sooner, the Secretary may give assistance under this title to an entity which would otherwise qualify for assistance, where the application for assistance for such entity is accompanied by reasonable assurances that such entity will comply with such standards when they become effective.

"ESTABLISHMENT OF HEALTH MAINTENANCE TRUST FUND

"SEC. 1143. (a) There is established in the Treasury a Health Maintenance Fund (hereinafter referred to as the 'fund') which shall be available without fiscal year limitations for the purpose of section 1148 of this title.

"(b) The fund shall be credited with—

"(1) (A) 5 per centum of the taxes received in the Treasury under chapter 51 of the Internal Revenue Code of 1954 (relating to taxes on distilled spirits, wines, and beer); and

"(B) 5 per centum of the taxes received in the Treasury under chapter 52 of the Internal Revenue Code of 1954 (relating to taxes on tobacco, cigars, cigarettes, and cigarette papers and tubes);

"(2) interest or other receipts on investments of the fund;

"(3) such amounts as may be appropriated for the fund;

"(4) such amounts as may be advanced to the fund out of appropriations; and

"(5) receipts from any other source.

"(b) In the case of the taxes described in paragraph (1) of subsection (a), amounts received during the calendar year during which this Act is enacted shall be taken into account only to the extent attributable to liability for tax incurred after the date of enactment of this Act.

"TREASURY BORROWING

"SEC. 1144. To carry out the purposes of the Health Maintenance Fund (established under section 1143), the Secretary of Health, Education, and Welfare is authorized to issue to the Secretary of the Treasury notes or other obligations in an annual amount of not to exceed $500,000,000, in such forms and denomination, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purpose for which securities may be issued are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

"EFFECT ON STATE LAW

"SEC. 1145. (a) Notwithstanding any provisions of State law which—

"(1) require approval of a health maintenance organization or health service organization by a medical society;

"(2) require that physicians constitute all or a majority of the governing body of a health maintenance organization or health service organization;

"(3) require that all physicians or a percentage of physicians in the local medical society be permitted to participate in renderin the services of the organization;

"(4) require that such organization submit to regulations as an insurer of health care services;

"(5) require that only unincorporated individuals or associations or partnerships may provide health care services;

"(6) prohibit advertising by a professional group for recruitment of enrollees; or

"(7) impose requirements or restrictions on a health maintenance organization or health service organization in a manner, determined by the Secretary, to be incompatible with this title,

a health maintenance organization, a health service organization (as defined in this title), or other providers of health care receiving Quality Health Care Initiative Awards under this title, which otherwise conforms with the laws for incorporation and laws for licensing of physicians, osteopaths, and dentists in such State shall be allowed to provide health care services in such State in accordance with the provisions of this title.

"QUALITY HEALTH CARE INITIATIVE AWARDS

"SEC. 1146. (a) Every provider of health care which is certified by the Commission on Quality Health Care as maintaining quality control standards in compliance with the standards set by the Commission on Quality Health Care shall be entitled to an annual payment in an amount equal to 2 per centum of the gross revenues of such provider attributable to the delivery of health care services in order to defray expenses associated with such compliance. Any provider of health care, whether or not subject to the provisions of this Act, may apply to the Commission for certification of compliance under section 1202(a)(4).

"(b) There are authorized to be appropriated for the purposes of this section $1,000,000 for the fiscal year ending June 30, 1973; $10,000,000 for the fiscal year ending June 30, 1974; $50,000,000 for the fiscal year ending June 30, 1975; $100,000,000 for the fiscal year ending June 30, 1976; and $200,000,000 for the fiscal year ending June 30, 1977.

"CONSUMER PRIORITY

"SEC. 1147. In making grants, loans, and loan guarantees under this title the Secretary shall give priority to those applicants whose policymaking body is composed of a majority of persons who are consumers of its services.

"CAPITATION GRANTS TO ENABLE HEALTH MAINTENANCE ORGANIZATIONS AND HEALTH SERVICE ORGANIZATIONS TO SERVE ALL PERSONS

"SEC. 1148. (a) The Secretary shall make annual grants to health maintenance organizations or health service organizations serving persons who cannot meet the expenses of such organizations' premiums. The amount of such annual grants shall be equal to the difference between the maximum amount (as determined by the Secretary) an enrollee could reasonably be expected to pay toward the health maintenance or health service organization premium and the premium for membership enrollment in such health maintenance or health service organization for each such person enrolled.

"(b) In determining the amount an enrollee should pay toward the premium, the Secretary shall consider all sources (including public sources) of income available to each such enrollee.

"(c) Grants under this section shall not exceed 25 per centum of the total premium receipts for such health maintenance or health service organization for the next preceding year.

"(d) Grants under this section shall be made in accordance with rules and regulations promulgated by the Secretary from the Health Maintenance Trust Fund established under this title.

"SERVICES FOR INDIANS

"SEC. 1149. (a) The Secretary is authorized (with the consent of the Indian people served) to contract with health maintenance organizations or health service organizations or other non-Federal health agencies or organizations for the provision of health services to such people on a prepaid basis.

"(b) There are authorized to be appropriated for the purposes of this section $10,000,000 for the fiscal year ending June 30, 1973; $15,000,000 for the fiscal year ending June 30, 1974; $20,000,000 for the fiscal year ending June 30, 1975; $25,000,000 for the fiscal year ending June 30, 1976; and $30,000,000 for the fiscal year ending June 30, 1977.

"PAYMENT OF GRANTS

"SEC. 1150. The amount of any grant under this title shall be determined by the Secretary. Payments under such grants may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary.

"PROHIBITION ON TRANSFER OF FUNDS

"SEC. 1151. (a) No funds appropriated pursuant to any of the preceding sections of this title shall be available for any purposes other than the purposes of the program authorized by the particular section pursuant to which such funds are appropriated.

"(b) No funds, except those appropriated under this title, shall be used for the purposes of carrying out the provisions of this title.

"(c) Only funds appropriated under titles IX and XI of the Public Health Service Act shall be used to initially develop, construct, and initially operate a health maintenance organization, health service organization, and any other entity that provides, either directly or indirectly through arrangements with others, health care to a defined population on a prepaid basis.".

TITLE IV—COMMISSION ON QUALITY HEALTH CARE

SHORT TITLE

SEC. 401. This title shall be known as the "Commission on Quality Health Care Act of 1972".

STATEMENT OF PURPOSE

SEC. 402. It is the purpose of this title to promote the quality of health care in the United States by establishing a Commission on Quality Health Care to develop, establish, and encourage parameters and standards for quality health care.

SEC. 403. The Public Health Service Act, as amended by this Act, is further amended by inserting after title XI the following new title:

"TITLE XII—COMMISSION ON QUALITY HEALTH CARE

"PART A—COMMISSION ON QUALITY HEALTH CARE

"ESTABLISHMENT OF COMMISSION

"SEC. 1202. (a) There is hereby established (as an independent agency in the executive branch) a Commission on Quality Health Care.

"(b) The Commission shall be composed of five members to be appointed by the President by and with the advice and consent of the Senate from among individuals who by virtue of their service, experience, or education are especially qualified to serve on the Commission. In making such appointments the President shall appoint individuals who are representative of the health care delivery industry, private organizations engaged in developing health care quality standards which may be applicable on a national basis, and consumers not related to the delivery of health care. The terms of office of each member of the Commission shall be five years except that—

"(1) the members first appointed shall serve, as designated by the President, one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years;

"(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed; and

"(3) a member shall be eligible for reappointment for one additional term.

"(c) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

"(d) Any vacancy in the Commission shall not effect its powers and three members of the Commission shall constitute a quorum.

"(e) At any one time there shall be no less than two members of the Commission who are consumers not related to the delivery of health care.

"DUTIES OF THE COMMISSION

"SEC. 1202. (a) The Commission shall—

"(1) conduct necessary investigations and studies intended to develop appropriate quality health care standards;

"(2) establish not later than two years after the enactment of this Act appropriate quality health care standards which shall include but not be restricted to inputs, processes, and outcomes;

"(3) prescribe quality control systems for health maintenance organizations, health service organizations, and other providers of health care subject to the provisions of this Act which shall be designed to—

"(A) improve as well as assess the quality of medical care;

"(B) evaluate the inputs, processes, utilization characteristics, and outcomes of health care as related to individuals and population groups, and establish relationships between inputs, processes, and outcomes;

"(C) concentrate on those illnesses which have relatively high incidence in the population and which are particularly influenced by medical treatment, rather than on unusual illnesses or conditions whose course is little influenced by therapy;

"(4) issue certificates of compliance to providers of health care certifying that such provider is in compliance with the standards promulgated under paragraph (2) of this section;

"(5) after a hearing on the record, revoke or suspend such certificate, where it determines that a provider of health care is not in compliance with such standards;

"(6) monitor biannual reports by health care providers covered by this Act for the purpose of assuring that the performance of such health care providers is in conformance with promulgated standards;

"(7) conduct a program of research and development which shall have the objectives of—

"(A) improvement of the technology of assessing the quality of health care with emphasis on the outcomes of health care;

"(B) assessing and comparing the quality of medical care provided under different delivery system arrangements;

"(C) analyzing the effects of providing information to consumers and improvement in the methods of information dissemination; and

"(D) analyzing the impact of the quality assurance program upon the quality of health care for the American people;

"(8) collect, summarize, and distribute information regarding the impact of medical services and the health status of the population of the United States;

"(9) provide technical assistance to providers of health care in the development of quality control programs; and

"(10) study the levels, costs, and quality of health care under health care programs of the Federal Government;

"(11) administer the insurance program established under part B of this title; and

"(12) annually report to the Congress on the conduct of activities under this Act (including results of studies conducted under paragraph (9)) together with such recommendations for additional legislation as the Commission may determine appropriate.

"(b) In developing quality health care standards, the Commission shall consider existing State regulations, such standards as are in effect for Federal health agencies, and analyze the results of the insurance programs under part B of this title.

"ADMINISTRATIVE POWERS

"SEC. 1203. (a) In order to carry out the provisions of this Act the Commission is authorized to—

"(1) appoint and fix the compensation of personnel of the Commission in accordance with the provisions of title 5, United States Code;

"(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in the Commission and delegate authority to any officer or employee;

"(3) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain, research and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property including patents) as the Commission deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Commission for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

"(4) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"(5) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as it deems desirable, to advise it with respect to his functions under this Act;

"(6) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

"(8) accept unconditional gifts or donations of services, money or property, real, personal, or mixed, tangible or intangible; and

"(9) take such actions as may be required for the accomplishment of the objectives of the Commission.

"(b) Upon request made by the Commission each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Commission in the performance of its functions with or without reimbursement.

"(c) Each member of a committee appointed pursuant to paragraph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"(d) The Chairman shall be the Chief Executive and the Administrative Officer of the Commission and shall exercise the responsibility of the Commission with respect to—

"(1) the appointment and supervision of personnel employed by the Commission;

"(2) the distribution of jobs among the personnel of the Commission; and

"(3) the use and expenditure of funds.

"COMPENSATION

"SEC. 1204. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(58) Chairman, Quality Health Care Commission'.

"(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(95) Members, Quality Health Care Commission (4)'.

"APPLICABILITY OF STANDARDS

"SEC. 1205. (a) Except as provided in subsection (d), this Act applies to any provider receiving any assistance under title XI of the Public Health Service Act or insurance coverage under part B of this title.

"(b) Any provider covered under this Act may apply to the Commission for a temporary order granting a variance from a standard or any provision thereof promulgated under section 1202 of this Act. Such temporary order shall be granted only if the provider files an application which establishes that—

"(1) the provider is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come to compliance with the standard or because necessary construction, alteration or modernization of facilities cannot be completed by its effective date; and

"2) the provider has an effective program for coming into compliance with the standards as quickly as possible with adequate interim safeguards for the protection of consumers of health care.

"(c) The Commission is authorized to grant a variance from any standard or portion thereof whenever it determines or the Secretary of Health, Education, and Welfare certifies that such a variance is necessary to permit a provider to participate in a project approved by him designed to validate new and improved techniques of health care delivery systems.

"REPORTS AND MAINTENANCE OF RECORDS

"SEC. 1206. (a) Each provider, covered under this Act, shall make, keep, and preserve, and make available to the Commission and the Secretary of Health, Education, and Welfare, such records regarding activities governed by this Act as the Commission, in cooperation with the Secretary of Health, Education, and Welfare, shall prescribe.

"(b) Each provider shall report to the Commission on a monthly basis its activities including but limited to—

"(1) gross utilization aggregates;

"(2) disenrollment rates; and

"(3) overall monthly rates.

"(c) The Commission shall prescribe rules and regulations as may be necessary with regard to inspection of the records and facilities of a provider.

"DISCLOSURE TO CONSUMERS OF HEALTH CARE SERVICES

"SEC. 1207. (a) A description of any health care benefit plan covered by this Act shall be published as required herein within ninety days after the establishment of such plan or when such plan becomes subjected to this Act.

"(b) A description of the plan shall be comprehensive and shall include, in a manner calculated to be understood by the average enrollee, the following:

"(1) fees and prices;

"(2) benefits and services of benefit packages;

"(3) accessibility and availability of services including the location of the facilities, equipment available, hours of operation, practitioners by type and location, and amenities;

"(4) the name and type of administration of the plan; and

"(5) a statement of certification by the Commission.

"(d) The Commission shall monitor the provision of information by providers of care as required by this section. In any case in which information is disclosed or disseminated under this Act and is subsequently found to be insufficient, inaccurate, or inaccurately disseminated the Director shall take such action as is necessary to assure a full retraction of the inaccurate information together with a statement of new data in a manner similar to the initial disclosure or dissemination of such information.

"(e) The disclosure must also include procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part.

"(f) Every provider shall furnish a copy of the plan description (including amendments or modifications thereto) described in subsection (b), to every enrollee upon his enrollment in the plan, and cause the same to be published, in a manner prescribed by the Commission, to the general public.

"TRANSFER OF FUNCTIONS

"SEC. 1208. (a) There are hereby transferred to the Quality Health Care Commission from the Department of Health, Education, and Welfare the function, records, property, personnel, and funds of the National Center for Health Statistics.

"(b) Within one hundred and eighty days of the effective date of this Act the President may transfer to the Commission any functions not transferred to the Commission by this Act, if he determines that such functions relate primarily to functions of the Commission under this Act.

"PENALTIES

"SEC. 1209. (a) (1) Whenever the Commission after reasonable notice and opportunity for hearing to the provider finds that the provider is no longer complying with the standards promulgated under section 1202, the Commission shall notify the provider, and the Secretary of Health, Education, and Welfare that such provider shall be ineligible to participate in grants, loans, loan guarantees, or interest subsidies under title XI of the Public Health Service Act and that the certificate of approval has been suspended until such time as the provider is found to be in compliance with the standards promulgated under section 1202.

"(2) Providers of health care, who have had their certificate suspended for a period, which the Commission determines to be unreasonable, without complying with standards promulgated under section 1202, shall have their certificate revoked and shall be liable for the repayment of part or all amounts received under title XI of the Public Health Service Act.

"(3) The Commission is authorized to make arrangements with providers of health care who have had their certificates revoked, for reimbursement of amounts received under title XI of the Public Health Service Act, including deferred payments on such terms and for such periods as are deemed equitable and appropriate.

"(b) Any provider who willfully or repeatedly violates the requirements of section 1207 (concerning disclosure) may be assessed a civil penalty of not more than $10,000 for each such violation.

"(c) Any person who knowingly makes any false statement, representation, or certification on any application, record, report, plan or other document filed or required to be maintained pursuant to this Act shall upon conviction be punished by a fine of not more than $10,000 or by imprisonment of not more than six months or by both.

"(d) Civil penalties owed under this Act shall be paid to the Secretary for a deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil action in the name of the United States or in the United States District Court for the district where the violation is alleged to have occurred or where the provider has its principal office.

"ARBITRATION

"SEC. 1210. (a) A provider of health care that possesses a valid certificate of compliance issued under section 1202(a)(4) may enter into a program for the equitable and expeditious handling of malpractice claims which may arise out of care and treatment of patients. Such programs shall be based upon the agreements of the patients of such provider to submit all such claims to binding arbitration in order to gain the benefits of such program for patients and providers.

"(b) An agreement to submit to binding arbitration under subsection (a) must be valid in the jurisdiction in which such agreement is made and shall provide for the selection of arbitrators in accordance with rules and regulations promulgated by the Commission.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1211. There are authorized to be appropriated to carry out the purposes of this part, such sums as may be necessary.

"DEFINITIONS

"SEC. 1212. For the purposes of this Act, the term—

"(1) 'input measure' means assessment based on the qualifications of personnel, facilities, and equipment permitted to provide medical care;

"(2) 'process measure' measure assessment based upon the conformance of medical decisions and actions taken in actual episodes of care to some defined standards of medical practice;

"(3) 'utilization characteristics' means those characteristics giving information concerning the rates of usage of components of the health care system such as the length of hospital stays, the number of doctor-patient contacts, the number of hospital admissions in a year;

"(4) 'outcome measure' means assessment of care based upon health of patients during and particularly at the conclusion of episodes of care. Standards for clinical outcome should be based solely on the results of health care;

"(5) 'population outcome measure' means assessment based on (but not limited to) morbidity, disability, and mortality rates in a defined population;

"(6) 'Commission means the Commission on Quality Health Care; and

"(7) 'insurance program' means the Federal Medical Malpractice Insurance Program established under part B of this title.

"PART B—FEDERAL MEDICAL MALPRACTICE INSURANCE

"PROGRAM ESTABLISHED

"SEC. 1220. There is hereby established an insurance program to be known as the Federal Medical Malpractice Insurance Program which shall be administered by the Commission.

"SCOPE OF PROGRAM

"SEC. 1221. In carrying out the insurance program, the Commission shall make insurance available to providers of health care to cover liability for medical malpractice arbitration awards.

"CONDITIONS OF INSURANCE

"SEC. 1222. The insurance program shall insure only those providers of health care who—

"(1) possess a valid certificate of compliance under section 1202(a) (4); and

"(2) have valid agreements with their patients to submit all medical malpractice claims to binding arbitration in accordance with section 1210.

"ESTIMATES OF PREMIUM RATES

"SEC. 1223. (a) The Commission is authorized to undertake and carry out such studies and investigations and receive or exchange such information as may be necessary to estimate on an area, subdivision, or other appropriate basis—

"(1) the risk premium rates for medical malpractice insurance—

"(A) based on consideration of the risk involved and accepted actuarial principles, and

"(B) including—

"(i) applicable operating costs and allowances which, in its discretion, should properly be reflected in those rates, and

"(ii) any administrative expenses (or portion of such expenses) of carrying out the medical malpractice insurance program which should properly be reflected in such rates, that would be required in order to make such insurance available on an actuarial basis for which insurance coverage shall be available, and

"(2) the rates, if less than the rates estimated under paragraph (1) which would encourage prospective purchasers of such insurance to purchase medical malpractice insurance, and would be consistent with the purposes of this title.

"(b) In carrying out subsection (a), the Commission shall, to the maximum extent feasible and on a reimbursement basis, utilize the services of other Federal departments or agencies, and for such purposes, may enter into contracts or other appropriate arrangements with any person.

"ESTABLISHMENT OF CHARGEABLE PREMIUM RATES

"SEC. 1224. (a) On the basis of estimates made under section 1223 and such other information as may be necessary, the Commission from time to time shall, by order prescribe—

"(1) chargeable premium rates for any provider of health care for which insurance coverage shall be available under this title, and

"(2) the terms and conditions under which and areas (including subdivisions thereof) within which such rates shall apply.

"(b) Such rates shall, insofar as practicable, be—

"(1) based on a consideration of the respective risks involved,

"(2) adequate, on the basis of accepted actuarial principles, to provide reserves for anticipated losses, or, if less than such amount, consistent with the objective of making medical malpractice insurance available, at reasonable rates so as to encourage prospective insureds to purchase such insurance, and

"(3) stated so as to reflect the basis for such rates, including the differences (if any) between the estimated risk premium rates under paragraph (1) of section 1223(a), and the estimated rates under paragraph (2) of such section.

"(c) If any chargeable premium rate prescribed under this section—

"(1) is at a rate which is not less than the estimated risk premium rate under section 1223(a) (1), and

"(2) includes any amount for administrative expenses of carrying out the earthquake insurance programs which have been estimated under clause (ii) of section 1223 (a) (1) (B),

a sum equal to such amount shall be paid to the Secretary, and he shall deposit such sum in the fund authorized under section 1226.

"TREASURY BORROWING AUTHORITY

"SEC. 1225. (a) The Commission is authorized to issue to the Secretary of the Treasury from time to time and have outstanding at ony one time, in an amount not exceeding $500,000,000 (or such greater amount as may be approved by the President), notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Commission, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on the outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued under this subsection, and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

"(b) Any funds borrowed by the Commission under this authority shall, from time to time, be deposited in the Medical Malpractice Insurance Fund established under section 1226.

"MEDICAL MALPRACTICE INSURANCE FUND

"SEC. 1226. (a) To carry out the medical malpractice insurance program authorized by this Act, the Commission is authorized to establish in the Treasury of the United States a Medical Malpractice Insurance Fund which shall be available, without fiscal year limitation—

"(1) to repay to the Secretary of the Treasury such sums as may be borrowed from him (together with interest) in accordance with the authority provided in section 1225 of this title; and

"(2) to pay such administrative expenses (or portion of such expenses) of carrying out the insurance program as he may deem necessary; and

"(3) to pay claims and other expenses and costs of the insurance program (including any premium equalization payments and reinsurance claims), as the Commission deems necessary.

"(b) The fund shall be credited with—

"(1) such funds borrowed in accordance with the authority provided in section 1225 of this Act as may from time to time be deposited in the fund;

"(2) such amounts as may be advanced to the fund from appropriations in order to maintain the fund in an operative condition adequate to meet its liabilities;

"(3) interest which may be earned on investments of the fund pursuant to subsection (c);

"(4) such sums as are required to be paid to the Commission under section 1224(c); and

"(5) receipts from any other operations under this Act which may be credited to the fund.

"(c) If, after all outstanding obligations have been liquidated, the Commission determines that the moneys of the fund are in excess of current needs, he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the Treasury in obligations issued or guaranteed by the United States.

"PAYMENT OF CLAIMS

"SEC. 1227. The Commission is authorized to issue orders establishing the general method or methods by which proved and approved claims for losses may be adjusted and paid for any damage to or loss of property which is covered by medical malpractice insurance made available under the provisions of this Act.

"PARTIES

"SEC. 1228. (a) Where the provider of health care is insured under the insurance program, it shall be the responsibility of the Commission to represent the insured in an arbitration proceeding to determine liability and damages for medical malpractice.

"(b) The Commission shall not have the right of subrogation against any provider of health care for which it has paid an arbitration award."

TECHNICAL AMENDMENTS

SEC. 404. (a) Section 1 of the Public Health Service Act is amended by striking out "titles I to X" and inserting in lieu thereof "titles I, II, and XIII".

(b) The Act of July 1, 1944 (58 Stat. 682) is further amended by renumbering title XI (as in effect prior to the date of enactment of this Act) as title XIII and by renumbering sections 1101 through 1114 (as in effect prior to such date) and references thereto sections 1301 through 1314 respectively.

TITLE V—AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT AND THE MENTAL RETARDATION FACILITIES AND COMMUNITY MENTAL HEALTH CENTERS CONSTRUCTION ACT TO IMPROVE AVAILABILITY AND DISTRIBUTION OF HEALTH SERVICES

PART A—AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

STATEMENT OF PURPOSE

SEC. 501. Purpose of this title—

(1) to strengthen the Nation's resources of health personnel and facilities and its system of delivery of health services in order to enable the providers of health services to meet the demands on them and to that end to—

(A) expand and intensify the health planning processes throughout the United States with primary emphasis on preparation of the health delivery system to meet increased demands, and

(B) provide financial and other assistance in (i) alleviating shortages and maldistribution of health personnel and facilities in order to increase the supply of services, and (ii) improving the organization of health services in order to increase their accessibility and effective delivery; and

(2) to reenforce the operation of the health programs under the Public Health Service Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended (77 Stat. 282) as a mechanism for the continuing distribution of health personnel and facilities and the organization of health services to that end to—

(A) coordinate the health planning processes throughout the United States with a view to the continuing development of plans for maximizing the capabilities for the effective delivery of health services, and

(B) assist in meeting those costs of improvement of health personnel, facilities, and organization that are not met from other sources of public or private assistance.

PLANNING

SEC. 502. (a) Section 314 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"PLANNING

"(h) In consultation with comprehensive health planning agencies approved under subsections (a) and (b), and with Regional Medical Programs and other health planning agencies, the Secretary shall promote and support, and as necessary shall conduct within the Department of Health, Education, and Welfare, a continuous process of health service planning for the purpose of improving the supply and distribution of health personnel and facilities and the organization of health services. Except for planning with respect to the national supply of professional health personnel, the planning shall proceed primarily on a State-by-State basis but without excluding more particularized planning for portions of States, for metropolitan or interstate areas, or with respect to health facilities, health manpower development, or other particular aspects of health care. If a State comprehensive health planning agency does not undertake and carry out the responsibility for utilizing and coordinating all health planning activities within the State (including coordination with planning for interstate areas), and for coordinating health planning in related fields, the Secretary shall assume the responsibility for coordinating such planning activities within the State. Planning pursuant to this subsection shall give first consideration to identification of the most acute shortages and maldistributions of health personnel and facilities and the most serious deficiencies in the organization for delivery of health services, and to developing means for the speedy alleviation of these shortcomings. Thereafter, it shall be directed to the continuing development of plans for maximizing capabilities for the effective delivery of health services."

(b) Section 314(a)(1) of such Act is amended by striking out the second sentence and inserting in lieu thereof the following: "There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section."

(c) Paragraph (1)(A) of section 314(b) of such Act is amended by striking out the last sentence and inserting in lieu thereof the following: "There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section."

(d) Section 314(c) of such Act is amended by striking the second sentence and inserting in lieu thereof: "There are authorized to be appropriated for this section such sums as may be necessary."

(e) Section 314(d)(1) of such Act is amended by striking out the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section to enable the Secretary to make grants to State health or mental health authorities and to assist the States in establishing and maintaining adequate public health services including training of personnel for State and local health work."

(f) Section 314(e) of such Act is amended by striking out the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section for grants to any public or nonprofit agency, institution, or organization to cover part of the cost (including equity requirements and amortizations of loans on facilities acquired from the Office of Economic Opportunity or construction in connection with any program or project transferred from the Office of Economic Opportunity) of—

"(1) providing services (including related training) to meet health needs of geographic scope or of specialized regional or national significance; or

"(2) developing and supporting for an initial period new programs of health service (including related training)."

(g) Section 314 of such Act, as amended by this Act, is further amended by redesignating subsection (g) as subsection (i) and inserting in lieu thereof the following:

"APPROVAL OF NEW CONSTRUCTION

"(g) Assistance under parts A, B, and C of title VI of this Act shall be made only after the Secretary receives comments from (A) each appropriate State comprehensive health planning agency (designated under subsection (a) of this section), (B) each appropriate areawide comprehensive health planning agency (designated under subsection (b) of this section), and (C) each appropriate regional medical program (under title IX of this Act), approving such projects.".

EXTENSION OF AUTHORITY RELATING TO HEALTH FACILITIES AND SERVICES

SEC. 503. Section 304(c)(1) of the Public Health Service Act is amended to read as follows: "There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section.".

EXTENSION OF ASSISTANCE UNDER TITLE VI OF THE PUBLIC HEALTH SERVICE ACT

SEC. 504. Section 601 of such Act is amended to read as follows:

"SEC. 601. (a)(1) There are authorized to be appropriated such sums as are necessary for grants for the construction of public or other nonprofit facilities for long-term care.

"(2) There are authorized to be appropriated such sums as are necessary for grants for the construction of public or other nonprofit outpatient facilities.

"(3) There are authorized to be appropriated such sums as are necessary for grants for the construction of public or other nonprofit rehabilitation facilities.

"(b) For grants for the construction of public or other nonprofit hospitals and public health centers there are authorized to be appropriated such sums as are necessary.

"(c) For grants for modernization of facilities referred to in paragraphs (a) and (b) there are authorized to be appropriated such sums as are necessary to carry out the provisions of this section."

EXTENSION OF LOAN GUARANTEES AND LOANS FOR MODERNIZATION AND CONSTRUCTION OF HOSPITAL AND OTHER MEDICAL FACILITITES

SEC. 505. (a)(1) Section 621(a)(1) of the Public Health Service Act is amended by striking out the phrase "during the period July 1, 1970, through June 30, 1973,".

(2) Paragraph (2) of such section is amended by striking out the phrase "during the period July 1, 1970, through June 30, 1973,".

(b) Section 622(b) of the Public Health Service Act is amended by striking out the phrase "ending before July 1, 1973".

(c) Section 631 of the Public Health Service Act is amended by striking out "$20,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years." and inserting in lieu thereof "such sums as may be necessary.",

STATE ALLOTMENTS

SEC. 506. Section 602(a) of the Public Health Service Act is amended to read as follows:

"SEC. 602. (a)(1) For each fiscal year beginning after June 30, 1973, the Secretary shall make allotments to each State from the sums appropriated under subparagraph (1), (2), or (3) of paragraph (a) or under subsection (b) of section 601 for grants for construction of respectively—

"(A) public or other nonprofit facilities for long-term care,

"(B) public or other nonprofit outpatient facilities,

"(C) public or other nonprofit rehabilitation facilities, and

"(D) public or other nonprofit hospitals and public health centers. Each allotment shall be made on the basis of the population, the financial need, and the extent of the need for construction of facilities for which grants from the allotment are to be made of the respective States.

"(2) For each fiscal year beginning after June 30, 1973, the Secretary shall, in accordance with regulations, make allotments among the States for grants for modernization of the facilities referred to in section 601. Such allotments shall be made from the sums appropriated under paragraph (c) of section 601 and shall be made among the States on the basis of the population, the financial need, and the extent of the need for modernization of such facilities of the respective States.

"(3) If—

"(A) the allotment for any State under paragraphs (1) and (2) for any fiscal year for grants for construction or modernization of facilities described in any one of the clauses (A), (B), (C), and (D) of such paragraph is less than,

"(B) the amount of the allotment for grants for construction of facilities described in such clause for the fiscal year ending June 30, 1973, as computed under this subsection (as in effect prior to the date of the enactment of this paragraph) and subsection (b) (as in effect on and after such enactment) then such allotment shall be increased to that amount the total of the increase thereby required being derived by proportionately reducing the allotment to each of the remaining States under subsection (a) and the preceding paragraphs of this subsection for grants for construction of facilities described in such clause but with such adjustments as may be necessary to prevent any such allotment of any such remaining States from being thereby reduced to less than that amount.".

LOAN LIMITATIONS

SEC. 507. Part A of title VI of the Public Health Service Act is amended by adding at the end thereof the following new section:

SEC. 611. In any fiscal year no loan guarantee may be made under this part and no agreement to make interest subsidy payments may be entered into under this title if the making of such guarantee or the entering into of such agreement which would cause the cumulative total of—

"(1) the principal of the loans guaranteed under this title in such fiscal year, and

"(2) the principal of the loans for which no guarantee has been made under this title and with respect to which an agreement to make interest subsidy payments is entered into under this title in such fiscal year, to exceed the amount of grant funds obligated under this title in such fiscal year; except that this paragraph shall not apply if the amount of grant funds obligated under this title in such fiscal year equals the sums appropriated for such fiscal year."

REGIONAL MEDICAL PROGRAM

SEC. 508. (a) Section 900(d) of the Public Health Service Act is amended to read as follows: "by these means to improve generally the quality and enhance the capacity of the health manpower and facilities available to the Nation and to improve health services in cooperation with practicing physicians, medical center officials, hospital administrators, and representatives from appropriate voluntary health agencies."

(b) Section 901(a) of such Act is amended to read as follows: "There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section."

(c) Section 900(a) of such Act is amended by inserting the words "(including area health education and service centers)" immediately after "arrangements".

(d) Section 910 of such title is amended to read as follows:

"MULTIPROGRAM SERVICES.—To facilitate interregional cooperation and develop improved national capability for delivery of health services, the Secretary is authorized to utilize funds appropriated under this title to make grants to public or nonprofit private agencies or institutions, or combinations thereof, to contract for and otherwise participate in the cost of those activities which, upon advice of the National Advisory Council on Regional Medical Programs, he deems to be necessary or appropriate for the accomplishment of the purposes of this title.".

(e) Section 902 of such title is amended by inserting "(including area health education and service centers)" immediately after "regional medical program" in subsection (a).

(f) Title IX of such Act is further amended by adding at the end thereof the following new section:

"AREA HEALTH EDUCATION AND SERVICE CENTERS

"SEC. 911. (a) Notwithstanding limitations with regard to the diseases with which this title is concerned, the Secretary is authorized to make grants to and enter into contracts with regional medical programs for the purpose of developing area health education and service centers.".

(g) The title of title IX of the Public Health Service Act is amended to read as follows:

"TITLE IX—REGIONAL COOPERATIVE ARRANGEMENTS FOR EDUCATION, RESEARCH, TRAINING, AND DEMONSTRATION TO IMPROVE HEALTH SERVICES AND MEDICAL CARE"

ASSISTANCE FOR CLINICAL AND MANAGEMENT TRAINING IN COMPREHENSIVE HEALTH SERVICE ORGANIZATIONS

SEC. 509. Title VII of the Public Health Service Act is amended by inserting immediately after section 794D the following:

"GRANTS FOR MANAGEMENT TRAINING FOR HEALTH MAINTENANCE ORGANIZATIONS, COMPREHENSIVE HEALTH ORGANIZATIONS, AND AREA HEALTH EDUCATION CENTERS

"SEC. 794E. (a) The Secretary may make grants to public and nonprofit private educational entities with professional training programs in the management and administration of health maintenance organizations, comprehensive health service organizations, and area health education and service centers, to assist them in meeting the costs of providing such training and of fellowships and traineeships. No such programs of an educational entity may be approved unless the educational entity has a contractual arrangement with an operational health maintenance organization, a comprehensive health service organization, or an area health education and service center, under which the organization will provide practical training to the fellows and trainees enrolled in such program. Not less than 75 per centum of any grant under this section to any entity shall be used by it for traineeships and fellowships.

"(b) Payments by recipients of grants under this section for (1) traineeships shall be limited to such amounts as the Secretary finds necessary to cover the cost of tuition and fees of, and stipends and allowances (including travel and subsistence expenses and dependency allowances) for, the trainees; and (2) fellowships shall be limited to such amounts as the Secretary finds necessary to cover the cost of advanced study by, and stipends and allowances (including travel and subsistence expenses and dependency allowances) for, the fellows.

"(c) There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section.

"GRANTS FOR CLINICAL TRAINING PROVIDED BY HEALTH MAINTENANCE ORGANIZATIONS, COMPREHENSIVE HEALTH SERVICE ORGANIZATIONS, AND AREA HEALTH EDUCATION AND SERVICE CENTERS

"SEC. 794F. (a) The Secretary for the purpose of covering expenses associated with education, may make grants to health professions schools or schools of nursing which provide clinical training in health maintenance organizations, comprehensive health service organizations, and area health education and service centers, to students, and postgraduate trainees and fellows in schools of medicine, osteopathy, nursing, and other health professions. Health professions schools receiving such grants must either (i) operate their own health maintenance organizations, health service organization, or area health education and service center; or (ii) have contractual arrangements with operational health maintenance organizations, health service organization, or area health educational and service center for such clinical training.

"(b) Such grants may be used to cover the costs to the health professions schools or schools of nursing and the health maintenance organizations, health service organization, or area health education and service center; of providing such clinical training, including (but not limited to) the reasonable costs of program administration, and faculty salaries for health professionals practicing in the health maintenance organizations, health service organization, or area health education and service center.

"(c) There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section."

CONTINUATION OF ASSISTANCE FOR ALLIED HEALTH PROFESSIONS

SEC. 510. (a) Section 791(a)(1) of the Public Health Service Act is amended to read as follows:

"SEC. 791. (a)(1) There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section."

(b)(1) Subsection (a)(1) of section 792 of such Act is amended to read as follows:

"SEC. 792. (a)(1) There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section."

(2) Subsection (b) of such section is amended to read as follows:

"(b) There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section for special improvement grants to assist training centers for allied health professions in projects for the provision, maintenance, or improvement of the specialized functions which the center serves."

(3) Subsection (c)(1) of such section is amended to read as follows:

"(c)(1) There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section;".

(c) Section 793(a) of such Act is amended by striking out all of the first sentence through "1973" and inserting in lieu thereof the following:

"There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section."

(d) Subsection (b) of section 794A of such Act is amended to read as follows:

"(b) There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section."

(e) Subsection (f) of section 794B of such Act is amended to read as follows:

"(f) There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section."

(f) Subsection (e) of section 794C of such Act is amended to read as follows:

"(e) There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section."

(g) Subsection (c) of section 794D of such Act is amended to read as follows:

"(c) There are authorized to be appropriated to the Secretary for Federal capital contributions to student loan funds pursuant to subsection (a)(2)(B)(i) such sums as are necessary, and there are also authorized to be appropriated such sums as may be necessary to enable students who have received a loan from any academic year to continue or complete their education. Sums appropriated pursuant to this subsection for any fiscal year shall be available to the Secretary (1) for payments into the funds established by subsection (f)(4), and (2) in accordance with agreements under this section, for Federal capital contributions to schools with which such agreements have been made, to be used together with deposits in such funds pursuant to subsection (a)(2)(B)(ii), for establishment and maintenance of student loans funds."

PART B—AMENDMENT TO THE MENTAL RETARDATION FACILITIES AND COMMUNITY MENTAL HEALTH CENTERS CONSTRUCTION ACT OF 1963

COMMUNITY MENTAL HEALTH CENTERS

SEC. 520. (a) Section 201 of the Community Mental Health Centers Act is amended to read as follows:

"SEC. 201. There are authorized to be appropriated for grants for construction of public and other nonprofit community mental health centers such sums as may be necessary."

(b) Section 207 of such Act is amended to read as follows:

"SEC. 207. No grant may be made under any provision of the Public Health Service Act for any fiscal year, for construction of any facility described in this title, unless the Secretary determines that funds are not available, under this title to make a grant for the construction of such facility.".

(c) Section 224 of such Act is amended to read as follows: "There are hereby authorized to be appropriated to enable the Secretary to make initial grants to community mental health centers, under the provisions of this part, such sums as may be necessary. For the fiscal year ending June 30, 1973, and each succeeding fiscal year there are hereby authorized to be appropriated such sums as may be necessary to make grants to such centers which have previously received a grant under this part and are eligible for such a grant by the year for which sums are being appropriated under this sentence.".

PART C—AVAILIBILITY OF APPROPRIATIONS

SEC. 530. Notwithstanding any other provision of law, unless enacted after the enactment of this Act expressly in limitation of the provisions of this section, funds appropriated for any fiscal year, to carry out any program for which appropriations are authorized by the Public Health Service Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 shall remain available for obligation and expenditure until the end of such fiscal year.

SECTION-BY-SECTION ANALYSIS OF THE HEALTH MAINTENANCE ORGANIZATION AND RESOURCES DEVELOPMENT ACT OF 1972

(Section 2) States the findings of Congress that:

a. A shortage and maldistribution of health care resources in the United States has limited access to medical care;

b. the present health care system is not organized to promote efficient and economical health care;

c. the health care system is oriented toward the provision of acute health care rather than preventive health care;

d. health maintenance organizations, health service organizations, and area health education and service centers will help to alleviate such circumstances by providing efficient and economical health care, oriented toward the provision of preventive health services;

e. technical and resource assistance is needed for those planning to establish health maintenance organizations, health service organizations, and area health education and service centers;

f. the system of medical education in the United States has a shortage of health science educational facilities, and presently over emphasizes the practice of medicine within a hospital setting and the treatment of rare and exotic diseases;

g. the quality of health care and that of the health service provided varies excessively throughout the United States.

The section also indicates that the purpose of this Act is to improve the health care delivery system by supporting the creation of health maintenance organizations, health service organizations, and area health education and service centers, particularly in medically underserved areas.

TITLE I—HEALTH MAINTENANCE ORGANIZATIONS

(Section 101) Amends the Public Health Service Act by adding new title XI entitled, "Health Maintenance Organizations and Health Service Organizations," and part A of new title XI entitled, "Support for Health Maintenance Organizations."

(Section 101—new section 1101) Defines the terms "health maintenance organization;" "comprehensive health services;" "medical group;" "enrolled;" "medically underserved area;" "construction" and "costs of construction;" "university health center;" "area health education and service center;" and "non-metropolitan area."

(New section 1101(1)) "Health maintenance organization" means an entity which:

a. Provides uniform comprehensive health services for all its enrollees (or subscribers), in return for fixed and uniform payments which are made on a periodic basis (without service actually furnished). A basic range of regard to the frequency, extent, or kind of services is to be delivered directly through the staff and supporting resources of the health maintenance organization or through a medical group (or groups). Additional services, if required, may be delivered by other health delivery entities;

b. satisfactorily demonstrates its ability to provide prompt and appropriate health services that are accessible and available to all enrollees and that assure continuity of care;

c. satisfactorily demonstrates its financial responsibility by adequately providing against the risk of insolvency;

d. is organized to assure enrollees including representation of persons from medically underserved areas a substantial policymaking role in the health maintenance organization; and provides for meaningful hearing and grievance procedures between enrollees and the health maintenance organization, and between individuals providing services and the health maintenance organization;

e. encourages and actively provides for its enrollees health education services and education in the appropriate use of health services;

f. has organizational arrangements for an ongoing quality assurance program that stresses the outcomes of health services provided and assures that quality standards are met which are in compliance with the standards established by the Commissioner on Quality Health Care (created under new title XII of the Public Health Service Act);

g. provides effective procedures for developing, compiling, evaluating and reporting to the Secretary (without jeopardizing physician-patient confidentiality) information on the costs, utilization, availability, accessibility, and acceptance of its health services, and on other matters as may be required. Discloses such information (at least annually) to health maintenance organization enrollees and to the general public;

h. assumes fully (without the benefit of insurance) financial responsibility for comprehensive health services provided. Is not expected to assume direct liability for expenses incurred in association with out-of-area emergency health care, or health care that can be reasonably valued in excess of $5,000 per enrollee per year;

i. has an unrestricted open enrollment period (of not less than 30 days) at least once during a 12-month period.

j. assumes responsibility for the health care of enrollees twenty-four hours a day, seven days a week, and for the prompt availability of such care in emergency situations.

k. may not enroll more than 50 percent of its enrollees from medically underserved areas, except in rural areas and designated by the Secretary;

l. provides ongoing education for its staff;

m. emphasizes the use of physicians' assistants, nurse practitioners, and other allied health personnel.

n. meets other criteria as prescribed by regulation which are consistent with the provisions of this title;

o. does not expell (or refuse to enroll) any enrollee from reasons of medical condition or adverse utilization experience.

(New section 1101(2)) "Comprehensive health services" mean: a minimum range of health services that are provided by the health maintenance organization or health service organization (as defined under new section 1120) to its enrollees without limits as to time or cost. Specifically "comprehensive health services" mean:

a. Physician services (including consultant and referral services);

b. inpatient and outpatient hospital services;

c. extended care facility services;

d. home health services;

e. diagnostic laboratory and diagnostic and therapeutic radiologic services;

f. physical medicine and rehabilitative services (including physical therapy);

g. preventive health and early disease detection services;

h. vision care and podiatric services;

i. reimbursement for necessary out-of-area emergency health services;

j. mental health services, including the prevention and treatment of alcoholism and drug abuse, and emphasizing the use of community mental health centers;

k. dental services, including preventive dental health services for children;

l. provision of or payment for prescription drugs;

m. other personal health services that are necessary to maintain and insure health.

(New section 1101(3)) "Medical group" means: a partnership or other association or group of not less than four persons licensed to practice medicine, osteopathy, or dentistry in a State. Such groups must:

a. As their principal professional activity and as a group responsibility engage in the coordinated practice of their profession;

b. if not employees or retainees of a health maintenance or health service organization, pool their income from their practice and distribute it among themselves according to a prearranged salary plan or drawing account;

c. jointly share their records, substantial portions of major equipment, and staff;

d. utilize additional health professionals and allied health professionals as needed to provide comprehensive health services;

e. provide their members with opportunities for continuing education in clinical medicine and related areas.

(New section 1101(4)) "Enrollee" means: an individual who has entered into a contract with a health maintenance organization or health service organization (or on whose behalf a contract has been arranged) for the provision of health services.

(New section 1101(5)) "Medically underserved area" means: an urban or rural area or population growth that has a shortage of personal health services. Medically underserved areas are to be designated by the Secretary after considering comments of appropirate State and areawide comprehensive health planning agencies (designated under section 314(a) and (b) of the Public Health Service Act) and the regional medical programs.

(New section 1101(6)) "Construction" and "costs of construction" include: the construction of new buildings; the acquisition, expansion, remodeling, replacement, and alteration of existing buildings; architects' fees; the acquisition of land; and the acquisition of equipment (whether or not associated with construction assistance under title XI).

(New section 1101(7)) "University health center" means: those health care institutions which are affiliated with or owned and operated by an accredited university or school of medicine. University health centers must educate undergraduate medical students.

(New section 1101(8)) "Area public health education and service center" means: a hospital, educational facility, or other public or nonprofit private entity that is affiliated with a university health center and which provides clinical training to health personnel in nonmetropolitan areas not presently served by a university health center. Such centers have agreements to:

a. Provide health and educational services for health service organizations and other health care providers in the same geographic area; and

b. Provide licensed health professionals (located in the same geographic area) with opportunities to use its facilities and programs.

(New section 1101(9)) "Nonmetropolitan area" means: an area which is not part of a standard metropolitan statistical area (as designated by the Office of Management and Budget). Such areas cannot contain a city with a population greater than 50,000 persons.

GRANTS FOR PLANNING AND FEASIBILITY STUDIES

(New section 1102) Authorizes the Secretary (fiscal year 1973 through fiscal year 1977) to make grants to public or private nonprofit agencies, organizations, or institutions to assist them in meeting the costs of projects to plan or study the feasibility of developing or expanding health maintenance organizations.

No project may receive more than $250,000 in such grants. Grant funds awarded shall be available for expenditure by the grantee for no more than two years. Priority will be given to those applicants who assure the Secretary that at least 30 percent of their total enrollment will be from medically underserved areas.

There are authorized to be appropriated for such grants:

$15 million for fiscal year 1973;
$21 million for fiscal year 1974;
$40 million for fiscal year 1975;
$62 million for fiscal year 1976; and
$85 million for fiscal year 1977.

GRANTS FOR INITIAL DEVELOPMENT

(New section 1103) Authorizes the Secretary (fiscal year 1973 through fiscal year

1977) to make grants to any public or private nonprofit agency, organization, or institution to assist it in meeting the costs of projects to initially develop a health maintenance organization before it begins actual operation.

No project may receive more than $1 million in such grants. Grant funds awarded shall be available to expenditure by the grantee for no more than two years. Priority will be given to those applicants who assure the Secretary that at least 30 percent of their total enrollment will come from medically underserved areas.

Grant funds shall be used to:

a. Implement an enrollment campaign;

b. design and arrange for the provision of health services;

c. develop administrative and internal organizational arrangements, including arrangements for fiscal control, accounting procedures, and capital financing programs;

d. recruit personnel and conduct training activities; and

e. pay architects' and engineers' fees.

Other uses may be prescribed by regulation.

There are authorized to be appropriated for such grants:

$42.565 million for fiscal year 1973;
$68.720 million for fiscal year 1974;
$74.100 million for fiscal year 1975;
$141.940 million for fiscal year 1976; and
$241.690 million for fiscal year 1977.

CONSTRUCTION GRANTS

(Now section 1104) Authorizes the Secretary (fiscal year 1973 through fiscal year 1977) to make grants to any public or private nonprofit health maintenance organization or any public or private nonprofit agency, organization, or institution intending to become a health maintenance organization to:

a. Assist in meeting construction costs for ambulatory care facilities (or portions of such facilities) that will be used to provide health services to its enrollees; and

b. assist in meeting capital investment costs for necessary transportation equipment that will be used to improve access to health services for its enrollees.

Special consideration will be given to those applicants for grants to acquire or renovate existing facilities. A grant for any project under this section may not exceed 75 percent of the costs of construction. However, in exceptional circumstances the Secretary is authorized to grant up to 90 percent of such costs. No project may receive more than $2.5 million in construction grants. Priority will be given to those applicants who assure the Secretary that at least 30 percent of their total enrollment will come from medically underserved areas.

There are authorized to be appropriated for such grants such sums as may be necessary.

GRANTS FOR INITIAL OPERATING COSTS

(New section 1105) Authorizes the Secretary (fiscal year 1973 through fiscal year 1977) to make grants to public and private nonprofit health maintenance organizations to assist them in meeting operating deficits incurred during their first three years of operation. Such grants may be made only after the Secretary has determined that the applicant has made reasonable attempts to obtain funds for such purposes from other sources (including loan and loan guarantees).

Grants for initial operating deficits may be made only for the first three years of a health maintenance organization's operation as follows:

For the first year of operation, a grant may not exceed 100 percent of the first year's operating deficit;

For the second year of operation, a grant may not exceed 67 percent of the first year's operating deficit;

For the third year of operation, a grant may not exceed 33 percent of the first year's operating deficit.

There are authorized to be appropriated for such grants such sums as may be necessary.

CONSTRUCTION LOANS

(New section 1106) Authorizes the Secretary (fiscal year 1973 through fiscal year 1977) to make loans to assist any public or private nonprofit health maintenance organization or any public or private nonprofit agency, organization, or institution intending to become a health maintenance organization to assist it in meeting the cost of constructing facilities for ambulatory care and transportation services. Such facilities must be used by the health maintenance organization to provide health services to its enrollees.

Applications for loans to acquire or renovate existing facilities will be given special consideration. A loan for any project under this section may not exceed 90 percent of the costs.

There are authorized to be appropriated for such loans such sums as may be necessary.

Appropriations for such loans, loan repayments, and other receipts in connection with this section shall be placed in a revolving fund to be used by the Secretary for loans and other expenditures under this section.

INITIAL OPERATING LOANS

(New section 1107) Authorizes the Secretary (fiscal year 1973 through fiscal year 1977) to make loans to any public or private nonprofit health maintenance organization to assist it in meeting a portion of its initial operating costs in excess of its gross revenues (as determined by regulation).

Initial operating loans may only be made for the first three years of a health maintenance organization's operation. Such loans (with respect to any project) may not exceed:

60 percent of such excess operating costs for the first year;

40 percent of such excess operating costs for the second year; and

20 percent of such excess operating costs for the third year.

There are authorized to be appropriated for such loans such sums as may be necessary.

Appropriations for loans, loan repayments, and other receipts in connection with this section shall be placed in a revolving fund to be used by the Secretary for loans and other expenditures under this section.

TITLE II—SUPPORT FOR HEALTH SERVICE ORGANIZATIONS

(Section 201) States the purpose of title II. This title authorizes programs to assist in the establishment of health service organizations and area health education and service centers, primarily in rural areas. The services provided by such organizations and centers will be directed toward defined rural population groups that are characterized by a lack of medical care services.

(Section 202) Adds part B entitled, "Health Service Organizations," to new title XI of the Public Health Service Act.

PART B—HEALTH SERVICE ORGANIZATIONS

(Section 202—new section 1120) Defines the term "health service organization." "Health service organization" means an entity operating in a rural or nonmetropolitan area which:

a. Provides, directly or indirectly through arrangements with others, uniform comprehensive health services (as defined in section 1101) for all its enrollees, in return for fixed and uniform payments made on a periodic basis (without regard to the frequency, extent, or kind of service actually furnished). A basic range of services is to be delivered directly through its own staff and supporting resources or through a medical group (or groups), or indirectly, through contractual arrangements with other providers. Additional services, if required, may be delivered through other health delivery entities.

b. satisfactorily demonstrates its ability to provide prompt and appropriate health services that are accessible and available to all members and that assure continuity of care;

c. contracts with an area health education and service center to use the center's facilities and programs if one is located in the same geographic area;

d. provides ongoing education for its staff;

e. satisfactorily demonstrates its financial responsibility by adequately providing against the risk of insolvency;

f. is organized to assure its enrollees a substantial policymaking role in the health service organization; and provides for meaningful grievance procedures between enrollees and the health service organization and between individuals providing services and the health service organization;

g. encourages and actively provides for its enrollees health education services and education in the appropriate use of health services;

h. has organizational arrangements for an ongoing quality assurance program that stresses the outcomes of the health services provided by the organization and assures that quality standards are met in accordance with standards established by the Commission on Quality Health Care (created under new title XII);

i. provides effective procedures for developing, compiling, evaluating and reporting to the Secretary (without jeopardizing physician-patient confidentiality) information on the costs, utilization, availability, accessibility, and acceptance of its health services, and on other matters as may be required. Discloses such information (at least annually) to health service organization enrollees and to the general public.

j. fully assumes (without the benefit of insurance) financial responsibility for comprehensive health services provided. Is not expected to assume direct liability for expenses incurred in association with out-of-area emergency health care, or health care that can be reasonably valued in excess of $5,000 per enrollee per year;

k. has an unrestricted open enrollment period (of not less than thirty days) at least once during a 12-month period;

l. assumes responsibility for the health care of enrollees twenty-four hours a day, seven days a week, and for the prompt availability of such care in emergency situations;

m. provides that individuals, [during enrollment or] once enrolled, may not be excluded by the health service organization for reasons of medical condition or adverse utilization experience.

n. emphasizes the use of physician's assistants, nurse practitioners, and other allied health personnel.

o. meets other criteria as prescribed by regulation which are consistent with the provisions of title XI, including plans to provide a full range of comprehensive health services (as defined in section 1101), if the Secretary determines such organization was not able to provide such services under paragraph (A) of this section.

GRANTS FOR PLANNING AND FEASIBILITY STUDIES

(New section 1121) Authorizes the Secretary (fiscal year 1973 through fiscal year 1977) to make grants to public or private nonprofit agencies, organizations, or institutions to assist them in meeting the costs of projects to plan or study the feasibility of developing or expanding a health service organization. No project may receive more than $250,000 in such grants. Grant funds awarded shall be available for expenditure by the grantee for no more than two years.

There are authorized to be appropriated for such grants:

$15 million for fiscal year 1973;
$21 million for fiscal year 1974;
$40 million for fiscal year 1975;
$62 million for fiscal year 1976; and
$85 million for fiscal year 1977.

GRANTS FOR INITIAL DEVELOPMENT COSTS

(New section 1122) Authorizes the Secretary (fiscal year 1973 through fiscal year 1977) to make grants to any public or private nonprofit entity to assist it in meeting the cost of a project to initially develop a health service organization before it begins actual operation. No project may receive more than $1 million in such grants. Grant funds awarded shall be available for expenditure by the grantee for no more than two years.

Grant funds shall be used to:

a. implement an enrollment campaign;

b. design and arrange for the provision of health services;

c. develop administrative and internal organizational arrangements, including arrangements for fiscal control, accounting procedures, and capital financing programs;

d. recruit personnel and conduct training activities; and

e. pay architects' and engineers' fees.

Other uses may be prescribed by regulation.

There are authorized to be appropriated for such grants:

$42.565 million for fiscal year 1973;
$68.720 million for fiscal year 1974;
$74.700 million for fiscal year 1975;
$141.940 million for fiscal year 1976; and
$241.690 million for fiscal year 1977.

CONSTRUCTION GRANTS

(New section 1123) Authorizes the Secretary (fiscal year 1973 through fiscal year 1977) to make grants to any public or private nonprofit health service organization to:

a. Assist in meeting construction costs for those ambulatory care facilities (or portions of such facilities) that will be used to provide health services to its enrollees; and

b. assist in meeting capital investment costs for necessary transportation equipment that will be used to improve access to health services for its enrollees.

Special consideration will be given to those applicants for grants who acquire or renovate existing facilities. A grant for any project under this section may not exceed 75 percent of the costs of construction. However, in exceptional circumstances the Secretary is authorized to grant up to 90 percent of such costs. No project may receive more than $2.5 million in construction grants under this section.

There are authorized to be appropriated for such grants such sums as may be necessary.

GRANTS FOR INITIAL OPERATING COSTS

(New section 1124) Authorizes the Secretary (fiscal year 1973 through fiscal year 1977) to make grants to public or private nonprofit health service organizations to assist them in meeting operating deficits incurred during their first three years of operation. Such grants may be made only after the Secretary has determined that the applicant has made reasonable attempts to obtain funds from other sources (including loans and loan guarantees).

Grants for initial operating deficits may only be made for the first three years of a health service organization's operation as follows:

For the first year of operation, a grant may not exceed 100 percent of the first year's operating deficit;

For the second year of operation, a grant may not exceed 67 percent of the first year's operating deficit;

For the third year of operation, a grant may not exceed 33 percent of the first year's operating deficit.

There are authorized to be appropriated for such grants such sums as may be necessary.

CONSTRUCTION LOANS

(New section 1125) Authorizes the Secretary (fiscal year 1973 through fiscal year 1977) to make loans to assist any public or private nonprofit health service organization or any public or private nonprofit agency, organization, or institution intending to become a health service organization to meet the costs of constructing facilities for ambulatory care and transportation services. Such facilities must be used by the health service organization to provide health services to its enrollees.

Applications for loans to acquire or renovate existing facilities will be given special consideration. A loan for any project under this section may not exceed 90 percent of the costs.

There are authorized to be appropriated for such loans such sums as may be necessary.

Appropriations for loans, loan repayments, and other receipts in connection with this section shall be placed in a revolving fund to be used by the Secretary for loans and other expenditures under this section.

INITIAL OPERATING LOANS

(New section 1126) Authorizes the Secretary (fiscal year 1973 through fiscal year 1977) to make loans to any public or private nonprofit health service organization to assist it in meeting a portion of its initial operating costs in excess of its gross revenues (as determined by regulation).

Initial operating loans may only be made for the first three years of a health service organization's operation. Such loans (with respect to any project) may not exceed:

60 percent of such excess operating costs for the first year;

40 percent of such excess operating costs for the second year; and

Twenty per centum of such excess operating costs for the third year.

There are authorized to be appropriated for such loans such sums as may be necessary.

Appropriations for loans, loan repayments, and other receipts in connection with this section shall be placed in a revolving fund to be used by the Secretary for loans and other expenditures under this section.

TITLE III—AREA HEALTH EDUCATION AND SERVICE CENTERS

(Section 301) Adds part C entitled, "Grants to Assist Area Health Education and Service Centers" and part D entitled, "General Provisions" to new title XI of the Public Health Service Act.

PART C—GRANTS TO ASSIST AREA HEALTH EDUCATION AND SERVICE CENTERS

(Section 301—new section 1130) States the purpose of part C. The programs authorized under part C are intended to:

a. promote communication between area health education and service centers and health service organizations;

b. provide ongoing education for health care providers;

c. provide clinical experience in nonmetropolitan settings for students from university health centers; and

d. encourage the use of regional medical programs.

GRANTS FOR DEVELOPMENT COSTS

(New section 1131) Authorizes the Secretary (fiscal year 1973 through fiscal year 1977) to make grants to university health centers or to regional medical programs to assist them in meeting the costs of developing area health education and service centers. Grant funds awarded shall be available for expenditure by the grantee for no more than two years.

Grant funds shall be used to:

a. Design and arrange for the provision of services by the center and for the integration of such services with the programs of the parent institution;

b. develop administrative and internal organizational arrangements, including arrangements for fiscal control, accounting procedures, and capital financing programs; and

c. recruit personnel and conduct training activities.

Other uses may be prescribed by regulation.

There are authorized to be appropriated for such grants:

$10 million for fiscal year 1973;
$20 million for fiscal year 1974;
$25 million for fiscal year 1975;
$25 million for fiscal year 1976; and
$25 million for fiscal year 1977.

CONSTRUCTION OF FACILITIES

(New section 1132) Authorizes the Secretary (fiscal year 1973 through fiscal year 1977) to make grants to university health centers or regional medical programs to assist them in constructing and equipping educational facilities to be used by area health education and service centers. The Secretary may award such grants only after determining that applicants are unable to receive assistance for such purposes under titles I and II of the Medical Facilities Construction and Modernization Amendments of 1970 (Hill-Burton) and title IX of the National Housing Act.

There are authorized to be appropriated for such grants:

$25 million for fiscal year 1973;
$50 million for fiscal year 1974;
$75 million for fiscal year 1975;
$75 million for fiscal year 1976; and
$75 million for fiscal year 1977.

PART D—GENERAL PROVISIONS

LOANS

(New section 1140(a)) Any loan made by the Secretary is required to bear interest at rates comparable to prevailing current interest rates for loans guaranteed under new section 1141. No payment of principal on a loan is required until five years after the loan is made.

(New section 1140(b)) Loans may not be made unless the applicant gives the Secretary reasonable satisfaction of its ability to make payments of principal and interest when due and gives reasonable assurances that it will have such additional funds as are necessary to complete the project for which the loan is requested.

(New section 1140(c)) Loans must have such security, such maturity date, be repayable in such installments, and be subject to such other terms and conditions that the Secretary determines are necessary to carry out the purposes of title XI and to protect the financial interests of the United States.

(New section 1140(d)) Loans cannot have a term longer than 15 years.

(New section 1140(e)) Authorizes the Secretary to waive, for good cause, his right to recover loans made to public organizations who fail to make payment and interest on loans under this section.

(New section 1140(f)) Requires applicants for grants and loans under new title XI to submit, for the Secretary's approval, a plan to include dental and mental health services as such services become available.

LOAN GUARANTEES AND INTEREST SUBSIDIES

(New section 1141(a)) Authorizes the Secretary, between January 1, 1973, and June 30, 1977, to:

a. Guarantee loans made by non-Federal lenders to health maintenance organizations, health service organizations (or entities intending to become either), and university health centers; and

b. pay interest subsidies on loans made by non-Federal lenders to private nonprofit health maintenance organizations, health service organizations (or entities intending to become either), university health centers, and regional medical centers.

Loan guarantees and interest subsidies may be made to assist health maintenance organizations and health service organizations to carry out construction projects for ambulatory care facilities and necessary transportation equipment; to meet their initial development costs for three years; or to meet their operating costs for five years. Loan guarantees and interest subsidies may be made to assist university health centers to develop area health education and service centers; to provide working capital to operate such centers; and to subsidize any differences between a center's income and its operating expenses.

Interest subsidies would be paid to non-Federal lenders on behalf of a health maintenance organization, health service organization, or university health center, in amounts sufficient to reduce by not more than 3 percent per year the net effective interest rate otherwise payable on such loans.

A loan guarantee or interest subsidy could not apply to any amount which when added to any other Federal grant or loan, would exceed more than 90 percent of the costs of construction, initial development, or initial operation (except as prescribed by regulation); nor could loan guarantee apply to more than 90 percent of the loss of principal and interest.

(New section 1141(b)(1)) Requires the Secretary's determination in the case of an application for a loan guarantee or interest subsidy that the terms, conditions, maturity, security (if any), and schedule and amount of repayments of the loan are sufficient to protect the financial interests of the United States, and the rate of interest does not exceed a rate of interest determined by the Secretary to be reasonable, taking into account the range of interest rates prevailing in the private money market for similar loans and the risks assumed by the United States.

(New section 1141(b)(2)) Requires that the term of a loan for which a loan guarantee and interest subsidy is sought does not exceed 25 years (if for construction) or 15 years (if for operating costs), or such shorter period as the Secretary may prescribe.

(New section 1141(b)(3)) Requires an applicant to give assurances that it will keep and afford access to such records as the Secretary may require and make such reports containing such information and in such form as the Secretary may require.

(New section 1141(c)) Requires that loan guarantees and interest subsidies be subject to such further terms and conditions that the Secretary determines are necessary. To the extent permitted by section 1141(e), any terms and conditions may be modified by the Secretary if he determines that such modifications are consistent with the financial interests of the United States.

(New section 1141(d)) Authorizes the United States to recover amounts of its payments under a loan guarantee from the applicant unless the Secretary, for good cause, waives such right and upon making any payment the United States shall be subrogated to all the rights of recipient of payments with respect to which the guarantee was made.

(New section 1141(e)) A loan guarantee made by the Secretary is incontestible in the hands of an applicant and to any person who makes or contracts to make a loan to such applicant in reliance thereon, except in the case of fraud or misrepresentation on the part of the applicant or such other person.

(New section 1141(f)) Establishes in the Treasury a Health Maintenance Organization, Health Service Organization and Area Health Education and Service Center Loan Guarantee and Interest Subsidy Fund to enable the Secretary to discharge his responsibilities under loan guarantees and to make payments of interest subsidies.

There is authorized to be appropriated from time to time such sums as may be necessary to provide amounts required by the Fund. To the extent authorized from time to time in appropriation Acts, amounts received by the Secretary as interest payments, repayments of principal on loans and other moneys, property, or assets received by the Secretary under operations of this section shall be deposited in the Fund.

If at any time sums in the Fund are insufficient, the Secretary of HEW is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and under such terms as the Secretary may prescribe with the approval of the Secretary of the Treasury.

The Secretary of the Treasury shall determine the rate of interest for such notes or obligations and may use proceeds of sales of any securities issued under the Second Liberty Bond Act, and the purpose for which securities may be issued under the Act are extended to include purchases of such notes and obligations.

The Secretary of the Treasury may at any time sell such notes or obligations. Purchases, sales, or redemptions by the Secretary of the Treasury of such notes or obligations shall be treated as public debt transactions.

Sums borrowed shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from the Fund.

(New section 1141(g)) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued may not exceed limitations specified in appropriations Acts. In any fiscal year, the cumulative total of:

a. The principal of loans guaranteed under title XI in that fiscal year, plus

b. the principal of loans not guaranteed under title XI but on which interest subsidy agreements have been made in that fiscal year may not exceed the amount of grant funds obligated under this Act for that fiscal year, unless funds appropriated for such grants for that fiscal year are fully obligated.

APPLICATION REQUIREMENTS

(New section 1142(a)) Requires applications for assistance under this title to be submitted to and approved by the Secretary. Applications must be submitted in such form and manner, and contain such information as the Secretary may prescribe. Applications must also be consistent with the provisions of section 1142(b)(1).

(New section 1142(b)(1)) Applications for assistance under this title must include, to such extent and among other matters as may be prescribed, satisfactory specifications of the existing or anticipated:

a. Population groups to be served by the existing or proposed health maintenance or health service organization;

b. enrollment of the organization;

c. methods, terms, and periods for enrollment;

d. nature and estimated costs per enrollee of health and educational services to be provided;

e. sources of professional services and organizational arrangements for providing health and educational services;

f. organizational arrangements for ongoing quality assurance programs;

g. sources of prepayment and other forms of payment for services provided;

h. facilities available, additional capital investments, and sources of financing required to provide level and scope of services proposed;

i. administrative, managerial, and financial arrangements and capabilities;

j. planning and policymaking roles for enrollees;

k. grievance procedures for enrollees, staff, and employees;

l. evaluations of the support for and acceptance of the organization by the populations served, the sources of operating support, and the professional groups involved.

Organizations applying for multiple assistance under this title (either simultaneously or over a period of time) will not be required to submit duplicate information. However, such organizations will be required to update the information required under this section according to prescribed regulations.

(New section 1142(b)(2)) Requires recipients, upon completion of assistance under this title, to make a full and complete report to the Secretary describing the plans, developments, and operations in the areas enumerated in section 1141(b)(1).

(New section 1142(c)) Requires health maintenance organizations, health service organizations, or university health centers receiving assistance under this title to submit to the Secretary continuing assurances of:

a. Financial responsibility;

b. development and operation consistent with terms of title XI and plans contained in application; and

c. other matters as prescribed by regulation.

(New section 1142(d)) Requires an application for grants, loans, loan guarantees or interest subsidies under title XI to contain assurances that the applicant will enroll the maximum number of persons it will be able to serve effectively. However, it cannot enroll more than 50 percent of its enrollees from medically underserved areas (except in rural areas) as designated by the Secretary. Such assistance under title XI may not be made unless the applicant demonstrates that it will or has met such conditions and that these conditions will be maintained.

(New section 1142(e)) Authorizes the Secretary to terminate or cancel (after a hearing) any grant, loan, loan guarantee, or interest subsidy made to a health maintenance organization, health service organization, or university health center that is in substantial non-compliance with the material provisions of title XI. He may also terminate or cancel such assistance after he has received notice from the Commission on Quality Health Care that such organization or center has had its certificate of approval suspended or revoked.

(New section 1142(f)) Requires applications for any assistance under title XI (with the exception of planning and feasibility grants) to contain proof of compliance with Quality Health Care Standards) except during the first two years after the enactment of this Act or until such standards are effective (whichever is sooner). During such periods, applications for assistance must contain reasonable assurances that the applicant will comply with such standards when they become effective.

HEALTH MAINTENANCE TRUST FUND

(New section 1143) Establishes in the Treasury a Health Maintenance Trust Fund to enable the Secretary to make grants or enter into contracts with health maintenance and health service organizations for annual capitation payments authorized under section 1148.

The Health Maintenance Trust Fund shall be credited with:

a. 5 percent of those taxes received in the Treasury relating to distilled spirits, wines, and beers, and 5 percent of those taxes received in the Treasury relating to tobacco, cigars, cigarettes, and cigarette papers and tubes;

b. interest or other receipts on Fund investments;

c. amounts appropriated;

d. amounts advanced out of appropriations; and

e. receipts from any other source.

For the year of enactment, tax amounts paid into the fund will be based on tax liabilities accrued after the date of enactment of this Act.

TREASURY BORROWING

(New section 1144) Authorizes the Secretary of HEW to issue to the Secretary of the Treasury notes or other obligations in an annual amount not to exceed $500 million, and in such forms and under such terms as the Secretary may prescribe with the approval of the Secretary of the Treasury.

The Secretary of the Treasury shall determine the rate of interest for such notes or obligations. The Secretary of the Treasury shall purchase such notes or obligations and may use proceeds of sales of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include purchase of such notes and obligations.

The Secretary of the Treasury may at any time sell such notes or obligations. Purchases, sales, or redemptions by the Secretary of the Treasury of such notes or obligations shall be treated as public debt transactions.

EFFECT ON STATE LAW

(New section 1145) Allows health maintenance organizations and health service organization (as defined in this title), as well as organizations and providers that receive Quality Health Care Initiative Awards to provide health care services in States, regardless of any restrictive provisions in State laws that:

a. require such organizations to receive approval of a medical society;

b. require physicians to constitute most or all of the organization's governing body;

c. require a certain percentage of the physicians in the local medical society to participate in the organization;

d. require the organization to submit to regulations as an insurer of health care services;

e. bars incorporated individuals or associations from providing health care services;

f. prohibits advertising by a professional group in order to recruit enrollees;

g. imposes restrictions on such organizations in a manner that conflicts with title XI.

Health maintenance organizations and health service organizations must otherwise conform with State laws for incorporation.

QUALITY HEALTH CARE INITIATIVE AWARDS

(New section 1146) Entitles each provider of health care to receive an annual payment to defray administrative costs associated with maintaining internal quality control standards certified by the Commission on Quality Health Care. Such payments shall be equal to 2 percent of that part of the health care provider's gross revenues which can be attributed to the delivery of health services.

There are authorized to be appropriated for such payments:

$1 million for fiscal year 1973;
$10 million for fiscal year 1974;
$50 million for fiscal year 1975;
$100 million for fiscal year 1976; and
$200 million for fiscal year 1977.

Any health care provider, whether or not subject to the provisions of this Act, is eligible to apply for a Quality Health Care Initiative Award.

CONSUMER PRIORITY

(New section 1147) Authorizes the Secretary to give priority to those applicants, for assistance under this title, whose policymaking bodies consist mostly of individuals who use their services.

CAPITATION GRANTS

(New section 1148) Authorizes the Secretary to make annual grants to health maintenance or health service organizations that provide health services to those individuals who cannot afford to pay the entire amount of a health maintenance or health service premium. Individuals who cannot meet the entire expense of a health maintenance or health service premium will be expected to contribute a reasonable portion (as determined by the Secretary). The annual amount of a grant shall be equal to the organization's per capita premium times the number of such individuals enrolled, less the amount of actual premium collected for such individuals.

In determining the amount an individual could be expected to contribute toward a premium, the Secretary is required to consider all sources of income available to the individual (including public sources).

The amount of the annual capitation grant shall not exceed 25 percent of the organization's total premium receipts in the year prior to the year for which the grant is made. Capitation grants are authorized to be made from the Health Maintenance Trust Fund.

SERVICES FOR INDIANS

(New section 1149) Authorizes the Secretary (fiscal year 1973 through fiscal year 1977) to make contracts with health maintenance or health service organizations or other non-Federal agenceis or organizations to provide prepaid health services to Indians. The Secretary must have the consent of the Indian people to be served when making such contracts.

There are authorized to be appropriated for such contracts:

$10 million for fiscal year 1973;
$15 million for fiscal year 1974;
$20 million for fiscal year 1975;
$25 million for fiscal year 1976; and
$30 million for fiscal year 1977.

PAYMENT OF GRANTS

(New section 1150) Provides that the Secretary shall determine the amount of any grant under title XI. Payments under such grants may be made in advance or by reimbursement, and at such intervals and on such conditions as the Secretary finds necessary.

PROHIBITION ON TRANSFER OF FUNDS

(New section 1151) Prohibits the transferring of funds appropriated for any program authorized under title XI to any other program. Requires that only funds appropriated under title XI are to be used to carry out the provisions of title XI. Requires that only funds appropriated under titles IX and XI of the Public Health Service Act are to be used to initially develop, construct, and initially operate health maintenance organizations, health service organizations, and any other entities that provide (either directly or indirectly through arrangements with others) prepaid health care to defined populations.

TITLE IV—COMMISSION ON QUALITY HEALTH CARE

(Section 401) This title is entitled, "The Commission on Quality Health Care Act of 1972."

(Section 402) Title IV creates a Commission on Quality Health Care to establish parameters and standards to promote quality health care in the United States.

(Section 403) Adds new title XII to the Public Health Service Act entitled, "Commission on Quality Health Care," and parts A and B of new title XII.

PART A—COMMISSION ON QUALITY HEALTH CARE ESTABLISHMENT OF THE COMMISSION

(Section 403—new section 1201) Establishes a Commission on Quality Health Care as an independent agency in the Executive Branch. The Commission shall consist of five members who because of their experience or education are particularly qualified to serve. Membership shall include representatives of the health care delivery industry, private organizations developing quality health care standards, and consumers who are not related to the delivery of health care. Of the five, at least two shall be consumers not related to the delivery of health care. Commission members shall serve a five-year term, except for the first five members appointed. Members cannot serve more than two terms.

DUTIES AND POWERS OF THE COMMISSION

(New section 1202.) Sets forth the functions of the Commission. The Commission shall:

a. Investigate and conduct studies to develop quality health care standards;

b. establish (not later than two years after this Act is enacted) quality health care standards, including standards that relate to the inputs, processes, and outcome of health care delivery;

c. prescribe quality control systems for health maintenance organizations, health service organizations, and other providers of health care affected by this Act. Such systems shall be intended to:

(1) improve and assess medical care quality;

(2) evaluate the inputs, processes, utilization characteristics, and outcomes of health care in relation to those groups receiving such care; and establish relationships between such inputs, processes, and outcomes;

(3) concentrate on those categories of disease which occur most commonly and on which the impact of medical treatment can be most effective;

d. issue certificates of compliance to health care providers which certify that such providers meet quality health care standards established by the Commission;

e. revoke or suspend certificates of compliance.

f. monitor health care provider bi-annual reports to assure that quality standards are maintained;

g. conduct a research and development program to:

(1) improve the technology for assessing medical care quality;

(2) assess and compare medical care quality provided under alternative health care delivery systems;

(3) analyze the effects of providing information to consumers and improve methods for disseminating information; and

(4) analyze the impact of the quality assurance program on the level of health care.

h. collect, summarize, and distribute information on the impact of medical services and the health status of the population of the United States;

i. provide technical assistance to health care providers who are developing quality control programs;

j. study the levels, costs, and quality of health care provided under Federal health care programs;

k. administer the insurance program established under part B of title XII; and

l. report annually to the Congress on the activities conducted under this Act and make recommendations for additional necessary legislation.

Requires the Commission to consider the following when developing Quality Health Care Standards:

a. existing State regulations;

b. existing quality standards for Federal health agencies; and

c. results of the Federal Medical Malpractice Insurance Program (established under Part B).

(New section 1203) Authorizes administrative powers that enable the Commission to carry out the provisions of this Act. Such powers include: appointing and compensating personnel; promulgating regulations; acquiring or constructing equipment and facilities; employing experts; appointing advisory committees; utilizing other public agencies; accepting voluntary assistance; accepting unconditional gifts; and taking those actions necessary to accomplish the objectives of the Commission.

(New section 1204) Provides for the compensation of the chairman and members of the Commission.

APPLICABILITY OF STANDARDS

(New section 1205) Allows a health care provider (receiving assistance under title XI) to apply for an order to permit it to be temporarily out-of-compliance with a quality health care standard (or portions of a standard). The Commission is authorized to grant the order if the applicant:

a. Is unable to comply with the standard because personnel or equipment are unavailable, or necessary construction cannot be completed by the standard's effective date; and

b. has an effective program for coming into compliance with the standard as soon as possible.

The Commission is authorized to grant variances for standards (or portions of standards) if it determines or if the Secretary certifies that the variance is necessary to permit a provider to participate in an approved project, designed to validate new and improved health care delivery techniques.

REPORTS AND MAINTENANCE OF RECORDS

(New section 1206) Requires providers to keep records of their activities which are governed by this Act. Such records must be made available to the Commission and to the Secretary.

Providers are required to make monthly reports to the Commission on activities concerning gross utilization aggregates; disenrollment rates; and overall mortality rates. Reports on other activities may also be required.

The Commission is authorized to prescribe rules and regulations for inspecting a provider's records and facilities.

DISCLOSURE TO CONSUMERS

(New section 1207) Requires providers to publish descriptions of any health care benefit plan covered under this Act. Plan descriptions must be published within 90 days after the plan is established or when the plan becomes subject to the provisions of this Act.

Plan descriptions are required to be comprehensive and written in a manner easily understood by the average enrollee. Descriptions must include the following information:

a. Fees and prices;

b. benefits and services of benefit packages;

c. accessibility and availability of services;

d. name and type of plan administration; and

e. statement of certification by the Commission.

The Commission is required to monitor the published plan descriptions and take action on any insufficient, inaccurate, or inadequate information disclosed. Plan descriptions must also include procedures for presenting benefit claims and remedies available for redress of denied claims. Providers are to distribute copies of plan descriptions to every enrollee upon his enrollment and make such descriptions available to the general public.

TRANSFER OF FUNCTIONS

(New section 1208) The functions, records, property, personnel, and funds of the National Center for Health Statistics are transferred to the Commission on Quality Health Care.

The President is authorized to transfer to the Commission those additional functions (not otherwise transferred under this Act) that relate to the Commission's presently authorized functions. Such transfers must be made within six months of the effective date of this Act.

PENALTIES

(New section 1209) Authorizes the Commission to suspend the certificate of approval of any provider that is found, after a hearing, to be out-of-compliance with quality health care standards and suspend a provider's eligibility for grants loans, loan guarantees, and interest subsides under title XI. Notice of such suspension shall be sent to the provider and to the Secretary.

Providers who have had certificates suspended for an unreasonable period of time (as determined by the Commission) shall have their certificates revoked and shall be responsible for repaying part or all of amounts received under title XI. The Commission is authorized to arrange with such providers for reimbursement of such amounts.

Providers who repeatedly violate the requirements of section 1207 (concerning disclosure of benefit plans) may be assessed a civil penalty of not more than $10,000 per violation. Persons who make false statements on any document required under this Act, upon conviction, will be punished by a fine of not more than $10,000 or by imprisonment of not more than six months, or both. Civil penalties owed under this Act shall be deposited into the Treasury of the United States.

ARBITRATION

(New section 1210) Permits health care providers (with valid certificates of compliance) to require their patients with malpractice claims to agree to submit to binding arbitration. Such agreements must be valid in the jurisdiction in which they are made and must provide for the selection of arbitrators.

AUTHORIZATION

(New section 1211) Such sums as may be necessary are authorized to be appropriated for the Commission on Quality Health Care.

DEFINITIONS

(New section 1212) Defines the terms "input measure," "process measure," "utilization characteristics," "outcome measure," "population outcome measure," "Commission," and "Insurance Program."

PART B—FEDERAL MEDICAL MALPRACTICE INSURANCE PROGRAM

(New section 1220) Establishes a Federal Medical Malpractice Insurance Program, to be administered by the Commission on Quality Health Care.

(New section 1221) Requires the Commission to make the Federal Medical Malpractice Insurance Program available to health care providers.

(New section 1222) Directs the Commission to insure only those health care providers that have valid certificates of compliance and agreements with patients to submit malpractice claims to binding arbitration.

(New section 1223) Authorizes the Commission to obtain information, as necessary, to estimate on an areawide or other appropriate basis:

a. premium rates currently being charged for medical malpractice insurance; and

b. such other rates, if any, that would, in the judgment of the Commission, encourage the purchase of medical malpractice insurance.

Directs the Commission (when making such estimates) to use the services of other Federal agencies (on a reimbursable basis) or enter into contracts with others for such purposes.

(New section 1224) Requires the Commission (from time to time) to prescribe:

a. premium rates for the Federal Medical Malpractice Insurance Program; and

b. terms and conditions for such rates.

Such prescribed rates are to be based on estimates arrived at under section 1223 and other necessary information. Such rates (if feasible) are also to:

a. take into consideration the risks involved in offering such insurance;

b. be adequate to provide reserves for anticipated losses, or be reasonable so as to encourage the purchase of such insurance; and

c. be stated so as to reflect the basis for such rates.

TREASURY BORROWING

(New section 1225) Authorizes the Commission to issue to the Secretary of the Treasury, and have outstanding $500 million (or greater amounts if approved by the President), notes or other obligations in such forms, and under such terms as the Commission may prescribe with the approval of the Secretary of the Treasury.

The Secretary of the Treasury shall determine the rate of interest for such notes or obligations and may use proceeds of sales of any securities issued under the Second Liberty Bond Act, and the purpose for which securities may be issued under the Act are extended to include purchases of such notes and obligations.

The Secretary of the Treasury may at any time sell such notes or obligations. Purchases, sales, or redemptions by the Secretary of the Treasury of such notes or obligations shall be treated as public debt transactions.

Funds borrowed by the Commission (under this authority) shall be deposited in the Medical Malpractice Insurance Fund (established under section 1226).

INSURANCE FUND

(New section 1226) Establishes in the Treasury, a Medical Malpractice Insurance Fund to enable the Commission to carry out the Federal Medical Malpractice Insurance Program. The Fund shall be available to:

a. repay amounts borrowed from the Secretary of the Treasury;

b. pay necessary administrative expenses for the Federal Medical Malpractice Insurance Program; and

c. pay claims and other necessary expenses for the Federal Medical Malpractice Insurance Program.

The Fund shall be credited with:

a. funds borrowed under the authority of section 1225;

b. amounts advanced out of appropriations;

c. interest earned on investments;

d. premiums collected for the Federal Medical Malpractice Program; and

e. other receipts.

PAYMENT OF CLAIMS

(New section 1227) Authorizes the Commission to issue orders establishing methods for paying claims which are covered under the Federal Medical Malpractice Insurance Program.

PARTIES

(New section 1228) Provides that the Commission is to represent providers of health care in arbitration proceedings for malpractice claims. Prohibits the Commission from having the right of subrogation against those health care providers which have received arbitration awards.

TECHNICAL AMENDMENTS

(Section 404) Renumbers certain titles and sections in the Public Health Service Act.

TITLE V—AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT AND THE MENTAL RETARDATION FACILITIES AND COMMUNITY MENTAL HEALTH CENTERS CONSTRUCTION ACT

PART A—AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

(Section 501) states the purpose of title VI:

a. To strengthen the supply of health personnel, facilities, and the health care system by:

(1) expanding health planning processes; and

(2) providing assistance to alleviate the

shortages and maldistributions of health personnel, and to improve the organization of health services.

b. To reinforce the operation of health programs authorized under the Public Health Service Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended, by:

(1) coordinating health planning processes throughout the United States; and

(2) providing assistance (not otherwise provided) to improve health personnel, facilities, and organization.

PLANNING

(Section 502) subsection (a) adds new section 314(h) to the Public Health Service Act. Authorizes the Secretary (in consultation with State comprehensive health planning agencies designated under sections 314 (a) and (b), regional medical programs, and other health planning agencies) to support continuing health planning processes to improve the supply and distribution of health personnel, facilities, and the organization of health services. Such planning is to proceed on a State and local basis.

When developing such planning processes, planners are directed to:

a. Identify first those local areas which have the most acute shortages and maldistributions of health personnel and facilities, and the most serious health service organizational deficiencies; and

b. develop means to alleviate such shortcomings and deficiencies as soon as possible.

Subsection (b) amends section 314(a)(1) of the Public Health Service Act to reauthorize and extend indefinitely the program of grants to states for comprehensive health planning. Such sums as may be necessary are authorized to be appropriated for such grants.

Subsection (c) amends section 314(b)(1)(A) of the Public Health Service Act to reauthorize and extend indefinitely the program of project grants for areawide health planning. Such sums as may be necessary are authorized to be appropriated for such grants.

Subsection (d) amends section 314(c) of the Public Health Service Act to reauthorize and extend indefinitely the program of project grants for training, studies, and demonstrations to develop improved comprehensive health planning. Such sums as may be necessary are authorized to be appropriated for such grants.

Subsection (e) amends section 314(d)(1) of the Public Health Service Act to reauthorize and extend indefinitely the program of formula grants for comprehensive public health services. Such sums as may be necessary are authorized to be appropriated for such grants.

Subsection (f) amends section 314(e) of the Public Health Service Act to reauthorize and extend indefinitely the program of project grants for health service development. Such sums as may be necessary are authorized to be appropriated for such grants.

Subsection (g) redesignates section 314(g) of the Public Health Service Act as subsection (i) and inserts in lieu a new subsection (g). The new subsection requires the appropriate State and area wide comprehensive health planning agencies (designated under sections 314 (a) and (b)), and the appropriate regional medical programs to approve projects to construct and modernize hospitals and other medical facilities before the Secretary can award assistance for such projects under parts A, B, and C of title VI of the Public Health Service Act (Hill-Burton).

HEALTH FACILITIES AND SERVICES

(Section 503) Amends section 304(c)(1) of the Public Health Service Act to reauthorize and extend indefinitely the program of grants and contracts for research and demonstrations relating to health facilities and services. Such sums as may be necessary are authorized to be appropriated for such grants.

EXTENSION OF TITLE VI OF THE PUBLIC HEALTH SERVICE ACT

(Section 504) Amends section 601 of the Public Health Service Act to reauthorize and extend indefinitely the following grant programs:

a. Grants to construct public or other nonprofit long term care facilities;

b. grants to construct public or other nonprofit out-patient facilities;

c. grants to construct public or other nonprofit rehabilitation facilities;

d. grants to construct public or other nonprofit hospitals and public health centers; and

e. grants to modernize the above-mentioned facilities.

Such sums as may be necessary are authorizes to be appropriated for each grant program.

(Section 505) Subsection (a) amends section 621(a) of the Public Health Service Act to reauthorize and extend indefinitely the program of loan guarantees and loans for modernization and construction of hospitals and other medical facilities.

Subsection (b) amending section 622(b) of the Public Health Service Act, is a technical conforming amendment.

Subsection (c) amends section 631 of the Public Health Service Act to reauthorize and extend indefinitely the program of special project grants to construct or modernize emergency rooms. Such sums as may be necessary are authorized to be appropriated for such grants.

(Section 560) Amends section 602(a) of the Public Health Service Act. Changes the formula for allotting grant funds to States to construct hospitals and other medical facilities. Beginning in fiscal year 1974 and thereafter, the Secretary is to determine the amount of each State's allotment for such purposes on the basis of the State's:

a. Population;

b. financial need; and

c. need for the facility to be constructed.

If, in fiscal year 1974 thereafter, the amount of a State's allotment for grants to construct or modernize hospitals and other medical facilities is less than its fiscal year 1973 allotment, then such allotment shall be increased to the fiscal year 1973 level.

(Section 507) Adds new section 611 to part A, title VI of the Public Health Service Act. Provides that in any fiscal year, the cumulative total of:

a. The principal of loans guaranteed under part A in that fiscal year, plus

b. the principal of loans not guaranteed under part A but on which interest subsidy agreements have been made in that fiscal year may not exceed the amount of title VI grant funds obligated in that fiscal year, unless funds appropriated for such grants for that fiscal year are fully obligated.

EXTENSION OF TITLE IX OF THE PUBLIC HEALTH SERVICE ACT

(Section 508) Subsection (a) amends section 900(d) of the Public Health Service Act to remove the restriction that requires regional medical programs to accomplish their objectives without interfering with the patterns, or the methods of financing, of patient care or professional practice, or with the administration of hospitals.

Subsection (b) amends section 901(a) of the Public Health Sevice Act to extend and reauthorize indefinitely the programs of grants and contracts to plan, establish, and operate regional medical programs. Such sums as may be necessary are authorized to be appropriated for such grants.

Subsection (c) amends the title of title IX of the Public Health Service Act to read, "Title IX—Regional Cooperative Arrangements for Education, Research, Training, and Demonstration to Improve Health Services and Medical Care."

Subsection (d) amends section 900(a) of the Public Health Service Act to expand its meaning. Section 900(a) states one purpose of title IX, which is to encourage the establishment of regional cooperative arrangements between medical schools, research institutions, and hospitals for medical date exchanges and for patient care demonstrations. Under the terms of this amendment, an area health education and service center could be operated or administered through regional cooperative arrangements between such institutions and therefore be eligible to receive assistance in accordance with the provisions of title IX.

Subsection (e) replaces section 910 of the Public Health Service Act (concerning multiprogram services) with a new section 910, permitting the Secretary to use title IX funds to make grants to public or private nonprofit agencies or institutions (or combinations of both) to contract for or otherwise participate in the costs of those activities that would further the purposes of title IX.

Subsection (f) amends section 902(a) of the Public Health Service Act to expand the definition of the term "regional medical program" to include area health education and service centers.

Subsection (g) adds new section 911 to the Public Health Service Act to authorize the Secretary to make grants and enter into contracts with regional medical programs to develop area health education and service centers.

MANAGEMENT TRAINING GRANTS

(Section 509) Amends section 794 of the Public Health Service Act to add new sections 794E and 794F.

New section 794E authorizes the Secretary (without fiscal year limitation) to make grants to public and nonprofit private educational entities with approved professional training programs in the management and administration of health maintenance organizations, health service organizations, and area health education and service centers. Such grants may be made to assist educational entities in meeting the costs of providing such training, and for traineeships and fellowships.

No program may be approved, unless the educational entity has a contract with an operational health maintenance organization, health service organization, or area health education and service center for the purpose of providing practical training to fellows and trainees. At least 75 percent of any such grant to any educational entity shall be used for traineeships and fellowships.

Payments for traineeships are limited to amounts necessary (as determined by the Secretary) to cover the costs of tuitions, fees, stipends, and allowances for the trainees. Payments for fellowships are limited to amounts necessary (as determined by the Secretary) to cover the costs of advanced study, stipends, and allowances for the fellows.

Such sums as may be necessary are authorized to be appropriated for such grants.

CLINICAL TRAINING GRANTS

New section 794F authorizes the Secretary (without fiscal year limitation) to make grants to health professions or nursing schools that provide clinical training in health maintenance organizations, health service organizations, and area health education and service centers for students, postgraduate trainees, and fellows enrolled in such schools. Such grants are to be used to defray those costs that can be attributed to educational activities so that costs for such purposes will not be reflected in the premiums of the health maintenance or health service organization.

Schools receiving such grants must either operate their own health maintenance organization, health service organization, or area health education and service center or contract with an operational health maintenance organization, health service center, or area health education and service center for such training. Grants may be used to cover the costs of clinical training, including reasonable costs for program administration and faculty salaries.

Such sums as may be necessary are authorized to be appropriated for such grants.

CONTINUATION OF ASSISTANCE FOR ALLIED HEALTH PROFESSIONS

(Section 510) Subsection (a) amends section 791(a)(1) of the Public Health Service Act to reauthorize and extend indefinitely the program of grants to construct teaching facilities for the allied health professions. Such sums as may be necessary are authorized to be appropriated for such grants.

Subsection (b)(1) amends section 792(a)(1) of the Public Health Service Act to reauthorize and extend indefinitely the program of basic (formula) improvement grants for allied health training centers. Such sums as may be necessary are authorized to be appropriated for such grants.

Subsection (b)(2) amends section 792(b) of the Public Health Service Act to reauthorize and extend indefinitely the program of special improvement grants for allied health training centers. Such sums as may be necessary are authorized to be appropriated for such grants.

Subsection (b)(3) amends section 792(c)(1) of the Public Health Service Act to reauthorize and extend indefinitely the program of grants and contracts for special projects for experimentation, demonstration, and institutional improvement. Such sums as may be necessary are authorized to be appropriated for such grants.

Subsection (c) amends section 793(a) of the Public Health Service Act to reauthorize and extend indefinitely the program of grants for traineeships for the advanced training of allied health personnel. Such sums as may be necessary are authorized to be appropriated for such grants.

Subsection (d) amends section 794A(b) of the Public Health Service Act to reauthorize and extend indefinitely the program of grants and contracts to encourage the full utilization of educational talent for the allied health professions. Such sums as may be necessary are authorized to be appropriated for such grants.

Subsection (e) amends section 794B(f) of the Public Health Service Act to reauthorize and extend indefinitely grants for allied health student scholarships. Such sums as may be necessary are authorized to be appropriated for such grants.

Subsection (f) amends section 794C(e) of the Public Health Service Act to reauthorize and extend indefinitely grants for allied health work-study programs. Such sums as may be necessary are authorized to be appropriated for such grants.

Subsection (g) amends section 794D(c) of the Public Health Service Act to reauthorize and extend indefinitely the program of loans for students of the allied health professions. Such sums as may be necessary are authorized to be appropriated for such purposes.

Part B—Amendments to the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963

COMMUNITY MENTAL HEALTH CENTERS

(Section 520) Subsection (a) amends section 201 of the Community Mental Health Centers Act to reauthorize and extend indefinitely the program of grants for construction of public and other nonprofit community mental health centers. Such sums as may be necessary are authorized to be appropriated for such grants.

Subsection (b), amending section 207 of the Community Mental Health Centers Act, is a technical amendment that extends indefinitely the provision concerning non-duplication of grants.

Subsection (c) amends section 224 of the Community Mental Health Centers Act to reauthorize and extend indefinitely grants for costs of professional and technical personnel of community mental health centers.

(Section 521) Provides that funds appropriated, in any fiscal year, to carry out programs under the Public Health Service Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended, will remain available for obligation and expenditure until the end of the fiscal year for which appropriated.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 3328. A bill to amend the Social Security Act to assure that whenever there is a general increase in social security benefits there will be a corresponding increase in the standard of need used to determine eligibility for aid or assistance under State plans approved under title I, X, XIV, or XVI of such Act. Referred to the Committee on Finance.

AUTOMATIC INCREASE IN STANDARDS OF NEED UNDER PUBLIC ASSISTANCE PROGRAMS

Mr. CRANSTON. Mr. President, I introduce today, along with my colleague (Senator TUNNEY), legislation to enable those needy individuals who are recipients of grants for the aged, blind, and disabled to receive automatic increases in this assistance commensurate with increases in social security benefits. This would be achieved by requiring States to increase, by a rate corresponding to the rate of any further social security increase, the standard of need used to determine eligibility for assistance under these programs.

This concept, in a somewhat different form, was recommended in 1970 by the Senate Finance Committee in its consideration of H.R. 17550, the proposed Social Security Amendments of 1970. The committee report (No. 91-1431, page 43) said:

> **Pass-Along of Social Security Increases to Welfare Recipients**
>
> Under other provisions of the bill, social security benefits would be increased by 10 percent, with the minimum basic social security benefit increased to $100 from its present $64 level. If no modification were made in present welfare law, however, many needy aged, blind, and disabled persons would get no benefit from these substantial increases in social security since offsetting reductions would be made in their welfare grants. To assure that such individuals would enjoy at least some benefit from the social security increases, the committee bill requires States to raise their standards of need for those in the aged, blind, and disabled categories by $10 per month for a single individual and $15 per month for a couple. As a result of this provision, recipients of aid to the aged, blind, or disabled, who are also social security beneficiaries, would enjoy an increase in total monthly income of at least $10 ($15 in the case of a couple).

The method I am proposing to assure that the aged, blind, or disabled enjoy benefits from social security increases eliminates the discriminatory effect of the so-called pass-along provision, which results in the granting of cost-of-living increases only to those public assistance recipients who are also beneficiaries of social security or railroad retirement benefits.

The original pass-along provisions, included in the 1965 and 1967 social security amendments, permitted States, in determining an individual's need for public assistance payments, to exclude $5 and $7.50 per month, respectively, from any source although these provisions were designed with the 1965 and 1967 social security increases in mind. Later pass-along provisions, however, have applied exclusively to the income received from social security and railroad retirement benefits, and thereby have not helped those public assistance recipients who receive no additional income or who receive income other than that afforded by social security or railroad retirement benefits. My bill would rectify this situation by substituting the "increase in standard-of-need" concept for the "pass-along" concept.

In addition, my bill would eliminate the necessity of repeatedly legislating to afford public assistance recipients the benefits of social security cost-of-living increases by providing for automatic increases in the standard of need. To illustrate the need for such a permanent, automatic mechanism, let me trace briefly the history of the pass-along provisions since their inception 6 years ago:

The Social Security Amendments of 1965 (Public Law 89-97) included a provision that permitted States, in determining an individual's need for public assistance payments, to exclude up to $5 of income per month from any source.

The Social Security Amendments of 1967 (Public Law 90-248) amended the pass-along provision enacted in 1965 to increase the income exclusion from $5 to $7.50 per month.

The Tax Reform Act of 1969 (Public Law 91-172) included in section 1006 a requirement that, in determining the need of its public assistance recipients, States must disregard the retroactive payment of the social security increase received April 1970. Section 1007 of the Tax Reform Act required States to exclude up to $4 per month of social security benefits in determining the amount of public assistance payments. This provision was applicable through July 1970.

The 1970 social security amendments to the act to continue the suspension of duties on manganese ore (Public Law 91-306) extended the pass-along provided in section 1007 of the Tax Reform Act of 1969 through October 1970.

The January 1971 amendments to the Social Security Act (Public Law 91-669) extended the pass-along provided in section 1007 of the Tax Reform Act of 1969 through December 1971.

The March 1971 social security amendments to the act to increase the public debt (Public Law 92-5) made it optional for States to disregard retroactive social security benefits in determining public assistance payments from January through April 1971.

The December 1971 amendments to the Social Security Act—Public Law 92-223—extended the passalong provided in section 1007 of the Tax Reform Act of 1969 through December 1972. My colleague and principal consponsor of this legislation (Mr. TUNNEY) was responsible for the enactment of this, the most recent temporary passalong provision, which affects the benefits provided by the April 1970 cost-of-living increases.

However, Mr. President, at no time has there been a passalong of any portion of the social security benefit increase enacted in March and effective January 1, 1971. Thus, recipients of aid to the aged, blind, or disabled who are also social security or railroad retirement beneficiaries have not yet realized the benefits Congress intended for them by this legislation. Only they can tell of the hardships they have suffered from this situation.

Passalong provisions, then, have, at times, been enacted to correct the situation whereby individuals receiving both social security and/or railroad retirement benefits as well as public assistance also receive a corresponding reduction in their public assistance grant whenever social security cost-of-living increase are enacted. In general, however, the passalong allowed has been less than the full social security increase, so recipients in this category have not enjoyed the full cost-of-living increase intended for them. Further, when the passalong legislation is not included in the legislation to increase benefits, as was the case in the most recent social security increase enacted last March 1971 recipients in this category receive none of the cost-of-living increase provided other social security beneficiaries.

A permanent, automatic mechanism to increase the standard of need, Mr. President, would eliminate not only the necessity of repeatedly legislating this kind of provision, but also, the bill I am introducing today would have the following benefits as well:

First, it would require that all States conform to the mechanism, rather than making it optional for States to pass on benefits, as most pass-along provisions have to date; and

Second, it would provide every aged, blind, and disabled public assistance recipient with the guarantee that he will receive grant increases whenever there is a corresponding social security increase, and thus provide a systematic way of improving assistance benefits under those programs in equal proportion to improvements Congress makes in social security benefits. For example, in addition to those in my State who receive social security as well as old age assistance, this legislation would benefit the 159,000 Californians on old-age assistance who receive no other source of income. This legislation would benefit a total of 521,000 older persons in California. Enactment of such a mandatory provision would seem particularly appropriate if the Senate accepts the automatic social security increase provision in H.R. 1.

Throughout last spring and summer, Mr. President, I received countless letters from elderly persons—persons who rely on old age assistance grants and social security for their very existence—relating their despair upon receiving from the California State Department of Public Social Services the notice that their public assistance check would be reduced by the amount of the social security cost-of-living increase enacted in March. This was a cruel blow to deal to so many of the more than 2 million recipients of old age assistance in the United States, 60 percent of whom are also recipients of social security benefits. Approximately 362,000 of California's aid to the aged, blind, and disabled recipients also receive social security benefits and thus were not benefited at all by the 1971 social security increase. I believe it is past time to insure that this unfortunate stiuation is not continued in the future.

I am today writing to Chairman LONG of the Senate Finance Committee, urging that he consider the concept embodied in this legislation in conjunction with his committee's consideration of H.R. 1, the Social Security Amendments of 1971. To facilitate his work, I am redrafting my bill to propose it as well as an amendment to that omnibus social security measure.

As I related to Chairman LONG, last week, on the 3d and 4th of March, as ranking majority member of Senator TOM EAGLETON's Subcommittee on Aging of the Labor and Public Welfare Committee, I was privileged to chair hearings on legislation affecting our Nation's more than 20 million older Americans. I discussed the legislation I am introducing today with many of the witnesses present, and without a dissent, each testified to the vital need for such a measure.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"AUTOMATIC INCREASE IN STANDARDS OF NEED UNDER PUBLIC ASSISTANCE PROGRAMS

"SEC. 1122. (a) (1) In addition to the requirements imposed by other provisions of law as a condition of approval of a State plan of any State (other than the Commonwealth of Puerto Rico, Guam, or the Virgin Islands) to provide aid or assistance to individuals under title I, X, XIV, or XVI, there is hereby imposed the requirement (and the plan shall be deemed to require) that the standard of need (as defined in paragraph (2)) applicable under any such plan shall be increased by the amounts certified in the certifications of the Secretary made pursuant to subsection (b).

"(2) For purposes of this section, the term 'standard of need', when used in connection with any approved plan referred to in paragraph (1), means the income amount (not otherwise disregarded under the plan) used to determine (in the case of each category of applicants for and recipients of aid or assistance under the plan) eligibility of such applicants and recipients for aid or assistance under such plan.

"(b) (1) Whenever there is enacted any provision of law providing a general increase in monthly benefits payable to individuals under title II, the Secretary shall (at the earliest practicable date after the enactment of such provision) determine the average rate of such increase and shall certify to each State agency administering or supervising the administration of any State plan approved under title I, X, XIV, or XVI, the average so determined.

"(2) Any such certification shall be effective, in the case of the standard of need applicable under any approved State plan referred to in subsection (a), for months beginning more than 30 days after such certification is made to the State agency administering or supervising the administration of such State plan, or, if the general increase (referred to in paragraph (1)), on the basis of which such certification is made, will not be effective by such date, then it shall be effective on the first month for which such general increase will be effective."

SEC. 2. (a) Subject to subsection (b), the amendment made by the first section of this Act shall be effective in the case of general increases in monthly benefits payable to individuals under title II of the Social Security Act resulting from the enactment of provisions of law enacted after January 1971.

(b) For purposes of section 1122 of the Social Security Act (as added by the first section of this Act), any certification under subsection (b) of such section on account of any general increase in monthly benefits payable to individuals under title II of the Social Security Act resulting from the enactment, prior to the enactment of this Act but after January 1971, shall be made at the earliest practicable date after the enactment of this Act and shall be effective with respect to months beginning 2 months after the month of enactment of this Act.

By Mr. BEALL:

S. 3329. A bill to establish a National Institute of Health Care Delivery, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NATIONAL INSTITUTE OF HEALTH CARE DELIVERY ACT OF 1972

Mr. BEALL. Mr. President, I introduce today a bill to establish a new National Institute of Health Care Delivery. The bill also authorizes up to eight regional health care delivery centers and two special Emphasis Centers, the Health Care Technology Center and the Health Care Management Center. Under my proposal the National Institute of Health Care Delivery would be funded at $155 million level for the first year. This figure represents more than a doubling of the present effort. A total of $580 million will be authorized over a 3-year period.

This legislation implements a proposal I made last June. Since then, I have solicited the views of many experts and interested citizens in the health field. I am deeply gratified over the favorable reaction and interest the proposal has generated. This reaction included a favorable editorial comment from the highly respected science magazine. I ask unanimous consent that this editorial be printed following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit A.)

Mr. BEALL. Since World War II, this Nation has invested approximately $20 billion in biomedical research. This investment has made biomedical research in the United States preeminent in the world and has produced many medical breakthroughs. Our citizens are aware of the miracles of medical science. The people of America generally believe that the state of the art in medical science in this Nation is higher than anywhere else in the world. It is not the achievements of medical science that are under attack. What is under attack and what greatly disturbs and distresses the American people is the gap between the present promises and capabilities of medical science and what is delivered to the patient.

I have talked to and heard from many citizens in my State and across the country. Their first plea is not for more dramatic breakthroughs, although they support continued research efforts in this regard. They simply want access to the methods and procedures developed by medical science over the last quarter to one-half century. To develop the means and methods to deliver the results of medical research to the American citizens wherever they are located and at a price they can afford, is the tough test facing our Nation and our health community. This is the challenge that would be the work of the new National Institute of Health Care Delivery.

LOCATION AND APPROACH

The new National Institute of Health Care Delivery will be a separate agency within the Department of Health, Education, and Welfare. Its organizational position within the Department will be comparable to the National Institutes of Health. This position is needed because of the importance and urgency of health care delivery problems and it is necessary if the Institute is going to attract top management and the talented men and women required for this undertaking. This elevated structure will give health care delivery research and development the necessary visibility and raise its stature among the public, the health community and within the Government. The Institute's new structure will enable it to have a strong voice for a needed increased investment and interest in research and development in health care delivery.

The Institute will provide a creative environment wherein multidisciplinary teams from such academic disciplines as health, medicine, engineering, science, accounting, statistics, social sciences, architecture, law, education, and the management sciences can interact and focus their attention and generate action oriented research on the critical and complex problems of health care delivery.

The Institute will be headed by a Director, appointed by the President, with the advice and consent of the Senate. The salary of the Director will be at executive level 4, which is similar to and competitive with other Federal research and development agencies. The Institute will have a Deputy Director, also appointed by the President, and not to exceed four Assistant Directors who will be selected by the Director. The objectives and mandate of the Institute will be broad. It will be encouraged to pursue all promising opportunities for improving the quality of health care and for increasing the effectiveness and efficiencies of our health care system and improving the quality of health care.

It will carry out its functions through an in-house capability and through an extramural effort at the Regional Health Care Centers and its two National Emphasis Centers, the Health Care Technology Center and the Health Care Management Center, and through its broad authority to make grants, and contracts with universities, research institutions, industry, other public and private agencies, and individuals.

Let us examine some of the areas that the National Institute of Health Care Delivery will explore.

INSTITUTE'S MANDATE

The legislative mandate of the National Institute of Health Care Delivery will be broad. It will be authorized to examine all aspects of the existing health care system and the means to improve that system, as well as to devise and test alternative systems.

The Institute of Health Care Delivery must be able to examine the ways physicians and other health professionals are organized and utilized and the extent to which tasks performed by such professionals may be delegated to other appropriately trained individuals. With respect to any illness, we can combine the talents of medical personnel in various ways. Take a routine physical examination. It may be performed entirely by a doctor, by a doctor-nurse combination, with the nurse taking the medical history and patient's temperature, or by a doctor-nurse-technician team where the technician performs many of the tests and the doctor's role is limited to the interpretation of the results such as in multiphasic screening. These different approaches to the routine physical examination may produce medical care of the same quality.

They, however, carry vastly different implications, both in terms of cost and the utilization of the physician's scarce time. Similarly, experts tell us that from 70 to 80 percent of the pediatricians medical task could be performed by a trained physician-assistant, such as nurses. Furthermore, it is generally felt that doctors spend too much time on routine tasks, including 25 percent of their time on business, such as bookkeeping, billing, ordering supplies, et cetera. Also, it has been estimated that nurses spend up to 25 percent of their time on paperwork. We need to explore all of these areas and to improve our utilization of scarce medical personnel.

The National Institute of Health Care Delivery will also study the manpower credentialing and malpractice problem. Both of these issues have been examined recently, but it is important that an examination and followup on these reports be made. Indicatons are that malpractice insurance may cost some hospitals as much as $2 a day per patient. The malpractice problem has also resulted in what some refer to as "defensive medicine" under which certain tests or procedures are ordered which may not be really necessary in order to protect a physician from a possible charge of negligence. The National Institute of Health Care Delivery could use the Federal Government's Public Health Service hospitals and outpatient clinics if license laws prove to be an obstacle to experimentation on the use of new categories of health manpower. Successful experimentation in these Federal facilities should encourage their use elsewhere.

The new Institute also will have the responsibility of examining the efficiency, management, and utilization of new and existing health care facilities including studies of admission practice and examination of cost-finding techniques. An effort will be made to develop uniform accounting practices, financial reporting, and uniform health records.

Some medical experts estimate that as many as 30 percent of hospital admissions are unnecessary. With the average cost of a single day's stay in any hospital being $100 in many urban areas, it becomes important to avoid unnecessary hospitalization. The U.S. Chamber of Comerce in their excellent study, "Improving Our Nation's Health Care System: Proposals for the Seventies," pointed out the need and potential for operational analysis to control cost saying:

> Operational analysis by hospitals should quickly become widespread. One hospital director has in effect a "predicted length of stay profile" for each diagnosis, to use in measuring a doctor's performance. He requires a prospective rather than a retrospective hospital utilizaton review to be carried out, so that each discharge can be measured against the predicted length of stay for that diagnosis. He suggests greater reward for doctors whose performance results in lowering community costs.
>
> The average length of stay in his hospital is much lower than surrounding institutions. These illustrations suggest the scope for applying to the hospital cost-saving operational analysis familiar to industrial engineers for a generation or more.

An article in Medical Economics of December 1971 features Parkview Hospital in Indiana which "operates with one-fourth fewer employees per patient than comparable hospitals nationally, and at no apparent sacrifice in the general level of care." The cost per patient at this hospital was $58.09 compared with an average of $83.11 for other Indiana hospitals with 250 beds or more.

While I have not evaluated these particular situations personally, I believe they illustrate the potential for operational analysis and the desirability of uniform accounting rules and reporting so that administrators at least will be able to compare the cost and quality of their facility with comparable facilities elsewhere. This should be a useful tool in moderating health costs.

Part of the problem has been that insurance policies often pay only if the treatment takes place in hospitals. This is changing and all insurance companies should take steps to insure that they do not encourage needless hospitalization.

There is also the serious problem of communities and professionals competing for the most advanced and expensive equipment. This often results in unnecessary duplication. Open-heart surgery is a good example. One hospital director has said that open heart surgery requires a team of 12 doctors, nurses, and technicians on constant standby and that 50 operations are needed a year in order to keep the team at its maximum effectiveness and efficiency.

Yet, of the 800 hospitals equipped to do this surgery, one-third do not have a single operation in a year, let alone 50. The Institute would have a mandate to develop and test incentive payment mechanisms that reward efficiency in health care delivery without, of course, compromising the quality of health care.

The Institute would also examine the applications of all forms of technology including computers and other electronic devices in health care delivery. In this connection, the Institute along with the Health Care Technology Center, will examine data processing, which has become standard in other segments of our society. One of the Nation's aerospace corporations did a study of the famed Mayo Clinic and they found that in a $1,000 hospital bill, $300 went to unproductive information handling and filing. Alarmingly, they also found that with all of the redtape required, 12 individual steps were needed merely for an X-ray picture—there was one chance in six that the hospital test had some error in it.

The potential of data processing has been illustrated in my State by the Maryland Blue Cross—computer link arrangements with 30 Maryland hospitals. This has enabled Blue Cross to cut its costs of processing patients' admissions and claims by 30 percent from $3.60 per claim to $2.52 per claim.

The National Institute of Health Care Delivery should encourage development of preventive medicine and the techniques and technology, including multiphasic screening and testing, to improve the early diagnosis and treatment of diseases, particularly for preschool children. One issue that needs to be answered here is the cost and benefits associated with annual physical examinations or periodic physical examinations at critical ages. With the growing evidence regarding the importance of the early learning years and the growing interest in early childhood programs, I believe it is important that we develop techniques for early detection of physical or mental difficulties that children may have. That is why I have particularly emphasized the early diagnosis for preschool children.

The National Institute of Health Care Delivery will also give special emphasis to the development of systems and components of rural health services. Certainly, there is little disagreement with respect to the need to upgrade health care in many rural areas.

The National Institute of Health Care Delivery will also be assigned the mandate to develop a policy with respect to long term care, particularly for mentally and physically handicapped individuals and senior citizens, with special emphasis on alternatives to institutionalization, including the use of home health aids.

Long term care was one of the areas of concern at the recent White House Conference on Aging. I believe that society's experience in other areas such as mental retardation demonstrates that alternatives to institutionalization are possible.

The National Institute of Health Care Delivery would also be given the important assignment of developing and testing systems and technical components of emergency health care and services—including at least one experimental statewide helicopter transportation emergency care system—which utilize, where possible, the skills of returning military corpsmen. This is a neglected area and has been called the "hidden crisis in health care" by Secretary Du Val. Injuries are the chief killer of Americans aged 1 through 38. All of us are potential victims. Yet, the fact is that a trauma victim in Vietnam probably has a better chance of survival than an accident victim in the United States. This is because the military, during the Second and Korean wars developed a highly organized system for transporting and caring for the emergency victim. This procedure has been perfected in Vietnam to such an extent that Secretary of Defense Laird recently was able to declare that the death rate of such victims in Vietnam was near zero.

The technology and know-how is there; all we have to do is organize on a rational basis and apply these lifesaving methods. Heart attack victims could also benefit from improved emergency care arrangements. Some experts have estimated that prompt and early care might potentially save 150,000 heart attack victims annually. My own State of Maryland, for example, is pointing the way in this area with its Trauma Center at the University of Maryland and its three helicopters now in operation. With four or five more helicopters, this system could be statewide and the director of the center, Dr. R. A. Cowley, predicts that accident deaths in Maryland could be cut by one-half in 2 years.

The Institute would also examine the various life styles, including the environmental, recreational, and nutritional factors that bear on an individual's health and the development of methods and materials to convey the significance of personal decisions on individual health. Health problems cannot be viewed in the context of medical care alone. For the disadvantaged, it is well to note that the steps taken to assure proper nutrition, safe and sanitary housing, and clean environment may have an equal, if not greater, impact than improving medical health.

Similarly, for all Americans such indulgences as smoking, drinking, excessive eating, and inadequate exercise contribute to the enormous toll in heart disease, cancer, and so forth. Education of and will power by our citizens are needed in this fight for better health, for the price of such pleasures is high, indeed. Disturbingly, the February 17 Time magazine medicine section carried a story not only indicating considerable public ignorance in health care, but also that the public knows much less about health than they think they do. Furthermore, even when they know the benefits of good health practice such as regular exercise, less than one-half of those knowing about the benefits were doing anything about it.

As Prof. Anne R. Somers, of the Rutgers Medical School, said:

> What is desperately needed—along with reforms in the delivery and financing systems—is a massive program of consumer health education.

This is certainly one of the keys to a more healthy America and the Institute would develop educational materials and methods to alert the public to the importance of personal decisions and actions on health.

TRAINING AND TECHNICAL ASSISTANCE

The Institute would also develop methods and support for training of individuals to plan and conduct research, development, demonstration, and evaluation of health care delivery and provide technical assistance and develop methods for the transfer of new knowledge, components, and systems to the health community. The Institute will be authorized to exchange information and to collaborate with other countries for the advancement of health care delivery in the United States. The Institute and its affiliated centers will also provide an opportunity for individuals from industry, local and State government and Federal agencies to receive training.

In addition, "alumni" of the Institute and centers will be available for administrative and policy making positions in the health community.

MAJOR EVALUATION ROLE

The new Institute will also have a major evaluation role. The Institute will evaluate the quality, effectiveness and efficiency of Federal health programs, including medicare, medicaid, and the maternal and child health programs of the Social Security Act. For such evaluation, the Secretary of Health, Education, and Welfare is authorized to transfer the evaluation funds appropriated pursuant to section 513 of the Public Health Service Act as he deems necessary.

The Institute will have more expertise, talent, and objectivity for evaluation of programs than probably any other Federal agency, and I believe that utilization for this purpose will be exceedingly desirable. There is general agreement that more and improved evaluation efforts are needed.

EXPERIMENT INCENTIVES

The legislation also provides for supplemental incentive grants to encourage experimentation. The basic thrust of this section is that when the National Advisory Council designates a project or a health facility as essential to the research and development efforts of the Institute or centers and where it was determined that such experimental efforts would not be undertaken without this incentive, the Director could increase or supplement the regular Federal grant-in-aid health programs up to 80 percent.

For example, under Hill-Burton, the Federal program for health facility construction and modernization, the Federal matching in general cannot exceed two-thirds. Assuming that a particular facility was designated as essential, this section would enable the facility to receive 80 percent Federal matching. Not more than 10 percent of the funds authorized by this legislation could be used for these incentive grants to encourage experimentation.

REPORTS

The Director of the institute, within 1 year after his appointment and prior to February 1 of each year thereafter, is required to prepare and submit to the Secretary of Health, Education, and Welfare for transmittal shortly thereafter to the President and the Congress a written report including: First, an appraisal of the institute's activities, and accomplishments; second, a summary of its significant research and development findings; third, an identification and recommendation concerning those factors or barriers which inhibit implementation of the institute's significant findings or prevent innovation in health care.

ACTIVE ADVISORY COUNCIL

The institute will have a prestigious National Advisory Council on Health Care Delivery. This council will have 21 members, including the Secretary of Health, Education, and Welfare, the chief medical officer of the Veterans' Administration, a medical officer designated by the Secretary of Defense, the Director of the National Institutes of Health, the Administrator of the Health Services and Mental Health Administration, and the Director of the National Institute of Health Care Delivery as ex officio members. The other 15 members will be selected by the President from persons who are leaders in the field of medical science, or the organization, delivery or financing of health care; leaders in the management sciences; or representatives of consumers of health care. In selecting the membership of this council, it is my intention that the President search for the most distinguished and talented individuals available. While legislation does not spell it out, it is my intention that at least one of the council members be a practicing physician. At least seven of the council members must be representatives of consumers. The President will designate the chairman of the council and they will meet at the call of the chairman, but not less than four times a year.

The bill contemplates an active council and specific responsibilities are delineated in the legislation. The council will be responsible for reviewing the programs, policies, and priorities of the institute; examining and coordinating health care delivery efforts within the Department of Health, Education, and Welfare and other Federal agencies so as to avoid duplication; accuring that significant research and development findings are communicated throughout the health system and to the public; and evaluating the impact that the institute's research and development efforts are having on the health care system.

The council will be independent and will have its own executive director. If the council is to enjoy the independence that the legislation envisions, it is important that it have a top staff person accountable only to the council.

The council under the measure would also be required to submit as an appendix to the director's report, which I previously discussed, a summary of the progress of the institute in achieving the bill's objecitves and the council's evaluation of the status of health care delivery research and development in the Nation. Any minority views of council members will also be included in this report.

DISSEMINATING RESULTS

It is not enough merely to produce significant results in research and development. These findings must be disseminated to the health system and to the public. To help assure that this is done, the legislation establishes within the institute a Health Care Information Service. This service would provide, or arrange for, the provision of indexing, abstracting, translating or other services leading to a more effective dissemination of health care delivery information as well as undertaking programs to develop new or improved methods for making such information available.

In drafting this legislation, I have studied the various Federal research and development agencies such as the National Institutes of Health, NASA, the National Science Foundation, and the National Foundation for Postsecondary Education and the National Institute of Education which were included in S. 659 recently passed by the Senate. I have incorporated in my bill many of those administrative provisions which seem to be essential to a successful research and development effort.

NEEDED ADMINISTRATIVE PROVISIONS

Thus, the new institute and centers will have a flexible personnel system to enable the attraction of the most qualified and talented individuals. This will include the authority, when the director deems it necessary, to establish the entrance pay level up to two grades higher than it otherwise would be and the authority to appoint a percentage of the employees without regard to civil service Laws.

The new institute will be granted the authority to carry over unexpended funds from 1 year to the next. This is vital and will permit the institute to provide stable funding for multiyear projects which are important in research and development.

The new institute would be given joint funding authority which will enable the waiver of certain requirements for undertakings where funds are advanced to a single project by more than one Federal agency. The frustrating experience that Johns Hopkins University had in my State when they were moving to establish a prepaid practice program in Baltimore City, illustrates the need for this kind of authority. To put their program together, Johns Hopkins had to deal with 13 different agencies, each with different standards and requirements. Program fragmentation and different and inconsistent rules and regulations almost made the program come apart before it was implemented.

The health programs of the Federal Government are divided in nine departments and at least 1 dozen agencies. There are a number of provisions in my bill aimed at this problem. First, there is a specific provision directing the establishment within the institute of offices and procedures necessary to provide for the greatest possible coordination of research and development under the act with activities conducted by other Federal agencies and public and private agencies.

Second, the National Advisory Council has a specific assignment to examine and coordinate health care delivery efforts of the Department of Health, Education, and Welfare and other Federal agencies so as to avoid duplication.

Third, the President is granted, for a 2-year period, the authority to transfer to the Institute any program or personnel within the Department of Health, Education, and Welfare when he feels such action is desirable.

REGIONAL CENTERS

The legislation also authorizes up to eight regional centers and two special emphasis centers, the Health Care Technology Center and the Health Care Management Center. These centers will serve to broaden and strengthen the Nation's research and development base in health care delivery, enable the study of the different health care delivery problems peculiar to the various regions of the country and most importantly, provide a better link between the research and development activities and actual practice. The location of the regional centers will be determined by the National Advisory Council with the view to the broadest possible geographical distribution of such centers. It is my intention that the centers will be funded by the Federal Government for an initial period of 3 years. Then, following a review of each center's operations, by the Director and upon the recommendation of the National Advisory Council, the Director may extend the centers for additional periods of not more than 3 years. After this period it is my intent that a majority of the center's support will be program support in competition with other institutions. It is expected that the region in which the centers are located will utilize the centers for research, development, and evaluation. Actually, at the end of this initial period the success of the centers will in part be determined by the degree of interest shown in its work by the State and local governments and the health community in the area in which they are located.

HEALTH CARE TECHNOLOGY CENTER

In addition, two special emphasis centers, a Health Care Technology Center and a Health Care Management Center are authorized.

The Health Care Technology Center will focus on all forms of technology, including computers and electronic devices and its application in health care delivery. Our achievements in technology, such as of space, transportation, communication, and data processing have been amazing. Yet, much of the health care system continues to employ outdated manual procedures.

We must wed 20th century technology with 20th century research and this will be the focus of the Health Care Technology Center.

The Senate Labor and Public Welfare Committee, on which I serve, last year heard testimony regarding the potential of the computer. Coupled with new "health care specialists" the committee saw demonstrated a potential way of extending the doctor to remote rural areas which have been unable to attract a physician.

The computer is already being employed in such areas as the interpretation of the electrocardiogram and the automation of history taking. Recently, I visited the University of Maryland Trauma Center and I watched the computer perform a variety of tasks, including the constant monitoring of even the chemical content of the air that the center's severe trauma victims were breathing. I have previously referred to the computer's potential and use with respect to medical records and hospital admissions. The computer, with its unbelievable ability to store large amounts of information, may someday be used by the physician as an aid in diagnosis and decisionmaking.

Mr. President, President Nixon in both his state of the Union and his recent health message emphasized the need to stimulate and apply science and technology to the solution of domestic problems.

In his March 2, 1972, health message, the President properly identified health as a "vital area" for exploiting technology. I believe there is enormous potential for the use of technology that might bring enormous benefits to the public and the patient. Yet, at the present there are only a handful of individuals actively concerned with such problems. The Health Care Technology Center is designed to remedy this situation and serve as the focal point for an accelerated research effort on both program and hardware development. The Technology Center, as well as the institute and the other centers, will provide us with an opportunity to utilize the talents of some of the 100,000 engineers and scientists who are unemployed. Mr. J. H. Holloman, consultant to the president of MIT, and his administrative assistant, Mr. Harger, writing in the January issue of the Professional Engineer on the need for greater Government research and development for civilian purposes, said:

> Addressing, the social tasks directly, perhaps the most important single action that is required is a substantial increase in support for the improvement, both in quality and efficiency, of those public services in which private industry plays only a small role, such as education, and the delivery of health care.

The other special emphasis center, the Health Care Management Center, is most important. This center will focus on the improvement of management and organization in the health field, the training and retraining of health administrators, and the development of leaders, planners and policy analysis in the health field. The job of the managers in the health field is most complex. The modern manager of a health enterprise, if he is to carry out his responsibilities with maximum effectiveness, must have a basic understanding of a wide variety of management skills and some background in such areas as health economics, computer technology, and statistics, to mention a few.

Quite often medical administrators are elevated to these positions without adequate preparation for their new responsibilities. Certainly American industry would make certain that its top executives are adequately trained and the health system must do no less. There is also often the need to provide retraining, as is evidenced by the letter I received from a Boston administrator. He said:

> Practitioners of health care administration, among whom I am one, have been flying by the seat of their pants for too long. The nation deserves better. There is currently no systematic effort I know of to reach decision makers in the health care field with the results of innovative research and to stimulate a research orientation to many of the problems we all face in the financing, organization, and delivery of services. There is moreover, an almost total neglect of more formal continuing education opportunities for health care administrators . . . After ten years or more in the field, many of us are in positions of responsibility and strong in experience but weak in understanding of fundamental advances in health care systems, e.g. the problem-oriented medical record, how to organize a prepaid group practice, the use of television in medical diagnosis and treatment, computer applications to health systems problems, etc.

The administrative officer of each regional center and each special emphasis center will be required to submit annually to the director a report which shall include an audit of expenditures; bibliographies, with annotations, of research performed; and a description of on-going research programs including a summary of significant research and development findings.

The regional and special emphasis centers have a separate authorization of $30 million for the initial fiscal year and a total of $105 million over a 3-year period. Support for a center, other than support for construction, shall not exceed $2 million per year per center except for the Health Care Technology Center, Federal assistance under this section of the bill may be used for research and development, staffing, and other basic operating costs, training, demonstration purposes, and construction where the National Advisory Council deems such is necessary.

PRESENT EFFORT INADEQUATE

It is true that efforts have been under way at the National Center for Health Services, Research, and Development and elsewhere. For the most part, however, the efforts to date have contributed disappointingly little either to solving the problems of the present delivery system or to producing alternative systems. We have inadequate knowledge about the efficiencies and effectiveness of existing experimental efforts. It has been difficult, if not impossible, to compare the experiences under one experimental system directly with another. We do not know what the costs and benefits would be to expand experimental systems. So, where are we today? We know more about the delivery system; but not much more. As a matter of fact, important questions about health care delivery that were raised 10 years ago are being asked today.

The National Center for Health Services, Research, and Development would be transferred to the new institute. This center is presently buried in the Department of Health, Education, and Welfare, being one of the many units of the health services and Mental Health Administration, one of the major health structures of the Department.

At this layer in the Department it lacks visibility and its clout is small. Its organizational structure is weak. It does not have the needed flexibility that other research and development organizations have. It does not have joint funding authority. It does not have the authority to carry over funds from one year to the next. In fact, it does not even have a legislative mandate. I doubt whether many in Congress, other than those with a special interest in health or serving on the Appropriations and Health Subcommittees, know the Center exists. For example, the Center is doing research on manpower problems, but during hearings held last year by the Health Subcommittee, on which I serve, the Center's experts were not called in to testify on the manpower problem.

Most important, it lacks the resources. As I previously noted, since World War II the Nation has invested approximately $20 billion in biomedical research. On the other hand, comparatively small sums have been spent on health care delivery. In fiscal 1972, the National Institutes of Health's, the Federal Government's chief biomedical organization, budget was $2.2 billion, while the National Center for Health Services, Research, and Development was only $62 million.

This was less than the $115 million spent on health by the National Aeronautics and Space Administration in 1970. My proposal would more than double the present effort, authorizing $155 million the first year, $185 million the second year, and $240 million the third year, for a 3-year total of $580 million.

In research and development we frequently hear the words "critical mass." This is an important concept. This term originated in nuclear physics where "critical mass" is defined as the amount of radioactive material needed to produce a self-sustaining nuclear reaction. In research and development, "critical mass" refers to the minimum size and composition needed to achieve the important self-sustaining creative atmosphere for the undertaking. In theoretical basic research, one or two researchers may be the "critical mass." On the other hand, in complex and larger research efforts, the "critical mass" may be hundreds of individuals from many disciplines. In complex and large undertakings where the "critical mass" is not achieved, researchers tend to pursue smaller tasks individually. The smaller efforts of individuals doing their own thing do not often cumulate to produce major efforts. Today we have inadequate numbers of people trained and experienced in this area, and those with this experience are dispersed throughout the Government, universities, and research institutions. As a result, the synergism that can occur when a "critical mass" of people who are problem solvers from many academic disciplines interact has not yet been adequately developed.

There is a general recognition that a health care crisis exists in this Nation. The crisis can be seen in the spiraling medical costs, in the shortage and maldistribution of physicians and other health personnel, and in the inadequate medical care received by too many of our citizens. Even for middle-income Americans, a prolonged illness may spell financial disaster. The fact that emerges from an examination of health care in the United States is that for millions of Americans quality health care is not accessible, available, or affordable.

Congress and the administration have taken steps in response to this crisis. Last year, we enacted the Comprehensive Health Manpower Training Act and the parallel Nurses Training Act. These landmark measures were designed to provide the Nation with the necessary manpower, a key element, if we are to overcome deficiencies in health care. Health maintenance organization legislation will soon be the subject of committee hearings.

Second, both Houses of Congress are examining the financing issue. I am convinced that a consensus will be reached on this issue, at least by the end of the next Congress. The medicare program has demonstrated that the resolution of the financing issue alone will not result in an end to our health care problems. Medicare has been a blessing to senior Americans and they are clearly benefiting from the program. Medicare has not been a panacea for health problems. For example, medicare has not solved the problems of those living in ghettos or in rural areas where medical services are hard to come by. Indeed, the evidence suggests that medicare, by increasing the demand for health services, without preparing the health system to meet the increased demand, likely contributed to the dramatic health care cost increases. Experience thus tells us that the settlement of the financing issue alone will not assure the delivery of health care to our citizens.

As the Federal Reserve Bank of Philadelphia noted in its September 1971 Business Review:

> Government programs that attempt to achieve this goal by simply injecting massive doses of dollars into the veins of the existing medical care systems may be at best, inefficient, and at worst, self-defeating. The underlying issue at stake is the ability of the medical care industry as it currently operates to deliver the increased level of services that may be demanded under Government financed programs or insurance.

CONCLUSION

The proposal I advance today is aimed at improving health care delivery. This proposal will make health care delivery a field of research in its own right. I believe that health care delivery must be made as important as medical research. It is my position that, to deliver the benefits of medical research and the scientific discoveries system to the American people, we need an organization of equal status and visibility as the National Institutes of Health and that we must invest the resources necessary to do the job.

The Science editorial to which I referred earlier in my speech said in support of my proposal.

> A major tour de force is needed now—an administrative mandate backed by appropriate funding—to dramatize the importance of rational organization and planning services . . . if the magnificent benefits of American medical research are meant for all of our people then an effective science of health care delivery is as important as the medical research itself.

I believe that my proposal to establish a new National Institute of Health Care Delivery will provide the legislative mandate, the necessary research and development structure, the wise management, and the required resources to make it so. I urge early and favorable consideration of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act shall be known as the National Institute of Health Care Delivery Act of 1972.

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress of the United States finds—

(1) that the United States faces a crisis in health care;

(2) that health care costs have increased in the last five years twice as fast as the general cost of living;

(3) that there exists an acute shortage and maldistribution of physician and other medical manpower in inner city and rural areas;

(4) that millions of Americans do not have access to quality health care;

(5) that since World War II the United States has invested approximately $20,000,000,000 in biomedical research, and that this investment has resulted not only in wide recognition of the preeminence of biomedical research in the United States, but also produced many, often spectacular, advances in medical science;

(6) that during the same period comparatively few resources were invested to deliver the discoveries of medical research and technology to our citizens;

(7) that the American public is concerned with the gap between the knowledge and capabilities of medical science and what is delivered to the patient, and that this is a source of public discontentment and dissatisfaction;

(8) that significant changes regarding the health care system have been proposed and may be implemented in the near future;

(9) that the potential costs and benefits associated with the various proposals are largely unknown; and

(10) that, inadequate attention, emphasis, and resources have been devoted to health policy analysis and health care delivery.

(b) It is the purpose of this Act to establish a National Institute of Health Care Delivery and regional and special emphasis centers to improve health care delivery and to help speed the delivery of the benefits of medical science and the scientific discovery system to the people of the United States.

SEC. 3. The Public Health Service Act is amended by inserting after title X the following new title:

"TITLE XI—NATIONAL INSTITUTE OF HEALTH CARE DELIVERY

"DEFINITIONS

"SEC. 1101. For the purposes of this title—

"(1) the term 'health care delivery' includes all aspects and interrelationships of the organization, financing, and provisions of direct health services to individuals, families, and groups for the purposes of prevention, care, rehabilitation, restoration, and maintenance of function, and related health services essential to good health.

"ESTABLISHMENT OF INSTITUTE

"SEC. 1102. (a) There is hereby established in the Department of Health, Education, and Welfare a National Institute of Health Care Delivery. The Institute shall carry out a multidisciplinary research and development program to improve delivery of health care services and shall be the principal Government agency for improvement of health care in the United States.

"(b) The Institute shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years. There shall be in the Institute a Deputy Director, who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The Deputy Director shall perform such functions as the Director may prescribe and shall be the Acting Director during the absence or disability of the Director or in the event of a vacancy in the position of Director. Upon the expiration of his term, the Director and Deputy Director shall continue to serve until his successor has been appointed and has qualified.

"(c) The Director is authorized to appoint within the Institute not to exceed four Assistant Directors.

"FUNCTIONS OF THE INSTITUTE

"SEC. 1103. (a) It shall be the function of the Institute to pursue methods and opportunities to improve and advance the effectiveness, efficiency, and quality of health care delivery in the States, regions, and communities of the United States, through initiation support of studies, research, experimentation, development, demonstration, and deevaluation of, but not limited to, the following areas and subjects—

"(1) the existing health care system, emphasizing means and methods to improve such system and the devising and testing of alternative delivery systems;

"(2) health care systems and subsystems in States, regions, and communities which give special attention to the effective combination and coordination of public and private methods or systems for health care delivery;

"(3) preventive medicine and the techniques and technology, including multiphasic screening and testing, to improve the early diagnosis and treatment of diseases, particularly for preschool children.

"(4) systems and technical components of emergency health care and services (including at least one experimental statewide helicopter transportation emergency care system), which utilize, where possible, the skills of returning military corpsmen;

"(5) systems and components of rural health services;

"(6) the development of policy with respect to long-term care, particularly for mentally and physically handicapped individuals and senior citizens, with special emphasis on alternatives to institutionalization, including the use of home health aides;

"(7) methods to meet the Nation's medical manpower requirements, including new types of manpower and their utilization and the extent to which tasks performed by physicians and other health professionals may be safely delegated to other appropriately trained individuals in both new and existent health occupations;

"(8) continuing education and the exploration of programs and methods to help health professionals to stay abreast of current developments and to maintain professional excellence;

"(9) health manpower credentialing, licensing, and certification;

"(10) the medical malpractice program, particularly as it relates to quality care, the practice of 'defensive medicine' and added costs to the public;

"(11) programs for educating health manpower and the accreditation of such education programs;

"(12) application of all forms of technology, including computers and other electronic devices, in health care delivery;

"(13) the efficiency, management, and utilization of new and existing health care facilities including studies of admission practices and examination of cost-finding techniques;

"(14) the development of tools and methods to improve planning, management, and decisionmaking in the health care system;

"(15) the development of information by which quality, efficiency, and cost of health care may be measured;

"(16) the development of uniform accounting practices, financial reporting, and uniform health records;

"(17) the development and testing of incentive payment mechanisms that reward efficiency in health care delivery without compromising the quality of care;

"(18) the needs of individuals, families, and groups for health care and related services, emphasizing the various life styles, including environmental, recreational, and nutritional factors that bear on an individual's health; identification of those factors affecting acceptance and utilization of health care and related services; and the development of educational materials and methods communicating to the public the importance of personal decisions and actions on health;

"(19) the economics of health care and related services, and the impact of the total system of health care delivery and related services upon the standards of living and the general stability of the national economy;

"(20) proposals for the financing of health care, including the potential cost and benefits, and their impact on the health care system;

"(21) concepts and data essential to formation of a factual basis for national health policies; and

"(22) the effects on health care delivery of the organization, functions, and interrelationships of Federal, State, and local governmental agencies and programs concerned with planning, organization, and financing of health care delivery.

"(b) The Institute shall (1) develop methods for, and support of, training of individuals to plan and conduct research, development, demonstrations, and evaluation of health care delivery and related services; (2) provide technical assistance and development of methods for the transfer of new knowledge, components, and systems to public and private agencies, programs, institutions, and individuals engaged in the improvement of health care delivery; (3) collaborate with governments and private care institutions and programs in foreign countries for the exchange of information and support of research, experiments, demonstrations, and training in order to advance health care delivery in the United States and cooperating nations.

"(c) The Institute shall evaluate the quality, effectiveness, and efficiency of Federal health programs, including titles V, XVIII, and XIX of the Social Security Act, in improving the delivery of health care to the Nation's citizens. For the purposes of this subsection the Secretary is authorized to transfer to the Institute such funds as may be necessary pursuant to section 513 of this Act.

"ADMINISTRATIVE PROVISIONS

"SEC. 1104. (a) In order to carry out the provisions of this Act the Director is authorized to—

"(1) make grants to States, political subdivisions, universities, hospitals, and other public or nonprofit private agencies, institutions, or organizations for projects for the conduct of research and development, experiments, studies, demonstrations, and training of individuals to plan and conduct such projects;

"(2) make contracts with public or private agencies, institutions, or organizations for the conduct of research and development, experiments, studies, demonstrations, and the training of individuals to plan and execute such contracts;

"(3) appoint and fix the compensation of the personnel of the Institute in accordance with chapter 51 of title 5, United States Code, except that (A) to the extent that the Director deems such action necessary to recruit men and women of exceptional talent, he may establish the entrance grades for personnel at a level of two grades higher than the grade level provided for such personnel under the General Schedule established by such title and fix their compensation accordingly, and (B) to the extent that the Director deems such action necessary to the discharge of his responsibilities, he may appoint personnel of the Institute without regard to civil service or classification laws, except that personnel appointed under such laws do not exceed at any one time one-third of the number of full-time regular technical or professional employees of the Institute;

"(4) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in him or in the Institute and delegate authority to any officer or employee under his direction or his supervision;

"(5) acquire (by purchase, lease, condemnation, or otherwise) construct, improve, repair, operate, and maintain research and other necessary facilities and equipment and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary;

"(6) to acquire by lease or otherwise from the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years without regard to the Act of March 3, 1877;

"(7) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"(8) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act;

"(9) utilize with their consent the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

"(10) accept voluntary and uncompensated services notwithstanding the provisions of section 665(b) of title 31, United States Code;

"(11) accept unconditional gifts or donations of services, money, or property, real or personal, mixed, tangible or intangible;

"(12) allocate and expend or transfer to other Federal agencies for expenditure funds made available under this title as he deems necessary;

"(13) establish within the Institute such offices and procedures as may be appropriate to provide for the greatest possible coordination of activities under this title with related research and development activities being carried on by other public and private agencies and organizations; and

"(14) take such other actions as may be required for the accomplishment of the objectives of this title.

"(b) Upon requests made by the Director, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, information, and statistics available, to the greatest practicable extent, consistent with other laws, to the Institute in the performance of its functions with or without reimbursement.

"(c) Each member of a committee appointed pursuant to paragraph (8) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties including traveltime. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"COMPENSATION

"SEC. 1105. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(95) Director, National Institute of Health Care Delivery.'

"(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(131) Deputy Director, National Institute of Health Care Delivery.'

"JOINT WAIVER FUNDING AUTHORITY

"SEC. 1106. Where funds are advanced for a single project by more than one Federal agency for the purposes of this title, the Director of the Institute may act for all in administering the funds advanced and a single non-Federal share requirement may be established according to the proportion of the funds advanced by each Federal agency. The Director may order any such agency to waive any technical grant or contract requirement which is inconsistent with the similar requirements of the Institute or which the Institute does not impose.

"TRANSFER OF RESEARCH FUNDS OF OTHER GOVERNMENT DEPARTMENTS AND AGENCIES

"SEC. 1107. Funds available to any department or agency of the Government for health care delivery research and development, or for the provision of facilities therefor shall be available for transfer with the approval of the head of the department or agency involved, in whole or in part, to the Institute for such use as is consistent for the purposes for which such funds were provided, and funds so transferred shall be expendable by the Institute for the purposes for which the transfer was made.

"TRANSFER OF NATIONAL CENTER FOR HEALTH RESEARCH AND DEVELOPMENT

"SEC. 1108. (a) The National Center for Health Services Research and Development is hereby transferred from the Health Services and Mental Health Administration to the Institute.

"(b) Subject to the provisions of this section, the President, for a period of two years after the date of enactment of this title, may transfer to the Institute any functions (including powers, duties, activities, facilities, and parts of functions) of the Department of Health, Education, and Welfare or of any officer or organizational entity thereof which relate primarily to the functions, powers, and duties of the Director as described by this title. In connection with any such transfer the President may, under this section or other applicable authority, provide for appropriate transfers of records, property, personnel, and funds.

"NATIONAL ADVISORY COUNCIL ON HEALTH CARE DELIVERY

"SEC. 1109. (a) There is hereby established a National Advisory Council on Health Care Delivery (hereafter referred to as the Council) to be composed of twenty-one members. The Council shall consist of the Secretary of Health, Education, and Welfare, the Chief Medical Officer of the Veterans' Administration, a medical officer designated by the Secretary of Defense, the Administrator of the Health Services and Mental Health Administration, the Director of the National Institutes of Health, and the Director of the National Institute of Health Care Delivery who shall be ex officio members and an additional fifteen members not otherwise of the regular full-time employee of the United States to be appointed by the President without regard to civil service laws. The appointed members shall be persons who are leaders in the field of medical sciences or in the organization, delivery, or financing of health care, (2) leaders in the management sciences, or (3) representatives of the consumers of health care. At least seven of the appointed members shall be representatives of the consumers of health care.

"(b) The President shall designate a Chairman of the Council. The Council shall meet at the call of the Chairman but not less than four times a year.

"(c) Each appointed member of the Council shall hold a term of four years except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, except that the terms of the office of the members first taking office shall expire as designated by the President at the time of appointment, three at the end of the first year, four at the end of the second year, four at the end of the third year, and four at the end of the fourth year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two terms.

"(d) Appointed members of the Council shall receive compensation at rates not to exceed the daily rate prescribed for GS-18 actual performance of their duties, including under section 5332, title 5, United States Code, for each day they are engaged in the traveltime, and while so serving away from their homes or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistance, in the same manner as the expense authorized by section 503, title 5, United States Code, for persons in the Government service employed intermittently.

"(e) The Chairman of the Council, with the concurrence of a majority of the Council members, shall appoint an Executive Secretary of the Council. The Executive Secretary may be appointed without regard to civil service laws and may be compensated at a rate not exceeding the appropriate rate provided for individuals in grade GS-18 under section 5332, title 5, United States Code, as may be necessary to provide for the performance of duties as may be prescribed by the Council in connection with his duties under this Act. The Director of the Institute shall make available to the Council such additional staff, information, and other persons as it may require to carry out its activities.

"(f) The Council shall—

"(1) review programs, policies, and priorities of the Institute, and centers established under section 1113, and advise the Director on the development and conduct of the programs of the Institute and centers;

"(2) examine and coordinate health care delivery efforts within the Department of Health, Education, and Welfare and other Federal departments and agencies so as to avoid duplication; and

"(3) assure that significant research and development findings of the Institute and centers are being disseminated to the health care system, and evaluate the extent such findings are making an impact on the health care delivery system.

"(g) The Council shall submit as an appendix to the report required by section 1110 of this Act, its report on the progress of the Institute and centers toward the accomplishment of the objectives of this title, and the status of health delivery research development in the United States including any minority views of the Council members.

"REPORTS

"SEC. 1110. The Director shall, within one year after the date of his appointment and prior to February 1 of each year thereafter, prepare and submit to the Secretary for his transmittal to the President and the Congress a written report that shall include:

"(1) an appraisal of the activities and accomplishments of the Institute and the centers;

"(2) bibliographies with annotations of research performed or supported and a summary of the significant research and development findings which show promise (given due consideration to the cost, benefits, and the quality of health care program) of improving health care delivery or increasing the productivity of health care systems; and

"(3) identification and recommendations concerning those factors or barriers which inhibit implementation of the significant research and development findings of the Institute and centers or that prevent innovation in health care.

"HEALTH CARE DELIVERY INFORMATION SERVICES

"SEC. 1111. There is created within the National Institute of Health Care Delivery an Office of Health Care Delivery Information Services. Such Office shall provide—

"(1) for the provision of indexing, abstracting, translating, and other services leading to a more effective dissemination of information on research and development in health care delivery, to public and private agencies, institutions, and individuals engaged in the improvement of health care delivery and the general public; and

"(2) undertake programs to develop new or improved methods for making such information available.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1112. For the purposes of carrying out the provisions of this Act (except for the provisions of section 1113) there are authorized to be appropriated $125,000,000 for the fiscal year ending June 30, 1973; $150,000,000 for the fiscal year ending June 30, 1974; and $200,000,000 for the fiscal year ending June 30, 1975. Any unexpected sums appropriated pursuant to this section may be carried over without fiscal year limitations.

"REGIONAL AND SPECIAL EMPHASIS CENTERS

"SEC. 1113. (a) In order to strengthen the Nation's research and development base in health care delivery, to enable the examination and study of health care delivery problems of the various regions of the United States, and to link better research and development findings with actual practice, the Director is authorized to enter into cooperative arrangements with public or private nonprofit agencies or institutions to pay all or part of the cost of planning, establishing, and providing basic operating support for (1) not to exceed eight regional centers to carry out multidisciplinary research and development in health care delivery, and (2) two national special emphasis centers, one of which shall be designated as the Health Care Technology Center, to focus on all forms of technology, including computers and electronic devices, and its application in health care delivery; and one which shall be designated as the Health Care Management Center, to focus on the improvement of management and organization in the health field, the training and retraining administrators of health care enterprises, and the development of leaders, planners, and policy analysts in the health field.

"(b) Federal payments under this subsection in support of such cooperative agreements may be used for—

"(1) construction to the extent that the National Advisory Council determines such construction is necessary;

"(2) staffing and other basic operating costs;

"(3) research and development;

"(4) training; and

"(5) demonstration purposes.

Support under this subsection other than support for construction shall not exceed $2,000,000 per year per center, except for the Health Care Technology Center, and may be funded for an initial period of not to exceed three years. The Director, following a review of each center's operation and upon the recommendation of the National Advisory Council, may extend the centers for an additional period of not more than three years each.

"(c) The location of the regional centers authorized by subsection (a) shall be determined by the National Advisory Council with a view, to the extent possible, of broad geographical distribution of such centers.

"(d) The administrative officer of each regional and national special emphasis center shall transmit annually to the Director a report which shall set forth (1) an audit of expenditures in accordance with generally accepted accounting procedures, (2) bibliographies, with annotations, of research performed, and (3) a description of ongoing research programs including a summary of significant research and development findings.

"(e) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1973; $35,000,000 for the fiscal year ending June 30, 1974; and $40,000,000 for the fiscal year ending June 30, 1975. Any unexpended sums appropriated pursuant to this subsection may be carried over without fiscal year limitations.

"SUPPLEMENTAL INCENTIVE GRANTS TO ENCOURAGE EXPERIMENTATION

"SEC. 1114. (a) In order to encourage individuals, institutions, and health facilities to participate in research and demonstration projects, which without the incentive assistance provided under this section would not otherwise be carried out, and which have been designated by the National Advisory Council as essential, the Director is authorized to provide funds to be used to increase the Federal contribution to such projects under Federal grant-in-aid programs above the fixed maximum portion of the cost of such projects otherwise authorized by an applicable law. Funds shall be so provided for Federal grant-in-aid programs for which funds are available under the Acts authorizing such programs and shall be available without regard to any appropriation authorization ceiling in such Acts.

"(b) The Federal portion of such cost shall not be increased in excess of the percentage established by the Director, and shall in no event exceed 80 per centum thereof.

"(c) The term 'Federal grant-in-aid program' as used in this section means those Federal grant-in-aid programs in the health area authorized on or before December 31, 1971.

"(d) Not to exceed 10 per centum of the funds authorized by this title shall be available to carry out this section."

EXHIBIT A

THE TOPSY-TURVY WORLD OF HEALTH-CARE DELIVERY

In a recent speech Senator J. Glenn Beall, Jr. (R-Md.), called for the establishment of

a National Institute of Health-Care Delivery.[1] In so doing, he has focused attention on a national problem of broad scale and transcendent urgency.

Over the years the American people have prided themselves on being the best clothed, best fed, best housed, best educated, and healthiest people in the world. But recent health statistics give cause for concern. Across the board, we are not the healthiest people in the world, in spite of a number of impressive facts. The nation has spent some $20 billion on biomedical research since the late 1940's. We now have more physicians and hospitals than ever before. And currently we spend for health services more—and the rate of expenditure is escalating more rapidly—than we have ever done before. In the last decade alone, physicians' fees have risen twice as rapidly and hospital charges four times as fast as other items in the Consumer Price Index.

The situation is a complex one. Certainly, the balance among the diseases has shifted toward the degenerative disorders. But, in addition, there are striking geographic variations in the availability of health resources. There are marked differences in availability for urban and rural populations and for the poor and the more affluent. Most insurance coverage is inadequate in that it excludes outpatient and preventive services and only partially accommodates catastrophic incidents. And, generally, resources, particularly those for unusual treatment, are poorly utilized everywhere. (If, for example, the utilization of health-care resources were improved by only 10 percent, the saving would be $5 billion. But, with a high proportion of third-party payments, there is little incentive for efficiency. Instead, the trend is to use the higher-cost facilities and services and to make as many of these available as possible.)

The essential ingredients of the Beall proposal merit serious examination. By 1970, health-care delivery had become the nation's second largest industry. But last year only $18 million was spent on research in this area. No other industry can make such a claim. The National Institutes of Health are charged with the technical aspects of prevention and treatment. The Health Services and Mental Health Administration is concerned with health-care delivery, but it has other responsibilities as well. A major tour de force is needed now—an administrative mandate backed by appropriate funding—to dramatize the importance of rational organization and planning of services, even though such action would add yet another agency to the welter already existing in the health field. Future legislation would do well to direct its sole attention to the social sciences, both basic and applied, which underlie effective organization and management. Furthermore, the importance of testing and evaluation should receive significant consideration. Already, a number of alternative systems—for instance, group practice, private prepaid care, a variety of community health-care schemes, and health maintenance organizations—are in various stages of design and development, and a nation with an established scientific tradition must certainly recognize the importance of pilot projects.

If the magnificent benefits of American medical research are meant for all of our people, then an effective science of health-care delivery is as important as the medical research itself.—William Bevan.

By Mr. MANSFIELD for Mr. JACKSON:

S. 3330. A bill to establish a national policy for the management, conservation, use, and development of the Nation's natural resources, to provide for the establishment of a Board on Natural Resources Planning and Policy, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I submit a statement prepared by him and introduce a bill, and I ask that they be printed in the RECORD and that the bill be appropriately referred.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE NATIONAL RESOURCE PLANNING AND POLICY ACT

(Statement by Senator JACKSON)

Mr. President, I introduce for appropriate reference the "National Resources Planning and Policy Act".

This measure would provide for the establishment of a coherent long-range policymaking capacity for the management of the Nation's natural resources. The purpose of the bill is to declare a national policy concerning the management, conservation, use and development of minerals, fuels, and other natural resources. In addition, it would establish a three member Board on Natural Resources Planning and Policy in the Executive Office of the President. The Board would insure that Federal policy is continuously reviewed and implemented.

Mr. President, our increasing demands upon the Nation's limited natural resource base and our growing energy requirements can no longer be met with the *ad hoc*, "crisis" oriented management philosophy of the past. The Federal government, in my view, is neither properly organized nor sufficiently informed to manage our increasingly scarce natural resource base in a manner which will insure that our social, economic, and environmental requirements are adequately fulfilled and that national goals are met.

The legislation I introduce today would go far toward the development of centralized, coherent and consistent Federal natural resources policymaking. It would draw upon the experience of the National Resources Planning Board in the early 1940's and upon a number of the concepts embodied in my earlier legislation, the National Environmental Policy Act.

The National Resources Planning and Policy Act would declare improved organization, policymaking, planning and management of our natural resources to meet national, economic, social and environmental requirements to be a new national goal. The Act would state new national policies for the management, conservation, use, and development of natural resources. Among others, these policies would be concerned with the development of new technologies; better monitoring and data collection; research on new methods to produce more efficient and cleaner energy sources; and better decisionmaking and coordination of activities within the Federal government.

The Board on Natural Resources Planning and Policy would have three members. Their duties would include: the coordination and improvement of all Federal programs and activities in the natural resources and energy fields; the conduct of studies and research; the responsibility, where appropriate, to insure that technical and economic information accompanies environmental impact statements; the recommendation of policy changes and new programs or actions; and the recommendation, jointly with the Council on Environmental Quality, of alternatives to Federal actions enjoined by the courts.

One of the most important assignments of the Board would be the preparation and transmittal to Congress of an annual Natural Resources Report. This Report would meet the need for a continuing assessment of present and projected natural resources requirements; research and development efforts concerning natural resources; data collection and monitoring activites; and efforts to develop applied technology. With this informational base and annual assessment of problems and opportunities, Congress and the Executive Branch would, I believe, be greatly assisted in the preparation and implementation of needed policies for the management, conservation, use, and development of our natural resources.

With the phenomenal growth of government over the past two decades and the assumption of important, new governmental mandates in many fields, it has become painfully evident that institutions must be established which can provide consistent and full-time policy review of the activities and the direction of the many resources management agencies of government. The National Environmental Policy Act (NEPA) provided a procedural means in the requirement for an environmental impact statement and an institution in the Council on Environmental Quality (CEQ) which have greatly diminished Federal activities which have unwarranted adverse impacts upon environmental values. The CEQ and the Environmental Protection Agency have, indeed, been truly effective in internalizing environmental values in Federal agency decisionmaking and establishing a healthy and quality environment as a new national goal.

It is my view that an institution similar to the CEQ is needed to improve the management of public resources.

The National Resources Planning and Policy Act like NEPA, is specifically designed to give the President the institutional and policy tools necessary to improve governmental planning and natural resources management. The Office of the Presidency historically has great difficulty in introducing new value perceptions and new national goals into the on-going processes of old line Federal agencies. This is because with age these agencies tend to become moribund; their world view shortens; their primary thrust becomes defensive and protective of practices, policies and goals announced or applied in earlier times and for different problems.

An institution, equipped with a fresh and less restricted mandate, staffed by competent personnel, and unencumbered with specific programs can provide the President with an objective viewpoint to balance against the institutional view old line agencies come to share with their respective constituencies in the Congress, in industry, and among the public. Even though personnel of the Executive Offices of the Presidency may be aware of agency policy and institutional inadequacies, they often lack the time and the expertise to sort out the problems and inefficiencies.

At present, the responsibility for the planning and management of our minerals, fuels and other natural resources is hopelessly balkanized among a multitude of Federal departments, independent agencies, and offices. More important, there is no central place in the Federal government which provides continuing oversight and overall policy review outside of the Office of Management and Budget (OMB). And on those occasions when OMB does attempt to fulfill a central decisionmaking role in resources planning, the decisions are usually based on short-term fiscal considerations. Fiscal specialists, in my view, should not be called upon to evaluate goals and to set policies to meet national goals. The history of the Santa Barbara oil spill demonstrates what happens when resource management decisions—in this case the leasing of public lands—are made on the basis of budgetary factors.

Furthermore, it is not realistic to expect that the Council on Environmental Quality (CEQ) can fulfill the proper policy role in both the environmental and the natural resources fields. CEQ already has its hands full attempting to recommend to the President both immediate responses to present environmental problems and long-term policies and programs to insure permanent protection and enhancement of the environment. In fact, the President has recommended a national environmental policy institute to relieve CEQ of a portion of its present burden. Thus, the Council has not fulfilled, and cannot be expected to fulfill simultaneously many of these same duties of policy review and coordination for natural resources development programs. The Council should, however, be fully responsible for insuring that environmental values are properly considered in the natural resources field as well as the full range of other Federal policy areas.

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[1] J. Glenn Beall, Jr., "A proposed institute of health-care delivery," *Congr. Rec.*, vol. 117, pt. 25, p. 19852.

In natural resources management, unlike environmental management, the Nation has previously attempted to develop and implement national policies. Despite its limitations, the National Resources Planning Board created in 1939, and its predecessors, did provide the country with valuable practical experience in resources planning and policy-making.

In his reorganization plan, the President has recognized the inadequacy of existing arrangements and has proposed a partial answer in the establishment of a Department of Natural Resources. However, even if the Department, as now proposed, were to be established, it would lack jurisdiction over or ability to coordinate the programs of many significant Federal departments and agencies which have a tremendous influence on resource policy and adequacy. Those include the Tennessee Valley Authority, the developmental activities of the Atomic Energy Commission, the Rural Electrification Administration, the Federal Highway Program, the resources requirements engendered by the Federal housing programs, and the vast water resource management responsibilities of EPA, DOT, HUD, PFC and other agencies.

The DNR proposal should receive objective consideration for its potential impact upon the few programs actually involved. It must not, however, be regarded as a panacea for all of our organizational ills in the resource field. Careful examination of the proposal regarding energy, water, or any major resource area will show clearly that a large part of the Federal management responsibility would remain outside of DNR. This is not surprising nor is it necessarily a fault. There is no ideal way to aggregate the Federal establishment into 4, 8, 16, or even 100 parts; each of which could then operate in a well defined, autonomous subject area. Whenever one function is consolidated, other important functions are dissected.

From time to time it is appropriate to regroup the existing programs and agencies to more nearly reflect current priorities and needs of society. But it is no longer sufficient to settle for the functional approach to organization of the Brownlow and Hoover Commissions or the Ash Council. The great objectives of government—such as economic welfare, environmental management, national security, and resource development are too broad and too pervasive to be managed simply by accumulating some of the functional agencies under one operating department.

These major concerns represent viewpoints from which the entire system of government must be observed and guided. We have developed this "system approach" to management, above the Departmental level, in a number of areas. The most recent application is that of environmental management. We drew upon experience with the Council of Economic Advisors in establishing CEQ. In this proposal, I am again drawing upon proven management mechanisms to deal with another great "system" of governmental responsibility—the management of natural resources.

S. 3330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Resources Planning and Policy Act of 1972".

PURPOSES

SEC. 2. The purposes of this Act are to declare a national policy for the management, conservation, use, and development of natural resources; to promote efforts which will insure the early anticipation of problems concerning, and the timely planning and wise management of, the Nation's natural resources; to insure the availability of natural resources necessary for the health, welfare, environmental, and economic requirements of man; to improve understanding and knowledge of the Nation's natural resources base; to improve the quality of the human environment; and to establish a Board on Natural Resources Planning and Policy.

TITLE I

DECLARATION OF A NATIONAL POLICY ON NATURAL RESOURCES

SEC. 101. (a) The Congress, recognizing the profound importance of the Nation's finite natural resources base to the quality of human life, to beneficial economic growth, to man's health and social welfare, to a livable physical environment, and to cultural and recreational opportunities, and recognizing further that the Nation is entering a critical period of increasing demand upon its limited natural resources, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, to foster and promote better natural resources planning and management to the end that conditions will be maintained under which the social, economic, environmental, and cultural needs and aspirations of present and future generations of Americans may be fulfilled.

(b) To carry out the policy set forth in this Act, it is the continuing responsibility of all agencies of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal policies, plans, functions, programs, and activities—

(1) assure that the responsibilities of each generation to provide for the social, economic, and material needs of succeeding generations; are fulfilled;

(2) assure for all Americans safe, healthful, clean, and productive sources of minerals, fuels, and other natural resources necessary to their well-being;

(3) provide a just and equitable sharing of the material benefits derived from the exploitation and use of commonly owned natural resources;

(4) conserve essential natural resources which are in short supply for their highest and best social uses, both current and future;

(5) promote planning and management policies and practices which will insure the conservation and continuing availability of renewable resources;

(6) initiate and support the discovery and development of new and alternative supplies of minerals, fuels, nonfuel sources of energy, and other natural resources;

(7) foster technological advances which will reduce waste, promote recycling, and increase the efficiency of man's use of minerals, fuels, and other natural resources;

(8) sponsor research to develop environmentally sound resource conversion, consumption, and recycling processes;

(9) undertake and evaluate innovative methods to reduce resource demands;

(10) develop effective plans to deal with resource scarcity contingencies, including but not limited to end use controls and appropriate pricing policies;

(11) assure that the Nation's people who are economically disadvantaged do not bear a disproportionate share of the economic and social costs which may be associated with natural resource policies; and

(12) implement needed resources policies confident in the knowledge that all legitimate values have been considered, that all realistic alternatives have been evaluated, and that a balanced decision has been made which recognizes the full range of national requirements.

SEC. 102. The Congress authorizes and directs that, to the fullest extent possible—

(a) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act; and,

(b) all agencies of the Federal Government shall—

(1) utilize a systematic, interdisciplinary approach which will insure the integrated use of the physical and social sciences and engineering in planning for and managing the Nation's energy and natural resources;

(2) identify and develop methods and procedures, in consultation with the Board on Natural Resources Planning and Policy established by title II of this Act, which will insure that man's economic, social, and environmental needs are fulfilled in a balanced, equitable, and coherent manner and that the occurrences of unanticipated shortages and misallocations of natural resources and energy are minimized;

(3) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in making decisions on natural resources management conservation, use, and development.

(4) gather data and information and develop analytical techniques for use in the management, conservation, use, and development of natural resources and make such data available to the Board on Natural Resources Planning and Policy for inclusion in the Natural Resources Report required by title II of this Act;

(5) recognize the worldwide and long-range character of energy and natural resources and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to foster international cooperation in anticipating and solving such problems; and

(6) assist the Board on Natural Resources Planning and Policy established by Title II of this Act.

SEC. 103 (a) At the direction and in the discretion of the Board on Natural Resources Planning and Policy, agencies of the Federal Government shall include in any environmental impact statement prepared pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852, 853) on any proposed action which raises a significant question concerning Federal energy or natural resources policy, a statement by the responsible official, as well as any other Federal agency designated by the Board, on—

(1) the relationship of the proposed action to the national policies declared by this Act;

(2) the relationship of the proposed action to other essential national policies which are not directly related to the policies declared by this Act;

(3) short- and long-term economic and technological benefits to the Nation which it is anticipated will accrue from such action; and,

(4) the economic and technological impacts as well as the benefits and costs related to the alternative actions discussed in the impact statement.

(b) The Board on Natural Resources Planning and Policy and the Council on Environmental Quality may review any proposed Federal action of importance to energy or enjoined by court action and shall make recommendations to the President and the responsible agency or agencies with respect to—

(1) modification of the proposed action to minimize adverse environmental impacts; and

(2) alternative measures to attain the stated objectives of the proposed action.

SEC. 104. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

TITLE II

SEC. 201. The President shall transmit to the Congress annually beginning January 1, 1974, a Natural Resources Report which shall set forth:

(a) the present supply of and requirements for energy and natural resources, together with a review of the physical and policy constraints to meeting such requirements;

(b) projected and foreseeable trends in supply of and requirements for energy and natural resources together with a review of the physical and policy constraints to meeting such requirements;

(c) anticipated problems in meeting projected requirements for minerals, fuels, and other natural resources;

(d) research and development efforts funded by the Federal Government to develop new technologies to forestall resource shortages, to reduce waste, to foster recycling, and to encourage conservation practices;

(e) recommendations for improving the natural resources and energy data and information available to the Federal agencies by improving monitoring systems; by standardizing data; by placing a condition on use of natural resources which would require sale, lease, licensing, or permission by the Federal Government that information about the location, extent, and nature of these resources be made available to the Federal Government;

(f) recommendations to improve the Nation's national security posture by developing more efficient and economical means of providing strategic reserves of essential materials; by expanding domestic policy options concerning minerals, fuels, and energy; and by insuring necessary protection for critical domestic industries;

(g) recommendations for developing technology capable of improving the quality of the environment, increasing efficiency, and fully protecting worker health and safety in the commercial exploration, production, conversion, and transport of natural resources;

(h) a review of the policies, programs, and activities of the Federal Gvernment, State, and local governments, and nongovernmental entities, which directly or indirectly affect the management, conservation, use, or development of energy and natural resources; and

(i) a program to remedy deficiencies in and improve upon existing policies, programs, and activities, together with recommendations for legislation.

SEC. 202. There is created in the Executive Office of the President a Board on Natural Resources Planning and Policy (hereinafter referred to as the "Board"). The Board shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Board to serve as Chairman. Each member shall be a person who, as a result of his or her training, experience, and attainments, is exceptionally well qualified to analyze and interpret trends and information of all kinds concerning natural resources and energy; to appraise programs and activities of the Federal Government in the light of the policies set forth in this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the wise management, conservation, use, and development of natural resources and energy.

SEC. 203. The Board may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Board may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 204. It shall be the duty and function of the Board—

(a) to provide continuity to and continuing oversight of national policies concerning the management, conservation, use, and development of natural resources and energy;

(b) to assist and advise the President in the preparation of the Natural Resources Report required by section 201;

(c) to gather timely and authoritative information concerning the conditions and trends in the management, conservation, use, and development of natural resources and energy, both current and prospective; to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policies set forth in this Act; and to compile and submit to the President studies relating to such conditions and trends;

(d) to review and appraise the various programs and activities of the Federal Government in the light of the policies set forth in this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policies, and to make recommendations to the President with respect thereto;

(e) to develop and recommend to the President national policies to foster and promote the wise management, conservation, use, and development of natural resources and energy to meet the economic, social, environmental, and other requirements and goals of the Nation.

(f) to conduct investigations, studies, surveys, research, and analyses relating to natural resources and energy;

(g) to accumulate necessary data and other information for a continuing analysis of the Nation's natural resources and energy and the management, conservation, use, and development thereof;

(h) to report at least once a year to the President on the Nation's natural resources and energy;

(i) to make and furnish such studies, reports, thereon, and recommendations with respect to matters of policy and legislation as the President may request; and

(j) to periodically review agency contingency plans for assuring adequate and reliable supplies of energy and essential natural resources.

SEC. 205. In exercising its powers, functions, and duties under this Act, the Board shall, to the fullest extent possible, make use of the services, facilities, and information (including statistical information) of public and private agencies and organizations and individuals, thus avoiding duplication of effort and expense and assuring that the Board's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

SEC. 206. Members of the Board shall serve full time. The Chairman of the Board shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Board shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 207. The Council on Environmental Quality, pursuant to its authority set out in subsections (3) and (4) of section 201 of the National Environmental Policy Act of 1969 (83 Stat. 852, 854), and all other Federal agencies shall consult with and assist the Board in the gathering of data and information on natural resources and energy and in the preparation of the annual Natural Resources Report required by section 201.

SEC. 208. There are authorized to be appropriated to carry out the provisions of this Act—

(a) not to exceed $300,000 for fiscal year 1973, $700,000 for fiscal year 1974, and $1,000,000 for each fiscal year thereafter.

(b) $10,000,000 each fiscal year for use by both the Board and the Council on Environmental Quality to contract for studies and research on environmental quality, minerals, fuels, and natural resources, which is designed to reduce conflicts concerning, promote balance among, and enable the Nation to attain, the goals declared in the Full Employment Act of 1946, in the National Environmental Policy Act of 1969, and in this, the National Resources Planning and Policy Act of 1972.

By Mr. ERVIN:

S. 3331. A bill relating to the constitutional rights of Indians. Referred to the Committee on the Judiciary.

AMENDMENT TO 1968 CIVIL RIGHTS ACT, RESPECTING THE PUBLICATION OF CERTAIN MATERIALS RELATING TO THE CONSTITUTIONAL RIGHTS OF INDIANS

Mr. ERVIN. Mr. President, I introduce for appropriate reference a bill in the nature of a technical amendment to title VII of the 1968 Civil Rights Act, which pertains to the constitutional rights of Indians.

As the Members of this body know, included in the 1968 Civil Rights Act were six provisions drafted by the Constitutional Rights Subcommittee which have become known as the "Indian Bill of Rights." This legislation was the culmination of a 7-year study conducted by the subcommittee into the legal status of the Indian and the problems he encounters when asserting constitutional rights in his relations with State, Federal, and tribal governments. The subcommittee discovered that one of the most significant hinderances to any effort on behalf of our Indian citizens was the lack of up-to-date information in the area of Indian law. In order to insure full and easy access to relevant documentary sources, Congress passed title VII which authorized and directed the Secretary of the Interior to:

First, have the document entitled "Indian Affairs, Laws and Treaties" revised and extended to include all treaties, laws, executive orders, and regulations relating to Indian affairs, and have the document printed;

Second, have revised and republished the treaties entitled "Federal Indian Laws"; and

Third, have prepared an accurate compilation of the official opinions of the Solicitor of the Department of the Interior relating to Indian affairs, and have such compilation printed as a Government publication.

In addition, the document entitled "Indian Affairs, Laws and Treaties," and the Solicitor's opinions were to be kept current on an annual basis.

Mr. President, I am pleased to announce that now, almost 4 years later, I have been informed that the document "Indian Affairs, Laws and Treaties" is now at a stage to be sent to the GPO for printing. In addition, the compilation of the Solicitor's opinions is substantially completed and will be ready for printing during the coming fiscal year—1973—and it is projected that the treatise "Federal Indian Laws" will be printed during the next fiscal year—1974.

When the 1968 act was approved, section 701(c) authorized the appropriation for carrying out the provisions of title VII with respect to the preparation but not including the printing. The printing costs were to be covered by funds normally appropriated to the Department of the Interior in its annual printing budget. However, the Department interpreted the language in the 1968 act to be a prohibition against printing—something which was never intended.

The amendment I offer today simply strikes the restrictive language in section 701(c). By so doing, the intent of Congress in passing title VII will be perfectly clear, and there should be no further delays in complying with the congressional mandate of the 1968 law.

By Mr. MAGNUSON:

S. 3333. A bill to authorize a compact between the several States relating to taxation of multistate taxpayers and to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce. Referred to the Committee on Finance.

Mr. MAGNUSON. Mr. President, in February of 1969 I joined with other Senators in introducing a bill which would have granted congressional consent for an interstate compact designed to achieve certain enumerated purposes in the field of State taxation of interstate businesses. In particular, the compact was designed to facilitate proper determination of State and local tax liability, to promote uniformity or compatibility of tax systems, to facilitate the multistate taxpayers' convenience and compliance regarding taxing procedures, and to avoid duplication of taxation. In this present session, I have again joined with other Senators to sponsor S. 1883 which is drafted to achieve the same purposes.

I will not, at this time, restate all the reason—which I believe to be very sound reasons—for seeking congressional approval of this legislation but will only add certain comments relating to the proposal which I am presently asking the Senate to consider.

The compact with which the original bill and this bill are concerned, the multistate tax compact, has been enacted by 22 States—one of which, Alabama, has conditioned its approval upon the enactment of consent legislation by Congress. In addition, 14 other States have become associate members of the Commission and still other States are seriously considering participating in this new governmental agency.

The Multistate Tax Compact has for its basic objectives the provision of solutions and additional facilities for dealing with tax problems of multistate businesses. More important, in the long run, the compact would establish mechanisms for meeting multistate tax problems on a continuing basis. In addition to granting consent to the compact, this bill contains other features on which some background should be given.

Nearly 3 years ago a small group of State and business representatives, under the joint chairmanship of George Kinnear, director of the Department of Revenue of the State of Washington and then chairman of the Multistate Tax Commission, and Leonard E. Kust, partner in the New York law firm of Cadwalader, Wickersham & Taft and then vice president and general counsel of Westinghouse Electric Corp., began a study directed toward developing a program whereby the problems of state taxation of interstate business could be more comprehensively considered and solved, hopefully to the satisfaction of both the States and business.

The committee was organized with the understanding that the members were not representing the organization by which they were employed or any other organization with which they were associated. Members represented only their own views based upon their concern with the problems involved, their experience and knowledge with respect to such problems and their good will in committing themselves to seeking a reconciliation of views.

The original group who served throughout included, in addition to Mssrs. Kinnear and Kust, the following individuals:

Eugene F. Corrigan, executive director, Multistate Tax Commission.

Theodore W. de Looze, chief tax counsel, State of Oregon.

William Dexter, assistant attorney general, State of Washington.

Timothy R. Malone, assistant attorney general, State of Washington.

James T. McDonald, director, department of revenue, State of Kansas.

James Sabine, assistant attorney general, State of California.

James F. Devitt, manager, State income tax, Montgomery Ward & Co.

John Hollis, tax attorney, Humble Oil Corp.

Thomas S. Miller, manager, State, local and miscellaneous taxes, Gulf Oil Corp.

Stephen C. Nemeth, Jr., assistant secretary, Republic Steel Corp.

Paul E. O'Brien, assistant treasurer, the Coca-Cola Co.

Raymond L. Slater, tax administrator, United States Steel Corp.

These gentlemen worked together for a year and a half, eventually presenting their views to the Multistate Tax Commission and to certain business groups after reconsideration with a larger number of persons from both business and State government, in an expanded committee. The final draft of legislation now being introduced was developed after full and unlimited consideration by all members of an expanded committee. No individual member was asked to be bound by the entire draft as presented.

The general conception of the proposals to which the committee was committed from its beginning in 1969, is that the solutions to the problems of multistate taxation of interstate business should be implemented through a merger of the Multistate Tax Compact approach and the Federal legislation approach. The objective of such a merger of approaches is to preserve as far as possible administrative authority in the States by requiring the States to act, in certain areas, through the machinery of an interstate tax compact consented to by the Congress and serving as the agency to implement uniform standards established under Federal legislation.

The bill which I am presenting to the Senate at this time embodies this approach. It represents the advanced and sophisticated thinking of men with outstanding qualifications in the field of taxation and should be given careful consideration when the Senate takes up any legislation on the subject of State taxation of multistate business.

As in 1969, so too now I believe that the Multistate Tax Compact is a responsible answer of the States to the shortcomings of State tax laws as they affect multistate businesses. I also believe that the present proposal, with its merger of the compact approach and the Federal legislation approach, represents a true step forward in solving this problem, and can most effectively advance the economic interests of the multistate business while protecting the essential revenue stability of the States.

Mr. President, I ask unanimous consent that an analysis of this legislation prepared by Mr. George Kinnear, director of the Washington State Department of Revenue and Mr. Leonard E. Kust, cochairman of the Revised Ad Hoc Committee on Taxation of Interstate Commerce, be printed in the CONGRESSIONAL RECORD immediately following my remarks; and Mr. President, I ask further unanimous consent that the full text of the legislation I am introducing today be printed in the CONGRESSIONAL RECORD immediately following that analysis.

There being no objection, the analysis and bill were ordered to be printed in the RECORD, as follows:

ANALYSIS

(Prepared by the cochairman of the Revised Ad Hoc Committee on Taxation of Interstate Commerce)

The general conception of the proposals to which the Committee was committed from its beginning in 1969, is that the solutions to the problems of multistate taxation of interstate business should be implemented through a merger of the Multistate Tax Compact approach and the Federal legislation approach. The objective of such a merger of approaches is to preserve as far as possible administrative authority in the States by requiring the States to act, in certain areas, through the machinery of an interstate tax compact consented to by the Congress and serving as the agency to implement uniform standards established under Federal legislation.

Under this conception, it was agreed that Public Law 86–272 was adequate as a jurisdictional standard for income taxes, and that Federal legislation should codify the existing judicially prescribed jurisdictional standard for sales and use taxes, should provide an optional uniform apportionment formula for income taxes, standards for consolidation or combination of affiliated corporations and tax status of dividends for income tax purposes, standards for sales and use taxes, and authority to the Multistate Tax Commission to promulgate advisory rules and regulations implementing the Federal legislation.

Such a structure would provide flexibility for adjustment and evolution to improve the system for taxation of interstate business. With the Multistate Tax Commission under the Compact acting as the administrative agency it could implement and modify, within the limits of permissible administrative interpretation, the legislative standards under Federal law, and when the need for changes exceeded the bounds of permissible administrative interpretation the Commission could seek amendments to the Federal legislation. Moreover, under the Committee structure of the Multistate Tax Compact any proposal for amendment of the Federal legislation will have been preceded by extensive discussions between state administrators and business representatives and will presumably, therefore, be presented to the Congress with a substantial consensus of support.

In the belief that the merger of the Multistate Tax Compact approach and the Federal legislation approach would provide flexibility for evolution of a system for taxation of multistate business, the Committee also agreed at the outset that the initial legislation should limit itself to the most pressing problems, that is, the problems in those areas indicated earlier. These areas are freighted with enough controversy to suggest that an attempt should not be made now to cover additional areas. Thus, the Committee's proposals do not deal with the question of a uniform income tax base, capital stock and gross receipts taxes, and the Committee did not deal with all the problems that might arise in the areas which it has included in its proposals. The Committee deemed it more important to take an initial step, but a sound one, which would lay the ground work for perfecting amendments as experience pointed the way.

The proposals contemplate that the Congress will direct the House Judiciary Committee and the Senate Finance Committee to continue to evaluate the progress being made and, if at the end of five years the progress is not satisfactory, it is assumed that legislation implementing an alternative approach to reliance on the Multistate Tax Compact will be developed.

The Committee was keenly conscious of the problem presented by H.R. 1538 (the Rodino Bill) containing provisions which apply only to "small business", thus drawing a distinction between small and large business. The Committee concluded that such a distinction was not valid and in all of its deliberations strove to frame proposals which would meet the needs of both large and small business without providing different solutions for what it believed to be artificially drawn categories.

COMMENTS ON SPECIFIC PROVISIONS

Title I—Consent to enter into compact and conferral of powers upon compact commission

Title I is structured on the Magnuson Bill (S. 1883) and is designed to provide for the consent of Congress to the existing Multistate Tax Compact.

Sections 101 and 102 provide for Congressional consent to and identification of the Multistate Compact.

The purpose of Section 103 is to prevent a corporation from electing to have its income tax liability determined by reference to the allocation and apportionment provisions of the existing Compact. Alternately, Title III provides a maximum for income attributable to taxing jurisdiction computed under the provisions of this Act. Thus, for taxable years ending after the effective date of the Act the allocation and apportionment rules of the proposed Act rather than those set forth in the existing Compact would be applicable.

Thus, Section 103 prevents a corporation from having, in effect, a three-way choice in compact states, *i.e.*, state laws apart from the Compact, Article IV of the Compact, and Title III of the proposed federal act. Accordingly, Section 103 restricts a corporation to the choice of either state law apart from the Compact, or Title III of the federal act.

Section 104 confers on the Commission the power to adopt rules and regulations for the administration of the federal standards set forth in the Act. The question of whether Congress may delegate this power to the Commission was considered by the original ad hoc committee. The ad hoc committee satisfied itself with the advice of eminent counsel that this delegation is constitutional. See *Parden* v. *Terminal R. of Alabama Docks Dept.*, 377 U.S. 184, 12 L. Ed.2d 233, 84 S Ct. 1207 (1964).

Section 104 provides, however, that no rule or regulation adopted by the Multistate Tax Commission (hereinafter referred to as the Commission) will be in effect in any state if that state rejects the rule or regulation in accordance with the procedures it would use in the adoption of any rule or regulation in its administration of the tax law which constitutes the subject matter of the Commission rule or regulation. Also, section 104 provides for the participation of all the states whether or not regular members of the Commission in those deliberations and procedures to be followed by the Commission in the adoption of any rule or regulation. State sovereignty is thus preserved by affording each state the opportunity (1) of participating in the rule or regulation making function, (2) to administratively reject any rule or regulation adopted by the Commission, and (3) to use its own procedures in any proceedings pertaining to the rejection of any proposed rule or regulation. This approach, embodied in section 104, represents the rejection of the original ad hoc proposal, which would have made the Commission's regulations automatically binding on all states, and acceptance of the position that the Commission's rules and regulations should be essentially advisory. However, nonuniformity resulting from state administrative inaction, if any, is prevented.

Title II—Jurisdiction to tax

Under the Rodino Bill (H.R. 1538) the jurisdictional standard for net income taxes would be applicable only to "small" corporations but the jurisdictional standard with respect to collection of sales or use taxes would be generally applicable. As with respect to all provisions of the Act, the jurisdictional standard proposed by the Committee are, as in the Ribicoff Bill (S. 317), applicable without distinction between large and small corporations.

In the case of net income taxes, this gave rise to little difference of view among members of the Committee. In order, however, to minimize changes in existing law, it was agreed the jurisdictional limitations of Public Law 86–272 which have been the subject of judicial interpretation are adequate for purposes of the net income tax and are preferable to the "business location" tests of the Rodino and Ribicoff Bills.

The major controversy as to jurisdiction arose with respect to the imposition of the obligation to collect a sales or use tax on interstate sales of tangible personal property. The Rodino and Ribicoff Bills would not permit States or political subdivisions to impose on a seller such an obligation unless the seller has a business location in the State or regularly makes household deliveries in the State. The Talcott Bill (H.R. 4267), on the other hand, would enlarge regular deliveries to cover all deliveries in the State other than by common carrier or United States mail, and in addition would extend jurisdiction to regular solicitation by means of salesmen, solicitors or representatives in the State, except where the solicitation is solely by direct mail or advertising by means of newspapers, radio, or television. Thus, the Talcott Bill in effect codifies the decisions of the Supreme Court in *Scripto, Inc. v. Carson and National Bellas Hess, Inc. v. Illinois Department of Revenue.*

The merits of the differing standards were debated at length. It was recognized that the conflict was between the interests of business, mainly of small business, opposing undue burdens of collection of tax on interstate sales and the interests of the States in assuring reasonably effective enforcement of their tax with respect to interstate sales. In analyzing the problems it became clear, however, that neither the Rodino nor the Ribicoff Bills dealt effectively with the far more important problem of the power of political subdivisions to impose the obligation to collect sales and use tax on the interstate seller.

It is one thing for the small interstate seller to contend with the collection requirements of 50 states and quite another, and more serious matter, for both small and large business to deal with the varying collection requirements of thousands of political subdivisions. The trend among States toward allowing political subdivisions to impose sales and use taxes and to require collection of such taxes by the seller is accelerating. The Committee felt that this problem was a more serious problem than the question of whether the jurisdictional standard with respect to State power should be that in the Rodino and Ribicoff Bills or that in the Talcott Bill.

Consequently, it was agreed that the jurisdictional standards of the Talcott Bill, codifying existing law, should be adopted but that the power of a State or a political subdivision with respect to an interstate sale should be made clearly subject to the limitations of Section 405 of the Act, similar to Section 205 of the Talcott Bill. That Section provides, as does Section 305 of the Rodino and Ribicoff Bills, that a seller need not classify interstate sales according to geographic areas of a State, except those sales with destinations in political subdivisions in which the seller has a business location or regularly makes deliveries.

By cross-referencing the jurisdictional provisions of Section 201 to the classification provisions of Section 405, the Committee believes that political subdivisions will be effectively prohibited from imposing the obligation on a seller to collect tax on an interstate sale unless that seller has a business location or makes regular deliveries in the political subdivision. However, where the local tax is imposed in all geographic areas of the State on like transactions at the same combined State and local rate, administered by the State, and uniformly applied so that a seller would not be required to classify interstate sales according to geographic areas of the State, the jurisdictional standard in Section 201 would apply.

Under the jurisdictional standards of Section 101 of the Rodino and Ribicoff Bills, a political subdivision has power to impose the obligation to collect tax on an interstate sale if the seller is subject to the jurisdiction of the State, regardless of whether or not the jurisdictional standard is satisfied in the political subdivision. The effect of the classification provisions of those Bills is obscure, particularly since they refer to classification for "tax accounting" rather than for "tax collection" purposes. The latter term is used in Section 405 of the Act.

The Committee believes that both small and large business are more interested in limiting the power of political subdivisions to require collection of tax on interstate sales where there is not a clear jurisdictional presence in the political subdivision than they are in "rolling-back" the present judicially prescribed jurisdictional standard with respect to State-level taxes.

In order to permit States and political subdivisions to adjust to the limitations on the power to require collection of sales or use taxes on interstate sales imposed by political subdivisions, Section 405 of the Act is not effective until July 1, 1976.

While Sections 101 of the Rodino and Ribicoff Bills, as well as comparable provisions of the original Ad Hoc Bill, prescribed jurisdictional standards for both capital stock and gross receipt taxes, the committee deleted all references to capital stock and gross receipts taxes as it was deemed more prudent to lay the proper foundation in dealing with the substantive provisions relating to the more pressing problems of income and sales and use taxes, perhaps as a future guide for resolutions of the many other interstate business tax problems.

Title III—Maximum Income Attributable to Taxing Jurisdiction

The first problem with which the Committee was confronted regarding a uniform apportionment formula for income tax purposes was the question of whether the formula should include only two factors, property and payroll, or should include a third factor, sales. The 2-factor formula which was included for general application in the original Willis Bill (H.R. 11798) encountered the determined opposition of the states and much of the business community. The opposition of the states has remained adamant but the application of the 2-factor formula to "small" corporations under the Rodino and Ribicoff Bills has had continuing support from some sectors of the business community.

The Committee agreed from the outset that there should be no distinction between large and small business and that the 3-factor formula, since it represented the practice of most of the states having corporate net income taxes, was to be preferred to the 2-factor formula. Not only was it believed to be less disruptive of the revenues of the states but it was believed to approximate more nearly the results of separate accounting for which an apportionment formula is a practical substitute. Moreover, given an appropriate jurisdictional limitation, it was believed that the 2-factor formula did not serve the interests of "small" business in a significantly better way than a 3-factor formula.

The Uniform Division of Income for Tax Purposes Act (UDITPA) was taken as a guide. UDITPA has been adopted by a number of states, although with variations, and is incorporated in the existing Multistate Tax Compact. The Committee felt, however, that as part of Federal legislation which will be applicable in all states, UDITPA should not be incorporated without change but that the occasion should be taken for correcting some of the deficiencies in UDITPA, correction of which has been difficult to achieve through the Multistate Tax Compact or Separate action by the states.

One of the least satisfactory aspects of UDITPA has been its attempted distinction between "business" and "non-business" income, the latter the subject of specific allocation rather than apportionment under the formula. The Committee decided that with the exception of dividends from 80% owned subsidiaries and foreign source income all of the income of corporations subject to the Act should be apportioned among the several states in accordance with the apportionment formula.

Title III sets forth the ceiling beyond which a state or a political subdivision cannot go in imposing its income tax for any taxable year on a corporation taxable in more than one state. References in the original ad hoc bill to capital stock and gross receipts taxes have been deleted for the reasons previously stated. As in the original proposal, the Title is not applicable to "excluded corporations" which are defined in section 504. No state or political subdivision is required to incorporate into their income tax law any of the provsions of this Title. The limitations imposed on a state's political subdivisions are identical with those limitations imposed on a state (Section 305). This Title (1) sets forth an optional three factor apportionment formula; (2) exempts from state and local taxation income described in section 951(a)(1) of the Internal Revenue Code (section 306(a)); (3) exempts dividends paid by a corporation in which taxpayer owns 80% of the voting stock relating thereto and prohibits any offsetting adjustments related to such dividends; and (4) assigns all other dividend income, otherwise taxable, to the commercial domicile. In the original ad hoc proposal all dividends were subject to tax at the commercial domicile of the corporation.

The committee deemed it advisable to adopt provisions similar to the "taxable in more than one state" concept embodied in UDITPA, so as to describe the circumstances under which the apportionment formula would apply, and for purposes of determining whether interstate sales were assignable to destination or subject to the "throwback" provision. Such concept is incorporated in Section 301(d). Provision is also made for tolling the statute of limitation where the taxpayer's liability changes due to the reassignment of sales.

The most controversial problem considered by the Committee was the question of the consolidation or combination of income of related corporations, where one corporation is subject to the jurisdiction of the State but the other corporation is not. Conflicting and apparently irreconcilable views are held with respect to the solution of the problems involved. It does not seem possible even to define with agreement what the central problem is. On the one hand, the problem is conceived to be one of "nonarm's-length dealing" between related corporations, resulting in improper shifting of income between related corporations, so that a State having jurisdiction over only one of the related companies may be unable to apply the apportionment formula to the "true" income of the taxpayer over which it has jurisdiction. On the other hand, the so called "unitary business" doctrine, evolved primarily under the law of California, apparently rejects as its foundation "non-arm's-length dealing" between related corporations and relies on a "single economic unit" test applicable in both the intro-corporate and inter-corporate context.

Consolidation or combination of related corporation is practiced by only a few states. Yet a theoretical commitment to such consolidation or combination appears to be growing in appeal to State tax administrators. Some solution of the problem is necessary.

It is obvious that if one or more States consolidate related companies and other States do not the application of even a uniform apportionment formula will result in taxation of either more or less than 100% of the consolidated income. On the other hand, nationwide uniformity will eliminate the problem. Whatever the standards for consolidation may be, they must be uniformly applied among the States. Related corporations should either be consolidated in all of the States or in none of the States, unless a particular State and the taxpayers agree otherwise.

There was agreement within the Committee that potential "whip-sawing" of a taxpayer should be eliminated. The intransient controversy centered on whether consolidation should be permitted and if it was on what should be the standards applicable to determination of whether consolidation was appropriate.

Adherents of the view that the problem was one of "nonarm's-length dealing" insisted that consolidation was not the necessary solution. For Federal income tax purposes the granting of power to the Commissioner of Internal Revenue under Section 482 of the Internal Revenue Code to allocate income and deductions among related taxpayers in order clearly to reflect income was cited as an inadequate solution of the problem. The Ribicoff bill prohibits a State from combining or consolidating the income of a corporation over which it has jurisdiction with income of a corporation over which it does not have jurisdiction and confines the power of the State to adjustments with respect to transactions so as to clearly reflect the income of such corporations in the case of any non-arm's-length transactions between them.

According to the logic of the adherents to the "unitary business" doctrine, such a solution is irrelevant because "nonarm's-length dealing" is not the crux of the problem.

Even among those who agreed that "nonarm's-length dealing" was the central problem it was recognized that the administrative problem presented by reallocation of income and deductions among related taxpayers, while it might work under the sophisticated and elaborate auditing procedures of the Federal Government, might well be unworkable for the States and that consolidation under proper circumstances might be a reasonable alternative. With considerable reluctance on the part of some of the business representatives on the Committee it was agreed that an effort should be made to reconcile the conflicting views through the establishment of appropriate standards for consolidation, rather than to insist upon a solution such as that under Section 482 of the Internal Revenue Code. Controversy continued, however, throughout the deliberations of the Committee over the standards under which consolidation should be required or permitted.

The initial Ad Hoc Bill sought to bridge the differences in view by permitting consolidation subject to rebuttable presumptions based upon quantitative tests of intragroup flow of goods and services. These standards, however, continued to be controversial and have been abandoned in the revised Ad Hoc Bill.

Section 301(d) permits apportionable income, at the option of either the state or the taxpayer, to be determined by reference to the combined apportionable income and apportionment factors of all corporations of an affiliated group of which the taxpayer is a member. Affiliated group as used in section 301(d) is defined in section 505 to include corporations meeting the 80% of the voting stock ownership test (corporate or noncorporate) exclusive of the affiliated corporations deriving income from sources outside the United States. This is a substantial change from the original Ad Hoc proposal which had contained the quantitative flow of goods and services test to determine when a corporation's income tax liability should be determined on a combined basis. In order to assure uniform application of combined reporting requirements under the quantitative flow of goods and services rebuttable presumption tests, the original Ad Hoc Bill would have created a Multistate Tax Appeal Board as an independent agency of the Commission to adjudicate disputes arising under such proposal. Since Section 301(d) has been redrafted to permit any corporation of an affiliated group to elect or be required by a state to file a combined report, the need for the appeal board has been eliminated and the title providing for such agency has been deleted. It was agreed that in a consolidation dividends from affiliates should be excluded from consolidated income.

It was also agreed that foreign source income should be excluded, since consolidation should legitimately seek only to bring income earned within the United States into the consolidated income to be apportioned among the 50 States. There was strong disagreement, however, as to whether foreign source income should be defined according to Federal source rules or whether sole reliance should be placed upon the apportionment formula to determine foreign source income of affiliated corporations included in the consolidation.

The disagreement with respect to foreign source income was finally resolved by the proposal that in the case of affiliated corporations, such as Western Hemisphere Trade Corporations, possessions companies and China Trade Act Corporations under the Internal Revenue Code, where the Internal Revenue Service would of necessity in each year determine the amount of foreign source income of such companies and under Section 482 would determine that such income was clearly reflected in such companies, the Federal rules would be accepted and such companies would be excluded from a consolidation. On the other hand, any other foreign or domestic company would be excluded from a consolidation only if at least 90% of its income was from foreign sources, determined by separate application to it of the apportionment formula under Title III of the Act. For this purpose the "throw-back" rule, with respect to the location of sales for purposes of the numerator of the sales fraction, would be inapplicable, since this rule is not pertinent to the determination of where income is earned by application of the apportionment formula.

These provisions designed to eliminate foreign source income are incorporated in the definition of an affiliated corporation in Section 505 of the Act.

The optional three factor apportionment formula consists of the factors or property, payroll, and sales. The property factor is based upon the valuation of property at its original cost and leased property at eight times the gross rental. The payroll factor includes the total amount paid as compensation. Full accountability of the property and compensation factors is required since the sum of the numerators for the states in which the corporation is taxable must be the same as the denominator used in those factors. This was not expressly provided for in the original ad hoc proposal.

Section 304, the sales factor, achieves full accountability through the "throw-back rule" which assigns sales to the origin state if the destination state lacks jurisdiction to impose tax. Export sales, however, other than export sales to the U.S. Government, are assigned to the foreign destination. The committee agreed that export sales, except for export sales to the U.S. Government, should not be subject to the "throw-back" provisions. The "throw-back" provisions properly apply where the nationally imposed jurisdictional standards prevent the destination state from imposing tax, but such justification is lacking where sales have a destination in foreign countries, since such countries are subject neither to the jurisdictional standards nor the uniform apportionment formula imposed on the states.

The sales factor is generally defined as the fraction the numerator of which is the sales of the corporation which are located in the state during the tax year and the denominator of which is the total sales by the corporation everywhere during the tax year. The original ad hoc proposal did not contain any special provision for either sales to the United States Government or to foreign countries.

Sales of services are assigned to the state where services are performed based on direct costs of performance and receipts from rentals of tangible personal property are assigned to location of the property. Sales of real estate, if the corporation is engaged primarily in the sale of real estate, are assigned to location of the real estate. Sales of other tangible personal property are assigned on a destination basis. All other receipts are eliminated from both the denominator and numerator of the sales factor.

Section 305 of the Act is based upon Section 206 of the Rodino Bill.

As discussed earlier, Section 306, dealing with exclusions from apportionable income, exempts foreign source income and assigns dividends received from subsidiaries meeting the 80% ownership test to the taxpayer's commercial domicile. Offsetting adjustments for interest and other expenses are prohibited.

Title IV—Sales and use taxes

Uniform standards with respect to sales and use taxes were perhaps less controversial than any of the areas to which the Committee addressed itself. The Committee was largely able to agree on the standards contained in the Rodino, Ribicoff and Talcott Bills, with some modifications deemed to be an improvement.

The provisions of this title in the draft are comparable to the provisions in the original ad hoc bill, and the Talcott Bill. Section 401(a) defines a location of a sale to be in the destination state and permits a contiguous state or political subdivision thereof to enter into reciprocal collection agreements as provided for in Section 406. Section 406 in turn, when authorized by state law and reciprocal agreement, requires a seller with a business location to collect use tax on sales he makes into a state which does not have jurisdiction to require collection under Section 201. Section 401(b) provides a use tax credit for prior sales taxes to another state. Section 401(c) provides for a refund for the overpayment of a use tax. Section 401(d) places a limitation on credit for prior taxes for the respective taxes which are measured by periodic payments made under a lease. Section 401(e) exempts vehicles and motor fuels from the provisions of Title IV.

Section 402 is the same as Section 202 of the Talcott Bill. It exempts household goods and motor vehicles from use tax if acquired and used by the person for a period of 90 days or more before he brings the property into the state for use there as a resident.

Section 403 deals with the treatment of transportation charges with respect to interstate sales. This section conforms to Section 203 of the Talcott Bill without precluding a state from requiring an instate purchaser to pay tax on freight charges.

Section 404 concerns the use tax collection liability of sellers on sales claimed to be exempt by the purchaser. It relieves the seller from any liability if the purchaser of the property furnishes to the seller a certificate or other written form of evidence indicating that the property is acquired for an exempt purpose.

Section 405 has been commented on in reference to jurisdictional limitations provided in Section 201. It should be noted that while Section 405 by its language only precludes classification of interstate sales for use tax collection purposes by a seller, the purpose of Section 405 is to require uniform state collection and administration of local sales or use taxes imposed on interstate sales. Because the provisions of Section 405 may have some significant effect on local revenues, Section 523 postpones its effective date to on or after July 1, 1976.

Title V—Definitions and miscellaneous provisions

The definitions contained in part A of this Title generally are those set forth in the original ad hoc proposal which were based upon the definitions contained in Part A, Title V of the Rodino and Ribicoff Bills, with minor changes except any references to gross receipts or capital stock taxes are deleted from the definitions. Section 501 defines a net income tax, Section 502, a sales tax, and Section 503, a use tax. Section 504 defines an excluded corporation which term is used in Section 301(a) to delineate the scope of Title III. Thus, the income tax provisions of the proposed bill do not pertain to an excluded corporation. An excluded corporation generally includes various financial organizations and public utilities.

Section 505 defines an affiliated corporation and is based upon Section 1504 of the Internal Revenue Code with changes in structure and modifications to take into account companies controlled by a noncorporate common owner. The term "affiliated corporation" defines corporations which can be required or permitted to file a combined report, as provided in Section 301(d). There is excepted from an affiliated corporation (1) excluded corporations defined in Section 504. (2) Western Hemisphere Trade Corporation as defined in Section 921 of the Internal Revenue Code, (3) possession companies as defined in Section 931 of the Internal Revenue Code, (4) corporations entitled to the special deduction for China Trade Act corporations under Section 941 of the Internal Revenue Code, and (5) corporations substantially all of the income of which is derived from sources without the United States.

Section 506 defines sale to include leases and rental payments under leases for the purposes of Title IV. Section 507 defines an interstate sale and Section 508 defines destination. Section 509 defines business location. This term is used in the Act only in regard to sales and use tax jurisdiction. Section 510 defines the location of property and Section 511 defines the location of an employee for Title III income apportionment purposes. Section 512 defines state and Section 513, state law, Section 514, taxable year, Section 515, compensation, Section 516, commercial domicile and Section 517 defines dividends.

Part (b) of Title V contains the miscellaneous provisions. Section 518 permits the imposition of franchise tax as a revenue measure even though technically imposed on the privilege of engaging exclusively in interstate commerce. Section 519 prohibits geographical discrimination. Section 520 indicates that the proposed act does not repeal Public Law 86–272 with respect to any person or to increase or otherwise effect the power of any state or political subdivision to impose or assess a net income tax with respect to an excluded corporation. Section 521 prohibits out of state audit charges. Section 522 limits the liability with respect to unassessed taxes which a state or political subdivision would have no power to impose after the date of the enactment of the proposed Act. Section 523 pertains to effective dates. The provisions of the Act will take effect on the date of its enactment unless otherwise provided. Section 405 (pertaining to local sales and use taxes) is to be effective on or after July 1, 1976, and the Act is effective for unassessed taxes as provided in Section 522.

S. 3333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TABLE OF CONTENTS

TITLE I—CONSENT TO ENTER INTO COMPACT AND CONFERRAL OF POWERS UPON COMPACT COMMISSION

Sec. 101. Consent to Compact.
Sec. 102. Identification of Compact.
Sec. 103. Limitation on certain Compact Provisions.
Sec. 104. Additional powers.

TITLE II—JURISDICTION TO TAX

Sec. 201. Jurisdictional standards.

TITLE III—MAXIMUM INCOME ATTRIBUTABLE TO TAXING JURISDICTION

Sec. 301. Apportionment; taxable in a state; combined reporting.
Sec. 302. Property factor.
Sec. 303. Payroll factor.
Sec. 304. Sales factor.
Sec. 305. Local taxes.
Sec. 306. Exclusions from apportionable income.

TITLE IV—SALES AND USE TAXES

Sec. 401. Reduction of multiple taxation.
Sec. 402. Exemptions for household goods, including motor vehicles, in the case of persons who establish residence.
Sec. 403. Treatment of transportation charges with respect to interstate sales.
Sec. 404. Liability of sellers on exempt sales.
Sec. 405. Local sales and use taxes.
Sec. 406. Reciprocal collection agreements.

TITLE V—DEFINITIONS AND MISCELLANEOUS PROVISIONS

PART A. DEFINITIONS

Sec. 501. Net income tax.
Sec. 502. Sales tax.
Sec. 503. Use tax.
Sec. 504. Excluded corporation.
Sec. 505. Affiliated corporation.
Sec. 506. Sale.
Sec. 507. Interstate sale.
Sec. 508. Destination.
Sec. 509. Business location.
Sec. 510. Location of property.
Sec. 511. Location of employee.
Sec. 512. State.
Sec. 513. State law.
Sec. 514. Taxable year.
Sec. 515. Compensation.
Sec. 516. Commercial domicile.
Sec. 517. Dividends.

TITLE V—DEFINITIONS AND MISCELLANEOUS PROVISIONS

PART B. MISCELLANEOUS PROVISIONS

Sec. 518. Permissible franchise taxes.
Sec. 519. Prohibition against geographical discrimination.
Sec. 520. Applicability of Act.
Sec. 521. Prohibition against out-of-State audit charges.
Sec. 522. Liability with respect to unassessed taxes.
Sec. 523. Effective dates.
Sec. 524. Evaluation of State progress.

TITLE I—CONSENT TO ENTER INTO COMPACT AND CONFERRAL OF POWERS UPON COMPACT COMMISSION

CONSENT TO COMPACT

SEC. 101. Congress consents to any two or more states of the United States to enter into the Multistate Tax Compact described in section 102 of this Act. The consent granted herein shall be retroactive to the date of entry into such Compact by any State if such date of entry is prior to the effective date of this section.

IDENTIFICATION OF COMPACT

SEC. 102. The Compact referred to in section 101 is the Multistate Tax Compact which has been entered into by two or more states prior to January 1, 1971, and which contains the following in Article I thereof—

"The purposes of this Compact are to:

"1. Facilitate proper determination of state and local tax liability of multistate taxpayers, including the equitable apportionment of tax bases and settlement of apportionment disputes.

"2. Promote uniformity or compatibility in significant components of tax systems.

"3. Facilitate taxpayer convenience and compliance in the filing of tax returns and in other phases of tax administration.

"4. Avoid duplicative taxation."

LIMITATION ON CERTAIN COMPACT PROVISIONS

SEC. 103. No corporation may make, with respect to any taxable year in which it is taxable in more than one State for income tax purposes within the meaning of section 301(c) of this Act, the election provided for in Article III(1) to apportion and allocate income in accordance with Article IV of the Compact.

ADDITIONAL POWERS

SEC. 104. In addition to the powers conferred upon the Multistate Tax Commission by the Compact consented to in section 101, the Commission shall have the power to adopt such rules and regulations as it deems appropriate for the administration of Titles III through V of this Act. The exercise of the powers granted by this section shall be subject to the following conditions—

(a) Any rule or regulation shall be adopted in accordance with the procedures established in section 2 of Article VII of the Compact: *Provided, however,* That the notice required therein shall be given to each State.

(b) Any rule or regulation shall have the same force and effect in a State as it would have if it were adopted by a Federal administrative agency empowered to adopt a similar rule or regulation, unless within 180 days after the adoption thereof by the Multistate Tax Commission it has been rejected by the State in a rule or regulation adopted in accordance with the State's procedure for the adoption of a rule or regulation pertaining to the same subject matter.

(c) No rule or regulation adopted pursuant to this section shall be effective prior to 180 days after adoption of this Act.

(d) The bylaws of the Multistate Tax Commission, established by Article VI of the Compact shall contain—

(1) Procedures for States which have not adopted the Compact to become associate members of the Commission, said procedures to be substantially the same as those provided for in the bylaws in effect on January 1, 1971.

(2) Procedures for designation, by the Governor of each associate member State, of the tax administrator empowered to exercise voting rights on behalf of such State.

(3) A provision granting to each associate member, with respect to any Commission action taken pursuant to this section, the same voting rights as are enjoyed by regular members of the Commission.

(4) A provision that any action taken hereunder must be approved both by a majority of the total number of members and by those members representing a majority of the total population of the member State as allowed by the latest Federal census: *Provided, however,* That "member" shall include both an associate member and a regular member.

(5) A provision that the voting rights of associate member States shall be subject to the associate members having contributed to the Commission an amount to be established by the Commission, such amount to be no greater than the amount which would have been apportioned to such State if all associate members were regular members.

TITLE II—JURISDICTION TO TAX

JURISDICTIONAL STANDARDS

SEC. 201. No State or political subdivision thereof shall have power to require a person to collect and remit a sales or use tax with respect to an interstate sale of tangible personal property unless the person: (1) has a business location in the State; or (2) regularly makes deliveries in the State other than by common carrier or United States mail; or (3) regularly engages in the State in solicitation of orders for the sale of tangible personal property by means of salesmen, solicitors, or representatives (unless such solicitation of orders is carried on solely by direct mail or advertising by means of newspapers, radio, or television).

A State or political subdivision shall have power, subject to the limitations of Section 405 of this Act, to require seller collection of a sales or use tax with respect to an interstate sale of tangible personal property, if it is not denied the power to do so under the preceding sentence.

TITLE III—MAXIMUM INCOME ATTRIBUTABLE TO TAXING JURISDICTION

APPORTIONMENT; TAXABLE IN A STATE; COMBINED REPORTING

SEC. 301. (a) OPTIONAL THREE FACTOR FORMULA.—A State or a political subdivision thereof may not impose for any taxable year on a corporation taxable in more than one State, other than an excluded corporation, a net income tax measured by an amount of net income in excess of the amount determined by (1) multiplying the corporation's apportionable income by an apportionment fraction, the numerator of which is the sum of the property factor, the payroll factor, and the sales factor, excluding those factors which have negligible denominators and the denominator of which is three reduced by the number of factors which are excluded, and (2) in the State of taxpayer's commercial domicile only, such dividends as are assignable thereto under section 306(b).

A negligible denominator is one which is less than 10% of one-third of the corporation's net income..

(b) APPORTIONABLE INCOME.—For this purpose the apportionable income to which the apportionment fraction is applied shall be such corporation's net income for that taxable year as determined under State law, with the exceptions provided for in section 306.

(c) TAXABLE IN MORE THAN ONE STATE; TAXABLE IN A STATE.—For purposes of this Title, a corporation is taxable in more than one State if (1) in more than one State it is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a capital stock tax, or (2) more than one State has jurisdiction to subject the corporation to a net income tax regardless of whether, in fact, that State does or does not.

For purposes of this Title, a corporation is taxable in a State if (1) in that State it is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a capital stock tax, or (2) that State has jurisdiction to subject the corporation to a net income tax regardless of whether, in fact, that State does or does not.

Notwithstanding the statute of limitations in a State for the filing of amended returns and claims for refunds, if it is subsequently determined that a corporation is taxable in a State for which a return was not originally filed, such corporation may file amended returns and claims for refunds in any State to which sales have been assigned under the provisions of Section 304(b)(2) of this Act, but only for the purpose of revising the sales factor by reassigning such sales.

(d) COMBINED REPORTING.—Any state may require the apportioned income of a corporation to be determined by reference to the combined income and apportionment factors of all corporations of the affiliated group of which the corporation is a member. Any member of an affiliated group may elect to determine its apportioned income for any state by reference to the combined income and apportionment factors of all corporations of the affiliated group.

PROPERTY FACTOR

SEC. 302. (a) IN GENERAL.—The property factor is a fraction, the numerator of which is the average value of the real and tangible personal property which is located in a State and, whether owned or rented, is used in that State by the corporation and the denominator of which is the sum of the corporation's property factor numerators as determined under this section for such year for all states in which the corporation is taxable. The denominator of the property factor shall not include the value of any property located in a state in which the corporation is not taxable.

(b) Valuation.—Property owned by the corporation shall be valued at its original cost. Property leased to the corporation shall be valued at eight times the gross rents payable by the corporation during the taxable year without any deduction for amounts received by the corporation from subrentals.

The average value of property shall be determined by averaging the values at the beginning and ending of the taxable year but the State tax administrator may require or permit the averaging of monthly values during the taxable period if reasonably required to reflect properly the average value of the corporation's property.

PAYROLL FACTOR

Sec. 303. (a) In General.—The payroll factor is a fraction, the numerator of which is the total amount paid in the State during the taxable year by the corporation as compensation and the denominator of which is the sum of the corporation's payroll factor numerators as determined under this section for all states in which the corporation is taxable.

If an employee is located in any state in which the corporation is not taxable, the compensation paid to that employee shall not be included in either the numerator or the denominator of the corporation's payroll factor for any state or political subdivision.

(b) Location of Compensation.—Compensation is paid in the State if:

(1) the employee's service is performed entirely within the State;

(2) the employee's service is performed both within and without the State, but the service performed without the State is incidental to the employee's service within the State; or

(3) some of the employee's service is performed in the State and (a) the base of operations or, if there is no base of operations, the place from which the employee's service is directed or controlled is in the State, or (b) the base of operations or the place from which the service is directed or controlled is not in any State in which some part of the service is performed, but the employee's residence is in the State.

SALES FACTOR

Sec. 304. (a) General.—The sales factor is a fraction, the numerator of which is the sales of the corporation which are located in the State during the tax year, and the denominator of which is the total sales by the corporation everywhere during the tax year.

(b) Location of Sales of Tangible Personal Property.—Sales of tangible personal property are included in the numerator of a State if:

(1) the property is delivered or shipped to a purchaser within the State, and the corporation is taxable in the State, regardless of the f.o.b. point or other conditions of the sale; or

(2) the property is shipped from an office, store, warehouse, factory, or other place of storage in the State and the property is delivered or shipped to a purchaser within a state in which the corporation is not taxable, or the purchaser is the United States Government and the property is delivered or shipped to a place outside the United States, including the District of Columbia. Other than such sales to the United States Government, sales of tangible personal property which are delivered or shipped to a place outside the United States, including the District of Columbia, are not included in the numerator of a State.

(c) Location of Certain Other Sales.—

(1) Sales of services shall be included in the numerator of the State in which the service is performed. Sales of services rendered in two or more States shall, for the purpose of the numerator of the sales factor, be divided between those States in proportion to the direct costs of performance incurred in each such State by the taxpayer in rendering the services.

(2) Sales of real property, if the corporation is engaged primarily in the business of selling real property, are included in the numerator of the State in which the property is located.

(3) Sales which consist of receipts from the rental of tangible personal property shall be considered to be located in the State in which the property is located.

(d) All Other Sales.—All gross receipts, other than those described in subsections (b) and (c) of this section shall be excluded from both the numerator and the denominator of the sales factor.

LOCAL TAXES

Sec. 305. The maximum income of a corporation attributable to a political subdivision for tax purposes shall be determined under this Title in the same manner as though the political subdivision were a State; except that the denominators of the corporation's property factor, payroll factor, and sales factor shall be the denominators applicable to all States and political subdivisions. For this purpose the numerators of the corporation's property factor, payroll factor, and sales factor shall be determined by treating every reference to a State as a reference to the political subdivision.

EXCLUSIONS FROM APPORTIONABLE INCOME

Sec. 306. (a) Exclusion of Income Considered to be Foreign Source Income.—The apportionable income of a taxpayer shall not include income described in Section 951(a) (1) of the Internal Revenue Code.

(b) Corporate Dividends.—The apportionable income of a taxpayer shall not include income derived from dividends paid by a corporation in which taxpayer owns at least 80% of the voting stock; dividends otherwise taxable shall be assigned to the State of taxpayer's commercial domicile and may be subjected to a net income tax only in such State; no State shall, by reason of not including such dividends in apportionable income, make any offsetting adjustment of an otherwise allowable deduction.

TITLE IV—SALES AND USE TAXES

REDUCTION OF MULTIPLE TAXATION

Sec. 401. (a) Location of Sales.—A State or political subdivision thereof may impose a sales tax or require a seller to collect a sales or use tax with respect to an interstate sale of tangible personal property only if the destination of the sale is—

(1) in that State, or

(2) in a contiguous State or political subdivision of a contiguous State for which the tax is required to be collected under reciprocal collection agreements as authorized under Section 406.

(b) Credit for Prior Taxes.—The amount of any use tax imposed with respect to tangible personal property shall be reduced by the amount of any sales or use tax previously incurred and paid by a person with respect to the property on account of liability to another State or political subdivision thereof.

(c) Refund.—A person who pays a use tax imposed with respect to tangible personal property shall be entitled to a refund from the State or political subdivision thereof imposing the tax, up to the amount of the tax so paid, for any sales or use tax subsequently paid with respect to the same property on account of prior liability to another State or political subdivision thereof.

For purposes of this subsection, the person seeking the refund from a State or political subdivision imposing the tax shall apply for the refund within one year from the date of payment of the sales or use tax to such other State or political subdivision.

(d) Limitation of Credit for Prior Taxes.—A credit or refund otherwise permitted under subsections (b) and (c) shall not be allowed with respect to taxes which are measured by periodic payments made under a lease to the extent that the taxes imposed by the other State or political subdivision thereof were also measured by periodic payments made under a lease for a period prior to the possession, storage, use, or other consumption of the property in the State or political subdivision thereof imposing the tax.

(e) Vehicles and Motor Fuels.—

(1) Vehicles.—Nothing in subsection (a) shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to vehicles that are registered in the State.

(2) Fuels.—Nothing in this section shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor fuels consumed in the State.

EXEMPTIONS FOR HOUSEHOLD GOODS, INCLUDING MOTOR VEHICLES, IN THE CASE OF PERSONS WHO ESTABLISH RESIDENCE

Sec. 402. No State or political subdivision thereof may impose a sales tax, use tax, or other nonrecurring tax measured by cost or value with respect to household goods, including motor vehicles, brought into the State by a person who establishes residence in that State if the goods were acquired and used by that person ninety days or more before use of the property in the State in which he establishes such residence.

TREATMENT OF TRANSPORTATION CHARGES WITH RESPECT TO INTERSTATE SALES

Sec. 403. Where the freight charges or other charges for transporting tangible personal property from the seller or supplier directly to the purchaser incidental to an interstate sale are separately stated in writing by the seller to the purchaser, to the extent that such charges do not exceed a reasonable charge for transportation by facilities of the seller or the charge for the transportation by the carrier when the transportation is by other than the seller's facilities, no State or political subdivision may require the seller to include such charges in the measure of a sales or use tax imposed and collected by the seller with respect to the sale or use of the property.

LIABILITY OF SELLERS ON EXEMPT SALES

Sec. 404. No seller shall be liable for the collection or payment of a sales or use tax with respect to an interstate sale of tangible personal property if the purchaser of such property furnishes or has furnished to the seller a certificate or other written form of evidence indicating the basis for exemption, or the reason the seller is not required to pay or collect the tax. Any such certificate or writing shall give the name and address of the purchaser, his registration number, if any, and shall be signed by the purchaser or his representative.

LOCAL SALES AND USE TAXES

Sec. 405. No seller shall be required by a State or political subdivision thereof to classify interstate sales for use tax collection purposes according to geographic areas of the State in any manner other than to account for interstate sales with destinations in political subdivisions in which the seller: (1) has a business location; or (2) regularly makes deliveries other than by common carrier or United States mail.

Where in all geographic areas of a State sales and use taxes are imposed on like transactions at the same combined State and local rate, are administered by the State, and are otherwise applied uniformly so that a seller is not required to classify interstate sales according to geographic areas of the State in any manner whatsoever, such sales or use taxes, whether imposed by the State or by political subdivisions, shall be subject to the jurisdictional rule of Section 201 of this Act.

RECIPROCAL COLLECTION AGREEMENTS

Sec. 406. When authorized by State law, reciprocal agreements may be made between two contiguous States for the purpose of requiring a seller with a business location in one of the States to collect applicable State use tax for, and to remit that tax to, the other State into which the seller makes sales of tangible personal property, even though he is otherwise not subject to the jurisdiction of such other State under Section 201 of this Act.

TITLE V—DEFINITIONS AND MISCELLANEOUS PROVISIONS

PART A—DEFINITIONS

NET INCOME TAX

SEC. 501. A "net income tax" is a tax which is imposed on or measured by net income, including any tax which is imposed on or measured by an amount arrived at by deducting from gross income expenses one or more forms of which are not specifically and directly related to particular transactions.

SALES TAX

SEC. 502. A "sales tax" is any tax imposed with respect to sales, and measured by the sales price of tangible personal property or services with respect thereto, which is required by State law to be stated separately from the sales price by the seller, or which is customarily stated separately from the sales price.

USE TAX

SEC. 503. A "use tax" is any nonrecurring tax, other than a sales tax, which is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership of that property or the leasing of that property from another, including any consumption, keeping, retention, or other use of tangible personal property.

EXCLUDED CORPORATION

SEC. 504. A financial organization or a public utility is an excluded corporation. "Financial organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, small loan company, sales finance company, investment company, or any type of insurance company. "Public utility" means any business entity (1) which owns or operates any plant, equipment, property, franchise, or license for the transmission of communications, transportation of goods or persons, except by pipe line, or the production, transmission, sale, delivery, or furnishing of electricity, water or steam; and (2) whose rates of charges for goods or services have been established or approved by a Federal, State or local government or governmental agency.

AFFILIATED CORPORATION

SEC. 505. (a) Two or more corporations are "affiliated" if they are included corporations as defined herein and if they are members of the same group comprised of one or more corporate members connected through stock ownership with a common owner, which may be either corporate or noncorporate, in the following manner—

(1) At least 80% of the voting stock of each member other than the common owner is owned directly by one or more of the other members; and

(2) At least 80% of the voting stock of at least one of the members other than the common owner is owned directly by the common owner.

The fact that a corporation is an "excluded corporation" as defined in section 504 shall not be taken into account in determining whether two or more other corporations are "affiliated".

(b) The term "included corporation" means any corporation except—

(1) Excluded corporations as defined in Section 504.

(2) Western Hemisphere Trade Corporations as defined in Section 921 of the Internal Revenue Code.

(3) Possessions companies as defined in Section 931 of the Internal Revenue Code.

(4) Corporations entitled to the special deduction for China Trade Act Corporations under Section 941 of the Internal Revenue Code.

(5) Corporations, substantially all of the income of which is derived from sources without the United States. For this purpose substantially all of the income of a corporation shall be deemed to be derived from sources without the United States if the sum of the apportionment fractions of such corporation for all States under Title III of this Act, without the application of Section 304(b)(2) thereof, averages less than one-tenth (10%) per year for the current year and the two preceding years, or such lesser number of years as the corporation was in existence. The United States, as used in this paragraph, means the 50 States and the District of Columbia.

SALE

SEC. 506. For the purpose of Title IV only, the term "sale" shall be deemed to include leases and rental payments under leases.

INTERSTATE SALE

SEC. 507. An "Interstate sale" is a sale in which the tangible personal property sold is shipped or delivered to the purchaser in the State from a point outside that State.

DESTINATION

SEC. 508. The destination of a sale is in the State or political subdivision in which possession of the property is physically transferred to the purchaser, or to which the property is shipped to the purchaser, regardless of the f.o.b. point or other conditions of the sale.

BUSINESS LOCATION

SEC. 509. (a) GENERAL RULE.—A person shall be considered to have a business location within a State only if that person—

(1) owns or leases real property within the State, or

(2) has one or more employees located in the State, or

(3) regularly maintains a stock of tangible personal property in the State for sale in the ordinary course of his business, or

(4) regularly leases to others tangible personal property for use in the State.

For the purpose of paragraph (3), property which is on consignment in the hands of a consignee, and which is offered for sale by the consignee on his own account, shall not be considered as stock maintained by the consignor.

If a person has a business location in a State solely by reason of paragraph (4), he shall be considered to have a business location in the State only with respect to such leased property.

LOCATION OF PROPERTY

SEC. 510. (a) GENERAL RULE.—Except as otherwise provided in this section property shall be considered to be located in a State if it is physically present in that State.

(b) MOVING PROPERTY.—Personal property which is characteristically moving property, such as motor vehicles, rolling stock, aircraft, vessels, mobile equipment, and the like, shall be considered to be located in a State if—

(1) the operation of the property is localized in that State, or

(2) the operation of the property is not localized in any State but the principal base of operations from which the property is regularly sent out is in that State.

If the operation of the property is not localized in any State and there is no principal base of operations in any State from which the property is regularly sent out, the property shall not be considered to be located in any State for purposes of inclusion in either the numerator or the denominator of the property factor.

(c) MEANING OF TERMS.—

(1) Localization of Operation—The operation of property shall be considered to be localized in a State if during the taxable year it is operated entirely within that State, or it is operated both within and without that State but the operation without the State is—

(A) occasional, or

(B) incidental to its use in the transportation of property or passengers from points within the State to other points within the State, or

(C) incidental to its use in the production, construction, or maintenance of other property located within the State.

(2) Base of Operations—The term "base of operations," with respect to a corporation's moving property means the premises at which any such property is regularly maintained regardless of whether such premises are maintained by the corporation or by some other person; except that if the premises are maintained by an employee of the corporation primarily as a dwelling place they shall not be considered to constitute a base of operations.

LOCATION OF EMPLOYEE

SEC. 511. An employee shall be considered to be located in a State if—

(a) the employee's service is performed entirely within the State;

(b) the employee's service is performed both within and without the State, but the service performed without the State is incidental to the employee's service within the State; or

(c) some of the service is performed in the State and (1) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the State, or (2) the base of operations or the place from which the service is directed or controlled is not in any State in which some part of the service is performed, but the employee's residence is in the State.

The term "employee" has the same meaning as it has for purposes of Federal income tax withholding under chapter 24 of the Internal Revenue Code of 1954.

STATE

SEC. 512. The term "State" means the several States of the United States and the District of Columbia: *Provided, however,* That the term shall also include, for purposes of sections 302 through 304, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

STATE LAW

SEC. 513. References in this Act to "State Law," "the laws of the State," and the like shall be deemed to include a State constitution, and to include the statutes and other legislative acts, judicial decisions, and administrative regulations and rulings of a State and of any political subdivision.

TAXABLE YEAR

SEC. 514. A corporation's "taxable year" is the calendar year, fiscal year, or other period upon the basis of which its taxable income is computed for purposes of the Federal income tax.

COMPENSATION

SEC. 515. "Compensation" means wages, salaries, commissions, and any other form of remuneration paid to employees for personal services.

COMMERCIAL DOMICILE

SEC. 516. "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

DIVIDENDS

SEC. 517. "Dividends" means distributions made in cash or property from the earnings and profits of a corporation as earnings and profits are defined for Federal tax purposes, but net of any "deemed foreign tax paid" which may be required to be added for Federal income tax purposes under Section 902 of the Internal Revenue Code.

PART B—MISCELLANEOUS PROVISIONS

PERMISSIBLE FRANCHISE TAXES

SEC. 518. The fact that a tax to which this Act applies is imposed by a State or political subdivision thereof in the form of a franchise, privilege, or license tax shall not prevent the imposition of the tax on a person engaged exclusively in interstate commerce within the State; but such a tax may be enforced against a person engaged exclusively in interstate commerce within the State solely as a revenue measure and not by ouster from the State or by criminal or other penalty for engaging in commerce within the State without permission from the State.

PROHIBITION AGAINST GEOGRAPHICAL DISCRIMINATION

SEC. 519. (a) IN GENERAL.—No provision of State law shall make any person liable for a greater amount of sales or use tax with respect to tangible personal property, by virtue of the location of any occurrence in a State outside the taxing State, than the amount of the tax for which such person would otherwise be liable if such occurrence were within the State (subject to section 520). For purposes of this subsection, the term "occurrence" includes incorporation, qualification to do business, and the making of a tax payment, and includes an activity of the taxpayer or of a person (including an agency of a State or local government) receiving payments from or making payments to the taxpayer.

(b) COMPUTATION OF TAX LIABILITY UNDER DISCRIMINATORY LAWS.—When any State law is in conflict with subsection (a), tax liability may be discharged in the manner which would be provided under State law if the occurrence in question were within the taxing State.

APPLICABILITY OF ACT

SEC. 520. Nothing in this Act shall be considered—

(a) to repeal Public Law 86–272 with respect to any person; or

(b) to increase, decrease, or otherwise affect the power of any State or political subdivision to impose or assess a net income tax with respect to an excluded corporation.

PROHIBITION AGAINST OUT-OF-STATE AUDIT CHARGES

SEC. 521. No charge may be imposed by a State or political subdivision thereof to cover any part of the cost of conducting outside that State an audit for a tax to which this Act applies, including a net income tax imposed on an excluded corporation.

LIABILITY WITH RESPECT TO UNASSESSED TAXES

SEC. 522. (a) Periods Ending Prior to Enactment Date.—No State or political subdivision thereof shall have the power, after the date of the enactment of this Act, to assess against any person any tax for any period ending on or before such date in or for which that person became liable for such tax if during such period the State or political subdivision would not have had the power to assess such tax had the provisions of Title II of this Act been in effect during such period.

(b) Certain Prior Assessments and Collections.—The provisions of subsection (a) shall not be construed—

(1) to invalidate the collection of a tax prior to the time assessment became barred under subsection (a), or

(2) to prohibit the collection of a tax at or after the time assessment became barred under subsection (a), if the tax was assessed prior to such time.

EFFECTIVE DATES

SEC. 523. (a) Except as provided in section 522, titles II and III of this Act shall apply only with respect to taxable years ending after the date of the enactment of this Act.

(b) Section 405 of this Act shall be effective wtih respect to taxable periods beginning on or after July 1, 1976.

(c) The remaining provisions of this Act shall take effect on the date of the enactment of this Act, unless a specific date is provided for in any such provision.

EVALUATION OF STATE PROGRESS

SEC. 524. The Committee on the Judiciary of the House of Representatives and the Committee on Finance of the United States Senate, acting separately or jointly, or both, or any duly authorized subcommittees thereof, shall for five years following the enactment of this Act evaluate the progress which the several States and their political subdivisions are making in resolving the problems arising from State taxation of interstate commerce and if, after five years from the enactment of this Act, the States and their political subdivisions have not made substantial progress in resolving any such problem, shall propose such measures as are determined to be in the national interest.

By Mr. MAGNUSON (by request):

S. 3334. A bill to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, by request, I introduce for appropriate reference a bill concerning the control of predatory animals. This is a subject which has generated much controversy recently and which, I think, deserves the attention of the Congress.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from Secretary Morton to the Vice President.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 3334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Animal Damage Control Act of 1972".

SEC. 2. For the purpose of this Act—

(a) the term "person" means any individual, organization or association, including any department, agency or instrumentality of the Federal government, a State government or a political subdivision thereof;

(b) the term "State" means the several States of the Union, Puerto Rico, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the District of Columbia, but shall not include any political subdivision of the foregoing entities;

(c) the term "chemical toxicant" means any chemical substance which, when ingested, inhaled, or absorbed, or when applied to, or injected into the body, in relatively small amounts, by its chemical action may cause signicant bodily malfunction, injury, illness or death to animals or man;

(d) the term "predatory animal" means any mammal, bird or reptile which habitually preys upon other animals; and

(e) the term "secondary poisoning effect" means the result attributable to a chemical toxicant which, after being ingested, inhaled, or absorbed by or into, or when applied to or injected into a mammal, bird, or reptile, is retained in its tissue, or otherwise retained in such a manner and quantity that the tissue itself or retaining part if thereafter ingested by man or another mammal, bird or reptile, produces the effects set forth in subsection (c) hereof.

(f) the term "field use" means any use on lands not in or immediately adjacent to occupied buildings.

SEC. 3. (a) In order to assist the States in controlling damage caused by predatory animals, birds and field rodents, and in order to encourage the use by States of predator control methods which are consistent with accepted principles of wildlife management and the maintenance of environmental quality, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to conduct directly or by agreement with qualified agencies or institutions, public and private, a program of research which shall concern the control and conservation of predatory and depredating animals and the abatement of damage caused by such animals.

(b) The program of research authorized by subsection (a) hereof shall include, but need not be limited to (1) the testing of methods used for the control of predator and depredating animals and the abatement of damage caused by such animals; (2) the development of effective methods for predator control and the abatement of damage caused by predatory animals which contribute to the maintenance of environmental quality and which conserve, to the greatest degree possible, the Nation's wildlife resources, including predatory animals; (3) a continuing inventory of the Nation's predatory animals, and the identification of those species which are or may become threatened with extinction; and (4) the development of means by which to disseminate to States the finding of studies conducted pursuant to this section.

(c) The Secretary is authorized to conduct such demonstrations of methods developed pursuant to subsection (b) and to provide such other extension services as may be reasonably requested by the duly authorized wildlife agency of any State.

SEC. 4. (a) In furtherance of the purposes of this Act, the Secretary is authorized to provide in the three fiscal years following enactment financial assistance to any State which may annually propose to administer a program for the control of predatory animals. To qualify for assistance under this section, any such State program must be found by the Secretary to meet such standards as he may, by regulation, establish: *Provided, however*, That the Secretary shall not approve any such State program which entails the field use of chemical toxicants for the purpose of killing predatory animals or the field use of any chemical toxicant which causes any secondary poisoning effect for the purposes of killing other mammals, birds, or reptiles: *Provided, further, however*, That he may approve a State program which entails such emergency use of chemical toxicants as he may authorize, in each specific case, for the protection of human health or safety; the preservation of one or more wildlife species threatened with extinction or likely within the foreseeable future to become so threatened, or for the prevention of substantial irretrievable damage to nationally significant natural resources.

(b) An annual payment under subsection (a) hereof may be made to any State in such amount as the Secretary may determine; *Provided, however*, That no such annual payment shall exceed an amount equal to 75 percent in the first year, 50 percent in the second year, or 25 percent in the third year, of the cost of the program approved under subsection (a) hereof; and *Provided, further,* That no such annual payment to any State shall exceed $300,000 in the first fiscal year following enactment, $200,000 in the second fiscal year following enactment, or $100,000 in the third fiscal year following enactment. No payment otherwise authorized by this section shall be made to a State whose share, in whole or part, of the cost of the program approved under subsection (a) hereof is to be paid from funds not appropriated by its legislature.

(c) There is hereby authorized to be appropriated for the purposes of this section $3,000,000 in fiscal year 1973, $2,000,000 in fiscal year 1974, and $1,000,000 in fiscal year 1975.

SEC. 5. (a) No person shall (1) make field use of any chemical toxicant on any Federal lands for the purpose of killing predatory animals; or (2) make field use on such lands of any chemical toxicant which causes any secondary poisoning effect for the purpose of killing other mammals, birds, or reptiles; *Provided, however,* That nothing in this section shall be deemed to affect the administration of lands held in trust for Indians

(b) Notwithstanding subsection (a) hereof, the head of a Federal department, agency, or establishment may authorize on lands subject to his administrative jurisdiction the emergency field use of a chemical toxicant for the purpose of killing predatory animals or of a chemical toxicant which causes a secondary poisoning effect for the purpose of killing other mammals, birds or reptiles, but only if in each specific case he makes a written finding, following consultation with the Secretaries of the Interior, Agriculture, and Health, Education, and Welfare, and the Administrator of the Environmental Protection Agency, that an emergency exists that cannot be dealt with by means which do not involve use of chemical toxicants, and that such use is essential:

(1) to the protection of human health or safety;

(2) to the preservation of one or more wildlife species threatened with extinction or likely within the foreseeable future to become so threatened; or

(3) to the prevention of substantial irretrievable damage to nationally significant natural resources.

(c) Any person convicted of any violation of this section, or of any regulation promulgated under this Act, shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

SEC. 6. Heads of Federal departments, agencies or establishments are hereby authorized to issue such regulations as may be necessary to carry out the purposes of this Act.

SEC. 7. There is hereby repealed in its entirety the Act of March 2, 1931 (7 U.S.C. 426–426(b)), pertaining to the eradication and control of predatory and other wild animals.

SEC. 8. Nothing in this Act shall be construed as superseding or limiting the authorities and responsibilities of the Administrator of the Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

SEC. 9. Except as otherwise provided in section 4 hereof, there is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 8, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft bill "To authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control, and for other purposes."

We recommend that this bill, a part of the environmental program announced today by President Nixon, be referred to the appropriate committee for consideration and that it be enacted.

This Department believes strongly that enactment of this legislation will provide much-needed redirection of programs for animal damage control consistent with our concern both for environmental quality and the preservation of wildlife. In brief, this draft bill would (1) authorize an expanded Federal program of research concerning the control and conservation of predatory animals; (2) prohibit on Federal lands the field use of chemical toxicants for the purpose of killing predatory animals and of chemical toxicants which cause secondary poisoning effects for the purpose of killing mammals, birds or reptiles, except where such use is essential in emergency situations to the preservation of human health or safety, protection of endangered wildlife species, or prevention of substantial damage to natural resources; (3) authorize Federal grants-in-aid to States for implementation of predator control programs; and (4) repeal in its entirety the Act of March 2, 1931 (7 U.S.C. 426–426(b)), pertaining to the eradication and control of predatory animals.

Predatory animal control has been a vexing problem since the advent of recorded history. Early settlers sought to cope with animal depredation through the provision of bounties for predatory species. Though the precedent for such legislation was established as early as 1630 in Massachusetts, most bounty laws have been repealed. Federal involvement in predatory animal control dates to 1885, and an operational program has been conducted by the Federal Government since 1915. Existing Federal programs are carried out pursuant to the Act of March 2, 1931 (7 U.S.C. 426–426(b)), which directs that we "conduct campaigns for the destruction or control of (predatory) animals." The Bureau of Sport Fisheries and Wildlife has thus provided predatory animal control services on public and private lands in many western States. These services are funded jointly by the Federal Government and interested agencies, public and private, at the State and local levels.

Through the years attitudes toward predatory animal control have changed. We as a people and a Nation are now coming to recognize the ecological significance of all living creatures, including those known as "predators". It is generally acknowledged that while there remain some situations in which wild animals must be controlled or killed to assure human health and safety and to prevent substantial property damage, these situations no longer warrant a Federal program of the size and scope as that contemplated in 1931. It is our conclusion that current predatory animal control programs are inconsistent with the changing scale of social values.

Of particular concern has been the use of non-selective poisons to kill predatory animals. Experience has shown that significant numbers of beneficial animals are vulnerable to the poisons used to control predatory animals. Public opposition to the use of such poisons and to predatory animal control programs in general has prompted two important studies by advisory committees composed of eminent wildlife scientists. The first advisory committee, reporting to the Secretary of the Interior in 1964, concluded that far more animals were being killed than required for effective protection of livestock, agricultural crops, wildlife resources, and human health. It recommended a complete reassessment of Federal goals, policies and field operations and that predatory animals be killed only when absolutely essential to the protection of human health or property.

The second advisory committee, reporting recently to the Secretary of the Interior and the Chairman of the Council on Environmental Quality, has recommended a prohibition against the use of poisons in predatory animal destruction, expanded research to determine the economics and ecology of predator losses, and the establishment of cooperative trapper extension programs to focus on individual offending predators.

Based on the reports of the advisory committees appointed to study the animal damage control problem, the expressions of the public with regard to predatory animal control, and our own analysis of the validity and need for animal damage control, it is the position of this Department that such animal damage control as may prove warranted can be accomplished effectively through State efforts. Since most animal damage control is directed toward resident animals, it follows that the States should be directly involved in animal damage control programs. Our proposed legislation would seek to encourage the States' assumption of this responsibility by authorizing the conduct and dissemination of relevant studies, and the demonstration of predator control methods developed as the result of such research. We have also provided for a three-year program of grants-in-aid to States whose predator control programs meet standards to be established by the Secretary. Grants for implementation of an approved State program would be made in amounts not to exceed 75 percent of costs or $300,000, whichever is less, in the first year, 50 percent of costs or $200,000 in the second year, and 25 percent of costs or $100,000 in the third fiscal year following enactment. No Federal assistance would be available to a State whose program entails the use of chemical toxicants, or whose share of program costs is to be paid from non-appropriated funds. Repeal of the Act of March 2, 1931, would result in cessation of direct Federal participation.

In recognition of growing concern over the use of non-selective poisons for animal damage control, and of the recommendations that such uses be sharply curtailed, section 5 of the draft bill would prohibit the use on all Federal lands of chemical toxicants for the purpose of destroying predatory animals, except when such use is found, in emergency situations, to be essential to the preservation of human health or safety, to the protection of wildlife species which are threatened with extinction, or the prevention of substantial damage to nationally significant natural resources. Violation of this prohibition would be punishable by a fine of not more than $10,000, or imprisonment for not more than one year, or both.

By the enactment and implementation of this legislation, the Congress and the Federal Government will demonstrate a keen awareness of the change in scientific and public opinion which compels a redirection of predator control activity. There is enclosed an environmental impact statement prepared pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

By Mr. MAGNUSON (by request):

S. 3335. A bill to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, by request, I introduce for appropriate reference a bill to authorize appropriations for the Department of Commerce for certain maritime programs.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Secretary of Commerce to the Vice President.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 3335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated without fiscal year limitation as the appropriation act may provide for the use of the Department of Commerce, for the Fiscal Year 1973, as follows:

(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $250,000,000;

(b) payment of obligations incurred for ship operation subsidies, $232,000,000;

(c) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), $30,000,000;

(d) reserve fleet expenses, $3,900,000;

(e) maritime training at the Merchant Marine Academy at Kings Point, New York, $7,670,000; and

(f) financial assistance to State Marine Schools, $2,290,000.

THE SECRETARY OF COMMERCE,
Washington, D.C., February 17, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill, "To authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce," together with a statement of purposes and need in support thereof.

The Office of Management and Budget advises that enactment of this legislation would be in accord with the program of the President.

Sincerely,

JAMES T. LYNN,
Acting Secretary of Commerce.

STATEMENT OF THE PURPOSES AND PROVISIONS OF THE DRAFT BILL TO AUTHORIZE APPROPRIATIONS FOR THE FISCAL YEAR 1973 FOR CERTAIN MARITIME PROGRAMS OF THE DEPARTMENT OF COMMERCE

Section 209 of the Merchant Marine Act, 1936, provides that after December 13, 1967 there are authorized to be appropriated for certain maritime activities of the Department of Commerce only such sums as the Congress may specifically authorize by law.

The draft bill authorizes specific amounts for those activities listed in section 209 for which the Department of Commerce proposes to seek appropriations for the fiscal year 1973, and reflects the continuing Department efforts to provide the essential resources required to accomplish the objectives of the Merchant Marine Act of 1970.

"(a) *acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $250,000,000.*"

In fiscal 1973, it is planned to enter into contracts for the construction of 12 ships on a multiyear procurement basis with 7 of these ships being funded in that year. The other 5 will be funded subsequently. Additional funding requirements for fiscal 1973 are for 10 ships to be contracted for in FY 1972 for a total of 17 vessels funded in fiscal 1973. These are estimated to cost $250 million in Government subsidy, an increase of $20.3 million over the fiscal 1972 level of $229.7 million. FY 1973 will represent the third year of phased build-up to the goal of 30 ships per year.

"(b) *payment of obligations incurred for ship operation subsidies, $232,000,000.*"

A significant portion of operating subsidy funds requested for FY 1973 in this category would provide $15.8 million in order to permit direct subsidy to be paid to qualified bulk cargo operators in place of indirect subsidy in the form of premium freight rates now being paid by the Department of Agriculture. In addition, the fiscal 1973 funding request provides for payment of operating subsidy for the passenger ships Cleveland and Wilson which were not budgeted for within the fiscal 1972 request. At that time, it was expected that these ships would cease operation prior to the beginning of fiscal 1972. The 1973 request includes $8.8 million for operating subsidy under existing contracts with the operator of these vessels. Funding of ODS for these vessels in FY 1972 will be accomplished through reprogramming of ODS available as a consequence of ship lay ups incident to longshore strikes and also as a consequence of other minor program shortfalls. The requested FY 1973 funding will also provide for normal escalation of subsidizable operating costs for continuing operations. The total FY 1973 request provides primarily for operating subsidies under ODS contracts for 4 passenger ships, 196 cargo liners, and 24 bulk carriers during the year.

"(c) *expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), $30,000,000.*"

A total of $30.0 million is requested in fiscal 1973 for research and development activities, representing an increase of $6.2 million over the $23.8 million available in fiscal 1972. The Maritime Administration research and development program is designed to modernize the entire American maritime industry thru a program of near-term, high payoff research in the areas of advanced ship development, ship operations, and maritime technology. The program encompasses a wide range of projects including those related to prevention and control of ocean pollution resulting from ship operations. Significant government/industry coordination has been achieved with operating shipping lines and shipbuilding companies. As a consequence, the thrust of the Maritime Administration's research and development effort has been augmented through substantial cost-sharing by industry on major programs thus extending the impact of Government expenditures and encouraging participation by the industry in moving toward increased private R&D effort. Industry cost-sharing in FY 1971 amounted to over $8.0 million in cash in addition to contributions of ships, crew and special operations for experimental programs. The requested increase for fiscal year 1973 is required as the major portion of the R&D program enters into the most expensive phases of the research and development cycle—the engineering development and prototype fabrication and testing stages for major programs. Fiscal year 1973 will be a critical year in bringing to completion a number of the programs begun in 1971 and 1972.

"(d) *reserve fleet expenses $3,900,000.*"

Included funding provides for the preservation and security of ships held for national defense purposes, distributed among three active fleet sites. Periodic represervation of hulls, machinery, and electrical components, combined with continuous application of cathodic protection to the bottoms, are methods employed in maintaining the ships for further service.

In fiscal 1973, funds will be used for the care of approximately 400 ships retained for national defense purposes. Custody is also provided for several hundred ships awaiting disposal.

"(e) *maritime training at the Merchant Marine Academy at Kings Point, New York, $7,670,000.*"

This requested authorization is for the operation of the Merchant Marine Academy at Kings Point to train cadets as officers for the U.S. merchant fleet in both peacetime and national emergencies. An estimated 190 officers will graduate in fiscal 1973. This requested authorization includes funds for the planned renovation of the presently substandard physical education facilities at the Academy.

"(f) *financial assistance to State Marine Schools, $2,290,000.*"

Under the provisions of the Maritime Academy Act of 1958, as amended, (72 Stat. 622–624), this program provides for training of cadets at State marine schools for service as officers in the United States merchant marine. The program is aimed at a level of graduating approximately 400 deck and engineering officers each year. The six participating State schools, Maine, Massachusetts, Michigan, New York, Texas, and California, prepare officers to man our merchant ships in times of peace and national emergency.

The funding level of $2,290,000 will provide for grants in the amount of $75,000 to each of the participating State schools, allowances not to exceed $600 to cadets for uniforms, textbooks and subsistence, and funds for the maintenance and repair of the training ships used by the schools.

By Mr. MANSFIELD (for himself and Mr. AIKEN):

S.J. Res. 215. A joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States.

Mr. MANSFIELD. Mr. President, following New Hampshire, a headline writer last week put it clearly: "The Road Show Moves to Florida." That caption said everything there is to say about the effect of the current system of presidential primaries upon the democratic processes of this Nation. What is happening in Florida today gives one cause to suggest that the winter headquarters of Ringling Brothers-Barnum and Bailey have failed to close on schedule this year.

The truth is, the happenstance primaries have just begun and if everything goes as it has in the past, the results will never be in. Indeed, there will be no results. As in the past, no two of this year's primary tests offer the voter or the hopeful candidates any resemblance of similar opportunities. The real issue in Florida, for instance, has little, if anything at all to do with the matter of selecting a presidential candidate. In some States what the voter faces is a long list of strange names and even stranger circumstances. The delegates he selects may go to a convention where votes are cast, not as the people back home prescribe, but in the manner a particular delegate himself happens to decide.

This is not the case with all such primaries. But that is the point. This year, what the candidate faces is the same mismash of inconsistent and often conflicting primary laws that were confronted 4 years ago—with one exception: There are 25 primaries this year, up from 14 in 1968. And what does the increase tell us? That States are genuinely responding to the demand of citizens who, for the enhancement of the democratic system, ask that they be added to the list? I think not. Let us face it. Primaries have become big business—as nearly important to the coffers of some States as tourism, agriculture, heavy industry, or whatever.

For the candidates it means facing each other in areas that simply do not represent valid cross sections of the American electorate. Candidates must, therefore, pick and choose and maneuver in efforts to come out as apparent winners. In some cases, this has even meant running against themselves. They must compete for delegates that are often not bound to support them even when apparently successful. At the very least the candidate finds himself enmeshed in a maze of laws, customs, and bad practices that leave him physically exhausted, financially deflated, and, more often than not, politically defeated. In the wake of such a result has fallen enormous effort and a huge sum of money. For the underfinanced and understaffed candidate, the effect is always fatal. For the American voter, the effect is one of bewilderment, confusion, and, at times, revulsion.

For the good of this Nation and for the preservation of its democratic processes as they were constituted originally, it is high time that we end these drawn-out political extravaganzas and institute a national presidential primary. I know this path has been attempted before. And the suggestion is by no means original with me. Together with the distinguished Senator from Vermont (Mr. AIKEN), we have introduced proposals to establish a national primary in the past. Other Senators have urged similar steps. I would hope the task could be finished.

Simply stated, what this present plan envisions is the nomination of presidential candidates by a single, nationwide, closed primary. It would be held in early August. To get on the ballot, a major party candidate would be required to file petitions signed by qualified voters equal to 1 percent of the vote cast in the last election for presidential candidates in a given number of States. Provision would be made for minor party candidates as well. There could be no cross filing and for the most part, the place and manner of holding the primary would be left to individual States. There would be a runoff only when no candidate receives more than 40 percent of the vote.

For Vice President, this proposal leaves it open for each party to designate an official candidate. Conventions are not abolished, though their role would change considerably. Assisting in the selection of the vice presidential candidate, drafting a platform and deciding other matters of party procedures would no doubt consume a substantial time of the convention delegates.

It should be noted that the campaign spending reforms enacted recently by the Congress would apply to the national primary. The ceiling on media spending imposed by this law particularly in my judgment will have a continuing and lasting effect upon election processes that can only benefit further generations.

One last matter. Before introducing this proposal for election reform, I would like to pay special tribute to the senior Senator from Vermont (Mr. AIKEN) who has again joined me in this endeavor to evoke constitutional change. In my judgment, no member of this institution is better able to pass judgment on the inadequacies and inequities of our political processes than the wise and prudent ranking Republican of the Senate. I welcome this support once more. It has meant a great deal in the past. It means a great deal more than ever today.

Mr. President, on behalf of the distinguished Senator from Vermont (Mr. AIKEN) and myself, I send the joint resolution to the desk and ask that it be printed in the RECORD.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, the joint resolution will be received and appropriately referred; and, without objection, will be printed in the RECORD.

The text of the joint resolution is as follows:

S.J. RES. 215

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within 7 years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years and, together with the Vice President, chosen for the same term, be elected as provided in this Constitution.

"SEC. 2. The official candidates of political parties for President shall be nominated at a primary election by direct popular vote. Except with respect to qualifications relating to requirements of periods of residency, voters in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature, but, in the primary election each voter shall be eligible to vote only in the primary of the party of his registered affiliation.

"SEC. 3. No person shall be a candidate for nomination for President except in the primary of the party of his registered affiliation, and his name shall be on that party's ballot in all the States if he shall have filed a petition at the seat of the Government of the United States with the President of the Senate, which petition shall be valid only if (1) it is determined by the President of the Senate to have been signed, on or after the first day in January of the year in which the next primary election for President is to be held, by a number of qualified voters, in each of at least seventeen of the several States, equal in number to at least 1 per centum of the vote cast for electors for presidential and vice-presidential candidates of his party in those several States in the most recent previous presidential election; or, in the event the electors for the candidates of a political party shall have appeared on the ballot in fewer than seventeen of the several States in the most recent previous presidential election, it is determined by the President of the Senate to have been signed, on or after the first day in January of the year in which the next primary election for President is to be held, by a number of qualified voters, in any or all of the several States, equal in number to at least 1 per centum of the total number of votes cast throughout the United States for all electors for candidates for President and Vice President in the most recent previous presidential election, and (2) it is filed with the President of the Senate not later than the first Tuesday after the first Monday in April of the year in which the next primary election for President is to be held.

"SEC. 4. For the purposes of this article a political party shall be recognized as such if the electors for candidates for President and Vice President of such party received, in any or all of the several States, an aggregate number of votes, equal in number to at least 10 per centum of the total number of votes cast throughout the United States if the electors for condidates for President and Vice President in the most recent previous presidential election.

"SEC. 5. The time of the primary election shall be the same throughout the United States, and, unless the Congress shall by law appoint a different day, such primary election shall be held on the first Tuesday after the first Monday in August in the year preceding the expiration of the regular term of President or Vice President.

"SEC. 6. Within fifteen days after such primary election, the chief executive of each State shall make distinct lists of all persons of each political party for whom votes were cast, and the numbers of votes for each such person, which lists shall be signed, certified, and transmitted under the seal of such State to the Government of the United States directed to the President of the Senate, who, in the presence of the Speaker of the House of Representatives and the majority and minority leaders of both Houses of the Congress, shall forthwith open all certificates and count the votes and cause to have published in an appropriate publication the aggregate number of votes cast for each person by the voters of the party of his registered affiliation. The person who shall have received the greatest number of votes cast by the voters of the party of his registered affiliation shall be the official candidate of such party for President throughout the United States, if such number be a plurality amounting to at least 40 per centum of the total number of such votes cast. If no person receives at least 40 per centum of the total number of votes cast for candidates for nomination for President by the voters of a political party, then the Congress shall provide by law, uniform throughout the United States, for a runoff election to be held on the twenty-eighth day after the day on which the primary election was held between the two persons who received the greatest number of votes cast for candidates for the presidential nomination by voters of such political party in the primary election: *Provided, however,* That no person ineligible to vote in the primary election of any political party shall be eligible to vote in a runoff election of such political party.

"SEC. 7. Each party, for which, in accordance with sections 2, 3, 4, and 5 of this article, the name of a presidential candidate shall have been placed on the ballot, shall nominate a candidate for Vice President, who, when chosen, shall be the official candidate of such party for Vice President throughout the United States. No person constitutionally ineligible for the office of President shall be eligible for nomination as a candidate for the office of Vice President of the United States.

"SEC. 8. In the event of the death or resignation or disqualification of the official candidate of any political party for President, the person nominated by such political party for Vice President shall resign the vice-presidential nomination and shall be the official candidate of such party for President. In the event of the deaths or resignations or disqualifications of the official candidates of any political party for President and Vice President, a national committee of such party shall designate such candidates, who shall then be deemed the official candidates of such party, but in choosing such candidates the vote shall be taken by States, the delegation from each State having one vote. A quorum for such purposes shall consist of a delegate or delegates from two-thirds of the several States, and a majority of all States shall be necessary to a choice.

"SEC. 9. The places and manner of holding any such primary or runoff election shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. For purposes of this article the District of Columbia shall be considered as a State, and the primary elections shall be held in the District of Columbia in such manner as the Congress may by law prescribe.

"SEC. 10. The Congress may provide by appropriate legislation for cases in which two or more candidates receive an equal number of votes and for methods of determining any dispute or controversy that may arise in the counting and canvassing of the votes cast in elections held in accordance with sections 2, 3, 4, 5, 6, and 9 of this article.

"SEC. 11. The Congress shall have power to enforce this article by appropriate legislation."

Mr. AIKEN. Mr. President, in joining Senator MANSFIELD in proposing a constitutional amendment providing for a nationwide primary election for the nomination of the President, I am not doing so under the illusion that such an amendment will result in making campaign contributors more honest, candidates less susceptible to temptation, or even guaranteeing that only qualified persons will be nominated for the Presidency in future elections.

This proposed amendment is designed to end the practice of individual State Presidential primaries and to restore some order to the Presidential selection process.

Candidates in a statewide primary are swayed by different motivations—most of them believing that as President they could provide us with better Government.

But there is also another motivation which tells them that even though convention delegates are not listed on the commodity market, they certainly do have a market value at the national party convention.

I do not mean a cash value, but a value in terms of prestige and influence should the recipient of their generosity be elected President.

For most candidates, campaign contributions are easy to come by and while most of these contributions come in small amounts from honest, patriotic citizens who thoroughly believe in a better Government, there is ample evidence that many of the larger contributions are made by individuals and organizations who regard a campaign contribution as an investment which may pay good dividends later on if the candidate is successful.

To be on the safe side, some families or organizations make contributions directly or indirectly to two or more candidates.

This, of course, is an investment in security.

Tomorrow, this country will witness the second statewide presidential primary held this year. We have already had one in New Hampshire. I feel rather safe in saying that, as a result of the primary in New Hampshire and the large number of candidates who sought the Democratic nomination in that State, probably none of them will be nominated to be the Democratic candidate for President.

There are 23 more to follow and by the time they are all completed, the public may well come to the conclusion that no one is fit to be President.

Seriously, Mr. President, I feel that the show now going on in half of the States of the Union is no credit to the democratic form of Government.

I do not think that candidates are more dishonest than they used to be.

I believe in the sincerity of most of those who now seek the Presidency, but the pitiless publicity of today spread their weaknesses before the public in a discouraging and devastating manner.

Most of them are not nearly so bad as their rivals make them out to be, but I do believe that a single nationwide primary to nominate candidates for the Presidency and leaving the formulation of platform and policies to the national convention would be a vast improvement over what we have now and will, in my opinion, result in better Government.

Mr. President, I have been asked about the establishment of the machinery necessary to carry out the provisions for a nationwide primary. I call attention to section 11 of the resolution which states:

> The Congress shall have power to enforce this article by appropriate legislation.

Mr. PERCY. Mr. President, I should like to comment briefly, first of all, that if this constitutional amendment is accepted, it might be called something like "The Development and Relief Act of 1972 or 1974." For now at least, all the States in which these primaries occur look upon them as a significant economic boost to their economies. I have heard that New Hampshire, Florida, Wisconsin, Oregon, and other States benefit tremendously from the influx of tourism. We feel neglected in Illinois. Only two candidates are running in the State and we feel left out. Our department of tourism is bleeding to think that all the tourist dollars are going to other States.

I should like to ask a question whether, in the judgment of the sponsors of this amendment, it might tend to shorten campaigns and reduce the huge physical burden on the candidates who are running.

Mr. AIKEN. There is no question about that. Vermont has its statewide primary in early September which leaves about 2 months for campaigning and for incurring major campaigning expenses. It would be much better to have a shorter campaigning season than we have right now, where some candidates start to campaign for the presidency about the time they finish high school or college at the least [laughter] and they keep it up for years. I am not mentioning any such candidates but we do have them. It takes a long, long time. But we should have a shorter period between nominations and elections.

Mr. PERCY. I would also hope that a national presidential primary might shift the emphasis from gimmicks to a solid adult education program.

I notice that the gimmick used by the candidates in Florida this morning happens to be bicycle riding. It has been pizza eating and all sorts of other tactics that public relations experts have thought of to get their candidates pictures on the front pages. That is the kind of competition they are engaged in now.

I commend the authors of the proposal for its uniqueness and for their consistency in supporting this approach. I would hope that we can move into an area in which candidates compete on the basis of ideas, and not on their ability to be seen in the right places at the right times.

Mr. AIKEN. Mr. President, I would think that through a nationwide primary a candidate would be more likely to be nominated on his merits and not as a mere circumstance.

Mr. PERCY. Mr. President, I hope that we all look seriously on a campaign as a great time for us to assess our values and to talk about what kind of a nation we want to be and what kind of a nation we want to become. I would hope that any attempts to contribute to the seriousness of the dialog can be a great educational program. It should be in that respect an eminently worthwhile exercise.

Mr. GAMBRELL. Mr. President, I point out that I would hate to see anything done to the presidential nomination system to take the candidates off the streets and to put them in television studios and concentrate them in Washington for the purpose of seeking the support of the public for the office of the Presidency or for any other office.

Although I realize that it is a wear-and-tear process to have to go through the primaries, I think that such primaries as we have had so far have done a lot of good. If they gain as much out of the 22 or 23 primaries remaining as they have gained from the two primaries had thus far, it will do the Nation a great deal of good.

A nationwide primary might not be the answer. I think that the best place for candidates to be is on the streets, whether on foot or on bicycle. I do not think that the best place to have the candidates is in Washington or in the television studios. I caution the Senators who are in favor of a nationwide primary that they should set it up in such a way that the voters can see the candidates in the flesh and can talk to them and ask them questions on the street rather than merely seeing them on the television.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1457

At the request of Mr. SPARKMAN, the Senator from Georgia (Mr. GAMBRELL) was added as a cosponsor of S. 1457, a bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor.

S. 3115 AND S. 3142

At his own request, Mr. Allott was added as a cosponsor of S. 3115, a bill to provide financial and other aid to enable the United States to assist Jewish refugees to emigrate from the Soviet Union to Israel or the country of their choice; and

S. 3142, a bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel.

S. 3157

At the request of Mr. Mansfield (for Mr. Jackson), the Senator from Wyoming (Mr. McGee) and for the Senator from Alaska (Mr. Gravel) were added as cosponsors of S. 3157, a bill to promote maximum Indian participation in the government of the Indian people by providing for the full participation of Indian tribes in certain programs and services conducted by the Federal Government for Indians and by encouraging the development of the human resources of the Indian people, and for other purposes.

SENATE JOINT RESOLUTION 191

At the request of Mr. Cranston, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S.J. Res. 191, designating the week of May 1–7, 1972, as "National Bikecology Week."

SENATE RESOLUTION 276—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF HEARINGS ENTITLED "THE BUDGET OF THE UNITED STATES, 1973"

(Referred to the Committee on Rules and Administration.)

Mr. ELLENDER submitted the following resolution:

S. Res. 276

Resolved, that there be printed for the use of the Committee on Appropriations, 550 (five hundred and fifty) additional copies of its hearings entitled, "The Budget of the United States, Fiscal Year 1973."

NATIONAL VOTER REGISTRATION ACT—AMENDMENTS

AMENDMENT NO. 1042

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY (for himself, Mr. Bayh, Mr. Cranston, Mr. Harris, Mr. Hartke, Mr. Humphrey, Mr. Javits, Mr. Mondale, Mr. Muskie, Mr. McGovern, and Mr. Percy) submitted an amendment intended to be proposed to the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purposes of administering a voter registration program through the mail.

AMENDMENT NO. 1043

(Ordered to be printed and to lie on the table.)

Mr. TAFT submitted an amendment intended to to be proposed by him to the bill (S. 2574), supra.

EQUAL RIGHTS FOR MEN AND WOMEN—AMENDMENTS

AMENDMENTS NOS. 1044 THROUGH 1047

(Ordered to be printed and to lie on the table.)

Mr. ERVIN submitted four amendments intended to be proposed by him to the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 955

At the request of Mr. Stevenson, the Senator from Kansas (Mr. Pearson) was added as a cosponsor of Amendment No. 955, intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

REMOVAL OF A COSPONSOR

At the request of Mr. Stevenson, the Senator from California (Mr. Cranston) was removed as a cosponsor of Amendment No. 955, intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

ANNOUNCEMENT OF HEARINGS ON RFK STADIUM

Mr. EAGLETON. Mr. President, I am today announcing hearings on the prospects of baseball at RFK Stadium by the Senate District of Columbia Committee at 10 a.m. in room 6226, New Senate Office Building, on Wednesday, March 15, and Tuesday, April 18.

The witnesses for Wednesday, March 15, will be Congressman Sisk and Mr. Joseph Cronin, president, American League. Mr. Bowie Kuhn, commissioner of baseball will be testifying on Tuesday, April 18.

Other persons interested in testifying on this matter should contact Mr. Robert Harris, staff director, in room 6222, New Senate Office Building.

ANNOUNCEMENT OF HEARINGS ON ACDA AUTHORIZATION

Mr. MANSFIELD. Mr. President, on behalf of Senator Fulbright, chairman of the Committee on Foreign Relations, I wish to announce that on Thursday, March 16, it will have an open hearing on S. 3200, a bill to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations.

The hearings will take place in room 4221, New Senate Office Building at 10 a.m. The Director of the Arms Control and Disarmament Agency, Gerald C. Smith, will be the principal administration witness. Any person wishing to testify should communicate with Arthur M. Kuhl, chief clerk of the committee.

ADDITIONAL STATEMENTS

FORTHCOMING VISIT TO CHINA BY SENATE MAJORITY AND MINORITY LEADERS

Mr. GAMBRELL. Mr. President, I was particularly pleased to read last week that Premier Chou En-lai had extended an invitation to the majority and minority leaders of the Senate to visit China in the near future. It is important that the legislative, as well as the executive branch of the Government participate in the steps now being taken which will vitally affect our future relations in the Far East.

An editorial published in the Atlanta Constitution of March 2, 1972, referred to the invitation extended to the Senate leaders to visit China. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Invitation

Premier Chou En-lai's invitation to Republican and Democratic Senate leaders to visit China shows a commendable understanding of this country's political system and indicates a sincere desire for better relations with our nation.

Chou obviously understands that without strong bipartisan congressional support meaningful American foreign policy is impossible. The executive branch may propose, but in the final analysis it is the legislative branch that disposes.

Historically the Congress has put party and politics aside and supported our presidents in dealings with other nations. But in those instances where they have disagreed it was the President who found himself powerless.

Woodrow Wilson discovered this to his lasting grief when he unsuccessfully sought ratification of the Treaty of Versailles, which, among other things, would have brought the United States into the League of Nations.

And the treatment of China under that Treaty, interestingly enough, was the club the Congress used to batter Wilson into bitterness and disillusionment.

Hopefully our sense of self-preservation as a nation is stronger now, and we will not repeat the mistakes of our past.

AMERICAN TECHNOLOGY SPURRED BY THE SPACE SHUTTLE

Mr. CURTIS. Mr. President, over the past few years, a dramatic change has occurred in the patterns of international trade concerning high technology goods. America has, in relative terms, been losing its preeminent position.

For example, in 1965, we exported $13 billion worth of high technology goods, while imports in this category amounted to $3.9 billion. By contrast, in 1970, America exported $22.6 billion in high technology wares, but on the other hand, imports in this category had risen to a whopping $13 billion.

While it is true that in that 5-year period our balance in high technology goods had risen from $9.1 billion to $9.6 billion, it is also true that imports in this category had increased threefold.

As might be expected, automotive products showed the greatest increase in the statistics. Nevertheless, America is facing increased competition in the entire range of high technology goods. The Europeans, the Japanese, and the Russians, at international trade fairs and in actual sales, have demonstrated increased capability to compete with us. Helicopters, general aviation aircraft, and commercial aircraft are being produced abroad for the world market, where 15 or 20 years ago, we were, for all practical purposes, the sole supplier.

In the past, we have been able to offset the imports of low-technology products through the export of high-technology items such as aircraft, computers, and chemicals. It we should lose our strong position in high-technology trade, a further assault on the dollar could almost certainly be expected.

This Tuesday, the Senate Aeronautical and Space Sciences Committee will begin hearings on the NASA authorizations for fiscal year 1973. One of the important matters before the committee this year is the decision to go ahead with an American space shuttle transportation system.

I believe the space shuttle is justified on grounds of economy because it holds the promise of saving the taxpayers and space users billions of dollars. There is another justification, difficult to measure in dollar terms, but I believe equally important: the space shuttle can spur a continued high level of technology in the Nation.

Business Week magazine of January 15, 1972, contains an informative article entitled "Making U.S. Technology More Competitive." In describing the changed situation in technology during the past decade, Business Week said:

> As the U.S. surplus in international trade has turned into a deficit, analysts have been looking to the historical record to see just how America has managed to lose what was thought of as its commanding technological lead. To some extent they have been rewriting the popular record of American industrial and scientific inventiveness, spreading the realization that many of the products and processes on which the country prided itself have, in fact, come from abroad.

I commend the article to Senators who are concerned about keeping America competitive in foreign trade. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAKING U.S. TECHNOLOGY MORE COMPETITIVE

THE PRESIDENT WANTS TO STIMULATE R. & D. TO HELP AMERICAN INDUSTRY REGAIN THE EDGE IT ONCE HAD IN TRADE

In the mid-1960s, Europe's industrialists spent a lot of time bewailing the "technology gap" between the U.S. and Europe. Today, it is becoming almost as common for U.S. businessmen and economists to warn of the growing danger that a reverse gap is appearing, or will do so soon unless the nation takes steps to halt the trend.

As the U.S. surplus in international trade has turned into a deficit, analysts have been looking to the historical record to see just how America has managed to lose what was thought of as its commanding technological lead. To some extent they have been rewriting the popular record of American industrial and scientific inventiveness, spreading the realization that many of the products and processes on which the country prided itself have, in fact, come from abroad.

"Where we had a lead," says Robert A. Winslow, president of Enjay Chemical Co., a Jersey Standard subsidiary, "was not in the development of technology itself but in the application of that technology, the marketing and management of it."

In two major areas, the U.S. has held a lead in the past decade: in fields such as the design and application of computers, semiconductors, commercial jet aircraft, nuclear power, and aerospace; and in the mass production of products from processes and ideas often developed abroad.

THE URGENT NEED FOR A NATIONAL POLICY

The growing sense of anxiety about a reverse technology gap has reached Washington. When President Nixon goes before Congress next week, he will devote a significant part of his State of the Union address to the problem. Later, he will send Congress a special message on the subject and will reveal the outlines of new national programs designed to stimulate and direct the nation's technological progress. These programs are intended to encourage industry to boost its research and development spending and to insure that a substantial part of that R&D is directed toward solving national problems.

In the view of some economists, a national policy on technology is long overdue. No factor, they say, is more fundamental to a nation's security and standard of living than its technology—the inventiveness of its people, the cost-effectiveness of its products, and the productivity of the means by which it makes them.

Right after World War II, and on through the 1950s and into the mid-1960s, the U.S. was unmatched in its ability to produce new products, to get them into a mass marketplace, and to keep raising the productivity of its industry. Several factors besides Europe's postwar hangover contributed to the U.S. lead in the 1950s and 1960s. The U.S. was spending more than $20-billion a year on R&D—four times the European total. The European market was still fragmented, while U.S. industry could spread its new-product development costs over a huge domestic market. Divisive pressures of nationalism were not hampering America's work on massive projects such as computers and nuclear power, as they were in Europe. Proportionately, the U.S. also had a much larger force of technical manpower. Risk capital was much more readily available. And U.S. companies moved fast to introduce new products.

Through the mid-1960s, the billions spent on missiles and space were force-feeding many areas of U.S. technology. The money helped to propel the technology of computers and microelectronics by enormous leaps, and the demand for high degrees of reliability in manufacturing pushed contractors to perform jobs they had thought impossible. European industrialists complained that American industry, fueled with money from space and missile budgets, would leave them forever behind.

Most of the world's airlines flew U.S.-made jetliners. Most of the world's computers were U.S.-made, and virtually all of those that were not were based on U.S. designs and U.S.-developed equipment. Most of the world's electronic gear had first come out of U.S. plants, U.S. engineers, such as Brown & Root and M. W. Kellogg, roamed the world setting up petrochemical plants based on U.S. expertise. And in the less developed lands, U.S. contractors such as Peter Kiewit and Morrison-Knudsen seemed to have a stranglehold on the business of building dams and bridges and huge harbor facilities.

HOW THE TECHNOLOGY LAG DEVELOPED

In all these highly visible glamour industries, Americans were undeniably leading the way. But elsewhere, as the Europeans and Japanese rebuilt war-devastated industries, a U.S. techology lag was developing. Foreign steelmakers, for instance, were already installing new processes, such as the basic oxygen furnace, on a wider scale than American steelmen. And even in the early 1960s, U.S. heavy machinery builders, such as the makers of turbine generators, were running into intense foreign competition on design as well as on price. Simultaneously, two other trends were developing. Twenty years of foreign aid had built many nations' economies to a scale that made them significant in world trade. And at the same time, U.S. multinational companies began producing U.S.-designed products overseas in far less time than the world had seen before. Where 20 years had elapsed between first production in the U.S. of certain kinds of plastics and the production of these plastics in Japan, it recently took barely a year for Japanese plants to catch up with production of U.S.-designed semiconductors.

These days, some of Europe's older high-technology industries, such as chemicals and electrical equipment, are selling more and more of their products and licensing more and more of their technology to U.S. companies. Polypropylene, a plastic now widely used in U.S. cars and appliances, was invented in Italy. Extra-high-voltage transmission, a more efficient way of conducting electric power for long distances, was pioneered in the U.S. by ASEA, the Swedish electrical equipment maker. When Colt Industries sought to rescue its faltering program for developing big diesel engines, it had to turn to Austrian consultants for help. Georgia-Pacific Corp. went to Britain's Imperial Chemical Industries when it wanted a more economical way to make methanol in its new Plaquemines (La.) plant. Some U.S. shipbuilders are finally adopting cost-cutting methods that were developed in Sweden. The American construction industry is just beginning to use "systems building" techniques that are already widely applied in Europe.

THE COMPETITION IN AIRCRAFT

The aircraft industry is a notable example of the new international competition. For years, the U.S. competed comfortably in world aircraft markets, helped by the fact that a lot of its heavy R&D costs had already been paid by the military. From the days of the DC–6 onward, most commercial airliners' engines were developed first for the military. For the supersonic generation of civilian aircraft, the substitute for military support was to be the Transportation Dept.'s SST program. When that collapsed last spring, Robert Anderson, president of North American Rockwell Corp., declared, "We have just abdicated to Russia, France, and Britain a lead we held for 40 years."

The value of the Franco-British Concorde, the European SST, is still widely disputed. But there are other signs of the new competition. An LTV Aerospace Corp. subsidiary is now assembling helicopters designed by France's Aerospatiale. Nippon Aeroplane Mfg. Co. is taking aim at U.S. feeder airlines with its YS–11 short-hop turboprop. The European builders of the Mercure short-haul jet and the A–300B airbus also are aiming at the U.S. market. Says Allen E. Puckett. executive vice-president of Hughes Aircraft Co., "Our R&D money just isn't keeping pace."

"We're in a horse race now," says Everett Yelton, Jr., assistant general manager of Du Pont's Plastics Dept. "We have got to disabuse ourselves of the myth that the U.S. can invent itself into a position where it owns 90% of the technology in plastics."

On both sides of the Atlantic, there are many who believe that the U.S. and Europe are technologically competitive today in most industries. The U.S. still has undisputed leadership, they say, in areas that account for only about 10% of its gross national product.

From Japan, too, the U.S. faces increasingly tough technological competition. The Japanese "are superb in the management of technology," says William H. Forster, technical director of giant ITT-Europe. The Japanese, who have already proved themselves adept at putting Western technology to work, have also begun to contribute to the reverse flow of technology. In 1966, when Japan's Mitsubishi renewed a licensing agreement with its U.S. partner, Westinghouse Electric Corp., the contract called for a two-way exchange of technology for the first time. Says one U.S. chemical company executive: "We are seeing opportunities to buy new technology in Japan that doesn't exist anywhere else."

Government planners have good reason to worry about the consequences of the U.S. losing its technological leadership in too many fields. Production costs would rise. Consumers would pay more for less value. New products would become fewer. Exports would keep declining. More jobs would move overseas.

THE REASONS FOR NATIONAL CONCERN

The new Administration program for spurring American technology is intended to be an integral part of Nixon's economic program. Its origins stem partly from analyses by Michael Boretsky, a Commerce Dept. economist, of the impact of technological progress on international trade.

Nixon in September told Congress that "we need new programs to insure that America's enormous wealth of scientific and technical talent is used to the fullest." The President could find many reasons for concern:

The trade balance

The favorable U.S. trade balance in high-technology products has leveled off at about $9.6-billion. In recent years, U.S. imports of these products has been growing 2½ times as fast as exports. And in its trade in high-technology products with Japan, the U.S. has been running a deficit since 1965, which has now reached the $1-billion level.

Productivity

New technology has not been contributing much to U.S. production efficiency. The rate of productivity growth in U.S. industry has dropped in the last few years from its post-war average of 2.6% a year to just 1.7%, a decline accelerated by the shift to a service economy. In contrast, Western Europe's productivity growth rate is running at 4.5% a year, and Japan's has zoomed to 10.6%.

Spending cuts

The growth of R&D spending, which fueled military and industrial strength, has leveled off, and the proportion of GNP that the U.S. spends on R&D has declined. Commerce's Boretsky estimates that when military R&D is factored out, the U.S. spent 1.5% of its 1968 GNP in civilian research, compared with West Germany's 2.6%.

Basic research

Scientists agree that, because of federal R&D cutbacks, the U.S. has fallen behind other nations in some key areas of basic research, among them high-energy physics, radio astronomy, magnetohydrodynamics, and fusion power. Anderson of North American Rockwell charged recently that the U.S. is "confronted with scientific starvation." Industry, moreover, has cut to the bone its own spending on basic research, putting its emphasis on the short-term payoff.

Wasted resources

Some 3% of U.S. scientists and engineers now are unemployed. This has helped discourage many youths who ordinarily would have started studying for technical careers, and manpower experts predict future shortages in the technically trained workforce.

New attitudes

An anti-technology attitude has taken firm hold of an influential segment of the public. In the words of Edward E. David, Jr., scientific adviser to the President, "Society is losing its courage to experiment." If this persists, David warns, "our society will become dull, stodgy, and altogether stagnant."

These trends add up, in the eyes of many experts, to a slowdown in U.S. technology. The impact of such a slowdown would not be apparent to consumers for several years, but it shows up quickly in industry. And because of the accelerating pace of technology, even a temporary slackening can put a company far behind. The technological life of some communications equipment, for example, is only two years. "If you fall just one year behind in research," says John B. Dwyer, vice-president of research and engineering for M. W. Kellogg Co., "the loss . . . is much, much greater in the 1970s than it was in the 1920s."

SETTING NEW GOALS

The help-technology program now under final review in the White House has as its most spectacular element a "New Technological Opportunities" program. This would set new technological goals for the nation, such as better health care, and harness the technology needed to reach them. The aim is to attack national problems in a way that would also help the U.S. trade posture.

The Administration also has before it a package of proposals developed by the Commerce Dept. and the Council of Economic Advisers. Closest to the heart of Commerce Secretary Maurice Stans is a kind of super technology agency. Such an agency, which Stans hopes would be formed within the Commerce Dept., would focus on programs to forecast, assess, and enhance industrial technology. Priority would probably go to the high-technology industries that still produce a positive trade balance.

The idea also calls for financial incentives to stimulate development and use of new technology. The incentives could include loan guarantees, grants, procurement contracts, and tax incentives for R&D and capital expenditures. The CEA wants particularly to help small companies.

Some antitrust restrictions that prevent companies from participating in joint research programs might also be dropped. Says Stans: "It may well be time to modernize antitrust laws, which evolved to deal with the different problems of an earlier era, in order to permit the pooling of funds and risks that must accompany major technological breakthroughs."

The technological opportunities program could have a major impact on patterns of federal and industry R&D. William M. Magruder, former SST project chief, is managing the new program, and he is seeking to focus on problem areas where critical needs exist: transportation, development of natural resources, and two key areas affecting trade—new commercial products, and productivity. More socially oriented goals include better communication (especially for education), urban and suburban development, health care, nutrition, waste management, economical means of meeting air quality standards, better weather prediction and control, and better protection from natural disasters.

Neither the technological opportunities program nor the other elements of the Nixon technology program has yet taken precise shape, and so far industry executives tend to be wary in their comments. But it is already becoming clear that some of the approaches being considered would find tough going in Congress. Antitrusters and tax policymakers have serious reservations. And the science lobby is worried that the new emphasis on applied technology will be at the expense of basic research.

HOW MUCH FEDERAL CONTROL?

But the major battle will be over how much control the federal government should exercise over U.S. industry's R&D policies. There is considerable opposition to the idea of a central technology bureaucracy. "It could become a boondoggle," says Kellogg's Dwyer. "Disastrous" is the word used by Robert Winslow, of Enjay. He maintains that "competitive enterprises usually have been much more efficient than government in managing research." Besides, questions of efficiency aside, industry does not like to devote its own technical talent to projects that end with the government owning the patents.

Boretsky is one within the government who is not impressed with the efficacy of massive R&D. "Some people think if we set up the kind of agency (we had) to send men to the moon, our problems will be solved." But a better solution, he says, is "general incentives to encourage productivity growth and innovation."

The incentives most seriously considered are additional tax benefits for companies that spend money on R&D contracts. "We should not give R&D a blank check on the U.S. Treasury," says Murray L. Weidenbaum, formerly Assistant Secretary of the Treasury for economic policy and now teaching at Washington University in St. Louis. "The mistake in military programs was that the federal government picked up virtually all the R&D costs."

According to Weidenbaum, tax benefits are the commonest way of encouraging R&D abroad. In Canada, an approved research program can win a company a tax credit of 25% of its cost. In Australia, capital spending for R&D can be written off in three years; in Norway, in one year.

Within industry, there is considerable support for such tax incentives. "The concept is right," says Harvey J. Taufen, vice-president and chairman of the research policy committee at Hercules, Inc. Paul B. Stam, vice-president for R&D at Burlington Industries, Inc., thinks a tax incentive would be effective, "but it would have to be substantial to make a difference in company decisions." Roger R. Ringham, engineering vice-president for International Harvester Co., likes the tax credit theory but wonders about trying to encourage certain kinds of R&D. He asks: "How do you administer such a program without making Jovian decisions" about who deserves what?

GETTING A PLAN THROUGH CONGRESS

Others want no part of a tax credit, fearing increased federal involvement in their industry. In effect, says Yelton of Du Pont's Plastics Dept., 50% of R&D already comes off taxes. "Additional tax credits," he says "could lead to government intervention and possibly control."

Some industry managers point out that a giant infusion of cash is no guarantee of R&D results. In the fifties and sixties, American industry fell in love with the concept of R&D, and most big companies built big laboratories. But one survey of 120 companies showed that half of them got no usable product out of 60% of their R&D projects. "I don't think the R&D community as a whole has a high level of productivity," says Kellogg's Dwyer. "The pressure for results has never been transmitted properly."

Yet the unit costs of R&D have been soaring. Total R&D expenditures in the U.S. plateaued in the late 1960s and have actually declined in constant dollars since 1969. But the cost of keeping each technical person at work has gone up more than threefold since 1950 and by 12% just since 1968, according to figures developed by Battelle Memorial Institute. So it takes a constantly growing R&D budget just to maintain a steady level of effort.

In any case, it is questionable whether an R&D tax credit could get through Congress.

Representative Wilbur Mills (D-Ark.), chairman of the House Ways & Means Committee, "looks askance at anything that erodes the tax base," warns a Mills aide. Even more important, while Congress can review and force changes in direct federal R&D spending, a tax benefit program would put federal support of R&D outside Congressional clutches.

Those who want to help U.S. technology are likely to find it at least as difficult to win antitrust exemption for industrywide, cooperative R&D programs.

In Japan, the government encourages joint efforts to improve productivity. And Milton C. Shaw, mechanical engineering head at Carnegie Mellon University believes the U.S. government also should help, instead of "harass," companies that attempt joint efforts.

HOW MUCH WILL COMPANIES SHARE?

But recent precedents are not encouraging. The auto industry tried to share information about its emission-control R&D, but the Justice Dept. forced it to stop. The consent decree that the auto makers signed has had repercussions in many industries that are under the gun on pollution. "It's wasteful and slow for every outfit that makes an internal combustion engine to work on its own way of controlling emissions," says Frederick C. Lindvall, engineering vice-president of Deere & Co. "It's a shame that engineers can't talk to each other, even in technical society meetings, because the corporate lawyers are so afraid of antitrust."

"But," adds Lindvall, "to lose competition is dangerous, too." In fact, while many in industry feel that antitrust fervor is in some cases retarding rather than promoting U.S. competitiveness, no one seems certain what changes should be made. And many, particularly in the more innovative industries, are skeptical about how much sharing would be done anyway. "It's hard to visualize companies cooperating," says C. Lester Hogan, president of Fairchild Camera & Instrument Corp. "To me it would be like giving away the crown jewels." Bernard Plansky, president of Frequency Sources, Inc., a small microwave company in Massachusetts, is even less enthusiastic about antitrust relaxation. "It would encourage the large companies to bury us," he says.

The fate of small, innovative companies like Plansky's is getting special attention in Washington these days, and help for such companies could be a major ingredient of the new Nixon recipe for technology. Many large companies, too, are well aware of the flow of innovation that can come out of small businesses. Ford Motor, Hercules, and many others have set up special operations to look for small, innovative companies that they might buy into or buy out.

The technological contributions of small companies have not gone unnoticed in Congress, either, Senator Philip A. Hart (D-Mich.), chairman of the Senate Antitrust subcommittee, plans to introduce legislation early in the coming session of Congress aimed at breaking up corporate concentration in such "low-competing" industries as steel, drugs, petroleum, chemicals, metals, and electrical equipment.

CAPITAL FOR THE INNOVATORS

However, both large and small companies often play essential and complementary roles in bringing advanced technology to the U.S. marketplace. A study of semiconductors by John E. Tilton, recently published by the Brookings Institution, shows how Bell Laboratories and the large tube manufacturers, such as RCA, General Electric and Westinghouse, used their immense R&D resources to lay the technical groundwork for semiconductors, yet failed to capitalize on this work in the marketplace. Bell, of course, was constrained by the Justice Dept. from doing so. But the others could not move fast enough to compete in this area. New companies, for the most part, devloped the successful products and became the industry leaders.

But small companies have been hurt the most by the recent cutbacks and changed priorities in federal R&D. As federal agencies, particularly the field centers of the National Aeronautics & Space Administration and the Air Force, have found their budgets dwindling, they have tended to do more of their R&D themselves. Even with recent boosts in federal spending, military R&D is still "very, very difficult to get," says Plansky.

Adding to the woes of newcomers has been the drying up of venture capital for new high-technology companies—a resource in which the U.S. has always had an advantage over Europe. Venture capital is plentiful but "harder to get than ever" for a high-technology business says Patrick Liles, a new venture specialist at Harvard Business School. Arthur Rock, one noted investor in high-technology is so bearish on the field that he is putting his money into commercial paper. He is discouraged by the government's R&D policies and, in the computer area, by the renewed aggressiveness of giant IBM's marketing strategy.

On the other hand, Ray Sanders, president of the fledgling Computer Transmission Corp. in Los Angeles, says, "The only ideas left around without money behind them are the bad ones." Frank G. Chambers, president of Continental Capital Corp., says that venture capitalists are still interested in high technology but, having been burned often in the 1960s, "they are extremely cautious of investing in single individuals. They now want a team that has worked together for some time." And, he says, the team must have "a detailed marketing strategy."

Entrepreneur Plansky, however, believes that investors want a good deal more: They want to get their money out in three years, they want "very high interest rates," and they want control of the company.

A TECHNOLOGY "GIVEAWAY"

While most of the new game plan for technology is intended to step up innovation in the U.S., there is also growing support for an additional bit of strategy: slowing down the rate at which foreign nations get their hands on U.S. technology. If such a strategy is adopted, it may put roadblocks in the path of U.S. corporations that now consider the rapid transfer of technology to licensees or subsidiaries abroad vital to their profits.

In recent years, the worldwide operations of multinational companies have speeded up the diffusion of technology abroad. Joint ventures abroad are also becoming popular, most recently in the ailing aircraft industry. Boeing Co. has teamed up with Aeritalia, a new Italian company, to develop a commercial STOL airliner. And the Aircraft Engine Div. of General Electric Co., which recently laid off 7,500 employees, has teamed up with France's SNECMA to build an advanced, low-noise, low-production jet engine.

Critics charge that licensors and multinationals are "giving away" U.S. technology. Organized labor, which complains about the export of jobs along with technology, is most vocal. "We do not believe that the managements of these multinational firms should be determining the basic economic policies of the U.S. government or of the American people," says Nathaniel Goldfinger, research director for the AFL–CIO.

Treasury Dept. economists who are directing a multiagency study of the problem, concede that income from investment abroad can take the place of trade income as the U.S. becomes a "mature creditor." But then, they say, companies have to be encouraged to invest that income at home if it is to create jobs in the U.S. The trend in thinking at the Treasury is made clear by John R. Petty, Assistant Secretary for international affairs. Says he: "The country's competitive advantage in technology will quickly dissipate when you have a broad network of corporate structures licensing and cross-licensing."

However, industry executives insist that technology transfer is a good way to exploit U.S. technology for profit, and a good way to get hold of technology the U.S. does not have. "Since the birth of the chemical industry," says Enjay's Winslow, "a significant portion of the technology has come from overseas, and it still does."

"Hoarding technology and protecting the gap is the old way of thinking," says James A. D. Geier, president of Cincinnati Milacron, Inc., a multinational machinery builder. Foreign technology, he says, "can only strengthen our industry and the national balance of payments, and provide more jobs in the U.S. in the long run."

How U.S. Industries Shape Up

Each major industry has its own technological track record. Here is how some key U.S. industries stack up against their foreign competition:

COMPUTERS

The U.S. technological lead in computers is well-established. And, boasts one computer executive, "we have enough technology to last us to the year 2000."

But computer and semiconductor technology has spread rapidly around the world. Japan's Fujitsu, for example, recently was able to show prospective U.S. buyers a minicomputer that many found attractive. Other nations have sometimes been faster to put computers to work, too—the Norwegians to run ships, the Swedes to link up medical facilities, the Germans to control traffic lights.

Increasingly, the U.S. lead appears to be due not to technology but to superior marketing and service. Moreover, the cutting edge of U.S. computer technology is wielded not by IBM, but by minicomputer builders and independent peripheral makers. To keep U.S. technology up to scratch, some experts say, it will be necessary to make certain that the behemoth's competitive thrashings do not drive the innovators out of business.

STEEL

"We are still ahead of them," says Donald Blickwede, vice-president and director of R&D for Bethlehem Steel Corp. And there is little doubt that U.S. steelmen lead the world in developing new products—such things as porcelain-coated sheet for appliances, stronegr pipeline steels, and more wear-resistant steels for mining machinery. But the industry still spends only 0.35% of its sales dollar on R&D, and it generally has not been innovative in production.

Of 13 major innovations in steel-making, one study shows, not one originated with a U.S. steel producer. The latest innovation announced by U.S. Steel Corp.—a kind of cross between the basic oxygen process and the old Bessemer process—actually started with a West German steel producer.

Building on the work of an American inventor, the U.S.S.R. is well ahead of the U.S. in adopting electroslag refining and in scaling up the process to make giant ingots. While productivity of the Japanese steel industry continues to rise, productivity growth for U.S. steelmakers has virtually halted.

ELECTRONICS

The U.S. maintains its lead in semiconductors. And, thanks to large-scale integration (LSI), which eliminates much assembly work, the electronics industry may be winning back from Japan the domestic manufacture of some semiconductor-based products—notably calculators.

Slowness of the U.S. industry to automate allowed the Japanese to grab off virtually all radio and black-and-white TV production. But makers of color TV sets think that innovations in design, manufacture, and marketing will keep their production at home. "We are all moving to solid-state," says one executive. Charles Phipps, manager of strategic planning for Texas Instruments' Components Group, estimates that ICs will take over 70% to 80% of color TV's socket functions within three to five years. RCA is using ceramic circuit modules, made in a highly automated plant, for some color sets and stereo phonographs.

But the Sony three-gun picture tube (Trinitron), the Philips casette player, and AEG-Telefunken's video-recording disk are signs that the U.S. has no lock on innovation in consumer electronics. And U.S. companies are wary lest the Japanese come up with a major breakthrough, such as flat-screen TV.

AUTOS

The automotive industry, conservative as it is, has always been ready to look at new materials and machines that would cut its manufacturing costs. "No one in the world can beat Detroit at saving a buck," says an inventive engineer. With some notable exceptions, such as the automatic transmission and power steering and braking, the industry has resisted major product changes, however. Front-wheel drive, disk brakes, radial tires, and the Wankel rotary engine all had to prove themselves in Europe first. U.S. automakers still are resisting electronic fuel injection, standard on serveral Volkswagens.

TEXTILES

Fragmented and fiercely competitive, the textile industry spends less of its sales dollar on R&D than any other major U.S. industry. At huge Burlington Industries, Inc., one of the most R&D-conscious manufacturers, for example, only $7.2-million of last year's $1.8-billion in sales went into R&D.

Increasingly, the industry has become dependent on foreign machinery. "Most of the innovations in textile machinery are coming from Europe," says Paul B. Stam, Burlington's vice-president for R&D. In the industry's hottest area—producing knit goods—all of the 12,000 double-knitting machines in the U.S. are foreign made, according to other industry estimates. The reason, says Stam, is performance.

AMICUS BRIEF FILED IN ARMY SURVEILLANCE CASE

Mr. ERVIN. Mr. President, I have recently filed an amicus curiae brief with the Supreme Court in the case of Tatum against Laird. The brief was prepared in behalf of four religious organizations for which I am acting as counsel. All claim to have been affected in some way by the threat or actual use of Army surveillance, the legitimacy of which is at issue in the Tatum case.

What is specifically challenged by the brief is the general, preliminary investigation of almost every form of peaceful political activity, having no relationship to actual situations requiring the use of military force. Such broad and indiscriminate surveillance has the unavoidable effect of inhibiting the exercise of our most precious of first amendment rights.

I feel every citizen ought to be aware of these repugnant activities and the threat they pose to the exercise of individual rights. The public's education was begun by the disclosures made during last year's hearings of the Subcommittee on Constitutional Rights. I ask unanimous consent that the text of my brief, which sheds light on the scope of the surveillance and fully develops the legal issues before the Court, be printed in the RECORD in order that it may receive wide public scrutiny.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

[In the Supreme Court of the United States, October Term, 1971]

MELVIN R. LAIRD, SECRETARY OF DEFENSE, ET AL., PETITIONERS, v. ARLO TATUM, ET AL., RESPONDENTS, No. 71-288

ON WRIT OF CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

Brief of Unitarian Universalist Association, Council for Christian Social Action, United Church of Christ, American Friends Service Committee, National Council of Churches of Christ, Amici on behalf of the respondents.

INTEREST OF THE AMICI CURIAE

Unitarian Universalist Association

The Unitarian Universalist Association is a religious association established more than 200 years ago and incorporated under the laws of New Hampshire and New York. The Association, in its constitution, "is empowered to, and shall devote its resources to and exercise its corporate powers for, religious, educational and charitable purposes." In accordance with these purposes, the Association, among other things, seeks "to cherish and spread the universal truths taught by the great prophets and teachers of humanity . . . ; to affirm, defend and promote the supreme worth of every human personality, the dignity of man, and the use of the democratic method in human relationships;" and "to implement our vision of one world by striving for a world community founded on ideas of brotherhood, justice and peace."

The Association, its member churches and fellowships have long regarded the Constitution and the Bill of Rights as a bulwark of religious and civil liberty. Individual members, churches, and congregations of the Association have long believed that social action on issues of public concern is an important part of their religious and personal obligations. As a result, many congregations and individual members have actively exercised their rights of free expression and assembly under the Constitution with respect to the controversial public issues of our times. It was a matter of grave concern, therefore, to the Association, its churches, and members to discover that at least four churches and an undetermined number of individual members have been the subject of military investigation and surveillance. Because of its belief that such surveillance is alien to our form of government and foreign to a society of free men and women, the General Assembly of the Association on June 11, 1971, unanimously resolved to oppose such surveillance and to support efforts to bring it to a halt.

COUNCIL FOR CHRISTIAN SOCIAL ACTION, UNITED CHURCH OF CHRIST

The Council for Christian Social Action is a national instrumentality established by the United Church of Christ to "study the content of the gospel in its bearing on man in society, provide and publish information and literature on social issues, cooperate with . . . appropriate bodies in making the implications of the gospel effective in society, and formulate and promote a program of social education and action for the United Church of Christ." The United Church of Christ is a major American Protestant denomination of some 2,000,000 members, the union of the Congregational Christian churches and the Evangelical and Reformed Church.

Although the Council speaks only for itself, addressing both churches and the civil society in the interests of justice and mercy, on occasion it represents the broader convictions of the communion as expressed through pronouncements of its General Synods. This is the case in the Councils' long-term promotion of civil liberties in American society and its opposition to all forces which deny rights of privacy and of association, suppress political participation, stifle dissent, or punish critics of national policy.

Thus the Council can also speak for the Fourth General Synod of its church, which called upon churchmen "as Christians and citizens" to safeguard the right of freedom of expression as guaranteed in the First Amendment of the Constitution of the United States, including the right within constitutional limits to express opposition or commendation to our government or to advocate peaceful change to alternative political and economic systems without being intimidated or harassed.

More recently, this church's Eighth General Synod, meeting in 1971, as part of its concern to enable U.S. power to serve humane ends and contribute to world peace, took as one of its prime objectives "to have the Instrumentalities, churches and members work to restrain the power of the Pentagon in probing into the private lives of American citizens."

AMERICAN FRIENDS SERVICE COMMITTEE

The American Friends Service Committee is an independent, voluntary, privately-owned Quaker organization, founded in 1917, and active since that time in works of humanitarian relief and service, reconciliation between nations and peoples, public education about peace, and programs to overcome discrimination and oppression occasioned by race, poverty and injustice. It has devoted major energy to opposing war, militarism and conscription and to assisting people who have suffered from their consequences.

On February 28, 1970, the press reported that the American Friends Service Committee was the subject of Army military intelligence files and that there had been military surveillance of the AFSC and individuals associated with it. Subsequent press and other public disclosures alleged that the surveillance had been indiscriminately directed at civilians engaged in legitimate anti-war, anti-draft and pro-civil rights activities. These disclosures had a disruptive effect on the peace education work of the AFSC and are believed to have discouraged some Americans, otherwise ready to participate publicly in activities related to U.S. war and draft policies and practices, from risking such official military surveillance.

On May 11, 1970, the AFSC wrote to the Secretary of the Army requesting factual information about the press statement and the Army authority for maintaining such files. The reply stated that under Army policy, the Army has no interest in investigating the AFSC because the national activities and goals of the AFSC do not constitute a threat to the Army's operations, property or personnel. But the Army further stated that "certain members" of the AFSC at the local level were and can be "of investigative interest" to the Army, and that, aside from any such individual files on "local members," the Army did maintain a file on the AFSC containing information and material "generally derived from other agencies and sources." We were informed that the file on the AFSC was examined to determine whether it could be retained under current policy and, in the words of the General Counsel's letter, "It could not be retained and was, therefore, destroyed." No proof of such destruction has been offered and no information has ever been given as to which individuals associated with the AFSC had been under surveillance and the subject of past or present files.

The American Friends Service Committee believes that American citizens must be accorded protection against the silent and *subrosa* dissipation of their rights of privacy and against the invalidation or subversion of their rights of assembly, press, speech and dissent by means of secret or even brazen surveillance, data storage and information dissemination by the military authorities. The American Friends Service Committee seeks protection for itself and the American citizens associated with it against such military dangers.

NATIONAL COUNCIL OF CHURCHES OF CHRIST

The National Council of the Churches of Christ in the United States of America is a federation of thirty-three Protestant and Eastern Orthodox religious bodies in the United States with aggregate membership totaling approximately 43,000,000. It is governed by a General Board of 250 members chosen by the member denominations in proportion to their size and support. The General Board determines the policies of the organization through debate, amendment and adoption of carefully-prepared statements and resolutions brought to it by its subordinate program divisions.

Several of those policies have affirmed the rights of all persons to freedom of religion, speech, press and assembly without fear of intimidation, retribution or obloquy. It is in implementation of those policies that the National Council of Churches participates in this brief. An additional consideration is the fact that one of the plaintiffs which has been subjected to military surveillance, Clergy and Laymen Concerned About Vietnam, originated in one of the program units of the National Council and has since become an independent organization. Many of the leaders of the National Council are or have been active as individuals in that organization, and while no less concerned for the like rights of all, feel a special kinship for it and a resentment against military surveillance of persons whom they know and trust.

Permission is granted by both parties for the filing of this brief.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The constitutional provisions involved are:

Article 1, section 8, relating to the legislative power over the armed forces, and especially the congressional powers "To provide for calling forth the Militia to execute the laws of the Union, suppress Insurrections and repel invasions;"

Article IV, section 4, which provides that: "The United States . . . shall protect each [state] . . . on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence;"

The First Amendment:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The statutory provisions, 10 United States Code 331–333 are set forth in Appendix A, pages 43–44, of the petitioner's brief.

Section 334, of title 10, U.S.C. reads as follows:

Proclamation to disperse.

Whenever the President considers it necessary to use the militia or the armed forces under this chapter, he shall, by proclamation, immediately order the insurgents to disperse and retire peaceably to their abodes within a limited time.

Section 1385, of title 18, U.S.C., reads as follows:

Use of Army and Air Force as possee comitatus.

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a possee comitatus or otherwise to execute the laws shall be fined not more than $10,000 or imprisoned not more than two years, or both.

QUESTION FOR REVIEW

The writ of certiorari presents the following question: Do individuals and organizations not affiliated with the armed services present a justiciable issue under the First, Fourth, Fifth and Ninth Amendments when they allege that their rights of free expression, privacy and association have been infringed by unauthorized, unnecessary and indiscriminate military investigation of their political activities and personal lives?

STATEMENT [1]

Sometime in the 1960's, prompted by an increase in civil violence, the United States Government, acting through the armed forces and primarily the Army, began a massive program of investigation and surveillance [2] of the thoughts, habits, attitudes, political activities and associations of individual American citizens.[3] This Army program took the form of the development and maintenance of investigative files in manual and computerized systems. It was an expansion of pre-existing investigative operations of the armed forces, such as personal background investigations, and was in many aspects inseparable from these other functions. The program was ostensibly developed in connection with the increased use of the Army to put down civil violence. Although there is little evidence available to support the contention, it has been explained as an effort to "predict" situations in which the use of military force would be required.

At the height of the program in the late 1960's, thousands of agents of the United States Army Intelligence Command were involved. In addition, numerous other investigative personnel and other sources of military manpower from the Continental Army Command, the Navy and the Air Force were employed. According to Army documents, the responsibility of these investigators was to gather information on persons and organizations engaged in various activities associated with racial problems, antiwar, antidraft, and other controversial public issues. Intelligence activities have been conducted in public places, on college campuses, at high schools, in churches, and at private meetings. Persons subjected to this program have ranged from leaders of active organizations, to ordinary members, the curious and the passerby. Individuals expressing support or sympathy with subjects of the surveillance have also come under investigation. Subjects have included numerous Congressmen and United States Senators and family members of a Senator, state and local officials, a member of this Court, newspaper reporters, clergymen, and thousands of other Americans. Although no total number can be estimated, it is not an exaggeration to talk in terms of hundreds of thousands of individuals, organizations, events, and dossiers.

The information gathered on these citizens has included their participation or presence at political events, their political views, their relationships with other political activities, their travel, their family associations, finances, education, and other types of personal data. Once a person becomes the subject of investigation, the data gathered about him and his activities is unlimited.[4] Information for the Army dossiers has been obtained by observation of public activities, by covert infiltration, by electronic devices, tape-recorders, cameras, and by videotape, as well as by requesting data from other governmental agencies and from private sources. The Army analyzed and attempted to categorize and label individuals according to their utterances and the way they exercised their rights of free speech, assembly, association, and petition.

The bulk of investigative activity by the Army's own personnel occurred at the field level. Agents collected information and filed "spot reports," "agent reports", and "summaries of investigation". Most of this data was forwarded up the chain of command but record copies were kept in data centers at every level of command. Manual files were maintained at every level. At least four and possibly more computer systems were employed to store, analyze, and retrieve the information collected. Many files were microfilmed and integrated with other files on persons who were suspected of violations of security and espionage laws. These were located at the headquarters of the Intelligence Command (Fort Holabird), the Continental Army (Fort Monroe), the Third Army Corps (Fort Hood), and in the Pentagon. More than one computer data bank was maintained in some of these locations.

Information gathered in this program and political analyses produced as part of it were indiscriminately shared and exchanged by the Army and were distributed to other military record systems, and to other federal, state, and local agencies maintaining investigative files. Although subsequent to the filing of this lawsuit, many of the Army computer systems and other collections of data were ordered destroyed, much of the data still exists in files maintained by the Department of the Army, the Defense Department, and the other federal, state, and local agencies to which it was regularly sent. The Department of the Army has been unwilling or unable to ensure the complete elimination of the information collected under this program from its own and other governmental records.[5]

Examples of the type of organizations put under investigation include the following: The Southern Christian Leadership Conference, the National Association for the Advancement of Colored People, the State Rights Party, the Presbyterian Interracial Council of Chicago, the American Civil Liberties Union, Clergy and Laymen Concerned About Vietnam, the Congress of Racial Equality, the Mexican-American Youth Organization, National Organization for Women, Operation Breadbasket, United Christian Community Service, the Urban League, Young Americans for Freedom, SANE, Milwaukee United School Integration Committee, American Friends Service Committee and hundreds of others.[6]

This action was brought by a group of citizens and organizations challenging the constitutionality under the First, Fourth, Fifth and Ninth Amendments of intelligence activities conducted against them by the Department of Defense. They allege that military investigation of peaceful and lawful political activity by persons unconnected with the armed forces has infringed upon their ability to exercise constitutionally protected rights, and that it infringes the rights of others. They seek a declaratory judgment that such military activity is unconstitutional or otherwise illegal, injunctions forbidding such activity in the future, and mandatory relief requiring the destruction of all information which resulted from the military program. The District Court dismissed the complaint on the government's motion without permitting a hearing on the request for a preliminary injunction. The Court of Appeals reversed and ordered further proceedings. This Court granted the government's application for a writ of certiorari over plaintiff's opposition.

The facts necessary to an informed consideration of the issues raised in the petition for certiorari do not sufficiently appear in the materials presented by the parties in their joint appendix. That information consists of

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what little was known of Army surveillance as of April, 1970. Subsequent to that date and continuing to the present, additional information has been uncovered on the nature of the military program, its origins, purpose, authority, scope, and actual implementation, and its effect on constitutional rights. Consideration of this additional information is necessary to a proper determination of the questions now before the Court. For that reason, copies of the hearings conducted by the Constitutional Rights Subcommittee, United States Senate Committee on the Judiciary, have been submitted as as an appendix to this brief.

SUMMARY OF ARGUMENT

Plaintiffs present a justiciable issue by alleging that their rights to free expression, association and privacy have been infringed by an unauthorized, unnecessary, and indiscriminate military program of investigation into their political views, activities, associations and personal lives. The injuries they suffer to their First Amendment rights consist of a legally perceivable inhibition on the desire or ability to exercise the rights of free expression, an invasion of their right to associational privacy, and an infringement of other areas of protected activity under the First Amendment. Under our Constitution, citizens do not have to pay the price of these consequences in order to voice opinions or to associate with groups which are unpopular with the government. Not only has military surveillance directly caused these injuries, but it has contributed to or facilitated inhibitions on free expression by joining with and fostering other social and personal forces which supply coercive or deterrent effect to the Government's action. Despite such harm to First Amendment rights, the government lacks a compelling interest for conducting the military program. The other strict requirements which must be met to save the activity from constitutional infirmity—proper legal authority, careful standards and strict administrative control, and precise implementation—are also absent. In such a context, it is insufficient to argue, as the government does, that plaintiffs are free to exercise their rights despite surveillance and that injury to First Amendment rights must be shown by empirical proof that the surveillance actually prevented plaintiffs or others from exercising their rights.

Freedoms such as these are protected not only against heavy-handed frontal attacks, but also from being stifled by more subtle governmental interferences. *Bates* v. *Little Rock* 361 U.S. 516, 523 (1960).

ARGUMENT

Plaintiffs have satisfied the requirements of justiciability by alleging an unauthorized, unnecessary, and indiscriminate program of military surveillance which has infringed upon the peaceful exercise of their First Amendment rights to free expression and association.

A. MILITARY SURVEILLANCE INFRINGES ON FIRST AMENDMENT RIGHTS

Although the issues immediately before the Court involve technical questions of justiciability, these questions arise in a First Amendment case and must be considered in that special context. The challenge by the plaintiffs (respondents here) is to the Army's system of political surveillance of citizens unassociated with the armed forces, who are merely exercising in a peaceful manner their constitutionally guaranteed rights to free expression. The plaintiffs seek to vindicate those First Amendment rights.

The Founding Fathers rightly believed that truth alone makes men free, and they desired most of all that the people of America be politically, intellectually and spiritually free. That is the supreme purpose of the First Amendment. It guarantees to every person in our land the freedom to think as he pleases; the freedom to convey information and ideas by speech and other means of communication; the freedom to associate with others to accomplish any lawful purpose; the freedom to meet peacefully for consultation and protest; the right to petition those in power for redress of grievances, either real or imagined; and the freedom to entertain such religious beliefs as comport with his own conscience. As Justice Brandeis, in *Whitney* v. *Calif.* 274 U.S. 357, 375–76, (1927), eloquently put it:

> Those who won our independence believed . . . that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government. They recognized the risks to which all human institutions are subject. But they knew that order cannot be secured merely through fear of punishment for its infraction; that it is hazardous to discourage thought, hope and imagination; that fear breeds repression; that repression breeds hate; that hate menaces stable government; that the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies; and that the fitting remedy for evil counsels is good ones. Believing in the power of reason as applied through public discussion, they eschewed silence coerced by law—the argument of force in its worst form. Recognizing the occasional tyrannies of governing majorities, they amended the Constitution so that free speech and assembly should be guaranteed.

These freedoms are impartial and inclusive. They apply to all persons, whether they are wise or foolish, learned or ignorant, profound or shallow, brave or timid, and regardless of whether they love our country or hate it and its institutions. There can be no doubt that these freedoms are often grossly abused and that society is, consequently, often tempted to demand or countenance their curtailment by government.

Essential though the freedoms are, they are not easily exercised in a climate of fear, discord, and dissension, especially when the ideas being expressed are those which are displeasing to government and unsettling to the majority of citizens. The critical views expressed by plaintiffs and others on racial issues, military policy, the war in Vietnam, and the state of our society and the policies of our government are indeed displeasing to those in power and perhaps to most of society. They are voiced in a time of fear and doubt, when other nations threaten the peace of the world and our nation's security, when crime and violence stalk our land, when riotous mobs have burned our cities, and when disquieting demonstrators have staged violent, unlawful demonstrations on streets and campuses. These ideas and the recent discord associated with them have frightened many Americans, including those in high office.

It is at such a time that the First Amendment is most necessary, most in danger, and most difficult to exercise. It is most necessary because it serves at least two purposes: if the complaint being voiced is justified, it will lead to action to ameliorate that complaint; if it is not justified, free speech nonetheless serves as a safety valve for pressures which otherwise might lead to violence. Free expression is most in danger in times of fear because it is then that demands for suppression of unpopular ideas are strongest. And free speech is then most difficult to exercise, because it takes a brave man to voice unpopular ideas and face the anger of his neighbor and his government. The First Amendment, however, was made for the timid as well as the brave. While government cannot instill courage in the meek, it may not take advantage of a climate of fear to undertake a program which has the effect of restricting the First Amendment only to the very courageous. Government action, such as military surveillance, seemingly innocuous in the abstract, has the very real effect of apprehension of some unknown form, or retment. The coercive power of this government action lies in the national climate of fear and doubt, and in the very real, tangible apprehension of some unkown form, or retribution by government on those whom it fears and therefore watches. That such apprehension exists in America today is manifest.[7]

1. DETERRENCE OF FREE EXPRESSION

There can be no doubt surveillance by the military has an inhibiting effect on the exercise of freedom of expression. The spectre of thousands of military agents dutifully observing, noting, and reporting to higher authority information about peaceful citizens expressing views distasteful to government, the gathering of information about the personal lives of these citizens, the collection of similar data held by local, state, and other federal agencies, the placing of this information in computers, and its interchange with other governmental agencies at all levels, have created an atmosphere of official repression. The type of political activity subjected to this surveillance is what is currently termed "dissent." The views which have attracted the Army's attention consist in large part of those which are antagonistic to the Army's policies, its interests, and its own political attitudes. Quite clearly, the Army has put under surveillance its political opponents. The surveillance, however, is even broader than this. For included in the surveillance are racial matters, community affairs, labor unions, churches, colleges, the press, political figures, and thousands of common, ordinary citizens opposed to existing governmental policies. Army surveillance has had as its target almost the entire range of political attitudes which differ from "accepted," "mainstream" opinion.

The fact that the government, through the instrumentality of the Army, has seen fit to investigate the views and personal lives of those who disagree with it cannot help but clothe those views and the people who hold them with the taint of official disapproval and suspicion, and encourage the public to regard them as somehow disloyal. This Court has always been suspicious of attempts by government to label or characterize political views as "approved" or "disapproved."[8] The reason is obvious. Government, by force of example, has considerable power to encourage or discourage the expression of ideas. The vice of military surveillance is that it serves to discourage the expression of controversial views and to impede their acceptance by others.

The impact of widespread governmental investigations of those who hold unpopular views is even greater, because military surveillance, even if it has served no real purpose, is generally thought to have a purpose.

"These freedoms are delicate and vulnerable, as well as supremely precious in our society. The threat of sanctions may deter their exercise almost as potently as the actual application of sanctions." *NAACP v. Button,* 371 U.S. 415, 433 (1963).

Surveillance creates an apprehension that some harm, its exact nature unknown, will befall those under surveillance, and those who associate with them.[9]

"We have recently had occasion to hold in two cases that there are times and circumstances when States may not compel mem-

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bers of groups engaged in the dissemination of ideas to be publicly identified . . . The reason for those holdings was that identification and fear of reprisal might deter perfectly peaceful discussions of public matters of importance." *Talley v. California,* 362 U.S. 60, 65 (1960).

The coercive power of the unknown is very great, and may be more of a deterrent than the threat of some specific sanction. This quite tangible fear is not eliminated by statements from those in authority that they intend no ill to those whom they are investigating.

The social ostracism which meets those who express distasteful views to popular opinion makes it an act of personal courage in many cases to oppose the sentiments of the community. Military surveillance in this context can only make the individual's ability and desire to speak out more difficult. Not only must he face the disapproval of his fellows, but he must also incur the price of a loss of his privacy, the recording of his actions in the recesses of the files and computers of the armed forces, and the fear of some future detrimental use of those records by the Army or the other governmental bodies to whom the information is distributed. *Talley v. California,* 362 U.S. 60 (1960); *Bates v. Little Rock,* 361 U.S. 516 (1960); *NAACP v. Alabama,* 357 U.S. 449 (1958). Since the Army program is ostensibly conducting surveillance of "unlawful" civil disturbance, the citizen whose peaceful, lawful activities are put under surveillance has to bear the added burden, and the added fear, of being arbitrarily designated as one who aids, abets, encourages, supports, or even engages in unlawful acts of violence.[10] The harm is well illustrated by the reaction of citizens who support military surveillance: "The military wouldn't be investigating them if they weren't doing something wrong." The military, by conducting surveillance, fosters this public attitude, and thereby inhibits free expression in violation of the First Amendment.

It is no reply to say that empirical proof of this injury has not been demonstrated. The effect of the military program is to increase or encourage silence. How does one measure silence? It would be paradoxical, and obviously impossible to require the production of witnesses to confess publicly that they have been frightened out of expressing their true feelings because of military surveillance.[11] That would result in the nullification of the proof at the very moment of its assertion. *NAACP v. Alabama* 357 U.S. 449, 459 (1958). It is enough that the government's actions can be "perceived to have the consequence of unduly curtailing the liberty of freedom of [speech] . . ." 337 U.S. at 461.

The First Amendment's protection for freedom of speech, of association, and the right to petition government for redress of grievances is not limited to governmental action which operates directly on those rights and whose avowed purpose is to limit or regulate them.

Freedoms such as these are protected not only against heavy-handed frontal attack, but also from being stifled by more subtle governmental interference *Bates v. Little Rock* 361 U.S. 516, 523 (1960).

The reason for so extending the protection of the First Amendment to prohibit "subtle governmental interference" is that freedom of expression needs "breathing space to survive" *NAACP v. Button* 371 U.S. 415, 433 (1963). Therefore, governmental "action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny." *NAACP v. Alabama* 357, U.S. 449 460–61 (1958). In recent years challenges to government action impinging on the free exercise of the First Amendment have involved a wide range of situations. The Court has limited the requirement of oaths, (*Baggett v. Bullitt* 377 U.S. 360 (1964)); restricted the operation of laws designated to protect the national security, (*U.S. v. Robel* 389 U.S. 258 (1967)); struck down controls on obscenity, (*Smith v. Calif.* 361 U.S. 147 (1959)); limited libel laws, (*New York Times v. Sullivan* 376 U.S. 254 (1964)) and restricted the congressional power of investigation. (*Watkins v. U.S.* 354 U.S. 178 (1957)). These cases have involved otherwise legitimate governmental interests, but because government had trenched upon protected areas in the course of pursuing its interests its action was impermissible under the First Amendment.

The fact that Alabama, so far as is relevant to the validity of the contempt judgment presently under review, has taken no direct action, . . . to restrict the right of petitioner's members to associate freely, does not end inquiry into the effect of the production order. . . . In the domain of these indispensable liberties, whether of speech, press, or association, the decisions of this Court recognize that abridgment of such rights, even though unintended, may inevitably follow from varied forms of governmental action. . . .

The governmental action challenged may appear to be totally unrelated to protected liberties. Statutes imposing taxes upon rather than prohibiting particular activity have been struck down when perceived to have the consequence of unduly curtailing the liberty of freedom of press assured under the the Fourteenth Amendment. *NAACP v. Ala.* 357 U.S. 449, 461 (1958).

The deterrent effect may be caused by fear of possible loss of employment[12] or of a security clearance, by the threat of a government sanction, by the imposition of a tax, or by some other loss of a government benefit or threat of a legal sanction. But government action may be unconstitutional if it serves as the occasion, although not the direct source of this deterrence.

Petitioner has made an uncontroverted showing that on past occasions revelation of the identity of its rank-and-file members has exposed these members to economic reprisal, loss of employment, threat of physical coercion, and other manifestations of public hostility. . . .

It is not sufficient to answer, as the State does here, that whatever repressive effect compulsory disclosure of names of petitioner's members may have upon participation by Alabama citizens in petitioner's activities follows not from *state* action but from *private* community pressures. The crucial factor is the interplay of governmental and private action, for it is only after the initial exertion of state power represented by the production order that private action takes hold. *NAACP v. Ala.* 357 U.S. 449, 462–63 (1958). See also *Bates v. Little Rock* 361 U.S. 516, 523–524 (1960).

The deterrent effect need not, however, stem from forces external to the citizen. It may be self-generated. In *Lamont v. Postmaster General* 381 U.S. 301 (1965), the minor inconvenience of filing a card requesting delivery of foreign propaganda was not a great imposition on an addressee's time. Yet it was ruled unconstitutional because some citizens in sensitive positions "might think they would invite disaster if they read what the Federal Government says contains the seeds of treason." The ordinary citizen moreover, "is likely to feel some inhibition in sending for literature which federal officials have condemned as 'communist political propaganda.'" 381 U.S. at 307. The earlier practice of maintaining lists of such addresses had been discontinued by the time the case reached the Court. Quite clearly, that practice, also involved in military surveillance, would have occasioned even stronger judicial condemnation.

The Communist registration cases underline this conclusion. Here the deterrent effect is caused by the public antipathy towards organizations of this nature and the effect of explicit governmental disapproval of these organizations, both of which factors operate to discourage citizens from engaging in free expression of views which are encompassed or might be encompassed by the registration laws. Government action which inspires or even facilitates self-censorship is deterrence enough, *Smith v. California* 361 U.S. 147 (1959). *Time Inc. v. Hill* 385 U.S. 374 (1967).

The oath cases provide additional examples in which the deterrent effect is not dependent on government applied sanctions alone. Oaths may not have the morally binding force they once had in a more God-fearing age. Yet some who sign disclaimer oaths will endeavor to abide by them, not only because of a speculative fear of future sanctions for violating the oath, but also because of a conscientious desire to avoid conduct and ideas they have sworn to forbear. *Baggett v. Bullitt* 377 U.S. 360 (1964). Furthermore, the oaths also serve as warnings to members of the general public to avoid views and associations on the possibility that some day they may have to ascribe to the oath. The deterrent effect applies not only to those who must take the oath, but to those who may never have to take it.

The lengths the Court has gone to in identifying such deterrence are well-illustrated by the "abstention" cases. They are not directly relevant here because the plaintiffs do not seek an exceptional interference with the normal requirements of federalism but only the exercise of the Court's responsibility to review the constitutionality of federal action. *Marbury v. Madison* 1 Cranch 137 (1803). Yet, the abstention cases show that even delay caused by litigation amounts to a legally cognizable deterrent.

[T]o force the plaintiff who has commenced a federal action to suffer the delay of state court proceedings might itself effect the impermissible chilling of the very constitutional right he seeks to protect. *Zwickler v. Koota* 389 U.S. 241, 252 (1967).

The line of cases dealing with indirect infringements on First Amendment rights demonstrates that it is the injury to First Amendment interests which is important, and not merely the method by which it is accomplished. To view these cases as prohibiting only certain types of government action which have deleterious effects on the First Amendment is to give them a narrow and artificial construction, and to reflect a strained and grudging appreciation of the vital interest in preserving free expression. It would champion form over substance and put a premium on ingenuity when government seeks to silence those of whom it disapproves. In First Amendment cases especially, government may not restrain speech by indirection any more than by a frontal assault. Any lesser rule would demean the First Amendment and give solace to the ear but deny it to the heart.

2. *Interference with freedom of association*

The Court has explicitly recognized that effective advocacy may require associational privacy, especially when the ideas advanced are controversial.

"It is hardly a novel perception that compelled disclosure of affiliation with groups engaged in advocacy may constitute as effective a restraint on freedom of association as the forms of governmental action in the cases above were thought likely to produce upon the particular constitutional rights there involved. This Court has recognized the vital relationship between freedom to associate and privacy in one's associations. When referring to the varied forms of governmental action which might interfere with freedom of assembly, it said in *American Communications Assn. v. Douds, supra,* at 402:

A requirement that adherents of particular religious faiths or political parties wear identifying arm-bands, for example, is obvi-

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ously of this nature. Compelled disclosure of membership in an organization engaged in advocacy of particular beliefs is of the same order. Inviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs. *NAACP v. Alabama* 357 U.S. 449, 462 (1958).

Anonymity is necessary not only when groups meet in private, but also when they demonstrate on the public streets. There is a very real difference between a public event in which the individual participants are essentially anonymous and the official recording of that act in order to identify the individual permanently with that event. The privacy of a citizen who is one of a faceless crowd at a demonstration or speech is totally destroyed when the Army observes and identifies the citizen, seeks out other data held by private and governmental agencies, infiltrates secret meetings,[13] permanently records this data, and makes it generally available to other governmental agencies. The harm done to the citizen—loss of his associational privacy—is even greater than when government merely compels self-disclosure of organizational memberships. Unlike other situations (*Bates v. Little Rock* 361 U.S. 516 (1960), *NAACP v. Button* 371 U.S. 415 (1963), and *NAACP v. Alabama* 357 U.S. 449 (1958)), in which government sought to further other, admittedly legitimate purposes and only incidentally infringed upon associational anonymity, military surveillance is an intentional and not an incidental invasion of associational privacy. There can be no question that plaintiffs can point to an injury done to their First Amendment rights, because the action they complain of was designed to dispel the anonymity so necessary for political dissent. *Zwickler v. Koota* 389 U.S. 241 (1967), *Talley v. California* 362 U.S. 60 (1960). That privacy is especially necessary when one is opposing antagonistic governmental forces.

3. INFRINGEMENT OF FREEDOM OF RELIGION

The Army's indiscriminate intrusion into domestic civilian affairs has also had the effect of interfering with a number of other constitutionally protected activities. Its surveillance of the activities of elected representatives at the federal, state, and local levels, or unions, of the press and of the judiciary and the legal process, for example, are also infringements of the special constitutional rights of citizens engaged in these protected areas. It is of particular concern to your amici that a large portion of this program has also been directed at members of the religious community, and at religious activities. The record is replete with examples of this special invasion into religious aspects of our society. We agree with plaintiffs that the Army's program is an unconstitutional infringement of every citizen's freedom of expression, but we are especially disturbed by the fact that the program was also oblivious to the religious freedoms secured by the First Amendment. The Constitution erects a high wall separating the military from intrusion into domestic life. In ignoring this principle, the Army also breached the wall of separation between the state and the religious activities of Americans. When it included in its program the peaceful and lawful religious activities of Americans, the Army also violated the free exercise clause of the First Amendment.[14]

B. THERE IS NO COMPELLING GOVERNMENT INTEREST IN MILITARY SURVEILLANCE

Not all action by government which has an effect of deterring the free exercise of First Amendment rights is necessarily unconstitutional, but once such an effect can be identified, the action is constitutionally defective unless the government satisfies strictly imposed limitations. As was succinctly stated by then Assistant Attorney General William Rehnquist, "While there is obviously no justification for surveillance of any kind that does not relate to a legitimate investigative purpose, the vice is not surveillance per se, but surveillance of activities which are none of the Government's business."[15]

The government must have a "compelling" interest in taking the action, it must be precisely defined, and the action must be closely supervised and carefully conducted.

"In the area of First Amendment freedoms, government has the duty to confine itself to the least intrusive regulations which are adequate for the purpose." *Lamont v. Postmaster General* 381, U.S. 301, 310, Brennon, J. concurring.

"Broad prophylactic rules in the area of free expression are suspect . . . Precision of regulation must be the touchstone in an area so closely touching our most precious freedoms." *NAACP v. Button,* 371 U.S. 415, 438 (1962).

(See *U.S. v. Robel,* 389 U.S. 258, 269 (1967), Brennan, J. concurring, for a discussion of the constitutional defects of inadequate standards in statutes touching on the First Amendment).

The fact that the program of political investigation being challenged has been conducted by the military serves both to underscore the seriousness of its deterrent impact on the First Amendment,[16] and also to identify its defective aspects.

As Chief Justice Warren has said:

Determining the proper role to be assigned to the military in a democratic society has been a troublesome problem for every nation that has aspired to a free political life. The military establishment is, of course, a necessary organ of government; but the reach of its power must be carefully limited lest the delicate balance between freedom and order be upset. The maintenance of the balance is made more difficult by the fact that while the military serves the vital function of preserving the existence of the nation, it is, at the same time, the one element of government that exercises a type of authority not easily assimilated in a free society.

The critical importance of achieving a proper accommodation is apparent when one considers the corrosive effect upon liberty of exaggerated military power. In the last analysis, it is the military—or at least a militant organization of power—that dominates life in totalitarian countries regardless of their nominal political arrangements. This is true, moreover, not only with respect to Iron Curtain countries, but also with respect to many countries that have all the formal trappings of constitutional democracy. Warren, *The Bill of Rights and the Military* 37 N.Y.U.L. Rev. 181, 182 (1962)

1. *Military surveillance is unauthorized by law.*

Recognizing this danger, the Founding Fathers took pains to subject the nation's military forces to strict controls.[17]

In six separate clauses of Article I, Section 8, they carefully spelled out that Congress was to have legislative authority over the military, yet at the same time they were also careful to guard against legislative tyranny or excessive discretion.

Thus, the Constitution restricts military appropriations to two years, divides jurisdiction over the militia between the central and state governments, and limits the domestic use of the military to repelling invasions, suppressing insurrection, and executing the laws. Command of the Army was given to the nation's chief civilian officer, the President, and his limited authority for domestic use of the military was repeated in art. IV, §4—repelling invasion and suppressing domestic violence—together with the exact procedure required to be followed in such cases.

The Constitution, therefore, is extremely explicit in limiting the domestic role of the armed forces. Congress, pursuant to art. I, § 8 and art. IV, § 4, has enacted 10 USC 331–334 which are the sole statutory grants authorizing intervention by the armed forces into American domestic life. Yet, it is clear that these statutes nowhere by their terms specifically authorize[18] or even contemplate surveillance by the military. The statutes govern only the circumstances in which the President may use military force. Unless these conditions are present, the President may not loose the Army on the American people, and any direction by him purporting to do so is without statutory or constitutional support. Even when the necessary preconditions for use of the armed forces under these statutes exist, these statutes also prescribe the procedure that must be employed before the President may call out the Army. Unfortunately, recent American history has provided us with examples where this has been deemed necessary.[19] But the actual use of military force to suppress violence, pursuant to art. IV, § 4 and these statutes, is not challenged here; nor is the power of the Army to perform necessary investigation when actually committed pursuant to these statutes; nor even its right to receive intelligence when such a commitment is about to be made. What is challenged is a program of political surveillance and investigation of persons throughout the entire country, and encompassing almost every form of peaceful political activity, with no relationship to actual situations requiring the use of military force.

The authority to conduct political and personal investigations of such a general nature cannot be read into these statutes. First, the Constitution and American history demonstrates that grants of power to the military to act in domestic affairs must be narrowly construed.

On the whole, it seems to me plain that the Court has viewed the separation and subordination of the military establishment as a compelling principle. When this principle supports an assertion of substantial violation of a precept of the Bill of Rights, a most extraordinary showing of military necessity in defense of the Nation has been required for the Court to conclude that the challenged action in fact squared with the injunctions of the Constitution. While situations may arise in which deference by the Court is compelling, the cases in which this has occurred demonstrate that such a restriction upon the scope of review is pregnant with danger to individual freedom. Warren, *supra* at 197

Second, Congress has expressed itself in the past against a broad view of any military involvement in domestic affairs. The *posse comitatus* act, 18 U.S.C. 1385, prohibits the use of military forces to aid in the enforcement of law by civilian authorities as a "posse comitatus *or otherwise*" unless *"expressly authorized* by the Constitution or Act of Congress."[20] (Emphasis added).

The statute is not an anachronistic relic of an historical period the experience of which is irrelevant to the present. It is not improper to regard it, as it is said to have been regarded in 1878 by the Democrats who sponsored it, as expressing "the inherited antipathy of the American to the use of troops for civil purposes." (Sparks, National Development 1877–1885, p. 127, in Vol. 23, The American Nation, A History) Its relevancy to this age is sadly clear (1957, 41 Op. A.G. No. 67). . . . [It is] a statute that is absolute in its command and explicit in its exceptions. *Wrynn v. U.S.* 200 F. Supp. 457, 465 (1961), Dooling, J.

It is clear that the entire operation of military surveillance is a violation of the federal criminal laws. But even in the absence of these legal and constitutional prin-

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ciples which restrict the military's authority in domestic activities, the Court must apply the principle "that statutory words are to be read narrowly so as to avoid questions concerning the 'associational freedom' that *Shelton v. Tucker* protected and concerning other rights within the purview of the First Amendment." *Schneider v. Smith* 390 U.S. 17, 27 (1968). If, ordinarily, deference will be given to the President and the Congress in matters of military affairs outside the borders of our country or in times of war, this broad latitude cannot apply when the military power is involved in domestic affairs, *Youngstown Sheet and Tube Co. v. Sawyer* 343 U:S: 579 (1952), and certainly not when constitutional rights are at stake.

The Government seeks to defend the statute on the ground that it was passed pursuant to Congress' war power. The Government argues that this Court has given broad deference to the exercise of that constitutional power by the national legislature. That argument finds support in a number of decisions of this Court. However, the phrase "war power" cannot be invoked as a talismanic incantation to support any exercise of congressional power which can be brought within its ambit." "[E]ven the war power does not remove constitutional limitations safeguarding essential liberties." *Home Bldg. & Loan Assn. v. Blaisdell,* 290 U.S. 398, 426 (1934). *U.S. v. Robel* 389 U.S. 258, 263–64 (1967)

2. *Military surveillance serves no military purpose.*

If, despite these principles, an implied authority to conduct surveillance can be read into these statutes,[21] such surveillance still does not avoid challenge unless it is necessary to the effective performance of the Army's statutory function.

> . . . [G]overnmental action does not automatically become reasonably related to the achievement of a legitimate and substantial governmental purpose by mere assertion in the preamble of an ordinance. When it is shown that state action threatens significantly to impinge upon constitutionally protected freedom it becomes the duty of this Court to determine whether the action bears a reasonable relationship to the achievement of the governmental purpose asserted as its justification. *Bates v. Little Rock* 361 U.S. 516, 525 (1960)

Because of the unusual posture of this case, the formal record is devoid of much evidence which illuminates the contentions of plaintiffs that the program has been overbroad in concept, that it has not been controlled in operation, and that it has provided the military with no assistance of any value to the efficient performance of statutory duties. A consideration of the other information available to the Court demonstrates that the argument of military necessity does not withstand the evidence.

The function of the armed forces in civil disturbance is simply to assist the civilian authorities in suppressing violence. In the absence of a declaration of martial law, the Army performs no civil, governmental functions of its own.

In civil disturbances, the Army acts as an arm of the civilian authorities, but it is not a law enforcement body. It is only an instrument of power whose limited function is to suppress violence. The information the Army actually needs to prepare for civil disturbance is limited to that logistical information necessary to move troops, quarter them, and deploy them. The Army needs no advance political information, no information on personalities, views, opinions, personal data, and the like.

The First Amendment's ban against Congress "abridging" freedom of speech, the right peaceably to assemble and to petition, and the "associational freedom" (*Shelton v. Tucker, supra,* at 490) that goes with those rights create a preserve where the views of the individual are made inviolate. This is the philosophy of Jefferson that "the opinions of men are not the object of civil government, nor under its jurisdiction. . . . [I]t is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order. . . ." *Schneider v. Smith,* 390 U.S. 17, 25 (1968)

The assessment of the need for troops to suppress civil violence is one to be made by the civilian officials, state and federal, whose constitutional and statutory responsibility it is to decide to employ troops. This Court need not assume the functions of a military commander or the President to recognize the limited nature of the information the military needs to perform its limited responsibilities in this area.

3. *Military surveillance is overbroad in direction and indiscriminate in its operation.*

The various senior officials responsible for Army surveillance have repeatedly expressed the view that the military surveillance has not been necessary or helpful.[22] Their judgments confirm the conclusion ordinary common sense dictates. Whatever value this political and personal information might have to civilian authorities, the political views of peaceful critics, much less personal facts about their private lives, can be of no use to the commander deploying his troops to put down violence, nor to the soldier on the street.

The statements of these officials also confirm plaintiff's allegations that the program has permitted an unnecessarily broad scope of discretion to those who implemented the surveillance program,[23] and that it has been implemented in a totally indiscriminate manner.[24] The broad, ill-defined nature of the program is demonstrated graphically by the documents which have so far come to light. The successive Intelligence Collection Plans of 1968 and 1969, the Intelligence Annexes, and similar documents disclose that the Army agents have been told to conduct surveillance on those who practice violence, those who advocate it, those who hold political views similar to those of persons who are sympathetic to violent tactics, and anyone remotely associated or sympathetic to them.[25] No activity protected by the First Amendment has been immune. Peaceful assemblages, speeches, marches, the filing of lawsuits, and any other kind of public activity connected with politics have been fit subjects for military surveillance. Once an individual has become the subject of surveillance, almost no information about him is irrelevant. The Collection Plans permitted and indeed required the collection of almost all information possible.[26]

Compounding this excessive requirement on the Army has been a corresponding lack of control actually exercised by senior authority.[27] These officials apparently did not know how many computers were involved, what information was being collected by the Army, and indeed who was actually collecting it. It appears that the first glimmer of knowledge of the actual nature of this surveillance by senior civilians in the Department came quite by accident in late 1968. For at least two years afterwards, revelations continued to surprise these officials, despite repeated efforts on their part to learn and to control the actions of their subordinates.[28]

The evidence available illustrates that the program as actually conducted has been as broad as the directives permit, and if anything, even broader, and has sometimes been conducted in violation of the Army's own regulations.[29] Documents segregated for possible use in this action, and made available to counsel,[30] confirm that the surveillance was indiscriminate as regards the persons investigated, the activities observed, the details of the information collected and stored, and the arbitrary classification of individuals and their views. An examination of the products of this surveillance discloses no conceivable usefulness that they might have had for any authorized military responsibility. Indeed, these materials defy all attempts to imagine any governmental purpose they might have served, whether "military necessity" or otherwise.

It is well-settled that activities of government having an inhibiting effect on the First Amendment will be carefully scrutinized. Those activities which are unauthorized by law, unnecessarily broad in their design, which commit too large a degree of discretion to those who are charged with implementing them, or which in actual operation are overbroad, are defective constitutionally if they infringe upon First Amendment rights. Plaintiffs have alleged each of these deficiencies and have substantial evidence to prove their allegations at trial. It is evident, therefore, that they have adequately presented the Court with necessary ingredients of a challenge under the First Amendment.

CONCLUSION

For the reasons above, and for the reasons submitted by respondents, the Court should affirm the decision below and remand the case for trial on the merits.

Respectfully submitted,

SAM J. ERVIN, Jr.,
Attorney for Amici.

FOOTNOTES

[1] Because of the incomplete nature of the record before the Court, this statement is based in part on the investigations of the Constitutional Rights Subcommittee, United States Senate, from January, 1970, to present. The bulk of the Subcommittee's investigations has been printed. See Hearings on Federal Data Banks, Computers, and the Bill of Rights, Subcommittee on Constitutional Rights, Committee on the Judiciary, United States Senate, 92d Congress, 1st session, 1971. Hereinafter cited as "Hearings." Copies of these hearings are submitted separately as an appendix to this brief. Additional information is contained in various classified and unclassified documents which have been segregated for possible discovery proceedings in this litigation.

[2] Although popularly termed "surveillance", the military program has consisted of far more than the passive observation and recording of public events that this term might suggest.

[3] Surveillance of this type by the armed forces has been conducted with varying degrees of intensity ever since World War I.

[4] *Hearings,* p. 384. Statement of Assistant Secretary of Defense Froehlke.

[5] Letter from J. Fred Buzhardt, General Counsel, DOD, to Senator Sam J. Ervin, Jr., Chairman, Constitutional Rights Subcommittee, June 10, 1971. *Hearings,* pp. 1232, 1233, 1235.

[6] See "The Phoenix," Boston, Mass., October 27, 1971, and Dispatch News Service Interminational release no. 218 for a more comprehensive list of organizations. These news stories are based on an Army collection plan dated April 23, 1969. *Hearings,* pp. 1731–34. See also *Hearings,* pp. 184, 264–66 for examples of other individuals and organizations.

[7] For examples of the widespread concern over government surveillance and repression, see the collection of letters, news articles, and editorials in *Hearings,* Part II.

[8] The Army's attitude towards these views is well illustrated in the February 1, 1968, Annex B (Intelligence) to the DA Civil Disturbance Plan, in which those active in civil rights and antiwar movements are listed as "dissident elements" and only the Army is listed as the "friendly force." *Hearings,* p. 1121.

[9] See testimony of Ralph Stein, *Hearings,* pp. 244, 257.

[10] The Army made no distinction in its investigations or in its dossier systems between those who engaged in perfectly legitimate

activity, those who had been convicted of violating criminal laws or even those who were convicted espionage agents. All were lumped together. It routinely used undefined characterizations such as "militant," "radical," "communist," "right-wing" and the like, to describe these people. See testimony of Ralph Stein, *Hearings*, pp. 244, 248.

[11] *Cf.* Testimony of Pete Parra, *Hearings*, p. 355.

[12] On occasion Army surveillance has resulted in loss of employment. *Hearings*, pp. 1451–1457.

[13] The Army also engaged in covert operations. *E.g.*, statement of Assistant Secretary of Defense Froehlke, *Hearings*, p. 422.

[14] See, *e.g.*, testimony of John A. Sullivan, *Hearings*, p. 351 and Oliver A. Peirce, *Hearings*, p. 305.

[15] *Hearings*, p. 601.

[16] See also *Tatum v. Laird*, 444 F.2d 947, 958 (1971), Wilkey, J.

[17] The necessity of limiting the military's involvement in domestic affairs and of keeping it under strict civilian control has been recognized throughout history. For example:

(a) *The Revolution Period:* The king "Kept among us, in times of peace, Standing Armies, without the Consent of our legislatures" and "He has effected to render the Military independent of and superior to the Civil power." *Declaration of Independence;*

(b) *The Constitutional Convention:* "It was further observed that, when a government wishes to deprive its citizens of freedom, and reduce them to slavery, it generally makes use of a standing army for that purpose, and leaves the militia in a situation as contemptible as possible, lest they might oppose its arbitrary designs; that, in this system, we give the general government every provision it could wish for, and even invite it to subvert the liberties of the States and their citizens; since we give it the right to increase and keep up a standing army as numerous as it would wish, and by placing the militia totally unorganized, and undisciplined, and even to disarm them; while the citizens so far from complaining of this neglect, might even esteem it a favor in the general government, as thereby they would be freed from the burden of military duties, and left to their own private occupations or pleasures. Luther Martin, Address to the Maryland legislature, November 29, 1787, in 3 Farrand, *Records of the Federal Convention* 209 (1939 Revised Edition, 1966);

(c) *The Federalist Era:* During the whiskey rebellion "Hamilton had hoped to capture a sufficient number of proper persons for examples, but of the 150 men brought in by the Army few could qualify for this distinction. In obedience to Washington's orders, the Army remained in strict subordination to the civil authorities. Suspects were not haled before a military tribunal and no man was condemned without due process of law. *Nevertheless*, Hamilton sent out scouting parties to round up suspects, who, in some cases, were brought before him for preliminary examination. While he did not succeed in ferreting out many traitors by these methods, his inquisitorial activities later provided his political enemies with a rich vein of propaganda." Miller, *Alexander Hamilton and the Growth of the New Nation*, 409 (1969 ed.);

(d) *The Civil War:* "If this position is sound to the extent claimed, then when war exists, foreign or domestic, and the country is subdivided into military departments for mere convenience, the commander of one of them, can, if he chooses, within his limits, on the plea of necessity, with the approval of the Executive, substitute military force for and to the exclusion of the laws, and punish all persons, as he thinks right and proper, without fixed or certain rules."

"The statement of this proposition shows its importance; for, if true, republican government is a failure, and there is an end of liberty by law. Martial law, established on such a basis, destroys every guaranty of the Constitution, and effectually renders the 'military independent of and superior to the civil power'—the attempt to do which by the King of Great Britain was deemed by our fathers such as offense, that they assigned it to the world as one of the causes which impelled them to declare their independence. Civil Liberty and this martial law cannot endure together; the antagonism is irreconcilable and, in the conflict, one or the other must perish." Davis, J. *Ex Parte Milligan*, 71 U.S. (4 Wall) 2, 124–5, (1866);

(e) *Reconstruction:* Arguing the necessity of the *possee comitatus* act, Senator Merrimon of North Carolina stated:

"Now sir, we know by sad experience that the Army has been used not once, but time and time again, in a way that not a court in this country would sanction. The Army has not only been used in the collection of the internal revenue in a way not authorized by law, but it has been used and prostituted to control elections repeatedly. Statehouses have been seized over and over again, and not a great while in the past. The objection of this section is to prevent a like prostitution of the Army in the future. I maintain that it is right and proper that we should insist upon it. Let us examine it candidly and see that it is right, and if not make it so; . . . I trust sir, that the President will not improperly employ the Army in the future; but I trusted on former occasions that the President would not do so, but we saw that he did do it, not once, but oftentimes, and where a supposed or pretended emergency may arise he may do so again. Nobody can tell. I cannot and I am not willing to risk any President with such power, even if Congress has the right to confer it."

7 *Congressional Record*, Part 5, 4245 45th Cong., 2d sess. (June 7, 1878) (remarks of Senator Merrimon);

(f) *The Korean War:* "The order cannot properly be sustained as an exercise of the President's military power as Commander in Chief of the Armed Forces. The Government attempts to do so by citing a number of cases upholding broad powers in military commanders engaged in day-to-day fighting in a theater of war. Such cases need not concern us here. Even though 'theater of war' be an expanding concept, we cannot with faithfulness to our constitutional system hold that the Commander in Chief of the Armed Forces has the ultimate power as such to take possession of private property in order to keep labor disputes from stopping production. This is a job for the Nation's lawmakers, not for its military authorities." Black, J., *Youngstown Sheet and Tube Co., v. Sawyer*, 343 U.S. 579, 587 (1952).

[18] See, *e.g.*, statement of Defense Dept. General Counsel Buzhardt: "As I have said, Senator, there is no act that we know of that deals with the subject one way or the other, in specific terms." *Hearings*, p. 416.

[19] See "U.S. Army Intelligence Role in Civil Disturbances" (undated). *Hearings*, p. 1291.

[20] 18 USC 592 and 593, prohibiting the use of troops in elections, are other examples of Congress' efforts to protect domestic political life from the inimical influence of military involvement.

[21] There is also the question of whether such authority to conduct political surveillance has been properly delegated to the Army. The "Delimitations Agreement" of 1940, as amended, assigns this responsibility to the Justice Department. *Hearings*, p. 1172. The record is devoid of any Executive Order or other written order by the President expressly transferring to the Department of Defense the authority to conduct domestic intelligence operations of the type involved in this litigation.

[22] " 'They [the pictures and reports] were the most worthless damn things I have ever seen in my life. It was a waste of paper. We said "Burn 'em," ' Jordan said. 'Even if we didn't have any concerns about civil liberties, which we do, we would have said it was worthless and to do away with it,' Jordan said." Interview with Robert E. Jordan, General Counsel, Dept. of the Army, in "Army Explains Civil Snooping," Washington, D.C. *Star*, Dec. 6, 1970, *Hearings*, pp. 1728, 1729. See also letters from Jordan to Ervin, Feb. 25, 1970 and Nov. 27, 1970, *Hearings*, pp. 1048, 1049; 1106, 1107.

[23] Since early 1970, the rules and regulations governing Army surveillance have been repeatedly defined and redefined by the Department of the Army and by the Secretary of Defense.

[24] *E.g.*, *Hearings*, p. 421: "As I indicated in my statement this morning, Mr. Chairman, both the collection plans of February 1, and May 2, could be interpreted in such a way that would permit surveillance of almost anybody who is active in a community where there was civil disturbance. Both plans were very broad." Statement of Assistant Secretary of Defense Froehlke.

[25] See the various Intelligence Collection Plans, *Hearings*, pp. 1119, 1123, 1154.

[26] "So comprehensive were the requirements levied in the civil disturbance information collection plan that any category of information related even remotely to people or organizations active in a community in which the potential for a riot or disorder was present, would fall within their scope." Statement of Assistant Secretary Froehlke, *Hearings*, p. 384.

[27] As of early 1971, rules governing military surveillance still depended on the "discretion" of government officials. See *Hearings*, pp. 385, 435, statements of Assistant Secretary Froehlke.

[28] See, *e.g.*, statement of Assistant Secretary of Defense Froehlke, *Hearings*, p. 427; statements of Army General Counsel Jordan, *Hearings*, pp. 454, 462, 464; testimony of Edward Sohier, *Hearings*, p. 227. The degree to which various officials were aware of the surveillance and their success in controlling it is only partially disclosed by the unclassified materials presently available. On January 12, 1972, the Constitutional Rights Subcommittee was informed by the Defense Department that most of the intelligence responsibilities of the individual services had been reorganized under the direct control of the Secretary of Defense. Letter, Buzhardt to Ervin, January 10, 1972. See *Hearings*, p. 2086.

[29] See *e.g.*, *Hearings*, p. 422, statement of Assistant Secretary of Defense Froehlke; Letter, Buzhardt to Ervin, March 26, 1971, *Hearings*, pp. 1220, 1222.

[30] These include the computer printouts and other Army intelligence materials transferred to the Department of Justice for possible use in this litigation. See *Hearings*, p. 1220.

WYOMING ASSISTANT PROFESSOR RECEIVES FELLOWSHIP

Mr. HANSEN. Mr. President, a University of Wyoming assistant professor, Dr. Sami G. Hajjar, will attest to the fact that America still is indeed the land of opportunity for people throughout the world.

Dr. Hajjar is a naturalized citizen of the United States, who came to Wyoming in 1966 from Beirut, Lebanon. He currently is an assistant professor of political science at the University of Wyoming.

It gives me considerable pleasure to announce that he has been awarded a fellowship by the National Endowment for the Humanities for the 1972–73 academic year.

The award will allow him to spend the

next school year at the American University of Beirut, where he will study and research in the area of Islamic studies. He plans to develop a number of course offerings in this field upon his return to Wyoming.

Mr. President, I ask unanimous consent that a brief account of some of Dr. Hajjar's accomplishments be printed in the Record.

There being no objection, the account was ordered to be printed in the Record, as follows:

DR. SAMI G. HAJJAR

Sami G. Hajjar, Assistant Professor of Political Science at the University of Wyoming, has been awarded a fellowship for the academic year 1972–73 by the National Endowment for the Humanities. The award was made on the basis of Dr. Hajjar's study and research proposal of the relationship between the principles of Islam and the phenomenon of political development and modernization.

Dr. Hajjar, who will be on sabbatical leave during 1972–73, plans to research in the areas of Islamic and Arabic Studies on the Campus of the American University of Beirut, Lebanon, which has one of the finest programs in these areas of scholarship.

Prof. Hajjar, a naturalized U.S. citizen, came to Wyoming in 1966. Since 1967 he has occupied the position of Director of the International Studies Program. He has been promoted to Associate Professor of Political Science effective July 1972. Dr. Hajjar earned his B.A. and M.A. degrees from the American University of Beirut, and his Ph. D. degree from the University of Missouri, Columbia.

WEST FRONT OF THE CAPITOL

Mr. KENNEDY. Mr. President, once again the West Front is under attack by those who seek to undermine our Nation's Capitol, perhaps the most priceless single monument in our Nation.

For years, leaders in and out of Government have been in the forefront of the fight to preserve the West Front. Organizations like the American Institute of Architects have given us their strong support. Last year, we won strong additional encouragement in the sympathetic report by the outstanding engineering firm of Praeger, Kavanagh, and Waterbury.

For years, we have worked to persuade Congress that the right approach is restoration and not extension—that history ought to count for something in the Nation's capital, that we ought to preserve the plans personally selected by men like George Washington and Thomas Jefferson, and respect the work of renowned pioneers of American architecture like William Thornton, Benjamin Latrobe, Charles Bulfinch, and Frederick Law Olmsted.

Today, the debate has entered a new and much more critical stage. George White, for whom I have immense respect, was with us in the fight in other days. Now, he wears a different hat, and we now hold different views.

It would be nice if every senior Senator and Representative in Washington could have a room in the West Front of the Capitol, with a window and a view of the monument and the mall. A few distinguished leaders have such rooms today. I once had one myself, in my brief career as Senate whip. But surely such considerations of personal status have no place in the great debate over the integrity of the Nation's Capitol.

Instead, our first priority for the Capitol must be a full round of public hearings and debate on the ominous new plans announced last week. I urge the appropriate committees of both the Senate and the House to act now to give this issue a full and open airing, so that the merits of all the administrative, economic, historical, and esthetic aspects of the question may be spread out on the public record.

The Capitol belongs to all Americans. They are entitled to know that a decision so basic to the people has been made only after robust and open discussion, not just by the secret and unexplained decision of a congressional commission.

We have won before against great odds. With the strong support of the Nation's architects and engineers, I think we shall win again. I, for one, do not believe that either Congress or the American people are prepared to sacrifice the historic beauty and integrity of their Capitol for want of imagination and a little office space. That is not the sort of symbolic gift we ought to be planning for the Nation as we approach the 200th anniversary of our independence.

Mr. President, I hope that we can rally the conscience of the Nation to prevent this act of desecration of our Capitol.

I ask unanimous consent that an editorial on the subject entitled "Capitol Crime," published in this morning's New York Times, be printed in the Record.

I also ask unanimous consent that a statement released last Friday by the AIA on the action of the congressional commission be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the New York Times, March 13, 1972]

CAPITOL CRIME

The United States Capitol does not belong to the seven Congressmen of the Commission for the Extension of the Capitol. It belongs to the people of the United States and to history. In spite of public and professional opinion that the controversial extension of the Capitol's West Front is a gross error of art and judgment, these gentlemen seem determined to proceed with this gigantic bungle and boondoggle.

They have, in fact, insured it by booby-trapping the legislation that called for the recent feasibility study that recommended restoration instead of new construction. They built in a proviso that the extension scheme must go ahead if certain criteria could not be met by preservation, and they guaranteed it could not be met by setting a totally unrealistic $15-million maximum cost for restoration. No limits have been set on the extension, however. They are quite willing to let that price go up from the original $36 million to $50 or $60 million today and ever onward. Call it cynicism or sabotage.

Even if the extension scheme were not a contradiction of the historical and esthetic values that this country has been promoting in recent years in landmark legislation and preservation, the proposal is an appallingly bad plan. It is architecturally atrocious, loaded with ill-considered features. It is based on no adequate space utilization studies to correctly determine real present and future needs. It is a third-rate railroading job. With the destruction of the West Terraces designed by Frederick Law Olmsted timed for national celebration of the Olmsted Sesquicentennial, irony is added to irresponsibility.

The decision is reported to have been made by the Commission because its members feel that preservation involves too many unknowns of cost and durability. Of course there are procedural unknowns, but no reason to doubt results. The skill and ingenuity required are becoming an American specialty as the body of landmarks being restored grows daily.

The extension plan offers the Congressmen certainty if that is what they want—the certainty of irreversible damage to an irreplaceable structure and of absurd costs for minimum space gains and maximum loss of architectural integrity, just as the East Front was treated a few years ago.

And there is the certainty of a monumental national display of arrogance and ignorance in the cold permanence of marble. That is not a memorial any Congress should want to leave.

STATEMENT OF THE AMERICAN INSTITUTE OF ARCHITECTS

We deplore the decision of the Commission to destroy the last portion of the original wall of the Capitol. The AIA refuses to accept this decision as irrevocable; we intend to make every effort to prevent the destruction of part of the nation's heritage. The Institute, which has always been in the forefront of the battle to save the East and West Fronts of the Capitol, will again take a leadership role in marshaling the support of al! those concerned in this fight against demolition of the West Front.

THE 122D ANNIVERSARY OF BIRTH OF THOMAS G. MASARYK

Mr. PERCY. Mr. President, March 7 marked the 122d anniversary of the birth of Thomas G. Masaryk, who symbolized the unity of his people and their quest for freedom, democracy, and peace.

Masaryk was the essence of the philosopher-statesman and the practical idealist. He was also a moral leader of his generation, not only for Czechoslovakia but for all of Europe. He fought discrimination and social injustice with the same fervor that he fought for his nation's independence.

In 1918 Thomas Masaryk was elected president-liberator of Czechoslovakia and successfully established a strong democratic state. As an "emancipator" of his people, Masaryk is often compared with Abraham Lincoln. Masaryk was also a lecturer at the University of Chicago, which honored him with a magnificent statue on its campus.

Even today the spirit and the memory of Thomas Masaryk inspires the people of Czechoslovakia. Thousands of his countrymen visit his grave every year, and he continues to be the inspiration of his land. A professor of history has said:

> After 300 years of Austro-Hungarian suppression, Masaryk was the first and only man to realize what had to be done to make a state here. A towering figure, humane, a philosopher, a cosmopolitan in the best sense. Our youth worships him even though they have no access to Masaryk's writings.

Thomas Masaryk set an example for free men. For him democracy and freedom were the essence of life, Czechoslovakia can be proud to have produced such a man.

BUSING AND QUALITY EDUCATION

Mr. TALMADGE. Mr. President, I recently received a copy of a letter written by the Honorable Jack P. Nix, State superintendent of schools in Georgia, to President Nixon. Accompanying the letter was a resolution adopted by the Georgia State Board of Education. I hope that the President will pay close attention to the letter and the resolution.

The U.S. Senate recently had occasion to consider this issue. Many fine words were spoken, but little was actually done to aid the parents and children of my State, who have labored for so long under this burden. During the debate, the President did not see fit to express himself or to exercise his prerogative of leadership.

The man who wrote the letter and the board which adopted the resolution have a bitter firsthand experience of the yield we are reaping from busing. They have to live with the problem day by day, which is not a burden endured by the courts and bureaucrats who created it. I commend the letter and the resolution, to the serious attention of the Senate. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATE OF GEORGIA,
DEPARTMENT OF EDUCATION,
Atlanta, Ga., February 24, 1972.

Hon. RICHARD M. NIXON,
The President of the United States, The White House, Washington, D.C.

DEAR PRESIDENT NIXON: The problems resulting from the application of the 1964 Civil Rights Act continue to cause a deterioration in the instructional program of the public schools of this Nation. The numerous unrealistic federal court orders, added to unreasonable demands made by officials of the Department of Health, Education and Welfare requiring students to be bussed from their neighborhood for the purpose of bringing about racial balance within an individual school, have resulted in the lack of financial support for public education.

In many instances parents with financial means have removed their children from the public schools and others continue to withdraw their personal and financial support as the busing problem becomes a part of their family life. As State Superintendent of Schools, and on behalf of the State Board of Education, I can assure you that unless you, as President, and the Congress of these United States take immediate action to enhance support for public education in this Nation, our national welfare will be at stake.

The Georgia State Board of Education, in official session on February 17, 1972, adopted the enclosed resolution reiterating the position expressed in a resolution dated September 16, 1971 and transmitted to your office. We are providing copies of this resolution to our Governor, the Secretary of Health, Education and Welfare, Attorney General Mitchell, and members of the Georgia delegation of the United States Congress with the hope that together we can eliminate the unreasonable demands placed on Georgia citizens and be better able to expand the educational opportunities for all our people.

With kindest regards, I am

Sincerely,

JACK P. NIX,
State Superintendent of Schools.

RESOLUTION OF THE GEORGIA STATE BOARD OF EDUCATION

Whereas, the Georgia State Board of Education did, on the 16th day of September, 1971, adopt unanimously a Resolution totally and unequivocally rejecting the concept or idea of transporting or busing school children away from the school nearest his or her residence offering the curriculum meeting that child's needs; and

Whereas, copies of said Resolution were disseminated to appropriate officials of the governments of the State of Georgia and the United States of America; and

Whereas, recent press reports indicate that legislation to prevent the forced busing of school children has been introduced in the Federal Congress; and

Whereas, press reports further have quoted the President of the United States as being opposed to such busing; and

Whereas, this Board recognizes the impossibility of dealing with this problem on a state level due to arbitrary decisions by Federal Court judges,

Therefore, be it resolved:

1. That this Board reaffirms its Resolution of September 16, 1971, and

2. That this Board does hereby call upon the government of the United States of America in behalf of quality public education, the parents of school age children in the State of Georgia, the taxpayers of the State of Georgia who support public education, and the public school children of this State to adopt appropriate legislation without further delay to insure that each child attends the school nearest his or her residence offering the curriculum meeting that child's needs, and

3. That the President of the United States, Richard M. Nixon, is urged to give his public declarations practical, immediate, and adequate effect without political equivocation, and

4. That the Executive Secretary of this Board is directed to provide a copy of this Resolution to the President of the United States, the Attorney General of the United States, the Secretary of the Department of Health, Education and Welfare, Senators Talmadge and Gambrell, the members of the United States House of Representatives representing this State, the Governor of the State of Georgia, the members of the General Assembly of the State of Georgia, and all superintendents of local school systems in the State of Georgia.

Passed and adopted by the Georgia State Board of Education in regular session at Atlanta, Georgia, this the 17th day of February, 1972.

Mr. GAMBRELL. Mr. President, we have heard with increasing frequency in recent days that the real issue faced by this country is not busing, but the provision of quality education for all students. I support quality education for every child, as does the State Board of Education of Georgia, and as do the people of Georgia. The truth of the matter is that in school systems where busing is being forced on school children, the instructional program has been disrupted, and the quality of education provided has been, and remains, seriously threatened.

In a letter to President Nixon dated February 24, 1972, Georgia State Superintendent of Schools Jack Nix stated:

> The problems resulting from the application of the 1964 Civil Rights Act continue to cause a deterioration in the instructional program of the public schools of this Nation. The numerous unrealistic federal court orders, added to unreasonable demands made by officials of the Department of Health, Education and Welfare requiring students to be bused from their neighborhood for the purpose of bringing about racial balance within an individual school, have resulted in the lack of financial support for public education.

Superintendent Nix implored the President and Congress to take immediate action to correct the course which public education is taking in this country, or at least in the Southern section of this country. It is time for us to face up to this deplorable situation.

I join my senior colleague from Georgia in calling attention to Superintendent Nix's letter to the President and the resolution adopted by the Georgia Board of Education, dated February 17, 1972.

THE KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. ALLOTT. Mr. President, the arts section of the New York Times of Sunday, February 27, contains an interesting profile of Roger L. Stevens, Chairman of the Kennedy Center for the Performing Arts. The article also touches on the problem the Center seems to have living within its means.

There is some mention in the final paragraphs about a need for future subsidies from Congress. Mr. Stevens is said to "not rule out" asking Congress to bail out the Center. It is this Senator's hope that Mr. Stevens will not find it necessary to ask the American people to pay for his Center.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CRY THE BELOVED STEVENS

(By Christopher Lydon)

WASHINGTON, D.C.—By all measures, the most powerful performance of the Kennedy Center's first six months has been that of Roger L. Stevens, the deceptively shy, vaguely monkish-looking millionaire who has come to dominate the Center almost to the point of making it a personal vehicle. "Some day," says a Broadway producer, admiringly and only half-kiddingly, "it will be renamed The Roger Stevens Center for the Performing Arts." Younger artists who question his taste and his authoritarianism had begun to call him "the Robert Moses of Culture" in unhappy memory of New York's master highway builder. Like him or not, almost everyone recognizes by now a distinctive Stevens style about the place.

A large part of Stevens' power results from his versatility. A self-made success in real estate, he took complete charge of the Center's difficult and often controversial construction. As the producer of more than 100 Broadway plays through the 1950's and 1960's, he has done all the booking at the Center's three theaters. A man of innumerable roles, he often meets himself coming and going.

Roger Stevens, the Kennedy Center chairman, has arranged, for example, with Roger Stevens, the independent producer, to bring his New York production, "Old Times" by Harold Pinter, to Washington this week. The same Mr. Stevens was able to ease out the Kennedy Center's first artistic director, George London, by naming him executive director of the National Opera Institute, which Stevens created when he headed President Johnson's Arts Council and of which Stevens happens still to be president.

Besides booking traveling shows into the Kennedy Center, Stevens has occasionally listed himself as producer—of Leonard Bernstein's Mass, for example, because he had commissioned it, and of Odets's "The Country Girl," because the revival was his idea and he had done the casting. For "The Time of Your Life," which played the Eisenhower Theater for three weeks in January, he did not credit himself, though in fact he had served a producer's function by posting a $35,000-a-week guarantee for the Plumstead Playhouse venture.

Even if theater professionals did not know Stevens was shaping every detail of the Kennedy Center program, they could guess it. There are details, like the prominent consulting assignments given to Oliver Smith, Stevens's long-time stage designer, adviser and occasional collaborator in New York productions. But there are larger and more important patterns, like Stevens's preference for "classics" and for big-name stars, and the upper-middlebrow tone with which he stretched but seldom escaped the boundaries of commercial theater in New York. Two of the Kennedy Center's big opening productions, the Mass and "Candide," were the work of Leonard Bernstein, the composer with whom Stevens struck it rich in "West Side Story." And the Center's current musical is "Lost in the Stars," an adaptation of "Cry the Beloved Country," which Mr. Stevens guided to Broadway some 20 years ago.

It is widely—and for the most part ungrudgingly—observed that the Kennedy Center, a $70-million joint venture of private and government effort, would never have been built without Stevens's tireless pushing. Gradually, and with somewhat more misgiving, it is recognized that production, too, is a one-man show—that Roger Stevens in one form or another stands behind every policy, every triumph and every embarrassment.

"I respect Roger Stevens as a theater man," says Joseph Rapp, founder of the New York Shakespeare Festival and a strong promoter of the idea of a government-supported "national theater." "He's a serious theater person. I have grave doubts that anyone can do better at selecting plays and booking them into the theater. But if you're going to create theater there, you're going to need other people."

Steven's defense of his program—as it is of the building, which he is happy to have finished in the face of innumerable difficulties—is a pragmatic one: at a time when half the theaters in New York are dark and attractive product is scarce, he is keeping three theaters busy and audiences coming in droves. Yet as some of the opening euphoria wears off, questions hinting at an identity crisis keep coming up among the staff as well as among critical outsiders.

Is the Kennedy Center going to be a home of the arts or just a house? Can it be satisfied without initiating a single new play this season, settling instead for touring shows like the Broadway-bound musical "Sugar," and revivals like "Captain Brassbound's Conversion" with Ingrid Bergman? Will it expand its audience beyond the rich, white and middle-aged who predominate night after night?

And, at the root, should it keep trying to break even, as Stevens still aspires to make it do? Or must it acknowledge that any truly national theater (if that is what the Kennedy Center wants to be) needs and deserves continuing outside support? "It's hard to argue with success if he's filling the house with nice stuff," Papp observed the other day. "They can make this case: why create a problem where none exists—that is, a situation where you *need* a subsidy. But the danger of institutions like that is they do the old stuff over and over again until they become moribund.

"Where are the new plays?" Papp persists. "And where are the American authors who are writing today? Being located in Washington, the Kennedy Center should reflect the serious work that's going on in this country. It should be provocative, challenging, political, strong in social content. There should be a Vietnam play there, and a black play. The way a theater grows is by producing its own stuff."

"Well, I mean, where *are* the new plays?" Stevens inquires in response. He has seen Mr. Papp's new season, with its plays on Vietnam and black militancy, but prefers not to discuss it specifically. "I read three or four plays a week, and they've all come to me from substantial people, but I just don't see any new plays that are worth doing. It's one thing to try out a play in a small theater where it doesn't cost you an arm and a leg, but not in a theater where it's going to cost you $150,000. We're not in a position to amortize the cost of a play in a week."

Stevens's critics see that high level of cost—a lavish production standard and a rich stagehands' contract that was only rewritten under public pressure last month—as a sad inhibition on the Kennedy Center. But Stevens seems to consider it as inevitable as his own exclusive control over the selection of shows. "I'm supposed to be in charge of the theater," he says. "I put 125 plays on Broadway and I didn't go around asking people's opinions before I did them. I take the responsibility for that. You can't have a committee sit around and choose the plays."

Producer Jerry Schlossberg, whose new mystery, "The Others," with Julie Harris and Richard Kiley, would have been the first new play to appear at the Kennedy Center, found that the Washington opening he had hoped for would have been substantially more expensive than the Philadelphia tryout he settled for. "A play that could break even in New York with a weekly gross around $32,000 might need $41,000 to break even at the Kennedy Center."

Much more important, Schlossberg says, the Eisenhower Theater lacks the beam or ceiling lights that can be cast down over the front of the stage and that are essential to theatrical effects his and many other modern plays require. "They haven't done anything new at the Kennedy Center," Schlossberg says, "and the arrangements at the Eisenhower Theater almost preclude it"—at least under the old stagehands' contract that had most of the local production staff on overtime rates from midweek on.

It is an "absolute lie" that lighting problems forced Schlossberg out, Stevens rejoins. He walked away from a commitment to the Kennedy Center because he got a guarantee in Philadelphia and we didn't have any Theater Guild subscriptions left. How could he say you can't light a play in there? We've had five successful plays."

If there is a distinctive Stevens smoothness about many of the Kennedy Center operations, there is an equally characteristic acrimony when things go wrong. Stevens claims he was forced to absorb a substantial loss, about $30,000, on the opening two weeks of the American Ballet Theater last fall. Sherwin M. Goldman, the ballet company's president, who suspects that Stevens is covering up embarassing losses on "Candide" and the two enormously expensive performances of the opera "Ariodante," has charged "hokum" and insists that the Kennedy Center made money on his ballet. Stevens, outraged, says bluntly, "American Ballet Theater won't come back as long as Sherwin Goldman is president." There evidently has been no effort to let auditors from either side resolve the disputed profit and loss figures.

Stevens gets the last word in these little squabbles; but he also controls—or is stuck with—financial and political decisions that must shape the Kennedy Center's future. Persuading Congress to grant him $1.5-million a year to maintain the memorial functions of the building and reopen it to tourists is Stevens' most immediate problem.

But the question of production subsidies—seemingly unavoidable after unexpectedly large opening losses—would seem to be closer to the heart of the matter. The $1-million production fund that Stevens raised for the start of the season is "pretty well decimated," he says. The deficit on Bernstein's Mass alone is about $400,000—much more than the Kennedy Center is likely to recover from its 40-cents-a-record share of royalties of the cast album. Anticipated profits from commercial shows like "Sugar" were supposed to have replenished the artistic production fund, but they have largely vanished into the Center's huge overhead. And the recently announced plan to take Center productions out of town—starting with New York bookings this spring of "The Country Girl," "Lost in the Stars," and the Mass—are not based on any clear prospect of profit.

For Joseph Papp, asking for subsidy and getting it is important in itself—a test of whether the theater will free itself of the primary need to fill its seats with people who can afford $10 apiece for an evening's entertainment. For others the critical need for subsidy would be welcome if it forced questions of purpose that have never been openly debated at the Kennedy Center. For Stevens, who seems to sense the dilemma of purpose, the question of where the Center must look for help is another of the issues he keeps largely to himself.

The original hope was that the theaters in the Center would pay for themselves. The next best thing would be private sponsorship by individuals and corporations. Stevens does not rule out the last resort to Congress but, in fact, his concrete plan does not extend beyond finishing the Center's construction and paying off his building bills.

"Then," he promises, "We will see where we're going."

THE EMERGENCY-CREATING LABOR DISPUTES—A CHALLENGE TO CONGRESS

Mr. HANSEN. Mr. President, the executive branch of our Government more than 2 years ago proposed legislation that would bring to a halt crippling strikes in the transportation industry when all traditional methods of ending the disputes have failed.

If that legislation had been enacted, our Nation would not have had to sustain the rail strike last summer or the even more staggering recent west coast dock strike, both of which put great economic penalty upon Americans throughout the Nation. The latter cost our country more than $2 billion, and I do not believe we can accurately assess at this time how many more millions or even billions may be lost in the long run from damaged overseas markets. The American farmer was damaged significantly by the dock strike, and it is estimated that millions of dollars were lost to Wyoming's farmers and small businessmen, resulting in investment and job cutbacks, because of the strike. We still have no legislation on the books to deal properly with crippling strikes of this nature.

The distinguished Senator from Oregon has improved upon the administration's proposal and has introduced new legislation to prevent crippling strikes. I am a cosponsor of the bill. I hope the Senate will recognize the urgency for such law and will act favorably and expeditiously on the proposal.

The Secretary of Labor wrote to me on February 29 on this matter and enclosed a review of the challenge before the Congress in this area. I ask unanimous consent that his letter and the review be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
Washington, D.C., February 29, 1972

Hon. CLIFFORD P. HANSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HANSEN: Men are again working on the West Coast docks. But the memory of the longest dock strike in history lingers. So does the memory of the crisis-inspired special legislation Congress enacted.

Each such experience serves to convince just about everyone involved that there must be a better way. That way, we believe, is the enactment of permanent labor legislation to avoid these emergencies.

Attached is a review of the challenge this circumstance presents the Congress as I see it. I hope it will enhance understanding of the considerations involved.

Sincerely,

JIM HODGSON,
Secretary of Labor.

EMERGENCY-CREATING LABOR DISPUTES—A CHALLENGE TO CONGRESS

Labor disputes in the transportation industry are bringing crisis after crisis to our nation. And they wind up on Congress' doorstep. Four times in less than two years Congress has had to enact special legislation to restore the flow of commerce.

Congress is no place to settle individual labor disputes and no one knows this more than members of the Senate and House. President Nixon has had his Crippling Strikes Prevention Act before Congress for two years but it is still not out of Congress.

Why then has this legislation not moved in Congress? The question deserves examination. The explanation starts with a recognition that in the sphere of labor-management relations Congress realizes that emotions run high and parties have strong views.

So we must examine the view of both organized labor and management on this bill. Within each group views vary widely but a few point are clear.

Some labor people attack the administration's proposal as an anti-labor bill—one that somehow discriminates against organized labor.

In some parts of the management sector the bill has been called a threat to private enterprise and it is opposed by some businessmen.

How about these claims? Is there anything to them? Briefly, the answer is a resounding "NO"! The bill isn't anti-anybody or a threat to anybody. The bill has one purpose only—to protect the public welfare.

Why then do some continue to protest? The straight-forward answer is this. The proposed act makes changes in collective bargaining as it is now practiced in the transportation industry—only limited changes, but nonetheless changes that do place some ultimate limitation on the free actions of both labor and management. The bill does not involve compulsory arbitration but it does involve some limited compulsion. *Any* law that is designed to protect the public welfare must necessarily place some limitations on someone. Importantly, however, the limitations in this act are not "anti" anyone. They are simply "pro" public.

Let us see what the bill does.

In one industry only—transportation—it gives the President powers to avoid a widespread crisis caused by a labor dispute. It recognizes that as of now our labor laws contain a paradox; they protect the right of a private group to create a widespread public emergency. This right was hardly what was envisioned by the framers of those laws.

Since those laws were passed decades ago, several things have happened. First, the scope of bargaining has broadened. A single labor contract now often covers the entire nation in an essential industry. Second, bargainers have lost their longtime fear of ad hoc Congressional intervention, in fact their actions now often seem to invite it. Third, our economy has become an intermeshed web of commerce wholly dependent on an expeditious and orderly distribution of goods and services. Finally, the parties have learned through experience to minimize the effect of their strikes on themselves.

So today we have a whole new ballgame. The result is that strikes that once hurt few except the participating parties now cause widespread public damage. And the public is fed up with it.

Either a change of our collective bargaining system must be made or the public will demand that collective bargaining itself must go.

We can't let that happen. Collective bargaining is a great institution. It should not be tossed on the ash heap; it should be preserved and strengthened. This is exactly what the President's new legislation proposes to do.

The preservation of bargaining is clearly in the interest of both labor and management. If this is so, again we must ask why are there objections to the legislation?

First, because it changes the status quo. Labor and management now know the present system, they have learned to live with it, to manipulate it and to protect themselves at least partially from its failures. The unhappy result is that the public now suffers from the failures more than the parties.

Second, unions have a special concern. They fought for decades for the right to strike. Now they see this legislation as a threat to limit that right. But is their view realistic? Can we really tell the man who pays his railroad union dues today that he has an unlimited right to strike? Of course not. The "right" is only on paper. Comes a nationwide rail strike and Congress stays up half the night to pass a law that sends the striker back to work. Clearly one thing is worse than a limited right. That is an illusory right. The time has come to deal squarely with this situation.

Third, management also has reservations about the law. The essence of management is control. Clearly management loses at least some control of its enterprise when a labor contract that it has not voluntarily agreed to can be forced on it by a third party. But isn't that what happens now when Congress steps in with ad hoc legislation? Assuredly it is. So here too we find concern about a "right" that in actuality no longer exists.

Today the Congress should not be asking *whether* a change is needed, but rather *what* change should be made. What is the *best* change? What is a *fair* change?

Whatever the detailed form of ultimate provisions, we believe legislation must contain three basic ingredients. First, it should provide the President with effective powers to prevent a widespread emergency. Second, it should encourage collective bargaining rather than providing a substitute for it. Finally, it should remove the obsolete disputes procedures of the outmoded Railway Labor Act.

The refinements of this legislation contained in the Packwood Bill in the Senate are constructive. This is fair legislation; there is not a punitive or discriminatory feature in it. It now deserves conclusive hearings and Congressional action.

There is one thing we must avoid—inaction. By now Congress knows a law is needed. The public knows it and it is demanding it. By and large the only opposition comes from those protective of narrow interests and who can produce no better answer than the Crippling Strikes Prevention Act. The time to move is now. And only Congress can do it.

LIST OF IMPOUNDED FUNDS

Mr. ERVIN. Mr. President, almost a year ago the Judiciary Subcommittee on Separation of Powers, of which I am privileged to serve as chairman, conducted hearings on Executive impoundment of appropriated funds. During the subcommittee's study of this widespread practice, the Office of Management and Budget revealed that more than $12.7 billion in funds lawfully appropriated by the Congress were being withheld from expenditure by the Nixon administration.

Two weeks ago, OMB released a new list of funds which are being impounded or held in reserve for one reason or another. According to this list, approximately $1.7 billion has been placed in reserve under a heading that most appropriately should be entitled "impounded." OMB reports that these funds include those which—

> Could or might be used (i.e., obligated) during the apportionment period, but which have not been apportioned because of the Executive's responsibility to (1) help keep total Government spending within a congressionally-imposed ceiling, (2) help meet a statutory limitation on the outstanding public debt, (3) develop a governmentwide financial plan for the current year that synchronizes program-by-program with the budget being recommended by the President for the following year, or (4) otherwise carry out broad economic and program policy objectives.

It seems to me, based on the information and opinions adduced at the subcommittee's hearings last year, that the reasons listed by OMB for impounding this $1.7 billion flies in the face of the constitutional duty of the Congress to set the priorities of our Government through the appropriations process. In other words, OMB says that the Executive's responsibility is to impound appropriated funds to "carry out broad economic and program policy objectives" apparently without regard to the decisions made by the Congress when it appropriated this money in the first place.

A total of $1.7 billion impounded seems small when compared to the $12.7 billion reported a year ago. However, OMB also has released a list of funds which it says have been placed in budgetary reserve "for routine financial administration." This "routine" list totals more than $10.5 billion. When added to the $1.7 billion that OMB admits it has impounded, the aggregate of funds being withheld for one reason or another amounts to $12.3 billion, or nearly the amount reported to have been impounded at this point last year.

It appears to me, as it has appeared to other observers of the incumbent administration, that the "broad economic and program policy objectives" of OMB may well include the release of large sums of these impounded funds during the next few months. The influx of several billion dollars would provide a long-overdue stimulus to our stagnant economy, and

I suppose that the occurrence of the resulting boomlet just before the presidential election this fall would be purely coincidental.

One of the persistent problems involved with the question of impoundment of funds has been the reluctance of the executive branch to reveal promptly just how much is being withheld. On this score, I must give credit to the present administration for reporting this information to the Congress—even if it does so only once a year, which is not often enough. Last November the Senate adopted an amendment offered by the distinguished Senator from Minnesota (Mr. HUMPHREY) to the Revenue Act of 1971 which would have provided that the President promptly report the impoundment of funds to the Congress. Unfortunately, the conference committee dropped the Humphrey amendment.

Also, I introduced a bill (S. 2581), which would provide for such information and also establish a procedure whereby either Congress would improve the impoundment or the President would cease it after 60 days. To my mind, Congress should act swiftly and firmly in this area in order to reestablish its constitutional role in the financial operations of the Government.

Mr. President, I ask unanimous consent that the list entitled "Budgetary Reserves and 'Impoundment'" prepared by the Office of Management and Budget, be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

BUDGETARY RESERVES AND "IMPOUNDMENTS"

Under authority delegated by the President, the Office of Management and Budget operates a system of apportioning the funds provided by the Congress. The apportionments generally are for the current fiscal year and limit the amounts the agencies may obligate during specified periods.

There are occasions when the amounts of available funds are not fully apportioned. That is, some amounts are either withheld from apportionment, or their use is temporarily deferred.

The reasons for withholding or deferring the apportionment of available funds usually are concerned with financial administration. They have to do with the effective and prudent use of the financial resources made available by the Congress. Thus, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available).

Under these and other related conditions the funds not apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by both Republican and Democrat Administrations as a customary part of financial management. Amounts are frequently released from reserve—and put to use—during each fiscal year as plans, designs, specifications, studies, project approvals, and so on are completed. Thus, the total amount held in reserve usually reaches a low point at the end of the fiscal year.

At the end of fiscal years 1959 through 1961, the funds held in reserve ranged from 7.5% to 8.7% of total unified budget outlays. At the end of fiscal 1967, the comparable percentage was 6.7%, and a range in the neighborhood of 6% has been normal in recent years. Currently, the fiscal year 1972 percentage is 5.1% and the total amount held in reserve is expected to decline during the remainder of the fiscal year. It is apparent that most reserves are, in fact, temporary deferrals and their need or wisdom is not usually questioned. In other cases, however, the affected reserves have been criticized as "impoundments" of funds.

Thus, the term "impoundment" has generally been applied to funds which could or might be used (i.e., obligated) during the apportionment time period, but which have not been apportioned because of the Executive's responsibility to (1) help keep total Government spending within a congressionally-imposed ceiling, (2) help meet a statutory limitation on the outstanding public debt, (3) develop a governmentwide financial plan for the current year that synchronizes program-by-program with the budget being recommended by the President for the following year, or (4) otherwise carry out broad economic and program policy objectives.

The items in the list below have been reserved for one or more of the reasons set forth in the preceding paragraph. On the basis of past experience changes in this listing may occur—to take account of changing conditions—before the fiscal year 1972 ends. The list itself is consistent with the estimates in the 1973 budget transmitted on January 24, 1972.

Description:	*Million*
Reserves established pursuant to President's August 15, 1971 directive to curtail previously planned Federal employment levels	[a] $280
Additional reserves established so that the funds will be available for later use:	
Department of Agriculture:	
Farmers Home Administration—sewer and water grants	[b] 58
Rural Electrification Administration—Loans	[c] 107
Department of Commerce:	
Regional Action Planning Commissions	*
Department of Housing and Urban Development:	
Rehabilitation loans	[c] $53
Grants for new community development assistance	[c] 5
Basic water and sewer grants	[b] 500
Department of Transportation:	
Federal-aid highways	623
Rights-of-way for highways	50
Rights-of-way for highways	[d] [300]
Atomic Energy Commission	18
NERVA-Nuclear Rocket	(17)
Plowshare	(1)
National Aeronautics and Space Administration:	
NERVA-Nuclear Rocket	24
National Science Foundation:	
Educational and institutional support	[c] 21
Graduate traineeships	[e] 10
Total	1,748

* Less than $500,000.

[a] Consists primarily of funds that had been appropriated prior to the President's directive. Excludes the comparable savings in trust fund and public enterprise accounts and the corresponding savings reflected in appropriation actions of the Congress after August 15, 1971. Includes accounts transferred to economic stabilization activities pursuant to the First Supplemental Appropriations Act, 1972. The accounts being reserved are currently under review, and in many cases they are likely to be released and apportioned to cover part of the cost of the Federal pay raise that took effect early in January 1972.

[b] This amount is planned to be used for continuation of the water and sewer grant program in fiscal years 1973 and 1974.

[c] Apportionment of entire amount is planned on July 1, 1972, consistent with program and financial plan in the 1973 budget.

[d] This item is listed here only because of public and congressional interest. It is not counted in the total below because its planned use is consistent with congressional intent. The Congress provided a total of $3.1 billion of contract authority for the five-year period 1971–1975. Executive Branch apportionments will result in $1.0 billion of this amount having been used by June 30, 1972, another $1.0 billion (including this $300 million) will be apportioned July 1, 1972, for fiscal 1973, leaving $1.1 billion, or $550 million per year for the fiscal years 1974 and 1975. The $300 million shown is the difference between the $600 million apportioned for 1972 and the $900 million upper limit for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation:

"Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating more than $900,000,000 in fiscal year 1972."

[e] Apportionment awaiting NSF review of how these funds can be used effectively without worsening the current unemployment among scientists and engineers.

BUDGETARY RESERVES FOR ROUTINE FINANCIAL ADMINISTRATION

(In thousands of dollars)

Funds appropriated to the President:	
International development assistance:	
Prototype desalting plant	20,000
Apportionment awaits development by the agency of approved plans and specifications.	
Philippine education program	1,282
Apportionment awaits development by the agency of approved plans.	
Executive Office of the President:	
Council on Environmental Quality	140
Apportionment awaits development of proposals for contract studies of environmental problems.	
National Security Council	318
Apportionment awaits development by the agency of approved plans.	
Department of Agriculture:	
Farmers Home Administration:	
Farm labor housing grants	2,963
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Mutual and self-help housing grants	729
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Animal and Plant Health Service	3,500
This amount is in excess of current estimate of 1972 needs. The funds will be apportioned, if needed, for animal and pest control.	
Agricultural Research Service:	
Construction	70

Residual amount appropriated, but not required for planning. Apportionment awaits additional appropriation for construction.	
Special foreign currency program	352
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Cooperative State Research Service:	
Payments and expenses	4,600
As provided by the 1972 appropriation act, funds are to be held in reserve pending determination of "qualified and necessary projects."	
Extension Service:	
Payments and expenses	2,000
Funds are available for use by Land Grant Colleges of 1890 and Tuskegee Institute as soon as project guidelines are developed and necessary personnel available.	
Consumer and Marketing Service:	
Consumer protective, marketing, and regulatory programs	1,011
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Perishable Commodities Act Fund	14
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Food and Nutrition Service:	
Food stamp program	198,516
Funds appropriated by Congress in excess of estimated need under food stamp regulations announced earlier. These funds will be apportioned if and as needed to meet the cost of revisions in the regulations announced January 15, 1972.	
Foreign Agricultural Service:	
Salaries and expenses, special foreign currency program	3,087
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Forest Service:	
Expenses, brush disposal	13,170
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Restoration of forest lands and improvements	6
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Forest fire prevention	115
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Forest protection and utilization:	
Cooperative range improvement	1,910
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Forest roads and trails	401,869
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Department of Commerce:	
Bureau of the Census:	
19th Decennial Census	11,028
These funds are to be used for printing costs and will be apportioned when needed for this purpose.	
Promotion of industry and commerce:	
Inter-American Cultural and Trade Center	5,446
Funds will be released when plans for participation in U.S. Bicentennial are completed and approved.	
Trade adjustment assistance	50,000
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
National Oceanic and Atmospheric Administration:	
Promote and develop fishery products and research pertaining to American fisheries	257
Amount shown here is in excess of current estimates of 1972. If conditions change and the funds are needed, apportionments will be made.	
Research, development, and facilities	564
These funds are for disaster relief to fisheries. Apportionment awaits arrival of contingencies under which the funds must, by statute, be made available.	
Research, development, and facilities:	
Special foreign currency program	411
Apportionment awaits development of research contracts with foreign organizations.	
National Bureau of Standards:	
Plant and facilities	1,495
Funds are for a new laboratory now in the planning stage. Apportionment awaits development of approved plans and specifications.	
Maritime Administration:	
Ship construction	14,804
Funds are for engineering changes and contract cancellation contingencies.	
Department of Defense—Military:	
Shipbuilding and conversion	1,388,946
For use in subsequent years; these projects are fully funded when appropriated.	
Other procurement programs	46,020
For use in subsequent years; these projects are fully funded when appropriated.	
Research, development, test, and evaluation, Air Force	25,000
This balance of unobligated 1971 appropriations was set aside by Appropriations Committees to meet potential 1972 requirements. Will be released and apportioned if and as needed.	
Military construction and family housing	839,107
Apportionment awaits development by the agency of approved plans and specifications.	
Special foreign currency program	5,506
Apportionment awaits development by the agency of approved plans and specifications.	
Civil defense programs	1,080
Amount is in excess of currently estimated needs. It will be used, as needed, in subsequent fiscal years.	
Department of Defense—Civil:	
Wildlife conservation	529
Includes estimated receipts not needed for current year program. Will be used in subsequent years.	
Corps of Engineers:	
Construction, General:	
Lafayette Lake, Ind	183
Funds are being held in reserve because of local opposition to initiation of construction of the project.	
Lukfata Lake, Okla	450
Funds are being held in reserve because the State of Oklahoma is considering designating one of the streams to be inundated as a wild and scenic stream.	
New York Harbor collection and removal of drift	80
Funds are being held in reserve because, although the project has been authorized by the Congress for initiation and partial accomplishment, initiation of construction must await approval of the Secretary of the Army and the President. The Secretary of the Army has neither approved the project nor sent the project report to the President.	
Department of Health, Education, and Welfare:	
Food and Drug Administration:	
Building and facilities	13,545
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	
Health Services and Mental Health Administration:	
Medical facilities construction	4,928
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	
Building and facilities	2,158
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	
Indian health facilities	1,312
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	
National Institutes of Health:	
Buildings and facilities	5,702
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	
Gallaudet College	516
Congress appropriated $616 thousand to Gallaudet College for a national continuing education program for the deaf. Funds are being withheld pending the development of a plan for the effective use of the funds, in-	

BUDGETARY RESERVES FOR ROUTINE FINANCIAL ADMINISTRATION—Continued

(In thousands of dollars)

cluding any necessary coordination with the other Federal and non-Federal parties that might be involved.

Department of Housing and Urban Development:

Model cities programs — 105,000

The 1972 appropriation is available for use in 1972 and 1973; the amount reserved is being allocated among cities to cover obligations to be made early in 1973. Thus, each city will have in advance a target figure against which to plan.

Interstate land sales, special fund — 1,468

Amount shown here is in excess of current estimates of 1972 needs. Fee collections are used to cover part of the costs of operating the interstate land sales registration program. Because of the unpredictability of fee collections, there is a substantial lag between collection and use. Thus 1971 fee collections are planned for use in 1973, and are carried in reserve in 1972.

Department of the Interior:

Bureau of Land Management:

Public lands development, roads and trails — 16,694

Reserve reflects amounts of available contract authority above the obligation program that was financed by the appropriation Congress enacted to liquidate the obligations.

Bureau of Indian Affairs:

Road construction — 53,941

Reserve reflects amounts of available contract authority above the obligation program that was financed by the appropriation Congress enacted to liquidate the obligations.

Bureau of Outdoor Recreation:

Land and water conservation fund — 30,000

Consists of 1972 annual contract authority which the 1973 budget shows as not being obligated. This contract authority, which was made available annually through fiscal year 1989 by Public Law 91–308, approved July 7, 1970, is not being used because the Federal agencies purchasing park lands have found annual contract authority cumbersome to administer. Instead, they prefer ordinary appropriations to finance such land purchases and the budget proposes appropriation of the full $300,000,000 annual authorization for the fund, of which about $98,000,000 is for Federal land purchases in 1973.

Bureau of Sport Fisheries and Wildlife:

Construction — 9,075

Appropriated funds for the District of Columbia Aquarium withheld because authorized facility cannot be constructed within the funding limits established by the authorization.

Bureau of Mines:

Drainage of anthracite mines — 3,623

Funds are spent on a matching basis with Pennsylvania as that State and the Department of the Interior develop projects for this purpose. Apportionment awaits development of approved plans and specifications.

National Park Service:

Parkway and road construction — 79,051

Reserve reflects amounts of available contract authority above the obligation program that was financed by the appropriation Congress enacted to liquidate the obligations.

Bureau of Reclamation:

Construction and rehabilitation — 1,055

Funds are being held in reserve pending completion and review of the economic restudy to determine the most effective use of funds for the Second Bacon Siphon and Tunnel Unit, Washington

Department of State:

Educational exchange fund (earmarked proceeds of payments by Finland on World War I debt) — 22

Apportionment awaits development by the agency of specific plans for the exchange of students.

Department of Transportation:

Coast Guard:

Acquisition, construction, and improvements — 3,380

Funds are for equipment or improvements and will not be needed until construction on seven projects is in an advanced stage. They will be released when needed.

Retired pay — 571

Appropriation is in excess of needs due to a lag in voluntary retirements.

Federal Aviation Administration:

Facilities and equipment — 58,958
Facilities and equipment (airport and airway trust fund) — 157,000
Operations (airport and airway trust fund) — 247,269
Research and development (airport and airway trust fund) — 11,409
Operation and maintenance, National Capital airports — 5,279
Safety regulation — 40,152
Research and development — 353

Funds for these accounts have not been apportioned for the fourth quarter of 1972. Apportionment is awaiting agency development of a financial plan for the remainder of the year.

Grants-in-aid for airports (airport and airway trust fund) — 56,459
Construction, National Capital airports — 900
U.S. International Aeronautical Exposition — 218
Civil supersonic aircraft development termination — 4,506

Apportionment of the above FAA accounts awaits development of approved plans and specifications.

Federal Highway Administration:

Federal-aid highways:

(1) Contract authority intended for use in 1973 — 5,700,000
(2) Remaining balance from prior reductions to meet outlay ceiling and abate inflation — 267,830
Territorial Highways — 5,000

New program established by the 1970 Highway Act, effective December 30, 1970. No appropriation was provided until August 1971, although $4.5M of contract authority was authorized for each of 1971 and 1972. Territories were not prepared to handle program and have just begun to organize agencies and prepare studies for use of the funds. Total obligations through December 31, 1971 were about. $93,000.

Darien Gap Highway — 100

Apportionment awaits development of approved plans and specifications. Reserve will be released as soon as the agency has organized field offices requiring these funds.

Urban Mass Transportation Administration:

Urban mass transportation* — 300,000

The Congress provided a total of $3.1B of contract authority for the five-year period 1971–1975. Executive Branch apportionments will result in $1.0B of this amount having been used by June 30, 1972, another $1.0B (including this $300M) will be apportioned July 1, 1972, for fiscal 1973, leaving $1.1B, or $550M per year for the fiscal years 1974 and 1975. By appropriation action in fiscal years 1971 and 1972, the Congress effectively limited the amount of the contract authority that could be used each fiscal year. Thus, the $300M shown is the difference between the $600M apportioned for 1972 and the $900M *upper limit* for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation: "Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating *more than* $900,000,000 in fiscal year 1972." Italic supplied.)

Treasury Department:

Construction, Federal Law Enforcement Training Center — 22,239

Apportionment awaits development by the agency of approved plans and specifications.

Atomic Energy Commission:

Plant and capital equipment:

Funds held in reserve awaiting AEC's development of firm plans or specifications for two projects in the nuclear materials and weapons programs — 9,600

Funds held in reserve awaiting AEC's completion of feasiblity studies or the results of research and development efforts for the national radioactive waste repository and two other projects — 3,133

Funds held in reserve for cost overruns and other contingencies — 5,000

Operating expenses:

Funds held in reserve for the Liquid Metal Fast Breeder Reactor (LMFBR) demonstration plant awaiting the completion of detailed negotiations now underway involving AEC and the Commonwealth Edison Company and TVA — 43,650

Biomedical Research:

Funds held in reserve pending development of a plan for effective utilization — 400

Environmental Protection Agency:

Operations, research and facilities — 46,794

Awaiting completion of: (1) EPA study of requirements for Cincinnati laboratory ($28.0M) and other laboratory facilities

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*Similarly (for background information), the Congress established the same limitation at $600M in 1971. The Administration used $400M in 1971. The difference of $200M is being applied to the years after 1971.

($7.294M); and (2) CEQ–EPA contract study on technology and reports leading to the development of criteria for selection of projects for use of resource recovery (solid waste) demonstration grants ($11.5M).	
General Service Administration:	
Operating expenses, Property Management and Disposal Service	2,200
Amount shown here is in excess of the current estimate of 1972 needs for stockpile disposals. If conditions change and the funds are needed, apportionments will be made.	
Operating expenses, Public Service	5,000
Amount shown here is in excess of 1972 needs. It reflects revised estimates of utility costs and rent receipts from the Postal Service. If conditions change and the funds are needed, apportionments will be be made.	
Construction, public buildings projects	45,514
San Antonio, Texas, project awaiting OMB and Congressional approval of revised prospectus—$7,402 thousand.	
Philadelphia project awaiting appropriation of additional funds needed to permit letting contract—$23,033 thousand.	
$10,803 thousand to be reprogrammed upon enactment of pend legislation authorizing private investment financing.	
$4,273 thousand is reserved to meet possible contingencies that might arise in the course of construction.	
Sites and expenses, public buildings projects	14,666
Reserved to meet possible contingencies or for use in subsequent years—$10,380,000.	
Projects involving space for Postal Service are being restudied—$4,286,000. Apportionment awaits the completion of this study for the effective use of the funds.	
National Aeronautics and Space Administration:	
Research and development (space shuttle program)	25,000
Although the decision has been made in the fiscal year 1973 budget to proceed with the development of the shuttle, final plans and schedules have not yet been completed by NASA. After NASA has selected the booster option and issued its request for proposals (RFP) to the contractors, it is anticipated that the $25 million will be released.	
Veterans' Administration:	
Grants to States for extended care facilities	8,420
State plans and requests for funds have not been presented to the extent originally expected.	
Appalachian Regional Commission:	
Appalachian regional development program	40,000
Apportionment awaits development by the agency of approved plans and specifications.	
Cabinet Committee on Opportunities for Spanish-Speaking Peoples	30
The obligation rate has been lower than anticipated because of operation under continuing resolution for two quarters.	
District of Columbia:	
Loans to the District of Columbia for capital outlay	49,015
Reserves represent prior appropriations not required to finance the planned fiscal year 1972 capital outlay program.	
Federal Communications Commission:	
Salaries and expenses (construction)	460
These funds are intended for replacement of a monitory station. They cannot be used until the Congress raises the current limitation on FCC's 1972 construction program. It is expected that this will take place before the end of fiscal year 1972.	
Foreign Claims Settlement Commission:	
Payment of Vietnam and Pueblo prisoners of war claims	150
Apportionment awaits arrival of contingencies under which the funds must, by statute, be made available.	
Salaries and expenses	19
Apportionment awaits development by the agency of approved plans.	
Selective Service System:	
Salaries and expenses	1,600
Since enactment of the 1972 appropriation, the expected number of inductions into the Armed Forces has declined, permitting this amount to be reserved for savings. The reserve would be released in the unlikely event that the declining trend of inductions should be reversed.	
Smithsonian Institution:	
Salaries and expenses, Woodrow Wilson International Center for Scholars	11
Reserved for contingenies. Will be apportioned if and when needed.	
Temporary Study Commissions:	
Aviation Advisory Commission	587
Funds in 1972 reserve will be used in 1973 to carry Commission through its expiration date of March 1973.	
Commission on Highway Beautification	25
For completion of Commission's work in 1973.	
Commission on Population Growth and the American Future	30
A small contingency amount is set aside to cover any increases in contracted costs after the Commission completes its work and disbands in May 1972.	
National Commission on Consumer Finance	50
For terminating the Commission in 1973 after the report is completed.	
U.S. Information Agency:	
Salaries and expenses (special foreign currency program)	407
Special international exhibitions	746
Apportionment of the above accounts awaits development of approved plans and specifications.	
Total	10,558,778

DREAD DISEASES

Mr. PERCY. Mr. President, as I stood before the Senate on August 3, 1970, and called for a crash program to eliminate the dread diseases—cancer, heart, and stroke—by no later than 1976, I never dreamed that I might see the fulfillment of that goal as soon as 1972. However, 1971 saw the successful enactment of legislation creating the authority for an all-out attack on cancer. I was a strong supporter and a cosponsor of that legislation. Now, 1972 may very likely see the successful enactment of legislation to deal with another dread disease, the No. 1 cause of death in this country—cardiovascular diseases. I am pleased today to join Senators KENNEDY and JAVITS as consponsor of the National Heart, Blood Vessel, Lung, and Blood Act of 1972.

The number of people who succumb to heart and blood vessel diseases has reached enormous proportions in every developed nation of the world. This phenomenon, in fact, has been called the "greatest sustained epidemic confronting mankind." Every year about a million Americans die because of heart disease. About 600,000 of these deaths are due to coronary heart disease. Another 200,000 are due to arteriosclerotic disease in some other area of the body. Approximately 165,000 of the coronary deaths occur in persons under 65 years of age, with a greater toll—3 to 1—among men than women. In Illinois alone, there were an estimated 67,600 deaths due to cardiovascular diseases in 1971, accounting for 57 percent of all deaths in the State.

Studies have shown that one out of every five American men will develop heart disease before he reaches age 60. One victim in four will die within 3 hours of his first heart attack. Of those who survive, another one in 10 will die a few weeks after an initial attack. People who have had one heart attack are approximately five times as likely to die within 5 years after the event as people without known heart ailments.

Compounding the problems with cardiovascular diseases is our current crisis in blood banking. Unfortunately, I do not believe that the provisions in the National Heart, Blood Vessel, Lung, and Blood Act of 1972 dealing with blood and blood products are adequate to deal with that crisis. The provisions offer neither safeguards against the dangers of contaminated blood reaching our citizens nor any means for ending the often shoddy and dangerous procedures used in some commercial blood banks to procure blood. I would recommend as an alternative the more comprehensive blood-banking provisions contained in the National Blood Bank Act, introduced by myself and Senator HARTKE in the Senate and by Congressman VEYSEY in the House.

The need for action to accelerate research and its application to the diagnosis, prevention and cure of heart, blood, and lung diseases is critical. I say the time for action is now.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. GAMBRELL. Mr. President, I was necessarily absent when several record votes were taken on amendments to H.R. 12910, the public debt limitation bill, because of prior commitments in Georgia.

Had I been present on March 7, when votes were taken on these amendments, I would have voted as follows:

First. I would have voted "yea" on the Moss amendment No. 997 to the Roth amendment No. 956, to require the President to cut all controllable appropriations at a relatively uniform rate.

Second. I would have voted "yea" on the Spong amendment No. 995—as a substitute to Roth amendment No. 956—limiting to $246.3 billion Federal expenditures for fiscal year 1973, and providing that when the President determines that future appropriations would require or permit expenditures in excess of this limitation, he shall propose to the Congress reductions necessary to keep expenditures within stated limitation, and the Congress would then have 30 days to rescind such proposed cuts.

Third. I would have voted "yea" on the Roth amendment No. 956 as amended.

Fourth. I would have voted "nay" on part I of the Long amendment to allow the $246.3-billion spending limitation to be increased by the amount which future appropriation bills exceed budget requests.

Fifth. I would have voted "nay" on part II of the Long amendment, to exempt from the limitation certain so-called uncontrollable items.

A MOST UNWISE DECISION

Mr. HANSEN. Mr. President, for the first time in many years, America's meat producers have been able to enjoy for a brief period a realistic return on their production, for which they invest so much in time, money, and plain hard work.

The distinguished editor of the Wyoming State Tribune, James M. Flinchum, in an editorial published on March 10, called the decision to increase imports and force domestic farm and ranch prices down to an unnatural level "a most unwise decision." He stated that it is a serious mistake to seek to bring down retail meat prices through "simplistic solutions."

The retail price of meat is attributable to increases that occur between the time the farmer delivers and the time the consumer buys meat at the market. The price for the producer is only now again reaching the level he received 20 years ago, after two decades of low farm-product prices, while the cost of production has continued to grow by leaps and bounds.

Mr. President, I ask unanimous consent that this analytic editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Most Unwise Decision

Eight years ago when slaughter steers were selling for $20 to $22 a hundred, and retail beef was going for $.69 to $1 a pound, an uproar developed in the West at the spread in prices between what the producer received and the consumer paid over the counter.

In the June, 1964, issue of the Farm Journal, reporter Ovid Bay painstakingly traced the course of a shipment of steers from a Nebraska farm to a supermarket counter in Cincinnati. What the Farm Journal study showed was that there are many factors all along the way that take their cut out of a piece of retail meat. These include profits and wages for the processors, shippers, wholesalers, and retailers and their employes.

Commencing that same year with a speech by then Gov. Cliff Hansen at the American National Cattlemen's Association in Memphis, the western livestock industry represented by its senators, congressmen and governors, launched an intensive campaign to reverse a depressed trend in the cattle market of this country.

The objective was to inhibit massive imports of beef, veal and mutton, into this country from Australia and New Zealand which Sen. Milward L. Simpson, R., Wyo., said in testimony before the Senate Finance Committee that year was running as high as a billion pounds per year.

Heavy production of beef and sheep at home coupled with the massive influx of foreign-grown meat had dropped the average price for live cattle from $27.67 a hundred in 1961 to $21.63 in May, 1964. Everywhere throughout the West stockmen faced the threat of disaster. The solution to their economic bind, so said the members of Congress and governors of their home states, was to sharply curb the foreign meat imports.

After months of campaigning in Congress, an act of which Senator Simpson was a cosponsor was signed into law by President Johnson. Then influx of foreign meat stopped, and the meat price situation as reflected in the prices paid the producers began reversing itself.

Today the ranchers and farmers of this country, chiefly in the West, have commenced to enjoy an adequate rate of return for their product no longer are they facing economic ruin in many cases, or suffering from a marginal operation. In Omaha, slaughter steers are selling now for $31 to $36 a hundred, up $11 to $14 over 1964's prices, an increase of 50 to 60 per cent.

But retail meat prices have jumped two to three times what they were in 1964. The reason is not difficult to understand, in the general inflationary rise in prices and wages between 1964 and 1972, the hidden cost factor in the production of goods has greatly accelerated the price received by the producer compared with that paid by the consumer.

Yet the Nixon Administration, with an eagerness toward simplistic solutions, now is attempting to penalize the American livestock producer by letting down the bars once again on foreign meat imports. If this is the answer to rising prices, then we would suggest that the Administration also rescind its surtax on all foreign imports in order to lower prices paid domestic American producers of all goods, all along the line.

And while it is about it, the Administration might negotiate a reduction in wages that have been paid American employes and workers beginning first with the federal government's 3,000,000 employees which a willing and beneficent Congress is ever ready to grant, and which a generous Administration is always prepared to sign into law.

Why penalize one segment of the U.S. economy, the producer of basic goods, in order to bring about a rollback in prices?

Does the Administration know, for example, what clothes, housing, fuel and other necessities of life sell for now in this country compared with 1964? It might investigate these and make some sort of preparation to attack these cost problems as well.

None of this, of coure, will be done, for the political pressures would be too great, especially from labor. The Administration, bowing to the shrill cries from the great urban centers, where costs of living are predicated on something else beyond basic production costs, is willing to risk the political alienation of the lightly populated West and its most Republican rural residents.

Yet the unfairness of this, particularly when it took the leaders of the West months to induce a Democratic president to approve legislation halting the ruinous policy of huge meat imports, will not be lost on the people of this area who already have suffered one flip decision by the Nixon Administration on predator control.

President Nixon gives signs of turning his back on the people of this region. The latest Gallup Poll shows him with a 56 per cent margin of support among the people of the country. Such popular leads can be eroded in very quick order, however, when political decisions are made that are antipathetic toward a basic way of life such as that represented by agriculture.

OUTLAW THE CRIME GUNS

Mr. STEVENSON. Mr. President, the latest issue of the Nation contains an excellent article entitled "Some Facts About Homicide," written by Franklin E. Zimring. Mr. Zimring is an associate professor of law at the University of Chicago and associate director of the University's Center for Studies in Criminal Justice. In addition, it may be recalled that Mr. Zimring was the director of research for Firearms Violence in American Life, the comprehensive and well-documented staff report to the Eisenhower Commission on the Causes and Prevention of Violence.

The article is based on a study of the changes in the pattern of criminal homicide in Chicago between 1965 and 1970, a study undertaken by Mr. Zimring and Richard Block, an assistant professor of sociology at Loyola University of Chicago.

In studying the pattern of criminal homicide in Chicago, Mr. Zimring notes that:

> Half of the total increase in homicide is attributable to black males between the ages of 15 and 24, a group less than one-thirtieth of Chicago's population.

As to the reasons for the increase in this particular age group, the author focuses on the easy accessibility of guns:

> The lethal combination is one of reckless youth, loose affiliations and available guns. . . In this single age group, homicide by all means other than firearms increased 69 percent while gun killings increased 444 per cent.

The author further notes that there is reason to believe that these aspects of Chicago's case apply nationwide.

The conclusion is inevitable, and Mr. Zimring does not shrink from it:

> The contributory role of firearms, most importantly handguns, in the modern homicide problem deserves special attention.

The author knows that administering handgun controls nationally will be difficult, but he strongly feels that—

> At the same time, the data from Chicago tell us that effective controls appear to be an indispensable part of any rational approach to our present rate of violent killing.

What more evidence do we in Congress need? The evidence is clear already and can only mount, just as the senseless killing and violence caused by handguns can only mount. Let us act to control—effectively—the use of handguns, the crime guns.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOME FACTS ABOUT HOMICIDE

(By Franklin E. Zimring)

CHICAGO.—In the violence-conscious past few years, criminal homicide, this ultimate threat to personal security, has received both too much public attention and not enough. Sensational killings receive sustained attention from the news media and the public, but the typical homicide is too typical, its setting too squalidly common, and its participants—both victim and offender—too obscure to seem to merit public attention. Uneven publicity surrounding criminal homicide has led to a number of public misconceptions about the nature of the problem and the risk of criminal killing. Any discussion of the recent increase in homicide in the United States must therefore begin by setting straight a few basic facts.

The Federal Bureau of Investigation estimates that last year there were about 16,000 willful homicides in the United States, or a rate of eight for every 100,000 citizens. That would mean that the average citizen's chance of becoming a victim in any year would be slightly less than one in 10,000, if there were any such thing as an average citizen when discussing the incidence of homicide in the United States. But it is important to note that the risk is very different among different groups in the population. Criminal homicide, like all crimes, occurs far more frequently in dense cities than in suburbs, towns or rural areas. Men are on the average three times as likely to become victims of homicide as women. Overshadowing these differences is the factor of race. Male or female, blacks are about ten times as likely as whites to suffer criminal homicide.

Statistics on homicide offenders are startlingly similar to statistics on the victims. The more likely a particular race, sex or age group to be victimized, the more likely also that it will be overrepresented in the statistics on homicide offenders—only slightly more so. Thus men are killers more than five times as often as women; blacks twelve times as frequently as whites. The similarity between homicide victims and offenders is no accident. Nationally, three out of four killings involve people with some prior relationship or acquaintance—family, friends, lovers, drinking companions, adversaries in argument. Nine out of ten criminal homicides involve a victim and an offender of the same race. In most cases, the offense is an outgrowth of the ordinary life and social relationships of the persons involved. It is also a highly regressive tax, levying both victims and offenders in gross disproportions from the black poor.

Homicide rates do not fluctuate as wildly as do the reported rates of many other crimes; that is in part because the seriousness of the offense makes it likely that it is one crime for which police statistics supply a fairly accurate count. The homicide rate does, however, seem to change significantly over periods as long as a decade. The rate of criminal killings was high in the United States during the 1920s and 1930s, decreased during the World War II years, and remained low through the 1950s and early 1960s. Since 1963, the homicide rate has been rising sharply, from 4.5 per 100,000 that year to 7.8 in 1970, an increase of 73 per cent

In an attempt to explain this increase, Richard Block and I have been studying changes in the pattern of criminal homicide in Chicago, where the rate doubled between 1965 and 1970. Taking 1965, which was an ordinary year in Chicago's homicide experience, as typical of what patterns of homicide had been in the city, we were looking to find out whether the increased number of killings were accompanied by changes in pattern or were simply more of the same. One important similarity between 1965 and 1970 was the continuing difference in relative risks of homicide experienced by blacks and whites, males and females. In 1965 a black man was ten times as likely to be a homicide victim as his white counterpart, and the same was true in 1970, the real difference being that each was twice as likely to become a victim in the latter year. The risk of homicide to males increased somewhat faster than the risk to females. In 1970, as in 1965, nearly nine out of ten homicides involved a victim and offender of the same race.

We also found important changes in the types of homicide. All types of killings increased substantially during the period, but those arising from domestic disputes showed less increase than other kinds of killings, while the number of robbery killings in the city increased four times as fast as all other types. There were thirty-three robbery killings in Chicago during 1965, 8 percent of the total number of homicides. In 1970 there were 147 robbery killings, 18 percent of the total. The increase in robbery killings accounts for 27 per cent of the total increase in homicide in Chicago. Also, killings in which the police had reason to believe there was more than one offender increased from thirteen in 1965 to 119 in 1970.

Along with the changes in the number and kinds of killings, the weapons used and the kinds of people involved changed significantly. Homicide by firearms increased 169 per cent between 1965 and 1970—three times as fast as homicide by all other means. But the most striking difference in pattern is the increase in the number of killings of and by black males between the ages of 15 and 24. In this single age group the offense rate per 100,000 increased from 108 in 1965 to 298 in 1970, and the victimization rate of this group rose fourfold—from 54 per 100,000 in 1965 to 193 per 100,000 in 1970.

When these statistics are more carefully analyzed, a significant pattern emerges. Half of the total increase in homicide is attributable to black males between the ages of 15 and 24, a group less than one-thirtieth of Chicago's population. The lethal combination is one of reckless youth, loose affiliations and available guns. In this age group, the number of offenses involving only one offender increased from fifty-nine in 1965 to 139 in 1970, or 136 per cent. The number of offenses involving more than one offender increased from thirteen in 1965 to 119 in 1970, or about ninefold. Whether this means that "gang" killings are the important contributor to the increase in homicide is, at most, problematic, for the interference from "more than one offender" to "gang membership" must be a matter of evidence and proof rather than mere attribution.

And the role of guns? In this single age group, homicide by all means other than firearms increased 69 per cent while gun killings increased 444 per cent. These are not the only changes that are taking place in Chicago, and not the sole explanation for the increase in the homicide rate, but the combination of youth groups and guns is by far the most important set of changes that Chicago has experienced, and understanding that can help one understand many of the other changes in pattern.

One of these is the alarming increase in robbery-murder, noted above. Robbery killings are particularly frightening because, unlike most homicides, they do not involve a victim and offender who are previously acquainted, they are frequently interracial, and they inject an element of fear into activities such as conducting a small business and walking the streets. Robbery killings by all groups other than black males between the ages of 15 to 24 increased from fifteen in 1965 to twenty-five in 1970. In that 15-to-24 age group, the number increased from eleven in 1965 to ninety in 1970.

Is the "Chicago pattern" consistent with a national trend? We cannot answer the question decisively, because the published statistics on nationwide homicide are not as detailed as the information we gathered in Chicago. There are, however, indications that at least two elements of the youth groups-guns equation have national significance. FBI statistics show that, since 1963, homicide arrests of persons 15 to 24 have increased about twice as much as arrests of persons 25 and older. One should not, of course, confuse arrest with guilt, but there is a direct relationship between them. And the same statistics show that gun homicide has increased 124 per cent since 1963, while killing by all other means has increased 48 per cent. Whether the other symptoms of Chicago's new homicide problem are also of national significance is not yet known, but there is reason to believe so.

There is no reason to suppose that homicide rates will continue to rise as dramatically as they have in the past few years. They have risen rapidly in the past only to subside, and it is at least as likely as not that rates will begin to level off in the near future. Yet the situation is too serious to be allayed by historical perspective.

Unfortunately, identifying problems is less complex than finding solutions. If the current wave of violent killing is attributable to younger offenders, how best to reduce violence? Apart from massive social reconstruction, relatively few options are available to promote nonviolence in ghetto neighborhoods. More effective policing can help some; but much, even most, of criminal violence takes place beyond police range, and more aggressive policing may bring additional problems to the inner city.

The contributory role of firearms, most importantly handguns, in the modern homicide problem deserves special attention. Guns contribute to the death toll from assault because they increase by a factor of four the chances that death will result from the typical assault that leads to homicide—that is to say that 100 gun attacks kill five times as many victims as 100 knife attacks made by the same kinds of people in the same circumstances. When this fact is related to the dramatic increase in gun use over the past few years, it suggests that reversing the trend will help reduce the death rate from homicide.

But how to get guns off city streets and out of the hands of the young? The boom in gun attacks we found in Chicago persists in spite of some city, state and national gun legislation in the late 1960s, and it is undoubtedly true that an epidemic of handgun carrying and use is easier to start than to finish, in part because crimes inspire fear and disposed civilians to arm themselves. It appears that handgun controls are difficult to apply with great selectivity—taking guns away from one group, or the residents of one city, will not effect much benefit as long as rates of general handgun ownership increase; and rates of ownership have increased in the past six years. At the same time, the data from Chicago tell us that effective controls appear to be an indispensable part of any rational approach to our present inflated rate of violent killing.

RADIO FREE EUROPE AND RADIO LIBERTY

Mr. ALLOTT. Mr. President, the Rocky Mountain News of March 7 contains an intelligent, spirited and correct editorial assessment of the current attempt on the part of some persons to shut down Radio Free Europe and Radio Liberty, thereby helping the totalitarian regimes of East Europe to hermetically seal their despotisms.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Arrogant Mischief-Making

Among his many attainments, Sen. J. William Fulbright, D-Ark., is author of "The Arrogance of Power," a book that disparages America's postwar foreign policy and national character.

It is therefore ironic to find Fulbright arrogantly using his own power—as chairman of the Foreign Relations Committee—to block the will of Congress.

The issue is the fate of Radio Free Europe and Radio Liberty, which for two decades have been broadcasting uncensored news, popular music and political commentary to the peoples of the Soviet Union and its satellites in east Europe.

The broadcasts are heard regularly by many millions, and they thwart efforts by the Communist regimes to impose thought-control on their subjects. Naturally, they are painfully unpopular with the party bosses, who unsuccessfully use electronic jamming, threats and arrests to prevent foreign news from getting through the Iron Curtain.

For some fuzzy reason, Fulbright has decided the stations are "relics of the cold war." He is relentlessly waging a vendetta against them.

First, he commissioned a Library of Congress study, hoping it would produce an excuse to silence the free radio. To his great disappointment, the study upheld the quality and value of the staffs and broadcasts.

Then, when House and Senate passed differing bills to fund the two stations, Fulbright deliberately provoked a deadlock between the two houses. He is now stalling, knowing that Radio Free Europe and Radio Liberty will have to go off the air when they run out of money, which will be very soon.

Incidentally, the Administration, the State Department, 53 of his Senate colleagues and many academic specialists on communism urge Fulbright to let the radios live. He insists on his way. How about that for arrogance of power?

In an extremely cogent discussion of the issue, Prof. William E. Griffith of the Center for International Studies at MIT, recently wrote:

"Senator Fulbright may naively expect that the Soviets and East European rulers would reciprocate their (stations') liquidation, but he is mistaken.

"Indeed, to end them unilaterally now, just before President Nixon is going to Moscow, would deprive the U.S. of one of its major assets in the Soviet Union and Eastern Europe. No way to start bargaining.

"He (Fulbright) is indeed a willful man but he is not and should not be in charge of U.S. foreign policy. It is high time that the President and the Congress overrule him and ensure that Radio Free Europe and Radio Liberty can continue their good work."

AERIAL RECONNAISSANCE OF FOREIGN FISHING VESSELS OFF THE ATLANTIC COAST—REPORT BY SENATOR SPONG

Mr. SPONG. Mr. President, on Saturday, March 4, I accompanied Coast Guard officials and representatives of the Virginia Institute of Marine Science on an aerial reconnaissance flight to observe the activities of foreign fishing vessels off the Atlantic coast.

Relatively few vessels were sighted on that particular flight, but it was disturbing to observe that Soviet ships were operating onboard dehydration plants, and apparently were reducing to fish meal their catch of sea robins. This is a new development this year, a development which could portend problems of the U.S. menhaden industry.

If the Russians are interested in making fish meal from sea robins, they may well want to do the same with menhaden. Unfortunately, neither menhaden nor river herring are adequately protected under the existing fishing agreement between the United States and the Soviet Union. The agreement falls short of the protections which this country has a right and responsibility to demand for its fishing industry.

Mr. President, I also am disturbed over a report of an omission from one of the weekly foreign fishing surveillance reports of the National Marine Fisheries Service. It is my understanding that the Service sighted a group of some 34 vessels in international waters off Chesapeake Bay with moderate catches on board which possibly were sea herring. However, this information was not included in the report.

I would hope that all available information collected through surveillance of foreign fishing vessels would be freely distributed, so that those who make up our own fishing industry can be kept apprised of vessel movements and catches.

ANNOUNCEMENT OF A POSITION ON VOTES

Mr. GAMBRELL. Mr. President, I was necessarily absent when the vote was taken on the conference report to H.R. 1746, the Equal Employment Opportunity Act of 1972 because of a prior commitment in Georgia.

Had I been present on Monday, March 6, when this vote was taken, I would have voted "yea."

SUPPORT OF AID FOR SOVIET JEWS

Mr. ALLOTT. Mr. President, today I am joining in cosponsoring two bills, S. 3142 and S. 3115.

Both bills address an urgent humanitarian need: the need to help with resettling Jews who are fortunate enough to be allowed to leave the Soviet Union.

Both bills would make available funds to assist the resettlement of Jewish refugees. This is a noble project, fully in the American tradition of refugee aid. Since World War II the United States had been properly generous in aiding refugees. A total of $2.8 billion has been spent for this purpose. This is a commendable cause for this Nation, which is wealthy enough to afford generosity, and principled enough to know when it is called for. It is called for now.

I am cosponsoring both bills to emphasize my conviction that we need prompt action on this matter. But I should emphasize that one of these bills seems superior to the other.

The bill proposed by Senator Muskie and others (S. 3142) is well intended; it is better than nothing; but it has three significant flaws.

First, the Muskie bill is too parsimonious. It calls for only $85 million in aid, all of it this year. But informed estimates place the need at well over $300 million per year, and the need is expected to extend over several years. Obviously the United States should not bear the full burden of this need.

That is not required. But it is appropriate for the United States to do all that is necessary, and to contribute a share proportionate to our means and our traditional commitment to refugee aid.

In this regard, the bill submitted by Senator Jackson (S. 1115), the first bill submitted to address this unique refugee problem, is superior. This bill would provide a total of $250 million over a 2-year period—$100 million in fiscal year 1972 and $150 million in fiscal year 1973.

Lest anyone imagine that Senator Jackson's bill is too generous, and that we are without obligation to be generous, we should all remember one thing.

The Soviet Union is departing from long established practice in permitting a portion of its persecuted Jewish population to leave the Soviet Union. The Soviet Union is not suffering a sudden attack of altruism. It has only modified its customary cruelty because of the pressure of world public opinion, and because the brave community of Soviet Jews has been making a commendable nuisance of itself to the Kremlin.

But both these phenomenon—the pressure of world opinion on behalf of the Jews, and the courageous agitation of the Jews on their own behalf—have been encouraged by Members of the Senate.

I, for one, have spoken often, and vigorously, against the Soviet persecution of its Jewish citizens. I am delighted that various pressures have caused even a slight improvement in the conduct of the Soviet Government. Now I am delighted to have the opportunity to do my further duty: I am delighted to help defray the costs of freedom for persecuted refugees.

There are many areas in which I wish I could interest Senators in pinching pennies. But this is not such an area. That is one reason why I think S. 3115 is superior to S. 3142.

Second. The Muskie bill calls for the State Department to administer the funds. This is a most unfortunate provision. There does seem to be reason to believe that there are pressures within the State Department that might inhibit the vigorous administration of this refugee aid. On the one hand, there are those in the State Department who sometimes seem to feel that they have a single, categorical mandate to offend no foreign government. Obviously, the Soviet Government is going to be miffed at American generosity on behalf of persecuted refugees from the Soviet Union. I should emphasize, Mr. President, that I can think of no higher calling than getting the despots miffed. But not everyone—and certainly not everyone in the State Department—shares my enthusiasm for this enterprise.

In addition, Mr. President, it is often said that there are pressures, in the State Department that cause it to act with undue circumspection toward the more militant Arab nations. These pressures may have something to do with the career opportunities in the Department and the

Foreign Service: there are many Arab nations, and only one Israel. It is clear that most of the refugees will wish to settle in Israel, and thus our aid will constitute a substantial support for Israel. This, we may be sure, will get Arab militants miffed at us. There are times, Mr. President, when I think the second highest calling is getting various militants miffed because of aid tendered to Israel. But not everybody shares my conviction in this matter, and it is very clear that this enthusiasm is not universally felt in the State Department. That is why I think S. 3115, the original Jewish refugee aid bill, is superior. This bill would give the President power to administer this aid. The President's deftness at diplomacy cannot be doubted. Nor is there any doubt about his commitment to strong and prosperous Israel.

Third, the Muskie bill would only permit aid to Israel. This is unfortunate. Not only does the Muskie bill involve too little aid, inadequately administered, but it denies aid to those Jews who might chose to relocate somewhere other than Israel. We must understand that some Soviet Jews might wish to settle in other nations—where they might have relatives, or feel cultural ties.

The Jackson bill would provide aid to other nation's receiving Jewish refugees. This is the third reason why the Jackson bill is superior.

To sum up, Mr. President, I support the venerable American principle of aid to refugees.

I rejoice in the opportunity to aid refugees whose freedom has been hard won.

I support both aid bills.

Both are better than inaction in the face of perhaps as many as 60,000 Jewish refugees from the Soviet Union. But the original Jewish refugee aid bill, S. 3115, seems to me to be the better choice. I hope the Senate will act promptly on one or the other of these bills, and that S. 3115 will be the choice of a majority of Senators.

A GUIDE TO BILKING THE PUBLIC

Mr. PERCY. Mr. President, a constituent recently sent me an advertising flyer for a "money-making Guide" entitled "Today Great Opportunities for Getting Rich in Real Estate." This guide, prepared by an organization called Executive Reports Corp., purports to tell the reader about nine opportunities in real estate which will "make thousands of people rich beyond anything they've ever dreamed of."

As a man who spent many years in the business world, I have nothing against making a profit. I believe in the profit motive, and I believe it has helped to make this country great. All our people benefit greatly from the operation of the free enterprise system.

But I was shocked and dismayed by the general tone and much of the wording of this advertising brochure. The message comes through plainly: If you play your cards right and stay within the letter—if not the spirit—of the law, then you can make thousands off of a naive and unsuspecting public.

Let me quote some of the more repugnant passages from this brochure:

Look around you in your own neighborhood for small properties that are loaded . . . sites for gas stations, . . . nursing homes, hospitals. . . .

(H)ere's the payoff that makes these sites so rich for anyone looking for fast, juicy profits: you can get options on such sites for small sums and then sell the property on which you have your option. . . . (A man) can clean up on site after site—handle a string of such profit projects—using very limited funds.

The demand for apartment houses and office buildings is reaching crisis proportions. . . .

You'll want to see how to start this operation right down the block with a small "main street" office building or a 3-family apartment house, swing deal after deal and grow rich. Here's how to pick "the cream-puffs from all these spacious, well-constructed older buildings—here's the trick of giving them a glamor renovation to make them catnip in today's market—how to handle these projects—with very limited capital. And then, to top it all off, how to get the special tax breaks that let you keep much more of these exciting profits.

Any one can get into (remodeling individual homes). . . .

A special Data Sheet guides you through the dozen steps. You are given hints that are worth a fortune: the kind of house to avoid, what to rip off and out of the house, why kitchens and bathrooms are such big stuff in the market, how a couple of $3 improvements at the front entrance give a red hot first impression, works wonders.

You can build, say, a $100,000 apartment house with just a few thousand dollars by using investment leverage (other people's money)—and then start immediately taking the first tax depreciation (which pays money right back into your pocket). And then when the time is ripe, sell out at a hefty profit which comes to you as low-taxed capital gain (inflation).

Some 20,000,000 retired people in America are a real estate operators dream. . . .

And they have money! They are buying into retirement communities right and left—making the developers of such communities rich.

Mr. President, I do not doubt that these activities are all very legal, but I do question the business ethics of those who would so blatantly urge other businessmen to take advantage of the consumer and the community at large for their own personal gain. The get-rich-quick notions which are being peddled in this publication are just an additional reason why strong and effective consumer protection legislation is needed at all levels of government.

I ask unanimous consent that the complete text of the brochure be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

EXECUTIVE REPORTS CORP.,
Englewood Cliffs, N.J.

[For the one person in a thousand who is downright avaricious—determined to get rich]

THE NINE GREATEST OPPORTUNITIES FOR PROFIT EVER TO HIT THE REAL ESTATE WORLD

(A mighty once-in-a-century conflux of economic forces—now ready to break wide open—create a vast new explosion in real estate fortunes.)

DEAR SIR: If all you want is "a nice little profit" you can get it almost anywhere in today's real estate market.

But if you're out after big money—not just thousands, but hundreds of thousands and more—here are 9 opportunities that will lift you right out of your chair.

These 9 situations are the result of a once-in-a-century confluence of giant economic forces—forces building up explosive pressures on real estate values—now ready to come crashing through—make thousands of people rich beyond anything they've ever dreamed of.

To show you how to clean up—keep you right on top of these fast-moving opportunities—we are releasing an always-up-to-the-minute looseleaf Guide dealing exclusively with these 9 situations—the hottest money-making Guide ever published: Today's Great Opportunities for Getting Rich in Real Estate.

The Guide explains the following 9 bombshells and tells just what to do about each—

NO. 1. THE COMING BOOM IN RAW ACREAGE

There's only just so much land—won't be any more. Hence the greatest land squeeze in history is on. Raw acreage is the key to new fortunes. A vast network of highways is opening up the land right and left (making 500 strategically-placed acres worth $40,000, $50,000—and more). You can buy a whole tract of land for a song and have it develop into a virtual city—a farm can be bought for $100 an acre and soon bring from $3,000 to $4,000 an acre—a thousand acres of far off woods can swiftly pay off big for the man who sells it to a gun club.

There are 6 "ground rules" you must follow to get the full benefit of this potential fortune in raw acreage. These ground rules give you an instant "in"—enable you to find and pick up the hottest sites—situations that are loaded with profit—where you have just about everything going for you.

NO. 2 WATCH FOR THESE HOT LITTLE SPOTS IN YOUR OWN NEIGHBORHOOD

Look around you in your own neighborhood for small properties that are loaded—sites for gas stations—franchise operations—nursing homes—hospitals—post offices—professional buildings—motels. The Guide gives you a list of what to look for—attributes that can turn such small sites into goldmines.

But here's the payoff that makes these sites so rich for anyone looking for fast, juicy profits: you can get options on such sites for small sums and then sell the property on which you have your option. Here is a bonanza for the man who knows how to select and sew up these desirable plots—and how to market them. He can clean up on site after site—handle a string of such profit projects—using very limited funds.

NO. 3 "EVERYBODY WANTS A SECOND HOME"

The second-home market is where the second-car market was 15 years ago. The week-end rush to the country is on. About two hours from the city is just right for second-home acreage. The big money here lies not in getting just a small property for your own home—but in latching on to some real acreage.

Be sure that the land you tie up has "the four musts" for a second-home fortune. Without these attributes it's just country property and it may take years to multiply in price—but with "the four musts" it can quickly be transformed into a profit explosion. This whole field is boiling—owners of large second-home acreage are selling lots hand over fist—and operators who go in for selling the plot with a home built on it are booked for months ahead.

NO. 4 OLDER APARTMENT HOUSES AND OFFICE BUILDINGS—THE HOTTEST ITEM IN THE COUNTRY

The demand for apartment houses and office buildings is reaching crisis proportions (few such structures have been built in recent years because of soaring construction costs and prohibitive interest rates). This situation has given rise to the hottest profit opportunity you can find in today's very hot real estate market—and here it is—

There are a *hundred billion* dollars' worth of older office buildings and apartment houses now more than 20 years old. These constitute the juiciest item in our whole economy. These buildings are ripe for renovation—the market for them is close to "breaking down the doors."

You'll want to see how to start this operation right down the block with a small "main street" office building or a 3-family apartment house, swing deal after deal and grow rich. Here's how to pick "the creampuffs" from all these spacious, well-constructed older buildings—here's the trick of giving them a glamor renovation to make them catnip in today's market—how to handle these projects with very limited capital. And then, to top it all off, how to get the special tax breaks that let you keep much more of these exciting profits.

NO. 5 ACREAGE FOR SUBDIVISION IS LOADED WITH PROFIT

Subdivisions can yield six-figure profits, but it takes know-how—for example, the know-how that gives you your profit as low-tax capital gain instead of at high ordinary rates. This section of the Guide delivers point-by-point directions all down the line.

The first big secret is getting a tract of land for subdivision that's big enough—before your development makes surrounding land so valuable you won't be able to pick up more. Then you can sell off the land you've bought by the hundred acres in half-acre plots—*or* you can work with a builder—and clean up either way.

Here is the most valuable concise package of information on subdivisions in existence. It opens the door to the richest, most continuous profit situation in the whole real estate field—from how to buy your land without "showing your hand"—how to get started with virtually no capital—to the fine points on how to market your lots.

NO. 6 REMODELING INDIVIDUAL HOMES

Anyone can get into this on just about any scale he wants, set up profits that are fast and continuous. It's a 1, 2, 3 setup: (1) buy an old run-down home, (2) give it a face lifting, (3) sell it or rent it. But there's a definite pattern you must follow to clean up. It's all worked out to a "T"—the kind of house to buy—what to do to it—how to sell or rent it.

A special Data Sheet guides you through the dozen steps. You are given hints that are worth a fortune: the kind of house to avoid, what to rip off and out of the house, why kitchens and bathrooms are such big stuff in this market, how a couple of $3 improvements at the front entrance give a red hot first impression, work wonders. There's one point on "choosing the worst home in a good neighborhood" that's priceless. With this information you can work out a regular formula of operations for remodeling house after house—with little capital and heady profits.

NO. 7 BUILD AN APARTMENT HOUSE (WITHOUT MONEY)

This is the richest setup in the whole real estate field—a perfect combination of today's three big money makers—*leverage, depreciation, inflation*—a situation in which the three combine to set off a profit explosion, and all of it virtually out of nothing.

You can build, say, a $100,000 apartment house with just a few thousand dollars by using investment leverage (other people's money)—and then start immediately taking the fast tax depreciation (which puts money right back into your pocket). And then when the time is ripe, sell out at a hefty profit which comes to you as low-taxed capital gain (inflation).

Nothing is so juicy as this triple play—the hottest play in real estate today. And it's all spelled out for you in the Guide—with worked-out examples for you to follow—from finding the site to completing the sale.

NO. 8 RETIREMENT COMMUNITIES

Some 20,000,000 retired people in America are a real estate operator's dream. But don't follow the general ideas about them that most people have. Most senior citizens don't want to move away—they want to stay near their old homes—and want a "country club setup" without the chores of a regular house.

And they have money! They are buying into retirement communities right and left—making the developers of such communities rich.

But the pattern for this explosive success is so much different from what you'd expect—and the Guide gives you the exciting lowdown: where to locate your community—how much to charge for homes in one of these Home Villages—the special features that make it duck soup for senior citizens (it's a dozen of these senior-citizens' special features that do the trick).

NO. 9 HOW TO PROFIT FROM AMERICA'S RECREATIONAL BINGE

The implication in America's sporting binge—in terms of real estate profits—is enormous. Twelve acres for a golf driving range can give king sized profits on a small investment—and give you current income right off the bat while the value of your land along-the-road multiplies.

Today the whole recreational field is jumping with activity—from camp sites to rod and gun clubs—from tennis to marinas—from target ranges to Par-3 golf (there's even the exciting setup of a "*waterfront* driving range").

But here, too, know-how is king and with this Guide you are led unerringly to the top dozen opportunities in this seething recreation field.

The above 9 situations are the hottest opportunities in today's hot real estate setup—9 situations that will soon be making waves in a flood of activity inundating every town, city and countryside in America.

If the Guide did nothing more than point out these 9 opportunities, it would be worth a fortune—but it does much more:

It keeps you right up to the minute in each instance with monthly Action Reports and new pages—shows just what steps to take in order to clean up. All of this continuous wealth-building help is written in clear style by ERC's top business editors, in consultation with experienced specialists in these fields—and comes to you for less than 24¢ a day—itself a tax-deductible expense.

Today's real estate market is so rich it makes the potential in other fields seem small potatoes indeed. The biggest fortunes in the past have been real estate fortunes. The vast new fortunes now to come in America will be real estate fortunes. Here's your chance to make it big in the next 5 years—the hottest period the real estate world has ever seen.

Simply return the enclosed postfree Reservation Card. Prompt action brings an Extra Bonus: the Action Reports and new pages *free* to April 1, 1972. So mail the card today. We'll do the rest.

Sincerely,

EDWARD R. CARLTON.

INEQUITIES IN PRESENT FORM OF TAXATION

Mr. MATHIAS. Mr. President, we are all well aware of the need to eliminate the inequities of our present form of taxation. To this end I wish to offer, for the full consideration of the Senate, the remarks of a respected Maryland citizen, John A. Whitney, on the subject of the property tax, which add to the growing national debate on this subject.

Mr. President, I ask unanimous consent that Mr. Whitney's comments be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JOHN A. WHITNEY,
Bethesda, Md., February 10, 1972.

Hon. CHARLES McC. MATHIAS, Jr.,
U.S. Senate,
Washington, D.C.

Subject: Property Tax

DEAR MAC: I have read with interest your recent Capitol Comment on the property tax, printed in some of the local Montgomery County papers. I would like to give you a few brief comments, which you can add to the material you collected at your recent hearings.

I am not an ardent advocate of the property tax. It is too regressive and grows too slowly to be satisfactory as a nearly complete supporting base for local government. Fortunately in Maryland we have moved away from much dependence by authorizing local income taxes.

On the other hand, I do not know of any responsible person who advocates getting rid of the property tax, so far as real property is concerned. Real estate has been subject to the tax long enough that it is built into the capitalization. Furthermore, local governments depend rather heavily on taxation of business property to support the services needed by residents. Rather, the aim should be to try to stabilize property tax rates to avoid accentuating the inequities of the tax and to foster the fulfillment of reasonable expectations. So our goal should be to find an alternative to *increases* in the property tax rate, not an alternative to the property tax as such.

Our search for other methods of raising large amounts of revenue does not require great study. There are three and only three types of broad based taxation: income, sales, and property—gross receipts and value added being akin to the sales tax. All the other types of taxation available to local governments, sometimes referred to as nuisance taxes, are peripheral to the central question of how local governments should be financed. Thus the impediment to the use by local governments of more equitable and faster growing taxes lies simply in the prohibition by most states of the imposition of local sales and income taxes. Nothing would do more to stimulate local responsibility for self government than the repeal or relaxation of these prohibitions.

It is distinctly anomalous to suggest that the solution to local fiscal problems is a new federal tax. On the contrary, the single fact that most inhibits greater state and local use of income taxation is the relatively high level of existing federal income tax rates. So, while revenue sharing in various forms continues to pend, I think it is fair to say that Congress has already enacted in 1969 and 1971 the kind of revenue sharing that is most conductive to increased assumption of state and local responsibility—namely, reduction of taxes. This is also the kind of revenue sharing that is most favorable to a state like Maryland. The state and local governments can now pick up these reductions without increasing the overall burden on the taxpayers.

A particularly troublesome aspect of a proposed federal tax would be its distribution. The distribution would undoubtedly be unfavorable to Maryland, which would pay in substantially more than it would get back. That is not the kind of help we need. Particularly ominous is the suggestion that conditions would be put on the grants to the local governments, such as having to reduce their property taxes by an equivalent amount in order to qualify for their entitlement. This would seem to be unenforceable after the first year, since the local governments could then proceed to raise their taxes back up again as much as they wanted to; or, worse, it would require all local governments to submit their budgets to a federal agency for review and approval in order to demonstrate their compliance with the federal condition. Surely this is not the way to strengthen local government.

In conclusion then, what we need is greater authority for the local governments to solve their own problems, rather than for central levels of government to attempt to solve them and provide handouts. In Maryland our county governments are dependent on the property tax more than they would like to be, solely because state law discriminates in favor of their use of the property tax. The state trusts the counties to impose property tax at an unlimited rate, income tax at a strictly limited rate, and no sales tax at all. Up until last year, some of the counties had unused sales tax authority, but the Legislature took it away at the request of the Governor. Surely this does not foster local responsibility.

When you are advising the President on the ingredients of his forthcoming plan, I wish you would bring these considerations to his attention and to the attention of the people who are putting his plan together. If you think it would be helpful, I would be happy to meet with you and discuss the mattter in greater depth. I applaud your interest in this important subject and would be glad to help in any way possible.

Sincerely yours,

JOHN A. WHITNEY.

SAVE YOUR VISION WEEK

Mr. EAGLETON. Mr. President, this week has been proclaimed by the President as Save Your Vision Week, by authority of a joint resolution of Congress passed in December 1963.

Save Your Vision Week was instituted by the American Optometric Association in 1937, as a method of calling the attention of all Americans to the need for preservation and enhancement of human vision. Over the years, this special event served the Nation well by providing an occasion when all of us could be reminded of the need for professional vision care as a preventive measure against blindness and for correction of those vision problems detected in the course of a complete visual analysis.

Hopefully, my remarks will further serve to highlight the importance of good vision in society today. The safety and well being of our senior citizens, the learning ability of our youngsters, and the productivity of working Americans all depend directly upon visual performance.

I find it especially appropriate to remind my fellow colleagues and all Americans of the importance of this special observation. The American Optometric Association, a federation representing the associations or societies of all 50 States and the District of Columbia, is headquartered in my home State of Missouri. It is equally appropriate that I take this opportunity to remind Americans of this event, because in June the American Optometric Association will begin a year long celebration of its 75th year of service to the public, with presentation of its annual congress in St. Louis, Mo.

I join in urging all Americans to learn more about their eyes and the symptoms of vision problems, and to take the steps necessary to assure for themselves and their families a lifetime of useful vision. At the same time, I salute the professional vision care practitioners of America—optometrists and ophthalmologists alike—for their skill and dedication in providing an important primary health service to citizens of all ages.

INTEGRATION AND BUSING

Mr. ALLOTT. Mr. President, in recent days, two of the Nation's most intelligent journals, the Wall Street Journal and Commentary magazine, have performed a great service for the Nation by raising the level of debate about busing.

The March issue of Commentary contains an article by the distinguished Harvard educator, Prof. Nathan Glazer. His article is entitled "Is Busing Necessary?" I think all Senators will be interested in the answer Professor Glazer gives to this question.

The same issue of Commentary contains an essay by editor Norman Podhoretz commenting on Professor Glazer's article. The title of this essay is "School Integration and Liberal Opinion." I think all Senators will be interested in Mr. Podhoretz's conclusions.

Friday's Wall Street Journal contains an editorial commenting upon Professor Glazer's article. And that edition of the Journal also contained relevant excerpts from Chief Justice Berger's opinion for a unanimous Court in the Charlotte-Mecklenburg decision.

Mr. President, I ask unanimous consent that these important items be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

IS BUSING NECESSARY?

(By Nathan Glazer)

It is the fate of any social reform in the United States—perhaps anywhere—that, instituted by enthusiasts, men of vision, politicians, statesmen, it is soon put into the keeping of full-time professionals. This has two consequences. On the one hand, the job is done well. The enthusiasts move on to new causes while the professionals continue working in the area of reform left behind by public attention. But there is a second consequence. The professionals, concentrating exclusively on their area of reform, may become more and more remote from public opinion, and indeed from common sense. They end up at a point that seems perfectly logical and necessary to them—but which seems perfectly outrageous to almost everyone else. This is the story of school desegregation in the United States.

For ten years after the 1954 Supreme Court decision in *Brown*, little was done to desegregate the schools of the South. But professionals were at work on the problem. The NAACP Legal Defense Fund continued to bring case after case into court to circumvent the endless forms of resistance to a full and complete desegregation of the dual school systems of the South. The federal courts, having started on this journey in 1954, became educated in all the techniques of subterfuge and evasion, and in their methodical way struck them down one by one. The federal executive establishment, reluctant to enter the battle of school desegregation, became more and more involved.

The critical moment came with the passage of the Civil Rights Act in 1964, in the wake of the assassination of a President and the exposure on television of the violent lengths to which Southern government would go in denying constitutional rights to Negroes. Under Title IV of the Civil Rights Act, the Department of Justice could bring suits against school districts maintaining segregation. Under Title VI, no federal funds under any program were to go to districts that practiced segregation. With the passage of the Elementary and Secondary Education Act in 1965, which made large federal funds available to schools, the club of federal withdrawal of funds became effective. In the Department of Justice and in the Department of Health, Education and Welfare, bureaucracies rapidly grew up to enforce the law. Desegregation no longer progressed painfully from test case to test case, endlessly appealed. It moved rapidly as every school district in the South was required to comply with federal requirements. HEW's guidelines for compliance steadily tightened, as the South roared and the North remained relatively indifferent. The Department of Justice, HEW, and the federal courts moved in tandem. What the courts declared was segregation became what HEW declared was segregation. After 1969, when the Supreme Court ordered, against the new administration's opposition, the immediate implementation of desegregation plans in Mississippi, no further delay was to be allowed.

The federal government and its agencies were under continual attack by the civil-rights organizations for an attitude of moderation in the enforcement of both court orders and legal requirements. Nevertheless, as compared with the rate of change in the years 1954 to 1964, the years since 1964 have seen an astonishing speeding-up in the process of desegregating the schools of the South.

Writing during the Presidential campaign of 1968, Gary Orfield, in his massive study, *The Reconstruction of Southern Education*, stated:

"To understand the magnitude of the social transformation in the South since 1964, that portrait of hate [of black students walking into Little Rock High School under the protection of paratroopers' bayonets] must be compared to a new image of tense but peaceful change. Even in the stagnant red clay counties in rural backwaters, where racial attitudes have not changed much for a century, dozens or even hundreds of black children have recently crossed rigid caste lines to enter white schools. Counties with well-attended Ku Klux Klan cross-burnings have seen the novel and amazing spectacle of Negro teachers instructing white classes. It has been a social transmutation more profound and rapid than any other in peacetime American history.

"This is a revolution whose manifesto is a court decision and whose heroes are bureaucrats, judges, and civil-rights lawyers. . . ."

Mr. Orfield thought it was all coming to an end. With Nixon attacking the guidelines that had brought such progress, and with the civil-rights coalition coming apart in the fires of the cities of the North, Mr. Orfield wrote, "A clear electoral verdict against racial reconciliation [that is, the election of Mr. Nixon] could mean that the episode of the school guidelines may recede into history as an interesting but futile experiment." Mr. Orfield underestimated the bureaucrats, the courts, and the overall American commitment to the desegregation of Southern schools. While Mr. Nixon's appointees were suffering the same abuse as Mr. Johnson's before them for insufficient zeal, the desegregation of the racially divided school systems of the South proceeded. Thus the Director of the HEW Office of Civil Rights, J. Stanley Pottinger, could summarize some of the key statistics as of 1970 in the following terms:

"When school opened in the fall of 1968, only 18 per cent of the 2.9 million Negro children in the Southern states attended schools which were predominantly white in their student enrollments. In the fall of 1970, that figure had more than doubled to 39 per cent . . . [and] the percentage of Negroes attending 100 per-cent black schools dropped . . . from 68 per cent to 14 per cent. In 1968, almost no districts composed of majority Negro (and other minority) children were the subject of federal enforcement action. It was thought . . . that the limited resources of government ought to be focused primarily on the districts which had a majority of white pupils, where the greatest educational gains might be made, and where actual desegregation was not as likely to induce white pupils to flee the system. . . . 40 per cent of all the Negro children in the South live in [such] systems. . . . Obviously, the greater the amount of desegregation in majority black districts, the fewer will be the number of black children . . . who will be counted as "desegregated" under a standard which measures only those minority children who attend majority white schools.

"In order to account for this recent anomaly, HEW has begun to extract from its figures the number of minority children who live in mostly white districts and who attend mostly white schools. Last year, approximately 54 per cent of the Negro children in the South who live in such districts attended majority white schools. Conversely, nearly 40 per cent of the 2.3 million white children who live in mostly black (or minority) districts now attend mostly black (or minority) schools." [1]

There has been further progress since, and if one uses as the measure the number of blacks going to schools with a majority of white children, the South is now considerably more integrated than the North.

Yet the desegregation of schools is once again the most divisive of American domestic issues. Two large points of view can be discerned as to how this has happened. To the reformers and professionals who have fought this hard fight—the civil-rights lawyers, the civil-rights organizations, the government officials, the judges—the fight is far from over, and even to review the statistics of change may seem an act of treason in the war against evil. Indeed, if one is to take committed supporters of civil rights at their word, there is nothing to celebrate. A year ago the Civil Rights Commission, the independent agency created by the Civil Rights Act of 1957 to review the state of civil rights, attacked the government in a massive report on the civil rights enforcement efforts. "Measured by a realistic standard of results, progress in ending inequity has been disappointing. . . . In many areas in which civil-rights laws afford pervasive legal protection—education, employment, housing—discrimination persists, and the goal of equal opportunity is far from achievement." And the report sums up the gloomy picture of Southern school segregation, 16 years after *Brown:* "Despite some progress in Southern school desegregation . . . a substantial majority of black school children in the South still attend segregated schools." [2] Presumably, then, when a majority of Negro children attended schools in which whites were the majority, success by one measure should have been reported. But in its follow-up report one year later, this measure of success in Southern school desegregation was not even mentioned. The civil-rights enforcement effort in elementary and secondary schools, given a low "marginal" score for November 1970 (out of four possibilities," "poor," "marginal," "adequate,' and "good"), is shown as having regressed to an even *lower* "marginal" score by May 1971, after HEW's most successful year in advancing school integration!

But from the point of view of civil-rights advocates, desegregation as such in the South is receding as a focus of attention. A second generation of problems has come increasingly to the fore: dismissal or demotion of black school principals and teachers as integration progresses and their jobs are to be given to whites; expulsions of black students for disciplinary reasons; the use of provocative symbols (the Confederate flag, the singing of "Dixie"); segregation within individual schools based on tests and ability grouping; and the rise of private schools in which whites can escape desegregation.

But alongside these new issues, there is the reality that the blacks of the North and West are also segregated, not to mention the Puerto Ricans, Mexican Americans, and others. The civil-rights movement sees that minorities are concentrated in schools that may be all or largely minority, sees an enormous agenda of desegregation before it, and cannot pause to consider a success which is already in its mind paltry and inconclusive. The struggle must still be fought, as bitterly as ever.

There is a second point of view as to why desegregation, despite its apparent success, is no success. This is the Southern point of view, and now increasingly the Northern point of view. It argues that a legitimate, moral, and Constitutional effort to eliminate the unconstitutional separation of the races (most Southerners now agree with this judgment of *Brown*), has been turned into something else—an intrusive, costly, painful, and futile effort to regroup the races in education by elaborate transportation schemes. The Southern Congressmen who for so long tried to get others to listen to their complaints now watch with grim satisfaction the agonies of Northern Congressmen faced with the crisis of mandatory, court-imposed transportation for desegregation. On the night of November 4, 1971, as a desperate House passed amendment after amendment in a futile effort to stop busing. Congressman Edwards of Alabama said:

"Mr. Chairman, this will come as a shock to some of my colleagues. I am opposing this amendment. I will tell you why. I look at it from a rather cold standpoint. We are busing all over the First District of Alabama, as far as you can imagine. Buses are everywhere . . . people say to me, 'How in the world are we ever going to stop this madness?' I say, 'It will stop the day it starts taking place across the country, in the North, in the East, in the West, and yes, even in Michigan.' "

And indeed, one of the amendments had been offered by Michigan Congressmen, long-time supporters of desegregation, because what had been decreed for Charlotte, North Carolina, Mobile, Alabama, and endless other Southern cities was now on the way to becoming law in Detroit and its suburbs.

As a massive wave of antagonism to transportation for desegregation sweeps the country, the liberal Congressmen and Democratic Presidential aspirants who have for so long fought for desegregation ask themselves whether there is any third point of view: whether they must join with the activists who say that the struggle is endless and they must not flag, even now; or whether they must join with the Southerners. To stand with the courts in their latest decisions is, for liberal Congressmen, political suicide. A Gallup survey last October revealed that 76 per cent of respondents opposed busing, almost as many in the East (71 per cent), Midwest (77 per cent), and West (72 per cent), as in the South (82 per cent); a majority of Muskie supporters (65 per cent) as well as a majority of Nixon supporters (85 per cent). Even more blacks opposed busing than support it (47 to 45 per cent). But if to stand with the further extension to all the Northern cities and suburbs of transportation for desegregation is suicide, how can the liberal Congressmen join with the South and with what they view as Northern bigotry in opposing busing? Is there a third position, something which responds to the wave of frustration at court orders, and which does not mean the abandonment of hope for an integrated society?

How have we come from a great national effort to repair a monstrous wrong to a situation in which the sense of right of great majorities is offended by policies which seem continuous with that once noble effort? In order to answer this question, it is necessary to be clear on how the Southern issue became a national issue.

After the passage of the Civil Rights Act of 1964, the first attempt of the South to respond to the massive federal effort to impose desegregation upon it was "freedom of choice." There still existed the black schools and the white schools of a dual school system. But now whites could go to black schools (none did) and the blacks could go to white schools (few dared). It was perfectly clear that throughout the South "freedom of choice" was a means of maintaining the dual school system. In 1966 HEW began the process of demanding statistical proof that substantially more blacks were going to school with whites each year. The screw was tightened regularly, by the courts and HEW, and finally, in 1968, the Supreme Court gave the *coup de grâce*, insisting that dual school systems be eliminated completely. There must henceforth be no identifiable black schools and white schools, only schools.

But one major issue remained as far as statistical desegregation was concerned: the large cities of the South. For the fact was that the degree of segregation in the big-city Southern schools was by now no longer simply attributable to the dual school systems they, too, had once maintained; in some instances, indeed, these schools had even been "satisfactorily" (by some federal or court standard) desegregated years before. What did it mean to say that their dual school systems must also be dismantled "forthwith"?

Contrast, as a concrete instance, the case of rural New Kent County in Virginia, where the Supreme Court declared in 1968 that "freedom of choice" would not be accepted as a means of desegregating a dual school system. Blacks and whites lived throughout the country. There were two schools, the historic black school and the historic white school. Under "freedom of choice," some blacks attended the white school, and no whites attended the black school. There was a simple solution to desegregation, here and throughout the rural and small-town South, and the Supreme Court insisted in 1968, fourteen years after *Brown*, that the school systems adopt it: to draw a line which simply made two school districts, one for the former black school, and one for the former white school, and to require all children in one district, white and black, to attend the former black school, and all children in the other, white and black, to attend the former white school.

But what now of Charlotte, Mobile, Nashville, and Norfolk? To draw geographical lines around the schools of these cities, which had been done, meant that many white schools remained all white, and many black schools remained all black. Some schools that had been "desegregated" in the past—that is, had experienced some mix of black and white—had already become "resegregated"—that is, largely black or all black as a result of population movements rather than any official action.

If there were to be no black schools and no white schools in the city, one thing at least was necessary; massive transportation of the children to achieve a proper mix. There was no solution in the form of geographical zoning.

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[1] In *Inequality in Education,* Center for Law and Education, Harvard University, Aug. 3, 1971.

[2] *Federal Civil Rights Enforcement Effort,* 1970, p. 14.

But if this was the case, in what way was their situation different from that of Northern cities? In only one respect: the Southern cities had once had dual school systems, and the Northern cities had not. (Even this was not necessarily a decisive difference, for cities outside the Old South had also maintained dual systems until 1954. Indiana had a law permitting them until the late 1940's, and other cities had maintained dual systems somewhat earlier.) Almost everything else was the same. The dynamics of population change were the same. Blacks moved into the central city, whites moved out to the suburbs. Blacks were concentrated in certain areas, owing to a mixture of formal or informal residential discrimination, past or present, economic incapacity, and taste, and these areas of black population became larger and larger, making full desegregation by contiguous geographical zoning impossible. Even the political structures of Southern and Northern cities were becoming more alike. Southern blacks were voting, liberal candidates appealed to them, Southern blacks sat on city councils and school boards. If one required the full desegregation of Southern cities by busing, then why should one not require the full desegregation of Northern cities by busing?

Busing has often been denounced as a false issue. Until busing was decreed for the desegregation of Southern cities, it was. As has been pointed out again and again, buses in the South regularly carried black children past white schools to black schools, and white children past black schools to white schools. When "freedom of choice" failed to achieve desegregation and geographical zoning was imposed, busing sometimes actually declined. In any case, when the school systems were no longer allowed to have buses for blacks and buses for whites, certainly the busing system became more efficient. After 1970, busing for desegregation replaced the busing for segregation.

But this was not true when busing came to Charlotte, North Carolina, and many other cities of the South, in 1971, after the key Supreme Court decision in *Swann* v. *Charlotte-Mecklenburg County Board of Education*. The City of Charlotte is 64 square miles, larger than Washington, D.C., but it is a part of Mecklenburg County, with which it forms a single school district of 550 square miles, which is almost twice the size of New York City. Many other Southern cities (Mobile, Nashville, Tampa) also form part of exceptionally large school districts. While 29 per cent of the schoolchildren of Mecklenburg County are black, almost all live in Charlotte. Owing to the size of the county, 24,000 of 84,500 children were bused, for the purpose of getting children to schools beyond walking distance. School zones were formed geographically, and the issue was, could all-black and all-white schools exist in Mecklenburg County, if a principle of neighborhood school districting meant they would be so constituted?

The Supreme Court ruled they could not, and transportation could be used to eliminate black and white schools. The Court did not argue that there was a segregative intent in the creation of geographical zones—or that there was not—and referred to only one piece of evidence suggesting and effort to maintain segregation, free transfer. There are situations in which free transfer is used by white children to get out of mostly black schools, but if this had been the problem, the Court could have required a majority-to-minority transfer only (in which one can only transfer from a school in which one's race is a majority, and to a school in which one's race is a minority), as is often stipulated in desegregation plans. Instead the Court approved a plan which involved the busing of some 20,000 additional children, some for distances of up to 15 miles, from the center of the city to the outer limits of the county, and vice versa.

Two implications of the decision remain uncertain, but they may lead to a reorganization of all American education. If Charlotte, because it is part of the school district of Mecklenburg County, can be totally desegregated with each school having a roughly 71–29 white-black proportion, should not city boundaries be disregarded in other places and larger school districts of the Mecklenburg County scale be created wherever such action would make integration possible? A district judge has already answered this question in the affirmative for Richmond, Virginia.

But the second implication is: If Charlotte is—except for the background of a dual school system—socially similar to many Northern cities, and if radical measures can be prescribed to change the pattern that exists in Charlotte, should they not also be prescribed in the North? And to that question also a federal judge, ruling in a San Francisco case, has returned an affirmative answer.

San Francisco has a larger measure of integration probably than most Northern cities. Nevertheless *de facto* segregation—the segregation arising not from formal decisions to divide the races as in the South, but from other causes, presumed to be social and demographic—has long been an issue in San Francisco. In 1962, the NAACP filed suit against the school board, charging it with "affording, operating, and maintaining a racially segregated school system within the San Francisco Unified School District, contrary to and in violation of the equal protection and due process clause of the Fourteenth Amendment of the Constitution of the United States." As John Kaplan has written:

"The history of this suit is a short and strange one. The Board of Education retained for its defense a distinguished local attorney, Joseph Alioto [now the mayor], who was primarily an anti-trust specialist. Alioto started discovery proceedings and the heart seemed to go out of the plaintiffs.

"In any case, after admitting in depositions that the Board had no intention to produce a condition of racial imbalance; that it took no steps to bring about such a condition; that its lines were not drawn for the purpose of creating or maintaining racial imbalance; that there was no gerrymandering; and finally that the Board was under no obligation to relieve the situation by transporting students from their neighborhoods to other districts, the plaintiffs' attorney allowed the suit to be dismissed for want of prosecution on December 2, 1964."

It was assumed that this disposed of the legal issue. Meanwhile the San Francisco school system continued to struggle with the problem. After a long series of censuses, disputes, and studies, the school board proposed to set up two new integrated complexes, using transportation to integrate, one North and one South of Golden Gate Park. They were to open in 1970. When, however, one was postponed because of money problems, suit was brought once again by integration-minded parents, this time charging *de jure* segregation on the ground that the school board's failure to implement the two integrated school complexes amounted to an official act maintaining the schools in their presently segregated state.

Judge Stanley Weigel, before whom the matter was argued, very sensibly decided to wait for the Supreme Court's ruling in the Charlotte-Mecklenburg County case which, he and many others thought, might once and for all settle the question of whether *de facto* segregation was no less unconstitutional than *de jure* segregation. Although one may doubt from certain passages in the Charlotte-Mecklenburg decision that the Supreme Court did indeed mean to outlaw *de facto* segregation, Judge Weigel seems to have decided that it did. "The law is settled," he declared, "that school authorities violate the constitutional rights of children by establishing school attendance boundary lines knowing that the result is to continue or increase substantial racial imbalance."

But in ordering the desegregation of the San Francisco schools by transportation, Judge Weigel did not simply rest the matter on *de facto* segregation; he also listed acts of commission and omission which he believed amounted to *de jure* school segregation.

Now one can well imagine that a school board which does not or did not recently operate under state laws that required or permitted segregation could nevertheless through covert acts—which are equally acts under state authority—foster segregation. It could, for example, change school-zone lines, so as to confine black children in one school and permit white children to go to another school. It could build schools and expand them so that they served an all-black or all-white population. It could permit a transfer policy whereby white children could escape from black schools while blacks could not. It could assign black teachers to black schools and white teachers to white schools.

Judge Weigel charged all these things. The record—a record made by a liberal school board, appointed by a liberal mayor, in a liberal city, with a black president of the school board—does not, in this layman's opinion, bear him out, unless one is to argue that any action of a school board in construction policy or zone-setting or teacher assignment that precedes a situation in which there are some almost all-black schools (there were no all-black schools in San Francisco) and some almost all-white schools (there were no all-white schools in San Francisco) can be considered *de jure* segregation.

Under Judge Weigel's interpretation, there is no such thing as *de facto* segregation. All racial imbalance is the result of state actions, either taken or not taken. If not taken, they should have been taken. *De facto* disappears as a category requiring any less action than *de jure*.

This is the position of many lawyers who are arguing these varied cases. I have described the San Francisco case because it led to a legal order requiring desegregation by transportation of the largest Northern or Western system so far affected by such an order. But massive desegregation had also been required by a district judge in Denver, who had then had his judgment limited by the Circuit Court of Appeals. It is this Denver case that will become the first case on Northern or Western *de facto* school segregation—if we still allow the term some meaning—to be heard by the Supreme Court. What the Supreme Court will have to decide is whether the historical difference between Charlotte and Denver permits Denver or any other city to do any less than Charlotte has been required to do in order to integrate its schools.

Simultaneously, Detroit and the surrounding counties and the state of Michigan are under court order to come up with a plan that permits the desegregation of the school children of Detroit by busing to the neighboring suburbs, and a federal judge is moving toward the same result in Indianapolis. If the Supreme Court should uphold the district judge's ruling in the Richmond case, it will then similarly have to decide whether anything in the history or practices of Detroit and Indianapolis justifies ordering less in those cities than has been ordered in the city of Richmond.

The hardy band of civil-rights lawyers now glimpses—or glimpsed, before the two latest appointments to the Supreme Court—a complete victory, based on the idea that there is no difference between *de facto* and *de jure* segregation, an idea which is itself based on the larger idea that there is no difference between North and South. What is imposed on the South must be imposed on the North. As Ramsey Clark, a former Attorney-General of the United States, puts it, echoing a widely shared view:

"In fact, there is no *de facto* segregation. All segregation reflects some past actions of our governments. The FHA itself required racially restrictive covenants until 1948. But, that aside, the consequences of segregated schooling are the same whatever the cause. Segregated schools are inherently unequal however they come to be and the law must prohibit them whatever the reason for their existence."

In other words, whatever exists is the result of state action. If what exists is wrong, state action must undo it. If segregated schools were not made so by official decisions directly affecting the schools, then they were made so by other official decisions—Clark, for example, points to an FHA policy in effect until 1948—that encouraged residential segregation. Behind this argument rests the assumption, now part of the liberal creed, that racism in the North is different, if at all, from racism in the South only in being more hypocritical. All segregation arises from the same evil causes, and all segregation must be struck down. This is the position that many federal judges are now taking in the North—even if, as Judge Weigel did, they try to protect themselves by pointing to *some* action by the school board that they think might make the situation *de jure* in the earlier sense as well.

II

I believe that three questions are critical here. First, do basic human rights, as guaranteed by the Constitution, require that the student population of every school be racially balanced according to some specified proportion, and that no school be permitted a black majority? Second, whether or not this is required by the Constitution, is it the only way to improve the education of black children? Third, whether or not this is required by the Constitution, and whether or not it improves the education of black children, is it the only way to improve relations between the races?

These questions are in practice closely linked. What the Court decides is constitutional is very much affected by what it thinks is good for the nation. If it thinks that the education of black children can only be improved in schools with black minorities, it will be very much inclined to see situations in which there are schools with black majorities as unconstitutional. If it thinks race relations can only be improved if all children attend schools which are racially balanced, it will be inclined to find constitutional a requirement to have racial balance.

This is not to say that the courts do not need authority in the Constitution for what they decide. But this authority is broad indeed and it depends on a doctrine of judicial restraint—which has not been characteristic of the Supreme Court and subordinate federal courts in recent years—to limit judges in demanding what they think is right as well as what they believe to be within the Constitution. Indeed, it was in part because the Supreme Court believed that Negro children *were* being deprived educationally that it ruled as it did in *Brown*. They were being deprived because the schools were very far from "separate and equal." But even if they were "equal," their being "separate" would have been sufficient to make them unconstitutional: "To separate them from others of similar age and qualifications simply because of their race generates a feeling of inferiority as to their race and status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

While much has been made of the point that the Court ruled as it did because of the evidence and views of social scientists as to the effects of segregation on the capacity of black children to learn, the fact is that the basis of the decision was that distinctions by race had no place in American law and public practice, neither in the schools, nor, as subsequent rulings asserted, in any other area, whether in waiting rooms or golf courses. This was clearly a matter of the "equal protection of the laws." It was more problematic as to what should be done to insure the "equal protection of the laws" when such protection had been denied for so long by dual school systems. But remedies were eventually agreed upon, and the Court has continued to rule unanimously—as it did in *Brown*—on these remedies down through *Swann* v. *Charlotte-Mecklenburg Board of Education*.

Inevitably, however, the resulting increase in the freedom of black children—the freedom to attend the schools they wished—entailed a restriction on the freedom of others. In "freedom of choice," the freedom of white children was in no way limited. In geographical zoning to achieve integration, it was limited, but no more than that of black children. But in busing to distant schools, white children were in effect being conscripted to create an environment which, it had been decided, was required to provide equality of educational opportunity for black children. It was perhaps one thing to do this when the whites in question were the children or grandchildren of those who had deprived black children of their freedom in the past. But when a district judge in San Francisco ruled that not only white children but Chinese children and Spanish-speaking children must be conscripted to create an environment which, be believed, would provide equality of educational opportunity for black children, there was good reason for wondering whether "equal protection of the laws" was once again being violated, this time from the other side.

We are engaged here in a great enterprise to determine what the "equal protection of laws" should concretely mean in a multi-racial and multi-ethnic society, and one in which various groups have suffered differing measures of deprivation. The blacks have certainly suffered the most, but the Chinese have suffered too, as have the Spanish-speaking groups, and some of the white ethnic groups. Is it "equal protection of the laws" to prevent Chinese-American children from attending nearby schools in their own community, conveniently adjacent to the afternoon schools they also attend? Is it "equal protection of the laws" to keep Spanish-speaking children from attending school in which their numerical dominance has led to bilingual classes and specially trained teachers? Can the Constitution possibly mean that?

One understands that the people do not vote on what the Constitution means. The judges decide. But it is one thing for the Constitution to say that, despite how the majority feels, it must allow black children into the public schools of their choice; and it is quite another for the Constitution to say, in the words of its interpreters, that some children, owing to their race or ethnic group alone, may not be allowed to attend the schools of their choice, even if their choice has nothing to do with the desire to discriminate racially. When, starting with the first proposition, one ends up with the second, as one has in San Francisco, one wonders if the Constitution can possibly have been interpreted correctly.

Again and again, reading the briefs and the transcripts and the analyses, one finds the words "escape" and "flee." The whites must not escape. They must not flee. Constitutional law often moves through strange and circuitous paths, but perhaps the strangest yet has been the one whereby beginning with an effort to expand freedom—no Negro child shall be excluded from any public school because of his race—the law has ended up with as drastic a restriction of freedom as we have seen in this country in recent years. No child, of any race or group, may "escape" or "flee" the experience of integration. No school district may facilitate such an escape. Nor may it even (in the Detroit decision) fail to take action to close the loopholes permitting anyone to escape.

Let me suggest that, even though the civil-rights lawyers may feel that in advocating measures like these they are in the direct line of *Brown*, something very peculiar has happened when the main import of an argument changes from an effort to expand freedom to an effort to restrict freedom. Admittedly the first effort concerned the freedom of blacks, the second in large measure concerns the freedom of whites (but not entirely, as we have seen from the many instances in the South where blacks have resisted the elimination of black schools, and in the North where they have fought for community-controlled schools). Nevertheless, the tone of civil-rights cases has turned from one in which the main note is the expansion of freedom, into one in which the main note is the imposition of restrictions. It is ironic to read in Judge Stanley Weigel's decision, following which every child in the San Francisco elementary schools was placed in one of four ethnic or racial categories and made subject to transportation to provide an average mix of each in every school, an approving quotation from Judge Skelly Wright:

The problem of changing a people's mores, particularly those with an emotional overlay, is not to be taken lightly. It is a problem which will require the utmost patience, understanding, generosity, and forbearance from all of us, of whatever race. But the principle is that we are, all of us, freeborn Americans, with a right to make our way, unfettered by sanctions imposed by man because of the work of God."

That was the language of 1956. One finds very little "patience, understanding," etc., in Judge Weigel's own decision, which required the San Francisco School District to prepare a plan to meet the following objectives:

Full integration of all public elementary schools so that the ratio of black children to white children will then be and thereafter continue to be substantially the same in each school. To accomplish these objectives the plans may include:

(a) Use of non-discriminatory busing if, as appears now to be clear, at least some busing will be necessary for compliance with the law.

(b) Changing attendance zones wherever necessary to head off racial segregation.

According to Judge Wiegel, the law even requires:

"Avoidance of the use of tracking systems or other educational techniques or innovations without provision for safeguard against racial segregation as a consequence."

Can all this be in the Constitution too?

A second issue that would seem to have some constitutional bearing is whether those who are to provide the children for a minority black environment are being conscripted only on the basis of income. The prosperous and the rich can avail themselves of private schooling, or they can "flee" to the suburbs. And if the Richmond and Detroit rulings should be sustained, making it impossible to "escape" by going to the suburbs, the class character of the decisions would become even more pronounced. For while many working-class and lower-middle class people can afford to live in suburbs, very few can afford the costs of private education.

Some observers have pointed out that leading advocates of transportation for integration—journalists, political figures, and judges—themselves send their children to private schools which escape the consequenses of these legal decisions. But even without being *ad hominem*, one may raise a moral question: If the judges who are imposing such decisions, the lawyers who argue for them (including brilliant young lawyers from the best law schools employed by federal poverty funds to do the arguing), would not themselves send their children to the schools their decisions bring into being, how can they insist that others poorer and less mobile than they are do so? Clearly those not subject to a certain condition are insisting that others submit themselves to it, which offends the basic rule of morality in both the Jewish and Christian traditions. I assume there must be a place for this rule in the Constitution.

A key constitutional question with which the Supreme Court will now finally have to do deal is whether *de facto* segregation is really different from *de jure* segregation, and if so, whether lesser remedies can be required to eradicate it.

Is there really a meaningful difference between a 100 per-cent black school under a law that prohibits blacks from going to school with whites, and a 100 per-cent black school that is created by residential segregation? The question has become even subtler: is there a difference between a majority black school in a city which once had *de jure* segregation, and such a school in a city which did not? I believe that the answer to the second question is no. But in the first case the distinction was meaningful when the Supreme Court handed down *Brown* and is meaningful today. In the *de facto* situation, to begin with, not all schools are 100 per cent segregated. Indeed, none may be. A child's observation alone may demonstrate that there are many opportunities to attend integrated schools. The family may have an opportunity to move, the city may have open enrollment, it may have a voluntary city-to-suburb busing program. The child may conclude that if one's parents wished, one could attend another school, or that one could if one lived in another neighborhood—not all are inaccessible economically or because of discrimination—or could conclude that the presence of a few whites indicated that the school was not segregated.

Admittedly social perception is a complicated thing. The child in a 100 per-cent black school as a result of residential concentration and strict zoning may see his situation as identical to that of a child in a 100 percent black school because of state law requiring separation of the races. But the fact is that a black child in a school more than 47 per-cent black (the San Francisco definition of "segregation") may also see himself as unfairly deprived. Or any black child at all, in view of his history, and the currently prevailing interpretation of his position, even if he is the only black child in a white school, may so conclude. Perception is not only based on reality a, reality which to me makes the *de facto* segregated school a very different thing from the *de jure* segregated school. Perception can turn the lovely campuses of the West Coast into "jails" which confine young people, and can turn those incarcerated by courts for any crime into political prisoners. If we feel a perception is wrong, one of our duties is to try to correct it, rather than to assume that the perception of being a victim must alone dictate the action to be taken. False perceptions are to be responded to sympathetically, but not as if they were true.

If one finds segregation of apparently *de facto* origin, what is the proper remedy?

In some cases, one can show that it is not really *de facto* by pointing to actions that the school board took with a segregatory intent—for example, changing a school-zone line when blacks moved into an area to keep a school all or mostly black or another one all or mostly white. I do not think this was demonstrated in the case of San Francisco, but it was the crucial issue in the first Northern school desegregation case, that of New Rochelle, which was never reviewed by the Supreme Court, and in Pontiac, Michigan, and for some schools in Denver. In districts with a hundred or more schools and a long history, with perhaps scores of school-zone lines changed every year, it would be unlikely if one could not come up with some cases that seemed to show this. Sometimes it was done under pressure of local white parents. Finding this, a court might require something as simple as that the zone line be changed back (this, of course, by the time it came to court would hardly matter since the black residential area would almost certainly have expanded and both zone lines would probably be irrelevant). Or it might require that no zone line be set in the future which had the effect of maintaining segregation. Or that no parental wishes of this sort be taken into account. In cases where segregatory zone lines were commonly or regularly set (Pontiac) more radical relief would be more appropriate.

But there is a basic and troubling question here. School boards are either elected, or appointed by elected officials. They are thus directly or indirectly responsible to citizens. One can well understand the constitutional doctrine which asserts that no elected or appointed board, no governmental official, may deny constitutional rights—e.g., allowing a Communist to speak in a school building—regardless of the wishes of its constituency. But in the case of schooling and school-zone boundary-setting, a host of issues is involved: convenience of access, quality of building, assumed quality of teaching staff, racial composition of students, etc. A board is subject to a hundred influences in making such a decision. It is not as simple a matter as proving this Communist was not allowed to speak because of mass pressure. Nor is the motivation of parents and boards ever unmixed.

In Boston the school board opened a new school in a black section. It tried to save the state aid that would be lost if it did not take some action to desegregate, and it zoned children living at some distance away into the new school. The white parents protested and eventually the board succumbed to their pressure and allowed them to send their children to their old nearby schools. To the minds of most enforcers of school desegregation, state and national, the board condemned itself for a segregatory act. One of the things the boycotting parents said was that they were afraid their children would get beaten up going through the area they had to traverse in order to get to school. Who is to say that this was pure fantasy, in the conditions of the modern city, and that what the white parents really meant was that they did not want their children to go to a mostly black school? It is this kind of determination on the intent and effect of hundreds of school-board decisions that judges are now required to make. When one read cases such as those in Indianapolis, Detroit, and elsewhere, the mind reels with the complexity of numerous school-zoning and construction decisions. Briefs, hearing transcripts, exhibits run to thousands of pages. And at least one conclusion that this reader comes to is that no judge can or ought to have to make decisions on such issues, and the chances are that whatever decision he makes will be based on inadequately analyzed information.

Is it the law—and, not being a lawyer, I do not know—that if a segregatory intent plays *any* part in school decisions, then *every* measure of relief, no matter how extensive is justified? If so, from a non-legal point of view it seems odd that one uncertain act with an uncertain effect on the social and racial patterns of an entire city should justify massive measures to reconstruct a school system.

Perhaps the most serious constitutional issue in a line of cases erasing the distinction between *de jure* and *de facto* segregation and also erasing the political boundaries between school districts in order to achieve a racial balance in which every black student is in a minority in every school (and presumably, as the cases develop, every Spanish-speaking student, and so on), is that all this makes impossible one kind of organization that a democratic society may wish to choose for its schools: the kind of organization in which the schools are the expression of a geographically defined community of small scale and regulated in accordance with the democratically expressed views of that community. This is the point Alexander Bickel has argued so forcefully. We have had a good deal of discussion in recent years of "decentralization," "community control," and "parental control" of schools. There were reasons for "community control" long before the issue exploded in New York in the late 1960's, and there were reasons for "parental control" long before the educational voucher scheme was proposed. Now the new line of cases makes the school ever more distant from the parents who send their children to it.

While busing schemes vary, in some, children from a number of different areas are sent to a single school and children from one area are sent to a number of schools. It becomes hard for parental or community concerns to be exercised on the particular school to which one's children go. Thus, in San Francisco, in the Mission district, owing to the effective work of the Mission Coalition (an Alinsky-style community organization), the local community has considerable influence on public programs in the area. With a wide base of membership, this organization can help determine what is most effective in the local schools. But if it wants to create an atmosphere in the school best suited to the education of Spanish-speaking children, what sense does this make when the schools are filled with children from distant areas? And how can it influence the education the Mission children receive in the distant schools to which many of them are now sent?

In effect, the new line of cases gives enormous control to central school bureaucracies, who will make decisions subject only to the courts and the federal government on the one hand, and the mass opinion of a large area dominated by the inevitable slogans which can create majorities on the other. Clearly this is one way of reducing the influence of people over their own environment and their own fate. I believe indeed that the worst effect of the current crisis is that people already reduced to frustration by their inability to affect a complex society and a government moving in ways many of them find incomprehensible and undesirable, must now see one of the last areas of local influence taken from them in order to achieve a single goal, that of racial balance.

The one reason for community control that has recently been considered most persuasive is that the inadequate education of black children may be improved under a greater measure of black community control. This may or may not be the case, but I believe that all people, black and white, have the right to control as much of their lives as is possible in a complex society, and the schools are very likely the only major function of government which would not suffer—and might even benefit—from a greater measure of local control. In education, there are few "economies of scale." It has always seemed fantastic that educators, in proposing "complexes" for 20,000 elementary-school children for purposes of desegregation, could also argue that schools of that size would also be more "efficient." Interestingly, lawyers and judges, in their effort to find *de jure* segregatory intent in the acts of Northern school boards, will sometimes claim that schools were deliberately made small to lessen the chances of integration. Thus in Detroit, one charge against the school board, accepted by Judge Roth, was that the board built small schools of 300 in order to contain the population and make desegregation more difficult. Paul Goodman and many others would argue that even schools of 300 are probably too large. In San Francisco, on the other hand, the argument was that schools were expanded to "contain" the black and white population. The Detroit judge, it seems, would have preferred the large San Francisco schools, and the San Francisco judge would have preferred the small Detroit schools, if one takes their arguments at face value. But one may be allowed to suspect that if the situations had been reversed, they would still both have found *"de jure"* segregation in their respective cities.

ONE CONSEQUENCE of this transfer of ports for racial balance is that there is no local pressure to build a school to serve a local population, since one cannot know what the effect of any local school will be. Thus all decisions on school building revert to the hands of the central school authorities, only affected, as I have already pointed out, by judges and the federal government on the one hand, and a mass opinion unrelated to local district needs on the other. I am skeptical as to whether this will improve school-construction policies. Federal civil-rights agencies and judges have not as yet shown themselves very perceptive in their criticism of local school-construction policies. One piece of evidence of *de jure* segregation, cited by the San Francisco judge, was the building of a new school in Hunter's Point, a black area. The school authorities had resisted building there. The local people insisted on a new school. Just about everyone who supports desegregation in San Francisco supported the local people, even though they knew that the school would be segregated. The local NAACP also supported the building of the new school. The judge, in his decision, cited the building of this school as a sign of the "segregatory" policies of the San Francisco school authorities. To the judge, the black people of Hunter's Point were being "contained," when they should have been sent off elsewhere, leaving their own area devoid of schools (or perhaps any other facilities). But for the people of the area who demanded the school, they were being served. That their school would be, to a federal judge's mind, "segregated" did not seem to them a good reason for all city facilities to be built only in white or Spanish-speaking or Chinese areas.

The attempts of judges and civil-rights lawyers to argue that this or that school was built to be "segregated" for whites or blacks is in any case often naive. The dynamics of population movements in the cities have been too rapid (the black population of San Francisco increased from 5,000 in 1940 to 96,000 in 1970) and the process of school-building too slow, for any such intention to be easily demonstrated or realized in Northern cities. One of the schools cited in the San Francisco case as "segregated" blacks (64 per-cent black in 1964), had been cited as recently as 1967 in the Civil Rights Commission's report on *Racial Isolation in the Public Schools* as having been built in order to foster the "segregation" of white, since it had opened in 1954 with a student body that was almost all white. Presumably, at least for the intervening period, it must have been integrated.

The crucial point is: Do federal courts have the right to impose a school policy that would deprive local communities and groups, white and black, of power over their schools? Some of them seem quite sure that they do.

Judge Roth in Detroit is critical of the blacks of that city for contributing to what he considers "segregation" by demanding black principals and teachers:

"In the most realistic sense, if fault or blame is to be found it is that of the community as a whole, including of course the black components. We need not minimize the effect of the actions of federal, state, and local governmental officers and agencies . . . to observe that blacks, like ethnic groups in the past, have tended to separate from the larger group and associate together. The ghetto is a place of confinement and a place of refuge. There is enough blame for everyone to share."

We would all agree with Judge Roth that the ghetto must not be a place of confinement and that everything possible must be done to make it as easy for blacks to live where they wish as it is for anyone else. But why should it be the duty or the right of the federal government and the federal judiciary to destroy the ghetto as a place of refuge if that is what some blacks want? Judge Roth is trying to read into the Constitution the crude Americanizing and homogenizing which is certainly one part of the American experience, but which is just as certainly not the main way we in this country have responded to the facts of a multi-ethnic society. The doctrines to which Judge Roth lends his authority would deny not only to blacks, but to any other group, a right of refuge which is quite properly theirs in a multi-ethnic society built on democratic and pluralist principles.

I do not speak here of limiting what communities may freely choose to do in order to integrate their schools. I speak only of the judicial insistence that they must do certain things. Much busing for desegregation is engaged in by school boards independently of court decisions, because the board feels this is good for education; or because it is under pressure from blacks and white liberal citizens who demand such measures; or because it is required or is under pressure to do so from state education authorities—who, in the major Northern and Western states, and in particular in Massachusetts, New York, Pennsylvania, and California, require local school districts to eliminate racial imbalance defined in various ways. More than 50 percent black is racial imbalance in Massachusetts, and 15 percent more or less of each group in each school than the proportion of that group in the entire district is racial imbalance in California. (It was on the basis of the 15 percent rule that more than 47 percent black was considered segregrated in San Francisco, for the proportion of black students in the schools was 32 per cent.) Thus, the City of Berkeley has been transporting its children to achieve integration for three years now, without any court or federal action. Riverside has done the same. Many cities have implemented, independently of court action, some degree of transportation for integration. Many of these actions have been attacked in the courts from the other side—that is, by white parents charging that for racial reasons alone they were being assigned to schools far from their homes. All these challenges have been struck down in the courts, in spite of state laws (such as New York's) which declare transportation for desegregation illegal. Interestingly enough, while the San Francisco school board was under attack from one side for having failed to implement one of its integration-through-busing school complexes, it was under attack from the other side for having implemented the one it had. It was of course the first of the two attacks that was supported by the district judge.

It is not this kind of action-to-integrate—undertaken by elected school boards, or by school boards appointed by elected officials, for educational or political reasons—that is under discussion here. Unless a political decision is clearly unconstitutional it should stand. Indeed, it is very likely that decisions to achieve racial balance taken by school boards not under judicial or federal order but because the political forces in that district demand it, have better effects than those undertaken under court order by resentful school administrations. In the first case, the methods of reducing racial imbalance have been worked out through the processes of political give-and-take, the community and teachers and administrators have been prepared for the change by the political process, the parents who oppose it have lost in what they themselves consider a fair fight. The characteristics of judge-imposed decisions are quite different.

III

There is, then, considerable room for doubt as to whether the Constitution actually mandates a system whereby every school shall have a black minority and no school shall have a black majority. Nevertheless present-day judges, with whom the doctrine of judicial restraint is not especially popular, seem able to find constitutional warrant for whatever policies they feel are best for the society. And so we come to the other crucial questions raised by the new line of cases: Is school desegregation the only way to improve the education of black children and/or the relations between the races?

Without rehearsing the terrible facts in detail, we know that blacks finish high school in the North three or more years behind whites in achievement. We also know with fair confidence that this huge gap is not caused by differential expenditures of money. Just about as much is spent on predominantly black schools outside the South as on predominantly white ones. Classes in black schools will often be smaller than classes in white ones—because the black schools tend to be located in old areas with many school buildings, while white schools tend to be in newer areas with fewer and more crowded school buildings. Blacks will often have more professional personnel assigned, owing to various federal and other programs. There are, to be sure, lower teacher salaries in the predominantly black schools, because they usually have younger teachers with less seniority and fewer degrees. Anyone who believes this is a serious disadvantage for a teacher has a faith in experience and degrees which is justified by no known evidence. (It is quite true that the big cities spend much less on their schools, white and black, than the surrounding suburban areas, which are almost entirely white. Regardless of the fact that spending more is unlikely to do much to improve education—it tends mostly to improve teachers' salaries and fringe benefits—it is quite unconscionable that more public money should be spent on the education of those from prosperous backgrounds than on those from poorer families. But this is quite separate from the issue of whether within present school districts less is spent on the education of black children, and whether spending more would reduce the gap in achievement.)

If money is not the decisive element in the gap between white and black, what is? In 1966 the Coleman report on *Equality of Educational Opportunity* reviewed the achievement of hundreds of thousands of American school children, black and white, and related it to social and economic background, to various factors within the schools, and to integration. In 1967, another study, *Racial Isolation in the Public Schools*, anlayzed the effects of compensatory-education programs and reviewed the data on integration. Both studies—as well as subsequent experience and research—suggested that if anything could be counted on to affect the education of black children, it was integration. However, the operative element was not race but social class. The conclusion of the Coleman report still seems the best statement of the case:

"The apparent beneficial effect of a student body with a high proportion of white students comes not from racial composition per se, but from the better educational background and higher educational aspirations that are, on the average, found among white students."

On the other hand, if such integration did have an effect, it was not very great. The most intense reanalysis of Coleman's data[3] concludes:

"Our finding on the school racial composition issue, then, are mixed. . . . the initial *Equality of Educational Opportunity* survey overstressed the impact of school social class. . . . When the issue is probed at grade 6, a small independent effect of schools' racial composition appeared, but its significance for educational policy seems slight."

The study of these issues has reached a Talmudic complexity. The finding that integration of different socioeconomic groups favors the achievement of lower socioeconomic groups apparently stands up, but the effect is not large. One thing, however, does seem clear: integrating the hapless and generally lower-income whites of the central city with lower-income blacks, particularly under conditions of resentment and conflict, as in San Francisco, is likely to achieve nothing, in educational terms.

In San Francisco, the number of children enrolled in elementary schools dropped 6,519 against a projected drop of 1,508 (a 13 per cent decline against a projected 3 per cent decline) in response to Judge Weigel's decision. The junior-high-school enrollment, not yet subjected to full-scale busing, declined only 1 per cent, and high-school enrollment remained the same. In Pasadena, California, there was a 22 per cent drop in the number of white students in the school system between 1969—before court-imposed busing—and 1971. In Norfolk, Virginia, court-imposed busing brought a drop of 20 per cent. If, as seems probable, it is the somewhat better-off and more mobile who leave the public-school system when busing is imposed, the effect on the achievement of black children is further reduced.

It is in response to such facts as these and in the light of such findings as Coleman's that judges in Detroit and Indianapolis and elsewhere now call for combining the central city and the suburb into unified school districts. But if this elaborate reorganization of the schools is being undertaken so that the presumed achievement-raising effect of socioeconomic integration may occur, we are likely to be cruelly disappointed. There is little if any encouragement to be derived from studies, published and unpublished, of voluntary busing programs even though such busing takes place under the most favorable circumstances (with motivated volunteers, from motivated families, and with schools acting freely and enthusiastically). Indeed, much integration through transportation has been so disappointing in terms of raising achievement that it may well lead to a revaluation of the earlier research whose somewhat tenuous results raised what begin to look like false hopes as to the educational effects of socioeconomic integration.

IV

There is yet a final argument. One will hear it in Berkeley, which underwent full desegregation by busing three years ago, and which has seen no particular reduction of the white-black achievement gap. The argument is that school integration will improve relations between the races and that in view of the extremity of interracial tensions in this country, anything that improves these relations must be done. In Berkeley, a liberal community with an elected school board which voluntarily introduced transportation for racial balance and was not turned out for doing so, one can perhaps make this argument. But race relations are not ideal even in Berkeley, as Senator Mondale's committee discovered last year when it conducted hearings there on the most successful American case of racial balance through transportation.

The Mondale committee discovered, for example, that after the schools were fully integrated, a special program for blacks—Black House—was established at the high-school level from which non-black students and teachers were excluded. (Berkeley High School, the only one in the city, has always been integrated.) The committee discovered, when it spoke to students—selected, one assumes, by the school authorities because they would give the best picture of integration—that students of different groups had little to do with one another. The black president of the senior class said: ". . . the only true existence of integration of Berkeley High is in the hallways when the bell rang everybody, you know, pass [sic] through the hallways, that is the only time I see true integration in Berkeley High." Senator Brooke probed deeper. Since the young man was black and a majority of his classmates were white, had they not voted for him? "The whites didn't even participate in voting. . . . They felt the student government was a farce." (The opposing candidate was also black.) What about social activities? "Like we have dances, if there is a good turnout you see two or three whites at the dances. . . ." Intramural sports? "The basketball team is pretty integrated, the crew team is mainly white, soccer team mainly white, tennis team mainly white." Did this mean, Senator Brooke asked, "that blacks don't go out for these teams that are white and whites don't go out for those teams that are all black?" The class president guessed that "whites like to play tennis and blacks like to play basketball better." Still, he did think integration was a good idea, as did a Japanese girl who told the Senators: "I think like the Asian kids at Berkeley High go around with Asian kids."

A Chicano student testified:

"I think the integration plan is working, started to work in junior high, it is different levels, the sixth graders go up to seventh grade now. I think now the Chicanos and blacks, they do hang around in groups. Usually some don't, I admit, like I myself hang around with all Chicanos but I am not prejudiced. I do it because I grew up with them, because they were my school buddies when there were segregated schools."

A black girl in elementary school said: "About integration, I don't think it is too integrated, but it is pretty well integrated. I have a lot of white friends. . . ." She lives in an integrated neighborhood. A white girl from the high school testified:

"Integration, ideally, as far as I can see it isn't working. I mean like as far as everybody doing things together . . . I have one class where there are only two whites in it, I being one of them, you know, like I don't have any problems there, but outside . . . [with other blacks] we just do different things. I am not interested in games. I couldn't care less. I don't know anything about Berkeley as far as the athletics go. . . . I wear very short skirts and walking down the halls I get hassled enough by all the black Dukes, you know. . . ."

Senator Brooke was surprised she wasn't hassled by the white boys too and suggested that they might use a different technique.

This is about the most positive report one can make on school integration. Why should anyone be surprised? There is a good deal of hanging around in groups, and there is some contact across racial lines, but the groups seem to have different interests and different social styles. The younger children have more in common than the older ones. It would be hard to say whether this commonality of interest will continue through high school—a popular Berkeley theory—or whether differences will assert themselves as the children grow older even though they were exposed to integration earlier than those now in high school. In other communities which have been studied, black children who are bused tend to become more anti-white than those who are not bused. One can think of a number of reasons for this.

If, then, the judges are moving toward a forcible reorganization of American education because they believe this will improve relations between the races, they are acting neither on evidence nor on experience but on faith. And in so acting on faith they are pushing against many legitimate interests: the interest in using tax money for education rather than transportation; the interest of the working and lower-middle classes in attending schools near their homes; the interest of all groups, including black groups, in developing some measure of control over the institutions which affect their lives; the interest of all people in retaining freedom of choice wherever this is possible.

There is unfortunately a widespread feeling, strong among liberals who have fought so long against the evil of racial segregation, that to stop now—before busing and expanded school districts are imposed on every city in the country—would be to betray the struggle for an integrated society. They are quite wrong. They have been misled by the professionals and specialists—in this instance, the government officials, the civil-rights lawyers, and the judges—as to what integration truly demands, and how it is coming about. Professionals and specialists inevitably overreach themselves, and there is no exception here.

It would be a terrible error to consider opposition to the recent judicial decisions on school integration as a betrayal of the promise of *Brown*. The promise of *Brown* is being realized. Black children may not be denied admittance to any school on account of their race (except for the cases in which courts and federal officials insist that they are to be denied admittance to schools with a black majority simply because they are black). The school systems of the South are desegregated. But more than that, integration in general has made enormous advances since 1954. It has been advanced by the hundreds of thousands of blacks in Northern and Western colleges. It has been advanced by the hundreds of thousands of blacks who have moved into professional and white-collar jobs in government, in the universities, in the school systems, in business. It has been advanced by the steady rise in black income which offers many blacks the opportunity to live in integrated areas. Most significantly, it has been advanced because millions of blacks now vote—in the South as well as the North—and because hundreds of blacks have been elected to school committees, city councils, state legislatures, the Congress. This is what is creating an integrated society in the United States.

We are far from this necessary and desirable goal. It would be a tragedy if the progress we made in achieving integration in the 1960's were not continued through the 70's. We can now foresee within a reasonable time the closing of many gaps between white and black. But I doubt that mandatory transportation of schoolchildren for integration will advance this process.

For, so far as the schools in particular are concerned, the increase in black political power means that blacks—like all other groups—can now negotiate, on the basis of their own power, and to the extent of their own power, over what kind of school systems should exist, and involving what measure of transportation and racial balance. In the varied settings of American life there will be many different answers to these questions. What Berkeley has done is not what New York City has done, and there is no reason why it should be. But everywhere black political power is present and contributing to the development of solutions.

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[3] David K. Cohen, Thomas F. Pettigrew, and Robert S. Riley "Race and the Outcomes of Schooling," in Frederick Mosteller and Daniel P. Moynihan, eds., *On Equality of Educational Opportunity*, Random House, 546 pp., $15.00.

There is a third path for liberals now agonized between the steady imposition of racial and ethnic group quotas on every school in the country—a path of pointlessly expensive and destructive homogenization—and surrender to the South. It is a perfectly sound American path, one which assumes that groups are different and will have their own interests and orientations, but which insists that no one be penalized because of group membership, and that a common base of experience be demanded of all Americans. It is the path that made possible the growth of the parochial schools, not as a challenge to a common American society, but as one variant within it. It is a path that, to my mind, legitimizes such developments as community control of schools and educational vouchers permitting the free choice of schools. There are as many problems in working out the details of this path as of the other two, but it has one thing to commend it as against the other two: it expands individual freedom, rather than restricts it.

One understands that the Constitution sets limits to the process of negotiation and bargaining even in a multi-racial and multi-ethnic setting. But the judges have gone far beyond what the Constitution can reasonably be thought to allow or require in the operation of this complex process. The judges should now stand back, and allow the forces of political democracy in a pluralist society to do their proper work.

SCHOOL INTEGRATION AND LIBERAL OPINION

(By Norman Podhoretz)

If Nathan Glazer is right—and I find his arguments entirely convincing—no benefit will accrue to anyone, whether white or black, from the requirement now apparently being established by the courts that no American public school shall have a black majority and that the student population of every school shall be racially balanced as far as possible in accordance with a specific mix. It used to be thought that the academic performance of black children would improve in integrated schools, but there is, as Mr. Glazer demonstrates, no evidence to confirm this idea. What the evidence actually suggests is that integration has little or no effect on academic performance, neither helping the blacks, as so many had hoped, nor hurting the whites, as so many had feared.

It also used to be thought that relations between the races would improve as a result of school integration, but here the evidence is if anything less encouraging than in the case of academic performance. I myself attended integrated schools as a child, and nearly ten years ago, I attempted in an essay called "My Negro Problem—and Ours" to show that such schools bore not the slightest resemblance to the rosy fantasies being scattered about in those days by the prevailing winds of liberal opinion. Liberal opinion said that sending white children and black children to school together would lead to greater mutual understanding and respect; I said that in my own experience it had led to violence and greater animosity. The studies Mr. Glazer cites of integrated schools of more recent vintage tend to prove that the experience of the integrated schools of the 30's and 40's was a more reliable guide to the future than the generous expectations of liberal opinion. At best relations between the races continue to remain cool in integrated schools, and often enough they are exacerbated to an intolerable, and to me altogether familiar, degree.

If, then, no good is likely to come of it, why should we persist in forcibly integrating the schools? The question becomes even more difficult to answer when we consider how vast, even among liberals and even among blacks, the opposition has grown to the measures which must now be adopted if school integration is to proceed—measures which have found their definitive political summation in the great symbol of busing. In effect the country is being ordered against its own wishes to undergo a major reorganization without being given a reasonable assurance that some good will thereby be served, either immediate or ultimate, short-run or long. But if it is all to be for nothing, and if no one wants to do it, why should it be done at all?

Because, answer the activists and the bureaucrats and the lawyers and the judges, it is the law and the law must be obeyed. And indeed they are right, the law must be obeyed—if indeed it *is* the law that racial concentrations in the schools may not exist even if they arise from causes other than legal measures designed to bring them about. We already know for certain that legally sanctioned (or *"de jure"*) segregation of any kind, overt or covert, in the schools and out, is against the law of the land. No one any longer questions this, not even in the South. But until the Supreme Court settles the issues involved in busing and redistricting, we will not know for certain whether *"de facto"* separation in the schools is also against the law of the land. And even then, if the Supreme Court should declare that it is, given the huge numbers of people who do not agree, redress from what they may decide is judicial tyranny parading as constitutional warrant is likely to be sought in legislative action and perhaps in constitutional amendment.

Hopefully it will never come to that. Hopefully in the end the country will avert the major constitutional crisis which seems to threaten it now. Hopefully good sense will prevail—the good sense which leads so many people, often uneasily because they are liberals and well-intentioned and influenced by an irrational dogma, to wonder nevertheless why a specified racial balance must be imposed on the schools at such great cost in money and bitterness and anxiety when the strongest of probabilities is that doing so will neither overcome educational deficiency nor enhance the relations of the races.

BEHIND THE BUSING FUSS

In pursuit of our conviction that it will be best if the courts themselves solve the "busing problem," we have been reading about trying to find some available rationale that will preserve some impetus toward racial justice without falling into the absurdities of racial quotas. We can report that such a rationale does exist, as extracts printed alongside testify.

The source comes as something of a surprise, though, being the unanimous Supreme Court decision in Swann v. Charlotte-Mecklenburg County Board of Education, the very case in which the court first backed the use of quotas and busing to dismantle previous dual school systems. As the administration weighs its position on busing, we hope it takes note of how careful the high court has been, how much room for maneuver it has left in the judicial process itself.

The rationale in these extracts is precisely what we, at least, have been looking for as a way out of the present impasse. It rejects racial quotas, though recognizing the prudence of starting any discussion of desegregation by looking at the existing racial balance. It does not flatly outlaw all-black or all-white schools. It preserves pressure toward dismantling dual school systems where they exist, but recognizes that there will come a point when the transgression will be atoned.

The implication is that with the South desegregating, we will with all deliberate speed, as it were, reach a point where the school systems in North and South will be on equal footing. Then the nation will be in position to repair to the great principle the first Justice Harlan offered in his dissent to the notorious Plessy v. Ferguson decision, that "our Constitution is color blind, and neither knows nor tolerates classes among citizens."

But if all this is already the law of the land, or at least the direction indicated by the most crucial Supreme Court decision since Brown v. Board of Education, what in the world can be behind all the fuss? There is a good answer to that question, which is one reason why Nathan Glazer's article in the current Commentary ought to be required reading for anyone who hopes to understand the current "busing" controversy.

Mr. Glazer, the Harvard sociologist and long-time student of ethnic amalgamation, reviews a great many aspects of the problem, one of the most revealing being what the lower courts have been doing since Charlotte-Mecklenburg. He quotes a San Francisco judge's ruling, for example, "that the ratio of black children to white children will then be and thereafter continue to be substantially the same in each school." He quotes a Detroit judge blaming segregation on blacks as well as whites because "blacks, like ethnic groups in the past, have tended to separate from the large group and associate together." The Detroit court ordered busing between the central city and suburbs to end such separation.

The fuss, in short, arises because these and other lower courts have been going far beyond anything the Supreme Court mandated; indeed, they have been ordering precisely the things the Charlotte-Mecklenburg decision told them the Constitution did not require. The lower court judges have not been waiting for the legislature or even for the Supreme Court itself; they have simply been writing their own social opinions into the Constitution.

Mr. Glazer has trenchant things to say about the "crude Americanizing and homogenizing" that make up the substance of those social opinions. What's wrong with blacks wanting to associate with blacks, for example? In fact, the chief American answer to ethnic diversity has been to allow each group to pick its own associations under cover of a color-blind law, and to open the way for advance through political bargaining. He finds it healthy and hopeful that blacks are winning bargaining power today.

Meanwhile, though, the law has reached such confusion that Mr. Glazer can pack into one sentence irony like this: "The promise of Brown is being realized. Black children may not be denied admittance to any school on account of their race (except for the cases in which the courts and federal officials insist that they are to be denied admittance to schools with a black majority simply because they are black)."

The Supreme Court can correct much of the confusion by starting to overrule lower court decisions that are excessive in the use of busing and especially quotas, by writing the sensible obiter dicta of the Charlotte-Mecklenberg decision into binding law. It would seem to us appropriate if the administration concluded that Justice Department intervention in current suits could help achieve this result, and might also help rein back the lower courts to the pace the high bench sets.

This, in fact, is a point that goes beyond busing and desegregation. Unquestionably the legal system now and then—as in the Brown decision—needs a way for the Supreme Court to put aside cold precedent and follow the feelings and opinions of its human members. Yet this freedom to write personal opinion into law can easily be abused even by Supreme Court Justices, and we can scarcely how a meaningful legal system can long function if it is abused by every district court judge as well.

THE HIGH COURT'S BUSING DECISION

(NOTE.—Following are excerpts from the Supreme Court's unanimous decision of April 21, 1971, upholding busing to end school segregation in the school district covering Charlotte, N.C. and surrounding Mecklenburg County. The opinion was written by Chief Justice Burger.)

We are concerned in these cases with the elimination of the discrimination inherent in the dual school systems, not with the myriad factors of human existence which can cause discrimination in a multitude of ways on racial, religious or ethnic grounds.

The target of the case from Brown 1 to the present was the dual school system. The elimination of racial discrimination in public schools is a large task and one that should not be retarded by efforts to achieve broader purposes lying beyond the jurisdiction of school authorities. . . .

We do not reach in this case the question whether a showing that school segregation is a consequence of other types of state action, without any discriminatory action by the school authorities, is a constitutional violation requiring remedial action by a school desegregation decree. This case does not present that question and we therefore do not decide it.

Our object in dealing with the issue presented by these cases is to see that school authorities exclude no pupil of a racial minority from any school, directly or indirectly, on account of race; it does not and cannot embrace all the problems of racial prejudice, even when those problems contribute to disproportionate racial concentrations in some schools.

In this case it is urged that the district court has imposed a racial balance requirement of 71%-29% on individual schools. . . .

If we were to read the holding of the district court to require, as a matter of substantive constitutional right, any particular degree of racial balance or mixing, that approach would be disapproved and we would be obliged to reverse.

The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole.

As the voluminous record in this case shows, the predicate for the district court's use of the 71%-29% ratio was twofold: first, its express finding approved by the court of appeals and not challenged here, that a dual school system had been maintained by the school authorities at least until 1969; second, its finding, also approved by the court of appeals, that the school board had totally defaulted in its acknowledged duty to come forward with an acceptable plan of its own, notwithstanding the patient efforts of the district judge who, on at least three occasions, urged the board to submit plans. . . .

We see . . . that the use of mathematical ratios was no more than a starting point in the process of shaping a remedy, rather than an inflexible requirement. From that starting point the district court proceeded to frame a decree that was, within its discretionary powers, an equitable remedy for the particular circumstances.

As we said in Green, a school authority's remedial plan or a district court's remedial decree is to be judged by its effectiveness. Awareness of the racial composition of the whole school system is likely to be a useful starting point in shaping a remedy to correct past constitutional violations. In sum, the very limited use made of mathematical ratios was within the equitable remedial discretion of the district court.

The record in this case reveals the familiar phenomenon that in metropolitan areas minority groups are often found concentrated in one part of the city. In some circumstances certain schools may remain all or largely of one race until new schools can be provided or neighborhood patterns change.

Schools all or predominantly of one race in a district of mixed population will require close scrutiny to determine that school assignments are not part of state-enforced segregation.

In light of the above, it should be clear that the existence of some small number of one-race, or virtually one-race, schools within a district is not in and of itself the mark of a system which still practices segregation by law. . . .

The scope of permissible transportation of students as an implement of remedial decree has never been defined by this Court and by the very nature of the problem it cannot be defined with precision. No rigid guidelines as to student transportation can be given for application to the infinite variety of problems presented in thousands of situations.

But transportation has been an integral part of the public education system for years and was perhaps the single most important factor in the transition from the one-room schoolhouse to the consolidated school.

Eighteen million of the nation's public school children, approximately 39%, were transported to their schools by bus in 1969-1970 in all parts of the country.

The district court's conclusion that assignment of children to the school nearest their home serving their grade would not produce an effective dismantling of the dual system is supported by the record.

The decree provided that the buses used to implement the plan would operate on direct routes. Students would be picked up at schools near their homes and transported by the schools they were to attend. The trips for elementary school pupils average about seven miles and the district court found that they would take "not over 35 minutes at the most."

The system compares favorably with the transportation plan previously operated in Charlotte under which each day 23,600 students on all grade levels were transported an average of 15 miles one way for an average trip requiring over an hour.

In these circumstances, we find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. Desegregation plans cannot be limited to the walk-in school.

An objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process. . . .

At some point, these school authorities and others like them should have achieved full compliance with this Court's decision in Brown 1. The systems will then be "unitary" in the sense required by our decisions in Green and Alexander.

It does not follow that the communities served by such systems will remain demographically stable, for in a growing, mobile society, few will do so. Neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition of student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system.

This does not mean that federal courts are without power to deal with future problems; but in the absence of a showing that either the school authorities or some other agency of the state has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary. . . .

AMERICA'S NEW TOTALITARIANISM: OCCUPATIONAL SAFETY AND HEALTH ACT

Mr. CURTIS. Mr. President, the distinguished editor of the Wyoming State Tribune at Cheyenne, in my neighbor State, earlier this week in an editorial pointed out the dangers to America's freedoms under the present Occupational Safety and Health Act.

The editor, James M. Flinchum, in his article of March 7, quotes a letter from a Mrs. Genielle Brown of Byron, Wyo. She puts it in terms no American should have trouble understanding:

> Do you really think some bureaucrat in Washington is capable of telling us how to operate our ranch?

Mr. President, the present Occupational Safety and Health Act is doing great harm to the morale of the small businessman in America. To cripple the incentive for participation in the free enterprise system which has been America's great strength throughout her history is to project economic failure for our Nation in a not-too-distant future.

Let us act now to correct the mistakes application of this law has revealed. In behalf of the other sponsors of the legislation, I have introduced to eliminate a great many of the shortcomings of the act, I urge the Senate to move expeditiously in consideration of the amendments bill, S. 3262.

Mr. President, I ask unanimous consent that Mr. Flinchum's editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wyoming State Tribune,
Mar. 7, 1972]

AMERICA'S NEW TOTALITARIANISM

The growing outrage over the Steiger-Williams Occupational Health and Safety Act points up a developing situation that should be the concern of every citizen. It is the total politicization of American life in which government, or some form of the political process, plays a role in the minutest forms of human activity.

It was the Spanish philosopher Jose Ortega who warned against such a development in human existence. Donald Atwell Zoll, professor of political sicence at Arizona State University, addressed himself to the problem in the current issue of Modern Age, a quarterly review. In essence, Professor Zoll says people are prone to pin their faith for solutions to every problem imaginable on politics.

A column by Paul Harvey appearing on this page today noted the paperwork maze afflicting small businessmen in this country, all of it originating with the government. The question may rightly be asked: With our almost total dependence on some form of governmental activity throughout life, and the total commitment to the political nature of existence, has the totalitarianism that we have feared would come with some alien philosophy ensnared us with our own institutions?

Professor Zoll suggests that the public has been led to believe that politics is the solution to all problems, but that politics "as a human artifice" has not been capable "of delivering all the benefits that were recklessly guaranteed by ambitious politicians." He adds: "There were (are) many areas of social life in which political remedy was (is) impotent or inappropriate; political change and reform did not, per se, make men happier or more contended or more creative or more morally enlightened."

Nevertheless, for some time now there have been politicians who have managed to make people think the sole answer to every problem was to be achieved in the halls of Congress, by Presidential order, in the state legislatures or governors' offices. And there has been an accelerating trend in this direction, so that every ill or problem demands a political answer.

Thus our entire society finds itself caught up in a political maze which is most intricate, for it no longer is a process that merely stems from action by the people, but from the decisions of a remote elite that is unanswerable to popular will. That is governmental bureaucracy by which every entrenched elite has ruled from the days of Rameses II through the Czarist days in Russia and the Bourbon monarchs, to what we call democracy today in the United States of America.

Some people are awakening to what has happened. Whether it is too late to do anything about reversing the process is questionable. A lady who lives at Byron, Wyo., last week addressed a letter to the members of the Wyoming congressional delegation. Her subject was the Steiger-Williams Act which Sen. Cliff Hansen now is attacking both through the Nixon Administration and Congress.

Among other things Mrs. Genielle Brown asked the two senators and one congressman: "Do you really think some bureaucrat in Washington is capable of telling us how to operate our ranch? Do you know that most of the accidents occur in the home? Does that mean that eventually a government snooper-visor can come into my home and fine me for unsafe practices?"

We would say yes to all of these, modifying the first question to read that some bureaucrat thinks he is capable of telling Mrs. Brown how to run her ranch.

She also asks: "How much further will we go before we no longer have any say over that which is ours? Because that which is ours is very rapidly being taken over by our 'Big Brother' government."

Mrs. Brown hasn't caught up with the times; the time already is here when we have no say over what is ours. And the Big Brother government that she speaks of, is already here. It has been in the process of arriving for many years now, at least 40, perhaps even longer than that. A people's loss of their liberties does not necessarily occur in one fell swoop, overnight; it creeps upon you, as does Death to some people, scarcely noticed.

Mrs. Brown adds a plea: "Please fight for the repeal of this (Steiger-Williams) law and all others which destroy my incentive and the incentive of my fellow Americans to work and sweat for our daily bread!"

A worthy, but probably futile, hope; for generations of politicians in this country have promised Americans they have the ultimate solution to every ill that besets the people.

Even though this has been proven false: even though as new solutions are offered more ills appear, they nevertheless maintain this claim. For in essence they are the political process, and in the total politicization of America, they cannot renounce their own form of God.

Steiger-Williams and all of the other petty tyrannies foisted off on this nation probably will not be either repealed or seriously amended for that would attack a very fundamental institution in this country, the bureaucracy which rules us and which feeds upon the host, the body politic.

But we can try, and to that end we wish Senator Hansen, who has announced he seeks a reversal of this trend at least in this one act, a great deal of success. Hope springs everlastingly eternal in the human heart. If even so very faintly.

NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION

Mr. PERCY. Mr. President, the National Advisory Council on Child Nutrition recently submitted its first annual report to President Nixon and to the Congress. I have read the report carefully and I wish to commend Mr. Richard Lyng, Assistant Secretary of Agriculture and Chairman of the Council and his fellow members for their thoughtful and well-researched recommendations.

This administration has a proud record in the field of nutrition. As Secretary Butz noted in discussing this report, the number of children receiving free and reduced-price lunches has grown by some 5 million in 3 years and the total Federal assistance for all food programs has risen from about $1 billion in 1969 to about $4.2 billion this year.

This accomplishment is also the result of the tireless efforts of the Senate Select Committee on Nutrition and Human Needs, a committee upon which I have the privilege to serve as ranking Republican member, to conquer hunger and malnutrition in America. The committee has played a major role in stimulating the rapid expansion in the food programs which has occurred in recent years.

As the Advisory Council noted, however, all too many needy children still do not have the benefit of free or reduced-price meals. I welcome the Council's recommendation that

> Within 3 years all schools needing a school lunch or breakfast program will be participating and all schoolchildren from low-income families will have access to free and reduced-price meals under the program.

I also welcome Secretary Butz' endorsement of this and the other recommendations found in the report. I look forward to the administration's proposal for implementing these recommendations.

Mr. President, this report deserves close reading by all my colleagues. I ask unanimous consent that the text be printed in the Record at this point along with extracts from a news article about its release.

There being no objection, the excerpt from the article and the report were ordered to be printed in the Record, as follows:

Wider School Lunch Program Urged

(By Richard Halloran)

Washington, March 7.—The National Advisory Council on Child Nutrition urged President Nixon today to have all needy children in America provided with free or reduced-price school lunches within the next three years.

The council, which presented its first annual report to the President, also recommended that much greater emphasis be put on teaching children the essential elements of good nutrition. It said that all teachers should be required to take nutrition courses before they are certified to teach.

The report was presented to the President in his Oval Office this morning by the Secretary of Agriculture, Dr. Earl L. Butz, who was accompanied by members of the council. It comprises 13, educators, school administrators, and nutrition experts and is headed by Richard Lyng, an Assistant Secretary of Agriculture.

The report said that about "20,000 schools with an enrollment of over six million children do not offer any type of food service."

"The tragedy of this situation," it continued, "is heightened by the fact that a substantial number of needy children perhaps over a million, cannot obtain free and reduced-price meals, which they are eligible for and need, simply because the schools they attend do not participate in the programs."

The report also said that the teaching of nutrition "has become a forgotten part of the curriculum, with teachers reluctant to include it in their instruction due in many instances to their own lack of training in nutrition and to the press of other curriculum subjects."

"In addition," the report continued, "the funding and emphasis given to other subjects, such as drug abuse education, has not been provided for nutrition education."

After the Nutrition Council met briefly with the President this morning, Secretary Butz told newsmen that the Administration would support the recommendations of the council. He said that "tremendous progress" had been made in Federal food-assistance programs in recent years.

Dr. Butz said that the number of children reached with free and reduced-price lunches had increased from 3 million in 1969 to 8.1 million today. He said that Federal assistance for all food programs had risen from about $1-billion in 1969 to about $4.2-billion this year.

Asked whether part of this was not the result of current economic conditions, Dr. Butz said that the number of persons receiving assistance did fluctuate with economic conditions but contended that the major part of the increase was due to efforts to reach them by the Department of Agriculture.

To implement its recommendations, the council urged the Department of Agriculture and the state departments of education to concentrate on extending the child nutrition program to those schools without them.

Hon. Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: The National Advisory Council on Child Nutrition is pleased to submit its first annual report to you and to the Congress.

The Council's function is to make a continuing review of the Child Nutrition Programs administered by the Department of Agriculture and other related programs to determine how they can be improved. The Council is composed of thirteen members—four, including myself, from within the Department of Agriculture; and nine from specific fields of experience outside the Department.

Having completed the first year of review, the members of the Council have made five recommendations which are of major importance. These recommendations are summarized in the first two pages of the enclosed report.

Sincerely,

Richard Lyng,
Assistant Secretary and Chairman
National Advisory Council on
Child Nutrition.

NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION ANNUAL REPORT, 1971

WASHINGTON, D.C.,
January 1972.

Mgsr. Bennett Applegate, Superintendent of Schools, Diocese of Columbus, Ohio.

Dr. Ruth Huenemann, Profesor of Public Health Nutrition, University of California, Berkeley, Calif.

Miss Jacqueline Johnson, Administrator, Program Resources & Medical Services, Odyssey House, New York, N.Y.

Miss Josephine Martin, Georgia School Lunch Director, Atlanta, Ga.

Dr. John F. Murphy, President, Swift Food Service Co., La Grange, Ill.

Dr. Dale Parnell, Superintendent of Public Instruction, Salem, Ore.

Mr. Edward Schwartzkopf, School Administrator, Lincoln, Nebr.

Mr. Cola D. Watson, Director, Vocation-Technical Education, Vermont Department of Education.

Mrs. Roger Whitcomb, School Board Member, Wichita, Kans.

Mr. Richard Lyng, Assistant Secretary for Marketing and Consumer Services, U.S. Department of Agriculture.

Mr. Edward J. Hekman, Administrator, Food and Nutrition Service, USDA.

Mr. Herbert D. Rorex, Director, Child Nutrition Division, FNS, USDA.

Mr. Russell H. James, Administrator, Southeast FNS Region, USDA, Atlanta, Ga.

FIRST ANNUAL REPORT OF THE NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION

Public Law 91–248 authorized a National Advisory Council on Child Nutrition "to make a continuing study of the operation of programs carried out under the National School Lunch Act, the Child Nutrition Act of 1966, and any related Act under which meals are provided for children, with a view to determining how such programs may be improved."

The Council has concluded its first year of operation. It has noted the growth in the Child Nutrition Programs since the first program, the National School Lunch Program, was authorized 25 years ago.

At the same time, it recognizes that there are many areas in need of improvement, and it has identified those areas which are most deserving of immediate attention. These areas are as follows in order of priority, except that the first two are considered to be of equal importance:

I Nutrition education

The Council recommends that much greater emphasis be given to nutrition education through the Child Nutrition Programs, through classroom instruction, and through innovative means outside the classroom to help close the gap in public knowledge about nutrition. The Council further recommends that the State Departments of Education be encouraged to include nutrition education as a curriculum component for all grades in elementary and secondary school, and that nutrition courses be required for teacher certification.

II Reaching schools without programs

The Council recommends that the Department of Agriculture and the State Departments of Education concentrate on extending the Child Nutrition Programs to schools without such programs so that within three years all schools needing a school lunch or breakfast program will be participating and all school children from low-income families will have access to free and reduced-price meals under the programs.

III Upgrading school food service personnel

The Council recommends that the Department of Agriculture provide leadership and coordination with State Departments of Education and professional groups, such as the American School Food Service Association, to upgrade school food servce personnel by developing staffing patterns and qualifications for food service personnel and by further encouraging community colleges, universities, and other training institutions to provide training suitable for school food service.

IV Revising nutritional standards for child nutrition programs

The Council endorses the Department of Agriculture's pilot study to test the feasibility of providing alternative nutritional standards for the Child Nutrition Programs based on nutrient values, and urges the Department to give full consideration to the study.

V Implementing advance funding authority

The Council recommends that the authority contained in Public Law 91–248 be implemented and that the President direct the Office of Management and Budget and the Department of Agriculture to submit Child Nutrition Program appropriations requests for Congressional approval one year in advance of the beginning of the fiscal year in which the funds will be available, so that State and local officials will have a firmer base for long-range planning and expansion efforts.

The Council's bases for concern in these areas are set forth in the addendum. The addendum also contains sections on selected program statistics and activities of the Council.

The Council sincerely hopes that its recommendations will be heeded since these areas of concern must receive extensive consideration and action if the Child Nutrition Programs are to be truly effective in providing for the nutritional needs of children.

ADDENDUM

The National Advisory Council on Child Nutrition has identified five areas of priority concern and has recommended actions for improvements in these areas. This addendum provides background on the Council's concerns and recommendations.

I Nutrition education

"The Council recommends that much greater emphasis be given to nutrition education through the Child Nutrition Programs, through classroom instruction, and through innovative means outside the classroom to help close the gap in public knowledge about nutrition. The Council further recommends that the State Departments of Education be encouraged to include nurtition education as a curriculum component for all grades in elementary and secondary school, and that nutrition courses be required for teacher certification."

The role of the National School Lunch Program as a laboratory of learning for nutrition education has long been recognized. The first curriculum guide tying the lunch program to nutrition education efforts was published by the West Virginia State Department of Education in 1938, and numerous other States have published similar guides since that time. However, nutrition education has not had the continued attention or funding needed to make it available on a continuing basis to all school children. In many schools, it has become a forgotten part of the curriculum, with teachers reluctant to include it in their instruction due in many instances to their own lack of training in nutrition and to the press of other curriculum subjects. In addition, the funding and emphasis given to other subjects, such as drug abuse education, has not been provided for nutrition education.

This situation is of increasing concern in view of the changes in American food practices. The use of more manufactured foods and synthetic nutrients has brought with it the need for more technical nutrition knowledge on the part of all people if nutritional adequacy of the diet is to be assured. The need for nutrition education in this regard is shown by studies which reveal increasing inadequacies in the diets of Americans and continuing public unfamiliarity with basic nutritional concepts. For example, results of the food consumption study conducted by the Department of Agriculture in 1965 show that dietary levels among all income groups in the United States deteriorated materially from 1955 levels. In addition, the Preliminary Report on the Ten-State Nutrition Survey in the United States, dated April 1971, shows that many Americans are suffering from nutritional deficiencies.

In view of these factors, the National Advisory Council has made one of its two top priorities the need to improve the use of the Child Nutrition Programs as a nutrition education experience and to increase all nutrition education efforts. Specifically, the Council recommends that:

A. Nutrition education should receive greater priority both at the elementary and secondary education levels and should be included as a curriculum component at all grade levels.

B. Means should be explored to bring nutrition education to adults and very young children through television, children's books, adult education courses and other means.

C. The Department of Agriculture should work more closely with the Office of Education to encourage nutrition education in both the classroom and the lunchroom.

D. At the State level, the State Departments of Education should provide nutrition education specialists to coordinate food service programs and educational programs, and they should show in their State Plans of Child Nutrition Operations specifically how this coordination will be accomplished.

E. Nutrition education should be a requirement for certification of all teachers and should be made available as inservice training to teachers. Federal funding, in the form of grants to colleges and institutions and scholarships for teachers and would-be teachers, should be made available to assist in providing such training.

F. The Department of Agriculture should develop the new nutrition center at the National Agricultural Library with a view toward making the center a usable and effective resource for practical nutrition education and for the development of instructional materials.

G. The food industry should foster nutrition education through advertising, promotional materials and labeling practices which supplement educational programs and define the nutritional content of the foods provided under existing regulations of local, State and Federal Governments.

II Reaching schools without programs

"The Council recommends that the Department of Agriculture and the State Departments of Education concentrate on extending the Child Nutrition Program to schools without such programs so that within three years all schools needing a school lunch or breakfast program will be participating and all school children from low-income families will have access to free and reduced price meals under the program."

During the 25 years the National School Lunch Program has been in existence, the percentage of schools participating in the program has increased from 24 percent to 68 percent of the total schools in the United States, Puerto Rico, Virgin Islands, Guam, and American Samoa. This increase is even more impressive when it is considered that 82 percent of the total children enrolled in schools currently attend schools offering the program. In addition, the School Breakfast Program, in its brief five years of existence, has expanded to reach over one million in 6,800 schools, a number of which do not yet offer lunch service.

Numerous approaches have been developed and used in achieving this expansion. These approaches include satellite feeding operations from central kitchens or other schools with kitchen facilities; contracts with food service management companies; the use of specially designed products in schools without food preparation facilities—i.e., precooked, pre-packaged frozen or ready-to-eat meals which require little or no kitchen equipment; and a new approach successfully tested during this past year in Philadelphia parochial schools involving the use of individually canned entrees which are heated in inexpensive ovens and eaten directly from the cans by the children.

Despite this commendable expansion, the fact remains that many children do not have access to any food service at all at school.

The latest figures available to the Department of Agriculture show that approximately 20,000 schools with an enrollment of over 6 million children do not offer any type of food service. The tragedy of this situation is heightened by the fact that a substantial number of needy children, perhaps over a million, can not obtain free and reduced-price meals, which they are eligible for and need, simply because the schools they attend do not participate in the programs.

Public Law 91–248, enacted in May 1970, recognized this problem and provided specific means to resolve it. One of the primary means is the provision for apportioning half the Nonfood Assistance funds among the States based on the number of children attending schools not offering food service in each State. These funds provide Federal cash assistance for the acquisition of kitchen equipment to start or improve food service in needy schools. New regulations issued by USDA in November 1971 further concentrate the use of these funds for starting programs by requiring that half of each State's apportioned funds must be reserved until February of each year for use in needy schools without food service, unless prior USDA approval is obtained to use the funds to improve food service in already participating schools.

Another primary means is the requirement that all State Departments of Education submit annual Plans of Child Nutrition Operations showing the specific steps they plan to take to extend the School Lunch Program to every school in the State and to extend the School Breakfast Program and Special Food Service Program to the extent practicable to reach needy children. The submission of an acceptable Plan is a prerequisite for the receipt of Federal cash and commodity assistance.

A third means is the authority contained in Public Law 91–248 to have funds for the Child Nutrition Programs appropriated one year in advance of the Fiscal Year in which they will be available. Such advance funding is needed to give States a much firmer basis for the long-range planning necessary for realistic expansion efforts.

The National Advisory Council's review of performance in carrying out these provisions reveals that improvements are needed. Specifically, not enough Nonfood Assistance funds are being used to reach needy schools currently without food service, the State Plans of Child Nutrition Operations show insufficient resolve to reach nonparticipating schools, and the advance funding provisions have not yet been implemented.

In view of these facts, the National Advisory Council specifically recommends that:

A. In line with the new regulations on Nonfood Assistance funds, the Department of Agriculture and the State Departments of Education should concentrate the use of these funds in schools which currently offer no food service and give priority to those which have the most needy students.

B. The States should set more realistic expansion targets in their State Plans and concentrate on reaching the neediest schools first, so that within three years, all schools needing a school lunch or school breakfast program will be participating.

C. In connection with Recommendations A and B, more accurate data should be developed on the number of needy children and their location in terms of the schools they attend and whether or not these schools offer food service.

D. The Department of Agriculture and State and local officials should continue to explore how new foods and approaches can assist in reaching nonparticipating schools, including those where constructing kitchen facilities is not a viable alternative.

E. The Department of Agriculture and State and local officials should further emphasize the need for schools receiving Federal assistance for their food service programs to reach all attending eligible children with free and reduced-price meals.

F. The provisions of Public Law 91–248 authorizing advance funding should be implemented.

III Upgrading school food service personnel

"The Council recommends that the Department of Agriculture provide leadership and coordination with State Departments of Education and professional groups, such as the American School Food Service Association, to upgrade school food service personnel by developing staffing patterns and qualifications for food service personnel and by further encouraging community colleges, universities and other training institutions to provide training suitable for school food service."

It has been recognized for some time that food service supervisors and workers in the Child Nutrition Programs are for the most part underpaid, undertrained, and especially in the case of supervisors, understaffed. The following facts, as reported in the recently released School Food Service and Nutrition Education volume of the National Educational Finance Project illustrate this situation:

1. A 1968–69 Bureau of Labor Statistics survey showed the following average hourly earnings for certain categories of school employees: School food service $1.68, custodial $2.28, office $2.37, skilled maintenance $3.44, bus drivers $2.62, and all employees $2.24.

2. The October 1969 *NEA Research Bulletin* contains a comparison of salaries paid to professional employees which shows that persons involved in food service administration received the lowest pay of all school administrators and second lowest increase in salary over a six year period.

3. A survey conducted by the Joint Committee (of USDA and Land Grant Colleges) on Education for Government Service showed that in the ten States surveyed, 40 percent of the 56,366 persons involved in school food service work did not have a high school diploma and only 2 percent had college degrees of some type.

4. The School Food Service and Nutrition Education section concludes that there is a supervisory personnel gap at the State level and system level for school food service of at least well over 5,000 positions between the actual number of trained supervisors now available and the number needed.

The situation is slowly changing for the better. Food service workers are now covered by Federal minimum wage laws, colleges and vocational education institutes are showing more interest in food service training, and money is now available and being used under Public Law 91–248 for "nutritional training and education for workers, cooperators and participants" in the Child Nutrition Programs. However, the rate of change is not fast enough, especially since well-trained, adequately paid and motivated workers must be available if the Child Nutrition Programs are to increase their current relatively low rate of student participation.

Only 55 percent of the children in schools with the National School Lunch Program participated in the program during Fiscal Year 1971. While it is difficult to isolate the precise causes on non-participation, experience shows that the capability of food service personnel is an important contributing factor. Well-trained workers are needed not only to improve the quality of school meals but also to operate lunch programs efficiently. Achieving these goals leads in turn to increased student participation.

Therefore, the Council recommends that the Department of Agriculture provide the necessary leadership in upgrading the training, qualifications, and status of school food service personnel, and that the following specific actions be carried out in cooperation with professional organizations and interested Federal and State Agencies:

A. The competencies required for food service work should be determined.

B. Standards and qualifications for personnel involved in food service work should be established.

C. Curriculum for both pre-service and in-service training of school food service personnel should be developed.

D. Funds that can be used for training school food service personnel should be identified and used, with particular attention to State and Federal funds available for vocational education and manpower training.

E. Community colleges, universities, and other training institutions should be further encouraged to provide suitable training for school food service personnel.

F. Manuals on school food service operations should be available in all programs.

IV Revising nutritional standards for child nutrition programs

"The Council endorses the Department of Agriculture's pilot study to test the feasibility of providing alternative nutritional standards for the Child Nutrition Programs based on nutrient values, and urges the Department to give full consideration to the study."

As a prerequisite for participation in the Child Nutrition Programs, schools and service institutions must agree to serve meals which meet certain nutritional standards as set forth by the Department of Agriculture. The Department has always set forth these standards in terms of quantities of certain types of foods. For example, the best known standard is the Type A pattern for the National School Lunch Program which requires that each lunch be composed of one-half pint of fluid whole milk as a beverage; two ounces of lean meat, poultry, or fish, or suitable substitutes such as cheese or eggs; three-fourths cup serving of two or more vegetables or fruits, or both (fruit juices may be counted); one slice of whole-grain or enriched bread; and one teaspoon of butter or fortified margarine. Substitutions may be made in the pattern to meet special medical needs, and the size of the servings may vary depending on the age of children.

This type of food-based pattern was basically set to enable all food service personnel, regardless of their training or lack of it, to easily understand the Federal requirements. The pattern also reflects the fact that, until recently, most schools and service institutions prepared most components of meals themselves and primarily by using non-processed foods.

This situation is changing in two ways. First, the gradual upgrading in the training and qualifications of food service personnel has resulted in workers with a more sophisticated understanding of nutrition and foods. Secondly, technological advances and the desire to minimize costs and yet provide an appealing variety of foods are resulting in schools and service institutions using more convenience foods and "engineered" products which provide nutrients at lower costs than traditional sources, e.g., textured vegetable protein products etc.

These new developments call into question the reliance on the established meal patterns required by the Department of Agriculture. As a result, the Department is engaged in a pilot study to provide alternative meal standards, based primarily on the nutrient values of food. The National Advisory Council endorses the Department's action in this matter and urges the Department to give full consideration to the study, to disseminating the findings of the study, and to approving such a nutrient approach as an alternative to the present meal patterns.

The Council takes this position in the belief that a nutrient approach will be more flexible and adaptable to regional, ethnic, and age preferences, that it will more readily permit the use of new and experimental foods, and that over-all it should result in making the Child Nutrition Programs more acceptable to children.

Finally, The Council specifically recommends, that in revising the nutritional standards, the Department of Agriculture should reconsider permitting the use of lowfat milk on a student choice basis, in order to help increase participation in the Child Nutrition Programs, particularly among weight-conscious teen-agers.

V Implementing advance funding authority

"The Council recommends that the authority contained in Public Law 91–248 be implemented and that the President direct the Office of Management and Budget and the Department of Agriculture to submit Child Nutrition Program appropriations requests for Congressional approval one year in advance of the beginning of the fiscal year in which the funds will be available, so that the State and local officials will have a firmer base for long-range planning and expansion efforts."

Although this subject was mentioned earlier in this report, the Council is treating the need for advance funding separately as one of its priority concerns in view of its importance in realizing improvements in the Child Nutrition Programs.

Many of the recommendations the Council has made call for realistic planning efforts by State and local officials involved with food service programs for children. In view of the tight money situation affecting most State and local Governments, funding considerations are necessarily given higher priority than planning considerations, particularly long-range planning. This situation need not exist with the Child Nutrition Programs, in view of the degree of Federal funding available for the program. Yet, it does.

The Council, therefore, strongly urges the Administration and Congress to implement the advance funding authority contained in Public Law 91–248 so that State and local officials will have one year's advance knowledge of available funds. The Council further urges the Administration to announce changes in the rules and regulations regarding the use of such funds well in advance of the school year to permit orderly reaction and adjustment to the changes.

SELECTED PROGRAM STATISTICS

	Fiscal year 1971	Fiscal year 1972
Total appropriation	$877,200,000	$1,053,989,000
Total children enrolled in schools (United States, Puerto Rico, Virgin Islands, Guam, and American Samoa)	52,400,000	
Percent of enrollment in national school lunch program schools, May 1971	82.0	
Percent of enrollment in schools offering no food service of any kind	12.5	
Percent of enrollment in schools offering food service other than national school lunch program	[1] 5.5	

	May 1970	May 1971	Preliminary, October 1971
PARTICIPATION COMPARISON			
National school lunch program:			
Schools participating	75,575	79,696	82,246
Children participating (millions)	22.5	24.7	25.4
Needy children receiving free and reduced-price lunches (millions)	5.1	7.3	7.8
School breakfast program:			
Schools participating	4,399	6,562	6,829
Children participating	573,233	922,899	1,007,693
Percent breakfasts served free or at reduced prices (percent)	70.9	78	76.5
Special milk program:			
Outlets participating	94,127	94,610	95,442
Half-pints of milk (million)	320.8	275.0	2923.

	July 1970	July 1971
Special food service program:		
Outlets participating, year-round	2,237	3,701
Children participating, year-round	93,349	149,232
Outlets participating, summer	1,853	4,088
Children participating, summer	521,475	1,025,589

[1] Many of these schools receive donated foods made available under USDA's price support and surplus removal programs (schools which receive such commodities are required by law to meet minimum nutritional standards in their lunches and to adhere to the same requirements on providing free and reduced price lunches to needy children as national school lunch program schools do).

ACTIVITIES OF THE NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION DURING 1971

The following is a list of activities in which all the Council members or certain members representing the Council participated during 1971:

1. Three Council meetings in Washington, D.C., in April, July, and November 1971. These meetings included presentations on the current status and goals for the Child Nutrition Programs and research and evaluation projects related to the programs; on-site reviews of school lunch and summer feeding programs operations in Washington, D.C.; and detailed consideration of different aspects of program operations leading to the recommendations contained in this first Council report and to other recommendations which the Department of Agriculture is acting upon and which involve such matters as:

A. The development of a uniform school food service accounting manual.

B. The development of a structured course in nutrition education for school food service personnel and the general public to be telecast on Educational Television.

C. The development of a system for making sure that required nutritional standards are met in the "engineered foods," such as textured vegetable protein products, which are now being used in the Child Nutrition Programs in accordance with recently approved USDA specifications.

D. Assessing the overall status of program availability and progress in program expansion, and conducting a detailed survey of schools without food service and their characteristics in terms of location, enrollment, number of needy children, and whether they are public or private nonprofit schools.

2. Participation in Regional Seminars for School Food Service personnel held during the Summer. The seminars were funded under Section 6 of the National School Lunch Act, as amended, and involved nutrition education and training.

3. Consultation with Federal, State and local child nutrition officials and representative of other interested groups at a USDA sponsored meeting in September on developing guidelines for State Plans of Child Nutrition Operations.

4. Participation in the National Nutrition Education Conference in November, sponsored by the Interagency Council on Nutrition Education.

5. Consultation with Federal, State and local child nutrition officials at a USDA sponsored meeting in December on developing guidelines and a manual of operations for summer feeding programs under the Special Food Service Program for Children.

6. Review of proposed amendments to the National School Lunch Program and School Breakfast Program regulations. The Council members, along with other interested offices and persons, received copies of the proposed amendments for comment. In addition, the November 1 meeting of the Council gave the Council members an opportunity to advise the Department of Agriculture on its plans for the final National School Lunch Program regulations, which were published on November 17, and also on its planned wording of proposed School Breakfast Program regulations.

7. Preparation of first annual report of the National Advisory Council on Child Nutrition.

VICE PRESIDENT AGNEW IN THE NEW HAMPSHIRE PRIMARY

Mr. ALLOTT. Mr. President, allow me to call attention to one significant aspect of the New Hampshire primary that has been insufficiently noted by the press—for reasons that I cannot imagine—in the otherwise fulsome coverage of Tuesday's voting.

It seems that the Vice President of the United States, Mr. AGNEW, received 5 percent of the Democratic votes for Vice President.

Consider this.

He did not campaign in New Hampshire.

His name was not on the Republican ballot.

His name was not on the Democratic ballot.

The fact that he is not a Democrat is, I trust, well known—and lamented by a large number of sensible Democrats.

Yet Mr. AGNEW received a larger percentage of the Democratic vote for his office than several hard campaigning, heavy-spending Democratic candidates received for the Democratic presidential nomination.

It is also significant that results thus far tabulated indicate that Mr. AGNEW has received a very gratifying 70 percent of the write-in Republican votes for the vice presidential nomination.

But, then, this support for the Vice President is not really surprising. He deserves it; he has earned it; and I congratulate him for it.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is closed.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE BUSINESS AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the completion of orders recognizing Senators for periods not to exceed 15 minutes tomorrow there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL VOTER REGISTRATION ACT

The PRESIDING OFFICER. Under the previous order the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

The Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. STEVENSON). The pending question is on agreeing to the motion to refer the bill (S. 2574) to the Committee on the Judiciary.

Mr. McGEE. Mr. President, the issue of referring this matter to the Committee on the Judiciary has been the source of a good bit of dialog in this body for the past several days. I have in my hand a list showing the Judiciary Committee's record on voting rights legislation, that is, on aspects of the problem as that committee has been involved with it since 1957, when the Civil Rights Act of that year was passed.

The record will speak for itself. In general, it has not been regarded as being within the jurisdiction of the committee to involve itself with voting rights as an election procedure, but only as it might involve a civil rights factor, as the record shown by the legislative history will reveal.

Likewise, Mr. President, on such occasions as the Committee on the Judiciary has acted in these matters, it has been in another context than that of voting rights per se. But I would also mention that there is scarcely a bill introduced in this body that is not made up of many parts, and thus requires a decision by the Parliamentarian as to what its main part is, and therefore how to refer it.

I recall just a year or two ago when the distinguished senior Senator from North Carolina, a member of the Committee on the Judiciary, was handling a series of hearings on Federal employees and their rights under the law. Ordinarily that would have been regarded, I suppose, as certainly within the purview of the Post Office and Civil Service Committee. It was referred to the Committee on the Judiciary and hearings were held there without objection from me, not because we had no jurisdiction over it—we probably had the primary jurisdiction—but because it seemed to me that in the special circumstance, the esteemed Senator from North Carolina had a great deal to contribute in that area, and that it was important to move ahead without tactical delays in trying to surface the issues.

There is a long list indeed of similar matters that have diverse elements present in the legislation that overlaps committees, but, as the distinguished majority leader (Mr. MANSFIELD) made abundantly clear in the discussion of this matter last Thursday in this body, there can be no serious question about this bill and several bills like it, all of which have been referred to the Post Office and Civil Service Committee, being within the proper jurisdiction of this committee.

It is likewise not without significance that no objection was raised, and that we were even permitted without objection to go through the process of ironing out the difficulties and complications of researching the matter, and then holding hearings, and that it was not until it appeared that we were serious and business-like in what we intended to do that we began to hear these voices raised against the jurisdiction of the committee.

I would think that, whatever the fallibility of judgment of the members of the committee themselves—we are all fallible on all of these questions; I know of no committee that has any particular monopoly on wisdom in the affairs of our Government—having gone though it as we did, the place to test the committee's proposal is openly on the floor of the Senate—openly, up or down on substance—and I am sure that our distinguished colleague from North Carolina and his colleagues on the Judiciary Committee, as well as our colleagues on nearly every other committee in this body, would have something constructive to offer, and we ought now to give this measure a chance for exposure before the collective judgment of the Senate, as we seek to approach the final judgment of this body on this measure.

I should like to make a comment on one other matter, after having first made a part of the RECORD the list of measures in the last 15 years that the Committee on the Judiciary may have been involved with in tangential ways on voting rights matters. I ask unanimous consent that the list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

JUDICIARY COMMITTEE'S RECORD ON CIVIL RIGHTS AND VOTING RIGHTS LEGISLATION

(Seven out of the eight major bills had to by-pass the Judiciary Committee)

Source: Congressional Quarterly

1957 CIVIL RIGHTS ACT

Passed by the House, came to the Senate—Senators Douglas and Knowland blocked its referral to the Judiciary Committee—motion brought bill directly to the floor.

1960 CIVIL RIGHTS ACT

Referred to Judiciary Committee—never to be seen again—brought up as an amendment to a House passed bill by Senators Johnson and Dirksen.

1962 CIVIL RIGHTS ACT

Referred to Judiciary Committee—Judiciary Committee held hearings—bill never heard from again—offered as an amendment to House passed bill by Senators Mansfield and Dirksen—died at feet of filibuster.

1963—EVENTUALLY THE 1964 CIVIL RIGHTS ACT

House passed bill—motion from calendar directly to floor—Judiciary Committee was sitting on a similar bill.

1965 VOTING RIGHTS ACT

Referred to Judiciary Committee with instructions to report out with time certain.

1966 CIVIL RIGHTS ACT

House passed bill—motion from calendar to floor by Senator Mansfield—died in a filibuster.

1968 CIVIL RIGHTS ACT

Referred to Judiciary Committee—reported out of Judiciary Committee—(The bill reported out of the Judiciary Committee would make it a Federal crime to kill or assault a civil rights worker)—open housing provision added on the floor.

1970 VOTING RIGHTS ACT

Referred to the Judiciary Committee with instructions to report to floor at time certain—Committee refused to take any action on the bill—bill automatically came back to the floor.

Mr. McGEE. The question of the constitutionality of the subject matter of this bill (S. 2574) has been raised, although minimally—I think in only one or two instances—by court decisions that have been handed down in that regard, the basic one being Oregon against Mitchell, in which the court decided that, over the selection of Federal officials there was no question under the Constitution of the power and the right of Congress to legislate, and the Supreme Court sustained that judgment by a vote of 8 to 1.

In addition, in the last few days I have received from a rather distinguished constitutional authority from the Yale Law School, Prof. Alexander Bickel, a statement in which he has unquestionably supported the constitutionality of the voter registration bill S. 2574. After reading the legislation and the committee report on the legislation, he said:

> In my judgment, there can be no serious question about the constitutionality of S. 2574.

Professor Bickel's endorsement of the constitutionality is really aside from or apart from whether or not one agrees with the idea. It is addressing to the sharp point of the legitimacy of such action under the Constitution. But, likewise, Professor Bickel's endorsement of the constitutionality factor is particularly convincing in the light of his stand against the constitutionality of the 18-year-old vote provision in the 1970 Voting Rights Amendment.

It will be recalled that in this combination the distinction was rather clearly drawn; but, having drawn that distinction, for Professor Bickel to conclude there is no factor of constitutionality present in this particular measure ought to lay to rest any contention that that is an issue.

I think this brings us back to measuring it for what it really is—an effort to take the next step toward larger voter participation in the affairs of our Nation. We have had occasion to refer frequently to the fact that 47 million Americans did not vote in the last presidential year, 1968. Our drive is to give those who did not vote fewer and fewer alibis or excuses for not voting. We have already demonstrated in our country's history that, if the voters are registered, they do vote and that the nonregistration seems to be the key to the problem. Ninety percent of the American voters registered did vote in 1968.

Thus, if we can simplify the voter registration procedures, we will have contributed to the processes of voter participation, which must improve, which must increase, and which we believe S. 2574 will facilitate. It will facilitate it in reasonable ways, in predictable ways in terms of the mechanism, and in ways, as the committee hearings attest, that can be worked out in fact and in practice under the mechanism envisaged in the bill; namely, the creation of a National Voter Registration Administration under the Bureau of the Census.

I would stress the one limitation that is contained in this proposal, and that is that the real process of validating the registration rolls is retained completely in the hands of the local authorities, in the hands of the State Electoral Commission, in each instance. Only the mailing of the postcards occurs at the Federal level, and that is partially explained by the fact that the Federal bureau which has been selected is the Bureau of the Census, which already has the know-how, has the mechanism, has the computers, has the necessary breakdowns of where and how many, which a Federal voter registration measure would require.

When we remember that, in one State, North Dakota, there is virtually no registration—one registers as he votes—or that, in a State as large as Texas, people register by coupons printed in newspapers, without the emergence of any discernible efforts at graft or deception or illegal manipulation, I think we can rest at greater ease over the prospect of voter registration by postcard, a postcard prepared and mailed by the Federal Bureau of the Census, by means of the U.S. Postal Service.

When we remember that this is the collection of the income tax, I think we ought to go slow about exaggerating the specter of the ogre of fraud. Fraud is an understandable apprehension on the part of people in any new process but I think it has been demonstrated again and again in this dialog that nothing in this mechanism incites any kind of effort at graft or fraud that might not already be present under the present system and it has introduced no new factors that are not already present in the voting process.

We have had occasion in the committee to examine the registration forms and the registration cards currently required in every State in the Union. There is not a thing on those cards that could not as well be translated into business on a post card and dropped in the mails. The only affidavit on those registration cards as the voter's or the registrants' signature that attests to the validity of what he has filled in on the cards with the somber warning that if any of this is untrue or falsified he is subject to prosecution under the law. That is the kind of validation a post card would readily have upon it.

So I think we are simply suggesting a specter here for frightening purposes rather than for substantive ways to improve the voter participation in what we loosely and sometimes reservedly call free elections in the United States.

Mr. President, let me conclude with one last observation, that every Senator in this body should examine closely the history of the changes in our approach to the problem of voter participation over the past 15 years and then he should ask himself how best can we approach the problem of 47 million Americans not voting. While the present approach is not perfect, it is the best one that we have and the most reasonable one that we have. We cannot know how many of these nonvoters will then vote because of it, but we should get caught giving it a try. It might produce only 1 million more votes; but, Mr. President, who is to fault 1 million more votes? It may produce as many as 20 million more votes. It is good legislation. It is wedded to a good principle. We have to work at making it work rather than stalling it, killing it, diverting it, or postponing it. Its day is long past due in terms of its need and in terms of the urgency of its relevance.

I would hope, therefore, Mr. President, that my colleagues would be willing to proceed toward their modifications or their justifications toward their amendments so that in a substantive way we can come up with the wisest judgment of this body.

AMENDMENTS NOS. 990, 991, AND 992

Mr. GAMBRELL. Mr. President, I have introduced amendments to the voter registration bill, two of which would have the effect of limiting forced school busing, and another seeking a report by the Justice Department and the Department of Health, Education, and Welfare with respect to school segregation and desegregation throughout the country, and as to desegregation enforcement policy as applied in various sections of the country.

One of these amendments, No. 990, is identical to the so-called Griffin amendment which failed by a single vote to pass the Senate last week.

Another, No. 991, is identical to an amendment on this subject which I offered to the higher education bill, providing for the suspension of forced busing while the country seeks to develop a uniform school desegregation policy throughout the country.

The third, No. 992, calling for a report on the extent of desegregation, and on desegregation enforcement policies, is identical to another amendment which I offered to the higher education bill.

The latter two amendments were defeated by substantial majorities when previously voted on. I would like to think that the failure of these amendments to pass resulted from lack of information as to their content, rather than from opposition by the leadership of both parties to an effort to achieve a uniform national policy concerning school desegregation.

Mr. President, regardless of the reason for the failure of these measures, may I say that the entire busing issue has suffered from a default of leadership. It is the most intense domestic issue in the country today. Yet there is a constant effort here in Washington to avoid it, to sweep it under the rug, and to downgrade those who have faced it squarely and who are seeking to achieve a real and reasonable solution to the problem.

Although there have been numerous bills introduced for the control of busing, and for the achievement of a uniform national desegregation policy, no legislative hearings have been held on the subject in the Senate this year, to my knowledge. Thus, it became necessary to attack the problem by amendments to the higher education bill.

When my amendments were offered to the higher education bill, I asked the Education Subcommittee to give me an opportunity to be heard on them. I received no answer to my request.

As the amendments approached being called up or consideration, strict time limits were imposed, and the leadership of the Senate and of the Education Committee, made every effort to smother legislation contrary to the ends which the leadership personally preferred.

Well, Mr. President, although a so-called antibusing amendment has passed both Houses of Congress, the issue is not dead. Only one vote in the U.S. Senate prevented a permanent prohibition against forced school busing. Yet the leadership of our Education Committee, approaches the conference with the House on this bill as if the Senate were in a mood to water down strong antibusing legislation.

Likewise, the leadership seems oblivious to the announced intention of President Nixon, to put an end to forced busing as we now know it.

At least, Mr. President, the leadership of the House of Representatives has had the wisdom to hold hearings on the proposed antibusing constitutional amendment, where workable solutions can be investigated in an atmosphere free of sharp confrontations and excessive rhetoric.

One of the things which a fair hearing on this subject might have developed is the truth about sectional discrimination in desegregation enforcement. I feel confident that various desegregation techniques to which serious objections is made would be found more acceptable if they were being applied in a uniform manner across the country. At the same time, I believe the people of this country have got better judgment than to undermine their educational systems throughout the country with forced busing programs of the type that are being implemented in limited areas under court and HEW orders. This has been forcefully demonstrated as the Senate has three times rejected the so-called Ribicoff amendment.

In any event, I think we are entitled to have the information requested by my amendment No. 992, and I do not think any fair-minded person would deny it, if fully informed of the request. In fact, most of the information is already available in various reports produced by the Justice and Health, Education, and Welfare Departments. All that is required is that the information be brought up to date and assembled in report form. I would be happy to have it in letter form from the respective departments, without any legislation, if I had a firm commitment from the heads of those departments to furnish it within a reasonable time.

It raises a deep suspicion in my mind that there is a calculated plan to discriminate against the South in this respect when I find those in authority refusing to hold a hearing, or even to furnish information on one of the most serious issues of the day. I hope that the discussions surrounding my amendments will result in some reasonable progress being made toward development of a uniform national policy on the school desegregation question.

I ask unanimous consent that the texts of my amendments Nos. 990, 991, and 992 be printed at this point in the Record.

There being no objection, the amendments were ordered to be printed in the Record, as follows:

Amendment No. 990

At the end of the bill add the following new sections:

Sec. —. No court of the United States shall have jurisdiction to make any decision, enter any judgment, or issue any order the effect of which would be to require that pupils be transported to or from school on the basis of their race, color, religion, or national origin.

Sec. —. No department, agency, officer, or employee of the United States, empowered to extend Federal financial assistance to any program or activity at any school by way of grant, loan, or otherwise, shall withhold or threaten to withhold any such Federal financial assistance in order to coerce or induce the implementation or continuation of any plan or program the effect of which would be to require that pupils be transported to or from school on the basis of their race, color, religion, or national origin.

Sec. —. Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court, the effect of which is or would be to require that pupils be transported to or from school on the basis of race, color, religion, or national origin, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted, or in the event no appeals are taken, until the time for such appeals has expired.

Sec. —. If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby.

Amendment No. 991

Sec.—. Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court, to the extent that it has the effect of requiring in any school or school system the transportation of students or teachers in order to overcome racial imbalance, or in order to carry out a plan of racial desegregation, the effectiveness of such order shall be postponed until plans providing for the racial desegregation of schools without regard to the origin or cause of existing segregation shall have been adopted uniformly throughout the United States by the appropriate local educational agencies thereof. Plans shall not be deemed to have been uniformly adopted throughout the United States until—

(1) such plans have been adopted in school systems containing not less than 75 per centum of the school population in public school systems which have total minority student population greater than 15 per centum, or

(2) such plans are in effect in not less than seventy-five of the one hundred most populous school systems in the United States which have total minority student population greater than 15 per centum and such plans are in effect in 75 per centum of the States of the United States having a minority public school student population greater than 15 per centum.

Likewise no plan shall be deemed to have been adopted for the purpose of this section unless such plans, approved by the appropriate local educational agency after public hearing, has been submitted by the chief legal officer or other appropriate official of such agency to the Attorney General of the United States and the Attorney General has not interposed an objection within sixty days after such submission: *Provided,* That any plan objected to by the Attorney General shall be deemed to have been adopted for the purpose of this section if the Federal district court having jurisdiction of such agency shall have approved such plan for desegregation as being in accordance with the Constitution of the United States and as providing for the racial desegregation of such schools without regard to the origin or cause of existing segregation. The Attorney General shall interpose an objection under this section to any such plan if he shall find that the means of desegregation adopted therein are not substantially consistent with those provided for in the court-approved school desegregation plans throughout the United States.

Amendment No. 992

At the end of the bill, add the following new section:

Sec. —. Not later than one hundred and twenty days after date of enactment of this bill, the Attorney General of the United States and the Secretary of Health, Education, and Welfare, either jointly or separately, shall submit, in writing, a report to the Congress, describing the conditions of segregation and desegregation by race, whether de jure or de facto, in the public school systems of the United States, and the policies, practices, procedures, guidelines, and criteria which have been implemented by the Department of Justice and the Department of Health, Education, and Welfare since April 1970, to assure that the policies of the United States Government in respect to segregation and desegregation of races in the public schools of the United States are applied uniformly in all regions of the United States, without regard to the origin or cause of such segregation and desegregation. Said report shall, without limiting the contents thereof, include the following:

1. The most recent statistics available of the extent of segregation and desegregation of students in the public schools of the United States including those in the one hundred most populous school districts in the United States.

2. A summary of such statistics—

(a) comparing the progress and extent of desegregation in eleven States comprising the southern region of the United States with the progress and extent of desegregation in other regional sections of the country and with that in the country as a whole.

(b) comparing the progress and extent of desegregation in the school districts referred to in subparagraph 1 which are located in the southern region, with such school districts as are located in other major regions of the country and with such school districts in the country as a whole.

(c) a statistical and descriptive summary, by States and major regions of the country, of the judicial public school desegregation enforcement proceedings in which the Department of Justice and the Department of Health, Education, and Welfare have been involved since enactment of the Civil Rights Act of 1964.

(d) a listing by States of each instance in which public assistance to local educational agencies has been denied or delayed (indicating length of delay) by the Department of Health, Education, and Welfare because of alleged failure to meet judicial and departmental requirements relating to desegregation of races in the schools of such local educational agency.

(e) a statement of what desegregation enforcement procedures, either judicial or administrative, are contemplated by the Department of Justice and the Department of Health, Education, and Welfare with respect to each of the one hundred school systems referred to in subparagraph 1 hereof in which the extent of desegregation shall be less than the average degree of desegregation in all of such school systems, or in which the extent of racial segregation has increased since the last previous statistical analysis has been made with respect to desegregation in such school systems. In respect to any such system in which no desegregation enforcement procedures are contemplated, said report shall give a full explanation of the reasons therefor.

Mr. MAGNUSON. Mr. President, I should like to make a brief comment on the pending bill.

What the Senator is trying to do, as he has aptly stated, is to increase voter participation. It is much the same situation in which I have been involved in my home State ever since my early days in the State legislature—to have the polls open from 8 a.m. until at least 10 o'clock at night. That has always been opposed by the same people who are opposing this bill.

We found that the working man comes home at 6 o'clock and does not want to go to the polls in his working clothes. By the time he has his dinner, he says, "They won't miss my vote," and the polls close at 8 o'clock. We would have 10 to 15 percent more voter registration if the polls did not close that early.

This is the same thing, is it not?

Mr. McGEE. Exactly; it seeks to make it easier.

FINANCIAL RESULTS OF AMTRAK PASSENGER SERVICE

Mr. MAGNUSON. Mr. President, last fall I remarked about the comparative financial results of Amtrak passenger train services, based on the results of the first 2 months' operations—May and June. I pointed out then that while the New York-Washington route was the only one showing a profit, a number of the long-distance routes—which according to conventional wisdom should be the most hopeless losers—where fairly close to breaking even.

I now have Amtrak financial results for the months of July and August. My staff has prepared a table which compares these later figures with the May and June figures I previously made available, and I ask unanimous consent that this table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FINANCIAL RESULTS OF PRINCIPAL AMTRAK ROUTES

[May and June 1971, consolidated; July and August 1971, consolidated]

Route and railroads	Miles	Number of daily trains	Revenues (thousands)	Expenses (thousands)	Revenue, percent of expenses
New York to Washington, PC	227	27			
May and June			$4,411	$3,348	131
July and August			5,490	4,054	135
Boston to Washington, PC	456	6			
May and June			1,418	1,436	99
July and August			1,625	1,413	115
New York to Philadelphia, PC	91	23			
May and June			1,311	1,472	89
July and August			1,266	1,365	93
New Orleans to Los Angeles, SP	2,033	1			
May and June			665	875	76
July and August			708	890	80
Chicago to Los Angeles, ATSF	2,222	2			
May and June			2,395	3,181	75
July and August			3,723	3,610	103
Chicago to Denver, BN	1,034	2			
May and June			505	700	72
July and August			982	886	110
Chicago to Seattle, MILW-BN	2,289	2			
May and June			1,571	2,383	66
July and August			2,725	2,855	95
New York to Florida PC-R.F. & P.-SCL	1,426	6			
May and June			3,226	5,284	61
July and August			4,898	5,951	82
Minneapolis to Spokane, BN	1,485	1			
May and June					
July and August			489	626	78
Los Angeles to Portland, SP	1,189	1			
May and June			224	383	58
July and August			284	402	71
Chicago to Oakland, BN-UP-SP	2,420	1			
May and June			598	1,026	58
July and August			768	1,078	71
Chicago to New Orleans, IC	921	2			
May and June			697	1,285	54
July and August			1,129	1,292	87
Chicago to Houston, ATSF	1,368	2			
Ma yand June			743	1,414	53
July and August			882	1,735	51
New York to Boston, PC	229	10			
May and June			$502	$1,007	50
July and August			568	1,032	55
Chicago to New York, PC	907	2			
May and June			878	1,775	49
July and August			1,314	1,882	70
Chicago to St. Louis, G.M. & O	284	4			
May and June			229	642	36
July and August			223	615	36
New York to Albany to Buffalo, PC	435	15			
May and June			586	2,074	29
July and August			931	2,110	44
Chicago to Detroit, PC	283	4			
May and June			106	369	29
July and August			160	377	42
New York to Springfield, PC	134	18			
May and June			80	291	27
July and August			76	324	23
Seattle to Portland, BN	186	5			
May and June			90	361	25
July and August			136	433	31
Chicago to Milwaukee, MILW	85	6			
May and June			80	366	22
July and August			101	291	35
Newport News to Cincinnati, C. & O	655	2			
May and June			128	581	22
July and August			201	611	33
Chicago to Florida, PC-L. & N.-SCL	1,526	2			
May and June			391	1,862	21
July and August			582	1,794	32
New York to St. Louis, PC	1,050	2			
May and June			210	1,074	20
July and August			310	978	32
San Diego to Los Angeles, ATSF	128	5			
May and June			92	649	14
July and August			121	418	29

Mr. MAGNUSON. A number of comments suggest themselves from this statistical comparison. First, the New York-Washington services improved upon their already impressive profit record. Second, the biggest losers for the most part continued to be the short-to-medium distance "corridors" other than New York-Washington, in which substantial sums must be spent for capital improvements to provide the fast service necessary to attract large numbers of riders. Third, the long-distance trains not only retained their relatively favorable position, but in two instances joined the New York-Washington trains in the ranks of profitability—Chicago-Los Angeles and Chicago-Denver.

Amtrak's performance in the summer of 1971 indicates that significant numbers of people want to ride long-distance trains and are willing to pay for the cost of operating them. The record is all the more significant in view of the virtual absence of advertising and promotion, the mediocre on-time performance, and the deteriorated condition of much of the equipment, which both detracts from the quality of service and increases the expense of operation. There is little support for the contention of one of our distinguished railroad executives that long-distance trains are as obsolete as stagecoaches and should be abandoned forthwith.

I am aware that the economics of long-distance passenger trains are less favorable once the summer tourist and vacation season is past. Nevertheless, there are a number of things Amtrak could do to improve the picture, such as obtaining increased mail, or express traffic to supplement passenger revenues; orienting its services for example toward such winter recreation areas as the ranches and the several ski slopes of the West; and aggressively soliciting conventions and other group movements.

For quite some time, I have questioned the validity of railroad claims that passenger service will inevitably incur huge financial loss. Just last month, a prominent railroad executive alleged in a national magazine interview that continuation of long-distance trains would require an annual subsidy of $300 to $400 million per year. Amtrak results to date surely disprove this contention. I cannot help but note that this executive's railroad was for years the industry leader in doing everything possible to downgrade service, discourage patronage, and discontinue passenger service. Since Amtrak came into being, this same railroad had had one of the worst on-time performances of any of the roads operating Amtrak trains.

Passenger service is the window through which the public judges the railroads. If passenger service is unsatisfactory or nonexistent, the public is not likely to be sympathetic toward railroad pleas for Government amelioration of their problems, no matter how valid these pleas may be, nor how rationally they are presented. A continuing stream of constituent complaints about passenger service does not make it any easier for us to give favorable consideration to expensive or otherwise controversial proposals to assist the railroad industry.

SPACE SHUTTLE PROGRAM

Mr. MAGNUSON. Mr. President, recently I read two very important statements on the space shuttle program.

The first statement was made by the AFL–CIO Executive Council and the second was written by my colleague, Mr. JACKSON, in the Machinist, February 17, 1972 issue.

I feel that both of these articles are extremely informative and fairly represent the issues involved in this important decision.

I ask unanimous consent to have the two articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON SPACE SHUTTLE

The United States space program is reaching another milestone. At the peak of the

Apollo project, the space program employed 400,000 Americans—about half of whom have since been laid off. This year will see the end of Apollo.

In Apollo, American science, engineering and craftsmanship made possible the fulfillment of one of man's oldest dreams—to walk on the moon. In so doing, we unlocked vast new technologies, strengthened our national security and reinforced America's world position.

Next year, the Skylab will put nine astronauts into orbit to live and work for periods of from four to eight weeks, learning more about our world and the space around it.

The next logical step for the United States space program is the development of a space shuttle which will provide economical transportation from earth to space and back. It will make space as accessible as the airplane has made the other continents. The shuttle will assist us in exploration, in science and technology and, if necessary, in defense and provide 50,000 jobs in the United States. Without the shuttle we cannot develop our scientific and technological investments that already have given us space communications, weather satellites and geodetic programs.

The benefits of next generation space applications in such fields as the management of our natural resources, monitoring of pollution, weather modification and climate control, television distribution, earthquake prediction, and public health and safety will not be fully realized unless we can reduce costs, raise efficiency and acquire a flexibility of action not yet possible. That is what the space shuttle is for. Without it, we will lose many valuable programs.

International relations today involve space. We can no more ignore space than we can ignore the oceans or the continents. We would not have the free world without ships, without aircraft or without land mobility. We cannot envision a secure, technologically advanced western world without technologies that allow us the freedom of space as well.

For these reasons, we urge Congress to vote funds for the development of a space shuttle.

[From the Machinist, Feb. 17, 1972]

Why the Space Shuttle Is Important to You

(By Sen. Henry M. Jackson of Washington State)

A major effort is now under way to kill the space shuttle program. If the shuttle appropriation fails it will mean the end of even a minimum space program.

I believe the space shuttle is important to America.

I believe the space shuttle is vital to science.

I believe the space shuttle is important to working men and women.

I believe the space shuttle is a good investment which will return its costs to the people many times over.

The future of the space program is a central issue of the 1972 presidential campaign. Approval of appropriations this year for the space shuttle project is not a foregone conclusion at this juncture. In fact, the battle may be as close as the 1969 fight which I led over funding of the ABM.

The opportunities that exist for new discoveries with the shuttle are enormous. It would be tragic if we were to foreclose on that opportunity.

Let's look in greater detail at some of the reasons the space shuttle program is so important.

This shuttle program, as you know, provides for the development of a reusable "truck" to haul man and unmanned or automatic satellites into earth orbit and back, rather than continue to throw away the entire expensive hardware after each launching.

The shuttle will be capable of launching, repairing, and servicing existing and new satellites, and of providing a link to future manned space stations. It gives us new access to a space future. It enables us to utilize space more economically through the decades ahead—to capitalize on the big investment we have already made.

CAPITALIZE HOW?

I think we all give a high priority to the need for understanding and preserving our natural environment on this planet. Fortunately the tools of space technology are a timely part of the equipment we will need to manage this task, and the shuttle will multiply the potential.

For example, weather satellite observations have already saved millions of dollars through improved forecasting. But we still have not found the secret of total weather forecasting, and we will not do so until we have total global observation. Present weather satellites look mainly at clouds. Future ones will determine pressure and temperature and wind velocity profiles throughout the atmosphere to learn the details of weather formation and flow.

Five-day forecasting is just around the corner. That alone would save an estimated $6 billion dollars annually in agriculture, lumber industries, surface transportation, retail marketing and water resource management—twice the annual cost of the entire space program.

That is what I mean by capitalizing on our space investment, and putting space to work. Future satellites will analyze and patrol our resources—locate minerals and oil—study ocean changes and factors in fish production—detect air and water pollution and plant life infestation and other hazards. Estimates of damage to American agriculture and forestry by fire, insects and disease range from $13 to $20 billion per year. Space science gives us a tremendous lift in learning to master these problems.

Air and sea transportation, in this day of increasing traffic, require the protection of precise all-weather navigation, which space satellites will permit. Space is the path of future mass communications. A TV relay across the Atlantic via cable costs $25,000 per channel per year; a space satellite relay costs less than one-sixth of that. The use of space is not going to be a luxury but an economy and a necessity. As we gain easier access to space by shuttle vehicles, we can service and maintain this intricate orbiting equipment.

Let's not discount scientific discovery and pursuit of knowledge as an application of space to today's priorities. The 170 pounds of moon materials from Apollo 15 are already yielding surprises that may have great significance. Some plants placed in lunar soil are growing four times as fast as those in earth soil. Certain bacteria will not live in the moon dust. These and other discoveries, once understood, may hold untold benefits.

We are concerned over the finite limits of energy sources on earth, with the rapidly increasing demands for power. Yet the sun provides 5,000 times the combined available earth power source today. If we are ever to harness some of this enormous reserve of pollution-free energy, it is space science that will help show us the way. Our harnessing of nuclear energy began with the study of basic processes in the sun. Astronomy will have a whole fresh start once it is lifted above our blanket of shielding atmosphere.

The shuttle will permit us to carry supplies to the scientific teams manning U.S. orbital space stations, and to change the personnel at these high posts. This is not fantasy, it is the world today. The Russians have already placed an initial manned station in space and appear to be on their way to establishing a permanent orbiting station, which leads me to mention the obvious relationship of space surveillance to national security.

But let me come back to employment—certainly that is a priority which particularly interests organized labor today. The space shuttle program in full swing should provide in excess of 50,000 jobs, distributed among virtually all of the 50 states. It is still a moderate number compared with the 400,000 that were engaged in the Apollo program, but it is enough to have real economic impact.

Great numbers of craftsmen are available in the labor market for this work. Employment in the aerospace industry has been reduced by 288,000 since 1966. Many of those laid off remain unemployed or are working at jobs below their skill capability.

More than half of aerospace employment consists of production workers, and the average wage is 24% higher than the all-manufacturing average. This is attractive work.

WHAT IS THE COST?

But let's also take a hard look at the economics of the program for the country as a whole. First, we must get the space program into perspective with other U.S. expenditures. The entire NASA program at $3.2 billion represents less than 1½ % of the U.S. budget for fiscal 1972. The space shuttle program of $200 million in 1973 represents less than one-tenth of 1% of the total federal budget.

At an average of one billion dollars per year through its six years' development it would amount to less than one-half of 1% of the budget. We need this to help give a balanced mix to our economy. We need to maintain our progress in high technology industry. It feeds into other industry and it is our most successful approach to reviving and maintaining our international balance of trade against increasing foreign competition.

There are those who say we should be spending our money on earth instead of in space. But space money is spent on earth, and in this country. Further, as we have seen, the benefits are on earth. But again keeping the program in perspective, it should be noted that national priorities are already being redirected, with HEW and HUD type expenditures now exceeding our national defense expenditures for the first time. NASA's space efforts by comparison are only 3½ % the size of our social-oriented expanditures.

The economics of the shuttle program itself are as follows: Estimated cost of development over six years is $5.5 billion. After initial development, additional shuttles could be built for space use at an estimated $50 million per copy for the booster portion and $250 million for the orbiter portion. Instead of being thrown away on each flight as Saturn-Apollo equipment is—at a cost of approximately 280 million per flight—the orbiter and booster would be reused over and over again. The cost of carrying payloads into orbit will go down from the present $1,000 per pound to about $100 per pound, because of the reusability feature.

WHY TAKE THIS STEP NOW?

Already we have cranked down the Apollo program—we have dismantled our industrial base as far as Apollo is concerned. But NASA hopes and expects that many who worked on Apollo will still be available for the space shuttle. It would be dangerous and costly to lose this basic know-how and to have to start again from the point where Apollo had to start. This would not be economy.

I feel the space shuttle is the next logical effort for our efforts in space. It will permit our space program to proceed on the most economical basis; it will provide needed employment directly and it will help advance our economy to provide future employment to some of the fifteen million workers who will be added to our labor force in the next ten years.

TRIBUTE TO CARL HAYDEN

Mr. MAGNUSON. Mr. President, it is with heavy heart that I join my colleagues in the Senate in paying final tribute to Carl Hayden. In terms of his accomplishments, his legislative achievements on behalf of the people of Arizona, and of the entire United States, and his warm-hearted desire to help people, Senator Hayden was a mountain of a man. His tribute really came during his life by the people he was closest to, his Arizona constituents who returned him to the Senate a record number of times.

I am deeply honored to have been one of those who served with Senator Hayden. I am a better man for that experience as is the United States a better place because of the dedication and wisdom of our late, beloved, colleague.

AUTHORIZATION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL APRIL 1, 1972, TO PUBLISH ITS RULES OF PROCEDURE

Mr. PERCY. Mr. President, I ask unanimous consent that the Committee on Government Operations have until April 1, 1972, to publish its rules of procedure in the CONGRESSIONAL RECORD pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. McGEE. Mr. President, now I want to ask the distinguished majority whip if he has any other matters he wishes us to allow for or to hang on for this afternoon. I think that so far as the distinguished Senator from Florida, the acting minority leader, is concerned——

Mr. FONG. From Hawaii.

Mr. McGEE. Yes, from Hawaii. I am sorry. Everyone else seems to be in Florida so I thought the Senator from Hawaii was in Florida. I guess that is some kind of political Freudian slip. [Laughter]

Mr. FONG. I have nothing further.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and I assume that this may be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR EAGLETON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from Tennessee (Mr. BAKER) tomorrow, the distinguished Senator from Missouri (Mr. EAGLETON) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon tomorrow. After the two leaders have been recognized under the standing order, the distinguished Senator from Kentucky (Mr. COOPER) will be recognized for not to exceed 15 minutes. He will be followed by the distinguished Senator from Tennessee (Mr. BAKER) for not to exceed 15 minutes. He will be followed by the distinguished Senator from Missouri (Mr. EAGLETON) who will be recognized for not to exceed 15 minutes; after which there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair will lay before the Senate the unfinished business, S. 2574, a bill to establish a voter registration program through the mails.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and at 2:08 p.m., the Senate adjourned until tomorrow, Tuesday, March 14, 1972, at 12 meridian.

NOMINATIONS

Executive nominations received by the Senate March 13, 1972:

ACTION

Walter Charles Howe, of Washington, to be Deputy Director of Action; new position.

DEPARTMENT OF JUSTICE

Thomas A. Grace, Jr., of Louisiana, U.S. marshal for the middle district of Louisiana for the term of 4 years; new position created by Public Law 92-208, approved December 18, 1971.

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

Gen. Bruce K. Holloway, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapters 35 and 837, title 10, United States Code:

To be major general

Brig. Gen. John W. Hoff [redacted] FV, Air Force Reserve.

Brig. Gen. Robert B. Mautz, [redacted] FV, Air Force Reserve.

To be brigadier general

Col. Vincent S. Haneman, Jr., [redacted] FV, Air Force Reserve.

Col. Gilbert O. Herman [redacted] FV, Air Force Reserve.

Col. Edwin R. Johnston [redacted] FV, Air Force Reserve.

Col. William J. Reals, [redacted] FV, Air Force Reserve.

Col. Joseph M. F. Ryan, Jr., [redacted] FV, Air Force Reserve.

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of chapters 35, 831, 837, title 10. United States Code:

To be major general

Brig. Gen. William C. Smith, [redacted] FG, Tennessee Air National Guard.

Brig. Gen. Charles S. Thompson, Jr., [redacted] FG, Georgia Air National Guard.

Brig. Gen. Joseph D. Zink, [redacted] FG, New Jersey Air National Guard.

To be brigadier general

Col. William J. Crisler, [redacted] FG, Mississippi Air National Guard.

Col. Francis R. Gerard, [redacted] FG, New Jersey Air National Guard.

Col. Malcolm E. Henry, [redacted] FG, Maryland Air National Guard.

Col. Ralph E. Leader [redacted] FG, Massachusetts Air National Guard.

Col. Paul D. Straw [redacted] FG, Texas Air National Guard.

IN THE NAVY

Rear Adm. Merlin H. Staring, Judge Advocate General's Corps, U.S. Navy, to be Judge Advocate General of the Navy with the rank of rear admiral, for a term of 4 years.

IN THE MARINE CORPS

In accordance with the provisions of title 10, United States Code, section 5232, Maj. Gen. George C. Axtel, U.S. Marine Corps, having been designated for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

Maj. Dale L. Harpham, U.S. Marine Corps, for appointment to the grade of lieutenant colonel.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

MEDICAL CORPS

To be colonel

Hanson, Chester A., [redacted].

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be lieutenant colonel

Anderson, William A., [redacted].

To be major

Bland, Andrew R. Jr., [redacted].
Brylia, Charles W., [redacted].
Burr, Jacky A., [redacted].
Crowle, James L., [redacted].
Dahl, Hans E., [redacted].
Davis, Marion L., [redacted].
Edes, Richard H., [redacted].
Gray, Thomas A., [redacted].
Knippa, Leroy E., [redacted].
McCarthy, Robert A., [redacted].
Neilson, Russell W., [redacted].
Paladino, Vito W., [redacted].
Sammt, Carl J., [redacted].
Vice, John R., [redacted].
Webster, Howard E., Jr., [redacted].

To be captain

Adams, Nolan J., [redacted].
Baker, Robert J., [redacted].
Beaton, Edward A., [redacted].
Behler, Gene R., [redacted].
Boegler, Kenneth G., [redacted].
Briggs, James B., [redacted].
Brown, Robert C., [redacted].
Campbell, Donald J., [redacted].
Carr, Byron H., [redacted].

Coats, Landis R., [redacted].
Cook, Billie R., [redacted].
Coonradt, Leo J., [redacted].
Crown, Francis J., Jr., [redacted].
Culbert, Harry J., [redacted].
Dimsdale, Roger, [redacted].
Gettig, Charles E., [redacted].
Greer, Harold E., Jr., [redacted].
Hamilton, Jack L., [redacted].
Hartfield, Robert S., [redacted].
Hartsell, Carroll F., [redacted].
Hergen, James G., [redacted].
Herring, Charles D., [redacted].
Herrington, James W., [redacted].
Kelsey, Arthur W., [redacted].
Kirchner, John E., [redacted].
Knight, David B., [redacted].
Loeffler, Frank E., [redacted].
Metzger, Robert M., [redacted].
Morgan, Emmett K., II, [redacted].
O'Brien, Dennis E., [redacted].
Pflaster, Darrell J., [redacted].
Pozniak, Edward J., [redacted].
Richardson, Troy E., [redacted].
Rawlinson, Jerry D., [redacted].
Riddell, John M., [redacted].
Riley, Harry G., [redacted].
Rittenhouse, David, [redacted].
Robinson, Glen E., [redacted].
Roix, Robert J., [redacted].
Rosenberg, Raymond, [redacted].
Ross, Thomas P., [redacted].
Salter, Avery T., Jr., [redacted].
Shiver, Eustice M., [redacted].
Slover, Harold L., [redacted].
Smith, Wendell I., [redacted].
Smoot, Charles V., [redacted].
Stetson, Mark R., [redacted].
Thomas, Robert E., Jr., [redacted].
Wade, Thomas G., [redacted].
Webb, Thomas J., [redacted].

MEDICAL CORPS

To be captain

Howell, Frederick L., [redacted].
Limmer, Bobby L., [redacted].

VETERINARY CORPS

To be captain

Cirone, Salvatore M., [redacted].

MEDICAL SERVICE CORPS

To be captain

Platte, Ronald J., [redacted].
Porter, Steven J., [redacted].
Sullivan, John E., Jr. [redacted].

ARMY NURSE CORPS

To be captain

Kanusky, Joseph T., [redacted].
Miles, Ann L., [redacted].

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

ARMY PROMOTION LIST

To be first lieutenant

Acock, John H., Jr., [redacted].
Adams, Samuel B., [redacted].
Aldridge, Marion J., [redacted].
Allen, Clay W., III, [redacted].
Anders, Howard G., [redacted].
Arias, Louis A., [redacted].
Armour, Wayne T., [redacted].
Armstrong, Eugene G., [redacted].
Autz, Remy E., [redacted].
Baldenweck, Thomas, [redacted].
Ball, Larry E., [redacted].
Bancroft, Ronald K., [redacted].
Banzhoff, Ernest L., [redacted].
Barcellos, Terrance D., [redacted].
Barefield, Robert L., [redacted].
Barth, James M., [redacted].
Baskin, Jerry S., [redacted].
Baur, Richard, [redacted].
Becker, Lawrence J., [redacted].
Becker, Richard H., [redacted].
Bennett, Harry S., [redacted].
Berry, Phillip C., [redacted].
Biliter, Patrick E., [redacted].
Bischoff, John M., [redacted].
Boatwright, Leroy, [redacted].
Bongiorni, Dominic, [redacted].
Booton, Paul M., Jr., [redacted].
Bourne, Garrett D., [redacted].
Bradley, David R., [redacted].
Brethorst, William, [redacted].
Bria, Carmen J., [redacted].
Brock, Robert W., [redacted].
Brooks, Charles R., [redacted].
Brooks, Donald P., [redacted].
Brooks, Mack M., [redacted].
Browder, Dewey A., [redacted].
Brown, Henry E., Jr., [redacted].
Brown, Richard M., [redacted].
Brown, Roger F., [redacted].
Bryant, Scott A., [redacted].
Bulloch, Bobby J., [redacted].
Bullock, William F., [redacted].
Caggiano, Arthur W., [redacted].
Callen, Paul J., [redacted].
Calocci, Thomas F., [redacted].
Campbell, Francis J., [redacted].
Campiglia, Michael, [redacted].
Carbone, Joseph D., [redacted].
Carey, Stephen W., [redacted].
Carfagna, Don R., [redacted].
Carpenter, William, [redacted].
Casey, James T., [redacted].
Cecere, Robert A., [redacted].
Chambers, William W., [redacted].
Chapin, Steven W., [redacted].
Charlton, Donald G., [redacted].
Chase, Michael S., [redacted].
Childers, William M., [redacted].
Chubb, James M., [redacted].
Ciccolella, Charles, [redacted].
Ciccolella, Richard, [redacted].
Clark Jerry S., [redacted].
Coleman, John R., [redacted].
Collins, William P., [redacted].
Collinsworth, Tim A., [redacted].
Connor, Michael D., [redacted].
Cooch, Robert L., Jr., [redacted].
Cook, Craig A., [redacted].
Cording, Lewis C., [redacted].
Corrigan, Michael L., [redacted].
Cosumano, Joseph M., [redacted].
Cottrell, Walter T., [redacted].
Craft, Troy L., Jr., [redacted].
Craig, David B., [redacted].
Crenshaw, Robert S., [redacted].
Crites, Harold F., [redacted].
Crosby, Lamar C., [redacted].
Cross, James B., [redacted].
Cruikshank, Kenneth A., [redacted].
Culhane, Kevin V., [redacted].
Daniels, Richard S., [redacted].
Dasher, Steven A., [redacted].
Dauphinee, Donald D., [redacted].
Davis, Mark W., [redacted].
Davis, Ralph J., [redacted].
Deacon, Carrell V., [redacted].
Deck, William R., [redacted].
Deming, Dennis C., [redacted].
Denler, Douglas P., [redacted].
Dickens, Ralph K., Jr., [redacted].
Dietz, Thomas A., [redacted].
Dirlam, Richard R., [redacted].
Dorazio, Gene S., [redacted].
Doremus, Darrell D., [redacted].
Duane, Daniel J., [redacted].
Dunn, Michael W., [redacted].
Duval, William G., [redacted].
Duvall, Julius D., [redacted].
Early, Michael J., [redacted].
Ebert, Roger L., [redacted].
Eggers, John L., [redacted].
Elston, Kenneth D., [redacted].
Erickson, Kenneth L., [redacted].
Erickson, Marlin D., [redacted].
Erion, John H., [redacted].
Evenson, Michael K., [redacted].
Evirs, Robert G., [redacted].
Ezell, James J., [redacted].
Fagan, James D., Jr., [redacted].
Fellinger, Paul W., [redacted].
Ferguson, William G., [redacted].
Fisher, J. B., Jr., [redacted].
Flagg, Albert C., Jr., [redacted].
Foote, Robert D., [redacted].
Foreman, James E., [redacted].
Fritz, Paul H., [redacted].
Galloway, James E., [redacted].
Gandara, Guillermo, [redacted].
Garlock, Warren D., [redacted].
Garoutte, Michael D., [redacted].
Geis, Craig E., [redacted].
Gibbs, Allen D., [redacted].
Gibbs, Charles, [redacted].
Gidej, Jaroslaw, [redacted].
Giger, John R., [redacted].
Glendon, John W., [redacted].
Gober, Donald F., [redacted].
Goff, Forrest W., [redacted].
Gogola, Gordon S., [redacted].
Goldberg, Lewis J., [redacted].
Goldsmith, Robert M., [redacted].
Gramlich, Andrew F., [redacted].
Gray, Louis G., [redacted].
Green, Bernard W., [redacted].
Greer, Dan B., Jr., [redacted].
Grevert, Donald C., [redacted].
Griffin, Derek L., [redacted].
Griffin, Steven R., [redacted].
Gustafson, Karl J., [redacted].
Gustin, Jerry J., [redacted].
Gustine, James E., [redacted].
Hanretta, Kevin T., [redacted].
Hardegree, Jimmy V., [redacted].
Hardin, Steven L., [redacted].
Harker, William L., [redacted].
Harnagel, Harold W., [redacted].
Harness, George W., [redacted].
Harpold, Philip A., [redacted].
Harris, Danny E., [redacted].
Harris, James W., [redacted].
Harrison, David G., [redacted].
Hawk, Michael E., [redacted].
Hawley, Richard F., [redacted].
Hayden, Nolen M., [redacted].
Hayes, Michael W., [redacted].
Hesson, Philip A., [redacted].
Hesters, Allan E., [redacted].
Hier, James A., [redacted].
Hildebrand, William, [redacted].
Hill, William T., [redacted].
Hilton, Corandrum I., [redacted].
Hinkle, Lawrence G., [redacted].
Hinson, Robert L., Jr., [redacted].
Hirschman, Norman J., [redacted].
Hitchcock, Barry W., [redacted].
Hixon, Harry W., Jr., [redacted].
Hoffmeister, Robert, [redacted].
Hogan, Lawrence G., [redacted].
Holloway, Perry B., [redacted].
Hopkins, Johnny L., [redacted].
Hopson, Lloyd D., [redacted].
Horner Charles T., [redacted].
Huff, Robert L., [redacted].
Huffman, Walter B., [redacted].
Huie, Clifford R., [redacted].
Humphries, John M., [redacted].
Hunter, Cardell S., [redacted].
Huseman, Dana F., [redacted].
Hutchings, Charles, [redacted].
Hyatt, Scott W., [redacted].
Iaconis, Christopher, [redacted].
Jackson, Dennis K., [redacted].
Jacobs, Kendall E., [redacted].
Jacobs, Randall, III, [redacted].
Jacqmein, William M., [redacted].
Jallo, Michael E., [redacted].
Jarvis, James A., Jr., [redacted].
Jessup, Eric P., [redacted].
Johnston, Allan G., Jr., [redacted].
Jones, Lewis S., [redacted].
Jones, Rudolph M., Jr., [redacted].
Jones, Ulysses S., [redacted].
Jones, William W., [redacted].
Kagler, Allen T., [redacted].
Keating, William J., [redacted].
Keller, William P., [redacted].
Kelly, Lester A., [redacted].
Kennedy, Harvey M., [redacted].
Kernan, William F., [redacted].
Kevorkian, Harold H., [redacted].
Kietzman, Howard W., [redacted].
Killian, Michael J., [redacted].
King, Marc A., [redacted].
Kirby, Robert F., [redacted].
Kirkpatrick, William M., [redacted].

Knauer, Richard J., xxx-xx-xxxx.
Koleszar, Thomas R., xxx-xx-xxxx.
Koren, Philip F., xxx-xx-xxxx.
Kovalchick, Richard, xxx-xx-xxxx.
Kraft, Kenneth M., Jr., xxx-xx-xxxx.
Krause, Gerald A., xxx-xx-xxxx.
Kresge, Louis A., xxx-xx-xxxx.
Kuhn, David L., xxx-xx-xxxx.
Kyser, Perry L., xxx-xx-xxxx.
LaComb, Augustus J., xxx-xx-xxxx.
Lawrence, James W., xxx-xx-xxxx.
Lenze, Paul E., xxx-xx-xxxx.
Levaas, Larry N., xxx-xx-xxxx.
Liddell, Robert J., xxx-xx-xxxx.
Lieteau, James N., xxx-xx-xxxx.
Lindley, Richard B., xxx-xx-xxxx.
Lingle, William R., xxx-xx-xxxx.
Link, James M., xxx-xx-xxxx.
Linn, Charles M., xxx-xx-xxxx.
Lopresti, Thomas T., xxx-xx-xxxx.
Love, Geoffrey T., xxx-xx-xxxx.
Luczynski, Thomas P., xxx-xx-xxxx.
Luker, Thomas M., xxx-xx-xxxx.
Lunghofer, Terrence, xxx-xx-xxxx.
Lynch, Francis J., xxx-xx-xxxx.
Lynd, Patrick A., xxx-xx-xxxx.
MacCary, Robert F., xxx-xx-xxxx.
MacCuish, Donald A., xxx-xx-xxxx.
Mackey, John G., xxx-xx-xxxx.
Mackler, Leonard, xxx-xx-xxxx.
Maggiacomo, Peter J., xxx-xx-xxxx.
Mahoney, Larry G., xxx-xx-xxxx.
Maldonado, Leonard, xxx-xx-xxxx.
Maloney, Peter R., xxx-xx-xxxx.
Maloney, William J., xxx-xx-xxxx.
Maris, Harold B., xxx-xx-xxxx.
Marlar, Gary J., xxx-xx-xxxx.
Martin, John A., xxx-xx-xxxx.
Matsuno, Richard T., xxx-xx-xxxx.
Mayo, Francis L., Jr., xxx-xx-xxxx.
McAninch, William, xxx-xx-xxxx.
McAuliffe, John F., xxx-xx-xxxx.
McCabe, Laurence W., xxx-xx-xxxx.
McCann, Robert C., xxx-xx-xxxx.
McClanahan, Carl E., xxx-xx-xxxx.
McClelland, Robert, xxx-xx-xxxx.
McCormick, Thomas, xxx-xx-xxxx.
McDade, John H., Jr., xxx-xx-xxxx.
McFarlin, Michael, xxx-xx-xxxx.
McGraw, Dennis F., xxx-xx-xxxx.
McKelvey, William, xxx-xx-xxxx.
McKenna, Milton F., xxx-xx-xxxx.
McNeill, Dan K., xxx-xx-xxxx.
Medina, Refugio O., xxx-xx-xxxx.
Meeker, John R., xxx-xx-xxxx.
Meinerth, Barry R., xxx-xx-xxxx.
Melsek, Rodeny D., xxx-xx-xxxx.
Meriweather, Thomas, xxx-xx-xxxx.
Merkel, John, Jr., xxx-xx-xxxx.
Meyers, William F., xxx-xx-xxxx.
Miles, Bernard L., II, xxx-xx-xxxx.
Millar, William K., xxx-xx-xxxx.
Miller, Cassius O., xxx-xx-xxxx.
Miller, George Z., xxx-xx-xxxx.
Minney, Elton D., xxx-xx-xxxx.
Miskimon, Gary E., xxx-xx-xxxx.
Moberg, Harley, xxx-xx-xxxx.
Monk, John T., xxx-xx-xxxx.
Morton, Kenneth B., xxx-xx-xxxx.
Moscatelli, Edward J., xxx-xx-xxxx.
Mullendore, James M., xxx-xx-xxxx.
Mumby, Roger L., xxx-xx-xxxx.
Mumma, John H., xxx-xx-xxxx.
Musick, Karl D., xxx-xx-xxxx.
Myers, Robert G., xxx-xx-xxxx.
Naaktgeboren, Martin, xxx-xx-xxxx.
Nickel, William C., xxx-xx-xxxx.
Norman, John F., xxx-xx-xxxx.
Nuttall, Leonard W., xxx-xx-xxxx.
Oenning, Lester C., xxx-xx-xxxx.
Oharra, Michael B., xxx-xx-xxxx.
Osmundsen, John R., xxx-xx-xxxx.
Pacotti, James E., Jr., xxx-xx-xxxx.
Palmer, Richard L., xxx-xx-xxxx.
Palmer, Robert L., xxx-xx-xxxx.
Palumbo, Lewis A., xxx-xx-xxxx.
Parker, James O., III, xxx-xx-xxxx.
Parrish, Maurice B., xxx-xx-xxxx.
Parrott, George E., xxx-xx-xxxx.
Parrott, Leon F., xxx-xx-xxxx.
Patton, Robert S., xxx-xx-xxxx.
Payant, Richard P., xxx-xx-xxxx.
Petrucci, Michael J., xxx-xx-xxxx.
Phelps, Dennis A., xxx-xx-xxxx.
Phillips, David K., xxx-xx-xxxx.
Picot, John W., xxx-xx-xxxx.
Pierce, Kenneth R., xxx-xx-xxxx.
Pinkett, Larry C., xxx-xx-xxxx.
Pinson, Jerry W., xxx-xx-xxxx.
Pitman, James M., xxx-xx-xxxx.
Pitt, John M., xxx-xx-xxxx.
Plum, Larry R., xxx-xx-xxxx.
Polley, James D., IV, xxx-xx-xxxx.
Pope, Arthur L., xxx-xx-xxxx.
Poulton, Charles, xxx-xx-xxxx.
Powanda, John R., xxx-xx-xxxx.
Powell, Frank L., III, xxx-xx-xxxx.
Powers, Arthur G., xxx-xx-xxxx.
Pozas, Edward G., xxx-xx-xxxx.
Prasuhn, David R., xxx-xx-xxxx.
Pratt, James T., II, xxx-xx-xxxx.
Pratt, John B., II, xxx-xx-xxxx.
Price, Robert E., III, xxx-xx-xxxx.
Price, Steven M., xxx-xx-xxxx.
Puzey, Paul B., xxx-xx-xxxx.
Ramos, Benjamin J., xxx-xx-xxxx.
Rangel, Hector M., xxx-xx-xxxx.
Ratcliffe, Lamar C., xxx-xx-xxxx.
Ray, Frederick L., xxx-xx-xxxx.
Reed, John L., xxx-xx-xxxx.
Reese, Thomas H., Jr., xxx-xx-xxxx.
Rhodes, Danny L., xxx-xx-xxxx.
Richmond, Charles D., xxx-xx-xxxx.
Riddle, Terry L., xxx-xx-xxxx.
Rivers, Clarence, xxx-xx-xxxx.
Robertson, Darrell, xxx-xx-xxxx.
Rock, Richard W., Jr., xxx-xx-xxxx.
Rodriguez, Rogue, xxx-xx-xxxx.
Rogers, Richard S., xxx-xx-xxxx.
Rowe, Frederick M., xxx-xx-xxxx.
Rudewick, William K., xxx-xx-xxxx.
Rudulph, John B., Jr., xxx-xx-xxxx.
Ryan, Sylvester A., xxx-xx-xxxx.
Salazar, Timothy C., xxx-xx-xxxx.
Scheeren, William O., xxx-xx-xxxx.
Scherer, William F., xxx-xx-xxxx.
Schmid, Harold W., Jr., xxx-xx-xxxx.
Schuepbach, John W., xxx-xx-xxxx.
Schultz, Douglas P., xxx-xx-xxxx.
Schultze, Richard W., xxx-xx-xxxx.
Scotto, David W., xxx-xx-xxxx.
Scruggs, Rhett W., xxx-xx-xxxx.
Shepherd, John D., xxx-xx-xxxx.
Shields, Michael R., xxx-xx-xxxx.
Shrigley, Ralph E., xxx-xx-xxxx.
Siekman, Dwayne K., xxx-xx-xxxx.
Sievers, Ronald H., xxx-xx-xxxx.
Simms, James B., xxx-xx-xxxx.
Skelly, Lawrence E., xxx-xx-xxxx.
Smith, Joe L., Jr., xxx-xx-xxxx.
Smith, Paul C., xxx-xx-xxxx.
Smith, Roger E., xxx-xx-xxxx.
Sneed, Joel W., xxx-xx-xxxx.
Snyder, Neil N., III, xxx-xx-xxxx.
Snyder, Robert L., xxx-xx-xxxx.
Spining, William P., xxx-xx-xxxx.
Spotz, Jeffrey L., xxx-xx-xxxx.
Stafford, Fenley D., xxx-xx-xxxx.
Stauffacher, Thomas, xxx-xx-xxxx.
Steck, Earl N., xxx-xx-xxxx.
Stempel, Conrad F., xxx-xx-xxxx.
Stempson, Douglas W., xxx-xx-xxxx.
Stewart, Charles P., xxx-xx-xxxx.
Stewart, Peter H., xxx-xx-xxxx.
Stinnett, George H., xxx-xx-xxxx.
Stodart, William J., xxx-xx-xxxx.
Stroble, Charles R., xxx-xx-xxxx.
Strouth, Cecil L., xxx-xx-xxxx.
Stubbs, Richard W., xxx-xx-xxxx.
Stuhrke, Frederick, xxx-xx-xxxx.
Stull, Lynn B., xxx-xx-xxxx.
Sutherland, James W., xxx-xx-xxxx.
Swearengin, Don A., xxx-xx-xxxx.
Taylor, James T., xxx-xx-xxxx.
Terry, Ronald W., xxx-xx-xxxx.
Tewalt, Ronald J., xxx-xx-xxxx.
Theobald, Arthur E., xxx-xx-xxxx.
Thompson, Roland, xxx-xx-xxxx.
Tobin, Gary M., xxx-xx-xxxx.
Tolliver, Edmund R., xxx-xx-xxxx.
Tomes, Jonathan P., xxx-xx-xxxx.
Torre, Joseph F., xxx-xx-xxxx.
Tweed, Frederick D., xxx-xx-xxxx.
Tyler, Kenneth J., xxx-xx-xxxx.
Vacca, William J., xxx-xx-xxxx.
Valentine, James I., xxx-xx-xxxx.
Vaughan, James T., xxx-xx-xxxx.
Veitch, Douglas S., xxx-xx-xxxx.
Vibbert, Dallas M., xxx-xx-xxxx.
Vilavaso, Alfred G., xxx-xx-xxxx.
Voyles, Wilford C., xxx-xx-xxxx.
Wakeman, Robert I., xxx-xx-xxxx.
Waldron, Paul L., xxx-xx-xxxx.
Wallace, Don W., xxx-xx-xxxx.
Wallace, John A., xxx-xx-xxxx.
Ward, Talmadge O., xxx-xx-xxxx.
Watkins, Deems C., xxx-xx-xxxx.
Watson, Raymond T., xxx-xx-xxxx.
Weaver, Dwight D., xxx-xx-xxxx.
Wegleitner, Thomas, xxx-xx-xxxx.
Weimer, Robert M., xxx-xx-xxxx.
Wells, Elgia, xxx-xx-xxxx.
Wemlinger, John V., xxx-xx-xxxx.
Werts, Douglas D., xxx-xx-xxxx.
Wheeler, Gregory A., xxx-xx-xxxx.
Williams, Rodney L., xxx-xx-xxxx.
Wilson, James M., xxx-xx-xxxx.
Wilson, Stephen E., xxx-xx-xxxx.
Wiltshire, Robert B., xxx-xx-xxxx.
Wimberly, Donald C., xxx-xx-xxxx.
Windebank, Donald, xxx-xx-xxxx.
Witt, Robert E., Jr., xxx-xx-xxxx.
Wohlfert, Kenneth F., xxx-xx-xxxx.
Wright, David O., xxx-xx-xxxx.
Yost, James D., xxx-xx-xxxx.
Zito, Alvin H., xxx-xx-xxxx.

WOMEN'S ARMY CORPS

To be first lieutenant

Davis, Constance M., xxx-xx-xxxx.
Hickerson, Patricia, xxx-xx-xxxx.
Hicks, Gail S., xxx-xx-xxxx.
Kugel, Elizabeth E., xxx-xx-xxxx.
Stubbs, Peggy A., xxx-xx-xxxx.

MEDICAL SERVICE CORPS

To be first lieutenant

Apland, James P., xxx-xx-xxxx.
Ayala, Isaac, xxx-xx-xxxx.
Beson, James L., xxx-xx-xxxx.
Bost, William G., xxx-xx-xxxx.
Cox, James M., xxx-xx-xxxx.
Cox, Marcus A., xxx-xx-xxxx.
Davenport, Charles, xxx-xx-xxxx.
Dionne, Raoul B., xxx-xx-xxxx.
Donato, Jorge, xxx-xx-xxxx.
Everette, Kirby L., xxx-xx-xxxx.
George, Gary B., xxx-xx-xxxx.
Hicks, Donald E., xxx-xx-xxxx.
Higgins, Walter E., xxx-xx-xxxx.
Hill, Mack C., xxx-xx-xxxx.
Hiner, William O., Jr., xxx-xx-xxxx.
Karl, Robert D., Jr., xxx-xx-xxxx.
Lankford, John M., xxx-xx-xxxx.
Ledford, Kenneth, Jr., xxx-xx-xxxx.
Legler, Theodore R., xxx-xx-xxxx.
Malewski, Edward, xxx-xx-xxxx.
Mann, David A., xxx-xx-xxxx.
McIlrath, John C., xxx-xx-xxxx.
Moro, Kenneth C., xxx-xx-xxxx.
Mott, Loran C., xxx-xx-xxxx.
Natkin, Ian L., xxx-xx-xxxx.
Nygaard, Nathan A., xxx-xx-xxxx.
Paniak, Walter T., xxx-xx-xxxx.
Perry, Ray, xxx-xx-xxxx.
Quigg, Loren T., xxx-xx-xxxx.
Read, John A., III, xxx-xx-xxxx.
Read, John T., II, xxx-xx-xxxx.
Ristroph, Joseph D., xxx-xx-xxxx.
Ritchie, James L., IV, xxx-xx-xxxx.
Roden, Jack R., Jr., xxx-xx-xxxx.
Schumeyer, Gerard, xxx-xx-xxxx.
Slader, Bruce L., xxx-xx-xxxx.
Smith, William R., Jr., xxx-xx-xxxx.
Sodetz, Frank J., Jr., xxx-xx-xxxx.
Solook, John T., xxx-xx-xxxx.
Stanfield, Bernard, xxx-xx-xxxx.
Steinberg, Arthur F., xxx-xx-xxxx.
Stuebe, Richard R., xxx-xx-xxxx.
Taylor, Roy G., xxx-xx-xxxx.
Tragis, John C., xxx-xx-xxxx.
Tuell, Henry O., III, xxx-xx-xxxx.
Tupper, Joseph L., Jr., xxx-xx-xxxx.
Walker, Robert A., xxx-xx-xxxx.
Wehunt, William D., xxx-xx-xxxx.

ARMY MEDICAL SPECIALIST CORPS

To be first lieutenant

Bruns, Robert D., [redacted].
Sinnott, Richard R., [redacted].

ARMY NURSE CORPS

To be first lieutenant

Lawyer, Robert H., [redacted].
Ludlam, Thomas M., [redacted].
Todd, Tony W., [redacted].

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, section 3370:

To be colonel

Jackson, James M., [redacted].
Reitzell, Frank V., Jr., [redacted].
Wallace, William H., III, [redacted].
Wissman, Robert H., [redacted].

ARMY NURSE CORPS

To be colonel

Willow, Garnet I., [redacted].

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, sections 3366 and 3367:

To be lieutenant colonel

Abe, Alfred M., [redacted].
Adcock, Louie N., Jr., [redacted].
Adreon, Merton I., [redacted].
Aguiar, Antone S., Jr., [redacted].
Ahrnsbrak, Johnnie, [redacted].
Albright, William C., [redacted].
Alday, Glenn W., [redacted].
Alexander, Walter D., [redacted].
Alexander, William, [redacted].
Allebrand, Charles, [redacted].
Allen, Andrew P., [redacted].
Allen, James E., [redacted].
Allgood, Reginald F., [redacted].
Allingham, W. J., [redacted].
Alvarez, Casimiro, [redacted].
Amerman, James M., [redacted].
Ammons, Clarke, [redacted].
Anderson, Delonne, [redacted].
Anderson, Karl C., [redacted].
Anderson, Robert E., [redacted].
Anderson, Ronald M., [redacted].
Anderson, Thomas W., [redacted].
Anderson, William D., [redacted].
Andree, Harry B., Jr., [redacted].
Andrews, William S., [redacted].
Angus, Rene A., [redacted].
Arakawa, Shojiro, [redacted].
Arkangel, Carmelito, [redacted].
Arnos, John C., [redacted].
Artz, Dale E., [redacted].
Ashcraft, Ralph E., [redacted].
Backus, Paul M., Jr., [redacted].
Baer, Richard W., [redacted].
Bahm, Carl J., [redacted].
Baird, Robert W., [redacted].
Balcer, Martin C., Jr., [redacted].
Baldwin, Harry F., [redacted].
Baldwin, Paul S., [redacted].
Ballert, Herman O. J., [redacted].
Ballinger, Walter E., [redacted].
Banks, Edgar M., [redacted].
Barclay, Joseph D., [redacted].
Barker, John N., [redacted].
Barnes, Robert M., [redacted].
Barnett, Lowell H., [redacted].
Barnett, Robert D., [redacted].
Barnhart, Edward E., [redacted].
Barrett, Wheeler Z., [redacted].
Bartlett, Donald H., [redacted].
Bartolomeo, Dante E., [redacted].
Barton, Harlan N. Jr., [redacted].
Barton, Thomas E., [redacted].
Bartz, Charles F., [redacted].
Basmajian, Marshall, [redacted].
Bateman, Glendon H., [redacted].
Bates, Harold G., [redacted].
Baumgartner, John S., [redacted].
Baxter, Lewis F. Jr., [redacted].
Bazemore, George C., [redacted].
Be Gasse, Bruce K., [redacted].
Beal, James E., [redacted].
Beard, Walter C. Jr., [redacted].
Beck, John H. Jr., [redacted].
Beck, Joseph, [redacted].
Beckemeier, H. V., [redacted].
Becker, Gerald E., [redacted].
Beidelman, Donn A., [redacted].
Bell, Franklin J., [redacted].
Bell, Raymond L., [redacted].
Bell, Robert T., [redacted].
Bella, Daniel E., [redacted].
Benjamin, Earl J., [redacted].
Bennett, John R., [redacted].
Bennett, Lloyd A., [redacted].
Benson, Charles W., [redacted].
Bentley, William L., [redacted].
Bentzen, Richard C., [redacted].
Bergman, Lawrence I., [redacted].
Bettinger, M. E. Jr., [redacted].
Beumer, Joseph H., [redacted].
Birch, William B., [redacted].
Blain, John V. Jr., [redacted].
Bland, Lestre, [redacted].
Block, Harry, [redacted].
Blumberg, Robert J., [redacted].
Boguski, Francis P., [redacted].
Bohan, Jack G., [redacted].
Bone, William F. Jr., [redacted].
Bontadelli, James A., [redacted].
Borup, Harry J., [redacted].
Bosse, Charles F., [redacted].
Boucher, George V., [redacted].
Bowden, Thomas B., [redacted].
Bowdoin, Paul H., Jr., [redacted].
Bowman, Peter W., [redacted].
Boyce, Everett W., [redacted].
Boyes, Arvid C., [redacted].
Boyett, Donalee, [redacted].
Bradford, Wise, [redacted].
Branigan, Edmund P., [redacted].
Braspenninckx, H. S., [redacted].
Braswell, Charles W., [redacted].
Brault, James J., [redacted].
Brause, Paul R., [redacted].
Breitlow, John R., [redacted].
Breneman, Robert W., [redacted].
Brewer, William H., [redacted].
Brewington, Isaiah, [redacted].
Brewster, Richard, [redacted].
Bridges, William E., [redacted].
Brincken, Glen W., [redacted].
Brockington, D. K., [redacted].
Brooks, Ellison W., [redacted].
Brooks, Irwin, [redacted].
Brouillet, Billy D., [redacted].
Brouillette, W. F., [redacted].
Brown, David H., [redacted].
Brown, Edwin E., [redacted].
Brown, Lee M., [redacted].
Brown, Richard B., [redacted].
Brown, William G., [redacted].
Brown, Zelbert E., Jr., [redacted].
Browne, Edward V., [redacted].
Browne, William G., [redacted].
Broyles, Paul L., [redacted].
Brubaker, Lloyd W., [redacted].
Brugh, Joseph F., [redacted].
Brunn, Arthur W., [redacted].
Bryant, Arthur R., Jr., [redacted].
Bryant, Edgar T., [redacted].
Bryant, Garland G., [redacted].
Buchanan, Rodney O., [redacted].
Buchsbaum, David J., [redacted].
Buchsbaum, Gabriel, [redacted].
Buckley, Richard P., [redacted].
Bulette, Warren C. J., [redacted].
Bull, Wesley A., [redacted].
Bungard, Paul R., [redacted].
Burdett, William A., [redacted].
Burstyn, Irving R., [redacted].
Butterworth, Louis, [redacted].
Cain, Marvin R., [redacted].
Caldwell, Edward M., [redacted].
Cameron, Harold W., [redacted].
Campbell, Billy J., [redacted].
Canals-Vidal, Jose, [redacted].
Canino-Morey, Alfre, [redacted].
Cannady, M. J., Jr., [redacted].
Cappella, Anthony, [redacted].
Caputo, Edward J., [redacted].
Card, Clifford A., [redacted].
Cardina, Joseph, [redacted].
Carlson, Donald M., [redacted].
Carlson, Leonard A., [redacted].
Carnes, Charles N., [redacted].
Carr, Eddie L., Jr., [redacted].
Carrozza, James E., [redacted].
Carruth, Robert H., [redacted].
Carter, John A., [redacted].
Carter, Lloyd M., Jr., [redacted].
Carter, Russell E., [redacted].
Caruso, Joseph, [redacted].
Casper, Vernon O., [redacted].
Cassidy, Donald M., [redacted].
Cathcart, Samuel W., [redacted].
Cato, Harrol R., [redacted].
Cavanaugh, William, [redacted].
Chakides, George H., [redacted].
Chambers, John L., [redacted].
Chance, John K., [redacted].
Chase, George H., [redacted].
Chatham, Ebert, [redacted].
Chavkin, William T., [redacted].
Chin, William T., [redacted].
Chipman, Gerald G., [redacted].
Christoffersen, P., [redacted].
Christopherson, M., [redacted].
Church, Clifton F., [redacted].
Church, John I., [redacted].
Clark, Donald M., [redacted].
Clark, Earl David J., [redacted].
Clarke, Ramon A., [redacted].
Clarke, Robert, [redacted].
Clements, Cyril C. J., [redacted].
Clemons, Gayle L., [redacted].
Cleveland, Virgil L., [redacted].
Cochran, Martin K., [redacted].
Cody, Grady R., [redacted].
Coen, Herbert F., [redacted].
Cole, Deryl L., [redacted].
Cole, John M., [redacted].
Coleman, Philip D., [redacted].
Coleman, Rex L., [redacted].
Collins, Charles L., [redacted].
Collins, Eugene D., [redacted].
Collins, Robert O., [redacted].
Collischonn, Hans B., [redacted].
Comer, Robert A., [redacted].
Como, Vincent J., [redacted].
Condon, Grover C., Jr., [redacted].
Conner, John O., [redacted].
Conner, Paul N., [redacted].
Connolly, George P., [redacted].
Connolly, Thomas F., [redacted].
Conrad, Billy A., [redacted].
Conroy; Eugene F., [redacted].
Cornelius, Eugene D., [redacted].
Corp, Glen B., [redacted].
Correll, Daniel C., [redacted].
Corser, Lawrence E., [redacted].
Cotter, Chester F., [redacted].
Cousins, Warren R., [redacted].
Cowan, James D., [redacted].
Cox, James E., [redacted].
Crawford, Leighton, [redacted].
Creedon, Richard O., [redacted].
Crickmer, John M., [redacted].
Cress, Carl D., Jr., [redacted].
Crow, Allan B., [redacted].
Crowther, Travis P., [redacted].
Cruz-Vales, Paul A., [redacted].
Cullen, Charles M., [redacted].
Cullimore, Jay F., [redacted].
Curtin, Gerald V., [redacted].
Cutter, John R., [redacted].
Czarnecki, Albert A., [redacted].
Damerau, Robert A., [redacted].
Damon, Donald N., [redacted].
Daniel, James R., [redacted].
Daniell, Robert G., [redacted].
Daugherty, David H., [redacted].
David, Miguel C., [redacted].
Davidson, Kenneth J., [redacted].
Davidson, Thomas R., [redacted].
Davis, Calvin E., [redacted].
Davis, Clinton C., [redacted].
Davis, Paul G., [redacted].
Davis, Thomas W., [redacted].
Davison, Burns H. II, [redacted].
Day, George A., [redacted].
Decker, Adrian L., [redacted].
Defeo, Frank M., [redacted].

Dellapelle, Frank, [redacted].
Delph, Dennis D., [redacted].
Demarco, Michael A., [redacted].
Demi, Lewis E. Jr., [redacted].
Denton, Robert H., [redacted].
Denton, Sidney B., [redacted].
Denton, William D. J., [redacted].
Derubertis, Richard, [redacted].
Devaney, William F., [redacted].
Deveney, Roger F., [redacted].
Diaz-Neval, Arturo, [redacted].
Dickson, Richey S., [redacted].
Diebold, Francis L., [redacted].
Diffenderfer, K. W., [redacted].
Dimity, Dennis M., [redacted].
Dixon, Robert Lee, [redacted].
Dobroth, H. V. Jr., [redacted].
Dodson, Andrew L., [redacted].
Dole, Sumner A. Jr., [redacted].
Donarski, Steven F., [redacted].
Donges, Richard F., [redacted].
Dooley, Lawrence E., [redacted].
Dorathy, Wayne L., [redacted].
Dorsey, Thurman E., [redacted].
Dosh, Laurance C., [redacted].
Dowd, James D., [redacted].
Drury, Edward L., [redacted].
Dubow, David A., [redacted].
Dufrain, James D., [redacted].
Duncan, Walter W., [redacted].
Dunn, John P., [redacted].
Dyell, Donald D., [redacted].
Dyer, David D., [redacted].
Dyke, Wymon D., [redacted].
Eades, Jerome W., [redacted].
Eason, Charles N., [redacted].
Echols, Marion P. Jr., [redacted].
Edgerly, Lloyd I., [redacted].
Edwards, Carl S. Jr., [redacted].
Edwards, Robert W., [redacted].
Eggers, John T., [redacted].
Ehrhardt, Richard E. [redacted].
Elliott, Artice W., [redacted].
Elwell, Donald J., [redacted].
Emerson, Raymond B., [redacted].
Englebreth, Donald, [redacted].
Enochs, James L. Jr., [redacted].
Ensley, Albert C., [redacted].
Epp, Walter H., [redacted].
Esary, Craig C., [redacted].
Estill, Thomas D., [redacted].
Fahn, Lester D., [redacted].
Fahy, Carl R., [redacted].
Faiella, Patrick P., [redacted].
Faison, Frank A., [redacted].
Farber, Ajon F., [redacted].
Farbish, Alfred B., [redacted].
Farmer, William I., [redacted].
Farr, Nelson S., [redacted].
Farr, Ralph W., [redacted].
Faucette, John E. Jr., [redacted].
Faucheux, Clancy J., [redacted].
Faulkner, Thomas C., [redacted].
Faust, Adoph, [redacted].
Fears, William E., [redacted].
Fenerty, Norbert J., [redacted].
Ferrari, John V., [redacted].
Filipowicz, John Jr., [redacted].
Finch, Elmer B., [redacted].
Finch, Hugh B., [redacted].
Finley, Wayne H., [redacted].
Firchau, Walter R., [redacted].
Fisher, James R., [redacted].
Fisher, Joseph A., [redacted].
Flatley, Thomas M., [redacted].
Fleischman, Anton J., [redacted].
Fletcher, Robert F., [redacted].
Floyd, George W. Jr., [redacted].
Fogle, Bertram F., [redacted].
Foley, Francis L., [redacted].
Follett, Don H., [redacted].
Foote, Gordon L., [redacted].
Forbes, Haywood F., [redacted].
Foreman, J. J. Jr., [redacted].
Formica, Robert S., [redacted].
Formick, Joseph D., [redacted].
Forrest, Don R., [redacted].
Fossett, Edward L., [redacted].
Foster, John B., [redacted].
Foster, Osborn N., [redacted].
Foutes, William A., [redacted].

Fowler, Ronald E., [redacted].
Franck, Charles O. J., [redacted].
Frank, Norman, [redacted].
Franz, Wallace P., [redacted].
Frazier, M. L., [redacted].
Fritz, John B., [redacted].
Frownfelder, Thomas, [redacted].
Fruslone, Daniel, [redacted].
Frye, Thomas L., [redacted].
Fujii, Walter K., [redacted].
Fuller, Richard A., [redacted].
Funk, Donald D., [redacted].
Furey, John J., [redacted].
Fusfield, Emanuel, [redacted].
Gafford, Leroy, [redacted].
Gallagher, John R. I., [redacted].
Gallagher, Robert J., [redacted].
Gamble, James W., [redacted].
Ganley, Paul L., Jr., [redacted].
Gardner, Donald W., [redacted].
Gardner, Philip G., [redacted].
Gardner, Ralph C., Jr., [redacted].
Gardon-Alvarez, Jua, [redacted].
Gattis, James C., [redacted].
Gegenheimer, Robert, [redacted].
Gerhardt, Kenneth E., [redacted].
Gerry, Alexander, [redacted].
Gerstner, John E., [redacted].
Gezelman, R. L., Jr., [redacted].
Giles, Mendell T., [redacted].
Gillespie, James A., [redacted].
Gilmore, Harold L., [redacted].
Ginsburg, Robert N., [redacted].
Girlinghouse, C., [redacted].
Girod, Walter J., [redacted].
Gish, Herbert G., [redacted].
Givens, Joseph G., [redacted].
Gleason, H. W., Jr., [redacted].
Gleason, Thomas F., Jr., [redacted].
Gomez, Raymond, Jr., [redacted].
Goodman, Walter, [redacted].
Gothard, Homer B., Jr., [redacted].
Graf, Arnold H., [redacted].
Graham, Gean E., [redacted].
Gray, Johnnie L., Jr., [redacted].
Greco, Francis G., [redacted].
Green, Robert J., [redacted].
Gregory, Halley S., [redacted].
Grenier, Leo G., [redacted].
Griffith, Garth E., [redacted].
Griffith, Roger M., [redacted].
Griffiths, William, [redacted].
Gigg, Jasper C., [redacted].
Grimes, William E., [redacted].
Grossomanides, John, [redacted].
Grove, James B., [redacted].
Grubb, R. Kenneth, [redacted].
Gruenwald, R. M., [redacted].
Grusis, Robert J., [redacted].
Gunderson, Thomas J., [redacted].
Gustafson, Paul R., [redacted].
Gustafson, Ralph H., [redacted].
Guttery, Boyd M., [redacted].
Haake, Alvin M., [redacted].
Haberger, John G., [redacted].
Hackett, Stephen W., [redacted].
Hagan, John G., Jr., [redacted].
Hagen, Lyman B., [redacted].
Hague, Douglas R., [redacted].
Hall, Judson E., [redacted].
Hall, Richard D., [redacted].
Hall, Ronald D., [redacted].
Halloran, John E., [redacted].
Hamel, Alfred P., Jr., [redacted].
Hamilton, Harlan E., [redacted].
Hamilton, Henry B., [redacted].
Hanagriff, Paul D., [redacted].
Handwork, Bertrand, [redacted].
Hankins, Howard D., [redacted].
Hankins, William H., [redacted].
Hansen, Ronald G., [redacted].
Hapgood, Kenneth D., [redacted].
Harker, Theodore R., [redacted].
Hapkins, James R., [redacted].
Harris, David L., [redacted].
Harris, Leonard L., [redacted].
Harris, Norman R., [redacted].
Harrison, Elmer L., [redacted].
Harrison, Raeminton, [redacted].
Harroun, Jack T., [redacted].
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Keene, Richard L., [redacted].

Keim, James T., xxx-xx-xxxx.
Keith, Soloman L., xxx-xx-xxxx.
Kellaher, John F., xxx-xx-xxxx.
Keller, Joseph V., xxx-xx-xxxx.
Kelly, Edward L., xxx-xx-xxxx.
Kelly, Harold E., xxx-xx-xxxx.
Kenlon, Daniel M., xxx-xx-xxxx.
Kennedy, Grafton S., xxx-xx-xxxx.
Kennedy, Maurice V., xxx-xx-xxxx.
Kenney, Edward B., xxx-xx-xxxx.
Kent, Ralph C., xxx-xx-xxxx.
Kerr, John R., xxx-xx-xxxx.
Kershaw, Gilbert C., xxx-xx-xxxx.
Kessler, Emanuel, xxx-xx-xxxx.
Kesterson, Robert M., xxx-xx-xxxx.
Kett, Irving, xxx-xx-xxxx.
Keyes, Wendell L., xxx-xx-xxxx.
Killingstad, Rolf T., xxx-xx-xxxx.
King, Gordon L., xxx-xx-xxxx.
King, John F., xxx-xx-xxxx.
Kloesel, Theodore L., xxx-xx-xxxx.
Knapp, Cyrus M. Jr., xxx-xx-xxxx.
Knipling, Xavier A., xxx-xx-xxxx.
Knotts, James E., xxx-xx-xxxx.
Koehler, Rodney G., xxx-xx-xxxx.
Kolkedy, James W., xxx-xx-xxxx.
Kopsick, Albert R., xxx-xx-xxxx.
Korsmo, John E., xxx-xx-xxxx.
Krajcik, Daniel M., xxx-xx-xxxx.
Kramer, Arnold A., xxx-xx-xxxx.
Krause, George E., xxx-xx-xxxx.
Kresge, Roger L., xxx-xx-xxxx.
Kretchman, Robert A., xxx-xx-xxxx.
Kreiger, John W., Jr., xxx-xx-xxxx.
Kubin, Robert F., xxx-xx-xxxx.
Kuffel, George S., xxx-xx-xxxx.
Kuhnke, Ervan E., Jr., xxx-xx-xxxx.
Kuhns, Joseph B., xxx-xx-xxxx.
Kullman, Russell M., xxx-xx-xxxx.
Kushner, George, xxx-xx-xxxx.
Kuttner, Monroe S., xxx-xx-xxxx.
Lackey, Homer J., xxx-xx-xxxx.
Lake, Rutherford C., xxx-xx-xxxx.
Lamb, John T., xxx-xx-xxxx.
Lambert, Roy P., xxx-xx-xxxx.
Landstrom, Lyle G., xxx-xx-xxxx.
Lane, Delbert E., xxx-xx-xxxx.
Lanigan, James R., xxx-xx-xxxx.
Larkin, John A., Jr., xxx-xx-xxxx.
Larks, Jack, xxx-xx-xxxx.
Larue, Doyal G., xxx-xx-xxxx.
Latham, George G., xxx-xx-xxxx.
Lawrence, Frank C., xxx-xx-xxxx.
Leathers, Winfield, xxx-xx-xxxx.
Leavitt, Robert R., xxx-xx-xxxx.
Lebaron, Charles D., xxx-xx-xxxx.
Lee, Charles W., xxx-xx-xxxx.
Lee, Robert E., xxx-xx-xxxx.
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Lehmann, James, xxx-xx-xxxx.
Leitz, Emil E., xxx-xx-xxxx.
Leonard, Curtis W., xxx-xx-xxxx.
Leonard, Laurence R., xxx-xx-xxxx.
Leslie, Henry A., Jr., xxx-xx-xxxx.
Lesovich, Andrew G., xxx-xx-xxxx.
Lessig, George C., xxx-xx-xxxx.
Lethgo, William B., xxx-xx-xxxx.
Leto, Rodolph A., xxx-xx-xxxx.
Levin, Stanley C., xxx-xx-xxxx.
Levine, Saul M., xxx-xx-xxxx.
Lewandowski, Eugene, xxx-xx-xxxx.
Lewis, John D., xxx-xx-xxxx.
Lewis, Richard M., xxx-xx-xxxx.
Lightner, Paul W., Jr., xxx-xx-xxxx.
Limerick, Max D., xxx-xx-xxxx.
Limoge, Damas J., xxx-xx-xxxx.
Limpert, Harold T., xxx-xx-xxxx.
Lindsay, Lyle T., xxx-xx-xxxx.
Lindstrom, Robert A., xxx-xx-xxxx.
Linton, John R., xxx-xx-xxxx.
Lipson, Sheldon R., xxx-xx-xxxx.
Litak, Theodore S., xxx-xx-xxxx.
Little, Winfred E., xxx-xx-xxxx.
Lloyd, Harry J., xxx-xx-xxxx.
Loader, Marcus G., xxx-xx-xxxx.
Loader, Vearl M., xxx-xx-xxxx.
Lockette, Emory W., xxx-xx-xxxx.
Loftain, Thomas P., xxx-xx-xxxx.
Lonergan, Gerald T., xxx-xx-xxxx.
Longtin, John H., xxx-xx-xxxx.
Loop, Angus L., Jr., xxx-xx-xxxx.
Loucks, Charles S., xxx-xx-xxxx.
Love, John A., xxx-xx-xxxx.
Lowe, Gabriel L., xxx-xx-xxxx.
Ludwig, Norbert W., xxx-xx-xxxx.
Lukiewski, Edward W., xxx-xx-xxxx.
Lurtey, Henry L., xxx-xx-xxxx.
Lyons, William F., xxx-xx-xxxx.
Mabry, Marshall W., xxx-xx-xxxx.
MacDonald, Maurice, xxx-xx-xxxx.
MacPherson, J. S., Jr., xxx-xx-xxxx.
Maejia, Angel F., xxx-xx-xxxx.
Maggipinto, Frank S., xxx-xx-xxxx.
Magill, William F., xxx-xx-xxxx.
Magitz, Philip B., xxx-xx-xxxx.
Mahan, Charles E., xxx-xx-xxxx.
Maibach, Lawrence E., xxx-xx-xxxx.
Malmstrom, Roger F., xxx-xx-xxxx.
Maloney, Harold J., xxx-xx-xxxx.
Maloy, Ted L., xxx-xx-xxxx.
Mano, Kyuma, xxx-xx-xxxx.
Marlatt, Clarence W., xxx-xx-xxxx.
Marra, Joseph V., xxx-xx-xxxx.
Marsh, Edward W., xxx-xx-xxxx.
Marshall, Jack H., xxx-xx-xxxx.
Martens, Harvey A., xxx-xx-xxxx.
Martin, Donald B., xxx-xx-xxxx.
Martin, Elmo, xxx-xx-xxxx.
Martin, John J., xxx-xx-xxxx.
Martin, William E., xxx-xx-xxxx.
Masden, Robert L., xxx-xx-xxxx.
Mastro, Francis A., xxx-xx-xxxx.
Matney, Harry B., Jr., xxx-xx-xxxx.
Matsel, Paul E., xxx-xx-xxxx.
Matson, Irvin F., Jr., xxx-xx-xxxx.
Maule, Albert R., xxx-xx-xxxx.
Maxfield, Richard C., xxx-xx-xxxx.
May, William B., xxx-xx-xxxx.
McCabe, Frederick, xxx-xx-xxxx.
McCall, Clifford S., xxx-xx-xxxx.
McCarthy, Thomas J., xxx-xx-xxxx.
McGill, Edward J., xxx-xx-xxxx.
McGrath, A. J., Jr., xxx-xx-xxxx.
McMurtry, John H., xxx-xx-xxxx.
McNemar, Robert E., xxx-xx-xxxx.
McWilliam, Robert, xxx-xx-xxxx.
McBryde, Fred H., Jr., xxx-xx-xxxx.
McCarthy, Michael J., xxx-xx-xxxx.
McCormick, John P., xxx-xx-xxxx.
McCullen, John M., xxx-xx-xxxx.
McCurdy, Charles E., xxx-xx-xxxx.
McDavid, John J., Jr., xxx-xx-xxxx.
McDonald, Jerome J., xxx-xx-xxxx.
McDonald, Ted P., xxx-xx-xxxx.
McDonald, William L., xxx-xx-xxxx.
McDowell, Harold E., xxx-xx-xxxx.
McEown, James R., xxx-xx-xxxx.
McGaughey, Charles, xxx-xx-xxxx.
McGavin, Gordon C., xxx-xx-xxxx.
McHugh, Robert L., xxx-xx-xxxx.
McIlroy, Granvil E., xxx-xx-xxxx.
McIntosh, Harold B., xxx-xx-xxxx.
McKerall, C. B., Jr., xxx-xx-xxxx.
McKinlay, Calvin R., xxx-xx-xxxx.
McNally, James N. II, xxx-xx-xxxx.
Meador, Daniel J., xxx-xx-xxxx.
Medding, Richard S., xxx-xx-xxxx.
Medvin, Melvin R., xxx-xx-xxxx.
Melendez-Mena, Ange, xxx-xx-xxxx.
Merrell, William, Jr., xxx-xx-xxxx.
Merritt, Phillipi M., xxx-xx-xxxx.
Merritt, Roy D., xxx-xx-xxxx.
Messer, John W., xxx-xx-xxxx.
Meyer, Donald L., xxx-xx-xxxx.
Michaud, Leo C., xxx-xx-xxxx.
Mikasa, John H., xxx-xx-xxxx.
Mikich, Arden R., xxx-xx-xxxx.
Mildner, William F., xxx-xx-xxxx.
Millard, Junius H., xxx-xx-xxxx.
Miller, Forrest S., xxx-xx-xxxx.
Miller, Howard J., xxx-xx-xxxx.
Miller, John P., xxx-xx-xxxx.
Miller, Leroy T., xxx-xx-xxxx.
Miller, Lyle I., xxx-xx-xxxx.
Miller, Robert B., xxx-xx-xxxx.
Milor, John H., xxx-xx-xxxx.
Minnis, Frank B., Jr., xxx-xx-xxxx.
Mitchell, Harold L., xxx-xx-xxxx.
Moats, Carl E., xxx-xx-xxxx.
Moeller, Edward K., xxx-xx-xxxx.
Mojica, Robert D., xxx-xx-xxxx.
Monaghan, J. C., Jr., xxx-xx-xxxx.
Monks, Joseph M., xxx-xx-xxxx.
Montrastelle, W. F., xxx-xx-xxxx.
Moody, William B., Jr., xxx-xx-xxxx.
Moody, William E., xxx-xx-xxxx.
Moon, John T., xxx-xx-xxxx.
Moore, Herbert B., xxx-xx-xxxx.
Moore, John T., xxx-xx-xxxx.
Moore, Robert H., xxx-xx-xxxx.
Moreland, Ronald L., xxx-xx-xxxx.
Morgan, Frank G., xxx-xx-xxxx.
Morgan, Robert G., xxx-xx-xxxx.
Morgan, Thurman T., xxx-xx-xxxx.
Morin, Everett V., xxx-xx-xxxx.
Moriyama, Charles, xxx-xx-xxxx.
Morris, Billy R., xxx-xx-xxxx.
Morris, Fate, Jr., xxx-xx-xxxx.
Morrison, Dick F., xxx-xx-xxxx.
Morrison, Robert, xxx-xx-xxxx.
Mortensen, James R., xxx-xx-xxxx.
Morton, Ted, Jr., xxx-xx-xxxx.
Moscoso, Carlos, G., xxx-xx-xxxx.
Moser, James H., xxx-xx-xxxx.
Moses, Joseph A., xxx-xx-xxxx.
Moss, James W., xxx-xx-xxxx.
Mulak-Yatzkivsky, xxx-xx-xxxx.
Muller, John W., Jr., xxx-xx-xxxx.
Mullett, George C., xxx-xx-xxxx.
Mulvey, James J., xxx-xx-xxxx.
Munro, Robert D., xxx-xx-xxxx.
Muratore, T. A., Jr., xxx-xx-xxxx.
Murphy, Robert M., xxx-xx-xxxx.
Murray, Richard E. J., xxx-xx-xxxx.
Myers, Allan M., xxx-xx-xxxx.
Myers, Charles N., xxx-xx-xxxx.
Myers, Ronald R., xxx-xx-xxxx.
Nakamae, Stanley A., xxx-xx-xxxx.
Neal, Bobby J., xxx-xx-xxxx.
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Nehls, Rae E., Jr., xxx-xx-xxxx.
Neiers, Nicholas J., xxx-xx-xxxx.
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Nelson, William J., xxx-xx-xxxx.
Nevins, Kenneth E., xxx-xx-xxxx.
Newton, Francis C. J., xxx-xx-xxxx.
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Nichols, Sherman E., xxx-xx-xxxx.
Nichols, Thomas E., xxx-xx-xxxx.
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Nielson, Omer E., xxx-xx-xxxx.
Nimmo, William F., Jr., xxx-xx-xxxx.
Nishimura, Harold N., xxx-xx-xxxx.
Noel, James S., xxx-xx-xxxx.
Noll, Arthur W., xxx-xx-xxxx.
Novick, Ted T., xxx-xx-xxxx.
Nugent, Everett, xxx-xx-xxxx.
Nuscher, Edwin H., xxx-xx-xxxx.
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Obine, James R., xxx-xx-xxxx.
Obrien, Edward F., xxx-xx-xxxx.
Oconnell, John L., xxx-xx-xxxx.
Oefinger, Harlan D., xxx-xx-xxxx.
Oglesby, Robert H., xxx-xx-xxxx.
Ore, Carey E., xxx-xx-xxxx.
Orendorff, John S., xxx-xx-xxxx.
Ormsbee, Leland R., xxx-xx-xxxx.
Orr, William R., xxx-xx-xxxx.
Ortega, Ramon, xxx-xx-xxxx.
Osterholm, Ronald G., xxx-xx-xxxx.
Ott, Edward Jr., xxx-xx-xxxx.
Ottis, Robert R., xxx-xx-xxxx.
Outley, Freddie L., xxx-xx-xxxx.
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Owen, Lloyd H., xxx-xx-xxxx.
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Packard, Robert N., xxx-xx-xxxx.
Padgett, Max, xxx-xx-xxxx.
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Peifer, Joseph C., xxx-xx-xxxx.
Pena, Candelario, xxx-xx-xxxx.
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Penfield, Arthur R., xxx-xx-xxxx.
Penix, Sam B. III, xxx-xx-xxxx.

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Tieslau, Boyd E., [redacted].
Timbes, Raphael A., [redacted].
Timm, William, [redacted].
Tokar, William, [redacted].
Tokuno, Shiro, [redacted].
Toll, Gaylord N., [redacted].
Tollerson, Ernest J., [redacted].
Torgelson, John W., [redacted].
Townsend, Raymond L., [redacted].
Trares, John S., [redacted].
Traub, R. F., Jr., [redacted].
Travis, Wayne K., [redacted].
Trent, Wilbur S., [redacted].
Trosper, Dean R., [redacted].
Troy, Henry N., [redacted].
Truxillo, C. J., Jr., [redacted].
Turner, Donald L., [redacted].
Turner, Joseph E., Jr., [redacted].
Turner, Otis H., [redacted].
Umerski, Leonard, [redacted].
Umhofer, Michael P., [redacted].
Underwood, Alfred L., [redacted].
Vakalis, George, [redacted].
Valentin-Perez, E., [redacted].
Vanaman, Ralph E., [redacted].
Vance, Willie J., [redacted].
Vandyke, Roger J., [redacted].
Van Sickle, Carl R., [redacted].
Vaught, Neeley R., [redacted].
Vick, Gabe T., [redacted].
Vickrey, Richard W., [redacted].
Villeme, Donald L., [redacted].
Vonstein, Gene B., [redacted].
Wagner, Theodore L., [redacted].
Waite, John R., [redacted].
Wall, Lynn A., [redacted].
Wallace, Walter J. J., [redacted].

Walling, Riley W., [redacted].
Walls, Max R., [redacted].
Walter, Charles F., [redacted].
Walters, Charles F., [redacted].
Wampler, Ralph L., [redacted].
Ward, William G., Jr., [redacted].
Wasil, James A., [redacted].
Wasson, Robert E., [redacted].
Waters, Aubrey L., [redacted].
Waters, Morice N., [redacted].
Watson, Kenneth L., [redacted].
Way, Donald E., [redacted].
Wayman, John A., [redacted].
Weaver, Theodore A., [redacted].
Webber, Frederick M., [redacted].
Weed, Herbert F., Jr., [redacted].
Weeks, Guy E., Jr., [redacted].
Weenick, Lawrence N., [redacted].
Wehrmann, Glenn C., [redacted].
Weir, Richard S., [redacted].
Wendland, James B., [redacted].
West, Charles R. Jr., [redacted].
Whalen, Richard J., [redacted].
Whitcomb, Harold W., [redacted].
White, David L., [redacted].
Whitehurst, James M., [redacted].
Whitener, James D., [redacted].
Whitfill, James R., [redacted].
Whitney, Conrad D., [redacted].
Whittington, R. A., [redacted].
Wickes, Donald P., [redacted].
Wilbur, John H., [redacted].
Wild, Richard A., [redacted].
Wilkins, Ronald D., [redacted].
Williams, Charles E., [redacted].
Williams, Ira L., [redacted].
Williams, Roy E., [redacted].
Williams, Stanley E., [redacted].
Willis, William E. J., [redacted].
Willstatter, Alfred, [redacted].
Wilson, David W., [redacted].
Wilson, James R. Jr., [redacted].
Wimberly, E. J. Jr., [redacted].
Winnett, Virgil E., [redacted].
Wisler, Donald K., [redacted].
Withers, Warren A. I., [redacted].
Witt, David H., [redacted].
Wittig, Wilmer G., [redacted].
Wolfe, Donald, [redacted].
Wolff, Gerald S., [redacted].
Wood, Sterling A. Jr., [redacted].
Woodruff, Charles J., [redacted].
Woods, Glenn H. Jr., [redacted].
Woodson, John S., [redacted].
Wooten, Edward R., [redacted].
Work, James, [redacted].
Worthington, Malcol, [redacted].
Wozniak, John L., [redacted].
Wrage, Lyle B., [redacted].
Wurtz, George J., [redacted].
Yannekis, James N., [redacted].
Yochum, William D., [redacted].
Yoshida, Richard N., [redacted].
Yost, George P., [redacted].
Young, Arthur W., [redacted].
Zagnacky, Michael J., [redacted].
Zaleski, Henry F., [redacted].
Zell, Charles E., [redacted].
Zimmerman, Charles, [redacted].
Zickel, Lewis L., [redacted].
Zuckerman, Phillip, [redacted].
Zusky, Paul M., [redacted].

CHAPLAIN

To be lieutenant colonel

Ball, Kenneth B., [redacted].
Buckner, Leland S., [redacted].
Clark, Vance, N., [redacted].
Cohen, Sol, [redacted].
Cunningham, Roland, [redacted].
Elliott, Frank A., [redacted].
Emerson, Harold K., [redacted].
Emery, William F., [redacted].
Enniss, Pinckney C., [redacted].
Epps, Thomas N., [redacted].
Euler, Lee E., [redacted].
Everett, Ezra, [redacted].
Fritton, Walter A., [redacted].
Fox, Carl A., [redacted].
Frothingham, R., [redacted].
Greene, Dewey H., [redacted].
Gunsten, Stanley G., [redacted].
Hargrave, Charlie W., [redacted].
Hernandez, A. L., [redacted].
Hickem, Billy G., [redacted].
Hochstedler, R., [redacted].
Hollaway, Luther E., [redacted].
Jaggard, Cedric H., [redacted].
Jensen, Merle B., [redacted].
Josey, Wayne C., [redacted].
Kennedy, James J., [redacted].
Lambert, Guy E. Jr., [redacted].
Lassett, George W., [redacted].
Lee, Kenneth A., [redacted].
Lewis, John T., [redacted].
Ligget, Francis A., [redacted].
Marler, David W., [redacted].
Marzolf, Joseph A., [redacted].
McNamara, Robert E., [redacted].
McMahan, Kenneth E., [redacted].
Meyer, Charles W., [redacted].
Meyer, Erwin E., [redacted].
Moffett, William G., [redacted].
Money, Mark L., [redacted].
Mueller, Lyle R., [redacted].
Patterson, Donis D., [redacted].
Peterson, Stephen E., [redacted].
Pruehsner, Leslie C., [redacted].
Salansky, Paul L., [redacted].
Smith, Clyde E., [redacted].
St. Germaine, C. A., [redacted].
Stephens, Raymond, [redacted].
Van De Walle, V. J., [redacted].
Veidmark, Advid L., [redacted].
Webb, Joe P., [redacted].
Wilkerson, James E., [redacted].
Wilson, Thomas G., [redacted].
Wulfekuehler, E. G., [redacted].

WOMEN'S ARMY CORPS

To be lieutenant colonel

Anderson, Florence, [redacted].
Barry, Frances H., [redacted].
Holtz, Catherine, [redacted].
Ingersoll, Hazel M., [redacted].
Nelson, Sarah W., [redacted].
Nolan, Annette M., [redacted].
Parker, Florence C., [redacted].
Peterson, Helen L., [redacted].
Rapier, Adah B., [redacted].
Reinholdson, H. G., [redacted].
Wepner, Charlotte M., [redacted].

DENTAL CORPS

To be lieutenant colonel

Mozrall, John F., [redacted].
Singer, Burton H., [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Menegat, Arduino A., [redacted].

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, sections 3370 and 3390:

To be colonel

Atkinson, Glenn W. Jr., [redacted].
Bethel, Henry L. Jr., [redacted].
Briggs, Ralph D. Jr., [redacted].
Brite, John W., [redacted].
Chupka, Bernard T., [redacted].
Clinch, Homer S., [redacted].
Dixon, Charles E., [redacted].
Gannon, Robert D., Jr., [redacted].
Gwatney, Harold I., [redacted].
Hicks, Earl W., [redacted].
Ito, Saburo, [redacted].
James, Robert H., [redacted].
Jennings, James L. S., [redacted].
Lee, James B., [redacted].
Martin, Roy E., [redacted].
Metcalf, Ramsey N., [redacted].
Schaefer, William R., [redacted].
Smith, Horton P., [redacted].
Stith, Archie L., [redacted].
Suro, Jorge Jr., [redacted].
Thomason, Richard M., [redacted].
Tocco, Cajetan A., [redacted].
Truax, Roger F., [redacted].
Winner, Erman E., [redacted].
Woolf, Eugene T., [redacted].

MEDICAL CORPS

To be colonel

Barranco, Frank T., [redacted].
Hagelstein, Arthur A., [redacted].
Hayes, Robert H., [redacted].
Redmond, John L., [redacted].

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, sections 3366, 3367 and 3390:

To be lieutenant colonel

Abeyta, Salomon, [redacted].
Agostinelli, Nathan G., [redacted].
Allgire, Charles M., [redacted].
Anderson, Harold E., [redacted].
Angelou, Peter P., [redacted].
Anthony, Leslie H., [redacted].
Arnold, Warren A., [redacted].
Babb, Mercer R., [redacted].
Baber, James A., [redacted].
Bailey, Dale M., [redacted].
Balke, Dale H., [redacted].
Ballard, Jack H., [redacted].
Balough, Bernard B., [redacted].
Baltz, Robert A., [redacted].
Barbee, Paul B., [redacted].
Barnard, Joe G., [redacted].
Barnette, Anderson L., [redacted].
Barton, Harley J., [redacted].
Bashor, Robert V., [redacted].
Bauman, Richard J., [redacted].
Benfield, John R., [redacted].
Bissell, Allen H., [redacted].
Blanc, Gerald G., [redacted].
Blaney, Doyle C., [redacted].
Booth, James D., [redacted].
Borelli-Aponte, E., [redacted].
Bourgeois, Charles, [redacted].
Bourne, Darden J., [redacted].
Bracken, Newell H., [redacted].
Brewer, J. C., [redacted].
Briggs, Roy E., Jr., [redacted].
Broers, Delmar A., [redacted].
Brott, Joseph W., [redacted].
Buggy, James R., [redacted].
Burrous, Reeford G., [redacted].
Buyhre, Thomas, Jr., [redacted].
Byington, Dallas M., [redacted].
Camp, Leon R., [redacted].
Cannon, Ralph D., [redacted].
Carnathan, Edward E., [redacted].
Champagne, Roy J., [redacted].
Chaney, Kenneth D., [redacted].
Clark, Robert E., [redacted].
Clow, Robert R., [redacted].
Cody, William P., [redacted].
Coker, Bobby L., [redacted].
Colclasure, Henry R., [redacted].
Cole, Francis E., [redacted].
Comar, Robert F., [redacted].
Comeau, Richard J., [redacted].
Comiskey, Terrence, [redacted].
Conklin, Glenn H., [redacted].
Conner, Charles, Jr., [redacted].
Conrad, Lewis J., Jr., [redacted].
Conway, Ellsworth J., [redacted].
Conzonire, Pascal P., [redacted].
Cook, James M., Jr., [redacted].
Cooney, William R., [redacted].
Corbell, Billy R., [redacted].
Cordell, Lloyd B., [redacted].
Cordero, Cesar N., [redacted].
Couch, Elbert, [redacted].
Coverdale, George B., Jr., [redacted].
Craig, Kenneth R., [redacted].
Culbertson, James G., [redacted].
Curry, Elmer L., [redacted].
Danforth, Amos B., [redacted].
Dattilio, Anthony P., [redacted].
Dellelce, A. Daniel, [redacted].
Denier, Ned E., [redacted].
Deur, Gale A., [redacted].
Dewhirst, William S., [redacted].
Deyo, Donald J., [redacted].
Dietz, Nicholas T., [redacted].
Doane, Robert E., [redacted].
Duke, Richard T., [redacted].
Eakes, Joe O., [redacted].
Eckman, Raphael G., [redacted].
Ehrlich, Bernard G., [redacted].
Eidson, Billy R., [redacted].
Eldridge, Jack A., [redacted].
Elverhoy, Roger A., [redacted].
Ely, Harold V., [redacted].
Enright, James R., [redacted].
Ethridge, Glenn J., [redacted].

Evans, LeRoy R., [redacted].
Faber, Vernon U., [redacted].
Feisley, James L., [redacted].
Ferche, Eugene W., [redacted].
Ferretti, Frank J., [redacted].
Fielden, William C., [redacted].
Fink, Paul H., [redacted].
Fleming, Joseph V., [redacted].
Floyd, Philip A., [redacted].
Forney, Robert C., [redacted].
Fryslie, Harold A., [redacted].
Fugate, Herman E., [redacted].
Galloway, Joseph E., [redacted].
Geis, Donald F., [redacted].
Gerke, George L., [redacted].
Grogan, Earl M., [redacted].
Guisinger, Carlos W., [redacted].
Gutzwiller, Clyde E., [redacted].
Hagerman, Thomas B., [redacted].
Hale, William F., [redacted].
Hansen, Byron E., [redacted].
Harrell, Benjamin C., [redacted].
Harshaw, Ronald H., [redacted].
Hart, James F., [redacted].
Hayworth, Howard L., [redacted].
Headley, Boyd G., [redacted].
Hedden, Donald L., [redacted].
Hedges, Billy M., [redacted].
Heinkel, Arthur L., [redacted].
Henderson, Max B., [redacted].
Henderson, Orval L., [redacted].
Henthorn, Robert L., [redacted].
Hickey, James C., [redacted].
Holleger, Bayard, [redacted].
Holt, Elbert H., [redacted].
Horton, Frank F., [redacted].
Hoskins, Herbert D., [redacted].
House, Monroe, [redacted].
Howell, Demont H., [redacted].
Howell, Jimmy L., [redacted].
Huber, Edward M., [redacted].
Huch, Charles G., [redacted].
Hughes, Bernard C., [redacted].
Humble, Robert I., [redacted].
Hunter, Dennis H., [redacted].
Huntley, Louis L., [redacted].
Hurst, Louis B., [redacted].
Irizarry, Angel A., [redacted].
Iverson, William J., [redacted].
Jackson, Earnest L., [redacted].
Jacobs, John, [redacted].
Jennings, Curtis A., [redacted].
Jespersen, Vale D., [redacted].
Jones, Donald L., [redacted].
Kelleher, Paul F., [redacted].
Keller, Lawrence A., [redacted].
Kelly, Billy B., [redacted].
Kennedy, Temple R., [redacted].
Kimble, Robert R., [redacted].
Knight, Ken G., [redacted].
Kneall, Timothy C., [redacted].
Koening, August C., [redacted].
Kohlman, Dwight E., [redacted].
Kortan, Laverne J., [redacted].
Kramer, George A., [redacted].
Kruger, Donald G., [redacted].
Langsford, Earnest, [redacted].
Larson, Kenneth G., [redacted].
Larzalere, Robert L., [redacted].
Lathram, John R., Jr., [redacted].
Lavoy, Jack J., [redacted].
Le Blanc, Neil F., [redacted].
Leszczynski, Joseph, [redacted].
Lind, Martin E., Jr., [redacted].
Litke, Bruce W., [redacted].
Long, Albert R., [redacted].
Long, William C., [redacted].
Mahling, William S., [redacted].
Mahoney, Harley, [redacted].
Maker, James A., [redacted].
Mancin, Louis L., [redacted].
Marchant, Frank A., Jr., [redacted].
Mason, Charles F., [redacted].
Mathis, James T., [redacted].
Maxwell, John E., [redacted].
May, David B., [redacted].
McDonough, James F., [redacted].
McFall, James R., [redacted].
McNeill, Theodore E., [redacted].
McPhail, Hugh D., [redacted].
McPherson, Hubert L., [redacted].
McWilliams, Marvel C., [redacted].
Melendez-Perez, W., [redacted].
Merkel, Arthur R., [redacted].
Merolla, Amedeo C., [redacted].
Meyer, John W., [redacted].
Mialaret, Gerald J., [redacted].
Middleton, Charles, [redacted].
Miller, Gilbert J., [redacted].
Miller, James R., [redacted].
Miller, Lloyd G., [redacted].
Miller, Robert E., [redacted].
Mills, Ralph F., [redacted].
Monson, Kenneth H., [redacted].
Moore, Billy E., [redacted].
Moore, Jesse G., [redacted].
Moorer, John M., [redacted].
Morgan, William B., [redacted].
Moss, Richard A., [redacted].
Moss, Simeon F., [redacted].
Mullins, Charles E., [redacted].
Nagel, Elmer F., [redacted].
Natoli, Bart C., [redacted].
Neiolicky, William H., [redacted].
Nelson, Dale L., [redacted].
Nolan, James R., [redacted].
Norman, Harold E., [redacted].
Norris, Robert O., [redacted].
Nutt, Harold W., [redacted].
Nystrom, Robert L., [redacted].
Odell, James C., [redacted].
Osborn, Robert D., [redacted].
Osborne, Allan L., [redacted].
Palmieri, Frank, [redacted].
Panciera, Kenneth H., [redacted].
Panzarino, Frank, [redacted].
Parmelee, Donald G., [redacted].
Pascarella, Daniel, [redacted].
Pease, James E., [redacted].
Pecka, Walter, [redacted].
Pennock, Chester C., [redacted].
Pettie, Edward F., [redacted].
Pfeiffer, Thomas H., [redacted].
Phillips, Duane M., [redacted].
Picher, Robert L., [redacted].
Pierceall, Bobby A., [redacted].
Piette, Norbert L., [redacted].
Planting, John A., [redacted].
Ponder, Charles L., [redacted].
Presley, Jack M., [redacted].
Pressler, Vance A., [redacted].
Price, James B., [redacted].
Pugsley, Wallace E., [redacted].
Quass, Peter D., [redacted].
Quelly, Justin M., [redacted].
Quick, Buren, Jr., [redacted].
Quigley, Maurice, [redacted].
Rainer, John R., [redacted].
Randich, Philip G., [redacted].
Rau, Charles L., [redacted].
Redd, Rex M., [redacted].
Remick, Donald H., [redacted].
Rhodes, J. L., [redacted].
Rice, Robert R., [redacted].
Richburg, Lonnie C., [redacted].
Riggle, Jerry A., [redacted].
Ritchey, Benjamin E., [redacted].
Rockwell, Leo, [redacted].
Rodriguez, Angel J., [redacted].
Rosario, Luis A., [redacted].
Rosselle, William P., [redacted].
Rovito, Thomas J., [redacted].
Ruhl, Joseph C., [redacted].
Sakuma, John M., [redacted].
Salamone, Dominick J., [redacted].
Salcedo, Frank S., [redacted].
Salveson, Ronald M., [redacted].
Sammons, Anthony J. Jr., [redacted].
Sandlin, Littleton, [redacted].
Sawyer, Roy H. Jr., [redacted].
Schaedlich, Otto A., [redacted].
Schweigert, Harry W., [redacted].
Seiler, Roy H., [redacted].
Sharp, Thomas A., [redacted].
Sharpe, Thomas A., [redacted].
Simmons, Roy E., [redacted].
Sims, Robert E., [redacted].
Small, Donald R., [redacted].
Smith, Armour L., [redacted].
Smith, Duane R., [redacted].
Smith, Kerr H., [redacted].
Stanberry, Jim D., [redacted].
Stave, Nelson L., [redacted].
Stezar, William A., [redacted].
Stone, Donald E., [redacted].
Stoneman, James N., [redacted].
Strickland, James H., [redacted].
Sullivan, James R., [redacted].
Summers, Donald L., [redacted].
Sutherland, Richard L., [redacted].
Tovano, Francis J., [redacted].
Taylor, Harold N., [redacted].
Taylor, Lon W., [redacted].
Teneick, Robert W., [redacted].
Thevenet, James P., [redacted].
Tignor, Forrest D., [redacted].
Tossas-Vega, Alberto M., [redacted].
Traylor, Robert C., [redacted].
Tripp, Frederick W., [redacted].
Tripp, Howard S., [redacted].
Tritsch, Leo P., [redacted].
Troutt, Nathaniel G., [redacted].
Turner, Hammond C., [redacted].
Tyrrell, John D., [redacted].
Uhlenhake, James R., [redacted].
Vawter, Elton L., [redacted].
Vega, Gilberto, [redacted].
Vogel, August W., [redacted].
Vos, Francis W., [redacted].
Votolato, Dante A., [redacted].
Waguespack, Ken P. J., [redacted].
Walker, Robert D., [redacted].
Wallig, Thomas V., [redacted].
Walsh, Richard M., [redacted].
Warner, Alfred W., [redacted].
Warren, Roy B., [redacted].
Waterland, Hiram T., [redacted].
Weinberg, Richard G., [redacted].
Wersing, Paul R., [redacted].
West, James S., Jr., [redacted].
Whalen, David E., [redacted].
Wiegers, Edward F., [redacted].
Wilkerson, Richard W., [redacted].
Williams, Robert O., [redacted].
Williamson, Frank R., [redacted].
Winckler, Joseph H., [redacted].
Wing, Charles J., [redacted].
Woods, Donald E., [redacted].
Woolpert, Deane V., [redacted].
Workman, Wendell J., [redacted].
Young, Barry W., [redacted].
Young, Robert L., [redacted].
Yslas, Mucio, [redacted].
Zimmerman, Bob L., [redacted].

CHAPLAIN

To be lieutenant colonel

Bacon, John Y., [redacted].
Bomber, William J., [redacted].
Butler, Dallas W., [redacted].
Carty, John T., [redacted].
Crew, William R., [redacted].
Crouch, Charles M., [redacted].
Davis, Herman F., [redacted].
Devik, Rudolf, [redacted].
Donovan, Edward J., [redacted].
Flynn, Edward R., [redacted].
Gaskamp, Bruno F., [redacted].
Golden, Oscar N., [redacted].
Hardaway, James A., [redacted].
Hodge, Ray K. [redacted].
Lorber, Albert B., [redacted].
McCarty, Willis B., [redacted].
Norris, Eugene B., [redacted].
Parks, John R., [redacted].
Spraberry, Rufus B., [redacted].
Sullivan, Arthur T, [redacted].

MEDICAL CORPS

To be liteutenant colonel

Brown, Calvin R., [redacted].
Erdman, Ralph R., [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Sherman, Philip, [redacted].
Whatley, Jack, [redacted].

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Short, Joseph F., [redacted].

To be captain

Aldrich, Clifton H., [redacted].
Belson, Norman D., [redacted].

Brauer, Vaughn D., [redacted].
Burner, Richard A., [redacted].
Cheshire, Geore T., [redacted].
Cibula, George A., [redacted].
Cowart, James D., [redacted].
Cummins, Clayton C., [redacted].
Dalton, Joel P., [redacted].
Dayton, James R., [redacted].
Demarest, David B., [redacted].
Duncan, Michael B., [redacted].
Esquibel, Benjamin F., [redacted].
Evans, Robert E., [redacted].
Ferril, Wilburn E., [redacted].
Fitzgerald, Wilmer Y., [redacted].
Gersbach, Germain H., [redacted].
Graham, Clarence C., [redacted].
Heermans, Samuel H., [redacted].
Jones, Richard G., [redacted].
Larcomb, David J., [redacted].
McWilliams, James B., [redacted].
Parsons, John D., [redacted].
Perry, Walter L., [redacted].
Rodriguez, Enrique Pablo, [redacted].
Saul, James H., [redacted].
Scott, Augustus D., [redacted].
Scott, Eugene F., [redacted].
Taylor, Billy W., [redacted].
Teal, Donald R., [redacted].
Valen, William B., [redacted].
Van Sciver, Robert B., [redacted].
Warren, Dorman M., [redacted].
Watkins, Thomas G., [redacted].
Williamson, Walter L., [redacted].

To be first lieutenant

Abbey, George E., [redacted].
Aguirre, Gilbert, [redacted].
Anthony, Henry G., Jr., [redacted].
Beamer, Ralph D., [redacted].
Benninghoff, William N., [redacted].
Berg, Thomas R., [redacted].
Bessent, Elmo V., [redacted].
Blackburn, Norman G., [redacted].
Booterbaugh, Paul L., [redacted].
Bratcher, Arnold T., Jr., [redacted].
Braud, Gerald R., [redacted].
Brown, Albert D., [redacted].
Brundage, Lucien A., [redacted].
Caber, Lawrence W., [redacted].
Carter, William E., [redacted].
Conchado, Ramon, Jr., [redacted].
Currin, Joseph J., III, [redacted].
Davidson, Allan E., [redacted].
Dayton, Lorraine M., [redacted].
Diek, Barbara A., [redacted].
Dolenar, Daniel J., [redacted].
Dynneson, David J., [redacted].
Eckmann, Lawrence J., [redacted].
Falcon, John D., [redacted].
Everett, James W., [redacted].
Fields, Harold D., [redacted].
Forlaw, Loretta, [redacted].
Gerald, Stuart W., [redacted].
Gibson, James F., [redacted].
Gorton, Bruce A., [redacted].
Grassa, Alfred E., [redacted].
Green, Ronald A., [redacted].
Harrell, Gary W., [redacted].
Harris, Nick C., [redacted].
Henry, Charles W., Jr., [redacted].
Howerton, James A., [redacted].
Humbert, Philip G., [redacted].
Hunley, Alphonso, [redacted].
Hyland, Gilbert E., [redacted].
Ingram, Dorsey B., Jr., [redacted].
Johnson, Dennis R., [redacted].
Jackson, Jesse, Jr., [redacted].
Keating, Timothy B., [redacted].
Lange, David A., [redacted].
Leffel, Harold E., [redacted].
Macahilig, Maria, [redacted].
Mallory, Michael A., [redacted].
Mathews, Michael J., [redacted].
Mauldin, Bruce P., [redacted].
McCabe, William L., [redacted].
McWherter, Patrick J., [redacted].
Mears, John J., [redacted].
Miller, Frank L., Jr., [redacted].
Miller, Timothy A., [redacted].
Moore, Larry R., [redacted].
Murray, Patrick A., [redacted].
Myers, Richard S., [redacted].
Norton, William E., [redacted].
Patterson, Weldon C., [redacted].
Dhlsson, Leif E., [redacted].
Oliver, Randall L., [redacted].
Peaster, David M., [redacted].
Revel, James L., [redacted].
Semon, Richard, [redacted].
Skolochenko, Steven, [redacted].
Smith, Mary E., [redacted].
Smith, Thomas D., [redacted].
Stabingas, Sandra F., [redacted].
Stokes, Richard O., [redacted].
Stutts, Marvin E., [redacted].
Taylor, Larry A., [redacted].
Thomas, Edward R., II, [redacted].
Tobin, Thomas M., [redacted].
Vandel, Robert H., [redacted].
Waldran, Cook M., Jr., [redacted].
Weems, Neil M., [redacted].
Williams, Arnold B., Jr., [redacted].
Wilson, Edward L., [redacted].
Wright, Gerald W., [redacted].
Zawislak, Edward W., [redacted].
Zwirner, Adolf A., [redacted].

To be second lieutenant

Ahern, James P., [redacted].
Becker, Ronald D., [redacted].
Bridges, Gary J., [redacted].
Brighton, John C., [redacted].
Carleton, Bruce, [redacted].
Cartagena, Luis A., [redacted].
Chelette, Carl J., [redacted].
Cook, Dolores M., [redacted].
Cowen, Randolph C., [redacted].
Dale, Allen W., [redacted].
Davis, William A., [redacted].
Dixon, Tomas W., Jr., [redacted].
Draker, David L., [redacted].
Erwin, William D., [redacted].
Fiebiger, John F., [redacted].
Fleetham, Ralph E., [redacted].
Fleury, James J., [redacted].
Friedman, Michael J., [redacted].
Guy, Andrew C., Jr. [redacted].
Hanville, Michael R., [redacted].
Horrocks, Leon R., [redacted].
Hutcheson, John M., [redacted].
Jareo, Steven M., [redacted].
Jones, Frederick R. III, [redacted].
Kendrick, Daryl R., [redacted].
King, Malcolm B., Jr. [redacted].
Lehtinen, Dexter W., [redacted].
Luttrell, Gerald E., [redacted].
McGoey, Kevin, [redacted].
McGowan, Dennis L., [redacted].
Milerski, Siegfried, J., [redacted].
Moody, Robert L., [redacted].
Morgan, C. D., [redacted].
Mutter, Michael D., [redacted].
Rainey, James W., [redacted].
Reiva, Thomas J., [redacted].
Schaefer, Raymond L., [redacted].
Seibert, Gary D., [redacted].
Shaffer, Ronald C., [redacted].
Shuman, Kenneth Earl, [redacted].
Sims, Paul N., [redacted].
Skinner, William S., Jr., [redacted].
Sparacino, Ronald A., [redacted].
Starkey, Galen E., [redacted].
Uyesugi, Daniel F., [redacted].
Vargas, Kevin J., [redacted].
Weber, Philip A., [redacted].
Williams, Fred R., [redacted].
Wilson, Joseph K., Jr., [redacted].

The folowing-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Aasen, Robert K., [redacted].
Abbott, Richard L., [redacted].
Adams, Billy, [redacted].
Agee, Wendell S., [redacted].
Allen, Henry H., [redacted].
Amoroso, August J., Jr., [redacted].
Anderson, Brent W., [redacted].
Anderson, Clarence J., [redacted].
Anderson, James R., [redacted].
Armstrong, Michael T., [redacted].
Arnold, James G., [redacted].
Atlas, James M., [redacted].
Atves, Terry N., [redacted].
Bailey, Daniel D., [redacted].
Barazeale, James L., [redacted].
Barth, Paul R., [redacted].
Barwis, John H., [redacted].
Becker, Donald E., [redacted].
Bentley, Patrick B., [redacted].
Bernat, Charles A., Jr., [redacted].
Beutler, Melvin E., [redacted].
Bielefeld, William C., [redacted].
Bishop, George R., [redacted].
Black, Christopher A., [redacted].
Blankenbeckler, Paul N., [redacted].
Block, Robert N., [redacted].
Borgelt, Leland B., [redacted].
Bortner, Thomas D., [redacted].
Bowden, Thomas G., [redacted].
Bowers, William S., [redacted].
Bowman, Kenneth P., [redacted].
Boyd, Corbett W., [redacted].
Boyd, Timothy N., [redacted].
Bradley, Larry R., [redacted].
Brinkley, Phillip L., [redacted].
Brown, John W., [redacted].
Brown, Richard E., [redacted].
Bruner, Ralph M., [redacted].
Bryan, Joseph D., [redacted].
Buccellato, Edward A., [redacted].
Buchanan, Robert C., [redacted].
Buell, David C., [redacted].
Buell, Richard E., [redacted].
Calvin, Arthel, [redacted].
Camaglia, Elmer J., Jr., [redacted].
Campbell, Lloyd N., [redacted].
Carpenter, Arthur L., [redacted].
Carr, James R., [redacted].
Carr, Orba L., [redacted].
Catts, Randall G., [redacted].
Cheney, Craig C., [redacted].
Chin, Bobby, [redacted].
Cipra, William L., [redacted].
Clark, Randy N., [redacted].
Clayton, Michael A., [redacted].
Clemente, Jeffrey P., [redacted].
Clouse, Kenneth A., [redacted].
Coady, Alan W., [redacted].
Collins, Charles L., [redacted].
Combs, Stephen B., [redacted].
Cooksey, Kennon D., [redacted].
Crawford, Philip E., [redacted].
Crosson, Jay G., [redacted].
Cutchen, Walter S., [redacted].
Dalton, Perry J., Jr., [redacted].
Debusk, Michael L., [redacted].
Delcambre, Kenneth J., [redacted].
Denton, James B., [redacted].
Dolan, Paul E., III, [redacted].
Dolney, Duane R., [redacted].
Donaruma, Louis M., [redacted].
Dountz, Raymond D., [redacted].
Downing, David R., [redacted].
Draney, Randall G., [redacted].
Duehlmeier, Fred D., [redacted].
Dye, Don A., [redacted].
Dunn, William M., Jr., [redacted].
Ebright, Richard P., [redacted].
Edwards, Van C., [redacted].
Emison, Steven A., [redacted].
Engiles, Robert D., [redacted].
Ervin, Kenneth R., [redacted].
Evans, Eddie D., [redacted].
Evans, Robert D., [redacted].
Fabian, Michael D., [redacted].
Faurnya, Louis R., [redacted].
Filipkowski, Leonard P., [redacted].
Fitzgerald, Michael P., [redacted].
Fraley, James A., Jr., [redacted].
Freeman, Billie D., [redacted].
Gaalswyk, Dennis A., [redacted].
Gallucci, Joseph A., Jr., [redacted].
Garcia, Robert, [redacted].
Garner, Dennis W., [redacted].
Geary, Dennis O., [redacted].
Getz, Michael T., [redacted].
Gideon, Edward N., Jr., [redacted].
Gill, Bruce R., [redacted].
Ginter, Danny N., [redacted].
Glade, Thomas S., [redacted].
Graves, Eric E., [redacted].
Grayson, Rodney M., [redacted].
Greenhalgh, David L., [redacted].
Greenwell, Thomas M., [redacted].
Greer, David E., [redacted].
Gross, Alfred H., [redacted].

Hall, Gary L., [redacted].
Halvorsen, James M., [redacted].
Harju, Craig S., [redacted].
Harris, Joe E., Jr., [redacted].
Harris, Randall D., [redacted].
Hatten, Morgan F., [redacted].
Heaney, Leo J., [redacted].
Hearnsberger, Gordon S., [redacted].
Hechanova, Rodolfo P., [redacted].
Hernandez, Eduardo H., [redacted].
Herrod, Walter V., [redacted].
Hettich, Lamont R., [redacted].
Hill, Thomas E., [redacted].
Himmelrick, Kenneth J., [redacted].
Hindsley, Paul S., [redacted].
Hinkle, David A., [redacted].
Hirschi, Fenton D., [redacted].
Hobbs, Robert A., [redacted].
Holt, Charles T., [redacted].
Hopkins, Don R., [redacted].
Hoskins, Lynn W. III, [redacted].
Huber, Joseph E., [redacted].
Huff, Robert B., Jr., [redacted].
Hughes, Howard D., [redacted].
Hulsey, Ernest E., [redacted].
Ing, Melvin Hon Won, [redacted].
Inokuchi, Richard, [redacted].
Iturbe, Andres, [redacted].
Jackson, Robert T., Jr., [redacted].
January, Jerry J., [redacted].
Jarvis, Michael L., [redacted].
Jefcoats, David A., [redacted].
Joeckel, Richard L., [redacted].
Johnston, Richard A., [redacted].
Jons, Hugh R., [redacted].
Justis, Justa L., [redacted].
Kettleson, Ronald A., [redacted].
Kilgore, Walter F., [redacted].
King, James R., [redacted].
Kloubec, Martin A., [redacted].
Korolchuk, Daniel P., [redacted].
Kraemer, Donn B., [redacted].
Kravchonok, John R., [redacted].
Kuhl, Robert L., [redacted].
Laboon, Stephen W., [redacted].
Lakso, Charles D., [redacted].
Lambert, Glen R., [redacted].
Larsen, Brent H., [redacted].
Larsen, Stanley W., [redacted].
Lauderdale, Larry C., [redacted].
Lavergne, Linton P. J., [redacted].
Leach, Louis A., [redacted].
Leinan, John H., [redacted].
Lewis, Elister W., [redacted].
Lindbloom, Edwin O., Jr., [redacted].
Line, Thomas R., [redacted].
Litaker, William M., [redacted].
Lommel, Robert F., Jr., [redacted].
Lusk, Ralph A., [redacted].
Lyon, Stuart D., [redacted].
Mackin, Raymond W., [redacted].
Mallard, William E., Jr., [redacted].
Maltby, Stephen T., [redacted].
Mangan, Albert J., [redacted].
Maroulakos, Harry J., [redacted].
Martin, Julian H., Jr., [redacted].
Maynard, Thomas M., [redacted].
McNabb, Robert P., Jr., [redacted].
McNeill, John D., [redacted].
McPhail, Donald W., [redacted].
Meier, Gary A., [redacted].
Mein, David R., [redacted].
Mercado, Albert, [redacted].
Meyn, Michael, R., [redacted].
Miller, Lee S., [redacted].
Miller, Melvin A., [redacted].
Miller, Rudy W., [redacted].
Miller, Russell R., [redacted].
Molinaro, Robert E., [redacted].
Morphew, Davin K., [redacted].
Mullinex, Klaus M., [redacted].
Mullins, Kenneth W., [redacted].
Murdock, Edmund W., [redacted].
Murphy, Bruce T., [redacted].
Neeley, Wayne P., [redacted].
Neuenschwander, Roy P., [redacted].
Nolan, David L., [redacted].
Novak, Joseph J., [redacted].
O'Brien, Dennis M., [redacted].
O'Bryan, Donald E., [redacted].
Oishi, Irving M., [redacted].
O'Kelley, Thomas D., [redacted].
Oliver, Keith D., [redacted].
Ord, Steven R., [redacted].
Ott, David E., Jr., [redacted].
Ott, Fred M., [redacted].
Pearce, Dennis R., [redacted].
Peeck, William D., [redacted].
Pekar, David A., [redacted].
Perry, Gerald L., [redacted].
Phillips, Johnny G., [redacted].
Pickerel, Robert J., [redacted].
Pickett, Anthony J., [redacted].
Pittsford, Robert L., [redacted].
Powell, Ernest W., [redacted].
Premo, Gregory J., [redacted].
Pridgen, Timothy F., [redacted].
Prueitt, Ronald G., [redacted].
Pruss, Uwe Kurt Hermann, [redacted].
Puckett, Harry G., [redacted].
Quy, Richard B., [redacted].
Racheter, Donald P., [redacted].
Ragan, David A., [redacted].
Rathmell, John M., [redacted].
Reeves, Earl L., [redacted].
Reichert, Terry J., [redacted].
Richburg, Caesar R., [redacted].
Rickman, Dennis R., [redacted].
Rivera, George O., [redacted].
Roberts, David J., [redacted].
Rodell, Gordon J., [redacted].
Rodon, Raymond L., [redacted].
Roser, Gary A., [redacted].
Ross, Drue S., [redacted].
Rumore, Terrence L., [redacted].
Rutledge, William L., [redacted].
Sackett, Richard M., [redacted].
Saitta, Vinent J., Jr., [redacted].
Sandoval, Dave F., [redacted].
Seratt, Roger C., [redacted].
Serie, Dennis J., [redacted].
Shackleford, Michael M., [redacted].
Shaffer, Rodney L., [redacted].
Sheehan, Charles W. Jr., [redacted].
Sidebottom, James J., [redacted].
Simcox, William E., [redacted].
Skahan, Joseph B., [redacted].
Slovensky, Stephen A., [redacted].
Smith, Earl M., Jr., [redacted].
Snyder, James D., [redacted].
Sprague, Terry D., [redacted].
Steele, Robert L., [redacted].
Stein, Robert G., [redacted].
Stevens, Jerry L., [redacted].
Stone, Steven J., [redacted].
Strickland, Bruce W., [redacted].
Strickland, Herman L., III, [redacted].
Struble, Jacob A., [redacted].
Sullivan, Patrick J., [redacted].
Summers, Alfred L., Jr., [redacted].
Swafford, Keith B., [redacted].
Szopinski, Edward T., [redacted].
Tate, Lake E., III, [redacted].
Taylor, Robert A., Jr., [redacted].
Taylor, William R., [redacted].
Temple, Steven R., [redacted].
Tharpe, Johnnie H., [redacted].
Theodorakos, George D., [redacted].
Thieme, Robert B., III, [redacted].
Thomas, Ronald D., [redacted].
Thorpe, William J., Jr., [redacted].
Toenes, Kevin M., [redacted].
Torres, Adam L., [redacted].
Van Over, James L., [redacted].
Varner, Ernest E., Jr., [redacted].
Vest, Eric O., [redacted].
Warren, Michael D., [redacted].
Watson, Dale L., [redacted].
Watts, Charles A., [redacted].
Weatherly, Joseph J., Jr., [redacted].
Weir, Donald G., Jr., [redacted].
Werlein, Sheppard H., Jr., [redacted].
Whitfield, John E., [redacted].
Williams, Bennie E., [redacted].
Williams, William S. K., [redacted].
Wirick, David W., [redacted].
Woolfolk, Donald D., [redacted].
Wortham, Terry H., [redacted].
Wright, Dennis L., [redacted].
Yee, Victor, [redacted].
Zwahlen, Samuel S., [redacted].

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290.

Anderson, Robert E., III, [redacted].
Andrae, Richard M., [redacted].
Auermuller, Frederick, Jr., [redacted].
Barber, Jimmie R., [redacted].
Broadwater, Willard C., [redacted].
Brown, Roy C., [redacted].
Callahan, Leslie G. III, [redacted].
Cassidy, Calvin C., [redacted].
Conway, Paul L., [redacted].
Coomer, Larry J., [redacted].
Cox, Dennis J., [redacted].
Cragg, William A., [redacted].
Delamater, Benjamin F., IV, [redacted].
Dyce, Charles D., [redacted].
Flora, Dale B., [redacted].
Florence, John N., [redacted].
Florez, Richard E., [redacted].
Greszko, Timothy J., [redacted].
Grimes, Ercell A., Jr., [redacted].
Grzanka, Felix F., [redacted].
Hanson, Robert L., Jr., [redacted].
Hatcher, Neal T., [redacted].
Heekin, Robert A., [redacted].
Henshaw, James F., [redacted].
Hoerster, Francis J., [redacted].
Kijima, Steven H., [redacted].
Lamy, William E., [redacted].
Laplante, Kenneth A., [redacted].
Larouche, Claude E., [redacted].
Lewis, William F., [redacted].
McClain, David L., [redacted].
McDonald, Daniel W., [redacted].
McInerney, Ernest J., [redacted].
Nacci, Brian, [redacted].
Newcomer, Robert E., J., [redacted].
O'Malley, John E., [redacted].
Pentecost, Thomas L., [redacted].
Pierce, Bruce G., [redacted].
Pritchard, Charles L., [redacted].
Quinn, Michael S., [redacted].
Roberson, Thomas V., [redacted].
Rodriguez, Jose A., [redacted].
Leib, Jack R., [redacted].
Safford, Lawrence F., [redacted].
Soares, Michael A., [redacted].
Stephens, Paul A., Jr., [redacted].
Troll, Thomas M., [redacted].
Vanderbeek, Walter A., [redacted].
Vaughan, Dan E., [redacted].
Walker, William H., III, [redacted].
Weaver David T., [redacted].
Wilkerson, Timothy R., [redacted].
Wilson, Donald J., [redacted].

WITHDRAWAL

Nomination by the District of Columbia Government withdrawn from the Senate, March 13, 1972:

COMMISSION OF THE DISTRICT OF COLUMBIA

Willie L. Leftwich, Esq., for appointment as a member of the Board of Directors of the District of Columbia Redevelopment Land Agency for a term of 5 years, effective on and after March 4, 1972, pursuant to the provisions of section 4(a) of Public Law 592, 79th Congress, approved August 2, 1946, as amended, which nomination was sent to the Senate on January 28, 1972.

NOMINATION BY DISTRICT OF COLUMBIA GOVERNMENT

Nomination by the District of Columbia Government, referred March 13, 1972:

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

Willie L. Leftwich, Esq., for appointment as a member of the Board of Directors of the District of Columbia Redevelopment Land Agency for the unexpired portion of the 5 year term ending March 3, 1976, effective upon the date of his appointment, pursuant to the provisions of section 4(a) of Public Law 592, 79th Congress, approved August 2, 1946, as amended.

HOUSE OF REPRESENTATIVES—*Monday, March 13, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

As we have opportunity, let us do good unto all men.—Galatians 6: 10.

O God, our Father, whose guidance we need and whose strength we seek as we face the hours of this day grant that amid differences we may be statesmen of good will and among men who disagree we may always champion the principles of justice and freedom.

Incline our hearts to walk with Thee the heroic way of faith that the humblest work may shine, the rough places be made smooth and through the gloom of dark days can be seen the light that leads us home.

May truth be in our minds, love in our hearts, and action in our hands as we endeavor to work with other nations to establish peace on earth, justice among men, and freedom in our world.

"With peace that comes of purity,
And strength to simple justice due,
So runs our loyal dream of Thee.
God of our Fathers! Make it true."

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 554. Concurrent resolution to provide for a correction in the enrollment of the bill H.R. 1746.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 888. An act for the relief of David J. Crumb.

CALL FOR REPORT ON WASTE OF TAXPAYER'S MONEY

(Mr. PIKE asked and was given permission to address the House for 1 minute.)

Mr. PIKE. Mr. Speaker, I hate to take the time of the House on 1-minute speeches. I have not done so all year. But I am going to do it every day until the Army releases a report made by the General Accounting Office involving what may be a great waste of the taxpayer's money.

Since last May I have been trying to get information on the subject, and the Army has resisted.

Since last July the GAO has been trying to complete a report on the subject and the Army has held back documents.

For over a month the report has been completed, but the Army has been sitting on it, saying they cannot release it to a member of the Armed Services Committee until it is declassified. It does not involve great secrets; just waste. I do not know how much. But I will be with you daily until I find out.

BUFFALO CREEK, W. VA., DISASTER

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, there are 116 identified dead and more than 50 still missing from the terrible disaster that has struck West Virginia. Many major tragedies have occurred in my State, directly related to the most hazardous occupation in this Nation, that of mining coal.

However, the Bureau of Mines apparently has its lawyers working overtime to try to discover how they can avoid, evade, or escape any responsibility for action in order to prevent future disasters such as occurred on Buffalo Creek on February 26.

On February 28, the first day that Congress was in session after the disaster, I took the floor to denounce the manner in which Federal and State officials have handled the coal industry with kid gloves and allowed them to get away with close to murder whether it concerns slag piles, mine safety, or strip mining.

On page No. 5716 of the CONGRESSIONAL RECORD of February 28, 1972, I put in the text of a telegram which I sent to Dr. Elburt F. Osborn, the Director of the Bureau of Mines, asking him to conduct an investigation to determine whether the specific regulations promulgated on May 22, 1971, had been violated. These regulations provide very specifically "If failure of a water or silt-retaining dam will create a hazard, it should be of substantial construction and shall be inspected at least once each week." I received neither acknowledgement nor an answer to that February 28 telegram or subsequent telegrams and letters of February 29 and March 6. The Bureau of Mines appears to be asleep while this disaster strikes our people.

THE LATE HONORABLE JAMES W. TRIMBLE

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute.)

Mr. HAMMERSCHMIDT. Mr. Speaker, it is with deep regret that I inform the House of Representatives of the death of former Member James W. Trimble. I plan to request a special order Wednesday, March 15, to allow Members an opportunity to eulogize the "Judge," who many Members remember and revere as a beloved individual and a likable colleague.

APPLY PRICE CONTROLS ON MEAT AND FRESH FOODS

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. VANIK. Mr. Speaker, last Friday the Labor Department announced that wholesale prices went up 0.7 percent in February—an increase of this dimension works out to an annual rate of 8.4 percent from which we can predict a huge increase in consumer prices.

According to the Chairman of the Council of Economic Advisers, one-half of the increase in wholesale prices resulted from the increase in the price of livestock, poultry, meats, and fish. A good part of the remainder results from higher prices for fruits and vegetables.

This early warning signal of a renewed inflationary spiral can only be avoided by applying immediate price controls on meat and fresh foods. If price restraints are to be effective—we cannot afford to grant any special interest groups the privilege of hit-skip assaults on the consumer.

PERMISSION FOR SUBCOMMITTEE ON ENVIRONMENT PROBLEMS AFFECTING SMALL BUSINESS, SELECT COMMITTEE ON SMALL BUSINESS, TO SIT DURING DEBATE

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Subcommittee on Environmental Problems Affecting Small Business of the Select Committee on Small Business, which is holding hearings today on small business opportunities and outdoor recreation and tourism, may sit this afternoon while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

RESOUNDING SUCCESS OF BIRMINGHAM'S FESTIVAL OF ARTS

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, those who are wise enough to understand that I represent the finest city in the United States will find it no surprise that Birmingham's 21st annual Festival of Arts is once again a resounding success.

Each year Birmingham honors a different nation featuring the art and culture of that nation in the Festival of Arts. Last year we honored Spain and next year France will be the honoree.

This, however, is Birmingham's centennial year and was chosen as the year to honor our own country.

Highlight of the Festival was the visit to our city last weekend of United Nations Ambassador and Mrs. George Bush and the opening in our city of America's first Hall of Fame for the arts.

Named to the Hall of Fame were singers Marian Anderson and Nell Rankin, actress Tallullah Bankhead, authors Carl Sandburg and Thomas Wolfe, and Ted Shawn, who may be called the father of the dance in America.

Birmingham ended its first 100 years by winning the coveted All-America City Award from Look magazine and the National League of Municipalities.

President L. Rush Jordan and Chairman Mrs. William B. Scott are to be congratulated for making the 1972 Festival of Arts a fitting beginning for Birmingham's second century of progress.

CONFERENCE REPORT ON H.R. 12910—PUBLIC DEBT LIMIT

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. HALL. Mr. Speaker, reserving the right to object, I would call the attention of the gentleman to the fact that week before last, for good and sufficient reason, I saw reason to object to the filing, or permission to file several days in advance of the completion of the work of the Committee on Banking and Currency a report to further devalue the dollar, and/or increase the price of gold. A rule was granted in the proper course and under the proper procedures of the House that was scheduled for consideration this week on Wednesday, I believe.

It was announced by the majority leader on last Thursday that that bill would not be called up this week under the rule, or otherwise. Therefore, it was not such an emergency after all.

Mr. Speaker, clause 27(d)(4) of rule XI of the House as adopted under the Reorganization Act of 1970 clearly and specifically sets forth exceptions as to committees, and exemptions as to substance of bills, and/or conference reports coming back before the House to the effect that they be printed and available to the membership for 3 calendar days before they can be brought up by the responsible chairman.

As has been previously reported Mr. Speaker, this is to be "the week that was," so far as our monetary system is concerned. We are bringing in a conference report for increasing and legalizing the debt ceiling, which I understand, and now have the report in my hand consisting of only a one-page report—and is not fully printed on either side.

I would certainly agree with the chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS), Mr. Speaker, in his statement the other day that the other body had receded, and it is simply as passed by the House. But the question here is one of principle, and of the rights of individual Members. Indeed, that is why we ask unanimous consent.

So, I would ask my friend, the gentleman and my neighbor from south of the Missouri border, if there is some outstanding or particular reason why we should take this up as an emergency, or make it an exception to the rule, or of the privilege of his committee, or of substance, in the conference report?

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. HALL. I will be glad to yield to my friend, the gentleman from Arkansas.

Mr. MILLS of Arkansas. There is an emergency, yes; but before discussing that let me assure my friend, the gentleman from Missouri, that I would not at all suggest this rather unusual procedure of not allowing the conference report to lay over for the full 3 days which the rule provides if it were not for the fact, first, that, as the gentleman from Missouri says, the conference report contains nothing more than the identical bill which passed the House. There is no amendment to it at all. There is no amendment to the language of the House-passed bill. The Senate did try to write in some expenditure ceiling language which the Treasury Department and others felt was not at all adequate, and gave no protection at all. The Senate receded on that, serving notice on us that there would be another debt ceiling bill on down the road that they might want to use as the future vehicle for such an amendment.

But, second, we have been assured all along that the Treasury would hit the ceiling of $430 billion some time between the 10th of March and the 14th or 15th of March. As I understand, and I think my friend, the gentleman from Wisconsin (Mr. BYRNES) has more recent information than even I have, this is considered to be an emergency situation; otherwise I would again assure the gentleman that I would not have resorted to this unusual procedure.

Mr. HALL. I appreciate the gentleman's statement, Mr. Speaker. But as I understand his statement, it does not come under (B) of clause 27(d4) of rule XI, which says: "Any executive decision, determination, or action," may be exempted from the 3-day rule.

Mr. MILLS of Arkansas. If the gentleman will yield further, the gentleman is correct. I am not contending that there is any such exception for the conference report.

Mr. HALL. Does the gentleman think, Mr. Speaker, that it would defile the pursestring function of the Congress if maybe we had another payless payday, or if we did exceed this trumped-up and illegitimate, but legalized debt ceiling, would lead to an international monetary situation that would be harmful to the shambles and deficit in our Treasury at this time?

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. I think actually I must admit to the gentleman that this is not a question of meeting payrolls, nor necessarily a question of meeting contractual obligations within this period of time. There has been in the past another type of problem that I think we would have again, and that is interfering with the orderly marketing of governmental securities, including the announcement of the marketing of those securities, that would interfere with the regular business of the Treasury, and could cost us some additional funds so far as interest rates are concerned.

Mr. HALL. Mr. Speaker, I thank the gentleman.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman, my friend from Wisconsin, the ranking minority member.

Mr. BYRNES of Wisconsin. Mr. Speaker, I would add to the point that the chairman just made that I think it should be understood that it is estimated as of today, the debt subject to limitation is $429,800,000,000. Tomorrow it is estimated that it will be $429,900,000,000. That means we are within $200 million of the present ceiling.

Now there are some social security funds that should be invested in Government bonds. But the limitation is going to be there that all you can invest as of tomorrow is $100,000,000, because that is all you have left in borrowing latitude.

So the delay you cause here is not going to make any grandiose change. In fact, we are going to pass it on Wednesday, I would assume since the House passed the identical bill by a vote of 247 to 147. I would assume that not many have changed their minds in the meantime on the identical bill where there is not a comma that has been added nor a "t" crossed and not a bit of change except, if we delay it, there is this one consequence of some revenue that the social security fund should have that it will not have and the disruption for a couple of days of being under pressure as to refinancing that does create some problems in the market.

Chaos is not to develop if we do not raise the limit between now and Wednesday. But there is really no point I can see in causing the confusion and disruption even for a couple of days, if I may point that out to the gentleman from Missouri.

Mr. HALL. I thank the gentleman. I am not very impressed by the allegation of necessity for rollovers, because if I do say so, it does not amount to very much except when huge amounts are invested, anyway.

I think I would be satisfied to say I am not a down-the-liner as to a single unified budget concept. I do not even believe we should be borrowing through participation sales certificates, direct loans, or other devices from the various trust funds into the general Treasury. May I suggest to the gentlemen who share that opinion anyway and want to support it, in fact, I think we ought to live within our income.

But I am a practical man and inasmuch as it will undoubtedly be brought up properly and passed on Wednesday anyway; if there is any benefit to be accrued; and particularly because of the succinctness of the committee's conference report, No. 92-910; and finally because of my heartfelt appreciation of the gentleman from Arkansas being here today, instead of in Florida, Mr. Speaker, I withdraw my reservation of objection.

Mr. BURTON. Mr. Speaker, further reserving the right to object, I would like to direct a question to the chairman of the committee.

As I understand it, some time ago you requested the administration respond to your letter, which noted the restlessness in the House with reference to approving any further increase in the debt limit without some definitive response from the administration in terms of reforming the tax structure in areas of income, gift, and estate taxes.

It is further my recollection that the distinguished chairman of the Committee on Ways and Means requested that the administration respond to this letter by March 15.

So my first question is—has the administration responded to the chairman's letter?

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. BURTON. I yield to the gentleman.

Mr. MILLS of Arkansas. They acknowledged receipt of the letter, but no suggestion has come to the chairman as yet of any tax reform program or any parts of it.

Mr. BURTON. I would like to pose, if I may, a question to the distinguished ranking member of the Committee on Ways and Means.

Do you have any knowledge as to whether or not the administration intends to give a definitive response to the questions posed by the distinguished chairman of the full Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS)?

Mr. BYRNES of Wisconsin. Mr. Speaker, let me say this. It is my understanding that the administration does intend to respond in more detail than the acknowledgement the chairman received. Certainly, when it receives a letter from the chairman of the Committee on Ways and Means, it is going to respond to it. They are not going to ignore it. Further than that I cannot tell you what they are going to say, how long a letter it will be, or anything else.

Mr. BURTON. Am I correct in my recollection that Wednesday is the 15th of March?

Mr. MILLS of Arkansas. That is correct.

Mr. BURTON. This conference report, in normal course, would be taken up on Wednesday in the absence of unanimous consent to take it up earlier; is that not correct?

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. BURTON. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. That is correct, but let me assure the gentleman that there is no connection whatsoever between my unanimous-consent request and the letter that we wrote asking the President if he intended to submit such a program, and if such a program would be made available by the 15th of March. The instant situation is one that could result in loss of income to the social security trust fund if there is a delay. It could cause some juggling within the Treasury for the payment of certain bills that might become due before we could get the bill signed by midnight of March 15.

Mr. BURTON. Proceeding further, it would be my intention to object in the absence of receiving some assurance that we will get a definitive response from the administration to the chairman's letter by the 15th. I personally applaud the chairman's effort to execute his responsibilities in this respect. The administration was long forewarned about the March 15 deadline for a response, and if the administration chooses not to be inconvenienced by responding to the chairman, or I do not receive assurance that we will get a definitive response to the chairman's request, I at this time would, in the absence of such assurances, interpose an objection.

Now, there is one way we can handle this matter, if the chairman will bear with me for just a moment. Rather than foreclose consideration today—and I know the chairman is a very busy man—if this request were to be postponed until later in the day, we would provide the administration with an additional opportunity to inform the minority leader or the ranking member of the Ways and Means Committee as to whether such assurance could be forthcoming. In the event the request is pursued at this time, however, I shall then exercise my right to object.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield further?

Mr. BURTON. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. I doubt that there would be any change in the situation by delaying the request until later in the day. Let me, if the gentleman will continue to yield, call the gentleman's attention to the fact that the administration has already submitted a program for revising the laws with respect to pension funds and also with respect to the deferment of taxes on annuities purchased by the self-employed. One large area we have not gone into since we wrote the Tax Reform Act in 1969 is the area of estate and gift taxes. So far as I am aware, there have been no conclusions reached downtown on that matter, and there have been no conclusions reached by the staffs that work with the Ways and Means Committee.

I would not hesitate to ask the committee to consider any reform in the area of estate and gift taxes at such time as our own staff people can come forward with certain recommendations that we could use as a basis for hearing before the committee.

This, of course, could happen without any overt act on the part of the administration, because we must admit that as members of the Ways and Means Committee, we have as much responsibility in this area as they have downtown. I was not trying to shirk our own responsibility when I wrote the President asking him if he had any thoughts in the area of tax reform to send them to us in time for us to legislate this year. However, as I have indicated, we have not heard substantially from him as to any recommendations he may have.

Mr. BURTON. I would like to pose a question to the distinguished ranking minority member: Does the ranking member concur with the chairman that delaying this matter for a few hours would serve no useful purpose today? In the event that is the response, then I shall object.

Mr. BYRNES of Wisconsin. I cannot speak for the administration with respect to exactly when the letter is going to come up. Even the response I made to the gentleman before represents a general impression and a knowledge that they do intend to respond appropriately to the letter from the chairman.

I do not quite understand the procedure that is suggested here: That we are not going to do the business of the Congress and the business that the country needs to have done except as the President answers a letter that was sent to him.

I think I can give the gentleman assurance that the letter will be answered, and answered within a very reasonable time. It may come up today or tomorrow or the next day. I cannot give the gentleman an exact time.

Mr. BURTON. Mr. Speaker, I appreciate the remarks of both the chairman and the ranking minority Member. I think there is no point in taking more of our time. Perhaps the administration will find some time to process its answer this afternoon.

Mr. Speaker, on February 4, I and many of my colleagues announced that we would vote against the pending increase in the public debt ceiling unless the legislation required the President to submit tax reform recommendations to Congress.

Three days later, the distinguished chairman of the House Ways and Means Committee, Representative MILLS, wrote the President and requested him to submit to Congress by March 15 his proposals for reforming the Federal income, estate and gift tax systems.

We welcomed Chairman MILLS' action and in light of his letter dropped our effort to amend the debt ceiling legislation.

Now March 15 is nearly upon us and there is every indication that the administration does not intend to act.

At a press conference a few days after Chairman MILLS sent his letter, the President implied that no recommendations would be sent to Congress because it would be "impossible" for Congress to act on tax reform legislation this year. The President was asked whether he intended to respond to the request for tax reform. He answered:

> It is obvious that even if the Administration were to recommend tax reform this year, it would be impossible for Congress, particularly the Ways and Means Committee, as much as it has on its plate, and the Finance Committee with welfare reform, revenue sharing, and the rest, ever to get to it.

On February 28 another member of the administration made his views on tax reform known. During testimony before the Senate Finance Committee, Treasury Secretary Connally repeatedly evaded the simple question of whether the administration would submit tax reform suggestions this year and left no doubt that the administration had no intention of submitting such proposals "at this particular moment." The Secretary further testified that he did not consider the oil depletion allowance and tax-free municipal bonds "loopholes." At this point I include in the Record the testimony of Secretary Connally at those hearings.

It is clear, Mr. Speaker, that the administration does not understand the seriousness with which we regard the need for tax reform. For 2 months we have asked for their ideas; for 2 months they have brushed off our requests. Today we object to the early consideration of the debt ceiling conference report to emphasize our point to the President: We are serious about tax reform.

We have investigated the effect of a 2-day delay of this debt ceiling increase. It is our judgment that its impact will be basically one of bookkeeping problems at the Department of the Treasury. These problems are dwarfed by the need for a revenue-raising, loophole-plugging program to reform the Federal tax structure. We assert that massive losses of Federal revenues through the loopholes in that structure can no longer be tolerated. While our domestic problems fester and our cities and States fight off fiscal disaster, many high-income corporations and individuals pay little or no tax and much needed moneys are siphoned into private pockets.

Representative Mills today has honored the administration's request to expedite House consideration of the debt ceiling increase. We understand that by bringing this to the House floor he in no way undermines his expressed commitment he has shown for prompt and timely consideration by the House of meaningful tax reform. We appreciate his leadership and guidance in this important area.

We hope this delay will impress upon the President that we intend to continue to push for tax reform. As long as the rich are able to evade their fair share while many middle- and lower-income Americans feel the sharp bite on the tax system, there will be no true tax justice. In the past the debt ceiling has been raised because congressional Democrats have supported the President. We have already put the President on notice that our future support hinges on his actions in filling the drain on Federal revenues. Today we underscore that point.

I include the following:

Senator Nelson. On September 9, the President, in a statement to a joint session of Congress, said:

"That is why in the next session of Congress, I shall present new proposals in both these areas, tax reform to create new jobs, and new programs to insure the maximum enlistment of America's technology in meeting the challenges of peace."

Then I notice that on February 7, Mr. Wilbur Mills sent a letter to the President, making reference to that statement of September 9, 1971. The letter said in part:

"To me and most others, this term means a program of further elimination of preferences and so-called loopholes in the Federal income, estate, and gift tax system. If this is what you had in your mind, and I am sure it is, let me call your attention to the fact that in order for the Congress to complete action on any such proposal, you should give us the benefit of your thinking in a message either delivered in person to the Congress, or submitted by messenger to the Congress, not later than March 15, 1972.

"My suggestion is not with respect to any new type of tax such as the value added tax, which I am sure you did not mean to include in your definition of tax reform in your appearance before the Congress.

"Since your statement advising us of your intention, this matter has become all the more important because of developments in the House in recent days raising the question about the support of continued increases in the debt ceiling unless such requests are coupled with tax reform ostensibly that would produce additional revenues."

As we all know, a substantial package of reform proposals has been developed in the Treasury Department over the past few years. With the revenues raised from closing loopholes, we could reduce taxes by some $15 billion or thereabouts.

My question is this: *Does the Administration intend to send to Congress a tax reform bill this session in accordance with the commitment of the President last September 9?*

Secretary Connally. Well, first let us go back—I do not want to try to read the President's mind about what he intended to do. So far as I know, in talking on September 9, he was then concerned, and still is concerned, about the inordinate increase in property taxes on homes throughout this Nation. He still is concerned about the high tax increases—both local and State, as well as other types of taxes by school districts, water districts, and so forth—on people's homes in this country.

He thinks it has important social implications. He has been searching for weeks and months, as we have been, to find out what position the Federal Government can take to help alleviate these onerous taxes, this great tax burden that is now borne by homeowners in this country.

I think that is probably what he had in mind. I do not think he had in mind a reform bill such as you now say you think he had in mind. We have had two of those in recent years. In 1969—we alluded to it a little earlier, Senator Nelson—Congress spent the entire year, both the House and Senate, talking about tax reforms and very, very substantial tax reforms were made.

Senator, the reform and relief provisions in the 1969 act reduced individual income tax receipts for the fiscal years 1970 through 1973 by nearly $20 billion. Tax increases on corporations have resulted in approximate increases of around $3½ billion during the same period.

The net of it is that the Treasury has lost enormous revenue each time a reform bill is up and we do not now anticipate that there is going to be a reform bill such as you apparently have in mind.

Senator Nelson. Mr. Secretary, all the things you make reference to had been accomplished, or were nearly accomplished, by the time of the President's message. We were well on our way to passing the tax reduction bill, which I had never heard anybody call a reform bill before. That bill passed in November. We are talking about a statement of the President's on September 9 making reference to this session.

It says:

"That is why, in the next session of the Congress, I shall present new proposals in both these areas, tax reform to create new jobs, and new programs to insure the maximum enlistment of America's technology in meeting the challenge of peace."

So on September 9, the President was not talking about the tax bill that was in the mill and that passed within a month of his statement. He was talking about a message to this session of the Congress—this year, 1972.

All I am trying to get clear is this: Does the President intend to present it, or does he not?

Secretary Connally. At this time, we are not prepared to present it, Senator. We are very early in the session. You have only been in session approximately 45 days, and there is lots of time left, if indeed we can devise a solution, whereby we can indeed help State and local governments with respect to the onerous tax burdens that homeowners now have.

The other part of the question to which you refer deals with tax incentives to promote research and development on the theory of the President that part of the economic strength and vitality of this Nation—the continued expansion of our economy, the ability of industry to provide jobs for the American people—has always depended upon the great advantage that we have had in the technological field.

We have lost much of this advantage. The Federal Government—because of its cutback in the space program, because of its cutback in defense procurement—has likewise cut back enormously on its own contributions to basic research. Industry has not increased its contributions to research and development to the point where we have any assurance whatever that we are going to be able to stay ahead of the competition in terms of new products, new developments, new technologies.

We are searching, very frankly—we have been for months—searching to develop a feasible way to provide some incentive, some encouragement, some stimulant that makes sense, that will be effective to increase the research and development which is so essential, in our judgment, to the continued economic leadership of the United States. We do not have it yet. We have not found the answer to it yet.

Senator Nelson. Well, I am still not clear about this, Mr. Secretary. The President's language is, "I shall present tax reforms" in this session. There are a lot of us here interested in tax reforms. A lot of people, and I think most economists in this country, consider that the tax loopholes in the present tax law are disgraceful. So I would ask you this: Did the President make a commitment that you now find, after exploring it, you are not able to keep?

Are we or are we not going to have tax reform proposals? You state that it is early in the session. Well, I think it is kind of late in the session, and Mr. Mills himself, who I suppose is as expert a anybody here on the mechanics of dealing with tax legislation, states that it would be necessary for the Congress to have these proposals by March 15. That is only 15 days away.

I am just curious to know: Are we going to have a tax reform proposal or are we not?

Secretary Connally. Well, we are certainly not prepared to submit one at this time. I do not want to get into an argument with the distinguished chairman of the Ways and Means Committee, who certainly knows more about the time required for tax reforms than I, but Congress made very significant tax changes last year in a matter of about 6 weeks. So when I say that there is ample time left in the session, I do not think that there is any great problem insofar as time is concerned.

Senator Nelson. Is there any reason why the Treasury does not send down to the Congress these proposals that have been pending there for sometime? What about such loopholes as the oil depletion allowance, the accelerated depreciation, and the various other loopholes that run throughout the system that are discussed day after day?

Secretary Connally. Senator, I am glad we came face-to-face with our respective definitions of "reform," because obviously yours and mine do not jive.

In 1969, as you well recall, you had a reform bill of great magnitude. You changed the depletion allowance from 27.5 to 22 percent. This resulted in increased taxes on American oil companies of approximately $670 million.

You passed a minimum tax; you affected the real estate taxes; you changed the capital gains tax. You have an enormous Tax Reform Act.

As a matter of fact, I think it is the most sweeping tax reform in the history of the Nation, and it is the first time in the history of the United States that the Congress ever passed a Tax Reform Act in 1 year. So this reform is under very great pressure of time.

The distinguished Chairman will recall that when this committee got it, at approximately Labor Day, you were under pressure of the Senate itself to report it by November 1 of that same year. And, frankly, as I recall, Senator, witnesses had to beg and plead to come here and testify for a matter of 10 minutes on matters that were extremely essential and very important to them. Now, this is the time pressure that you were under for reform.

As a result of that, you made massive changes. Now, when you talk about loopholes, I do not consider a capital gains provision of the tax law as a loophole. I do not consider depletion allowances as a loophole. This is a very conscious decision made by this Congress over almost half a century to stimulate the development of mineral resources of the country. If there was ever a time when we needed to stimulate it, it is now. We do not need to reduce it.

The truth of the matter is, if we were looking at the interest of the United States, we would probably provide a greater incentive. When you talk about allowing State and local taxes as a chargeoff against Federal taxes, this is a very conscious decision.

There was a provision in that tax reform bill to disallow tax-free municipal bonds, but you could not pass it and you ought not to pass it. A number of people appeared against it. I am not for it. The Treasury is not for it. The Congress years ago made a conscious decision that you were going to permit tax-free municipal bonds as a means for State and local governments to finance their operations. If you want to change that, you are going to get into massive reform, but it is not a loophole. Nothing about it is a loophole.

We are not going to submit any proposals to you at this particular moment, regarding these things. If you can find a means by which the Federal Government can assist State and local governments to meet their tax responsibilities and their financial responsibilities, at the same time encouraging them to repeal their taxes on homes throughout this country, we are going to try to do it and it will be a major reform. It is one of the things the President is talking about.

The other is this incentive for research and development. Those are the things that he addressed himself to, and we are not prepared to submit them to you yet.

Senator Nelson. I understand my time is substantially over. But I think it would be helpful if the administration would take a good, hard look at the whole package of proposals in the Treasury Department, developed over a period of years, and supported by, I think, the vast majority of the economists in this country, and tell us which loopholes you, as Secretary feel are not loopholes. I think this is worth giving some consideration to, because most economists who look at our system are satisfied that it is an absolute disgrace in that it permits all kinds of people to get large amounts of unearned income and not pay any taxes on it.

Moreover, the tax system is not progressive, as the Secretary knows. People in the lower income brackets are paying as high a percentage of their income in taxes as those in the higher income brackets. If what the administration means by tax reform is a general sales tax under the guise of a value added tax, I submit that this is not what the country understands as reform nor what the economists of this country understand as reform.

Secretary Connally. Well, we certainly, Senator—and I do not want to use too much of your time, but I want to point out to you—we study every one of these proposals. We are studying the value added tax, the Treasury has been for 2 years. We study every suggestion that is made that we hear about.

We are studying the value added tax for a number of reasons, largely because a great many people who, for one reason or another, constantly criticize us—by "us," I am talking about the United States—for not following the great wisdom of the European Community. They do this in trade matters; they do it in monetary affairs. We are being criticized very sharply now, even within our own country, because we do not raise interest rates, because Europe has high interest rates.

We get all kinds of criticisms like this. So we—acting on the assumption that these people who believe in the wisdom of the Europeans—are looking very strongly at the value added tax. Nearly every major industrial country in Europe has the value added tax—they have imposed it, with all their wisdom—there must be some great merits in it. So we are investigating it.

Now, as far as other areas, you talk about some of the loopholes. Again, the Congress has in its wisdom, in my judgment, permitted the deduction of interest paid, although in the Tax Reform Act of 1969 you changed that provision. You permitted the interest deduction only to the extent that there is investment income to offset. If you did not have that kind of provision—this is labeled by many as an inordinate loophole—it seems to me that you would create a tax system in this country that would do nothing but permit inherited wealth to continue and prevent anyone else from ever building any kind of estate.

If a fellow who starts with nothing cannot go out and build something—build an estate, build a business, build an industry, and charge interest expense off, which he is now permitted to do, you are going to prevent anybody from ever again building an estate in this country. So I do not count it as a loophole. I think this is basically where you and I disagree, Senator.

Mr. Speaker, I object to the consideration of the conference report.

The SPEAKER. Objection is heard.

CALL OF THE HOUSE

Mr. HARVEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 71]

Abourezk
Abzug
Addabbo
Anderson, Ill.
Anderson, Tenn.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Badillo
Baring
Bell
Biaggi
Bingham
Blanton
Blatnik
Brasco
Caffery
Chisholm
Clark
Clausen, Don H.
Clay
Collins, Ill.
Conyers
Cotter
Crane
Curlin
Davis, S.C.
Dellums
Denholm
Dent
Diggs
Dorn
Dow
Dowdy
Dwyer
Eckhardt
Edwards, La.
Findley
Fish
Fisher
Foley
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Gallagher
Gaydos
Gettys
Goldwater
Grasso
Green, Oreg.
Halpern
Hawkins
Hull
Ichord
Jarman
Jones, Ala.
Kee
Keith
Landrum
Lloyd
Long, La.
Lujan
McDonald, Mich.
McKay
McKevitt
McKinney
McMillan
Madden
Mann
Melcher
Metcalfe
Miller, Calif.
Mills, Md.
Mink
Moorhead
Murphy, Ill.
Murphy, N.Y.
Nelsen
Pelly
Pepper
Pike
Podell
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Rees
Reid
Riegle
Rostenkowski
Rousselot
Ruth
St Germain
Scheuer
Schwengel
Stanton, James V.
Steele
Stephens
Stokes
Stubblefield
Talcott
Teague, Calif.
Thompson, N.J.
Tiernan
Van Deerlin
Vigorito
Ware
Whalley
Wiggins
Wilson, Charles H.
Winn
Zion
Zwach

The SPEAKER. On this rollcall 313 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

REIMBURSEMENT OF COSTS OF RELOCATION OR ABANDONMENT LOSSES

Mr. CABELL. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 13533), to amend the District of Columbia Redevelopment Act of 1945 to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the act approved June 11, 1878—providing a permanent government of the District of Columbia—and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 13533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

Section 1. This Act may be cited as the "District of Columbia Public Utilities Reimbursement Act of 1972".

Sec. 2. Section 5 of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5–704), is amended by adding at the end thereof the following new subsections:

"(c) Notwithstanding any provisions of law to the contrary, whenever, as the result of urban redevelopment, any utility facilities are required to be relocated, adjusted, replaced, removed, or abandoned in order to meet the requirements of or to conform to a redevelopment plan, or any modification of such plan adopted pursuant to this Act, the utility owning such facilities, shall relocate, adjust, replace, remove, or abandon the same, as the case may be. The cost of relocation, adjustment, replacement, or removal, and the cost of abandonment of such facilities shall be paid to the utility by the Agency as part of the cost of the redevelopment project.

"(d) As used in this section—

"(1) The term 'utility' means any gas plant, gas corporation, electric plant, electrical corporation, telephone corporation, telephone line, telegraph corporation, telegraph line, and pipeline company, whether publicly or privately owned, as those terms are defined in paragraph 1 of section 8 of the Act of March 4, 1913 (relating to appropriation for expenses for the government of the District of Columbia) (D.C. Code, secs 43–112—43–121).

"(2) The term 'utility facility' means all real and personal property, buildings, and equipment owned or held by a utility in connection with the conduct of its lawful business.

"(3) The term 'cost of relocation, adjustment, replacement, or removal' means the entire amount paid by such utility properly attributable to such relocation, adjustment, replacement, or removal, as the case may be, less any increase in value on account of any betterment of the new utility facilities over the old utility facilities, and less any salvage value derived from the old utility facilities.

"(4) The term 'cost of abandonment' means the actual cost to abandon any utility facilities which are not to be used, relocated, adjusted, replaced, removed, or salvaged, together with the original cost of such abandoned facilities, less depreciation."

SEC. 3. Section 7(h) of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5–706(h)) is amended by inserting immediately after the words "include in the cost payable by it" a comma and the phrase: "in addition to the costs provided for in section 5(c) hereof,".

SEC. 4. (a) Notwithstanding any provisions of law to the contrary, whenever the Commissioner of the District of Columbia shall determine that the construction or modification of a project, on or a part of the National System of Interstate and Defense Highways within the District of facilities over the old utility facilities, and less any salvage value derived from the old utility facilities.

(4) The term "cost of abandonment" means the actual cost to abandon any utility facilities which are not to be used, relocated, adjusted, replaced, removed, or salvaged, together with the original cost of such abandoned facilities, less depreciation.

SEC. 5. Section 5 of the Act entitled "An Act providing for a permanent form of government for the District of Columbia", approved June 11, 1878 (D.C. Code, sec. 7–605), is amended by inserting at the end thereof after the word "direct" a comma and the following phrase: "except as provided in sections 5(c) and 7(h) of the District of Columbia Redevelopment Act of 1945 and section 4 of the District of Columbia Public Utilities Reimbursement Act of 1972".

The SPEAKER. The gentleman from Texas is recognized.

Mr. CABELL. Mr. Speaker, the purpose of H.R. 13533—as stated in House Report No. 92–906—is to provide for reimbursement to the privately owned public utilities in the District of Columbia of their costs of relocation, or losses from abandonment, due to urban renewal projects, or projects under the National System of Interstate and Defense Highways (Federal-Aid Highway projects).

The bill provides reimbursement to these utilities for nonbetterment costs, or losses with respect to properties, facilities, or structures required to be abandoned, adjusted, relocated, or removed as a part of such projects. No reimbursement is provided for any betterment or improvements of any facilities.

In general, the bill would prevent the present practice of charging such unusual or extraordinary expenses and losses to the rate payers or consumers and enable the preservation of the investment of public utilities in the District in their properties and their facilities devoted to public service.

As indicated, customers of these utilities are currently bearing these extraordinary costs and losses through the rates they pay for their utility services, despite the fact that these projects benefit the entire metropolitan community and therefore should be supported by the general tax dollars.

URBAN RENEWAL PROJECT

Section 2 of H.R. 13533 would amend the District of Columbia Redevelopment Act of 1945 to require payment by the RLA of the cost of relocating, adjusting, replacement, removing, and abandoning utility facilities whenever such actions become necessary because of an urban redevelopment plan or modification thereof. Payment of such costs would be made to the utility owning such facilities and would be treated as an allowable cost of the Urban Renewal redevelopment project.

Generally in the District of Columbia, costs incident to the removal or relocation of electric, telephone, and gas utility facilities, when such removal or relocation is necessitated by governmental action, have been borne by the public utilities affected thereby. This long-standing requirement is based on the view that utility companies acquire no vested interests in the public space of the District of Columbia by the grant to them of franchises to construct and maintain utility lines, conduits, pipes, and related facilities. Hence, when the needs of the District or Federal Government so require in connection with the construction of public buildings and other public works, such utilities are now obliged to remove, divert, or relocate their facilities without cost to the respective governments.

Under H.R. 13533, utility relocation costs or losses from abandonment resulting from Urban Renewal projects in the District would be included in the cost of the project and passed on to the purchaser—as is now done with regard to the costs of relocating publicly owned water and sewer facilities—and thereafter recovered in the sale or lease price of the project of private developers.

As it now stands in the District, ultimate purchasers or lessees of property from the Redevelopment Land Agency may get a windfall because part of the cost of the project, namely utility relocation or abandonment costs, have been absorbed by local utility customers.

Concededly, Urban Renewal projects require condemnation and the redesigning of large areas of the District, wherein some existing buildings must be demolished for new ones to be constructed. As a part of this process of redevelopment, certain streets and ways must be closed or re-routed to accommodate the redesigns and as a necessary incident thereto, adjustments must be made in public utility facilities which are located in some streets and ways; and, of course, the costs resulting therefrom should be included and paid as part of the cost of the whole project.

At the present time, at least eight States have enacted laws permitting payment for utility adjustment costs in Urban Renewal projects, namely: Connecticut, Georgia, Kansas, Maryland, Massachusetts, New Jersey, Texas, Oklahoma.

In adjacent Maryland, the State's constitution was amended in 1960 to permit the General Assembly to authorize and empower any county or any municipal corporation to carry out urban renewal projects, and since that date five counties and 33 cities and towns in Maryland have been so empowered, with provisions for payment to utilities of costs of relocating their facilities when such relocations are required by urban renewal projects. Thus, Montgomery and Prince Georges Counties, and many of the cities and towns in the Washington Metropolitan Area, have already provided for payment of such costs to the utilities.

Further, the United States Department of Housing and Urban Development permits payment of relocation costs of privately owned utilities as a part of the project costs.

NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

Section 4 of H.R. 13533 also authorizes payment by the District of Columbia to public utility companies of the cost of relocating, adjusting, replacing, removing or abandoning utility facilities whenever the Commissioner of the District of Columbia determines that such actions are required by the construction or modification of a project under the National System of Interstate and Defense Highways within the District. The costs of such relocation, adjustment, replacement, removal, or abandonment, would be considered as a part of the costs of the Highway project. These provisions recognize the financial burden of large scale relocations and abandonments when utility facilities must be adjusted to accommodate Federal highway construction programs now in progress in the District.

Congress recognized the predicament of public utilities in such situations and made provision in the Federal-Aid Highway Act of 1956 for reimbursement to States (including the District of Columbia) which pay for utility relocations growing out of the Federal Highway program. However, such reimbursements may not be made unless the State (or the District) has appropriate authority to do so; at the present time the District of Columbia lacks such authority, and that is the reason for this part of the legislation reported herewith.

The impact of the vast road construction projects in the District is so extensive that the local utilities, and, in the judgment of your Committee, ultimately the rate payer, should not, in all fairness, be required to bear the cost of the resulting relocation of utility properties, and particularly when adjustments are the results of Federal highway improvements designed to benefit the public at large and are of no particular benefit, if any, to the utilities themselves.

The changes brought about are not due to changes designed for improvements of utility service; nor do they result from deterioration or ordinary obsolescence. As stated, the costs of the necessary utility modifications have been found by the Congress to be a cost of the Federal Aid Highways Improvement Program, to be borne by all those who benefit from them and not solely by the utility users.

PRECEDENT LEGISLATION

According to information furnished your Committee, payment for utility relocation costs in connection with projects that are a part of the National System of Interstate and Defense Highways is permitted in the following 45 States:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas.

Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York.

North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wyoming.

There are many precedents in the District of Columbia for payment of utility relocation costs.

Under the Washington Metropolitan Area Transit Authority Compact (P.L. 89–774, approved Nov. 6, 1966; 80 Stat. 1324), if facilities of a utility are required to be relocated because of any project connected with the building by the Authority of any transportation facilities, whether they be bus or rail rapid transit, payment of utility relocation costs are required.

The language of the compact (Art. XV) is as follows:

"Relocation of Public or Public Utility Facilities.

"68. Notwithstanding the provisions of Section 67 of this article XV, any highway or other public facility or any facilities of a public utility company which will be dislocated by reason of a project deemed necessary by the Board to effectuate the authorized purposes of this Title shall be relocated if such facilities are devoted to a public use, and the reasonable cost of relocation, if substitute facilities are necessary, shall be paid by the Board from any of its monies."

Similar requirements are contained in the Potomac, Susquehanna and Delaware River Basin Compacts.

HEARING

This legislation was thoroughly reviewed in a public hearing held by the Subcommittee on Business, Commerce, and Fiscal Affairs of your committee on February 22, 1972, at which time representatives of the utilities involved; namely, Washington Gas Light Co., Potomac Electric Power Co., and the Chesapeake & Potomac Telephone Co., and representatives of the District of Columbia Redevelopment Land Agency and the District of Columbia government, were heard and supported the legislation.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. CABELL. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Speaker, I rise in support of the legislation. H.R. 13533, now before us for final action, is a bill to provide for reimbursement to privately owned public utilities in the District of Columbia of their costs of relocation, or losses from abandonment, due to renewal projects or Federal-aid highway projects. These are nonbetterment costs only, not for any improvement of facilities.

What has happened in the past, and what this bill will correct, is that the public has been forced to bear the burden of these costs and losses through increased utility rates. But, as the committee report on H.R. 13533 points out, these renewal and highway projects benefit the entire metropolitan community, and there is much justification, therefore, for their support through general tax revenue.

And there is, indeed, substantial precedent for such legislation, both nationwide and locally. Forty-five States permit reimbursement for relocation costs as a result of Federal-aid highway projects, and eight States permit payment for utility adjustment costs in urban renewal programs. And here in Washington, utilities are reimbursed for relocation because of projects required in the construction of transportation facilities by the Washington Metropolitan Area Transit Authority.

Thus, from the consumer standpoint, it is essential and reasonable that we act quickly and favorably on this measure, and insure that such costs be considered legitimate expenses of any urban renewal or Federal highway program.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CABELL. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks in explanation of or concerning this bill (H.R. 13533) and the ensuing bills pertaining to the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISTRICT OF COLUMBIA SHARE OF RESERVOIR COSTS

Mr. CABELL. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 9802) to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 9802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the District of Columbia is hereby authorized to contract, within an amount specified in a District of Columbia Appropriation Act, with the United States, any State in the Potomac River Basin, any agency or political subdivision thereof, and any other competent State or local authority, with respect to the payment by the District of Columbia to the United States, either directly or indirectly, of the District's equitable share of any part or parts of the non-Federal portion of the costs of any reservoirs authorized by the Congress for construction on the Potomac River or any of its tributaries. Every such contract may contain such provisions as the Commissioner may deem necessary or appropriate.

SEC. 2. Unless hereafter otherwise provided by law, all payments made by the district of Columbia and all moneys received by the District of Columbia pursuant to any contract made under the authority of this Act shall be paid from, or be deposited in, the District of Columbia Water Fund. Charges for water delivered from the District of Columbia water system for use outside the District of Columbia may be adjusted to reflect the portions of any payments made by the District of Columbia under contracts authorized by this Act which are equitably attributable to such use outside the District.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Mr. CABELL. Mr. Speaker, the purpose of H.R. 9802—as stated in House Report No. 92–904—is to authorize the Commissioner of the District of Columbia to enter into contracts with the United States or with any State in the Potomac River Basin, for the purpose of providing payment to the United States of the District's fair share of the non-Federal portion of the costs of any reservoirs authorized by the Congress to be constructed on the Potomac River or any of its tributaries from which the District of Columbia would benefit. Such payments will be made from the D.C. Water Fund.

NEED FOR LEGISLATION

In April of 1961, the U.S. Army Corps of Engineers submitted a report recommending the construction of a reservoir on the north branch of the Potomac River above Bloomington, Md. The purposes of this project were to provide for immediate and future municipal and industrial water supply, flood control, water quality control, and recreation; and the District of Columbia would be a beneficiary of supplemental water provided from this reservoir. This Bloomington Reservoir project was authorized in the Flood Control Act of 1962 (Public Law 87–874). However, the actual construction of this project was delayed until quite recently because of the requirements of section 301(b) of the Water Supply Act of 1958, as amended, that there be contractual agreements by

State or local interests to pay to the United States the costs of providing water supply storage for their existing demands. The enactment of H.R. 9802 into law will enable the District of Columbia, for the first time, to enter into contracts for the payment of its fair share of such costs, and thus this proposed legislation is needed to help prevent such delays in the construction of future projects as may be approved by the Congress.

Extremely low Potomac River flows experienced in the summer and early fall of 1966, and periodic threats of a repetition of these 1966 conditions, have created an urgent necessity for bringing to fruition as quickly as possible plans for supplementing the District's supply of water from the Potomac, and hence the need for this legislation is critical.

DEVELOPMENT OF LEGISLATION

Over the years since the authorization of the Bloomington project, the U.S. Army Corps of Engineers has exerted considerable effort in getting various agencies of Maryland, Virginia, West Virginia, and the District of Columbia together to try to develop methods by which the non-Federal share of the costs of the Bloomington reservoir might be allocated equitably. Little progress was made, however, until the State of Maryland enacted legislation in 1969, creating the Maryland Potomac Water Authority as an instrument for contracting with the Federal government for the initial non-Federal costs of the Bloomington project.

In October of 1968, the Maryland Department of Water Resources approached the District of Columbia government with a view toward seeking an agreement whereby ways of handling the District's fair share of the initial non-Federal cost of the Bloomington reservoir might be worked out with the Maryland Potomac Water Authority, which was then in the formative stages. The District government welcomed this opportunity, and the bill H.R. 9802 represents the fruits of these joint efforts.

HEARING

A public hearing on this proposed legislation was conducted on February 22, 1972. At that time, testimony in favor of the enactment of the bill was offered by spokesmen for the Commissioner of the District of Columbia and the D.C. Department of Environmental Services. No opposition to the bill was expressed.

This bill is identical to S. 1362, which passed the Senate on December 2, 1971.

COSTS

The cost which will accrue to the District of Columbia government over the next 5 fiscal years, pursuant to the enactment of this bill, is impossible to predict at this time. No outlay of funds will be called for until the completion of the Bloomington Reservoir, construction of which was begun only quite recently. Present estimates of this completion date vary from 1975 to 1977. Also, the District's share of the non-Federal cost of this project will be determined in accordance with the terms of an agreement between the District of Columbia government and the Maryland Potomac Water Authority, which has not yet been developed.

It should be pointed out, however, that the District's share of these costs will be paid from the District of Columbia Water Fund, which traditionally has been self-sustaining through revenues from the use of water in the city. Hence, it appears probable that the District's share of the cost of construction of these reservoirs may be raised through advertisement in the city's water rates. Of course, however, congressional approval of the expenditure of these funds for this purpose will be required.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. GUDE) the author of this bill, if he would like to make certain explanations.

Mr. GUDE. Mr. Speaker, I thank the gentleman from Texas for yielding.

Mr. Speaker, H.R. 9802 is a bill to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the non-Federal costs of reservoirs on the Potomac River and its tributaries. Specifically, the Bloomington Reservoir on the Potomac River will contain storage to augment the water supply of Potomac Basin communities and the Washington metropolitan region. In 1969, the State of Maryland enacted legislation creating the Maryland Potomac Water Authority, authorized to contract with the United States to pay its share of the non-Federal costs for Bloomington water storage and to contract with the District of Columbia with respect to the District's equitable share.

Members of the Maryland Potomac Water Authority, consisting of several Maryland counties, have agreed to a formula for allocating water supply costs in proportion to the quantity used. District of Columbia communities also benefit from the Bloomington storage. This bill simply enables the District to contract for its payment of its equitable share of the costs of such a project, to be paid from the District of Columbia water fund. Thus, the bill would facilitate negotiations and enable the District to cooperate fully in this important matter of water supply for the metropolitan region. At the same time, I should point out the Corps of Engineers is working to provide access to additional water supply from the estuary in emergency periods of low flow. I have no doubt that we have the technology at hand so that within a few years we will be able to further supplement our regional water supply from the estuary so as to preclude the need for construction of additional upstream impoundments. At this time, however, this legislation is necessary in the case of the Bloomington Dam; it would be permissive in case Congress should ever deem other impoundments necessary.

Mr. CABELL. Mr. Speaker, I would like to add one additional explanation, which is that this does not entail the expenditure of money other than that which has already been authorized for the District of Columbia for its water needs. This does not require appropriations. The dam involved has been authorized, but the Corps of Engineers require that the District have this authority.

Mr. GUDE. Mr. Speaker, if the gentleman will yield further, actually there is only one dam authorized and under construction at this time. That is the Bloomington Dam. Further construction would have to be authorized specifically by Congress as far as any dams are concerned on the Potomac or its tributaries.

Mr. CABELL. That is correct. I thank the gentleman for his contribution.

Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be discharged from further consideration of a similar Senate bill (S. 1362) to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portion of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the District of Columbia is hereby authorized to contract, within an amount specified in a District of Columbia Appropriation Act, with the United States, any State in the Potomac River Basin, any agency or political subdivision thereof, and any other competent State or local authority, with respect to the payment by the District of Columbia to the United States, either directly or indirectly, of the District's equitable share of any part or parts of the non-Federal portion of the costs of any reservoirs authorized by the Congress for construction on the Potomac River or any of its tributaries. Every such contract may contain such provisions as the Commissioner may deem necessary or appropriate.

SEC. 2. Unless hereafter otherwise provided by law, all payments made by the District of Columbia and all moneys received by the District of Columbia pursuant to any contract made under the authority of this Act shall be paid from, or be deposited in, the District of Columbia Water Fund. Charges for water delivered from the District of Columbia water system for use outside the District of Columbia may be adjusted to reflect the portions of any payments made by the District of Columbia under contracts authorized by this Act which are equitably attributable to such use outside the District.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 9802) was laid on the table.

TO EXCLUDE DISTRICT OF COLUMBIA POLICE PERSONNEL RECORDS FROM PUBLIC INSPECTION

Mr. JACOBS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 11773) to amend section 135 of title 4 of the District of Columbia Code to exclude the personnel records, home addresses and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the bill as follows:

H.R. 11773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 135 of title 4 of the District of Columbia Code is amended to read "the records to be kept by paragraphs 1, 2 and 4 of section 4–134 shall be open to public inspection when not in actual use and this requirement shall be enforceable by mandatory injunction issued by the United States District Court for the District of Columbia on the application of any person."

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That section 389 of the Revised Statutes of the United States relating to the District of Columbia (D.C. Code, sec. 4–135), is amended to read as follows: 'The records to be kept by paragraphs 1, 2, and 4 of section 386 shall be open to public inspection when not in actual use, and this requirement shall be enforceable by mandatory injunction issued by the Superior Court of the District of Columbia on the application of any person.' "

The committee amendment was agreed to.

Mr. JACOBS. Mr. Speaker, I move to strike the last word.

I might say at the outset, this is a bill cosponsored by a number of Members. One of the principal sponsors is the gentleman from Maryland (Mr. HOGAN).

The purpose of H.R. 11773—as stated in House Report No. 92–903—is to exclude the personnel records, including the home addresses, telephone numbers, and certain other personal data, of the officers and members of the Metropolitan Police Department from the records which are open to public inspection.

Section 4–134 of the District of Columbia code requires that the Metropolitan Police Department maintain certain records, including general complaint files, records pertaining to stolen property, and arrest books containing important identifying information concerning every arrest made by a member of the Department. Specifically, paragraph 3 of this section requires the maintenance of the following records:

A personnel record of each member of the Metropolitan Police force, which shall contain his name and residence; the date and place of his birth; his marital status; the date he became a citizen, if foreign born; his age; his former occupation; and the dates of his employment and separation from office, together with the cause of the latter.

Section 135 of this same title requires that most of the records described in section 134, including the personnel records referred to in paragraph 3 thereof, "shall be open to public inspection when not in actual use". It is further provided that this requirement is enforceable by injunctive judicial relief.

NEED FOR LEGISLATION

The principal problem involved in these provisions of present law, as described above, lies in the availability to the public of the home addresses and telephone numbers of the police officers.

Our committee has been made aware that this availability of police officers' home addresses has resulted, on several occasions in recent years, in the exposure of police officers and their families to telephone harassment and fear of physical reprisals. Nor is it even necessary for a person seeking to wreak his spite or vengeance upon a police officer to go to Police Headquarters to obtain an officer's home address and telephone number; for during the year 1971 alone, the home addresses of District of Columbia police officers were printed in connection with stories in the Washington newspapers on at least four occasions.

Two incidents in particular, which occurred during the past year, illustrate availability of these home addresses to the public.

Last December, two off-duty District of Columbia police officers became involved with the occupants of another vehicle on South Capitol Street, who fired upon the two policemen. One of the officers was wounded by the gunmen and then dragged to his death by their automobile. The newspaper account of this incident included the address of the dead police officer's nearest relatives in this area. We are advised that during the course of the next several days the family was so harassed that they would have moved from the area had they been able to do so.

The other incident occurred in April of 1971, when a District of Columbia police officer responded to a false trouble call and became the victim of a premeditated ambush by two young men whom he and another officer had arrested the previous week. The police officer was fortunate in escaping this assassination attempt with minor wounds. While he lay in a hospital under protective guard, however, this officer's home address was printed in the local press. It happened that probable disaster in this case was averted by reason of the fact that the address released was one from which this officer's family had very recently moved. But there is no question but that in this instance, the ambushers might well have sought to visit their vengeance upon the members of the police officer's family, with tragic results.

These incidents, and others of like nature, leave no doubt that because of the availability of their home addresses and telephone numbers, officers and members of the Metropolitan Police Department and their families have been exposed, on too many occasions, to situations ranging from the harassment of anonymous telephone calls to actual threats of physical violence.

As for any useful purpose involved in the availability of this information to the public, our Committee realizes that on occasions, a citizen or an attorney may have perfectly valid reasons in seeking to contact a police officer. Most such contacts, however, can and should be made during the officer's duty hours at his assigned duty station. The present assignment of any officer or member of the Department may readily be obtained by telephoning tthe Department's personnel office. And should the officer not then be on duty, his next tour of duty may be obtained from his assigned unit.

Also, it is conceivable that occasions might arise when a citizen or an attorney may find it necessary to contact an officer on an emergency basis during his off-duty hours. On these occasions, the Department's Court Liaison Branch will assist by contacting the officer and requesting him to contact the person seeking to reach him, if the circumstances of the particular situation warrant.

PROVISIONS OF THE BILL

The bill H.R. 11773 removes the personnel records of the officers and members of the Metropolitan Police Department from the records of the Department which must be open to public inspection. This will serve to eliminate much of the possibility that individual officers and their families may be contacted, harassed, and in some cases endangered by persons with whom the officer has had official contact.

CONCLUSIONS

In the opinion of our committee, there is no question that the tensions upon the police officer and his family, incident to the nature of present day police work are great enough without the additional mental burden of fear for the safety of his home and family. Today's urban police officer must deal with greatly increased hostilities to his person. Radical groups call constantly for the death of police officers and even educate their children to insure another generation of police haters. We recognize that the criminal mind does not confine itself to logic and reason, and that threats of retaliation to an officer may easily be extended to his family as well.

Further, for reasons which have been cited elsewhere in his report, our committee is convinced that the continued availability of District of Columbia police officers' personnel records to public scrutiny can serve no useful purpose whatever. Hence, we commend this bill, which will forbid such public availability of these records, to our colleagues for favorable action.

HEARING

A public hearing on this bill was conducted by the Subcommittee on the Judiciary on February 28, 1972. At that time, testimony in support of the legislation was expressed by Members of Congress and by spokesmen for the District of Columbia government, the Metropolitan Police Wives Association, the Retired Policemen's Association of District of Columbia, and the International Conference of Police Associations. No opposition to the enactment of the bill was expressed.

Mr. HOGAN. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Maryland.

Mr. HOGAN. I thank the gentleman for yielding.

Mr. Speaker, I rise in enthusiastic support of this legislation. As the gentleman from Indiana has indicated, this is to protect the lives of police officers and their families. There have been a number of incidents, when addresses have been printed in the newspapers, and instances when criminals have attempted to get revenge for actions of police officers taken in their official capacity.

I believe it is a necessary bill, and I hope it will be passed overwhelmingly.

I thank the gentleman for yielding.

The bill was ordered to be engrossed and read a third time, was read the third, time, and passed.

The title was amended so as to read. "A bill to amend section 389 of the Revised Statutes of the United States relating to the District of Columbia to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection."

A motion to reconsider was laid on the table.

EVIDENTIARY USE OF PRIOR INCONSISTENT STATEMENTS BY WITNESSES

Mr. JACOBS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 12410) to provide for the evidentiary use of prior inconsistent statements by witnesses in trials in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the bill, as follows:

H.R. 12410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14–102 of the District of Columbia Code is amended to read as follows:

"§ 14–102. Prior inconsistent statements

"Evidence of a prior statement, oral or written, made by a witness is not made inadmissible by the hearsay rule if the prior statement is inconsistent with his testimony at a hearing or trial. After the witness has been given an opportunity to explain or deny the prior statement, the court shall allow either party to prove that the witness has made a prior statement, oral or written, inconsist with his sworn testimony, Such prior statement shall be admissible for the purpose of affecting the credibility of the witness or for proving the truth of the matter asserted therein if it would have been admissible if made by the witness at the hearing or trial. Each party shall be allowed to cross-examine the witness on the subject matter of his current testimony and the prior statement."

With the following committee amendment:

On page 1, line 10, after the word "opportunity" insert "at such hearing or trial."

The committee amendment was agreed to.

Mr. JACOBS. Mr. Speaker, I move to strike the last word.

The purpose of the bill H.R. 12410—as stated in House Report 92-907—is to amend existing law (D.C. Code, 14–102; 77 Stat. 518) relating to the inadmissibility of prior inconsistent statements of a witness at a trial or hearing except for the purpose of affecting the credibility of the witness at the trial or hearing. Present law permits the admission of statements made by witnesses, before any hearing or trial, which statements are inconsistent with the testimony being presented at a hearing or trial but the use of the prior inconsistent statement may not be for evidentiary purposes.

Under the provisions of the pending bill, the prosecution or defense, at a trial or hearing, may introduce such prior inconsistent statements of a witness as affirmative evidence on the merits. Existing law is said to have originated from an application of the hearsay rule. The language proposed by the bill satisfies the tests of the hearsay rule by recognizing the facts of (1) the presence at the trial or hearing of the witness whose prior statement is inconsistent with his testimony and (2) that the maker of the prior inconsistent statement is available for examination and cross-examination.

EFFECT OF PRESENT LAW

Application of the law as presently stated may easily produce results contrary to the public interest. The case of *U.S.* v. *Jordan Washington,* Criminal No. 297–69, which was before the U.S. District Court for the District of Columbia, illustrates the point. During a hold-up of a furniture store, the proprietor was murdered. Following the shooting, the police secured signed statements from three witnesses who identified Washington as the person who shot the store proprietor. These statements, secured shortly after the killing formed the heart of the case for the prosecution.

However, each of the three persons later repudiated his statement. Further, the prosecution was not permitted to use the prior statements for evidentiary purposes. The government thus was unable to carry forward any case and was forced to dismiss it.

PROCEDURE ACCEPTED

In addition to the approval of the proposed procedure by prominent jurists, the improvement has been adopted by some states and is found in proposals to codify the rules of evidence, such as the Model Code of Evidence, Uniform Rules of Evidence, Revised Draft of the Proposed Rules of Evidence for the United States Courts and Magistrates as proposed by the Judicial Conference of the United States in 1971.

The provisions of H.R. 12410 follow closely the language of Section 1235 of the California Evidence Code which section was recently found to meet constitutional tests by the U.S. Supreme Court. (*Calif.* v. *Green,* 399 U.S. 149 (1970)).

HEARINGS

Our committee held public hearings on the bill H.R. 12410 and received testimony in support of the legislation from the United States Attorney for the District of Columbia, the Corporation Counsel for the District of Columbia, Members of Congress, General Counsel for the Metropolitan Police Department and from private organizations.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to my good friend and colleague from Indiana (Mr. DENNIS).

Mr. DENNIS. Is it not a fact that under the procedure provided in this measure here, if a witness takes the stand to testify to completely repudiate his former statement and testifies that the former statement was not true, you could yet use that former statement which he has now repudiated completely in order to convict the defendant on trial without any testimony offered under oath in the trial itself that the man was guilty of anything?

Mr. JACOBS. I do not believe that that is precisely the situation. We were concerned about that problem in the committee, and therefore we offered the amendment which has just been read to the House, namely, that the testimony—and you will see there is a reference to testimony at such trial or hearing——

Mr. DENNIS. Yes. But will the gentleman yield further?

Mr. JACOBS. Yes. I yield.

Mr. DENNIS. It says after the witness has been given an opportunity at such hearing or trial to explain, but there still might not be any affirmative testimony, offered from the witness stand in the court, which implicated the defendant. You could convict him solely on that prior out-of-court statement.

Mr. JACOBS. That is exactly the decision of the Supreme Court in the case of California against Green.

It seems to me the element most dear to the constitutional protection of due process of law is that that witness be available for cross examination with respect to the statement that had been given. I believe this legislation does require that element before such statement could be a part of the evidence in the case.

Mr. DENNIS. May I ask the gentleman a further question?

Mr. JACOBS. Certainly.

Mr. DENNIS. Under the procedure in this bill, would the State or the prosecution have to call the witness and ask him about the transaction? Suppose the witness had said ahead of time, "I am going to repudiate the statement; I will not testify." Could they just put the statement in and put the onus of calling him on the defense, or not?

Mr. JACOBS. I would assume, in answer to the question of the gentleman, that a reasonable interpretation of the words "opportunity to testify" would be the calling of the witness to the witness stand. The witness must have testified before the prior statement could be used as evidence.

Mr. DENNIS. Will the gentleman yield further?

Mr. JACOBS. I shall.

Mr. DENNIS. I do not think we should give the impression here that this rule or, rather, the rule which you are changing, is peculiar to the District of Columbia. There no doubt are some jurisdictions which have adopted the rule proposed in this bill. But unless my experience is sadly at fault, the general rule certainly is that you can use a prior contradictory statement only to contradict, and not as proof to convict.

The SPEAKER. The time of the gentleman has expired.

(By unanimous consent, Mr. JACOBS was allowed to proceed for 4 additional minutes.)

Mr. JACOBS. I yield further to the gentleman from Indiana.

Mr. DENNIS. It is an entirely new thing, or at any rate pretty much a new thing to the jurisprudence, I submit to the gentleman, to say that you can use an out-of-court statement which may not have even been made under oath, which is not required in the bill——

Mr. JACOBS. That is correct.

Mr. DENNIS (continuing). To convict a man although the witness now testifies under oath to the contrary.

Mr. JACOBS. I point out to the gentleman in further response to him that an out-of-court statement by a party, even a party defendant, could be used though not under oath as evidence in the trial, but, as I said in my initial statement, there are quite a number of jurisdictions and perhaps the majority of the jurisdictions which still retain all of the traditional hearsay rule. I submit and the Department of Justice, which requested that I introduce the bill, submits that we deal here with an unnecessary part of the hearsay rule, the hearsay rule resting, as it does, on the traditional underpinning of the constitutional right for one to confront his accusers. And, that in the case indicated by this legislation, one would have that opportunity and, therefore, it should be an exception to the hearsay rule. We say it is in the statutes of the State of California and it has been tested in the Supreme Court and affirmed.

Mr. DENNIS. Mr. Speaker, if the gentleman will yield further, I am sure the gentleman will agree with me that the case of the statement of the defendant, which the gentleman referred to, is an entirely different situation.

Mr. JACOBS. But still subject to the rules of evidence.

Mr. DENNIS. The defendant's admissions, though, are always competent evidence against him. However, here we are using the out-of-court, unsworn, and now repudiated statement of a witness to convict a defendant against whom there may be no testimony under oath in court at all. That is a very new idea.

Mr. JACOBS. For the record, let me point out further that such prior inconsistent statements would be subject to all other rules of evidence such as relevancy, such as circumstances under which the statement was made, evidence of irregularities existing and practiced by the authorities. Obviously, the statement could be excludable by other rules of evidence. All the other rules of evidence would survive.

Mr. DENNIS. I thank the gentleman for yielding.

Mr. JACOBS. I thank the gentleman for his contribution.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to my colleague from New York.

Mr. SMITH of New York. I would like to point out to the gentleman from Indiana that the hearings produced the testimony that this rule has been adopted in some of the States besides California. In addition to the approval of the proposed procedure by prominent jurists, the improvement has been adopted by some States and is found in proposals to codify the rules of evidence, such as the Model Code of Evidence, Uniform Rules of Evidence, Revised Draft of the Proposed Rules of Evidence for the U.S. Courts and Magistrates as proposed by the Judicial Conference of the United States in 1971. It seems that while the existing rule is said to have originated from an application of the hearsay rule, those scholars who are proposing a change in the present law feel that the present rule was actually a misapplication of the original hearsay rule.

Mr. JACOBS. I thank the gentleman for his contribution.

The SPEAKER. The time of the gentleman from Indiana has again expired.

(By unanimous consent, Mr. JACOBS was allowed to proceed for 2 additional minutes.)

Mr. JACOBS. The beginning and the end of all jurisprudence is not written in Holy Grail from the first dawn of creation. This is clearly, I think, an inconsistent loophole in the rules of evidence when you consider the purpose of the hearsay rule.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. Yes, I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding.

I would like to ask unanimous consent that the committee amendment be reread by the Clerk.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. DENNIS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I think it should be plain what we are doing in this bill. It is quite a departure from the ordinary legal procedures. It is quite short.

It merely says:

> Evidence of a prior statement—

That need not be under oath—

> oral or written, made by a witness—

And, we are not talking about the admissions of the defendant. That is universally the rule today—

> is not made inadmissible by the hearsay rule if the prior statement is inconsistent with his testimony at a hearing or trial. After the witness has been given an opportunity at such hearing or trial to explain or deny the prior statement, the court shall allow either party to prove that the witness has made a prior statement, oral or written, inconsistent with his sworn testimony. Such prior statement shall be admissible for the purpose of affecting the credibility of the witness or—

This is the new part—

> or for proving the truth of the matter asserted therein if it would have been admissible if made by the witness at the hearing or trial. Each party shall be allowed to cross-examine the witness on the subject matter of his current testimony and the prior statement.

Prior inconsistent statements of witnesses have always been available to contradict or reflect upon the credibility of the witness, but it is an entirely new thing in my experience, and I think in most jurisdictions, to say that that statement itself, this out-of-court statement made possibly not under oath, and certainly not subject to any cross examination on that statement at the time it was made, can now be offered in evidence to prove the case against a defendant; and perhaps it may be the sole evidence against him, because the witness now not only fails to testify against him, but it may be even changes his testimony completely and testifies in the defendant's favor, and yet you bring in an out-of-court statement to the contrary and prove the case of the Government.

It is a radical departure, and it does seem to me that if we are going to adopt it, it ought to be the subject of hearings in the Committee on the Judiciary, of which the gentleman from Indiana (Mr. JACOBS) and I are both members, and we ought then to decide whether this is a good idea for the whole federal system rather than making some possibly bad law because they have a tough situation, or think they have, in the District of Columbia. This is not the first time, I may say, that I have seen this happen in this body. We have made some other bad law that has come out of the Committee on the District of Columbia.

So I am opposed to the bill.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. DENNIS. I will yield first to the gentleman from Indiana (Mr. JACOBS) and then I will yield to the gentleman from New York (Mr. SMITH).

Mr. JACOBS. Mr. Speaker, just to reiterate, the thinking behind this bill is that the defendant should be given the opportunity to cross examine the witness who made the prior inconsistent statement at the time of the trial.

Mr. DENNIS. I recognize that, but I still object to the fact that you can convict a man and send him to jail when no witness in court testifies against him because somebody gave the police a statement some time before which says he is guilty of something.

I will now yield to the gentleman from New York (Mr. SMITH).

Mr. SMITH of New York. Mr. Speaker, I think this evidentiary rule is in line with modern thought and the modern tendency. And I might say that we in the Committee on the Judiciary may have an opportunity to discuss adopting this as a rule of evidence for all of the Federal courts because it is going to be a part of the Proposed Rules of Evidence of the U.S. Courts and Magistrates, as proposed by the Judicial Conference. But I would say to you that the meat of this matter is that there does not seem to be any reason for not letting the jury decide—and they must decide, of course, beyond a reasonable doubt in a criminal case—whether the witness who is there before them under oath is making an inconsistent statement to the one he has made before. I think the jury is perfectly capable of finding where the truth lies, and in which statement: whether the one made under oath before them or the one he made at a previous time. And that is the whole meat of the matter.

I think this seems to be the modern thinking regarding this particular rule.

Mr. DENNIS. I would simply say to the gentleman from New York that my understanding is that you only convict people by testimony in court under oath, and this is something new, to convict a defendant on the basis of what a witness told the police at some previous time. This may show that the witness is a liar, that he is saying something different at one time or another, but does it show that the defendant is guilty of what the witness said the first time or that he is innocent as the witness says that he is, the second time?

The SPEAKER pro tempore (Mr. BOGGS). The time of the gentleman from Indiana has expired.

Mr. KAZEN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I do this for the purpose of asking the gentleman if it is his understanding that a prior statement, not made under oath, will now have the same force and in some instances a greater force than a statement made under oath later in a hearing?

Mr. DENNIS. I would say, under the terms of this bill—that is exactly correct.

Mr. KAZEN. That is the interpretation that the gentleman places on the provisions of this bill?

Mr. DENNIS. Well, the bill says "Evidence of a prior statement." It says nothing about it being under oath. The whole thrust of the bill is to make that prior statement proof of the matter asserted in the statement, even though a witness under oath now repudiates it.

Mr. KAZEN. If that is true, I agree with the gentleman then that it is a very dangerous precedent, and a change actually from the law as I understand it.

Mr. DENNIS. It is a change from the law as I have understood it too, I might say to the gentleman from Texas.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman.

Mr. JACOBS. Let me reiterate that if this bill provides that a prior statement not made under oath and not made in open court standing alone could support a conviction, then I would not be a sponsor of this bill. But because there is the opportunity to cross-examine, which can be waived I suppose by a defendant if he chooses to do so, and because the bill requires direct testimony by the witness, and requires an opportunity to cross-examine the witness alleged to have made the prior statement, I believe the constitutional rights of the defendant are fully protected.

Now let me talk plain American for a minute. The Supreme Court that affirmed this rule is not the latest Supreme Court that we have. It was a prior Supreme Court which came under considerable attack and criticism for being too soft on criminals, it did not think this was hard on criminals, I suppose. That was the court that upheld the constitutionality of this proposed rule.

Now let me talk even plainer American to the Members of the House about what happens in these circumstances. At the time a crime is committed, the witness produces a statement that deals immediately with the facts. Later on what happens to some witnesses? And I am not referring to any particular case, but I am referring to my own experience in the practice of law as well as a former police officer.

Sometimes these witnesses get pretty scared by the time they get to court. Sometimes they can be influenced to change their statements. It is for that reason that the Sate of California, which is not really known for radical legislation in this field—it is for that reason the State of California passed the statute and it is for that reason the Department of Justice requested that I sponsor this bill. And it is for that reason I did sponsor the bill.

Mr. Speaker, I urge the passage of the bill.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman.

Mr. DENNIS. Mr. Speaker, I would like to say to my friend, the gentleman from Indiana, I have seen some witnesses who have gotten pretty well scared by the officers sometimes, to whom the statements were made, and who later come into court and the fact that the prior statements were repudiated does not necessarily show that the first statement was true. But here you are going to convict a man by means of a prior statement without any testimony in court at all, regardless of what my friend says.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman.

Mr. SMITH of New York. I would just like to say the gentleman must keep in mind that this witness in court has every opportunity to describe and explain why he made the previous inconsistent statement and if he was scared by the officers, he can state that.

Mr. DENNIS. Yes, you can cross-examine him about his statement, but you still wind up where the jury can take that unsworn statement and have it outweigh the evidence in court, and on that basis send a man up and say that he is guilty. It seems to me a strange thing that that can be done.

Mr. MIKVA. Mr. Speaker, H.R. 12410 proposes nothing more nor less than a revision of the rules of evidence in the District of Columbia to bring the hearsay rule with respect to prior inconsistent statements more into line with progressive thinking.

From the nature of some of the remarks made during the debate on the bill, one would think that an attempt was being made to erode fundamental constitutional rights of criminal defendants. If H.R. 12410 were in any way an attempt to cut back the protections of the sixth amendment right of confrontation, I would not support the bill. But the bill does nothing of the sort.

The confrontation clause is not a codification of the rules of hearsay and their exceptions as they existed historically at common law (3 Wigmore sec. 1018). It was intended to preclude conviction on evidence consisting solely of ex parte affidavits and depositions secured by the State. The hearsay rule does not rise to the stature of a constitutional principle intended to protect fundamental rights of accused persons. Rather, it is a rule of evidence, intended to insure the integrity of the judicial process by guarding against distortions of justice which might result from the introduction of unreliable evidence.

As a rule of evidence, the hearsay rule is peppered with exceptions which have been grafted onto the general principle over time and which should be reexamined from time to time as our thinking and our understanding of the judicial process advances.

The basic principle of the hearsay rule is that evidence consisting of out-of-court statements is not admissible to prove the truth of the matter stated. This rule has been considered to preclude the admissibility of prior inconsistent statements made out of court by a witness who testifies at trial. In recent years, several jurisdictions have rejected this approach and have made an exception to the hearsay rule for prior inconsistent statements. (Kentucky, Wisconsin, and the Second Circuit, as cited in *California v. Green*, 399 U.S. 149, 155 (1970)).

In deciding whether the District of Columbia should be permitted to join those jurisdictions in adopting the more modern view with respect to the admissibility of prior inconsistent statements, we ought to consider two questions: first, would such a change violate the sixth amendment right of confrontation; and second, is such a change supported by reason and common sense?

The constitutional question was settled by the Supreme Court in the recent case of California against Green, supra. The Court there upheld a similar California statute against the defendant's allegation that it violated his sixth amendment rights. In that case, the defendant was named by a confederate as a supplier of illegal drugs which the confederate was arrested for selling. Subsequently, at the defendant's trial, the confederate changed his story and refused to identify the defendant as his supplier. The court permitted the prosecutor to offer as substantive evidence excerpts from the confederate's earlier testimony at the preliminary hearing when he identified the defendant. On appeal from his conviction, the defendant claimed that the admission of the confederate's prior inconsistent statement not merely to impeach his credibility at trial but as substantive evidence of the truth of the matter stated, violated the defendant's sixth amendment rights. He argued that neither the right to cross examine the confederate at the preliminary hearing nor the right to cross examine him at trial concerning both his current and his prior testimony satisfied the demands of the confrontation clause. The Supreme Court rejected this position and upheld the conviction on the grounds that the defendant's opportunity to cross examine the witness who made the inconsistent statements precluded any violation of the right to confront one's accuser.

With the constitutional question out of the way, we must consider the policy issue of whether the proposed new rule is better than the existing one with respect to the admissibility of prior inconsistent statements. The weight of tradition lies with the existing rule excluding such evidence, but the better authorities espouse the proposed rule.

As the committee report indicates, the substance of H.R. 12410 has been recommended in the Model Code of Evidence, Rule 503(b); the Uniform Rules of Evidence, Rule 63(1); and by all four of the leading authorities in the field of the law of evidence: Wigmore, McCormick, Morgan, and Maguire (see 3 Wigmore sec. 1018, n. 2; McCormick's *Evidence*, sec. 39; Maguire, "The Hearsay System: Around and Through the Thicket," 14 Vand. L. Rev. 741, 747; Morgan, "Hearsay Dangers and the Application of the Hearsay Concept," 62 Harv. L. Rev. 117, 192–196).

The traditional strict rules of hearsay are founded in part on a distrust of the jury's ability to distinguish between reliable and unreliable evidence. Our experience over the years with the jury system has proven such fears to be unfounded, see Kalven & Zeisel, The American Jury (196). Most commentators today agree that the only evidence which should be excluded from consideration by the jury is evidence which is irrelevant, immaterial, or prejudicial to the constitutional rights of the defendant. It should not be up to the judge or to an inflexible rule of evidence to determine the probative value of the evidence. The job of weighing the reliability of the evidence should be entrusted to the jury.

Ironically, the present restrictive rule regarding prior inconsistent statements requires more complex evaluation by the jury than the proposed rule, for the jury is required to consider the prior inconsistent statement only as evidence of the witness' lack of credibility and not as evidence of the truth of the matter stated. As Judge Learned Hand noted, this "is a demand for mental gymnastics of which jurors are happily incapable." *U.S.* v. *DeSisto*, 329 F. 2d 929, 934 (2d Cir. 1964).

The traditional justification for excluding prior inconsistent statements rested on three grounds: (1) the prior statement may not have been made under oath; (2) the declarant may not have been subject to cross examination when the earlier statement was made; and (3) the jury had no opportunity to observe the declarant's demeanor when the prior statement was made. Presumably, all three of these factors cast serious doubt on the reliability of the prior statement as evidence.

With respect to the first point, we have traveled a long way from the early days of the common law when a man's sacred oath was considered a major safeguard against perjury. Today, it is clearly the test of cross examination rather than the oath and the penalties of perjury which is the principal safeguard of the trustworthiness of testimony.

The second point is of little weight in light of the obvious fact the declarant is subject to cross examination with respect to both the earlier and the subsequent statements at the time the later statement is made in court.

The third rationale similarly does not withstand closer scrutiny, for the jury does have an opportunity to view the declarant's demeanor at the time the contradictory statement is made in court. This gives the jury an adequate opportunity to judge whether the declarant's explanation of the inconsistency is reasonable.

Finally, as McCormick points out, on the whole prior statements are more reliable than later ones, for the human memory is most accurate when recall is made immediately following an observation. The effect of time delay on error of the report has been shown to be direct and dramatic. Moreover, the greater the lapse of time between the event and the statement, the greater the chance of exposure of the declarant to corruption, false suggestion, or intimidation. This is especially relevant in the context of organized crime cases. It is not unusual for an extortion victim who originally gave a full statement to the police to later recant or be unable to remember, as the result of intimidation between the time of the original statement and a later trial.

The rule of evidence proposed in H.R. 12410 will help to avoid miscarriages of justice in cases such as the one just described. Moreover, it will add a further element of common sense to the evidence practices in the District of Columbia courts, without impinging on the procedural rights of the accused. Admittedly it presumes a certain amount of faith in the integrity of the jury system, and in the ability of jurors to properly weigh the value of evidence obtained out of court, in light of the declarant's subsequent testimony. As a lawyer who has tried to persuade a jury or two, I have a healthy respect for the uncanny ability of 12 assorted laymen to sort out the truth. For all of these reasons, I intend to vote in favor of H.R. 12410.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER** pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **DENNIS**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 292, nays 32, not voting 107, as follows:

[Roll No. 72]

YEAS—292

Abbitt
Abernethy
Adams
Alexander
Anderson, Calif.
Andrews
Ashley
Aspin
Baker
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biester
Blackburn
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byron
Cabell
Camp
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clawson, Del
Clay
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Corman
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dent
Derwinski
Devine
Dickinson
Dingell
Downing
Drinan
Duncan
du Pont
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Fulton
Galifianakis
Gallagher
Garmatz
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Leggett
Lennon
Lent
Link
Long, Md.
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKevitt
Madden
Mahon
Mailliard
Mallary
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Michel
Mikva
Miller, Ohio
Mills, Ark.
Minish
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Obey
O'Hara
O'Konski
Patman
Perkins
Pettis
Peyser
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ruppe
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—32

Abourezk
Barrett
Biaggi
Burke, Mass.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Dennis
Donohue
Dulski
Eilberg
Ford,
William D.
Gross
Hall
Hicks, Mass.
Hicks, Wash.
Ichord
Koch
Macdonald,
Mass.
Nix
O'Neill
Patten
Pickle
Randall
Rangel
Rarick
Runnels
Ryan
Teague, Tex.
Wyatt

NOT VOTING—107

Abzug
Addabbo
Anderson, Ill.
Anderson,
Tenn.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Badillo
Baring
Bell
Bingham
Blanton
Blatnik
Brasco
Byrnes, Wis.
Caffery
Casey, Tex.
Chisholm
Clausen,
Don H.
Collins, Ill.
Conyers
Cotter
Crane
Curlin
Davis, S.C.
Dellums
Denholm
Diggs
Dorn
Dow
Dowdy
Dwyer
Eckhardt
Edwards, La.
Evans, Colo.
Findley
Fish
Fisher
Foley
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Gaydos
Gettys
Goldwater
Grasso
Green, Oreg.
Hagan
Halpern
Hawkins
Hull
Jarman
Jones, Ala.
Kee
Landrum
Lloyd
Long, La.
Lujan
McDonald,
Mich.
McKay
McKinney
McMillan
Mann
Melcher
Metcalfe
Miller, Calif.
Mills, Md.
Mink
Moorhead
Murphy, Ill.
Nelsen
Passman
Pelly
Pepper
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Rees
Reid
Riegle
Rostenkowski
Rousselot
Ruth
St Germain
Scheuer
Schwengel
Smith, Calif.
Springer
Steele
Stephens
Stokes
Stubblefield
Talcott
Tiernan
Van Deerlin
Ware
Whalley
Wiggins
Wilson,
Charles H.
Winn
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rostenkowski with Mr. Arends.

Mr. Stubblefield with Mr. Byrnes of Wisconsin.

Mr. Addabbo with Mr. Frelinghuysen.

Mr. Annunzio with Mr. Anderson of Illinois.

Mr. Aspinall with Mr. Nelsen.

Mr. Blatnik with Mr. Mills of Maryland.

Mr. Casey of Texas with Mr. Ruth.

Mr. Evans of Colorado with Mr. Bell.

Mr. Foley with Mr. Don H. Clausen.

Mr. Fraser with Mr. Badillo.

Mr. Fuqua with Mr. Archer.

Mr. Gettys with Mr. Ashbrook.

Mrs. Green of Oregon with Mr. Riegle.

Mr. Jones of Alabama with Mr. Pelly.

Mr. Stephens with Mr. Crane.

Mr. Stokes with Mr. Scheuer.

Mr. Hull with Mr. Lloyd.

Mr. Mann with Mr. Findley.

Mr. Charles H. Wilson with Mr. Goldwater.

Mr. Moorhead with Mr. Fish.

Mr. Murphy of Illinois with Mr. Railsback.

Mr. St Germain with Mr. Zwach.

Mrs. Grasso with Mrs. Dwyer.

Mr. Bingham with Mr. Quie.

Mr. Blanton with Mr. Lujan.

Mr. Baring with Mr. Talcott.

Mr. Van Deerlin with Mrs. Abzug.

Mr. Kee with Mr. Steele.

Mr. Pucinski with Mrs. Chisholm.

Mr. Cotter with Mr. Collins of Illinois.

Mr. Miller of California with Mr. Diggs.

Mr. Dow with Mr. Dellums.

Mr. Gaydos with Mr. Halpern.

Mr. Brasco with Mr. Metcalfe.

Mr. Tiernan with Mr. Hawkins.

Mr. Anderson of Tennessee with Mr. Smith of California.

Mr. Jarman with Mr. Frenzel.

Mr. Caffery with Mr. Frey.

Mr. Davis of South Carolina with Mr. Whalley.

Mr. Denholm with Mr. McDonald of Michigan.

Mr. Eckhardt with Mr. Conyers.

Mr. Passman with Mr. Quillen.

Mr. Fisher with Mr. Wiggins.

Mr. Hagan with Mr. Winn.

Mr. Long of Louisiana with Mr. Springer.

Mr. Landrum with Mr. Schwengel.

Mr. Melcher with Mr. Ware.

Mr. Dorn with Mr. Rousselot.

Mr. Pepper with Mr. McKinney.

Mr. McKay with Mr. Reid.

Mr. McMillan with Mr. Dowdy.

Mr. Curlin with Mrs. Mink.

Messrs. CELLER, BIAGGI, O'NEILL, and BURTON changed their votes from "yea" to "nay."

Messrs. BLACKBURN and SPENCE changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CURB THE PRIMARIES

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, the painful gyrations of the Democratic presidential candidates in the various primaries in which they are engaged emphasize the need for a change in the process by which we nominate our candidate for the Presidency. I have long advocated the shortening of presidential campaigns and that change remains an important goal, but I have come to the conclusion that an even more important reform would be the regulation or elimination of the current system of primaries.

Senator Muskie has stated that as the front runner he must campaign in 24 different primaries and other candidates will probably equal this number. From the manner in which they are compelled to perform, it is obvious that this wild proliferation of primaries is weakening the presidential nominating process and demeaning the candidates. Senator Jackson is running against George Wallace as if he were engaged in a local contest in Florida. Senator Humphrey is telling how he would have made up his Cabinet if he had been elected in 1968. Senator Muskie is reduced to tears as he combats the slur that he referred to French Canadians as Canucks. These are hardly issues upon which the fate of the country depends, but they are pressed upon candidates at a time when there should be discussion of such things as the implications of President Nixon's historic trip to China.

Another objection to the primaries is that they really mean very little in the long run. Kefauver won many primaries but had no chance for the nomination. This is undoubtedly true of some candidates today. Moreover, the types of primaries vary from State to State. Some are advisory, some are mandatory and others rank in between.

It is also true that voter participation in primaries is extremely light and far out of proportion to the importance of the selection of a presidential candidate.

The fantastic cost of campaigning is a national waste and the colossal sums flushed down the drain obviously could be put to more productive uses.

A final objection relates to the increasing ease by which primaries can be dominated by means of substantial expenditures of money. We have seen this in the past and we are seeing in the current campaign instances where candidates are campaigning solely through the news media with massive purchases of time and space.

For these reasons, it appears to me that the intent of the reformers over the years to make the nominating process a popular matter has been thwarted and will continue to be frustrated so long as the presidential nominating process remains a sort of Atlantic City beauty pageant. The primary has become a charade which has little relation to reality, is exorbitantly expensive, settles no issues, and kills respectable and competent candidates.

No man, however well informed, can answer questions on every subject under the sun every hour on the hour without making slips. Nor can a human being undergo the physical pressures imposed for days without end without suffering physically and emotionally. By permitting this reckless exposure of our potential candidates and dispersal of their assets we are making it impossible for any one of them to be a viable presidential candidate. Incidentally, these primaries are also dissipating contributions which otherwise would be available to the ultimate nominee of the party.

The New Hampshire primary will be followed by more of the same on March 14 in Florida, March 21 in Illinois, April 4 in Wisconsin, April 11 in Rhode Island, April 25 in Massachusetts, and Pennsylvania, and several others in May and June.

It appears to me that we should take now a further step in reforming the presidential electoral process. I have indicated the belief that we must abbreviate our presidential campaigns and I have proposed a 60-day campaign limit in H.R. 8606.

At the same time, as we witness the disastrous effects of the State primaries on candidates and on the whole procedure, the need for change in this primary area becomes all the more apparent. Some have advocated a national primary and this would be better than the present hodgepodge, although I do not advocate it. However, so long as any primaries are retained, I believe that none should be held more than 30 days before the national convention. Legislation establishing such restriction is imperative and I am preparing to file a bill embodying this regulation.

In essence, however, I believe that we should return to the convention system of nominations. The convention system proved adequate for many years, and has guarantees of democratic procedure for nominations and can be modified for appeals and popular involvement. With it we nominated Wilson, Roosevelt, and

Truman. In the interest of the party and the country we should consider returning to it.

EFFORTS TO RETAIN A LOCAL INDUSTRY IN GREENVILLE, ALA.

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, a few weeks ago when I was in my congressional district, I had a meeting with chamber of commerce officers, business leaders, and elected officials of Greenville, Ala. These distinguished gentlemen asked my assistance in trying to retain a local industry in Greenville. This industry, a branch office of Timber Structures, Inc., with headquarters in Portland, Oreg., employed approximately 55 people in Greenville and specialized in custom-made, laminated structural wood products. The parent organization in Portland was experiencing financial difficulties and there were indications the Internal Revenue Service would have to seize the assets of the corporation to satisfy tax liens.

The business and civic leaders from Greenville asked me to contact the Internal Revnue Service and get assurances that, if IRS were forced to seize the assets, a public sale would be held as soon as possible so the work force in Greenville could be retained. We were hopeful that the financial problems of Timber Structures, Inc., could be ironed out so they could continue to operate, and no attempt was made to influence IRS regarding the decision of whether to seize the assets.

Mr. Speaker, the purpose of my remarks today is to commend the Internal Revenue Service for its splendid cooperation in this highly complicated matter. IRS assure me it had no desire to seize the company if the problems could be solved. Evidently, the situation was of a critical nature and IRS had to seize the assets and sell them at public auction. Without delay, IRS issued a public announcement and held a sale of the Greenville, Ala., operation.

There was considerable interest in the Greenville plant and a number of bids were received. The highest bid was accepted by IRS and, as a result, the Greenville plant is gearing up to go back into operation. The jobs of 55 people were saved and the economic picture for Greenville is brighter because of the understanding displayed by the Internal Revenue Service. As another example of the waste that would have resulted from a substantial delay, when IRS seized the plant and its assets, there were large structural pieces just completed on an order worth several thousand dollars. The pieces were custom-made for a particular job, and any undue delay would have caused the builder for whom they were made, to cancel the contract and the pieces would be just so much scrap lumber. As it was, the contract was completed and many thousands of dollars saved.

Mr. Speaker, I believe in giving credit where credit is due. I do not hesitate to criticize Federal agencies when I think they are arbitrary or wrong, and I want to offer plaudits when they are warranted. Therefore, I commend IRS for its expeditious handling of this matter. I especially want to recognize the cooperation of Mr. Ralph Short, district director of the Portland, Oreg., office and his assistants, Mr. Doss and Mr. Larson. Also, I appreciate the splendid cooperation I received from Mr. Dwight Baptist, IRS director for Alabama.

SOCIAL SECURITY REFORM

(Mr. RARICK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, I am today introducing legislation to provide for a refund of all or part of the social security taxes paid by a deceased individual whenever there is no other person who is or could become entitled to benefits on his wage record, if the total of any benefits theretofore paid on such wage record is less than the total of such taxes.

I have received numerous inquiries expressing concern that social security funds may be expended for other purposes other than that intended by law.

Other people are afraid that, with legislation constantly being proposed to raise social security benefits, the well will run dry. Passage of my proposed legislation would insure that the worker or his heirs would receive benefits at least equal to the amount of social security taxes paid during his or her lifetime. The bill would, in no way, restrict the amount of benefits he or she could obtain from social security.

I would remind our colleagues that there is precedent for this legislation in the Railroad Retirement Act; I urge support of this bill designed to protect the working people by guaranteeing them that they or their heirs will obtain benefits on a refund at least equal to the amount of social security taxes paid during their lifetime.

I had earlier introduced H.R. 428 to avoid double taxation by providing for the deduction of social security taxes from income taxes.

The texts of both bills follow:

H.R. 13762

A bill to provide for a refund of all or part of the social security taxes paid by a deceased individual whenever there is no other person who is or could become entitled to benefits on his wage record, if the total of any benefits theretofore paid on such wage record is less than the total of such taxes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter B of chapter 65 of the Internal Revenue Code of 1954 (rules of special application relating to abatements, credits, and refunds) is amended by adding at the end thereof the following new section:

"Sec. 6428. Refund of Social Security Taxes to Taxpayer's Estate

"If upon the death of any individual who has paid taxes under section 1401 or 3101 (or under section 480 or 1400 of the Internal Revenue Code of 1939), whether or not such individual was eligible for benefits under title II of the Social Security Act on the basis of his wages and self-employment income, or at any time thereafter, there is no other person who is or could (upon reaching a specified age or otherwise) become eligible for benefits under such title on the basis of such wages and self-employment income, then there shall be paid in a lump sum to the estate of such individual or (if such estate is closed) to such person or persons as the Secretary or his delegate (in accordance with standards prescribed in consultation with the Secretary of Health, Education, and Welfare) may find to be equitably entitled thereto, in such manner and form as the Secretary or his delegate (in consultation with the Secretary of Health, Education, and Welfare) may prescribe, an amount equal to the amount (if any) by which—

"(1) the total amount of the taxes paid by such individual under sections 1401 and 3101 (and such sections 480 and 1400), exceeds—

"(2) the total amount of any and all benefits theretofore paid to such individual and other persons, on the basis of such individual's wages and self-employment income, under title II of the Social Security Act.

"For purposes of this section, an individual shall be deemed to be eligible for benefits under title II of the Social Security Act if he is entitled to such benefits or would be entitled to such benefits upon filing application therefor."

(b) The table of sections for subchapter B of chapter 65 of such Code is amended by adding at the end thereof the following new item:

"Sec. 6428. Refund of Social Security Taxes to Taxpayer's Estate."

Sec. 2. Section 205(c)(5) of the Social Security Act is amended—

(1) by striking out "or" at the end of subparagraph (I),

(2) by striking out the period at the end of subparagraph (J) and inserting in lieu thereof "; or"; and

(3) by adding after subparagraph (J) the following new subparagraph:

"(K) to delete all entries with respect to the wages and self-employment income of any individual with respect to whose taxes a refund has been paid under section 6428 of the Internal Revenue Code of 1954."

Sec. 3. The amendments made by this Act shall apply with respect to individuals dying on or after the date of the enactment of this Act.

H.R. 428

A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for social security taxes paid by employees and by the self-employed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 164(a) of the Internal Revenue Code of 1954 (relating to deduction for taxes) is amended by inserting immediately after paragraph (5) the following new paragraph:

"(6) Taxes described in subsection (g)."

(b) Section 164 of such Code is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection:

"(g) Social Security Taxes Paid by the Self-Employed or by Employees.—There shall be allowed as a deduction (for the taxable year within which paid) taxes imposed by section 1401 (tax on self-employment income) or section 3101 (tax on employees)."

Sec. 2. Section 62 of the Internal Revenue Code of 1954 (defining adjusted gross income) is amended by inserting immediately after paragraph (9) the following new paragraph:

"(10) Social security taxes paid by employees and by the self-employed."

SEC. 3. Paragraph (1) of section 275(a) of the Internal Revenue Code of 1954 (relating to certain taxes is amended—

(1) by striking out so much of such paragraph as precedes subparagraph (B) and by inserting in lieu thereof the following:

"(1) Federal income taxes (other than the tax imposed by chapter 2), including"; and

(2) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

SEC. 4. The amendments made by this Act shall apply to amounts paid after December 31, 1970.

DEMONSTRATIONS NPAC AND PCPJ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. ICHORD) is recognized for 60 minutes.

Mr. ICHORD. Mr. Speaker, on April 6, 1971, I addressed this House to alert my colleagues that the National Peace Action Coalition—NPAC—and the Peoples Coalition for Peace and Justice—PCPJ—the two principal sponsoring organizations of forthcoming demonstrations and disruptions in Washington, were "known to be operating under substantial Communist influence." I warned that the "real objective of the leadership" of those groups "is not peace but the humiliation of the United States, the promotion of Communist takeover in Southeast Asia and the general advancement of world communism."

At that time I covered the background of NPAC and PCPJ; I named some of the prominent functionaries of Communist persuasion in their leadership, and I outlined some of their plans for turning our Nation's Capital upside down between April 24 and May 5. The speech of April 6, 1971, went laregly unreported by the news media covering the House of Representatives until NPAC and PCPJ held a news conference for the purpose of denouncing and denying the charges I had made. Events which transpired during the demonstrations and subsequent extensive public hearings coupled with investigation and research by HCIS clearly belied the denials of NPAC and PCPJ.

We need have no further illusion about who and what NPAC and PCPJ are today. The NPAC is totally controlled, in its every pulse beat, by the Trotskyite Communist Socialist Workers Party—SWP—and its youth arm, the Young Socialist Alliance.

The presence of key officials of the Communist Party USA on the National Steering Committee of PCPJ evidences the commitment of CPUSA to the program and direction of PCPJ.

I rise today, Mr. Speaker, to alert the House to plans of the same two organizations for a so-called spring antiwar offensive to be conducted across the Nation between April 1 and May 15, 1972. Last year I pointed out that I was certain that the overwhelming majority of those who endorsed and participated in the demonstrations did not share the objectives of the subversive leaders of the two organizations but instead sincerely thought that the demonstrations were the means to a speedy end of the unpopular and frustrating war in Vietnam. I would hope, Mr. Speaker, that the demonstrations will not attract the same number of sincere Americans this year because the veil of innocence and the mask of intent should have been lifted by what transpired last year and by the recent conference at which the plans for this year's demonstrations were spawned.

The proposed demonstrations this year were completely developed after lengthy deliberation by a conference called the World Assembly for Peace and Independence of the Peoples of Indochina. The conference was held in Versailles, France, on February 11–13, 1972, and was called by the Communist-directed Stockholm Conference on Vietnam and the Communist-run World Peace Council. Every single item on the agenda of demonstrations planned for the United States was debated, discussed, and approved—not by a group of Americans alone—but by 1,200 delegates from 84 nations including most of the countries controlled by Communist governments. There were also delegations representing the underground Communist guerrilla forces in South Vietnam, Cambodia, and Laos. The American delegation numbered between 140 and 150, just slightly more than 10 percent of the total number of delegates.

Though the American delegation represented only a small portion of the delegates, the conference bestowed upon the American delegation a special position of importance. CPUSA's weekly publication World magazine accurately described the importance of the American delegation as follows:

> Next to the four Indochinese delegate bodies—from the Democratic Republic of Vietnam (North Vietnam), the Provisional Revolutionary Government of South Vietnam (the Vietcong), the Patriotic Front of Laos (Pathet Lao) and the Royal Government of the National Union of Cambodia (Prince Sihanouk and the Cambodian Communists in exile in Communist China)—the U.S. delegation occupied a central position in the Assembly proceedings. It was the only delegation beside the Indochinese that was privileged to report formally in the plenary sessions, and it was rendered special greetings and honors by all. As the voice, *the genuine voice,* of the American people it was accepted as the symbol of mankind's condemnation and rejection of the Nixon war.

Continuing, the exultant Communist World magazine added:

> In other ways too, the spotlight fell on the Americans present. The greatest standing ovation given at the Assembly, exceeding even that rendered to the Vietnamese, was for Angela Davis, presented as the epitome of resistance to the war and to the fascistic repressions that have accompanied it in the United States.

It is interesting to note that the CPUSA elements in PCPJ and the Trotskyite elements of NPAC carried their traditional differences to Versailles. When the French Communist Party delegation excluded France's Trotskyites—the French Indo-China Solidarity Front—FSA—NPAC delegates sought to have conference delegates lift the ban on the Trotskyites. This effort failed. Later the American delegates revived the traditional disagreement over the single issue approach of the Socialist Workers Party and the multi-issue approach of the Communist Party U.S.A. which has been the principal schism dividing NPAC and PCPJ since the two organizations were formed. NPAC delegates wanted to limit antiwar activity to a single week in mid-April that would be climaxed by massive demonstrations April 22. PCPJ and its supporters insisted on a variety of protests on a number of issues over a 7-week period. The dispute was ultimately resolved when Southeast Asian communist delegations urged that the two groups settle their differences.

Thus, the resolution of differences was reminiscent of the settlement of differences last year before the Washington demonstrations when Xuan Thuy, North Vietnam's chief negotiator in Paris, sent the two groups a cablegram urging them to compromise their differences in order to make the antiwar effort a united one.

The World Assembly received encouragement from many of the world's Communist leaders. Soviet Party leader Leonid Brezhnev sent a message of praise to the delegates who, he declared, had gathered "to express wrath and indignation over the barbarous aggression of American imperialism." Cambodia's pro-Communist Prince-in-exile—Sihanouk—sent his greetings from his sanctuary in Red China. North Vietnam's Premier Pham Van Dong and the Pathet Lao Leader, Prince Souphanouvong, also extended messages of cheer and support.

Throughout the conference, the 1,200 delegates laughed and cheered and applauded the constant denunciations of the United States—particularly the scurrilous jibes uttered by spokesmen of the American delegation. However, the conference was briefly disrupted by three wives of American prisoners of war in North Vietnam who entered the assembly hall and asked the Vietnamese Communists about the fate which had befallen their husbands. Naturally, the three American women were quickly ushered out of the conference. Who could expect delegates to a predominantly Communist conference to show concern over American POW's? It is no wonder that U.S. Ambassador William J. Porter referred to the assembly as a "horde of Communist-controlled agitators." The American delegation made clear its goals in its declaration of political objectives which included a proposal to confront the Republican National Convention in San Diego:

> We do not want to be just another antiwar group but wish to help construct a life sustaining revolutionary movement.

A spokesman of the U.S. delegation was PCPJ official Sidney Peck, a university professor from Cleveland, who was once a member of the Wisconsin State committee of the CPUSA. Peck delivered one of the two major speeches by Americans to the plenary session of the World Assembly. The PCPJ seven-member National Steering Committee, the highest body of authority within the PCPJ, includes Peck, Gil Green, CPUSA national functionary, and David Dellinger, self-admitted "non-Soviet Communist." We have no evidence now that Green and Dellinger were in attendance at the World Assembly.

Another leading PCPJ official attending the world assembly was Michael Zagarell, CPUSA national youth director. Zagarell is a member of the PCPJ's national interim committee, which is the second ranking body of authority within the PCPJ. I am, of course, not making a blanket indictment of all those present at the assembly but I feel that I do have the duty and responsibility to call attention to the Communist elements that are playing key roles. Also included in the PCPJ's delegation at the world assembly was John Froines, one of those cited for contempt in the so-called Chicago Seven conspiracy trial, and Robert Greenblatt, who visited Hanoi in 1968, who was instrumental in developing the so-called peoples peace treaty with North Vietnam, and who represented the treaty committee as well as PCPJ at the world assembly.

Turning to the other major antiwar coalition, the NPAC, we find that eight of its 14 national coordinators were present at the world assembly. These included SWP national official Fred Halstead, who was the SWP presidential candidate in 1968; Stephanie Coontz, an SWP member from Seattle; Debbie Bustin, a member of the SWP's youth arm, the Young Socialist Alliance; Jerry Gordon, James Lafferty. Bonnie Garvin, and Ruth Gage Colby, all of whom have been closely allied with Trotskyite causes.

Also in attendance at the world assembly representing various organizations were several individuals who were once identified as members of the CPUSA—Irwin Silber, Elizabeth Moos, and Elsie Monjar.

Now let us look at this calendar of demonstrations which this world assembly worked out for the United States of America to take place within the United States of America. The calendar adopted was as follows:

April 1: In Harrisburg, Pa., a demonstration opposing the so-called Berrigan conspiracy trial and, in San Jose, Calif., a demonstration opposing the criminal prosecution of Angela Davis on charges involving a Federal charge of unlawful flight to avoid prosecution and State charges of murder, kidnaping and conspiracy.

April 15: Nationwide demonstrations against the payment of Federal income taxes which provide the revenue for financing our armed services in the war in Southeast Asia.

April 22: Massive turnouts of demonstrators in New York City and Los Angeles demanding an end to U.S. involvement in Vietnam and a demand for an immediate, unconditional end of the war on Communist North Vietnam's terms.

May 1 to 15: Local demonstrations against U.S. corporations dealing in the production of war material. These are to be supported by demonstrations overseas against U.S. embassies.

These efforts are to be supplemented during 1972 by continuing efforts to persuade active-duty GI's to refuse to participate in the war in Southeast Asia and to develop militant protests against the Republican National Convention in San Diego. One may assume, Mr. Speaker, that some form of militant protest also will be carried out or attempted at the Democratic Convention in Miami, Fla.

Obviously, I have no way of knowing whether or not this schedule will be strictly adhered to; but since a similar schedule was strictly followed last spring, I think we have no reason to assume—at this point—that it will not be executed as planned.

Under leave to revise and extend I am placing in the RECORD a list of the American delegation to the World Assembly, the agenda of the World Assembly, the list of the presidium of the assembly, the language of the American delegation's recommendations adopted by the World Assembly as well as accounts by CPUSA's Daily World of the speeches by Sidney Peck and Al Hubbard, executive director, Vietnam Veterans Against the War, who delivered the second major address of Americans to the World Assembly, and the February 14 accounts of the World Assembly from the Washington Evening Star and the Washington Post.

In closing may I say that nothing I have said heretofore should be construed as being critical of the many sincere Americans who believe that the United States should never have become involved in Vietnam or that the United States should immediately withdraw. I realize that there are a few Americans who are so strongly opposed to the war in Vietnam that they believe that motivations of demonstrators are immaterial. But I submit that motivations are material. The actions and words of the leaders of last year's demonstrations and what transpired in Versailles on February 11 to 13, 1972, clearly reveal that we are not, by any stretch of the imagination, dealing with "doves" for peace but "hawks" of the other side. I hope that my fellow Americans keep in mind the origin and developments I have just outlined of this year's proposed demonstrations as they begin to unfold. As Cervantes said "forewarned, forearmed."

The material referred to is as follows:

List of U.S. Delegates to World Assembly for Peace and Independence of the Peoples of Indochina Held February 11–13, 1972, at Versailles, France

DELEGATES, REPRESENTING

Leonard P. Adams, CCAS (Comm. of Concerned Asian Scholars).

Delia Alvarez, POW relative.

Diane Apsey, Peoples Peace Treaty.

Lucille Banta, NPAC.

Samuel Barninger, Trade Union Action for Democracy (TUAD).

Peter S. Bergman, NPAC.

Rose Boin, Women for Legislative Action.

Chris Boswell, Trade Unionist, Milwaukee.

Mike Boswell, Trade Unionist, Milwaukee.

Fred Branfman, Project Air War.

Mae C. Bremer, People's Peace Treaty.

Tim Brick, Student Union for Peace & Justice.

Adelaide M. Briggs, Chagrin Valley Committee of Concerned Citizens.

Christine Britton, Fund for Peace Education.

Hugh Britton, Fund for Peace Education.

Deborah Bustin, National Student Mobilization Committee.

Everett Brown Carson, Maine People for Peace, Vietnam Veterans Against the War (VVAW).

Bronson P. Clark, Director, American Friends Service Committee (AFSC).

Mrs. Eleanor Clark, AFSC.

Ruth Gage Colby, NPAC.

Pam Cole, San Diego Convention Coalition.

Wallace Collett, AFSC.

Gerry Condon, American Deserters Committee.

Stephanie Coontz, NPAC.

Edward Damato, VVAW.

Barbara Dane, Peoples Coalition for Peace and Justice (PCPJ).

Patrick Davis, Catholic Peace Fellowship.

Teresa Davis, United States Servicemen's Fund.

Ed DeBery, Clergy and Laymen Concerned (CALCAV), Maine.

Jean F. Delord, WILPF, Spring Action Coordinating Comm., Oregon.

Ned Dobner, PCPJ.

Karl T. Dorn, Oakland Community College.

Madeline Duckles, Women Strike for Peace (WSP).

Robert Dunne, VVAW.

Bob Eaton, AFSC.

Miriam Edera, WILPF.

Anne Florant, WILPF.

Cathern Flory, WILPF.

Sheldon Flory, Rhode Island Air War Project.

Jane Fonda, Entertainment Industry for Peace and Justice.

Dorothy B. Forman, New Democratic Coalition.

Libby Frank, Peace Center of Bergen County, WILPF.

John Froines, PCPJ.

Inez Garson, College Assoc. of America—Women's section, Concerned Mothers, Yostville Neighbourhood Group.

Bonnie Garvin, NPAC.

Mary Lee Barbara Gilbertson, Hartford Women's Center, PCPJ.

John Gilman, Midwest Regional Chmn, PCPJ.

Prudence Glass (Greenblatt) New York Women to Defend the Right to Live.

Mary Glendinning, CALCAV.

Morris Goldin, Lower East Side Mobilization for Peace Action.

William Goodfellow, Comm. of Concerned Asian Scholars, PCPJ, WSP.

Jan Gordon, Catholic Peace Fellowship, Marquette Univ.

Jerry Gordon, NPAC.

Bobbie Graff, Concerned Parents for Peace.

Katrin Grandin, Washington Square Methodist Church.

Robert Greenblatt, PCPJ, People's Peace Treaty, Crossroads, Harrisburg Counter Trial.

Arlene Griffin, Univ. of Michigan Student Government Council.

Father James Groppi, St. Michaels Church.

Barbara Groppi.

John Gross, Local 65, Distributive Workers of America.

Blanche Haber, WSP.

Steve Haft, National Student Association.

Fred W. Halstead, NPAC.

Marc Harris, Anti-Imperialist Coalition.

Margaret Hayes, WILPF.

James Cullen Heaphy III, Young People's Coalition.

Virginia Hill, AFSC.

Maria Holt, CALCAV.

Al Hubbard, Director, VVAW.

Josephine Irwin, CALCAV, Women Speak Out.

Jean Jones, Valley Peace Center.

Frank H. Joyce, People's Peace Treaty, Motor City Labor League.

George Katsiaficas, San Diego Convention Coalition.

Shirley Keith, American Indian Law Students Association.

Joan King, People's Peace Treaty, Eastside Women for Peace.

Carol Kitchen, May Day.

Professor Gabrial Kolko.

Joyce Kolko.

James Lafferty, NPAC.

Robert S. Lecky, CALCAV.

Odell Lee, Comm. Concerned Asian Scholars (observer).

Elizabeth A. Lichtenberg WSP (in France).

Bradford Lyttle, War Tax Resisters, War Resisters League.

Joyce McLean, WILPF.

David Marr, Comm. Concerned Asian Scholars.

Rita Martinson, Entertainment Industry for Peace & Justice.

Richard Massman, AFSC, American Federation of State, County & Municipal Employees Union.

Father Paul Mayer, Harrisburg Defense Committee.

Joseph Miller, PCPJ, SANE.

Beatrice Milwe, WILPF.

Elsie M. Monjar, Peace Action Council of Southern California.

Elizabeth Moos, WSP (observer).

Marece Neagu, PCPJ, Indiana.

Maggie Olesen, WILPF.

Dr. Sidney Peck, PCPJ.

Evelynne Perry, Peace Action Council of Southern California, International Comm. for Solidarity with National Liberation Movements.

Richard Pollack, National Students Association.

Daphne Pounos-Clinton, PCPJ.

Mike Powers, American Deserters Committee, Sweden.

Irma Prior, WILPF.

Vivian Raineri, San Francisco PCPJ, Angela Davis Defense Comm.

Brenda J. Reeber, The Alliance.

Helen Rees, WILPF.

Lori Reidman, VVAW.

Ron Ridenour, Los Angeles News Advocate.

Philip F. Ringo, Grand River Vicariate Archdiocese of Detroit.

Cleveland Robinson, President, National Council of Distributive Workers of America, Sec'y-Treas. District 65, Distributive Workers Union; National President, National Afro-American Labor Council.

Pauline Rosen, WSP.

Daniel Rosenshine, NPAC.

William T. Rowe, IV, The Fifth Estate.

Jacqueline Rumley, Vatican Commission on World Peace and Justice.

Pat Samuel, WILPF.

Beulah Sanders, National Coordinator, National Welfare Rights Organization (NWRO).

Irving Sarnoff, Peace Action Council of Southern California.

Ruth Sarnoff, Peace Action Council of Southern California.

Frieda Schiffman, WSP.

Irwin Silber, *The Guardian*.

Francois A. Somlyo, Washington Labor for Peace.

Max Surjadivata, CALCAV.

Laurence M. Svirchev, American Exiles in Canada.

Margery Tabankin, Pres., National Students Association.

Jean Thurman, WILPF.

Jean Tibbils, New Hampshire Peace Action.

George Vickers, PCPJ.

George Wald.

Richard E. Ward, Foreign Editor, *The Guardian*.

Lee Webb, Vermont PCPJ.

May Weinbaum, Control Conflict and Change.

Abe Weisburd, New York Vietnam Peace Parade Comm., *Guardian*.

Stephen Weiss, Businessmen and Executives Committee.

Bernard Weller, Citizens' Committee for Constitutional Liberties.

Earl Otis Wheeler, Highland Park Human Relations Commission.

Nancy Woodside, People's Peace Treaty.

Israel G. Young, Washington Square Methodist Church.

John Keone Young, Entertainment Industry for Peace and Justice.

Michael Zagarell, Young Workers Liberation League.

Dr. Howard Zinn, historian.

AFSC: American Friends Service Committee.

CALCAV: Clergy and Laymen Concerned About Vietnam.

CCAS: Committee of Concerned Asian Scholars.

NPAC: National Peace Action Coalition.

NWRO: National Welfare Rights Organization.

PCPJ: People's Coalition for Peace and Justice.

SANE: Committee for a Sane Nuclear Policy.

TUAD: Trade Union Action for Democracy.

VVAW: Vietnam Veterans Against the War.

WILPF: Women's International League for Peace and Freedom.

WSP: Women Strike for Peace.

World Assembly for Peace

FRIDAY, FEBRUARY 11—MORNING AND AFTERNOON: PLENARY SESSIONS

Opening speeches by:

1. M. Andre Souquiere (Movement De la Paix), who spoke on behalf of the 48 French organizations represented at the Assembly.
2. M. Bertil Savahnstrom, Chairman of the Stockholm Conference on Vietnam.

Reports to be given by the Representatives of—

The National Liberation Front of South Vietnam;

The Democratic Republic of Vietnam;

The Royal Government of National Union of Cambodia; and

The Lao Patriotic Front.

Reports to be given by two Representatives of the Anti-War Movement in the United States of America Concerning President Nixon's Policies; New Aspects of the War.

FRIDAY, FEBRUARY 11—EVENING: COMMISSIONS

1. Political Commission
2. Action Commission (including aid and information)
3. Commission on New Aspects of the War (including electronic war and war crimes)
4. Economic Commission (the effects of the war on the economies of the countries of Indochina, of the United States of America and on world economy).

SATURDAY, FEBRUARY 12—MORNING AND AFTERNOON: COMMISSIONS

SUNDAY, FEBRUARY 13—MORNING: FINAL PLENARY SESSION

1. Reports from the four Commissions
2. Documents and Decisions submitted to the Assembly for Approval.

Presidium of the Assembly was comprised of the following individuals:

Yoshishige Kosai, Vice-chairman of the Japanese Committee of Support to the Peoples of Indochina, Tokyo.

James Marange, General Secretary of the Federation de 1 Education; Nationale (F.E.N.) France.

Romesh Chandra, General Secretary of the World Peace Council.

General Singkapo Sikhoi Chounamaly, Member of the Central Committee of the Lao Patriotic Front.

Claude Estier, Secretary of the Socialist Party (France).

Georges Seguy, General Secretary of the General Confederation of Labour (CGT) France.

Quang Ming, Ambassador of the Provisional Revolutionary Government of South Vietnam.

Bertil Svahnstrom, Chairman of the Stockholm Conference on Vietnam (Sweden).

Andre Souquiere, General Secretary of the Peace Movement on behalf of the 48 French organizations fighting together against the war in Indochina (France).

Hoang Quoc Viet, Member of the Presidium of the Central Committee of the Patriotic Front (Democratic Republic of Vietnam).

Laurent Lucas, Chairman of the French Democratic Confederation of Labour (C.F.D.T.), France.

Thiounn Prasith, Minister of the Royal Government of National Union of Cambodia, Secretary of the Political Bureau of the United National Front of Cambodia (F.U.N.K.).

Georges Marchais, Assistant General Secretary of the French Communist Party (France).

Marge Tabankin, Chairman of the National Students Association (U.S.A.).

Mr. Pemenov, Soviet Deputy, Chairman of the Trade Unions, Chairman of the Soviet Committee of Solidarity to the Peoples of Indochina (USSR).

Peggy Duff, General Secretary of the International Conference for Peace and Disarmament.

Beulah Saunders, Civil Rights Coordination Committee (U.S.A.).

World Assembly for Peace

CHANGING CONDITIONS

We have entered a new historic era: one in which the post World War II world domination of the U.S. is being seriously challenged politically, economically, and militarily.

Militarily, the U.S. no longer has a nuclear preeminence in delivery systems and arms but finds itself in a position of relative equality with the Soviet Union. At the same time China and other countries are developing independent nuclear arms of their own. In more conventional types of warfare, the people of Indochina have fought U.S. troops and technology to at least a standstill.

Politically, the "revolution" in Chile, the Cuban and Chinese socialisms, the admission of China to the UN are all signs of the decline of U.S. international political control.

Economically, the rebuilt industrial strength of war-torn france, West Germany, and Japan have placed the U.S. in an arena of competition which it cannot deal with well because of large expenditures overseas (chiefly in the Indochina war) and because for the first time since 1893 the total balance of payments show a flow of money outside the U.S.

This new economic crisis is manifested domestically by high inflation, high unemployment, and general contraction of the economy (it is getting harder for all of us to survive on our meager incomes). In attempting to deal with this crisis without lessening U.S. profits, Nixon and other administrators of the empire are putting the economic burden onto foreign capitalist and onto the working people of the U.S. The wage freeze and Phase II make this clear.

Because of the newly imposed hardships being placed on them, and because of the general world crisis, working people and other people previously in the mainstream of U.S. life are beginning to question the present system and are looking for an alternative. This means they are now more open to the left than ever before in post World War II history. At the same time, these people are also open to a right wing populist (racist, anti-semitic, Wallace) trend.

At a time when we have seen the mass radicalization of Third World People, young people, students, and women, we are entering into a period where the masses of Americans can potentially come to the left.

The importance of a unified and broad-based Left in this period and in this particular election year cannot be underestimated if we are to take advantage of the opportunities history has brought before us.

OVERALL GOALS

If we accept the above analysis, then our over-all goals in the year ahead become clear:

1.) We must reach out to new constituencies, and strip the ruling class of their legitimacy as leaders of the U.S.

2.) At the same time as we maintain pressure on the government to end the war and alter policies, we must organize people around their basic needs.

3.) We must build ongoing movements capable of leading and sustaining the struggles of people both nationally and locally.

4.) We must defeat Nixon and not let our efforts be coopted by the Democrats or the electrical process.

UNIQUE OPPORTUNITY OF SAN DIEGO

To accomplish these goals, the movement in the U.S. will have to use a variety of tactics. We feel that massive, broad-based demonstrations in San Diego are a crucial component of the range of activities our movement should undertake in the next year.

During this election year it is essential that we challenge Nixon and his policies on every front. The culminating actions at the Republican Convention will be critically important in exposing the realities of his administration. If we do not act in San Diego we will give Nixon a free rein in his escalation of the war and his increasingly repressive domestic policies, we will give him mandate to victory and virtually insure his re-election. Through massive demonstrations in San Diego we can shatter the illusion of domestic tranquility so essential to Nixon's re-election.

Demonstrations in San Diego also afford us a unique opportunity to comment on air war strategy. San Diego is the chief embarkation point for naval vessels including the giant attack carriers that will continue to rain destruction from the skies on the people of Indochina long after the last ground troops have left. Its laboratories also perform research and development for the electronic battlefield.

San Diego County has one of the largest concentrations of Marine and Naval forces in the country. Organizing for massive demonstrations can help to turn this military apparatus into a Trojan horse by consolidating the wide-spread dissatisfaction with the war among the armed forces. Actions at the convention in San Diego can play a major role in accelerating the instability of the U.S. armed forces, a crucial link in the repressive power of the State.

MASSIVE DEMONSTRATIONS

If we see the reasons for demonstrations in San Diego, it follows from our analysis that these demonstrations must be massive with diverse constituencies rather than relatively small with narrow constituency representation.

If the present crisis in the U.S. is opening up people to alternatives from the left, we must demonstrate the broadening base of the movement in the San Diego actions in order to accelerate the breakdown of obedience to the system and win people over the Left. To do this, we must reach out and involve people who have never participated in the movement. This will have two effects: a direct one, based on the personal experiences of people who come to San Diego, and an indirect one carried through the media and demonstrating to Americans across the country the new broad-based constituencies of our movement.

In addition, if we are able to mobilize a massive array of people to come to San Diego in a dignified non-violent manner utilizing creative tactics that involve a high degree of ceremony, we will provide a startling contrast to the Republican Rubber Stamp Renomination of Richard Nixon. The ignoring of the majority interests of the American people represented by the gathered thousands outside the convention hall would make a mockery of the process going on inside and hasten the defeat of Richard Nixon and his policies.

OTHER ORGANIZING TOOLS

The petition

While we feel that massive, broad-based demonstrations in San Diego are a crucial component of the range of activities across the country (indeed across the world) that the movement should undertake, we think there are other tactics and tools our movement will have to employ to accomplish our over-all objectives. We think that two of these tools, specifically a National People's Platform and a massive San Diego Petition against the Republican Convention presence are useful both in building for massive opposition at the Convention and in accomplishing the movement's overall goals.

The petition is seen as making these basic points:

The U.S. government is ruling more by deception than at anytime in its history.

The war is not winding down but is continuing by means of increased naval and air bombardment.

Nixon is trying to patch up the economy at working people's expense by wage controls, but is not touching increasing big business profits.

While Nixon talks of peace and law and order, he has dangerously stepped up repression.

The Republican Convention is going to cost millions of dollars that could otherwise be spent solving the problems of San Diego.

We do not want a government that administers such unpopular policies by deception and military might to hold its convention in San Diego. Nor do we want a convention that is by its very nature undemocratic and forced on us from the top to be held in San Diego.

To make the petition work, we must come up with a document that would be able to get the support of all the various "progressive" constituencies and organizations in San Diego. This would mean such things as taking around an initial draft and discussing it with, for example, Virginia Taylor, Community Congress, Council of Urban Ministries, etc. We need to involve all possible groups to get as *massive* support as possible. Some people (like our parents) would sign in genuine hopes of stopping the convention from coming, others would sign in protest of Nixon's policies and deceptions.

In addition to being broad-based, the petition idea must be, in itself, multi-tactical. We can use it to confront not only the the U. S. government on the convention coming but also the city government. We can use it to do massive education about how the convention came to be in San Diego, who will benefit from it, and why the process of the convention itself is so undemocratic. We can do all this and more.

To accomplish anything though, we must have a massive effort from all of us—we must get the petition circulating at schools, factories, neighborhoods, and military bases.

In addition, we would have to elicit high media coverage of the event (locally and nationally). We would dramatize it for example by flying the petitions across the country in a private plane towing a banner bearing a message to the people of America from San Diego. The petitions could then be personally delivered at the White House.

There are several benefits seen from utilizing this tool. If the opposition to the convention is as wide-spread as we believe, it would put the Republican and the City government on the defensive, forcing them to try and explain how the convention will be good for San Diego. Providing people with a change to register their protest now against the convention coming here, will shift the blame for any problems or inconveniences caused during the convention to Nixon and the Republicans rather than us. In addition it will help legitimize our protest at the convention.

People's platform

The People's Platform is seen as an organizing tool that can be used throughout the country, particularly in primary states. The People's Platform would have five points: 1) A specific plan for total withdrawal from Indochina; 2) A plan for rationalizing the economy; 3) A plank calling for the reversal of the Nixon policies of internal repression and control; 4) A plank on racism; and 5) a Plank on sexism.

A nation-wide Peoples' Platform campaign has the advantage of raising basic issues rather than merely candidates. Candidates of both major parties could be confronted with the platform and forced to take stands on it. The platform could play a major role in exposing Nixon's deceptions and policies. If broad-based enough, it could be used as a means of uniting the efforts of the left to relate to new constituencies and help to bring about a considerable degree of unity with already committed groups, like youth and women. Finally, it could help mobilize people around the country and point the way to San Diego if the conception included the presentation of the People's Platform to both the Democratic and Republican National conventions.

The conception of a People's Platform could only become a reality with the support of national organizations and coalitions, however. Without that support, we in San Diego would not have sufficient machinery to make the People's Platform have significant impact.

We, therefore, would like to have the authority to oversee the initial drafting of such a document, to solicit the support of national organizations, and, if response is favorable enough, to begin the planning of a national conference to ratify the Platform.

Demonstrations

Since the effect of U.S. policy is international in scope, and since there is world-wide opposition to the Nixon Doctrine, we feel that:

We should call for world-wide demonstrations to occur at the same time as the Republication National Convention.

There should be at least one massive, legal, dignified demonstration past the Sports Arena. Formal publicized authorization would be obtained to carry the flags of other countries and liberation movements that wished to register their protest against Nixon. This flag bearing contingent would lead the demonstration.

To make sure that images are conveyed to the world audience that symobilze the issues, we will be in San Diego for, we would like to call for the designing and building of a few giant floats that conceptualize the major issues in graphic form. Beyond this, we would like to see the masses of people divided up into contingents carrying their own banners identifying their constituency or interests to signify the diverse array of opposition to Nixon and present U.S. policy.

At the Sports Arena itself, the presentation of the People's Platform could be made with the demand that all rules and procedures of the convention immediately cease to take up the adoption of the People's Platform.

At this point, we would like to keep other days of the convention open for specialize and large constituency actions around targets of the constituencies' choosing. At some point it may become appropriate for us to consider other types of actions that would be necessary to take if the massive numbers assembled and the presentation of the platform were to be ignored by the Republicans.

Exposé '72

Demonstrations are just one way we hope to achieve a radical transformation of all participants in the Convention activities. We want to create an atmosphere in which people can come to understand more about the specific nature of the country and the world we live in and have some fun. We would like to put forward the idea of Exposé '72 at or near the campsites. Exposé '72 would be a large exposition that would include:

Exhibits on (partial list):

the airwar with weapons display;

health care;

the economy;

Chicano and black movements;

China, Cuba, Vietnam, Palestine, Africa, Latin America;

women.

Continuous showing of movies, i.e., Milhous, Burn, Inside North Vietnam, Etc.

Workshops—examples are endless.

The display and completing of the final touches on the floats.

The construction of a video net either using large screens or with many T.V. sets that could link people together and broadcast:

video-taped messages from other countries;

the findings of the People's Panel of Inquiry on the Nixon Administration (a PCPJ project);

panel discussions and teach-ins;

Peoples' News Broadcasts of the days' events and reactions from around the country, and around the world.

Live audio broadcasts by phone over the P.A. system from:

The Vietnamese in Paris;

The Chinese and others at the U.S.

Entertainment: music, theatre.

Publishing a daily newspaper or wall poster.

We will also have to plan for the providing of services which include:

Camping facilities;

Sanitation;

Legal aid;

Medical aid;

Food.

We might also consider using our numbers to do a city-wide, door-to-door canvassing campaign asking people personally to come down to Expose '72 and/or join our demonstrations.

The Expose is seen as one more tool in being able to organize nationally and internationally. It is one way even more organizations, groups, contituencies, and nationalities might be persuaded to participate at the Convention who might not otherwise be moved there by a People's Platform, petition campaign, etc.

SAN DIEGO CONVENTION COALITION,
NOVEMBER, 1971

Possible preface (to a pamphlet in preparation)

We are a coalition which has formed in San Diego around the consensus that there must be coordinated nonviolent opposition and confrontation to the Republican Convention here in August of 1972. We expect that many actions will be taken by groups and individuals from all over the country, and that it is important for the San Diego movement to provide the context in which we believe this opposition will be most effective and most beneficial to the growth of the San Diego and Southern California movement. We welcome our out-of-town sisters and brothers who share our objectives and will come and plan actions in San Diego with regard for local ongoing activities. To provide them an understanding of our San Diego communities, essential to our working together, we have put together this pamphlet as an introduction and invitation to San Diego.

To ensure the building of a strong radical movement that cannot be used or absorbed by the Democratic Party, we in the coalition have agreed to work together according to the following principals:

1.) We will form the broadest possible coalition to nonviolently and openly oppose and confront the Republican Party leadership. Special effort will be made to include in the coalition groups representing important sections of the community to mobilize: Third World people, GI's and veterans, working people, the unemployed, gay people, women, students, and freaks.

2.) In this coalition and in all the work we do we will reject and struggle against all forms of domination based on race and sex and class exploitation. We will try to bring about in ourselves and in our manner of working with one another those human changes which must accompany political and economic changes in order for our revolution to succeed. We will struggle against racism and sexism in ourselves as well as in all others with whom we work, and will seek continually to isolate and understand the root causes of the tendencies in each of us to dominate, manipulate, and control. Women have been relegated to an inferior status by male Americans and are dominated by men in the home, in factories, and in all the institutions of the U.S., as well as in the movement. Sexism is also manifested in the economic and extreme psychological oppression of gay people by straights. Third World people in the U.S. occupy the status of colonial subjects. They are subjected to conditions of poverty, unemployment and domination by whites both at the institutional and personal level. We understand that racism and sexism are perpetuated by capitalism but are not maintained solely by the economic structure; we therefore must struggle to understand the other causes in ourselves and to eliminate them.

Skills and experience will be shared broadly among members of the coalition and conscious effort made to provide opportunity for those less experienced to grow stronger in revolutionary skills, understanding, commitment, and confidence.

3.) Because much of our strength will depend on massive numbers of people coming to the city, we will make contact and work with groups and individuals throughout the U.S., especially in the western region.

4.) The members of the coalition agree to discuss and resolve disagreements internally. No group or individual in the coalition is bound to participate in demonstrations or actions of the whole coalition, but all agree not to publicly oppose the decisions of either the coalition or any of the member groups.

The presence of the Republican National Convention in San Diego presents the San Diego movement with a unique opportunity. We can challenge the U.S. empire both in the devastating air war in Indochina and its increasingly oppressive police and economic policies at home.

In the past decade, we have seen an acceleration of the collapse of the U.S. empire. Internationally, the people of the Third World, as exemplified by the Vietnamese people, are gaining the upper hand in fighting against U.S. control of their lives and resources. Domestically, we have seen the growth of a revolutionary movement and increasing dissatisfaction among the people of the U.S. 1972 marks a crucial election year.

Nixon believes that San Diego will be a conservative sanctuary for himself and his republican colleagues. He thinks that the GOP can convene here in relative tranquility. Here they will pat each other on the back of escalating the war while seeming to end it, for bringing about a police state under the popular banner of law and order, and maintaining an irrational and increasingly troubled economy by stimulating corporate profits and control while cutting real wages and opportunity.

San Diego is one of the military's major homes. It is the chief embarcation point for naval vessels including the giant attack aircraft carriers that will continue to rain destruction from the skies on the people of Indochina long after the last ground troops have left. Its laboratories perform research and development for the electronic battlefield. And San Diego County has one of the largest concentrations of Marine and Naval forces in the country.

We can, however, turn Nixon's apparent strengths into weaknesses. Despite its conservative traditions, San Diego now has a growing political consciousness among working people and unemployed, a growing movement among women, a large dissatisfied youth community, and increasingly politicized native American, Black, Chicano and Asian communities (Third World). People in the city are facing new and severe problems of unemployment, frozen wages, inflation, police harassment, deteriorating environment and unrestricted growth, racist and unresponsive institutions, and a systematic destruction of their cultural traditions. We can unite with these groups to find solutions to these problems which those in power will not provide. We can turn the military apparatus into a Trojan horse by consolidating the massive dissatisfaction with the war among the armed forces. We can mobilize the largest and most diverse array of people, from throughout the U.S., ever to protest the convention of their rulers, making a mockery of the so-called "representatives of the people"—all this while national and international attention is focused on the unfolding of the Convention.

Our political objectives in confronting the Convention are:

1.) To make it clear that we want an immediate end to all aspects of the war in Indochina and that, if this urgent desire of the great majority of the people of the U.S. is not met, the elected government will have no legitimacy and stand no chance of being re-elected.

a) We will demand the U.S. government accept the 7-point peace plan of the P.R.G.

b) We are committed to exposing and stopping the escalating technological . . . air war in Southeast Asia.

2.) To expose and struggle against the move towards a domestic police state and the increasing repression and control over our lives. This control is exemplified by such things as: the use of grand juries, the murder of George Jackson and the slaughter at Attica, the cutbacks in Welfare and the wage controls, we will fiercely oppose the re-election of any President who continues repressive police and economic policies.

3.) To mobilize a massive array of Americans united in their opposition to the war and their determination to take control of their lives.

4.) To expose the true interests of the leadership of the Republican Party, and thereby strip them of their legitimacy as leaders.

5.) To accelerate the growth of a local movement in San Diego and contribute to the growth of the national movement.

6.) To give encouragement to revolutionary movements of oppressed people in other countries by demonstrating our solidarity with them and by showing the growing strength of our movement in the U.S. We have been inspired by the persistent struggle of the Vietnamese people against U.S. domination, and are interpretationalists.

7.) To fight the defeatism and sense of powerlessness of the people in the U.S. The movement we are building in San Diego must demonstrate the power people can have through organized united action, and serve to inspire people throughout the U.S. to take initiative in fighting for control of their own lives. We do not want to be just another antiwar group but wish to help construct a life-sustaining revolutionary movement."

[From the Daily World, Feb. 19, 1972]

Dr. Sidney Peck's Statement: U.S. Delegation Represents Majority Opposed to the War

Versailles, February 12.—Dr. Sidney Peck, a delegate of the Peoples Coalition for Peace and Justice and a leader of the U.S. delegation to the World Assembly for Peace and Independence of the Peoples of Indochina here, told the 1,211 delegates of 84 nations today that "the delegation from the United States represents the broadest and most diversified delegation ever to participate in an international conference on the Indochina question."

"And this is because we represent a majority movement against the war that is composed of every major stratum of our people," Dr. Peck continued, speaking on behalf of the 150-member U.S. delegation.

Excerpts from his address to the Assembly follow:

"Where did this majority movement in the U.S. come from. It was not all that long ago that the American people were immobilized. They were viewed as a silent generation in the mid-fifties.

A NEW AWAKENING

"But in the struggle for civil rights, free speech, academic freedom, there emerged in the sixties the beginnings of a new awakening of the American people. And while our eyes were partially opened in the efforts to break down the walls of segregation and restore the right to dissent, it was our growing understanding about the war which brought us fully awake.

"The courageous struggle of resistance waged by the people of Indochina contributed immeasurably to this process of awakening. A process that had already been aided by the struggle for black liberation at home, by the struggle of the Chincao and Puerto Rican peoples, by the struggle of the Indian peoples in the U.S. And so the youth were awakened, as was the movement among women—a movement that has finally emerged from its slumber. And to this one must also add the awakened consciousness of a new veterans' and active-duty GI movement.

"We believe our majority movement expresses a strong potential to translate its great numbers and growing political awareness into real success in changing policy.

POOR CARRY THE BURDEN

"Why? Because the people in the U.S. who suffer the most and carry the burden of the war are the poor—the poor who are still able to find employment—and those without jobs and income.

"Increasingly the working people in the U.S. have become aware that it was first of all their sons and brothers and husbands who were taken to the slaughter in Vietnam, and they were aroused to oppose the war. Now there is a new understanding that the very standard of living of the working poor, the ability to have enough money for food on the table, for meat, and clothes for the children is being crushed by the inflation of continued military spending.

"There is welfare money for Lockheed aircraft but not for hungry poor. If they do not have a job, they must suffer the indignities of poverty. If they are working their wages are frozen—while prices and profits continue to rise. And so, the working poor, the labor movement, the rank and file of trade unions are beginning to awake as a new giant of political opposition.

A PEOPLE'S MOVEMENT

"The potential of our movement will be fully realized when our struggle around these issues of the war, inflation, unemployment, racism, poverty, repression and sexism . . . day in and day out. . . results in the growing organic unity of the American people joined in their opposition and resistance to those who rule our land.

"Then we will truly have a peoples movement in the U.S. worthy of its political potential.

"Dear Friends,

"The movement against the war in the U.S. needs your help in the struggle to end the Indochina war. We sincerely hope that this Assembly will not only engage in an exchange of views and resolutions—but that we must also decide to plan for coordinated international action. We hope this will not be a perfunctory program of action. Rather, we look forward to a decision of this Assembly that will establish some means by which to implement—by which to make sure, that actions on a world scale in solidarity with the cause for the peace and independence of the Indochinese does take place.

WE SHALL WIN

"For our part, we can consider the year 1972 as a year of sustained struggle to end the war. We have projected a whole series of actions in which we shall press the major issues of the war and its effect on the American people in this election year. But we are also suggesting that internationally we consider the period from April 1 through May 15, as a time of joint struggle around the world on the Indochina question. . . .

"We shall win, with the help and support of all that you represent here today. And in our mutual victory, true love and friendship between the peoples in Indochina and the United States will finally have an opportunity to express itself in the mutual respect for the right of peoples to self-determination without fear of foreign intervention and aggression."

[From the Daily World, Feb. 19, 1972]

Al Hubbard's Statement: "Nixon Is Escalating War"

Versailles, February 12.—Al Hubbard, executive director of Vietnam Veterans Against the War and a member of the 150-member U.S. delegation to the World Assembly for Peace and Independence of the Peoples of Indochina, told the giant rally here today that the Nixon government is escalating the aggression in Indochina instead of "winding it down."

He said he was convinced "that a new escalation of the third Indochina war is imminent. Because the Nixon administration remains fully committed to the 20-year goal of American leaders: specifically the keeping of American-controlled puppet regimes in power in Indochina."

Hubbard said although the goals have not changed the tactics have. And he described in detail the "automated war" now being waged against the Indochina peoples. Excerpts from his statement follow:

"Nixon in his typical racist manner erroneously believes that his use of technology to remove its human elements and his philosophy of 'machines killing gooks' will succeed in diverting the attention of the American people from the fact that the war is not winding down for the 100,000 political prisoners sweltering in Saigon's inhuman jails, people whose only crime is to wish to live under a government of their own choosing.

"The war is not winding down for an officially reported 10,000,000 refugees in Laos, Cambodia and Vietnam who are right now landless and homeless. People whose only wish is to return to their villages of birth.

"The war is not winding down for millions of peasants living in American controlled zones under the brutal Thieu-Phouma-Lon Nol regimes who are plundering their countries resources.

"The war is not winding down for the 400,000 young women who have been forced to become bar girls and prostitutes.

"And above all the war is not winding down for hundreds of thousands of people who are right now living underground in caves and holes forced to make the most extreme sacrifices in order to see their countries free.

"And indeed far from winding down, the war even at this very moment is undergoing the most serious of escalations.

BOMBING ESCALATION

"Forty new B–52s are right now being sent from Texas to bring even greater destruction and death to Indochina.

"A third aircraft carrier, the Constellation, has moved into position in the Tonkin Gulf and there are reports that a fourth, the Kitty Hawk, will soon join them.

"The barbaric technology which I have referred to is being improved daily in its attempt to kill ever increasing numbers of people as we have seen in the unprecedented savage use of B–52s to drop anti-personnel pellet bombs.

"The crisis in Indochina keeps bringing with it an ever deepening crisis in the United States."

[From the Washington Star, Feb. 14, 1972]

Peace Group Backs Plan of Vietcong

The three-day international anti-war assembly in Versailles ended yesterday with unanimous endorsement of the Viet Cong plan for ending the Vietnam war.

The Paris World Assembly for Peace and Independence of Indochinese Peoples termed President Nixon's eight-point peace plan "hypocritical and fallacious" and backed the American delegation's plans for a series of antiwar and antiNixon demonstrations in the United States through mid-May.

The U.S. delegation had swelled to 147 persons by the end of the assembly and with the possible exception of the French contingent was the largest at the gathering. In all, 800 delegates from 80 countries attended.

Afterward, a line of delegates six blocks long marched in Paris in a chill rain behind Viet Cong and North Vietnamese flags and French Communist party banners. The marchers chanted "Nixon—Fascist, Murderer," and "U.S. Go Home."

The main theme of the assembly was that U.S. Ambassador William J. Porter, head of the American delegation to the Vietnam peace talks, was an "unstatesmanlike tool" of President Nixon and should resign, and that Nixon presented his peace plan only to cover a new escalation of the war.

Porter called the assembly a "horde of Communist-controlled agitators" and said because of the atmosphere created by the gathering he had postponed indefinitely the next session of the peace talks, which had been set for Thursday.

The Viet Cong peace plan calls for the immediate resignation of President Nguyen Van Thieu of South Vietnam and formation of a coalition government including the Viet Cong to elect a constitutional convention.

[From the Washington Post, Feb. 14, 1972]

Paris Antiwar Assembly Blasts United States, Backs Hanoi

(By Jonathan C. Randal)

Versailles, France, February 13.—More than 1,200 delegates to one of the biggest international antiwar rallies since the Vietnam conflict began unanimously adopted resolutions today condemning the United States and backing North Vietnamese and Vietcong conditions for restoring peace.

This predictable outcome was greeted by a standing ovation at the final session of the three-day "Paris World Assembly for the Peace and Independence of the Indochinese Peoples."

Less predictable was the resumption date of the Paris peace talks which the United States and South Vietnam in effect unilaterally suspended Thursday in protest over "intolerable" pressures on the stalemated negotiations allegedly caused by the Versailles assembly.

Ambassador William J. Porter, U.S. representative to the peace talks, told the Communist negotiations then that a new meeting date could not be fixed "until we can assess the atmosphere resulting from your behavior and that of the claque which will be performing in Versailles."

CHINA VISIT

It was believed that the United States and South Vietnam would not agree to any new formal peace talk session before President Nixon completes his visit to Peking on Feb. 28. There were also indications that present administration policy favors holding the talks less frequently than once a week in the future.

Rounding out the three days of talk at Versailles was an orderly parade in Paris. Members of the 147-person U.S. delegation braved a steady rain to join the six-block-long line of marchers who carried anti-American banners, Vietcong and North Vietnamese flags and chanted "Nixon—Fascist assassin" and "U.S. Go Home."

Running throughout the proceedings were two themes: Nixon suspended the Paris peace talks to hide a new escalation in the war; and Porter was guilty of unstatesmanlike behavior in labelling delegates a "horde of Communist-controlled agitators."

Speaking briefly at a press conference with other American delegates, actress Jane Fonda reiterated an earlier call for Porter's resignation. Miss Fonda said the veteran diplomat "is not representative of the American people" and charged that the United States was "not seriously negotiating" at the Paris talks.

The Versailles resolutions brushed aside President Nixon's recent eight-point peace plan as "hypocritical and fallacious."

The resolutions reiterated almost word-for-word the demands contained in the Vietcong seven-point proposal last July and "elaborated" on Feb. 2 following Mr. Nixon's revelations of secret talks with Hanoi.

Other paragraphs dealt with Laos and Cambodia. The assembly demanded "that the U.S. government cease all support to the governments it has established and which are manipulated instruments of war and neo-colonialism and let the peoples of Indochina decide freely of their destiny without any foreign interference."

INFORMATION CAMPAIGN

Other aspects of the adopted program called for action committees to maintain an international information campaign to coincide with activities of the antiwar movement and the presidential election campaign in the United States.

The assembly also endorsed international support for a series of antiwar demonstrations planned in the United States between April 1 and May 15, including actions calling for resistance to tax payments earmarked for the war, acts of disobedience against federal buildings and companies with defense contracts.

"It is essential that this American campaign be coordinated," the documents noted, "with the entire international antiwar movement so that the full weight of international outrage can be brought to bear on Nixon and his policies."

As in past such conferences, no Chinese delegates, diplomats or observers were at the assembly attended by delegates from 84 countries.

DISASTER ON BUFFALO CREEK

The SPEAKER pro tempore (Mr. HAGAN). Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 15 minutes.

Mr. HECHLER of West Virginia. The sun came out on Buffalo Creek Hollow Saturday. I saw what were once small, modest patches of greenery in people's yards now covered with over a foot of sludge and slime, and baking to concrete hardness while groups of coal miners and their families tried to poke through their destroyed or damaged homes. There are 116 identified dead, and over 50 still missing in West Virginia's worst of a long line of disasters directly related to the most hazardous occupation in this Nation—the mining of coal.

Various congressional committees are now starting to bestir themselves. Some of them are now in West Virginia, and others start hearings this week. But the Bureau of Mines apparently has its lawyers working overtime to try and discover how they can avoid, evade, or escape any responsibility for action to prevent disasters such as occurred on Buffalo Creek on February 26.

On February 28, the first day Congress was in session after that giant greasy fist smashed into my people, I took the floor to denounce the manner in which Federal and State officials have handled the coal industry with kid gloves, and allowed that industry to get away with close to murder, whether it concerns mine safety, or strip mining, or slag piles.

At page 5716 of the RECORD, I put in the text of an urgent telegram which I sent to Dr. Elburt F. Osborn, the Director of the Bureau of Mines, asking for an immediate investigation to determine whether the specific regulations of the Bureau promulgated on May 22, 1971, have been violated. These regulations provide:

> If failure of a water or silt retaining dam will create a hazard, it should be of substantial construction and shall be inspected at least once each week.

I also asked the Director of the Bureau of Mines to provide me a list of all other coal mines in West Virginia which have a dam of this type and whether the operator is in compliance with the regulation.

NO ANSWER FROM BUREAU OF MINES

I have received neither an answer nor even the courtesy of an acknowledgment of this telegram. On February 29 and again on March 6 I implored the Secretary of the Interior to get me an answer, but still nothing but dead silence from both the Bureau of Mines and the Department of the Interior.

Mr. Speaker, my people who produce coal, every ton of which is marked with blood and profits, are not going to sit still any longer while a production-minded Bureau of Mines exhibits contempt of Congress, contempt for coal miners, and contempt for the nearly 200 men, women, and children who needlessly died in Buffalo Creek Valley.

The Department of the Interior made a press statement on February 29, contending they had no "legislative authority" to act. I have pointed out to them the clear legislative authority they possess.

Well, Mr. Speaker, we in West Virginia are simply not going to mine coal unless our people are protected, and until the agencies of Government prove by their actions that they are determined that a human life is more important than a ton of coal.

I am appending to my remarks the texts of the various letters and telegrams I have sent, statements I have made, and some of the public comments of the Department of the Interior on this disaster:

FEBRUARY 28, 1972.

Dr. ELBURT F. OSBORN,
Director, Bureau of Mines, Department of the Interior, Washington, D.C.:

Bureau regulations of May 22, 1971, for surface areas of underground coal mines provide in Sec. 77.216(A):

"If failure of a water or silt retaining dam will create a hazard, it should be of substantial construction and shall be inspected at least once each week," by the operator.

Urge you take steps to initiate an investigation under section 103 of the Fed. Coal Mine & Safey Act, including a public hearing to determine whether the dam was of "substantial construction", whether it was inspected on a weekly basis, and whether the operator violated the law.

Urge you seek the help of the geological survey and the Corps of Engrs. in the investigation.

Please provide to me a list of all other coal mines in W. Va. which have a dam of this type and indicate to me whether the operator of such mines is in compliance with this section of the regulation.

CONGRESSMAN KEN HECHLER.

THE LORADO DISASTER

(By Representative KEN HECHLER, Feb. 28, 1972)

WASHINGTON.—I have today asked the Chief of the Army Corps of Engineers to conduct a thorough inquiry into the Lorado disaster which will cover the following points, among other items:

(1) What form of inspections were conducted of the slag pile to guarantee the safety of residents in the valley below?

(2) What form of warning system was established?

(3) What measures must be taken with respect to other slag piles, settling ponds, and other coal refuse to protect the health and safety of the people in other areas?

It is outrageous that the Bureau of Mines and other Federal and state agencies have failed to demonstrate sufficient concern for the protection of the safety of the people who work in the mines and live in mining communities. I have been fighting with strip miners for several years in the Buffalo Creek Valley, attempting to stop them from allowing mud and sludge to slide down onto people's lawns and into their driveways. In one case, the Island Creek Coal Company, after officials visited the site of a slag heap at Procter Hollow near Amherstdale, agreed to purchase some of the houses in the immediate path of some mud slides. The houses were subsequently condemned. As I looked through the Buffalo Creek Valley yesterday it struck me again that the entire valley is honeycombed with strip mines and the wastes from deep mines, so that the soil can no longer hold the water. The people are the prisoners of the coal industry. It is significant that the only building left intact in one Buffalo Creek community was the company store.

For too long the coal industry has polluted the air, water and politics of West Virginia. Federal and state officials have handled the coal industry with kid gloves, and allowed the industry to get away with murder, whether it concerns mine safety, or strip mining or slag piles. Whenever anybody points out the evils of strip mining or the threats to human safety caused by ancient coal company practices, those Federal and state officials responsible for protecting the public will scream: "Energy crisis!" or "We need the jobs!"

West Virginia has had more than its share of disasters of this nature. There are always those who apologize for the reckless, careless practices of the coal companies, as they did after the Farmington disaster which killed 78 coal miners on November 20, 1968. Today, there are some people who write off the Lorado disaster as an act of God which can always occur anywhere. I say that the Lorado disaster should have been prevented. Unless Federal and state agencies and elected public officials change their attitude toward the coal industry, there will be more Farmingtons and Lorados. It's high time that we start putting the value of a human life above coal company profits. It's high time that every Federal and state agency place a higher priority on protection than production.

WASHINGTON, D.C.—Rep. Ken Hechler, D-W. Va., has called on the U.S. Bureau of Mines to join the U.S. Army Corps of Engineers in investigating the coal mine slag heap disaster which wiped out the town of Lorado and other West Virginia coal mining communities.

Congressman Hechler pointed out that a May 22, 1971, regulation of the Bureau of Mines provides:

"If failure of a water or silt retaining dam will create a hazard, it should be of substantial construction and shall be inspected at least once a week by the operator."

In a telegram to Director Elburt F. Osborn of the U.S. Bureau of Mines, Congressman Hechler urged an investigation and public hearing to determine whether the dam was of "substantial construction", whether it was inspected on a weekly basis, and whether the Pittston Company, the operator, violated the law.

The West Virginia Congressman also asked the mines director to provide a list of all other coal mines in West Virginia having dams of this type and indicate whether the operator is in compliance.

"A Federal report published last year showed there are 132 coal refuse piles burning in West Virginia, creating a hazard to the health and safety of the people and another Federal report indicated there are 38 slag heaps in Southern West Virginia which pose a potential threat to the people, to say nothing of the strip miners who destroy our mountains, valleys and beautiful scenery," Congressman Hechler said, adding:

"West Virginia is a dumping ground for corporations more interested in profits and production than in the people and the land. It is high time that Federal and state officials stop treating the coal industry with kid gloves, whether it pertains to mine safety, strip mining or slag piles.

"The value of a human life is more precious than a ton of coal."

INTERIOR DEPARTMENT SENDS HELP TO WEST VIRGINIA IN COAL REFUSE PILE DISASTER

Secretary of the Interior Rogers C. B. Morton has sent scientific and technical teams of the Interior Department to assist the State of West Virginia in determining the cause of the February 26 Buffalo Creek disaster and to avert similar coal bank failures in the area.

Help was sent following a discussion between the offices of Secretary Morton and West Virginia Governor Arch A. Moore, Jr. The Governor's office expressed gratitude for the Secretary's offer of technical help, particularly in the area of hydrology.

Action by Interior in the wake of the washout of the Saunders bank on Buffalo Creek which left at least 70 persons dead, more than 300 missing and another 4,000 homeless included:

1. More than 100 coal mine safety inspectors have begun to examine coal refuse banks throughout the Appalachian region, concentrating on areas where heavy rains have fallen in recent weeks.

2. Nine scientific and technical men from the Bureau of Mines and U.S. Geological Survey are analyzing the remains of the coal bank at Buffalo Creek, as well as rainfall and other water factors which led to the disaster on February 26.

Secretary Morton noted that while the Interior Department currently lacks legislative authority to order the elimination of dangers to public health and safety resulting from coal refuse piles, his department is seeking such authority under provisions of the Mined Area Protection Bill proposed by President Nixon last year and currently before Congress.

FEBRUARY 29, 1972.

Hon. ROGERS C. B. MORTON,
Secretary of Interior, Department of the Interior, Washington, D.C.

Dept. of Interior press release issued Feb. 29 on W. Va. disaster states that the bureau lacks "legislative authority" to order elimination of dangers to health and safety resulting from coal "refuse" piles.

The press release errs, since the bureau's regulations of May 22, '71 (sec. 77.215(e)) provide that "refuse piles shall not be constructed so as to impede drainage or impound water." The slag heap at the Pittston Coal Mine not only impeded drainage but also impounded water. Since the bureau apparently did not require elimination of this so-called refuse pile during its inspections, one can only conclude that the structure at the Pittston Coal Mine was a "retaining dam" and subject to sec. 77.216(a) of the May 22 regulation. In telegram Feb. 28 to Dir. of Bureau of Mines, I urged that the bureau conduct an investigation and public hearing, and I renew this request.

Congressman KEN HECHLER.

WASHINGTON, D.C.,
March 6, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Senate Labor and Public Welfare Committee, Senate Office Building.

DEAR MR. CHAIRMAN: Enclosed is a copy of a letter I have today sent to Secretary Morton concerning the recent coal mine disaster at Lorado, West Virginia, and a copy of the Interior Department's press release of February 29.

Incredibly, the release states that the Department lacks authority "to order the elimination of dangers to public health and safety" resulting from accidents occurring on coal property. My letter disputes that statement.

Your Committee, however, has an excellent opportunity to remove even the slightest doubt about this.

The pending black lung legislation which passed the House amends the 1969 law. It would be a simple matter to add to that legislation in the Senate an amendment to section 2(g) of the 1969 law which would clearly state that the Act is designed to protect: miners working on the mine property, other persons on the property (I note that the law now has several provisions designed to protect even unauthorized persons who wander on the property), and the public in general from accidents that originate on the property.

I urge that you do so. I feel certain that the House would readily agree to such an amendment. If we had ever dreamed, in 1969, that Interior would concoct such a cramped reading of the law, we would have included such a provision in the legislation then.

Sincerely,

KEN HECHLER.

WASHINGTON.—Rep. Ken Hechler (D-W. Va.) has asked the House Government Operations Committee to probe "the consistent refusal of the Bureau of Mines to enforce the law and take some responsibility for protecting the people against unsafe slag piles."

Congressman Hechler, a long-time critic of the Bureau of Mines for what he terms "failure to enforce the 1969 mine safety law", characterized the present attitude of the Bureau toward the Buffalo Creek, W. Va., disaster as "timid and spineless." Immediately following the February 26 flood, Rep. Hechler sent telegrams to the Secretary of the Interior and Director of the Bureau of Mines, calling attention to May 2, 1971 Bureau regulations which stated: "Refuse piles shall not be constructed so as to impede drainage or impound water", and "If failure of a water or silt retaining dam will create a hazard, it shall be of substantial construction and shall be inspected at least once each week."

The West Virginia Congressman has asked the Bureau of Mines to hold an investigation and public hearing to determine whether the slag pile dam was of "substantial construction", whether it was inspected on a weekly basis, and whether the Pittston Company (the operator) violated the law. He also asked the mines director to provide a list of all other coal mines in West Virginia having dams of this type and indicate whether the operator is in compliance.

"The attitude of the Department of the Interior is outrageously callous, and typical of their narrow and tortured interpretation of laws which might interfere with coal production while protecting the public interest," Congressman Hechler stated. "They scurry around with their lawyers searching for reasons why they can't do anything instead of trying to protect the public. They seem to care more about the production of a ton of coal than the causes of death and destruction that originate on the coal operator's property."

The Department of the Interior has cited a 5-year-old letter written by the then Secretary of the Interior, Hon. Stewart Udall, with copies to all West Virginia Congressmen, warning of the danger of slag piles. "Here is one Congressman who didn't ignore the warning," Congressman Hechler said, pointing to three articles which appeared in the Logan Banner, Charleston Gazette and Huntington Herald-Dispatch of July 7, 1967. The Logan Banner headline reads: "Hechler cites 'Gob' Pile Danger", with a sub-head "Preventive Measures Urged." The articles quote Congressman Hechler as follows: "Many families face a serious threat from huge 'gob piles' loosened by recent rains," Rep. Hechler said after an all-day examination of trouble spots in Logan County. Rep. Hechler toured the area in the rain with Federal and state officials.

"Hechler said he assembled the delegation after visiting the Proctor Hollow area at Amherstdale. 'I was so horrified that I got on the telephone and assembled the group to go out in the rain and see for themselves how these people are living under the gun of threatened annihilation,'" Rep. Hechler said. The group also visited a number of other areas in Logan County where rains had released debris from strip mining operations. "This material has tumbled down the hillsides, clogging streams, undermining highways, covering railroad tracks, filling people's cellars and causing general havoc throughout Logan County," Rep. Hechler remarked, as reported in the July 7, 1967 newspaper articles.

WASHINGTON, D.C.,
March 6, 1972.

Hon. ROGERS C. B. MORTON,
Secretary, Department of the Interior, Washington, D.C.

DEAR SECRETARY MORTON: On February 28, 1972, I sent a telegram to Director Osborn. It urged that he "initiate an investigation under section 103 of the Federal Coal Mine Health and Safety Act" to determine if the Buffalo Mining Company (Division of Pittston Co.) at Lorado, West Virginia, violated the law in regard to its retaining dam which breached on February 26, 1972, killing many persons and making many more homeless.

I pointed out to the Director that the Bureau of Mines' May 22, 1971, regulations for surface work areas of underground coal mines (36 F.R. 9364) provides (Sec. 77.216(a)):

"If a failure of a water or silt retaining dam will create a hazard, *it shall be of substantial construction and shall be inspected at least once each week*" by the operator. (Emphasis supplied)

A 1966 report by the Bureau and the Geological Survey describes the dam in question and what happens if it breaches as follows:

"Large deep lake at rear of bank. Dike at NE edge of lake is 15 ft. wide, 8 ft. high. Could be overtopped and breached. Flood and debris would damage church and two or three houses downstream, cover road and wash out railroad. Gully at front covers road with wash regularly. Lake contains about 5,000,000 cubic feet of water."

That report also shows, in addition to the lake, a "small pond for recirculating sludge water on NW front of bank impounds some drainage."

The Bureau's 1969 and early 1970 inspection reports state that the "present workings were not approaching . . . impounded water . . ."

To date, I have not received a reply to my telegram, nor has the Bureau initiated the requested accident investigation.

On February 29, 1972, the Interior Department issued a news release that "scientific and technical terms" would be sent to aid the State "in determining the cause" of the disaster and "to avert similar coal bank failures in the area."

I commend the Department for this.

The release, however, noted that the "Interior Department currently lacks legislative authority to order the elimination of dangers of public health and safety resulting from coal refuse piles."

This statement, however, does not comport with the facts.

The Interior Department issued on May 22, 1971, regulations (36 F.R. 9364) under section 101(i) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801) setting forth "mandatory safety standards for . . . surface work areas of underground coal mines." Section 77.215(e) and (f) of the regulations (which were effective July 1, 1971) provides:

(e) Refuse piles shall not be constructed so as to impede draining or impound water.

"(f) Refuse piles shall be constructed in such a manner as to prevent accidental sliding and shifting of materials."

Presumably, when the above section of the regulations and section 77.216(a) were issued, Department officials believes that they were acting within the scope of the law and that it provided a legal basis for the regulation. As a matter of fact, the conference report on the 1969 Act (H. Rept. 91-761, Dec. 16, 1969) states (p. 63):

"In adopting the provisions [of the law], the managers intend that the act be construed liberally when improved health or safety to miners will result."

I feel certain that, with this statement in mind, your Department adopted these regulations.

But in the last few days, I have received disturbing reports that Bureau officials are seeking to construe the law narrowly, rather than "liberally." Incredible as it may seem, they have apparently adopted the view that while an accident did occur at this mine it did not affect any miner while *working* at the mine, therefore the Bureau has no responsibility.

This is a ridiculous interpretation of the law. Only lawyers, holed up in the ivory towers of the Interior Department and removed from the every day world of the West Virginia hollows, could have dreamed up such legal and inhumanistic fictions.

Such fictions ignore several important facts.

First, the proximate cause of the February 26 accident was the failure of a refuse pile which was being used as a retaining dam by the coal company to hold back millions of gallons of water.

Second, this refuse pile was constructed on coal mine property (all of which is subject to the 1969 law (see sec. 3(h) which defines a "coal mine")).

Third, the refuse pile was being used "to impede drainage" and "to impound water" (as shown by the Bureau of Mines Geological Survey report of 1966) in violation of the Department's May 22 regulations.

Fourth, the retaining dam located on the mine property (as shown by the 1966 report) was not of "substantial construction."

Fifth, the Bureau's inspection reports for July, September, November, and December 1971 fail to show (a) why the inspector did not issue a notice of violation of these sections of the regulations, and (b) whether or not the operator inspected the retaining dam weekly.

Sixth, section 103(a) of the law directs that Bureau inspectors investigate "the causes of accidents," and that section 3(k) of the law defines the term "accident" to include, an incident that causes the death of "any person," not just miners.

Seventh, miners and their families living off the mine property were killed by an accident originating on the coal mine property of the Buffalo Mining Company.

Eighth, the Act and the Bureau's regulations contain several provisions designed to prevent accidents to even unauthorized persons who wander on the mine property.

I urge that lawyers of the Department come down from their ivory towers, consider these basic facts, and render an opinion that is more in consonant with the words and spirit of the 1969 law and the 1971 regulations and, most importantly, recognize that the "unsafe . . . conditions and practices" at this mine caused death, "grief and suffering to the miners and to their families" and to others who lived beneath this unlawful retaining dam. Let them be as protective of people as they are of the coal operators who erect such unlawful structures.

Again I urge a full-scale investigation of this accident by the Bureau and appropriate civil and criminal action for any violation of the law and regulations.

Sincerely,

KEN HECHLER.

[From the Washington Post, Mar. 3, 1972]

Disaster in Appalachia—Another One

What can be said to the survivors of Saturday's flash flood in the densely populated Buffalo Creek Valley where, at last count, 76 are dead and some 150 missing? Condolences seem empty, because life will not return to normal in the valley towns for a long time, if ever. Sending in federal money and the donation of supplies is helpful, but these are reactive efforts of common mercy; and there is still the question of who will pay to rebuild the 16 destroyed communities where some 5,000 people lived.

Serious confusion now exists as to whether the disaster was natural or man-made. Did the mountaintop slag dam give way because of unexpected water pressure following four days of heavy rains? Or did it collapse because the Buffalo Mining Company, a division of the New York-based Pittston Company, was negligent in taking safety precautions? This kind of post-disaster confusion is not unusual in the mining towns of Appalachia; it is almost as common as the disasters themselves. Yet, even though the Bureau of Mines has a long record a laxity where safety is concerned and far too many coal companies put production before the welfare of the workers and the local communities, each disaster must be taken separately. Fairness demands it.

Rep. Ken Hechler, an energetic battler for mine safety in whose district the latest disaster occurred, believes that the Buffalo Creek tragedy "should have been prevented." Mr. Hechler has called on the Army Corps of Engineers and the Bureau of Mines to conduct a thorough inquiry, covering such questions as: What form of inspections were conducted of the slag pile to guarantee the safety of the residents in the valley below?

What form of warning system was established? What measures must be taken with respect to other slag piles, settling ponds, and other coal refuse to protect the health and safety of the people in other areas?

At the least, answers to these important questions should be found. For one thing, they will help establish whether or not the Pittston coal company has legal settlements to make with the survivors and the communities. Second, something in the way of prevention against future disasters may be established. Similar dams are scattered in the coalfields of Virginia, West Virginia, Pennsylvania and Kentucky. A large loss of life and property should not be needed to induce the government and coal industry to inspect these other dams; but since a tragedy has happened, at least it may prevent others from happening in the future. As Mr. Hechler noted, it is high time that government and coal industry officials "place a higher priority on protection than production."

[From the Logan (W.Va.) Banner, July 7, 1967]

Preventive Measures Urged: Hechler Cites "Gob" Pile Danger

(By Jim Hutchinson)

Congressman Ken Hechler and a group of high-level state officials yesterday termed the slide situation in several communities of Logan County as "deplorable and a threat to the safety of residents of the ill-fated areas."

Hechler, repeatedly stated during the tour of several slide areas that "some precautionary means must be taken immediately to insure that this threat is lifted for the well-being of the residents."

The delegation which inspected the slide areas included Hechler; Truman Gore, state finance commissioner; H. G. Woodrum of the Department of Natural Resources; Jim Odum, assistant engineer of District Two of the State Road Commission; Dick Herron official of Island Creek Coal Co.; Norman (Bozo) White county road superintendent of the SRC and his assistant, Junior White.

Also accompanying the congressman were two representatives of the Army Corps of Engineers and other state officials.

Hechler called the delegation together on short notice after touring the slide areas late Wednesday and getting a first-hand look at the damages caused by rains on Sunday.

Hechler said most of the slides consisted of flowing masses of "gob" released by the saturation of slate piles and strip-mining operations.

Herron told the congressman that negotiations are in progress to purchase some of the property in Proctor Hollow near Amherstdale in order to install a huge culvert which will divert the debris from the residential area into the creek bed.

He said the culvert had been ordered and expected operations to begin within the month.

One home in the Proctor Hollow area, occupied by C. E. Burt, was hit by a slide which began from a gob pile which completely fills one end of the hollow and towers well over 200 feet above the area.

Burt's son told the congressman that the dump "exploded" some time ago and sent debris flying over every house in the small community.

Other areas included in the inspection tour were Spice Creek, Slagle, Stollings and several mountain areas where slides have covered roads.

No immediate solution to the problem was discussed. However, Gore told Congressman Hechler that he would report his observations to Governor Hulett Smith, who, in turn, is expected to order reports from the State Road Commission and the Department of Natural Resources.

Odum said his hands were tied until he received a request for action from his superiors. He said the local SRC facility in the county did not have the manpower or the funds to handle emergency situations such as the one which presently faces Logan County.

Odum also asked Gore if it would be possible to have the governor declare Logan County an emergency disaster area due to the many slide areas which have caused extensive damage to its highways and streams.

Gore said that for the county to be declared a disaster area, the emergency would have had to taken place immediately. "This slide problem and what we have seen today is more of a situation which is taking place continuously over a period of time," Gore said.

Woodrum was asked if it would be possible to dredge stream beds on Dingess Run and other areas which have been filled by the slides and create flood threats.

He said dredging has been restricted by the Department of Natural Resources, but he could see no reason why a blanket order could not be issued which would allow the local SRC crew to clear the stream beds to alleviate flood conditions.

Gore concurred with Woodrum on the proposal and said he also would mention the filling of stream beds to the governor.

SRC superintendent White told the delegation that he had worked crews throughout the night "practically every time it rains" to keep the gob and slate from blocking highways and streams.

"We just don't have the type of equipment or the manpower to do everything," White said. "Our funds also are limited and when we send men out to work in this type of emergency, we are cutting the budget for routine maintenance."

The general conclusion of the delegation seemed to be that something had to be done immediately to alleviate the threat upon lives and property throughout the county. No solution was offered, although each member of the group said that reports would be submitted through proper channels in an attempt to have the problem solved.

[From the Charleston (W. Va.) Gazette, July 7, 1967]

Safety Threats: Hechler Abhors Logan Gob Piles

Logan.—Towering piles of mine refuse scattered throughout Logan County were cited Thursday as serious threats to the safety of county residents.

Rep. Ken Hechler, D., W. Va., made the statement concerning the gob piles following a rainy tour wtih state and federal officials to several trouble areas near here.

Hechler said he assembled the delegation after visiting the Proctor Hollow area Wednesday "where six feet of mud filled the cellar and yard of 86-year-old C. E. Burt and washed several cars away."

"I was so horrified," Hechler said, "that I got on the telephone and assembled the group to go out in the rain and see for themselves how these people are living under the gun of threatened annihilation."

With Hechler were Truman Gore, State finance commissioner, H. G. Woodrum of the State Department of Natural Resources and representatives of the State Road Commission and U.S. Army Corps of Engineers.

Hechler said the group met with Richard Herron of Island Creek Coal Co. which owns the gob pile in Proctor Hollow. He said Herron told them "that negotiations were being started to purchase the homes of some of families still living in the shadow of the pile of slate which towers several hundred feet above them."

The delegation also visited a number of areas in the county where recent rains have loosened tons of debris from strip mining operations, Hechler said. "This material is clogging streams, undermining highways, covering railroad tracks, filling people's cellars and causing general havoc throughout Logan County," Hechler said.

He mentioned that new strip mining laws in West Virginia "makes it less profitable to carry on such strip mining without rehabilitation, but we still face a serious problem from abandoned mines whose owners have left the state."

The congressman said the federal government makes provisions to provide funds when disaster strikes but "we must put the emphasis on preventive measures."

He said the streams in Logan County need to be dredged and "people's homes protected before we have the kind of catastrophe which struck Wales with a heavy loss of human life."

[From the Huntington (W. Va.) Herald-Dispatch, July 7, 1967]

Mine Waste Towering Over Homes in Logan

Logan.—"Many families face a serious threat from huge 'gob piles' loosened by recent rains," Rep. Ken Hechler said Thursday after an all-day examination of trouble spots in Logan County.

Rep. Hechler was accompanied by Truman Gore, state finance and administration director; James Odum, assistant district engineer of the State Road Commission; H. G. Woodrum of the West Virginia Department of Natural Resources, and representatives of the Huntington district U.S. Engineers.

Rep. Hechler said: "Thursday, I visited the Proctor Hollow area near Amsterdale, where six feet of mud and debris filled the yard and cellar of 86-year-old C. E. Burt last Sunday. I was so horrified I got on the telephone and assembled a group of federal and state officials to go out in the rain and see for themselves how these people are living under the gun of threatened annihilation."

Richard Herron, representating the Island Creek Coal Co., which owns the "gob pile" advised Rep. Hechler negotiations are under way to buy the homes of nine families living in the shadow of the pile of slate and other mine waste which towers several hundred feet above Proctor Hollow.

The group also visited a number of other areas in Logan County where rains have released debris from strip mining operations.

"This material has tumbled down the hillsides, clogging streams, undermining highways, covering railroad tracks, filling people's cellars and causing general havoc throughout Logan County," Rep. Hechler remarked.

IN SUPPORT OF H.R. 13116, A BILL TO PROMOTE INTERNATIONAL COOPERATION IN UNITED NATIONS EFFORTS TO PROTECT THE WORLD'S OCEANS AND ATMOSPHERE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Halpern) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, the United Nations Conference on the Human Environment, which is scheduled to convene at Stockholm in this June, marks perhaps one of mankind's most important steps in his march toward the goal of a livable world. It will be the first truly international meeting of representatives from both the industrialized and the developing nations to confront the serious problem of environmental degradation that threatens all of the human race.

Along with the distinguished gentleman from Minnesota (Mr. Karth), I was privileged to participate, as a congressional adviser, to the U.S. delegation, at the second session of the Preparatory Committee for the Conference, which was held at Geneva on February 8–19, 1971. I was greatly impressed at that time by the quantity and quality of preparation which was being put into the general research effort, so that the Conference this June would turn out to be a significant step toward worldwide accord on environmental control.

Only a few of the nations of the world are large enough to be able to control some of the great resources that affect their environments. But none can claim sovereignty over the great fluid masses of air and water that sweep the globe. They are the earth's commons, and their protection and enhancement are the proper concern of every nation. That is the compelling reason for the Stockholm Conference.

When one considers the enormity of environmental problems that affect almost every nation, one can understand the urge to view such a conference as a forum for correcting all of those problems. But a moment's reflection will convince reasonable men of the danger of regarding the meeting as a cure-all. If the Conference is to achieve some degree of success, the representatives at the sessions must see to it that substantial agreement is reached in certain key areas.

Mr. Speaker, there are a host of complex issues to which the Stockholm conferees must address themselves. The task of cleaning up the world environment would be difficult enough—given the maze of national jurisdiction, each with its own attitude toward tolerable pollution levels.

A further complication arises, however, in the area of international trade. While there are no broad agreements to standardize pollution control efforts on an international scope, there is little incentive for any one nation to reflect in the process of its domestic and export products the extra costs of pollution abatement, since there is always the nagging fear that a competing foreign industry may not be required by its government to make these extra outlays.

This is one of the main problems which the United Nations Conference on the Human Environment, as well as other such international convocations in the near future, will be expected to address. The United States, if it is to make a useful contribution to these multinational efforts, must devote more time and resources to solving these problems. After all, Mr. Speaker, we have recently been hearing quite voluble complaints on the part of American industry and labor that we are being priced out of certain key world markets, due among other things to our pioneering efforts at pollution control.

My own studies over the past 5 months show that these complaints are somewhat justified, and in the absence of certain international agreements on environmental control, any country which alone dedicates a great amount of its resources to pollution abatement may well run the risk of suffering trade, employment and balance of payments dislocation.

Mr. Speaker, it is for this reason that I introduced H.R. 13116, a bill to promote international cooperation in U.N. efforts to protect the world's oceans and atmosphere. This bill, Mr. Speaker, creates a National Commission on International Trade and the Environment, whose members would be charged with undertaking a comprehensive study and investigation to determine—

First, what antipollution measures and recommendations relating to industrial pollution are being proposed by the United Nations, its related organizations, and any other international agencies;

Second, the effect which compliance by major U.S. industries with antipollution statues and ordinances has had, or will have, with respect to increased costs which must be charged for the goods produced by such industries;

Third, if any competitive advantage is, or will be, given to foreign producers by reason of the enforcement of, or compliance with, such antipollution measures;

Fourth, what antipollution measures are applied, or are being considered for application, in the industrialized countries of the world and what effect, if any, such measures will have on the cost of goods from those countries in the international market.

Fifth, ways and means by which the U.S. Government, in the course of providing domestic safeguard against environmental pollution, can prevent a situation whereby U.S. industry is priced out of world markets;

Sixth, what equitable standards of environmental protection should be proposed by the United States, in United Nations forums, to the industrialized countries of the world; and

Seventh, what methods of enforcing these standards in such a way as to assure adequate oceanic and atmospheric protection, without placing any one nation at an unjust trade disadvantage, might be proposed by the United States in United Nations forums.

The Commission would make interim and final reports on its findings in this relatively unexplained area to the President and Congress as well as to any ongoing research mechanism established by the United Nations Conference on the Human Environment and all other international conferences on enviromental control scheduled in the foreseeable future.

We can no longer delay such an all-out effort to save our oceans and air. Nothing short of an international accord on the environment will succeed both in preserving our most valuable natural resources and maintaining, at the same time, a stable atmosphere for international trade. For the purpose of attaining this twofold objective, Mr. Speaker, I urge my colleagues to give careful consideration to the provisions of H.R. 13116.

Mr. Speaker, the following have joined me in support of this measure:

Bella Abzug, Joseph Addabbo, Les Aspin, Jonathan Bingham, Shirley Chisholm, W. C. Daniel, Frank E. Denholm. John Dingell, and Thaddeus Dulski.

L. H. Fountain, Edwin B. Forsythe, Gilbert Gude, Augustus Hawkins, Henry Helstoski, Louise Day Hicks, Hastings Keith, Jack Kemp, and Romano Mazzoli.

Jack McDonald, John Moss, Claude Pepper, Bertram Podell, Henry Reuss, Robert Roe, Philip Ruppe, Fred Schwengel, and James H. Scheuer.

James W. Symington, Guy Vander Jagt, John Ware, Larry Winn, Jr., Jerome Waldie, Edward Boland, Ronald Dellums, and Peter Frelinghuysen.

William Ford, Arthur Link, Sam Gibbons, David Obey, James Cleveland, William Ryan, Charles W. Whalen, Peter Rodino, and Ella T. Grasso.

John Buchanan, John Seiberling, Joseph Karth, Alphonzo Bell, Thomas Rees, Floyd Hicks, Charles B. Rangel, Frank Horton, and William S. Mailliard.

DANIELS-ESCH INTRODUCE CORRECTIONAL MANPOWER AND EMPLOYMENT ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Esch) is recognized for 5 minutes.

Mr. ESCH. Mr. Speaker, I was pleased to join the distinguished chairman of the Select Committee on Labor in introducing last week the Correctional Manpower and Employment Act of 1972. The act is a significant revision of my earlier proposal for correctional manpower programs introduced last December as H.R. 12117. It includes provisions for upgrading of correctional personnel as well as a major new manpower program for training inmates in correctional institutions.

This legislation is designed to change our prisons from graduate schools in crime to training grounds for constructive citizenship. It is one of the disgraces of our society today that 85 percent of all prison inmates have no marketable skills when they are released. It is no wonder that their unemployment rate is three times the norm and that so many of them return to a life of crime as soon as they are released—they simply have no other way to make a living.

On an average day in the United States there are approximately 400,000 inmates in correctional institutions of which 95 percent are males. In addition to this number there are also approximately 900,000 parolees and probationers. In recent surveys from the Manpower Administration a profile of the average prisoner dramatically presented a comparison of the average prisoner's skills and education.

CHART I

[In percent]

Occupational experience levels	Inmate population	General labor force
Professional and technical	2.2	10.4
Managers and owners	4.3	16.3
Craftsmen and foremen	17.6	20.6
Operatives	25.2	21.2
Service workers	11.5	6.4
Laborers	31.9	10.8
Clerical and sales	7.1	14.2

CHART II

[In percent]

Educational level	Inmate population	General population
College:		
4 years or more	1.1	8.4
1 to 3 years	4.2	9.4
High school:		
4 years	12.4	27.5
1 to 3 years	27.6	20.7
Elementary:		
5 to 8 years	40.3	28.0
None to 4 years	14.4	6.0

These comparisons show the average inmate as unskilled and undereducated. In addition to these facts it is useful to remember that 50 percent of our inmates are under 25, 18 percent are illiterate, and 40 percent are without previous sustained work experience. Most prisoners will be incarcerated for 2 years or less and will return to prison soon after they are released.

If our prison system is to serve any useful purpose to society it must provide an opportunity for prisoners to reform their way of life and acquire a useful skill while they are confined. Perhaps no one step could be so important to cutting the crime rate in the United States than cutting the rate of released prisoners returning to a continued life of crime.

The proposal also includes provisions for the upgrading of correctional personnel. Correctional agencies currently employ over 111,000 persons. Fifty-five percent of those persons provide day-to-day supervision of inmates. Twenty-three percent of these persons are employed as probation or parole officers. Of those who have a day-to-day responsibility to supervise inmates, more than half have a high school education or less. If we are to break the cycle of recidivism we must upgrade the skills of our correctional personnel, as well as providing manpower programs for the inmates of our prisons.

The Daniels-Esch bill will be a major step in making our prisons correctional institutions rather than schools for crime.

ELISA COLBERG AND THE GIRL SCOUTS

The SPEAKER pro tempore. Under a previous order of the House, the Resident Commissioner of Puerto Rico (Mr. Córdova) is recognized for 10 minutes.

Mr. CÓRDOVA. Mr. Speaker, on the occasion of the 60th anniversary of a truly great institution—the Girl Scouts of America, begun as a movement to widen the scope of juvenile participation in community life—I would like to express my sincere respect and admiration for the thousands of civic leaders across our Nation, at all levels of the organization, who have devoted their lives to this worthy cause.

Along the years, this group has gained universal acclaim for its accomplishments, which today cover such diverse fields as protection of the environment, self-development for millions of girls and adults, and many volunteer services to our communities; but after all, any organization is only as great as its leaders and members make it, and in that sense, the Girl Scouts of America is a living monument to the efforts of thousands—especially women—who have struggled to build it.

In Puerto Rico, as on the mainland, this institution has been a dynamic force contributing much to our people; a symbol of service to society and a symbol of friendship and hope. And there, too, it is a living monument to the efforts of hundreds of Puerto Rican women who have helped to mold the character of thousands of girls from 6 to 17 years of age, in all social and economic levels.

Foremost among them, I believe, is one individual who deserves a special tribute for her outstanding contribution to the success of the Girl Scouts in Puerto Rico: Miss Elisa Colberg, recently honored in San Juan by a grateful community in her 45th year of uninterrupted, enthusiastic work for the cause.

Through her efforts, the organization which in 1932 consisted of only 11 troops—with 191 girls—has grown to 654 troops and 14,000 girls today; and it has been able to carry out such projects as La Casita, office of the Caribbean Council in San Juan, constructed in 1937; Camp Elisa Colberg, at El Verde, Rio Grande, constructed in 1950; Girl Scouts camp at Ponce, constructed in 1951; and Girl Scouts camp at Añasco, constructed in 1959.

Born in Cabo Rojo, a small town on the southwestern tip of the island, Miss Colberg studied at the University of Puerto Rico and became a teacher in 1925. One year later she organized a Girl Scout troop in her hometown, and from then on became inseparably attached to the institution, first as a troop leader, 1926 to 1932, then as director of Scouting in Puerto Rico from 1932 to the present time.

Her task was enormous from the start but she has been able to surmount all obstacles and in the process has commanded the admiration of the community and the deep affection of the leaders and the girls, who recognize in her the symbol of Scouting in Puerto Rico.

Miss Colberg has also practiced Scouting in many other countries: Costa Rica, England, Guatemala, Colombia, Ecuador, Peru, Chile, Switzerland, France, and Panama.

In 1945 she attended the Western Hemisphere Conference in Havana as interpreter for Lady Baden-Powell. In 1952 she attended Our Chalet, in Switzerland—one of the world Scouting centers, which serves as a lodging camp for leaders and Girl Scouts—and Camp Foxlease, in London—first camp established by the founder, Lord Baden-Powell, for leader training; on both occasions as a member of the staff.

Honored many times for her work, she especially cherishes the Red and White Ribbon—colors of the Peruvian flag—with the Silver Flame, awarded her in 1950 by the Government of Peru. This is a very special distinction in that country.

On May 5, 1967 the Exchange Club of Rio Piedras, Puerto Rico, awarded her the Golden Deeds Book. In 1969 the League of American Women elected her the Woman of the Year from Puerto Rico, and as a result of this award she was paid tribute by many other service clubs, civic groups, and municipal governments.

The Lions Club and the Rotary Club of Coamo, Puerto Rico, honored her on January 17, 1970.

For a woman who has made friendship and understanding a goal in her life, nothing more fitting than to sponsor, during the summers of 1969 and 1971, an activity called Adventure in Friendship Camp, which brought together senior Scouts of the mainland—25 different councils—and Puerto Rico.

We in Puerto Rico are proud of Elisa Colberg and her accomplishments, and of the organization which she has helped to establish as an integral part of our community.

CONGRESSMAN SEBELIUS INTRODUCES BILL TO BASE FUTURE PLANNING FOR WATER AND LAND RESOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SEBELIUS) is recognized for 10 minutes.

Mr. SEBELIUS. Mr. Speaker, today I introduced a bill to base future planning for water and land resources on four broad objectives: National economic development, environmental quality, quality of life, and regional development.

Under present procedures, plans are formulated under rigorous economic standards to achieve maximum net economic benefits. I feel this approach has not worked well and is discriminatory. Primary weight has been given to monetary values, which favor our densely populated metropolitan centers at the expense of our rural and small-town areas.

Present procedure coupled with the 7 percent-discount rate for water resource programs proposed by the Office of Management and Budget would jeopardize 90 percent of the proposed water resource projects in the Nation and most of the water resource development in the Great Plains for the next 4 years.

This development comes at the same time we are hearing more and more about a potential water crisis in our dryland farming areas. In my district today, there are many communities whose growth potential is dependent on effective flood control and an adequate supply of municipal and industrial water, not to mention our related agriculture water needs. We must move forward with progressive legislation which will insure an adequate water supply now and for future generations.

We cannot neglect the conservation and wise use of our natural resources if we are to improve our environment and provide a better quality of life in the future in both rural and urban America.

The importance of water resource development in achieving a more even distribution of our population was emphasized in the President's Task Force on Rural Development report:

> Whatever is done to develop rural America—whether rural industry, recreation, housing, transportation, or open space—it will be built on land and depend on water.

The multiobjective approach for planning water and land resource development and for establishing water resource development priorities was first proposed in 1970 by the Water Resources Council. This recommendation was also included in the Water Resource Council's proposed principles and standards for planning water and related land resources.

These standards are much overdue and will give our rural areas equal opportunity in the location of future water resource projects. Mr. Speaker, I think this legislation will help us meet the water demands of the future and will encourage a more even distribution of our population which is so necessary for the survival of our cities and the countryside. This legislation, coupled with an effective campaign to maintain the discount rate for water resource programs at 5⅜ percent, is necessary if we are going to provide a legacy of economic progress for future generations which could be the keynote to their survival.

Mr. Speaker, I would like to point out that this legislation is identical to that introduced in the Senate by the Honorable JENNINGS RANDOLPH, Senator from West Virginia, and the Honorable HENRY JACKSON, Senator from Washington. I commend these gentlemen for their leadership and initiative in behalf of water resource planning and development in our Nation.

DEVALUATION NO ANSWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, the House will shortly be asked to consider a bill to officially devalue the dollar by raising the price of gold to $38 an ounce. That bill has as much relation to monetary progress and reform as the official price of gold has to the market price—in other words, none at all.

We must have economic progress and international monetary reform before the dollar is out of trouble. Anyone who has eyes to see should know that the dollar is in as much trouble now as before devaluation, and that a second devaluation, or worse, a third-class status for the dollar, is a distinct possibility.

I believe that my colleagues should consider this soberly and carefully—and join me in opposing the devaluation bill when it comes up.

Mr. Speaker, I include in the RECORD my dissenting views on H.R. 13120, and articles on the worsening international monetary situation from today's Washington Post, today's Wall Street Journal, and yesterday's New York Times:

VIEWS OF HENRY B. GONZALEZ

I am opposed to this bill.

Every member of the House has received from the Treasury a letter explaining the gold bill. At the end of a very long explanatory statement, the Treasury warns us:

"Changes in the monetary system alone will not solve problems of balance of payments adjustment . . . No international financial arrangement can achieve and maintain a satisfactory pattern of world payments . . . without effective domestic economic performance "

Therefore, in reviewing this bill, we are forewarned that unless this nation's economy recovers and performs up to some reasonable level, we can expect to have continued world economic instability, and we can expect continued assaults on the value of the dollar. Indeed, at the closing of the world monetary markets on March 9th, the dollar was under strong assault in Zurich, Frankfurt, Paris, Amsterdam, Tokyo, London and Madrid. In Amsterdam the dollar reached the lower limit that had been set just last December, and the central bank had to buy more than $300 million in U.S. currency to keep the dollar from plunging under the permissible floor. The Dutch government has had to impose controls to prevent further flooding of their country with speculative dollars. The Spanish central bank had to intervene also, and bought $14 million in dollars. In London, the price of gold, responding to the plunge of the dollar, went up to $48.45 an ounce—an increase of 32.5 cents in one day of trading. In Brussels, the dollar was at its lower limits.

These and similar grim events, including flat predications that the United States will be forced to devalue again, ought to be a clear warning to all of us that the dollar and the United States economy remain in very great trouble. The future of the dollar is very much uncertain, for there is no sign that our huge, unprecedented trade deficit is improving. During the last twelve months the United States registered a fall of better than $7 billion in our international balance on goods and services. There has been no great tide of dollars coming back to this country, as the Treasury predicted when the United States set out on its "new economic policy" last August 15th. If there were such a reflow, the Netherlands and Spain—and a host of other countries—would not be erecting barriers against the flood of dollars they are fighting against every day.

In addition to the sorry condition of our international payments, the domestic economy is not performing as had been predicted. No one at the Treasury talks much anymore about the half million new jobs that devaluation would create. Lowering the rate of unemployment to four per cent is now talked of as an impossible goal, because it is said the unemployment figures are misleading. I don't know who is being misled, but if anything the unemployment figures are understated. We are now told that an inflation rate of 2.5 per cent is a little too good to expect, and in fact the inflation rate is still running at better than four per cent. We are warned now not to expect a boom, because one was never promised. The rate of unemployment and the general uncertainty of affairs is reflected in a broad reluctance of the people to spend—Americans are salting their money away against hard times, because our citizens have no more confidence than the overseas speculators that the new economic policy is any more effective than the old, once glorified and now forgotten game plan.

The Committee received no satisfactory assurance that the economy is returning to good health. We should know from the warnings of the Treasury itself, and from the continued gyrations in the international monetary markets, that a second devaluation is very much a possibility unless the United States economy performs much better than it has during these last three years. There is little sign that any significant improvement has taken place or is even in the offing. Instead, previously set high goals and exuberant predictions are being fuzzed over, revised and generally washed out. Negotiations for improved trading arrangements with Canada have gotten nowhere. Things are promising with Japan, but not very. There has been no real progress at all in improving our trade arrangements with the European trading area. Nevertheless, the men from the Treasury assure us that all is well, that is, except for the "meaningless" continued speculation against the dollar and the pesky facts of economic reality.

In short, the basic problems that brought us to grief last August are with us still. Our trade deficit is high and rising; our domestic economic performance is not good; and speculation against the the dollar is persistent and rising in markets all over the world. It may be too much to expect miracles, but it is not unreasonable for us to expect some solid evidence that the new economic policies are working.

After all, if our economy does not emerge from this slough of despond, we may soon be faced with yet another devaluation.

The test of this bill must be economic performance. We are told that the bill is a meaningless gesture. It is in fact a sort of surrender ceremony, demanded of us as the price of obtaining revaluation of world currencies against the dollar. It is a sort of humiliating gesture exacted by the French, who today are warning one and all that it is not enough, and that the United States can hardly expect such generous treatment in the future as we received last year.

The devaluation of the dollar assured, and this bill guarantees, substantial profits to those who speculated against the dollar last summer. Those same forces are gathering from a new assault, and we might as well recognize here and now that devaluation has brought us neither improvement, advantage nor stability.

We are nowhere near obtaining even a promise or a hint of progress in reforming the world monetary system. Trade reforms have not taken place. Progress has not been made either at home or abroad. The conditions that created instability, and which brought the dollar to grief, are essentially unchanged.

It may be the opinion of the Treasury that this bill is meaningless. We are assured that is the case. If that is so, then we have no need of enacting it.

Finally, if the bill really does have meaning and significance, we would do well to heed the well hidden warning of the Treasury, and demand proofs of progress before we enact this legislation, lest we be confronted with a similar bill later this year or early next. There is absolutely no assurance that this is the final word in the devaluation game—and we have much reason to fear that another devaluation is on its way.

[From the Washington Post, Mar. 13, 1972]

U.S. ATTITUDES WORSEN THE GLOBAL MONETARY OUTLOOK

(By Don Cook)

PARIS.—Less than three months after President Nixon stood in the somewhat bizarre setting of Washington's Smithsonian Institution to proclaim "the most significant monetary agreement in the history of the world," the outlook for global monetary stability is as bleak and uncertain as ever.

The unwanted dollar, being switched nervously by big conglomerate institutions from one market to another, has been driven to new lows around the world before Congress has even acted on the devaluation agreement which so proudly was hailed last Dec. 18.

United States Treasury Undersecretary Paul Volcker, a plaintive Canute against this new speculative tide, is pleading publicly for patience and calm—"if people would only look at the longer term evolution, people we'd be better off."

But it is precisely the longer-term evolution which is behind the renewed speculative wave. And a large measure of the blame must rest on the United States government for a complete lack of any follow-up initiatives on monetary policy since the Smithsonian meeting.

Instead, Treasury Secretary John Connally has refused even to discuss a future return to partial dollar convertibility, the Nixon Administration has budgeted for the greatest government deficit in monetary history and the general attitude in Washington again seems to be to let the rest of the world choke on unwanted dollars—"It's their problem, not ours."

Spurred by the specter of a new crisis, the six European Common Market countries have closed ranks and have agreed to narrow the margin of fluctuation among their own currencies to half the permissable margins which were fixed at the Smithsonian. In effect, this is joint notice to the United States that Europe is not going to go along with any "free float" solution in any future emergency. The Common Market agreement was hailed in these ironic terms by Alain Vernay, the economic correspondent of "Le Figaro."

"Homage should perhaps be rendered to the man who did everything for this understanding—Secretary Connally, whose blunt frankness gave food for thought. The reaffirmation of inconvertibility of the dollar laid down as a dogma, the priority given American domestic affairs over international policies, the continued deficit of the balance of payments for two or three more years with increased facilities for direct investments abroad by American corporations—all these have been for the Common Market nations powerful incentives to tighten their ties."

It is reasonable to question just how strong these tightened ties might prove to be in a renewed monetary crunch. Last summer, the French refused resolutely to "float" the franc while the West Germans floated wildly and the Dutch and the Belgians floated marginally. But the very fact that there is now an agreement in principle among Europeans (which the British quietly support) in advance of another crisis to stick together on currency margins shows that the Europeans intend to try to be first on the draw against the Texas Treasury secretary if the shooting breaks out again.

Perhaps more fundamental in the fashion in which this new crisis is gathering is that almost every Treasury Ministry in Europe is giving serious consideration and preparation to exchange control measures to bring the movement of dollars to a halt if the speculative waves seem to be getting out of hand.

In the 1971 crisis, only the French used exchange control restrictions to protect the fixed value of their currency. Others preferred to "float" to relieve the pressures and let their currencies rise while the dollar dropped. But the next time around, it may be different—and if the central banks of Europe suddenly refuse to accept dollars any longer, backing it up with rigid return to exchange controls, the effect on world trade and dollar exports is simply incalculable.

In Washington, when the monetary crisis broke with the Nixon "defend the dollar" measures last August, the American attitude as reflected by Secretary Connally could pretty well be summarized in two phrases: "It's their problem, not ours" and "Time is on our side."

Neither proved to be true in the end. Nor is it any more likely that the American administration can whistle away the speculators or wish the problem off onto other governments or play for time in the mistaken belief that time is on America's side in the renewed uncertainty. The idea of letting the rest of the world choke on dollars may seem to be a "policy" in Washington but it simply produces in the long run a solid line-up of the rest of the world against Secretary Connally.

Yet far from trying to head off or at least contain the monetary, economic and political pressures which again are building so swiftly in such a short span since the Smithsonian Agreement, Connally gives the impression of an Achilles sulking in his tent.

He has let it be known that he has nothing but distaste for the "Group of Ten" which the American Treasury categorizes as "The Group of Nine Against One." And thus, no further Group of Ten meetings are even under consideration.

There has been talk from the Americans about using the executive committee of the International Monetary Fund as the future forum for monetary discussions instead of the Group of Ten—but it is only talk so far and, in any case, a change of forum is not going to change the problems or the governmental attitudes and policies.

In trade matters, the United States professes its irritation—if not disenchantment—with the General Agreement on Trade and Tariffs organization in Geneva as ineffectual and lacking in any dynamism. So it tries to take its trade problems elsewhere. It turns to bilaterals with Canada, Japan and the Common Market, but so far finds more frustrations than satisfactions.

So the U.S. puts its chips on a special trade policy committee of the Organization for Economic Cooperation and Development in Paris—only to find the French abruptly declaring that the OECD cannot touch trade policy questions which are within the competence of the Common Market in Brussels.

In short, not only are trust and confidence breaking down, machinery is rusting and grinding to a halt, the clouds already are considerably larger than a man's hand and nowhere is there any real move to deal with the problem. No wonder speculation is rife.

[From the Wall Street Journal, Mar. 13, 1972]

TOWARD A TWO-TIER DOLLAR MARKET

(By Ray Vicker)

ZURICH, SWITZERLAND.—Europe's monetary authorities are tightening controls to keep unwanted dollars from flooding into their countries. The ultimate effect could be a system of two-tier money markets for the American dollar—a distinctly unwelcome development for businessmen.

The United States opposes any such development, a view made clear to central bankers at a meeting in Basle Sunday. But all signs indicate the matter could come to a head should the avalanche of dollars pouring into Europe continue, though central bankers themselves are reluctant to adopt a system which would create an army of bureaucrats to police money markets.

The idea of a two-tier market is deceptively simple. There would be a commercial dollar with a valuation set according to the Dec. 18 Washington realignment of major currencies, and a financial-tourist dollar with a valuation set by the free market, probably at a much lower rate.

The dollar already seems to be slipping into the two-tier system in France, where authorities show every indication of allowing it to proceed.

SOME CLUES FROM FRANCE

France provides clues as to how a control system could move should more and more barriers be established against the dollar. The two-tier market is relatively simple in structure. If anyone wants to purchase francs with dollars (or vice versa) in a trade transaction, the Bank of France provides francs at the market price. But the bank supports that price so that it won't fall below 5.0005 francs to the dollar. Thus the most the U.S. can expect in the way of dollar devaluation for the trade franc is the formula developed last December.

Meanwhile, a tourist buying francs to spend or a company purchasing francs to buy a French plant must obtain those francs at the financial rate. This rate is allowed to float according to demand, with no support no matter how far it might drop. In effect, a system could develop where trade dollars are used in Europe according to the Dec. 18 parity realignment, while the finance dollar might be worth 10% or 20% less.

"This is the way the trend is going," says an official of Dresdner Bank, Frankfurt, one of Germany's big three banks. "European central banks can't go on taking all the dollars being pressed on them."

Belgium is already equipped to follow France. In Switzerland, bankers are reluctantly admitting that a dual dollar is a growing possibility as controls mount against U.S. currency. Japan's bureaucratic control organization is being tightened steadily against dollar inflows. Germany is the biggest holdout against any two-tier system but this nation's economy is being placed under heavy strain by the unwanted inflow of dollars. The two-tier dollar market may spread.

This would be distasteful to American businessmen, and most certainly to tourists. Their money would buy even less abroad than indicated by the approximately 10% dollar-value loss stemming from last December's devaluation plus revaluations of other key currencies. And there would be no added gains in foreign trade should the financial-tourist dollar slump still further. Money markets would maintain the commercial dollar at the parity levels negotiated Dec. 18.

In Geneva, Nicolas Krul, research director for Lombard, Odier & Co., one of the country's oldest and most respected private banks, says: "The dollar is at its low intervention points in most markets, and it is difficult to see how it can improve. But central banks already have more dollars than they want."

Lack of demand can send money prices down on foreign exchange markets just as if a currency were a commodity like potatoes or beans. This is happening with the American dollar since many people abroad are still suspicious of them.

When the dollar slumps to floors established by the Dec. 18 currency realignment, central banks can support it by buying dollars on their domestic money markets. This reduces the supply, and hopefully brings supply in line with demand. So the price of the dollar should improve.

But today central banks are overflowing with dollars. There currently are around $50 billion of them in their vaults, more than double a year ago. Nobody wants to absorb any more by intervening in money markets to protect the dollar's value from slumping still further.

European attitudes, of course, are well known in Washington. Conversely, Europeans are glumly aware that this is an election year in the U.S. and that the exterior problems of the dollar are being accorded second rank behind the need for internal expansion. Thus, from the American viewpoint, a weak dollar abroad may be a good thing if Europeans accept it. The more the dollar drops, the better the competitive advantages for America in foreign trade. Any drop in the dollar's value means a decline in the prices of American-made goods in foreign-exchange terms. So these goods should sell better abroad.

This reasoning applies only if foreigners don't split the dollar into a two-tier market. But recent moves indicate that European nations and Japan are resisting any further decline in the American dollar's value, fearing that America may obtain too many trade advantages from the dollar's weakness.

At first glance it might appear that foreign nations are caught in a bind, unwilling to buy more dollars to support the dollar's rate, yet also unwilling to let the dollar float downward to what might be a much lower rate than that negotiated Dec. 18. "Whether the European central banks and the Bank of Japan are willing to be partners in this game of 'Russian roulette' forever is an entirely different question," says one report by the Union Bank of Switzerland, this nation's largest. "Their choice of action is, at present, rather narrow and can be briefly summed up as follows: continuing to 'swallow' inconvertible dollars, floating or exchange controls."

Nobody wants to swallow more inconvertible dollars. Floating the dollar as a unit is equally objectionable, because it appears that the dollar would float downward in today's markets. At a meeting of the Bank for International Settlements yesterday, European central bankers told U.S. officials that they have no intention of returning to floating currencies. This means that they either swallow more dollars or try to keep them out with controls. Moves taken last week indicate nations are turning to exchange controls, not because regulation is liked but because it seems to be the easiest of three unpalatable decisions.

Europeans don't dislike all dollars. They intend to continue to trade with America, and dollars oil the gears of this trade. These trade or "commercial" dollars are absolutely necessary for the vitality of Europe's economies.

But, the financial dollar is resented. These dollars are mainly in the hands of big multinational American corporations and speculators and are transferred across national borders to take advantage of interest rate differentials and safe havens for currency.

For months Europeans have been calling upon the Nixon administration to dampen these short-term capital flows with some sort of control system. Europeans contend that these are the dollars that are disrupting the world monetary system.

These pleas have been ignored. Current evidence indicates that the European nations and Japan are taking steps of their own.

Switzerland has perhaps the least liking for money controls of any country in the world, yet it bars payment of interest rates on incoming foreign funds, meaning mainly the dollar. It has instituted new rules concerning foreign borrowing that may discourage some shifts of funds from dollars into Swiss francs. Swiss banks are currently required to purchase a quarter of all Swiss franc proceeds of foreign bonds, notes and issues at the upper intervention point of Swiss francs, 3.9265 to the dollar. Recently, the market rate has been just a shade above the 3.85 medium point for the Swiss franc.

This measure allows the Swiss National Bank, at the expense of foreign borrowers, to trim its dollar balances to more normal levels. In addition, Switzerland is restricting foreign investors to 40% of medium-term notes issued by foreign borrowers on the Swiss market. The net effect of all Swiss measures is to make it less attractive for any holder of dollars to move funds into Switzerland.

Germany, another nation that heretofore has taken a dim view of capital restriction, recently introduced a cash deposit scheme that just about eliminates foreign borrowing by German corporations. Restrictions increase the borrowing rate by up to 100%, enough to discourage most prospective borrowers.

Japan has reimposed barriers to advance payments for Japanese exports, a practice followed last year to stem an inflow of dollars. Purchasers of Japanese goods under dollar contracts have been paying for goods well in advance of due dates to have those bills settled should the dollar slide down still further.

The Netherlands has suspended interest payments on nonresident bank accounts. Belgium has reimposed limits on nonresident bank holdings.

These measures all hit at inflows of all dollars, commercial and financial. But it seems likely that, as controls tighten against the dollar in country after country, pressure will mount toward restricting the inflow of financial dollars while allowing commercial dollars to enter at the Dec. 18 rate.

Nobody wants to predict just what the finance dollar might be worth. Obviously, if American multinational corporations insist on moving funds to Europe, that financial dollar would plummet in money markets, for those U.S. companies' capital movements would go into the financial dollar market. If corporations curtailed their dollar shifts, the financial dollar might remain close to the trade dollar rate.

STRENGTHS AND WEAKNESSES

The beauty of this system from the European and Japanese standpoints, of course, is that a foreign nation's central bank wouldn't be accumulating any more dollars than might be necessary to sustain its trade. The weakness is that two-tier systems require armies of bureaucrats to control them, and they invite abuses just as price controls invite black markets.

For this reason, there isn't much enthusiasm for two-tier markets, except perhaps in France, where government monetary regulation is accepted as a way of life. Still, each new monetary control against the dollar moves nations in the direction of a full monetary control system.

There is one possible out, but it offers slender hope in view of the present weakness of the dollar and the long time likely to be needed for its recovery. That hope is expressed in a Union Bank report: "The Gordian knot could be cut if in conjunction with the pickup in business activity in the U.S. interest costs rise there whereas simultaneously due to the different cyclical phase of the economy, European interest rates move lower."

Until that hope materializes, foreign nations are moving almost unwillingly toward more controls to restrict the inflow of dollars.

[From the New York Times, Mar. 12, 1972]

Monetary Situation, Here and Abroad, Arousing Concern

(By Thomas E. Mullaney)

The deteriorating international economic scene moved to the fore last week as the cynosure of attention—and concern—in the financial and political worlds here and abroad, particularly in Europe.

"The situation is becoming dangerously critical again," said one highly placed American financial expert. "Something has got to be done—and quickly—to calm the fears that are once again rising in so many places."

The most acute reflection of these worries over monetary and economic relationships was the nervous fluctuations of the foreign-exchange markets on the Continent, where the United States dollar was buffered severely last week.

Only three months after a new, fragile plant was so tenderly put into place with the historic interim monetary agreement at the Smithsonian Institution last December by the leading Western industrial nations, it was being blasted by gale winds that threatened to destroy it before it had a fair chance to flourish.

With the United States still running trade and payments deficits, and with a heavy flow of precautionary capital movement, dollars are continuing to stream from this country in increasing volume—and Europe is becoming increasingly unhappy about it.

Europeans are nettled and losing confidence because, essentially, 1.) The dollar is not convertible and the United States refuses even to discuss a return to convertibility, and 2.) The dollar is becoming less useful abroad because of Europe's own currency moves and exchange controls.

Throughout the week, Europe's central banks were taking heavy quantities of surplus dollars in efforts to restrain the upward surge of their own currencies. If European nations do not absorb these dollars, their own exchange rates will be adversely affected and the United States will gain further competitive advantages.

Basically, Europe wants the United States to sit down and talk about what can be done, cooperatively, to stem the flow of short-term capital to the Continent.

Europe is also raising questions about the heavy budget deficits in the United States, low interest rates and whether the United States is following policies that will restimulate inflationary pressures and reawaken inflationary fears. And Europe wants to know when the United States will restore some measure of convertibility to the dollar, which was removed last Aug. 15 in the Administration's new domestic and international economic program.

With Europe now forming an alliance against the dollar, it is important that the United States provide Europe with some reassurance that inflation is not being restimulated here; that the budget deficits are no serious threat; that the United States economic-control program is going along reasonably well, and that prospects are good for at least restoring our favorable trade balance this year.

It is the United States' apparent indifference on this matter that so disturbs the Europeans. American officials seem to be standing aloof while the currency turmoil boils up again, maintaining that the problem is Europe's, not the United States', and taking a very calm attitude toward the severe pressures that have built up in the foreign-exchange markets. However, the whole subject can be expected to get a good airing this weekend in Basel when leading central bankers, including Dr. Arthur F. Burns of the United States, hold their regular monthly meeting.

Top American officials minimized last week's foreign-exchange market developments in Europe. Paul A. Volcker, Under Secretary of the Treasury for Monetary Affairs, called it a "speculative flurry" and a "little spasm," and said he expected "fully" that the Smithsonian Agreement would stand because it was in everybody's interest. In the long run, he added, "the dollar looks good" because of the progress the nation is making this year in curbing inflation and achieving real economic growth.

At about the same time last Thursday, Herbert Stein, chairman of the Council of Economic Advisers, was rejecting suggestions that the United States raise interest rates to protect the dollar. He contended that the international money markets were showing "unjustified anxiety" about the dollar and that the recent agitation in the markets would pass.

To restore confidence and maintain stability in the international monetary system, Frank A. Southard, Jr., Deputy Managing Director of the International Monetary Fund, said recently that it was important to achieve a very substantial swing from deficit to surplus in the United States' basic balance of payments and to enter a major review of, and negotiation to achieve, modifications or improvements in the world's monetary system.

He also suggested that arrangements be agreed upon to restore some degree of convertibility for the dollar, even if it cannot be expected that the United States will resume freely buying and selling gold in the foreseeable future. He recommended action in two areas.

"One," he said, "is to deal with foreign official dollar holdings, which, even after any reflow of funds that may occur in coming months, are excess to the normal reserve needs of the holders. This might be done, for example, by a special issue of Special Drawing Rights by the International Monetary Fund, although an amendment to the Articles (of the Fund) would be needed.

"Another is to reach understandings to avoid undue new increases in official holdings of dollars. This may involve a willingness by the United States to use some of its reserve assets, especially in connection with Fund operations."

The outlook for the domestic economy, however, is turning brighter. With the approach of spring each year, prospects for the economy usually take a seasonal swing toward the optimistic side. And so it is again this year, now that spring is less than two weeks away—and with solid reasons.

The economy may not be booming as it usually does when it emerges from a recession, but it is gaining steadily. The upturn, like the contraction before it, has been relatively mild, although the tempo should quicken as the year moves along.

Behind the pervasive optimism is the improving performance of the consumer sector, which accounts for two-thirds of the gross national product.

Housing is still booming, boding well for future sales of furnishings and appliances and auto sales are holding up very well at a level that promises an 11 million new-car sales year. Moreover, the rising level of personal income carries the likelihood of stepped-up retail activity.

Federal Government spending seems likely to rise about 13 per cent, the largest percentage increase since the Vietnam build-up of 1967. Equally important is the larger-than-expected increase in plans for business capital spending. Private and Government surveys indicate that outlays for new plant and equipment this year will rise about 10.5 or 11 per cent—an unusually large gain.

If spending for inventory rises as sales gain and if there is some improvement in the nation's exports, the economic recovery will be substantial and broad-based.

The danger, however, is that inflationary pressures might intensify as the economy moves up. In that connection, there was a potentially disturbing development on Friday when the Government's monthly report on wholesales price movements showed a sharp 0.7 per cent rise for February.

With crosscurrents buffeting the economic scene—favorable streams from the domestic economy that were offset by turbulent ones from abroad—the stock market was not able to make any headway last week.

Nevertheless there is much more optimism than pessimism in Wall Street these days. Because most analysts anticipate a further upturn in economic activity and improvement in corporate profits, the prevailing expectation is for further advances in the market before any substantial correction materializes.

Although more stocks advanced than declined last week, the leading market averages showed a mixed trend in very heavy trading.

A total of 996 stocks ended the week in the plus column, while 771 were on the minus side and 153 closed unchanged.

The blue-chip averages posted small losses, but the broad-based indexes achieved moderate net gains for the week. The Dow-Jones industrial average declined 2.56 points to

939.87 and The New York Times combined average was off 0.99 to 591.38. Meanwhile, the Standard & Poor's 500-stock index advanced 0.43 to 108.37 and the New York Stock Exchange composite rose 0.32 to 60.39.

Volume on the Big Board for the week increased to 106.1 million shares from 104.8 million the week before.

Meanwhile, there was no clear pattern in the credit markets last week either. They remained baffled by the outlook for the general economy and for the Government's financing needs.

Over-all, interest rates did not move very significantly. Rates were up for Government issues and for short-term instruments, but down for tax-exempt bonds and corporate issues.

It was apparent that the market, for the most part, was marking time, awaiting some dramatic developments to promote a pronounced trend one way or the other. Not even the disarray in the international economic area was able to exert any profound influence on the market. One trader said the market reflected "some pessimism, some optimism and no strong convictions."

The money market showed signs of tightening, and some commercial banks raised slightly the rates they pay on large negotiable certificates of deposit. Treasury bill rates continued to climb from the low levels they had reached at the end of February. And the First National City Bank of New York said that its floating prime rate would be increased tomorrow from 4⅜ per cent to 4½.

OMBUDSMAN LEGISLATION INTRODUCED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, today I am introducing in the House legislation that would create a national ombudsman program. This legislation would set up an ombudsman—a Swedish term for a people's advocate or redtape cutter—in each of the country's 435 congressional districts. An ombudsman would be appointed by the Congressman in the district he is representing who will be trained at a special ombudsman center in Washington.

Under my legislation, the ombudsman's job will be to seek out the people who are having problems with any level of government in order to help them cut through the often confusing maze of bureaucratic redtape which citizens so often come up against.

Over the past year I have conducted an ombudsman experiment in my own congressional district in Wisconsin. The program has been a real success. My ombudsman travels throughout my four-county district on a regular basis, setting up shop in the lobbies of various post offices. In his first year of operation, he handled over 1,500 cases; 65 percent of them were settled to the satisfaction of the constituent. The most frequent types of cases he handled were: Social security, military affairs, Federal housing, veterans affairs, consumer protection, and State and local matters. While almost all of us in Congress do casework for our constituents, I have found that since instituting this ombudsman program, the number of cases we have received has escalated enormously. Possibly the most significant advantage of the ombudsman program is that it publicizes to constituents the fact that Congressmen do this kind of personal casework and can often be helpful in resolving a problem a constituent is having with the bureaucracy.

It is important to note that my legislation is not expensive. It would cost only $3 million, which would be used to staff and operate the ombudsman center. The ombudsman's salary would be paid for from the Congressman's current staff allowance. Under the legislation, an ombudsman could receive up to $15,000 for salary, which would be taken out of the present staff allowance for each Congressman. The Congressman could not use the $15,000 unless he appointed an ombudsman at the minimum pay of $8,000. He would then be free to use the difference between the $15,000 and the amount he was paying his ombudsman for other staff salaries, thus encouraging thrift.

The ombudsman center established under the legislation would not only train and certify the ombudsman, but would work out with the ombudsman and the Congressman a method of operation which makes sense for the particular district in which the ombudsman is working. The center will also operate throughout the year, offering advice and research assistance to the ombudsman. In effect, it will be a mini-congressional research service for ombudsmen and caseworkers.

Each ombudsman will be required to submit an annual, public report to the ombudsman center which will include the number and type of cases he handles, the percentage of cases that were successfully resolved, and an analysis of his attempts to reach the people. The Congressman responsible for the ombudsman will also be required to submit an annual report. Comments from the ombudsman's constituents will also be solicited. The center will determine each year whether it will renew the ombudsman's contract. But the Congressman can fire the ombudsman at any time. I believe it makes sense to have each Congressman responsible for the hiring and firing of the ombudsman, since a Congressman is directly responsible to his constituents.

This legislation will accomplish several things: It will help insure that there is an ombudsman in virtually every congressional district in the country; it will insure that the ombudsmen are professionally trained; it will have a tremendous effect in getting across to the people that the Congressman can help with individual problems; it will provide the ombudsman with professional assistance throughout the year; and it will insure that the ombudsman's efforts are a matter of public knowledge. In short, Mr. Speaker, passage of this legislation would result in a giant step forward in making the distant, complex, and often frustrating Government bureaucracies more human and more responsive to the needs of individual citizens.

WILLIAM B. PAPE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the late William B. Pape, publisher and editor of the Waterbury, Conn., Republican and American, was a quiet, gentle man. At the same time, he was a crusading journalist, a fighter for the rights of people, a man whose integrity could not be questioned.

As a newspaperman, Mr. Pape was an exemplar of the profession. As a reporter, editor, and publisher, he demanded of himself and others a devotion to high principles of journalism. Objectivity was a cardinal rule: He insisted that all viewpoints of every event and all opinions on every issue be reported accurately and fairly. He insisted that the newspaper be available to everyone. He never considered it his newspaper; it was a forum for people it served.

He was a well-rounded man with a wide range of interests. As a lieutenant commander in the Navy, he was always interested in ships. He was also fascinated with trains, and when the railroad station in Waterbury went up for sale he quickly purchased it and moved his newspaper operation into it, preserving one of the most notable landmarks in Connecticut. He had an incredible ability with figures.

No one could challenge the statement in the Waterbury Republican editorial summing up the life of William B. Pape:

> He had complete integrity.

I, and many, many others will miss him. The people of Waterbury and its surrounding towns will greatly miss William B. Pape, newspaperman, citizen, and "the gentlemanly example of integrity and humility which he set."

For the interests of my colleagues, an editorial which appeared in the March 4, 1972, edition of the Waterbury Republican and an article which appeared in the March 5 edition of the Sunday Republican follows:

[From the Waterbury (Conn.) Republican, Mar. 4, 1972]

William B. Pape

If it is possible to sum up the life of William B. Pape, publisher and editor of these newspapers, in a single sentence, it would have to be: He had complete integrity.

He rarely used the word in connection with the operation of the newspapers, but his every suggestion, his every deed was governed with that in mind. He wanted his newspapers to present the news as honestly and fairly as possible.

Mr. Pape published a family newspaper and he wanted everyone on the staff to keep that in mind at all times. No newspaper can avoid publication of material that some will consider offensive at some time, but he did not want sensationalism to be the justification for a news judgment.

He refused to publish many types of advertising that can be seen in newspapers of great prominence daily, either because he did not feel they were in good taste or because they were misleading. Even though his introduction into the newspaper field came during a time when personal invective was commonplace on editorial pages, he preferred critical comment which avoided the sharp personal attack.

Mr. Pape ardently followed the policy established by his father, the late William J. Pape, in fighting for good government. He vigorously backed the Waterbury Taxpayers Association which served as a watchdog on city government and was most unhappy when it was absorbed by the Greater Waterbury Chamber of Commerce. Only recently as the

Chamber has become more vigilant in working for efficient local government did he relent in his opinion.

He insisted that every man should have an opportunity to have news items published. He felt that the extremist would eventually lose public support because of exposure.

Throughout his lifetime he fought secrecy in government. He felt the federal government overclassified documents with no justification for so doing. On the local level, he urged court action if all else failed in revealing to the public the business of government. He felt secrecy was used to hide wrongdoing or would, if permitted unabated, encourage wrong-doing.

He did not restrict his governmental concern to writing editorials or having them written. He personally attended meetings and voiced his opinion on the need for improvements.

Editorial objections to some governmental actions on occasions brought criticism that the paper was un-American. With great pride he would write the critic that he was a graduate of the U.S. Naval Academy. But he never let his pride in his country be a veil to cover up improper actions by officials.

During the past few years when he devoted almost all of his time to the newspapers and less to some of his other business interests, he took particular delight in sitting in on the daily edtiorial conferences at which policy was established. Only the most urgent of outside business would get him to skip these meetings.

One of his rigid policies was that every column and letter on the editorial pages had to be signed. No pseudonyms were permitted. The only exception involved the editorials. He opposed legislation which would require that editorials be signed with the explanation that they are the opinion of the publishers and not any individual editorial writer. A statement to that effect is carried at the top of this editorial page daily.

Aside from honesty and efficiency in government, one of his favorite topics involved the railroads. He deplored the decline in rail service. While he acknowledged the inefficiencies in newspaper production in the old railroad station because of the design of the building, he never regretted its purchase and the salvation of the structure, including its tower, as a landmark.

Mr. Pape never sought the limelight. He suggested that others pose for pictures and stepped aside as frequently as possible. He insisted that the Pape family be given no special consideration.

He was always concerned with accuracy. He went far beyond the obvious—the headlines and major news stories—to the two and three-line "filler" items which set forth statistics he felt could not possibly be accurate. He was never one to hide an error. If it was made, he wanted the correction prominently labeled.

Mr. Pape was distressed when the newspapers were late in being printed and insisted on detailed explanations of the cause. The failure of papers to be delivered also caused him concern.

His memory was uncanny. He could recall persons, places and events, particularly in Waterbury history, that amazed everyone. Staff writers would often question him if they were unable to find the necessary background in the files. It was rare when he could not produce the information needed.

Most of all, Mr. Pape was a gentleman. His dealings with everyone—employe, customer, salesman, friend, even political foe—were always conducted with the utmost of propriety.

The Pape family, his wide circle of friends, this city, and especially these newspapers will miss the gentlemanly example of integrity and humility which he set.

[From the Waterbury (Conn.) Sunday Republican, March 5, 1972]

TRIBUTES PAID TO W. B. PAPE

Tributes to the late William B. Pape poured in Saturday from friends, public figures, and fellow newspapermen.

Mr. Pape, publisher and editor of The Republican and The American, died early in the day at Yale-New Haven Hospital at the age of 72.

A funeral Mass will be celebrated Tuesday at 10 a.m. at St. Margaret's Church, Waterbury. Friends may call at the Munson-Lovetere Funeral Home, Main Street, Woodbury, today and Monday from 2 to 4 and 7 to 9 p.m. The family has requested that flowers not be sent and that members of the clergy and delegations meet in the church basement a half hour before the service. Burial will be at the convenience of the family.

U.S. Rep. John S. Monagan recalled his high school days when Mr. Pape coached the rifle team at Crosby High School and willingly gave of his time to the students.

"This," Monagan said, "symbolized his interest in our community and his purpose to play his part as a citizen.

"Waterbury and its people have changed since those days, but Bill Pape's interest never lagged in his dedication to making a better place for its citizens. He put the prestige of the city's newspapers behind the objective."

Monagan also expressed gratitude "for his advice and support on many occasions, sometimes unexpected."

"With Bill's passing," he said, "Waterbury and the state have lost a man of stature, principle, and understanding who will be missed in the challenging days ahead."

The swiftest reaction seemed to come from the newspaper world, a world in which Mr. Pape had made a solid mark more than three decades ago with his participation in the exposure of the Waterbury conspiracy which sent 23 city and state officials to jail and brought a Pulitzer Prize to The Republican.

John Armstrong, Connecticut Bureau Chief of the Associated Press, said "Mr. Pape was an ardent supporter of honest and courageous journalism everywhere, and for this, all of us—in and out of newspapering—owe him a debt of gratitude."

He said Mr. Pape's reputation "as an outstanding newspaperman and publisher was well known throughout the Northeast."

Mims Thomason, president of tht United Press International, said, "Bill Pape's contributions to journalism were many and varied, and all of us shall miss his wise counsel. He was a very fine gentleman and all of us at UPI were proud to know him as a friend."

Cranston Williams of Lynchburg, Va., retired general manager of the American Newspaper Publishers Association, recalled a long and warm relationship with Mr. Pape. "I knew him and I respected him very much as a very able newspaper executive," he said.

Bradley Peck, manager of the New England Daily Newspaper Association, called Mr. Pape a "solid foundation stone" of the association and spoke of his "years of activity and contributions. He will be missed very much."

"The printing industry and the newspaper publishing business have lost a leader," said Roger Coryell, general manager of The Hartford Times. "Bill Pape's passing will not only be mourned by his loving family, but by business associates and friends all over the country."

Bob Eddy, publisher of the Hartford Courant, called Mr. Pape a "sincere and hard working man who will be missed among Connecticut publishers."

Kenneth E. Grube, editorial page editor of The Day, New London, and president of the Connecticut Associated Press Circuit, said Mr. Pape was an inspiration to those who worked with him.

"As a newspaperman," Grube said, "Mr. Pape worked always with the public's interest uppermost in his mind, recognizing that only by serving the public could his newspapers remain strong.

"Those of us who were privileged to work with him in furthering the cooperative news-gathering efforts of the Associated Press will continue to be inspired by his clear and forthright commitment to the public good."

Mr. Pape's death was called "a genuine loss for the newspaper industry of Connecticut" by Lionel S. Jackson, president and publisher of the New Haven Register and Journal Courier. He said, "Throughout his long career with the Waterbury newspapers, he has been a forthright and responsible leader in state newspaper circles; a progressive and innovative publisher, and a vigorous defender of the public interest."

"He was not only a good personal friend, but a strong professional friend to our New Haven newspapers, and he will be missed. I extend my own sympathy and that of all newspaper associates at the New Haven papers to members of his family and staff.

Don Spargo, president of the Connecticut Daily Newspaper Association, and vice-president of the New Haven papers, also called Mr. Pape's passing "a great loss to the newspapers of the state. His many years of devoted service earned him the greatest respect from his fellow newspaper associates."

Mayor Victor Mambruno said "The death of Mr. Pape comes as a shock to all Waterbury and Waterbury area residents. The Waterbury area and particularly the state of Connecticut have lost an extraordinary man.

"Mr. Pape was a man who was molded in the image of his father. From the very beginning of his newspaper career, he had been a dominant figure in Connecticut journalism. He continued with excellence the work of his father in establishing and maintaining a wide circulation of both newspapers The Waterbury Republican and Waterbury American.

"The Waterbury area has lost a forceful voice, a crusader for the public good on a social and civic level."

Carter White, publisher of The Meriden Journal and Morning Record and president of the New England Daily Newspaper Association, expressed shock and sorrow when he heard the news. He said, "The loss of Mr. Pape is a very deep one for all of us, newspaper friends and associates. We have all known him as a dedicated newspaper publisher for many years. We extend our deepest sympathy to his family and newspaper associates."

Mr. Pape's "complete integrity" was remarked upon by, among others, Malcolm Baldrige, chairman of the Board of Scovill Mfg. Co., and chairman of the Chamber of Commerce. He added, "I shall always remember how deeply he cared about the quality of his city. Waterbury has lost a wonderful man."

Harold Post, of Post Junior College, said, "This is a great loss to the community. He carried on the work of his father and tried to do everything his father would have done. It is a great loss to Waterbury to have such a man taken away. He was active in community affairs and community organizations, and we greatly admired his advice to Post College, particularly during the past few years when he tried to help us solve some of the educational problems."

The Rt. Rev. Msgr. Harry C. Struck, permanent rector of Immaculate Conception Church, said, "This morning I learned with a sorrowing heart of the death of William

Pape. Over the years Mr. Pape manifested a true and dedicated love for our city. He devoted his great ability to the interests of this city and its people. I have lost a close personal friend whose understanding and loyalty will always be among my cherished memories."

Joseph Rimany, executive director of the YMCA, called the late publisher "one of the great men of the Y, one of the greatest presidents we ever had," and revealed that the Y Nominating Committee had determined to name him director emeritus at the 114th annual meeting in April, when his current term was up.

He recalled Mr. Pape was the first Catholic to ever be president of a Y, and said, "He had more to do in Waterbury with bringing about ecumenism than any other person, many years before the Vatican Council took this step. His outlook was always towards bringing the great faiths together. This realization came true and Mr. Pape was a great part of this. His death is a great loss to the city."

Justin Horan, president of the Chamber of Commerce noted Mr. Pape "was truly one of the fairest men I have met. This was best exhibited by the policies that he exercised as publisher of the newspaper. The city and the state have lost a leading citizen. He will be truly missed."

Francis Merkle, managing director of the Waterbury Community Workshop, called the publisher, "An outstanding member" of the board as well as the Community Workshop's secretary for many years. "He was an amazing man," Merkle said, "with a remarkable memory who could recall events that had happened years ago in the affairs of the workshop, with great clarity. He will be sorely missed by me and our organization."

ENLISTED MEN BENEFIT GREATLY FROM OVERSEAS CREDIT UNIONS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, until 4 years ago an enlisted man in our military service, particularly those of the lowest four grades, found it difficult to obtain loans if they were stationed overseas.

The enlisted man who was fortunate enough to secure a loan was forced to pay a rate that many times was twice as much as the rates charged for officers. One finance company operating overseas had a slogan among its employees that it "had a rate for every rank." It was a double hardship for the enlisted man since, because of his lower pay grade, it was much harder for him to pay the extra interest costs than it was for an officer.

All this has changed, Mr. Speaker, however, since the opening of U.S. credit unions in most of the overseas areas where there are major troop concentrations. No longer is the enlisted man denied loans or charged rates higher than those charged to officers. The credit unions charge everyone the same low rate, and it has been estimated that these low rates have saved servicemen millions of dollars as opposed to the rates that they had been paying to the finance companies. Typical of the benefits that are available to enlisted men as a result of the overseas credit unions is the latest report of the overseas operations of 10 U.S. credit unions operating in Germany, England, the Philippines, Italy, and Korea. During the month of January these credit unions made 5,164 loans. Of that total, 92.6 percent went to enlisted men; and, out of all the loans made, 69 percent went to the first five grades of enlisted men and 41 percent went to the enlisted men of the first four grades; that is, E–1 through E–4.

It was the E–1 through E–4 category that was faced with the most difficult finance problems until the credit unions were set in operation. Many loan companies flatly refused to lend to any serviceman below the rank of E–5. Since the four lowest pay grades were, in most cases, the ones needing the loans, they suffered the most. For instance, under the new pay scale, an E–4 who has been in the service for less than 2 years receives a basic pay of $346.80 a month; but in January the 10 overseas credit unions made more than 1,200 loans to servicemen of the E–4 rank. By the same token, an officer of the O–6 rating with 2 years or less service receives $1,119 a month. The overseas credit unions made only 13 loans to officers in this category. This clearly points out that the credit unions are helping the servicemen who make up the majority of our Armed Forces, rather than a few selected individuals.

Mr. Speaker, the Banking and Currency Committee played an important role in establishing these overseas credit unions and every member of the committee is to be congratulated for the role that they have played in making certain that servicemen overseas are no longer victimized by interest rates that run as high as 60 and 70 percent a year; and the members of the committee should also be proud that the servicemen who need the financial help the most, the lower ranking enlisted men, are receiving the greatest amount of help.

Finally, let me point out that next month the overseas credit unions, which have been in operation only 4 years, will have signed up 200,000 members. Four years ago these servicemen would have had virtually no place to go to borrow money at a rate that they could afford.

STUDY BY "SPOKANE RESOURCES ADVOCATES" UPHOLDS FINDINGS OF BANKING COMMITTEE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, when the Banking and Currency Committee investigated the operations of the so-called "235" program, the Housing and Urban Development Department, last year, one of the areas selected for the study was Spokane, Wash.

The committee was shocked at the abuses of the program that it found in that city. Even though Spokane is not one of the largest cities in the country, it nevertheless had some of the worst violations in the "235" low- and middle-income housing program.

When the committee report was published concerning the "235" program, Secretary of Housing and Urban Development, George Romney, was highly critical of the committee's report and at first disavowed its authenticity. Later after a personal inspection on his part, he agreed that the committee had uncovered significant violations.

Spokane Resource Advocates, a group dedicated to bettering the conditions of the residents of Spokane, Wash., has completed a final report on the "235" rehabilitation properties in that city and an initial report on the standard existing properties in Spokane. The report clearly shows that the Banking and Currency Committee was right on every point of its investigation, and I am enclosing a copy of the Spokane Resource Advocates report to show the thoroughness with which the Banking and Currency Committee undertook its investigation:

SPOKANE RESOURCE ADVOCATES—INITIAL REPORT ON 235 "STANDARD EXISTING" PROPERTIES AND FINAL REPORT ON 235 "REHAB."

FINAL REPORT ON 235 "REHAB." PROPERTIES

Section 235 of the National Housing Act is divided into three subsections: 1) Interest subsidy on houses requiring *major* rehabilitation prior to the sale to low income buyers. This subsection is commonly referred to as 235 "rehab." and the last available number provided SRA by FHA listed 226 houses in Spokane rehabilitated under this subsection. 2) Interest subsidy on existing houses not needing repairs but which may require minor work not to exceed 10% of the appraised value of the house. These are called "standard existing" houses and a list compiled by FHA lists 336 such houses in Spokane. 3) Interest subsidy on newly constructed homes in a price range from $18,500 to $21,500. The last number quoted by FHA listed the total in excess of 1,500 newly constructed houses under this subsection.

In the early summer of 1970, SRA began investigating complaints from buyers of 235 "rehab." homes. Having had some prior knowledge of the total 235 program, we were aware that our poorest citizens were being sold the "rehabs." It can now be demonstrated that, with some exceptions, income and the presence of two parents in the home dictated to some extent which subsection of 235 a buyer would qualify for. This is especially true of newly constructed 235's where, in most cases, both parents are present, they are young and often qualified because of being "situationally poor". That is, they were "on their way up" and their current economic situation only reflected a temporary condition unlike those buyers of 235 rehabs and to a large extent 235 "standard existing" when income was fixed.

SRA could not study and investigate all three subsections of 235 at the same time because only one staff person was available. Also, we felt we had a duty to work with those at the bottom of the economic ladder first. This was done and largely completed by September 1971. Although the cost (not money) was great we know that many beneficial results were secured for those families. Just one example is the 518 program instituted by HUD whereby these cases were reviewed and repairs made which should have been made prior to the original sale. SRA was able to acquire a copy of the 518 application from and we mailed it to every buyer. In a great many cases we actively assisted the buyer in completing this application for redress.

When we were finally able to turn to an investigation of the 235 "standard existing" homes in September of 1971, we also mailed these applications for redress to each buyer who had listed major complaints in response to our questionnaire.

As yet we have been unable to conduct a planned investigation regarding 235 newly constructed homes although a good number of these buyers have contacted us voluntarily.

Regarding the 235 "rehab" subsection, the Regional Office of HUD did concur with our overall statistics regarding abuses through a news release published in May or June 1971. This was at least 8 months after we first made public the results of our intensive investigation. Rather than repeat here I refer you to attachment B which provides a chronology regarding the 235 "rehab" program in Spokane.

Since September of 1971, SRA has been investigating the 235 "standard existing" subsection. Because we have been refused access to information previously available we cannot draw as many conclusions from this data, as we did for our study of "rehabs". The following pages constitute our report on the "standard existing" subsection. All conclusions drawn from the data are the sole responsibility of the SRA staff. We conducted research on the occupation of the head of the household in so far as that data was available. An occupational comparison of 235 "rehab" and "standard existing" is attached.

RAYMOND RASCHKO.

FEBRUARY 18, 1972.

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235 STANDARD EXISTING—RESULTS OF QUESTIONNAIRE

1. FHA listed 336 homes financed in Spokane County.

2. SRA mailed 276 questionnaires but could not mail to all 336 because of severe budget limitations.

3. Of the 276 questionnaires mailed, we have received responses from 186 to date as follows:

A. 18 letters returned stating that party had moved and left no forwarding address.

B. 1 returned in which buyer stated his home had never had a FHA guaranteed mortgage of any kind.

C. 22 returned in which buyers stated they had not encountered major problems with the house.

D. 145 returned stating they had encountered one or more serious and/or major problems with the building.

Although HUD regulations gave local FHA offices the responsibility to inform buyers of the redress available under 518, it was more than evident that the people had not been informed or had been told in a way not understood. SRA, therefore, reproduced the FHA application form and mailed it to over 100 of the buyers who had responded to our questionnaire. We also provided stamped, addressed envelopes so that the buyers could quickly submit his application for redress to the local FHA office.

Question I.—I purchased my house:

Less than 3 months ago, 0.
Less than 6 months ago, 0.
Less than 12 months ago, 2.
Less than 16 months ago, 17.
Less than 24 months ago, 122.
Unknown, 4.

(Reliable real estate sources have stated that hundreds of families were qualified and earnest money paid but no home was available for occupancy. A long waiting period ensued and we believe this is reflected in the above table. If we had asked when the house was occupied we believe a different range of responses would be shown).

Question 2. Was any work done on the house before you purchased it?

Yes, 77.
No, 66.
Don't know, 2.

Question 3. Did you pay a real estate commission?

Yes, 23.
No, 34.
Don't know, 88.

Question 4. What real estate company handled the house?

(See the attached chart)

(Chart not printed in RECORD.)

Question 5. Do you believe your house is worth the amount of money you are paying for it?

Yes, 64.
No, 57.
Don't know, 24.

Question 6. If you had to move do you feel you could sell your house and get your money out of it?

Yes, 54.
No, 57.
Don't know, 34.

Question 7. Since you have been living in the house, what kind of problems have you had with the house?

(See attached for chart.)

(Chart not printed in RECORD.)

MAJOR PROBLEMS CITED BY BUYERS OF 235 "STANDARD EXISTING"

1. Plumbing (fixtures and pipe), 89.
2. Electrical, 61.
3. Roof Leak, 39.
4. Furnace, 36.
5. Floor, 38.
6. Foundation, 28.
7. Heat, 27.
8. Hot Water, 23.
9. Walls, 26.
10. Other, 22.
11. Outside Paint, 19.
12. Insulation, 20.
13. Ceilings, 16.
14. Inside Paint, 13.
15. Garage, 15.
16. Kitchen Counters, 10.
17. Termites, 5.

REAL ESTATE COMPANY'S HANDLING 5 OR MORE OF THE HOUSES RECEIVING MAJOR COMPLAINTS

1. Carter-Lewis Realty, 12.
2. Realty Mart, 11.
3. Nancy Koran Realty, 8.
4. House & Home Realty, 7.
5. Main & Assoc., 8.
6. Higgens & Henderson Realty, 8.
7. Anchor Securities, 6.
8. James S. Black, 7.
9. Hege & Co., 7.
10. Barrie Hunt Realty, 6.
11. Tri-State Realty, 5.
12. Vaughn Realty, 5.

SPOKANE RESOURCE ADVOCATES HOUSING ADVOCACY CHRONOLOGY

Jan.-Oct. 1970.—S.R.A. conducts exhaustive investigative research into conduct of 235 Rehabilitation Program, through search of Title records, questionnaires, photographs of inside/outside of houses, interviews with home buyers, carpenters, and meeting with housing officials to obtain corrections.

Oct. 23, 24, 1970.—S.R.A. sponsored Public Hearing on Low Cost Housing Program.

Oct. 24, 1970.—Severe public back-lash focusing on ad hominem arguments, buck-passing, denial, and minimization of severity and extent of 235 rehabilitation housing abuses.

Jan. 6, 1971.—Publication of Congressional 235 investigation by Patman's Housing & Banking & Currency Committee with Spokane as one of ten Cities investigated and exposed.

Feb. 1971.—Back-lash Public Hearing purportedly organized to "get at the truth", but in point of fact, to exonerate the housing industry and FHA officials from culpability. CBS filmed entire 16 hours of proceedings.

Feb. 1971.—H.U.D. investigates local implementation of 235 Housing Program.

Mar. 1971.—Nation-wide showing of "back-lash" phenomena in Spokane on CBS 60 Minutes Show, narrated by Mike Wallace.

Mar. 1971.—S.R.A. initiates filing of petition to Spokane City Council to establish a local Housing Authority.

June 1971.—Passage of Section 518 (amendment to National Housing Act). Under this section, the purchaser can seek relief to correct defects which should have been noticed by the F.H.A. before the buyer moved into the house. Thus, homeowners living in "rehab" 235 housing, which has defects, may now petition F.H.A. for new inspections and correction of defects.

June 1971.—S.R.A. reproduces official F.H.A. claim forms and mails to all home buyers so they can promptly file claims for redress of housing defects.

June–July 1971.—F.B.I. investigates possible violations.

Aug. 1971.—Regional Director of H.U.D. office confirms S.R.A.'s finding of irregularities and carelessness on the part of some F.H.A. appraisers, inspectors and mortgage lenders. Confirmed 200 complaints received and of those processed, 93% were found valid and repairs initiated.

Oct. 1971.—S.R.A. initiates Court action through Writ of Mandamus to force city council to act within 60 days on local Housing Authority petition submitted in March 71.

Dec. 1971.—Establishment of Local Housing Authority by 4 to 3 vote.

Feb. 1972.—Mayor appoints five commissioners to administer Spokane's local Housing Authority.

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235 and 221-H Rehabilitation Houses—Occupation of head of household and amount of mortgage

Mother on Public Assistance, $14,500.
Collector—City Refuse Dept., $9,250.
Hospital Orderly, $10,750.
Collector—City Refuse Dept., $13,900.
Laundry Worker (Widow), $9,200.
Retired, $10,500.
Mother on Public Assistance, $11,900.
Construction Worker, $10,700.
Employed at Cooper Bros. Cabinets, $14,750.
Mother on Public Assistance, $13,000.
Disable & P.T. Carpenter, $12,500.
Cook, $11,000.
Student, $11,000.
Mother on Public Assistance, $7,500.
Baker, $11,000.
Disabled, $14,000.
Mother on Public Assistance, $11,000.
Day Worker, $8,500.
Service Station Attendent, $14,500.
Mother on Public Assistance, $12,950.
Aide, $12,700.
Mother on Public Assistance, $14,700.
Shoe Repairman, $13,000.
Mother on Public Assistance, $10,250.
Mother on Public Assistance, $11,400.
Cook, $10,500.
Mother on Public Assistance, $12,550.
Minister, $11,950.
Employed—Ace Concrete, $10,000.
Receptionist, $10,750.
Mother on Public Assistance, $15,500.
Janitor and Maid, $14,650.
Mother on Public Assistance, $13,400.
Clerk at Goodwill Industries, $11,250.
Retired, $13,500.
Mother on Public Assistance, $14,300.
Mother on Public Assistance, $13,950.
Mother on Public Assistance, $10,000
Collector-City Refuse Dept., $8,900.
Mother on Public Assistance, $12,000
Retired, $9,450.
Mother on Public Assistance, $9,800.
Boilermaker, $11,500.
Mother on Public Assistance, $11,000.
Retired, $14,200.
Mother on Public Assistance, $13,000.
Driver—Jay Bell Transicold, $10,500.
Mother on Public Assistance, $11,600.
Mother on Public Assistance, $12,500.
Mother on Public Assistance, $12,800.
Beautician (Widow), $14,050.
Office Secretary, $14,100.
Mother on Public Assistance, $10,000.
Mother on Public Assistance, $10,500.
Janitor—St. Luke's.
Disabled-Clk. at Goodwill, $8,000.
Mother on Public Assistance, $10,950.
Mother on Public Assistance, $1,000.

Mother on Public Assistance, $9,500.
Warehouseman (J. W. Graham), $11,100.
Office Secretary—Safeway, $11,250.
U.S.A.F., $14,300.
Student, 13,800.
Student, $11,700.
Mother on Public Assistance, $11,850.
Bus Driver (city Lines), $15,000.
Office Secretary (Northwest Wheel), $13,900.
Nurse Aide (Sacred Heart), $8,000.
Bookkeeper (Spokane Presto Log), $9,500.
Orderly—E.S.H., $11,250.
Construction Worker, $12,300.
Mother on Public Assistance, $13,750.
Janitor (Davenport Hotel), $8,000.
Mother on Public Assistance, $12,850.
Fabricator (Columbia Lighting), $10,500.
Widow, $14,400.
Mother on Public Assistance, $8,500.
Business Rep. (Building Service Emp. Union—Local 202), $11,000.
Student, $12,000.
Secretary—Goodwill, $14,950.
Duyprie's Antiques, $11,500.
Mother on Public Assistance, $13,000.
Janitor—Davenport Hotel, $10,400.
Kitchen Helper—Davenport Hotel, $13,000.
Collector—City Refuse Dept., $9,000.
Bookkeeper—B. & B. Distributors, $11,600.
Mother on Public Assistance, $9,750.
Secretary, $11,000.
Nurse (St. Lukes), $6,500.
Dispatcher—Phone Co., $12,250.
Widow, $12,000.
Mother on Public Assistance, $10,300.
Janitor—State Highway Dept., $13,000.
Mother on Public Assistance, $14,000.
CARP—Comet Corp., $11,400.
Mother on Public Assistance, $11,750.
Mother on Public Assistance, $8,500.
Laborer, $13,000.
Salvage Worker, $10,500.
Mother on Public Assistance, $14,000.
Laborer, $12,500.

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235 Standard Existing—Occupation of Head of Household and Amount of Mortgage

Cabinet Maker, $12,900.
Employed—Electric firm, $11,950.
Post Office Clerk, $17,500.
Business Machine Serviceman, $8,700.
U.S. Marine Corps, $13,500.
Post Office Clerk, $13,750.
Deputy County Assessor, $17,500.
Inspector Wash. Water Power Co., $12,250.
Retired, $12,250.
Sales Clerk, $13,250.
Bookkeeper for Real Estate Firm, $16,200.
Nutrition Aide, $10,900.
Mother on Public Assistance, $6,950.
Elementary School Teacher, $14,800.
Employed—Chemical Firm, $12,900.
Caseworker for SCAC, $13,700.
Retired, $12,850.
Bartender, $13,500.
Professional Golfer, $13,000.
Retired, $8,350.
Mother on Public Assistance, $10,700.
Clerk—Hospital, $8,950.
Matron—Juvenile Detention, $10,250.
Secretary for Real Estate Firm, $10,450.
Orderly—Hospital, $11,250.
Clerk—Grocery Store, $11,900.
Warehouseman—Railroad, $15,300.
Employed—Baking Co., $14,950.
Employed—Distributer, $14,950.
Secretary, $15,300.
Warehouseman, $15,750.
Salesman, $14,800.
Representative—Best Buy Products, $17,500.
Apprentice Painter, $14,600.
Cabinet Maker, $14,050.
Tire Buffer—Firestone, $11,700.
Maintenance Man—Hospital, $15,800.
Office Clerk, $14,200.
U.S.A.F., $13,550.
Mother on Public Assistance, $7,800.
Meat Cutter—Hygrade, $11,450.
Assistant Personnel Director—Hospital, $18,000.
Secretary, $13,550.
District Director Girls Scouts, $17,500.
Owner of Richfield Station, $14,050.
Nurse, $13,800.
Draftsman, $14,300.
Plastic Technician, $18,000.
Mother on Public Assistance, $11,750.
Mother on Public Assistance, $9,200.
Railroad, $11,950.
Warehouseman, $15,950.
Salesman, $17,800.
U.S.A.F., $15,850.
Custodian, $14,550.
Mechanic, $19,200.
Shipping Clerk, $17,500.
Admn. for I.B.M., $17,500.
Mother on Public Assistance, $11,200.
Attendant, $14,500.
Mother on Public Assistance, $8,600.
Mother on Public Assistance, $6,150.
Counselor for Vocational Rehab., $14,250.
Retired widow, $11,700.
Student, $10,900.
Student, $10,900.
Grocery Store Clerk, $15,000.
Covering Installer, $17,900.
Retired, $7,850.
Retired, $13,200.
Sales Clerk, $13,850.
Student, $9,900.
Widow, $7,400.
U.S.A.F., $17,500.
Janitor, $17,500.
Clerk, $12,250.
Apprentice Printer, $10,900.
Clerk, $12,450.
Student, $8,950.
Mother on Public Assistance, $8,900.
Grocery Clerk, $15,500.
Apprentice Carpenter, $14,800.
Clerk, $18,000.
Laundry Worker, $11,450.
Student, $17,500.
Secretary, $12,250.
Truck Driver, $16,900.
Retired, $15,300.
Electrician, $18,000.
Janitor, $10,250.
Custodian, $10,450.
Employed—Anderson & Miller, $14,300.
News Stand Operater, $9,000.
Retired, $6,100.
Salesman, $16,700.
Mother on Public Assistance, $12,500.
Student, $13,050.
Minister, $12,750.
Secretary, $14,300.
Waitress, $14,000.
Mother on Public Assistance, $8,950.
Lab Technician, $9,600.
City Refuse Department, $13,750.
Employed at Dry Cleaners, $17,450.
Printer, $11,250.
Engineering Aide—City, $17,850.
Fireman, $10,750.
Receptionist, $11,950.
Clerk—Grocery Store, $10,450.
Nurse, $8,400.
Upholsterer, $12,950.
Post Office Clerk, $14,000.
Beautician, $10,450.
Student, $8,400.
Secretary, $11,250.
Student, $9,450.
Widow, $14,600.
Barber, $14,000.
Custodian for City, $13,450.
Student, $7,900.
Truck Driver, $10,950.
Student, $14,000.
Student, $14,800.
Dental Tech., $16,900.
Wrecker, $12,200.
Student, $8,400.
Retired, $13,950.
Student, $10,700.
Salesman for Standard Oil, $15,900.
Salesman for Athletic Equip., $16,500.
Warehouseman, $14,500.
Mother on Public Assistance, $8,850.
Bus Boy, $9,950.
Student, $16,800.
Aide at Mt. St. Joseph, $8,400.
Retired, $9,450.
Offset Pressman, $17,500.
Mother on Public Assistance, $9,450.
Retired, $7,850.
Salesman for Prudential Dist., $11,450.
Widow & Fireman, $11,900.
F.A.F.B., $19,500.
Grocery Clerk, $10,900.
Retired, $10,900.
Telephone Engineer, $11,900.
U.S. Army, $15,500.
Truck Driver, $12,250.
Half Owner Service Station, $11,250.
Carpet Installer, $13,950.
Goodwill Industries, $11,250.
Shipping Clerk, $15,700.
Secretary, $14,750.
Clerk, $16,200.
Aide—Nursing Home, $13,800.
Service Station Attendant, $10,450.
Mill Worker, $10,500.
Widow—Maid at Ridpath, $11,500.
Collector—City Refuse Dept., $10,500.
Assistant Supervisor, $12,200.
Shoe Salesman, $13,950.
Aide—Nursing Home, $14,250.

SMALL BUSINESS ADMINISTRATION SUPPORTS SAFEGUARDS FOR INDEPENDENT SMALL BUSINESS IN BANK HOLDING COMPANY RULINGS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, as many Members of Congress know, the Federal Reserve Board is now in the process of deciding whether to substantially expand the scope of business activities permitted to bank holding companies beyond the activities presently permitted. They have held a series of hearings in this connection over the past several months.

One of the most interesting presentations made during these proceedings was that of the Small Business Administration on February 29, 1972.

The Small Business Administration is authorized under the Small Business Act to support the interests of small business concerns before departments and agencies of the Federal Government. Unfortunately, in the past, this agency has sometimes been lax in carrying out this mandate. Therefore, I am particularly pleased to see that the Small Business Administration saw fit to give its views to the Federal Reserve Board on this most important issue affecting the future of small business concerns in the American economy. I hope this will establish a precedent for similar actions in the future.

As the statement of the Small Business Administration points out, it is clear from the legislative history of the Bank Holding Company Act Amendments of 1970 that the interests of small business concerns must be taken into consideration by the Federal Reserve Board in determining whether bank holding companies should be permitted to enter businesses that the Fed has separately determined to be "so closely related to banking to be a proper incident thereto."

The statement goes on to say that:

> SBA foresees a real danger of serious injury for small business if unrestrained expansion of bank holding companies into industries where small businesses thrive is permitted. The Board should reject any argument that bank holding company entry at the cost of diminution of small business viability is appropriate. The public interest requires clear assurance of continued opportunities for free market entry and small business growth potential in these kinds of industries.

Under unanimous consent insert in the RECORD at this point the complete statement of the Small Business Administration before the Federal Reserve Board on February 29, 1972, in the matter of proposed amendment to section 225.4 of regulation Y—Bank Holding Companies Interests in Non-Banking Activities:

STATEMENT OF THE SMALL BUSINESS ADMINISTRATION

The Federal Reserve Board has proposed (36 F.R. 21897) amending its Regulation Y to generally permit bank holding companies to engage in armored car and courier services. The Board proposes to find these activities so closely related to banking or managing or controlling banks that it would be in the public interest to consider them a proper incident thereto within the meaning of Section 4(c)(8) of the Bank Holding Company Act.

The views of the Small Business Administration incorporated herein are presented pursuant to the Small Business Act and Executive Order 11518, which provide for SBA advocacy of the interests of small concerns before all departments and agencies of the Federal Government.

In connection with this matter there are two primary areas in which SBA finds that comment is appropriate to further the interests of small business enterprise. First, clarification of the Board's affirmative duty to expressly determine and set forth the specific small business interests involved in this (and any other) proposed rulemaking under Section 4(c)(8) is necessary. Further, the effects a proposed rule would have upon these interests must be weighed by the Board. Second, the Board is urged not to adopt the specific proposed rule here, but rather to proceed instead by adjudication in armored car and courier service cases. Where any activity sought to be undertaken by a bank holding company invades an industry including a substantial number of small business concerns, rulemaking will not afford them the essential procedural protections of case-by-case adjudication.

SMALL BUSINESS INTERESTS AND EFFECTS

Section 4(c)(8) provides that in determining whether a particular activity is a proper incident to banking or managing or controlling banks, the Board shall consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices.

It is clear from the legislative history of section 4(c)(8) that small business aspects are an important element of this statutory public interest test. The Congress was particularly concerned with "the potential for unfair competition to be carried on by bank holding companies against small independent business" (Conference Report on 1970 Bank Holding Company Amendments, House Report No. 91–1747, pp. 18–19).

There are numerous references in both the Senate and the House debates indicating that small business ramifications of any proposed 4(c)(8) rule or order should be a major public interest consideration to be weighed by the Board.

Senator Sparkman, Chairman of the Senate Banking and Currency Committee, in submitting the conference agreement to the Senate stated "I am convinced that the bill finally agreed to is a good one and will meet this need for flexibility while at the same time preserve ample protection for independent small businessmen to insure that they will continue to flourish" (Congressional Record, Vol. 116, Part 32, p. 42422).

The Small Business Act (15 U.S.C. 631) clearly sets forth the public interest in small business entrepreneurship. It notes the finding of the Congress that the economic well-being and security of the Nation cannot be realized unless the actual and potential capacity of small business is encouraged and developed, and states that "the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise."

Executive Order 11518 provides that in order to insure that small business interests will be recognized, protected and preserved, all departments and agencies of the Government shall fully consider matters materially affecting the well-being or competitive strength of small business concerns and their opportunities for free entry into business, growth or expansion. In effecting such a policy, the Executive Order requires that all elements of the Government "shall act in a manner calculated to advance the valid interests of small concerns."

Small firms contribute significantly to the public welfare. They frequently are able to give better services through close personal supervision by their top management and have the flexibility to respond quickly with innovations to meet the needs of their customers. Small businesses often operate on tight margins and search hard for efficiencies to keep them competitive with larger firms. Particularly in small local markets, such as appear common in the armored car and courier industries, small firms may be a significant competitive factor.

The small business effects of possible bank holding company entry into these fields must be given thorough and explicit consideration by the Board. SBA forsees a very real danger of serious injury to small business if unrestrained expansion of bank holding companies into industries where small businesses thrive is permitted. The Board should reject any argument that bank holding company entry at the cost of the diminution of small business viability is appropriate. The public interest requires clear assurance of continued opportunities for free market entry and small business growth potential in these kinds of industries.

The reasoning and rationale as to the factual basis, economic and policy findings which support any Board determination should be fully and explicitly set forth by the Board. In view of the broad legislative nature of rules defining permitted areas closely related to banking and in the public interest for bank holding company participation full public explanation is essential. Therefore, it is requested that the hearing officer and the Board specifically particulate their views of the small business interests and effects attendant to any permitted bank holding company entry into the armored car and courier fields under interest 4(c)(8). SBA believes that the public interest criteria set forth in the 1970 Amendments incorporate this Congressional policy and require that small business aspects be fully and explicitly considered, and not submerged in general discussion of competitive or other effects. In the instant case the Board and hearing officer consideration and discussion of this small business interest shall include such matters as the ability of small business concerns to receive financing for entry into or expansion of armored car or courier operations; as well as effects on actual or potential competition, and services for the small business community.

Other important areas involving possible small business effects, which should be fully documented and discussed include:

Potentials for coerced or semi-voluntary tie-ins among banks, various types of bank holding company affiliates, and customers of bank holding company armored car and courier services;

Methods of bank holding companies in obtaining and retaining customers for 4(c)(8) activities;

The extent to which even "voluntary" tie-in may have adverse anticompetitive and small business effects;

The extent of competition already existing in these industries;

The effects of bank holding company entry into local armored car or courier activities in geographic areas where the holding company is well known and already possesses great economic power;

The effects on services to other commercial and small business customers if bank holding companies "skim-the-cream-off" local or regional markets in these services;

Whether any increased efficiencies or services to additional small business customers would be likely to result from bank holding company entry into such activities; and

The extent of and potential for bank holding company dominance and concentration of resources in local or regional areas.

SBA believes it is highly likely that if financially powerful bank holding companies are permitted to establish operations in these fields, there is little chance that small courier or armored car companies will be able to compete with them on a fair and equal basis; the Board should therefore realistically gather complete evidence on this factor and give it full weight in its determinations.

SECTION 4(C)(8) RULEMAKING INAPPROPRIATE IN THESE INDUSTRIES

We believe that these small business considerations, as well as serious questions on industrywide determinations and procedural aspects, require that the Board not adopt the proposed rule, but proceed instead on a case-by-case basis, issuing individual orders as appropriate.

Our information is that most of the firms in the armored car and courier fields are small business concerns. Rough estimates by our staff indicate that a large majority of companies providing courier services and armored car services may fall within the SBA size standards (i.e., an armored car or courier service is small if it has business receipts of less than $1 million annually, 13 CFR, Chapter 1, Part 121). These small firms serve banks, industrial and commercial customers; and provide a wide variety of special delivery express services throughout the nation.

Both armored car and courier services are essentially for-hire transportation, though of a specialized nature, and are largely small business industries. It is our understanding that they are regulated by State and Federal transportation regulatory agencies. We believe it is seriously open to question whether even limited armored car and courier transportation services should be found on an industrywide basis to be "closely related" under section 4(c)(8), in view of the small business overtones and transportation nature of these industries.

Moreover, it is our view that the Board should not utilize the rulemaking approach under section 4(c)(8) in industries with large numbers of small business concerns.

This conclusion follows from the inherently incomplete and projected nature of industry-wide data and from the unfocused and necessarily generalized character of the rulemaking procedure. Where the activity is questionable under section 4(c)(8) and there are a number of small concerns in the industry (such as in courier and armored car services), we believe that only the case-by-case adjudicatory procedure should be used where there is detailed factual analysis of the individual case and appropriate conditions and limitations. Board rulemaking in these industries on the basis of a necessarily general rather than specific factual record would be likely to prejudice fair treatment of small business. Furthermore, it cannot, by its very nature, result in the comprehensive and objective analysis and fully supported findings required by the statute.

Any convenience to bank holding companies or to Board administration in broad and flexible rulemaking definitions should, we believe, be viewed as a consideration of secondary weight compared to the substantive economic, small business and public interest findings which are necessary to support the Board in its determinations on the precise scope of allowable bank holding company activity. Meaningful and reasonable determinations in these industries may require detailed economic evidence on defining likely foreseeable competitive markets and commercial and bank-related developments in particular geographic areas.

Any Board use of general rulemaking in these industries would be particularly injurious to the many small concerns in these fields because of the Board's proposed procedures (12 C.F.R. 225.4(b)(1), 36 F.R. 25048; December 28, 1971) establishing presumptions that de novo entry by bank holding companies into areas designated as closely related to banking "can reasonably be expected to produce benefits to the public that outweigh possible adverse effects." The Board's regulations already provide simplified procedures for de novo entry.

The Board's existing and proposed procedures in such de novo cases lessen the protections and opportunities for hearing of small firms presenting factual data, arguments, and opposition to specific instances of bank holding company entry into the designated fields. Consequently, we believe that it would be inappropriate for the Board to designate by rule these industries with significant numbers of small concerns as "closely related to banking."

Small firms typically cannot afford the detailed evidentiary burden of showing likely malpractices or potential losses in specific cases if they must overcome heavy Board presumptions that the activity sought to be entered into by the bank holding company "can reasonably be expected to produce benefits to the public that outweigh possible adverse effects." We believe that small firms must be given a full and fair hearing in individual cases, with the statutory burden on the bank holding company to show affirmatively and clearly that its specific proposed activities are within the purposes of the Act and in the public interest.

CONCLUSION

In summary, (1) a complete and express statement of the economic and legal basis for any Board decision and Hearing Officer recommendation under section 4(c)(8) is of particular importance with respect to the small business aspects thereof. It is SBA's position that such a statement with respect to small business interest is mandated by section 4(c)(8) itself and its legislative history, and by the Small Business Act and Executive Order # 1518; and (2) using the rulemaking procedure, rather than the case-by-case adjudicative procedure, is inappropriate and could be statutorily defective in situations, such as those presently in question, involving a considerable number of diverse small business interests.

Respectfully submitted

ANTHONY G. CHASE,
Deputy Administrator.
JOHN A. KNEBEL,
General Counsel.
DONALD W. FARRELL,
Associate General Counsel.
STEPHEN A. KLEIN,
Chief Counsel for Advocacy.

THE ADMINISTRATION'S ECONOMIC STABILIZATION EFFORT FALLS SHORT OF MARK

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, it is obvious that the economic stabilization effort is not working as Congress intended and a growing number of people are convinced that the program is being administered in an inequitable manner. As Chief Executive, only the President can bring order out of the conflicting and ineffective regulations which have been issued under this act.

Certainly, I am not condemning the entire effort, but there is too much sloppiness and weak administration to be tolerated in such an important program.

Such a program depends on an equality of sacrifice and many people feel that the administration is not imposing proper controls over such essential items in the cost of living as interest rates, rents, and prices on consumer goods. Instead of strong enforcement in those areas, the stabilization authorities seem to be resorting to Madison Avenue techniques.

Mr. Speaker, the Banking and Currency Committee has received a great number of complaints about the program from the public and Members of Congress.

Many Members of the House have let me know that they feel that the stabilization agencies are not making any real effort to follow the spirit of the Stabilization Act and the intent of Congress. The views of these Members are backed up by the public.

In addition, the judiciary has also complained bitterly about the procedures being carried out under the Economic Stabilization Act. U.S. District Judge Gerhard Gesell this past week criticized the Cost of Living Council for failing to hold public hearings. The judge stated that the Cost of Living Council's lack of clear procedures and its imprecise rulings made judicial review of its actions "difficult, if not impossible."

Mr. Speaker, I hope the President will take a strong hand in the economic stabilization program so that it will not be necessary for the Congress to reopen the issue. However, the Banking and Currency Committee will conduct oversight hearings unless there is an early and dramatic improvement in the administration of the law.

Mr. Speaker, I place in the RECORD a copy of a letter I have sent President Nixon on the stabilization program:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., March 7, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you may know, a great number of people are concerned about the economic stabilization program. This Committee is receiving numerous inquiries concerning the complexities of economic regulation and the fairness with which the program is administered. In substance, the complaints, which come from Members of this Committee, other Members of Congress, and the general public, reflect a widespread belief that the program is being administered unfairly and that in several important respects the law has been completely ignored by those designated to carry out the responsibilities of the Act. Judging from observation of the operation of the Cost of Living Council, Pay Board and Price Commission and from the specific issues raised by the inquiries about the program, I am inclined to agree with this conclusion.

Among the actions taken by the various bodies empowered to administer the Economic Stabilization Act, these have caused the greatest amount of concern:

Interest Rates: You are aware, I am sure, of the Congressionally recognized need to control interest rates and the Congress' specific direction that controls over interest rates be employed whenever general wage and price controls are in effect. It is true an exception was written into the law. But, it is triggered only after a finding is made that interest rates in all categories are at satisfactory levels. The Cost of Living Council statement purporting to make such a finding failed to comply with the requirements of the Act. Before interest rates could legitimately be exempted from controls, the Congress contemplated a specific finding that the control of interest rates was unnecessary for the orderly development of economic growth and accompanying economic data and analyses to support that finding. But, the Cost of Living Council order regarding interest rates blatantly ignored these two very important requirements. As a consequence, there is a cloud over the legitimacy of this very important aspect of the stabilization program simply because the Council chose not to follow the spirit and letter of the law.

Prices: The regulations governing price increases are very complicated. As a result, consumers find it impossible to determine whether a specific increase is justifiable. Another consequence of complex regulations is that consumers cannot know what their rights are under the program. This means a seller can easily raise his prices knowing the consumer has little basis on which he could complain. Further, since the consumer under the regulations never really knows whether a price increase is within the law, it is impossible for him to police illegal price increases.

Rents: Although the problems of rent regulation are by and large the same problems that exist with pricing policies, the inequities found in these regulations are particularly harsh since rent constitutes a major portion of the average man's budget. Although the Price Commission promulgated rules designed to control rent increases this Committee's files are bulging with instances of rent increases as large as 9 percent. The tenants are very perplexed about these increases because the landlords cite as justification for these exorbitant new rates Phase II guidelines. As one Member of Congress told me, "This is preposterous." I agree.

Working Poor: The Congress exempted from controls "any individual . . . who is amongst the working poor." The Congress intended that the term "working poor" should be defined as families with annual incomes of less than $6,900. This standard was perverted by the Cost of Living Council to mean workers making less than $1.90 per hour which, assuming a worker can find work for a full year, amounts to less than $4,000 annual salary. Under the present pay increase criteria, this means workers who are now unable to provide a decent living for their families are limited to wage increases of only 5.5 percent. This is far from what Congress had in mind.

Public Hearings: The Congress directed that public hearings be held in formulating the policies of economic stabilization and in implementing those policies. The reason for this requirement is very simple. Congress wanted the process opened up so that people would have confidence and faith in a program which admittedly is empowered to exercise a great deal of control over their economic well-being. Without public hearings, the people cannot understand the program; and therefore, the people cannot understand the importance of complying with what could prove in certain instances to be stringent controls. As a result, the program runs a grave risk of turning into shambles what was intended by Congress to be a mechanism for bringing inflation under control once and for all. To date, only two public hearings have been held. This in no way complies with the policy written into law that people should be heard in formulating a policy and that they should be informed of the basis of those policies through the medium of public hearings.

I would appreciate your looking into the issues raised in this letter and taking prompt steps to take appropriate action to insure that the Cost of Living Council, the Pay Board and the Price Commission fully comply with the Economic Stabilization Act of 1970, as amended. Unless prompt and effective steps are taken to insure full compliance with the intent of Congress, this Committee will be compelled to conduct oversight hearings. In the hopes that such hearings might be avoided, I would appreciate a complete and detailed report on what steps have been taken within the Executive Branch to turn the stabilization program around so that its operation reflects the intent of Congress.

It should be emphasized that we prefer to avoid oversight hearings. But, unless there is prompt assurance of action to conform stabilization policies to the intent of the law, this Committee will not hesitate to convene hearings to see that Act is used in accordance with the intent of Congress.

Sincerely,

Wright Patman, *Chairman.*

AN APPROPRIATE AND LASTING TRIBUTE TO OUR LATE COLLEAGUE, THE HONORABLE JAMES G. FULTON, OF PENNSYLVANIA

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am introducing today a bill cosponsored by the entire Pennsylvania congressional delegation, to name the Carnegie-Bridgeville reach of the Chartiers Creek local flood protection project in Pennsylvania, in honor of our late and beloved colleague, James G. Fulton.

This project, designed specifically to serve the congressional district he so ably served, would become the "James G. Fulton Local Flood Protection Project," Chartiers Creek, Allegheny County, Pa.

The Members of the House are well aware of our late colleague's devotion to his responsibilities as a member of the Committee on Foreign Affairs and of the Committee on Science and Astronautics. This bill would memorialize his devotion to his responsibilities as a Representative of the 27th District of Pennsylvania.

Chartiers Creek is located in Allegheny and Washington Counties, southwestern Pennsylvania. In many parts of our country, the creek would be called a river. The stream in its natural state is 52 miles long from its source about 6 miles south of Washington, Pa., to its mouth on the Ohio River at McKees Rocks, 2.6 miles below Pittsburgh, Pa. The Chartiers Creek Basin is roughly rectangular in shape with a length of about 24 miles and an average width of about 12 miles. The drainage area about the mouth is 277 square miles. There are a number of tributaries. The steep profiles of the tributaries lend themselves to rapid runoff from the sometimes severe local storms typical of the region. Frequent flooding of the valley flow resulted.

The communities of the Chartiers Creek Basin that were affected by floods are old, established and well-developed. The valley is primarily industrial, but there are also large commercial and residential zones in the areas subject to flooding. Annual flooding was accepted as a matter of course, with severe flooding occurring on an average of every 5 or 6 years.

The flood that brought official Federal recognition occurred in connection with Hurricane Hazel in October 1954. Congressman Fulton and other local representatives pressed for emergency action and on the 26th of October the President declared the flooded localities in and around Allegheny County, including the Chartiers Creek Valley, a disaster area.

In the following June, Mr. Fulton introduced a resolution to the House Committee on Public Works, requesting a survey of Chartiers Creek for flood control, the beginning of a long struggle for authorization and appropriation. In the meantime, the flood of August 1956 occurred, the most severe of recent record, causing damages amounting to over $5,000,000—April 1962 values—in the Allegheny County part of Chartiers Creek Valley alone. Once again Mr. Fulton called on Federal, State, and local offices and agencies for assistance, and once again the valley was officially included in a "disaster area."

Efforts to obtain congressional approval and funds were finally successful, and the survey started in November 1957. Each succeeding year, 1958, 1959, 1960, 1961, our colleague sought for and obtained budget funds to continue the survey, which was completed in February 1963. The recommendations were for improvement of about 11 miles of creek channel from about 3½ miles above the mouth to the southern limits of the borough of Bridgeville in Allegheny County, and improvement of about 5 miles of creek channel through the adjoining boroughs of Canonsburg and Houston in Washington County.

I will not burden you with the details of getting the Allegheny County project underway. This job required much more than successful competition for Federal funds with other worthwhile projects. The city of Pittsburgh, six boroughs and five townships, all affected by valley flooding, had to be persuaded to agree to local cooperation. A large trunk sewer had been constructed in the channel bed for most of the creek within the project limits. Relocation of this sewer was a must, but payment for the relocation as part of the local cost participation was beyond the capabilities of the smaller municipal partners in the enterprise. Finally, after much effort, Federal, State, and county funds were pledged in their proper proportions.

On the 27th of June 1968, a contract was awarded to the Irvin T. Miller Construction Co. of Burgettstown, Pa., for construction of unit 1. On the 26th of July 1968, Congressman James G. Fulton launched the groundbreaking ceremony attended by dignitaries from the several levels of government concerned with the project. Typical of the man, an important commitment to a congressional task took him away before completion of the ceremony.

Jim Fulton lived to see the business area of old Carnegie Borough revitalized. He lived to see a potential flood carried safely through the improved channel in May 1971. He lived to note that on the 5th of October 1971 the President signed the appropriations bill carrying fiscal year 1972 funds for Chartiers Creek. And the 6th of October, Jim Fulton died.

In the orderly progress of construction, the job will probably take another 4 years to finish. At this midpoint, it is altogether fitting that we memorialize the man who was so instrumental in its inception.

POWER-CUTBACK RULE IRKS JET PILOTS

(Mr. GUDE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, like the proverbial Phoenix, the question of what to do with Washington National and Dulles International Airports appears redundantly on the scene. Each resurrection, however, brings with it new and ever more troubling developments. The increasingly crowded conditions on the land and in the friendly skys make one wonder if some day, unlike the Phoenix, these jet powered birds may be unable to get off of the ground for want of room.

Along with the problems of air pollution, crowded conditions in the terminal at National, stalled lanes of traffic around the airport, and the increasing noise levels caused by jet engines, a new and most disturbing issue has been raised.

A story by Jay Mathews in today's Washington Post tells of growing concern among airline pilots who frequent National for the safety of their flights. Those quoted believe that present noise abatement procedures, which require a pilot to cut back his engines by 40 percent once the plane reaches 1,500 feet, do not offer maximum safety to passengers. I submit the text of that story for the RECORD at this point:

Residents Along Potomac Like It—Power-Cutback Rule Irks Jet Pilots

(By Jay Mathews)

Several times an hour, an airline pilot will put his jet in a steep climb after taking off at Washington National Airport, make a sharp turn at 1,500 feet over the 14th Street Bridge, align himself with the Potomac River and then abruptly reduce the thrust of his engines.

That 40 per cent cut in power—done easily with one hand on the three engine levers in a Boeing 727—is designed to quiet the noise from the huge 14,000-pound thrust turbines.

It may save the eardrums and plate glass windows of the hundreds of residents along the Potomac River below, but to the pilots themselves it is a procedure they'd rather be rid of.

"I'm inclined like this"—the pilot raises his forearm at a steep angle—"and I've got those three engines going and say, 'Well, you're doing fine'," says United Air Lines' Tom Cornell. "But what if I bust a jug—a turbine and need all the power there is?"

Pilots using National say they would prefer to keep climbing at full power, giving them more altitude and thus a greater margin to maneuver in case of an emergency.

The current procedures are safe, Cornell said, but the pilots would still like more of a margin. "We want noise abatement by technical changes [quieter engines] rather than operating in an environment of less than maximum safety," said Cornell, who represents United pilots in the local Air Line Pilots Association.

"There's a certain psychological reaction (among pilots) when they're in a takeoff. Nobody likes to cut back power," said FAA spokesman Robert Swanson. But he added that "we don't do anything that's not safe. . . All procedures that the FAA endorses are safe with what we consider to be an adequate margin."

For six years, since jetliners began using National, the pilots above and the home and office dwellers below have fretted about the demands of modern air travel that have brought them so noisily together.

The complaints about jet noise from residents of the Potomac River valley have since been a constant theme as urban transportation and living needs collide head on.

The pilots, generally loyal to the airline industry and its strong support of National as a shuttle air terminal, have voiced their concerns more softly, "I've felt for a long time that aircraft technology has far exceeded the ground situation," said United pilot Ernest W. Knutzen in a comparison of the increased speed and power of aircraft and the inconvenient locations and alignments of airports in the country.

The only uninhabited flight path out of National now is over the river. It twists here, turns there, and forces pilots to frequently manipulate their controls in following its course.

Noise abatement procedures call for the pilots to follow the river for 10 miles, up to Cabin John Bridge at the north and Mount Vernon to the south, before going back to full engine power and turning on a regular course.

The most frequent complaints from groundlings appear to come from those along the more narrow and winding banks of the river to the north of the airport, pilots and FAA officials say. A particularly sensitive area is the cluster of high-rise apartments, hotels and offices in the Rosslyn area of Arlington County.

Rosslyn juts into the Potomac, directly below the radio beam that guides pilots into National when weather reduces visibility.

Even in clear weather, pilots say, they must make two or three quick turns to avoid passing over the Rosslyn high-rises while at the same time avoiding a drift toward the luxury Watergate apartments, still another sensitive spot, on the Washington side of the river.

For their own safety, the pilots indicate they would prefer that the 16-story towers at Rosslyn not be there at all. The air safety representative for the local Air Line Pilots Association recently protested the proposed construction of a 17-story hotel near Rosslyn. The County Board rejected the proposal last week.

"Since the south approaches to the airport in good weather are, at best, minimum, it is hazardous to allow the raising of additional obstructions of this magnitude . . ." said Piedmont Airlines pilot R. G. Stevens in a letter to the board.

FAA officials, pressed by residents for less noise and by pilots for more safety, have subsidized research on quieter engines as one way out of the dilemma.

The noise problem is not unique to Rosslyn or to Washington National; it is nationwide. Indeed, officials at one airport quelled citizen complaints by buying their houses and moving them lock, stock and barrel out of the flight path. Pilots elsewhere also object to the noise abatement procedures at other airports on the grounds they reduce the margin of safety.

One local source of complaints has been a loosening of restrictions on late-night flights since the spring of 1970. Until then, no jet could land at or take off from National after 11 p.m. Now, delayed flights that were originally scheduled to take off or land before 10 p.m. have been allowed to complete their schedules.

As a result, some of the 76-ton aircraft have flown over Rosslyn as late as 3 a.m The airport has averaged 11 flights a week past 10 p.m., according to the FAA, and Rosslyn residents say at least three or four of those have been past 11 p.m.

In a letter to the Arlington County Board chairman explaining the change, one FAA official noted the many complaints from passengers with cars or friends at National who had been diverted to Dulles or Friendship airports as a result of the old absolute 11 p.m. deadline.

Mr. Speaker, the solution to this problem is not the elimination of those noise abatement procedures at the expense of those on the ground. Some of those procedures are already ignored. For example, the Federal Aviation Administration has established a curfew on jet traffic at National, but it consistently permits violations of its own curfew.

I am convinced that the solution to the problem is to cut back on the quantity of jet traffic at National. This solution will simply not be found under present circumstances. Urgently needed is a takeover of the area's three airports—National, Dulles, and Friendship—by a regional authority reflective of the needs and desires of the area's citizens.

RECENT ECONOMIC INDICATORS FORETELL CONTINUED ECONOMIC ADVANCE

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DEVINE. Mr. Speaker, a substantial number of recent economic statistics suggest continuing favorable economic developments ahead. These indicators span all areas of the economy.

In the business sector, prospects are bright for an upsurge in investment. Business expenditures on new plant and equipment are expected to rise over 10 percent in 1972, according to both Government and private surveys. New orders for producer's durable goods soared 18 percent in January over the previous month. And a private survey of purchasing agents shows a significant increase in those reporting higher incoming orders, higher inventories, and gains in production.

In the consumer sector, indices of employment and prices both improved recently. The overall unemployment rate declined to 5.7 percent in February, as more than 80 million people were employed. The hiring rate in manufacturing rose in January to the highest rate in a year, while the layoff rate declined. Both average weekly earnings and real income advanced strongly in February. The Consumer Price Index has increased only at a 2.6 percent annual rate since the wage-price freeze last August. Interest rates have declined across the board since August 15.

The housing sector is especially strong. Housing starts in January rose to a seasonally adjusted annual rate of 2.5 million, 40 percent above a year earlier. Housing permit figures have improved comparably. Savings flows at mortgage lending institutions remain very high, indicating the continued availability of funds to finance home construction and ownership.

Of course, even all of this good news does not signify that our economic future is secure. There may be unfavorable developments among some measures in the months ahead. But the preponderance of evidence promises continued economic expansion throughout all sectors of the economy.

SCHOOL OFFICIALS ON ADVISORY BODY

(Mr. BEGICH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BEGICH. Mr. Speaker, today, I am introducing a bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials.

Congress originally established the ACIR in 1959 to bring together representatives of Federal, State, and local governments for the study of emerging public problems requiring intergovernmental cooperation. This Commission recently acquired national prominence when President Nixon designated it to advise him on the financial problems of our Nation's elementary and secondary school systems. Particular attention will be given to the possible effects resulting from any type of tax reform. I am submitting this amendment, Mr. President, because there is one very important and much needed group whose voice will be absent on this Commission. That voice is the voice of locally elected school board officials.

Presently, the advisory commission consists of 26 members, three of which are appointed from the Senate and three from the House. The remaining 20 are appointed by the President as follows: Three must be officers of the executive branch, and three must be private citizens; four are appointed from a panel of at least eight Governors submitted by the Governor's Conference; three are appointed from a panel of at least six members of State legislative bodies submitted by the Council of State Governments; four are appointed from a panel of at least eight mayors submitted jointly by the American Municipal Association, and the U.S. Conference of Mayors; and three are appointed from a panel of at least six elected county officers submitted by the National Association of County Officials. Quite clearly, except for the level most immediately involved with the education issue—local school board officials—elected persons of virtually every level of government are represented. In view of the fact that board members can make very significant contributions to an understanding of the needs of local schools and local communities, I think this oversight should not be allowed to go uncorrected.

This amendment would simply expand the number of members on the Advisory Commission from 26 to 28 and provide that two members shall be appointed by the President from a panel of at least four elected school board officials submitted by the National School Boards Association.

Congress must take the initiative in trying to solve what is perhaps our biggest domestic crisis for 1972; the education entanglement. The ACIR's recommendations will affect 5 million employees, 50 million schoolchildren, and will involve expenditures of approximately $45 billion. A real expertise is needed, and a big step in providing this special knowledge can be made if the advice of the ACIR is given with both the counsel and membership of two school board members.

I think this is a reasonable and equitable proposal. President Nixon himself expressed his commitment to local control over local schools. It is, therefore, only right and proper that we give locally elected school officials a voice in formulating the national policies which will ultimately affect their local school districts, and with which they shall have to live.

By adopting this bill the Congress will extend the same privileges to elected school officials that are now enjoyed by officials of all other levels of government, and we will be making the Advisory Commission on Intergovernmental Relations a more effective advisory body as well.

DEPARTMENT OF INTERIOR ANNOUNCEMENT ON TRANS-ALASKA PIPELINE

(Mr. BEGICH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BEGICH. Mr. Speaker, the Trans-Alaska pipeline has been the subject of a tremendous amount of study and preparation over the past months and years. The Department of the Interior is the lead agency in this work, and has been responsible for coordinating the efforts of all those who are working on this project. The primary goal is the formation of a complete and responsible environmental impact statement on the project in satisfaction of the National Environmental Policy Act of 1969. In the larger sense, the goal is responsible decisionmaking based on environmental understanding, and balancing the other factors involved.

On March 1, 1972, the Interior Department made an important announcement regarding this work, and released a fact sheet which summarizes the present situation. Because it is a complete official statement with general background included, I would like to bring it to the attention of my colleagues:

> THE TRANS-ALASKA PIPELINE AND THE ENVIRONMENT
>
> The Department of the Interior has taken unusually comprehensive measures to assure that its examination of the Trans-Alaska Pipeline proposal is in consonance with the spirit and intent of the National Environmental Policy Act of 1969 and with specific guidelines promulgated by the Council on Environmental Quality.
>
> On August 29–30, 1969, the Department of the Interior initiated the first of three public hearings on the Pipeline project, four months before the enactment of the National Environmental Policy Act. The initial hearing was held in Fairbanks, Alaska. Subsequent hearings were held, respectively, on February 16–17, 1971, in Washington, D.C., and on February 25–March 1, 1971, in Anchorage, Alaska. A measure of the extent of public participation in the hearings can be gleaned by noting that the February 1971 hearing alone resulted in the production of more than 12,000 pages of testimony and exhibits.
>
> In September 1969 the Department released draft stipulations for the Trans-Alaska Pipeline—which would attach to and condition any permits should the project be approved. They were prepared by an interagency group of Federal/State resource professionals and set forth explicit requirements to minimize environmental damage.
>
> In November 1970, after ten months of meticulous examination of the engineering of the pipeline by an interagency Technical Advisory Board, the Department released a companion set of technical stipulations.
>
> On January 13, 1971, the Department completed and made public a *Draft Environmental Impact Statement for the Trans-Alaska Pipeline* which included, as attachments, both the environmental and technical stipulations. This statement was reviewed by interested Federal agencies, by State and local governments and by the general public.

GATEWAY NORTH

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, it has been almost 10 years now since I first began to champion the preservation of a unique scenic area in the United States, one particularly suited for recreation purposes and ecological studies. I refer to the Indiana Dunes along the shore of Lake Michigan.

This region of the Midwest is not only beautiful, but to quote the Department of the Interior's remarks in 1963:

> The area . . . contains a unique combination of lakefront, dunes, and hinterland that is ideally suited to fulfillment of the recreational and open space needs of the people of this region; moreover, its scenic and scientific attractions would continue to draw people from all parts of our country.

In 1966 the Indiana Dunes National Lakeshore was created by Congress to preserve this region for the educational and recreational use of the people of the Midwest and the entire country.

However, several sections recommended by the Department of the Interior did not survive the legislative process at that time. Accordingly last July I introduced legislation (H.R. 10209) which would remedy those omissions and that would also add certain other areas found to be necessary as buffer areas or areas of special value as scenic river valleys, wetlands, semideveloped shore and dunes lands.

Part of the additions contained in H.R. 10209, and these were not considered before, are in the congressional district of the Honorable RAY MADDEN, my distinguished colleague from Indiana and a cosponsor of this legislation.

Just last week I received from Mayor Hatcher of Gary, Ind., a copy of a letter endorsing this proposal and the extension of the park to the Gary area. His letter was also a tribute to the unique qualities and beauty of the present parkland and the proposed expansion.

Moreover, he lays to rest the argument of opponents who contend that supporters of expanding the National Lakeshore seek to thwart industrial expansion. I quote extensively from his remarks. Mayor Hatcher notes:

> In no way are we opposed to orderly, balanced industrial growth in the Calumet area; quite the contrary. However, no fair assessment of the present situation could deny that heavy industry has taken all the best of it while the people have been virtually dispossessed of their natural heritage. The average Gary citizen receives no clue to make him aware that he lives on the edge of one of the Great Lakes, once ringed with beautiful, wooded sand dunes.

He goes on to say:

> The establishment of the Indiana Dunes National Lakeshore, while of paramount importance, has been a poignant reminder that too little was done too late. But, perhaps not. This bill (H.R. 10209), if passed, would retrieve a significant volume of additional private acreage in the precious remnant of unspoiled duneland in Gary from certain destruction.

Mayor Hatcher adds:

> Not the least of the considerations concerning this bill is that the Indiana Dunes National Lakeshore would incorporate scenically and recreationally valuable lakefront dune area inside Gary.

He concludes by remarking that:

> This city, always at the mercy of fluctuations in the steel industry—witness the present 40% unemployment rate—desperately needs, not only quality park development and preservation of irreplaceable open spaces, but the diversification in its economic base which a national park would certainly produce.

Mr. Speaker, the President has dedicated this administration to bringing "parks to people." I applaud and endorse this concept and I shall be happy to support a Gateway East at the New York Harbor and a Gateway West in San Francisco Bay because I believe in the importance of conserving these areas and making them recreational parks for our people.

There are 10 million people within a 100-mile radius of the Indiana Dunes National Lakeshore and I also want to conserve and preserve this Gateway North for the people in the Midwest and those who journey there from the rest of the United States.

FDA ACCEDES TO LEAD-BASED PAINT BAN

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, I am very pleased to bring to the attention of the House that the Food and Drug Administration has taken affirmative action on a petition submitted by five child health advocates and me to ban paint with more than minute traces of lead from household use.

The children of this Nation are plagued by a devastating yet totally preventable disease: childhood lead poisoning. This dread affliction takes the lives of some 200 children between the ages of 1 and 6 each year. It leaves another 800 permanently institutionalized. All told, some 400,000 youngsters are subjected each year to this crippler and killer of young children.

The real tragedy, however, is that this disease is both totally man made and totally preventable. Its primary cause is the ingestion of lead-tainted paint and plaster fallen from dilapidated housing. The tragic mistake of painting millions of houses with paint containing dangerous levels of lead in the past decades was made in ignorance. With our current knowledge of the health hazards of lead in paint, it would be inexcusable to continue the mistakes of the past and to perpetuate this dreadful disease by failing to eliminate lead-based paint.

Therefore, on August 9, 1971, I was joined by five child health advocates in filing a formal petition with the Food and Drug Administration requesting that agency to ban paint with a lead content in excess of minute traces—0.06 percent lead by weight—from all household uses under the authority of the Hazardous Substances Act. Joining me in this effort were Prof. Joseph Page, associate professor at Georgetown University Law Center; Dr. Edmund O. Rothschild, Memorial Hospital for Cancer and Allied Disease, New York City; Journalist Jack Newfield; and Georgetown University law students Mary Win O'Brien and Anthony Young.

On November 2, 1971, the Food and Drug Administration published our petition in the Federal Register in order to allow interested individuals to submit comments on our proposal. At the same time, however, the FDA published another proposal—initiated by the FDA itself and endorsed by the paint industry—which would merely have required that paint with a lead content in excess of 0.5 percent bear a warning label.

The vast preponderance of medical and scientific testimony supported our petition to ban lead-based paint, pointing out the total insufficiency of both warning labels and a 0.5 percent definitional level.

Fortunately, the Food and Drug Administration was convinced by the evidence submitted on behalf of our petition. And on Friday, March 11, it announced that after December 31, 1972, paint and similar surface coatings can contain no more than 0.5 percent lead and after December 31, 1973, they can contain no more than 0.06 percent lead.

I believe that this decision will go a long way toward safeguarding future generations from a horrid—yet preventable—disease. And it demonstrates that the administrative process can work for consumers when they exert sufficient pressure and submit substantial evidence before a regulatory agency.

At this point in the RECORD I include the text of the FDA regulations as they appeared in the Federal Register of March 11, 1972.

I also include a news article from the March 10, 1972, Washington Evening Star and an article by Victor Cohn which appeared in the Washington Post of March 11. I commend them to the attention of my colleagues.

[From the Federal Register, March 11, 1972]

CLASSIFICATION OF CERTAIN LEAD-CONTAINING PAINTS AND OTHER SIMILAR SURFACE-COATING MATERIALS AS BANNED HAZARDOUS SUBSTANCES

(Part 191—Hazardous substances: Definitions and procedural and interpretative regulations)

In the matter of classifying certain lead-containing paints and other surface-coating materials as banned hazardous substances:

In the FEDERAL REGISTER of November 2, 1971 (36 F.R. 20985), the Commissioner of Food and Drugs published a notice proposing to declare, under section 3(a) of the Federal Hazardous Substances Act, paints and other surface-coating materials containing more than specified levels of lead and other named heavy metals to be hazardous substances (§ 191.5(a) (2)) and to be products requiring special labeling under section 3(b) of the act (§ 191.7(b) (7)). This is referred to below as the Commissioner's proposal.

In the same issue of the FEDERAL REGISTER (36 F.R. 20986), a notice was published on behalf of petitioners Joseph A. Page et al., which proposed that paint for household use containing more than minute traces of lead be classified as a banned hazardous substance pursuant to sections 2(q) (1) (B) and 3(a) (2) of the act. This is referred to below as the Page proposal.

Approximately 200 comments were received from consumers, consumer and public interest groups, the paint and chemical industries, trade associations, physicians, medical schools, professional societies, Federal, State, and local government agencies, and others. The principal comments are as follows:

The American Academy of Pediatrics, relying on published studies with lead and data respecting the maximum daily permissible intake of lead from all sources, recommended that paints containing more than 0.06 percent of lead be banned if intended for use on interior surfaces, toys, or other children's articles. The Academy agreed with the Commissioner that small amounts of lead in paints when considered in conjunction with other sources of lead in the environment constitute a substantial addition to the body burden that can reasonably be avoided and that any unnecessary exposure should be eliminated or minimized. It also stated that the labeling of paint containers would have little effect in preventing lead poisoning and that paint containing 0.5 percent lead will not provide sufficient protection for children 1 to 3 years of age. The Academy stated that it is estimated that approximately 50 percent of these children repetitively ingest nonfood substances and that abdominal X-rays obtained in the diagnostic evaluation of children suspected of having lead poisoning indicate that very large quantities of foreign substances such as paint, putty, and plaster may be ingested, often without the parent's awareness.

The Bureau of Community Environmental Management, Health Services and Mental Health Administration, Department of Health, Education, and Welfare commented that cautionary labeling does not provide adequate protection, that the availability of lead in paint to children should be held to the lowest concentration possible with current technology and consistent with reasonably good manufacturing practices, and that the maximum concentration of lead in paints intended for use on interior surfaces readily available to children should not exceed 0.06 percent.

The Environmental Protection Agency submitted an in-house technical report which concluded that lead in paint in excess of 0.05 percent could constitute a danger to the health of children with pica. They stated that cautionary labeling would be inadequate to protect the public health and safety and recommended that lead-based paint be banned from interstate commerce.

The medical community generally endorsed the Page proposal and supported the recommendation of the American Academy of Pediatrics. Some physicians from medical centers located in large metropolitan areas submitted the results of their own clinical findings and studies which indicate the hazard posed by lead in paint. Other physicians cited studies which indicate that children can accumulate toxic levels of lead over an extended period of time from paints containing 0.5 percent or less lead. Two physicians cited cases of children wtih excessive body burdens of lead which they could attribute only to paint containing less than 1 percent lead. The medical communtiy generally commented that the labeling proposed by the Commissioner would not provide adequate protection because subsequent occupants of dwellings would not know what paints were applied by previous residents and because labeling may be totally disregarded or misinterpreted.

Nearly all comments from consumers, consumer and public interest groups, and Government agencies (other than those discussed above) endorsed the Page proposal. Some stated that the Commissioner's proposal would not provide sufficient protection against interior use of lead paints, while others suggested that lead paints for interior use be banned and that cautionary labeling be required for other lead paints. Comments from the public health departments for the cities of Philadelphia and New York state that the labeling ordinances and regulations of their cities, which are similar to those in the Commissioner's proposal, have been inadequate to protect children. Both the American Public Health Association and the health departments for the State of New York and the county of Los Angeles support the recommendation of the American Academy of Pediatrics. Some comments suggested other maximum levels for lead in paint. For example, the Congressional Black Caucus recommended that all lead from household paints be banned; the Natural Resources

Defense Council and the Department of Public Health of the city of Philadelphia recommended 0.05 percent as a maximum level for lead in paint.

Paint chemical manufacturers and their trade associations generally supported the Commissioner's proposal and opposed the Page proposal. With respect to the Commissioner's proposal, several comments requested clarification of the labeling statement and sufficient time to reformulate and relabel their products. With respect to the Page proposal, many comments stated that the language "minute traces of lead" is vague and nonspecific; that the data relied on by the petitioners and by the American Academy of Pediatrics is based on lead ingestion studies done with lead compounds other than the lead compounds used in paints and coatings; that scientific data or human experience has not proven that paints containing 1 percent lead are hazardous; that lead is used as a dryer and the substitution or other compounds for lead may be hazardous; and that implementation would cause a severe economic hardship because it is not within the existing state-of-the-art of the paint industry to eliminate all lead from all paint. Several comments contended that the statutory procedures for banning have been ignored in the Page proposal in that only after labeling has been proven inadequate can consideration be given to banning. Other comments stated that warning labels are adequate protection because they prevent misapplication of paint products and serve the public interest by allowing useful, needed paint products to remain on the market. Some comments stated that lead is a necessary component of certain products (e.g., certain exterior primers, rust inhibitors, and automobile touchup paint).

A number of paint manufacturers and their trade associations commented that the inclusion of heavy metals other than lead in the Commissioner's proposal is inappropriate. They stated that the toxicity of different forms of these metals has not been established and suggest that action be deferred pending further scientific investigation. Some manufacturers submitted data which they contend shows that certain heavy metal compounds other than lead are not hazardous, while others stated that adequate test methods need to be developed. Another manufacturer stated that certain of these heavy metals are necessary in the manufacture of fire-retardant coatings and warning colors. Only a few other comments were received that expressed an opinion concerning the Commissioner's proposal as it related to other heavy metals, and none of these were supported by scientific data

The Commissioner, having considered the comments and other relevant material, concludes as follows:

Although paints and other surface-coating materials containing lead do not present an imminent hazard to the public health, they must be considered on the basis of cumulative toxicity over extended periods of time and in conjunction with other sources of lead in the environment. Based on the currently available scientific and medical data, regulatory action must be taken to minimize the health hazards to future generations.

The health hazard from lead will not be effectively eliminated by cautionary labeling requirements. The statute does not provide that such labeling must be tried and proven inadequate before a hazardous substance can be banned. Instead, section 2(q)(1)(B) explicitly provides for banning products from interstate commerce on the basis of a specific finding "notwithstanding such cautionary labeling as is or may be required." Cautionary labeling has not been proven effective in eliminating lead poisoning in many cities which presently have such requirements. In any event, the hazard persists long after the product has been separated from its labeling.

The prudent course of action is to reduce, as rapidly as possible, the amount of lead to which children are exposed. The Commissioner agrees that limiting the amount of lead to "minute traces," as set forth in the Page proposal, is not feasible because that phrase is vague and would not provide manufacturers with specific standards, and it could not be effectively enforced by the Food and Drug Administration. In addition, limiting regulatory action only to paint is inadequate to protect the public health and safety because other surface-coating materials containing lead are used in and around the household and are accessible to children.

The preponderance of medical opinion supports a regulation limiting the amount of lead in products intended for interior surfaces and for toys or other children's articles to 0.06 percent because that level will provide a margin of safety. However, such a regulation would not prevent the use of products containing higher amounts of lead on exterior surfaces. These surfaces are generally as accessible to children as interior surfaces, and, as the comments points out, children have been subjected to lead poisoning by ingesting products containing lead that were applied to exterior surfaces. In addition, if products containing lead are available for exterior use, they may be misused for interior surfaces.

The Commissioner recognizes that restrictions placed upon the use of lead may result in economic hardship and in the substitution of other components for use as dryers. The statute makes no exception for economic hardship. Several compounds have been suggested as substitutes for lead. Each manufacturer, prior to marketing consumer products, must take steps to determine that any substitute for lead has been adequately tested for safety and shown to be safe. Any banning order should therefore provide a reasonable time to test substitutes for lead and establish their safety, and at the same time provide adequate protection to the public.

The National Paint and Coatings Association, which represents more than 900 companies, has notified the Commissioner that it anticipates its members can produce by January 1974 interior products not exceeding the 0.06 percent maximum lead level and can produce by January 1975 exterior products not exceeding the 0.06 percent maximum lead level. Some paint and chemical manufacturers have notified the Commissioner that they can reformulate their products to meet the 0.06 percent maximum lead level in a shorter time period. On February 19, 1972, a notice was published in the Federal Register (37 F.R. 3780) requesting that additional information from the industry be submitted by April 7, 1972. If, after considering this information, the Commissioner finds that lead can be eliminated from paints and other surface-coating materials more rapidly than the implementation dates specified in the following order, an appropriate amendment will be made.

Therefore, the Commissioner finds that, notwithstanding such cautionary labeling as is or may be required under the Federal Hazardous Substances Act, the degree or nature of the hazard involved in the presence or use of lead in paints and other surface-coating materials in households is such that the objective of the protection of the public health and safety can be adequately served only by keeping such substances, when so intended or packaged, out of the channels of interstate commerce. Under section 2(q)(1) of the act, this will have the additional effect of banning such products from use on any toy or other article intended for use by children.

Since lead may be a necessary component of products intended for particular uses, as suggested by several comments, the Commissioner is prepared to consider petitions proposing amendment of the regulation. Pursuant to 21 CFR 191.201, petitions showing reasonable grounds will be published in the Federal Register. Consideration will also be given in late 1973 to petitions for extension of the implementation date upon a showing that the public health will not be jeopardized and that technological necessity requires additional time to meet the 0.06 percent maximum lead level.

At this time, further information is required before a final order can be promulgated regarding the use of certain elements, other than lead, in paint and other surface-coating materials. Additional data on the use of these materials will be obtained in response to the Federal Register notice of February 19, 1972 (37 F.R. 3780), and these products will be considered at a later date.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2 (f)(1)(A), (q); 74 Stat. 372, as amended, 80 Stat. 1304–05; 15 U.S.C. 1261 (f)(1)(A), (q)) and the Federal Food, Drug, and Cosmetic Act (sec. 701(e), (f), (g); 52 Stat. 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 371 (e), (f) (g)), and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That Part 191 be amended by adding a new subparagraph (6) to § 191.9(a), as follows:

§ 191.9 Banned hazardous substances.

(a) Under the authority of section 2(q)(1)(B) of the act, the Commissioner declares as banned hazardous substances the following articles because they possess such a degree of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce:

* * * * *

(6) (i) Any paint or other similar surface-coating material intended, or packaged in a form suitable, for use in or around the household that:

(*a*) Is shipped in interstate commerce after December 31, 1973, and contains lead compounds of which the lead content (calculated as the metal) is in excess of 0.06 percent of the total weight of the contained solids or dried paint film; or

(*b*) Is shipped in interstate commerce between December 31, 1972, and December 31, 1973, and contains lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film.

(ii) Any toy or other article intended for use by children that:

(*a*) Is shipped in interstate commerce after December 31, 1973, and bears any paint or other similar surface-coating material containing lead compounds of which the lead content (calculated as the metal) is in excess of 0.06 percent of the total weight of the contained solids or dried paint film; or

(*b*) Is shipped in interstate commerce between December 31, 1972, and December 31, 1973, and bears any paint or other similar surface-coating material containing lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Maryland 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective 45 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 2 (f)(1)(A), (q), 74 Stat. 372, as amended 80 Stat. 1304–05, 15 U.S.C. 1261(f)(1)(A), (q); sec. 701 (e), (f), (g), 52 Stat. 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 371 (e), (f), (gg)

Dated: March 8, 1972.

JAMES D. GRANT,
Deputy Commissioner of Food and Drugs.

[FR Doc. 72–3750 Filed 3–10–72; 12:30 p.m.]

[From the Washington Post, March 11, 1972]

FDA BANS LEAD FROM HOME PAINTS

(By Victor Cohn)

The Food and Drug Administration yesterday ordered lead banned from all household paints starting in 1974.

Responding to years of complaints from inner city residents that young children were getting lead-poisoning from eating peeling paint, FDA Commissioner Charles C. Edwards gave paint-makers until Dec. 31 to cut lead in paints and surface coatings to no more than one-half of 1 per cent.

After Dec. 31, 1973, no such paint may contain more than six-hundredths of a per cent, a trace amount.

Only Friday the country's paint-makers told a Senate health subcommittee that such a limit was "unreasonable" and "unnecessary" for children's health.

Members of the National Paint and Coatings Association, said Executive Secretary Robert Roland, were ready to accept a one-half of one per cent limit—one FDA proposed as recently as Nov. 2.

But since November, Edwards said, the FDA has been convinced by the American Academy of Pediatrics that that level would not protect children one to three years old.

Half of these children "repetitively" eat paint, putty and plaster, often without their parents' knowledge, the medical group claims.

Thirty to 50 percent of District of Columbia babies may be expected to have an undue body burden of lead before school age, a 1971 survey by Georgetown University doctors reported. Damage may range from mild nervous disorders to severe mental retardation.

Inner city children, say health authorities, suffer today from a combination of sources—eating fat chips of old, often pre-World War II heavily leaded paint and breathing air heavy with lead from gasoline.

The new rules will not get at the vast problem of lead from old paints. Many paints contained more than 50 per cent white lead before World War II.

Lead was reduced greatly in more advanced paints in the 1940s. In 1955 the paint industry, spurred by the pediatrics group, agreed to a voluntary limit in interior paints of no more than one percent.

A New York City survey recently found that paints made by 25 of 76 firms did not comply with this limit, however. Some labels even state "safe for cribs and playpens" despite lead content as high as 9 per cent.

In a D.C. survey, 72 of 97 samples contained less than 1 percent lead—but 3 of 58 interior paints contained 5 percent.

New paints as well as old are a poisoning problem. Rep. William F. Ryan (D-N.Y.) has repeatedly cited medical studies showing that children commonly eat paint chips containing lead from several layers. These and up to high lead levels even though there is little lead in single layers.

Ryan and five medical and law specialists and students petitioned FDA in August asking it to ban all lead-based home paints. Congressional Black Caucus members did the same last month.

Now Ryan, Sen. Edward M. Kennedy (D-Mass.) and others are asking for increased federal spending to detect and treat lead poisoning and get old paint removed from apartments.

A Ryan-Kennedy act authorized $30 million for 1971 and 1972, and President Nixon for the first time requested $2 million for fiscal 1972. But Congress appropriated $7.5 million, and none of this sum, Ryan said yesterday, has reached local communities yet.

Ryan and Kennedy ask $50 million as "a bare minimum" for fiscal 1973 in view of more than $30 million in local requests in hand already. The President has budgeted $9.5 million.

The FDA ruling also applies to toys and other painted children's articles. It covers exterior as well as interior paints.

Paint-makers put lead in paint for drying and anti-corrosion qualities and often for color, and thought it safe to use more lead in outside paint. But many house-holders, it has been shown, use exterior paint in interiors.

The Lead Industries Association has supported a bill in Congress that sets the same low lead levels for paint as yesterday's FDA order.

Speaking for the paint industry, however, Roland yesterday called the FDA action "a hastily conceived regulation done for political reasons alone to satisfy Congress." The action will boost paint prices and force small manufacturers out of business, he added, and could eliminate some colors and gloss enamels.

FDA said that since November it examined 200 comments from consumers, doctors, governments, public interest groups and industry. "This demonstrates that the administrative process can work for consumers," said Ryan, "when the consumers put enough pressure and evidence before regulatory agencies, so the agencies can no longer close their eyes."

[From the Washington Star, March 10, 1972]

FDA, SPURRED BY CITIZENS, TOUGHENS LEAD PAINT RULE

The Food and Drug Administration today acceded to the position of a group of citizen petitioners who have battled for more than four months to convince the agency to take strong action aimed at preventing children's deaths from paint-induced lead poisoning.

In disclosing its final regulations on the amount of lead to be allowed in household paint, the FDA almost completely abandoned its earlier position in favor of far more stringent guidelines drafted by the citizen petitioners.

The new regulations specify that "any paint or other similar surface-coating material intended or packaged in a form suitable for use around the household" and shipped in interstate commerce after Dec. 31, 1973, can contain no more than 0.06 percent lead.

MAJOR VICTORY

In 1973, household paint will be allowed to have as much as 0.5 percent lead—the level originally advocated by the FDA as a permanent standard but rejected almost unanimously by the medical profession, other government agencies and consumer organizations.

Until that interim guideline goes into effect at the end of this year, household paint can contain as much as one percent lead and still conform to federal standards.

Adoption of the 0.06 percent or "minimum traces" level as a permanent standard represents a major victory for five citizens who last November banned together to challenge the FDA during the often complex rule-making proceedings which precede the issuance of government regulations.

Sponsors of that successful effort were Rep. William F. Ryan, D-N.Y.; Joseph A. Page, an associate professor at the Georgetown University Law Center; Anthony L. Young and Mary Win O'Brien, both students at Georgetown; Jack Newfield, a New York writer; and Dr. Edmund O. Rothschild, a New York physician.

They were aided by the American Academy of Pediatrics; the Environmental Protection Agency; two units of the Department of Health Education and Welfare; and a number of city, county and state health departments—all of which opposed the FDA's original standard as too lenient to be effective.

Ingestion of flaking household paint with a high lead content is believed to be responsible for the deaths of approximately 200 children each year. An estimated 12,000 to 16,000 other youngsters suffering from paint-induced lead poisoning are treated and survive each year, but about half of them apparently are left mentally retarded.

GRADUAL TIGHTENING

The principal support for the FDA's original position came from the National Paint and Coatings Association, a Washington-based trade association representing the country's paint manufacturers. The major concession given to the industry was the 22-month period during which the standards will be gradually tightened.

On the other hand, the FDA rejected the position of the industry—and its own staff—which would have allowed an exemption from the standards for household paints whose containers include labels warning of the higher-than-acceptable lead content.

"The health hazard from lead will not be affected by cautionary labeling requirements," Dr. Charles C. Edwards, the FDA commissioner, said today.

OPERATION OF INTERIM LICENSING OF CERTAIN THERMOELECTRIC PLANTS NEEDED

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, I am introducing today a bill which would amend the National Environmental Policy Act, by specifying the nature of the environmental impact statement to be filed with respect to certain thermalelectric generating facilities.

In December, 1971, the District Court of the District of Columbia handed down an opinion in the case of Izaak Walton League against Schlesinger, holding that a full statement was required to be filed before a plant could be operated for testing or operation purposes, even though construction on that plant had begun before NEPA had been enacted. That decison, also known as the Quad Cities decision, has created considerable concern in both regulatory and utility circles.

The bill which I introduce today would have the effect of permitting the issuance of operating licenses for steam plants requiring a Federal license, with a somewhat relaxed NEPA procedure for a short period of time. It is intended to provide relief in the narrow set of circumstances in order to allow existing plants to conduct testing activities and to operate in emergencies under environmental safeguards. The exemption which it provides would terminate on July 1, 1973—a point in time after which I have been assured that the regulatory agencies involved can meet their full responsibilities under NEPA.

The bill needs informed criticism and discussion. I am introducing it for that purpose—to see that all parties who may be interested in this issue are given an opportunity to consider the matter and to offer such suggestions as they may feel are appropriate. It is our hope to hold hearings on this bill at an early date, and to see that all views are given full consideration before action is taken.

I hope and expect that the environmental community will give this bill very careful consideration. Responsible members of this group have recognized that the transition from what some have termed "the bad old—environmental—days" to the present is a complicated matter, requiring some adjustment by both sides of most issues. Whether this is such a case, and the extent to which the basic principles of NEPA should be modified is a matter which will occupy the foreground of any consideration of this or other bills with a similar purpose.

What experience we have had with NEPA tells us that the basic purposes of the bill are sound. Agencies within the Government have so indicated to our committee, in oversight hearings on the legislation. It is not our intention to create substantial exceptions to its principles. It is our intention to accommodate these principles to the needs of reality, where it is shown that this must be done.

We solicit the views of any person or group upon this bill, in order that the committee may have before it the full range of considerations which may bear upon its ultimate adoption.

As proposed, the bill reads as follows:

H.R. 13752

A bill to amend the National Environmental Policy Act of 1969 to provide for the interim licensing of the operation of certain thermoelectric generating plants, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 106. (a) Notwithstanding any other provision of this Act, in any proceeding subject to section 102(2) (C) of this Act for the issuance by a Federal agency of a license to operate a thermoelectric generating plant, the Federal agency, if—

"(1) the application for such license was filed with such agency on or before September 9, 1971,

"(2) the application for the permit to construct such plant was filed with such agency on or before January 1, 1970, and

"(3 the statement required under such section 102(2) (C) with respect to the issuing of such license to operate is not completed by such agency as of the effective date of this section.

may issue an interim license to operate such plant.

"(b) Any interim license issued pursuant to this section—

"(1) may authorize the operation of the plant concerned only—

"(A) to the extent necessary to carry out appropriate testing of the plant, and

"(B) to provide emergency power at times, when the system to which it is connected is operating at peak capacity, but in no case may the plant be operated for this purpose beyond 20 per centum of its rated capacity.

"(2) shall state the period of time for which it is effective and may contain provisions for the extension of such period, but in no event may such permit be valid after (A) the date on which the statement required under section 102(2) (C) of this section with respect to the license referred to in subsection (a) (1) of this subsection is completed, or (B) July 1, 1973, whichever first occurs; and

"(3) be subject to such other terms and conditions as the Federal agency deems necessary and appropriate to carry out this section.

"(c) No interim license may be issued pursuant to this section until after the Federal agency consults with the Council on Environmental Quality with respect to the terms and conditions of the license. The issuance of any such interim license shall be consistent with an appropriate regard for environmental values in accordance with such rules and regulations as the agency may deem necessary, and shall be without prejudice to any subsequent licensing action with respect to the plant concerned which may be taken by the agency. No interim license may be issued unless the Federal agency—

"(1) determines that the issuance of the interim license will not have a significant, adverse impact on the quality of the environment; or

"(2) considers and balances—

"(A) whether it is likely that the conduct of the activity under the interim license will give rise to a significant, adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification or termination of the interim license be required;

"(B) whether the conduct of the activity under the interim license should foreclose subsequent adoption of alternatives in facility design or operation; and

"(C) the effect of delay in issuance of the interim license upon the public interest."

PERSONAL ANNOUNCEMENT: MARINE MAMMAL PROTECTION ACT

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, I regret that I was unavoidably absent last week when the House voted to amend and to pass the Marine Mammal Protection Act (H.R. 10420). Had I been present, I would have voted "aye" on roll 70.

When H.R. 10420 came to the floor under suspension of the rules last December, I voted against passage. The bill was simply too weak to merit the designation "protection." It would have permitted the continued slaughter of sea mammals, subject only to the inconvenience of applying for a Federal license to kill.

Fortunately the House refused to pass H.R. 10420 in December, and insisted that it be brought to the floor under a more regular procedure which would allow strengthening amendments to be offered.

When the bill came up the second time, last week, it was amended to provide for a 5-year moratorium on the taking of protected sea mammals. With this strengthening amendment the bill is a more meaningful conservation effort. Although there were other amendments which the House failed to adopt and which would have improved the bill even further, I would have voted in favor of final passage had I been present.

PERSONAL ANNOUNCEMENT

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, I regret that I was unavoidably absent last week when the House voted on the conference report accompanying H.R. 1746, expanding the jurisdiction of the Equal Employment Opportunity Commission and providing the EEOC with enforcement powers.

Had I been present I would have voted "aye" on roll 67. In addition, I would have voted "no" on roll 68, final passage of the bill H.R. 11624 providing additional funds for Transpo '72.

THE LATE CARL WEIDEMAN, EX-CONGRESSMAN AND RETIRED JUDGE

(Mr. NEDZI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. NEDZI. Mr. Speaker, it is my sad duty today to inform the House that Carl M. Weideman, a former Congressman from Michigan's 14th District, a Wayne County circuit judge for 18 years, and a prominent personality in Detroit-area life for nearly half a century, passed away this week at his Grosse Pointe Park home.

Judge Weideman, a big, gregarious man, served one term in the House, being elected to the 73d Congress. I note that our distinguishehd colleague, EMANUEL CELLER, WRIGHT PATMAN, and WILLIAM COLMER, are the only Members of the 92d Congress who served in the 73d Congress.

But it was as a judge that Carl Weideman will be most remembered.

A graduate of the University of Michigan, he served in the U.S. Navy during World War I. After graduation from the Detroit College of Law, he was a trial lawyer in the Detroit area. In 1932 he won election to Congress on the Democratic ticket.

In 1936 he was elected Wayne County circuit court commissioner, a post which dealt with landlord-tenant relations. In 1950, he was appointed circuit court judge by Gov. G. Mennen Williams, one of the first major appointments by the Governor, who was then in his first term.

Judge Weideman, who stood 6 feet 4, was an imposing figure, on the bench and on the speaking circuit, where he was much in demand. He retired from the bench in 1968. But he remained active almost to the end, which came on his 74th birthday.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Pepper (at the request of Mr. Gray), for Monday, March 13, 1972, on account of official business.

Mr. Nelsen (at the request of Mr. Gerald R. Ford), for the remainder of the week, on account of official business.

Mr. Pepper (at the request of Mr. Boggs), for today, on account of official business.

Mr. Jacobs, for March 14, 15, 16 and 17, on account of return to 11th District of Indiana for rest of week.

Mr. Kee (at the request of Mr. McFall), for Monday, March 13, 1972, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Hechler of West Virginia, for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. Hogan) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Halpern, for 5 minutes, today.

Mr. Hammerschmidt, for 1 hour, on Wednesday, March 15.

Mr. Esch, for 5 minutes, today.

Mr. Córdova, for 10 minutes, today.

Mr. Sebelius, for 10 minutes, today.

Mr. Myers, for 60 minutes, on March 28.

(The following Members (at the request of Mr. Runnels) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Aspin, for 10 minutes, today.

EXTENSION OF REMARKS

By uanimous consent, permission to revise and extend remarks was granted to:

Mr. Gross and to include extraneous matter.

(The following Members (at the request of Mr. Hogan) and to include extraneous matter:)

Mr. Halpern in two instances.
Mr. McDade in two instances.
Mr. Hunt.
Mr. Wyman in two instances.
Mr. Grover.
Mr. Derwinski in four instances.
Mr. Goodling.
Mr. Broyhill of Virginia.
Mr. Thomson of Wisconsin.
Mr. Springer.
Mr. Scherle in 10 instances.
Mr. Gude.
Mr. Schmitz.
Mr. Kemp in three instances.
Mr. Bell.
Mr. Hillis.

The following Members (at the request of Mr. Runnels) and to include extraneous material:

Mr. Rostenkowski.
Mr. Annunzio.
Mr. Drinan in four instances.
Mr. Dingell.
Mr. Begich in three instances.
Mr. Carney in three instances.
Mr. Clay in six instances.
Mr. Diggs in two instances.
Mr. Edwards of California in two instances.
Mr. Hagan in three instances.
Mr. Rarick in three instances.
Mr. Rogers in five instances.
Mr. Evins of Tennessee in two instances.
Mr. Waldie in three instances.
Mr. Monagan.
Mr. Fountain.
Mr. Dulski in seven instances.
Mr. Nichols.
Mr. Moss.
Mr. Anderson of California in two instances.
Mr. Van Deerlin in two instances.
Mr. Ichord.
Mr. Fraser in five instances.
Mr. Griffin in two instances.
Mr. Bolling in four instances.
Mr. Rodino.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1746. An act to further promote equal employment opportunities for American workers.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on March 10, 1972, present to the President, for his approval, a bill of the House of the following title:

H.R. 10834. Authorizing the State of Alaska to operate a passenger vessel of foreign registry between ports in Alaska, and between ports in Alaska and ports in the State of Washington, for a limited period of time.

ADJOURNMENT

Mr. RUNNELS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 14, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1724. A letter from the president and national executive director, Girl Scouts of the United States of America, transmitting the 22d annual report of the Girl Scouts, covering the fiscal year ended September 30, 1971, pursuant to section 7 of the act of March 16, 1950, as amended (H. Doc. No. 92–264); to the Committee on the District of Columbia and ordered to be printed with illustrations.

1725. A letter from the Chairman, National Commission on Productivity transmitting his first annual report, covering the period from July 1970, through February 1972, pur-1970, and for other purposes; to the Committee on Banking and Currency.

1726. A letter from the Commissioner of Education, Department of Health, Education, and Welfare, transmitting the final report and recommendations of the President's Commission on School Finance, pursuant to section 809(d) of Public Law 91–230; to the Committee on Education and Labor.

1727. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to facilitate compliance with the treaty between the United States of America and the United Mexican States, signed November 23, 1970, and for other purposes; to the Committee on Foreign Affairs.

1728. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting a draft of proposed legislation to amend section 304, title III of the International Claims Settlement Act of 1949, as amended, to provide for additional claims for payment out of the Italian Claims Fund; to the Committee on Foreign Affairs.

1729. A letter from the Secretary of the Interior, transmitting the annual report on the anthracite mine water control and mine sealing and filling program; to the Committee on Interior and Insular Affairs.

1730. A letter from the Assistant Secretary of the Interior, transmitting a report on the deferment of 1971 and 1972 repayment installments due on a small reclamation projects loan repayment contract with the Roosevelt Irrigation District, Buckeye, Ariz., pursuant to 78 Stat. 584 and 85 Stat. 488; to the Committee on Interior and Insular Affairs.

1731. A letter from the Chairman, U.S. Water Resources Council, transmitting a draft of proposed legislation to amend the Water Resources Planning Act to authorize increased appropriations; to the Committee on Interior and Insular Affairs.

1732. A letter from the Chairman, American Revolution Bicentennial Commission, transmitting summary reports of the meeting of the Commission and the national bicentennial conference held on February 21–23, 1972; to the Committee on the Judiciary.

1733. A letter from the Acting Administrator of General Services, transmitting the 1971 annual report on the status of public building projects authorized for construction and alteration by the Public Buldings Act of 1959, pursuant to 40 U.S.C. 610(a); to the Committee on Public Works.

1734. A letter from the Administrator of Veterans' Affairs, transmiting a draft of proposed legislation to amend title 38, United States Code, to increase the rates of compensation for disabled veterans; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House for March 9, 1972, the following report was filed on March 11, 1972*]

Mr. BLATNIK: Committee on Public Works. H.R. 11896. A bill to amend the Federal Water Pollution Control Act; with an amendment (Rept. No. 92–911). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted March 13, 1972*]

Mr. PATMAN: Committee on Banking and Currency. H.R. 13120. A bill to provide for a modification in the par value of the dollar, and for other purposes. (S. Rept. No. 912). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK:

H.R. 13740. A bill to amend sections 9 and 11 of the Clayton Act, as amended, to provide for the continuance of the family farm and to prevent monopoly, and for other purposes; to the Committee on the Judiciary.

By Mr. ADAMS (for himself, Mr. Burke of Massachusetts, and Mr. Davis of Georgia):

H.R. 13741. A bill to amend the Public Works and Economic Development Act of 1965, as amended, to establish an emergency Federal economic assistance program, to authorize the President to declare areas of the Nation which meet certain economic and employment criteria to be economic disaster areas, and for other purposes; to the Committee on Public Works.

By Mr. ASPIN:

H.R. 13742. A bill to create the position of ombudsman, and for other purposes; to the Committee on House Administration.

By Mr. ASPIN (for himself and Mr. Pepper):

H.R. 13743. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to encourage and assist the use as a crime deterrent of identifying marks made on personal property by electric etching pencils; to the Committee on the Judiciary.

By Mr. BEGICH:

H.R. 13744. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

By Mr. BLANTON:

H.R. 13745. A bill to amend the Internal Revenue Code of 1954 to provide that married individuals who file separate returns shall be taxed at the same income tax rates as unmarried individuals and to provide a special rule in the case of earned income which is community income; to the Committee on Ways and Means.

By Mr. BURTON:

H.R. 13746. A bill to amend the Organic Act of Guam, and for other purposes; to the Committee on Ways and Means.

H.R. 13747. A bill to amend the Internal Revenue Code of 1954 to remove the $5 million limitation on certain amounts available to the Virgin Islands for emergency relief purposes and essential public projects; to the Committee on Ways and Means.

By Mr. CHAPPELL:

H.R. 13748. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 13749. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. CORMAN (for himself and Mr. Begich):

H.R. 13750. A bill to prohibit common carriers in interstate commerce from charging elderly people more than half fare for their transportation during nonpeak periods of travel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN:

H.R. 13751. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of net operating losses of regulated transportation corporations; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 13752. A bill to amend the National Environmental Policy Act of 1969 to provide for the interim licensing of the operation of certain thermoelectric generating plants, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DULSKI (for himself, Mr. Henderson, and Mr. Hogan):

H.R. 13753. A bill to provide equitable wage adjustments for certain prevailing-rate employees of the Government; to the Committee on Post Office and Civil Service.

By Mr. FULTON (for himself, Mr. Blanton, and Mr. Jones of Tennessee):

H.R. 13754. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HAMMERSCHMIDT:

H.R. 13755. A bill to amend title 5 of the United States Code with respect to the observance of Memorial Day and Veterans Day; to the Committee on the Judiciary.

By Mr. LANDRUM:

H.R. 13756. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of net operating losses of regulated transportation corporations; to the Committee on Ways and Means.

By Mr. McFALL (for himself, Mrs. Chisholm, Mr. Matsunaga, Mr. Conyers, and Mr. Miller of California):

H.R. 13757. A bill to amend the Public Works and Economic Development Act of 1965 in order to increase the authorization of appropriations for the fiscal year ending June 30, 1973, for public works and development facilities grants, and to require that a larger percentage of such appropriations be expended in certain redevelopment areas; to the Committee on Public Works.

By Mr. MONAGAN:

H.R. 13758. A bill to amend title 18 of the United States Code to permit certain broadcasts of lottery information; to the Committee on the Judiciary.

By Mr. MORGAN (by request):

H.R. 13759. A bill to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

By Mr. NICHOLS:

H.R. 13760. A bill to amend title 18 of the United States Code to increase the penalty for destruction of aircraft or aircraft facilities; to the Committee on the Judiciary.

By Mr. PETTIS:

H.R. 13761. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of net operating losses of regulated transportation corporations; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 13762. A bill to provide for a refund of all or part of the social security taxes paid by a deceased individual whenever there is no other person who is or could become entitled to benefits on his wage record, if the total of any benefits theretofore paid on such wage record is less than the total of such taxes; to the Committee on Ways and Means.

By Mr. ROBERTS:

H.R. 13763. A bill to authorize and direct the Secretary of the Army to classify project lands at Lake Texoma for sound recreational use; to the Committee on Public Works.

By Mr. SARBANES:

H.R. 13764. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for adoption fees and related costs incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself, Mr. Morgan, Mr. Barrett, Mr. Flood, Mr. Byrne of Pennsylvania, Mr. Clark, Mr. Dent, Mr. Nix, Mr. Moorhead, Mr. Schneebeli, Mr. Whalley, Mr. Green of Pennsylvania, and Mr. Johnson of Pennsylvania):

H.R. 13765. A bill to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton flood protection project"; to the Committee on Public Works.

By Mr. SAYLOR (for himself, Mr. McDade, Mr. Rooney of Pennsylvania, Mr. Goodling, Mr. Vigorito, Mr. Biester, Mr. Eilberg, Mr. Eshleman, Mr. Gaydos, Mr. Williams, Mr. Coughlin, Mr. Yatron, Mr. Ware, and Mr. Heinz):

H.R. 13766. A bill to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton flood protection project"; to the Committee on Public Works.

By Mr. SAYLOR (for himself and Mr. Blatnik):

H.R. 13767. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of "food supplements," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SEBELIUS:

H.R. 13768. A bill to establish policy and principles for planning the use of the water and related land resources of the United States; to the Committee on Interior and Insular Affairs.

By Mr. SHIPLEY:

H.R. 13769. A bill to amend the Internal Revenue Code of 1954 to provide that amounts not in excess of $500 a year received by volunteer firemen shall not be subject to income tax; to the Committee on Ways and Means.

H.R. 13770. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of the income of a retired teacher shall be exempt from income tax; to the Committee on Ways and Means.

By Mr. SIKES (for himself, Mr. Cederberg, Mrs. Hansen of Washington, Mr. Long of Maryland, Mr. McKay, Mr. Patten, and Mr. Talcott):

H.R. 13771. A bill to authorize the military secretaries to determine family housing facilities under their jurisdiction to be inadequate as public quarters and permit their voluntary occupancy by military personnel with dependents at a charge less than the occupant's basic allowance for quarters; to the Committee on Armed Services.

By Mr. SKUBITZ:

H.R. 13772. A bill authorizing the improvement of certain roads in the vicinity of Melvern and Pomona Reservoirs, Osage County, Kans.; to the Committee on Public Works.

By Mr. SLACK:

H.R. 13773. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. STEED:

H.R. 13774. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. UDALL:

H.R. 13775. A bill to amend title 39, United States Code, with respect to the franked mail of Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. VANIK:

H.R. 13776. A bill to repeal the meat quota provisions of Public Law 88–482; to the Committee on Ways and Means.

By Mr. DE LA GARZA:

H.J. Res. 1102. Joint resolution authorizing the Secretary of the Army to cause a survey to be made for flood control and allied purposes, in the vicinity of Alice, Tex.; to the Committee on Public Works.

By Mr. SIKES (for himself, Mr. QUILLEN, Mr. HATHAWAY, Mr. HAGAN, Mr. MIZELL, Mr. HALEY, Mr. GIBBONS, and Mr. CHAPPELL):

H.J. Res. 1103. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. WOLFF:

H.J. Res. 1104. Joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress; to the Committee on the Judiciary.

By Mr. CAREY of New York (for himself, Mr. COLLINS of Illinois, Mr. DAVIS of Georgia, Mr. DONOHUE, Mr. EVINS of Tennessee, Mr. LENT, Mr. MILLER of California, Mr. MURPHY of Illinois, Mr. O'HARA, Mr. NEDZI, Mr. SARBANES, and Mr. WALDIE):

H. Res. 891. Resolution calling for peace in Northern Ireland and the establishment of a united Ireland; to the Committee on Foreign Affairs.

By Mr. PERKINS:

H. Res. 892. Resolution: Request for survey; to the Committee on Public Works.

By Mr. UDALL:

H. Res. 893. Resolution establishing as a standing subcommittee of the Committee on Post Office and Civil Service a Subcommittee on Congressional Mailing Standards; to the Committee on Rules.

By Mr. WOLFF (for himself, Mrs. HICKS of Massachusetts, Mr. DANIELSON, and Mr. COLLINS of Illinois):

H. Res. 894. Resolution expressing the sense of the House of Representatives that the President should suspend, in accordance with section 481 of the Foreign Assistance Act of 1961, economic and military assistance and certain sales to Thailand for its failure to take adequate steps to control the illegal traffic of opium through its borders; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

327. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to adoption of the Griffin amendment concerning school busing; to the Committee on Education and Labor.

328. Also, memorial of the Legislature of the State of Oklahoma, requesting the Congress to propose an amendment to the Constitution of the United States relative to the assignment of students to public schools; to the Committee on the Judiciary.

329. Also, memorial of the Legislature of the State of Washington, relative to the importance of short-haul transportation; to the Committee on the Judiciary.

330. Also, memorial of the Legislature of the State of Washington, relative to commemoration of the settlement of the dispute over the San Juan Islands during 1872; to the Committee on the Judiciary.

331. Also, memorial of the Legislature of the State of Vermont, relative to establishment of a national cemetery in Vermont; to the Committee on Veterans' Affairs.

332. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to establishment of a national cemetery in Massachusetts; to the Committee on Veterans' Affairs.

333. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to Federal assumption of the full cost of veterans' services; to the Committee on Veterans' Affairs.

334. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to expansion of the medicare program and increasing the funding of medical research; to the Committee on Ways and Means.

335. Also, memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to enactment of the Social Security Amendments of 1971; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FORSYTHE:

H.R. 13777. A bill for the relief of Edith I. Miller; to the Committee on the Judiciary.

By Mr. RARICK:

H.R. 13778. A bill for the relief of Anna Yose; to the Committee on the Judiciary.

H.R. 13779. A bill for the relief of Adu Shomazu; to the Committee on the Judiciary.

By Mr. TERRY:

H.R. 13780. A bill to authorize the Administrator of Veterans' Affairs to convey certain property in Canandaigua, N.Y., to Sonnenberg Gardens, a nonprofit, educational corporation; to the Committee on Veterans' Affairs.

By Mr. WYATT:

H.R. 13781. A bill for the relief of Loren Ted Ward, Jr.; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

BYELORUSSIAN INDEPENDENCE DAY

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. HALPERN. Mr. Speaker, Saturday, March 25, is the 54th anniversary of the proclamation of independence of the Byelorussian Democratic Republic. This nation, populated by one of the oldest Slavic peoples, remained free and independent for a short 3-year period before it was overrun by the trampling boots of the Soviet Red army in 1921.

We in the free world should never permit these brave, albeit enslaved, people to think that their plight has been forgotten. Especially at this time of the year when the Byelorussian counterpart to our July Fourth approaches, it is important that we take time out to note this event.

Ever since 1918 when the Byelorussians became an independent nation following the collapse of czarist domination, the tiny nation has been riding a politically rocky road. Its short-lived independence ended with a Soviet promise of greater things but what developed was more than five decades of oppression, degradation, and complete denial of self-determination.

Mr. Speaker, as we look briefly at the history of these valiant people, we in the U.S. Congress should take this opportunity to hope and pray that someday—we hope soon—Byelorussia can once again join with other nations of the world as a free and independent member.

As far back as 1914, V. I. Lenin, founder of modern international communism, held out to subject peoples the promise to uphold "the full right to self-determination of all nations." This line has been followed by his Red disciples who have viewed the aspirations of racial and national groups as convenient tinder for lighting the fires of international revolution—but not as factors to be considered in the treatment by the Soviet Government of the peoples under its own domination.

If the Byelorussian people were given the right of self-determination proclaimed by Lenin, I wonder if they would elect to stay within the Union of Soviet Socialist Republics? There is much evidence indicating that they would not.

The Soviet Republic of Byelorussia is inhabited by some 10 million White Russians, different in many respects from their compatriots in other parts of the Soviet Union. The central government has sought by every means to wipe out the differences in language, culture, and tradition which distinguish these peoples from their fellow citizens.

The Soviet Government argued in 1945 that all the Soviet republics should have seats in the United Nations General Assembly. It succeeded in obtaining seats for both the Ukraine and Byelorussia. If they, themselves maintain that Byelorussia is a truly independent sovereign state—and this is the criterion for a seat, in the U.N. General Assembly—then they should allow Byelorussia to be independent. If Byelorussia is not sovereign and independent—and we all know that it is not—then it should not have a seat in the U.N. General Assembly.

We can hope that the self-determination of peoples will some day become a universal reality—in the Soviet Empire as well as in other parts of the world.

PRICE CONTROLS AND BEEF IMPORT QUOTAS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. TEAGUE of Texas. Mr. Speaker, we have recently seen a rash of complaints about the retail price of beef, and that has led to demands that beef import quotas be set aside with the hope that a flood of foreign beef would suppress the price of retail beef.

The consumer is certainly being led down the primrose path by persons who either do not know or do not care about protecting the consumer position. Live cattle prices are not the cause of high retail beef prices. It was only a few weeks ago that live cattle prices finally reached a price level equivalent to what they were 20 years ago. In all candor, is there any other segment of the economy that has remained level for the past 20 years? Certainly family incomes, industrial wages, profits, and other major indexes have doubled or tripled. The beef producers' costs have risen nearly 100 percent in 20 years. Yet, the structure of live cattle prices remains essentially the same.

Of course, the consumer is paying a higher price for retail beef, but that higher price results from higher processing costs, higher operating expenses on the part of distributors and retailers, higher trucking and transportation fees. In other words, everyone connected with retail beef is collecting a higher portion of the consumer's dollar except the man who raises the beef.

The Texas Southwestern Cattle Raisers Association has furnished an analysis of price controls and beef import quotas which deserves the most serious consideration by anyone honestly interested in protecting the consumer.

Incidentally, Mr. Speaker, the General Accounting Office a short time ago released a report entitled "Better Inspection and Improved Methods of Administration Needed for Foreign Meat Imports." The report showed what we might expect; that is, that we cannot rely on foreign countries to maintain the same high standard of sanitation in the handling of fresh meat products that the American consumer has come to expect and deserve.

A two-pronged attack has been launched in high political places against producers of beef and other raw agricultural products. Loud complaints are being heard on Capitol Hill over the exemption of beef and other raw agricultural products from the price control regulations under phase II of the economic control program.

The position of the Texas and Southwestern Cattle Raisers Association in opposition to artificial price control on beef is well known. The bitter experience of black market operations and the staggering costs of administering rigid price control programs during World War II and the Korean war are very vivid in our memory. Government control of beef prices at any level of production is a highly complex problem because of the multiplicity of grade categories, weight catagories, sex catagories, variables in carcass trim, packaging, volume discounts, and freight differentials. The cost of adequate policing would be prohibitive even if it were possible. Beef prices have not contributed to inflation at any level and the interest of the consumer will be best served by allowing prices at all levels to remain free.

In keeping with the basic economics of the free enterprise system under which beef producers operate, price is the most important stimulant for increased supply. Typical producer response to rapidly rising prices is marked reduction in slaughter of female animals with a corresponding expansion of breeding herds. At the same time, a host of marginal producers inevitably enter the field to take advantage of the improved profit picture.

Both of these reactions to the stimulus of rising prices divert many animals from slaughter to breeding herds. This temporarily reduces existent beef supply until the expanded herds get into full production. The long gestation period characteristic of beef animals and the time required for young herd replacements to reach productive age explains the fact that this supply building phase of the beef cycle might span several years.

Nevertheless, this characteristic buildup of numbers, or potential supply, in response to rising prices is well documented throughout the long history of our industry. Without question, if given freedom of action, these basic economic forces will follow the same pattern today as in the past. Beef supplies will eventually overrun demand, with a decline of prices at all levels of trade.

Strong demands are also being made for substantial increases in meat import quotas. At the same time, there is considerable sentiment for repeal of the Meat Import Act of 1964 which would destroy the machinery established almost a decade ago to share the American beef market with our partners in trade overseas, on a systematic basis with built-in adjustments for fluctuating demand and supply.

Beef import quotas were undersubscribed last year by foreign suppliers and in view of present world beef shortages, there is a strong indication of a similar response to proposed expanded quotas this year. Short run, therefore, any increase in import quotas seems of doubtful value from the consumer standpoint.

Over the long term, sustained heavy reliance on foreign suppliers for American beef requirements will have a depressing effect on livestock prices and producer income, but with little lasting benefit to consumers. Domestic build-up of numbers will be reversed and the secure domestic supply potential will decrease. Beef prices will again trend upward as lower profit potential discourages expanded domestic production, and foreign suppliers become aware of U.S. dependence on their product. At this point, American beef consumers would find themselves heavily dependent on an unpredictable foreign supply of beef at uncertain prices with little control of sanitation or quality of product.

For two decades, beef producers have suffered an extremely long period of low prices entirely out of keeping with the prosperity enjoyed by other Americans during the same period. Only recently have beef and live cattle prices reached their level of 20 years ago while costs of production have been spiraling at a rate of 5 to 7 percent annually.

In summary, beef producers should speak out in opposition to impulsive demands to invoke price controls and abandon import quotas on beef now being proposed as a simple solution to increasing current beef supplies.

Lifting import ceilings in 1972 will have little material effect on retail prices in view of low world beef supplies. Short run, however, such a move will have a very depressing psychological effect on domestic prices of live cattle.

No apology should be made for the slightly improved profit potential now existent in the industry as a result of rising cattle prices during the last 6 months. Profits in beef production still remain far below those enjoyed by other American industries.

Price controls on beef would create havoc in the marketplace and lead inevitably to rationing and black-market operations to the detriment of the consumer. It should be remembered that 1 hour's labor will now buy twice as much beef of far higher quality than 20 years ago.

Finally, reliable figures indicate that numbers of cattle now on feed for slaughter within 6 months are sufficient to increase beef supplies with a steadying influence on prices by late spring.

A FULL EMPLOYMENT ECONOMY—THE GOAL OF THE GUARANTEED EMPLOYMENT ACT OF 1972

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. BADILLO. Mr. Speaker, last week the Nixon administration proudly proclaimed that the unemployment rate had fallen to an official level of 5.7 percent and various spokesmen immediately declared that the economy was on the upswing. If one takes the time to look at the facts, however, you soon realize that the administration is simply engaging in meaningless rhetoric and is only paying the numbers game. The cruel fact is that we are still very much experiencing a critical unemployment situation.

Aside from the fact that the actual number of unemployed persons was unchanged from January to February, the Labor Department announcement fails to tell the whole story. Consider those discouraged persons—an estimated 780,000—who have forsaken looking for jobs which do not exist. You must also take into account those men and women—estimated at more than two and a half million by the Bureau of Labor Statistics—who are currently working only part time but are anxious to secure full-time employment. It quickly becomes apparent, therefore, that the actual unemployment rate approaches a staggering 10 percent.

Unfortunately, the administration has failed to come to grips with the unemployment crisis or to take any effective approaches to expanding employment opportunities. Also, it is clear that the private sector is unable to generate sufficient number of jobs to even begin matching the jobless, not to mention the underemployed and unskilled. The only logical answer, then, is for the Congress to take the initiative in responding to this disastrous situation and to assume the leadership in beginning to resolve the problems of unemployment.

However, we must neither assume there is an acceptable level of unemployment nor take piecemeal approaches to the problem. We must firmly declare that the United States accept as a national policy the goal of attaining full employment and guaranteeing a job to every man and woman who is seeking work. We must then follow this commitment up with prompt and positive efforts to create public service jobs for the unemployed and underemployed, to provide job training and guidance for the unskilled and semiskilled and to match workers with available jobs by furnishing relocation assistance and related financial aid.

On March 1, in a speech before this body, I announced my intention to introduce legislation to establish a program to assist States and local communities in providing needed public services and to furnish work to all unemployed and underemployed persons. On Tuesday of this week I introduced the Guaranteed Employment Act of 1972, H.R. 13620. This measure provides that any person unable to find work in the private sector will be guaranteed a job in a municipal, county, State or Federal agency.

Testifying on comprehensive manpower legislation before the Select Subcommittee on Labor last week I discussed my proposal to guarantee work for the unemployed with a view toward achieving full employment and, at the same time, accomplishing significant savings in funds now being devoted to welfare payments and unemployment compensation—not to mention added revenues from the ability of the formerly unemployed to pay taxes and secure increased buying power. I must say that I was most encouraged by the reception I received from members of the subcommittee, particularly from our distinguished colleague from Oregon (Mrs. GREEN), who commented that my approach is the key to a lot of our problems.

I intend to circulate a "Dear Colleague" letter soliciting our colleagues' support and cosponsorship of this legislation. In order that our colleagues may familiarize themselves with it, I present herewith, for inclusion in the RECORD, the full text of H.R. 13620, the Guaranteed Employment Act of 1972. I will appreciate the comments of our colleagues on this measure and, particularly, will welcome their cosponsorship when I contact their offices:

H.R. 13620

A bill to assure opportunities for employment to unemployed and underemployed persons, to assist States and local communities in providing needed public services, to provide job training and guidance when necessary, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Guaranteed Employment Act of 1972".

STATEMENT OF PURPOSES

SEC. 2. The Congress finds and declares that—

(1) the right to employment is a basic human right and it is incumbent upon the Federal Government to provide every American who wants work with a job;

(2) to attain the objective of the Employment Act of 1946 "to promote maximum employment, production, and purchasing power" it is necessary to assure an opportunity for a gainful, productive job to every American who seeks work and furnish the education, training, and job placement assistance needed by any person to qualify for employment consistent with his highest potential and capability;

(3) the United States has the capacity to provide every American who is able and willing to work, full opportunity, within the framework of a free society, to prepare himself for and to obtain employment at the highest level of productivity, responsibility, and remuneration within the limits of his abilities;

(4) the growth of the Nation's economic prosperity and productive capacity is limited by the lack of sufficient skilled workers to perform the demanding production, service, and supervisory tasks necessary to the full realization of economic abundance for all in an increasingly technical society, while, at the same time, there are many workers who are working below their capacity and who, with appropriate education and training could capably perform jobs requiring a higher degree of skill, judgment, and attention;

(5) the placement of unemployed or underemployed workers in private employment is hampered by the absence of a sufficient number of appropriate employment opportunities;

(6) there are great unfilled public needs in such fields as health, community improvement, education, transportation, public safety, recreation, environmental quality, conservation, and other fields of human betterment and public improvement, which can be met by expansion of public sector employment opportunities providing meaningful jobs for unemployed and underemployed persons, including those who have become unemployed as a result of shifts in the pattern of Federal expenditures;

(7) economic prosperity and stability in the United States and the well-being and happiness of its citizens will be enhanced by the establishment of a comprehensive full employment program designed to assure every American an opportunity for gainful employment; and

(8) it is therefore the national policy of the United States to attain full employment and guaranteed jobs for all.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor;

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(3) "city" means an incorporated municipality, or other political subdivision of a State, having general governmental powers.

AUTHORIZED APPROPRIATIONS

SEC. 4. (a) For the purposes of carrying out this Act there are authorized to be appropriated such funds as may be necessary.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated, shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

ALLOCATION OF FUNDS

SEC. 5. (a) Sums appropriated pursuant to this Act for any fiscal year shall be allocated in the following manner:

(1) Not less than 80 per centum shall be apportioned by the Secretary among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each State bears to such total numbers, respectively, in the United States.

(2) The remainder shall be available as the Secretary deems appropriate to carry out the purposes of this Act.

(b) The amount apportioned to each State under clause (1) of subsection (a) shall be apportioned among areas within each such State in an equitable manner taking into consideration the proportion which the total number of unemployed persons in each such area bears to such total numbers, respectively, in the State. To the maximum extent appropriate, apportioned funds for each such area shall be expended through approved applications submitted by prime sponsors.

(c) The Secretary is authorized to make reallocations for such purposes under this Act as he deems appropriate of the unobligated amount of any apportionment under subsections (a)(1) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a)(1) or (b), and no revision in the apportionments of the funds not so reallocated shall be made because of such reallocations.

(d) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(1) and (b) of this section.

FINANCIAL ASSISTANCE

SEC. 6. The Secretary shall enter into arrangements with eligible applicants in accordance with the provisions of this Act in order to make financial assistance available for the purpose of providing employment for unemployed and underemployed persons in jobs providing needed public services.

ELIGIBLE APPLICANTS

SEC. 7. Financial assistance under this Act may be provided by the Secretary only pursuant to applications submitted by eligible applicants who shall be—

(1) public agencies and institutions of the Federal Government;

(2) public agencies and institutions of States and cities; and

(3) Indian tribes and any private nonprofit agencies and institutions approved by the Secretary for the purpose of this Act.

ELIGIBLE PARTICIPANTS

SEC. 8. Eligibility for participation in any program under this Act shall be determined in accordance with the provisions of this Act authorizing such program; and persons who or persons heading families who receive benefits under title IV of the Social Security Act, or food stamps or surplus commodities under the Agricultural Act of 1949 and the Food Stamp Act of 1964, shall be included among individuals eligible to participate in programs assisted under the provisions of this Act.

APPLICATION

SEC. 9. (a) Financial assistance under this Act may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this Act. Any such application shall set forth a public service employment program designed to provide employment and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, for unemployed and underemployed persons in such fields as health care, public safety, education, transportation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvement, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(b) If, within ninety days of the effective date of this Act, the Secretary has not received an approvable application with respect to any area, he may formulate and carry out programs under this Act for such area.

(c) An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) a description of the methods to be used to recruit, select, and orient eligible participants, including specific eligibility, criteria, and programs to prepare the participants for their job responsibilities;

(4) a description of unmet public service needs and a statement of priorities among such needs;

(5) description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(6) the wages or salaries to be paid participants and a comparison with the prevailing wages in the area for similar work;

(7) the education, training, and supportive services (including employment location, counseling, medical care, family planning and relocation assistance for the employee and his family) which complement the work performed;

(8) the planning for and training of supervisory personnel in working with participants;

(9) a description of career opportunities and job advancement potentialities for participants;

(10) appropriate arrangements with community action agencies, and, to the extent appropriate, with other community-based organizations serving the poverty community, for their participation in the conduct of programs for which financial assistance is provided under this title;

(11) an indication of the full participation and maximum cooperation among local public officials, area residents, and representatives of private organizations in the development of the program and a description of their respective roles in the conduct and administration of the program; and

(12) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 10. An application, or modification or amendment thereof, for financial assistance under this Act may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this Act;

(2) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the Secretary; and

(3) an opportunity has been provided to officials of appropriate cities to submit comments with respect to the application to the Secretary.

SPECIAL CONDITIONS

SEC. 11. (a) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program will result in an increase in employment opportunities over those which would otherwise be available and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), and will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(2) persons employed in a public service job under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended, if section 6(a) (1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay in the same labor market area for persons employed in similar public occupations;

(3) all persons employed in a public service job under this Act will be assured of workman's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(4) the provisions of section 2(a) (3) of Public Law 89–286 shall apply to such agreements;

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants; and

(6) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(c) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

ADDITIONAL LIMITATIONS AND CONDITIONS

SEC. 12. (a) Any amounts received under chapters 11, 13, 31, 34, and 35 of title 38, United States Code, by any veteran of any war, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this Act, shall not be considered for purposes of determining the needs or qualifications of participants in programs under this Act.

(b) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the effectiveness of all programs. Such data shall include, but be not necessarily limited to, information on—

(1) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in previous training and employment situations, if any;

(3) total dollar cost per person, including breakdown between salary or stipend, supportive services, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

(c) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, sex, national origin, political affiliation, physical disability, or beliefs.

(d) The Secretary shall not provide financial assistance for any program under this Act which involves partisan political activities; and neither the program, the funds provided therefor, or personnel employed therein, shall be, in any way or to any extent, engaged in the conduct of partisan political activities in contravention of chapter 15 of title 5, United States Code.

(e) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

ADMINISTRATIVE PROVISIONS

SEC. 13. (a) The Secretary may prescribe such rules, regulations, guidelines, and other published interpretations or orders under this Act as he deems necessary. Such rules, guidelines, regulations, and other published interpretations or orders may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968.

(b) The Secretary may make such grants, contracts, or agreements, establish such procedures, and make such payments, in installments and in advance, or by way of reimbursement, or otherwise allocate and expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

(c) The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to accept in the name of the Department, and employ and dispose of in furtherance of the purposes of this Act, or any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

(d) The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to accept voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

(e) The Secretary is authorized to accept and utilize in carrying out the provisions of this Act funds appropriated to carry out other provisions of Federal law if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

(f) In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivisions without reimbursement.

(g) The Secretary is authorized, in carrying out his functions under this Act, to expend funds without regard to any other law or regulations for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him only when necessary to fulfill the purposes of this Act and subject to prior written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority and the reasons and justification for the exercise of such authority.

LABOR MARKET INFORMATION AND COMPUTERIZED JOB BANK

SEC. 14. (a) The Secretary shall develop a comprehensive system of labor market information on a National, State, local, or other appropriate basis, including but not limited to information regarding—

(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

(2) job opportunities and skill requirements;

(3) labor supply in various skills;

(4) occupational outlook and employment trends in various occupations; and

(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends.

(b) The Secretary shall develop and establish a computerized job bank program for the purpose of—

(1) identifying sources of available manpower supply and job vacancies;

(2) providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities on a national, State, local, or other appropriate basis;

(3) referring and placing such persons in jobs;

(4) providing necessary financial assistance to aid such persons in locating suitable housing and in meeting incidental expenses associated with relocation; and

(5) distributing and assuring the prompt and ready availability of information concerning manpower needs and resources to employers, employees, public and private job placement agencies, and other interested individuals and agencies.

Maximum effective use shall be made of electronic data processing and telecommunications systems in the development and administration of the program.

(c) For the purpose of carrying out the program established in subsection (b), the Secretary is authorized to make grants to State or local agencies for the planning and administration of the program, including the purchase or other acquisition of necessary equipment. The Secretary may conduct the program on a regional or interstate basis either directly or through grants, contracts, or other arrangements with public or private agencies and organizations. He may also conduct the program when he finds that a State or local program will not adequately serve the purposes of this part. The Secretary may require that any information concerning manpower resources or job vacancies utilized in the operation of job-bank programs financed under this section be furnished to him at his request. He may, in addition, require the integration of any information concerning job vacancies or applicants into a job-bank system assisted under this section.

(d) To assure the effectiveness of the program provided for in this section, the Secretary shall develop an early warning system and standby capability that will assure a timely and adequate response to economic dislocations arising from changing markets, rapid technological change, plant shutdowns, or business failure.

(e) Information collected under this section shall be developed and made available in a timely fashion to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act, the Manpower Development and Training Act, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

ADVANCE FUNDING

SEC. 15. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the current fiscal year and one for the succeeding fiscal year.

TRANSFER OF FUNDS

SEC. 16. Funds appropriated under the authority of this Act may be transferred, with the approval of the Director of the Office of Management and Budget, between departments and agencies of the Federal Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

MINIMUM WAGE STANDARDS

SEC. 17. (a) All persons employed in programs assisted under this Act shall be classified at the same city, State, Federal, or other appropriate civil service pay level as persons currently performing similar work in the locality, and shall receive the same benefits and emoluments afforded those covered by applicable civil service systems in the same labor market. Where this subsection and subsection (b) both apply to any person, that subsection which is more favorable to him shall be deemed to be the only one applicable.

(b) All laborers and mechanics employed in any construction, alteration, or repair, including painting or decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a-5). All others shall be paid at a rate not less than the then prevailing Federal minimum wage. The Secretary shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

COOPERATION OF OTHER AGENCIES

SEC. 18. Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to provide such services and facilities as he may request for his assistance in the performance of his functions under this Act.

(b) The Secretary shall carry out his responsibilities under this Act through the utilization, to the extent appropriate, of all possible resources for skill development available in industry, labor, public and private educational and training institutions, State, Federal, and local agencies, and other appropriate public and private organizations and facilities, with their consent.

ADVISORY COMMITTEE

SEC. 19. (a) The Secretary shall appoint an Advisory Committee on Public Service Employment which shall consist of at least thirteen but not more than seventeen members and shall be composed of persons representative of labor, management, agriculture, education, economic opportunity programs, as well as representative of the unemployed. From the members appointed to such Committee, the Secretary shall appoint a Chairman. Members shall be appointed for terms of three years except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. Such committee shall hold not less than two meetings during each calendar year. Members shall be appointed within ninety days of the effective date of this Act.

(b) The Advisory Committee shall—

(1) review the administration and operation of all programs under this Act and advise the Secretary of Labor and other appropriate officials as to carrying out their duties under this Act;

(2) conduct independent evaluations of programs carried out under this Act and publish and distribute the results thereof; and

(3) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of such programs as are authorized under this Act.

(c) The Advisory Committee shall make an annual report, and such other reports as it deems necessary and appropriate, on its findings, recommendations, and activities to the Secretary and to the Congress.

(d) The Advisory Committee may accept and employ or dispose of gifts or bequests, either for carrying out specific programs or for its general activities or for such responsibilities as it may be assigned in furtherance of subsection (b) of this section.

(e) Appointed members of the Advisory Committee shall be paid compensation at a rate not to exceed the per diem equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, when engaged in the work of the Advisory Committee, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(f) The Advisory Committee is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions; to obtain the services of such full-time professional, technical, and clerical personnel as may be required in the performance of its duties, and to contract for such assistance as may be necessary.

(g) For the purposes of this section, funds may be reserved from the sums appropriated to carry out this Act, as directed by the Director of the Office of Management and Budget.

STATE AND LOCAL ADVISORY COMMITTEES

Sec. 20. For the purpose of formulating and implementing programs under this Act, the Secretary may, where appropriate, assist in the establishment of representative advisory committees on a community, State, and regional basis.

REPORTS

Sec. 21. (a) The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to manpower requirements, resources and use, and his recommendations for the forthcoming fiscal year, and the President shall transmit to the Congress within sixty days after the beginning of each regular session a report pertaining to manpower requirements, resources, and use.

(b) The Secretary shall transmit at least annually as part of the report required under this section a detailed report setting forth the activities conducted under this Act.

INTERSTATE AGREEMENTS

Sec. 22. In the event that compliance with provisions of this Act requires cooperation or agreements between States, the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

EFFECTIVE DATE

Sec. 23. The effective date of this Act shall be July 1, 1972. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment of this Act.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

ABORTION AND PERSONAL CONSCIENCE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. HOGAN. Mr. Speaker, many abortion proponents argue along these lines: "To legally regulate abortion is to legislate morality. It is wrong and impossible to legislate morality. Therefore we should not have laws against abortion."

If we were to grant that incredible argument, then we should logically be expected to eliminate our laws against, for instance, theft or murder. I am certain none of us would accept such a course.

The question of public morality and personal conscience is considered by Mary Kay Williams in the fourth in a series of articles written for the N.C. News Service, and I now insert the article into the Record:

Abortion and Personal Conscience

(By Mary Kay Williams)

If you are against easy abortion laws, you're not alone. Almost 80 percent of Americans agree with you. This was the conclusion reached by Dr. Judith Blake, internationally respected social scientist and chairman of the Department of Demography at the University of California.

Dr. Blake's analysis is probably the most sophisticated piece of research on how Americans feel about abortion. Although she personally favors abortion, Dr. Blake had the courage to publish data contrary to her feelings.

If so many people are against easy abortion, why isn't there more opposition to it? The answer might be partially contained in this all-too familiar comment: "I don't want to impose my morality on anybody else."

While this comment may sound like acceptable liberal pluralism, a necessary distinction must be made. And that is: to know the difference between personal morality and public morality. This point was a key consideration by Michigan's Lt. Gov. James H. Brickley as he explained why he recently reversed his pro-abortion position.

Discussing the state's authority to "legislate morals," Brickley said: "The state should not legislate in the field of 'private morals,' a violation of which would not affect the rights of others. For instance, it is not a crime simply to tell a lie. It may be personally immoral, but it does not affect another person. It is a crime, however, to tell a lie—perjury for instance—that damages another person."

Abortion not only damages another's life, it destroys it. Abortion forfeits the very basic right to life from which all other rights proceed. Without question, it is a moral issue—both deeply personal and highly public. Highly public because there are two parties involved, the mother and the fetus.

To deny the fetus this status is to deny all of what modern medical science has been saying about the child's development in the womb—evidence which should make the fetus more protectable than ever before. Drawn from the disciplines of biology, genetics, fetology, and perinatology, this evidence affirms that:

1. The fetus is different from the parent organism.
2. Fetal life is independent.
3. The fetus is largely in charge of the pregnancy, and the mother is a passive carrier.
4. The fetus is treated as a separate patient by obstetricians.

That there is *more than one patient* expands the question of abortions from the area of private morals into the area of public morals. A noted Methodist theologian, Dr. Paul Ramsey of Princeton, observes that physicians have a "lively knowledge" of these facts of fetal development and subsequently they "know the grounds for believing that there is more than one patient in cases of abortion."

There will be those who will agree that abortion is a public moral issue. But then they will say that the state has no business legislating in the area of morality anyway. This is a failure to recognize that there is a moral basis for most of law.

Consider the laws against theft, burglary and homicide. Or the recent massive program of school desegregation enforced by the federal courts. These are issues of public morality and justice no more or less than the issue of abortion. It would be absurd for the state to allow segregation, or murder, or theft on the grounds of "not wanting to impose morality on anybody else."

Those who would acknowledge the unborn should not be timid or embarrassed to speak on the moral implications of abortion, to use what science and law and medicine have to say about human life, to be unrelenting, clever and energetic in exposing the arguments for abortion for what they really are.

And if this energy is enlightened by the kind of charity St. Paul talks about—that has "no limit to (its) forebearance, to its trust, its hope, its power to endure"—then it's possible that we may see more than just a victory for the unborn.

GIRL SCOUTS COMMEMORATE 60TH ANNIVERSARY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. GUDE. Mr. Speaker, March 12, 1972, marks the 60th anniversary of the Girl Scouts of America. I am pleased to be sponsoring the resolution commending the Girl Scouts on this great occasion.

Girl Scouts were established in the United States by Juliet Low primarily as a social organization for the girls to broaden the scope of their acquaintances. However, Girl Scouting has come a long way from this original goal. The social aspect has been expanded to include knowledge of foreign cultures through international exchange programs. Its programs aim at instilling in the girls a sense of patriotism, responsibility and resourcefulness.

A most commendable goal of Girl Scouting is to make the girls aware of their environment and to encourage them to work for a better quality of life in America. The girls learn to appreciate nature and to care for the land. Camping increases this appreciation for the outdoors.

Here in the Washington area, including the excellent troops in my own district, there are 57,000 Girl Scouts and 12,000 adult volunteers. In addition to the vast educational opportunities available to them in the area, the C. & O. Canal National Historical Park, Rock Creek

Park, and various Girl Scout camps provide outdoor recreation and opportunities to learn firsthand about nature.

Girl Scouting molds young primary schoolers into responsible, resourceful, adaptable and aware citizens. By developing these qualities, Girl Scouting provides an invaluable services to our communities and to our way of life.

Again, I wish to commend the Girl Scouts on this occasion for their excellent service to America and to extend to them every good wish for a successful future.

GUIDELINES NEEDED FOR CLEARCUTTING

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. FRASER. Mr. Speaker, Al McConagha wrote in the March 5 and March 7 editions of the Minneapolis Tribune of the administration's cancellation of a proposed Executive order limiting clearcutting in national forests. Clearcutting is a method of logging in which all trees in a given area are cut at one time.

During last Monday's hearings before the Senate Agriculture Appropriations Subcommittee, Senator McGEE raised the issue of whether the administration had abandoned its decision to issue guidelines for clearcutting, because of pressure from the timber industry. I urge Members to support the legislation currently before this House calling for an investigation by an independent, interdisciplinary commission of the practice of clearcutting on public lands.

The articles follow:

SENATE GROUPS TO CONSIDER DISPUTES OVER U.S. FORESTS

(By Al McConagha)

WASHINGTON, D.C.—The Senate this week takes up a bitter dispute over management of the nation's forests and the result of this manifold investigation may affect these woodlands for generations.

The Senate Agriculture Appropriations Subcommittee Monday will cross-examine the administration on its cancellation of a proposed executive order limiting the practice of clearcutting in national forests.

On Tuesday another Senate appropriations subcommittee will hear from embattled Forest Service officials on their increasingly controversial stewardship of 97 million acres of forest owned by the nation, which are zoned for commercial cutting.

A Senate interior subcommittee begins hearings Friday on two measures that represent, in large part, a test between timber interests and their critics over the regulation of logging in national forests.

The President's advisory panel on timber and the environment will also meet in Washington this week to consider its own recommendations on federal timber-harvest policies.

Frederick Seaton, secretary of interior during the Eisenhower administration, is chairman of the presidential panel that will report in July on its study of national forest management.

On March 17 the Senate Public Lands Subcommittee will meet once more in closed session in an attempt to reach agreement on a proposed report critical of clearcutting on federal forestlands.

Clearcutting triggered the current unprecedented and highly emotional struggle over timber management. It is a procedure that involves cutting down every stick of wood standing in a given area.

Conservationists have used clearcutting of large tracts in Montana's Bitterroot National Forest, West Virginia's Monongahela National Forest and several Wyoming woodlands as emotive fuel in the timber fight.

The timber industry argues that the bulldozing of these areas is the most economically efficient means of harvesting the trees and that clearcutting aids high-productivity reforestation.

Some species of top commercial value, such as Douglas fir, will not regenerate well in the shade of other trees and this necessitates clearcutting, foresters contend.

In general, timber men claim clearcutting is required to meet the nation's home-building needs and to hold down prices on lumber, plywood, pulp and paper.

Clearcutting critics reply that its aid to reforestation is not proven and that in some cases it destroys soil productivity. They add that the practice causes unsightliness and damages recreation and watershed values.

Wilderness enthusiasts also are fearful that their efforts to enlarge the million acres now set aside as federal wilderness will be defeated as the industry moves into unprotected virgin stands.

The most recent chapter in the clearcutting controversy occurred in January when the administration, after talking to loggers, backed down on a proposed executive order to limit the practice.

The measure would have prohibited clearcutting in national forests in areas of scenic beauty, in places where soil erosion may result or where the forest may not regenerate properly.

Sen. Gale McGee, D-Wyo., is head of the subcommittee that will quiz Agriculture Secretary Earl Butz (the Forest Service is in the Agriculture Department) on Monday about action on the executive order.

McGee is also author of a bill that would ban clearcutting on federal land for two years while a commission studies the procedure and makes a recommendation to Congress.

Action on this proposal is not expected this year but hearings begin Friday on two competing comprehensive forestry bills: The American Forestry Act and the Forest Lands and Restoration Act.

The former is proposed by Sen. Mark Hatfield, R-Ore., and has the general backing of the wood-products industry. The measure would use timber sales to fund reforestation, timber production and environmental improvements.

The Sierra Club leads the opposition to this bill. The group contends that the proposal lacks definition of sound forest management and that the Forest Service will be under pressure to sell timber to obtain more money.

The second bill is sponsored by Sen. Lee Metcalf, D-Mont. emphasizing environmental protection and such uses as recreation, the measure provides a more detailed and restrictive program of regulation.

The Metcalf proposal permits clearcutting only if it can be demonstrated to be a "sound forest practice." The Hatfield bill makes no mention of any position on clearcutting.

Timber industry spokesmen claim that the Metcalf bill unreasonably curbs cutting on private lands and would also seriously limit the harvest in national forests.

Even those observers who are pessimistic about the chances of either bill in Congress this year believe that that the debate hardly help but influence Forest Service attitudes.

The service, which administers national forests, is increasingly ambivalent about clearcutting. While defending the practice, it admits it has made mistakes and says new guidelines are being developed.

BUTZ DEFENDS HIS DECISION NOT TO LIMIT TIMBER CLEARCUTTING

(By Al McConagha)

WASHINGTON, D.C.—Agriculture Secretary Earl Butz in a heated hearing Monday defended the NIXON administration's abandonment of a proposal to limit clear-cutting in national forests.

In response to repeated questioning by Sen. Gale McGee, D-Wyo., Butz also elaborated on why he consulted only timber industry representatives before making the decision affecting public forests.

Butz, who administers the multiple-use, sustained-yield act governing national forests, said he opposed the proposal because it would impede private logging in the public forests.

"My primary concern was the Forest Service and the timber harvest," Butz said. He added that restriction of logging would reduce the lumber supply, raise prices and inhibit the administration's housing program.

The proposed limit on clear-cutting would also impose administrative burdens on the Forest Service, generate lawsuits and otherwise delay timber cutting by a "factor of several months," Butz continued.

In December the President's Council on Environmental Quality formulated, after discussion with timber and conservation groups, an executive order limiting clear-cutting in federal forests.

Clear-cutting involves clearing an area of all trees without respect to their commercial value. A bulldozer is usually employed in at least one stage of this operation, which has been in wide use since 1964.

Logging companies defend the procedure on grounds of efficiency. They contend, particularly, that it aids in the reforestation of such sun-dependent, high-value species as Douglas fir.

Opponents of the practice claim soil productivity is often destroyed. They add that clear-cutting also is unsightly and damages recreational, wilderness and watershed functions of the forest.

The proposed order would have prohibited clear-cutting in areas of scenic beauty, where soil erosion may occur or where damage to soil productivity may result.

Butz insisted the decision not to go ahead with the executive order was made jointly by him. Interior Secretary Rogers Morton and Russell Train, chairman of the Council on Environmental Quality.

"I think we were heading toward a compromise order until pressure from this body became too intense," Butz said of Congress as McGee raised the issue of "cave-in" to timber interests.

The administration announced in January that the proposal would be shelved after two meetings between Butz and timber firm representatives who vigorously opposed the measure.

Butz said that he met only with loggers because he needed their "input" about timber supply and prices. Other groups had already had a chance to talk to the Council on Environmental Quality, he said.

McGee, chairman of the appropriations subcommittee holding the hearing, contended the council had taken views from all parties to the issue before producing the proposed executive order.

McGee, who is author of a bill calling for a two-year moratorium on clear-cutting in federal forests, added that Butz's argument would be more effective if lumber firms were not exporting five-billion board feet annually.

Repeated misuse of clear-cutting by the Forest Service and logging companies suggests that the American people have the right to some assurances on the issue, McGee said.

Butz countered that the industry and the Forest Service got the environmental protection "message loud and clear" and that substantial improvements have been made in their performance.

DR. FRANCIS J. O'NEILL RETIRES

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. GROVER. Mr. Speaker, the news of the retirement of Dr. Francis J. O'Neill, one of our Nation's foremost institutional psychiatrists, prompts me to bring to the attention of the Congress some facts about him written recently in Newsday by Bob Keeler:

ISLIP DIRECTOR SAW PSYCHIATRY MATURE

(By Bob Keeler)

In the 38 years since Dr. Francis J. O'Neill first came to work at Central Islip State Hospital, institutional psychiatry has leaped from the era of the strait-jacket to the age of the pill.

"To me, this has been a very interesting time to be in institutional psychiatry," he said. "The greatest changes in psychiatry that ever occurred took place during my professional career."

O'Neill is retiring on March 28. His successor will probably be named today or tomorrow, a spokesman for the Department of Mental Hygiene said last night.

CAME DURING THE DEPRESSION

O'Neill, 64, came to Central Islip during the depression at the suggestion of a medical school classmate, after he found he could not make a living as a doctor in Burlington, Vt. Except for five years in the Navy during World War II and brief stints at two other state hospitals, he has spent all of his professional career at Central Islip. He has been director since 1951.

"It was a very frustrating experience at that time," he said of his early days at Central Islip, when he worked as a medical doctor, not a psychiatrist. "There was practically nothing you could do to change the course of mental illness. Care was almost exclusively custodial. We had no way of changing the path of their behavior. We were only able to give them good medical care." Because of the violence of some of the patients, "there was a great deal of restraint used in the early days. We had nothing but sedatives, and even that didn't work with some of them."

FEWER PATIENTS, SHORTER STAYS

There were about 7,000 patients at the hospital then, O'Neill said, and the average stay was measured in months or years. At its peak, in 1955, Central Islip had 10,078 inpatients. But now the population is down to 4,100, and the mean length of stay is 42 days.

What turned things around was the discovery, in 1954, of psychotropic drugs, chemicals that have beneficial effects on the course of various mental illness. Since the 1955 peak, O'Neill said, "There has been a steady decline in our population. I predict that within a few years, it will get down to about 1,000 to 1,500." O'Neill said that the shortening of the hospital stay was of major importance, because a "prolonged hospital stay has a dehumanizing effect, even under the best of conditions."

While this hospital reflected the changes in institutional psychiatry as a whole, O'Neill said, it spearheaded some changes of its own. "This hospital has led the country in the development of treatment for alcoholics who are not brain damaged or psychotic. The program has been copied throughout New York State and the United States. Another area we pioneered in our sheltered workshop program, which we began in 1957. This was the first in a public mental hospital in America. The sheltered workshop and the alcoholic treatment program I take great personal pride in," he said.

MORE THAN A CAREER

For O'Neill, his work at the hospital has been more than just a career. It has been a problem in the raising of his four children while living on the hospital grounds. ("Your children get isolated from other kids.") It has been a relationship with the surrounding community, which grew up around the hospital. ("I've never known of a case when there was any serious trouble between this hospital and the community." In fact, the community honored O'Neill by naming an elementary school in the Central Islip School District for him.) And it has been a source of friendship, including "many, many close friends among the patients." One of the patients, a professional golfer who was an alcoholic, taught Mrs. O'Neill to golf. "He couldn't teach me," O'Neill said. O'Neill's wife is now a low handicap shooter, and he classifies himself as "a duffer."

Next month, O'Neill will retire and start on his new career as a forensic psychiatrist. His boss, Commissioner Alan Miller of the State Department of Mental Hygiene, said of O'Neill: "I think if you were to take a poll of his fellow directors across the country, he would rank among the top 10 in their esteem." Miller's own assessment: "a skillful administrator" and "a very decent man."

To this article may I add my good wishes to a brilliant, compassionate, dedicated doctor who has done more good for his fellowman in his lifetime than most of us can hope to.

CWO RICHARD E. "SPIKE" KELLY OF YOUNGSTOWN, OHIO, RETIRES FROM THE U.S. NAVAL RESERVES

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. CARNEY. Mr. Speaker, recently CWO Richard E. "Spike" Kelly, U.S. Naval Reserves, was honored at retirement ceremonies at the U.S. Naval Training Center in Youngstown. Chief Warrant Officer Kelly is retiring after 35 years of distinguished service in the Navy and Naval Reserves.

Chief Warrant Officer Kelly enlisted in the U.S. Navy on February 1, 1929. He was discharged in 1935 after serving aboard ships including the U.S.S. *Holland*, U.S.S. *Seagull*, and the flagship of the U.S. fleet, the U.S.S. *Pennsylvania*. He reenlisted in 1941 and served aboard the U.S.S. *Griffin* and later was attached to the Far East Command. He also served aboard the U.S.S. *Neshanic* and U.S.S. *Olkawaha*.

In 1946, Kelly resigned his regular commission and returned to Youngstown where he was one of the organizers of the Naval Reserve Training Center. He was also a member of the first unit to occupy the facility in 1947. Since that time he has continuously served in various other Naval Reserve assignments. At the time of his retirement Chief Warrant Officer Kelly was training officer of the Military Sealift Command for the tri-county area. He is currently chief auditor in the city income tax department and is a graduate of Youngstown State University.

Approximately 60 friends and relatives attended the hour-long ceremonies in which Kelly was commended by both military and governmental leaders. State Senator Harry Meshel and State Representative John McCarthy presented a joint resolution of the Ohio General Assembly citing Kelly's achievements. Commissioner Thomas Barrett presented a Mahoning County resolution honoring the long-time Naval Reserve officer. Robert McGowan, assistant finance director of the city, and Councilman William Bryant represented Mayor Hunter.

Comdr. James Lynton, Naval Reserve group commander, presented a certificate of appreciation from President Nixon. Lt. Michael Glynn, commanding officer, presented a letter of commendation and a certificate of Naval Reserve service for Kelly's contributions to the center. Comdr. Edward Everett, U.S. Naval Reserve, and former commanding officer of the Military Sealift Command in the area, outlined some of Kelly's accomplishments in the Youngstown Naval Reserve program.

Mr. Speaker, I commend Chief Warrant Officer Kelly for his long and dedicated service to our country. I also extend best wishes to him and his charming wife, Teresa, for many happy, healthy years in retirement.

WELFARE CHEATERS AND THE REST OF US

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. BOLLING. Mr. Speaker, there are some interesting analogies in the following article on "Welfare Cheaters and the Rest of Us," by Meg Greenfield, deputy editorial page editor of the Washington Post. The article, which appeared in the Outlook section of March 12, follows:

WELFARE CHEATERS AND THE REST OF US

(By Meg Greenfield)

Tax laws contained loopholes big enough for 112 Americans with incomes of more than $200,000 to pay no federal income taxes in 1970, according to preliminary information from the Department of the Treasury.

Blue Shield, the health insurance plan that pays doctors bills for nearly half the residents of Washington, forced physicians here last year to pay back about $50,000 in what Blue Shield said were inflated charges. . . .

Nearly half the farms in Kern County [Calif.], the third wealthiest agricultural county in the nation, rejuggled their ownership arrangements to avoid the $55,000 limitation on cotton subsidy payments enacted by Congress last year.

Sen. William Proxmire (D-Wis.), citing expert testimony, [said that the] public pays $4.3 billion a year for assorted "tax favors" to the petroleum industry, plus $5 billion for oil import quotas, for a total of $9.3 billion.

In my fantasy we are having lunch at an expensive Washington restaurant. My guest is an old friend—a lawyer, perhaps, who worked for the government under a previous administration and is now a consultant or counselor (which is to say, a lobbyist) for one of the big oil companies. Actually, it may be premature to call him my guest, since it is not yet clear which of us will pick up the check, only that the meal and drinks will go on one of our expense accounts and ultimately be split with Uncle Sam.

When I permit the fantasy to become elaborate, I see my friend going directly from the restaurant to an airport, where he boards a waiting company plane. Guided by subsidized naviagtion and instrument services, he takes off for a combined business and pleasure trip, all of which will be accounted a business expense on his income tax return. Sometimes I cast the pleasure part of his journey as a day's stopover with a cherished, aging uncle on a farm in the South who is living on government payments for cotton crops that he and his "partners" (family) are not growing. The only constant in this picture is that somewhere between the deductible artichoke and the written-off veal marengo, we talk about welfare cheating. We say how terrible it is.

The point of this exercise is not to set up some "you're another" justification of welfare cheating. Hanky panky down on the farm or at an ostentatiously appointed table for two does not make welfare hanky panky any more acceptable. And the broad range of more and less fraudulent activities that go by the generic name of "welfare cheating" are real, quite costly to the taxpaying public and—where deliberate fraud is involved—reprehensible. The poinit is that in relation to equally real, costly and reprehensible finagling of government funds that goes on at every other level of our society, welfare cheating seems to have acquired a grip on the national imagination all out of proportion to its place in the scheme of things. It can evidently enrage as few other forms of treasury raid can. Indeed, people seem not just willing but positively eager to believe that fraud accounts for most of the nation's welfare disbursements. And although it is true that just about all of us work part of our day—or at least pay part of our taxes—to support numerous of the undeserving rich along with numerous of the undeserving poor (and to do so far more handsomely), it is a strange fact that we seem to resent such outlays to the poor far more.

The resentment begins, as such things often do, with a rather murky and misleading idea of what we even mean by "welfare cheating" and what is known about its character and extent. For example, it seems to be widely assumed that what politicians and others have in mind when they deplore welfare cheating is extensive, deliberate fraud. This would encompass falsifying eligibility information, say, or setting up several separate "accounts" to get extra benefits or doing similar things that would be the equivalent of a taxpayer's deliberately failing to report income or inventing false exemptions, as distinct from his merely working the loopholes and ambiguities of the tax laws to his advantage. Yet most of those who have bent their attention to the welfare cheating problem tend to agree that deliberate falsification of fraud accounts for a comparatively small part of the outlays considered questionable of illegitimate. California Gov. Ronald Reagan himself, not exactly known for his permissiveness on the subject, told U.S. News & Report last year that so far as welfare work incentive programs in his state were concerned, for example, "we're caught up with a legal kind of cheating on this." He explained: "It isn't cheating in the technical sense, because it's all legal and above board under the existing federal regulations."

Welfare experts, who might not share Gov. Reagan's perception of which programs and regulations lead to a "legal kind of cheating" when exploited to the full, nonetheless seem to agree that much of what is commonly discussed under the rubric of "welfare cheating," in fact represents adroit manipulation of the legal rules—more or less in the manner of a Kern County farmer's rearranging the technical ownership of his land to increase his subsidy payment, or a taxpayer's seizing what opportunities he can in the preparation of a return. Moreover, welfare department accounting procedures are often so sloppy, and the maze of bureaucratic and statutory arrangements under which benefits are currently granted is so complex, that it is probably a wonder that more advantage is not taken of the rules.

That this situation obtains was highlighted in a recently published HEW study of errors in welfare disbursements. The survey showed that the percentage of recipients receiving either overpayments or payments to which they were not entitled at all—"welfare cheating"—was far higher than many defenders of welfare programs had wanted to suppose. But the findings also went a long way to discredit the popular notion that such payments were pretty much the result of dissembling and subterfuge on the part of poor black families receiving aid under the AFDC program. Put simply, the findings were these: that almost equal percentages of AFDC families and Adult Category recipients (the aged, blind and disabled) were receiving benefits for which they were wholly ineligible (5.6 per cent of the first, 4.9 per cent of the second); that almost 25 per cent of eligible AFDC families and 12 per cent of eligible Adult recipients were receiving either overpayments or underpayments, the eligible AFDC families being overpaid and underpaid at twice the rate of the eligible Adults (15 per cent to 8 per cent for overpayment, 10 per cent to 5 per cent for underpayment); and that of the errors traceable to recipients in both programs, a very small percentage had yielded evidence thus far of intention to defraud.

As testimony to the deficient procedures under which federal, state and local governments disburse welfare funds, there was the further finding that more than half the accounting errors that resulted in these mispayments originated with the welfare agencies themselves, not with the recipients. Thus in the controversial AFDC program, where roughly 30 out of every 100 families were being mispaid (five ineligible altogether, 15 receiving more than they should and 10 receiving less), 15 of these families would have been responsiblie for the error themselves, while the other 15 would have been receiving wrong payment that was a result of welfare agency error. Balancing underpayments against both overpayments and payments to wholly ineligible recipients, and projecting its findings to cover recipients not included in the 41-state survey, HEW accepted an estimate of $500 million as the annual net amount of overpayment to welfare recipients under the principal federal welfare programs. The money represented combined federal, state and local funds.

Half a billion misspent public dollars. It is an awful lot of money to dish out by mistake, even by mostly honest mistake—even by mostly honest mistake more or less split between agency and recipient. Never mind: Let us make it worse. Let us first put the most sinister construction we can on the data at hand. We will, for example, suppose that—contrary to HEW's findings—all 15 per cent of the AFDC recipients who were responsible for accounting errors made errors in their own favor. We will also suspend the notion of "honest error," conceding instead at least a strong possibility that each of these recipients was attempting to defraud the public purse. And, flying further in the face of the HEW findings, we will leave the Adult categories out of it altogether, pretending instead that the suspect AFDC recipients were responsible for the entire financial loss. Having done this much, let us now double both the sums and the percentages involved. That way, for purposes of argument, we will be talking not about $500 million in net overpayment, but a full $1 billion, not about 15 per cent of AFDC recipients who were responsible for errors that led to a part of this loss, but 30 per cent of AFDC recipients on whom we wish to blame the whole thing.

There are a couple of good reasons to alter the data this way, to make the findings twice as alarming. First, we cover ourselves against slippage (these things have a way of turning out to be worse than early evidence indicates). Second—and perhaps more important—only by so distorting the evidence at hand can we begin to bring "welfare cheating" data into the realm of relevant comparison. For if a full 30 per cent of AFDC recipients (not 15 per cent) were known to be responsible for errors in payment, and if all these (not some) were responsible for errors made in their own behalf, and if each and every one was therefore open to at least a strong suspicion of trying to shortchange the government, we would approach among AFDC recipients the moral and proportional equivalent of the one-third of the nation's personal income-tax payers who, according to tax expert Joseph Pechman, annually underreport or fail to report their income. With our full $1 billion loss, however, we would still fall $3 billion short of a monetary equivalent. For the year 1968, Pechman's figures indicate an estimated $30 billion in underreported personal taxable income, at an estimated loss to the government of $6 billion—only $2 billion of which was ultimately recovered by the IRS. None of this takes into account tax loophole work, or what Gov. Reagan, in the welfare context, has called the "legal kind of cheating."

The object of such comparisons is not to minimize or dismiss the high cost of welfare overpayments or the built-in failings of a statutory and administrative structure that permits many recipients to work the program to unfair advantage. Rather, it is to put what we commonly think of as welfare cheating into perspective, to fix it in a reasonable relationship with comparable forms of activity. When you view the problem of welfare cheating in this framework, it is, I think, quite natural to wonder at the disproportionate ho'd it has on our capacity for indignation and to marvel at the intensity and self-righteousness of our response. For that response is characterized, first of all, by the nearly universal acceptance of a double standard of judgment, one that seems to be as unconscious as it is convenient. Members of Congress, for instance, who accommodate all manner of personal corner-cutting (and worse) where campaign contributions, lobbying quid pro quo's, junketing and the rest are concerned, apparently see no irony in their moral outrage on this subject—just as Gov. Reagan, who managed to pay no state income tax whatever for 1970, seems comfortable discussing the burden that "a legal kind of cheating" by welfare recipients imposes on the rest of us.

Beyond this thoughtless, almost touching, sanctimony, there is the vengeful and ultimately self-defeating character of much of what we recommend by way of remedy. Both sentiments seem firmly grounded in resistance to evidence that what we regard as welfare cheating is (1) not indulged in exclusively by poor black people, (2) not indulged in by anything like a majority of those receiving benefits generally and (3) not dramatically different in either kind or degree from other forms of angle-working.

Consider some percentages. Along with the highly suspect AFDC recipients, the relatively cherished and respected recipients of aid to the aged, blind and disabled (Sen. Thurmond, for instance, has set these apart as "deserving" recipients) logged in around 5 per cent total ineligibility for benefits received. Is it possible that they are no better and no worse than their AFDC counterparts? And is it possible that the estimated 2½ per cent of ineligible recipients in both these programs who initiated the payments to which they were not entitled are more or less on a par with the estimated 3 per cent of area dentists, physicians and non-physician specialists who, according to the president of Washington Blue Shield, were involved in a recent fee-inflation episode and obliged to repay Blue Shield funds to which they were not entitled? Is it possible that there is some percentage of a given population—whether welfare beneficiaries or area practitioners or Kern County farmers or personal income-tax payers—that represents a usual moral and/or accounting lapse rate? A local Blue Cross official described the practitioners' errors as having proceeded from what he termed "misunderstanding or fraud or in between." A Kern County farmer observed philosophically of those working the subsidy program to unfair advantage, "This is what people have been doing for years. It's human nature." Is it possible, then, that any or all of this applies equally to erring welfare recipients?

Maybe it is not possible. Maybe further evidence will demonstrate that welfare recipients are, in far larger proportions, guilty of intentionally abusing the system. But it is curious that so many of us insist on assuming this essential difference despite what the data on welfare cheating thus far shows and despite the fact that none of us finds it hard to believe that the majority of doctors or farmers or income-tax payers as a group are abiding fairly by the rules.

That we persist in generalizing from the particular where welfare cheating is concerned, and that we have—relative to the size of other "doles"—such an extravagant resentment of the revenue forked out, suggests that it may not be "welfare cheaters," but welfare recipients as a class that we object to. It suggests that perhaps we do not accept the equity or legitimacy of the principle of public assistance to the poor at all, that we in fact regard *all of welfare* as "cheating." Only such a presumption can explain the oddities of our behavior. Even at a time of 6 per cent unemployment, for instance, people incline easily to the view that welfare recipients must be predominantly loafers and connivers and should somehow be made to pay the rest of us back—and not just in money either, but in ways that carry, at least subliminally, overtones of punishment and humiliation.

Whether our leaders share in this attitude or are merely catering to what they consider an insatiable public appetite, their statements on the topic tend to reinforce, the idea that we wish to exact something beyond financial compensation from those populating the public assistance rolls. Mr. Nixon, for example, has quite rightly insisted upon job and job-training programs as an essential part of any welfare reform. This could (and should) be viewed as a practical and hopeful commitment to ending the welfare recipient's condition of dependency, a commitment to the idea that welfare recipients do not relish or seek out that condition any more than the rest of us would. So dignity, respect and a better break are all latent in the concept. Yet Mr. Nixon seems incapable of conceding them. In discussing the subject last spring, for example, he did not, as he might have, allude to the possibilities of employment as hospital orderlies or in other medical service jobs that have their more and less attractive features. Rather he saw fit to wax enthusiastic specifically about how "emptying bedpans" might quality as appropriate and dignified labor for welfare recipients—pointing out that in his own family this onerous chore had at one time been undertaken.

There is more at issue here than a simple failure to distinguish between the moral drawn from a personal hard-luck story and a presidential suggestion relating to the prospective employment of a whole class of depressed people in whom we are seeking to instill some hope. What brought the image to mind in the first place? What particular mindset compels us invariably to dredge up from our own or others' experience the most singularly disagreeable labors we can think of as examples of the kind of work for which welfare recipients might be fit? How is it that when a successful businessman has bilked the IRS of a hefty debt in some grey area of the law, we do not insist that he pay it all back by emptying bedpans (in perpetuity, if required), but rather agree to a negotiation with IRS for some part of what he owes, forgiving the rest. Or try to fix this image in your mind: the directors of the Penn Central Railroad, picking up trash on pointed sticks along Fifth Avenue by way of compensating the public for having recklessly driven a valuable public resource into bankruptcy and dependency on the public "dole." The image is repulsive, is it not? Does it not have more to do with punishment than recompense?

One answer might be that, monetarily speaking, the analogy is absurd because such labors on the part of prosperous businessmen would do nothing to mitigate the costs of the public of their king-sized misadventures and that—at any rate—the public interest is better served by trying to keep them and their enterprises afloat than by yielding to our desire to retaliate. But the argument would be more effective if it did not also apply to many of those welfare recipients from whom we are seeking retribution. For more than imagery is involved in our apparent desire to punish. Indeed, some jurisdictions have been seeking to impose "crackdowns" that could actually be very costly to the state and at the same time render affected recipients even more dependent, even more cut off from the circumstances under which they might function normally in community life both as workers and as householders. In California and elsewhere, for instance, it has been proposed that regulations be established severely limiting to a few hundred dollars worth of goods the amount of personal property a person might own and yet qualify for benefits. The fact that such regulations would produce at most a minor treasury gain and that the inspection and appraisal apparatus to bring it off would be extremely costly as bureaucracies go, has not seemed to deter enthusiasts of the idea. Nor has the fact that much of the personal and household goods confiscated and/or sold off would in time probably have to be provided the recipients in some other form by the state. For this evidently is an attempt to render justice by reduction, by disabling the recipient of public assistance and enhancing his dependence on the state if necessary to do . . . to do what? To prove a point! It is relevant, I think, to recall in this connection that in the same quarters where such a wholesale disposal of welfare recipients' assets was being urged, it was well understood why Lockheed—to take a case—ought not be required to dispose of its assets last summer to avoid going broke, why it might be in the public interest to give Lockheed financial aid—no matter who was more responsible for its predicament, the company or the government that fed it business. The completion of defense projects was seen to be in the larger public interest. So was Lockheed's capacity as an employer. People can see, then, the wisdom and urgency of forgoing any desire for retribution in relation to a company that, with help, can provide much-needed employment (a social good). Why should it be so difficult to take the same logical step in relation to a welfare recipient's employability, his capacity and incentive to live and work normally in the community of which he is a part? Surely that would be also in the public interest, equally a social good.

The answer, I think, has something to do with our perspective on the poor and especially on poor blacks. Their burdens seem less burdensome, their advantages (given or taken) more expensive. We, as a society, became much more exercised over the horror of random terrorist bombings when those bombings left the setting of Negro homes and churches in the South and came North in the form of anti-war, anti-establishment violence. And through years of amiable acquiescence in the knowledge that superior athletes and off-spring of prominent alumni got first crack at college admissions, although they might be intellectually fit, we did not register outraged complaints about what this might do to the academic standards of our places of higher learning. That came only with the issue of "open enrollment" and the effort to assist not wholly qualified, but wholly eager, black students in entering and completing college. One forbears imagining what the national political response would have been had it been such a student—rather than a University of Texas football star—who allowed in public a few years back that, truth to tell, he "couldn't read a lick."

Just so, we seem to approach the question of welfare cheating with a probity and a sense of loss and a desire to punish that are wholly out of phase with our complaisance in relation to cheating ("legal" and otherwise) that is at least as reprehensible and immensely more expensive. Two-and-a-half per cent, 3 per cent, 5 per cent, 15 per cent—the data could eventually be disproved, of course, but for now you would think that we would be able to deplore the genuinely costly drain of welfare cheating on the public purse and yet do so in the context of that rather apt remark of Hemingway to Scott Fitzgerald concerning the rich. The poor, in this case, seem to be different from the rest of us primarily in that they have less money.

SAVE YOUR VISION WEEK

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. NICHOLS. Mr. Speaker, the President has proclaimed the week of March 5–11 as "Save Your Vision Week". This is an annual event designed to bring attention to bear on the need for preservation and enhancement of functional vision.

The professional eye care practitioners of the Nation—the optometrists and ophthalmologists—bear a great deal of responsibility for providing those services necessary for early detection and subsequent correction of visual problems, as well as providing the public with information about the precious gift of sight. Americans of all ages owe a great debt of gratitude to these professionals for the services they provide, and for their support, encouragement, and participation in vision research and scientific advancement.

I am especially proud that the citizens of Alabama have done their part in the advancement of visual science in Alabama. In 1969, the University of Alabama at Birmingham, opened its doors to its first group of students in the new UAB College of Optometry. Enrollment today consists tof 24 first-year students, 14 second year students, and seven third-year students in the 4-year professional course.

The University of Alabama School of Optometry is unique in many ways. One outstanding feature of this fine new facility is its integration with the physical facilities and general curriculum of the great UAB school of medicine. Although providing health education in two separate fields, these schools have discovered methods of sharing certain physical plant facilities, making maximum use of available faculty to teach basic courses applicable to both students of optometry and students of medicine. This has resulted in a higher-quality program for both types of students, who also benefit from the cross-pollination of interdisciplinary cooperation. Equally important is the fact that administrative and other economies have been made possible, permitting favorable tuition fees and a better break for the students as well as for the taxpayers insofar as the university is supported by State funds.

We are understandably proud of the University of Alabama at Birmingham and its excellent new school of optometry. It has alread earned a position of prominence among the 12 optometric teaching institutions in the United States, by virtue of the innovative approaches employed there and the outstanding faculty and administration personnel assembled.

It is appropriate that we focus attention on the University of Alabama at Birmingham School of Optometry during this annual observance of Save Your Vision Week. This special occasion was first introduced to the citizens of our Nation in 1937 by the American Optometric Association, the national federation of State Optomertic organizations which speaks as one voice for over 20,000 optometrists licsensed to practice in the 50 States and the District of Columbia.

I hope each of my colleagues in the House of Representatives and all those who read the Congressional Record will join me in responding to the President's proclamation in which he stated:

> I urge all Americans to learn more about their eyes and the symptoms of vision problems, and to take the steps necessary to assure for themselves and their families a lifetime of useful vision.

BUSING AND EQUALITY

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. DRINAN. Mr. Speaker, I have received the following statement of policy of the Massachusetts Board of Rabbis, representing rabbis of all branches of the Jewish community throughout Massachusetts, with respect to the use of busing in connection with public education. I fully endorse this precise and eloquent statement of this issue, and wish to bring it to the attention of my colleagues.

Massachusetts Board of Rabbis,
Boston, Mass., March 3, 1972.

Hon. Robert F. Drinan,
509 Cannon Building,
Washington, D.C.

Dear Congressman Drinan: The Massachusetts Board of Rabbis representing rabbis of all branches of the Jewish Community in our Commonwealth, opposes efforts in our Congress that would set back all progress over the last two decades toward integration in education and expanded opportunity for all Americans. These regressive efforts are being done under the guise of "anti-busing amendments". These efforts are damaging in the extreme to the cause of desegregation in American public schools. We believe that these "anti-busing" efforts are really anti-civil rights amendments. We urge you, therefore, to do whatever you can to defeat these efforts, many of which are themselves of dubious constitutionality, and all of which would contribute to a poisoning of the educational, racial and social atmosphere in the United States at this very crucial time.

Sincerely yours,

Rabbi Ephraim Bennett,
President.

Rabbi Judea B. Miller,
Social Action Chairman.

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LABOR'S OPPOSITION TO WAGE FREEZE AND ECONOMIC CONTROLS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. BADILLO. Mr. Speaker, earlier this year Mr. Sol Silverman, president of Local 140, Bedding, Curtain and Drapery Workers Union, AFL-CIO wrote a very perceptive article for his local's newsletter on the wage freeze imposed by President Nixon and the efforts of our colleagues, Bella Abzug and William F. Ryan, to soften the blow of the freeze. I believe Mr. Silverman makes some very valid observations and I certainly concur in the praise he has for Mrs. Abzug and Mr. Ryan.

I am pleased to share this article with our colleagues and present it herewith for inclusion in the Record:

Nixon's Wage Freeze

(By Sol Silverman)

The lesson that all workers in America must learn about how closely all of our lives are affected economically by who is elected to the Congress and Senate in this country was never more clearly proven than during the recent legislative battles concerning continuation of the wage freeze. A resounding "thank you" is owed by all of us to Congresswoman Bella Abzug and Congressman William Ryan among others.

In the last issue of the 140 Bulletin, you will recall that a picture appeared of Congresswoman Abzug, along with quotations from the debate in Congress in which she pointed out the necessity for not placing obstacles in the way of the working poor and those among the working population who earn a substandard wage. You will also recall Congresswoman Abzug's clear statement about the necessity to halt the expenditure of huge sums of moneys to continue the war in Indo-China to the neglect and detriment of all the problems that remain unsolved and unattended to here at home.

Another leader in the congressional battle to soften the blow of Nixon's wage freeze against those who already are the most exploited in the working population in America should be noted. Congressman William Ryan organized a group of 25 co-sponsors for a bill which would exclude from any wage controls those whose earnings could be considered sub-standard and, therefore, among the working poor. This bill was voted on by the House Currency and Banking Committee. When the bill was voted on by the Committee it was carried 29-0, with two abstentions.

To Congressman William Ryan's credit, in the final version of the bill signed by President Nixon on December 22nd, it is significant that much of the language contained in Congressman Ryan's bill is contained in the bill which now governs the wage freeze.

The House bill provided that the wage freeze shall not apply to individuals whose wages are sub-standard or to the working poor. The Senate bill contains similar language, except that the term "working poor" was not included. Moreover, the Senate bill defines sub-standard as the poverty level by the Office of Management and Budget. The conferees (between the House and Senate committees) agreed to the House provision. Congress chose the House bill. That's the law!

The President, the cost of living Council and the Pay Board cannot interfere with wage increases to workers who earn less than the figure of $6,960.00 in the greater New York City area after making adjustments for the cost of living changes.

We, in Local 140, while continuing our position of wholehearted opposition to any wage freeze, are gratified at least to know that those among the American workers who already suffer most and are denied most, will at least not be subject to any of the restrictive measures in the wage freeze bill.

Certainly, without the intervention and participation and dedication of representatives in Congress like Bella Abzug and William Ryan this would not have been accomplished. Certainly, without the opposition of Local 140 and many other local unions and some International unions throughout the country, the final version of the wage freeze would have been much worse.

As we approach the political battles of 1972, let the message be clear: What the American workers need in Congress are more people like Bella Abzug, William Ryan, Herman Badillo, Shirley Chisholm and many, many more.

It should also be noted that the final version of the bill signed into Law on December 22nd by President Nixon states that contribution by employers to pension funds and Group Insurance funds are completely excluded.

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*Deceased.

And, lastly, let it be noted that the final version signed into law on December 22nd makes it possible, in the opinion of Local 140 and our attorneys, that every single economic improvement contained in every single one of our contracts must be given to our members effective on the date contained in the contracts that these economic improvements became due. We mean to get this money and intend to leave no stone unturned to see to it that it is obtained by our members.

Again, let us be clear that as bad as the final version of the bill signed by President Nixon is, it would have been immeasurably worse had it not been for the conscientious and tireless work of those Congressmen and Senators best exemplified by Bella Abzug and William Ryan.

AUTO MECHANICS LICENSING

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. HALPERN. Mr. Speaker, there are literally millions of American consumers who are tricked each year into paying hundreds of dollars extra for auto repairs which are either unneeded, or never even made. My bill, H.R. 6277, is designed to eliminate this high incidence of outright fraud by offering Federal grants-in-aid to those States which agree to develop mechanics licensing procedures.

H.R. 6277 would assist the States in establishing an auto mechanics licensing procedure and training program to develop skilled mechanics. It is an important first step to protect the driving public and one which has received substantial nationwide support.

It provides that States would:

First, assume responsibility for mechanics licensing procedures and examinations with the following minimum requirements:

All who wish to be practicing mechanics in the State would be required to take a mandatory examination to assure uniform qualifying standards;

Existing mechanics would have two opportunities to pass the examination, with a provision that applicants who fail would receive training for a requalifying test within 1 year; and

A minimum of 3 years training would be required for all mechanics, with the exception that practicing mechanics with 3 or more years of experience may take the qualifying exam without training.

Second, establish apprenticeship and training programs to develop skilled mechanics and to qualify applicants for the licensing examination.

Third, require advanced training for licensed mechanics as part of their ongoing training to keep abreast of modern automotive design and technological changes.

Fourth, provide procedures for consumer complaints before a grievance board representing both mechanics and the public.

Fifth, discipline licensed mechanics determined to be incompetent, provide for civil and criminal penalties, and prosecute any mechanic operating without a license. The bill would also provide that the Federal Government would:

Finance a portion of the State's licensing program.

Withhold up to 10 percent of a State's highway funds if it fails to develop such a program in 3 years.

Approve each State's licensing and training programs.

Provide funds only to States with federally approved auto inspection programs.

I would like to introduce into the RECORD today an excellent paper written by a student in North Carolina named Lyn Hughes. This study points to the urgent need for some kind of control over auto repair practices, and merits the close and careful attention of my colleagues:

AMERICA'S LEGALIZED RACKET

(By Lyn Hughes)

As Mrs. Jay Henderson of Chattanooga was on her way home from a half day of shopping, her motor began to cough and sputter. Alarmed, she pulled into the nearest service station displaying the sign "Mechanic on Duty" to have the problem checked out.

After investigating the motor, the serviceman reported that the car needed a tune-up, new filters, and the carburetor overhauled. He insisted that the car was unsafe to drive in its present condition.

Mrs. Henderson weighed her chances and finally decided to take the car on to a garage with which she was familiar. Result? The vacuum hose was off and merely needed to be reattached.

Perhaps this was an honest mistake on the part of the service station mechanic. Most likely it was not. Testimony before the Senate Anti-Trust and Monopoly Subcommittee in December, 1968, showed that some shops consider women "fair game" and "a good source of revenue" because they can be convinced that their cars are on the verge of breakdown. This can amount to big business, since women buy about 40 percent of the nation's auto repairs.

Though Mrs. Henderson's mechanic may not have been trying to deliberately make money off her, he may still fit into a category occupied by thousands commonly referred to as "mechanics" whose learning may be limited to self-instruction. These "shade tree mechanics" then attempt to hire out as experts in the field.

Legislation was recently brought against five auto-repair companies for such practices as selling used parts as new, charging for work not done, and luring customers into expensive repair jobs by showing them worn or damaged parts from another car. Because there is no organized control on this particular phase of livelihood, auto owners are often at the mercy of someone who may have no more formal education about cars than they themselves have.

Perhaps some of these less-than-qualified mechanics get into the auto manufacturing industry itself. A study done by the Automobile Club of Missouri at its diagnostic center in St. Louis showed that of 7,804 late-model cars tested, 5,842 had one or more potentially dangerous defect. Worse, rechecks of 2,000 of the test cars showed that 35 percent of the specified repair work was not done properly. Such sloppy repair work unquestionably accounts in part for the staggering accident rate on our highways.

When these facts are narrowed down to one's own personal experiences, they may appear like those of Richard Stanley of Collegedale, Tennessee. After purchasing a new-model car supposedly inspected at the factory, he had 12 part failures or problems—some immediately and the others within the following six months. His experience in getting repair work compared with the statistics discovered by the automobile club. Not until 10 months after the date of purchase and 18,600 miles were all the repairs finally completed properly.

Daily our lives are endangered by these numerous poorly-serviced cars on the road in this auto-oriented society. How can it be that this control has been by-passed? In the air-transport industry, work must be performed by, or under the supervision of a thoroughly-trained, licensed mechanic. Only a licensed mechanic may certify that a plane is airworthy.

Yet, "in the auto-repair industry, there are no required standards of training," says William W. Winpisinger, vice president of the International Association of Machinists. "The average American's exposure to, and risk from, auto travel is about 400 times greater than his exposure to, and risk from air travel."

An approach to safety precaution is being made by most of the major car manufacturers and service companies, providing training schools of a half day to several weeks in duration for their dealers, retailers, and employees. After completing a course, trainees receive certificates which they may present when applying for future jobs. Yet, how much can the average "mechanic" learn in a day or week? Enough to confuse him? This seems to be a grossly inadequate program compared with the strict testing and licensing procedures required of other members of the transportation industry.

There may be many reasons for the dishonesty regularly exhibited in auto repair service. Several loopholes for dishonesty are left open when service is forced to conform to the set time as allowed in the "flat-rate manual," put out by each car manufacturer and some independents, and listing every repair operation for every model, and the estimated time and cost to make the repairs.

Since company mechanics usually work on a 50 to 60 percent commission of the payment as set by the manual, the more jobs they finish in a set time, the more money they earn. But the job on your car costs the same, no matter how short a time the mechanic spends on it. In essence, you may be paying for time that was not actually spent on your car. Besides the fact that rushed jobs are not characterized by the best workmanship, critics suggest that the flat-rate system is open to abuse in that there is a tendency to use new parts rather than repair old ones, thus boosting the customer's bill.

If, by some state or federal control, these mechanics in service stations and large companies alike were properly trained and certified as reliable and efficient, the problems would be diminished. Instead of making money by doing unnecessary repair jobs or slipshod work, the mechanics could do jobs more quickly and more efficiently.

The effectiveness of licensing is shown in Canada's Ontario Province where auto mechanics have been licensed since 1937. A young man desiring to enter the business must complete a four-year program of on-site training and full-day classes to qualify for a license examination. "When a motorist takes his car into an Ontario garage, he at least has the assurance that it will be worked on by a person who knows something about it," says W. F. Davy, director of the Industrial Training Branch of the Ontario Department of Labor.

Meanwhile, there are several things you, the average car owner, can do to combat the auto repair racket and avoid being deceived as Mrs. Henderson nearly was, or buying 10 months of trouble as Richard Stanley did. First of all, you should do a little preplanning. By the law of averages you know that sooner or later your vehicle will need some mechanical repairs, so look around town. Take some time to visit a few shops. Tell the owner or manager right out what you have in mind—that you're lining up a garage just in case you may need one someday. Any on-the-level mechanic, if he has the time, will be glad to show you his shop, his equipment, the type of work he does, and how he operates it.

Secondly, when you find a reliable shop, be sure to patronize that one shop consistently. This will better your chances of getting good service from a staff of technicians who have a continuing interest in your car and you.

Next, you should not try to beat the dealer's prices by resorting to off-brand parts or cheap, unskilled labor—or by patronizing a shop which lacks the special tools to properly service your make of car.

Finally, as you are assessed outrageous charges for under-par repair work, write a letter to your Congressman. The more who complain about this legalized American racket, the sooner will controls be established.

OMB IMPEDES OUR REGULATORY AGENCIES

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. MOSS. Mr. Speaker, how can we in the Congress expect the regulatory agencies to do their jobs in a timely and responsible fashion when the Office of Management and Budget impedes the agencies by holding back on their operation moneys appropriated by Congress? This cavalier practice makes you wonder if the OMB is not taking careful steps to protect the industries the independent regulatory agencies are supposed to regulate.

The Federal Times on March 8, 1971, carried an editorial, entitled "A Time for Review," which tells how critical this problem has grown. I commend the editorial to the attention of my colleagues:

A TIME FOR REVIEW

The nation's regulatory agencies no longer appear to be capable of effectively performing the job for which they were created. This is a natural outgrowth of the gradual erosion both of their power and operating funds.

Less than 7,000 federal employes staff the alphabetical regulatory agencies which are supposed to keep tab on American industry. The problems the regulators face are increasing as the agencies are being half-starved into submission to growing controls by the executive branch of the government.

Lacking the funds and the people to do the kind of policing job that is needed, the agencies run the risk of becoming a helpless part of the bureaucracy, or a captive of the industry they are supposed to regulate.

This possibility is increased by the fact that the board members of the regulatory agency are chosen by the President. Frequently they come from the industry to be regulated; and often their selection is dictated by the need to return a political favor. The chance for providing an impartial regulatory process under this system is remote at best.

President Nixon has indicated he opposes this trend. He has called for a flow of power back to the people. If he is sincere in this approach, it would be well for the White House to loosen the noose that the Office of Management and Budget has looped around these regulatory agencies.

Power has been flowing to the Budget Bureau since 1939 when Congress meekly rolled over under the command of President Franklin Roosevelt and passed the Reorganization Act. Title II of that Act amended the Budget and Accounting Act of 1921 to bring the independent regulatory agencies under the authority of what is now OMB. No hearings were held on the Act, and a select House Committee on Reorganization reported out the bill after only two and one-half hours of discussion.

Now, 33 years later, most federal employees and the public at large would be surprised to learn how tightly OMB controls the regulatory agencies.

The agencies must obtain OMB approval even before they can request information from the industries they are supposed to regulate.

Small wonder then that Sen. Fred Harris of Oklahoma likens the regulatory agencies to "a field mouse trying to control a rampaging rogue elephant, and the executive has left the mouse half starved at that."

Harris urged the Senate Subcommittee on Inter Governmental Relations to approve S. 448, sponsored by Sen. Lee Metcalf of Montana, to provide the budget requests of certain regulatory agencies be submitted directly to Congress.

Harris would go further and have the agencies report legislative proposals directly to Congress without being shortstopped by OMB. Loosening the noose still more, Harris wants the agencies to launch investigations without OMB approval.

"I would urge," he said, "that in conformity with the Freedom of Information Act a requirement be written into existing law which would stipulate that all correspondence between Congressmen and Senators and the regulatory agencies be published in a record made available to members of the press or constituents requesting it . . . The voters of the country should know what their Congressmen or Senators are asking the regulatory agencies to do."

We share his sentiments and we hope the Congress will come up with a strong bill to strengthen the regulatory agencies, thereby protecting the government and industry from charges of corruption and incompetence.

It is important to note, however, that more is needed than the mere transfer of responsibility from OMB to the Congress. Precautions must be taken to insure that the same practices now causing concern not be continued "under new management." This can best be accomplished by laying open all dealings between the regulatory agencies, the industries they regulate, and the members of Congress.

A watchdog must be alert to danger and free to attack and destroy that danger if he is to be worthy of the name. The same is true of the regulatory agencies.

EQUITY FOR CERTAIN WAGE BOARD EMPLOYEES

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. DULSKI. Mr. Speaker, I am introducing legislation today at the request of the administration to provide equitable retroactive treatment for certain so-called Wage Board employees of the Federal Government.

Joining me on the bill are my colleague from North Carolina, (Mr. HENDERSON), chairman of the Subcommittee on Manpower and Civil Service, and my colleague (Mr. HOGAN), a member of the full Post Office and Civil Service Committee.

The Economic Stabilization Act Amendment of 1971 rescinded the 6-month deferment of the salary increases for General Schedule employees and the President authorized cancellation of the deferment as applied to Wage Board employees.

However, the retroactive feature could not be applied to all Wage Board employees without a specific provision in law. That is the purpose of the bill I am introducing today.

Chairman HENDERSON is announcing plans to begin hearings on the bill on March 23.

Mr. Speaker, as part of my remarks and for the information of the Members I am including the text of the transmittal letter from the Chairman of the Civil Service Commission to the Speaker, a section analysis of the bill, and a statement of the purpose and justification of the legislation:

MARCH 9, 1972.

Hon. CARL ALBERT,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: I am transmitting for the consideration of the Congress proposed legislation to provide for wage adjustments of certain prevailing rate employees of the Government.

The purpose of this legislation is to provide the legislative remedy necessary to assure equitable treatment to certain prevailing rate employees of the Government. Certain inequities have resulted from a series of actions required in the implementation of "The Economic Stabilization Act Amendments of 1971."

Section 3 of this Act has the effect of rescinding the six-month deferment of salary increases for General Schedule employees of the Government. In order to provide, insofar as practicable, similar treatment for blue-collar employees, the President authorized on January 11, 1972, the cancellation of the six-month deferment of wage adjustments for Federal blue-collar employees. By January 13, 1972, wage surveys were ordered to begin in forty-three wage areas under the Coordinated Federal Wage System. Under provisions of the law (section 5343, title 5, United States Code) the effective date of an increase resulting from a wage survey is the beginning of the first pay period on or after the forty-fifth day, excluding Saturdays and Sundays, following the date of the survey order. Wage increases cannot be made retroactive except where specifically provided for by law. The net effect of these actions is to delay wage increases in some wage areas for up to twelve weeks because there is no statutory authority for their retroactive application. Most blue-collar employees will have received their pay increases as originally scheduled.

Also incident to implementation of "The Economic Stabilization Act Amendments of 1971" the Comptroller General of the United States has ruled in decision B–173976, dated February 23, 1972, that wage increases resulting from wage surveys ordered prior to August 15, 1971, are required to be retroactive to the normal effective date determined under section 5343, of title 5, United States Code. Of the thirty-five wage areas having wage increases frozen until November 14, 1971, all but eight were ordered prior to August 15, 1971. Employees in the eight wage areas will not receive retroactive increases comparable to employees in other "frozen" wage areas unless specific legislation is enacted to correct this inequity.

The draft bill, if enacted into law, would provide the remedy for each of the above situations and would cause an additional one-time expenditure of $12,000,000.

The Office of Management and Budget advises that there is no objection from this standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

A similar letter is sent to the President of the Senate.

By direction of the Commission:

Sincerely yours,

ROBERT E. HAMPTON,
Chairman.

SECTION ANALYSIS

The first section of this draft bill provides for the Act to be known as the Prevailing Rate Equalization Adjustment Act of 1972.

Section 2(a) provides for retroactive wage adjustments for prevailing rate employees where wage increases were delayed as the result of two sets of circumstances. The first group of employees includes those paid under wage schedules for which appropriate wage-fixing authorities did not order wage surveys until after August 15, 1971, and the wage increases resulting from the surveys did not become effective until November 14, 1971, due to the operation of Executive Order 11615. The second group includes employees paid under wage schedules for which appropriate wage-fixing authorities deferred the ordering of wage surveys during the period of September 1, 1971, and January 13, 1972. In both of the situations described above the effective dates of any wage increases resulting from the wage surveys are required to be the date which would have resulted from the operation of schedule 5343 of title 5, United States Code, under the normal schedule for wage surveys during fiscal year 1972.

Section 2(b) provides that retroactive pay adjustments made under the provisions of the bill shall be made in accordance with 5 U.S.C. 5344. Thus, retroactive pay adjustments would be made only to employees who on the date of the order granting the increase are in the service of the United States, including the armed forces or the District of Columbia government, or who retired or died prior to that date.

STATEMENT OF PURPOSE AND JUSTIFICATION

The purpose of this draft bill is to provide by law for the equalization of wage adjustments for certain prevailing rate employees of the Government.

Wage adjustments for Federal prevailing rate employees are made from time to time as nearly as is consistent with the public interest in accordance with prevailing rates under the authority of sections 5341 and 5342 of title 5, United States Code. Prevailing rates are determined on the basis of locality wage surveys ordered by appropriate wage-fixing authorities and effective dates of increases in basic pay granted pursuant to a wage survey are established as required by section 5343 of title 5, United States Code.

Executive Order 11615, issued on August 15, 1971, suspended all wage increases which were due to be placed in effect from August 16, 1971, through November 13, 1971. As another action to stabilize wages and prices wage surveys for Federal prevailing rate employees were to be deferred for a period of six months beginning with surveys scheduled to be ordered on or after September 1, 1971. As a result of these actions wage increases were frozen in thirty-five local wage areas under the Coordinated Federal Wage System (CFWS) until November 14, 1971. Many other surveys under agency jurisdiction were similarly delayed. Wage surveys were not ordered in forty-three other (CFWS) wage areas until January 13, 1972.

On December 22, 1971, "The Economic Stabilization Act Amendments of 1971" was signed into law. Section 3 of this Act had the effect of rescinding the six-month deferment of salary increases for General Schedule employees of the Government. Similarly, on January 11, 1972, the President authorized the cancellation of the six-month deferment of wage adjustments for Federal prevailing rate employees. Wage surveys were ordered on or after January 13, 1972, in wage areas in which wage surveys were previously deferred. Although these wage surveys were conducted on an expedited basis any increases resulting from the surveys were required by law to be fixed prospectively. The provisions of section 5343, of title 5, United States Code, become operative after wage surveys are ordered to be made. The net effect of these actions is that wage increases are delayed in some wage areas for up to twelve weeks. The increases cannot be made effective retroactively to the normal effective date unless specifically provided for by law.

On February 23, 1972, the Comptroller General of the United States ruled in decision B–173976 that wage increases resulting from wage surveys ordered prior to August 15, 1971, were required by law to be retroactive to the normal effective date determined under the provisions of section 5343, title 5, United States Code. Since wage surveys were ordered for all but eight of the thirty-five wage areas prior to August 15, 1971, most of these wage increases will be made retroactive to the normal effective date. Specific legislation is required to make the wage increases for the remaining eight wage areas retroactively effective to the normal effective date.

The draft bill specifies that wage schedule adjustments for wage areas in which the survey order was given after August 15, 1971, and for wage areas where the survey order was deferred between September 1, 1971, and January 13, 1972, shall be made effective on the date which would have resulted from the operation of section 5343, of title 5, United States Code under the normal schedule for wage surveys during fiscal year 1972. Enactment of this bill into law would equalize wage adjustments among prevailing rate employees of the Government. It is estimated that implementation of the law would require the additional expenditure of approximately $12,000,000 on a one-time basis.

INTERGOVERNMENTAL RELATIONS SUBCOMMITTEE INVESTIGATES SAFETY OF DES AS A FEED ADDITIVE

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. FOUNTAIN. Mr. Speaker, last Saturday the Washington Post printed on its editorial page a very lucid and reliable article by Morton Mintz, the Post's well-known investigative reporter, on the pressing issue of whether the continued use of diethylstilbestrol (DES) for fattening cattle and sheep is harmful to consumers.

For a number of years the Food and Drug Administration has permitted the use of DES, an extremely potent synthetic hormone which is known to promote cancer in test animals, as a feed additive for stimulating the growth of cattle and sheep. Last year medical investigators linked DES with the development of vaginal cancer in young women whose mothers had taken this drug during pregnancy.

The Intergovernmental Relations Subcommittee, which I chair, has been engaged in an intensive investigation of this urgent matter which is now approaching completion. Through hearings and staff investigations, the subcommittee has sought to bring the best scientific thinking to bear on the manner in which FDA and the Consumer and Marketing Service have performed their regulatory responsibilities in connection with the use of DES in livestock feed.

The issue of whether or not DES can and should be used as a feed additive relates both to the DES residues which the Consumer and Marketing Service continues to find in beef and lamb livers through its sampling program and the possibility, based on animal studies, that DES may be present in edible meat at a level below that which present testing methods are able to detect.

Mr. Speaker, I commend Mr. Mintz' very readable article to all of our colleagues who wish to obtain a better understanding of this important health matter which affects all of us.

The article follows:

[From the Washington Post, Mar. 11, 1972]

CONTROVERSY OVER A POLICY FOR "DES"—BENEFITS VERSUS HAZARDS OF A FATTENING AGENT FOR CATTLE

(By Morton Mintz)

"The voice of responsible science must rise above the din," Commissioner Charles C. E. Edwards of the Food and Drug Administration said last November. "If not," he warned in a speech prepared for the National Academy of Sciences, "the 'special interests,' the zealots and the extremists, will drown out the voice of reason when it is most needed."

Dr. Edwards offered a "case in point": the controversy over the use of livestock feed containing DES, a growth stimulant that is a highly potent cancer-inducing agent, or carcinogen.

The commissioner supports the use of DES in feed. No American need fear that he will contract cancer from beef or lamb because, he testified on Capitol Hill last Nov. 11, controls are now so tight that residues of DES, in detactable amounts, almost never will occur.

In taking this position, Edwards, a surgeon, pitted himself against the nation's leading specialists in the causation of cancer. They include Dr. Umberto Saffiotti, associate director for carcinogenesis at the National Cancer Institute (NCI), and seven other NCI and academic experts on carcinogenesis who, in 1970, made a key report to Surgeon General Jesse L. Steinfeld.

Edwards' position became more awkward a couple of weeks ago, when the House Intergovernmental Relations Subcommittee, to which he had given his hopeful assurances, extracted from FDA certain internal papers on DES that the agency, with various stratagems, had tried to withhold. The papers show:

That Edwards' position is contrary to guidelines for testing for carcinogens set by an expert advisory committee appointed by the FDA itself. One of the members was the FDA's Dr. Leo Friedman, director of the Division of Toxicology in the Bureau of Foods. After publishing a signed article in an FDA publication agreeing with the committee's guidelines, he switched to the commissioner's side.

That the paper with which Friedman made the switch was denounced by Dr. M. Adrian

Gross, an assistant scientific director in the FDA's Bureau of Drugs, as pernicious" and "prejudicial to a sound handling" not only of DES, but of all "food additives."

That two aides to Friedman, in a memo he signed, contradicted two claims made by Dr. Henry E. Simmons, director of the Bureau of Drugs, in testimony about DES, a synthetic estrogen (or female sex hormone). Simmons claimed DES to be less potent than natural estrogens produced in the body; the aides demonstrated the reverse to be true. Simmons claimed the exposure to natural estrogens vastly exceeds that possible with DES; the aides said DES is measured in parts per billion, the natural estrogens in parts per trillion.

Edwards, in a letter to subcommittee chairman L. H. Fountain (D-N.C.) on Dec. 29, over-ruled Gross. The scientist's conclusions "are highly speculative and not the type of information on which sound regulatory policy could be based," the commissioner said.

In expressing confidence in his own regulatory policies, Edwards emphasized a new regulation that requires livestock men to withdraw DES feed from cattle and sheep seven days before slaughter and to certify that they have complied. An animal that ingests DES feed is said to excrete it totally within 48 hours.

Last year, one half of one per cent of the beef and lamb samples tested by Agriculture Department inspectors were found to contain DES in concentrations of between 2 and 40 parts per billion (ppb); prosecutions were begun in several cases.

The 7-day rule, Edwards told Rep. Fountain, is "reasonably certain to be followed in practice" and, "when . . . followed," provides assurance to the public that DES residues "will not be found in meat." But if the controls fail, he said, the FDA is "prepared to ban" DES from feed.

The 7-day rule took effect on Jan. 8. Less than four weeks later, Agriculture Departments found DES in the livers of a steer and a lamb that been certified to have received no DES feed in the week before slaughter. In this initial period, the rate of detection was one-half of one per cent—the same as in all of 1971. Last Monday, two more cases were reported, raising the detection rate twice as high as in 1971.

None of this, however, reaches a fundamental question: in concentrations below 1½ ppb—the lowest detectable with practical methods—can DES cause cancer in humans?

Like Dr. Edwards, the Food Protection Committee of the National Academy of Sciences and NAS president Philip Handler are optimistic. They rely on a committee task force which not only claimed that carcinogens in foods occur in "toxicologically insignificant" amounts, but which, in 1969, published guidelines for such amounts.

Privately, cancer specialists complain that the committee is ridden with conflicts of interest. One of its pamphlets says it is "independently financed by grants from food, chemical, and packaging companies, commercial laboratories, and individuals." Of the nine task force members, five were from the chemical and food industries. Publicly, however, the battle is fought wholly on scientific grounds.

The theory of "toxicologically insignificant" levels is scientifically unsupportable, the eight specialists in cancer-causation told the Surgeon General. Present knowledge of carcinogens, they said, is insufficient to permit setting any "safe level for man."

All of the scientists who testified before Rep. Fountain except those from the FDA and the Agriculture Department agreed. They even accepted a suggestion by the subcommittee staff that, for all anyone knows, one carcinogenic molecule in the 340 trillion in a five-ounce serving of beef liver could induce cancer.

The commissioner, in his letter to Fountain, said that "both the letter and the spirit" of the food-additives law "will be strictly followed." That law sets forth only two criteria for additives, safety and efficacy.

Yet the basic case for retaining DES in feed made by the FDA and, of course, the Agriculture Department is economic: prohibit DES and the average consumer will pay an estimated $3.85 more per year for beef and lamb. This is a highly sensitive point at a time when even the White House is publicly concerned by public resentment of high meat prices.

Since 1954, livestock men have used DES to fatten cattle inexpensively. In a reported 21 other countries DES feed is banned because the benefits are believed to be outweighed by the risks—especially in view of the latency period of 10 to 20 years in which cancer cannot be detected. Another factor is that the cost of even one cancer case, in treatment and lost income, would offset a lot of savings on meat.

DES has caused cancer in five species of laboratory animals. Commissioner Edwards has yet to dispute a finding by the eight specialists in carcinogenesis that any substances "shown conclusively to cause tumors in animals should be considered . . . a potential hazard to man."

The possible hazard of DES feed exists more immediately for workers in feed mills than for meat-eaters, because it can cause breast development in men who ingest it.

The FDA and the Agriculture Department, while conceding that accidents have occurred say the situation is well in hand. Dr. Roy Hertz of Rockefeller University, a former top scientist at two of the National Institutes of Health, disagrees.

The entire system of DES controls is "impracticable," and nothing short of a "famine situation" could justify keeping it, he told the subcommittee.

Hertz also was deeply troubled by possible DES pollution of waterways by the run-off from the more than 200,000 feedlots, where some 200 million livestock are concentrated and drop excrement contaminated by DES.

Dr. Edwards, soon after being appointed commissioner, claimed science to be "the foundation of our decision-making." For more than two years he has made this a common theme. This invites a question: "whose science?"

In the DES matter, scientists disagree. They often do. A decision-maker must decide among them—must, to put it another way, practice political science.

Edwards did make a decision on DES feed. This, he says, was "the voice of responsible science." Was it?

ADDRESS BY DR. GEORGE A. ROBERTS

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. GOODLING. Mr. Speaker, on February 14, 1972, I had the opportunity of listening to an address presented by Dr. George A. Roberts, president of Teledyne, Inc., at the 66th annual meeting of the Manufacturers' Association of York, Pa.

Because Dr. Roberts' remarks were timely and meaningful, I insert them in the CONGRESSIONAL RECORD and commend them to the attention of my colleagues.

The remarks follow:

DR. GEORGE A. ROBERTS, PRESIDENT TELEDYNE, INC.

(Address presented at the 66th Annual Meeting of the Manufacturers' Association of York, Pa. held on Monday, Feb. 14, 1972, at the Yorktowne Motor Inn, York, Pa.

WHAT IS THE QUESTION?

There is an old parlor game in which an answer is stated, a fact given, and the players are to guess the question. I believe it was even made into a T.V. show for a while. You know how it went!

A. "The left side of the highway."

Q. "Where do cars drive in England?"

A. "Dorothy Lamour."

Q. "Who wore the original miniskirt?"

A. "To get to the other side."

Q. "Why did the chicken cross the road?"

Now you see, to each of those answers there could have been other questions. You may have thought of some yourself as I gave them. For instance, the left side of the highway may have stimulated your question. "What is the sui-side?" or to Dorothy Lamour you may have asked something else!

Conversely, once the question is stated there may be many different answers. We all seem sure what the question really was? It is even more important at times to know what the question *should have been* if we are to get meaningful answers.

The world abounds with answers. They come to us in every media, from every voice; they come with verbal violence, with destruction in mind, with fear, with confidence, with pomp, with snobbery. But are they answers to the right question? Would asking the question a different way give us the same answer? A better answer? Should not we rephrase the question and then compare the responses?

Let us consider some examples:

On Politics: A. Adopt more and more federal controls.

The question seems to have been: "What can we do to eliminate overlapping governments and taxing bodies?" A different question might have been: "How can we make America No. 1 in political ideals and effectiveness with maximum citizen motivation and choice?"

On Education: A. Increase the budgets and redistribute the costs to someone else.

The question seems to have been: "How can we give more education to all of our people?" A different question might have been: "How much education do we need to provide, and how can it be financed to make America No. 1 in the world of enlightened people?"

On Defense: A. Cut the budget.

The question seems to have been: "How do we control the military and stop war?" It might have been: "How do we have a peace-provoking posture in defense and still apply our energies effectively to be No. 1 in world affairs?"

On Labor: A. A price and wage freeze.

Was the question: "How do we stop inflation?" or could it have been: "How can we control the monopoly power of any minority group in our country and should we do so to become a No. 1 country in growth and prosperity?"

On International Trade: A. Lower tariff barriers.

Question: "How do we prevent a trade war?" or Question: "How can we become No. 1 in world trade in the trade war that is upon us?" or "How can we effectively start exporting our goods and not our jobs?"

One could go on forever looking at all the answers given by the opinion peddlers hawking their wares disguised as facts and purporting to answer *their* questions. Forgetting our tendency to be gullible, believing souls, and thus not worrying about the accuracy or honesty of the reputed facts—may we not at least ponder the formation of the right question?

I am confident that in managing a business, running a plant or store, directing a manufacturing firm or an insurance company, asking the right question is all important. If this does not apply in the social world of politics or government, the reasons escape me.

The closer the question lies in relationship to the goals of the enterprise, the more likely is it to be relevant and its answer valuable. Perhaps it is difficult to know the question if there is no clearly stated goal, purpose, charter or ambition. Then the question to ask first is "Why not have one?" and "What is the goal?" "Where are our sights set?"

In politics it is rare that goals are clearly stated, widely disseminated or supported by a broad consensus, but it does happen in times of crisis, challenge or near catastrophe and in times when brilliant, forceful leaders are found.

In business each of us has a basic purpose, but here too it is frequently poorly stated or understood, and less effectively communicated to our nation. We hear the answer that businessmen are solely interested in profit in response to a question "Does business have a social responsibility?" Of course businessmen have a social responsibility, and here I distinguish between business and a businessman. It is the businessman, the manager, the entire working body of humanity that is a social creature and has a social role to play. Each of us, whatever his calling, has a fundamental task to perform.

The question might have been: What is management's most fundamental task? What in our free system of people's capitalism are the on-the-job duties? We could list many things. Professors who write texts on managing and managers who write company policy brochures frequently do. Such things as: make the world better, have a social consciousness, make a better product, improve man's social lot, wipe out poverty, lead the Red Cross, pay big wages, charge low prices, and protect the consumer, could be enumerated.

Some, however, are bold enough to list only one responsibility: The manager shall make a profit now *and in the future.*

All else will follow. Any longer list tends only to define and refine the basic need.

Managers must believe and know that the greatest number comes from this route of freedom.

A profit is payment for the use of tools—nothing more, nothing less; payment for the fact that someone, somewhere—a worker, a widow, a banker, a baker, an engineer, a medicine man—has not bought today that extra item for his life, but has deferred the purchase, saved the money, invested in a savings account, an insurance policy, a government bond, a common stock; thus, buying or permitting the buying of tools to make more jobs, better jobs, for others. He must be paid for his sacrifice of deferment. It is that simple, if we want the jobs. Profits are payments for the use of tools and managers are the trustees of those tools.

The question should not have been: "Does business have a social responsibility?" but rather: "How can we pay for the use of more tools and encourage savings that create them, so that jobs may be created and poverty reduced?"

John Harper, chairman of Alcoa recently spoke of the problem of communicating these principles in the face of the masters of verbal violence who aggressively threaten our most successful system by bombarding our senses with shrill propaganda about the dark side of our national image. They ask "What is *bad* about America?" "What have we done *wrong?*" They say our political, economic and social systems have become so decrepit that the only solution is to junk them.

Harper points out that this is nonsense, dangerous nonsense, to which I add Milton Friedman's point that it is hogwash! Certainly all is not right with the world yet. We know about poverty, pollution and prejudice, about crime, corruption and cancer and we must share *some* of the blame for their existence. But none of these is beyond control. All are cause for serious concern, but none is cause for panic.

But business is getting more than its share of the blame for our social ills. There is a widening anti-business attitude, well documented and we, by our general silence, are defaulting our very real responsibility to defend American systems of freedom and enterprise. We respond to verbal violence with the silence of a turned cheek.

Who better than businessmen can respond with authority to the idiotic and non-economic nonsense put forth by our self-appointed saviors? We need to stop talking to ourselves and face our critics on whatever level we find them. A speech for a speech: an article for an article: a letter to an editor for a letter.

We dare not remain silent. We have facts. We have a great system. We have a great country. As Harper concludes, "Business alone has the nearest thing to the right combination of facilities, techniques and talents needed to rebuild our cities, to raise the quality of our natural environment, to create jobs and abolish poverty . . . and to restore the sense of balance and direction we seem to have lost."

If you think that the destroyers are new in their attack or that their recent themes of doom are novel, may I recall what I said in a Los Angeles address five years ago. I said:

We hear critical voices preaching the doctrine of the inadequacies of our material world, about the pollution of our waters, and our atmosphere, about the lack of sufficient water for many areas, about the lack of universal education of better quality, extended to all levels of our educational structure, and to persons not normally educated further in the past. We hear much about the lack of car safety, of contaminated bodies from poisons, drugs, smoking, etc. We hear dire things.

These complaints are exaggerated for emphasis and attention, are often scandalously communicated and are not necessarily about newly arrived subjects of concern, but rather about long-standing ills of man and his environment. Strangely, all have one common denominator. Their solution will depend on long-range research and development programs, many of which will be in the physical sciences. We first have to know how to solve many of them.

It is little realized by the critics that failure to solve an apparent problem is more often caused by a lack of knowledge of how to do it than by a lack of desire. We have so many problems that in turn mean opportunities for work and employment in their solution that we should never fail to find enough to consume all of our energies.

What all of those programs need is a reliable long-range approach, a true strategic battle plan. If a strategic battle plan is developed to overcome the temporary present inadequacies of our social system and to provide that system with greatest good for the greatest number, it will of necessity include long-range programs of research and development. These will in turn be planned following a wide realization that the physical sciences, engineering and manufacturing industries must have a majority share of the activity.

To do the planning as well as the execution we should ask: "What team of industry and government is necessary to do the job fastest, best?" "What present laws and practices restrain this effort?"

In his many writings Herman Kahn has pointed out that the rise of Japan is so spectacular since World War II that the world international system in the next fifty years will concern itself with an attempt to deal with this growing, powerful neighbor, as Europe wrestled with the growing Prussian influence in the Nineteenth Century. The Japanese do well for many reasons—they save and invest three times more of their income than do we. They have American-advanced training. They have behind each worker about as much capital as we do in the big industries. But what they have primarily is a purpose—to build a new Japan, to produce and to promote production as a worthwhile purpose. To surpass the West is a goal!

A crucial Japanese concept is contained in Herbert Passin's statement:

There is at any given moment a definable world-ranking order of such character that as between any two nations one is always higher and the other lower. It is never the case that two nations stand on exactly the same level. Even when they appear close to each other, there is always a set of clues that allow the sensitive observer to discriminate between them and see their place in the ultimate ranking system.

The Japanese know this and believe it. They, like the dwarfs in Snow White, sing at work! It is true—listen to this song:

Sending our goods to the people of the world
For the building of a new Japan
Let's put our strength and mind together
Doing our best to promote production
Endlessly and continuously
Like water gushing from a fountain
Grow industry, grow, grow, grow!
Harmony and sincerity!
Matsushita Electric!

Matsushita Electric has sustained growth of 30% a year for about twenty years. Any York company should do as well.

Much has been written about Japan, Inc.—a term of government and capital—elected officials and manufacturers and businessmen—that plans every move for this goal, prestige for Japan in this world. Beat the West! Will a merger do it?—Then merge. Will a tariff wall do it?—Then there is, Will the prevention of foreign investment in Japan do it?—Then here is the law.

When was the last time we sang at work? Workers and managers in concert to beat somebody, to beat a competitor, to beat Japan, or France, or the Common Market? When was the last time we had a purpose in our world of business that was also the purpose in our world of business that was also the purpose of our politicians—to make America great? 'Beat Army,' 'Beat Notre Dame,' 'Beat the Cowboys:' Yes; but long ago since 'Beat G.E.,' 'Beat G.M.,' 'Beat Harvester' range in any assemblyline halls—except in a foreign land.

Earle Barnes, president, Dow Chemical, recently wrote his employees as follows:

Don't you like to win? I do. I think you do, too. During the recent holidays, I know that many of you watched the professional football playoffs. I did. I understand that the President of the United States did.

Now the analogy of success in other fields to football has been often overworked. But I can't think of a better way to get at the heart of this profit business. Any professional (or amateur) sport is conducted on the concept of winning. As the late coach, Vince Lombardi, once said, "Winning isn't everything—it's the only thing!"

Professional football players play to win for two reasons. First, they understand their job and enjoy their work; otherwise, they would not survive in this rugged sport. In the second place, as professionals they play for the economic reward of victory.

Losing teams draw small crowds and gate receipts and boos from the fans.

Losing teams often move out of an area.

Losing players are traded.

Losing teams have miserbly unhappy players.

How can you tell whether you are on a winning or losing team in business? By keeping track of the score. In business, the score is kept in terms of profit or loss. Winning is making more profit than your competitors . . . making more profit than you made last year. Losing is making less profit than your competitors, or less than you did last year.

It isn't greed that motivates us in business. It is desire to survive . . . and we want to do more than survive. We want to excel; and we want to taste the plums of victory.

When earnings are better, every employee should share this excitement. It means we outsmarted our competitors by being more efficient, running better plants, offering better research and development, giving customers better goods faster at competitive prices.

Profits mean greater job security to every single employee.

Profits to the bargained-for employee mean more for which to bargain.

Profits to the salaried employee mean more potential raises for good performance. And don't forget that millions of stockholders share increased earnings. They have faith in business and invest their money so that we can build new plants, clean up old plants, and create new jobs.

This is a new world of economics and competition is global. When organized labor says, "Let your competition have the business," too often that means Japan and the Common Market and Sweden and Austria. That is where the jobs are going in industry after industry. Tennis balls, textiles, watches, bicycles, radios, television, typewriters, calculators, shoes, specialty steels; new autos, lift trucks, machine tools; and, next, farm equipment, airplanes, etc.

We find ourselves without any great partnership with government—in fact, some government departments would give away the store out of a sense of misguided idealism and naivete—competing in the world and domestic market against giant overseas combinations of industries working hand in hand with home governments.

When we sit down to negotiate a steel agreement with foreign nations, a man from the State Department talks for us. Businessmen learn later of the results in side meetings, as they can only observe from afar. Who do you think is on the front row seats negotiating for the other side? Businessmen and, if government people, those whose purpose is to beat America in this economic game.

And when we get an agreement on a set of rules to play the game what happens? In the first ten months of 1971 imports of alloy steel were 57% over the voluntary limit; stainless steel imports were 36% over; and tool steel imports were 25% over. It will happen again.

Now I am a competitor and I hope you all are. It would be so much better to channel man's competitive instincts not into a war of guns, ships, tanks and bullets, but into a game of international trade. Let's play it to win. Let's be No. 1 not in war, but in peace.

My questions then become:

"What can we do to keep America No. 1?"

"Why not form America, Incorporated and have it first in the world's Fortune 500?"

Let's devise all other questions and our answers with that in mind. There is nothing wrong with that.

ESTABLISHMENT OF A COAST GUARD BASE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. BEGICH. Mr. Speaker, I have received resolutions from the Governor of Alaska which passed State legislature and from the Kodiak Area Native Association regarding the establishment of a Coast Guard base at the Kodiak Naval Station and request for income and cost studies of the Kodiak Naval Station for current and future tenants at that facility.

I wish to share these two resolutions, and hope that my colleagues will note the concerns of the Alaska Legislature and the projected planning and desires of the Kodiak Area Native Association to make maximum use of existing facilities in Kodiak.

It is with pleasure that I include in the Record the following resolutions:

Kodiak Area Native Association Resolution

Whereas, there have been no funds budgeted for the continued operation of the U.S. Naval Station at Kodiak after June 30, 1972, and

Whereas, the U.S. Coast Guard may have to discontinue its operation at Kodiak due to lack of support facilities for its ships and aircraft and

Whereas, the Secretary of the Interior may be able to select much of the land encompassed in the Naval Reservation under provisions of the Alaska Native Land Claims Settlement Act, and

Whereas, it is of the utmost importance both militarily and for the protection of our ocean resources that all available means of keeping the facilities operating be explored, and

Whereas, the U.S. Naval Station now has as tenants, the U.S. Coast Guard, the National Oceanographic and Atmospheric Administration and may soon have the Federal Aviation Administration, and possibly some departments or agencies of the State of Alaska, and

Whereas, there will be a number of housing units available when the U.S. Navy withdraws and

Whereas, there is presently a need in Kodiak for additional housing, and

Whereas, the Kodiak Area Regional Native Corporation now being formed, will be selecting much of the land now within the Naval Reservation and will be receiving funds for investment and should be considered as a prospective owner, either by grant or purchase of these facilities,

Now, therefore, be it resolved, that Alaska's Congressional delegation, Hon. Ted Stevens, and Mike Gravel, U.S. Senators and Hon. Nick Begich, the U.S. Navy and Dept. of Transportation be urged to implement cost studies to determine the minimum costs which would be required to keep the Naval Station support facilities on an operating basis for the present tenants.

Be it further resolved, that an immediate study be made of the income being realized from present tenants and possible income from tenants such as the FAA and ASHA, if ASHA were to take over management of housing units which are to be vacated, with the view toward determining the economic feasibility of the Kodiak Area Regional Native Corporation assuming the management of the Naval Station facilities under a lease agreement with the U.S. Navy with the possibility of acquiring ownership at a later date.

House Joint Resolution Relating to the Establishment of the Kodiak Naval Station as a Coast Guard Base

Be it resolved by the Legislature of the State of Alaska:

Whereas Coast Guard long-range aerial search and patrol operations constitute an invaluable service to the inhabitants of Alaska in performing surveillance of and law enforcement in regard to foreign and domestic fishing, in monitoring oil spills and spills of other hazardous material resulting from ocean transport, and in conducting search and rescue operations in the maritime areas of Alaska and in the North Pacific; and

Whereas the Coast Guard performs other invaluable services to the inhabitants of Alaska in maintaining aids to navigation in the form of buoys, day markers, lighthouse stations and LORAN stations, in inspecting merchant marine vessels, enforcing safety regulations, performing ice-breaking assignments, investigating maritime accidents, educating the public in the safe operation of watercraft, and in conducting oceanographic research; and

Whereas the Kodiak Naval Base is the most economical location in Alaska for the operation of Coast Guard long-range search and patrol aircraft in the North Pacific area and an appropriate base for other Coast Guard services;

Be it resolved by the Alaska Legislature that the Department of Transportation establish a Coast Guard base at the site of the Kodiak Naval Station.

Copies of this resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable John A. Volpe, Secretary, Department of Transportation; the Honorable John H. Chafee, Secretary of the Navy; Admiral Chester R. Bender, Commandant, U.S. Coast Guard; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

MICHAEL J. HOWLETT—A SYMBOL OF INTEGRITY

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. ROSTENKOWSKI. Mr. Speaker, on Tuesday, March 7, 1972, at dinner in Springfield, Ill., my good friend and Chicago colleague Roman Pucinski paid tribute to Michael J. Howlett, Auditor of Public Accounts for the State of Illinois. The setting was not new nor was the tribute. For Mike Howlett has devoted his life to public service and during that life has served the public well. His reputation for honestry and integrity in government has spread far beyond our own State of Illinois.

The reason for the gathering in Springfield last Tuesday was explained by Representative Pucinski in the latter part of his remarks, when he said:

> He is running for a larger office now. We can trust him with it. He will leave it better than he found it, as he has done with every public responsibility he ever had.

Mr. Speaker, the remarks of Roman Pucinski very well describe the Mike Howlett that I have come to know and respect. I would like to wish him the best as he begins his effort to become Secretary of State of Illinois. And I insert Representative Pucinski's fitting tribute in the Record at this point.

The tribute follows:

Michael J. Howlett—Symbol of Integrity

George Washington said the most enviable of all titles is the character of an honest man.

The character of an honest man is a title Michael J. Howlett has earned through more than 11 years as Auditor of Public Accounts and a lifetime of public service.

The issue of ethics is dominant in the minds of Illinois voters this year.

It is not a new issue. The philosopher, Diogenes, walked around Athens with a lantern looking for men who really were what they claimed to be.

William Shakespeare, in Elizabethan England, wrote that "to be honest, as this world goes, is to be one man picked out of ten thousand."

Corruption does exist in government. It always has existed. A thousand plans have been devised to uncover it, to erase it from politics.

The genius is yet unborn who can make government perfect. Human nature is imperfect. But those who strive for improvement can take heart from the record of Mike Howlett.

Bill O'Connell wrote in the Peoria Journal-Star last November 30: "Howlett's years in state office have been wholly untainted by even a whisper of scandal or political profiteering."

Mike Howlett has been in office longer than any other state constitutional officer. He is now serving his third consecutive four-year term.

He is the only Auditor in the history of Illinois elected with Governors of both political parties.

In his last campaign, he was indorsed by major newspapers in every corner of Illinois.

He won by the largest plurality of any of the victorious state candidates.

He has been a successful administrator because he has attracted capable men to his leadership who have never betrayed him.

Mike was never the do-gooder type of public officer who is satisfied with his own personal integrity while blind to corruption around him.

In 1963, when he had been in office only two years, the Chicago Daily News already was saying: "Howlett runs one of the best offices in the state government with the help of a dedicated staff."

His administrative accomplishments are noteworthy.

He set a pattern for economy in his first biennium when he saved a fifth of the budget that had been voted to him by the legislature for operations.

Today, after 11 years during which state tripled its expenditure, Howlett's office is doing more work with fewer personnel than before he was elected.

It costs the taxpayers of Illinois less money to write a check in Howlett's office today than it did in 1961. And he writes 10 million checks a year.

Howlett has become known as the apostle of accountability in government. He has campaigned successfully for tighter audits of public funds.

The County Auditing Law, of 1963, and the Public Moneys auditing law, of 1967, resulted from a crusade of Howlett throughout every section of Illinois.

There was a time when Illinois was notorious for poor auditing of government. Under Howlett's leadership, Illinois has become the best audited state in the union.

Mike believes in the right of the people to know what is going on.

He has established a records control center where all the records of his office—involving every fiscal transaction of state government—are made easily accessible to the press and to interested citizens.

The Statehouse news correspondents here in Springfield voted him a "Goldfish Bowl" award for opening up the state government so anyone can check up on it.

Although Mike is a faithful Democrat, he is responsible to the people first and the party second. When he was regional director of the Office of Price Stabilization he smashed a sensational horsemeat racket which embarrassed state and federal inspection services of Democratic administrations.

Howlett has many qualifications for public office—his ability, his experience, his knowledge of state government, his candor. But above and superior to all the rest is his qualification of integrity.

He has proved it over and over.

As area director of the National Youth Administration, when he directed a program which gave work experience to 30,000 young men and women and helped put them in jobs which later proved essential to national defense.

As director of a program at Great Lakes naval training station during World War II, in which thousands of sailors were taught to swim.

As executive director of office organization and administration for the Chicago Park district after the war.

As administrator of price control for three states during the Korean conflict.

As vice president of a steel company for eight years.

And, finally, as third-term Auditor of Public Accounts.

In all this work, his record has been without blemish. His name is one his six children can be proud of all their lives. It stands for decency, and service, and integrity.

He is running for a larger office now. We can trust him with it. He will leave it better than he found it, as he has done with every public responsibility he ever had.

ABBEY SMITH—WINNER

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. McDADE. Mr. Speaker, each year the Veterans of Foreign Wars have a Voice of Democracy Contest, a contest which receives hundreds of thousands of entries, numbering as many as half a million throughout the Nation with its 10,000 VFW posts. It is little to be wondered at that there should be so many striving to win this contest, because the VFW awards prizes of $10,000 for first, $5,000 for second, $3,500 for third, $2,500 for fourth, and $1,500 for fifth place.

This year I am more than proud to announce to my distinguished colleagues that Miss Abbey A. Smith, from the city of Scranton in the 10th Congressional District of Pennsylvania, was the winner of fourth place in this contest, and a most deserving winner she is.

Miss Smith is the daughter of Mrs. Ann, and the late Robert C. Smith, of 917 West Lackawanna Avenue, Scranton, Pa. She is a senior at West Scranton Catholic High School, where she represents her class on the student council. She has been president of the forensic organization for 3 years, and a member of the student activity committee for 4 years.

She is no stranger to awards. She was a finalist in the National Catholic Forensic Tournament held in New Orleans, and she has received many certificates and trophies for achievements in speech and debating throughout the Commonwealth of Pennsylvania.

And in addition to all of this, she somehow finds the time to work part time in a supermarket, and to serve as a junior counselor at the Scranton Catholic Youth Center.

This is a most extraordinary prize in an extraordinary contest.

The competition begins at the post and county levels, continuing through district and State, with prizes in varying forms at each level amounting to more than $300,000.

This year the competition came from upwards of half a million students from more than 7,000 secondary schools.

Each of the department winners receives an all-expense paid trip to the Nation's Capital as guests of the VFW during the annual Washington conference. During the 5 days of the visit, they are given the opportunity to meet their Representatives and Senators, to observe the workings of the Federal Government, and to visit national shrines and monuments.

The winners are announced at the grand banquet, and I cannot tell you how proud I was to hear the name of this most distinguished young lady from my own congressional district announced as one of the winners.

She was congratulated personally by the President of the United States for her outstanding achievement. I know that all of my colleagues here in the Congress will join me in offering their own congratulations to Miss Abbey A. Smith. And I know you will all join me in congratulating Mrs. Ann Smith for the splendid young lady who is her daughter. Miss Smith will attend Marywood College after graduation from West Scranton Catholic High School, and I am certain that her college career will be as distinguished as her high school career has been.

With your permission, Mr. Speaker, I will append here the entry of Miss Smith in the Voice of Democracy Contest:

My Responsibility to Freedom

Have you ever been approached by an inquiring photographer? No doubt he would ask you some questions like this.

"What are your feelings towards Viet Nam," or "who do you think will be elected in the 1972 election?" or any current topic as such. But ninety-nine times out of a hundred, if it is a seventeen year old girl like myself, he would say: "What do you think is your responsibility to freedom?" "This requires a lot of thought, I answer, you see I am a child of the sixties. I have been faced with an entirely new concept of freedom. I saw our president an idol, John Kennedy assassinated by one who felt he was using his freedom. I saw Martin Luther King assassinated for the same reason. I have watched whole sections of cities like Watts, Washington, and Detroit looted and destroyed by those who thought that was the way freedom should come. I have seen disruption, violence and death on campuses, and just recently I have watched lower courts challenge the freedom of the press while the Supreme Court restores it."

What kind of definition should I have for freedom and the other side of the coin—responsibility? Should I say these two words are just ideals or dreams, and join the ranks of those who believe in apathy and lethargy? No, because for me freedom and responsibility are tangible things; they can be learned.

We have thousands of schools, trained teachers, and education available to everyone. If our freedom is to grow in strength and breadth, it must first grow through education and understanding, and not through ignorance and revolutions.

Perhaps the best answer, Mr. Photographer, I can give you, is that responsibility will come when we grow in co-operation and trust. For these are the words that motivated our forefathers. To them perhaps responsibility to freedom was an ideal—a dream—but they made it work. How many civilizations have lasted two hundred years? Next year, I will be eighteen and I will have the right to vote. I will have to constantly and carefully form my opinions on foreign aid, war, labor, the freeze and capitalism, but I must also listen to what others have to say and become tempered with a sense of tolerance and understanding that comes from looking at both sides of the question.

As long as I am an individual, and respect the rights that are granted to all men, not just myself—as long as I realize that freedom gives me the right to do only what is lawful and will not take rights from my neighbor, then I will feel I have made the right answer to the question: "What is my responsibility to freedom?" and I will know again that it is not just an ideal to be dreamed, but the inspiring force it was almost two hundred years ago, and God willing, this consent of freedom and responsibility will work for many centuries to come.

REMOVAL OF FEDERAL COURT JURISDICTION IN BUSING CASES: AN "IDEA WHOSE TIME HAS COME"

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. SCHMITZ. Mr. Speaker, on February 28 I appeared before the House Judiciary Committee to testify in favor of my bill, H.R. 10614, which would take away the jurisdiction of the Federal courts to order the busing of public schoolchildren for purposes of racial balance—a bill which many had predicted would never "see the light of day" before this particular committee.

But removal of Federal court jurisdiction in busing cases, described as a "radical proposal" by one of my opponents in the 1970 special election when I made the introduction of legislation for this purpose one of my first promises to the people of the 35th District is an "idea whose time has come." Before this year, most Americans remained unaware that this remedy was available to fight busing, and too many Members of Congress appeared willing and even eager for them to be left in ignorance of it. But this is no longer possible.

Our Founding Fathers never intended that the Federal courts should be a law unto themselves. They wrote into the Constitution a very specific and important limit on court power. We find it in article III, section 2, which reads as follows:

> In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, *with such exceptions and under such regulation as the Congress shall make*. (Emphasis added)

This particular provision of the Constitution applies not only to the Supreme Court but also to all other Federal courts, since the lesser courts are established under the same authority that prescribes the jurisdiction of the Supreme Court. That authority is a vote of Congress, which means that Congress has the power to specify the kinds of cases which may be heard in Federal courts, and the kinds which may not be heard there. This constitutional authority vested in Congress was confirmed by the Supreme Court itself in the landmark case, never since challenged or overturned, of ex parte McCardle—1868. The legislative attorney for the Library of Congress has listed no less than 77 statutes in which Congress has used the power granted by article III, section 2 of the Constitution to limit or otherwise prescribe the jurisdiction of Federal courts. So it can hardly be claimed that the use of this power is new or unprecedented.

Early in the first session of this Congress, which began in January 1971, keeping my promise to my constituents, I introduced H.R. 6501, a bill to take entirely out of the Federal courts all cases involving welfare eligibility, drug abuse, pornography and obscenity, abortion, prayer and Bible reading in public schools, and challenges to criminal convictions in State courts on the basis of pretrial procedures by State law enforcement officers. Then in September, following the Supreme Court decision in the Swann case, which for the first time upheld forced busing of schoolchildren for purposes of racial balance, I introduced H.R. 10614, the bill for which I testified before the House Judiciary Committee.

No longer could the approach taken by this bill be dismissed as radical or impossible, since just 3 days before, on February 25, the Senate had actually passed an amendment by Senator GRIFFIN, of Michigan, to an education bill which, in language virtually identical to my H.R. 10614, would remove Federal court jurisdiction to order busing. After various presidential candidates, who are also Members of the Senate, were hurriedly brought back from all over the country, the Senate reversed itself February 29 by a "cliffhanger" vote of 50 to 47. But with that many Senators voting for it, no one could pretend to ignore this proposal any more. Removal of Federal court jurisdiction, as a means of dealing with judicial abuse of authority, is here to stay as an issue and a choice before our Nation's highest lawmaking body.

PORTUGAL: CITADEL FOR WESTERN DEFENSE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. RARICK. Mr. Speaker, since the end of World War II there have been radical changes in geopolitical structures, including the collapse of the British, French, Dutch, and Belgium empires. The single outstanding exception is that of Portugal, in which the vast territories of Angola and Mozambique form integral parts of that country.

Since 1961, Portugal, strongly supported by her citizens in these lands, has been waging a war of defense against Communist infiltrators about which little has been published in the minority controlled press of the United States or which has usually been biased in favor of its criminal attackers.

Fortunately, there are patriotic organizations in the Capital City of our country with the vision and courage to hold informative programs that break through the paper curtain of silence.

In an illuminating address on March 9, 1972, before the District of Columbia Chapter, Military Order of the World Wars, Lt. Col. Kenneth T. Downs, an exceptionally keen observer and student of southern African policy questions, reveals the true state of affairs as regards the war now being waged in Angola and Mozambique, and how Portugal is defending Western civilization.

Because the indicated address tears away the veil of hypocritical propaganda that features most publicity about Portugal by supplying facts, I quote it as part of my remarks and commend it for careful reading by all.

The text of the speech follows:

THE RING OF TERROR: PORTUGAL'S LONELY WAR FOR THE WEST IN AFRICA

(By Lieut. Col. Kenneth T. Downs; address before the District of Columbia Chapter, the Military Order of the World Wars, March 1972)

General Wade, Companions, Guests: I appreciate this opportunity to speak to you today about Portugal's struggle against communist-backed terrorist forces in Africa, about the elements in this country who call for the abandonment of that struggle, and about the interests of the United States which are involved.

I should like to preface these remarks by telling you that the Overseas Companies of Portugal, a consortium of financial and business companies in Lisbon which have interests in Portuguese Africa, is an esteemed client of my public relations firm, Downs and Roosevelt, Inc., of Washington and New York. As representatives of the Overseas Companies, we are registered under the Foreign Agents Registration Act.

You will agree, I am sure, that this is not the most jocular warm-up line ever uttered. But I make this preface both out of candor to you and in a sense of strict observance of the rules of the Act. I will add, in passing, that this self-identification is more than the American Committee on Africa or the Africa Research group and other organizations, who have worked with might and main for years to influence U.S. foreign policy and American public opinion against Portugal and in favor of the terrorists, have ever made. These organizations have not bothered to register with the Department of Justice nor, so far as I know, have they been bothered to do so. But that is another story.

The terrorist war to drive Portugal from Africa began 11 years ago this month. On the morning of March 15, 1961, the terrorists struck without warning in the farms and villages of northern Angola. Armed mainly with machetes and ancient firearms, they butchered many hundreds of men, women and children, both white and black.

The communist press throughout the world, from Peking to Moscow, from Cuba to Hanoi, hailed the beginning of a war of liberation and predicted that it would be of short duration. These views were echoed generally by the western press.

The United Nations went into action. Within a matter of days a resolution was brought before the Security Council which, citing operative paragraph 7, called upon the Portuguese to grant immediate independence to Angola, construing their defense of their territory to be a threat against the peace of the world. To the amazement and consternation of a number of well-informed Americans, including such men as former Secretary of State Dean Acheson and Ambassador Robert Murphy, Adlai Stevenson, then our delegate to the United Nations, lined up with the Soviet Union and Afro-Asian bloc and cast the U.S. vote for the resolution. Only the absention of France and the U.K. blocked its passage.

On June 9, that year, the U.S. again voted with the Soviet Union and the Afro-Asian bloc for a Security Council resolution calling upon Portugal to "desist forthwith" from its self defense, or as it was phrased in the resolution, from oppression in the African Colony of Angola. The vote was 9 to 0. Again France and Britain abstained. It seems almost incredible today. But the record is all there for anyone to see, in the official papers, and in the yellowing files of the New York Times and other newspapers.

Of course there were innumerable other resolutions passaged by overwhelming majorities by the powerless General Assembly and various committees of the U.N., and the furor persisted in the press against this last remaining "colonial" power which showed the presumption to defy the Winds of Change.

In the Context of the times, this defiance was rather astonishing. The British and French had divested themselves of all but the shreds of their empires. Only about a year before the Belgians abandoned the Congo after the bloody events there.

But out in the real world, away from Lake Success, what was happening? The Portuguese settlers armed themselves and resolutely stood their ground in Angola. And they were strongly supported by the black population. Dr. Salazar staunchly supported them in Lisbon and dispatched reinforcements.

To anyone with half an eye for reality, the claims that this was a "spontaneous" uprising or a genuine war for liberation, were obvious myths almost from the start. The population of Angola at that time was around 5 million, of which little more than 250,000 were Europeans. The total security forces, military and police, in Angola numbered around 5,000 and about 3,000 of these were black. If the terrorist outbreak had been truly spontaneous, the whole matter would have been settled weeks before any substantial reinforcements arrived from Lisbon.

No, there was nothing at all spontaneous about the event and it was not a war of liberation. It was a conspiracy, carefully contrived abroad. And it misfired.

The Portuguese defended their position in the U.N. as stoutly as they did in Angola. The envoys from this small nation faced the massed hostility of delegates from countries which represented most of the world's population, and they rejected the demands for abdication. Dr. Alberto Franco Nogueira, Portugal's young foreign minister, argued that the U.N. resolutions constituted interference in the internal affairs of a member State and were therefore illegal under the terms of the U.N. Charter.

Well, we know the terrorists did not win quickly, as prematurely advertised, in that critical year of 1961. The nature of the struggle soon settled into the classic pattern of communist guerrilla warfare which has continued to this day. With headquarters and supplies based in a foreign sanctuary, at first in the Congo (now Zaire), and later in Zambia as well, they sent out harassing missions of murder and pillage. In 1964 a similar terrorist war was launched by an organization called FRELIMO based in Tanzania. Its target has been Mozambique. A group called PAIGC, based in Guinea and Senegal, harasses Portuguese Guinea. All of these groups, UPA, the MPLA, UNITA, FRELIMO, COREMO, PAIGC and many others, have been issuing periodic communiques over the past few years announcing large conquests and control of territory and imminent total victory. But all of them are right where they started. They issue their communiques from the safety of their headquarters based on foreign soil. They do a bit of fighting among themselves from time to time in an endless maze of intrigue and struggle for power.

The leaders of all the principal groups are communists and were communists before the wars started. All have been in Moscow or China—and not just in ceremonial attendance at Party Congresses. In 1961 there were outraged protests at any suggestions that communist countries were supporting the terrorists. But for a long time all pretense about this has been dropped. Practically all arms captured are of Russian, Chinese or Czech manufacture. Cubans, including at least one officer, have been captured in Guinea. East German film teams have visited the terrorists to make propaganda pictures. The Red Chinese, who now are in Tanzania in force in connection with the $400 million Trans-Zan railroad project, are said to completely dominate FRELIMO today.

While the terrorists still are right where they were, without much promise of doing any better, their activities have been costly to the Portuguese. Because of the nature of their hit-run tactics from foreign sanctuaries, it has been impossible to bring about a decisive showdown of force. But it has been necessary for the Portuguese to maintain a large security force, which the U.S. press reports is as high as 140,000. Something under half of these are black. The cost to such a small country has been enormous.

The Portuguese over these years have shown almost incredible tenacity of purpose and a brand of courage that is rare these days. I don't speak about their courage in defending themselves. Any people could be expected to defend territory they had held and built up over 500 years. I speak of their courage, and especially as a small nation, in standing up against almost unanimous world opinion (as reflected by the United Nations and most of the world press) to defend their principles and their interests. Only recently the present Foreign Minister, Dr. Rui Patricio, gave another example of this when he announced Portugal would not pay its share of the cost of the ludicrous meeting held by the United Nations Security Council in Addis Ababa. He said that, apart from being a propaganda exercise, it was illegal. It was not the money involved—Portugal's share would have constituted a trifling amount—it was the principle. Our own U.N. representatives opposed this ridiculous exercise, but when we were voted down, we trotted dutifully along, and in due course will pick up our share of the bill—which in the case of the U.S. comes to 32 percent.

The Portuguese have hung on for 11 long years. Think of it, 11 years of a war which has made four-year conscription necessary for their young men, a war which has run their defense bill up to around 43 percent of their national budget annually, a war they are not losing, but one with no victory in sight, and all the while being held up as villains to world opinion and not getting an occasional kind word even from friends.

When we think of our own impatience with overseas wars, we may well ask, how do they do it? The answer is that they are popular wars. I dont' mean popular in the sense that any living being in Portugal likes anything about these wars—quite the contrary. I mean popular in the sense that it is a people's war. It would be difficult to exaggerate the deep emotional attachment of the simplest of the Portuguese people to their ancient territories. That is why they are willing to pay so great a price to defend them.

Dr. Salazar understood his people as few rulers do. So he knew what he was doing when he immediately pledged the nation's full resources to the defensive of Angola in 1961. If he had failed to do so, I am convinced his government would have been overthrown.

I arrived back in Lisbon from a trip to Africa in December, 1961, just after India had invaded and seized Goa, the tiny enclave on the coast of the sub-continent which had constituted part of the Portuguese nation for almost five centuries. I found the whole country in deep mourning. Foreigners found themselves in isolation. Not that there was any violence or rudeness; the Portuguese, in their shock and grief, just didn't feel like talking to outsiders. I also noted the most extraordinary security measures everywhere. It seemed to me at times that most of the people on the streets were police. Some of my Portuguese friends since then have told me that Dr. Salazar's regime was in greater peril at that moment than at any other time in his long tenure of office.

If the nation could be that upset over Goa, which was tiny and defenseless, imagine the convulsion which would have taken place in Portugal if Angola had been abandoned. It is quite possible, if not likely, that the communists would have seized power. For forty years political parties were outlawed in Portugal. The Communists, having the largest, best organized, and best financed illegal political party, might have pulled it off in those circumstances.

Just imagine what could have happened, had this taken place. The Spanish might not have taken kindly to a communist regime in their neighboring state and might have moved in. And then what if the Russians had intervened? They had long been interested in the Iberian peninsula. They intervened on a big scale in Spain in the thirties. They can move much faster and more effectively today. And what would the U.S. have done? The United Nations truly would have had some matters to consider as endangering the peace of the world. What would we have done about our important air and naval facilities in the Azores? Would we have handed them over? Or would we have changed signals and remained by force, thus becoming colonialists ourselves? And what about Angola itself, would everyone there have started to live happily ever after?

The record would not indicate this. On the contrary, Angola and the other Portuguese territories undoubtedly would have become just one more area of the tragic and bloody chaos then existing and, still existing, in much of Africa.

Far fetched? Not so much as all that. It is, of course, hypothetical, but I mention it to illustrate the egregious folly of Americans who would interfere in the affairs of an allied country with which we have maintained friendly relations throughout history. I do not mean to imply that our national security is utterly dependent on Portugual. But I do say that our national security and our national interests are better served by a friendly, allied Portugal than they would be by a weakened, hostile Portugal.

Who are these Americans who continue to harass Portugal, and who bring pressure against her at every possible opportunity and in every possible way, who lobby in the United Nations and in the Congress, in the public media and in government?

There are two distinct categories. First there are the communists and hard core radical revolutionary groups. It is easy to understand their motives. They are opposed to anything we do in the way of National defense. They oppose NATO and our NATO allies. They want to bring our whole Establishment down and change it to their taste.

As I say, it is easy to understand their motives. But there is another category, and it is a large and important one. These are the church groups and other high minded and well respected organizations. And they are active. They lobby on behalf of the terrorists. They send them funds and medical supplies. Their newest tactic is to try to mobilize stockholders to force American corporations to abandon their business interests in Portugal.

The Gulf Oil Company, which invested more than 170 million dollars to bring in the rich oil field off the coast of Angola, which is creating new jobs and new wealth for that province, is their primary target at the moment. You may recall the action of the Southern Task Force of the United Presbyterian Church at the annual stockholders meeting of the Gulf Company in Atlanta last spring. They forced four resolutions on the proxy statement to be voted at that meeting. One of the resolutions called for the expansion of the Board of Directors with seven new members. Of the seven nominated from the floor, three were terrorist leaders from Angola, Mozambique and Guinea and one was Angela Davis. The 15,000 shares of Gulf stock held by the Church were voted there in favor of these candidates. The storm of controversy which broke out after this became known indicated pretty clearly that the action had neither the prior knowledge nor the approval of the membership of the United Presbyterian Church.

Why are these respected church groups so involved with these communist-backed terrorist movements? I think the reason is that at least 99 percent of the membership know nothing of what is going on in their name, as was the case at the Gulf meeting. As for the other one percent, or whatever that percent is, I think it is a case of bemusement by fuzzy semantics. First it was the Winds of Change. That originally was a throwaway line uttered by the late Harold MacMillan in a speech on Africa. But it was taken up and developed into something resembling holy writ, or some immutable law as infallible as the law of gravity. It was the clinching argument in any discussion of Africa. When the Portuguese settlers and the black citizens of Angola took some of the wind out of the Winds of Change we haven't heard so much about that slogan. But there are other slogans and semantic concoctions. There are "colonialism" and the "right of self-determination." Fair enough. But where do they apply? The Portuguese deny that their overseas possessions are colonies, but have long been provinces constituting an integral part of the Nation, just as Alaska and Hawaii are parts of the United States, although they are geographically separated from the mainland.

It is fair to ask why, if these good churchmen so sincerely believe in their cause as to condone war and a great deal of human suffering, should they be concentrating on a small, friendly, allied country? What about the Soviet Union? It was a vast colonial power before World War II. Since World War II, it has absorbed totally the unhappy countries of Latvia, Lithuania and Esthonia. And if they have not made colonies of the other East European countries, at least they stand for no self-determination or any other nonsense on their part, as was convincingly demonstrated in Czechoslovakia. Do these good Churchmen consider that there is more colonialism and less self-determination in Portugal than in the vast areas ruled by the big communist powers? Is there less self-determination in Portugal than in Cuba?

These questions were raised only last month by some reporters invited to the Overseas Press Club in New York by four prominent Church groups gathered there to discuss their tactics this year in dealing with U.S. corporations doing business in southern Africa. The only answer was an embarrassed silence.

It seems to me that Americans should be thinking more in terms of national self-interest than in such fuzzy semantics. In the case of Portugal they should have a good honest look at realities as they are today. Portugal is a friend and ally. It is a small country, but it has some very interesting geographic and geopolitical aspects.

To begin with the mainland, it is situated at the mouth of the Mediterranean, an area long coveted by the Russians. It has friendly ports of call and is the base of IBERLANT, one of NATO's principal headquarters. Is it better for us that way, or would we be better off if this were hostile territory?

Although neutral in World War II, Portugal gave us the use of the Azores, a base of absolutely inestimable importance. We still maintain our air and naval facilities there. Is that bad?

Other Portuguese islands in the Atlantic which occupy highly strategic positions in the air and sea traffic of the Atlantic are Madeira and, especially, the Cape Verde Islands. The Portuguese have the best natural ports on both the East and West Coasts of Southern Africa. These are friendly ports of call for both naval and commercial ships of the United States today. Nacala, on the northern coast of Mozambique, is the greatest natural, protected, deep water port in East Africa. It is big enough to accommodate the entire Seventh Fleet. That is worth thinking about at this time when the gigantic new Russian Navy is expanding in the Indian Ocean. Western Europe depends on 70 percent of its oil from the Middle East via the Cape Route. An average of 27 tankers and super tankers per day pass the coasts of Mozambique and Angola en route from the Middle East oil fields to Western Europe.

One other point. The ports and railroads of Angola and Mozambique provide virtually the sole access to the landlocked countries of the interior of South central Africa which embrace the famed Copper Belt. This area contains a major portion of the world's minerals of both strategic and economic importance. More than half of the United States imports of cobalt, manganese ore, uranium, and diamonds, and over one-third of such commodities as chromite, platinum group metals and coffee, come from countries dependent on the ports and railroads of Angola and Mozambique.

When you stop to consider how our interests would be affected if these areas were in unfriendly hands, it should make one wonder whether it is worthwhile, after all, to trade off our old friendship with Portugal just to prove that perhaps the Winds of Change really are inexorable.

But the Radicals and the Church and Liberal organizations keep at it. They continually protest even the most normal transactions between our country and our small ally. A good example was the furor raised last year when the State Department licensed the private sale of two Boeing 707 transport planes to the Portuguese government. The protesters included two very prominent United States Senators, one of whom is running for President this year, who gravely pointed out that these planes *might* be used to transport troops to "wage colonial war."

These two senators never have made any mention of the American Company which signed a contract with the Russian Government to design the biggest heavy truck producing plant in the world on the Kamu River. At least if they have mentioned it, it has escaped my attention. Yet this plant is expected to turn out 150,000 three-axle diesel-powered trucks per year, more than the entire American output of heavy trucks in 1970 and enough to meet all Russia's military needs, which just might include the transport of troops to wage war, colonial or otherwise.

Parenthetically, this phrase "to wage colonial war" is one of the favorite phrases in the lexicon of double-talk employed against the Portuguese. It is trotted out on all occasions; the most normal transactions with Portugal are deplored as assisting the Portuguese "to wage colonial war." One could well hesitate in some company to eat a plate of sardines without being so accused. So far as I know, the Russians have laid no claims to having invented this phrase, like baseball. But they may do so some day. The first recorded use of it that I have seen was in an item in the New York Times of June 10, 1961. It was used by the Russian delegate to the United Nations in an amendment to the resolution I mentioned earlier which called upon the Portuguese to "desist forthwith" from defending themselves. The amendment would have condemned Portugal for "waging a colonial war against the Angolan people," the Times reported.

A sober examination of this phrase can illustrate much about the way propaganda is employed by the communists and how supinely it is adopted and accepted in western countries. The phrase instantly conjures up the image of aggression, attack, invasion. But the Portuguese did not start these wars, they have attacked nobody and they have not invaded an inch of the territory of anybody else despite the most grievous provocations over these last eleven years. They have simply defended the land they have occupied for five centuries and their peoples who would like nothing better than to live there in peace.

One of the principal charges leveled against the Portuguese in Africa was that of employing forced labor. Some Portuguese companies and individuals have sinned on that score in the past. But these conditions have been long since corrected and there are strict laws, strictly enforced, against these abuses. In 1961 the International Labor Organization sent a blue-ribbon commission to Angola and Mozambique from Geneva to investigate charges made in the U.N. of the use of forced labor and other abuses in the provinces. After an exhaustive survey, the ILO commission completely absolved Portugal of these charges.

The ILO has made two inquiries since then and not only have they refuted the charges brought against the Portuguese, but have commended them for the measures they have taken to protect workers and improve their lot.

Some of the unique humanitarian aspects of the Portuguese society have been totally overlooked by the so-called liberals who attack Portugal. Portugal has led the world in its multi-racial policies. Discrimination on the basis of skin color has never existed in the history of Portugal, at home or overseas. There never has been any busing problem in Portuguese schools, at home or abroad, because they have been integrated from the beginning. Despite the grim picture painted for so long by communist propaganda of "dictatorship" in Portugal, justice there is mild and evenhanded. Portugal was one of the first countries in the world to abolish the death sentence more than a century ago. Laws are strictly enforced, but sentences are mild and treatment of prisoners is lenient. Yet Portugal has one of the lowest crime rates in the world. Visitors are invariably impressed, in this day of the urban crime and violence, by the perfect safety with which anyone can walk the streets of Lisbon, Luanda, Lourenco Marques, or any other Portuguese cities at any time of the day or night.

The last eleven years have tested the souls and the resources of the Portuguese. But despite the terrible drain of blood, manpower and resources, there has been a bright side of the picture for these unusual people, and a very bright side at that. The shock of the events in 1961 awakened the Portuguese from a long sleep. It revived their ancient pride and brought about a national unity they had not known in modern times.

The results have been remarkable. Dr. Salazar was asked late in 1961 by a foreign dignitary how long he thought Portugal could carry the financial burden of its defense. He replied, "as long as necessary." Events have proved him right. In March 1961, Portugal's gold and foreign exchange reserves amounted to around $600 million dollars. Today these reserves stand at $1.8 billion dollars.

Despite the cost of the war, the growth of the GNP has averaged between 6 and 7 percent. New and modern industries have sprung up. In the last seven years LISNAVE was created in the port of Lisbon and it already has become the biggest and busiest ship repair yard in the western world. Tourism has increased more than tenfold.

Many social reforms have been instituted, especially in the field of education where the battle against illiteracy is rapidly being won.

The biggest growth of all is in Angola and Mozambique. These areas, as big as the United States east of the Mississippi, have become a booming new frontier where foreign investment is now welcome. As Ambassador George Kennan pointed out in an article in the Foreign Affairs Quarterly last year, primary education in the African provinces has increased by 500 percent and secondary education by more than 850 percent since 1961. Two new, fully accredited, universities have been established in Angola and Mozambique.

Back in 1961, that admirable London publication, the Economist, joined the general hue and cry for immediate independence for Angola and, in some rather stiff avuncular editorials, advised the Portuguese that colonialism was dead and they had best get with it, man, and pull out. Last week I received the February 26, 1972, issue of the Economist which carries a 23-page special supplement on Portugal, reviewing the progress of the last decade. I'd like to quote one of the lead paragraphs:

"Some people would add that the alliance (with England, 'the world's oldest alliance') is a matter of psychology as well as politics: that the Portuguese, so much more sober and reserved than their Spanish neighbors and with such splendid memories of oceanic empire, resemble no one so much as the Victorian English. Up to this day, it is hard for an Englishman not to feel at home in Lisbon. . . . Even in their *saudado*, their melancholy laced with nostalgia for past greatness, the Portuguese have something in common with the postwar British."

It is just possible that these unique Portuguese people, gentle and reserved, with a brand of politeness matched only by their stubbornness in matters of principle, some day may look back on the events unleashed in 1961, despite their horrors, as having been a blessing in the long run. Those events just may prove to have rekindled the national genius which five centuries ago sent the Portuguese navigators out to discover the world.

Gentlemen, I thank you for your courteous patience.

WELFARE CHEATERS AND THE REST OF US

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. ANDERSON of California. Mr. Speaker, all of us are shocked by reports of "welfare cheaters." All of us hate the idea of our hard-earned tax dollars being drained by loafers who are able, but too lazy, to work. All of us are distressed that a few rotten apples get on the welfare rolls and defraud the public by collecting undeserved payments from the public purse.

But how many of us are equally horrified by tax loopholes which allowed 112 Americans with incomes exceeding $200,000 to pay no Federal income taxes in 1970? How many of us hate the idea of our hard-earned tax dollars going to agribusinesses to the tune of over $3 billion a year not to grow crops? How many of us are disturbed that the public pays $4.3 billion a year for assorted "tax favors" to the petroleum industry, plus $5 billion for oil import quotas, for a total of $9.3 billion?

The reason that the public is outraged at the welfare cheater, but not distressed by the wealthy individual and conglomerates who have their hand in the public till, is that the public is told of the welfare cheater, but not informed of the others. It is easy to blast a faceless welfare recipient who does not contribute to political campaigns; a poor person who does not own a well-heeled lobbyist to contact people in high places; an individual who does not rub elbows with influential person on the cocktail party circuit.

How many times have you heard the Governor of your State blast the oil interests—or the agribusinessmen—or the wealthy who, because of tax writeoffs, pays no taxes?

Mr. Speaker, I definitely favor welfare reform in order to put the welfare cheater out of business. But, at the same time, I favor closing the loopholes and eliminating the subsidies to the superrich.

While we remove the welfare cheater's hand from the public till, let us also close the public purse to the fat cats.

At this time, Mr. Speaker, I include in the RECORD the following article which appeared in the Washington Post on March 12:

WELFARE CHEATERS AND THE REST OF US

(By Meg Greenfield)

In my fantasy we are having lunch at an expensive Washington restaurant. My guest is an old friend—a lawyer, perhaps, who worked for the government under a previous administration and is now a consultant or counselor (which is to say, a lobbyist) for one of the big oil companies. Actually, it may be premature to call him my guest, since it is not yet clear which of us will pick up the check, only that the meal and drinks will go on one of our expense accounts and ultimately be split with Uncle Sam.

When I permit the fantasy to become elaborate, I see my friend going directly from the restaurant to an airport, where he boards a waiting company plane. Guided by subsidized navigation and instrument services, he takes off for a combined business and pleasure trip, all of which will be accounted a business expense on his income tax return. Sometimes I cast the pleasure part of his journey as a day's stopover with a cherished, aging uncle on a farm in the South who is living on government payments for cotton crops that he and his "partners" (family) are not growing. The only constant in this picture is that somewhere between the deductible artichoke and the written-off veal marengo, we talk about welfare cheating. We say how terrible it is.

The point of this exercise is not to set up some "you're another" justification of welfare cheating. Hanky panky down on the farm or at an ostentatiously appointed table for two does not make welfare hanky panky any more acceptable. And the broad range of more and less fraudulent activities that go by the generic name of "welfare cheating" are real, quite costly to the taxpaying public and—where deliberate fraud is involved—reprehensible. The point is that in relation to equally real, costly and representible finagling of government funds that goes on at every other level of our society, welfare cheating seems to have acquired a grip on the national imagination all out of proportion to its place in the scheme of things. It can evidently enrage as few other forms of treasury raid can. Indeed, people seem not just willing but positively eager to believe that fraud accounts for *most* of the nation's welfare disbursements. And although it is true that just about all of us work part of our day—or at least pay part of our taxes—to support numerous of the undeserving rich along with numerous to the undeserving poor (and to do so far more handsomely), it is a strange fact that we seem to resent such outlays to the poor far more.

The resentment begins, as such things often do, with a rather murky and misleading idea of what we even mean by "welfare cheating" and what is known about its character and extent. For example, it seems to be widely assumed that what politicians and others have in mind when they deplore welfare cheating is extensive, deliberate fraud. This would encompass falsifying eligibility information, say, or setting up several separate "accounts" to get extra benefits or doing similar things that would be the equivalent of a taxpayer's deliberately failing to report income or inventing false exemptions, as distinct from his merely working the loopholes and ambiguities of the tax laws to his advantage. Yet most of those who have bent their attention to the welfare cheating problem tend to agree that deliberate falsification or fraud accounts for a comparatively small part of the outlays considered questionable or illegitimate. California Gov. Ronald Reagan himself, not exactly known for his permissiveness on the subject, told U.S. News & World Report last year that so far as welfare work incentive programs in his state were concerned, for example, "we're caught up with a legal kind of cheating on this." He explained: "It isn't cheating in the technical sense, because it's all legal and aboveboard under the existing federal regulations."

Welfare experts, who might not share Gov. Reagan's perception of which programs and regulations lead to a "legal kind of cheating" when exploited to the full, nonetheless seem to agree that much of what is commonly discussed under the rubric of "welfare cheating," in fact represents adroit manipulation of the legal rules—more or less in the manner of a Kern County farmer's rearranging the technical ownership of his land to increase his subsidy payment, or a taxpayer's seizing what opportunities he can in the preparation of a return. Moreover, welfare department accounting procedures are often so sloppy, and the maze of bureaucratic and statutory arrangements under which benefits are currently granted is so complex, that it is probably a wonder that more advantage is not taken of the rules.

That this situation obtains was highlighted in a recently published HEW study of errors in welfare disbursements. The survey showed that the percentage of recipients receiving either overpayments or payments to which they were not entitled at all—"welfare cheating"—was far higher than many defenders of welfare programs had wanted to suppose. But the findings also went a long way to discredit the popular notion that such payments were pretty much the result of dissembling and subterfuge on the part of poor black families receiving aid under the AFDC program. Put simply, the findings were these: that almost equal percentages of AFDC families and Adult Category recipients (the aged, blind and disabled) were receiving benefits for which they were wholly ineligible (5.6 per cent of the first, 4.9 per cent of the second); that almost 25 per cent of eligible AFDC families and 12 per cent of eligible Adult recipients were receiving either overpayments or underpayments, the eligible AFDC families being overpaid and underpaid at twice the rate of the eligible Adults (15 per cent to 8 per cent for overpayment, 10 per cent to 5 per cent for underpayment); and that of the errors traceable to recipients in both programs, a very small percentage had yielded evidence thus far of intention to defraud.

As testimony to the deficient procedures under which federal, state and local governments disburse welfare funds, there was the further finding that more than half the accounting errors that resulted in these mispayments originated with the welfare agencies themselves, not with the recipients. Thus in the controversial AFDC program, where roughly 30 out of every 100 families were being mispaid (five ineligible altogether, 15 receiving more than they should and 10 receiving less), 15 of these families would have been responsible for the error themselves, while the other 15 would have been receiving wrong payment that was a result of welfare agency error. Balancing underpayments against both overpayments and payments to wholly ineligible recipients, and projecting its findings to cover recipients not included in the 41-state survey, HEW accepted an estimate of $500 million as the annual net amount of overpayment to welfare recipients under the principal federal welfare programs. The money represented combined federal, state and local funds.

Half a billion misspent public dollars. It is an awful lot of money to dish out by mistake, even by mostly honest mistake—even by mostly honest mistake more or less split between agency and recipient. Never mind: Let us make it worse. Let us first put the most sinister construction we can on the data at hand. We will, for example, suppose that—contrary to HEW's findings—all 15 per cent of the AFDC recipients who were responsible for accounting errors made errors in their own favor. We will also suspend the notion of "honest error," conceding instead at least a strong possibility that each of these recipients was attempting ot defraud the public purse. And, flying further in the face of the HEW findings, we will leave the Adult categories out of it altogether, pretending instead that the suspect AFDC recipients were responsible for the entire financial loss. Having done this much, let us now double both the sums and the percentages involved. That way, for purposes of argument, we will be talking not about $500 million in net overpayment, but a full 1 billion, not about 15 per cent of AFDC recipients who were responsible for errors that led to a part of this loss, but 30 per cent of AFDC recipients on whom we wish to blame the whole thing.

There are a couple of good reasons to alter the data this way, to make the findings twice as alarming. First, we cover ourselves against slippage (these things have a way of turning out to be worse than early evidence indicates). Second—and perhaps more important—only by so distorting the evidence at hand can we begin to bring "welfare cheating" data into the realm of relevant comparison. For if a full 30 per cent of AFDC recipients (not 15 per cent) were known to be responsible for errors in payment, and if all these (not some) were responsible for errors made in their own behalf, and if each and every one was therefore open to at least a strong suspicion of trying to shortchange the government, we would approach among AFDC recipients the moral and proportional equivalent of the one-third of the nation's personal income-tax payers who, according to tax expert Joseph Pechman, annually under report or fail to report their income. With our full $1 billion loss, however, we would still fall $3 billion short of a monetary equivalent. For the year 1968, Pechman's figures indicate an estimated $30 billion in under-reported personal taxable income, at an estimated loss to the government of $6 billion—only $2 billion of which was ultimately recovered by the IRS. None of this takes into account tax loophole work, or what Gov. Reagan, in the welfare context, has called the "legal kind of cheating."

The object of such comparisons is not to minimize or dismiss the high cost of welfare overpayments or the built-in failings of a statutory and administrative structure that permits many recipients to work the program to unfair advantage. Rather, it is to put what we commonly think of as welfare cheating into perspective, to fix it in a reasonable relationship with comparable forms of activity. When you view the problem of welfare cheating in this framework, it is, I think, quite natural to wonder at the disproportionate hold it has on our capacity for indignation and to marvel at the intensity and self-righteousness of our response. For that response is characterized, first of all, by the nearly universal acceptance of a double standard of judgment, one that seems to be as unconscious as it is convenient. Members of Congress, for instance, who accommodate all manner of personal corner-cutting (and worse) where campaign contributions, lobbying quid pro quo's, junketing and the rest are concerned, apparently see no irony in their moral outrage on this subject—just as Gov. Reagan, who managed to pay no state income tax whatever for 1970, seems comfortable discussing the burden that "a legal kind of cheating" by welfare recipients imposes on the rest of us.

Beyond this thoughtless, almost touching, sanctimony, there is the vengegful and utlimately self-defeating character of much of what we recommend by way of remedy. Both sentiments seem firmly grounded in resistance to evidence that what we regard as welfare cheating is (1) not indulged in exclusively by poor black people, (2) not indulged in by anything like a majority of those receiving benefits generally and (3) not dramatically different in either kind or degree from other forms of angle-working.

Consider some percentages. Along with the highly suspect AFDC recipients, the relatively cherished and respected recipients of aid to the aged, blind and disabled (Sen. Thurmond, for instance, has set these apart as "deserving" receipients) logged in around 5 per cent total ineligibility for benefits received. It is possible that they are no better and no worse than their AFDC counterparts? And is it possible that the estimated 2½ per cent of ineligible recipients in both these programs who initiated the payments to which they were not entitled are more or less on a par with the estimated 3 per cent of area dentists, physicians and non-physician specialist who, according to the president of Washington Blue Shield, were involved in a recent fee-inflation episode and obliged to repay Blue Shield funds to which they were not entitled? Is it possible that there is some percentage of a given population—whether welfare beneficiaries or area practitioners or Kern County farmers or personal income-tax payers—that represents a usual moral and/or accounting lapse rate? A local Blue Cross official described the practitioners' errors as having proceeded from what he termed "misunderstanding or fraud or in between." A Kern County farmer observed philosophically of those working the subsidy program to unfair advantage, "This is what people have been doing for years. It's human nature." Is it possible, then, that any or all of this applies equally to erring welfare recipients?

Maybe it is not possible. Maybe further evidence will demonstrate that welfare recipients are, in far larger proportions, guilty of intentionally abusing the system. But it is curious that so many of us insist on assuming this essential difference despite what the data on welfare cheating thus far shows and despite the fact that none of us finds it hard to believe that the majority of doctors or farmers or income-tax payers as a group are abiding fairly by the rules.

That we persisit in generalizing from the particular where welfare cheating is concerned, and that we have—relative to the size of other "doles"—such an extravagant resentment of the revenue forked out, suggests that it may not be "welfare cheaters," but welfare recipients as a class that we object to. It suggests that perhaps we do not accept the equity or legitimacy of the principle of public assistance to the poor at all, that we in fact regard *all of welfare* as "cheating." Only such a presumption can explain the oddities of our behavior. Even at a time of 6 per cent unemployment, for instance, people incline easily to the view that welfare recipients must be predominantly loafers and connivers and should somehow be made to pay the rest of us back—and not just in money either, but in ways that carry, at least subliminally, overtones of punishment and humiliation.

Whether our leaders share in this attitude or are merely catering to what they consider an insatiable public appetite, their statements on the topic tend to reinforce, the idea that we wish to exact something beyond financial compensation from those populating the public assistance rolls. Mr. Nixon, for example, has quite rightly insisted upon job and job-training programs as an essential part of any welfare reform. This could (and should) be viewed as a practical and hopeful commitment to ending the welfare recipient's condition of dependency, a commitment to the idea that welfare recipients do not relish or seek out that condition any more than the rest of us would. So dignity, respect and a better break are all latent in the concept. Yet Mr. Nixon seems incapable of conceding them. In discussing the subject last spring, for example, he did not, as he might have, allude to the possibilities of employment as hospital orderlies or in other medical service jobs that have their more and less attractive features. Rather he saw fit to wax enthusiastic specifically about how "emptying bedpans" might qualify as appropriate and dignified labor for welfare recipients—pointing out that in his own family this onerous chore had at one time been undertaken.

There is more at issue here than a simple failure to distinguish between the morale drawn from a personal hard-luck story and a presidential suggestion relating to the prospective employment of a whole class of depressed people in whom we are seeking to instill some hope. What brought the image to mind in the first place? What particular mindset compels us invariably to dredge up from our own or others' experience the most singularly disagreeable labors we can think of as examples of the kind of work for which welfare recipients might be fit? How is it that when a successful businessman has bilked the IRS of a hefty debt in some grey area of the law, we do not insist that he pay it all back by emptying bedpans (in perpetuity, if required), but rather agree to a negotiation with IRS for some part of what he owes, forgiving the rest. Or try to fix this image in your mind: the directors of the Penn Central Railroad, picking up trash on pointed sticks along Fifth Avenue by way of compensating the public for having recklessly driven a valuable public resource into bankruptcy and dependency on the public "dole." The image is repulsive, is it not? Does it not have more to do with punishment than recompense?

One answer might be that monetarily speaking, the analogy is absurd because that labors on the part of prosperous businessmen would do nothing to mitigate the costs to the public of their king-sized misadventures and that—at any rate—the public interest is better served by trying to keep them and their enterprises afloat than by yielding to our desire to retaliate. But the argument would be more effective if it did not also apply to many of those welfare recipients from whom we are seeking retribution. For more than imagery is involved in our apparent desire to punish. Indeed, some jurisdictions have been seeking to impose "crackdowns" that could actually be very costly to the state and at the same time render affected recipients even more dependent, even more cut off from the circumstances under which they might function normally in community life both as workers and as householders. In California and elsewhere, for instance, it has been proposed that regulations be established severely limiting to a few hundred dollars worth of goods the amount of personal property a person might own and yet qualify for benefits. The fact that such regulations would produce at most a minor treasury gain and that the inspection and appraisal apparatus to bring it off would be extremely costly as bureaucracies go, has not seemed to deter enthusiasts of the idea. Nor has the fact that much of the personal and household goods confiscated and/or sold off would in time probably have to be provided the recipients in some other form by the state. For this evidently is an attempt to render justice by reduction, by disabling the recipient of public assistance and enhancing his dependence on the state if necessary to do . . . to do what? To prove a point? It is relevant, I think, to recall in this connection that in the same quarters where such a wholesale disposal of welfare recipients' assets was being urged, it was well understood why Lockheed—to take a case—ought not be required to dispose of *its* assets last summer to avoid going broke, why it might be in the public interest to give Lockheed financial aid—no matter who was more responsible for its predicament, the company or the government that fed it business. The completion of defense projects was seen to be in the larger public interest. So was Lockheed's capacity as an employer. People can see, then, the wisdom and urgency of forgoing any desire for retribution in relation to a company that, with help, can provide much-needed employment (a social good). Why should it be so difficult to take the same logical step in relation to a welfare recipient's employability, his capacity and incentive to live and work normally in the community of which he is a part? Surely that would be also in the public interest, equally a social good.

The answer, I think, has something to do with our perspective on the poor and especially on poor blacks. Their burdens seem less burdensome, their advantages (given or taken) more expensive. We, as a society, became much more exercised over the horror of random terrorist bombings when those bombings left the setting of Negro homes and churches in the South and came North in the form of anti-war, anti-establishment violence. And through years of amiable acquiescence in the knowledge that superior athletes and offspring of prominent alumni got first crack at college admissions, although they might not be intellectually fit, we did not register outraged complaints about what this might do to the academic standards of our places of higher learning. That came only with the issue of "open enrollment" and the effort to assist not wholly qualified, but wholly eager, black students in entering and completing college. One forbears imagining what the national political response would have been had it been such a student—rather than a University of Texas football star—who allowed in public a few years back that, truth to tell, he "couldn't read a lick."

Just so, we seem to approach the question of welfare cheating with a probity and a sense of loss and a desire to punish that are wholly out of phase with our complaisance in relation to cheating ("legal" and otherwise) that is at least as reprehensible and immensely more expensive. Two-and-a-half per cent, 3 per cent, 5 per cent, 15 per cent—the data could eventually be disproved, of course, but for now you would think that we would be able to deplore the genuinely costly drain of welfare cheating on the public purse and yet do so in the context of that rather apt remark of Hemingway to Scott Fitzgerald concerning the rich. The poor, in this case, seem to be different from the rest of us primarily in that they have less money.

MRS. CAROLYN BEIL OF YOUNGSTOWN, OHIO, PROPOSES "NATIONAL CLEAN-UP WEEK"

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. CARNEY. Mr. Speaker, recently I received a thoughtful letter from Mrs. Carolyn Beil, a constituent of my congressional district, proposing a "National Clean-up Week." In her letter, Mrs. Beil explains her idea and outlines some of the worthwhile projects which may be undertaken during "National Clean-up Week."

Mr. Speaker, I would like to insert Mrs. Beil's letter in the CONGRESSIONAL RECORD at this time for the information and consideration of my colleagues in the House and Senate:

YOUNGSTOWN, OHIO,
March 6, 1972.

Hon. CHARLES J. CARNEY,
House Office Building,
Washington, D.C.

SIR: As a concerned citizen in your Congressional district, I would like to propose a National Clean-up Week in which people could voluntarily donate their time to helping clean up our environment. Idealistic as it may sound, with the proper thought and planning, it may work.

Some suggestions as to the nature of the work are (1) volunteers could come to homes to collect old papers, bottles, cans, etc., to be taken to our local recycling centers; (2) people could be sent to roadsides, parks, swamps, and other public places which have been defaced by careless litterers. I am sure that many, although certainly not all, Americans would be willing to donate a couple of hours during the week to such a project.

I am aware that this would entail a considerable amount of time, planning, and financing, but our government spends a tremendous amount of money in the littering and destruction of other countries by the use of weapons and warfare; I'm sure this money could be put to better use.

Necessary to ending pollution is a more vigorous campaign against it—the one going on now is certainly not strong enough. People must be aware that environmental control begins in their own homes, where good and bad habits are formed. Most people, including myself, are not aware of what we personally can do to clean up our homeland. This needs to be corrected.

Please give this some thought. A million Americans can do more in one week to clean up our environment than sporadic bills passed by Congress can do in one year.

Sincerely yours,

MRS. CAROLYN BEIL.

A WALK FOR AN EAGLE

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. THOMSON of Wisconsin. Mr. Speaker, this year during Earth Week, April 17–23, Wisconsin young people are being invited to participate in the "Walk for an Eagle" program to raise funds which will be used to establish a 1,000 acre wilderness eagle preserve. I am most pleased to sponsor this fine program being organized by Eagle Valley Environmentalists, Inc.—EVE—and urge concerned citizens of every age to lend their support to this effort to protect our endangered national bird, the bald eagle.

I can think of no more worthwhile activity to constructively translate the concern for our environment which inspires Earth Week into real accomplishment than participation in Walk for an Eagle. Too often our undirected enthusiasm and idealism is wasted because it is not channeled into a realistic and realizable program. The Walk for an Eagle program is as well-conceived as it is well-motivated.

To those living in southwestern Wisconsin, the sight of a soaring bald eagle during the months of November through March is not uncommon. But our cherished winter visitor is in danger of losing his already severely limited domain as wilderness areas fall before the relentless push of civilization. Fortunately, one sheltered valley along the Mississippi River is, as yet, untouched and uninhabited. It provides a safe refuge for these magnificent birds.

EVE has already begun its planned purchase of 1,000 acres to save this valley and provide a permanent wilderness refuge for bald eagles during the winter months. With public support, this dream can be fulfilled, saving our eagles, thousands of other wild creatures living in the area, and providing an outdoor retreat for man to wander and reflect. As Aldo Leopold so aptly put it in his Sand County Almanac:

> Raw wilderness gives definition and meaning to the human enterprise. Wilderness is a resource that can shrink but not grow.

I am hopeful that the Walk for an Eagle program will become the ecology crusade for 1972 and encourage school classes to consider organizing a Walk for an Eagle in line with the recommendations of Eagle Valley Environmentalists.

I include at this point, instructions for participating groups prepared by EVE:

The purpose of Walk for an Eagle is to raise money for saving a Wilderness Valley for the Bald Eagle. The time is Earth Week, April 1972. The day for the walk, Saturday, April 22. Who? Members of your organization, your club, your school, or your class. The Where—a stretch of road or section of town that can be properly supervised by local police. Consult with them for the final selection of a location for your walk.

How—

1. Develop publicity of the event through your local news media, radio, paper, television, etc.

2. A week or so in advance of the walk, have members canvass the town or community. Divide it into parts and go door-to-door. Don't overlook busineses, teachers, organizations, civic groups and industries. Get a pledge of so much a mile for each mile a member walks; let these people know that you are doing something positive about saving the environment.

3. Keep a list of each pledge, who made it, the amount of the pledge per mile, and to whom the pledge was made.

4. On the day of the walk, have someone be an official record-keeper. He must keep a record of each person starting and how far that person walked.

5. After the walk, the pledges should be collected by the participant who originally solicited them. A statement signed by the official record-keeper showing the miles walked by each participant should be shown to each person who pledged for the walk when they go to collect the pledges.

6. Send your proceeds to EVE, Secretary-Treasurer, 390 S. Chestnut St., Platteville, Wisconsin 53818.

7. Each person, class, school or organization that is able to raise $100 or more will receive a certificate of appreciation from EVE. If interested, any school able to pledge $1,000 or more will have an opportunity for a free school Assembly by EVE's Executive Director, Terrence N. Ingram, during Earth Week or as soon thereafter as scheduling will permit.

TRIBUTE TO THE FLAG

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. HILLIS. Mr. Speaker, Roy H. Shepherd, of Anderson, Ind., has written a tribute to the flag of the United States. I would like to share it with my colleagues and invite them to contact me with their reactions:

TRIBUTE TO THE FLAG

Fellow Americans, before you is unfurled our country's flag! It is not in a spirit of boastfulness but rather is a sense of justifiable pride, we would have you remember that . . . that flag never has known defeat. It has ever gone forward, victorious, triumphant! Not like the Roman Eagle or the Crescent of the Saracen to conquer and to crush, but to make men free. No symbol—save the cross—epitomizes so much suffering and devotion, and radiates more hope than that flag. It is the symbol of your noble heritage, your kingly prerogatives, and your civic duties as American citizens. We call you to an active exercise of those prerogatives—with prudence and nobility of purpose, and to the performance of every duty with unfaltering spirit. We here solemnly pledge you to an unquestioning obedience to the mandates of that flag. Should your country command you—obey! Give to your country, your service, your purse, and even your life, if necessary, to the end that our nation may ever go forward upon its lofty mission, and stand in the Congress of the nations of the world—the champion of an ever freer, nobler, happier, humanity. And continue our prayer, oh God, that out of such devotion Thy Kingdom may come—Thy will may be done—on earth here as it is there in Heaven, and we will continue to give Thee all the praise—both now and forever and ever.—Amen.

ROY H. SHEPHERD.

GIRL SCOUTS OF THE U.S.A.

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. DULSKI. Mr. Speaker, I rise in support of the resolution offered by my colleague from Idaho (Mr. HANSEN).

This is Girl Scout Week and an appropriate time to give due recognition to the 60-year-old organization of which millions of girls have been members over the years.

Juliette Low brought Girl Guiding to the United States from England in 1912 and organized the first troop in Savannah, Ga. The name was changed 2 years later to Girl Scouts.

In my home area of Buffalo, N.Y., Girl Scouting began in 1917 when a troop of 13 girls was formed under the leadership of Mrs. George Trumble. The Girl Scout Council of Buffalo and Erie County, Inc., was established, and Miss Ada M. Gates became the first commissioner.

So, as the national organization marks its 60th, our Buffalo area council marks its 55th year of dedication to the purpose of inspiring girls with the highest ideals of character, conduct, patriotism, and service.

In the 55 years of its existence the Buffalo area council has served about 834,000 girls, of whom 25,790 are registered at the present time, supervised by 4,488 adults.

The Girl Scouts, as with other youth organizations, would not be able to function on a continuing and effective basis without the dedicated cooperation and participation of adult volunteers. No greater community service can be provided by adults than to take the time to help with youth activities such as the Girl Scouts.

There can develop great personal satisfaction for the adults in this volunteer work. They can observe first hand the results of their patience as they help young people learn the fundamentals of good citizenship, good health, sportsmanship, craftsmanship, togetherness, and so forth.

Since that day in 1920 when the Buffalo Council held its first camping session at Kidder Farm in suburban Williamsville, the scope of activities has expanded to where the council now owns eight properties and leases two others. These properties cover 1,354 acres and have a ledger value of nearly $741,000. Included is a canoe base across the international boundary in Algonquin Provincial Park, Ontario, Canada.

It is a pleasure for me to join with my colleagues in this 60th anniversary salute to the Girl Scouts of the United States and to extend a special accolade to the Girl Scouts of my own Buffalo and Erie County area who are marking their 55th anniversary.

REVIEW, OVERHAUL NEEDED OF FOREIGN AID PROGRAM

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. EVINS of Tennessee. Mr. Speaker, with Federal deficits growing larger, and with greater and greater demands being made for revenue sharing with State and local governments, the time has come for a reappraisal, review, and revamping of the foreign aid program.

It is difficult to reconcile the continued expenditure of billions of dollars overseas when there are so many pressing domestic needs for the Federal budget dollar at home.

In this connection I insert in the RECORD my newsletter Capitol Comments, because of the interest of my colleagues and the American people in this most important matter:

CONGRESS PASSES $3.1 BILLION FOREIGN AID BILL FOR SOME 98 NATIONS THROUGHOUT THE WORLD

(By Joe L. Evins)

Congress recently completed action on a $3.1 billion foreign aid bill which has grown like topsy from a temporary program for a few nations to a gigantic giveaway of billions of American dollars to many nations. The total of $3.1 billion finally appropriated for this year was $1.1 billion less than the President requested and $622.8 million less than appropriations for foreign aid the previous year.

Congress passed this aid bill on the insistence of the President. The bill as finally approved exceeded the appropriations initially approved by both the House and the Senate and was enlarged in the Conference. The bill was "in Conference" when the First Session of the 92nd Congress was concluded—and a continuing resolution was passed to set the funding at last year's level pending final passage of the bill.

Your Representative in recent years has voted against the annual foreign aid bills because it is my feeling that a review and comprehensive overhaul of this program and its goals and objectives are long overdue. In my opinion appropriations for this program overall are excessive, although I recognize that certainly some military and economic assistance under the program can be used to strengthen friendly allies.

It is my considered opinion that we cannot even be sure foreign aid creates friends—for example, 37 nations who have received foreign aid voted against the position of the United States in the United Nations that Taiwan—Free China—should continue as a member of the UN.

These are some of the other factors that concern me:

This money is urgently needed at home. Our nation is operating in a huge deficit situation of $44½ billion currently, and has a projected budget deficit of $98 billion for 1938–73. Our cities and states are advocating a large program of revenue-sharing for domestic needs. The channeling of $3.1 billion to other nations at this time when our own states and cities have many unmet needs is difficult to reconcile.

Our national debt is $85 billion more than the combined public debt of all the other nations of the world. Reason would dictate that most of the funds diverted overseas should be used at home.

More than $20 billion is available for expenditure for foreign aid from prior year appropriations and borrowing authority.

Foreign aid worsens the balance-of-payments deficit which is at its highest peak in history, as well as our nation's trade deficit. Our country had a trade deficit this year for the first time in this century. Studies indicate the United States has paid to foreign nations $49 billion more than they have paid to us in trade exchanges.

Foreign aid has cheapened the dollar abroad and contributed to many of our monetary problems at home and abroad.

Because of the gold drain, attributed by many authorities to the outflow of U.S. dollars in foreign aid, our country's gold holdings have been reduced from $22 billion to $10 billion.

It is obvious that this foreign aid program must be reviewed, revamped, or curtailed. Where famines, floods and other disasters occur, the United States is always generous and magnanimous. However, our taxpayers are today heavily burdened while waste and extravagance mark much of this nation's foreign aid programs. It's time for a change in the foreign aid program.

VIETNAM CUTBACK

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. SPRINGER. Mr. Speaker, when the President took office, there were 550,000 troops in Vietnam. Today there are fewer than 125,000 and they are coming home at a fairly rapid rate. The President is achieving what he said he would do when he was elected in 1968. The most important thing is that he has done it without our loss of prestige among our own allies all over the world and especially in the Far East. Crosby S. Noyes, foreign affairs writer for the Washington Star, has written a most interesting article in the Thursday, March 9, 1972, issue which I know my colleagues will want to read.

The article follows:

[From the Washington Star, Mar. 9, 1972]

NIXON HAS LITTLE TO FEAR FROM THE WAR ISSUE

(By Crosby S. Noyes)

Whatever else they may prove, we would hope that one result of the early primary elections will be to remove Vietnam as a major issue in the coming presidential election.

It's a curious thing. The very ones who most bewail the divisiveness of the war seem the most reluctant to let the issue fade from the consciousness of the voters.

And, though it is quite evident that the average citizen is far more concerned about a variety of domestic issues—unemployment, inflation, busing and so on—on which the administration is far more vulnerable, it still is on Vietnam that President Nixon opponents insist on concentrating their fire.

In fact, admitting that Vietnam is the most unpopular war in the country's history, Nixon's record so far is one of his strongest arguments for re-election in November. He has virtually ended active American participation in the fighting. And he has done so in such a way that none of the objectives for which the United States went into Vietnam has been sacrificed.

Call it the luck of the devil or grace of God, none of the dire predictions about the result of an American withdrawal has yet come to pass. The South Vietnamese have not fallen to pieces; they are fighting better and with higher morale than at the peak of the American effort.

The much-advertised offensive of the North Vietnamese has not materialized for reasons which are best known to the leaders in Hanoi. No one, at this point, can predict with any great certainty the course of events in South Vietnam over the next few years.

What one can say with some confidence is that, given continued American support, South Vietnam will survive the American departure and Nixon's program for ending American participation in the war has every chance of succeeding.

In this situation, critics of the administration are left in the position of saying that they would have achieved the same results more quickly or, more simply, that South Vietnam is not worth saving. But those who seriously dissent from the results achieved in Vietnam at this stage are likely to be classified as extremists on one side or the other by a majority of voters.

The extremists on the right argue, as they did in the case of Korea, that the war in Vietnam should have been fought through to a clear-cut American victory over North Vietnam.

They never have understood the concept of a limited war for limited objectives. They never will concede that "victory" in Vietnam consists in a successful withdrawal or that the essential objective of the American effort has been accomplished. They also are, mercifully, a small percentage of the voting population.

And so, one suspects, are the extremists on the left—those who also do not want to see a successful American withdrawal from Vietnam, those whose abhorrence of war and its tragedies has led them to the conclusion that it is inherently wicked and immoral for men to fight for their freedom and equally wicked and immoral for the United States to help them do it.

For no matter how it may be distorted by those who concentrate on what they call the "corruption" of the Saigon regime, this is the essential issue in Vietnam. The simple fact is that the vast majority of people in South Vietnam prefer this regime to rule from Hanoi and they have fought for this preference for a generation.

Today that fight, thanks to a massive American sacrifice, appears to be won. Although fighting certainly will continue as long as the leaders in Hanoi choose to send their armies into South Vietnam, Laos and Cambodia, they are most unlikely to attain their objectives by military means. They are no more likely to win control in South Vietnam through any political process that is not wholly rigged in their favor.

It can be argued, of course, that what has been accomplished in Vietnam was not worth the cost. Many people in this country believe strongly that American troops never should have been sent to fight in Indochina and that the sacrifice has been wholly incommensurate with the achievement. Certainly the Nixon doctrine, opposing direct American participation in wars on the Asian continent, reflects the prevailing public sentiment.

But surely it does not follow from this that what has been accomplished at such high cost should be systematically undone by withdrawing all further support for the government in Saigon and precipitating the collapse of military resistance in South Vietnam. Those who propose, in the name of humanitarian interests, to pull the rug out from under the South Vietnamese and turn the country over to the Communists have a difficult case to make to the average American voter.

AGRICULTURE EXPANDS IN MISSISSIPPI

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. GRIFFIN. Mr. Speaker, the distinguished director of the Mississippi Cooperative Extension Service, and my good friend, Bill Bost, has recently forwarded me a report on the progress of the "1.5 by 75" program in Mississippi. This 10-year program, begun in 1965, has as its goal the increasing of the value of farm production in Mississippi to $1.5 billion by 1975.

Now at the conclusion of the sixth year, I am pleased to note that through the dedication and hard work of our Mississippi farming community this program is ahead of schedule and well on its way to becoming a reality.

I commend the progress that is being made and believe that it speaks very highly of the willingness and dedication of Mississippians to work together in a common effort to achieve a goal that will surely benefit not only themselves and our State, but indeed the entire Nation.

I include here in my remarks a copy of the summary of the report of the outstanding progress being made by the Mississippi Cooperative Extension Service in increasing farm production and contributing greatly to the economy of our State:

VALUE OF MISSISSIPPI FARM PRODUCTS—PROGRESS OF 1.5 BY 1975 PROGRAM

[In millions of dollars]

	1964	1971	1975	Projected increase 1964–75	Increase 1964–71	Goal reached 1971 (percent)
Cotton	389	375	440	51	Minus	
Soybeans	65	163	175	110	98	89
Food grains	16	20	30	14	4	29
Feed crops	67	58	103	36	Minus	
Horticultural crops	17	22	42	25	5	20
Meat animals	104	265	185	81	161	201
Dairy (milk)	57	66	91	34	9	26
Poultry and eggs	146	188	284	138	42	30
Forestry	65	136	150	85	71	84
Catfish		17	20	20	17	85
Flowers and shrubs	2	11	15	13	9	69
Grand total	928	1,321	1,535	607	393	65

Mississippi farmers have again demonstrated their willingness to adopt the new techniques essential to achieve the annual goals of 1.5 by '75. At the end of the sixth year in this 10-year program, the value of farm production stands at a new high of more than $1.3 billion. This represents 65 percent of the goal of farm production having an annual value of $1.5 billion a year by 1975 and is 5 percent beyond the schedule required to meet the 1975 goal.

The greatest gain in 1.5 by '75 has been in meat animals, already considerably above the 1975 goal. The value of meat animals produced in 1971 was estimated at a record high of $265 million, $22 million above the previous high in 1970. More than $226 million of the 1971 total was from cattle and calves.

The value of cotton production in 1971 was estimated at $375 million, an increase of $35 million over 1970 and continuing the upward trend of recent years. Soybean production at $163 million for 1971 represented a slight gain over 1970 and a new record. At 89 percent of the 10-year goal, soybean production is still far ahead of schedule.

For forest products, the value of $136 million for 1971 is $11 million more than in 1970. This increase puts forestry at 84 percent of its goal for 1975. The value of catfish production continued its upward trend.

Poultry and egg production suffered a $15 million decline from 1970, reversing its steady march toward the 1.5 by '75 goal. Although the value of broiler production increased almost $3 million, that of eggs was $19 million less than the $90 million of 1970.

Horticultural crops, valued at $22 million in 1971, made a small increase but are far short of schedule. A slight decline in fresh and processed vegetables was more than offset by a sharp pecan crop increase over the near failure of 1970. The flower and shrub business continued its steady climb.

The value of milk production was less than in 1970. The food grains, rice and wheat, were up in value from 1970. The feed crops—mainly corn, sorghum, and hay—experienced a decrease.

ADMINISTRATION CAVES IN ON AID TO ECUADOR

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. VAN DEERLIN. Mr. Speaker, one should not be too surprised, I suppose, by the decision of the Nixon administration to revoke the congressional ban on aid to Ecuador.

This lamentable action, taken last week by Secretary of State Rogers, is but the latest in a long and shabby series of shams and double dealings in our relations with Ecuador, and any other country with a bent for picking our fishing ships off the high seas.

Mr. Rogers invoked an obscure Executive order which authorizes him to act on behalf of the President in managing the foreign assistance program. The Secretary signed a document which stated that removal of congressionally imposed restrictions on aid to Ecuador is in the national interest. The President had no public comment on the issue.

State Department personnel, however, have never attempted to conceal their distaste for the prohibitions ordered by Congress. Long before Mr. Rogers acted, U.S. diplomats in Quito, Ecuador's capital, were going out of their way to assure Ecuador that the administration had no intention of enforcing the amendment for cutting off U.S. aid.

One statement put out by our embassy told Ecuadorians the administration "has opposed the Van Deerlin amendment both in the form in which it was presented to the House in December and in its present form." The first version was a flat prohibition on assistance to Ecuador, while the compromise language finally adopted would permit aid—but only when the President deemed it important to the national interest of the United States.

While our Government may be technically within the letter of the law in acting to permit resumption of aid, I submit that in this instance there has been an almost studied defiance of the clearly expressed intent of Congress.

Our colleague (Mr. PASSMAN), the esteemed and able chairman of the appropriations subcommittee handling foreign aid, left no room for doubt as to the will of Congress in the Ecuadorian matter, during debate February 24 on the foreign aid conference report.

Release of funds to Ecuador could be justified, said Chairman PASSMAN, "only in the cases of emergency."

In lifting the ban, Secretary Rogers made no pretense that an emergency exists. I would construe an emergency situation as one in which assistance were urgently needed to relieve the suffering caused by a natural disaster, or other cataclysmic event. No one can quibble with lending a helping hand in such circumstances. But on this score, Ecuador simply does not qualify.

By continually interfering with our fishermen on the high seas, however, Ecuador has richly earned the rebuke which Congress tried to administer.

It is my feeling, strongly reinforced by recent events, that if our Government had been a little tougher with Ecuador in the past, our problems might have been resolved long ago and we would not have to be talking now about the desirability of withholding aid.

Throughout this dreary affair, I have been particularly upset with State Department officials in Washington and Quito who seem to be taking Ecuador's side in the dispute.

Since when, my colleagues, is it a responsibility of our diplomats to apologize to another nation for the actions of the U.S. Congress?

An article illuminating the State Depatment's negative attitudes was carried in the Washington Star last Thursday. I include the article at this point with my remarks:

[From the Washington Star, Mar. 9, 1972]

AMENDMENT TO U.S. AID BILL ROCKS ENVOYS IN ECUADOR

(By Jeremiah O'Leary)

QUITO, ECUADOR.—Life rarely is a bed of roses for American diplomats in Ecuador, what with tuna boat seizures and revolutions, but the Van Deerlin Amendment to the U.S. foreign aid bill has them ready to drape the embassy in black.

The amendment (or "enmienda," as it is called here) specifies that no part of any appropriation in the aid bill may be used to provide assistance to Ecuador unless the President decides it is important to the national interest. Its approval by Senate-House conferees virtually guaranteed it will remain in the bill sent to the White House.

The singling out of Ecuador, a Colorado-sized land of 6 million people, came like a bombshell to Ambassador Findley Burns and his country team in Quito, but it hit the Ecuadorean government with the impact of an Andean earthquake.

"God, what timing," said one U.S. official bitterly. "We're trying to make some headway on the tuna thing with the new government here, and now we're all the way back to square one."

Ecuador's armed forces ousted five-time President Jose Maria Velasco Ibarra Feb. 15, and there have been hopes that the new regime headed by Gen. Guillermo Rodriguez Lara might be disposed to some mutually satisfactory arrangement on the fishing issue.

If there ever was a chance, the "enmienda" put it on the back burner.

Burns did have a chance to salvage something out of the situation, mainly because he was able to prepare President Rodriguez for it a few hours before the story began moving on press wires.

The embassy also issued a statement that said, "The administration of President Nixon invariably has opposed the Van Deerlin amendment both in the form in which it was presented to the House in December and in its present form."

The embassy statement went on to emphasize that the bill leaves aid to Ecuador to the discretion of President Nixon.

This fast footwork by the embassy grabbed the headlines in Ecuador's daily papers, mainly because it was available to them first. It may have mollified the man in the street, but it didn't do much for the disposition of President Rodriguez who is understandably a bit touchy in the first weeks after his assumption of power.

Rodriguez, a U.S.-trained professional soldier, issued his own statement soon after, saying that the Ecuadorean government considers the "enmienda" a clear act of political imperialism by the U.S. Congress.

He stuck to the normal Ecuadorean concept that foreign aid is not just an altruistic gesture and that Congress acted as it did because of the "illicit activities" of the U.S. fishing boats in the 200 miles of Pacific Ocean coastal waters claimed by Ecuador.

Ecuador has not seized a fishing boat since Feb. 6, probably because the tuna no longer are swimming in schools and the boats do not find it profitable to chase individual tuna with their expensive gear.

Assistant Secretary of State Charles A. Meyer has been here three times since last November and seemed close to an agreement when the revolution came. Now the diplomats have to start all over again over the same rocky path.

OPEN LETTER IN FAVOR OF RADIO FREE EUROPE AND RADIO LIBERTY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. DERWINSKI. Mr. Speaker, I insert into the RECORD an open letter to the junior Senator from Arkansas by Mr. Aloysius A. Mazewski, president of the Polish American Congress.

As I understand, Mr. Speaker, despite the intense interest of many leading Americans in maintaining the effective service rendered by Radio Free Europe and Radio Liberty, the junior Senator from Arkansas remains as the one obstruction to their continued operation. Mr. Mazewski, in his letter, eloquently makes the case for Radio Free Europe:

AN OPEN LETTER TO SENATOR J. WILLIAM FULBRIGHT, CHAIRMAN OF THE SENATE FOREIGN RELATIONS COMMITTEE

POLISH AMERICAN CONGRESS, INC.,
March 6, 1972.

DEAR SIR: According to information coming from the Senate-House conference on certain disputed items of foreign expenditures, you have threatened to veto, singlehandedly, modest appropriation for Radio Free Europe.

Your contentions seem to be that in view of President Nixon's forthcoming visit to Moscow, we should be "nice" to the Russians, or they will revert back to their old intransigence, and block our policy of accommodation which is to supersede that of confrontation.

You are entitled to your opinion. And although sharply disagreeing with it, I respect it.

However, your rather autocratic statement at the conference that you will not allow Radio Free Europe to continue its activities, brings to my mind the concept of the "arrogance of power" which you misapplied in your dissertations on America's noble post war efforts in foreign aid.

Actually, arrogance of power came into being much earlier, during the Yalta conference in 1945.

It was then, that the United States, through its diplomacy, acceded to the power politics of the Soviet Union and tacitly agreed to the application of the arrogance of power, sealing the fate of 150 million people in Central and Eastern Europe without consulting them and against their national will.

Through diplomacy, we, as one of the victorious powers, have consented to give to Soviet dominations vast lands which were not ours to give.

We have tacitly agreed to the destruction of the basic liberties and fundamental rights of man in entire nation with historic tradition of democracy and millennial ties with the Western civilization and culture.

Official explanation of these give-aways to which we had no right was, that the compelling reason for them has been the forlorn hope that Soviet Union will be less truculent in post war dealings with the free nations of the West.

History proved otherwise. After the Yalta agreement and shortly after the cessation of hostilities in Europe, we entered the era of Cold War.

An earnest contest for the mind of the modern man has begun.

In this struggle, Radio Free Europe stands out as the most effective instrument in reaching the people cut off by the Iron Curtain from the free flow of objective news and the interplay of ideas of the open societies of the West.

For those people, whose fate was sealed by the arrogance of power at Yalta, the Orvellian nightmare arrived much sooner than 1984.

The "Big Brother' concept of a closed, totalitarian society with concommitant thought control, directed news and commentaries, and educational system geared to bring up young generations in restrictive communist sophistries, have become the way of life for nations of the Eastern half of Europe.

For them, the only contact with the West, the only source of objective news, the only breath of freedom comes through the Radio Free Europe facilities.

As an institution of man, RFE is not perfect. However, it has learned respect, confidence and unprecedented popularity among the people living under communist tyranny and longing for freedom.

Whatever it is, RFE is not an aggressive or offensive weapon. Its only mission is truthful, objective reporting of events on both sides of the Iron Curtain.

What can the Soviet Union give in exchange for the liquidation of Radio Free Europe? Nothing in this particular area of news dissemination.

The Soviet Union does not need any facility similar to Radio Free Europe, since every Communist party in the West is in fact a propaganda agency for Moscow.

To close down Radio Free Europe just because it is inconvenient to the tyrants of Moscow and their satraps in satellite countries would be equivalent to telling the subjugated nations that the United States is no longer interested in their present travail or in their future.

It would, indeed, be a raw and inhuman display of the arrogance of power.

I do not believe American people would accept this newest concession to the Soviet Union at the expense of the people who believe in our good will and see in the United States the hope and the promise of a better future for humanity.

I hope that as a scholar statesman of considerable knowledge, experience and influence you will reconsider your position regarding RFE and take under advisement its intrinsic value and relevancy which far surpasses any shortcomings it may have in term of political expediency.

Respectfully,
ALOYSIUS A. MAZEWSKI,
President.

COMMON CAUSE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. DRINAN. Mr. Speaker, I know that my colleagues will be interested in reading the attached profile of Common Cause, the citizens lobby. This article is written by Charles E. Claffey of the Washington Bureau of the Boston Globe. It appeared in that newspaper on March 5, 1972.

Among the reforms of the Congress sought by Common Cause are a reconsideration of the "closed rule" which precludes legislation being amended on the floor of the House and the barring of the public from the caucuses of both political parties in Congress.

The article follows:

COMMON CAUSE: REFORMERS READY TO GO TO THE PEOPLE

(By Charles E. Claffey)

WASHINGTON.—John W. Gardner bridles at suggestions that Common Cause, the citizen's lobby, is an elitist organization, estranged from the realities of the society it would reform.

"We do not regard ourselves as speaking from some morally superior vantage point outside the system," the chairman of Common Cause said recently. "We are also part of the system."

What are they up to?

ON SPENDING

Common Cause lobbied extensively for the campaign financing bill, which was signed into law by the President Feb. 7.

The new bill contains fairly strict limitations on radio and television spending, and a strong section on reporting campaign receipts and expenditures. But it contains no limits on the amount an individual may contribute to a campaign.

Individual limits was a strong feature of the Common Cause position, as was a strong provision regulating the supervising of reporting, another drawback in the bill as viewed by Common Cause.

Fred N. Wertheimer, Gardner's chief lobbyist against the war and in favor of a strong independent consumer protection agency, will play a major role in the organization's policy of enforcing the campaign financing and spending act.

"We see our job as trying to fill a vacuum—of making sure the law does what it's supposed to," Wertheimer says.

Wertheimer and other staffers will be helped by a staff of volunteers in Washington that could number as many as 1000, as well as others in state capitals.

Common Cause will try to insure that filings of receipts and expenses are made on time (a complaint procedure is provided in the law enabling direct court action for infractions), and to try to evaluate and interpret the disclosures.

"We're also going to try to track down special interests," says Wertheimer, "from labor to corporatons in looking for violations and evasion patterns."

Concerning the volunteers who will assist in this formidable project, Wertheimer says that a lot of them will be laywers and business people, such as accountants, but there will be no limit on anyone's background.

IN CONGRESS

In the field of congressional reform, Common Cause will stress the dual points of accountability and the need to open the "congressional machinery to younger, less senior members."

At the same time, it is avoiding the framing of specific legislative proposal, while recommending a "bill of particulars," which includes:

Subjecting each chairman and each minority party ranking member to an automatic open caucus vote at the beginning of each Congress.

Opening committee sessions for all but matters dealing with national security and personal privacy.

Re-considering the "closed-rule" which allows the House Ways and Means Committee a "unique privilege" in that all legislation it takes to the floor is debated under a device barring floor amendments.

Both parties should open their caucuses to the public.

The minority party should be entitled to a definite percentage of the budget of each congressional committee. It currently is subject to the whim of a chairman.

POTENTIAL FOR CHANGE

"If Common Cause members were to ask hard questions of candidates on only these issues," concludes its director of legislative activities, John Lagomarcino, and secure commitments on them from a broad cross-section of those running for Congress, the potential for change in the next Congress would be as great as any time in recent history."

Naturally, lobbying is Common Causes's major tool in trying to effect change. Not all veteran lobbyists enjoy working with the self-described "citizen's lobby," and some claim the organization takes too much credit for action on bills in which it was only peripherally influential.

At least one, however, thinks otherwise, "I'm glad they're here," says Marvin Caplan, legislative representative for the industrial union department of the AFL-CIO. "Often our objectives differ from theirs. But at times, they are quite complementary."

And the system itself, which Gardner wants to improve, has greeted his attempts at betterment with a bipartisan mixture of applause and abuse.

In fact, it is the question of whether Common Cause actually is bi-partisan that has engendered much of the criticism directed at the organization.

"Monday," the Republican National Committee's publication, has raised that point, and the Committee's Chairman, Sen. Robert Dole (Kansas) last year called Gardner's attacks of President Nixon's Vietnam policies "political efforts to get headlines."

And at the White House, the Nixon staff does not consider Common Cause a friendly group. 'They are going to find it very difficult to maintain that non-partisan image because they have nearly always come down against us," one presidential aide has been quoted as saying.

But Jack T. Conway, a former industrial union official who joined Common Cause last March as president, says he is attempting to keep the organization as politically balanced as possible.

"I've tried in everything that I've done here to either maintain a bipartisan balance where it existed, or to achieve one where it hasn't. This is a conscious policy. And the same holds true with any structures that we build in the Congressonal districts and the states." Conway says.

Common Cause is now about 18 months old, its membership (the yearly fee is $15) stands at about 230,000, according to Tom Mathews, Gardner's special assistant for public relations.

TOP PRIORITIES

Mathews also disclosed the results of a recent Common Cause poll in which members were asked to name their own top priorities for action in 1972.

The first choice was attempting to stop the Indochina War, including total US troop withdrawal; the next was congressional reform.

Only 5 percent or less mentioned judicial reform, drug abuse, involvement of youth, foreign policy, taxes, health care and education.

Rating high in member priorities were economic problems; involving more people in government, and environmental problems.

Concerning the organization's current image, members evaluated it as "a dynamic, growing and liberal organization with no limiting categorization for the young, or for the older."

The membership list includes Massachusetts Gov. Sargent; S. I. Hayakawa, president of San Francisco State College; Barbara Laird, wife of Defense Secretary Melvin R. Laird; former US Atty. Gen. Ramsey Clark, and women's activist Glorida Steinem.

During its first year, Common Cause concentrated on internal matters—membership, publicity, forming a staff.

Now its target areas—campaign financing and congressional reforms—have been set and national field offices have been opened, including one in Boston.

THOMAS GURICK WINS NEW JERSEY VFW VOICE OF DEMOCRACY CONTEST

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. HUNT. Mr. Speaker, I am privileged and very pleased to announce that Thomas Gurick, a 17-year-old constituent and a junior at Gloucester City High School, has won first prize in the New Jersey State competition of the 25th annual "Voice of Democracy" contest sponsored by the VFW and the ladies auxiliary of the VFW with the cooperatiton of the National and State Associations of Broadcasters.

This year's theme, "My Responsibility to Freedom" focused the attention of youth on the principle that freedom is a responsibility and not a license, and called for a personal evaluation of their responsibility in preserving our freedom heritage.

Tom's speech was judged to be the best of 30,000 entries throughout the State of New Jersey. In addition to a scholarship of $1,500, he has already enjoyed a 5-day, expense-paid trip to Washington, D.C., for the purpose of competing for national honors and a chance for the first-place national award of a $10,000 scholarship.

It all started, Tom said, when—

> One night I was sitting around the house with nothing to do (and) I thought about the contest and decided to give it a try. I sat down and wrote the speech off the top of my head in about a half hour. The next day I took it in to my speech teacher, Mr. Joe McCullough, and we made a few minor corrections.

From there he went on to the tedious task of taping his speech and, with his finished and perfected product, he initially won the preliminary competition in Camden County. As the VFW divides the State's 21 counties into a northern, central, and southern area, Tom also had to compete with the contestants in the southern area before going on to eliminate the winners of the northern and central areas to become the first-place winner in the State.

I have known Tom's parents, Bernard and Eloise Gurick, for many years as fine citizens and outstanding Americans and it is gratifying and reassuring to see Tom following their example in his own right.

Also to be congratulated for his participation in the contest is a young man from my hometown of Pitman, N.J., Kevin Wildes. Kevin was the winner of the Gloucester County competition and finished second to Tom Gurick in the competition against the seven other county winners in the VFW's southern district.

Mr. Speaker, it is heartening to see so many of our young people participating in the VFW's "Voice of Democracy" competition throughout the country and I think it is appropriate to commend the VFW, the ladies auxiliary of the VFW, and the National and State Associations of Broadcasters for making this opportunity a meaningful experience for the thousands of young people who voluntarily contribute their time, ideas, and skills.

MR. COOPER SAYS FAREWELL

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. CARTER. Mr. Speaker, it is with great pleasure that I submit the following article from the Louisville Courier-Journal & Times Magazine, by John Ed Pearce, about a man who serves the people of his State and country with ability and distinction, my friend and Member of the other body, JOHN SHERMAN COOPER, of the Commonwealth of Kentucky.

Having suffered the slings and arrows that political life is heir to, JOHN SHERMAN COOPER has endured them and emerged as a statesman in the eyes of the world. The treasured quality of humility and the deep feelings he holds for the problems of his fellow man are revealed by his unending willingness to lend his ear to those who wish to be heard, and to speak for those whose needs go unvoiced.

JOHN SHERMAN COOPER was born and reared in Somerset, Ky., which is in the Fifth Congressional District. The people of the Commonwealth fondly refer to him as "Mr. Kentucky," and I am indeed honored to count this man, for whom I have the greatest respect and admiration, as one of my constituents. The article follows:

MR. COOPER SAYS FAREWELL

(By John Ed Pearce)

Let philosophers argue whether the end of a brilliant career is less painful than the end of a dismal one. There is hurt in either case. Nothing is done for the last time but is done with regret, and when on Jan. 21, 1972, John Sherman Cooper came home to Kentucky to announce that he would not seek re-election to the United States Senate, his voice was choked, and there were tears in his eyes and on the cheeks of his wife beside him.

He spoke, at a Lexington meeting of the Kentucky Press Association, for less than three minutes, in the halting, half-mumbled manner that has become, over the past 25 years, a Cooper characteristic, and what he said was: Thank you. This is what I set out to do, and now it is done. And it has been a privilege.

Then, before returning to Washington for the final months of his Senate career, John Sherman Cooper went back to Somerset, back to Pulaski County where he was born 70 years ago, and the welcome by the people who gave him his start was touching, moving. He spoke in the Courthouse where once he sat as county judge, and later was guest of honor at a noisy, hollering, old-time rally at the Cumberland Falls State Park lodge for Republicans of the mountain counties of the 5th District, and sat, smiling, embarrassed, as judges, U.S. representatives and senators compared him with Lincoln. The meeting was long, and at 70 a man gets tired. But there were hands to shake and politics to talk before he could drive back to Somerset for a night's rest in his brother's home, just seven houses down North Main Street from the white frame home in which John Cooper was born on Aug. 23, 1901.

The drive from Somerset to Cumberland Falls takes only a few minutes, but the way there for John Cooper wound through a life that reads like a testimony to the value of virtue. It would have been a repudiation of the American ethic had John Cooper, first son and fourth of seven children of John Sherman and Gertrude Tartar Cooper, not risen from the mountain town to walk, as one orator at the rally declaimed, with kings.

His was a boyhood remindful of things gone by—the tight-knit family, the father a farmer-lawyer-judge of limited means but distinguished family ("he was good to all of us, but believed in discipline"), the mother ("she was a strong woman") directing a home of books and good cooking, and leading the family on Sunday to the Baptist Church.

John had his chores—keeping the lawn mowed, milking the cow, tending the garden. As he grew older, he delivered newspapers, worked in the local railroad yards, drove a coal truck, worked in his father's Harlan County coal mines. He spent his first four years of schooling in private schools, and had to fight his way out of the resulting reputation as a sissy when he transferred to public school. Tall, athletic, a hungry reader ("Our home was full of books. Everybody read. I read 'Vanity Fair' when I was 12.") he starred in football and basketball, was graduated second in his class at Somerset High School and earned a yearbook notation for his tendency to be tardy for everything, a trait aides say still clings.

He played football and basketball for Centre College's famed Praying Colonels for a year, transferred to Yale where he played three years of basketball (and was team captain for two years) and was tapped for Skull and Bones before graduating and entering Harvard Law School. He did not make Phi Beta Kappa, a source of regret in later years, or the Harvard Law Review, but his grades were always respectably high.

Then, suddenly, his father died, at the end of John's first year at Harvard, leaving little but land, and it had no immediate sale value. A family conference was held at which it was decided that John would return to Harvard, but at the end of his second year he came home, passed the Kentucky bar exams and hung out his shingle in Somerest, intent on paying off family debts and helping to support his brothers and sisters.

He ran for the state House of Representatives, and was elected for the two-year term without opposition ("largely because of my father, who had died only two years before and who was greatly respected") and served creditably if without distinction.

"John didn't make much of an impression on the House floor," recalls veteran Frankfort newsman Clay Wade Bailey, "but he did on the dance floor. He was tall and handsome, and an elegant dresser. Very courtly, you know, gallant. He and Mac Swinford and Si Eversole were the social trio. He was always popular with the women."

Back home, he ran for and was elected county judge in 1930, serving two four-year terms through the hard days of the Depression. His father and grandfather had been county judges, and his great-grandfather had held a similar post before the Civil War. It was an emotional moment whe he entered the courthouse to be sworn, and the eight years in the office left a deep impression on him, as he saw the suffering of a rural people caught in the collapse of a nation's economy. But with his hard work, his obvious compassion for people and the slow repayment of the debts for which he was neither legally nor morally responsible, John Cooper was building a foundation of grassroots regard from which he could reach for higher things.

His start for higher things was not impressive. He ran in the Republican primary for governor, and was defeated by King Swope of Lexington. The campaign, though, whetted his appetite for another try, but before he could make it World II erupted and he enlisted in the Army, where he served from 1942 to 1945, rising from private to captain.

He returned home to become circuit judge, a post to which he had been elected in absentia, but served only a few months before filing in 1946 for the unexpired Senate term of A. B. "Happy" Chandler, who had resigned to become baseball commissioner. Running against the popular Democrat John Young Brown in a normally Democratic state, he was an obvious dark horse, and most newsmen watching his early efforts, predicted that he would remain one.

"I remember," says Allan Trout, long-time Courier-Journal Frankfort bureau chief and state political authority, "when John opened his campaign in a tent at Lancaster. My first impression was of his incredibly bad delivery. No polish, no flourish whatever. He searched for words, he mumbled, he seemed always to be preparing to apologize. But then I began noticing that he was having an almost hypnotic effect on the crowd. I couldn't figure it out.

"Then, in the courthouse in Richmond, I noticed these little old ladies, the kind who wear black velvet bands at their throats, sitting straight on the edge of their chairs as though they were at tea, and they were gazing at him with rapt faces. They weren't the type to turn out for a political rally, but they turned out for John Cooper. And then it dawned on me that his pained expression as he stumbled along, groping for words, seemed to say, 'I know I'm not much of a politician, but I'm sincere. If you can't vote for me, at least feel sorry for me.' He was everything a politician is not, and they loved and trusted him for it. It's been his trademark. And his fortune."

He won. He had dreamed of the U.S. Senate since boyhood, and now he had made it. He was 45 and "felt that I had gotten started a little late. But I was on my way."

But his newly launched career would not prove an uninterrupted victory march. The unexpired term to which he had been elected was only two years, and in 1948 he was defeated for re-election by Democratic Rep. Virgil Chapman. He might have sunk into political obscruity had not President Harry Truman, in 1949, named him U.S. delegate to the United Nations General Assembly. The prestigious post kept him in the limelight, and his prestige grew when, in 1950, Secretary of State Dean Acheson made him adviser to the original North Atlantic Treaty Organization (NATO) Council of Ministers, and the following year sent him on a diplomatic mission to the NATO nations. When Virgil Chapman died in 1952, Cooper returned to Kentucky and was elected to another two-year unexpired term, defeating Democrat Tom Underwood. But two years later, running for a full term, he lost a gruelling race to the redoubtable Alben Barkley.

Again, it seemed his career was finished, and again he was rescued when President Dwight D. Eisenhower appointed him ambassador to India and Nepal in January 1955. But when, on April 30, 1956, Barkley dropped dead while addressing the students of Washington and Lee University, Cooper resigned his post, returned to Kentucky, filed for the unexpired term and won the election, defeating former governor Lawrence Wetherby. He was back in the Senate, and he would stay there for the next 16 years.

And for John Cooper, the past would indeed prove to be prologue. It was as though his whole life had been spent preparing for the position. And his record throughout his 19 years in the Senate (second in duration for Kentuckians only to that of Alben Barkley) showed the unmistakable imprint of his years in the Pulaski County Courthouse. It was his Depression-born compassion for people caught in the clutch of circumstance that led him, during the years from 1948 to 1972, to become the leader of the liberal wing of the Republican Party, a force in world politics as a Seante power and the confidant of presidents, and the Senate's "voice of conscience," as one newspaper described him, in the search for world peace.

Cooper's Kentucky constituency was not always happy with his consistent support for foreign aid, arms control, civil rights, welfare legislation and federal aid to education. Conservative Republicans often grumped that "John Cooper is getting too left-wing for my taste." But they weren't about to dump him; his voting record, as well as his personal appeal, won for him a bipartisan base whose values could not be ignored. And he mollified many of his rural detractors by championing bills guaranteeing tobacco farmers parity-price support, and efforts to develop Kentucky rivers.

"I had seen how hard it was for the small farmer to make ends meet, and I was convinced that he wasn't going to be able to compete in an uncontrolled, competitive tobacco market. If we could limit tobacco production to actual demand, and keep prices high, everyone could survive. Otherwise, the little boys would be squeezed out.

"It was the same with rivers. When I went to the Senate not one Kentucky river, with the exception of Kentucky Lake on the Tennessee, and a few floodwalls, had any development. Farmers, small-town residents, not just in East Kentucky but there particularly, were being ruined."

It was the same with welfare legislation and such volatile issues as Medicare.

"I know there are abuses in the welfare program. I know it hasn't worked exactly as we hoped it would," he says. "But we had to try, and I'm glad we did. The same with medical care. When the Medicare bill was up, I got thousands of letters from back home, most of them against me. The doctors and hospital people were against it. But I noticed that the old country doctors and the county officials—people who had been out in the country and seen the plight of the people who live in the hollows and down the dirt roads—they were for it. And I remembered my experiences as county judge in Pulaski County, when I'd go out in the county and see these people—desperate, hungry, sick and nowhere to turn, and no one with any money to help them. You just can't let people go hungry. You can't just let them lie there sick and die. Not in this country. Not with all we've got."

His small-town, rural background also influenced his stands on such matters as the TVA and the Rural Electrification Administration. Both aimed at bringing not just electricity, but a better life in general to the people "who lived in the hollows and down the dirt roads," and Cooper fought for their appropriations, often against the majority of his own party, and in one instance against his party's President. During the Eisenhower years (and to some extent during the recent Justice Department regime of John Mitchell) he found himself consistently critical of administration and congressional efforts to legalize wire-tapping, electronic bugging and security searches without warrants.

"After the Supreme Court decision in the Mallory case, restricting the right of police to detain suspects without informing them of the charge against them, there were several efforts in the Congress to limit the effects of that decision, to limit the constitutional right against self-incrimination, and later efforts to permit search and seizure on suspicion, and I opposed them as hard as I could. From my father, and from law school, I got a respect for the Constitution and the Bill of Rights. When I was county judge I had lots of moonshine cases, moonshine stills, and I found that though these people had obviously violated the law, the evidence against them had been gathered by illegal search and seizure, without warrant, and I turned them loose, and was criticized for it."

In a sense, Cooper's entire career has involved a basic effort to compromise his basic belief in the stern Republican virtues of his youth with the policies he felt impelled to follow as a result of his early experiences. As a result, his convictions have led him into frequent conflict with presidents of his own party, something of an embarrassment in view of his close relations with, particularly, John F. Kennedy. The years of his greatest frustration, he admits, came during the Eisenhower years when he found himself in opposition to the administration's Dixon-

Yates scheme to cut the heart out of the TVA, and its efforts to expand police authority at the expense of what Cooper regarded as sacrosanct individual rights. He also felt that the party of Lincoln was lagging in the fight for minority rights.

His friendship with John Kennedy was, of course, a natural. "We just seemed to get along," he says. Not all of it was ideological. There was personal warmth between them, plus the fact that their wives liked each other, one more instance showing the soundness of his marriage, on March 17, 1955, to Lorraine Rowan Shevlin, the beautiful, wealthy Washington socialite. The marriage might have occurred earlier had it not been for the imposing home at Georgetown's 29th and N streets where they now live. It was her home, and Cooper did not want to move into a house he did not own ("hill pride, I guess"), and she did not want to give it up.

Strangely, Alben Barkley solved their dilemma by beating Cooper in 1954, after which President Eisenhower appointed Cooper ambassador to India. "So we didn't have to move into her house or my house, but into the embassy," Cooper recalls, "and by the time we came home that sort of thing had solved itself."

(When Cooper appeared before the Senate Foreign Relations Committee for confirmation, Barkley, with whom he had always enjoyed pleasant personal relations, endorsed him warmly. "I'm glad to say that I did John a good turn," he said, "though he may not appreciate it. I beat him, and now he is going to have a very interesting position. And second, he is going to marry that nice girl I've been trying to get him to marry for the past two years.")

It was an ideal marriage. Both had been married before (She to Robert McAdoo of California and to Thomas Shevlin, wealthy New Yorker, he in 1944 to Army nurse Evelyn Pfaff, from whom he was divorced in 1948). They complemented each other: She had wealth and social grace; he had international stature and political prominence. Except for the brief Kennedy years, an invitation to dinner with the John Coopers has been more prized than a bid for the White House.

(A loyal and hard-working campaigner for her husband, Lorraine Cooper charmed the people of Somerset when she and John returned home—or nearly all of them. One courthouse hanger-on, seeing her walking past Somerset's Fountain Square [which she and Cooper donated to the town] under a white parasol, exclaimed, "Godamighty! She pranced down there under that white umbreller and it wasn't even rainin'.")

Cooper's last term in the Senate has been clouded, characteristically, by his conflicts with the White House over the ABM and the Vietnam war, both of which he has long opposed. Again, his stand on these issues, like his tireless work for the Strategic Arms Limitation Talks (SALT), can be traced back to his Army service in World War II. "I became convinced it was no longer a solution to anything. Ever since the war I have abhorred violence. In any form, from any quarter. It can't be excused, in Vietnam or on campuses or in the ghettos. It's not the way."

His criticism of defense spending, his fight for arms control and his joint efforts with Democratic Sen. Frank Church to prevent the use of U.S. troops in Cambodia, Laos and Thailand have led to charges from conservative quarters that Cooper is soft on security and naive about the threat of communism, as did his earlier defense of individual rights against those of society and security. The charges both amuse and irritate him.

"I knew about the Communists at firsthand long before these people," he says. "I was legal adviser to the commanding officer of Allied Zone Three in Germany after the war, when we were trying to repatriate displaced persons brought from Russia by the Germans as slave labor. And I found out how ruthless and cruel the Russians could be, when they demanded that their nationals be sent home, but he forced to leave behind the foreign wives they had married and their children." Cooper, though only a captain, managed to block this, save thousands of families from being separated, and was cited for his work. As U.N. delegate, he introduced the only two resolutions of censure ever levied against the U.S.S.R., and after a diplomatic mission to Moscow for President Kennedy warned the President that dealing with the Russians would require toughness. He was also a strong, early supporter of NATO, and backed foreign aid as a means of curbing the expansion of communism, though he later criticized the waste and lack of coordination in the whole foreign-aid program.

Perhaps the most gratifying development of his final term was the initiation of the SALT talks, which he has attended three times at the request of the President, and to which he plans to return this spring. "I believe this year is going to produce something really substantial in the way of an arms agreement between the U.S. and Russia," he says. He sees, on the other hand, a continuing danger in conflicts between small nations that could embroil the giant powers, and he worries about the desire in some Washington quarters for a continued U.S. presence in Southeast Asia after the war in Vietnam is wound down.

"There is no need for us to remain there, not in a military sense," he says. "In fact, we might only prolong a conflict that might otherwise be settled. I believe that, increasingly, the people of this country want to see us involved, militarily, only where our security is actually at stake."

Though he apparently decided some months ago to step down, Cooper has continued to do his "homework" as any successful politician must, attending homestate receptions, seeing hundreds of back-home visitors to the capital, speaking for party candidates and handling a steady flood of mail. For a man approaching 70, this has not been easy. His health has long been the subject of political rumor, and his seeming lassitude feeds speculation, which seems always to surface at election time, that he is not well.

Yet the fact seems to be that, except for a blood clot in his leg, Cooper is in good physical shape. He carries his 177 pounds easily and gracefully on his erect, 6-foot-1 frame, only 10 pounds heavier than his college weight. He drinks sparingly, an occasional Scotch and water, doesn't care for wines, tends to "eat what is put before him," and tries to get eight hours of sleep a night. His one vice is cigarettes, which he smokes rapidly and nervously, and every now and then a cigar after dinner. His gray hair is still fairly heavy, and though his hearing is getting bad, he does not consider it bad enough to warrant a hearing aid.

"He's still the best-looking man in Kentucky," warbled a portly matron at the Cumberland Falls rally. "I just love him."

With so much going for him, his decision not to run again came as a surprise to many people. Few men who can have a Senate seat for the asking turn it down, and John Cooper, in the opinion of seasoned political observers, has become unbeatable in Kentucky.

"It doesn't make any difference what John says," declares Allan Trout. "People believe him. He's unique in our history, more so than Alben Barkley. Barkley was a fierce partisan, Mr. Democrat. John is above party. You couldn't beat him. To tell the truth, the Democrats have never really gone after him. They never had a good issue, but that shouldn't stop them. In Kentucky, if you don't have an issue, you manufacture one and then blow it up. But they were afraid to attack John, afraid it would backfire. Attacking him would be almost poor taste."

As Clay Wade Bailey said: "John has perfected his Jesus image."

But in the end it was neither age nor the prospect of another campaign that persuaded John Cooper to retire.

"I felt," he says, "that it was a new day, a new era; this is almost a new world. The things we fought for have changed nature, direction, emphasis. Civil rights has shifted from constitutionality to practicality. TVA, flood-control dams, soil conservation—all the things once sought by conservationists—are now suspect. There are the problems of the cities, next to arms control probably the toughest we face, and I know, really, very little about urban problems. There are whole new sets of problems, and they are not as distinct and clear as they used to seem. I decided that maybe a younger man, not tied to the old problems and their solutions, could do as well or better."

His announcement poses a stickler for Kentucky Republicans, who now face the problem they faced 25 years ago, before Cooper started the trend toward Kentucky Republicans in the Senate.

"He's earned his rest," said Sen. Marlow W. Cook.. "I'm glad. No one wants to see him kill himself."

"He has achieved greatness," wrote his old friend, Judge Homer Neikirk of Somerset, "through devotion to the betterment of others. But we can't lean on him forever."

State Senate Minority Leader Harold DeMarcus echoed this sentiment. "John Sherman Cooper is the only man I have known who has traveled the spectrum of social and political life and left only dignity, honor and respect wherever he walked."

Cooper is not unaware of this esteem, or unaffected by it. He is not without his vanity, about his looks, about his record.

"I have worked hard," he says. "I have done the best that I could. You always hope that, along the way, you may do something of value, and in a few instances I think I have tried. My only limitations were my own abilities, which are not the greatest. But not the worst, either."

He will not leave without some regret.

"Actually, I wish that my term could have expired two years from now. There are so many things that I'm interested in, that I would like to work on. But I've always given the job here my full energies and capabilities, physical and mental. I'm not sure I could do it for another six years. There comes a time to step down. The decision was traumatic for a while, but I've known all along that I would quit."

What are his plans now?

"Well, I'll be looking for a job. I've worked all my life; I can't just sit down now. And I'll need a job. Aside from a share of some land my father left us, a little plot I bought while working for a Washington law firm between terms, and a part interest in my brother's stone quarry, I have no money. I want a job I can go to every day. And I think I have something to offer.

"I'd like to travel some, but for a purpose, not just to travel. And I think I'd like to go back to school for a while, go to some outstanding university and hear lectures on history, literature, philosophy. I've always regretted that I didn't study harder, read more in college, and since then I haven't had the time to do the reading I'd like. Oh, I've read Kant, Spinoza—but sporadically, not systematically. I hope now to have time, read.

"But mainly, looking toward leaving, I'm grateful. And not dissatisfied. Looking back, I find that there's not much to be sad about. I've been fortunate through all my life."

Out of gratitude for the good fortune, and in salute to the country he has served, he concluded his announcement of retirement with words of Lincoln:

"Thanks to all. To the great Republic; for the principles it lives by and keeps alive; for man's vast future. Thanks to all!"

SHIFT ON ITT STORY BY LIEUTENANT GOVERNOR REINECKE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. WALDIE. Mr. Speaker, the role of California's Lieutenant Governor in the receipt of a $400,000 contribution to the Republican Convention by a subsidiary of International Telephone & Telegraph is a mysterious and confusing one.

At first, it appeared as if Mr. Reinecke was going to reveal the workings of the entire matter. Then, in a change of position that did more to raise further questions than answer them—Lieutenant Governor Reinecke changed his story and recanted previous admissions about his role.

All this leads one to believe that the Lieutenant Governor is not being as candid with the matter as he should be.

I would hope that his change of heart has not come from pressures exerted by his superiors in the Republican hierarchy.

A recent newspaper article in the Sacramento Bee puts this "shift" in excellent perspective.

The article follows:

LIEUTENANT GOVERNOR REINECKE'S SHIFT ON ITT STORY

The startling turnabout in Lt. Gov. Ed Reinecke's story about presenting a corporate financing offer to bring the Republican National Convention to San Diego, has raised questions from Washington to Sacramento.

And Reinecke, the man who could resolve them, is no longer available to the press to do so. This conduct contrasts sharply with last week when Reinecke, an affable man with ambitions to run for governor in 1974, was easy to reach.

Now that it is clear that either version of his story contradicts former US Atty. Gen. John Mitchell, President Nixon's political strategist and confidant, the doors to Reinecke's office are closed.

"If you have specific questions we will answer them," said a staff aide. "He has said all he is going to say on this other than to answer specific questions."

The Bee has not yet received any reply to questions posed in writing yesterday.

Until last Friday, Reinecke and Edgar Gillenwaters, director of the Department of Commerce, had told numerous reporters, including a representative of The Bee, they reported to Mitchell last May in Washington on financial arrangements for bringing the convention to California.

Among the arrangements was a $400,000 financing guarantee by the Sheraton Hotel Corp., a subsidiary of International Telephone & Telegraph Co.

Mitchell, whose Justice Department settled an antitrust prosecution against another ITT subsidiary in July, has maintained he knew nothing of convention financing and that the offer had nothing to do with the settlement.

In an interview with The Bee last Thursday Reinecke was asked, "I understand you and Ed (Gillenwaters) talked to Mr. Mitchell sometime in May, was that right?"

"That's right," the lieutenant governor replied.

"Was Reinecke the first to inform Mitchell of the Sheraton underwriting offer?" Reinecke was asked.

"I discussed it with the attorney general," Reinecke replied. "Whether I was the first one or not I didn't ask him.

"But we did discuss it and he was very pleased to see the progress we'd made, not just with Sheraton but with getting the city and the county to come around (with more money), because the President had indicated apparently to him—never to me—that he would like to see it come to California, and so this . . . in other words, we were doing what they wanted to see done, and so they were delighted to hear it."

And in the same interview Reinecke mentioned seeing Mitchell during Reinecke's May trip to Washington to promote the space shuttle project:

"This was strictly a political thing between Sheraton and their desire to help get the convention to San Diego. The fact that I was talking to John Mitchell was not that he was attorney general. He was, you might say, the political arm of the administration.

"And so when I went to Washington on space shuttle business I made it a point to go there to see what we could do about bringing this convention to San Diego . . ."

That was Thursday.

On Friday Reinecke called a press conference for a clarification: "On the May 16, 1971, trip to Washington, D.C., we did not meet with Atty. Gen. Mitchell as I had previously reported," Reinecke declared.

The lieutenant governor went on to add a statement which had raised a major and still unanswered question.

The statement: "My discussion with Atty. Gen. Mitchell concerning the convention was at 9:30 a.m. on Sept. 17, 1971 . . . This would have been the first time either of us (Reinecke or Gillenwaters) discussed any such offer with the attorney general."

The question arises because of the timing in Reinecke's correction. San Diego was publicly selected as convention site last July 23. By then the financing offers were firm.

Why then would Reinecke be reporting to Mitchell on convention financing in September, and why would Mitchell be "delighted" at that date to hear of Reinecke's progress?

Other questions of credibility are arising in comparing Reinecke's statements with Mitchell's. Last week, for example, the outgoing attorney general told a news conference:

"I don't know the faintest thing about the convention financing. . . ."

ORDER OF AHEPA

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. ANNUNZIO. Mr. Speaker, it gives me great pleasure today to extend my warmest congratulations to the officers and more than 46,000 members of the Order of AHEPA on the observance of the golden anniversary of the founding of this outstanding fraternal and civic organization.

Today AHEPA—American Hellenic Educational Progressive Association—holds its 20th biennial national banquet in Washington at the Sheraton Park Hotel in honor of the Members of Congress. Since coming to Congress 8 years ago, I have attended every banquet of AHEPA, never missing a single one, because this banquet stimulates me as an ethnic and I am so proud to be a participant in a banquet given by the entire Greek community in honor of all of the Congressmen and Senators of the greatest democracy in the world that embodies all of the principles set forth by the Greek philosophers who actually gave the world democracy.

It is the Nation's Capital, however, that is honored by the presence of the members of AHEPA, for all of us recognize the great debt the world today owes to the Greece of old as well as to the sons and daughters of Greece and their descendants who, by their energy, enterprise, and integrity, have contributed so much to the culture and prosperity of America.

Some 2,500 years ago Greece was the fountainhead of Western civilization. Drama, poetry, art, architecture, and philosophy flourished—and we are all familiar with the great names of Homer, Aristotle, Aeschylus, Aristophanes, Euripides, Plato, and Socrates. Greece has indeed given much to our democracy, and in fact gave us the term democracy. We, too, have in turn given to Greece, and since the end of World War II, our power and purse were opened to that historic country in order to set it anew on the course of its real destiny.

AHEPA stands as a firm and enduring link between the achievements of Hellenic civilization and contemporary American society. The objects of AHEPA are:

First, to promote and encourage loyalty to the United States of America;

Second, to instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind;

Third, to instill in its members a due appreciation of the privileges of citizenship;

Fourth, to encourage its members to always be profoundly interested and actively participating in the political, civic, social, and commercial fields of human endeavor;

Fifth, to pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to life, property, prosperity, honor and integrity of every nation;

Sixth, to promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic culture;

Seventh, to promote good fellowship, and endow its members with the perfection of the moral sense;

Eighth, to endow its members with a spirit of altruism, common understanding and mutual benevolence and helpfulness; and

Ninth, to champion the cause of education and to maintain new channels for facilitating the dissemination of culture and learning.

These objectives are a reflection of the ideals of Greek democracy, and by its objectives, AHEPA has exemplified the practice of good citizenship of Americans of Greek descent. During the 50 years of its existence, AHEPA has contributed generously to so many worthy causes—

especially in the fields of education, charity, and civic improvement.

Our country is richer today because of the diverse contributions of people from many lands. However, until the Immigration and Nationality Act Amendments of 1965 were enacted, the quota for Greece, and indeed for many other countries, was disgracefully low. As one of the early supporters of this change in the immigration law, I am pleased to note that up to 20,000 Greeks annually can now immigrate to the United States since the law has been changed.

Mr. Speaker, I congratulate the Order of AHEPA on the proud tradition it continues through its activities and the many valuable contributions it has made to our American way of life. Perhaps its greatest achievement has been its success in identifying Greek Americans with the larger American community. I salute Greek Americans in Chicago and in our Nation, and especially the officers and members of AHEPA. May the years ahead bring continuing fulfillment and success to the members of AHEPA as they generously and public spiritedly serve their fellowmen.

YOUNGSTOWN ZIONIST DISTRICT HOLDS 15TH ANNUAL "KFAR SILVER SCHOLARSHIP" PROGRAM

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. CARNEY. Mr. Speaker, on Sunday, March 5, 1972, I had the pleasure of attending the 15th Annual "Kfar Silver Scholarship" program at Temple Emanu-El in Youngstown, Ohio. The program, which was sponsored by the Youngstown District of the Zionist Organization of America, featured guest artist Cantor Moshe Taube, an internationally acclaimed television and recording personality. Cantor Taube, accompanied by Edith Farkas, presented an excellent concert consisting of Yiddish, liturgical and operatic selections.

The goal of the "Kfar Silver Scholarship" program is to raise funds to enable deserving youngsters to attend the Kfar Silver Agricultural High School in Israel. The Kfar Silver Agricultural High School was established in October, 1955 and dedicated to the late Dr. Abba Hillel Silver, world Zionist leader and past President of the Zionist Organization of America. From a modest beginning, the school now numbers some 400 students. With continued expansion of facilities and buildings the agricultural high school is expected to house and train 1,000 students. Kfar Silver is the only American chartered high school in the State of Israel. Today, it is a showplace in the Jewish State and the pride of the Zionist Organization of America. Kfar Silver has recently been expanded to include a Teachers Training Seminar and the Mollie Goodman Academic High School.

During the "Kfar Silver Scholarship" program, Abraham Pianin, a veteran Zionist and communal worker, was honored as the recipient of the Zionist Service Award. A member of the Zionist Organization of America for over 50 years, Mr. Pianin is President of the Golden Age Club of the Jewish Community Center and a board member of the Youngstown Zionists, Temple Emanu-El Congregation, and B'nai B'rith. He is also Chairman of the Annual Yiddish Concert sponsored by the Zionist Farband with the proceeds equally divided between the "Kfar Silver Scholarship" program and the Jewish National Fund. Last year Mr. Pianin received a 50 year membership award from the B'nai B'rith organization. He and his charming wife, who made delicious Jewish pastry for the occasion, have two daughters, Mrs. Helen Passell of Youngstown and Mrs. Bette Sasmor of Albuquerque, New Mexico.

Through the years this fundraising effort has become a tradition in our community, and this year for the first time a "Kfar Silver Scholarship" souvenir program journal was printed. The souvenir program journal was dedicated in honor of Philip A. Levy, a devoted friend of the State of Israel and a lifelong Zionist. The journal contained statements by Joseph Hill on behalf of the past presidents of the Youngstown district of ZOA, Rabbi Dr. Sidney M. Berkowitz on behalf of the life members of ZOA, Dr. Saul S. Friedman, president of the Youngstown Zionist District, and Joseph Berkowitz, chairman of the Kfar Silver Scholarship Fund campaign.

The members of the Kfar Silver Scholarship program committee are:

THE COMMITTEE

Joseph Berkowitz, General Chairman.

Philip A. Levy, Marvin Scheer, Bernard Schwartz, co-chairmen.

Arthur Waldman, Secretary.

Marvin Levy, Treasurer.

Mrs. Joseph Berkowitz, Journal Secretary.

Joseph Hill, Concert Reservations and Tickets.

Mrs. Leon Dunn, Jewel Page, Mrs. Joseph Hill, Memorials; Mrs. Rhea A. Safranek, Happy Thoughts; assisted by Joseph Barth, Sanford Barth, Mrs. Max Berkowitz, Rabbi and Mrs. Harold Brockman, Leon Dunn, Dr. Saul Friedman, Sam Eilenberg, Mrs. Meyer Levick, Saul Newman, Dr. Melvin Polk, Atty. and Mrs. Irwin Kretzer, Harry Schulman, Dr. David Shapira, Mrs. Marvin Scheer, Mr. and Mrs. Irving Ozer, Max Schwartz and Mrs. Herman Roth.

Hostesses for the evening are Mrs. Joseph Berkowitz, Mrs. Sanford Barth, Mrs. Philip Levy, Mrs. Leon Dunn, Mrs. Joseph Hill, Mrs. Marvin Scheer, Mrs. Martin Hazer, Mrs. Rhea Safranek, Mrs. Harold Brockman, Mrs. Melvin Polk, Mrs. Morris Kessler, Mrs. Bernard Schwartz, Mrs. Mike Stein, Mrs. Sol Newman, Mrs. Maurice Lipscher, Mrs. Jules Passell, Mrs. Meyer Levick, Mrs. Herman Roth, Mrs. Max Schwartz, Mrs. Sam Eilenberg, Mrs. Arthur Waldman and Mrs. Morris DeVorkin.

The Officers of the Youngstown Zionist District are:

OFFICERS OF THE YOUNGSTOWN ZIONIST DISTRICT

Dr. Saul Friedman, President.

Dr. Sidney Berkowitz, Vice President.

Attorney Eugene Green, Vice President.

Arthur Waldman, Recording Secretary.

Joseph Hill, Corresponding Secretary.

Aaron Udell, Treasurer.

DISTRESSING SITUATION FOR SENIOR CITIZENS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. EDWARDS of California. Mr. Speaker, I rise to comment on a very distressing situation in my own congressional district which I imagine is being repeated all over the Nation. For some time now, Service Opportunities for Seniors has been making meals available to elderly citizens who desperately need this service. Last fall, we heard a lot of talk from the Nixon administration about how they are concerned about the elderly. A lot of promises were made—modest goals for providing a decent standard of living for the elderly were set. Yet, as in so many other things, this is apparently just talk to the Nixon administration.

In my own district, the meal program is in danger of being discontinued. The administration has failed to request further funding for the emergency food and medical services program. Funds under S. 1163, assuming that the President signs it, cannot be provided soon enough to allow the program to continue. The administration apparently feels that the food stamp program will take up the slack and be a viable replacement for these services for senior citizens. We know that the food stamp program cannot do this. For those elderly who are relatively immobile, it will be a hardship. For those elderly who are unable to buy and cook their own meals, whether for medical or social reasons, it will be a disaster.

I would like to direct the attention of my colleagues to a letter written to me by Emma Vargas, who is the director of the senior citizens programs in Hayward, Calif. Her efforts in behalf of the elderly citizens of southern Alameda County have been great. It is a tragedy that this dedicated woman may not be able to continue to serve the people of the area in the future as she has in the past. I would also like to commend to the attention of my colleagues two letters written to me by constituents familiar with the meals program. Mrs. Emily Harrington is a participant in the program and Mrs. Wallace Samuelson is the daughter-in-law of a participant. The distress of these citizens explains the problem more eloquently than any speech ever could.

The above-mentioned letters follow:

SERVICE OPPORTUNITY FOR SENIORS,
Hayward, Calif., February 18, 1972.

Congressman DON EDWARDS,
Cannon Building,
Washington, D.C.

MY DEAR CONGRESSMAN EDWARDS: We have been serving meals in Southern Alameda County. We serve 125 meals to the homebound elderly in seven cities: Castro Valley, Fremont, San Leandro, Hayward and Union City, and Livermore and Pleasanton.

We have been funded by Emergency Food and Medical Services. Now I understand that Emergency Food and Medical Services have only 3½ million dollars for Indians and Migrant Workers. I feel that many programs such as mine should be funded. I know that if we weren't serving these meals, these 125 persons would be in a rest home or institution-type place by now and this would cost the taxpayers more money. Not only that, it would take away their dignity which they so rightly deserve since they are the people who paid taxes for the past 40 years to make this country what it is today.

Please do something about getting some money to Emergency Food and Medical Services through the office of Economic Opportunity.

I am aware of the Program of Nutrition for the elderly through Mr. Kennedy's bill No. S. 1163 but $250,000,000 will be a drop in the bucket for 50 states.

In a country as rich as ours, the richest country in the world, no one should be hungry. A country that can afford 78.3 billion dollars for National Defense should be able to allocate some money from somewhere for Emergency Food and Medical Services, who feed not only elderly but little children that will someday be fighting and dying for our country. How can you not do something about this? This is your country too.

My immediate probem is I need $24,000 to continue my program for the months of April, May and June—until such time, hopefully, I will get funds from the new S1163 nutrition for the elderly Bill.

Please see what you can do for more money for emergency food and medical services and please insert this in the Congressional Record.

Thanks a million.

Sincerely,

EMMA VARGAS,
Director of Senior Citizens Programs.

FEBRUARY 22, 1972.

Re Meals on Wheels.
Congressman DON EDWARDS,
Cannon Building,
Washington, D.C.

DEAR CONGRESSMAN EDWARDS: I am writing for my 83 year old mother-in-law who has trouble seeing and walking. She has been advised that the Meals on Wheels provided her by the Southern Alameda County Economic Opportunity Agency, 1435 Grove Way, Hayward, Ga. 94546, Phone No. 582-1263, will be discontinued by the end of March.

Since she started the Meals on Wheels, her health is better. This well balanced meal 5 days a week provides many people with better health. Good nutrition for the elderly saves the taxpayers, like ourselves, money.

Thank you for your help.

Sincerely,

MRS. WALLACE E. SAMUELSON.

FEBRUARY 21, 1972.

Hon. DON EDWARDS,
Cannon Building,
Washington, D.C.

DEAR CONGRESSMAN EDWARDS: I have just learned that "Meals on Wheels" program is going to be discontinued soon. I am a participant in this program and have been very grateful for the service, and think it would be shameful and disgraceful to phase out this program. It's another slap in the face for the elderly, infirm and needy, the disabled and disadvantaged. Will you kindly see what you can do in our behalf to stop this thoughtless act and go to bat for us—the poor, who can really use this service—a very good and needy one.

Sincerely,

MRS. EMILY E. HARRINGTON.

TO HELP SOVIET JEWISH REFUGEES IN ISRAEL

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. KEMP. Mr. Speaker, pending in the Committee on Foreign Affairs is H.R. 13070 which my distinguished New York colleague (Mr. BINGHAM) and I introduced on February 2, 1972, which would authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel

This legislation would authorize funds, not to exceed $85,000,000, for the Secretary to furnish, on terms and conditions he considers appropriate, assistance to Israel for such direly needed things as housing, clothing, food, medical care, education and training.

Mr. Speaker, many of us have been mislead to believe that the needs of the persecuted Jews who manage to emigrate are being adequately met. Although substantial assistance is provided refugees by United Jewish Appeal agencies, much more is required by these emigrants who, once they apply for exit permits, are invariably fired from their jobs and without income for extended periods.

Most of the reasons which compel the Jews in Russia to seek emigration are familiar to all of us and have been eloquently recited in this chamber. However, one of the best compendiums of these has been prepared by the Niagara Frontier Council on Soviet Jewry in Buffalo, N.Y., under the direction of council Chairman Mr. Arthur Burke.

At this time, I insert the contents of the council's "Soviet Jewry Fact Sheet":

SOVIET JEWRY FACT SHEET

Q.—How many Jews are there in the Soviet Union?

A.—In 1959 the official Soviet census recorded 2,268,000. The Soviet government press agency, *Novosti,* made a projection based on the 1970 census, which indicated a total of 3,000,000 Jews.

Q.—Where do they live?

A.—Jews can be found in all fifteen Soviet Republics, with 38% living in the Russian Republic, 37% in the Ukraine, 7% in Byelorussia. Over one million Jews live in four Soviet cities (Moscow, Leningrad, Kiev, and Odessa). 95% of the Soviet Jewish population is urban.

Q.—Is there any interest in Yiddish culture among the Soviet Jews?

A.—Of all the Jews included in the last census in the USSR, 20.8% listed Yiddish as their mother tongue. Yet there are no Yiddish professional theater groups, no Yiddish schools, only one Yiddish newspaper and the publication of only six Yiddish books since 1959 (these books, mainly for export and published in response to world pressure!). The Soviet government maintains that there is no interest in Yiddish in the Soviet Union.

Q.—Are the restrictions imposed upon Jews really different from those imposed upon other nationality groups?

A.—It is strange that, at a time when the Soviet government is encouraging other nationality groups to expand their cultural activities, they are limiting Jewish cultural expansion; indeed, hindering Jewish cultural survival. For example, the Maris and the Yakuts are two small nationality groups in the USSR, numbering 504,000 and 230,000 respectively. In 1961 alone, the Maris published 62 books and the Yakuts 144, each in their own language and each on Soviet government printing presses. There has not been a Jewish history text published since 1917 in the Soviet Union. Russian history books seldom mention Jewish history, and even fewer mention the sacrifices of the Jews in World War II. Thus, Jewish children have no way to learn of their Jewish past. In all of Russia, there is not one Hebrew school, Yiddish school, or Jewish history or culture course for children. There is not one class given, even in the Russian language, which covers Jewish topics. In addition, Soviet Jews are not permitted to have contact with Jewish institutions abroad.

Q.—The Soviet Government pressures all religious groups. Aren't Jews experiencing the same religious pressures, but merely overreacting?

A.—Let's look at the record.

There has been no Hebrew bible published since 1917 (nor has there been a Russian language translation). The study of Hebrew has been outlawed. Not one Jewish religious book has been printed since the early 1920's. In contrast, the Russian Orthodox Church in 1959 printed 50,000 Russian Orthodox bibles. In 1958, 10,000 Russian language Protestant bibles were printed by the Baptists. In the same year, 9,000 Moslem Korans were published in Arabic and reprinted again in 1962. The Baptists published 25,000 hymnals in 1956. The Lutheran Church of Latvia produced 1,500 psalmsters. Religious calendars are freely available to other religious groups, but not to the Jews. Other religious groups have been permitted to produce religious articles, such as church vessels, vestments, beads, crucifixes, and icons. But no taleisim (prayer shawls) or tefillin (phylacteries) have been produced for Russian Jews since 1917.

For 40,000,000 Russian Orthodox believers, there are 20,000 churches and 35,000 priests, apart from the 69 monasteries and convents. This comes to one church for each 2,000 believers and one priest for each 1,100 believers. For 3,000,000 Baptists, there are 6,000 parishes and pastors, which comes to one church and minister for each 500 believers. There are 58 synagogues and less than 24 rabbis left in all of Russia for one million believers. That comes to one synagogue for each 16,000 believers and one rabbi for each 40,000 believers.

The Russian Orthodox have five seminaries and two academies. The Moslems have madrasa where their mullahs are trained. Also some students have been permitted to advance their studies in Cairo. Baptists have attended seminaries in England and Canada. There is no seminary for Jews in Russia, nor has the Jewish community been allowed to send students abroad for rabbinical study. Thus there are no replacements for the rabbis of Russia, most of whom are in their seventies.

The Jewish congregations that remain are not permitted to maintain nationwide federations, as for example, the Holy Synod of the Russian Orthodox Church, the All-Union Council of Evangelical Christians (Baptists), The National Eccelesiastical Assembly of the Armenian Church, the Lutheran Churches of Latvia and Estonia, or the Moslem Board for Central Asia and Kazakhastan.

Q.—What is the USSR policy on anti-Semitism?

A.—Soviet ideology condemns anti-Semitism and there are laws against incitement of hatred of religious and national and social groups. There have been a few public pronouncements from Lenin in 1917, to Premier Kosygin in July 1965, assailing anti-Semitism. In 1969, *Pravda* and *Izvestia* responded to criticism by denying the existence of anti-Semitism in the Soviet Union.

But there have also been frightening manifestations of anti-Semitism in Soviet practices, even in post-Stalin years, such as the so-called economic trials in the early 60's.

In the guise of anti-religious propaganda, the attacks on Judiasm have been virulent, anti-Semitic and racist. While Soviet officials criticized the notorious Judaism without Embellishment by Trofim Kichko, after world-wide public protests, other equally vicious material has continued to be printed by government and Party publishing houses, newspapers and broadcast on State radio.

Since the June 1967 Six Day War in the Middle East, Kichko, in Judaism and Zionism (1968), Yuri Ivanov in Beware Zionism (1969), and other Soviet propagandists have intensified their anti-Jewish output, attempting to debase Jews and Judaism and suggest a world-wide Jewish conspiracy against socialism, using medieval stereotypes.

This campaign reached a peak in March of 1970, when mass meetings were organized, and prominent Jews, under pressure, publicly denounced Judaism, Zionism and a natural affinity to Israel. In defiance of official displeasure, however, other Soviet Jews countered with petitions to the Soviet government.

Q.—What is the overall Pact of these practices of Soviet Jewry?

A.—Despite localized Jewish manifestations, Jewry in Russia is an atomized and isolated community, much of which lives in a state of insecurity. It is a community which, if Soviet policy persists indefinitely, would be doomed to cultural and spiritual extinction.

Q.—What has been the effect of these practices on Jewish consciousness?

A.—Despite hostile pressures, there are increasing expressions of vigorous and courageous Jewish identification. Examples:

—In 1969 Soviet Jews began to assert their Jewish self-expression within the Soviet Union by a series of petitions to the United Nations and to leading Soviet authorities. For example, in November 1969, a dramatic petition to the United Nations was made public from 18 Jewish families in Soviet Georgia, where there is still an atmosphere of Jewish belief and piety, as well as a strong affinity to Israel. These Jews demanded freedom to go to Israel where they would be fulfilled as Jews. Jewish consciousness is evident also in the Caucasus and Central Asia. Early in 1970 additional petitions were divulged at the UN from many other Soviet Jews in places as widespread as Moscow, Riga, Kiev, Leningrad and Kharkov.

A remarkable phenomenon in recent years has been that of tens of thousands of young Soviet Jews, who know little Yiddish or Hebrew, gathering to sing and dance outside synagogues in various cities on Simcha Torah. This practice has begun to spread to other festivals.

In those Western areas under Soviet control since World War II, the determination of those with strong Jewish backgrounds to remain Jewish is clearly evident. Hebrew is being taught on a one-to-one basis; informal study groups are being conducted.

Individual Jews, such as Boris Kochubiyevsky, have publicly protested, usually on pain of imprisonment. Jews have increasingly sought to leave for Israel or to rejoin broken or scattered families, there or elsewhere. It was estimated in November 1969 that tens of thousands had willingly registered to emigrate, despite the ensuing counter-pressure at schools, factories and in local communities.

Nearly 500,000 Soviet Jews officially regard Yiddish as their mother tongue. Thousands of others consider it a second language, not listed on census tracts. The Soviet authorities speak of the lack of interest in Yiddish, but despite this, thousands of Soviet Jews have jammed the halls for the token Yiddish concerts occasionally permitted.

Q.—Can anything be done to change Soviet policy?

A. The voices of concern have been growing. Thousands of champions of human rights throughout the world have protested, despite Soviet denials. Major Communist and Socialist parties, including those in France, Holland, Austria, Britain, the United States, and Australia, have publicly reflected their concern, as has the Council of Europe, the United States Government and the Socialist International. The American Jewish community, and others, have demonstrated their determination to continue to expose a pattern of discrimination against Soviet Jewry until Soviet policy is reversed. Recently groups interested in advancing the cause of human rights for Soviet Jews have been formed in several European and Latin American countries.

Q.—Have protests and interventions been helpful?

A.—There is evidence to indicate that Soviet officials are increasingly concerned about the unfavorable impressions circulating abroad. Only after public protests became widespread did the Soviet Government launch a counter public relations campaign and make new promises and minor concessions. Articles on Soviet Jewry by *Novosti* Press Agency and in publications such as *Soviet Life*, aimed almost exclusively for foreign consumption, appear frequently. Other evidences:

Official condemnation in 1964 of Kichko's book;

A lifting of the ban matzot;

A few Jewish books in Yiddish or Russian;

A slight easing of emigration restrictions;

A virtual end to the economic crime trials;

The printing of 10,000 prayer books;

Publication of the previously mentioned Yiddish literary journal, *Sovietish Heimland*.

While this tokenism is welcomed, it still fails to provide the basic cultural and religious instrumentalities essential for Jewish survival. However, it does give hope that ultimately the Soviet government will act on the demands of an enlightened and outraged public opinion.

TIMOTHY BURKE TREADWELL

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. MONAGAN. Mr. Speaker, Sunday morning, February 20, a great tragedy struck the family of First Selectman Timothy Burke Treadwell of Newtown, Conn., and the town of Newtown itself. Tim Treadwell died in a fire which destroyed the home where he resided with his wife and three young sons. Tim Treadwell was a young man of great promise and potential in public life and politics. He had served his town of Newtown with great vigor and enthusiasm, and as it was stated in an editorial of the Newtown Bee:

> The outpouring of fellow officials, townspeople and personal friends at the funeral service in Trinity Episcopal Church . . . gave evidence of the place of affection, esteem and admiration in which Tim was held, not only in Newtown but in the neighboring towns which he also served through the Regional Council of Elected Officials, the Fairfield County First Selectman's Association, and the Connecticut Council of Mayors.

Mr. Speaker, I enclose editorials of eulogy which appeared in the Danbury, Conn., News-Times and the Newtown, Conn., Bee.

The eulogies follow:

EDITORIAL, INK DROPS

TIM TREADWELL

The untimely death of Tim Treadwell deprives a family of its father and a town of its elected leader. In both cases the loss is tragic.

The outpouring of fellow officials, townspeople and personal friends at the funeral service in Trinity Episcopal Church on Wednesday afternoon gave evidence of the place of affection, esteem and admiration in which Tim was held, not only in Newtown but in the neighboring towns which he also served through the Regional Council of Elected Officials, the Fairfield County First Selectmen's Association, and the Connecticut Council of Mayors.

Those who knew Tim well and watched him in the performance of his duties in office have long been impressed with his energy and stamina. Prompted by his love for Newtown and his desire that its future be protected and insured, he made it a part of his administration to watch over the proceedings of all boards and meetings which might influence that future.

If Tim had a fault, it was his personal attention to matters which might safely have been delegated to others. And yet, within our memory, no First Selectman has worked as hard serving the town as did Tim from the day of his first appointment in April, 1968, to the day of his death last Sunday. Regardless of long hours or road blocks intentionally thrown in his way, we are sure he considered his job as a labor of love for this town.

Others will remember Tim for his enthusiasm of youth, his devotion to duty, his unbounded energy, his tendency to always look ahead, tackling projects which he believed would work for the future benefit of the town. He was thoughtful and kind by nature, and an obvious gentleman by training and habit.

Beyond all that, we will never forget the help he extended to us when this newspaper changed from letterpress to the offset method of printing in 1967. We thought our staff was prepared for the change, but unexpected problems were soon encountered.

Tim was then with the Varityper Division of Addressograph Multigraph Corporation and knew the offset process much better than we did. Seeing our troubles, he rolled up his sleeves without being asked and worked long hours with us until the problems were solved. It was the sort of service beyond the call of duty which seemed to afford as much satisfaction to him as it did relief to us.

Coupled with his sense of the need for future town and district planning, Tim has always shown much interest in young people. It seems most appropriate, therefore, that a Timothy Treadwell Memorial Fund is being established for a future Youth Center in Newtown.

It is high tribute to Tim that his place in town will not be easily filled. His years in office deserve a capable successor. May we suggest, in townwide appreciation of Tim, that partisan politics be played in low key in the search for that man.

FIRE TRAGEDY IN NEWTOWN

The sympathy of many people throughout this area goes to Mrs. Timothy Treadwell and her three young sons in the tragic death of First Selectman Treadwell of Newton in the Sunday fire which destroyed their home.

It is tragedy enough that a young father has been taken from his family, but the sense of tragedy is compounded by the loss to the town of Newtown of its chief executive and to the area as a whole of one of its most vigorous municipal leaders.

Mr. Treadwell represented a newer generation of first selectmen who recognize that the problems and challenges of today are not limited to the town which elects them.

Accordingly, he was active in the Regional Council of Elected Officials, serving as its treasurer, president of the Fairfield County First Selectmen's Association and a member of the Connecticut Conference of Mayors.

He was also not content with merely meeting the problems of the present or catching up with those of the past. He sought to anticipate problems of the future by good planning and effective early action so that his town and the area as a whole would be better places in which to work and live.

Fire tragedies occur so often in winter months, yet they usually seem remote to most people. Mr. Treadwell's untimely passing is a reminder of how swiftly and savagely fire can strike, and not only when unexcepted but where unexpected.

His death leaves a void which will be most difficult to fill.

MATZOH OF HOPE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. RODINO. Mr. Speaker, Eli Wiesel, in "The Jews of Silence," June 1966, said:

> I went to Russia, drawn by the silence of its Jews.
>
> I brought back their cry.

The strength and magnitude of the silent scream of the Soviet Jew has penetrated through closed eyes and thick walls, through the uncomfortable memories and feelings one would prefer to keep hidden and through the passive and inactive sympathetic leanings so often voiced by those who think they care and they understand but feel also it is better not to become too involved and that it is better to maintain their cool and rationally interested distance.

This time, however, men did not ask themselves what can I do to rescue the sinking ship which bears the entire remains of the Soviet Jewish community? What can I, myself, do to stop this oppression? This time individuals did not ask themselves how to become involved, how to effectively act. This time, each man, in his own way, knew.

March 29 begins the holiday of Passover for the Jewish people. During the oppressive bondage of the Hebrew people under Egyptian domination, God inflicted a series of plagues on the Egyptian populace, according to the Passover Hagadah. In the final and most severe of these afflictions, the Angel of Death entered the homes of all families, striking down each and every firstborn, "passing over" only the households of the children of Israel. Passover has come to symbolize the belief in and the struggle for freedom, for survival. For, in sparing the lives of the Hebrew sons, the entire people was granted the continuity of life. In the generations which followed, each combating anew its own oppressor, be it an Egyptian Pharaoh, a Hitler, or a Russian program, the Jewish people have remained a dynamic, growing, and vital nation.

"Matzoh of Hope" is a project formulated by the Anti-Defamation League of B'nai B'rith, New Jersey region. Residents of all religions are being urged to mail a 1-pound box of matzoh, the unleavened bread which was not given time to rise before baking in the haste of the exodus of the Hebrew people from Egypt land, to Soviet Ambassador Anatoly F. Dobrynin in Washington, D.C. Labels issued by the ADL to be placed on all boxes read:

> This matzoh, the symbol of freedom for 3,200 years, now symbolizes hope for the three million Jews of the Soviet Union and reminds you that freedom-loving Americans stand by them in their struggle.

According to Robert C. Kohler, ADL regional director:

> We've accepted this Jewish symbol of freedom to give an indication of our solidarity with the plight of Soviet Jews—the ones who are in jail as well as those who are prisoners and captives in that they are not permitted to emigrate to Israel or to any other country of their choosing.

Mr. Kohler has stated that if the Soviet Union is willing to accept the matzoh but does not have the means to deliver it to Soviet Jews before their seders on the 29th, he feels certain he will be able to arrange for this delivery by jet aircraft marked, "Free the Prisoners—Let My People Go." If the Soviet Union refuses to accept the matzoh, he has arranged for New Jersey truckers to deliver the matzoh to orphanages, old age homes, and hospitals in the Washington-Baltimore area.

It is important to note that the State Catholic Conference and the New Jersey Council of Churches, the latter holding a membership of 3,000 congregations, have actively given their support for the just cause of Jewish freedom in Russia. Msgr. Aloysius J. Welsh, director of the New Jersey Catholic Conference, has sent leaflets to four Roman Catholic diocese in the State, suggesting that their newspapers explain the "Matzoh of Hope" program and its aims. In addition, the Israel Youth Squad has been formed; 40 leaders of various youth groups throughout the State visit shopping centers, local markets, and additional public locations prepared to explain, clarify and answer all questions concerning Soviet oppression of its Jewish citizens. It is this cooperation, this active interest and this great participation of all individuals from so many different ages, life styles and backgrounds which, I feel certain, will bring this project to its successful completion.

As chairman of the House Subcommittee on Immigration and Nationality, and having had the recent privilege of being elected chairman of ICEM, the Intergovernmental Committee on European Migration, and also having advocated use of the parole authority by our Attorney General specifically for the Jewish people of the Soviet Union who wish entry into the United States, I have deep concern for the situation of Soviet Jewry today. While 1971 can properly be called a "Year of Progress" in this area, 1972 appears destined to be a "Year of Challenge." For as men have taken their stand and joined the silent scream of the Soviet Jew, the chorus of our expressions and the strength of our actions have not only penetrated those walls which previously could not be disturbed, but have actually disrupted their very foundations.

GOVERNMENT STUDY, "THE ECONOMIC IMPACT OF POLLUTION CONTROL," INDICATES THAT STRICT WATER POLLUTION CONTROLS ARE ECONOMICALLY FEASIBLE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mrs. ABZUG. Mr. Speaker, those of us in Congress, and particularly those of us who are members of the Public Works Committee, have been the subjects of a barrage of claims from industry and its lobbyists about the impossibility of doing a first-class job on water pollution control without bankrupting everyone in sight.

A Government-sponsored study, "The Economic Impact of Pollution Control," has just been released. It indicates that although the costs of pollution control and abatement will be substantial, they will by no means be catastrophic.

H.R. 11896, the Water Pollution Control Act Amendments of 1972, will shortly be before the House for consideration. It is in a number of critical respects weaker than S. 2770, the bill which passed the other body last fall by a vote of 86 to 0, and it is my hope that some of these weaknesses will be ironed out before the bills go to conference.

For the information of my colleagues, I append to my remarks the text of the New York Times' story on the new pollution study:

CURBS ON POLLUTION COSTLY BUT FEASIBLE, INDUSTRY IS ADVISED

(By E. W. Kenworthy)

WASHINGTON, March 12.—A Government study released today concluded that Federal standards for abating air and water pollution could be met without "severe" adverse effects, either on industry or the national economy.

The study declared that the cost of abating pollution would not threaten "the long-run viability" of any industry.

Furthermore, it concluded, the national economy would not be severely damaged by the imposition of antipollution standards, although the effect would not be insignificant.

Because of the mounting controversy between environmentalists and industry spokesmen over the cost-benefit ratio of Federal antipollution laws and regulations, the conclusions of this computerized study made for the Federal Government by private contractors were regarded here as having considerable importance.

Many industry organizations, with support from Maurice H. Stans, former Secretary of Commerce, have contended that environmentalists in Congress, the members of the White House Council on Environmental Quality and officials in the Environmental Protection Agency, in their zeal for abating pollution, have given insufficient attention to the impact on costs, prices and employment.

For example, before his departure from the Commerce Department to handle the finances of President Nixon's re-election campaign, Mr. Stans several times delivered a speech entitled, "Wait a Minute," in which he said:

"We must weigh environmental goals against the economic reality and say, 'Wait a minute. How do the benefits of one affect the cost of the other?' "

The study released today—entitled "The Economic Impact of Pollution Control"—acknowledged that costs of the magnitude needed to meet Federal standards would result in price increases, some of which would have to be absorbed by industries under competitive pressures, with a consequent decline in profits.

The study also recognized that there would be some plant closings and unemployment, particularly where the plants were small, old and inefficient.

GNP DROP PREDICTED

The study estimated that for the next several years pollution control would probably result in a relatively small decline in the gross national product—the money value of the nation's output of goods and services for one year—that could have been anticipated without investment in abatement machinery.

The study said, finally, that the cost and price increases from pollution control could be expected to swell imports, lower United States exports and thus adversely affect the United States balance of payments, possibly by as much as $700-million annually between 1972 and 1976.

The study was careful to emphasize that it dealt only with estimated control and "dislocation" costs for meeting Federal standards on air and water. It does not deal with the costs of treating solid waste or noise, for example.

Further, even on air and water pollution, the study is limited to manufacturing industry.

The study is in two parts. The first, called "micro studies," estimates the abatement and economic dislocation costs for 14 industries from 1972–76. This termination date was selected because air and water standards will be operative by 1976.

The second, called the "macro study," estimates the effect on the entire economy of meeting the standards by 25 industries from 1972–76 and 1972–80.

One official of the Council on Environmental Quality said, "We chose those industries that create most of the pollution, that would have to bear the largest cost and that have been screaming the loudest."

In constant 1971 dollars, the macro study estimated that the total 1972–76 air pollution control costs would be $18.2-billion. The cost for water pollution control would be $14.4-billion. Adjusted for annual depreciation, the total cost would be $31.6-billion.

The constant dollar is used by economists to eliminate increases due solely to inflation.

The pollution control costs, the macro study stated, will increase industry and consumer prices. They will also create demands for investment in pollution control facilities. However, the report says, the effect of rising prices, which tend to slow the growth of demand in the economy, would outweigh the stimulating impact of investments in pollution control facilities.

Consequently, the Macro study predicted an average annual retardation of growth in the gross national product amounting to $6-billion a year between 1972 and 1980.

But officials pointed out, with an average annual GNP, over the same time span of $957-billion, this retardation was an extremely small price to pay for compensating benefits in cleaner air and water.

However, the macro report cautioned regarding these cost estimates. The costs, it said, could be substantially lowered by development of less expensive abatement methods, by reduced prices for equipment and by laws permitting tax-exempt financing of investment in control machinery.

Nevertheless, on the basis of the "model" used, the micro studies found the following potential adverse impacts on the 14 industries:

Depending on the economic situation of the industry, prices "are likely to rise from 0 per cent to 10 percent over the period 1972–1976," with an average annual increase of 1 per cent to 20 per cent for eight of the 14 industries and less than 1 per cent for the other six.

For concerns unable to pass on the full cost of pollution control—chiefly small and old plants—there will be a corresponding decline in profits.

Between 1972 and 1976 approximately 800 of the 12,000 plants in the 14 industries studied would close for reasons not associated with pollution abatement costs, and 200 to 300 more would close because of these costs. However, a majority of the latter, it was estimated would likely have closed before 1980 because they were "vulnerable for other reasons."

From 1972–76, job losses because of plant closings might total 50,000 to 125,000. This would be 1 per cent to 4 per cent of the total employment in the 14 industries covered.

The 14 industries covered were: automobiles (costs of emission control devices only). baking, cement, electric power, canning and freezing of fruits and vegetables, iron foundries. leather tanning, aluminum, copper, lead and zinc smelting and refining, petroleum refineries, pulp and paper mills and steel making.

The authors of the study emphasized that it presented no real cost-benefit analysis of pollution control, because while it dealt with abatement costs, it did not deal with the economic costs of pollution. For example, the Environmental Protection Agency estimates health and material damage from air pollutants is $16-billion a year.

The study, which cost $350,000, was prepared for the Council on Environmental Quality, the Environmental Protection Agency and the Department of Commerce. The White House Council of Economic Advisers also assisted.

WORLD-CHANGING WEEK

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. KEMP. Mr. Speaker, thousands of editorials have been written about President Nixon's historic and precedent-breaking trip to China.

But of the many dozens which I have read in publications large and small in terms of circulation, few have captured the significance of the President's meeting with Chinese leaders with more insight and succinctness than that which appeared in the March 2 edition of the Suburban Press, an excellent weekly newspaper published in the village of Orchard Park, N.Y., in my congressional district.

Under the able direction of Mr. John W. Coleman, editor and publisher, the Suburban Press consistently provides residents of Orchard Park, the town of Boston, and other portions of Erie County, fair and thorough accounts of events affecting their daily lives. While such coverage is, for the most part, of more immediate local concern, the Suburban Press does not hesitate to speak out on the larger issues which affect not only its readers, but all of us.

At this point, Mr. Speaker, I insert for the benefit of my colleagues, the editorial entitled "World-Changing Week":

WORLD-CHANGING WEEK

By traveling to China with newspapermen and TV crews, President Richard Nixon has achieved the most remarkable of many victories in his administration. He has truly opened up China to the eyes of the world and what has been observed is not the monstrous dragon everyone during the last 25 years had supposed.

Little girls skip rope in China as elsewhere. Their elders exhibit the same beguiling curiosity seen in other parts of the world. The reciprocal gifts of redwood saplings and panda bears elicit the same sentimental feelings in both countries.

Even Premier Chou En-lai showed completely human traits, as when he became disappointed that President Nixon called a halt to drinking toasts though he, Mr. Chou, was ready to belt down a few more. Would Winston Churchill or Nikita Khrushchev have stopped in similar circumstances?

The realization that we are all people, though people with differences, is what President Nixon set out to prove and succeeded in proving. Even Premier Chou cannot be unhappy to have had American media show to the remainder of the world how healthy, how industrious, and how dedicated his countrymen are.

And thus the two leaders agreed "we can talk about our differences without fighting about them," whereas in the last generation we came close to fighting the Chinese in North Korea and the two countries have been imputing diabolic motives to each other ever since.

It seems folish for those with previous, automatic, non-Oriental grievances against President Nixon to start picking flaws in the part of the communique dealing with Taiwan. The 8000 soldiers on Taiwan are support troops, not combat, and were going to be drawn down with the progress of the Vietnamization program, anyway.

Furthermore, the President has reiterated this country's pledge to defend Taiwan against aggression. It remains to be seen if Taiwan and mainland China can affect a reconcilation and unification, when, say, the regime of Chiang Kai-shek comes to an end.

President Nixon has shown marvelous foresight and insight into the China probelm. On his trip, he conducted himself magnificently, imperturably, and with not a little stamina as he climbed walls and then tried to knock them out in what must have been gruelling talks with a resolute man talking on his own home grounds.

The President has dropped the yeast of goodwill into an inert mixture which soon will work into a stimulating draft.

HORTON SALUTES KODAK GIFT TO NATIONAL PARK SERVICE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. HORTON. Mr. Speaker, last week, I had the privilege of attending a ceremony at the Eastman Kodak Co.'s marketing center in Washington during which Kodak presented six films to Interior Secretary Rogers C. B. Morton and the Director of the National Park Service, George B. Hartzog, in recognition of the 100th anniversary of the Park Service.

The Kodak productions, filmed in six of the most beautiful national parks by Kodak's Frank Pallo, are truly representative of the natural beauty of our national parks which has been so successfully preserved by the Park Service. Kodak should be commended for its outstanding artistic achievement in capturing the mysterious lure of nature unchanged by civilization. I would also call my colleague's attention to the fine work of Mr. Pallo, who captured the untamed magnificence of the parks on color film. The films are a fitting tribute to the superb job which the Park Service has done in preserving our parks for the enjoyment of future generations.

Van Phillips, Kodak vice president, made the presentation. Calling the films a "gift to the people of the United States," Mr. Phillips said:

> It is our hope that the films will enable their viewers to better understand the beauty and magnificence of these parks and the special wonder inherent in their creation. Perhaps some will be stimulated to take a more aware look at the environment of the immediate world around them.

In his remarks, Mr. Phillips quoted President Nixon as saying:

> The national parks have enriched the citizens of this land beyond measure, and have inspired more than 100 nations to set aside over 1,200 national parks and preserves . . . and this past year, through the Legacy of the Parks, we have embarked on a new era of bringing parks to the people.

Rochester Mayor Stephen May, Monroe County Republican Chairman Bill Dwyer and his administrative assistants, Bill Roberts, and Marty Birmingham, Rochester banking official were also at the ceremony. Jim Hawkins, Robert Schulz, Gene Richner and Don Lewis of Eastman Kodak attended the presentation and should be congratulated for their efforts toward the production of these films.

Created, produced, and filmed by Kodak as a public service, the films were produced in Yellowstone National Park, Wyo.; Acadia National Park, Maine; Everglades National Park, Fla.; Grand Teton National Park, Wyo.; Arches National Park, Utah; and Olympic National Park, Wash.

The films are being circulated to the five regional educational television networks for local programing as a salute to the National Parks Centennial. In addition, each park will receive copies of the films for use in information and tourist centers. The films will also be shown this summer at the Kodak Gallery, 1133 Avenue of the Americas in New York City.

A capsule description, giving the flavor of each film follows my remarks. I hope that all Americans will have the opportunity to see these films and that many will be able to experience firsthand the wonders of our country's national parks. The description follows:

ACADIA AND THE ATLANTIC

A quick tour would start with Acadia.

The importance of everything related to the sea comes through—the ocean itself, the marshes, the ponds, the lakes, the waterfowl, and the flowers.

Richard Black is a lobsterman. "From their 21st to 56th day, little lobsters swim near the surface. Oil slicks can kill them. Why do we have to spread pollution everywhere?"

John M. Good is the park superintendent. "This park is closest to the metropolitan northeast where things are toughest. A visit here can open the shutters of your mind and help people who don't relate very well to the natural world we depend on. If it (the park and natural world) goes under, we go under with it."

THE EVERGLADES

Everglades is at the other end of the eastern seaboard.

Its delicate balance is being threatened and its lifeblood, water, is shown, followed and discussed.

Erwin Winte is the district ranger. "Some birds are in danger. Life and death in the everglades survive the droughts and dry winters, but even the mighty alligator is in trouble."

Pat Miller is the district manager. "The Everglades is an endangered park."

OLYMPIC ON THE PACIFIC

At the other end of the country, almost as far away as possible in the continental United States, is Olympic, on the northwest, rocky, rain forest coast of Washington.

The variable moods of this park shine through the photography and frequent rain—a nearly isolated stretch of ocean beach and snow covered mountain peaks, broad alpine meadows and lush overgrown streams in the rain forest, majestic cedars and firs contrasted with rocks and water shrouded in ghostly fog.

Minnie Peterson is 73 and a horse trail packer. "You're sitting on top of the world in this park. My pleasure is taking people in where they can get a picture of the game, be close to 'em, and capture a memory to take home."

Roger Allin is the Park's superintendent. "The real essence here is that vistors have a chance to be in a natural museum with a cathedral quality in which they can commune with God."

ARCHES NATIONAL PARK

The newest National Park is Arches in southern Utah.

The role of wind, sand and water in creating the park panorama of freestanding stone arches and formations and gullies that look as if they were created by a giant comb raking the land are shown and discussed.

William M. Taylor is the supervisory park ranger. "The desert for us is a window to our total world. Those that depend totally on the desert for survival take care of it. Others are a little careless. Perhaps those who come here will look a little more closely and a little more critically at the things regularly around them."

TWO IN WYOMING

Grand Teton has the most majestic mountains and the film is dominated by them, although there is much on the incredible beauty and contrast of the Snake River, including float trips, and valley floor near Jackson Hole, Wyoming.

Howard Chapman is park superintendent. "It's one thing to be standing out here looking at those mountains and another to be up there looking for the next hand hold or foot hold. There is an inner feeling, impossible to describe, that you've gotten there by your own power."

Boyd Evison is assistant superintendent. "The whole effect of the place is not just an assemblage of resources. There is an infinite array of possibilities for human experience. I'd like to see a closer relationship between the typical visitor and the park itself. Many of the same principles and emotional impact found here can be found closer to home."

YELLOWSTONE

Yellowstone is the granddaddy of all National Parks, celebrating its 100th anniversary year begining March 1. It is presented, in rock formation and geyser activity, in plant and wild life, as one of the wonders of the world of nature and a place of unique geology.

William W. Dunmire is Yellowstone's chief naturalist. "In a way, the ecosystem of this thermal basin is very fragile, stable but fragile. If this ecosystem changes, it could be a threat to our own lives."

And perhaps speaking for all the narrators, all the dramatic footage in this "Legacy", Dunmire says, "This park is the sounds and smells of a walk on a trail. It is an awakening to clean air, water and wild land. The bison preserved here are a symbol of what parks stand for.

"To set aside this land in perpetuity was an audacious idea. Yet it is an idea America gave to the world."

It is a "Legacy" and the films are one way to learn a little more about "these gifts from nature and the past that belongs to all of us."

NEW BAILOUT FOR LITTON?

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. ASPIN. Mr. Speaker, the General Accounting Office recently completed one of its excellent staff studies on the amphibious assault ship—LHA—program. That report reveals that problems at Litton Industries' new shipyard in Pascagoula, Miss., have not ended.

In its report, the GAO reveals that the Navy, according to the latest Selected Acquisition Report, expects the LHA program to cost $960 million. Thus far, the Congress has appropriated $941 million for five ships. The original LHA program called for nine vessels, but, in January 1971, the Navy decided to cut the program back to five. The cancellation fee which the Congress appropriated for the four ships was $109.7 million. Thus, the Government was asked to pay $109.7 million to Litton Industries for not building four ships.

The Congress should not cough up another dime to pay for Litton's inefficiency, but it will now be asked to come up with as much as $123 million as a new bailout to Litton Industries' shipbuilding programs.

When the $19 million of additional appropriations the Navy estimates is needed to complete the LHA program is added to the $104 million that Litton has told the Navy it expects to collect in escalation charges the total cost of the five ships will be an additional $123 million.

The Congress was told last year that $109.7 million to Litton Industries for not building four ships was a final payment. Instead, Litton expects Congress to come up with another $123 million to finance cost overruns that are clearly Litton's fault.

The LHA program is 12 to 14 months behind schedule and has suffered a tremendous cost overrun which the GAO report describes. There are also unconfirmed reports that problems on the LHA program have caused a slowdown in the 30 destroyer program planned at Litton.

Litton's performance thus far would be a comedy if it were not so expensive. Litton simply does not have the personnel or the managerial skills to do a decent job. The turnover rate and labor force has been extremely high and many of Litton's senior managers are novices in the shipbuilding industry.

The information provided by Litton to the Navy concerning the real delivery schedule for the LHA program has been so incomplete that the Navy has been forced to conduct a special audit just to find out how late the ships will be.

Later this month Litton will begin negotiations with the Navy over a series of questions including late delivery fees, escalation charges, and claims on both sides.

It is my hope, Mr. Speaker, that the Navy will finally get tough with a giant contractor. Neither the Navy nor the Congress should give Litton another penny until they prove that the cost overruns in the LHA program have clearly been the Government's fault.

Let's stop financing inefficiency and force Litton to finally pay for its own bad management.

REPEAL MEAT QUOTA LAW

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. VANIK. Mr. Speaker, on Thursday, March 9, the administration announced that the level of meat imports for 1972 would be restricted at 1.24 billion pounds—about 3 percent of the total annual meat consumption of the American people. This quota level is totally inadequate to meet the demands of the American public for meat at a stable price.

On Friday, March 10, the administration announced that, despite phase II, wholesale prices increased by 0.7 percent in February—which means that retail prices will soon increase by a similar amount. Farm prices and processed foods rose 1.8 percent in February, and the Chairman of the Council of Economic Advisors reported that—

> Half of the total increase in the index was accounted for by livestock, poultry, meats and fish.

The situation will get worse before it gets better. An examination of month-to-month food price changes in previous years shows that food prices—particularly meats—will continue to rise through the spring and early summer.

It is obvious that something must be done immediately to control these rising food prices. I have already asked the Cost of Living Council and the Secretary of Agriculture to extend price controls over foods.

Because of the news of last Thursday and Friday, the news of an inadequate meat import level and the continuation of rising food prices, I am today introducing legislation to repeal the meat import quota law.

I opposed this anticonsumer legislation when it passed the Congress in 1964. It has simply provided protection to a few large cattle ranchers at a terrible cost to the American consumer—particularly the low-income consumer who must rely on the cheaper meats which foreign producers specialize in.

I hope that my colleagues in the House will support this effort to provide immediate repeal of the meat quota law.

ONE-SIDED LAWS CREATE SLUMS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. CRANE. Mr. Speaker, the degrading philosophy which too many people today advocate with regard to many of our urban ills is that crime, poor housing conditions, schools which fail to educate students, and a host of other problems are almost always caused by either teachers, landlords, or society at large. The implication is that the men and women involved are not fully "human," not able to accept any responsibility for their own actions and their own lives.

Thus, the young murderer or thief is reacting to an environment which did not prepare him for a more meaningful life. The tenant who wrecks his home, is protesting against mistreatment by the landlord, and the student who does not learn is the result of schools which receive less money than they should. It is never suggested that criminals, slum dwellers, and slow learners may bear at least a portion of the responsibility for their own plight.

While there is not the slightest doubt that there are many landlords who mistreat their tenants, who refuse necessary repairs, and who keep their properties in a run-down condition, the fact is that many tenants mistreat property which is not their own and create the poor conditions in which they live.

This point was recently made by the Reverend Henry Mitchell, a black leader in Chicago. In an article written in the Star News, he criticizes what he calls the "one-sided laws" which create slums.

The Reverend Mitchell writes:

> Slums aren't rained down from Heaven. Slums are created by one-sided laws that bring the slum landlords into court, but not the slum tenants. Such one-sided laws have turned many landlords into rent collectors. One thing the do-gooders do not want to understand is that the landlord does not knock holes in the walls, tear out plumbing, break out windows or use his hallway for a toilet.

The Reverend Mitchell declares that—

> It is high time for Americans to wake up regardless of their color, race or religion. Rich or poor we are all being duped by these do-gooders.

I wish to share this article with my colleagues, and insert it in the RECORD at this time:

ONE-SIDED LAWS CREATE SLUMS

(By Rev. Henry Mitchell)

I realize that we have some slum landlords and tenants. City Councils only bring the landlords into court. Yes, we have absentee landlords and slum landlords. The do-gooders are constantly crying to end slums. If that do-gooder wants to end slums, why don't they pass laws to bring that slum tenant into court, just as they have done to bring the slum and absentee landlord into court?

Doesn't that make sense?

I can't call a man a landlord that doesn't keep his property in livable condition. He is only a rent collector. Yes, we have rent collectors and the only thing they want to hear from the tenant is, "I have my rent".

We have many landlords and tenants who do everything in their power to keep up their homes and premises.

Have there always been slums in Chicago?

I can recall back in the middle fifties, we had only three blocks of slums and they were on Madison skid row.

Slums aren't rained down from Heaven. Slums are created by one-sided laws that bring the slum landlords into court, but not the slum tenants. Such one-sided laws have turned many landlords into rent collectors. One thing the do-gooders do not want to understand is that the landlord does not knock holes in the walls, tear out the plumbing, break out windows or use his hallway for a toilet.

The do-gooders have been passing "End Slum" laws since 1965. If their "End Slum" laws were the answer to ending slums, why do we have more slums today than ever before? One thing these dudes (do-gooders) must understand, laws are not the answer to all problems. Their "End Slum" laws have proven to be a failure.

The simple answer to the problem of slums is education and dedication. The do-gooders are bleeding the tax-payers in the name of educating the Appalachian white and black ghetto dwellers. They have failed to give their dedication and concern.

I have asked many ghetto blacks and Appalachian whites what they thought of the O.E.O. and Model Cities programs. Ninety-nine and a half per-cent of them did not know what I was talking about.

Isn't that strange, when a program has been designed to help people, they don't know anything about it?

I do not expect our readers to take my word for the saying, but I do expect our readers to question our statements as we know a person can be sued for false propaganda.

It is high time for Americans to wake up regardless of their color, race or religion. Rich or poor we are all being duped by these do-gooders, black and white niggers. Yes, niggers.

My understanding of a nigger is a person who uses others for selfish gains. The so-called do-gooders must understand that if a man has a cancer on his little finger, the doctor must kill that cancer there. If not, the cancer will spread over the whole body, eventually causing it to lie in the grave.

Likewise, with the problems of housing, education, poverty, racism and slums, if they aren't stopped where they exist, they will spread over our entire land. There are hundreds of thousands of vacant lots and boarded up buildings in the city of Chicago. Why don't they (the do-gooders) renovate the boarded up buildings and build private homes on the vacant lots and sell them to families who want to own their own homes, with low down payments and low interest loans?

I say to our many concerned Americans that the sin of commission is upon the do-gooders. When we fail to rectify the poor conditions that exist in our land through our physical, spiritual and financial means, we are guilty of the sin of omission.

Which sin is greater?

RAPE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. FRASER. Mr. Speaker, Martha Weinman Lear, author of "The Child Worshipers" and a freelance writer who is working on a book about woman's sexual attitudes, wrote an article on rape that appeared in the New York Times Magazine, January 30, 1972. She points out that, according to the FBI, rape is the least reported of all crimes. Still, reported rapes rose in number nationally by 93 percent in the sixties.

The article follows:

[From the New York Times Magazine, Jan. 30, 1972]

Q. IF YOU RAPE A WOMAN AND STEAL HER TV, WHAT CAN THEY GET YOU FOR IN NEW YORK? A. STEALING HER TV

(By Martha Weinman Lear)

(NOTE.—"A 21-year-old woman was raped by two youths who followed her into a ladies room near Bethesda Fountain in Central Park at 9 a.m. yesterday. The police said they were looking for 'two young white males in their mid-20's in the assault, which did not involve robbery."—the New York Times, January 7.

("Authors have written and time has told us that every woman resists to a certain degree and the male must be the aggressor. When the defiled female says, 'That is the gentleman who raped me,' we need corroboration. If her jaw is broken, for example, that is proof of force. Otherwise, how do we know she was raped? The difference between rape and romance is a very thin line and we have to be careful. When a man is charged with rape, he loses a tremendous amount of posture in the community.")—State Assemblyman Joseph F. Lisa.

Most rapes in Central Park, as elsewhere, have no more particularity than most muggings. Occasionally there are cases with Gothic overtones—an 83-year-old woman is picked up bodily from a bench on Fifth Avenue in the 60's, lifted over the park wall and raped in the bushes; a girl, just raped, cries out to a man passing by, "Please help me, I've been raped," and the passer-by rapes her—but even these cases are likely as not to wind up in a two-inch squib on Page 27.

The Central Park rape of Jan. 7 is atypical in fact, primarily in that it made the papers. Rape is the least-reported of all crimes, according to the F.B.I.; in 1970, 37,270 rapes were reported, and an estimated four or five times that number were committed. The case is prototypical, however, in this regard: Should the assailants be apprehended, they stand in no danger whatever of being convicted for the crime of rape. One is tempted to think that they read the law, and proceeded accordingly.

New York State law provides that every material element of a rape—penetration, force and the identity of the rapist—must be corroborated by evidence other than the victim's testimony. The presence of semen in the victim's vaginal tract, for example, would be taken as corroboration of penetration. The testimony of an uninvolved witness to the event would be taken as corroboration of identity. The victim's prompt complaint, disheveled appearance, distraught manner, bruises, might be taken as corroboration of force, although not necessarily. If a woman had a few black-and-blue marks, for instance, defense counsel might convince a jury that she engaged willingly in vigorous lovemaking; certainly, as Assemblyman Lisa points out, a broken jaw would be more persuasive. (The sociology of juries dictates that prosecutors will seek out women jurors in rape cases, and will end up with mostly men. Manhattan Assistant District Attorney Jack T. Litman says that every rape case he has tried has been before all-male juries; the women all asked to be excused on the grounds that they couldn't be objective. Jurors, especially male jurors, are considered unsympathetic to the prosecution in cases where the complainant and the defendant knew each other prior to the rape.)

Most states require no corroboration. Some require it to lesser degrees: New Jersey, for example, asks for corroboration of force. But New York's corroboration rule is by far the most stringent in the country, and therefore it is harder here to get a conviction for rape (and, perversely, there is a lower maximum sentence for rape: 25 years) than anywhere else.

Thus few rape cases clog the courts and few rapists fill the prisons. In the nineteen-sixties, the incidence of rape rose nationally by 93 per cent, less than robbery but more than any other crime of violence against the person. In 1969, the national conviction rate was 36 per cent; the rate that year in New York City, where there were 1,085 arrests for rape and 18 convictions, was 3.9. Some 18 per cent of those arrested pleaded guilty to lesser charges, mostly misdemeanors, in arrangements dictated either by questionable corroborative evidence or the staggering case load in the courts.

The young woman who was attacked in Central Park did what an extraordinary number of women do after being raped: She went home and took a bath, thus washing away ejaculate and effectively destroying evidence of penetration.

As with many distraught victims, she delayed some hours before calling the police, to some degree recovering her composure and, to the same degree, weakening corroboration of force. Nor was there gross physical evidence of force (sociologist Menachem Amir, who did an extensive study of rape patterns in Philadelphia, has pointed out that a single rapist is more likely to beat his victim in order to subdue her, whereas two need only hold her down).

Finally, there were no impartial witnesses standing around watching the rape. There rarely are.

Thus, if two suspects were to be picked up and postively identified by the victim in a police line-up, and if they were to deny her charges, the case would be dropped for lack of evidence.

Suppose the victim had been home in bed, alone, and the same two men had broken into her apartment, punched her and slammed her around to silence her screams, thrown her to the floor and raped her at knifepoint. Burglary, assault, rape and illegal possession of a dangerous weapon with intent to use: in sum, no case. The law would hold that whereas the accompanying crimes all served the purpose of committing a rape, convictions could not be sustained on these charges unless the rape itself were corroborated. The woman would have had to be beaten severely—clearly beyond the degree necessary to subdue her—for the assault charge to stand alone. On the other hand, if the men had not raped her, they could be convicted for the other crimes, which in themselves require no corroboration.

Suppose, finally, that the two men, having burglarized, assaulted, threatened with a weapon and raped, had helped themselves to the TV set on their way out. Justice would be done: They could be convicted (probably; such convictions have been upheld in courts of appeal, although the state's highest court has not yet ruled on the matter) for taking the TV set, which clearly is separable from taking the woman.

Thus the law, in effect, gives greater protection to goods. It says to the perpetrator:

If you're going to rough up a woman, don't stop until you've raped her; then they can't get you on the assault.

If you're going to rape a woman, don't rob her; they might get you on the theft.

If you're going to rob a woman, you might as well rape her, too; the rape is free.

A 37-year-old woman required 120 stitches on her face and head yesterday after she resisted a man who attempted to rape her in Central Park in daylight, the police said. They said that the woman, who was not identified, was walking near Central Park West at 81st Street at 7:30 A.M. when a man dragged her into the bushes, tried to rape her and slashed her with a razor when she resisted. Two men jogging nearby heard her screams and alerted the police. The police arrested a man . . . who they said had been arrested on charges of attempted rape in 1969 and 1970."—The New York Times, November 18.

"We've been looking for this guy for a long time. Two years ago we picked him up for attempted rape, and it was a throw-out in court: no corroboration. Now we have this poor woman, who fought like hell and didn't get raped. The guy has been indicted for assault in the first degree. She's scarred for life. And you know what she says now? She says she wishes she hadn't fought, and maybe he wouldn't have cut her up the horrible way he did.

"A lot of officers, especially the old-timers, believe that unless a woman comes in bruised, there's no rape. They also say, 'Unless a woman's a virgin, what's the big deal?' But I wonder: If one of these guys was suddenly jumped and forced to commit sodomy at gunpoint, wouldn't he be pretty upset? And wouldn't he submit?

"These women have no reason to lie. Sometimes there's a love triangle, where a woman yells 'rape' to get even with a guy, but you can screen those cases out easily enough. But, for God's sake, when the woman never saw the guy before in her life, and she tells you he raped her in the park or in the hallway, and she identifies him . . . what more corroboration should a judge need? Why isn't this woman's word good enough?—Detective Al Simon, Central Park Precinct.

* * * * *

Though corroboration is not required in any category of crimes other than sex offenses, it *is* required in certain other criminal situations. In a bribery case, for example, Accomplice A cannot be the sole witness against Accomplice B, since accomplices are held to be untrustworthy as witnesses. The analogy to rape cases is instructive.

"I've traced the corroboration requirement back to 1860, when I first found it coming into law," says Frederick J. Ludwig, Chief Assistant District Attorney in Queens. Ludwig, a former law professor, recently wrote a paper for The Brooklyn Law Review urging the repeal of corroboration. "Why was the law passed? Well, maybe one of our prominent senators in those days was accused of molesting a barmaid—perhaps he actually *did* molest a barmaid—and he and his learned colleagues passed this two-witness law to protect themselves . . . this capricious law which does not apply in any other crime.

"Established public figures, such as politicians, have great fear of 'women's vengeance.' These men don't want any charge ripening into an indictment. It can be ugly. It can ruin a politician. Also, you have these situations where the opposition is out to get him, to frame him, and he feels this need of protection by corroboration. But, after all, if a woman wants to entrap a man, she can easily accuse him of larceny, burglary, robbery. In sex cases, as in these other cases, *the credibility of the witness should be the sole requirement*. I don't subscribe to the inherent implication that females are less trustworthy than males in sexual situations. In fact, the whole thing should be thrown out on the same basis as that Utah law on administration of estates [wherein the Supreme Court recently declared unconstitutional a law that gave males preference over females of equal claim] as a denial to women of equal protection under the law."

His sentiments are shared. Feminists, of course, are outraged by the implications of the two-witness rule. They have said that rape is the issue they intend to politicize this year, and have been lobbying for repeal by corroboration ("O.K., so it's a law-and-order position," says feminist Susan Brownmiller, who is writing a book about rape. "We never said we were for anarchy.") Family Court Judge Millard L. Midonick recently appealed to the State Legislature to correct "the miserable state of the law," declaring that the corroboration requirement "evidences an irrational belief in the dishonesty of the woman who claims to have been sexually assaulted."

Possibly a correction is forthcoming, though hardly one to hearten the feminists. For the past three years, bills to modify the law have been defeated in Albany. Others are coming up soon. One, sponsored by Assemblyman Alan Hochberg, Bronx Democrat, veers close to repealing corroboration, and has little chance. But a bill sponsored by the District Attorneys Association of New York is flexible enough to appeal even to such a staunch corroborationist as Assemblyman Lisa, a Queens Democrat, who says that he finds it "very, very interesting," and just possibly it will pass without too much of a fight. Legally, it would facilitate the prosecution of rape cases. Philosophically, it makes no difference whatever.

In essence, the D.A.'s bill would repeal corroboration for identity and penetration, requiring instead "additional evidence" (such as hysteria, or bruises) beyond the victim's testimony, "tending to confirm" that a rape or intended rape had been committed. It would also permit conviction for accompanying crimes, such as a dangerous-weapon charge, in uncorroborated rapes.

According to Bronx District Attorney Burton B. Roberts, president of the D.A.'s Association, the bill is shaped by political realities: "I want you to understand that I'm a guy who's against corroboration. But it's one thing to say what we want, and another to get it passed—right?" But the bill seems to be shaped, as well, by the ambivalences of men. The crime of rape outrages them; not something in the bloodstream seems to flow back in time and sympathy to that senator who may or may not have dallied with a barmaid, and to resist a clean break with corroboration.

Roberts says: "Who gets raped? Lots of unescorted women. Say, women who are drinking in bars. I don't mean that they're there because they want to get raped, but they're there. Or you get some youngster who wears hot pants in Murray Hill; then she becomes a social worker and wears them in the ghetto. She becomes provocative without meaning to. I mean, she doesn't mean to be provocative. She's just naive. . . .

"Now, why did society feel they needed the protection of corroboration? Quite often you get a woman who has paranoidal delusions that all the young boys in the neighborhood are out to get her. Or some girl yells 'rape' to justify her conduct to her parents. Then there are these love spats. . . . Let me tell you a story:

"When I was an Assistant District Attorney in Manhattan, a lovely young Puerto Rican woman said she'd been robbed. She said her cousin had made advances—grabbed her butt when she was going to work. Then he belted her and took her bag. Well, I went to the home. I met the husband. The place was spotless and clean. I thought, ah, this is great, this is the story of America, nice little married couple making it, getting along. . . .

"At the trial the defense counsel asked if she'd written a sheaf of letters. She said no. I called for their production. They were written by her to the cousin, and they said that if he didn't come back to her, she'd make certain he never kissed another woman. When those letters were read, her husband went crazy. I said, 'Take it easy. Be forgiving.' But he gave her such a shot, it knocked her right off her chair. Boy, I never forgot that.

"Now, a grave injustice could have been done in that case. Remember breach of promise? There were plenty of grave injustices there. What we've got to do on rape is eliminate this second-class citizenship for women, and still protect men against grave injustice."

Rape victims commonly complain that along every step of the legal process, they must make their case to hostile men—skeptical police officers ("They always want to know if you enjoyed it"), insulting defense lawyers, suspicious judges. Michael Juviler, Chief of the Appeals Bureau in the Manhattan District Attorney's Office, and a principal drafter of the D.A.'s bill, says:

"I had a case of a young woman whose date said he had to put his bike away in his apartment before they went out to dinner. In the apartment, he suggested they have a beer. She testified that she was sitting on a sofa when suddenly he leaped at her, threw her to the floor and raped her. We had no corroboration, except for assault—bruises on her elbows and legs, which she said came from being thrown to the floor. Also, she was observed just afterward to be very upset.

"The Court held that since she described a completed rape, which was uncorroborated, the assault charge wasn't valid, and the guy walked. Earlier, this guy had been acquitted of a rape charge in another case. Now he's serving five years for a nonsexual crime: He split open a 16-year-old girl's head with a bowling ball.

"Now, I can't speak for the Court, but I can assume that the Court wasn't very sympathetic. She had accepted an invitation to a man's apartment, she was there having a beer. . . . You know, this is the male attitude: *She had it coming. Why* was she in that apartment? *Why* was she walking on the street at that hour? I've heard that kind of thing from judges.

"What can I say? The more I talk about this thing, the more my position seems to change. Now I'm not so sure we should have corroboration. I'd probably *prefer* it, but I'm not sure. You might say my consciousness is being raised."

For a phenomenon so stringently fixed by law, rape has been astonishingly little understood and little written-about, and remains the most myth-ridden of all crimes. In various times and places the rapist has been seen as a monster, a mental retardate, a gay blade. The crime was punishable in Saxon law by death; under William the Conqueror, by castration and loss of eyes. The punishment a society metes out for rape is an index to its sexual attitudes, of course; in 15th-century England offenders might escape sentence by marrying their victims, which presupposes the rapist as a kind of redeemable sport.

Victorian attitudes were predictably harsh: In one of the earliest (1892) psychiatric evaluations, Krafft-Ebing, in his monumental "Psychopathia Sexualis," considers rape under the heading "Lust-Murders." He writes: "The crime of rape presumes a temporary, powerful excitation of sexual desire, induced by excess in alcohol or by some other condition. . . . It is a fact that rape is very often the act of degenerate male imbeciles. . . ."

Contemporary evaluations are less baroque, and much of the literature is singularly casual about the crime. Thus, psychologist Bernard J. Oliver Jr. notes: "The rapists tend to be emotionally immature, have deep feelings of insecurity and inferiority, are social pariahs, and seem to have considerable difficulty in having adequate social relations. . . . In summary, we may say that victims can usually escape from any prolonged effects . . . if they are able to develop a sound emotional attitude about it."

Perhaps the most extensive study of the subject has been done by the Israeli sociologist Menachem Amir. A recent book called "Patterns in Forcible Rape" is based on his investigation of 646 rape cases in Philadelphia. Amir's findings shatter several popular myths, none more tenaciously fixed in the public imagination than the idea—Eldridge Cleaver's "ideological rape" notwithstanding—that black men go after white women.

In 77 per cent of the cases studied, both victim and offender were black; in 18 per cent, both were white; in 3 per cent, a black man raped a white woman and, in 4 per cent, a white man raped a black woman. Amir does not purport to deal with two imponderables that law-enforcement agents generally concede: that black rapists are more likely to be arrested than white, and that cases involving white victims are more likely to be vigorously pursued by the police. The figures simply depict rape as an overwhelmingly intraracial event, and the victims as overwhelmingly black. Much the same picture emerges from other studies in Florida and Washington, D.C.

Amir found further:

In two-thirds of the cases, there was no alcohol factor.

In one-third of the cases, victim and offender had known one another prior to the rape.

Three-quarters of the rapes—particularly the group rapes, which made up 43 per cent of the total—had been planned. Most were committed indoors, a third in the victims' homes; the legendary dark-alley rape was rare.

Most rapes were committed on weekends, the peak time being Fridays between 8 P.M. and midnight.

Most offenders were aged 15 to 24; most victims were 10 to 19.

Most were unmarried.

Ninety per cent of the offenders ranged from skilled workers down to the retired and unemployed; the rate of unemployed black offenders was twice as high as the rate of unemployed blacks in the city.

Now Amir's findings grow more interpretive:

Nineteen per cent of the cases are deemed "victim-precipitated." The term is defined: ". . . those rape cases in which the victims actually—*or so it was interpreted by the offender* [italics mine]—agreed to sexual relations but retracted before the actual act or did not resist strongly enough when the suggestion was made by the offender(s)."

Twenty per cent of the victims are deemed to have "bad" reputations. The term is not defined.

Verbal coercion, intimidation by gesture or intimidation with a weapon was used in 87 per cent of the cases; some degree of violence, ranging from roughness to choking, was used in 85 percent of the cases. Amir observes:

"As it is commonly believed that almost no woman wants to be deprived of her sexual self-determination, it was surprising to find that over 50 per cent of the victims failed to resist their attackers in any way."

No contemporary study suggests that rapists are madmen; nor that they are, as a group, oversexed; nor impotent—a myth that persists despite its patent illogic. There has been no persuasive finding that they are deprived of other sexual outlets. Why, then, do they rape?

At the Rahway, N.J., State Prison, psychologist William Prendergast runs the Rahway

Treatment Unit for Sex Offenders. By state law, anyone convicted of a sex crime must be examined by a board of psychiatrists. If he is diagnosed as a "repetitive/compulsive offender," his sentence becomes indeterminate (up to a statutory maximum, for rape, of 30 years), and he must be treated in Prendergast's unit. If he is not so diagnosed, he is sentenced as a criminal.

Thus New Jersey is one of the few states that make a clear medical and legal distinction between psychiatric and criminal sex offenders. Possibly the failure to make this distinction has perpetuated much of the rape mythology, because the difference between the two is as night is to day.

Average I.Q.'s are higher in the psychiatric population than in the criminal population.

The psychiatric offenders have a broad range of educational and achievement levels. Among the criminal offenders, the level is generally low.

The psychiatric offenders run the gamut from poverty to wealth and social position. The criminal offenders are mostly from the ghetto.

The psychiatric population is predominantly white. The criminal population is overwhelmingly black.

Much of the psychiatric population is sexually inhibited. Most of the criminal population is not.

"The typical psychiatric offender," says Prendergast, "is usually a very gentle and seductive person, and incredibly naive about sex. He'll live on masturbation and fantasy and always hide in a corner of the locker room feeling inadequate. It's not that these men can't *perform,* but that they feel they can't satisfy. Many of them think that their genitals are abnormally small, though this may not be true. Many are latent homosexuals. They overcompensate by committing the overt, aggressive, heterosexual act of rape.

Almost all of these men are raping their mothers. Symbolically, they are murdering their mothers; they are just using the penis as a weapon instead of a knife or a gun."

In one of Prendergast's treatment programs, volunteer offenders are regressed back to early traumas. The regressions, even on video tape, are painful to watch. One offender, regressed to age 5, when his mother had left the home, writhed on the floor crying hysterically, "Mommy, Mommy, I'm sorry, please don't leave me. . . ." Another was regressed to a time when his father held his hand on a hot stove while his mother stood passively by; as he relived the incident his hand rose into the air, grew rigid and turned bright red (this man has both raped women and sodomized boys—several sodomists in the unit have been regressed to traumas involving tyrannical fathers).

"The rage begins in childhood," say Prendergast. "Most of the time it's suppressed. They hold jobs, they're pretty good citizens in their communities, they don't steal or lie. But then something happens that triggers them off—maybe a woman behaves seductively, or even resembles the mother—and wham! That 'nice, quiet boy next door' commits some brutal, sadistic rape and ends up in here."

The psychiatric rapist knows that he is sick, Prendergast says. Typically he feels tremendous guilt and shame, and concern for his victim. One made coffee for his terrified victim after the rape, put her children to bed, sat for two hours crying that he didn't know why he had committeed the crime, and waited while she called the police.

But the hallmarks of the criminal rapist are that he feels no guilt, has no concern and does not accept that anything is wrong with him; nor do his fellow inmates:

"The criminal rapist is a hero in prison, idolized as a highly masculine figure. It's the child molester who's at the bottom of the prison hierarchy. He's the guy they really hate, the guy they call 'baby-f———,' and if they had a chance, they'd kill him. But the rapist is a very popular fellow. He knows that society sees his act as evil, but he doesn't see it as evil. He has all kinds of denial mechanisms: He was drunk, the woman really wanted it . . . that kind of thing. It's like in incest: 'It's my child, and no one should interfere.' He is a sociopath, of course, but he's not necessarily 'sick' in the psychiatric sense—especially if he's young and was involved in some gang-bang and was afraid to chicken out. His whole background is one in which the man is the king of his castle and women are tolerated as slaves—and he simply takes what he wants.

"It's not because he doesn't have available sex—I've never met a criminal rapist who doesn't have available sex—but simply because he feels tremendous contempt and hostility for women, and this is his way of expressing it.

"You take a guy with this generalized hostility toward women: Is he going to become a flaming faggot, or a playboy who won't take no for an answer—which can be pretty much the same dynamic—or an assaulter? You don't deal with this hostility, it will erupt."

"Rape is a conscious process of intimidation of women."—Feminist Germaine Greer.

I am told that the potential of rape as a strong feminist issue first became apparent last year, when a topless dancer on the West Coast came to a local feminist meeting with a complaint: She had been hired to dance at a stag party several days before the guest-of-honor's wedding. After her performance the men all raped her and then threw her out, without paying her for dancing. The feminists took what must have seemed an inspired action, although, aching for the dancer, one aches as well for the bride: They picketed the wedding with signs reading: "John is a Rapist." Word of the incident traveled East, to a meeting of the New York Radical Feminists.

"I must say, at first I didn't see it as an issue for us," says Susan Brownmiller. "I thought prostitution was much stronger. But then one of our women was raped, hitchhiking home from a college weekend. I was appalled at her getting herself into such a position. We had huge discussions on that, asking ourselves, how culpable was she? Then we organized a 'Speak-Out on Rape,' and different women stood up and told how they'd been raped. One women described how a medical student took her 'to see the residents' quarters,' and raped her, Afterward, he said, 'I'm sorry that happened. I suppose we should go out and eat.' And what enraged her in retrospect, she said, was that *she went.*

"You see, what we all realized was that women accept the fact that men are conditioned to be rapists, but they *don't* accept the fact that *they* are conditioned to be *victims.*"

Other rape victims spoke bitterly of their experiences with the police. One said "They advise you not to fight, just lie back and enjoy it—*enjoy* it!—and then, when it happens, they ask, 'How come you didn't resist?' When it happened to me, one cop said, 'Tell me the truth, don't all women secretly want to get raped?' " (Rape is, indeed, a common fantasy theme among women. Once, for a writing project, I discussed with several dozen women the general themes of their sex fantasies. Better than half of them described rape; but it was always in the precise circumstances, and by the specific men, of their choice. It was absolutely clear from the nature of the material that these fantasies served no wish to be genuinely raped, but a wish to feel *guiltless*—"I can't blame myself, he made me do it"—in a desired sexual encounter. Still, the fantasy exists, and it feeds the myth.)

Feminists talk about rape as "a way of keeping women in their place," and of "marriage as legalized rape." (In a concrete and limited sense, Prendergast agrees. "Say a woman's got three kids and no place else to go, and the husband comes home drunk and wants her, and she knows that if she refuses he'll beat the hell out of her," says Prendergast. "If that's not psychological rape, I don't know what is.") But what ultimately imbues the feminist argument with a sense of overkill is what they do *not* talk about: seduction *qua* seduction.

To the male chauvinist, every rape—barring the grossest criminal assault—is a seduction, to many feminists, every seduction is a rape: "A guy comes up for a cup of coffee, and he starts coming on in that way they have. . . . 'What's the matter, are you frigid?' or 'Oh, come on, you know you really want to' . . . and he keeps at it and keeps at it until finally you give in because he's just plain exhausted you. Isn't *that* a form of rape?"

Well, I don't know. It is an insidious form of *persuasion,* certainly, but persuasion is not coercion. As Prendergast points out: "In rape, the victim submits involuntarily. In seduction, she submits *selectively.*" One can refuse to be persuaded; and to claim that women's conditioned passivity makes it impossible for her to refuse is somehow less than honest. Women do, after all, play the game of No and Maybe; and men, thus, *do* tend to ignore the No and pursue the Maybe. One may argue validly, as feminists do, that this is a false and shabby way for human relations to proceed; but it is preposterous, in this time and place, to argue that every woman who goes into a sexual encounter saying no comes out of it as a rape victim.

A feminist told me this story: She had invited a man up to her apartment for coffee after a date. "He said, 'Hey, let's make it.' I said, 'Oh, no. No way.' He said, 'Listen, I think you'd better. You better be a good girl and cooperate,' and he grabbed at me. I tried to argue. I said, 'Look I don't want to. How could you enjoy it if I don't want to? We're the educated type, right? We're worried about whether we'll enjoy it.' He pushed me on the bed and, when I started to cry, he said, 'Be a good girl, or something bad will happen,' and he held his fist in front of my face. I felt in real danger. I gave in.

"Later I walked into the police station without a mark on me and said, 'I've been raped.' They gave me that leer—you know, that New York Cop Leer. They brought in the guy for questioning. He said, 'She was perfectly willing,' and that was all there was to it. Now, what do you call that?"

I call it rape, and share her outrage that the bloody bastard got away with it. But another feminist told me *this* story:

Her friend, an art student, went to see an artist about a job. "In the middle of the interview he put his arms around her and started kissing her, all the whole talking about the job. Well, she wanted the job badly, and she figured she'd have no chance if she wasn't nice—that's how women are trained, isn't it?—to be nice—so she kept right on talking. And he kept going further and further, and this poor girl was so unable to get herself out of the victim role that she just let herself be taken off to the bedroom and raped."

I call that a dumb seduction, and it brought back memories. As a college sophomore I had been sent by the school paper to do an interview with this very same man. It was the only time I have ever, literally, been chased around the living room; but he was really testing, not menacing. Finally, as I recall, I shoved him in the stomach and ran out of the apartment. He yelled after me, "Call me when you grow up," and threw a nickel down the stairs which only shows how long ago it was.

I remember that he made me feel small and gauche. But it would have been unthinkable to submit *because* I felt gauche. And to submit to the same man, now two decades older and not as spry, would take more—or less—than Woman as Victim. It would take Person as Nincompoop.

At any rate, women will have to do their own coping with this sort of thing. More pressing is the problem of real rape victims who cannot find justice in the courts. If some young woman should walk into Central Park tomorrow, as some young woman did on Jan. 7 and be raped by two assailants who used no weapon and left no marks; should that happen—new law, old law, it makes no difference—they could be out of court and free to roam the park again next week. And that seems insane.

RACE, RAPE, AND RETRIBUTION

In the United States today, 14 states prescribe capital punishment for rape. They are: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas and Virginia. The last execution was in 1964. Seventy-four convicted rapists are currently under the death sentence and the Supreme Court is now considering whether the death penalty violates the "cruel and unusual punishment" and "equal protection" issues which are raised in the 8th and 14th Amendments.

In pre-Civil-War Georgia—in a pattern held to be representative of the other states—the rape of a white woman by a black man was punishable by death; the rape of a white woman by a white man, by 2 to 10 years; the rape of a black woman by a white man, by a fine and imprisonment at the discretion of the court. The law made no provision for the rape of a black by a black, leaving it to the discretion of the slave owner.

Since 1930, when the Federal Government began publishing national figures, 455 men have been executed for the crime of rape. Of these, 405 were black. According to Jack Himmelstein of the N.A.A.C.P. Legal Defense and Education Fund, who has directed an extensive study of capital punishment: "Overwhelmingly, in these cases, blacks were executed for raping whites. Some whites were executed for raping whites. An infinitesimal number of blacks were executed for raping blacks. We came across no case of a white who was executed for raping a black."

The preponderance of black men sentenced to death cannot be held merely to reflect the preponderance of black men committing the crime: In Georgia, in the years 1945–1965, of those men *already convicted* for rape, 38 per cent of the blacks were sentenced to death—and one-half of 1 per cent of the whites.—M.W.L.

PORTRAIT OF A RAPIST

Queens Police Detective and amateur artist Helen Pastore drew this composite sketch from the description of 14 rape victims. It was instrumental in bringing about the man's arrest. He was found unable to understand the charges against him or participate in his own defense, and is now in Matteawan State Hospital for the Criminal Insane.

His *modus operandi*, Detective Pastore says, was the same in every case. He would present himself as a delivery man with a package "downstairs in the truck." The package was too large to fit through the door: Might he use the telephone to call his boss for instructions? Having gained entrance and established that the victim was alone, he would grab her and threaten to use a knife if she didn't submit. None put up a fight.

"It's amazing, how every one of the women bought his story," Detective Pastore says, "and I think they would again today. People are so stupid about this kind of thing. There's this psychological appeal. . . . 'Oh, a package for *me?*' " She says that several of the victims still believed, after having been raped, that he was a delivery man. As he was leaving, one asked: "But how about my package?"—M.W.L.

"DOC" HALL BOWS OUT

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. GROSS. Mr. Speaker, it is a privilege as a friend and fellow Member of the House and yet it is with great regret that I insert in the RECORD today the announcement of the Honorable DURWARD G. "Doc" HALL of Missouri, that he will not be a candidate for reelection.

Through most of the years that "Doc" HALL has been a Member of the House of Representatives it has been my privilege to be closely associated with him in matters of legislation and legislative procedure. Never have I known a more straightforward, harder working, dedicated, and courageous Member of Congress.

"Doc," as he is familiarly known to all, never has left anyone in doubt as to his position once he knew the facts of a given piece of legislation. He is at one and the same time a great patriot, as demonstrated by his devotion to the Constitution of the United States; his long and honorable service in the Armed Forces, and an unswerving political conservative, dedicated to the preservation of free and private enterprise in this country as well as fiscal responsibility in Government.

I had known for some time that Doc contemplated retirement at the end of this session but I had hoped his many friends in the Ozarks as well as elsewhere throughout Missouri could prevail upon him to give of his talents and energy for at least another term. Since this is not to be I can only say, and I am confident that I speak for many others, that his constant presence on the House floor and wise counsel will be sorely missed after this session.

Again, I am sure I speak for many others in wishing our colleague and his devoted wife, Betty, many years of good health and contentment in their retirement.

Mr. Speaker, the following is the statement by which my good friend announced his retirement from public life and took leave of his loyal constituency in the beautiful Ozark hills and lakes of Missouri:

THIS WEEK IN WASHINGTON

When I first entered the Congress back in January of 1961, I carried with me a set of principles, born out of a philosophy of life, that had been inculcated and nurtured by concerned individuals, a wonderful professional life—and many memorable experiences.

I had benefited from the wise and Christian upbringing of a good mother and father, whom the Lord has seen fit to spare beyond four score years.

I had shared the companionship of a dedicated and loving wife, and a marvelous family.

I had received the advice and counsel of many enlightened and knowledgeable people, and been privileged to care for numbers of them in trying times.

I had gained an appreciation of the representative process of government, and a love of the Constitution of the United States, a document that to me, provides the very "heartbeat" of this Republic's government.

Collectively, I felt these had instilled in me a desire to use my position, as a representative of the people, to help insure that this nation would continue to reflect the ideas that had been set down by our Founding Fathers.

It was my hope,—that I could make a positive contribution to the maintenance of this Nation's position of world leadership that I had helped her attain in World War II; that I could influence the thinking of the decision-makers that would be reflected in sound economics and national fiscal integrity; that I could help provide an atmosphere whereby the Federal Government would do for the people only that which they could not better do for themselves; that I could participate in writing responsible legislation that would deter the criminal, provide protection and opportunities for all, sustain basic laws and the free marketplace, reduce our national commitments of money and personnel, and keep the legislative, executive, and judicial branches equal,—while not permitting their decisions to overstep the guidelines set forth by the Constitution; and yet—at the same time,—serve well my Nation and the constituents of southwest Missouri.

During the past twelve years I have found the challenge to be exciting, interesting, and intense, but I have watched this Nation engage in a civilian directed "no win" war perpetuated and directed by the "new frontier and great society" that has set citizen against citizen, weakened the Federal system on the pillory of doubt, and contributed to a growing mistrust of our military establishment.

I have watched practically unchallenged judicial decisions fail the constabulary and even permit the criminal to go free to perpetuate his twisted way of life, while violating our founders intent—by legislating and administering by decree.

I have watched regimentation, social experiments, conscription, and excessive taxation, and alleged security of welfare at the expense of personal freedom (all approved by votes of Congress) weaken our moral fiber and stamina, deplete our National Treasury, and reduce our traditional will to provide for ourselves.

It is with the foregoing as a background, that I have prayerfully and thoughtfully reached the decision to relinquish my seat in the House of Representatives. I am convinced it is not in the national interest to run for reelection unopposed. I will not seek renomination, nor again permit my name to be filed with the secretary of state for election to any public office. In fact, it is my belief that a six term limitation should be placed on membership in the House and a two term limit on service in the U.S. Senate. Such a limitation would contribute significantly to the demise of the ill-famed seniority system.

I do not do this with the attitude that our national outlook is hopeless. On the contrary, I feel that we are on the threshold of a rebirth of constitutional concern. It will survive, if people exercise their individual responsibility. However, I have reached an age well past that which I had originally established as a time to reduce my commitments and workload, be it in surgery or public service; and I have no plans to resume my medical practice, nor to accept other political appointments that might be offered.

I feel that the time has come to step aside and open the way for a new personality with the youth, vigor, enthusiasm, experience, integrity, and foresight that is essential to the proper representation of the needs and desires of nearly half a million constituents who reside in the nineteen counties of the Seventh Congressional District of Missouri—the people I know, love, and respect so deeply.

I leave office with no regrets after 22 years of public service, twelve in the Congress, more than eight in the Army, and two in the Department of Interior. Indeed it has been a memorable and exciting experience. I have made many friends, to whom I'm thankful and indebted, received many awards, and have known the joy of serving in the "People's House" of the Congress (legislative branch), under a form of government that has never been equaled.

If I am remembered as a man of principle, who upheld the Constitution, emphasized honor, stood for his considered beliefs, and contributed in some small way to the betterment of this Republic, then it has all been worthwhile. I could ask for nothing more.

DURWARD G. HALL,
Member of Congress.

CHARLES NELSON MUSSER, NEWSPAPERMAN AND CIVIC LEADER

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. BYRON. Mr. Speaker, on Monday, February 28, one of our area's most distinguished citizens, Charles Nelson Musser, died at King's Daughters Hospital in Martinsburg, W. Va. Charles Musser was a prominent newspaper publisher and the co-owner and guiding force for the Sheperdstown Independent & Boonsboro News. His works as a newspaperman will remain a tribute to journalistic integrity and the fair and unbiased reporting of news.

But Charles Musser was equally known and respected outside journalistic circles and excelled as an active and unselfish citizen in region, State, and National affairs. Prominent in all phases of Masonic activities he was a 32d degree Scottish Rite and York Rite Mason; past master of Mountain Nebo Lodge No. 91, A.F. and A.M.; past high priest of Mecklenburg Chapter No. 31, Royal Arch Masons; past commander of Potomac Commandery No. 5; member of Annointed High Priest, Knight of York Cross of Honour, West Virginia Council No. 7; Knight Mason of U.S.A.; Martinsburg Lodge of Perfection; Clarksburg Chapter of Rose Croix; West Virginia Consistory, Valley of Wheeling; Knights Commander Court of Honor of the Southern Jurisdiction of U.S.A., and Royal Order of Scotland; past patron of the Order of Eastern Star, Chapter No. 155, and at the time of his death was serving as associate patron.

Those who knew him and those of us who knew his reputation will miss him and the unique contribution he brought to the Nation and his community.

ANNIVERSARY OF THE BIRTH OF WILLIAM O'CONNELL BRADLEY, GOVERNOR OF KENTUCKY AND U.S. SENATOR

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. CARTER. Mr. Speaker, the State of Kentucky has had many pioneers, brilliant statesmen, orators, and soldiers, from the time of its first exploration and settlement. Daniel Boone, George Rogers Clark, Zachary Taylor, Henry Clay, Abraham Lincoln, and Jefferson Davis are a few of these who helped to shape the destiny of our Nation. Many fair and talented women also have lent distinction to the State.

One of the most distinguished sons of the Kentucky region was William O'Connell Bradley, born in Garrard County on March 18, 1847. Consequently, March 18, 1972 marks the 125th anniversary of his birth.

He was of Scotch-Irish descent. Nature bestowed on him some of her most precious gifts. He was magnetic, homespun, and genial in character. He was a man of the people, devoted to their best interests, and had a popularity unsurpassed. He was the father and builder of the Republican Party in Kentucky and was the first Republican ever elected to that office. Later, he was elected to the U.S. Senate and served in that capacity for a full term of 6 years, lacking a few months, when his death occurred.

Mr. Speaker, I can only call attention to certain matters connected with his brilliant achievements in all the indicated capacities, but I believe it is timely and appropriate that I make some reference to them.

William O. Bradley possessed native gifts of prime importance. He had a deep and powerful voice of baritone quality, clear and melodious. His fluency was of unusual character, and he was never known to lack a word—in public appearances he had a pungent and commanding vocabulary. The State never produced any abler orator and debater than himself. He struggled through many difficulties, and came to be one of the State's most outstanding in its galaxy of lawyers, orators, and statesmen. He and Henry Watterson, famous editor of the Louisville Courier-Journal, although of opposite parties, were close friends and worked as one to unite Kentuckians after the Civil War. As a lawyer before the court and jury, Governor Bradley was most effective.

Upon the occasion of his death in Washington, on May 23, 1914, his colleagues in the Senate—on both sides of the aisle—paid him tributes of admiration and affection that were classic in character.

Following his death, his good friend, Maurice H. Thatcher wrote a fine sonnet about him, and I insert it as part of these remarks. Similarly, Governor Bradley's famous address at Chickamauga is included herewith:

WILLIAM O. BRADLEY

O wondrous man of magic, golden tongue,
  Who, looking ever sunward, didst uprise
  And pierce the glory of our civic skies,—
How shall the story of thy life be sung
To keep thine honored name forever young?
  How shall we term that dauntless enterprise
  Which, in Mischance, finds Fortune's skilled disguise,
And gains and holds the ladder's highest rung?

No song thou need'st; thy deeds have wrought thy fame
  And launched it on its journey through the years;
Death only raised and glorified thy name,—
  Thine youth eterne began amidst our tears.
By gifts divine the heights thou didst ascend,
And time shall know and claim thee to the end.

The address of Governor Bradley at the ceremonies in Chickamauga Park was of magnificent character and delivered in his best form. It is self-explanatory, and under leave accorded, is submitted in full with the suggestion that it is unsurpassed in eulogies by any of the famous Greek or Roman authors of the past, with respect to their military heroes, with the difference that the Bradley address was superior because of the spirit of reconciliation which gave it a peculiar distinction.

ADDRESS AS GOVERNOR, AT CHICKAMAUGA PARK, ACCEPTING AND DEDICATING THE KENTUCKY MONUMENT—A NOBLE SHAFT—APPROPRIATELY INSCRIBED—MAY 3, 1898

(NOTE.—The State of Kentucky erected a monument on the site of the Chickamauga battlefield to commemorate the brave deeds of Kentucky soldiers on both sides of the conflict in the Civil War. This erection—the first of its kind—was made agreeably to recommendation of Gov. Bradley to the Kentucky Legislature, and, on May 3, 1898, formal ceremonies were held at Chickamauga, and shaft accepted from the Commission appointed to erect it, and turned over and presented to the Chickamauga Park Commission, Gov. Bradley making the following beautiful and patriotic speech of acceptance and presentation:)

The State of Kentucky thanks you, and each member of the Commission, for the promptness, economy, efficiency, and ability with which you and they have discharged every duty connected with this good work.

Standing within the shadow of Missionary Ridge, whose crest and sides but little more than a third of a century ago were lighted with glistening bayonets and the fires which flashed from musketry and cannon of Lookout Mountain, where contending armies mingled the colors of their uniforms with those of the clouds that hung about them; surrounded by hills and valleys, across which swept armed legions to victory or defeat; within sight of the spots hallowed by the blood of Croxton and Helm, a rush of glorious memories comes over us, causing each heart to throb more rapidly, and each bosom to expand with patriotic emotion. Here and there are beautiful monuments, erected by the various States in honor of their gallant sons; and today, Kentucky comes with gentle and loving hand, to unveil a tribute to her noble race, placing upon the graves of the dead a wreath of immortelles, and crowning alike with laurels the brows of all who survived that terrible conflict.

Every land has its traditions, poetry, and song. In each is some monument which, with mute eloquence, proclaims, "Stop, traveler, thou treadest on a hero." History, indeed, is but the epitome of patriotism, and the whole earth its monument.

But to be enabled, as are our people, to point to numerous battlefields, where opposing armies of embittered enemies met in the shock of battle which startled the world, and, a third of a century thereafter, to behold the remnants of those armies and their descendants congregating upon this historic spot in one common brotherhood, under one flag, each striving to do it most honor, is without a parallel in the annuals of time, and its like will never be seen again. This is the grandest of all monuments. A monument composed of love of country and complete reconcilliation, whose base is as broad as our national domain, and from whose summit angels of love and peace soar heavenward with each rising sun.

Many monuments have been erected upon battlefields of this Republic, but it has remained for Kentucky to be the first of all the States, with tender and motherly devotion, to erect a blended monument to all her sons; a monument that carries with it, and upon it, complete reconciliation of all contending passions.

This shaft is dedicated, not alone to those who died upon this and surrounding fields, but also, to the gallant survivors who, when the frowning clouds of war were dispelled by the bright sunshine of peace, returned to their homes to repair broken fortunes, and are today numbered among the best and most distinguished citizens of the Commonwealth.

Kentucky has evinced no partiality in this evidence of loving remembrance. It carries with it no heart burning, no jealousy, no invidious distinction. It is not an emblem of honor to the victor and reproach to the vanquished—but an equal tribute to the worth of all. In the future, the descendants of chivalrous Confederates may proudly gaze upon it, realizing that the State has honored their ancestors, and that, although their cause was lost, their heroism is revered, and their memories perpetuated. And the sons of the brave men who fought on the other side may look upon it with equal pride, feeling that it fitly commemorates the gallant deeds of their illustrious ancestors, who preserved the nation from destruction. May it endure forever, standing guard over victor and vanquished, with the statue that surmounts it, in one hand holding the torch of liberty shedding abroad its benign rays; in the other grasping the sword, emblematical of the strength of one people, ready and anxious at all times to uphold the integrity of our country, and to drive, wounded and bleeding from its shores, any insolent foe that shall ever dare invade them.

The heroism of Buckner, Breckinridge, Helm, Preston and Lewis is the inheritance of every man who wore the blue; the gallantry of Fousseau, Crittenden, Whittaker, Croxton and Price, the inheritance of every man who wore the gray. They were all Americans, each, from his standpoint, contending for what he believed to be right, and now that we are one people in mind and heart, their common glory is our common heritage.

The conflict of 1861 was inevitable. For years preceding that period, we had two civilizations. One, founded on the "justice of slavery," and the sovereignty of each State, espoused by a brave and impetuous people; the other founded on the declaration that all men were created equal, and the sovereignty of the nation, espoused by a conservative and brave people. For years antagonisms and bitterness increased between the sections until the dispute, by force of circumstances, was submitted to the arbitrament of the sword.

The struggle was inaugurated by the South, not so much to dissolve the Union—though that was its natural sequence—as to preserve property rights and to vindicate the doctrine of State sovereignty. It was met with the purpose of preserving the Union, establishing the supreme power of the nation, even though slavery should die; and later, for the direct purpose of making all men free.

The statesmen of that day compare favorably with those of any period of the nation's history. The soldiers were as superb as any who ever veiled the sun with their banners, or shook the earth with their martial tread. Grant and Lee, Johnson and Sherman, Sheridan and Jackson, Longstreet and Thomas, rank with great captains of ancient or modern times. Battles were fought, which in point of fatality and numbers engaged, surpasses all which preceded or followed them.

And now, after the mists of prejudice have melted from our eyes, and we are enabled to see the bright stars of truth and reason which shine beyond, all can plainly divine the sentiments which inspired the actors in that bloody drama.

That the Union shall have been preserved and slavery abolished, all are ready to concede. That the victors won in honorable fight, no one will dispute. But while this is manifest, it is equally true that those who were fortunately defeated were inspired by sincere devotion to principles conscientiously believed to be just; that they fought with valor, equaled along by those who opposed them, but never surpassed; and their heroic suffering and bravery entitle them to the admiration of all mankind.

There could be no more convincing evidence of the righteous termination of that great struggle than the present grandeur and power of the Republic—today the richest nation on earth, the workshop and granary of the globe.

No sane man would revive the institution of slavery, for the heroic blood of our negro troops has obliterated every lingering regret of the master, and proclaimed, in unmistakable language, that the liberty of 1898 is better than the slavery of 1861.

A famous poem represents an imaginary midnight review of Napoleon's army. The skeleton of a drummer boy arises from the grave, and, with bony fingers, beats a long, loud reville. At the sound that legions of the dead Emperor come from their graves, from every quarter where they fell. From Paris, from Toulon, from Rivoli, from Lodi, from Hohenlinden, from Wagram, from Austerlitz, from the cloud-capped summits of the Alps, from the shadows of the pyramids, from the snows of Moscow, from Waterloo—they gather in one vast array, with Ney, McDonald, Massena, Duroc, Kleber, Murat, Soult, and other Marshals in command. Forming, they siliently pass in melancholy procession before the Emperor, and are dispersed with "France" as the password, and "St. Helena" as the challenge.

Imagine the resurrection of the two great armies of the Civil War. We see them arising from Gettysburg, from the Wilderness, from Shiloh, from Missionary Ridge, from Stone River, from Chickamauga—yes, from a hundred fields—and passing, with their great commanders, in review before our martyred President. In their faces there is no disappointment, no sorrow, no anguish, but they beam with light and hope and joy. With them there is no St. Helena, no exile; and they are dispersed with "Union" as the challenge and "Reconciliation" as the password.

The monument dedicated today may, in the rush of years, crumble and fall into dust, but around the summits of Lookout and Missionary Ridge, like gathered mists, shall remain forever the memories of these historic fields, and in very heart shall be a monument of love and strength and patriotism, which will perpetuate, through all coming time, the glories of that great conflict.

Looking into the future, may not the fond hope be indulged: That, in the end, our country may, in all things, be deliberate, just, and wise? That our flag may wave in triumph, feared by tyrants in every land and on every sea? That beneath its folds shall gather the oppressed of every clime; and that the slave, struggling beneath the rod of oppression, shall feel his chains grow lighter, his heart to leap with joy, and shall hail its colors as a deliverance? That nations which have been bitten by the serpent of rapacity and conquest shall look upon its folds and be healed, as were those, who, with faith, looked upon the brazen image which was lifted up in the wilderness? God grant that ours shall be the victory of enlightenment and liberty, the triumph of right over might, of justice over injustice, of humanity over cruelty and oppression, until empires shall have passed away and the nations of earth become one!

And now, sir (to Gen. H. V. Boynton, President Chickamauga Park Commission), after thanking you for your uniform kindness and courtesy, I deliver into your worthy hands, as President of the Chickamauga Park Commission, with the full assurance that it shall be properly cared for, this heartfelt tribute to Kentucky to her valiant sons.

(NOTE.—On this monument there was inscribed the following noble inscription, vital with the spirit of reconciliation and patriotism, written by Governor Bradley, and quoted in his Arlington and Kentucky Capitol addresses included herein: "As we are united in life, and they united in death, let one monument perpetuate their deeds, and one people, forgetful of all asperities, forever hold in grateful rememberance all the glories of that terrible conflict which made all men free and preserved every star on the Nation's flag.")

PRESENT DILEMMA IN AMERICA'S FISHING INDUSTRY

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. STEELE. Mr. Speaker, fishing is an important industry in this country. An article in the Maine Times of February 11 aptly describes the current problems in the fishing industry in New England. The effects of these problems are far reaching, for the fisherman, the processor and the consumer.

This fine analysis was written by William Langley. The text follows:

TODAY: HIGH PRICES—TOMORROW: NO FISH?

If you've been eating less fish lately but paying more money for it, you're not alone. This winter is breaking all records for the high cost of fish in Maine.

While the consumer suffers at one end and the fisherman at the other, there are indications that what is happening to the fishing industry is the result of years of neglect and abuse of the natural resources of the sea. And since the causes are not even conclusively identified yet (although there are plenty of off-the-cuff opinions), any remedy seems a long way off.

To the consumer, the problem is simple and obvious. Fish, which used to be the cheap staple of the Maine diet, has become as expensive as the beefsteak in the supermarket.

The boat price on haddock, for example, was 30 cents a pound in November, but the cost kept creeping up and by the middle of January haddock was selling for 68 cents a pound from the fishing boat. By the time it left the boat and passed through the wholesaler, processor, or retailer, that same haddock was costing consumers as much as $2 a pound.

Lobsters are selling for $1.39 a pound off the boat, but it's costing consumers $2 a pound on the button in the markets. Fishermen say this is the highest price they've ever seen on lobsters locally.

Halibut is selling for $2.01 a pound from the boat, but by the time it passes through all the middlemen, the retail consumer is paying more than $3 a pound.

Cod, that hallowed New England staple, is costing more than it ever has. Usually sold at a boat price of 18 to 20 cents a pound, it has been as high as 44 cents a pound, and dealers say they can't even filet 40 percent of a cod for retail. That figures to a whopping dollar a pound wholesale.

Fishermen in the Portland area have been getting from $1.55 to $1.60 a pound for scallops, but the retail price has ranged from $1.79 a pound in some fish store specials to $1.89 in other stores, and all the way up to $2.18 a pound in some supermarkets. Scallopers further Down East are reported to be getting $1.70 per pound boat price.

And some scallopers in the Casco Bay area have had to fish two or three days just to get 60 or 70 pounds of scallops. A good day scalloping is considered anything more than 40 pounds ($64 wholesale price).

Fishermen, wholesalers, processors, and retailers all agree that the basic reason for spiraling costs is the scarcity of fish, coupled with some bad fishing weather. The lack of fish is so acute that most people in the business think it may be too late to correct the situation.

"There's just too much overfishing in the Casco Bay area," according to Lloyd Darling, a Portland lobsterman and scalloper. "And it's almost too late to do anything about it. We need some sort of controls to make any sense out of it."

Phil Willard of Portland's Central Wharf Fisheries predicts that: "The danger is that any good ideas to save the fishing industry here will be tried too late. After the industry is dead, someone will say, 'Hey, let's try a little something here in Portland.' It will be too late then."

John Alfiero of Portland's Harbor Fish Market (after more than 30 years in the business) says bluntly: "The day is going to come when you're not going to worry about the high price of fish; you're going to worry about getting any fish at all."

One of the problems is that in Maine at least, fishing has always been taken for granted and there haven't been that many controls on the industry in the manner that beef or canned soup are controlled. But in any review of the scarcity of fish or the general decline of the industry the discussion can't be kept to Maine alone because there are national and international factors involved.

The reason for such high fish prices come down to:

1. A scarcity of fish, or a low volume of the raw material.

2. Expanding markets which command a higher price.

3. High waterfront taxes and increased capital expenditures in the industry for boats, gear, and waterfront property.

And the reasons for the scarcity of fish can be boiled down to:

1. General overfishing.

2. The preponderance of foreign fishing fleets in the Gulf of Maine and off the Grand Banks.

3. Lack of any real conservation measures, especially for ground fish.

4. And the so-called cold water temperature cycle theory.

American fishermen had the Gulf of Maine and the Grand Banks more or less to themselves for hundreds of years, but now there are up to 10 foreign nations fishing the same area (mostly Russians and Germans), and as many as 250 foreign fishing boats have been spotted in one day out there. Most of them work around the clock, don't throw anything away, and have large factory ships on hand to process the catch.

Officials have pointed out that the failure to impose any fish conservation measures on ground fish (particularly on George's Bank) have been damaging to flounder, haddock, cod, hake, pollack, cusk, halibut and ocean perch. They say that those grounds should have been left alone during spawning periods to insure normal survival of the species.

And the cold water cycle theory has it that lobster, whiting, and even shrimp are reduced in numbers during the five to 10 year cold water periods.

Overfishing has two edges, however. It costs more to overfish these days. There is agreement that more boats are fishing now, and this cuts the pie into more pieces. Increased per boat expenses continue to drive the prices higher.

With the increase of smaller fishing draggers in the Portland area, this means the traditional larger draggers have become extinct. There are only three people left in the ocean perch (or redfish or brim) business in Maine now: two in Rockland, and one in Portland.

Most lobstermen in Casco Bay now have some 2,000 traps each set out, which is generally regarded as a lot of traps for one boat. One of them is reported to have nearly 3,000 traps out.

But, as has happened with so many of Maine's natural resources harvested for commercial purposes, the fishing industry is changing in some ways while it remains relatively primitive in others. It's the classic example of the ones who actually harvest the resource, the ones who do the actual work and take the risks, not changing their outlook or methods, while the middlemen impose all sorts of adjustments for greater profit.

The big news in the fishing industry today is the large processors. None of them, of course, goes near the water. They get their raw materials (fish) from trucks and not from boats. They order their frozen supplies (fish) from all over the world and then they process it like any other raw material. And most of these facilities aren't anywhere near the water or a waterfront.

The Maine fishing industry is composed of some 200 small and independent primary processors, however, who get the largest percentage of their raw material right out of the boat and then sell to local markets as well as distant national and international markets through brokers.

But most of the Maine fishing industry is old, and most of the people in it have been in it for generations, and these small outfits up and down the coast were originally set up to do a large volume of business with an inexpensive raw material such as cod, whiting, ground fish, lobster, and shrimp.

For the variety of reasons cited above, during the past five to 10 years the fish supply has dwindled, markets have expanded, and instead of dealing with 100,000 pennies a day, these smaller outfits are now dealing with 4,000 quarters a day. In other words, there is less volume of fish at a higher price, and that's the real sickness of the industry.

The whiting fishery, for example, is believed by many in the business to be all but dead. Three years ago, some 20 million pounds of whiting were landed in Maine. Two years ago there was half of that, and a year ago there was half again of that. Whiting has been the classic high volume, low price fish. With the decrease in whiting volume, the price has gone up from about 11 cents a pound to some 30 cents a pound, which is an impossible competitive position against the Argentine and South African imports. Even though the Maine whiting is considered to be a superior product, the middlemen can't compete with such a price differential in the international market. So Maine is caught sitting on a worthless higher priced product.

Other industry problems cited are pollution, tattered waterfront facilities, and the well-known reluctance of Maine banks to invest in fishing industry ventures.

Aside from the profit motive, everyone is in the Maine fishing business for different reasons: family tradition, as an incidental income to other operations, purely romantic visions. A few are in it quite frankly for the rip-off possibilities and are squeezing it for everything it's worth.

One of the biggest internal problems of the industry is the lack of organization, both among the fishermen and the middlemen and processors.

"The fishermen is his own worst enemy. And the processor is his own worst enemy," according to one processor. "There is a lack of concern for conservation measures, for communication, unity or purpose. And this may be more so among processors than it is among fishermen."

But most seem to feel there must be more organization within the industry, and some suggest the concept of cooperatives because they are working abroad, on the West Coast, and even in Rhode Island.

While one spokesman will flatly reject the idea of cooperatives, others will give a provisional O.K.

"It would seem to be a matter of good timing," according to one. "It can't be done, for example, during a good fishing season because everyone's busy and making money and doesn't care about cooperatives. We should try it during a slack season when everyone is idle and trying like hell to keep the bills paid."

The best cooperatives have been the result of a community effort in smaller towns in this country, Norway, and Sweden, where everyone gets involved in it one way or the other. That makes it a tough prospect for Portland, for instance, which really doesn't depend on the fishing industry as it once did.

Taking a long view, Central Wharf's Willard cited a New England planning report which report which explained that many of the area's fishing ports are run down because 150 years ago anyone who came to these ports came by water, lived close to the water, and conducted his affairs mostly via the water. The communities may have been strung out for as much as a mile along the waterfront, but the buildings would only go about three blocks deep because everything was concentrated on the waterfront.

Then the railroads came along, scooping up more travel and consumer options, even though water traffic was still a factor because the boats could still connect with the trains somewhere on the waterfront.

Then came the trucks and the highways, and there wasn't any room on the waterfront for them so they moved back away from the water. Finally, the aircraft arrived and the airports had to be built even further away from the waterfront. So a lapse developed in ocean traffic and even fishing because the action was elsewhere.

But taxes on the waterfront stayed high because it was once prime property, and taxes just don't go down.

"For these reasons and others, the waterfront sealed its own doom by just looking one way—out to sea," according to Willard. "The waterfront concentrated on anything that came and went by sea, or anything that came out of the sea. But in so doing, it turned its back on the rest of the community and ignored progress.

"Industry is going to leave the waterfront and the area will probably be left for anyone who wants to run a motel, restaurant, or a ferry boat service. There's nothing left here to interest anyone. The inefficiencies on the waterfront and the high cost of doing business here all add to high cost of seafood.

"If I were going to build a new fish processing plant today I'd go out to Standish [about 20 miles inland] and pay only maybe $250 a year in taxes rather than say $10,000 on the waterfront. Then I'd get about a half dozen refrigerated trucks and zip along the coast picking up fish and bring them back to the plant."

One theory is that a central fish operation should be established on the waterfront to handle landings, processing, marketing, and merchandising all together. Among other things, it might make fishermen more knowledgeable about their product.

"Fishermen don't really know if 18 cents a pound for shrimp is half what it's worth or twice what it's worth," according to one industry source. "Everyone tells him something different. And sometimes the processors don't even know themselves."

It's believed that such a central operation would upgrade the quality of the product by, among other things, putting the fisherman closer to the consumers who eat his catch, because the fisherman just doesn't care that much now. And because of stiff competition, the processors aren't as quality conscious as they could be.

Because of the high fish price to the consumer, the low price to the fisherman, the dwindling fish catch, and the aggressive activity of the middlemen, Maine fishermen are leaving both the state and the industry in droves.

Just four years ago on the Portland waterfront, a life-long fisherman threw a husky tantrum when a friend told him of buying a couple of pounds of fish on sale at a supermarket. The fisherman became nearly apoplectic because he felt his friend shouldn't have to *buy* fish anytime or anyplace for any reason as long as he was a fisherman and could provide them for nothing.

"If you're my friend, you don't ever have to buy fish. Just tell me what you want and I'll get it for you. I'm a fisherman," he said.

That kind of pride in what one does is fast disappearing in the industry. That fisherman, in fact, doesn't even live or work in the state anymore.

And any casual visitor to the waterfront when the boats were unloading their fish used to be able to jokingly ask for a fish and have four or five thrown to him. These days you can't even buy a fish off the boat because of their scarcity and price.

ANTIBURGLAR BILL LEGISLATION INTRODUCED

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. ASPIN. Mr. Speaker, today I am introducing with the distinguished chairman of the Select Committee on Crime (Mr. PEPPER) legislation that would promote throughout the country the use of the latest antiburglar technique.

Our bill would authorize $2 million in Federal funds for local communities and police forces for the purchase and publicizing of electric engraving pencils. These electric etching pencils are the latest and hottest tactic being used to foil professional burglars. People in various communities have been using these special pencils for several years now to engrave their license numbers or social security numbers into objects of value such as televisions, stereos, and other items that appeal to burglars. In fact, some communities have purchased these special pencils in quantity and have started campaigns to encourage residents to borrow the etching pencils—usually supplied by the police departments—to mark their objects of value.

Marking objects of value with an electric engraving pencil makes it virtually impossible for burglars to "fence" or sell, these valuables. Where these etching pencils have been tested, the results have been startlingly good. In Monterey Park, Calif., there have been only three burglaries in 3,000 homes which have been participating in the program since 1963. In contrast, the 7,000 nonparticipating Monterey homes have been burglarized more than 1,000 times in the same 9-year period.

Our legislation would provide for grants to local communities and police forces to buy etching pencils—which cost about $5 apiece when purchased in bulk—who in turn will lend them to residents to use in marking their objects of value. The $2 million authorized under our legislation would provide for about one etching pencil to be bought for every 1,000 Americans. It would also allocate money to local communities for publicizing this new antiburglar campaign, as well as for purchasing stickers which participants can slap on their doors and windows to inform potential burglars that their valuables have been marked with the special engraving pencils. These stickers generally read:

> All items of value on these premises have been marked for ready identification by law enforcement agencies.

Our legislation would also require the Law Enforcement Assistance Agency to formulate a standard nationwide system for the marking of valuables.

Mr. Speaker, it is important to emphasize the potentially great benefits that could accrue from such a small expenditure of money. This is one of those very unusual areas where a very small amount of money could make a very large dent in the soaring burglary rate. The idea behind this legislation is to encourage communities all across the country to promote the use of electric engraving pencils as a major antiburglar tactic. We are very hopeful that with a couple million dollars we can prevent hundreds of millions of dollars of burglaries.

Below I would like to include three articles which explain in some detail this new antiburglar technique:

[From the Better Homes and Gardens magazine, March 1971]

HERE'S A PLAN THIEVES DON'T LIKE

Home burglaries in 31 Southern California communities have been reduced dramatically by a simple, inexpensive method which you can help get started in your own town. The plan works like this:

Engrave your driver's license number on your valuable possessions that burglars find most appealing—television sets, radios, stereos, tape recorders, bicycles, cameras, typewriters, electric tools, jewelry, musical instruments.

Then, put stickers on your home's front door and other obvious places advising potential thieves that "all items of value on these premises have been marked for ready identification by law enforcement agencies."

This helps foil a thief in three ways. First, if he is stopped by police with the marked items in his possession, he can't plead convincingly that they are his own. Second, your possessions now are easily identifiable which means "fences" who buy and resell stolen property are cool to the items; the thief gets stuck with the goods when what he really wants is money. Third, the stickers may discourage a thief from breaking in at all.

The key to success is for a large number of citizens in a community or area to participate so thieves will know they are operating in dangerous territory.

EXCELLENT RESULTS ARE POSSIBLE

The "Operation Identification" brainstorm was originated in Monterey Park by its police chief, Everett F. Holladay, in 1963. Since then, the plan has spread rapidly. The results are startling in Holladay's city (population: 50,000) where among 4,000 participating households, there have been only three burglaries since the program was initiated. In the 7,000 non-participating homes, there have been more than 1,800 burglaries. Ironically, homeowners are quick to join up *after* they have been victimized. "If we can get everbody to participate." Holladay says, "it looks as if we will have licked the burglary problem."

The program makes an excellent project for civic organizations. For example, in Monterey Park, the Exchange Club financed the drive—and so far its total investment is less than $300. The money was spent on a dozen etching tools with points that will work on all kinds of surfaces (about $10 each) and for printing the stickers. The tools are loaned by police to homeowners at no cost for three days at a time.

Numbers make it much easier to identify objects and track down rightful owners. Verbal descriptions are not nearly so efficient, as evidenced by police auctions across the country, where recovered stolen items are sold because ownership can't be established. The driver's license number probably is the best identification tag, even though it changes in some states, because federal restrictions prohibit using a social security number to trace individuals.

Chief Holladay offers additional recommendations to help your community establish an anti-burglarly program:

Work to obtain widespread publicity in order to gain community support and discourage thieves.

Instruct citizens to engrave the identification number on the nonremovable parts of the item, near the manufacturer's serial number if possible.

Give each citizen a blank form so he can list all the engraved objects and the locations of the numbers.

[From the Parade magazine, Aug. 22, 1972]

A SIMPLE WAY TO STOP BURGLARS

(By James H. Dygert)

SAGINAW, MICH.—Mrs. Clarence Graebner Jr. of Saginaw, Mich., was surprised to hear from the police when she answered her phone recently. The officer said her stolen property had been recovered and Mrs. Graebner was not aware that it had been stolen.

Police had found TV sets, guns, water skis, binoculars and a guitar near some trees in a rural area. Some of the items were traced to Mrs. Graebner's husband through his driver's license number, which he had etched on them with an electric engraving pencil. Graebner got back a TV, a shotgun and two binoculars stolen from his summer cottage before he knew they were gone.

A widow engraved her driver's license number on her two children's bicycles. The bikes were stolen, but the lady had them back again a few days later. The thief had abandoned them after trying to file off the identifying numbers.

Both recoveries were credited to "Operation Identification," an anti-burglary tactic now beginning to spread across the country after outstanding success in Monterey Park, Calif. Since 1963 in Monterey Park, there have been only three burglaries in the 4000 homes participating in the program.

Home burglaries have dropped in similar dramatic fashion in 30 other southern California communities. So far this year 20 Michigan cities have jumped on the bandwagon. The Independent Insurance Agents of America is promoting the program with the slogan, "Put Thieves Out of Business."

Congress has taken an interest in the tactic as an effective weapon against the rising number of burglaries, which already exceed all other crimes combined by two to one, and now cost America about half a billion dollars a year.

The strategy is simple. You just engrave your driver's license number on your TV sets, radios, tape recorders, stereos, typewriters, cameras, jewelry, musical instruments, guns, electric tools, lawn mowers and other articles that burglars like.

You also slap on doors and windows most likely to be used for illegal entry a sticker that reads, "All items of value on these premises have been marked for ready identification by law enforcement agencies."

NOT WORTH THE RISK

The idea is to persuade burglars that breaking into your home would be too unprofitable to be worth the increased risk.

Marked items lead to the rightful owner and provide proof of theft. "Proper identification of stolen articles is one of the biggest problems facing law enforcement agencies," says Michigan's state police director, Col. John R. Plants.

More important, burglars don't want your solid-state transitor or clarinet for themselves. They want to sell the loot, often to support a drug habit. But they know fences don't buy items that are easily identifiable as stolen.

Operation Identification works best in a state like Michigan that puts driver license records in a central computer. The cop who stops a station wagon full of TV's and other suspicious items can determine in a few minutes whom they belong to if they bear a driver's license number.

Police departments are lavish with praise for the idea. Many are helping promote the program in their communities. Some have made the police station the place where homeowners come to borrow for a few days one of the $10 electric etching pencils provided by a local civic club, homeowner group or Independent Insurance Agents chapter. In Beverly Hills, Mich., the village council put up $300 for 30 engravers to lend residents, then got the money back in donations.

It all started in the fertile brain of Monterey Park Police Chief Everett F. Holladay in 1963. A Saginaw resident brought the concept back from a California trip. From there it spread to the Independent Insurance Agents of Michigan, which put up $14,000 last February to promote the program as a public service project among its 80 chapters. Taking to heart Chief Holladay's advice to discourage thieves with widespread publicity to build community support, the insurance agents group distributed kits of display cards, TV and newspaper ad copy, bumper stickers, other promotion materials and window stickers. Some insurance agents are financing ads and engravers on their own.

FLOOD OF INQUIRIES

In June the Independent Insurance Agents of America sent data on the program to other state groups and suggested they follow Michigan's example. Michigan was inundated with requests for information and assistance.

Rep. Claude Pepper of Florida, chairman of the Select Committee on Crime, said, "A program such as this could be easily initiated in virtually all the states." One suggestion is requiring states to use a system of permanent driver license numbers.

The insurance men do not claim that public service is their only motive. Success for Operation Identification means fewer claims and lower costs for the insurance companies they represent—and a good image for the insurance business. Some look forward to passing back some of the savings to policyholders in the form of lower premiums for participating—which should also induce further spread of the program and sell more policies. They also hope to get insurance firms to underwrite a national ad campaign to sell America on Operation Identification.

IT'S UP TO YOU

The new police chief of Birmingham, Mich., said as he took office in July that rising crime must be fought with new concepts. "It takes two factors for a crime to be committed," said Rollin G. Tobin. "A state of mind in the criminal and the opportunity. Judicious use of the tools of technology can eliminate the second element. Citizens will have to do their part through care of their possessions and cooperation with police."

Exactly what Operation Identification is all about.

[From the Washington Post Potomac magazine, Apr. 25, 1971]

COULD A CALIFORNIA PROGRAM HELP REDUCE D.C. BURGLARIES?

(By Jack Harrison Pollack)

Every 16 seconds a burglary was committed in the U.S. last year. In 1971 there will be an estimated two million burglaries—an all-time high.

Thousands of California homeowners have been dramatically reducing burglaries through a simple, free, new method. It not only discourages theft, but aids police in identifying and recovering stolen property.

Householders in more than 30 Southern California communities now have their drivers' license numbers engraved on the valuables that burglars most often steal from homes—television sets, radios, hi-fi's, tape recorders, typewriters, adding machines, bicycles, cameras, binoculars, tools, jewelry, musical instruments and other portable possessions. If license-engraved belongings are stolen, it makes them to "hot" for a thief to sell or handle because the driver's license can readily be used by authorities to trace the owner at his most recent address.

Called "Operation Identification," this unique license engraving is done with a small, lightweight $10 electric etching tool. It is loaned to people without cost for three days when they apply at their local police station front information desk any time of the day or night. At home, with this etching tool's tantalum carbide or diamond point, the person then engraves his license number on the metal, glass, wood, plastic and ceramic surfaces of his prized possessions.

After he does and returns this etching device, he is given a blank form to list, for his personal files, all of his engraved objects and the exact spot where the license number is etched. He is also given a small blue and yellow sticker to paste on his front door or window which reads:

"We have joined Operation Identification. All items of value on these premises have been marked for ready identification by Law Enforcement Agencies."

Since this unique crime prevention program quietly began in residential Monterey Park, Calif. (pop. 50,000), several years ago, only three burglaries have occurred there among the 3,000 participating households. And in only one home was a license-engraved object stolen—a transistor radio.

In sharp contrast to this amazing near-zero record, Monterey Park's 7,000 still unstickered residences have suffered more than a thousand burglaries. Largely because of apathy, the victims have never gotten around to borrowing the free etching tool. But after a burglary, they invariably do.

"When we get everybody to participate, we'll have licked the burglary problem," says Everett F. Holladay, Monterey Park police chief, who conceived this idea.

The local Exchange Club, a civic organization composed of business and professional men, has paid the entire cost of this home protection project. Thus far, the total investment has been less than $300—mainly for purchasing a dozen etching tools and printing the stickers.

People shouldn't engrave their license number on removable parts such as doors, lids and plates, advises Chief Holladay, but preferably in a conspicuous place near the manufacturer's serial number, if there is one. Many manufacturers of appliances and equipment engrave serial numbers on their products. Though insurance companies and police departments have long urged that these serial numbers be listed and filed for ready reference in case of theft, few people do it.

"It is usually very difficult and time-consuming to get from a victim an accurate verbal description of a stolen object," observes Chief Holladay. "Sure, some people are stopped by police officers because of suspicious actions and seemingly stolen objects in their cars. Mere suspicion, though, is insufficient cause for arrest. But when your operator's license is etched on your property, it helps to apprehend a thief possessing it who doesn't have a bill of sale or other proof of ownership. This is prima-facie evidence of an offense and reasonable cause to detain a suspect for further investigation. It also enables the prompt return of your stolen property."

Many stolen valuables are sold at police auctions because ownership can't be established. Proper identification has always been a problem for law enforcement. Thousands of messages are teletyped daily to police departments describing stolen items. But sheer volume of information prohibits any single police department from having more than a cursory knowledge of them and it is generally limited to a local area. "The average patrolman can't be expected to identify a stolen item on sight unless the crime has been reported, has occurred locally and he has had a pre-shift briefing," says Chief Holladay.

But the results of license-engraving among cooperating Monterey Park homeowners have been so spectacular that recently 30 other Southern California towns have adopted "Operation Identification."

Requests on how to start an "Operation Identification" project have poured into Monterey Park from law enforcement and community agencies in nearly every other state and a half dozen foreign countries. Many ask: "Why isn't a social security number used instead of a driver's license?" The answer: because of federal restrictions, a social security number can't be used to trace individuals. Your operator's license is often the only number readily identifiable by law enforcement agencies. In some states like California, it is never changed or reissued.

This would be exactly the problem if such a plan were tried in Washington: numbers on operators' permits change every couple of years.

"It's a great idea if we could get a (standard, unchanging) number," says Deputy Chief of Police Mahlon Pitts, in charge of the Criminal Investigation Division.

Pitts feels that stickers "wouldn't deter any addict who needs a boost. He won't go around looking for a decal at night." But, Pitt feels, the system would have great value in recovering stolen property, as long as the numbers were always marked in the same place on stealable items, and as long as the number couldn't be obliterated by being scratched or filed off, or treated with acid.

HORTON COMMENDS JOHN M. WILSON ON HIS OUTSTANDING LEADERSHIP IN URBAN EDUCATION

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. HORTON. Mr. Speaker, outstanding achievement in any field should prompt acknowledgement and appreciation by all who become aware of it. But when it involves shaping the lives of our youngsters and our country's future, it should be not only acknowledged and appreciated, but should be proclaimed far and wide so that many may join in the praise and thanks.

The education of our urban children, particularly those living in less affluent areas, has been too long ignored. In many communities, inner-city schools receive an unfairly low proportion of financial support and a shameful lack of attention from area residents and leaders whose decisions form the lives of these children. Our country is just beginning to realize the immense importance school plays in the lives of these youngsters and, as a result, in the future progress of the community. Individual leadership and initiative are needed to guide our children and to upgrade our efforts in these inner-city schools.

Such a leader is John M. Wilson, Sr., principal of Rochester, New York's Madison High School. In a time of changing values, he has established himself in the community as an outstanding educator who has found the much sought-after key to human relations within the student body of an inner-city high school.

Mr. Wilson came to Rochester after several years experience as principal of a high school in Louisiana. He became familiar with the Rochester community by serving as a vice principal at Benjamin Franklin High School, under principal Pincus Cohen. Mr. Cohen is another outstanding educator. He, too, has an enviable record as a leader of young people and as an administrator who is successfully meeting the challenge facing our public schools.

A good case for much of John M. Wilson's expertise could be made in his personal expression of faith. He is quoted as saying:

I pray every day; I ask God to help me: I don't pray for specific things, only that He helps me to set an example.

The talents and abilities of Mr. Wilson have brought him to the attention of many, including columnist Cliff Carpenter who writes daily in the Rochester Democrat and Chronicle. Mr. Carpenter has an exceptional talent for seeking out those things in his community which are worthy of recognition, sometimes with praise, sometimes with criticism.

In a recent column, Cliff Carpenter paid tribute to John M. Wilson, Sr. His column tells the story of John M. Wilson, Sr. It is titled Mr. Wilson's Wisdom and I would like to share it now with my colleagues in the Congress, believing they, too, will join me in commending this man who is successfully dealing with some of our country's most urgent problems.

The column follows:

MR. WILSON'S WISDOM

It is calm these days at aging Madison High School, scarred and stained by a thousand classes of young people down through the years.

A black man sits in the principal's chair, a soft-voiced man, who works with a copy of the New Testament in his top desk drawer, and a great and stubborn love and respect for young people.

John M. Wilson Sr. is a fit-looking, early-fortyish man who played a bit of football at Grambling, who was principal for several years at an all-black school in Monroe, La.; was vice principal (here) at Benjamin Franklin, and now has taken over at Madison as acting principal. He lives by the Golden Rule, literally lives by it, which is difficult to contemplate in times of the big grab and the fast buck.

Occasional notes that have crossed my desk lately suggested that Wilson should be listened to becaue "the man has something."

So I whittled a piece of time out of his day and listened. It is easy and yet it isn't, because Wilson shuffles and deals credit in all directions, faculty and students and parents, leaving not too much for himself.

A curious old morality glows through, that reverence for virtues once accepted more widely than today . . . "John Wilson has great experience, a genuine understanding of human nature, a respect for every human," says Wilson's ex-boss, Pincus Cohen, principal of Benjamin Franklin, "but beyond this he holds to ideas 2,000 years old, about morality and decency and honor and the value of work."

Wilson believes that you have to tell the truth at all times, tell it like it is, tell it even if it means you yourself get hurt. Then, having told the truth, you must always do what you say you are going to do, both to young people and to the faculty.

He believes it is the obligation of every man to try to live the sort of life he would want the students to live . . . "I pray every day; I ask God to help me; I don't pray for specific things, only that He help me to set an example. . . ."

But his admission of a deep faith doesn't mean Wilson is a patsy for a tough crowd. You cannot show fear, he says, "You cannot back off when you know you are right, for if you do you'll be walked on."

There is persuasion in his earnestness.

"If a young person does something wrong, and if he know it, and then if I don't say anything about it to him, it means I don't love him . . . and we must never do that to anybody.

"I think that what students are saying these days is that they are really trying, that they want an education, but also that they want somebody to tell them how they are doing, right or wrong. They don't want to be ignored. They want to be told they are people. They want to be liked."

He thought for a long moment, then:

"I think perhaps they are tired of the unrest and the confusion of the past few years; they can see that changes have happened for the better; they know that they have to get that education to get a job; and we have to tell them we know this too and we trust them."

Wilson insists that his path at Madison was eased before he got there by co-operative parents such as those of the Madison Unity Group. I left, and stuck my head in the darkened school auditorium on the way out, in time to see two students approach a third sitting alone on an aisle seat, and in time to hear them say—"Now look here, you got no business here, so you get back to class where you belong." It sounded quite right, just the way it would be taught by a black Baptist school principal who works with his hand on the New Testament.

PRESIDENT FRANKLIN PIERCE

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. SARBANES. Mr. Speaker, in recent months there has been a renewed interest in the Presidency of Franklin Pierce, our 14th President, who held that high office from March 4, 1855 to March 3, 1857. A great deal of this interest has been generated by an energetic Washington lawyer, David Epstein, who has spent considerable time and effort researching the Pierce Presidency. As a result of his research, Mr. Epstein founded the Friends of Franklin Pierce, whose motto is "To rescue him from the obscurity he so richly deserves."

Mr. Epstein wrote an amusing article, which appeared in the November 27, 1971, edition of the Washington Post, describing in some detail the lesser known events of the Pierce Presidency. In the belief that this article will be of interest to my colleagues in the Congress and the hope that the debate that this article has generated will continue, I would like to include the article at this point in the RECORD:

AN UNREMARKED PRESIDENTIAL BIRTHDAY: REMEMBERING FRANKLIN PIERCE (WHICH FEW PEOPLE DO)

(By David Epstein)

As it has in the past, the country this week ignored the birth date of President Franklin Pierce who, in the opinion of those who have reviewed his presidency, ranks as the most obscure and among the least successful of the American Presidents.

Pierce's obscurity is such that even humorous anecdotal material generated by his life and times has been forgotten, much like his presidential administration. For example, in 1845, Pierce, then a captain in the Mexican War, in a cavalry charge near Vera Cruz, Mexico, fainted and fell off his horse. During the presidential campaign of 1852, this incident was cited as evidence of Pierce's cowardice. In rebuttal, his adherents asserted that the true version of the occurrence was that the horse had stumbled, and in the process of being thrown from the animal, the saddle horn struck Pierce in the groin, rendering him unconscious.

Although he had been a former representative and senator in the Congress prior to seeking the presidency, the quality which made Pierce most acceptable for the office was that he was a Northerner who held strong Southern sympathies in viewing the sectional issues which were then, in the pre-Civil War days, rending the country. Persons of this stripe were, in some quarters, sneeringly referred to as "doughfaces." A bitter piece of doggerel on this theme was applied to Pierce who, like his predecessor Fillmore and successor Buchanan, were in the view of many, bent on ignoring or avoiding the key issues of the time—the expansion of slavery:

"The dough, the dough; the facial dough
The more that yields when you tweak it so!
It sighs for the spoils—it sells its soul
For a spoonful of pap from the Treasury bowl."

In recalling Pierce, aside from musing on the quaint occurrences of his life and administration, two conclusions may be drawn. First, contrary to the conventional wisdom, an individual does not, merely by assuming the presidency, "grow" in office. Pierce, as it were, although he had actively sought the office, in his inaugural address, with a certain amount of unintended prophecy, stated that he had "been borne to a position so suitable for others rather than desirable for myself" adding, "[Y]ou have summoned me in my weakness; you must sustain me by your strength."

The Inauguration augured the administration. The Inaugural Parade was snubbed by the District of Columbia Fire Department because of Pierce's failure to attend or even respond to an invitation to attend a party given in his honor by the Fire Department.

At the oath-taking ceremony itself, which took place on a bitter wintry Washington day, rather than follow the practice of all his predecessors and read a prepared speech, Pierce delivered an extemporaneous oration of more than 3,000 words. During the extended course of these remarks 65,000 of the 80,000 member crowd left the inaugural scene. Due to the exposure, Abigail Fillmore, the wife of the outgoing President, caught a cold which resulted in her death a month later.

Pierce's vice president, William R. King, was not present at the occasion and, by special act of Congress, was allowed to receive the oath of office in Havana, Cuba. Within a few days after taking the oath, King proceeded to die.

At the conclusion of the Inauguration day, Pierce, upon returning to the White House with one of his aides, found the place in complete disarray, all the Fillmore servants having earlier departed. Finding only a single candle to light and undoubtedly cursing the darkness, Pierce could locate only a mattress on the floor upon which to spend his first night in the White House.

Uniquely in American history, Pierce went through four years in office without a change in his cabinet officials, which included Jefferson Davis, as the Secretary of War and soon to be President of the Confederacy.

Various historians, viewing his administration, have found little to discuss. One historian, describing the work of each of the nation's Presidents with respect to their contributions to the City of Washington, states as to Pierce only that he carried on the work of Millard Fillmore in building an asylum, the predecessor of St. Elizabeths Hospital. Another historian who has studied great presidential decisions attributes three to Millard Fillmore, who has some claim to presidential obscurity, and none whatever to Pierce. During Pierce's administration Commodore Perry opened Japan to the West; the United States purchased that part of the Southwest which became known as the Gadsden Purchase; and the first perforated postage stamps were issued by the government.

Pierce during his presidency, while horseback riding in Rock Creek Park, ran a woman down and earned the distinction of being the first person, as President, to be involved in a criminal offense. While this particular incident may not have been attributable to his heavy drinking, Pierce was, as one historian put it, a "tragic figure" who "suffered from an overfondness for alcohol and a violent allergy to it."

At the conclusion of his administration, Pierce sought the nomination for a second term, but was rejected by his own Democratic Party, earning the distinction of being the only President who having been elected to the office was refused renomination for a second term when one was sought.

Even when preparing to leave office, misadventures continued. On the day preceding Buchanan's Inauguration, Pierce, desiring to put the White House in order for his successor, decided to spend his last night in office at the home of his Secretary of State. On the morning of the Inauguration, the Buchanan inaugural party appeared at the Secretary's home to take Pierce in the procession to the Capitol for the ceremony. He was not there. After some scurrying about, one person recalled having seen Pierce wandering through the lobby of the Willard Hotel, and so the presidential procession went to the hotel and there was Pierce, alone. Pierce, mistakenly expecting to be picked up at the hotel, had gone there without informing anyone.

In retirement during the Civil War, he expressed sympathy for those in the North who wished to stop the Civil War and allow the secession to succeed. Accordingly, charges of treason were hurled against Pierce.

The judgment of Pierce's contemporaries on his administration was harsh. Nathaniel Hawthorne, a college classmate at Bowdoin College, close friend and biographer, admitted "there are scores of men in the country that seem brighter than he is." Ralph Waldo Emerson thought that Hawthorne was "unlucky in having for a friend a man who could not be befriended; whose miserable administration admits of but one excuse, imbecility. Pierce was either the worst, or he was the weakest, of all our Presidents." Indeed, Emerson, upon receiving a book from Hawthorne which was dedicated to Pierce, immediately tore out the dedicatory page. Nor did Emerson appear to believe that a particular compassion was necessary in those pre-Freudian days, to assess Pierce in the light of his personal misfortunes. Pierce, at the time he was President-elect, was involved in a tragic train wreck with his wife and his then only surviving child. The child was killed and his wife, as a result, was unhinged for the rest of her life. One of the other passengers on the train sued the railroad for negligence and Pierce, of all things, hired a prominent lawyer to defend the railroad! The lawyer won the case. The reason Pierce gave for defending the railroad was that his wife was of the view that the son's death was caused by divine intervention so that Pierce would be able to give his undivided attention to the burdens of the presidency.

The second principle to be drawn from Pierce's presidency is that former Presidents should be memorialized only after the passage of time has allowed for dispassionate assessments of individual accomplishments and not just because a person has been President for a period of time. Fortunately, unlike the present day impulse to memorialize a President almost from the moment he reaches the White House, which has resulted in a proliferation of edifices, under the guise of libraries around the country, honoring Hoover, Truman, Eisenhower, Kennedy, Johnson and soon Nixon, the urge to do so was not so insistent in earlier times. The New Hampshire legislature debated for some 50 years as to whether and in what manner to memorialize this native son who had ascended to the presidency, finally deciding upon an unobtrusive statue on the State Capitol grounds. Curiously, the Pierce statue, while listing all of the offices he held, also lists several offices which he declined, in contrast with Thomas Jefferson's specific instructions that his Monticello tombstone should list only that he was the author of the Declaration of Independence and of the Statute of Virginia for Religious Freedom and the Father of the University of Virginia, thereby omitting numerous accomplishments including cabinet posts and the presidency.

A contemporary, John Sherman, viewing Pierce's presidency from the post Civil War perspective summed up his presidential career:

"I can appreciate his ability, integrity, and agreeable social qualities, and only regret that he was President of the United States at a time when the sagacity of a Jefferson, the determined courage of a Jackson, or the shrewdness and wisdom of a Lincoln were needed to meet the difficulties and dangers which he had to encounter."

BLOOD RELATIONSHIP

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. VEYSEY. Mr. Speaker, perhaps the most important document yet written on blood resources is "The Gift Relationship," by Prof. Richard M. Titmuss, of the London School of Economics. This book has attracted a great deal of attention since its publication, because of Dr. Titmuss' perceptive comparison of blood collecting methods in a number of countries, including the United States.

The British edition of Titmuss's vital book has been hard to come by in this country. Even the Library of Congress has only a couple copies, and they are constantly on loan and unavailable. Fortunately, however, an American edition is now being published by Pantheon Books, and I recommend it highly.

New York Times columnist Anthony Lewis found "The Gift Relationship" a fascating analysis. Mr. Lewis noted:

> A person who gives blood of his own free will, for the benefit of patients unknown, contributes to something vital and scarce: the sense of community.

Mr. Lewis also stated—

> He (Titmuss) shows us that altruism works in a modern society.

And that is a fact. The British blood program is totally volunteer, and the result is an almost complete absence of post-transfusion disease. In this country post-transfusion hepatitis is a serious national menace.

I think altruism can work for us, too. With the proper educational techniques, we can show people the need for more voluntary donors, and the frightening consequences for all when they do not give. My bill, H.R. 11828, the National Blood Bank Act would provide the tools to put altruism to work.

The January 21, 1971 New York Times review of "The Gift Relationship," follows:

[From the New York Times, Jan. 25, 1971]

BLOOD RELATIONSHIP

(By Anthony Lewis)

LONDON, January 24.—A book on methods of collecting blood for medical purposes: It would be hard to imagine a subject less likely to interest the general reader or throw light on broad issues of social organization and values. But that book has just been published in Britain, and it is attracting the fascinated attention it deserves.

It is "The Gift Relationship" by Richard M. Titmuss, professor of social administration at the London School of Economics and one of this country's most respected social thinkers. Americans who wonder whether the economics and ethics of the marketplace are ultimate goods would do well to become familiar with its teaching.

Blood is a commodity in growing demand the world over; in the United States roughly six million units a year are collected. The question is how to obtain the supply.

In Britain virtually all blood is given by voluntary donors. They get nothing tangible in return except a cup of tea. Most other countries rely to a substantial degree on payments or other inducements. Even the Soviet Union gives days off work, housing advantages and in half the cases money.

In the United States about a third of the total supply is bought. Most of the rest is given with other incentives: prisoners who get time off, citizens who are given a right to draw on blood supplies in the future, and so forth. Less than 10 per cent of the blood is volunteered without any strings.

The book compares the American and British systems in terms of simple efficiency. Professor Titmuss uses four tests.

First, the adequacy of supply: In Britain there have been no significant blood shortages; the supply from voluntary donors increased 77 per cent between 1956 and 1967. The U.S. does have shortages: There are no national statistics, but Professor Titmuss estimates that the supply rose only 17 per cent between 1957 and 1967.

Then, wastage: There is almost none in Britain, less than 2 per cent. American experts have estimated that 15 to 30 per cent of all blood collected in the U.S. is wasted by becoming outdated before it is used.

Cost: A unit of blood costs 5 to 15 times as much in the United States as in Britain.

Last, purity of the product: In Britain the incidence of disease from transfused blood is near zero. In the United States there is a severe risk of hepatitis, surveys showing that it strikes 2 to 4 per cent of patients. The reason is plain: Much of the supply comes from addicts, alcoholics and others who sell their blood for money and are more likely to be diseased. Titmuss writes, "the commercialized blood market fails.

"It is highly wasteful of blood, and there are characteristic shortages. It is administratively inefficient; the so-called mixed pluralism of the American market results in avalanches of paper and bills and greater accounting and computer overheads. The price to the consumer is greater. And the blood is more likely to be contaminated."

Professor Titmuss enjoys pricking the marketplace worship of economics. He notes wryly that, under their system of reckoning the gross national product, donated blood adds nothing to G.N.P. but sold blood does—even when it is wasted.

But his purpose and his achievement are deeper than economics. He shows us that altruism works in a modern society, indeed that it is necessary. Hobbes and his followers are wrong when they say that man can be moved by nothing but his own immediate self-interest.

The remarkable volume of blood donations in Britain must mean that man has a real need to give. The need has, if anything, increased with the complexity of modern society and the remoteness of its institutions.

A person who gives blood of his own free will, for the benefit of patients unknown, contributes to something vital and scarce in our world: the sense of community. The donor helps to create the assurance that he and all of us live in a society where people do not act only out of Hobbesian selfishness, where one gives to a community and may receive from it.

The British are not inherently more altruistic than other people, Professor Titmuss says: They have just been wise or lucky enough to institutionalize altruism. They have done so not only with the blood supply but in medicine generally, through the National Health Service, "the most unsordid act of British social policy in the twentieth century."

"It is a good feeling to give blood," one elderly woman here said when told about Professor Titmuss's book. It is a good feeling also to participate in a system of health care that rejects commercial values.

OWENS-ILLINOIS ACTIVE IN RECYCLING AND ENVIRONMENTAL CONTROL

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. COLLINS of Texas. Mr. Speaker, last week when I was visiting in Dallas, I saw two of the positive aspects of environmental control. In Dallas we have the regional office of the Environmental Protection Agency, which is under the very capable direction of Arthur Busch. With Busch's depth of technical knowledge and practical experience, the environmental authority will move rapidly in the Southwest. In talking to Busch, the thing that impressed me the most was his desire to cooperate and constructively work with industry to develop and improve all of their systems of environment control.

Later that day I was visiting with my good friend Phil Friday, who has been with Owens-Illinois for many years as their branch manager. I was interested to learn from Phil that Owens-Illinois considers environment control one of the major responsibilities of the company. The president of the company, E. D. Dodd, is chairman of the Glass and Plastics Containers Division of the National Industrial Pollution Control Council. Here are some of the practical steps that Owens-Illinois is doing within their own operation.

The big move is in recycling glass. The company is encouraging collection of old glass—1971 showed a 350-percent increase over 1970. Different areas are more active, such as Waco, Tex., which collects 328,215 pounds of glass each average month. And the 18 company's glass plants of Owens-Illinois, since mid-1970, have collected over 350,000,000 containers.

The company is finding ways to use this recycled glass. The chief use is to prepare cullets which are used again in the manufacture of new glass containers. One big field that offers great potential is to use this recycled glass as the aggregate for streets.

Waste glass is now being tested with waste plastic to make floor tile, shingles, and wallboard. Waste glass is being used in the manufacture of sanding blocks, road stripping, and glass wool.

New experiments show that crushed glass is useful as the conditioner to aid plants' growth by improving aeration and drainage. For women who like interesting new materials, there are wallstones that have been prepared for flowerbeds and impressive patio stones which are very decorative in the garden.

And not only with the glass itself, but with the entire manufacturing process Owens-Illinois has been very alert. In their Jasper, Tex., plywood plant they have a curtain coater which now applies glue without the need for washing the rollers. In this way they have prevented the excess glue buildup from being washed out with the residue going into municipal sewer systems of streams. This is another step forward at keeping pollution out of our natural water supplies.

Down in Orange, Tex., the Owens-Illinois pine papermaking operation achieved a major breakthrough toward elimination of odor by using liquid oxygen to treat chemicals used in the operation. It has brought a substantial reduction in odor at the mill. It begins with the production of pulp by cooking the wood chips with chemicals.

Over in Valdosta, Ga., the company's huge new lime kiln for converting lime residue into a naptic chemical has been effective as it used the pulp cooking process. A Venturi scrubber, which will significantly reduce emissions in the atmosphere, has been completed at this mill. They have been recovering tons of lime daily for reuse in manufacturing ladder board.

To my good neighbor Phil Friday, who is in industry and is keenly alert to helping reuse and recycle glass, we are most appreciative. I am impressed to see Phil's company, Owens-Illinois, under the capable direction of E. D. Dodd, making every man in the entire Owens-Illinois operation conscious of his responsibility and opportunity. And I am particularly proud to have Arthur Busch directing our environmental program for the Southwest. In Busch we expect to see the Southwest as the model and most progressive area in the Nation.

LOBOTOMY FOR CHILD DEVELOPMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. RARICK. Mr. Speaker, the reports of a lobotomy being performed on a 9-year-old boy of normal intelligence to control his behavior and make him more manageable again draw into focus the powers of the state over the parent in child development and rearing.

As the report concludes, the lobotomy resulted in improvement in behavior and memory, but intellectually the patient is deteriorating, all of which raises the question, "Would lobotomies be an accepted procedure for control of children under the new comprehensive child development and child rearing where the state replaces the family and home?"

I am inserting a related newspaper clipping in the RECORD at this point:

RETURN OF THE LOBOTOMY

(By Peter A. Breggin and Daniel S. Greenberg)

A boy of nine with normal intelligence is described as "hyperactive, aggressive, combative, explosive, destructive, sadistic," by his doctor. To control his behavior and make him more manageable, he is operated upon. Holes are drilled through his skull and electrodes are passed deep into his brain to coagulate both sides of the thalamus, the emotion-regulating center of the brain.

Nine months later, the operation is repeated on one side. Now his doctor reports that the boy's behavior is "markedly improved," and he is able to return to a "special education school." But his symptoms reappear a year later and he is subjected to another operation, this time to the fornix, another portion of the emotion-regulating system. His doctor now notes "impaired memory for recent events," a sign of brain damage, and the boy is described as "much more irritable, negativistic, and combative." Consequently, additional destructive lesions are made on the site of the first two operations, the thalamus. His doctor then reports, "The patient has again become adjusted to his environment and has displayed marked improvement in behavior and memory." But, the doctor concludes: "Intellectually, however, the patient is deteriorating."

This report of six destructive lesions in brain of a child to control his aggressiveness and hyperactivity may strike some as tasteless satire, inspired perhaps by an overexcited reaction to the film "A Clockwork Orange," whose sadistic hero undergoes "therapy" designed to eliminate his homicidal and sexual impulses. But it is not satire. The report was published in 1970 in an established medical journal, Confinia Neurologica, and the doctor is Orlando J. Andy, professor and director of neurosurgery at the University of Mississippi School of Medicine, Jackson. The operations that he describes are part of a second wave of psychosurgery—popularly known as lobotomy—that is now gaining momentum in the United States and around the world.

A DEADENING OPERATION

While capital punishment is progressively being banished in civilized lands, many of these same nations are witnessing a resurgence of what can properly be described as partial murder of the mind. As in the film, it is done for a "good" purpose, the elimination of "undesirable" behavior. Nevertheless, in whatever way those two terms may be defined, the effects of psychosurgery are blunted emotions and subdued behavior, whether the patient suffers from a "behavior" problem—neurosis, psychosis, brain disease—or simply causes too much trouble for someone else's comfort. It is a deadening operation that involves deliberate, irreversible damaging of an individual's brain for the purpose of altering behavior that others have deemed undesirable.

Medically informed laymen and even many physicians commonly say that "it isn't done any more," reflecting the fact that in the United States, the procedure became discredited—because of its frequently horrifying results—following some 50,000 operations between 1936 and the mid-1950s, and then was almost wholly supplanted by chemical tranquilizers. But years of experience with tranquilizers have demonstrated their shortcomings, and now, employing new surgical techniques, including space-age electronics, the lobotomists are making a comeback.

Comprehensive statistics are lacking, since there is no central registry for surgical procedures in the United States, and in contrast to the regulation of pharmaceutical drugs, there is no government authority that sanctions surgical procedures. All that is required is a licensed physician, a willing hospital, and a patient, three of whom, it will be recalled from press reports last month, were recently provided by the California prison system, which is a pioneer dabbler in revamping the brains of selected inmates. Certified criminals, however, are not the only targets of today's lobotomists. Increasingly, they are focusing their irreversible procedures on the mildly disturbed, with women predominating among the targets and not a few children included as candidates for the operation.

Nationwide, informed estimates place the total at 400 to 600 operations a year, with the numbers rising. Worldwide, there is also an increase, so much so, in fact, that in 1970, some 100 psychosurgeons gathered in Copenhagen to form the International Society for Psychosurgery.

In the United States, psychosurgery is being financed not only by the National Institute of Mental Health, but also by the Justice Department's Law Enforcement Assistance Administration. Among the recipients of the government's financial support is a Boston psychiatrist, Dr. Frank Ervin, director of the Cobb Laboratories at Massachusetts General Hospital, and co-author, with Dr. Vernon Mark, of "Violence and the Brain," which proposes development and systematic application of an "early warning" test to detect persons disposed to exceeding "acceptable violence." This is defined by the authors as "the controlled minimum necessary action to prevent personal physical injury or wanton destruction of property. This definition," the authors suggest, "would apply equally to police or public authorities as well as to politically activist groups (students, racial, etc.) and all violent acts that did not fit into this category would be 'unacceptable'." Their perpetrators, the authors add, would become eligible for violence-inhibiting treatment, including brain surgery.

Ervin and Mark are associated with a newly founded non-profit corporation, the Neuro Research Foundation of Boston, which holds grants and contracts from NIMH and LEAA totaling at least $600,000. Included in the funds is a grant of $108,931 that LEAA awarded to the foundation's president, William H. Sweet, to study "the role of neurobiological dysfunction in the violent offender." Specifically, states an LEAA description of the project, "the grantee will determine the incidence of such disorders in a state penitentiary for men; estimate their prevalence in a non-incarcerated population; and improve, develop, and test, the usefulness of electrophysiological and neurophysiological techniques for the detection of such disorders in routine examinations."

TREATMENT OF VIOLENCE

Psychosurgery aims at various portions of the limbic system of the brain—the emotions-modulating network that includes the highest centers of human development, specifically the frontal lobes and the connections between them and the deeper emotion-energizing areas in the thalamus, hypothalamus, singulum, and amygdala. The closer a lesion is made to the frontal lobes, the more the operation disturbs the most subtle human functions—love, creativity, sensitivity, foresight, sense of self, anticipation of the future, the abstract reasoning. When the operation is deeper down, toward the thalamus and the amygdala, emotion and behavior are subdued without obviously damaging the higher centers. In this fashion, the individual has his emotions cut out without gross misshaping of the intellectual facade.

Underlying the renewed interest in psychosurgery are, first of all, the transformation of violence into a political issue and the tendency to regard it as a problem that can be treated, at least in part, technologically; second is the development of new surgical techniques that permit avoidance of the massive brain gougings that characterized the first wave of lobotomy.

The practice of lobotomy began to taper off, at least in the United States, in the mid-1950s. In large part, this was due to the seemingly spectacular results produced by the newly developed chemical tranquilizers. In addition, however, followup studies—though never great in number and rarely on anything resembling a scientific, controlled basis—made it apparent to even the most rabid lobotomist, that carving up the frontal lobes frequently quieted the patient at the cost of turning him into a tractable vegetable.

Typical of this conclusion was a report by a British psychiatrist, who wrote in 1965 that "huge cuts in the frontal lobes, as well as relieving some symptoms, often produced mutilations of personality which were at least as socially disabling as the symptoms had been, and very disturbing to contemplate."

Some 20 years earlier, the dean of American lobotomists, Walter Freeman, chairman of the George Washington University Department of Neurology, and former president of the D.C. Medical Society, gave up the big cuts—that he himself had pioneered—for lesser cuts, reporting, with his usual enthusiasm, the same high rate of "improvement" that he had trumpeted in connection with his discredited traditional procedure. Lobotomy, nevertheless, went into partial eclipse, leaving behind some 50,000 victims.

The lobotomists, however, did not disband. Though it was clear that surgical intervention in the human brain was on a par with firing bullets into the hood of a car to remedy a knock—with occasional success—they had experienced enough "success" to arouse the belief that less mulitating, more precisely placed interventions were what was called for. And new technology was not long in arriving.

NEW TARGET GROUP

As Freeman himself acknowledged in a paper delivered in 1965 to the Washington Academy of Neurosurgery, his original methods were "too damaging to be employed in any but the most chronically and severely disturbed patients." However, there were now new methods of destroying brain tissue, he reported, among them the injection of liquid butane or "the patients' own blood," ultra-sonic beams, electricity to produce tissue-searing heat, implanted electrodes through which current is sent until the surgeon hears "bubbles of steam escaping," gold needles left in place "for several months while weak currents were passed at intervals," radioactive seed implantations, beams from a 185-million-volt cyclotron, and, of course, traditional cutting, though with finer tools.

The newest and most threatening development in psychosurgery may indeed be the use of this technology against new "target" groups: neurotics suffering from anxiety, tension, obsessions and depressions, and particularly women, since the ability to return to household duties is frequently regarded as evidence of success. In addition, other "social problem" groups are attracting attenion: criminals, drug addicts, alcoholics, homosexuals, old people, and hyperactive children, (Only the Soviet Union has banned psychosurgery. The procedure was outlawed in 1950 on the grounds that it fallaciously sought to improve an individual's life by producing a defect in his personality. Psychosurgery was also found to contradict principles of "Russion humanism" as well as the Pavolovian understanding of the brain as a functioning, integrated whole.)

The best known researchers in the application of psychosurgery to violence are the Boston trio of Ervin, Mark and William Sweet. In 1967, after the Detroit riots, they wrote in the Journal of the American Medical Association that if social, economic, and racial deprivation were responsible for the riots, then everyone in the ghetto would have been involved. Instead, they noted, only a small portion rioted, and only a still smaller portion committed violent acts. The authors went on to suggest a preventive screening program to detect brain disease and to institute prophylactic treatment for potential rioters.

The types of surgery they perform has repeatedly been demonstrated to blunt the emotions and subdue the behavior of anyone on whom it is tried, and, if necessary, repeated with sufficient distructiveness. These include hyperactive children, alcoholics, drug addicts, psychotics and epileptics of several kinds. Their principal interest, however, is in the application of psychosurgery to criminal violence, and in this regard they find company in Jose Delgado, the noted Yale professor, who in a recent book, "Physical Control of the Mind," proposes a billion-dollar NASA-like endeavor for technologic control of the brain as an answer to domestic and international conflict.

VULNERABLE GROUPS

Meanwhile, psychosurgeons continue to work at the more limited task of pacifying various segments of the population. Women are the major target groups in some of the larger psychosurgical studies, particularly those of H. T. Ballantine, of the Massachusetts General Hospital; Peter Kindstrom, at the San Francisco Children's Hospital; and M. Hunter Brown and Jack Lighthill, in Santa Monica. Thus far neurotic individuals who are still able to work and live at home seem to be the preferred group, but now increasing attention is being paid to two particularly vulnerable groups, prison inmates and hyperactive institutionalized children.

A survey of the international literature of psychosurgery indicates that the operation never lost favor in Britain, where the present rate is about 400 per year and rising. An article in the prestigious British medical journal Lancet in 1969 advocates psychosurgery for sexual offenders on the grounds that castration is open to question ethically, but psychosurgery is not. In Asia, widescale psychosurgery on children, some age four or younger, has been reported. Hundreds of cases have been reported in India, Thailand, and Japan. A noted Japanese psychosurgeon, visiting the United States to attend a conference on "Neural Bases of Violence and Aggression" last week in Houston, reported earlier that one of his best cases is that of a child who becomes "markedly calm, passive, and tractable, showing decreased spontaneity."

One of the remarkable aspects of psychosurgery—both in the now discredited first wave and in the current resurgence—is that it takes place in a closed system of evaluation that almost inevitably fulfills the prophecies of the psychosurgeons. To the extent that retrospective studies have been conducted, they are generally by psychosurgeons reviewing their own or work of colleagues. Few others are sufficiently interested to bother with the subject, and this is especially true of psychiatrists and psychologists, many of whom consider psychosurgery a surgical barbarism that does not merit their interest. The patients are almost invariably either friendless inmates of institutions or burdens on relatives who are at their wits' end in dealing with "difficult" behavior.

PERSONALITY CHANGES

In the case of those who have been confined to institutions prior to surgery, the outcome is frequently "improved" behavior, which means that the attendants find them less troublesome. If the patient has been living at home prior to surgery, his newly subdued behavior is similarly regarded as evidence of success. As for the patients they tell no tales and make few complaints. for as is noted in the classic text, Psychosurgery, "none of the patients regains true insight in the full sense of the word, or is really able to appreciate what the operation was for, or its importance."

The buoyant optimism of today's psychosurgeons in the face of ghastly evidence which they themselves adduce is one of the most bizzare aspects of the new wave. Thus, in a text, "Pharmacological, Convulsive, and other Somatic Treatments in Psychiatry," published in 1969 by Lothar B. Kalinowsky of the New York Medical College, and Hanns Hippius of the Free University of Berlin, it is stated, "The much feared personality changes which were a frequent side-effect of the larger standard lobotomies, are no longer noticeable in the type of patient selected today for the newly devised smaller operations. The fear of personality changes is still the main reason for the reluctance on the part of many psychiatrists to recommend psychosurgery. All those working in this field and seeing the remarkable clinical results, regret this attitude by physicians who never had any contact with actual cases."

Kalinowsky and Hippius then go on to cite a study of 300 cases in which the researcher found, "The patients tend intellectually to be more empty, with restricted interests and simpler satisfactions." They find another researcher reporting "the disappearance of dreams as well as day dreams after lobotomy." Still another review of lobotomy found that the "original artist's work was impossible even for those who had such abilities before the operations." It was found, too, that "like all feelings, the religious feeling also becomes somewhat shallower. . . ."

In a case reported in 1970 in the Journal of Nervous and Mental Disease, personality change was conspicuous and the effects were disastrous. A woman, described as suffering from "agitated depression," was subjected to a heat lesion of the brain. "Then," as the surgeons report "her spirits improved to the point of occasional playfulness." Shortly later, however, she was bristling with hostility and anger. Her moods fluctuated, and she received another heat lesion of the brain. When her moods continued to fluctuate, still another lesion was proposed through electrodes that had been implanted in her brain, but she refused to see the surgeon. A few weeks later, she was permitted to leave the hospital temporarily for Christmas shopping. She went to the ladies room of a department store, swallowed a vial of poison, and died.

The surgeons report that several useful insights were gained from a postmortem examination of the woman's brain, among them: "The chief criticism of the thalamic operation . . . was that, although over the short time it controlled her depression, it did not assist her in the area of impulse control."

What of the issue of "informed consent," which is routinely required in most surgical procedures? When the patient is judged incompetent, the consent of relatives or guardians will usually suffice. When the principal figures involved are distraught relatives, a disturbed patient, and an eager psychosurgeon, it is not unlikely that the decision will be to follow the advice of the surgeon. The California prisoners who were operated upon in 1968 are said, by prison authorities, to have given their consent, and consent was also received from relatives. The question arises as to whether "consent," presumably accompanied by a greater likelihood of parole (one prisoner was later paroled) has real meaning in a prison setting.

In any setting, however, the advantage would seem to lie with the psychosurgeon, as can be seen in an episode related by Mark and Ervin in their book. They report that during gentle non-destructive electric stimulation to a patient's brain "we suggested to him that we make a destructive lesion. . . . He agreed to this suggestion. . . . However, 12 hours later, when the effect had worn off, Thomas turned wild and unmanageable. The idea of anyone's making a destructive lesion in his brain enraged him. He absolutely refused any further therapy, and it took many weeks of patient explanation before he accepted the idea of bilateral lesions being made in his medial amygdala."

They conclude their report by stating that the patient had not had a single "episode of rage" in four years. "He continues, however, to have an occasional epileptic seizure with periods of confusion and disordered thinking."

The first wave of psychosurgery mutilated some 50,000 victims before the lobotomists themselves were forced to concede the destructiveness of their procedures. Before the new one proceeds through one more skull, the public, the press, and the Congress should demand an immediate halt, to be followed by an independent investigation into the therapeutic claims of psychosurgery and especially the issue of informed consent.

STATEMENT ON THE NATIONAL ENVIRONMENTAL POLICY ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. DINGELL. Mr. Speaker, to assure the widest possible dissemination of the information therein contained, I include the text of the March 1972 issue of the Council on Environmental Quality's 102 Monitor at this point in the CONGRESSIONAL RECORD:

STATEMENT BY HON. RUSSELL E. TRAIN, CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY

Mr. Chairman, I welcome this opportunity to review with your Committees the implementation of the National Environmental Policy Act (NEPA). It is particularly appropriate that this be a joint review since your Committees have shared in authorizing the Council's activities (in NEPA and the Environmental Quality Improvement Act of 1970) and both held hearings on the Council's first annual environmental quality report. We have also followed the practice of consulting with both your Committees before issuing the Council's Guidelines on environmental impact statements.

I would like to state in the strongest terms the Council's support for the National Environmental Policy Act and its effective implementation. In our opinion it represents one of the most significant policy making reforms in recent history. We have been given very strong backing by the Executive Order (E.O. 11514) which the President issued to implement the Act. This Executive Order gives the Council coordinating and Guideline authorities with respect to NEPA which have been essential in early implementation of the Act.

Pursuant to Executive Order 11514 the Council has issued Guidelines on Environmental Impact Statements (36 Fed. Reg. 7724–7729, April 23, 1971) and has overseen the issuance by virtually all the relevant Federal agencies of NEPA procedures addressed to their particular programs (36 Fed. Reg. 23666, Dec. 11, 1971). I offer copies of the Executive Order, the Guidelines and the Federal Register citations to agency procedures for insertion in your record. You will note that nine Departments and over thirty agencies have now issued NEPA procedures.

According to the latest issue of the 102 Monitor, the Council's monthly publication listing environmental impact statements received, we now have received draft and final environmental impact statements on almost 2400 Federal actions. The agency-by-agency and types-of-action tabulations appear as an attachment to my statement. Since we get draft and final impact statements on each action, we have now received over 4,000 impact statements and they are coming in at the rate of over 200 a month or about 10 per working day. About half come from DOT (principally on airports and highways). The next largest groups are those on water resource projects (about a fourth of the total) and power (about 100 actions). The general quality of these statements has steadily improved. The Council's objectives in the review of 102 statements are principally three: (1) to check agency compliance with NEPA and the Council's Guidelines, (2) to identify environmental problem areas where some general reform via executive order or legislation would be desirable, and (3) to monitor important and highly significant actions via the 102 process. The Council's objective, which is supported by the language and legislative history of NEPA, is to bring the NEPA process in agency decision-making as close to a self-operative procedure as possible. If an assessment of environmental impacts is available to the decision makers in a timely and intelligible form, if there is ample public notice and opportunity for comment or hearings, and if the expert Federal, State and local commenting agencies do their job, there should be little need for CEQ intervention in most cases. While the Council recognizes that we have not reached this ideal state of affairs and that the quality of agency performance varies, its objective is to build up the environmental judgment of the agencies rather than to substitute its own.

We share with the Administrative Conference of the United States the view that the addition of NEPA in the Federal agency decision-making process has had the following five great merits:

1. NEPA, as the President recognized by making its signing his first official act of the decade of the 70's, is an important step in a national reordering of priorities. Section 102 (1) states that "to the fullest extent possible . . . the policies, regulations and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act." This means that all Federal agencies in exercising their responsibilities have authority to give positive protection to the environment in their programs. The leading decision on this point, *Zabel* v. *Tabb*, 430 F. 2d 199 (5th Cir. 1970), held that NEPA, together with the Fish and Wildlife Coordination Act, enables the Corps of Engineers, for example, to apply environmental considerations in the grant or denial of dredge and fill permits.

2. NEPA, together with Executive Order 11514 and the Council's Guidelines, requires an airing of the issues involved in Government decision-making when the environment is involved. Formerly closed informal administrative procedures are now opened to public view and to comment by relevant Federal and State expertise and by the public. This is patricularly significant and useful for decisions about the public domain.

3. NEPA, together with the Council's Guidelines, tends to force agencies to articulate their decisions and the grounds for their decisions. The result of the requirement to assess environmental impacts, analyze alternatives and seek comments can only be more informed decision-making.

4. NEPA is requiring the agencies to develop in-house expertise in varied disciplines. To prepare the statements and make the underlying assessments, agencies are being forced to acquire new personnel with training in environmental sciences. As a result, the agencies will in time develop institutional viewpoints more sympathetic to environmental, as opposed to purely programmatic, values.

5. NEPA carries with it court enforceability of its requirements. This means that it cannot be ignored and that top level agency management must take a fresh look at ongoing policies and programs in terms of their environmental impacts. This has some very positive advantages for agency leadership that is seeking to revitalize and reshape agency thinking and performance.

At the Council we have found that the environmental policies of NEPA provide a flexible and far-reaching means of reviewing government decision-making as we put together packages of legislation and administrative action for the President's Environmental Messages.

We have reexamined tax policy, energy policy, land use questions, pollution controls, transportation policies and recreation issues, all under the broad rubric of the "environment." We see in the Interior Department's proposed new organic legislation for management of the public lands, the AEC's more comprehensive and early review of nuclear power plants, and the new Interior-HUD-DOT coordination implicit in the President's revised State land use policy bill the translation of NEPA policies into better management. NEPA can be used to upgrade the quality of analysis of alternatives, consultation and decision-making. In short, we believe smart agency leadership should see NEPA as an opportunity rather than a stumbling block.

Having mentioned Court enforceability of NEPA, I will give you some comments on this important aspect of the Act: As of February 15, we had identified 17 Court of Appeals decisions and over 50 District Court decisions applying NEPA (with new decisions being received at least once a week). (I am offering citations to, and brief summaries of, these decisions for insertion in your record.) Overall we have identified about 160 NEPA cases in the following categories: 43 against DOT, 34 against the Corps, 8 against the rest of DOD, 17 against Interior, 15 against USDA, 13 against AEC, 9 against HUD, and the remainder against a scattering of agencies.

As an indication of the extent to which judicial decisions under NEPA are blocking or delaying agency action, however, the number of suits filed can be misleading. For example, of all the suits filed under the Act, only a small proportion (less than 15 percent) have resulted in Government actions being held up in whole or in part. Even in these instances, the court has ordered only a temporary halt—pending either trial, preparation of a 102 statement, or revision of agency NEPA procedures. The projects and agencies involved are listed in an insert I am offering for the record.

With respect to reported opinions construing NEPA, most courts have adopted a liberal view of NEPA in accordance with the broad policies expressed in the Act, while at the same time adhering to well-established doctrines limiting the scope of judicial review of agency decisions. (There has as yet been no Supreme Court opinion construing NEPA, although it has received mention in a number of opinions.)

Courts are giving close attention to ensuring that agencies follow the procedures prescribed in Section 102(2)(C) and other provisions of the Act with respect to preparing environmental statements and applying environmental considerations. The judicial role uder NEPA thus appears to be in line with the traditional one of ensuing that governmental process prescribed by statute is working correctly without attempting to second-guess the actual agency decision as to the proper balance to strike between environmental concerns and other national goals.

We have attempted to analyze the significant general NEPA issues handled to date by the courts and they seem to be as follows:

a. *The applicability of NEPA to Federal actions initiated prior to NEPA.*—Here the leading opinions among the Circuit Courts are *Calvert Cliffs Coordinating Com. v. AEC*, 449 F. F. 2d 1109, 2 E.R.C. 1779 (D.C. Cir. 1971), *Penna. Environmental Council v. Bartlett*, 3 E.R.C. 1421 (3d Cir. 1971), and *Greene County Planning Board v. FPC*, 3 E.R.C. 1595 (2d Cir., Jan. 17, 1972). There are at least a half dozen district court opinions. We believe that these opinions sustain the position taken in Section 11 of the Council's Guidelines—that with respect to projects or programs initiated prior to January 1, 1970, where it is not practicable to reassess the basic course of action, it is still important that, by doing an environmental impact statement, further incremental major actions be shaped so as to minimize adverse environmental consequences.

b. *Interpreting the key phrases "major" (action) and "significant" (as in "significantly affecting the quality of the human environment")*.—To date there have been few cases directly relevant to these problems of interpretation. Our aim is to give greater precision to these concepts via the CEQ Guidelines and more particularly, with respect to individual agency programs, through the agency NEPA procedures. As you know, these agency procedures are published in the Federal Register and we have invited comment. Increasingly we would expect the courts to apply the rule that "[s]uch administrative interpretation cannot be ignored except for the strongest reasons, particularly where the interpretation is a construction of the statute by the men designated by the statute to put it into effect." *EDF v. TVA*, 3 E.R.C. 1553 (E.D. Tenn., Jan. 1972). Indeed, a very well-reasoned opinion of Judge Gignoux has just followed this approach in upholding a Department of Defense determination that no impact statement was needed on a proposed action. *Citizens for Reid State Park v. Laird*, 3 E.R.C. 1580 (D. Me. Jan. 21, 1972).

c. *Preparation and content of environmental statements.*—Three of the most important NEPA decisions to date are the decisions of the Court of Appeals for the District of Columbia in *Calvert Cliffs Coordinating Committee v. AEC*, 449 F. 2d 1109, 2 E.R.C. 1779 (D.C. Cir. 1971), *Committee for Nuclear Responsibility v. Seaborg*, 3 E.R.C. 1127 (D.C. Cir. 1971), and *Natural Resources Defense Council v. Morton* (D.C. Cir. Jan. 13, 1972). Each of those opinions discusses in some detail the function which the 102(2)(C) statement should fulfill and the considerations which should go into preparation of such statements.

Each of these opinions reaffirm the view that NEPA, at the very least, is a "full disclosure law," requiring conscientious attention to "all known possible environmental consequences of proposed agency action." *Environmental Defense Fund v. Corps of Engineers,* 2 E.R.C. 1260, 1267 (E.D. Ark. 1971). In this respect, these decisions make clear that NEPA only requires what should already be implicit in the notion of responsible decision-making. Decisions which ignore adverse environmental effects of proposed actions are excluding relevant costs and disadvantages which can only make them less than fully responsible choices.

d. *Citizen Participation in NEPA.*—Although the National Environmental Policy Act does not explicitly refer to securing public participation in the agency's environmental assessments, Executive Order 11514 suggests that agencies develop "procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties." Provisions in the CEQ Guidelines for draft and final environmental statements, and for making such statements available for public comment reflect this concern for public involvement, as do judicial opinions upholding citizen standing to bring suit under NEPA.

The Court of Appeals for the Second Circuit has recently stressed the importance of ensuring that environmental statements are made available for—and ultimately take into account—examination and comment by interested members of the public. See *Greene County Planning Board* v. *FPC,* 3 E.R.C. 1595 (2d Cir., Jan. 17, 1972). This decision, however, also draws attention to the fact that liberal provision for citizen participation in agency decisions under NEPA carries with it corresponding obligations for citizen adherence to established agency review procedures. Other courts have similarly indicated that citizens who have actual notice of agency procedures designed to secure public participation in the decision-making process, and who fail to take advantage of such procedures, should not later be able to challenge the agency action in a judicial proceeding. See *Sierra Club* v. *Hardin,* 2 E.R.C. 1385, 1396–97 (D. Alaska, 1971). By combining these doctrines of "laches" and "exhaustion of administrative remedies" with broad opportunity for public participation in the agency's environmental assessments, courts are helping to ensure that the agency decision-making process is both responsive to the public and at the same time not subjected to undue and untimely delay.

From what I have said it should be clear that, by and large, we think the Courts have been doing a sound job in applying NEPA. Where there have been difficulties it has usually been the case that a guideline of the Council or an agency procedure grounded in NEPA's legislative history has been challenged or ignored by a Court. This was true in the *Calvert Cliffs* case with respect to AEC's treatment of water quality agency certification of water quality issues, and in the *Kalur* case which required that environmental impact statements be done on environmental protective regulatory actions concurred in by EPA, such as the Refuse Act Permit Program. In the *Quad Cities* case the Court was unwilling to permit AEC interim partial licensing of nuclear plants started prior to NEPA pending completion of the NEPA review. We regarded AEC's treatment of this problem in its post *Calvert Cliffs* regulations as a reasonable transitional arrangement in accordance with our Guidelines and NEPA and so advised the Interior Committee at hearings last November.

We believe that the best interests of NEPA and the environment are served if we find some solution to the three problem cases I have mentioned. We think that refusal to find solutions to these problems will, in the long run, weaken NEPA rather than strengthen it. With respect to the question raised in *Calvert Cliffs* about treatment of water quality agency rulings in AEC proceedings, we have endorsed the approach taken in Section 511 (d) of the Senate water quality bill. With respect to the *Kalur* case, we believe that the policy of Section 5 (d) of our Guidelines and of the underlying House and Senate legislative history of NEPA—that the impact statement procedures not apply to environmental protective regulatory activities such as water quality permits, needs to be confirmed.

Mr. Chairman, there has been a suggestion in some quarters that this is a broad exemption possibly excluding many Federal agencies from producing impact statements on their environmental protective regulatory actions. This is absolutely not our intent, and our past practice shows how restrictive our interpretation has been. Our present Guidelines provide: "(d) Because of the Act's legislative history, environmental protective regulatory activities concurred in or taken by the Environmental Protection Agency are not deemed actions which require the preparation of environmental statements under Section 102 (2) (C) of the Act." We believe that this should be confirmed and that we be given specific guidance as to whether this principle is to be applied in any other case.

With respect to the *Quad Cities* case, we support the proposal to be made by AEC for statutory confirmation of its *Calvert Cliffs* regulations on interim licensing of plants pending full compliance with NEPA. In the longer run for power plant siting problems, we have also strongly supported the Administration's power plant siting legislation as a solution to questions now resolved on an incomplete and *ad hoc* basis under NEPA.

I believe that in these instances what we basically need is clarification of what we had understood, on the basis of guidelines checked with the relevant committees, to be your intent. Our own view is that with these clarifications, no more general change in NEPA is warranted at this time.

We are monitoring agency experience with NEPA closely. I submit for the record two memoranda we have sent out to the agencies this week on the need for continuous effort to improve their NEPA procedures.

We will follow your hearings closely and may have some suggestions to make when they are concluded. In the Council we feel that the NEPA process, if we do not overload the system and admit of a reasonable degree of administrative flexibility under the Council's Guidelines, will achieve a significant improvement in agency decision-making serving both program and environmental goals. The NEPA process is, of course, experimental in nature and we expect to find ways to sharpen its focus. But in our view it represents an outstanding joint effort by Congress, the Executive Branch, the courts and the public in upgrading Government's performance, and we feel privileged to participate.

SOURCES FOR ENVIRONMENTAL IMPACT STATEMENTS

In order to receive more efficient and prompt service, requestors are urged to order draft and final impact statements from the Department of Commerce's National Technical Information Service (NTIS) rather than the preparing agency. Each statement will be assigned an order number that will appear in the *102 Monitor* (at the end of the summary of each statement) and also in the NTIS semi-monthly Announcement Series No. 68, "Environmental Pollution and Control." (An annual subscription costs $5.00 and can be ordered from the NTIS, U.S. Department of Commerce, Springfield, Virginia 22151.)

Final statements will be available in microfiche as well as paper copy. A paper copy of any statement can be obtained by writing NTIS at the above address and enclosing $3.00 and the order number. A microfiche costs $0.95. (Paper copies of documents that are over 300 pages are $6.00.)

NTIS is also offering a special "package" in which the subscriber receives all statements in microfiche for $0.35 per statement.

Statements will still be available for public scrutiny in the document rooms of the various agencies. However, only limited copies will be available for distribution.

Yet another possible source of statements is from the Environmental Law Institute, 1346 Connecticut Avenue, N.W., Washington, D.C. 20036. To order a document, please indicate the Department, date, and ERL Order No. (given at the end of each summary). The Institute charges $0.10 per page, and as you will note the number of pages is also given at the end of the summaries. Please enclose the correct amount of money with your order and mark the envelope to the attention to the "Document Service."

SOURCE FOR BACK ISSUES OF THE 102 MONITOR

Because the supply of past issues of the 102 Monitor is not sufficient to meet all requests, a list is provided below indicating where the various issues of the 102 Monitor appeared in the Congressional Record. You may wish to order these Congressional Records from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($.25 per copy).

Vol. 1, Nos. 1, 2, & 3: Congressional Record (page E 3607)—April 28, 1971.

Vol. 1, No. 4: Congressional Record (page E 5151)—May 27, 1971.

Vol. 1, No. 5: Congressional Record (page E 6023)—June 16, 1971.

Vol. 1, No. 6: Congressional Record (page E 8458)—July 28, 1971.

Vol. 1, No. 7: Congressional Record (page E 9483)—September 13, 1971.

Vol. 1, No. 8: Congressional Record (page E 10002)—September 24, 1971.

Vol. 1, No. 9: Congressional Record (page E 11596)—November 1, 1971.

Vol. 1, No. 10: Congressional Record (page E 12213)—November 15, 1971.

Vol. 1, No. 11: Congressional Record (page E 13322)—December 11, 1971.

Vol. 1, No. 12: Congressional Record (page E 76)—January 18, 1972.

Vol. 2, No. 1: Congressional Record (page E 1886)—March 2, 1972.

ON THE FOLLOWING PAGES ARE ENVIRONMENTAL IMPACT STATEMENTS RECEIVED BY THE COUNCIL FROM FEBRUARY 1 THROUGH FEBRUARY 29, 1972

(NOTE.—At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.)

Department of Agriculture

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C.. 20250, (202) 388–7803.

Title, description, and date

Agricultural Research Service

Draft

Removal of Canada Plum to Control Green Peach Aphid in Aroostook and Penobscot Counties, Maine. The overwintering host plant (Canada plum) of the green peach aphid will be removed by chemical and mechanical methods from certain test areas in Maine. The trees will be cut and the stumps painted with ammonium sulfamate. Trees left uncut will be sprayed with the insecticide demeton (ELR Order No. 1808, 10 pages) (NTIS Order No. PB–206 386–D), February 3.

Agricultural Stabilization and Conservation Service

Draft

Commitment of 25,700 acres to new continental cane sugar production, Lower Rio Grande Valley, Cameron, Willacy, Hidalgo and Starr Counties, Texas. Involves construction of a raw sugar processing facility in the area. (ELR Order No. 1777, 7 pages) (NTIS Order No. PB–206 263–D), February 2.

Animal and Plant Health Services

Draft

Rangeland Grasshopper Cooperative Control Program. Malathion treatment on approximately 2 million acres in Colorado, Idaho and Oregon with the possibility of some treatment in other states. (ELR Order No. 1870, 20 pages) (NTIS Order No. PB–206 557–D), February 11.

Forest Service

Draft

Clarkdale-Williams Highway Proposal State 279: Coconino, Prescott and Kaibab National Forests, Yavapai and Coconino, Counties, Arizona. The extension of SH. 279 from Clarkdale to Williams. This includes the new construction of approximately 21 miles of paved highway and the eventual reconstruction of 23 miles of existing paved road. (ELR Order No. 1884, 60 pages) (NTIS Order No. PB–206, 580–D), February 11.

Beaverhead National Forest, Madison and Beaverhead Counties, Montana. Herbicide control of Big Sage brush with 2, 4- dichlorophenoxyacetic acid. Specific control areas are being planned and designated on the ground by the Ranger with the assistance of specialists in ecology, wildlife biology, soil science and range science. The chemical 2, 4-D may have some effect on animal organisms and non-target plants. (ELR Order No. 1957, 73 pages) (NTIS Order No. PB–206 786–D), February 16.

1972 Siskiyou National Forest Herbicide Program, Josephine, Curry and Coos Counties, Oregon. The selective herbicides 2,4-D, 2,4,5-T, or atrazine will be applied to 213 separate tracts totaling 11,858 acres during one of two application seasons. Reduction of vegetative competition to increase survival of newly planted conifer seedlings is the treatment objection. (ELR Order No. 1801, 16 pages) (NTIS Order No. PB–206 404–D), January 28.

Application for Class A Special Use Permit to construct a road in the Coulter Creek Drainage, Chelan County, Washington. The Pack River Company of Peshastin, Washington has requested a special use permit from the Forest Service for construction of a road in this drainage for logging and other land management purposes. (ELR Order No. 1741, 22 pages) (NTIS Order No. PB–206 376–D) February 4.

Final

Waterville Valley Management Plan, New Hampshire. A multiple use plan for management of timber, water, wildlife and recreation on National Forest lands in the Waterville Valley area. Comments made by USDA, EPA, DOI N.H. Dept. of Resources and Economic Development, numerous private Corporations and concerned citizens. (ELR Order No. 1858, 377 pages) (NTIS Order No. PB–202 715–F), February 10.

Rural Electrification Administration

Draft

Palo Pinto Generating Station Unit No. 3, Palo Pinto County, Texas. Construction of a 200,000 kW electrical generating unit, as an addition to the Palo Pinto generating station. This will be the third unit at this station and will bring the total name plate capacity to 366,000 kilowatts. Will result in release of oxides of sulfur oxides and nitrogen oxides, and in discharge of cooling water into Palo Pinto Lake. (ELR Order No. 1888, 162 pages) (NTIS Order No. PB–206 638–D), February 14.

Final

Transmission Line from Hayden to Wolcott to Vail, Routt and Eagle Counties, Colorado. A loan of $9,016,000 to Colorado—Ute Electric Association, Inc. together with funds from other sources for approximately seventy (70) miles of 230 KV transmission line between Hayden substation and Wolcott, Colorado and approximately twenty (20) miles of 115 KV transmission line between Wolcott and Vail. Comments made by FPC, DOI, USDA, EPA, State of Colorado. (ELR Order No. 1859, 58 pages) (NTIS Order No. PB–203 796–F), February 10.

Hayden, Colorado. Construction of a 250 MW coal fueled electrical generating station, assisted by a $12 million loan from REA. Comments made by USDA, Army COE, EPA, FPC and various state agencies. (ELR Order No. 1827, 37 pages) (NTIS Order No. PB–203 795–F), February 9.

Wells Township, Jefferson County, Ohio. Construction of unit No. 3, a 615,000 KW coal-fired steam electric generating station. Approximately 5000 tons of coal per day will be consumed; some oxide of sulphur and nitrogen will be released, and some Ohio River water will be used. Comments made by USDA, Army, COE, FPC, DOI and state agencies of Ohio and West Virginia. (ELR Order No. 1896, 420 pages) (NTIS Order No. PB–199 923–F), February 11.

Hilton Head Island, Beaufort County, South Carolina. Installation of a 20 mv emergency gas turbine, a 250,000 gallon oil storage tank, oil truck unloading facilities, a step-up transformer and 3300 ft. of 69 kv transmission line. (ELR Order No. 1782, 28 pages) (NTIS Order No. PB–206 398–F), February 3.

Soil Conservation Service

Draft

Mud Creek Subwatershed, Iowa. Conservation land treatment and construction of 9 grade stabilization structures. Approximately 35 acres of land will be inundated. (ELR Order No. 1915, 7 pages) (NTIS Order No. PB–206 760–D), February 15.

Shoemaker River Watershed, Rockingham County, Virginia. Accelerated land treatment measures in 1,077 acres of farm and forest land constuction of 4 floodwater retarding structures. Involves loss of forest, wildlife habitat, and esthetic values. (ELR Order No. (1725, 21 pages) (NTIS Order No. PB–206 177–D), January 25.

Wheat, Feed Grain and Cotton Set-Aside Programs provide for a set-aside of cropland if the Secretary determines that the total supply of wheat, feed grain or cotton will likely be excessive. A condition of eligibility for loans, purchases, and other payments for cotton, wheat, or feed grain requires that producers on a farm must set aside and devote to approved conservation uses to certain percentage of the commodity allotment for wheat or cotton or the feed grain base. Additional payment on set-aside acreage is provided if the producer agrees to permit public access for hunting, trapping, fishing and hiking. A pilot public access program will be offered for 1972 in 5 countries and 10 designated States. (ELR Order No. 1761, 25 pages) (NTIS Order No. PB–206 158–D), January 31.

Water Bank Program provides incentive payments to landowners and operators for conserving waters, preserving or improving migratory waterfowl habitat and other wildlife resources. Under the program, long-term agreements are entered into with landowners or operators who agree to take certain actions to preserve designated wetlands areas for which the Secretary agrees to make an annual payment and bear a part of the cost of establishing and maintaining the needed conservation practices. (ELR Order No. 1762, 5 pages) NTIS Order No. PB–206 159–D), January 31.

Final

Hurricane Creek Watershed Project Measure, Hopkins County, Kentucky. Acceleration of present land treatment program, installation of three floodwater retarding structures, and improvement of four miles of channel. Will inundate one mile of intermittent streams. Comments made by EPA, DOI, Army COE, various State of Kentucky agencies. (ELR Order No. 1783, 13 pages) (NTIS Order No. 203 511–F), January 31.

Union Creek Watershed. Union County, South Dakota. Project proposes land treatment measures and four floodwater retarding structures, 13 grade stabilization structures and 1.6 miles of channel improvement. Five miles of intermittent stream channel, 40 acres of cropland and 55 acres of grassland will be inundated by the sediment pools. Comments made by DOD, Army and EPA. (ELR Order No. 1182, 18 pages) (NTIS Order No. PB–206 620–F), February 10.

Sweetwater Creek watershed project, McNinn, Monroe and Louden Counties, Tennessee. Conservation land treatment measures and the installation of nine floodwater retarding structures supplemented by about 42.3 miles of channel improvement for flood control. (ELR Order No. 1811, 14 pages) (NTIS Order No. PB–206 296–F), February 3.

Atomic Energy Commission

Contact:

For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 29545, (202) 973–5391.

For Regulatory Matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545, (202) 973–7531.

Title, description, and date

Draft

Turkey Point Nuclear Power Station, Units 3 and 4, Dade County, Florida. The proposed issuance of an operating license to the Florida Power and Light Company for the operation of Turkey Point Nuclear Power Station. Each unit is to be of 760 MW, employs pressurized water reactors and will be cooled by salt water recirculated in a multi-channel cooling system. About 7,000 acres of salt marsh wildlife habitat will be destroyed by construction of the cooling system; seepage of saline water from the cooling canal system may affect mangroves and benthic organisms along several miles of shoreline, loss of plankton by entrainment in the cooling system will have an impact upon the productivity of Card Sound Canal; interim cooling system operation may cause damage to marine life near the mouths of the canals in Biscayne Bay and Card Sound, particularly when temperature restrictions are relaxed under emergency conditions, and also through impingement and killing of fish on intake screens; there will be a routine release of radioactive materials to the environs. (ELR Order #1913, 124 pages) (NTIS Order #PB–206 607–D), February 14.

Application of the Baltimore Gas and Electric Co. for a license to operate the Calvert Cliffs Nuclear Power Plant, Units 1 and 2, Calvert County, Maryland. The waste heat during full power operation of the 2 units, about 3500 MWt, will be dissipated by pumping about 5500 cfs of salt water from Chesapeake Bay through steam condensers, elevating the water temperature 10°F (with a maximum discharge temperature not exceeding 90°F) and returning the water directly to the Bay (ELR Order #1760, 102 pages) (NTIS Order #PB– 206 179–D), January 27.

Plymouth, Massachusetts. Proposed issuance of an operating license to the Boston Edison Co. (Docket 50–293) for the operation of the Plymouth Nuclear Power Station. This station employs a boiling water reactor with a designed thermal rating of 1998 MW to produce 655 MW net electrical power. It is cooled with salt water obtained from and discharged to Cape Cod Bay. Condenser cooling water heated to 29°F above inlet temperature will enter the Bay at a rate of 710

Cu. Ft/sec; a small percentage of a nearby lobster fishery, and also of an Irish moss harvesting area will be damaged; radioactive gaseous and liquid effluents will be released into the environment. (ELR Order #1903, 96 pages) (NTIS Order #PB-206 605-D), February 15.

Manitowoc County, Wisconsin. Proposed issuance of an operating license to the Wisconsin Electric Power Co. and the Wisconsin Michigan Power Co. for the operation of Point Beach Nuclear Power Plant Unit 2 and the continued operation of Unit 1. Unit 2 is a pressurized water reactor rated at 455 MWe using 1518 MW of heat. This, with Unit 1 will use a maximum 700,000 gpm of Lake Michigan water for cooling. Approximately 104 acres of land will be removed from agricultural use; there will be an impact upon aquatic resources due to cooling water intake and discharge; and a small increase in radiation will result. (ELR Order #1904, 87 pages) (NTIS Order #PB-206 606-D), February 14.

Department of Defense—Department of Army

Contact: George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, (202) 0X4-4269.

Title, description, and date

Final

Airfield Complex, Cambell Army Airfield, 3 phases, Fort Campbell, Kentucky. Three phases of construction (a) Phase I (FY 1972) construction consists of operations, maintenance and parking facilities, for one cargo helicopter battalion and one separate cargo helicopter company; aviation medical dispensary and boiler plant. Construction of 4 hangers, and natural gas fired central heating plant. Included will be 177,580 sq. yds. of aircraft pavement and 55,760 sq. yds. of vehicle pavement. (b) Phase II (FY 1973) Construction of parking facilities, operations and maintenance for two assault helicopter battalions, an airfield operations building and a fire and rescue station. (c) Phase III (1974) construction will provide a complete heliport facility including operations, maintenance and parking facilities for an aerial field artillery battalion; an aerial cavalry squadron and aviation elements of the Division Artillery. Comments made by USDA, HEW, HUD, DOI, DOT, EPA, various State and local agencies. (ELR Order No. 1934, 45 pages) (NTIS Order No. PB-206, 761-F), February 16.

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Chief of Engineers Office, 1000 Independence Avenue, S.W., Washington, D.C. 20314, (202) 693-6346.

Title, description, and date

Draft

Tesoro Tank Farm and Barge Slip, Juneau, Alaska. Construction of a petroleum storage area, access road, pipelines, a barge slip and docking area. Also involves dredging the Mendenhall River. Will result in a loss of 5 acres of wetland habitat and modification of at least another 5 acres of river habitat. (ELR Order No. 1881, 52 pages) (NTIS Order No. PB-206, 579-D), February 14.

Arkansas River and tributaries above John Martin Dam, Colorado. A general investigations study of projects involving proposed construction of several large dams and reservoirs, levees, floodways, river channels and a fishery. Fish and wildlife habitat would be damaged, residences and businesses displaced. (ELR Order No. 1894, 115 pages) (NTIS Order No. PB-206 637-D), February 14.

United States Post Office, Honolulu Hawaii. Construction of a one-story general industrial-type building with a two-story office wing. Auxiliary construction consists of parking areas, paved maneuvering areas, an underpass, and all necessary utilities and landscaping. Facility will occupy about 400,000 gross square feet. (ELR Order No. 1936, 20 pages) (NTIS Order No. PB-206 762-D), February 18.

Kent Creek, Rockford, Illinois. The project is divided into Unit A and Unit B, two separable units of protection. Unit A consists of construction of a reservoir and downstream channel cleanout and straightening on the North Branch of Kent Creek. Unit B involves construction of a diversion channel to divert drainage of a portion of the South Branch into the proposed reservoir on the North Branch, raising the existing dam and replacing spillway at Levings Lake. Approximately 1,270 acres of land will be required for total project development. Fifty acres of timber and wildlife habitat will be destroyed within Page Park. (ELR Order #1875, 41 pages) (NTIS Order #PB-206 554-D), February 10.

Big Sioux River at and in the vicinity of Sioux City, Iowa, and North Sioux City, South Dakota. Flood protection by channel enlargement and bank stabilization for 5.5 miles. Downstream of the interstate highway, flow will be diverted directly to the Missouri River, entering the river 7500′ upstream from its present location. Will eliminate 25 acres of wildlife habitat. (ELR Order #1770, 39 pages) (NTIS Order #PB-206 261-D), February 2.

Flood Protection Project, Douglas and Leavenworth Counties, Kansas. Construction of levees, channel improvements, bridge replacements and alterations, road raises and relocations and interior drainage structures. (ELR Order #812, 47 pages) (NTIS Ordtr #PB-206 390-D), February 8.

Bound Brook, Scituate, Massachusetts. Snagging, clearing and channel realignment and widening for flood control 1200′ upstream of Hunters Pond Dam. (ELR Order #1767, 31 pages) (NTIS Order #PB-206 266-D), February 1.

Alternate Disposal Method for Detroit and Rouge Rivers, Wayne County, Michigan. Construct a contained disposal facility at Pointe Mouillee for polluted dredge spoil from the lower Detroit and Rogue Rivers. The facility, including access channel, turning basin, mooring area and pumpout station, will be used to replace the previous procedure of open lake dumping of dredge spoil. (ELR Order #1868, 23 pages) (NTIS Order #PB-206 559-D, February 4.

Mississippi River, East Bank, Warren to Wilkinson Counties, Mississippi. Construction of 12.4 miles of levee, a 300 cu. ft. per second pumping plant, 12 miles of channel improvement, 3-8 foot floodgates and a conservation weir. (ELR Order #1828, 19 pages) (NTIS Order #PB-206 461-D), February 7.

Rariton River, New Jersey. Maintenance dredging of existing channel to its authorized project dimensions. Spoil will be deposited in the Atlantic Ocean; spoil from the South channel will be deposited in an upland site. (ELR Order #1864, 10 pages) (NTIS Order #PB-206 576-D), February 9.

Flushing Bay and Creek, Borough of Queens, New York City. Maintenance dredging of the existing Federal project, the spoil will probably be disposed in the approved dumping grounds in the Atlantic Ocean. (ELR Order #1784, 7 pages) (NTIS Order #PB-206 391-D), February 1.

Tarrytown Harbor, New York. Maintenance action consisting of dredging an existing Federal navigation channel, spoil will be disposed of in the Atlantic Ocean. (ELR Order #1785, 7 pages) (NTIS Order #PB-206 395-D), January 31.

Westchester Creek, New York. Maintenance action consisting of dredging the existing Federal channel to its authorized project dimensions. Spoil from the channel will be deposited in Eaton's Neck disposal area unless the contractor finds a suitable upland site and he has approval of the land owners and concerned governmental agencies. (ELR Order #1786, 7 pages) (NTIS Order #PB-206 394-D), January 31.

New York and New Jersey Channels, Navigation Project. Maintenance action consisting of dredging New York and New Jersey Channels to their authorized project dimensions. The dredged spoils will be deposited in the designated disposal area in the Atlantic Ocean. (ELR Order #1787, 9 pages) (NTIS Order #PB-206 393-D), January 31.

Harlem River Channel, New York. Maintenance action consisting of dredging the existing Federal Channel in the Harlem River, to its authorized project dimensions. The spoil will be deposited in the approved dumping area in Eaton's Neck Disposal area in the Long Island Sound. (ELR Order #1788, 9 pages) (NTIS Order #PB-206 399-D), January 31.

New York Harbor, New York. Dredging the Federal Channel in New York Harbor to its authorized project dimensions. The spoil will be deposited in the approved dumping grounds in the Atlantic Ocean. (ELR Order # PB-206 403-D), January 31.

New York Harbor Anchorages, New York. Improvement by dredging of two existing anchorage areas in New York Harbor to permit use by freighters and oil tankers of greater length and draft. The project involves dredging of a 1,260 acre area and most directly affects the states of New York and New Jersey. (ELR Order # 1792, 25 pages) (NTIS Order # PB-206 400-D), February 1.

Newton Creek, New York. Maintenance dredging of the existing Federal channel and its tributaries to the authorized project dimensions. The spoil will be deposited in the approved dumping area in the New York Bight in the Atlantic Ocean. (ELR Order # 1885, 7 pages) (NTIS Order # PB 206 578-D), February 11.

Great South Bay and Patchogue River, New York. Maintenance dredging of the existing Federal channel to its authorized project dimensions. Spoil will be placed in an upland disposal site. (ELR Order # 1885, 7 pages) (NTIS Order # PB-206 577-D), February 11.

Chowan River, North Carolina—Blackwater River, Virginia improvement of navigation by dredging three cutoff channels on the two rivers, at Riddicksville, Cherry Grove and Georges Bend. Involves loss of terrestial wildlife habitat and creation of an aquatic habitat. (ELR Order #1771, 4 pages) (NTIS Order #PB-206 258-D), January 26.

Lost Creek Lake Project, Rogue River, Jackson County, Oregon. Construction of an embankment dam and related structures to provide 315,000 acre feet of usable storage for flood control and water conservation for municipal and industrial water supply, fish and wildlife enhancement, water quality control, etc. (ELR Order # 1851, 33 pages) (NTIS Order # PB-206 619-D), February 11.

Supplement to Laneport, North Fork and South Fork Lakes, San Gabriel River, Texas (September 3, 1971). Construction of three dams and lakes along the San Gabriel River Watershed. Laneport Dam will inundate 6,230 acres, North Fork Dam will inundate 1,310 acres; and South Fork Dam will inundate 1160 acres. Purpose: flood control, increasing water supply to the lower Brazeo Valley, etc. (ELR Order # 1902, 10 pages) (NTIS Order # PB-202 321-D), February 15.

Munday, Texas. Improvement and enlargement of existing channels of Lake Creek watershed to intercept and direct flood waters from Munday. (ELR Order # 1817, 3 pages) (NTIS Order # PB–206 460–D), February 4.

Diking District # 1, Wahkiakum County, Washington. Raising portions of levee, filling ditch behind levee; repairing, replacing tide boxes; and adding new pumping stations, repairing existing ones, with the intention of providing better flood control. (ELR Order # 1809, 12 pages) (NTIS Order # PB–206 389–D), February 8.

Final

Dog River, Mobile Bay, Alabama. Dredging of a new channel from 3000' east of the Mobile Bay Ship Channel to and up Dog River (26,200') and spur channels from the main channel to the mouths of Perch and Halls Mill Creeks. Total length is 7.8 miles. Spoils to be deposited on diked land areas and in open water. Filling of 30 acres of marsh will limit use by small mammals and birds. Comments made by DOC, EPA, HUD, DOI, DOT, and Ala. State Development Office. (ELR Order # 1726, 45 pages) (NTIS Order # PB–206 176–F), January 27.

Fowl River, Mobile Bay, Alabama. Dredging of a new channel approaching and entering Fowl River. Approximately 30 acres of marsh land will be filled in. Comments made by DOC, EPA, FAA, HUD, and DOI. (ELR Order #1907, 43 pages) (NTIS Order #PB–206 639–F), February 15.

Applegate Lake: Rogue River Basin, Jackson County, Oregon and Siskiyou County, California. Construction and operation of a multiple-purpose dam and reservoir. Features include 2,720,000 cubic yard rockfill embankment dam about 232 feet in height and 1,200 feet long and a 4.6 mile reservoir with a surface area of 988 acres of maximum pool. Comments made by DOI, DOT, DOC, USDA, EPA, various state agencies. (ELR Order #1887, 75 pages) (NTIS Order #PB–200 792–F), February 15.

Bear Lake Creek, Colorado. Construction of a lake on Creek for the purpose of flood control, general recreation and fish and wildlife enhancement. Comments made by USDA, DOT, DOI, EPA, Colorado Water Conservation Board, concerned citizens. (ELR Order #1856, 59 pages) (NTIS Order #PB–202 293–F), February 10.

Jacksonville Harbor, Florida. An 11 mile reach of the existing 34′ deep Jacksonville Harbor project will be deepened to 38′ with widths of 400′ to 1200′ for commercial navigation. About 6,700,000 cu. yds. of dredged material will be deposited in 10 upland diked areas and 1 beach nourishment area. Fish and shrimp populations could be adversely affected, and wildlife displacement will occur in disposal area. (ELR Order #1899, 92 pages) (NTIS Order #PB–199 880–F), February 15.

Stuart Gulch Dam, Idaho. Flood control by construction of an earthfill dam. Would cover 194 acres of land. Comments made by USDA, EPA, DOI, 5 state offices, City of Boise and Ada County Commissioners. (ELR Order #1737, 25 pages) (NTIS Order #PB–198 722–F), January 28.

Mad Creek, Muscatine, Iowa. Improvement of existing levees and construction of new levees, concrete floodwalls, closure structures, ponding areas, with a partial realignment of Mad Creek. Approximately 5500 feet of existing creek shoreline will be altered. Comments made by EPA, DOI, the State of Iowa Office for Planning and Programming, and the City of Muscatine. (ELR Order # 1892, 12 pages) (NTIS Order #PB–204 500–F), February 15.

Hillsdale Lake, Big Bull Creek, Kansas. Initiate construction on receipt of funds of a dam and lake in Miami County, Kansas, Environmental impact includes stream control and flow alterations, temporary soil erosion, turbidity and noise during construction, downstream flood control, provision of a 4,580-acre lake; altered traffic patterns, etc. Comments made by DOT, DOI, USDA, EPA, various state of Kansas agencies, and University of Kansas, (ELR Order #1796, 55 pages) (NTIS Order #PB–202 917–F), February 2.

New Bedford and Fairhaven Harbor, Massachusetts. Improvement of navigation by widening one section of the channel, deepening another section and extending the channel. Comments made by DOC, DOI, Mass. Dept. of Natural Resources and City of New Bedford. (ELR Order #1728, 25 pages) (NTIS Order #PB–203 156–F), January 28.

Small Navigation Project, Andrews River, Harwich, Massachusetts. Construction of a jetty and retaining wall to prevent shoaling of entrance channel. Comments made by DOC, LOI. (ELR Order #1833, 6 pages) (NTIS Order #PB–202 919–F) February 10.

Red River of the North, Oslo, Marshall County, Minnesota. Flood control improvement by improving a levee and constructing interior drainage facilities and street and road ramps. Will drain a 25-acre marsh, alter 313 acres of wildlife habitat by removal of trees and necessitate relocation of 6 houses. Comments made by USDA, HEW, DOI, Minn. Dept. of Natural Resources and Village of Oslo. (ELR Order #1724, 32 pages) (NTIS Order #PB–204 943–F), January 27.

Zumbro River, Wabasha County, Minnesota. Flood protection by channel modification on 3 miles of the river from Kellogg to the mouth. Will change or eliminate 1.3 miles of stream. Comments made by USDA, EPA, DOI and Minn. Dept. of Natural Resources. (ELR Order # 1727, 50 pages) (NTIS Order # PB–201 851–F), January 28.

Blue Springs Lake, Little Blue River Lakes, Jackson County, Missouri. Construction of a dam and lake. Purpose to provide downstream flood protection, provide open space and a lake of 560 acres for recreation (at top of multipurpose pool). Will inundate 5 miles of stream below Lake Jacomo. Comments made by Missouri Dept. of Conservation, Water Resources Board, DOI, HEW, EPA, DOC. (ELR Order # 1937, 33 pages) (NTIS Order # PB–202 652–F), February 17.

Libby Dam and Lake Koocanusa, Kottenai River, Montana. Flood control as a part of a multi-purpose project included in the International Water Resource Development Plan of the Columbia River Basin (U.S. and Canada), under construction since 1966. Consists of completing dam (scheduled for flood control storage by 1973), constructing a powerhouse on the west bank with four 105,000 kw generators, etc. Surface area of lake: 46,500 (28,850 in U.S. 17,650 in Canada). Comments made by USDA, DOC, FPC, HEW, DOI, DOT, Bonneville Power Admin., 4 Montana state offices, 2 Idaho state offices and town of Rexford. (ELR Order # 1739, 50 pages) (NTIS Order # PB–200 538–F), January 28.

Oswego Steam Station—Unit 5, Niagara Mohawk Power Corporation, *New York*. Construction of unit # 5, an oil fueld electric generating unit with intake and discharge structures. Approximately 10 acres of land will be required, cooling water will be discharged in Lake Ontario, air borne oxides and particulates will be emitted. Comments made by USDA, Coast Guard, EPA, DOI, DOT, numerous state and regional offices. (ELR Order # 1968, 222 pages) (NTIS Order PB–204 155–F), February 17.

Sugar and Briar Creeks Project, Catawba River Basin, North Carolina and South Carolina. Channelization of Little Sugar Creek by dredging in order to control flood waters. Comments made by USDA, EPA, HUD, and DOI. (ELR Order # 1891, 28 pages) (NTIS Order # PB–203 232–F), February 15.

Sugar Creek, Stark County, Brewster, *Ohio*. Modification of levees, installation of pumping facilities and improvement of stream channels for flood control at and adjacent to Brewster, Ohio. Some farmland and parkland will be required, there will be a change in terrestrial and aquatic habitat, and erosion will temporarily increase. Comments made by EPA, DOI, and Ohio State agencies. (ELR Order # 1909, 14 pages) (NTIS Order PB–200 340–F), February 15.

Presque Isle Peninsula Cooperative Beach Erosion Control Project South Shore of Lake Erie at Erie County, *Pennsylvania*. Work to be performed provides for the replenishment and protection of about 1,500 linear feet of beach frontage by placement of sand fill and construction of a low barrier composed of sand or grout filled nylon bags and mats. Comments made by Commonwealth of Pennyslvania, DOI, EPA. (ELR Order # 1941, 35 pages) (NTIS Order # PB–199 637–F), February 17.

Dyersburg, *Tennessee*. Project consists of a levee to provide flood protection from the North Fork, Forked Deer River and a pumping station and gated outlets for evacuation of interior runoff. Comments made by EPA, DOI, USDA, HUD, HEW, City of Dyersburg, State of Tennessee. (ELR Order # 1940, 28 pages) (NTIS Order # PB–203 237–F), February 18.

Chief Joseph Dam additional units, Columbia River, *Washington*. Construction of 11 additional units to increase the hydraulic capacity and peak power producing capacity of the dam. Will inundate 500 acres of land. Comments made by DOC, DOI, 3 state offices, Northwest Steelheader Council of Trout Unlimited and interested citizens. (ELR Order # 1776, 46 pages) (NTIS Order # PB–199 458–F), February 2.

Everett Harbor, Snohomish River, Washington, Raising the southerly 4,100 feet of the existing training dike and extending the structure an additional 1,500 feet in a southwesterly direction. Project will permanently cover about 13 acres of estuary bottom. Comments made EPA, DOI, Wash. Dept. of Game. (ELR Order #1846, 29 pages) (NTIS Order #PB–200 374–F), February 10.

Wynoochee Dam and Lake, Wynoochee River, Grays Harbor County, Washington. Construction of a multipurpose concrete gravity dam 663 feet long and 175 feet high. A lake 4.4 miles long with a surface area of 1,140 acres will be created. Wynoochee lake will provide 35,000 acre-feet of water storage for flood control. Comments made by State of Washington, County officials, EPA, DOC, DOI. (ELR Order #1952, 42 pages) (NTIS Order #PB–200 798–F), February 18.

Manitowoc Harbor, Manitowoc City and County, Wisconsin. Improvement of navigation by extending channel upstream for 720'. Comments made by EPA, DOI, DOT, Wis. Dept. of Natural Resources, Wis. Dept. of Local Affairs and Development and City of Manitowoc. (ELR Order #1730, 25 pages) (NTIS Order #PB–202 843–F), January 28.

Department of Defense—Department of the Navy

Contact: Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of Navy, Washington, D.C. 20350, (202) 697–0892.

Title, description, and date

Final

Kahoolawe Island Target Complex, Hawaiian Archipelago. Approximately 7750 acres, centrally located and comprising one fourth of the island, is used for training in air-to-ground weapons delivery and shore bombardment, using both live and inert ordnance. Environmental impact consists of explosions and fragmentation of metal shell and bomb casing on very infertile soil. Studies have been done by natural science specialists concerning plants and animals inhabiting the island. Comments made by

EPA, Advisory Council on Historical Preservation, DOI. (ELR Order #1956, 103 pages) (NTIS Order #PB-203 876-F), February 23.

Environmental Protection Agency

Contact: Sheldon Meyers, Director, Office of Federal Activities, Room 3630—Waterside Mall, Washington, D.C., 20460, (202) 755-0940.

Title, description, and date

Draft

Wastewater facilities, Austin, Texas. Construction of a deep tunnel interceptor and enlargement of existing wastewater treatment plant. The tunnel will intercept overloaded trunk sewer wastewater flows and convey them to the proposed wastewater treatment plant. (ELR Order # 1791, 48 pages) (NTIS Order #PB-206 401-D), February 4.

Construction of Wastewater facilities, Ellis County, Red Oak, Texas. Application for federal funds to aid in constructing a complete wastewater treatment system. The treatment plant will employ an extended aeration process including pretreatment grit removal, flow measurement, and effluent chlorination, etc. (ELR Order # 1993, 60 pages. (NTIS Order # PB-207 065-D), February 25.

Final

Spencer, Iowa. Construction of an anaerobic-aerated lagoon system, intercepting sewer, 2 new pumping stations and force main, and odor control facilities. The project will provide 1.9 mgd of sewage treatment capacity to serve the waste treatment needs of a packinghouse and a portion of the domestic population. Approximately 130 acres of farm land will be required for the project. (ELR Order # 1860, 210 pages). (NTIS Order # PB-203 316-F), February 8.

Angelina County, Lufkin, Texas. Construction of sanitary sewer interceptors, pumping stations, force mains, waste treatment facilities and appurtures. Comments made by USDA, Army COE, HEW, State of Texas agencies, local agencies and concerned citizens. (ELR Order # 1898, 178 pages). (NTIS Order # PB-204 907-F), February 8.

Federal Power Commission

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426, (202) 386-6084.

Title, description, and date

Draft

Pueblo County, Colorado. Proposal to allow construction of 2.54 mile of railway track by the Colorado and Wyoming Railway Co. This will require approximately 51.51 acres of land. Finance Docket No. 27022. (ELR Order # 1914, 10 pages) (NTIS Order # PB-206 759-D), February 16.

Algonquin SNG, Inc. proposes to construct and operate at Freetown, Massachusetts a naptha reforming plant and 6.8 miles of pipeline. Purpose is to transport and sell synthesized natural gas in quantities up to a maximum of 120,000 Mcf per day to Algonquin Gas Transmission Company (Algonquin Gas.) (ELR Order # 1773, 20 pages) (NTIS Order # PB-206 384-D), November 26, 1971.

Michagamme Project, Iron and Dickinson Counties in Michigan and Florence County in Wisconsin. Twin Falls, Peavy Falls, Michigamme Reservoir and Way Dam Plant on the Michigamme and Menominee Rivers. Application for a new license for Project No. 1759. (ELR Order # 1970, 29 pages) (NTIS Order # PB-206 853-D), February 24.

Arkansas Louisiana Gas Company, Docket No. CP70-267. Proposes to construct a natural gas pipeline from the Texas Panhandle to eastern Oklahoma. The line would run 298 miles where it would connect with the company's existing pipeline system. Also proposes to construct a 42 mile lateral, together with gas treating plants and gathering facilities. (ELR Order # 1948, 21 pages) (NTIS Order # PB-206 769-D), February 18.

Supplement to draft (8/17). Applications by Columbia LNG Co., Consolidated System LNG Co., Southern Energy Co. and Southern Natural Gas Co. for authorization to import Algerian liquefied natural gas (LNG) and for certificates of public convenience and necessity authorizing construction and operation of facilities for the unloading and handling of imported LNG volumes. Docket Nos. CP71-68, CP71-151, CP71-153, CP71-264, CP71-276, CP71-289, and CP71-290. (ELR Order # 1616, 297 pages) (NTIS Order # PB-206 255-D), January 3.

General Services Administration

Contact: Rod Kreger, Acting Administrator, GSA-AD, Washington, D.C. 20405, (202) 343-6077.

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, GSA-AD, Washington, D.C. 20405, (202) 343-4161.

Title, description and date

Final

Disposal of former Condon Air Force Station Gilliam County, Oregon. Transfer of 6.5 acres of land to the Federal Aviation Agency and 59.76 acres of land will be sold by competitive bid sale. The land is zoned for exclusive farm use. Comments made by Local Government Relations Division, Dept. of Environmental Quality and Office of the Governor. (ELR Order # 1843, 15 pages) (NTIS Order # PB-203 885-F), February 11.

Disposal of Birdsboro Army Tank-Automotive Steel Foundry, Berks County, Pennsylvania by negotiated sale to the Greater Berks Development Fund for lease to the Birdsboro Corp. Comments made by EPA. (ELR Order # 1772, 7 pages) (NTIS Order # PB-204 098-F), February 1.

Department of Housing and Urban Development

Contact: Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410, (202) 755-6186.

Title, description, and date

Draft

FHA Mortgage Insurance for seasonal homes. Promulgation of a circular to implement section 203(m) of the National Housing Act, providing for mortgage insurance of single-family dwellings designed for seasonal (rather than year-round) occupancy. (ELR Order # 1979, 13 pages) (NTIS Order # PB-206 866-D), February 25.

Final

Wayne County, New York. Development of a new community over a 20 year period, with a HUD guaranteed $20 million loan. Townships of Walworth and Macedon. Comments made by USDA, FPC, DOT, and regional offices. (ELR Order # 1834, 28 pages) (NTIS Order # PB-204 845-F), February 8.

Soul City, Warren County, North Carolina. Proposed construction of a new community, assisted by a HUD guaranteed $14 million loan. Approximately 5180 acres of agricultural land will be utilized during 20 to 25 year development period, at the end of which a population of 44,000 is expected. Comments made by AEC, USDA, Army COE, EPA, HUD, DOI and state and local agencies. (ELR Order # 1889, 120 pages) (NTIS Order # PB-203 773-F), February 11.

Goose Hollow, Portland, Oregon. Proposal for a HUD loan of $3,193,000 in order to construct a 16 story college student apartment building. Comments made by DOC, EPA, HEW, DOI, OEO, DOT, Office of the Governor, state agencies and concerned citizens. (ELR Order # 1890, 105 pages) (NTIS Order # PB-206 648-F), February 16.

Proposed New Community, The Woodlands, Montgomery County, Texas. Proposed HUD offer of commitment to guarantee loan of $50 million over a twenty year period for the Woodlands. The project will result in more rational organization or urban systems in the urbanizing outer metropolitan area as opposed to normal sprawl. (ELR Order No. 1959, 40 pages) (NTIS Order No. PB-204 498-F), February 23.

Department of Interior

Contract: Office of Communications, Room 7214, Washington, D.C. 20240, (202) 343-6416.

Title, description, and date.

Bureau of Mines

Draft

Demonstration—Hydraulic Backfilling of Mines Voids, Scranton, Pennsylvania. Bureau of Mines proposes to conduct a demonstration project that will test the economic feasibility of the Dowell hydraulic slurry injection process for blind backfilling of dry and flooded underground mine voids in order to stabilize remaining coal pillars and roof rock thereby preventing surface subsidence. If successfully completed the project will backfill mine voids in the Clark and New County coalbeds. (ELR Order No. 1946, 23 pages) (NTIS Order No. PB—206 767-D), February 18.

Final

Oil Shale Retort Research Project, Anvil Points, Colorado. Proposed action would encourage further research on the development of surface retorting of oil shale and, at the same time, provide experience and information on waste management techniques. Operations that would be conducted over the 5-year term of the proposed lease include the construction of a vertical kiln retort and the mining, crushing, retorting, and disposal of probably no more than 600,000 tons of oil shale. This is less than a one week requirement for a commercial plant that produces 50,000 barrels of shale oil per day. (ELR Order No. 1958, 40 pages) (NTIS Order No. PB-203 318-F), February 18.

Bureau of Reclamation

Draft

Deep geothermal test well, geothermal resource investigations, Imperial Valley, California. Drilling of a geothermal test well between 4000′ and 8000′ in the East Mesa area to recover steam and brine to determine its suitability for development of desalted water and electric power. Involves stripping and leveling of 10 acres. (ELR Order No. 1754, 15 pages) (NTIS Order No. PB-206 161-D), January 31.

Pueblo Dam and Reservoir, Fryingpan-Arkansas Project, Colorado. Construction of a dam and reservoir for storage and regulation of water supplies, flood control, recreation and regulation and storage of Project water and the native flows of the Arkansas River. Construction begun in 1970. Will inundate 4,646 acres of land and 9 miles of natural river. (ELR Order No. 1723, 74 pages) (NTIS Order No. PB-206 272-D), January 27.

Rehabilitation and Betterment Program Cascade Irrigation District, Washington. Rehabilitation of a diversion dam or the Yakima River, a new inlet to the irrigation canal, construction of a fish ladder on the dam and installation of a fish screen and bypass pipe, reshaping 14,100 feet of canal and lining with concrete, and construction of a pumping plant. (ELR Order No. 1943, 16 pages (NTIS Order No. PB-206 765-D), February 15.

Lyman to Torrington, Wyoming. Construction of a 115-KV transmission line with 12.3

miles of wood pole and one mile of steel structures; and construction of a substation terminal on a 5 acre tract near Torrington. Trees near the North Platte River will be removed and/or trimmed, causing an impact upon wildlife habitat. (ELR Order No. 1895, 28 pages) (NTIS Order No. PB-206 462-D), February 14.

Final

Navajo Project, Arizona. Construction of three units, 2,310 tot. NW coal burning generating station to supply electrical energy for the Southwest Construction also of a 78 mile railway to haul coal from the Black Mesa Coal Mine (a strip mine) to the station, and 800 miles of 500 kv transmission line. Station will consume a maximum of 34,000 acre feet of cooling water annually from Lake Powell, emit 210 tons of SO_2 and 204 tons of NOx per day until removal systems are developed and produce an estimated 1815 tons of water ash per day. Comments made by USDA, DOI, HEW EPC, DOT, TVA, Governors of Arizona, California, Colorado, Nevada, New Mexico and Utah and numerous agencies of these states. (ELR Order No. 1781, 337 pages) (NTIS Order No. PB-203, 228-F), February 4.

Canyon Ferry Lake, Broadwater and Lewis and Clark Counties, Montana. Construction of dikes to form subimpoundments, dredging of fine material from lakeside into subimpoundments, and flooding of subimpoundments for development of wildlife habitat, in order to abate dust formation in dry weather. Comments made by USDA, Army COE, EPA, HEW, DOI, state and local agencies. (ELR Order No. 1893, 36 pages) (NTIS Order No. PB-203 097-F), February 14.

Bureau of Sport Fisheries and Wildlife

Draft

Designation as wilderness 17,740 acres of the 64,000-acre St. Marks National Wildlife Refuge in Jefferson, Wakulla and Taylor Counties, *Florida*. (ELR Order # 1804, 26 pages) (NTIS Order #PB-206 381-D), Feb. 3.

Designation as wilderness 4,598 acres of the 22,666-acre Moosehorn National Wildlife Refuge, Washington County, *Maine*. (ELR Order # 1797, 26 pages) (NTIS Order #PB-206 378-D), February 4.

Designation as wilderness 32,500 acres within the Bosque del Apache National Wildlife Refuge in Socorro County New Mexico. (ELR Order # 1797, 23 pages) (NTIS Order # PB-206 375-D), February 4.

Designation as wilderness 28,000 acres of the Cape Romain National Wildlife Refuge, located in Charleston County, South Carolina within the National Wilderness Preservation System. (ELR Order # 1799, 25 pages) (NTIS Order # PB-206 382-D), February 4.

National Park Service

Draft

Golden Gate National Recreation Area, San Francisco and Marin County, California. Approximately 24,000 acres of state, county, Federal and privately owned land is planned for the purpose of public recreation and for the preservation and enhancement of the unique open space and recreation value inherent in the lands that border the Golden Gate and the urban areas around San Francisco Bay. (ELR Order # 1942, 49 pages) (NTIS Order # PB-206 764-D), February 18.

Legislative proposal to designate as wilderness 7,700 acres of Colorado National Monument, Colorado. (ELR Order #1729, 26 pages) (NTIS Order # PB-206 273-D). January 27.

Legislative proposal to designate as wilderness 8,780 acres of Gunnison National Monument, Colorado, encompassing all of Black Canyon and a portion of the mesa and bench land in the western half of the monument. (ELR Order # 1735, 25 pages) (NTIS Order # PB-206 169-D), January 27.

PADRE Island National Seashore, Kelberg, Kenedy and Willacy Counties, Texas. A five year conceptual Master Plan for Padre Island. Proposal calls for expansion of existing Malaquite Beach development, provisions for access to the Laguna Madre and extension of the road system south for additional 15 miles. (ELR Order # 1852, 38 pages) (NTIS Order # PB-206 572-D), February 8.

Legislative proposal to designate as wilderness 16,303 acres of Bryce Canyon National Park, Garfield and Kane Counties, Utah. (ELR Order #1742, 36 pages) (NTIS Order #PB-206 183-), January 27.

Office of Coal Research

Final

Coal Gasification Pilot Plant, Homer City, Pennsylvania. The proposed pilot plant will test out a process employing oxygen and steam at elevated pressures in a two-stage gasifier, to convert coal to pipeline quality gas, the exact equivalent of natural gas. Comments made by Geological Survey, HEW, Commonwealth of Pennsylvania, EPA. (ELR Order #1980, 63 pages) (NTIS Order #PB-200 800-F), February 22.

Office of Saline Water

Draft

Hybrid prototype desalting plant, Brownsville, Texas. Legislative proposal to design, construct, operate and maintain an 8 mgd prototype desalination plant in cooperation with the Rio Grande Valley Municipal Water Authority and the City of Brownsville (ELR Order #1763, 26 pages) (NTIS Order #PB-206 256-D), January 28.

New England River Basins Commission

Contact: Connecticut River Basin Coordinating Commission, 424 Trapelo Road, Waltham, Massachusetts, 02154.

Title, description, and date

Draft

Connecticut River Basin, Connecticut, Massachusetts, Vermont, and New Hampshire. Involves water quality and supply, wastewater treatment, power, recreation navigation, flood control, upstream water and related land resource potential, multi-purpose reservoirs, etc. Will result in loss of free-flowing sections of streams and associated wildlife habitat because of inundation. (ELR Order #1842, 801 pages) (NTIS Order #PB-199 738-D), February 3.

Tennessee Valley Authority

Contact: Dr. Francis Gartell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tennessee 37401 (615) 755-2002.

Title, description, and date

Draft

Control of Eurasian Watermilfoil (Myriophyllum Spicatum L.) in TVA Reservoirs. There are two methods of controlling watermilfoil: water level management to dry the plant by dewatering or by otherwise disturbing its habitat, and application of 2, 4-D herbicide applied by boats. (ELR Order #1947, 30 pages) (NTIS Order #PB-206 768-D), February 16.

Final

Tellico Project, Tennessee. Construction of a dam and 16,500 acre reservoir on the Little Tennessee River in east Tennessee. The project will include related industrial, commercial, residential and recreational development. Comments made by FPC, DOI, HUD, HEW, DOD, Army, USDA, EPA, Tennessee State Planning Commission, and various state offices. (ELR Order #1850, 520 pages) (NTIS Order #PB-200 025-F), February 10.

Department of Transportation

Contact: Martin Convisser (Mr. Convisser's office will refer you to the regional office from which the statement originated), Director, Office of Program Co-ordination, 400 7th Street, SW., Washington, D.C. 20590, (202) 462-4357.

Title, description, and date

Federal Aviation Agency

Draft

Springdale Municipal Airport, Washington County, Springdale, Arkansas. Acquire land for clear zones, overlay existing runway, extend aircraft parking, install VASI, etc. (ELR Order # 1991, 25 pages) (NTIS Order # PB-207 063-D), February 25.

Baxley Municipal Airport, Appling County, Georgia. Extension and widening runway to accommodate all propeller aircraft of less than 12,500 lbs. (ELR Order #1734, 12 pages) (NTIS Order #PB-206 167-D), January 25.

Greene County Airport, Greensboro-Union Point, Georgia. Construction of a basic utility airport adequate for 95% of propeller driven aircraft weighing less than 12,500 lbs. This includes 30 acres of clearing, construction of a runway, installation of runway edge lighting, etc. (ELR Order # 1866, 37 pages) (NTIS Order # PB-206 575-D), February 14.

Fannin County Airport: Blue Ridge, Georgia. Construction of a basic utility airport, involves clearing 85 acres, relocation of 11 families. (ELR Order # 1977, 38 pages) (NTIS Order # PB-206 864-D), February 25.

Bradley Field Airport, Ada County, Idaho. A reliever airport for Boise Air Terminal. Involves improvements, extension of runway, etc. (ELR Order # 1976, 15 pages) (NTIS Order # PB-206 863-D), February 24.

Freemont Municipal Airport, Newaygo County, Michigan. Construction of a runway and extension of another runway. (ELR Order # 1740, 56 pages) (NTIS Order # PB-206 182-D), January 31.

Marlette Township Airport, Sanilac County, Michigan. Land reimbursement, clearing, connecting taxiway, apron, entrance road, lighting system, parking lot, hangar area, etc. Will provide a safe and efficient air service to community. (ELR Order # 1982, 30 pages) (NTIS Order # PB-206 920-D), February, 25.

East-West Runway at Stewart Airport, Newburgh, New York. Extension of runway 9-27, 4000′ to west, together with extension of the parallel taxiway, strengthening of the existing 8000′ runway and associated lighting. (ELR Order # 1974, 52 pages) (NTIS Order # PB-206 858-D), February 24.

Ashe County Airport, Jefferson, Ashe County, North Carolina. Construction of a general utility airport facility to accommodate propeller driven aircraft of less than 12,500 lbs. Approximately 27 acres of pastureland will be required for the project. (ELR Order # 1863, 12 pages) (NTIS Order # PB-206 552-D), February 14.

Langdon Municipal Airport, Langdon, North Dakota. Extending, widening and strengthening runway to 4200′ x 75′; relocating runway lighting; widening taxiway; constructing E/W turf landing strip and relocating power lines. (ELR Order # 1861, 39 pages) (NTIS Order # PB-206 553-D), February 14.

Lawton Municipal Airport, Comanche County, Oklahoma. Extending, widening and strengthening present runway, installation of high intensity lighting and acquiring land for south clear zone. (ELR Order # 1810, 41 pages) (NTIS Order # PB-206 392-D), February 7.

Carnegie Airport, Caddo County, Oklahoma. Construction of new airport facility for use by light propeller driven aircraft. (ELR Order # 1813, 13 pages) (NTIS Order # PB-206 373-D), February 7.

Ponca City Municipal Airport, Ponca City, Oklahoma. Acquire 138 acres for airport development and clear zones, extend and mark existing runway, reconstruct 25′ each side of existing runway; install medium intensity lighting and remove obstructions at north end of runway extension. (ELR Order #1867, 21 pages) (NTIS Order #PB-206 558-D), February 14.

Pryor Airport, Pryor Creek, Mayes County, Oklahoma. Extend and mark existing runway, install medium intensity runway lighting system and install VASI at both ends of runway. (ELR Order #1869, 17 pages) (NTIS Order #PB-206 560-D), February 14.

Antlers Municipal Airport, Pushmataha County, Antlers, Oklahoma. Development of a new airport facility, including land for development, runway construction, parking apron, access road, installation of wind cone and segmented circle, etc. (ELR Order #1972, 10 pages) (NTIS Order #PB-206 859-D), February 24.

Arrowhead Airport, Pittsburgh County, Canadian, Oklahoma. Development of a new airport facility including construction of NW/SE runway, relocation of water tank, water line, and golf course tee, install fencing, lighting, etc. (ELR Order #1973, 19 pages) (NTIS Order #PB-206 860-D), February 25.

Canton Municipal Airport, Canton, South Dakota. Construction of general aviation airport, land acquisition development and clear zones, miscellaneous improvements. (ELR Order #1975, 32 pages) (NTIS Order #PB-206 268-D), February 25.

Hemphill Municipal Airport, Sabine County, Texas. Development of new airport, including runway, taxiway, parking ramp, access road, wind cone and segmented circle, fencing, radio and airport beacons and lighting system. (ELR Order #1769, 28 pages) (NTIS Order #PB-206 262—D), January 31.

Garner Field, Uvalde, Texas. Acquire land for airport development and clear zones; strengthening and extending of runway, installation of medium intensity lighting, VASI system and security fencing. (ELR 1807, 31 pages) (NTIS Order #PB-206 385-D), February 7.

Manti-Ephraim Airport, Sanpete County, Utah. Improve general aviation airport, land acquisition, clear zones, runway extension, lighting and relocation of power lines. (ERL Order #1992, 15 pages) (NTIS Order #PB-207 064-D), February 25.

Final

Big Bear City Airport, San Bernardino County, Big Bear, California. Realignment of the existing runway, land acquisition, obstruction removal, etc. Comments made by DOI, USDA, DOT, EPA, Army COE, County and local offices, State of California. (ELR Order #1939, 47 pages) (NTIS Order #PB-204 023-F), February 16.

Nut Tree Airport, Vacaville, California. Extension of runway from 3300′ to 3800′; marking and lighting. Construction of parallel taxiway with holding aprons, and expansion of parking apron. Comments made by Army COE, DOI, DOT. (ELR Order #1967, 30 pages) (NTIS Order # PB-205 198-F), February 23.

Andrews County Airport, Andrews, Texas. Overlay existing 75′ x 4,000′ N/S runway and extend to 5300′; acquire land to extend runway, replace existing runway lighting, install airport beacon and VASI land air. Total estimated cost: $197,761. Comments made by DOI, USDA, HEW, DOT, EPA, County of Andrews. (ELR Order #1803, 36 pages) (NTIS Order #PB-201 576-F), February 8.

Atlanta Municipal Airport, Atlanta, Texas. Acquisition of land for airport development. Proposed construction of a 50′ x 3200′ runway, a 30′ taxiway, a 150′ x 250′ parking apron and installation of a segmented circle and wind cone and fencing. Comments made by USDA, EPA, HEW, HUD, DOT. (ELR Order #1966, 35 pages (NTIS Order # PB-202 593-F), February 23.

Federal Highway Administration

Draft

S.H. 110: Montgomery County, Alabama. Construction of 2.26 miles of road improvements, on 6 lanes from Vaughn Road to Interstate 85 and on 4 lanes from Interstate 85 to the Atlanta Highway. Approximately 50 to 80 feet of additional right of way will be required. Project SU-5105(101). (ELR Order #1910, 14 pages) (NTIS Order # PB-206 644-D), February 15.

State Route 20. Lauderdale County, Alabama. Relocation of Alabama State Route 20, beginning at Alabama-Tenn. state line, proceeding SE on new location to Natchez Trace Parkway (7.1 miles). Project S-202-F. (ELR Order #1944, 15 pages (NTIS Order # PB-206 766-D), February 15.

US 31 to US 29: Escambia County, Alabama. Proposed new two lane highway with the purchase of adequate right of way for future four lane construction. Total length is 2.4 miles. (ELR Order #1971, 6 pages) (NTIS Order # PB-206 861-D), February 25.

Geist Road and University Access Road: Fairbanks, Alaska. Reconstruction and extension of Geist Road from the intersection of University Avenue west to the intersection of the Chena Pump and Chena Ridge Roads and the proposed Fairbanks-Anchorage Highway (1.6 miles). Project No. S-0649(1). (ELR Order #1874, 20 pages) (NTIS Order # PB-206 583-D), February 10.

Interstate 630 from I-430-I-30: Pulaski County, Arkansas. Construction of a 6-lane interstate facility in Little Rock. Approximately 7.4 miles in length. (ELR Order #1983, 17 pages) (NTIS Order #PB-206 852-D) February 22.

Southwest Circumferential, Denver, Colorado. Interstate 470 Circumferential Route is the last section of Interstate that will complete the encirclement of the City of Denver. 4(f) required for two planned recreation areas, Bear Creek Reservoir Recreation Area and McLellan Reservoir Recreation Area. (ELR Order #1984, 100 pages) (NTIS Order #PB-207 067-D), February 18.

Interstate Route 91: Hartford-Windsor, Connecticut. Reconstruction of a nine-mile section of I.H. 91 and the construction of 1 mile of I.R. 291 and interchange in Windsor created at their junction. (ELR Order #1829, 55 pages) (NTIS Order #PB-206 462-D), February 10.

Route 262: City of Waterbury and Town of Plymouth, Connecticut. Reconstruction of Conn. Route 262 beginning 0.3 mile east of S.R. 847 extending northerly and terminating 0.1 mile north of Waterbury Road (0.7 mile). 4(f) required for 4 acres in Mattatuck State Forest. (ELR Order #1880, 49 pages) (NTIS Order #PB-206 565-D), February 9.

Route 141, Centre Road, Woodward Ave. to Lancaster Pike: New Castle County, Delaware. Construction of a 6 lane freeway with two, 2 lane frontage roads. This is the last link in the improvement of R. 141 around City of Wilmington. 4(f) required for land used as a recreational park. (ELR Order #1926, 100 pages). (NTIS Order #PB-206 787-D), February 17.

State Road 435: Orange County, Florida. Reconstruction of SR 435, making it 4-lanes within the City of Apoka (a distance of 1.785 miles) and widening to 24′ and resurfacing its 2 lanes for a distance of 4 miles north of the city limits. Displacement of a number of dwellings will result. (ELR Order #1897, 63 pages). (NTIS Order #PB-206 772-D), February 9.

U.S. Highway 301, Hillsborough and Pasco Counties, Florida. Reconstruction of 22.9 miles of U.S. 301 from 2 to 4 lanes between Tampa and Zephyrhills. Some homes and businesses will be displaced. (ELR Order #1908, 31 pages). (NTIS Order #PB-206 643-D), February 16.

U.S. Highway 41: Collier County, Florida. Improvement involves four-laning the portion of U.S. Highway 41 (S.R. 45) from south of Bonita Springs to the north of Estero and is 1.4 miles in length. (ELR Order #1978, 29 pages). (NTIS Order #PB-206 865-D), February 25.

U.S. Highway 95: Nez Perce County, Idaho. Relocation of U.S. 95 over Lewiston Hill, to improve safety. Termini vary being 7.1, 7.6 and 7.5 miles. Project F-4114(18). (ELR Order #1845, 55 pages). (NTIS Order #PB-206 551-D), February 11.

S.H. 39: Bingham County, Idaho. Construction of a 6.1 mile segment of 2-lane State Highway 39. Structures would be required for canal crossings. Minimum right-of-way width would be 100 feet. Some disruption and severance to existing agricultural units will result. (ELR Order #1911, 24 pages). (NTIS Order #PB-206 645-D), February 14.

Federal Aid Route 33 (Illinois 121): Macon County, Illinois. Reconstruction of approximately 3.6 miles of roadway, involves building of 4 lanes of new pavement. 4(f) determination required for a small quantity from Decatur Park District. (ELR Order #1854, 55 pages) (NTIS Order #PB-206 563-D), February 7.

FA Route 2, Section 77-2: Winnebago County, Illinois. Construction of a four-lane expressway. Begins 5.5 miles south of Illinois-Wisconsin border and follows Rte. 2 approximately 5.8 miles. (ELR Order #1857, 103 pages) (NTIS Order #PB-206 568-D), February 4.

FA Route 171 (Illinois Route 76): Boone County, Illinois. Establishment of a transportation corridor, five and one half miles long and 2000′ wide. Within this a 2 lane partially access controlled facility (Illinois Route 76) will be constructed, to be expanded to a 4 lane facility if needed. (ELR Order #1900, 62 pages) (NTIS Order #PB-206 647-D), February 9.

Route 148: Morgan, Scott, and Pike Counties, Illinois. Construction of a 52 mile, 4 lane, fully access controlled highway between the cities of Jacksonville and Berry. A 4(f) statement is required for the taking of conservation area land. Approximately 2600 acres of various types of land, much of it highly productive farmland and established timberland, will be required by the highway, as well as several farm residences. Project F-408. (ELR Order #1901, 103 pages) (NTIS Order #PB-206 640-D), February 9.

Elgin-O'Hara Freeway: Cook County, Illinois. Construction of 19 miles of multilane divided highway from US 20 at Elgin to Illinois Route 19 at Chicago O'Hara International Airport. The displacement of 99 residences, 12 commercial establishments and one industrial establishment will result (ELR Order #1932, 81 pages) (NTIS Order #PB-206 774-D), February 14.

F.A. 45 (Mannheim Road), Cook County, Illinois. Reconstruction of US 45 from 179th St. to 143rd St. 4(f) statement is required as land will be taken from the recreational facilities of Orland Center School. (ELR Order #1969, 58 pages) (NTIS Order #PB-206 871-D), February 23.

Freeway 520: Sioux City, Woodbury County, Iowa. Construction from proposed I-29/I-129 interchange east to an interchange with Lakeport Rd., then northeast to US-20. Will displace 20 homes, 13 farmsteads, 2 businesses and 1 mobile home. (ELR Order #1758, 12 pages) (NTIS Order #PB-206 165-D), January 24.

Freeway 520: Evansdale, Black Hawk County, Iowa. Construction from US-218 interchange in Waterloo, across Cedar River to a River Forest Rd. interchange in Evansdale, to an interchange with Ia. 297. The roadbed will act as a flood protection levee over part of its length. Involves displacement of 35 houses and 7–8 businesses. (ELR Order #1765, 15 pages) (NTIS Order #PB–206 260–D), January 27.

US–169: Miami and Johnson Counties, Kansas. Construction from 1 mile south of the Johnson-Miami County line to I–35 (8.5 miles). 4(f) determination will be required, depending on the route selected. Involves displacement of people and severance of property. Project 169–61 F 081–1(16) and 169–46 F 081–1(14). (ELR Order #1732, 72 pages) (NTIS Order #PB–206 170–D), January 28.

US–54: Augusta, Butler County, Kansas. Improvement to 4 lanes from 400′ west of Walnut St. to the west end of the Walnut River Bridge. Will displace residences and businesses. Project (SF) 54–8 U–038–4 (23, (24). (ELR Order No. 1733, 25 pages) (NTIS Order No. PB–206 168–D), January 27.

I–435 Extension (KCI Route): Johnson and Wyandotte Counties, Kansas. Addition of 20.5 miles to Interstate 435 loop around greater Kansas City. A minimum six-lane limited access facility, including interchanges and bridge crossings of Kansas and Missouri Rivers. Project 435–46 I–435–3(124), 435–105 I–435–3 (125), 435–52 I–435–3 (127). (ELR Order No. 1855, 100 pages) (NTIS Order No. PB–206 581–D), February 9.

U.S. 75: Shawnee County, Kansas. Improvements of U.S. 75 and its interchanges with Lower Silver Lake Road, U.S. 24 and Brickyard Road. (2.1 miles). A bridge over the Kansas River is planned. (ELR Order No. 1981, 10 pages) (NTIS Order No. PB–206 867–D), February 24.

KY–80, Pikesville-Elkhorn City Rd. and Elkhorn City-Virginia State Line Rd.: Pike County, Kentucky. Relocation of KY–80 between Shelbiana and Elkhorn City (16.17 miles). Involves relocation of residences, some mobile homes. Projects APD 640(5), AP 98–183–7L, AP 98–223–17L and APD 640(2), AP 98–2223–16L. (ELR Order No. 1722, 24 pages) (NTIS Order No. PB–206 174–D), January 27.

Somerset-London Road KY 80: Pulaski County, Kentucky. Reconstruction of 3.7 miles of KY 80. Project FAP 21, APD 195 (24). (ELR Order No. 1962, 28 pages) (NTIS Order No. PB–206 870–D), February 23.

LA–1: White Castle, Iberville Parish, Louisiana. Widening to 4 lanes from east of White Castle, partly on relocation, west to near Dorcyville (1.88 miles). Project 50–06–36, F–399(12). (ELR Order No. 1759, 24 pages) (NTIS Order No. PB–206 157–D), January 28.

Big Bend Rd.: Kirkwood, St. Louis County, Missouri. Relocation between I–244 and Marshall Rd. and widening to 4 lanes from Marshall Rd. to Couch Ave. Will displace 2 residences and 1 service station. Project T–4189 (8). (ELR Order No. 1736, 7 pages) (NTIS Order No. PB–206 181–D), January 28.

Route CC, Ozark County, Missouri. Construction of a highway facility, includes a bridge over the North Fork White River. Project begins approximately 2.5 miles east of Route 181 and the community of Dora, then traverses easterly 2.5 miles to Hammond Camp. (ELR Order No. 1802, 29 pages) (NTIS Order No. PB–206 383–D), February 7.

U.S. 6: Chase, Hayes and Hitchcock Counties, Nebraska. Improvements of a 14.5 mile segment of U.S. Highway 6 between Wauneta and Palisade, and construction of a spur road on new alignment into Hamlet. Project F–243(9) and F–243–A. (ELR Order No. 1844, 14 pages) (NTIS Order No. PB–206 569–D), February 11.

Omaha-Fremont Freeway: Douglas, Dodge and Saunders Counties, Nebraska. Construction of a 4-lane highway to connect Omaha and Fremont. Ten alternate routes of approximately 23 miles each are under consideration. Project F–20(35). (ELR Order No. 1862, 30 pages) (NTIS Order No. PB–206 584–D), February 10.

Route 27: Suffolk County, New York. Improvement and reconstruction of a portion of Route 27 as a six lane express facility with parallel service roads. The overall project covered in this statement is comprised of four design contracts: Contract 5, P.I.N. 0059.00; Contral 6, P.I.N. 0113.00; Contract 7, P.I.N. 0188.00; Contract 8, P.I.N. 0114.00. 4(f) required for land from the future Connetquot River State Park. (ELR Order No. 1876, 105 pages) (NTIS Order No. PB–206 582–D), February 10.

The Genesee Expressway: Interstate Route 390, Livingston and Monroe Counties, New York. Construction of thirty seven miles of the Genesee Expressway. (ELR Order No. 1964, 166 pages) (NTIS Order No. PB–206 856–D), February 22.

Riverdale Avenue Arterial, New York City Line to Main Street Westchester County, New York. Reconstruction of 1.7 miles of Riverdale Ave. to a four lane surface arterial with auxiliary lanes and median. (ELR Order No. 1989, 24 pages) (NTIS Order No. PB–207 066–D), February 24.

Albertson Rd.-Sherman Rd.-Linden Ave.: High Point, Guilford County, *North Carolina*. Provision of a continuous thoroughfare in High Point between Kearns Ave. and English Rd. along the alignment of Linden Ave., Springfield Ave., Sherman Rd. and Albertson Rd. and improvement of English Rd. from Westchester Dr. to the west corporate limits. Requires relocation of 45 families and 15 businesses. Project 9.8071021, S–1686. (ELR Order No. 1756, 18 pages) (NTIS Order No. PB–206 163–D), January 31.

NC–110: Haywood County, *North Carolina*. Improvement from the south corporate limits of Canton south to US–276 (5 miles). Will displace 7–14 families. Project 6.801870. (ELR Order No. 1757, 25 pages) (NTIS Order No. PB–206 164–D), January 31.

US 220: Guilford-Randolph Counties, *North Carolina*. Building of a new highway to connect I–40 in Greensboro and the new US 220 highway near Level Cross. (10.8 miles) (ELR Order No. 1871, 14 pages) (NTIS Order No. PB–206 556–D), February 11.

U.S. Highway 19E Bypass: Spruce Pine, Mitchell County, *North Carolina*. Relocation of U.S. 19E from about 0.5 mile west of the town limits to 0.1 mile east of the town (3 miles). Also existing N.C. 226 will be relocated to the west for a length of 0.9 mile. Several connectors will be constructed to tie into the existing street system. (ELR Order No. 1883, 22 pages) (NTIS Order No. PB– 206 566–D), February 14.

I–40: Buncombe and McDowell Counties, *North Carolina*. Construction of (1) an 8.1 mile segment of I–40 from Black Mountain to Old Fort and (2) a 0.66 mile relocation of N.C. 9 on the southern side of Black Mountain. Project I–40–1(27)65, I–40–2(28)67, I–40–2 (9)66. (ELR Order No. 1935, 20 pages) (NTIS Order No. PB–206 873–D). February 17.

New Salisbury Connector Between U.S. 29–601 and I–85: Rowan County, Salisbury, *North Carolina*. Construction of a new five-lane curb and gutter road extending from U.S. 29–601 at SR 1530 to I–85 at the SR 2541 interchange. Project S–1120. (ELR Order No. 1938, 17 pages) (NTIS Order No. PB–206 763–D), February 18.

7th Street: Langdon, Cavalier County, *North Dakota*. Construction of a curb and gutter street from 11th Ave. N. to 15th Ave. N. 4(f) determination required for construction through Langdon City Park, Project A–SI–12 (2) (ELR Order No. 1778, 5 pages) (NTIS Order No. PB–206 264–D), February 2.

Toledo—Downtown Distributor—SR–112: Lucas County, Ohio. Construction of a 0.9 mile limited access highway, starting at I–75 and extending across portion of Toledo, Ohio, to end in two downtown exit ramps and one entrance ramp. Project U–1135(1), LUC–112–0.00. (ELR Order # 1790, 18 pages) (NTIS Order # PB–206 402–D), February 2.

Defiance Railroad Grade Separation Replacement: Defiance County, Ohio. Construction of a four-lane facility with necessary turning lanes and traffic control items, etc. Project UG–649 ( ), DEF–15–14.09 (ELR Order # 1795, 14 pages) (NTIS Order # PB–206 405–D), February 2.

Wilson Mills Road, CH 8: Geauga County, Ohio. Project consists of widening and resurfacing the existing road and correcting sight distances, from Caves Road to S.R. 306 (1.30 miles). Project S–1617(1), (ELR Order # 1800, 6 pages) (NTIS Order # PB–206 406–D), February 2.

St. Marys South Connector: Auglaize County, Ohio. Construction of a new east-west street across the southern part of the City of St. Marys. Project SU–1638(1). (ELR Order # 1806, 10 pages) (NTIS Order # PB–206 377–D), February 8.

County Road 104A: Marion County, Ohio. Reconstruction of 0.504 miles of road by raising the roadway above the flood level and replacing a bridge over the Little Scioto River. Project S–1612(1). (ELR Order # 1848, 9 pages) (NTIS Order # PB–206 571–D), February 11.

I–280: Lucas County, Oregon, Ohio. Construction and addition of the following safety features to I–280 to the latest Federal standards: provide median barrier, reconstruct berms, flatten ditch slopes, resurface pavement, etc. Project I–280–2(4)79, LUC–280–0.00. (ELR Order # 1960, 11 pages) (NTIS Order # PB–206 785–D), February 22.

Oregon Coast Hwy.—Waterline Dr. Section (Newport) Naterlin Drive: Lincoln County, Oregon. Revision to part of the access road leading to the main entrance to Yaquina Bay State Park and to the water-front street system of Newport. (500 feet in length) TOPICS Project T–5021(3). (ELR Order #1847, 7 pages) (NTIS Order # PB–206 570–D), February 10.

Oregon Forest Highway Project Rte 46: Deschutes County, Oregon. Construction to current standards a section of the Oregon Forest Highway 46 beginning approximately 1.5 miles northerly of Davis Lake and extending 5.8 miles southerly to a point near the south end of Davis Lake in Klamath County. (ELR Order # 1877, 27 pages) (NTIS Order # PB–206 574–D), February 14.

Interstate Route 77 from Columbia to Rock Hill, South Carolina. South Carolina Highway Dept. in cooperation with Federal, State and local governments plans to construct a new highway as a part of the Interstate and Defense Highway System between Columbia and Rock Hill. (60 miles in length) (ELR Order # 1793, 28 pages) (NTIS Order # PB–206 388–D), February 3.

Heckle By-Pass: York County, Rock Hill South Carolina. Construction of the Heckle By-Pass from S.C. Rte. 322 to S.C. Rte. 161, a distance of approximately 4.5 miles. (ELR Order # 1872, 10 pages) (NTIS Order # PB–206 555–D), February 9.

Rosewood Drive: Richland County, Columbia South Carolina. Widening and extending of Rosewood Drive, from Assembly Street to Garners Ferry Road (U.S. 378), (2.95 miles). Also Wildcat Road would be widened for multi-lane travel. Project U–07–1( ). (ELR Order #1873, 11 pages) (NTIS Order #PB–206 567–D), February 9.

Assembly Street, Columbia, South Carolina. Extension of Assembly Street, from Elmwood Ave. northerly to River Drive (US 176), a distance of about 0.65 mile. (ELR Order #1945, 15 pages) (NTIS Order #PB–206 783–D), February 17.

Project F020–7: Lake County, South Dakota. Construction from 1 mile south of SH–34/SH–19 intersection southeast to SH–34 (7.5 miles). (ELR Order #1755, 5 pages) (NTIS Order #PB–206 162–D), January 25.

Federal Route 6, Ellington Parkway: Davidson County, Tennessee. Construction of a 2.44 mile section of 4 lane highway in Nashville. Seven residences and three businessess will be displaced. Project U–006–3 (40). (ELR #1906, 55 pages) (NTIS Order #PB–206 641–D), February 16.

SH–19: Delta County, Texas. Upgrading to 4 lanes from F.M. 1507 in Paris through Gadston to SH–19/SH–24 junction near Lake Creek (14.7 miles). Will displace 28 homes and 3 businesses. (ELR Order #1774, 75 pages) (NTIS Order #PB–206 267–D), January 4.

US–287: Ellis County, Texas. Construction of 4-lane highway fom Spur 394 southeast of Waxachie to near west city limits of Ennis (10 miles). Will displace 6 families and 2 farm outbuildings. (ELR Order #1775, 21 pages) (NTIS Order #PB–206 268–D), February 2.

US Highway 59: Cass and Bowie Counties, Texas. Reconstruction of 13 miles of U.S. Highway 59 from F.M. Road 2791 in Queen City, north to 2.4 miles north of Sulphur River. Improvement will consist of the addition of two lanes and reconstruction of the existing facility where necessary. Requires relocation of 10 families. (ELR Order #1794, 28 pages) (NTIS Order #PB–206 387–D), February 3.

State Highway 350: Howard County, Texas. Improvements consisting of construction of a railroad overpass and approaches. (0.9 mile). Displacement of 4 businesses. (ELR Order #1814, 22 pages) NTIS Order #PB–206 379–D), February 9.

State Highway 71: Fayette County, Texas. Development of present 2-lane S.H. 71 to a 4 lane divided highway, from 1.6 miles east of West Point to the Bastrop County line. Total length, 6.9 miles. (ELR Order #1815, 21 pages) (NTIS Order #PB–206 374–D), February 8.

Spur Highway 239: Val Verde County, City of Del Rio, Texas. Proposed relocation of Spur 239 from the intersection of U.S. 90 and 277 southwest to Ave. R, thence westerly to the U.S. Border Port of Entry (3.0 miles) (ELR Order #1985, 25 pages) (NTIS Order #PB–207 062–D), February 24.

Leigh Street Viaduct: Richmond, Virginia. Demolition of Marshall St. bridge and construction of a new crossing of the Shockoe Valley, the Lehigh Street Viaduct. Project SU–127-2(8). (ELR Order # 1912, 130 pages) (NTIS Order #PB–206 646–D), February 17.

Revised draft (9/23) SR–2: Snohomish County, Washington. Addition of passing lanes in the Sultan vicinity in 2 sections. Revised draft pertains to Section 2 right of way and excavation. FAP 024–1, CS 3109 SR 2. (ELR Order # 1779, 9 pages) (NTIS Order # PB–206 265–D), January 11.

State Route 90, King County, Washington. Construction of 5 miles of three lane highway. Erosion problems may develop along the north side of the upper Snoqualmie River Valley; Approximately 3 million feet of timber will be cut in the valley. (ELR Order # 1963, 33 pages) (NTIS Order # PB–206 869–D), February 23.

FAP Route 3, Stadium Freeway: Milwaukee, Greenfield, and West Milwaukee, Milwaukee County, Wisconsin. Construction to connect Stadium Freeway and interchange on East-West Freeway (I–94) to Greenfield interchange on the Airport Freeway (I–894) (5 miles). 4(f) determination required for use of portions of Cherokee Park, Jackson Park, Kinnickinnic River Parkway, Manitoba School in Milwaukee and Hillcrest School in Greenfield. Project F–03–1( ), 1350–1–00. (ELR Order # 1753, 130 pages) (NTIS Order # PB–206 178–D), January 31.

Oconomowoc-Pewaukee Road U.S.H. 16 and Oconomowoc South Beltline S.T.H. 67: Waukesha County, Wisconsin. Project consists of widening existing U.S.H. 16 from a two-lane conventional highway to a four-lane freeway (11.9 miles) Project F 06–1( ), I.D. 1371–2–00, S 0444( ), I.D. 3033–1–00. (ELR Order # 1953, 228 pages) (NTIS Order # PB–206 771–D), February 17

U.S.H. 45: Washington, Dodge and Fond du Lac Counties, Wisconsin. Reconstruction of US 41 from 4 lane divided highway to a limited access highway. 4(f) is attached, related to the acquisition of 26 acres of the Allenton Marsh and Theresa Marsh Wildlife Areas. (ELR Order # 1961, 78 pages) (NTIS Order # PB–206 872–D), February 23.

Final

FAS 2317: Dale County, Alabama. Construction of a steel beam span bridge across the Choctawhatchee River. Project S–2317 (101). Comments made by USDA, Army COE, EPA, DOI, DOT and Coosa Valley Planning Agency. (ELR Order # 1750, 19 pages) (NTIS Order # PB–206 172–F), January 26.

US 431: Henry County, Alabama. Construction of 11.8 miles of 2-lane U.S. 431 in Headland extending northerly to a point approximately 1.5 miles south of Abbeville city limits. Project F–129(6). Comments made by USDA, DOI, EPA. (ELR Order # 1838, 12 pages) (NTIS Order # PB–202 076–F), February 9.

State Route 180: Baldwin County, Gulf Shores, Alabama. Relocation of Alabama S.R. 180 beginning at the intersection of Alabama 59 and 20th St. and runs eastward. 4(f) required for a portion of Gulf State Park in Gulf Shores. Comments made by Alabama Dept. of Conservation, DOI, EPA, Army COE, FAA, DOC. Several other state agencies. (ELR Order # 1951, 49 pages) (NTIS Order # PB–206 784–F), February 18.

Lowell-Double Adobe-McNeal Highway: Cochise County, Arizona. Widening and surfacing between Douglas and Bisbee (13 miles). Projects S0208(2), Prince Rd. section; S–208(4), Prince Rd.-Double Adobe section; S–490(2), Cochise Jr. College-Double Adobe section. Comments made by EPA, DOI, Ariz. Game and Fish Dept. and Ariz. State Museum. (ELR Order No. 1746, 28 pages) (NTIS Order No. PB–202 444–F), January 26.

Naco-Don Luis Highway: Cochise County, Arizona. Project will provide a 64 foot roadway with curb, gutter and sidewalk and a 40 foot roadway in the second unit. Project located adjacent to the International Boundary between US and Mexico. Project S–SG–204(4). Comments made by EPA, DOI, State of Arizona. (ELR Order No. 1917, 29 pages) (NTIS Order No. PM–202 325–F), February 15.

Routes 83 and 94: Town of Glastonbury, Connecticut. Reconstruction of .39 mile of Route 83 and .54 mile of Route 94 at intersection in Glastonbury. Six acres of meadow and woods required for right of way. Project No. SU–S–9(5). Comments made by DOI, OE, 3 state agencies. (ELR Order No. 1818, 57 pages) (NTIS Order No. PB–201 529–F), February 9.

SR–7, US–441: Palm Beach County, Florida. Construction of a 2-lane roadway adjacent to existing 2-lane highway and resurfacing existing highway (8.6 miles). Project S–12 (12), 93210–1503. Comments made by Army COE, EPA, HEW, HUD, DOI, State Planning and Development Clearinghouse, Fla. Game and Fresh Water Fish Commission, Fla. Division of Planning and Budgeting, Fla. Dept. of Air and Water Pollution Control, Palm Beach Area Planning Board, Broward County Planning Board and City of Boca Raton. (ELR Order No. 1748, 37 pages) (NTIS Order No. PB–202 648–F), January 26.

State Road 808: Palm Beach County, Florida. Straightening and widening SR 808 from SR 7 (US 441) to SR 5 (US 1), a distance of 7 miles in the city of Boca Raton. Project US 298(2). Comments made by DOI, DOC, EPA, State and local agencies. (ELR Order No. 1919, 29 pages) (NTIS Order No. PB–201 690–F), February 15.

West Wallace Interchange to East Wallace Interchange: Shoshone County, City of Wallace, Idaho. Construction of a 1.7 mile segment of 4-lane divided Interstate 90 highway. Project I–90–1(47)61. Comments made by USDA, Army COE, HUD, HEW, DOI, EPA, several State and local offices. (ELR Order No. 1849, 59 pages) (NTIS Order No. PB–201 573–F), February 10.

Wacker Drive Extension (US Route 7): Cook County, Chicago, Illinois. Construction of a tri-level structure, from Michigan Ave. to N. Lake Shore Dr. Comments made by Army COE, Coast Guard, EPA, DOI, DOT and numerous state agencies. (ELR Order No. 1933, 257 pages) (NTIS Order No. PB–202 432–F), February 15.

SR–46 and SR–3 (FAS Route S–558): Scott County, Indiana. Replacement of the grade separation over the B&O R.R. 0.2 mile south of the SR–56/SR–3 junction and relocation of approaches through Morgan Trail Park. Comments made by EPA, HUD, and DOI. (ELR Order No. 1743, 34 pages) (NTIS Order No. PB–202 323–F), January 26.

S.R. 43: Montgomery County, Indiana. Improvement of 3.2 miles of 4 lane divided highway. Displacement of 4 businesses, 13 residences, damage to 15 residences. Project 191(15) P.E. Comments made by EPA, DOI, USDA and HUD. (ELR Order No. 1835, 13 pages) (NTIS Order No. PB–202 126–F), February 9.

K–25: Rawling County, Kansas. Spot location improvements which will replace three existing timber structures along with improvements of the grade lines at each location. Project 25–77. Comments made by USDA, DOI, EPA, Army COE. (ELR Order No. 1916, 26 pages) (NTIS Order No. PB–202 788–F), February 15.

US–62, Blandville Rd., Paducah, McCracken County, Kentucky. Widening to 4 lanes from US–45 (Lone Oak Rd.) to KY–1286 (Friendship Church Rd.) (1.81 miles). Project S 318. Comments made by EPA, HEW, DOI and Univ. of Ky. (ELR Order No. 1744, 16 pages) (NTIS Order No. PB–203 223–F), January 26.

Whitesburg Bypass: Letcher County, Kentucky. Construction of a segment of the Appalachian Developmental System (Corridor I), from KY–15 to US–119. Will touch upon Whitesburg Appalachian Regional Hospital property and displace 29 residences. Comments made by DOC. EPA, HEW HUD, DOI, DOT, Ky. Water Pollution Control Commission and Ky. Program Development Office. (ELR Order No. 1749, 44 pages) (NTIS Order No. PB–201 762–F), January 26.

Pikeville-South Williamson Road US No. 119: Pike County, Kentucky. Construction of 1.79 miles, 4-lane segment of the Appalachian Developmental Highway System. Will necessitate the use of 70 acres right of way and the relocation of 26 residences, 3 businesses and one cemetery. APD 506 (9) AP 98–83–19L. Comments made by Army COE, DOI, EPA, HUD, DOI. (ELR Order No. 1830, 32 pages) (NTIS Order No. PB–202 003–F), February 9.

US 45 Business Route: Fulton County, Kentucky. Improvement on new alignment in the urban renewal area between the US 45 Bypass and fourth street at Carr St. Project F–144. Comments made by City of Fulton, HUD. (ELR Order No. 1924, 18 pages) (NTIS Order No. PB–206 788–F), February 15.

Interstate Route 410: St. Charles Parish, Louisiana. State Project No. 700-07-72. Construction of 10.4 miles of Interstate 410. Approximately 378 acres of agricultural, timber and freshwater marsh land will be required for right of way. Comments made by USDA, Army COE, GSA, HEW, DOI, and 2 state agencies. (ELR Order No. 1825, 37 pages) (NTIS Order No. PB-198 980-F), February 9.

US-31: Berrien County, Michigan. Relocation of US-31—total of 9.4 miles of construction. Will involve land erosion and sedimentation of St. Joseph River. F 47-1 ( ). Comments made by Army COE, HUD, DOI, USDA, and State of Indiana Highway Commission. (ELR Order No. 1840, 53 pages) (NTIS Order No. PB-206 442-F), February 9.

T.H. 94: Stearns County, Minnesota. Construction of 18 miles of 4-lane T.H. 94. Displacement of farmsteads will hasten trend away from agricultural land use. Project F094-2 ( ), 7380. Comments made by Army COE, EPA, DOT, and USDA. (ELR Order No. 1821, 90 pages) (NTIS Order No. PB-201 307-F), February 9.

Route 13: Polk and Greene Counties, Missouri. Construction of dual lane facility from Bolivar to Springfield (24 miles). Project F-13-2 (8), (9), (10), (11), (12); U-13-2(13). Comments made by HUD, DOT, State Clearinghouse and Lakes Country Regional Planning Commission. (ELR Order No. 1738, 37 pages) (NTIS Order No. PB-206 175-F), January 25.

Howdershell Road Extension: St. Louis County, Missouri. Reconstruction of Howdershell Road. Project T-4189(36). Comments made by EPA, DOI. (ELR Order # 1831, 16 pages) NTIS Order # PB-203 105-F), February 9.

US Highway No. 12: Golden Valley County, Ryegate, Montana. Project will provide the public with a 34-foot wide roadway with two 12-foot traffic lanes approximately 12.2 miles in length. Project F 268(7). Comments made by EPA, DOI, DOC, USDA, Army COE, HEW, HUD, Montana Water Resources Board, State Forester, Montana Dept. of Health, (ELR Order # 1923, 52 pages) (NTIS Order # PB-200 373-F), February 15.

Highway No. 89: Teton and Cascade Counties, Montana. Reconstruction of 9.6 miles of Highway 89. Approximately 40 acres of irrigated land will be taken out of production. Comments made by Army COE, EPA, HUD, DOI, DOT. (ELR Order # 1931, 70 pages) (NTIS Order # PB-200 217-F), February 15.

Interstate Route 15: Teton County, Montana. Project begins 2.2 miles north of Dutton and terminates one mile south of the Teton-Pondera County Line. In addition to a four-lane divided highway, the project provides full control of access with appurtenant local access system. (7.113 miles) Project I 15-6(2) 305. Comments made by DOI, HUD, Army COE, Teton County, State of Montana. (ELR Order #1988, 36 pages) (NTIS Order #PB-202 082-F), February 23.

N-100 and N-68: Rockville, Sherman County, and Ravenna, Buffalo County, Nebraska. Improvement of N-100 from N-10 to N-58 (8.1 miles) and relocation of N-68 from 0.5 mile north of Ravenna to N-100 (4.5 miles). Projects S-36(4) and S-201(5). Comments made by USDA, Army COE, EPA, HUD, DOI and Neb. Dept. of Environmental Control. (ELR Order # 1745, 20 pages) (NTIS Order # PB-203 099-F), January 26.

Highway 41: Saline County, Nebraska. Construction of a new highway N-41 located on a former county road just north of Milligan, east 11.0 miles to junction with State Highway N-15. Project S-185(5). Comments made by State of Nebraska, EPA, DOI, Army COE, USDA. (ELR Order # 1922, 26 pages) (NTIS Order # PB-199 236-F), February 15.

Coyles Corners—Short Clove SH 9005: Rockland County, New York. Reconstruction of .7 mile of Route 304, presently 2 lanes, to 4 lane divided highway. Residences will be displaced. Project No. 8155.00. Comments made by HUD and DOI. (ELR Order # 1832, 27 pages) (NTIS Order # PB-200 805-F), February 9.

Route 17J, City of Jamestown: East-West Arterial, Chautauqua County, New York. Construction of a four lane surface arterial requiring a bridge over Chadakoin River and Erie-Lackawanna Railroad. Project P.I.N. 5289.00, .01 and .02. Comments made by DOI, USDA, HEW, New York State Historic Trust. (ELR Order # 1929, 59 pages) (NTIS Order # PB-199 243-F), February 15.

SH 5283: St. Lawrence County, New York. Proposed reconstruction is on N.Y. US Route 11 in town of Dekalb, extending 6.7+ miles. Comments made by HUD, USDA, FPC. (ELR Order # 1986, 21 pages) (NTIS Order # PB-199 862-F), February 23.

US 70-74, Proposed Freeway Connector: Buncombe County, North Carolina. Construction of a basic four-lane divided freeway from I-40 to US 70 and a basic six-lane divided freeway from US-70 to the East-West Expressway in Asheville. Project F-34-1(6). Comments made by University of N.C., TVA, DOI, HEW, EPA, Army COE, USDA, State and local agencies. (ELR Order #1920, 80 pages) (NTIS Order #PB-202 433-F), February 15.

US 421, from Sanford to Seminole: Lee-Harnett Counties, *North Carolina*. Construction of a highway improvement for US 421, for 6.9 miles. Consists of widening to five lanes of NC 87 and construction of a new two-lane highway. Project 6.801741. Comments made by State of N.C., EPA, OEO, DOI, GSA, Army COE, USDA, (ELR Order #1931, 34 pages) (NTIS ORDER #PB-202 434-F), February 15.

State Route US-24: Lucas County, *Ohio*. Widening to 4 lanes from Lucas County 133 (Dutch Rd.) to Lucas County 105 (Jerome Rd.) (1.9 miles) and construction of an interchange between Lucas County 126 (Stitt Rd.) and Lucas County 105 (Jerome Rd.). Project F-1043(6). Comments made by DOI, DOT, Ohio Historical Society and Ohio Dept. of Highways. (ELR Order #1751, 25 pages) (NTIS Order #PB-206 171-F), January 26.

State Route 93: Holmes County, and Tuscarawas County, *Ohio*. Construction of a relocated 2-lane highway on non-limited right of way. Project S-969(11). Comments made by HUD, DOI. (ELR Order #1918, 22 pages) (NTIS Order #PB-200 204-F), February 18.

County Road 60: Washington County, *Ohio*. Relocation of 2,000 feet of 2-lane County Road 60. One residence will be displaced. Comments made by Army COE, EPA, DOI. (ELR Order #1930, 22 pages) (NTIS Order #PB-202 309-F), February 15.

State Route 39: Holmes County, *Ohio*. Relocation of S.R. 39, with a bridge over Lake Fork at a location about 2 miles east of Loudenville. Comments made by Ohio Planning and Development Clearinghouse, DOI, Army COE, EPA. (ELR Order #1987, 24 pages) (NTIS Order #PB-201 097-F), February 23.

L.R. 1035 Spur F: Berks County, Pennsylvania. Construction of a limited access 4-lane divided highway. Comments made by EPA, HUD, DOI. (ELR Order #1820, 62 pages) (NTIS Order #PB-199 239-F), February 9.

Interstate 78: Northhampton County, Pennsylvania. Improvements on a short segment of I-78 on new location. The project consists of two 36-foot divided pavements, dual structures over the Delaware River. Project 1-1045-0-4-A07—055, 1-1045-0-4-A08-055. Comments made by DOC, EPA, Army COE, HUD, DOI, various Commonwealth of Pennsylvania Offices. (ELR Order #1928, 65 pages) (NTIS Order #PB-206 770-F), February 15.

Woonsocket Industrial Highway: Woonsocket-Cumberland - Lincoln - North Smithfield-Rhode Island. Construction of a modern-fast-safe and efficient highway beginning at the Louisquisset Pike (S.R. 146) and extending generally northeasterly to Mendon Road (S.R. 122). Length of Route could be anywhere from one and three quarters to three miles. Comments made by DOI, Army COE, EPA, FPC, USDA, GSA, DOC. (ELR Order #1927, 56 pages) (NTIS Order #PB-199 868-F), February 15.

Haywood Road and Howell Road: Greenville County, South Carolina. Construction of 1.5 miles of roadway between Haywood Road and Howell Road. Comments made by HUD and County agencies. (ELR Order #1822, 9 pages) (NTIS Order #PB-198 844-F), February 9.

US 176: Spartanburg County, South Carolina. Widening of US 176 from 2 to 4 lanes for a distance of 5 miles. Comments made by HUD, local and regional agencies. (ELR Order #1837, 11 pages (NTIS Order #PB-206 443-F), February 9.

SR-8 and SR-111: Sequatchie County, Tennessee. Upgrading from 2.5 miles south of Cagle to the Van Buren County line (7.77 miles). Projects APD J11-J13. Comments made by USDA, DOI, DOT, TVA, State Office of Urban and Federal Affairs and Sequatchie Valley Planning and Development Agency, Inc. (ELR Order #1747, 27 pages) (NTIS Order #PB-206 160-F), January 26.

State Route 29: Scott County, Tennessee. Reconstruction of 3 miles of US 27, from 2 to 4 lane divided highway. Relocation of 9 families. Comments made by USDA, TVA, various state of Tennessee agencies. Project F-031-1 ( ). (ELR Order #1823, 23 pages) (NTIS Order #PB-200 220-F), February 9.

Briley Parkway, Davidson County, Tennessee. Construction of 11.7 miles of circumferential urban expressway around the Nashville Central Business District. The displacement of 41 families and 2 businesses will result. Comments made by USDA, Army COE, FHWA, FAA, TVA and several state agencies. (ELR Order #1824, 40 pages) (NTIS Order #PB-206 459-F), February 9.

State Route 36: Unicoi County, Tennessee. Construction of 3.79 miles of 4-lane limited access highway. Requires the rechanneling of two creeks, and 1 river. Displacement of 55 families, 1 church. Project APD-036-1(5), 86001-1205-64 and 86003-1202-64. Comments made by Army COE, DOI, DOT, HUD, DOT, DOC, HEW, TVA and state agencies. (ELR Order #1841, 108 pages) (NTIS Order #PB-202 640-F), February 9.

S.H. Spur 354: Dallas County, Texas. Reconstruction of traffic circle from 2 to 4 lanes. Will require 17 acres of right-of-way and the displacement of 5 businesses. Comments made by EPA, HEW. Project T-9001(5). (ELR Order #1839, 16 pages) (NTIS Order #PB-199 244-F), February 9.

I-80: Summit County, Utah. Construction of 4-lane divided highway (eastbound lane generally along US-30) from east of Emory Overhead through Echo Canyon to 1 mile east of Castle Rock. Project I-80-4(11)175. Comments made by USDA, EPA, DOI and the State Clearing House. (ELR Order #1752, 66 pages) (NTIS Order #PB-200 439F), January 26.

SR 112, Jim Creek Bridge Replacement: Clallam County, Washington. Replacement of existing timber bridge with large arch culvert and construction of 850 feet of approach roadway. Comments made by State of Washington, EPA, DOI and HUD. (ELR Order #1836, 6 pages) (NTIS Order #PB-201 991-F), February 9.

Beloit-Elkhorn Road; S.T.H. 15: Rock and Walworth Counties, Wisconsin. Construction of 26 miles of 4-lane Highway 15. Approximately 1,250 acres will be required for right-of-way. Comments made by EPA, HEW, HUD, DOI. Project I.D. 1093-0-00, I.D. 1901-0-00, F 015-1( ). (ELR Order #1826, 53 pages) (NTIS Order #PB-201 380-F), February 9.

U.S. Coast Guard

Contact: D. B. Charter, Jr., Commander, U.S. Coast Guard, Chief, Environmental Coordination Branch, 400 7th Street, S.W., Washington, D.C. 20591, (202) 426-9573.

Title, description, and date

Final

State Route 152 Bridge, Atlantic County, New Jersey. Plans for the construction of a bridge to replace an existing aged and deteriorated highway bridge (S.R. 152) over Broad Thorofare, New Jersey Intracoastal Waterway. Comments made by Atlantic County Citizens Council on Environment, Inc., New Jersey Dept. of Environmental Protection and DOC. (ELR Order #1949, 25 pages) (NTIS Order #PB-199 741-F), February 22.

Department of Treasury

Contact: Richard E. Slitor, Assistant Director, Office of Tax Aanalysis, Washington, D.C. 20220, (202) 964-2797.

Title, description, and date

Draft

The proposed action would approve polyvinyl chloride (PVC) for the manufacture of liquor bottles. A partial replacement of glass liquor bottles by the lighter PVC bottles would result. When incinerated the PVC material produces hydrochloric acid, a corrosive agent and pollutant. (ELR Order #1865, 86 pages) (NTIS Order #PB-206 561-D), February 14.

Proposed tax on sulphur emissions. Proposal to improve a tax of 15 cents a pound on sulphur oxide emissions beginning with the calendar year 1976. Reduction in the tax rate or exemption from tax would apply in qualified regions depending upon the degree of regional compliance with sulphur oxide air quality standards for the preceding year. (ELR Order #1878, 19 pages) (NTIS Order #PB-206 573-D), February 15.

Modification in the Internal Revenue Code to encourage the protection of coastal wetlands, the preservation of historically significant buildings, a greater degree of rehabilitation in urban areas, and the donation of rights in land for conservation purposes. (ELR Order #1965, 7 pages) (NTIS Order #PB-206 868-D), February 24.

REGIONAL FEDERAL HIGHWAY ADMINISTRATORS

Region 1.—(Conn., N.H., R.I., Mass., Puerto Rico, Me., N.J., Vt., N.Y.).

Administrator: Gerald D. Love, 4 Normanskill Blvd., Delmar, N.Y. 12054 Tel: (518) 472-6476.

Region 2.—(Del., Ohio, Md., W.V., D.C., Penna., Va.).

Administrator: August Schofer, Rm. 1633, George H. Fallon Federal Office Bldg., 31 Hopkins Plaza, Baltimore, Md. 21201 Tel: (301) 962-2361.

Region 3.—(Alabama, S.C., Georgia, N.C., Fla., Tenn., Miss.).

Administrator: Harry E. Stark, Suite 200, 1720 Peachtree Rd, N.W., Atlanta, Georgia 30309 Tel: (404) 526-5078.

Region 4.—(Ill., Ky., Wisc., Indiana, Mich.).

Administrator: Fred B. Farrell, 18209 Dixie Hwy., Homewood, Ill. 60430 Tel: (312) 799-6300.

Region 5.—(Iowa, Neb., Minn., Mo., Ka., N.D., S.D.).

Administrator: John B. Kemp, P.O. Box 7186, Country Club Station, Kansas City, Missouri 64113 Tel: (816) 361-7563.

Region 6.—(Ark., Oklahoma, La., Texas).

Administrator: James W. White, 819 Taylor St., Ft. Worth, Texas 76102 Tel: (817) 334-3232.

Region 7.—(Arizona, Hawaii, Calif., Nevada).

Administrator: Sheridan E. Farin, 450 Golden Gate Ave., Box 36096, San Francisco, Calif. 94102 Tel: (415) 556-3951.

Region 8.—(Alaska, Montana, Wash., Idaho, Oregon).

Administrator: Ralph M. Phillips, Rm. 412, Mohawk Bldg., 222 Southwest Morrison St., Portland, Ore. 97204 Tel: (503) 226-3454.

Region 9.—(Col., Utah, N.M., Wyoming).

Administrator: William H. Baugh, Bldg. 40, Denver Federal Center, Denver, Colorado 80225 Tel: (303) 233-6721.

Availability of Environmental Protection Agency comments on environmental impact statements

Appendix I contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from February 1, 1972, to February 27, 1972, as required by section 102 (2) (C) of the *National Environmental Policy Act* of 1969 and section 309 of the *Clean Air Act*, as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix II contains a listing of proposed regulations reviewed by EPA during the period from February 1, 1972, to February 27, 1972, under section 309 of the *Clean Air Act*. The listing includes the Federal agency responsible for the proposed regulation, the title of the regulation, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix III contains definitions of the four classifications of the general nature of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix IV contains a listing of the addresses of the sources for copies of EPA comments listed in Appendix I.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

APP. I.—ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEB. 1, 1972 AND FEB. 27, 1972

Title and number of statement[1]	General nature of comments	Source for copies of comments
Atomic Energy Commission:		
D-AEC-00011-56: Power burst facility, reactor testing station (Idaho).	1	A
D-AEC-60022-30: Elk River reactor dismantling (Elk River, Minn.)	2	A
Corps of Engineers:		
D-COE-32160-07: Maintenance of Tarrytown Harbor	1	C
D-COE-32153-07: Maintenance of New York and New Jersey Channels.	3	C
D-COE-32154-08: New Jersey Coastal Inlets and Beaches	1	C
D-COE-39097-07: Ninemile Creek (Holland Patent, N.Y.)	1	C
D-COE-32098-08: B. L. England Station-Unit No. 3 (Great Egg Harbor Bay, N.J.).	3	C
D-COE-32096-07: Hudson River Channel, New York operation and maintenance action.	1	C
D-COE-30013-08: Maintenance in Newark Bay, Hackensack, Passaic.	1	C
D-COE-25011-00: Permit program for waste disposal in Atlantic Ocean.	2	C
D-COE-30015-12: Beach erosion control, hurricane protection (Ocean City, Md.)	2	D
D-COE-30020-20: Beach erosion and hurricane project, Jekyll Island (Savannah, Ga.).	3	E
D-COE-30021-21: Mullet Key beach erosion control project (Florida).	1	E
D-COE-34017-25: Diked disposal area (Ontonogon Harbor, Mich.).	2	F
D-COE-34016-26: Diked disposal area (Ashland Harbor, Wis.)	2	F
D-COE-32050-29: Sandusky Harbor (Erie County, Ohio)	3	F
D-COE-32086-34: Texas city channel	3	G
D-COE-32085-34: Texas-Corpus Christi ship channel	3	G
D-COE-30012-36: Union dike improvement (Near Valley, Nebra.)	3	I
Department of Agriculture:		
D-DOA-82012-00: Soil inhabiting insects: Transportation centers.	2	A
D-DOA-82011-00: Witchweed: Cooperative Federal Control regulatory.	2	A
D-DOA-36062-15: Shoemaker River Watershed Work Plan (Rockingham County, Va.).	1	D
D-DOA-07033-39: Associated electric cooperative (Springfield, Mo.).	2	H
D-DOA-62009-00: Uncomtahgre primitive area	2	I
D-DOA-36070-56: Georgetown Creek watershed (Bear Lake County, Idaho).	2	K
D-DOA-82016-55: Use of herbidices, Siuslaw National Forest (Oregon).	2	K
Department of Commerce:		
D-DOC-89023-52: Virgin Islands rehabilitation of Conada Lagon	1	C
D-DOC-20028-00: EDA Project Northwest 54th St	1	K
D-DOC-81027-54: Planetarium education facility (Washington)	1	K
Department of Defense:		
D-DOD-11006-45: Disposal of cluster bombs at Rocky Mountain Arsenal;	1	A
D-DOD-11013-25: Small-scale explosive icebreaker (Michigan)	2	F
Department of the Interior:		
D-DOI-07015-43: Jim Bridger project (Wyoming)	3	I
D-DOI-60025-56: East Greenacres unit, Rathdrum Prairie project (Idaho).	2	K
Department of Transportation:		
D-DOT-40233-05: I-484, No. EPA 226 (Hartford, Conn.)	2	B
D-DOT-40058-07: Pin Niagara St. Arterial Route 266 (Tonawanda, N.Y.).	1	C
D-DOT-40134-08: Route 322 Freeway (Gloucester County, N.J.)	1	C
D-DOT-40132-07: Riverhead-Mattituck, points 1 and 3, State Highway 8181, Route 25 vicinity of Aldrich Lane, Suffolk County.	2	C
D-DOT-40128-07: Interstate Route Connecticut 571, Forest Interchange (Jamesville, Onondaga County, N.Y.).	2	C
D-DOT-40127-07: Hollowville-Craryville, Route 23 (Colombia County, N.Y.).	1	C
D-DOT-40125-07: Veteran's Memorial Dr., Rockland County (N.Y.).	2	C
D-DOT-40119-07: Relocation of Route 209, Ulster County (N.Y.).	2	C
D-DOT-40118-07: Vandalia-Olean, Cattaraugus County (N.Y.)	1	C
D-DOT-84006-07: The recommended transportation study, Ogdensburg area study (New York).	2	C
D-DOT-40459-07: Interstate Route 508, Susquehanna Expressway (New York).	2	C
D-DOT-40458-07: Route 208 Freeway-Bergen County to Vernon, Sussex County.	2	C

Title and number of statement[1]	General nature of comments	Source for copies of comments
D-DOT-40457-14: I-77-2(11)8 West Virginia Turnpike Upgrading, Mercer, Raleigh, Fayette, Kanawha Counties.	1	D
D-DOT-40438-15: Route 288, Chesterfield, Goochland, and Henrico Counties (Va.).	1	D
D-DOT-81026-15: Construction of New Coast Guard Base, Portsmouth (N.H.).	2	D
D-DOT-51051-15: Airport development, Tristate Airport (Huntington, W. Va.).	1	D
D-DOT-40522-14: Wheeling Hospital access road County Route 40/8 (Ohio County, W. Va.).	1	D
D-DOT-40516-23: State Route 60, Bradley County (Cleveland, Tenn.).	1	E
D-DOT-40517-18: Lane St. from I-85 to Cannon Boulevard (North Carolina).	1	E
D-DOT-51050-20: Construction of airport, Trenton, Dade County (Ala.).	1	E
D-DOT-40519-17: State Route 2-95-9L (Allen County, Ky.)	1	E
D-DOT-40518-18: I-95 Fayetteville Bypass (Cumberland County, N.C.).	1	E
D-DOT-84005-00: Oil containment barrier test, Gulf of Mexico	1	E
D-DOT-40476-18: Pasquotank County, N.C. U.S.-17 Bypass, Elizabeth City.	1	E
D-DOT-40502-18: State Route 1216, State Route 1201 from New Bogue Sound Bridge to Atlantic Beach (Cartereto, N.C.).	1	E
D-DOT-40501-22: Grade Separation for L. & W. Railroad, Cullman County.	1	E
D-DOT-40500-22: U.S.-80 to Intersection of Alabama 14 (Selma, Ala.).	1	E
D-DOT-40478-21: Bridge construction to Three Islands (Hallandale and Hollywood, Fla.).	4	E
D-DOT-40520-18: U.S.-74 (Columbus County, N.C.)	1	E
D-DOT-50039-30: USN 2 Arrowhead Bridge and Approaches (Duluth County, Minn.).	1	F
D-DOT-49014-26: Park and Lake Freeways (Milwaukee County, Wis.).	2	F
D-DOT-49013-29: State Route 4, Clark Champaign, Union Counties (Ohio).	2	F
D-DOT-40512-30: Freeway facility I-394 (Hennepin County, Minn.).	2	F
D-DOT-40452-27: Illinois Route 59, E. W. Rollway to Route 64	2	F
D-DOT-40475-29: State Route 29, Anglaize and Shelby Counties (Ohio).	1	F
D-DOT-40474-25: U.S. 41 reconstruction (Marquette County, Mich.).	2	F
D-DOT 40511-25: Grd. 531 (Fas. Route 297) Cisco Lindsley Lakes (Gogebic County, Mich.).	1	F
D-DOT-40509-25: Construction of I-69 from I-96 to U.S. 27 (Clinton County, Mich.).	1	F
D-DOT-40497-29: C.R. 8 bridge replacement (Shelby County, Ohio).	1	F
D-DOT-40496-20: State Route 241 (Stark County, Ohio)	1	F
D-DOT-40495-30: Ch. 39 (Norman County, Minn.)	1	F
D-DOT-40494-29: U.S. 50A, State Route 7, Marietta Freeway (Washington County, Ohio).	2	F
D-DOT-40493-29: State Route 16/76 (Coshocton County, Ohio)	1	F
D-DOT-40492-29: State Route 39, Sugarcreek to Dover (Ruscarawas County, Ohio).	1	F
D-DOT-40491-32: Oklahoma project State Highway 199 (Carter County, Okla.).	1	G
D-DOT-40529-31: Interstate 25 through Las Vegas (New Mexico)	2	G
D-DOT-40521-36: F-28 Murray Intersection S-534(11) Murray East.	2	H
D-DOT-40506-36: U.S. 79, North Bend (Dodge County, Nebr.)	3	H
D-DOT-40498-39: VII-214 Route 72 (Cape Girardeau, Mo.)	2	H
D-DOT-40507-39: Route AC, Buchanan County, Route 6 S. to Route YY (Missouri).	2	I
D-DOT-40472-44: Highway project Orem-Center Street (Utah County, Utah).	1	I
D-DOT-40493-47: I-5 at Elk Grove Overcrossing (Sacramento, Calif.).	2	J
D-DOT-40485-55: Tiggard Interchange, I-5	1	K
Federal Aviation Administration: D-FAA-51040-34: Dallas-Ft. Worth Airport.	2	G
General Services Administration: D-GSA-89036-07: Miller Field-Willard Hotel.	3	C
Department of Housing and Urban Development: D-HUD-81037-07: Low-rent public housing (Forest Hills, N.Y.).	2	C

APP. II.—PROPOSED REGULATIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEB. 1, 1972 AND FEB. 27, 1972

Title and number of statement[1]	General nature of comments	Source for copies of comments
Department of the Interior: Proposed rulemaking regarding limitation on use of motor vehicles in Back Bay National Wildlife Refuge Beach (Virginia).	1	A
Veterans' Administration: Procedures to implement the National Environmental Policy Act of 1969.	2	A

[1] The number preceding the title is an EPA number assigned to each draft impact statement reviewed. This number should be cited when requesting copies of EPA's comments.

APPENDIX III.—DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

(1) *General Agreement/Lack of Objections:* The Agency generally:

(a) has no objections to the proposed action as described in the draft impact statement;

(b) suggests only minor changes in the proposed action or the draft impact statement; or

(c) has no comments on the draft impact statement or the proposed action.

(2) *Inadequate Information:* The Agency feels that the draft impact statement does not contain adequate information to assess fully the environmental impact of the proposed action. The Agency's comments call for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) *Major Changes Necessary:* The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) *Unsatisfactory:* The Agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be utilized may not adequately protect the environment from the hazards arising from this action. The Agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX IV.—SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2203, John F. Kennedy Federal Bldg., Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Environmental Protection Agency, Curtis Bldg., 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree St., N.E., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Affairs, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington 98101.

Agency	Draft 102's for actions on which no final 102's have yet been received	Final 102's on legislation and actions	Total actions on which final or draft 102 statements for Federal actions have been received
Agriculture, Department of	55	105	160
Appalachian Regional Commission	1	0	1
Atomic Energy Commission	40	28	68
Commerce, Department of	1	7	8
Defense, Department of	3	2	5
Air Force	2	3	5
Army	5	8	13
Army Corps of Engineers	183	296	479
Navy	6	5	11
Delaware River Basin Commission	3	0	3
Environmental Protection Agency	10	11	21
Federal Power Commission	23	5	28
General Services Administration	13	26	39
HEW, Department of	0	1	1

Agency	Draft 102's for actions on which no final 102's have yet been received	Final 102's on legislation and actions	Total actions on which final or draft 102 statements for Federal actions have been received
HUD, Department of	10	19	29
Interior, Department of	70	40	110
International Boundary and Water Commission—United States and Mexico	1	4	5
National Aeronautics and Space Administration	14	8	22
National Science Foundation	1	1	2
New England River Basins Commission	1	0	1
Office of Science and Technology	0	1	1
Tennessee Valley Authority	10	5	15
Transportation, Department of	881	624	1,505
Treasury, Department of	4	3	7
U.S. Water Resources Council	5	0	5
Veterans' Administration	1	0	1
Total	1,343	1,202	2,545

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH FEBRUARY 29, 1972 (BY PROJECT TYPE)

	Draft statements for actions on which no final statements have yet been filed	Final statements on legislation and action	Total actions on which final or draft statements have been taken
AEC nuclear development	9	11	20
Aircraft, ships, and vehicles	0	5	5
Airports	50	137	187
Buildings	1	6	7
Bridge permits	9	9	18
Defense systems	2	2	4
Forestry	2	4	6
Housing, urban problems, new communities	5	13	18
International boundary	4	2	6
Land acquisition, disposal	11	31	42
Mass transit	2	2	4
Mining	5	2	7
Military installations	12	6	18
Natural gas and oil:			
Drilling and exploration	3	5	8
Transportation, pipeline	9	3	12
Parks, wildlife refuges, recreation facilities	28	17	45
Pesticides, herbicides	15	11	26
Power:			
Hydroelectric	19	6	25
Nuclear	30	16	46
Other	12	6	18
Transmission	7	8	15
Railroads	1	1	2
Roads	677	455	1,122
Plus roads through parks	136	28	164
Space programs	4	4	8
Waste disposal:			
Detoxification of toxic substances	6	2	8
Munition disposal	2	3	5
Radioactive waste disposal	5	1	6
Sewage facilities	9	7	16
Solid wastes	1	0	1
Water:			
Beach errosion, hurricane protection	4	21	25
Irrigation	18	9	27
Navigation	57	103	160
Municipal and industrial supply	8	1	9
Permit (Refuse Act; dredge and fill)	11	1	12
Watershed protection and flood control	123	248	371
Weather modification	7	4	11
Research and development	13	8	21
Miscellaneous	26	14	40
Total	1,343	1,202	2,545

THE FLAG'S MEANING TO ME

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. GAYDOS. Mr. Speaker, I am extremely proud today to call the attention of the House, the Congress, and the American people to an achievement attained by a young lady from my 20th District of Pennsylvania.

Her name is Michelle Brewer and she lives with her mother, Mrs. Dorothy Burkhardt, at 1002 Deerfield Drive, Elizabeth, Pa. Michelle is a ninth-grade student in Elizabeth-Forward Junior High School and recently was awarded the top honor in a "You Are the Flag" essay contest sponsored by the Freedoms Foundation at Valley Forge.

That, in itself, is an act worthy of public recognition. But it is not the reason for bringing Michelle to the attention of my colleagues today; nor is it the reason for inserting a copy of her prize-winning essay into the CONGRESSIONAL RECORD. I do so because I sincerely believe Michelle and her essay can restore something in all of us, in all Americans.

There are people today who look for any excuse to vilify the American flag and disgrace our Nation. Yet, in the death of her brother in Vietnam, Michelle discovered the flag and what it stands for.

Mr. Speaker, I direct the attention of my colleagues to Michelle's essay. I know that, upon reading it, they will feel as I did—proud of Michelle, proud of our flag, proud to be an American:

THE FLAG'S MEANING TO ME THROUGH THE YEARS 1 TO 13

It is hard to put into words my feelings about the flag. I will start from the beginning of my knowledge of the flag and recall the special meanings it has for me. I remember as a pre-school child watching a television program, where one of the main attractions was to teach the children to stand with the hand over the heart and recite the pledge of allegiance to the flag. I recall how pleased I was when I could recite the pledge and was praised by my parents for learning so quickly. At this time I had no idea what it was all about.

When I became of school age, once again, every day the class would stand and recite the pledge to the flag. It still had little meaning to me. When I was in fourth grade we learned about the flag's history. I was anxious to tell my parents what I had learned, not realizing they already knew all this information.

When I attended football games with my family, I remember how my parents looked so proud as they stood up looking at the flag.

When I became a Girl Scout and participated in the Flag Ceremony, it had a special meaning to me. I carried out my procedure with honor.

I remember my father assigning me the job of erecting the flag and taking it down on all occasions at our home. I was proud to have this job and handled the flag with tender, loving care.

As I became older and interested in the news of the day, I recall all of the trouble about misusing the flag and being disrespectful to it. This bothered me because I was always taught to respect and honor it. Through all of these encounters with the flag, my feeling for it was still not quite established in my mind, other than its red, white and blue standing for my country.

The true meaning came to me after all of these years as I stood and touched the flag that draped over the casket bearing the body of my brother. He loved the flag enough to fight to protect it and died that it may ever fly in freedom. This flag to me means the love of my country. Love strong enough to die for, as my brother did, for a land I call home, my country, the United States of America.

MARTY MIM MACK

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. EDWARDS of California. Mr. Speaker, I rise to note the remarkable achievements of a remarkable young boy who lives in Santa Clara, Calif. Yesterday, Marty Mim Mack, son of Mr. and Mrs. William R. Mim Mack, led the March of Dimes walk-a-thon in Santa Clara County to obtain contributions for the fight against crippling birth defects. What is remarkable about Marty's contribution is that he himself is a victim of birth defects like those that keep many children from enjoying normal, happy lives.

Marty was born without arms and with a hip defect which makes his left leg 3 inches shorter than his right. Despite his physical handicaps Marty participates in many activities that are familiar to any American boy. He spends a full day at school and then comes home where he enjoys playing soccer, pool, and putting together jigsaw puzzles. Every year he takes a family vacation with his parents and his five older brothers. At school Marty is known for his performance and his tremendous ability to concentrate. Marty's goal in the walk-a-thon yesterday was 1 mile; he walked 7 miles.

These accomplishments, which would be commendable in any child, are admirable in a child like Marty. Marty Mim Mack is an example not only to his peers, but also to his elders, of what can be accomplished with faith, courage, and the determination to do the best we can for ourselves and for others.

SAVANNAH JAYCEES SPONSOR "REPORT A PUSHER" PROJECT

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. HAGAN. Mr. Speaker, the Savannah, Ga. Jaycees were a jump ahead of Little Orphan Annie and the Motoreadors in their fight against drug pushers. The Jaycees were far along with their plans before the popular comic strip came out with its current doings to curb the pushers.

The Savannah Jaycees are encouraging anonymous tips on drug and narcotics dealers in their project called RAP, which stands for "Report a Pusher." Rewards are being offered for convictions which result from a tip. The tips are given by telephone through an automatic answering service. The caller gives a code name and number and relates his information to a recording tape. "He'll never know us. We'll never know who he is," says Berry Rich, publicity chairman for the Jaycees.

Similar programs have been tried in Atlanta and Tampa with considerable success. There were 75 arrests in Atlanta the first month, and 35 arrests in Tampa in the first 4 months.

The Savannah Morning News of February 25, 1972, carried a story detailing the operation of the Jaycee project, as follows:

PHONED-IN CODE CALLS WILL BRING REWARDS—JAYCEES PLAN PROGRAM TO PUT TABS ON PUSHERS

(By Ann Marshall)

The Savannah Jaycees Thursday announced a new program to encourage anonymous tips on drug and narcotics dealers.

RAP—the name chosen for the project—was given unanimous approval for a six-months trial period by the club.

RAP stands for "Report A Pusher," said Berry Rich, publicity chairman for the Jaycees. He outlined the proposed project, which is of a type called for Saturday by Maj. Everett E. Price of city police, former head of the Bureau of Drug Abuse Control.

Rewards will be offered for convictions which result from a tip.

ANSWERING SERVICE

Tips are to be made by telephone through an automatic answering service. The number will be announced shortly.

The caller will be asked to give a code name and a code number, then to tell the telephone answer recording tape any facts he knows in the case of the dealer he is reporting.

Rich said the Jaycees will keep a record and turn the facts over to the proper authorities.

When reward times comes, the code name will be asked to contact the Jaycees, through the news media, furnish the correct code number and arrange a "drop" for deposit of the reward.

"He'll never know us. We'll never know who he is," Rich said.

DRIVE SET

The Jaycees plan to conduct a drive among Savannah businessmen to finance the awards fund. Rich said they hope to obtain from $100 to $500 per donor.

A similar project in Atlanta netted 75 narcotics arrests by the Georgia Bureau of Investigation during the first month; 121 arrests for drug abuse; and 40 violations of the dangerous drug laws, Rich said.

The GBI confiscated $25,000. The Atlanta program receives 30–50 calls a month.

The Savannah group will be the first Jaycees in the country to sponsor such a project, it is believed.

The Chamber of Commerce in Tampa, Fla. shortly will complete its first year with TIP, "Turn In a Pusher." It is reported that calls have been sharply reduced in the last few months, Rich said.

A report on the first four months in Tampa showed $1,600 paid in rewards out of $10,000 raised for the rewards fund.

There were approximately 4,000 calls, 35 arrests, 10 convictions, and 325 cases were reported as being actively followed.

Later it was reported that after the first six month, the number of calls dropped.

In soliciting donations for the reward fund Rich said the Savannah Jaycees will have a slogan: "Buy a ticket to Reidsville—for a pusher." The state prison is located in Reidsville.

TRIBUTE TO HON. JAMES W. TRIMBLE OF ARKANSAS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. EVINS of Tennessee. Mr. Speaker, I was deeply saddened to learn of the passing of our former colleague and dear friend, James Trimble of Arkansas and I wanted to take this means of paying a brief but sincere tribute to his memory.

He served with excellence and distinction as Representative from the Third District of Arkansas for 22 years, and was an outstanding Congressman, able, competent, skilled in legislation, devoted to developing the water resources of Arkansas and our Nation. He served his district, State, and Nation faithfully and well.

Jim Trimble was quiet, reserved, studious, and my personal friend. He served as a member of the Public Works and Rules Committees, and was a champion of rural development.

His background was law and he served as a circuit judge in Arkansas prior to his election to the Congress. His calm and reasoned approach to issues in the Congress reflected his judicial background.

Jim Trimble's record of service in the Congress leaves an indelible impression because of his great contributions to the economic development of America—he will be greatly missed.

I want to take this means of extending this expression of my deepest and most sincere sympathy to members of the Trimble family in their loss and bereavement. My wife, Mrs. Evins joins me in these sentiments.

INCOME TAX RELIEF FOR ADOPTING PARENTS

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. SARBANES. Mr. Speaker, in 1971 there were approximately 2,500 adoptions in Maryland, over 500 of which took place in Baltimore. Almost all of these adoptions imposed a considerable cost on the adopting parents—costs which in some instance can go as high as $1,500 and more. Because the couples who open their homes and hearts to these children are performing one of the most worthwhile and valuable acts of social responsibility and human compassion, I believe our society should ease the financial burden these citizens must bear. Consequently I have introduced a bill to provide a Federal income tax deduction for the costs incurred by adopting parents up to a maximum deduction of $1,000.

Adopting parents in Maryland encounter five distinct costs when adopting a child: Attorneys fees, court costs, medical examinations of the prospective parents, agency adminstrative costs, and child care charges. Under Maryland law—article 16, section 83—charging a fee for placement is prohibited. However, charges for hospital, medical or legal services are allowed and, since 1970, agencies supervised or licensed by the State may receive reasonable reimbursement for their costs. These adminstrative and child care charges are subject to regulation by the Maryland Department of Health and Mental Hygiene and at present are only charged by private agencies.

The fees for attorneys can vary greatly, ranging from a waiver of fee by some attorneys in exceptional cases to well over $400 for difficult cases. Sources indicate, however, that the State average is about $150. The average for court costs is approximately $30.

The costs of medical examinations also vary greatly due to only differences in charges among doctors, but also to the degree of complexity in the examination required by an agency. In most cases a very thorough examination of the adopting parents is required, but there may be lesser requirements for the examination of other members of the adopting family. Sources indicate the average cost of such examinations is about $100 per family.

The administrative and child care charges of agencies are the greatest variable when an adoption occurs through a private agency. Agencies dealing with problem children, for example, may waive their charges in appropriate circumstances and also arrange to minimize legal and medical fees for the adoptions. A statistical study by some of the larger agencies has shown that the administrative and care costs for a 6-month-old child average approximately $1,000.

Mr. Speaker, the families which volunteer to adopt these children take upon themselves financial responsibility for the adopted child until he becomes an adult. In so doing they relieve society of a financial burden it might otherwise bear. Of course, financial considerations cannot possibly measure the real value of the service they perform—the love and guidance they will provide is a gift which cannot be measured in money terms. Certainly an act so worthwhile should be encouraged, and its financial consequences minimized. The bill I have introduced will reduce the burden of adoption and in so doing will confirm our recognition of the invaluable contribution adopting parents make to society as well as to the child they take into their family.

COL. CHARLES M. BOYER—60 YEARS SERVICE TO HIS COUNTRY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, one of the outstanding elder statesmen of my district is Col. Charles M. Boyer, 3518 South Utah, Arlington, who recently passed his 85th birthday with a record of more than 60 years service to his country, including a half century both in active and retired status in the Army.

Colonel Boyer, who was former Executive Director of the Reserve Officers Association of the United States, on the 25th of February, the 50th anniversary of the association, was given a special award by the Secretary of the Army. This citation was presented to Colonel Boyer at the ROA's Army luncheon by Mr. Froehlke, and I am submitting for publication the wording of this award as an indication of the regard of many Members of this House for Colonel Boyer.

I am submitting for publication a letter received by Colonel Boyer from the former President of the United States, Harry S. Truman, who was one of the founders of the Reserve Officers Association. This letter was presented to Colonel Boyer at a dinner meeting of the Robert E. Lee Chapter of ROA at Fort Myer, in Arlington, on February 26, when Colonel Boyer was given a certificate for his 50 years of service in this fine association.

The citation presented by Secretary Froehlke, and former President Truman's letter follow:

DEPARTMENT OF THE ARMY,
Washington, D.C., February 25, 1972.

Certificate of appreciation for patriotic civilian service is awarded Colonel Charles M. Boyer, USAR (Ret'd) for commendable contributions during fifty-five years of active reserve and retired military service to the reserve components and to his fellow officers. Particularly noteworthy are the services and support rendered by Colonel Boyer to the Army Board for Correction of Military Records. For many years he has assisted the Board in resolving complex and controversial appeals in a just and equitable manner. His generous contributions of time and energy to his fellow officers in appearances before the Corrections Board without charge for his services, are worthy of this special recognition. Colonel Boyer's outstanding contributions are in the highest tradition of both the military and civilian service and reflect great credit upon himself and the Department of the Army.

ROBERT F. FROEHLKE,
Secretary of the Army.

HARRY S. TRUMAN,
Independence, Mo., February 17, 1972.

DEAR COLONEL BOYER: You are to become the recipient of the Founders Award of The Reserve Officers Association. It is pleasing to me to know that you will join the ranks in such an award, which was lately awarded to me.

Your great service and help to the Reserve program these many years has pleased me and I wish to publicly thank you.

Also, I am glad to know you are in good health and vigor and it is my wish you will continue to enjoy life. Also, I know you will keep the Reserve Officers Association in a high place.

Sincerely yours,
HARRY S. TRUMAN.

TARS LAUNCH EFFORT TO HELP HOSPITALIZED VETERANS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. HALPERN. Mr. Speaker, two of the most controversial issues in America today are the conflict in Southeast Asia and the role of the young in American society. Yet, the teenage Republicans of America have constructively sought to help the wounded veterans of this war and by doing so, correct the misconception of the young as dissident and unproductive.

Today I would like to submit for the RECORD an article which deals with a concern of all Americans. The Vietnam veteran, returning to a land which has overlooked his courage and which has few jobs to offer him, has a tough road back into our society; for the wounded, or incapacitated veteran, this repatriation is even harder. But for the work of the TARS, it might be impossible for some.

By collecting trading stamp books and working in coordination with hospitalized veterans, the TARS are supplying these veterans with craft kits that are invaluable to patients in need of occupational therapy or to men who need something to take their mind off the horror of war.

Mr. Speaker, I could go on and praise the work of this organization, but I feel its work speaks for itself. On behalf of myself and all of those working for a revived consciousness in veterans affairs, I congratulate TARS on their success and commend them for their concern.

The article follows:

TARS LAUNCH EFFORT TO HELP HOSPITALIZED VETERANS

Although the war in Vietnam is nearing an end for most American servicemen, the struggle is barely beginning for thousands upon thousands of those who were wounded. Recuperation for many of these men will require long and lonely months—if not years—of confinement in a military or VA hospital. The Vietnam Veteran is like no other Veteran, because no other veteran in U.S. history has returned home with less fanfare. There are few expressions of gratitude for a veteran's achievements, and little for him to do but puzzle over the uncertainty of the future, and stare at hospital walls, suffering in frustrating silence . . . a silence which serves as a constant reminder that he is a forgotten victim.

National TAR Headquarters has launched a program in cooperation with Help Hospitalized Veterans, a non-profit organization which sends Craft Kits containing much wanted arts and crafts materials to the patients and occupational therapy departments of military and VA hospitals throughout the country. For the wounded recuperating in our hospitals, these Craft Kits come as a very welcome expression of care and appreciation. These Craft Kits carry a meaning far beyond their cost, by filling days of emptiness with many satisfying hours of creative activity. Each Kit contains a particular type of art or craft. These include paint-by-number sets, plastic models, mosaics, leather kits to make such things as wallets, and various other arts and crafts which have been recommended by an advisory group of occupational therapists, nurses and patients.

TARS and TAR Clubs can help in the drive to provide Craft Kits to Hospitalized Veterans, by collecting trading stamp books within their local community (i.e. Green Stamps, Blue Stamps, Gold Bond Stamps, etc.) Each trading stamp book collected can be used to send Craft Kits to a Hospitalized Veteran. Literally hundreds of trading stamp books can easily be collected by any enterprising TAR or TAR Club. Stamps can be collected by:

1. Going door to door and explaining your drive. You can solicit loose stamps or partial books as well as full books, and then paste additional stamps in books yourself to fill them up. Those who do not have any stamps available may give pledges for future stamp donations.

2. Make announcements in school and through your other school and community clubs asking other students to bring in stamps. Set up a central box in school where stamps can be easily deposited. You can also put an ad or article in your High School papers asking students to help.

3. Ask teachers to announce the project in your classes and put signs up in school.

4. Solicit help from local merchants—check with local stores, gas stations, etc. that give any kind of stamps, and ask them if you can put a sign and a collection box in a central location where customers will see it (preferably near the cash register or checkout counter so they can just drop stamps in the box as they receive them).

5. Ask your local newspaper to print an article about your drive, giving an address

or phone number where people can contact you to donate stamps.

6. Have a spokesman appear on your local radio "talk" show to explain your program and solicit stamps. Perhaps the station will make free "public service" announcements for your project.

All trading stamp books that are collected (all books must be full) should be sent to National TAR Headquarters (see accompanying article on awards to be given to TARS and TAR Clubs for collection efforts).

Each TAR Club is urged to appoint a project Chairman to Help Hospitalized Veterans, and begin collecting stamps immediately. Your efforts in this drive will mean so much to so many. You can let these veterans know that someone is thinking of them . . . that somebody does care. These Kits will come as a direct and meaningful expression of your appreciation—something every one of these men deserves and the very least each of us can give.

ABORTION AND POPULATION CONTROL

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. HOGAN. Mr. Speaker, the population explosion in this country has led many people to advance abortion as a solution to the alleged problem.

Recently, however, the ground has been cut out from under those proponents by two different findings. First, studies have shown that even if abortion were legalized in every State, it would have little impact on population growth. And second, demographers have shown that there is in fact no population explosion in this country and that our Nation is rapidly approaching zero population growth.

The question of abortion and its relationship with population growth is discussed in the fifth in a series of articles written for the N.C. News Service by Mary Kay Williams, and I now insert the article in the RECORD:

ABORTION AND POPULATION CONTROL—580—V

(By Mary Kay Williams)

In early January, a significant little news item appeared in the New York Times. It was a report on abortion and population control.

The study, prepared for a presidential panel on population, was written by Dr. Christopher Tietze. Widely recognized as a statistical authority on birth control, Tietze made this conclusion: legalization of abortion in every state would have little impact on population growth.

On the surface, the statement may not seem highly dramatic. But those who are involved in right-to-life for the unborn will greet it as no minor victory. They know of the tremendous pressures of population groups lobbying for abortion as a legitimate family planning measure. They know of the constant attempts by abortion promoters to have abortion included in national legislation dealing with population control. And so Tietze's conclusions on abortion and population are extremely valuable to the pro-life effort.

Fortunately, in past legislation on this issue, abortion has been excluded. Respecting the difference between prevention of life and destruction of life once conceived, the Family Planning Services and Population Research Act of 1970 specifically prohibited abortion: "None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning."

But one cannot rest on this victory. Presently pending in Congress are over 40 bills and resolutions of population control. There will be clever efforts to include abortion as a population control measure—as last-ditch contraception—or as a means to satisfy some abstract demographic ideal. These early days in the formation of a U.S. population policy are crucial ones. They will set the precedent for the future.

This being election year, it's vital that the voter knows the position of the candidates on abortion in general, and abortion as a means of population control.

Congressional candidates cannot slough off the issue. They may try. They may say that abortion is a private matter between a patient and her doctor. What they are really saying is that they approve of abortion-on-demand. The first is just a different, perhaps softer, way of saying it. Or their position may be that abortion should be handled by the state and not on a national level. This, at first, might seem to get them off the hook, until one remembers those 40 population bills pending in Congress. Abortion will be very much an issue in those deliberations.

A Congressman cannot evade the question with a non-position. The same is true for presidential contenders. As the campaign gains momentum in the primary states (New Hampshire, Florida, Wisconsin, California) the candidates must be persuaded to square off on the issue. They have not been pressed thus far except by women's liberation. The candidates have been getting by with veiled comments, cliches which go unchallenged, shifts in stance depending on the audience being addressed.

The views of the President do make a difference on abortion public policy in the United States.

President Nixon has been clear on it. He has prohibited abortions at American military hospitals in states where the laws prohibit abortion. Before that, military hospitals could perform abortions in any state.

Again, the President has said: "From personal and religious beliefs I consider abortion an unacceptable form of population control. . . . Ours is a nation with a Judeo-Christian heritage. It is also a nation with serious social problems—problems of malnutrition, of broken homes, of poverty, and of delinquency. But none of these problems justifies such a solution."

Lest this article be misunderstood, let us borrow for a minute some presidential jargon: "Let me make this perfectly clear." This article is not meant to be a political endorsement at this stage in the contest. But the point is that the President has spoken on the subject of abortion. And he has spoken bravely, forcefully and very specifically. The American voter deserves to know how his challengers will respond. Certainly the challengers will be clear on Vietnam, Phase II, and Alaskan baby seals. But abortion is no less a public issue.

THE UNITED NATIONS AND ITS WORLD BUREAUCRACY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. RARICK. Mr. Speaker, the latest reports from the U.N. indicate that this one-world bureaucracy has soared from 9,500 employees in 70 cities around the world in 1956 to 35,000 employees in 1971 in 177 locations. This would, according to the statistics, result in an increase in the U.N. payroll of 378 percent.

Perhaps the reason for the tremendous increase in the U.N. labor force is that the U.N. is now disbursing American foreign aid funds. In this way American jobs are taken over by U.N. employees and the American donors of the U.N. charity remain anonymous to the world.

Related news clippings follow:

[From the Washington Star, Mar. 12, 1972]

U.N. STAFF GROWING

UNITED NATIONS, N.Y.—In 1956 the United Nations and affiliated groups had 9,500 employees serving in 70 cities around the world. Today they have more than 35,000 staff members in 177 locations.

[From the Washington Post, Mar. 11, 1972]

AID EARMARKS $3.95 MILLION FOR BANGLADESH

The U.S. Agency for International Development made grants totaling $3,950,000 yesterday to three relief agencies providing emergency help to Bangladesh.

The largest grant, $3 million, was turned over to the Catholic Relief Services to buy metal roofing sheets to help build houses for 200,000 returning refugee families.

In addition, $650,000 was turned over to CARE for low-cost housing and $300,000 to help the United Nations relief operation—Dacca to help finance foreign exchange costs of its relief operations.

POSTSCRIPTS TO HISTORY

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. BOLLING. Mr. Speaker, "The Death of Time" is an interesting essay by William V. Shannon, a member of the editorial board of the New York Times. It was reprinted by American Heritage which added its own timely editorial comment bearing on the subject in its issue of December 1971. The reprint and comment follow:

POSTSCRIPTS TO HISTORY

WE MURDERED TIME

Concern over an apparent lack of interest in history on the part of today's youth prompted William V. Shannon, a member of the editorial board of the *New York Times*, to write the following essay, entitled "The Death of Time," for his newspaper this past summer. We commend it as a thoughtful analysis of the reasons behind that trend.

It is not astonishing that today's high school students regard history as the "most irrelevant" subject and that, according to a (recent) story, . . . undergraduate history enrollment at leading colleges has dropped as much as a third in recent years.

Ignorance of history and disdain for history are symptomatic of the malaise of today's youth culture and of the larger society which nurtured it. This malaise is the logical outcome of intellectual trends which began with the onset of the modern industrial age.

History is the accumulated burden of what men have done in past time. Time has always seemed the enemy of man since each of us is conscious of his own mortality. "I spit in the face of time that has transfigured me," Yeats wrote.

When faith in a life after death began to wane with the Middle Ages, times became much more man's preoccupation. Yet since most people lived on farms or in rural villages, they had no choice but in order their lives by nature's ineluctable rhythms. It takes so much time for seeds to produce a crop, for vines to bear fruit, for animals to produce their young. Nature cannot be hurried.

With the coming of industrialism, life became geared to the artificial pace of technology. At first, that merely meant that if one worked in a factory, one had to adjust oneself to the rate of the machine.

Gradually, however, the ever-accelerated inhuman pace of technology has invaded every domain of life. The values of the factory—efficiency, speed, total use of available resources—have become the values of the home and of leisure. It is as if the time-and-motion studies of the efficiency expert took up their inexorable watch in each mans' soul.

It is not simply that we refuse to accept the traditional tyranny of time, that we are impatient and unwilling to wait. We set out unconsciously to kill time off. With incredible machines and extraordinary ingenuity, we began paring away the time needed to do different things.

The consequences are now all around us. It is illegal to drive slowly on an expressway; the law commands a minimum speed. Railroads and ocean liners decline while the jet plane races overhead.

The revolution in food processing and packaging in the last fifty years is an attempt to prove that no meal, no matter how ambitious, requires time or painstaking preparation. This revolution has already produced bread that tastes like tissue paper and is twice as soft, chickens and turkeys with the flavor and texture of cellulose, and hamburgers like plastic wafers. Everything's premixed and freeze-dried and instant. It may not taste very good, but it saves time.

Television replaced books and radio as the dominant cultural force. It is often criticized for its violence and banality. But television's most subtle debilitating influence is that it makes audiences passive and accustoms them to expect instant gratifications. There is not the investment of mental effort and of time which a serious book or a good newspaper requires. In thirty minutes, the news is narrated and commented upon or an entertainment is acted out. Then it is over. No waiting.

The children of the television age see politics as a happening, a demonstration, a dramatic confrontation. They do not realize how much time and effort are needed to alter the character and direction of a large, mature, complex society like the United States. When a single political drive like Eugene McCarthy's campaign in 1968 fails, they yield to despair and declare that "the system" has failed. Their despair, like the apathy of the hippy and the alienation of many middle-aged people, is a response to a world of undirected technology and unnecessary speed.

Resenting death, we murdered time. Now, time vanquished, we lie exhausted alongside our victim. Almost too late, we see that what we have slain is not time but our sense of ourselves as humans. Let alone with our machines, we know not how to wait, to prepare, to discipline and deny ourselves. Therefore, we know not the rejoicing which comes when we have reaped and consummated and brought to fulfillment, all in good time.

To reject the past is to deprive today of its meaning tomorrow. To evade the limits and significance of time is to empty life of its limits and significance. It is that meaninglessness which pervades this age of instant gratification and instant results and permanent dissatisfaction.

THE GUILT COLLECTORS

Pondering Mr. Shannon's essay further, it occurs to us that the young may have tuned out on the study of history in some part because what we have to say about it these days keeps changing so radically and so abruptly. At least it does on the surface, in popular literature, in the movies, and on television. The mode is so destructive that heroism has become a joke, moral courage an aberration, democracy a satire. Heroes turn into villains overnight, from Custer in the film *Little Big Man* to Kennedy in the Pentagon Papers. The most terrible bad actor of all in the litany of youth, is the white man, who has been transformed into a heavy out of melodrama; in his manifold sins and wickednesses a new generation bathes in a kind of orgiastic guilt.

One of the best-selling guilts of late has to do with the American Indian, whom the new historical mode has turned into something approaching sainthood. To blow the whistle on some of this nonsense there appeared before a Western History Association conference in April, 1971, the noted senior ethnologist in the Department of Anthropology of the Smithsonian, John C. Ewers, who is also one of our contributors. We are obliged to the *Western Historical Quarterly* for permission to reprint the following brief excerpts from his talk, "When Red and White Men Met";

Frankly, I believe there is enough blame for the sorry state of the Indians in the American West today so that we can all have a share of it—including those Indians who are most vocal in passing the buck for their plight to the white man. Certainly the historian is in no position to say, as did President Truman, "The buck stops here." He can trace the origins and intentions of past policies, and he can evalutae their effects. But the historian neither conceives nor implements new policies. If it is true, as the inscription on the National Archives building down the street from my office proclaims, "The Past is Prologue," his findings, if they are known to policy makers and administrators, may be of practical value. They may help to prevent repetitions of past errors. They may even point to some aspects of past policies that have shown some promise. We have had so many Indian policies. Surely they cannot all have been one hundred percent wrong. . . .

With our advantage of hindsight we know that the Spaniards were not the only whites who were not always kind to the Indians. We should know also that kindness is not enough. Some of the most kindly intentioned Indian policies failed in the long run to benefit the Indians in the ways or to the extent they were intended to help them. Doubtless the missionaries and other "friends of the Indians" though they were acting in the best interests of the Indians when they sought to remake them in the white man's image through such mechanisms as conversion, allotment of lands, and teaching of the three Rs. . . .

I do not believe that Custer died for my sins. Nor do I believe that historians or anthropologists should try to expiate their sense of guilt by rewriting the history of the American West so as to portray all Indians as red knights in breechclouts, or all whites as pantalooned devils. Nor do I see the role of the historian of Indian-white relations to be that of being kind to either party in this historic confrontation. But I do think he should study this very complex theme in both breadth and depth, consulting and weighing all the sources he can find, so that he can be fair to both sides.

TIRED ABOUT HEARING OF CHINA?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. DERWINSKI. Mr. Speaker, among the featured columnists in publications serving our National Capital are Paul Hope and Art Buchwald who are noted for the light touch they often give matters of great Governmental and diplomatic importance.

The Chicago Tribune has a resident intellectual, Michael Kilian, who is well known in the Midwest as a possible reincarnation of Mark Twain, Will Rogers, and possibly even Aristotle. In the Chicago Tribune's Perspective page of Sunday, March 5, we are treated to a typical Mr. Kilian column, this one devoted to the news coverage of the President's China trip:

TIRED ABOUT HEARING OF CHINA?

(By Michael Kilian)

I am sure you all are about as interested in hearing more about Communist China as you would be in having a fourth helping of mashed potatoes with strawberry sauce. I myself reached the point where, if I saw one more picture of Pat Nixon feeding a pig in a Chinese commune, I swore I would donate my television set to the parking lot four stories below my living room window and hurl my morning newspaper back at the delivery boy.

Tough luck for all of us. Like Jacqueline Kennedy, the Chicago 7, and cholesterol, we are going to keep on hearing about China. Escaping it will be harder than making the Chicago River run frontwards again.

For one thing, it is more than likely we will have Richard Nixon around for another four years. He has so defused the Democratic Party's issues that Sen. Edmund Muskie, the Democratic front-runner, has been reduced to standing on a flatbed truck in a snowstorm and calling a New Hampshire newspaper publisher a "gutless coward" for printing stories about Mrs. Muskie's smoking habits.

"AS I SAID TO MAO . . ."

Presuming that we do have Nixon around, we may also presume he will keep telling us more about China. After all, his trip was his most spectacular accomplishment since he persuaded the Democrats to take John Lindsay. We may expect his every reply to be prefaced with: "Well, as I said to Chairman Mao . . ." or, "As Premier Chou said to me . . .," even if a reporter is only asking for the men's room.

We may even get a renomination acceptance speech about the sound of the wind whistling thru commune pigsties in the night.

And then there are all those political pundits and television commentators. Their going to China with President Nixon was their most spectacular accomplishment since G. Harrold Carswell was defeated for the Supreme Court, and they won't let us forget.

But the worst will be those who shape our culture. Dress designers will go absolutely mad with "le Chinois" look, especially if they can knock off 500 or 600 bucks for a People's Liberation Army uniform with ruffled cuffs. So many society matrons will be waddling around like overpadded coolies that Michigan Avenue on a Saturday afternoon will look like the building of the Burma Road.

Nor will the possibilities of the China thing escape the beady minds of those fellows who produce our movies and television and stage shows. If you can make millions with such hot properties as the Kent State shootings, how can you miss with a country that regularly bumped off several thousands of people every day?

First they will bring in road show versions of such boffo Peking productions as "The Red Detachment of Women" and "Taking Tiger Mountain thru Strategy." Some might think these a bit strange for American audiences, but I'm sure they'll catch on. After observing "Jesus Christ Superstar," I would not be surprised if they made a hit musical out of "Mein Kampf."

REPERTOIRE IS LIMITED

As the Chinese repertoire is somewhat limited—they were unable to top "Chairman Mao Puts on his Olive-Green Uniform"—the producers will then have to search elsewhere for material. One thing they might do is bring back old movies with new Chinese-style titles. "Gone with the Wind," for example, could be reissued as "Yankee Imperialism in Racially-Changing Georgia." Almost any Doris Day film could be brought back with the title, "Capitalist Decadence Runs Amok."

They'll even be able to make some new Grade B movies, "a la Chinois." Even with a very small budget, they could easily put together something like: "The Central Committee Learns Wisdom at the Feet of the Great Chairman."

All they'd have to do is film one of Mayor Daley's slate-making sessions.

POLISH NATIONAL CATHOLIC CHURCH CELEBRATES 75TH ANNIVERSARY

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. McDADE. Mr. Speaker, yesterday, in the city of Scranton, the Polish National Catholic Church celebrated the 75th anniversary of its founding in the very city where this church was born.

This is very much an American institution, although it is called the Polish Catholic Church, founded in the city of Scranton by the Reverend Francis Hodur, who became the first prime bishop of the church. In his lifetime, Bishop Hodur saw the church spread beyond Scranton, through the anthracite area, then into other States and to other nations. He was active in the church until his death on February 16, 1953, and was buried in the Bishop Hodur Memorial Chapel in the St. Stanislaus Cathedral Parish Cemetery.

For the joyous occasion yesterday, the Most Reverend Thaddeus F. Zielinski, D.D., concelebrated a Mass of Thanksgiving, delivering the Polish sermon, with the English sermon delivered by the Right Reverend Bishop Francis C. Rowinski, Ordinary of the Western Diocese, with headquarters in Chicago, Ill.

Prior to the concelebration of the Mass of Thanksgiving, a Mass in Polish was celebrated with the Right Reverend Bishop Joseph Nieminski, Ordinary of the Canadian Diocese delivering the sermon in Polish, followed by a Mass in English, with the English sermon delivered by the Right Reverend Bishop Daniel F. Cyganowski, Ordinary of the Buffalo-Pittsburgh Diocese.

Following the Mass of Thanksgiving, a dinner was served in the St. Stanislaus Youth Center. Rt. Rev. Walter Slowakiewicz, Ordinary of the Eastern Diocese asked the invocation. The clerical speaker for the program was Bishop Nieminski, and the principal lay speaker was Attorney Ernest J. Gazda, Sr., a member of the Supreme Church Council and of the St. Stanislaus Parish board of directors.

This was a most joyful occasion for the many hundreds who came all over this country, and from other nations, to join in the celebration of the 75th anniversary, but it was a particularly notable one for Mrs. Mary Jaroszewski, the only surviving charter member of St. Stanislaus Parish.

I know my colleagues here in the Congress will join in offering their warmest best wishes to all who joined in the 75th anniversary of the Polish National Catholic Church.

Mr. Speaker, I will append here an excellent article on the foundation of the Polish National Catholic Church:

ST. STANISLAUS CATHEDRAL—POLISH NATIONAL CATHOLIC CHURCH, SCRANTON, PA.

The stirring story of the Polish National Catholic Church of America is one of irrepressible freedom. It is a story of belated Reformation with all the conflict and struggle that marked that phase of Church history, taking place in the 20th century on American shores.

The Polish National Catholic Church was not founded in Poland, but in the United States of America. From the U.S., missionaries went back to Poland to establish the church there.

Though still an infant in the Christian world, this church had phenomenal growth. From 1897 with little money but great enthusiasm 162 local churches have been organized in this country to date in the United States and Canada and more than 70 parishes in Poland.

In the year of 1897, Father Francis Hodur took leadership for a group of Polish immigrants in Scranton, Pennsylvania and with them founded the Polish National Catholic Church.

He drew upon the Holy Scriptures and the teachings of Christ for his deep faith and inspiration. He was a dedicated advocate of the Kingdom of God founded in the hearts of men. Father Hodur steered his course toward early Christianity.

The insignificant flame ignited in Scranton, Pennsylvania, by a very small handful of people and this youthful priest's hand, soon spread to the mining towns and into the hearts of thousands of Polish Americans in those numerous towns.

Starting with a congregation of 250 families when it was organized in March of 1897 St. Stanislaus Cathedral parish is one of the large parishes in Scranton numbering today over 1500 families and being instrumental in spreading the ideals of the Polish National Catholic Church in the Polish American Community, in Canada and in Poland.

The first Synod of the Polish National Catholic Church was held within its walls on September 6, 7 and 8, 1904. There were 146 lay and clerical delegates in attendance. This synod formed the PNCC with the combined congregations of Pennsylvania, Massachusetts, Connecticut, New Jersey and Maryland.

In 1904, Father Hodur was elected candidate for the episcopacy of the PNCC and in 1907 in the ancient Cathedral of Utrecht, Holland, he received the consecration of a Bishop from the hands of the Old Catholic Church possessing Apostolic Succession.

In keeping with the Bill of Rights and the democratic form of government, on March 20, 1897, the church adopted a very democratic type of government, permitting women to have equal rights and to hold office in the parish committee.

Growth of this church promoted the establishment of the Polish National Union of America, organized in August 1908, as a beneficial society which has in excess of 346 adult and 300 juvenile branches in the United States with a membership of more than 32,000 and assets of over $13,000,000.00. Home offices are at 1002 Pittston Avenue, Scranton, Pa.

In December of 1935 St. Stanislaus Parish was instrumental in organizing the United Women's Societies of the Adoration of the Most Blessed Sacrament under the direction of Bishop Francis Hodur. This organization numbers many thousands of women in the U.S., Canada, and Poland. The Cathedral parish was also instrumental in founding other organizations national in scope, such as: The United Young Men's Societies of Resurrection, United Girls Societies, United Choirs, United Societies of Friends of the Polish National Schools, United Ladies Maria Konopnicka Societies. Forty-three years ago, through the encouragement of Bishop Hodur and members of the Cathedral Parish, the Polish National Union purchased the E. B. Jermyn Farm at Waymart, Pa., a tract of land consisting of 430 acres, and there established a home for the Aged and Disabled.

St. Stanislaus Cathedral Parish was also instrumental in establishing a theological seminary for the church. This was founded in 1904 and today is located at Cedar Avenue and East Elm Streets in Scranton bearing the name: Savonarola Theological Seminary.

More than 300 priests have been ordained at St. Stanislaus Cathedral and 14 bishops of the PNCC have received their episcopal consecration here.

The Church was faced with many obstacles, and the task of Bishop Hodur included many such obstacles too numerous to enumerate herein. But even those who were not united with him in the Church movement proclaimed him a great man who promulgated a great endowment to the welfare of mankind.

The Historical Society of Pennsylvania has proclaimed Bishop Hodur as one of the great reformers of our time: "Every age has its martyrs, heroes and reformers, men who take their proper places and maintain against all odds the great principles in whose defense or upholding they are enlisted. These men not only make for themselves a place in history, but in the vital affairs of their day and generation, they also play an important part unrecorded on written pages, touching, and winning the great pulsing heart of humanity.

"Their worth and goodness are not always soon recognized. It is often decades, and sometimes centuries, before the world awakes to the fact that a hero had stepped into the arena and grappled with some great evil or force which has menaced the well being of humanity.

"All along down the ages great minds have been at work with this idea in view, more liberty of thought, more freedom of will, more love to God, more justice to man.

"They have been leading men out of darkness into light out of chaos into order and harmony; out of the mystical and esoteric into the open day of clear thought. Such a man as this is Bishop Hodur. . . . who was chosen by a number of his countrymen and members of the Church to be their standard bearer in a victorious and untrammeled march to greater light and better things".

On February 16th, 1953, the bells of St. Stanislaus tolled in mourning for the passing of a great man and a great religious leader. The Legislature of the State of Pennsylvania proclaimed the following:

Whereas, The death of Prime Bishop Hodur on February 16, 1953, is recognized as a great spiritual loss not only to Scranton and the Lackawanna Valley where he resided, but to the whole Commonwealth of Pennsylvania, and

Whereas, His founding of the Polish National Catholic Church in Northeastern Pennsylvania, and the designation of the city of Scranton, Pennsylvania, as the headquarters of the P.N.C.C. has brought world-wide attention to the Commonwealth of Pennsylvania, and

Whereas, He has labored for the past fifty-six years faithfully for his Church and for the welfare of the inhabitants of the Commonwealth of Pennsylvania, and

Whereas from humble beginnings his work grew and he had established parishes of the P.N.C.C. in over one hundred sixty five cities and towns of the United States of America, and

Whereas, He has carried his work from Pennsylvania to Canada, and even to Europe, and

Whereas, Those who knew, loved and were influenced by him who have suffered a great loss therefore be it

Resolved, that the members of the House of Representatives of the Commonwealth of Pennsylvania tender deepest sympathy to those who looked to him for spiritual guidance.

And on March 21, 1966, Governor of Pennsylvania, William W. Scranton, issued a statement calling to the attention of Pennsylvanians the 100th Anniversary of the birth of the late Bishop Francis Hodur in which he paid the following tribute to Bishop Hodur:

"He became well-known in the Scranton area and later throughout the world as a champion of the poor and unfortunate, and as a leading religious teacher."

MILITARY PAY RECORDS

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. GRIFFIN. Mr. Speaker, for some time I have been concerned over the foul up of pay records of servicemen. Too frequently, after discharge, a former serviceman will receive a letter from the military requesting payment of alleged overpayments while the man was in service. Also too frequently, it is found later that the alleged indebtedness did not exist at all.

However, the serviceman is stuck with the bill unless he tries to fight it. A recent case was called to my attention by a young constituent and friend, Mr. E. K. Purvis of Raymond, Miss.

Over a period of months in 1971, the Marine Corps demanded that he repay $200. He demanded an explanation, but received none, and, therefore, contacted me.

I asked that his entire pay record be completely reexamined. The Marine Corps did this, and instead of Purvis owing $200, it was determined that the Marine Corps owed him $32.48.

I wrote Secretary Laird and suggested that the Defense Department establish a policy which requires a comprehensive review of former servicemen's pay records before any repayment of an alleged indebtedness is demanded. I received a reply from Assistant Secretary of Defense, Robert C. Moot, which I insert in the RECORD at this point:

WASHINGTON, D.C.,
March 9, 1972.

Hon. CHARLES H. GRIFFIN,
House of Representatives,
Washington, D.C.

DEAR MR. GRIFFIN: The Secretary of Defense has asked that I respond to your February 9, 1972, letter suggesting a comprehensive review of a former serviceman's pay records, before demanding repayment of apparent debts to the Government.

I agree completely with the concerns you expressed and share your desire to eliminate the causes of this type of error.

Each Military Service is currently expending considerable effort in a major modernization of its military pay system. The new system will enable us to perform much better than the old, which are highly susceptible to clerical, transcription, and computational errors. Under our new systems, each member will be provided a montly Leave and Earnings Statement that will detail for him all his entitlements, deductions and net pay. Thus, overpayments and underpayments should be detected and corrected currently, and not accumulate to complicate his account.

Notwithstanding this and other improvements we will still experience human errors that generate overpayments and underpayments. To anticipate and minimize the effect of these, we have had continuous and intimate participation by the internal audit staff of each Military Department, from the beginning of system design and following on to actual operations.

Consistent with your suggestion, I am asking each Military Department to pay particular attention to the recoupment of apparent indebtedness of separated members. While resource availability will not permit 100% examination of the member's pay accounts for his entire service, except in unusual cases, it is believed that a comprehensive examination of the final six months of service, preceding the issuance of post separation collection letters, is feasible and will attain the objective you desire.

Thank you for bringing this important matter to our attention.

Sincerely,

ROBERT C. MOOT,
Assistant Secretary of Defense.

Mr. Speaker, I am hopeful that this new policy will be implemented so that veterans will be relieved of harassment and embarrassment by the military due to mistakes made by the military.

EVADING THE ISSUE

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. HAGAN. Mr. Speaker, the maneuvering of those for and against busing changes every day. The pressure of the voters has produced considerable evasive dancing. The Mansfield-Scott bill created a lot of hullaballoo, but actually has not changed anything, even though some Senators hoped it would get them in the clear with the voters. That remains to be seen. A very good editorial summary of the situation entitled "Evading the Issue" was carried by the Savannah Press on March 6, 1972, as follows:

EVADING THE ISSUE

President Nixon is supposed to be mulling over proposals for a positive Administration approach to the school busing problem and he is going to be under heavy pressure to make some sort of announcement soon.

The Senate, however, has evaded the busing question temporarily by adopting the so-called Mansfield-Scott bill, which would have absolutely no effect on existing policy.

Instead, the Mansfield-Scott proposal, under the guise of being a busing measure, merely gives some senators an opportunity to avoid taking a strong stand one way or the other on busing.

Interestingly enough, Sen. Hugh Scott, the Republican minority leader, had recently predicted that Congress would succeed in ducking this issue despite mounting public interest in it.

Sen. Scott certainly knew what he was talking about. He was one of those doing the ducking.

In the voting in the Senate, the President of the United States nonetheless should see the tip of the iceberg. That the tough Griffin bill could have been passed (although the Senate later reversed its stand when Democratic presidential candidates came back from the hustings) and that so many senators voted against the weak Mansfield-Scott proposal is an indication that some politicians are already responding to pressure from back home.

It appears, too, that the President is going to have to offer a plan to oppose busing either through legislation or through support of the proposal for a constitutional amendment.

He will have some difficulty since some Administration leaders like Sen. Scott are still playing the stalling game.

But he could also slow down busing orders by putting the executive branch and its administrative agencies in the battle in federal courts.

So far, some Administration bureaucrats have failed to get the President's message that he opposes busing.

The Senate's vote on the Mansfield-Scott proposal did give voters a chance to see how some candidates for president stand on busing.

Although they were content to miss some other important votes for the sake of presidential campaigning, three candidates returned to Washington to cast their votes for busing and to prevent the strong anti-busing proposal from staying alive.

The three candidates are Hubert H. Humphrey, George S. McGovern and Edmund S. Muskie.

In taking this course, they hoped to appeal to a small segment of the electorate which favors busing as a social experiment, especially when that experiment is confined largely to the South.

(At the same time, the South has been able to deal with busing difficulties in many cases with more success than the Northern cities where it has become a significant issue.)

But if and when their own home state voters have to confront the complications of massive busing, they may be hearing more about the stand they've chosen to take.

As presidential hopefuls, they are not answerable only to the people who named them to the Senate, but also to other voters. On that score, they struck out.

Indeed, they appeared once again to be writing off the South, where busing is more of a problem now because there is more busing in the South for the purpose of achieving racial balance.

But they also wrote off a large amount of opinion elsewhere in the nation, where sentiment is against busing because of race, only certain politicians somehow failing to get the message from the grassroots.

DAY CARE: POLICY QUESTIONS FOR AN EXPENSIVE PROGRAM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. FRASER. Mr. Speaker, Alice M. Rivlin's March 5 article which appeared on the editorial page of the Washington Post addresses the tough questions raised by a comprehensive day care program. Those of us favoring day care are obliged to consider these issues. The Rivlin article follows:

DAY CARE: POLICY QUESTIONS FOR AN EXPENSIVE PROGRAM

(By Alice M. Rivlin)

If you want to start an argument at a boring party—and you are tired of busing and Vietnam—try day care. Just ask a few people whether they think the federal government should provide day care for children of working mothers, and in no time your friends will be on the verge of heaving ash trays at each other.

Unfortunately, they will probably be arguing about a spurious issue—the issue of whether or not mothers should work. The argument may sound as though: (1) mothers don't work now, (2) the reason they don't is that the government does not provide day care, (3) if there were a government day care program, many more mothers would leave home, drop their kids in day care centers and go to work, (4) the gut issue is whether this would be good or not.

But out in the real world mothers have not been sitting around waiting for public officials to make up their minds about day care programs. Millions of mothers are working now—even those with very small children.

According to a Labor Department study by Elizabeth Waldman and Katherine Gover, about half the mothers of school-age children were in the labor force in March 1970, as were about a third of those with preschool children. Some worked part-time, but the majority had full-time jobs. Moreover, since many mothers work only part of the year, the proportion with some work history during the previous year was even higher than the proportion in the labor force at a given moment. Among wives living with their husbands, 44 per cent of those with children under 6 and 58 per cent of those with children of school age worked some time during the year. These percentages would be even higher if they included the increasing number of separated or divorced women bringing up children on their own.

Among black mothers, working outside the home is even more usual—and this is not just because a larger bigger proportion of black women are family heads. Among black mothers living with their husbands, 64 per cent of those with preschool children and 73 per cent of those with school-age children worked some time during the year.

Clearly we are dealing with a cultural phenomenon—not just oddball behavior. More than 26 million children have mothers in the labor force (up 10 million in a decade) and 6 million of them are under 6 years old. That's a lot of kids.

There are many theories about why mothers are entering the job market, although most of the explanations seem as likely to be manifestations of the phenomenon as causes of it. First, with a falling birth rtae, increasing numbers of mothers have two or three children rather than four or more. A mother of two not only has less housework to do than a mother of six, she finds it easier and less expensive to arrange for someone else to care for her children while she works. Moreover, a mother of two knows there are likely to be many years ahead when her children no longer need her. She may decide to keep working when her children are young, so she will not have to start at the bottom of the job ladder when the kids grow up. Second, convenience foods, wash and wear fabrics and labor-saving appliances have made it less necessary for mothers to stay home for reasons other than child care and at the same time have increased the family's need for cash income to pay for all these wondrous things. Third, with the mechanization of industry and the growth of services, fewer jobs require physical strength and more are open to women. Fourth, notions of "women's place" are shifting. Although attitudes may not be changing fast enough to suit the leaders of women's lib, the belief that women should be individuals with lives of their own, not just wives and mothers, is clearly gaining ground fast, espeically among the young. And finally, kindergarten and nursery school are increasingly seen as desirable experiences for children even if their mothers do not work. The suburban mother whose 4-year-old is home all day may even feel guilty about it.

Since all these forces seem likely to continue operating in the same direction, there will probably be an increasing proportion of mothers in the labor force whether the federal government embarks on a large-scale day care program or not. By the end of the decade, the non-working mother could find herself odd-woman-out.

More governemnt-financed day care would doubtless accelerate the movement of mothers into the labor force, and enable some women to shift from part-time to full-time work. It might help some mothers now on welfare to move into the labor force, although it should be remembered that many of these mothers need more than day care to help them get steady work at good wages. They need education, training, work experience, and job opportunities.

Nevertheless, the principal effect of a large-scale day care program would probably not be to increase the proportion of mothers who are working; rather it would be to broaden the range of child care arrangement available to mothers who have already decided to work.

To many people the word "day care" necessarily suggests a day care center—an institution taking care of a large number of children at once. But most working mothers do not use day care centers. They drop the kid at mother's, or maybe mother lives with them. They use relatives, neighbors, sitters, borders. They give the child a key and leave him on his own. Or they find another mother who is staying home anyway and is willing to look after two or three more children besides her own for a relatively modest fee. Some of these arrangements are good for children and some are dreadful—but that is also true for mothers.

A recent survey showed that day care centers (defined as facilities for more than six children) enrolled only a little over a half a million children in 1970—less than 10 per cent of the preschoolers with working mothers. Some of these centers are run for profit and others by nonprofit groups that often receive a government subsidy for caring for low-income children. The profit-seeking centers charge $10 to $20 a week per child and vary from good to abysmal.

The nonprofit centers usually have more staff and offer a rich educational program and, sometimes, health services and other benefits. The nonprofits spend about three times as much per child, on the average, but only a small part comes from parents. They usually restrict enrollment to children from poor or very poor families and have long waiting lists.

The result is a rather erratic two-class system in which *some* poor children (those fortunate enough to get into the subsidized centers) get better quality care than is available to families with somewhat higher incomes. The working mother with income slightly above the poverty line has the worst deal of all—unless she has a competent relative to turn to for free care. She earns too much to get her child into a subsidized center, but not enough to pay much for care. She does not even benefit appreciably from the newly liberalized income tax deductions for child care expenses. These benefits go mainly to people in higher tax brackets.

The important policy issue is not whether mothers should work—if they want to they will—but whether the public should take on new responsibilities for the wellbeing of children. Traditionally there has been little public concern for children until they reach school age and even then public responsibility has been limited to school hours. What happens to the preschool child or the school-age child after school hours has been considered a family responsibility, unless the child was badly abused or ran afoul of the law. But this *laissez-faire* attitude is now under attack, not only from women's lib spokesmen who believe that the public should provide day care so that mothers can make an easier choice between staying home and going to work, but by those who believe the public has a responsibility to enhance the development and capabilities of children as much as possible and that this can best be done by reaching them at a very early age.

The last argument combines fairly well established facts with an attractive but still unproved hypothesis. The widely acknowledged facts are that children develop intellectual skills and capacities at a rapid rate in the first five years of life (especially the first three); that children from deprived homes get less stimulation and early education and start school with smaller vocabularies, fewer learning skills, lower IQ's than middle-class children; and that some experimental programs have succeeded in narrowing these disparities significantly—at least for a while. Unfortunately, the gains made by children even in the most successful early childhood education programs appear to fade out when the special programs end and the children are plunged back into the stultifying atmosphere of regular poverty-area schools. The unproved hypothesis is that more comprehensive and sustained efforts to reach children earlier and longer—through parent-education, improved nutrition, early treatment of health handicaps, and a variety of part-day and full-day education programs—could make a permanent difference in their lives and build up a momentum that would carry on into the public schools.

The reason it is such a hard policy problem is that the potential cost could be very high. A really excellent full-day school program that provides enough staff to give children individual attention, plenty of space, play equipment, educational activities and routine medical attention costs at least $1,800 a year per child. Part-day activities cost less, but not a lot less. There are about three million preschoolers in poor families so a comprehensive preschool program for poverty children could cost $3–4 billion even if they did not all participate. But the real rub is that it would be politically impossible—and certainly unconscionable—to restrict such a program to the poor. Children from families with incomes of $8,000 or even $12,000 are not getting that kind of care now and their families could not afford to pay for it. A substantial subsidy, say $1,000 per child, to this group could cost several more billions.

A lot of us would rather have good preschools than a new nuclear-powered aircraft carrier, but that is not likely to be the choice we get. In the real world of politics the choice is more likely to be between spending substantial sums in early childhood programs and spending them on improving junior high schools, providing college scholarships or easing the plight of the aged poor. If you can get your friends arguing about these hard choices—rather than about whether mothers should work—you will at least have moved them off a spurious issue and onto a really serious and difficult one.

THE CHAIRMAN OF THE HOUSE ARMED SERVICES COMMITTEE CONTINUES TO INTIMIDATE UNIVERSITIES

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. DRINAN. Mr. Speaker, I attach herewith an item indicating that the president of Stanford University, Mr. Richard W. Lyman, has rejected the 8-to-1 recommendation of a joint student-faculty committee and has refused to bar military recruiters from the campus at Stanford University.

The article follows:

[From the Washington Post, Mar. 9, 1972]

Stanford Won't Bar Military

Palo Alto, Calif.—Citing possible loss of $16 million in NASA and Defense Department research funds, Stanford University President Richard W. Lyman yesterday rejected the 8-to-1 recommendation of a student-faculty committee to bar military recruiters from the campus placement center.

Lyman said that appropriations riders on Defense Department and NASA funds would result in the loss of support for "about 1,000 faculty, staff and students," if military personnel were barred from using university facilities.

[Lyman's action comes just two days after Defense Secretary Melvin R. Laird took strong exception to campus policies that have put military recruiters off limits.

[Addressing a Veterans of Foreign Wars convention in Washington this week, Laird said: "We cannot have objections to recruiting and presenting our case for voluntary service . . . and at the same time have protesters against the Selective Service program. You either have to have Selective Service as your manpower source, or you have to have a volunteer program. To protest against both means to disarm America, and we can't have that."]

I attach also an item from the March 3, 1972, newsletter of the American Council on Education. This item sets forth the position of the chairman of the House Armed Services Committee but also indicates that the Secretary of Defense, Melvin Laird, apparently does not agree with the position of Congressman Hébert that the Department of Defense should blacklist those universities which exercise their right to phase out ROTC recruiting.

The item follows:

Hébert Urges Cutting Off All Defense Funds at Anti-ROTC Campuses

F. Edward Hébert (D-La.), chairman of the House Armed Services Committee, said in a luncheon speech in Washington this past weekend that he favors cutting off all defense funds at colleges and universities that do not cooperate "1,000 percent with the military." Earlier he had pressured the Pentagon not to send officers to 13 campuses that had phased out ROTC programs (see Vol. XXI, No. 8).

In a luncheon talk Feb. 25 at the 50th anniversary conference of the Reserve Officers Association of the United States, Hébert said that "if defense money is so dirty" universities that have dropped ROTC programs should not want it anyway. He said colleges and universities in the Midwest and South "won't object" if Department of Defense programs are shifted to them from the mostly Eastern institutions that have severed ties with ROTC.

The committee chairman admitted in his speech that Secretary of Defense Melvin R. Laird, "a great Secretary of Defense, . . . disagrees with me." If the Secretary's objections are valid, he said, "we are flexible." But he also said that he would "not violate the principle" of cutting off funds to institutions that don't cooperate "1,000 percent with the military."

A member of the Congressman's staff said that Hébert and Laird are to confer about the controversy, but no date was disclosed and it was not known if they would issue a public statement clarifying the issue. As Hébert acknowledged in his luncheon remarks, there is no law restricting Defense Department activities at non-ROTC campuses, although one bill, H.R. 2, would bar the Pentagon from extending medical scholarships to non-ROTC campuses. The bill was passed by the House and sent to the Senate. In pressuring the Pentagon, Hébert has relied upon his own feelings and those expressed by his committee that it is "morally wrong" for a university to reject ROTC on the one hand and accept Department of Defense contract work on the other.

According to the latest figures available—compiled by the National Science Foundation—ten of the 13 colleges and universities received Department of Defense obligations amounting to $18 million in Fiscal Year 1970. Of the ten, Columbia University, whose current contracts were held up during a compliance review by HEW's Office for Civil Rights, was listed as having obligations of $7.2 million, by far the largest amount in the group. The three listed by NSF as having no Defense obligations in 1970 were Colgate University, Hobart College, and Pratt Institute.

The others were listed as having the following DOD obligations in 1970: Boston College, $925,000; Boston University, $491,000; Brown University, $1.2 million; Dartmouth College, $305,000; Harvard University, $2.9 million; New York University, $2.4 million; State University of New York at Buffalo, $366,000; Tufts University, $393,000; and Yale University, $1.6 million.

I attach also an editorial from the New York Times under date of March 7, 1972, which sums up the situation by stating:

> The Hébert blacklist . . . shortchanges the armed forces, wastes public funds, and injures the freedom of universities as well.

The editorial follows:

Mr. Hébert's Blacklist

The roster of the 13 colleges and universities which have withdrawn from the Reserve Officers Training Corps program includes some of the most distinguished institutions of higher learning. There can be legitimate disagreement over the place of ROTC on a campus and particularly over the manner in which these programs were terminated under the duress of the radical student movement. But there can be no question that the final decision on this matter rests properly with the universities, which must be free to define their own relationship with the military.

It was therefore entirely out of place for Representative F. Edward Hébert, as chairman of the House Armed Services Committee, to bludgeon the Pentagon into declaring the graduate schools of those thirteen institutions off-limits to advanced study by officers. In blacklisting these schools, Mr. Hébert has called it "morally wrong for the military to spend dollars sending students to a particular college or university which has chosen not to cooperate with the military services." In fact, it would be morally wrong for a university to accept a role as agent for the military in return for special financial considerations.

Mr. Hébert's clumsy pressure tactics can ultimately hurt only the armed services and the taxpayers. The advanced education of officers is financed by the Pentagon, not to support graduate schools but to improve the leadership quality of the military. The Hébert blacklist would prevent some officers from attending the campuses most suitable to their academic goals. It thus shortchanges the armed forces, wastes public funds, and injures the freedom of universities as well.

SEVENTH-DAY ADVENTIST WELFARE SERVICES

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. HOGAN. Mr. Speaker, in this day and age when the trend seems to be to take all that is available from society, I was encouraged to read an article in the Evening Star about the accomplishments of the Seventh-day Adventists and their contributions to society.

Their donations of time, money, supplies, and equipment to needy groups around the world are indicative of the Adventists' dedication to humanitarian work. I believe we can all benefit from the knowledge of their selfless giving, and I now insert the article describing their achievements into the Record:

$14.7 Million in Aid Given by Adventists

Relief materials valued at $14.7 million were dispensed by Seventh-day Adventist Welfare Services (SAWS) last year, church world headquarters here announced.

Theodore Carcich, president of SAWS, reported that the Adventist disaster-aid organization served 36 countries in addition to the United States and Canada.

Peru received the largest amount of assistance—food valued at $11.4 million, clothing and bedding valued at $339,000, medical supplies and equipment valued at $165,000, and miscellaneous items of equipment valued at $11,000, making a total of more than $11.8 million in aid.

East Pakistan (now Bangladesh) received medical supplies and equipment from SAWS worth $163,000, and a continuing program of aid is being carried on through the church's Southern Asia division headquarters at Poona, India.

Last year supplies processed by SAWS for Korea totaled nearly $500,000 in value. Most of these items were clothing, but medical supplies were included. Besides the usual tornadoes, typhoons, floods, hurricanes, earthquakes, and war, which take their toll of human life and comforts, the church gave aid to people in Zaire (congo) who suffered loss from a volcanic eruption.

The denomination has in the U.S. and Canada 672 centers dedicated to such humanitarian work. "In 1971 our members gave more than 4.1 million hours to this activity, and served more than 2.27 million people in North America alone," the official said.

HOUSE OF REPRESENTATIVES—*Tuesday, March 14, 1972*

The House met at 12 o'clock noon.

Rev. James E. Rogers, chaplain, Veterans' Administration hospital, Columbia, S.C., offered the following prayer:

Most merciful and gracious God whom we reverently worship and adore, as we enter this day of labor may we be inspired with Thy wisdom and holy direction in the ongoing of Thy kingdom.

Cleanse us from unselfish ways toward our fellow man and may we be more committed in cultivating the noble skills of creativeness in the heart of brotherly living.

May we aspire to emulate the faithfulness of our fathers who enriched the great heritage of America. May the blessed ministry of this dedicated body help all Americans in our common task as trustees of freedom.

We thank Thee for the faithful efforts of our President, our Speaker, and Members of Congress who search to help all humanity achieve the life which holds eternal truth.

Hear us and speak to us O God. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On March 8, 1972:

H.R. 12067. An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

On March 9, 1972:

H.R. 1824. An act for the relief of Clinton M. Hoose;

H.R. 2714. An act for the relief of Mrs. Kayo N. Carvell;

H.R. 2792. An act for the relief of Juanita Savedia Varela;

H.R. 2846. An act for the relief of Roy E. Carroll;

H.R. 4497. An act for the relief of Lloyd B. Earle;

H.R. 4779. An act for the relief of Nina Daniel;

H.R. 6291. An act to provide for the disposition of funds arising from judgments in Indian Claims Commission dockets Nos. 178 and 179, in favor of the Confederated Tribes of the Colville Reservation, and for other purposes;

H.R. 6998. An act for the relief of Salman M. Hilmy;

H.R. 7316. An act for the relief of Mrs. Norma McLeish; and

H.R. 7871. An act for the relief of Robert J. Beas.

On March 10, 1972:

H.R. 11738. An act to amend title 10, United States Code, to authorize the Secretary of Defense to lend certain equipment and to provide transportation and other services to the Boy Scouts of America in connection with Boy Scout jamborees, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 8293. An act to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968.

The message also announced that the Senate insists upon its amendment to the amendment of the House to the bill (S. 659) entitled "An act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education—the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PELL, Mr. RANDOLPH, Mr. WILLIAMS, Mr. KENNEDY, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, Mr. DOMINICK, Mr. JAVITS, Mr. SCHWEIKER, Mr. BEALL, and Mr. STAFFORD to be the conferees on the part of the Senate.

The message also announced that the Senate had passed concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. Con. Res. 67. Concurrent resolution to authorize the Secretary of the Senate to make a technical correction in the enrollment of the bill (S. 888) providing for the relief of David J. Crumb; and

S. Con. Res. 68. Concurrent resolution to authorize the preparation of official duplicates of S. 2097.

OUR GUEST CHAPLAIN, REV. JAMES E. ROGERS

(Mr. SPENCE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SPENCE. Mr. Speaker and colleagues, our guest chaplain for this morning was the Reverend James E. Rogers, from Columbia, S.C., in my district. I would just like to let the Members know that Chaplain Rogers has been very active for many years in ministering to the veterans throughout this country. As a matter of fact, he is a past national chaplain for the Disabled American Veterans of the United States, and he is now the State chaplain for the Forty-and-Eight Society of the South Carolina Department of the American Legion. He has been chaplain of our Veterans' Administration hospital in Columbia for many years and has been with the VA for a total of 25 years.

Chaplain Rogers was raised in a Methodist children's home in North Carolina and later attended Atlantic Christian College and Duke University School of Religion. Somehow he also found time to participate and earn letters in four major sports.

During World War II, he answered his country's call and served on active duty as a chaplain for a period of 4 years. Thus you will readily note that he has devoted his adult life to the service of those men and women, both past and present, who have worn the uniform of one of our Armed Forces.

As a further indication of Chaplain Roger's outstanding service, I should also tell you that he has been nominated for the Federal Employee of the Year Award in my State. We are highly honored to have this distinguished member of the clergy with us today.

ARMY REFUSES TO SUPPLY FACTS

(Mr. PIKE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous material.)

Mr. PIKE. Mr. Speaker, since last May I have been trying to get the facts on the costs involved in the transfer of Army intelligence units from Fort Holabird, Md., to Fort Huachuca, Ariz. The GAO wrote me on August 5 saying the report would be in my hands by October 1971.

On November 3 they wrote to me saying that they could not do it because:

> The progress of our work has been hampered by problems in obtaining access to pertinent documents of the Department of the Army.

The basic fact is that I still cannot get the facts. All a Congressman can get is letters telling him why he cannot have the facts.

Mr. Speaker, the letters I refer to are as follows:

GENERAL ACCOUNTING OFFICE,
Washington, D.C., August 5, 1971.

B-173556.
Hon. OTIS G. PIKE,
House of Representatives.

DEAR MR. PIKE: Reference is made to your request of July 7, 1971, that we examine into the move of certain Army Intelligence units from Fort Holabird, Maryland, to Fort Huachuca, Arizona, and the proposed establishment of an Army Intelligence Center.

In accordance with our discussions in a meeting with you on July 29, 1971, this is to confirm that we expect to have a report on these matters to you by the end of October 1971.

Sincerely yours,
R. W. GUTMANN
(For Director).

GENERAL ACCOUNTING OFFICE,
Washington, D.C., November 3, 1971.

B-173556.
Hon. OTIS G. PIKE,
House of Representatives.

DEAR MR. PIKE: This is in further reference to your request of July 7, 1971, that we examine into the move of certain Army Intelligence units from Fort Holabird, Maryland, to Fort Huachuca, Arizona, and the proposed establishment of an Army Intelligence Center.

In our letter of August 5, 1971, we informed you that we expected to have a report to you by the end of October 1971. As discussed with your Office on October 29, 1971, however, the progress of our work has been hampered by problems in obtaining access to pertinent documents of the Department of the Army, and our expected date of reporting to you has been delayed to January 1972.

Sincerely yours,

R. W. GUTMANN
(For Director).

OIL MONOPOLY DEMANDS PRICE INCREASE

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, this morning's newspapers reported that the Independent Petroleum Association of America's request for a 25-percent increase in the price of crude oil is being investigated by the Antitrust Division of the Department of Justice.

The IPAA, a trade association of supposedly independent and competitive producers apparently made a group presentation to the Price Commission for this major increase in prices during phase II.

I hope, Mr. Speaker, that the Antitrust Division will do a better job of protecting the American public in this case than it did in the ITT case.

In addition, a price increase of 25 percent—or any amount—is absolutely unconscionable in this industry.

The American public is already subsidizing domestic oil profits and production through the oil import quota program—a program that costs the American consumer between $5 and $7 billion a year.

Instead of increased oil prices, a repeal of the oil import quota program would cut oil and gas prices in this country by 40 percent. Rather than granting a price increase, the Price Commission should immediately recommend a suspension of the oil import quota program.

MANDATORY JAIL SENTENCES FOR USE OF A FIREARM IN THE COMMISSION OF A CRIME

(Mr. CLEVELAND asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, America's cities are dominated by violent crime, with millions of Americans living in a state of fear. The response of some is to advocate strict gun control—or confiscation—laws, despite the fact that what is really needed is tough treatment of any criminal who uses a firearm in the commission of a crime.

In an effort to remedy this situation, I have today introduced legislation imposing a mandatory, nonsuspendable prison sentence on anyone who uses a firearm in the commission of a felony. For the first offense there would be a minimum of a 5-year term; for a second offense there would be a minimum of a 10-year term. This sentence would be in addition to any other imposed for that felony, and could not be served concurrently with any other sentence.

In case of offenses governed by State law, this bill would create a new Federal crime, consisting of two elements: First, conviction of a felony by a State court; and second, use of a firearm in that felony. Administration of this law would be swift and easy. The deterrant effect would be great.

Mr. Speaker, we have heard the cries of those who want to register or even take guns away from law abiding citizens. Of course, experience shows that criminals will still be able to get guns. In rural areas, where police are few and far between, the result would be disastrous.

It is significant that the city with the strictest gun control laws in the country, New York City, also has one of the highest crime rates. This suggests that gun control laws only hurt law abiding people.

Mr. Speaker, the time has come for this country to deal realistically with this problem: We should strictly punish those who abuse firearms, and leave alone those who use them legally.

RESIGNATION AS MEMBER OF U.S. DELEGATION, MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER laid before the House the following resignation:

WASHINGTON, D.C.,
March 13, 1972.

Hon. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Since I am unable, because of a conflict in my schedule, to attend the meeting of the Mexico-United States Interparliamentary Group in New Orleans on May 16th through 21st, I hereby tender my resignation for the express purpose of permitting you to select a successor that might be able to attend that important meeting.

I have discussed the matter with the Majority Leader, and I understand he is interested in such an opportunity.

Sincerely yours,

JEROME R. WALDIE,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT AS MEMBER OF U.S. DELEGATION, MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section I, Public Law 86-420, the Chair appoints as a member of the U.S. delegation of the Mexico-United States Interparliamentary Group the gentleman from Louisiana (Mr. BOGGS) to fill an existing vacancy thereon.

TECHNICAL CORRECTION IN BILL FOR RELIEF OF DAVID J. CRUMB

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 67) to authorize the Secretary of the Senate to make a technical correction in the enrollment of the bill (S. 888) providing for the relief of David J. Crumb.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 67

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 888), providing for the relief of David J. Crumb, is hereby authorized and directed to make the following correction: Strike out "5742(a)" and insert "5724a".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

URGENT SUPPLEMENTAL APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I call up the joint resolution (H.J. Res. 1097) making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes, and ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. MAHON)?

There was no objection.

The Clerk read the joint resolution as follows:

H. J. RES. 1097

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1972, namely:

CHAPTER I

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For an additional amount for "Federal unemployment benefits and allowances," $311,600,000.

ADVANCES TO THE EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT

For making repayable advances to the extended unemployment compensation account in the Unemployment Trust Fund, as authorized by section 905(d) of the Social Security Act, as amended, $600,000,000 to enable the Secretary of the Treasury to make such advances: *Provided,* That the Secretary of the Treasury shall make such repayable advances at such times as he may determine, in consultation with the Secretary of Labor, that the amount in the extended unemployment compensation account is insufficient for the payments required by law to be paid therefrom to States.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

STUDENT LOAN INSURANCE FUND

For the Student Loan Insurance Fund, created by the Higher Education Act of 1965, as amended, $12,765,000, to remain available until expended.

CHAPTER II

INTERSTATE COMMERCE COMMISSION

PAYMENT OF LOAN GUARANTIES

For payments required to be made as a consequence of loan guaranties made by the Interstate Commerce Commission under section 503 of the Interstate Commerce Act, as amended (49 U.S.C. 1233), $28,000,000, together with such amounts as may be necessary to pay interest thereon.

CHAPTER III

CLAIMS AND JUDGMENTS

For payment of claims settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in House Document Numbered 92-262, Ninety-second Congress, $5,111,059, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That unless otherwise specifically required by law or by judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of the Act.

CHAPTER IV

GENERAL PROVISION

No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Mr. MAHON. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, this is an urgent supplemental appropriation measure for the fiscal year 1972. About $957 million is involved. The details are in the hearings and report of the committee, but briefly, every item involves expenditures required as a result of existing laws.

The amount $311,600,000 is required to make payments for unemployment compensation for ex-Federal employees and ex-servicemen.

The sum of $600,000,000 is required as a result of legislation passed by the Congress in 1970 and in 1971, authorizing a program of extended unemployment compensation payments.

Mr. Speaker, I would think that as a practical matter, in the circumstances there is nothing we can do other than to approve this legislation. The urgency of the matter arises from the information available to the committee that funds for certain payments will be exhausted about the 20th of this month.

There is also a provision in the resolution to provide $12,765,000 to take care of defaulted payments of students whose loans have been guaranteed to various lending institutions.

In addition, there are certain claims and judgments against the Federal Government that have been settled and determined, and this resolution provides about $5.1 million for them.

There is another item of $28,000,000 involving a guaranteed loan to the Reading Railroad Co. that is in default.

Mr. Speaker, there are many other supplemental requests pending before the Committee on Appropriations, but it has been agreed that we will undertake to hold this urgent supplemental measure to these few items in order that early action can be taken and the deadline of about March 20 for final passage of the resolution achieved.

The subcommittees handling the main parts of this legislation are headed by Mr. FLOOD of Pennsylvania, and Mr. McFALL of California.

Unless there are questions, I shall yield back the balance of my time, but I would think that perhaps some of the members of the subcommittees directly concerned might like to make further explanation of the action which we are now requesting of the House.

Mr. Speaker, under leave to extend, I include summary comments from the report of the committee on the measure. Additional details are in the report and in the printed hearings:

> The total sum of $957,476,059 is recommended for a handful of proposals as shown in the table at the end of this report. They involve items lifted from pending supplemental budget requests for fiscal 1972 being considered in connection with the Second Supplemental Appropriation Bill, 1972, which the Committee plans to report not long after the Easter recess break. Action on that bill will not be timely enough to meet the pressing needs represented by this joint resolution.
>
> Specifically, $911.6 million in the joint resolution relates to unemployment compensation payments mandated under basic laws—$311.6 million relating to former Federal civilian employees and exservicemen, and $600 million relating to estimated fiscal 1972 payments to the States (as repayable advances) for extended unemployment benefits under Public Laws 91-373 and 92-224. Under the first item, funds for payments are expected to be exhausted later this month. As to the second item, the other body has twice attached the proposals to other bills and the last time, which was just recently, it was agreed on all sides that the matter ought to be disposed of by mid-March.
>
> $12,765,000 is for additional payments for insured student loans in default where the Government has the legal obligation to make good on the loans.
>
> $28,000,000 is to make good on a defaulted Reading Company railroad loan guaranteed by the Government under the Interstate Commerce Act. Interest is running on the obligation.
>
> $5,111,059 relates to sundry claims and judgments settled or rendered against the Government. Interest runs on some of these items.

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. I thank the Speaker.

Mr. Speaker, the chairman of our full committee has certainly explained the need for this urgent supplemental concisely.

I will only say further that Members will recall the emergency unemployment legislation which was passed by this Congress late last year provided for payments out of the general fund, and that now aggregates something like $341 million in this particular bill. That will satisfy only those claims that will be paid during the balance of this fiscal year 1972, but under the terms of the legislation, there can be filings until the last day of the fiscal year and payments will still run over into fiscal year 1973. So we are going to have to have more money in fiscal 1973 to satisfy the balance of those claims. Estimates are currently in the range of $120 million, but I wouldn't be surprised if it ends up being double or triple that amount.

Finally, Mr. Speaker, I think it should be noted that with respect to education loans, we now have some 5 million of them in being, aggregating some $4.5 billion, $1.6 billion of which is in a repayment status, and the default rate now is estimated to be about 3½ percent. But I would remind the Members who might be too critical that under the NDEA loan program the default rate was at 6 percent. So I think, as the chariman indicates, we have no alternative but to ante up the funds that have been requested in this supplemental and support the House joint resolution.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, from what I have heard from the gentleman from Texas and the gentleman from Illinois, apparently we are seeing only the tip of the default iceberg with respect to student loans. Apparently, we can expect to see many, many more millions requested in order to take care of guarantees to the banks. Is that about right?

Mr. MAHON. I would observe that the loans which have been made are very large indeed, and while the amount in the pending resolution, $12,765,000, is considerable, it is a minor fraction of the total of the loans insured. We may be seeing the tip of the iceberg to some extent. We cannot foresee how big the defaults may eventually become, but they may be very considerable.

Of course, we are here reaping what the Congress has sown in an effort to encourage education. This is not a matter which originated in the Committee on Appropriations. It came as a result of basic legislation enacted by the Congress as, of course, my friend knows.

Mr. GROSS. Of course, what we are picking up here is the financing of spending measures that the House has approved. We often hear around here about uncontrollable expenditures, and for that reason we have to do these things. There is no such thing as an uncontrollable expenditure on the part of the Federal Government. It is up to the House of Representatives and the other body to control these expenditures in the first place. There is no such thing as an uncontrollable.

There is talk about the interest on the Federal debt, which this year will go above $450 billion, and the interest on the debt will climb to $22.7 billion. It is said this is uncontrollable. It is controllable if the House and the other body have the will to cut spending and reduce the debt. That is the way it ought to be.

Here we are with deficiency appropriations picking up the bill for expenditures in many instances that ought not to have been made. Somewhere along the line we are going to have to use the ax on expenditures and stop this business of kidding ourselves and the public that expenditures are uncontrollable.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I would like to say to the gentleman from Iowa that there is a great deal of logic in what he has said about so-called uncontrollable expenditures and that we are inevitably going to have to face up to this situation. As the gentleman says, there are many expenditures that are relatively uncontrollable under existing law, but the Congress has the power of the purse and the power of legislation, so actually there are very few really uncontrollable expenditures. Congress has the power to deauthorize what it has previously authorized.

Mr. GROSS. There are no uncontrollables. The House and the other body, the Congress of the United States can control these expenditures if they want to do it.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, in the first place, with respect to the unemployment compensation expenditures—and I have made the point they are as the gentleman indicated, uncontrollable, but they are uncontrollable only to the extent Congress itself does or does not act one way or the other. We have the laws on the books, and we are obliged to satisfy the laws in keeping with the formulas we have established in the legislative committees. I do not particularly like them but there is an obligation that we have to meet.

Mr. GROSS. The laws are on the books, because Congress approved the laws. There is where the fault begins, and it ends with more and more deficiency appropriations like this.

Mr. MICHEL. The gentleman is correct. I cannot fault him on that. Let me say further that we are getting more and more students now taking advantage of the loan program in the field of vocational training, which lasts for only 1 or 2 years. There is an increase in the rate of default among those students who have been getting just enough education to get a job and being forced to repay the loan early, and that is causing a problem.

We're also finding that some students have been encouraged to take bankruptcy as a means of escaping their obligations. That is taking place with respect to our adult population, and it pervades throughout the lower strata of youth who are taking a cue from their elders and declaring bankruptcy.

The SPEAKER pro tempore (Mr. Boggs). The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. Gross was allowed to proceed for 1 additional minute.)

Mr. GROSS. Who is encouraging the students to take bankruptcy?

Mr. MICHEL. If the gentleman will yield, in some particular areas around the country we have these legal aid societies advising the young people that this is one way of getting out of their obligations to the Federal Government. It wrankles me no end because the taxpayer is getting it in the neck both ways, because we are federally funding those legal services around the country. All the fears I expressed when these free legal services were authorized are certainly being borne out. It is certainly a blot on the program—both programs for that matter.

Mr. FLOOD. Mr. Speaker, I move to strike the last word.

Mr. Speaker, in connection with what was just being said, I may say to my friend, the gentleman from Iowa, that I raised this question at our hearing before our subcommittee, because all of a sudden, to my utter amazement—and I am sure that of the gentleman—we started getting statements about bankruptcy—bankruptcy—bankruptcy. We were talking about student loan defaults, and someone mentioned bankruptcy as one of the reasons why some of these loans are in default. This is what is happening. We have now developed a class of 19- to 20-year-old bankrupts.

When I was that age I could hardly spell "bankruptcy." Now there is something going on someplace, somewhere, with somebody advising these students who have borrowed money or who have guaranteed loans, and they are now, at 19 and 20 years of age, going bankrupt. This is hard to believe, but this is actually the case, so we are advised.

We did not examine this in any great depth. We conducted no examination. But we have asked the Department, "For heaven's sake, would you look into this as soon as you can and tell us more about this new breed of 19- and 20-year-old bankrupts."

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Iowa.

Mr. GROSS. They are really getting training early these days in high finance.

Mr. FLOOD. I cannot imagine anybody saying it better than I, but the gentleman just did.

Mr. GROSS. Yes, they are really getting their bankruptcy training early, and I guess that is a symptom of these times.

Mr. FLOOD. There is also another question, I might say to my friend. Let me ask this: Are these flinthearted, steely eyed bankers of tradition exercising all their acumen before they grant the loans? Are they advising and consulting before the loans are granted? Are they participating in this?

Mr. GROSS. If the gentleman will yield further, I am not a banker, but I see a banker sitting in the first row, the gentleman from Ohio. I do not know whether it could be said that he is steely eyed.

Mr. FLOOD. Take a look and see.

The gentleman understands what I mean. Are the bankers and lenders doing their share? Is everybody pulling his weight?

Mr. VANIK. Mr. Speaker, I move to strike the requisite number of words.

I should like to ask the distinguished chairman of the Appropriations Committee a question.

In this bill I see an appropriation of $28 million to pay for the default of the loan of the Reading Railroad Co. under section 5 of title V of the Interstate Commerce Act. I should like to inquire as to whether this authority in the ICC is unlimited? Has the Congress lost its authority or its capacity to limit the loan guarantee power of the ICC?

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I yield to the distinguished chairman.

Mr. MAHON. Congress has not lost its control over the purse or its legislative authority with respect to guaranteed loans. The Congress, in 1958, passed legislation—which became part V of the ICC Act—authorizing the Interstate Commerce Commission to guarantee certain loans.

I have before me the hearings on this resolution which contain a list of the outstanding loans, about nine of them, totaling about $89 million. The one in default, of course, is for $28 million to the Reading Co.

I might add that it is my understanding that this listing constitutes the maximum remaining potential liability of the Government under this program. The authority for the ICC to make new guarantees under the 1958 act has terminated.

Mr. VANIK. I thank the distinguished chairman.

Mr. HAYS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, if I may have the attention of the gentleman from Iowa (Mr. Gross), I believe he was referring to me a moment ago. I would say to him that the bank in which I am a director has made some guaranteed student loans, only to local boys and girls of good reputation and whose parents have a good reputation, and up to now we do not have any in default.

I am amazed and surprised to hear the statement of the gentleman from Pennsylvania. I believe it is shocking and it should be looked into.

In connection with something else the gentleman said, he said anything is controllable. I am inclined to agree with him, so far as Congress appropriating the money is concerned.

In fact, anything is possible. I will give an example. I was at a dinner party a couple of nights ago. There were a couple of Cabinet members from this administration there. They were needling the Democrats about the terrible situation we are in, with our plethora of candidates, and with Mr. Wallace the frontrunner, apparently, in Florida, and they said, "Look what a situation you Democrats are in. Here is Wallace going to the convention with a couple of hundred delegates, and he can be nothing but trouble, because there is no way that you Democrats could have him on the ticket."

I said, "What do you mean, there is no way? Everything is possible." I said, "If they want to nominate me, I will take Mr. Wallace for Vice President."

One of the Cabinet members said, "Would you run with Wallace?"

I said, "Why not? Nixon ran with AGNEW, did he not?"

Mr. WALDIE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the question was asked by one of the Members here as to where these young people acquired at the age of 19 or 20 the experience of bankruptcy.

I suggest it is not a very difficult thing to acquire that experience under this administration, and what we are picking up in this bill are the consequences of an economic policy of an administration that has been in existence for 3 years and that has plunged a good part of this country into bankruptcy and into default on loans. Until such time as this administration comes up with a cogent and coherent economic policy it makes no sense to blame these failures on young students.

Mr. CEDERBERG. Will the gentleman yield?

Mr. WALDIE. I am happy to yield to the gentleman.

Mr. CEDERBERG. Would the gentleman prefer that some of these young men who will get these loans go back to Vietnam as they did under the past administration or have the whole thing open up as we had in the past, or would he like us to go through the transition from war to peace as we are doing now? Or do you want to go back to a period of peace to war?

Mr. WALDIE. I prefer that the administration provide for these young people the job opportunities that a Democratic administration provided for you and for me. This bill does nothing but deal with the failures of economic policies of this administration which has as its keystone policy, putting people out of work.

Mr. CEDERBERG. Will the gentleman yield further?

Mr. WALDIE. I am pleased to yield to the gentleman.

Mr. CEDERBERG. The unemployment rate at the present time is right where it was during the Kennedy administration, which the gentleman supported at that time. When we did send all of our boys over to Vietnam and when we had a high draft call, it went down, of course. Now it is down lower than it was, but we are back to the pre-Kennedy administration days in the area of unemployment. We can discuss that all we want to——

Mr. WALDIE. We do not have to.

Mr. CEDERBERG. But that does not make any kind of a contribution to what we are talking about here.

Mr. WALDIE. We do not have to discuss it any further, because I will not yield further. But you are dead right that the unemployment rate was the same as today under Nixon when Kennedy took over from Eisenhower, the last Republican administration, and when we had a similar high rate of unemployment. That is what we are dealing with now. What we are dealing with here are the consequences of that absurd economic policy which President Nixon has foisted on the American people. This is a consequence of these deficiencies, with its effect on the young people who graduate from college and find no jobs available.

Mr. CONTE. Mr. Speaker, I rise to urge quick approval of the $28 million, plus interest to date of payment, to repay a Government-guaranteed loan made to the Reading Co. With interest on the loan accruing at $5,000 a day, time is of the essence. If by some miracle we could pay this loan by tomorrow, the interest costs alone would be almost $1.3 million. A delay in payment until the end of June will add another $500,000 to the bill.

At a time when we are all struggling to put our economic house in order, it is my hope that the House will promtly approve this request and that the Senate will do likewise. Further delay will only result in needless wastes of the American taxpayers' money.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER pro tempore. (Mr. BOGGS). The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 365, nays 16, not voting 50, as follows:

[Roll No. 73]

YEAS—365

Abbitt
Abernethy
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews
Annunzio
Ashley
Aspin
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Collier
Collins, Ill.
Conable
Conte
Conyers
Corman
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Griffin
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Minshall
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zion
Zwach
Young, Fla.
Young, Tex.
Zablocki

NAYS—16

Archer
Baker
Camp
Cleveland
Collins, Tex.
Colmer
Crane
Devine
Gross
Hall
Landgrebe
Mathis, Ga.
Price, Tex.
Rarick
Roncalio
Schmitz

NOT VOTING—50

Abourezk
Arends
Ashbrook
Aspinall
Badillo
Baring
Bingham
Blackburn
Broomfield
Caffery
Chisholm
Cotter
Dellums
Dowdy
Dwyer
Eckhardt
Edwards, La.
Fisher
Galifianakis
Gaydos
Green, Oreg.
Griffiths
Hébert
Holifield
Hull
Jacobs
Jarman
Jones, Ala.
King
Landrum
Long, La.
McDonald, Mich.
Macdonald, Mass.
Mink
Mitchell
Montgomery
Moss
Nelsen
O'Hara
Pelly
Powell
Pryor, Ark.
Pucinski
Riegle
Scheuer
Stephens
Stubblefield
Udall
Ullman
Van Deerlin

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.
Mr. Stubblefield with Mr. Broomfield.
Mr. Holifield with Mr. King.
Mr. Hull with Mrs. Dwyer.
Mr. Aspinall with Mr. Pelly.
Mr. Fisher with Mr. Nelsen.
Mr. Van Deerlin with Mr. McDonald of Michigan.
Mr. Jones of Alabama with Mr. Ashbrook.
Mr. Caffery with Mr. Blackburn.
Mrs. Green of Oregon with Mr. Riegle.
Mr. O'Hara with Mr. Powell.
Mr. Cotton with Mr. Dellums.
Mr. Stephens with Mr. Udall.
Mr. Barring with Mr. Badillo.
Mrs. Chisholm with Mr. Eckhardt.
Mr. Gaydos with Mrs. Griffiths.
Mr. Pucinski with Mr. Pryor of Arkansas.
Mr. Macdonald of Massachusetts with Mr. Long of Louisiana.
Mr. Landrum with Mr. Jacobs.
Mr. Jarman with Mr. Dowdy.
Mr. Galifianakis with Mr. Mitchell.
Mr. Montgomery with Mr. Moss.
Mr. Bingham with Mr. Abourezk.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter, and I ask unanimous consent that all Members be permitted to revise and extend their remarks on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that that committee may have until midnight tonight to file reports on two bills.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AUTHORIZING PREPARATION OF OFFICIAL DUPLICATES OF S. 2097

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurred resolution (S. Con. Res. 68) to authorize the preparation of official duplicates of S. 2097.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask the gentleman the meaning of his request?

Mr. STAGGERS. Will the gentleman yield?

Mr. GROSS. I am glad to yield to my friend from West Virginia.

Mr. STAGGERS. I will say to the gentleman that the House and Senate passed a bill to establish a special action office for drug abuse prevention and directing the President to concentrate the resources of the Nation against the problem of drug abuse and we had to have a conference with the Senate on it. During the conference the Senate lost the official papers.

Mr. GROSS. The Senate did what? Will the gentleman please repeat that statement?

Mr. STAGGERS. I will be happy to. I will say that the Senate or some of the people working for the Senate committee lost the official papers, and we have to pass this concurrent resolution in order to have the papers reprinted.

Mr. GROSS. As one gentleman suggests, I have heard everything now. I do not believe that in my years in Congress I have ever heard of the papers being completely lost. Is there any indication of where the Senate papers were lost?

Mr. STAGGERS. I have not heard anything about it. All they say in the Senate that they were lost and they need to have a concurrent resolution passed before we can bring the conference report to the floor.

Mr. GROSS. Do you suppose it would be of any benefit if we appropriated a little money on the House side to supply the Members of the other body and their staffs with seeing-eye dogs or a reward or something of that kind?

Mr. STAGGERS. I am not sure, sir, whether that would be helpful or not, but it really is the first time I have ever heard of anything like this. However, this is the only way we can proceed.

Mr. GROSS. Or perhaps a course in memory training.

Mr. SPRINGER. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. SPRINGER. I want to say to my distinguished colleague from Iowa that this is the second bill we have brought up here in the last week and a half. I know it pleases my colleague that this does not cost a single cent.

Mr. GROSS. That is helpful, but it still does not answer the question as to how papers can disappear as readily and as easily as they apparently did in this case.

However, I thank the gentleman for his observation.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 68

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to prepare and sign official duplicates of the conference papers of the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 18, GRANTS TO RADIO FREE EUROPE AND RADIO LIBERTY

Mr. FASCELL submitted the following conference report and statement on the bill (S. 18) to amend the United States Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty:

CONFERENCE REPORT (H. REPT. No. 92–914)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 18) to amend the United States Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That the United States Information and Educational Exchange Act of 1948 is amended by inserting after section 702 the following new section:

"AUTHORIZATION FOR GRANTS TO RADIO FREE EUROPE AND RADIO LIBERTY

"SEC. 703. There are authorized to be appropriated to the Department $36,000,000 for fiscal year 1972 to provide grants, under such terms and conditions as the Secretary considers appropriate, to Radio Free Europe and Radio Liberty. Except for funds appropriated under this section, no funds appropriated after the date of enactment of this section for any fiscal year, under this or any other provision of law, may be made available to or for the use of Radio Free Europe or Radio Liberty."

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
WAYNE L. HAYS,
DANTE FASCELL,
W. S. MAILLIARD,
PETER H. B. FRELINGHUYSEN,
WM. BROOMFIELD,
Managers on the Part of the House.

FRANK CHURCH,
STUART SYMINGTON,
GEORGE D. AIKEN,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 18) to amend the United States Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Conferees were in disagreement as to whether the Radios should be continued in operation beyond this fiscal year.

The House Conferees felt strongly that the Radios should not have their activities terminate precipitously and without further study as to whether they serve the national interest. Thus, the House Conferees were insistent that the Radios be authorized for two years during which time their utility could be studied.

The Senate Conferees were adamant in their belief that the Radios should be continued only for the balance of the current fiscal year leaving the future of the Radios to determination by the Congress in action taken before the beginning of fiscal year 1973. Some felt that the future of the Radios should be considered within the context of periodic State Department or USIA authorization legislation.

The Conferees resolved their differences by agreeing to legislation which will continue the programs at the authorized rate of $36 million only for the balance of the current fiscal year with the clear understanding, however, that further legislation will be considered before the end of this fiscal year.

It is, of course, not possible to predict what action the Congress may take. However, the Conferees were agreed that should there be a decision to terminate the activities of the Radios, fairness and equity require that funds would need to be made available for orderly termination. They also agreed that this reference to termination is not to be construed as a prejudgment as to continuation of the programs, their expansion, their contraction, or other means of financing the Radios.

Thomas E. Morgan,
Clement J. Zablocki,
Wayne L. Hays,
Dante Fascell,
W. S. Mailliard,
Peter H. B. Frelinghuysen,
Wm. Broomfield,
Managers on the Part of the House.

Frank Church,
Stuart Symington,
George D. Aiken,
Clifford P. Case,
Managers on the Part of the Senate.

FOREIGN AID—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-190)

The **SPEAKER** laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Today I am transmitting to the Congress legislation which would authorize funding for my foreign aid proposals for the coming fiscal year. This draft bill, which is entitled the Foreign Assistance Act of 1972, also contains provisions to make our military assistance more effective.

As I have often indicated, our foreign assistance programs are a central element in our foreign policy for the 1970s. For it is as dangerous for this Nation to ignore the problems of poverty and hunger and the need for security in other nations as it is to ignore our own domestic needs.

The Congress, acting after two-thirds of the current fiscal year had already passed, drastically reduced my foreign assistance requests for fiscal year 1972. In my judgment, the amounts appropriated for both security and development assistance in fiscal year 1972 are below the minimum level required to attain our foreign policy and national security goals. These reductions have created difficult problems in essential programs and in our relations with several countries. A repetition of these reductions and delays in 1973 would call into serious question the firmness of our commitments abroad and could have a destabilizing effect at a time when calm confidence in our support and perseverance will be critically needed. I therefore urge the Congress to act promptly to authorize and appropriate the full amounts requested for foreign assistance in fiscal year 1973.

In forwarding the Foreign Assistance Act of 1972, I would also underscore the points I made in my message to the Congress on April 21, 1971. In that message I addressed the need for fundamental reform of foreign assistance and recommended a major reorganization of these programs. I hope that the Congress will give closer consideration to these proposals in this session, and that together we can develop the most effective program possible, one that truly merits the broad bipartisan support that foreign aid has enjoyed in the past.

SECURITY ASSISTANCE

As I pointed out in my annual Report to the Congress on Foreign Policy last month: "Security assistance is a cornerstone of our foreign policy and of Free World security . . ." We live today in a period of transition in world affairs, in a time in which the United States is taking bold initiatives to build a new structure of peace, while asking our friends and allies to assume a greater responsibility for their own defense.

As we begin to make adjustments in our international role, it is especially critical that we maintain a firm U.S. commitment to an adequate level of security assistance. For without such adequate levels, our friends and allies will lack the confidence required for successful international cooperation in an era of negotiations. And without adequate security assistance, we cannot safely reduce our military presence abroad.

I am therefore requesting authorizations for security assistance programs totaling $2,151 million in fiscal year 1973: $780 million for grant military assistance, $527 million for military credit sales, and $844 million for security supporting assistance, of which an estimated $50 million is intended for Israel.

NARCOTICS CONTROL

I am requesting that a separate appropriation of $42.5 million be authorized for the support of international narcotics control activities. Control of illicit drug production and trafficking is one of the highest priorities of my Administration. I believe the authorization and appropriation of funds specifically for this purpose is essential to clearly demonstrate the determination of the Administration, the Congress, and the American people to overcome this serious menace.

SOUTH ASIA RELIEF AND RECONSTRUCTION ASSISTANCE

I am also proposing the authorization of $100 million in fiscal year 1973 for refugee relief and humanitarian assistance in South Asia. This sum would be in addition to the $200 million appropriated for this purpose for the current fiscal year.

The damage and destruction growing out of the war between India and Pakistan has truly been immense. We have indicated our willingness to work with other donors under the auspices of the United Nations to provide relief and rehabilitation to those in need.

The Secretary General of the United Nations has issued an assessment of these needs and a special appeal for support. We have already made an initial contribution to this effort and will continue to contribute in the light of the efforts of others and further assessments of need. The $100 million which I am requesting would enable us to continue to participate generously, along with other nations, in this important work.

Richard Nixon.

The White House, *March 14, 1972.*

NATIONAL PROGRESS IN AERONAUTICS AND SPACE ACTIVITIES DURING 1971—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The **SPEAKER** laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics:

To the Congress of the United States:

I am pleased to transmit herewith a report of our national progress in aeronautics and space activities during 1971.

This report shows that we have made forward strides toward each of the six objectives which I set forth for a balanced space program in my statement of March 7, 1970.

Aided by the improvements we have made in mobility, our explorers on the moon last summer produced new, exciting and useful evidence on the structure and origin of the moon. Several phenomena which they uncovered are now under study. Our unmanned nearby observation of Mars is similarly valuable and significant for the advancement of science.

During 1971, we gave added emphasis to aeronautics activities which contribute substantially to improved travel conditions, safety and security, and we gained increasing recognition that space and aeronautical research serves in many ways to keep us in the forefront of man's technological achievements.

There can be little doubt that the investments we are now making in explorations of the unkown are but a prelude to the accomplishments of mankind in future generations.

RICHARD NIXON.

THE WHITE HOUSE, *March 14, 1972.*

SERIOUS CHARGES AGAINST THE DALLAS OFFICE OF THE WAR ON POVERTY

(Mr. CABELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CABELL. Mr. Speaker, it is my sad duty to report that over the past 10 days the Dallas Office of the War on Poverty has come under serious charges from both local newspapers that threaten to curtail or to completely eliminate future conduct of this program.

Today, the executive board of the Dallas Community Action is hopelessly divided and incapable of executive action.

The executive director of DCA has resigned under fire from both factions and for more than 2 months agreement on a successor has been impossible,

Over the past 2 years many responsible individuals both from the public sector and from the poverty group have left the program because of their inability to achieve progress or harmony, and

An increasing number of DCA programs are under investigation for a variety of violations, including misuse of funds, "hot checks," conflict of interest and many other obvious violations of program guidelines.

Currently at least three investigations are underway, including those by the local DCA office, the regional OEO office and the Dallas District Attorney. Only recently the DCA credit union was evaluated by the National Credit Union Administration and problems of growth and participation, of improper loan documentation, and of improper loan approval were uncovered.

In addition to serious discrepancies in the conduct of the program's credit union, newspaper investigation has disclosed that almost $1,000 in hot checks have turned up following the expenditure of $5,242 during 6 months by a former member of the DCA youth program who is now in California and refuses to answer questions, that over $4,000 was spent by the same youth program for a Southern Christian Leadership Conference film showing that was available for $250 and that serious questions existed on financial decisions made by individuals with authority to rule on budgets of their own departments including their own salaries.

These charges are a bitter disappointment to those of us who have helped originate this program and who know the great need that it can fill when properly administered. I am aware that any charge against the Dallas DCA must be balanced by sincere praise for its accomplishments over the years, for the sense of hope that it has given many of our disadvantaged, and in recognition of the selfless devotion to its ideal by so many hard-working individuals, some of whom have retired from it frustrated and disillusioned.

I believe that a prompt, objective and thorough review of the entire program is needed to save it from itself. However, I sincerely question the effectiveness of the current studies. I hope that discrepancies uncovered will fall short of the criminality that would warrant action by the district attorney.

Nevertheless, I feel any investigation by either local or regional OEO officials would be meaningless.

The present OEO regional director, Samuel R. Martinez, has shown no more inclination to deal firmly with discovered violations than his predecessor James W. Griffith.

For almost 4 months I have been waiting upon the OEO office for an explanation of what I felt were questionable practices in local operations. Though my office has been repeatedly told the matters were under investigation, no further word has been given and, to this date, the new regional director has excused his inaction on this matter by protesting difficulties of a move from Denver to Dallas which, as near as I can learn, has now occupied him for almost 2 months.

In the meantime, Mr. Martinez has granted employees found guilty of conflict of interest violations 12 months of freedom to continue an illegal position that threatened them last December with a loss of $6 million in Federal funds.

Lacking confidence in either the local board or its staff, and in the new regional director and his staff, the only recourse, it seems to me, is full-scale review of the program from the Washington OEO office. However, while such reviews in the past have brought firmer guidelines, the ability of the Washington office to impose discipline at the local level leaves much to be desired.

It may be that an entirely independent financial audit must be ordered by Congress of all questionable OEO projects or that Congress itself must investigate the program.

The really sad commentary on this whole mess is that two segments of our citizenry are suffering irreparable losses.

The taxpaying citizens, who are willing for their tax dollars to be used for assisting those less fortunate than themselves are seeing their hard-earned dollars going down the drain. Most importantly, the disadvantaged, for whom these taxes are levied, are not being assisted. They are frustrated and are losing confidence in their Congress for not maintaining better oversight over these programs initiated ostensibly for assistance to those disadvantaged.

If OEO is unable to clean its own house at all levels, then it is the responsibility of this Congress to make certain its intent is obeyed or the program be abandoned.

SOME IMPORTANT FACTS

(Mr. NIX asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NIX. Mr. Speaker, recent public criticism about U.S. policy toward South Africa and the Portuguese colonies in Africa, as reflected in our votes in the United Nations, is understandable. It should not, however, obscure the sustained efforts the United States has made, and is making, to assist in the development efforts of countries we often refer to as Sub-Sahara Africa.

The transition in Africa from a colonial status to independence has not always been smooth and peaceful. Each of the newly independent countries is busily engaged in molding its own political forms in a manner compatible with its internal situation. There is little that the United States can, or should, do to direct the political patterns of these governments.

In each of these countries there are, however, common-core problems that have engaged our resources, such as food production, basic health and family planning services, public administration, and transforming their educational systems to respond to the requirements of rapidly changing societies. Much of U.S. economic aid has gone into these sectors.

The growing role and interest of the United States in Africa is reflected in AID support and commitment to a number of regional organizations in Africa. These organizations each have a solid base of support in Africa and are playing an increasingly effective and important role in the development activities of their member states. The four principal organization include the African Development Bank, the U.N. Economic Commission for Africa, the Entent Fund, and the East African Community. In addition to these organizations, there are a number of other regional organizations with specialized interests in Africa that AID assists through grants to support elements of their programs.

About one-third of the U.S. program to Africa, including technical assistance projects, are devoted to these regional activities to promote greater cooperation in undertaking development activities which are not viable on a single country basis or which can be accomplished more advantageously by multicountry cooperation. It is through such programs that we have promoted activities to increase interstate communication, to enlarge the numbers of trained personnel and to attack the problems of agricultural production and marketing that will help increase individual incomes and improve the quality of life of the population as a whole.

The most recent figures for 1970 indicate that total assistance to Africa from the non-Communist nations amounted to more than $1.7 billion of which more than $300 million—or 19 percent—came from the United States. This latter figure includes programs under the Agency for International Development as well as those carried out under the Food for Peace legislation and the Peace Corps. The United Nations Development Program to which the United States is the principal contributor has spent more than 37 percent of its funds in Africa.

Since 1949 total U.S. bilateral assistance to Sub-Sahara Africa under various programs has amounted to about $2.6 billion.

WE TRIED HARDER

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, on Saturday, March 4, 1972, Paul Harvey News, a radio show carried nationally by the American Broadcasting Co., commented on a situation in the Midwest which many of us in Congress have been aware of for some time. It is a topic which has often been the subject of bitter debate both here in the Halls of Congress as well as in some of the finer establishments in the major cities of our land. Much has been said and much has been written about this, Mr. Speaker, but when all the evidence is in, there can be little doubt as to the outcome of this argument.

It was well summarized in the recent statement by Paul Harvey on the ABC radio network when he proclaimed that Chicago is No. 1. For when Paul Harvey in his patented delivery declared that "Chicago, for generations our Nation's 'second city,' has become No. 1" even the remaining doubters on that fabled isle in the Hudson were forced to stand up and take notice. His commentary is so convincing and his facts so clearly conclusive, that I would like to insert the text of his remarks in the RECORD for all my colleagues from Fun City to take due note of.

Chicago, for generations our nation's "second city", has become number one.

The evidence is irrefutable. The "reasons why" should be fun to compute.

The busiest freeway in the world is the one connecting Chicago with its airport and points beyond. 240,000 cars per day.

And Chicago's airport is the busiest commercial airport in the world, ⅔ of a million flights in or out last year.

And the busiest streetcorner in the world is State and Madison.

While New York's population has been stagnating for two decades, Chicago's telephone directory became the fattest in the nation.

And Sears Roebuck is right now putting the upper floors of the tallest office building in the world—in Chicago.

Chicago already had the tallest apartment building, the tallest bank, the biggest underground garage.

Chicago's is the largest post office, the largest convention center, the world's leading commodity and produce markets.

With New York suffering industrial atrophy and decline, Chicago has become first in thirty-eight major industrial categories; mail order, appliance manufacture, commercial printing, metal manufacturing, office machines, cut stone products, canned and frozen foods—radio and TV production—steel—and scores more.

And it's happened so suddenly that most Chicagoans don't fully appreciate the fact that their city, in variety and excellence of architecture, exceeds any other in North America. Airliner crews approaching from over the lake never get over being spellbound by that skyline.

Chicago's four million population is a real potpourri. We have as many Italians as Rome, as many Poles as Warsaw, more Irish than Dublin—and even a substantial settlement of transplanted Arctic Eskimos.

For excellence and variety of food, no place compares: Greek, Spanish, Kosher, Scandinavian, Irish, Bohemian, Oriental.

And culture: Three of Chicago's 28 museums are incomparable.

Chicago's symphony is acknowledged number one in the nation, some say "in the world."

No city has more colleges.

I'm going to distract you if I suggest that most of this reflects Mayor Daley's stewardship.

This is not intended to recommend him for other office. His fierce dedication to being the greatest city's greatest mayor is the height of his own ambition.

Yesteryear's "second city," trying harder, has become "first!"

New Yorkers used to boast that they had Broadway; they still have—but now they're embarrassed by it.

Within 20 months, Michigan Avenue will eclipse Fifth Avenue as a marketplace for high fashion.

With every other city threatened with decay and bankruptcy—Chicago is more dynamic, more beautiful, more prosperous, "more everything" now.

THE "JAMES G. FULTON FLOOD PROTECTION PROJECT"

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Pennsylvania (Mr. HEINZ) is recognized for 10 minutes.

Mr. HEINZ. Mr. Speaker, yesterday I was pleased to cosponsor H.R. 13765, offered by the entire Pennsylvania delegation. This legislation would appropriately name the Chartiers Creek Flood Protection Project after the late Congressman James G. Fulton.

This important project had the backing in Congress of Jim Fulton, and that is why I believe this project should be named after him. But I also believe that in proposing this memorial after Congressman Fulton, we are also recognizing the interest and foresight of local officials and private citizens who initiated the planning and development of this much needed flood control project. It was they who lived with the problems created by Chartiers Creek and it was they who worked closely with their Congressmen to get the Federal Government to develop a solution.

Jim Fulton's work with and in behalf of the people of the Chartiers Valley serves as an example of Jim Fulton's unremitting interest in and service to his district. He was a public servant in the best sense of the word. The feats he performed for the constituents of the 27th District of Pennsylvania and in fact for all of Allegheny County were legendary. Pittsburghers will always remember him on a personal and an individual basis as the man who went to bat for them in their problems with Government. He was aggressive and dashing in his approach, but his objective was always to help his constituents. They knew it, and they rewarded him and helped themselves by sending him back to Congress for 14 consecutive terms.

He is missed in Allegheny County today, and the naming of the James G. Fulton Flood Protection Project is a fitting tribute to a dedicated man.

The bill follows:

H.R. 13765

A bill to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pennsylvania, as the "James G. Fulton Flood Protection Project"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the portion of the project for flood protection on Chartiers Creek that is within Allegheny County, Pennsylvania, authorized by section 204 of the Flood Control Act of 1965 (P.L. 89–298), shall be designated as the "James G. Fulton Flood Protection Project". Any reference to such project in any law, regulation, map, document, record, or other paper of the United States shall be held to be a reference to the "James G. Fulton Flood Protection Project".

Mr. Speaker, I am introducing today a bill to name the Carnegie-Bridgeville reach of the Chartiers Creek Local Flood Protection Project in Pennsylvania in honor of our late and beloved colleague, James G. Fulton.

This project, designed specifically to serve his congressional district, would become the James G. Fulton Local Flood Protection Project, Chartiers Creek, Allegheny County, Pa.

The Members of the House are well aware of our late colleague's devotion to his responsibilities as a member of the Committee on Foreign Affairs and of the Committee on Science and Astronautics. This bill would memorialize his devotion to his responsibilities as a representative of the 27th District of Pennsylvania.

Chartiers Creek is located in Allegheny and Washington Counties, southwestern Pennsylvania. In many parts of our country, the creek would be called a river. The stream in its natural state is 52 miles long from its source about 6 miles south of Washington, Pa., to its mouth on the Ohio River at McKees Rocks, 2.6 miles below Pittsburgh, Pa. The Chartiers Creek Basin is roughly rectangular in shape with a length of about 24 miles and an average width of about 12 miles. The drainage area above the mouth is 277 square miles.

There are a number of tributaries. The steep profiles of the tributaries lend themselves to rapid runoff from the sometimes severe local storms typical of the region. Frequent flooding of the valley flow resulted.

The communities of the Chartiers Creek basin that were affected by floods are old, established and well-developed. The valley is primarily industrial, but there are also large commercial and residential zones in the areas subject to flooding. Annual flooding was accepted as a matter of course, with severe flooding occurring on an average of every 5 or 6 years.

The flood that brought official Federal recognition occurred in connection with Hurricane Hazel in October 1954. Congressman Fulton and other local representatives pressed for emergency action and on the 26th of October the President declared the flooded localities in and around Allegheny County, including the Chartiers Creek valley, a disaster area.

In the following June, Mr. Fulton introduced a resolution to the House Committee on Public Works, requesting a survey of Chartiers Creek for flood control, the beginning of a long struggle for authorization and appropriation. In the meantime, the flood of August 1956 occurred, the most severe of recent record, causing damages amounting to over $5,000,000—April 1962 values—in the Allegheny County part of Chartiers Creek Valley alone. Once again Mr. Fulton called on Federal, State, and local offices and agencies for assistance, and once again the valley was officially included in a disaster area.

Efforts to obtain congressional approval and funds were finally successful, and the survey started in November 1957. Each succeeding year, 1958, 1959, 1960, and 1961, our colleague sought for and obtained budget funds to continue the survey, which was completed in February 1963. The recommendations were for improvement of about 11 miles of creek channel from about 3½ miles above the mouth to the southern limits of the borough of Bridgeville in Allegheny County, and improvement of about 5 miles of creek channel through the adjoining boroughs of Canonsburg and Houston in Washington County.

I will not burden you with the details of getting the Allegheny County project underway. This job required much more than successful competition for Federal funds with other worthwhile projects. The city of Pittsburgh, six boroughs and five townships, all affected by valley flooding, had to be persuaded to agree to local cooperation. A large trunk sewer had been constructed in the channel bed for most of the creek within the project limits. Relocation of this sewer was a must, but payment for the relocation as part of the local cost participation was beyond the capabilities of the smaller municipal partners in the enterprise. Finally, after much effort, Federal, State, and county funds were pledged in their proper proportions.

On the 27th of June 1968, a contract was awarded to the Irvin T. Miller Construction Co. of Burgettstown, Pa. for construction of unit 1. On the 26th of July 1968, Congressman James G. Fulton launched the groundbreaking ceremony attended by dignitaries from the several levels of Government concerned with the project. Typical of the man, an important commitment to a congressional task took him away before completion of the ceremony.

Jim Fulton lived to see the business area of old Carnegie Borough revitalized. He lived to see a potential flood carried safely through the improved channel in May 1971. He lived to note that on the 5th of October 1971 the President signed the appropriations bill carrying fiscal year 1972 funds for Chartiers Creek. And on the 6th of October, Jim Fulton died.

In the orderly progress of construction, the job will probably take another 4 years to finish. At this mid-point, it is altogether fitting that we memorialize the man who was so instrumental in its inception.

DNC CHAIRMAN O'BRIEN TALKS ABOUT TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, Lawrence O'Brien, chairman of the Democratic National Committee, had some noteworthy things to say about tax reform last week.

In a speech to the Yale Political Union on March 7, Chairman O'Brien emphasized that:

> Tax reform is an issue whose time is a lot closer to coming than many professional politicians admit, or even recognize.

If Mr. O'Brien is right, and I am convinced he is, President Nixon may find himself in an uncomfortable position. So far, the Nixon policy on taxes has been, as Mr. O'Brien describes it, to:

> Initiate only those tax proposals that favor corporations and the wealthy, diminishing even further the revenue-producing capacity of the federal tax system. Then unveil the proposal for a value-added tax would make more regressive a tax structure that already discriminates heavily against the lower to upper-middle income taxpayer.

Chairman WILBUR MILLS of the House Ways and Means Committee has given President Nixon the opportunity to make a new start on tax reform, urging the President to submit tax reform proposals to Congress by March 15. With that deadline 1 day away, the President has still not responded to Chairman MILLS' February 7 letter.

This failure of leadership on the President's part is discouraging. As Mr. O'Brien notes:

> My years on Capitol Hill have taught me that strong presidential leadership is *the* essential ingredient in any serious tax reform effort. The President must define the battle ground, marshal the troops, organize public opinion and personally commit his prestige to passage of legislation in the House and Senate.

The full text of Chairman O'Brien's speech follows:

REMARKS BY DEMOCRATIC NATIONAL CHAIRMAN LAWRENCE F. O'BRIEN TO YALE POLITICAL UNION, ART GALLERY, YALE UNIVERSITY, NEW HAVEN, CONN., TUESDAY, MARCH 7, 1972

It is a pleasure for me to be with you this evening, members and guests of the Yale Political Union.

My message this evening is, in part, a report on our considerable efforts to modernize and rebuild the oldest political union in the western world—the Democratic Party. This effort is by no means completed and we cannot assume that success is certain. But this much we already know: for the past three years the Democratic Party nationally and in the states has totally changed its way of doing business.

We have moved away from traditions and practices that kept many people on the sidelines, effectively blocked from participating in critical decisions of the party such as presidential nominations and writing of the platform. We have moved toward an open party, one where any interested and motivated person has a chance to make a difference in the decisions that are reached. By comparison, the Republican Party has turned its back on meaningful reform, relying instead on grandly worded manifestoes totally lacking the enforcement machinery required to get the job done.

In the wake of the 1968 Democratic National Convention, the two Democratic Party reform commissions—one chaired by Senator George McGovern of South Dakota, the other by Representative James O'Hara of Michigan—began the extraordinary assignment of analyzing and recommending changes in the entire process of selecting delegates for the national convention and in the procedures of the national convention itself. This kind of comprehensive study had never been attempted before by either the Democratic or Republican parties.

In these early days, the cynics—and there were many of them—assumed that some lofty language, coupled with the reformers' traditional problem of maintaining their early momentum, would limit the scope and impact of the reforms. In due time the zealots would grow tired of the enterprise and all could get back to normal.

I can report that the cynics were mistaken. Fifty states established their own reform commissions. The Democratic National Committee unanimously adopted the recommendations of both the McGovern and the O'Hara Commissions. State after state—even those that had originally rejected the reforms out of hand—changed their rules and procedures to comply with the 18 guidelines governing delegate selection.

We even remain hopeful that Connecticut—one of our last problem states—will resolve the current dispute in time to assure its delegation being seated in Miami Beach without challenge.

You may find some of these statistics interesting:

In 1972, 99 per cent of the delegates to the Democratic National Convention will be elected in open competition; 1 per cent will be selected by state committees. In 1968, 15 per cent were chosen by state committees.

In Arizona, six party officials chose *all* the delegates for the 1968 convention. Last month in Arizona, 36,000 Democrats participated in legislative district meetings to elect the delegation. Forty per cent of the delegates will be 30 years of age or younger. In 1968, no delegate was under 30.

In West Virginia, 268 people have filed for the 38 delegate positions to be elected in the May 9 primary. In Georgia, where the entire '68 delegation was hand-picked by the governor, 350 persons have already filed their names to compete for the 53 delegate slots.

In 1968, 20 state Democratic Parties had no written rules, making it literally impossible for some persons to discover how they could take part in the delegate-selection process. By July 1972, every state party will have written rules that are readily available to all interested persons.

In Iowa, 45,000 Democrats turned out in a raging snow storm to participate in the precinct caucuses. Even greater numbers turned up at the Minnesota precinct meetings.

In these states a new generation of Democrats participated as equals with the older members of the party . . . winning some, losing some, but discovering that the doors were open wide at each stage in the nominating process.

This new generation of Democrats is by no means limited to first-time voters. It includes millions of women—the most neglected majority in the nation—as well as blacks, Spanish-speaking Americans, Indians and other minorities. Precinct caucuses have disclosed record numbers of suburban housewives, trade union members, and professional men and women. In the midwest, farmers and rural residents have been visible and active.

Today brings the nation's first presidential primary in New Hampshire, with 23 more to go before the National Convention convenes July 10. This new generation of Democrats unquestionably will have a major voice in determining the outcome of the primaries.

If these initial trends continue, we will arrive in Miami Beach with what, in essence, is a new Democratic Party, capping one of the most unique political reform efforts in American history.

The ramifications of these changes will be profound. We hear much about the need to reform Congress and state legislatures. I submit that the necessary first step in any such broader reform process must be straightening out the political parties themselves. Moreover, when faced with the challenge of reform, established political institutions have usually chosen to ignore the challenge and consequently die. The Democratic Party has elected to live.

When I returned in March 1970 as national Democratic chairman, I said that no concern had higher priority on my personal agenda than full implementation of the reform objectives. I stressed this point for one reason: the challenge to the American political system that we have been witnessing demanded this kind of affirmation action. Having only limited influence in Republican circles, I concentrated my efforts on the Democrats.

But it will take more than the internal recasting of our political parties to surmount the continuing crisis of confidence that erodes some of our most basic political institutions. In the past decade there has taken place a frightening decline in the peoples' faith that representative government—local, state and national—was acting in their best interests, or even that it was under their ultimate control.

Can anyone today seriously doubt what would result from another decade of a comparable loss of popular faith in the actions of government? Were this to happen, we would find ourselves in a period of extreme danger, circumstances where the entire democratic enterprise could easily flounder and collapse.

While I consider our reforms within the Democratic Party as an important step in restoring popular faith in our two-party system, I know also that the political parties—as well as the men and women who run for office—must be far more responsive in those areas of public policy that directly affect peoples' lives. There must be irrefutable evidence that the governmental system is more than an exclusive arrangement designed to protect those already in the club. Only this kind of demonstration—repeated again and again—will begin the extremely difficult job of rebuilding popular confidence in our democratic system.

In my view, the issue of tax reform offers this opportunity in 1972. It is a bit unusual—indeed, some persons would say distinctly out of place—for a national party chairman to speak this directly about a public issue that has always been highly controversial, particularly on the floor of the House and Senate.

For eight years I served two Presidents as the principal White House liaison with Congress. On the basis of this experience, I know the extreme difficulties that inevitably are encountered in attempting to legislate meaningful tax reform. Nonetheless, I repeat: *tax reform is an issue whose time is a lot closer to coming than many professional politicians admit, or even recognize.*

This is true for one basic reason: the average citizen is awakening to the fact that our existing tax structure is highly regressive, that low, middle and even some upper-income people pay as high a percentage in total taxes as the very wealthy. In some instances, the less affluent pay a considerably *higher* percentage of their income in taxes than the more affluent. As this popular awakening goes forward, a growing number of citizens are demanding that steps be taken to remedy the situation.

Consider these facts:

Families with annual incomes between $6000 and $25,000 pay almost the same share in taxes, approximately 30 per cent.

21,317 persons with more than $20,000 annual income paid *no* federal income taxes in 1969.

301 individuals with more than $200,000 annual income paid *no* federal income taxes in 1969. Two years later, after the tax reform act of 1969 supposedly established a minimum tax for everyone, 112 persons with incomes over $200,000 still paid *no* federal income taxes.

Persons with annual incomes *under* $3,000 paid 14.1 per cent of their income in total taxes.

The 19 largest oil companies with net income of $8.85 billion paid an average corporate income tax of 8.7 per cent.

The elimination of the principal tax loopholes and special tax advantages would increase federal tax revenues annually by an estimated $77 billion *without* changing the 1972 tax rates or personal exemptions and including a flat $1300 standard deduction.

These same loopholes require the great majority of American taxpayers to pay an additional $300 to $385 a year in federal taxes.

Or, to look at the problem from another perspective, the elimination of these special tax advantages would permit a straight 43 percent across-the-board cut in all tax rates without incurring any loss in government revenue.

It is not my role this evening to define precisely the ingredients of a politically achieveable tax reform package. There are myriad combinations and mixtures that would represent a considerable improvement over our present circumstances. But I *am* here to say categorically that the *status quo* is grossly unfair to an overwhelming majority of Americans—especially those in the middle and lower end of the income scale. As these Americans discover the fiscal facts of life, a surprising number of public officials may conclude that meaningful tax reform is preferable to involuntary retirement.

There is another and equally important dimension to the problem. Through an incredible series of economic blunders, President Nixon has managed to accumulate the highest three-year federal budget deficit in American peace time history. As a result, the federal government finds itself strapped financially, unable to meet a host of vital domestic needs.

Moreover, under Mr. Nixon's leadership, the federal tax structure has grown steadily more regressive, with corporations now benefitting from a package of tax breaks costing the federal treasury billions of dollars annually. Now, all at once, Mr. Nixon has launched a full throttle effort to locate new sources of federal revenue.

No politician in his right mind is about to talk openly of increasing individual income tax rates this year. So Mr. Nixon apparently has decided to sneak in the back door with a national sales tax, otherwise known as the value-added tax. Nobody has suggested that this is a good tax, or a fair tax, or even a desirable tax. The best argument anyone has come up with so far is that you might get away with it. The tax is so complicated and so well disguised in the manufacturing process that people supposedly won't even know it exists. But I have more respect than the Nixon administration for the intelligence of the American people.

To make it more attractive, Mr. Nixon has talked of using the value-added tax to replace a portion of local property taxes that support public education. But even this carrot cannot hide the fatal flaw in the value-added tax: it remains a highly regressive tax that will further distort our already distorted tax structure. And its adoption would almost surely doom any serious effort to achieve real tax reform, at least for the foreseeable future.

But in tax reform, as in many other areas, Mr. Nixon would like to stake out a position on both sides of the issue. In addition to the trial balloons promoting the value-added tax, Mr. Nixon has promised to send a tax reform package to the Congress.

Responding to this expression of presidential interest in tax reform, Chairman Wilbur Mills of the House Committee on Ways and Means has written to Mr. Nixon urging that tax reform proposals be forwarded to Capitol Hill without delay. More to the point, Mr. Mills has suggested that any such proposals should be received by March 15 in order to be considered this year. March 15 is one week away and, to the best of my knowledge, Mr. Nixon has not replied to Chairman Mills' letter.

My years on Capitol Hill have taught me that strong presidential leadership is *the* essential ingredient in any serious tax reform effort. The President must define the battle ground, marshall the troops, organize public opinion and personally commit his prestige to passage of the legislation in the House and Senate. Mr. Nixon's failure even to respond to Chairman Mills' invitation means only one thing: *the President and the Republican Party want no part of tax reform in 1972, if ever.* I believe this is an issue the Democratic Party should take to the people in our platform and in the presidential election.

In the tax area, the Nixon-Republican track record is clear: initiate only those tax proposals that favor corporations and the wealthy, diminishing even further the revenue-producing capacity of the federal tax system. Then unveil the proposal for a value-added tax that would make more regressive a tax structure that already discriminates heavily against the lower to upper-middle income taxpayer. So I repeat: the Democrats should take this issue to the people in 1972.

* * * * *

If one has any lingering doubts about Mr. Nixon's motive in all of this, recall his violent opposition to the Democratic proposal for public financing of the presidential election through a dollar check-off on individual federal income tax returns. This proposal—first initiated by the Democrats in 1965—would have made possible a presidential campaign financed by voluntary one dollar contributions from millions of taxpayers. Persons would simply designate that one dollar of their federal taxes be placed in a special presidential campaign fund maintained by the U.S. Treasury. Under this system, private campaign contributions would then be forbidden.

This would have ended all contributions from special interests, the prime source of funds in any presidential campaign. It would have achieved—in one stroke—a revolutionary breakthrough in campaign financing, making it possible—for the first time—for presidential candidates to avoid the dangerous and degrading practice of relying on special interests for the millions of dollars that are now required to run a national campaign.

The dollar check-off proposal passed the Senate on a party-line vote, but was dropped for 1972 by the House-Senate conference on the emergency tax reduction legislation. It was abandoned simply because Mr. Nixon promised to veto the entire tax reduction bill if House-Senate conference accepted the dollar check-off provision. Given the miserable shape of our economy, this was not a risk the conference committee was willing to run.

Mr. Nixon's adamant opposition to public financing of presidential campaigns arose from precisely the same motives that today keep him from proposing meaningful tax reform: the Nixon administration's commitment to serving a variety of special interests rather than championing the interests of the general public. In my view, the American people can forget about reform of campaign financing, just as they can forget about tax reform, as long as Mr. Nixon serves as President of the United States.

These are the differences around which presidential campaigns should be waged, differences that are distinct, understandable, and decisive to the course of public policy. Given the stakes in 1972, not only for the Democratic Party but, more significantly, for the revitalization of the entire political process, I intend to do everything in my power to make this a principal Democratic issue in the months ahead.

In my judgment, if the Democratic Party elects to follow this course of action—if we take directly to the people the issue of vested interests versus the general good as epitomized in the differences between Democrats and Republicans in the reform of party rules, campaign financing and taxes—we will have an excellent chance of making Richard Nixon the first President since Herbert Hoover to seek re-election and fail.

And that, to my way of thinking, is a goal worth pursuing.

THE FAA DICTATES—PART V

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. KARTH) is recognized for 10 minutes.

Mr. KARTH. Mr. Speaker, in my last report on the high-handed methods used by the FAA's Administrator, John H. Shaffer, to pressure local officials, I discussed the first part of a letter he wrote in reply to a request for clarification of his position. As I reported, Mr. Shaffer had assured me verbally and in a letter that he would remain neutral in the local discussion over the siting of a second airport in the Twin Cities.

When the Administrator publicly broke his word of neutrality, I wrote him to remind him of his earlier pledge and requested from him a clarification of his position. In addition, I forwarded to the Administrator a copy of a letter I had received from a Northwest Airlines executive which raised some very serious questions over the second airport site that the Administrator favored and also questioned the need to build a second major airport in the Minneapolis-St. Paul area.

I sent this letter to Mr. Shaffer without comment to give him the benefit of an airline executive's views on this complex subject as well as a courtesy to a constituent.

As my last report showed, Mr. Shaffer replied in an intemperate manner over the environmental questions that had been raised over the airport site he favored. He also displayed an inability to comprehend views and studies that differed from his own bias.

The second half of that letter under discussion today not only continued in much the same manner, but suggested that forwarding a constituent's views to the proper Federal officials is an endorsement of those views.

After blasting local officials over their concern for the environment, Mr. Shaffer proceeded to discuss the Northwest Airline's letter:

> I am not so charitable in my reactions to the assertions contained in the Ben Griggs letter accompanying yours. You might remind Mr. Griggs that the public is part owner of Wold-Chamberlain—to the tune of $13,063,753 in the form of past Federal financial assistance in its development. As the Administrator of that public trust, I am involved from the time of first public utterance of any intent to abandon that public investment. Stated differently, this isn't likely to be a Nyrop-Griggs decision.

Mr. Speaker, I might point out that neither I nor the president of Northwest Airlines, Mr. Donald Nyrop, or Ben Griggs—who wrote the letter—had ever suggested that the final decision was going to be dictated by Northwest Airlines. However, as a major airline based in the Twin Cities I think a fair minded person would want to take their views into consideration when planning a major change in the airport facilities in that company's area.

Mr. Shaffer's letter continued:

> I agree with Mr. Griggs that under certain circumstances a "replacement" airport is the proper course to be pursued in contrast to development of a "second airport." However, it is not the proper course to be applied wholesale throughout the Nation if the public's $2 billion investment in existing airports is to pay out. Wold-Chamberlain may or may not deserve replacement; I do not presently know nor does either Griggs or Nyrop. I am aware of its critical noise situation. I also remind us both that the problem exists because appropriate local actions were not taken to properly zone and protect its surrounding areas. I am reluctant to conclude that the public at large should bear the cross resulting from past actions or rather inactions on the part of a few.
>
> Unless local government is prepared to reimburse the Federal Government in the amount of its past public investment, any action to abandon or materially alter the character of Wold-Chamberlain requires Federal agreement. If the evidence clearly substantiates this as a necessary public action, that agreement will be readily given. Quite obviously, however, that evidence must be far more extensive than a showing that an operating *benefit to Northwest Airlines* will be the *principal gain*. (Emphasis by Mr. Shaffer.)
>
> I regret not having been able to respond in a more tacit fashion. I personally feel, however, that the depth and complexity of the issues involved cannot and should not be confined to the viewpoints which flow solely from parochial state and local interests.

Mr. Speaker, one thing that strikes me about this letter is that outside of a comment that the Metro council's decision to veto the Ham Lake site for a second time "was the straw which burst the dam," Mr. Shaffer never explains the central question I was asking—to wit, Why did he break his pledge of neutrality?

Rather than go over Mr. Shaffer's unusual letter point by point, I believe the letter I wrote to him in reply well sums the situation as I viewed it. That letter began:

> While respecting your right to hold an opinion concerning the decisions I make as a Congressman, I must emphatically disagree with some of the gross distortions and insinuations made in your letter of January 14, 1971.
>
> Your accusation that I have involved myself in the Ham Lake site controversy primarily, if not solely, because of Mr. Nyrop's interest (President, Northwest Orient Airlines) is frankly, preposterous, and indicates your complete ignorance of the real issues involved.
>
> The Minnesota State Department of Conservation, too, is opposed to the Ham Lake site. I trust you are not accusing that distinguished group of professionals similarly.
>
> More than three thousand (3,000+) resident constituents have written to me opposing the Ham Lake site for the same reasons I oppose it. You wouldn't suggest that they, too, are in league with Mr. Nyrop?
>
> Dr. Leslie Glasgow, former Assistant Secretary of the U.S. Department of the Interior, also vigorously opposed the Ham Lake site, and I attach a copy of his letter dated October 8, 1970 to recall to you his unequivocal stand.
>
> Mr. Fred J. Russell, Under Secretary of the U.S. Department of the Interior, voiced extreme caution (if not opposition) and concern in a letter to Congressman Dingell, dated January 4, 1971, a copy of which is also being made available to you.
>
> On January 15, 1971, in response to an inquiry made by Congressman Dingell, Secretary of Transportation John Volpe committed himself to complying with existing Federal laws and unlike you, avoided voicing a parochial, personal or bureaucratic bias.
>
> Your incredible accusation that the Metropolitan Council's decision to veto the Ham Lake site (for a second time) by a vote of 9–5 was not calm and systematic, contradicts every report of that meeting that has reached my office.
>
> In addition, your uncalled-for insinuations of giving me the "benefit of the doubt" that I am looking out "for your constituency's best interests," is surely unworthy of anyone who holds a responsible Federal office such as yours.
>
> In addition, you have apparently failed to read or comprehend the total environmental report and properly assess the ensuing cost to make Ham Lake environmentally and ecologically sound (if at all). This betrays a visceral rather than a rational reaction.
>
> Aside from the serious nature of the foregoing which I intend to pursue, I inquire as to the reasons why you violated your written commitment to me on October 29, 1970 in which you stated, "I intend to remain aloof from all pressures to become personally involved in an essentially state and local matter."
>
> Apparently, you need to be reminded that as a Congressman I am often called upon by constituents to forward letters to Federal officials with a request for a reply. You seem to be of the mistaken opinion that forwarding a letter such as that by Mr. Griggs, indicates a blanket endorsement of its contents. While I perhaps do have areas of agreement with the position stated by Mr. Griggs, I was forwarding his letter for an answer and asking for a clarification of your public position on Ham Lake because you have not been unequivocal.
>
> Finally, I never have asked a Federal official to "knuckle under" to my wishes or position, nor would I want a responsible official to do likewise to any other Congressman. While I am not seeking special respect for myself personally, I do believe the office I hold deserves at least a modicum of common courtesy.
>
> Frankly, in my 12 years as a Congressman, I have never previously had my motives questioned nor my legitimate concern for my district disparaged.
>
> With all due respect to your right to hold an opinion at variance from mine, I find that you have impugned the reasons for my interest and, therefore my integrity.

Mr. Speaker, after this exchange of correspondence, Mr. Shaffer came to my office for a conference. At that meeting the Administrator and I had a frank exchange of views. Of primary importance to me, though, was the assurance from Mr. Shaffer that he would allow the duly authorized local officials to make their decision without further badgering from him.

And then, Mr. Speaker, nearly 1 year to the day I was rather surprised—although I suppose considering Mr. Shaffer's past track record on his pledges I should not have been—to see the FAA's Administrator once again make news in the Twin Cities. This time he not only responded to inquiries from the press with disdainful remarks for those who do not share his views, but initiated a new "front" through a letter to the chairman of the Metropolitan Airports Commission. The Administrator was cute this time. He did not come right out and say the second airport must be placed at the environmentally unsound site at Ham Lake. Rather he dismissed the other proposed site for airspace reasons—by the process of elimination he once again was promoting the twice-rejected Ham Lake site.

In my next report I will discuss Mr. Shaffer's latest attempt to steamroll local officials.

BILL TO CORRECT INEQUITY IN MILITARY HOUSING

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am introducing a bill to help correct an inequity which exists because of the poor quality of certain on-base housing units to which military families are assigned. The fact that this inequality creates a moral problem repeatedly has been brought to my attention and to the attention of my colleagues on the Appropriations Subcommittee on Military Construction who are cosponsoring this bill. Cosponsors of the bill are Mr. CEDERBERG, Mrs. HANSEN of Washington, Mr. LONG of Maryland, Mr. MCKAY, Mr. PATTEN, and Mr. TALCOTT.

Our bill would give the Secretaries of the military services the power to determine which on-base housing units are, in fact, inadequate. Under present law, acquired Wherry units and housing with mortgages insured under section 207 of the National Housing Act cannot be so designated. Many of these units are pitifully substandard, and yet military families assigned to them are required to pay the same rent—forfeiture of their full quarters allowance—as are other personnel who occupy fully adequate housing. This bill would allow them to pay the fair market rental for such housing, up to 75 percent of their basic allowance for quarters. However, in order to avoid an economic loss on the operation of such housing, the deduction from quarters allowance could not be less than the cost of operating and maintaining these units.

It is the intent of this legislation both to correct the inequity to personnel eligible for quarters who occupy substandard quarters and to make additional substandard quarters available to personnel who are not currently eligible for on-base quarters. I am reliably informed that this legislation could be administered to achieve both of these objectives, and I expect that it will be.

I include a more technical explanation of the bill at this point in the RECORD:

The inadequate quarters legislation of 42 U.S.C. 1594j has proved insufficient to afford equitable relief to military personnel assigned to quarters which fail to meet current DOD standards of adequacy. Subsections (e) and (g) of the law, requiring all houses determined inadequate pursuant to subsection (c) to be either improved, demolished, or otherwise disposed of not later than 30 June 1962 and 1 July 1965, respectively, operate to terminate the apparently continuing authority under subsection (c) of the several Secretaries named therein to determine housing inadequate as public quarters, so as to permit its occupancy without full forfeiture of BAQ under subsection (a) of the law. In addition, subsection (f) of the law specifically precluded designation of acquired Wherry housing and housing with mortgages insured under section 207 of the National Housing Act, regardless of their factual adequacy.

Until they can either be replaced or improved to meet DOD minimum standards of adequacy, the Services must continue to use numerous public quarters to satisfy their existing housing requirements which, although they cannot under 42 U.S.C. 1594j be determined inadequate, fail to meet DOD minimum adequacy standards. The Services are concerned over the inequity resulting from the fact that their personnel assigned to these quarters must forfeit full BAQ therefor, notwithstanding their factual inadequacy. To eliminate such inequity, continuing authority should be granted to permit the military secretaries to designate as inadequate any quarters which do not satisfy adequacy standards, free from the limitations of subsections (e), (f), and (g) of 42 U.S.C. 1594j. The Secretary of Transportation was granted such authority relative to Coast Guard Housing, to expire on June 30, 1972, by Section 11 of P.L. 91–278 approved June 12, 1970.

The substantial increase in BAQ levels render it imperative that authorization be obtained for new and continuing designation of inadequate family housing and for occupancy thereof at a charge less than the full amount of the occupant's BAQ. Such increase will substantially aggravate the inequities presently existing from the use of such facilities as public quarters and can be expected to give rise to even more acute morale problems in the near future.

The need for legislation to permit adjusted BAQ forfeitures consistent with the real worth of the housing units was specifically discussed during Secretary Chafee's testimony before the Subcommittee on Military Construction of the House Appropriations Committee on 22 June 1971.

RECOMMENDATION

New legislation be obtained to authorize the military secretaries to designate as inadequate family housing facilities which fail to meet standards of adequacy established by the Secretary of Defense, and to permit their voluntary occupancy by military personnel with dependents, charging the fair rental value thereof, but not to exceed 75% of the occupant's BAQ, against the occupant's BAQ, and payment to the occupant of the difference as an adjusted BAQ. (For purposes of simplification of administration, housing facilities previously designated inadequate under 42 U.S.C. 1594j could be redetermined to be inadequate under the new law.)

THE CURRY'S—ONE OF WEST FLORIDA'S LEADING EARLY FAMILIES

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, western Florida during the 19th century was settled largely by families migrating from the Carolinas and Georgia in search of new lands and broader opportunities. Some of them stopped for a while, maybe even for a decade or two, in Alabama before moving on into west Florida.

The head of one such family was Whitmill Curry, whose descendants have been numerous and active in the development of their communities for more than 100 years. In providing leadership, they have followed the example of their illustrious progenitor and his good wife, Martha Goodman Lassiter Curry. She and Whitmill Curry were married in Georgia in 1847 and soon moved to Alabama.

The family remained in Henry County, Ala., through the War Between the States, in which Whitmill Curry served as a lieutenant in Company F, 11th Florida Infantry. Upon returning home at the end of that tragic struggle, he moved his family to west Florida to try to start a new life in an area which was largely undeveloped but full of opportunity.

Born to Whitmill and Martha Curry between 1848 and 1869 were 12 children, George Thomas, Nancy Elizabeth, Missouri, Marcus Lafayette, Titus Darius, Virginia, Shimuel Seaton, Martha Amanda, James Whitmill, Mary, Jeremiah Fletcher, and Isagora May. In time each established families of his own in the west Florida area their parents had chosen as home. They and their descendants have played prominent roles in the business and professional life of their respective communities, with a special affinity for education and the ministry.

In that, too, they followed the example of their progenitor, Whitmill Curry, who was a minister and a frontier educator. He was instrumental in establishing at least three Holmes County churches, and he was the country's first superintendent of schools. He was also the principal founder and first postmaster of Isagora, a Holmes County community near the Choctawhatchee River. He named the community for his infant daughter, Isagora May. A nearby river steamboat landing bears the Curry name, although the last steamboat docked there 40 years ago.

An estimated 2,500 descendants of Whitmill and Martha Curry are estimated to be living today, most of them in western Florida.

Forebears of the Curry family migrated to this continent from the British Isles well before 1750, settling along the Atlantic Seaboard. The family was well represented in the Carolinas, where several Currys served in the Continental

Army—and where legend says a few remained loyal to King George.

One of the early Currys of South Carolina was Col. Joseph Curry, a land surveyor and colonial official. He was doing his surveying in South Carolina at about the time George Washington was engaged in the same activity to the north in Virginia.

From the Atlantic seaboard, descendants of the early Currys carried the name across the Nation. Place names now bearing that distinguished name include Curryville, Ga.; Curryville, Mo.; Curry, N. Mex.; Curry, Oreg., and Curry County, Oreg. One of the most notable members of the family in the South was Jabez Lamar Monroe Curry, a native of Lincoln County, Ga., who understandably was known by his initials J. L. M. A statesman and educator, he lived from 1825 to 1903, and worked for 60 years to make education possible for all Negro and white children in the South. He administered the George Peabody Fund for public education in the South after 1888, and served as agent of the Slater Fund for Negro Schools after 1890. In 1899, he became president of the Southern Educational Board.

J. L. M. Curry served in the U.S. House of Representatives from 1857 to 1861, in the Confederate Congress from 1861 to 1864, and in the Confederate Army during the latter part of 1864 and early 1865. He was president of Howard College from 1865 to 1868, and U.S. Minister to Spain from 1885 to 1888 and again in 1902. Alabama placed his statue in the Statuary Hall collection in the Capitol. His distinguished service to the United States and to the Confederate States of America, both before and after their historic bloody disagreement—and to the cause of mankind through education—has been an inspiration to other bearers of the Curry name, including those who planted that name firmly and indelibly in western Florida more than a century ago.

This information on the Curry family was researched and assembled by the Honorable E. W. Carswell, a well known historian and writer of Chipley, Fla. I am greatly indebted to him for his cooperation and assistance.

THE 1972 HIGHWAY NEEDS REPORT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the Secretary of Transportation, John A. Volpe, sent to Congress the 1972 Highway Needs Report today. The significance of the report is its recommendation that authorization be given for the use of highway trust fund revenues to finance urban mass transit projects where appropriate. The report proposes "a series of fundamental changes in the Federal programs of funding highway construction and urban mass transportation facilities and equipment."

The Secretary's recommendation for establishment of a single urban fund to finance urban highway and mass transit projects is an important breakthrough in the Government's transportation policy. It is a recognition that there are critical transportation problems in our urban areas that can only be met if States and localities are given flexibility to direct our transportation resources into those facilities that can provide the fastest and most convenient means of transportation possible.

Secretary John A. Volpe, stating that the Interstate System cannot be completed until 1980 because of unavoidable delays, has recommended that its funding be scaled down from $4 billion annually to $3.25 billion in fiscal year 1974 and 1975 and to $3 billion for fiscal years 1976 through 1979. The money freed from this program would be available to meet some of the pressing urban transportation problems now in need of attention.

The report also acknowledges a need in some areas to reevaluate some controversial segments of the Interstate System yet to be built with consideration being given to alternative facilities.

Mr. Speaker, I would hope that the Congress will increase the share allocated to the single urban fund for the report's recommended highway share still outweighs the transit share. Surely our transit needs are of such magnitude at this time that they at least equal, and in my estimation more than equal, those of highways. But, this recommendation is not to diminish the support the Secretary deserves for his far sighted and responsible initiative in recommending some reallocations in our transportation program and flexibility for its administration by State and local officials.

For the interest of our colleagues, I am submitting for inclusion in the CONGRESSIONAL RECORD a statement issued by the Department of Transportation summarizing the recommendations of the 1972 Highway Needs Report:

Secretary of Transportation John A. Volpe today recommended a program under which money from the Highway Trust Fund could be used for urban public transportation or highways, at the option of State or local authorities, beginning with $1.0 billion in fiscal year 1974.

The recommendation was contained in the Secretary's 1972 Highway Needs Report to Congress which also called for realignment of the Federal-Aid Highway System. He called for amendment of the Highway Revenue Act of 1956 to authorize for the first time the use of trust funds for other than highway-related projects, beginning July 1, 1973. Secretary Volpe said that specific legislation incorporating these and other proposals would be submitted to Congress shortly, together with a draft environmental impact statement as required by the National Environmental Policy Act.

Under the Secretary's proposal $1.0 billion in trust funds would be authorized for capital investments on urban projects, including public transit, for the 1974 fiscal year. This fund, designated the Single Urban Fund (SUF), would be increased to $1.850 billion for the 1975 fiscal year and to $2.250 billion for the fiscal years 1976 through 1979.

Secretary Volpe said the change in the law is essential if the Transportation Department is to fulfill its mission to create a balanced transportation system and solve the problem of increasing urban congestion. "We must have the tools," he said, "if we are to adequately serve the public, plan for the future and establish orderly and efficient movement of people and goods in our urban centers. The program is in complete conformance with President Nixon's program for meeting the transportation crisis which has built up over the years."

Under the proposal 40 percent of the Single Urban Fund would be distributed to the Nation's Standard Metropolitan Statistical Areas (SMSA) according to their share of the total national SMSA population. Forty percent would be allocated to the States on the basis of their share of the national SMSA population and 20 percent would be reserved for discretionary use by the Secretary on urban transportation projects best suited to the needs of the cities. All these funds would be allocated on a 70-percent Federal and 30-percent State and local matching basis.

Secretary Volpe pointed out that, under his proposal, funds would be made available to the State and local governments for the planning and execution of projects best suited to meet their specific needs. He said it is not possible for the Federal Government in Washington to plan transportation programs to meet the needs of all areas.

It is proposed that each SMSA form a consortium of the local governments within its area to carry out the local urban transportation programs. It would be required that each consortium provide for representation by the highest elected official in each local government in the area; that it have a planning authority for all transportation modes and that no program could be initiated which was not in conformance with that planning; that it require proportional voting within the consortium, be authorized to prepare long-range planning and possess the authority to designate agencies to administer programs.

Also, the consortium would be required to submit in advance to the Governor of the State and to the Secretary of Transportation a multi-year comprehensive transportation plan for each program to be financed through the Single Urban Fund. All SUF programs would be subject to the same Federal review and approval procedures as those now in force for such projects.

In the event that an SMSA did not choose to form a consortium, the funds allotted to it would be retained for management by the State. Local officials within the area would then develop plans in cooperation with the State for programs to be financed through the Fund, subject to Federal approval.

In the proposed realignment of the Federal-aid highway program, present plans for completion of the Interstate System would not be disturbed except for the rate of funding and the completion date. The report noted that partly because of unavoidable delays in completion of segments of Interstate highways, it appears that the system cannot be completed until 1980. It recommended, therefore, the Interstate authorization be phased down from $4.0 billion to $3.250 billion annually for fiscal years 1974 and 1975 and to $3.0 billion for fiscal years 1976 through 1979. The Interstate funds would continue to be allocated to the States on a 90/10 matching basis.

This proposed phase-down, said the Secretary's report, would make more money available for other programs and would permit an orderly completion of the Interstate System with a smooth transition into post-Interstate planning.

With respect to other Federal-aid systems, the report said some degree of obsolescence has crept into present alignments. Some of our present primary routes, it said, are on local roads and some of the secondary routes are on arterial highways. "It is evident," it added, "that some readjustment is in order if we wish to make the Federal-aid systems conform more closely to functional use."

To carry out this realignment it is proposed that all Federal-aid systems outside the Interstate System be readjusted as follows:

"Select" Rural System.

"Supplemental" Rural System.

"Urban" System.

The Rural systems would be selected on the basis of their functional use. The "Select" Rural System would be designated by the State highway departments. The "Supplemental" Rural System would be selected by the State highway departments and the appropriate local officials. Together they would provide for the highway needs of the rural and small metropolitan areas of the country.

The "Urban" System would be selected through the urban transportation planning process and revised accordingly based on continuing land use and transportation planning. The selection would be subject to the approval of local elected officials.

The Secretary's report further proposes a Rural General Transportation Fund which also would be allocated to the States on a 70/30 matching basis for correction of such deficiencies on highways off the Federal-aid system or in modes other than highways.

The proposed authorization for Federal financing from the Highway Trust fund is as follows:

PROPOSED PROGRAM AUTHORIZATIONS

[In millions of dollars]

Highway trust fund	1974	1975	1976–79
Interstate	3,250	3,250	3,000
Single urban fund	[1] 1,000	1,850	2,250
Rural Federal-aid system	800	800	800
Rural general transportation fund	200	200	400
Safety and other programs	400	400	400
Total	5,650	6,500	6,850

[1] Additional urban mass transportation capital grants totaling $850,000,000 would be funded in 1974 from the general fund of the Treasury; this would complete the $3,100,000,000 contract authority provided by the Urban Mass Transportation Act of 1970.

CAN THE ANTITRUST PROCESS BE TRUSTED?

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, with every day that passes the ITT mess gets messier.

Grave questions have been presented, as the result of the continuing Senate hearings on the Kleindienst nomination, as to whether the antitrust policy of the United States is being carried out on the basis of the merits or of White House politics. Whether or not Mr. Kleindienst becomes Attorney General, we as a Congress must inquire as to the administration of the antitrust laws, the linchpin of our free enterprise system.

There has never been much question about the influence of vested economic interests over the policies and practices of our Government. But the recent revelations about the handling of the International Telephone & Telegraph merger have far broader implications for our system of government.

Who represented the public interest in the ITT merger settlement? It appears that the efforts of those in the Justice Department who are supposed to implement the antitrust policies legislated by the people's elected representatives were arrogantly brushed aside by White House operatives who had more respect for the power of the private purse.

There was nothing particularly unusual about the ITT merger, except that for once the process of settling major antitrust cases has been fully exposed to public scrutiny. It is not a pretty sight. It casts a deep shadow of suspicion over the numerous conglomerate mergers approved by the Justice Department in recent years.

The impact of conglomerates on the economy of America can be gleaned from the study published last June by the House Judiciary Committee. The number of mergers has been increasing, and their impact on the public continues to broaden. It is therefore imperative that someone exercise the responsibility of seeing to it that more factors than wealth and influence go into the decision to approve mergers like International Telephone & Telegraph and Ling-Temco-Vought.

Mr. Speaker, it is imperative that the appropriate standing committees of the House and Senate take a long hard look at the process by which some of these mergers have been effected. We must restore some measure of integrity to the process, lest we forfeit whatever faith remains among the American people that the antitrust policy which is so crucial to their economic liberty is not up for auction to the highest bidder.

A SALUTE TO THE BLACK PRESS

(Mr. BUCHANAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, this week is National Black Press Week throughout the United States and it is, therefore, fitting that we recognize the important role that the black press is playing in our Nation today.

In the city of Birmingham, Ala., which it is my privilege to represent in the Congress, we have four outstanding black newspapers—the Birmingham Mirror, the Birmingham Times, the Birmingham World and the Baptist Leader.

Through reading these newspapers, I am often made aware of the opinions of many of my black constituents and of some of the additional problems which they face.

Although they are published only once a week, these papers provide important information to the black community which dailies and other weekly news media often miss.

They are important sources not only of information of interest to most in the black communities of our cities, but of commentary on actions by government, local, and national, which particularly affect blacks.

Owned and operated by blacks these papers throughout the Nation provide job opportunities and training for black journalists which is not always readily available in the largely white dominated press at large.

Mr. Speaker, I commend the members of the black press for the outstanding job they are doing not only in providing news and commentary for the black community but in bridging the gap of understanding between the races.

"TERM LIMITATION" SHOULD BE IMPOSED ON BOTH HOUSES OF THE CONGRESS, JUST AS WE HAVE ON THE EXECUTIVE

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HALL. Mr. Speaker, this past week when I announced that I would not seek reelection to the House of Representatives, I said that I felt that the time had come to step aside and open the way for a new personality, with the youth, vigor, and enthusiasm that I think is an essential requirement for one who seeks to represent a constituency of some half million people. This reflects personal reassessment.

I further stated that I felt that a "term limitation" should be imposed on both Houses of the Congress, just as we have on the Executive, which would prevent election to office from becoming a way of life, and contribute significantly to the demise of the seniority system. I am morally certain we should also devise better ways of judicial appointments, plus tenure, and termination controls.

Toward that end, I am today offering legislation that proposes to amend the Constitution of the United States to limit the term of office of Representatives to six terms, and Members of the Senate to two. I do this with the knowledge that many of my friends and colleagues are already well past those limitations. However, I have developed the strong conviction that none of us here assembled are so wise, and indispensable, or so highly qualified that an unfillable void would be created if our longevity was curtailed. I have never held that repeated election to public office is qualification enough for committee chairmanship. On the contrary, it could very well serve as a reason for not providing an individual with the power that comes from ascendency to the chair.

I have sat in these Chambers for 12 years—on many occasions listening to our younger Members orate at length about the evils of the seniority system. Now I am giving them an opportunity to help end it once and for all. I think we owe it to the representative system of government in a republic, and to the American people.

U.S. PRICE COMMISSION MUST CURB UTILITY RATE INCREASES

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, the Northern Indiana Public Service Co., during the last couple of months, has been striving to inflict upon their patrons a 16.5-percent electric rate increase. The mayors and city councils of four northwest Indiana cities—Gary, Hammond, East Chicago, and Crown Point—have all passed resolutions opposing this unreasonable rate increase. The Northwest Indiana Council of Teachers, the Central Labor Union, the United Auto Workers, and many other organizations are fighting this increase in utility rates. Over 500 citizens of northwest Indiana went to Indianapolis, the State capital, to protest to the Indiana Public Service Commission over a month ago. Other representatives of the area are going to Washington to protest and testify before the Federal Price Commission against these raises.

For some reason or other the so-called phase II program of the administration is proving to be a gigantic hoax because the Federal Price Commission, whose duty it is to curb inflation, seems to be engaged in stalling and postponing its decision against these unreasonable increases. It appears that the Governor of Indiana and the Indiana Legislature were helpless when the notice of this fabulous raise in utility prices was announced by the Indiana Public Service Co. over a month ago.

I am proposing a resolution that the Congress investigate these seemingly uncontrolled price increases by our public utilities.

The Bell Telephone System in northwest Indiana was allowed a tremendous rate increase but a short time ago without any action from State or Federal authorities.

Mr. Speaker, I ask unanimous consent to include with my remarks an article from the Gary, Ind., Post-Tribune pertaining to this complete defiance of the so-called anti-inflation price control activities of the Indiana Public Service Commission and the administration's Federal Price Commission.

The article follows:

LAKE UNITS TO PROTEST RATE HIKE

Four Lake County activist organizations today announced that up to 700 persons in 10 buses will demonstrate before the Indiana Public Service Commission (PSC) in Indianapolis Tuesday in opposition to a proposed electric rate increase for Northern Indiana.

Northern Indiana Public Service Co (NIPSO) has proposed a 16.5 per cent rate increase and the PSC, which concluded hearings on the proposal last month, is expected to reach a decision later this month.

However, the U.S. Price Commission Thursday froze all utility rates until March 10 when it is scheduled to announce new guidelines. The four groups today announced they are appealing to the Price Commission to hold a hearing in Northwest Indiana.

The four are:

The Calumet Community Congress (CCC), represented at a press conference today by Martin Connelly, acting president, and Mike Barnes, executive director.

The Federation of Community Organizations (FCO), represented by Bill Daniels, president.

The Congress of Latin American Organizations, represented by John Gomez, president of the East Chicago Youth Advisory Board.

The Wishing Well, represented by Will Long, East Chicago.

CCC Acting President Connelly announced the "bus-cade" to Indianapolis during a press conference at the Centennial Methodist Church, 8th and Rhode Island, and said, "The community has not been listened to; it has not been taken seriously" (by the PSC).

He said buses will leave from various points in Lake County—four from Gary—at 7:30 p.m. Tuesday. There will be a press conference at noon (11 a.m. Gary time) at the Presbyterian Metropolitan Center, 16th and Delaware in Indianapolis.

The session will be followed by a rally and the 700 demonstrators—or as many of them that will be admitted into the Statehouse—will meet with the members of the PSC.

Connelly said he already has made the appointments for 2 p.m. in Indianapolis (1 p.m. Gary time) with the three commissioners in Statehouse Room 901.

The groups will be expected back in Lake County at 4:30 p.m. (Gary time).

So far only one mayor, Robert Pastrick, of East Chicago, has promised to attend the demonstration. However, FCO President Daniels said he has been trying to reach Gary Mayor Richard G. Hatcher and Hammond Mayor Joe Klen.

Daniels said of Mayor Hatcher that "it seems he doesn't want to meet with the CCC."

Long, said Mayor Pastrick has agreed to donate two buses for the trip.

The cost of the trip will be borne by churches, unions and community groups in northern Lake County, according to Connelly.

Daniels asserted that "NIPSCO doesn't need an increase at this time." He noted that the utility is benefitting "from a lot of new businesses" in the last two years. He noted developments in Hammond and East Chicago.

Connelly said that NIPSCO, in 1970, earned a 16 per cent profit—"one of the highest of any utility in the country."

"The educational systems, the poor and the aged need money more than NIPSCO," said Connelly.

Gomez and Long stressed that the high level of unemployment and public assistance in the area should be considered in turning down NIPSCO's proposal.

"We expect the PSC members to act I might say 'negatively' since their track record shows they have done nothing in the public interest in the past," Connelly said.

The Price Commission's freeze on utility rates was announced in Washington Thursday. Connell, speaking for the four groups, said, they are happy the Price Commission acted.

But he said the "people" don't have much confidence in the commission.

"Since the Bell (Telephone) System was allowed a tremendous rate increase, we're not too sure this won't happen (in the case of NIPSCO's rate increase) when the 30 days are up," said Connelly.

He said telegrams will be sent to C. Jackson Grayson Jr., chairman of the Price Commission, this weekend asking for a hearing in Lake County.

"We are asking for an investigation of the NIPSCO rate structure," he said.

The four groups distributed a "NIPSCO fact sheet" asserting that "NIPSCO wants the consumer to pay rather than to cut into its stockholders' profits."

The company is short on funds to finance its expansion of electric plants, proposed at $429 million while the present plants' value is $562 million, the CCC sheet noted.

It also points out that NIPSCO earned a profit of $27 million from residential and commercial users while losing $10 million from industrial users.

"We say to NIPSCO that if it needs $10 million, make industry pay their share," said the release.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MITCHELL (at the request of Mr. BOGGS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. VANIK, for 30 minutes, on Wednesday, March 15; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. FRENZEL) to revise and extend their remarks and include extraneous material:)

Mr. ESCH, for 60 minutes, March 21.

Mr. HEINZ, for 10 minutes, today.

(The following Members (at the request of Mr. DENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. REUSS, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. KARTH, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SIKES in five instances, and to include extraneous material.

Mr. CABELL, and to include extraneous material.

Mr. HALL and to include pertinent material.

Mr. MADDEN and to include extraneous material.

(The following Members (at the request of Mr. FRENZEL) and to include extraneous matter:)

Mr. BURKE of Florida.
Mr. HOGAN in 10 instances.
Mr. BROWN of Michigan.
Mr. ROBISON of New York.
Mr. SCHWENGEL.
Mr. FISH in two instances.
Mr. HORTON in two instances.
Mr. MIZELL in five instances.
Mr. MCDADE.
Mr. BRAY in three instances.
Mr. HOSMER in two instances.
Mr. SCHERLE.
Mr. ROUSSELOT
Mr. LENT.
Mr. FRENZEL in two instances.
Mr. CONTE.
Mr. BELCHER.
Mr. EDWARDS of Alabama.
Mr. WYMAN in two instances.
Mr. KEITH.
Mr. MORSE.
Mr. MCCLORY.
Mr. DERWINSKI.
Mr. BUCHANAN.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous material:)

Mr. NATCHER.
Mr. TEAGUE of Texas in six instances.
Mr. EILBERG.
Mr. GAYDOS in five instances.
Mr. VANIK in three instances.

Mr. Hamilton in two instances.
Mr. Drinan in three instances.
Mr. Hagan in three instances.
Mr. Rarick in three instances.
Mr. Rogers in five instances.
Mr. Kluczynski in three instances.
Mr. Fountain in two instances.
Mr. Roybal in two instances.
Mr. Scheuer.
Mr. Bergland in three instances.
Mrs. Abzug in 10 instances.
Mr. Mitchell in five instances.
Mr. Carney.
Mr. Zablocki in two instances.
Mr. Carey of New York.
Mr. Giaimo in three instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 8293. An act to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on March 13, 1972 present to the President, for his approval, a bill of the House of the following title:

H.R. 1746. An act to further promote equal employment opportunities for American workers.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 15, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1735. A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting plans for various watershed works of improvement, none of which involves a structure which provides for more than 4,000 acre-feet of total capacity, pursuant to 16 U.S.C. 1005; to the Committee on Agriculture.

1736. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of a determination by the Secretary of State that furnishing of assistance to Ecuador under the Foreign Assistance Act of 1961, as amended, is important to the national interest of the United States, pursuant to section 113 of the Foreign Assistance and Related Programs Appropriation Act, 1972, and Executive Order 10973; to the Committee on Appropriations.

1737. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report of independent research and development and bid and proposal costs, pursuant to section 203(c) of Public Law 91–441; to the Committee on Armed Services.

1738. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting detailed backup data for the report of independent research and development and bid and proposal costs, pursuant to section 203(c) of Public Law 91–441; to the Committee on Armed Services.

1739. A letter from the Commander, Naval Facilities Engineering Command, Department of the Navy, transmitting a semiannual report for the period ended December 31, 1971, on Navy military construction contracts awarded on other than a competitive-bid basis to the lowest responsible bidder, pursuant to section 704 of Public Law 92–145; to the Committee on Armed Services.

1740. A letter from the Chief Commissioner, U.S. Court of Claims, transmitting copies of the opinion and findings of fact by the court in the case of *John S. Attinello* v. *The United States*, pursuant to 28 U.S.C. 1492 and 2509 and to House Resolution 401 of the 92d Congress; to the Committee on the Judiciary.

1741. A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting plans for various watershed works of improvement, each of which involves a structure which provides more than 4,000 acre-feet of total capacity, pursuant to 16 U.S.C. 1005; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EVINS of Tennessee: Select Committee on Small Business. Report on small business problems in metric conversion (Rept. No. 92–913). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee of conference. Conference report on S. 18 (Rept No. 92–914). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 4174. A bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases; with an amendment (Rept. No. 92–915). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 897. A resolution providing for the consideration of H.R. 45. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice (Rept. No. 92–916). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 898. A resolution providing for the consideration of H.R. 11417. A bill to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corp. for the purpose of purchasing railroad equipment, and for other purposes (Rept. No. 92–917). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XII, public bills and resolutions were introduced and severally referred as follows:

By Mr. OBEY (for himself, Mr. Abourezk, Mr. Alexander, Mr. Anderson of Tennessee, Mr. Aspin, Mr. Begich, Mr. Bergland, Mr. Brown of Michigan, Mr. Cleveland, Mr. Fish, Mr. Flowers, Mr. Griffin, Mrs. Hansen of Washington, Mr. Hastings, Mr. Ichord, Mr. Jones of North Carolina, Mr. Kastenmeier, Mr. Link, Mr. Melcher, Mr. O'Hara, Mr. Podell, Mr. Preyer of North Carolina, Mr. Roy, Mr. Thone, and Mr. Yatron):

H.R. 13782. A bill to amend the Agricultural Act of 1949, to provide for adjustments in the support price of milk during its marketing year; to the Committee on Agriculture.

By Mrs. ABZUG:

H.R. 13783. A bill to amend the National Labor Relations Act to provide that retirees' benefits are a mandatory subject of collective bargaining; to the Committee on Education and Labor.

H.R. 13784. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

By Mr. BROWN of Michigan:

H.R. 13785. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 13786. A bill to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CHAPPELL (for himself, Mr. Helstoski, Mr. Obey, Mr. Lent, Mr. Dulski, Mr. Wolff, Mr. Davis of South Carolina, Mr. Mikva, Mr. Steiger of Wisconsin, Mr. Rees, Mr. McEwen, Mrs. Green of Oregon, Mr. Matsunaga, Mr. Dow, Mr. Eilberg, Mr. O'Hara, Mr. Rosenthal, Mr. Roy, Mr. Brademas, Mrs. Grasso, Mr. Harrington, Mr. Alexander, and Mrs. Mink):

H.R. 13787. A bill to require the payment of interest on escrow accounts held in connection with residential real estate mortgage loans; to the Committee on Banking and Currency.

By Mr. CLEVELAND:

H.R. 13788. A bill to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law; to the Committee on the Judiciary.

By Mr. FAUNTROY:

H.R. 13789. A bill to enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia; to the Committee on District of Columbia.

By Mr. FLOOD (for himself, Mr. Morgan, Mr. Edmondson, Mr. Conte, Mr. Shriver, Mr. Patten, Mr. Kee, Mr. Carter, Mr. Brown of Michigan, Mr. Hansen of Idaho, and Mr. Roy):

H.R. 13790. A bill to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970; to the Committee on District of Columbia.

By Mr. GIBBONS:

H.R. 13791. A bill to amend the Internal Revenue Code of 1954 to provide that no interest shall be payable by a person to whom an erroneous refund is made if the erroneous refund is made due to error by an officer or employee of the United States; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 13792. A bill to amend title 10, United States Code, to limit, and to provide more effective control with respect to the use of Government production equipment by private contractors under contracts entered into by the Department of Defense and certain other Federal agencies, and for other purposes; to the Committee on Armed Services.

By Mr. HALPERN (for himself, Mr. Morse, Mr. Moorhead, Mr. Madden, Mr. Ryan, Mrs. Abzug, Mr. Nix, Mr. Mitchell, Mr. Podell, Mr. Rangel, Mr. Harrington, Mr. Addabbo, Mrs. Chisholm, Mr. Roybal, Mr. Runnels, and Mrs. Grasso):

H.R. 13793. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, reliability, and effectiveness of medical devices; to the Committee on Interstate and Foreign Commerce.

By Mr. HEINZ:

H.R. 13794. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. KEMP:

H.R. 13795. A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record; to the Committee on House Administration.

By Mr. PIKE:

H.R. 13796. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

By Mr. SAYLOR:

H.R. 13797. A bill to amend section 103 of title 23 of the United States Code relating to additional mileage for the Interstate System; to the Committee on Public Works.

By Mr. SCHERLE:

H.R. 13798. A bill for the relief of certain cities and towns in Iowa and the State of Iowa; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas (by request) (for himself, Mr. Teague of California, Mr. Dorn, and Mr. Hammerschmidt):

H.R. 13799. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans; to the Committee on Veterans' Affairs.

By Mr. WHALLEY:

H.R. 13800. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. WHITE:

H.R. 13801. A bill to authorize the coinage of 50-cent pieces and $1 pieces in commemoration of the bicentennial of the American Revolution; to the Committee on Banking and Currency.

By Mrs. ABZUG:

H.J. Res. 1105. Joint resolution to authorize the President to call a series of four White House Issue-Oriented Subconferences on Aging; to the Committee on Education and Labor.

By Mr. CONTE:

H.J. Res. 1106. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. HALL:

H.J. Res. 1107. Joint resolution proposing an amendment to the Constitution of the United States to limit the tenure of office of Senators and Representatives and to provide an age limit for Senators and Representatives; to the Committee on the Judiciary.

By Mr. RUNNELS (for himself and Mr. Thompson of Georgia):

H.J. Res. 1108. Joint resolution proposing an amendment to the Constitution of the United States limiting deficit spending by the Federal Government; to the Committee on the Judiciary.

By Mr. BLATNIK:

H. Con. Res. 557. Concurrent resolution authorizing the printing of additional copies of House Report 92–911; to the Committee on House Administration.

By Mr. KEE:

H. Con. Res. 558. Concurrent resolution providing for the installation of security apparatus for the protection of the Capitol complex; to the Committee on House Administration.

By Mr. PATMAN:

H. Con. Res. 559. Concurrent resolution providing for the printing of the report entitled "Papers Submitted to Subcommittee on Housing Panels on Housing Production, Housing Demand, and Developing a Suitable Living Environment"; to the Committee on House Administration.

H. Con. Res. 560. Concurrent resolution providing for the printing of the report entitled "Housing and the Urban Environment, Report and Recommendations of Three Study Panels of the Subcommittee on Housing"; to the Committee on House Administration.

By Mr. BURKE of Massachusetts:

H. Res. 895. Resolution expressing the sense of the House with respect to the Soviet Union's violations of human rights and basic freedoms, in contravention of the United Nations Universal Declaration of Human Rights; to the Committee on Foreign Affairs.

By Mr. NIX:

H. Res. 896. Resolution expressing the sense of the House of Representatives that the President should suspend, in accordance with section 481 of the Foreign Assistance Act of 1961, economic and military assistance and certain sales to Thailand for its failure to take adequate steps to control the illegal traffic of opium through its borders; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

336. The SPEAKER presented a memorial of the Legislature of the State of Kansas, relative to the Federal highway trust fund, which was referred to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PERKINS:

H.R. 13802. A bill for the relief of Appalachian Hospitals, Inc.; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.R. 13803. A bill for the relief of Roy E. Lindquist; to the Committee on the Judiciary.

SENATE—*Tuesday, March 14, 1972*

The Senate met at 12 meridian and was called to order by Hon. Adlai E. Stevenson III, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our fathers and our God, amid the turmoil and tensions of our times we pause to place our lives in the light of Thy holy presence. Search out our inner beings. Look upon our motives, our longings, our aspirations, and our deepest needs. Forgive our sins and by Thy grace make us better than we have been.

O Lord, make us receptive to the truth Thou dost make known to us. Keep us firm in the right, magnanimous with others, thankful for every increase in righteousness and justice. Give us wisdom to be the instruments of Thy purpose for mankind. Through human hands and human minds give divine direction to the course of history.

In the Redeemer's name, we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

> U.S. Senate,
> President pro tempore,
> *Washington, D.C., March 14, 1972.*
>
> *To the Senate:*
>
> Being temporarily absent from the Senate on official duties, I appoint Hon. Adlai E. Stevenson III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.
>
> Allen J. Ellender,
> *President pro tempore.*

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On March 9, 1972:

S. 2896. An act to amend chapter 83 of title 5, United States Code, relating to adopted child.

On March 10, 1972:

S. 748. An act to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank;

S. 749. An act to authorize U.S. contributions to the Special Funds of the Asian Development Bank;

S. 2010. An act to provide for increased participation by the United States in the International Development Association; and

S.J. Res. 189. Joint resolution to authorize the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War/Missing in Action" and to designate Sunday, March 26, 1972, as a national day of prayer for these Americans.

REPORT ON AERONAUTICS AND SPACE ACTIVITIES—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. Stevenson) laid before the

Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Aeronautical and Space Sciences:

To the Congress of the United States:

I am pleased to transmit herewith a report of our national progress in aeronautics and space activities during 1971.

This report shows that we have made forward strides toward each of the six objectives which I set forth for a balanced space program in my statement of March 7, 1970.

Aided by the improvements we have made in mobility, our explorers on the moon last summer produced new, exciting and useful evidence on the structure and origin of the moon. Several phenomena which they uncovered are now under study. Our unmanned nearby observation of Mars is similarly valuable and significant for the advancement of science.

During 1971, we gave added emphasis to aeronautics activities which contribute substantially to improved travel conditions, safety and security, an we gained increasing recognition that space and aeronautical research serves in many ways to keep us in the forefront of man's technological achievements.

There can be little doubt that the investments we are now making in explorations of the unknown are but a prelude to the accomplishments of mankind in future generations.

RICHARD NIXON.

The WHITE HOUSE, *March 14, 1972.*

PROPOSED FOREIGN ASSISTANCE ACT OF 1972—MESSAGE FROM THE PRESIDENT (H. DOC. 92–190)

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) laid before the Senate the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Today I am transmitting to the Congress legislation which would authorize funding for my foreign aid proposals for the coming fiscal year. This draft bill, which is entitled the Foreign Assistance Act of 1972, also contains provisions to make our military assistance more effective.

As I have often indicated, our foreign assistance programs are a central element in our foreign policy for the 1970s. For it is as dangerous for this Nation to ignore the problems of poverty and hunger and the need for security in other nations as it is to ignore our own domestic needs.

The Congress, acting after two-thirds of the current fiscal year had already passed, drastically reduced my foreign assistance requests for fiscal year 1972. In my judgment, the amounts appropriated for both security and development assistance in fiscal year 1972 are below the minimum level required to attain our foreign policy and national security goals. These reductions have created difficult problems in essential programs and in our relations with several countries. A repetition of these reductions and delays in 1973 would call into serious question the firmness of our commitments abroad and could have a destabilizing effect at a time when calm confidence in our support and perseverance will be critically needed. I therefore urge the Congress to act promptly to authorize and appropriate the full amounts requested for foreign assistance in fiscal year 1973.

In forwarding the Foreign Assistance Act of 1972, I would also underscore the points I made in my message to the Congress on April 21, 1971. In that message I addressed the need for fundamental reform of foreign assistance and recommended a major reorganization of these programs. I hope that the Congress will give closer consideration to these proposals in this session, and that together we can develop the most effective program possible, one that truly merits the broad bipartisan support that foreign aid has enjoyed in the past.

SECURITY ASSISTANCE

As I pointed out in my annual report to the Congress on foreign policy last month: "Security assistance is a cornerstone of our foreign policy and of free world security * * *" We live today in a period of transition in world affairs, in a time in which the United States is taking bold initiatives to build a new structure of peace, while asking our friends and allies to assume a greater responsibility for their own defense.

As we begin to make adjustments in our international role, it is especially critical that we maintain a firm United States commitment to an adequate level of security assistance. For without such adequate levels, our friends and allies will lack the confidence required for successful international cooperation in an era of negotiations. And without adequate security assistance, we cannot safely reduce our military presence abroad.

I am therefore requesting authorizations for security assistance programs totalling $2,151 million in fiscal year 1973: $780 million for grant military assistance, $527 million for military credit sales, and $844 million for security supporting assistance, of which an estimated $50 million is intended for Israel.

NARCOTICS CONTROL

I am requesting that a separate appropriation of $42.5 million be authorized for the support of international narcotics control activities. Control of illicit drug production and trafficking is one of the highest priorities of my Administration. I believe the authorization and appropriation of funds specifically for this purpose is essential to clearly demonstrate the determination of the Administration, the Congress, and the American people to overcome this serious menace.

SOUTH ASIA RELIEF AND RECONSTRUCTION ASSISTANCE

I am also proposing the authorization of $100 million in fiscal year 1973 for refugee relief and humanitarian assistance in South Asia. This sum would be in addition to the $200 million appropriated for this purpose for the current fiscal year.

The damage and destruction growing out of the war between India and Pakistan has truly been immense. We have indicated our willingness to work with other donors under the auspices of the United Nations to provide relief and rehabilitation to those in need.

The Secretary General of the United Nations has issued an assessment of these needs and a special appeal for support. We have already made an initial contribution to this effort and will continue to contribute in the light of the efforts of others and further assessments of need. The $100 million which I am requesting would enable us to continue to participate generously, along with other nations, in this important work.

RICHARD NIXON.

The WHITE HOUSE, *March 14, 1972.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1362) to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 11773. An act to amend section 389 of the Revised Statutes of the United States relating to the District of Columbia to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection;

H.R. 12410. An act to provide for the evidentiary use of prior inconsistent statements by witnesses in trials in the District of Columbia; and

H.R. 13533. An act to amend the District of Columbia Redevelopment Act of 1945 to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the Act approved June 11, 1878 (providing a permanent government of the District of Columbia), and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia.

H.R. 11773. An act to amend section 389 of the Revised Statutes of the United States relating to the District of Columbia to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection;

H.R. 12410. An act to provide for the evidentiary use of prior inconsistent statements by witnesses in trials in the District of Columbia; and

H.R. 13533. An act to amend the District of Columbia Redevelopment Act of 1945 to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the Act approved June 11, 1878 (providing a permanent government of the District of Columbia), and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 8293) an act to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. STEVENSON).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, March 13, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL PRESIDENTIAL PRIMARY

Mr. MANSFIELD. Mr. President, yesterday, the distinguished Senator from Vermont (Mr. AIKEN) and I submitted a proposal to establish a national Presidential primary and thereby replace the hodgepodge, mishmash of State primaries that the candidates and the people of this Nation are compelled to undergo in the current elective process.

I have come across a number of editorials and commentaries published recently on this issue. Of particular note was the editorial in "The Missoulian" of Missoula, Mont., for last February 24, in which the following statement is made:

> Eventually the system will have to be modified and placed on a more uniform national basis.

I am happy indeed that this Montana newspaper, among others, has endorsed the concept of a national primary. It is only through the efforts of the press and other media that the issue will be truly discussed and dramatized before the American people. It is only in this way that sufficient support can be generated to make a national primary a reality and to end what has become little more than a circus with regard to this most critical aspect of our political process.

Mr. President, I ask unanimous consent to have printed in the RECORD some newspaper comments on the subject, including the one from the daily Missoulian, under date of February 24, 1972; the Helena, Mont., Independent Record, under date of March 8, 1972; the Christian Science Monitor under date of March 13, 1972; and one from the same newspaper under date March 14, 1972; an excerpt from Roll Call, written by Gayle Essary, under date of January 29, 1970; an editorial entitled "National Primary?" as published in the Washington Daily News for today; and an editorial published in the Boston Globe, of March 14, 1972.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Missoulian, Feb. 24, 1972]

INTEREST IS UNDERMINED

This year there are more presidential preference primaries than ever.

There are so many, in fact, that cries are going up for a national preference primary.

In 1968 there were six major primaries, those of New Hampshire, Wisconsin, Indiana, Nebraska, Oregon and California.

This year the primaries are hard to count. No fewer than 21 states are having at least some kind of primary election between March 7 and June 27. The various primaries vary according to the various state laws. The variety means that some are regarded as more significant than others.

Some states permit candidates to enter voluntarily. Others designate the candidates, and allow candidates to withdraw if they so desire.

This year the Democrats face the major problems presented by the primaries. There are many Democratic candidates. The party is short of money. Yet any serious candidate must run hard and well in several primaries. The object is twofold: To gain national convention delegates and to gain winning prestige—the bandwagon aura that leads the uncommitted to commit themselves to a winner.

While the Democratic candidates are getting along together reasonably well, and with the exception of George Wallace there is little danger of such a split developing that the losers will refuse to support the nominee, there are complaints that the candidates are spending enormous time campaigning very early and are spending enormous sums to do it—money that will be badly needed next fall in the race against the Republican nominee.

In comparison the Republicans are sitting pretty. President Nixon will be the party's nominee, opposition from the party left and right notwithstanding.

Yet in 1964 the head-to-head primary competition between Goldwater and Rockefeller, and in 1968 the same competition between Nixon and Rockefeller, illustrate that the GOP faces the same problems facing the Democrats, despite a respite this year.

In 1976 Nixon, even if re-elected this year, will be unable to run again. The Republicans will face the same dizzying number of primary battles which the Democrats face now.

Presidential preference primaries are good because they take nominating power out of the hands of political brokers and give it to the people. Montana should have a presidential preference primary—it at least would bring some presidential candidates to the state. They never come during the fall campaign.

But eventually the system will have to be modified and placed on a more uniform, national basis. Either every state will have to participate in a single national primary, or a single primary date will have to be set for those states which want primaries.

Forcing candidates to campaign from January (or earlier) through June requires too much effort and expense from them, and undermines the public interest in every sense.

[From the Independent Record, Mar. 8, 1972]

ONE DOWN, 23 TO GO

As you read this the ballots will have been cast and counted in New Hampshire's presidential primary. Someone won and a few lost. We ask: So what?

New Hampshire, a state with 600,000 and some people, received partial credit for the downfall of President Lyndon Johnson in 1968 and the emergence of then Sen. Eugene McCarthy. Why? In our opinion it is because the election process has been de-humanized and relegated to trends, typical voters, ethnic groups and last but not least, the computer.

The dreadful thing about it all is that we will have to be submitted to this analyzation process 23 more times between now and the Democratic national convention in August. And then we'll hear more of the same between the conventions and the general election in November.

The apathy which this process is creating among the voters of America is now surfacing in Florida, site of the next presidential primary. The Democratic ticket is glutted with candidates and the big money men aren't digging very deep into their pockets to contribute. One Florida Democrat and multimillionaire who describes himself as a "country boy businessman who's real concerned about keeping America strong," said of the Florida primary: "It's a damn waste of time. I don't think anybody cares much and you're certainly not going to learn anything."

A prominent Palm Beach banker echoed the same sentiment: "Everybody's waiting around to see who the Democratic candidate is going to be. They don't give a hoot about the primary."

The Democratic big shots in Florida claim that there is no real power structure in that state. Nevertheless, the Florida votes will be dissected over and over—until the next primary.

In the meantime the analysts will look for the trends in the states which do not have presidential primary elections. Already we are being told that Sen. Edmund Muskie is Montana's man.

The pundits punch the cards, feed the computer, push the button and presto! It looks like Montana likes Muskie. It's that simple.

The tragedy of it all is that the constant theorizing and the space and time the news media devotes to it in a futile attempt to keep the public informed will do just the opposite. It's a sad commentary that our political system today is geared to speculating the electorate into boredom.

[From the Christian Science Monitor, Mar. 13, 1972]

WHAT PRICE PRIMARIES!

(By Erwin D. Canham)

Americans, it seems to me, are going to grow very weary of state presidential primaries before this spring and early summer are over. Of course, they won't be nearly as weary as the unfortunate candidates are likely to be. Nor so broke.

If the other state results are as inconclusive as New Hampshire's, we are likely to come up to the Miami convention with no really firm indications. Thus the way will be open for a nomination controlled by the power brokers, the boys in the smoke-filled rooms.

It has been suggested that perhaps they know the candidates better than the voters in the White Mountains or the Everglades, and so the decision should be left to them. That isn't the way we work. We still believe in voting, and democracy.

Therefore attention has turned again to the idea of a nationwide, state-by-state simultaneous presidential primary. Candidates would have to file to get on the ballot. Voters would cast their ballots in either the Republican or Democratic primary.

NOT A PANACEA

If it were desired to retain the institution of a national convention, then they would vote for a slate of delegates. Winner would not take all, state by state, as in the election, but would receive a number of votes or delegates proportionate to the total that voted for him.

Like other reforms, this is no panacea. It is asked, for example, if it is cruel and unusual punishment for candidates to run in 24 state primaries, why would it be all that much better to run in 50? But they wouldn't be doing that. They would be running in one single primary, in all the states on the same day. Nobody could possibly campaign in all 50 states, so candidates would have to concentrate their fire on the most important places, and do a lot of campaigning electronically. Perhaps that would send the costs up, perhaps not.

Quite possibly, a national nominating primary would not produce a candidate with over 50 percent of the vote. It would often be split among a number of minority candidates. That suggests the necessity of following the primary with an actual nominating convention.

POSSIBLE REDUNDANCE

There the values of a national party town meeting would continue to exist. There a concensus could be shaped, but on the basis of delegates all of whom had been chosen by voting methods, rather than caucuses or state conventions, and hence with enhanced legitimacy.

If a candidate had received a clear majority in the nationwide state-by-state primary, the nominating convention would be redundant except to focus the party's ideas and spirit.

The process in 1972 is beginning discouragingly. The Democratic candidates have expended fantastic amounts of energy and money. They are emphasizing the party's disunity. They are draining its potential resources for the ensuing campaign.

The "reforms" introduced in the Democratic Party's procedures are raising large questions of representativeness and balance. The media are having a field day, but I suspect they are exhausting the public's patience and interest.

HORSE-AND-BUGGY AGE

The hand-shaking type of campaign is as anachronistic as the horse and buggy. It gains a few votes, as Sen. George McGovern proved in New Hampshire, but it says little to the nation and to the large decisive pools of votes.

What will come of it all? After New Hampshire, Senator McGovern is more credible as a candidate but most unlikely to win the nomination. After Florida, Gov. George Wallace may prove himself to be some sort of power within the Democratic Party. But what kind of power? How will that power be exerted at the convention? What does Governor Wallace want when it becomes clear that he cannot be the nominee?

The process of nominating presidential candidates, the process of electing them through the Electoral College, stand revealed as highly imperfect. The American people and their political experts must do something about it.

[From the Christian Science Monitor, Mar. 14, 1972]

PRIMARIES, WHO NEEDS THEM?

(By Joseph C. Harsch)

The answer, of course, is that all citizens of the United States actually need the current presidential primaries although one is inclined at this stage, with only one out of the way another 24 (and three months) to go, to sigh and wish for a better way.

There is so much to be said against these primaries. They are costly in money and in wear and tear on candidates. They are unfair, often irrelevant. They bore the voters much of the time. They are subject to manipulation.

BRITISH MODEL

In theory the stranger from Mars would compare the American system with the British and conclude that the British model could and should be applied in the United States. But he would be mistaken.

Yes, the British system is quick, and relatively clean.

It lasts a month, not most of a year.

But the British system only picks the party which is to have the majority in the House of Commons. It does not select the single individual who is in effect to become a combination king-emperor-prime minister all rolled into one—for at least four years and more probably for eight years—to preside over the affairs of some 210 million people living on half a continent.

POLITICAL MEN/BOYS

How do so many and so diverse a people select such a person?

No political scientist would have dreamed up such a system as the one which now exists. Yet for all its manifold faults it does provide a sort of horrible gauntlet which separates the political men from the political boys. Somehow when this tedious process is over, people in the United States have acquired by invisible osmosis an appreciation of the differences among candidates in the areas which are the most important for the job—toughness and stamina.

Granted, some excellent presidents were chosen by the older method. Lincoln is a case in point. But there has been no really disastrous president since the primary system got really under way. The last real failure of the selection process in the United States was Warren G. Harding. He was literally picked by the party bosses in a "smoke filled room." It is highly doubtful that he could have survived the grueling exposure of the primaries process. The flaws in his character and record which came out quickly after he reached high office would surely be detected now in the primaries.

STAND THE HEAT

The strongest argument for these primaries and, I think, the convincing one, is that every man beginning with Franklin Delano Roosevelt who has survived them to become president has had one essential quality. Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and Nixon all have had stamina and toughness in adversity. They could take disappointment and even defeat without collapse or panic or exhaustion.

Harry Truman said, "If you can't stand the heat get out of the kitchen." He and the others who survived primaries could all stand the heat. They had to.

[From the Roll Call, Washington, D.C., Jan. 29, 1972]

POLITICAL PRO'S IDEAS ON ELECTION REFORMS

(By Gayle Essary)

Politicians are going through an era of rethinking party structures and the methods of selecting delegates to conventions establishing party policy and selecting party nominees.

The McGovern Commission has lent an air of "officialdom" to the process, but the rethinking and restructuring is going on at every level of both major political parties.

It has been a natural result of this activity that new ideas have been formulated for the selection of the President and Vice President of the United States. The Electoral College itself has been the scene of recent "sit-ins" and changes in "Administration."

None of the changes or proposed changes actually return the selection of the Presidential nominees directly to the people, nor do they give the eventual nominee a hand in the writing of the party platform which becomes quite meaningless once the nominee begins compaigning on his own. Also the conventions are usually quite boring to the general public, and it's easy to see why.

Instead of what has happened in the past and what is proposed for the future, here are some changes that would make real sense and make the political system interesting again to the apathetic majority.

1. A nationwide presidential primary would enable all voters in all states to choose their favorite candidates without the benefit of switching parties or having the results of previous primaries to influence their votes.

Candidates would have to take themselves and their ideas directly to the people, and never again would delegates, largely rich or otherwise unqualified and controlled by the delegation leader, have the sole power to pick a President of the U.S.

(There are minor technicalities, such as the limitation of third parties, but third parties could prosper if their Presidential nominees are allowed on all ballots in the U.S. if they receive, say, 5% of the total vote on the day of the National Presidential Primaries, or they could be allowed on the ballots of individual states where they receive 5% or more of the total vote in that state while not receiving 5% of the vote nationwide. The latter provision would allow a party to gain renown and prominence in geographicaly areas of the U.S. even though it does not yet command national attention.)

2. Precinct conventions would be held nationally the evening of the Presidential Primary, and delegates would be selected to the county conventions, as is now the practice. At the end of this process, delegates are selected to attend the National Party Conventions, scheduled later the same year. It would be the job of the national conventions to write the platform of the nominee already chosen and to provide him a forum from which he can make his major campaign kick-off speech. Some drama would be retained for the convention in that it would also be the job of the delegates to select a Vice Presidential running mate for the Presidential candidate. This gives the nominee plenty of time to think about such an important choice, it gives the representatives of the people a voice or veto in the selection, and the convention-selection allows other candidates for the Presidential nomination to be considered.

3. In the general election year in which Presidents are not elected, the Congress of the United States would have a natural national forum with the addition of what would be known as the Congressional National Conventions of both parties. Delegates would be selected in the same manner, and the candidates and incumbents of both parties would have an opportunity to gain exposure, and to have the assistance of the delegates in writing a platform that would establish party position. Such a written document would often eliminate the need for candidates to take stands and continually establish "issues" which are so irrelevant to the real reasons people vote for them.

Why not go ahead at the same time and amend the Constitution so that a President and Vice President serve six years and are ineligible to succeed themselves?

[From the Washington Daily News, Mar. 14, 1972]

NATIONAL PRIMARY?

President Truman once said presidential primaries in the states were so much "eye-wash." The late Adlai Stevenson, twice a candidate for President, called them "almost useless."

Sens. Mike Mansfield and George Aiken, two seniors in Congress, now say much the same thing. They are proposing a constitutional amendment to provide for a national presidential primary.

It was not until 1905, 116 years after the government was established, that the first state presidential primary was held—in Wisconsin.

The idea spread to 23 other states at one time, but fell off to 16 states in 1968. This year 23 states are holding primaries—the just-over Florida contest being the second of a series which will run thru June 27.

Under the Mansfield-Aiken plan, a single primary would be held in all 50 states on the same day in August. Candidates would get their names on the ballot by petition. If no candidate polled 40 per cent of the vote there would be a later runoff. Party conventions would be held, but the nominees for President would be chosen at the polls.

Woodrow Wilson urged a similar plan nearly 60 years ago, and it has cropped up several times since, never getting anywhere.

On its face, it sounds like a clean, democratic solution to the haphazard, inconclusive "circus" (Sen. Mansfield's term) now going on under different rules in only some of the states. Advocates argue that the cost of campaigns in scattered states on different dates is exorbitant and, as Sen. Mansfield said, "hard" on the candidates.

As it is, the candidates are selective about the states they enter. A clear-cut favorite doesn't always emerge. Moreover, state primary results are not necessarily influential on nominating conventions. A national primary, it is argued, would put all candidates on the same footing.

But there are some serious objections, too. For instance, it is doubtful whether either Adlai Stevenson or President Eisenhower, both reluctant at first, could have been persuaded to run in the 1952 primaries, the year both were nominated by party conventions.

The plan also raises questions as to its effect on the two-party system, on minorities, and on such things as party unity. Whatever the evils of a convention system, would a national primary eliminate them? And it hardly would lessen the costs of a campaign for President.

In any event, it requires two-thirds of both houses of Congress just to submit the amendment to the states and 38 states to make it effective—plenty of time to examine all the angles.

[From the Boston Globe, Mar. 14, 1972]

DOING AWAY WITH PRIMARIES

Senator Mike Mansfield, the Montana Democrat, who teamed up with Rhode Island's Senator John Pastore to bring you the first major election reform since 1926 in the form of legislation to limit campaign spending, has now joined forces with Republican Senator George D. Aiken of Vermont in seeking a constitutional amendment that would replace the present round of presidential runoffs with a single national primary to be held in August. It's an interesting idea, particularly on this day when the voters of Florida go to the polls in the second of 23 presidential primaries to be held across the nation.

There is a legitimate argument that an increasing number of states hold presidential primaries less because of a valid potential input than because of a desire to bask briefly in the political limelight. New Hampshire, with its 100,000 Democrats and no great urban centers, is not Middle America. Nor is Florida with its deep tradition of conservatism and its aggregation of retirees, baseball players and space engineers from out of state. Yet, by holding early primaries, these states set candidates on a scale that is self-perpetuating and pin them to issues, such as busing, that might not have risen elsewhere.

There are those who argue that the wear and tear of the long campaign are a valid test of the man, as Senator Muskie may have learned to his sorrow in New Hampshire, and that without the local contest, candidates like George McGovern and Shirley Chisholm would have no chance to surface. The time, they say, is well spent. And the cost of running in sequential primaries is generally estimated to be less than the cost of running in what would amount to two or possibly three national elections, with a national primary and a possible run-off preceding the November election.

The Florida primary, in which nine Democratic liberals are pitted against two outright Democratic conservatives, stacks the deck in favor of the conservatives with the top conceded to Governor George Wallace and Washington Senator Henry Jackson aiming for fourth place on a platform of "metooism." Surely this has its bizarre side. But the hope is that all the tears and all the nonsense will be washed away or watered down as the contest moves later this month to Illinois and Wisconsin with 19 more primaries remained after that.

Without strict regulation a national primary could do more to curtail the democratic process than the system as it is presently constructed. The latter is something of a tribal orgy and the beholder is certainly struck by the possibility of improvement. But, appealing as the idea of direct elections may be, reform should probably be tried out first.

ADVICE TO A YOUNG READER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an article which was published in the St. Louis Post Dispatch, entitled "To a Young Reader," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

TO A YOUNG READER

Dear M.R.W.: We have received your letter which begins:

I am 20 years old, to wit, one of the "newly franchised," that rabid political animal about which there has been so much recent (and rather erratic) speculation. Well, patria mia . . . please expect no miracles from me and my peers. No idealistic burdens, thank you.

The point is that I and the majority of my age group can only approach the Madison Avenue super-sell circus of American politics from the other side of despair, disgust, sorrow, and utter disillusionment, having had to crawl from beneath dunghills of human compassion like Chicago, Kent-Jackson and Mayday, just to mention a few. I repeat, give me no smiles and furtive peace signs, because I just may respond with a most Un-Gandhian belt in the mouth. Bitter? Yes indeed . . .

Let us say right off that we expect no miracles from you, your peers or anyone and, frankly, would be rather appalled if one happened. We have concluded after no little thought that a world without miracles is to be preferred to one with miracles, if only because a lot of people who might otherwise be spending their time waiting for the lightning to flash and the wonder to occur are forced instead, as you and your peers will be forced, to buckle down to the hard task of making decisions and acting on them. Some of the decisions will be wrong ones, like those which got us into Vietnam and kept us there, an obscene presence in someone else's country. We need your help to correct such mistakes and it won't be easy. And they won't be corrected by miracles.

"Despair" and "utter disillusionment" are terrible things when they are real, for they bespeak a loss of hope; and a country whose young do not hope is a country dead in spirit.

We wouldn't give a nickel for its chances—wouldn't have, either, when a nickel meant something. So you can see we hope you're wrong when you say a majority of your age group can only approach politics from such a position.

Don't think us condescending to say we think that despair is a lot like puppy love in that it afflicts the young in disproportionate numbers. If you remember it, drop us a note, say, in 10 years, after you've voted a few times, worked a bit more in your community and have done what you can to change the system. You may still be mad, and with good reason, but our guess is you won't still be despairing.

As for those smiles and furtive peace signs, don't be too harsh about them. The smiles may or may not be genuine. You'll have to distinguish between them. A lot of us are truly glad about your imminent presence, so to speak, in the voting booth and may express ourselves awkwardly. Those furtive peace signs may be someone's way of trying to con you. The best thing to do, we've found, is to let them know loud and clear you're not buying. They may also be a signal that some of the older folk have let the times catch up with them. If so, be gentle, M.R., because flexibility is a precious thing and should be encouraged.

Finally, please don't go belting somebody because of what he says. In fact, don't belt. Period. One of the things this country is learning to its shame and sorrow is that belting does not solve things. We've belted the hell out of the Vietnamese and we've belted the hell out of your generation in demonstrations and peace marches and you see what it's done, how much it's brutalized us.

Good luck this November and in all Novembers to come. All of us will be watching with interest what you and your peers will be doing. And as we said a little bit ago, don't forget to write.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order recognizing the distinguished Senator from Kentucky (Mr. Cooper) today be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent with respect to the order recognizing the distinguished Senator from Tennessee (Mr. Baker), that the name of the distinguished Senator from New Hampshire (Mr. Cotton), be substituted in lieu thereof, and that that order follow the order recognizing the distinguished Senator from Missouri (Mr. Eagleton).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Does the Senator from Michigan desire to be recognized?

Mr. GRIFFIN. No, Mr. President.

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from Missouri (Mr. Eagleton) for not to exceed 15 minutes.

THE FLANIGAN FACTOR

Mr. EAGLETON. Mr. President, there is a "missing witness" in the ITT hearing—Mrs. Dita Beard.

But she is not the only missing witness.

There is one other, a man who works in the shadows—but only at the highest levels, only with the fattest cats.

That man is Peter Flanigan, called by Time magazine this week "Richard Nixon's 'Mr. Fixit' when it comes to powerful business interests."

The term "Mr. Fixit" can have a perfectly legitimate definition—that of a man skilled in making repairs.

I presume Time did not have that definition in mind when it applied the description to Mr. Flanigan.

For the evidence that has been mounting in the last few days—since his careful and smooth orchestrations suddenly became a cacophony as the press began delving into his affairs—shows Peter Flanigan to be no mere patcher of plaster, no apprentice applier of bandaids.

Rather, there is reason to believe that he is the mastermind, the possessor of the scuttling feet that are heard, faintly, retreating into the distance in the wake of a White House-ordered cave-in to some giant corporation.

Mrs. Beard's memo—and her testimony, whenever that might come—are important in the ITT hearing. More important is the propriety of ITT's donating $400,000 to help stage the Republican National Convention right after the administration granted ITT a favorable settlement in its antitrust case.

But most important, it seems to me, is the element of the ITT case I would call the "Flanigan Factor"—or the place where Mr. Flanigan's fine hand appeared.

The ITT case is not the only one of its kind where Mr. Flanigan's presence can be traced. There are at least four more I am listing today, and undoubtedly there are others—many others.

But, one might ask, is it not Mr. Flanigan's job to represent the point of view of big business in the innermost councils of the White House, and is it not legitimate that the voice of big business be heard there?

The answer is yes—but only as long as being a conduit for the position of big business does not lead to becoming "Mr. Fixit."

And Mr. Flanigan, in the wake of mounting evidence that he is, indeed, "Mr. Fixit," should be called before the Judiciary Committee and be closely questioned about his role in the ITT case. And this Congress should be looking into his role in the other cases I will relate.

What was the Flanigan factor in the ITT case?

We know that Mr. Flanigan managed to get Richard W. McLaren, then Assistant Attorney General in charge of the Justice Department's Antitrust Division, to accept a report on the case from an outside consultant—really a young Flanigan protege hired for the purpose, Richard J. Ramsden.

Richard J. Ramsden was an employee of Dillon, Reed from 1961 to 1965—the same investment banking firm of which Peter Flanigan was a senior vice president from 1954 to 1968. Ramsden was a White House fellow from September 1969 through part of 1970 working for—guess who—Peter Flanigan. Later in 1970, he was a consultant to the Commerce Department. After that he wrote an antitrust analysis in regard to the Ling-Temco-Vought case which resulted in the settlement of that case by the Antitrust Division. And next came his ITT report.

We know that this report, in 15 pages which took only 2 days to write, somehow was so convincing that it provided the solution for a case the Antitrust Division had been building for years—a solution favorable, of course, to ITT.

Was there intervention? If so, was it improper? Only Mr. Flanigan can clear the air—air poisoned, to me, by a very distinct and unpleasant aroma.

There is a Flanigan factor in other vital decisions that affected big business. Here are some examples gathered so far:

ANACONDA CASE

Late in 1971 the Montana State Board of Health held hearings on proposed new Montana air pollution regulations. An employee of the Environmental Protection Agency—EPA—testified there in favor of stringent air pollution control.

The president of Anaconda, Mr. John Place, hit the ceiling over the testimony of the EPA employee and fired off a blistering letter to EPA Administrator William Ruckelshaus.

Without even giving Ruckelshaus a chance to respond, Place and other moguls of the copper industry sat down with Peter Flanigan in the White House and told him of their dissatisfaction.

Place acknowledged this meeting with his "Dear Peter" letter of December 29, 1971, in which he concluded:

> Any assistance you can offer in having EPA acknowledge that it got overzealously involved in Montana's affairs will be appreciated.

Flanigan contacted EPA and interceded on behalf of Anaconda. EPA then decided to disavow the testimony of its own employee. The disavowal letter was flown in person from Denver to Helena, Mont., this being the most tailormade air mail delivery for special interest service in modern history.

ARMCO STEEL CASE

In September 1971, the Environmental Protection Agency won a court order preventing Armco from dumping highly toxic chemicals into the Houston ship channel. EPA had taken the position that the wastes in question—cyanide, phenol ammonia, and sulphide—could be burned off. Armco complained of the additional cost and threatened to lay off over 300 workers.

Armco President William Verity—whose executives had contributed at least $14,000 to the 1968 Nixon campaign—wrote to President Nixon complaining of the EPA suit. Enter the Flanigan factor.

According to House testimony, Peter Flanigan contacted EPA officials—who were told to "negotiate the case like any other," whatever that means. EPA and the Justice Department then entered into negotiations with Armco and reached an agreement whereby Armco could continue dumping its chemicals until the summer of 1972.

POSTAL SERVICE BONDS

In 1971 the newly restructured Postal Service announced its intention to issue $250 million worth of bonds. The Postal Service decided:

First, to sell the bonds on Wall Street rather than selling them to the U.S. Treasury,

Second, not to take advantage of Federal guarantees—which parenthetically meant the price of the bonds would be higher,

Third, that underwriters to float the bonds on the market would be selected through negotiations rather than competitive bidding, and

Fourth, that one of the underwriters would be none other than Dillon, Read.

In his September 21. 1971, report to the chairman of the House Committee on Post Office and Civil Service, Representative MORRIS UDALL stated two principal conclusions:

> (1) this important bond issue has been handled in such a way that the strong appearance of impropriety has arisen; and (2) that the method chosen for this financing may eventually and unnecessarily cost the taxpayers and the Postal Service large sums of money.

UDALL reported further:

> Peter Flanigan is a Special Assistant to the President and was formerly a Vice President of Dillon, Read and Company. There is ample evidence to indicate that the (sic) has been involved in discussions and meetings involving this issuance of the bonds by the Postal Service.

Add to this that the bond deal was negotiated by James Hargrove, senior Assistant Postmaster General, formerly a vice president of Texas Eastern Transmission—whose own issues had been handled for years by Peter Flanigan for Dillon, Read.

It is hardly surprising, perhaps, that this cozy exercise in public-private high finance was enriched by the appointment of none other than Mudge, Rose, Guthrie, and Alexander as counsel to the underwriters—counsel doubtlessly enhanced by the fact that two former senior partners are President Richard Nixon and then Attorney General John Mitchell.

OIL IMPORTS

The present oil import quota system is estimated to cost consumers up to $5 billion a year. The Treasury gets none of it; oil companies get it all. A Cabinet-level task force recommended in 1970 that the quota system be scrapped. Peter Flanigan is known to have shot down the original report and guided the work of a successor panel which brought in the opposite verdict.

Now in firm control of the oil import control system, Mr. Flanigan seems ready to embark on phase II. According to the Oil Daily, "orders have now gone down" to the Oil Policy Committee to report by April 1 on the import of new gas sources. The committee is expected to recommend "large scale imports of LNG—liquefied natural gas—and oil for SNG—substitute natural gas—"to meet the increasing gas shortage.

Mr. Flanigan apparently finds no conflict of interest in the fact that Texas Eastern Transmission Corp., mentioned above, is planning an SNG facility which will require 125,000 barrels per day of imported naptha. It has also applied for permission to import LNG from Algeria—on a temporary basis, thus far—to a terminal facility on Staten Island. Dillon, Read underwrote the first offering of Tetco common stock in 1947 when it was formed, and it has underwritten every one of Tetco's public debt issues since that time. Tetco has been Dillon, Read's creation and, to a large degree, Peter Flanigan's. Now, in an oil market controlled by the White House, Peter Flanigan is in a position to insure the continued prosperity of his corporate ward.

And, of course, there was the Sansinena case. But perhaps I am only suspicious. Perhaps the Flanigan factor is just coincidence—coincidence every time.

Peter Flanigan is the real missing witness. It is time that he was called to testify.

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from New Hampshire for 15 minutes.

PETER FLANIGAN

Mr. COTTON. Mr. President, I regret that I frequently find myself in the position of being compelled to speak in opposition to my friend from Missouri, with whom I have enjoyed a close and friendly relation since he has been in the Senate. I regret it especially, Mr. President, since I called his office because I heard what was going to be the subject of his 15-minute speech, and I tried to get in touch with him and I was unable to reach him by telephone and unable to get a return call from him. I regret especially that one for whom I have so much respect has approached this matter in quite the manner he has.

Peter Flanigan happens to be a personal friend of mine. I have had some dealings with him since he has been in the White House. I have not always agreed with him, particularly when New Englanders were communicating with him about oil.

I came to his defense in relation to the last matter that was touched upon by the Senator from Missouri, the so-called Sansinena case, and that defense was never answered. The Senator who then made that attack on Peter Flanigan on the floor of the Senate dropped the matter instantly and we heard no more about it, so no wonder the Senator from Missouri passed over that quickly.

Mr. President, I happen to know that Mr. Flanigan down at the White House is an old friend and acquaintance of the distinguished Senator from Missouri. I must say frankly that I am rather surprised that the Senator from Missouri would decide to make this attack on Mr. Flanigan at the White House and not inform Mr. Flanigan that he intended to do so; not ask one single question of Mr. Flanigan about whether his allegations are true or untrue, or listen to one word from Mr. Flanigan as to the truth or falsity of impressions which the Senator from Missouri, I am sure, quite sincerely entertains.

Mr. President, as was hinted by the Senator from Missouri, every administration in this country that I ever heard of, Democrat or Republican, has had to have experts assisting the President of the United States. President Nixon has his experts. He has his advisers on welfare, he has his advisers on ecology, and he has his advisers on every other subject. There never has been an administration in which it was not necessary for the President to have someone familiar with business in this country, with banking in this country, and the economic machinery that makes the backbone of this country and provides the taxes to support our Government. There never has been a President who has not needed someone well versed in those subjects. In this particular instance Mr. Flanigan happens to be one of those persons who advises the President on these subjects. Quite properly the President would want someone who had been successful himself and who had a thorough business background.

Now, Mr. President, most of what the Senator from Missouri has said has nothing more to do with the ITT situation which is before the Committee on the Judiciary and the question of the confirmation of Mr. Kleindienst as Attorney General of the United States than do the flowers that bloom in the springtime. What are the facts?

Well, the facts are that Mr. Richard Ramsden at some period some time ago served as a White House fellow and worked primarily with the Office of Economic Opportunity. It so happens that later Judge McLaren, who then, as Assistant Attorney General, was dealing with the LTV case, which has nothing to do with the present situation, nothing to do with ITT, and noting to do with the fitness of the President's designate as Attorney General, asked Mr. Flanigan to recommend someone to do some research for him and answer some questions for him in relation to the LTV case. Mr. Flanigan suggested Richard Ramsden as a competent financial analyst then in the employ of the Government; Richard Ramsden did some research and he did the job well. In fact, he did the job so much to the satisfaction of then Assistant Attorney General McLaren that he gained a good deal of confidence in the judgment of Mr. Ramsden.

So now, when the matter comes up and Judge McLaren is working on the ITT case and its settlement, Judge McLaren again calls Mr. Flanigan in the White House, and does he ask for someone to be recommended to him by Mr. Flanigan? No; he inquires about Richard Ramsden: "Where is he? Is he available, because he is the man I would like to have." This is the testimony.

Mr. Flanigan, knowing that Mr. Ramsden has returned to an investment management firm, which by the way was not Mr. Flanigan's old firm, informs Judge McLaren, and Judge McLaren is about to leave town and says to Mr. Flanigan, "Will you call him and propound these specific questions to him so that I may have his responses," and that Mr. Flanigan did.

Mr. President, to assert on the floor of the Senate without once approaching Peter Flanigan and even listening to the facts as he knows them or giving him the opportunity to inform the Senator from Missouri, and on these flimsy grounds to take 15 minutes to tell the press of this country that this man Flanigan is a sinister influence in the White House, and that he is involved in all kinds of manipulations, frankly smells to me of what years ago when I was first a Member of the Senate was called McCarthyism.

I refer to the making of attacks upon the character and integrity of a man who to date has not once had any valid charge made against him of any improper conduct whatsoever, in his duties personally, in his business life, and more particularly in his duties as adviser to the President.

The background of this whole matter was that Mr. McLaren had developed a respect for Mr. Flanigan's professional competence in financial matters during the course of their work together in Government, and in 1970 had asked him to recommend a financial analyst for the LTV merger. Mr. Flanigan was aware that Mr. Ramsden, a highly competent financial analyst, was serving as a White House fellow at the Office of Economic Opportunity and brought him to Mr. McLaren's attention, who asked for his detail to Justice for a financial analysis of the LTV merger.

That was when Judge McLaren, then Assistant Attorney General McLaren, formed an acquaintance with Mr. Ramsden, and he wanted Mr. Flanigan to contact Mr. Ramsden again to transmit the specific interrogatories, which request came not from Mr. Flanigan but from Mr. McLaren.

Mr. President, how much time do I have left?

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes remaining.

Mr. COTTON. Mr. President, the Senator from Missouri has gone on to resurrect and read into the RECORD several allegations that are completely immaterial to the matter in question.

The first of these allegations is that because of a visit from the presidents of Anaconda, Kennecott, and Phelps Dodge, Mr. Flanigan induced the Environmental Protection Agency to alter its position with regard to strict air pollution standards imposed by Montana.

The facts concerning this allegation are: State air pollution standards are a matter solely for decision by the State of Montana; Mr. Flanigan's only involvement was to agree to meet with copper company officials together with Richard

Fairbanks, assistant to White House environmental specialist John Whitaker. Mr. Fairbanks passed on to EPA, the copper companies' request that testimony by an EPA official in Montana be clarified to bring it in line with previously announced EPA policy that States were free to choose their own way of meeting Federal requirements.

The further background is that the State of Montana had under consideration a requirement that copper smelters, in addition to meeting the strong Federal standards, should achieve a 90-percent reduction in emissions of sulfur oxides. The only EPA involvement was through expert testimony at hearings before the relevant State officials.

The decision on EPA's position in the Montana hearings was made at EPA, not at the White House. An EPA official, George Walsh, had testified in Montana on December 15, 1971.

The copper company executives, believing his testimony to be inconsistent with prior EPA policy, addressed a letter to EPA. Receiving no response; realizing Montana was about to come to a decision; hoping for clarification of the EPA position; and unable to reach EPA Administrator William Ruckelshaus, who was out of the city; the copper executives visited Mr. Flanigan on December 28, 1971, to ask that their question be answered. Mr. Flanigan referred this question to EPA through Mr. Fairbanks.

There is nothing more natural than that Mr. Flanigan, with his business background, should be acquainted with these people in the copper industry, and there is nothing improper about his directing their question to the proper people in the Government to provide the answer.

So much for that.

Next, we have a second allegation that Mr. Flanigan induced EPA, represented by the Justice Department, to agree to a 6-month delay in ending Armco's discharges of pollutants into the Houston ship channel because of a letter to the President from William Verity, president of Armco Steel.

The facts are as follows: The lawsuit was settled by EPA on advantageous terms, requiring the companies to install pollution control equipment on a tight timetable in accordance with EPA's requirements and at the same time preserving 300 jobs. On receipt of Mr. Verity's letter to the President, it was entirely proper for Mr. Flanigan, as a Presidential assistant, to inform himself of the facts of the matter, and to insure that administration policy of protecting both the environment and jobs was being carried out. This he did by checking with John Quarles, general counsel of EPA, and with the Civil Division of the Department of Justice, which deferred to EPA on the policy question.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. COTTON. My time is expired. I recognize that the leadership——

Mr. MANSFIELD. Mr. President, if the Senator wants more time, I ask that the period for the transaction of routine morning business be laid before the Senate.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 3 minutes, with a limitation of 3 minutes on each Senator recognized.

Mr. MANSFIELD. Mr. President, I ask for recognition at this time and yield my time to the Senator from New Hampshire.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. COTTON. I thank the distinguished majority leader for his courtesy and fairness.

PETER FLANIGAN

Mr. COTTON. Mr. President, Armco was one of many companies that had been emptying wastes into the Houston ship channel for many years. EPA, through the Justice Department, brought a landmark case against Armco under the 1899 Refuse Act to stop this practice and won it. As a result, Armco agreed to do, on a tight timetable, what EPA had wanted all along; namely, to incinerate the pollutants. This was a very advantageous settlement for all concerned, which both ended the pollution and preserved the 300 jobs while the required antipollution facilities were being installed.

Those were the facts. All this maze of information that has been dug up from somewhere, I repeat, has nothing to do with the present situation in hand. Not only that, it provides no foundation in fact for criticism of Mr. Flanigan.

The third allegation, which deals with the matter of postal bonds, is that Mr. Flanigan obtained for Dillon, Read & Co., Inc., a position as one of the five managing underwriters for the first bond issue by the Postal Service.

The facts are Mr. Flanigan was in no way involved in the choice of Dillon, Read as an underwriter—a fact attested to by James Hargrove, Assistant Postmaster General for Postal Affairs, who had this responsibility. Mr. Flanigan had no financial or other connection with Dillon, Read at the time it was selected as an underwriter, nor was or is there any explicit or implicit understanding of any future connection. Thus, Mr. Flanigan could not have profited from the Postal Service's choice, and furthermore, he was in no way involved in it.

The further background of this matter is that Mr. Flanigan did coordinate within the administration the development of legislation to create a Federal finance bank to bring greater unity to the financing activities of the Federal Government. Because of this activity and his general financial expertise, he was consulted on the question whether the newly reorganized Postal Service should sell its bonds direct to the public or to the Treasury, which options are provided for under the Postal Service Act. Mr. Flanigan requested a memorandum from the Postal Service regarding its views on the matter, and made that memorandum available to Treasury Under Secretary Volcker.

In short, these matters are all duties this man is expected to perform. That is what he is down there for. They do not pick someone who is an ignoramus or one who has had no connection with business to advise the administration, to advise the Postal Service, to advise other branches of the Government, on matters of policy.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. COTTON. Mr. President, I ask to be recognized for 3 minutes in my own right.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from New Hampshire.

Mr. COTTON. Mr. President, I have only 3 minutes, and I want to place in the RECORD the rest of this prepared statement, which covers Texas Eastern Transmission Corp. and which goes into the tried matter of the *Sansinena* case, which was once again exhumed by the Senator from Missouri, and which contains a direct statement issued by Mr. Flanigan in 1970.

TEXAS EASTERN TRANSMISSION CORP.

With regard to the Tetco situation the background is as follows: There are currently before the Oil Policy Committee 22 applications for the importation of liquified natural gas or products for the production of natural gas. The total of these imports would equal in 1975 the amount of petroleum currently being imported by the United States. Clearly it is necessary that the national security implications of these imports be considered by the Government. In connection with Mr. Flanigan's responsibilities in the oil and gas area he has urged the Office of Emergency Preparedness to make such a study.

Texas Eastern Transmission Corp. is among the applicants. Mr. Flanigan did not own at the time his assets were put into a blind trust and never had owned any common stock or other securities of Texas Eastern Transmission Corp. In April 1969 Mr. Flanigan severed all connections with Dillon, Read & Co., Inc., among whose clients Texas Eastern was included.

"SANSINENA"

With regard to the release of the *Sansinena* episode, the allegation is that Mr. Flanigan, because of his ownership of shares of the Barracuda Corp., procured and profited from a waiver from the Jones Act by the Treasury Department for one of Barracuda's tankers, the *Sansinena*, permitting the *Sansinena* to engage in coastwise trade between points in the United States.

The facts are as follows: Mr. Flanigan was in no way involved in Treasury's decision. Second, he could in no way have profited from it because first, he had severed all ties with Barracuda when the waiver was granted, and second, the *Sansinena* was a long-term, fixed price charter to Union Oil Co. and so its use in the coastwise trade would not affect its value to Barracuda, which could only have received its previously agreed-upon fixed rental regardless of the grant or denial of the waiver. Finally, all of these facts were fully set forth in a letter by Mr. Flanigan on May 22, 1970, to Chairmen MAGNUSON and LONG and have been totally available since that time to any Senator who cared to ascertain the facts.

Further background: First, Mr. Flanigan was in no way involved in Treasury's decision on March 2, 1970, to grant such a waiver.

Second. At the time of the Treasury action on March 2, Mr. Flanigan owned no Barracuda stock; he had severed all ties with the corporation; his financial affairs were being handled in a blind trust; moreover, the waiver for the *Sansinena* had no effect on the value of Barracuda stock since the *Sansinena* was chartered at a fixed price to the Union Oil Co. Mr. Flanigan had acquired 308 shares of Barracuda in 1956, representing less than 4 percent of its equity ownership. He served as a director and as president of Barracuda until April 1, 1969, when he resigned because he was joining Government service. The 308 shares of stock were placed in a blind trust. The shares were sold by the trustee on February 25, 1970, at a price determined by a formula used in 1966. This sale occurred before the Treasury action; the price was calculated in a way which was entirely unrelated to any such action; and since the *Sansinena* was on a long term fixed price charter, the possibility it might be used in coastwise trade was irrelevant to the value of the Barracuda shares to its stockholders in any event.

Further, Mr. Flanigan said at the time the charges were made:

> I took no part in any way, directly or indirectly, in anything relating to the Treasury's granting of a waiver from the prohibition of the Jones Act to permit the tanker Sansinena to engage in the U.S. coastal trade. Nothing in the memorandum of October 9, 1969, from Maritime Administrator Andrew Gibson to me, to which Senator Tydings refers, or in the circumstances leading up to it, in any way contradicts that.

He covered the rest of these points in a letter sent at the time to concerned committee chairmen. I ask unanimous consent to have once again this statement printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY PETER M. FLANIGAN

I took no part in any way, directly or indirectly, in anything relating to the Treasury's granting of a waiver from the prohibition of the Jones Act to permit the tanker Sansinena to engage in the U.S. coastal trade. Nothing in the memorandum of October 9, 1969, from Maritime Administrator Andrew Gibson to me, to which Senator Tydings refers, or in the circumstances leading up to it, in any way contradicts that.

What happened was this: Prior to October 2, there had been discussion in the Cabinet Committee on Oil Import Policy of the means available to transport Alaskan crude oil from the North Slope to the continental United States. It was suggested that one company, having a refinery in the Virgin Islands (to which the Jones Act does not apply) was considering shipping crude oil in foreign flag ships to be refined there into products which foreign flag ships would then carry to the continental U.S. This possible threat to U.S. interests by inducing the construction outside the U.S., in either the Virgin Islands or Canada, of the refinery capacity required for Alaskan crude oil was of concern to me in my Presidential assignment with the Cabinet Committee mentioned above; and on October 2, I addressed a memorandum to Mr. Fanseen, Acting Chairman of the Maritime Commission, and to Mr. Gibson asking about this (copy attached).

On the following day I had a conference with Mr. Gibson on the Administration's maritime program. At the end of it, I mentioned to him my October 2 memorandum regarding this aspect of the Jones Act, which was then on its way to him, and asked the related question: what were the provisions of the Jones Act (with which I was not then as familiar as I am now) which prevented vessels like the Sansinena, built in American yards and registered under foreign flags, from returning to U.S. registry and engaging in the coastal trade. Mr. Gibson's memorandum of October 9, which quoted the relevant provisions of the law prohibiting this, was his reply to this oral inquiry.

At the time, I was aware of the failure of prior efforts to secure a waiver permitting the Sansinena to engage in coastal trade. I was not aware that another application for a waiver had been filed with the Treasury two months before, and did not become so until about the time the waiver was granted in March, 1970. My inquiry to Mr. Gibson was for information only, in the context I have described, which related to my official assignment for the President. It was not intended to produce, and did not in fact produce, any action by the Martitime Administration or the Commerce Department. Mr. Gibson confirms that his recollection and understanding of my inquiry are the same as mine.

Senator Tydings attempts also to find a significance that does not exist in minor changes that were made between the first and the final draft of the memorandum that I sent to Secretary Kennedy which was released by him on March 10, 1970. Apart from correcting an inaccuracy in the first draft (my financial statement, as is customary with members of the White House Staff was filed on the regular Civil Service form, but was filed with the Counsel to the President rather than with the Commission itself) the primary effect of the changes was to strengthen the points that I was making: that I had had nothing to do with the Sansinena waiver application, and in any event could not have profited in any way by the granting of it.

Mr. COTTON. Mr. President, I think I can speak with some authority on the Sansinena case. It was handled in our committee, and it was the Senator from New Hampshire who took the floor and thrashed the matter out in connection with that case.

Mr. President, in the moment I have left, I merely want to say that if I have spoken harshly about the Senator from Missouri, I certainly wish to soften those remarks. I hold him in high esteem. But it is not like him, I prefer to believe, to make these wild charges without once inquiring from the man whom he was attacking on this floor about any of the facts, or giving him any opportunity to respond.

I think that it should be borne in mind, first, that all these skeletons or alleged skeletons dug up from the past by the Senator from Missouri are not relevant to the matter before the Committee on the Judiciary at this time, and second—

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BELLMON. Mr. President, I yield my 3 minutes to the Senator from New Hampshire.

Mr. COTTON. I thank the Senator from Oklahoma. I shall not use but 1 minute of it.

Most of these extraneous matters are subject to complete explanation. The matter at hand is this: In what sinister way has this man, who has served for years in the White House and has a stainless reputation, performed improperly in regard to the ITT matter?

None. His minimal participation has been explained completely. It was at the request of McLaren, who wanted to get in touch again with the man whom he had used before. This is making the greatest mountain out of the smallest mole hill that I have ever had the opportunity to hear.

I think that all these things will be thrashed out where they should be thrashed out, before the Committee on the Judiciary, and I think that it would behoove Senators to reserve their judgment, particularly when it is obviously an attempt to reach into the White House and strike at the President of the United States, until they know exactly what they are talking about.

I have tried to answer as many of the allegations made by my distinguished colleague from Missouri against Mr. Flanigan as time would allow. I now make my complete, if perhaps occasionally repetitious, rebuttal to the various attacks.

COPPER SMELTERS

ALLEGATION

That because of a visit from the presidents of Anaconda, Kennecott, and Phelps Dodge, Flanigan induced the Environmental Protection Agency to alter its position with regard to strict air pollution standards imposed by Montana.

FACTS

State air pollution standards are a matter solely for decision by the state of Montana; Flanigan's only involvement was to agree to meet with copper company officials together with Richard Fairbanks, assistant to White House environmental specialist John Whitaker. Fairbanks passed on to EPA, the copper companies' request that testimony by an EPA official in Montana be clarified to bring it in line with previously announced EPA policy that states were free to choose their own way of meeting federal requirements.

BACKGROUND

The state of Montana had under consideration a requirement that copper smelters, in addition to meeting the strong federal standards, should achieve a 90% reduction in emissions of sulphur oxides. The only EPA involvement was through expert testimony at hearings before the relevant state officials.

The decision on EPA's position in the Montana hearings was made at EPA, not at the White House. An EPA official, George Walsh, had testified in Montana on December 15, 1971.

The copper company executives, believing his testimony to be inconsistent with previous EPA policy, addressed a letter to EPA. Receiving no response; realizing Montana was about to come to a decision; hoping for clarification of the EPA position; and unable to reach EPA Administrator William Ruckelshaus, who was out of the city; the copper executives visited Flanigan on December 28, 1971, to ask that their question be answered. Flanigan referred this question to EPA through Richard Fairbanks, assistant to the White House specialist on environmental matters, John Whitaker, EPA determined that Mr. Walsh's testimony should be clarified, and on January 6 John Green, a Regional Administrator of EPA, addressed a letter to Montana officials clarifying the testimony by indicating (1) that EPA had no official position on what the costs of imposing a 90% emissions reduction would be; (2) that a 90% reduction was not specifically required by the federal Clean Air Act; (3) that the states were free to impose a 90% reduction; and (4) that "significant reductions in emissions from smelters in Montana" will be required to meet the federal law. This letter reaffirmed the EPA position stated in Mr. Ruckelshaus' prior memorandum of November 12, 1971 that EPA would leave the method of meeting federal requirements, and any decision to go beyond them, entirely up to the states.

ARMCO; HOUSTON SHIP CHANNEL

ALLEGATION

That Flanigan induced EPA, represented by the Justice Department, to agree to a six month delay in ending Armco's discharges of cyanides and other pollutants into the Houston Ship Channel because of a letter to the President from William Verity, President of Armco Steel.

FACTS

The lawsuit was settled by EPA on advantageous terms, requiring the companies to install pollution control equipment on a tight timetable in accordance with EPA's request and at the same time preserving 300 jobs. On receipt of Verity's letter to the President, it was entirely proper for Flanigan, as a Presidential Assistant, to inform himself of the facts of the matter, and to ensure that Administration policy of protecting both the environment and jobs was being carried out, which he did by checking with Mr. John Quarles, General Counsel of EPA, and with the Civil Division of the Department of Justice, which deferred to EPA on the policy question.

BACKGROUND

1. The Administration is concerned with keeping people employed, as well as with ending pollution. If the delay referred to above had not been agreed to, 300 people would have lost their jobs, because part of the Armco plant in Houston would have remained closed. Mr. Quarles, General Counsel of EPA, informed Mr. Flanigan that this was never EPA's objective; EPA wanted only to end pollution on a tight timetable and not to close the plant. This desired solution was negotiated between the lawyers of EPA, the Justice Department and Armco.

Armco is one of those many companies who have been emptying wastes into the Houston Ship Channel for many years. EPA, through the Justice Department, brought a landmark case against Armco under the 1899 Refuse Act to stop this practice and won it; as a result, Armco agreed to do, on a tight timetable, what EPA had wanted all along—namely to incinerate the pollutants. This was a very advantageous settlement for all concerned, which both ended the pollution and preserved the 300 jobs while the required anti-pollution facilities were being installed.

POSTAL BONDS

ALLEGATIONS

That Flanigan obtained for Dillon, Read & Co., Inc. a position as one of the five managing underwriters for the first bond issue by the Postal Service.

FACTS

Flanigan was in no way involved in the choice of Dillon, Read as an underwriter—a fact attested to by James Hargrove, Assistant Postmaster General for Finance and Administration, who had this responsibility. Flanigan had no financial or other connection with Dillon, Read at the time it was selected as an underwriter, nor was or is there any explicit or implicit understanding of any future connection. Thus, Flanigan could not have profited from the Post Office's choice, even though he was in no way involved in it.

BACKGROUND

1. Flanigan was not involved in the Postal Service's choice of Dillon, Read as one of the five bankers for the bond issue.

Flanigan coordinated within the Administration the development of legislation to create a Federal Finance Bank to bring greater unity to the financing activities of the Federal Government. Because of this activity and his general financial expertise, he *was* consulted on the question whether the newly reorganized Postal Service should sell its bonds direct to the public or to the Treasury, which options are provided for under the Postal Service Act. Flanigan requested a memorandum from the Postal Service regarding its views on the matter, and made that memorandum available to Treasury Under Secretary Volcker.

As for the choice of the managing underwriters, this decision was made by the Postal Service alone. The only question put to Flanigan on this subject came when Mr. James Hargrove, Assistant Postmaster for Finance and Administration, called Flanigan, for whose financial expertise he had developed respect in previous associations in the private sector, to ask: (1) whether as a matter of sound practice a commercial bank should be included in the managing group and (2) whether Morgan Guaranty Bank would be a good choice. Flanigan replied in the affirmative to both questions. However, he did not learn of the actual decisions on these subjects on the underwriters until they were publicly announced by the Postal Service.

TEXAS EASTERN TRANSMISSION CORP.

There are currently before the Oil Policy Committee 22 applications for the importation of liquified natural gas or products for the production of natural gas. The total of these imports would equal in 1975 the amount of petroleum currently being imported by the United States. Clearly it is necessary that the national security implications of these imports be considered by the government. In connection with Mr. Flanigan's responsibilities in the oil and gas area he has urged the Office of Emergency Preparedness to make such a study.

Texas Eastern Transmission Corporation is among the applicants. Mr. Flanigan did not own at the time his assets were put into a blind trust and never had owned any common stock or other securities of Texas Eastern Transmission Corporation. In April 1969 Mr. Flanigan severed all connections with Dillon, Read & Co. Inc. among whose clients Texas Eastern was included.

"SANSINENA"

ALLEGATION

That Flanigan, because of his ownership of shares of the Barracuda Corporation, procured and profited from a waiver from the Jones Act by the Treasury Department for one of Barracuda's tankers, the Sansinena, permitting the Sansinena to engage in coastwise trade between points in the United States.

FACTS

Flanigan was in no way involved in Treasury's decision. Second, he could in no way have profited from it because (1) he had severed all ties with Barracuda when the waiver was granted, and (2) the Sansinena was on a long-term, *fixed price* charter to Union Oil Co. and so its use in the coastwise trade would not affect its value to Barracuda, which could only have received its previously agreed-upon fixed rental regardless of the grant or denial of the waiver. Finally, the facts were fully set forth in a letter by Flanigan on May 22, 1970 to Chairmen Magnuson and Long and have been totally available since that time to any Senator who cared to ascertain the facts. (Attached)

BACKGROUND

1. Flanigan was in no way involved in Treasury's decision on March 2, 1970, to grant such a waiver.

2. At the time of the Treasury action on March 2, PMF owned no Barracuda stock; he had severed all ties with the corporation; his financial affairs were being handled in a blind trust; moreover, the waiver for the Sansinena had no effect on the value of Barracuda stock since the Sansinena was chartered at a fixed price to the Union Oil Company. PMF had acquired 308 shares of Barracuda in 1956, representing less than 4% of its equity ownership. He served as a director and as President of Barracuda until April 1, 1969, when he resigned because he was joining Government service. The 308 shares of stock were placed in a blind trust. The shares were sold by the trustee on February 25, 1970, at a price determined by a formula used in 1966. This sale occurred before the Treasury action; the price was calculated in a way which was entirely unrelated to any such action; and since the Sansinena was on a long-term fixed price charter, the possibility it might be used in coastwise trade was irrelevant to the value of the Barracuda shares to its stockholders in any event.

Mr. EAGLETON. Mr. President, I have a few brief remarks I should like to make in response to the statement of the distinguished senior Senator from New Hampshire. It is true that the Senator did call my office and did seek to reach me on the telephone. I was presiding at a hearing of the Air and Water Pollution Subcommittee, of which I am vice chairman, from 9:30 this morning until 20 minutes to 12, at which time I returned to my office to get copies of my speech and otherwise prepare for this presentation, and I did not return the Senator's call.

We both, I believe, have mutual respect and regard for each other, although on occasions we may disagree, as I am sure we do in this particular instance.

The Senator from New Hampshire made reference to the fact that Peter Flanigan is "my old friend and acquaintance." In the past 3 years, I have seen Peter Flanigan once and talked to him twice on the telephone; and in the preceding 40 years, I talked to Mr. Flanigan twice in person. One time I remember was at Tampa, Fla., and I cannot recall when the other was. So three in-person meetings and two telephonic communications, I think, mean that my friendship with Peter Flanigan is highly overrated—as indeed I think his cleanliness—that of Peter Flanigan—is highly inflated.

What this boils down to, Mr. President, is, In what manner should Flanigan be contacted to give his side of the story? Through the Senator from New Hampshire here this morning, indirectly, Peter Flanigan has responded. But if, as the Senator from New Hampshire says, "These matters are all subject to clarification," there is an appropraite time and there is an appropriate place that this clarification should take place. I suggest, first, that Peter Flanigan should volunteer to come before the Senate Committee on the Judiciary to give his version of his intermeddling in the IT&T case.

Once having done that, I assure Peter Flanigan that I will reconvene the Subcommittee on Air and Water Pollution of the Senate Public Works Committee, and will give him an opportunity to come before that subcommittee to explain his role in the Anaconda case and the Armco case.

Finally, I will intercede with the chairman of the Post Office and Civil Service Committee, the Senator from Wyoming (Mr. McGee), that after those hearings before the Subcommittee of the Public Works Committee are concluded, his committee hold public hearings and give Peter Flanigan an opportunity to explain his role in the matter of the post office bonds.

That is the place for Flanigan to appear. That is the place for Flanigan to appear under oath, not indirectly through another Senator.

I do not retract my speech. I do not retract the charges that are made therein.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, I yield my 3 minutes to the Senator from Missouri.

Mr. EAGLETON. I thank the Senator from West Virginia.

Those charges stand, as far as I am concerned, unrebutted and unchallenged. There is a proper forum—indeed, there are a multitude of fori, if that be the plural of forum—where Peter Flanigan can come, raise his right hand and swear to tell the truth, the whole truth, and nothing but the truth, and lay before this Congress, and thus this Nation, what his role was in these various matters heretofore mentioned.

That is where it is binding. That is where it is on the line. And anything short of that, by taking refuge in executive privilege or some other too widely construed concept will at least convince me, as one citizen of the United States, that these charges are undenied and that they are true.

So the ball is now in Flanigan's court. He has the means to come before these appropriate committees—the Judiciary Committee on the ITT case, Public Works on both the Anaconda and Armco cases, and I am sure that Senator McGee will invite him to appear before the Post Office and Civil Service Committee.

So the jury is out; and while they are deliberating on that verdict, I think this country is waiting for Mr. Flanigan to testify under oath.

Mr. President, I yield the floor.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield the Senator such time as I have left from the time yielded me by the Senator from West Virginia.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Missouri (Mr. Symington).

Mr. SYMINGTON. Mr. President, I have listened with interest to the remarks of my able and distinguished colleague, and hope that in due course the lady who apparently was involved in some way in the ITT case, who is currently giving out statements from the hospital, will come before the Judiciary Committee when the time comes and her health justifies her testifying. Taking a deposition in a hospital room is one thing. But it would be well, when the time came, that she have the chance to answer the personal attacks that have been made upon her, and also the criticism she has received in this matter.

Mr. COTTON. Mr. President, I ask unanimous consent for 1 minute.

Mr. EAGLETON. I yield such time to the Senator from New Hampshire as I have remaining from the time yielded to me by the Senator from West Virginia.

Mr. COTTON. I merely want to respond to the closing remarks of the junior Senator from Missouri. They were quite revealing. They reveal the fact that he is not primarily interested in what may be brought out about Peter Flanigan with respect to the ITT matter. What he is very naturally interested in—we who have been in the Senate many years have seen this happen before, on both sides of the aisle—is, at the opening of this presidential campaign, the wild allegations that anybody can make on the floor of the Senate with impunity.

He wants a chance to break down the long established executive privilege and to go on a fishing expedition by three, four, or five committees searching into the White House, to try to find something with which to distract the attention of the American people from the constructive achievements of this administration. We shall not fall for that obvious kind of partisan political activity.

Mr. BENNETT subsequently said: Mr. President, earlier today the distinguished Senator from New Hampshire (Mr. Cotton) answered the speech of the Senator from Missouri (Mr. Eagleton) regarding Mr. Peter Flanigan, a member of the President's White House staff.

I have known Mr. Flanigan for many years, and I wish to take this opportunity to associate myself with the remarks of the Senator from New Hampshire. I believe he has very clearly and carefully placed the matter in perspective.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 1, Public Law 86–420, the Speaker had appointed Mr. Boggs as a member of the U.S. Delegation of the Mexico-United States Interparliamentary Group, to fill an existing vacancy thereon.

The message announced that the House had agreed to the concurrent resolution (S. Con. Res. 67) to authorize the Secretary of the Senate to make a technical correction in the enrollment of the bill (S. 888) providing for the relief of David J. Crumb.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider four nominations which were reported earlier today.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION

The assistant legislative clerk read the nomination of David M. Kennedy, of Illinois, to be the U.S. permanent representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

AGENCY FOR INTERNATIONAL DEVELOPMENT

The assistant legislative clerk read the nomination of Philip Birnbaum, of Maryland, to be an Assistant Administrator of the Agency for International Development.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

The assistant legislative clerk read the nomination of John J. Gunther to be a member of the Board of Directors of the District of Columbia Redevelopment Land Agency.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DISTRICT OF COLUMBIA COUNCIL

The assistant legislative clerk read the nomination of Tedson J. Meyers, of the District of Columbia, to be a member of the District of Columbia Council.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

TREASURY RULING PROHIBITING REDUCTION OF PENSIONS TO RETIREES DUE TO SOCIAL SECURITY INCREASES

Mr. JAVITS. Mr. President, I direct attention to a recently issued Treasury Department ruling, Revenue Ruling 71–446, which, among other things, specifically prohibits tax-qualified private

pension plans integrated with social security from reducing pension benefits paid by the plan to retired employees by the amount of social security increases voted by the Congress. The effective date of the ruling is March 31, 1972, and I ask unanimous consent that the pertinent ruling be printed at the end of my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. JAVITS. It will be recalled that in December of 1970, the Senate passed by a voice vote my amendment to the then pending social security increase bill, which would have accomplished precisely what the Treasury ruling now does, but the amendment died with the then pending social security measure.

At that time, I indicated the substantial number of complaints that were being received from retired persons, disclosing that their pension benefits were being watered down by reason of the increased amount of social security benefits they were to receive. It was appalling to me and other Senators that in these inflationary times, the result of voting social security measures was to deprive many retired employees, by reduction of his other pension income, of the very money needed to cope with the rising costs of living. In other words, what Congress gave with one hand, the pension plan took away with the other.

During the course of my inquiry into this procedure I was informed by former Deputy Assistant Secretary of the Treasury John S. Nolan, that under the regulations of the Treasury then existing, the social security "offset" practice to which I objected would not be permitted, and that any amendment to the Internal Revenue Code was unnecessary. Mr. President, I ask unanimous consent that Deputy Secretary Nolan's letter of December 18, 1970, to me be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., December 16, 1970.
Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in reply to the request of Mr. Gordon of your office for the present position of the Treasury Department concerning the effect of increases in Social Security benefits upon benefits paid to retired employees under so-called offset plans.

Revenue Rulings 69-4 and 69-5, copies of which are attached, provide specific rules for determining whether a pension, annuity, profit-sharing or stock bonus plan is properly integrated with Social Security benefits. Section 7 of Revenue Ruling 69-4 provides that an offset plan (i.e., a plan under which an employee's retirement benefit is reduced by a stated percentage of his Social Security benefit) is properly integrated only if the rate at which the offset is computed does not exceed (1) 83⅓ percent, if the offset is computed on the basis of the benefit to which the employee would be entitled under the Social Security Act as in effect in 1968, or (2) 75 percent, if the offset is computed on the basis of the benefit to which the employee is or would upon application be entitled under the Social Security Act as in effect at the time at which the offset is first applied. Thus, increases in Social Security benefits cannot result in an increase of the amount of the Social Security offset. This represents a change from the position in former Assistant Secretary Surrey's letter of April 28, 1967, to the Honorable Jennings Randolph, Chairman of the Subcommittee on Employment and Retirement Incomes of the Senate Special Committee on Aging.

In light of the foregoing, I believe that the amendment you have proposed to the pending Social Security bill is unnecessary. As you may have been informed, we have submitted to the Office of Management and Budget a proposed report opposing the amendment.

Sincerely yours,
JOHN S. NOLAN,
Deputy Assistant Secretary.

Mr. JAVITS. Subsequently, a newspaper article concerning this subject appeared which indicated that the Treasury Department had modified its position and that the objectionable "offset" practice would be permitted for a certain period longer and within the integration limits. This position was confirmed by another letter from former Deputy Assistant Secretary Nolan, and I ask unanimous consent that his second letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., December 29, 1970.
Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in reply to your letter of December 28, 1970, concerning pension and annuity plans that are integrated with the Social Security system. In your letter, you referred to a news story in the Washington Post which attributed to a Treasury source a statement to the effect that the rules promulgated in 1969 would not apply to employees retiring before 1972, and you requested a clarification of the position taken in my previous letter that we believed your proposed amendment is unnecessary.

As a result of the amendments to the Income Tax Regulations adopted in 1968 and Revenue Ruling 69-4, a copy of which was attached to my previous letter, the following situation exists: Offset plans that were established after July 5, 1968, cannot provide that the amount of the Social Security offset to any employee's benefit will be decreased by virtue of a post-retirement increase in his Social Security benefit. Offset plans that were in effect on July 5, 1968, and that contained such a benefit formula must be amended so that benefits paid to employees retiring after December 31, 1971, will not be decreased by virtue of post-retirement increases in Social Security benefits. However, if an offset benefit formula of this type were contained in a qualified plan as in effect on July 5, 1968, it may be continued to be applied to employees who have retired or will retire before January 1, 1972, and all subsequent Social Security benefit increases may be taken into account.

We believe that these rules are an adequate means of achieving the objective of your proposed amendment and that your proposed amendment is unnecessary. While it is true that employees who have retired or who will retire before 1972 may suffer decreases in their benefits under private pension or annuity plans by reason of Social Security benefit increases, it is our opinion that this is a reasonable and necessary transitional relief provision. Requiring elimination of this type of offset benefit formula with respect to present retirees could conceivably result in substantial increases in the past service liabilities under affected plans and place their financial soundness in jeopardy. Persons commenting on the proposed regulations in 1968 stressed the importance of adequate transitional rules to prevent the occurrence of these unfortunate results. As a result of these comments, the regulations adopted in 1968 and Revenue Ruling 69-4 provide a reasonable degree of transitional relief. Your proposed amendment could possibly have the effect of upsetting this balance.

Moreover, it should not be concluded that this type of offset benefit formula always works to the disadvantage of retired employees. In this regard, it is reasonable to assume that employers utilizing these benefit formulas took anticipated Social Security benefit increases and resulting decreases in private plan benefits into account in setting benefit levels under their private plans. Had they known that they would be prohibited from taking account of post-retirement increases in Social Security benefits or that they would be penalized for doing so, they might well have set benefits at a lower level in order to keep plan costs within the limits they were willing to bear. Thus, for example an employer whose plan provides a benefit of 60 percent of final average pay less 50 percent of actual Social Security benefits might have established at approximately the same cost a plan providing a benefit of 40 or 50 percent of final average pay less 50 percent of Social Security benefits when the employee retires. The advantage of the former benefit formula to the employee is that it produces a considerably larger pension than the latter formula in the period immediately following his retirement. It is important to note that employees who are now retired under plans using the former type of offset benefit formula have already enjoyed the advantage of the higher benefit rate under the employer's private plan; to provide, directly or indirectly, that their plan benefits may not be reduced by reason of future Social Security benefit increases would give them another arguable unwarranted advantage.

In light of the foregoing, we believe that the existing situation reflects a reasonable and realistic balance between the desirability of eliminating this type of offset benefit formula and the need for caution in imposing new requirements or altering old requirements in the private pension area. Accordingly, we continue to believe that your proposed amendment is unnecessary.

Sincerely yours,
JOHN S. NOLAN,
Deputy Assistant Secretary.

Mr. JAVITS. Because of this apparent reversal, I pressed for the adoption of my amendment and I was gratified that the Senate saw things in the same light that I did. It now appears that the final chapter on this subject has been written by the new Treasury ruling, and that any further amendment truly is unnecessary. I commend the Treasury Department highly for having taken this step. While, as we know, much more needs to be done to provide adequate pension protection to the workers of this country, it is heartening to see the attitude of growing concern on the part of our Government officials.

EXHIBIT 1

REV. RULING 71-446

* * * * *

SEC. 7. OFFSET PLANS.

An offset plan is integrated if the rate at which the offset to any employee's benefit is computed does not exceed:

.01 83⅓%, if the amount of the offset to an employee's benefit is computed on the basis of the Social Security Act as in effect at the time at which the offset is first applied.

.02 92%, if the amount of the offset to an employee's benefit is computed on the basis of the Social Security Act Amendments of 1969.

.03 105%, if the amount of the offset to an employee's benefit is computed on the basis of the Social Security Act Amendments of 1967, P.L. 90–248, C.B. 1968–1, 648.

.04 117%, if the amount of the offset to an employee's benefit is computed on the basis of the Social Security Act Amendments of 1958, P.L. 85–840, P.L. 1958–3, 85, or 1965, P.L. 89–97, C.B. 1065–2, 601.

However, the dollar amount of the offset to any employee's benefit shall not be increased after the time at which the offset is first applied due to subsequent changes in the Social Security Act.

QUORUM CALL

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ESTABLISHMENT OF OREGON DUNES NATIONAL RECREATION AREA

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1977.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1977) to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes, which was to strike out all after the enacting clause and insert:

That, in order to provide for the public outdoor recreation use and enjoyment of certain ocean shorelines and dunes, forested areas, fresh water lakes, and recreational facilities in the State of Oregon by present and future generations and the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Oregon Dunes National Recreation Area (hereinafter referred to as the "recreation area").

SEC. 2. The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture (hereinafter called the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best contribute the attainment of the purposes set forth in section 1 of this Act.

SEC. 3. The portion of the recreation area delineated as the "Inland Sector" on the map referenced in section 4 of this Act is hereby established as an inland buffer sector in order to promote such management and use of the lands, waters, and other properties within such sector as will best protect the values which contribute to the purposes set forth in section 1 of this Act.

SEC. 4. The boundaries of the recreation area, as well as the boundaries of the inland sector included therein, shall be as shown on a map entitled "Proposed Oregon Dunes National Recreation Area" dated May 1971, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, and to which is attached and hereby made a part thereof a detailed description by metes and bounds of the exterior boundaries of the recreation area and of the inland sector. The Secretary may by publication of a revised map or description in the Federal Register correct clerical or typographical errors in said map or descriptions.

SEC. 5. Notwithstanding any other provision of law, any Federal property located within the boundaries of the recreation area is hereby transferred without consideration to the administrative jurisdiction of the Secretary for use by him in implementing the purposes of this Act, but lands presently administered by the United States Coast Guard or the United States Corps of Engineers may continue to be used by such agencies to the extent required.

SEC. 6. The boundaries of the Siuslaw National Forest are hereby extended to include all of the lands not at present within such boundaries lying within the recreation area as described in accordance with section 4 of this Act.

SEC. 7. Within the inland sector established by section 3 of this Act the Secretary may acquire the following classes of property only with the consent of the owner:

(a) improved property as hereinafter defined;

(b) property used for commercial or industrial purposes if such commercial or industrial purposes are the same such purposes for which the property was being used on December 31, 1970, or such commercial or industrial purposes have been certified by the Secretary or his designee as compatible with or furthering the purposes of this Act;

(c) timberlands under sustained yield management so long as the Secretary determines that such management is being conducted in accordance with standards for timber production, including but not limited to harvesting reforestation, and debris cleanup, not less stringent than management standards imposed by the Secretary on comparable national forest lands: *Provided*, That the Secretary may acquire such lands or interests therein without the consent of the owner if he determines that such lands or interests are essential for recreation use or for access to or protection of recreation developments within the purposes of this Act. In any acquisition of such lands or interests the Secretary shall, to the extent practicable, minimize the impact of such acquisition on access to or the reasonable economic use for sustained yield forestry of adjoining lands not acquired; and

(d) property used on December 31, 1970, primarily for private, noncommercial recreational purposes if any improvements made to such property after said date are certified by the Secretary of Agriculture or his designee as compatible with the purposes of this Act.

SEC. 8. (a) Within the boundaries of the recreation area lands, waters, and interests therein owned by or under the control of the State of Oregon or any political subdivision thereof may be acquired only by donation or exchange.

(b) No part of the Southern Pacific Railway right-of-way within the boundaries of the recreation area may be acquired without the consent of the railway, so long as it is used for railway purposes: *Provided*, That the Secretary may condemn such easements across said right-of-way as he deems necessary for ingress and egress.

(c) Any person owning an improved property, as hereafter defined, within the recreation area may reserve for himself and his assigns, as a condition of the acquisition of such property, a right of use and occupancy of the residence and not in excess of three acres of land on which such residence is situated. Such reservation shall be for a term ending at the death of the owner, or the death of his spouse, whichever occurs later, or, in lieu thereof, for a definite term not to exceed twenty-five years: *Provided*, That the Secretary may exclude from such reserved property any lands or waters which he deems necessary for public use, access, or development. The owner shall elect, at the time of conveyance, the term of the right to be reserved. Where any such owner retains a right of use and occupancy as herein provided, such right may during its existence be conveyed or leased in whole, but not in part, for noncommercial residential purposes. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner. At any time subsequent to the acquisition of such property, the Secretary may, with the consent of the owner of the retained right of use and occupancy, acquire such right, in which event he shall pay to such owner the fair market value of the remaining portion of such right.

(d) The term "improved property" wherever used in this Act shall mean a detached one-family dwelling the construction of which was begun before December 31, 1970, together with any structures accessory to it and the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary finds necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

SEC. 9. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance wtih applicable laws of the United States and the State of Oregon, except that the Secretary may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any regulation of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

SEC. 10. The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

SEC. 11. (a) The Secretary is authorized and directed, subject to applicable water quality standards now or hereafter established, to permit, subject to reasonable rules and regulations, the investigation for, appropriation, storage, and withdrawal of ground water, surface water, and lake, stream, and river water from the recreation area and the conveyance thereof outside the boundaries of the recreation area for beneficial use in accordance with applicable laws of the United States and of the State of Oregon if permission therefor has been obtained from the State of Oregon before the effective date of this Act: *Provided*, That nothing herein shall prohibit or authorize the prohibition of the use of water from Tahkenitch or Siltcoo Lakes in accordance with permission granted by the State of Oregon prior to the effective date hereof in connection with certain industrial plants developed or being developed at or near Gardiner, Oregon.

(b) The Secretary is authorized and directed, subject to applicable water quality standards now or hereafter established, to permit, subject to reasonable rules and regulations, transportation and storage in pipelines within and through the recreation area of domestic and industrial wastes in accordance with applicable laws of the United States and of the State of Oregon if permission therefor has been obtained from the State of Oregon before the effective date of this Act.

(c) The Secretary is further authorized, subject to applicable water quality standards now or hereafter established, to grant such additional easements and rights, in terms up to perpetuity, as in his judgment would be appropriate and desirable for the effective use of the rights to water and the disposal of waste provided for herein and for other utility and private purposes if permission therefor has been obtained from the State of Oregon, subject to such reasonable terms and conditions as he deems necessary for the protection of the scenic, scientific, historic, and recreational features of the recreation area.

SEC. 12. (a) The Secretary shall establish an advisory council for the Oregon Dunes National Recreation Area, and shall consult on a periodic and regular basis with such council with respect to matters relating to management and development of the recreation area. The members of the advisory council, who shall not exceed fifteen in number, shall serve for individual staggered terms of three years each and shall be appointed by the Secretary as follows:

(i) a member to represent each county in which a portion of the recreation area is located, each such appointee to be designated by the respective governing body of the county involved;

(ii) a member appointed to represent the State of Oregon, who shall be designated by the Governor of Oregon;

(iii) not to exceed eleven members appointed by the Secretary from among persons who, individually or through association with national or local organizations, have an interest in the administration of the recreation area; and

(iv) the Secretary shall designate one member to be Chairman and shall fill vacancies in the same manner as the original appointment.

(b) The Secretary shall, in addition to his consultation with the advisory council, seek the views of other private groups and individuals with respect to administration of the recreation area.

(c) The members shall not receive any compensation for their services as members of the council, as such, but the Secretary is authorized to pay expenses reasonably incurred by the council in carrying out its responsibilities.

SEC. 13. Within three years from the date of enactment of this Act, the Secretary shall review the area within the boundaries of the recreation area and shall report to the President, in accordance with subsections 3(b) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(b) and (d)), his recommendation as to the suitability or nonsuitability of any area within the recreation area for preservation as a wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsection of the Wilderness Act.

SEC. 14. The Secretary shall cooperate with the State of Oregon or any political subdivision thereof in the administration of the recreation area and in the administration and protection of lands within or adjacent to the recreation area owned or controlled by the State or political subdivision thereof. Nothing in this Act shall deprive the State of Oregon or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the recreation area consistent with the provisions of this Act, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

SEC. 15. Money appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein within the recreation area, but not more than $2,500,000 is authorized to be appropriated for such purposes. For development of the recreation area, not more than $12,700,000 is authorized to be appropriated.

Mr. BIBLE. Mr. President, the amendment adopted by the House is entirely consistent with the policy of the Committee on Interior and Insular Affairs with respect to the establishment of this type of unit of our National Park System.

I have been advised that the senior Senator from Oregon, who is a member of the Committee on Interior and Insular Affairs, is in concurrence with the amendment adopted by the House and that the proposal has been cleared with the ranking leadership on both sides of the aisle.

Therefore, Mr. President, I move that the Senate concur in the amendment of the House.

Mr. HATFIELD. Mr. President, I am pleased to support the approval of my bill to create the Oregon Dunes National Recreation Area. As I have said in the past, this has been before the Congress for over a decade, and today's action represents the final hurdle for legislation to protect this beautiful and unique area along Oregon's central coast.

I cannot mention this proposal without paying tribute to the support I have received from my distinguished subcommittee chairman, ALAN BIBLE, who has been a key factor in seeing that this bill was approved with dispatch by the Senate last year. All Oregonians are in his debt, and, on behalf of the people of my State, I want to thank him for his invaluable assistance in securing passage of this legislation.

Oregon's Congressman from the local area, JOHN DELLENBACK, has been a moving force behind this bill in recent years, and today's action represents credit to his efforts to protect this area from further commercial exploitation. As a member of the House Interior Committee, Congressman DELLENBACK arranged field hearings in the last Congress, and secured hearings here on the bill, and then steered it through the House. Congressman WENDELL WYATT was a cosponsor of the bill in the House.

I also want to thank my colleague, Senator PACKWOOD, who cosponsored the bill here in the Senate, and who gave his support to the bill. I am sure he shares my pleasure in today's actions.

It was in 1958 that the first legislation was introduced to protect this valuable area. Over the years, various proposals were debated. I am pleased that "the saga of the Oregon Dunes" has drawn to a close.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

CHANGES IN CERTAIN UNITS OF NATIONAL PARK SYSTEM

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2601.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2601) "to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system and for other purposes", which was to strike out all after the enacting clause, and insert:

TITLE I—ACQUISITION CEILING INCREASES

SEC. 101. The limitation on appropriations for the acquisition of lands and interests therein within units of the national park system contained in the following Acts are amended as follows:

(1) Assateague Island National Seashore, Maryland: section 11 of the Act of September 21, 1965 (79 Stat. 824, 827) is amended by changing "$16,250,000" to "$21,050,00 (including such sums, together with interest, as may be necessary to satisfy final judgments rendered against the United States)";

(2) Big Hole National Battlefield, Montana: section 5 of the Act of May 17, 1963 (77 Stat. 18), is amended by changing "$20,000" to "$42,500";

(3) Bighorn Canyon National Recreation Area, Wyoming and Montana: section 5 of the Act of October 15, 1966 (80 Stat. 913) is amended by changing "$355,000" to "$780,000";

(4) Effigy Mounds National Monument, Iowa: section 5 of the Act of May 27, 1961 (75 Stat. 88), is amended by changing "$2,000" to "$14,000";

(5) Fort Donelson National Military Park Tennessee: section 3 of the Act of September 8, 1960 (74 Stat. 875), is amended by changing "$226,000" to "$454,000";

(6) Lincoln Boyhood National Memorial, Indiana: section 4 of the Act of February 19, 1962 (76 Stat. 9), is amended by changing "$1,000,000" to "$1,320,000" and "$75,000" to "$395,000";

(7) Ozark National Scenic Riverways Missouri: section 8 of the Act of August 27, 1964 (78 Stat. 608), is amended by changing "$7,000,000" to "$10,804,000";

(8) Piscataway Park Maryland: section 4 of the Act of October 4, 1961 (75 Stat. 780, 782), as amended by section 2 of the Act of July 19, 1966 (80 Stat. 319), is amended by changing "$4,132,000" to "$6,972,000"; and

(9) Shiloh National Military Park, Tennessee: section 1 of the Act of July 3, 1926 (44 Stat. 826), is amended by changing "$57,100" to "$150,100".

TITLE II—DEVELOPMENT CEILING INCREASES

SEC. 201. The limitations on appropriations for acquisition and development of units of the national park system contained in the following Acts are amended as follows:

(1) Herbert Hoover National Historic Site, Iowa: section 4 of the Act of August 12, 1965 (79 Stat. 510), is amended by changing "$1,650,000" to "$3,500,000";

(2) Booker T. Washington National Monument, Virginia; section 4 of the Act of April 2, 1956 (70 Stat. 86), is amended by changing "$200,000" to "$600,000";

(3) Johnstown Flood National Memorial, Pennsylvania: section 5 of the Act of August 31, 1964 (78 Stat. 752), is amended by changing "$2,000,000" to "$2,244,600"; and

(4) Wolf Trap Farm Park, Virginia; section 3 of the Act of October 15, 1966 (80 Stat. 950) is amended by changing "$600,000" to "$5,473,000".

SEC. 202. The additional sums authorized to be appropriated for development in the Acts as amended in section 201 are based on March 1971 prices and may be increased or decreased in appropriation Acts by such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved for each area.

TITLE III—BOUNDARY CHANGES

SEC. 301. The Secretary of the Interior is authorized to revise the boundaries of the following units of the national park system:

(1) Adams National Historic Site, Massachusetts: to add approximately 3.68 acres;

(2) Cowpens National Battleground Site, South Carolina: to add approximately 845 acres;

(3) Fort Caroline National Memorial, Florida: to add approximately 12.5 acres;

(4) George Washington Birthplace National Monument, Virginia: to add approximately 62.3 acres;

(5) Glacier National Park, Montana: to add approximately 267.90 acres and to exclude approximately 68.47 acres;

(6) Isle Royale National Park, Michigan: to add approximately 0.52 acre;

(7) Johnstown Flood National Memorial, Pennsylvania: to add approximately 53.6 acres;

(8) Lassen Volcanic National Park, California: to exclude approximately 482 acres;

(9) Muir Woods National Monument, California: to add approximately 49.7 acres;

(10) Ozark National Scenic Riverways, Missouri: to add approximately 1,670 acres; and

(11) Petersburg National Battlefield, Virginia: to exclude approximately 257.53 acres.

SEC. 302. The boundary revisions authorized in section 301 shall become effective upon publication in the Federal Register of a map or other description of the lands added or excluded by the Secretary of the Interior.

SEC. 303. Within the boundaries of the areas as revised in accordance with section 301, the Secretary of the Interior is authorized to acquire lands and interest therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. Lands and interests therein so acquired shall become part of the area to which they are added, and shall be subject to all laws, rules, and regulations applicable thereto. When acquiring any land pursuant to this Act, the Secretary (i) may tender, to the owner or owners of record on the date of enactment of this Act, a revocable permit for the continued use and occupancy of such land or any portion thereof subject to such terms and conditions as he deems necessary or (ii) may acquire any land pursuant to this Act subject to the retention of a right of use and occupancy for a term not to exceed 25 years or for the life of the owner or owners. Lands and interests therein excluded from the areas pursuant to section 301 may be exchanged for non-Federal lands within the boundaries as revised, or they may be transferred to the jurisdiction of any other Federal agency or to a State or political subdivision thereof, without monetary consideration, as the Secretary of the Interior may deem appropriate. In exercising the authority in this section with respect to lands and interests therein excluded from the areas, the Secretary of the Interior may, on behalf of the United States, retrocede to the appropriate State exclusive or concurrent legislative jurisdiction subject to such terms and conditions as he may deem appropriate, over such lands, to be effective upon acceptance thereof by the State. Any such lands not so exchanged or transferred may be disposed of in accordance with the Federal Property and Administrative Services Act of 1949, as amended.

SEC. 304. For the acquisition of lands and interests in lands which are added to the areas referred to in section 301, there are authorized to be appropriated such sums as may be necessary, but not more than the following amounts:

(1) Adams National Historic Site, $122,000;

(2) George Washington Birthplace National Monument, $57,000;

(3) Glacier National Park, $6,000;

(4) Isle Royale National Park, $31,500;

(5) Johnstown Flood National Memorial, $10,000; and

(6) Muir Woods National Monument, $950,000.

SEC. 305. The authorities in this title are supplementary to any other authorities available to the Secretary of the Interior with respect to the acquisition, development, and administration of the areas referred to in section 301.

TITLE IV—MISCELLANEOUS CHANGES

SEC. 401. The third sentence of section 2 of the Act of August 27, 1964 (78 Stat. 608) is amended to read as follows: "Lands and waters owned by the State of Missouri within such area may be acquired with the consent of the State and, notwithstanding any other provision of law, subject to provision for reversion to such State conditioned upon continued use of the property for National Scenic Riverway."

SEC. 402. For the purposes of the Cowpens National Battleground Site, which is hereby redesignated as the Cowpens National Battlefield, there are authorized to be appropriated not more than $2,363,900 for the acquisition of lands and interests in lands and not more than $3,108,000 for development.

Mr. BIBLE. Mr. President, the amendment of the House contains three additions to the bill which were not in the Senate-approved measure. All of the areas added have been heard by the Subcommittee on Parks and Recreation, and two have been approved by the ranking leadership of the committee. The two approved areas added are contained in provisions to increase funds for development at the Wolf Trap Farm Park in Virginia by $4,873,000 and for expansion of Cowpens National Battleground Site in South Carolina. The latter involves new acquisition costs of $2,943,000 and development costs of $3,108,000. As I stated, the committee has conducted hearings on both of these measures, and no objections have been raised to their approval.

However, there is one addition which the committee feels should be considered separately from an omnibus approach such as S. 2601. That area deals with the Piscataway National Park in Maryland.

The subcommittee heard testimony from Assistant Secretary of the Interior for Parks Nathaniel P. Reed, wherein he stated that no further action should be taken on this project until certain litigation now in process could be resolved.

The Interior Committee was under the impression that the National Park Service had resolved the major problems and had agreed to exchange certain lands under its jurisdiction for privately-owned lands in and near the park which have caused a considerable amount of controversy since the park was established. Assistant Secretary Reed has not approved that exchange, and thus we have reached a new stalemate. Therefore, it is the feeling of the committee that this legislation relating to Piscataway should be considered by itself and not as a part of any overall omnibus measure.

Therefore, Mr. President, I move that the Senate concur in the amendment to S. 2601 with an amendment, as follows:

In title I, section 101, page 2, strike all of paragraph (8) and redesignate paragraph (9) as (8).

The ACTING PRESIDENT pro tempore. Will the Senator please send the amendment to the desk.

Mr. BIBLE. Yes, Mr. President; it is simply to strike out title I, section 101, on page 2, strike all of paragraph (8) and redesignate paragraph (9) as (8). I send the amendment to the desk.

Mr. President, that is merely to take out the provision that the House had for the Piscataway area which, as I have just stated, in my judgment, requires some hearings because the matter simply has not been resolved.

I, therefore, move that the Senate concur in the amendment of the House with this amendment.

The motion was agreed to.

HONORING THE 102D BIRTHDAY OF MRS. SYBIL HUNTINGTON, A PAINTER OF NEVADA LANDSCAPES

Mr. BIBLE. Mr. President, yesterday, a grand Nevada lady, who gained national renown for her paintings of Nevada desert scenes and who saw life in the early boom mining camps of my State, reached a milestone in her life that does not come to many. Mrs. John R. "Sybil" Huntington, a Reno, Nev., resident for many years and now residing with her son, Morgan, on the shores of Maryland's Chesapeake Bay, is 102 years old, or young, as she chooses to call it.

Mrs. Huntington, now confined to a wheelchair more than she believes she should be has numerous ambitions but her greatest is to reach 113 years old on March 13, 1983 because thirteens have been lucky for her. She was born in Effingham, Ill., on March 13, 1870, and she has 13 letters in her name. Her father was a county judge in Illinois and her brother a mayor of Effingham.

She was graduated from Washington University in St. Louis as an art major, later studying at the San Francisco School of Fine Arts. She was honored while in college with nine of her paintings chosen for a personal showing at the 1893 Columbian Exposition in Chicago. Later, her Nevada landscape paintings—one still hangs in her son's Galesville, Md., home—were exhibited at the 1939 World's Fair in New York City.

Mrs. Huntington moved to Nevada in 1906 after she and her late husband, John G., were married in Denver, Colo., in 1901. The family lived at the Nevada mining camps of Bullfrog, Rhyolite, Searchlight, Black Canyon on Star Peak, Seven Troughs, Rochester, Weepah, and at the Awakening gold boom at the Austin-Wadley-Hunt Jumbo mine north of Winnemucca in the late 1930's. Her husband, who died 13 years ago, was Reno Rotary Club president in 1920, grand chancellor of the Knights of Pythias in Nevada in 1917–18 and held membership in the Shrine Kerak Temple in Reno.

Her son, Morgan, an only child, is presently an official with the U.S. Bureau of Mines in Washingon, D.C. A graduate of the Mackay School of Mines at the University of Nevada, he was a mining engineer and manager for operations in Nevada, Colorado, California, Arizona, and Yugoslavia—interrupted by the German invasion. Later, he moved into the construction of nuclear facilities in Massachusetts, Ohio, Italy, Holland, and Sweden.

Her three grandsons—Richard Gordon is a senior engineer for Convair, General Dynamics, in San Diego, Calif.; John Herman is a senior scientist for Physics International in San Lorenzo, Calif., and a doctor of physical chemistry; and James Robert is a writer in New York.

Mr. President, it is a pleasure for me to join today in wishing a happy 102d birthday to a gracious Nevada lady, Mrs. Sybil Huntington. Obviously, many of us in this Chamber have had ambitions or we would not be in this body today but whether our ambitions ever focused on being 102 years old, or the greater one of Mrs. Huntington's, a 113th birthday, would be doubtful. But we honor you for it.

Mr. President, I ask unanimous consent that excerpts of a feature article appearing in the Anne Arundel Times, Annapolis, Md., of March 2, telling about Mrs. Huntington, be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Artist, 102, Is Bright and Witty

(By Elmer M. Jackson, Jr.)

A former professional artist whose scenes of the Nevada desert brought her fame and a teaching position at the University of St. Louis, is a resident of Galesville here in Anne Arundel County, and she will be 102 years old on Monday, March 13.

Mrs. John R. (Sybil) Huntington is the mother of Morgan Huntington, an official of the U.S. Department of Mines, but it is his wife, Alberta who is Mrs. Huntington's constant companion and closest friend. Morgan Huntington is his mother's only child . . .

All the Huntingtons are transplants from Nevada, New Mexico.

Morgan Huntington a mining, chemical and civil engineer came to Washington years ago, and his first job was to supervise installation of the reflection pool in front of the Capitol. His work was acclaimed. During this period the Huntingtons lived in the D.C. and raised 3 sons and sent them off to college.

Mrs. Sybil Huntington, following her husband's death 13-years ago acquired a cottage in Palm Springs. Meanwhile, Morgan and Alberta Huntington in Washington missed fishing which they did with great regularity in rocky mountain streams back in Nevada and in lakes in Mexico. They began looking around Chesapeake Bay country for a summer home on the water and found it at Galesvile. "The house we found was a stroke of good fortune. My husband has built three boats with his own hands and we fish a great deal and jumped around a lot for most of our years here," says Alberta Huntington. "We now live here fulltime with great pleasure. My husband commutes to his work."

But, Sybil Huntington yearned to be with her son when the weather was warm in Maryland and each Spring she hopped a plane and came to Galesville to stay until November when chilly breezes sent her back to Palm Springs. She was active until eight months ago when Dr. Charles H. Wirth of Lothian told her to slow down and take it easy. . . .

It was my pleasure to visit with the Huntingtons last Saturday at their home on Woodfield Road. We were greeted at the door by big Morgan Huntington and the family's three registered handsome Lweyln dogs.

Soon the 102 year old lady was wheeled into the room and she was charming indeed. Truly a lovely, bright and witty woman for her age Mrs. Sybil Huntington said; "Life has been good to me and I hope to live to be 113. Thirteen has always been her lucky number. I was born on the thirteenth day of the month and have thirteen letters in my name. That may be the reason.

The 5-foot-2, eyes of blue, white haired charmer celebrated her 100th anniversary in California with a party, and 20 friends have been invited for her 102d birthday celebration though not more than six can be present at any one time. Doctor's orders.

On her centennial celebration she received greetings from President and Mrs. Nixon and from California Governor and Mrs. Ronald Reagan.

After graduating from Washington University where she was an art major Sybil Huntington was honored when nine of her paintings were selected by the School of Fine Arts for the 1893 World's Fair in Chicago. Art was her profession from then on and her oil portraits of Western type girls appeared on the covers of many publications including Sunset Magazine. As she emigrated to the western frontier in search of new subjects in Colorado's San Luis Valley she met and married John Huntington, a surveyor and gold prospector. She also exhibited oil paintings at the 1939 World's Fair.

She lived in and out of boom camps, reared her only son Morgan who later designed the way to place most of the electric lines in Washington, D.C., underground. Along the way she fought flash floods, dust storms and unbearable heat but she says, "I never lost my cool." Even today it is her remarkable tranquility that radiates like an aura around her that is her most captivating feature.

She loves, and knows that she is loved in return.

Jumping back to the past Mrs. Huntington said "when I was ten I drew my first picture with a piece of burnt cork on the lid of a hat box. When my son Morgan was six I did my favorite picture of him. I had to bribe him to sit still with the promise of 50 cents an hour, plus my willingness to hold his pet rabbit while he read a book." The picture is still with her though she no longer can see it well. She mentioned a whale's oil lamp that she had hanging in the living room. It was used in mining camps.

During the course of the years Mrs. Huntington sold most of her paintings but her family has some thirty of them left.

The ancient lady says, "I have had some ups and downs. I was operated on for cancer when I was 60, and at 86 cured myself of arthritis by reading the right book. It was called 'Arthritis and Common Sense.' Its contents cured me because I believed. You've got to believe, and you have to have will power. Though I can no longer see I find excitement in every new day."

Proud of her genealogy which traces her family back to the Magna Carta Barons who lived in Briton in the 700's, and to Coleus, the old King Cole of British legend, the 102-year old says "My daughter-in-law is now my eyes. Her ever tender care is beautiful and inspiring. She gives me the incentive to want to live and reach my goal of 113.

Remembering my name Mrs. Huntington asked her son to show me her painting of Jackson Range in northern Nevada which occupies a place of honor in the Galesville home living room.

But, it is quickly obvious that mother Huntington, daughter of Ben and Mary Crooker Rinehart of Effingham, Illinois, is the center attraction in the Galesville household. And, she deserves this attention. One of nine children she was quick to tell me that her grandson, Richard Gurdon Huntington produced the first girl to be born in the family in 123 years. Karen Ilene Huntington broke the chain of all male children.

Morgan and Alberta Huntington are proud of their three sons, Richard, John and James all highly successful in business.

The Huntington home is a warm, and kind place and we must hope that a delightful lady reaches her goal of living 11 more years. She certainly has a zest to keep going.

ORDER FOR RECOGNITION OF SENATOR PERCY ON THURSDAY, MARCH 16, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday next, immediately following the remarks of the two leaders under the standing order, the distinguished Senator from Illinois (Mr. Percy) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. Gambrell). Without objection, it is so ordered.

AUTHORIZATION FOR JUDICIARY COMMITTEE TO HAVE UNTIL MIDNIGHT TO FILE ITS REPORT ON EQUAL RIGHTS FOR WOMEN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on the Judiciary may have until midnight tonight to file its report on the equal rights for women amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

(The remarks of Mr. Tunney on the introduction of S. 3342 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER (Mr. Gambrell). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Stevenson) laid before the Senate the following letters, which were referred as indicated:

Plans for Works of Improvement in Kansas, Kentucky, and Nebraska

A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Big Creek, Kans., Red Lick Creek, Ky., and Winnebago-Bean Creek, Neb. (with accompanying papers); to the Committee on Agriculture and Forestry.

Report on Military Construction Contracts Awarded on Other Than a Competitive Bid Basis

A letter from the Commander, Naval Facilities Engineering Command, Washington, D.C., transmitting, pursuant to law, a report on military construction contracts awarded on other than a competitive bid basis, to the lowest responsible bidder, for the 6-month period ended December 31, 1971 (with an accompanying report); to the Committee on Armed Services.

Report on Independent Research and Development

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on independent research and development and bid and proposal costs, for the year 1971 (with an accompanying report); to the Committee on Armed Services.

Report on Deferment of Certain Repayment Installations

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the deferment of 1971 and 1972 repayment installments due on a small reclamation projects loan repayment contract with the Roosevelt Irrigation District, Buckeye, Ariz.; to the Committee on Interior and Insular Affairs.

Report of Girl Scouts of the United States of America

A letter from the president, and national executive director, Girl Scouts of the United States of America, transmitting, pursuant to law, a report of that organization, for the fiscal year ended September 30, 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

Plans for Works of Improvement in Nebraska, New Hampshire, and South Carolina

A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Tekemah-Mud Creek, Nebr., Sugar River, N.H., and Eighteen Mile Creek, S.C. (with accompanying papers); to the Committee on Public Works.

Report on Status of Certain Public Building Projects

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a report of status of public building projects authorized for construction and alteration, for the year 1971 (with an accompanying report); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Appropriations, without amendment:

H.J. Res. 1097. Joint resolution making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes (Rept. No. 92–688).

By Mr. MANSFIELD, from the Committee on Foreign Relations, without amendment:

S. 2700. A bill to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and to members thereof (Rept. No. 92–687).

By Mr. BAYH, from the Committee on the Judiciary, without amendment; together with individual views:

S.J. Res, 8, S.J. Res. 9, H.J. Res. 208. Joint resolutions proposing an amendment to the Constitution relative to equal rights for men and women (Rept. No. 92–689).

By Mr. GRAVEL (for Mr. Anderson) from the Committee on Interior and Insular Affairs, without amendment:

S. 2674. A bill to remove a cloud on the title to certain lands located in the State of New Mexico (Rept. No. 92–690).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. MANSFIELD, from the Committee on Foreign Relations:

David M. Kennedy, of Illinois, to be the U.S. permanent representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary; and

Philip Birnbaum, of Maryland, to be an Assistant Administrator of the Agency for International Development.

Executive C, 92d Congress, second session, amendment to paragraphs A, B, C, and D of article VI of the Statute of the International Atomic Energy Agency, approved by the General Conference of the Agency on September 28, 1970; reported without reservation (Exec. Rept. No. 92–20).

By Mr. EAGLETON, from the Committee on the District of Columbia:

Tedson J. Meyers, of the District of Columbia, to be a member of the District of Columbia Council; and

John J. Gunther, Esq., for appointment as a member of the board of directors of the District of Columbia Redevelopment Land Agency.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BEALL:

S. 3336. A bill to prohibit the exclusion of dog guides for the blind from certain public carriers, transport terminals, and other places of business which operate in interstate commerce. Referred to the Committee on Commerce.

By Mr. GRIFFIN (for Mr. Tower):

S. 3337. A bill to amend the Small Business Investment Act of 1958, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. TALMADGE (for himself, Mr. Hartke, Mr. Thurmond, Mr. Randolph, Mr. Hughes, Mr. Cranston, Mr. Hansen, Mr. Stafford, and Mr. Saxbe):

S. 3338. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. SCHWEIKER (for himself and Mr. Scott):

S. 3339. A bill to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project." Referred to the Committee on Public Works.

By Mr. JAVITS:

S. 3340. A bill for the relief of Branka Mardessich and Sonia S. Silvani. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3341. A bill for the relief of Randolph Bradford. Referred to the Committee on the Judiciary.

By Mr. TUNNEY (for himself and Mr. Muskie):

S. 3342. A bill to amend title IV of the Clean Air Act, and for other purposes. Referred to the Committee on Public Works.

By Mr. HARTKE (for himself and Mr. Thurmond):

S. 3343. A bill to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans. Referred to the Committee on Veterans' Affairs.

By Mr. HARTKE (for himself and Mr. Thurmond) (by request):

S. 3344. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans; and

S. 3345. A bill to amend title 38, United States Code, to increase payments of vocational rehabilitation subsistence under chapter 31, to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. DOMINICK:

S. 3346. A bill to assure opportunities for employment and training to unemployed and underemployed men and women, to assist States and local communities in providing needed public services, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. WILLIAMS:

S. 3347. A bill relating to the authority of the Securities and Exchange Commission to limit membership on national securities exchanges. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. GRAVEL:

S. 3348. A bill for the relief of Sara Oberti Zumaran. Referred to the Committee on the Judiciary.

By Mr. COOPER (for himself, Mr. Baker, Mr. Brock, and Mr. Cook):

S. 3349. A bill to authorize the establishment of the Big South Fork National River and Recreation Area in the States of Kentucky and Tennessee, and for other purposes. Referred to the Committee on Public Works.

By Mr. HATFIELD:

S. 3350. A bill to authorize the Secretary of the Interior to perform certain work to replace or relocate structures or facilities owned by governmental agencies. Referred to the Committee on Interior and Insular Affairs.

By Mr. BROCK:

S. 3351. A bill to establish a council on International Economic Policy, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BENTSEN:

S. 3352. A bill to amend section 2039 of the Internal Revenue Code of 1954 (relating to estate tax treatment of annuities). Referred to the Committee on Finance.

By Mr. WILLIAMS (for himself, Mr. CASE, Mr. MATHIAS, Mr. GRAVEL, Mr. CRANSTON, Mr. MOSS, Mr. HUGHES, Mr. COOPER, Mr. MUSKIE, Mr. HARTKE, Mr. PELL, Mr. HARRIS, Mr. TUNNEY, Mr. HART, and Mr. JAVITS):

S.J. Res. 216. A joint resolution establishing a Commission on United States Participation in the United Nations. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEALL:

S. 3336. A bill to prohibit the exclusion of dog guides for the blind from certain public carriers, transport terminals, and other places of business which operate in interstate commerce. Referred to the Committee on Commerce.

Mr. BEALL. Mr. President, I introduce legislation today designed to ease the burdens of day-to-day living for the some 450,000 blind citizens of our Nation. Although in many cases greatly aided by the mutual dedication and close companionship of expertly trained dog guides, these people are often unable to utilize the necessary help of these amazing animals in such places as airports, train stations, and bus terminals. This bill will correct this regrettable problem.

This legislation is designed to prohibit the exclusion of dog guides for the blind from certain public carriers, transport terminals, and other places of business which operate in interstate commerce. It will allow the blind to more easily use the facilities that were built for all Americans. Mr. President, the present situation places unnecessary barriers before the blind persons of this country. This bill will remove that roadblock, so that they can better assume the benefits of normal life that those of us blessed with the miracle of sight too often take for granted. I urge its speedy consideration.

By Mr. GRIFFIN (for Mr. TOWER):

S. 3337. A bill to amend the Small Business Investment Act of 1958, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. GRIFFIN. Mr. President, on behalf of the distinguished senior Senator from Texas (Mr. TOWER), I introduce a bill and I ask unanimous consent that a statement prepared by him in connection with the bill be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON). Without objection, it is so ordered.

STATEMENT BY SENATOR TOWER

Mr. President, I am introducing today the Administration's Minority Enterprise Small Business Investment Act of 1972, which would expand the programs of governmental assistance to the Minority Enterprise Small Business Investment Company (MESBIC).

The MESBIC program has been in existence since 1969 to channel investment funds into small business creation and expansion by minorities, as a quasi-private-sector method of building up decent incomes and employment among traditionally economically disadvantaged groups. I favor utilizing such private-sector oriented programs to help the disadvantaged wherever possible, rather than the outright grant of welfare-type assistance, because the former approach contains the elements of capital formation needed to break the poverty cycle permanently, while the latter is a never-ending treadmill of dependency and inadequate income. Ultimately a successful capital formation program in the minority communities will not only make them economically viable but will substantially increase aggregate demand and the efficiency of productive resource allocation in the U.S., leading to higher incomes and more jobs for Americans everywhere.

By Mr. TALMADGE (for himself, Mr. HARTKE, Mr. THURMOND, Mr. RANDOLPH, Mr. HUGHES, Mr. CRANSTON, Mr. HANSEN, Mr. STAFFORD, and Mr. SAXBE):

S. 3338. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes. Referred to the Committee on Veterans' Affairs.

Mr. TALMADGE. Mr. President, in recent years, it has been fashionable for various interest groups to demand that the Government do more for them.

Therefore, it is a refreshing experience for me to introduce legislation for a group of American citizens which makes no demands—but which deserves more than the Government is giving them. The group to which I refer is the disabled American veterans.

I am introducing today, on behalf of myself and every member of the Senate Committee on Veterans' Affairs, a bill to increase compensation payments to the veterans whose disabilities are related to their military service.

It goes without saying that there is no way to adequately compensate a veteran who has lost a limb or an eye, or a veteran who has suffered irreparable psychological damage in the service of his country. The Congress has never sought to repay the disabled veteran for his pain and suffering, physical and mental, which a disability oftentimes brings. Who can place a price tag on the value of one's eyesight? Who can attach a dollar value to a man's ability to be a working, productive member of society?

The compensation payments for disabled veterans have never done more than a bare minimum. The purpose is to compensate the veteran for the average economic loss resulting from the disease or injury sustained during his military service. Thus, compensation payments are based not on need, but on the degree of disability of the veteran. I wish to emphasize that the compensation payments are based only on the average economic loss resulting from the disability. While disability payments might, in a few cases, be higher than the disabled veteran would ever earn, this loss of a hand, for example, would hardly be compensated by the payments available to a man who would have enjoyed a prosperous career as a dentist or a skilled carpenter.

Since disability compensation can never be more than a bare minimum under the standards we now use, I feel that it is the duty of the Congress to at least insure that we are truly compensating our veterans for their average economic loss resulting from a disease or injury.

Unfortunately, I am not convinced that our present method of computing compensation payments actually reflects the average economic loss suffered by a veteran as a result of his disability. The Veterans' Administration is currently undertaking an intensive study to determine whether the compensation payments in the law are a true measure of average economic loss. Also, the VA is looking into the question of compensation for losses or impairments that cannot be expressed in economic terms.

The results of this long-awaited study have not been compiled, and probably will not be available in the foreseeable future. Therefore, I believe that the Congress should act to increase compensation payments this year.

The bill which I am introducing today increases by 10 percent the compensation payments for all veterans with service-connected disabilities.

This figure represent a larger increase than the increase in the cost of living since July 1, 1970, when disability compensation rates were last adjusted by Public Law 91-376, legislation which I sponsored in the 91st Congress.

It is estimated that between July 1, 1970, and the end of calendar year 1972, the cost of living will have increased by 9 percent.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD first, data showing the need and justification for the compensation increases called for under my bill; second, a historical summary of compensation increases; and third, general statistical information concerning the number and characteristics of those receiving compensation payments.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DATA TO SUPPORT DISABILITY COMPENSATION INCREASES

MARCH 2, 1972.

Since July 1, 1970, when disability compensation rates were last adjusted by P.L. 91-376, the following increases have occurred:

CONSUMER PRICE INDEX

C.P.I. July 1970	116.7
C.P.I. Jan. 1972	123.3
(In percent)	
Increase	5.6
Predicted for 1972	3.4
Total	9.0

NON-SERVICE-CONNECTED PENSION INCREASES

(In percent)

P.L. 91-588 (1/1/71)	9.5
P.L. 92-198 (1/1/72)	6.5
Total	16.0

SOCIAL SECURITY BENEFIT INCREASES

(In percent)

P.L. 92-5 (1/1/71)	10

FEDERAL PAY INCREASES (GEN. SCHEDULE)

(In percent)

1/1/71	5.96
1/1/72	6.0
Total	11.96

MILITARY PAY INCREASES

(In percent)

1/1/71	7.9
P.L. 92-129 10/1/71 (basic pay for draftees & other enlisted personnel with less than two years service)	68.6
1/1/72	6.0
Total	82.5

SPENDABLE AVERAGE WEEKLY EARNINGS OF PRODUCTION OR NONSUPERVISORY WORKERS IN PRIVATE MANUFACTURING INDUSTRIES

Average Wage, July, 1970	$116.48
Average Wage, Dec., 1971	$130.25
Increase (percent)	11.8

DATA FOR COMPARISON WITH TOTAL DISABILITY COMPENSATION

100 percent compensation equals $450 per month or $5,400 per year.

MEDIAN INCOME OF MALE VETERANS IN THE CIVILIAN NONINSTITUTIONAL POPULATION FOR CALENDAR YEAR 1970—

$8.660

AVERAGE ANNUAL GENERAL SCHEDULE WAGE OF FEDERAL EMPLOYEES—

G.S. 7.9 equals $11,809.

AVERAGE GROSS ANNUAL EARNINGS OF PRODUCTION OR NONSUPERVISORY WORKERS ON PRIVATE NONAGRICULTURAL PAYROLLS—

Manufacturing Industries in Dec., 1971—$7,809.36.

HISTORICAL SUMMARY—COMPENSATION INCREASES

Percent	312—78th June 1, 1944	662—79th Sept. 1, 1946	339—81st Dec. 1, 1949	356—82d July 1, 1952	695—83d Oct. 1, 1954	85-209 Oct. 1, 1957	87-645 Oct. 1, 1962	89-311 Dec. 1, 1965	90-493 Jan. 1, 1969	91-376 July 1, 1970	Talmadge bill
10	11.50	13.80	15	15.75	17	19	20	21	23	25	28
20	23	27.60	30	31.50	33	36	38	40	43	46	51
30	34.50	41.40	45	47.25	50	55	58	60	65	70	77
40	46	55.20	60	63.00	66	73	77	82	89	96	106
50	57.50	69.00	75	86.25	91	100	107	113	122	135	149
60	69	82.80	90	103.50	109	120	128	136	147	163	179
70	80.50	96.60	105	120.75	127	140	149	161	174	193	212
80	92	110.40	120	138.00	145	160	170	186	201	223	245
90	103.50	124.20	135	155.25	163	179	191	209	226	250	275
100	115	138	150	172.50	181	225	250	300	400	450	495

COMPENSATION AND PENSION

In 1971 the Veterans Administration administered a $5.8 billion compensation and pension program which benefited almost 5.6 million veterans and dependents of deceased veterans. To show the dramatic increase in this program during the last five years, 1.3 million additional beneficiaries have been added to the rolls, with an increase in total benefit payments of $1.2 billion. The program continues to account for almost 60 percent of the agency's monetary expenditures.

The number of beneficiaries receiving compensation and pension continued to vary, as in the past years, depending upon whether the particular beneficiary group served during the Vietnam era, the Korean conflict, World War II, World War I, or earlier. The beneficiary status of each group is discussed below.

VIETNAM ERA

Compensation continued to accelerate in fiscal year 1971. In 1970, 167,300 veterans had received compensation, while in 1971 the number increased to 244,500. Death benefits were being paid to 80,340 dependents of these deceased veterans at the end of 1970, but by June 30, 1971, 91,500 dependents were on the rolls. Although the tempo of military involvement in Vietnam wound down in 1971, a continuing increase in the number of compensation beneficiaries is expected for a number of years.

As for pension benefits, Vietnam era veterans and their dependents are only a small segment of the group receiving them. In 1970, only 1,400 Vietnam era veterans and 7,040 dependents of deceased veterans had received pensions. By June 30, 1971, the respective totals had risen to 2,298 and 11,864. Pension is generally paid to elderly or severely non-service-disabled veterans in need. The young Vietnam era veteran, with certain exceptions, cannot meet these criteria. However, increasing numbers of such veterans, and their surviving dependents, can be expected to seek benefits as the group grows older.

Thus far, the qualifying service eligibility period has extended from August 5, 1964 to date—longer than any qualifying period of service heretofore. In years to come Vietnam era veterans and their survivors will represent an increasingly significant proportion of the compensation and pension recipients.

KOREAN CONFLICT

The number of veterans of the Korean conflict receiving compensation rose again in 1971 over 1970 as it had in 1970 over 1969. On June 30, 1971 the total was 239,606 whereas it had been 238,646 a year earlier. The uptrend appears likely to continue for some years to come. The number of Korean conflict pension beneficiaries also has continued to increase over the years as these veterans become older, although comprising only a small proportion of all pension beneficiaries. On June 30, 1971, only 30,446 Korean conflict veterans were receiving pensions, compared with 1,075,643 total recipients.

The number of dependents of deceased Korean conflict veterans receiving compensation again showed a decline in 1971 as it had in 1970. The rolls showed 56,632 dependents as of June 30, 1971—a decline of 929 from the previous year. However, the number of dependents receiving pensions reflected an opposite trend. Here, there has been an increase each year to date. On June 30, 1971, the total was 196,733 compared with 174,598 on June 30, 1970.

WORLD WAR II

In 1971, this group continued to comprise the largest percentage of all veterans receiving compensation. On June 30, 1971, they represented 65 percent of the 2,146,085 on the compensation rolls; however, their numbers declined with the years. Since 1952, a yearly decrease has been visible. Pension, on the other hand, is an ever-expanding program for this group. The average age of the World War II veteran is now 51.6, and as they grow older the number added to the pension rolls climbs. Present estimates indicate that the peak will be reached about 1990. On June 30, 1971, a total of 415,718 World War II veterans were receiving pension benefits, as compared to 371,000 a year earlier.

In 1971, $645.3 million in compensation benefits was paid to 256,026 dependents of those World War II veterans who had died of service-related causes. The total number receiving these benefits has been declining over the years, and will continue to drop although past experience has shown that some dependents remain on the compensation rolls up to one-hundred years after the end of the war in which the deceased veteran served. The number of pension payments made to deceased World War II veterans' dependents on the other hand, has sharply increased over the years. For example, in 1966 only 772,359 received benefits, while by June 30, 1971, the number had risen to 932,379. This growth is expected to continue for many years as the mortality rate of World War II veterans increases.

WORLD WAR I

The average age of this group continued to rise, from 75.7 in 1970 to 76.6 in 1971, and the number receiving compensation continued to decline. On June 30, 1971, only about 78 thousand were still alive and receiving compensation benefits. More than fifty years have passed since the end of World War I, and the ranks of these surviving veterans receiving compensation are being depleted at the rate of about 6,000 a year. The number of World War I veterans receiving pensions has declined also. The fiscal year 1971 figure of 623,762 represented 62,103 less than the previous year.

EARLIER PERIODS

The remaining service periods include surviving veterans, and their dependents, from the Civil War, Indian Wars, Spanish-American War, Mexican War and intervening peacetime periods of the various wars. As might be expected, all of these groups show declining numbers of beneficiaries.

GUARDIANSHIP

This program is administered by Chief Attorney Offices located in all 50 States, the District of Columbia, Puerto Rico, and the Philippines. Through the respective American Consular Offices and VA counterparts in the English-speaking countries, supervision and assistance is provided beneficiaries residing in some 90 countries.

To protect the beneficiaries' interests, and to assure that VA benefits payable on behalf of these minors or the mentally ill are administered properly, two types of fiduciaries are utilized: state court-appointed fiduciaries, when the trust powers of a guardian are needed, or federal fiduciaries, responsible solely to the VA.

While the program's mission is essentially protective, the approach in minor beneficiary cases is primarily directed toward assurance of accommodation for immediate needs and continuation of education through and beyond high school. For the mentally ill, closer supervision is given to estate administration, coupled with interim personal contacts to assure the beneficiary's well-being.

For the first time since 1963, there has been a reduction in the total number of beneficiaries served. This is partly attributable to several states lowering the age of majority to 18—in anticipation of the right-to-vote amendment to the United States Constitution—and to the revision of policies and procedures pertaining to supervision of minor beneficiaries.

A total of 770,972 beneficiaries were served in fiscal year 1971. This number is about 15,000 below a year ago.

TABLE 48.—DISABILITY, DEGREE OF IMPAIRMENT, TYPE OF MAJOR DISABILITY, PERIOD OF SERVICE—JUNE 1971

	Total				Tuberculosis (lungs and pleura)				Psychiatric and neurological diseases				General medical and surgical conditions			
	Number	Percent of total	Monthly value	Average monthly value	Number	Percent of total tuberculosis	Percent of degree of impairment	Average monthly value	Number	Percent of total psychiatric and neurological diseases	Percent of degree of impairment	Average monthly value	Number	Percent of total general medical and surgical conditions	Percent of degree of impairment	Average monthly value
Degree of impairment: Total	2,146,085	100.0	$226,113,336	$105.36	65,541	100.0	3.1	$121.46	466,987	100.0	21.8	$174.95	1,613,557	100.0	75.1	$84.57
No disability	29,211	1.4	1,889,154	64.67	27,289	41.6	93.4	66.04					1,922	.1	6.6	45.73
10 percent	846,834	39.5	21,135,993	24.96	1,187	1.8	.1	57.47	147,660	31.6	17.4	24.84	697,987	43.3	82.5	24.93
20 percent	332,651	15.5	15,421,774	46.36	9,113	13.9	2.7	65.45	26,221	5.6	7.9	46.82	297,317	18.4	89.4	45.71
30 percent	307,508	14.3	21,628,837	70.34	12,500	19.1	4.1	68.33	80,915	17.3	26.3	69.33	214,093	13.3	69.6	70.83
40 percent	173,405	8.1	17,036,678	98.25	1,690	2.6	1.0	98.49	25,877	5.6	14.9	96.74	145,838	9.0	84.1	98.51
50 percent	110,399	5.1	17,326,556	156.94	3,118	4.8	2.8	153.57	40,254	8.6	36.5	152.50	67,027	4.2	60.7	159.77
60 percent	107,507	5.0	27,420,311	255.06	1,698	2.6	1.6	242.57	18,241	3.9	17.0	223.69	87,568	5.4	81.4	261.83
70 percent	65,152	3.0	20,490,279	314.50	1,362	2.1	2.1	247.90	30,669	6.6	47.1	334.26	33,121	2.1	50.8	298.94
80 percent	34,001	1.6	11,649,669	342.63	2,092	3.2	6.2	286.51	9,029	1.9	26.6	349.91	22,880	1.4	67.2	344.76
90 percent	11,634	.5	4,525,436	388,98	151	.2	1.3	372.13	3,013	.7	25.9	395.07	8,470	.5	72.8	387.12
100 percent	127,783	6.0	67,588,649	528.93	5,341	8.1	4.2	406.73	85,108	18.2	66.6	515.49	37,334	2.3	29.2	566.14
Degree of impairment, World War I: Total	78,261	100.0	12,721,698	162.55	12,100	100.0	15.5	124.89	16,032	100.0	20.5	242.00	50,129	100.0	64.0	146.24
No disability	967	1.2	56,829	58.77	569	4.7	58.8	67.00					398	.8	41.2	47.00
10 percent	11,715	15.0	362,898	30.98	34	.3	.3	59.74	774	4.8	6.6	31.88	10,907	21.8	93.1	30.82
20 percent	18,670	23.9	1,125,686	60.29	8,486	70.1	45.5	66.38	2,146	13.4	11.5	59.94	8,038	16.0	43.0	53.96
30 percent	10,106	12.9	777,502	76.93	738	6.1	7.3	80.07	1,842	11.5	18.2	77.81	7,526	15.0	74.5	76.41
40 percent	7,774	9.9	818,488	105.29	420	3.5	5.4	107.69	1,315	8.2	16.9	107.48	6,039	12.0	77.7	104.64
50 percent	6,709	8.6	1,020,380	152.09	125	1.0	1.9	151.32	2,373	14.8	35.4	152.19	4,211	8.4	62.7	152.06
60 percent	6,677	8.5	1,840,332	275.62	141	1.2	2.1	340.13	1,065	6.7	16.0	202.05	5,471	10.9	81.9	288.28
70 percent	3,063	3.9	898,062	293.20	49	.4	1.6	270.53	1,093	6.8	35.7	294.33	1,921	3.8	62.7	293.13
80 percent	1,876	2.4	608,583	324.40	23	.2	1.2	320.70	519	3.2	27.7	291.05	1,334	2.7	71.1	337.42
90 percent	411	.5	156,434	380.62	10	.1	2.4	322.70	51	.3	12.4	369.29	350	.7	85.2	383.95
100 percent	10,293	13.2	5,056,504	491.26	1,505	12.4	14.6	473.53	4,854	30.3	47.2	489.06	3,934	7.9	38.2	500.75
Degree of impairment World War II: Total	1,395,911	100.0	136,989,397	98.14	33,920	100.0	2.4	124.17	317,650	100.0	22.8	154.29	1,044,341	100.0	74.8	80.21
No disability	18,194	1.3	1,202,110	66.07	17,349	51.1	95.4	67.00					845	.1	4.5	47.00
10 percent	577,561	41.4	14,598,216	25.28	749	2.2	.1	59.10	115,148	36.3	20.0	25.10	461,664	44.3	79.9	25.27
20 percent	210,107	15.0	9,727,147	46.30	425	1.3	.2	66.70	17,882	5.6	8.5	46.18	191,800	18.4	91.3	46.26
30 percent	206,164	14.8	14,675,855	71.19	7,039	20.8	3.4	70.14	58,781	18.6	28.5	70.15	140,344	13.5	68.1	71.67
40 percent	114,401	8.2	11,307,261	98.84	807	2.4	.7	98.20	18,268	5.8	16.0	96.88	95,326	9.1	83.3	99.22
50 percent	70,076	5.0	11,213,598	160.02	1,274	3.7	1.8	163.22	25,515	8.0	36.4	155.96	43,287	4.1	61.8	162.32
60 percent	68,276	4.9	17,601,093	257.79	1,098	3.2	1.6	242.26	11,580	3.6	17.0	222.72	55,598	5.3	81.4	265.41
70 percent	40,166	2.9	12,973,079	322.99	1,104	3.3	2.7	248.32	18,784	5.9	46.8	352.78	20,278	1.9	50.5	299.45
80 percent	21,431	1.5	7,265,946	339.04	1,880	5.5	8.8	289.05	5,462	1.7	25.5	350.99	14,089	1.3	65.7	341.08
90 percent	6,801	.5	2,600,169	382.32	126	.4	1.9	377.77	1,606	.5	23.6	386.35	5,069	.5	74.5	381.16
100 percent	62,734	4.5	33,824,923	539.18	2,069	6.1	3.3	514.62	44,624	14.0	71.1	530.64	16,041	1.5	25.6	566.11
Degree of impairment, Korean conflict: Total	239,606	100.0	28,559,686	119.19	11,452	100.0	4.8	87.91	45,345	100.0	18.9	258.63	182,809	100.0	76.3	89.40
No disability	7,552	3.2	499,890	66.19	248	63.3	96.0	67.00					304	.2	4.0	47.00
10 percent	86,703	36.2	2,223.330	25.64	244	2.1	.3	64.16	10,521	23.1	12.1	25.35	75,938	41.4	87.6	25.56
20 percent	37,186	15.5	1,728,389	46.48	102	.9	.3	66.43	2,063	4.5	5.5	46.35	35,021	19.1	94.2	46.43
30 percent	33,101	13.8	2,377,708	71.83	2,530	22.1	7.6	70.16	6,519	14.4	19.7	70.31	24,052	13.2	72.7	72.42
40 percent	20,215	8.4	2,017,876	99.82	278	2.4	1.4	96.85	2,371	5.2	11.7	98.01	17,566	9.6	86.0	100.11
50 percent	11,732	4.9	1,955,616	166.69	398	3.5	3.4	160.63	3.746	8.3	31.9	163.35	7,588	4.2	64.7	168.66
60 percent	12,656	5.3	3,362,586	265.69	211	1.8	1.7	228.43	2,171	4.8	17.2	248.48	10,274	5.6	81.1	270.09
70 percent	8,416	3.5	2,838,129	337.23	105	.9	1.2	270.00	3,924	8.7	46.7	356.28	4,387	2.4	52.1	321.80
80 percent	4,046	1.7	1,518,384	375.28	78	.7	1.9	320.36	1,104	2.4	37.3	389.67	2,864	1.6	70.8	371.23
90 percent	1,497	.6	610,617	407.89	7	.1	.5	423.00	428	.9	28.6	416.46	1,062	.6	70.9	404.34
100 percent	16,502	6.9	9,427,161	571.27	251	2.2	1.5	501.38	12,498	27.6	75.7	560.02	3,753	2.1	22.8	613.42
Degree of impairment, Vietnam era: Total	244,567	100.0	29,972,703	122.55	2,095	100.0	0.9	297.81	48,391	100.0	19.8	204.00	194,081	100.0	79.3	100.35
No disability	121	.0	5,807	47.99	6	.3	2.5	67.00					115	.1	95.0	47.00
10 percent	94,223	38.5	2,382,511	25.29	56	2.7	.1	25.00	11,612	24.0	12.3	25.13	82,555	42.5	87.6	25.31
20 percent	38,305	15.7	1,773,985	46.31	10	.5	.0	46.00	2,634	5.4	6.9	46.20	35,661	18.4	93.1	46.32
30 percent	30,736	12.6	2,196,534	71.46	42	2.0	.1	70.00	7,626	15.8	24.9	70.42	23,068	11.9	75.1	71.81
40 percent	18,722	7.7	1,882,220	100.54	30	1.4	.2	96.00	2,529	5.2	13.5	98.71	16,163	8.3	86.3	100.83
50 percent	14,511	5.9	2,190,883	150.98	854	40.8	5.9	151.75	5,142	10.6	35.4	146.05	8,515	4.4	58.7	153.88
60 percent	11,194	4.6	2,642,153	236.03	103	4.9	.9	195.84	2,197	4.5	19.6	219.53	8,894	4.6	79.5	240.58
70 percent	8,082	3.3	2,374,979	290.52	30	1.4	.4	234.10	3,524	7.3	43.6	286.80	4,528	2.3	56.0	293.78
80 percent	4,450	1.8	1,594,460	358.31	11	.5	.3	325.18	1,296	2.7	29.1	356.20	3,143	1.6	70.6	359.29
90 percent	2,275	.9	938,307	412.44	1	.0	.0	293.00	752	1.6	33.1	417.65	1,522	.8	66.9	409.95
100 percent	21,948	9.0	12,017,864	547.56	952	45.5	4.3	478.11	11,079	22.9	50.5	510.17	9,917	5.1	45.2	596.00
Degree of impairment, regular establishment: Total	187,712	100.0	17,857,906	95.13	5,973	100.0	3.2	101.49	39,564	100.0	21.1	195.29	142,175	100.0	75.7	67.00
No disability	2,377	1.3	124,518	52.38	2,117	35.5	89.1	54.23					260	.2	10.9	37.60
10 percent	76,631	40.9	1,569,013	20.47	104	1.8	.1	46.78	9,605	24.4	12.5	20.23	66,922	47.1	87.4	20.47
20 percent	28,383	15.1	1,066,567	37.58	90	1.5	.3	52.82	1,496	3.8	5.3	37.36	26,797	18.8	94.4	37.54
30 percent	27,401	14.6	1,601,237	58.44	2,151	36.0	7.9	56.20	6,147	15.5	22.4	56.52	19,103	13.4	69.7	59.31
40 percent	12,293	6.5	1,010,834	82.23	155	2.6	1.3	78.47	1,394	3.5	11.3	79.16	10,744	7.6	87.4	82.68
50 percent	7,369	3.9	945,795	128.35	467	7.8	6.3	125.14	3,478	8.8	47.2	125.18	3,424	2.4	46.5	132.00
60 percent	8,701	4.6	1,973,085	226.77	145	2.4	1.7	203.75	1,228	3.1	14.1	215.31	7,328	5.2	84.2	229.14
70 percent	5,423	2.9	1,432,578	264.17	74	1.2	1.4	200.96	3,343	8.4	61.6	267.46	2,006	1.4	37.0	261.02
80 percent	2,196	1.2	661,554	301.25	100	1.7	4.6	228.71	648	1.6	29.5	307.62	1,448	1.0	65.9	303.42
90 percent	650	.3	219,909	338.32	7	.1	1.1	301.71	176	.4	27.1	333.59	467	.3	71.8	340.66
100 percent	16,288	8.7	7,252,816	445.29	563	9.4	3.5	392.45	12,049	30.5	74.0	428.78	3,676	2.6	22.5	507.47

TABLE 48.—DISABILITY, DEGREE OF IMPAIRMENT, TYPE OF MAJOR DISABILITY, PERIOD OF SERVICE—JUNE 1971—Continued

	Total				Tuberculosis (lungs and pleura)				Psychiatric and neurological diseases				General medical and surgical conditions			
	Number	Percent of total	Monthly value	Average monthly value	Number	Percent of total tuberculosis	Percent of degree of impairment	Average monthly value	Number	Percent of total psychiatric and neurological diseases	Percent of degree of impairment	Average monthly value	Number	Percent of total general medical and surgical conditions	Percent of degree of impairment	Average monthly value
Degree of impairment, Spanish-American War:																
Total	28	100.0	$11,946	$426.64	1	100.0	3.6	$478.00	5	100.0	17.9	$413.80	22	100.0	78.5	$427.23
No disability																
10 percent	1	3.6	25	25.00									1	4.5	100.0	25.00
20 percent																
30 percent																
40 percent																
50 percent	2	7.1	284	142.00									2	9.1	100.0	142.00
60 percent	3	10.7	1,063	354.33									3	13.6	100.0	354.33
70 percent	2	7.1	453	226.50					1	20.0	50.0	213.00	1	4.5	50.0	240.00
80 percent	2	7.1	742	371.00									2	9.1	100.0	371.00
90 percent																
100 percent	18	64.4	9,379	521.06	1	100.0	5.6	478.00	4	80.0	22.2	464.00	13	59.2	72.2	549.12

TABLE 49.—DISABILITY, CLASS OF DEPENDENT, PERIOD OF SERVICE—JUNE 1971

	Total			World War II		World War I		Korean conflict		Vietnam era		Regular Establishment		Spanish-American War	
Class of dependent	Number	Monthly value	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value
Total veterans	2,146,085	$226,113,336	$105.36	1,395,911	$98.14	78,261	$162.55	239,606	$119.19	244,567	$122.55	187,712	$95.13	28	$426.64
Veterans less than 50 percent disabled (no dependency benefits)	1,687,955	76,913,137	45.57	1,126,426	45.73	47,578	61.82	184,758	47.89	182,108	45.26	147,084	36.52	1	25.00
Veterans 50 percent or more disabled	458,130	149,200,199	325.67	269,485	317.19	30,683	318.76	54,848	359.41	62,459	347.92	40,628	307.32	27	441.52
Without dependents	121,869	39,490,265	324.04	57,431	322.40	11,993	304.50	10,843	353.89	29,367	332.34	12,220	304.34	15	441.73
With dependents	336,261	109,709,934	326.26	212,054	315.78	18,690	327.91	44,005	360.76	33,092	361.75	28,408	308.60	12	441.25
Wife only	135,742	43,250,093	318.62	89,691	312.82	18,093	327.00	8,624	354.93	10,928	341.16	8,394	295.68	12	441.25
Wife, child or children	168,173	54,086,024	321.61	103,918	307.98	474	354.67	28,803	350.50	19,049	365.51	15,929	304.77		
Wife, child or children, and parent or parents	4,038	1,731,854	428.89	2,422	409.14	1	784.00	956	477.90	282	448.33	377	416.00		
Wife, parent or parents	1,857	768,535	413.86	1,344	406.19	5	316.80	218	453.96	175	432.05	115	404.00		
Child or children only	16,523	5,529,482	334.65	8,942	320.95	104	343.91	3,456	360.92	1,734	383.57	2,287	311.03		
Child or children and parent or parents	680	302,390	444.69	325	428.86			193	485.54	63	469.81	99	401.01		
Parent or parents only	9,248	4,041,556	437.02	5,412	434.97	13	462.46	1,755	468.40	861	445.42	1,207	394.32		
Total dependents on whose account additional compensation was being paid	759,968			457,483		19,391		137,822		71,788		73,473		12	
Wives	309,810			197,375		18,573		38,601		30,434		24,815		12	
Children	431,971			249,589		799		95,532		39,518		46,533			
Parents	18,187			10,518		19		3,689		1,836		2,125			

TABLE 50.—DEATH, TOTAL, CLASS OF BENEFICIARY, PERIOD OF SERVICE—JUNE 1971

	Total			World War II		World War I		Korean conflict	
Class of beneficiary	Number	Monthly value	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value
Total cases	372,729	$55,376,410	$148.57	207,252	$129.90	37,068	$175,78	39,471	$140.95
Compensation	125,788	9,553,423	75.95	100,787	75.86	1,283	79.58	18,090	76.65
Dependency and indemnity compensation	240,590	44,262,253	183.97	101,942	177.96	35,759	179.18	20,050	192.54
Dependency and indemnity compensation and compensation	6,351	1,560,734	245.75	4,523	250.51	26	243.85	1,331	237.97
Widow alone	131,749	25,890,224	196.51	62,681	197.09	34,995	177.91	9,874	221.55
Widow and children	33,620	8,583,351	255.30	9,009	234.15	562	257.05	3,305	257.37
Widow, children and mother	3,433	1,165,002	339.35	481	323.29			254	322.89
Widow, children and father	473	156,965	331.85	60	317.27			45	319.91
Widow, children, mother and father	1,211	433,692	358.13	76	336.17			73	333.05
Widow and mother	7,859	1,954,002	248.63	5,207	262.16	41	256.54	900	276.01
Widow and father	1,352	351,225	257.78	995	259.59	2	257.50	112	266.08
Widow, mother and father	1,576	441,051	279.85	878	277.09			207	271.30
Children alone	22,966	2,573,280	112.05	4,568	115.70	499	118.37	2,862	113.04
Children and mother	2,703	526,137	194.65	358	181.51			367	182.96
Children and father	394	76,687	194.64	50	203.88			54	182.20
Children, mother and father	1,120	237,906	212.42	55	213.78			147	193.64
Mother alone	115,144	8,768,084	76.15	88,389	77.95	920	77.73	13,964	77.00
Father alone	18,541	1,443,407	77.85	14,825	79.31	45	77.80	2,017	75.62
Mother and father	30,588	2,775,397	90.73	19,620	89.70	4	94.25	5,290	86.50
Total dependents	525,948			256,206		37,833		56,646	
Widows	181,273			79,387		35,600		14,770	
Children	125,785			25,195		1,217		12,729	
Mothers	163,635			115,065		965		21,202	
Fathers	55,255			36,559		51		7,945	

	Vietnam era		Regular Establishment		Spanish-American War		Civil War		Indian wars	
	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value
Total cases	39,972	$191.06	48,581	$178.46	363	$180.93	20	$152.75	2	$143.50
Compensation	230	152.02	5,394	71.09	4	87.00				
Dependency and indemnity compensation	89,738	191.28	42,720	191.54	359	181.97	20	152.75	2	143.50
Dependency and indemnity compensation and compensation	4	270.25	467	221.61						
Widow alone	6,309	205.84	17,536	214.39	343	182.36	10	185.50	1	167.00
Widow and children	12,680	268.99	8,060	256.44	4	301.50				
Widow, children and mother	1,729	350.39	969	331.95						
Widow, children and father	252	336.45	116	334.03						
Widow, children, mother and father	788	364.80	274	351.69						
Widow and mother	708	268.42	1,003	287.35						
Widow and father	108	268.19	135	269.63						
Widow, mother and father	318	288.97	173	287.36						
Children alone	6,704	120.59	8,306	117.11	16	120.00	10	120.00	1	120.00
Children and mother	852	205.04	1,126	194.77						
Children and father	139	200.78	151	190.36						
Children, mother and father	515	218.45	403	211.36						
Mother alone	4,862	75.78	7,009	75.14						
Father alone	680	65.83	974	68.63						
Mother and father	3,328	102.62	2,346	92.03						
Total dependents	91,659		83,213		369		20		2	
Widows	22,892		28,266		347		10		1	
Children	49,539		37,072		22		10		1	
Mothers	13,100		13,303							
Fathers	6,128		4,572							

Mr. TALMADGE. Mr. President, I feel it is worthy to note that since disability compensation payments were last adjusted, social security benefits were increased 10 percent, and will be increased further by at least 5 percent in the near future, the pay of Federal employees was increased by almost 12 percent, the pay of military personnel was increased by 82.5 percent, and the average weekly take-home pay of workers in the manufacturing industries increased 11.8 percent.

Mr. President, another provision of my bill would establish a $150 annual clothing allowance for disabled veterans who wear prosthetic devices. The Congress has long recognized that the use of artificial limbs results in unusual wear and tear on ordinary clothing, and since 1948 the Veterans' Administration has authorized its field stations to furnish repairs to clothing damaged by prosthetic appliances.

Unfortunately, since the repairs provided by the VA have proven to be unsatisfactory and short lived, veterans have ceased to use this service and now pay for needed repairs out of their own pockets. This is reflected by the fact that in the year 1970 the Veterans' Administration expended only $4,000 for veterans' clothing repairs. My bill, by establishing an annual clothing allowance, will provide these seriously disabled veterans with a very necessary, relatively low-cost benefit.

Finally, Mr. President, for the first full year, the cost of the adjustment in compensation payments is estimated to be $283 million, and the cost of the new clothing allowance is estimated to be $6.6 million.

The Subcommittee on Compensation and Pensions, which I have the honor and privilege to chair, will make my bill and other proposals to improve the disability compensation program its top priority item this year, and will expedite hearings on these measures.

By Mr. SCHWEIKER (for himself and Mr. SCOTT):

S. 3339. A bill to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project." Referred to the Committee on Public Works.

Mr. SCHWEIKER. Mr. President, on behalf of Senator SCOTT and myself, I introduce a bill to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project."

This bill would name the Carnegie-Bridgeville reach of the Chartiers Creek Local Flood Protection Project in Pennsylvania in honor of our late and respected colleague, James G. Fulton.

Chartiers Creek is located in Allegheny and Washington Counties, southwestern Pennsylvania. It is 52 miles long from its source which is about 6 miles south of Washington, Pa. The Chartiers Creek Basin is approximately 24 miles long and has an average width of about 12 miles. The total drainage area above the mouth is 277 square miles.

Serious annual flooding occurred in the basin annually, with major floods about every 5 or 6 years. After the devastation caused by Hurricane Hazel in 1954, Congressman Fulton led efforts to designate the region as a disaster area, and the President did so shortly after the request was made. In 1955, Congressman Fulton introduced a resolution requesting a survey of the Chartiers Creek area and from then on worked for many years on the project to obtain the necessary authorization and appropriation. Another flood occurred in 1956.

Finally, in February 1963, the survey was completed. In June 1968, a construction contract was awarded and on July 26, 1968, Congressman Fulton initiated the groundbreaking ceremony on the project.

Our beloved friend and colleague, Jim Fulton, died October 6, 1971. We think it is entirely fitting that we dedicate this important flood protection project in memory of Congressman James G. Fulton, who for so many years loaned his considerable energies to making this project a reality.

By Mr. TUNNEY (for himself and Mr. MUSKIE):

S. 3342. A bill to amend title IV of the Clean Air Act, and for other purposes. Referred to the Committee on Public Works.

NOISE POLLUTION CONTROL ACT OF 1972

Mr. TUNNEY. Mr. President, on behalf of myself and the distinguished Senator from Maine (Mr. MUSKIE) I send to the desk for appropriate reference a bill, the Noise Pollution Control Act of 1972, to establish a national policy for the control of noise pollution in order to protect the Public Health and Welfare.

There can be no doubt that noise, unwanted sound, is a polluter of our environment. We hear the rasp of engines, the whine of machinery, the rumble of vehicles on highways and streets.

There can be no doubt, either, that noise, unwanted sound, is a threat to public health and welfare. Recent tests of 7,000 students, for example, showed progressive damage to their hearing between the grade school and college years. In addition to hearing damage, noise can disturb sleep, reduce the opportunity for privacy, adversely influence mood, and can interfere with the performance of complicated tasks—especially when speech communication or auditory signals is demanded.

And there can be no doubt that the amount of noise, unwanted sound, is increasing in this country. Noise pollution appears to have a significant impact on 80 million Americans. About half that number, 40 million, are literally listening to a health hazard.

But noise, unwanted sound, differs radically from other forms of environmental pollution. As I say, it affects directly only those who hear it. Whereas the waste products, known as mass residuals, associated with air and water pollution remain in the environment for extended periods of time, the waste energy residual from noise dissipates into the environment as sound in a short period of time. Noise pollution is subtle; the physiological and psychological effects appear slowly, perhaps years later.

In a way, our ears are to blame. If they were not so sensitive to energy carried by sound waves, small amounts of noise pollution would not cause so much damage. Paradoxically, a person whose hearing is already damaged may not consider noise a problem.

How then, should we proceed to deal with the problems posed by ambient noise pollution, by unwanted sound?

More than a year ago, the Congress in the clean air amendments of 1970 set up an office of noise abatement and control in the Environmental Protection Agency. A 1-year study of noise pollution and its effect upon public health and welfare was authorized.

Two months ago, a report of the study was received by the Congress. Although much of the research compiled in the EPA report is exhaustive, the report's recommendation for new legislation appears in a single sentence, as follows:

> Legislation proposed by the administration in February, 1971, would provide the authority that is needed to meet the problems revealed in the studies leading to this report.

Mr. President, I cannot agree. The recommendation is hesitant; it reflects a passive approach to the problems discussed in considerable detail in the report. We must have a bolder approach, a broader effort. The bill I offer for introduction today, which is similar in some respects to legislation offered by Representative PAUL G. ROGERS, of Florida, and passed in the House would:

Include a national policy to encourage and support the formulation by States and municipalities of programs to control ambient noise levels. Such standards may be more stringent than standards for specific products promulgated by the EPA Administrator pursuant to the act;

Expand the list of products for which the EPA Administrator is authorized to set noise standards. Civilian aircraft is included in the definition of "product" and added to the list of major sources of noise are turbines and compressors, and percussion and explosive equipment.

Authorize public participation at every stage of rulemaking in addition to citizen suits in Federal district courts for enforcement of violations of the act and to compel the EPA Administrator to perform nondiscretionary duties under the act;

Provide criminal penalties, including fines of up to $25,000 per day of violation and imprisonment for 1 year, for violators convicted of noise pollution offenses under the act;

Authorize Federal grants of $22½ million over 3 years to State and local noise pollution control agencies for planning and program activities. The Federal share would be increased for interstate and intermunicipal agencies. An additional $26 million is provided to carry out other purposes of the act such as manpower training and educational assistance programs.

Forbid commercial flights of supersonic aircraft over the United States, the territorial waters, and the contiguous zone.

My bill retains several of the major provisions of the administration's noise pollution bill introduced a year ago. These provisions would:

Authorize the EPA Administrator to publish criteria establishing minimum levels of ambient noise necessary to protect public health and welfare;

Provide for the labeling of the noise emission properties of products;

Transfer to the EPA Administrator the authority to provide and amend regulations pursuant to the Federal Aviation Act for the control of noise of aircraft and aircraft engines. All future aircraft and aircraft engines would be designed to meet noise standards set to protect public health and welfare;

Require the EPA Administrator to compile and publish reports on methods and techniques for controlling noise pollution. Such methods might be product use controls, land use regulations, and construction and building codes.

In conclusion, Mr. President, I am encouraged by four sentences which appear early in the EPA report on the noise pollution study. They read as follows:

> The scientific community has already accumulated considerable knowledge concerning noise, its effects, and its abatement and control. In that regard, noise differs from most other environmental pollutants. Generally, the technology exists to control most indoor and outdoor noise. As a matter of fact, this is one instance in which knowledge control techniques exceeds the knowledge of biological and physical effects of the pollutant.

Where control technology exists, and where suspected biological and physical effects will take time to prove absolutely, it is unwise to hesitate. Noise is not something we have to take. We can move now to cut down noise pollution in our neighborhoods and work places, and we should do so.

Mr. President, a summary of the provisions of my bill is as follows:

SUMMARY OF PROVISIONS—NOISE POLLUTION CONTROL ACT OF 1972

Section 401. Short Title. This section designates the Act as the "Noise Pollution Control Act of 1972."

Section 402. Statement of Congressional Finding and Policy. This section expresses Congress' concern with the growing danger to health and welfare of ambient noise. States retain primary responsibility to control ambient noise, but Federal action is declared necessary to deal with major sources of noise emission which enter interstate commerce and to encourage and support State and municipal programs to control ambient noise levels. A national policy for protection of public health and welfare from effects of noise is declared and public participation in all procedures and activities under the Act is required.

Section 403. Office of Noise Pollution Control and Abatement. This section amends existing law to continue the authority of the Office of Noise Pollution Control and Abatement in the Environmental Protection Agency. The Office's authority is extended to implementation of the provisions of this Act. Basic rulemaking and administrative authority are provided to the Administrator.

Section 404. Definitions. This section defines terms for purposes of administering and interpreting the Act.

Section 405. Research, Investigation, Training, and Other Activities. This section authorizes the Administrator to conduct basic and applied research and development programs related to noise pollution. The Administrator also is authorized to provide technical and financial assistance, to disseminate information, to cooperate with relevant agencies and to contract with other public agencies in carrying out research and development. The Administrator also is authorized to provide manpower training assistance and educational assistance programs.

Section 406. Federal Program. This section requires all Federal agencies to operate all programs under Federal law in a manner consistent with the programs and policy of this Act. The Administrator also is authorized to coordinate all Federal agency programs related to noise pollution research and control. The Administrator is required to comment publicly on noise control programs and regulations established by other Federal agencies.

Section 407. Noise Criteria and Control Technology. This section requires the Administrator to develop and publish criteria for ambient levels of noise which will protect public health and welfare. The Administrator also is required to compile and publish reports identifying products which are major sources of noise and providing information on techniques to control the noise from these products. The Administrator also is required to compile and publish information on methods and techniques for controlling noise pollution by means other than controls on noise emissions of new products.

Section 408. Noise Emission Control Standards for New Products. This section authorizes the Administrator to promulgate regulations establishing noise emission control standards for categories of new products which he finds to be major sources of noise pollution. These sources include construction equipment, transportation equipment, any motor or engine, turbines and compressors, electrical and electronic equipment and percussion and explosive equipment. The Administrator is required to promulgate additional regulations as he adds new products to the list of major sources of noise pollution. The Administrator is required to establish noise pollution control standards at levels necessary to protect public health and welfare. New products must be designed and manufactured to meet the standards. The entry of non-conforming products into commerce is prohibited.

Section 409. Labeling. This section authorizes the Administrator to establish labeling requirements for any product which he finds to be a major source of noise pollution.

Section 410. Imports. This section authorizes the Secretary of the Treasury, in consultation with the Administrator, to issue regulations to carry out the purposes of the Act with respect to products imported into the United States.

Section 411. Prohibited Acts. This section describes the activities for which enforcement is authorized under the Act.

Section 412. Enforcement. This section authorizes criminal penalties for manufacture, introduction into commerce and import of products in violation of Federal standards, and civil penalties for violations of any prohibited activity by users of products. Criminal sanctions parallel to those of the Clean Air Act of 1970 are included with fines up to $25,000 and imprisonment for one year. Civil penalties are limited to $5,000.

Section 413. Citizen Suits. This section authorizes citizens to sue in the Federal courts for violation established under the Act, and to compel the EPA Administrator to perform non-discretionary duties. This section conforms with the citizen suit provision enacted in the Clean Air Amendments of 1970.

Section 414. Records, Reports and Information. This section authorizes the Administrator to require information, records and other access to information concerning the establishment of, and compliance with, noise pollution control standards. Protection of proprietary information is provided only after a showing satisfactory to the Administrator that the information is entitled to such protection. Noise emission data are not entitled to proprietary protection under any circumstances. Criminal penalties for violations of requirements are included.

Section 415. Grants for Support of Noise Pollution Planning and Programs. This section authorizes the Administrator to make planning and program grants to State and local noise pollution control agencies. Before making program grants, the Administrator is required to determine that the State or local agency program includes authority to regulate noise levels and includes opportunity for citizen participation in the enforcement of noise control laws and ordinances. Authorizations of $22.5 million for three years are provided for this section.

Section 416. Development of Low-Noise-Emission Products. The development of low noise products would be encouraged by requiring such products to be purchased for use by agencies of the Federal Government at an incentive price.

Section 417. Authorization of Appropriations. This section authorizes a total of $26 million for the next three fiscal years to implement provisions of the Act for other than State and municipal grants.

Section 3. Aircraft Noise Standards. This section amends Section 611 of the Federal Aviation Act of 1958 to substitute the Administrator of the Environmental Protection Agency for the Administrator of the Federal Aviation Agency with authority to establish noise emission control standards for aircraft and aircraft engines. The EPA Administrator is authorized to establish such noise emission standards at levels necessary to protect public health and welfare. In applying such standards to existing aircraft or aircraft engines, the Administrator is required to take into account the cost of compliance and the safe operation of aircraft. All future aircraft and aircraft engines must be designed and manufactured to meet the standards established to protect public health and welfare.

Section 4. Civil Aircraft Sonic Boom. This section forbids commercial flights of supersonic aircraft over the United States and its territorial waters or the contiguous zone, but would permit research and development flights of supersonic aircraft.

Enforcement of this ban under Section 413 of this Act is authorized.

By Mr. DOMINICK:

S. 3346. A bill to assure opportunities for employment and training to unemployed and underemployed men and women, to assist States and local communities in providing needed public services, and for other purposes. Referred to the Committee on Labor and Public Welfare.

COMPREHENSIVE MANPOWER AND EMPLOYMENT ACT OF 1972

Mr. DOMINICK. Mr. President, I am introducing today the Comprehensive Manpower and Employment Act of 1972 at the request of the National Governors' Conference. This legislation is the result of several months work by the Committee on Human Resources of the National Governors' Conference and represents a consensus of thought as to manpower reform by that group. In view of this and the current manpower hearings in the Senate I introduce this bill in the hope that it will be carefully considered by the committee prior to a final decision on this issue.

Under the bill, $3.25 billion would be available for fiscal 1973 and $5 billion for the following 2 fiscal years. Consistent with current manpower reform thought, the bill calls for a complete decategorization of manpower programs with a provision for public service employment. State and regional manpower councils would be established, with revenue sharing funds channeled through State and local sponsors. In addition, the bill structures a triggering mechanism for emergency manpower funds utilizing both national and State unemployment rates.

Mr. President, H.R. 13461 is identical to the bill which I am introducing, and earlier this month, the House Select Subcommittee on Manpower conducted hearings on manpower reform with Gov. John A. Love, of Colorado, appearing as a witness. I am attaching an edited version of his statement for a fuller explanation of the bill. Governor Love's testimony is an excellent reference for Congress for the current thinking at the State level on the issue of manpower reform.

Mr. President, I ask unanimous consent that the bill and Governor Love's statement be printed in the RECORD.

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

S. 3346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Manpower and Employment Act of 1972".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that—

(1) It is recognized that the prime responsibility for the economic policies guiding the growth and development of States, with particular emphasis in manpower and employment, rests upon the Governors working in close partnership with the local governments in their States.

(2) Experience has reaffirmed that the administration and delivery of effective manpower and employment programs require a more comprehensive, unified, and flexible approach and that State and local governments are in the best position to assure the active cooperation of employers, employees, and other public and private agencies, individuals and organizations.

(3) The effectiveness of manpower programs would be improved by making resources for such purposes available to State and local governments to use with broad discretion in evaluating the needs of individual participants and allocating resources to meet those needs.

(4) State and local administration of manpower programs will provide greater flexibility and will allow for more effective programs directed to the following needs:

(a) additional education and training to allow unemployed and underemployed men and women to make a greater contribution to the national economy and share more fully in its benefits;

(b) adequate academic and vocational skills to new workers in the national labor force which will allow them to work at the level of their full potential;

(c) assistance to returning veterans in finding employment and appropriate manpower services;

(d) the development of better entry-level opportunities;

(e) assistance to workers to upgrade their skills and advance to more rewarding employment;

(f) the retraining of men and women whose skills have been rendered obsolete by dislocations in the economy;

(g) manpower services to public assistance recipients and the handicapped;

(h) the provision of manpower services in languages other than English, where appropriate by virtue of the presence of population groups which otherwise would not be effectively served.

(5) It is an appropriate part of a comprehensive national manpower policy to create jobs for the unemployed and the underemployed through public and private employers in order to fill unmet needs for public services in such fields as environmental quality, health care, housing and neighborhood improvements, recreation, education, public safety, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, crime prevention and control, prison rehabilitation, and other fields of human betterment and public improvement.

(6) It is recognized that many unmet needs for services to the public in the fields described in subparagraph (5) can be performed by the private sector as well as by units of government; that effective transitional employment opportunities can be created in many cases without substantially adding to payrolls of government.

(7) The rural areas of the Nation have experienced particularly severe manpower problems as the skills of many agricultural workers have been rendered obsolete by technological developments in agriculture. These displaced workers are facing formidable barriers to continued employment due to the different skill levels demanded in the labor markets they turn to and the presently inadequate delivery systems for manpower services in rural areas. With services designed to meet these and other special problems, the Nation's rural areas could share more fully in the benefits of the national economy.

(8) A lack of prompt and adequate information regarding manpower needs and availability contributes to unemployment, underemployment, and the inefficient utilization of the Nation's manpower resources, and the development of electronic data processing and telecommunications systems should create new opportunities for dealing with this difficult problem.

TITLE I—COMPREHENSIVE MANPOWER PROGRAMS

USES OF MANPOWER FUNDS

SEC. 101. State manpower agents and local manpower sponsors shall have broad discretion as to the various uses of funds under this Act for manpower program purposes. Manpower programs shall constitute a developmental process, essentially transitional for each participant, consisting of whatever sequence or combination of manpower services, institutional training, on-the-job training, occupational upgrading, supported employment, and ancillary services which are needed by unemployed and underemployed persons, to prepare for, secure, and hold self-sustaining public and private employment not supported by funds under this Act. The activities authorized under this title, among which funds may be used at the discretion of State manpower agents and local manpower sponsors, are—

(1) services to refer and place persons into employment, outreach, intake, counseling, testing, work experience and work evaluation and work sampling, employability development planning, job coaching, job development (including job redesign and occupational restructuring), orientation, and follow-up services;

(2) institutional training, including basic and remedial education, improvement in communications skills, and occupational skill training: *Provided,* That the State manpower agent or local manpower sponsor must make

a finding prior to enrollment of individuals in training under this subsection that there is an existing or anticipated labor market for the type of job for which training is received;

(3) on-the-job training for both entry and upgraded employees, providing for reimbursement of public and private employers for bona fide training and associated costs, such as where applicable, to compensate for the temporary reduction in employee productivity in the course of such training;

(4) supported employment, pursuant to the provisions of title II of this Act, which shall consist of—

(A) public service employment in Federal, State, and local government which within the period of support, will enable transitional participants to move onto the employer's regular payroll or obtain other suitable public or private employment, not supported by funds under this Act;

(B) transitional employment through job creation in the private sector to perform unmet needs for public services, which within the period of support, will enable participants to move onto the employer's regular payroll or obtain suitable public or private employment, not supported by funds under this Act;

(5) ancillary services, residential support, minor health services (including the furnishing of prosthetic devices), voluntarily received family counseling and planning, child care, bonding, and other special services. All services provided under this paragraph shall be directly related to enhancing the employability of participants and shall not duplicate services available under other Federal or State law or available without charge;

(6) grants to public and private employers and labor organizations who present applications to carry out programs to provide the necessary education and skill training to prepare employees for positions of greater skill, responsibility, and remuneration in the employ of such employers; provided, that applications submitted for such grants contain assurances that—

(A) the positions for which employees will be trained are positions that cannot with reasonable effort be filled by the employer with unemployed or underemployed workers already possessing such skills and willing to accept such employment;

(B) the selection of trainees shall be based upon merit, ability, and length of service, and that no person shall be selected as a trainee until such person has been in the employe of the employer for a period of not less than six months;

(C) the training content of the program is adequate, involves reasonable progression, and will result in the qualification of trainees for suitable employment in a recognized skill or occupation in the service of that employer or of other employers in the same industry;

(D) the training period is reasonable and consistent with periods customarily required for comparable training;

(E) adequate and safe facilities and adequate personnel and records of attendance and progress are provided;

(F) successful completion of the employee's training program can reasonably be expected to result in an offer of employment in the employer's own enterprise in the occupation for which he will be trained at wage rates not less than those prevailing for the same or similar occupations in that industry;

(G) the training and placement of such employees is part of a program that can reasonably be expected to lead directly to the employment of an equivalent number of new employees in entry level employment; and

(H) the trainees are compensated by the employer at such rates, including periodic increases, as may be deemed reasonable, considering such factors as industry practice and trainee proficiency, and that in no event shall the wages or employment benefits of any trainee be less than those received by him immediately before his starting such training program.

(7) retraining and refresher programs of education, training, and supportive services for persons, including professionals, paraprofessionals, and others, who are unemployed or will be unemployed because of the specialized nature of their previous employment, because of technological, economic, or other changes in the economy and who need such programs and services to prepare them for employment for an occupation compatible with their previous education and skills;

(8) the provision of the services or programs described in paragraphs (1), (2), (5), and (7) in languages other than English, were appropriate;

(9) development of broad and diversified training programs by public, nonprofit, and private employers designed to improve the skills and thereby the promotion and employment opportunities of employed workers;

(10) adoption of employment practices by public agencies, nonprofit agencies, labor organizations, and private first that will remove unreasonable barriers to employment and advancement, without reducing productivity, and expand opportunities for upward mobility;

(11) development of an early warning system and standby capability that will assure a timely and adequate response to major economic dislocations arising from changing agricultural and industrial markets, rapid technological change, plant shutdowns, or business failure;

(12) part-time training for employed persons where such training would lead to improved employment opportunities.

(13) skill training centers wherever a consolidation of occupational training and related manpower services would promote efficiency and provide improved services;

(14) systems for the prompt matching of skills and jobs and referral of unemployed or underemployed persons who are qualified and are seeking to work to suitable employment opportunities;

(15) appropriate training and related manpower services for persons under institutional care to assist them in obtaining suitable employment upon return to the community;

(16) appropriate training and related, manpower services for persons who have recently been or will shortly be separated from military services;

(17) incentives to public or private employers including reimbursements for a limited period when an employee newly hired or being upgraded might not be fully productive;

(18) programs to provide part-time employment, on-the-job training, and useful work experience in public and private nonprofit agencies, for students in ninth through twelfth grades (and youths of equivalent ages who are out of school) to assist them in remaining in or returning to school; and with such employment opportunities developed in consultation with educational authorities to enhance, to the extent feasible, the educational growth of such students;

(19) work expenses and financial incentives for recipients of public assistance for whom there is no other training or employment available, to perform socially useful work in public and private agencies or organizations in the fields of health, public safety, education, recreation, streets, parks, and municipal maintenance, housing and neighborhood improvement, conservation and rural development, beautification, and other fields of human betterment and community improvement;

(20) actual relocation expenses, and other needed special services, to assist unemployed individuals and their families to relocate voluntarily from a labor surplus area to another area with expanding employment opportunities where a suitable job has been located. Preference for such assistance shall be provided those who have been provided training before relocation or have been accepted for on-the-job and other types of employer-directed training

(21) programs to provide unemployed or low-income persons with jobs leading to career opportunities including new types of careers, and which give promise of contributing to new methods of structuring jobs and of providing career ladder opportunities and provide opportunities for further career advancement;

(22) programs which involves work activities directed to the needs of chronically unemployed people who have poor employment prospects and are unable to secure appropriate employment and training assistance under other programs;

(23) programs to provide comprehensive employment services and job opportunities for low-income persons, in consultation with the business community in the area to be served;

(24) programs to provide methods to reduce serious unemployment and economics disadvantage problems existing among members of Indian, American Samoan, Hawaiian, and Alaskan native communities;

(25) migrant and seasonal farmworker manpower programs in order to overcome chronic seasonal unemployment and underemployment in the agricultural industry;

(26) programs which will afford the middle-aged and older worker a range of real and reasonable opportunities for employment, eliminate arbitrary discriminatory practices which deny work to qualified persons solely on account of age, increase the availability of jobs by finding new work opportunities, including part-time employment to supplement income and to facilitate the transition to full retirement or the return to full-time work by the middle-aged and older worker, and assist middle-aged and older workers, employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices;

(27) programs to provide job and recreation opportunities in urban and rural areas for young persons during the summer months;

(28) vocational education grants to local manpower sponsors or other public or private organizations to enable them to provide vocational education services as a component of other programs;

(29) job counseling, guidance and placement activity grants to local manpower sponsors or other public or private organizations for

(A) short-term or full-year institutes for training personnel to provide job counseling, guidance, and placement services, with such personnel being trained for the provision of these services in languages other than English, where appropriate;

(B) preparation of circular, informational or other materials, in languages other than English where appropriate, designed to prepare individuals to assist in job counseling, guidance and placement activities or to assist nonprofessional personnel in these fields to provide more effective assistance to persons in need of job counseling, guidance, and placement services;

(30) supportive services to families residing in rural areas provided that such services are necessary to (i) participate in education and training programs authorized under this Act or (ii) obtain employment. Such supportive services may include but are not limited to:

(A) a program of mobile employment service units to provide recruitment, counseling, and referral to education and training programs or employment for persons residing in rural areas;

(B) residential support for those persons referred to education and training programs when such programs are offered beyond a reasonable commuting distance from the person's home;

(C) a program of follow-up services of up to one year, to heads of households who have participated in programs authorized under this Act and who have relocated in order to obtain full-time employment; such services shall be established to assist families in adjusting to a new socio-economic environment and may include, but are not limited to problems of a health, education, housing, or family financial nature.

SEC. 102. A State manpower agent or local manpower sponsor may contract with any public entity or private organization to deliver any of the services authorized under section 101.

SEC. 103. The Secretary of Labor (hereinafter referred to as the "Secretary") shall be responsible for the coordination of the activities of other Federal agencies that may contribute to the accomplishment of the purposes of this Act, for promoting the maximum possible coordination of State and local public agencies and private agencies, and for recommending to the President and to the Congress combinations of programs or shifts in responsibility that facilitate the achievement of the purposes of this Act.

ELIGIBLE INDIVIDUALS

SEC. 104. (a) Assistance provided under this Act shall be addressed toward the problems of unemployed or underemployed persons who cannot reasonably be expected to secure full-time employment without education and training or who otherwise meet the criteria of disadvantagement as set forth by the Department of Labor, the Office of Economic Opportunity, and the Department of Health, Education, and Welfare.

(b) Special emphasis shall be placed in selection and provision of services on Veterans of the Indo-China Conflict since August of 1964, public assistance recipients, and heads of households.

SEC. 105. Sponsors shall have broad discretion as to the allocation of funds among categories of eligible persons designated under section 104.

COMPENSATION AND ALLOWANCES

SEC. 106. (a) A person who is actually employed shall receive the usual wage for such employment notwithstanding the fact that he is receiving training or service under this Act.

(b) A person who is receiving unemployment compensation shall be eligible to receive compensation while he is receiving training and other services under this Act.

(c) A person who is receiving public assistance but is not receiving any other benefits, allowances, expenses or other incentives under any provision of State law shall be eligible to receive an incentive allowance under this Act not to exceed $20 per week: *Provided,* That if he is receiving an incentive allowance under any other provision of Federal law, he shall receive an allowance under this Act only to the extent that his total incentive allowance does not exceed $20 per week while he is receiving training or other services under this Act.

(d) A person who is receiving public assistance and benefits, allowances, expenses, or other incentives under any provision of State law shall not be eligible for any incentive allowance under this Act while he is receiving training or other services under this Act.

(e) A person who is not receiving unemployment compensation or public assistance shall be paid an allowance not to exceed the average payment under the unemployment compensation program while he is receiving training and services under this Act: *Provided,* That where work is being performed, the allowance shall not be less than the higher of the Federal or State minimum wage for hours actually worked.

(f) A participant who is under eighteen years of age, unless such participant is the head of a household, as defined by the Secretary, shall receive a suitable weekly allowance determined in accordance with the rules prescribed by the Secretary, but not to exceed the basic allowance prescribed in subsection (e).

(g) For the purposes of this Act no person shall receive an allowance for any week in which he has not worked a minimum of half the usual work week: *Provided,* That upon medical evidence satisfactory to the sponsor such allowance may be paid for a lesser number of hours for a period not to exceed two weeks.

(h) The State manpower agent or local manpower sponsor shall provide for the determination and payment of weekly allowances to individuals receiving services under this title.

(i) No allowance under subsection (c), (e), or (f) of this section may be paid for any portion of a training period which extends beyond one hundred and four weeks.

(j) A participant who has successfully completed a program of full-time participation, of not less than fifteen weeks' duration, in institutional training or other manpower development activities described in subsection (c) shall receive, upon completion of his period of participation, a completion bonus which shall be equal to twice the allowance to which he is entitled under subsection (c), (e), or (f) for his last week of full-time participation during such period.

COMPREHENSIVE MANPOWER PLANNING

Manpower Planning Areas

SEC. 107. As a condition to the receipt of funds under this Act, the Governor shall designate manpower planning areas which shall incorporate all areas of a State. Each manpower planning area shall be reasonable and appropriate for planning the delivery of manpower services.

SEC. 108. In designating manpower planning areas the Governor shall seek to have them encompass cohesive labor markets. For this purpose the Governor shall consider existing Standard Metropolitan Statistical Areas; existing multijurisdictional alinements and/or multicounty regional planning entities; or other multijurisdictional arrangements which have the capability to plan manpower services. Prior to the designation of such areas, the Governor shall provide opportunity for comments regarding the proposed areas from local chief elected officials.

STATE MANPOWER AGENT

SEC. 109. The Governor shall be the "State manpower agent", and may delegate all or part of the responsibilities of that role to an agency created by State statute or by other appropriate action. The State manpower agent's responsibilities shall include but not be limited to fiscal administration of funds made available under this Act, title IV–C of the Social Security Act, and the Wagner-Peyser Act, and such program monitoring and reporting tasks as are necessary to provide the Governor, the State manpower planning council, local manpower sponsors, and the Secretary with information suitable for the assessment and evaluation of program operations pursuant to the annual multiyear State comprehensive manpower plan prepared pursuant to the provisions of section 115 of this title.

LOCAL MANPOWER SPONSOR

SEC. 110. Within each manpower planning area established pursuant to section 107 of this title, a local manpower sponsor shall be selected by agreement of the chief elected officials of all cities, counties, or other units of local general government within the manpower planning areas, who represent seventy-five per centum of the population within all local units of government in the manpower planning area. In the event no agreement is reached within a reasonable time as the Governor may prescribe, then the Governor shall select the local manpower sponsor: *Provided, however,* That if the unit or units of local general government representing fifty per centum or more of the manpower planning area population refuse to accept the decision of the Governor, then the Governor shall select another local manpower sponsor.

SEC. 111. The local manpower sponsor may delegate all or part of the responsibilities of that role to an agency created by local statute or by other appropriate action. The local manpower sponsors' responsibilities shall include but not be limited to fiscal administration of funds made available under this Act to the manpower planning area, the design and administration of the delivery system for manpower services in the manpower planning area, and such program monitoring and reporting tasks as are necessary to provide the local manpower sponsor, the State manpower planning council and the Secretary with information suitable for the assessment and evaluation of program operations pursuant to the annual multiyear area manpower plan prepared pursuant to the provisions of section 114 of this title.

SEC. 112. In such circumstances as the chief elected officials of all cities, counties, or other units of local general government within a manpower planning area who represent seventy-five per centum of the population within all local units of government in the manpower planning area conclude that they do not wish to assume any or part of the responsibilities of the local manpower sponsor as specified in section 111 of this title, they may delegate all or part of said responsibilities to the state manpower agent: *Provided, however,* That the State manpower agent retains the option at any time to provide for and administer manpower services for public assistance recipients in the manpower planning area from funds made available under this Act to the manpower planning area.

MANPOWER PLANNING COUNCILS

SEC. 113. The Governor and local manpower sponsors established pursuant to section 110 of this title shall, prior to the receipt of any funds under this Act, respectively appoint manpower planning councils at the State and manpower planning area level and designate their chairmen. Such councils shall be advisory to the Governor and local manpower sponsors, respectively, regarding the preparation and development of their respectively annual multiyear comprehensive manpower plans. Membership of the State and area manpower planning councils shall include but not be limited to representatives of agencies with manpower responsibilities, client groups, business, labor, the public, and elected officials.

ANNUAL MULTIYEAR AREA MANPOWER PLANS

SEC. 114. Prior to each Federal fiscal year, within a reasonable time after notice is received from the Governor, local manpower sponsors established under section 110 of this title shall prepare annual multiyear area manpower plans for the areas designated under section 107 of this title. Such plans shall—

(1) provide for the conduct of manpower programs and services funded by the area's allocation under this Act;

(2) provide for services to public assistance recipients in number and in kind of service in accordance with standards developed by the State manpower agent;

(3) establish criteria designed to achieve an equitable distribution among special population groups of funds authorized to provide manpower programs and services, such criteria taking into account, among other relevant factors, the ratios of population, un-

employment, and income levels of these special population groups;

(4) provide for the implementation of those standards established by the State manpower agent for evaluating the effectiveness of programs or services carried out under the area plan, with adequate assurances that such standards will be considered in determining whether to renew, reduce, or supplement assistance to local agencies administering or operating programs or services pursuant to this Act; and

(5) be submitted to the State manpower planning council established under the provisions of section 113 of this title.

ANNUAL MULTIYEAR STATE COMPREHENSIVE MANPOWER PLANS

SEC. 115. (a) a unified annual multiyear State comprehensive manpower plan shall be prepared by the State manpower planning council. Such plan shall—

(1) integrate the annual multiyear plans submitted by local manpower sponsors under the provisions of section 114 of this title;

(2) provide for the conduct of programs funded under this Act, title IV–C of the Social Security Act and the Wagner-Peyser Act: *Provided*, That notwithstanding any other provision of law, any State plan or plan of service or portions thereof which are required to be submitted to any Federal agency pertaining to manpower programs or directly related employability development services aimed at qualifying individuals for employment, shall be reviewed by the State manpower planning council prior to being submitted to a Federal agency for funding;

(3) provide for the development of standards for evaluating the effectiveness of programs and services carried out under the plan in achieving the objectives of this Act, title IV–C of the Social Security Act and the Wagner-Peyser Act, with adequate assurances that such standards will be considered in determining whether to renew, reduce, or supplement assistance to agencies administering programs or services pursuant to this Act; and

(4) establish standards for the delivery of all programs and services under this Act in order to achieve coordinated planning of such programs and services to be provided to public assistance recipients under this Act and other State or Federal legislation.

(b) Following preparation of an annual multiyear State comprehensive manpower plan, the State manpower planning council shall submit it and any other related State plans of service, along with its recommendations, to the Governor for his review and approval. In his review the Governor shall assure himself that the comprehensive plan and related plans of service are complementary and that the allocation of resources provided within the manpower program and program components of the comprehensive plan or related plans of service best meet the State and area needs.

(c) Prior to approving the annual multiyear State comprehensive manpower plan and related plans of service, the Governor shall provide a reasonable time for review and comment on the comprehensive plan or related plans of service by all local manpower sponsors. In the event that a local manpower sponsor finds the annual multiyear State comprehensive manpower plan, or any portion thereof, unacceptable, the local manpower sponsor may appeal to the Governor, and failing resolution of any differences, may appeal to the regional intergovernmental advisory committee established under section 118 of this title. The regional intergovernmental advisory committee shall provide its findings within a reasonable time to the Governor and local manpower sponsor. If the Governor or the local manpower sponsor fail to accept these findings within a reasonable time as prescribed by the regional intergovernmental advisory committee, then the national intergovernmental advisory council established under section 119 of this title shall make the final determination and appropriate adjustments, if required, shall be made in the annual multiyear State comprehensive manpower plan.

REVIEW OF STATE COMPREHENSIVE MANPOWER PLANS

SEC. 116. Upon approval by the Governor, the annual multiyear State comprehensive manpower plan shall be forwarded within a reasonable period of time as prescribed by the Secretary for the information of and review by the Secretary. If the Secretary establishes that the annual multiyear State comprehensive manpower plan fails to meet the general purposes of this Act, he shall request the regional intergovernmental advisory committee established under section 118 of this title to review the annual multiyear State comprehensive manpower plan and present their findings. If the regional intergovernmental advisory committee does not find that the annual multiyear State comprehensive manpower plan fails to meet the general purposes of this Act, then the Secretary shall fund the plan. In the event the regional intergovernmental advisory committee finds that the annual multiyear State comprehensive manpower plan does fail to meet the general purposes of this Act, then the Secretary shall consider these findings and may refuse to fund the plan. The Governor may then appeal the Secretary's action in the appropriate court of jurisdiction.

SEC. 117. (a) If a Governor, following an opportunity for hearing after reasonable notice, determines that the delivery of services under a funded annual multiyear area manpower plan in his State is carried out contrary to the approved annual multiyear State comprehensive manpower plan developed in accordance with the procedures provided in this title, he may notify the local manpower sponsor that if corrective action is not taken within sixty days from the date of such notification, he may refer the matter to the attorney general of the State with a recommendation that appropriate civil action be instituted to reduce, terminate, or reallocate funds allocated to the local manpower sponsor pursuant to this Act for use in accordance with the approved annual multiyear State comprehensive manpower plan.

(b) If the Secretary, following an opportunity for hearing after reasonable notice, determines that the delivery of services under a funded annual multiyear State comprehensive manpower plan is contrary to the general purposes of this Act, he may notify the recipient unit of government that if corrective action is not taken within sixty days from the date of such notification, he will refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted to reduce, terminate, or reallocate funds allocated to the State manpower agent or local manpower sponsor pursuant to this Act.

(c) In cases in which a court determines that a State or local manpower sponsor has violated the intent and purposes of this Act, the court may direct that in the case of a local manpower sponsor, the State manpower agent shall operate the local manpower sponsors' program for the balance of the fiscal year in which the court made its finding, and the succeeding fiscal year; and, in the case of a State, the Secretary shall perform its functions for the balance of that fiscal year and the succeeding fiscal year. The Court may take such other action as it deems appropriate.

REGIONAL INTERGOVERNMENTAL ADVISORY COMMITTEE ON MANPOWER

SEC. 118. The Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, and the Director of the Office of Economic Opportunity, shall establish ten regional intergovernmental advisory committees on manpower to examine such appeals as may be brought to their attention as prescribed by section 115 (c) of this title and to advise him with regard to matters involving intergovernmental relationships within each respective region in the development and conduct of programs under this Act, including, but not limited to, the assignment and coordination of manpower responsibilities among Federal, State, and local governmental units and apportionment of funds. Members of the committees shall be the Governors of the States within the designated regions, and other elected officials of local general governments within each respective region selected by the Secretary. In selecting the elected officials of local general governments for each regional committee, the Secretary shall assure an equitable balance in the political affiliation of such local general government elected officials. Members of the committee shall designate a chairman of the committee, and shall receive no compensation and shall not be Federal employees for any purpose. They shall be allowed travel expenses and per diem in lieu of subsistence as authorized by section 5703, title 5, of the United States Code for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed basis.

NATIONAL INTERGOVERNMENTAL ADVISORY COUNCIL ON MANPOWER

SEC. 119. The Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, and the Director of the Office of Economic Opportunity, shall establish a national intergovernmental advisory council on manpower to make such determinations as may be necessary under the procedures prescribed by section 115(c) of this title and to advise him with regard to matters involving intergovernmental relationships in the development and conduct of programs under this Act, including, but not limited to the assignment of manpower responsibilities among Federal, State, and local governmental units, apportionment of funds, and State and area compliance with provisions of this Act. Members of the council shall be selected by the Secretary from among Governors, Mayors, and other elected State or local public officials, including at least six Governors, six Mayors, and twelve elected State or local public officials. In selecting members of the council, the Secretary shall assure an equitable balance in the political affiliation of its members. Members of the council shall designate a chairman of the council, and shall receive no compensation and shall not be Federal employees for any purpose. They shall be allowed travel expenses and per diem in lieu of subsistence as authorized by section 5703, title 5, of the United States Code for persons in the Goverrnment service employed intermittently and receiving compensation on a per diem, when actually employed basis. Prior to prescribing any rules, regulations, guidelines, and other published interpretations or orders under this Act, the Secretary shall confer with members of the national intergovernmental advisory council to secure their advice in the development of such rules, regulations, guidelines, or other published interpretations or orders.

TITLE II—PUBLIC SERVICE EMPLOYMENT

AUTHORIZATION OF PROGRAM

SEC. 201. (a) State manpower agents or local manpower sponsors designated pursuant to the provisions of title I of this Act may carry out a program under which Federal, State, and local governments will provide useful public service employment to unemployed and underemployed persons. Financial assistance under this title may be provided by the Secretary only pursuant to an annual multiyear State comprehensive manpower plan approved pursuant to the provisions of title I.

(b) State manpower agents and local manpower sponsors designated pursuant to the provisions of title I of this Act may carry out a program under which the agent or sponsor may contract with any private organization to fill unmet needs for services to the public in fields defined in section 203. The contract shall require that the private organization employ individuals pursuant to the provisions of this title.

(c) Programs assisted under this title shall, to the extent feasible, be designed with a view toward—

(1) developing new careers, or

(2) providing opportunities for career advancement, or

(3) providing opportunities for continued training, including on-the-job training, or

(4) providing transitional public service employment which will enable the individuals so employed to move into public or private employment or training not supported by this Act.

(d) The State comprehensive manpower plan submitted pursuant to title I may include a public service employment program provided the plan sets forth—

(1) assurances that the activities and services for which assistance is sought under this title will be administered by or under the supervision of the manpower sponsor designated under title I of this Act;

(2) a description of the area to be served by such programs and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated big demand, or (C) provide participants with self-development skills but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

(5) assurance that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(6) a descrition of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(7) a description off unmet public service needs and a statement of priorities among such needs;

(8) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(9) the wages or salaries to be paid persons employed in public service jobs under this title and a comparison with the wages paid for similar public occupations by the same employer;

(10) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(11) the planning for and training of supervisory personnel in working with participants;

(12) a description of career opportunities and job advancement potentialities for participants;

(13) assurances that agencies and institutions to whom financial assistance will be made available under this title will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(14) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this title who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

(15) assurances that all persons employed under any such program, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed and underemployed persons;

(16) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged;

(17) assurances that not more than one-third of the participants in the program will be employed in a bona fide professional capacity (as such term is used in section 13(a) of the Fair Labor Standards Act of 1938), except that this paragraph shall not be applicable in the case of participants employed as classroom teachers, and the Secretary may waive this limitation in exceptional circumstances; and

(18) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

SPECIAL PROVISIONS

SEC. 202. (a) Financial assistance for any program or activity under this title shall not be provided unless it is determined, in accordance with such regulations as the Secretary shall prescribe, that—

(1) the program (A) will result in an increase in employment opportunities over those which would otherwise be available, (B) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), (C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed, and (D) will not substitute public service jobs for existing federally assisted jobs;

(2) persons employed in public service jobs under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(3) funds under this Act will not be used to pay persons employed in public service jobs under this Act at a rate in excess of $12,000 per year;

(4) all persons employed in public service jobs under this Act will be assured of workmen's compensation, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(5) the provisions of section 2(a)(3) of Public Law 89-286 (relating to health and safety conditions) shall apply to such program or activity;

(6) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(7) no funds for programs authorized under this title will be used for the acquisition of, or for the rental or leasing of supplies, equipment, materials, or real property; and

(8) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) Consistent with the provisions of this Act, financial assistance under this Act shall be made available in such a manner that, to the extent practicable, public service employment opportunities will be available on an equitable basis in accordance with the purposes of this Act among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed persons in each segment.

(c) Where a labor organization represents employees who are engaged in similar work in the same area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary shall not provide financial assistance for any program authorized under this title unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative, and where progress can be compared appropriately, comparative effectiveness of the programs authorized under this Act and other federally supported manpower programs. Such data shall include information on—

(1) characteristics of participants, including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per participant, including breakdown between wages, training, and supportive services, all fringe benefits, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

DEFINITIONS

SEC. 203. (a) As used in this title, the term—

(1) "public service" include, but is not limited to, work in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(2) "health care" includes, but is not limited to, preventive and clinical medical treatment, voluntary family planning services, nutrition services, and appropirate pyschiatric, psychological, and prosthetic services.

TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

INFORMATION, RESEARCH, AND DEVELOPMENT

SEC. 301. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of manpower research utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques and knowledge as will aid in the solution of the Nation's manpower problems. This program will include, but not be limited to, studies the findings of which may contribute to the formulation of manpower policy; development or improvement of manpower programs; increased knowledge about labor market processes; reduction of unemployment and its relationships to price stability; promotion of more effective manpower development, training and utilization; improved national, regional, and local means of measuring future labor demand and supply; enhancement of job opportunities; up-grading of skills; meeting of manpower shortages; easing of the transition from school to work, from one job to another, and from work to retirement; and improvement of opportunities for employment and advancement through the reduction of discrimination and disadvantage arising from poverty, ignorance, or prejudice.

(b) Prior to undertaking any studies under this section, the Secretary shall provide adequate time for any State manpower agent and/or local manpower sponsor to review and comment on the proposed studies wherein the problems peculiar to a particular State manpower agent and/or local manpower sponsor are to be researched.

(c) The Secretary may, through grants to or contracts with State manpower agents and/or local manpower sponsors provided for the purpose of experimental, demonstration, and pilot projects with public or private nonprofit organizations, or through contracts with other private organizations, establish programs for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment and training, and related labor market problems. The Secretary shall, prior to entering into contracts with other public, private nonprofit, or private organizations, provide all concerned State manpower agents and/or local manpower sponsors adequate time for review and comment on any project or program proposals. The findings and results of such projects or programs shall be transmitted to all State manpower agents and local manpower sponsors.

(d) In carrying out the provisions of subsection (c), the Secretary shall, where appropriate, consult with the Secretaries of Health, Education, and Welfare, Commerce, Agriculture, Housing and Urban Development, and the Chairman of the Civil Service Commission, and such other agencies as may be appropriate. Where programs under this paragraph require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

LABOR MARKET INFORMATION

SEC. 302. (a) The Secretary of Labor shall develop a comprehensive system of labor market information collection on a National, State, local, or other appropriate basis, including but not limited to information regarding—

(1) current and project employment trends by industry and by occupations;

(2) job opportunities and skill requirements by various labor markets;

(3) supply of labor available in various labor markets;

(4) business development and location trends, in cooperation with the Secretary of Commerce;

(5) the number and characteristics of all persons requiring manpower services, including identification by age, sex, and racial or other pertinent minority group;

(6) a periodic index of underemployment;

(7) a periodic index of the incidence of poverty adjusted for differences in costs of living between various geographical areas.

(b) Information collected under subsection (a) shall be developed and disseminated in a usable form and on a timely basis to meet the needs of decentralized comprehensive manpower planning at the State and local level and the need of public and private users. In addition the Secretary shall collect and disseminate information on recruitment, counseling, education, training, placement, job development, evaluation, and other appropriate activities under this Act and under the Economic Opportunity Act, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

NATIONAL COMPUTERIZED JOB BANK PROGRAM

SEC. 303. The Secretary shall develop and establish a computerized job bank program for the purpose of—

(1) identifying sources of available manpower supply and job vacancies;

(2) providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities on a National, State, local, or other appropriate basis;

(3) referring and placing such persons in jobs; and

(4) distributing and assuring the prompt and ready availability of information concerning manpower needs and resources to employers, employees, public and private job placement agencies, and other interested individuals and agencies as provided by the Secretary's regulations.

Maximum effective use shall be made of electronic data processing and telecommunications systems in the development and administration of the program. The program established under this title shall be coordinated with the comprehensive manpower program established under title I of this Act.

CONDUCT OF THE PROGRAM

SEC. 304. For the purpose of carrying out the program established in section 303 of this title, the Secretary is authorized to make grants to State manpower agents to establish or contract for the planning and administration of the program, including the purchase or other acquisition of necessary equipment. The Secretary may conduct the program on a regional or interstate basis through grants, contracts, or other arrangements. He may also conduct the program when he finds that a State program will not adequately serve the purposes of this title. The Secretary may require that any information concerning manpower resources or job vacancies utilized in the operation of job-bank programs financed under this title be furnished to him at his request. He may, in addition, require the integration of any information concerning job vacancies or applicants into a job-bank system assisted under this title.

MANPOWER UTILIZATION

SEC. 305. The Secretary shall establish a demonstration program for the improvement of manpower utilization in sectors of the economy experiencing persistent manpower shortages, or in other situations requiring maximum utilization of existing manpower. The Secretary shall conduct this program through State manpower planning councils.

SEC. 306. The Secretary shall, upon receipt of the findings and recommendations for the implementation of a model early warning system for the National Institute for Manpower Policy as prescribed by clause 4 of section 504 of title V, initiate an experimental and demonstration project to test the practicality of the model provided.

EVALUATION

SEC. 307. (a) The Secretary, in cooperation with Governors, State manpower agents, and local manpower sponsors, shall provide for a system of continuing evaluation of all programs and activities conducted pursuant to this Act, including their cost in relation to their effectiveness in achieving stated goals, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons of various ages, and the adequacy of their mechanism for the delivery of services. He shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs.

(b) As a part of his activities under subsection (a), the Secretary shall measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act. The data so developed shall include information on—

(1) enrollee characteristics, including age, sex, race, health, education level, and previout wage and employment experience;

(2) duration in training and employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per trainee, including breakdown between salary or stipend, training and supportive services, and administrative costs.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 308. In carrying out his responsibilities under this Act, the Secretary, in consultation with the Secretary of Health, Education, and Welfare where appropriate, shall provide directly or through grants, contracts, or other arrangements, training for specialized or other personnel and technical assistance which is needed in connection with the programs established under this Act or which otherwise petrains to the purposes of this Act. Upon request of a Governor, State manpower agent, or local manpower sponsor, the Secretary may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no such special assignments shall be for a period of more than two years.

EMPLOYMENT IMPACT OF FEDERAL ASSISTANCE PROGRAMS

SEC. 309. The Secretary is hereby authorized to undertake studies of the contribution of Federal grants-in-aid and other Federal assistance programs to the overall employment level. Such studies may include but are not limited to collection and analysis of information on the number of positions wholly or partially supported by Federal assistance programs, their occupational structure, wage, and salary levels, projections for future growth, requirements and qualifications for entry into such positions, promotional and career development opportunities, the educational, vocational, and other relevant characteristics of those who occupy such positions, and the effects of such employment on employment generally. The heads of all Federal departments and agencies administering grants-in-aid or other Federal assistance programs are hereby directed to cooperate fully with the Secretary in the conduct of such studies. They shall transmit to the Secretary annually estimates of the employment increases or decreases expected to result from the planned expansion or reduction of such programs, and as conditions warrant, on call from the Secretary, contingency plans and estimates relating to the increase in employment which would be created if such programs are expanded under conditions of persistent high unemployment and underemployment.

JOB CORPS

SEC. 310. (a) All functions of the Director under part A of title I of the Economic Opportunity Act of 1964 are hereby transferred to the Secretary of Labor and part A of title I shall, without regard to the expiration date specified in section 171, become a part of section 301 of this title. Any reference to part A of title I of the Economic Opportunity Act or any provisions thereof in any other law of the United States shall be deemed to be a reference to title III of this Act or the corresponding provision thereof.

(b) Effective with respect to the fiscal years ending after June 30, 1972, title I of the Economic Opportunity Act is amended by striking out part A of title I and by redesignating the remaining parts of title I accordingly.

(c) Effective with respect to fiscal years beginning after June 30, 1972, section 810(a) of the Economic Opportunity Act of 1964 is amended by striking out the word "and" at the end of paragraph (a) thereof, and by inserting in lieu of the period at the end of paragraph (3) a semicolon and the word "and", and by adding the following new paragraph:

"(4) with the approval of the Secretary of Labor, in Job Corps centers operated under title III of the Manpower and Employment Act of 1972."

(d) Grants and contracts entered into pursuant to the provisions of title I of the Economic Opportunity Act of 1964, and the Manpower Development and Training Act of 1962 prior to the effective date set forth in subsections (a) and (b) of this section shall not be affected by the provisions of this section.

TITLE IV—MISCELLANEOUS

AUTHORIZED APPROPRIATIONS

SEC. 401. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $3,250,000,000 for the fiscal year ending June 30, 1973, $5,000,000,000 for the fiscal year ending June 30, 1974, and $5,000,000,000 for the fiscal year ending June 30, 1975.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

ADDITIONAL FUNDS AUTHORIZED

SEC. 402. (a) For any fiscal year including the last of any three consecutive months in which the national rate of unemployment (seasonally adjusted)—

(1) equals or exceeds 4.5 per centum there is authorized to be appropriated for programs authorized under titles I and II an amount equal to 10 per centum of the amount authorized for such fiscal year under section 401;

(2) equals or exceeds 5 per centum there is authorized to be appropriated for such programs an amount equal to 15 per centum of the amount authorized for such fiscal year under section 401;

(3) equals or exceeds 5½ per centum there is authorized to be appropriated for such programs an amount equal to 15 per centum of the amount authorized for such fiscal year under section 401; or

(4) equals or exceeds 6 per centum there is hereby authorized to be appropriated for such programs an amount equal to 25 per centum of the amount authorized for such fiscal year under section 401.

(b) For any fiscal year including the last of any three consecutive months in which the unemployment rate in one or more States exceeds 6 per centum (seasonally adjusted) but the national rate of unemployment does not exceed 4.5 per centum (seasonally adjusted), there is authorized to be appropriated for distribution among such State or States an amount equal to 25 per centum of the amount apportioned to such State or States under this Act for that fiscal year only.

(c) If more than one paragraph under subsection (a) is applicable in any one fiscal year, the cumulative additional authorization for that fiscal year shall not exceed the largest authorization specified in any one of such applicable paragraphs.

ALLOCATION OF FUNDS

SEC. 403. (a) The amounts appropriated to carry out this Act in sections 401 and 402 (except for amounts otherwise reserved in accordance with this Act or expressly limited in an appropriation Act to a specific purpose under this Act) shall be allocated among the titles of this Act as follows: for the fiscal year ending June 30, 1973, 95 per centum for title I and 5 per centum for title III; for the fiscal years ending June 30, 1974, and June 30, 1975, 95 per centum for titles I and II and 5 per centum for title III.

(b) The amount available for title I for the fiscal year ending June 30, 1973, and for titles I and II for the fiscal years ending June 30, 1974, and June 30, 1975, shall be allocated in such a manner that of such amounts—

(1) not less than 90 per centum shall be apportioned among the States in an equitable manner, taking into consideration (a) the number of unemployed and the severity of that unemployment in a State relative to the number of unemployed and severity of unemployment in the Nation; (b) the estimated number of underemployed in a State relative to the total number of underemployed in the Nation; (c) the population of the State relative to the total population of the Nation; and (d) the number of persons of any age in poverty in a State relative to the number of persons of any age in poverty in the Nation;

(2) the remainder shall be made available to the Secretary to carry out the purpose of title I for the fiscal year ending June 30, 1973, and of titles I and II for the fiscal years ending June 30, 1974, and June 30, 1975, except that where the apportionment under clause (1) for any State or the Commonwealth of Puerto Rico for a fiscal year is less than $1,500,000 (or $150,000 for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands) the Secretary shall use the sums available under this paragraph to increase the amount so apportioned to such States to $1,500,000 or $150,000, as the case may be.

(c) The amount apportioned to each State under clause (1) of subsection (b) shall be apportioned among the manpower planning areas within each such State in such a manner that of such amounts—

(1) not less than 90 per centum shall be apportioned among the areas in the same manner as provided in clause (1) of subsection (b);

(2) not more than 5 per centum shall be at the discretion of the Governor for the purpose of providing incentives for the development of comprehensive areawide and statewide manpower planning. In no case however, may the Governor increase the apportionment to a manpower planning area by more than 10 per centum of the sum allocated under clause (1) of subsection (c).

(d) The amount apportioned to each manpower planning area within a State under clause (1) of subsection (c) shall be apportioned in such a manner that of such amounts—

(1) not less than 90 per centum shall be for the operation of manpower programs and services by the local sponsor;

(2) not more than 5 per centum shall be reserved at the discretion of the local sponsor for the purpose of providing incentives for the development of local program linkages.

(e) For the purposes of title II, the apportionment of funds to planning areas in the manner as provided in clause (1) of subsection (a) shall represent the total funds to be expended in that district by the local sponsor and by the Governor or his agent. When the total to be expended in each planning area has been determined, the ratio of State to local government full-time equivalent employment in that area will be computed and the funds will be disbursed to the local sponsor and to the Governor or his agent according to that ratio.

(f) To the extent necessary to enable the Secretary to make funds available to carry out any grant or contract entered into prior to the effective date of this Act under the Manpower Development and Training Act of 1962 amended, or title I of the Economic Opportunity Act of 1964, as amended, the Secretary may transfer funds from amounts allocated for newly authorized programs under this Act.

ADVANCE FUNDING

SEC. 404. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to permit planning on a long-range basis and thereby to encourage the most effective use of funds appropriated under this Act, the Secretary shall, as a minimum, obligate funds to the States a year in advance.

(c) In order to affect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

CONDITIONS APPLICABLE TO ALL PROGRAMS

SEC. 405. The Secretary shall not provide financial assistance for any program under this Act unless—

(1) the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, or political affiliation.

(2) such program does not involve partisan political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(3) he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(4) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

(5) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained;

(6) appropriate workmen's compensation protection will be provided to all participants;

(7) the program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(8) persons shall not be referred for training in an occupation which requires less than two weeks of preemployment training unless there are immediate employment opportunities available in that occupation;

(9) funds will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this Act and not to supplant such other funds;

(10) the applicant will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this Act;

(11) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(12) the program has adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of inservice training and technical assistance programs, and other polices as may be necessary to promote the effective use of funds.

SPECIAL LIMITATIONS

SEC. 406. (a) No authority conferred by this Act shall be used to enter into arrangements for, or otherwise establish, any training programs in the lower wage industries in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, or to assist in relocating establishments from one area to another. Such limitations on relocation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(b) Any amounts received under chapters 11, 13, 31, 34, 35 of title 38, United States Code, by any veteran of any war, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this Act, shall not be considered for purposes of determining the needs or qualifications of participants in programs under this Act.

(c) Acceptance of family planning service provided to trainees shall be voluntary on the part of the individual to whom such services are offered and shall not be prerequisite to eligibility for or receipt of any benefit under the program.

(d) No contract shall be let to any individual, institution, or organization to evaluate any program under this Act if that individual or any member of such institution or organization is associated with the program as a consultant, technical adviser, or in any other capacity.

(e) Any contract under section 101(4) (B) between a sponsor and private organization shall be based on a finding by the sponsor that the jobs to be performed fill a public need and are for the public benefit. Any such contract shall be subject to competitive bidding procedures and standards for allowable percentage of overhead and profit as prescribed by the State manpower council.

(f) Payments to an employer undertaking a training program under section 10(6) of title I of this Act shall be in an amount equal to—

(1) ninety per centum of the instruction expense, other ordinary and necessary training costs, and trainee wage payments for the time spent in training less the value of productive services rendered by such trainee, plus

(2) a bonus payment to reward the efforts of employers whose programs under this title have resulted in substantial upgrading and high retention, to be computed as follows:

(A) at the end of the first twelve months following the completion of a program authorized under this title, 20 per centum of the sum arrived at by multiplying the number of employees upgraded under such program by the average increase in annual earnings of these upgraded employees still employed by the employer; and

(B) at the end of the second twelve months following the completion of a program authorized under this title, 10 per centum of the sum arrived at by multiplying the number of employees upgraded under such program by the average increase in annual earnings of these upgraded employees still employed by the employer.

LABOR STANDARDS

SEC. 407. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar costruction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), or at such other rates as may be allowed for trainees. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

ACCEPTANCE OF GIFTS

SEC. 408. The Secretary is authorized in carrying out his functions and responsibilities Department, and employ or dispose of in under this Act, to accept in the name of the furtherance of the purposes of this Act, or any title thereof, an unconditional gift of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise; and to accept voluntary and uncompensated services, not withstanding the provisions of section 3679(b) of the Revised Statutes of the United States.

UTILIZATION OF SERVICES AND FACILITIES

SEC. 409. I addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, to accept and utilize the services and facilities of the agencies of such State or subdivision with or without reimbursement.

INTERSTATE AGREEMENTS

SEC. 410. In the event that compliance with provisions of this Act requires cooperation or agreements between States, the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

ADVISORY COMMITTEES

SEC. 411. If members of an advisory committee or council authorized under this Act who are not officers or employees of the Federal Government are reimbursed, they shall not receive an amount greater than the maximum daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day on which they are engaged in the actual performance of their duties (including travel-time) as a member of the committee. All members shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

REPEAL OF MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

SEC. 412. Effective with respect to fiscal years after June 30, 1972, the Manpower Development and Training Act of 1962 is repealed. Unexpended appropriations for carrying out such Act may be made available to carry out this Act, as directed by the President.

REPEAL OF EMERGENCY EMPLOYMENT ACT OF 1971

SEC. 413. Effective with respect to fiscal years after June 30, 1973, the Emergency Employment Act of 1971 is repealed. Unexpended appropriations for carrying out such Act may be made available to carry out this Act, as directed by the President.

HATCH ACT

SEC. 414. Persons engaged in programs assisted under this Act shall be considered for purposes of section 1501(4) of title 5, United States Code, to be the individuals whose principal employment is in connection with an activity financed by grants made by the United States.

CRIMINAL PROVISIONS

SEC. 415. (a) Chapter 31 of title 18, United States Code, is amended by adding a new section 665 to read as follows:

"THEFT OR EMBEZZLEMENT FROM MANPOWER FUNDS; IMPROPER INDUCEMENT

"SEC. 665. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under the Employment and Manpower Act, embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to this Act shall be fined not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Manpower and Employment Act induces any person to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000, or imprisoned not more than one year, or both."

TITLE V—NATIONAL INSTITUTE FOR MANPOWER POLICY

FINDINGS AND DECLARATION OF PURPOSE

SEC. 501. The Congress hereby finds and declares that the responsibility for the development, administration, and coordination of programs of education, training, and manpower development generally is so diffused and fragmented at all levels of government that it has been impossible to develop rational priorities in these fields, with the result that even good programs have proved to be far less effective than could reasonably be expected and billions of dollars in both tax funds and private funds have been applied far less effectively than the national interest requires. The Congress further finds that education and manpower development programs are nowhere more fragmented than in the Federal Government, with the result that we have not developed a coherent national manpower policy as the basis for Federal action in these fields, and that the continued lack of a coherent, flexible, national manpower policy dangerously reduces our prospects for solving economic and social problems which threaten fundamental national interests and objectives. Accordingly, the purpose of this title is to establish an Institute for Manpower Policy which will have the responsibility for examining these issues, for suggesting ways and means of dealing with them, and for developing a national manpower policy.

ESTABLISHMENT OF NATIONAL INSTITUTE FOR MANPOWER POLICY

SEC. 502. (a) There is hereby established in the Executive Office of the President a National Institute for Manpower Policy. The Institute shall be governed by a Board compose of twenty-five members selected as follows:

(1) ten members, as follows, serving ex officio: the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Defense, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Administrator of the Veterans' Administration, the Director of the Office of Economic Opportunity, the Chairman of the Council of Economic Advisers, the Chairman of the Federal Reserve Board, and the Director of the Office of Management and Budget;

(2) two Members of the House of Representatives designated by the Speaker of the House;

(3) two Members of the Senate designated by the President of the Senate; and

(4) eleven members broadly representative of labor, industry and commerce, education, manpower training, counseling and placement programs, and of the general public appointed by the President with the advice and consent of the Senate. At least three of the eleven shall be Governors or local manpower sponsors or their designees, which shall be selected in such a manner as shall assure an equitable balance in the political affiliation of such officials.

(b) The Board shall not meet fewer than three times a year and during its first meeting it shall elect a Chairman who shall be one of the eleven public members appointed by the President.

(c) (1) The two Members of the House of Representatives and the two Members of the Senate shall serve on the Board for a length of time determined by, and at the pleasure of, the Speaker of the House and the President of the Senate, respectively.

(2) The terms of the eleven public members shall be for four years, except that, of the original members, three shall be appointed for one-year terms, three for two-year terms, three for three-year terms, and the remaining two for a term of four years.

(d) Vacancies on the Board will be filled in the same manner as the original appointment, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

APPOINTMENT OF DIRECTOR

SEC. 503. (a) The Chairman (with the concurrence of the Board) shall appoint a Director, who shall be the chief executive officer of the Institute and shall perform such duties as are prescribed by the Chairman.

(b) Section 5315 of title 5, United States Code, relating to positions in level IV of the Executive Schedule, is amended by adding the following paragraph at the end thereof:

"(95) Director, National Institute for Manpower Policy, Executive Office of the President."

FUNCTIONS OF THE INSTITUTE

SEC. 504. The Board, through the Institute, shall—

(1) conduct, such studies, hearings, research, or other activities as it deems necessary to enable it to formulate recommendations for a coherent national manpower policy;

(2) examine and evaluate the effectiveness of any federally assisted education training, or manpower development programs (including those assisted under this Act), with particular reference to the contribution of such programs to the achievement of objectives sought by the national manpower policy recommended under clause (1) of this subsection;

(3) examine and evaluate major Federal programs which are intended to (or potentially could) contribute to achieving major objectives of existing manpower and related legislation or those set forth in the recommendations of the Board for a national manpower policy, and particularly the program of the Departments of Labor and of Health, Education, and Welfare which are designed (or could be designed) to develop information and knowledge about manpower problems through research and demonstration projects or to train personnel in fields (such as occupational counseling, guidance, and placement) which are vital to the success of education and manpower programs;

(4) develop a model early warning system which will function on a National, State, and local basis and thus allow manpower planners at all levels of government the opportunity for timely and adequate responses to economic dislocations; and present, within a year of its establishment, its findings and recommendations for the implementation of such a system to the Secretary; and

(5) make such other evaluations, investigations, or inquiries as it considers appropriate for carrying out the purposes of this title and for helping to make effective the programs authorized by this Act.

ANNUAL REPORT

SEC. 505. The Board shall annually issue a report to the President and the Congress of its proceedings, findings, and recommendations which shall be made upon such date in the initial and each succeeding year as the Board shall determine (but not later than March 1 in any year following the initial year), and may if the Board so determines, be included as a separate part of the Manpower Report of the President.

APPOINTMENT OF PERSONNEL; COMPENSATION

SEC. 506. (a) The Director, with the approval of the Chairman of the Board, may appoint and compensate without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule rates, such technical and professional personnel as he deems necessary to carry out the functions of the Institute.

(b) Members of the Board who are not regular full-time employees of the United States shall, while serving on the business of the Board, be entitled to receive compensation at the per diem equivalent for GS–18 for each day so engaged, including traveltime and, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

GENERAL PROVISIONS

SEC. 507. (a) In carrying out the functions of the Institute, the Director is authorized to carry out programs directly, or through grants to or contracts with any public or private agency, organization, or institution, and payments under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on accounts of overpayments or underpayments.

(b) The Director is authorized to accept gifts to the Institute and to apply them to carry out his functions under this title, and is similarly authorized to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATE

SEC. 508. (a) There is hereby authorized to be appropriated for the year ending June 30, 1972, and for each succeeding fiscal year, such sums as may be necessary to carry out the purposes of this title.

(b) The provisions of this title shall become effective upon the enactment thereof.

STATEMENT OF GOV. JOHN A. LOVE, OF COLORADO ON BEHALF OF THE COMMITTEE ON HUMAN RESOURCES OF THE NATIONAL GOVERNORS' CONFERENCE ON MANPOWER REFORM LEGISLATION

At the outset I would like to stress that the views I will be expressing are clearly and distinctly those of Governors. As such, my remarks reflect the views of those concerned with a broad perspective of state government as opposed to a narrow one. These views were arrived at through a process which involved their initial drafting by a coalition of Governors' manpower planners and policy advisors, their review by the Committee on Human Resources of the National Governors' Conference, their endorsement by the Committee in a report to all of the Governors, and their acceptance—through favorable reception of the Committee's report—by the National Governors'

Conference in plenary session here in Washington last week.

I realize that the very existence of a "Governors" bill and my presence here today on behalf of the National Governors' Conference will surprise a number of people. There has been a growing belief, I understand, that, with a few individual exceptions, Governors just have not been sufficiently involved with the issues of manpower reform.

While there continues to be a range of degrees of interest and involvement in manpower reform among Governors, I can today report a sizeable shift among our number toward the "high interest" end of the spectrum. While we have always been aware of our responsibility to provide leadership in the forging of economic policies to bring about the growth and development of our States, we are now more conscious of the key role manpower policies do play in achieving—or frustrating—economic growth. We have a keen interest in welfare reform, a subject on which we have as a group been quite vocal before Congress. We are now aware, however, of the close linkages between welfare reform and manpower reform. We are becoming increasingly aware of the opportunity we would have to take a giant step in the direction of comprehensive human resources planning through the experience we would gain through comprehensive manpower planning. The National Governors' Conference has recently entered into an arrangement with the Department of Labor whereby we will obtain the same technical assistance and policy advisory capability which has allowed local government officials to assume an active role in manpower policy discussions. I feel I can safely predict, therefore, that the degree of interest and activity of Governors in this vital area of public policy will be greatly increased.

In a message to Congress early last month, the President reminded us that the enactment of new manpower legislation ranked high among our national priorities. As he reviewed the arguments in support of the Administration's own legislative proposal for manpower reform, the President stressed that what truly mattered was the preservation of the basic concepts or principles embodied in the Manpower Revenue Sharing Act. He identified these as the decategorization of manpower programs so as to allow for flexible and responsive planning, a decentralization of authority which would allow State and local governments to manage major manpower activities, and a consolidation of legislative and funding authority for manpower activities. As long as these were preserved, the President added, he understood that reasonable men could suggest additional legislative proposals which differed in detail from his.

As I move to a discussion of H.R. 13461, Mr. Chairman, I shall not undertake a detailed description of the Bill in my prepared statement. Rather, I will attempt to single out those features of the Bill which we believe offer our unique contributions and responses to the current debate on manpower policy.

The Bill before you calls for a consolidation of legislation and funding authority for manpower activities.

Our bill adheres to the objective of complete decategorization of manpower programs with one single minor exception: the operation of the Job Corps program, which remains in the hands of the Secretary of Labor. Otherwise, the Bill seeks to provide State and local manpower planners with an extremely comprehensive listing of optional manpower program components which would include an occupational upgrading program as well as a public service employment program.

An additional comment on the public service employment program we propose. We view it as a *permanent* program with *transitional employment slots* modeled on the current PEP program. It would not only allow transitional employment in the public and private, non-profit sector, but would permit government sponsors the *option* of contracting with private organizations providing public services for the purpose of creating jobs, temporarily placing PSE participants in such jobs, and then having those PSE participants absorbed in the regular payroll of the private organization.

As for "target groups" for manpower programs and services, the proposed Bill addresses its programs and services to the unemployed or underemployed generally, and provides that Vietnam veterans, public assistance recipients and heads of households shall be given "special emphasis" in receiving the benefits of the Bill. I might add that we, too, recognize that special concern should be present for particular categories of citizens who have training or employment problems peculiar to their circumstances. We do not feel, however, that the proper response to these concerns is to establish separate, national programs for these groups which would be conducted by the Secretary of Labor. This course of action would only serve to continue the myth that Governors and local government officials are unresponsive to the special problems of some of their citizens. We must be given—rather than denied—the opportunity to design programs for, and then deliver services to these groups. Our Bill provides for advisory councils for Governors and chief elected officials of local governments composed of representatives of a broad cross-section of all concerned parties, and these councils would have a responsibility to prepare plans for the review and approval of their respective chief elected official. This would provide a ready avenue for the expression of these concerns. We have added a number of special items to our comprehensive listing of authorized manpower activities which would allow responses to special needs; for example, an option to deliver manpower services—or train staff to deliver such services—in languages other than English.

Our Bill very definitely provides for a decentralization of authority which would allow State and local governments to plan for and administer manpower activities. We have, however, retained that provision of the Esch-Steiger Bill whereby the Secretary of Labor has the authority to constantly monitor programs and, if it becomes necessary, step in and operate them directly where a State or a Local Manpower Sponsor failed to comply with the Act.

The main objective which guided the drafting of H.R. 13461 was to attempt to define a mechanism for State and local planning and delivery systems which would:

(1) Take account of all levels of government in a state, reserving to each its appropriate powers and responsibilities, and allow each to support the others in providing needed services to citizens;

(2) Enable a truly comprehensive planning and delivery of services by tightening rather than ignoring the ties between manpower activities, employability services provided in the Wagner-Peyser Act, the WIN program provided under Title IV–C of the Social Security Act, and the manpower program aspects present in all of the current proposals for welfare reform.

These objectives led to our suggestions to locate statewide planning, fiscal responsibility, and accountability in the Governor as "State Manpower Agent", provide for the planning and delivery of services according to the wishes of local elected officials who could themselves designate their Local Manpower Sponsor, and—by not allocating presumptive program or service delivery roles to specified agencies or organizations—allow for the operation of programs or the provision of services by such diverse groups as unions, community action agencies, tribal units or (through contracts) private companies.

We also gave a great deal of thought to our view that Governors should designate manpower planning areas within their states following consultations on the proposed areas with local chief elected officials. Certainly you are aware of the trend to multi-county district planning and delivery of services within states which has been fostered both by legislation in other policy areas and by Federal administrative requirements. Given this trend, we find it difficult to understand why a different approach should be advocated for manpower activities.

It was our view that the legislative proposals previously presented to the Subcommittee did not address themselves to the need to forge strong linkages among the various human resource activities I previously cited. You will note that our Bill calls for a state comprehensive manpower plan which provides for the *conduct* not only of programs or activities funded under manpower legislation, but also for those funded under Title IV-C of the Social Security Act and the Wagner-Peyser Act. In addition, we propose that any state plan or plan of service which pertains to manpower programs or directly related employability development services must be reviewed by the State Manpower Planning Council before it is submitted to a federal agency for funding.

It would be our expectation that the provision of such a comprehensive state planning process would allow us as Governors to be in a better position to channel those services provided by state agencies into manpower planning areas within our states in such a way that they would be more responsive to locally perceived needs.

Looking ahead to the future, we have provided for relationships between incentive systems under manpower and welfare legislation, and have inserted provisions which would assure the delivery of manpower services to public assistance recipients on a statewide basis in accordance with uniform standards.

In addition to the features I have already described, our Bill provides for:

No requirement for state or area matching of Federal manpower monies either in cash or in kind;

The establishment of a requirement for the preparation of statewide comprehensive manpower plans and area plans on a multiyear basis;

Regional and national advisory commissions, whose membership is composed of state and local chief elected officials, which also settle differences which might arise between manpower planning jurisdictions;

An increase by 25% of the allocations for any state or states in which the unemployment rate exceeds 6% even while the national rate of unemployment does not exceed 4.5%;

Apportionment to the states of not less than 90% of Federal manpower monies following a set-aside of 5% of the total appropriation for the Secretary of Labor's conduct of the Department of Labor and specially assigned federal responsibilities;

A pass through of not less than 90% of a state's allocation of Federal manpower monies to Local Manpower Sponsors;

Set-asides of not more than 5% of their respective allocations for Governors and Local Manpower Sponsors to use on a discretionary basis for the purposes of providing incentives for the development of comprehensive statewide or area-wide manpower planning or for the development of more effective linkages in service delivery systems;

A National Institute for Manpower Policy such as that envisioned in Title V of the Esch-Steiger Bill.

In summary, what we propose is a "debureaucratization" of the manpower planning process that will allow Governors, Mayors and county officials to work cooperatively in a common system. It is the conviction of most Governors, I believe, that the various units of government within a state can and do work cooperatively to a greater extent than Congress realizes. We will continue to do so and strengthen our intergovernmental processes so long as Federal legislation does not create arbitrary jurisdictional lines or impose an authority outside of the political framework and process within which elected officials work every day of their lives.

By Mr. WILLIAMS:

S. 3347. A bill relating to the authority of the Securities and Exchange Commission to limit membership on national securities exchanges. Referred to the Committee on Banking, Housing and Urban Affairs.

INSTITUTIONAL ACCESS TO NATIONAL SECURITIES EXCHANGES

Mr. WILLIAMS. Mr. President, I am today introducing legislation which for the present time would confirm the right of National Securities Exchanges to admit institutional affiliates to membership.

Last June, the Subcommittee on Securities, of which I am chairman, commenced a study of the securities industry and securities—markets pursuant to Senate Resolution 109. That study is to be completed by the end of this year.

Shortly after the subcommittee commenced its work, the Securities and Exchange Commission announced that it intended to conduct its own hearings into the structure of the securities markets and industry, with particular reference to the question of institutional access to stock exchange markets. At that time, I felt this issue was of such great importance and had such far reaching implications as to the ultimate structure of our Nation's securities markets that it should ultimately be decided by the Congress. However, I deferred detailed consideration of the subject matter by my subcommittee in order to avoid duplicating the SEC's hearings. I also hoped that the SEC might come up with a resolution of the problem that would produce an equitable adjustment of conflicting interests and would merit congressional endorsement.

Early last month, the SEC released its "Statement of Policy" on market structure. In my opinion, the SEC failed in its statement to deal effectively with the underlying cause of most of the distortion and fragmentation of our securities markets—the fixed minimum commission rate and its supporting restrictions. Instead, the SEC turned its fire on the institutions which had sought to reduce the excessive commission costs levied on their beneficiaries by obtaining memberships on securities exchanges.

Two weeks later, the SEC wrote to all exchanges, urging them to submit proposed rule changes designed to prohibit institutional membership. This was not a formal request pursuant to the SEC's statutory authority under section 19(b) of the Securities Exchange Act of 1934, but an informal suggestion that all exchanges adopt identical rules on the subject of institutional membership. On February 18, 1972, in a letter to the Chairman of the SEC, I expressed my concern that no "public interest or need has been shown which would justify this drastic action at this time," and announced my intention to introduce legislation on the subject. Mr. President, I now ask unanimous consent for the full text of my February 18, 1972, letter to the Honorable William J. Casey, Chairman, Securities and Exchange Commission, be included in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore (Mr. Stevenson). Without objection, it is so ordered.

(See exhibit 1.)

Mr. WILLIAMS. Mr. President, the SEC has offered no persuasive analysis in support of its request. It asserts that institutions should not be allowed to join stock exchanges for the "private purpose" of obtaining rebates. But this simply begs the question. Institutions join stock exchanges to save commissions. The question is what policy reasons are there for prohibiting such action. The Commission has not answered this question. In fact, until very recently, the Commission took the opposite position. It told institutions that they were under a fiduciary obligation to explore the possibility of obtaining an exchange membership for the purpose of reducing commission costs to their beneficiaries.

As long as commission charges remain fixed, institutions will have an artificial incentive to join stock exchanges. The incentive is not really to become members or to assume the obligation of members or to serve the public as members. The incentive to join is simply to reduce costs by avoiding fixed, monopoly prices. That may be a "private purpose" in one sense. But the beneficiaries of mutual funds, pension funds, and other institutions are "public" investors, many of whom are far less sophisticated and affluent than those members of the general public who invest through brokerage firms.

For these reasons, I am introducing today a bill which would suspend the authority of the SEC to force national securities exchanges to impose restrictions on member firms which are institutional affiliates. The suspension would remain in effect until 1 year after fixed commission rates had been eliminated on all stock exchange orders in excess of $100,000.

There are two reasons for trying this suspension to the resolution of the commission rate question.

First, the managers of many leading institutions have stated that they have no interest in engaging in a general brokerage business and that they would probably not consider joining an exchange except for the purpose of avoiding the high commission costs imposed on them by fixed rates. In addition, there is general agreement that on transactions below $100,000 the potential savings available through exchange membership is much less significant. And I, for one, am hopeful that within the next 2 years fixed commission rates will have been eliminated on all transactions in excess of $100,000.

With the benefit of a full year's experience with competitive rates on such transactions, we should be in a far better position to determine whether there is an "institutional membership problem" or whether it is simply a symptom of the "fixed commission rate problem."

Second, the suspension will give time for the Congress to deal with the entire range of questions arising from the concept of "membership" on national securities exchanges. While the subcommittee's study will be completed this year, it is quite possible that a definitive legislative resolution of this complex of issues by both the House and Senate will have to wait until the next Congress. I do not believe that millions of beneficiaries of pension funds, mutual funds, and other institutions should be subjected to increased costs by action of a Government agency while these complex determinations are being made.

I firmly believe that the bill I am introducing today, together with the bill on commission rates—S. 3169—which I introduced on February 14, 1972, offers an orderly and constructive approach to the resolution of problems which have vexed our Nation's securities industry. With the enactment of this legislation, investor confidence will be fully restored and we will have moved a long way toward fulfilling our goal of a true central marketplace.

Mr. President, I ask unanimous consent that the full text of the legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s (b)) is amended by adding at the end thereof the following: "Until one year after the date on which all national securities exchanges have ceased to maintain or enforce any rule fixing minimum commission rates with respect to any portion of a transaction in excess of $100,000, the Commission shall have no authority, under this subsection or otherwise, to alter or supplement the rules of any such exchange to impose limitations on (i) the types of businesses in which a member of such exchange, or any affiliate of such a member, may engage, or (ii) the ability of a member of such exchange to do business as a broker or dealer with or for any affiliate of such member. For purposes of this subsection, an 'affiliate' of a member is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by or is under common control with, such member."

Exhibit 1

U.S. Senate,
Washington, D.C., February 18, 1972.

Hon. William J. Casey,
Chairman, Securities and Exchange Commission, Washington, D.C.

Dear Mr. Chairman: I have read with some concern your letter of February 15, to the several national securities exchanges, calling for prompt action to terminate the exchange membership of institutional affiliates formed for the purpose of reducing commission costs on transactions in listed stocks.

Reviewing the Commission's recent statement of policy on market structure, I do not believe a public interest or need has been shown which would justify this drastic action at this time. Furthermore, a change of this magnitude in the economics of exchange operations, particularly in the absence of the elimination of fixed commission charges on institutional size orders, should not be made without full Congressional consideration.

Accordingly, I will shortly introduce a bill confirming the right of national securities exchanges to admit institutional affiliates to membership. The hearings on this bill will afford an opportunity to those who oppose and those who support institutional membership to make their respective arguments. In the meantime, I would hope that no final action will be taken which would prejudice Congressional consideration of this important question.

Sincerely,

HARRISON A. WILLIAMS, JR.,

By Mr. COOPER (for himself, Mr. BAKER, Mr. BROCK, and Mr. COOK):

S. 3349. A bill to authorize the establishment of the Big South Fork National River and Recreation Area in the States of Kentucky and Tennessee, and for other purposes. Referred to the Committee on Public Works.

BIG SOUTH FORK NATIONAL RIVER AND RECREATION AREA

Mr. COOPER. Mr. President, I am introducing for myself, the senior Senator from Tennessee (Mr. BAKER), and the junior Senators from Tennessee (Mr. BROCK) and Kentucky (Mr. COOK), a bill to establish the Big South Fork National River and Recreational Area in Kentucky and Tennessee.

Within the Big South Fork River Basin lie some of the most scenic wild areas remaining in the eastern half of our country. The Big South Fork of the Cumberland River flows free for 77 miles, creating a magnificent gorge through much of its course and offering a great diversity of recreational and scenic opportunities to visitors.

The basin—in southeastern Kentucky and northeastern Tennessee—is within 250 miles of major cities in eight other States. It thus offers an area of unspoiled beauty within a reasonable distance of population centers. Our proposal would make the riches of the area more easily available to visitors, while preserving the natural and historical features of the region.

The bill authorizes the Secretary of the Army, through the Corps of Engineers, to acquire land within the designated region, up to a total of 125,000 acres. It prohibits any project, such as dams, powerlines, or reservoirs, which would have an adverse effect on the scenic or other values of the area. It proscribes extraction of minerals or petroleum from within the gorge, itself, and places stringent requirements on mining and petroleum recovery outside the gorge. Commercial removal of timber is prohibited within the whole recreation area, and strict limits are set on roads and structures allowed within the gorge.

The bill provides for construction or reconstruction of facilities—trails, campgrounds, and two lodges, one in Kentucky and one in Tennessee—and for restoration of Blue Heron, Ky., an old coal mine and mining village, and of Rugby, Tenn.

The Secretary is to study transportation facilities in the region and make recommendations to relevant governmental bodies—State and Federal—on ways to improve public access to the river and recreation area.

The estimated cost of the entire project is $30 million.

Mr. President, not only would this bill make an area of great natural beauty more accessible to a large segment of our population, it would also provide economic benefits to people in an area where per capita income is low and unemployment high. The expected increase in tourists to the area should mean increased employment. Food and lodging facilities outside the recreation area, as well as concessions within the area, such as rental of horses and recreational equipment, would provide opportunities for local residents.

I have, for many years, been concerned about the economic condition of this area. In 1962 and four times since then, I have worked for congressional approval of a dam on the Big South Fork at Devil's Jump. Such a facility would have provided power and benefits to the area. Each time the question came before Congress, however, opposition from various sources combined to prevent passage. Finally, in 1968, I moved to break the impasse with a proposal to authorize an interagency study, by the Bureau of Outdoor Recreation, the Forest Service, and the Corps of Engineers, which had studied the area extensively for the earlier dam proposals—of alternative ways to take advantage of the area's natural value. The resulting report, submitted to the Congress and printed as a document of the Senate Committee on Public Works, proposed six alternatives.

I have discussed the various possibilities since that time on many occasions, and as recently as last month in Whitley City with local officials and residents of the area. Before my recent trip to Kentucky, I also discussed this matter with Dr. Tim Lee Carter, Congressman from the fifth district, who is introducing a similar bill in the House of Representatives. I believe Congressman JOE EVINS may be sponsoring it, also. Senator BAKER—who is very familiar with the area's problems and potential—and I believe that this proposal offers the hope for making the best use of the region's natural quality, while at the same time permitting orderly development of this recreational resource for the benefit of the people of the area.

Mr. BAKER. Mr. President, I would like to extend to the senior Senator from Kentucky my deep appreciation for his patient and tireless dedication to the development of the Big South Fork River area. The counties in the States of Kentucky and Tennessee in which the Big South Fork National River and Recreation Area will be located are among the poorest in the Nation. There is a wealth of scenery in their mountains and rivers, but for generations this wealth has contributed little to the reduction of their poverty and suffering. This proposal, which I am pleased to cosponsor, will preserve and protect the natural beauty of one of the most outstanding river gorges in the United States and will provide the impetus for economic growth in these impoverished communities.

The Big South Fork lies in southeastern Kentucky and northeastern Tennessee in the rugged terrain of central Appalachia. Its gorge, and tributaries constitute an outstanding recreation resource. The river area is truly wild and scenic in character. It flows through a narrow, almost uninhabited valley lined by stately multicolored sandstone cliffs, shrouded with forests. Surprisingly here in the eastern half of the United States, the setting retains an unusual feeling of naturalness and, in some places, the quality of wilderness. There are numerous interesting geologic formations throughout the area, including small caves, natural bridges and arches, waterfalls, scenic side canyons, and palisades. Complementing these features are a wide variety of flora and fauna, and a diverse range of calm and turbulent waters. A significant characteristic of the area's appeal is associated with its ever-changing mood.

Visitors already come from far and near to enjoy the majestic beauty of this region. National canoe races have been held on the Big South Fork. Millions of our citizens now and in the future should be privileged to enjoy these natural river gorges and to share these outstanding beauties of nature.

In 1968, as a result of controversy which had arisen over the desirability of constructing a hydroelectric dam on this river, Senator COOPER of Kentucky sponsored a provision in the Flood Control Act to require a study of alternative recreation and development concepts for the Big South Fork. An interdepartmental study was prepared and submitted to the President and to Congress. This report was printed by the Public Works Committee of the Senate. The interagency report contained six possible alternatives, including among them a national recreation area. Of all the concepts included in the report, this one offered the most flexibility to deal with the unique recreational, scenic, and historic values of the gorge area and promised the most valuable contribution to the local economy.

Mr. President, the bill we are presenting to you would assure the preservation of the scenic river gorges and the wilderness character of portions of the upland region of the Big South Fork, as well as permit appropriate development of the area. Recreation developments in the national recreation area would be in keeping with the concept of preserving the natural values which make the Big South Fork a resource unparalleled in the Eastern United States.

At this stage in the planning, the proposal defines the national river and recreation area concept. Definitive boundaries have not yet been delineated but our proposal would include more than 105 miles of the Big South Fork and its tributaries. The total acreage within the boundary would be restricted to a maximum of 125,000 acres. Within 1 year from enactment of this proposal, the Corps of Engineers would establish detailed boundaries for the area and prepare a management and development plan showing how this beautiful area can best be protected for the use and enjoyment of present and future generations.

In order to minimize siltation and acid mine drainage, and to enhance the environment and conserve and develop natural resources, this proposal includes a comprehensive plan for the New River watershed, an important tributary of the Big South Fork. The plan would be prepared by the corps in cooperation with the Secretary of Agriculture, the Secretary of the Interior, other concerned Federal agencies, and the State of Tennessee and its political subdivisions.

Mr. President, we urge early consideration of this bill to preserve, yet make available to the people of this Nation, the impressive gorges and selected upland areas of the Big South Fork. The area, when made more available to the public, will not only be a model for conservation of the region but will do much to aid in the economic development of the area through the stimulation of tourism.

Mr. BROCK. Mr. President, today, I join with Senators BAKER, COOPER, and COOK in sponsoring legislation to preserve the Big South Fork of the Cumberland River as a National Recreation Area.

This proposal represents the combined efforts of many groups and individuals in Kentucky, Tennessee and throughout the Nation who seek to provide protection for our dwindling wild heritage.

I am particularly pleased with the proposals which have been advocated for this scenic area. Ever since 1962, the Army Corps of Engineers sought to gain congressional authorization to build a $200 million 483-foot high hydroelectric dam on the Big South Fork at Devils Jump pass in Kentucky. The resulting impoundment would have created an enormous lake quieting the rapids, covering the huge boulders and magnificent precipices for 29 miles upstream.

This project was approved five times in the Senate and defeated five times in the House Public Works Committee. For years a battle of economic powers successfully held off full congressional approval of the dam and reservoir.

In 1968, through the efforts of the distinguished senior Senator from Kentucky who has always championed this area, the Army Corps, the Department of the Interior, and the Department of Agriculture undertook a joint study report of the alternative uses for the river. Without recommending any of the six proposals, these agencies did an excellent job of laying before the public the wide range of uses to which the area could be put. I feel such studies should be included in reports on any major public works project.

The six alternatives listed as feasible and appropriate were the establishment of a national park, national recreation area, a national scenic river, and a national forest, constructions of the Devils Jump structure, and leaving the area untouched.

The legislation, being introduced today, would establish a modified version of the interagency study's recommendation for a national recreation area. This designation was chosen for the wide degree of flexibility available under the original act in establishing specific criteria for the proposed Federal reserve. Such flexibility was either not possible or feasible under the other prospective designations.

The bill also names the Army Corps of Engineers to develop and administer this recreation area. I am satisfied with this and feel the corps will have a unique opportunity to make the Big South Fork of the Cumberland a model park for the enjoyment of all Americans.

The United States is now the most completed dammed country on earth. Only a few rivers, such as the Big South Fork, have been able to withstand the intrusions of man and his desire to force his inventiveness on nature's handiwork. I am pleased that the once-certain reservoir at Devils Jump Pass has now been transformed to a national recreation area. I believe it a wise decision and close with a quote from the noted conservationist, Michael Frome.

> Harnessing natural features and "improving" rivers represents man's splendid ingenuity, beyond a doubt. The greater ingenuity is to show that man can survive while leaving some few features of the earth to their own devices. This is the true test of our mechanical, intellectual, and moral skills.

By Mr. BROCK:

S. 3351. A bill to establish a council on International Economic Policy, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

INTERNATIONAL ECONOMIC POLICY ACT OF 1971

Mr. BROCK. Mr. President, there is no vital area that has been so greatly neglected by Congress as foreign economic policy.

From the end of World War II until very recently, American predominance in the world markets was so overwhelming that no need was felt for a coordinated foreign economic policy position. Instead, American decisionmaking authority in the foreign economic area was scattered among some 60 agencies and departments of Government. The chief concern of the State Department, in the tradition of the Marshall plan and foreign aid, was to encourage concessions to our trading partners in the interest of promoting friendly relations and a flourishing world economy dominated by the United States.

In the past decades, we have experienced numerous foreign economic crises. Since the early 1950's the current international monetary problems have pointed to the need for reform of the system. But it was not until the middle of 1971 that the rapid and drastic deterioration of the American balance of payments, trade and reserve assets galvanized the administration into action. The President suspended the convertibility of the dollar into gold, placed a 10-percent surcharge on imports, and initiated talks with our major trading partners, aimed at the realinement of exchange rates and the lowering of interest barriers to American imports. It was Treasury Secretary John Connally who negotiated these matters.

Although I feel that Secretary Connally and the administration did a heroic job in handling the trade and international monetary revaluation, this crisis illustrates the need for a more efficient governmental machinery for handling and coordinating our foreign economic affairs.

A first step in this direction was taken in January of 1971 when the President created the Council on International Economic Policy within the Executive Office of the President. The purpose of the Council is to provide a clear, top-level focus on international economic issues, to achieve consistency between international and domestic policy, and to maintain close coordination of international economic policy with basic foreign policy objectives.

By creating this Council, the President recognized that the formulation and administration of foreign economic policy is plainly a complex task. It invariably affects other aspects of our foreign relations. National security is often involved, and domestic economic policy always is. As a consequence virtually every Government department participates in developing and administering some facet of our foreign economic policy. All of these strands eventually converge at the Executive Office of the President, posing a formidable problem of coordination and leadership. Until the creation of the Council on International Economic Policy, there was no mechanism that could assume this vital responsibility.

Last August, I called to the attention of the body the need to establish and improve international economic policy structure in the Federal Government and introduced on behalf of myself and the Senator from Minnesota (Mr. HUMPHREY), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Alaska (Mr. STEVENS), S. 2394, the International Economic Policy Act of 1971. Our legislation recognized the importance of the Council on International Economic Policy by placing it on a statutory basis.

I feel that it is essential that the work of the Council be continued and am today introducing a modified version of that earlier legislation, for review in connection with the present consideration of the Banking Committee of the Export Administration Act. The new bill reflects improvements suggested by various governmental and business parties.

I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "International Economic Policy Act of 1971".

STATEMENT OF PURPOSES

SEC. 2. It is the purpose of this Act to provide for closer Federal interagency coordination in the development of a more rational and orderly international economic policy for the United States.

TITLE I—COUNCIL ON INTERNATIONAL ECONOMIC POLICY

FINDINGS AND PURPOSE

SEC. 101. The Congress finds that there are many activities undertaken by various departments, agencies, and instrumentalities of the Federal Government which, in the aggregate, constitute the domestic and international economic policy of the United States. The Congress further finds that the objectives of the United States with respect to a sound and purposeful international economic policy can be better accomplished through the closer coordination of (A) domestic and foreign economic activity, and (B) in particular, that economic behavior which, taken together, constitutes United States international economic policy. It is therefore the purpose of this title to establish a Council on International Economic Policy which will provide for (A) a clear top level focus for the full range of international economic issues; deal with international economic policies including trade, investment, balance of payments, and finance as a coherent whole; (B) consistency between domestic and foreign economic policy; and (C) close coordination with basic foreign policy objectives. It is the further purpose of Congress to provide the Council with the opportunity to (A) investigate problems with respect to the coordination, implementation, and long-range development of international economic policy and (B) make appropriate findings and recommendations for the purpose of assisting in the development of a rational and orderly international economic policy for the United States.

CREATION OF COUNCIL ON INTERNATIONAL ECONOMIC POLICY

SEC. 102. There is created in the Executive Office of the President a Council on International Economic Policy (hereinafter referred to in this title as the "Council").

MEMBERSHIP

SEC. 103. The Council shall be composed of the following members and such additional members as the President may designate:

(1) The President.
(2) The Secretary of State.
(3) The Secretary of the Treasury.
(4) The Secretary of Defense.
(5) The Secretary of Agriculture.
(6) The Secretary of Commerce.
(7) The Secretary of Labor.
(8) The Director of the Office of Management and Budget.
(9) The Chairman of the Council of Economic Advisers.
(10) The Special Representative for Trade Negotiations.

The President shall be the Chairman of the Council and shall preside over the meetings of the Council; in his absence he may designate a member of the council to preside in his place.

DUTIES OF THE COUNCIL

SEC. 104. Subject to the direction of the President, and in addition to performing such other functions as he may direct, it shall be the duty of the Council to—

(1) assist and advise the President in the preparation of the International Economic Report;

(2) review the activities and the policies of the U.S. Government which indirectly or directly relate to international economics and, for the purpose of making recommendations to the President in connection therewith, consider with some degree of specificity the substance and scope of the international economic policy of the United States, which consideration shall include examination of the economic activities of (A) the various agencies, departments, and instrumentalities of the Federal Government, (B) the several States, and (C) private industry;

(3) collect, analyze, and evaluate authoritative information, current and prospective, concerning international economic matters;

(4) consider policies and programs for coordinating the activities of all the departments and agencies of the United States with one another for the purpose of accomplishing a more consistent international economic policy, and make recommendations to the President in connection therewith.

(5) continuously assess the progress and effectiveness of Federal efforts to carry out a consistent international economic policy; and

(6) make recommendations to the President for domestic and foreign programs which will promote a more consistent international economic policy on the part of the United States and private industry. Recommendations under this paragraph shall include, but shall not be limited to, policy proposals relating to monetary mechanisms, foreign investment, trade, the balance of payments, foreign aid, taxes, international tourism and aviation, and international treaties and agreements relating to all such matters. In addition to other appropriate objectives, such policy proposals should be developed with a view toward—

(A) strengthening the United States competitive position in world trade;

(B) achieving equilibrium in international payment accounts of the United States;

(C) increasing exports of goods and services;

(D) protecting and improving the earnings of foreign investments;

(E) achieving freedom of movement of people, goods, capital, information, and technology on a reciprocal and worldwide basis; and

(F) increasing the real employment and income of workers and consumers on the basis of international economic activity.

REPORT

SEC. 105. (a) The President shall transmit to Congress within 60 days after the beginning of each regular session (commencing with the year 1973) a report on the international economic position of the United States. (Hereinafter called the "International Economic Report") which shall include—

(1) information and statistics describing characteristics of international economic activity and identifying significant current and foreseeable trends and developments;

(2) a review of the international economic program of the Federal Government and a review of domestic and foreign economic conditions and other significant matters affecting the balance of international payments of the United States and of their effect on the international trade, investment, financial, and monetary position of the United States; and

(3) a program for carrying out the policy declared in Section 101, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the International Economic Report, each of which may include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the purposes and policy objectives set forth in section 101.

EXECUTIVE DIRECTOR AND STAFF OF THE COUNCIL

SEC. 106. (a) The staff of the Council shall be headed by an Executive Director who shall be appointed by the President. It shall be the duty of the Executive Director to—

(1) direct the activities of the Council staff,

(2) develop the agenda and supporting materials for Council meetings and review all matters before the Council,

(3) establish a work program, including topics and the selection of individuals to carry out particular assignments.

(b)(1) With the approval of the Council, the Executive Director may appoint and fix the compensation of such staff as he deems necessary, provided, however, that he may fix the compensation of one officer at a rate of basic compensation not to exceed the rate now or hereafter provided for level IV of the Federal Executive Salary Schedule; and fix the compensation of two officers at rates of basic compensation not to exceed the rate now or hereafter provided for level V of the Federal Executive Salary Schedule;

(2) The staff of the Council shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(c) With the approval of the Council, the Executive Director may procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate now or hereafter provided for GS-18.

(d) Upon request of the Executive Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Council to assist it in carrying out its duties under this title.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 107. There is authorized to be appropriated each fiscal year such sums as may be necessary to carry out the purposes of this title.

By Mr. WILLIAMS (for himself, Mr. CASE, Mr. MATHIAS, Mr. GRAVEL, Mr. CRANSTON, Mr. MOSS, Mr. HUGHES, Mr. COOPER, Mr. MUSKIE, Mr. HARTKE, Mr. PELL, Mr. HARRIS, Mr. TUNNEY, Mr. HART, and Mr. JAVITS):

S.J. Res. 216. A joint resolution establishing a Commission on United States Participation in the United Nations. Referred to the Committee on Foreign Relations.

Mr. WILLIAMS. Mr. President, on behalf of myself, Senators CASE, MATHIAS, GRAVEL, CRANSTON, MOSS, HUGHES, COOPER, MUSKIE, HARTKE, PELL, HARRIS, TUNNEY, HART, and JAVITS, I introduce a joint resolution creating the Commission on United States Participation in the United Nations.

We introduce this measure because we feel that now, more than ever before in the 26 years since the founding of the United Nations, it is imperative that we be fully aware of the developments taking place and of the still unrealized potential of this organization to which the peoples of the world look for a better future. Only then can we accurately and fairly assess the job being done by the United Nations and our own implementation of the commitments we assumed under the Charter of the U.N., which we were the first to ratify following an overwhelming 89 to 2 approval by this body.

On July 9, 1970, in observance of the 25th anniversary of the United Nations, President Nixon established the President's Commission for the Observance of the 25th Anniversary of the United Nations. He called upon the Honorable Henry Cabot Lodge and a group of distinguished Americans to hold hearings across the country and to report to him on their findings. The Congress was well and ably represented on the Commission by Senators AIKEN, COOPER, FULBRIGHT, and SPARKMAN and by Representatives GALLAGHER, LLOYD, and MORGAN, as well as our former colleague, the Honorable Bourke B. Hickenlooper.

Their report, which has become known as the Lodge Commission report, was submitted on April 28, 1971. It dealt with a broad spectrum of issues of vital importance to this country and to the United Nations and its member states. It made a total of 96 specific recommendations under the broad headings of "Peace, Security, and Strengthening International Law," "Economic, Social, and Environmental Issues," and "Organizational and Structural Reforms; U.S. and UN."

The Commission held hearings in many parts of the country to which many organizations and individuals presented testimony at great effort and no little cost. A working group of the Commission, under the very able leadership of Dean Francis O. Wilcox of the School of Advanced International Studies of the Johns Hopkins University, spent long hours assessing the testimony and formulating recommendations. Dr. Gerard J. Mangone, Executive Director, and Miss Anne P. Simons, Director of Research, contributed their unique qualifications to heading up a small staff which worked long hours in their State Department headquarters.

My point, Mr. President, is that the expectations engendered by the hearings of the Lodge Commission and the 96 recommendations which it made must not be permitted to die for lack of continuing attention and concern. We all know too well that the reports of commissions, no matter how well they work and how worthwhile their findings, are too often forgotten in the press of other concerns. This must not be allowed to happen to the impressive and constructive recommendations of this Commission on the United Nations. The world is too small, its problems too interrelated, and the hope for world order and justice under law too precious to neglect any avenue that may add to the growing effectiveness of the United Nations—the one organization that most embodies the hopes of the family of man.

Mr. President, during future consideration of the joint resolution which I am introducing for myself and my colleagues, I urge that the words of the remarkable report "To Save Succeeding Generations," submitted by Representative DANTE B. FASCELL and J. IRVING WHALLEY to the 91st Congress, second session, following their service as delegates to the 24th U.N. General Assembly, be kept firmly in mind:

> As of now, the United Nations is neither the conscience of mankind, nor its spokesman. Rather, it serves as a mirror of the complex, disjointed, at times unpleasant reality which exists outside of it.
>
> The fault, here, lies not with the institution but with those who made it what it is: the sovereign nations of this world, each governed by its own ambitions and fears, each jealous of the prerogatives of its independence.
>
> The United Nations is uniquely their creature. It is neither more nor less than they have been willing to make of it.
>
> The United States is one of the UN's members, partly responsible for this state of affairs. For although we have played a major role in founding this organization, and its subsequent experience, our policies have encouraged little real growth in the United Nations.
>
> We have extolled the virtues of international cooperation and paid our assessments while withholding from the United Nations the full measure of political support which the organization needed in order to become an effective instrument of peace and progress in the world community.
>
> We have supported the organization's right to express opinions on world problems but have not insisted that such declarations reflect a sense of responsibility, and have been guided by them only when it suited our purpose.
>
> We have lectured the United Nations about fiscal responsibility while imposing on it burdens it was too young to bear and failing to establish, within our own government, a workable system of priorities to govern our participation in the international community.
>
> * * * * *
>
> We have done things which, in the perspective of the past 25 years, do not seem either very foresighted or consistent with the importance which we have publicly assigned to this organization.

Mr. President, if this Nation and its leaders are truly and forthrightly to participate in the improvement and modernization of the United Nations and to help it realize its untapped potential for peace and the lessening of tensions and the establishment of a worldwide rule of law and justice and freedom, we should be doing all we can to dramatize and to expand the American role in the organization and in its specialized agencies and in the International Court of Justice. We have a vast stake in the UN. It is in our highest national interest to firmly establish through the United Nations effective machinery which will guarantee justice and enforcement of contract in international obligations, justice in the peaceful settlement of disputes, justice in the enforcement of human rights, justice in the distribution and usage of the world's dwindling resources, and enduring peace through the impartial enforcement of disarmament agreements and the employment of disarmament agreements and the employment of United Nations peacekeeping forces against any violator.

The sponsors of this joint resolution believe that it will serve a very useful purpose to have an independent, permanent congressional-citizens commission to focus attention on the UN, on the specialized agencies, and on the World Court and our our participation or lack thereof in these vital multinational organizations. It is simply stating a fact of life to say that the Members of Congress and the appropriate committees of Congress and agencies of the executive branch are too often forced to deal with these organizations piecemeal and on an issue-by-issue basis as problems arise. We urgently need an agency which is removed from the inevitable pressures of decisionmaking and legislating and which can take a more dispassionate and detached approach to the broad picture and provide guidance and recommendations to those responsible for implementing U.S. policies and programs in this absolutely vital area.

The Commission on U.S. Participation in the United Nations, which this joint resolution will establish, should, with a modest annual expenditure, provide such an independent body. An identical joint resolution will be introduced in the other body shortly. It is my hope that both the Congress and the President will act promptly to establish and man this Commission.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 582

At the request of Mr. HOLLINGS, the Senator from Georgia (Mr. GAMBRELL) was added as a cosponsor of S. 582, a bill to establish a national policy to develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal and estuarine zones.

S. 2871

At the request of Mr. WILLIAMS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2871, the Marine Mammal Protection Act of 1971.

S. 3070

At the request of Mr. THURMOND, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 3070, a bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations, to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes.

S. 3158 AND SENATE JOINT RESOLUTION 202

Mr. WILLIAMS. Mr. President, on February 9, I introduced S. 3158, to create an Office of the Handicapped in the Department of Health, Education, and Welfare; and Senate Joint Resolution 202, a resolution calling for a White House Conference on the Handicapped. The response to these bills has been overwhelming, and I am pleased today to announce the addition of several of my colleagues as additional cosponsors of these important proposals.

As cosponsors of S. 3158: the Senator from Minnesota (Mr. HUMPHREY), the Senator from Florida (Mr. CHILES), the Senator from Kansas (Mr. DOLE), the Senator from Maine (Mr. MUSKIE), the Senator from North Dakota (Mr. BURDICK), the Senator from Alaska (Mr. STEVENS), the Senator from New Mexico (Mr. MONTOYA), the Senator from Nevada (Mr. CANNON), the Senator from Michigan (Mr. HART), the Senator from Illinois (Mr. PERCY), the Senator from Indiana (Mr. HARTKE), the Senator from Rhode Island (Mr. PASTORE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Utah (Mr. MOSS).

As cosponsors of Senate Joint Resolution 202: the Senator from Minnesota (Mr. HUMPHREY), the Senator from Colorado (Mr. DOMINICK), the Senator from Florida (Mr. CHILES), the Senator from Maine (Mr. MUSKIE), the Senator from North Dakota (Mr. BURDICK), the Senator from Alaska (Mr. STEVENS), the Senator from Georgia (Mr. GAMBRELL), the Senator from New Mexico (Mr. MONTOYA), the Senator from Nevada (Mr. CANNON), the Senator from Michigan (Mr. HART), the Senator from Illinois (Mr. PERCY), the Senator from Indiana (Mr. HARTKE), the Senator from Rhode

Island (Mr. PASTORE), the Senator from South Dakota (Mr. McGOVERN) and the Senator from Utah (Mr. MOSS).

S. 3293

At the request of Mr. MONDALE, the Senator from Montana (Mr. METCALF) and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 3293, a bill to amend the Agricultural Act of 1949, as amended, to require the Secretary of Agriculture to make advance payments to producers participating in wheat and feed grain programs.

S. 3326

At the request of Mr. COOPER, the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 3326, a bill for the relief of the Appalachian Regional Hospitals, Inc.

SENATE JOINT RESOLUTION 180

At the request of Mr. ROTH, the Senator from Missouri (Mr. EAGLETON) and the Senator from Illinois (Mr. PERCY) were added as cosponsors of Senate Joint Resolution 180, to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

SENATE JOINT RESOLUTION 215

At the request of Mr. MANSFIELD, the Senator from Rhode Island (Mr. PASTORE), the Senator from Wyoming (Mr. McGEE), the Senator from Tennessee (Mr. BAKER), and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of Senate Joint Resolution 215, proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of President and Vice President of the United States.

SENATE RESOLUTION 277—SUBMISSION OF A RESOLUTION REFERRING A BILL TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. JAVITS submitted the following resolution:

S. RES. 277

Resolved, That the bill (S. 3340) entitled "A bill for the relief of Branka Mardessich and Sonia S. Silvani," together with all accompanying papers, is hereby referred to the chief commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, for further proceedings in accordance with applicable law.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 230

At the request of Mr. KENNEDY, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of Senate Resolution 230, relating to underground nuclear weapons testing.

ADDITIONAL STATEMENTS

COMPENSATION TO VICTIMS OF CRIME

Mr. MONDALE. Mr. President, I am delighted that the prospects for acting on legislation to provide for compensation to victims of crime are now so bright. Surely, this is a step which a civilized nation should be prepared to take.

An editorial in the Richfield Sun and in other Sun newspapers in Minnesota points out the inevitability of violent crime and calls for action on Federal legislation. As the editorial so rightly indicates:

> Any nation which spends millions to rehabilitate criminals ought to be able to ease the agonies of their victims.

Mr. President, I believe the editorial is worth noting by all Senators, so I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RESTITUTION

Among other priorities which this nation has confused, our society really fails to recognize its responsibility to the victims of violent crime.

Generally, we prohibit citizens from carrying weapons to protect themselves, relying instead on the modern centurions in squad cars and fire trucks to provide succor. But no public safety crew can do it all—people are going to get mugged in dark alleys off Hennepin Avenue after an evening's revelry, arsonists are going to succeed in their unreasoning destruction from time to time in spite of the best efforts of all the police and fire personnel tax money can buy.

The idea of restitution to victims of violent crime was entailed in the Mosaic Law of the Old Testament ("an eye for an eye") and even in the ancient code of Hammurabi. But where does it say, anywhere in Minnesota or federal law, that society must pay, in some measure, for the evil done by the human animals which a free nation must, by its nature, allow among us?

Sen. Walter Mondale of Minnesota has introduced legislation, and is hopeful of passage, which would pay, up to specified maximums, those individuals damaged by criminal violence. His plan goes farther—it provides substantial death benefits to public servants or their survivors in the event of injury or death in line of duty.

The Senator is on the right track. Any nation which spends millions to rehabilitate criminals ought to be able to ease the agonies of their victims.

SMOKING SECTIONS SET UP BY NEW CALIFORNIA LAW

Mr. SCHWEIKER. Mr. President, on Saturday, March 4, a significant new legislation went into effect in the State of California. The legislation requires that land and air passenger carriers with trips originating in the State of California provide designated space for nonsmoking passengers.

It seems to me this is an important step in the right direction. Just recently, on February 28, I introduced S. 3249, the Public Transportation Smoking Section Act. The purpose of this legislation is to require that specific areas be set up in public transportation facilities for smokers.

The Surgeon General's report this year indicated that nonsmokers are subject to health hazards as a result of breathing smoke. As a result of the Surgeon General's report, the importance of setting up smoking and nonsmoking sections has become more than a matter of simple convenience. It has become a matter of health. Nonsmokers should not be made to suffer from these health hazards involuntarily.

Mr. President, I ask unanimous consent that an article describing the new California legislation, published in the Los Angeles Times of March 3, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SECOND-HAND SMOKE—A NEW FIGHT FOR RIGHTS

(By Dorothy Townsend)

Back when men did their smoking on the porch or in cloudy rooms segregated from nonsmoking society, nobody questioned the right of the majority not to have to breathe second-hand tobacco fumes.

But the cigaret, its acceptance by women and the convulsive casting off of old conventions after World War I, changed all of that.

Today there is hardly anywhere the nonsmoker can go and not inhale along with the smokers—at work, in elevators and restaurants, at choir rehearsals, in his own home.

Even in a hospital bed, the nonsmoker can't be sure he won't have a smoking roommate.

"I think they feel it is difficult enough to be a patient," a spokesman at the Los Angeles County-USC Medical Center said, "without having to quit smoking too."

Despite evidence that tobacco fumes can be harmful to bystanders as well as to the smokers—and the latest U.S. surgeon general's report saying so—the cause of nonsmokers' rights still has few champions.

LAW GOING INTO EFFECT

But clearer days may lie ahead.

Saturday a law will go into effect in California demanding that land and air passenger carriers with trips originating in the state "provide designated space for nonsmoking passengers."

"I wonder how they will like riding in the bathrooms" quipped one railway company official when he heard about the new law. An Amtrak executive, however, did not treat it as a laughing matter.

"We just have a new policy on that," said R. T. Edgar, general manager of Amtrak West. "Ticket envelopes are being printed with the smoking areas indicated and there are signs on the trains."

Asked if the signs designating no-smoking areas would come down when trains crossed state lines, Edgar said no, "these are permanent decals we are putting up."

Amtrak, a federal corporation and not considered under jurisdiction of the California law, is instituting smoking segregation, Edgar said, "as a courtesy to the passengers."

RAILWAY REGULATIONS

Henceforth, smokers may light up in the diner but not on the dome cars nor on overnight sleeping coaches nor in any cars posted as off limits, he said.

In the past year a number of airlines bowed to pressures from anti-smoking advocates and provided nonsmoking sections. The holdouts are falling into line this week, at least on their California runs, to comply with the new state law authored by State Sen. James R. Mills (D-San Diego).

Smokers already had been ordered to the back of the bus on long distance runs of nonmunicipal lines by the California Public Utilities Commission.

A similar ruling was handed down to interstate Commerce Commission which noted that "second-hand smoke is an extreme irritant with humans within its range." The order has been held up, however, by appeal of the National Assn. of Motorbus Owners.

In a land where nonsmokers outnumber smokers 164 million to 44 million, it is curious that the majority is so meek when it comes to smoking manners. They would rather choke on another man's smoke than ask him to abstain.

Even in the presence of a no-smoking sign, the typical nonsmoker is not likely to infringe on the other person's violation of it.

Because of this noncomplaining self-effactment, antismoking legislation has been difficult to enact and even harder to enforce.

It is the smoker who gets militant when challenged.

"They won't get away with this!" said a woman shopper angrily as she ground out her cigaret in a department store upon being told of the company's new no-smoking policy (for fire safety purposes). "It won't last," she prophesied.

Cross-country bus companies have learned that smokers object to being asked to sit apart.

REPERCUSSIONS NOTED

"We are having some repercussions," a man at Continental Trailways admitted. "They don't like to be told to go to the rear.

"The question that crosses our mind," he said, "is what do we do if they refuse? Throw them off the bus?"

The people at Greyhound have pondered the same question.

"It's a very difficult thing because we do not have conductors," a spokesman for the line said, "and we can't expect the driver to throw people off the bus."

A young Washington lawyer named John F. Banzhaf III, perhaps the nation's most effective smoking foe, said he knows what to do about it.

"Bans on smoking on buses in New Jersey and New York City are being violated," he said in an interview. "We plan to go up there and make some citizen arrests."

LED TO BAN

Banzhaf is the man who prodded the Federal Communications Commission into its 1967 ruling giving free air time to antismoking commercials on television and radio stations using cigaret advertising.

It was an astonishing victory and the harbinger of the more drastic ruling to come—an outright ban on the broadcasting of cigaret commercials.

At the time of his initial complaint to the FCC, Banzhaf was working for a New York law firm. One of the firm's clients was Philip Morris, Inc.

Now a law professor at George Washington University, he is better known as the man from ASH—the antismoking organization, Action on Smoking and Health.

One Banzhaf tactic has been to send teams of his law students out to find an unfair trade practice and then "go out and sue."

His antismoking lobby has won a few and lost a few and periodically has sprouted branches, such as LASH—Legislative Action on Smoking and Health—and CRASH—Citizens to Restrict Airline Smoking Hazards.

Last October ASH elicited from Health, Education, and Welfare Secretary Elliot Richardson, a pipe smoker, an agreement to provide nonsmoking sections in HEW cafeterias, conference rooms, auditoriums and certain working areas.

UP TO HEW

"We feel if anybody does anything," Branzhaf said, "it should be HEW. We're zeroing in on the federal government."

While consumer advocate Ralph Nader asked the FAA to ban smoking on airlines altogether for safety reasons, Banzhaf asked that smokers be physically segregated on flights, a request he felt had a better chance.

Although more and more airlines are cooperating voluntarily, ASH has been on the FAA's back for months "trying to expedite a ruling," Banzhaf said, "before we have to take it to court."

One of Banzhaf's aims is to get the nonsmoker to stand up and fight for his rights. ASH distributes buttons which say what the wearer may be too meek to say:

"Your smoking may be hazardous to MY health," "Smoking pays—the tobacco company, the hospital, the undertaker."

We also have a number of radio spot ads and two video tapes stressing the theme," said Banzhaf.

One of the anticommercials shows a crowded elevator. A man lights up a cigaret and everyone glares at him. He becomes aware of the hostile looks and, a little uncomfortably, asks: "Do you mind if I smoke." As they all make it clear they do mind, an overvoice says, "For too long the nonsmoker hasn't said anything."

Nonsmokers, although traditionally nonviolent, may have a breaking point. Last month sheriff's deputies in Duarte sought a complaint against a 73-year-old emphysema victim who allegedly became so incensed at cigaret smoke being blown in his face at a pinochle party that he shot two persons.

Many persons, not so seriously afflicted, suffer physical discomfort, irritation or allergic reaction when smoke is blown in their faces. Some have have changed jobs or even occupations because they couldn't get away from smoke at work.

Surgeon Gen. Jesse L. Steinfeld's 1972 report singled out carbon monoxide, nicotine and tobacco tar as the most likely contributors to health hazards in cigaret smoke. Six other probable contributors included nitric oxide and nitrogen dioxide and 23 suspected contributors include ammonia, benzene carbon dioxide, DDT, formaldehyde and methyl alcohol, according to the report.

HEALTH HAZARDS

There was enough evidence, Steinfeld said after issuing the report, to "support action to give the nonsmoker relief" from having to breathe smoke in public places.

Lung cancer, emphysema, bronchitis, heart disease and other deadly ailments have been linked to smoking.

Some recent medical tests have shown that the average smoker spends only 20 to 24 seconds inhaling a cigaret. While it is idling in the ash tray its output of tar and nicotine is up to four times greater than during the time it is being puffed, according to the testers.

Smoke in a room, they concluded, holds not only irritants but possible hazards for smokers and nonsmokers alike.

"Lawsuits open the doors initially," Banzhaf said, "but in the long run it's the people who have to go out and press for change who will benefit."

[Statutes and Code Amendments]

PUBLIC UTILITIES—FACILITIES FOR NON-SMOKERS

CHAPTER 125—SENATE BILL NO. 206

An act to add Section 561 to the Public Utilities Code, relating to smoking

The people of the State of California do enact as follows:

SECTION 1. Section 561 is added to the Public Utilities Code, to read:

561

Every railroad corporation, passenger stage corporation, passenger air carrier, and street railway corporation providing departures originating in this state shall provide designated space for their nonsmoking passengers.

Approved and filed June 8, 1971.

THE VALUE-ADDED TAX

Mr. BYRD of Virginia. Mr. President, the March 11 issue of Human Events contains an analysis of the value-added tax, written by Prof. Murray N. Rothbard. Mr. Rothbard is professor of economics at Brooklyn Polytechnic Institute; author of "America's Great Depressions"; "Man, Economy, and State"; "Power and Market"; and editor of Libertarian Forum.

I do not myself take a position on the value-aded tax and intend to keep an open mind until such time as it may come before the Committee on Finance.

However, Mr. Rothbard makes some interesting points, and I think his analysis should be published in the RECORD.

I ask unanimous consent that the article, captioned "The Value-Added Tax Is Not the Answer," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE VALUE-ADDED TAX IS NOT THE ANSWER

(By Murray N. Rothbard)

"There went out a decree from Caesar Augustus that all the world should be taxed."—Luke II: 1.

One of the great and striking facts of recent months is the growing resistance to further taxes on the part of the long-suffering American public. Every individual, business, or organization in American society acquires its revenue by the peaceful and voluntary sale of productive goods and services to the consumer, or by voluntary donations from people who wish to further whatever the group or organization is doing. Only government acquires its income by the coercive imposition of taxes. The welcome new element is the growing resistance to further tax exactions by the American people.

In its endless quest for more and better booty, the government has contrived to tax everything it can find, and in countless ways. Its motto can almost be said to be: "If it moves, tax it!"

Every income, every activity, every piece of property, every person in the land is subject to a battery of tax extortions, direct and indirect, visible and invisible. There is of course nothing new about this; what is new is that the accelerating drive of the government to tax has begun to run into determined resistance on the part of the American citizenry.

It is no secret that the income tax, the favorite of government for its ability to reach in and openly extract funds from everyone's income, has reached its political limit in this country. The poor and the middle class are not taxed so heavily that the federal government, in particular, dares not try to extort even more ruinous levies.

The outraged taxpayer, after all, can easily become the outraged voter. How outraged the voters can be was brought home to the politicians last November, when locality after locality throughout the country rose in wrath to vote down proposed bond issues, even for the long-sacrosanct purpose of expanding public schools.

DEFEAT IN NEW YORK

The most heartening example—and one that can only give us all hope for a free America—was in New York City, where every leading politician of both parties, aided and abetted by a heavily financed and demagogic TV campaign, urged the voters to support a transportation bond issue. Yet the bond issue was overwhelmingly defeated—and this lesson for all of our politicians was a sharp and salutary one.

Finally, the property tax, the mainstay of local government as the income tax is at the federal level, is new generally acknowledged to have a devastating effect on the nation's housing. The property tax discourages improvements and investments in housing, has driven countless Americans out of their homes, and has led to spiralling tax abandonments in, for example, New York City, with a resulting deterioration of blighted slum housing.

Government, in short, has reached its tax limit; the people were finally saying an emphatic "No!" to any further rise in their tax burden. What was ever-encroaching government going to do? The nation's economists, most of whom are ever eager to serve as technicians for the expansion of state power, were at hand with an answer, a new rabbit out of the hat to save the day for Big Government.

They pointed out that the income tax and the property tax were too evident, too visible, and that so are the generally hated sales tax and excise taxes on specific commodities. But how about a tax that remains totally hidden, that the consumer or average American cannot identify and pinpoint as the object of his wrath? It was this deliciously hidden quality that brought forth the rapt attention of the Nixon Administration, the "Value Added Tax" (VAT).

The great individualist Frank Chodorov, once an editor of Human Events, explained clearly the hankering of government for hidden taxation: "It is not the size of the yield, nor the certainty of collection, which gives indirect taxation [read: VAT] preeminence in the state's scheme of appropriation. Its most commendable quality is that of being surreptitious. It is taking, so to speak, while the victim is not looking.

"Those who strain themselves to give taxation a moral character are under obligation to explain the state's preoccupation with hiding taxes in the price of goods." (Frank Chodorov, Out of Step, Devin-Adair, 1962, p. 220.)

The VAT is essentially a national sales tax, levied in proportion to the goods and services produced and sold. But its delightful concealment comes from the fact that the VAT is levied at each step of the way in the production process: on farmer, manufacturer, jobber and wholesaler, and only slightly on the retailer.

The difference is that when a consumer pays a 7 per cent sales tax on every purchase, his indignation rises and he points the finger of resentment at the politicians in charge of government; but if the 7 per cent tax is hidden and paid by every firm rather than just at retail, the inevitably higher prices will be charged, not to the government where it belongs, but to grasping businessmen and avaricious trade unions.

While consumers, businessmen and unions all blame each other for inflation like Kilkenny cats, Papa government is able to preserve its lofty moral purity, and to join in denouncing all of these groups for "causing inflation."

It is now easy to see the enthusiasm of the federal government and its economic advisers for the new scheme for a VAT. It allows the government to extract many more funds from the public—to bring about higher prices, lower production and lower incomes—and yet totally escape the blame, which can easily be loaded on business, unions, or the consumer as the particular administration sees fit.

The VAT is, in short, a looming gigantic swindle upon the American public, and it is therefore vitally important that it shall not pass. For if it does, the encroaching menace of Big Government will get another, and prolonged, lease on life.

One of the selling points for VAT is that it is supposed only to *replace* the property tax for its prime task of financing local public schools. Any relief of the onerous burden of the property tax sounds good to many Americans.

But anyone familiar with the history of government or taxation should know the trap in this sort of promise. For we should all know by now that taxes *never* go down. Government, in its insatiable quest for new funds, never relaxes its grip on any source of revenue.

You know and I know that the property tax, even if replaced for school financing, will not really go down; it will simply be shifted to other expensive boondoggles of local government. And we also know full well that the VAT will not long be limited to financing the schools; its vast potential (a 10 per cent VAT would bring in about $60 billion in revenue) is just too tempting for the government not to use it to the hilt, and, in the famous words of New Dealer Harry Hopkins: "to tax and tax, spend and spend, elect and elect."

Let us now delve more deeply into the specific nature of the VAT. A given percentage (the Nixon Administration proposal is 3 per cent) is levied, not on retail sales, but on the sales of each stage of production, with the business firm deducting from its liability the tax embodied in the purchases that he makes from previous stages. It is thus a sales tax hidden at each stage of production, from the farmer or miner down to the retailer.

A "REGRESSIVE" TAX

The most common criticism is that the VAT, like the sales tax, is a "regressive" tax falling largely on the poor and the middle class, who pay a greater percentage of their income than the rich. This is a proper and important criticism, especially coming at a time when the middle class is already suffering from an excruciating tax burden.

The Nixon Administration proposes to alleviate the burden on the poor by rebating the taxes through the income tax. While this may alleviate the tax burden on the poor, the middle class, which pays most of our taxes anyway, will hardly be benefited.

Furthermore, there is a more sinister element in the rebate plan: for some of the poor will get cash payments from the IRS, thereby bringing in the disastrous principle of the guaranteed annual income (FAP) through the back door.

But the VAT is in many ways far worse than a sales tax, apart from its hidden and clandestine nature. In the first place, the VAT advocates claim that since each firm and stage of production will pay in proportion to its "value added" to production, there will be no misallocation effects along the way.

But this ignores the fact that every business firm will be burdened by the cost of innumerable record-keeping and collection for the government. The result will be an inexorable push of the business system toward "vertical mergers" and the reduction of competition.

Suppose, for example, that a crude oil producer adds the value of $1,000, and that an oil refiner adds another $1,000, and suppose for simplicity that the VAT is 10 percent. Theoretically, it should make no difference if the firms are separate or "integrated"; in the former case, each firm would pay $100 to the government; in the latter, the integrated firm would pay $200. But since this comforting theory ignores the substantial costs of record-keeping and collection, in practice if the crude oil firm and the oil refiner were integrated into one firm, making only one payment, their costs would be lower.

VERTICAL MERGERS

Hence, vertical mergers will be induced by the VAT, after which the Antitrust Division of the Department of Justice would begin to clamor that the free market is producing "monopoly" and that the merger must be broken by government fiat.

The costs of record-keeping and payment pose another grave problem for the market economy. Obviously, small firms are less able to bear these costs than big ones, and so the VAT will be a powerful burden on small business, and hamper it gravely in the competitive struggle. It is no wonder that some big businesses look with favor on the VAT!

There is another grave problem with VAT, a problem that the Western European countries which have adopted VAT are already struggling with.

In the VAT, every firm fiends its invoices to the federal government, and gets credit for the VAT embodied in its invoices for goods bought from other firms. The result is an irresistible opening for cheating, and in Western Europe there are special firms whose business is to write out fake invoices which can reduce the tax liabilities of their "customers." Those businesses more willing to cheat will then be favored in the competitive struggle of the market.

A further crucial law exists in the VAT, a flaw which will bring much grief to our economic system. Most people assume that such a tax will simply be passed on in higher prices to the consumer. But the process is not that simple. While, in the long run, prices to consumers will undoubtedly rise, there will be two other important effects: a large short-run reduction in business profits, and a long-run fall in wage incomes.

The critical blow to profits, while perhaps only "short-run," will take place at a time of business recession, when many firms and industries are suffering from low profits and even from business losses. The low-profit firms and industries will be severely hit by the imposition of VAT, and the result will be to cripple any possible recovery and plunge us deeper into recession. Furthermore, new and creative firms, which usually begin small and with low profits, will be similarly crippled before they have scarcely begun.

The VAT will also have a severe, and so far unacknowledged, effect in aggravating unemployment, which is already at a high recession rate. The grievous impact on unemployment will be two-fold. In the first place, any firm that buys, say, machinery, can deduct the embodied VAT from its own tax liability; but if it hires workers, it can make no such deduction. The result will be to spur over-mechanization and the firing of laborers.

Secondly, part of the long-run effect of VAT will be to lower the demand for labor and wage incomes; but since unions and the minimum wage laws are able to keep wage rates up indefinitely, the impact will be a rise in unemployment. Thus, from two separate and compounding directions, VAT will aggravate an already serious unemployment problem.

Hence, the American public will pay a high price indeed for the clandestine nature of the VAT. We will be mulcted of a large and increasing amount of funds, extracted in a hidden but no less burdensome manner, just at a time when the government seemed to have reached the limit of the tax burden that the people will allow. It will be funds that will aggravate the burdens on the already long-suffering average middle-class American. And to top it off, the VAT will cripple profits, injure competition, small business and new creative firms, raise prices, and greatly aggravate unemployment. It will pit consumers against business, and intensify conflicts within society.

One of Parkinson's justly famous "laws" is that, for government, "expenditure rises to meet income." If we allow the government to find and exploit new sources of tax funds, it will simply use those funds to spend more and more, and aggravate the already fearsome burden of Big Government on the American economy and the American citizen.

The only way to reduce Big Government is to cut its tax revenue, and to force it to stay within its more limited means. We must see to it that government has *less* tax funds to play with, not more. The first step on this road to lesser government and greater freedom is to see the VAT for the swindle that it is, and to send it down to defeat.

CONNECTICUT'S MIKE CONNOLLY SELECTED FOR ALL-STAR PREP SCHOOL TEAM

Mr. WEICKER. Mr. President, on March 4 the Washington Star published this year's "All Washington" basketball teams, and I was delighted to see Connecticut's Mike Connolly among those selected for the all-star prep school team.

All of us in 342 are extremely proud of the job Mike has done both with his Senate duties and his athletic challenges. He is a great credit to young America and particularly to his parents and friends in Norwalk, Conn.

REORGANIZATION OF THE DEPARTMENT OF AGRICULTURE

Mr. MONDALE. Mr. President, the administration has pulled back, for the present at least, from its intention to abolish totally the U.S. Department of Agriculture and to scatter its functions among four new departments.

But the administration persists in pushing bills that would strip the Agriculture Department of several important nonfarm rural programs. This could easily by Phase 1 of an eventual abolishment of the Department, since the Department now administers not only farm programs but also nonfarm rural programs involving 55 million residents of rural areas.

The House Government Operations Committee is currently holding hearings on H.R. 6962, to create a Department of Community Development, to which would be transferred the Rural Electrification Administration 2-percent loan programs for electrical and telephone systems, Farmers Home Administration grant and loan programs for rural housing and community water and waste treatment facilities, the Rural Development Service, and certain Economic Research Service programs—all from the Department of Agriculture.

Logical arguments against the removal of such rural programs from the Agriculture Department are thoroughly spelled out in a statement presented by Weldon V. Barton, assistant legislative director of National Farmers Union, to the House Government Operations Committee on March 9. Barton pointed out that the transfer is unjustifiable for at least two reasons:

First. Coordination and management of rural development programs can be achieved more efficiently and effectively within the Department of Agriculture than within a department devoted generally to community development.

Second. Rural development, if it is to be effective, requires the emphasis and political support that can only come from the Department of Agriculture.

Mr. President, agriculture is basic to the economy and to many thousands of communities. Most communities of this Nation developed as a result of and as a service to agricultural activity. Community development will continue to be closely interrelated to agricultural development. For this reason, the U.S. Department of Agriculture must be strengthened, not diminished.

Mr. President, I ask unanimous consent that the Farmers Union's testimony be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

H.R. 6962, THE DEPARTMENT OF COMMUNITY DEVELOPMENT BILL

(Statement of National Farmers Union, presented by Weldon V. Barton, Assistant Director of Legislative Services)

Mr. Chairman, Members of the Committee: I am Weldon V. Barton, Assistant Director of Legislative Services, National Farmers Union.

I am pleased with the opportunity to testify today on H.R. 6962, the Administration's bill that would create a department of community development and transfer agencies and functions from existing departments to this new department.

We are especially concerned about the programs and agencies that would be transferred by H.R. 6962 from the Department of Agriculture to the community development department. Those that would be transferred from the USDA include:

1. Rural Development Service;
2. Farmers Home Administration grant and loan programs for rural housing and community water and waste treatment facilities;
3. Rural Electrification Administration 2% loan programs for electrical and telephone systems, as well as the Rural Telephone Bank established last year;
4. Economic Research Service programs of research on rural community development.

Farmers Union strongly opposes transfer of these agencies and programs out of the Agriculture Department, because such changes would be detrimental to both rural people and the nation generally.

The delegates to National Farmers Union's 1972 Convention, held last week in Houston, Texas, adopted the following statement of policy on reorganization of the USDA:

REORGANIZATION OF THE U.S. DEPARTMENT OF AGRICULTURE

"We oppose the Administration's reorganization proposal that would strip the U.S. Department of Agriculture of non-farm programs and functions. Human, economic, natural, and community resources in rural America are administratively inseparable. Agricultural programs and other programs that serve rural people and rural areas are closely related and are often administered through single agencies and field offices within the U.S. Department of Agriculture.

"We recommend that farm and rural programs, including rural electrification, housing, water and waste disposal, and soil conservation be kept in the Department of Agriculture where they can be closely coordinated with farm commodity and credit programs."

A joint statement in opposition to H.R. 6962 as it would affect the Department of Agriculture, signed by nine farm and rural groups, has been submitted to this Committee. In addition to National Farmers Union, the statement was signed by the Cooperative League of the USA, Midcontinent Farmers Association, National Catholic Rural Life Conference, National Council of Farmer Cooperatives, National Farmers Organization, National Grange, National Rural Electric Cooperative Association, and National Telephone Cooperative Association. Before presenting our specific reasons for opposing H.R. 6962, I want to endorse fully the views expressed in that joint statement.

Farmers Union's opposition to H.R. 6962 as presently drafted is based upon the following considerations: (1) Coordination and management of rural development programs can be achieved more efficiently and effectively within the Department of Agriculture than within a department devoted generally to community development; and (2) Rural development, if it is to be effective, requires the emphasis and political support that can come from the Department of Agriculture—which is the Cabinet-level agency responsible for farm and rural programs.

COORDINATION AND MANAGEMENT

A primary argument of the Administration for a department of community development is to streamline administration by placing related functions in a single department and under a single Cabinet-level Secretary. The contention is that this would result in improved program coordination and management.

Actually, transfer of the Rural Electrification Administration, Farmers Home Administration, and other agencies from the Department of Agriculture would disrupt a highly successful network for coordination that has evolved within the Agriculture Department. The Agriculture Department now administers most non-farm programs that are essential for rural development: rural housing loans, water and waste treatment loans and grants, telephone and electrical loans, and research and outreach services through the Economic Research Service and Extension Service. H.R. 12391, which passed the House February 23, would authorize the Farmers Home Administration to make industrial development loans in rural areas.

The Department of Agriculture also has an elaborate delivery system for rural community development programs, primarily through Farmers Home Administration local offices. The Farmers Home Administration has 1,700 local offices, located in virtually every rural county.

Of major importance in terms of overall coordination, the Department of Agriculture currently has jurisdiction over both farm and non-farm rural programs. This allows integrated planning and management of agricultural and other rural programs, which is essential to any realistic rural community development effort.

Farming is the number one business in rural America, and farming generates most of the purchasing power that sustains the bankers, grocers, implement dealers, and other businesses in rural communities. Because of the crucial importance of agriculture as the consumer of goods and services in rural towns, "rural" community development probably has more in common with agriculture than with the development of "urban" communities. If so, it makes more sense in terms of administrative coordination to retain rural community-development programs in the Department of Agriculture, rather than to throw them together with programs for larger cities and urban places where the labor force is sustained by industrial and other non-farm jobs.

An example of the disruption in coordination of farm and non-farm rural development programs under H.R. 6962 involves the Farmers Home Administration. The 1,700 Farmers Home Administration field offices would be transferred to the department of community development, where they would administer the housing and water and waste treatment facility programs. The farm operating and ownership loan programs of the Farmers Home Administration would remain in the Agriculture Department, however. It would be necessary for the Secretary of Agriculture to contract with the Secretary of the community development department for the field offices to administer farm operating and ownership loans.

This procedure would be not only inefficient; it would also make it virtually impossible for ownership and operating loans to be administered in such a way (i.e., with "soft" loans, technical assistance, etc.) that marginal farmers are given the best chance of strengthening their farming operations into truly viable economic units, enabling them to remain in farming.

The Secretary of Agriculture under the Nixon Administration has done little to interrelate the independent, family-farm pattern of agriculture and the broader network of rural revitalization policies. However, the Department of Agriculture provides the structure within which to integrate farm and rural policies to encourage and assist farmers to remain on the farm and thus to encourage better population balance among urban and rural areas.

Increasingly, there is public support for these kinds of programs as the need for better geographical distribution of population becomes more apparent. We must not destroy the structure for coordination at the very time that it can be most effective.

POLITICAL SUPPORT FOR RURAL DEVELOPMENT

Improved coordination and management is important. But political support for rural community development is equally or more important, and the way that programs are organized within the Federal bureaucracy determines to a large extent the political muscle behind the programs.

At least since the Administration of Franklin Roosevelt, Presidents have tried to increase or decrease support for particular government programs by raising or lowering them in the bureaucratic hierarchy. The rule followed in this: If you *raise* a program closer to the President in the hierarchy, you increase the access to the President and increase the strength of that program. If you lower the program in the hierarchy, you make access to the President more difficult, and you lower the voice of that program in the bureaucracy as a whole.

Mr. Chairman, your Committee is well aware of this phenomenon, in view of the vast number of administration reorganizational plans that you have considered since the Administration Reorganization Act of 1939.

Clearly, electrification, telephone, housing, and other rural programs would be lowered at least one rung on the hierarchical ladder by H.R. 6962. Rural people have enough difficulty with the Office of Management and Budget, which now stands between the Department of Agriculture and the President, in getting adequate funding for rural programs. Under H.R. 6962, we would have to go through not only OMB but also the Secretary of Community Development in getting funds budgeted for programs.

Furthermore, because under H.R. 6962 rural development programs would be thrown into direct competition with urban programs for funding even before budget requests reach the level of the Secretary, it would be impossible for rural programs to get the level of funding that is warranted by the compelling need for improved population distribution.

Good access to the President in the governmental hierarchy is very important, for the nation has not yet made the commitment to strong rural programs that could assure the continuation of strong programs on a routine basis regardless of where the programs are located organizationally.

When Professor Robert Weaver, the first Secretary of HUD, testified before this committee on H.R. 6962, he noted that he had resisted transfer of OEO's community action program to HUD until the program was well established. He justified retention of the direction of the community action program in the Executive Office of the President while the program was building its power base, so that adequate funding could be secured.

Farmers Union still opposes spinning off the CAA's to the Department of Community Development. We feel that both the OEO and the CAA will lose power and direction if this is done.

The same loss of power is likely to occur for rural development programs if they are removed from the Department of Agriculture and placed in the community development department.

We still need additional means of educating the people that rural development and improved population balance serve the direction interest of all Americans. Only when this message gets across to the people will we be able to get the kind of funding that is required for successful renewal of rural America.

To help to get this message across, I would urge this Subcommittee not only to retain rural programs within the USDA, but also to consider for favorable action another bill that has been referred to your Subcommittee: the Rural Development and Population Dispersion Act (H.R. 11138).

H.R. 11138 would create a Council on Rural Development and Population Dispersion in the Executive Office of the President, comparable to the President's Council on Environmental Quality and Council of Economic Advisers. Similar to these existing units in the environmental protection and employment areas, the Council on Rural Development and Population Dispersion would advise the President on rural development and population balance and would assist the President in drawing up an annual report to the Congress containing recommendations for legislation to carry out farm and nonfarm rural development programs.

As I understand the bill, a primary function of the Council on Population Density and Rural Development would be to publicize and crystallize public support for policies and programs to bring about rural development and population dispersion. Its role would be mostly advocacy, rather than research.

By encouraging public awareness of the need for geographical balance of population and support for rural revitalization, the Council could provide the climate of opinion and the general framework within which to achieve *specific* programs to serve rural areas and people.

The argument for better water and waste treatment facilities in rural areas, for example, will take on real meaning if it is made within the general context of rebuilding the less populated areas of the United States. The same kind of added impetus would be given to policies to strengthen independent-farmer agriculture, for better housing in the countryside and small towns, for improved transportation networks linking rural communities with each other and with more populated centers, and other programs.

The Council on Rural Development and Population Dispersion, to be created by H.R. 11138, would in no way infringe upon the Department of Agriculture's status as the primary agency in the Federal Government for coordination and operation of agricultural and rural programs. The relationship between the Council and the Department would be roughly comparable to the existing relationship, for environmental protection, between the Council on Environmental Quality (in the President's office) and the Environmental Protection Agency (the operating agency). The EPA, I think, clearly exercises the dominant coordination as well as operating functions in the environmental protection field.

In summary, Mr. Chairman, we think that farm and non-farm rural development programs require more, not less, political muscle within the government. For this reason, as well as to improve coordination and management within the bureaucracy, we recommend that you disapprove the transfers of agencies and programs from the Agriculture Department that are proposed in H.R. 6962. We further recommend that this committee approve H.R. 11138 as a step in the right direction both to accomplish rural development and to ease the pressures on urban areas caused by the continued migration of persons into the cities.

EMPIRE BUILDING— CONGRESSIONAL STYLE

Mr. PROXMIRE. Mr. President, at a time when we are asking the American people to fight inflation by forgoing salary increases, the Congress, or rather a small group of Senators and Congressmen, has given the go-ahead for a palatial extension of the west front of the Capitol so that legislators can luxuriate in extra office suites and hideaways that have a lovely view of the Mall as well as the Washington Monument.

This, truly, can be the only justification for the recent decision of the Commission for the Extension of the Capitol to throw into the trash can a study that shows the last original wall of the Capitol can be restored at a fraction of the cost of extending the west front of the Capitol.

This morning's Washington Post calls it obstinate vandalism. But it is far more than that. It is a deliberate affront to the American people. The Commission is, in effect, telling the American people:

> To the devil with historical significance. Who cares about cost, we want bigger, more ornate, offices.

The saddest part of this decision by a miniscule but powerful minority of the Congress is that it treats a national monument as a private preserve. The Commission for the Extension of the Capitol acts as though this building belongs to them—not the people of the United States.

In the final analysis I feel certain that the Congress would veto the wasteful spending of tax dollars on a $2 million extension plan if there were a vote on this matter. However, the decision has been taken away from us for the time being. I ask unanimous consent that an editorial appearing in this morning's Washington Post on the subject be inserted in the RECORD at this point:

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OBSTINATE VANDALISM ON CAPITOL HILL

Obstinate vandalism has once again triumphed on Capitol Hill. We cannot conceive that it will ultimately prevail.

In an arrogant maneuver of dubious legality and in the face of clear opposition on the part of the nation's architects and architectural historians, not to speak of a contrary recommendation by its own expert consultants, the ruling congressional establishment has decided to proceed with its old plan to extend the west front of the United States Capitol. Seven men—House Speaker Carl Albert, Vice President Spiro T. Agnew, House majority and minority leaders Hale Boggs and Gerald R. Ford, Senate majority and minority leaders Mike Mansfield and Hugh Scott and the Architect of the Capitol, George M. White, who are ex officio members of a commission created for the purpose in 1955—would build the most prominent part of the Nation's First Building in the image of (declining) Roman imperialism so that it would be physically and spiritually akin to that pompous disaster, the Sam Rayburn House Office Building. It makes not a shred of sense in terms of history, function, finance or aesthetics.

Historically, or rather anti-historically, what the extenders would do, is to bury the last remaining external vestiges of the Capitol as it was originally designed and built. William Thornton's softly elegant sandstone facade is the only visible link to the Capitol's beginnings in the early years of the Republic. It is the last remnant of an architecture that was at once inspired by and expressive of the Jeffersonian concept of civilization, a concept that believed in gentle manners, the virtues of classical beauty and the pursuit of happiness. This part of our history would be irretrievably obscured behind a glossy, new marble facade, some 70 feet further out, which, far from expressing our own time, fakes classic architecture in a clumsy way. To make matters worse, the extension of the building into a massive box will ruin the commodious terraces designed by Frederick Law Olmsted, America's greatest landscape architect, reducing them to a narrow strip. It would puncture Olmsted's blank terrace walls with windows, destroy his landscaping with a service road and spoil the present sight of the dome by setting it much too far back on the building, much as a brazen drunk pushes back his hat.

All this, ironically, could well turn the Capitol into a messy construction site during the summer of 1976, just when millions of Americans will flock to Washington to celebrate the 200th anniversary of the nation and pay their respects to our historic traditions.

Functionally, the extension folly was to be justified by the need to rebuild the "crumbling" west front walls. The alleged crumbling, which so frightened the last Architect of the Capitol, George Stewart, has been proven a myth in an extensive study by Praeger-Kavanagh-Waterbury, a reputable architectural engineering firm, selected under Mr. Stewart's regime and retained by Congress under Public Law 91–145 of 1971. The present Capitol Architect, George M. White, called it "a careful and diligent open-minded study." It concluded, in sum, that there was nothing wrong with the west front that careful restoration could not fix under all five conditions set down by Congress two years ago. The conditions were, in sum, that restoration could, without undue hazard, make the building safe, sound, durable and beautiful for the foreseeable future and that restoration would be no more disrupting than extension and wouldn't take any more time.

Now the argument is made, that Congress needs more space *within the Capitol* and that is only a little less spurious. Under the Stewart plan most of the 4½ acres of expended space was to be used for tourist cafeterias, "a giant Howard Johnson," as one Congressman put it. The new architect has thought better of duplicating the tourist services which the proposed Visitors' Center in the remodeled Union Station will provide a few hundred yards away. Mr. White talks of 285 offices and conference rooms. But he does not give any reason why these offices must be built *inside* the Capitol.

Nor does Mr. White say anything about a recent report by a task force of the American Institute of Architects which found the present space within the Capitol "crowded, misused and underused" all at the same time. It noted that many functions now located within the building have no reason for being there. And it urged a rational space utilization and development plan outside the old building since the proposed extension "will not begin to meet present, least of all projected, space needs."

Financially, the extension plan is as illogical as it is shocking. The extenders imply that they are not bound by Public Law 91–145 because restoration would cost more than $15 million. What with the rise in building costs and the contingencies of all careful restoration work, it probably will. But is that any reason to spend an estimated $60 million on the extension? A few years ago the extension was to cost only $45 million—no less than $166.95 a square foot which was five times more than the Rayburn Building, at the time the most expensive office building in the world (since eclipsed by the Federal Bureau of Investigation building). Why should we believe that the cost will not go up by another $15 million or more in another few years?

But apparently nothing can be done to stop this fiat until Mr. White has drawn up the $2 million worth of extension plans for which Congress appropriated the funds in 1969. This will assure him a place in history as the Architect of the Great Capitol Boondoggle. But when he comes back to Congress with this folly and an appropriation request for $60 or $75 or $100 million to carry it out, Congress will, we are sure, refuse him. For Congress is responsive to the people. And the American people, after far too many years of destructive "progress" which bulldozed away some of our more cherished landmarks, are gaining a new and wholesome respect for our historic heritage. They like the Capitol as it stands.

NEED FOR A GLOBAL DYNAMICS ASSESSMENT SYSTEM

Mr. PACKWOOD. Mr. President, over the period of the past several years there has been a rapidly accelerating awareness and concern over the major forces at play in our global environment. Certainly the magnitude and momentum of these forces, as they move onward—often at exponential rates—and interact with each other, are somewhat difficult for the human mind to comprehend. As we are all aware, there are many who have begun to question the ultimate survival of mankind under the influence of many of the major trends now operating—particularly in such fields as human population increase, resource depletion, and pollution.

It does seem that, historically, man has existed under a system whereby he has principally reacted to the forces at play around him, and by and large has accepted the quality of life which sprang therefrom. With the rather ominous threat that a number of these forces seem to pose today, however, if not redirected, it does make one contemplate with some apprehension, the future quality of life for mankind. It seems as though we are perhaps at or near a major crossroads where we need to think in terms of turning the system 180 degrees: We need to identify the optimum or desired quality of life for mankind, in his finite space, and then exert control over those major forces which will influence it so as to assure the achievement and sustenance of that quality of life objective which we have identified as desirable. In other words, we basically have to decide what is realistically desirable and acceptable, and then purposefully control the trends in such ways as to cause it to happen.

There has recently surfaced an effort by the Club of Rome to shed more light on this apparent predicament of mankind. While many of this group's scenarios and recommendations for societal change are truly earthshaking and are refuted by some notable scientists and experts, there does seem to be sufficient substance and credibility to the group's findings to warrant further serious attention. If even part of their prognostications are correct, there is reason to give the matter our most serious concern.

It would appear that our society needs to start rapidly implementing a formal, federally sanctioned institutional framework into which would feed the best of all data, and out of which would come periodic assessments of where we are heading. In essence, such a move would represent the creation of a global dynamics assessment system. It would require the best of data, expertise, and support from all possible sources. Under the circumstances, it appears that we can afford to do no less than be acutely aware of what is going on around us and where it is leading us, if we are concerned about our future. There does currently exist a framework under which such an effort could be mounted—the National Environmental Policy Act of 1969. New institutional structures to accomplish this could be created if needed.

There have been numerous articles recently appearing regarding the appraisal efforts of the Club of Rome. I ask unanimous consent that a recent article from the Washington Post by Claire Sterling regarding the club's work be printed in the Record. The points the club raises deserve much critical attention and contemplation by all of us. Appropriate action must follow.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sponsored by the Club of Rome—A Computer Study of the Earth's Interacting Force

(By Claire Sterling)

Rome.—The first global computer study ever made going "far out on the space-time graph" to measure dynamically interacting forces that "might determine and therefore ultimately limit growth on this planet" will be published this week. The forces it measures are population, industrialization, food supply, natural resources and pollution. It concludes that the momentum of their exponential growth in finite space may overshoot the carrying capacity of the planet, whereupon the world system will collapse. If present trends go on unchanged, this will happen in a hundred years at the latest.

The study may be imperfect but it is not frivolous. Some of the world's outstanding social scientists, industrial managers and educators belong to the Club of Rome which sponsored it. The work was done by a distinguished international team at the Massachusetts Institute of Technology, headed by Dr. Dennis L. Meadows, and its model was developed by MIT's Prof. Jay Forrester, a brilliant pioneer in system dynamics.

It is a startling study because it traces *exponential* growth instead of the linear kind we usually think in terms of. The one grows in *accumulating* amounts as compound interest does, whereas the other grows in an arithmetic line. The difference can mean a sudden and immense lurch upward, as the authors show with an old Persian tale. A clever courtier presenting a beautiful chessboard to his king asks in return for one grain of rice for the first square on the board, double that for the second square double *that* for the third and so on. The king having agreed, the courtier gets eight grains for the fourth square, 512 for the tenth, 16,384 for the fifteenth, over a million for the twenty-first, and far more than the king owns for the sixty-fourth and last. Had he been rewarded linearly, he would have had just sixty-four.

All the forces measured in this study are growing exponentially. Each affects the others and is affected in turn, combining the growing strains on our planet at a suddenly frightening speed. World population, which took a hundred years to rise from one to two billion and just 30 years more to rise from 2 billion to 3, will now take only another 33 years to rise from 3½ billion to 7, and barely more than 30 years after that to go 7 to 14 billion unless starvation, plague, war and/or massive birth control intervene.

Natural resources are being depleted exponentially even faster, as succeeding generations demands higher material living standards. We know about some resources that will be running out very soon—mercury in 13 years and tin in 15. But we have been falsely comforted by a linear "static" index on the lfietime of others. Here are some estimates of how long known reserves will hold out, based on linear and exponential rates of use in 1970:

STATE INDEX AND EXPONENTIAL INDEX

Aluminum, 100 years—31 years.
Copper, 110 years—60 years.
Coal, 2,300 years—111 years.
Chromium, 420 years—95 years.
Nickel, 150 years—53 years.
Petroleum, 31 years—20 years.

According to these calculations, nearly all important minerals will either be exhausted or in short enough supply to be prohibitively expensive within a hundred years.

For those who think we needn't worry because fresh reserves are bound to be discovered, the graph on chromium is particularly instructive. Here, the computer estimates what would happen if discoveries in 1970 were to double known chromium reserve. By linear count this would allow the reserves to last for 800 years. The exponential figure is 145 years. The time gained would be less than a single human lifetime.

The graph on crude petroleum is no less instructive in showing how these exponential curves sneak up on us. The margin between petroleum use and reserves seems nearly infinite from 1900 to 1950, and only twelve and a half percent of global reserves are gone even by 1975. *Yet by 1975, with almost nine-tenths of the reserves still intact, there are only 15 years to go before demand exceeds supply.*

The most arresting graph is the one on arable land. This, at least can be measured to a nicety on a finite planet. The world has just 7½ billion acres of arable land. The most fertile and accessible half is cultivated already. Most of the rest would cost too much to reach, clear, irrigate and fertilize, whatevery the urgent need. With present yields—and 10 to 20 million people a year are dying of malnutrition as it is, every living person needs an average acre of land to sustain him. Every extra person coming along will need that much and another fifth of an acre besides for housing, roads, waste disposal, power lines and industry. If every possible inch of land were to be utilized with the population growing at present rates, the planet would still run out of land for the people trying to live on it, *before* the end of this century.

This crisis point would be delayed only 10 years if *no* arable land at all were taken for cities or other non-farming uses. The delay might be stretched to thirty years if farm tractors, fertilizers, pesticides, irrigation and high-yield seeds, but 30 years would be less than one population doubling time. *Quadrupling* worldwide farm yields might gain another 30 years at most. Assuming this wouldn't ruin the soil by overcultivation, Salinity and erosion, and the water-supply by forbidding runoffs of fertilizers and pesticide, it would still gain less time than the population would take to double again.

An exactly analogous graph could be drawn for fresh water, second in importance only to the land itself. If anything, the authors say, the limits on water will come in some areas long before the land limit becomes apparent.

It is harder to say where the limits of pollution are because so little global data is available. Nevertheless, practically all pollutants are growing exponentially faster than the world population. The curves for energy pollution are especially steep. With petroleum reserves giving out, the United States alone plans to expand its nuclear energy capacity from 11,000 to 900,000 megawatts between 1970 to 1999. Apart from colossal waste heat problems, stored radioactive waste will then exceed one thousand billion curies. A single curie is such a large radioactive dose that environmental concentrations are usually expressed in millionths.

Whatever the breaking-point for pollution, it can hardly go on unchecked forever, nor can it be completely eliminated by what ever sophisticated technological means. Even if technology could do it, nobody could afford it. The cost of reducing air pollution by sulphur dioxide in an American city, for instance, is $50,000 for a 5 per cent reduction and $26,000,000 for a 48 per cent reduction.

To trace the interaction of these expanding forces as they are behaving now, the authors did a "Standard" world model run on the computer, using known values from 1900 to 1970 for population, capital investment, pollution and so forth. The behavior mode is clearly that of overshoot and collapse. In this run it happens because rising industrialization begins to require such an enormous input of resources that more and more capital is needed to buy enough from dwindling stores, leaving less and less capital for future growth. "Finally, investment cannot keep up with depreciation and the industrial base collapses, taking with it the service and agricultural systems which have become dependent on industrial outputs (such as fertilizers, pesticides, hospital laboratories, computers and especially energy for mechanization) population finally decreases when the death rate is driven upward by lack of food and health services."

Another computer run was made to see what would happen if technology were to get around the resource shortage by reclaiming and recycling, reducing the virgin resources needed for industry to a fourth of the amount used now. The absence of resource constraints would then cause such a leap in industrialization that growth would be stopped by rising pollution. Population would reach about the same peak level as in the other run, only to fall more abruptly, to a lower final value.

The authors then tried a run with unlimited resources and pollution controls. More arable land is then taken for urban-industrial use and other land is eroded by highly capitalized farming methods, until the land limit is reached. Then a food shortage sets in and industrial output is diverted into agricultural capital to increase farm yields. Less capital is available for investment and finally industrial output per capita begins to fall. When food per capita sinks to subsistence levels the death rate starts to rise again and growth stops.

Finally, an all-purpose run was made. Here, the authors say, "we are using a technological policy in every sector to circumvent limits to growth. The model system is producing nuclear power, recycling resources, and mining the most remote reserves withholding as many pollutants as possible, pushing farm yields to undreamed of heights and producing only children actively wanted by their parents. *The result is still an end to growth before the year 2100.* In this case growth is stopped by three simultaneous crises. Overuse of land leads to erosion and food production drops. Resources are severely depleted by a prosperous world population (but not as prosperous as the present U.S. population). Pollution rises, drops and then rises again dramatically, causing a further decrease in food production and sudden rise in the death rate. The application of technological solutions alone has prolonged the period of population and industrial growth, but it has not removed the ultimate limits to that growth."

This last is particularly worth noting because, as the authors observe, "technological optimism is the most common and dangerous reaction to our findings . . . faith in technology can thus divert our attention from the fundamental problem—growth in a finite system—and prevent us from taking effective action to solve it."

The authors do not propose solutions, and certainly do not say the world must come to a skidding halt. They simply offer an assortment of options to help us move deliberately from growth to equilibrium before natural forces do it in inevitably more calamitous ways. The computer says it can be done in time. In this final run, population is stabilized at a birth rate equaling the death rate by 1975. Industrial capital is stabilized by an investment rate equaling the depreciation rate by 1975. Industrial capital is stabilized by an investment rate equaling the depreciation rate by 1990. Industry's use of resources is cut to a fourth of present levels by 1975. So is pollution. Society shifts its economic preferences from factory-made material goods to education, health facilities and similar services. Capital is diverted to food production even at a loss, to help equalize world social conditions. A high priority for agricultural investment is soil enrichment and conservation. Industrial goods are designed to last longer and be more easily repaired.

If all this is done, the stable world population would be only slightly larger than it is now. Everybody would have more than twice as much to eat. People would live an average 70 years. Industrial output would be appreciably higher and services per person would triple. Average individual income worldwide (industrial output, food and services) would be about $1800 a year, half the present American average, comparable to the present European average, and 3 times today's average for the world as a whole. Though resources would still be depleted, it would happen so slowly that technology and industry would have time to adjust to change.

If society will not or cannot do all these things starting now, it could try later. Nevertheless, a delay from 1975 to 2000 in instituting stabilizing policies would equal 125 years' consumption by a society stabilized just 25 years earlier.

That too is an option, of course, and there are others which change the weight of one value or another. The sole option we evidently do not have is to make no decision at all. No decision, the authors say, is a decision to let accelerating forces go on as they are, increasing the risk of overshoot and collapse.

U.S. MINING RIGHTS IN DEEP SEA BED

Mr. BELLMON. Mr. President, the junior Senator from Montana called to my attention a recent speech made by the Chilean delegate to the United Nations Seabed Committee and asked that I request permission to insert his reaction to that speech in the body of the RECORD.

Inasmuch as the Chilean speech refers to S. 2801, a bill which I cosponsored with Senator METCALF, I share his concern about attempts made by the delegate from Chile to intimidate the U.S. Senate in its consideration of S. 2801. I have read Senator METCALF's remarks and fully agree with his response to the Chilean delegate, and accordingly ask unanimous consent that the Senator's statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR METCALF

I invite the attention of Senators to recent developments within the United Nations Seabed Committee and the relationship of these developments to a bill, S. 2801, relating to deep ocean mining, which I introduced along with Senators Jackson, Allott, Bellmon, and Stevens.

S. 2801 would implement present rights of the United States under international law to mine minerals of the deep seabed on an interim basis prior to the entry into force of a deep seabed treaty which the United Nations Seabed Committee has barely started to prepare. When I introduced S. 2801, I stated that it was for discussion purposes—meaning at the time that the Committee on Interior and Insular Affairs along with the Foreign Relations Committee would hold hearings on it and that at that time the bill would be aired. Its discussion in another form has already begun.

On the morning of March 9, in New York, during a session of Subcommittee No. 1 of the United Nations Seabed Committee, the Chilean delegate in a major speech referred to S. 2801 in the most derogatory terms. He stated that for the United States to grant mining rights to the deep seabed to U.S. nationals under the provision of the bill would be contrary to international law and, in particular, a violation of the U.N. General Assembly's 1969 Moratorium Resolution and its 1970 Resolution on Legal Principles. He stated further that "for the U.S. to grant licenses for deep seabed mining before a regime (treaty) is agreed upon, would be a mockery of all of the efforts of the U.N. Seabed Committee."

The Chilean delegate then demanded that the U.S. delegation present to the U.S. Seabed Committee all of the information at its disposal about U.S. deep ocean mining companies and a report on the U.S. Senate's position on S. 2801. Finally, the Chilean delegate suggested that if such legislation were enacted into law, the U.N. Seabed Committee should pass a resolution condemning the legislation.

I feel very strongly that Senators should be made aware of these charges, demands and threats. I also feel that Senators and our friends in the U.N. Seabed Committee should be made aware of the background facts which preceded introduction of S. 2801.

First, with respect to the so-called U.N. Moratorium Resolution, which purported to declare that pending the establishment of an international regime, states and persons, physical and juridical, are bound to refrain from all activities of exploitation of the resources of the area of the seabed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction. The U.S. voted against the resolution and contended that it was designed to retard the development of technological capacity for deep seabed exploitation; that it would encourage nations to move unilaterally toward unjustifiably expansive claims of national jurisdiction just in order to remove areas of exploitation from the scope of the prohibition contained in the resolution. The U.S. Delegate also argued that adoption of the resolution would represent a breakdown on a matter of basic importance of those processes of cooperation and consensus which are necessary if any genuine accomplishment is to result from the labors on the seabed issues in the U.N. The U.S. representative suggested that passage of the resolution would indicate that the "U.N. were now . . . willing to make fundamental decisions on seabed issues through a 'politics of confrontation' and paper majorities." So much for the Moratorium Resolution, which has no binding affect as a matter of international law.

The Legal Principles resolution, which was adopted by the U.N. General Assembly at its 25th session in December 1970, contains a list of principles which the General Assembly recommended to be included in the future seabed treaty. Without going into extensive detail, suffice it to say that the dispute over recognition of the 1969 Moratorium Resolution was resolved by compromise. The 1970 Resolution on Legal Principles does not tacitly refer to any prohibition on exploitation, nor does it specifically affirm the high seas freedom to exploit the deep seabed. The U.S. position is that under international law there is a present right to exploit the deep seabed and, indeed, prior to establishment of a deep seabed regime.

Accordingly, I do not at present detect any inconsistency between the Legal Principles Resolution and S. 2801. Nor did I at the time I introduced it.

On the contrary, I feel that if legislation such as S. 2801 is enacted, it will provide a practical interim basis of deep ocean mining experience which will be of great value to the U.N. Seabed Committee in its deliberations concerning the preparation of a future seabed treaty.

With respect to the position of the U.S. Senate on S. 2801, that will be determined following hearings on the bill. When such hearings are held, I would hope that the Chilean delegate and other interested delegates to the U.N. Seabeds Committee will be given every reasonable opportunity to transmit their views on the legislation.

We would be most interested to consider their objective analysis of S. 2801 and the relationship between it and the development of a future seabed treaty. But mere threats, claims and demands such as were made at the U.N. last week and made during the debate preceding the adoption of the new defunct Moratorium Resolution will do little to influence us during our consideration of national legislation affecting U.S. nationals.

BATTLELINES FORM ON GAS SHORTAGE

Mr. HANSEN. Mr. President, the distinguished Senator from Oklahoma (Mr. BELLMON) has taken an active role in the study on national fuels and energy policy now underway in the Committee on Interior and Insular Affairs.

In a recent series of hearings as part of that study the various aspects of a natural gas shortage already confronting the Nation were heard by the committee. Coincidental to the hearings was an announcement by Washington Gas Light Co. that because of the shortage, no new customers could be added, not even new residential users.

Among witnesses whom Senator BELLMON questioned at length were two former members of the Federal Power Commission and a former FPC assistant general counsel. It was while they served on the Commission that the well-head pricing concept that, in my opinion, has resulted in the present shortage, was adopted by the Commission.

A column by Gene Kinney published in the current issue of the Oil and Gas Journal, makes some interesting observations on the possibilities inherent in the current debate over what we should do about increasing demands for this cleanest, most convenient, and efficient fuel and the dwindling availability of new supplies and reserves for the future.

I ask unanimous consent that the Watching Washington column of the Oil and Gas Journal be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

SECTIONAL POLITICAL FIGHT LOOMS OVER GAS RATIONING

(By Gene Kinney)

The scrap over oil-import controls a couple of years ago was a pretty good one as sectional political brawls go.

But you haven't seen anything yet.

Wait till they start dividing up the available supply of natural gas in the years just ahead. It will be the consuming states against the producing states all over again in spades.

The battle lines are already being drawn. Washington Gas Light Co., distributor for the nation's capital, has had to stop taking new customers. Increased volumes are out of existing customers. The utility will be remembered as one of the diehards favoring rollback of wellhead prices in the 1960's. Other distributors are at or approaching this point. Soon they will be screaming for diversion of gas from industrial markets to their residential and commercial customers. And they will have strong political allies.

The Federal Power Commission has already moved to claim part of this unregulated supply. It got slapped down by the Fifth Circuit Court of Appeals, which said FPC had no authority to interfere with unregulated sales of interstate pipelines to industrial customers. The Supreme Court will settle that argument within the year.

But what of the gas supply that stays in producing areas and never reaches the interstate stream? The consuming states want that, too. Joseph C. Swidler, former chairman of the Federal Power Commission, is out to take that gas away from Oklahomans, Texans, and Louisianans and bring it to New York. He so testified during the natural-gas phase of the Senate interior committee's energy study, in which Sen. Henry Bellmon (R-Okla.) has taken the leading role.

So did Lee C. White, another former FPC chairman who with Swidler controlled wellhead-pricing policy that led to the current shortage. Swidler, now chairman of the New York Public Services Commission, wants FPC to lay off distributors regulated by states. They're in excellent hands.

Yet neither Swidler nor White has the gall of Edward Berlin, who as assistant general counsel at FPC was part of the brain trust for FPC policy that suppressed gas development in the producing states. As general counsel for the Consumer Federation of America, he's pushing for a federal take-over to get what's left. He's after "a single federal agency . . . to exercise full control over the entire supply and demand sectors" nationwide. It would control oil prices as well as gas, and oil imports also.

Some of the same political forces that tried to scuttle oil-import quotas 2 years ago will no doubt listen to these extremist proposals. But the majority of Congress will probably recoil from them. They certainly will if they check the track record of their sponsors.

SCIENCE AND THE CITY

Mr. MONDALE. Mr. President, the Nation's scientists and engineers have a great potential contribution to make to resolving the problems of our cities and suburbs, in areas such as education, transportation, housing, health care services, pollution control, public safety, and power supply. Their talent, skills, and the experience they have gained in space and defense programs provide them with an excellent basis from which to tackle these problems.

At the same time that their skills are so sorely needed, however, upwards of 200,000 technical personnel are unemployed or underemployed throughout the country. Their unemployment or underemployment hurts them and their families. But it is a tragic waste to the communities in which they live; and to the Nation.

The other day, the Senator from Massachusetts (Mr. KENNEDY) spoke on these problems to the fifth annual Public Affairs Conference of the American Institute of Architects and the Consulting Engineers Council in Washington, D.C. His remarks should be of interest to all of us who are concerned with these problems. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SCIENCE AND THE CITY

(By Senator Edward M. Kennedy)

I am pleased and honored to be here today to address the Fifth Annual Public Affairs Conference of the American Institute of Architects and the Consulting Engineers Council. As Chairman of a Senate Subcommittee on Science since 1968, I have had more opportunity than most members of Congress to get to know the technical professional—to understand your problems and to appreciate your boundless potential to contribute to the public good.

Let me begin today with a few remarks on an architectural issue of great importance to all of us, the West Front of the Capitol. For years, the AIA has been in the forefront of the fight to preserve the Capitol. Last year we won strong additional encouragement in the sympathetic report of the outstanding engineering firm of Praeger, Kavanagh, and Waterbury. We've worked well together in the past to persuade Congress that the right approach is restoration and not extension—that history ought to count for something in the Nation's Capital, that we ought to preserve the plans personally selected by men like George Washington and Thomas Jefferson, and respect the work of renowned pioneers of American architecture like William Thornton, Benjamin Latrobe, Charles Bulfinch, and Frederick Law Olmsted.

Today, the debate has entered a new and much more critical stage. George White, for whom I have immense respect, was with us in the fight in other days. Now he wears a different hat, and we now hold different views.

It would be nice if every senior Senator and Representative in Washington could have a room in the West Front of the Capitol, with a window and a view of the Monument and the Mall. A few distinguished leaders have such rooms today. I once had one myself, in my brief career as Senate whip. But surely such considerations of personal status have no place in the great debate over the integrity of the Nation's Capitol.

Instead, our first priority for the Capitol must be a full round of public hearings and debate on the ominous new plans announced last week. I urge the appropriate committees of both the Senate and the House to act now to give this issue a full and open airing, so that the merits of all the administrative, economic, historical, and aesthetic aspects of the question may be spread out on the public record.

The Capitol belongs to all Americans. They are entitled to know that a decision so basic to the people has been made only after robust and open discussion, not just by the secret and unexplained decision of a Congressional Commission.

We have won before against great odds. With the strong support of the nation's architects and engineers, I think we shall win again. I, for one, do not believe that either Congress or the American people are prepared to sacrifice the historic beauty and integrity of their Capitol for want of imagination and a little office space. That is not the sort of symbolic gift we ought to be planning for the nation as we approach the two hundredth anniversary of our independence.

At this moment in history, the national contribution of the architect and engineer is more important than ever before. In an age of science, the role of the engineer is crucial. For it is his task to transform scientific abstractions into practical solutions to social problems and human needs. And the role of the architect—who must bridge the two cultures of science and art—is equally challenging.

In the words of the city planner and historian, Lewis Mumford: "Architecture reflects and focuses the environment, industrial arts, empirical knowledge, social organizations, and the beliefs and world-outlook of a whole society. In an age of synthesis and construction, architecture is the essential commanding art. The architect confronts human needs and desires with the obdurate facts of site, materials, space, and costs; and, in turn, molds the environment closer to the human dream."

It is up to those of us in the Congress and the Executive Branch to make sure that it does not prove to be an impossible dream. It's up to us to provide the engineers and the architects with a sense of national purpose, a sound, strong economy, and specific policies which can free your creative energy and talent to tackle the real tasks before us.

If there is one overriding lesson I have learned as Chairman of the Science Subcommittee, it is that the potential of science is nowhere being matched by its performance.

Engineers can propel nuclear ships around the globe with the energy from a bucketfull of fuel—yet our cities are increasingly beset with power blackouts and brownouts.

We can cruise on the moon's surface—yet we can't commute from suburb to city without traffic jams, air pollution, and no parking at our destination.

We can build beautiful, enclosed shopping malls in the suburbs—yet we can't begin to cope with the housing crisis in the cities.

We can design high-speed computers to process billions of bits of data instantly—yet we can't teach all our children to read effectively.

This disparity between promise and performance is a national disgrace, but we must use it as a spur to action.

Through technical innovation we can revitalize our economy, strengthen our international competitive position, and help build the kind of communities we want for our children. But this can be done only through enlightened national leadership.

Three years ago America was pre-eminent in science and engineering. Today we are falling behind Japan and West Germany in electronics and other fields, and have been surpassed by Sweden in innovative building techniques. Here at home, upwards of two hundred thousand technical personnel are unemployed or underemployed, while the problems which their skills could help solve increase every day.

This is unacceptable. America's strength springs from the skill of its people. Engineers and architects have a major share of those skills. The nation must assure them the opportunity to use their skills for the benefit of all of us.

In his State of the Union address last January, the President promised that he would soon send the Congress a Special Message on Technology. I welcome the President's recognition of these problems and intend to give careful study to his program as soon as we receive his proposals.

In the meantime, I have been developing a legislative program over the past two years which is designed to put our technical talent where our needs are. In March of 1970 I held exploratory hearings, and since then have introduced and held hearings on three major legislative proposals dealing with these problems. Based on the hearings, I have prepared a revised, omnibus bill which I intend to bring to a committee vote later this month.

This bill—the National Science Policy and Priorities Act—establishes a framework of national policy and priorities for civilian science and technology. And it authorizes $2 billion over a three year period to translate those policies into action.

Title I sets the policy framework and authorizes $50 million to advance the State-of the-Art in priority research areas. Title II establishes the Civil Science Systems Administration and authorizes $1.2 billion to design technological systems which can provide improved public services. Title III provides $550 million to aid State and local governments, communities, companies and individual engineers to make the transition from defense and space to civilian programs. And Title IV provides $200 million to guarantee a long-term loan program for unemployed scientists and engineers.

Let me briefly outline the key provisions of the bill.

It establishes four basic national policies:

First, Federal funding for science and technology is an investment in the future, which is indispensable to sustained national progress: this investment must be raised to an adequate level, and then continue to grow annually in proportion to the increase in the gross national product.

Second, technically trained individuals must have continuing opportunities for jobs commensurate with their skills.

Third, federal funding for civilian R&D must be raised to a level of parity with military R&D.

Fourth, Federal programs for civilian R&D must focus on the nation's priority problems in areas like health, unemployment, poverty, public safety, pollution, productivity, housing, education, transportation, and energy resources.

Title I makes the National Science Foundation responsible for identifying priority areas of civilian research, and provides $50 million for advancing the state-of-the-art in those fields. This Title also strengthens the structure and authority of the Foundation to enable it to carry out its new responsibilities.

In our hearings and elsewhere, doubts have been expressed about the NSF's ability to do the new jobs which this legislation requires. As a matter of fact, I understand that architects have recently been informed that their profession does not fall within the scope of NSF support. Yet it is clear that your skills are essential to solving many of our urgent problems. The proposed legislation broadens the scope of NSF to include relevant fields like architecture.

The National Science Foundation has done a solid job over the years with its traditional programs, and I am confident the Foundation can learn to meet its new responsibilities with the changes introduced in Title I.

Title II establishes the Civil Science Systems Administration and authorizes $1.2 billion to design and demonstrate technical systems which can provide improved public services. These would be in areas like health care delivery, public safety, public sanitation, pollution control, housing, transportation, public utilities, communications and education.

The Civil Science Systems Administration would function in much the same way as NASA: except that it would focus on the problems of our communities, rather than outer space. Instead of the moon, its goal would be better public services for citizens in our society.

Lately it has become fashionable to say that our cities are ungovernable, that their problems are insoluble. I cannot accept this pessimistic view. Surely, the nation that produced the most powerful industrial system in history can learn to adapt its technology to present problems and future needs. Surely, the people who tamed a wilderness and created our modern civilization can unsnarl our cities and make them livable, once again, for man.

The new Administration would sponsor the planning, design, testing, and demonstration of innovative technical systems aimed at providing improved public services. Thus, for example, the transportation contract could stipulate a mass transit system which would pick up and deliver 75% of the community's population from within one quarter of a mile of their homes to one quarter of a mile of their jobs, while meeting acceptable standards of cost, time, cleanliness, comfort, and impact on pollution. Similar contracts would be awarded for solid waste disposal, public safety, public utilities, and health care delivery systems.

The new systems would be publicly demonstrated to stimulate their use in new communities and their adaptation to improve conditions within existing communities. Through the $2 billion of contracting for improved public services, the new agency would serve to catalyze technical innovation throughout all civilian industry.

Title III of the bill provides $550 million to aid state and local governments, communities, companies, and technical personnel in making the transition from defense and space to civilian programs. Two-hundred seventy-five million dollars would go to companies to fund the Job Transition Program. This would facilitate the adjustment of aerospace engineers and technicians and provide any necessary on-the-job training as they made the transition into civilian work.

Ninety-five million dollars would go to State and local governments and regional governmental agencies to plan and support economic conversion programs in their own areas. Much of these funds would be expended in contracts with local companies and engineering consulting firms.

Ninety million dollars would help establish and operate Community Conversion Corporations in hard hit communities throughout the nation. These corporations would draw on the technical resources of their region and help focus civilian research and engineering on their community's problem. Although their projects would be of direct benefit, much of their value would come from stimulation of secondary economic activity within the community.

Fifty-five million dollars would be awarded in Conversion Fellowships to individual scientists and engineers who wanted to acquire specialized skills in new fields, to enable them to reorient their careers.

Twenty million dollars would go for placement and relocation service for unemployed technical personnel; and $15 million would go for necessary research on the overall problems of economic conversion.

Title IV of the Bill would provide $200 million for a guaranteed, long-term loan program for unemployed scientists and engineers, to tide them over until the other programs had their full effect. The NSF would guarantee loans and make interest assistance payments to the banks. The engineers would be able to borrow up to $12,000 and have ten years to repay the loans after they were re-employed in high paying jobs.

They would, in effect, be mortgaging their future earnings to meet their present commitments. This measure is financially sound because we know the nation cannot let this reservoir of talent remain unemployed. As a whole, this group must return to work, and its members must once again earn high salaries.

These are the principal provisions of the National Science Policy and Priorities Act which I intend to bring to a committee vote later this month, and if approved by the committee, to a vote on the Senate floor in April.

In addition to this measure, I am currently drafting another bill for introduction in the spring. Entitled the Technical Innovation Act, this bill is specifically aimed at fostering the innovative role of the small technical firm.

The key to technical innovation is the creative matching of new scientific capabilities with economic opportunities and social needs. This has been best performed over the years by imaginative individuals and small firms, not by the giant corporations which dominate the aerospace and defense industry. Thus,

Out of 61 important innovations throughout the 20th century, over half stemmed from independent inventors or small firms.

Two thirds of the major inventions from 1946 to 1955 resulted from independent inventors and small companies.

Large corporations have accounted for only one in seven of the important inventions in the aluminum industry.

Of 13 major innovations in the U.S. steel industry, four came from Europe, seven came from independent inventors, and none came from inventions by American steel corporations.

And all seven of the major inventions in the petroleum refining industry have been made by independent inventors.

But despite this record of accomplishment by small technical firms, the Administration's economic policies continue to favor large corporations.

The Technical Innovation Act would attempt to redress this unfair, and economically unsound emphasis on giant corporations. The bill would provide small technical firms with an economic environment conducive to innovation.

Small technical firms which qualified under this bill would be assured of adequate supplies of venture capital by means of government guaranteed, long-term loans, government maintenance of a secondary market in their stocks, and their authorization to issue government backed "New Technology Bonds," as a form of convertible debenture.

Similarly, by being able to carry tax losses forward for ten years, they would be given a long enough period in which to prove out their innovations. And through short-term control of special licensing arrangements, they would be helped in bringing their innovations to a point at which they could compete on a fair basis with large corporations. Other special incentives available to these firms would enable them to attract and retain top executive and technical talent. A National Technical Equipment Bank would let them make use of government-owned technical equipment; and a National Technical Information Service would provide them with priority access to technical information arising from government sponsored programs.

This bill recognizes the creative potential of small technical firms. It would enable them to compete fairly with large corporations, and play a key role in revitalizing the economy.

I believe the Technical Innovation Act and the National Science Policy and Priorities Act can help close the gap between science's promise and its performance.

And I believe the Civil Science Systems Program can become the dramatic focus for science in the decade of the Seventies, in much the same way as the Space Program did in the Sixties. But the results will be of direct benefit to all our citizens here and now—not at some future date.

In the spring of 1961, President Kennedy challenged the technical community to place a man on the moon within a decade. The nation's engineers responded magnificently, and the race was won.

But now, eleven years later, the team is marking time while we search for a new target. The target I propose is a city which really serves its citizens.

Before this decade is up, let the nation's architects and engineers design and demonstrate a totally new city—a citizens' city—which shows us what is possible for all Americans in all cities. Clean air and clean water—rapid, reliable, and even comfortable mass transit—computerized health services and educational systems available to all hospitals, clinics, and schools—underground utilities which can be repaired and expanded without ripping up the streets—public safety systems which use modern technology to assure safe streets and safe homes.

This is the goal for technology in our time. This is the way to create jobs, revitalize the economy, and help revive the national spirit.

For our goal cannot be merely to meet our problems. If we start with a stunted target, our aim will surely fall short.

To quote Lewis Mumford again: "The chief function of the city is to convert power into form, energy into culture, and dead matter into the living symbols of art."

Our goal cannot be just to make our communities livable. That can only be the first step. Our real goal must be to make them wonderful places in which we and our children would want to live.

The architects and engineers of America have a key role to play in reaching that goal. As a guide to you, I suggest the standard John Winthrop set before his shipmates on the flagship Arabella more than three centuries ago, as they approached the New World.

He said: "We must always consider that we shall be as a city upon a hill—the eyes of all people are upon us."

Mr. PACKWOOD. Mr. President, the U.S. foreign aid program has been the cause of much debate and controversy in the Senate during the past year. Many Senators, disillusioned by the imperfections and lack of success of that program, believe that the termination of much of our foreign economic and military assistance is in our national interest. I cannot agree While it is undeniable that many aspects of our foreign aid program have been inadequate in the past, it is no more logical to conclude from this that our foreign aid program should be abandoned than it would be to throw out our system of criminal justice because miscarriages of justice have occurred in the past.

The alternative is to expand our concept of foreign aid to include broad land reform, thereby giving the great mass of peasants a stake in their society and an incentive to produce. There is no sounder, higher priority use of our foreign aid dollar than in the reform of land tenure. Without such a change, we run the risk of facing a continuous series of Vietnam-type crises built on peasant unrest throughout the world.

Mr. President, an excellent article entitled "Land Reform as Foreign Aid" has been written by Prof. Roy Prosterman and appears in the spring 1972 issue of Foreign Policy. Mr. Prosterman is a professor of law at the University of Washington and has done extensive land reform field work in Vietnam, Israel, and Brazil. He has been of great assistance to me and to many other Senators in helping us to understand fully the importance of land reform as a means of providing political, economic, and social stability for developing nations.

Mr. President, I ask unanimous consent that Professor Prosterman's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAND REFORM AS FOREIGN AID

(By Roy L. Prosterman)

Much of postwar foreign aid has been irrelevant, or worse, in relation to the real needs of the people of the recipient countries. It was the perception of this basic fact, above all, that led to the disaster of October 29, 1971, when by a vote of 41 to 27 the U.S. Senate temporarily terminated all bilateral U.S. economic aid, as well as a good deal of our bilateral military assistance. For shock value abroad, the Senate had probably taken no more momentous step since it had rejected the League of Nations. Fortunately, the aid decision was a largely reversible action, at least in theory. But if it is to be *permanently* reversed, and if a long-term consensus is to emerge in favor of a planned and dependable flow of funds into economic assistance programs, at least two basic questions have to be answered: Why have conflict and poverty persisted, despite the tens of billions expended in aid programs? And are there other approaches, new priorities, that could rescue and reinvigorate America's foreign aid program?

Measured by almost any standard, our first postwar aid program, the Marshall Plan, was an enormous success. Paradoxically, it was that very fact which was translated into disaster for much of the rest of postwar foreign aid. The Marshall Plan had operated in the very special European environment, but we sought to transplant its lessons in aid-giving to every part of the globe.

Basically, the economic "package" involved in Marshall Plan-type aid put very heavy emphasis on infrastructure—major capital projects such as dams, power plants, highways, harbors, and airports. An occasional steel mill or extractive complex might be included, or, more often, was expected to be established by private capital as a result of the attractions provided by the new infrastructure.

But the difference in economic impact between building a dam and power plant complex in France versus building it in Pakistan are enormous. The dam-and-power-plant complex, built in France, has a multiplying effect through its connections with a host of other local activities: it may bring about major increases in extraction, production, finishing, retailing, agriculture, banking and new capital investment, all of which the Pakistan project is quite incapable of stimulating. In France, as well as *increasing* the total production of goods and services, the project is set in an already-existent institutional framework (effective unions, effective tax collection, previous land reform) in which that increase is substantially *redistributed* to a large number of beneficiaries within the population. This redistributive arrangement also helps to bring about a greater total increase, since it makes effective the demands for goods and services of many consumers who now have cash in hand. In Pakistan, there is some increase but very little *redistribution*—the rich live higher on the hog, and the great majority of the poor stay just as poor.

If we can understand why foreign assistance proved so doggedly irrelevant to achieving either economic growth or political security in the Third World, we can then begin to establish some criteria for measuring what is "good" aid and what is "bad" aid. The realization that the less-developed world is still predominantly agrarian is, certainly, key to such an analysis. Despite massive migrations to the cities, about three-fifths of the population of these countries still lives in the rural sector, where there is enormous poverty with the mass of the people almost wholly excluded from the cash economy. One index of deprivation in the rural sector—and at the same time an index of economic want, of social inferiority, and of political impotence—is the proportion of the population which lives as tenant farmers, sharecroppers or laborers on another's land.

If one takes the agrarian portion of the total population of a society (thus accounting for the weight that the rural sector has in the entire society) and multiplies it by the proportion of that agrarian population which is landless (tenant farmers, sharecroppers, plantation laborers), one gets the percentage of the total population of that society which makes its living as landless peasants. This percentage furnishes an "index of rural instability":

Landless peasants as an approximate percentage of the total pre-revolutionary population of: [1]

Pre-1911 Mexico	62
Pre-1952 Bolivia	60
Pre-1941 China (rice region only)	35–45
Pre-1961 South Vietnam	42–58
Pre-1917 Russia	32–47
Pre-1959 Cuba	39
Pre-1936 Spain	33+

In fact, in virtually all of the societies that have undergone major revolutions in this century, the bulk of the rural population has consisted of non-landowning peasants, who rarely were less than a third of the total population of the country.

This has been true in all of the Marxist revolutions, and this fact has been made a part of their revolutionary doctrine by the Chinese and Cubans. (Over half of the men who served with Castro in the Sierra Maestra were ex-plantation workers from Oriente province.) Even in Russia, the land-to-the-tiller law was one of the two basic measures passed by the new Soviet in the first week of the October revolution, and Lenin would almost certainly have failed without the support of the peasant militias. Had the Spanish republicans—a tragic parallel to Kerensky—not procrastinated in carrying out land reform, the largely peasant vote that elected the radical reformers in 1936, and precipitated Franco's move, would not have materialized. In Spain the right wing won, in Russia the left.

Other societies that have had serious peasant troubles, short of completed revolution, have followed a similar land-ownership pattern:

Landless peasants as an approximate percentage of the total population

Central Luzon (Hukbalahap country: the average for the rest of the Philippines, where the Huks have not been active is under 25 percent)	50–57
Java (here the Communist PKI regularly won elections from 1955 until their abortive putsch of 1965)	50
Eastern India (including West Bengal where the Communists elected past state governments and carried out waves of land seizures)	40+

Other areas with relatively high percentages include northeastern Brazil (where one out of six South Americans lives), Pakistan, Nicaragua, Guatemala, Honduras, Nepal, Ethiopia, and parts of the Middle East.

By contrast, Thailand has around 20 percent and Cambodia under 10 percent landless peasants, and this may be closely related to the slowness of any *indigenous* revolutionary movement to take hold. Post-1953 Bolivia—where Che Guevara complained of the "stolid indifference" of the peasantry to his appeals—had a population of which only 5 percent were landless peasants.

DIEM'S NEGATIVE REFORM

In South Vietnam, land tenure and rebellion were closely related. The Viet Minh began distribution of French lands and those of absentee landowners in 1946, in the areas they controlled, and cut rents on other lands by one-half to two-thirds, with credible penalties for overcollection. In 1954 they undertook an even more sweeping redistribution accompanied in 1954–55 by extensive violence aimed at landlords and ex-officials in the North.

Ngo Dinh Diem in the 1950's had the opportunity to carry out a democratic social revolution in the South that would have contrasted sharply and favorably with the difficulties of collectivization and the political repression in the North. But neither the Eisenhower Administration nor Diem had much enthusiasm for land reform. Landlords dispossessed by the Viet Minh were re-established during 1957 and 1958 under cover of a "rent control" law which was neither credible nor enforceable, except for the purpose of getting the land occupant to re-acknowledge the landlord's rights.[2] A minute redistribution of land also took place, under a complex law that permitted the landlords to retain land sufficient to hold at least 60 average tenant families.

The largely negative character of Diem's purported land reform was a major factor in allowing the Vietcong to establish a resurgent revolutionary movement among the peasantry.

In 1960, there were over one million South Vietnamese families—between six and seven million people out of a rural population of 11 million and a total population of 14–15 million—who were wholly or predominantly dependent on tenant farming. In the populous Mekong Delta, seven out of ten families were tenants. They worked an average tract of four to five acres, and paid a third of their crop in rent, which left them virtually no surplus. They had no effective security of tenure, and could be evicted virtually at will. If there was a crop failure, rent generally remained payable in full. The landlord supplied neither inputs nor credit, nor advice. He merely collected the rent.

The Vietcong promised land, and when they took over an area, they fulfilled the promise so far as all appearances were concerned. Larger landlords fled; absentees could not collect their rents; the few landlords who remained were subject to strictly-enforced limitations. Surplus, security of tenure, status all appeared to belong to the former tenant.

Little wonder, then, that through the 1960's the Vietcong used the recruiting appeal, "we have given you land, now give us your son." Large infusions of manpower from the North did not begin until 1965. Both before and after, the peasants of the South supplied 5,000 to 7,000 recruits a month to the Vietcong, an estimated three-fifths of them as volunteers of "soft-sell" enlistees. The peasants also supplied the famous guerrilla environment: intelligence reports, porters to carry in and bury supplies, "safe" houses. They gave little or no affirmative support to Saigon. The failures of government intelligence were humiliatingly underlined when multi-battalion Communist forces moved into position before Tet 1968 and, while making elaborate logistical preparations, nonetheless achieved almost complete surprise.

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[1] These figures have been calculated from a variety of sources. A range of figures represents a situation where many peasants both own some land and farm other lands as tenants. The higher percentage figure reflects the result of considering them as wholly tenants, the lower percentage figure as wholly owners.

[2] "Rent control" laws likewise proved unenforceable under Chiang Kai-shek on the mainland, and in the Philippines and India during the 1950's. The quality and quantity of administrative talent per family-to-be-benefited is astronomical. Efforts to use "rent control" as a land-reform placebo continue to crop up, however.

Saigon, in 1965 and 1966, issued decrees that formalized once more the power of landlords to reassert their rights to lands in newly "pacified" villages. Again, negative land reform drove tens of thousands of peasants into the arms of the NLF, the landlords riding in with the ARVN jeeps after the American innocents had cleared and "secured" the village. Tenant farmers told Stanford Research Institute interviewers in 1967 that they regarded land ownership a matter of crucial importance *five times more frequently* than they mentioned "security" as a concern. Clearly, the experience of being "saved from the Communists" means something different to them than it means to us. One of Henry Kissinger's staff members has summed up the tragic inversion of priorities: "The Americans offered the peasant a constitution; the Vietcong offered him his land and with it the right to survive." [3]

The combined shock of the Tet offensive, the McCarthy movement, and Johnson's withdrawal in March 1968 made it clear to the Saigon government that American backing could not be taken for granted and that land reform was essential if it was to receive peasant support. In late 1968 President Thieu ended, with surprising effectiveness, the process by which landlords had returned to reassert their rights in newly-secured villages. This coincided, pragmatically, with the "accelerated pacification" campaign that began in the 1968–69 winter. In April 1969 Thieu froze all evictions, preparatory to more sweeping measures.

By far the most important land acquisition of the Diem land reforms had been 575,000 acres—about 10 percent of the country's cultivated land—acquired in 1958 by the French government from former French landowners and presented as a gift to Diem for distribution to the peasants. Instead of distributing them, Diem let local officials rent the bulk of them out and pocket the proceeds. The tenants remained tenants.

In mid-1969, Thieu decreed the accelerated *free* distribution of these and other government-owned lands, under drastically simplified administrative procedures. From 1969 to late spring 1971, the distribution—chiefly of the French lands—had affected over 450,000 acres, giving title to some 120,000 ex-tenant farmer families.

Thieu's Land-to-the-Tiller

The Land-to-the-Tiller Bill, a companion measure providing for distribution of privately-owned lands, was introduced in July 1969, and passed by the National Assembly in March 1970. A *New York Times* editorial called it "probably the most ambitious and progressive non-Communist land reform of the twentieth century." [4] There were, of course, important non-Communist precedents for reform in Mexico and Bolivia. Even more immediate models were available in Japan, South Korea (where extensive land reform was, fortunately, carried out before the 1950 invasion by the North), and even in Taiwan—where, 10 years too late for application to mainland peasant grievances, Chiang Kai-shek carried out a drastic land distribution to the Taiwanese tenant farmers. Significant, but lesser, land reforms have also been carried out in Iran and Venezuela, and by the British in response to the Malayan insurgency, and major land reforms now appear likely in Peru and northeastern Brazil.

The Land-to-the-Tiller program in South Vietnam is both more simplified and more sweeping than any of the previous efforts, with the possible exception of the (essentially "grab-your-own") program in Bolivia. Thieu's measure affects *all* private tenanted land—together with the government-lands distribution, it covers over 60 percent of all cultivated land in the country—and the recipient is normally the present tiller (thus no administrator has to pick and choose). He gets what he presently tills (identifiable on aerial photos, so no surveyor has to be sent out, and no dikes have to be torn down and rebuilt along the paddies). And he gets it free of charge (along with a moratorium on real estate taxes, so no one has any excuse to approach him for any payment under any pretext). The landlords will get paid the fair value of the lands, in cash and bonds, by Saigon. The total cost of $400 million equals about five days' cost of the war at 1968–69 levels, and the United States has indicated it will pick up around one-third of the costs.

By December 31, 1971, Land-to-the-Tiller distribution had resulted in 375,250 final titles being issued covering 1,145,000 acres. Because the war reduced the rural population, there were at the start of 1969 about 800,000 tenant farmer families. By year-end 1971, the combination of government-lands-distribution and Land-to-the-Tiller had thus reached nearly one-third of the nation's cultivated land and over one-half of these tenant-farmer families.

Clearly, if the United States was to be involved in Vietnam, its failure to insist on early land reform was a major flaw in policy: nonviolent social change might have "persuaded," where enormous violence could not. Whether the current massive program is timely or too late, however, concerns us less here than does the more general model of the benefits—economic, social, and political—that have accrued from this century's major, non-Marxist land reforms. In simplified form, these may be visualized as follows:

1. A peasant previously paying one-third to one-half his crop in rent to a landlord no longer makes that payment.

2. He pays a smaller amount to the government for about 10 years (in Vietnam, nothing) to cover all or most of the cost of acquisition from the landlord. In Taiwan, where peasants paid the higher price for their land of any of the reforms, net family income doubled early in the repayment period and more than tripled following the last payment.

3. The balance is surplus over and above what he formerly kept. Some is used to improve family nutrition. Some is reinvested in agricultural inputs, of which the peasant is now ensured of the *entire* yield.

4. The additional yield goes to the urban and export markets. Some of the surplus income is used for still further agricultural inputs, including small capital investments in tools or irrigation—over-all production increases of 50–100 percent in the decade following reform have been typical. Other surplus income is used for consumer products like transistor radios, clothing, or bicycles. Many of the demands for agricultural and consumer products can be met by urban industry. (Landlords may be encouraged or even required to invest a substantial proportion of their compensation for the land in such industries.)

5. It now becomes important and relevant to have storage facilities for grain, and optimum marketing and purchasing facilities. Cooperative village efforts, through taxation, borrowing or profit-sharing investment, mobilize part of the surplus for storage and other capital projects, and mobilize joint buying and selling power in co-ops for fertilizer purchase, marketing, credit and other ends.

6. Other portions of the surplus are collectively mobilized for "social overhead." Wealth left in the village rather than siphoned off by landowners can be used for schools and dispensaries.

7. With more schools, and surplus available to support children through more years of schooling, literacy increases. Surplus, and freedom from landlord and money-lender political pressures, combine with enhanced social status and greater literacy to increase the prospects for political activity. Ex-tenant-farmers run for village office, and later for district and higher offices.

8. During this time, urban industry continues to grow, spurred by the demands of an increasingly prosperous countryside.

A foreign aid program that will start, nurture, and speed such a cycle, is one which holds real promise for democratic social change in the Third World: change which is not merely concerned with growth, but with the underlying *redistribution* of benefits and powers. Tragically, such a program was begun in Vietnam only after enormous violence had already occurred; but in many countries it has provided a wholly nonviolent alternative, for development without the upheaval of revolution, and a pattern for organization of agriculture whose results have been consistently superior to those of collectivization.

"Democracy" here starts at the grass-roots, giving people effective decentralized control over the institutions and decisions which most intimately affect their lives. It differs markedly not only from the centralized decision-making and political constraints imposed by the Marxist models, but also from the democracy-imposed-from-the-top model by which a small educated elite goes through the motions of "democratically" deciding the fate of an impoverished, illiterate peasantry in countries such as the Philippines and India.

And while this development strategy achieves internal security, it does so by means far removed from the model that defines "security" narrowly, usually in terms of military hardware. Instead, security is achieved because the basic and legitimate grievances of the population are met, and because the government *deserves* to govern.

TRIPOD FOR PROGRESS

Such an approach to development is clearly not going to be achieved by the Marxist model. That model of forced-draft accumulation from the peasantry is not only distasteful to impose and carry out, it does not even achieve its narrow economic goal. Nor will such an approach to development be achieved through Marshall Plan-type "infra-structure projects," whether administered through AID or the World Bank, *for mere multilaterality, without correct priorities, yields no added magic*. Even the "Green Revolution" has failed, whenever land ownership has been concentrated, in its goal of feeding the still-penniless poor. How and where, then, might we channel our foreign assistance to the less-developed world over the next quarter-century in order to succeed where we have so often failed over the past quarter-century? The need, I believe, is to concentrate resources upon three priority programs: *Land reform, increased food production in the context of land reform, and population control*. On this tripod, an effective aid program can be built for the Third World. On this tripod, I believe, from extensive briefings on Capitol Hill, that the coalition that supported the Marshall Plan and the heyday of foreign aid can be reassembled.

As to the first element, land reform, what needs to be done as a practical matter is to begin channeling major resources, preferably through a multilateral mechanism, to support land reforms in countries that wish to undertake them, but are forestalled by the landlords' effective political opposition arising out of fears of confiscation. Landlords who have much of their wealth tied up in land are unwilling to see substituted for it 20-year Government-of-"X" bonds, where "X" clearly does not display resources that lend confidence that the bonds will be paid off. My field work, in Brazil, Colombia, the Philippines and Vietnam, has persuaded me of something which common sense should also suggest: that if there is a really credible promise to pay the full equivalent of the land's value, many fewer landlords will be inclined to promote a *coup de'etat* over the program, and many will indeed see it as positively beneficial. Credible compensation becomes, in effect, a further variable which can take the place of highly-centralized power in the government sponsoring the reform.

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[3] *Robert L. Sansom,* The Ecomomics of Insurgency *(Cambridge: M.I.T. Press 1970), p. 234.*

[4] The New York Times, April 9, 1970.

GUARANTEES FROM AID

American aid in this area should be used chiefly to support a guarantee, preferably through a multilateral agency, that the bonds issued to the landlords will be paid. Either by a direct guarantee of the bonds, or a guarantee of the adequacy of the sinking fund used to retire them, landlords can be given a "Federal Deposit Insurance Corporation" type of assurance that the bonds are safe. In countries where reasonable investment opportunities exist, they might also be strongly encouraged, or required, to put a substantial portion of this compensation into productive investments.

In countries where there is more elbow room for planning, and less immediate competition than in Vietnam, the recipients of land could pay a substantial part of the land costs back into a sinking fund, which would then be used to retire the bonds. The relation of rents to land values is normally such that this annual payment will be substantially less than the rents formerly paid, quite apart from the increase in production that usually occurs upon land distribution. But the multilateral guarantor would also function to subsidize some interest payments, and occasionally some capital costs, to assure that this immediate increase in income accrued to the beneficiaries in every case. The guarantee agency would also help to set up an adequate sinking fund mechanism to collect the payments from the land recipients. There should also be a support program for related measures of extension service and agricultural credit, the latter aimed—in recognition of the low "opportunity cost" of labor and the high "opportunity cost" of capital goods—at making available hand tools, small irrigation pumps, and other inputs suitable to a tract of a few acres that were to be worked principally by hand; not heavy tractors and combines geared to some Midwestern fantasy of what a "real farm" should look like.

I have calculated that, for an expenditure equal to roughly one-fifth to one-sixth of our erstwhile bilateral and multilateral foreign-assistance programs in the economic area, we could, during each year of the next decade, support massive land reform programs in a dozen of the most needy countries (including the five most populous non-Communist underdeveloped societies: India, Pakistan, Bangladesh, Brazil, and Indonesia), together with complementary credit and extension programs pointed towards maximizing the increase in food production. Our outlay would be some $500 million a year, channeled to an "Agricultural Credit and Insurance Fund" administered by the World Bank or Inter-American Development Bank—*if* they were desirous of handling such a program—or to a new multilateral agency. This $500 million ought to be matched by similar contributions from other nations, thus providing, over a decade, some $10 billion. Calculating that up to one-half the total cost of the average country's program would be supported by some form of subsidy or collateral assistance from the fund, while the other half would be paid for by the mobilization of sinking-fund repayments, $10 billion would be adequate to achieve land-ownership for roughly 20 million families—about 100 million people—over the decade. This is based on the per-family costs of the full-compensation programs in Venezuela, Taiwan and Vietnam, together with calculations for such a program in northeastern Brazil, and data on land values in a number of other countries.

This would constitute the largest program of planned democratic development ever carried out, but even so, the annual U.S. contribution and the scope of the program could readily be doubled. Indeed the possibility might arise for foreign aid outlays at higher levels than ever before, even approaching the United Nations-suggested target of 1 percent of GNP annually, as the new priorities proved their relevancy to the real needs of the people. We would finally have found our elusive quarry: a development strategy as effective for the Third World as the Marshall Plan was for Europe.

Such an approach to foreign aid priorities seems consistent with national and congressional moods favoring a "low posture," yet without a sophomoric retreat from all commitments. It de-emphasizes the role of military hardware, although it remains consistent with McNamara's equation, "Security *is* development." It recedes from bilateral giving, yet insists that multilateral agencies must also be held to standards of accomplishment. And it carries a harsh judgment of most postwar foreign aid, while recognizing that the faults are remediable.

MILK INTOLERANCE

Mr. PROXMIRE. Mr. President, a statement was recently released by the Protein Advisory Group of the United Nations concerning milk intolerance. It was in response to doubts that have been expressed about the advisability of including milk in our overseas feeding programs. These doubts resulted from reports that milk consumption by many people in underdeveloped countries caused a reaction called milk intolerance. This reaction is said to be caused by lactose malabsorbtion. Lactose is a type of sugar found in milk and it is digested by an enzyme in the intestines called lactase. In many underdeveloped countries, people do not have sufficient lactase activity to absorb all of the lactose which is ingested. The excess lactose sometimes causes symptoms such as abdominal pains and diarrhea. This condition is called lactose intolerance.

The Protein Advisory Group's statement, which is based upon a study done by its ad hoc Working Group on Milk Intolerance, shows that the evidence that is now available does not justify the doubts that have been raised about including milk in our food programs.

The evidence now available is inadequate for several reasons. First of all, as indicated in the statement, lactose intolerance and milk intolerance are not synonymous. Therefore the results of tests for lactose intolerance are not necessarily applicable to milk intolerance. Also, the numbers of children involved in the tests so far have been relatively small, especially in underdeveloped countries.

Practical experience over the last two decades has shown milk intolerance to be no great problem in the distribution of milk, but as stated by the Protein Advisory Group, there is a need for further research into this problem.

Milk, however, is badly needed in developing countries because of its nutritional value. Its use is strongly recommended by all nutritional experts.

As the Protein Advisory Group states, it is clear that—

> It would be highly inappropriate, on the basis of present evidence, to discourage programs to improve milk supplies and increase milk consumption among children because of the fear of milk intolerance.

Mr. President, I ask unanimous consent that the complete statement of the Protein Advisory Group and a news release from the National Dairy Council be printed in the RECORD immediately following my remarks so that my fellow Senators may have the opportunity to examine them more closely.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NEWS RELEASE FROM NATIONAL DAIRY COUNCIL

The value of milk in the diet has been reaffirmed in a special report recently issued by the Protein Advisory Group of the United Nations.

Long-awaited and titled "Milk Intolerance—Protein Advisory Group Statement No. 17," the report refutes ideas that have been advanced that because of so-called lactose (milk sugar) intolerance, the role of milk in school lunch and other domestic and overseas feeding programs should be questioned.

Says the statement: "It would be highly inappropriate, on the basis of present evidence, to discourage programs to improve milk supplies and increase milk consumption among children because of the fear of milk intolerance."

The U.N. statement also emphasizes that low lactose activity or reaction to high lactose loads under experimental conditions is not synonymous with milk intolerance. (Lactase is an enzyme in the intestine which helps metabolize lactose.)

"The results obtained with standard lactose tolerance tests, the procedure most commonly used to evaluate intestinal lactase activity, cannot be used as indicators of milk intolerance. Low lactase activity, lactose intolerance and milk intolerance are not synonymous although they have been used as such in many publications."

Elsewhere the statement says: "Milk is considered a virtually complete food and in the developing areas of the world, where protein deficiency is widespread and protein-calorie malnutrition a serious childhood problem, the use of milk for child feeding programs is strongly advocated by all nutrition experts."

Lactose intolerance also is dealt with in a report contained in the January issue of the American Journal of Clinical Nutrition. Reporting a research project in India, Vinodini Reddy, M.D., D.C.H., and Jitender Pershad, M.B.B.S., D.C.H. M. Sc., of India's National Institution of Nutrition, said:

"The results of these studies clearly show that lactose intolerance does not necessarily imply milk intolerance. The incidence of lactose intolerance and low levels of lactase activity therefore are not reliable guides to assess milk intolerance and the use of skim milk to improve the dietaries of poorer sections of the population should not be based on these considerations."

In the Indian research it was found that all Indian adults tested did show a lactase deficiency. Fifty percent also showed lactose intolerance (diarrhea, stomach cramps, etc.)

under experimental conditions. Skim milk supplementation in their diets for four weeks had no effect on lactase activity even though intolerance became milder or disappeared altogether after 3 to 4 weeks.

In Indian children, however, only 20 out of 54 children were tolerant to an experimental lactose load of 2 grams per kilogram of body weight. (This is the equivalent of a 48-pound child consuming the amount of lactose contained in a quart of milk at one sitting). When 8 intolerant children were given half as much lactose, none had symptoms. Only 4 of the 20 intolerant children had symptoms when they drank milk containing lactose the equivalent of the 2-gram load, and even in the 4 children the symptoms disappeared when the milk was given in divided doses.

Said researchers Reddy and Pershad: "High incidence of lactase deficiency should not, therefore, be used as an argument against the distribution of skim milk to undernourished populations in Asian countries."

Commenting on the United Nations and India reports, M. F. Brink, Ph.D., President of the National Dairy Council, said: "Dairy industry men and many scientists have been aware of research which had been reported as indicating lactose intolerance among some non-white persons. Experimental tests were cited in which patients were given at one sitting milk sugar (lactose) loads equal to the amount of lactose in a quart of milk.

"No one recommends drinking milk that way," Dr. Brink says, "but the research has been interpreted as indicating milk intolerance and questions have even been raised as to whether milk should be continued in domestic food programs such as school lunch and in aid programs overseas.

"The theory advanced also pointed to lactase deficiency in many persons as being the source of their intolerance to lactose, and thus to milk.

"The United Nations and India reports refute this, he said. "We agree, however, with the U.N. and others that our knowledge is incomplete, that more research is in order. In line with this, National Dairy Council currently is sponsoring research being conducted by Dr. Theodore Hersh at Brown University. Dr. Hersh is studying the ability of individuals from different races to digest varying amounts of lactose in the diet when supplied by dairy foods, Dr. Brink said. "Dr. Hersh reviewed the progress of his research at NDC's recent Annual Meeting in New Orleans," Dr. Brink added.

PAG Statement on Low Lactase Activity and Milk Intake

During the last few years, reports have appeared in the world medical literature on the occurrence of low intestinal lactase (exact term: B-galactosidase) activity in large groups of apparently healthy nonwhite populations in different parts of the world. Some of the reports and many articles in the lay press have concluded that milk consumption by these people may lead to untoward reactions in the form of gastrointestinal disturbances ("milk intolerance") and may interfere with the proper utilization of milk nutrients. Doubts have been raised as to whether it is desirable to use milk as a source of supplementary food for children in the developing areas of the world and whether milk and milk products should be exported throughout the world for use in nutrition programs.

It is the considered view of the PAG based on the report of its *ad hoc* Working Group on Milk Intolerance that the evidence presently available does not justify the above doubts, for the following reasons.

The results obtained with standard lactose tolerance tests, the procedure most commonly used to evaluate intestinal lactase activity, cannot be used as indicators of milk intolerance. Low lactase activity, lactose intolerance and milk intolerance are not synonymous* although they have been used as such in many publications. An intolerance to lactose in the large amounts commonly used in load tests (50g of lactose or more per m^2 of body surface) which correspond in an adult to the consumption at one time of 1.0–1.5 liters of milk, gives no information on the existence of milk intolerance when the milk is consumed in moderate quantities.

Preschool child feeding programs and school lunch programs, which have been in operation in many developing areas of the world for well over two decades, use only about 200ml to 250ml of milk per day and in many programs this is taken with other food. This quantity of milk contains only about one-quarter of the amount of lactose uesd in standard load tests for these ages. Skimmed milk powder, which is used in many of these programs, contains more lactose than whole milk. Even so, consumption of reconstituted skimmed milk powder will offer a lactose load considerably below that used in lactose load tests. These load tests measure the presence of enzyme activity and not the capacity of the child to tolerate the quantity of milk which he normally consumes.

Practical experience in the field has demonstrated that some of the children who reject the regular quantity of milk during the initial stages of a program are able to accept the same amount after they are accustomed to it. In areas where the population is not accustomed to milk drinking, it might be prudent to start milk feeding programs with reduced amounts of milk, and increase the quantity gradually to the regular dose.

It has been reported from one industrialized country that a large number of nonwhite elementary school children receiving milk as part of the school lunch consumed only one-half or three-quarters of the daily quota of milk supplied. This has been stated to be the result of low lactase activity, but it remains to be proved; low milk intakes have also been found in studies of North American and European school children in whom low lactase activity was not a factor.

In all the investigations on lactase activity available so far in the literature, the total number of children included is relatively small and among these studies there are comparatively few systematic surveys on prevalence. Reasonably-sized groups have been investigated for lactase activity mainly in Northern Europe and the number involving children in different age groups is very limited. The information available regarding prevalence in populations in Asia, Africa and Latin America is much less and only recently have adequate attempts been made to include children from such groups as subjects for investigation.

There is a great need to undertake further prevalence studies among children of various ages in nonwhite populations, using standard and comparable procedures, before the extent and magnitude of the problem of low lactase acivity, the age at which the fall in activity occurs in various populations and the implications of the findings for milk consumption by children can be assessed.

Milk is considered a virtually complete food and in the developing areas of the world, where protein deficiency is widespread and protein-calorie malnutrition a serious childhood problem, the use of milk for child feeding programs is strongly advocated by all nutrition experts. The PAG wishes, however, to emphasize that there are several areas where our knowledge is deficient or lacking on this complex subject and steps should be taken to close the gaps. Physicians in developing countries and authorities supervising milk feeding programs should also be made aware of current knowledge on his subject and its implications.

It would be highly inappropriate, on the basis of present evidence, to discourage programs to improve milk supplies and increase milk consumption among children because of the fear of milk intolerance.

BEHAVIOR CONTROL

Mr. KENNEDY. Mr. President, advances in medicine, technology, and the behavioral sciences have recently opened up awesome possibilities for the control of human behavior. While some of these techniques may serve legitimate medical and human purposes, it is extremely important that the public be aware of these developments and that appropriate safeguards be instituted to assure that human rights and values are not injured in the course of these developments. On December 2, 1971, the Senate passed Senate Joint Resolution 75 to establish a National Advisory Commission on Health Science and Society. This resolution is now being considered in the House of Representatives. The Washington Post Outlook section, on Sunday, March 12, carried two significant articles on these problems, "The Promised Land of Behavior Control" and "Return of the Lobotomy." I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

Return of the Lobotomy

(By Peter R. Breggin and Daniel S. Greenberg)

(NOTE.—Breggin, a practicing Washington psychiatrist and former teaching fellow at Harvard Medical School, is the author of a recently published novel, "The Crazy from the Sane." Greenberg, author of "The Politics of Pure Science," publishes a Washington newsletter, Science and Government Report.)

A boy of nine with normal intelligence is described as "hyperactive, aggressive, combative, explosive, destructive, sadistic," by his doctor. To control his behavior and make him more manageable, he is operated upon. Holes are drilled through his skull and electrodes are passed deep into his brain to coagulate both sides of the thalamus, the emotion-regulating center of the brain.

Nine months later, the operation is repeated on one side. Now his doctor reports that the boy's behavior is "markedly improved," and he is able to return to a "special education school." But his symptoms reappear a year later and he is subjected to another operation, this time to the fornix, another portion of the emotion-regulating system. His doctor now notes "impaired memory for recent events," a sign of brain damage, and the boy is described as "much more irritable, negativistic, and combative." Consequently, additional destructive lesions are made on the site of the first two operations, the thalamus. His doctor then reports, "The patient has again become adjusted to his environment and has displayed marked improvement in behavior and memory." But, the doctor concludes: "Intellectually, however, the patient is deteriorating."

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*Definition of terms:

Low lactase activity: Less than 2 units of lactase activity per gram wet mucosa. This can be demonstrated in either of two ways:

(a) *directly* by examination of biopsy material

(b) *indirectly* by lactose tolerance test ("flat" blood sugar curve, i.e. rise of 25 mg % or less following ingestion of standard lactose dose: $50g/m^2$ or 2g/kg in children)

Lactose malabsorption: Reduced absorption of lactose, a consequence of low lactase activity, determined by lactose tolerance test described above.

Lactose intolerance: Clinical signs (abdominal pain, diarrhea, bloating, flatulence, etc.) following ingestion of lactose, mixed in water in standard dose or less, in a person with proven lactose malabsorption.

Milk intolerance due to lactose content: Clinical signs (abdominal pain, diarrhea, bloating, flatulence, etc.) consistently following a few hours after ingestion of milk or milk-containing products in usual amounts in a person with proven lactose malabsorption.

This report of six destructive lesions in the brain of a child to control his aggressiveness and hyperactivity may strike some as a tasteless satire, inspired perhaps by an over-excited reaction to the film "A Clockwork Orange," whose sadistic hero undergoes "therapy" designed to eliminate his homicidal and sexual impulses. But it is not satire. The report was published in 1970 in an established medical journal, Confinia Neurologica, and the doctor is Orlando J. Andy, professor and director of Neurosurgery at the University of Mississippi School of Medicine, Jackson. The operations that he describes are part of a second wave of psychosurgery—popularly known as lobotomy—that is now gaining momentum in the United States and around the world.

A DEADENING OPERATION

While capital punishment is progressively being banished in civilized lands, many of these same nations are witnessing a resurgence of what can properly be described as partial murder of the mind. As in the film, it is done for a "good" purpose, the elimination of "undesirable" behavior. Nevertheless, in whatever way those two terms may be defined, the effects of psychosurgery are blunted emotions and subdued behavior whether the patient suffers from a "behavior" problem—neurosis, psychosis, brain disease—or simply causes too much trouble for someone else's comfort. It is a deadening operation that involves deliberate, irreversible damaging of an individual's brain for the purpose of altering behavior that others have deemed undesirable.

Medically informed laymen and even many physicians commonly say that "it isn't done any more," reflecting the fact that in the United States, the procedure became discredited—because of its frequently horrifying results—following some 50,000 operations between 1936 and the mid-1950s, and then was almost wholly supplanted by chemical tranquilizers. But years of experience with tranquilizers have demonstrated their shortcomings, and now, employing new surgical techniques, including space-age electronics, the lobotomists are making a comeback.

Comprehensive statistics are lacking, since there is no central registry for surgical procedures in the United States, and in contrast to the regulation of pharmaceutical drugs, there is no government authority that sanctions surgical procedures. All that is required is a licensed physician, a willing hospital, and a patient, three of whom, it will be recalled from press reports last month, were recently provided by the California prison system, which is a pioneer dabbler in revamping the brains of selected inmates. Certified criminals, however, are not the only targets of today's lobotomists. Increasingly, they are focusing their irreversible procedures on the mildly disturbed, with women predominating among the targets and not a few children included as candidates for the operation.

Nationwide, informed estimates place the total at 400 to 600 operations a year, with the numbers rising. Worldwide, there is also an increase, so much so, in fact, that in 1970, some 100 psychosurgeons gathered in Copenhagen to form the International Society for Psychosurgery.

In the United States, psycho-surgery is being financed not only by the National Institute of Mental Health, but also by the Justice Department's Law Enforcement Assistance Administration. Among the recipients of the government's financial support is a Boston psychiatrist, Dr. Frank Ervin, director of the Cobb Laboratories at Massachusetts General Hospital, and co-author, with Dr. Vernon Mark, of "Violence and the Brain," which proposes development and systematic applications of an "early warning" test to detect persons disposed to exceeding "acceptable violence." This is defined by the authors as "the controlled minimum necessary action to prevent personal physical injury or wanton destruction of property. This definition," the authors suggest, "would apply equally to police or public authorities as well as to politically activist groups (students, racial, etc.) and all violent acts that did not fit into this category would be 'unacceptable'." Their perpetrators, the authors add, would become eligible for violence-inhibiting treatment, including brain surgery.

Ervin and Mark are associated with a newly founded non-profit corporation, the Neuro Research Foundation of Boston, which holds grants and contracts from NIMH and LEAA totaling at least $600,000. Included in the funds is a grant of $108,931 that LEAA awarded to the foundation's president, William H. Sweet, to study "the role of neurobiological dysfunction in the violent offender." Specifically, states an LEAA description of the project, "the grantee will determine the incidence of such disorders in a state penitentiary for men; estimate their prevalence in a non-incarcerated population; and improve, develop, and test, the usefulness of electrophysiological and neurophysical techniques for the detection of such disorders in routine examinations."

TREATMENT OF VIOLENCE

Psychosurgery aims at various portions of the limbic system of the brain—the emotions-modulating network that includes the highest centers of human development, specifically the frontal lobes and the connections between them and the deeper emotion-energizing areas in the thalamus, hypothalamus, cingulum, and amygdala. The closer a lesion is made to the frontal lobes, the more the operation disturbs the most subtle human functions—love, creativity, sensitivity, foresight, sense of self, anticipation of the future, and abstract reasoning. When the operation is deeper down, toward the thalamus and the amygdala, emotion and behavior are subdued without obviously damaging the higher centers. In this fashion, the individual has his emotions cut out without gross misshaping of the intellectual facade.

Underlying the renewed interest in psychosurgery are, first of all, the transformation of violence into a political issue and the tendency to regard it as a problem that can be treated, at least in part, technologically; second is the development of new surgical techniques that permit avoidance of the massive brain gougings that characterized the first wave of lobotomy.

The practice of lobotomy began to taper off, at least in the United States, in the mid-1950s. In large part, this was due to the seemingly spectacular results produced by the newly developed chemical tranquilizers. In addition, however, followup studies—though never great in number and rarely on anything resembling a scientific, controlled basis—made it apparent to even the most rabid lobotomist, that carving up the frontal lobes frequently quieted the patient at the cost of turning him into a tractable vegetable.

Typical of this conclusion was a report by a British psychiatrist, who wrote in 1965 that "huge cuts in the frontal lobes, as well as relieving some symptoms, often produced mutilations of personality which were at least as socially disabling as the symptoms had been, and very disturbing to contemplate."

Some 20 years earlier, the dean of American lobotomists, Walter Freeman, chairman of the George Washington University Department of Neurology, and former president of the D.C. Medical Society, gave up the big cuts—that he himself had pioneered—for lesser cuts, reporting, with his usual enthusiasm, the same high rate of "improvement" that he had trumpeted in connection with his discredited traditional procedure. Lobotomy, nevertheless, went into partial eclipse, leaving behind some 50,000 victims.

The lobotomists, however, did not disband. Though it was clear that surgical intervention in the human brain was on a par with firing bullets into the hood of a car to remedy a knock—with occasional success—they had experienced enough "success" to arouse the belief that less mutilating, more precisely placed interventions were what was called for. And new technology was not long in arriving.

NEW TARGET GROUP

As Freeman himself acknowledged in a paper delivered in 1965 to the Washington Academy of Neurosurgery, his original methods were "too damaging to be employed in any but the most chronically and severely disturbed patients." However, there were now new methods of destroying brain tissue, he reported, among them the injection of liquid butane or "the patient's own blood," ultrasonic beams, electricity to produce tissue-searing heat, implanted electrodes through which current is sent until the surgeon hears "bubbles of steam escaping," gold needles left in place "for several months while weak currents were passed at intervals," radioactive seed implantations, beams from a 185-million-volt cyclotron, and, of course, traditional cutting, though with finer tools.

The newest and most threatening development in psychosurgery may indeed be the use of this technology against new "target" groups: neurotics suffering from anxiety, tension, obsessions, and depressions, and particularly women, since the ability to return to household duties is frequently regarded as evidence of success. In addition, other "social problem" groups are attracting attention: criminals, drug addicts, alcoholics, homosexuals, old people, and hyperactive children. Only the Soviet Union has banned psychosurgery. The procedure was outlawed in 1950 on the grounds that it fallaciously sought to improve an individual's life by producing a defect in his personality. Psychosurgery was also found to contradict principles of "Russian humanism" as well as the Pavlovian understanding of the brain as a functioning, integrated whole.)

The best known researchers in the application of psychosurgery to violence are the Boston trio of Ervin, Mark and William Sweet. In 1967, after the Detroit riots, they wrote in the Journal of the American Medical Association that if social, economic, and racial deprivation were responsible for the riots, then everyone in the ghetto would have been involved. Instead, they noted, only a small portion rioted, and only a still smaller portion committed violent acts. The authors went on to suggest a preventive screening program to detect brain disease and to institute prophylactic treatment for potential rioters.

The types of surgery they perform has repeatedly been demonstrated to blunt the emotions and subdue the behavior of anyone on whom it is tried, and, if necessary, repeated with sufficient destructiveness. These include hyperactive children, alcoholics, drug addicts, psychotics and epileptics of several kinds. Their principal interest, however, is in the application of psychosurgery to criminal violence, and in this regard they find company in Jose Delgado, the noted Yale professor, who in a recent book, "Physical Control of the Mind," proposes a billion-dollar NASA-like endeavor for technologic control of the brain as an answer to domestic and international conflict.

VULNERABLE GROUPS

Meanwhile, psychosurgeons continue work at the more limited task of pacifying various segments of the population. Women are the major target groups in some of the larger psychosurgical studies, particularly those of H. T. Ballantine, of the Massachusetts General Hospital; Petter Kindstrom, at the San Francisco Children's Hospital; and M. Hunter Brown and Jack Lighthill, in Santa Monica. Thus far neurotic individuals who are still able to work and live at home seem to be the preferred group, but now increasing attention is being paid to two particularly vulnerable groups, prison inmates and hyperactive institutionalized children.

A survey of the international literature of psychosurgery indicates that the operation never lost favor in Britain, where the present rate is about 400 per year and rising. An article in the prestigious British medical journal Lancet in 1969 advocates psychosurgery for sexual offenders on the grounds that castration is open to question ethically, but psychosurgery is not. In Asia, widescale psychosurgery on children, some age four or younger, has been reported. Hundreds of cases have been reported in India, Thailand, and Japan. A noted Japanese psychosurgeon, visiting the United States to attend a conference on "Neural Bases of Violence and Aggression" last week in Houston, reported earlier that one of his best cases is that of a child who becomes "markedly calm, passive, and tractable, showing decreased spontaneity."

One of the remarkable aspects of psychosurgery—both in the now discredited first wave and in the current resurgence—is that it takes place in a closed system of evaluation that almost inevitably fulfills the prophecies of the psychosurgeons. To the extent that retrospective studies have been conducted, they are generally by psychosurgeons reviewing their own or work of colleagues. Few others are sufficiently interested to bother with the subject, and this is especially true of psychiatrists and psychologists, many of whom consider psychosurgery a surgical barbarism that does not merit their interest. The patients are almost invariably either friendless inmates of institutions or burdens on relatives who are at their wits' end in dealing with "difficult" behavior.

PERSONALITY CHANGES

In the case of those who have been confined to institutions prior to surgery, the outcome is frequently "improved" behavior, which means that the attendants find them less troublesome. If the patient has been living at home prior to surgery, his newly subdued behavior is similarly regarded as evidence of success. As for the patients they tell no tales and make few complaints, for as is noted in the classic text, Psychosurgery, "none of the patients regains true insight in the full sense of the word, or is really able to appreciate what the operation was for, or its importance."

The buoyant optimism of today's psychosurgeons in the face of ghastly evidence which they themselves adduce is one of the most bizarre aspects of the new wave. Thus, in a text, "Pharmacological, Convulsive, and Other Somatic Treatments in Psychiatry," published in 1969 by Lothar B. Kalinowsky of the New York Medical College, and Hanns Hippius of the Free University of Berlin, it is stated, "The much feared personality changes which were a frequent side-effect of the larger standard lobotomies, are no longer noticeable in the type of patient selected today for the newly devised smaller operations. The fear of personality changes is still the main reason for the reluctance on the part of many psychiatrists to recommend psychosurgery. All those working in this field and seeing the remarkable clinical results, regret this attitude by psysicians who never had any contact with actual cases."

Kalonowsky and Hippius then go on to cite a study of 300 cases in which the researcher found, "The patients tend intellectually to be more empty, with restricted interests and simpler satisfactions." They find another researcher reporting "the disappearance of dreams as well as day dreams after lobotomy." Still another review of lobotomy found that the "original artist's work was impossible even for those who had such abilities before the operations." It was found, too, that "like all feelings, the religious feeling also becomes somewhat shallower . . ."

In a case reported in 1970 in the Journal of Nervous and Mental Disease, personality change was conspicuous and the effects were disastrous. A woman, described as suffering from "agitated depression," was subjected to a heat lesion of the brain. "Then," as the surgeons report, "her spirits improved to the point of occasional playfulness." Shortly later, however, she was bristling with hostility and anger. Her moods fluctuated, and she received another heat lesion of the brain. When her moods continued to fluctuate, still another lesion was proposed through electrodes that had been implanted in her brain, but she refused to see the surgeon. A few weeks later, she was permitted to leave the hospital temporarily for Christmas shopping. She went to the ladies room of a department store, swallowed a vial of poison and died.

The surgeons report that several useful insights were gained from a postmortem examination of the woman's brain, among them: "The chief criticism of the thalamic operation . . . was that, although over the short time it controlled her depression, it did not assist here in the area of impulse control."

What of the issue of "informed consent," which is routinely required in most surgical procedures? When the patient is judged incompetent, the consent of relatives or guardians will usually suffice. When the principal figures involved are distraught relatives, a disturbed patient, and an eager psychosurgeon, it is not unlikely that the decision will be to follow the advice of the surgeon. The California prisoners who were operated upon in 1968 are said, by prison authorities, to have given their consent, and consent was also received from relatives. The question arises as to whether "consent," presumably accompanied by a greater likelihood of parole (one prisoner was later paroled) has real meaning in a prison setting.

In any setting, however, the advantage would seem to lie with the psychosurgeon, as can be seen in an episode related by Mark and Ervin in their book. They report that during gentle, non-destructive electric stimulation to patient's brain "we suggested to him that we make a destructive lesion. . . . He agreed to this suggestion. . . . However, 12 hours later, when the effect had worn off, Thomas turned wild and unmanageable. The idea of anyone's making a destructive lesion in his brain enraged him. He absolutely refused any further therapy, and it took many weeks of patient explanation before he accepted the idea of bilateral lesions being made in his medial amygdala."

They conclude their report by stating that the patient had not had a single "episode of rage" in four years. "He continues, however, to have an occasional epileptic seizure with periods of confusion and disordered thinking."

The first wave of psychosurgery mutilated some 50,000 victims before the lobotomists themselves were forced to concede the destructiveness of their procedures. Before the new one proceeds through one more skull, the public, the press, and the Congress should demand an immediate halt, to be followed by an independent investigation into the therapeutic claims of psychosurgery and especially the issue of informed consent.

THE PROMISED LAND OF BEHAVIOR CONTROL

(By Nicholas N. Kittrie)

(NOTE.—The writer, director of American University's Institute for Studies in Justice and Social Behavior, is the author of the recent book "The Right To Be Different.")

There is a human behavior modification revolution upon us which, in its magnitude, is not unlike the Industrial Revolution of nearly 200 years ago. But while the Industrial Revolution was directed toward the physical world and the production of its goods, the new revolution aims at the direct reform and control of man himself. It urgently confronts us with the question of who shall control the controllers.

Pharmaceutical manufacturers have developed drugs, proved successful in laboratory experiments with animals, which are used as a memory improving aid for humans. And what some drugs are developed to do, others are designed to undo: Working with goldfish, University of Michigan researchers have developed antibiotics that can "erase" memories of recent experiences. This is only the beginning. Testifying before a Senate subcommittee, the former director of the National Institute of Mental Health predicted that the next 5 to 10 years will see a hundredfold increase in the number and types of drugs capable of affecting the mind.

More potent means of control have been provided by electrophysiology. By implanting tiny electrodes in animals' brains, experimenters can send electrical impulses to create specific responses—"now making them cringe, now sending them into furious attack, now making them drink, now making them sexually hyperactive." Surgery has been similarly used to sever or destroy portions of the brain thought to produce or affect "undesirable" behavior, and new psychosurgical experiments with aggressive inmates were recently reported in California.

Other behavorial scientists rely upon chemical, electrical or surgical agents which operate directly on the human physiology, while increasing claims are also being made for psychological "conditioning" to produce drastic changes in both animal and human behavior. "Operating entirely with incentives, given as the controlled individual acts in ways which approach the controller's goal for him, virtually any skill of muscle or attitude of mind can be taught," reports Perry London in his book "Behavior Control."

A QUESTION OF TIME

Now that the technology is here, it seems only a question of time before anxious entrepreneurs seek to put it to full use in educational institutions, at home, in industry, in the military, in politics, in mental institutions, in prisons. Indeed, increased instances of use are already being reported.

Hearings before the House Privacy Subcommittee in September 1970, for example, disclosed that 300,000 American children are being given stimulants or tranquilizers to calm their hyperactive and often disruptive class behavior. Most of the subjects so far have been elementary school children of average or above average intelligence, alleged to suffer from minimal brain dysfunction, which is said to prevent them from achieving their full education potential. Millions of other school children may be next; as a recent report in the National Education Association's journal, Today's Education noted. "Biochemical and psychological mediation of learning is likely to increase. New drama will play on the educational stage as drugs are introduced experimentally to improve in the learner such qualities as personality, concentration, and memory."

The initial successes of behavior modifying drugs in the education area is likely to have a spill-over effect. Last December, for example, a special panel of the American Association for the Advancement of Science carefully explored the use of new behavior control and modification techniques as alternatives to such traditional penal methods as prisons and probation.

In the political arena, the possible application of behavior modification techniques was recently advocated by Kenneth Clark in his presidential address to the American Psychological Association. Clark called for new drugs that would routinely be given to political leaders the world over to subdue hostility and aggression. Stating that we are on the threshold of electrical and chemical discoveries that could "stabilize and make dominant the moral and ethical propensities of man and subordinate, if not eliminate, his negative and primitive behavior tendencies," Clark predicted that new psycho-technological controls could be implemented within a few years, "and with a fraction of the cost required to produce the atom bomb."

POLICY AND ETHICS

Such therapeutic solutions for social control could have great public appeal. They would affect only a selected, troublesome segment of the population. They can be related to the humanistic desire for therapy and improvement. And they offer social controls and improvements without dreary institutions and with ostensible freedom. No chains—only change.

But these new tools pose difficult questions of public policy and ethics: Is the use of drugs for hyperactive school children justified if the function of the drugs is to make children more "teachable?" What of drug use merely to permit calm to be restored for both tired parent and overburdened teacher? Should a mentally ill or mentally retarded patient be administered medication or be "conditioned" to allow understaffed hospitals better management over their wards? Should behavior modification be voluntary or should it be imposed on the unwilling? Should a chronic alcoholic be required to undergo brain manipulations to cure him of his disease? Should an adult homosexual be made to go through behavior modification? What about other nonconformists? And even if we were to grant total benevolence on the part of our scientific leaders, how are we to protect the new behavior techniques against commercial exploitation, power seekers, overzealousness, abuse and selfishness?

Only a few 19th Century romanticists were alarmed by the prospects of the Industrial Revolution. But many more people of diverse persuasions are now concerned with its recent manifestations, the unequal distribution of its benefits, and its effects on the family, on employment, on natural resources, on the pollution of the environment, and on the quality of life generally. Can we forecast and guard against the hazards of the new revolution? Five years ago, David Krech, professor of psychology at the University of California, called attention to the urgency of the moral and social questions raised by the new scientific discoveries. Of particular concern to Krech was the prospect of chemical brain control agents that can be used without the knowledge of those affected. Most other forms of behavior control require that you first "catch the man" you seek to manipulate. But he noted "chemicals placed in water supplies, in food, or in the air we breathe, can perform their work on a mass basis and without the victim's knowledge."

UNI-CULTURE OR PLURALISM?

What is at stake in the behavior-control issue is the nature of the society we seek for ourselves and for our children. What we may be asked is to choose between a well-planned and controlled uni-culture, or the pursuit of a pluralistic society in which conflicting ideologies, religions, races, and lifestyles can be accommodated.

The new behavior sciences, grounded in animal experiments, view man as a mere biological container or machine. "Rejecting the myth that each individual is born with a mental homunculus, and accepting the fact that we are merely a product of genes plus sensory inputs," Dr. Jose Delgado of the Yale Medical School concludes that current research supports "the distasteful conclusion that motion, emotion and behavior can be directed by electrical forces and that humans can be controlled like robots by pushbuttons."

For man so naked of values, of spirit and of natural rights, what kind of world is being proposed by the behavioral scientists? The present social order is condemned by Yale's Delgado and Harvard's B. F. Skinner as beyond repair. Both maintain we must design a new culture in which man would be allowed to develop a new and better style of life.

Viewing the history of Western culture, the behaviorists assert that its emphasis on "freedom" has conditioned man to abuse his powers, as environmental pollution, the nuclear "balance of terror," and unchecked population growth bear witness. Like George Orwell in his "1984," they pronounce that "freedom is slavery," and conclude that a new type of man, who is to be free of the urge for freedom, need be produced.

But precisely what kind of society and man are to be sought by those who wield the new powers of control? It is now that one suddenly discovers Jacques Barzun's revelation that "we have no notion of what man should be." Is competition or socialistic cooperation to be preferred? Is simple monastic life to be given preference over urban plenty? Is the work-ethic to be preserved or is leisure to be encouraged? Are sex, sensuality and other traditional temptations to be discredited as socially wasteful or are they to be promoted? Is a Lincoln, Emerson or a Whitman the American dream—or is it Hugh Hefner, Abbie Hoffman or William Kunstler? The fact is that the behaviorists do not always particularize about this "culture" which they endow with the unquestionable right to life.

WHY TRUST THE BEHAVIORIST?

Nor do they exhibit much faith in the ability of individuals to share in its design. Skinner states that the aim is to create "a world which will be liked not by people as they now are but those who (will) live in it." He believes that "a world that would be liked by contemporary people would perpetuate the status quo." But if today's collective man, due to his faulty past conditioning, is not able to conceive and plan his future world, are we willing to turn over the undertaking to the scientist? What makes the behaviorist (unless he is the only one to have escaped faulty past conditioning) free of the near-sighted vision of his contemporaries?

There is nothing newly drastic in the behavior modification techniques, the new scientists assure us. We have always been the product of our environment, our schools, our parents, and our friends. Why not accept behavior modification as a more beneficent, rational and advanced influence upon our lives? After all, it is a major function of all societies to mold behavior to pre-determined standards. The Ten Commandments were proclaimed to control behavior. And in primitive societies, the manipulations of witch doctors usually were intended to affect human changes.

But these and other early approaches, one soon recognizes, suffered from two major defects as social control behavior. * * * They either were only one influence among many, or else they relied exclusively on the questionable power of punishment to affect control. Even the most repressive penology has thus had only limited power over the individual, for he usually possessed the option to choose punishment over conformity. It is the promised effectiveness of the new scientific techniques and the relative helplessness of those to be affected by them which raise many of the new objections. For these tools may be so effective that they no longer preserve individual choices. And once instituted at early stages of individual life, those affected might even be conditioned to like the lack of options.

Despite all the fears and uncertainties, it is evident that many new behavior modification technologies are with us, and many more are to come. As Mr. Delgado asserts: "History suggests that when technology is available it will be used and developed regardless of possible dangers of moral issues. The mounting demands for social order, as well as increasing hopes for a better world, will produce both popular and scientific calls for more experimentation and greater use of these techniques. Are we, however, to be overrun by the new revolution as we have been by the industrial one, or is there a system of safeguards and scrutiny which will help assure that the new techniques be so utilized and absorbed into the social fiber as to help improve the human condition rather than debase it?

One cannot accept on face value the assurances of the behavior modifier that the purpose of his ministrations is totally beneficent. Justice Brandeis warned some 25 years ago that "the greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding."

Our protection against possible zeal, arbitrariness and antihumanistic exploitations of the new scientific technologies lies in the definition and curtailment of the power of those who control them. In structuring this system of control, we must carefully consider separately the needs of the persons who are proposed to be modified, their immediate families, their children, their parents, their teachers, their pupils, their employers, their employees, the representatives of the community and the spokesmen of government. It is faulty to assume that the interests of pupils and teachers, parents and children, or of individuals and society always or frequently coincide.

We must advance and enforce the public's right to know the facts about behavior control plans and practices. Should not the state, the medical profession, the teaching profession, therapists and others be prevented from administering new behavior modification techniques unbeknown to the major parties concerned? Is a parent not to be consulted regarding the school's prescription of pills to his child? At the same time, should a parent or teacher be free to authorize such techniques without the benefit of any other scrutiny? These are important public issues which cannot be left within the sole domain of the scientific and medical community.

We must determine when and under what circumstances decisions regarding behavior modification are to be designated as private, subject to the individual discretion of the person affected or his therapist, and when they are to be viewed as public questions, requiring an open inquiry where more than mere personal preference might be considered. To be decided is whether any involuntary administration of these techniques is to be permitted, and if so, upon whose authority and subject to what scrutiny. Finally, certain modification practices may be so objectionable as to be totally outlawed through legislation.

THE ICE CREAM SALESMAN

How do we proceed from here? First, recognition should be given to the public's right and need to know of all experiments conducted in its midst. In England recently, a public outcry saved, at the last moment, a young ice cream salesman from a court order to undergo brain surgery designed to cure his compulsive gambling. In California, the Department of Corrections decided to hold off additional brain surgeries upon violent offenders because of adverse public reaction. As these incidents demonstrate, mass media reporting can foster caution and reconsideration by the proponents of the new sciences. And unlike the rationale urged in the area of national security and defense, there is no external threat here to justify secrecy and suppression of knowledge.

Second, it must be realized that reliance upon the formal consent of those affected by behavior control techniques may not always be satisfactory. Those confined in institutions do not usually possess that degree of liberty or mental competence to grant informed consent. Neither should we leave unchallenged the traditional assumptions that the interests of teachers, parents, and spouses usually coincide with those of their wards, children and partners. What may very well be necessary is some form of a public ombudsman to look after the interests of all those affected by the new behavior control technologies.

What new behavior control technologies are applied to unwilling candidates in the place of traditional punishment, strict safeguards must be observed. There is no justification for the claim that the benevolent aims of these technologies should afford the affected persons lesser opportunities to be heard by a disinterested tribunal, to have counsel, and to make his objections than there are in the criminal process.

In applying behavior control techniques, the least drastic ought to be used first (which might mean that psychotherapy and drug therapy are preferable to surgical procedures) and those which are not reversible ought to be resorted to last. Moreover, no modification of behavior should be undertaken which may affect conduct or styles of the life other than those which are specifically prohibited by law.

There is a need for conscious public monitoring, scrutiny, and response to behavior modification issues. In part this must be provided by legislative awareness, judicial sensitivity and administrative regulation. At this time no branch of government has shown particular promise or capability for dealing with this area. Yet it is not premature to provide increased attention to these growing problems through specialized congressional committees, as well as through an interagency behavior control council in the executive branch.

Public monitoring, moreover, means some new and innovative forms of citizen participation in decisions regarding the introduction of new technologies. We must recognize, that the moral and pragmatic problems inherent in behavior control are not only those of narrowly defined groups of social outcasts and misfits. What is tested in dark chambers of asylums and prisons today is likely to be proposed next for more general application in broad daylight.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR AND MISSING IN ACTION

Mr. BROCK. Mr. President, the final week of March is now officially designated as the National Week of Concern for Prisoners of War/Missing in Action.

This is the second and, it is to be hoped, the last such week that will focus our attention on the plight of our men imprisoned in Southeast Asia. All American efforts are being directed to the safe return of our men in Vietnam and we will not be diverted from this course.

This point was ably stated by President Nixon in a proclamation delivered at the signing of the legislation last week. I ask unanimous consent that the text of the address be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

NATIONAL WEEK OF CONCERN FOR AMERICANS WHO ARE PRISONERS OF WAR OR MISSING IN ACTION

(A proclamation by the President)

1,623 American servicemen and some 50 U.S. civilians are now either missing in action or being held captive by North Vietnam and its allies. At the end of this month, the first men to be taken prisoner will begin their ninth year in captivity. This is the longest internment ever endured by American fighting men; it is also one of the most brutal.

The POW/MIA story of this long and difficult war is a tragic one:

The enemy continues adamant in his refusal even to identify all the Americans being held. He continues to flout the Geneva Prisoner of War Convention which establishes minimum humane standards for treatment of prisoners—a treaty to which North Vietnam is a signatory, just as are South Vietnam and the United States and 128 other nations. He continues to block impartial inspection of the prison camps. He continues to deny repatriation for seriously sick and wounded prisoners. He continues to ignore the prisoners' right of regular correspondence with their families.

And so those families suffer in spirit hardly less than their men suffer in the flesh. They live in a nightmare of unremitting anguish and gnawing concern. Many cannot even know whether their loved ones are still alive; those who do know this much, must live with their additional knowledge of the cruel conditions in which the prisoners exist.

Each new chapter in this outrage has stiffened the American people's determination to see juustice done. We have stood and will continue to stand united as a nation in our concern and compassion for the prisoners and missing men. We mean to see this matter through.

Concern for the prisoners' plight, moreover, has spread to the people of goodwill around the world—and we may be confident that their humanitarian efforts, though so far rebuffed as callously as our own, will still continue as steadfastly as our own.

The United States has spared no effort—by diplomacy, by negotiation, by every other means—to secure fair treatment of our captive sons and brothers and to obtain their ultimate freedom.

As we set aside a special week of national concern for this continuing tragedy, and a special day of prayer for its resolution, we do so with a determination to persist in this effort—for principle, for peace, for the sake of these brave men and their parents and brothers and sisters and wives and the children some have never seen.

Now, therefore, I, Richard Nixon, President of the United States of America, as requested by the Congress in Senate Joint Resolution 189, do hereby designate the period of March 26 through April 1, 1972, as National Week of Concern for Prisoners of War/Missing in Action, and Sunday, March 26, 1972, as a National Day of Prayer for the lives and safety of these men.

I call upon all the people of the United States to observe this week with such appropriate ceremonies and activities as will stir and sustain widespread concern for the missing men and prisoners, nourish the patient courage of their loved ones, and—above all—hasten the day of their safe return to home and freedom.

In witness whereof, I have hereunto set my hand this tenth day of March, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

RICHARD NIXON.

NUCLEAR POWERPLANTS: THE BIG MOVE TO WIPE OUT SUCCESSFUL OPPONENTS

Mr. GRAVEL. Mr. President, the Joint Committee on Atomic Energy has scheduled hearings for March 16 on two similar bills which would accelerate the licensing of nuclear powerplants, but no hearings on my moratorium bill which would halt the licensing and operation for a while.

The bills to which I refer are H.R. 13731 and H.R. 13732, which were introduced on March 9 by committee members, and S. 3223 which was introduced by me on February 23.

SOME PROVISIONS ON THE HOSMER BILL

The Hosmer bill, H.R. 13732, would allow a utility to petition for interim nuclear operating authorization prior to resolution of legal opposition to an operating license. Opponents may also file opposing affidavits, but no hearings have to be held.

The bill directs the Atomic Energy Commission to consider the utility's petition within 5 days, and to appoint one of its five Commissioners to render a decision "as speedily as possible."

The decision of the appointed Commissioner "shall be final unless a court finds the decision to be arbitrary, capricious, or an abuse of discretion." Therefore, appeal under the National Environmental Policy Act or other law seems to be ruled out.

The bill requires the Commissioner to issue temporary operating authorizations, presumably at full power levels, if he finds that a plant has been built "substantially" in accordance with the construction permit, if its operation will be no more hazardous than the operation of similar nuclear powerplants already licensed, if its operation is needed to meet regional energy requirements or to prevent substantial increase in the cost of the facility.

CONSTRUCTION DEFICIENCIES

With regard to the first finding, it should be noted that serious construction deficiencies have come to light at the Surry, Va., nuclear powerplants, and at the Zion, Ill., plants, according to the Washington Post July 1, 1971, and the Chicago Tribune February 6, 1972.

Where else do such deficiencies exist, and how will the Commission know? At Surry, the engineer who reported the deficiencies was fired. He persisted nevertheless until he made the Commission pay attention. Finally the Commission publicly acknowledged the construction deficiencies, whose correction may or may not be adequate.

These construction matters are not trivial. A single defective weld in an important cooling pipe could result in radioactive disaster for a large region of the country. Yet under the administration's bill, H.R. 13731, section 6, the AEC might even eliminate the right of intervenors to challenge the adequacy of construction.

THE NEW DOCTRINE OF EQUAL DANGER

With regard to the second finding, the safety of nuclear powerplants already licensed for operation is very much in doubt. Therefore, it is a joke to cite them as adequate standards for additional plants.

In order for a commissioner to decide whether or not one of the big, never-tested plants deserves an interim operating license or not under the proposed acceleration, he must make two kinds of judgments.

One is technical: How safe are the machines? The other is philosophical: How safe should they be?

The Commissioners have never honored the public with candid discussion of the latter question. Last October, we had pious statements from the new chairman acknowledging the legitimate safety questions raised by citizen intervenors, but this March we have the chairman sending H.R. 13731 to Congress and trying to limit the time allowed for the safety hearings on emergency core cooling, which are underway in Bethesda.

WHO IS QUALIFIED TO UNDERSTAND?

With regard to the technical judgment of the Commissioners on matters of nuclear engineering, we should remember that they are no better qualified than most Members of Congress:

Chairman Schlesinger is an economist.

Commissioner Doub is an attorney.

Commissioner Ramey is an attorney.

Commissioner Larson is a biochemist.

Only Commissioner Johnson is a mechanical engineer.

In other words, we in Congress are as qualified as the Commissioners to understand nuclear safety, both philosophically and technically. Perhaps we are better qualified to make nuclear judgments, for we are at least accountable to the public, whereas the Commissioners are accountable only to the President, who stated flatly at Hanford on September 26 that he does not understand nuclear power at all.

Members of Congress do not need to be expert to understand the meaning of the technical statements by AEC experts which I placed in the Record February 23, pages 5137–5141, in remarks entitled "Looking for Nuclear Information."

I urge my colleagues to read those AEC statements. Although the terminology may be exotic and unfamiliar, the meaning is crystal clear to anyone with basic reading skills. The top experts themselves are admitting they simply do not know how safe nuclear reactors are, and simply do not know much about some fundamental things which happen inside them.

AEC EXPERTS DOUBT ADEQUACY OF SAFEGUARDS

Last week at the emergency core cooling hearings in Bethesda, an AEC witness who questions the adequacy of the AEC's performance criteria for this crucial safety system, named 30 other nuclear experts who also have expressed their doubts.

I would like to quote some of the testimony from Philip H. Rittenhouse, expert in flow blockage and embrittlement from the Oak Ridge National Laboratory:

> It is my belief from my own particular work and in Mr. Hobson's particular work, and the work of other people in materials' property and materials' behavior as related to the fuel cladding in the core, that there are genuine gaps in experimental data . . .
>
> As far as these points, in which I am an expert, there is not the information available to objectively confirm by scientific or technical procedures what exactly these materials-related phenomena, what exactly these materials behavior, what effect they may have in the Emergency Core Cooling System in the course of a Loss of Coolant Accident.
>
> Beyond that . . . the discussions I've had with a lot of people at Oak Ridge, Aerojet, and the people at RDT, the Regulatory Staff, they have too many reservations, I believe shared too generally, for me to pass off.
>
> These reservations are primarily about certain phenomena, portions of the Loss of Coolant Accident, to indicate that maybe they're not quite sure what's going on.
>
> Certainly many of the things that we toss around in computer codes and use to predict maximum temperatures or to predict the course of the Loss of Coolant Accident, to demonstrate that they meet one criterion or another, have not been verified experimentally.

After quite a pause, Mr. Rittenhouse added:

> It's awfully quiet in here.

The chairman of the hearing panel, appointed by the AEC, then asked Mr. Rittenhouse if he was through, to which Mr. Rittenhouse replied:

> I think I am.

The citizen intervenors and their able lawyers are performing an enormous public service out there in Bethesda obscurity.

BLACKOUT FOR CONGRESS

Unfortunately, the hearing transcript, which is now over 5,000 pages, is far too expensive for the press or others to obtain. Yet it contains information which we all urgently need to know. If that hearing were before Congress instead of before an AEC panel, we would all have access to that information.

Why have such hearings not been held before the Joint Committee on Atomic Energy?

Why are not nuclear safety hearings held regularly in Congress?

Why did it take a band of determined citizens to reveal the deep doubts about nuclear safety which rage among those who, unlike the Commissioners, really know what they are talking about?

Instead, Congress hears nothing but honey reassurances from the top. And if Congress ignores the revelations from Bethesda and passes an accelerated licensing bill, interim operating authorizations will be granted from the top also.

ALLEGED REQUIREMENT FOR POWER

The third consideration proposed for granting interim operating permits is the alleged need for power. Neither acceleration bill requires an honest or open examination of the self-serving claims of the utilities on this matter.

There is room for ample skepticism about the purported power emergencies, considering the ability to ship power from one region to another.

The February bulletin of the Edison Electric Institute projects national generating capacity for 1972 at 22 percent above peak demand. This reserve margin is the highest ever, and exceeds the 20 percent which is usually considered comfortable.

This means that there should be no national power shortage even if operating authorization were denied to every nuclear powerplant which could possibly be ready for operation in 1972. Such denial would leave the country without only 10,600 electrical megawatts, or about 2.8 percent of its planned electrical supply.

Furthermore, there are several ways we could cope with peak demand without inflicting any hardship on the public. The short-term consequences of a nuclear power moratorium are discussed in my Record statement February 23, pages 5148–5150.

PAYING FOR NUCLEAR DELAYS

The fourth proposed reason for issuing interim nuclear operation authorizations is the prevention of increased facility costs.

There is no doubt that idle facilities cost somebody money, and it is always the public which ends up paying via one route or another.

But is it correct for Mr. Schlesinger or Mr. Hosmer or other Members of Congress to assume that the public is unwilling to pay a price for nuclear safety? Why is it assumed that airline passengers will be ready to pay for security measures against bombings, but not ready for security against a nuclear hazard with far greater consequences?

If the estimated private investment in nuclear power is $20 billion, the entire ransom would amount to about $10 per capita for 10 years, which compares with about $400 per capita every year for national defense.

CONSIDERING BOTH EXTREMES INSTEAD OF ONE

Is it more responsible for Congress to consider a nuclear power moratorium, or to submit to a nuclear stampede? Congress should at least examine both extremes instead of just one. I hope that Congress will hear from its constituents on this singular matter.

However, since the Joint Committee on Atomic Energy has sat since August on S. 2430, which would have generated national nuclear safety debates, and since the Joint Committee is giving preference to an acceleration bill over a moratorium bill, it appears that if nuclear hazards are going to be seriously discussed at all in Congress, it will have to be in front of some other committee.

And soon, I hope. For a single severe nuclear accident could bring a large part of this country to its knees. No one denies this. Furthermore, no one knows what the odds are for such an accident in the near future, just as no one knows the odds on radioactive hydrogen gushing out of the Cannikin bomb cavity in 2 or 200 years.

There have been numerous warnings from nuclear experts about inadequate safety research and inadequate safety margins for nuclear powerplants. Now we know that there were also advance warnings about the dam which recently burst in Logan County, W. Va. The disregard for human life is similar, but its magnitude becomes truly grotesque when it comes to nuclear gambles.

WHAT ABOUT THAT PERFECT SAFETY RECORD?

In the absence of a sound theoretical basis for calculating powerplant risks, it is natural to ask if experience tells us anything.

This country has about 85 nuclear submarines, whose experience is hardly relevant since the size of submarine reactors must be smaller than commercial powerplants, and since they are built under quality control which makes no compromises for profit. Even so, it gives me pause to know that two out of 85 nuclear submarines lie at the bottom of the ocean for reasons never publicly revealed.

What about our experience with civilian nuclear powerplants? Does their safety record justify doubling the number of licensed nuclear powerplants in a single year, as the AEC plans to do in 1972, and almost to double their average size at the same time?

Dr. Ralph Lapp, independent nuclear physicist and author, addressed that question in his Bethesda testimony on January 27, 1972:

> As of January 1, 1972, a total of 23 nuclear generating units, rated at 10 million kilowatts of electrical power, are in operation. Industry has accumulated about 100 reactor-years of experience with power reactors.
>
> It might be thought that this record, laudable as it is, should instill confidence in the safety of this new power source.
>
> However, this experience has been primarily with reactors of modest power . . . for which emergency core cooling is less of a challenge than in the 500–800 megawatt class, for which about a fifth of the experience applies.
>
> Of course, there is no experience with the 1,000-megawatt and larger nuclear units.
>
> If we reckon reactor experience in 1,000-megawatt units, then we have about 18 reactor-years of record, i.e., 18 years of operation of all reactors normalized to a 1,000-megawatt level.
>
> The fact that there has been no major thermal emergency (Emergency Core Cooling accident or loss of coolant accident) in the past is of little statistical significance.

A RECOMMENDATION

We are left with neither a theoretical nor an operating basis for confidence in nuclear safety. On the contrary, serious problems have been acknowledged in every step of nuclear power generation: plant design, manufacture, construction, operation, security, radioactive transport, fuel-reprocessing, and radioactive waste storage.

It is time for Congress to slow down premature nuclear licensing, not to accelerate it. We can accelerate alternatives instead.

A CONSTITUENT SPEAKS UP ON DEMOCRATIC PLATFORM

Mr. EAGLETON. Mr. President, we all receive a considerable amount of our mail from constituents. Some of the letters are more helpful than others. I recently received a letter from Mr. Norman F. Laman, of 1296 West 72d Terrace, Kansas City, Mo., which I would like to share with my colleagues.

Mr. Laman offers 62 recommendations for the Democratic Party platform. I disagree with some of his points. I have not had an opportunity to study all of them in detail, but I do think some of his suggestions are excellent. Moreover, he has put a great deal of time into this effort and covered a wide variety of areas very sensibly. I ask unanimous consent that Mr. Laman's proposals be printed in the RECORD.

There being no objection, the proposals were ordered to be printed in the RECORD, as follows:

SUGGESTED PLANKS

(By Norman F. Laman)

1. A plank against the value added tax.

2. A national research lab to miniaturize to life size all body organs for transplant. This would bring the cost per organ or limb down to reach all the people. Look at the expense of a kidney machine or a heart transplant, the poor to average person should be able to afford this humane service. Put the unemployed scientists and engineers to work.

3. A 3-man Public Court (non-partisan), in enough major cities to settle all management-labor disputes without strikes. We all lose by a strike and they should be settled in the *public* and national interests.

4. A plank to have all union pension funds subject to Federal Laws to insure proper usage, safeguard them for their rank and file members.

5. A plank to insure fair union elections from the bottom group and up, so any union member can run for office.

6. A plank to set-up a special law enforcement group, part of FBI, to work, curb or eliminate all big time crime in the U.S.A.

7. A plank setting 65 years of age as the *mandatory* retirement age of Federal elected, appointed, civil service, judges, etc., to retire.

8. A plank for *fair* taxation laws. Eliminate shelters-churches investing in non-church firms, foundations. No one should escape paying their fair tax load. IRS says some millionaires pay no tax, Why???, pay tax laws. Who is to blame. . . . Congress! ! ! ! Single people over the age of 25 should be able to file as head of household if maintaining such. Why discriminate????

9. A plank for strong anti-pollution law enforcement, but be fair as this is a long range program, 5–10 years, and should be done in this time frame.

10. A plank for equitable payment for use of Federal Land by ranchers, lumber people, etc.

11. A plank to bring all troops home in Europe and Japan, Korea.

12. A plank to lend Engineers, Economists, etc., to develop undeveloped countries but let those countries control their own business. Expand the Peace Corp programs. Develop their industry, food, medical, transportation, schools, in S. America, Africa, S. Asia primarily. We need friends.

13. A plank that public funds will be used for public schools only. Not to private or parochial schools where there is no public control.

14. A plank outlawing interest charges over 15%, A.P.R., for any interstate firm, bank, loan company, etc., unless a state law decrees lower.

15. A plank for federal laws regulating pesticides that effects wildlife, food, meat products, air, water, etc.

16. A plank that all food products will list all ingredients therein by % including fat, water, chemicals, vitamins, protein and carbohydrate content, etc.

17. A plank for safe consumer products—fire-retardant clothes, safe toys, etc.

18. A plank to prohibit the sale, export or import of all real fur products of scarce animals—leopards, tigers, beaver, seal, bear, sable, etc.

19. A plank that the maker's name is on all products. Example, if A makes it for B, A's name appears on the label.

20. A plank for more federal inspectors to enforce consumer laws on food products.

21. A plank making all companies to list in their annual report, and available to the public on request, the largest stockholders that are relevant, with number of shares owned and the percentage. This should include mutual fund firms but exempting family owned (100%) firms. People having or buying stock have a right to know who controls the firm.

22. A plank to outlaw the sale of any dangerous habit-forming drug without a prescription—opium, benzedrine, etc. Put the FDA to work for the public—stop the drug makers' prolific pill making. Stop criminal activities.

23. A plank for vigorous antitrust action against business, banks, unions, etc., to restore more competition and fairness for the consumer.

24. A plank to prevent unfair consumer practices such as company-run filling stations from gyping motorists (like in Arizona); price fixing, news control, and give us some foreign newsman on radio, TV, newspapers. Don't shut us out of what the foreign people think of our actions and programs.

25. A plank to have presidential primaries with 1 ballot so we can vote for any candidate without regards to party with the 4 top national vote getters having a runoff in the November election.

26. A plank authorizing bingo and slot machines for all nationwide clubs—American Legion, VFW, Elks, Moose, etc., without regard to state laws. They are interstate.

27. A plank for full employment, only 3½ percent unemployed.

28. A plank to aid education, especially those areas of high need. Like the present shortage of doctors, dentists, nurses, etc. New schools and can enlarge the present ones.

29. A plank to establish a GI-type bill to retrain people into needed fields.

30. A plank to freeze (really) prices, wages, rents, etc., for 5 years with an excess profits tax. We need to get competitive again worldwide. Economic power and money is the name of the game. We are way behind and balanced budgets are a way to help us out of the hole.

31. A plank for free trade in 7 to 10 years, no tariffs with reciprocal countries.

32. A plank to conduct building construction research for very low cost public buildings. Put our out of work engineers to work. It costs the taxpayers too much for government buildings, hospitals, schools, etc. They should be able to reduce it *by half* and research and price controls are the keys.

33. A plank to have Federal guaranteed (insured) 5½% home loans (no points) up to $40,000 loans and no excessive fees.

34. A plank to allow Savings and Loans to operate as banks including all services.

35. A plank for easy consumer regress against violators of consumer laws without any expense. Use the court on board in #3. The violator pays if found to be guilty. The consumer uses a court defender staff with fast court action and with less appeals.

36. A plank for prompt court action for criminal violators with limited appeals after a review. Use people courts, don't have lawyers to judge wrongs for minor crimes.

37. A plank for home heating (cheap) (air conditioning) research. Natural gas is not available or being extended in some areas. Electric is to expensive. Where do we go from here? The need is now for low cost non-polluting heat.

38. A plank for anti-noise pollution-cars, appliances, machinery, trains, rapid transit, airplanes, etc. As well as for clean air and water.

39. A plank whereby each Representative and Senator will spend 1 continuous month each year visiting with the home folks in small group meetings in his voting territory. Besides being good for the next election by getting personally acquainted, he would be getting the opinions of the people on past and future laws and programs. He *might learn* something and after all he does represent the people and when does the average

citizen get to meet elected representatives. There is too much separation between the elected party and the people in the street. Even 2 months would be better.

40. A plank to eliminate high unfair farm payments over $25,000, with no loop holes.

41. A plank limiting defense contracts to a fair return but in no case higher than 2%, with strict audit of all contracts over a certain dollar value with no over runs. Let's have strict controls to save taxpayers' money.

42. A plank to bring the convention back to the control of the people, not big business, labor, politicians, etc. Look at the mess they have made of the last 12 years.

43. A plank of total Viet Nam withdrawal and a special investigation of all atrocities by an impartial commission . . . . let the chips fall where they may, try all politicians, generals, etc., with court trials and loss of all federal benefits of any kind and prison sentences where warranted. We need to get right with the rest of civilization.

44. A plank to give free TV time to politicians on public TV channels and radio for talks, debates, conventions, etc., except for 2 weeks before the primary and general elections. Let those that desire watch their regular TV programs, sometimes, they are more interesting! Why eliminate one's choice?

45. A plank to enforce integrated housing, in a short time this will eliminate most housing.

46. A plank for a unit price consumer law.

47. A plank to put the common name on all drugs.

48. A plank to allow full Social Security benefits at 55 and have paid in to it for 25 years (men and women); or anytime after the 55th year after finishing 25 years of social security payments.

49. A plank to permit single people over 25 to file income tax as head of household if living on their own just like married people. This is discrimination.

50. A plank to continue the school lunch program and giving surplus food to the unemployed and the needy.

51. A plank to publish, monthly, the attendance and voting records in homestate newspapers of all Representatives and Senators.

52. A plank to continue the safe car research program and make the modifications mandatory on all new cars within 3 years after completed tests on each safety part.

53. A plank to change the seniority plan in both Congressional Houses so all members have their turns as chairman, etc., by updating the old rules.

54. A plank that Congress put its authority to work in passing needed reform legislation or new laws without waiting for the executive branch to outline a program.

55. A plank to continue our space program. Where else to get needed resources and put our over population. The age of Columbus is here again.

56. A plank to continually be trying to get Russia to withdraw all her troops from Eastern European Countries and let them run their own affairs. Let's give them plenty of bad worldwide publicity, for free people.

57. A plank to change inheritance laws so no one person may receive more than 1 million dollars in land, stock, business, trust, cash, etc., in appraised value after taxes. Excess to apply to the national debt principal.

58. A plank to pass a law that a person will not have to sell his home, etc., to be eligible to draw unemployment. Base eligibility on outside income only—stocks, rent, wife, etc. Why drag a human being further down.

59. A plank to have safety laws apply to all hospital equipment-user, operator.

60. A plank to exempt dividend, etc., increases from Controls. Controls are to help the people and restrictions here have the reverse effect.

61. A plank to keep food prices low to the consumer. Subsidize the farmer if necessary and restrict the processor's margin but the public well-being has to be protected.

62. A plank to have a Consumer Regulation to require the makers of electric equipment, appliances, A/C, light bulbs, etc., to have the annual power requirements listed on each article manufactured, to spur the sale and usage of energy saving articles and conservation of our electric power resources.

THE RIGHTS OF VICTIMS OF CRIME

Mr. HANSEN. Mr. President, while we read that crime in the Nation's Capital is down somewhat, it is sickening to read the daily reports of murder, rape, armed robbery, and assault that continue at rates that would have appalled us a very few years ago.

An editorial published recently in the Wyoming State Tribune points out the heavy emphasis of our system of criminal justice toward the rights of the accused.

The editorial, entitled "The Victims of Crime Have Rights, Too," is based on a midyear commencement exercise address by the eminent professor of philosophy at New York University, Prof. Sidney Hook, and develops the all-too-familiar theme that the rights of the victims are all too often ignored in the rush by philosopher-jurists to leave nothing unturned in according the accused his fullest rights conceivable—and some inconceivable—under the Constitution.

Professor Hook says:

> We wish to reduce the role of violence in human affairs without sacrificing the principles of justice . . .

He concludes that—

> A fruitful way to begin the quest for intelligent solutions is to reorient our thinking in the current period to the right of potential victims of crime, and to the task of reducing their number and suffering. In this way we can best serve the interests of both justice and compassion.

Mr. President, I ask unanimous consent that the entire text of this thought-provoking editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VICTIMS OF CRIME HAVE RIGHTS, TOO

Our system of criminal justice is heavily weighted toward the rights of the accused. Particularly since the advent of the Warren Court, the rights of persons charged with crimes in this country have been meticulously scrutinized and vastly enlarged upon.

Some say it is a one-way street, that the rights of the victims are all too often ignored in the rush by philosopher-jurists to leave nothing unturned in according the accused his fullest rights conceivable—and some inconceivable—under the Constitution.

Professor Sidney Hook, the eminent professor of philosophy at New York University, delivered the mid-year commencement exercise address at the University of Florida this past December; it was entitled, "The Rights of the Victims," and Professor Hook's discourse dwelt with the subject of overweening judicial concern for the accused, and a tendency to almost totally ignore what happened to the victim, in a particular crime.

Noting that almost any citizen can identify himself with a person accused of a serious crime, Professor Hook says the average citizen can more probably place himself in the role of victim of a crime.

"I am prepared to weaken the guarantees and privileges to which I am entitled as a potential criminal or as a defendant in order to strengthen my rights and safeguards as a potential victim," Hook says. "I am convinced that I run a greater danger of suffering disaster as a potential victim than as a potential criminal or defendant. It is these probabilities, that shift from one historical period to another, that must be the guide to wise, prudent and just administration of the law."

Professor Hook suggests that the needs of another time, primarily stemming from political considerations, that caused excessive laboring to guarantee the rights of accused, now have changed and that "a humane consideration for the increasing number of victims of violent crimes requires a reinterpretation, another emphasis."

"When we read," he reminds us, "that preventive detention at the discretion of the judge by denial of bail to repeated offenders charged with extremely violent crimes is denounced by ritualistic liberals as a betrayal of elementary justice, as smacking of the concentration camps of Hitler and Stalin; when we read that a person jailed for the death of 12 persons is freed from jail and the case against him dismissed because the prosecution's only evidence against him was a voluntary confession to the police who had failed to inform him of his rights; when we read that a man who murdered one of three hostages he had taken had a record of 25 arrests ranging from armed robbery to aggravated assault and battery and that at the time of his arrest was free on bail awaiting grand jury action on charges in five separate cases in a two-month period preceding the murder; when we read that a man whose speeding car had been stopped by a motorcycle policeman who without a search warrant forced him to open his trunk that contained the corpses of a woman and two children, walks out of court scot-free because the evidence is ruled inadmissible—we can only conclude that the laws is an ass."

Says Professor Hook: "We wish to reduce the role of violence in human affairs without sacrificing the principles of justice. The extension of the privileges against self-incrimination to absurd lengths by justices who abandoned common sense in a desire to establish a reputation for liberalism, has no parallel in any other legal jurisdiction."

He concludes: "A fruitful way to begin the quest for intelligent solutions is to reorient our thinking in the current period to the right of potential victims of crime, and to the task of reducing their number and suffering. In this way we can best serve the interests of both justice and compassion."

AFL-CIO RESOLUTION ON DAY CARE

Mr. MONDALE. Mr. President, as I think we are all well aware, the AFL-CIO was instrumental in the introduction, consideration, and final passage of the comprehensive child development bill last year. Their untiring efforts on behalf of quality day care for the Nation's children was an inspiration to all of us.

At a recent executive council meeting in Florida, the AFL-CIO passed a resolution concerning the President's veto of this desperately needed piece of legislation.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON DAY CARE CENTERS

President Nixon's veto of legislation providing a dramatic new national program of comprehensive child development is indefensible. In refusing to sign this badly-needed social measure, the President played cruel politics with the welfare of pre-school children and their working parents.

Today, some 3.7 million working mothers have children under the age of five. Yet there are places for only 700,000 children in day care facilities—and many of these are inadequate. Despite this demonstrated need for decent day care, the President chose to ignore this need and issued a veto message filled with right-wing rhetoric pleasing only to ultra-conservatives.

Earlier, the President had recognized the pressing need for the very program he has now rejected. On February 19, 1969, he declared:

"So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life."

In addition, the 1970 White House Conference on Children set as its first national priority the creation of a comprehensive child development program. Establishment of such a program also was a top priority of the President's Joint Commission on the Mental Health of Children.

Responding to these requests, Congress acted. After lengthy hearings and well-documented testimony, the Congress passed legislation that would have benefited millions of Americans.

As enacted, this program would have provided a wide-range of educational, health and nutritional services for the young children of both welfare recipients and working parents. The day care centers would have been controlled by local communities with provision for parental involvement. Participation would have been voluntary with fees based on ability to pay.

Such a national program held great promise for the young children of union families. If signed by the President, it would have provided children with real benefits at low cost instead of the present system of hired baby-sitters that now must be utilized by millions of working families.

Unfortunately, while President Nixon is willing to provide mandatory and inadequate, custodial day care for the children of welfare recipients so that their mothers can be freed for training and jobs, he is unwilling to provide comprehensive day care for either the children of welfare recipients or the children of workers.

The AFL–CIO vigorously opposes any class system of day care. Certainly, there can never be equality of education if there is federally-financed inequality at the pre-school level.

What is needed—and needed now—is the beginning of a comprehensive day care program available to all children with fees based on the family's ability to pay.

The AFL–CIO condemns the Presidential veto.

We call upon the Congress to reenact a similar day care program during the present session. We urge the President to reconsider his position and place the needs of young children above political strategy.

OIL'S TAX BREAKS—GOOD OR BAD?

Mr. PROXMIRE. Mr. President, Bob Rosenblatt, of the Los Angeles Times, has written one of the best analyses of oil taxes that I have seen. He has examined the rationale behind the tax subsidies provided by the taxpayers to the oil industry and what it does with the money.

At a time when we must reexamine our spending priorities, I think it is vital that we do not overlook our nonappropriated expenditures. The tax subsidies provided the oil industry constitute a lot of money and deserve reexamination. The article should form a basis for beginning this reexamination. I, therefore, ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OIL INDUSTRY'S TAX BENEFITS—GOOD OR BAD?—FIRMS DEFEND BREAKS AS EQUITABLE BUT OPPONENTS VIEW THEM AS UNJUSTIFIED

(By Robert A. Rosenblatt)

"I wish they would do away with all the special tax breaks and just let the consumer pay the bill at the gas pump," one oil industry executive said bitterly the other day.

Lately, the pressure has been rising in Congress to do just that to the nation's oil companies—take away the tax benefits which save the industry $2.2 billion a year.

Since 1926, when the main benefit—the depletion allowance—was first granted, the industry has been called upon repeatedly to defend its tax savings. For the most part, it has been successful, arguing that the savings are necessary to support the expensive and highly risky search for an adequate supply of oil.

HIGH PRICES ALTERNATIVE

Take the incentives away and the nation will find itself either relying on unfriendly foreign powers for oil or paying a sharply higher price for gasoline and other products, the industry maintains.

Despite such arguments, Congress voted in 1969 to trim the depletion allowance for the first time since it was enacted. Hearings have been held in Congress again this year and those who oppose oil's privileges note that even the 1969 reforms failed to curtail the industry's profits, which continue to outrun those of most other manufacturing industries.

The critics say the nation's problems prescribe such a heavy subsidy for oil. They raise some questions about how the tax privileges are applied and what the nation gets in return. For instance:

The industry contends that tax incentives are necessary to offset the high risk of exploration, where a mere 16% of the wells are successful. Yet most of the tax benefits are collected by the major producers; the bulk of their drilling is in development wells, with a success rate of 75%.

EXPLORATION NOT REQUIRED

Tax savings go to a producing firm whether or not it pours the money back into exploration for new reserves.

The special benefits enable an oil company to recover more money than it originally spent to develop an oil field. Such a situation exists in other natural resource industries, but it is impossible in manufacturing, where companies can write off only the actual costs of plants and equipment.

One year, a group of big oil companies claimed tax deductions of $2.9 billion for depletion of reserves valued on their own books at $300 million, according to a previously unpublished government study obtained by The Times.

An oil company can deduct from each year's taxes about 60% to 70% of the cost of the successful wells drilled during the year. By contrast, a corporation in another line of business has to spread its deductions over the life of its equipment; thus, a machine that lasts 10 years provides a deduction of just 10% annually.

The industry saves so much on taxes that it is able to operate on less borrowed capital than most other businesses.

Tax laws enable petroleum companies to pay far greater sums into the treasuries of oil-rich foreign nations than to the U.S. government at a time when tax revenues are badly needed for a variety of domestic problems.

In 1967, the last year for which complete figures are available, the oil companies paid about twice as many dollars in taxes to other countries as they sent to the U.S. Treasury. Much of this payment can be claimed as a direct credit against U.S. tax liability. Kuwait, a shiekdom with a vast pool of oil, so prospers from the royalties and taxes paid by oil companies that its per capita income is more than $3,000, among the highest in the world. (The U.S. per capita income was $3,921 in 1970.)

If all of the oil industry's tax privileges were wiped out, the U.S. government would gain an additional $2.2 billion in revenues the first year; the long-run gain would be $1.6 billion a year.

Critics hasten to point out that $1.6 billion is more than the federal government plans to spend in the next year for air pollution control, the federal court system, meat and poultry inspection, the Head Start program for preschool children, research on heart disease and mental health.

EFFECTS ON PROFITS

The Tax Reform Act of 1969 sought to reduce the industry's tax benefits. In the end it had little effect on oil company profitability, largely because the industry was able to raise the price of its raw material, crude oil. Thanks to the peculiar working of the tax laws, a crude oil price increase produces a bigger tax deduction, in turn creating more after-tax profits. This is true even though there is relatively little change in the prices and profits on the products refined from the crude.

Federal Trade Commission figures show oil industry profits were $5.9 billion in 1970, the year following the tax reforms. The total was virtually unchanged from 1969. Elsewhere, 1970 was a bad year for the economy; profits for all manufacturing companies slumped by 14%.

In 1971, most oil companies racked up earning gains, as did many other businesses. The giants of the industry, Standard Oil of New Jersey, Texaco, Mobil, Gulf and Standard Oil of California, enjoyed an especially good year. All except Gulf achieved record profits. Their combined earnings reached $4 billion, up from $3.6 billion in 1970.

The sheer size of the business naturally opens oil to frequent criticism. It is so big that it accounted for one-fifth of all U.S. manufacturing profits in 1970, more than the auto, aircraft, steel, basic chemical and drug industries combined.

SIZE SPURS CRITICISM

However, except for the political muscle this gives the industry, size is not the key issue in the tax controversy. Closer to the core of the argument is this: oil accounts for 20% of manufacturing profits while accounting for only 9% of sales. The oil business paid federal taxes of 21 cents on every dollar of corporate profits, compared with 43 cents for other manufacturing enterprises, a government study of 1965 tax returns revealed.

On the basis of its profit as a percentage of the money invested in the business, oil is above the average. During 1970, the industry earned 10.9%, compared with 9.3% for all manufacturing, according to government figures. Oil ranked fifth among a group of 25 manufacturing industries surveyed by the Federal Trade Commission and the Securities and Exchange Commission.

Industry spokesmen often argue that the tax privileges are justified since oil companies do not have a high rate of profit. They cite figures issued by the First National City Bank, whose studies usually show oil with a lower rate of return than manufacturing in general. (In 1970, oil had a 10.9% profit on net worth, compared with 10.1% for all manufacturing, the bank reported. However, the 10-year average showed oil lagging behind manufacturing.)

First National City's figures are based on financial information as published by businesses, with no attempt made to compensate for differences in accounting and reporting methods.

FTC–SEC figures, on the other hand, are based on a questionnaire sent to 10,000 manufacturing companies. The questions are designed to cut through some of the accounting differences.

The government figures show that oil was more profitable than manufacturing during 16 of the 20 years starting in 1951.

Another government study labels oil a low-risk industry when it comes to making profits. "Petroleum, both in terms of profits and cash flow, appears to be much more stable than manufacturing industries in general," the Office of Emergency Preparedness said in a 1971 survey of a crude oil price increase.

Where would the oil industry be without its tax benefits?

The biggest one is the so-called depletion allowance, a deduction from gross income for the oil reserves used up during production. Take away the $1.3 billion the allowance saved the industry in 1970 and oil would slip to an 8.5% rate of return.

Then there is the fast write-off of most drilling expenses on successful wells. Subtract that $300 million and the return is down to 7.9%.

The oil industry, without its depletion and drilling deductions, thus would fall below average as a profit-maker. But it would still earn more on its investment than such other old-line industries as steel and aircraft.

Oilmen counter that drilling oil is a lot more risky than making steel. Higher risk demands higher return or no one will put money into the business.

UNKNOWN FACTOR

"In most business, cost and value are similar," says John Emerson, an energy economist with the Chase Manhattan Bank. "That's not true of oil."

Suppose you spent $1 million building a factory to make shoes, Emerson suggests. Then you change your mind. You can sell the factory to somebody else who wants to produce shoes, and receive close to $1 million for it.

"If you spend $1 million drilling for oil, you may have nothing but a dry hole to show for it," says Emerson. "Or, you may find oil reserves worth $10 million."

A company might drill 20 wells, getting 18 dry holes. There must be a way to recover the losses on the dry holes or the firm will not be in business the next year, according to Emerson.

The tax savings from depletion on the successful wells provide money to compensate for dry holes, and to finance new exploration.

Depletion allowances are the principal way in which oil companies—and other natural resource industries—are compensated through the tax laws for the risks connected with finding and developing raw material supplies.

The allowance works this way: when figuring income tax, an oil company can deduct 22% of the gross income from selling crude oil. This deduction is limited to 50% of the net profit from the producing property. Similarly, uranium producers get a 22% depletion allowance and so do producers of lead and nickel.

The rate for copper is 15%, coal 10%, sand and clay 5%.

(That 50% of net profit provision has the effect of reducing the oil industry's average depletion allowance from the 22% maximum to about 18.5%, reflecting some of the less profitable wells, says Lewis D. Lawrence, general manager of the tax department at Union Oil Co. of California.)

The industry's classic argument for depletion assumes that the oil in the ground is a wasting asset. As soon as production begins, a company is pumping itself out of business by using up its assets.

The argument does not impress oil's opponents.

"Your brain is a wasting asset; so is mine," says Prof. Walter Mead, an economist with UC Santa Barbara. "We don't get depletion as we grow older. Why should oil be different?"

One way to measure an industry's financial health is to look at the cash flow, a bookkeeping term. Simply stated, cash flow is profit, plus the money set aside for the eventual replacement of worn-out machines and buildings. The money set aside is not all needed that year for replacement. The cash is available for use in other ways.

The chart below shows that the oil industry, because of large profits partially generated through tax savings, holds a significant lead over other businesses in cash resources.

Industry 1970 cash flow

[In billions of dollars]

Oil	$10.4
Electrical machinery	4.4
Food	4.2
Basic chemicals	3.3
Motor vehicles	3.2
Steel	2.0
Drugs	1.5
Aircraft	1.2

With more cash, oil companies do not need to borrow as much as other firms to finance growth.

The oil industry owns $3.49 in capital for every $1 it has borrowed. All manufacturing industry in this country owns just $2.25 in assets for each $1 of borrowed capital.

"The oil industry has to be able to generate much of its own funds," says Thomas Martin, director of taxation for the American Petroleum Institute. He explains that the oil business needs big sums of money to pay for its investments in machines, equipment and buildings. Much of this must be paid for from the industry's own funds. Also, the high-risk nature of the business makes it less attractive to potential lenders of money.

The original justification for the tax privileges was simple. National interest requires adequate supplies of oil. Those who search will be rewarded for their gamble by paying lower taxes. Presumably, the money they save will be put back into the ground in search for more oil.

Daring individuals and small companies have been the big gamblers in the history of oil exploration. All the big fields, except the Prudhoe Bay discoveries in Alaska, were located by independents, says Lloyd Unsell, public affairs vice president of the Independent Petroleum Assn. of America.

PATTERN OF PAST

"The historical pattern," he says, "is that the independents find the oil fields, and the majors produce them." (Major companies are the giant, integrated firms that produce crude oil, refine it into gasoline and other products in their own refineries, and sell gasoline at local service stations under their brand names. The top 21 companies in the oil business have 85% of the refinery capacity.)

The big oil companies dominate exploration in the offshore areas of Texas, Louisiana and California, and on the north slope of Alaska. They pay huge bonuses to the federal and state governments for the rights to drill. However, an examination of drilling figures of eight major companies reveals that most of their wells are sunk in areas already identified as containing oil. The success ratio was greater than 60% for each of the companies surveyed; in most cases it exceeded 70%.

The entire oil industry—firms producing crude oil exclusively, plus the integrated companies—claimed $3.6 billion in depletion deductions in 1967. Some $3.1 billion, or 88%, was claimed by a group of 22 companies, according to a previously unpublished federal study.

ALL WERE LARGE

All of the 22 were big outfits, with extensive financial resources, firms like Standard Oil of New Jersey and Standard Oil of California.

In defense, Thomas Martin, the API tax man says: "There is no major company that I know of that does not spend for exploration and development significantly more than it derives from the depletion allowance."

"Companies of all sizes in oil and gas production are seeking new reserves all the time," he says. In 1967, the depletion deduction was $3.6 billion, but the industry spent $4.7 billion for exploration and development.

What about the major companies' concentration on less risky development wells?

"Most people, once you make your find, are drilling development wells," Martin contends. "That's true whether you're a major or an independent."

Major firms have been drilling a bigger proportion of the industry's exploratory wells in recent years, says Martin. He believes the independents no longer drill 80% of the high-risk wells, as they once did. Major companies take risks by providing partial financing for many arrangements put together by independents.

TREASURY STUDY

The U.S. Treasury however, commissioned a study in 1968 to discover whether the tax laws are an efficient way to encourage the hunt for new oil and gas reserves. The results: the Treasury loses $10 in taxes for every $1 worth of oil discovered under the present system.

The oil industry says the study was based on false assumptions and can not be considered valid.

A vocal critic of the oil industry, Sen. William Proxmire (D-Wis.) has suggested various tax changes, including a graduated depletion rate depending on the size of the company. Smaller firms would get a higher rate than the giants of the industry.

In the tax reform debates, Proxmire enlisted the support of the Kansas Independent Oil and Gas Assn. for his proposal, but the rest of the industry was solidly against it then, and continues to oppose it.

"If depletion is good and sound in principle, it shouldn't be set on a class basis to distinguish between big and little companies," says Unsell of the Independent Petroleum Assn. "If it's not a good principle, then nobody should get it." American consumers are the main beneficiaries of the depletion because they pay lower prices. Unsell argues. "It's actually the consumer who is taking depletion at the gasoline pump and at the burner in the kitchen."

TAX CREDIT PLAN

Unsell's association has a different proposal to help the dwindling ranks of the independents—a tax credit on domestic drilling and exploration expenditures. Congress defeated an attempt to include a 7% credit in the tax bill written last year.

Proxmire also suggested elimination of the fast write-off in drilling costs. He wants to replace it with a subsidy aimed directly at exploration. Dry exploration holes would qualify for a generous tax credit.

"That's ridiculous," snaps Unsell. "We would drill nothing but dry holes to qualify for the subsidy. People would go after the subsidy, not after oil."

Oilmen are very reluctant to see a change in the tax structure, even if they received a substitute incentive. Tax benefits are "woven into the fabric of the industry," says Martin of the API. "Any changes would be very disruptive."

Critics counter that oil companies have been able to use the tax laws even to offset the reforms passed by Congress in 1969, when depletion was cut to 22% from 27.5%, as mentioned.

Oil companies raised the amount deducted on tax returns by raising the price of crude oil. (When crude oil is sold for $3 a barrel, the depletion allowance—at 22% of gross income—is worth 66 cents. Raise the price to $4 and the allowance becomes 88 cents.)

CUTS INTO PROFITS

A higher crude price naturally cuts into the industry's margin of profit on gasoline and other refined products. But most big oil companies produce a large portion of the crude they use and thus, the tax savings in many cases more than offsets the slimmer profit margin.

Specifically, critics note that oil companies boosted the price of crude by 25 cents a barrel in November 1970, yet the price of refined products rose much less.

Since the price hike came so late in the year, most of its impact was felt in 1971. The average price of crude oil increased 6.9% in 1971, according to figures compiled by the Independent Petroleum Assn. of America. Yet the prices of gasoline, kerosene and light fuel increased by less than 4%; heavy fuel rose by somewhat more than 4%.

DEFENDS PRICE ACTION

The industry strongly defends its price action of 1970. Says one tax specialist, "Without price adjustments to compensate for adverse tax changes, we just wouldn't have any money to look for more oil."

Another executive notes "there are many, many ingredients in the price increase. In part, it reflected increased cost due to labor and materials."

Fred Allvine, a marketing professor at Northwestern, views the situation differently: "As a result of the industry's ability to administer the price of crude oil, the industry restored to itself what Congress saw fit to take away."

Oil companies get another tax break, which is enjoyed by all businesses with operations overseas. Within certain limits, a company can deduct from U.S. taxes any taxes it pays to foreign governments.

There is just one catch in the case of oil. Big petroleum companies traditionally paid royalties to foreign governments for the right to produce oil in their countries. A royalty (a fixed percentage of the value of the oil produced) is a business expense. It is written off against total revenues. In contrast, those foreign tax payments are credited dollar for dollar to reduce U.S. tax payments.

If a U.S. company pays $1 in royalties to Saudi Arabia, it gets a deduction which reduces the U.S. tax bill by 50 cents. If the company pays that same $1 to Saudi Arabia as an income tax, the U.S. bill is cut by $1.

Critics charge, and the industry denies, that oil companies managed to persuade foreign governments to be accommodating on that point. Before 1950, the industry paid lots of royalties to foreign lands. Then led by Venezuela and later Saudi Arabia, the oil-rich nations pushed for more money. But instead of jacking up royalties, they instituted an income tax plus a moderate hike in royalties. Other oil nations followed.

The industry went to the U.S. Treasury and got a ruling that the payments to foreign nations would qualify for tax credits. Payments to foreign nations soared, while collections by the U.S. Treasury plunged.

Arabian American Oil Co., a giant producing firm owned by Standard of New Jersey, Standard of California, Texaco and Mobil, paid U.S. income taxes of $48 million. Seven years later, although oil production had increased, its U.S. tax payments were only $282,000.

Oil company executives are quick to point out the limitations on the foreign tax credit; it cannot exceed the U.S. rate of tax. If a foreign tax rate is 50%, while the U.S. rate stands at 48%, a company cannot get credit for the taxes paid above the 48% level. This insures that "the credits claimed by the company are millions of dollars less than the foreign taxes actually paid," Union Oil's tax manager, Lawrence said.

Nevertheless, U.S. oil companies are paying huge sums of money to foreign nations while minimizing their returns to the United States. The group of 22 big companies covered in the Treasury survey had foreign tax credits of nearly $1.3 billion in 1967.

The foreign countries, the API's Martin says, are "simply exercising their right to tax foreign nationals within their jurisdiction. The oil and gas industry doesn't get treatment different from anyone else. If we were raising wheat overseas, we would pay a foreign tax."

Without a foreign tax credit, he says, oil companies could not afford to operate overseas because the combined effect of U.S. and foreign taxes would wipe out too much of the profit margin.

Allvine of Northwestern told a congressional hearing that "the foreign tax credit as it is applied to the oil industry seems to be a type of foreign aid that has not been authorized by the government."

Looking at the overall tax picture, oil spokesmen insist that the industry pays its fair share of taxes and then some.

"The high level of other taxes in the petroleum industry far more than offsets the industry's lower federal income tax burden," Martin of the API said in a recent memorandum submitted to the Joint Economic Committee of Congress. He cited a soon-to-be-published study by the Petroleum Industry Research Foundation.

The foundation study covers the industry's total domestic tax burden, including income, property and production levies.

TOTAL TAX AVERAGE

For the years 1967 through 1969, total taxes on the domestic petroleum industry averaged 6 cents on every dollar of gross revenues, compared with 5½ cents for all other mining and manufacturing industries and 5 cents for all business corporations.

Throw in gasoline and other excise charges, and oil's tax burden jumps to about 20 cents on each dollar of domestic revenues.

Critics respond to these figures by saying that the excise levies should not be included in the industry's tax burden since the oil companies pass them directly to the consumer. They are automatically collected at the gas pump and do not cut into profits.

The remaining figure, 6% of gross revenues compared with 5% for all business corporations, simply reflects the capital intensive nature of the oil business, the opponents of oil maintain. Any industry with large amounts of buildings and equipment, land and refineries, will inevitably pay large sums in property taxes. The key measure of the tax burden is still the federal income tax, which falls lightly on the oil industry, the critics insist.

BANK ANALYSIS

Oil executives scoff at the notion that they have money to spare.

"The general public thinks the oil industry has an inexhaustible source of funds," says Wilson Laird, director of exploration for the API and the former head of the U.S. Interior Department's office of oil and gas. "It doesn't, any more than the automobile industry, or furniture manufacturers, or the clothing industry."

The oil business simply is not earning enough to finance its future needs, says Chase Manhattan Bank. In 1963, the bank's analysis of key companies, noted the industry's cash earnings produced 87% of the funds needed to run the business. By 1970, only 72% of the money was generated internally. The rest came from the sale of stocks, bonds and other ways of raising funds.

The oil industry had to borrow, the bank says, because profits have been squeezed by taxes and rising costs. Higher prices must follow.

"Unfortunately, there is a rather widespread notion that petroleum companies should absorb rising taxes—and other increasing costs—without passing them on to consumers through higher prices," the bank says. "But the proponents of that curious idea do not explain how such a feat of magic can be performed."

It adds that in the long run, "all costs must eventually be recovered through adequate prices, if a business activity is to remain viable. There simply is no other alternative."

NO TAXES PAID

Opponents of the industry's tax treatment often fall back on another group of statistics. They point out that Atlantic Richfield, for one, earned more than $400 million in profits from 1962 through 1967, yet paid not one nickel in U.S. income taxes for that period. "Imagine, gigantic Atlantic Richfield paid less in federal taxes than the janitor who cleaned this room last night," Proxmire said during the 1969 tax reform hearings.

Similarly, Occidental Petroleum Corp. earned $730 million in 1966 through 1969 but paid no U.S. income taxes. (In 1970, Occidental did pay $2.5 million on pretax profits of $399.7 million. Atlantic Richfield paid U.S. income taxes in 1968, but refused to say how much on the grounds that the figures are under audit.)

Proxmire says that money saved by the oil industry through its tax breaks "was spent by the American taxpayers just as surely as if Congress had appropriated the money—with only one important difference. No one examined the expenditures to see who was getting it and whether it was worth the cost."

INNOVATIONS IN TREATMENT PROCEDURES FOR HANDICAPPED

Mr. DOLE. Mr. President, today I learned that the Department of Health, Education, and Welfare is developing a program to establish a national system of rehabilitation engineering centers. The program will benefit both unemployed defense and aerospace engineers, and thousands of disabled American citizens through a retraining program. These systems engineers will become involved in an intern program which would provide them with on-the-job training. The interns would work directly with the physically and mentally handicapped and will therefore learn to develop systems programs which benefit these patients.

Secretary Richardson called the program—

> A coalition for positive action at the patient level. It is an alliance of medical expertise and space-age technology with a goal of restoring a wider world to the handicapped and disabled.

The first two rehabilitation engineering centers have already been designated; one will be at the Ranchos Los Amigos Hospital, Los Angeles, Calif., and one at the Moss Rehabilitation Hospital, Philadelphia, Pa. Two or three additional center sites will soon be chosen. Each center will be allotted $350,000 in Federal funds for the first year with the total Federal cost of the first year's operation estimated at $1.4 million.

At the centers, many unique concepts will be tested such as giving leg amputees artificial legs immediately after surgery.

This technique has not been previously utilized by most hospitals but holds great promise for patients because early fitting of new limbs will enable them to more quickly become a part of the community and job market.

Research will be an intricate part of each center's function; new concepts will be tested through all phases of research development. Some handicapped patients will be given implanted synthetic tendons attached to muscles which then will serve as muscle substitutes. Many will have dime-sized electronic systems implanted to stimulate arm and leg muscles which never before have been coordinated. The systems will enable them to move artificial or paralyzed limbs for the first time in their lives.

The centers will provide unique services to handicapped people who have begun to doubt that America truly is the land of freedom and opportunity.

NEED FOR ENLARGED HEADSTART PROGRAM

Mr. HATFIELD. Mr. President, on February 24, 1972, I joined the Senator from New York (Mr. JAVITS) in cosponsoring legislation (S. 3228) which is called the Comprehensive Headstart, Child Development, and Family Services Act of 1972.

As the Committee on Labor and Public Welfare has amply demonstrated, there is a tremendous need in this country for an enlarged Headstart program, as well as for a broadening of the base of this service to include not only the children of the poor, but day care and other services for the children of working mothers as well. These services will be provided under this legislation, and I ask unanimous consent to add a breakdown of these services at the end of this statement.

As the committee has found—

> Millions of children in the Nation, by reason of poverty or other dehabilitating factors, lack a full opportunity, particularly during early childhood years, to receive adequate educational, nutritional, health and other services sufficient to enable them to reach their full potential.

We who have cosponsored such legislation believe that point in time has come where such early childhood care should be made available as a matter of right to the children of all Americans, and this legislation is a beginning.

One of those persons who has helped me to see that this need exists is Mrs. William (Helen) Gordon of Portland, Oreg., who has worked in this area for years and who has this year, among many honors bestowed upon her, been named Portland's "Woman of Accomplishment for 1971."

Mrs. Gordon is a pioneer in working for early childhood care centers for the children of the poor. Because of her hard work and resourcefulness in finding funds, and, most importantly, in obtaining the cooperation of State and local citizens and authorities—and, I might add, with the correspondingly hard and diligent work of other interested Oregonians as well—at least 5,000 young children have been helped in day care centers in Oregon this past year.

For years, Mrs. Gordon headed the Metropolitan Area 4–C Council. They have, by dint of extreme resourcefulness in raising funds and providing in-kind public services to provide the "match" for receiving Federal funds expanded the program over the years. Thousands of children are, however, still without such services, and there is need for further Federal effort to provide such care. I believe that S. 3228 will prove helpful to Mrs. Gordon and to the hundreds involved in working for day care centers in Oregon.

It is hoped that this year, with bipartisan effort in both Houses, that we can agree on legislation which is acceptable to the administration for fiscal 1973, so that the necessary planning work can be begun this year to enlarge the Headstart concept and broaden the base of those who will participate.

I ask unanimous consent to have printed in the RECORD an Oregon Journal article by Suzanne Richards which details the fine work that Mrs. Helen Gordon has done to provide day care for the children of my State.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Oregon Journal, Feb. 23, 1972]

HANDICAPPED CHILDREN HELPED

(By Suzanne Richards)

When Helen Gordon was first asked to place a retarded child in a normal nursery school situation she was bewildered.

"But, what do I teach him?" she asked.

"What do you teach a normal child?" came the counter question.

"It was then I realized I had forgotten this was a child . . . I thought of him only as mentally retarded," recalls Mrs. Gordon.

She readily agreed not only to take one, but several handicapped children.

That was in Chicago many years ago and as a result Helen Gordon became the first pre-school educator in the country to incorporate both normal and handicapped children in nursery schools.

She had established a precedent and opened a whole new way of thinking. Over the years her farsighted work in the field of child development has often proved trend setting.

Child development has been her life work and it has brought her honor, the most recent of which was being named one of Portland's Women of Accomplishment for 1971.

Even as a youngster growing up in Chicago this woman wanted to work with children. She thought she would like to be a pediatrician and followed this plan to the University of Chicago.

But she is frank to admit today "the science courses did me in." Finding herself far more interested in child psychology, she switched her major.

It also was at the University of Chicago that Helen met her future husband, Bill, whose career as a social worker was to keep the Gordons moving about the country for the next 20 years.

In Tennessee, Mississippi, Georgia and Alabama she set up the first USO agency-sponsored nursery schools. She continued to work with the young as the family moved to California, Minnesota and Colorado.

It was in Denver in 1949 that Helen Gordon, at the request of the University of Colorado Medical School staff, first incorporated programs for the normal and handicapped.

When the Gordons came to Portland in 1953 to work at the Jewish Community Center, Helen brought the concept with her. It had worked in Colorado, why not Oregon. On the basis of a one year trial she reorganized the JCC pre-school and introduced the program to Portland.

Twenty years later she can look back on it with pride.

"It has helped the children learn great respect for all kinds of children and it has taught us, as teachers, better ways of dealing with all children," said Mrs. Gordon.

And she might still be at the Center if the Portland Metropolitan Steering Committee, Office of Economic Opportunity, had not "borrowed" her in 1967 to work on comprehensive programs for the entire community.

Out of this came the establishment of the Community Coordinated Child Care (4-C) Council, for which Mrs. Gordon served as director until last October.

Under her guidance the 4-C Council established centers for some 3,000 school children who would normally have been unattended during the before and after school hours; set up day care programs for preschoolers throughout a four county area and improved and upgraded existing programs.

Although no longer with 4-C Mrs. Gordon still is a valued consultant, as she is for many programs.

"Get Helen Gordon" has become a byword for child development planning and the knowledge she has accumulated over the years she is constantly sharing with others, giving willingly of herself, often at her own expense.

During the course of an hour long interview she received no less than six telephone calls. Each was seeking her out for a different purpose.

To attend a board meeting of the Oregon Council on Women's Equality.

To serve on the newly created Children's Services Division Advisory Committee, State Department of Human Resources.

To preside at the first Peace Awards Coalition dinner, honoring Sen. Mark Hatfield and former Sen. Wayne Morse.

To work as a special project consultant at the University of Oregon Medical School.

To put into writing her suggestions for federal legislation in the field of day care and child development.

It is enough to make ones head reel.

She had returned little more than 24 hours earlier from Washington, D.C., where she helped draft plans from new child care legislation.

"It was an emergency meeting called after the President vetoed the child care bill," Mrs. Gordon explained in her rapid fire manner.

"There were 1,400 parents, professionals, volunteers and legislators all trying to draft a plan of action, think out what exists and what should be recommended," explained Mrs. Gordon, who represented the Day Care and Child Development Council of America.

"It used to be if I had to compute a human being against a dollar sign I thought it was a great insult. I still do, but that's the way you have to work in Washington now," she sighed.

An outspoken advocate of child care facilities for all, she pulls no punches when she battles for what she thinks is right.

The programs she has planned and helped to implement on city, state and national levels in regard to the retarded, handicapped, underprivileged and culturally deprived are staggering.

She has been honored by the Indian and Chicano communities and labor, who presented her the Kelley Low Memorial Award in 1970.

Prior to that in 1967 she was recipient of the Rosemary Dybwad International Award in Mental Retardation and spent two and a half months in Sweden, England and Denmark working with staffs on mental retardation.

Because of an accident in Sweden, some of the workshops were held from her hospital bed and an extended trip to England and Israel had to be cancelled.

On April 8 Helen Gordon plans to keep her promise to visit and work with professionals in those countries. At her own expense, she will spend over a month as consultant on day care and mental retardation.

Her unorthodox methods sometimes leave a lasting impression on those who come within range of Helen Gordon.

Of a recent workshop she led, she said, "I had to make them hurt a little so they would look at the point of hurt."

But to the deprived and needy, Helen Gordon is a balm. She manages to shun gratitude as easily as she piles more work on her already heavy load and says of those she is able to help, "We gave them climbing shoes."

Suffice to say her achievements over the years have been many. Currently she holds committee appointments with both the state and National Association for Retarded Children, as well as the national board of directors for Day Care and Child Development Council of America.

Perhaps as she sits through those long planning sessions and works late into the night on reports she sees before her little Janie who said, "I'll help him."

There have been hundreds of little Joeys and Janies whom this woman has touched. Portland is a better place for having had a Helen Gordon.

Comprehensive Community Employment and Training Act of 1972 (S. 3228)—Section-by-Section Analysis

Section 2. *Statement of Findings and Purposes.* This section states the findings that large numbers of economically disadvantaged, unemployed and underemployed persons lack sufficient job and training opportunities, resulting in hardship and in increased welfare dependency while many jobs in the public and private sector are unfilled; that it is within the capability of the United States to provide every American with the opportunity to prepare himself for and obtain employment at the highest level of productivity; and that increased responsibility and funds should be extended on a phased basis to State and local governmental and other local institutions for the planning and conduct of such programs.

It is the purpose of the Act to establish an increasingly flexible and decentralized system for the provision of employment and training opportunities, to increase the availability of such opportunities with emphasis on persons most in need, and to insure that training and other programs lead to employment.

Section 3. *Authorized Appropriations.* This section authorized appropriations under the Act of $2.5 billion of FY '74, $3 billion for FY '75, and $3.5 billion for FY '76. (subsection (a)) Additional appropriations are authorized under the Act for public service employment programs (to also be conducted under Title I) in the amounts of $5 billion for FY '74; $1 billion for FY '75 and $1.5 billion for FY '76. (subsection (b))

This section also authorizes the appropriation of $100 million for FY '73 for planning, technical assistance, training, and certain other activities.

This section also allocates the funds appropriated for the Act under subsection (a) to Community Employment and training programs under Title I as follows: 60% of the amount appropriated for FY '74; 70% for FY '75; 80% for FY '76, and allocates the remainder thereof in each fiscal year to Special Federal Responsibilities under Title II. (subsection (e))

Section 4. *Advance Funding.* This section contains advance funding authority.

Section 5. *Definitions.* This section defines the terms: Secretary; State; local service company; health care; city; Wagner-Peyser Act; public service; unemployed persons; underemployed persons; economically-disadvantaged persons; and certain other terms.

TITLE I—COMMUNITY EMPLOYMENT AND TRAINING PROGRAMS

Section 101. *Description of Program.* This section describes the comprehensive employment and training programs for which funds may be made available under the title, including information programs, individual capability assessment, counseling and institutional training, public service employment, inducements to private employers to expand job opportunities, on-the-job training and work experience for economically-disadvantaged youth, new careers, skill centers, establishment of employment recruitment centers, job information, training allowances and supportive services.

Section 102. *Eligible Applicants.* This section authorizes the Secretary to enter into arrangements with eligible applicants to carry out the provisions of the title. (subsection (a))

Eligible applicants shall be prime sponsors designated pursuant to Section 103 and other public and private agencies and institutions including community action agencies and local service companies. (subsection (b))

Section 103. *Prime Sponsors.* This section authorizes as eligible for prime sponsorship: (1) any State and (2) any unit of general local government (A) which is a city with a population of 75,000 or more or (B) which is a county or other unit of general local government having a population of 100,000 or more or (C) which does not meet the above population requirements but which has the largest population of a unit of general local government in the State; (3) any combinations of units of general local government with an aggregate population of 100,000 and (4) units of local government or combinations thereof in a rural area designated by the Secretary as having substantial outmigration and high unemployment. (subsection (a))

This section permits eligible prime sponsors to be designated by submitting to the Secretary a prime sponsorship plan describing the area to be served; evidencing capability for carrying out a program statement; and providing for a broadly representative community employment council with at least one-half the membership thereof to be persons representative of the economically disadvantaged.

In the event that a state submits a plan to serve a geographical unit under the jurisdiction of a unit of general local government (or combination) eligible as prime sponsor, the Secretary must approve the latter plan. The Secretary, in choosing between competing plans submitted by two or more units of general local government (or combinations) shall approve that plan which he determines will most effectively carry out the purposes of the title. (subsection (c))

The section provides also for review and comment of plan by other interested units of government and community action agencies, (subsection (d)); sponsorship by a community action agency in certain instances (subsection (e)); procedures in the event of disapproval (subsection (f)) and for expenses of councils (subsection (g)).

Section 104. *Program Statements.* This section requires prior to receipt of funds, that each eligible applicant develop and publish a program statement including a description of the services to be provided; the identity of agencies carrying out such services, an area description and assurances relating to national purposes under Section 201, (subsection (a)); subsection (b) authorizes disbursement of funds upon certification of the statement by the Secretary.

This section also establishes procedures for approval by the Secretary including comment by the Governor, other units of general local government and community action and vocational education agencies, (subsection (c)) and for the withholding of funds by the Secretary, upon allegation of any unit of general local government that the prime sponsor is not complying with the requirements of the Act or is maintaining a pattern or practice of exclusion of economically disadvantaged persons or of minorities.

Section 105. *Special Requirements for States.* This section requires that any State seeking assistance under the title submit an annual State employment and training plan, to ensure state-wide planning in cooperation with local prime sponsors and technical assistance to such sponsors.

Section 106. *Payments.* This section authorizes payment of the federal share of the cost of programs in accordance with program statements. It prescribes payment of 90% of costs of programs (subsection (a)), while providing payment in excess thereof pursuant to regulations of the Secretary in order to meet the needs of economically disadvantaged persons.

The full cost of public service programs and training programs may be paid by the Secretary where prior arrangements for subsequent non-supported employment have been made, in accordance with regulations established by him. (subsection (b))

This section provides that the non-federal contribution may be in cash or goods and contain a maintenance of effort clause. (subsections (c), (d) and (e))

Section 107. *Allocations.* This section allocates funds under Title I as follows: (1) 10% of the funds allocated under Title I are reserved to the Secretary of Labor for special cooperative programs with community action agencies under section 108; (2) 10% of the funds under the title are reserved to the Secretary of Labor for special cooperative programs with educational agencies under section 109; (3) additional sums are reserved for migrant and seasonal farmworkers, older persons and persons with limited-English speaking ability.

The remainder of the funds are to be apportioned among the States (and among areas within each State) taking into account the proportion which the number of unemployed persons and the number of economically disadvantaged persons in each State bears to the total number of such persons respectively in the United States, with a minimum of $1.5 million to each State. (subsection (b))

Section 108. *Special Cooperative Programs with Community Action and other Community-based Agencies.* This section provides funds to prime sponsors and community action agencies and other organizations funded under the Economic Opportunity Act for use together in special model cooperative programs for economically disadvantaged persons.

Section 109. *Special Cooperative Programs with Educational Agencies.* This section provides funds to prime sponsors and educational agencies for use together in special cooperative programs linking employment opportunities to vocational programs conducted in the schools.

TITLE II—FEDERAL RESPONSIBILITIES

Section 201. *Special Responsibilities of the Secretary.* This section requires the Secretary to establish procedures to ensure (1) priority for economically disadvantaged persons; (2) due consideration by State and local prime sponsors of programs previously carried out under existing authority programs are carried out in accordance with program statement; (4) involvement of community action and other agencies; (5) training provided has a reasonable prospect of leading to appropriate employment; (6) periodic reviews to insure movement from public service employment into "regular" employment in the public sector; (7) heroin addicts and other drug-abusing persons are given full opportunity for participation in programs; and (8) due consideration is given to the creation of public service jobs with community action agencies.

Section 202. *Special National Programs.* This section requires the Secretary to carry out certain national programs by providing financial assistance to public and private agencies (including prime sponsors) for (1) Job Corps; (2) Mainstream; (3) New Careers; (4) Opportunities Industrialization Centers; (5) Neighborhood Youth Corps; (6) Management training; (7) special employment programs for heroin addicts and other drug-abusers and (8) other employment and training programs as he determines to be necessary.

Section 203. *Research and Program Support.* This section directs the Secretary, in order to maximize local effectiveness, to provide staff training and other technical assistance; carry out comprehensive research and demonstration programs; and establish a national computerized job bank program.

Section 204. *Special Youth Summer Employment Assistance Fund.* This section establishes a special youth summer employment assistance fund in the Treasury, (subsection (a)), with an authorization of $450 million for FY '74; $500 million for FY '75; and $550 million for FY '76.

Section 205. *Special Model Youth Employment Programs.* This section authorizes the Secretary to provide assistance to public and private agencies for special model programs designed to meet the needs of economically disadvantaged, unemployed and underemployed persons 14–21 years of age, including programs establishing special service agencies in poverty neighborhoods and programs conducted by youth.

Section 206. *Special Demonstration Program.* This section authorizes a two-year demonstration project under which certificates would be issued to economically disadvantaged, unemployed or underemployed persons for employment training and related services with private employers. The section provides for reimbursement to employers, upon receipt of certificate, of part of the cost of such activities.

Section 207. *National Employment and Training Advisory Committee.* This section authorizes an interdisciplinary committee of not less than 13, nor more than 17 members, appointed for 3-year terms, to: identify national employment goals and needs; review administration of programs and advise Executive branch officials; conduct independent investigations; make recommendations and make an annual report to the President and to the Congress.

Section 208. *Legal Authority.* This section authorizes the Secretary to prescribe rules and regulations as necessary.

Section 209. *Special Limitations and Conditions.* This section contains general conditions applicable to programs under the Act as follows: training programs are not to be established in low wage industries where prior skill or training is typically not prerequisite to hiring; veterans benefits received pursuant to title 38, U.S. Code on account of active duty or service-connected disability are not to be considered in determining eligibility of such persons to participate in programs under the Act; acceptance of family planning services is voluntary; the Secretary must receive pertinent data for evaluative purposes; discrimination is barred; no funds may be used for political activities nor shall funds be granted for sectarian facilities; the Davis-Bacon prevailing wage provisions apply to construction. (subsection (a)).

The following additional conditions apply with respect to public service employment: programs will result in increased employment opportunities; persons so employed will be assured workmen's compensation, retirement, health and unemployment insurance and other benefits comparable to regular employees of the particular employee; the program will contribute to the individual's occupational development. (subsection (b))

Due consideration must be given to unemployed or underemployed persons who served in the Armed Forces on or after August 5, 1964 with special consideration to such persons who are economically disadvantaged. (subsection (c))

Those work and training programs providing physical improvements which will be substantially used by economically disadvantaged families or in urban or rural areas having high concentrations of economically disadvantaged families shall be given priority. (subsection (d))

Labor organizations must be notified as to similar work to be conducted under the Act (subsection (e)), administrative controls required. (subsection (f))

Section 210. *Program Coordination.* This section requires that the Secretary in providing funds of a health, educational or welfare character have the prior concurrence of the Secretary of Health, Education and Welfare (subsection (a)) and that the Secretary will arrange with the Director of the Office of Economic Opportunity and the Secretary of Health, Education and Welfare for referral to or from employment or training of persons in drug rehabilitation programs (subsection (b)).

Section 211. *Special Provision.* This section requires the Secretary and the Director of the Office of Economic Opportunity to ensure that economically disadvantaged persons residing outside areas having high concentrations of such persons, receive assistance on an equitable basis under the Act.

Section 212. *Allowances and Compensations.* This section requires the Secretary, where appropriate, to supplement the earnings of individuals receiving services under the Act so that a trainee's income, taking into account public assistance and unemployment benefits received, will approximate the higher of the federal, State minimum wage or prevailing wage rate; or in cases where a trainee is being trained for particular employment 80% of the weekly wage for such employment. (subsection (a))

This section also requires that all persons assisted in programs under the Act be paid wages equal to whichever is the highest of (A) the minimum wage which would be applicable; (B) State or local minimum wage or (C) the prevailing rates of pay for persons employed in similar occupations.

Section 213. *Interstate Agreements.* This section grants the consent of the Congress to interstate agreements necessary to achieve the purposes of the Act.

Section 214. *Administrative Functions.* This section grants administrative powers to the Secretary.

Section 215. *Reports.* This section authorizes various reports to the Congress by the Secretaries of Labor and Health, Education and Welfare and the Commissioner of Education.

Section 216. *Amendment to the Manpower Development and Training Act of 1962.*

This extends the authority to conduct program through June 30, 1973, with an extension of the disbursement authority through December 30, 1973.

Section 217. *Amendments to Economic Opportunity Act of 1964.* This section amends the Economic Opportunity Act with respect to years after FY '73 to: add a part A to Title I, providing new authority to the Director of the Office of Economic Opportunity to conduct special research, experimental and development programs relating to manpower.

Section 218. *Effective Date.* This section sets the effective date, unless otherwise specified, as July 1, 1972 and authorizes the Secretary to issue regulations following enactment.

FIRST UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

Mr. COOPER. Mr. President, in approximately 30 months delegations from over 130 nations will meet in Stockholm, to convene the first United Nations Conference on the Human Environment. This is a most important and hopeful event for the future of mankind. It is an event to which the United States has the capability and the responsibility to make a significant contribution.

It is of interest to all Members of the Senate to know that the Department of State has enlisted the help of a 27-member Advisory Committee to the Secretary charged with the responsibility of formulating recommended U.S. positions for the Conference this June. The chairman of that Advisory Committee is the very able senior Senator from Tennessee (HOWARD BAKER).

Mr. President, the Secretary of State could not have selected a more qualified person. Senator BAKER has served with me on the Subcommittee on Air and Water Pollution since his election to the Senate and during that time has been instrumental in drafting the Water Quality Improvement Act, the Resources Recovery Act, the Clean Air Amendments of 1970, the National Environmental Center Act, and the Federal Water Pollution Control Amendments of 1972.

With only a few short months before the Conference begins, the Baker committee is holding a number of public hearings in major cities across the country on the major topics which will be on the agenda of the U.N. Conference. The first of these hearings was very appropriately held in New York at the U.S. mission on the subject of institutional arrangements or post-Stockholm administrative arrangements.

In a statement prepared for these hearings Senator BAKER recommended the establishment of an international environmental coordinating body within the U.N. structure. It is an important statement, and I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR BAKER'S STATEMENT, HEARINGS ON INSTITUTIONAL ARRANGEMENTS, MARCH 12, 1972

Mr. Chairman and members of the Subcommittee:

As you know, the United Nations will convene a Conference on the Human Environment in Stockholm this coming June.

Hopes are running very high for this meeting. It will mark the first time that the nations of the world take counsel together on how best to meet the environmental crisis. It is a crisis which faces all mankind.

The Family of Man is dependent upon the earth's resources. Land, air, and water support the human body. The beauty and variety of nature nourish the human spirit.

But the earth's capacity to sustain man is limited. It cannot withstand unchecked pollution, uncontrolled exploitation, unlimited population. Already man's activities have seriously impaired the environment. Already the quality of human life has been placed in jeopardy.

This crisis demands a bold and imaginative response. We must act now to protect the right of all people to life. We must act now to protect the right of all people to a safe, wholesome, and personally-enriching environment. Individuals, nations, and the community of man, all bear a responsibility to cherish the earth and to improve it for themselves, their children, and their neighbors.

Preparations for the Conference, under the very able leadership of Maurice Strong, have generated enthusiasm and expectation throughout the international community. The United States has played an active and leading role in these preparations.

Our participation in the Conference has been highlighted by President Nixon. In his annual Environmental Message to the United States Congress on February 8, the President noted that the Stockholm meeting "should be a seminal event of the international community's attempt to cope with (the) serious, shared problems of global concern that transcend political differences."

He went on to propose creation of "a voluntary United Nations fund for the environment" with initial funding of $100 million over a five-year period. The President said that, if such a fund is established, he will "recommend to the Congress that the United States commit itself to provide its fair share."

Mr. Chairman, your Subcommittee is an important part of the preparation for the United Nations Conference.

As you know, the Advisory Committee has been assigned the task of drawing up recommendations on the Stockholm Conference for the Secretary of State.

This is the first of a series of hearings which will be held all across America. It is my hope that Americans of every persuasion and from every area will come forward at these hearings to let their voices be heard as we set about making our recommendations for the Conference on the Human Environment.

The specific subject of your Subcommittee, Mr. Chairman, is institutional arrangements.

The question about an international environmental organization is crucial.

Ecological problems are exceedingly complex. We are only just now beginning to be aware of all that is involved and much is yet to be learned.

Never before will so many nations have gathered in so short a span of time in order to grapple with so complex an issue.

The most important action of the United Nations Conference may well be the plans it draws for an organizational instrument to cope with environmental problems at the international level.

What kind of organization should the Conference bring forth to act in the post-Conference period? At this point in history, what institutions should we create to deal internationally with the environment?

What kind of unit or staff would be in the best environmental interest of Americans and of all men? What should be the position of the United States with respect to such an international environmental organization?

It seems to me, Mr. Chairman, that the starting point should be the United Nations. Whatever institution is created to shape response to the enormous and pressing demands of the environmental crisis ought to be a body within the United Nations. Indeed, environmental concern and action may well infuse the United Nations with new life and new approaches.

A United Nations environmental unit will certainly not be a new super-government or super-governmental agency. That is not what we need or want.

What is called for is a high-level advisory body, an intergovernmental unit. While it will not be a super-government of any kind, such a unit must not be buried under several bureaucratic levels. It should be located sufficiently high up in the United Nations structure to insure the proper coordination of all U.N. Activities. It will require prestige and flexibility.

This unit should have a high-level servicing officer—an administrator or director. He should be an imaginative, strong leader. And he ought to be given a position of prominence in the administrative structure. He does not need a large staff. But he should be given a staff of the highest quality of skill and dedication.

We cannot yet tell all that must and can be done to abate the environmental crisis, but a United Nations environmental unit and a servicing director and staff should at least be equipped to do the following:

To serve as the central coordinating body for all environmetal activities in the United Nations system.

Support, encourage, and coordinate national and regional activity.

Identify needs.

Develop policy guidelines.

Administer the voluntary environmental fund according to the guidelines.

Gather and assess data and forecast trends and difficulties.

Promote research.

Provide for the exchange of scientific and technological information among nations.

Of course, Mr. Chairman, the list could go on at some length. The point is that we stand at the beginning of a new movement. Here at the start we need effective, adaptable institutions directed by resourceful men.

The environmental crisis does threaten the well-being of mankind. But it also holds great promise and hope for a new era of creative international co-operation. There is time for us to act if we act now.

I am persuaded that the citizens of this country are ready, willing and able to take the lead in meeting the environmental crisis. And I believe they will support whole heartedly an effective international environmental institution.

Thank you Mr. Chairman.

THE SOUTH CAROLINA TOBACCO CROP

Mr. HOLLINGS. Mr. President, I am alarmed today that the international trade situation is worsening for American products and goods. In my State, South Carolina, our largest single industry—textiles—has been fighting to survive a rising tide of cheap textile imports. These imports come primarily from Japan. Now my State's largest single cash crop—tobacco—is facing a European threat in the form of restrictive import policies that apply in European Common Market nations.

The Senate Subcommittee on Agricultural Exports has been holding hearings to obtain the American case against recent European Common Market activities. I restate that case today before the Senate.

European Common Market nations have internal price supports for their domestic tobacco leaves which are the highest in the world. European Common Market nations are further subsidizing their own tobacco growers by paying to those who buy the domestic leaf a hefty subsidy which amounts to a discount of about 30 percent of the purchase price. The European Common Market is proposing to go one step beyond assisting their own growers to a position of penalizing foreign growers. That obviously includes American tobacco growers. This penalty would come in the form of a proposed "tax harmonization" to be imposed on the foreign leaf brought into the European Common Market. The "harmonization" would involve changing from a specific tax—that is, a tax leveled according to poundage—to an ad valorem tax—one based on the value of the foreign leaf. The specific tax applies throughout the United States and it is the tax preferred by our growers, including those in South Carolina.

We see, then, that the European Common Market is combining its weapons and attacking the American tobacco grower through supports to the European tobacco grower and tax penalties on the American leaf. There is another danger to the American tobacco leaf. As the European Common Market expands from its existing six members to take in the four new members of Ireland, Norway, Denmark, and Great Britain, our tobacco leaf would be further jeopardized simply by the geographic spread of the area of import restrictions. This geographic spread would be larger than at first meets the eye, for it would include not just the home soil of new Market members but also some of their political alliances. In the case of Great Britain, restrictive tobacco import policies would apply not just in Great Britain but also in countries which are members of the British Commonwealth. American tobacco markets in several African nations would be most seriously affected.

I cannot overstate the importance of the tobacco crop to South Carolina and the reasons why the foreign market for that crop must be protected. In 1970, the cash receipts from the farm marketing of South Carolina tobacco amounted to $102 million. That was 23 percent of our State's total cash receipts from farm marketings, making tobacco the largest cash producing crop in our State. In the same year, 1970, tobacco exports made up almost 49 percent of the total of all agricultural products exported from South Carolina. The value of South Carolina tobacco exports in 1970 was $57.4 million. As is true with tobacco products from throughout the United States, South Carolina tobacco exports in 1970 found their way, in large measure, into European Common Market countries. For the 1969–70 crop year, 414 million pounds of U.S. flue-cured tobacco were exported. Of this total, 109 million pounds—more than one-fourth—went to the original six members of the European Common Market. Another one-third of the U.S. crop—140 million pounds—went to the four countries which are presently entering the European Community. Obviously, the European Common Market must be kept open to American tobacco exports if an important segment of our agricultural income is to be maintained.

The protection of foreign markets for American tobacco is not just an economic question. In my home State, the jobs of many people, and many types of people, are at stake. We estimate that in 1970, 20.1 million man-hours were spent in producing and harvesting the South Carolina tobacco crop. This involved landowners and their employees, and, further along the marketing line, it involved the jobs of hundreds of warehousemen. We must also consider the scientists and agricultural experts who are involved on research, including in my State, the breeding of improved tobacco varieties. These people must be protected.

The South Carolina State Legislature is understandably concerned about the Common Market threat and has taken action on the issue. I ask unanimous consent to have printed in the RECORD a resolution of the South Carolina House of Representatives, concurred in by the South Carolina State Senate.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION TO MEMORIALIZE THE SECRETARY OF AGRICULTURE AND THE CONGRESS OF THE UNITED STATES TO TAKE WHATEVER ACTION MAY BE NECESSARY TO ELIMINATE UNFAIR RESTRICTIONS ON IMPORTS OF U.S. TOBACCO PRODUCTS BY EUROPEAN COMMON MARKET NATIONS

Whereas, the tobacco growers of the Nation are concerned when they see a significant portion of their foreign market threatened as a result of unfair practices by foreign countries; and

Whereas, it is believed that a strong stand should be taken to persuade European Common Market nations to eliminate policies which raised internal support prices and provided for buyer discounts for the purchase of domestically grown leaf; and

Whereas, it is the sense of this body that retaliatory measures, perhaps a ten percent surcharge on imports, should be put into effect until such time as the European Common Market nations make such changes in their policies as will assure greater access to their markets for agricultural products of the United States. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the Secretary of Agriculture and the Congress of the United States are hereby memorialized to take such action as may be necessary or desirable to protect tobacco and tobacco products exported by the United States against unfair import restrictions on such products by the European Common Market nations.

Be it further resolved that a copy of this resolution be sent to the Secretary of Agriculture of the United States and to each member of the Congress of the United States from South Carolina.

THE BIHARIS IN BANGLADESH

Mr. KENNEDY. Mr. President, the problem of the Bihari Muslim community in south Asia has been festering for a generation, particularly in Bangladesh—formerly East Bengal. The Biharis' integration into the society of both Bangladesh and Pakistan has never been accomplished, and from the beginning their presence has been a source of friction in both areas. Their situation in Bangladesh has become more critical since independence—for historical and cultural reasons, but also because many Biharis supported or actively participated in the Pakistan Army's repression of the Bengalis last year. So there can be no doubt that the Biharis' sense of being alien is real, and so is their fear of being a target of Bengali revenge.

The urgency of their plight was clear during my recent visit to Bangladesh, and this morning's unconfirmed press reports of communal violence in Khulna district underscore the need for the international community to respond in a more meaningful way to the requests of the Bangladesh Government for assistance for the Biharis.

On the basis of my field visit last month, I was impressed at the sincerity of the commitment of the government of Sheikh Mujibur Rahman in providing adequate care and protection to the Bihari communities throughout Bangladesh. I made an unscheduled stop at the Adamjee jute mill near Naranyanganj, where many Bihari families have taken shelter. And I saw that they were being fed, and sheltered and protected. Indeed, I found their conditions better than the situation of many Bengali refugees last year in India. But the Biharis were equally uncertain of their future.

There can be no question that the presence of the Bihari community poses a difficult problem for the new nation of Bangladesh, as it always posed for Pakistan. In hearings before the Judiciary Subcommittee on refugees early last month, this point was reviewed in considerable detail. On the basis of that hearing, my field visit to Bangladesh, and my conversations with the International Committee for the Red Cross and United Nations officials in Geneva, I feel it is important for our Government and others to move on four fronts in assisting efforts to ameliorate the plight of the Biharis.

First, we should support the work of the International Committee of the Red Cross which has been asked by the Government of Bangladesh to provide temporary relief assistance to the Bihari community until the government's program is fully operational. We also should urge that the Red Cross expand the purpose of its mission in Bangladesh, to include the stationing of international observers to assist the Bangladesh Government in fulfilling its sincere pledge of protecting the Bihari community.

Second, our Government must finally respond to the appeal made in January 31—over 6 weeks ago—by the International Committee on the Red Cross for assistance to support their relief program among the Biharis in Bangladesh. The Red Cross appeal for relief supplies, aircraft, and other items has met with silence from our Government.

Third, we should encourage and facilitate, where we can, arrangements for a population exchange between Pakistan and Bangladesh. I understand there are some 300,000 Bengalis in Pakistan who seek to go to Bangladesh, and many non-Bengalis in Bangladesh who seek to go to Pakistan. Proposals to carry out an exchange of population under international auspices have been made to both governments. Reports suggest that the Pakistan Government has so far not responded positively.

And finally, we should take the long overdue step of recognizing Bangladesh. We simply cannot escape the fact that the lack of U.S. recognition has crippled our ability to participate actively in the humanitarian efforts now underway in Bangladesh, including the very sensitive issue of bringing relief to the Biharis.

Mr. President, the eventual integration of the Bihari community into both Bangladesh and Pakistan will clearly be a long-term process—a process which we in the United States know only too well involves pain and friction. We should understand the strains that both countries now face, and offer our support to those international initiatives now underway to assist in the integration or exchange of minority populations. The Bangladesh Government is committed to protect and provide relief to its Bihari citizens until normal conditions are restored. We should help them fulfill that commitment, and help these people help themselves.

GENOCIDE CONVENTION: THE BUILDING OF WORLD LAW

Mr. PROXMIRE. Mr. President, every system of laws is built up slowly, starting with the establishment of certain basic principles or core values which become a basic and fundamental part of the beliefs of the individuals in the society.

For example, many of our concepts of freedom, such as those enumerated in the Bill of Rights, were established when the first colonies were founded by such documents as the Mayflower Pact. They gradually took root until they became an integral part of our beliefs and were embodied in our Constitution.

Similarly, if there is ever to be a body of World Law, it must begin with the establishment of certain basic concepts. The criminality of genocide is one of the most basic of these. Twenty-three years ago, the United Nations drafted a convention outlawing genocide, thus providing us with a way of declaring our abhorrence for this crime. As Mr. Charles Yost, the former U.S. Representative to the United Nations said:

> This Genocide Convention is an assertion by the community of nations that a certain particularly heinous act, perpetrated against any national, or ethnic, or racial, or religious group whatsoever, is wrong—wrong not only in the domestic law of this or that State, but wrong also in the law and opinion of the community of nations itself.

As yet we have not taken the necessary step of ratifying this convention. The Senate should act without delay to condemn genocide, and thereby to help build a world body of laws custodying the amendmental right of man.

RESERVE STRENGTH

Mr. THURMOND. Mr. President, three outstanding editorials on the value and cost of the Reserves have been published recently in the Officer, official magazine of the Reserve Officers Association of the United States.

These articles, written by ROA executive director, Col. John T. Carlton, appeared in the November 1971, December 1971, and January 1972 issues of the magazine.

Entitled "The Value and Cost of the Reserves" I believe the Congress will find these editorials informative and valuable as we debate the current defense programs.

In the articles Colonel Carlton challenges the Reserves to attain higher goals of readiness and commitment. He also points out that costs of Reserve Forces are at least four times less than for Regular Forces.

Mr. President, I ask unanimous consent that these three editorials be published in the Record at the conclusion of my remarks.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

Laird-Nixon Policy—Value and Cost of the Reserves

Secretary Laird's recent hard-hitting speech, directed as it was toward those most likely to understand its implications, made it crystal clear that the Defense Department leadership means what it says in emphasizing the intent to build new strength in the nation's military Reserves.

The Secretary has had a full year to judge the response of the Army and other Services to his historic pronouncement, of 17 August 1970, which was a reversal of the McNamara policy.

The latter in 1965 had decided to draft green young men to fight the Vietnam war rather than to call upon the trained Reserves. This policy had led to various developments within the American society, among them an undermining of national regard for the Reserves, peopled as they came to be by men suspected of being mere draft dodgers, if indeed some of them were not.

This in turn led to a distaste for the expenditure of the millions necessary to maintain the Reserves, and an overt threat by the leadership of the Senate appropriations committee to "save" the money being spent thereon.

This undesirable outcome posed a further menace to the national will to involve itself in national defense policy, and of course would have led to the eventual discard of the "Every Citizen" tradition in the national security picture. The long-range effect unquestionably would have been just as catastrophic as was the McNamara policy of gradualism on the enemy's terms of the escalation of the Southeast Asia conflict and the United States involvement there.

Secretary Laird's directive of August 1970, therefore, had far reaching implications. For one thing, it halted a deterioration of Senate support for the Reserves and actually averted, by the record, a severe reduction in appropriations without which the Reserves would melt away.

It is no secret that under the United States system of government, with its press free to criticize, and with those who lust for the illusory power which presumably men can exercise in positions such as the Secretary of Defense, announcing a policy and seeing it implemented are two completely variant operations. Thus it was that the Laird memorandum was subjected to microscopic examination, and isolated words and phrases were pulled out, and used to prove that he did not really mean to give—but to take away. Increased reliance upon the Reserves, for instance accompanied as it was by the phrasing of the announcement that they would be made stronger, did not mean greater manpower. Some even said this was a warning to the Reserves that they had better shape up.

Secretary Laird was speaking to the Association of the United States Army, embracing as it does the entire Department of Army hierarchy as well as the makers and sellers of all the things the Army buys, when he said:

"Total force is a central feature of our National Security Strategy of Realistic Deterrence and it has particular application in the Army.

"Our military planning takes the Reserve forces into account as an integral part of our defenses. The total Army force is made up of Active and Reserve elements, and in the Army, the Reserves are a much higher proportion of the Total Force than in the other Services.

"I am particularly pleased that the Congress has now in effect codified in the Selective Service Act a very important policy I issued as Secretary of Defense more than a year ago.

"Another new policy that is very important for the future effectiveness of Total Force is our objective of having National Guard and Reserve units able to deploy with regular units on quick notice—either in training or in an actual emergency. This means we must have National Guard and Reserve battalions and brigades that could, if necessary, be sent to Europe or anywhere else without months and months of delay. This objective is going to impose a tremendous leadership challenge on the National Guard and Reserves and also on the Active Forces.

"It is particularly important that we all understand that the actions we are taking to improve National Guard and Reserve Forces will be across-the-board actions affecting all the Services—Army, Navy, Air Force and the Marine Corps.

"Clearly to make Total Force work will take a lot of leadership, a lot of determination, a lot of support, and a great deal of imagination. I know that our armed forces can and will provide the necessary ingredients for success because they understand that we can no longer afford to treat the Guard and Reserve as stepchildren."

Again, his words will be subjected to analysis, but it would seem now that he has "made crystal clear" (as the Commander in Chief likes to do) that his commitment to the Reserves, or to the Citizen Army tradition, is by no means superficial. Those who believe in the Reserves, and are convinced that they can be relied upon if permitted to achieve readiness, have every reason to draw assurance from his statements.

This will place the greatest challenge before the Reserve leadership. Historically, the citizen soldier and his reputation have survived the challenge coming in every national emergency, as he will this one.

This prompts consideration of the circumstances which lead inevitably to development, as at no previous time in history, to the reliance on Reserves which the Secretary embraces.

House Armed Services Chairman F. Edward Hébert has warned repeatedly that in the severe cutbacks in store for the Army the Reserves move to the front at an increasing pace. The national move is swiftly toward much smaller military forces, and hence a proliferation of the available manpower in the military Reserve structure.

"And the Reserves cost money too," he adds.

How much the Reserves will cost, how they will thrive under the Volunteer Force program now being hawked by the Services and more especially by the Army with multimillion dollar support funneled into Madison Avenue, is a pressing question today.

Traditionally, it has always been believed—or at least the assertions have been made and accepted in some quarters—that ten Reservists can be maintained in a state of readiness for what it costs to put one Regular soldier in action.

Whether this is true remains to be seen, because it never has been put solidly to the test; at least it has not been tested in the crucible which will be the next national emergency.

It is toward an analysis of this issue . . . the cost of the Reserves . . . that ROA's capabilities are being directed, on which report will be made in the next issue.

Laird-Nixon Policy—Value and Cost of the Reserves—II

In considering the value of the Reserves to national military preparedness, we must take into consideration many factors.

Traditionally, it has been conceded that Reserves can be maintained at a much lower cost than the Active or Standing Forces—forces in being committed theoretically to instantaneous response to attack. That this is not always the case has been demonstrated time and time again by history, but it is an aspect we need not explore at this time.

With respect to the cost issue, let us consider the statement on 9 March of this year by Secretary of Defense Melvin Laird:

"Lower sustaining costs of non-active duty forces, as compared to the cost of maintaining larger active duty forces, make possible a greater flexibility in planning the Total Force Structure.

"This lower cost of non-active duty forces allows more force units to be provided for the same cost as an all active force structure, or the same number of force units to be maintained for lesser cost.

"However, it also requires that the capability and mobilization readiness of Guard and Reserve units be promptly and effectively enhanced."

Under the pre-Laird formula for maintaining the military forces, both Reserve and Active, we can by careful analysis into which we must intersperse some logical assumptions—which however logical must still be assumptions—arrive at comparative costs:

For the Navy:

Reserves, cost per individual per year, $2,337.46.

Active, cost per individual per year, $13,758.31.

For the Air Force:

Reserves, cost per individual per year, $4,722.

Active, cost per individual per year, $16,490.

For the Army:

Reserves, cost per individual per year, $1,909.

Active, cost per individual, per year, $12,869.

These figures are arrived at through mathematical calculations of monies appropriated by the Congress for both Personnel and Operation and Maintenance for each of the Services.

Officers of ROA's professional staff made their calculations carefully and with a serious view to ascertaining precisely what relative costs were, and they added cautiously the implications.

They used the active Selective Reservists (who receive drill pay) because this is the most costly element in the total Reserve structure, and they included the O&M figures which will vary among the Services due to inherent differences in their respective operations.

It also must be fully recognized that there are vast differences among the Services, with reference to the Reserves.

The Air Force and the Navy, for instance, can be precisely measured for C–1 capability—a symbol used in the Air Force to indicate that a flying unit is so proficient that it can be deployed the same day it receives a call, and be competent in combat.

Parenthetically, it will be recalled that in the so-called "Cuban crisis" of 1963, when the transport of a large body of troops appeared to be an imminent requirement, Air Reserve units were given a call on Saturday night and they were on the line with their aircraft and crews, ready for action in the wee hours on Sunday.

Likewise, the Navy, in the 1961 call-up, saw all of their reserve ships crews report to their ships immediately, and promptly assume their duties, which they performed with distinction.

The Army, too, saw more than 95 percent of its called-up Reservists in 1961 respond with a good spirit, and an obviously outstanding competence, their record being sullied only by a miniscule number who staged protests, and took the Army to court to the dismay of their compatriots. Nevertheless, they were to prove the Army Reserve in later years, and the units which went to Vietnam in 1968 and 1969 won plaudits up to the highest level.

A USAR technical unit, a Navy destroyer crew, or an F–105 unit or an A–7 unit can be precisely measured for competence and performance; an Army infantry unit is truly tested only in battle, a certification for which can be obtained also for an active Army unit only when hostilities begin.

Let us go back now to the findings of a typical outside study of the Reserve.

It is exceedingly difficult, if not impossible, to apply accurately raw budget figures and arrive at genuine comparative costs between relatively like units in the Active Force and in the Reserve Components. However, a recent study by the organization relied upon so heavily by recent Department of Defense analysts produced revealing cost figures by comparing Air National Guard and Active units. Their cost models included aircraft investment costs and annual operating costs for each authorized 90 aircraft.

Here is what the Rand Corporation found:

The Reserve Forces F–105 units cost $20 millions annually while the Regular Air Force unit cost $39.7 millions.

The Reserve Forces F–4C unit cost $20.1 million, while the Regular Air Force cost $43.8 millions.

The Reserve Forces F–4E unit cost $22.7 millions, while the Regular Air Force cost $44.5 millions.

The Reserve Forces A–7 unit cost $14 millions while the Regular Air Force units cost $28.6 millions.

We believe that the same study of the other Services would bring the same conclusion that approximately the same proportionate costs would be assessed for Reserves in comparison with the Active forces.

There must also be an awareness, in considering this matter, that the trained or experienced Reservists in the nation number in the millions, and that far less than half are in the Selected Reserve.

In the Selected Reserve units, if Congressional requirements are met (as specified by Law), there are 260,000 officers and men in the USAR, 129,000 in the USNR, 52,000 in the USAFR, 47,000 in the USMCR and 15,000 in the USCGR.

By the Laird formula, they will be given additional equipment fully trained and properly managed, and supported in every way to be a part of the Total Force relatively ready for action. This means that as the Active military forces, in being, are reduced by 1,000,000 officers and men by 1973 the portion of the gaps created which call for immediate response will be filled by elite Reservists.

Where this policy can, and no doubt will, be attacked, however, is in the theory that Reservists really can match their Active counterparts in skill, experience, and commitment.

In the Public Law of 1967 which created the new Reserve structures, Congress sought to present this challenge. It was a challenge which ROA in particular invited; but it is one which really will test the mettle of the men and women in the national community who historically have professed allegiance to the Citizen-Defender tradition.

The Chiefs of the military services, and those in the newly created statutory positions as Chief of Reserves, must shoulder the responsibility for seeing to it that the Reserves can meet these requirements.

The law gives status and power to the Reserve Chief which is not accorded any other military officer; he can be relieved only for cause; he has access not only to his Chief of Staff but to his Secretary; it is clearly implied also that he has ready access to the Congressional Committees, and he has an Assistant Secretary to work with him, to encourage him, and to support him. His selling job is not a difficult one, because it is within the tradition, and law of the land . . . and today it is consistent with the mood of our society.

What are our conclusions? Let our ROA professional staff officers speak from their long studies:

Chabot for the Army: "I view the tremendous savings possible, in maintaining units in the Army Reserve rather than in the Active Forces as indicated by the foregoing analysis, a principal criteria in determining the size of Reserve Forces and the number of units therein as part of the Total Force structure should be the following.

"That Reserve units should be established in place of Active units whenever and wherever they can meet readiness requirements of contingency and mobilization plans in the training time feasible for the Reserve environment."

Huie for the Navy: "With the drastic reductions in the numbers of active duty personnel in the Navy, it only seems logical for the Navy to proceed on a course which would employ more Naval Reservists in mission compatible active units to take advantage of this manpower resource and at the same time save dollars."

Bracket for the Air Force: "The savings on costs by maintaining a force with an increased Reserve mix, given their capability of almost instantaneous response, is so subtantial that serious thought should be given to expanding both the unit and individual training programs of the USAFR."

A further presentation of the elements in such a Reserve policy will be presented in the next issue.

Laird-Nixon Policy—Value and Cost of the Reserves—III

The issue has been pretty well settled, but rationalization of the decision to place increasing reliance upon the Reserve Forces still is not amiss.

The economics of the decision has been established: Reserves do indeed cost less to maintain than do the same numbers and property in the Active Forces.

The viability of the Reserves has been accepted as has the fact that they can, and are to be, a part of the new Total Force for the national defense.

What remains, it seems to us, is first, whether the Reserves, called suddenly from their principal roles in civilian life, can indeed defend this nation as professionals, and second, whether their motivation is such as to make this performance likely.

TESTIMONY OF HISTORY

The history books are replete with testimonials to the performance of the nation's civilian participants in the Armed Forces. From the beginning of our people as a viable nation, and the defense goal enunciated so clearly by the First President, Americans have proved that they can be the fiercest and most effective fighters in the history of the world.

Much of the record of performance of our Armed Forces, with its civilian base, has been glamorized, of course. There are black spots on the pages of history, and there have been demonstrated failures and inadequacies; yet the end result has been painted as glorious because the United States of America has survived, and it has survived in terrible struggles because men and women have risen far above their issues and differences when the critical requirement for unity appeared.

ROA itself is perhaps a striking example of the ability of Americans to put differences aside to meet a situation which calls for unified action. The existence of ROA's Minute Man Memorial Building—a tangible commitment to the nation's military tradition—stands as evidence of the moving characteristics of the American man and woman.

A. A. Hoehling's recently issued book gives startling testimony to the diversions which racked America in the week before Pearl Harbor. More than one historian has made the observation that Kaiser Wilhelm would have withdrawn from the event which touched off World War I, and that Hitler would never have countenanced the aggression which started World War II—except that in both instances there was tragic miscalculation of Americans intentions, and a misreading of the American character which, one day revolted at the idea of interfering in other nations' struggles and on the next day whipped into a fervor accompanying a strongly military commitment.

THE CIVILIAN ANTIMILITARISTIC HEART

What we are approaching of course is the question of what Americans will be prompted to do when nations go to war, and what happens to the natural isolationism which is nurtured in many American hearts.

The United States has never been a warlike, or militaristic nation. This continues to be proved today. The President of the United States and other leaders of this great nation are speaking out of their intimate knowledge of their people when they seek to convince other nations that America wants only peace, that we have no designs on other peoples' territories, and that in a real sense our interest in world problems is altruistic.

Yet, the fierce and successful actions of America's men and women in war, when fully understood, support that preachment of our foreign policy. Americans, provoked into war, are committed to throw fully into it, get the victory done, and return to their civilian pursuits. That is the prior goal of America today.

This accounts, we believe, for the low rate of volunteers to the Services in the climate of today.

ABOUT THAT 3 PERCENT

The Army, which always requires some outside agency to tell it what its problems are, employed a research agency to find out how many youngsters of today would volunteer for service in either the National Guard or the Army Reserve in a no-draft environment.

The response came up as might have been expected—three percent.

There was another 14 or 15 percent which entered a tentative "probably", but this seemed to have been related to the fact that those questioned had one eye on the service, and another on the probable renewal of the draft.

This is no strange result because it was almost precisely the percentages obtained at the conclusion of World War II, when men—officers as well as enlisted men—returned for demobilization to assert they had "had it."

It was also accompanied by another result: that only five to seven percent of those queried knew anything at all about either the Guard or the Reserves.

CHALLENGE TO LEADERSHIP

Brig. Gen. Stanford Smith, an Army Reserve leader and in civilian life general manager of the American Newspaper Publishers Association, recently addressed a group taking the Reserve Components Course at the Command and General Staff College at Fort Leavenworth.

In his scholarly treatise, General Smith reminded his listeners that as officer in the national community's civilian strata, they had not been doing a very good job. Research had developed the information that few young people know very much about the Reserves, and the blunt statement was made that, "The Army deserves more credit than it is currently getting."

General Smith commented, "As officers in the Army Reserve Components, we bear the responsibility for correcting this situation vigorously so that our Components meet their future requirements and fulfill missions which may be assigned to us in the future."

He then cited the new factor of long-range benefits for Reservists, ranging from expanded medical care, enlisted bonuses, insurance, educational benefits, survivors benefits and possibly earlier retirement benefits. He added:

"Even in today's environment, many young men—probably most—are patriotic and will react favorably to the opportunities for significant service through a second career which does not interfere with their primary civilian career. . . . Young people today are interested in their fellow man and in public service, possibly to a greater extent than ever before. Contrary to popular misunderstanding of the Army, the Reserve Components offer tremendous opportunities for satisfying public service."

THE BATTLE IS THE PAYOFF

Once the military services have surmounted the hurdle of bringing the young people in, how will they perform in the heart of a national emergency?

One need not resort to psychological tests to arrive at a rational conclusion on this score. Even the militancy of the anti-war element in our society belies any suspicion that we have become a nation of cowards—nor that our young people are not as gifted as required technology as any of those in past generations.

The record of Reserve training is exemplified by hundreds of daily performances, and we need call few witnesses to testify to their proficiency and commitment. A clear example, however, may be drawn from the Naval Reserve, which as a far reaching experiment has been manning a destroyer, with the Sixth Fleet, in the Mediterranean. These Reserve crews—all of them—have prompted this tribute from Cmdr. Lennart G. Holmberg, the Regular Navy skipper of the Destroyer *Gearling*. He heads the *Gearing's* nucleus crew which was boosted to the ship's normal complement by the Reserve groups on annual two weeks active duty. Saying he would recommend that two Naval Reserve training ships be sent to the Mediterranean next summer, Commander Holmberg said:

"This experiment proved many things. First and most importantly, it proved that a Naval Reserve training ship in good material condition and manned to 100 percent of nucleus crew can be converted into a fully active unit operating at a peak operational level within days, after a Reserve crew reports aboard. It also proved that, in general, Reservists with little or no prior preparation can become effective and efficient elements in the operational fleet."

The Air Force Reserve proves every day its ability to take its place in an emergency in the Total Force—because it already is a part of the Total Force. There can be no denial that the Marines' Fourth Division (Reserve) is as good as any other; and the Coast Guard's officers and men are good for whatever tasks are given them.

The cost and value of the Reserves? It is the best bargain America has!

KODIAK, ALASKA, NAVAL BASE

Mr. GRAVEL. Mr. President, the U.S. Navy has recently announced that it plans to close a Navy base at Kodiak, Alaska. The closing will be effective the end of the current fiscal year.

Because of this, the U.S. Coast Guard may have to discontinue its operation at Kodiak due to lack of support facilities for its ships and aircraft. In a recent near-confrontation with two Soviet fishing vessels, the Coast Guard was successful in bringing the Soviet ships in so they could be fined for their illegal activities in Alaskan waters.

Had the Coast Guard not been there, the situation would have been much worse. The nearest Navy warship was perhaps 2,000 miles away. The Coast Guard has continually proven its worth and deserves continued support for its efforts around Kodiak.

I have requested the Secretary of the Navy to give the precise reasons for the planned closing of the Navy base at Kodiak.

The people of the Kodiak area have continued to show their interest in the subject. I recently received a resolution from the Kodiak Area Native Association on the subject and a resolution from the legislature of the State of Alaska concerning the planned closing. I ask unanimous consent that these two resolutions be printed in the Record. I share the concerns expressed and hope for an early resolution of the situation.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

RESOLUTION 72–3

Whereas, there have been no funds budgeted for the continued operation of the U.S. Naval Station at Kodiak after June 30, 1972, and

Whereas, the U. S. Coast Guard may have to discontinue its operation at Kodiak due to lack of support facilities for its ships and aircraft and

Whereas, the Secretary of the Interior may be able to select much of the land encompassed in the Naval Reservation under provisions of the Alaska Native Land Claims Settlement Act, and

Whereas, it is of the utmost importance both militarily and for the protection of our ocean resources that all available means of keeping the facilities operating be explored, and

Whereas, the U. S. Naval Station now has as tenants, the U. S. Coast Guard, the National Oceanographic and Atmospheric Administration and may soon have the Federal Aviation Administration, and possibly some departments or agencies of the State of Alaska, and

Whereas, there will be a number of housing units available when the U. S. Navy withdraws and

Whereas, there is presently a need in Kodiak for additional housing, and

Whereas, the Kodiak Area Regional Native Corporation now being formed, will be selecting much of the land now within the Naval Reservation and will be receiving funds for investment and should be considered as a prospective owner, either by grant or purchase of these facilities,

Now, therefore, be it resolved, that Alaska's Congressional delegation, Hon. Ted Stevens, and Mike Gravel, U. S. Senators and Hon. Nick Begich, the U. S. Navy and Dept. of Transporation be urged to implement cost studies to determine the minimum costs which would be required to keep the Naval Station support facilities on an operating basis for the present tenants,

Be it further resolved, that an immediate study be made of the income being realized from present tenants and possible income from tenants such as the FAA and ASHA, if ASHA were to take over management of housing units which are to be vacated, with the view toward determining the economic feasibility of the Kodiak Area Regional Native Corporation assuming the management of the Naval Station facilities under a lease agreement with the U. S. Navy with the possibility of acquiring ownership at a later date.

Passed and approved this 24th day of February, 1972.

HOUSE JOINT RESOLUTION RELATING TO THE ESTABLISHMENT OF THE KODIAK NAVAL STATION AS A COAST GUARD BASE

Be it resolved by the Legislature of the State of Alaska:

Whereas Coast Guard long-range aerial search and patrol operations constitute an invaluable service to the inhabitants of Alaska in performing surveillance of and law enforcement in regard to foreign and domestic fishing, in monitoring oil spills and spills of other hazardous material resulting from ocean transport, and in conducting search and rescue operations in the maritime areas of Alaska and in the North Pacific; and

Whereas the Coast Guard performs other invaluable service to the inhabitants of Alaska in maintaining aids to navigation in the form of buoys, day markers, lighthouse stations and Loran stations, in inspecting merchant marine vessels, enforcing safety regulations, performing icebreaking assignments, investigating maritime accidents, educating the public in the safe operation of watercraft, and in conducting oceanographic research; and

Whereas the Kodiak Naval Base is the most economical location in Alaska for the operation of Coast Guard long-range search and patrol aircraft in the North Pacific area and an appropriate base for other Coast Guard services;

Be it resolved by the Alaska Legislature that the Department of Transportation establish a Coast Guard base at the site of the Kodiak Naval station.

TEST BAN TREATY

Mr. KENNEDY. Mr. President, I have been concerned recently about the lack of interest and emphasis of the administration in negotiating a comprehensive nuclear weapons test ban treaty.

For that reason, I introduced a resolution, Senate Resolution 230, which urges affirmative action on the President to push for such a treaty.

Clearly, there no longer is any justification for the United States to be dragging its feet in this area because of past belief that on-site inspections were necessary to assure adequate verification. At the very least, the changes in technology, both seismological and nonseismological, permit us to enter into active negotiations from a different position than in 1963.

It is time for the United States to demonstrate a fitting concern for the opinions of the other nations of the world and to play a leadership role in turning all nations away from the spiraling course of the nuclear arms race.

The editorial in the New York Times yesterday concisely summarizes the arguments for an underground Nuclear Test Ban Treaty. Because of the importance of this subject, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

BANNING UNDERGROUND TESTS

The United States and the Soviet Union have come under sharp criticism at resumed United Nations disarmament talks in Geneva for their reluctance to move ahead expeditiously to negotiate an underground nuclear test ban.

The principal obstacle to superpower agreement on this vital step toward curbing the nuclear arms race is continuing United States insistence on on-site inspections of suspected violations, which Moscow adamantly refuses to allow. Although the stubborn Soviet passion for secrecy is scarcely conducive to the climate of confidence in which disarmament negotiations would best flourish, Washington's demand for on-site verifiation procedures in any underground test agreement has increasingly dubious validity.

Dramatic developments in seismology and other national means of verification have made on-site inspections unnecessary in the view of many leading American and foreign scientists and disarmament experts. While conceding that it is now possible to identify very low-level explosions, Pentagon officials argue that some evasion of existing detection techniques is still possible.

This risk undoubtedly exists. But the costs of concealment would be high, the danger of detection great and the results of subterfuge testing, necessarily confined to relatively low-field weapons, could hardly affect the over-all strategic nuclear balance. Against such limited, potential hazards must be weighed the substantial benefits of an agreement that would offer a meaningful check on a costly and dangerous nuclear arms race, that would eliminate the considerable environmental dangers of underground testing and that could dramatically alter the cynical defeatist psychology that currently inhibits arms control and disarmament efforts on many fronts.

U.N. Secretary General Kurt Waldheim told the Geneva conference the other day that the problem of verification had been so fully studied that "only a political decision is now needed to reach final agreement" on an underground nuclear test ban. The time has come for the United States to make that decision.

WHAT ABOUT DEBTS AND DEFICITS?

Mr. CURTIS. Mr. President, we must either strive for a balanced budget or not so strive. Once the desire and plan for a balanced budget are abandoned the spending soars out of control. There is no such thing as limited control once deficit spending is accepted as sound procedure. We must either get the Federal budget in balance or face very serious consequences.

Mr. President, I commend to all Senators the article written by Mr. Vermont Royster which appeared in the March 1 issue of the Wall Street Journal and I ask unanimous consent that that article may be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 1, 1972]

THINKING THINGS OVER

(By Vermont Royster)

COMPOUND GROWTH

Ah, yes, the budget. President Nixon submitted a pretty big one, didn't he? And what was the deficit? $25 billion? $35 billion? Or did someone say $40 billion?

What with all the attention these wintry days to Messrs. Hughes and Irving, Nixon and Mao, Muskie and Wallace, hardly anybody remembers. Anyway, who can understand figures like $240 billion, which is about the federal government figures to spend this year and again next year, or an unbalanced checkbook of $39 billion, which is already the government's projected deficit this year?

A few codgers may remember the rumpus raised when federal government spending hit $100 billion. Even the "spendthrift" Democrats were apologetic, and the Council of Economic Advisers took pains to explain that deficits of a dozen billion were only temporary. The Republicans, of course, used to scream and jump and shout at the wastrels.

Now the Democratic records are toppling but nobody's shouting. The Republicans, naturally, are mum, and the Democrats can hardly complain when they are talking about spending more. The public, so far as anybody can discern from the public prints, couldn't care less.

Why should anybody? Those old decriers of mounting government spending cried to the point of boredom, yet the Republic still stands. We're all happy, aren't we? Besides, wouldn't things be worse—all that unemployment and such—if the government didn't keep increasing spending to take up the slack? And think, even so, of all those unmet needs.

Well, maybe so. But there are some interesting thoughts tucked away in the figures of the Statistical Abstract, if you can spare a little time from figuring your income tax.

For example: In 1948 the federal government's total spending—for everything—was $37 billion. By 1957 it had doubled, to $77 billion. By 1967 it had doubled again, to $158 billion. Five years later the figure spoken of is $246 billion. So you can easily look forward to another doubling about 1977.

Then add in the spending of state and local governments, which are also a part of your tax burden. The figures for the combined total are $52 billion in 1948, a doubling by 1956 and a second doubling by 1966 ($205 billion), with the third doubling well before 1977; they're already $365 billion.

It's like compound interest. In the federal government's case the growth rate is about 8% compounded each year. With the total figure—federal and local—the spending growth rate is nearly 9% compounded.

Now maybe figuring compound interest is no more your bag than it is mine. However, the math experts at David L. Babson & Co. in Boston have run these compound rates through their computers. The results offer some intriguing glimpses of the future.

If total governmental expenditures increase just at the same rate, but no more, the grand total will hit $1.5 trillion by 1986 and close to $6 trillion by the turn of the century, 28 years hence.

If you can't visualize billions, as I can't, you'll have more trouble with trillions. What it works out to in personal terms is that by the year 2000, when that first-grader will have to make a living, governmental expenditures alone will come to $21,000 per person each year. Or $42,000 per couple, and $84,000 per family per year if they have two kids.

Since all this will have to be paid for by those grown-up youngsters, one way or another, you might wonder how they'll have anything left for the rent and groceries.

The reply of the New Economics is that the dollar will decrease in value in the meantime, a proposition you can't dispute after seeing what the New Economics has done to the dollar in the past generation. So a street-sweeper may be paid $21,000, a fresh-out-of-college reporter $40,000, and a good plumber $1,200 an hour. Aside from a bit of future shock for old pensioners, won't it all wash out?

Unfortunately, it doesn't look quite that simple. For while ours is supposed to be a growth economy it isn't growing near as fast as the expenditures of government.

In 1947 government spending (federal and local) was about 22% of the spending in the private sector. Since then both private and public spending have grown, but by 1971—according to the Babson calculations—public spending had grown to equal 48% of private spending. That is, the ratio of government-to-private spending has doubled; or to put it another way, the tax-spenders are outgrowing the tax-producers.

Don't blame it all on Vietnam or that military-industrial complex, either. Since 1965 through the budget year, Mr. Nixon has just projected ('73) defense outlays have grown from $50 billion to $78 billion, a gain of 56%. But non-defense outlays have risen from $69 billion to $168 billion, or 144%.

All these figures may be a little mind numbing, but what really boggles the mind are the results of this spending, or lack of them. Since 1965 state and local spending has risen from $75 billion per year to $164 billion this year. Do we have better schools, better trash collection, better police or fire protection than before?

The federal government's non-defense spending, as noted above, has grown by 144%. But are we better off now in terms of unemployment, slums, welfare or anything else for the fact that federal spending has more than doubled in that short time?

Take unemployment, the one thing that big deficit-spending is supposedly the sure-cure for. In the past five years, including this year's big deficit, the total cumulative deficit has been $83 billion, the biggest for any like span since World War II. Yet the unemployment rate is higher now than it was in 1968.

Somehow the old ideas about the splendors of governmental spending don't square with the record. What we have really got for all this spending is a rapid rate of inflation, sharp rises in the cost of everything including local government services, peacetime wage-price controls, a dislocated economy at home and a major deterioration in our competitive position in the world.

Yet what is the cure proposed? Why, more of the same; and who cares? Once we may have thought public profligacy a vice of frightful mien, but having been seen so often it grows familiar, and what we began enduring we now embrace.

TRIBUTE TO DR. FRANCIS WRIGHT BRADLEY

Mr. THURMOND. Mr. President, it is always sad when a great man is taken from us. His community misses his unique contribution to its welfare, his friends miss his fellowship, and his family misses his love.

While the sadness of such a departure goes without saying, it is also true that death can confirm the success of one's life, because it provides the occasion when one's life is summed up by those who knew him.

The finest tribute that any man can earn in life is a simple statement at life's end, "His was a worthy existence. He left the world better than he found it."

Such a statement can be and was said about the life of the late Dr. Francis Wright Bradley, of Columbia, S.C. Following his death on December 18, 1971, the session of the Centennial Associate Reformed Presbyterian Church issued a tribute to this fine man. In addition to this outstanding tribute, several articles and editorials about Dr. Bradley appeared in two South Carolina newspapers. On December 18, 1971, an article entitled, "Former Dean at USC, Dr. Francis Bradley, Dies," appeared in the Columbia Record of Columbia, S.C. The State newspaper of Columbia, S.C., printed an article entitled, "Dr. Bradley, Former Dean, Dies at 87," on December 19, 1971. A letter to the editor entitled, "Francis Bradley: Gentleman, Scholar," also appeared in the State. On December 21, 1971, an editorial, "His Influence Lives," appeared in the State, and the Columbia Record also printed an editorial entitled, "Scholar and Gentleman," on December 22, 1971.

Mr. President, I ask unanimous consent that these tributes to Dr. Bradley be printed in the RECORD at the conclusion of my remarks.

There being no objection, the tributes were ordered to be printed in the RECORD, as follows:

DR. FRANCIS WRIGHT BRADLEY, JANUARY 18, 1884–DECEMBER 18, 1971

Dr. Francis Wright Bradley was born on January 18, 1884, in the Hunters community in Abbeville County, South Carolina, and died in Columbia on December 18, 1971.

In the span of these years there lived a great and useful servant of God, and the Session of the Centennial Associate Reformed Presbyterian Church desires to thank the Heavenly Father for the life of this fellow elder and to also pay appropriate tribute to his memory.

We are grateful that for 50 years, 8 months, and 15 days Dr. Bradley was a member of the Session. There are few who serve for so long as a ruling elder, and in so doing perform his serious and solemn assignment with such unparalleled ability and dedication.

We are grateful that he was a beloved and respected teacher in the Sabbath School, not for a few years but for many. He taught a class of ladies which in due time and quite properly became known as the Bradley Bible Class. In other areas of the work of the Church he gave of himself unstintingly. He loved music, sang the songs of praise with enthusiasm, and even when advanced in years took his place in the choir at Centennial Church.

Dr. Bradley was a great educator and ranked high in the academic world. The many years he served as a member of the faculty and administration at the University of South Carolina will long be remembered by those who cherish the finest in education preparation for life.

He was a great American and made no apology for being a patriot in the true and historic meaning of that word.

Dr. Bradley was a prolific writer and his native state and her people came in for much attention from his keen mind and gifted pen.

Although this faithful Christian had much about which he could boast, he ever remained humble. Walking often with the great he never lost the common touch. Perhaps sincere humility in the example of his Master was our departed friend's greatest single trait.

Dr. Bradley also possessed another characteristic which at times is lacking in the best of men. He had a tremendous sense of humor and unfailing cheerfulness, and often he was able to raise the spirits of others because of his own optimistic outlook on life.

Our friend and fellow elder sat all his life at the feet of the Great Counselor. As a result he was a wise counselor and a man of wisdom. Countless students looked to him for advice and counsel. Church members turned to him for guidance. His pastors depended on him, neighbors and friends respected his judgment and deep wisdom. Even little children saw in him a great friend and a giver of sound counseling. Children everywhere adored him, and they as much as the older generation mourned his passing.

It can be said of Dr. Bradley as it was of one in the Old Testament—He was lovely and pleasant in his life. It might also be said of him in the manner of the Scriptures that he slept with his fathers. His wish was that he be buried with his people in the cemetery of historic old Lower Long Cane Church, and so his body rests now in the soil of the countryside from which he went forth in young manhood to become great in the sight of both God and man.

We thank God for the life of Dr. Francis Wright Bradley. Our prayer is that we may have strength to honor his memory by living our lives as close to God as he did.

A copy of this tribute is being sent his children, one will be placed in the sessional records of the Centennial Church, and one given the Associate Reformed Presbyterian for publication.

[From the Columbia Record, Dec. 18, 1971]

FORMER DEAN AT UNIVERSITY OF SOUTH CAROLINA, DR. FRANCIS BRADLEY, DIES

Dr. Francis Wright Bradley, 87, of 4250 St. Clair Dr., former dean at the University of South Carolina, died this morning at Medicenter.

Funeral plans will be announced by the Dunbar Funeral Home, Gervais Street Chapel.

Dr. Bradley was born in Abbeville, son of the late Robert Foster and Martha Wideman Bradley.

He was a member of the Centennial A.R.P. Church.

Survivors include one daughter, Miss Jane Heyward Bradley of Columbia; one son, Col. Francis Trenholm Bradley of Albuquerque, N.M.; two brothers, Dr. Robert Foster Bradley of Columbia, and Eustace U. Bradley of Sherman, Texas; and two sisters, Mrs. Rosa Bradley Mayo of St. Louis, Mo., and Mrs. Caroline Bradley Cox of Troy.

A teacher of modern languages and an authority on dialects and South Carolina names, Dr. Bradley added to his services as a professor notable contributions to his nation, state and community.

His association with the University as student, teacher and dean covered 51 years before his retirement in 1953. At one time he served as acting president.

Retirement did not terminate his interest in languages and in South Carolina folklore. He wrote a weekly column for The State and carried on a voluminous correspondence on the subjects he pursued after leaving the University.

World War I interrupted his teaching career and he distinguished himself at the front as an officer and then rendered important service with the Armistice Commission in Belgium and Germany after the war.

Dr. Bradley was a native of Abbeville county. He was born in the small community of Hunter's (post office) January 18, 1884. His first schooling was in a private institution, Parkinson's School, and he later attended the graded school at Abbeville. His parents were the Rev. R. F. Bradley and Martha Rosanna Wideman Bradley. His father was a minister of the Associate Reformed Presbyterian Church and spent much of his life as pastor of that denomination's Long Cane Church, near where Professor Bradley was born.

The young man who was to become the leader of the faculty at the University of South Carolina entered that institution in 1902, but left to earn money as a teacher of a one-room school in Abbeville County. But he re-entered the University in 1903.

His teaching career began in his senior year when he was appointed to a tutorship in French. The next year he became an instructor in that language, retaining that position until 1910, when he went to the University of Marburg in Germany to work towards a doctorate in French and German. By 1911 he had been made an adjunct professor at Carolina of modern languages, a function he followed until he entered the army in 1917.

The day after the Armistice was signed. Bradley received his assignment to the Permanent International Armistice Commission. His first duties were as an interpreter. Later, promoted to the rank of major, he served as officer-in-charge of the American Section of the Armistice Commission and was stationed at Cologne.

Back at the University after his war and post-war service abroad, Dr. Bradley, in 1922, was made a professor of modern languages and given a separate Department of Teutonic Languages. He served as temporary dean in 1926 and again in 1931.

In 1936, Dr. Bradley was appointed Dean of the College of Arts and Sciences, and by 1944 had been designated dean of the faculty. This post he held until his retirement. But in the meantime he had been made head of the Department of Modern Languages, and had served as acting president when then President Donald Russell visited Europe.

Dr. Bradley's services to his fellow man outside of his many years as a professor and college executive were considerable. He served almost a quarter of a century, from 1928 to 1952, as a member of the Columbia School Board. This service was recognized in giving his name to one of the grammar schools of the system.

For 30 years he was an elder of the Centennial Associate Reformed Church and long after his retirement from the University continued to teach a Bible class in that church's Sunday School. And he served for a time on the Board of Trustees of Erskine College which is operated by the Associate Reformed Presbyterian Church.

Dr. Bradley was one of the founders of the South Atlantic Modern Language Association, and its president in 1929 and 1930. In 1954, that association presented him with a parchment scroll containing a citation for his versatile services to nation, state, education and church. The scroll noted that he was the author of "German Word Formations," "Semantic Development of the German Verbal Suffixzen" and "South Carolina Proverbs," among other publications.

Dr. Bradley held the high esteem of the faculty during his tenure as dean, and when his forthcoming retirement was announced in the spring of 1953, a faculty committee was formed to pay tribute to him. The decision was to have his portrait painted for presentation to the University.

An experience he had while studying at Marburg, Germany, was something Dr. Bradley enjoyed relating. He was arrested in Marburg and paid a fine imposed by the police there. The "crime" was singing too loud on the street at night—with other students. He preserved the Police receipt for the fine he paid.

This was a sample of a sense of humor which never failed him.

Dr. Bradley was known as a strict and firm teacher. Nothing so affected him as for students to be late to class. But he was also a man of courtly manners and with deep respect for his fellow man.

When his retirement was announced, the then President of the University, Donald Russell, said:

"Dean Bradley is an outstanding educator and teacher, a learned scholar and profound thinker. Beyond that, he is a deeply human and understanding friend and counsellor who, by his kindly advice and assistance, has left an indelible stamp of goodness upon countless students at Carolina.

"His influence upon the University, its faculty and student body will always live with Carolina. The University in the years ahead will be a better place because of Dean Bradley."

Developments in the United States in the years of his retirement deeply disturbed Dr. Bradley, and he lent his pen and voice to the protests which arose. He was staunchly conservative politically and was offended by sociological changes, in particular. He wrote strong letters to the newspapers in expressing his concern.

In 1960, when Senator Barry Goldwater was coming to Columbia to speak in behalf of the presidential candidacy of Richard Nixon, he was asked to introduce the senator, accepted and made a ringing speech for the conservative cause.

Dr. Bradley's life after retirement, was spent at his home on St. Clare Drive. Its location caused him to speak of it as being "down in the hallow." There, in addition to his continued intellectual activities, he tended many plants.

Dr. Bradley, Former Dean, Dies At 87

Dr. Francis Wright Bradley, retired professor and former dean of the faculty of the University of South Carolina, died Saturday at Medicenter. He was 87.

A teacher of modern languages and an authority on dialects and South Carolina names, Dr. Bradley added to his services as a professor notable contributions to his nation, state and community.

His association with the university as student, teacher and dean covered 51 years before his retirement in 1953. At one time he served as acting president.

Retirement did not terminate his interest in languages and in South Carolina folklore. He wrote a weekly column for The State and carried on a voluminous correspondence on the subjects he pursued after leaving the university.

World War I interrupted his teaching career and he distinguished himself at the front as an officer and then rendered important service with the Armistice Commission in Belgium and Germany after the war.

Dr. Bradley was a native of Abbeville County. He was born in the small community of Hunter's (post office) January 18, 1884. His first schooling was in a private institution, Parkinson's School, and he later attended the graded school at Abbeville. His parents were the late Rev. R. F. and Martha Rosanna Wideman Bradley.

Dr. Bradley entered USC in 1902, but left to earn money as a teacher of a one-room school in Abbeville County. He re-entered the university in 1903.

His teaching career began in his senior year when he was appointed to a tutorship in French. The next year he became an instructor in that language, retaining that position until 1910, when he went to the University of Marburg in Germany to work towards a Ph. D. in French and German. By 1911 he had been made an adjunct professor at Carolina of modern languages, a function he followed until he entered the Army in 1917.

The day after the armistice was signed, Bradley received his assignment to the Permanent International Armistice Commission. His first duties were as an interpreter. Later promoted to the rank of major, he served as officer-in-charge of the American Section of the Armistice Commission and was stationed at Cologne.

Returning to the university, Dr. Bradley was made a professor of modern languages and given a separate Department of Teutonic Languages in 1922. He served as temporary dean in 1926 and again in 1931.

In 1936, Dr. Bradley was appointed dean of the College of Arts and Sciences, and by 1944 had been designated dean of the faculty, a post he held until his retirement. But in the meantime he had been made head of the Department of Modern Languages, and had served as acting president when then President Donald S. Russell visited Europe.

Dr. Bradley's services to his fellow man outside of his many years as a professor and college executive were considerable. He served almost a quarter of a century, from 1928 to 1952, as a member of the Columbia School Board. This service was recognized in giving his name to one of the city's grammar schools.

For 30 years he was an elder of the Centennial Associate Reformed Church and long after his retirement from the university continued to teach a Bible class in that church's Sunday school. And he served for a time on the Board of Trustees of Erskine College which is operated by the Associate Reformed Presbyterian Church.

Dr. Bradley was one of the founders of the South Atlantic Modern Language Association, and its president in 1929 and 1930. In 1954, that association presented him with a parchment scroll containing a citation for his versatile services to nation, state, education and church. The scroll noted that he was the author of "German Word Formations," "Semantic Development of the German Verbal Suffixzen" and "South Carolina Proverbs," among other publications.

Dr. Bradley held the high esteem of the faculty during his tenure as dean, and when his forthcoming retirement was announced in the spring of 1953, a faculty committee was formed to pay tribute to him. The decision was to have his portrait painted for presentation to the university.

An experience he had while studying at Marburg, Germany, was something Dr. Bradley enjoyed relating. He was arrested in Marburg and paid a fine imposed by the police there. The "crime" was singing too loud on the street at night—with other students. He preserved the police receipt for the fine he paid.

This was a sample of a sense of humor which never failed him.

Dr. Bradley was known as a strict and firm teacher. Nothing so affected him as for students to be late to class. But he was also a man of courtly manners and with deep respect for his fellow man.

When his retirement was announced, USC President Donald S. Russell, said:

"Dean Bradley is an outstanding educator and teacher, a learned scholar and profound thinker. Beyond that, he is a deeply human and understanding friend and counsellor who by his kindly advice and assistance, has left an indelible stamp of goodness upon countless students at Carolina.

"His influence upon the University, its faculty and student body will always live with Carolina. The University in the years ahead will be a better place because of Dean Bradley."

Developments in the United States in the years of his retirement deeply disturbed Dr. Bradley, and he lent his pen and voice to the protests which arose. He was staunchly conservative politically and was offended by sociological changes in particular. He wrote strong letters to the newspapers expressing his concern.

In 1960, when Sen. Barry Goldwater was coming to Columbia to speak in behalf of the presidential candidacy of Richard Nixon, he was asked to introduce the senator, accepted and made a ringing speech for the conservative cause.

Dr. Bradley's life after retirement, was spent at his home on St. Clare Drive. Its location caused him to speak of it as being "down in the hollow." There, in addition to his continued intellectual activities, he tended many plants.

Funeral services will be Monday at 11:30 a.m. in Centennial A.R.P. Church conducted by the Rev. James C. Barker. Burial will be at 3 p.m. in Long Cane Cemetery, Troy.

Pallbearers will be nephews and great-nephews.

Surviving are a daughter, Miss Jane Heyward Bradley of Columbia; a son, Col. Francis Trenholm Bradley of Albuquerque, N.M.; two brothers, Dr. Robert Foster Bradley of Columbia and Eustace U. Bradley of Sherman, Tex.; and two sisters, Mrs. Rosa Bradley Mayo of St. Louis, Mo., and Mrs. Caroline Bradley Cox of Troy.

Dunbar Funeral Home, Gervais Street Chapel, is in charge.

[From the State, Dec. 19, 1971]

Francis Bradley: Gentleman, Scholar

Sir: In all my academic experience, which spans the years between 1918 and 1969 and includes undergraduate and graduate work at Carolina and 46 years of administrative experience in the public and state oriented schools, I have never known a more sincere gentleman and scholar than Dr. Francis W. Bradley.

He was an inspiration to everyone with whom he came in contact. He engendered patience, respect and kindliness.

May God rest his soul.

Norman M. Huckabee.

[From the State, Dec. 21, 1971]

His Influence Lives

Many South Carolinians, over many years, incurred debts to Dr. Francis W. Bradley. They were obligations for the culture and the goodness he so effectively transmitted to them as an erudite and committed professor.

When Dr. Bradley retired in 1953, the then president of the University of South Carolina, Donald Russell, accurately documented the imprint of the professor's services. Mr. Russell said: "His influence upon the university, its faculty, and student body will always live with Carolina."

But the effects of Dr. Bradley's good and learned life extended beyond the university. He served his nation as soldier and then as a post-World War I Armistice Commission officer. He "kept the faith of our fathers" (as he described his own religious fidelity), and this included an exemplary personal life.

Dean Bradley was a romantic. This was best illustrated by a sentimental interest in South Carolina names and a scholarly curiosity about dialects everywhere. And he enjoyed the cultivation of his plants and flowers.

Yet there was time and spirit for a healthy interest in the more mundane ongoings of life, including his concern for the changes wrought by politics on Southern life in the 1950s and 1960s—alterations on which he spoke out with firmness and conviction, but with that courtesy which never failed him in his dealings with his fellow man.

His fruitful life was long, and this was very much to the advantage of those it touched. His death has removed one who left a distinguished mark.

[From the Columbia Record, Dec. 22, 1971]

Scholar and Gentleman

The deservedly-long life of Dr. Francis W. Bradley was an example of the stamina which comes from a strong spirit, one never eroded by cynicism and despair even though he lived to see much in human life which deeply disturbed him.

He will be remembered as much for his faith and his enthusiasm as for the knowledge and wisdom which flowed from his teaching as a distinguished member of the faculty of the University of South Carolina.

The people and culture of his native state fascinated Dean Bradley and occupied his study almost to the time of his death. He wrote informative newspaper articles about Carolinians, their customs, their habitations and, especially, their dialects.

A life of 87 years spans several "eras" and is exposed to fundamental changes around it. Some of the alterations during Dr. Bradley's lifetime were indeed basic and among them were shifts which were shocking to him, as they were to many others. This led him, as an unshaken believer in the verities of his religion and philosophy, to speak out in convinced dissent. But it was his nature to be courteous, and as firm as were his objections they were always stated in high and even compassionate terms.

By the time of his death, his classroom teaching of foreign languages had long since ended, but even well after his eightieth year the effects of his enlightenment and his character were being felt by many.

Not many such souls as that of Frank Bradley, as intimates knew him, come along, and his death is another setback for the high principles by which he lived and which he espoused for his fellowmen.

RESTORATION OF OLD SENATE AND OLD SUPREME COURT CHAMBERS

Mr. BENTSEN. Mr. President, a proposal to restore the Old Senate and Old Supreme Court chambers, unanimously favored by the Senate on four past occasions, was again presented at the request of the Senate Commission on Art and Antiquities to the Senate Legislative Appropriations Subcommittee, for its consideration.

It is my hope that this matter will be favorably acted upon by the Appropriations Committee and the full Senate.

Public interest in this worthy project is evidenced by four articles which appeared last week in newspapers of wide geographic distance: the Los Angeles Times, the Chicago Tribune, the Washington Evening Star, and the Capitol Hill's Roll Call.

I ask unanimous consent to have printed in the Record these articles which chronicle the unique histories of the Old Senate and Old Supreme Court chambers, as well as the disappointing legislative history of past efforts to restore them as a patriotic shrine for the benefit of the people of the United States.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Chicago Tribune, Mar. 8, 1972]

Old Senate Chamber Worth Saving

(By Bill Anderson)

Washington, March 7.—Just about halfway between the United States Senate and House of Representatives, on the second floor of the Capitol, there is a locked door barring entry to one of the bigger rooms of the building.

In recent times, the door has been unlocked for about 20 sessions a year of the Senate and House appropriations committees so the members can sit down in private and work out their differences on the delicate matters of financing the operations of the federal government.

It is a very dull room today, with green walls and paint peeling from the egg-shell ceiling. There is an ugly gray electrical instrument box taking up a lot of space alongside the conference tables. The rug is dirty and the only natural light filters thru soot covering the glass in the dome.

Oddly enough, this mostly unused place is the old Senate chamber, designed by Benjamin Henry Latrobe, the British-born architect who was appointed by President Thomas Jefferson. It was here that some of the greatest debates of the nation, from people like Clay, Webster, and Calhoun, shaped history.

The British burned it in 1814, leaving it a "magnificent ruin." But Latrobe returned to enlarge and modify the chamber, adding space for the growing number of senators. Boston architect Charles Bulfinch later added a delicate and graceful metal balcony for the public and the press.

Then, after the "new" Senate wing was completed, the Supreme Court of the United States moved from the floor below into the "old" chambers to sit in the slightly modified space. Some of the country's early landmark decisions were handed down by the justices from the place before they moved across the street.

In the years since, the room—No. S228—has been used for a variety of affairs, the most public functions being luncheons held for Presidents after their inaugurations. But for the most part in recent times, the approximately 5 million people who do business and visit the Capitol each year are denied access.

Once, when the "new" Senate was being refurbished, the Senate actually met in its old chambers. Many of the members still like to talk about the richly ornamented dome, with deep sunken panels and the circular apertures to admit light. They admire the screen of columns stretching across on either side of the President's chair [placed in a niche on an elevated platform] in front of the marble taken from near the Potomac.

The Senators admire the place so much, with justification, that for many years they have voted in the most bipartisan manner to have the chambers restored so the public can share in this history and beauty. Testimony can be found from 12 years ago from Sen. John D. Stennis [D., Miss.] saying it was a most important project. The cost of restoration was then placed at $400,000.

This kind of favorable testimony has had to continue for more than a decade, however, even with growing support in the House of Representatives. This has been because House Appropriations Committee members have not been able to cross the lines of compromise in the dealings between the two legislative bodies.

In the meanwhile, every estimate of the restoration cost has been growing. In a hearing late last week, Capitol architect George White said the two-year project would now cost $1,521,000, but he recommends it as "one of the most worthy and outstanding restorations ever accomplished in this country."

One of the sticking points for the House has been that the appropriations committee might not have a centerpoint meeting place with the Senate. Today's plan has removed this argument because the restoration project has been revised to keep either the court room or Senate chambers available at all times. The two chairmen most directly concerned, Sen. Allen J. Ellender [D., La.] and Rep. George Mahon [D., Tex.], soon will have another opportunity to resolve the project. From almost any point of view, public or historical, an agreement to go ahead would look good on their records I think it would be especially good for the public.

[From Roll Call, Mar. 9, 1972]

Architect White Again Urges Restoration of Old Chambers

Architect of the Capitol George White has again requested $1.5 million for the restoration of the Old Senate and Supreme Court chambers in the Capitol.

Acting at the request of the Senate Commission on Arts and Antiquities, which has restoration of the historic meeting places as a goal for the 200th birthday celebration of the U.S. in 1976, White repeated the suggestion he made in supplemental hearings last year that the chambers be restored separately.

This compromise proposal by the Senate would seem to remove what has been the chief objection of the House, i.e., that restoration of the chambers would rob the Appropriations Committees of a place to hold joint conferences.

In fact the Appropriations Committees have only met in the chambers since 1962 when House Members decided it was time for Senate Members to come to their side of The Hill for the joint meetings. The Senate responded that it was an interesting idea and while interesting ideas were being considered, why not allow them to introduce appropriations bills. The House refused and so the Senate refused and for several months no funds were appropriated.

Finally it was decided that the Old Senate and Supreme Court chambers were large enough and centrally enough located between the two governing bodies to be a compromise location for the conference meetings of the committees.

While funds were requested for restoration of the chambers in 1966, the Senate approved but the House deleted the bequest in conference. Restoration was again proposed in 1970 and twice last year. Each time the House deleted the funds in conference.

White has said that in his professional opinion restoration of the historic chambers would become "one of the most worthy and outstanding restorations ever accomplished in this country."

This work, he said, "will bring to life the Halls where Clay, Webster, Calhoun, and other notable figures in our history debated, deliberated, and reached decisions; where Thomas Jefferson was twice inaugurated as President of the United States; and where the Supreme Court of the United States reached decisions which shaped the future of the nation.

White said the restoration would take approximately two years. He proposes restoring the lower chamber, used by the Supreme Court until 1860, first and then restoring the upper, Old Senate, chamber.

[From the Washington Star, Mar. 8, 1972]

Historic Chambers: New Concern

(By Martha Angle)

Just over 113 years ago, as a troubled nation edged closer to dissolution and civil war, the U.S. Senate moved out of the historic chamber it has occupied since 1800 and into its present quarters.

On the day of departure, Jan. 4, 1859, Vice President John C. Breckinridge addressed the 64 senators assembled from 32 states then making up the union and made a prediction that remains only partially fulfilled to this day.

"The Senate," Breckinridge said, "is assembled for the last time in this chamber. Henceforth it will be converted to other uses; yet it must remain forever connected with great events, and sacred to the memories of the departed orators and statesmen who here engaged in high debates and shaped the policy of their country.

"Hereafter the American and the stranger, as they wander through the capitol, will turn with instinctive reverence to view the spot on which so many and great materials have accumulated for history."

Breckinridge was right in one respect—the old chamber was indeed "converted to other uses," first as the home of the U.S. Supreme Court until 1935 and more recently as a conference room for Senate and House Appropriations committees.

But the stately old chamber where Daniel Webster, Henry Clay and John C. Calhoun once clashed in great debate over the Compromise of 1850 remains closed to Americans and strangers alike who wander through the capitol. Not even a wall plaque marks its presence on the second floor of the capitol.

This year, Senate leaders and Architect of the Capitol George M. White are making a renewed effort to win funds for a restoration of the Old Senate Chamber and of the Old Supreme Court Chamber one floor below.

No project, they believe, could be more appropriate for the celebration of America's forthcoming bicentennial observance.

Plans for restoration of the two chambers—which were originally one large two-story room—were approved by Congress in 1965 and the first appropriation was requested a year later.

But each time the funds were sought, the House Appropriations Committee—concerned at the scarcity of conference space in the capitol—blocked any appropriation. As a result, the estimated cost of restoration has doubled from $700,000 in 1965 to $1.5 million today.

With the firm backing of Senate leaders, White last week asked the legislative appropriations subcommittee to include the necessary $1.5 million in his office's budget for the fiscal year that starts July 1. Sen. Ernest F. Hollings, D-Fla., chairman of the panel, assured the capitol architect he is ready to do battle with the House for the project.

To make sure the restoration is more palatable to House members worried about conference space, White this year is proposing that work be done in two stages.

First, the architect would like to restore the first-floor Old Supreme Court Chamber, now used for storage only. It was here that the high court met from 1810 to 1860, when it moved upstairs to the chambers vacated by the Senate.

Once the old court chamber is restored, it could be used for legislative conferences when needed while work progressed on the second-floor Old Senate Chamber.

Both chambers, once restored, would be open to the public except when needed for House-Senate conferences.

The restoration would recreate the two chambers as they existed in the 1850s, a period when the Senate was enmeshed in titanic debates over slavery, states rights and the future of the union.

Its membership of that era, which included some of the greatest lawmakers the nation has known, was generally a well-mannered lot, aside from a fondness for tobacco chewing which resulted in frequent use of spittoons placed by each member's desk.

IT HAS KNOWN VIOLENCE

But emotions ran high on occasion, and at times violence erupted in the chamber. On April 17, 1850, a bitter quarrel broke out between Sens. Thomas Hart Benton and Henry Foote. The latter drew and cocked a revolver, aiming it at Benton, and only the intervention of other senators prevented a tragedy.

On May 22, 1856, Congressman Preston Brooks of South Carolina became incensed over a speech by Sen. Charles Sumner of Massachusetts which he thought libeled his home state and attacked Sumner with a cane. Seriously injured, the Massachusetts senator did not return to the chamber for 3½ years.

Most of the time, however, it was the debate rather than debacles which attracted visitors to the now-destroyed galleries overlooking the Senate floor. The graceful metal balcony on slender cast-iron columns which once ran in a semi-circle around the chamber would be recreated as part of the proposed restoration.

An authentic touch which might be added would be the reproduction of notices which were once posted in the gallery, according to Mary Cable's "Avenue of the Presidents." The notices politely requested visitors not to put their feet on the balcony railing "as the dirt from them falls upon the senators' heads."

[From the New York Times, Mar. 8, 1972]

CAPITOL HISTORY HIDDEN AWAY IN STOREROOMS

(By Marlene Cimons)

WASHINGTON.—The galleries were so crowded that the doors to the chamber had to be closed. Henry Clay, the aged, ill senator from Kentucky, rose to address his colleagues.

Standing in the middle of the room, holding a piece of George Washington's coffin for emphasis, he pleaded for national unity and begged the South not to secede. While he spoke, avid states' righter John C. Calhoun glowered at him from his place near Vice President Millard Fillmore.

The time was Jan. 29, 1850, and Clay's speech, which was to evolve into the Compromise of 1850, was only one of the striking orations which resounded from within the colonnaded walls of the old U.S. Senate chamber between the years of 1810 and 1859.

ONCE AN ELITE PLACE

Today, paint peels dangle from its ceiling. Chairs, piled on top of one another, are stacked against a wall. Most of the galleries, once the very best place to be seen socially in Washington, have been removed.

The chamber serves as a storeroom and occasional committee meeting place.

A second room, located directly below the old Senate chamber, was the onetime home of the Supreme Court, where Chief Justice John Marshall presided for 20 years—more than half of his court career—and where, in 1857, Chief Justice Roger B. Taney handed down the Dred Scott decision. It was also where Thomas Jefferson was twice inaugurated President.

It is now being used to store furniture.

Both of these rooms—sites of some of the most dramatic moments in American history—are hidden from the estimated 5 million people who visit the Capitol every year. Visitors walk by them every day as they go to and from the Capitol rotunda and, once in a while, a Capitol tour guide will point out the closed doors and identify them. But for the most part, tourists do not know they exist.

OF GREAT HISTORICAL INTEREST

"Thousands upon thousands of schoolchildren and visitors pass by and never have a chance to see where so much of the nation's history was enacted," said Sen. Norris Cotton (R.-N.H.) in a speech to the Senate last summer.

The Senate would like to restore both rooms to the way they looked in 1850, at the height of their use, and open them to the public as part of the Capitol tours. It would be the first restoration of its kind in the Capitol.

"In my opinion these chambers will be among the most outstanding and important historical shrines in our nation," said Sen. John Stennis (D.-Miss.), who first proposed the idea in 1960.

For almost a decade the Senate has been attempting to secure funds for the project. It has unanimously approved appropriations for it four times and, each time, members of the House Appropriations Committee have killed it in conference.

Ironically, since 1962 the meeting place of these conferees has been the old Senate chamber.

The cost of the restoration, as presented March 1 by Capitol architect George M. White, would total $1,521,000, a figure more than twice that of the first appropriation of $700,000 approved by the Senate in 1965.

Opponents of the restoration complain that they would be deprived of a meeting place if the plan goes through. "Working space is at a premium in the Capitol and we can't take a chance on losing the one place we have," said a spokesman for Rep. George H. Mahon (D.-Tex.), chairman of the House Appropriations Committee.

But the new restoration plan, as revised last November, counters this opposition. It calls for an expected two years of work to proceed in two stages; while restoration is being completed in one chamber, the conferees may meet in the other. After both rooms are finished, the conferees will be allowed to use one of them for their estimated 20 meetings a year.

"Well, I suppose that does blunt the argument," Mahon's spokesman said, "But there would still be a heck of a lot of noise going on there while the work was being done."

CITES U.S. DEFICIT

He continued: "With a $45 billion deficit, how high a priority should this be, anyway? I'd be surprised if Mr. Mahon decided to promote this. His feeling is that the Capitol is a workshop, not a museum. Before we do any of this restoration, we should wait until our fiscal affairs are in better shape and we have more space."

Implicit in his comments is what supporters believe to be the real reason for opposition. For more than ten years, House leaders have given priority consideration to a proposal for a west front extension, a project which would extend the principal side of the Capitol, as seen by the city of Washington, to include new restaurants, offices and meeting rooms.

"I know some members of the full committee are holding out for this," said Rep. Robert Casey (D-Tex.), the new chairman of the House appropriations subcommittee for the legislative branch. "I don't think the west front should be a consideration but some members have just been stubborn about it."

SENATE OK SEEN

Casey, who last year spoke in favor of the restoration, has promised to push for it again in his new position as head of the subcommittee. "I'm going to try to work out some kind of compromise this year so that we can at least get started on it," he said.

In addition to Stennis, the plan has been enthusiastically supported by Sens. Mike Mansfield (D-Mont.) and Hugh Scott (R-Pa.), who are also chairman and vice chairman respectively of the U.S. Senate Commission on Art and Antiquities.

The proposal, which is now in the Senate Appropriations Committee and due to be reported out this month, is expected to again pass the Senate easily, probably unanimously, when it reaches the floor. It will then go to the conferees for the fifth time where trouble, as usual, is anticipated.

The old Senate chamber, a semicircular room about one-third the size of the current chamber, held 62 senators in 1850. The walls were hung with fluted drapery between the marble pillars and a painting of George Washington by Rembrandt Peale—now in the vice president's room of the Capitol—was hung in the center of the main gallery. The mahogany desks of the senators were moved to the larger, present quarters in 1859 and are the same desks being used by senators today.

The old Supreme Court chamber, also semicircular, is slightly smaller than the old Senate chamber.

In 1850, judges sat on raised seats of mahogany behind a long bench. The attorney general sat on the judges' right. In front of the judges, on an opposite wall, was a marble bas-relief depicting Justice holding the scales, an eagle guarding "the laws" and "Fame," crowned with the rising sun, pointing to the U.S. Constitution.

"Whereas so many of this nation's historic restorations are in truth re-creations, the architectural details of both chambers, for the most part, remain intact," said James R. Ketchum, curator of the Senate. "This is extraordinary when you realize that the U.S. Senate and Supreme Court have not met in these rooms for more than a century."

SURFACE TRANSPORTATION—CONCURRENT RESOLUTION BY THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES

Mr. THURMOND. Mr. President, the South Carolina House of Representatives, with the Senate concurring, recently enacted a resolution memorializing the Congress of the United States to enact the Surface Transportation Act of 1971.

The resolution points out that there is a need to modernize the regulations pertaining to surface transportation. These regulations govern an industry of utmost importance to the economy of each of our States and the Nation as a whole.

Mr. President, on behalf of Senator

HOLLINGS and myself I ask unanimous consent that the resolution be printed in the RECORD at the conclusion of my remarks.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO ENACT THE SURFACE TRANSPORTATION ACT OF 1971

Whereas, the present and future needs of the United States for a stable and an expanding economy require the smooth functioning of a balanced surface transportation system making the best possible use of all modes, rail, highway and waterway; and

Whereas, there is perhaps no single industry upon which the economy of this State and Nation depends as much for its growth and even its continued functioning as surface freight transportation; and

Whereas, much of the surface transportation system is today in a precarious financial position which impedes its ability to modernize and to meet increasing needs of both shippers and consumers alike; and

Whereas, existing federal policies relating to regulation and financing have lagged far behind and have impeded the progress and health of the transportation industry; and

Whereas, the need for revising and modernizing the regulatory laws affecting all modes of surface transportation has been recognized for many years, and numerous proposals for such revision have been advanced and considered by the Congress; and

Whereas, the Association of American Railroads, the American Trucking Association and the Water Transport Association are unanimously supporting this legislation.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

That the Congress of the United States is hereby memorialized to enact the Surface Transportation Act of 1971.

Be it further resolved that copies of this resolution be forwarded to each member of the South Carolina Congressional Delegation in Washington.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. GAMBRELL). Is there further morning business? If not, morning business is concluded.

NATIONAL VOTER REGISTRATION ACT

The PRESIDING OFFICER (Mr. GAMBRELL). Under the previous order, the Chair now lays before the Senate the unfinished business which the clerk will state.

The legislative clerk read as follows:

S. 2574, to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The pending question is on the motion to refer the bill (S. 2574) to the Committee on the Judiciary.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER ON FILING OF REPORT TO ACCOMPANY URGENT SUPPLEMENTAL APPROPRIATION BILL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Appropriations have until midnight tonight to file its report to accompany the urgent supplemental appropriation bill which will be considered this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

Mr. McGEE. Mr. President, I want to say a word or two about the pending business. We do not need to torture its substance at the moment. We have been over it many times in the past several days. I do want to reemphasize the relevance of the idea of a post card registration system at this time. This is a time when the course of events and the course of the progress we have been making over the last 15 years toward a higher voter participation in the affairs of the land really is the pressing factor in this particular proposal for post card registration.

The history of registration in the beginning, in our country's history, as we know, is one that was designed to limit voting, to restrict voter participation, for an accumulation of reasons. In historical tests, some of them stand up better than others. But now we are at that point where we are seeking maximum participation.

The fact that our country's record in voter participation is not the best but rather at the lower end of the scale of participation among the larger democratic governments of the world should say a great deal to us.

We remind each other daily here, many times a day, that we should stand out to the rest of the world as an example, and yet we have to do this with a gnawing fact that will not go away, and that is that at the last presidential election in our country, in 1968, the winning candidate, now President Richard Nixon, got 31 million votes.

The runner-up, No. 2, HUBERT HUMPHREY, received approximately 30 million votes. Forty-seven million Americans did not vote, and that ought to hit every Member of this body between the eyes.

It is that fact to which we address our attention in the effort to make it a little bit easier for voters to register—all kinds of voters to register.

There are misgivings entertained by some persons. We have heard them on the floor. They have appeared in print and elsewhere that they are a bit uncertain or squeamish about how these newly registered voters would vote. I say to you, Mr. President, if that is our reason for objecting to voter registration, then, as a practicing democracy in the world, we are in the wrong business. We have no right in this body to ask how an individual is going to vote or to delay or procrastinate over an outmoded system because we are afraid of how he might vote. It is to be our policy, if we have integrity in the view of voter participation, to encourage in every way we can voter participation, because our record also shows that those who are indeed registered do vote. Ninety percent of registered voters in this country cast their ballots in 1968, but it was those who, for one reason or another did not get registered or could not get registered or failed to meet the registration technicalities who were among the 47 million nonvoting Americans otherwise qualified to vote.

It is with that in mind, Mr. President, that we are seeking the opportunity on the floor of this body for a substantive dialog and debate and consideration of this matter. We believe that this is the only way to bite this bullet; that we gain nothing by trying to divert it, to re-refer it, or whatever you want to call it; that that is not only ducking the issue, but it is going to loom large in the eyes of people of this country who would be judging it as another evasive action on the part of this body.

Let the Senate work its will. Let it exercise its judgment.

There are many groups that are beginning to express themselves on this question, groups that have had a very strong hand in registering voters in the past, groups that have volunteered their own funds to register voters, like some of the units in organized labor, units in both political parties.

Millions of dollars are spent in each presidential year, not alone by would-be candidates on all sides, but on the part of civic-minded groups that are interested in having more people vote.

The uncertainties about the trying of a new system are understandable, but I think the record of nonvoting, no voting, ought to assume a far higher priority among our misgivings than the fears that, somehow, the system will be difficult to implement or in other ways to work out.

I think the fact that one State, North Dakota, has in effect no registration—they register as they vote—makes something of a point. I think the fact that in the largest State in the Union, Texas, they can even register by clipping a coupon out of a newspaper, says a great deal more: That we have overreacted to what might happen under the process of post card registration.

The careful examination of all of the registration forms in nearly all of the

States that we have undertaken in the studies by this committee of registration processes suggests that there is nothing novel, unique, intricate, or extensive in the present registration forms in most States that could not be reduced to the same effect on a post card.

For those reasons, we believe that this is indeed a procedure whose time has come, as one of the recent writers about the question had occasion to say.

I wish to make a part of the record here today, Mr. President, the comments of some groups that indeed believe the time for this idea is now.

A letter from the Bipartisan Committee on Absentee Voting, for example, says:

> (We) wanted to take this opportunity to confirm that the Bipartisan Committee on Absentee Voting wholeheartedly endorses your bill, S. 2574.

The committee expresses a deep concern that this remaining gap in the process of voter participation be closed without delay.

I ask unanimous consent that the entire letter from the Bipartisan Committee on Absentee Voting, with its detailed endorsement, be printed in the RECORD, at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BIPARTISAN COMMITTEE
ON ABSENTEE VOTING,
March 8, 1972.

Hon. GALE W. MCGEE,
Chairman, Senate Committee on Post Office and Civil Service, U.S. Senate, Washington, D.C.

DEAR SENATOR MCGEE: I wanted to take this opportunity to confirm that the Bipartisan Committee on Absentee Voting wholeheatedly endorses your bill, S. 2574, to amend Title 13, U.S. Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail. As you recall, representatives of the Bipartisan Committee appeared before the Senate Post Office and Civil Service Committee on October 12, 1971, to testify in support of this legislation.

The Bipartisan Committee, furthermore, expresses its complete support for two sets of amendments to S. 2574 that have been submitted by Senator Barry M. Goldwater. The first set of amendments (No. 607) would provide that the places of distribution of registration forms under S. 2574 shall include Federal offices abroad, such as embassies, consulates, military installations, and USIA offices.

The second set of Goldwater amendments (No. 608) would have the effect of providing states with financial assistance under S. 2574 even if they choose to utilize the registration procedures under the 1968 Amendments to the Voting Assistance Act of 1955 rather than, or in addition to, those of S. 2574. This financial assistance could be an effective incentive for the states to adopt the provisions of the 1968 Amendments covering civilians temporarily residing abroad. This set of Goldwater amendments would also provide that S. 2574 generally should not be construed as limiting the 1955 Act (as amended in 1968) or section 202 of the Voting Rights Act of 1965 (as amended in 1970).

Please do not hesitate to let us know if we can be of further assistance to you in the support of this legislation.

Sincerely yours,
J. EUGENE MARANS,
(For the Committee).

Mr. MCGEE. Another group—and a prestigious group, whose qualifications and established interest in voter responsibility and voter activism in this country is beyond question—the American Association of University Women, in a letter from its legislative program chairman, says, among other things:

> The American Association of University Women has long been concerned about restrictions on the constitutional right to vote. The Association's current legislative program focuses on "the institutional crisis" in this era of unparalleled change. In other words, there is a growing lack of confidence that people feel in government at all levels, in education, in the courts and in equality under the law for educational and job opportunities. At the same time people have failed to exercise their public obligations. Guided by these concerns, we support S. 2574, the National Voter Registration Act.

I ask unanimous consent that the entire letter from Mrs. Sherman Ross, the legislative chairman of the American Association of University Women, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF
UNIVERSITY WOMEN,
Washington, D.C., March 8, 1972.

Hon. GALE W. MCGEE,
Chairman, Committee on Post Office and Civil Service, U.S. Senate, Washington, D.C.

DEAR SENATOR MCGEE: The American Association of University Women has long been concerned about restrictions on the constitutional right to vote. The Association's current legislative program focuses on "the institutional crisis" in this era of unparalleled change. In other words, there is a growing lack of confidence that people feel in government at all levels, in education, in the courts and in equality under the law for educational and job opportunities. At the same time people have failed to exercise their public obligations. Guided by these concerns, we support S. 2574, the National Voter Registration Act.

We believe S. 2574 will provide much needed protection and promotion of the constitutional right to vote in federal elections. Also, by virtue of the fact that it does protect and facilitate voting, we believe S. 2574 to be a constructive step toward resolving the institutional crisis. Facilitating access to the the ballot by qualified voters is one way of reducing alienation and increasing confidence in government. We believe people will give greater support to a political system in which they participate. The staggering number of non-voters in the U.S.—some 47 million in 1968—is cause for concern for both the democratic accountability and the stability of the system.

We are pleased that S. 2574 addresses itself to voter registration procedures. The significance of registration has not always been appreciated, but it is the principal barrier to voter participation today. Current research sheds new light upon this "first step" in voting, indicating *inter alia* that voter registration laws actually create so-called "apathy" and disfranchise qualified voters by being unnecessarily and unreasonably restrictive and inconvenient. Unlike other democratic nations, we have "personal registration" in this country which places the burden of registration upon the individual rather than upon government. The results have been devastating. Statistical analysis suggests that voter registration procedures are more important than social-economic variables as explanatory factors of nonvoting. Furthermore, our voter registration procedures operate in a discriminatory fashion, keeping out minorities and low income groups in larger proportions than other groups. It is time to do something about these procedures.

S. 2574 would certainly make voter registration easier by providing for registration by federal postcard. It would eliminate the need to go to an inconvenient location at inconvenient hours, required in many states. The postcards would also facilitate registration drives by civic groups. And reducing the registration deadline to 30 days before an election would help in the few states having earlier cut-off dates. By offering financial incentives to the states, S. 2574 will encourage convenient registration practices on a uniform basis, which is a desirable step toward equal treatment of the fundamental right to vote throughout the country. S. 2574 offers many registration improvements while at the same time retaining local registration lists and decentralized administration.

Some fears have been expressed about the possibility of increased fraud when registration is by postcard. In our view these fears are exaggerated. For example, in Texas registration by mail has supplemented registration in person for several years without noticeable increase in fraud. In fact, a proposal to eliminate the mail system for initial registrants was defeated by the Texas House of Representatives in 1971. S. 2574 contains safeguards against fraud; and in any event, we believe the greater evil is disfranchisement of millions of qualified voters by cumbersome "overkill" requirements based on the premise that every voter is a potential criminal against whom society must take special precautions.

From our reading of constitutional law and expert interpretation, we think Congress possesses ample authority under Section 4 of Article I and other constitutional provisions to pass voter registration legislation applicable to federal elections. Many of the constitutional objections to S. 2574 are based on pre-1964 constitutional law doctrine or even pre-1940 doctrine and do not take into account the changes in the U.S. Supreme Court's treatment of voting rights. It is significant that the Court has upheld far-reaching Congressional suffrage laws with only one exception in recent years. In fact that part of the *Oregon* v. *Mitchell* decision upholding the constitutionality of Title II of the 1970 Amendments to the 1965 Voting Rights Act lends considerable support to S. 2574. True, the provision of S. 2574 that reduces durational residency requirements in Congressional elections to 30 days may raise a new issue; but long durational residence requirements are at present under attack in the courts and may be on the way out regardless of what Congress does.

In conclusion we believe Congress has a duty to adopt public policy that protects and promotes the exercise of the fundamental right to vote to the ends that our democratic ideals of participation may be realized and our system preserved. We urge passage of S. 2574.

Sincerely,
(Mrs.) SHERMAN ROSS,
Legislative Program Chairman.
Dr. JANICE C. MAY,
Member, Legislative Program Committee.

Mr. MCGEE. Mr. President, another letter, from the National Education Association, written on behalf of the 1.3 million members of that organization—and I hope that I do not reflect any conflict of interest in this respect, having been a member of the National Education Association for so many years myself as a teacher—written by Stanley J. McFarland, assistant executive secretary for the Office of Government Relations of the NEA, says:

On behalf of the 1.3 million members of the National Education Association, I applaud the fine work done by you and your committee in drafting and reporting S. 2574 to establish a National Voter Registration Administration within the Bureau of the Census. We wholeheartedly endorse this program to facilitate and increase voter registration as a vehicle to maximize citizen participation in our democracy.

I ask unanimous consent that the entire contents of this letter of endorsement from the National Education Association be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Education Association,
Washington, D.C., March 6, 1972.
Hon. Gale W. McGee,
Chairman, Senate Post Office and Civil Service Committee, Old Senate Office Building, Washington, D.C.

Dear Senator McGee: On behalf of the 1.3 million members of the National Education Association, I applaud the fine work done by you and your committee in drafting and reporting S. 2574 to establish a National Voter Registration Administration within the Bureau of the Census. We wholeheartedly endorse this program to facilitate and increase voter registration as a vehicle to maximize citizen participation in our democracy.

The National Education Association has long recognized the importance of voting and citizen involvement in the political process. Resolution C–40, "Teacher as Citizen," reaffirmed by the Representative Assembly in 1971, states:

"The National Education Association believes that every educator has the right and obligation to be an informed and politically active citizen. It urges local affiliates to seek written school board policies to guarantee educators their political rights, including registering and voting, participating in party organizations, performing jury duty, discussing political issues publicy, campaigning for candidates, contributing to campaigns of candidates, lobbying, organizing political action groups, and running for and serving in public office. Provisions should be made to enable educators to serve in public office without personal loss and without curtailment of annual increments, tenure, retirement, or seniority rights.

"Major decisions affecting schools are made by elected officials or their appointees. Therefore, the Association believes that it is the duty and responsibility of educators to involve themselves in the selection, election, and reelection of qualified, committed candidates who support the established goals that will provide quality education."

The exercise of the franchise is the most basic and fundamental expression of citizen participation in our representative government. Voting is the very cornerstone of our democracy. Yet with an increasingly mobile voting population the many restrictive requirements for voter registration effectively disenfranchise significant numbers of America's qualified citizens. The Association recognized the excessive durational residency requirements as a major hindrance to voting. In Resolution 71–36 the Association called for a reduction in the durational residency requirement. By reducing residency to 30 days for Federal elections, S. 2574 makes a great stride toward eliminating this barrier.

The path to the ballot box must no longer be encumbered with unnecessary roadblocks. We believe passage of S. 2574 would eliminate many of them and encourage greater citizen participation in the election process.

We stand with you in the hope that the Senate will again act to insure suffrage to the thousands of qualified—but presently disenfranchised—citizens.

Sincerely,

Staney J. McFarland,
Assistant Executive Secretary for the Office of Government Relations.

Mr. McGEE. I have a letter and a news release from the American Civil Liberties Union, to the same effect. I ask unanimous consent that those documents be printed in the Record at this point.

There being no objection, the letter and news release were ordered to be printed in the Record, as follows:

American Civil Liberties Union,
Washington, D.C., March 8, 1972.
Hon. Gale W. McGee,
Chairman, Senate Post Office and Civil Service Committee, Washington, D.C.

Dear Senator McGee: The American Civil Liberties Union strongly supports the passage of S. 2574, the National Voter Registration Act, which seeks to simplify election registration procedures so as to increase the number of Americans who exercise their right to vote.

The ACLU has long supported measures to expand the franchise, in the belief that democracy functions best when the largest number of citizens play a role in selecting those who will lead them.

The Congress and the courts have recognized that the right to vote is a fundamental right which the government cannot abridge. Yet the right to vote can be abridged as effectively by cumbersome election machinery as it can by more deliberate decisions to discriminate against certain voters. Existing registration systems, your Committee noted in its report on this bill, often prevent people from registering. Many states, for example, keep registration offices open only during normal business hours. This practice and others fall most heavily, but not solely, on the poor, the uneducated and minority groups who are thereby effectively denied the right to vote.

This bill would end these problems for all federal elections. It would utilize the U.S. Postal Service to distribute registration cards to every citizen who would register to vote by returning the card to designated state or local election officials.

The bill provides financial assistance to the states to aid them in implementing the proposed federal registration system. The bill would not alter state and local election requirements, but would provide financial incentives to states which adopt the proposed registration system for their own elections.

In testimony submitted to your Committee, Senator Robert Dole opposed this bill, asserting that voter apathy is responsible for low voter turnout. Registration difficulties, however, play a much greater role than Senator Dole would have us believe. According to conclusions reached in a 1969 Gallup Poll, "it is not the lack of interest but rather the residency and other registration qualifications that proved to be the greatest barrier to wider voter participation in our nation."

The American Civil Liberties Union believes that this bill will contribute significantly to the elimination of these registration requirements and procedures which have denied far too many eligible Americans the right to vote. We commend you for your support of this legislation.

Sincerely,

Hope Eastman,
Acting Director.

American Civil Liberties Union,
Washington, D.C., March 8, 1972.

ACLU Endorses National Voter Registration Act

The American Civil Liberties Union today endorsed enactment of S. 2574, the National Voter Registration Act which is currently being considered by the United States Senate.

In a letter to Senataor Gale W. McGee, Chairman of the Senate Post Office and Civil Service Committee, Hope Eastman, Acting Director of the ACLU's Washington Office emphasized that existing registration practices, such as keeping registration offices open only during working hours, place an especially heavy burden "on the poor, the uneducated, and minority groups who are thereby effectively denied the right to vote."

Challenging Senator Robert Dole's assertion that apathy is responsible for low voter turnout, the ACLU pointed to a 1969 Gallup Poll indicating that "residency and other registration qualifications" were the "greatest barrier to wider voter participtaion."

The ACLU urged speedy Senate passage of the bill, in the "belief that democracy functions best when the largest number of citizens play a role in selecting those who will lead them."

A copy of the complete text of the letter is attached.

Mr. McGEE. Mr. President, an article written by Milton Viorst entitled "New Noble GOP-Dixiecrat Cause," discussing this proposal and its implications, appeared in the Washington Star yesterday, March 13. I ask unanimous consent that that article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

New Noble GOP-Dixiecrat Cause

(By Milton Viorst)

It seems that another filibuster is shaping up this week in the Senate—for one of those noble Republican-Dixiecrat causes: Keeping Americans from casting their vote.

The looming filibuster is directed against a bill by Sen. Gale McGee, a Wyoming Democrat. The bill aims to simplify the national system of voter registration which is now considered responsible for keeping as many as a third of all Americans from the polls in every federal election.

There is nothing complex and certainly nothing sinister about McGee's proposal.

It would require the Postal Service to deliver registration forms to every household in the United States at a fixed time prior to each election. A citizen could then register to vote by completing a form and mailing it back to his local election official.

The proposal builds on the momentum of the voting rights legislation of the last decade and the recent enfranchisement of 18–20-year-olds. It seeks to extend popular participation in American democracy.

In the presidential election of 1968, for example, 47 million registered Americans did not vote. Richard Nixon, in that election, won with only 31 million votes. Obviously, the abstainers could have had a major impact on the outcome.

In federal elections generally, average participation is about 60 percent. In Canada, it's 75 percent, in England 80 percent, and in some of the smaller democracies the figure is well over 90 percent.

Some analysts contend that the principal obstacle to higher voting percentages is not the registration system at all, but voter apathy. Yet before state governments adopted their various intricate systems of registration late in the last century, an average of 80 percent of adult Americans voted.

Furthermore, a Gallup poll concluded, on the basis of an extensive survey in December 1969, that: "It was not a lack of interest but rather the residency and other registration qualifications that proved to be the greatest barrier to wider voter participation in our nation."

Obviously, what troubles the Republican leadership and the traditional Dixiecrats is not an increase in the electorate's size, but a change in its composition.

The complexities of registration work overwhelmingly against the poor, the black and others who lack a sophisticated understanding of their self-interest and who feel alienated from the machinery which governs society.

What this bill threatens to do, then, is to chip away a little further at the powers of a ruling elite which is dead set against change. It promises to push the electorate a little leftward, both North and South, and a bit more to the Democratic side.

That, of course, is why the White House has opposed it from the beginning and why the Justice Department has devised a variety of specious arguments—like, it might increase voter frauds—to spearhead the fight against the bill.

Obviously, the administration is exerting pressure. Sen. Mark Hatfield, a liberal Republican, had been listed as a cosponsor, but withdrew his support last week, presumably in the wake of a warning that he might lose some of the friends he needs for his Oregon re-election campaign this fall.

Other Republicans also have shifted their position under duress, and the Senate Republican leader, Hugh Scott, recently circulated an official letter citing his objections.

On Thursday, the bill lost its first vote by a 44–37 count—largely because so many Democrats were off campaigning for the presidency. McGee succeeded in getting the Friday session of the Senate canceled, and hopes to get enough bodies back today to reverse the result.

Even if he does, however, he will run into the promised GOP-Dixiecrat fiilibuster, led by Republican Sen. Hiram Fong of Hawaii and Democratic Sen. Sam Ervin of North Carolina.

Ironically, some of the "new" Southerners, like Chiles of Florida and Hollings of South Carolina, are for the bill, but the old Claghorn crowd is determined to fight to the end. Whether McGee will be able to break the filibuster is doubtful.

Yet if precedent suggests anything, it's probably that this bill will pass within the next few years. The right to vote, after all, surely is an idea whose time has come.

Mr. McGEE. Yesterday's New York Times likewise carried an excellent summary of the status of this legislation and its content and implications in an article entitled "Democratic Concessions Likely on Postcard Registration Bill," written by John W. Finney. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEMOCRATIC CONCESSIONS LIKELY ON POST CARD REGISTRATION BILL

(By John W. Finney)

WASHINGTON, March 12.—Only with some last-minute concessions does it now appear that the Senate Democratic leadership can rescue legislation designed to increase voter participation by permitting registration by post card.

The bill has run into considerable opposition from a bipartisan bloc of Senate Republicans and Southern Democrats, who are seeking to refer it to the Senate Judiciary Committee.

Their argument is that the legislation, which was handled by the Senate Post Office Committee, would open the door to voter frauds and impinge upon the constitutional righte of states to determine voter qualifications.

Should the bill be referred to the Judiciary Committee, which is dominated by Southern conservatives, it would probably mean its death.

On a preliminary test of strength last Thursday, the Democratic leadership failed by a 44-to-37 vote to table a motion by Senator Sam J. Ervin Jr., Democrat of North Carolina, to refer the bill to the Judiciary Committee. It was not a clear-cut test, however, because 19 senators were absent for the vote.

TWO POSSIBLE CONCESSIONS

A more crucial vote is scheduled for Wednesday—a time designed to permit the Senate Presidential candidates to return after the Florida primary on Tuesday. If virtually all the Democratic senators are present, it appears that the leadership could win by one or two votes.

The legislation would establish a Federal system under which persons could register to vote in Federal elections simply by mailing a post card to the state or local voter registration office. The system would be administered by an administration, created within the Census Bureau, which would arrange for the post card applications to be sent to every Post Office address in the nation.

In addition, as was done in the Voting Rights Act of 1970 for Presidential elections, the residency requirement to vote in Congressional elections would be reduced to 30 days.

To win over some votes, particularly among moderate and liberal Republicans, the Democratic leader, Senator Mike Mansfield of Montana is prepared to make some concessions.

One proposal would defer the effective date of the legislation until next year to make clear that Democrats are not seeking to obtain a potential advantage in this fall's Presidential election.

Another would require the registration applications to be received at least 30 days before an election, thus giving time to local officials to check on their validity.

Mr. McGEE. With that, Mr. President, I am prepared to yield to the Senator from Hawaii. Does the Senator want me to yield the floor?

Mr. FONG. Yes.

Mr. McGEE. I am glad to yield the floor to my friend from Hawaii today, yesterday from Florida.

Mr. FONG. Yesterday I was from Florida.

Mr. President, the parliamentary situation is this: We have before us the national voter registration bill, which has come from the Committee on Post Office and Civil Service. The motion pending before this body is a motion to refer the bill to the Committee on the Judiciary.

The reasons which have been cited for the referral include the fact that this bill has many substantive provisions over which the Committee on the Judiciary has jurisdiction. For example, there is the question of constitutionality. There are many constitutional questions in the bill which the Judiciary Committee should review, and see whether they come within the purview of any of various provisions in the Constitution.

We have also the question of impact this bill would have on State voter registration laws. The question of registration of voters has always been a matter for the States. It is now within the jurisdiction of the States, and it has always been the responsibility of the States to register voters for elections, regardless of whether they were voting for State, local, or Federal offices.

There is also the question of precedents. We have had many voting rights bills which have been referred to the Committee on the Judiciary, and that committee has heretofore been given priority in the matter of oversight of voting rights bills.

There are in this bill several provisions dealing with criminal penalties. For example, if one were to commit a fraud in sending in his postcard, that fraud would involve a penalty of $10,000, or 5 years in jail, or both; or if one should prevent any person from exercising his rights under this bill, he would be subject to a fine of $5,000, or 5 years in jail, or both.

There is the question whether the completed postcard is a Federal or State document, you are subject to the penalties which have been set forth under 18 U.S.C. 1001. If it is not a Federal document, if it can be considered only a State or local document, then you will not be subject to the penalty provisions of that section.

So we have a bill before us which has been worked on by the Post Office and Civil Service Committee, which does not have expertise in the matters to which I have referred. That is why a motion has been made on this floor to send the bill to the Judiciary Committee, so that the Judiciary Committee can take a look at it.

Let us examine the bill itself. This bill is to make it easier for people to register to vote. All you have to do is to fill out a post card sent to you by the National Voter Registration Administration. This registration procedure is to take place whenever there is a primary election, every time there is a general election for President or Vice President or for Members of Congress, and it also comes into operation when delegates are voted upon for the national party conventions. In fact it even goes further than just delegates to the national conventions. It starts back in the precincts where you have party caucuses, where you have district caucuses, and where you have State caucuses.

According to the definition which have been written into this bill defining a Federal election, the National Voter Registration Administration would have to send registration post cards to the occupants of all U.S. households. According the Bureau of the Census, there are approximately 64 million households in the United States. Is the National Voter Registration Administration going to send one card to each household, two cards to each household, or three or four cards to each household? How would the National Voter Registration Administration know how many people reside in one household? How would it know that a child in that household had reached the age of 18 years so that he or she might be able to vote?

We have here a system that will entail tremendous duplication—duplication of work being done by the States in voter registration, and duplication of cards to be sent to the various households.

It is estimated that in a presidential election year the cost could be as high as

$120 million. It is also estimated that in such an election year there could be 66 different mailings because of the different times at which Federal elections would be held in the States or in the local municipalities.

This bill is designed to make registration for voting easier. If we look at the voting laws of the various States and the laws of the various municipalities, we find that registration for voting is not a difficult task. In almost every State there is provision for the opening of the registrars' offices on Saturdays, for the opening of the registrars' offices at night, and in some places registrars go from house to house registering voters. So the present State laws are very simple. There are very simple laws, under which a person can register, if he really wants to vote.

The distinguished Senator from Wyoming has stated that approximately 47 million people did not vote in the last election. A survey was made to find out why some people did vote and why others did not. Many people do not register because they just do not want to register. They just do not want to vote.

A survey was made by the Bureau of the Census in 1968. The Bureau of the Census took a survey of 50,000 households—50,000 households, as distinguished from the Harris poll and the Gallup poll which take surveys of approximately 1,400 or 1,500 people, sometimes as little as 400 people, to get an idea as to what the Nation is thinking.

In 1968 the Bureau of the Census took a survey of 50,000 households on voter participation, and this is what the Bureau of the Census found: Of the 50,000 households surveyed, 26,942 reported that they did not register to vote. The question asked on voter registration was, "What was the main reason this person was not registered to vote?" The answers were recorded in one of the following categories: "Not a citizen of the United States," 10.6 percent—10.6 percent said they did not vote because they were not citizens of the United States.

"Had not lived long enough to be qualified to vote"—11.2 percent. In other words, 11.2 percent of the 26,000 households said they had not lived long enough to be qualified to vote.

More than a majority of the 26,000 households—53.3 percent—that said they did not register to vote—said they were not interested or they never got around to registering or they did not like politics.

Only 13.5 percent said they did not register because of illness; no transportation; or, they could not take time off from work.

"Other reason"—9.5 percent.

"Do not know"—2.2 percent.

Of the 26,000 households—53.3 percent—that did not register to vote said they were not interested in politics. Somehow, they thought politicians were not good people, and they did not care to meddle in politics. Only 13.5 percent said they did not register because they could not get down to register or that they could not find time or because they were ill.

Even if we had this procedure of voter registration by post card, how do we know that the 53.3 percent of the people who said they did not care about politics would vote? The most we can get is the 13.5 percent, or, out of 50,000 households, the most we can get will be approximately 6,000 households. So there is no indication here that even with voter registration by post card we are going to get all the people to vote who did not vote.

When we consider that this would cost, in a presidential election year, more than $120 million; when we consider the costs which will be entailed here because this bill provides that we will pay 15 percent more, above the cost for the States and the local governments to process these cards if they will conform to a voter registration system, and when we consider that we will give them another 15 percent, in addition to what they are getting for processing these cards, we can begin to see the tremendous Federal expenditure called for by this bill.

This bill will duplicate to a very large extent the present system of voter registration. It will open up opportunities for a tremendous amount of fraud. Presently, when one wishes to register, he goes down to the registrar's office, or he appears before a registrar if he happens to be a roving registrar, and he signs his name and he swears to that signature in person. Here we will have a system in which the NVRA sends a post card to a household and we do not know who will sign the post card. We do not know whose name will appear on the post card. We do not know whether the name is fictitious or not. We do not know whether the name is taken from a tombstone. We do not know whether the voter is living in one State or another. We can see here the great opportunity for fraud in this system.

As I stated before, the bill will drastically change the manner of voter registration in the whole of the United States. It will impose Federal controls and guidelines on such procedures. Each State would want to secure that 30 percent over the cost of their processing costs. It will impose Federal controls and guidelines over State and political party organizations because the Federal Government will inject itself into the various party caucuses and elections. It would change radically our traditional and well established voter registration systems. It will multiply the opportunity for fraud in elections and it will impose Federal registration costs in excess of $120 million. It will have serious adverse implications on our entire system of elections and our system of government.

It is because the bill has so many defects, because we do not know where we are going and we cannot see the light at the end of the tunnel, that it is wise for the Senate to send the bill to the Committee on the Judiciary enabling that committee to work its expertise on the bill. That committee could then bring back to the floor of the Senate a real, good voter registration bill. It would also allow the Judiciary Committee to amend the bill to answer all the various arguments that we have presented here on the floor of the Senate showing that the pending bill is detrimental to our system of elections and our system of government.

Mr. President, I am ready to yield the floor.

Mr. BROCK. Mr. President, as the author of one of the first constitutional amendments to give 18-year-olds the right to vote, I am proud of Tennessee's early ratification of the amendment as well as their reduction of the age of majority to 18.

By involving as many people as possible in public decisionmaking, this Nation will be in a better position to choose its course for the future. Such participation is essential to the preservation of freedom; however, I cannot support the National Voter Registration Administration as proposed.

Simply stated, it will not work effectively. Certainly it would be easier for individuals to be registered, but the possible ills that might result from such a program without sufficient safeguards deserve attention.

In the proposal now being debated, such safeguards are nonexistent. The bill removes every protection now in existence under our present precinct system and offers virtually nothing as a replacement. This bill proposes that an individual who desires to vote will complete a postal card and that local registrars will never know or see the face behind the card. Election officials will not be able to know the relevant qualifications of an individual card signer or their veracity.

Conduct and demeanor are relevant to the electoral right. In the face-to-face confrontation now possible under our present system, election officials have the opportunity to determine the qualification of the electorate. Under this bill public officials have no access to knowledge whether a face exists behind the computer card. He is not given any power to do anything except read the card and on the basis of the card make a determination of the validity, qualification, and honesty of its applicant.

Further, if, by chance, a local official does know of some fraud, he is helpless to correct it. Who does he report this crime to? Who does he notify? Can it be remedied? If so, how long will it take? If not, will it throw elections into permanent, absurd chaos? Half the Senators in this Chamber could have election results pending in disputes over the legality of the election returns.

These questions must be met before I can support any changes in the administration of elections.

The bill, as it is presently written, appears to have been drafted by the ghost of Boss Tweed and Tammany Hall. We must differentiate between concept and reality. I advocate this concept and urge reforms which would make it possible for more people to vote. I cannot and will not vote for a bill which I feel does not give adequate protection to the constituency it is attempting to serve.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA ON THURSDAY, MARCH 16, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, on Thursday next, immediately following the remarks of the distinguished Senator from Illinois (Mr. PERCY), the distinguished senior Senator from Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

WAIVER OF RULE OF GERMANENESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Pastore rule with respect to germaneness be waived for the remainder of the afternoon today.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO MAKE TECHNICAL AND CLERICAL CORRECTIONS IN S. 2601

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of Senate amendments to House amendment to S. 2601.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

Mr. LONG obtained the floor.

Mr. LONG. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Wyoming without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I appreciate the courtesy of the Senator from Louisiana (Mr. LONG) in yielding to me at this time. I should like to append to the remarks made earlier here today on the matter of voter registration, a statement made by the distinguished majority leader last Thursday in regard to this issue. On that occasion, he addressed himself to the question of the jurisdiction of the committee. The remarks of the distinguished majority leader are so sharply drawn and are so much on target to the pending issue that I think it would be helpful if his remarks were printed in the RECORD again in connection with the matters that were discussed here earlier on the floor today. I therefore ask unanimous consent to have the remarks printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

Mr. MANSFIELD. Mr. President, the pending motion does not deal with the merits of the legislation which is before us, but it does deal with the rules and regulations and the procedures of the Senate, and the authority and responsibility of the committees of this body.

Rule 25 of the Standing Rules of the Senate provides as follows:

"Standing Committees

"1. The following standing Committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

* * * * *

"(N) Committee on Post Office and Civil Service, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"3. The postal service generally. . . .

"5. The Census and the collection of statistics generally."

Mr. President, for some time now the Senate, as an institution, has referred all bills containing the concept of voter registration by mail through the Bureau of the Census to the Senate Committee on Post Office and Civil Service.

On August 13, 1970, in the 91st Congress, S. 4238, introduced by Mr. INOUYE and others, was referred to the Post Office Committee. The title of that bill reads as follows:

"Amending title 13 of the United States Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency."

On March 11, 1971—a year ago—S. 1199, was introduced and referred to the Committee on Post Office and Civil Service. The title of that bill reads as follows:

"Amending title 13 of the United States Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency. This Act is to be known as the Universal Enrollment Act of 1971."

On August 5, 1971, more than 6 months ago, S. 2445, was introduced and referred to the Committee on Post Office and Civil Service. The title to that bill reads as follows:

"To provide for the nationwide, registration of voters for Federal elections."

On August 5, 1971, S. 2457 was also introduced and referred to the Committee on Post Office and Civil Service. The title to that bill reads as follows:

"To establish a system of universal voter registration for Federal elections, and for other purposes."

And finally, on September 24, 1971, S. 2574, the pending measure, was introduced and referred to the Committee on Post Office and Civil Service. The title to this bill reads as follows:

"To amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail."

Mr. President, all of these measures fall within the exclusive jurisdiction of the Committee on Post Office and Civil Service. All were considered by that Committee. Hearings were held. And, in time, one of the bills was reported back to the Senate—S. 2574, the pending business.

It is true that there have been past occasions when the subject of voter registration was considered by the Committee on the Judiciary and, indeed, the Committee on Rules and other Committees. It is my understanding, however, that these references were made simply because they involved other aspects; such as the question of civil liberties. At no time did the issue involve "the establishment of a Voter Registration Administration within the Bureau of the Census for the purpose of administering a voter registration program through the mail." That is what the pending issue is all about. And that is precisely what the pending proposal seeks to do. There is no question where the jurisdiction lies; the Senate Rule provides emphatically that matters affecting the "Census Bureau, and the collection of statistics generally" and matters affecting "the mail" shall be referred to the Committee on Post Office and Civil Service.

Indeed, the question of jurisdiction is whether or not the citizens of this Nation should be encouraged to participate in the election process. The real issue is whether or not a sensible registration procedure can be established.

Those are questions the Senate is quite capable of handling and deciding here on the floor. On these questions, the recommendations of a standing Committee of the Senate are now before us. I would hope the Senate would consider those recommendations on their merits. I therefore move to table the pending motion to refer.

* * * * *

Mr. MANSFIELD. Mr. President, what the chairman of the committee has just said is true. What the Senate has done is not to vote on the substance of the legislation which is the pending business, but on the responsibility and the authority of a standing committee of the Senate.

May I point out that what has happened this afternoon to the Committee on Post Office and Civil Service could, under similar circumstances, happen to any other standing committee. I would hope that at least the chairman of the committee and the ranking Republican members would understand what this means on the basis of the proposal which is now pending.

The Senate has not had the opportunity to work its will in any respect on this particular matter, but have done so with respect to the institution and the committees which make the institution function—and the committees are incidentally the handmaidens of the institution.

I would hope that we would all think seriously about the procedural change which is in the offing and recognize that what happens to one standing committee can happen to any of the standing committees under the appropriate circumstances.

I thank the distinguished Senator for yielding.

Mr. McGEE. Mr. President, I will have something more to say tomorrow on this question in regard to modifications and adaptations in the pending measure that we have had here at the desk for some time in updating it and simplifying it in ways that have been suggested from those who have spent time on the question. They include questions raised by the Senator from North Carolina and questions raised by other Members of this body that will pertain to matters of the jurisdiction of existing State responsibilities in this field, suggesting that there is no intent to preempt, and this is guaranteed. It will pertain to the allowance of sufficient time, a 30-day interval before an election, for the local authorities to process whatever post cards have come in or are received. It will address itself to the methods by which the prospect of one person submitting several registration cards would be dealt with.

On that latter point, I might add there is no difference than at the present time where a voter cannot be prevented from going into 10 or 20 different areas and claiming an address and signing an affidavit that that is where he lives. The States already have the capability and the prospects for that kind of verification. There is nothing in this measure that would call into question the validating processes now existent within the States.

Our intent is simply to register voters and not to complicate the problem.

I want to thank my colleague from Louisiana for yielding to me.

Mr. FONG. May I ask the distinguished Senator from Wyoming, do I correctly understand that it is his intention to have a vote tomorrow?

Mr. McGEE. Yes. The intention is to vote about 4 o'clock tomorrow.

Mr. FONG. May I ask whether the Senator intends a vote on this question up or down?

Mr. McGEE. That is on the referral question?

Mr. FONG. Yes, on the referral question.

Mr. McGEE. The answer is no. I would intend to offer a tabling motion at 4 o'clock or whatever else might be more relevant at that time, if there have been conversations that have been going on informally, as I understand it, for any other options that would be more relevant.

Mr. FONG. Does the Senator wish to set a time for that vote?

Mr. McGEE. If it is agreeable with the ranking minority member of the committee, I would be willing to say 4 o'clock arbitrarily, if that would be helpful to clear the air.

Mr. GRIFFIN. Mr. President, is there a request pending?

Mr. McGEE. We were trying to arrive at an agreement here on a 4 o'clock time, if the Senator wanted to fix it specifically; otherwise, I would be willing simply to say, barring that, I would be willing to proceed at that time with a tabling motion; but I was trying to accommodate all the interests to a time that would be reasonable.

Mr. GRIFFIN. Mr. President, may I be recognized briefly?

Mr. BYRD of West Virginia. The Senator from Louisiana (Mr. Long) has the floor.

Mr. LONG. Mr. President, I yield 1 minute to the Senator from Michigan without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. GRIFFIN. Mr. President, having just arrived in the Chamber, the point I want to make—and probably it has already been made—is that we are ready on this side to vote on the pending question, the Ervin motion to refer the bill to the Committee on the Judiciary. Having already voted before on a tabling motion, it seems rather useless and futile to go through that exercise again. Of course, it is within the province of any Senator to make such a motion to table. However, I certainly want the Record to show that on this side we are ready to vote today on the pending question. We are ready to vote tomorrow. We are ready to vote on Thursday. We are ready to vote Friday on the pending question.

Mr. McGee. Mr. President, may I ask the Senator from Michigan if he would be prepared to proceed to a substantive vote on the pending issue, voter registration.

Mr. GRIFFIN. The junior Senator from Michigan would be. However, I cannot speak for all my colleagues on that point at the present time. We are prepared to take up one question at a time. The pending question is the motion of the Senator from North Carolina. We are ready to vote on that question.

Mr. McGEE. Mr. President, as the Senator well knows, the reason that the Senator from Wyoming is proceeding in this fashion is to permit time for the exploratory work that may be possible to determine the arrival at some sort of an approach to a consensus or some possible approach that might be acceptable. Not knowing what that is at this time, but knowing that the conversations are going on, it was felt desirable to agree tentatively at least to an approximate time that this might be surfaced or brought to a head to see what we could arrive at. However, because one individual cannot agree to such things, I would be prepared to table at approximately that time, if that were the one course that remained.

Mr. FONG. Mr. President, we have already tabled the tabling motion to refer the measure to the Judiciary Committee. Three days having elapsed, I inquire whether another tabling motion can be made at any time.

The PRESIDING OFFICER. The answer of the Chair is that another tabling motion could be made after 3 days under the precedents of the Senate.

Mr. FONG. Even though the motion had been defeated.

The PRESIDING OFFICER. After 3 days, the answer is yes.

Mr. FONG. I thank the Chair.

Mr. GRIFFIN. Mr. President, of course, the manager of the bill is within his rights. However, it seems very unusual that he would not want to get to a vote on the pending question. I will not go through the exercise of propounding a unanimous consent request, although I am tempted to do so. It is clear that the manager of the bill would object. So I will not put him in that position. However, he has reported a bill and obviously he is for the bill. There has been some suggestion that this side is filibustering. Obviously there is no filibuster on this side.

The proponents of the measure apparently are not anxious to get to a vote.

Mr. McGEE. Mr. President, we are very anxious to get to a substantive vote on voter registration. I think the Senate ought to be able to work its will on that. And we think that is the real test.

Mr. GRIFFIN. Mr. President, I say in all due respect that the proper way to proceed would be to dispose of procedural matters. There is only one such matter pending. That is whether or not the Committee on the Judiciary should have an opportunity to consider the measure.

WELFARE CHEATING

Mr. LONG. Mr. President, in the past several months, there has been considerable discussion in connection with the President's welfare expansion bill concerning fraud and deceit under the existing welfare system and the potentially larger problem that might accompany enactment of the President's program in the form in which he has proposed it.

In the next few pages of the Record, I will show how fraud and misrepresentation and simply bad management of the welfare system have led to the inclusion on the welfare rolls of literally thousands of people all around the country who should not, under any reasonable interpretation, be eligible for benefits, or whose benefits should be substantially less than they are receiving.

It has been said that a few bad apples should not discredit the whole barrel and that welfare recipients, in general, should not be tarred with the same brush that paints horrible pictures of welfare cheating and malingering. I agree completely with the thesis that millions of people on welfare rolls are there through no fault of their own. These people would like nothing better than to leave the welfare rolls and regain their independence. They need the help of their fellow Americans and we should all do what we can to aid them. The rhetorical question posed by the passage from the Bible—"Am I my brother's keeper?"—should be answered with a resounding "Yes," but only when we refer to the destitute, the disabled, and the orphaned.

But our personal compassion for the needy must be tempered by a responsibility to the people whose money we are entrusted with spending for the public good. Frankly, if we continue a system which tolerates fraud, administrative laxity, petty chiseling and deceitful practices, we are doing a double injustice. First, we violate the trust of the people by allowing Federal funds to be used for purposes other than for relief of the needy; and, second, we are unfair to the needy themselves who could otherwise be better provided for with available funds.

In my opinion, if the taxpayers of America knew that the welfare system was as shot full of holes as it is, and if they understood that the President's welfare expansion program, embodied in H.R. 1, does nothing to correct the glaring deficiencies in the system—but in fact makes them worse—I know they would not tolerate it. And if the people representing them in Washington knew how their constituents felt about the matter, then they would not tolerate it either.

I am no newcomer to the welfare scene. My record on behalf of the poor is clear. But I am concerned—gravely concerned—that the welfare system, as we know it today, is being manipulated and abused by malingerers, cheats and outright frauds to the detriment not only of the American taxpayers whose dollars support the program, but also to the detriment of the truly needy on whose behalf the Federal-State system of cash assistance is so important.

There is no question in anyone's mind that the present welfare program is a mess. It is only fair to say that no one really believed, until recently, that this also might be true of the adult programs—old age assistance, aid to the blind, and aid to the disabled categories.

THE ADULT PROGRAMS

I say, "until recently," in the adult programs, which include 3.1 million people, because on January 3, 1972, the Department of Health, Education and Welfare released the results of a preliminary survey indicating that errors in eligibility or payment status were found in 17 percent, or one-sixth, of the adult recipient cases. Of the approximately 500,000 recipients in these cases, 4.9 percent, or about 152,000 recipients, were ineligible for any payment, and over 7.9 percent, or about 245,000 recipients, received overpayments.

The survey covered only 34 States and only about half of the Nation's public assistance caseload, because many States were unable to review enough cases in April 1971 to provide a valid quota for a national subsample. HEW officials pointed out that it was not possible to show the percentage of errors or ineligibility by separate programs of old age assistance, aid to the blind, or aid to the disabled, but only by the three programs combined.

THE DEPENDENT CHILDREN'S PROGRAM

The survey also showed that erroneous welfare payments are going to 28.6 percent, or 772,000 families with 2,974,000 recipients, in the aid to families with dependent children—AFDC—program. Only 5.6 percent, or about 151,000 families with 582,000 recipients, were ineligible for any AFDC payment. Over 14.6 percent, or about 394,000 AFDC families with 1,518,000 recipients, received overpayments.

There were even underpayments in 9.7 percent of AFDC cases and in 4.9 percent of the adult cases.

(See exhibit 1.)

Mr. LONG. According to the article which appeared in the Washington Post on January 4, 1972, HEW officials said that, if all the errors could be corrected, there might be a net taxpayers' savings of $500 million in welfare costs.

(See exhibit 13.)

Mr. LONG. I was quite concerned to note that in spite of the ineligibility and incorrect payment figures, there was no mention in the press release of a crackdown on administrative inefficiency in the Nation's welfare bureaucracies. It would appear that most of the States would have a higher ineligibility figure than 3 percent. An HEW regulation listed in the Code of Federal Regulations, Title 45, Public Welfare Chapter II, Section 205.20(c)(5)(ii) clearly states the procedures to be followed when such a percentage is determined:

> (iii) Provide for a 3 percent tolerance level on incorrect eligibility decisions. When it is determined that the rate of incorrect eligibility decisions exceeds a 3 percent tolerance level, the state and/or large urban agency must conduct a 100 percent verification on those specific factors of eligibility identified as causing the unacceptable incorrect decision rate. This more intensive investigation on specific factors of eligibility will be continued until the federal agency and the state assess the situation and work out a solution. The system contemplates periodic review and monitoring of operations by the Department of Health.

Unfortunately, it does not appear that HEW is taking any steps to improve the administration of the system, nor that they want to.

QUALITY CONTROL

Since 1962, HEW has used quality control results as a basis for claiming that ineligibility rates were 1 or 2 percent. Quality control is a method of reviewing a random sample of the eligibility decisions made by the caseworkers to determine the percentage of incorrect decisions.

Quality control results have been HEW's answer and its support against the critics of the program who claimed ineligibility and cheating were widespread in the caseloads, particularly, AFDC.

In fact, in November 1971, HEW again issued a rebuttal in a pamphlet widely distributed throughout the country and widely quoted by the proponents of the permissive welfare system. This pamphlet, entitled "Welfare Myths Versus Facts," claimed that ineligibility was only 1 to 2 percent in the total welfare caseload in the Nation.

(See exhibit 2.)

Mr. LONG. What HEW did not say, however, is that this information consisted of national estimates based on quality control findings—none of which is more recent than the April 1967 through March 1968 period. The pamphlet was issued, in fact, at a time when HEW had evidence that later quality control figures were much higher than that.

The disclosure in the recent survey is in sharp contrast to HEW's past claims that an insignificant number of welfare families are technically ineligible. No doubt, we will now hear the argument that 5 percent is not very high, and that we should not become alarmed. But let us not forget that a half billion dollars is a lot of money and that 5 percent of the families represent over one-half million people who are receiving assistance to which they are not entitled either through inefficiency, fraud, or because of administrative and court-made loopholes.

And, when we think of HEW's past claims of fraud being less than 1 percent, let us not forget that overpayments amounted to more than 14 percent in AFDC and that at least one-half of these families, involving about three-quarters of a million recipients, did not report the income, resources, or other circumstances which caused the overpayments.

THE DECLARATION SYSTEM DISCREDITED

What the HEW report does is to repudiate the rationale of the simplified method of eligibility determination adopted in 1969 in which States were permitted to simplify welfare applications by allowing the applicants to declare their eligibility with little or no checking by caseworkers.

This method was nothing but an open invitation for anyone desiring financial assistance to aply for it and receive it without more ado. This simplified method should really have been called the "blank check" method. Despite the criticism of many critics of this approach and their warnings that the caseloads would sharply increase because of ineligibles if such a method were adopted, HEW approved the method for the adult categories and approved first testing it in AFDC and later encouraged its adoption statewide.

As one who has labored for 24 years to help construct the programs for the aged and disabled, I am determined to do what I can to bring about a total improvement in the program to aid little children. I am frank to say, after a 2-year study of the President's family assistance plan, that it does not constitute welfare reform at all. It has every prospect of being just the opposite.

We all know what has been happening in the aid to families with dependent children—AFDC—program over the last 4 years. The 100-percent growth since 1967 has threatened to bankrupt the States, and it certainly has not helped the Federal budget. What is most alarming about this explosive growth is the large number of cheats and ineligibles who get on the welfare rolls. Once these people get on welfare, it is usually very difficult to get them off—sometimes next to impossible.

The program to assist families with dependent children has gone astray so badly that the children are described as its victims, rather than its beneficiaries. It is this program that has mushroomed without planning, grown like Topsy, until it has caused the entire program to take on the appellation of the "welfare mess."

CHEATING THE TAXPAYERS TAKES MANY FORMS

One form of cheating applies to the actions of the recipients of welfare who, because of their actions, receive overpayments or assistance payments to which they are not eligible.

Another form of cheating applies to the applicants for welfare benefits who deliberately fail to disclose all information pertaining to their income resources, or other factors of eligibility, to receive benefits.

Still another form of cheating is caused by the case workers and eligibility workers who, for whatever reason, be it lack of training, lack of sympathy for the rules and regulations, or too great a feeling that the applicant or recipient is "deserving" of financial assistance, grant assistance and overpayments to the recipient. Cheating is also the result of improper management techniques or management controls.

Another type of cheating occurs when grown children persuade their aged mother or father to transfer or assign property to them, thereby depleting their resources and making themselves eligible for old-age assistance.

Cheating is also involved when a man who is employed under the WIN program forces his employer to discharge him because he deliberately breaks too many dishes, if he is a dishwasher, or deliberately causes the factory machinery to break down, if he is a factory employee. Since he is not a voluntary quitter, he may return to the welfare rolls with no diminution of his benefit.

Cheating occurs when the mother drawing AFDC assistance allows a man to move in with her and sponge off the welfare check, thus depriving the dependent children, on whose behalf the check was provided in the first place, of their food and clothing. Why should that be permitted? If he is there acting like the man of the house and enjoying the privileges of the man in the house, why should not he be obligated to bear the burdens of the man of the house?

CHEATING BY DESERTION

One of the worst types of cheating is the situation where the father either is not married to the mother, or, if he is married, he deserts or abandons his family. This situation exists in 55.8 percent of the AFDC families, according to the 1971 AFDC study issued by HEW. Six out of seven of the fathers of such children provide no support of any kind to the children they have sired.

This is the most vicious form of cheating of them all and, unfortunately, it not only is condoned by the law, the law actually encourages and fosters it—and so does the President's welfare expansion plan.

Should our welfare system be made to support the children whose father cavalierly abandons them—or chooses not to marry the mother in the first place? Is it fair to ask the American taxpayer—who works hard to support his own family and to carry his own burden—to carry the burden of the deserting father as well? Perhaps we cannot stop the father from abandoning his children, but we can certainly improve the system by obtaining child support from him and thereby place the burden of caring for his children on his own shoulders where it belongs. We can—and we must—take the financial reward out of desertions. We can—and we must—stop both the legal cheating and the illegal cheating which have transformed our welfare system into a welfare mess.

I have said many times before, and I want to reiterate it—I plan to insist that the deserting or runaway father assumes his parental responsibility and support to his family so that the children will not be dependent upon Government. We must put a stop to this ridiculous situation by which almost any man can leave his children and avoid supporting them or even worrying about them because he knows that the taxpayers under our system will support them regardless of his conduct.

Regardless of the form of cheating, the end result is an unnecessary and onerous burden on the taxpayer.

I have been talking about cheating on welfare for years. One of the causes for some of the cheating was HEW's regulation, issued in January 1969, which instituted the simplified method of eligibility determination. However, cheating is not just something of recent origin. Nor is cheating confined to any particular geographic region in the country. To the contrary—it is nationwide.

DISTRICT OF COLUMBIA

In the District of Columbia, my distinguished colleague, Senator ROBERT C. BYRD of West Virginia, initiated an investigation in November 1961, which showed 59 percent of the AFDC cases were ineligible for financial benefits, and continued investigations over the years showed a high percentage of ineligibles among newly approved AFDC applications for money payments.

NEW YORK CITY

A special review of AFDC in New York City in 1969 disclosed that 9.4 percent of the sample were ineligible and eligibility could not be determined in 1.4 percent. It was also found that 6.9 percent of the families, though eligible for AFDC, included one or more family members who were improperly included in the payment because they were not individually eligible.

The principal reasons for ineligibility were:

First, that the AFDC children were not deprived of parental support or care as required for eligibility. This group comprised 6.4 percent of all sample cases, and

Second, that the families' income or financial resources exceeded agency standards. This group comprised 3 percent of all sample cases.

Ineligibility was found to have continued for periods of more than 6 months in 57 percent of the ineligible cases. Overpayments were found in 29.9 percent of the sample cases.

(See exhibit 3.)

CALIFORNIA

Mr. LONG. In February 1971, Governor Reagan of California disclosed that 12 Californians, all fully employed, had applied for and received welfare payments merely to demonstrate the ineffectiveness of the simplified method for eligibility determination. One of the 12 had applied for welfare under four different names at the same welfare office on the same day and was approved. This group had formed an organization called Cheaters, Inc., and had hired a lawyer to protect themselves.

In his testimony before the Senate Finance Committee on February 1, 1972, Governor Reagan stated that an actual case evaluation study done in California in 1970 proved that fraud existed in at least 15 percent of the cases. He also said that to prove how easy it is to obtain public assistance in California under the HEW rules and regulations, a person with four children, all females, went to the welfare office, applied for assistance and filled out a form stating that her four children were all males. In spite of the fact that the four female children were standing beside her and it could clearly be seen that they were not of the sex the woman had said they were, the worker asked no questions about the children, accepting the statement of the applicant without any reservations.

MARYLAND

In August 1971, eight persons in Baltimore, Md., were named in 68 indictments for using false names and addresses to obtain welfare payments. One person received more than $2,300 a month and another $1,700 monthly.

(See exhibit 4.)

Mr. LONG. In November 1971, Lt. Gov. Blair Lee of Maryland estimated that at least $15 million of the $160 million in State and Federal funds paid out for welfare assistance is going to persons who either are ineligible or receiving overpayments.

(See exhibit 5.)

NEVADA

Mr. LONG. In December 1970, following investigations by the State of Nevada of all of its AFDC cases, it was reported that 22 percent of the welfare recipients in that State were dropped from the rolls for cheating. Subsequent developments indicated that the 22-percent figure probably overstated ineligibility; a better estimate is that about 15 percent of those on the rolls at the time of the investigation were probably ineligible.

(See exhibit 6.)

NEW YORK STATE

Mr. LONG. New York State, in its fourth month report on employment referrals and job placements under its welfare reform program which was instituted in July 1971, showed that 51,416 welfare recipients were referred to the division of employment. Of those referred, 3,733, or approximately 7 percent, were removed from the public assistance rolls for failure to comply with the work requirements.

(See exhibit 7.)

Mr. LONG. In the fifth month report, covering November 1971, on employment referrals and job placements under the New York welfare program, there were 50,532 referrals, of which 4,335 persons, or 9 percent, were dropped from the welfare rolls—bringing the 5-month total of those for whom assistance was terminated to 20,160. The recipients referred in November are approximately 3 percent of the 1.7 million people on public assistance rolls in New York.

(See exhibit 8.)

Mr. LONG. Governor Rockefeller, in his testimony before the Senate Finance Committee on February 3, 1972, stated that the 6-month report of the employment referral and job placements program covering December 1971, showed that 15,755 people have been placed in jobs and a total of 23,000 had been found ineligible during the 6-month period and had their assistance terminated.

NEW YORK CITY

In New York City, according to Human Resources Administrator Jule Sugarman, late closings in processing welfare cases is costing the city approximately $2 million a month. There are 10,400 of the 162,000 transactions that are in arrears representing suspensions and terminations on which delay could cost up to $24 million on an annual basis. In addition, there were 5,100 cases of suspected fraud. Mr. Sugarman also said that savings from speeding closings would be augmented by swifter recovery in identifying duplicate check frauds which have been estimated as high as $4 million a year.

(See exhibit 9.)

WASHINGTON, D.C.

Mr. LONG. In hearings on the District of Columbia appropriations for fiscal year 1972, before the Subcommittee on District of Columbia Appropriations of the Committee on Appropriations, House of Representatives, the director of social services administration—SSA—of the District of Columbia Department of Human Resources testified that $6 to $8 million was being expended annually to recipients who were ineligible. As a result, Congress cut $4.5 million from the District's welfare program proposal. The director of human resources, reportedly perturbed over her testimony that ineligible welfare recipients were defrauding the District of some $8 million a year, removed the SSA director from her position in January 1972.

The recently completed quality control review of the April-June 1971 AFDC caseload in the District of Columbia showed that 6.2 percent, or approximately 5,200 AFDC recipients, were totally ineligible for benefits and 20.5 percent or approximately 17,000 recipients, were receiving overpayments.

(See exhibit 10.)

NEW YORK STATE

Mr. LONG. Mr. George Berlinger, who was appointed New York Inspector General for Welfare in August 1971, mentioned the following cases which had come to his attention:

> A woman receiving $241 a month for the last 18 months after having declared that her husband had deserted her. Investigation disclosed that the husband still lived at home, earned $4.28 an hour and owned a 1971 Mercury. The family had received $5,663 in Aid to Dependent Children payments.
>
> A similar case involving an "absent husband" who is actually living with the family and earning $132 a month. The family had received $9,458 in Aid to Dependent Children payments over the last 38 months.
>
> A Bronx woman who had been receiving $274 a month for Aid to Dependent Children while working and earning $135 a week. Total overpayments since May, 1966, when she was placed on the rolls, were $17,509.

(See exhibit 11.)

MARYLAND

Mr. LONG. In 1971, Richard Smith, a welfare worker in Prince Georges County, Md., noticed three different applications for emergency welfare assistance submitted by women whose children included twins. The results of his investigation was the discovery that an organized ring had been cheating the county out of about $40,000 in food stamps and welfare benefits.

The investigators learned that women applying for welfare exchanged wigs among themselves in order to change their appearance and often gave nonexistent addresses when they applied for welfare help.

Mr. Smith said:

> Most of our clients are still honest, but for someone who is criminally inclined and wants to pick up $200, it (welfare fraud) is cheaper than bank robbery, it's easier to get away with, and it involves a lesser charge if you are caught.

At the root of the fraud in Prince Georges County is the so-called declaration—or simplified method—system of applying for welfare and food stamp benefits—especially as this system relates to emergency or immediate assistance. The aim of emergency assistance is to provide immediate help for those who need it, such as people who have been evicted from their homes, or who are disabled, or who have no money to feed their children.

Alerted by the recurrence of twins on applications for welfare, Mr. Smith decided to check the recent emergency applications in the county. He discovered that over a 12-day period, the department had received 12 different applications from people who brought notes from their landlords saying they had been evicted. Seven of the 12 cases involved women with twins.

Letters were sent to the 12 people at the addresses listed on the applications. All the letters came back stamped "addressee unknown." Mr. Smith alerted his supervisors, who instructed the welfare workers to check carefully all persons who applied for emergency aid. Several times, when women did apply for emergency benefits, and welfare workers explained that the names and birthdates of their children would have to be verified through hospital records, the women walked out of the office. Mr. Smith said that—

> The welfare office will not detain or arrest an individual until it is absolutely certain it can prove fraud.

The scheme continued because the emergency applicants changed their tactics. So that they would not be recognized, Smith says the women wore different wigs which they exchanged among themselves. After a while, their stories were not always the same. Sometimes they had twins and sometimes they did not. Sometimes they said they needed emergency help because they or their husbands were disabled and other times because they were evicted. Usually, the welfare office would discover they had been defrauded only after the emergency help had been given.

In addition to the emergency payments, the welfare office also found that they were being cheated out of AFDC payments. Smith says:

> When applying, some of the women gave real addresses and managed to keep and cash subsequent check as well as the emergency checks. Welfare officials later discovered that these addresses were sometimes used several times under different names. As we got more sophisticated, so did they. We underestimated them completely.

As Smith admitted to a reporter:

> If you wanted to come in here tomorrow, dress shabbily, say your name was Ralph Royster Doyster and show us you are out of work, you could get public assistance for 30 days.

(See exhibit 12)

LOUISIANA

Mr. LONG. Now, here is a case known personally to me. Here was a woman in Louisiana. She came in planning to go on welfare for herself and her children a fifth time and she succeeded in getting on welfare five times. But in the course of it she ran into one of the aides who had processed one of the first four applications with the result that this matter came to the attention of the office, and they got out a search warrant and learned the truth. She had five social security numbers, she had five driver's licences.

Her neighbor was on welfare two times but planned to go on three times. The neighbor had three driver's licenses and three social security numbers.

ARKANSAS

Samuel Weems, prosecuting attorney for the 17th Judicial District for the State of Arkansas, in his testimony on January 21, 1972, before the Senate Finance Committee, described various situations that he had handled in Arkansas. In one example, an individual wrote a check for $1,041 to pay back the value of food stamps obtained illegally. This particular individual had a bank account of over $5,000. Another individual had a substantial bank account and had received some $2,225 in food stamps when, in fact, he was employed by a local rice mill.

In another case, the AFDC mother had told the welfare department that the father and "his" family had moved to Chicago. Mr. Weems' investigation revealed that the father was actually working in Little Rock. Mr. Weems has taken bastardy action against the father. If the judge declares him to be the legal father, a civil suit will be filed to recover the State funds as the father is employed.

In another case, Mr. Weems' investigation disclosed that the husband and wife in an AFDC case were living together. She had told welfare workers repeatedly she had not seen the father and did not know where he was—yet he is employed in Little Rock, Ark. He has filed a civil suit against the father to obtain the $875 paid to support the children and is examining the case to determine if criminal charges will be filed against the wife for obtaining money under false pretenses.

In another AFDC case of a mother with three illegitimate children, Mr. Weems' investigation revealed that a county judge in 1966 made a judicial determination as to whom was the legal father. The father was ordered to pay support; yet he never did. The State welfare department certified that $5,026 had been paid for support. The father is in Little Rock and is employed. Mr. Weems had a warrant of arrest for child abandonment issued and has filed a civil suit to recover support payments made. I commend Mr. Weems' testimony to the entire Senate. It is quite enlightening.

Let me digress from my prepared remarks to say that in the last few days, Mr. Weems has forwarded to me a copy of a report of the grand jury in Lonoke County, Ark. The grand jury has looked into the welfare fraud in the county and has brought 25 indictments. More importantly, they have indicted Ivan Smith, chief attorney for the Arkansas Welfare Department, on 25 counts of accessory after the fact to the fraudulent offense of obtaining property under false pretenses. It was the grand jury's conclusion that by knowing the fraud existed and by not turning over that information to the lawful prosecuting officials of the State, Mr. Smith had in fact concealed the fraud and prevented its proper prosecution.

During his testimony before the Committee on Finance, Mr. Weems said the welfare system was shot through with fraud and I asked him if he could prove it. He said, "I guarantee it." The grand jury report is part of his proof.

In my opinion it describes a horrible situation, and the country should be made aware of the type of outrage that can come about under a system which promotes fraud and cheating, and then authorizes it to be hidden from the public prosecutors by disloyal servants of the government.

I ask unanimous consent that the report of the grand jury be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 14.)

Mr. LONG. Mr. President, I very much commend Mr. Weems for the courageous and diligent job he has done in exposing welfare fraud and welfare cheating, and in obtaining the indictment of some of the establishment in the welfare cheating industry—I mean the people who work for Government pay, who deliberately cover up fraud and thieving in this program, which has the effect of victimizing the people intended to be benefited, because it diverts money intended for the poor to people who are not poor at all, who are just thieves, frauds, and cheats, and little short of burglars.

I think one of the most healthful things that has been done by this diligent district attorney, Mr. Weems, in Arkansas, was to indict a State official whose salary was paid for in large part by the Federal Government, for his corrupt activities in covering up fraud when it was exposed and pointed out to him, and for his part in firing an honest Government employee who cooperated with the district attorney in helping disclose the kind of corruption that was going on in the department, in which this so-called lawyer had an important task which he failed to discharge as required by his duties, as indicated by the indictment of the Lonoke County Grand Jury in Arkansas.

ALAMEDA COUNTY, CALIF.

One of the most bizarre incidents to come to my attention involved a refusal by welfare workers in Alameda County, Calif., to provide information to their own director regarding the number of county employees who were also receiving welfare aid. The director was simply trying to do his job and determine whether persons were on his welfare rolls who should not be there, but he had to go to court to fight an injunction, sought by his own employees, to prevent his obtaining from them the information about his own program. As it developed, one of the county employees receiving AFDC, according to the Oakland Tribune of May 15, 1970, was a full-time, senior social worker whose total income was almost $14,000. She was placed on AFDC by another social worker so that the county would be liable for a lion's share of the $300 a month it is costing to keep her son in a private boys' home.

Can you imagine that? Welfare workers putting each other on welfare and then refusing to divulge it to their supervisor even when specifically requested to do so. The whole sordid matter was documented in the hearing before the Committee on Finance on welfare reform in 1970.

COLORADO

My distinguished colleague on the Finance Committee, Senator Harry F. Byrd, Jr., of Virginia, rendered a great service when he pointed out on February 25 how easy it is to get on welfare in Colorado Springs.

A reporter from the Colorado Springs Sun set out to determine whether any dishonest person could secure welfare payments. As a result of her experience, she found that almost anyone can get on welfare. All she needs is a good imagination, a convincing personality and a cooperative social worker, which is easy enough to find.

The reporter used a false name, an address where she does not live and listed two children whom she does not have. When the social worker asked about her husband, she said he had deserted her unexpectedly. On the basis of nothing more substantial than her own declaration, which was purposely false, the reporter was told by the social worker that she would have little trouble, and would be receiving a check for $175 in about 10 days. The worker then volunteered food stamps and rent. The reporter then went to the food stamp center, where for 75 cents she received $42 worth of food stamps without any questions being asked.

The social worker scheduled a home visit with the reporter, but canceled it, and substituted a letter notifying her that her application had been approved. In addition, she even offered free Christmas presents for the reporter's nonchildren. About a week after completing the application for welfare, a check for $175 arrived. This check was mailed to an address where she did not live, to help support two children she does not have. The check, food stamps, and cards were made out in her fictitious name. In my opinion, this is illustrative of the cheating that goes on every day under the welfare program. It is disgraceful.

ELEMENTS OF WELFARE REFORM

Any good welfare reform measure should remove from the rolls the vast number of recipients who have no business being there in the first place. If we do this, then, in my judgment, we can afford to do a better job of caring for those truly needy persons, for whom the welfare program was designed. We could provide for them far more liberally with the additional funds by eliminating the ineligibles and the cheaters. But I, for one, cannot agree that the way to solve the present welfare mess is to double the welfare caseload. Nor can I agree that the way to solve the present welfare mess is to disregard the corruption that has permeated the system. To the contrary. Having knowledge that the present welfare system—and, indeed, H.R. 1 itself—condones and even encourages cheating and malingering, we have the responsibility to try to correct the shortcomings by whatever means it takes to assure an honest administration of the program.

We owe that much to the taxpayers who pay for the welfare system. Equally important, we owe it to the recipients themselves who often fail to get their full entitlement of benefits because of the big payments going to the cheaters.

Frankly, those who decry the verification of need to establish eligibility for benefits, those who would prevent the search for cheaters, and those who would cloak the welfare system in secrecy under color of privacy, in reality do not represent the best interests of the truly needy. Rather, they would have us continue a program which rewards and encourages the dishonest, the cheat, and the malingerer—those who have brought discredit to the welfare system. They make it difficult for us—who want to help—to exercise greater compassion for the destitute, the infirm, and the orphaned.

I firmly believe that the American taxpayers whose own activities and incomes are closely scrutinized by the Federal Government through the tax process want to help their fellow Americans who, because of peculiar misfortunes, are unable to help themselves. But the American people do not want their hard-earned tax dollars squandered under a program which openly condones the sort of corruption I have described in this statement. We must go after the welfare cheat just as we go after the tax cheat. In this respect, there is no reason to make the American taxpayer a second-class citizen, while the welfare cheat is made a first-class citizen.

ANTICHEATING PROGRAM

To deal with this situation I have described, I propose to offer amendments to the Committee on Finance when we meet to mark up H.R. 1 which would establish an Office of Inspector General to oversee the operation of the welfare system and to assure that public moneys voted for welfare go to the people who need it, and not to those who merely want it. I also plan to offer a number of amendments to strengthen the eligibility determination process and to provide for more orderly rules for verifying continued eligibility. In addition, I plan to offer amendments to penalize fraud and willful misrepresentations and to seek higher standards of performance among welfare workers.

It is my hope that these amendments will make it possible for us to assure that those who need our help will get a full measure of help. Coupled with a program of workfare rather than welfare, which I advocate, and about which I plan to say more at a later time, I do believe we can provide a system of aiding the poor and the needy of which the American people justly can be proud.

I yield to no man in my desire to help the deserving poor. But I cannot and I will not support welfare for the undeserving poor—those who cheat to get on the rolls.

For example, in Louisiana, the help provided for dependent children had to be reduced from 80 percent of need to 50 percent of need when the Supreme Court struck down the State's man-in-the-house rule. This meant the deserving poor were forced to suffer in order to share their welfare payments with the undeserving poor.

The entire program loses credibility and public support because the chiselers and cheaters are allowed to move in on the deserving poor in droves—like vultures feeding on the truly needy.

Mr. President, I ask unanimous consent to have exhibits 1 through 14 printed in the Record at this point.

There being no objection, the exhibits were ordered to be printed in the Record, as follows:

Exhibit 1

HEW News Release, January 3, 1972

HEW's Social and Rehabilitation Service today released a preliminary survey indicat-

ing that approximately 5 percent of the Nation's welfare families were ineligible for payment they received in April 1971.

The HEW analysis showed that 4.9 percent of the aged, blind, and disabled cases, and 5.6 percent of the AFDC families should not have been receiving benefits.

Most of the errors were identified as honest mistakes by State and local welfare agencies or by those who received the payments. More than half were agency errors. In many cases, backlogged agencies did not reduce benefits promptly enough when a client reported an increase in outside income. Cases prosecuted for fraud amount to less than 1 percent of the total.

"The results of this survey make it all the more urgent that Congress enact the Administration's welfare reform legislation, which calls for a thorough management overhaul of the public assistance system," said Dr. Richard P. Nathan, HEW Deputy Under Secretary for Welfare Reform Planning.

He said that these survey results, although partial and preliminary document the basic structural inadequacy of present welfare administrative systems.

Nathan said, "Enactment of H.R. 1 would take a heavy administrative burden off the backs of States and localities, by transferring responsibility for determining eligibility and making payments to a new, uniform, and automated national system.

"At present," he noted, "over 80 percent of State and local welfare agencies are not automated, and as a result agencies are inundated with paperwork. Mistakes, delays and abuses are inevitable under these conditions."

Dr. Nathan also pointed out that the Nation's 1,152 State and local welfare administrations lack compatible record systems. This is due in part to the fact that 21 States operate decentralized welfare administrations. "Each welfare agency tends to be an island unto itself," he said, "and under these circumstances systems for checking on eligibility, avoiding duplicate payments, locating responsible parents and other key administrative controls are frequently inadequate."

Under the new system called for by H.R. 1, he pointed out, a single Federal agency using the most modern computer equipment, and related management tools would be able to ensure that the Nation's welfare program was carried out "with efficiency and integrity." Dr. Nathan likened such a new system to the administration of Social Security which, he said, "has enjoyed a high reputation for efficiency throughout the 35 years of its existence."

The HEW survey showed overpayments and underpayments in 24.3 percent of the AFDC cases and 17.8 percent of adult category cases.

Overpayments to adults averaged $22.43 and underpayments $14.23.

AFDC overpayments averaged $44.92 per family and underpayments $18.32.

These errors arose from three kinds of miscalculations:

Family living expenses were computed too high or too low;

Income deducted from living expenses was erroneously calculated; or

The maximum payments or percentage reduction in payment was incorrectly determined.

Errors by recipients were due to incorrect or incomplete information or not reporting changes in their circumstances. In most cases, there was no evidence of a deliberate misrepresentation.

Officials pointed out that a State-by-State breakdown of results was not attempted, since the number of samples submitted by each State was too small to yield a statistically valid picture.

The April survey was part of a new HEW quality control effort, that went into effect in October 1970. The new system, designed to pinpoint errors and correct deficiencies more effectively than in the past, has not yet been fully implemented by at least 16 States.

"The fundamental problem," SRS Administrator John Twiname said, "is that no quality control system can be universally enforced unless you can apply sanctions, where needed, such as withholding all or part of the Federal share of public assistance to States that fail to measure up. The only Federal sanction prescribed by law is the Hearing process, which is slow and cumbersome. We apply this only as a last resort because it could mean punishing welfare families, the old and disabled, for the failures of a basically unworkable system."

The major reason why the new quality control system isn't fully operating, Twiname said, is because understaffed State welfare agencies, burdened with rising caseloads, have not been able to afford the cost of hiring the additional staff the system requires.

The quality control system is administered by State welfare agencies under HEW rules. Special staffs are assigned to carry out the independent eligibility investigations upon which the quality control system is based.

SRS is providing a 60-member staff working mostly out of its ten regional offices to monitor State welfare agencies and help them improve their operations.

State quality control reviewers determine for each ineligible case the principal reason for ineligibility. These reasons fall into three groupings, as shown in Tables 3 and 6:

(1) Agency errors, including

(a) inadequate determinations of eligibility,

(b) failure to follow-up on known or indicated changes in circumstances and

(c) misinterpretations of policy and administrative errors of local staff;

(2) Changes in family size or income that are not reported by recipients; and

(3) a combination of 1 and 2.

Federal regulations require the welfare agency to make an initial determination for eligibility, periodic redeterminations, and to conduct a prompt follow-up any time that eligibility status might be affected by changes in the family's makeup or a recipient's income. Recipients themselves are supposed to report any change in their circumstances.

Although the first period covered by the new quality control system was October 1970 through June 1971, the data collected were not complete enough to give a true national picture. To fill this gap, SRS asked States to submit a subsample of cases from their April 1971 caseload.

The analysis of this subsample in the attached tables has two important limitations, officials warned:

1. Only about half of the Nation's public assistance caseload is represented because many States were unable to review enough cases in April to provide a valid quota for a national subsample;

2. Some of the largest States are therefore not represented, including California, Colorado, Maryland, New Jersey, North Carolina, Texas and Virginia. Moreover, New York, Ohio, Pennsylvania, and Wisconsin submitted only a small fraction of the quota requested of them.

TABLE 1.—*Eligibility status of families receiving AFDC, April 1, 1971*

Eligibility status:	Percent
All families	100.0
Eligible families	94.4
Ineligible families	5.6

TABLE 2.—*Overpayments and underpayments of eligible assistance families* receiving *AFDC*, April 1971

PERCENT OF ELIGIBLE FAMILIES

Payment status:	
All families[1]	100.0
Received correct amount of assistance	75.7
Received overpayment	14.6
Received underpayment	9.7
AMOUNT	
Average amount of overpayment to overpayment to overpaid families	$44.92
Average amount of underpayment to underpaid families	$18.32

[1] Does not include ineligible families.

TABLE 3.—*Reasons for ineligibility, overpayment and underpayment of assistance to AFDC families, April 1971*

PERCENT

Error status:	
All families	100.0
Families with error (in eligibility or payment status)	28.6
Families with agency error only	13.2
Families with client error only	12.0
Families with agency and client error	3.4
Families with no error (in eligibility or payment status)	71.4
PERCENT OF ALL FAMILIES	
Eligibility factor causing error[1]—Families with error in:	
Basic program requirements[2]	3.0
Resources[3]	0.8
Need—income[4]	11.4
Need—requirements[5]	12.4
Other[6]	1.0

[1] Only one factor is reported for a family. For families totally ineligible, the first error found contributing to the ineligibility is reported. For families with error in payment status the factor involving the largest amount of income or need is reported, although all of the errors contributing to the net error are taken into consideration.

[2] Includes errors in requirements for age, institutional status, disability or blindness, living with specified relative, and deprivation.

[3] Includes errors in such resources as real estate (home and other), insurance, savings, investments, and disposal of property.

[4] Includes errors in earnings, insurance benefits and pensions, support payments, contributions, other income, and the treatment of income according to the State's policy.

[5] Includes errors in the basic budgetary allowance, special circumstances allowance, and in proper persons included in the client's budget.

[6] Includes errors in computation and in State requirements not included elsewhere.

TABLE 4.—*Eligibility Status of Adult Category Cases Receiving Assistance,[1] April 1971*

Eligibility status:	*Percent*
All adult cases	100.0
Eligible cases	95.1
Ineligible cases	4.9

[1] Includes recipients of OAA, APTD, and AB.

TABLE 5.—*Overpayments and underpayments of eligible Adult Category Cases Receiving Assistance, April 1971*

PERCENT OF ELIGIBLE CASES	
Payment status:	
All eligible adult cases[1]	100.0
Received correct amount of assistance	87.2
Received overpayment	7.9
Received underpayment	4.9
AMOUNT	
Average amount of overpayment to overpaid cases	$22.43
Average amount of underpayment to underpaid cases	$14.23

[1] Does not include ineligible cases.

TABLE 6.—*Reasons for Ineligibility, Overpayment and Underpayment of Assistance to Adult Category Cases, April 1971*

PERCENT	
Error status:	
All adult cases	100.0
Cases with error (in eligibility or payment status)	17.1
Cases with agency error only	9.6
Cases with client error only	5.8
Cases with agency and client error	1.7
Cases with no error (in eligibility or payment status)	82.9
PERCENT OF ALL CASES	
Eligibility factor causing error[1]—Cases with error in:	
Basic program requirements[2]	0.4
Resources[3]	2.5
Need—income[4]	6.6
Need—requirements[5]	7.5
Other[6]	0.1

[1] Only one factor is reported for a case. For cases totally ineligible, the first error found contributing to the ineligibility is reported. For cases with error in payment status the factor involving the largest amount of income or need is reported, although all of the errors contributing to the net error are taken into consideration.

[2] Includes errors in requirements for age, institutional status, disability or blindness, living with specified relative, and deprivation.

[3] Includes errors in such resources as real estate (home and other), insurance, savings, investments, and disposal of property.

[4] Includes errors in earnings, insurance benefits and pensions, support payments, contributions, other income, and the treatment of income according to the State's policy.

[5] Includes errors in the basic budgetary allowance, special circumstance allowance, and in proper persons included in the client's budget.

[6] Includes errors in computation and in State requirements not included elsewhere.

EXHIBIT 2

WELFARE MYTHS VERSUS FACTS

MYTH

Welfare people are cheats.

FACT

Suspected incidents of fraud or misrepresentation among welfare recipients occur in less than four-tenths of one percent of the total welfare caseload in the Nation, according to all available evidence. Cases where fraud is established occur even less frequently.

Another 1 to 2 percent of welfare cases are technically ineligible because of a misunderstanding of the rules, agency mistakes, or changes in family circumstances not reported fast enough. These are human and technical errors; it is not cheating.

While the proportion of those who deliberately falsify information is very low, both the Federal and State governments seek to eliminate them from the welfare rolls as well as to remove all errors in determining eligibility. The overwhelming majority of recipients, like most other Americans, are not wilfully misrepresenting their situations.

State agencies are required to check the eligibilty of AFDC families at least once every six months; those with unemployed fathers, once every three months. The Federal Government also analyzes State records and makes on-site checks of a portion of each State's welfare cases.

Many publicized charges of cheating or ineligibility simply have not stood up under investigation.

EXHIBIT 3

REPORT OF FINDINGS OF SPECIAL REVIEW OF AID TO FAMILIES WITH DEPENDENT CHILDREN IN NEW YORK CITY

SUMMARY OF FINDINGS

The Federal-State eligibility review carried out a comprehensive redetermination of eligibility and amount of assistance payment in a statistical sample of 543 AFDC cases on the payroll of the N.Y.C.D.S.S. between November 1, 1968 and January 15, 1969. The existence of potential resources (i.e., resources not available through some form of recipient or agency action) was also examined.

ELIGIBILITY

The review determined that 89.2 percent of all families in the sample were eligible for AFDC, 9.4 were ineligible, and eligibility could not be determined in 1.4%. It was also found that 6.9% of the families, though eligible for AFDC, included one or more family members who were improperly included in the payment because they were not individually eligible.

The principal reasons for ineligibility were: (1) that the AFDC children were not deprived of parental support or care, as required for eligibility (6.4% of all sample cases), and (2) that the families' income or financial resources exceeded agency standards (3.0% of all sample cases). . . . Ineligibility was found to have continued for periods of more than six months in 29 of the 51 ineligible cases (5.3% of all sample cases).

OVERPAYMENTS AND UNDERPAYMENTS

Payments in excess of the correct amount under N.Y.C.D.S.S. need standards were found in 29.9% of the sample cases. Amounts of overpayment ranged from $1.00 to more than $200.00. The average amount was $43.00. (The average payment in AFDC in N.Y.C. in January 1969 was $244.00.) Overpayments occurred principally because amounts included as income available to the family were incorrect or because an error was made in computing basic requirements, most often shelter costs.

EXHIBIT 4

MARYLAND JURY INDICTS EIGHT IN WELFARE SWINDLE

BALTIMORE, Aug. 7.—Three persons were arrested Friday for allegedly engineering a scheme which bilked the state welfare department of as much as $40,000 in the past four years.

Benjamin Brown, an assistant state's attorney, said at least eight persons were named in 68 indictments handed down late Thursday and more indictments were expected next week.

The scheme involved persons applying for welfare payments under false names and addresses in Baltimore, Brown said, with one individual getting more than $2,300 a month and another $1,700 monthly.

Arrested were Vernon Harris, 26, alias Anthony McCray; his brother, Percy Harris, 28, also known as Calvin Wilson, both of Baltimore; and Miss Flora Green, also known as Flora Hersey, of Hyattsville in Prince George's County.

Because the investigation is continuing, officials declined to say how the scheme came to light. The indictments by a special session of the grand jury capped a four-month investigation.

Brown, who noted the scheme did not appear to involve the collusion of state employes, said that after the recipient got on welfare rolls, his checks came to false addresses, where they were picked up by members of the ring and cashed.

Miss Green was named in nine indictments alleging she received checks totalling $1,971 between November, 1970, and last month.

Vernon Harris was named in 29 different indictments which charged he received $3,538 in welfare funds in a 15-month period, while his brother Percy was named in seven counts with accepting $754.

EXHIBIT 5

[From the Washington Post, Nov. 12, 1971]

MANDEL SAYS HE'LL PURGE WELFARE ROLL

(By Lawrence Meyer)

ANNAPOLIS, Nov. 11.—Gov. Marvin Mandel said today that he is intent upon purging ineligible recipients from Maryland's welfare rolls. He denied charges that his administration is attempting to discredit the state welfare program as a preliminary to cutting the 1973 welfare budget.

Although Mandel said he could not cite precise figures on the number of ineligible welfare recipients, he said, "We know there are a number on the rolls. We have evidence that there are a number on the rolls."

Mandel's comments on the state welfare program at his press conference here were his first since Lt. Gov. Blair Lee III said early this week, that "drastic action" would be taken to eliminate "crooks and cheats" among welfare recipients.

Lee's remarks, in an interview with two reporters, followed by several weeks the leak of a confidential report by the State Department of Budget and Fiscal Planning suggesting how Mandel might cut $20 million from the state's welfare budget.

The Mandel administration was accused today of "attempting to condition the minds of Maryland citizens to the popular myths that welfare recipients are dishonest and cheaters," by Thomas J. S. Waxter Jr., president of the Maryland Conference of Social Welfare. The conference claims a membership of 1,000 persons, including social workers and private citizens interested in welfare programs.

Waxter said the administration "is mounting a campaign to cut the budget of the Department of Employment and Social Services." As evidence, Waxter cited the budget bureau report and Lee's comments, which concerned a program under way since February by the Department of Employment and Social Services to strike ineligible welfare recipients.

Lee, who said he was using figures supplied by the state agency, estimates that at least $15 million of the $160 million in state and federal funds paid out for welfare assistance is going to persons who either are ineligible or who should be receiving reduced payments.

Don Nave, an assistant to Employment and Social Services Secretary Rita Davidson, said in an interview earlier this week that the department estimates the total overpayment at about $8 million a year.

Lee, in a separate interview, said, "It isn't worth all the hair splitting. The point is to stop worrying about this kind of nonproductive argument and get on with the job of cleaning them up."

Virtually all of the money paid out in assistance to welfare clients is state and federal money, but control and direct supervision of the distribution of these funds is left to local jurisdictions.

About 232,000 of Maryland's 3.9 million residents, are expected to receive welfare assistance in Maryland during the current fiscal year, an increase of about 51,000 over fiscal 1971. In fiscal 1973, the department estimates, another 61,000 persons will be added to the welfare rolls.

About 66 per cent of the state's welfare recipients live in Baltimore.

Mrs. Davidson's department in July, 1970, instituted a new system for applying for welfare assistance. Discarding the face-to-face interviews that had been required, the department employed a 12-page form that welfare applicants could fill out and mail to their local office. There, a local welfare official reviewed the form to see if the applicant was eligible and if he or she was, welfare payments would be made. The amount was determined by a complicated formula that allows a maximum payment of $200 a month to a family of four.

Following this initial application, welfare recipients are required—under threat of criminal prosecution—to report any change in their employment status or income. Local welfare workers also are expected to make periodic checks to see if recipients still qualify for welfare or if their payments should be reduced.

According to Mrs. Davidson and Nave, the state department, realizing that a problem existed, last February began a review of welfare recipients in Baltimore. Out of a sample of 10,000 cases, according to Nave, discrepancies were found in 1,900 cases. A careful review of 157 of these cases now has been completed, according to Nave, and the estimate that $8 million in overpayments has been made is based on that review. Lee says the true figure is $15 million.

Nave said the U.S. Department of Health, Education, and Welfare has set a standard of 3 per cent as the reasonable limit for overpayment and other discrepancies.

That is, an estimate that 3 per cent that can be tolerated, of all welfare dollars will be paid to people who should not get them is built into the program. The Maryland study shows a discrepancy of about 5 per cent.

Mrs. Davidson, Nave, Lee and Mandel all agree that a serious problem exists. That problem has two elements. One is "crooks and cheats," as Lee describes them, who though not eligible are fraudulently receiving welfare. Nave said that only 2 per cent of welfare recipients can be properly considered to be guilty of fraud.

The other element results largely from administrative problems, according to Mandel, Lee, Nave and Mrs. Davidson.

For example, welfare recipients may report a change in their employment status or income, Nave said, but city welfare workers fail to process the report. As a result, the welfare check remains unchanged and the client, having reported the change in status, assumes that he is getting what is rightfully his.

Or, the welfare workers fail to make the periodic or "reconsideration" checks on clients that the state requires. Or, the welfare workers fail to process the reconsiderations when they are sent in by the welfare client.

Mrs. Davidson said Baltimore City has a backlog of 28,000 unprocessed reconsiderations. Past attempts to persuade city welfare workers to deal with this administrative problem have been unsuccessful, she said. Mandel said today that it is this "administrative failure" that is largely accountable for the overpayment problem.

Mandel said Mrs. Davidson had carried a message from him to Baltimore's welfare workers, "That if we don't get cooperation, drastic measures will have to be taken." He declined to say what the measures might be.

Mrs. Davidson said recently that she has reached agreement with the city welfare department and expects to make significant progress on the problem.

Maryland presently sets a standard of $3,958 as the subsistence level, or amount of annual income needed to live, for a family of four. The present welfare payment of $200 a month is only about 61 per cent of that standard. Mrs. Davidson, who sought unsuccessfully last year to increase the payments to 65 per cent of the standard, is asking for $35.5 million in fiscal 1973 to cover the additional case load expected and to raise benefits.

Lee made it clear to reporters that no increase in benefits could be expected until the welfare rolls were "cleaned up." Mandel, citing the overpayments and a projected budget deficit in fiscal 1973, says the prospects are not "optimistic" for increasing benefits.

Mandel denies any connection between the leak of the budget bureau report, which suggested lowering the subsistence standard and raising the eligibility requirements, and Lee's strong statements. "The fact that the budget bureau made a report is totally unrelated to the discussion of the question by the lieutenant governor," Mandel said today. "There is absolutely no relationship there.

"I don't think any of us would condone keeping in the system those who are not entitled to benefits," Mandel said, because the ineligible cost taxpayers unnecessary dollars and deprive the eligible of what is rightfully theirs.

With the state facing a budget deficit, some observers who believe that the state's welfare benefits already are too low—although Maryland was one of only seven states to increase benefits this year—fear that Mandel is beginning a campaign against welfare.

"I can only believe," Waxter said today, "that the governor finds it politically expedient on the state level to encourage popular prejudices against the welfare recipients when he is faced with the pressures of a rising case load in Maryland."

Lee denies that there is any campaign against welfare. "If we have to cut it back (the welfare budget)," he said earlier this week, "we don't need a campaign."

EXHIBIT 6

[From the Evening Star, Jan. 9, 1971]

TWENTY-TWO PERCENT OF WELFARE RECIPIENTS DROPPED FROM NEVADA ROLLS

CARSON CITY, NEV.—Nevada has dropped 22 percent of its welfare recipients—about 3,000 men, women and children—on grounds they've been cheating the state to the tune of about $1 million a year, according to Welfare Director George Miller.

Miller yesterday said the recipients, including 889 family units, were cut off relief rolls as they were discovered.

The fact that a door-to-door check of aid recipients in Nevada was being conducted was not disclosed until it was completed.

Miller said he believed Nevada is the first state to make such a check and that similar ones would turn up even more cheating in other states.

"The other states are in much worse boats, they just haven't found out about it yet. The only reason Nevada could is that it's small enough to take an inventory," Miller said.

Miller blamed the cheating mainly on a federal rule that allows applicants to get aid merely by declaring they meet all qualifications.

Most of those declared ineligible—658 income sources, unemployment benefits or that there was a man living in the home, Miller said.

Most of those cut off failed to report other families of the 889 families—came on welfare after the start of the declaration system in June 1969, he said. Payments to the now ineligible families have averaged $87.20 a month.

The bulk of those found ineligible were in Nevada's two urban areas, Las Vegas and Reno. The rest of Nevada is mainly rural "and it's hard to cheat in the rural areas because everyone knows everyone else and what their facts of life are," Miller said.

EXHIBIT 7

STATE OF NEW YORK RELEASE, DECEMBER 3, 1971

Governor Rockefeller today released the fourth monthly report from Social Services Commissioner George K. Wyman and Industrial Commissioner Louis L. Levine on the operation of the Governor's 1971 Welfare Reform program:

STATE OF NEW YORK,
DEPARTMENT OF LABOR,
Albany, N.Y., November 30, 1971.

The Honorable NELSON A. ROCKEFELLER,
Governor,
State of New York,
Albany, N.Y.

DEAR GOVERNOR ROCKEFELLER: This is the fourth monthly report on employment referrals and job placements under your welfare reform program. It is the second time a joint report on this program is being made by the Department of Social Services and the Department of Labor which share responsibility for implementation. Cooperative efforts by these departments to unify the reporting system have made substantial progress toward this end. The report on the December activity is expected to reflect the result of this combined effort.

The October statistics show a decline in the number of referrals to the Division of Employment, reflecting the action taken in the first three months of the program which resulted in job placements and removal from the public assistance rolls and also New York City action on those who claim to be unemployable.

In October

2,229 public assistance recipients found employment. It brings to 11,142 the number who have taken jobs since the program went into effect on July 1.

3,733 were removed from the public assistance rolls for failure to comply with the work requirements, bringing the four-month total of those for whom assistance was terminated to 15,833.

A more detailed report on our findings for October indicates that:

51,416 recipients were referred to the Division of Employment.

15,077 recipients, 29% of those referred, have failed to comply with the requirement that they report, accept work, job referrals, or training.

8,666 individuals, 58% of those who failed to comply with reporting requirements, have had their cases reviewed by local welfare districts and a final determination of their eligibility has been made.

Of these cases which have been disposed of, 3,733, 43% have been dropped from the welfare rolls.

2,971, 34% have been reclassified as nonemployable.

1,445, 17% were found to have been temporarily ill or with a valid reason for not reporting and have been re-referred to the Division of Employment.

517, 6%, applications denied or withdrawn.

Of the 36,339 who did comply, 2,229 have been placed in jobs.

Of 51,416 of those referred, 3,733, approximately 7% were dropped from the rolls during the month of October.

Sincerely,

LOUIS L. LEVINE,
State Industrial Commissioner.
GEORGE K. WYMAN,
State Commissioner of Social Service.

EXHIBIT 8

STATE OF NEW YORK RELEASE JANUARY 7, 1972

Governor Rockefeller today released the fifth monthly report from Social Services Commissioner George K. Wyman and Industrial Commissioner Louis L. Levine on the operation of the Governor's 1971 Welfare program:

STATE OF NEW YORK,
DEPARTMENT OF SOCIAL SERVICES,
Albany, December 30, 1971.

Honorable NELSON A. ROCKEFELLER,
Governor, State of New York,
Albany, N.Y.

DEAR GOVERNOR ROCKEFELLER: This is the fifth monthly report on employment referrals and job placements under your welfare reform program. It continues to show noticeable progress in the realization of the welfare reform objectives of helping recipients to self-sufficiency and restoring public confidence by removing from the rolls those who are unwilling to comply with work reporting and counseling requirements.

November showed a 4.1% increase over October in the number of recipients placed in jobs, and a 16.1% increase in the number who were dropped from the welfare rolls for failure to comply with the requirement that they report, accept work, job referrals, or training.

It is important in analyzing the figures to note that the number of persons required to report to the State Employment Service in November totaled 50,532, approximately three percent of the 1.7 million recipients currently on public assistance rolls. We are continuing to screen this caseload to determine the number of additional persons considered employable by legislative definition.

We are pleased to report that the main field phase of a special study of this program has been completed, a joint undertaking by our departments, the United States Department of Labor and the United States Department of Health, Education, and Welfare, and analysis of the data collected is now underway. This study will yield information not otherwise available on the characteristics of employables required to report, particularly as related to job placement, failures to comply, and local social services agencies' disposition of such failures to comply.

In November:

2,320 public assistance recipients found employment, 4.1% more than October. It brings to 13,462 the number who have taken jobs since the program went into effect on July 1.

4,335 were removed from the public assistance rolls for failure to comply with the work requirements, 16.1% more than October. This brings the five-month total of those for whom assistance was terminated to 20,168.

A more detailed report on our findings for November indicates that:

50,532 recipients were referred to the Division of Employment.

15,528 recipients, 30% of those referred, have failed to comply with the requirement that they report, accept work, job referrals, or training.

11,268 individuals, 72.6% of those who failed to comply with reporting requirements, have had their cases reviewed by local welfare districts and a final determination of their eligibility has been made.

Of these cases which have been disposed of, 4,335, 38.5% have been dropped from the welfare rolls.

4,911, 43.5% have been reclassified as nonemployable.

1,466, 13% were found to have been temporarily ill or with a valid reason for not reporting and have been re-referred to the Division of Employment.

556, 5% applications denied or withdrawn.

Of the 35,004 who did comply, 2,320 have been placed in jobs.

Of 50,532 of those referred, 4,335, approximately 9% were dropped from the rolls during the month of November.

Sincerely,

GEORGE K. WYMAN,
State Commissioner of Social Services.
LOUIS L. LEVINE,
State Industrial Commissioner.

EXHIBIT 9

[From the New York Times, Jan. 4, 1972]

SUGARMAN PLANS DRIVE TO CUT WELFARE BACKLOG—H.R.A. CHIEF SEEKS TO SAVE CITY $2 MILLION MONTHLY BY CLEANUP PROJECT

(By Peter Kihss)

A drive to clear up a paper-work backlog in processing welfare cases, aiming to save the city $2 million a month by earlier closings alone, was announced yesterday by Human Resources Administrator Jule M. Sugarman.

The plan has authorized the spending of $355,000 for 52,685 hours of paid overtime to reduce a backlog of 161,724 transactions. Of these, 10,400 represent suspensions and terminations on which delay could cost up to $24 million on an annual basis.

Mr. Sugarman said the extent of the backlog became known as a result of new management approaches and also the virtual completion of a separation of payment and casework functions.

CENTER 45 DAYS BEHIND

The 13-week cleanup plan followed a report by the new office of management engineering under Deputy Administrator Arthur Spiegel that showed the Waverly Center, with a top backlog of 19,544 actions, 45 days behind in its work. The report said some centers had transactions awaiting action since last February.

A part of the backlog involves terminations required by state law effective last July 1 for employables who fail to pick up checks in person or to take jobs or training through state employment centers. Mr. Sugarman said, however, that such clients' checks go to the state centers where the so-called "no-shows" then cannot collect them.

A breakdown of the backlog, in addition to the 10,400 pending closings and suspensions, listed approximately 5,100 cases as involving suspected fraud. Other categories were 1,000 new applications, 6,500 reclassifications, 22,200 budget changes, 15,200 transfers (usually between centers), 1,000 changes of address, 45,450 "filing work" and 57,000 "others."

CHANGE-OVER A FACTOR

Mr. Sugarman said the savings from speeding closings would be augmented also by swifter recovery in identifying duplicate check frauds, which have been estimated as high as $4 million a year.

The management staff report attributed the growth of the backlog in part to disruptions of former administrative processes during the two years of change-over to the separation system, some caused by "numerous widespread and localized work actions" by employes.

Another factor was described as the increase in case load while the Department of Social Services staff engaged in income maintenance had decreased. The number of caseworkers has gone from 9,500 to something over 5,000 in three years, although about 1,900 employes have been hired in other categories since last October.

The welfare case load has risen to 485,766 cases involving 1,228,274 persons through October, with a rise of 12,456 persons that month bringing the average growth since the city budget year started last July to 8,175 persons a month.

The upward spurt occurred despite the new "get-tough" state law changes, and followed an actual average monthly decrease of nine persons from the rolls during April, May and June.

EXHIBIT 10

[From the Washington Post, Jan. 7, 1972]

DISTRICT WELFARE SEEN OVERPAYING—STUDY SHOWS OTHERS ARE UNDERPAID

(By J. Y. Smith)

About 6,000 of the 100,000 welfare recipients in the District of Columbia may be ineligible for any of the benefits they are receiving.

About 17,000 of the 85,000 persons receiving benefits under Welfare's Aid for Families with Dependent Children program may be receiving more than they are entitled to.

Another 7,650 AFDC beneficiaries may be receiving less than they are entitled.

These are among the major findings of a study carried out by District welfare officials and submitted to the Department of Health, Education, and Welfare. The figures—the first of their kind to be made public here in recent years—are based on a "quality control" report covering the period from last April 1 to June 30.

"Quality control" is a process under which welfare families are selected at random and subjected to a full investigation of their circumstances. Based on the results of the investigations, officials make statistical projections to determine the probable margin of error in the entire case load.

The April–June study was submitted to HEW as part of a federal effort to determine the margin of error in the nation's welfare programs.

HEW released the results of the national survey Monday. They showed, according to a statement, "that approximately 5 per cent of the nation's welfare families were ineligible for payment they received in April, 1971."

For AFDC families, who make up the largest category of welfare recipients in the country, 5.6 per cent (6.2 percent in D.C.) were totally ineligible for benefits, 14.6 per cent (20.5 per cent in D.C.) were receiving overpayments, and 9.7 per cent (9.2 per cent in D.C.) were receiving underpayments.

Joseph P. Yeldell, the new head of the District's department of human resources, commented that the HEW reports showed that the number of "frauds on welfare rolls here is extremely small." He said he would make every effort "to clean the rolls of these frauds" while ensuring that eligible clients receive all they are entitled to.

The D.C. Revenue Bill, passed by Congress in the closing days of the last session, directed the city to hire 45 welfare investigators to cut down on the rising case loads here and on fraud. Congress provided $204,000 for this purpose.

Last Nov. 20, Superior Court Judge Paul F. McArdle sentenced Ethel Holden, 23, of 1604 16th St. SE, to 18 months in jail after her conviction on three charges of fraud.

Mrs. Holden was the first person convicted of welfare fraud here since 1968, according to Kenneth West, assistant D.C. corporation counsel. At that time, officials said about one dozen other cases were being reviewed but that only a few involved violations flagrant enough likely to result in court action.

Congress also cut $5 million from the sum District officials said they needed to maintain welfare payments at their present levels. This level is 75 per cent of the standard of living ($3,816 a year in D.C.) as determined by the Department of Labor in February, 1970. For an AFDC family of four that pays no more than 25 per cent of its income for rent, this amounts to a monthly welfare payment of $238.50.

Congress said payments could be maintained at the 75 per cent level if overpayments and frauds were eliminated.

At a meeting this week with Etta Horn, president of the City-Wide Welfare Rights Organization, Yeldell said that "frauds" here were "extremely small."

Mrs. Horn and a dozen members of her group, one of two principal welfare rights groups in the city, called on Yeldell to ask, among other things, how the 45 investigators would be used.

"We want no surveillance of our homes, no searches and seizures, nobody looking under the beds, no questions of the neighbors, no degrading questions, and no Gestapo tactics," Mrs. Horn said.

The city's other welfare rights group, which is the local affiliate of the National Welfare Rights Organization, has expressed similar concerns to Yeldell. He has promised there will be "no return to the day of investigators looking under beds." He said the U.S. Supreme Court had thrown out the rule that would deny an AFDC beneficiary any benefits if there were a man in the house.

Yeldell emphasized that he has not decided precisely how the investigators would be utilized or how they would operate. He said he would not make a decision on this without further consultation with Mrs. Horn's group and other interested parties.

Under the present quality control system, investigators made appointments with the families to be investigated. The Supreme Court has ruled that, with or without an appointment, a welfare recipient does not have to admit an investigator to the household.

Henry R. Ronson, who is in charge of quality control in the District, said that the average overpayment, based on the sampling submitted to HEW, was $46 per month. The average underpayment was $18 per month. For families who were not eligible for any benefits, the average payment was $168 per month.

According to both Ronson and Yeldell, the major factors leading to error are mistakes in determining the number of people in a household and failure to take into account outside sources of income, such as part-time employment, child-support payments, or retirement benefits.

Most of these errors are caught within three months, Yeldell said, and many of them are reported by the clients themselves.

Last November, the most recent month for which figures are available, the District paid out $6.5 million in welfare payments in 40,343 cases, representing 102,160 people. If that level were maintained, the annual welfare bill here would be $78 million, not counting salaries and other administrative costs.

But Ronson and other officials point out that the case load has been rising at a rate of nearly 1,000 a month.

Ronson estimated that, despite quality control, as much as 10 per cent of the annual outlay may go to overpayments and outright frauds. But he emphasized that this was a high estimate. It would amount to $7.8 million at the current rate of spending.

Comer Coppie, Mayor Walter E. Washington's budget adviser, recently estimated that the loss due to fraud and other causes was less than $5 million.

In his meeting with Mrs. Horn, Yeldell pledged that there would be no cutback in welfare payments despite the trimming of the budget by Congress.

Prior to passage of the city budget, Congress had threatened to cut $8 million from the welfare request. Welfare officials reacted by saying such a cut would result in halving payments to recipients. Congressional critics of welfare told the city it could make up the difference by cutting out overpayments and ineligible recipients.

Congress later restored $3 million of the amount cut. City welfare officials still argue that they do not have enough money allocated to maintain payments at existing levels, although they promise recipients that payments will not be cut.

They'll try to make it by cutting down on mistakes, and then seeking from Congress supplemental appropriations or the permission to reallocate appropriation within the city budget.

Under law, D.C. officials cannot transfer more than $25,000 from one part of the budget to another without congressional approval.

On another matter, Yeldell told Mrs. Horn that he has not determined how to implement a congressional mandate concerning the rent allotments for welfare recipients.

The order, also part of the D.C. Revenue Bill, said that if a welfare client fails to pay his rent within 10 days of the due date, the landlord can ask Mayor Washington to withhold the rent from the welfare check and pay it directly to the landlord. Before the mayor can do this, the law said, the landlord must demonstrate that the premises in question meet all health and building code regulations.

Mrs. Horn characterized this regulation as "demeaning" and "unconstitutional."

Yeldell said one study showed it would cost $500,000 and 50 employees to implement the provision.

"I don't have the money and I don't have the staff right now," he said.

Mrs. Horn replied that she hoped he would put the law into effect so that her group could challenge its constitutionality with the aid of the Urban Law Institute.

Yeldell said he agreed that the constitutionality of the statute should be tested in the courts.

Exhibit 11

[From the New York Times, Nov. 16, 1971]

Welfare Fraud: Laid To Laxity by City

(By Alphonso A. Narvaez)

The state's Welfare Inspector General yesterday sharply criticized the city administration of the welfare program and said that frauds were made easier here by laxity and permissiveness on the part of Social Services Department personnel.

George F. Berlinger, who was appointed to the post in August by Governor Rockefeller, charged that frauds were encouraged by the attitude of some of our welfare officials who say, publicly, that "these are not serious crimes and excuse violators because they are subject to 'strains and stresses.'"

Mr. Berlinger told about 60 persons attending the 105th annual meeting of the Brooklyn Bureau of Community Services at the Bossert Hotel, 89 Montague Street, that "an attitude of tolerant laxness seems to pervade the city's welfare administration and this, I believe, leads to all sorts of abuses within the system."

Mr. Berlinger said his office had received more than 3,000 complaints of alleged frauds and abuses from persons who "are incensed that others are receiving funds improperly through deceit, fraud or as a result of administrative inefficiency."

He said that he was "shocked" at the number of frauds involving persons receiving Aid to Dependent Children allotments and the number of duplicate checks issued by the Department of Social Services.

Abuses alleged by Mr. Berlinger included:

A woman receiving $241 a month for the last 18 months after having declared that her husband had deserted her. Investigation disclosed that the husband still lived at home, earned $4.28 an hour and owned a 1971 Mercury. The family had received $5,663 in Aid to Dependent Children payments.

A similar case involving an "absent husband" who is actually living with the family and earning $132 a month. The family had received $9,458 in Aid to Dependent Children payments over the last 38 months.

A Bronx woman who had been receiving a $274 a month for Aid to Dependent Children while working and earning $135 a week. Total overpayments since May, 1966, when she was placed on the rolls, were $17,509.

A man who was receiving two checks from the same welfare center. The case was discovered when he went to a New York State employment office to pick up his checks and a clerk noted that there was two made out for the same person.

EXTENT OF FRAUD A SURPRISE

Mr. Berlinger said that when he took over the post of Inspector General, which was created by the state legislature to weed out corruption, fraud and inefficient administrative practices, he felt that the welfare program was not being administrated properly.

"I knew there was fraud," he said, "but I didn't realize it was to this extent."

Robert F. Carroll, assistant administrator of the Human Resources Administration, which oversees the Department of Social Services, denied Mr. Berlinger's charges.

"The Inspector General has once more put forth a series of speculations and possibilities unsubstantiated by investigation serving only to cast doubt and suspicion on the poor," Mr. Carroll said.

"During the six months since the creation of his office not a single fraud case has been referred to the District Attorney and only 19 unsubstantiated cases were referred to the Department of Social Services, five of which were child abuse cases, having nothing to do with fraud."

Exhibit 12

[From the Washington Post, Dec. 12, 1971]

Welfare Cheating Ring Uncovered

(By Jim Mann)

One day last winter, Richard Smith, a quiet, unassuming welfare supervisor in Prince George's County, noticed something peculiar as he looked through the pile of papers on his desk.

That day there had been three different applications to the county's department of social services for "emergency" welfare assistance, submitted by women whose children included twins.

Knowing that twins are relatively rare, Smith grew suspicious and began to investigate.

The result, four months later, was the discovery that an organized ring has been cheating the county out of about $40,000 in welfare and food stamp benefits.

The investigators learned that women applying for welfare exchanged wigs among themselves in order to change their appearance, and often gave non-existent addresses when they applied for welfare help.

At one point, Prince George's warned three neighboring Maryland counties to beware of one "Red Willis" and his brown Cadillac, said to be roving the area with a number of women who were schooled to apply for welfare.

Welfare officials across the state exchanged notes and photographs of people they suspected were submitting fake welfare applications.

Federal investigators from the Department of Agriculture quietly attempted to take pictures of people applying for food stamps.

And some measures taken in an effort to halt the fraud were met by sophisticated countermoves on the part of the welfare recipients.

"Most of our clients are still honest," Smith said in a recent interview. "But for someone who is criminally inclined and wants to pick up $200, it (welfare fraud) is cheaper than bank robbery; it's easier to get away with, and it involves a lesser charge if you're caught."

Smith and Prince Georges County are far from alone in their problems. Officials in many other jurisdictions across the country, including the District of Columbia and Baltimore, have had their own cases of food stamp fraud, sometimes with greater losses than Prince Georges.

But the Prince Georges episode illustrates the dilemma facing welfare officials generally as they attempt to guard against fraud while at the same time taking care of people who legitimately need help.

At the root of the fraud in Prince Georges County is the so-called "declaration" system of applying for welfare and food stamp benefits—especially as this system relates to "emergency" or immediate assistance.

(Food stamps are coupons sold for a price below their face value, to recipients who later use them like cash to buy food at a grocery store or supermarket.)

Basically, the declaration system means that a local welfare agency accepts a request for welfare benefits and distributes money or other aid without any prior investigation to determine if the applicant's claims are true.

The rationale is to avoid the invasions of privacy and atmosphere of suspicion that, civil libertarians have argued, have often pervaded welfare programs. There are no home visits, requests for birth certificates, or other checks.

SAVES HIGH COSTS

Supporters of the declaration system also argue that it saves the high oosts of policing welfare programs and investigating every single application.

About half of the states operate under a declaration system for the largest and most common welfare program, known as aid for families with dependent children (AFDC). Those states include Maryland and the District of Columbia, but not Virginia, in which some but not all counties operate under a declaration system for AFDC payments.

Ordinarily, even under the declaration system, there is a delay between the time a person fills out a welfare application and the time he or she receives the benefits.

But it is possible in many places, including the District of Columbia, Maryland and parts of Virginia, to receive "emergency" aid—to fill out an application and then receive cash or food stamps on the same day.

The aim of emergency assistance is to provide immediate help for those who need it—people who have been evicted, or disabled, or who have no money to feed their children.

In Prince Georges, the emergency aid was at the heart of the fraud scheme uncovered by Smith.

Alerted by the recurrence of twins, Smith decided to check the recent emergency applications in the county. He discovered that over an eight-day period, the department had received 12 different applications from people who brought notes from their landlords saying they had been evicted.

Seven of the 12 cases involved women with twins.

Smith and other officials then sent out letters to these 12 people at the addresses listed on their applications. All the letters came back stamped "addressee unknown."

Smith wrote a memo to his superiors on Feb. 11 stating his conviction that there was "an organized kind of fraud, the twins being added so that there are a large number of children who are preschool age (so we cannot call schools and easily verify existence)." In general, the more children an applicant has, the more welfare money she receives.

CAREFUL CHECK MADE

For the next several months, welfare workers were under instructions to check carefully all persons who applied for emergency aid.

Several times, when women did apply for emergency benefits, and welfare workers explained that the names and birth dates of their children would have to be verified through hospital records, the women walked out of the office.

(Smith says that the welfare office will not detain or arrest an individual until it is absolutely certain it can prove fraud.)

The workers noticed, Smith recalls, that the women applying for emergency welfare—the ones who walked out of the office when questioned—were "so much better dressed than anyone else, including the workers. They went first class."

But the scheme continued, because the emergency applicants changed their tactics. So that they wouldn't be recognized, Smith says, the women wore different wigs, which they exchanged among themselves.

After a while, their stories were not always the same, either. Sometimes they had twins and sometimes they didn't. Sometimes, they said they needed emergency help because they were evicted; sometimes they said they needed help because they or their husbands were disabled.

Usually the welfare office would discover it had been defrauded only after the emergency help had been given.

For example, one applicant brought a detailed statement of physical disability, complete with blood pressure, pulse rate and an illness that was described in technical medical terms.

Much later it turned out that the disability was similar—and the blood pressure and pulse rate were identical—to those on at least one other disability statement submitted under a different name.

In addition, the welfare office began to discover that it was being cheated out of other payments besides those initial emergency payments.

Ordinarily, so long as a woman applying for emergency aid also qualifies financially for regular monthly AFDC (welfare) checks, the county routinely begins mailing those checks the month after it gives emergency payment.

NONEXISTENT ADDRESSES

Smith said that sometimes, because the applications for emergency aid gave addresses that did not exist, the AFDC checks for the following months would be returned by the post office.

But sometimes, Smith says, those women gave real addresses and managed to keep and cash subsequent checks as well as the emergency checks. Welfare officials later discovered that these addresses were sometimes used several times under several different names.

"We lost so much money to one address on Southern Avenue that we could really have improved the neighborhood," Smith says.

On a few occasions, too, the women would not apply for emergency assistance at all, but would apply for regular public assistance at the outset.

"As we would get more sophisticated, so would they," Smith says. "We underestimated them completely."

In mid-April, county officials got what they thought was a break. A woman applied for emergency assistance, and while she waited in the office, the welfare worker, checking carefully, discovered that she had given a phony address.

This time—in contrast with similar cases in the past—the woman did not get up and walk out. Instead, she calmly told welfare officials a lengthy story about how she had come to apply for welfare.

According to welfare officials, the woman said she had been picked up in the District of Columbia by a man named Red Willie who drove a brown Cadillac and taught women how to apply for welfare.

The woman also said that "Red Willie" claimed to be in league with welfare department staff members, according to welfare department officials.

How much if any of what the woman said was true, or whether there actually was a "Red Willie," has never been determined.

COLLUSION DENIED

Smith dismisses the idea that any welfare official was involved in the fraud scheme, and federal investigators, who have since conducted investigations in Prince George's, say there is absolutely no evidence of any collusion by officials.

Smith says he assumes some women were, in fact, told that a supervisor was cooperating, by someone who later took a portion of the welfare checks "for the supervisor" and kept it himself.

In any case a few days later after the Red Willie incident the Prince George's department of social services sent out an official letter to its counterparts in Montgomery, Anne Arundel and Baltimore counties and Baltimore city, warning them that Red Willie and his brown Cadillac might strike at their offices, too.

Such contact with welfare and food stamp officials in other counties was beginning to produce results. District of Columbia officials provided Prince George's with a full report, including names and photographs, of people suspected of welfare and food stamp fraud in the District. Baltimore City also reported it was having troubles strikingly similar to those in Prince George's.

FEDERAL PROBE PUSHED

In addition, federal food stamp investigators, under the direction of Department of Agriculture Inspector General Nathaniel Kossack, noticed apparent irregularities in Washington-area food stamp programs and began their own investigation, in Prince George's County and other jurisdictions.

At one point, Smith says, Prince George's officials attempted to call a person suspected of participating in the fraud scheme into their office, so that federal officials could take pictures of that person receiving food stamps. It never happened, because the suspect would not come into the office, Smith says.

It was apparently not the only time during their Maryland investigation that federal investigators tried to take pictures of food stamp recipients.

Beulah Carter, director of social services for Caroline County on Maryland's Eastern Shore, says that pictures were taken in her county of a food stamp recipient suspected of fraud.

The federal investigators arranged to have local police photograph the recipient through a telescopic lens at a prearranged signal as the woman was leaving the county courthouse, Mrs. Carter says. The picture was taken, but Mrs. Carter says the suspect turned out to be a legitimate food stamp recipient.

Federal officials have refused to comment on the reported picture-taking. Kossack said he does not discuss his department's investigative techniques.

Meanwhile, in early May, the Prince George's department of social services began to examine every single public assistance case it had processed since the previous September—about 2,000 in all.

That study has turned up at least 45 different cases of fraud between September, 1970, and June, 1971. These 45 cases cost a total of "between $20,000 and $45,000—maybe more," Smith says, in welfare benefits. (Of those welfare costs, 50 per cent are paid by the federal government.)

Those laws generally were in the form of AFDC checks of $200 to $300 per month. Smith says, but the study uncovered one woman apparently participating in the fraud who was receiving a check of $700 per month.

Those dollar estimates include only the money lost in welfare benefits. Most of the people obtaining welfare assistance also obtained food stamps at the same time, Smith says. He estimated that the food stamp losses amounted to about 45 per cent of the welfare losses—roughly $10,000 to $20,000.

ADDITIONAL LOSSES

It is possible there were additional losses besides, Smith says that those people who were discovered to be using fake names and addresses also obtained medicaid cards, enabling them to get medical care at public expense. But he says that his department does not know whether these cards were used.

In June, Prince George's officials began contacting and questioning most people who had received emergency assistance or who were otherwise suspected of being involved in the fraud scheme.

"The heat was really on," Smith says. Within weeks, applications with fake names and fake addresses stopped coming in.

No criminal charges have been filed in connection with the fraud in Prince George's.

Smith says the scattered instances of fraud "are continuing in Prince George's, but not on the scale that occurred earlier this year."

In an effort to further cut down on the possibility of fraud, Smith said, Prince George's County will begin within a week or two to check all Social Security numbers of welfare recipients against computerized records.

But this screening will not affect the emergency food program. The social security numbers will not be checked until after a person is given emergency assistance or emergency food stamps, Smith said, unless for some reason an official becomes suspicious of the emergency application.

As Smith admitted to a reporter: "If you wanted to come in here tomorrow dress shabbily, say your name was Ralph Roystor Doyster, and show us you are out of work, you could get public assistance for 90 days."

EXHIBIT 13

[From the Washington Post, Jan. 4, 1972]

FIVE PERCENT HELD INELIGIBLE FOR RELIEF

(By Vincent J. Burke)

A government survey indicated yesterday that erroneous welfare payments are going to one-fourth of the nation's welfare families and to one-sixth of the aged, blind and disabled on the rolls.

Officials said these errors may be costing the taxpayers half a billion dollars a year.

The Health, Education and Welfare Department said that of the 2.7 million welfare families with children it appeared that 14 per cent are being overpaid, 9 per cent are being underpaid and 5.6 per cent—or about 160,000 families—are ineligible for any payment.

Similar errors occur in payments to one-sixth of the 3.1 million aged, blind and disabled welfare recipients, the survey indicated. Of the 3.1 million, 4.9 per cent—or about 155,000 persons—appear to be ineligible for any payment.

HEW conducted the survey in 41 states. It said more than one half of the erroneous payments resulted from "honest mistakes" by state and local welfare offices. Most of the other wrong payments, it said, were due to honest mistakes by recipients. Fraud accounted for only a small fraction of the total, according to HEW.

If all of the errors could be corrected, officials said, there might be a net taxpayer savings of $500 million in welfare costs, which are now running $9.6 billion a year. But they told a news conference there was no hope of correcting the errors without a massive overhaul of welfare management.

The officials said the survey documented that the management of welfare—now handled by 1,152 state and local offices—is breaking down under a flood of excessive paperwork, complex rules and antiquated techniques. Unless this is changed, they said, taxpayers can have no confidence in the operation of public assistance.

The remedy, they said, is to jettison the existing "non-system of management and erect in its stead a national uniform automated system of income maintenance, such as that embodied in President Nixon's welfare reform bill."

This appraisal was given at a news conference by Dr. Richard P. Nathan, HEW deputy under secretary who is charged with planning all details of the proposed new federal welfare system, and John Twiname, administrator of HEW's social and rehabilitation service, which provides federal grants to help finance the existing state-run welfare systems.

EXHIBIT 14

SAM A. WEEMS,
PROSECUTING ATTORNEY,
SEVENTH JUDICIAL DISTRICT,
FEBRUARY 26, 1972.

Senator RUSSELL LONG,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am enclosing a copy of a Grand Jury report just released by one of the counties in my district regarding welfare. Some of the points referred to in the report were mentioned in my testimony before your committee.

It is regretable that action such as this has to be taken.

Sincerely yours,

SAM A. WEEMS.

GRAND JURY REPORT

(In the Circuit Court of Lonoke County, Ark.)

To: The Honorable William Lee, Circuit Judge within and for the 17th Judicial District of the State of Arkansas, of which Circuit Court, Lonoke County, is a part:

The Grand Jury selected and empaneled for the regular February, 1972 terms of the Lonoke County Circuit Court, desires to submit the following as a full report upon the labors performed by said body upon the three days it has been in session.

During the past several months there has been a great deal of publicity arising from investigations made by the prosecuting attorney's office of the 17th Judicial District as to the welfare program of said Lonoke County.

It was felt by the Grand Jury that an investigation of this matter be conducted; and the prosecuting attorney of the 17th Judicial District in response to the Grand Jury's desire to inquire into the welfare question requested that this Grand Jury at the conclusion of its investigation submit a detailed report of its findings and document whether or not there was justification for prior investigations made by the prosecuting attorney's office. The following is the position of the Grand Jury:

The Grand Jury has subpoenaed and interviewed a number of witnesses and has studied heretofore subpoenaed welfare department files. Based upon the interviews with witnesses and a review of said files, the Grand Jury instructs the prosecuting attorney in and for the 17th Judicial District to file criminal informations charging twenty five individuals with obtaining property under false pretenses.

The most serious aspect of the above mentioned cases is the fact that officials of the Arkansas Welfare Department knew of these cases and did little, if anything, to correct the situation.

The findings of the Grand Jury are: that the local county welfare office is doing a good job. However, it is this Grand Jury's findings that there is a serious problem with the Lonoke County Welfare System that is caused by officials in the department in Little Rock.

The Grand Jury will cite the following examples of the breakdown of the welfare system.

1. Even though all of the cases cited above were known to officials in the Arkansas Welfare Department they expressly failed and concealed these cases from criminal prosecution. This Grand Jury determined that the officials of the department had never prior to this investigation referred a single case of any type fraud to the prosecuting attorney for action.

2. The Grand Jury after examining several witnesses concluded that a local employee, Johnnie Davis, referred the above cases to the prosecuting attorney's office. He thereupon subpoenaed the above said case files. This employee has now been discharged by the Welfare Department, even though she lacked some five months having worked twenty (20) years for the Arkansas Welfare Department.

It seems strange to this Grand Jury that her services were no longer needed when the above cases were revealed.

The proof is: (a) That she was given some two days' notice of her dismissal. (b) That her performance evaluation sheets made by her supervisors rate her as a satisfactory employee. (c) That on October 12, 1971, the Lonoke County Welfare Board met with Mr. Dalton Jennings, Commissioner of the Welfare Department and requested that Mrs. Davis not be discharged. At the time of the meetings the Commissioner was rude and abrupt with the local board. (d) On October 12, 1971, the entire Lonoke County Welfare Board signed the following letter that was sent to Mr. Dalton Jennings, Commissioner:

"After our meeting October 12, 1971, in regard to Mrs. Johnnie D. Davis, employee of Lonoke County Social Services Office, the Lonoke County Welfare Board has discussed the matter at length and are asking you to reconsider your decision and reinstate her as caseworker in our county. After hearing her case, we feel she has the welfare work at heart and has proven her ability in public relations. We feel she will be on the job full time and carry her share of the work. Mrs. Davis is highly respected in our county and we have come to the conclusion the trouble is some animosity coming from the State Social Service Office. We think we are due the respect of this Commissioner of Arkansas State Social Service Office toward our people in our county."

It is the conclusion of the Grand Jury that it is very clear that the Commissioner does not have any respect or consideration for the local board.

That on October 22, 1971, each of the seven duly elected county officials wrote a letter to the Commissioner requesting Mrs. Davis to be reinstated. The county officials stated: "Mrs. Davis is highly respected in our county and we have come to the conclusion the trouble is some animosity coming from the State Social Service Office.

There is no doubt to this Grand Jury that the true reason why Mrs. Davis was dismissed with only two days' notice is because she cooperated with the prosecuting attorney of this judicial district in seeking prosecution of the above mentioned cases.

This Grand Jury commends Mrs. Davis's courage in seeking to convert a very bad situation.

This Grand Jury further takes the position from the proof offered that officials from the State Welfare Department have deliberately hampered the prosecution of fraudulent cases and that said officials have in fact steadfastly refused to cooperate in any manner whatsoever with proper officials in the judicial branch of government.

Exhibits have been produced to the Grand Jury dated February 14, 1972 from the office of the Secretary of the Department of Health, Education and Welfare, wherein the following official federal position was stated: "Disclosure required under mandatory fraud referral procedures, HEW's regulations specifically require state welfare agencies to cooperate with law enforcement officials in developing procedures for referral of situations in which the existence of welfare fraud is suspected by the welfare agency itself. Under such procedures, of course, the State Welfare agency has an affirmative obligation to disclose to law enforcement authorities all information it has concerning a welfare recipient which is pertinent to the question of welfare fraud."

The Grand Jury also heard testimony from the U.S. Department of Agriculture's Food Stamp Director for Arkansas. The testimony was that this department also had a policy to prosecute fraud cases and to cooperate with local enforcement officials.

It is clear from the proof that the State Welfare Department has not followed this policy. In fact it is apparent to this Grand Jury that the Commissioner, Dalton Jennings, and his staff maintain a complicated reporting system that insures a lack of cooperation with local enforcement officials and makes it difficult to determine who is responsible for the messy way the system is administered.

The Grand Jury can see no useful purposes in requiring the local office once it finds fraud to start the following chain of events: (1) local office finds fraud, reports it to the county supervisor who reports the fraud to the department's finance section (2) the finance section reports the fraud to the food stamp coordinator (3) the food stamp coordinator reports the fraud to the committee on the overpayments (4) the committee on overpayments refers the case to the department's 21 member legal staff (5) one form letter is then sent out and as a rule no further action is taken by the Arkansas Welfare Department and there is little or no communication as to this case with the local office.

It is also apparent to the Grand Jury from the statements made by the chief attorney of the Welfare Department that he has little control over the 20-full and part-time attorneys working under him as most of these attorneys are in fact employed by the Governor's office and are not accountable to the department's chief attorney.

This Grand Jury would be interested to know the following since there are 20 attorneys receiving from $7,700 to $9,100 each of taxpayer's money:

(1) How many cases per month does each attorney file in court?

(2) How much state funds does each attorney recover each month?

(3) What is the actual case load of each attorney?

It is apparent that the Welfare attorneys do little to recover funds in Lonoke County and that the only concentrated effort made therefore to recover taxpayer's funds is being made by the prosecuting attorney of this district, and it is deplorable that the Welfare Department employees and the legal staff do not assist him in these efforts.

The Grand Jury also heard witnesses set forth the manner in which the Welfare Department develops programs. It is the position of this Grand Jury that our government must help those who cannot help themselves.

However, this Grand Jury does not approve of the present department policy of mostly handing out a meager check each month.

The Arkansas Welfare Department has an obligation to develop specific programs to help our citizens. Thus, this Grand Jury finds the Department has failed to meet its real obligations to the people of Arkansas.

It is the finding of the Grand Jury that responsibility for allowing criminal acts to go unreported is a serious matter. Arkansas law (Ark. Stat. 41–120) sets forth the offense of accessory after the fact. Thus, it is the law of the State of Arkansas that when any person who, after a full knowledge that a crime has been committed, conceals it from the magistrate, or harbors and protects the person charged with or found guilty of the crime is an accessory guilty of the crime is an accessory after the fact of said crime.

The Grand Jury has determined that 25 specific acts of obtaining property under false pretense has been committed in Lonoke County.

From the testimony there is no doubt that several state welfare department employees knew of the specific acts. Yet the only employee to comply with Arkansas law has been dismissed by the department for complying with the law of this state.

The only issue to be determined is whether or not the conduct of the state department officials warrant a finding that by their silence they concealed the crime from the courts.

The Grand Jury finds a true bill against Ivan Smith, chief attorney of the Arkansas Welfare Department on 25 counts of being an accessory after the fact to the offense of obtaining property under false pretenses occurred by his actions and in fact concealed the offense from the proper courts.

The Grand Jury further finds that this policy was directed by the Commissioner, Dalton Jennings. However, the Grand Jury finds his actions and conduct toward the people of Lonoke County deplorable as no governmental agency should be above the law.

The Grand Jury realizes the seriousness of this report but the Grand Jury also realizes the terrible condition of the Welfare program as it presently exists and therefore the reason for this strong report and strong action.

It is the finding of this Grand Jury and is recommended to the prosecuting attorney to show leniency if restitution is made to the State of Arkansas by the above stated twenty five defendants as it is the conclusion of said Grand Jury that the present administration of the food stamp program encourages such activity.

LEON MINTON, Foreman.
C. A. GRIMSTEAD, Clerk.

Read to the Court in open Court before the entire Grand Jury this 23rd day of February, 1972.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 68) to authorize the preparation of official duplicates of S. 2097.

The message also announced that the House had passed a joint resolution (H.J. Res. 1097) making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1097) making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

NATIONAL VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

Mr. ALLEN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is on the motion of the Senator from North Carolina to refer S. 2574 to the Committee on the Judiciary.

Mr. ALLEN. I thank the Chair.

Mr. President, it is my intention, at the conclusion of my remarks, to move to lay on the table the pending bill.

Last Thursday, a motion was made by the distinguished Senator from North Carolina (Mr. ERVIN) to commit the pending bill to the Committee on the Judiciary, to which it would seem to the junior Senator from Alabama the bill originally should have been referred. A motion was made by the distinguished majority leader to lay on the table the motion to commit made by the distinguished Senator from North Carolina. That motion to table was defeated; so that the motion of the distinguished Senator from North Carolina to commit the bill to the Judiciary Committee was then, as it remains now, the pending business of the Senate.

Mr. President, we have seen the unusual spectacle of the proponents of the bill filibustering their own bill. They say that they want to see the Senate work its will on the pending bill. Yet, they will not allow the motion to commit to come to a vote. Why would that not be working the will of the Senate with respect to the bill? If the Senate, in its wisdom, wants to refer the bill to the Judiciary Committee, why is that not working its will on the bill? Working its will on the bill does not necessarily mean passing the bill. It would mean taking definitive action with respect to the bill.

So if the proponents of this measure—this vicious voter-registration-by-postcard bill—want to see the Senate take definitive action with respect to the bill, why do they not allow the motion to commit to come to a vote? They know that it is the mood of the Senate, based on the vote of the motion to table on last Thursday, to send this bill back to the proper committee that will iron out some of the terrible bugs that exist in the bill. So the proponents of the measure can wait for any length of time that they desire, and postpone for any duration of time, consideration of the motion to commit by continuing the debate. A motion to table the bill will bring the matter to a head. It will allow the Senate to work its will with respect to the bill.

Last December, here in this Chamber, the voter registration by post card bill was under consideration. I spoke at the time in opposition to it. When it became apparent that the bill was in for lengthy discussion, it was postponed until the second half of the 92d Congress and is now the bill presently under consideration, it being the unfinished business, and the pending business being the motion of the distinguished Senator from North Carolina (Mr. ERVIN) to recommit the bill.

Mr. President, this bill was bad to begin with. It has not improved one bit with age. It would establish a national voter registration system operated by a new agency within the Bureau of the Census. Voter registration cards with mail-back cards attached simply addressed to "household" or "resident" of every postal address in the United States would be mailed between 30 and 45 days before every primary or general election of Federal officials. The mailing would take place in the area to be covered by the election, so that in a presidential election there would be a tremendous mass mailing of postcards all over the country. To every household, to every postal patron, into every post office box in the country, into every rural mailbox in the country, one or more of these postcards would be stuffed into the boxes irrespective of whether the recipient of that card was already a qualified elector.

Why would he need, continually, year after year, as apparently is provided by this bill, to be called on to receive unwanted mail? That is something that we are all afflicted with, I am sure; that is, receiving through the mail many types of unwanted mail. I cannot think of anything less useful to a registered voter than to receive a postcard that he can send back to the registration official to register him when he is already registered.

In addition to that, Mr. President, they would flood the country with these postcards and put them into retail stores, into filling stations, put them into all the post offices and into all the city halls in the country.

I do not know why provision was made for this tremendous mass mailing of postcards all over the country prior to every primary and every general election. I assume that in New Hampshire and in Florida prior to those primaries, because Federal officials are subject to being chosen through that process, those States would be flooded with these postcards and then they would be flooded with them again prior to the November elections.

It appears that would continue on year after year and year after year with no indication that it would ever stop as long as we have a semblance of free elections in this country. Anyone would be able to fill out one of these cards, using any name. The post card would then be mailed back to State or local officials, who would be expected to add the names to the polling lists for Federal elections, without having the right to see the registrant or have the opportunity to question him to determine his eligibility.

Aside from the tremendous expense involved, and I read in the minority report it is suggested that this voter registration by post card during a presidential year might cost as much as $125 million—that is what the minority members of the committee stated in their minority report—I repeat, as much as $125 million.

Why, Mr. President? For the purpose of allowing pressure groups, political machines, do-gooders throughout the country to coddle people and persuade them to sign up registration forms in order that they might be added to the voting lists when they do not have enough interest in voting to go to the little trouble involved to go in and register.

Any 18-year-old can go in and register before any registration board in the entire country without passing any literacy test, without passing any kind of educational test. All he has to do is to come in and present himself, show that he is 18 years old or more, and say, "I want to register."

That is all he has to do. Why go to all the trouble and the expense of millions of dollars to try to get people to vote who do not have enough interest in voting to go to the registration office and present themselves and register to vote? That is mighty little trouble.

Mr. President, in the past, people have fought for the right to vote. Yes, somewhere in the committee report they speak of the Revolutionary War as being fought because of taxation without representation. Yes, they wanted the right to vote. Yes, they wanted the right to be represented. But here, it does not take any fight to be allowed to vote. All one has got to do is to go in and present his body to the registration officials; reach out and get a pen and sign his name or sign by a mark and become qualified to vote. No poll tax is required and there would be no expense whatsoever, but just a little bit of inclination and just a little bit of desire and just a little bit of energy. That is all that is required.

Why should we spend millions of dollars to hand the franchise, this priceless gift, this right that a person ought to be willing to fight for, and just present it to a disinterested person on a silver platter? That is what the pending bill would do.

Let us see how it proposes to go about this. Aside from the tremendous expense involved, let us consider for a moment how this post card registration would clutter the mail.

I read from this committee report, a report that was prepared by or at the direction of the managers of the bill. It is stated in there that estimating that there would be a return of 40 million cards, the cost would be thus and so. I use that 40 million card estimate not for the purpose of showing the cost, but to indicate how many cards would have to be mailed out. Certainly if a return of 50 percent of the cards could be arrived at, I feel sure that would be the highest possible return from what might be called a direct mail advertising campaign. I am sure that the presidential candidates seeking political funds by mail would be satisfied, I dare say, with a 10-percent return. However, computing the number of cards sent out by the estimate of the committee as to the cards that would be returned, it would certainly indicate that as many as 80 million cards would be sent out before every primary and before every general election.

I assume that each of these cards would have to be a double card, because it goes to the householder and half of the card would be torn off and signed by the person who is a registrant and sent back. So there would be two thicknesses to the card.

Everyone would get a card whether he was already qualified to vote or not. If these cards were stacked up one on top of the other, figuring 25 double cards to be 1 inch, that would mean that there would be 300 such cards to the foot. So a stack of cards the height of the 555-foot Washington Monument would be 160,000 cards. The 80 million cards would make 482 stacks each the height of the Washington Monument. Think of that, Mr. President, there would would be 482 stacks each the height of the Washington Monument. And each card would cost the taxpayer at least 8 cents to send out.

It also appears that this procedure would last on, year after year, as long as we have primary elections and as long as we have general elections of Federal officials. A Federal official would include a Member of the House of Representatives. It would include a Member of the U.S. Senate. It would include a delegate to the House of Representatives. It would include, of course, the President and Vice President of the United States.

Mr. President, if one thinks that the mail is slow now, he should think of what this would do to the delivery of mail, to dump in the mail 482 stacks of cards, each stack as tall as the Washington Monument. It would seem to the junior Senator from Alabama that is going to cause a little bit of confusion in the mails.

If one has already voted, what does he need with a registration card that is sent to him again and again? That is just one of the many bugs in the bill.

Supporters of the bill claim that they are simply trying to make registration easier for the 47 million potential voters who did not take part in the 1968 general elections.

Mr. President, about 20 million of these 47 million persons were registered, but did not bother to vote. This card will not register them. The card will not help these 20 million who are already registered. All the card could do would be to get them registered if they are not already registered. But if there are approximately 20 million, out of the 47 million, that were already registered to vote but did not have enough interest to vote, only the remaining 27 million are the ones who are not registered and supposedly would be registered by this tremendous mass mailing.

Mr. President, here is an area where civic minded citizens can work and get everyone to vote who is eligible to vote and encourage all eligible persons to register, and in person and not by post card registration.

To my mind if people are not sufficiently interested to spend a few minutes to register, they are not interested enough to stand in line to vote. And that is the crux of this bill. Why go to all of this trouble to try to accommodate people who are not even interested in voting. Why should we force this priceless heritage and privilege and right and duty on disinterested people?

Mr. President, if registering by mail is accomplished, what will be the next step. They propose having every eligible person receive in the mail the registration card and filling it in and sending it back at Government expense, of course. There will be a postage-paid stamp on the return card. If they are going to go to all of this trouble to get them registered and they are still not interested enough to go to the polls, what will be the next step? Of course, it will be a vote by post card if they are permitted to register by card. They are too lazy or too trifling—and that is a good word down in the State I come from, trifling—too trifling to vote or go to register.

So after registration by post card voting by post card. Mark my word, Mr. President, that would be the next step. This will be nothing more or less than a way to legalize stuffing the ballot box.

More than a billion Chinese, Russians, and Eastern Europeans, and hundreds of millions of other people in Africa and South America live under the mailed fist of dictatorial governments. They are forced to take part in meaningless staged elections or having no voting voice whatsoever. But Americans have a unique and precious opportunity freely to engage in free elections, and it is deeply disturbing to me that many people do not care enough about our Government to take a few minutes to register or to vote. There is no excuse because it takes less time to register or to vote than it does to go to a movie or to a ball game.

I want to encourage more people to participate in elections and in the operation of their Government. But this cannot be done by further injecting Federal bureaucrats into local and State elections. The postcard registration plan would take away power now vested in the 50 States and would place this authority in the hands of three bureaucrats in the Bureau of the Census.

The bill presents many opportunities for fraud, for undue influence by pressure groups and political machines and it calls for the expenditure of millions of dollars needlessly.

Mr. President, it is interesting to note in this bill the subtle attempt to lessen, to tone down the opposition of local government and local registration officials because, they say, the Federal Government will pay for the cost of registering these post card registrants. They toss in a couple of other bones for the local officials to chew on if the local government were to put in the post card registration system for qualification of voters. One concession the bill supposedly makes to local governments is that it is supposed to apply only in Federal elections. That is doing no favor to the local governments to require them to keep one set of records for Federal elections and another set of records for State and local elections, to have machines for State and local elections, and other machines for Federal elections. A man coming in to vote will not understand why he could not vote on certain machines. So they say, "Well, we will pay for this registration. If you will put in the post card registration, too, we will pay you a bonus of 15 percent, or whatever the cost of registering the voter is. We will toss you this bone to gnaw on. If you go a step further and put in this 30-day residency requirement that we are providing in the Federal elections, we will give you another 15 percent."

They say, "We are going to be so good to you, State and local people, so you will not fight too hard against this vicious voter registration post card bill."

Mr. President, it occurs to the junior Senator from Alabama that the motion to recommit this bill to the Committee on the Judiciary will come to a vote only when the proponents of the measure are willing for it to come to a vote. Mr. President, that is going to be when the presidential Senators have returned to the Chamber. When all of them have come back then we will be ready to vote on the motion of the distinguished Senator from North Carolina (Mr. ERVIN).

Until that time, though, we will only discuss the bill. We are not ready for the motion of the Senator from North Carolina to be decided. They say, "We want to pick our time."

Well, Mr. President, this bill has been under discussion for days. It has been argued pro and con. I believe everyone has read the bill, and I believe everyone has read the committee report. I believe that the Senate is ready to vote on this issue, and in order that a motion might be made that can come to a vote, Mr. President, I move——

Mr. BYRD of West Virginia. Mr. President, will the Senator withhold making that motion in order that I might make a unanimous-consent request, with the understanding he will not lose his right to the floor?

Mr. ALLEN. And with the understanding that no intervening motion would be made.

Mr. BYRD of West Virginia. Yes.

Mr. ALLEN. Yes, under those circumstances I will yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

ORDER FOR RECOGNITION OF SENATOR McGEE, SENATOR CRANSTON, AND SENATOR BYRD OF WEST VIRGINIA AND FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following recognition of the two leaders under the standing order, the distinguished Senator from Wyoming (Mr. McGEE) be recognized for not to exceed 15 minutes, that he be followed by the distinguished Senator from California (Mr. CRANSTON) for not to exceed 15 minutes, and that he be followed by the Senator from West Virginia (Mr. BYRD) for not to exceed 15 minutes, and that there then be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the Senator for yielding.

NATIONAL VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Now, Mr. President, in order that we can have a vote on the merits of this bill up and down without any delaying tactics on the part of the proponents of the measure, I move that the bill be laid upon the table——

Mr. MANSFIELD. Will the Senator withhold that briefly?

Mr. ALLEN. I will withhold it provided I do not lose the floor.

Mr. MANSFIELD. Yes.

Mr. ALLEN. Or the precedence of my motion.

Mr. MANSFIELD. I indicated to the leadership on the other side today, and got permission from the Senate to file a report on the appropriation bill until midnight tonight, so that we could take up the urgent supplemental appropriation bill.

Would the Senator be averse to a unanimous-consent request that at the conclusion of the morning business tomorrow, it be in order to take up the urgent supplemental appropriation bill, which will not take too long, but may take a rollcall vote?

Mr. ALLEN. I do not understand the Senator's inquiry. After the motion has been voted on, the new matter would be before the Senate, if the bill is tabled. I do not understand something that might take place tomorrow, when this is to be decided right now.

Mr. MANSFIELD. I will not make my request at this time, and trust to luck.

Mr. ALLEN. I wish to accommodate the majority leader.

Mr. MANSFIELD. I appreciate it, but the Senator should be aware of the fact that when he makes his motion I intend to make a motion.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. Mr. President, I move to lay on the table the pending bill.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

Mr. MANSFIELD. Mr. President——

Mr. GRIFFIN. Mr. President, the yeas and nays have been requested.

Mr. MANSFIELD. Mr. President, I had the floor, I believe. I move that the Senate stand in adjournment.

The PRESIDING OFFICER. The question is on the motion to adjourn.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is not a sufficient second.

The yeas and nays were not ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MANSFIELD. Mr. President, were the yeas and nays requested on the motion of the Senator from Alabama or on the motion to adjourn?

Mr. ALLEN. I made a motion to lay the bill on the table.

The PRESIDING OFFICER. The yeas and nays have been requested on the motion to adjourn.

The absence of a quorum has been suggested, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, as long as no Senator has answered, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. So that the distinguished Senator from Alabama, the proponent of the motion now pending, can be given the opportunity to have the yeas and nays ordered.

Mr. ALLEN. Mr. President, I request the yeas and nays on my motion to table.

The PRESIDING OFFICER. Without objection, the question is on the yeas and nays on the motion to table.

Is there a sufficient second? There is now a sufficient second.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I move that the Senate stand in adjournment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on the motion to adjourn. The yeas and nays have been requested.

Is there a sufficient second? There is a sufficient second, and the yeas and nays are ordered.

The clerk will call the roll on the motion to adjourn.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from Florida (Mr. Chiles), the Senator from Idaho (Mr. Church), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. Ribicoff) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Fannin), the Senator from Illinois (Mr. Percy), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Kansas (Mr. Dole) is detained on official business.

If present and voting, the Senator from Texas (Mr. Tower) would vote "nay."

The result was announced—yeas 30, nays 45, as follows:

[No. 96 Leg.]

YEAS—30

Aiken
Bellmon
Bentsen
Bible
Brooke
Byrd, W. Va.
Case
Cranston
Eagleton
Gravel
Hart
Hartke
Hollings
Inouye
Javits
Kennedy
Long
Magnuson
Mansfield
McGee
Nelson
Pastore
Pell
Proxmire
Randolph
Schweiker
Stevenson
Symington
Tunney
Williams

NAYS—45

Allen
Allott
Baker
Beall
Bennett
Boggs
Brock
Buckley
Byrd, Va.
Cannon
Cook
Cooper
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, N.C.
Jordan, Idaho
Mathias
Miller
Packwood
Pearson
Roth
Saxbe
Scott
Smith
Spong
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Weicker
Young

NOT VOTING—25

Anderson
Bayh
Burdick
Chiles
Church
Dole
Fannin
Fulbright
Harris
Hughes
Humphrey
Jackson
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Mundt
Muskie
Percy
Ribicoff
Sparkman
Tower

So Mr. Mansfield's motion to adjourn was rejected.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GRIFFIN. Mr. President, regular order.

Mr. MANSFIELD. I suggest the absence of a quorum, which is the regular order.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 97 Leg.]

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cook
Cooper
Cranston
Curtis
Dominick
Eastland
Ervin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Javits
Jordan, Idaho
Long
Mansfield
Mathias
McGee
Packwood
Pearson
Proxmire
Roth
Saxbe
Schweiker
Scott
Smith
Stafford
Taft
Talmadge
Thurmond
Weicker
Young

The PRESIDING OFFICER. A quorum is present.

Mr. MANSFIELD. Mr. President, I move that the Senate stand in adjournment until the hour of 12 o'clock noon tomorrow.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana. On this question the years and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from Florida (Mr. Chiles), the Senator from Idaho (Mr. Church), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. Ribicoff) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) would vote "yea."

Mr. GRIFFIN. I announce the Senator from Arizona (Mr. Fannin), the Senator from Illinois (Mr. Percy), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Texas (Mr. Tower) would vote "nay."

The result was announced—yeas 30, nays 46, as follows:

[No. 98 Leg.]

YEAS—30

Bellmon
Bentsen
Bible
Brooke
Byrd, W. Va.
Cannon
Case
Cranston
Eagleton
Gravel
Hart
Hartke
Hollings
Inouye
Javits
Kennedy
Long
Magnuson
Mansfield
McGee
Nelson
Pastore
Pell
Proxmire
Randolph
Schweiker
Stevenson
Symington
Tunney
Williams

NAYS—46

Aiken
Allen
Allott
Baker
Beall
Bennett
Boggs
Brock
Buckley
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, N.C.
Jordan, Idaho
Mathias
Miller
Packwood
Pearson
Roth
Saxbe
Scott
Smith
Spong
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Weicker
Young

NOT VOTING—24

Anderson
Bayh
Burdick
Chiles
Church
Fannin
Fulbright
Harris
Hughes
Humphrey
Jackson
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Mundt
Muskie
Percy
Ribicoff
Sparkman
Tower

So Mr. Mansfield's motion to adjourn was rejected.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess until the hour of 5 o'clock.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana that the Senate stand in recess until the hour of 5 o'clock.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

Mr. MANSFIELD. Mr. President, regular order.

The PRESIDING OFFICER. No debate is in order. A parliamenary inquiry is not in order at this time, a quorum call having been ordered.

Mr. GRIFFIN. Mr. President, I ask for the regular order.

Mr. MANSFIELD. This is the regular order under the rules.

The PRESIDING OFFICER. The regular order, the Chair announces, is the suggestion of the absence of a quorum that has been made. The clerk will call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that only 10 minutes be used on this quorum.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Objection.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 99 Leg.]

Aiken
Allen
Allott
Beall
Bennett
Boggs
Brock
Brooke
Buckley
Byrd, Va.
Byrd, W. Va.
Dole
Dominick
Eastland
Ervin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
Mathias
Proxmire
Roth
Schweiker
Scott
Smith
Stafford
Talmadge
Weicker

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

Mr. MANSFIELD. I move that the Senate stand in adjournment due to the fact that a quorum is not present.

Mr. GRIFFIN. Regular order.

The PRESIDING OFFICER. The Chair will say to the Senator from Michigan that it is in order for a motion to be made to adjourn without the presence of a quorum.

The motion having been made——

Mr. ALLEN. I call for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are requested on the motion to adjourn. Is there a sufficient second? There is a sufficient second, and the yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from the North Dakota (Mr. Burdick), the Senator from Florida (Mr. Chiles), the Senator from Idaho (Mr. Church), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. Ribicoff) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Fannin), the Senator from Illinois (Mr. Percy), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Texas (Mr. Tower) would vote "nay."

The result was announced—yeas 30, nays 46, as follows:

[No. 100 Leg.]

YEAS—30

Bellmon
Bentsen
Bible
Brooke
Byrd, W. Va.
Cannon
Case
Cranston
Eagleton
Gravel
Hart
Hartke
Hollings
Javits
Kennedy
Long
Magnuson
Mansfield
McGee
Nelson
Pastore
Pell
Proxmire
Randolph
Schweiker
Stevens
Stevenson
Symington
Tunney
Williams

NAYS—46

Aiken
Allen
Allott
Baker
Beall
Bennett
Boggs
Brock
Buckley
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, N.C.
Jordan, Idaho
Mathias
Miller
Packwood
Pearson
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Taft
Talmadge
Thurmond
Weicker
Young

NOT VOTING—24

Anderson
Bayh
Burdick
Chiles
Church
Fannin
Fulbright
Harris
Hughes
Humphrey
Inouye
Jackson
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Mundt
Muskie
Percy
Ribicoff
Tower

So Mr. Mansfield's motion to adjourn was rejected.

Mr. ALLEN. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. ALLEN. I raise the point of order, Mr. President, that if there is any further motion to adjourn or any quorum call, it is a dilatory tactic, inasmuch as we have had two quorum calls and two motions to adjourn since any business was last transacted. I raise the point of order that the motion is out of order, as being dilatory.

Mr. MANSFIELD. Mr. President, I call for the regular order. I think we are acting under the rules.

Mr. ALLEN. I ask for a ruling.

The PRESIDING OFFICER (Mr. Stafford). According to the understanding of the Chair, there is nothing in the rules about dilatory motions except in connection with matters of cloture. The Chair overrules the point of order. The clerk will call the roll.

Mr. ALLEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. Is there no point at which the Chair would rule that further motions to adjourn or further quorum calls would be dilatory?

The PRESIDING OFFICER. The Chair is not prepared to rule in anticipation on some event that might occur in the future.

The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia, I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from Florida (Mr. Chiles), the Senator from Idaho (Mr. Church), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. Ribicoff) is absent because of illness in family.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Fannin), the Senator from Illinois (Mr. Percy), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Texas (Mr. Tower) would vote "nay."

The result was announced—yeas 29, nays 47, as follows:

[No. 101 Leg.]

YEAS—29

Bellmon
Bentsen
Bible
Brooke
Byrd, W. Va.
Cannon
Case
Cranston
Eagleton
Gravel
Hart
Hartke
Hollings
Javits
Kennedy
Long
Magnuson
Mansfield
McGee
Nelson
Pastore
Pell
Proxmire
Randolph
Schweiker
Stevenson
Symington
Tunney
Williams

NAYS—47

Aiken
Allen
Allott
Baker
Beall
Bennett
Boggs
Brock
Buckley
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, N.C.
Jordan, Idaho
Mathias
Miller
Packwood
Pearson
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Weicker
Young

NOT VOTING—24

Anderson
Bayh
Burdick
Chiles
Church
Fannin
Fulbright
Harris
Hughes
Humphrey
Inouye
Jackson
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Mundt
Muskie
Percy
Ribicoff
Tower

So Mr. MANSFIELD'S motion to recess was rejected.

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess until the hour of 6 o'clock.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. Mr. President, I propose this parliamentary inquiry:

Rule XXII provides:

> When a question is pending, no motion shall be received but—
>
> To adjourn.
>
> To adjourn to a day certain.

And so forth. Then it ends;

> Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment . . . shall be decided without debate.

I make the point that, the motion having been made as prescribed, a motion for recess is not in order.

Mr. MANSFIELD. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The Chair advises the Senator from Colorado that this particular motion has not been made before.

Mr. ALLOTT. But a motion has been made to recess in accordance with rule XXII.

I appeal from the ruling of the Chair.

The PRESIDING OFFICER. The Chair will say to the Senator that it was to a different hour than the current motion to recess.

Mr. ALLOTT. Mr. President, I do appeal from the ruling of the Chair.

The PRESIDING OFFICER. The Chair understands that there is an appeal from the ruling of the Chair.

Mr. MILLER. I ask for the yeas and nays, Mr. President.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

Mr. ALLOTT. I ask for the yeas and nays, Mr. President. I still have the floor.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The yeas and nays have been requested. Is there a sufficient second?

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

Mr. PROXMIRE. Mr. President, is that debatable?

The PRESIDING OFFICER. No more debate is in order.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. LONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LONG. Is an appeal from the ruling of the Chair debatable?

The PRESIDING OFFICER. It is not debatable, the Chair says to the Senator, under these circumstances.

The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 102 Leg.]

Aiken
Allen
Allott
Baker
Bible
Boggs
Buckley
Byrd, Va.
Byrd, W. Va.
Case
Cook
Cooper
Cotton
Dole
Dominick
Ervin
Goldwater
Gurney
Hatfield
Hruska
Jordan, Idaho
Long
Magnuson
Mansfield
Miller
Packwood
Pastore
Pearson
Proxmire
Roth
Saxbe
Smith
Sparkman
Stafford
Stevens
Talmadge
Thurmond
Weicker
Young

The PRESIDING OFFICER (Mr. STAFFORD). The Chair is advised that a quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Senate stand in adjournment.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana (Mr. MANSFIELD) to adjourn.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce the Senator from Arizona (Mr. FANNIN), the Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Jersey (Mr. CASE) is detained on official business.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 32, nays 45, as follows:

[No. 103 Leg.]

YEAS—32

Aiken
Bellmon
Bentsen
Bible
Brooke
Byrd, W. Va.
Cannon
Cranston
Eagleton
Gravel
Hart
Hartke
Hollings
Hughes
Inouye
Javits
Kennedy
Long
Magnuson
Mansfield
McGee
Nelson
Pastore
Pell
Proxmire
Randolph
Schweiker
Stevens
Stevenson
Symington
Tunney
Williams

NAYS—45

Allen
Allott
Baker
Beall
Bennett
Boggs
Brock
Buckley
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, N.C.
Jordan, Idaho
Mathias
Miller
Packwood
Pearson
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Taft
Talmadge
Thurmond
Weicker
Young

NOT VOTING—23

Anderson
Bayh
Burdick
Case
Chiles
Church
Fannin
Fulbright
Harris
Humphrey
Jackson
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Mundt
Muskie
Percy
Ribicoff
Tower

So Mr. MANSFIELD'S motion to adjourn was rejected.

The PRESIDING OFFICER (Mr. GRAVEL). The question now recurs on whether the decision of the Chair shall stand as the judgment of the Senate.

Mr. BYRD of West Virginia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of West Virginia. May we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, if the ruling of the Chair is not sustained, what effect would this have on the longtime precedents and practices of the Senate under Senate Rule XXII?

The PRESIDENT OFFICER. The Chair has already ruled, based on long-established practices and precedents of the Senate; so if the ruling of the Chair is not sustained, quite obviously this precedent would be reversed.

Mr. BYRD of West Virginia. I thank the Chair.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. Mr. President, I am very loath to say what I am about to say, but an inquiry was made of the Parliamentarian earlier by me and I did not get the answer at that time which the Chair has announced. Be that as it may, I want to inquire what the question is before the Senate. Does a vote of yea sustain the Chair?

The PRESIDING OFFICER. A vote of yea would sustain the Chair, and the judgment of the Chair would stand. A yea vote would sustain the Chair.

Mr. ALLOTT. And a vote of nay will not sustain it?

The PRESIDING OFFICER. A nay vote overrules the Chair and the precedent will be reversed.

Mr. BAKER. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. If the Chair is not sustained on the appeal taken by the distinguished Senator from Colorado, would that vote as well have the effect of overturning the statement of the Chair just now in response to the inquiry by the Senator from West Virginia to the effect that such an action would overturn precedents under rule XXII? Would that be included automatically in an appeal taken by the Senator from Colorado?

The PRESIDING OFFICER. That is the question before us: Whether or not the Chair shall be sutained.

Mr. BAKER. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The question is: Shall the decision of the Chair stand as the judgment of the Senate. If that is overruled, quite obviously the decision of the Chair does not stand as the judgment of the Senate.

Mr. BAKER. Was the statement made by the Chair in response to the inquiry by the Senator from West Virginia (Mr. BYRD) included as a part of the ruling of the Chair, and, therefore, is it being appealed under the motion of the Senator from Colorado, that statement being that an affirmative vote would overturn the precedents of the Senate under rule XXII?

The PRESIDING OFFICER. The only matter before the Senate is: Is the judgment of the Chair to be sustained or not sustained?

Mr. BAKER. The statement with respect to rule XXII does not constitute a part of the ruling of the Chair?

The PRESIDING OFFICER. No. The only question to be voted on will be on the judgment of the Chair, the decision of the Chair, as the judgment of the Senate.

Mr. BAKER. Which decision was made prior in response to the inquiry by the Senator from West Virginia?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Do I understand the statement with respect to the precedents of the Senate relating to rule XXII has no effect and is not the ruling of the Chair in this instance?

The PRESIDING OFFICER. Responses with respect to parliamentary inquiries are not appealable, in any event. Would the Senator like the Chair to state the question one more time?

Mr. BAKER. I would like the Chair to state it one more time.

The PRESIDING OFFICER. The question is: Shall the decision of the Chair stand as the judgment of the Senate? A yea vote is to sustain the decision of the Chair; a nay vote is to overrule the decision of the Chair. Debate is not in order.

Mr. BAKER. Mr. President, a parliamentary inquiry. What is the "judgment" of the Chair on which the appeal is being taken?

The PRESIDING OFFICER. The decision of the Chair previously was to rule that the motion to recess until 6 o'clock under rule XXII was in order. That was the ruling of the Chair at that time, and that ruling was appealed.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it. The Chair would like to make sure the Senator from Tennessee had his inquiry satisfied before moving to additional parliamentary inquiries.

Mr. BAKER. I have not, but I wish to note that that is the sole extent of the challenge by the Senator from Colorado and has no effect on any other precedent with respect to rule XXII.

Mr. PASTORE. Mr. President, regular order. We are debating here.

Mr. MANSFIELD. We have lots of time.

[Laughter.]

The PRESIDING OFFICER. Obviously, debate is not in order but the Chair wants to be lenient in satisfying all points of inquiry. Does the Senator from Tennessee have a further inquiry?

Mr. BAKER. I do not, but I shall not pursue it further.

Mr. GRIFFIN. In view of the opinion of the Chair, which is being appealed, is it not true that unless the ruling of the Chair is overruled we have seen develop here today a new form of filibuster, which there is no way to end?

Mr. MANSFIELD. Oh, no; quite the contrary. This is an old established custom.

The PRESIDING OFFICER. That is a matter the Chair will not get into.

The yeas and nays have been ordered; and unless there are further inquiries, the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah Mr. MOSS), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

I further announce that if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce the Senator from Arizona (Mr. FANNIN), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. BUCKLEY) is detained on official business.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 51, nays 26, as follows:

[No. 104 Leg.]

YEAS—51

Aiken
Allen
Bellmon
Bentsen
Bible
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cooper
Cranston
Dominick
Eagleton
Eastland
Ellender
Ervin
Gambrell
Gravel
Hart
Hartke
Hollings
Hughes
Inouye
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Schweiker
Smith
Sparkman
Spong
Stafford
Stennis
Stevenson
Symington
Talmadge
Thurmond
Tunney
Williams
Young

NAYS—26

Allott
Baker
Beall
Bennett
Boggs
Brock
Cook
Cotton
Curtis
Dole
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, Idaho
Miller
Packwood
Roth
Saxbe
Scott
Stevens
Taft
Weicker

NOT VOTING—23

Anderson
Bayh
Buckley
Burdick
Chiles
Church
Fannin
Fulbright
Harris
Humphrey
Jackson
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Mundt
Muskie
Percy
Ribicoff
Tower

So the appeal from the ruling of the Chair was not sustained.

The PRESIDING OFFICER (Mr. GRAVEL). The question recurs on agreeing to the motion to recess until 6 p.m.

Mr. ALLEN. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. FANNIN), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 32, nays 44, as follows:

[No. 105 Leg.]

YEAS—32

Aiken
Bellmon
Bentsen
Bible
Brooke
Byrd, W. Va.
Cannon
Case
Cranston
Eagleton
Gravel
Hart
Hartke
Hollings
Hughes
Inouye
Javits
Kennedy
Long
Magnuson
Mansfield
McGee
Nelson
Pastore
Pell
Proxmire
Randolph
Schweiker
Stevens
Stevenson
Symington
Tunney

NAYS—44

Allen
Allott
Baker
Beall
Bennett
Boggs
Brock
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, N.C.
Jordan, Idaho
Mathias
Miller
Packwood
Pearson
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Taft
Talmadge
Thurmond
Weicker
Young

NOT VOTING—24

Anderson
Bayh
Buckley
Burdick
Chiles
Church
Fannin
Fulbright
Harris
Humphrey
Jackson
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Mundt
Muskie
Percy
Ribicoff
Tower
Williams

So Mr. MANSFIELD's motion to recess until 6 p.m. was rejected.

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess until the hour of 7 o'clock.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 106 Leg.]

Allen
Allott
Baker
Bennett
Bentsen
Boggs
Brock
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cook
Cotton
Curtis
Dole
Dominick
Ellender
Ervin
Gambrell
Gravel
Hansen
Hart
Hatfield
Hollings
Hruska
Jordan, Idaho
Mansfield
Mathias
Miller
Roth
Saxbe
Scott
Sparkman
Stennis
Taft
Talmadge
Thurmond
Weicker
Young

The PRESIDING OFFICER (Mr. GRAVEL). A quorum is not present.

Mr. COOK. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Beall
Bellmon
Bible
Cooper
Cranston
Eagleton
Eastland
Fong
Goldwater
Griffin
Gurney
Hartke
Hughes
Inouye
Javits
Jordan, N.C.
Kennedy
Magnuson
McGee
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Schweiker
Smith
Spong
Stafford
Stevens
Stevenson
Symington
Tunney
Williams

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the motion to recess until 7 o'clock. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. FANNIN), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 30, nays 45, as follows:

[No. 107 Leg.]

YEAS—30

Bellmon
Bentsen
Bible
Brooke
Byrd, W. Va.
Case
Cranston
Eagleton
Gravel
Hart
Hartke
Hollings
Hughes
Inouye
Javits
Kennedy
Magnuson
Mansfield
McGee
Nelson
Pastore
Pell
Proxmire
Randolph
Schweiker
Stevens
Stevenson
Symington
Tunney
Williams

NAYS—45

Aiken
Allen
Allott
Baker
Beall
Bennett
Boggs
Brock
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, N.C.
Jordan, Idaho
Mathias
Miller
Packwood
Pearson
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Taft
Talmadge
Thurmond
Weicker
Young

NOT VOTING—25

Anderson
Bayh
Buckley
Burdick
Cannon
Chiles
Church
Fannin
Fulbright
Harris
Humphrey
Jackson
Long
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Mundt
Muskie
Percy
Ribicoff
Tower

So Mr. MANSFIELD's motion to recess until 7 p.m. was rejected.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 2, 3, or, if necessary, 4 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I am about to propound a unanimous-consent request, after discussing the matter directly and indirectly with the parties most concerned.

We are faced with a situation where this sort of tactic, which I must say to my colleagues I am not at all enjoying, could be kept up all night, all day tomorrow, and ad infinitum if need be. But it is not a good way to run a railroad.

Commonsense has taken over, and if the Senate agrees, I would like to make the following unanimous-consent request:

I ask unanimous consent that when the Senate completes its business tonight, it stands in adjournment until the hour of 10 o'clock tomorrow morning; that then there be a period for the transaction of routine morning business, with a time limitation of 3 minutes for each Senator wishing to be recognized; that at the conclusion of morning business, the urgent supplemental appropriation bill be laid before the Senate, and that a vote on that bill occur at 11:45 a.m., that immediately following the vote on the urgent supplemental appropriation bill, the vote occur on the Allen amendment to lay on the table the pending legislation, and that rule XII be waived.

Is that in accordance with the understanding of the Senator from Alabama?

Mr. ALLEN. Yes. Reserving the right to object, there would be only one vote on the appropriation bill; is that correct?

Mr. MANSFIELD. The final vote.

Mr. ALLEN. The final vote; no amendment is to be offered?

Mr. MANSFIELD. I understand it is noncontroversial. It is a very selective supplemental bill, and the distinguished chairman of the Appropriations Committee has indicated to several of us that there is no argument expected.

Mr. ALLEN. There would be only one up or down vote on the supplemental appropriation bill?

Mr. MANSFIELD. That is my understanding.

Mr. ALLEN. And in no event would the vote on the motion to lay on the table the pending bill be delayed beyond 12 o'clock?

Mr. MANSFIELD. That is correct.

Mr. ALLEN. I thank the majority leader.

Mr. GRIFFIN. Mr. President, reserving the right to object, would the majority leader indicate, is there any particular time when the supplemental appropriation bill would be laid before the Senate?

Mr. MANSFIELD. I would guess it would be laid down somewhere between 10:30 and 10:45. It was reported out unanimously by the Appropriations Committee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. MAGNUSON. Mr. President, will the Senator yield for a moment?

Mr. MANSFELD. I yield.

Mr. MAGNUSON. The urgent supplemental bill contains only three items, of which only one would cause any debate. The big item in the bill is to furnish the money for the extension of the unemployment insurance for 13 weeks.

I do not think there will be any problem at all. It should not take 15 minutes of the Senate's time to approve. It was unanimously approved this morning by the Appropriations Committee.

Mr. GRIFFIN. Only in order that there might be some time for the consideration of it. I wonder whether the majority leader might want to indicate that it be laid before the Senate not later than 11 o'clock or 11:15.

Mr. MANSFIELD. I would say somewhere between 10:30 and 10.45, which would give more than an hour for its consideration.

Mr. BYRD of Virginia. Does the majority leader know the amount of this supplemental appropriation?

Mr. MANSFIELD. I do not.

The PRESIDING OFFICER. Would the Senator from Montana advise the Chair as to how long he wants the morning business to run?

Mr. MANSFIELD. Not to exceed 30 minutes.

Mr. MAGNUSON. The House limited the amount to $600 million.

Mr. MANSFIELD. Here is the Senator from North Dakota, the ranking Republican Member. Perhaps he could give us the information.

Mr. MAGNUSON. The amount for June 30 is $315 million.

Mr. YOUNG. I think that is correct. I do not have the figures before me.

Mr. MAGNUSON. To keep us going until June 30. The House limited $600 million on the bill for any further proceeding. Of course, if unemployment decreases, we would not have to use a great deal of it at all. But if it continues, this is the situation. It is now the law. It is practically mandatory.

Mr. BYRD of Virginia. Is that the total of the supplemental, or is that one item in the supplemental?

Mr. MAGNUSON. There are two other items. One is $28 million for the ICC.

Mr. YOUNG. They are all items for which we have an obligation. Presently, we are paying 6-percent interest on those that are unpaid.

Mr. BYRD of Virginia. What is the total?

Mr. MAGNUSON. If the Senator will yield, I do not know the total; but it is my understanding, in talking to the distinguished chairman of the Appropriations Committee earlier today, that everything was taken out of the supplemental bill which could be taken out and put on regular appropriation bills, and what was agreed to was what is in effect mandatory at this time. I do not know the total sum.

Except three items.

Mr. YOUNG. Our bill is the same as that of the House.

Mr. BYRD of Virginia. I thank the Senator.

The PRESIDING OFFICER, Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

NATIONAL VOTER REGISTRATION

Mr. HANSEN. Mr. President, I have listened with great interest to the debate in the Senate on the subject of national voter registration. The statements made on the Senate floor in the last week have only confirmed my belief that the proposed post card registration is a basic and fundamental change in our election system which is ill considered and which could lead to complete chaos.

The question before us today is whether or not this piece of basic legislation, S. 2574, should be referred to and reported by the Judiciary Committee before being considered on the merits by the Senate. This is a question which goes to the very heart of our legislative system. On March 8, the distinguished chairman of the Post Office and Civil Service Committee, the senior Senator from my own State of Wyoming, stated:

> I would think, Mr. President, that in times like these in particular, when we are being watched for the example we set for the rest of the world, we must not be caught nitpicking the fearful possibilities of a measure that is elementary and simple both in its concept and in its operation.

I agree that the rest of the world is watching the example of this body. That is why I am so distressed that the Senate would even entertain the possibility of casting aside the usual procedure and, under the thin guise that the new proposal would be administered by the Bureau of the Census, circumvent consideration of the measure by the appropriate Senate Committee.

The Senate Committee on the Judiciary is the proper committee to consider the Natitonal Voter Registration proposal. With all due respect to the hardworking members of the Post Office and Civil Service Committee and their fine staff, it is the Judiciary Committee which possesses the knowledge and expertise gained from many years of attention to election matters. The recommendations of the Judicial Committee are essential if the Senate is to give thorough consideration to this proposal.

The bill, S. 2574, is obviously an election bill, not a Bureau of the Census administrative bill. The post cards designed to register a person to vote in an election are mailed to the State elections officer, not to the Bureau of the Census. They are intended to qualify a person to vote.

This brings me to another very important point. That is the impact which the post card proposal will have on the orderly registration of voters. It is easy for the Federal Government to print and distribute millions of forms. But the Federal Government then would turn around and have those millions of forms sent to the election authorities in the individual States. It would be the State's burden to try to provide administrative order from the flood of forms which would arrive shortly before election day. It would be the State's burden to find and hire additional personnel to process the forms within the period arbitrarily set by the Federal Government. Admittedly the Federal Government would share a small part of the cost, but this would not solve the administrative problems which the proposal now before us will heap on State election officers.

Most States do not require an individual to register for each election. In my State of Wyoming, if an individual voted in the last general election or the primary election preceding the general election, he is automatically registered to vote in the general election. In other words, an individual might only be required to appear in person to register only once in his lifetime, and thereby would qualify to vote in every Federal election.

In this manner, the State or local election officer is not required to process a registration form for each vote in every election.

But under the bill before us, the registration forms must be sent to each postal address before every Federal election. This is both inefficient and confusing. The Government would go to the expense of mailing forms to millions of persons who are already registered and do not need to reregister. The State elections offices would be forced to the expense of processing registration forms sent in by confused citizens who were already registered but feared that their registration would lapse if they did not send in another form. And most tragic of all is the distinct possibility that confused voters, thinking that they must send in the post card to be eligible to vote, and having failed to do so by inadvertence, will not vote thinking they are not registered even though they are registered by having voted in the past election.

My learned colleague, the senior Senator from Wyoming, is a former history professor of high reputation, and therefore, I noted with interest his comments last week that registration laws were not enacted to prevent fraud but to discriminate against certain nationalities and prevent them from voting. If this is true, would it not be better to abolish the registration of voters completely? Obviously almost everyone agrees that the ever present threat of fraud must be the compelling reason for registration. It does indeed seem foolish to go to the extreme expense which will be imposed by this national voter registration proposal if the purpose of registration is to discriminate against some nationalities or races. Parenthetically I note that drives to register minorities have been successful and have been able to comply with current State registration systems. Conversely, registration among high school and college groups—not the object of any discrimination—has been disappointingly low.

Now let us look at the expense to maintain this charade proposed by S. 2574. The ranking minority member of the Post Office and Civil Service Committee, the able senior Senator from Hawaii, last week indicated that it will cost $5 to $10 million to establish an address system for the distribution of the forms. Then the list must be kept up to date. Each mailing would cost between $15 and $20 million, and two or more mailings would be required each election year. In addition, the cost of processing the forms by the State election officers must be added.

The proposal offers to send Federal investigators to assist in fraud prevention. How much will it cost to provide sufficient investigators to meet the needs of 184,000 election precincts. The proponents of the bill cite the Internal Revenue Service and its tax collection system as a good example of how well the post card registration would work. It is my understanding that the IRS employs approximately 67,000 people. Does this indicate the size of the bureaucracy we might expect from this legislation?

It is my belief that the voter registration system provides an important safeguard to voter fraud. It provides a checklist which helps to prevent and discover voter irregularities. The various ways in which the national voter registration post card system would lead to voter fraud have been discussed in detail on this floor. I have spoken previously on this subject myself, and therefore will not cover that ground again. However, the proposal before us would severely tie the hands of election officials to insure that individuals casting a ballot are fully qualified and eligible electors.

To my mind it is not asking too much of a citizen to appear once before a designated representative of the people to qualify as an elector. This is a small price to pay to add credibility to the election of Government officials and give them the opportunity to govern without a cloud of election irregularities hanging over them.

RESCISSION OF ORDERS TO RECOGNIZE SENATOR McGEE AND SENATOR CRANSTON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the orders recognizing the distinguished Senator from Wyoming (Mr. McGee) and the distinguished Senator from California (Mr. Cranston) on tomorrow be vacated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

RECOMMITTAL OF NATIONAL COASTAL AND ESTUARINE ZONE MANAGEMENT ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 510, S. 582, the National Coastal and Estuarine Zone Management Act of 1971, be recommitted to the Committee on Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Bentsen). Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the Senate will convene tomorrow at 10 a.m. Immediately after the two leaders have spoken under the standing order, the junior Senator from West Virginia (Mr. Byrd) will be recognized for not to exceed 15 minutes; after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair will lay before the Senate the urgent supplemental appropriation bill. A vote on final passage of that bill will occur at 11:45 a.m. That will be a rollcall vote.

Immediately upon disposition of the urgent supplemental appropriation bill at 12 noon, the Senate will proceed to vote by yea-and-nay vote on the motion by the distinguished Senator from Alabama (Mr. Allen) to table the pending bill, the unfinished business, which is S. 2574.

The leadership therefore alerts all Senators to the fact that there will be at least two yea-and-nay votes on tomorrow—and possibly more.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 7:02 p.m. the Senate adjourned until tomorrow, Wednesday, March 15, 1972, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 14, 1972:

NORTH ATLANTIC TREATY ORGANIZATION

David M. Kennedy, of Illinois, to be the U.S. permanent representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Philip Birnbaum, of Maryland, to be an Assistant Administrator of the Agency for International Development.

DISTRICT OF COLUMBIA GOVERNMENT

Tedson J. Meyers, of the District of Columbia, to be a member of the District of Columbia Council for the remainder of the term expiring February 1, 1974.

John J. Gunther, Esq., for appointment as a member of the Board of Directors of the District of Columbia Redevelopment Land Agency for a term of 5 years, effective on and after March 4, 1972, pursuant to the provisions of section 4(a) of Public Law 592, 79th Congress, approved August 2, 1946, as amended.

EXTENSIONS OF REMARKS

RECONFIRMATION OF FEDERAL JUDGES

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 14, 1972

Mr. BYRD of Virginia. Mr. President, the Richmond Times-Dispatch of February 24 contains a thoughtful editorial on the proposal to subject Federal judges to periodic reconfirmation by the Senate.

It is my view that in a democracy no official should have a lifetime appointment. That is the reason why I am sponsoring an amendment to the Constitution which would require the reconfirmation, every 8 years, of Federal judges who now serve for life and are accountable to no one.

The editorial makes this excellent point:

> A federal judge is not an angel. He is a flawed human being, as frail as any president, congressman, governor or state legislator—all of whom are held responsible for their acts.

I ask unanimous consent that the editorial, entitled "The Byrd Amendment," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE BYRD AMENDMENT

Obscured by more than two dozen antibusing proposals, a measure that could provide the nation some relief from federal judicial oppression lingers virtually unnoticed in Congress. It is a proposed constitutional amendment that would require Senate reconfirmation of federal judges every eight years.

Essentially, the purpose of the suggested amendment, which is sponsored by Virginia Sen. Harry F. Byrd Jr., is to increase the accountability of federal judges, who are now answerable to no one. Members of the U.S. Supreme Court and all other federal judges serve for life, provided they behave themselves. No matter how wild, erratic or irresponsible they may be in interpreting the Constitution and the nation's laws, they may not be deposed.

Such unbridled power makes tyrants of some judges who do not hesitate to superimpose their own personal views upon the Constitution. Secure in the knowledge that no political force in the nation can touch them, some federal judges have shown no compunction about substituting their personal passions for objective reasoning in issuing opinions profoundly affecting the nation.

There is sound justification, of course, for strongly insulating the judiciary against popular political pressures. Judges whose actions are subject to ratification by the voters and whose careers are at the mercy of public opinion are likely to be even less objective than judges who are subject to no control at all. But Sen. Byrd's plan is a reasonable compromise. It involves a principle that is embodied in Virginia's new constitution, which requires the General Assembly to elect State Supreme Court justices every 12 years and judges of all other courts of record every eight years. Under such a plan, a judge is not under constant pressure to bow to the whims of the public, but neither is he free, to paraphrase Sen. Byrd, to cast restraint to the winds.

Under existing constitutional procedures, no man or woman can mount a federal bench without the Senate's approval. Recent confirmation hearings have demonstrated the Senate's ability and eagerness to dissect a judicial nominee's background and to evaluate his philosophy in determining his qualifications for the bench. Twice it has refused to confirm Supreme Court nominations submitted by President Nixon.

If it is considered wise to seek the Senate's approval of initial judicial nominations, what could be wrong with requiring periodic Senate reconfirmation of judges? To say that a federal judge who passes a Senate test once is entitled to serve forever is tantamount to saying that the performance of a federal judge can never deteriorate, which is nonsense. A federal judge is not an angel. He is a flawed human being, as frail as any president, congressman, governor or state legislator—all of whom are held responsible for their acts.

Should the Byrd amendment win approval, it is unlikely that the Senate would refuse to reconfirm a judge simply because his opinions were not universally or even widely applauded for even constitutionally sound decisions are often unpopular. But it is possible that the Senate might occasionally muster the courage to oust a judge who consistently flouted the Constitution. Against such judicial autocrats the nation urgently needs protection.

VICKI ROGERS: A SPECIAL MESSAGE

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mrs. GRASSO. Mr. Speaker, just recently I received a wonderful letter from a young constituent whose message was both special and touching.

Nine-year-old Vicki Rogers of Enfield wrote to me expressing her concern for the preservation of the Lincoln Memorial. Her thoughtfulness reflects the dismay of many of us at the deterioration of our precious landmarks.

> DEAR CONGRESS: Please save the Lincoln Memorial! Yes, save Lincoln Memorial. Abraham Lincoln is my favorite President. I am even writing about Abraham Lincoln because I love him so much. Yes, I'm writing a book about him. He was the greatest President that ever lived.

A letter like Vicki's is always a pleasure to receive. Her warmth and her deep appreciation for our Nation's heritage is matched by her determination and sense of action.

Vicki Rogers, you see, not only wrote a letter. She also enclosed a generous portion of her allowance with the direction:

> Use the 30 cents for a contribution for repairing the Monument. Thank you!

I was especially moved by Vicki's donation to help speed the rehabilitation of the memorial to a great American. Certainly, President Lincoln would have been delighted with Vicki's gesture, as well as with her sense of duty and responsibility.

For Vicki, obviously, actions speak louder than words—and in that vein, this is what we have done. First, a letter has been sent to Interior Secretary Rogers C. B. Morton, asking him for any information regarding the present condition of the Lincoln Memorial and what steps are being taken to insure its preservation.

The work of restoration of the Lincoln Memorial is being advanced by the National Capital Park Service without the need for public solicitation. However, Vicki's contribution is being sent to the U.S. Capitol Historical Society, of which I am proud to be a member. The money will be used in the society's efforts to fulfill President Lincoln's dream that our Nation's history be preserved for present and future generations.

It is a pleasure and privilege for me to represent in the Congress such public-minded constituents as Vicki Rogers. She is a tribute to the memory of her hero, President Lincoln; and, to be sure, Vicki will be kept fully informed of progress in the preservation of the Memorial whose spirit and strength have made such a lasting impression on this young girl.

PLIGHT OF THE SOVIET JEWS

HON. JOHN. V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 14, 1972

Mr. TUNNEY. Mr. President, four constituents of mine initiated and participated in a telephone conversation with Mr. Lev Lerner, a Jewish citizen of the Soviet Union. The tape recording of that conversation dramatizes the human and emotional perspective of the tragedy of the Soviet Jews.

Although a transcript falls far short of hearing the actual voices, I commend to Senators the record of the telephone conversation between Mr. Lerner and his four California callers. It illuminates some of the most important aspects of the plight of the Soviet Jews—and does so in a touching and direct way.

I ask unanimous consent that the transcript be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

TELEPHONE CONVERSATION, FEBRUARY 6, 1972

Between: Lev Lerner, Leningrad, U.S.S.R.; S. J. Lotwin, Los Angeles, Calif.; G. Elan, Los Angeles, Calif.; W. Ziegel, Los Angeles, Calif.; R. Ziegel, Los Angeles, Calif.

re: *Soviet Jewish Immigration to Israel*

S. L. Hello; is this Lev Lerner?

L. L. Yes.

S. L. Lev, my name is Stuart Lotwin in Los Angeles, California. We wanted to call you to see how you are. We wanted to let you know that Yanina is fine. She's in California, just well, very good. Could you let everyone know?

L. L. Yes, of course.

S. L. Oh, good. O.K., we're here with a number of people who are very concerned about you and Genrich Mirkin and several other people in Leningrad. We wanted to know first if you had any news you wanted to transmit here.

L. L. Yes—we have no good news.

S. L. No news?

L. L. Yes. We still have no visas and no permission for going to Israel.

S.L. No visa and no permission?

L.L. Yes, and my work and the work of my wife—there was a meeting and because of my desire to go to Israel we were named the traitor and enemy of the people Do you understand?

S.L. Yes—keep talking. We're getting it all down.

L.L. Yes, and at my work it was decided to dismiss me from the work. Understand?

S.L. Yes, yes—keep talking.

L.L. Yes, and I can say the situation is now worsening.

S.L. Worsening?

L.L. Yes, because we don't know when we shall get the permission and the visa. Do you understand?

S.L. Yes, keep talking; we understand.

L.L. And I can say the situation with the work of my wife is the same.

S.L. I see. What kind of work did you do?

L.L. What?

S.L. What kind of work?

L.L. I am a mechanical engineer.

S.L. Mechanical engineer.

L.L. Yes, because of the motive of refusal for us, yes, I was just dismissed from my work, and with a great difficulties I found the new work, and now after three months and after the meeting I shall be dismissed. Do you understand?

S.L. Yes, I do. You are dismissed now?

L.L. Yes, okay. The meeting was three days ago, and it was the decision of this meeting.

S.L. I see. What is your address—the number, the street you live on and the number?

L.L. Pr ENGELSA 28, kv. 23, Leningrad 194156, R.S.F.S.R., U.S.S.R.

S.L. What can we do for you? We have a temple in Los Angeles of many people that want to do and to help you and everyone else in Leningrad who needs it. What can we do to help you immediately.

L.L. Yes, we ask only about once—Don't forget us!

S.L. We certainly will not forget you. By no means.

L.L. Yes, help us if you can, because your confidence is a big help for us too. Do you understand?

S.L. No, could you repeat that again. The transmission is bad.

L.L. We want you—don't forget us.

S.L. No, we won't forget you.

L.L. Yes, and we want your help for us too.

S.L. Yes, shall we—is there anything we can send you?

L.L. Send, yes, send the letters, the cards, etc.

S.L. Letters and so on . . . we will do that, and right here we will write to our government as well as to—

L.L. Thank you very much.

S.L. Is there anything you need in terms of packages, clothing or food?

L.L. No, no, we don't need the food.

S.L. You have enough food?

L.L. Yes.

S.L. Okay, clothing for children or . . .

L.L. If you can, send.

S.L. Pardon me.

L.L. If you can, send.

S.L. Oh, okay, fine, we will. I understand now. I wasn't hearing you well.

L.L. If you will send, send to us, ship only by registered.

S.L. Oh, all right, Lev, can you write to us?

L. L. Yes, please.

S. L. Let me give you my address. It is: 10345 West Pico Boulevard, Los Angeles, California, U.S.A.

L. L. Thank you.

S. L. How many children?

L. L. I have one children—a girl.

S. L. A girl—how old?

L. L. Yes, 10 years.

S. L. Ten years, oh, wonderful. A bunch of us are here and there's about six children running around the house now from the different people that are here. We have a daughter—a girl—the same age too.

L. L. Yes.

S. L. And so does this other gentleman who is listening. So what we will do is write to you, and if you would write to us we are going to do everything we can here in the U.S. to help you. We certainly are going to try very, very hard.

L. L. Thank you very, very much.

S. L. I have a few more questions people want to know. Would you hold on just a second?

L. L. Yes.

S. L. Do you know if the funds, the money you need for the visas—do you have the money or do you know what's required to get these?

L. L. Ah, I don't know.

S. L. Okay, We will look into it here and find out and communicate to you in the letters and through the telephone calls.

L. L. Yes.

S. L. Okay. Can you make telephone calls to the U.S.?

L. L. From my flat?

S. L. Yes.

L. L. It is very hard.

S.L. Shall I give you my telephone number?

L.L. Give me.

S.L. My number is 213–398–3604. If you can, call me and I will pay for the call here.

L.L. Yes, if it will be possible.

S.L. Yes, if it is possible. Listen, there are many activities in the United States to help everyone go to Israel. There's been marches and demonstrations, letters to our government, letters to the United Nations, petitions—all sort of activities.

L.L. Thank you very much.

S.L. If you can tell us in a letter or phone call just what goods are needed and clothing, records or anything—you let us know and we will be able to get many people that will contribute to get these things to you. We will do everything we can within our power to help you get out of Russia and into Israel as quickly as possible. We will do everything we can.

L.L. Thank you for your confidence.

S.L. It will be a pleasure.

L.L. Yes, thank you.

S.L. Good, there are others who want to give you their personal greetings.

G.E. Hello, shalom (peace to you).

L.L. Shalom, shalom.

G.E. I just want to say we are with you and want to help you get to Israel.

L.L. Thank you.

G.E. Just a moment.

L.L. Thank you.

W.Z. Lev, we want you to know that many people are concerned, and that we will do our best to help you to get out. We want you to be strong and not give up your hope to be able to get out. There are many people here who want to help you.

R.Z. Yes, thank you.

W.Z. So, goodbye and shalom (peace to you).

R.Z. Shalom, and please give our regards to everybody. Please.

L.L. I shall give.

R.Z. Goodbye to you. L'hitraot (see you soon).

W.Z. L'hitraot (see you soon) b'Jerushalajim (Jerusalem).

R.Z. L'hitraot (see you soon) b'Jerushalajim (in Jerusalem).

L.L. L'hitraot.

S.L. Lev, we will be getting off now. May we see you and your family and your friends in Jerusalem soon.

L.L. Yes, yes, bashana hazot (in this year).

W.Z. Bashana haba'a (in the coming year).

L.L. Lo (no)—Bashana Hazot (in this year).

W.Z. Bashana hazot (in this year), nachon (true)?

L.L. Nachon (true), ken (yes)!

S.L. Beautiful, beautiful.

CONFERENCE OF THE AGING, MADISON, IND.

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HAMILTON. Mr. Speaker, I include the text of my speech to the Conference of the Aging given in Madison, Ind., Saturday, March 11, 1972:

THE CHARACTERISTICS OF THE ELDERLY

About 20 million Americans are 65 or older. They represent 10 percent of the nation's population. They are the fastest growing minority group in the nation. One quarter of them live below the poverty level, and yet, at the same time, they spend 60 billion dollars a year. They cast more ballots than any other minority group and, although they make up only 10 percent of the population, they accounted for 17 percent of the votes in 1970.

Reaching the age of 70 or 80 is becoming the norm these days, rather than the exception. Older Americans are better educated, healthier, more politically aware than ever before. They are developing some real political wallop with strong lobbying groups.

Despite their numbers, and their political importance, the problems of the elderly in the United States have largely escaped our notice.

Time magazine has said that there is a distinct discrimination against the old and it is called "ageism", or in its simplist form, "not wanting to have all those old people around." In the modern United States small family units are part of the life style, and, unlike primitive families, the elderly, are strangely isolated, shunted aside. The golden years become years of neglect, isolation, boredom, and despair.

But this shunting aside of the elderly, ignoring their problems, and discriminating against them is beginning to change. There are many indications of the change:

The two White House conferences on the aging.

The State and District follow up conference, like this one.

The legislation moving through the Congress.

The attention being given to the concerns of the elderly by the news media, private groups, and government.

But let me get directly to the point. I want to talk about the three major concerns of the elderly, at least as I understand them, and make specific suggestions on how to deal with them. Let me hasten to add that the elderly have other important concerns, too, but these three: income, health, and housing—seem to predominate.

THEIR PROBLEMS AND WHAT TO DO ABOUT THEM

1. Income: Central to all the concerns of the elderly is income. There is no substitute for income if people are to be free to exercise choices in their style of living, and if they are to lead decent and dignified lives.

One of every 4 older Americans (about 5 million people) fall below the poverty line, and the number is accelerating. If their incomes could be raised, many of their other problems, like housing, transportation and isolation, would be solved.

Their fixed incomes are devoured by spiraling property taxes (80 percent of them live in their own households) and other forms of inflation. More than 2 million of them live on that social security check, and nothing else.

As many of you know, I make the rounds of the Post Offices in the 9th District to meet constituents. I am constantly amazed at the number of elderly who live only on that social security check each month.

Inflation and taxes hit them especially hard. They often live on fixed incomes, pensions, social security benefits and the cost of many items, like medical services, which affect the elderly to a much greater degree than younger persons, have risen at a faster rate than other items. Taxes and especially property taxes keep going up, even as their income keeps coming down.

They are often locked out of employment opportunity and job discrimination is a fact of their lives. Although 40 percent of the long term unemployed in the country are over 45 years of age, only 10 percent of Federal retraining programs are devoted to men of that age, and only 4 percent are designed for those 55 and over. Older Americans are out of work and those who are working are earning from half to three-quarters less than younger workers.

Thousands of them have lost pensions which they thought they had earned.

It is difficult for the elderly to get bank loans, home mortgages, or automobile insurance.

We should do several things to deal with this most serious problem of older Americans:

1. The basic floor of income for older Americans should be established through the Social Security system and this floor should be at a level above the poverty level.

2. Social security benefits should be increased by 20% in 1972. The present legislation passed by the House, and pending in the Senate provides for a 5 percent increase, effective June 1972. Widows should receive benefits up to the level their deceased husbands would have received. (The ceiling is now 82.5 percent of the husband's benefits).

3. Recipients should be allowed to earn more money from wages without losing their benefits. The exempt amount of earnings should be increased to not less than $3000 a year. The proposal now before the Senate, and already passed by the House increases the earnings limitation from $1680 to $2000.

4. Pension plans need special attention. According to one informed estimate, only 10 percent of the people who work under pension plans actually receive any benefits. Older people are often locked out of jobs because it is too expensive to let them join a pension plan.

5. Broader coverage of private pension plans should be encouraged with minimum standards enacted to insure receipt of benefits by workers and their survivors. We should also require fiduciary responsibility, minimum funding requirements and protection through reinsurance and other measures of the promised benefits.

6. Programs to provide jobs for the elderly should receive special attention. I am always impressed by the number of the elderly who want to be working and contributing.

A few small scale programs to provide jobs for the elderly have been successful. Operation Green Thumb hires retired farmers for landscaping and gardening. Green Thumb has done a marvelous job in Indiana. The International Executive Service Corps arranged for retired executives to lend management skills to developing countries. Foster grandparents pay 4,000 low income grandparents to care for 8,000 under privileged youngsters. Many serve today in VISTA and the Peace Corps and have been enormously successful. One Peace Corps volunteer, 71 years of age, told me the people of the under-developed countries rank age very highly and when he met that kind of appreciative attitude, he outdid himself. I simply find it no longer socially acceptable or economically necessary that 5 million older Americans live in poverty.

2. Health—The other big worry for Americans is health: Health problems are compounded for older Americans. While they have about half the income of younger workers, they pay twice as much for health care. They are twice as likely to have chronic ailments requiring prolonged and expensive care.

Nursing homes which symbolize the neglect of older Americans have come under special criticism in recent months for unsanitary conditions, poor food, fire hazards, mis-appropriation of funds and conditions which degrade human dignity.

About 1 million of the elderly live in nursing homes. Some are nice, but most are not, and in many of them the food and care is atrocious. My colleague in the Congress, David Prior from Arkansas, recently visited twelve nursing homes in Washington. He said he found only two where he would be willing to put his mother, but that, even with his salary, he could not afford them.

The Federal government should not continue to pay vast sums to nursing homes which fall far short of meeting minimum standards of decency. Present federal regulations should be strictly enforced, and, if the standards are not met, then federal funds should be cut off.

Several steps should be taken to meet the health needs of older Americans:

1. We should eliminate the monthly premium for supplementary medical insurance in Medicare.

2. We should provide the complete range of health care services for the elderly under Medicare. Medicare should cover prescription drugs. That very matter is pending before the U.S. Senate now. I have joined with 114 other House Members to urge the Senate to approve it.

The care of eyes, ears, teeth and feet, eyeglass, hearing aids, dentures, should be covered by Medicare. The deductibles and co-payments should be eliminated.

3. Special attention should be given to research of the health problems of older Americans.

4. We must move vigorously to assure an adequate supply of health manpower and essential facilities for all Americans, not just older Americans.

An elderly man said to me the other day at one of my visits to the Post Offices, "We can send a man to the moon, a President to Peking, but we can't send an old man to a doctor."

5. More attention must be directed to the nutrition problems of the elderly. An estimated one third to one half of their health problems are related to nutrition. Recently the Congress approved legislation to establish a nutitional program for the elderly. This legislation will provide low cost nutritional meals served daily at social settings.

This bill is in the final stages of passage.

6. In addition, the elderly will benefit—and so will all Americans—from a stepped up program of medical research and treatment of heart, cancer, and stroke.

Behind all these specific proposals is a feeling that comprehensive health care for older people is a basic right, and a quality of life that is consistent with the invaluable contributions to this nation.

3. Housing: Another problem of older Americans that I hear much about is housing.

Approximately 6 million older Americans live in unsatisfactory housing. At least 120,000 federally assisted units are needed each year to overcome the present deficit in housing, but we are producing only about 37,000 each year, over the last 10 years.

Many of the 70 percent of the elderly who own their own home face swiftly rising property taxes and other costs on very limited retirement incomes and many of them lose their homes.

Quite candidly, this matter of housing is among the most difficult problems of the elderly. Several of our communities in Southern Indiana are making genuine efforts to deal with it, but I do not know of a single community in Southern Indiana which has adequate housing for the elderly.

I have introduced legislation aimed at easing the property tax burden of older Americans by providing a federal income tax credit to offset exploding state and local property taxes.

But more is needed than a tax credit, if we are to provide a safe and decent living environment for the elderly. We need a variety of living arrangements for the elderly, including:

New and rehabilitated housing, in large and small concentrations.

Independent living areas with recreational and activity programs within easy access.

Housing produced by public, private and non-profit agencies.

Congregate housing with food and personal service.

Facilities with medical and homemaker services.

Long term care facilities for the chronically ill.

Only one program has produced substantial number of decent homes at rates older persons can afford. Section 202 of the Housing Act, provides direct loans at nominal interest rates to non-profit sponsors of housing for the elderly. It requires special features relating to span, design, construction that are advantages to the elderly.

I am especially distressed that the Administration is phasing out this program.

At this point let me digress just a moment to mention the particular concern we should have for the rural elderly.

In doing so, I don't want to detract from the problems of the urban elderly.

A third of the nation's elderly live in the deteriorating center of our big cities. Anyone who has walked the streets of our big cities has seen the penniless widows plodding to their dingy single room hotels, frightened to death of alcoholics and dope addicts. One such woman told me that she gets so fearful and disgusted with her neighborhood that she is sleeping her life away. For these people the weekly trip to the grocery store becomes a perilous adventure.

But about 40 percent of the elderly live in rural America.

They have even less than the urban elderly.

One half of them are classified as poor.

Their health is not as good and they need more health care, and it is harder to get.

They have special and unique problems, which should be recognized and dealt with as part of our general concern for the elderly:

Transportation must be provided for them so that health, education, social and employment services are available to them.

Employment programs, like Green Thumb, need to be expanded.

Property taxes need to be reduced.

Home repair programs made available.

ATTITUDE TOWARD THE ELDERLY

Obviously, there are many things that we need to think about with regard to older Americans. I've only talked about three of the most important: Income, health, and housing. I have not talked about employment, training opportunities, education, transportation, research and a variety of other matters.

But income, health and housing are the most fundamental—except for one other concern, and it is the most fundamental of all. And that is the attitude toward the elderly that still lingers in this country.

Above anything else, it seems to me, we need to get away from the callous notion that older Americans are nice, have done their part and should now be put on a shelf or sent to Florida or stashed away in an old age home. We must reject the idea that retirement is a status and view it instead as a gradual process, prepared for over a period of time. We must acknowledge, appreciate and use the important contributions the elderly can and do make.

Only with a fundamental reshaping of our attitudes toward the elderly will we really make the progress we want and the elderly deserve.

I want to see:

Our priorities reshaped to place human needs at the center of our concerns.

Young and old participating in the decision making process of this nation, serving on boards and commissions, and provided with the opportunity to be effective voices.

All people living and dying in dignity and avoiding pain and poverty.

Communities reaching out to provide decent, safe and hospitable environments for all people, entitling people to enrich the quality of their lives.

It is time to close. I think of so many images of the elderly from recent years.

The elderly couple who go to the restaurant and eat one meal between them—because they can't afford two.

The lady who could not afford 80 cents bus fare to go across town to visit her husband in a nursing home.

And another one who, after a lifetime of perfect church attendance, had no regular transportation to the Sunday morning service.

The couple who fear their home, which they own, has become too expensive for them because of spiraling property taxes.

The man who pays half his social security benefit for drugs each month.

These are the things I want to avoid. These things, when they come to my attention, make me say, "We can do better than that in America." I know we can, because I have seen:

Couples who have "retired" happily, satisfyingly.

Older people engaged with life. Not long ago I found a man in his eighties working on his vocabulary (I wish I could get my children to do it half so diligently).

People conserving and enjoying, not acquiring and exploiting.

People showing a concern for others, rather than a desire to control others.

And people who have the remarkable gift of being able to accept each day as a gift.

PRIORITY LEGISLATIVE GOALS OF THE VETERANS OF FOREIGN WARS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 14, 1972

Mr. THURMOND. Mr. President, on Monday, February 6, 1972, the Veterans of Foreign Wars presented their legislative program to the Senate Veterans' Affairs Committee. Mr. Joseph L. Vicites, the commander in chief; Mr. Cooper Holt, director of the Washington office of VFW; and Mr. Francis Stover, legislative director, presided for the VFW with Mr. Vicites addressing the committee.

While other countries have suffered the devastation of war, the United States has never had to fight an invader on its home soil. Our wars were fought in foreign lands. Accordingly, the members of the VFW are the very soldiers who defended our country so well overseas.

The VFW has prepared a pamphlet setting out their priority goals for this year. These goals are extremely important ones which deserve serious consideration by Congress.

Mr. President, I ask unanimous consent that the pamphlet entitled "VFW Priority Goals" be printed in the Extensions of Remarks of the Congressional Record at the conclusion of my remarks.

There being no objection, the pamphlet was ordered to be printed in the Record, as follows:

VFW Priority Goals—Legislative and Security for 1972

PREAMBLE LEGISLATIVE PROGRAM

Living veterans in America now total more than 28 million. Veterans, together with their families, comprise almost 100 million or about half of our population. Since the founding of our Republic, grateful Congresses have approved a most comprehensive program of veterans rights and benefits in recognition of the extra sacrifice in the national interest by wartime veterans. U.S. veterans programs are unmatched by any other nation in the world.

Nevertheless, the 1970s will be the crucial decade for the preservation and continuation of veterans programs. There are ominous signs on the horizon which lead to the inescapable conclusion that veterans programs are in mortal danger. Commander-in-Chief Joseph L. Vicites stated it this way in his acceptance speech when he assumed the office of Commander-in-Chief at the National Convention in Dallas, Texas, August 13–20, 1971 when he proclaimed:

"Veterans benefits will be our battle cry. Unless we put up a more productive effort to preserve and liberalize these benefits, the office of Management and Budget, together with the individuals and groups who have long opposed us, will eventually eliminate them."

There are other developments which make this year different from previous years. The Veterans of Foreign Wars has always adhered to the position that all veterans would be treated alike with respect to entitlement to veterans assistance and benefits. However, it is impossible to ignore that there are many older veterans in our society, especially the 1.5 million World War I veterans, whose average age is 76. At the other end of the ladder are the more than five million young or Vietnam veterans, many of whom are in their early 20s. While these veterans have shared common experiences and made an extra contribution in behalf of the nation by their service in the Armed Forces, their ages make their needs quite different and distinct. The Vietnam veteran is just starting out in life. He needs a certain kind of assistance, which is of little significance in helping the World War I veteran.

All World War I veterans have retired. They are most concerned with a generous and realistic pension which will provide adequate food, clothing, and shelter. That is why the Veterans of Foreign Wars, while continuing its best efforts for all veterans and their families, will be placing special emphasis on legislation which will help the younger veteran to be quickly and successfully rehabilitated back into civilian life and the older veteran to enjoy a dignified and well-earned retirement.

VA hospital and medical care will continue to be a V.F.W. Priority Goal. National Cemeteries in every state to provide veterans with an opportunity to be buried in a National Cemetery reasonably close to his home is also of great concern to V.F.W. members.

Inflation has taken its toll on the more than six million veterans and their families who subsist in whole or in part on VA compensation or pension checks. These programs must keep up with spiraling inflation. Jobless veterans, both the older veteran who is out of work because of adjustments in the aerospace, defense, and similar industries and the younger Vietnam veteran who has no employment skills, are both of priority concern to the Veterans of Foreign Wars. We must find ways to have Federal assistance reach these veterans at the local level to provide them with jobs and job training which they so desperately need.

These and many other problems are expressed in hundreds of mandates approved by the delegates to our Dallas National Convention.

The following program is a representative list of the key problems and intense concerns which the Veterans of Foreign Wars believes are of critical importance and, hopefully, will be favorably resolved during this coming year by their approval by the Congress of the United States.

TO INSURE BEST HOSPITAL AND MEDICAL CARE

A. No reduction in average daily patient load in VA hospitals.

B. Eliminate pauper's oath requirement for admission to a VA hospital.

C. Immediate full resumption of long-range construction and modernization program to keep VA hospitals second to none.

D. Drug treatment and medical and employment rehabilitation by VA for all drug dependent veterans.

To Prevent VA Hospitals From Becoming Second Rate or Being Closed

A. Oppose any merging of VA hospitals or facilities in proposed National Health Insurance Plan.

B. Operate Congressionally authorized 125,000 hospital beds.

C. Repeal existing law which requires the Veterans Administration to gain prior approval of the Office of Management and Budget before proceedings with any VA hospital or construction project.

D. Support legislation to provide that the establishment of new VA hospitals and medical facilities or substantial renovation, alteration or modernization of VA medical facilities may proceed when approved by House Committee on Veterans Affairs.

FOR DIGNITY AND SECURITY OF WORLD WAR I AND OLDER VETERANS

A. Minimum pension payment of at least $125 a month for a veteran alone and $150 a month for a married World War I veteran.

B. Both hospital and outpatient medical care for all medical needs of veterans 70 or older.

C. Presumption that older veterans are service connected for entitlement to drugs and medicines by VA.

D. Greatly expanded hometown nursing care for older veterans to prevent separation from their families and loved ones.

REVISION OF PENSION AND COMPENSATION PROGRAMS

A. Increased pension rates and income limitations to assure no veteran suffers loss of VA pension because of Social Security and equivalent increases in retirement income.

B. Cost of living increases for the millions of veterans and their families who receive disability compensation, pension and dependency and indemnity compensation payments from the Veterans Administration.

C. Dependency and indemnity compensation payments to widows of veterans who were 100% service connected disabled at the time of their death.

D. Continue the statutory award for veterans suffering from arrested tuberculosis.

E. Disregard income of wife in determining VA pension entitlement and adequate pensions for widows of veterans.

EXPANDED GI EDUCATION AND TRAINING BILL

A. Increased GI Bill assistance to include the cost of books, tuition and fees.

B. More funds for stepping up on-the-job training for the hundreds of thousands of unemployed veterans who do not want to go to college or desire institutional training.

C. Cost of living increase in GI Bill training rates.

D. Advance educational payment and increase entitlement to 48 months.

E. Restore educational benefits to World War II and Korean veterans who have not heretofore used full entitlement.

MORE MEANINGFUL ASSISTANCE FOR RETURNING VIETNAM VETERANS

A. Expanded contact and outreach program to insure that every Vietnam veteran knows of his veterans rights and benefits.

B. Complete support of a crash program to provide jobs for the hundreds of thousands of unemployed veterans.

C. More job training programs with extra emphasis on veterans with no civilian employment skills or experience.

D. Establish low cost life insurance program for Vietnam veterans similar to NSLI program for World War II and Korean veterans.

JOBS AND JOB SECURITY

A. Total support of President Nixon's Jobs for Veterans program and related programs which carry out the President's six-point program to obtain employment for veterans.

B. Urging the Department of Labor to provide preference for veterans in all employment programs, especially veterans without employment skills or job experience.

C. Adequate staff and funds for Veterans Employment Service of the Department of Labor.

NATIONAL CEMETERIES AND BURIAL ALLOWANCES

A. Transfer jurisdiction of national cemeteries to the Veterans Administration.

B. Increase veterans burial allowance to at least $750.

C. Oppose annual recommendation of Office of Management and Budget to eliminate veterans burial allowance where veterans are also entitled to lump sum Social Security death benefits.

FOR IMPROVED PROGRAMS FOR MILITARY RETIREES AND THEIR FAMILIES

A. Eliminate present requirement that a military retiree must forfeit VA compensation payment to which he may be entitled if his military retired pay is a greater amount.

B. Support legislation to provide equitable survivor benefits for the military retiree who dies after he has retired from military service.

VETERANS PREFERENCE FOR VETERANS EMPLOYED BY ALL GOVERNMENT AGENCIES AND U.S. POSTAL SERVICE

A. Preserve and continue Veterans Preference for all veterans employed by the Federal Government.

B. Call upon the U.S. Postal Service to provide Veterans Preference to all veterans in the Postal Service, as provided in the Postal Reform Act of 1970.

RESTORE VETERANS DAY TO NOVEMBER 11

The V.F.W. Priority—National Security and Foreign Affairs Program, for 1972.

PREAMBLE—NATIONAL SECURITY AND FOREIGN AFFAIRS PROGRAM

The United States has always abided by an ethic which extends beyond the immediate, which has in its essence of being a purpose larger than our national comfort and safety. We must now and always strive, in cooperation with other nations, to defend this traditional ethic; attempting to establish an enduring structure of world peace. We must not allow the horrors that we have suffered in Vietnam to deter us from our dedication to international interaction and harmony. A lasting peace can only be achieved through a meaningful dialogue of all peoples.

We must view the Vietnam era of involvement as a valuable experience in our nation's maturation process, and discourage any efforts to isolate the philosophies and strength of the American way of life. We must encourage any efforts to deliberate the nature of peace and to seek out methods of insuring peace today and in the future. We must condemn as intolerable any views which are detrimental to the high standards set by American traditions, or to the efforts of individuals and countries to seek and insure worldwide peace.

The President of the United States speaks as the voice of our nation. U.S. Senators and Representatives, by word and deed, should support this fundamental concept of American democracy and not allow political opportunism to overshadow their inalienable right of dissent. There is very little value which can be attached to the vilifying comments of dissident officials. If what they truly desire is national unity and a responsible approach to ending international conflicts, they must realize that vituperative and derisive remarks about our President and our national policies do not offer the prompt and intelligent solutions we so desperately seek to these problems which are tearing our country apart. Protest is an essential aspect of democracy, but now is the time for more reasonable voices to be heard. A positive and more reasonable approach to solving our problems of disagreement cannt be found through emotionalism. Under these circumstances, those espousing a historical perspective are handicapped by a lack of media appeal. True solutions to our problems can only be found through national, as well as international, dialogue, through logic and through a constant reminder of our American heritage. We must speak as one nation once again, not because we are willing or able to ignore our weaknesses, but because we have a national realization of our great potential!

Is compassion natural in this world where the struggles of superior powers have become the predominate factors? Those who portray themselves as concerned and compassionate must understand that deeds necessarily confirm the intensity of words. Deeds must necessarily provide the American POWs now suffering in the prisons of Southeast Asia with a solace they so desperately need. Without the true compassion of deeds, those men will remain faceless in the annals of humanity. We cannot allow them to be lost in a sea of anonymity.

The Veterans of Foreign Wars of the United States believe in the principles and ethics which have made our nation great. We believe that a national adherence to these principles and ethics can bind the wounds which pain us now, and we pledge our support to them.

The question every American should ask himself is "Do I believe there is a real and dangerous threat to our National Security by a Communist Conspiracy?"

The Veterans of Foreign Wars, having answered that question by an unequivocal and resounding "Yes," herein sets forth our recommendations and goals to meet, repel and remove that threat.

NATIONAL SECURITY

The Veterans of Foreign Wars advocate peace through national strength by—

1. Requesting immediate strengthening of the Army, Navy, Civil Defense, Marines, National Guard, and Reserve Forces to insure the most effective, well-balanced fighting force in the world.

2. Requesting immediate appropriations and authorization for the development and construction of modern and effective bombers, fighters, missiles and of naval vessels, particularly aircraft carriers and submarines, with adequate support vessels to insure a first-class, effective fighting Air and Navy Force.

3. Immediate enlargement of an adequate and effective Merchant Marine.

4. Supporting and urging the appropriation of adequate funds for the research and development program for the continued improvement of weapons, missiles, and defense systems for all branches of the service.

5. Using every affirmative means of informing the public of the importance of a first-rate, adequate military posture and urging their support of same as the most effective maintenance of peace.

6. Military forces are to be committed only upon determination of a clear definition of military and political objectives to be secured; and once determined, all necessary military forces and equipment shall be available and utilized to insure a quick and certain victory.

FOREIGN AFFAIRS

1. Call upon the President of the United States to demand immediately of Hanoi an adherence to the principles of the Geneva Convention and to support all efforts throughout the world to attain humanitarian treatment for all prisoners of war; and that we will not withdraw our forces from Southeast Asia until a satisfactory resolution of the POW issue is resolved.

2. Encourage any discussion which would lead to eventual partnership of nations in the Pacific Basin and a self-determined structure of peace and equitable stability throughout Southeast Asia; support action deemed necessary to attain an honorable peace and hasten the return of American fighting men.

3. Support continuation of NATO with adequate military forces and urge European Nations to contribute to the common defense of Europe commensurate with their individual and collective security interests.

4. Urge the Government of the United States to honor its 1954 treaty commitment to defend the Republic of China on Taiwan from attack; we urge continued United States support of the Republic of China on Taiwan sovereignty and territorial integrity; and oppose the representation of the People's Republic of China in the United Nations unless there is some reversal in their present policies.

5. Urge and support an initiative of the Government and people of the United States in developing a program of hemispheric reconciliation, taking into consideration the common heritage of cultural, ethnic, and religious values of the Western Hemisphere.

6. Urge that the United States use its good offices to effectuate a negotiated peace in the Middle East and to that end, we support all efforts of the United States to provide an effective counterbalance to the Soviet influence in the Middle East and any and all efforts of parties who have the will and true desire to arrive at a lasting and equitable peace in the Middle East.

MILITARY MANPOWER AND PERSONNEL

1. Support any efforts to revitalize the strength, spirit, and integrity of our military.

2. Advocate continued treatment and rehabilitation of servicemen identified as drug users by the Department of Defense and the Veterans' Administration.

3. Advocate extending the system of selective service to assure the military forces of our nation sufficient strength in the active services and in the reserves.

4. Encourage and support the participation of all qualified colleges and universities in ROTC programs.

5. Eliminate the technical difficulties of proving the offense of desertion from the armed forces, and oppose amnesty to military deserters.

6. Urge a vigorous effort to have benefits and privileges restored to retired military personnel equivalent to those of active duty military personnel.

7. Oppose removal of religious training and character guidance programs traditionally incorporated in the training and development of military leaders and insist on retention of Armed Forces Chaplaincy.

ABORTION AND ALTERNATIVES

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HOGAN. Mr. Speaker, abortion foes have long realized that simply opposing abortion is not enough—other courses of action must be proposed to solve the problems which abortion is supposed to solve.

A discussion of valid alternatives to abortion is presented in the last of six articles written by Mary Kay Williams for the N.C. News Service, and I insert that article into the RECORD:

VI. ABORTION AND ALTERNATIVES (700)

(By Mary Kay Williams)

It is not enough to be against abortion. One must be for the things that will help to alleviate the reasons for abortion in the first place.

What must be kept in mind is that a woman seeking an abortion is acting to meet a crisis in her life. She deserves intensive consideration, acceptance, and professional attention.

Most abortions in this country are performed for "mental health reasons." Yet a previous article in this series showed that the unborn child has never been demonstrated to be the direct cause of any emotional disorder. Furthermore, where a mental condition was present before pregnancy, the pregnancy did not aggravate the condition.

What becomes clear, then, is that abortion for mental health reasons grossly ignores the very real underlying problems of the distressed pregnant woman.

Many of her problems may be financial—medical expenses; costs of an additional child in the family; supporting a child out of wedlock; specialized care for a handicapped child; need for a bigger house; the simpler but nevertheless urgent need for maternity clothes, baby supplies, special diets; the future considerations by working mothers of day-care provisions.

It is cheaper to have an abortion than to meet these needs—cheaper for both the pregnant mother and the public paypayer. But to meet these financial needs is to present a far more humanitarian solution to the problem.

One step is to support legislation and increased public and private support for:

1. Family allowance plan
2. Birth insurance
3. Acceptable means of family planning
4. Better housing
5. Families with disabled children
6. Poverty programs
7. Social supportive services

Supporting increased federal and municipal funding is one approach. It is important and serves not only the distressed pregnant woman, but the general populace as well.

A second approach is more personal, and supports the mother-to-be on an individual, a specialized basis. This approach is found in programs called Birthright, Alternatives to Abortion, New Life, and Life-Line. These programs are now operating in 60 cities across the country. There are that many more in the process of organization which hope to open later in the year.

The services of these programs may include: counseling; medical care; referrals to private homes, maternity homes, and adoption agencies; employment and financial assistance; programs for continuing high school and college; parenthood preparation classes; baby layettes and maternity wardrobes; professional counseling by psychologists or clergy. But in all cases, the premium is on unconditional friendship and compassion, with an awareness that human relationships are precious and all human life is sacred.

A special feature of these programs is their voluntariness. The effort has been spearheaded across the country generally by women who are themselves wives and mothers. They are not paid for their work. They are giving their best gifts—time and self.

The area of education offers many ways to achieve a greater acceptance and respect for the unborn child, a greater appreciation of parenthood, and an honest pro-child society.

Young children, as well as adults, need to be aware of the marvelous development of the fetus, and the recent discoveries concerning fetal life by the modern sciences of fetology, embryology, genetics, and biology. Logically, these discoveries should make the fetus more protectable than ever before. They should make the fetus far more than a "glob of tissues" in the minds of many.

One of the recommendations of the 1970 White House Conference on Children was the need to provide practical experiences within the school curriculum for adolescents to work with younger children. Their reasoning was: "American schools give only minimal attention to the one sphere of activity which almost all their graduates will share as adults—parenthood."

This recommendation was picked up by the Office of Child Development, which recently announced the initiating of a "parenting" course for adolescents which includes actual care of young Head Starters and children in day-care centers. Teen-age boys will be working with younger boys who have no father present in the home.

Experience with children and understanding the psychological changes in the body during pregnancy are two parts of parenthood education. But another part is often neglected—the psychological attitudes of the woman during pregnancy and at birth.

She must be helped to realize that it is normal to have feelings of anxiety, stress, and depression at some points during the pregnancy—and that these are not signs of pregnancy rejection or approaching mental illness. She must be helped to understand postpartum (after birth) feelings as well.

The husband is not excluded in this education of the psychological attitudes during pregnancy and at birth. For how he views the pregnancy and children is critical to the mother's acceptance.

There *are* alternatives to abortion—they are creative, positive, and equally responsive to the rights of women and the rights of unborn children. And in these times, it is encouraging that these alternatives are surfacing at last.

RED CROSS IN DELAWARE

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Tuesday, March 14, 1972

Mr. BOGGS. Mr. President, this is Red Cross month in the United States, and I take this opportunity to draw attention to the marvelous work being done by the Delaware Chapter of the American National Red Cross.

Mr. Harry B. Bissell, Jr., is the chairman of the Delaware Chapter. I congratulate him and his many colleagues on the fine service they provide to Delawareans in distress. From offices in Wilmington, Dover, and Georgetown, Del., the Red Cross stands ready and anxious to serve those in need of help or instruction.

Serving the Nation's Armed Forces and veterans is one of the most important jobs undertaken by the Red Cross. During the past year a total of 1,553 servicemen, their families and veterans were assisted. The Delaware Chapter handled a total of 5,791 cases which included counseling and financial assistance of $11,013.24.

The Delaware Chapter's service to military families provides 23-hour service every day of the year with the help of loyal volunteers. A total of 1,284 emergency messages were delivered. Ninety-nine families sent free "Voices from Home" messages, sponsored by the Red Cross, to all parts of the world.

During the year, the Red Cross provided relief for 535 adults and children in 113 disaster situations, mostly fires, in which families were unable to meet their human needs. The Red Cross gave outright grants for food, clothing, shelter, household essentials, and medical and nursing care amounting to $34,167, doubling the previous year's total.

Working as a team and deeply concerned with helping people, 3,268 Delaware Red Cross volunteers reached out to meet human needs in the community during the past year.

A total of 8,331 Delawareans were awarded certificates in 1,538 free Red Cross swimming and life saving courses. Free water safety courses were held for school, industry, and labor groups; community and neighborhood associations and disadvantaged persons. More than 1,500 were enrolled in learn-to-swim courses. Two hundred and seven persons were awarded certificates for completing 34 courses in boating, conducted by 20 volunteer instructors. A total of 3,434 Delawareans were awarded certificates for completing first aid training in 191 courses. Emergency treatment for persons suffering from drug abuse is now part of first aid courses.

Nursing programs certified 802 adults and students in 51 free courses in home nursing, mother and baby care, disaster nursing, and mother's aide. These were conducted in schools, for neighborhood and civic groups and at the Wilmington Medical Center. A total of 135 registered nurses and eight licensed practical nurses were enrolled for disaster duty and community service. Volunteer nurses served in the Red Cross first aid stations at 40 public events.

During the past year, adult and youth volunteers served in 37 hospitals and institutions throughout the State.

Seventy-three motor service volunteers in the Wilmington area and Kent County made 3,969 trips to hospitals and clinics, transporting patients on errands of mercy.

A total of 964 young people in 44 schools and four colleges participated in a wide range of humanitarian projects. A total of 716 teenagers served during the summer as volunteers in hospitals and institutions.

Mr. President, this is a record of rare accomplishment. I commend the Red Cross on its good work and congratulate each of the thousands of people who have contributed to it.

THE CRISIS IN NORTHERN IRELAND

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. DRINAN. Mr. Speaker, I have today made the following statement to the Committee on Foreign Affairs, Subcommittee on Europe, with respect to legislation which I and many of our colleagues have sponsored regarding the crisis in Northern Ireland:

THE CRISIS IN NORTHERN IRELAND

Mr. Chairman and Members of the Subcommittee: Thank you for providing me this opportunity to testify on behalf of the resolutions before you which seek to express our concern about the tragic situation in Northern Ireland. I am the sponsor of one of these resolutions, H. Res. 803, which is identical to Representative Hugh Carey's H. Res. 653.

I commend this Subcommittee for holding these hearings. Your involvement is itself an important step in demonstrating to the world that the United States of America will not ignore the deprivation of the civil and political rights of any minority anywhere in the world when those rights are systematically threatened. We all realize that we should not and cannot physically intervene in the internal affairs of another country; we have tried to do so before, with dismal results. Nevertheless, our common morality compels us to exercise such powers of persuasion as we possess whenever minority rights are jeopardized.

If we can agree on one thing, it is that the problem of Northern Ireland defies simple solution—a truism in light of the 600 to 700 years this conflict has existed. If the United States truly wishes to exert its influence in restoring peace to the Six Counties, then it must realize from the outset that its task is not to assess blame or point fingers or take sides. Rather, its task is conciliatory. We are dealing with two of America's oldest and staunchest allies with whom we have the closest cultural ties. Only in an atmosphere of conciliation and mutual friendship can the United States play a significant role in reducing the potential for violence in Northern Ireland.

In the past several years, more than 200 lives have been lost in Northern Ireland and millions of dollars of property damage has been done. What, we may ask, are the basic sources of friction in Northern Ireland great enough to cause such massive destruction of life and property? In my judgment, there are three sources, one immediate and two longer-range. The immediate source of conflict is the Stormont government's internment policy, first instituted in August, 1971. Interment is, in Representative Carey's well-chosen words, "a classic act of international illegality." Few things are as abhorrent to the Anglo-American legal system than the notion of imprisoning people without the prospect of trial or detaining them merely because they *might* commit a crime. And in Northern Ireland Internment takes a particularly vicious form based on the Special Powers Act of 1922 in force in Northern Ireland and nowhere else in the United Kingdom, an Act which the Prime Minister of South Africa openly admires because it is stronger than his own racist version.

Conditions at the three internment camps in Northern Ireland are unspeakably bad. The prisoners—over 90 percent of them Catholic—are regularly beaten, intimidated and humiliated. As Amnesty International, a world investigating organization with headquarters in London, concluded in its judicious report on the internment camps:

"These men generally were not severely brutalised (if a comparative standard can be employed to measure such dehumanising activity) but they were subjected to calculated cruelties, imposed on them solely for the entertainment of their captors. The beatings and verbal abuse in these areas were clearly of such an unsophisticated type that it cannot be supposed that they were employed to ease the future extortion of information from the detainees. Rather, it served as a summary punishment for being suspect."

Nothing in the past few months has exacerbated the tension or been responsible for bloodshed more directly than the internment policy. Any American effort to reduce tensions in Northern Ireland must begin with a deliberate denunciation of this violent policy.

The second source of friction in Northern Ireland is the blatant economic and residential discrimination perpetrated by the Protestant majority against the Catholic minority. Nothing is more indicative of this discrimination than the astonishing case of the government-owned Harlan and Wolfe Shipyard in Belfast, the largest government-operated business in the whole of Northern Ireland. Of its 9,000 employees, 8,700 are Protestant.

As journalist Brian Moore wrote upon his return to Belfast last year, "there is something old and rotten still alive here: there are not enough jobs to go around, and religious issues help to mask the truth, which is, in large part, that this Ulster is the backward fief of a Conservative oligarchy, a group which makes up only 9 percent of the population yet owns 92 percent of the land." Whether religious persecution originally caused economic discrimination or *vice versa* is for our purposes unimportant; what matters is recognizing that Catholics in Northern Ireland must face economic discrimination of a type which is brutal and pervasive. Such discrimination must be terminated if peace is to be restored.

The third source of friction in Northern Ireland is the total political dominance of the majority over the minority. Gerrymandered election districts prevent Catholics from achieving local political control even in areas where they are a majority. The 52 members of the Lower Chamber at Stormont are also elected from distorted districts, depriving the Catholic population of the representation to which their numbers entitle them. Compounding this inequity, the Upper Chamber is appointed by the Lower, which only serves to reinforce the injustice of the electoral system.

Proposals for peace in Northern Ireland, therefore, must include among their provisions the abolition of the Stormont government and either direct rule from the British Parliament at Westminster or massive reform of existing constitutional and political arrangements. No government which dedicates itself to the suppression of the Catholic minority, as the Stormont government has, deserves to remain in power in Northern Ireland.

Our efforts at peacemaking, however, must not be limited only to encouraging reform in the foregoing areas. We must also urge immediate implementation of the reforms in housing, employment, law enforcement and voting rights which the government of the United Kingdom has promised for four years. Had those reforms been effected in 1968 when they were originally proposed and passed by Westminster, a great deal of needless bloodshed would have been avoided.

We must urge the withdrawal of British troops from Northern Ireland, to be gradually replaced by local peacekeeping forces or United Nations forces. As the events of "Bloody Sunday" recently made clear, the presence of British troops in Catholic ghettos only serves to focus resentment. After our experience here in America, one can legitimately wonder whether military forces will ever be able to deal successfully with civilian unrest. They certainly have not in Northern Ireland, where their presence is directly responsible for much of the loss of lives.

A very strong case can be made for United Nations intervention. The U.N. has involved itself several times in the internal affairs of nations, the most obvious cases being its investigation of apartheid in South Africa and its action during the Cyprus crisis in 1964.

The intervention in Cyprus, in fact, suggests many parallels with Northern Ireland. Critics of U.N. involvement in Northern Ireland have stated that the Security Council does not have power to intervene unless a crisis poses a definite threat to international peace—which, they argue, the fighting in Northern Ireland does not. But the preamble of the Security Council's resolution in 1964 refers to the situation in Cyprus as "*likely* to threaten international peace and security," without alluding to any imminent threat.

Other critics have argued that under Article 2(7) of the United Nations Charter, the U.N. may not properly concern itself with "matters which are essentially within the domestic jurisdiction of any state." Again, the parallel with Cyprus is striking, because in 1964 it was Britain itself which requested U.N. intervention, arguing that—

"Article 56 of the Charter makes it clear that no country can say that the human rights of its citizens are an exclusively domestic matter. A country that denies its citizens the basic human rights is by virtue of Article 56 in breach of an international obligation."

The U.N. could play a positive peace-keeping role in Northern Ireland just as it did in Cyprus, and its reasons for intervening are every bit as good now as they were eight years ago.

And finally, we as Americans must urge the eventual unification of Ireland. The partition of 1920, now more than 50 years old, was designed as a temporary measure. Historically, geographically and economically, Ireland is one nation, and peace ultimately depends upon its being made one nation again. Here, perhaps, is where America can most directly help, by extending any diplomatic aid necessary to bring the interested parties to the conference table and by serving as an impartial mediator as the details of reunification are negotiated.

House Resolution 803 and the other resolutions which resemble it express the United States Government's deep concern over the present situation in Northern Ireland. These resolutions do not urge American intervention, nor do they embroil the United States in the internal affairs of another nation. They express our moral concern over the violence and bloodshed in Northern Ireland. As Subcommittee Chairman Rosenthal so eloquently said in his opening remarks:

"The burden of finding solutions to these problems rests primarily on the countries involved. Yet no man of conscience can rest easy with that assertion. And no country can subsist any longer behind the fiction that the nation-state system allows or demands that injustices can continue simply because they occur wholly within national borders."

I am particularly disturbed by the Administration's attitude expressed by Assistant Secretary of State Martin Hillenbrand that "we should (not) make declarations which in effect susbtitute our judgment for that of other democratic countries as to whether they do or do not face conditions of civil conflict which cannot be controlled by ordinary judicial processes." I submit that we should indeed make such declarations and that we are morally committed to do so when blatant civil injustices are being committed on such a scale as this.

William Butler Yeats once wrote of men under crisis that "The best lack all conviction, while the worst/Are full of passionate intensity." Mr. Chairman, we are dealing with one of the oldest, most persistent struggles in the western world, and we delude ourselves if we think the solution is easy or apparent. However, we must strike a balance between doing too much and doing nothing. We must express our outrage and do everything within our power to help; but we must retain the dispassion which we as outsiders can contribute to a possible solution.

GREEK PARTICIPATION IN THE AMERICAN REVOLUTION

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 14, 1972

Mr. BYRD of Virginia. Mr. President, the splendid and able sheriff of the city of Richmond, Va. is president of the National Sheriff's Association. The February-March issue of the The National Sheriff contains a most interesting article written by Mr. Young, dealing with the bicentennial celebration and the part played in the Revolution by those of Greek ancestry.

We have a splendid Greek-American community in Virginia. They are numbered among our finest citizens.

I ask unanimous consent that Sheriff Young's article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRESIDENT YOUNG SAYS . . .

As the bi-centennial celebration of the American Revolution approaches, our thoughts turn to the past as we prepare for the future. And fitting this is, because, as is carved on the Archives Building of the United States in Washington, D.C., "What Is Past Is Prologue."

When we consider our nation's heritage of individual liberties and freedom, we would do well to think of the patriots who left us this priceless heritage and to consider the origin of the ideas and ideals embodied in our governmental structure. The very words, e.g., Republic, democracy, citizen, politics, philosophy, etc., have their origin in antiquity.

As we trace these words, these concepts, back to their source, we inevitably must find our steps taking us to the birthplace of logical thought, the city-states of Hellene. It was there that philosophy was born. It was there that man became concerned with causes and effects, with the abstract ideals of justice, with the practical concept of equitable government, with human dignity, with the relationship of man and God, with man and the state, etc.

Our Founding Fathers were devoted students of Tellenic thought and were thoroughly familiar with such philosophers and political scientists as Plato, Aristotle, and Protagoras. They read avidly the works of such historians as Thucydides and Herodotus. They knew the writings of Homer and Plutarch. They sought to emulate the oratory of Demosthenes and the statesmanship of Pericles. In short, the ideas and ideals upon which America was founded came largely from Hellenistic culture as did the words which describe them.

Interestingly, too, documents recently unearthed disclose that a contingent of warriors from Zante, Greece, sailed to the New World during the American Revolution to help Americans in our War of Independence. Amon the noblemen abroad was one Major Michael Vourtzis who served in the Continental Army as an aide of General Lafayette.

A direct lineal descendant of Major Vourtzis, His Most Eminent Highness, Brigadier General Pericles Count Voultsos Vourtzis, now makes his home in New York, and is continuing the fight for individual freedom, an ordered and lawful government, and the brotherhood of man under the fatherhood of God. Dr. Voultsos is Prince Grand Master of the Sovereign Greek Order of St. Dennis of Zante, one of the most ancient, if not the most ancient chivalric group in world history.

As loyal Americans and as defenders of our government of laws, we, as professional law enforcement administrators and practitioners, cannot help but be interested in this order of Knighthood. Although at first glance it may appear anachronistic in Twentieth Century America, it most definitely is not. United States Presidents Hoover, Roosevelt, Truman, Eisenhower, Kennedy, and Nixon, as well as Vice-President Agnew, have been decorated with the Order and are included in the roster of famous Americans wearing this historic decoration, along with many Senators, Congressmen, Governors, Generals, and Admirals.

The origin of the Order holds great interest to anyone concerned with the progress of civilized thought. The beginnings of the Order are ascribed to adventurous Zakynthian knights who joined Jason and his Argonauts in 1207 B.C., under the leadership of Laertes, the first grand master, in his quest for the golden fleece.

According to Homer, their descendants aided Ulysses in the Trojan War, with men and twelve ships. Strabo, Titus Libius, Apollodorus, and Polyvius write of the founding of Saguntum in Spain by their warriors, after the destruction of Troy by Hannibal in 218 B.C. Herodotus speaks of the high esteem that the Knights of Zante enjoyed at the Court of Darius. Thucydides extols them for their participation in the Peloponnesian War as allies of Athens. Xenophon records their feats under Phalinus, then grand master of the knightly order.

The Order continued to fight for freedom and human dignity through the centuries. The Knights of Zante fought in the First Crusade under Favius Segur. This was but one example of the continuing warfare waged by the Knights of Zante throughout the centuries. There is virtually no battle which took place during the centuries in which the Knights of Zante did not take an important and decisive role.

After the fall of Rhodes, the Vourtzis family, a Patrician Byzantine family, which had often contested the throne of the Empire itself, settled in Zante in the Sixteenth Century. The Knights proclaimed as their only purpose the benevolent teachings of St. Dionysios (Dennis): love of fellowman, battling want, alleviating misery, and mitigating need. The order's ancient motto, "Faith—Courage," epitomizes its dedication to these principles.

Dr. Voultsos, present Prince Grand Master of the Order, although a descendant of one of the oldest and noblest families of Zante, is an American citizen and has devoted his life to those principles which we all hold dear.

As Americans, as lawmen, as seekers after truth and lovers of liberty, as fighters for justice, we must pay homage to Dr. Voultsos, the Sovereign Greek Order of Saint Dennis of Zante, and their many contributions to the welfare of our nation, our nation's existence, and to our profession as participants in American criminal justice.

Let each of us remember that our nation could not have succeeded, if it were not for help from such dedicated humanitarians as Lafayette, Kosciuszko, and von Steuben. To that list of names should be added that of Vourtzis.

Democracy derives from the Greek words *demos*, the people, and *kratos*, authority. May all authority in America continue to come from the people! May this condition exist so long as one person believes in human dignity and the United States of America!

A LETTER FROM A CONCERNED PARENT

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HALL. Mr. Speaker, last week I received a letter from Mr. Fred W. Frye, who resides in Lockwood, Mo. It was in fact, an open letter to the Members of the Congress.

Mr. Frye is a veteran of World War II, and the father of a badly wounded Vietnam veteran. He has set down his thoughts on the question of granting amnesty to those Americans who left this Nation rather than serve in its Armed Forces during the Vietnam conflict.

I offer his letter for the enlightenment of all:

A CONCERNED PARENT

An open letter to all Members of the U.S. Senate and House of Representatives:

I am indeed ashamed and not a little angry when I think that I probably helped elect some of you to your present seat in government, when I read and hear that some of you propose "amnesty" for the more than 70 thousand "deserters" and "draft dodgers" of the Vietnam War. Am I and the rest of the people of our great nation to believe that some of you are advocating the "breaking" of our national laws and that those who *do* are the smart and sophisticated, while the hundreds of thousands who "served" are *fools*.

I, and thousands like me are not arguing whether the Vietnam War is *right* or *wrong.* I venture to say that 90 percent of our young men who served, *did not* believe in the Vietnam War, but when their country called them they honored their obligation to their country *right* or *wrong*. They did not make the decision to fight in Vietnam, *you did*. Are *you* going to make an *unforgivable mockery* of the 55,000 who died and the hundreds of thousands who were wounded and of our War Prisoners for doing something you demanded according to law they accept, by allowing the deserters and draft dodgers to go free? Am I to believe that some of you are so eager to be re-elected or to preserve your office that you cast aside *all responsibility* and say to me "It is unfortunate, but this is the way The Ball of Life Bounces."

Some of you have referred to these 70,000 as "the war's other victims." If they were *really* "conscientious objectors" they could have served their country honorably without "bearing arms." They were able to in previous conflicts, why not now. They made the choice to run away and desert their country, why do some of you seem to think we need them so badly now! Is it because you have a political axe to grind?

Some of you are saying "they have already paid a high price in exile or hiding." I admonish *you*, who has paid the highest price, *they* or the 55,000 who died and their loved ones who ask why? *They* or the many thousands more who were wounded so badly that they must spend the rest of their lives as "vegetables" and their loved ones who must suffer the long years ahead hoping for a miracle. Who do you really think Mr. Congressman has suffered the most "Hell?"

I *can not* really believe that the majority of you are so *irresponsible* that you would let this atrocious injustice happen. But if *you do*, heaven help you, because if this nation of ours ever has to call our young men to bear arms again on foreign soil against a common enemy—*not one* will respond.

FRED W. FRYE.

A veteran of World War II and father of a badly wounded Vietnam veteran.

MICKEY NAIL'S BOOKLET GUIDES BARGAIN HUNTERS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mrs. GRASSO. Mr. Speaker, Mickey Nail, a homemaker from the town of Brookfield in Connecticut's Sixth Congressional District, has made life a little easier during this time of the shrinking food dollar. Benjamin Franklin, as "poor Richard", espoused virtues of hard work and thrift—virtues Mrs. Nail knows fully well. For the past 6 months, she has worked hard to publish a guide of our area's wholesale merchandisers for thrift-minded patrons. The initiative, diligence, indeed the important contribution Mrs. Nail has made to her community, are to be highly commended. For the interest of my colleagues, I insert in the RECORD an article from the Brookfield Journal which further explains this worthy endeavor:

MICKEY NAIL'S BOOKLET GUIDES BARGAIN HUNTERS

(By Jean Beers)

Chances are if you ever wished you knew all the factory outlets and discount stores in reasonable driving distance from Brookfield, you discarded the wish as impossible of attainment. After all, how could you ever find them out?

One homemaker—a newcomer to Brookfield from Yakima, Washington—decided she would find out, and she did. But it wasn't easy.

Mrs. Douglas Nail, soon after moving to Cherokee Drive, Brookfield Center, with her husband and their two small children 18 months ago, began to notice and hear about certain stores where high quality items were available at reduced prices. On the west coast, where the family had lived in several different locations for a period of twelve years, she had not seen such outlets. Feeling there must be more of these places around the state and in nearby New York and New Jersey, and that some must be better than others, she determined to find out.

So Mickey, as she is called, set herself the task of not only locating such sources but of making a record of her findings. She has published a neat, 32-page booklet, called "Factory Outlet Almanac" for Connecticut which can be purchased for $1.50. It is available by mail for 25 cents extra for handling charge.

The booklet contains no advertising. Comments under the listings are the opinions of Mrs. Nail alone. Sub-titled "A handy guide to outlet shopping", it is just that.

Mrs. Nail promises there will be follow-up newsletters every four months (subscription $1 a year). Correspondence should be addressed to Factory Outlet Almanac, R.R. 1, Cherokee Drive, Brookfield Center, Conn. 06805.

In order to accomplish this seeming miracle, Mickey traveled the state and nearby areas for six months, visiting over a hundred places, and gathering information. Her booklet lists over 90 locations.

A page of practical shopping tips and things to watch out for is included as well as a cross index of locations and types of merchandise.

Mickey graduated from high school in Wilmington, Del. The nickname is derived from her maiden name of Susan McLain. After one year at Northwestern University, Evanston, Ill., she was married to Douglas Nail.

Her husband is advertising manager of Ciba-Geiger in White Plains, N.Y. The couple's children are Gretchen, 8, and Brian, 4. Mr. and Mrs. Nail are tennis enthusiasts and have played at the Candlewood Racquet Club since coming to Brookfield.

THE 60TH ANNIVERSARY OF THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. FISH. Mr. Speaker, this week we celebrate the 60th year of the Girl Scouts of America. This outstanding organization which has provided a forum for the social, moral, and intellectual growth of millions of girls, currently serves a total membership of over 3.9 million. Recently, I was proud to join with 78 of my colleagues in the Congress, as a cosponsor of a resolution commemorating this anniversary. The resolution unanimously passed the House on March 6, 1972. I insert in the RECORD at this point the text of an editorial that recently appeared in the Millbrook Roundtable, N.Y., which pays recognition to the unique and valuable contributions made by the Girl Scouts to our Nation:

AS WE SEE IT—60TH ANNIVERSARY

Girl Scout Week, to be commemorated March 12–18, marks the 60th Anniversary of Girl Scouts of the U.S.A.

The purpose of the Girl Scouts' organization remains unchanged from the day it was founded by Juliette Gordon Low in 1912: it seeks to inspire girls with the highest ideals of character, conduct, patriotism and service so that they may become happy and resourceful citizens.

Membership is open to all girls from 7 through 17 years of age who accept the Girl Scout Promise and Laws. The total membership is now nearly four million. This includes 3,250,000 girls and 670,000 adults. Since 1912 there have been almost 32 million members (25 million girls and 7 million adults) in the Girl Scout organization. The adult members serve as leaders, program consultants or as members of boards of directors, finance committees, camp committees, troop committees or in other positions of voluntary leadership.

This newspaper wishes to remind the public that here is a group of nearly four million citizens embodying the highest qualities of character and idealism. They represent the homemakers and community leaders that will have much to do with shaping tomorrow's America.

The girls in our area have taken on many commendable fund-raising projects, including trying to raise enough Betty Crocker Coupons to buy an EKG for the county. And between March 10 and 19, the Girl Scouts of the area will once again be selling cookies to raise money for their troop's activities.

We congratulate the Girl Scouts on their 60th birthday and commend them for the fine job they have done for the nation's youth.

CHICAGO CITY COUNCIL URGES CONGRESS TO ENACT EFFECTIVE HANDGUN CONTROL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. MIKVA. Mr. Speaker, the toll continues to rise in terms of people wounded and killed as a result of the easy availability of handguns in America. As the number of Americans who arm themselves to protect against other armed Americans continues to grow, Congress fiddles like a modern day Nero.

Fortunately, there are some signs of sanity in the offing. The message is finally getting through to the elected representatives of the people, that in a congested urban society such as ours the handgun is a dangerous toy. The cost in lives and misery is too great to permit us to cater to the hobbies and fetishes of a few pistol enthusiasts.

Recently, the Chicago City Council adopted a resolution memorializing Congress to prohibit the manufacture, sale, and ownership of handguns, except for military or law enforcement purposes, or in connection with licensed sport clubs.

The time is approaching when legislators will translate their vocal concern about reducing the incidence and the cost of crime in the streets into action which will have a real impact on crime—through strict handgun control.

I urge my colleagues to heed the call of the Chicago City Council, as voiced in the following resolution:

Resolution Memorializing Congress to Outlaw Handguns and Long Guns by Enacting S. 2815

Be it resolved by the City Council of the City of Chicago:

The City of Chicago urgently memorializes the Congress of the United States to meet a national emergency by enacting S. 2815, which prohibits the ownership and manufacture of hand guns by all persons (except the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, licensed manufacturers, dealers, antique collectors, and pistol clubs).

Be it further resolved by the City Council of the City of Chicago:

The City of Chicago urgently memorializes the Congress of the United States to draft legislation or amend S. 2815 to establish strict requirements for the use and ownership of long guns, as well as hand guns.

THE DESTINY OF MANKIND LIES IN THE SEA

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. KEITH. Mr. Speaker, on Wednesday, March 8, the Boston Herald Traveler devoted an eight-page special section to the oceans. This excellent work made clear man's dependency upon the oceans, his abuse of the oceans, and what man must do to correct that abuse if man, himself, is to survive.

As a Member of Congress, long publicly concerned with this growing problem, I congratulate the Herald Traveler for the distinct public service reflected in this report. And I cannot say enough for the man directly responsible for it, James Mahony, the Herald Traveler staff writer under whose byline this special section appeared.

A veteran Boston newspaperman, Mr. Mahony, over the years, has researched and written about 75 Herald Traveler special sections. They have ranged from the American Revolution to modern-day pollution. All of them have been incisive and informative. But none has served a greater public need to know than this outstanding work on the oceans which, today, are in more serious trouble than the average man can begin to understand.

Because this work deserves the widest possible circulation and readership—certainly within the Congress—I shall, beginning today, enter it in the Record, section by section, for the next several days.

I commend this to the attention, study, and consideration of all of my colleagues. For, as Mr. Mahony makes clear in his opening line: "The destiny of mankind lies in the sea."

The first article follows:

Ocean Filled With Vast Resources—Sea Key to Our Destiny, But We Are Spoiling It

(By James Mahony)

The destiny of mankind lies in the sea.

Life came from the sea, is sustained by the sea and can be improved by the sea—unless we ruin it with pollution first.

It hardly seems possible that the oceans, which cover 70 per cent of the earth's surface, could be destroyed by man, but it is happening.

Oceanographers can't take samples of water anywhere without finding traces of oil, DDT has been found in seals and penguins in the Antarctic, and bacteria associated only with human waste were found in bottom samples taken from the deep Hudson Canyon 110 miles off the Atlantic Coast.

The ocean is filled with vast resources, with tremendous potential for a better life on earth, but it also is getting filled with man's waste.

All pollution, whether of air, land or fresh water ends eventually in the sea. And the sea apparently can't absorb or handle it all.

Any idea that the ocean is too vast to be damaged came to an end in March of 1967 when the Tanker Torrey Canyon cracked up on a reef off England and spilled 36 million gallons of crude oil into the water.

It took $5 million to clean up the mess and, as yet, no one has been able to assess the loss in sea and shore life.

Thousands upon thousands of birds, unable to fly because of oil-fouled feathers, died along the shores of England and France.

The slick spread over 100 square miles of ocean, polluting shellfish and threatening disaster to sea-borne plant and animal life.

Though only the catastrophic oil spills get the headlines, the pollution is going on every day. And it is not just oil. It is sewage from cities, pesticides washed from farms, chemicals from industrial plants—all carrying their lethal qualities to the ocean.

Man's waste can change environmental conditions, interfere with the chain of life and deprive the world of resources that could be of untold value.

Shellfish, for instance, can not cleanse themselves of oil once they are contaminated. They not only are polluted, but they spread the pollution to any creature that eats them.

The mercury pollution reported in tuna or other large fish comes from ingesting smaller creatures who have swallowed and concentrated the contaminants—and they eventually get back to man.

It is only recently that man has begun to realize that the earth's life support system is delicately balanced, that "everything is connected to everything else," that he is part of the system, not master of it.

He has been able to upset the balance of nature and now must learn to live in harmony with it before the damage he has done returns to haunt him.

To that end the United States government has scores of agencies working under the Marine Resources and Engineering Development Act to advance and coordinate the sciences and technology of the oceans.

There also are at least 1,000 private U.S. companies engaged in oceanography as well as numerous educational institutions.

One of the best known of these is the Woods Hole Oceanographic Institution at Woods Hole, Mass., which first opened in 1931 dedicated to the "wise use of the oceans for all mankind."

This includes, besides the fight against pollution, a major effort to use the seas more efficiently as a source of food, the mining of metals, the saving of beaches from erosion, the study of the seas' effects on weather, the production of fresh water from salt, and the study of the earth's history from layers of sediment.

It is possibly in the area of food that the oceans hold the most hope for the future of the world's ever-expanding population. For seawater is the most common stubstance on earth and also the most life nourishing.

It is a liquid soil and liquid atmosphere at the same time, filled with animal and plant life that could feed all the world's starving millions.

But a deeper understanding of the seas is required to reap and regulate the harvest. Over-fishing and pollution must be overcome in some areas, better methods of catching fish must be developed, and ways found to use the prime source of ocean life, the plankton.

In all these fields, the rewards await those who work with nature, not corrupt it.

Lobsters, for instance, were so heavily fished that they came close to extinction before strict conservation measures were applied. Yet at one time they were so common that early settlers could pick them up on the beaches after a storm to use for fertilizer.

Now trawlers go 75 to 150 miles out on the Continental Shelf to meet the demand, which may yet require the establishment of lobster colonies. This is in addition to the traditional method of fishing for lobster via traps, a method which yields fewer lobsters than ever before.

There are ideas for fish colonies or "farms", too, as heavy fishing has cut deeply into the schools on the banks off North America and in the North Sea.

The problem is not that there aren't enough fish in the ocean. The problem is more economic. Fishermen seek the fastest, cheapest way to catch fish and new developments like echo-sounders have helped find the best places.

As techniques improve, the size of the catch should increase, with less overfishing because the vessels can spread out and tap new waters.

Improvement in technique also will open up the mining of mineral resources in the ocean, with oil the major goal along most coasts.

Under International Law, the United States and other coastal nations have "sovereign rights for the purpose of exploring the Continental Shelf and exploiting its natural resources. The Geneva Convention on the Continental Shelf thus gave the U.S. mineral rights in 930,000 square miles of underwater land, an area larger than that acquired by the Louisiana Purchase.

The shelf consists of the relatively shallow margins of the ocean, averaging about 42 miles, which slope fairly gently to an average depth of 430 feet. The shelf ends where the bottom drops off precipitously to the deep-sea floor.

There is off-shore drilling off the Pacific Coast and in the Gulf of Mexico, but the federal government has held up leasing any Atlantic site pending a "complete public disclosure and evaluation of scientific, environmental, economic and technological data."

Rogers C. B. Morton, secretary of the interior, notified Atlantic Coast governors in January that scientific and technical information available to the department "suggests that certain target areas . . . merit our attention for future exploratory drilling in search of new reserves.

"These areas are well offshore but nevertheless are in moderate depths of water that are within the capability of modern technology."

If these are developed and begin producing, they will place a source of oil within 200 miles of some of the nation's largest cities.

Such a development could reduce prices in the northeast as well as add to the nation's resources, but under new regulations such work must be done "in keeping with maximum environmental protection."

After thousands of years, man is beginning to think of nature and his surroundings before he acts.

He is learning that "everything is connected to everything else."

PROFILES OF YOUTH

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. NATCHER. Mr. Speaker, on June 11, 27 years ago the National Future Homemakers of America was founded to help people improve their personal, family, and community living. "Profiles of Youth," the theme of this year's National Future Homemakers Week, March 19 through 25, reflects the confidence and trust placed in the ability of FHA members to fulfill America's destiny. The eight sides of the official emblem of the FHA represent the goals for which its members strive: international goodwill; democracy in home and community life; satisfaction of homemaking; improved home and family life; creative leadership; group recreation; home economics careers and occupations; forming the philosophic base for the national, State, and chapter programs of work.

Over one-half million boys and girls from the United States, Puerto Rico, the Virgin Islands, and American schools overseas actively participate in the many worthwhile programs of the FHA. Any student who has taken or is currently taking a course in home economics may volunteer for membership in either of the two types of chapters. He may join an FHA chapter if he is interested in consumer education, homemaking, or family life education courses. If he is planning a career in home economics or a related field, he may join a HERO—Home Economics Related Occupation—FHA chapter he may take home economics related occupation courses. As an FHA member, one is given the opportunity to develop individual and group initiative in planning and executing activities related to the combined roles of homemaker and wage earner.

The family is the hub of American life around which all other activity revolves. It is in the family where our future leaders receive their initial education and develop values which will remain with them for the rest of their lives. Their parents must be capable, mature adults, for it is their obligation to help shape the lives of their children and give them the guidance they need so that they may grow up to become responsible adults able to assume the duties of their parents. Through education and counseling, the boys and girls learn what is expected of them as parents and are prepared for the new roles they will assume; they are also taught that raising a family is a full-time job shared by both parents.

FHA instruction is not limited to cooking, sewing, and raising a family. It also includes consumer education and courses for those who are planning a career in a field related to home economics. Decisionmaking ability is emphasized and individual and group activities are geared to teach leadership, build character, encourage community participation, develop understanding, patience, and tolerance, and help prepare the members so that they may better cope with the demands of the adult world.

The environment is of vital interest to people everywhere. The FHA members share this concern for the future of our world and have initiated many programs to preserve and beautify their surroundings and to help curb pollution. Members participate in glass reclamation drives and volunteer to separate paper and cans at local recycling centers. These industrious young people pick up trash along the highways, repaint old buildings, and encourage nonmembers to take part in an all-out effort to reduce pollution.

Overpopulation is another pressing problem which is an ever-present threat to the maintenance of our current standard of life. At its present rate of growth, the world's population will double in 35 years. FHA is trying to make people aware of our grave population problem and the need for family planning. Since successful population control must be a collective effort, the projects will be designed to involve entire communities in family planning education and population awareness programs.

Mr. Speaker, I am very happy to see the continued rise in FHA's membership in the Second Congressional District and the increased variety in the number of home economics courses that are offered in that area. The State FHA Association of Kentucky was the first to affiliate with the national organization when it was established in 1945. I also am very proud to be an honorary member of this wonderful organization and I wish the Future Homemakers of America continued success and distinction as one of our Nation's finer youth organizations.

HARRY DREAMS OF EDUCATION

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. CABELL. Mr. Speaker, there are many instances of ways in which the Congressional Record is of assistance both to Members of Congress, members of their staff, other agencies of Government, congressional constituents, and to the general public. However, in a recent issue of the Dallas Morning News, the discovery by Miss Marilyn Schwartz of a specific way in which the Record has proved worthwhile to a young Mexican American is worthy of recognition here.

Young Harry Trujillo has both ambition and determination and deserves to be recognized for his efforts to fulfill his destiny. I have asked that Miss Schwartz' inspiring story of how one young man is working to achieve his dream of a productive life be reprinted in the pages of the Record so that young Mr. Trujillo and his friends can read for themselves how such self-reliance is appreciated in government.

The story follows:

Harry Dreams of Education

(By Marilyn Schwartz)

Harry Trujillo wants an education.

In his pursuit, he has spent his summers working as a laborer in the fields of California and his lunch hours reading the Congressional Record.

But although Harry has had a dream of medical school since he was 10 years old, he's had an even bigger dream for his family.

Harry, 20, is one of 12 children of Eusevio and Esperanza Trujillo.

Eusevio Trujillo never had much money, but he had a pride in his heritage and his family that he taught his children was important above all else.

Harry's belief in this has never wavered. When he was offered a $2,000-a-year college scholarship, his father said he needed Harry to work and help take care of the other children.

Harry didn't hesitate. He gave up the scholarship.

"There are people who might say we are bad because there are so many kids in the family," said Harry. "But my father has always taken care of us and we are proud of that. He's told us that in Dallas we could be mayor if we wanted to. 'So we are not going on welfare,' he tells us. 'Suppose you are mayor one day and the people want to know why you were on welfare?' He says we are not helpless, we can take care of ourselves. And we always have."

Right now, Harry is a copy boy in The Dallas News newsroom. He aroused the interest of a cynical reporter not long ago by borrowing Congressional Records and poring over them during his lunch break.

"It helps me with my English," he explained shyly. "It also gives me a chance to know all about America. I'm very proud of my country, you know? And, since I am not in school now, it helps me keep up with my education."

Harry had earlier worked at WFAA-Television, where Jim Pratt, programming and promotion manager, observed his intense desire for an education.

"He would bring law books to read at lunch time," said Pratt. "I think somebody gave him one or two. He told us it was very difficult to get a doctor or a lawyer to come out to his neighborhood in West Dallas. He wanted to be a doctor one day. But until that came about, he wanted to find out all he could about law."

Harry was born in Dallas, but his family moved to Laredo when he was in the fifth grade because his father lost the small grocery business he owned and jobs were scarce here.

They returned to Dallas when Harry was a junior in high school and he entered Sunset. It was the first school he had ever attended where most of the students spoke English.

"I was so proud to be in that school. You don't know what it meant to me. I was even put in an advanced biology class and we studied at the Museum of Natural History. There was what I was studying right before my eyes. I had never imagined anything like it. It was wonderful."

But he said it was also at Sunset where he began to feel different.

"We spoke Spanish in our house and we grew up eating beans and tortillas. I love beans and tortillas and thought everything else did too. No one had ever led us to believe we were anything but Americans. But in that very American school, I was beginning to feel that not everyone thought that way."

Harry managed to make some good friends at Sunset his first year, although he was terribly shy.

His new friends thought a lot of Harry, too. They nominated him for student body president. "I wanted to win so badly, I prayed each night that I would," Harry recalled.

In his campaign speeches, Harry was honest with the students.

"I told them I came from the labor fields, but I also told them how I felt about being at Sunset. I said I thought I could do a lot as president that would be for everybody. Not just for the Mexican-Americans, but everybody. I told them we were all one and should work together."

Harry won the election. But with it, he inherited a lot of problems.

"There were some people who just weren't ready for that kind of honor to go to one of my people. They kept asking how a Mexican managed to get something like that. Most of the things I kept to myself, but I felt them in my heart."

He says his worst moment was at homecoming.

"They told me it was traditional for the president of the student body to crown the home-coming queen and to kiss her on the cheek. But they said I could not do that and I should understand why."

Meanwhile, the family money situation was worsening. Harry, as president of the student body, helped choose graduation invitations—but he had no money to buy any of his own.

After graduation, Harry went to work at Channel 8 (WFAA-TV), and had hopes of getting a scholarship for college through a program set up for minority employees by the station.

But because of family financial problems, he gave up that possibility and went to California with the rest of the family to work in the fields.

"My father said that he needed me. If college was important to me, he said he would find a way to send me someday," Harry said.

The summer after Harry gave up his scholarship, his father told him he could leave California early and go back to Laredo and try to enroll in Laredo Junior College.

The $500 state education loan that he applied for didn't come through right away and Harry was in trouble. He tried to quit, although his grades were excellent. The dean stepped in and arranged for another loan.

"That's when my father came to Laredo from California. The rest of the family was already there. He said we had only $14 left and we would have to do something or there would be no food. It was exam time, but I quit school without even taking them. I was too upset, I could not have done well. I went to Dallas with my father to find work. There were no jobs in Laredo."

He never once, however, thought of giving up future plans for college although the draft was adding even more problems.

"I am supposed to be drafted any minute. My draft lottery number is 18. I could volunteer, but that would be for four years and I don't have four years."

"But I will be very proud to serve. I just need to start now. If I could get the service out of the way sooner, I could start trying to get back to school."

Harry says he will not give up his idea of medical school. He plans to get there no matter how long it takes.

"It may be 20 years, but I'm used to waiting and I'm used to working. I don't mind that. That is the American way. And no matter what has happened, I am still very proud to be able to do things the American way."

HOW JOBS GET "EXPORTED"

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. FRENZEL. Mr. Speaker, the Minneapolis Star, on Monday, March 13, carried an interesting editorial concerning its analysis of the reasons for some of the loss of jobs within this country.

The Star's analysis calls attention to the fact that curbs on imports can never prevent the export of some jobs which are lost, because negotiated wage agreements increase the price of our goods and services disproportionately. No law can prevent us from pricing ourself out of many markets.

The Star's editorial follows:

How Jobs Get "Exported"

Labor unions have allied themselves with several industries in seeking legislation to curb imports in the belief this would prevent the "export" of jobs. They ought to pay some attention to Helen Delich Bentley, chairman of the Federal Maritime Commission, who has another reason why jobs are being exported.

Commenting on effects of the latest East Coast dock strike, Mrs. Bentley noted that the walkout will result in a permanent loss of up to 20 percent of shipping traffic diverted to Canada. Why? Because, she explained, union contracts have forced costs of container handling at the Port of New York to $143 per longshoremen gang hour. In Montreal, the cost is about a third of that—$49 per gang hour.

No law Congress could pass would force shippers to use one port when they can get their cargoes handled far cheaper at another. And the blame for this "export" of jobs must be put on the American dock workers, who are pricing themselves out of the market.

AMNESTY

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. BELCHER. Mr. Speaker, I would like to take this opportunity to introduce this copy of a letter to the editor of the St. Louis Globe Democrat which I have received from a good friend of mine, Mr. L. P. Edwards. I think this letter puts the question of amnesty in the proper perspective.

Clayton, Mo.,
February 28, 1972.

To The Editor
The St. Louis Globe Democrat,
St. Louis, Mo.

Dear Sir: I was shocked and dismayed at the rantings of some of the News Media and some of the candidates for the Office of President of the United States, and some of the members of Congress and other people in high places in the Government in Washington, D.C., when a certain person in Government admonished everyone not to say or do anything to give aid and comfort to the enemy.

They did this under the flimsy excuse that the people are entitled to know—wholly ignoring the fact that our boys in the front lines in Vietnam are duly entitled to first consideration and loyalty of every red-blooded United States citizen.

Their quick response is further evidence of their guilt. They must know that everything that is said or done by them is known in Hanoi before it appears in the United States.

Does any one suspect they have an ulterior motive? Oh, No, they would not stoop so low as that—or would they?

Many of these dissenters are in high places in our Government. When this silly war started, why didn't they stop it then? No, they waited until the first sincere effort was made to bring it to an honorable conclusion. They did everything they could to delay every effort being made to end the War honorably.

I was a prisoner in a former war that never should have been, similar to this one in that respect. I spent some time in an enemy hospital and I was interviewed by many prominent people, both civil and military. None of them had any illusions about being able to win a military victory, but every time any news arrived favoring their side, they had a big celebration and I remember hearing very often, "If we can hold out long enough, our friends in Washington will win the war for us."

If it wasn't so serious a matter it would be comical to watch the antics of the persons mentioned above, trying to divorce themselves from any connection with the beginning of this very unpopular and useless war. Yet many of them were in positions of authority when we became embroiled in it.

In the repetitious mouthings made in portraying the faults of this war, they called it immoral, illegal, and many other things, but failed to mention that they did not arrive at these decisions until the present administration tried to do something about it. Now, they are throwing every obstacle they can think of in the way of efforts to arrive at an honorable settlement for fear that the opposition will gain some political advantage.

I do not think we should seriously criticize our youth, as they are immature and inexperienced and more susceptible to the actions of our politicians. "Politician" has in the past been an honorable word, but is fast becoming a word to denote individuals who only aspire to be elected to an office or to retain an elected position. Neither age nor education is a valid criterion of maturity. Some people are more mature at sixteen years than others at thirty, and some *never* arrive.

Very truly yours,

L. P. Edwards.

MY RESPONSIBILITY TO FREEDOM BY GROVER LEE SHEFFIELD

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. EDWARDS of Alabama. Mr. Speaker, a young man from Mobile, Ala., Grover Lee Sheffield, recently distinguished himself by winning the Alabama Veterans of Foreign Wars Voice of Democracy contest. Grover represented the State of Alabama in the national competition in Washington, D.C., and it was my privilege at that time to meet and talk with this outstanding young citizen. The 1972 contest theme was "My Responsibility to Freedom" and since Grover Sheffield expressed himself so well on a subject of importance to all Americans, I would like to bring his thoughts to the attention of my colleagues. The speech follows:

My Responsibility to Freedom

My first responsibility to freedom is to keep it free. Through the ages, Man has tried to become a part of perfection, or make his nature more beautiful. This is admirable, for it shows that Man recognizes his faults, and wants to rectify them.

But before we praise Man, let's take a close look at the means he uses to attain his beauty.

A man, seeing a bird in flight, longs to soar with it, and beat his wings skyward in an effort to feel the ecstasy of flying, the beauty of perfection. For the same reason, when Man sees freedom, he recognizes it as beautiful, and tries to become part of it, in an attempt to be more perfect. But how does Man attempt to attain perfection? He traps the bird in a cage and takes it home with him. Once he has freedom in a cage, he sees himself as a more perfect individual.

This attitude can be compared to that of a child who sees a bright flower in the morning grass. Recognizing its beauty he plucks it and takes it home. The child's sorrow when the flower dies is understandable. No no likes to see beauty die. But the same thing happens when Man attempts to cage freedom. It shrivels and dies, twisted by the desires, and shaped by the greed of Man.

I cannot let those who cage freedom use it as an excuse for something else. I can never accept a dead flower as a shield for ulterior motives. People who would cage freedom do not deserve it, for they kill its beauty by using it selfishly.

My second responsibility is to keep freedom safe and alive. Once again, freedom can be likened to a bird. Man, seeing that freedom cannot be caged or tied down, and still remain alive, may become jealous and try to shoot the bird, feeling that it shouldn't be allowed to exist if he is unable to reach it.

Man's striving for freedom are natural, but to shoot the bird down because of his own shortcomings is not right. If he loves the bird, it will light on him, and—though still undeniably free—will be present when it is needed.

Basically, I have attempted to point out two things: (1) that Man can hurt freedom with his lack of understanding, and he dimly realizes this, but (2) he still wants to be absolutely free.

With these ideas in mind, government has been created. Its prime objective, in theory, is to prevent one man's freedom from overlapping another man's. This, in theory, is good. But there is a drawback. Because Man is Man, he is imperfect. Therefore, any government set up by Man to protect freedom is also imperfect. But while conceding this point, the choice is between imperfect government and no government. Man has chosen government, and so, has created laws. These, obviously enough, prohibit him from the very freedom he has struggled for; but they also protect the public good, and it is this point which forces Man to set up standards and boundaries, and ironically, create perverted laws. They are for the public good, but people who exploit freedom are also protected by them.

Obviously, there is a need for a judge. The people of America have set the laws as judge. If a person transgresses a law, he becomes punishable. However, if Americans are wise, they will realize that laws should not control the circumstances, but the circumstances control the law. Many acts may be committed which can help and harm freedom at the same time. Final judgment must depend upon motive and the circumstances surrounding the act.

I have presented two extremes on the use of freedom. One is to restrict freedom with the laws of the people. The other is to let absolute freedom be an inheritance of each person.

I cannot say which way is best. Both have good and bad inherent in them. I must choose a middle road, for right and wrong must depend upon circumstance.

And with that thought, I present my last responsibility: to keep freedom within reach of those who would not harm it, and make it unattainable for those who would. Can this objective actually be realized? As an American, I must try to see that it is.

EMERGENCY INTERIM NUCLEAR REACTOR OPERATING LICENSING LEGISLATION

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HOSMER. Mr. Speaker, last Thursday two bills were introduced and referred to the Joint Committee on Atomic Energy having to do with establishing authority for the issuance of temporary interim nuclear reactor operating licenses in power shortage and related emergency circumstances. They would amend the Atomic Energy Act to do so. The provisions of these two bills are shown in the accompanying table comparing H.R. 13731 and H.R. 13732.

Yesterday the gentleman from Michigan (Mr. DINGELL) introduced H.R. 13752 which was referred to the Committee on Merchant Marine and Fisheries. His bill takes a different and apparently more restricted approach to interim licensing by amending the National Environmental Policy Act as distinguished from the Atomic Energy Act. It would appear to apply to conventional as well as nuclear plants. His explanation and the text of the Dingell bill appears at pages H1998–H1999 of the March 13 CONGRESSIONAL RECORD.

There appears below the text of a communication I issued today to the House Republican Conference as chairman of its Task Force on Nuclear Affairs discussing the two bills before the Joint Commitee on Atomic Energy:

MARCH 14, 1972.

From: Representative CRAIG HOSMER, of California, chairman, House GOP Task Force on Nuclear Affairs.
To: House GOP Conference.
Subject: Emergency interim nuclear reactor operating license legislation.

Blackouts, browns and similar power emergencies threaten various regions of the nation this summer and next winter during peak load periods.

The threat will substantially dissipate if six large nuclear generating stations ready to go on-the-line this summer and four more ready next winter can be licensed to operate by the AEC.

However these licenses are being blocked by recent decisions in the Calvert Cliffs, Quad Cities and other court cases holding that no license may be issued by the AEC until the settlement of all contested issues in an AEC licensing proceeding.

The 10 plants are being contested on environmental and health and safety grounds. The AEC's findings up to now are that the public will be adequately protected. The contests cannot be speeded up because procedures to settle them are lengthy and litigious. Unless something is done these power sources will be effectively enjoined from operation for as long as the attorneys for the contesting parties wish to interpose technical, procedural or legal issues.

The environmental, health and safety and other benefits to individuals and society flowing from such delay may be vastly exceeded by the detriments consequent upon the unavailability of power. Additionally, the delays may impose a heavy price to ratepayers in terms of unconscionable increases in power costs.

For these reasons the White House is recommending passage of legislation to allow temporary interim licensing of these reactors pending (and without prejudice to) settlement of the contests when it can be shown that (a) health and safety will reasonably be protected and (b) no permanent impairment of the environment will result.

The Administration bill was introduced last Thursday and due to its urgency hearings before the Joint Committee on Atomic Energy have been scheduled for next Thursday (3/16). Another bill with similar objectives but which adds authority under similar findings to issue an interim license to obviate undue economic burdens on ratepayers also was introduced and will be heard.

These bills contain other provisions which are not covered in this brief memo. Neither attempts to deal with the ancillary problem arising from an injunction against the Corps of Engineers under the Refuse Act of 1899 preventing it from issuing certain discharge permits for cooling water for conventional and nuclear plants.

Your support is recommended for the principle of interim emergency licensing under the stated safeguards.

The two Joint Committee bills should not be considered as competing and contradictory. Rather, the JCAE hearings next Thursday should lead to their satisfactory amalgamation. However, the merchant marine and fisheries bill, which would amend a different law in somewhat different ways is a truly contrasting approach and involves, to an extent, a question of committee jurisdictions.

Whatever these differences are, I hope and trust they can be resolved quickly for the reason that the summer power crunch is certain unless some legislation is enacted within as short a period as the next 3 or 4 weeks.

This is because even the interim licensing procedure will take some time. Then, after a license is issued it takes 2 months or more to bring a new nuclear reactor up to power, assuming that no hitches at all develop. In the normal course of things some delays are expected simply because the plant is large and complicated. Thus some extra time certainly ought to be allowed if the objectives of the legislation to get adequate power on-the-line this summer are to be met.

There is simply no time left at all for hemming and hawing with this legislation. The Congress is going to have to pass it or accept the responsibility for some very miserable power shortages.

And, let no Member misunderstand the issue involved here.

We are facing the certainty of major power shortages during the next hot summer and during the next cold winter.

To avoid them, we are going to have to override the views of those who believe that any temporization at all with environmental protection is unacceptable.

Either way, doing so or not doing so, we are going to make some or the other of our constituents sore.

So plan on biting one bullet or the

other when you make your decision on this issue.

It appeals to me that the Nation's editorial writers ought to be taking positions on this issue in their columns very quickly. Finger pointing after the fact of blackouts or brownouts will not help a soul.

The comparison referred to follows:

TABLE SHOWING COMPARISONS OF AEC BILL (H.R. 13731) AND MR. HOSMER'S BILL (H.R. 13732)

AEC BILL (H.R. 13731)	MR. HOSMER'S BILL (H.R. 13732)
A. Section 192 Interim Licensing.	A. Section 192 Temporary Operating License.
1. *Scope:* It would apply only to proceedings in which an application for an operating license was filed on or before September 9, 1971.	1. *Scope:* Could be used at any time when there is an unresolved opposition to an operating license.
2. *Power level which could be authorized:* Twenty percent of full power by an Atomic Safety and Licensing Board. Commission could authorize power in excess of that amount.	2. *Power level which could be authorized:* No specific limit. Determination of power level would be based on showings made in the interim licensing proceedings.
3. *Term of Interim License:* No statutory limitation is imposed on term of an interim license. No new interim license or extension of one could be issued after June 30, 1973.	3. *Term of Interim License:* No specific term specified. However, a temporary license will be vacated if the applicant fails to prosecute the full term license with due diligence.
4. *Prerequisites for use:* None, except that application for operating license must have been filed on or before September 9, 1971.	4. *Prerequisites for use:* a. Report of Advisory Committee on Reactor Safeguards must be filed. Staff safety evaluation must be available. b. Staff's final environmental statement must be on hand, except that for petitions filed before January 1, 1973, a draft statement will be adequate.
5. *Determinations Required:*	5. *Determinations Required:*
a. The provisions of Section 185 of the Act relating to compliance with term of the construction permit etc. have been met.	a. Substantial construction of facility will be in accordance with the construction permit.
b. There exists an emergency situation or other situation requiring the licensing in the public interest.	b. Operation will provide protection for the health and safety of public and protection of the environment commensurate with that generally provided in similar plants now operating.
c. Either that issuance of the license will not have a significant impact on the environment; or, that	c. Interim operation is needed either to meet emergency power requirements or to prevent substantial increases of costs to meeting such requirements or in the costs of the facility.
d. The Commission has balanced the environmental impact and benefits, the redressability of the impact and benefits, and the effect of delay in the issuance of the license on the public interest.	
6. *Procedures:*	6. *Procedures:*
a. The Administrative Procedure Act would not apply.	a. A designated Commissioner would consider the petition.
b. A hearing would be required if showing of substantial change from the construction permit situation is made.	b. The Administrative Procedure Act would not apply. Summary procedures such as affidavits and oral hearing would apply. The designated Commissioner would make the decision which becomes effective upon issuance unless the Commission provides for final action to be made by it.
c. Interim licensing procedures would be as prescribed by a Commission regulation and could be limited to such things as affidavits.	Note: Procedures would be similar to those pertaining to temporary injunction procedures in a Court.
d. A decision must recite reasons justifying issuance or nonissuance.	
e. Terms and conditions must be included in the license.	
7. *Judicial Review:* Presumably same as under existing law although this is not clear.	7. *Judicial Review:* Same as under present law except that substantial evidence tests would be eliminated.
B. Define commencement of construction.	B. None.
C. Prohibit commencement of construction unless otherwise authorized by the Commission at the operating license stage.	C. None.
D. Change hearing requirements on antitrust matters.	D. None.
E. Change Section 189a to provide for legislative type hearings only at the operating license stage when a substantial backfitting question is raised.	E. None.
F. Change Section 222 so that violation of commencement of construction prohibition will not subject applicant to criminal penalties.	F. None.

COL. LUKE C. QUINN

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. CONTE. Mr. Speaker, the death of retired Air Force Col. Luke C. Quinn, Jr., removed from our midst one of the most tireless and effective workers for better health care which this Nation has ever produced.

It is sad irony that he was struck down by cancer, the disease he fought so hard to conquer specifically by rallying support for the conquest of cancer bill this body approved last year.

As a member of the Health, Education, and Welfare Subcommittee of the Appropriations Committee, I had occasion to work with Colonel Quinn on this legislation and other health proposals which this Nation so badly needs.

He brought to his job valuable experience in the workings of the Government in general and great expertise in the operations of Capitol Hill in particular. But these attributes alone do not account for the success he scored. It was the rightness of his cause and the dedication he brought to it that caused him to be so widely respected.

He was more fortunate than many people in this world, for he leaves behind him a glittering record of achievement and a legacy of concern for his fellow man. Because of his work, life will be better for many of his countrymen in the years and decades ahead.

Mr. Speaker, I know that every Member of this body joins me in mourning the death of this good man. At this time I want to include in the RECORD the following article on Colonel Quinn from the March 13, 1972, edition of the Washington Star.

COLONEL QUINN, 64, DIES; CANCER BILL LOBBYIST

(By Richard Slusser)

Retired Air Force Col. Luke C. Quinn, Jr., 64, a Capitol Hill lobbyist whose work aided in the passage of the Conquest of Cancer bill last year, died of cancer Saturday at the National Institutes of Health Clinical Center. He lived at 2700 Virginia Ave. NW.

Col. Quinn, for 20 years a spokesman for the American Cancer Society and other professional and scientific groups interested in expanding medical research, was unable to attend the White House ceremony when President Richard M. Nixon signed the cancer bill in December.

However, Nixon wrote Col. Quinn early this year and enclosed a pen "as a momento of this significant step in our national commitment for the conquest of this disease."

Working quietly but effectively in his usual behind-the-scenes manner, Col. Quinn encouraged the administration and Sen. Edward M. Kennedy, D-Mass., to join forces last year in support of the then-controversial Conquest of Cancer bill.

LAUDED BY KENNEDY

Informed of Col. Quinn's death, Kennedy said, "This historic Center Act passed last year in Congress will be a permanent memorial to Luke Quinn. Because of his tireless efforts, we enacted the most important milestone so far in our national effort to conquer cancer. The disease claimed his life but, because he lived, millions will be saved."

Col. Quinn was born in New York City. He moved here as an Air Force liaison officer on Capitol Hill after World War II service as an intelligence officer with the 450th Bomb Group in Italy. He retired from the Air Force in 1952.

Col. Quinn also worked for the establishment of the National Eye Institute and the Fogarty International Center at NIH. He was a leader in starting the John E. Fogarty Foundation in Providence, R.I., which is dedicated to the late Congressman who was among the first to urge Col. Quinn to enter health legislation work.

Before passage of the Cancer Act, Col. Quinn won congressional and administration support for a $10 million NIH special task force on genetic diseases.

EXPLAINED APPROACH

Col. Quinn carefully kept his name out of the news during the 20 years he spoke for health interests. At the height of the battle over last year's cancer legislation, doctors told Col. Quinn he had cancer. He then allowed himself to be interviewed for several professional publications for doctors and researchers.

He told one reporter after the Nixon-Kennedy compromise on the cancer bill that one reason he had a sympathetic audience among politicians was that he promised only what he could deliver, never welshed on a promise and kept his opponents as well as his supporters fully informed on his position.

He leaves a sister, Mrs. Dorothy Judge of Caldwell, N.J.

Mass will be said at 10 a.m. tomorrow at Holy Trinity Catholic Church, 36th and O Streets NW. Burial will be in Arlington Cemetery. The family request that expressions of sympathy be in the form of contributions to the John E. Fogarty Foundation, 33 Weybossett St., Providence, R.I.

ENERGY CRISIS AND GOVERNMENT CONTROLS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. CRANE. Mr. Speaker, often Government regulations tend to be counterproductive, and appear to be devised not to meet the needs of the public but, instead, to fulfill the desires of the very Government employees who do the regulating and administering.

This point is made very persuasively by Prof. James Q. Wilson of Harvard University. Writing in the Public Interest, Professor Wilson notes that:

> By now we should have learned that the existence of a federal power stimulates demand for its use, and thus what begins as an ultimate weapon for extreme cases becomes a ready weapon for everyday cases.

Recently, the U.S. Court of Appeals in Washington, D.C., held that a television station which shows a commercial for high-powered automobile or leaded gasoline can be compelled to show programs, free of charge, about the dangers of air pollution.

Professor Wilson points out that:

> It is obvious that pollution is a problem and that cars contribute to it; but the implication of this decision is that showing anything about a controversial public issue creates an obligation to show something on the other side—free if necessary, and even if the other side has already expressed its views on other stations or in other media. If the purpose of this decision was to insure vigorous public debate, its effect, if it stands, is likely to be the opposite. Vigorous debate arises from boldness, while the decision is likely to inspire timidity.

American business suffers from control and regulation, and today suffers from a freeze on the prices it may charge. No industry is more subjected to control, and no industry is more vital to the wellbeing of our economy than that of electric power.

While prices are rigidly controlled, the additional costs imposed by regulation are not. In 1971, for example, Commonwealth Edison Co. was forced to spend nearly $38 million for higher-priced low sulfur fuel in order to reduce sulfur emissions in the Chicago area. The ultimate annual cost of this action appears likely to approach $100 million.

In testimony before the U.S. Price Commission, Gordon R. Corey, chairman of the finance committee of the Commonwealth Edison Co. declared that:

> The U.S. faces a shortage of electric power which could severely curtail future improvements in industrial productivity, impede environmental clean-up and retard urban renewal.

He notes that:

> In our modern society, electric power is almost as vital as air and water. Lack of it is darkening homes and offices in England and throwing millions out of work. Yet we seem determined to make it impossible for the electric power business to meet its responsibilities. Never has the industry been faced with so many different requirements and obstacles.

Discussing the new role of the President's Price Commission, Mr. Corey declared that:

> We are already the most regulated industry in the nation. One more layer of price regulation might well do us in.

The current regulations may, in the long run, impede the ability of the electric power industry to provide us with the means through which the lives of all Americans can be improved. Our power needs are increasing dramatically, and money must be invested today to provide for these power needs of the future. If, through regulation, we make it impossible for such reinvestment to occur, it will be the society at large which pays in the long run.

I wish to share Mr. Corey's statement with my colleagues, and insert it into the RECORD at this time:

STATEMENT TO THE U.S. PRICE COMMISSION

(By Gordon R. Corey)

The U.S. faces a shortage of electric power which could severely curtail future improvements in industrial productivity, impede environmental clean-up and retard urban renewal.

In our modern society, electric power is almost as vital as air and water. Lack of it is darkening homes and offices in England and throwing millions out of work.

Yet we seem determined to make it impossible for the electric power business to meet its responsibilities. Never has the industry been faced with so many different requirements and obstacles. For example:

(1) We at Commonwealth spent about $38 million extra in 1971 for higher-priced low sulfur fuel—virtually creating a new coal industry in Montana and Wyoming—in order to reduce our sulfur emissions in the Chicago area by two-thirds. But the switch to low-sulfur fuels has only begun, the ultimate annual cost of which appears likely to approach $100 million. This is typical of much of the rest of the electric power industry.

(2) We at Commonwealth have spent $100 million in recent years to modify our plants to meet environmental requirements. Yet another $400 million must be spent during the next five years to minimize cooling water discharge temperatures for new stations, to contain or restrict emissions to the atmosphere, and to comply with environmental demands in other ways. This too is typical of our industry as a whole.

(3) Nuclear Units country-wide are being held up by interminable court and regulatory proceedings. At Commonwealth the nuclear delays have already cost us over $150 million. Right now, they are running about $1 million per week, *every week*, with no end in sight.

(4) The recent uncertainties about utility price controls have depressed the prices of utility stocks—at exactly the time when we must sell such stocks and other securities to raise *more* money than we have ever had to raise before.

All of these obstacles add up to higher costs. Even if inflation were stopped dead in its tracks, today, the cost of providing electric service would continue to rise, because new facilities at present price levels cost far more than old ones, new environmental requirements continue to add greatly to our operating expenses and capital needs, and the cost of the new money to finance these needs is far higher than the cost of the money the industry raised in prior years.

* * * *

PLANT CONSTRUCTION COSTS HAVE DOUBLED

Across the country, power plant construction costs are double what they were five or six years ago. The increase is largely a result of construction labor cost inflation already experienced. Few of the new environmental costs are reflected yet in this increase.

For example, in 1966 and 1967 we completed two new coal-fired generating units at Kincaid station at a cost per kilowatt of only $117. By contrast, we are now completing Powerton 5, a comparable coal-fired generating unit at a cost of $218 a kilowatt. Three years from now, in 1975, we expect to complete coal-fired Powerton 6 at a cost of about $270 per kilowatt, estimated on the basis of present day cost levels—assuming zero inflation. Obviously, the real cost of Powerton 6 will be much higher.

The rest of the electric power industry has had similar experiences—with coal, oil and nuclear plants.

Moreover, in view of the long lead times now approximating seven or eight years for construction of a large power station, very few of the power plants in service today reflect these current high construction cost levels, and rate levels accordingly are based on the lower costs of an earlier day.

ENORMOUS MONEY NEEDS

The electric power industry needs more money—investment money—than any other industry. Nearly $4 of plant investment is needed for every dollar of annual revenue. This is 50% more than the telephone and railroad industries require, double what the gas industry needs, five times the steel industry's and over 15 times the automobile industry's plant investment per revenue dollar (Table I). When a steel or automobile company decides to spend $10 million for an electric furnace, their decision can trigger a $20 million investment for us.

This means that recent construction cost increases have boosted the electric power industry's need for new money almost out of sight—$8.9 billion in 1971 alone—20% of total U.S. Corporate new money needs.

For Commonwealth Edison, the change has been shocking. In the early 1960's, we could pay for our construction program with funds collected from our customers, day-by-day. We didn't borrow a dime. A few years later, in 1966 (just five years ago), our new money requirements were $129 million. Last year, 1971, we had to raise over $450 million of new money (table III). And during the next five years, 1972 through 1976, we will have to raise nearly $2 billion of new money as well as to refund over half a billion dollars of securities which will mature during that period—nearly $2½ billion in all, which must come from investors who still have faith in the future of the electric power business.

THERE IS NO SUCH THING AS A FREE LUNCH

Someone has to pay for the new demands being made on our industry. In the end, it must be the customers—unless the government takes over and puts the burden directly on the taxpayers.

The electric industry's enormous capital needs are the largest of any industry—and they are immediate. We are required to pay for the plant additions needed to power our customers' businesses and service their new homes—to recycle wastes, treat sewage, convert dirty steel-making processes to clean electric furnaces, clean-up neighborhood foundries and meet the basic and steadily growing residential, commercial and industrial needs of our society.

The predicted electric loads upon which our own construction program at Commonwealth Edison Company is based are carefully determined. I am personally responsible for the forecasting techniques which we at Commonwealth have been refining over the last ten years. My latest review, just last week, showed our predictions based on the latest formula to be extremely close to actual experience. (Correlating annual peak loads of the past twenty years against the estimates derived from our present forecasting formula produces a correlation coefficient better than .98.)

We are building to meet these predictions—or trying to. We are planning far in advance. Generating units which will not be in service until 1980 are already on order.

But we must raise the money to pay for this enormous far-sighted building program. And impediments to financing now will inevitably affect the power supply for the next decade—and beyond!

As the Illinois Commerce Commission stated in its December 10, 1971 Commonwealth Edison rate order—

"The economic, political and social pressures and demands that have been placed upon the electric power industry to provide increased electric service and to meet new standards of environmental control have created problems that are unique to the industry as opposed to other public utility industries. . . . The electric power industry is being required to expend huge sums of money for capital improvements within a short period of time. As a result thereof they are compelled to raise large sums of money by going into the money market to secure the funds through debt or capital financing. Thus, in addition to the sums they are required to raise for capital improvements, they must defray the substantial carrying charges thereon. Under these circumstances . . . even by the use of our traditional rate-making formulas, the rate base of public utilities is subject to constant and rapid change. This might justify their filing continuing requests for rate relief to assure an adequate rate of return on their utility investment, and projects a possibility of the initiation of major rate cases by an electric utility every year."

ELECTRIC UTILITY CREDIT IS DETERIORATING

The industry's ability to raise capital is being impeded by its sharply declining credit status. Before tax interest coverages (the number of times we "earn" our interest charges, before deducting income taxes), which largely determine a company's credit rating, have been declining for the entire electric power industry. Commonwealth's before-tax coverage (computed under generally accepted procedures) dropped from 8.2 in 1966 to 3.1 in 1971. And under the terms of our bond indenture, we could not have issued additional first mortgage bonds if our before-tax coverage so computed had been below 2.9. (The indenture requirement is a minimum before-tax coverage of 2.5, but the computation prescribed excludes credits from interest capitalized which are included in more conventional computations.)

Commonwealth's interest coverage history is typical of the electric industry as a whole. As a result, electric utility credit ratings have been declining throughout the nation. Table II shows that 12 of the nation's leading electric power companies have had their ratings reduced in the last two years and additional rating reductions are likely.

METHODS OF RATEMAKING

For the last 50 years, it has been popular to criticize conventional utility rate setting processes. They are said to be either too complex, or biased or ineffective. In some cases, they are said to encourage over-expansion of plant and services; in others *not* to encourage *enough* expansion.

The complexities of the conventional rate-making procedures have time and again tempted critics to suggest that they should be simplified. But in spite of studies, writing, cogitating and arguing about the matter, no simplistic method of satisfactorily determining electric rates or other utility rates has been developed.

This is no accident. The matter of devising appropriate rates of charge for a highly capital-intensive industry is indeed complex.

Recently it has been suggested that the Price Commission might indicate that rates established by local regulatory agencies should not put companies in a better position earnings-wise than they were in some pre-freeze period. However, such a solution, has serious infirmities.

First, it assumes that actual earnings in some prior period would be sufficient to attract the capital which the industry requires in today's tighter money markets. This assumption might lead to particularly serious results in individual cases. A Particular company with low base period earnings might be denied an increase which its regulatory agency had determined was essential to meet the needs of its service area.

Second, in the period immediately prior to the price freeze—1969 through 1971—utility earnings had already suffered from the squeeze between permitted rates and rising money and other costs. Utility regulation traditionally tests rate increase proposals against a test year ending prior to the time the proposals are made. In a period of rapidly rising prices, the test year is always too early and relief, therefore, too late to compensate for actual experience. In the period immediately prior to the price freeze, this "regulatory lag" had already seriously delayed rate increases required to establish satisfactory earnings levels. Incidentally, the lag could be greatly lengthened by further reviews by the Price Commission.

Third, the decline of utility interest coverage may well have made prior earnings experience a totally inadequate guide to current utility needs.

At Commonwealth Edison, for example, we still have outstanding over $450 million of debt securities bearing an interest rate of 3% or less. But our enormous new money financing is costing between 7 and 8%. The swift onset of higher interest rates has caused our overall interest costs to rise sharply—and our interest coverages to drop swiftly. Since 1967 our before-tax coverages have declined as follows:

1967	7.0
1968	6.0
1969	4.6
1970	3.5
1971	3.1

(Full details of our rising construction expenditures, increasing new money needs and declining coverages for the last ten years are set forth in Table III.)

Were our rate of earnings on common equity to be restored to its 1969 level, our interest coverage would still only be about 3½—far below the 7.0 we earned in 1967, or even the 6.0 and 4.6 we earned in succeeding years. Our credit standing would be clouded and our ability to raise the enormous amounts of capital required for the future would be impaired.

In my opinion, *any mechanistic standards* for setting electric utility rates will ignore years of sophisticated study and analysis, freeze into the existing rate structures the effects of crippling regulatory lags, slow the industry's efforts to respond to environmental demands, and run the risk of producing undesirable side effects that none of us can foresee today.

In my opinion, the only effective test of the reasonableness of a proposed set of electricity prices—in the light of our national goals and needs—would be to determine that such prices do not exceed the minimum levels essential to attract capital needed to expand our services and meet the environmental and other requirements established for the industry. This is just what the existing regulatory agencies do.

CONCLUSION

(1) The Price Commission should not take steps which will jeopardize the nation's electric power supply.

(2) Simplistic utility rate making standards applied centrally—from Washington—will cause chaos in the electric utility security markets and slow down our entire economy. (The mere announcement of the current rate freeze, for example, coming during the offering period of our $190 million stock and warrant offering, caused the value of stockholders' subscription rights to drop from about 25¢ to 12½¢ within two days—an indication of the sensitivity of the capital markets to the Price Commission's actions.)

(3) The problem of fixing prices in an extremely high capital-intensive industry like the electric power industry—which will require over $10 billion of new investment money in 1972, vastly more than any other business in the United States—requires sophisticated regulatory proceedings, examinations and analyses. No mechanistic set of rules can be established which will satisfactorily measure the propriety of individual electric rate increases. Judgment—human judgment—is still required. And the price record of the electric utility industry over the last decade makes clear that the regulatory agencies have exercised such judgment responsibly, and that price increases already granted have certainly not been excessive. In fact, most of such increases have been too little and too late to prevent the steady deterioration of utility credit.

(4) Only a price setting mechanism as sophisticated and complex as that provided by the existing regulatory agencies can provide satisfactory assurance that the electric utilities will be soundly financed to meet their enormous responsibilities. But it would clearly be difficult to create such a regulatory mechanism in any reasonable length of time, to do so would be completely inconsistent with the President's announced intentions with respect to the staffing and financing of the Price Commission, and the already lengthy regulatory lags would be lengthened still more by such double regulation. We are already the most regulated industry in the nation. One more layer of price regulation might well do us in.

(5) In sum let us remember that the nation's prospective productivity increases, upon which we pin our hopes of controlling future inflation, are based in large part on newly automated industrial and commercial processes which rely upon the continued availability of adequate supplies of *additional* electric power. *There can be no such thing as zero electric power growth*—because *zero electric* growth means *zero progress on pollution* and *zero progress on productivity.*

As Secretary Connally said at the White House Conference on February 8:

"Never has growth been more important. You can never feed the poor or ease the lives of the wage-earning families, ameliorate the problems of race or solve the problems of pollution, without real growth."

"We can choose to turn away from growth. Other societies have. They lack heating and plumbing. They lack child care and education. They are static; pleasant for a few, perhaps, but choked and miserable for the most of their people."

And an adequate supply of electricity is basic to the growth of our nation.

TABLE I.—*Plant investment per dollar of annual revenue* [1]

The figures shown below illustrate that the average depreciated plant investment per dollar of annual revenue for the electric power business is higher than that for any other major industry.

"Regulated" businesses	
Electric utilities	$3.66
Telephones	2.50
Railroads	2.34
Gas utilities (pipeline & distribution companies)	1.84
Trucking companies	.63
Air lines	.31
"Non-regulated" businesses	
Aluminum	.94
Oils	.79
Steel	.74
Coal mining	.50
Automobiles	.23
Electric equipment manufacturing	.20
Office equipment	.14

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[1] Based upon latest available data, generally relating depreciated plant investment at December 31, 1970 to revenues from sales for the year 1970.

TABLE II.—REDUCTIONS IN ELECTRIC UTILITY CREDIT RATINGS

[As shown below, the ratings of 12 large electric utility company debt issues have been reduced during the past 2 years]

Company	Rating reduced From—	Rating reduced To—	Rating agency
Central Hudson Gas & Electric.	AA	A	Standard & Poor's.
Iowa Electric Light & Power.	AA	A	Do.
Carolina Power & Light.	Aa	A	Moody's.
	AA	A	Standard & Poor's.
Consumer Power	AAA	AA	Do.
Kansas City Power & Light.	Aaa	Aa	Moody's.
Florida Power & Light.	AA	A	Standard & Poor's.
Philadelphia Electric.	Aaa	Aa	Moody's.
	AAA	AA	Standard & Poor's.
New England Power	AA	A	Do.
Ohio Power	Aa	A	Moody's.
Ohio Edison	AAA	AA	Standard & Poor's.
Potomac Electric Power.	Aa	A	Moody's.
Duke Power	Aaa	Aa	Do.

TABLE III.—COMMONWEALTH EDISON CO.'S LAST 10 YEARS

[In millions]

Year	Construction expenditures[1]	New money[2]	Percent new money	Before-tax interest coverages
1962	$123	[3] $4	3	7.1
1963	106	[3] 4	4	7.4
1964	137	[3] 5	4	7.8
1965	153	[3] 5	3	8.1
1966	200	129	65	8.2
1967	249	122	49	7.0
1968	352	204	58	6.0
1969	433	266	61	4.6
1970	498	364	73	3.5
1971	650	458	70	3.1

[1] Includes nuclear fuel, primarily initial core loadings.

[2] Includes minor amounts of refinancing moneys, primarily for sinking fund requirements.

[3] Primarily employe stock sales.

MY RESPONSIBILITY TO FREEDOM—MARGARET ANN MORAN

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. WYMAN. Mr. Speaker, I would like to share with readers of the RECORD a thought-provoking essay on the responsibilities of freedom by Margaret Ann Moran, of Manchester, N.H. Margaret, a senior at Manchester's Trinity High School, is the New Hampshire State winner of the Veterans of Foreign Wars "Voice of Democracy" contest.

In "My Responsibility to Freedom," Margaret reminds us the privileges of freedom impose obligations which, unfortunately, are all too often overlooked. The right to speak our mind freely is not merely the right to speak out at will; coupled with this basic right is the obligation to listen to differing points of view, and to understand and accept honest differences of opinion.

I believe all of us, at one time or another, tend to overlook our responsibilities to freedom and would benefit from reflection on Margaret's excellent essay.

The essay follows:

MY RESPONSIBILITY TO FREEDOM

(By Margaret Ann Moran)

At a time when much emphasis is placed on freedom it is quite a paradox that little is heard about the responsibility which accompanies this freedom. Although it is for everyone, freedom is individualistic. It is this unique expression of man's inner self which is protected by the general freedoms of religion, speech, and the press. And while individual ideas are protected by general freedoms, the responsibility which accompanies this freedom is again individual. It is up to each one of us to guard our freedom.

The most important responsibility I have to freedom is to see that it is granted to all. Abraham Lincoln once said, "Those who deny freedom to others deserve it not for themselves and under a just God cannot long retain it." This means seeing that both sides of an issue are printed in the local paper. This quotation also states our responsibility of allowing people to express themselves. Anyone who is not abusing the privilege of free speech has the right to be heard. Anyone who heckles, ridicules, or shouts down a speaker is not only not accepting his responsibilities to freedom but endangering our privilege as well.

It is my responsibility not only to see that each person is allowed to express himself but also to listen to what he is saying. We often hear but less frequently listen. This responsibility awaits me now, in everyday situations. In many American homes, there is an abuse of the freedom of speech. Many times supper table discussions end in turmoil with parents scolding. "You don't know what you're talking about," or children saying "forget it you don't understand." Neither group is listening to the other. Both groups are failing to accept their responsibility. The home is our basic unit of society. If we do not accept our responsibilities there, what will we do as we branch out into society?

And what of when I am the presenter of ideas, whether it be a written or an oral expression? These ideas will affect people. I have a responsibility to them as well as to myself to always speak the truth, not to slant statements or insinuate. The written or spoken word has a great influence on people. At times it has been the difference between war and peace. Each time I express myself whether it be in a class discussion or on a senate floor I take upon myself a great responsibility.

One of my favorite American philosophers, Mark Twain, once wrote "It were not best that we should all think alike, it is difference of opinion that makes horse races." Our freedom allows for this difference of opinion and we obtain much more than horse races from it. We need only keep an open mind and remember that our freedoms are a privilege. If we realize that the Smith's synagogue offers them as much as the Joneses' cathedral we have achieved much. We must learn to seek out the good in each person's ideas, in the many differences of opinion. Let's be aware of these differences and not switch television channels or turn off the radio because we disagree. It's a responsibility we have to ourselves. But let's also be aware of abuses to freedom when they occur. Vibrant oratory with half formed ideas can sometimes sweep crowds off their feet. Newspaper articles are sometimes slanted. I owe it to myself to honestly evaluate and question each idea, speech, and situation that I am exposed to. My decision which I am *free* to make is important. For when we have been exposed to all of these expressions and opinions, we then have freedom of choice, freedom to decide what is right for us. Throughout our heritage there have been great men who have accepted their responsibility to freedom. Perhaps no man was greater or less known than Edmund G. Ross. It was this senator's vote which saved President Andrew Johnson from impeachment. Ross believed what was being done to Johnson was wrong. He exercised his freedom of choice and stood firm on his decision. It was an unpopular decision and actually finished Ross' political career. Now, he's seldom even remembered, but when the situation arose Edmund Ross accepted his responsibility to freedom. For every Edmund Ross there are a million more unknowns. Their decisions are individual and private. But with each decision was an acceptance of responsibility. Each decision protected our freedom. Let's be counted among the Edmund Ross's of our heritage.

"VAT"—THE LEAST BAD TAX?

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. ROBISON of New York. Mr. Speaker, notwithstanding the growing social and economic needs of our constituents, it is apparent that existing revenue sources cannot continue to support present levels of Federal spending. At the same time, the rumblings grow louder among taxpayers, who—so they tell me in their letters—are paying more and getting less.

Whether it be to seek additional funding for priority Federal programs, or simply to come a little closer to balancing the budget, Congress is being pushed to study the available alternatives to, or revisions of, our present tax system. And the trend of recent State supreme court decisions relating to local school financing is adding to the fiscal necessity that we come to an early conclusion.

Some sources suggest that the value-added tax, or VAT, is an attractive—

and, perhaps, the least painless—solution to our emerging revenue problems. The VAT is easy enough to explain, in comfortable contrast to the instructions on our income tax forms, yet its implications are not so clearly discernible. One good outline of some of the ramifications of the VAT was recently presented by Dan Throop Smith, professor emeritus at Harvard University, in a New York Times article. I insert Professor Smith's article for my interested colleagues:

[From the New York Times, Feb. 28, 1972]

"VAT"—THE MOST NEUTRAL TAX

(By Dan Throop Smith)

STANFORD, CALIF.—No tax is a good tax in an absolute sense. The case for a value-added tax is simply that it is the least bad tax available, especially if we need substantial additional revenue.

The value-added tax, or VAT, is now generally used in Europe. Though it sounds complicated, it is really quite simple in concept and administration. A VAT is a general tax on sales of all commodities and commercial services. It is imposed at each stage of production from raw material to retail sales. Credits are given at each stage for taxes already paid on business purchases to prevent a compounding of taxes in the process of production.

Though the name "value-added" implies a process of addition in computing the tax base, practically the VAT for each business is calculated by deducting the taxes paid on its purchases from the tax due on its sales.

A VAT is the most neutral of all taxes. It is neutral as between labor-intensive and capital-intensive forms of production, and between vertically integrated companies and those active at only one level. It is neutral in its impact on the choice between debt-financing and equity-financing in business. It is neutral as between all types of consumer goods and services, except insofar as some are specifically exempted. And it is neutral as between efficient and inefficient producers.

A VAT has most frequently been discussed in this country as a partial substitute for the corporation income tax. Since most people now recognize that the corporation income tax is another element of business cost leading to higher prices, the partial substitution of a VAT would make sense internationally because a VAT can be rebated on exports and imposed on imports. Domestically, it would avoid the many distortions in corporate investment decisions, capital structures, pricing policies and competitive positions which arise from the corporation income tax.

But the question now is whether to adopt a VAT to finance further Federal aid to education, thereby giving some relief from property taxation. We might, as a first step, improve the property tax in various ways. But if we are to have more Federal outlays, what other taxes might produce the desired revenue? An increase in the corporation income tax rate to 65 or 70 per cent would yield the desired revenue of approximately $15 billion, on the assumption that the economy could operate under such a tax. But no one seriously proposes such a destructive level of corporate taxation.

As regards the individual income tax, there seems little likelihood politically of reversing the trend to higher exemptions and reductions in the lower bracket rates to raise more revenue from lower and middle incomes. These are the only income levels where higher taxes could produce significant amounts of revenue.

We are left with some form of broad-based general taxation as the only available revenue source. The VAT seems the most feasible tax from the standpoint of political acceptability. It is also the least likely tax to repress and distort economic activity. To the extent that it is desired to modify the burden of the tax on different income levels, credits can be given to low-income taxpayers, as is done under several state sales taxes.

In the present controversy regarding VAT, most people are confronted with trade-offs in reaching a balanced position. Many who favor additional Federal expenditures, oppose VAT because they are also devoted to income taxation for purposes of redistribution of income.

But many of us who favor VAT as the least bad tax also believe that new and more expensive government programs are not necessarily the best approach to urgent social problems. Just as increasing personal income does not always lead to greater happiness, larger government expenditures may not improve the general well-being. In fact more government spending may be personally and nationally destructive by reducing individual self-reliance and self-respect.

If a VAT leads to excessive government spending which would not otherwise occur, the great revenue potential of VAT may be the best argument against it.

AMBASSADOR KIBINGE SPEAKS TO WASHINGTON WORKSHOPS HIGH SCHOOL STUDENT SEMINAR

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. McDADE. Mr. Speaker, recently, His Excellency Leonard O. Kibinge, Ambassador of Kenya, delivered a stirring address to the Washington Workshops Congressional Seminar at Mount Vernon College. The Ambassador's remarks were entitled—"Youth—A Constituency for Humanity."

Ambassador Kibinge made some splendid observations in his address regarding youth throughout the world, and their role in working toward peace and the brotherhood of all peoples. The Ambassador's remarks were all the more timely since he was addressing a group of American high school student leaders from across this great country.

The Washington Workshops Congressional Seminar is one of the splendid study programs of America, annually bringing many hundreds of our finest teenagers to Washington to learn first-hand about the strengths and goals of our democracy. I have often met with many of the young participants in this program, a number of whom have come from the towns and cities throughout Pennsylvania.

In light of Ambassador Kibinge's excellent address to these young Americans, I felt my colleagues would enjoy seeing these remarks, and I thus append the Ambassador's splendid speech at this time:

YOUTH—A CONSTITUENCY FOR HUMANITY

In my stay and travels in the U.S.A. I have often been surprised by the sometimes strongly held misconceptions about Africa by a large number of people especially the older generation. If anywhere else, this is where I have experienced a serious generation gap! I have met people who cannot distinguish between Zambia and Gambia; others who think that Kenya is in West Africa and that Johannesburg is within a few minutes' walk from Nairobi. In some remote parts of the United States, the general impression of Africa is vividly coloured with superstitution, bare-footed natives dancing around the snows of Mt. Kilimanjaro, witchcraft, Mumbo Jumbos, and malaria-ridden steaming humid jungles. Considering that over sixty thousand Americans visit Kenya every year these misconceptions might sound amusing, but they are a serious matter that underlines the need for developing an enlightened constituency for Africa and indeed for Kenya. The Africa of Hollywood producers with Tarzan-type adventures, and of sensational writers such as Robert Ruark in his books "Uhuru" and "Something of Value" is not my Africa. It is not the Africa that we are going to visit in the course of this evening.

You, the youth of America are best fitted and rightly motivated to bridge the aforesaid generation gap. You are interested, widely read and living in a challenging era of international co-operation and understanding. A period during which modern jet travel has made each and everyone of us in the world, neighbours. Neighbours that you must live with, respect, though you may not agree with their philosophy or way of life—but neighbours who are all staunch members of that all inclusive club of the family of man. That is what we are. That is what the people of the Republic of Kenya believe and practice.

I have no doubt that you are not among those who despair in the face of challenge and shout "stop the world I want to get off." You are members of the world community and being young, the hope of a better tomorrow.

In the last decade Africa, a continent of tremendous size, in which China, U.S.A., India, could all fit with room to spare, a continent of great natural resources, contrast and diversity, has burst into the world scene and in the community of nations.

The affairs of Africa have become part and parcel of world affairs. In this day and age, as communications continue to make the world smaller, as the economies of the world get more interlocked, as political, social and intellectual forces and philosophies seem to rapidly spread from continent to continent and country to country, it is important that we understand and know each other. Too many catastrophes have occurred in the world because of decisions based on misconceptions, convenient assumptions and stereo-type thinking.

But the connection between Americans and Africans and between all the people of the world, should not be confined to communications systems and to economic, political, social and intellectual affairs. These are important, but the first and foremost link between people should be universal respect for human freedom, equality, and all the fundamental human rights as enshrined in the 1948 United Nations Universal Declaration of Human Rights. Only then can the other links become meaningful, good and wholesome.

Without respect for the value of human life economic, political, social and intellectual forces become so strong that in their interest, human life becomes a tool to be manipulated, used and easily disposed of. The American youth, the African youth, the youth of the whole world have a responsibility to join hands and make respect for human life the determining factor in the affairs of this world.

In order for the youth of America and the youth of Africa to cooperate on a human level rather than on the basis of economic and political philosophies and needs; it is necessary that we really understand the life conditions, the expectations, the problems and the frustrations of each other. It is impossible to cover all aspects of the youth of Africa here. Indeed, it might not be a useful exercise. Rather, it would be much more rewarding if you experienced the lives of our youths and there are many ways of doing that. Travel and service abroad, stretching your hand to your next door neighbor—right here in Washington or in your respective cities.

You could also participate in various exchange programs already in existence or you could institute new ones. We have several thousand African students in this country who would be very interesting to talk with. Of course, you could always come and visit the Embassy of the Republic of Kenya at 2249 'R' Street N.W. We want and welcome you to visit us.

And if you visit us in Kenya, in addition to experiencing and enjoying Kenya's rich and beautiful natural heritage—the vast and varied wildlife, ocean and lakes, birds and tropical flowers and fauna, the mountains and rivers, the Great Rift Valley, the extensive and unspoiled white-sand beaches; scenic beauty in spring climate the year round; we urge you to experience our most important heritage—our human heritage. Experience the people's rich culture, their problems and aspirations, their hopes and their frustrations, their successes and failures. See them, talk to them and to their bright eyed children. Thus your visit should not be an end by itself but it should serve as yet another link in people to people diplomacy. Diplomacy for what, one may ask—for international understanding and co-operation.

Most of Africa's population is young. For example, a full 50% of Kenya's 11 million population is made up of youngsters 1–15 years of age. What our young people believe, expect, what they think, learn and assimilate; the value of life that they acquire will shape the future of Africa, and decide the relations between the U.S.A. and the respective nations of Africa. (At present there are 41 independent nations in Africa some with ancient civilizations and others with brand new flags and national anthems).

The importance of our young people is not only because of their large number but also because it is our youths who will guide Africa from traditional societies to modern societies with relevant modern technology and skills. Our youth will blend the old and the new and bring up a dynamic and positive African precence and personality in the international scene. Research and write our history, music, drama and poetry. They are, and will continue to acquire a wider view of the world, adapt new values to our ancient traditions. Study and assess world political, economic and social systems. Write and amend the laws which govern us and the constitutions that guide us. Our young people will decide and implement the paths which our human and economic development will follow in this transitional period. There is no doubt that the youth of Africa will benefit a great deal by observing the achievements and avoiding the mistakes which other countries have undergone. In this respect meaningful cooperation based on human needs and understanding, between the youth of Africa and the youth of America could only be mutually beneficial.

In addition, our young people are faced with the enormous human problems which have afflicted Africa for decades; namely, poverty, lack of education and diseases. To deal with these problems, our young people will need education, skills, and specialization and make these relevant to Africa. This is another area where cooperation between the youth of America and the youth of Africa can be meaningful. You have the skills, the institutions, the research facilities and the resources that we need but which we do not have. Sometimes you may take your society's achievements for granted but for us in Africa what you take for granted, e.g. clean drinking water, primary education, food, are in our Five Year Development blueprints! You may question whether the quest for modern technology is a good thing, but in our view we have crossed the Rubicon. We cannot turn the clock back. It however, lies within us to learn from you. To avoid your mistakes for example with regard to the environment, and to adopt your skills for the betterment of all the people of our respective developing nations, the world over.

It is obvious that the programme and the priorities of youth from developing countries are not necessarily identical with those of youth from developed countries. While the young people of developed countries are trying to make themselves felt by the system which, to them, is insulated—against thier views, needs, problems, hopes and aspirations—a system whose decisions affect youth in a direct and lasting manner, youth has sometimes resorted to violence, drug taking and a loss of faith in the values of the system. What is the alternative and what is man and his purpose in life? These are basic but age long philosophical and real questions which I am not qualified to answer. We must therefore travel together in the search for the answers. On the other hand, in developing countries such as Kenya, the problems of youth are those of national involvement, direct and meaningful commitment to nation building. However, with the introduction of cash economy, urbanisation, education, unemployment, the old tribal values and way of life are on the decline—parental discipline is outwardly slackening but remains inwardly intact and rich. We too shall be technologically developed—your problems and hopes are indicative of what we may fall into on the road to similar development.

Hence the need for joining hands in our quest for a better world—better in human values, rights and responsibilities. Responsibilities to ourselves and to our common society of man.

On your part, you can learn a lot from Africa especially in the rural areas. The first thing which comes to mind is the closeness of members of a family; the relationship between children and parents. It is interesting that in Africa, where unlike this country, parents lack education and a wider knowledge of the world which their children have; we do not have what is stigmatized as "the generation gap". The lack of a "generation gap" in Africa has to be attributed to the mutual respect between parents and children. The parents realize that there are things which they do not know or have not experienced but which their children know, have experienced and are necessary tools in todays' world. The children recognize the sacrifices which their parents have made to bring them up no matter how lowly, and in providing warm human relationship, food, security and sometimes education for them.

In addition, age and with it, native wisdom, are respected in Africa by both the old and young. People are not ashamed of getting old and neither does society abandon the old people by putting them in institutions or in retirement in warm reservations. Grandparents are the sweetest of playmates and dominate the most cherished childhood memories. In traditional Africa, everybody had a function and a place in society irrespective of age. Life though narrow, rigid and coherent it was a full life for all ages—from birth to death. The whole relationship was heavily governed by the basic value for person-to-person and clan-to-clan relationships. This basic approach to life still guides our personal and public lives.

Africa is proud of another aspect of what is known as "the extended family". In the olden days of yore, if a person was building a house, harvesting crops or needed some land cultivated he would not only call upon his family for assistance but also upon all the members of his community. If a member of the community did not have land, he could always grow his crops or graze his cattle on somebody else's land. Nobody felt alone; his needs were the needs of his community. Everybody was a member of an "extended family" and the extended family was an integral part of the entire nation—namely the tribe. This concept of the "extended family" has been carried into modern times. Although the communal functions are changing with the introduction of cash economy, urbanisation, education and modernity in general terms, the concept and the philosophy have remained unchanged.

In Kenya for instance, the above concept has developed into a dynamic force for human and economic development. Recognizing the critical need for developing the country as a whole, especially the rural areas where over 90% of our people live, different communities in Kenya are building their own schools, clinics, hospitals, teacher training centres, technical institutes, roads, bridges, bringing water to their villages and so on.

Typically, a community gets together and conceives a needed project. The community members then raise the needed funds by contributing whatever each can afford in money, labour and agricultural produce e.g. chicken, eggs, livestock such as sheep, corn—whatever one has. Such items are then auctioned in the same community. Appeals for material and financial assistance for Harambee Projects are widely made in Kenya and abroad. Within a short time, there is a new school, a new hospital, water etc.

This phenomenon of community self-help and co-operation "Harambee" meaning "let us pull together", was conceived by the Father of the nation H. E. The President, Mzee Jomo Kenyatta. "Harambee" has caught on in Kenya like wild fire. The people are ahead of the government and their elected representatives in conceiving projects and implementing them. This is the type of human cooperation we must focus attention on this evening. The spirit of "Harambee" could be meaningfully extended to promote, in a new dimension relations between the United States and the Republic of Kenya, the youth of Africa and the youth of America. This is what we could term people to people cooperation and communication.

Are you as young but enlightened citizens of the U.S.A. prepared to channel your lively minds and energies to the pursuit of a realistic ideal of "Youth—A Constituency For Humanity?" That is the clarion call for Mzee Jomo Kenyatta. A call that is enshrined in our living and all embracing national motto: "Harambee!"

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

FARMINGTON SCHOLAR WALPOLE AUTHORITY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mrs. GRASSO. Mr. Speaker, George Santayana aptly cautioned us that those who do not study history are doomed to repeat it. Those of us who live in the Sixth District of Connecticut are proud of our own renowned historian, Wilmarth Sheldon Lewis of Farmington. His life of scholarship, dedication, and authorship is a testimony to the highest aspirations of our Nation.

For the interest of my colleagues I am inserting an article from the Hartford Times regarding the achievements and generosity of this distinguished historian.

The article follows:

FARMINGTON SCHOLAR WALPOLE AUTHORITY

(By Florence Berkman)

FARMINGTON.—Wilmarth Lewis, who has bequeathed his house and collection of 18th century rare books, prints and manuscripts to Yale University, to be known as Yale-in-Farmington, is a world authority on Horace Walpole.

The distinguished 76-year-old author, editor, collector and connoisseur has bequeathed his home on Main St., and a rare collection of books, prints and manuscripts of the 18th century to Yale, his alma mater, to be an institution for the advancement of letters and historical research. It will be patterned after Princeton's Institute of Advanced Study (of which Lewis is a trustee) which invites eminent scholars to use its resources.

"I want to provide a place where senior professors can work a term or two away from the restrictions of academic life," Lewis said in an interview at his Farmington house. It will be similar in that respect to Harvard's Dumbarton Oaks in Washington, D.C.

Lewis, who is world renowned as the editor of the Yale Edition of Horace Walpole's Correspondence, has since his graduation in 1918, collected more than 1,000 works by the 18th century British writer and chronicler which forms the core of his library that is larger than all other Walpole collections put together.

Although Walpole (1717–97) was a well-known writer in his day he is best remembered as the finest letter-writer in our language.

Asked why he concentrated on Horace Walpole, Lewis said, "Forty years ago I was struck by his wit, vividness and modernity. He was like ourselves. His letters and memoirs, unknown in the 18th century, can be read today as entertainment and enjoyed as works of art even if one knows little about the people and events that appear in them."

The Farmington scholar said they may also be treated as a major source for the study of the 18th century. The letters were written to inform and divert his correspondents, but Walpole also had a wider audience in mind—posterity. "Nothing," Walpole wrote, "gives so much an idea of an age as genuine letters; nay, history waits for its last seal from them."

Walpole's letter-writing began when he was 18 and lasted until his death at 80. He wrote on the subjects that interested him most—politics, the great world, literature and the arts. On the latter subject his "Anecdotes of Painting in England" in five volumes is a major work.

Lewis noted that Horace Walpole, as the son of Sir Robert Walpole, England's first prime minster, and the relation, friend or acquaintance of the leading figures of the day—was a qualified historian of his age.

Walpole was also a great generator of new styles. His popular mystery, "The Castle of Otranto" (1764), was the first Gothic novel. His house, Strawberry Hill, established the Gothic trend in architecture and he designed a lamp, now in Farmington, which became the forerunner of the Tiffany Lamp. He was a master of the bon mot.

Walpole's writings so intrigued Wilmarth Lewis that he made a life work of collecting them. With his late wife, Annie Burr Auchincloss Lewis, he traveled throughout England, Europe and as far away as Australia, in search of Walpoliana.

In 1933, sponsored by Yale, the Farmington scholar began to edit the new edition of Walpole's letters because he thought earlier editions were incomplete.

Thirty-four volumes have appeared and Lewis's goal is to complete the 50th volume by his 80th birthday, Nov. 14, 1975. These volumes are in important libraries in every state in the nation, except three; and in libraries in Europe, Africa and in the remotest corners of the world.

Walpole's incisive mind dug into the prevailing opinions of the time which he loved to debunk and the subjects ranged from the great political questions of the day to the best way to keep bees. It is a widely held opinion that scholars of the 18th century have to read Walpole.

In 1953 Lewis started his own collection of 18th century caricatures. It is now the biggest in the country and, in the world, second only to the British Museum.

The major artist in the collection is William Hogarth (1697–1764), painter and satirist. Essentially a moralist and reformer he became, through his caricatures, a social critic on a high level. They attacked the foppish and idle aristocracy, the false cultural standards and most particularly, the degradation of the lower classes. His caricatures of Gin Lane, the prostitutes and pimps of London are most telling about the times. Walpole called Hogarth "that great and original genius who caught the manners and follies of an age."

"Indeed Walpole and Hogarth complement each other in my collection," Lewis said, which also includes the works of Rowlandson and Gilray, in the same vein.

Of the caricatures Lewis said, "They loom larger and larger as our work progresses. I think of them as a second subcontinent in the 18th century."

In addition to the Lewis Walpole Library and the Print Room, Yale-in-Farmington will have an extraordinary card index system, devised by the late Mrs. Lewis. There are upwards of one million cards on the books, prints and manuscripts, to help scholars find with ease any information they are seeking, from the name of an important figure to the style in curtains at a given time.

It is the hope of Wilmarth Lewis that Yale-in-Farmington will add a new dimension to the cultural and educational life of the town which already has the Porter School, Hillstead Museum and the new University of Connecticut Medical and Dental school. And that Greater Hartford will be further enriched by the world-wide reputation it will achieve among 18th century British scholars.

Known to his friends as "Lefty" Lewis, the Farmington scholar was born in Alameda, Calif. in 1895. He first saw Farmington in 1914 on a visit to his Yale roommate, the late Dunham Barney. He moved there in 1922 and bought a house in 1926.

Already his reputation among scholars, students and collectors has gone far beyond the confines of the United States. He lectures on Walpole all over the world, recently at Cambridge University and he is returning to Australia to lecture this summer.

Yale-in-Farmington will have a versatility which one finds in its distinguished donor. Lewis was a member of the Yale Corporation of 26 years, becoming its Senior Fellow. Among his other trusteeships are Winterthur Museum in Delaware, the Heritage Foundation and the National Portraits Commission, Washington, D.C. He has received numerous honorary degrees.

His autobiography "One Man's Education" has a charm of style and a candor that makes it a classic in its field. His recent book, "See For Yourself", reveals Lewis as a discerning art critic.

Wilmarth Lewis walks with a bit of a scholarly stoop. His brown eyes light up with good humor when he recounts an anecdote about a favorite historical character. But they flash with impatience and deep feeling when scholarship is in question.

He is indeed the universal man who has illumined the cultural life of British civilization two centuries ago—a period in which America broke its political ties with England. But American scholars never ceased to pay homage to the quality of its arts and letters.

George B. Cooper, of Trinity College, who is working on a projected book on the 18th century at the Lewis Walpole Library, said, "A student of the 18th century cannot work in his field without studying the Walpole collection there." And the prints, long neglected by experts, may become the most important and most widely consulted part of the Walpole Library because they open up fresh insights into the 18th century.

BY ANY OTHER NAME

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. SCHERLE. Mr. Speaker, a herd of fiscal white elephants is trampling the American taxpayers. Feeding ground for these expensive boondoggles is Washington, D.C., which garners money from all over the country to build palaces of sport and culture. With a $40 billion deficit, many Americans wonder what sort of fiscal insanity allows a stagehand at the John F. Kennedy Center for the Performing Arts to rake off compensation at an annual rate of $75,000 to supervise the raising and lowering of the curtain or to push scenery around. The Robert F. Kennedy Stadium each year goes further into debt, and even its hapless baseball team has deserted it.

The latest proposal, which need only be authorized by the House and Senate Public Works Committees, would obligate the Federal Treasury for $90 million—and, make no mistake, it will cost more—for a sports arena and convention center. Presumably trying for a change of luck, they are not naming it after a Kennedy, but plan to dedicate it to Dwight D. Eisenhower. Considering that the last real balanced budgets this country enjoyed back to back occurred in the Eisenhower era, it is bitterly ironic that this next invasion of the public purse should be made in his name.

"REVERSE RACISM": LEANING OVER BACKWARD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. McCLORY. Mr. Speaker, it has been my observation that most, if not all, Members of this body favor equality of opportunity in jobs, housing, and education. While different approaches are offered, there appears to be no basis for concluding that any conscious effort is being advanced to deprive any minority or ethnic group of opportunities in employment. Indeed, minority or ethnic characteristics may provide an advantage in many types of employment today.

Mr. Speaker, in our efforts to achieve equality of opportunity, I am confident that we do not want to downgrade merit or achievement. Many people, however, are now urging that we establish ethnic quotas as a paramount goal in hiring. They evidently believe that fairness and equality would be achieved by the employment of a fixed percentage of persons of ethnic or minority group status consistent with the ratio of such groups in the overall population of the Nation or area.

If hiring by quota were adopted, it would destroy the principle of merit employment and would consequently impair the efforts which have been made to achieve genuine equality and would have the effect of decreasing our productivity as a Nation. The desire for quota hiring represents a misplaced intention of good will, which should more properly be directed toward improving our training and education of minority group citizens and making greater efforts to attract them to jobs for which they are qualified.

Mr. Speaker, a most knowledgeable study by sociology Prof. Nathan Glazer of the Harvard Graduate School of Education produced a convincing article on this subject which appeared in the Sunday, March 12, 1972, issue of the New York Times, entitled "Leaning Over Backward or Reverse Racism." The article follows:

"REVERSE RACISM": LEANING OVER BACKWARD

Most Americans today accept without question the necessity to prevent discrimination against job applicants on grounds of sex, race and national origin. But the increasing trend toward favoring applicants because of their minority backgrounds is rapidly becoming the focal point of a spreading national controversy.

Last week the issue surfaced on several fronts.

A survey conducted by the New York City administration to determine the sex, race and ethnic origin of city employes was attacked by labor leaders who claimed it undermined the merit system.

A suit by the N.A.A.C.P. Legal Defense and Educational Fund charged that the written examination used to select and promote policemen in New York City discriminated against black and Spanish-speaking applicants and was therefore unconstitutional. A similar charge was recently sustained by a Federal judge in Boston.

A special city-sponsored examination for selecting aides for the Police and Fire Departments and for housing patrols was struck down as unconstitutional by a State Supreme Court justice. The applicants were limited to residents of predominantly black and Puerto Rican neighborhoods.

The State Civil Service Department made black or Spanish "ethnic identification" a prerequisite for applicants for 19 positions as state prison counselors.

The "affirmative action" program supervised by the United States Department of Health, Education and Welfare already requires that universities provide detailed breakdowns of their employes by race, sex and national origin; moreover, the schools must produce a "plan" that will increase the numbers of those groups under-represented on campus. Other Government agencies do the same thing for other employers, under an Executive Order that requires that all Government contractors be nondiscriminatory and have "affirmative action" plans. Inevitably, such moves raise fears among those now holding jobs who are members of well-represented groups.

These developments involve almost every employer in the country of any size, public or private; hundreds of Federal, state and city agencies, and thousands of employes. They represent the crossing of the line between the simple enforcement of nondiscriminatory behavior against applicants and employes on grounds of sex, race and national origin—and "affirmative action," the effort to *increase* their numbers through various pressures, including withholding of Government contracts. The question is: Do they also breach the line between affirmative action and quotas? Do they mean that jobs will be granted—and refused—based upon a requirement that organizations must have a certain proportion of blacks, for example, regardless of the qualifications of non-black applicants? Quotas are publicly almost universally opposed, and public agencies deny they impose them. But many observers have their doubts.

The argument for affirmative action is clear. There are few Negroes, Puerto Ricans, women, Spanish-speaking in the better jobs, even though their numbers in these jobs have increased in recent years. If these groups are to increase their incomes, improve family stability, achieve political power, as all sides agree, their representation in these jobs must increase.

Moreover, for the sake of the society, itself, this development must continue. America's claims to justice and equality will be hollow, its stability threatened, a major human resource wasted, unless it does.

But there are many who fear the apparent trend toward quotas and reserve discrimination. Some of their arguments are of a practical sort. How are the favored "minority" groups to be defined? The Boston court, for example, wondered whether the Spanish-surnamed would include a graduate of Madrid University. Do the blacks to be favored, for example, include the Harvard graduate as well as the ghetto dropout?

Moreover, in favoring those minority group members who do less well on Civil Service tests—assuming that we are speaking of tests truly designed to detect useful talents rather than to discriminate against these minorities—do we not penalize the applicants who work harder to pass tests or to be competent in their jobs? Groups that have known severe discrimination—Jews, Chinese, Japanese, among others—have done well in various areas of employment. Because one is a member of these achieving groups, should he or she as an individual be penalized?

Then there are questions of efficiency. If employes who have the best records for promotion surmise that such matters no longer count, will this not contribute to the decay of public services? We are less concerned about efficiency in some jobs than in others. But even a shift to less efficient employes at lower levels of government will at least raise costs, at a time when the costs of municipal government are crushing.

Finally, the nation is trying to overcome the stigma of minority group membership. But can it be overcome if such membership is deemed a permanent disability, requiring a lower level of job achievement?

There is general agreement that discriminatory behavior in employment and promotion should have no place in the practices of public and private employers—and further, that those groups who are poorly represented should be over-represented in training and educational programs. But there is also considerable public uneasiness that affirmative action may be leading to something else: reverse discrimination and quotas.

SUPPORTS LEGISLATION TO RESTORE NAME OF CAPE CANAVERAL

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. BURKE of Florida. Mr. Speaker, the following are remarks which I submitted to the Senate Committee on Interior and Insular Affairs in support of legislation to restore the name of Cape Canaveral to the area of the State of Florida known as Cape Kennedy:

STATEMENT BY CONGRESSMAN J. HERBERT BURKE

Mr. Chairman, I appreciate the opportunity to present my views on S. J. Res. 193, a joint resolution seeking to restore the name of Cape Canaveral to the area in the State of Florida presently known as Cape Kennedy, since I am the sponsor of identical legislation in the House, H. J. Res. 878.

Unfortunately, this matter has become a political football. The years go by, and a gesture done in anguish and grief over the untimely loss of a President, remains with us despite the strong support for restoration of the more historical designation.

Cape Canaveral is thought to have been discovered by Ponce de Leon when he was exploring Florida for Spain. The name itself first appeared on a map in 1530. Few names in this hemisphere boast such historical identity. People all over the world have known this spot named on a 1530 chart by Veconte de Maggiolo. When Father Alonso de Escobedo came to Florida in 1587, he found that the name "Cabo Carnival" was already in widespread use.

The Spanish word "canaveral" means canebrake or a place overgrown with reeds or canes which is an excellent description of the Florida landmark which has been of navigational and geographic importance for 400 years.

We are all aware of the late President Kennedy's love for the Space Program and certainly agree that the designation of the Space Center as the Kennedy Space Center is an appropriate way to honor him. However, President Kennedy was a man who loved history, and sought to preserve and emphasize the history of our nation. It would be fitting, then, if we had the two—side by side in Florida.

The Board of Geographic Names of the Department of the Interior redesignating Cape Canaveral in Florida as "Cape Kennedy" was emotionally contrived and not fair to Florida's history. The President's Executive Order No. 11129, dated November 20, 1963, however, which designated the facilities of the National Aeronautics and Space Administration and the Department of Defense located on Cape Canaveral as the John F. Kennedy Space

Center, on the other hand was most fitting and proper.

I am sure most of the people of Florida are in complete accord with the action taken by President Johnson in designating the NASA and DOD facilities on Cape Canaveral the John F. Kennedy Space Center. However, the Florida Legislature in 1969 passed a unanimous resolution favoring the restoration of the historic name of Cape Canaveral. They feel this way because they view the Kennedy Space Center as part of the history of Cape Canaveral, not as the founding act that produced the community.

The name Cape Canaveral is one of the oldest known and most continuously used place names on the American Atlantic Coast. The discovery of this landmark is accredited, as I previously stated, to Ponce de Leon, and its name is recorded on many of the earliest known Spanish and French maps and charts before even Cape Cod, Cape Hatteras, and Jamestown bore their proud names. It was in use on maps and charts of world navigators from the days of the discovery and exploration of Florida until 1963, well over 400 years.

For almost nine years now there has been debate on which designation is more appropriate, a 400 year old name, or an honorary designation for a martyred President. The tenacity of the people of Florida in working all these years for restoration of the original names states more eloquently than any single person can the case for redesignating Cape Kennedy, Florida as Cape Canaveral, Florida.

ADVANCE PAYMENTS TO FARMERS PARTICIPATING IN FEED GRAIN AND WHEAT PROGRAMS

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. BERGLAND. Mr. Speaker, on Wednesday, March 8, I introduced a bill, H.R. 13679, which would require the Secretary of Agriculture to make advance payments to farmers participating in the wheat and feed grain programs. I was joined in this effort by Congressmen Obey, Link, Abourezk, Smith of Iowa, Melcher, Andrews, Roush, Thone, Bevill, Hamilton, McCormack, Denholm, Fraser, Evans of Colorado, Aspin, Roy, McMillan, Jones of North Carolina, and Foley. I welcome this expression of support on the part of my colleagues. Senator Mondale introduced this bill in the Senate on Monday, March 6.

I cannot express strongly enough the urgency of this measure. Since harvest began in 1971, wheat and feed grain producers have been facing the lowest prices paid for their commodities since the great depression. In spite of the slight increases at terminal markets, corn and wheat will hardly bring more than a break-even price at most country points.

This year we must work vigorously to reinstate the concept of advance payments in the feed grain program. It was a mistake for the administration to eliminate the advance payments in 1970. The program had worked well for 7 years. Advance payments were directly responsible for encouraging several farmers to sign up and divert acreage from production. Under the program, farmers who elect to participate in the program receive an advance on their diversion payments after signup in the spring. The balance is then paid in midsummer. There can be no doubt that this provides an added inducement to participation in the program.

Halting of the advance payment program did not reduce costs to the Government. It simply shifted the funding to another fiscal year. In the process, it placed a reoccurring burden upon farmers. Without advance payments, farmers must borrow money in order to finance crop planting and operating costs.

This year, advance payments would make the increased set-aside payments and additional program options more beneficial to farmers. Secretary Butz has announced that he is prepared to spend about $2 billion on the set-aside program for 1972. Advance payments of half that amount before planting time would be a tremendous boost to rural America. There can be no doubt that most of these funds would be spent almost immediately in the rural community by the farmers who receive them. I can think of no faster way to give much needed vitality to the rural economy and to increase employment in small communities.

There are no practical grounds for disagreement with the concept of advance payments. These payments can be implemented within the framework of the set-aside approach. Payment immediately after signup would not incur any additional costs to the Government. It would be a good investment in rural development and would strengthen the farm program.

In view of the drastic low prices which feed grain producers have had to face with their 1971 crop, there is a severe need for this type of additional income before planting.

EXECUTIVE BRANCH ACTIONS, INTENTIONAL OR NOT, ARE ENDANGERING THE FUTURE OF AMERICA'S COUNTRYSIDE

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. ALEXANDER. Mr. Speaker, the February 23 edition of the Congressional Record, carries on page 5258 a speech I made in which I discussed three elements basic to the nucleus of a small town with a future. These are the general store, the doctor, and the post office. In that speech, I expressed concern over the adverse effect actions by officials of the executive branch have had on small medical clinics located in a number of small towns in northeast Arkansas.

Today I would like to continue my examination of the threat to the future survival and progress of the Nation's small towns, by discussing some actions of the U.S. Postal Service. Those of my colleagues whose hometowns are small or who have small towns in their districts are no doubt aware of the importance the local post office has for a town.

Post offices can easily and accurately be described as beacons. The town-name postmarks appearing on letters, cards, and packages dispatched through these post offices carry a message to the recipient. These postmarks bear witness that Salem, Ark., is a real place. It has an identity. It is a place where people are born, live, learn, play, and eventually die. It is a community with a personality.

To threaten the existence of a town's general store, its post office or its doctor is to threaten the town's continued existence. Some actions taken within the executive branch appear to be aimed in that direction.

One of these is a trend developing in the U.S. Postal Service. It is labeled a money-saving device. And, it seems to be knowingly designed to restrict persons in the exercise of their right to have their mail postmarked from their hometowns. At this point, I am told only the larger post offices are affected. But, with the executive branch's apparent belief that bigness in postal operations is the proper objective, can the smaller post offices afford to feel secure.

Under the new practice, unless uses of the first class offices make extra efforts to put nonlocal mail in a specially marked collection box, or in the incorrect box, mail from these post offices bear the undistinguished postmark reading "U.S. Postal Service."

Now, the postal service officials tell my office that the change was made in response to the demands of big-city mailers. These users, the postal officials say, could care less about postmarks. They just demand quick delivery service. That information was provided my office on the day that I had learned that it took 5 days for a first-class package mailed from Washington to reach south Texas.

That was also the day a staff member told me that it had required 1 week for a first class, certified package to travel from Washington to Mississippi. Another package, mailed from the same post office on the same day, at the same hour, to the same Mississippi address, had taken 2 weeks to make the trip.

It was also the same day that the young woman on my staff who is responsible for the initial handling of incoming mail, remarked that it regularly takes 2 days for airmail letters to move from some towns in the First Congressional District of Arkansas to Washington. And, it was just 3 days before I learned that a piece of mail coming from another office in Washington to my office had been in route 6 days. It still has not arrived.

Another bit of information provided by the U.S. Postal Service officials about this new postmark practice is that small towns, with third and fourth class post offices—such as the one which was assigned to Moorefield, Ark.—do not generate enough mail for theirs to be handled in this way.

The official was correct. Moorefield only had to worry about keeping its post office. The Postal Service closed it on January 8, 1972. Their reason was stated thus:

> When determining necessary adjustments at smaller offices, such as Moorefield where a postmaster vacancy exists, the primary con-

cern is service . . . adequate postal services can be provided by rural route at a reduced cost.

Under the U.S. Postal Service regulations, I am told there is no appeal from such a decision, regardless of the effect it has on the total community's future. The Postal Service closed 134 fourth class post offices across the Nation between July 1, 1971, and early February 1972.

Now I understand that in this election year there has been a moratorium—scheduled to end on July 1, 1972—ordered against closing fourth class post offices. This can be of little comfort to those towns which have already suffered this blow to their identity—or to those which may expect the same fate in the future.

On one hand we have the President making a public commitment to the revitalization of the Nation's small towns and communities. On the other we have actions like those being generated within the U.S. Postal Service.

Mr. Speaker, I would urge my colleagues in the Congress to carefully consider the implications of what I have said here today. It seems appropriate for those of us concerned with the future of small town and small county, U.S.A., to look carefully at the proposals and actions of the executive branch. Indications are that the right hand may not be aware of what the left hand is doing and saying.

We in Congress have enacted programs full of promise of a helping hand for all segments of the Nation. Yet, when these programs are established in the executive branch the nonmetropolitan areas of the Nation rarely get the share of the assistance which their population or needs would justify.

Executive branch actions, intentional or not, are endangering the future development of America's countryside. The congressional interest in revitalizing these areas is amply displayed in the 135 bills and resolutions directed to this which were introduced last session.

The task before us is enactment of legislation which gives the executive branch clear instructions as to our commitment to nonmetropolitan areas.

MY RESPONSIBILITY TO FREEDOM

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. BROWN of Michigan. Mr. Speaker, during the recent meeting of the Veterans of Foreign Wars here in Washington, I had the distinct pleasure of meeting with Mr. Craig Sloan, this year's winner of the Department of Michigan Voice of Democracy Essay Competition and a student at Portage Northern High School in the Third Congressional District which I am privileged to represent. He is the son of Mr. and Mrs. James Thomas Sloan, Jr., of Portage.

Mr. Sloan is a remarkable young man. In 1971, he was the Michigan department's runner-up in the essay competition. He also won first place in the Michigan High School Forensic Association Sweepstakes last year and fourth place in the State in the Optimists 1970 oratorical contest.

His winning essay, "My Responsibility to Freedom" sets a high standard of responsible citizenship.

Noting that a child can piece together a puzzle, he questions whether a child—once he has pieced together a puzzle of a great painting by Rembrandt or Van Gogh—can understand the symbolism of the painting. He goes on to suggest that it is not enough that citizens in a democracy have the knowledge to fit together "the individual pieces and relationships of an issue" but that they also must seek "the perspective, the insight, [and] the wisdom to understand the issue."

In a time of controversy, in a time when the public is sharply divided on many issues confronting the Nation, it is all the more important that we realize that we must seek not just facts—particularly those that merely support our own point of view—but that we must seek an understanding of the issues, including an understanding of why others may at times vigorously and sincerely oppose those views we most strongly hold.

Mr. Speaker, I recommend Mr. Sloan's essay to all my colleagues in the House. In order that it may be available to each, I ask permission to have the essay reprinted in the CONGRESSIONAL RECORD at the conclusion of these remarks.

Thank you.

The essay follows:

MY RESPONSIBILITY TO FREEDOM

(By Craig Sloan)

Freedom is hard to win and even harder to keep because the latter entails responsibility. But what of the man who does not have the imagination to grasp this concept, who cannot visualize the two-way road between the retention of his freedom and his responsibilities to freedom? Can such a man be free?

The question I pose is not as philosophic or rhetorical as it may first appear. It is one that vitally concerns me and many others. In one short year I will be able to vote. I, and hundreds of thousands of other new 18 year old voters, will be going to the polls in '72 to decide this nation's future. I find that both awesome and wonderful. So, I'm asking myself: What responsibilities do I owe freedom? How am I going to keep freedom alive and meaningful in me and in others?

As I first approached this question, it looked as if it could be easily answered. After all, the government gave me the freedom to vote, speak, and think as I pleased, so my responsibilities seemed to be that I must attend the polls regularly and express myself. Yet, I feel there is something greater you and I owe to freedom. We owe a responsibility of wisdom to that force we call freedom.

This responsibility of wisdom resembles a puzzle. Now, any child could fit together the pieces of a puzzle. But imagine if it were a puzzle of a great painting, a Rembrandt or a Van Gogh. Once having pieced the puzzle together, could the child understand its symbolism? Could he appreciate the talent, time, and imagination that went into its creation? True, like the child, we may have the knowledge to fit together the individual pieces and relationships of an issue, but do we have the perspective, the insight, or the wisdom to understand the issue?

We must have this wisdom, or we negate the entire concept of personal freedom. We scrap mankind's belief in his fellowman by enslaving ourselves to prescribed ideology.

How easy it is to vote the party line. How less traumatic to agree with the national committee. How much more soothing to unquestionably believe the official story. More and more we allow ourselves to become thoughtless and thankless of our freedoms.

We need the wisdom to decide the issues and the wisdom to work with others toward solutions. To allow a few to dictate to us their beliefs makes a mockery of all the powers and provisions that make us free. Together, we must try to fulfill our responsibility of wisdom, if we truly wish to be free, for as Platus said "No man is wise enough by himself".

Never before has freedom so badly needed a responsibility of wisdom among its believers. We live in an age of racial hate that demands the courage and the understanding of us all. We watch a war blot our nation's spirit and hear nothing except rhetoric. We touch the wonders of the moon and the universe while millions of our people go to bed hungry every night.

Some people believe that dealing with these problems only creates disillusionment. Yet, as we walk down the road between our freedoms and our responsibilities, let us remember the path is not always an easy one. At times if our moral courage and wisdom stumbles in disillusionment, we should look to the words of George Santayana, "Wisdom comes by disillusionment".

When I go to the polls next year to vote, I, and I hope you, shall keep in mind the necessity for all of us to deal with the demands and issues freedom places upon us. That's what freedom is all about: the wisdom of the people deciding the course of a nation.

ROBERT MORGAN DAY IN SANTA CLARA, CALIF.

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. EDWARDS of California. Mr. Speaker, March 17 is Robert Morgan Day in Santa Clara, Calif.

Senator Alfred Alquist has introduced a resolution in the California State Senate commemorating this day and honoring this distinguished citizen for his many contributions not only in the world of art but in the legal profession, the raising of Morgan horses, and a whirlwind of community activities.

Robert Morgan, an old and dear friend of mine for many years, is being honored at a luncheon being held at the Triton Museum, which he founded, by the Heritage section of the Santa Clara Citizens Advisory Committee.

Bob Morgan is a successful lawyer whose office, located in San Jose, Calif., is the only private building to have murals painted on its walls. One of the murals depict four phases of Lincoln's career. Bob is fond of telling you what a fine lawyer Mr. Lincoln was. One of the other panels on the building is a reproduction of Norman Rockwell's Four Freedoms, reproduced by permission of the Saturday Evening Post.

Bob Morgan is known for the quality of his endeavors and for the sincerity of his interest in the community. Bob is a past president of the Santa Clara County Bar Association and has been honored by a fellowship to the Academy of International Trial Lawyers.

He has found time not only for excellence in his chosen profession, the law, but for the raising of Morgan horses on his ranch near Gilroy, Calif., as well as a multitude of civic interests.

His interest in art reaches back into his childhood. He served on the Fine Arts Commission in San Jose and was interested in developing a relationship between the community and museums. With some of his friends, he purchased an old building in San Jose some years ago, remodeled it and started the Triton Museum of Art. The museum has moved a few times since its beginning, and is now located on 7 acres in three pavilions in the city of Santa Clara.

I am pleased to join in this tribute to Bob Morgan, a unique man, who has given so much in so many ways to the communities in which he works and lives and who has made the Triton Museum a pivot for culture in the Santa Clara Valley.

THE PRESIDENT'S ENVIRONMENTAL MESSAGE

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mrs. GRASSO. Mr. Speaker, it was disappointing to note that the President's environmental message, recently sent to Congress, contains no proposal to protect the Nation's wetlands from development.

An article that appeared in the Washington Star on February 9, 1972, describes events leading to the deletion from the message of a Presidential directive which forbids the U.S. Army Corps of Engineers to "issue permits for filling and dredging wetlands, or coastal areas, unless developers could show cause why they could not build elsewhere."

I am registering my concern about this matter in letters to Russell E. Train, Chairman of the President's Council on Environmental Quality, William D. Ruckelshaus, Director of the Environmental Protection Agency, and the Secretary of Commerce, Peter G. Peterson.

For the interest of my colleagues, the article is included below:

White House Spikes Plan on Wetlands

(By Roberta Hornig)

The White House, shooting down its environmental advisers and siding with the Commerce Department, knocked out of President Nixon's environmental message a proposal to protect the nation's wetlands from development.

Until Friday night, the message, which was sent to Capitol Hill yesterday, included a presidential directive forbidding the U.S. Army Corps of Engineers from issuing permits for filling and dredging wetlands, or coastal areas, unless developers could show cause why they could not build elsewhere.

The directive would have required developers to prove that waterfront use was "essential."

Administration sources say the White House suddenly switched signals and the directive was ordered "out" of the environmental message.

A White House spokesman said that the Commerce Department was "adamantly opposed" to the dropped proposal, and that the proposal was not considered a "presidential initiative."

The change of mind came after a memo from the Commerce Department's general counsel, William T. Letson, to the director of the Office of Management and Budget, George P. Shultz, sources said.

Ironically, the plan was proposed by the Corps of Engineers, generally considered a villain by ecologists.

It was worked out with Nixon's Council on Environmental Quality, headed by Russell E. Train.

Sources said the Commerce memo opposed the directive on grounds that it would be unconstitutional. Commerce's argument, they said, in effect is that Congress has never authorized regulations on the issuance of dredging permits.

But, they added, environmentalists within the administration believe the reasons the directive was knocked out were "outside the legal ones given."

UNFAIR TO BUSINESS

The sources said Commerce argued that the burden imposed by any such directive "would be too hard for developers to bear," that it would be "unfair to business who might need wetlands for development" and that the administration environmentalists "don't know the consequences on business."

One source called Commerce's position ironic since the department, besides representing business as one of its constituents, also is charged with fish production. Fishing has been declining as a business in the United States, the source said, because of the loss of wetlands, which are fish breeding grounds.

In 1969—the last year for which data is available—the United States lost 35,000 acres of biologically productive wetlands, the source said. Half of this went to "interests not essential to either the public interest or essential waterfront use," including housing and airports, he said.

The Council on Environmental Quality wanted the directive on grounds that "it would have established the principle that wetlands are biologically productive and environmentally valuable."

Although the directive was dropped, the presidential message yesterday did include another provision on wetlands, which the source described as much more limited in nature.

Nixon told Congress he was proposing legislation "to limit applicability of certain federal tax benefits when development occurs in coastal wetlands." He said his proposal was to give ". . . new economic disincentives to further discourage unnecessary wetlands development."

CONGRESSIONAL REFORM—THE FIRST YEAR

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. GIAIMO. Mr. Speaker, there have been disturbing rumors this year that some of the reforms accomplished through the Legislative Reorganization Act of 1970 will be quietly attacked and undone.

Those who would promote such an attack may believe that the public would not care or respond, and that even the press may be unaware of the enormous influence the provisions of this act have had on the operations of the Congress.

Such people are underestimating the wisdom of both the press and the public, however. The American public intuitively understands that the outcome of the game—of congressional action—is as much dependent on the rules as it is on the individual players. They may not know each and every detail of this landmark piece of legislation, but they understand that there is more light in the dark corners of Congress than ever before and that their individual representatives to the Congress are more responsive and more effective than ever before.

The press, as always, plays a vital role in fostering this understanding, and the press has recently called attention to both the accomplishments of the Legislative Reorganization Act and the consequences of actions that would demean that act. Recently, for example, the Hartford, Conn., Courant reviewed the first full year's operation of the reform act and gave it good marks both for what it has done and what it might do.

I call particular attention to the last paragraph in that newspaper's editorial, especially to the phrase which reads:

> But especially in the House, leaders must now be more conscious than before of gaining majority acceptance for their actions.

The editorial goes on to say that:

> This bill is a symbol to the leadership that it cannot run over the rest of the membership the way it used to.

Mr. Speaker, neither the press nor the public will be happy if attempts are made this year to gut the Legislative Reorganization Act. Neither the press nor such groups as Common Cause will be fooled by backdoor approaches to such action. I salute the Hartford Courant for its editorial concerning the accomplishments of congressional reform and the press in general for its role in stimulating that reform.

The article follows:

Congressional Reform—The First Year

For many years, Congressional reform was one of those things like the weather. There was a lot of talk about it, but no action. When the Legislative Reorganization Act was finally put through in 1970, it was the first reform measure since 1946.

Congress has now worked for a year under its provisions, and the results, if not earthshaking, are reported on Capitol Hill to be generally good.

The act required committees in both chambers to provide that all record votes be made public, and that roll-call votes on final approval of a bill be printed in the written report. It encouraged open hearings and business meetings. It required prompt filing of committee reports once a committee has acted, and allows committee members to file minority or additional views in a reasonable time. It also allowed the minority party committee members to call their own witnesses at hearings, permitted broadcasting of hearings, and required committees to issue biennial reports reviewing their activities regarding legislation within their jurisdictions.

In short, the Legislative Reorganization Act aimed at opening up the operations of Congress to more public scrutiny, democratizing the system to protect minority rights, and streamlining legislative processes.

Though some of the specific provisions of the act will take more time to bear fruit, there is general feeling in Congress that it is working for the good even in the short time it has been operative. Some members of Congress point out that just the existence of the bill acts as a sort of curb on the leadership of both parties and in both chambers, making those in power realize they cannot exercise that power capriciously.

Looking outside the Congress, others see the Reorganization Act as reassuring to the public. As one Congressman put it, "There is so much cynicism about hardening of the arteries in public institutions, just the accomplishment of reform has been a refreshing thing."

And of course that cynicism, or at least skepticism, on the part of the public, has been widespread. It has been remarked that the House of Representatives, according to conventional wisdom, is usually thought of as being run by a score of powerful committee chairmen who long ago wrote the rules and now wield them to their own advantage. And the Senate, the same wisdom held, is a gentlemen's club where insiders wheel and deal behind the disguise of unanimous consent.

All observers agree that the Reorganization Act does not preclude wheeling and dealing by powerful committee chairmen and high-ranking party members in their accustomed fashion. But especially in the House, leaders must now be more conscious than before of gaining majority acceptance for their actions. In a way, the bill is a symbol to the leadership that it can not run over the rest of the membership the way it used to. It is helpful that both Congress and the public know this. It encourages hope that the Reorganization Act will go on to achieve the even more specific goals it sets itself.

THE LOUD MINORITY SPEAKS OUT FOR DIRECT ELECTION OF THE PRESIDENT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. MIKVA. Mr. Speaker, as we are all aware, this is an election year. All the seats in this distinguished body are up for election, as well as the Presidency and the Vice Presidency.

The people will have a direct voice in electing the Members of this House, and the Members of the other body as well. But they will not be able to directly elect their President.

Four years ago, the electoral college system threw a scare into the hearts of many concerned Americans who feared that a third party candidate would prevent either Senator HUMPHREY or President Nixon from gaining a majority of the electoral votes, precipitating a replay of the compromise of 1876.

That danger continues to haunt our electoral process, and will until we revise the electoral college system. For that reason, I have proposed an amendment to the Constitution providing for the direct election of the President by the voters.

The people ought to elect the President directly so that the candidate with the most votes necessarily becomes the President. Originally the electoral college was devised by the Founding Fathers because they feared that the American public was incapable of wisely choosing a President. Their mistrust is a historical anachronism, repugnant to 20th century notions of democratic government.

I would like to insert in the RECORD the text of a petition signed by over 200 of my constituents and sent to me by an outstanding group of concerned young citizens known as the Loud Minority. Their activity in support of direct election is a fine example of the justice of changing the electoral system to permit full participation in presidential elections.

The text of the petition follows:

"THE TIME IS NOW"

LOUD MINORITY,
Skokie, Ill.

Hon. Congressman ABNER J. MIKVA,
Everett McKinley Dirksen Office Building,
Chicago, Ill.

CONGRESSMAN MIKVA: We, your petitioners, citizens of the United States of America, respectfully request, that you, acting on the suggestions of the Loud Minority, once again propose an amendment, to the Constitution of the United States of America, asking for complete electoral reform, and the direct election, of the President and Vice President, of the United States of America.

NIXON'S VISION OF THE FUTURE

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. MORSE. Mr. Speaker, this morning's newspapers carried headline stories about the talks that have begun in Paris between representatives of the People's Republic of China and the United States. These initial exchanges, described as warm and cordial, are the first tangible results of the President's visit to China, and they represent a positive and encouraging sign.

It is my firm conviction that the President's recent trip to the People's Republic of China represents one of the most significant diplomatic exchanges in the past 20 years, and I believe that positive repercussions of that visit will continue to be felt around the globe for many years to come. The United States has now moved closer to establishing normalized and official relations with the world's most populous nation. In doing so, we have acknowledged a reality that for more than 20 years had been officially ignored—the existence of what is now a nuclear nation of more than 750 million people.

This adjustment in the diplomatic posture of the United States is neither sudden nor ill-considered. It has been carefully and thoughtfully prepared by the administration and by the Congress for a number of years. From the early days of his administration, for example, President Nixon has worked to develop a more realistic and open U.S. policy toward Peking. Through a series of unilateral, step-by-step measures ranging from the relaxation of certain travel and trade restrictions in 1969, to a comprehensive lifting, in the spring of 1971, of trade embargoes that had been in effect for more than 20 years, and a shift in policy of the question of China's representation in the United Nations, Mr. Nixon has succeeded in laying the groundwork for a relaxation of tensions between the United States and the People's Republic.

The President's visit to Peking was a logical and entirely consistent and laudatory step in the process of opening up contacts with Peking and encouraging China to join the family of nations. I welcome these moves as a reflection of the genuine national interest of the United States, as well as in the overall interest of global security.

Mr. Speaker, on February 24, 1972, the Malden Evening News, the Medford Daily Mercury, and the Melrose Evening News all carried a fine editorial on just these matters by Robert H. Goldman. The article, entitled "Nixon's Vision of the Future," discussed the positive implication and likely ramifications of the President's China visit. I commend to my colleagues this very incisive and thoughtful editorial by Mr. Goldman:

NIXON'S VISION OF THE FUTURE

(By Robert H. Goldman)

It may have seemed like a Hollywood scenario; it may have seemed quite unreal—but it was reality. Richard Nixon, that well known anti-communist, that long-time foe of Red China, had come to Peking, to the capital of Red China, (now called by our government by its true name of "The Peoples Republic of China"). He had broken bread (all 40 delicious courses at the state banquet, indeed) with Premier Chou En-Lai, and he had spent an hour with Chairman Mao.

The decision of our President to visit China has evoked a curious combination of protests. Many American Conservatives, particularly Republicans in his own party, have strongly protested. Some liberals have suggested the trip is "politically motivated", and the third group to protest is—the Russians, who feel an American-Chinese entente aimed at them. A strange unity of protest against the trip, indeed.

But whatever the protests, whatever the President's motivations, however unreal the visit may still seem, it is probably the most important international political move of the last 20 years. And it can be decisive for the peace of the world.

For a China of 800,000,000 people, armed as it is with nuclear weapons, to remain isolated further behind a "bamboo curtain" would have made the future of mankind grim, indeed. To renew communication with China—not so much to reach agreements with China, but merely to be able to talk to and communicate freely and frankly with the Chinese communists—are necessities of life in the nuclear age.

And this is the measure of the greatness of Richard Nixon. In spite of his strong and fervent anti-communist background, he is, above all, a realist. And he is one of the great "politicians" of all time. This is not to his discredit. A man has to be a great politician to lead this complex America of ours in this difficult and dangerous world; and a man has to be a great politician to come back from the political graveyard of 1962, after his defeat for Governor of California, to become, six years later, in 1968, President of the United States.

Chairman Mao and Premier Chou, too, came back from their own political graveyards, from disastrous defeats to hang on in Yenan in 1936, and 1937, and then 12 years later, to rule this vast land of China.

The President correctly stated at the first state banquet in Peking that "no principle" that we have will be yielded to the Chinese—

nor, he added, do we expect them to change theirs. But in the nuclear age nations with different principles must learn to live on this earth together—to have "co-existing"—or to perish all together, in the ruins of Man's Civilization.

When Pope Paul VI proclaimed, almost in anguish, in his visit to the United Nations during his trip to America, "No more war—war never again!", he was truly the voice of the common man and woman everywhere in this age of the super-weapons.

And Richard Nixon, that first night in Peking spoke not only for America, but for all mankind when he said that we who are middleaged, must rise above the hatreds and passions of a different era, to realize that we must leave to our children, to the youth of today, all over the world, a planet where people of vastly different social and economic systems and philosophies can live—live—together.

The alternative is not "victory" for "democracy" or "victory" for "communism", but a common death for the adherents of both philosophies—and the rest of mankind, too.

Who would ever picture Richard Nixon as a great idealist? Are his motivations "pure"? It matters not. Personally, I believe that he has a genuine vision of a better and safer world. But whatever his motivations, he has done the right thing, at the right time, in the right way.

He has given mankind another, and a genuine, chance to avoid a final catastrophe. And history, I predict, will praise him for it, as should we all!

ARVILLE SCHALBEN RETIRES FROM MILWAUKEE JOURNAL

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. REUSS. Mr. Speaker, Associate Editor Arville Schaleben, a mainstay of the Milwaukee Journal's operation, retired last month after 43 years with the newspaper.

I extend my best wishes to Mr. Schaleben as he continues his service to journalism through other channels, and insert at this point an editorial from the Milwaukee Journal of February 29:

HAPPY RETIREMENT, ARV

Another of Wisconsin's ablest journalists, nationally known for many years, has been lost to the active profession by retirement from The Milwaukee Journal. Happily in the case of Arville Schaleben, he will continue to serve the cause of journalism as educator, mentor and authority on its principles and ideals.

Schaleben made a name as a probing and perceptive reporter in the first six of his 43 years with The Journal, and never lost the instinct or the zest all the rest of the time in news executive positions, where he rose to be associate editor. He long continued to be a world traveler and keen observer for Journal readers, literally from pole to pole, doing his own photography into the bargain.

Schaleben's special interests and productive labors in his news executive role have been highly useful in two fields: advancement of journalism as a career, and watchdogging the legal status of the press as a public service institution constitutionally protected. In the former he has worked to instill in journalism students a sense of the importance and values of newspaper work. In the latter, teamed with editors across the state and nation, he has helped lead the good fight, both for press freedom when menaced from outside and for press integrity and responsibility when endangered from within.

Young people getting their feet wet in The Journal newsroom will miss Schaleben's frequent tours of the room for friendly, understanding talks with them, encouraging them in their work, sympathizing with their problems. But he is in demand as a lecturer on college campuses and will be launching a new career as teacher and author, still striving to uplift even higher a profession that he is proud of—one that also is proud of him.

TOLL INCREASE ON DELAWARE RIVER BRIDGES

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. EILBERG. Mr. Speaker, on February 16 of this year, the Delaware River Port Authority voted that the tolls on the Benjamin Franklin and Walt Whitman Bridges be increased, effective April 1, 1972.

These structures are vital to the commercial well-being and public convenience of the Delaware River Valley as a whole, and the city of Philadelphia in particular. It is especially regrettable that the decision to raise the toll fee, which will have a direct impact on the lives and businesses of so many people, was reached with undue haste and without the benefit of public hearings to determine the justification of the authority's action.

The council of the city of Philadelphia has recently called upon the Honorable John Volpe, Secretary of Transportation, to suspend the effective date of the proposed increase so that public hearings on the matter might be held.

The resolution of the council of the city of Philadelphia follows:

RESOLUTION NO. 18

Resolution urging the Honorable John Volpe, Secretary of Transportation of the United States, to suspend and delay the effective date of the proposed increase in the tolls on the Benjamin Franklin Bridge and the Walt Whitman Bridge.

Whereas, The Delaware River Port Authority on February 16th, 1972, voted that the tolls on the Benjamin Franklin Bridge and the Walt Whitman Bridge be increased, effective April 1st, 1972; and

Whereas, The haste with which these proposed increases were adopted did not afford the opportunity to ascertain and verify the need for the proposed increases, if any, nor permit interested and affected parties to be heard; and

Whereas, It is vital to the citizens of the City of Philadelphia, and to others who are compelled to use the Bridges in their daily businesses, to keep the costs down to a reasonable minimum; therefore

Resolved, By the Council of the City of Philadelphia, To urge the Honorable John Volpe, Secretary of Transportation of the United States, to suspend and delay the effective date of the proposed increases, for the purpose of holding public hearings, in order that the Delaware River Port Authority be required to justify and substantiate the alleged need for the increases.

Resolved, That certified copies of this Resolution be sent to the Honorable John Volpe, Secretary of Transportation of the United States, and to the Members of Congress from the Delaware Valley area.

THE RANSBURG ELECTRO-COATING CORP., OF INDIANAPOLIS, GIVEN PRESIDENTIAL "E STAR" AWARD

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. BRAY. Mr. Speaker, the first Indiana-based firm given the "E Star" award by the Nixon administration for superior export achievement is Ransburg Electro-Coating Corp., of Indianapolis.

Increasing this country's export rate is probably the most critical and crucial problem our economy faces today. It is, quite literally, a question of export or die, as far as our economy goes.

Ransburg Corp. has shown it can be done. I am pleased to insert further details on the award, and the firm:

"E STAR" AWARD

In recognition of continued superior export achievement, United States President Richard M. Nixon has designated Ransburg Electro-Coating Corp. winner of the coveted Presidential "E Star" Award. John E. Maxwell, Vice President of Sales, accepted the award issued by the U.S. Department of Commerce. Ransburg Electro-Coating Corp. is the first Indiana based firm to be recognized with an "E Star" Award by the Nixon Administration.

The "E Star" Award was presented at the 35th Mid-America World Trade Conference held March 2, in Chicago. The award was presented by Harold Scott, Assistant Secretary of Commerce.

Ransburg, founded only in 1948, received the President's "E" Award in 1968 for its outstanding contribution to the Export Expansion Program of the U.S. Since receiving that award in 1968, Ransburg has continued to show phenomenal growth in the development of its Export Program.

Key ingredients in Ransburg's successful approach to overseas markets have been the firm's care in selecting a network of foreign distributors throughout the world; its willingness to modify its equipment to meet foreign safety standards; its progressive approach to training of employees, distributors, and customers; and its strong emphasis on providing good aftersales service.

John E. Maxwell, Vice President of Sales for Ransburg, cites the following points which have made Ransburg a superior performer in foreign marketing activities. "Our foreign distributors have been carefully selected through on-the-spot investigation during personal visits. Also, securing advice from our ultimate equipment users has been a valuable tool in selecting the best distributors available. After selection, the new distributors either send a man for training to Indianapolis, or we send a training specialist to their country to train them in the techniques of proper selling, installation, and servicing of our equipment. Good service is the most important tool for our future sales. We are very demanding toward our distributors for good service."

Maxwell continued, "During the last few years a multitude of small competitors have come into the business in many countries. We have met their lower prices with better service, training of our customers, and quality equipment. We have purposely employed multi-lingual personnel. Among our employees we have a capability in twelve languages."

Maxwell also cited that Ransburg insists on using Nationals of the country where they have established companies. In Europe and the Far East Ransburg has only two American employees in residence.

The first awards under the program were

presented on March 28, 1962, in a White House ceremony.

In evaluating an applicant's tangible success in export markets, the Award Committee is guided by the following criteria: A substantial increase in volume of exports on a sustained basis; successful introduction of a new product into U.S. Export Trade; development of a market abroad for an existing product not previously exported; breakthrough in a market where competitive conditions are extremely difficult; and opening of a new trade area previously closed to U.S. companies.

The more recent "E Star" is a part of President Nixon's program to step up U.S. exports. It is designed to stimulate U.S. businessmen to boost their profits through additional overseas selling, thus improving the Nation's balance of trade and balance of payments.

To receive consideration for the "E Star," a company must have demonstrated initiatives in exporting during the past three years, not overlapping the period recognized by the "E" Award. The level of performance for "E Star" Awards must exceed prior achievements in exports or export service. Ransburg is the first company in Indiana to be presented with the Presidential "E Star" Award.

Ransburg Electro-Coating Corp. has also taken advantage of the fact that technology is a two-way street by using the knowledge in special needs of its overseas contacts as a source of input for its own research and development efforts. The result of these efforts has led to the development of better equipment and contributed to the improvement of Ransburg's competitive position both at home and abroad.

WHAT IS ELECTROSTATIC PAINTING?

Electrostatic painting is based on the fundamental law that unlike electrical charges attract each other. The atomized coating particle is negatively charged, while the grounded article to be coated is positive. Thus, the electrostatic force actually turns overspray in midair and wraps it around on the sides and back of the article. The savings in finishing material, labor and maintenance are substantial, when compared to conventional finishing methods.

AN INTRODUCTION TO RANSBURG

Ransburg Electro-Coating Corp. is engaged in developing, manufacturing and marketing electrostatic coating equipment and processes, and is the originator of the electrostatic painting industry.

It all began in the 1930's, when Harold Ransburg conceived the idea of using an electrostatic field to make finishing operations more efficient. While working in his father's factory, The Harper J. Ransburg Co., he conducted experiments so satisfactorily that the Electro-Coating Division of Harper J. Ransburg was formed in 1941 to continue research, laboratory testing and sales promotion.

One of the first important applications was the removal of excess coating materials from shell casings during World War II. This application for materials coated by dipping was followed by the Ransburg No. 1 Electro-Spray Process, which achieved efficiency by directing the spray of conventional air guns into an electrostatic field.

In 1948, a separate corporation, Ransburg Electro-Coating Corp., was formed. Three years later, the company announced another revolutionary step, the Ransburg No. 2 Electro-Spray Process. This process utilizes electrostatic force to pull coating materials from the edge of an atomizer, so that charged particles are guided onto the work with practically no overspray waste. This system is now available with disks, bells, blades and a hand gun.

More recently, Ransburg has developed two other hand guns, which adapt the electrostatic principle to air and airless spray. These are the Ransburg Electro-Air (R-E-A®) and Ransburg Electro-Hydraulic (R-E-H®) Guns. Automatic R-E-A and R-E-H units also have been designed by Ransburg and marketed successfully.

Newest in the Ransburg electrostatic line is the DriPaintr gun, which sprays powders, rather than liquid coatings, with characteristic Ransburg savings. Automatic pipe coaters and rubber coaters also have been developed from this principle.

Ransburg has pioneered extensively in the development of an electro-coating system, known as the Ransplater®. Ransburg also has developed materials trade-marked Ransprep®, which make it possible to finish wood, plastic and other non-conductors with electrostatic efficiency.

Ransburg customers comprise a cross-section of world industry.

SPACE SHUTTLE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. TEAGUE of Texas. Mr. Speaker, on February 24, 1972, I received a resolution from Mr. Andrew J. Biemiller, director, Department of Legislation, American Federation of Labor and Congress of Industrial Organizations. This resolution speaks of the importance of our national space program—Apollo, Skylab, and our next major program in space—the space shuttle. The resolution passed February 18, 1972, by the AFL-CIO Executive Council fully supports and encourages proceeding with the space shuttle. I believe this resolution reflects not only the views of organized labor but that of the general public and I commend these thoughtful comments to the reading of my colleagues and the general public:

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON SPACE SHUTTLE

The United States space program is reaching another milestone. At the peak of the Apollo project, the space program employed 400,000 Americans—about half of whom have since been laid off. This year will see the end of Apollo.

In Apollo, American science, engineering and craftsmanship made possible the fulfillment of one of man's oldest dreams—to walk on the moon. In so doing, we unlocked vast new technologies, strengthened our national security and reinforced America's world position.

Next year, the Skylab project will put nine astronauts into orbit to live and work for periods of from four to eight weeks, learning more about our world and the space around it.

The next logical step for the United States space program is the development of a space shuttle which will provide economical transportation from earth to space and back. It will make space as accessible as the airplane has made the other continents. The shuttle will assist us in exploration, in science and technology and, if necessary, in defense and provide 50,000 jobs in the United States. Without the shuttle we cannot develop our scientific and technological investments that already have given us space communications, weather satellites and geodetic programs.

The benefits of next generation space applications in such fields as the management of our natural resources, monitoring of pollution, weather modification and climate control, television distribution, earthquake prediction, and public health and safety will not be fully realized unless we can reduce costs, raise efficiency and acquire a flexibility of action not yet possible. That is what the space shuttle is for. Without it, we will lose many valuable programs.

International relations today involve space. We can no more ignore space than we can ignore the oceans or the continents. We would not have the free world without ships, without aircraft or without land mobility. We cannot envision a secure, technologically advanced western world without technologies that allow us the freedom of space as well.

For these reasons, we urge Congress to vote funds for the development of a space shuttle.

SEVENTEEN PERCENT OF LARGE TRUCKS UNSAFE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. SCHWENGEL. Mr. Speaker, recently the Bureau of Motor Carrier Safety released results of a report on the safety of large trucks operating on our interstate highways. The report shows that 17 percent of the more than 2 million larger trucks are unsafe.

The study was conducted at the request of the American Trucking Association. It was a "rigidly scientific sampler," selecting trucks at random and not concentrating only on defective vehicles. The 17 percent unsafe trucks did not include those with burned-out bulbs or other less serious defects, but included only those trucks with more serious defects such as brake and tire deficiencies.

The study also showed that "gypsies," trucks exempt from Federal regulations, have serious defects in 20 percent of their units.

Mr. Kenneth Pierson, Deputy Director of the Bureau, noted that the implications of the study are very serious.

This study is but one more argument against the use of larger, wider, and heavier trucks on our Interstate System. The Department of Transportation, National Highway Traffic Safety Administration, and the National Traffic Safety Bureau, have all noted that unanswered safety questions demand inaction on any such increase in dimensions at the present time. This study indicates that already we are faced with substantial serious defects in the existing trucks on our Nation's highways. To allow larger trucks at this time, until all the safety questions are adequately answered, would be unwise.

Many articles have appeared throughout the country noting the Bureau's report and its implications. I would like to share with you one of these by Mr. William Steif, of Scripps-Howard, which appeared in the Sunday, March 5, edition of the Pittsburgh Press:

SEVENTEEN PERCENT OF ALL TRUCKS UNSAFE IN U.S. SPOT CHECK

(By William Steif)

WASHINGTON.—The federal agency that checks the safety of the nation's more than two million interstate trucks has found through scientific sampling that nearly 17 per cent are unsafe.

A new report of the Transportation Department's Bureau of Motor Carrier Safety revealed the extent of truck deficiencies today.

The sampling was done by all 103 of the bureau's inspectors over a seven-day period at 156 weighing stations across the country, said Kenneth Pierson, the bureau's deputy director.

The check was made because the American Trucking Associations, representing the industry, was displeased with the bureau's normal inspection process.

Ordinarily, the bureau inspects about 40,000 commercial vehicles yearly, picking out those that appear to be least well-maintained, Pierson said. Of these, 24 per cent have been found to have serious defects, ruling them off the road immediately.

The trucking industry's representatives told the bureau this method was unfair because it failed to take into account the hundreds of thousands of obviously well-maintained vehicles, and provides foes of increased truck sizes and weights with ammunition to attack the industry.

The bureau acceded to the trucker's argument and set up a rigidly scientific sample, selecting trucks at random.

A total of 2,321 trucks were checked and their defects were divided into two categories: "Less serious," such as burned-out light bulbs: "more serious," such as brake and tire deficiencies.

The inspectors found 384 trucks in the "more serious" category alone, just over 16.5 per cent of the total.

"We were surprised the proportion came out that high," Pierson said. "The industry expected a much lower figure."

Pierson said the "more serious" categories was broken down among three major classes of trucks.

The trucks of franchised or authorized carriers—larger companies licensed by the Interstate Commerce Commission to haul over certain routes—had an average of 16.6 per cent serious defects. More than two-thirds of the trucks inspected were operated by authorized carriers.

Serious defects among private carriers—companies which do their own hauling in their own fleets—amounted to 15.1 per cent.

Serious defects among "gypsies"—trucks exempt from federal regulation—amounted to 19.8 per cent.

Pierson said failure of the authorized carriers to do "significantly better" than private or gypsy carriers disappointed the bigger firms.

"The implications of the study are very serious," he said. "Obviously, we need more surveillance."

HORTON PRAISES THE ROCHESTER COMMITTEE FOR SCIENTIFIC INFORMATION

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HORTON. Mr. Speaker, we are constantly reminded these days that involvement is the key to successfully solving most of the problems facing mankind. Genuine commitment and personal devotion on the part of even a few concerned people seem to work miracles in making life just a little bit better for us all.

The growing concern about the quality of our environment has produced an enormous amount of rhetoric and promises by many individual citizens and public officials. All too seldom is meaningful action taken and personal time sacrificed to make a positive contribution to this battle against man's own ingenuity. Every so often we find a group of dedicated and public-spirited citizens.

In my congressional district in western New York there is a group of committed people who for many years have used their expertise to improve the lot of mankind. Collectively, they are known as the Rochester Committee for Scientific Information. High in the measure of devotion to the common cause of making the world a better place, this group has left an ever-increasing mark of improvement on every problem it has confronted.

It is estimated that there are about 400 members of the Rochester Committee for Scientific Information. They are people in every walk of life who support the organization in one way or another, with enthusiasm, financial support, encouragement, and concern for common goals.

Often their works go unnoticed by all, but their colleagues and their individual efforts are hidden in an apparent maze of community action. Their reward is knowing something has been done, and they were able to do it.

Recently the Rochester Democrat and Chronicle paid high tribute to the committee in a lead editorial. Desmond Stone, the editor of the editorial page, pointed up some of the highlights of the activities of the committee.

There are many in the committee who deserve our special recognition. Among these are the current president, Dr. Robert E. Lee, the vice president, Dr. George G. Berg. Others are Thomas A. Fink, an attorney and one of the leading laymen of the group, Dr. Kenneth Harbison, Dr. Herman S. Forest, Graham Cox, Mrs. Byrna Wier, and Dr. Olga Berg.

I would like to share with my colleagues in the Congress the editorial which was headed "Salute These Environmental Paul Reveres." It is a well-deserved tribute to the Rochester Committee for Scientific Information, and I would like to add my praise along with it.

The editorial follows:

SALUTE THESE ENVIRONMENTAL PAUL REVERES

The critics who would change society merely by hollering from the rooftops might take a leaf—nay, a dozen leaves—from the book of the Rochester Committee for Scientific Information, that small but effective band of people-persuaders.

For the R.C.S.I. members don't wring their hands about problems. They wring their consciences and their competences and get down to work to prove their point with hard-driven facts.

We're moved to cite this example of public service by the current publication of a master list of the titles of bulletins published by the committee—no fewer than 130 bulletins since 1964.

They tell in capsule form the whole story of the rising tide of environmental concern. Here are some titles at random:

Report on Water Pollution, October, 1964.

Float Tests and Grease Ball Deposits on Lake Ontario Beaches, May 1966.

Dissolved Oxygen Levels in Irondequoit Bay, September 1969.

Amount of Cyclamate in Diet Foods, September 1969.

Recycling Day in New York, March 1971.

Measurement of Ambient Air Quality in Monroe County, August 1971.

R.C.S.I. must take a large share of the credit for alerting the public to the way in which our nests have become fouled over the years. It has done so both by calm scientific fact and by using language that the layman can understand.

One of its most recent bulletins by Neal G. Dunkleberg, deals with the problem of algae in Silver Lake. After noting that the ideal solution to the problem of residential liquid waste flow into the lake would be the installation of sewer lines around the lake, it goes on:

"The advent of sewer lines may be hastened by an early algal bloom in the next few years. Because these blooms tend to deposit along the heavily populated eastern shore, the economic consequences of falling property values, decreased tax revenue, and failure of tourist-dependent businesses may be felt more quickly in this situation than in some others. In the meantime, we remind residents of the lake area to use low phosphate laundry products to minimize lake water fertilization, and while the laundry is in the machine, consider how the community could provide for tough, working control of lake pollution . . ."

That puts it on the line in plain, thoroughly understandable terms. Like latter-day Paul Reveres, the R.C.S.I. members have been sounding the alarm in most effective fashion. We owe them more than we suppose.

EIGHTH ANNUAL QUESTIONNAIRE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HELSTOSKI. Mr. Speaker, for each of the 8 years during which I have served in Congress, I have sent out districtwide questionnaires seeking my constituents' views on the major domestic and foreign policy issues of the day. As the citizens of New Jersey's Ninth District prepare their responses to the 16 questions I have posed, I include the full text of this eighth annual questionnaire in the RECORD for the edification of my colleagues:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 1972.

DEAR FRIENDS: As your Representative in Congress, it is my responsibility to take your views to Washington, whatever your political persuasion. I am anxious to know your opinions on several major national issues, and I am again sending you my annual questionnaire—the eighth since entering Congress in 1965.

Although some of these subject are complex and are difficult to condense into simple questions, your impressions will be helpful to me in forming my judgments and exercising my responsibility to you. If you would like to comment in greater detail on any of the questions, I would welcome a separate letter from you. A summary of the responses I receive will be published in the Congressional Record to inform my colleagues of prevalent feelings in the Ninth District, and a copy of the complete tabulation will be sent to you.

Remember that my staff and I are always ready to assist you in any problems or inquiries you may have regarding the Federal Government. If I can be of further service, please contact me at my Washington or New Jersey District Office.

With all best wishes, I am
Sincerely,
HENRY HELSTOSKI,
Member of Congress.

THE 1972 LEGISLATIVE QUESTIONNAIRE

1. From the information now available to the general public, do you feel that President Nixon's recent conferences in China were in the best interests of the United States?

2. Legislation is pending in Congress to: 1) Halt all American bombing in Indochina im-

mediately, and 2) Require withdrawal of all U.S. troops by June 30 contingent on an agreement by the North Vietnamese to release all Prisoners of War at that time. Would you favor this bill?

3. A bill has been introduced in Congress to grant amnesty to draft resisters, provided they agreed to perform two years of public service work in hospitals, VISTA, etc. Would you favor this bill?

4. Has the President's Wage/Price Freeze been fairly administered with respect to all sectors of the economy, i.e. wage-earners, businesses, tenants, banks, etc.?

5. Do you feel that our present laws and practices discriminate unfairly against women, particularly in employment?

6. Do you think a federal law should be enacted to provide financial compensation for innocent victims of violent crime?

7. Would you favor creation of a national commission, composed of business and labor leaders, as well as Members of Congress, to develop a system to avoid prolonged strikes?

8. Should Congress establish a system of selecting presidential candidates through a national primary rather than through the present convention method?

9. To finance a form of revenue sharing aimed at reducing property taxes, the Administration may propose a Value Added Tax, which is, in effect, a form of national sales tax levied at the manufacturing level with the costs passed on to the consumer. Do you approve such a plan?

10. Because of present economic conditions, it has been proposed that the United States significantly modify its trade policy dating back to the 1930's by relying on automatic quotas rather than tariffs to restrain foreign imports. Do you favor such a proposal?

11. Pending in Congress is legislation to provide long-term federal financing for the Corporation of Public Broadcasting. Do you favor the development of such a public television network?

12. Bills to establish a national health care insurance program are presently being considered in Congress, with costs to be met from Social Security and general tax revenues. Do you favor such legislation?

13. Slow progress is being made in cleaning up the Nation's waterways, in large part because of a lack of funds for research and development. Do you believe that we should adopt a crash program, estimated at costing between $15 and $20 billion over five years, to correct long-standing pollution and contamination?

14. As a means of providing mothers with an opportunity to be self-supporting, do you favor the proposal that the federal government fund day-care and child development programs for pre-school and school-age children?

15. Do you favor continuation of the draft after its proposed expiration date of June 1973?

16. A "Disneyland" type development, along with sports stadium and a racetrack, has been proposed for the Hackensack Meadowlands? Do you favor such a development?

AMERICA'S MUTE CONSCIENCE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. FRASER. Mr. Speaker, January 4, 1972, the Minneapolis Tribune published an essay by Morris B. Abram, former United States representative to the United Nations Commission on Human Rights. Mr. Abram's article was headlined "America's Mute Conscience" and it recently came to my attention for the first time.

Mr. Abram's thesis that the voice of the United States is no longer "heard, loud and clear, in the name of humanity and against tyranny" squares with my observations. A remarkable feature of the present administration is its intensitivity to the fate of the oppressed people of the world. Whether it be the lonely plaints of the disfranchised members of the Greek Parliament, the black Africans in Rhodesia who see their birthright being sold out by the developed white world or the slaughtered thousands in Bangladesh, this administration appears indifferent.

As Mr. Abram points out:

> In the United Nations particularly, we must resist the temptation to tailor our attitudes toward human rights in other nations to conform with foreign policy toward those nations. For as we exempt our allies and satellites and limit criticism to our foes, as we now do, we can hardly object when others follow our bad example.

Mr. Speaker, the American people have a fundamental instinct to be decent. This Nation's leaders must draw upon this instinct in our conduct of foreign affairs—not ignore it.

The Abram article follows:

[From the Minneapolis Tribune, Jan. 4, 1972]

AMERICA'S MUTE CONSCIENCE

(By Morris B. Abram)

NEW YORK.—The outrages perpetrated in South Asia should be seen in the perspective of other horrors of this century and the failure of a succession of American presidents even to raise an official voice in protest.

As the 18th century was one of enlightenment and the 19th one of industrial formation, the 20th may all too appropriately be characterized as the century of massacre.

Beginning with the pogroms in Russia and the genocide of the Armenians, the century has witnessed the killings and deportations of World War I, the Stalin ravages of the Kulaks, the Japanese pillage of China and the unparalled massacres by Hitler.

Post-World War II history has been but little better. The British retirement from India was the occasion for slaughter. The Indonesian revolution in the 1960s was accompanied by at least a half-million deaths inflicted by the most unspeakable means.

Lsss than three years ago, the Ibos were decimated by sword, gun and noose. Now, again, the Indian subcontinent is wracked with death, and American policy has succeeded in alienating all sides. Nor can we find solace in a position which, however lonely, is at least moral.

There was a time when America's voice was heard, loud and clear, in the name of humanity and against tyranny. In 1851, an American man-of-war rescued Kossuth, a Hungarian freedom fighter, and the American people gave him a tumultuous reception when he visited this country.

But the voice of our conscience has now too long been mute. Not once did we express our horror and disgust at the slaughter in Indonesia in any world forum. Nor have have we raised a peep against the barbarities of our junta allies in Greece.

Quite the contrary; when a subcommission of the United Nations Commission on Human Rights asked in 1968 merely for a study of "some particularly glaring examples of . . . consistent patterns of violation of human rights" in Greece and Haiti, I, as the then U.S. representative to the commission, was required to withdraw even a mild resolution to look into the matter because of heavy pressure from our NATO ally.

America pays lip service to the principles of human rights set forth in the Charter and in innumerable United Nations declarations and covenants. But like others, we have grown accustomed to reining in our impulses where a narrow self-interest seems to dictate another course.

The executive has grown so callous that it was left for the House of Representatives, first through its Foreign Affairs Committee and then by House vote, to take the lead in proposing to deny military aid to the despotic governments of Pakistan and Greece.

While the President has authorized emergency relief for the Bengali victims, this frugal Care package will not stop the terror or make clear our moral position on the matter.

No state can lead in the development of human rights until it puts principle above expediency and is willing to have the standard applied to its own conduct. It is time that the United States makes international human rights a priority of foreign-policy consideration; that we announce that we shall call all shots as we see them against friend and foe alike.

Such a policy could not mean that we scrap alliances. An honest adherence to the spirit of our democratic heritage mandates an uncompromising respect for freedom and human life. When our friends commit gross violations of human rights, we must do the unusual of condemning and marshaling world opinion against these acts. And we should invite every other state to do the same when we are at fault.

In the United Nations particularly, we must resist the temptation to tailor our attitudes toward human rights in other nations to conform with foreign policy toward those nations. For as we exempt our allies and satellites and limit criticism to our foes, as we now do, we can hardly object when others follow our bad example.

What I propose would be new in recent history, but will help refurbish a badly tarnished American image. It might even make more practical sense than the current mispractice of realpolitik.

ETHICAL DIMENSIONS OF POPULATION CONTROL

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. ZABLOCKI. Mr. Speaker, for a number of years I have been deeply concerned about the operations of family planning and population control programs conducted by the United States in foreign countries.

Of particular concern to me has been the dearth of information and understanding of the ethical consideration involved in promoting family planning/population control to the people of the world through programs of the Agency for International Development—AID.

Recently I expressed my concern in a letter to Dr. John A. Hannah, Administrator of AID, asking for information about relevant ethical research now being supported by his agency and urging greater attention to the ethical dimensions of world population problems.

In his reply Dr. Hannah indicated his agreement that more research in this area is needed and that his agency has identified as a "key action area" more research on the ethical-moral aspects of the population problem and alternative solutions.

Not long after this exchange of letters, the respected Science magazine contained an article by Daniel Callahan on "Ethics and Population Limitation" which raised in a thoughtful and succinct way many of the ethical dilemmas involved in population control which have concerned me for some time.

It is my hope that AID officials with responsibilities in the population field will read Mr. Callahan's article and be inspired to devote even more attention to the ethical dimensions of the population issue.

Further, it is my belief that this article deserves the considered attention of every Member of Congress who is concerned about the problem of population growth. For that reason I am inserting it in the RECORD at this point, together with the texts of the letters exchanged between Dr. Hannah and myself on the need for more ethical research into population control.

The items follow:

JANUARY 19, 1972.

Hon. JOHN A. HANNAH,
Office of the Administrator, Agency for International Development, Washington, D.C.

DEAR DR. HANNAH: As you know, I have long been deeply interested in the policies and programs of the Agency for International Development in the area of family planning and population control. For that reason, I was particularly interested recently in receiving a booklet entitled, "Mankind's Great Need: Population Research," published by the Population Committee. This document contains a number of appeals for greatly expanded federal funding for basic research in reproduction, contraception, training and organization in the population area, and social science research related to population control.

I was struck by the fact that nowhere in the booklet was there a call for research on ethical dimensions of population control. This area, it seems to me, is very important and deserves the fullest consideration in establishing our family planning policies and programs abroad. As you are well aware, a substantial proportion of the world's population has ethical and moral objections to various methods of population control. Yet, to my knowledge, no one has adequately explored this dimension and its implications for our family planning programs.

Beyond that, I have become increasingly concerned about an element of coercion and authoritarianism which has marked the statements of some population control groups, such as those who advocate zero population growth. This issue adds an ethical dimension which deserves serious consideration.

As a result of my concern about ethical issues in family planning programs, I am writing to inquire what research AID now conducts or has conducted in this area. If you have no such research programs, I am writing to urge that they be initiated at the earliest possible date.

With best wishes, I am
Sincerely yours,
CLEMENT J. ZABLOCKI,
Chairman, Subcommittee on National Security Policy and Scientific Developments.

AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., February 2, 1972.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Subcommittee on National Security Policy and Scientific Development, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of January 19, 1972, about research into the ethical dimensions of population—family planning. We are in agreement that there should be adequate research into the ethical aspects of population planning and that there are important ethical concerns which need be addressed.

A number of A.I.D. grants and contracts have provided support for studies of political, legal, ethical, social and religious factors inherent in the determination of population policies and in their implementation.

A grant to the Population Council encourages and supports studies in the ethical field, among others. The Council prepared and published *Muslim Attitudes Toward Family Planning*, a useful study we distributed to our population officers (a copy is enclosed). The Population Council also employed Dr. Daniel Callahan as philosopher in residence in 1970 to study the ethical aspects of population problems.

A former contract, "Rationale for Population Policies," with the National Academy of Sciences, supported some studies concerned with the ethical base of population planning which have been published in the study, *Rapid Population Growth*, also enclosed. This study noted in its treatment of policy implications (page 81) that the most fundamental questions concerning fertility control policies are ethical: "Will the policy enhance the freedom of human beings as individuals, and will it advance justice for all human beings as members of society?" A new contract with the National Academy of Science, now under development, will pursue these questions in a series of Policy Seminars to be held around the world in preparation for World Population Year, 1974.

Through another contract, "Law and Population," with the Fletcher School of Law and Diplomacy, Tufts University, A.I.D. has undertaken to obtain a better understanding of the evolution of law and legal thought as they relate to population-family planning. Family Planning Attitudes and Practices," with Harvard University has considered the ethical aspects of family planning service acceptance.

A.I.D. grants to the Population Centers of the Universities of North Carolina, Michigan and John Hopkins have supported research and studies in the field of ethics, e.g., Dr. Arnold Nash, Professor, Department of Religion at UNC, has conducted a number of studies on human values and ethical aspects of population policies. UNC has also prepared and published studies on the relationship of Buddhism, Hinduism, Christianity and Islam to the whole question of population and family planning. Dr. Thomas Poffenberger has undertaken studies in India on "Social Psychology of Fertility Behavior'" which explores the value and attitude systems of Indian villagers with regard to family limitation.

Under our contract, "Expansion of Harvard University Center for Population Studies", Harvard is offering the following courses relating to ethics and population: "Ethical Aspects of Population Policy" in the Divinity School; "Cultural and Religious Factors in the Population Problem" in the School of Public Health and the Divinity School; "Medical Ethics" in the Arts and Sciences and other schools; and "Decisive Cases in Ethical Theory" in the Divinity School. Harvard also offers research seminars in "Topics in Population Ethics" and "Topics in Population Policy".

A.I.D. has devoted particular attention to the subject of medical ethics in population-family planning. It supported an Association of American Medical Colleges' Institute on Medical Education and Family Planning in Washington in 1969, which treated the ethical aspects of medical participation in family planning in some detail, and whose findings were given wide distribution.

Ethical considerations have always been paramount in our deliberations as we plan our assistance efforts. To assure sensitivity to the ethics of participating countries, we have taken steps of attain maximum, feasible participation of their personnel in the development of population activities. We have provided assistance only where the programs are completely voluntary.

In spite of the activity described above, we believe there is a need for a more in-depth, systematic analysis of the moral, ethical and philosophical implications of the multi-dimensional area we call "population planning," and a more complete involvement of scholars representing the world's great religions and ethical belief systems. Currently, A.I.D. Population Program strategy has identified as a key action area more research on "the ethical-moral aspects of the population problem and the alternative solutions."

Your views are always welcome, and the suggestions in your January 19, 1972 letter will receive every consideration.

Sincerely yours,
JOHN A. HANNAH.

[From Science magazine, Feb. 4, 1972]

ETHICS AND POPULATION LIMITATION

(By Daniel Callahan)

(NOTE.—The author is director of the Institute of Society, Ethics and the Life Sciences, Hastings-on-Hudson, New York.)

Throughout its history, the human species has been preoccupied with the conquest of nature and the control of death. Human beings have struggled to survive, as individuals, families, tribes, communities, and nations. Procreation has been an essential part of survival. Food could not have been grown, families sustained, individuals supported, or industry developed without an unceasing supply of new human beings. The result was the assigning of a high value to fertility. It was thought good to have children: good for the children themselves, for the parents, for the society, and for the species. While it may always have been granted that extenuating circumstances could create temporary contraindications to childbearing, the premise on which the value was based endured intact. There remained a presumptive right of individual procreation, a right thought to sustain the high value ascribed to the outcome; more human beings.

That the premise may now have to be changed, the value shifted, can only seem confounding. As Erik Erikson has emphasized, it is a risky venture to play with the "fire of creation," especially when the playing has implications for almost every aspect of individual and collective life (1). The reasons for doing so would have to be grave. Yet excessive population growth presents such reasons—it poses critical dangers to the future of the species, the ecosystem, individual liberty and welfare, and the structure of social life. These hazards are serious enough to warrant a reexamination and, ultimately, a revision of the traditional value of unrestricted procreation and increase in population.

The main question is the way in which the revision is to proceed. If the old premise—the unlimited right of and need for procreation—is to be rejected or amended, what alternative premises are available? By what morally legitimate social and political processes, and in light of what values, are the possible alternatives to be evaluated and action taken? These are ethical questions, bearing on what is taken to constitute the good life, the range and source of human rights and obligations, the requirements of human justice and welfare. If the ethical problems of population limitation could be reduced to one overriding issue, matters would be simplified. They cannot. Procreation is so fundamental a human activity, so wide-ranging in its personal and social impact, that controlling it poses a wide range of ethical issues. My aim here is primarily to see what some of the different ethical issues are, to determine how an approach to them might be structured, and to propose some solutions.

With a subject so ill-defined as "ethics and population limitation," very little by way of common agreement can be taken for granted. One needs to start at the "beginning," with some basic assertions.

FACTS AND VALUES

There would be no concern about population limitation if there did not exist evidence that excessive population growth jeopardizes present and future welfare. Yet the way the evidence is evaluated will be the result of the values and interests brought to bear on the data. Every definition of the "population problem" or of "excessive population growth" will be value-laden, expressive of the ethical orientations of those who do the defining. While everyone might agree that widespread starvation and malnutrition are bad, not everyone will agree that crowding, widespread urbanization, and a loss of primitive forest areas are equally bad. Human beings differ in their assessments of relative good and evil. To say that excessive population growth is bad is to imply that some other state of population growth would be good or better—for example, an "optimum level of population." But as the demographic discussion of an optimum has made clear, so many variables come into play that it may be possible to do no more than specify a direction: "the desirability of a lower *rate* [italics added] of growth" (2).

If the ways in which the population problem is defined will reflect value orientations, these same definitions will have direct implications for the ways in which the ethical issues are posed. An apocalyptic reading of the demographic data and projections can, not surprisingly, lead to coercive proposals. Desperate problems are seen to require desperate and otherwise distasteful solutions (3). Moreover, how the problem is defined, and how the different values perceived to be at stake are weighted, will have direct implications for the priority given to population problems in relation to other social problems. People might well agree that population growth is a serious issue, but they might (and often do) say that other issues are comparatively more serious (4). If low priority is given to population problems, this is likely to affect the perception of the ethical issues at stake.

WHY ETHICAL QUESTIONS ARISE

Excessive population growth raises ethical questions because it threatens existing or desired human values and ideas of what is good. In addition, all or some of the possible solutions to the problem have the potential for creating difficult ethical dilemmas. The decision to act or not to act in the face of the threats is an ethical decision. It is a way of affirming where the human good lies and the kinds of obligations individuals and societies have toward themselves and others. A choice in favor of action will, however, mean the weighing of different options, and most of the available options present ethical dilemmas.

In making ethical choices, decisions will need to be made on (i) the human good and values that need to be served or promoted—the ends; (ii) the range of methods and actions and coherent with those ends—the means; and (iii) the procedure and rationale to be used in trying to decide both upon ends and means and upon their relation to each other in specific situations—the ethical criteria for decision-making. A failure to determine the ends, both ultimate and proximate, can make it difficult or impossible to choose the appropriate means. A failure to determine the range of possible mean scan make it difficult to serve the ends. A failure to specify or articulate the ethical criteria for decision-making can lead to capricious or self-serving choices, as well as to the placing of obstacles in the way of a rational resolution of ethical conflicts.

In the case of ethics and the population problem, both the possibilities and the limitations of ethics become apparent. In the face of a variety of proposals to solve the population problem, some of them highly coercive, a sensitivity to the ethical issues and some greater rigor in dealing with them is imperative. The most fundamental matters of human life and welfare are at stake. Yet because of the complexity of the problem, including its variability from one nation or geographical region to the next, few hard and fast rules can be laid down about what to do in a given place at a given time.

Still, since some choices must be made (and not to choose is to make a choice as well), the practical ethical task will be that of deciding upon the available options. While I will focus on some of the proposed options for reducing birthrates, they are not the only ones possible. Ralph Potter has discussed some others (5).

"It has generally been assumed that policy must be primarily, if not exclusively, concerned with bringing about a decline in the rate of population increase through a reduction in the birthrate. But there are other choices. It is generally considered desirable but impossible to increase resources at a sufficient pace and through an adequate duration to preserve the present level of living for all within an expanding population. It is generally considered possible but undesirable to omit the requirement that all persons have access to that which is necessary for a good life. There is still the option of redefining what is to be considered necessary for a good life or of forgoing some things necessary for a good life in order to obtain an equitable distribution in a society that preserves the autonomy of parents to determine the size of their families."

A useful way of posing the issue practically is to envision the ethical options ranked on a preferential scale, from the most desirable to the least desirable. For working purposes, I will adopt as my own the formulation of Kenneth E. Boulding: "A moral, or ethical, proposition is a statement about a rank order of preferences among alternatives, which is intended to apply to more than one person" (6). Ethics enters at that point when the preferences are postulated to have a value that transcends individual tastes or inclinations. Implicitly or explicitly, a decision among alternatives becomes an ethical one when it is claimed that one or another alternative *ought* to be chosen—not just by me, but by others as well. This is where ethics differs from tastes or personal likings, which, by definition, imply nonobligatory preferences that are applicable to no more than one person (even if the tastes are shared).

GENERAL ETHICAL ISSUES

I will assume at the outset that there is a problem of excessive population growth, a problem serious for the world as a whole (with a 2 percent annual growth rate), grave for many developing nations (where the growth rate approaches 3 percent per annum), and possibly harmful for the developed nations as well (with an average 1 percent growth rate). The threats posed by excessive population growth are numerous: economic, environmental, agricultural, politcal, and sociopsychological. There is considerable agreement that something must be done to meet these threats. For the purpose of ethical analysis, the first question to be asked is, "In trying to meet these threats, what human ends are we seeking to serve?" Two kinds of human ends can be distinguished—proximate and ultimate.

Among the important proximate ends being sought in attempts to reduce birthrates in the developing countries are a raising of literacy rates, a reduction in dependency ratios, the elimination of starvation and malnutrition, more rapid economic development, and an improvement in health and welfare services; among these ends in the developed countries are a maintenance or improvement of the quality of life, the protection of nonrenewable resources, and the control of environmental pollution. For most purposes, it will be sufficient to cite goals of this sort. But for ethical purposes, it is critical to consider not just proximate, but ultimate ends as well. For it is legitimate to ask of the specified proximate ends what ultimate human ends they are meant to serve. Why is it important to raise literacy rates? Why is it necessary to protect nonrenewable resources? Why ought the elimination of starvation and malnutrition to be sought? For the most part, these are questions that need not be asked or that require no elaborate answers. The ethical importance of such questions is that they force us to confront the goals of human life. Unless these goals are confronted at some point, ethics cannot start or finish.

Philosophically, solving the population problem can be viewed as determining at the outset what final values should be pursued. The reason, presumably, that a reduction in illiteracy rates is sought is that it is thought valuable for human beings to possess the means of achieving knowledge. The elimination of starvation and malnutrition is sought because of the self-evident fact that human beings must eat to survive. The preservation of nonrenewable resources is necessary in order that human life may continue through future generations. There is little argument about the validity of these propositions, because they all presuppose some important human values: knowledge, life, and survival of the species, for instance. Historically, philosophers have attempted to specify what, in the sense of "the good," human beings essentially seek. What do they, in the end, finally value? The historical list of values is long: life, pleasure, happiness, knowledge, freedom, justice, and self-expression, among others.

This is not the place to enter into a discussion of all of these values and the philosophical history of attempts to specify and rank them. Suffice it to say that three values have had a predominant role, at least in the West: freedom, justice, and security-survival. Many of the major ethical dilemmas posed by the need for population limitation can be reduced to ranking and interpreting these three values. Freedom is prized because it is a condition for self-determination and the achievement of knowledge. Justice, particularly distributive justice, is prized because it entails equality of treatment and opportunity and an equitable access to those resources and opportunities necessary for human development. Security-survival is prized because it constitutes a fundamental ground for all human activities.

Excessive population growth poses ethical dilemmas because it forces us to weigh and rank these values in trying to find solutions. How much procreative freedom, if any, should be given up in order to insure the security-survival of a nation or a community? How much security-survival can be risked in order to promote distributive justice? How much procreative freedom can be tolerated if it jeopardizes distributive justice?

Ethical dilemmas might be minimized if there were a fixed agreement on the way the three values ought to be ranked. One could say that freedom is so supreme a value that both justice and security-survival should be sacrificed to maintain it. But there are inherent difficulties in taking such a position. It is easily possible to imagine situations in which a failure to give due weight to the other values could result in an undermining of the possibility of freedom itself. If people cannot survive at the physical level, it becomes impossible for them to exercise freedom of choice, procreative or otherwise. If the freedom of some is unjustly achieved at the expense of the freedom of others, then the overall benefits of freedom are not maximized. If security-survival were given the place of supremacy, situations could arise in which this value was used to justify the suppression of freedom or the perpetuation of social injustice. In that case, those suppressed might well ask, "Why live if one cannot have freedom and justice?"

For all of these reasons it is difficult and perhaps unwise to specify a fixed and abstract rank order of preference among the three values. In some circumstances, each can enter a valid claim against the others. In the end, at the level of abstractions, one is forced to say that all three values are critical; none can permanently be set aside.

THE PRIMACY OF FREEDOM

In the area of family planning and population limitation, a number of national and international declarations have given primacy to individual freedom. The Declaration of the 1968 United Nations International Conference on Human Rights is representative (7, 8): ". . . couples have a basic human right to decide freely and responsibly on the number and spacing of their children and a right to adequate education and information in this respect." While this primacy of individual freedom has been challenged (9), it retains its position, serving as the ethical and political foundation of both domestic and foreign family planning and population policies. Accordingly, it will be argued here that (i) the burden of proof for proposals to limit freedom of choice (whether on the grounds of justice or security-survival) rests with those who make the proposals, but that (ii) this burden can, under specified conditions, be discharged if it can be shown that a limitation of freedom of choice in the name of justice or security-survival would tend to maximize human welfare and human values. This is only to say that, while the present international rank order of preference gives individual freedom primacy, it is possible to imagine circumstances that would require a revision of the ranking.

One way of approaching the normative issues of ranking preferences in population limitation programs and proposals is by locating the key ethical actors, those who can be said to have obligations. Three groups of actors can be identified: individuals (persons, couples, families), the officers and agents of voluntary (private-external) organizations, and the government officials responsible for population and family planning programs. I will limit my discussion here to individuals and governments. What are the ethical obligations of each of the actors? What is the right or correct course of conduct for them? I will approach these questions by first trying to define some general rights and obligations for each set of actors and then by offering some suggested resolutions of a number of specific issues.

I begin with individuals (persons, couples, families) because, in the ranking of values, individual freedom of choice has been accorded primacy by some international forums—and it is individuals who procreate. What are the rights and obligations of individuals with regard to procreation?

Individuals have the right voluntarily to control their own fertility in accordance with their personal preferences and convictions (7, p. 15). This right logically extends to a choice of methods to achieve the desired control and the right to the fullest possible knowledge of available methods and their consequences (medical, social, economic, and demographic, among others).

Individuals are obligated to care for the needs and respect the rights of their existing children (intellectual, emotional, and physical); in their decision to have a child (or another child), they must determine if they will be able to care for the needs and respect the rights of the child-to-be. Since individuals are obliged to respect the rights of others, they are obliged to act in such a way that these rights are not jeopardized. In determining family size, this means that they must exercise their own freedom of choice in such a way that they do not curtail the freedom of others. They are obliged, in short, to respect the requirements of the common good in their exercise of free choice (10). The source of these obligations is the rights of others.

The role of governments in promoting the welfare of their citizens has long been recognized. It is only fairly recently, however, that governments have taken a leading role in an anti-natalist control of fertility (11). This has come about by the establishment, in a number of countries, of national family planning programs and national population policies. While many countries still do not have such policies, few international objections have been raised against the right of nations to develop them. So far, most government population policies have rested upon and been justified in terms of an extension of freedom of choice. Increasingly, though, it is being recognized that, since demographic trends can significantly affect national welfare, it is within the right of nations to adopt policies designed to reduce birthrates and slow population growth.

A preliminary question must, therefore, be asked. Is there any special reason to presume or suspect that governmental intervention in the area of individual procreation and national fertility patterns raises problems which, in kind, are significantly different from other kinds of interventions? To put the question another way, can the ethicopolitical problems that arise in this area be handled by historical and traditional principles of political ethics, or must an entirely new ethic be devised?

I can see no special reason to think that the formation of interventionist, antinatalist, national population policies poses any unique *theoretical* difficulties. To be sure, the perceived need to reduce population growth is historically new; there exists no developed political or ethicopolitical tradition dealing with this specific problem. Yet the principle of governmental intervention in procreation-related behavior has a long historical precedent: in earlier, pronatalist population policies, in the legal regulation of marriage, and in laws designed to regulate sexual behavior. It seems a safe generalization to say that governments have felt (and generally have been given) as much right to intervene in this area as in any other where individual and collective welfare appears to be at stake. That new forms of intervention may seem to be called for or may be proposed (that is, in an anti- rather than pronatalist direction) does not mean that a new ethical or political principle is at issue. At least, no such principle is immediately evident.

Yet, if it is possible to agree that no new principles are involved, it is still possible to argue that a further extension of an old principle—the right of government intervention into procreation-related behavior—would be wrong. Indeed, it is a historical irony that, after a long international struggle to establish individuals' freedom of choice in controlling their own fertility that freedom should immediately be challenged in the name of the population crisis. Irony or not, there is no cause to be surprised by such a course of events. The history of human liberty is studded with instances in which, for a variety of reasons, it has been possible to say that liberty is a vital human good and yet that, for the sake of other goods, restriction of liberty seems required. A classical argument for the need of a government is that a formal and public apparatus is necessary to regulate the exercise of individual liberty for the sake of the common good.

In any case, the premise of my discussion will be that governments have as much right to intervene in procreation-related behavior as in other areas of behavior affecting the general welfare. This right extends to the control of fertility in general and to the control of individual fertility in particular. The critical issue is the way in which this right is to be exercised—its conditions and limits—and that issue can only be approached by first noting some general issues bearing on the restriction of individual freedom of choice by governments.

Governments have the right to take those steps necessary to insure the preservation and promotion of the common good—the protection and advancement of the right to life, liberty, and property. The maintenance of an orderly and just political and legal system, the maintenance of internal and external security, and an equitable distribution of goods and resources are also encompassed within its rights. Its obligations are to act in the interests of the people, to observe human rights, to respect national values and traditions, and to guarantee justice and equality. Since excessive population growth can touch upon all of these elements of national life, responses to population problems will encompass both the rights and the obligations of governments. However, governmental acts should represent collective national decisions and be subject to a number of stipulations.

I now recapitulate the points made so far and summarize some propositions, which I then use to suggest solutions to some specific ethical issues.

(1) General moral rules: (i) individuals have the right to freedom of procreative choice, and they have the obligation to respect the freedom of others and the requirements of the common good; (ii) governments have the right to take those steps necessary to secure a maximization of freedom, justice, and security-survival, and they have the obligation to act in such a way that freedom and justice are protected and security-survival enhanced.

(2) Criteria for ethical decision-making: (i) one (individual, government, organization) is obliged to act in such a way that the fundamental values of freedom, justice, and security-survival are respected; (ii) in cases of conflict, one is obliged to act in such a way that any limitation of one or more of the three fundamental values—a making of exceptions to the rules concerning these values—continues to respect the values and can be justified by the promise of increasing the balance of good over evil.

(3) Rank order of preference: (i) those choices of action that ought to be preferred are those that accord primacy to freedom of choice; (ii) if conditions appear to require a limitation of freedom, this should be done in such a way that the direct and indirect harmful consequences are minimized and the chosen means of limitation are just—the less the harm, the higher the ranking.

SOME SPECIFIC ETHICAL ISSUES

Since it has already been contended that individual freedom of choice has primacy, the ethical issues to be specified here will concentrate on those posed for governments. This focus will, in any event, serve to test the limits of individual freedom.

Faced with an excessive population growth, a variety of courses are open to governments. They can do nothing at all. They can institute, develop, or expand voluntary family planning programs. They can attempt to implement proposals that go "beyond family planning" (12).

Would it be right for governments to go beyond family planning if excessive population growth could be shown to be a grave problem? This question conceals a great range of issues. Who would decide if governments have this right? Of all the possible ways of going beyond family planning, which could be most easily justified and which would be the hardest to justify? To what extent would the problem have to be shown to be grave? As a general proposition, it is possible ethically to say that governments would have the right to go beyond family planning. The obligation of governments to protect fundamental values could require that they set aside the primacy of individual freedom in order to protect justice and security-survival. But everything would depend on the way they proposed to do so.

Would it be right for governments to establish involuntary fertility controls? These might include (if technically feasible) the use of a mass "fertility control agent," the licensing of the right to have children, compulsory temporary or permanent sterilization, or compulsory abortion (12). Proposals of this kind have been put forth primarily as "last resort" methods, often in the context that human survival may be at stake. "Compulsory control of family size is an unpalatable idea to many," the Ehrlichs have written, "but the alternatives may be much more horrifying . . . human survival seems certain to require population control programs. . . ." (3, p. 256). Their own suggestion is manifestly coercive: "If . . . relatively uncoercive laws should fail to bring the birthrate under control, laws could be written that would make the bearing of a third child illegal and that would require an abortion to terminate all such pregnancies" (3, p. 274).

That last suggestion requires examination. Let us assume for the moment that the scientific case has been made that survival itself is at stake and that the administrative and enforcement problems admit of a solution. Even so, some basic ethical issues would remain. "No one," the United Nations has declared, "shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment" (13, Article 5). It is hard to see how compulsory abortion, requiring governmental invasion of a woman's body, could fail to qualify as inhuman or degrading punishment. Moreover, it is difficult to see how this kind of suggestion can be said to respect in any way the values of freedom and justice. It removes free choice altogether, and in its provision for an abortion of the third child makes no room for distributive justice at all; its burden would probably fall upon the poorest and least educated. It makes security-survival the prime value, but to such an extent and in such a way that the other values are ignored altogether. But could not one say, when survival itself is at stake, that this method would increase the balance of good over evil? The case would not be easy to make (i) because survival is not the only human value at stake; (ii) because the social consequences of such a law could be highly destructive (for example, the inevitably massive fear and anxiety about third pregnancies that would result from such a law); and (iii) because it would be almost impossible to show that this is the *only* method that would or could work to achieve the desired reduction in birthrates.

Would it be right for governments to develop "positive" incentive programs, designed to provide people with money or goods in return for a regulation of their fertility? These programs might include financial rewards for sterilization, for the use of contraceptives, or periods of nonpregnancy or nonbirth, and for family planning bonds or "responsibility prizes" (12, p. 2). In principle, incentive schemes are noncoercive; that is, people are not forced to take advantage of the incentive. Instead, the point of an incentive is to give them a choice they did not previously have.

Yet there are a number of ethical questions about incentive plans. To whom would they appeal most? Presumably, their greatest appeal would be to the poor, those who want or need the money or goods offered by an incentive program; they would hold little appeal for the affluent, who already have these things. Yet if the poor desperately need the money or goods offered by the incentive plan, it is questionable whether, in any real sense, they have a free choice. Their material needs may make the incentive seem coercive to them. Thus, if it is only or mainly the poor who would find the inducements of an incentive plan attractive, a question of distributive justice is raised. Because of their needs, the poor have less choice than the rich about accepting or rejecting the incentive; this could be seen as a form of exploitation of poverty. In sum, one can ask whether incentive schemes are or could be covertly coercive, and whether they are or could be unjust (14). If so, then while they may serve the need for security-survival, they may do so at the expense of freedom and justice.

At least three responses seem possible. First, if the need for security-survival is desperate, incentive schemes might well appear to be the lesser evil, compared with more overtly coercive alternatives. Second, the possible objections to incentive schemes could be reduced if, in addition to reducing births, they provided other benefits as well. For instance, a "family planning bond" program would provide the additional benefit of old-age security (15). Any one of the programs might be defended on the grounds that those who take advantage of it actually want to control births in any case (if this can be shown). Third, much could depend upon the size of the incentive benefits. At present, most incentive programs offer comparatively small rewards; one may doubt that they offer great dilemmas for individuals or put them in psychological straits. The objection to such programs on the grounds of coercion would become most pertinent if it can be shown that the recipients of an incentive benefit believe they have no real choice in the matter (because of their desperate poverty or the size of the benefit); so far, this does not appear to have been the case (16).

While ethical objections have been leveled at incentive programs because of some experienced corrupt practices in their implementation, this seems to raise less serious theoretical issues. Every program run by governments is subject to corruption; but there are usually ways of minimizing it (by laws and review procedures, for instance). Corruption, I would suggest, becomes a serious theoretical issue only when and if it can be shown that a governmental program is inherently likely to create a serious, inescapable, and socially damaging system of corruption. This does not appear to be the case with those incentive programs so far employed or proposed.

Would it be right for governments to institute "negative" incentive programs? These could take the form of a withdrawal of child or family allowances after a given number of children, a withdrawal of maternity benefits after a given number, or a reversal of tax benefits, to favor those with small families (12, p. 2). A number of objections to such programs have been raised. They are directly coercive in that they deprive people of free choice about how many children they will have by imposing a penalty on excess procreation; thus they do not attach primary importance to freedom of choice. They can also violate the demands of justice, especially in those cases where the burden of the penalties would fall upon those children who would lose benefits available to their siblings. And the penalties would probably be more onerous to the poor than to the rich, further increasing the injustice. Finally, from quite a different perspective, the social consequences of such programs could be most undesirable. They could, for instance, worsen the health and welfare of those mothers, families, and children who would lose needed social and welfare benefits. Moreover, such programs could be patently unjust in those places where effective contraceptives do not exist (most places at present). In such cases, people would be penalized for having children whom they could not prevent with the available birth control methods.

It is possible to imagine ways of reducing the force of these objections. If the penalties were quite mild, more symbolic than actual [as Garrett Hardin has proposed (17)], the objection from the viewpoint of free choice would be less; the same would apply to the objection from the viewpoint of justice. Moreover, if the penalty system were devised in such a way that the welfare of children and families would not be harmed, the dangerous social consequences would be mitigated. Much would depend, in short, upon the actual provisions of the penalty plan and the extent to which it could minimize injustice and harmful social consequences. Nonetheless, penalty schemes raise serious ethical problems. It seems that they would be justifiable only if it could be shown that security-survival was at stake and that, in their application, they would give due respect to freedom and justice. Finally, it would have to be shown that, despite their disadvantages, they promised to increase the balance of good over evil—which would include a calculation of the harm done to freedom and justice and a weighing of other, possibly harmful, social consequences.

An additional problem should be noted. Any penalty or benefit scheme would require some method of governmental surveillance and enforcement. Penalty plans, in particular, would invite evasion—for example, hiding the birth of children to avoid the sanctions of the scheme. This likelihood would be enhanced among those who objected to the plan on moral or other grounds, or who believed that the extra children were necessary for their own welfare. One does not have to be an ideological opponent of "big government" to imagine the difficulties of trying to ferret out violators or the lengths to which some couples might go to conceal pregnancies and births. Major invasions of privacy, implemented by a system of undercover agents, informants, and the like, would probably be required to make the scheme work. To be sure, there are precedents for activities of this kind (as in the enforcement of income tax laws), but the introduction of further governmental interventions of this kind would raise serious ethical problems, creating additional strains on the relationship between the government and the people. The ethical cost of an effective penalty system would have to be a key consideration in the development of any penalty program.

Would it be right for governments to introduce antinatalist shifts in social and economic institutions? Among such shifts might be a raising of marriage ages, manipulation of the family structure away from nuclear families, and bonuses for delayed marriage (12, pp. 2–3). The premise of these proposals is that fertility patterns are influenced by the context in which choices are made and that some contexts (for example, higher female employment) are anti- rather than pro-natalist. Thus, instead of intervening directly into the choices women make, these proposals would alter the environment of choice; freedom of individual choice would remain. The attractiveness of these proposals lies in their noninterference with choice; they do not seem to involve coercion. But they are not without their ethical problems, at least in some circumstances. A too-heavy weighting of the environment of choice in an antinatalist direction would be tantamount to an interference with freedom of choice—even if, technically, a woman could make a free choice. In some situations, a manipulation of the institution of marriage (for example, raising the marriage age) could be unjust, especially if there exist no other social options for women.

The most serious problems, however, lie in the potential social consequences of changes in basic social institutions. What would be the long-term consequences of a radical manipulation of family structure for male-female relationships, for the welfare of children, for the family? One might say that the consequences would be good or bad, but the important point is that they would have to be weighed. Should some of them appear bad, they would then have to be justified as entailing a lesser evil than the continuation of high birthrates. If some of the changes promised to be all but irreversible once introduced, the justification would have to be all the greater. However, if the introduction of shifts in social institutions had some advantages in addition to antinatalism—for instance, greater freedom for women, a value in its own right—these could be taken as offsetting some other, possibly harmful, consequences.

Would it be right for the government of a developed nation to make the establishment of a population control program in a developing nation a condition for extending food aid (18, 19)? This would be extremely difficult to justify on ethical grounds. At the very least, it would constitute an interference in a nation's right to self-determination (20). Even more serious, it would be a direct exploitation of one nation's poverty in the interests of another nation's concept of what is good for it; and that would be unjust. Finally, I would argue that, on the basis of Article 3 of the "Universal Declaration of Human Rights" (21), a failure to provide needed food aid would be a fundamental violation of the right to life (when that aid could, without great cost to the benefactor nation, be given). The argument that such aid, without an attendant population control program, would only make the problem worse in the long run, is defective. Those already alive, and in need of food, have a right to security-survival. To willfully allow them to die, or to deprive them of the necessities of life, in the name of saving even more lives at a later date cannot be justified in the name of a greater preponderance of good over evil. There could be no guarantee that those future lives would be saved, and there would be such a violation of the rights of the living (including the right to life) that fundamental human values would be sacrificed.

Would it be right for a government to institute programs that go beyond family planning—particularly in a coercive direction—for the sake of future generations? This is a particularly difficult question, in great part because the rights of unborn generations have never been philosophically, legally, or ethically analyzed in any great depth (22). On the one hand, it is evident that the actions of one generation can have profound effects on the options available to future generations. And just as those living owe much of their own welfare to those who preceded them (beginning with their parents), so, too, the living would seem to have obligations to the unborn. On the other hand, though, the living themselves do have rights—not just potential, but actual. To set aside these rights, necessary for the dignity of the living, in favor of those not yet living would, I think, be to act arbitrarily.

A general solution might, however, be suggested. While the rights of the living should take precedence over the rights of unborn generations, the living have an obligation to refrain from actions that would endanger future generations' enjoyment of the same rights that the living now enjoy. This means, for instance, that the present generation should not exhaust nonrenewable resources, irrevocably pollute the environment, or procreate to such an extent that future generations will be left with an unmanageably large number of people. All of these obligations imply a restriction of freedom. However, since the present generation does have the right to make use of natural resources and to procreate, it must be demonstrated (not just asserted) that the conduct of the present generation poses a direct threat to the rights of future generations. In a word, the present generation cannot be deprived of rights on the basis of vague speculations about the future or uncertain projections into the future.

Do governments have the right unilaterally to introduce programs that go beyond family planning? It is doubtful that they do. Article 21 of the "Universal Declaration of Human Rights" (13) asserts that "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. . . . The will of the people shall be the basis of the authority of government." There is no evident reason that matters pertaining to fertility control should be exempt from the requirements of this right. By implication, not only measures that go beyond family planning, but family planning programs as well require the sanctions of the will of the people and the participation of the people in important decisions.

A RANKING OF PREFERENCES

The preceding list of specific issues by no means exhausts the range of possible ethical issues pertaining to governmental action; it is meant only to be illustrative of some of the major issues. Moreover, the suggested solutions are only illustrative. The complexities of specific situations could well lead to modifications of them. That is why ethical analysis can rarely ever say exactly what ought to be done in x place at y time by z people. It can suggest general guidelines only.

I want now to propose some general ethical guidelines for governmental action, ranking from the most preferable to the least preferable.

1) Given the primacy accorded freedom of choice, governments have an obligation to do everything within their power to protect, enhance, and implement freedom of choice in family planning. This means the establishment, as the first order of business, of effective voluntary family planning programs.

2) If it turns out that voluntary programs are not effective in reducing excessive population growth, then governments have the right, as the next step, to introduce programs that go beyond family planning. However, in order to justify the introduction of such programs, it must be shown that voluntary methods have been adequately and fairly tried, and have nonetheless failed and promise to continue to fail. It is highly doubtful that, at present, such programs have "failed"; they have not been tried in any massive and systematic way (23).

3) In choosing among possible programs that go beyond family planning governments must first try those which, comparatively, most respect freedom of choice (that is, are least coercive). For instance, they should try "positive" incentive programs and manipulation of social structures before resorting to "negative" incentive programs and involuntary fertility controls.

4) Further, if circumstances force a government to choose programs that are quasi or wholly coercive, they can justify such programs if, and only if, a number of prior conditions have been met: (i) if, in the light of the primacy of free choice, a government has discharged the burden of proof necessary to justify a limitation of free choice—and the burden of proof is on the government (this burden may be discharged by a demonstration that continued unrestricted liberty poses a direct threat to distributive justice or security-survival); and (ii) if, in light of the right of citizens to take part in the government of their country, the proposed limitations on freedom promise, in the long run, to increase the options of free choice, decisions to limit freedom are collective decisions, the limitations on freedom are legally regulated and the burden falls upon all equally, and the chosen means of limitation respect human dignity, which will here be defined as respecting those rights specified in the United Nations' "Universal Declaration of Human Rights" (13). The end—even security-survival—does not justify the means when the means violate human dignity and logically contradict the end.

As a general rule, the more coercive the proposed plan, the more stringent should be the conditions necessary to justify and regulate the coercion. In addition, one must take account of the possible social consequences of different programs, consequences over and above their impact on freedom, justice, and security-survival. Thus, if it appears that some degree of coercion is required, that policy or program should be chosen which (i) entails the least amount of coercion, (ii) limits the coercion to the fewest possible cases, (iii) is most problem-specific, (iv) allows the most room for dissent of conscience, (v) limits the coercion to the narrowest possible range of human rights, (vi) threatens human dignity least, (vii) establishes the fewest precedents for other forms of coercion, and (viii) is most quickly reversible if conditions change.

While it is true to say that social, cultural, and political life requires, and has always required, some degree of limitation of individual liberty—and thus some coercion—that precedent does not, in itself, automatically justify the introduction of new limitations (24). Every proposal for a new limitation must be justified in its own terms—the specific form of the proposed limitation must be specifically justified. It must be proved that it represents the least possible coercion, that it minimizes injustice to the greatest extent possible, that it gives the greatest promise of enhancing security-survival, and that it has the fewest possible harmful consequences (both short- and long-term).

FREEDOM AND RISK-TAKING

The approach I have taken to the ethics of population limitation has been cautionary. I have accepted the primacy of freedom of choice as is given not only because of its primacy in United Nations and other declarations, but also because it is a primary human value. I have suggested that the burden of proof must lie with those proposals, policies, or programs that would place the primacy elsewhere. At the same time, I have laid down numerous conditions necessary to discharge the burden of proof. Indeed, these conditions are so numerous, and the process of ethical justification so difficult, that the possibility of undertaking decisive action may seem to have been excluded. This is a reasonable concern, particularly if time is short. Is it reasonable to give the ethical advantage to freedom of choice (25)? Does this not mean that a great chance is being taken? Is it not unethical to take risks of that sort, and all the more so since others, rather than ourselves, will have to bear the burden if the risk-taking turns out disastrously? In particular, would it not be irresponsible for governments to take risks of this magnitude?

Three kinds of responses to these questions are possible. First, as mentioned, it can and has been argued that freedom of choice has not been adequately tested. The absence of a safe, effective, and inexpensive contraceptive has been one hindrance, particularly in developing countries; it is reasonable to expect that such a contraceptive will eventually be developed. The weakness of existing family planning programs (and population policies dependent upon them) has, in great part, been the result of inadequate financing, poor administration, and scanty research and survey data. These are correctable deficiencies, assuming that nations give population limitation a high priority. If they do not give population limitation a high priority, it is unlikely that more drastic population policies could be successfully introduced or implemented. Very little effort has been expended anywhere in the world to educate people and persuade them to change their procreation habits. Until a full-scale effort has been made, there are few good grounds for asserting that voluntary limitation will be ineffective.

Second, while the question of scientific-medical-technological readiness, political viability. administrative feasibility, economic capability, and assumed effectiveness of proposals that would go beyond family planning is not directly ethical in nature, it has important ethical implications. If all of these categories seem to militate against the practical possibility of instituting very strong, immediate, or effective coercive measures, then it could become irresponsible to press for or support measures. This would especially be the case if attention were diverted away from what could be done, for example, an intensification of family planning programs.

Third, primacy has been given to freedom of choice for ethical reasons. Whether this freedom will work as a means of population limitation is a separate question. A strong indication that freedom of choice will be ineffective does not establish grounds for rejecting it. Only if it can be shown that the failure of this freedom to reduce population growth threatens other important human values, thus establishing a genuine conflict of values, would the way be open to remove it from the place of primacy. This is only another way of asserting that freedom of choice is a right, grounded in a commitment to human dignity. The concept of a "right" becomes meaningless if rights are wholly subject to tests of economic, social, or demographic utility, to be given or withheld depending upon their effectiveness in serving social goals.

In this sense, to predicate human rights at all is to take a risk. It is to assert that the respect to be accorded human beings ought not to be dependent upon majority opinion, cost-benefit analysis, social utility, governmental magnanimity, or popular opinion. While it is obviously necessary to adjudicate conflicts among rights, and often to limit one right in order to do justice to another, the pertinent calculus is that of rights, not of utility. A claim can be entered against the primacy of one right only in the name of one or more other important rights. The proper route to a limitation of rights is not directly from social facts (demographic, economic, and so on) to rights, as if these facts were enough in themselves to prove the case against a right. The proper route is from showing that the social facts threaten rights, and in what way, to showing that a limitation of one right may be necessary to safeguard or enhance other rights. To give primacy to the right of free choice is to take a risk. The justification for the risk is the high value assigned to the right, a value that transcends simply utilitarian considerations.

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4. A 1967 Gallup Poll, for example, revealed that, while 54 percent of those surveyed felt that the rate of American population growth posed a serious problem, crime, racial discrimination, and poverty were thought to be comparatively more serious social problems. J. F. Kanther, *Stud. Fam. Plann.* No. 30 (May 1968), p. 6.

5. R. B. Potter, Jr., in *Freedom, Coercion and the Life Sciences*, L. Kass and D. Callahan, Eds., in press.

6. K. E. Boulding, *Amer. Econ. Rev.* 59, 1 (March 1969).

7. *Final Act of the International Conference on Human Rights* (United Nations, New York, 1968), p. 15.

8. "Declaration on Population: The World Leaders Statement," *Stud. Fam. Plann.* No. 26 (January 1968), p. 1.

9. For instance, not only has Garrett Hardin, in response to "The World Leaders' Statement" (8), denied the right of the family to choose family size, he has also said that "If we love the truth we must only deny the validity of the Universal Declaration of Human Rights, even though it is promoted by the United Nations" [*Science* 162, 1246 (1968)]. How literally is one to take this statement? The declaration, after all, affirms such rights as life, liberty, dignity, equality, education, privacy, and freedom of thought. Are none of these rights valid? Or, if those rights are to remain valid, why is only the freedom to control family size to be removed from the list?

10. See A. S. Parkes, in *Biology and Ethics*, F. J. Ebling, Ed. (Academic Press, New York, 1969), pp. 109–116.

11. In general, "antinatalist" means "attitudes or policies directed toward a reduction of births," and "prenatalist" means "attitudes or policies directed toward an increase in births."

12. See B. Berelson, *Stud. Fam. Plann.* No. 38 (February 1969), p. 1.

13. "Universal Declaration of Human Rights," in *Human Rights: A Compilation of International Instruments of the United Nations* (United Nations, New York, 1967).

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16. The payments made in six different family planning programs are listed in *Incentive Payments in Family Planning Programmes* (International Planned Parenthood Federation, London, 1969), pp. 8–9.

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18. See, for example, W. H. Davis, *New Repub.* (20 June 1970), p. 19.

19. P. R. Ehrlich, *The Population Bomb* (Ballantine Books, New York, 1968), pp. 158–173.

20. See the "International Covenant on Economic, Social and Cultural Rights," Article 1, section 1, paragraph 1, in *Human Rights: A Compilation of International Instruments of the United Nations* (United Nations, New York, 1967), p. 4: "All people have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

21. "Everyone has the right to life, liberty and the security of person" (13).

22. One of the few recent discussions on the obligation to future generations is in M. P. Golding [*UCLA Law Review* 15, 457 (February 1968)].

23. See D. Nortman, in *Reports on Population/Family Planning* (Population Council, New York, December 1969), pp. 1–48. Judith Blake is pessimistic about the possibilities of family planning programs [*J. Chronic Dis.* 18, 1181 (1965)]. See also J. Blake [*Science* 164, 522 (1969)] and the reply of O. Harkavy, F. S. Jaffe, S. M. Wishik [*ibid.* 165, 367 (1969)].

24. See E. Pohlman, *Eugen. Quart.* 13, 122, (June 1966): "The spectre of 'experts' monkeying around with such private matters as family size desires frigtens many people as being to 'Big Brotherish.' But those involved in eugenics, or psychotherapy, or child psychology, or almost any aspect of family planning are constantly open to the charge of interfering in private lives, so that the charge would not be new. . . . Of course, many injustices have been done with the rationale of being 'for their own good.' But the population avalanche may be used to justify—perhaps rationalize—contemplation of large-scale attempts to manipulate family size desires, even rather stealthily." This mode of reasoning may explain how some people will think and act, but it does not constitute anything approaching an ethical justification.

25. P. R. Ehrlich (19, pp. 197–198) argues that the taking of strong steps now to curb population growth is the wiser and safer gamble than doing nothing or too little. This seems to me a reasonable enough position, up to a point. That point would come when the proposed steps would seriously endanger human dignity; an ethic of survival, at the cost of other basic human values, is not worth the cost.

26. This article is an abridgment of an "Occasional Paper" [*Ethics and Population Limitation* (Population Council, New York, 1971)] and was written while the author was a staff associate at the Population Council in 1969–70. I would particularly like to thank Bernard Berelson for his suggestions and criticisms.

DISABLED AMERICAN VETERANS PRESENT 1972 LEGISLATIVE OBJECTIVES

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. TEAGUE of Texas. Mr. Speaker, the national commander of the Disabled American Veterans appeared before the House Committee on Veterans' Affairs this morning. For the information of all Members of the House, I include my introductory remarks of the distinguished commander and the statement which he presented outlining the 1972 legislative program of the DAV:

REMARKS BY HONORABLE OLIN E. TEAGUE ON INTRODUCING DAV NATIONAL COMMANDER EDWARD T. CONROY

Members of the committee and ladies and gentlemen: I have the honor today to introduce National Commander Edward T. Conroy of the Disabled American Veterans.

Commander Conroy rendered distinguished service to his country as a citizen soldier. Having graduated from Xavier Military Academy in New York, he was commissioned as a second lieutenant and volunteered for active duty in Korea, serving with the 25th Infantry Division. He received a battlefield promotion to first lieutenant while leading his platoon and directing the defense of "Heartbreak Ridge". He received almost fatal gunshot wounds during this action but still continued to direct the attack until a white phosphorous grenade landed near him resulting in severe burns over his entire body. For this outstanding action, General Mark Clark personally presented Commander Conroy with the Silver Star and the Purple Heart.

After undergoing extensive surgery, including amputation of his left arm, Commander Conroy, who had hoped to study medicine, changed his vocation to law, receiving his master of laws degree in 1957. He is a member of the bar in the District of Columbia and Maryland, and has been admitted to practice before the United States Supreme Court.

He has served in both the House and Senate of the Maryland Legislature and has been floor manager for all veterans' legislation. He presently serves as State senator from the first legislative district in Prince Georges County.

Commander, it is an honor to welcome you here today.

STATEMENT OF EDWARD T. CONROY

Mr. Chairman and members of the committee: This is, indeed, a very high honor and privilege to come before you and present the 1972 Legislative Program of the Disabled American Veterans.

I am particularly pleased to share this very special occasion with a deeply dedicated group of DAV Department and National Officers who have journeyed here from all sections of the Nation to take part in our Mid-Winter Conference. These meetings, which occur annually, achieve two objectives—they allow for a series of discussions on matters of urgent concern to the DAV membership and, at the same time, serve to assure a continuity of interest in the fundamental purpose for which our Organization was created. That purpose, in part, urges all of us to do what is necessary "to advance the interest and work for the betterment of all wounded, injured and otherwise disabled war veterans." This objective—rightly and justifiably—includes consideration of the veteran's obligation to his family. Accordingly, the concerns of the disabled veteran's dependents and survivors must also be considered in any meaningful and rewarding assistance programs.

The primary mission of our Organization is carried out principally through our National Service Officers who are stationed in offices of the Veterans Administration throughout the country. These 168 full time national employees—63 of whom are Vietnam veterans—assist veterans with their claims for compensation, pension, hospitalization, medical treatment, educational and vocational training, and sundry other benefits which have been provided by this Committee and the Congress. These services are extended with no charge to the veteran.

Let me assure you, Mr. Chairman, of the profound sense of pride I feel for the DAV service program and the prominence it has attained through the dedicated efforts of our National Service Officers.

The DAV participates actively in other programs which, although not too widely known, nevertheless, serve a very useful and humanitarian purpose.

Our scholarship program provides four years of college to needy children of service-connected disabled veterans. At present, we have approximately 47 students involved in the program.

Another on-going and growing program initiated by our Organization is the DAV Scouting for the Handicapped. The Disabled American Veterans is the only veteran organization that has committed itself to a formal partnership with the Boy Scouts of America to help carry the load of scouting for the handicapped. The DAV's participation in this highly successful program reflects, in our view, a genuine desire to recognize the dignity of disabled youngsters, and to deliver the service which they need and which, indeed, they deserve and enjoy.

Our Employment Assistance Program involves itself deeply in the employment problems of disabled war veterans. Our National Interim Employment Committee is currently developing an expanded program of employment services to disabled veterans of the Vietnam era. We have recently sent questionnaires to these young veterans to determine the utilization and effectiveness of the Public Employment Service. Our survey indicates that approximately 50 percent of those responding are not registered with that Agency. We have, therefore, instituted a pilot program which, at present, involves the States of Illinois, Connecticut and Arkansas. We have enlisted the cooperation of Veterans Employment Representatives and other officials to provide special counseling and placement assistance for those disabled veterans whose returned questionnaires indicate a need for such assistance.

We plan to expand this phase of our program to other states, and to establish contact with employers so as to improve their hiring practices with respect to disabled veterans. Hopefully, our efforts—in conjunction with employment service personnel—will result in substantially greater training and employment opportunities for thousands of disabled war veterans.

Before proceeding to the substance of our Legislative Program, Mr. Chairman, I want to take a moment to command and to thank you and the Committee members for the legislative achievements of the 1st Session of the 92nd Congress. They represent the latest addition to an already well-established record of affirmative Committee actions on behalf of the nation's disabled war veterans, their dependents and survivors.

The increases in pension payments, the increases in dependency and indemnity compensation, the improvements in the home loan and medical programs are welcomed and appreciated by all members of the DAV and its Auxiliary.

We have great hope for what this distinguished Committee will accomplish this year. Indeed, we of the Disabled American Veterans, have been heartened by the overall atmosphere of hope and concern that has preceded this hearing. The proposed VA budget is at an all-time high and its medical budget is also the highest ever. Surely, this is encouraging.

On this note, Mr. Chairman, I would like now to turn directly to the heart of our testimony.

As you know, Mr. Chairman, DAV Legislative Programs spring from resolutions approved by our National Conventions and our National Executive Committee. On the basis of National Convention resolutions adopted last August, we believe our Organization has fashioned a Legislative Program that is sound and reasonable—a kind of program that blends what we think is important, positive and feasible. It is recognized, of course, that time does not permit a full discussion of all facets of our program. However, it is my hope that when your Committee holds later hearings, you will allow us to appear and discuss in detail some of the matters I shall touch upon only briefly here today.

DISABILITY COMPENSATION

Mr. Chairman, this Committee and the Congress throughout the years have given steadfast recognition to the concept that disabilities incurred as a result of service in our Armed Forces entitled the sufferer to very special recognition and gratitude from the nation. It has been accepted that compensation payments should be adequate to meet the particular needs of the service-connected disabled—and to meet those need by providing payments based on the ingredients of compassion and understanding.

The basic rates of compensation payable in wartime cases currently range from $25 for a 10 percent disability to $450 per month for total disability.

It is the feeling of the DAV that there should be a substantial, and immediate, increase in these monthly payments. We feel that the increase must be so substantial as to take into account not only the loss in purchasing value since the last increase in July, 1970, but also an estimate of the additional loss which will occur between the present and the next review of the Disability Compensation Program.

Of the more than 2 million veterans on the VA compensation rolls, there are approximately 123,000 whose income is limited solely to monthly compensation payments.

Compared with average earnings, the present monthly rate for the totally disabled war veteran is grossly inadequate. Available statistical data show that the 1971 average earnings for production workers in private manufacturing industries was $7,809.36, while the compensation for the severely disabled unemployed war veteran is $5,400.00 per year. We do not believe that this veteran should be left behind in the "earnings" race.

Other data show that the median annual income of male veterans in the civilian population for calendar year 1970 was $8,660. Wages in both the public and private sectors have been increased approximately 12 percent since July 1970. In this same period, non-service-connected disability payments have been raised on two occasions for a total of 16 percent.

It is our hope that serious study and thoughtful consideration of the facts set forth above will lead your Committee to give the highest priority to recommendations for well-deserved increases in the basic rates of service-connected disability compensation.

There are other compensation matters of high importance to the DAV which will draw our attention during the course of the year. We are particularly interested in legislation providing for dependency allowances for veterans whose disabilities are rated less than 50 percent, and a clothing allowance for veterans who, because of service-connected disability, wear prosthetic appliances which tear or wear out their clothing.

We think there is a very justifiable case for increases in the dependency allowances to restore their purchasing value; and a specially urgent case for increases to those veterans who receive the $47 monthly award for anatomical loss or loss of use of body organs. These special awards were last increased in 1952. The DAV has sponsored legislation to increase the $47 on numerous occasions with no headway. It is now more than 20 years after the last increase and the proposal is still prominently in our program.

During this entire period, the Veterans Administration has persistently opposed legislation to provide an increase in these awards on the pretext that it is conducting a study to "validate" the Disability Rating Schedule. We are told that recommendations based on the study may be available on April 1, 1972. However, we would point out that while the so-called validation may change some of the disability "percentage evaluations," it can have no effect on the supplemental statutory rate which the Congress authorized in consideration of factors "other than the economic loss" suffered by the veteran.

In its action, the Congress recognized that there was no way to adequately compensate a veteran who has lost a limb or an eye, or a veteran who has suffered irreparable psychological damage in the service of his country. Accordingly, the Congress rightfully sought to repay these disabled American veterans for the pain and suffering, the loss of physical and mental integrity, which these disabilities by their very nature often bring.

As mentioned earlier, Mr. Chairman, we would welcome the opportunity to discuss these and other items relating to the disability compensation program at future Committee hearings.

EDUCATION AND TRAINING

Mr. Chairman, we think it is generally accepted by the American people that those who serve in our Armed Forces bear a disproportionate burden of citizenship. While they are off serving their country, others of their age are preparing for occupational or professional careers. We think it only fair that the ex-serviceman be given the opportunity to secure educational and training advantages lost during his period of active military duty.

This opportunity was enhanced when your Committee on February 29th favorably reported H.R. 12828. This legislation, which has since passed the House, contains a wide variety of features, some of which would satisfy resolutions adopted by our most recent National Convention. Among other things, it provides a well-deserved increase in the monthly subsistence allowances paid to severely disabled veterans receiving training under the VA vocational rehabilitation program. Another provision would increase the monthly rates of educational assistance payable to veterans, and to wives, widows and children of service-connected totally disabled and deceased veterans under the War Orphans' and Widows' Educational Assistance Act.

NATIONAL CEMETERIES

In previous appearances before this Committee, the DAV outlined its position with respect to the National Cemetery System as it is currently operated. We have consistently urged—as we do now—that the operational jurisdiction and control of the system be transferred from the Department of the Army to the Administrator of Veterans' Affairs. Legislation to bring this about is presently under consideration in the Congress.

If enacted, the legislation would, in our opinion, eliminate the confusing and uncertain conditions currently associated with the cemetery program, and would result in the establishment of a unified and orderly system.

The officers and resources of our national Organization are ready and on call to assist in helping resolve this urgent problem.

VA MEDICAL PROGRAM

Another item of real significance to the DAV relates to the program of hospital and medical care for disabled war veterans.

We believe that the well-being of the disabled veteran and the debt his nation owes him commands aggressive action to make certain he receives a high standard of medical service as a matter of right. In this regard, Mr. Chairman, I want to reiterate here our grateful thanks to you and the Committee members for initiating and following through with the action that led to House passage of legislation in the 92nd Congress to improve the delivery of health services to eligible war veterans.

We are particularly pleased with one of the many excellent features of the Veterans Medical Care Act of 1971. It would provide hospital and medical care to the wife or child of a totally and permanently disabled service-connected veteran and to the widow or child of a veteran who has died as a result of service-connected disability.

As I mentioned earlier, Mr. Chairman, the DAV is encouraged by the fact that the VA medical budget for 1973 is the highest ever. Among other things, it calls for an increase of 11,000 new medical employees; for an increase in the number of veterans to be cared for both on an in-patient and outpatient basis; for construction; for prosthetic research and for VA nursing care units.

Despite these promising improvements, there is a growing concern among DAV members about a trend strongly underway to assimilate the VA medical system into a National Health Care Plan under the jurisdiction of HEW or some other social service agency.

The DAV recognizes that the problem of health care for the general population is swelling rapidly and that legislation is needed to deal realistically with all aspects of the health care issue. However, the DAV is unalterably opposed to any scheme which has as its object the absorption of the VA medical and hospital program into a sweeping national health insurance system. Conversely, we firmly advocate that the VA hospital program, as presently constituted, not only be preserved intact but also be expanded and improved for the benefit of America's war disabled.

Mr. Chairman, I have attempted here today to bring to notice some of the highlights of our objectives for the year 1972. As expressed earlier, we think our program is a reasonable one, is feasible and supportable, and represents what we believe to be needed improvements in veterans' programs.

Before concluding my statement, Mr. Chairman, I want to say a brief word about the draft "amnesty" issue, which as you know, is evoking rancorous, bitter debate across the country.

This burning question must, in our opinion, be evaluated with the utmost honesty and frankness. Reports indicate that there are about 70,000 draft dodgers and deserters residing in Canada and Sweden. A large number have said they were obligated by conscience to take flight. We rather think they were motivated more by the basic instinct of self-preservation. In any event, the really astounding aspect of this whole matter is the present attitude of some of the defectors. At a recent press conference in Toronto, a representative group demanded "totally non-punitive restoration" of their civil rights if and when they return to the United States. They rejected without reservation any alternative service as a condition for amnesty.

We do not think these people will win favor with any veteran groups. It is our considered opinion that amnesty should not now be granted, that the merits of the individual case should be decided separately, and only after the conflict has ended and all who served their nation honorably have returned home.

Mr. Chairman, may I again express our grateful appreciation for giving us the opportunity to appear before you. I cannot think of any better note on which to bring my statement to a close than to call attention to and publicly thank the dedicated and conscientious members of the Committee staff. The officials of our Organization receive the Staff's splendid cooperation not only when hearings are in progress but all through the year; and for this we are deeply grateful.

EXTENSIONS—RECORD OR CAPITOL—THE LAZY WAY

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. RONCALIO. Mr. Speaker, I have often noticed that saying what you have to say in the Extensions of the Record is perhaps the laziest way that we Congressmen can speak either to each other or to our constituencies and the Nation. In this instance, however, I cannot avoid the temptations to make use of the Extensions. For what I have to say deals with the proposed extension of our U.S. Capitol Building: Another extension and expression of mental laziness.

Witness the facts that have gone to produce this momentously bad decision. Three years ago, we were told that the Capitol was going to fall down about our ears. Therefore, a $250,000 study was commissioned. The final report stated, succinctly, that Chicken Little had been wrong; the sky was not falling; and it would take only some $15 million to effect proper restoration.

What was the response of the so-called Commission on the Extension of the Capitol to this report? Well it recommended a $45 to $60 million extension on the grounds that restoration would exceed the $15 million limit and perhaps might even rise to the incredible expense of $16 or $17 million. Just imagine going in to persuade your local banker that he could save $17 million by spending $60 million. You would get thrown out on your ear.

PARKINSON'S LAW

Well, my friends and colleagues, it makes very good sense, very good lazy sense, if you are a connoisseur of Parkinson's Law. This law simply states that it is the chief function of every organizational structure to fight for as much turf and as many employees with useless paperwork as it can possibly get, whether this be to the detriment of the people who support it—and for whom it presumably functions—or not.

This is certainly a tendency of all bureaucracies and we, in Congress, who are elected to speak up for the fiscal and environmental welfare of the people, are lazy, indeed, if we accede to it. Therefore, the topic of this Capitol extension will be a measure either of our active responsibility or of our utter laziness toward the welfare of the people both of this town and country. In 1961, a colleague of ours from Wisconsin (Mr. Reuss) conducted an investigation into the deterioration of our Nation's Capital and recommended action. He condemned "the unnecessary concentration of Federal facilities in the Washington metropolitan area" in terms of the economic dislocations and health problems which it was then causing and is now augmenting past the limits of reason. It was to be a policy that "no additional facilities will be established in the Washington metropolitan area if their functions can be carried on with equal or greater efficiency elsewhere."

Since that time, the opposite of this clarion good sense has been the policy of our Government. As I have remarked in these pages before, Washington, long overloaded with Federal construction, is now beginning to resemble an elephant stampede of waste and disruption. We are talking about building a convention center-sports arena complex which will replace our local Chinese community, for instance, at the same time that RFK Stadium and the Coliseum are losing money hand over fist.

Mr. Speaker, rape is never inadvertent, but sometimes it can appear so. If this House continues to ignore the plight both of the people of Washington, D.C., and of other areas of this country which need Federal construction, such an appearance may well become indicative, for many, of an intent. Since Mr. Reuss' effort a decade ago, many things have happened in the neighborhood of the Capitol—many things to fulfill the warnings of that time.

The Rayburn Building was completed, not only late and at a much greater cost than first anticipated, but in an architectural style of Mussolini's finest hour. Parking lots have been built behind Longworth and Rayburn with parks and mountains that have the clean, well-guarded look of a fortress.

The Library of Congress, that citadel of aloof highmindedness, has made perhaps the greatest land grab of us all. The Plaza Hotel has been taken over as a senatorial annex. Construction is now contemplated of a new senatorial parking facility. And now the Capitol itself, with its projected extension, erupts into the picture, promising an elongated season of drill presses and marble chalk dust.

CAPITOL HILL GONE MAD

Mr. Speaker, what are we trying to do here? Do we want the Hill to become a miniature garrison state, safe even from human habitation? Do we want to extend it 10 blocks in four directions and ultimately erect a wall around it, equating the people's assembly with the city of God? In a larger sense, do we want Washington to become some sort of terrible replica of Dante's Inferno—with rings extending outward into the suburbs where one lives at a distance from the hub according to one's GS rating—ultimately a thin band of GS-18's around the beltway who know nothing and care nothing about the fire, the slum, the ghetto in their midst?

I believe this House would do well to contemplate and rethink what we are doing in our Nation's Capital by allowing project after project of useless Federal construction in Washington. I believe we should also redirect our thinking to the efficacy of putting Federal buildings in the low-population States where they might do some good, not some harm. I believe that we might start such a reappraisal of priorities and aims by killing the fatted calf of the projected Capitol extension outright.

HOW IT IS DONE

It would obviously behoove my case if I would point out how Members of Congress might avoid being "lazy." I will try. The Extension Commission's vote directs the Capitol Architect, Mr. George M. White, to proceed with plans calling for such extension, expected to add about 285 conference and office rooms to our Capitol, at an estimated cost of $60 million to the taxpayers. May I say that this is the usual procedure. The GSA was directed, in an instance earlier alluded to, to prepare plans for a proposed convention center-sports arena complex in Mount Vernon Square. Once such plans are set, it is very hard, in any instance, effectively to oppose them. But we must.

The procedure leaves opposing Members of Congress with only one option: They can fight appropriations requests for actual construction. But these appropriations will not be made until the plans are drawn. The cards are therefore stacked in favor of the proposers of such plans, but their odds for success are not 100 percent if enough of us stand up to be counted against them. If enough opposition is heard and felt at the outset, enthusiasm for further construction will dwindle and so will the plans.

THE WISDOM AND CONSTITUTIONALITY OF HABITUAL OFFENDER LAWS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mrs. ABZUG. Mr. Speaker, our system of correction and criminal law has been facing increasingly acute difficulties in recent years. The increase in drug use has resulted in a corresponding increase in crime; judicial decisions, while affording long-ignored constitutional rights to defendants, have further complicated the criminal process. Our prisons are shameful jungles which rehabilitate no one and which, along with the inexcusable disabilities visited upon convicts who have served their debt to society, do little more than insure that their "alumni" will become recidivists.

It is becoming increasingly apparent that one of the basic aspects of our correctional philosophy—the incarceration of offenders in fortress-like prisons for extended periods of time—is a most counterproductive strategy.

One device commonly used to increase the period for which a convict will be incarcerated is the "habitual offender" law. Under such statutes, third or subsequent offenders are not only sentenced to time in prison for the crimes for which they are convicted, but also to additional time because they have had prior convictions.

Daniel Katkin, an outstanding young professor at the State University of New York at Buffalo, has recently published an article considering both the philosophical and constitutional aspects of habitual offender laws. It is an extremely thoughtful and erudite study, and I am pleased to include it in the RECORD at this point:

HABITUAL OFFENDER LAWS: A RECONSIDERATION

(By Daniel Katkin[*])

I. HISTORY AND PURPOSE

Recidivism is a comparatively new social problem. Prior to the movement for penal reform in England (1750–1833) even the most trifling offenses were punishable either by hanging or by imprisonment which was considered to be only a slightly more protracted death.[1] Thus, while there were unquestionably habitual criminals, there were few whose careers were not ended by a first conviction.

By the end of the nineteenth century this unexpected consequence of reform—the presence of the habitual criminal—was clearly recognized and attention was focused on the resultant issues of social protection and deterrence.[2] The concept of preventive detention for repeated offenders was initially suggested in the Gladstone Committee Report of 1895,[3] which is generally regarded as a landmark in the history of progressive penology.[4] While the Committee urged the acceptance of rehabilitation as a goal of the penal system,[5] it was skeptical about the capacity for reformation of recidivist offenders:

"There is evidently a large class of habitual criminals—who live by robbery and thieving and petty larceny—who run the risk of comparatively short sentences with comparative indifference. They make money rapidly by crime, they enjoy life after their fashion, and then, on detection and conviction, serve their time quietly, with the full determination to revert to crime when they come out. We are inclined to believe that the bulk of habitual criminals at large are composed of men of this class. When an offender has been convicted a fourth time or more he or she is pretty sure to take to crime as a profession and sooner or later to return to prison. We are, therefore, of the opinion that further corrective measures are desirable for these persons. When under sentence they complicate prison management—when at large they are responsible for the commission of the greater part of the undetected crime; they are a nuisance to the community. To punish them for the particular offense is almost useless; the real offense is the willful persistence in the deliberately acquired habit of crime."[6]

This analysis led to the suggestion that a system of extended sentences for repeated offenders be created. Loss of liberty was envisioned primarily as a deterrent; but it was recognized that should it fail to serve that purpose, it would still protect society by isolating the offender for lengthy periods.[7] The Gladstone Committee did not intend for the sentence to be excessively punitive. Indeed the report suggested that habitual criminals "not be treated with the severity of first-class hard labour or penal servitude,"[8] which was generally not only hard, but also dull, useless, uninteresting and monotonous,[9] but rather that they be kept "under less onerous conditions."[10]

The Committee's recommendations for the treatment of habitual offenders were operationalized in The Prevention of Crime Act of 1908,[11] which authorized courts to sentence offenders to periods of preventive detention. Such a sentence could be given only if, after conviction, the offender admitted or was found by the jury to have had at least three prior convictions since the age of 16, or had been found to be a habitual offender on the occasion of an earlier conviction and been sentenced then to preventive detention. The sentence was to be not less than five nor more than ten years, and was to be consecutive rather than concurrent with the term awarded for the substantive offense. This "dual track" system of sentencing was criticized by opposition members on the ground that society ought not to inflict two pains on a prisoner. The government, however, refused to yield, and consecutive sentences remained the law in England until passage of the Criminal Justice Act of 1948.[12]

Even during the years when Gladstone was helping to fashion the law of England, alternatives to preventive detention were being considered. The least harsh of the proposals called for supervision of habitual criminals while allowing them to remain out of prison. The offender would be obliged to discuss his activities at least once a month at a meeting with his supervisor; in addition he would have to report all changes of address. Failure to comply with these rules would result in reimprisonment.[13] There was concern on the part of some civil libertarians that the power of supervision not be vested in the police; however, Discharged Prisoners' Aid Societies, or "private patrons of judicious character" were seen as acceptable.[14]

Supervision was not proposed as an alternative to all imprisonment, but rather as a form of after-care to be used in conjunction with a system of very gradual cumulations of imprisonment. Each successive conviction would carry with it a term of imprisonment a bit longer than the one before. Faced with the prospect of such steady escalation the prospective recidivist, the argument had it, would very likely drop out of crime before a third or fourth offense. The accretion, even though gradual, would provide those who continued to fifth or sixth convictions with rather extensive terms of imprisonment.[15] This threat, combined with the assistance of supervision, would both protect society and facilitate rehabilitation.

Perhaps the greatest flaw in the scheme is that it sought to make sentencing a func-

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tion solely of the frequency of offense, without regard to the character of each individual act. A third conviction would automatically carry a stiffer sentence than a second without regard to the specific nature of the crimes involved.[16] Punishment would be made to "fit" neither the crime nor the individual needs of the offender.[17]

This plan has never been operationalized in its pure form. The closest that some American jurisdictions have come is the enactment of statutes which require that the longest permissible term of imprisonment for a particular offense be given to recidivists guilty of that offense.[18] Some jurisdictions allow for a term of imprisonment which is a multiple of the maximum which could be given to a first offender.[19] Neither approach can fairly be characterized as involving the gradual accretion of terms of imprisonment. While probation and parole systems are now nearly universal, effective programs of aftercare for offenders leaving prison after serving a full term are still very uncommon.[20]

The other, and substantially harsher alternative that was considered as early as the 1890's involved life imprisonment for recidivists.[21] It has received wide-spread acceptance and has been enacted into law in many jurisdictions.[22]

Proponents of such plans do not generally justify them on the basis of the social utility of punitiveness despite the fact that other types of harsh punishment have frequently been rationalized by the argument that society has a right, if not an obligation, to respond to "awful" acts with "awful" denunciations.[23] Deterrence and social protection are the usual justifications for life sentences. Almost a century ago Professor Francis Wayland, a Yale penologist, argued that life terms in penal institutions were necessary to safeguard communities against the anti-social acts of "incorrigibles."

"If it be argued that police supervision, after release, would avert the danger, I answer that it is far more easy, wise and safe, to exercise it within prison walls. The authorities of a hospital might, with just as much show of reason, release a smallpox patient in the most contagious period of that dreaded disease, and then provide that while the dangerous symptoms continued he should remain under supervision. I believe that there is but one cure for this great and growing evil, and that is to be found in the imprisonment for life of the criminal once pronounced incorrigible." [24]

More recently Norval Morris has commented that: "[p]roviding society has expended its best efforts to protect itself from an habitual criminal and had used all the practical means within its power to make him live a life that society was prepared to tolerate, it would be rational to destroy him. It would certainly be rational to keep him from again entering society." [25]

Debate over the wisdom and humanity of such "rationality" was most intense during the 1920's. New York State enacted the Baume's Law [26] which required that judges sentence offenders with three prior convictions to life terms of imprisonment. A look at the legislative history of that act indicates that its purposes were to deter potential recidivists by making the risks too great, and also to isolate from the society upon which they preyed those offenders who would not be deterred.[27]

Laws designed to serve those purposes exist in virtually all jurisdictions. In twenty-three states life terms of imprisonment are either mandated or permitted.[28] Of the remaining states, nine have statutes which impose mandatory minimum sentences ranging in severity from not less than 20 years in Alaska and Louisiana to not less than five years in Idaho.[29] In all other states extended terms are permitted but not mandated.[30] In addition, the United States Code has recently been amended to permit extended terms of imprisonment ranging up to 25 years for offenders convicted of a third felony.[31]

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II. THESIS

It is the thesis of this paper that these statutes, characterized by indefensible harshness,[32] serve neither to deter potential recidivists nor to protect the public by isolating offenders who are truly dangerous. Despite a judicial history which suggests the contrary, this writer believes that the new federal legislation as well as many existing state statutes may be found to violate the cruel and unusual punishment provision of the United States Constitution.[33] Even if that is not the case, as a matter of public policy, Congress would have done well to have defeated the section of the recently passed Organized Crime Act which deals with dangerous offenders, and state legislatures would do well to revise or abolish much of the similar existing legislation.

III. AN EVALUATION OF THE LAW IN OPERATION

The first point to be made is that habitual offender laws are wholly unnecessary to deter serious offenses. This would seem to be true almost as a matter of definition. Courts sentencing truly dangerous felons, such as murderers, rapists or armed robbers can impose lengthy terms of imprisonment (in some cases even the death penalty) without regard to the existence of habitual offender laws or the issue of habitual criminality. Surely the fear of being sentenced to an extended term of imprisonment cannot be said to be effective in deterring the commission of crimes for which lengthy terms could be imposed even on first offenders. It must be recognized that at best these harsh habitual offender sentences may have some effect in helping to deter only those comparatively petty offenses which are not deemed to deserve, in and of themselves, long terms of confinement.

The corollary of this argument is that habitual offender laws serve to isolate from society only comparatively petty offenders, from whom society is hardly in urgent need of protection. An excellent study which tends to prove that this is indeed the case has been done by Donald West of the Institute of Criminology at the University of Cambridge.[34] Dr. West interviewed, administered psychological tests to, and reviewed the records of a group of fifty recidivists serving terms as preventive detainees in English prisons.[35] Offenses of violence by members of this group were exceedingly rare. There were none at all among the charges at the latest conviction.[36] The group consisted almost entirely "of persistent thieves, a small minority of whom occasionally committed violent or sexual crimes as well." [37] Most of the prisoners studied by West "seemed woefully lacking in ability to fulfill ordinary social expectations in any sphere of life." [38]

Perhaps most significant, West found that only four of the fifty men could be characterized as non-deviant. [39] Twenty-nine were diagnosed as passive-inadequates,[40] that is, men who suffer a generalized inability, a failure to cope with ordinary frustrations . . . [and who] tend to collapse into passive resistance and querulous dependency. Inadequates tend to be typically reckless people, grossly lacking in drive and initiative. They are always complaining and demanding help from authorities, without exerting any effort themselves. They tend to form one-sided, parasitic relationships with whoever will put up with them. They never seem able to fend for themselves. Their spinelessness and sloth suggest that they have found social demands too much for them, and have contracted out of the system altogether, so that they no longer bother to try to do the things expected of a normal citizen.[41]

The remaining seventeen men were diagnosed as active aggressives.[42] Unlike the inadequate, who has never even begun to learn to perform social roles effectively, the active-deviant may often seem to be very highly socially skilled. However, it is as if he "were playing an imitative role rather than living up to real adult responsibilities." [43]

West's findings suggest that persistent offenders are neither violent, nor efficiently organized professional criminals. The majority of the men studied were shiftless, work-shy characters for whom petty stealing represented the line of least resistance.[44]

Other observers have noticed much the same pattern described by West. M. L. Lynch, a member of the National Parole Board of Canada, has commented that:

"As a general rule, persons serving an indeterminable sentence as habitual criminals are not dangerous. A great many of them are drug addicts, others are persons who have persistently committed minor 'nuisance' type offenses such as burglary, and shoplifting. There are far more sneak thieves than armed robbers in the group." [45]

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". . . [M]ost of them are unfortunate inadequate people, who have never had a chance in life and who are either drug addicts or men with a serious drinking problems." [46]

Many American observers have reached the same conclusions. H. G. Moeller, Assistant Director of the Federal Bureau of Prisons, maintains that:

"[w]ithout question, the largest group of chronic offenders with whom we are acquainted are dependent, socially inadequate men and women who have come to accept prison [rather than crime] as a way of life. . . . In any representative group of such offenders we find a high percentage of chronic alcoholics, a variety of physical and intellectual handicaps and limitations, gross lack of work skill and experience, serious inadequacies in capacities to relate to other human beings, and a wide variety of other socially disabling characteristics." [47]

IV. AN ARGUMENT FOR CHANGE DERIVED FROM CONSIDERATIONS OF PUBLIC POLICY

The observations of Dr. West and others indicate that habitual offender laws are undesirable as a matter of public policy for the reason that they serve to isolate from society only a group of unfortunate inadequates. Neither rigorous study nor casual observation provide any evidence for the proposition that violent, or organized, or professional thieves, who may truly be said to represent a serious danger to the social order, are in any way affected by the operation of these laws.[48]

This argument, that habitual offender laws do not represent sound public policy, is strengthened by an examination of the interaction between the statutes and the practice of plea-bargaining. On the face of it, it would appear that the threat of extended sentences greatly enhances the bargaining power of the prosecutor. However, it may be that in operation the amassment of too much power in the prosecutors' hands actually limits effective functioning. The cases in which organized and professional criminals are involved are frequently so complex in nature that prosecutors get better deals by bargaining for guilty pleas than by proceeding to trial.[49] From the viewpoint of the defendant, however, no deal is likely to be acceptable unless it guarantees exemption from the possibility of an extended sentence. Thus, in cases where a conviction might make an offender eligible for sentencing as a recidivist, the state may have to agree to prosecute for a misdemeanor in order to obtain a plea. Such a practice actually undermines the safety of the public by working to the advantage of organized and professional thieves.[50]

V. AN ARGUMENT FOR CHANGE DERIVED FROM CONSIDERATIONS OF CONSTITUTIONAL LAW

An argument derived from considerations of public policy goes only to the undesirability of habitual offender laws. However, it may well be that the data obtained empirically by Dr. West and the supporting observations of people engaged in prison administration justify a reconsideration of the issue of the constitutionality of recidivist statutes.

At the outset it must be pointed out that there is an extensive judicial history which points in the direction of constitutionality. Indeed, habitual offender statutes have withstood a variety of constitutional attacks.[51]

To this writer it seems that the law relating to three of the traditional lines of attack—ex post facto, due process, and double jeopardy—is well settled. However, the cases holding that recidivism statutes do not violate the eighth amendment prohibition against cruel and unusual punishment seem uniquely unpersuasive; and it seems appropriate to reexamine both those cases and others dealing with the equal protection issue in light of the evidence from the social sciences to which reference has already been made.

A. A review of Constitutional history relating to ex post facto, due process and double jeopardy

1. *Ex post facto*. The cases are quite clear that recidivism statutes are not ex post facto even where the finding of habitual criminality is based on crimes committed before their enactment.[52] The rationale maintains that an ex post facto objection can be made only against a statute which seeks to punish an act which was legal when done, or which increases the punishment for a crime already committed. So long as the most recent crime was committed after the enactment of the recidivism statute, no ex post facto argument can be made because the extended sentence is imposed only for that last offense. In short, the extended sentence is imposed not as a direct consequence of earlier offenses, but as a direct and predictable consequence of the offender's most recent crime which, presumably, he was free to avoid.[53]

2. *Due process*. It has been consistently held that recidivism statutes are not inconsistent with notions of procedural due process.[54] Central to the rationale is the argument that no separate offense is charged. The statutes are perceived not as creating or defining a new or independent crime, but as prescribing "circumstances wherein one found guilty of a specific crime may be more severely penalized because of his previous criminalities." [55]

3. *Double jeopardy*. The courts have been quite emphatic in dismissing the double jeopardy objection. Recidivism statutes are not perceived as authorizing additional punishment for an earlier offense. The "repetition of criminal conduct aggravates . . . [the offenders' immediate] guilt and justifies heavier penalties when they are again convicted." [56] Because an extended sentence is imposed only for the most recent offense, and not as an additional punishment for earlier conduct, no double jeopardy problem is presented.

B. A reconsideration of the constitutional issues relating to equal protection, and cruel and unusual punishment

1. *Equal protection*. Upon casual examination this issue seems to be well settled. The courts have taken the position that habitual offender laws do not, by applying to a certain class of offenders, deny the accused equal protection of the law.[57] However, the cases are old, and both the evidence available to the courts and the breadth of the fourteenth amendment have expanded over the years. Reconsideration of the cases might well result in their reversal.

Traditionally the fourteenth amendment has been interpreted to require not that all people or classes of people be treated identically, but rather that differential treatment authorized by statutory classifications be reasonably related to some legitimate state purpose.[58] The courts have recognized that habitual offender laws do authorize unequal treatment; however, they have held that special treatment for a class of recidivists is constitutionally permissible because it is reasonably related to a legitimate purpose—public protection.[59] At the time of these decisions there was no reason to doubt the existence of such a reasonable relationship. It is not clear that that is still the case.

Empirically obtained evidence such as the West study, already referred to in this paper,[60] indicates that the purpose of public protection is not effectively served by recidivism statutes. It will be remembered that both social scientists and prison administrators seem agreed that habitual offender laws operate only to isolate from society those unfortunate inadequacies from whom comparatively little need be feared. More dangerous offenders from whom the public truly needs to be protected seem not to be affected. This evidence is of compelling importance for it goes to the very heart of the rationale for constitutionality. The cases have merely assumed a relationship between recidivism statutes and a legitimate purpose—protection of the public. Surely the existence of evidence which indicates that such a relationship is illusory justifies the reconsideration and quite possibly reversal of the old cases.

The position that reconsideration would indeed result in reversal is strengthened by the fact that the past few years have witnessed a broadening of the interpretation of the equal protection clause. The old cases required only a showing of a reasonable relationship between a statute and a legitimate state purpose to support a finding of constitutionality.[61] More recently cases which involve the exercise of a fundamental constitutional right have been differentiated. A classification which serves to limit the exercise of a fundamental constitutional right must be shown to be "necessary to promote a *compelling* governmental interest." [62] Thus, habitual offender laws which affect the fundamental constitutional right to liberty must now meet a tougher standard if they are to be upheld. In the face of all the evidence which casts doubt on even their minimal effectiveness, it may prove quite difficult to demonstrate that they are *necessary* to promote such a *compelling* interest. Unless the direction in which the law has been developing is about to be substantially altered, it is quite possible that a new constitutional challenge based on the equal protection clause will succeed.

2. *Cruel and unusual punishment*. Cases dealing with the cruel and unusual punishment issue are notable for the absence of lucid analysis. Indeed, few of the cases do more than make reference to precedent. The case most frequently cited as precedent is *Moore v. Missouri*.[63] Yet the issue was barely touched upon in that case.

"The reason for holding that the accused is not again punished for the first offence is given in *Ross's Case* by Chief Justice Parker, that 'the punishment is for the last offence committed, and it is rendered more severe in consequence of the situation into which the party had previously brought himself;' in *Plumby v. Commonwealth*, by Chief Justice Shaw, that the statute 'imposes a higher punishment for the same offence upon one who proves, by a second or third conviction, that the former punishment has been inefficacious in doing the work of reform for which it was designed;' in *People v. Stanley*, that 'the punishment for the second is increased, because by his persistence in the perpetration of crime, he has evinced a depravity, which merits a greater punishment, and needs to be restrained by severer penalties than if it were his first offence;' and in *Kelly v. People*, 'that it is just that an old offender should be punished more severely for a second offence—that repetition of the offence aggravates guilt.' It is quite impossible for us to conclude that the Supreme Court of Missouri erred in holding that plaintiff in error was not twice put in jeopardy for the same offence, or that the increase of his punishment by reason of the commission of the first offence was not cruel and unusual." [64]

The conclusion that the eighth amendment is not violated seems to have been drawn entirely from an analysis of the double jeopardy issue. It seems an after-thought, not directly related to the stream of the text. That is characteristic of the early cases which are frequently cited in dismissing eighth amendment arguments.

McDonald v. Massachusetts [65] relies on an analysis similar to that in *Moore*. The point is made that an extended punishment is not given for the earlier offense, but rather that the earlier conviction aggravates the immediate crime. That argument, combined with the frequently made assumption that punishments are cruel only when they involve torture or a lingering death, justified the very curt dismissal of an eighth amendment claim.[66]

In *Graham v. West Virginia* [67] there is only one fleeting reference to the cruel and unusual punishment issue. After a lengthy discussion of due process and equal protection issues, the Court concluded, in the very last paragraph of text, that:

"What has been said, and the authorities which have been cited, sufficiently show that there is no basis for the contention that the plaintiff in error has been put in double jeopardy or that any of his privileges or immunities as a citizen of the United States have been abridged. Nor can it be maintained that cruel and unusual punishment has been inflicted." [68]

Yet, despite the paucity of analysis outlined above, recent cases have not opened the issue to re-examination.[69] Indeed, in *Oyler v. Boles* [70] the Court commented that: "Petitioners recognize that the unconstitutionality of the practice of inflicting severer criminal penalties upon habitual offenders is no longer open to serious challenge." [71] That conclusion rested only upon a citation to *Moore* and *Graham*. In *Spencer v. Texas*,[72] the same summary dismissal of the constitutional issue was made, and the same cases, along with *McDonald* and *Oyler*, were cited.[73]

Nowhere has the issue been squarely faced. The cases do no more than argue for the proposition that society has a legitimate stake in protecting itself from habitual criminals. That is undeniable. Presumably, however, such protection cannot be obtained through the infliction of unconstitutionally cruel punishments. A mere recital of the legitimate objectives of a statute ought not be considered sufficient analysis to defeat a claim that the means used are not constitutionally permissible. It is this writer's belief that upon re-examination of this issue too, the Supreme Court might well strike down habitual offender laws.

Such a holding would be predicated upon a finding that the language of the amendment prohibits not only barbaric methods of punishment but also penalties which are merely excessive. While legal literature has generally accepted a restrictive view of the prohibition against cruel and unusual punishments, there is substantial reason to believe that the language was originally in-

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tended to extend to the issue of excessiveness.[74]

The legislative history of the eighth amendment offers support for both positions. It appears that the framers strove to be faithful to the original intention of the Puritans who first drafted the prohibition against cruel and unusual punishments into the English Bill of Rights of 1689.[75] Further, it appears that the American draftsmen believed that the original intention was to prohibit the inflicting of barbarous physical punishments.[76] From this it certainly seems that the eighth amendment was intended to be limited in scope. The matter, however, is not so easily resolved; it also appears that the American draftsmen were mistaken in their interpretation of the English experience. Even prior to 1689 Britain had developed a general policy against excessiveness in punishments. For a long time after 1689 barbarous punishments that were proportionate to an offense were permitted.[77] Thus, it can be argued that because the framers of the amendment were trying to duplicate the English experience, the amendment should be broadly construed as a prohibition against excessiveness.

While evidence as to the original meaning of the "cruel and unusual punishment" language may be persuasive, it is not sufficient to resolve the conflict over the scope of the eighth amendment.

The issue of whether excessiveness is prohibited seems actually to have been decided by the Supreme Court in *Weems v. United States*.[78] A minor public official in the Philippines had been convicted of falsifying an official document to conceal the wrongful disposition of a small sum of money. The minimum punishment authorized for the offense was twelve years of *cadena temporal*, an Hispanic punishment involving hard and painful labor while constantly enchained. The Supreme Court declared the entire statutory penalty unconstitutional under the Philippine Bill of Rights, a portion of which was "construed and applied [as] identical with the cruel and unusual punishment clause of the Eighth Amendment."[79]

While the decision certainly rested in part on the view that the penalty was inherently cruel, it rested also on the assertion that the sentence was cruelly excessive in relation to the crime committed. The Court specifically declared that it is a "precept of justice that punishment for crime should be graduated and proportioned to offense."[80] The argument was made to the Court that the framers of the Bill of Rights intended to prohibit only sentences that were barbarous, not those that were merely excessive; but the Court responded that it must have occurred to the framers:

"That there could be exercises of cruelty by laws other than those which inflicted bodily pain or mutilation. . . . Legislation, both statutory and constitutional, is enacted, it is true, from an experience of evils, but its general language should not, therefore, be necessarily confined to the form that evil had theretofore taken. Time works changes, brings into existence new conditions and purposes. Therefore, a principle to be vital must be capable of wider application than the mischief which gave it birth. This is peculiarly true of constitutions."[81]

The *Weems* decision has been generally accepted by both federal and state courts as establishing the rule that mere excessiveness may render a punishment unconstitutionally cruel.[82]

In fact, the *Weems* decision may be seen as having influenced the recent landmark case, *Robinson v. California*,[83] which held that it is not permissible to treat as a criminal one who is afflicted with the sickness of drug addiction. The statement that "even one day in prison would be cruel and unusual punishment for the 'crime' of having a common cold"[84] reflects the Court's concern with the relationship between a punishment and the "behavior" which occasioned it.[85] It cannot be argued that one day in prison is a barbarous physical punishment. Yet the Court maintained that such a punishment for the "crime" of having a common cold would be prohibited by the eighth amendment. Surely then, that amendment prohibits more than barbarity; it must also prohibit excessiveness.

This line of reasoning is clearest in the concurring opinion of Mr. Justice Douglas.[86] He specifically noted that the eighth amendment prohibits both inherently cruel punishments and punishments which are excessive in light of the offense.

Yet one of the most striking characteristics of habitual offender laws is that they mandate or permit the imposition of sentences the severity of which is out of all proportion to the specific offense which "triggers" them. The new federal law, for example, permits a judge to extend the sentence of an offender convicted of a third felony to twenty-five years. Yet, there are more than forty felonies in title 18 of the United States Code that carry a maximum sentence of two years.[87] Thus, the interstate transportation of lottery tickets,[88] for example, could trigger a twenty-five year term of imprisonment. It may well be that a recidivist who has served two previous jail sentences has manifested a resistance to the corrections process that justifies an increased sentence for the third offense. However, "it defies all sense of just proportion to suggest that the limit for a second offender should be two years and for a third offender [twenty-five]. And this is particularly true when an offender who commits a very serious offense for the third time is subject to the same [twenty-five] year maximum."[89]

It may well be that such offenses to the "sense of just proportion" constitute a violation of the prohibition against excessiveness which the *Weems* and *Robinson* courts found in the eighth amendment.

It is interesting to note that after listening to Professor Low's criticism of S. 30, the Committee on the Judiciary reported out a somewhat changed version. Thus, subsection (b) of section 3575 of title 18 of the United States Code provides that upon finding that a defendant is a dangerous special offender "the court shall sentence the defendant to imprisonment for an appropriate term not to exceed twenty-five years and *not disproportionate in severity to the maximum term otherwise authorized by law for such felony*."[90] While this language indicates Congressional acceptance of the principle of proportionality in sentencing, it hardly constitutes an effective assurance of constitutional rights. The statute leaves tremendous discretion with judges and though it exhorts them to adhere to the principle of proportionality, it does not limit discretion in such a way as would assure that result.

If the federal statute is upheld as constitutional, the states will have to do no more than make simple amendments in order to conform to the rule. Over time there will certainly be appeals of sentences on the grounds that the statutes' ambiguous requirement of proportionality have not been satisfied. Perhaps as the appellate courts sustain some sentences and modify others a set of coherent principles relating to proportionality will emerge. But that is an uncertain proposition, and further, it represents an abdication of legislative authority to the judiciary.

Congress might easily have devised a more rational and more clearly constitutional recidivism statute than section 3575 of title 18. The law might have authorized the imposition of sentences which are a multiple of the maximum sentence that could be imposed for the trigger offense. Or, a schedule might have been devised providing extensions of various lengths which are directly proportionate to the immediate offense. Such a plan as either of those would operate to reserve the lengthiest sentences for those offenders whose most recent crimes indicate that they do in fact constitute a danger of great magnitude to the public. Comparatively petty offenders, who seem to receive the harshest treatment under present laws, would thus be safeguarded.

VI. CONCLUSION

The new federal recidivism statute, and a great many similar state statutes, are of dubious constitutionality. The argument has been made that such statutes work a deprivation of equal protection of the law, and also that they authorize the infliction of cruel and unusual punishments. The arguments are not unrelated.

Presumably the justification for extended sentences is that they are necessary to protect the public. But that purpose is not satisfied by legislation such as section 3575 of title 18 of the United States Code which permits a man who has twice committed a crime of violence to go free in less time than a man who has three times committed a lesser offense. Indeed, it is exactly the failure of the law to achieve that purpose which raises the equal protection issue for a statute which authorizes different treatment for individuals who have committeed the same offense is constitutionally permissible only if the special treatment of some of the offenders is necessary to achieve some compelling state purpose. Both logic and the empirical evidence that exists in this area suggest that recidivism statutes operate to limit the liberty of a group of offenders characterized neither by violence nor dangerousness as much as by inadequacy. To treat such a class of offenders so harshly is not constitutionally permissible. The data obtained from the West study, adds immediate relevance to the eighth amendment argument. If the offenders actually sentenced as recidivists were characterized by violence and dangerousness, it would be difficult and perhaps irresponsible to argue that the extended sentences were excessive. But the data indicates that the sentences imposed are excessive not only in relation to the trigger offense, but also in relation to an objective assessment of dangerousness.

The eighth amendment argument is particularly useful because it implies a standard—proportionality. It is within the power of legislative bodies to authorize extended sentences for habitual offenders. However, the legislative schemata must safeguard against excessively harsh sentences for comparatively petty offenders. If, for example, the federal statute had permitted the imposition of sentences up to three times greater than the maximum permitted for the trigger offense, then offenders found to be dangerous special offenders upon the commission of one of the more than forty felonies in title 18 that are punishable by a maximum sentence of two years could be sentenced to a term of imprisonment not to exceed six years. Other, more serious offenders, could be imprisoned for substantially longer terms. Thus, the objective of protecting the public against dangerous offenders would still be served.

Unfortunately, however, Congress was not so innovative. Thus, we are left with a recidivism statute which will do little either to protect the freedom of offenders or to safeguard the public from truly dangerous criminals. It can only be hoped that the courts will extend the rule of the *Weems* case, and strike down section 3575. By reaffirming the principle of just proportionality in sentencing the courts can do much both to eliminate present injustices and to motivate legislative bodies to devise effective and fair responses to a social problem of great magnitude.

Footnotes at end of article.

FOOTNOTES

[*] Assistant Professor of Social Welfare, State University of New York at Buffalo, B.A., City College of New York, 1965; J.D., Columbia, 1968; Dip. in Criminology, (Cantab.), 1969.

[1] *See* N. Morris, The Habitual Criminal 18 (1951) [hereinafter referred to as Morris], L. Radzinowitz, A History of English Criminal Law—The Movement for Reform 1750–1833, at 301–96 (1948). Note, *New Jersey's Habitual Criminal Act*, 11 Rutgers L. Rev. 654 (1957).

[2] *See, e.g.*, W. Tallack, Penological and Preventive Principles 206–20 (1896) [hereinafter cited as Tallack].

[3] House of Commons, Report of the Comm. on Prison (1895).

[4] MacDonald, *A Critique of Habitual Criminal Legislation in Canada and England*, 4 U.B.C. L. Rev. 87 (1969) [hereinafter referred to as MacDonald].

[5] The report, for example, recommended that speical programs of training be instituted for offenders between the ages of 16 and 21. This resulted in the establishment of the borstal system by the Prevention of Crime Act of 1908, 8 Edw. 7, c. 59. It is perhaps worth noting that the Home Secretary who was active in securing the passage of the Act was none other than Mr. H. J. Gladstone.

[6] Report of the Comm. on Prisons, *supra* note 3, at 31.

[7] *Id.*

[8] *Id.*

[9] L.W. Fox, The English Prison, and Borstal Systems 40–48 (1952); MacDonald, *supra* note 4, at 88.

[10] Report of the Comm. on Prisons, *supra* note 3, at 31.

[11] 8 Edw. 7, c. 59, § 10.

[12] *See* Morris, *supra* note 1, at 40; MacDonald, *supra* note 4, at 89.

[13] Tallack, *supra* not 2, at 208.

[14] *Id*, at 207.

[15] *Id.* at 206–11.

[16] *Id.* at 211.

[17] Devising sentences to fit the needs of individual offenders is a somewhat newer practice than fitting punishments to crimes; however, individualization has emerged as a guiding principle of contemporary rehabilitation-oriented penology. *See* Katkin, *Presentence Reports: Uses, Limitations and Civil Liberties Issues*, 55 Minn. L. Rev. 15 (1970).

[18] *See, e.g.*, Mass. Gen. Laws Ann. ch. 279, § 25 (1959).

[19] *See, e.g.*, Ore. Rev. Stat. § 168.085 which requires that a fourth conviction occasion a sentence to a term of imprisonment of not less than twice the maximum provided for the offense.

[20] 2 U.S. Dep't of Justice, Attorney General's Survey of Release Procedures 247 (1939). The President's Commission on Law Enforcement and the Administration of Justice, Task Force Report: Corrections 60–71 (1967). The report noted that 60% of all inmates are released on parole, and discussed the existing programs of after-care for parolees; no mention was made of similar programs for the 40% of all inmates who do not get parole. *See also* E.H. Sutherland & D. Cressey, Principles of Criminology (7th ed. 1966); the only reference made to after-care in this exhaustive text pertains to programs of parole.

For an excellent discussion of the possible benefits of an elaborate after-care system designed to help all inmates rejoin the community see T. Parker, The Unknown Citizen (1965).

[21] Tallack, *supra* note 2, at 209.

[22] Legislation in twenty-three states authorizes or requires a life sentence for a recidivist. Alaska Stat. § 12.55.050 (Supp. 1966) (fourth offense); Cal. Penal Code § 641 (West 1955) (third offense); Colo. Rev. Stat. Ann. § 39–13–1 (1964) (third offense); Del. Code Ann. tit. 11, § 3912 (Supp. 1968) (fourth offense); Fla. Stat. Ann. § 775.10 (1965) (fourth offense); Idaho Code § 19–2514 (1948) (third offense); Ind. Ann. Stat. § 9–2207 (1956) (third offense); Ky. Rev. Stat. Ann. § 431.190 (1963) (third offense); La. Rev. Stat. Ann. § 15.529.1 (1967) (third offense); Nev. Rev. Stat. § 207.010 (1965) (fourth offense); N.J. Stat. Ann. § 2A:85–8 (Supp. 1966) (fourth offense); N.M. Stat. Ann. § 40A–29–5 (Supp. 1964) (fourth offense); N.Y. Penal Law § 70.10 (McKinney 1967) (third offense); Ohio Rev. Code Ann. §2961.12 (Baldwin 1954) (third offense); Ore. Rev. Stat. § 168.085 (1963) (fourth offense); Pa. Stat. Ann. tit. 18, § 5108 (1963) (fourth offense); S.C. Code Ann. § 17.553.1 (1962) (fourth offense); S.D. Code § 13.0611 (1939) (fourth offense); Tenn. Code Ann. § 40–2801 (1955) (third offense); Tex. Pen. Code art. 63 (Supp. 1952) (third offense); Vt. Stat. Ann. tit. 13, § 11 (1958) (fourth offense); Wash. Rev. Code Ann. § 9.92.090 (1961) (third offense); W. Va. Code Ann. § 61–11–18 (1966) (third offense).

In addition, two states permit imprisonment "for any term of years" for recidivists. Me. Rev. Stat. Ann. tit. 15, § 1742 (1964) (upon conviction of second felony); Va. Code Ann. § 53–296 (1967) (third offense). In twelve states life terms are mandated by law. Colo. Rev. Stat. Ann. § 39–13–1 (1964); Ind. Ann. Stat. § 9–2207 (1967); Ky. Rev. Stat. Ann. § 431.190 (1963); Nev. Rev. Stat. § 207.101 (1965); N.M. Stat. Ann. § 40A–29–5 (1964); Ohio Rev. Code Ann. § 2961.12 (Baldwin 1954); S.C. Code Ann. § 17.553.1 (1962); Tenn. Code Ann. § 40–2801 (1955) (life without parole); Tex. Pen. Code art. 63 (Supp. 1952); Wash. Rev. Code Ann. § 9.92.090 (1961); W.Va. Code Ann. § 61–11–18 (1966); Wyo. Stat. Ann. § 6–11 (1959).

[23] *See e.g.*, P. Devlin, The Enforcement of Morals (1965).

[24] F. Wayland, The Incorrigible, *cited in* Tallack, *supra* note 2, at 209.

[25] Morris, *Introduction*, 13 McGill L. J. 533, 549 (1967).

[26] [1926] N.Y. Sess. Laws, ch. 457.

[27] J. E. Johnson, The Baume's Law (1929).

[28] *See* statutes cited in *supra* note 22.

[29] Alaska Stat. § 12.55.050(3) (Supp. 1966) (fourth conviction; not less than twenty years); Ariz. Rev. Stat. Ann. § 13–1649 (1956) (second conviction; not less than five years); Idaho Code Ann. § 21–107a (1964) (third conviction; not less than five years); Kan. Stat. Ann § 21–107a (1964) (third conviction not less than fifteen years); La. Rev. Stat. Ann. § 15:539.1 (1967) (fourth conviction; not less than twenty years); Mass. Gen. Laws Ann. ch. 279, § 25 (1959) (second offense; not less than maximum provided for offense); Neb. Rev. Stat. § 2221 (1965) (third conviction; not less than ten years); Ore. Rev. Stat. § 168.085 (1963) (fourth conviction; not less than twice the maximum provided for the offense); Utah Code Ann. § 76–1–18 (1953) (third conviction; not less than fifteen years).

[30] *See* Spencer v. Texas, 385 U.S. 554, 559 (1965). *See also* Annot., 58 A.L.R. 20 (1929); Annot., 82 A.L.R. 345 (1933); Annot., 79 A.L.R.2d 826 (1961).

[31] Title 18 U.S.C. § 3575 provides:

(a) Whenever an attorney charged with the prosecution of a defendant in a court of the United States for an alleged felony committed when the defendant was over the age of twenty-one years has reason to believe that the defendant is a dangerous special offender such attorney . . . may sign and file with the court, and may amend, a notice (1) specifying that the defendant is a dangerous special offender who upon conviction for such felony is subject to the imposition of a sentence under subsection (b) of this section, and (2) setting out with particularity the reasons why such attorney believes the defendant to be a dangerous special offender. In no case shall the fact that the defendant is alleged to be a dangerous special offender be an issue upon the trial of such felony, be disclosed to the jury, or be disclosed before any plea of guilty or nolo contendere or verdict or finding of guilty to the presiding judge without the consent of the parties. . . .

(b) Upon any plea of guilty or nolo contendere or verdict or finding of guilty of the defendant of such felony, a hearing shall be held, before sentence is imposed, by the court sitting without a jury. . . . If it appears by a preponderance of the information, including information submitted during the trial of such felony and the sentencing hearing and so much of the presentence report as the court relies upon, that the defendant is a dangerous special offender, the court shall sentence the defendant to imprisonment for an appropriate term not to exceed twenty-five years and not disproportionate in severity to the maximum term otherwise authorized by law for such felony. Otherwise it shall sentence the defendant in accordance with the law prescribing penalties for such felony. The Court shall place in the record its findings, including an identification of the information relied upon in making such findings, and its reasons for the sentence imposed.

* * * * *

(e) A defendant is a special offender for purposes of this if

(1) The defendant has previously been convicted in courts of the United States, a State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof for two or more offenses committed on occasions different from one another and and from such felony and punishable in such courts by death or imprisonment in excess of one year, for one or more of such convictions the defendant has been imprisoned prior to the commission of such felony, and less than five years have elapsed between the commission of such felony and either the defendant's release, on parole or otherwise, from imprisonment for one such conviction or his commission of the last such previous offense or another offense punishable by death or imprisonment in excess of one year under applicable laws of the United States, a State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency or instrumentality thereof . . .

[32] A.B.A. Advisory Committee on Sentencing and Review 162 (1967). Examples of brutal sentences resulting from the application of habitual offender laws include: State v. Smith, 99 Ariz. 106, 407 P.2d 74 (1965) (sentencing defendant with one prior offense; petit larceny; a misdemeanor); State v. Sedlacek, 178 Neb. 322, 133 N.W.2d 380 (1965) (sentencing a sixty-four year old defendant with two prior offenses to fourteen years for stealing a shotgun from his neighbor). *See also* Hallheimer, *Justice by Formula*, 117 Century 232–40 (1928).

[33] U.S. Const. amend. VIII.

[34] D. West, The Habitual Prisoner (1963).

[35] *Id.* at 1.

[36] *Id.* at 13. Indeed, only eight of the fifty had ever been convicted for violence, and none of the group could be considered dangerously violent at the time of the study.

[37] *Id.* at 14. More than 90% of the 692 crimes for which members of the group had been convicted involved offenses against property. Only one of the most recent convictions involved an amount in excess of 1,000 pounds ($2,400) and 76% involved amounts smaller than 100 pounds ($240). *Id.* at 116, table 6.

[38] *Id.* at 20. Half of the group had never married (although the average age of the group was almost 40), and only eight were actually living with their wives at the time

of the latest arrest. Few had any long-lasting friendships, and about half suffered from undue diffidence or shyness which predated their first convictions.

[39] *Id.* at 118, table 12.

[40] *Id.*

[41] *Id.* at 25–26.

[42] *Id.* at 118, table 12. The term aggressive used in this context does not refer to violent or acting-out behavior, but rather to drive, motivation and the ability to plan. Thus, West reports that the offenses of the active-deviants were generally carefully planned endeavors in pursuit of a particular prize. In this regard they were a marked contrast to the inept and usually petty thefts of the inadequates, which were quite frequently committed on the spur of some depressing moment. *Id.* at 27–28.

[43] *Id.* at 26.

[44] *Id.* at 101.

[45] Lynch, *Parole and the Habitual Criminal,* 13 McGill L.J. 632, 638 (1967). There is a considerable question about the extent to which drug addicts contribute to violent or aggressive crime. However, there are no reliable statistical studies on the issue.

[46] *Id.* at 644.

[47] *Hearings Before the Subcomm. on National Penitentiaries of the Senate Comm. on the Judiciary,* 88th Cong., 2d Sess. 195–96 (1964). *See also Hearings on S. 30 Before the Subcomm. on Criminals Laws and Procedure of the Senate Comm. on the Judiciary,* 91st Cong., 1st Sess. 215, 218, 249, 251 (1969).

[48] P. Tappan, Organized Crime and Law Enforcement (1952).

[49] *See generally Hearings on S. 30 Before the Subcomm. on Criminal Laws and Procedure of the Senate Comm. on the Judiciary,* 91st Cong., 2d Sess. (1970).

[50] A study in New York State in 1927 found that 65 offenders were formally charged with recidivism. Of those 65, 25 were acquitted of the most recent offense; another nine cases were not concluded during that year. Of the remaining 33 offenders, 16 were permitted to plead guilty to misdemeanors; thus not only avoiding the operation of the recidivism statute, but also getting off more lightly than a first offender initially accused of the same felony might have. In fact, 8 of the 16 were sentenced to terms of less than six months imprisonment. 1928 N.Y. State Crime Comm'n Rep. 42–50.

[51] For an excellent discussion of the constitutional history of habitual offender laws, see Note, 48 Va. L. Rev. 597, 602–07 (1962).

[52] With the single exception of State v. Sudekatus, 72 Ohio App. 165, 51 N.E.2d 22 (1943), reversing a conviction under Ohio's Habitual Criminal Act where a prosecution for a fourth offense failed and the three prior convictions charged were for crimes committed before the act was passed, all attempts to have enhanced sentences declared ex post facto have been unsuccessful.

[53] *See, e.g.,* Gryger v. Burke, 334 U.S. 728 (1948); Lindsey v. Washington, 301 U.S. 397 (1937); Wey Him Fong v. United States, 287 F.2d 525 (9th Cir.), *cert. denied,* 366 U.S. 971 (1961) (federal narcotic laws); State v. Dowden, 137 Iowa 573, 115 N.W. 211 (1908); Ross' Case, 19 Mass. (2 Pick.) 165 (1824); Rand v. Commonwealth, 50 Va. (9 Gratt.) 738 (1852). *See generally* Annot., 167 A.L.R. 845 (1947).

[54] For fifth amendment cases see, for example, Sherman v. United States, 241 F.2d 329 (9th Cir.), *cert. denied,* 254 U.S. 911 (1957); Beland v. United States, 128 F. 2d 795 (5th Cir.), *cert. denied,* 317 U.S. 676 (1942). For fourteenth amendment cases, see, for example, Graham v. West Virginia, 224 U.S. 616 (1912); State v. Zywicki, 175 Minn. 508, 221 N.W. 900 (1928); State v. Hicks, 213 Ore. 640, 325 P.2d 794 (1958).

[55] Goodman v. Kunkle, 72 F.2d 334, 336 (7th Cir.), *cert. denied,* 293 U.S. 619 (1934).

[56] Graham v. West Virginia, 224 U.S. 616, 623 (1912). *See also* Gryger v. Burke, 334 U.S. 728, 732 (1948); McDonald v. Massachusetts, 180 U.S. 311, 312 (1901); McIntyre v. Commonwealth, 154 Ky. 149, 153, 156 S.W. 1058, 1060 (1913); Ross' Case, 19 Mass. (2 Pick.) 165, 171 (1824).

[57] *See, e.g.,* McDonald v. Massachusetts, 180 U.S. 311 (1901); Moore v. Missouri, 159 U.S. 673 (1895); Barr v. State, 205 Ind. 481, 187 N.E. 259 (1933), *noted in* 9 Ind. L.J. 534 (1934); Surratt v. Commonwealth, 187 Va. 940, 944, 48 S.E.2d 362, 364 (1948).

[58] *See, e.g.,* Levy v. Louisiana, 391 U.S. 68 (1968); Skinner v. Oklahoma *ex rel.* Williamson, 316 U.S. 535 (1942).

[59] *See, e.g.,* McDonald v. Massachusetts, 180 U.S. 311 (1901); Moore v. Missouri, 159 U.S. 673 (1895).

[60] *See* sources cited in *supra* notes 33–45.

[61] *See, e.g.,* Railway Express Agency, Inc. v. New York, 336 U.S. 106 (1949); Goesaert v. Cleary, 335 U.S. 464 (1948); Yick Wo v. Hopkins, 118 U.S. 365 (1886).

[62] Shapiro v. Thompson, 394 U.S. 618, 634 (1969) (emphasis added). *See also* Sherbert v. Verner, 374 U.S. 398, 406 (1963); Bates v. Little Rock, 361 U.S. 516, 524 (1960). In Skinner v. Oklahoma *ex rel.* Williamson, 316 U.S. 535 (1942), the Supreme Court struck down a state plan which authorized the sterilization of some but not all habitual offenders (embezzlers, for example, were excepted). The court commented that *"Extreme sensitivity"* to equal protection issues is appropriate in cases which involve "basic civil rights." *Id.* at 541 (emphasis added).

[63] 159 U.S. 673 (1895).

[64] *Id.* at 677.

[65] 180 U.S. 311 (1901).

[66] *Id.* at 313; *see In re* Kemmler, 136 U.S. 436, 447 (1890); Granucci, *"Nor Cruel and Unusual Punishment Inflicted": The Original Meaning,* 57 Calif. L. Rev. 839, 841, 865 (1969).

[67] 224 U.S. 616 (1912).

[68] *Id.* at 631.

[69] *See* Spencer v. Texas, 385 U.S. 554 (1967); Oyler v. Boles, 368 U.S. 448 (1962); Price v. Allgood, 369 F.2d 376 (5th Cir. 1966); Beland v. United States, 128 F.2d 795 (5th Cir.), *cert. denied,* 317 U.S. 676 (1942).

[70] 368 U.S. 448 (1962).

[71] *Id.* at 451.

[72] 385 U.S. 554 (1967).

[73] *Id.* at 560.

[74] For an excellent discussion of the historical issues see, Granucci, *"Nor Cruel and Unusual Punishments Inflicted": The Original Meaning,* 57 Calif. L. Rev. 839 (1969).

[75] *Id.* at 843.

[76] *Id.* at 844.

[77] *Id.* at 843–44. Note that many of the bloody practices in vogue prior to the passage of the Bill of Rights of 1689 were continued for quite some time. Drawing and quartering continued with all its embellishments until 1814 when disembowelment was eliminated by statute. The burning of female felons at the stake was continued until 1790. *Id.* at 855–56.

[78] 217 U.S. 349 (1910).

[79] *Id.* at 383 (White, J., dissenting).

[80] *Id.* at 367.

[81] *Id.* at 372–73.

[82] Note, *The Cruel and Unusual Punishment Clause and the Substantive Criminal Law,* 79 Harv. L. Rev. 635, 640 (1966). On the issue of disproportionate severity of punishment, see the following cases: Roberts v. Pegelow, 313 F.2d 548, 550–51 (4th Cir. 1963); Sostre v. Rockefeller, 312 F. Supp. 863 (S.D. N.Y. 1970), *aff'd and modified sub nom.* Sostre v. McGinnis, 442 F.2d 178 (2d Cir. 1971); Jordan v. Fitzharris, 257 F. Supp. 674 (N.D. Cal. 1966); United States *ex rel.* Hancock v. Pate, 223 F. Supp. 202, 205 (N.D. Ill. 1963); Fulwood v. Clemmer, 206 F. Supp. 370 (D.D.C. 1962).

[83] 370 U.S. 660, 668 (1962) (Douglas, J., concurring).

[84] *Id.* at 667.

[85] See Note, *Revival of the Eighth Amendment: Development of Cruel-Punishment Doctrine by the Supreme Court,* 16 Stan. L. Rev. 996, 1010 (1964).

[86] 370 U.S. at 668 (Douglas, J., concurring).

[87] *Hearings on S. 30 Before the Subcomm. on Criminal Laws and Procedure of the Senate Comm. on the Judiciary,* 91st Cong., 1st Sess., at 185 (1969).

[88] 18 U.S.C. § 1301 (1964).

[89] Hearings on S. 30, *supra* note 87, at 185.

[90] 18 U.S.C. § 3575(b) (1970) (emphasis added).

BUSING AND QUALITY EDUCATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. RARICK. Mr. Speaker, as hearings continue before the House Judiciary Subcommittee No. 5 on House Joint Resolution 620 proposing a constitutional amendment prohibiting forced busing of schoolchildren, accounts of interesting developments involving a variety of diverse opinions on the busing issue were published in the local press today and yesterday.

Most of the presidential aspirants are attempting to play down the busing issue, asserting that quality education, not busing, is the key issue. They parrot the view of Federal District Judge Merhige, whose son attends an all-white private school, expressed in the recent Richmond school case decision that quality education can be achieved only within a racially integrated setting and that a State may not sanction a system "which serves only to reproduce in school facilities the prevalent pattern of housing segregation."

The National Black Political Convention, which met over the weekend in Gary, Ind., condemned busing to achieve school desegregation as "racist, suicidal methods" that are based on the "false notion that black children are unable to learn unless they are in the same setting as white children." Reportedly at the urging of what was termed separatist-oriented Congress of Racial Equality, the convention adopted a resolution that more money should be spent on schools in Negro areas to achieve quality education.

And while the National Black Political Convention apparently believes that the mixing of races is not necessary to quality education, but that the mixing of more money is, a recently released report of a study by Harvard researchers reveals that neither racial integration nor increased spending on schools has much effect on the educational performance of school children.

The Harvard study, headed by Frederick Mosteller, a mathematical statistician, and Daniel P. Moynihan, a former aide to President Nixon, reaffirmed the earlier Coleman report of 1966 that academic achievement depends far more on family background than what happens in the classroom. The study also found that the social class of a child's fellow students had more impact on individual achievement than any other factor within the school, including equipment, class size or teacher preparation.

Moynihan says that social class, not

race, is now the crucial factor in educational achievement. Differences in early childhood learning, caused by different home backgrounds, are crucial and are not overcome by normal schooling.

The most promising alternative to boost educational achievement according to Christopher Jencks, a writer of the study, would be "to alter the way in which parents deal with their children at home." The logical beginning to raising educational achievement, Jencks apparently believes, would be income maintenance and family allowances. There are other Federal planners who would recommend child advocates—Federal agents who would alter the way in which parents deal with their children at home to conform to HEW standards.

Another fact revealed by the Harvard study is that achievement test showed whites in the 12th grade of high school to be 4.1 grade levels superior to blacks. Whites also exceeded blacks by 2.4, 3.3, and 3.3 grade levels respectively when comparisons of low, medium, and high socioeconomic status were made.

These comparisons of the relative educational achievement of blacks and whites as revealed by the Harvard report appear to substantiate Dr. William Shockley's view that whites are intellectually superior to blacks as revealed by the disparity in IQ scores.

Dr. Shockley, whose findings show that the difference in intelligence between whites and blacks is due primarily to heredity and not environment, has been unable to get either the academic community to give him a fair hearing or the National Academy of Sciences to test his theory.

A good example to show that neither money nor the modern environmental concept of "quality" education is necessary for a genuine quality education is Abraham Lincoln. His case also adds validity to the view that heredity, not environment, is the principal ingredient for educational achievement.

With billions of taxpayers' dollars being spent on busing of school children, an equal employment opportunity bureaucracy, urban renewal, model cities, and myriad social experiments, all based on what is appearing more and more to be a fallacious assumption that an improvement in the environment will raise the level of intelligence, there is an imperative need for more research to test the role of heredity in the improvement of educational achievement and to develop solutions to educational problems based on facts and the truth.

The aforementioned reports would tend to discredit the charge that those believing in racial pride and integrity and opposing busing are "racists." It appears that Gov. George C. Wallace in his advocacy of freedom of choice and neighborhood schools and in his opposition to forced busing is looking more and more like a "middle-of-the-roader."

The results of the Florida primary should be revealing.

I include several related newsclippings and the text of the testimony of Mrs. James C. Farrell, housewife of Pine Bluff, Ark. in support of House Joint Resolution 620 at this point in the RECORD:

[From the Washington Post, Mar. 13, 1972]

BLACK CONVENTION VOTES OPPOSITION TO BUSING STUDENTS

(By Herbert H. Denton)

GARY, IND., March 12.—The National Black Political Convention here tonight condemned busing to achieve school desegregation as "racist, suicidal methods," that are based on the "false notion that black children are unable to learn unless they are in the same setting as white children."

Instead, a convention resolution said, blacks should be given control of schools in Negro areas and more money should be spent there to achieve quality education."

By a loud, overwhelming voice vote, the convention adopted the resolution at the urging of the separatist-oriented Congress of Racial Equality and its national director, Roy Innis. The principle embodied in the resolution is that of creating separate school districts for largely black areas, an idea that Innis has been promoting for the last three years.

At a press conference after the vote, Innis exulted: "It marks the first major change in the schools since 1954. It is now recorded that black people would prefer to improve the system themselves through the instrument of control."

(It was in 1954 that the Supreme Court ruled that the doctrine of "separate but equal" schools for blacks and whites was unconstitutional.)

Immediate denouncement of the position came from NAACP representatives and elected black-officials from Richmond, Va., who were delegates to the convention. Richmond is under court order to merge its 70 per cent black schools in a busing plan with those of the 90 per cent white surrounding counties of Chesterfield and Henrico.

"I think that a small minority of people have formulated the 'Southern strategy' to do away with everything we have accomplished since 1954," Yvonne Price, legislative assistant for the NAACP, said of the convention action. She indicated that her organization, which historically has been in the vanguard in fighting in court for school desegregation might consider withdrawing from the coalition of black politicians, civil rights activists and separatists that has been formed in this three-day convention that ended tonight.

Initial approval of the anti-busing measure came without debate on the question, and came as about two-thirds to three-fourths of the 2,300 voting delegates here voted on a rash of resolutions.

Support for it was overwhelming. Though civil rights activists apparently only realized what was happening after debate had been closed, and were ruled out of order in efforts to argue against it, their voices formed only a scattered chorus of "nays."

Del. Walter E. Fauntroy (D-D.C.), chairman of the platform committee, indicated he had sought to avoid having the potential divisive busing question be the subject of a bitter floor fight.

The draft position by Fauntroy's committee, while conceding the language of "black control" of schools in black areas, had stopped short of opposing busing, though it did term that solution as "sterile."

What effect, if any, the anti-busing stand will have on future efforts by the structure that had been created in this convention was left unclear. Fauntroy referred to the resolution as just a "resolve," and indicated that it may or may not be encompassed in any set of demands that convention organizers have talked of presenting to presidential contenders as the price for black votes.

Using much the same language as Alabama Gov. George C. Wallace in his presidential bid, Innis pointed out to reporters that the sponsors of the resolution had been Southern delegates, "people who have been the guinea pigs for the social engineering of the black community."

Neither Fauntroy nor Rep. Charles Diggs (D-Mich.) would directly answer questions concerning the antibusing resolution, each saying that he had been absent from the convention floor when it was introduced and adopted.

Livingstone Wingate, executive director of the New York City Urban League, obtained passage in the dwindling moments of the convention a "clarification" that said while both black officials and President Nixon were opposed to busing, the black delegates wanted to make it clear to the President that they wanted more to educate black children.

[From the Washington Post, Mar. 12, 1972]

ALL IN THE FAMILY?—NEW STUDY SHOWS SCHOOLS LESS VITAL THAN HOME

(By Lawrence Feinberg)

A major new analysis of the Coleman Report on race and education reaffirms its central findings that academic achievement depends far more on family background than on what happens in the classroom.

The new study suggests that the best way to deal with the educational problems of poor children—black and white—may thus be to improve the jobs and incomes of their families.

Neither racial integration nor increased spending on schools has much effect, the report concludes, on the educational performance of lower-class children—or on that of any others.

These conclusions are contained in a book-length analysis by a group of researchers at Harvard University, headed by Frederick Mosteller, a mathematical statistician, and Daniel P. Moynihan, a social scientist and former aide to President Nixon.

Their study is a reassessment of data on about 570,000 students in 4,000 schools. Collected by the U.S. Office of Education for a 1966 report on educational equality, those data comprise the most extensive survey of the subject ever conducted.

The 1966 study, known as the Coleman Report, was directed by James S. Coleman, a sociologist at Johns Hopkins University.

In an interview, Moynihan said he decided to assemble a group to examine the data "in every way possible" to check out the objections of critics and to try to answer some questions more precisely than Coleman had done.

The new examination involved elaborate mathematical and statistical calculations. At the end, Moynihan said, "it still came out about the same way," confirming Coleman's principal finding that non-school factors, particularly family background, are much more important in determining educational achievement than anything connected to the school.

The analysis confirmed that the social class of a child's fellow-students had more impact on individual achievement than any other factor within the school, including equipment, class size or teacher preparation. But the new study found that the extent of this impact on lower-class black children had been "over-stressed" by Coleman.

One section of the new study, co-authored by Thomas Pettigrew, former chief consultant to the U.S. Civil Rights Commission, found that the gains made by poor blacks in mostly white classes amount to "less than one-sixth of the difference between average Negro and white achievement . . . at grade 12."

Thus, according to another part of the study, the average achievement test deficit of lower-class black high school seniors would be cut from about 4 years below the white middle-class norm to about 3⅓ years below.

In the interview, Moynihan described this improvement as "the most powerful we found from any school factor," but he added: "It still leaves a very large gap."

In their analysis, Moynihan and Mosteller write that because of the strong impact of social class on education, government programs that improve the jobs and incomes of lower-class blacks may "in the end do more to raise the levels of [their] educational achievement" than either spending more on schools or integration.

"All of this brings the argument for school integration back to where it started." Moynihan explained in the interview. "It's a moral and social issue, not a technological one about the sources of educational achievement. They do not reside primarily in the schools."

In his report and other writings Coleman emphasized that schools in which middle-class students predominate set a "tone" for academic achievement that spurs on lower-class youngsters.

This effect is caused by social class, he stressed, not by race, although proportionately more blacks than whites are in low-income families and therefore most racial integration also involves mixing social classes.

Although Coleman concluded that "middle class" schools raised the achievement of poor youngsters, his report did not analyze the data to find out much of a gain the children actually made.

Moynihan said that determining the relatively slight degree of this gain was one of the most important results of the new study.

As published by Random House, in a book entitled "On Equality of Educational Opportunity," the study includes a long summary essay by Mosteller and Moynihan, plus papers by 13 other scholars. The book is formally scheduled for publication Monday, but copies were on sale locally last week.

The book also has an essay by Coleman, generally defending the methods used in his survey and report.

Although several of the writers disagree on specific points, most uphold Coleman's general conclusions. These include the finding that by most standard measures—per-pupil expenditure, class size, number of books—there was little difference in resources available between Negro and white schools within each part of the country.

Several concluded that the impact of social class on educational achievement was even greater than Coleman reported, and that the effect of school factors was even less.

They emphasize the findings that the differences in achievement among students within the same school are far greater than differences in average performance between different schools.

However, Moynihan and Mosteller stress that schools are necessary for most children to learn academic subjects, such as reading and math. They note that average reading test scores in New York City fell by two months in 1968–1969 when schools were closed for two months by a teachers' strike.

But the pattern of results from school to school was about the same as usual—suggesting, they said, that the variations are caused by nonschool factors.

The new analysis confirms Coleman's finding that most lower-class children are seriously behind national norms even in the first grade, and that the proportion by which they are behind stays about the same through high school.

This suggests, Moynihan and Mosteller write, that differences in early childhood learning, caused by different home backgrounds, are crucial, and are not overcome by normal schooling.

One writer of the study, Christopher Jencks, conducted an elaborate analysis of the quality of the government survey data, gathered in about two-thirds of the country. He concluded that the data were "representative," despite inaccuracies that critics had pointed out and the failure of many schools to respond fully to the questionnaire.

Jencks also concludes that "the least promising approach to raising achievement is to raise expenditures, since the data gives little evidence that any widely used school policy or resource has an appreciable effect on achievement scores."

The survey evidence suggests, he said, that socioeconomic integration will boost the achievement of disadvantaged pupils "somewhat." But, he said, "the most promising alternative would be to alter the way in which parents deal with their children at home."

How to do this "is not obvious," he added, although income maintenance and family allowances "seem a logical beginning."

Using somewhat different statistical methods from Pettigrew, David J. Armor, another sociologist, estimated that the Coleman data show that integration reduces the achievement gap between black and white students by just slightly more than 10 per cent.

He said in an interview that more recent, though less comprehensive research, makes him skeptical that there is even that much of a gain.

In the report Armor writes: "The policy implication here is that programs which stress financial aid to disadvantaged black families may be just as important, if not more so, than programs aimed at integrating blacks into white neighborhoods and schools."

In the 1965–66 survey data, Armor said, whites in majority-white schools scored higher on achievement tests than blacks in those schools, but whites in schools that were more than two-thirds black scored lower than their black school-mates.

He said the difference in achievement reflected a difference in socio-economic levels, with the whites in predominantly black schools generally being poorer than the blacks in those schools.

Armor is an associate professor at Harvard and has also served as a consultant to the Civil Rights Commission.

The new study also publishes for the first time the average scores for different ethnic groups on the government-survey test of general verbal ability.

The results are given in terms of grade equivalents. Mexican children in the sixth grade, for example, are shown at a 4.5 level—which means that their average score was the same as the national average for children only halfway through the fourth grade. The results are as follows:

	Grade—		
	6	9	12
Negro	4.4	7.0	8.8
White	6.5	9.8	12.9
Puerto Rican	3.4	7.0	9.3
Mexican	4.5	7.5	9.4
Indian	4.8	7.7	10.5
Oriental	5.9	9.0	11.8

Another table presents the results in terms of both ethnic groups and socieconomic status, or class. Following are the results for the twelfth grade:

	Socioeconomic status		
	Low	Medium	High
Negro	8.1	9.3	10.7
White	10.6	12.6	14+
Puerto Rican	8.8	9.8	10.6
Mexican	8.9	9.8	11.6
Indian	9.0	11.2	13.7
Oriental	10.7	11.8	14+

Moynihan noted in an interview that the class designations are based on parents' education and occupation. He said the differences between ethnic groups of the same social class may be caused by the differing value that the groups place on schoolwork.

[From the Washington Post, Mar. 12, 1972]

INTELLECTUAL RACISM?—STANFORD PROFESSOR STRESSES INFERIORITY OF NEGROES

(By Leroy F. Aarons)

PALO ALTO, CALIF.—Someone has painted "Sterilize Shockley" on a wall of the Stanford University campus. A slight, white-haired man walked up to it, turned around, and posed while a friend took photographs.

The man was William Shockley, Nobel laureate for coinventing the transistor, and, of late, increasingly a subject of controversy for his view that blacks are genetically inferior to whites.

The picture-taking incident illuminates the dimension of the man who is stirring up the Stanford campus. Shockley is a tough, abrasive individual of 62, who peddles his unpopular theories with missionary zeal and obviously relishes the controversy they generate.

He has been pushing those theories since 1965, and has had his share of demonstrations while lecturing on other campuses or at scientific meetings. But Stanford, where he holds a half-time chair in engineering science, he had always been a sanctuary—until recently.

Since January, Shockley's classroom has been the target of two disruptions; he has been burned in effigy at rally; "Sterilize Shockley" and other anti-Shockleyisms are the most popular graffiti on campus and the Stanford Daily is filled with letters, columns and editorials debating the Shockley issue nearly every day.

Shockley is not alone. Other individuals who expound the possibility of a genetic basis for racial differences in intelligence have been "zapped" at a regularly increasing rate, in what seems to be a concerted effort by the radical movement to rally against so-called intellectual racism.

Within the last two weeks, radicals at Berkeley invaded the Faculty Club and demanded that Chancellor Bowker fire Arthur Jensen, the psychologist whose theories on genetics and race have made him a national target. Demonstrators later disrupted a speech at the University of Iowa by Harvard psychologist Richard Herrnstein, who suggested in an article in Atlantic Monthly last September that there may be racially genetic differences in intelligence.

Moreover, the SDS announced in a recent issue of New Left Notes that these scientists would be a prime subject of the SDS national convention at Harvard at the end of the month.

At Stanford, leaders seeking an issue to galvanize the divided and weakened radical movement have latched onto Shockley as a natural. "He is definitely going to be a focus for Third World action," said Kwomping Ho, one of the students who raided Shockley's classroom. "They are coalescing around Shockley."

The Stanford Administration, which until recently could quietly compartmentalize Shockley as something of a brillant and probably harmless eccentric, now finds itself handling a hot potato. Shockley is rapidly becoming an embarrassment, for these reasons:

The firing of Bruce Franklin, Stanford's Maoist English professor, for inciting to riot has raised the sensitive question of the limits of free and responsible speech on a university campus. Those who see Shockley's views as thinly disguised racism are asking whether Stanford's administration can continue to provide him a cloak of respectability.

Others, including many in the administration defend Shockley's right to say anything he wants short of incitement, but pressure from radical groups and some liberal voices on the faculty has begun to have its impact.

Shockley himself has forced the issue by becoming increasingly vocal, both on campus and off, and by formally proposing that he teach a special graduate course on racial aspects of eugenics (improvement of the species through genetic selection) and dysgenics (deterioration of the species by a kind of genetic pollution). The Graduate School finds itself faced with two very touchy questions: Would not a course by Shockley on racial genetics in itself be incitement to riot? Can it in good conscience endorse a course on genetics by a man whose expertise is in physics and engineering and who simply shifted fields late in his career?

The issue has been turned over to an ad hoc graduate school committee, which expects a decision in two weeks. But Shockley has already branded the proceedings star chamber.

Finally, and probably most significant, Shockley has become embroiled in a dispute with a black graduate student from Nigeria—the first black student he has taught. The dispute has racial overtones and has moved the issue from the abstract area to ideas to the hard questions of a teacher's attitude toward his students. So far, the university appears to be ducking the issue.

A word about Shockley's theories and how they grew. They germinated more than six years ago, when Shockley turned his thoughts from a brilliantly successful career in physics to contemplating the future of mankind.

At a seminar of Nobel laureates on that same subject at Gustavus Adolphus College in Minnesota, he began shaping and articulating those thoughts, and in November, 1965, expressed them in an interview in U.S. News and World Report.

In that interview he spoke for the first time to a large audience about people with "inferior ability": "Not only are they dull but they need help to survive. Most cannot advance and some are a threat to other people."

Over the years, Shockley refined these theories focusing primarily on the Negro. His more contemporary statements hold that the generally accepted I.Q. disparity between whites and blacks is due principally to heredity, not environment; that "our nobly intended welfare programs" are simply perpetuating and expanding that portion of the population at the lower end of the scale which is largely responsible for crime; that blacks improve in intelligence with each 1 per cent of Caucasian ancestry; that "If those Negroes with the fewest Caucasian genes are in fact the most prolific and also the least intelligent, then genetic enslavement will be the destiny of their next generation."

More recently, Shockley suggested as "a thinking exercise" that bonuses be offered for voluntary sterilization of the less competent.

"At a bonus of $1,000 for each point below 100 I.Q.," says Shockley, "$30,000 put in trust for a 70 I.Q. moron potential capable of producing 20 children might return $250,000 to taxpayers in reduced costs of mental retardation care."

Shockley has done no field research of his own to support his position, but has extrapolated from other studies. His research is supported by $35,000 in grants from foundations and individuals.

He concedes that the data available is extremely sparse, and charges that this is because psychologists and geneticists have timidly avoided the politically sensitive question of genetic differences in intelligence.

At the same time, he has infuriated other scientists with what they see as sweepingly generalized conclusions drawn from limited information.

"Our objection is to the style in which his questions are posed," said Joshua Lederberg, Nobel prize-winning geneticist at Stanford. "It is absolutely offensive and self-defeating to the spirit of scientific inquiry. They raise grave questions themselves as to whether his intentions are scientific inquiry or the turmoil that has resulted."

The escalation of the Shockley affair on the Stanford campus began in mid-January, after Bruce Franklin was fired. Radicals launched a series of classroom disruptions against a number of targets—one of which was Shockley's six-student advanced graduate seminar in quantum mechanics.

Four persons were charged for campus infractions in the first disruption, Jan. 18 and six were arrested by county police for invading Shockley's class on Feb. 3, wearing Ku Klux Klan sheets and offering Shockley a free sterilization certificate.

It was between the two disruptions that Shockley and his one black student, 26-year-old Oladele Ajayi, clashed. As Ajayi tells it (Shockley will not discuss the matter), his experience in the course which began in early January was routine until the first disruption.

During that disruption, Shockley commented in Ajayi's presence that blacks were at Stanford when sons of professors could not get in.

Later, according to Ajayi, Shockley told him, "I should be perfectly honest with you about my theories," and "In all probability you come from the upper percentile of where you come from."

Ajayi took this as a racial slur at the time. A week later, Shockley told Ajayi he had used the wrong method in answering a quiz and described one homework assignment as "a mess." During discussions over that period, Ajayi remembers Shockley telling him that "certain students do better in certain subjects than other students" and urging Ajayi that he drop the course for credit and audit it.

At one point, Ajayi reports, Shockley told him he was incapable of grading Ajayi's work because of the strong emotions on campus over the racial issue.

Ajayi, who is nonpolitical was enraged and agitated over this treatment. He publicly exposed the conflict while disrupters were in the classroom the second time. Soon after that, Ajayi dropped the course.

But not the issue. He is convinced that Shockley had made a "political decision" after the first disruption that to continue Ajayi in the course and have to grade him would be too delicate a matter.

The Engineering Department, in a preliminary report on the issue, concedes that Shockley said things that could be interpreted as discriminatory by Ajayi, but concluded that Shockley was within his rights to criticize Ajayi's course work. It recommends no further action.

The university—other than establishing a new procedure for student grievances—plans no further action. "If the student is satisfied, there is no stimulus for further investigation," said vice provost Robert M. Rosenzweig, "It's hard for me to visualize an investigation that is conclusive in this instance."

Ajayi, who is taking a doctorate in material sciences, said he became so emotionally upset that he suffered severe headaches, had to leave the campus and even thought about going home to Nigeria. He has filed a formal complaint with his government. He feels that the university has side-stepped the whole affair.

"Shockley's views are dangerous," he said. "To the extent that there has been a genuine effort to minimize differences, people like Shockley try to set back the hands of the clock. He has been overprotected. It has taught me to be more cautious, get my education, pack and get out of this country."

Shockley lives in a comfortable home on the Stanford campus, furnished in Early American. He is a cautious and combative man who tends to be highly suspicious of interviews—especially reporters. He tapes nearly all his conversations—in person, or by telephone.

"It is my intention to use significant members of the American press," he told me immediately, "as the blocks or pulleys . . . and the First Amendment as a line upon which I shall endeavor to exert a force so as to deflect the rudder of public opinion and turn the ship of civilization away from the dysgenic storm that I fear is rising over the horizon of the future."

With that beginning, we launched into an hour-long (taped by him) discussion, frequently interrupted by the telephone. At one point, I questioned the size of his sample in determining that American Orientals are of superior intellect because they get elected to the National Academy of Sciences at a 10 per cent higher average than non-Orientals.

Shockley responded by attacking my lack of knowledge about statistics.

Later, I asked him the source of the conclusion—often used in his arguments—by psychologist Harry Harlow that at least half the difference in black-white intelligence is due to genetics.

"I don't know, except extrapolations from monkey to human," Shockley replied. (Harlow is known for his experiments with monkeys in extreme isolation.)

"Why did you accept it?" I asked.

"Because it fits into a pattern of a wide range of different kinds of data."

But did you ever try to check out the scientific basis of Harlow's conclusions? Shockley ducked and accused me of being no better than the German intellectuals of the 30s who failed to recognize and expose Hitlerism. ("And I assume you are Jewish," he noted.)

I asked him if he was enjoying all the attention he was getting. "You get mixed emotions on all this," he said. "In a sense I'm a very fortunate fellow to get started on something as important as this."

Why, in his opinion, has the thing escalated so? "The situation is 'hotting' up. I have seen a copy of a communist newspaper which announces a plan to get after Shockley, Herrnstein and Jensen . . . Most of the attacks are not particularly disturbing because they fall so neatly into the pattern of interpretation I've already set up."

It seemed, as the interview ended, that the situation will get hotter before it gets cooler. Shockley obviously has no intention of pulling back. And the radical opposition is plotting to upgrade the anti-Shockley campaign. Ultimately, the liberal middle, and the university itself will be drawn into the maelstrom.

"I felt right from the start that this is one issue that had more explosive potential than Bruce Franklin," said vice provost Rosenzweig.

[From the Manchester (N. H.) Union Leader, Sept. 17, 1971]

THE UNINTELLECTUALS

The black savages, posing as students at Dartmouth, who raised such an uproar with their clapping that Nobel laureate William Shockley of Stanford University could not speak, now have found their counterpart among scholars and scientists at the meeting of the American Psychological Association in Washington, D.C. Last week, when Dr. Shockley spoke before this august organization, he asked merely that a study be made of the respective mental capacities of blacks and whites. Yet. Dr. Edward C. Scanlon, a clinical psychologist at the meeting, said in a fury, "The problem in my terms is the racism of Dr. Shockley. It's too bad there are no longer heresy trials for scientists who have either gone senile or mad."

Alice Madison, a black psychologist from Rutgers University, showed her immunity from racism by saying that her people were "either as bright or superior" to whites.

No one seemed to want to examine the hard facts behind Dr. Shockley's question. Of course, what Dr. Shockley is up against is the tendency of mankind since time out of mind to develop a set of theories which are popular—and then, woe unto anyone who tries to question them!

In the field of astronomy, Galileo was up against this problem. Columbus also experienced it.

In a brilliant article at the top of our back page today, Washington observer, Ralph de Toledano lists other individuals whose theories did not fit into those which were accepted. They were, therefore, ostracized—although in the end their theories proved to be correct.

The way of the pioneer, as Dr. Shockley is discovering, is always difficult. However, the shame of the academic community at Dartmouth was that they refused even to punish or discipline the savages who would not give Dr. Shockley an opportunity to speak. In Washington, the shame of the scientists was that they negated the very idea on which all science is founded, namely, the detailed and careful examination of all serious questions placed before it. Instead, the psychologists reverted to name-calling like so many spoiled children faced with something they didn't like.

Earlier, the National Academy of Sciences had, as Ralph de Toledano points out, "shown its dedication to scientific method by refusing Dr. Shockley's request for a test of his theory."

With this kind of attitude, the psychologists and scientists show themselves to be no more enlightened than a group of witch doctors from darkest Africa. Dr. Shockley is not a racist. Dr. Shockley's inquiry is not designated to show that any race is superior to another. Dr. Shockley is simply interested in the different capacities of various groups in our society.

And in one step further, Dr. Shockley raises the problem that our society must somehow try to devise a method by which the incompetent and less gifted, and those with serious physical inherited defects, can be prevented from breeding and reproducing their kind—and thus considerably lowering the quality of mankind. Dr. Shockley wants to see whether within a free society we can work out plans and means by which we will upgrade the quality of the community, thus making it easier to solve many of the problems that will always confront mankind.

Dr. Shockley's objectives seem to this newspaper to make a great deal of sense. Certainly the problem deserves impartial, impersonal examination by the best brains of our day. It is the sort of overwhelming problem that cannot be solved by name-calling and other insults.

WILLIAM LOEB,
Publisher.

[From the Manchester (N.H.) Union Leader, Sept. 17, 1971]

Their Solution to Black Intelligence Query: Name Calling and Insults—Shockley Shocks the Intellectuals

(By Ralph de Toledano)

It may seem strange for a political columnist to turn away from the nitty-gritty of the current scene and evoke the memory of Gailileo Galilei, the 17th Century Florentine physicist who was compelled by the Roman Inquisition to renounce his theory that the earth revolved about the sun, rather than vice versa. To the Inquisitors of his time, the Galilean's physics was a blow at God. If accepted, they believed, it would destroy Christianity. Well, Galileo proved to be right and Christianity easily survived him.

Today a new breed of Inquisitor is on the march. They call themselves scientists, attend all the scholarly meetings, and do their best to lynch, in academic terms, anyone who challenges their dogma. Much as Hitler and Stalin sought to put an ideological straitjacket on scientific inquiry, they are out to prevent any variations from their orthodoxy.

The latest to be victimized by the storm troopers of science is Dr. William Shockley, a 1956 winner of the Nobel Prize. Dr. Shockley's crime is that after study of a massive U.S. Office of Education study of black and white scholastic achievement and the results of Armed Forces Qualification Tests, he proposed for further research the theory that blacks are genetically inferior to whites. He did this with no particular joy and expressing the hope that his preliminary findings would be proved wrong.

At this point, the Inquisitors moved in, minds closed and ready to tie Dr. Shockley to the stake. At a meeting last week of the American Psychological Association, they reached a shocking point of frenzy. Dr. Edward C. Scanlon, a clinical psychologist said in a fury: "The problem in my terms is the racism of Dr. Shockley. It's too bad there are no longer heresy trials for scientists who have either gone senile or mad." And Alice Madison, a black psychologist from Rutgers University showed her immunity from racism by saying that her people were "either as bright or superior" to whites.

(The National Academy of Sciences had earlier shown its dedication to scientific method by refusing Dr. Shockley's request for a test of his theory.)

DESERVES SCRUTINY

Now Dr. Shockley's theory may be right or wrong. But it comes from a respected man of science and therefore should have serious scrutiny. When the scientific community rejects it out of hand, substituting personal attack for careful inquiry, it abdicates its privileged position in our society and descends to the grime of the political arena. If Dr. Shockley is wrong, then the nation's blacks deserve a solidly scientific refutation.

But ever since scientists became politicalized, they have not tolerated differences of opinion. Politics aside, the scientific bureaucracy wants no questions raised about anything which may threaten self-esteem, not to mention fat foundation grants. Science has become an Establishment, and woe unto any man who deviates from its dogmas and doctrines.

The Shockley case, of course, is not a new departure in scientific procedure. Some years ago, Dr. Immanuel Velikovsky published a brilliant book which, on the basis of incredible scholarship and research, offered fascinating data which tended to prove that much of what passes for myth in the Old Testament is fact. He also presented theories as to the temperature of the planet Venus and its atmosphere which, today, are being verified by our space probes.

SCREAMING WRATH

The Scientific Establishment, including men of great prominence, rose up in its screaming wrath to denounce Dr. Velikovsky and his theories. When the book, Worlds In Collision, became a runaway best seller, they brought pressure on the publisher, on pain of destroying his textbook business, to drop it from his list. Fortunately, Doubleday & Company took over publication of Worlds In Collision and subsequent works of Dr. Velikovsky. Since then the Scientific Community has been quietly adopting one after another of Dr. Velikovsky's theories, but giving him no thanks for them.

And these are not isolated instances. When Lloyd Mallan, a dedicated writer on scientific subjects proved conclusively that Soviet "photos" of the dark side of the moon were really paintings, he was to all intents and purposes hounded out of the profession by the Scientific Community. Our own photos subsequently proved Mr. Mallan right and his Inquisitors wrong, but to date no one has apologized to him or made any amends. The Scientific Community wanted to believe that the Soviets had orbited the moon. For its members, those who questioned their happy belief were "fascist"—a term now being applied to Dr. Shockley. That to do so destroys the credibility of science bothers them not at all. The New Inquisition comes first.

Statement of Mrs. James C. Farrell Regarding Compulsory Busing of School Children

I am Mrs. James C. Farrell from Watson Chapel, Arkansas, and have asked to be allowed to testify before this Committee and to ask you please to support the bill H.J. Res. 620 by Congressman Lent.

My husband and I are the parents of four children, and the neighborhood concept of schools is very precious to us. Although our children are now grown, we take great pride in the fact that they are children to be proud of.

When I came to this country in 1946 from a wartorn Europe to make my home with the man whom I had married while we were both in the service, he and I discussed at full length as to where we should make our home. Like many other young people we realized that to raise a family it was important that we take into consideration the schools and communities. We both talked about the insecurity we had always felt as children when our parents moved from one place to another to make a living, and so we both made a vow to each other that no matter how rough it became to make a living we would find a good school district, stay there and work to improve it in any way we could. This, Gentlemen, is exactly what we did. It wasn't easy, but it was worth it to give our children a foundation on which to build their lives.

Taking pride in building for the future is one of the things this country had going for it—in the days when people voted for school officials on the local level, people that you knew and loved because you had seen them devote their time, money, and energies to helping build a community and school. Taking pride in the academic and physical achievements of all the students; taking pride in the fact that when the band was asked to perform at out-of-town games you could point with pride and say, "That's my school playing, and my school colors"; helping to attract new people to the neighborhood because you had a fine school you could brag about; knowing that you were identified with the Neighborhood.

Now, I realize that a Constitutional Amendment is a very serious and drastic step, but, Gentlemen, the working class people of this Country has no other recourse. We must protect our children at all costs, and promises are not the answer. We have listened to the empty promises out of Washington until we have little or no faith at all in the men and women up there.

The average American citizen daily is asking himself, "Why do we need elected officials and pay them fabulous salaries when they in turn do nothing but put us in the hands of men appointed by, God knows who, to destroy our American way of life."

The elite, such as yourselves, can sit back and say, "I can afford the best for my child so I will send him to a private school and so to hell with busing." But, gentlemen, it is because of the sweat off our backs that pay your salaries that you can speak such grand phrases; but I want you to know that John Q. Citizen is sick and tired of being taken for granted. We pay taxes to support our schools and we are entitled to say what takes place in them. We all want public schools for our children because we live and work in public, which is as it should be in a democracy. We are told to elect, not to appoint local residents to see that our schools are maintained and operated for the betterment of all children, not just the select few. When we do this, a Federal judge that no local citizen even knew comes along, throws out a legal school election, and takes over the control of the school—with the help of armed Federal marshals. Is this the kind of democracy we are to expect from now on out of Washington? Are "we, the people," no more? Is Congress going to continue to sit back and let the Supreme Court totally and wholly destroy the American way of life? As I am a citizen of this country by choice, not chance, I had to learn many things before I took my oath of citizenship, and one of the most important things I learned was that Congress was the only law-making body in this great land. May I ask, gentlemen, has Congress forgotten this, as so far the total destruction of our school systems has been done by a decision from the Supreme Court and the Congress sat idly by and let it happen. All Federal judges are appointees; the average working-class taxpayer has no representation, as it stands to reason these men rule in favor of the forces that appointed them. Don't deny it, gentlemen, as it is apparent to everyone all over this country.

I don't know whether you gentlemen are aware of it or not, but the taxpayers of this great country have been circulating petitions during the last four years trying to be heard so that the Federal judges be elected rather than appointed, as it is becoming more apparent every day that as long as we are under the control of appointees we are doomed as a freedom-loving society.

The original Constitution of America is one of the finest documents ever written, and I have tried in vain to find where it says that we must bus every student even though it destroys the Health, Education, and Welfare of every child and family in this land.

The idea of one man, an appointee, such as Elliott Richardson, sitting in a place like Washington, D.C., and saying what we must do under his directions, is like my sitting back in my living room in Watson Chapel, Arkansas, and telling you all how to conduct the business of this country. It just won't work; only God in Heaven can have a long range overall plan for us, and even He would hesitate to destroy children to make it work, I am sure.

No one who has any pride in identity, ownership, sportsmanship, personal ability, regardless of color, creed, or religion, can possibly condone busing. How can it be right when all citizens are so vehemently opposed to it that armed Federal Marshals are required to enforce it? Why is it that not one day goes by without glaring headlines in the newspapers of bomb threats, marches, civil disorders, children attacked on school grounds? Teachers are scared to turn in reports of violence because they may lose their jobs. School administrators are not telling their schoolboards the true facts about the happenings at school because they are afraid of retaliation. One case in point is my school in Watson Chapel. Federal Judge Oren E. Harris of El Dorado, Arkansas, sent a court order to our Superintendent of schools Dale Spradlin ordering him to spend Title I funds to buy buses, although the President had said no educational funds could be used to buy buses. Mr. Spradlin tried to save faces by lying to the schoolboard and saying that such a thing had not happened, but, Gentlemen, I have here the court order from the Judge telling him to disregard our elected schoolboard officials and obey the edicts of his courts. Is this justice? This is not an isolated incident, Gentlemen, this is typical of what is happening in every school district where H.E.W. has reared its ugly head and said comply or funds will be cut off. Gentlemen, those funds we are being threatened with are OUR taxes and we do not intend to be intimidated by them. The money that has been thrown away by H.E.W. would have educated several million children; instead, it has only paid the wages of people not qualified to do anything else! The Man who came into our area was named A. T. Miller, and as far as could be determined, he had no qualifications whatsoever in the way of education, he was here for four short hours, and with the stroke of a pencil and support of an appointed Judge, he completely destroyed our community, schools and racial relations it had taken years to build.

Surely, the fact that these very hearings are necessary tell you that the American people intend to protect their children from interference by people hell-bent on destroying our youth. I agree with many educators, Gentlemen, that all children should be given equal opportunity, but not at the point of a gun. As far as making all of us equal—if God had intended us to be that way, in His infinite wisdom He would have done so.

I sent a letter to Senator Mondale last year, and I think it sums up the feelings of the people of my community very well. Integration is a myth; it is just a tool used by these appointees to destroy the American way of life. As afterall I am not a social climber and I certainly would not want to stay in a country club set, with whom I have nothing in common. Also Gentlemen, as I am sitting here I realize I am out of my depth by integrating with many of you, and I can assure you, were it not for the fact that I feel so strongly that the busing of children is destroying this country, I definitely would not be here. Would you gentlemen mix, wine, and dine with a bunch of hippies regardless of their color? Would you give up all you have accumulated over the years and live in the ghettos so that you could mix with them against your will? Gentlemen, I can answer for you. If a person wants to improve himself he must want to. Not you or all the money in the world can make him, if he does not have the desire; and the same goes for the children regardless of race no matter who you mix them with it will not give them a desire to learn. And above all busing them away from everything that spells security is starting them fast down the road to destruction. So I am asking you to please start representing we, the people, instead of letting incompetents from the Health, Education, and Welfare do your job.

CONCLUSION

1. Busing is a tool that is being used by appointees not interested in the welfare of our Country or our people, to destroy our youth.

2. Busing is an insult to the intelligence of every man, woman, and child in this Country.

3. The Congress of These United States has allowed the Courts to usurp their authority and the only way this terrible wrong can be made right is to vote for a Constitutional amendment to protect our children from such terrible wrongs in the future.

RECOMMENDATION

On behalf of the children of this Nation and their parents, please report out the Bill H.J. Res. 620 and support its passage in the Congress and its ratification throughout the several States in the Union.

HAZEL GOES COOK

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. VAN DEERLIN. Mr. Speaker, it is a pleasure to have this opportunity to salute one of my most distinguished constituents, Mrs. Hazel Goes Cook, of Chula Vista, Calif.

When Mrs. Cook was 37 years old, she became deeply concerned over the absence of a hot lunch program for the schoolchildren in her area. So she decided to do something—run for and win election to the Board of Education of the Chula Vista School District.

That was 50 years ago—in 1922.

Now, a half century later, Mrs. Cook is still an active member of the school board.

Her interest in and enthusiasm for the welfare of the children is undiminished. She is motivated by exactly the same impulses which prompted her to take the necessary steps so long ago to get a school lunch program established.

But the school system has changed drastically. Only 250 children were attending classes in Chula Vista during Mrs. Cook's first year on the board, 1922. Now there are 17,000 children enrolled, and her first innovative program for school lunches has been followed by many others, including one of the first year-round school schedules in the Nation.

In April, Mrs. Cook, now 87, will finally step down, ending a career that has made her a legend in her time among the generations of schoolchildren and employees whom she has served.

She will take with her into retirement many awards and honors presented to her over the years by civic and municipal organizations.

But I have no doubt that this wonderful lady will treasure most of all the love, respect, and gratitude which the citizens of Chula Vista feel and extend in such abundance to her. No one has done more, Mr. Speaker, to deserve such an outpouring of affection.

SBA CREATES JOBS IN MINNESOTA

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. FRENZEL. Mr. Speaker, the Small Business Administration, under the vigorous leadership of our former colleague, administrator Thomas Kleppe, is helping to provide capital for the creation and expansion of small business and the development of jobs throughout the country.

In Minnesota, district director Paul W. Jansen has been especially effective in directing SBA programs to serve the local business community. In February, 46 SBA loans, totaling $2½ million, were made. These loans will create 220 new jobs in Minnesota.

This is another fine example of the valuable work of the SBA. Its managers and employees should be congratulated for their effective efforts to help create jobs. These efforts could be even more effective if the Congress will expand the lending and guarantee authorities of the SBA. The SBA has proved its ability to do its job well. Congress should now expand the authorities of the SBA.

HARWINTON, CONN., OFFERS SPECIAL EDUCATION PROGRAM

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mrs. GRASSO. Mr. Speaker, it is a pleasure for me to call attention to a program of special education being offered in the Harwinton, Conn., school system. The program, which has been in effect for 4 years, is offered to children who are just beginning their schooling. It has as its prime aim the correction of learning disabilities of children at a crucial stage of their education—during the first few years when it is so important for youngsters to form correct learning habits.

The special education program offered at the Harwinton Consolidated School is divided into 21 classes with an average of five students in each class. The classes are held 4 days a week, for half an hour each day. The program also offers correctional aid in several diversified areas. These includes Dyster reading, Dyster math, Dyster language motor development, auditory perception, language perception and development.

The many far-sighted people involved in the special education program in Harwinton, Conn., are to be congratulated for their untiring efforts to educate our children. For the interest of my colleagues, an article which appeared in the Torrington Register further explaining this fine program follows:

HARWINTON'S DIVERSIFIED SPECIAL EDUCATION PROGRAM FOR YOUNG CHILDREN

(By Bonnie Kochiss)

HARWINTON.—Last week parents of children who participate in the special education classes offered at the Harwinton Consolidated School were given an opportunity to observe the activities in this unique program.

Special education programs are required of all school systems in the state. What is particular about the system in Harwinton is the extent to which it is diversified and integrated with the entire elementary program.

The special education program at the Consolidated school has been in effect for the past four years. Special education teachers and aides are employed full time. They do not travel between various schools.

TOTAL PROGRAM

Mrs. Donna R. Mason, director of the special education department, likes to call it a "total program." All special classes are coordinated to blend with the regular classroom activities and, as a follow-through, classroom teachers utilize the resource materials of the special education department.

There are 21 special education classes at the school with an average of five students per class. The program, therefore, involves about one sixth of the total pupil enrollment.

Children spend about one half-hour, four days a week in their respective classes. This varies with the child and the amount of aid required.

EARLY YEARS

The program attempts to give special or additional help to children in the early years when correction of even minor learning disabilities can present more serious adjustments later.

About seven areas are included in classes taught by Mrs. Mason and two highly trained aides. Generally, these are grouped into various categories, Dystar reading, Dystar math, Dystar language motor development (both fine and gross), auditory perception, language perception and DUSO (development and understanding yourself and others).

Dystar refers to the name given by Science Research Associates, the company which supplies much of the textbook materials.

Donna Mason is well educated in the field of special education. She is also trained in working with children with learning disabilities. She has taken special courses at Central Connecticut and St. Joseph College as well as attending numerous workshops and seminars.

EXPERIENCE AIDES

Mrs. Harriet Caldwell and Mrs. Valerie Gill both with at least three years training are the experienced instructional aides.

Also assisting in the program is Mrs. Dorothy Mello, an instructional aide in her second year.

Working closely with the program is Robert Swartz, speech and hearing therapist.

Miss Ramona Apher, supervisor of elementary education, is involved in planning and placement. She does much toward coordinating the various elements of the entire school system.

Also a consultant in the planning and programming is Mrs. Ruth Amutice, remedial reading teacher. Consultations are also held with the school principal, Louis Lubus, and with the classroom teachers to share ideas and procedures, special activities in the regular classrooms are often planned to benefit the children.

"The school nurse, Mrs. Lorraine Murdick, is involved with visual and auditory screening as well as special referrals requiring more exhaustive medical procedures," Mrs. Mason added.

Concerned too with the diagnostic factor is Mrs. Barbara Clark, a psychological examiner who functions under the direction of Donald Douville, school psychologist.

SPECIAL EQUIPMENT

When asked what special equipment is available to the children and teachers in the program Mrs. Mason replied, "You name it—we have it!"

All materials the teachers feel are appropriate for the area in which they are working are made available. Many are handmade.

To list a few: visual perceptual materials include peg boards, touch and feel bags, filmstrips, and puzzles for developmental learning.

Auditory perceptual materials used are records, tapes with and without earphones and talking books.

Of the several rooms specifically used by the special education department, one is reserved for motor development classes. Those involving gross motor learning disabilities use balance beams, scooter boards, balls, mats, records, and climbing ropes.

Several parents mentioned that not many schools seem to provide such a complete program for diagnosis and teaching of even the most minor learning disability.

Lubus mentioned that while some schools separate handicapped children into one special full day class, at the Consolidated School, all children are grouped together. This affords the handicapped child the opportunity to grow with others of his class and yet still receive additional help peculiar to his special needs.

It has been emphasized that children in the special education program are not retarded or necessarily severely handicapped either physically or mentally.

As Mrs. Mason commented "The children in our program are all of average or above average intelligence but for some intervening reason need special help in one area or another."

She concluded, "The most important aspect of our program (is) the spirit and abiding interest in the children and their progress."

TELEPHONE PRIVACY—II

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. ASPIN. Mr. Speaker, I am presently circulating for cosponsorship the Telephone Privacy Act, which would allow individuals to place a "no solicitors" sign on their telephones.

As I noted in a statement last Thursday, I have received an enormous amount of correspondence on this legislation from all over the country. Over the next few days I will be placing a sampling of these letters into the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

Some of these letters follow—the names have been omitted:

FEBRUARY 23, 1972.

Hon. LES ASPIN,
U. S. House of Representatives,
Washington, D.C.

"DEAR SIR: I've read in my paper tonight of the Bill you are sponsoring giving the person the right to indicate to the telephone company if they want to be solicited commercially over the phone.

I have been harassed by the Los Angeles Times Newspaper. They have called me on my unlisted telephone so many times this last year. I've lost count.

Please don't loose patience with me I would like to explain. I have two phones in my home and get calls on both. I've had to change my number to unlisted because of the calls. One phone is for the use of my friends and family in California they call me on my listed phone and unless it's an emergency, after 11 a.m. My unlisted phone is for the use of my family in New Jersey and my attorney. My brother has been very ill and after losing my mother and son within 7 weeks and additional problems (family) too numerous to mention and an explanation would only pass on my burden. My problem is this. The unlisted phone was put in for the use of my family only. I am a semi invalid and every time my unlisted phone rings, I get nervous. I have fallen and hurt myself many times getting out of bed to answer it. My other phone has an extension cord and reaches my bed.

I've called the Times and explained and received a letter of apology from them. I have called since the calls have continued. And spoken to the gentleman in charge he has again said he was sorry and that it won't hapen again. The following week the call again. I again called and pleaded with them not to call me. After again receiving their word it wouldn't happen it has. This time I called the police—District Attorney and the telephone company for assistance. After two weeks of peace, I received two more calls, this time I was so upset I had to call my Doctor, I had been awakened at 8:30 a.m. I'm on medication and it's difficult for me to sleep even with my medication. I had finally fallen to sleep at 7 a.m. when I was awakened. I can't tell you how upset I was. I again called the telephone company for help. I called my attorney and he told me there was little to do—He could send a letter to the Times—The cost would be $15.00 or files something for $150.00 but that they would probably deny it—I have the letter they sent me plus the names of several of the people who would give me their names who were working for the Times.

Dear Mr. Aspin do you realize what a blessing it would be if your bill was passed. I'm sure there are thousands of people who feel the way I do—I would remove both my phones but being ill—I can't. There must be a solution.

If there is anyway I could help I would. Just ask.

Please let me hear from you if you have any solution to my problem it is acute you can use this letter if it will help in any way.

Yours very truly,

——— ———.

ALEXANDRIA, VA.,
February 23, 1972.

DEAR MR. ASPIN: Hooray for you in proposing this legislation! It is long overdue and might help us to get us out of the expense of non-public telephone numbers. I have been extremely troubled by solicitors, especially land entrepreneurs. At least 3 a week.

Thanks again.

Sincerely,

——— ———.

LA MIRADA, CALIF.,
February 29, 1972.

Representative LES ASPIN,
House of Representatives, U.S. Congress,
Washington, D.C.

HONORABLE MR. ASPIN: We earnestly support your measure to restrict the use of the telephone for commercial advertising solicitations.

The extent to which private telephones are being abused by commercial solicitors has become a national disgrace. Our own private, residential telephone receives an average of four such calls a week, at hours of the day from morning to as late as nine or ten in the evening.

Informing these callers that we do not wish to be so disturbed is fruitless. One such firm, the Los Angeles Times (newspaper), has placed as many as three call in one single day, after it had been told, in writing, that we do not wish to have our privacy invaded and even threatening a lawsuit.

If there is anything we can do to help obtain the enactment of your proposed legislation, we shall appreciate your suggestions. Copies of this letter are being sent to our own representative in Congress and to our State senators.

Sincerely,

ROCKVILLE, MD.,
March 1, 1972.

Hon. LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: This is to encourage you in your efforts to pass legislation (such as HR13267) which would militate against the widespread, non-discriminatory use of the telephone for solicitation purposes without regard for the rights and wishes of those so solicited. Such use of telephone listings, especially to call private homes and residences, more often than not results in more than mere inconvenience, aggravation or private nuisance. I personally regard such practice as bordering upon a criminal invasion of my privacy and commend you for your efforts to bring such practice to a halt. I know that there are a great many who feel as I do about unwanted telephone solicitation and hope that you succeed in this endeavor.

Sincerely yours,

——— ———.

BELOIT, WIS.

SIR: I am delighted to read that you are sponsoring a bill to curb the commercial nuisances that violate our privacy with telephone sales talks.

We citizens of Beloit are continually pestered by this type of interruption.

I assure that, although I'm basically Republican, you have my whole-hearted support in your many and thoroughly praiseworthy projects.

Keep up the good work and you still may get my vote.

Respectfully yours,

——— ———.

GREEN THUMB

HON. DAVID R. OBEY

OF WISCONSIN

Tuesday, March 14, 1972

IN THE HOUSE OF REPRESENTATIVES

Mr. OBEY. Mr. Speaker, one of the most successful programs for our senior citizens which is funded with Federal help is the Green Thumb program, a joint venture of the Department of Labor and the Farmers Union.

As "Green Thumbers," thousands of useful and productive citizens in their 70's and 80's are improving their environment and the landscape all across our country.

A recent article in the Chippewa Falls Herald-Telegram told of just how beneficial the Green Thumb workers have been in that community.

I recommend it to my colleagues:

GREEN THUMBERS START AT BOTTOM, WORK THEIR WAY UP

It's "clean up, paint up" time at the Chippewa Falls Sewage Disposal Plant as housecleaning chores get underway.

Clyde Lehman, Superintendent of the plant, said "we'd never get this painting and clean-up done if it weren't for the Green Thumb workers who have undertaken the job."

Doing it the right way, the Green Thumb men are starting from the bottom and working their way up. They are down below ground level now painting the pump room at the plant.

The average age of the Green-Thumber is 71 and older, according to Bob Roberts, Assistant to the Green Thumb program's State Division. The men usually work in crews of seven, one of which is working foreman.

Their work week is three days at eight hours per day. They are paid $1.60 per hour and the foreman receives $1.85 per hour. Workers are terminated after they reach $1,600 earnings for the contract year.

The program is federally funded and the projects worked on are owned and sponsored by local municipalities. In the past and again this year, crews will be working on county, city and township parks, planting trees, shrubs, flower beds.

They build camping facilities, improve community and town halls, school projects, build snowmobile and hiking trails, picnic tables and outside toilets.

The municipality contributes 10 to 20 percent of the cost of the project as an in-kind contribution.

In the case of the work being done at the Sewage Disposal Plant, the paints, brushes, and other equipment used by the Green Thumb workers is supplied by the plant.

ACCELERATED PUBLIC WORKS LEGISLATION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. VANIK. Mr. Speaker, I am pleased to join a bipartisan coalition of Congressmen in introducing legislation to provide an increased authorization in accelerated public works funds. The legislation which I am supporting would add $195 million to the accelerated public works program which was included in the Economic Development Act of 1971. This legislation will raise the total authorization for these construction projects designed to create employment to a total of $475 million for the fiscal year beginning July 1, 1972.

For over a year now, unemployment, particularly in our cities, has been at a crisis point level. In 1969, 3.5 percent, or 2,817,000 members of the labor force were unemployed. Those two figures have progressively risen and in February of this year, 5.7 percent or over 5 million workers were unemployed. This represents about a 66 percent increase in the unemployment rate since 1969. It is impossible to say how many tens of thousands of American workers have dropped out of the labor market. Some recent studies indicate that joblessness in central cities may actually be 10 to 20 percent higher than official figures indicate.

In Cuyahoga County, Ohio, 37,300—or 4.5 percent—of the January work force was unemployed, with a weekly average of 13,811 unemployed collecting benefits. In January, these unemployed collected $3.1 million in unemployment compensation, while 1,021 are no longer eligible to collect compensation because they have been on the unemployed roles for over a half a year.

In 1971, 11,803 unemployed persons in Cuyahoga County drew their last unemployment compensation check. This means that this many people were unemployed for over half of the year. Over 44,000 people were unemployed and collecting benefits at one time or another during the year.

The situation in the Greater Cleveland area is rapidly worsening. It is estimated that due to plant closings, 10,000 industrial jobs were lost in Cleveland in 1971. In the first 2 months of this year, there are already indications that another 3,000 industrial jobs are being lost. The Pesco Products division of Borg-Warner in Bedford Heights, Ohio, is closing its doors on June 1, 1972, throwing some 500 employees out of work. The Chase Brass Co. in Euclid, Ohio, has announced that it will shortly be closing, and thereby creating a loss of 700 jobs. The General Electric Vacuum Division in East Cleveland has announced that it will be closing, and reports over the last weekend indicate that Republic Steel may be closing down one of its major operations. A container manufacturer in Wickliffe, Ohio, has just closed down with 100 men laid off. There is simply nowhere in the Cleveland area—or as national figures indicate, anywhere in the country—where these workers can expect to find rapid reemployment.

Little has been done to reduce the Nation's unemployment rate. In mid-1971, the President vetoed a bill which overwhelmingly passed the House of Representatives by a vote of 320 to 67. This vetoed bill would have authorized funds for "accelerated public works"—a program which would have helped reduce unemployment by providing 80 percent Federal grants to local governments to build permanent public facilities. I was a cosponsor of this original bill.

Emergency public service employment legislation—which has been implemented—has assisted communities by providing jobs and services which can no longer be afforded by the local governments.

However, it falls short of creating employment in the construction industry, especially the building trades and supplies of materials.

Under the provisions of the bill being introduced today, cities and counties which have exorbitantly high rates of unemployment are eligible for assistance. All these areas have many vitally needed public works projects that could be begun immediately: storm drainage systems, sidewalk improvement, libraries, police stations, community centers, street lights and traffic signals, airport facilities, hospitals, warehouses, water purification plants, and many more.

Congress must again pass this accelerated public works legislation. While the President's economic stabilization program has had some mixed price success, the new economic policy, instituted on August 15 of last year, has totally failed to reduce unemployment. The Congress must now, immediately, take the initiative and pass this legislation.

OF POPULATION, RACE, AND INTELLIGENCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. RARICK. Mr. Speaker, the report of the President's Commission on Population Growth and the American Future, headed by John D. Rockefeller III, sounds more like B. F. Skinner's "Beyond Freedom and Dignity" than any blueprint for a free society.

Everything in the report concludes with a prophecy of doom with all avenues diverging on complete control of the individual by the State. The anthill philosophy that we must learn to surrender our freedoms if we are to survive.

While the President's Rockefeller Commission urges population management, another economic report discussing the social and economic statistical situation by the Department of Commerce expresses fear that the economic squeeze on young people has resulted in postponement of marriage and childbearing. In fact, the report shows that the number of children white wives plan to have has dropped dramatically. The economic analysis expresses concern over the financial consequences of a continuing decrease in the birth rate.

In the meantime, the vital statistics summary of the District of Columbia government estimates that half of the babies born in our Nation's Capital in 1973 will be born out of wedlock.

Then we have the new major analysis of the old 1966 study known as the Coleman Report that nonschool factors, particularly family background, are much more important in determining educational achievement than anything connected with the school.

At the same time the President's Rockefeller Report worries about overpopulation, the economists are worried about underpopulation among married people, the Nation's Capital is predicting a 50-percent illegitimate crop of babies and Professor Moynihan and the Coleman Report are stating that the home and family background are more important to children than schools and artificial environment, Professor Shockley of Stanford University is denounced as an "intellectual racist" for wanting to scientifically investigate the correlation of race to intelligence.

If environmentalism is now to be extended to a controlled population, many wonder who will make the decisions. Will it be based upon intelligence levels, racial quotas, or legitimate births?

I include related newsclippings:

[From the Washington Star, Mar. 12, 1972]

BIRTH RATE FALLING AS MARRIAGES INCREASE

(By J. A. Livingston and Wm. K. Marimow)

"Zeitgeist" is the German word for "spirit of the times." It encompasses economic, political, and social aspirations and attitudes. Perhaps it explains an American paradox—the increase in marriages and the decline in the desire for children.

From 1961 to 1971, the number of newlyweds rose from 1,548,000 to 2,200,000. But the number of babies born fell from 4,268,000 to 3,559,000.

If this trend persists it could have profound economic consequences, two of which are already visible. The number of persons per family has been falling since 1966, and the floor area in new homes sold has been diminishing since 1968.

To be sure, high construction costs and high real estate prices influence decisions on size of dwellings—how many rooms persons want. And this, in turn, influences family formation: Can we afford a child? Shall we wait?

SIGNIFICANT SURVEY

The birth rate has declined dramatically from 25 babies per 1000 population in the mid-fifties to 17.3 last year, a post-war low. Prof. Richard A. Easterlin, of the University of Pennsylvania, ascribes this trend in recent years to the "economic squeeze" on young people. They have postponed marriage or childbearing out of apprehension. Their incomes might not be adequate to sustain the standards of living to which their parents had accustomed them.

The Social and Economic Statistics Administration of the Department of Commerce pinpointed the change in attitude toward babies in a recent survey. It shows that the number of children white wives plan to have has dropped dramatically. Here are figures for two age brackets, 18-to-24 and 25-to-29:

	18 to 24	25 to 29
Year:		
1955	3.2	3.1
1960	3.0	3.3
1965	3.1	3.3
1967	2.9	3.0
1971	2.4	2.6

Data, not directly comparable, suggest that Negro couples also plan to have fewer children. Among the reasons cited for these tendencies are:

The increase in the number of women in the labor force—feminine careerism.

Cultural and social malaise. Why bring children into a world of war, hypocrisy, pollution, and overpopulation?

Changing moral standards. This is reflected in the increased legalization of abortions, greater premarital sexual freedom, and more frequent divorces.

The new life style among younger persons sometimes called anti-familism, sometimes anti-establishmentarism. There has been a significant increase in the number of individuals living alone.

The spread of knowledge about contraceptives—especially the pill. This is coupled with the rise in education.

This question must be asked: Which is cause, which effect? Which is motivation, which rationalization?

Obviously, the pill has made baby-prevention easier. But it isn't a primary cause of the decline in the birth rate. It's a means to an end. People decide not to have babies; the pill doesn't.

MARITAL IMBALANCE

And how much weight should be given "social malaise"? Do married couples decide not to have children because this is a "sorry world" or do they rationalize a decision already made?

The birth rate is likely to drop for a while longer because of the slowdown in marriage growth. Despite the poets, marriages are not made in heaven, but on earth and by age brackets.

The median age for men first marrying has been fairly constant at 23 years. But the median age for women has risen from 20.5 in 1964 to 20.9 years. Why? Because the supply of women in the marriage market has exceeded that of men. Women have had to wait for men to "grow up" to matrimony.

In the long run, a lower birth rate could have important economic consequences. Babies need food, clothing, toys, and eventually education. These are essentials which can't be deferred.

But if babies decline as a proportion of the population, such outlays will drop in influence on total consumption. This will leave families greater leeway in discretionary disposal of funds. Or, if workers choose, greater leeway in how they spend their time.

[From the Washington Post, Mar. 12, 1972]

ALL IN THE FAMILY?

NEW STUDY SHOWS SCHOOLS LESS VITAL THAN HOME

(By Lawrence Feinberg)

A major new analysis of the Coleman Report on race and education reaffirms its central findings that academic achievement depends far more on family background than on what happens in the classroom.

The new study suggests that the best way to deal with the educational problems of poor children—black and white—may thus be to improve the jobs and incomes of their families.

Neither racial integration nor increased spending on schools has much effect, the report concludes, on the educational performance of lower-class children—or on that of any others.

These conclusions are contained in a book-length analysis by a group of researchers at Harvard University, headed by Frederick Mosteller, a mathematical statistician, and Daniel P. Moynihan, a social scientist and former aide to President Nixon.

Their study is a reassessment of data on about 570,000 students in 4,000 schools. Collected by the U.S. Office of Education for a 1966 report on educational equality, those data comprise the most extensive survey of the subject ever conducted.

The 1966 study, known as the Coleman Report, was directed by James S. Coleman, a sociologist at Johns Hopkins University.

In an interview, Moynihan said he decided to assemble a group to examine the data "in every way possible" to check out the objections of critics and to try to answer some questions more precisely than Coleman had done.

The new examination involved elaborate mathematical and statistical calculations. At the end, Moynihan said, "it still came out about the same way," confirming Coleman's principal finding that non-school factors, particularly family background, are much more important in determining educational achievement than anything connected to the school.

The analysis confirmed that the social class of a child's fellow-students had more impact on individual achievement than any other factor within the school, including equipment, class size or teacher preparation. But the new study found that the extent of this impact on lower-class black children had been "overstressed" by Coleman.

One section of the new study, co-authored by Thomas Pettigrew, former chief consultant to the U.S. Civil Rights Commission, found that the gains made by poor blacks in mostly white clases amount to "less than one-sixth of the difference between average Negro and white achievement . . . at grade 12."

Thus, according to another part of the study, the average achievement test deficit of lower-class black high school seniors would be cut from about 4 years below the white middle-class norm to about 3⅓ years below.

In the interview, Moynihan described this improvement as "the most powerful we found from any school factor," but he added: "It still leaves a very large gap."

In their analysis, Moynihan and Mosteller write that because of the strong impact of soical class on education, government programs that improve the jobs and incomes of lower-class blacks may "in the end do more to raise the levels of [their] educational achievement" than either spending more on schools or integration.

"All of this brings the argument for school integration back to where it started," Moynihan explained in the interview. "It's a moral and social issue, not a technological one about the sources of educational achievement. They do not reside primarily in the schools."

In his report and other writings Coleman emphasized that schools in which middle-class students predominate set a "tone" for academic achievement that spurs on lower-class youngsters.

This effect is caused by social class, he stressed, not by race, although proportionately more blacks than whites are in low-income families and therefore most racial integration also involves mixing social classes.

Although Coleman concluded that "middle class" schools raised the achievement of poor younsters, his report did not analyze the data to find out much of a gain the children actually made.

Moynihan said that determining the relatively slight degree of this gain was one of the most important results of the new study.

As published by Random House, in a book entitled "On Equality of Educational Opportunity," the study includes a long summary essay by Mosteller and Moynihan, plus papers by 13 other scholars. The book is formally scheduled for publication Monday, but copies were on sale locally last week.

The book also has an essay by Coleman, generally defending the methods used in his survey and report.

Although severa lof the writers disagree on specific points, most uphold Coleman's general conclusions. These include the finding that by most standard measures—per-pupil expenditure, class size, number of books—there was little difference in resource available between Negro and white schools within each part of the country.

Several concluded that the impact of social class on educational achievement was even greater than Coleman reported, and that the effect of school factors was even less.

They emphasize the findings that the differences in achievement among students within the same school are far greater than differences in average performance between different schools.

However, Moynihan and Mosteller stress that schools are necessary for most children to learn academic subjects, such as reading and math. They note that average reading test scores in New York City fell by two months in 1968–1969 when schools were closed for two months by a teachers' strike.

But the pattern of results from school to school was about the same as usual—suggesting, they said, that the variations are caused by non-school factors.

The new analysis confirms Coleman's finding that most lower-class children are seriously behind national norms even in the first grade, and that the proportion by which they are behind stays about the same through high school.

This suggests, Moynihan and Mosteller write, that differences in early childhood learning, caused by different home backgrounds, are crucial, and are not overcome by normal schooling.

One writer of the study, Christopher Jencks, conducted an elaborate analysis of the quality of the government survey data, gathered in about two-thirds of the country. He concluded that the data were "representative," despite inaccuracies that critics had pointed out and the failure of many schools to respond fully to the questionnaire.

Jencks also concludes that "the least promising approach to raising achievement is to raise expenditures, since the data gives little evidence that any widely used school policy or resource has an appreciable effect on achievement scores.

The survey evidence suggests, he said, that socioeconomic integration will boost the achievement of disadvantaged pupils "somewhat." But, he said, "the most promising alternative would be to alter the way in which parents deal with their children at home."

How to do this "is not obvious," he added, although income maintenance and family allowances "seem a logical beginning."

Using somewhat different statistical methods from Pettigrew, David J. Armor, another sociologist, estimated that the Coleman data show that integration reduces the achievement gap between black and white students by just slightly more than 10 per cent.

He said in an interview that more recent, though less comprehensive research, makes him skeptical that there is even that much of a gain.

In the report Armor writes: "The policy implication here is that programs which stress financial aid to disadvantaged black families may be just as important, if not more so, than programs aimed at integrating blacks into white neighborhoods and schools."

In the 1965–66 survey data, Armor said, whites in majority-white schools scored higher on achievement tests than blacks in those schools, but whites in schools that were more than two-thirds black scored lower than their black school-mates.

He said the difference in achievement reflected a difference in socio-economic levels, with the whites in predominantly black schools generally being poorer than the blacks in those schools.

Armor is an associate professor at Harvard and has also served as a consultant to the Civil Rights Commission.

The new study also publishes for the first time the average scores for different ethnic groups on the government-survey test of general verbal ability.

The results are given in terms of grade equivalents. Mexican children in the sixth grade, for example, are shown at a 4.5 level—which means that their average score was the same as the national average for children only halfway through the fourth grade. The results are as follows:

	Grade—		
	6	9	12
Negro	4.4	7.0	8.8
White	6.5	9.8	12.9
Puerto Rican	3.4	7.0	9.3
Mexican	4.5	7.5	9.4
Indian	4.8	7.7	10.5
Oriental	5.9	9.0	11.8

Another table presents the results in terms of both ethnic groups and socieconomic status, or class. Following are the results for the twelfth grade:

	Socioeconomic status		
	Low	Medium	High
Negro	8.1	9.3	10.7
White	10.6	12.6	14+
Puerto Rican	8.8	9.8	10.6
Mexican	8.9	9.8	11.6
Indian	9.0	11.2	13.7
Oriental	10.7	11.8	14+

Moynihan noted in an interview that the class designations are based on parents' education and occupation. He said the differences between ethnic groups of the same social class may be caused by the differing value that the groups place on schoolwork.

[From the Washington Post, Mar. 13, 1972]

UNITED STATES TOLD TO SLOW GROWTH—PANEL WARNS OF DANGERS IN OVERPOPULATION

(By Peter Milius)

A presidential commission strongly suggested yesterday that America must slow down or even stop its population growth or face an increasingly "contrived and regulated" future.

The suggestion is contained in the first part of the final report of the Commission on Population Growth and the American Future, established by Congress and appointed by the President two years ago.

The report, in a sense, marks the official debut of population control as a national political issue.

The 24-member commission, headed by John D. Rockefeller III, said that its purpose was "to modernize demographic behavior in this country," to "make population, and all that it means, explicit on the national agenda."

It asked whether a population slowdown would produce an economic slowdown, something many businessmen believe, and whether it would endanger national security.

The commission looked into the "energy crisis" widely forecast for the future, the likelihood of a water shortage, what the food supply will be, whether food prices will go up, and how a growing population affects air pollution.

It dealt with the probable effects of population stabilization on poverty and blacks and the elderly, on the family and the labor force, and even on the "quality of life."

Its conclusion:

"We have found no convincing argument for continued national growth.

"On the contrary, the pluses seem to be on the side of slowing growth and eventually stopping it altogether."

The seven chapters in yesterday's installment of the commission's report were its findings. Its recommendations will be published separately over the next two weeks.

Some are certain to be controversial—birth control, for example, whatever is urged. The U.S. Catholic Conference assailed the report as soon as it was printed as "part of a carefully orchestrated program to convince us that 'fewer is better'."

The recommendations are not, however, likely to be harsh.

The commission suggests several times in its report there is no practical way to stop population growth dead in its tracks, and in fact that move would be harmful.

The commission predicted, among other things, that:

Average American family income, now about $12,000 a year, will probably be more than $21,000 by the year 2000 "in terms of today's dollars." That will be true even if the work week is 30 hours by then, and even if the population grows at the rate of three children per family.

The rise in family income will reduce poverty, but not eliminate it. Some groups will not share in the general increase: "This is not good enough." The growth in the labor force going on now, as the baby boom babies come of age, has "put an extra burden on full employment policy."

Slower growth will result in a gradually older labor force, and an older population generally. The median age already has risen from 23 to 28 years since 1900, and would be 37 years in a wholly stabilized population.

The "energy crisis" is likely to be solved well before it arrives. The country will probably find new fuels—the atom is a likely one—and "environmentally safe" ways to use the older and dirtier fuels like oil and coal.

However, there may be a "water crisis" of sorts in the future. There is already one in the Southwestern states, and it is likely to spread east and north as demand increases. Demand will increase slower if population does, but "sooner or later we will have to deal with water as a scarce resource." Some families in some regions will have to have smaller lawns and fewer flowers.

There could also be pressure on the food supply.

"At a time when the . . . government pays farmers to hold land out of production, it seems absurd to be looking forward to a scarcity of good agricultural land and rising food prices. Yet these are the prospects" under the three-child growth rate . . .

"Fifty years from now the population resulting from the three-child average could find itself having to pay farm food prices some 40 to 50 per cent higher than they would be otherwise. The needs . . . at the lower growth rate (two-child families) could be met with practically no . . . increase in prices."

The commission, oddly enough, was not so pessimistic about air pollution. It said that, in the short run, the growing number of new abatement laws will cut air pollution faster than population growth will add to it.

But those laws led the commission to hold forth on another danger of headlong population growth—public regulation.

"Imbedded in our traditions," it said "is freedom from public regulation—virtually free use of water; access to uncongested, unregulated roadways; freedom to do as we please with what we own; freedom from . . red tape, and bureaucrats. Clearly we do not live this way now. Maybe we never did. But everything is relative. The population of 2020 may look back with envy on what, from their vantage point, appears to be our relatively unfettered way of life."

U.S. population is about 209 million now. The commission said it will grow to 271 million by the year 2000 at the two-child rate, and 322 million at the three-child rate.

It predicted that the great migration of this century, from countryside to cities and suburbs, will now slow down, but only because there are so few country people left.

On the other hand, the metropolitan areas and "urban regions" of the country will continue to grow—indeed, most of the future growth will occur there—due simply to the natural increase of their populations.

By the year 2000, the commission said, five-sixths of the nation's people will live in just one-sixth of its area.

The commission did not say in yesterday's report that this is bad, nor did it argue for dispersal.

[From the Washington Post, Mar. 10, 1972]

ILLEGITIMACY RATE SEEN AT 50 PERCENT

(By Richard E. Prince)

The District of Columbia government expects that half the babies born to city residents in 1973 will be born out of wedlock, according to a report issued yesterday.

The report, "Vital Statistics Summary," compiled by the department of human resources, said that the percentage of children born to city residents out of wedlock had increased from 19.8 per cent in 1960 to 37 per cent in 1969.

Roberto Fuentes, chief of human resources' research and statistics division, said 1970 figures, not included in his report, show the percentage has exceeded 40 per cent.

"If this rate of increase continues," the report said, "half of all births will be out of wedlock by 1973."

Dr. Raymond L. Standard, the city's health services administrator, disagreed last night with the report's conclusion. He said that efforts made by his department to provide birth control devices and information would help stem the projected increase.

Standard attributed the rise in illegitimate births to laws that, until recenly, restricted the distribution of birth control devices to minors, and to the times. "We've got increased promiscuity, sexual freedom. It's the generation we're living in," he said.

The percentage of illegitimate babies has increased for both black and white District residents, according to the report.

Fuentes said that in 1970, 44.7 per cent of all births to black District residents were out of wedlock, up from 40.9 per cent in 1969 and 29.8 per cent in 1964.

For whites, the figures increased from 10.1 per cent in 1964 to 13 per cent in 1969, to 13.3 per cent in 1970. Fuentes said.

A large portion of the increase in illegitimate births can be traced to an increase in births to teen-age mothers. It was said.

In 1969, out-of-wedlock births to teen-age girls involved 18.5 per cent of all births, up from 7.5 per cent in 1960.

In 1969, more than 70 per cent of all births to teen-agers in the city were out of wedlock, the report shows. The study projects that in 1973, almost 30 per cent of all live births will be births to unwed teen-agers.

More than half of such births—2,921 out of 5,458 in 1969—were to mothers who lived in city service areas 4, 6 and 7: Anacostia, the model cities area and the Cardozo-Mount Pleasant-Soldiers Home area.

Anacostia—south of Pennsylvania Avenue SE—showed the least favorable statistics. Anacostia had in 1969, the highest number of babies born with inadequate prenatal care, the highest number of immature births (babies whose small size threaten their lives) and the highest number of premature births for a city service area.

The District figures are far higher than those for the nation as a whole and also higher than those in the Washington suburbs.

Dr. Carl Shultz, director of the office of population control in the Department of Health, Education and Welfare, said the national illegitimacy rate is now about 10 per cent.

In Fairfax, the figure in 1970 was 4.9 per cent; in Alexandria in 1970, 11.7 per cent; in Montgomery County in 1970, 5 per cent; in Prince Georges County, 7.8 per cent.

Standard noted that since 1969, the last year the report covers, the City Council has passed a regulation directing his department to provide information and birth control devices to all females without regard to marital status, age or parental consent.

"We realize this (out-of-wedlock births) is a problem; nobody's trying to hide it. But our hands were tied before the regulation was passed," Standard said.

Standard said his department gave birth control information or devices to 18,453 persons in 1971, up from 17,825 in 1970. He said the devices are dispensed from the city's 12 neighborhood health centers and that his office has conducted an extensive public information campaign to publicize birth control.

Among other findings in the report:

The city's overall birth rate is declining, although in 1969 the figure was 1 per cent more than in 1968.

Families are having fewer children. In 1961, only 30.8 per cent of all children born were the first-born to the mother, but the figure in 1969 was 44.7 per cent. In 1961, 29.5 per cent of the babies born were to families that already had at least three children. The figure in 1969 was 17.3 per cent.

The infant mortality rate is declining steadily, especially for black residents. For all residents, the rate was 3.5 per cent in 1965 and 2.9 per cent in 1969. For blacks it was 3.8 per cent in 1965 and 3 per cent in 1969. For whites it was 2.3 per cent in 1965 and 2.1 per cent in 1969.

Premature births were listed as a cause for infant deaths twice as often for black babies as for whites.

Maryland and Virginia residents account for a large share of the babies born in the District. While there were 27,784 births in the city in 1969, only 14,113 babies were born to Washington parents. About 9,965 were born to residents of Maryland, 3,541 were born to Virginia residents, and 144 were born to residents of other states. Twenty-one were not listed by residence.

The leading causes of death in 1969 to city residents were heart disease, 36.8 per cent; cancer, 18.6 percent; heart and blood vessel (cerebrovascular) diseases, 8.8 per cent; accidents, 4.9 per cent, and influenza and pneumonia, 4.7 per cent.

[From the Washington Post, Mar. 12, 1972]

INTELLECTUAL RACISM?

STANFORD PROFESSOR STRESSES INFERIORITY OF NEGROES

(By Leroy F. Aarons)

PALO ALTO, CALIF.—Someone had painted "Sterilize Shockley" on a wall of the Stanford University campus. A slight, white-haired man walked up to it, turned around, and posed while a friend took photographs.

The man was William Shockley, Nobel laureate for coinventing the transistor, and, of late, increasingly a subject of controversy for his view that blacks are genetically inferior to whites.

The picture-taking incident illuminates the dimension of the man who is stirring up the Stanford campus. Shockley is a tough, abrasive individual of 62, who peddles his unpopular theories with missionary zeal and obviously relishes the controversy they generate.

He has been pushing those theories since 1965, and has had his share of demonstrations while lecturing on other campuses or at scientific meetings. But Stanford, where he holds a half-time chair in engineering science, had always been a sanctuary—until recently.

Since January, Shockley's classroom has been the target of two disruptions; he has been burned in effigy at a rally; "Sterilize Shockley" and other anti-Shockleyisms are the most popular graffiti on campus and the Stanford Daily is filled with letters, columns and editorials debating the Shockley issue nearly every day.

Shockley is not alone. Other individuals who expound the possibility of a genetic basis for racial differences in intelligence have been "zapped" at a regularly increasing rate, in what seems to be a concerted effort by the radical movement to rally against so-called intellectual racism.

Within the last two weeks, radicals at Berkeley invaded the Faculty Club and demanded that Chancellor Bowker fire Arthur Jensen, the psychologist whose theories on genetics and race have made him a national target. Demonstrators later disrupted a speech at the University of Iowa by Harvard psychologist Richard Herrnstein, who suggested in an article in Atlantic Monthly last September that there may be radically genetic differences in intelligence.

Moreover, the SDS announced in a recent issue of New Left Notes that these scientists would be a prime subject of the SDS national convention at Harvard at the end of the month.

At Stanford, leaders seeking an issue to galvanize the divided and weakened radical movement have latched on to Shockley as a natural. "He is definitely going to be a focus for Third World action," said Kwomping Ho, one of the students who railed Shockley's classroom. "They are coalescing around Shockley."

The Stanford Administration, which until recently could quietly compartmentalize Shockley as something of a brilliant and probably harmless eccentric, now finds itself handling a hot potato. Shockley is rapidly becoming an embarrassment, for these reasons:

The firing of Bruce Franklin, Stanford's Maoist English professor, for inciting to riot has raised the sensitive question of the limits of free and responsible speech on a university campus. Those who see Shockley's views as thinly disguised racism are asking whether Stanford's administration can continue to provide him a cloak of respectability.

Others, including many in the administration defend Shockley's right to say anything he wants short of incitement, but pressure from radical groups and some liberal voices on the faculty has begun to have its impact.

Shockley himself has forced the issue by becoming increasingly vocal, both on campus and off, and by formally proposing that he teach a special graduate course on racial aspects of eugenics (improvement of the species through genetic selection) and dysgenics (deterioration of the species by a kind of genetic pollution). The Graduate School finds itself faced with two very touchy questions: Would not a course by Shockley on racial genetics in itself be incitement to riot? Can it in good conscience endorse a course on genetics by a man whose expertise is in physics and engineering and who simply shifted fields late in his career?

The issue has been turned over to an ad hoc graduate school committee, which expects a decision in two weeks. But Shockley has already branded the proceedings star chamber.

Finally, and probably most significant, Shockley has become embroiled in a dispute with a black graduate student from Nigeria—the first black student he has taught. The dispute has racial overtones and has moved the issue from the abstract area of ideas to the hard questions of a teacher's attitude toward his students. So far, the university appears to be ducking the issue.

A word about Shockley's theories and how they grew. They germinated more than six years ago, when Shockley turned his thoughts from a brilliantly successful career in physics to contemplating the future of mankind.

At a seminar of Nobel laureates on that same subject at Gustavus Adolphus College in Minnesota, he began shaping and articulating those thoughts, and in November, 1965, expressed them in an interview in U.S. News & World Report.

In that interview he spoke for the first time to a large audience about people with "inferior ability": "Not only are they dull but they need help to survive. Most cannot advance and some are a threat to other people."

Over the years, Shockley refined these theories focusing primarily on the Negro. His more contemporary statements hold that the generally accepted I.Q. disparity between whites and blacks is due principally to heredity; not environment that "our nobly intended welfare programs" are simply perpetuating and expanding that portion of the population at the lower end of the scale which is largely responsible for crime; that blacks improve in intelligence with each 1 per cent of Caucasian ancestry; that "if those Negroes with the fewest Caucasian genes are in fact the most prolific and also the least intelligent, then genetic enslavement will be the destiny of their next generation."

More recently, Shockley suggested as "a thinking exercise" that bonuses be offered for voluntary sterilization of the less competent.

"At a bonus of $1,000 for each point below 100 I.Q.." says Shockley, "$30,000 put in trust for a 70 I.Q. moron potentially capable of producing 20 children might return $250,000 to taxpayers in reduced costs of mental retardation care."

Shockley has done no field research of his own to support his position, but has extrapolated from other studies. His research is supported by $35,000 in grants from foundations and individuals.

He concedes that the data available is extremely sparse, and charges that this is because psychologists and geneticists have timidly avoided the politically sensitive question of genetic differences in intelligence.

At the same time, he has infuriated other scientists with what they see as sweepingly generalized conclusions drawn from limited information.

"Our objection is to the style in which his questions are posed," said Joshua Lederberg, Nobel prize-winning geneticist at Stanford. "It is absolutely offensive and self-defeating to the spirit of scientific inquiry. They raise grave questions themselves as to whether his intentions are scientific inquiry or the turmoil that has resulted."

The escalation of the Shockley affair on the Stanford campus began in mid-January, after Bruce Franklin was fired. Radicals launched a series of classroom disruptions against a number of targets—one of which was Shockley's six-student advanced graduate seminar in quantum mechanics.

Four persons were charged for campus infractions in the first disruption, Jan. 18 and six were arrested by county police for invading Shockley's class on Feb. 3, wearing Ku Klux Klan sheets and offering Shockley a free sterilization certificate.

It was between the two disruptions that Shockley and his one black student, 26-year-old Oladele Ajayi, clashed. As Ajayi tells it (Shockley will not discuss the matter), his experience in the course which began in early January was routine until the first disruption.

During that disruption, Shockley commented in Ajayi's presence that blacks were at Stanford when sons of professors could not get in.

Later, according to Ajayi, Shockley told him, "I should be perfectly honest with you about my theories," and "In all probability you come from the upper percentile of where you come from."

Ajayi took this as a racial slur at the time. A week later, Shockley told Ajayi he had used the wrong method in answering one homework assignment as "a mess." During discussions over that period, Ajayi remembers Shockley telling him that "certain students do better in certain subjects than other students" and urging Ajayi that he drop the course for credit and audit it.

At one point, Ajayi reports, Shockley told him he was incapable of grading Ajayi's work because of the strong emotions on campus over the racial issue.

Ajayi, who is nonpolitical was enraged and agitated over this treatment. He publicly exposed the conflict while disrupters were in the classroom the second time. Soon after that, Ajayi dropped the course.

But not the issue. He is convinced that Shockley had made a "political decision" after the first disruption that to continue Ajayi in the course and have to grade him would be too delicate a matter.

The Engineering Department, in a preliminary report on the issue, concedes that Shockley said things that could be interpreted as discriminatory by Ajayi, but concluded that Shockley was within his rights to criticize Ajayi's course work. It recommends no further action.

The university—other than establishing a new procedure for student grievances—plans no further action. "If the student is satisfied, there is no stimulus for further investigation, said vice provost Robert M. Rosenzweig, "It's hard for me to visualize an investigation that is conclusive in this instance."

Ajayi, who is taking a doctorate in material sciences, said he became so emotionally upset that he suffered severe headaches, had to leave the campus and even thought about going home to Nigeria. He has filed a formal complaint with his government. He feels that the university has sidestepped the whole affair.

"Shockley's views are dangerous," he said. "To the extent that there has been a genuine effort to minimize differences, people like Shockley try to set back the hands of the clock. He has been overprotected. It has taught me to be more cautious, get my education, pack and get out of this country."

Shockley lives in a comfortable home on the Stanford campus, furnished in Early American. He is a cautious and combative man who tends to be highly suspicious of interviews—especially reporters. He tapes nearly all his conversations—in person, or by telephone.

"It is my intention to use significant members of the American press," he told me immediately, "as the blocks or pulleys . . . and the First Amendment as a line upon which I shall endeavor to exert a force so as to deflect the rudder of public opinion and turn the ship of civilization away from the dysgenic storm that I fear is rising over the horizon of the future."

With that beginning, we launched into an hour-long, (taped by him) discussion, frequently interrupted by the telephone. At one point, I questioned the size of his sample in determining that American Orientals are of superior intellect because they get elected to the National Academy of Sciences at a 10 percent higher average than non-Orientals.

Shockley responded by attacking my lack of knowledge about statistics.

Later, I asked him the source of the conclusion—often used in his arguments—by psychologist Harry Harlow that at least half the difference in black-white intelligence is due to genetics.

"I don't know, except extrapolations from monkey to human," Shockley replied. (Harlow is known for his experiments with monkeys in extreme isolation.)

"Why did you accept it?" I asked.

"Because it fits into a pattern of a wide range of different kinds of data."

But did you ever try to check out the scientific basis of Harlow's conclusions? Shockley ducked and accused me of being no better than the German intellectuals of the 30s who failed to recognize and expose Hitlerism. ("And I assume you are Jewish," he noted.)

I asked him if he was enjoying all the attention he was getting. "You get mixed emotions on all this," he said. "In a sense I'm a very fortunate fellow to get started on something as important as this."

Why, in his opinion, has the thing escalated so? "The situation is 'hotting' up. I have seen a copy of a communist newspaper which announces a plan to get after Shockley, Herrnstein and Jensen . . . Most of the attacks are not particularly disturbing because they fall so neatly into the pattern of interpretation I've already set up."

It seemed, as the interview ended, that the situation will get hotter before it gets cooler. Shockley obviously has no intention of pulling back. And the radical opposition is plotting to upgrade the anti-Shockley campaign. Ultimately, the liberal middle, and the university itself will be drawn into the maelstrom.

"I felt right from the start that this is one issue that had more explosive potential than Bruce Franklin," said vice provost Rosenzweig.

NATIONAL HUNTING AND FISHING DAY

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HAGAN. Mr. Speaker, in these days of conservation-conscious efforts to preserve our wildlife and our natural resources, we are seeing a renewed awakening to this cause all across the country. Here in Congress we will be given the opportunity to recognize this cause in a special way.

We will soon be considering a resolution declaring the fourth Saturday of each September as "National Hunting and Fishing Day." A good number of our colleagues have joined in cosponsoring this resolution, similar to Senate Joint Resolution 117, which passed the Senate last week.

As one of the cosponsors of this proposal I believe it is important that we set aside a time for special recognition of our dedicated and responsible outdoor sportsmen whose efforts in the area of conservation is beneficial to every citizen everywhere. Their concern that our great outdoors be preserved for future generations is indeed a worthy one.

Robert Hollingsworth, a good and longtime friend from my hometown of Sylvania, Ga., is the editor and publisher of the Dixie Sportsman, a much read monthly periodical focused on the interests of outdoor sportsmen. Most of his life has been devoted to the promotion of constructive and full enjoyment of our beautiful outdoors. He has made thousands of folk aware of the responsibility we have for our natural resources while enjoying their recreational values. Robert Hollingsworth relays to his readers the importance of becoming actively involved in worthwhile conservation projects. His appeal is to both the young and old. A good example is his support of the open house program being spearheaded by the National Shooting Sports Foundation, Inc., in connection with the promotion of National Hunting and Fishing Day. I am pleased to bring this fine editorial to your attention.

NATIONAL HUNTING AND FISHING DAY

We are passing on to you some information given to us by National Shooting Sports Foundation Inc. As you will note below, September 23, 1972, is being promoted as National Hunting and Fishing Day. All of our hunting and fishing clubs are being asked to participate in this fine promotional venture which will call attention to the public the importance that our sportsmen play in good conservation practices throughout this big Nation of ours. The important role that our sportsmen play as financial contributors to wildlife conservation, recreational development and their staunch and unwavering support of our boys and girls in their outdoor club activities should be a topic for praise and approval from the general public on this important day. Get your red pencil right now and mark this important day on your calendar—it's September 23, 1972.

September 23, 1972, may be the most important day in the lives of 55 million hunters and fishermen. Every hunting, fishing and conservation club in America is being asked to hold an OPEN HOUSE for the public to dramatize sportsmen's contributions to conservation and to introduce the public to outdoor skills.

National Hunting and Fishing Day officially recognizes the role of America's sportsmen in conservation and outdoor recreation. Resolutions now in Congress not only establish NHF Day but ask hunters and anglers to lead the public in a rededication to the conservation and respectful use of our wildlife and natural resources.

You and your club are invited to take the leadership in your community with an OPEN HOUSE which shows your friends and neighbors what sportsmen are doing for conservation . . . and have done the past 70 years.

CONSERVATION NEEDS NEW FRIENDS

No one can do more for conservation than you, working in your own community on a friendly person-to-person basis with your neighbors and business associates. Open house is the perfect way to show your friends that the American sportsman is the best friend fish and wildlife ever had.

Your club facilities can be adapted for conservation displays and exhibits. Perhaps you'll want to show conservation movies all day in your clubhouse. Open house is an ideal time to plan trees and wildlife borders or to raise funds for some local conservation project. Just think of the help you can get from civic clubs, schools, your state game and fish department, new environmental clubs and garden clubs.

If you and each of your club members bring five friends apiece out to your club, how many new friends can your club win for conservation? What if this is multiplied by the thousands of clubs across America? Sportsmen can be the key to winning the campaign for conservation.

Open house is an ideal way to get youngsters started in conservation and basic ecology. Invite them from the beginning to help you make displays and to bring school exhibits. They'll be glad to bring their friends out on September 23.

SKILL CENTERS

Too many of the American public have never had the chance to cast a plug or shoot a clay bird. They simply don't know how much fun it can be learning an outdoor skill . . . shooting a bow or rifle, pitching a tent or catching a fish. You, as a practicing sportsman, can show them in an hour more than they could learn in a lifetime of reading.

It's easy for your club to set up hay bales for archery. If you don't have a pond, you can still teach casting on dry land. A practice trap can be set up for any clay targets, and any range can be used for firearms safety. With the existing nucleus of your club, you can set up a series of training stations for varied outdoor skills.

Every club has plenty of experts in the outdoor skills who'll volunteer to teach youngsters how to cast and shoot. You can also tie in with other clubs in your community and can expect help from the sporting goods dealers. Police and sheriff departments are always glad to help with community programs, and your club should certainly ask their help.

Your open house can be just like a small fair—something for everyone. Conservation displays and exhibits and movies and happenings. And everyone will want to get a chance to shoot and cast and try his luck at outdoor skills.

PUBLICITY FOR OPEN HOUSE

You'll have a lot going for you when your club decides to hold open house September 23. Civic leaders will be glad to support it, and you might well get a newspaper or broadcasting station to be a cosponsor.

Pennsylvania has had two Outdoor Sportsman Day celebrations, but the idea really caught fire when Sen. Thomas J. McIntyre introduced S.J. Resolution 117 in Congress last year which calls on President Nixon to declare the fourth Saturday of each September "National Hunting and Fishing Day." Sen. McIntyre's resolution has been cosponsored by 32 senators. Since Rep. Bob Sikes offered H.J. Res. 798 in the House last year, 13 identical resolutions have been introduced. Indications are that Congress will pass the resolutions in time for sportsmen to prepare for the first National Hunting and Fishing Day on September 23, 1972.

With hundreds of prominent legislators, governors, mayors, and civic leaders supporting NHF Day, the news media will be glad to tie in with your local open house.

AN APPEAL FROM SOVIET JEWS

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. BELL. Mr. Speaker, earlier this year I was a guest of the Soviet Union and toured Russia with my colleagues on the Select Subcommittee on Education.

While there, I also took the opportunity to visit and talk with a number of Jews about their life. The repercussions of our trip—particularly my activities and those of Congressman SCHEUER—received national coverage.

I believe it unnecessary to recount the details of these incidents, but it is still significant to note once more that the publicity our visit elicited clearly illustrates the extreme sensitivity of the Soviet Government to one of their more serious domestic problems, and it is encouraging to witness their awareness of this difficulty.

I made it a point following this trip that a process of "cultural genocide" is being directed against the Jewish people in the Soviet Union, and in support of this view, I offer a letter which was forwarded to me by a group of Soviet Jews, including several whom I met in Moscow.

Even though emigration policies have become somewhat less rigid in Russia during the last few years, I think the free world has an obligation to keep itself informed about this matter. And since this letter poignantly describes the plight of some Soviet Jews today, I strongly recommend careful consideration of its contents. The letter follows:

APPEAL TO THE MEMBERS OF CONGRESS OF THE UNITED STATES

To you, members of Congress, the highest legislative organ of the United States of America, appeals a group of Jews of the Soviet Union.

In correspondence with the Soviet law and clauses of the General Declaration of Human Rights (art. 13, cl. 2) we submitted to the authorities of the USSR a petition about our departure for Israel. But against the obligations of the USSR Government to fulfill regulations, stipulated by the articles of the General Declaration we are for a long time unlawfully refused in permission to leave.

All of us were compelled to leave our former jobs and most of us don't work anywhere for a long time. Thus neither at present nor in future we are of any value for the Soviet Union as specialists. But nevertheless Soviet authorities feel, probably, sort of satisfaction, opposing our useful activity for the welfare of the Jewish State, for the good of mankind. We believe that such inhuman policy of the Soviet authorities, aimed at suppression of socially useful activity of a whole category of people just because they have decided to move to their national Motherland, can not but meet censure from the part of international public.

Having in vain used all possibilities of appealing to Soviet authorities, we appeal to you for the first time. We are kept in this country like hostages, like slaves contrary to international law, contrary to common sense, contrary to the interests of human society. But hostagery and slavery are the disgrace to civilized world living in the last quarter of the 20th century. Even two centuries ago your great predecessors Lincoln and Jefferson called to society to put an end to slavery and injustice and we hope that you, members of the Congress of the USA will follow these best traditions and use your vast influence to help us in the name of restoration of human rights, in the name of justice.

Yours respectfully,

Victor Jolsky, Moscow 42 years old, Ph.D., family of 5 persons.

Alexander Lerner, Moscow, 58 years old, D.S., family of 4 persons.

Pavel Abramovitch, Moscow, 35 years old, electronics engineer, family of 3 persons.

Yosef Begun, Moscow, 39 years old, Ph.D.

Yilia Korenfeld, Moscow, 48 years old, mechanical engineer, family of 4 persons.

Vladimir Slepak, Moscow, 44 years old, radio engineer, family of 4 persons.

Vladimir Prestin, 37 years old, electronics engineer, family of 3 persons.

Gavriel Shapiro, Moscow, 26 years old, chemical engineer.

Grigory Svechinsky, Moscow, 31 years old, engineer.

Sergey Gurwitz, Moscow, 26 years old, Ph.D.m, family of 3 persons.

Boris Orlov, Moscow, 41 years old, historian, family of 5 persons.

Petr Lwovsky, Moscow, 34 years old, construction engineer, family of 3 persons.

Vladimir Machlis, Moscow, 27 years old, pilot.

Ada Gershovitch, Moscow, 28 years old, electronics engineer, family of 3 persons.

Boris Kogan, Moscow, 34 years old, lawyer.

Lazar Lubarsky, Moscow, construction engineer, family of 4 persons.

Michail Klyachkin, Moscow, 30 years old, engineer.

David Markish, Moscow, 30 years old, translator, family of 3 persons.

Emmanuil Smelyansky, Moscow, 38 years old, metallurgist, family of 3 persons.

Stella Goldberg, Moscow, pianist, family of 3 persons.

INSIDE A NURSING HOME

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. PEYSER. Mr. Speaker, President Nixon announced last summer an eight-point program for improving our Nation's nursing homes. In initiating the program to upgrade the Federal enforcement machinery, the President said that "some nursing homes are warehouses for the unwanted."

Nursing homes receive over $1 billion or 40 percent of their total income from the Federal Government. Therefore, attempts to upgrade nursing homes are naturally of concern to the Congress. Recently, an excellent article on this subject appeared in the Herald Statesman of Yonkers, N.Y., which I would like to include in the RECORD for the information of my colleagues. This article is an interesting account of the writer's experiences during a brief job as a nurse's aide in one of the nursing homes in Westchester County:

[From the Herald Statesman, Yonkers (N.Y.) Feb. 16, 1972]

FIRES ARE A CONSTANT WORRY FOR THE SICK AND AGED

(NOTE.—Jeanne Toomey of the Mount Vernon Daily Argus news staff recently took a first hand look of life inside a nursing home when she posed as a nurse's aide. Legally, she found nothing wrong. What she did find is described in a series of articles beginning today.)

What's life like for almost 4,000 aged and ill persons who live in nursing homes in Westchester?

For the residents, it's an earthly limbo where everyone seemingly tries his best, but where the results fall short of idyllic.

Nor is life so hot for those who serve the elderly.

I found it to be both backbreaking and frantic when I took a job as a nurse's aide in a Mount Vernon nursing home to find out what it would be like.

Between chores, I saw things that visiting relatives, occasional inspecting teams from city and county—indeed, even regular staff members at the nursing home—might not notice.

Here are the impressions I formed while rushing to lift, clean and feed the residents; of the quiet moments when I tried to give some extra attention to a particular old person, and of the times when, at wit's end, I wondered, "why, oh Lord, why?"

There were 30 patients at the three-story stucco institution where I worked. Taking care of them were three nurses aides on duty at a time in addition to a "floating" one, a registered nurse, a housekeeper, a cook and an assistant.

Staircases were wooden. A paint shop was in the cellar. The third floor was actually connected to a wooden attic, or storage section, by a wooden door.

Its neatly painted white exterior fits perfectly in a fine section of Mount Vernon's north side. Apparently, it was a private residence in former days.

Little time was left for conversation between residents and employes, mainly because of the rush and pressure of work which prevented socializing.

But an executive there also discouraged "coddling" of patients.

In fact, I was bawled out for joking around with a blind woman on the second floor while helping her put her hair up in rollers.

When I reminded the executive that I was on my lunch hour, she shrugged and coldly said that fraternizing with patients would just make the work harder for the rest of the employes. She then ordered me to sit out with the rest of the help and watch television.

Lunch hour over, it was time for more changing of diapers for the incontinent, straightening of beds, and giving a good impression to the relatives who might drop in at any time—as the supervisors kept reminding me.

Another blind woman lived on the first floor. A sweet, but deaf, old soul, she communicated by writing on pieces of cardboard.

Almost half of the patients had serious difficulty walking. Some were completely bedridden. Two on the second floor were cancer patients, and one of them was a terminal case. A woman on the first floor had stomach cancer, I was told, but she was able to move around quite well.

Considering the mental state of many of the patients, as well as their physical deterioration, it seemed an impossibility that more than a few could survive such things as a flash fire.

Fire Chief Alexander W. Leggat told me that all nursing homes in the city have interior alarms with fire boxes.

He did say that the new building code now prohibits building above the second floor, unless materials are all fire resistant. This, however, is an issue currently being tested in the courts.

I kept wondering, however, what would happen if a fire were to break out in the old building, not covered by the code, where I worked.

I would even visualize the whole frame box ablaze, the firemen rushing to the rescue the nurses' aides, the R.N., the domestic workers and the patients, choking, screaming in the smoke and trying to get down blazing staircases.

It was this kind of concern—and my inability to do anything about it, which made nursing home work an emotionally trying task.

FOREIGN AID FUNDS MAY BE CUT OFF TOMORROW BECAUSE OF REFUSAL TO PROVIDE CONGRESS WITH VITAL INFORMATION ON CAMBODIA

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. MOORHEAD. Mr. Speaker, I take this occasion to inform my colleagues of a very serious situation—the impending cut-off of all funds for the operation of all U.S. foreign assistance programs, as provided for in section 634(c) of the Foreign Assistance Act of 1961, as amended.

For almost a year, the Foreign Operations and Government Information Subcommittee has been investigating the economy and efficiency of our AID program in Cambodia, now known as the Khmer Republic. We held hearings last

July and additional hearings last month. In connection with our investigation the subcommittee requested from AID copies of the so-called country field submissions for Cambodia for fiscal year 1972 and 1973. Such documents, usually classified, have been furnished routinely to our subcommittee for many years. In fact, just last year we were given copies of similar documents relating to our AID programs in Vietnam, Laos, and Thailand for subcommittee use in related investigations and hearings involving those countries.

Much to our surprise, our routine staff request for the Cambodian data was rejected by AID officials in January. Subsequent conversations with high level AID legal and program officials revealed that the documents being sought by the subcommittee were being withheld on instructions of a higher authority. Additional discussions with officials of the State Department have made it clear that the orders to withhold come from the White House.

Correspondence with Mr. Roderic O'Connor, Coordinator for Supporting Assistance, AID, produced only the offer to "brief" the subcommittee on the contents of the documents and submitted a "sanitized" résumé. The offer is totally unacceptable as it infringes upon the full right of Congress to obtain information essential to carrying out the oversight responsibilities to make certain that American taxpayers' funds are being spent wisely and in accordance with the law.

On February 9, 1972, I wrote Secretary of State Rogers on this matter and invoked the provisions of section 634(c) of the Foreign Assistance Act of 1961, as amended, which provides for a cutoff of funds after a 35-day period unless the requested document is delivered or a certification is made by the President setting forth his reason for not making it available. The 35-day period under this request expires on Wednesday, March 15.

Mr. Speaker, I hope the President will recognize the right of Congress to have the information necessary to participate in the processes of Government, but I am worried that he will not. I hope he will recognize the right of Congress, because I do not want to see an important foreign aid program halted. I am worried he will not because of the expressed attitude of Mr. Henry Kissinger, his major foreign affairs adviser. Just before he took his new job Mr. Kissinger wrote an essay for the security studies project of the University of California. One of his statements, requoted on March 7, 1972, by Mr. George Sherman in the Washington Evening Star, was:

> Thus the only way secrecy can be kept is to exclude from the making of the decision all those who are theoretically charged with carrying it out.

While Mr. Kissinger probably was commenting about the State Department bureaucracy, I fear his attitude applies equally to the Congress.

I include at this point in the RECORD the exchange of correspondence referred to above and the full text of section 634(c):

FEBRUARY 9, 1972.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: This letter constitutes an official request by the Foreign Operations and Government Information Subcommittee of the House Committee on Government Operations for the Country Field Submission for Cambodia for the fiscal years 1972 and 1973.

This information is needed in connection with the Subcommittee's continuing study of economic assistance programs in Southeast Asia. The Department of State and the Agency for International Development have been cooperating in this study for a number of years.

During that time, the Subcommittee always has been provided every Country Field Submission it has ever requested and their contents have in each of the numerous instances been completely safeguarded according to classification.

We would greatly appreciate your prompt and favorable response to this request in view of the fact that Subcommittee hearings on Cambodia will resume Thursday, February 17.

With kind regards,
Sincerely yours,
WILLIAM S. MOORHEAD,
Chairman,
House Foreign Operations and Government Information Subcommittee.

DEPARTMENT OF STATE,
Washington, D.C., February 21, 1972.

Hon. WILLIAM S. MOORHEAD,
Chairman, Subcommittee on Foreign Operations and Governmental Information, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of February 9 requesting the Country Field Submission for Cambodia for the fiscal years 1972 and 1973.

Since response to your request requires coordination within the Department of State and with the Agency for International Development, I am writing you to advise that we are giving your request careful consideration and will write you again as soon as we are in a position to give a substantive response.

Sincerely yours,
DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

DEPARTMENT OF STATE,
Washington, D.C., February 23, 1972.

Hon. WILLIAM S. MOORHEAD,
Chairman, Subcommittee on Foreign Operations and Government Information, Washington, D.C.

DEAR MR. CHAIRMAN: The appropriate officers within the Department as well as the Agency for International Development have now had an opportunity to study your request by letter of February 9, 1972, for a copy of the Country Field Submission for fiscal years 1972 and 1973 with respect to Cambodia and I am therefore now able to follow up my letter of February 22, 1972 with a substantive response to your letter.

The annual Country Field Submission (CFS) is prepared by the concerned officers working in the particular country, and sets forth their collective assessment of current programs and their recommendations regarding plans and appropriations for the next fiscal year. This document is an internal working document which discloses tentative planning data on future years which are not approved Executive Branch decisions. Because of this important role played by such internal documents it is important that their authors' candor and independence of judgment be assured. It has traditionally, and, I believe, properly, been felt that this candor and independence, the very integrity of the Executive Branch processes, are best preserved if the confidentiality of such documents is adequately protected. Similar considerations have underlain the traditional confidentiality of certain committee sessions, staff memoranda and other aspects of the internal processes of Congress, as well as analogous processes of the Judicial Branch.

On the other hand it is beyond dispute that the proper discharge by Congress of its constitutional functions is dependent on its being adequately informed, and to this end the Secretary of State and the entire Department have striven to be responsive to congressional requests for information to the maximum extent consistent with the principles outlined above. This is done in many ways, through testimony in public and in executive session, briefing and written presentations.

Certainly the planning material and factors relating to this program are important information which your Subcommittee should have at this disposal, and I therefore propose that they be made available in a form which will provide you with complete information necessary to proper performance of the Subcommittee's functions, while preserving the integrity of the formulative process of which the CFS is an indispensable part. AID is prepared to give your Subcommittee a full oral briefing, and, in addition, is undertaking to prepare especially for the Subcommittee, on an expedited basis, a detailed written presentation, both in classified form. In this manner your Committee can receive promptly the full substance of the information it seeks.

The Coordinator of the Supporting Assistance Bureau of AID, Roderic O'Connor, will be communicating with you directly to make the appropriate arrangements.

If I can be of any further assistance in this or any other matter, please do not hesitate to let me know.

Sincerely yours.
DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

DEPARTMENT OF STATE,
Washington, D.C., March 3, 1972.

Hon. WILLIAM S. MOORHEAD,
Chairman, Subcommittee on Foreign Operations and Government Information, Washington, D.C.

DEAR MR. CHAIRMAN: In Mr. David Abshire's letter of February 23, regarding your Committee's request for the Country Field Submission (CFS) for Cambodia, he proposed that AID make available to the Subcommittee a detailed account of the planning material and other factors relating to the economic assistance program contained in the FY 1973 CFS. He stated that the material could be made available in a form which would provide you the complete information necessary to the proper performance of the Subcommittee's functions while, at the same time, preserving the integrity of the formulative process of which the CFS is an indispensable part, and that this could be accomplished by a full oral briefing by AID along with a detailed written presentation—both in classified form. Finally, Mr. Abshire advised you that I would be communicating with you directly to make the appropriate arrangements.

You will recall that in our February 24 meeting, I repeated that offer, advised the Subcommittee that I would be sending forward shortly the written material, and volunteered to meet with the Subcommittee, at its convenience, to provide an oral briefing on the CFS.

In your letter, you requested copies of the CFS for both FY 1972 and FY 1973. There was no Cambodian CFS for 1972 because our economic aid program had not yet been resumed in the summer of 1970, the period when the FY 1972 CFS would have been prepared. We therefore had no field staff in Phnom Penh. I am attaching a resume of the FY 1973 CFS.

It should be pointed out that the CFS is essentially a budget document designed to recommend and justify a certain level and composition of economic aid. The sections of the CFS that deal with the political and military situations represent a backdrop for that purpose. But it should be understood the CFS is not a planning document dealing in those areas; it accepts as datum the policies and programs formulated by others and fits the economic rationale into that matrix. I feel certain the Subcommittee understands, therefore, that although the CFS has chapters entitled "Military Situation" and "Political Situation" it does not imply that the CFS is plowing new ground or making new projections in these substantive fields. By far the largest part of the document is devoted to discussion of economic conditions, projections, and aid requirements.

The Subcommittee should also have in mind the time frame of the CFS. It was prepared in July of 1971 and purports to describe a program covering the period July 1972 to July 1973, almost two full years later. The program in Cambodia is beset with uncertainties greater than those experienced in other programs. The newness of the program combined with the dislocations of the war have served to compound the normal set of variables and uncertainties. Some of our Mission's projections of how the economy will develop have already proved amiss and this factor will, of course, influence our decision on the funding level request for FY 1973.

I stand ready to supplement this material with an oral briefing. I have planned a brief vacation between March 3 and March 13 during which time I will be out of town. I await word from you as to the most convenient time for the subcommittee.

Sincerely yours,

RODERIC L. O'CONNOR.

MARCH 3, 1972.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: This is in response to Assistant Secretary Abshire's February 23 letter relating to this committee's February 9 request for the Country Field Submissions for Cambodia for the Fiscal Years 1972 and 1973, which the Department of State subsequently declined to provide. Such action, of course, automatically invoked the provisions of Section 634(c) of the Foreign Assistance Act of 1961, as amended.

As pointed out in our original request, these documents have never been denied to the House Committee on Government Operations under the past three administrations until now, nor should they be. We reiterate that these documents are absolutely essential to comply with our mandate from the House of Representatives to study the economy and efficiency of Government activities at all levels. The underlined phrase is quoted directly from House Rule XI, Clause 8, setting forth the Committee's jurisdiction.

Your alternative suggestion for an oral briefing and a sanitized written presentation simply is not acceptable.

I respectfully urge that the Department of State reconsider its decision. Adherence to this position can only raise questions in the minds of Members of Congress and the public that the Executive branch is trying to hide something it is either ashamed of or unable to defend.

With kind regards,

Sincerely yours,

WILLIAM S. MOORHEAD,
Chairman.

TEXT OF SECTION 634

(c) None of the funds made available pursuant to the provisions of this Act shall be used to carry out any provision of this Act in any country or with respect to any project or activity, after the expiration of the thirty-five-day period which begins on the date the General Accounting Office or any committee of the Congress charged with considering legislation, appropriations or expenditures under this Act, has delivered to the office of the head of any agency carrying out such provision, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody or control relating to the administration of such provision in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he has forbidden the furnishing thereof pursuant to request and his reason for so doing.

LT. LARRY B. WATTERS, UNITED STATES NAVY

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. VEYSEY. Mr. Speaker, I rise to express to all of my colleagues, an example of the sentiment and the inspiration felt in my district as a result of the presence of the Navy's Blue Angel Flying Team. The following editorial appeared in the Imperial Hometown Review on February 15 and in the Imperial Valley Weekly on February 17, and vividly portrays the feeling of my constituents.

Sadly, the occasion is one of tragedy; the loss of one of the most popular Blue Angels in a training accident. The outpouring of public sympathy and affection felt by my constituents for Lt. Larry Watters and all of the Blue Angels is captured by newspaper editor Nettie Brown in these editorial remarks.

It is an affection, I believe, that runs deeply in the lifeblood of our Nation.

I insert the text of that editorial:

LT. LARRY B. WATTERS, USN

IN MEMORIUM

Blue Angel No. Seven, Lt. Larry Watters, 29, of Fresno, died Monday in service to this nation as surely as if his plane had been shot down in combat over Southeast Asia, where he safely completed 244 combat missions in two tours of duty.

The tragic accident which took his life has in no way lessened the work of the Navy's Flight Demonstration Team in which he was so proud to serve.

Larry Watter's entire life, from early childhood, was a testimony to the inspiration the Blue Angels give to even the youngest youth of the Nation. He recently told us that from the day he first saw a Blue Angels air show, when he was only three years old, he had determined that some day he would fly a Blue Angels plane.

Sturdy of build with an open, smiling countenance, Larry kept his dream bright, and worked to fulfill all the requirements that would lead him towards accomplishment: working hard at school and college; joining the Navy and winning his Wings in 1968; becoming the best Navy pilot he could, and serving honorably over Viet-Nam, and in other assignments.

Last November he reached his goal when he was ordered to report to the Navy's Flight Demonstration Team as a Blue Angel.

His first assignment with the Team was the demanding role of narrator and liaison officer, with the promise that next year he could be a demonstration pilot.

The enlisted men who worked directly with Lt. Watters thought him the greatest, and knew that he appreciated their work. During his few months on the Team, Larry had also endeared himself to the other pilots.

Not yet quite believing that their friends would no longer be among them, his teammates groped for words to describe the mature trust-worthiness coupled with a warm, fun-loving nature that characterized Lt. Watter's personality:

"Larry was highly regarded by all the Team . . . a talented aviator . . . always dependable . . . appreciative of others . . . religious, and close to his family . . . had a great sense of humor . . . a wonderful outlook on life . . . this is a great personal loss to all of us . . . he will be greatly missed . . ."

Lt. Watters accomplished much both prior to and during his short service to the Navy as a Blue Angel. He won many decorations for gallantry in combat duty. And he died doing what he most wanted to do—fly as a Blue Angel.

Cause of his fatal accident is not yet known. It was the fourth fatal crash of a recruit to the Flight Team during their six winter training seasons at El Centro NAF. A great loss, of course, but a high record of safety, as the Blues engaged in about 100,000 launchings of their aircraft and approximately as many hours of flight during their training years here; to say nothing of their many thousands of miles of flight while on their show tours, giving hundreds of their shows throughout this country and in foreign lands, including flights across both the Atlantic and Pacific Oceans without incident.

The safety records of these precision aviators is the highest in the Navy; and their accidents are only a minute percentage of the rate for ground vehicles, as everyone who has witnessed highway carnage by civilians is aware.

While we join the Blue Angels in grief for the loss of Larry Watters, one of their members who gave so much service to our Nation, we salute his memory because he was a young man who knew what he wanted to do with his life. He set goals of perfection for himself and worked hard to attain them; knew and accepted the risks he faced as a Naval aviator in war and in peace; and died while serving as an integral part of the Navy's training program for other young aviators—work which will live beyond his short years on earth.

This vital, inspiring work of the Blue Angels Team must be carried on in spite of tragedy!

PENTAGON HIDES TRUTH ABOUT BOMBING

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. ASPIN. Mr. Speaker, on January 18, I wrote to the President asking him to provide information about tonnage and sortie rates in each theater of operation in Indochina. On February 29, the distinguished gentleman from Massachusetts (Mr. HARRINGTON) and I wrote to Secretary Laird asking for the same information.

This request coincides with the major escalation of the air war in Indochina. The air war has particularly intensified over North Vietnam. The United States has conducted more than 90 so-called "protective reaction raids" against North Vietnam thus far this year. The number of B-52 bombers in the Indochina theater has doubled during the past few weeks. Reports also indicate that there has been stepped up bombing throughout South Vietnam and along the Ho Chi Minh Trail.

While the air war is escalating, the Department of Defense is clamping down the lid of secrecy. Last Wednesday, March 8, the command in Saigon refused to disclose the number of sortie attacks against targets in North Vietnam. This is information that has been regularly supplied to newsmen for a number of years but, suddenly, with the air war over North Vietnam heating up, the information is no longer available.

For months the Nixon administration has been claiming that the air war in Indochina is deescalating. Now the opposite is true. The administration is attempting to hide the truth. When American bombers made more than 1,000 individual attacks against North Vietnam immediately after Christmas, the Pentagon listed the 1,000 raids as "one protective reaction raid." During a 29-hour period in February, 250 American bombers attacked North Vietnam, and it was termed "one protective reaction."

The administration refuses to disclose any details about the bombing of Indochina. The only information available is sortie rates over South Vietnam and total tonnage rates over all of Indochina. To fully understand and evaluate the air war in Indochina, it is necessary to know the sortie and tonnage rates over each theater of operation in Indochina—North Vietnam, South Vietnam, Northern Laos, the Ho Chi Minh Trail, and Cambodia. All this information is available to Members of Congress on a classified basis, it is not available to the public. The security classification system effectively gags a Member of Congress, preventing him from fulfilling his responsibility of explaining to the American people the justification for American policy. I may be able to tell my constituents that I think the air war in Indochina is wrong, but I am unable to tell them how extensive the air war really is.

I see no way to justify the withholding of this information. If Members of Congress were asking the Pentagon to disclose current and actual operations taken then this information might be useful to the enemy and be withheld in the interests of national security. All we are asking is information on a biweekly or monthly basis delineating the sortie and tonnage rates in each theater of operations. It is no secret to the people of Indochina that they are being bombed, but apparently the Pentagon hopes to keep it a secret from the American people.

I am inserting at this point of the RECORD the correspondence between Congressman HARRINGTON and myself and the Pentagon. Also, I am including an editorial that recently appeared in the Boston Globe.

JANUARY 18, 1972.

President RICHARD M. NIXON,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: The purpose of the Vietnamization program according to the Administration is to withdraw American forces, achieve a negotiated peace of the conflict in Indochina and win the release of our POW's.

The reality of the Vietnamization program is different. I understand that the United States has increased the number of air attacks against North Vietnam by 440% in the past year. The escalation of the bombing over North Vietnam is, I believe, incredibly inconsistent with the Administration's avowed purposes of winding down the war and getting our POW's out as soon as possible. The Administration claims that it is serious about negotiations with the other side. I cannot accept that contention. No one really believes that the North Vietnamese will seriously negotiate the release of our POW's while we are escalating the bombing of North Vietnam.

In addition, the American people have not been told the full story of the bombing of Indochina. The Administration refuses to disclose the number of sorties flown against North Vietnam each month. All information about the bombing of Laos and Cambodia is considered secret. The only possible motivation for the Administration to keep this information classified is in order to hide the truth about the extent of America's destruction of Indochina.

It's high time that the Administration provided complete information so the American people can know the truth about our bombing of Indochina. Therefore, I am requesting that you direct the Secretary of Defense to provide me with detailed information on sortie rates and tonnage dropped per month over Northern Laos, the Ho Chi Minh Trail, Cambodia and North Vietnam. In addition, I hope that the Secretary will provide me with complete information concerning the number of pilots who were shot down during "protective reaction raids", and the number who are now considered POW's and MIA's.

Sincerely,
LES ASPIN, *Member of Congress.*

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 1, 1972.

Hon. LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR MR. ASPIN: On behalf of President Nixon, I am replying to your letter of January 18, 1972, regarding sortie rates and tonnages dropped over Laos, the Ho Chi Minh Trail, Cambodia and North Vietnam. You also asked for information concerning pilots shot down during protective reaction strikes and numbers of POWs and MIAs.

The sensitivity of the detailed information on sortie rates, tonnages and target areas which you requested is such that it can only appropriately be discussed in an Executive Session of the Committee on Armed Services. Should the Chairman so desire we would be pleased to brief the Committee with respect to this matter.

During 1971, US air activity in Southeast Asia was lower than any year since the peak year of 1968. From the 1968 level the number of US attack sorties decreased 48% in 1970 and 65% in 1971; B-52 sorties were down almost 40% from the number flown in 1968. The number of US attack and bomber aircraft in SEA decreased from over 1,100 in 1968 to less than 400 by the end of 1971.

Recent increases in US air activity are due to protective reaction strikes against radar sites and also protective reaction strikes against an enemy buildup which threatens the safety of allied forces.

Total allied air munitions delivered in Southeast Asia during 1971 was 763,000 tons. This was a reduction of 47% over a high in 1968 of 1,437,000 tons.

Aircraft losses in 1971, during protective reaction strikes in North Vietnam and status of the crews, are as follows:

DATE, AIRCRAFT AND CREW STATUS

March 22, 1971, USAF/F4: 2 recovered.
December 10, 1971, USAF/F105: 1 recovered, 1 KIA.
December 26, 1971, USAF/F4: 2 missing.
December 30, 1971, USN/F4: 2 prisoners of war.
December 30, 1971, USN/A6: 1 recovered, 1 missing.

The latest figures reveal 480 men are prisoners of war and 1,134 are listed as missing in action.

I hope this information has been helpful.

Sincerely,
DENNIS J. DOOLIN,
Deputy Assistant Secretary.

HOUSE OF REPRESENTATIVES,
February 29, 1972.

Mr. MELVIN LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: As members of the House Armed Services Committee charged with the responsibility of voting on the military budget, we are writing to ask you for information which is essential to the effective performance of our duties.

The major burden of the American military effort in Southeast Asia is the air war in South and North Vietnam, Laos, and Cambodia. By any standard, the massive bombing conducted by American forces in these countries represents a major military effort. Yet we are unable to obtain useful, comprehensive information about this activity.

Bombing figures released to the public consist solely of a monthly total for all four countries, and that total is not released until more than forty days after the close of the month which it covers. This is wholly inadequate for any rational purpose. To permit intelligent analysis, bomb totals must be made available on a weekly or at most a biweekly basis, broken down according to the country involved. And the figure must include not merely the tonnage of bombs dropped, but the number of sorties flown.

The rationale for American policy in southeast Asia depends heavily on the claims made for the bombing policy. While we are vigorously opposed to that policy, and believe strongly that a date should be set immediately for prompt, secure withdrawal of all military forces from Indochina, we are none the less interested in evaluating vietnamization on its own terms. And that is simply impossible to do with the current restrictive information policy.

For example, no clear estimate can be formulated of the chances of success of the Cambodian or Laotian Governments in their current military activities without knowledge of the range of bombing activity in which we are engaging in these countries. Have recent military reverses for these governments been accompanied by an increase in American support bombing? If so, are we then committed to an increased military role in Cambodia and Laos as long as their own military forces continue to suffer defeats?

Similar questions apply in Vietnam. Are casualty rates closely correlated to our bombing activity? Do decreases in American bombing result in increases in North Vietnamese and Viet Cong military actions?

If so, does this further indicate that our commitment to an escalated military role is open-ended, and that the North Vietnamese and Viet Cong forces have the ability to trigger future American military action as they see fit?

Moreover, as members of Congress, we have a direct interest in the financial aspects of this policy. The air war is clearly one of the major items in the military budget at present, involving multibillion dollar expenditures. Yet we cannot find out where the bombs are falling, at what rate, and to what purpose. In these circumstances it is impossible to make reasoned choices among competing budgetary requests.

We recognize that security considerations are involved, and while we oppose the policy of continued bombing, in no way would we want to do anything that would endanger any of our servicemen. But since we are not asking to be informed about prospective bombing missions, but only for cumulative totals of missions that have already taken place, we see no basis whatever for invoking security as a reason for denying our request. Presumably, once bombs have been dropped, it is no longer a secret to the people who have been bombed, and we find it unthinkable that the American people should know less about past military activity of their government than the victims of that activity.

We have read newspaper accounts of DOD spokesmen arguing that the information we seek is impossible to compile, but we cannot accept this as a justification for refusing our request. If it is true that the Defense Department and the individual services do not in fact know the extent of bombing activity in which they have engaged in a given country in a given week, that is surely a condition which must immediately be corrected. It is certainly hard to square such professions of ignorance with claims that the air war is being carefully and scientifically controlled to produce maximum military results with minimum loss of life. How can you know the effects of your bombing activity if you do not know with any clarity how many bombs you dropped, and on what country you have dropped them?

We hope you will agree that full information for Congress and the public is an important goal.

Very truly yours,

MICHAEL J. HARRINGTON,
LES ASPIN.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 8, 1972.

Hon. LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR MR. ASPIN: Secretary Laird has asked that I reply to your and Mr. Harrington's letter of February 29, 1972, concerning the release of information regarding American military efforts in Southeast Asia.

Obviously your letter of February 29, to Mr. Laird and my letter to you of March 1, 1972, on behalf of the President crossed in the mail. In that letter I stated that detailed information on sortie rates, tonnages, and target areas is of a nature that it can only appropriately be discussed in an Executive Session of the Committee on Armed Services. We also offered to arrange to brief the Committee with respect to this matter should the Chairman so desire.

There is little that I can add to my March 1, 1972 letter as concerns the release of information on U.S. air activities in Southeast Asia; however, I believe you will find it to be responsive to your latest inquiry as well.

I have responded to Mr. Harrington in this same manner.

Sincerely,

DENNIS J. DOOLIN,
Deputy Assistant Secretary.

[From the Boston Globe, Mar. 13, 1972]

MAKING WAR BY SECRECY

Is the air war in Indochina really winding down as President Nixon has claimed? Two Congressmen, Reps. Michael Harrington (D-Mass.) and Les Aspin (D-Wis.), charged over the weekend that it is not, and that the American people are being deceived.

The two congressmen, both members of the House Armed Services Committee, say that not only the public but the committee, too, are not being told of the scope or intensity of the bombing.

More than a week ago, the US command in Saigon announced that it would no longer make public the number of planes nor individual missions involved in raids over North Vietnam. The reason given was that such information might be of use to the enemy, but in the past the information had only been released well after the raids had occurred, at a time when the other side surely knew all it needed to know about them.

Why, then, the sudden change? Perhaps part of the answer was given in dispatches from Saigon last Friday reporting that US planes had struck into North Vietnam for the 11th straight day which set a record for consecutive days of attacks there since President Johnson halted the bombing of that country Nov. 1, 1968. The previous record of 10 days of consecutive bombing was set only last Dec. 21–30.

And in the first 72 days of this year, including the week that was supposed to have "changed the world" when Mr. Nixon came to China "in peace for all mankind," US planes have made no less than 93 air strikes into North Vietnam in the name of "protective reaction."

Other indicators of a widening air war are the stationing of four aircraft carriers off Indochina and the doubling of the number of B–52's available for bombing in the last month.

Why, then, all the secrecy? Dennis J. Doolin, Deputy Asst. Secretary of Defense for International Security Affairs, writes a letter to Cong. Aspin referring to "the extreme sensitivity" of the data requested.

Herbert Klein, Director of Communications for the Executive Branch, queries the Pentagon and is told that it doesn't give the same "priority" to the bombing data as it does to our own casualty figures, and that the latter have to do with personnel, and the former concern "materiel."

From all this the conclusion is inescapaable that the Pentagon's priorities are horribly and barbarously confused. It simply will not equate bombing figures with killing people.

With the air war at its highest peak since the bombing halt of 1968, American officials are claiming that air power is the only means left of influencing the military situation. But they are expecting it to do what it utterly failed to do for so many years even with our massive power on the ground.

They have yet to learn from John Donne that "any man's death diminishes me, because I am involved in mankind. . . ."

They must be told by Congress and the people that this is still a government run by civilians, and that the bombing figures must be made public.

OPINION QUESTIONNAIRE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HOGAN. Mr Speaker, this week, as I have done in the past, I am sending out a questionnaire to all of my constituents to determine their views on various topics of national and local concern.

The questions deal with such current issues as busing, taxes, drugs, and State-operated lotteries.

I would like to share this questionnaire with my colleagues, and I now request permission to insert it in the RECORD. The results will be published as soon as the responses are tabulated:

OPINION QUESTIONNAIRE

(NOTE.—Each question has yes, no, undecided squares for "His, Hers, Daughter or Son.")

1. Do you favor busing of school children to achieve racial balance?

2. Do you favor no-fault auto accident insurance whereby insurance companies would compensate policy holders regardless of who is at fault?

3. The so-called value added tax, in effect a national sales tax, is contemplated as a method to hold the line on property tax increases. Do you favor such a tax?

4. Do you favor providing income tax credits for such educational expenses as tuition, fees, books, and supplies?

6. Do you think denying high school students the opportunity to purchase soft drinks during lunch is an appropriate method to insure that they eat nutritional lunches?

7. Do you favor legalization of marijuana?

8. In general do you support President Nixon's domestic program?

9. In general do you support President Nixon's foreign program?

10. In general, are you satisfied with the votes which I have been casting as your Representative in Congress?

11. If "no" or "undecided," what are your major areas of disagreement? (Please feel free to respond on the other side of this card).

12. In your opinion what is the most important problem facing:

The country?

Maryland?

Your neighborhood?

(For additional comments please use other side.)

THOMAS MASARYK—SYMBOL OF DEMOCRATIC FREEDOM

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. VANIK. Mr. Speaker, it is the duty of the American people to remember not only their own Founding Fathers, but those of other nations also. Among these men is Thomas Garrigue Masaryk, the founder and first president of free Czechoslovakia, who was born this month, 122 years ago.

Mr. Masaryk rose from the humble origins of serfdom to become one of the intellectual leaders of his time. He passed from a graduate student at the University of Vienna to professor. It was during this period in his life that he distinguished himself by recognizing the problems of the educational system and by striving to reform it. His concern for his fellow men drove him into public service.

During his 12 years in the Austrian Parliament, Mr. Masaryk took an active part in promoting political autonomy for the Czechs and Slovaks, who were then part of the autocratic and repressive Austro-Hungarian Empire. With the advent of the First World War he led an army of 75,000 Czechs and Slovaks 10,000 miles across Siberia to the east where they were then transported to the western front to fight alongside Allied Forces. Following this spectacular feat, the Allied Powers agreed to establish an independent nation of Czechoslovakia.

Together with Dr. Edvard Benes, Masarayk organized a modern Czechoslovakian state conforming to the principals of democracy. He then headed the government as its President for 17 years. During this period, Czechoslovakia was considered to be one of the finest examples of democracy in Europe.

For his contribution to the evolution of personal freedom in Czechoslovakia, Thomas Masaryk deserves the respect and the remembrance of the American people.

Recent events have shown that the spirit of freedom and liberty which Thomas Masaryk helped instill in the Czechoslovakian people still exists and only awaits the opportunity to once again express itself.

THE SPACE SHUTTLE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mrs. ABZUG. Mr. Speaker, this afternoon, I had the privilege of appearing before the Manned Space Flight Subcommittee of the Committee on Science and Astronautics to present my views on the space shuttle.

I believe that we are rushing headlong into an adventure which will make the moneys wasted on the SST fiasco look like pocket money by comparison. To put it simply, our national needs do not permit us the luxury of spending $8 billion on this project at this time.

In addition, I fear that we are being deluded into believing that this project is primarily civilian and scientific in nature; in fact, it will probably be utilized more for "defense" purposes than anything else.

I urge my colleagues to give the most searching consideration to the question of whether we should authorize funds for this new program, and I include my testimony at this point in the RECORD:

TESTIMONY OF BELLA S. ABZUG BEFORE THE MANNED SPACE FLIGHT SUBCOMMITTEE OF THE COMMITTEE ON SCIENCE AND ASTRONAUTICS

Mr. Chairman, members of the sub-committee, I appreciate the opportunity to appear before you to discuss NASA's proposal for the development of what I believe to be an extravagant and unnecessary space shuttle system.

During the past decade, the world has marvelled at the technological feats and scientific advances which have marked our space program. We have witnessed space satellites and other complex instruments being propelled into our earth's orbit, astronauts walking in space, and finally, man "conquering" the moon by walking on its surface, planting a flag, and collecting lunar rocks.

In order to set the stage for these galactic adventures, Congress has appropriated tens of billions of dollars for a manned space program which has wandered from its original objective—the pursuit of scientific knowledge—towards a course of political and military hegemony. Our recent space adventures seem primarily geared toward increasing our prestige and inflating our "national image" throughout the world, with scientific inquiry taking a poor second place. The idea that the first lunar footsteps had to be American, the rationale set forth by the administrations which originally established the space program, held no water during the days of the Cold War, and it holds no water today either. At any rate, now that NASA has reached the moon, it is seeking a new, similarly glamorous toy for its next project, and it feels that a space shuttle would be just the ticket.

According to NASA, the shuttle will cost the American taxpayers "only" $8 billion to produce—$5½ billion for research and development for the first two spacecraft, $1 billion to cover increasing costs and unforeseen research and development needs, and $1.5 billion for three additional shuttle craft. As with the SST issue before this, Congress is confronted with the necessity of determining whether our scarce resources should be spent on the development of 5 space shuttles at a cost of $1.6 billion per craft, or on the curing of our ever increasing domestic social ills. I would remind you that the President recently vetoed as "fiscally irresponsible" a bill that would provide only $2 billion for child care centers, a *mundane* but urgent issue for millions of working parents.

Before we can seriously consider granting funds for this shuttle system, certain pressing questions must be clarified and answered. We must ask:

What role will the space shuttle system play in our future?

Who will actually utilize it?

What are the true costs involved in constructing and operating it?

What price will we, the citizens of the United States, pay for it in terms of the resulting inattention to the steady decline in the quality of life within our society, including deficient educational, medical and correctional facilities, insufficient and inhuman housing for the impoverished, the needy and the elderly, and; the collapse of our mass transit systems.

The need to redefine our national priorities constitutes the primary reason for my opposition to this shuttle. This factor transcends the cold facts and figures of a budget calculation and brings before us the question of whether our social integrity is to be preserved. We should not allow NASA to continue to drain our economy of its limited resources by shooting billions of dollars worth of hardware into space while our other needs go unmet. Will the American people gain as many substantive, concrete benefits from the development of 5 space shuttles as they might receive from a shuttle system of modern subway cars that could transport working people more efficiently and cheaply, or from a new fleet of bulldozers which could clear tenements for the development of decent housing or massive new medical facilities? I think not.

Nor do my questions end here, for there are more which must be asked:

Why is this project being proposed by NASA and the President now, since the results of the "Skylab" experiment, which is designed to explore man's capability for living and working in space, will not be concluded until 1973? How can we conceivably appropriate billions of dollars for a massive shuttle system whose feasibility has not yet been established? The fact of the matter is that the aerospace industry, once secure with its fat government contracts for "defense" work during the height of our involvement in Vietnam, has slumped to such devastatingly low levels that federal subsidies are required to keep it afloat. I am not against this industry or the working men and women who make it run, but there is no reason why it cannot be converted to such activities as housing construction of a pre-fabricated or modular type, thus remaining alive and serving the real need of our Nation at the same time.

The decision reached by Congress as to the wisdom and practicality of this proposal will determine not only its future, but also the nature of future American space exploration. The implications involved in establishing an extensive manned shuttle system would point to a firm commitment to an enlarged space program of massive proportions, based on the same expensive methods employed in the Apollo flights, which would further misallocate and needlessly deplete our national resources. A manned space shuttle system by itself would be foolish unless there were plans for further manned programs to succeed it. We must question the rationale that insists upon utilizing a more costly and, according to some scientists, far inferior system of space exploration instead of a less expensive, more efficient, safer unmanned instrumented system of flights to tackle the same scientific problems. What has NASA to lose by adopting an unmanned, instrumented system except perhaps a minor tarnishing of its public image and the loss of an exorbitant budget which is squeezing much needed money from areas of social concern?

To discover what role this shuttle system would play in years to come has left us wondering if NASA itself knows why this shuttle program merits consideration. Originally, NASA stated that this reuseable space cargo-craft, consisting of an orbiter and booster, would be developed to reduce the transportation costs between earth and outer space by employing a reuseable system instead of our present one shot rockets. Thus, we are asked to spend billions to transport a handful of scientists and their cargo to manned space stations orbiting in outer space, thereby providing an airline type accessibility to space at low operational cost.

Yet, after the Rand Corporation study of October 1970, which refuted NASA's contention that a reusable manned shuttle system would be economically practical, NASA changed its ptich and stated that the shuttle would be used for "versatile and efficient operations".

To what operations are they referring? First, it was manned space stations, but now, the concept of satellite-repair by shuttle-borne technicians seems to have gained popularity. But this new angle appears questionable in light of the recent statement by a leading scientist, Jeremy Stone, that if parts should mal-function, it is usually more scientifically feasible to launch a new satellite than to substitute new parts. If this is so, just what purpose will this elaborate system serve? Surely there must be more uses than satellite repair? If we investigate the proposed figures listing the increase in payload poundage per year for this shuttle system, our skepticism is further aroused. In 1969, there were 37 space launchings carrying a total payload of 381,400 pounds, yet, according to NASA predictions, the payload level for future shuttle flights would increase to the astronomical figure of over 2.6 million pounds of payload/year between 1978–1990. With this increase of over 2 million pounds per year, it is obvious that the shuttle is being designed to facilitate far more than mere satellites for space travel. Could this space shuttle system possibly serve as a primary transport carrier of heavy military equipment for use in outer space? Our military annually receives huge appropriations for its "needs", and this possibility gains credence when one considers how the military has overtaken and fully utilized our air for its own purposes.

Air flight too was originally viewed as a great scientific accomplishment of man conquering his environment, but soon the airplane became a destructive tool of the military.

Will our "space frontier" soon be cluttered with heavy military armaments and serve as yet another front on which we may confront our so-called enemies?

Could this space appropriation be the tip of an immense iceberg which would further commit our precious dollars for unnecessary, space exploration?

Are we disguising Defense Department costs within the civilian NASA budget? If the shuttle is going to be employed for military purposes, I think the Department of Defense should contribute toward its cost, instead of duping the American public into believing that this space shuttle is for civilian needs and civilian uses. Our needs are here at home with the millions of hungry American children who eat lead-laden paint chips, with our helpless old, with our rat-infested, drug-plagued ghettos that so often breeds crime, misery, and despair among its victims, with our sewage-filled waterways and polluted skys; not with spacemen searching for rock samples or repairing rockets.

The total cost of this proposed space shuttle is still another unsolved mystery. At first, NASA offered the "innocent" figure of $8 Billion for the development and research of 5 reusable space shuttles, but this figure is misleading. We are later told by our space agency that the price will rise to the neighborhood of $10–14 Billion over a 10 year operation period, or approximately 20 times the cost of the SST proposal. Then we are informed that the cost of the shuttle's payloads might add $20–28 Billion onto the shuttle's total cost. But according to the 1970 Rand Corporation report for the United States Air Force these estimates are conservative.

Arguing that a reusable shuttle system would not be economically advisable, the Rand report listed two conclusions to substantiate its opinion: (1) the shuttle system necessitates heavy intra-space traffic (about 940 flights will be scheduled between 1978–1990) and (2) this system requires heavy payload amounts (over 2.6 million pounds annually). These 2 factors make the initial costs of the shuttle very high, and, we are told, only after appropriating in excess of $141 Billion to this manned space program will it become cost effective, or more economical than the nonreusable rockets. It should be noted that the development of this shuttle requires a peak civilian space budget in excess of $7 Billion for one year, or twice the present annual space budget.

Thus, we are once more being asked to distort our priorities and regress back to the expenditure levels of the Apollo heydays, when the space budget bulged to over $6 Billion annually. According to James Van Allen and many other scientists who firmly oppose the shuttle proposal, an unmanned, instrumented system would cut the annual costs by two-thirds while producing the same scientific results as a manned program. To add insult to injury, not only is NASA insisting upon using the costly and glamorous manned method, but they have even cancelled certain important, unmanned space missions that have great scientific worth, (such as the Grand Tour mission and NERVA projects) in order to make financial allowances for the shuttle system. $1.4 Billion has already been spent for the development of the recently scrapped NERVA project so that we must add that amount onto the ever-rising shuttle figure submitted by NASA.

And so the story continues. We scrap the scientifically important for the politically expedient. The American public is being bombarded with the President's dogma and illogical assertion that our country will save money by using the reusable crafts. Yet, if we look beyond this Madison Avenue technique of "saving money by spending it", we will encounter 2 essential questions which the President has failed to recognize:

Is this project necessary?

Can we afford it?

I answer a firm no to both. However, to the President this shuttle scheme has significant political overtones during this particular year. The plight of the aerospace workers as a result of the wasteful attitude which has led to one disaster after another in our military fields and aerospace technology is well known. The shuttle will develop approximately 50,000 new jobs in this depressed industry during an election year, and this would help reduce the embarrassing unemployment rate which has plagued his administration. While creating new jobs is a positive step, meaningful economic progress will not be made so long as we continue to pour money into machines, like the shuttle, that produce no goods or services for civilian use.

It is a disgrace to our American system that a labor force of gifted, experienced engineers and scientists, who can contribute significantly to meeting our critical civilian needs, should depend on welfare subsidies for survival. Instead of pumping money into space, we must develop a coordinated plan to move both men and materials out of armaments and space exploration and into jobs to improve our society and the lives of our people. If this nation is seriously preparing for peace, it must implement the conversion from arms production to the production of civilian goods and services, be they air and water pollution control systems, electronically operated transportation systems, or computer networks for programmed education and health services, to name a few.

It is the reordering of our national priorities which takes precedence over my other objections to this misguided project. It would appear to even the most socially lethargic within our society that we have steadily minimized the very basis for social interaction which binds human beings together—respect for the sanctity of human life.

We righteously defend our appropriations toward a genocidal Asian war or extravagant space proposal, but somehow consider it foolhardly and impudent if people ask for increased social benefits. The glorification of machines and private property has replaced the right to live a life of dignity for we continue to stuff our technological community with appropriations and subsidies while the primary community, our society, is ignored. We are living in a critically polarized society which has divided our races and sexes into conflicting forces. How long must we allow this insanity to continue? How much longer are we to tolerate the monstrous and devastating distortions of our budgetary priorities which serve only to perpetuate these inequities and divisions? We are told by the President that this shuttle system is necessary for our nation's well-being, so that our space frontier will become "easily accessible for human endeavor in the 1980's and 1990's. But I go back to my district and see young children going to school underclothed and ill-fed, the weary aged sitting alone on park benches, viewing death as a pleasant alternative to the existence they are forced to lead in their twilight years. I see the unemployment line, I see over-crowded and ill-ventilated housing and working conditions. I see an increase in mass transit fares while service steadily declines, I see the filthy waterways and breathe the polluted smog.

My colleagues, I fear that our society will soon sink to a critical level of no return. Our President wants to make space travel a reality for Americans in the future. What Americans are going to be eligible for these grand rides? The President and his cabinet? I have constituents at home who can barely afford the subway fares, who never have been on an airplane because of its expense and certainly cannot take the time off work to waltz through the galaxy for a week or so.

The President recently vetoed a $2.1 Billion Child Care bill, but finds a multi-billion-dollar space shuttle proposal very much to his liking. What about the needs of those working mothers? Are these space toys more important than one child's welfare?

In Fiscal Year 1973, our budgetary plans call for the allocation of only $600 million for the construction of health facilities within our nation. This is not only insufficient to satisfy the demands for adequate medical attention in our country, but a *cutback* from 1972. Yet, for FY1973, one third of that amount, or $200 million, will be granted for the preliminary development of an untested and unnecessary shuttle system. I would like to see an advocate of this shuttle system enter a jammed waiting room of one of our overcrowded hospitals and tell those sick patients and the hospital staff members that a space shuttle is of the utmost importance for 1973! I would like to see that advocate talk to a victim of cancer or sickle cell anemia and justify the spending of over $1.6 billion for *one* shuttle craft when we are allocating less than ¼ of that sum for both diseases combined ($430,000,000 for cancer research and $6,000,000 for sickle cell anemia).

70% of all women, and 32% of all men over 65 years of age have annual incomes of less than $2,670. We might consider using that $140 Billion to meet the needs of our elderly poor instead of on this shuttle.

In FY 1973, we plan to spend $6.3 billion—far less than is needed—to cover elementary and secondary educational costs for the millions of school children throughout the land. Is the development of 5 space crafts for $8 billion more important than our children's need for a proper education?

Our lack of adequate housing facilities for many of our citizens constitutes another reason why this shuttle is ill-advised at this time. Whether it be the tenement houses of our urban slums, the cold water flats in Appalachia, or the dirt-floored shanties of the rural South, our people are in desperate need of decent shelter. Housing is an essential prerequisite for social progress, because a person cannot lead a fruitful life if he is forced to live with over-crowded conditions and insufficient heating. If we were to take less than one-fifth of the total expenditure cost of this tragic space shuttle, we could construct over 1,500,000 new low and moderate income housing units—triple the amount of units being constructed today.

I oppose the space shuttle here today and I will continue to oppose it on the House floor. Before I conclude, let me note that my opposition should in no way be interpreted as "anti-space" or "anti-technology". I believe in the continuance of our space program, but not as it exists now. I favor the use of lightweight, unmanned, instrumented systems which can produce the same results as our manned program at a fraction of its cost. Our scientific and technological communities must continue to grow, but not for uneconomical, impractical adventures like elaborate space shuttles or complex weapons systems.

If we begin to seriously utilize our scientific and technological resources to wipe out disease, feed the hungry, educate the illiterate, provide better shelter for the needy, and improve our environment, then I believe that science is worthy of its huge budgets. Until that time, I will continue to oppose appropriations, like the shuttle, which will not improve the conditions around us.

Thank you.

MISSISSIPPI SUES FEDERAL GOVERNMENT ON BUSING

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. RARICK. Mr. Speaker, the Federal Government has become so tyrannical on the busing issue that it is now being sued by Mississippi.

According to reports, the paramount allegation of the suit is that coercion from HEW for busing to achieve racial balance is in violation of the law of the land.

Interestingly enough, the suit alleges that Mr. Elliot Richardson, Secretary of HEW and titular advocate of forced busing, sends his three children to a private school.

I insert a related news clipping.

The article follows:

[From the Washington Post, Mar. 9, 1972]

Mississippi Sues HEW Officials on Linking School Aid to Busing Compliance

The attorney general of Mississippi filed suit in U.S. District Court yesterday to stop the federal government from pressing busing plans to achieve racial integration as a condition of continued federal aid to schools.

The class action suit names as defendants Elliot L. Richardson, Secretary of Health, Education and Welfare, and 22 other HEW officials. It was filed by A. F. Summer on behalf of Mississippi schoolchildren, mothers and public school boards.

The suit filed yesterday alleges that HEW officials "by means of threatened court actions" or by withholding funds for noncompliance with Title 6 have violated the 1964 act's specific ban against busing to achieve racial integration.

The suit concedes the legality of such action if ordered by the courts but contends that HEW has acted administratively without specific court rulings.

HEW officials declined to comment on the case yesterday. HEW's practice has been to require schools with demonstrably segregated systems to desegregate without specifically ordering busing, in order to qualify for federal aid. In requiring compliance, HEW has applied Supreme Court guidelines using the school system's overall racial ratio as the proper yardstick.

The suit calls such administrative actions "gross disregard" for the Constitution, and includes in this category "forced and arbitrary" busing, pairing, zoning, redistricting, assignment of schoolchildren to "remote locations," and transferring of teachers" without regard to qualifications or seniority."

The result of an alleged emphasis on desegregation in southern states by HEW, the complaint contends, "has been a systematic failure by (HEW) to take steps to eliminate state-created segregation in Northern states . . ."

Meanwhile, HEW officials, the suit charges, have "exempted themselves" from the effect of busing plans by placing their children in private schools. "This pattern of personal rejection of the very public education the defendants are charged with promoting destroys the public's confidence that the statutory standard of 'efficient public school systems' is being met."

The suit notes that Richardson sends his children to an "exclusive private school." An HEW spokesman confirmed that Richardson sends his three children to three private schools. "All are integrated," the spokesman said.

THE OUTSTANDING PUBLIC SERVICE OF DOMENIC MASSARI UNDERSCORED BY LOCAL, STATE, AND FEDERAL OFFICIALS

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. ROUSSELOT. Mr. Speaker, it is so refreshing in these somewhat troubled times to know and hear of an individual who is almost unanimously revered as an outstanding public servant such as the man Domenic Massari. On Friday, March 24, officials from local, State, and Federal levels of government, as well as many distinguished citizens, will gather together to pay tribute to retiring City Councilman Domenic Massari for his dynamic and unselfish contribution to the community of Palmdale, Calif., and surrounding area. Mr. Massari, who was originally born in Italy in 1893, arrived in Palmdale in 1926 with the most modest possessions and has since devoted himself with unstinting, unquestionable dedication to the service of the Palmdale community and, in fact, the entire Antelope Valley.

On March 24, which has been declared Domenic Massari Day, the entire Massari family, other thankful citizens including the City Council of Palmdale, Mayor Lawrence W. Chimbole, and myself will gather to pay deep gratitude to this truly great American for all that he had done to make Palmdale, and in a larger sense America, a better place to live. Mr. Massari has by deeds, not just words, made a contribution to Palmdale, which was at the time of his arrival in the late twenties nothing more than a broad place in the road. Mr. Speaker, I know I speak on behalf of the Members of Congress who are always pleased to join in saying thanks to a dedicated and loyal citizen of this country of ours when he has served so constructively and without fanfare to make his community reflect all the high qualities that our Founding Fathers fought so dearly to attain. Domenic Massari is the epitome of that great statement we all know so well that sits on a plaque at the base of the Statue of Liberty:

Emma Lazarus—1849–87

(The New Colossus: Inscription for the Statue of Liberty, New York Harbor.)

Give me your tired, your poor,
 Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
 Send these, the homeless, tempest-tossed, to me:
I lift my lamp beside the golden door.

Our distinguished State Senator John L. Harmer has encouraged his colleagues in the State legislature to pass a resolution which indeed is a tribute to all the greatness that Domenic Massari reflected in his daily life. I insert it in the Record:

Senate Rules Committee Resolution By Senator John L. Harmer, Relative to the Retirement of Domenic Massari

Whereas, It has come to the attention of the Members of the Senate that Domenic Massari is retiring after 10 years of distinguished service as a member of the Palmdale City Council; and

Whereas, Mr. Massari was selected by the council to serve as Mayor of Palmdale in 1968; and

Whereas, Born in Potenza, Italy, in 1893, Mr. Massari arrived in Palmdale in 1929, bringing all his possessions with him in a covered truck, and from that time has played an indispensable part in the progress that has taken place in Palmdale; and

Whereas, A dynamic community leader, Mr. Massari was instrumental in the organization of the Palmdale Chamber of Commerce in 1933, served for approximately 10 years as a volunteer fireman, was President of the Palmdale Kiwanis Club in 1941, served as co-chairman of a victory bond drive in 1942, and served as President of the Palmdale Chamber of Commerce in 1947; and

Whereas, Until its successful conclusion in 1962, he was a member of the Palmdale Incorporation Committee; and

Whereas, He and his charming wife, Teresa, are the proud parents of a son, Joseph, and a daughter, Lena, and the proud grandparents of four grandchildren and one great-grandchild; now, therefore, be it

Resolved by the Senate Rules Committee, That the Members commend Domenic Massari for his outstanding public service and extend their best wishes to him on the occasion of his retirement from the Palmdale City Council; and be it further

Resolved, That a suitably prepared copy of this resolution be transmitted to Domenic Massari.

In addition, the city of Palmdale has proclaimed March 24, 1972, Domenic Massari Day and I ask that my colleagues in the House of Representatives be apprised of this very constructive resolution which has proclaimed to all the citizens of Palmdale the thoughtful recognition of this day to a man who has dedicated his life for 46 years to the betterment of America.

The item follows:

City of Palmdale "Domenic Massari Day,' March 24, 1972

Whereas, Domenic Massari has been a resident of Palmdale since April, 1929, and has taken an active part in civic affairs from that time to this; and

Whereas, in 1933 he was instrumental in organizing the first Chamber of Commerce, serving as president in 1947; and

Whereas, for the ten-year period from 1940 to 1950 he served as a volunteer fireman; and

Whereas, in 1942 Domenic Massari was awarded a citation and a silver medallion from the United States Treasury Department for the selling of victory bonds; and

Whereas, from 1954 to 1962 "Domenic" served as a member of the Palmdale Incorporation Committee; and

Whereas, he was elected to the first City Council in August 1962, serving as Mayor in 1968.

Now, therefore, I Lawrence W. Chimbole, Mayor of the City of Palmdale, do hereby proclaim March 24, 1972, as Domenic Massari Day; and

Be it further proclaimed, that all citizens of the City of Palmdale are urged to recognize this day in honor of a great man who has dedicated forty-three years of his life to Palmdale.

Mr. Speaker, in this time when we hear so much of what is wrong with America, I think it is only appropriate that we pause today and express our appreciation to Domenic Massari for making Palmdale, and also America, a better place in which to live. We thank you Mr. Massari.

FUTURE INTERNATIONAL AFFAIRS AND ETHNIC REVIVAL

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. ZABLOCKI. Mr. Speaker, recently under the sponsorship of the Polish American Congress, a conference on international affairs and ethnic revival including a discussion of the international situation and the challenge it poses to American citizens was held in Milwaukee, Wis. It was my privilege to attend and participate in the symposium.

Two eminent academicians in the field of Polish history and international affairs presented interesting and thought-provoking papers which I should like to share with our colleagues.

Dr. Alexander G. Sklenarz, in his presentation entitled "International Affairs and Ethnic Revival" cited the many important values which Americans of Polish descent have and are continuing to contribute to Americana. He emphasized that Americans of Polish descent have every reason to be proud of their Polish heritage and called on the young generation of Americans of Polish descent to emulate their predecessors and to assume their duties in the ethnic sector of American life.

Dr. Vincent C. Chrypinski, chairman of the Commission on Polish Affairs, in his presentation "The New International Situation: A Challenge to Polonia" stressed the need to understand the impact of future United States-European relations. In his timely and thought-provoking analysis. Dr. Chrypinski asserted and documented that the Americans of Polish origin are greatly concerned with the fate of the people of Poland and of the Polish and other minorities in the Soviet Union. He strongly urged, among other things that, under the leadership of our President, our Nation must strive not to allow further consolidation of Soviet dominance over Poland. I am pleased to share these two papers with our colleagues:

INTERNATIONAL AFFAIRS AND ETHNIC REVIVAL

(By Dr. Alexander G. Sklenarz)

It has been said that the United States is a melting pot for immigrants from all the nations of the world. This has been true and surely this represents the American ideal. We are one American nation and all immigrants should leave behind all their old animosities, jealousies, and prejudices before stepping on American soil. We as American citizens desire a peaceful and harmonious life for this nation regardless of our race, religion, or past allegiances. America's great achievements have been made possible by this atmosphere of mutual respect and confidence. Our path as a nation to a glorious and happy future is marked by the sign "unity." By that we mean the unity in our ultimate goal, which is the safety, welfare, and progress of our nation. This does not mean that everyone must take the same road. We pride ourselves on having complete freedom of opinion and action, guaranteed by our Constitution as long as we are guided by the public good. This is what the melting pot is all about. Unity without mindless conformity; unity with cultural diversity.

When the immigrants began flowing into the country, besides their meager possessions, they brought a great wealth of very different, often very high cultures, some of them centuries old. These immigrants brought many different skills, different ideas of technical development, different trends of thinking and different ethnic experiences. All this could not be thrown into the melting pot because it was precisely the uniqueness of these various cultures which has proved so valuable to the American nation. These cultures have provided us with a treasure of heritage.

This is what we call tradition. Some may question the value of tradition to a nation. Tradition is more than mere sentiment; tradition is a profound creative force which drives nations to higher aspirations in all fields of human endeavor. Tradition gives to a nation its definition as a community, the pride essential to its existence, and the strength to overcome adversity. New nations, especially those which have recently joined the international community have no such roots and find mere existence a challenging task.

Tradition is a lasting value and a creative force. Many examples could be cited to illustrate this point but the most widely known and most convincing example is the Jewish tradition. It is so closely associated with the Jewish faith that it is impossible to consider them separately. It is precisely this amalgam of tradition and religion which accounts for the survival of Jewish culture in the face of twenty centuries of cruel persecution and the rebirth of the state of Israel in the ancient homeland. The Bible and the pride of heritage gave to the Jews a special ethnic identity and hope necessary for survival.

All this illustrates the power and importance of tradition. However, there are people who are unaware of the culture of their ancestors. It is sad to admit that there are even some who are ashamed of their national origins. They prefer to pretend that their forefathers were born here before Columbus discovered America. What is the source of this attitude? There can be only one answer—ignorance.

If these people took even the slightest interest in the history of the land of their ancestors, they would be proud to know that their forefathers came to these shores not as paupers but as the bearers of culture and tradition. It must be said here to the credit of the older generations of Polish immigrants that they preserved and nourished the Polish tradition upon their arrival in this land. They built the churches, the schools in which the Polish language was taught; they enjoyed Polish literature and they established many cultural societies in which Polish theatre, literature, and music were cultivated. The existence of Polish tradition in America is proof of their labors.

It is mostly members of the new generation who think that they advance themselves socially if they sever all cultural ties with the past. They are intimidated by a few silly jokes told by those who know little about Polish history and even less about their own cultural identity. There are many educated people who do not believe that their cultural identity is a hindrance to their personal careers. A man of Polish ancestry is a prominent presidential candidate, there are congressmen who proudly bear Polish names, there are university professors, physicians, engineers, attorneys, teachers, priests, businessmen, and industrialists who are proud of the Polish heritage. This is the same pride which should be transmitted to the young.

But pride cannot be born in a vacuum. To have pride one must have knowledge of one's heritage. That does not require time consuming studies but merely an interest in the past which reaches back further than one's own birthdate. Even those who are not familiar with the Polish language can acquaint themselves with Polish history and culture by reading one of many available English language books. Although it is not absolutely necessary to master the Polish language to learn of Polish culture and history, a knowledge of the language can be immensely beneficial. Certainly it would be advisable to consider the reintroduction of Polish language studies in certain parochial schools. Knowledge of a foreign language is always valuable. Certainly those who speak the language fluently have found that it not only enriches a person's knowledge of the parent culture but it also is a decided asset to those engaged in such professions as law and medicine. Many branches of the federal government actively seek out those who display fluency in a foreign language. Some Americans claim that there is no need to learn a foreign language because anyone who wishes to deal with us must speak English. This is a shallow and arrogant attitude.

It is true that most world statesmen and businessmen speak more or less fluent English. But it is also true that it is most difficult to find American diplomats who speak the language of the country to which they are assigned. Thus our diplomats often do not perceive the subtle nuances and signals which are lost in translation. In European countries, on the other hand, foreign language studies are begun in elementary school and are continued through high school.

The knowledge of the language forms the closest bond with the history and culture of a nation. Nevertheless it is possible to become acquainted with a nation's heritage without a knowledge of the language.

It would be an impossible task to squeeze over one thousand years of Polish history into a few minutes. I therefore will highlight only a few facts which illustrate Poland's contribution to the world.

Poland first emerges from the legends of earlier centuries into written history in 962 with the ascension to the throne of Mieszko the First. A few years later in 966, Mieszko accepted Christianity as the national religion. His son Boleslaw the Great won fame in Western Europe. The British historian G. E. Slocombe says of his reign that "it had no parallel in the history of contemporary Europe."

Poland at one time ranked among the largest European nations in terms of land area. Its territory equaled more than 390,000 square miles and reached as far as Kiev in the East. Poland however did not engage in wars of conquest. Rather it was the attractiveness of Polish culture and freedom which tended to encourage unification. The marriage of the Polish Queen Hedwig and Wladyslaw Jagiello, Grand Duke of Lithuania in 1386 resulted in the subsequent union of these nations as the Polish Commonwealth in 1569. This union lasted until the partition in the second half of the eighteenth century.

During the 16th century Poland reached its zenith of political power. The nations and people of Eastern Europe viewed Poland as their protector. During this century of fiery religious battles in Europe, Poland became a political and religious symbol, a land of tolerance and a center of civilization. It was during this "golden age" that Poland played its most creative role in the history of Western culture.

The ideas of humanism were brought to Poland by many Polish scholars who studied in Padua and Bologna. The revival of interest in classic Graeco-Roman culture was felt in all aspects of Polish life. In Poland, as everywhere else, the theocentric and universalist scheme of the Middle Ages was being transformed into a anthropocentric and national structure. The development of humanism in Poland freed men from narrow established ideas and caused a revision of orientation.

In 1545 Nicholas Copernicus, a former pupil of the Cracow Academy, published his famous work, "De revolutionbus orbium coelestium", which demonstrated to an unbelieving world that the earth revolved around the sun.

In the field of literature, Jan Kochanowski combined his knowledge of ancient and contemporary French and Italian literature with his own creative talents. As a result of his efforts and those of others, the Polish literature rises above all other Slavic literature of that era.

For many centuries Poland served as the bulwark of Western Europe and the rampart of Christendom against the onslaughts of Turks, Tarters, and Russians. Near Leignitz in Silesia, Poles defeated the Tarter forces led by Batu, grandson of Genghis Khan. On the Black Sea near Warna, the Polish King Wladyslaw III lost his life as he led a combined force of Poles, Hungarians, and Wallachians against the Turks. Two centuries later the Poles twice defeated the Turks at Chochim. In 1683 the Polish King raised the seige of Vienna when the Polish cavalry put the immense Ottoman army to flight. The victory was of such significance that a constellation was named in Sobieski's honor. Another Polish victory which was equally important to the Western World was the rout of the Red Armies at the gates of Warsaw in 1920. In this victory on the Vistula, under the direction of Pilsudski, the volunteer army of General Haller saved Poland and Europe from Bolshevism.

The Polish nation has suffered much in the last two centuries. The partitions of Poland, the subsequent oppression, the attempts to suppress Polish culture and language, the uprisings which cost the lives of thousands of Polish patriots, and the noble courage and tenacity in the face of foreign domination won Poles the admiration of the world. The indomitable spirit of Poles could not be broken. Even communist rule has been unable to transform the Polish patriot into a servant of Moscow.

What then is the Polish tradition which has sustained Poles over the centuries?

I think the answer was given by an American author and student of Polish culture, who spent seventeen years in Poland. Paul Super said, ". . . the Greek tradition was beauty; the Hebrew tradition, righteousness; the Roman, law and order; the American is freedom; the Chinese, reverence for the ancestors; the French, intelligence and taste. Of the Polish tradition I would say that it is knightliness, nobility in the best sense and a high evaluation of the spiritual aspects of things."

The respect for personal rights and personal dignity are inborn in a Pole. Apart from England, Poland was the only other country which as early as the middle of the 15th century had appropriate statutes affording guarantees of personal inviolability. In the historic 3rd of May Constitution in 1791, liberty and protection of all religious creeds was assured.

One of the finest testimonies to Poles was written centuries ago by Calimachus, an Italian. He said, "On the widespread plains there is one people and one nation, differing neither in custom, speech, nor organization, united in common acceptance of human and divine laws. Here is rather one house and one family than a nation."

Centuries later Paul Super said of Poland: "Those I believe are the things most valued by Poles through the centuries of their written history and across the broad acres of their land, the order of naming being purposely not systematic. Religion, especially their Catholic faith, chivalry or knightly conduct, Christian character and behavior, individuality or personality, freedom or liberty, both personal and national, democracy more as a social order than as a way of personal life, dignity and propriety including courtesy, honor and self respect, intellectual and social culture with an accompanying respect for learning, personal bravery and courage, idealism as contrasted with materialism, hospitality, the claims of the family, cleanliness of body, the rights of others, a good opinion before the world."

I should add here that the Polish respect for learning was shown by the fact that the Academy of Cracow was founded in 1364 as one of the first and leading universities of contemporary Europe.

These then are the values which we Americans of Polish descent have brought and are constantly bringing into the life of America. These are the assets which we represent as an ethnic group and these are the reasons why the ethnic revival is important to America.

We Americans are presently undergoing profound social changes. In a time when the mores of our country are on a definite decline, our Christian character and behavior are more important than ever. In a time when materialism is permeating all aspects of life, our idealism provides a needed antidote. When manners have fallen below the accepted norm, our dignity, propriety and courtesy, honor and self respect indicate the direction toward better human and social relations. Intellectual, social culture, and respect of learning help bring true progress. And finally the bravery and courage mentioned by Super guarantee our willingness to defend this country in times of national peril.

The passionate Polish love of freedom and the readiness to fight for it not only for Poles but also for others is contained in these words of an American author: ". . . In what army of what nation seeking liberty have the Poles not fought? What war for freedom has their sacrifice and death not hallowed? In what land have Poles not died for this to them the dearest of all rights? No important soil of Europe but covers their bones, while their part in the American war for national freedom is known to every American schoolboy."

This is why the rebirth of ethnic values constitutes a hope for America.

We have every reason to be proud of our Polish heritage and absolutely no reason to be ashamed.

Poles never had among them a beast like Hitler or Stalin, nor have Poles produced traitors to their nation. Poles have always kept the faith with their allies although their allies have not always proven so trustworthy.

In my closing remark I would like to say that it is now time for the young generation of Americans of Polish descent to assume their duties in the ethnic sector of American life which has been so ably served by past generations.

Every effort should be made to reach young people who are threatened with the loss of their ethnic identity. The present life in America unfortunately sets many traps for young people who drift away from God, family, and tradition. To revive these ethnic values is now our most urgent task.

THE NEW INTERNATIONAL SITUATION: A CHALLENGE TO POLONIA

(By Dr. Vincent C. Chrypinski)

Recent events on the international scene indicate quite clearly that the world system established after WWII is rapidly approaching its end. There is, of course, no guarantee that the coming order will be more just and more stable, and that it will provide better conditions for independent existence and continued development of smaller nations. Yet, the fluidity of the present situation creates circumstances necessary for the reopening of old, apparently closed, policy issues, including the Soviet domination of Poland and other East Central European states.

The future of this region will depend to a large degree on the outcome of the bargaining process between the United States and the Soviet Union. A major encounter will probably take place early in 1973 at a conference on European security. The forthcoming visit of President Nixon to Moscow will mark an opening of preparatory negotiations. It is important that this first talk should include in its agenda matters related to East Central Europe, and to Poland specifically.

Before we go further into that subject one issue has to be mentioned first, namely the Sino-Soviet conflict. The history of the strife is well known. Although speaking about it one must remember ideological questions too, all facts indicate that the essence of the controversy lies in the contradiction of national interest. As things stand now, there seems to be no prospect for reconciliation.

While the Soviet Union's difficulties with China considerably weaken her overall position and should make Moscow more amenable to deal with Washington, it may be expected that the Kremlin leaders will adopt instead an offensive attitude and will energetically try to obtain from President Nixon certain irrevocable commitments in exchange for a promise of detente. Undoubtedly, major Soviet preoccupation is to consolidate the Russian hold on East Central Europe.

It is quite possible that Moscow may believe that the American acceptance of Soviet predominance in East Central Europe will make local people more docile and thus solve Russian problems in this area. But they are wrong for the defiance of Moscow's leadership has been caused precisely by the kind of domination which the Russians want confirmed. The nations of East Central Europe do not accept the bondage and—although, as yet, their efforts of liberation have been brutally crushed—hope or despair will undoubtedly push them to new and relentless deeds. Thus, the kind of imposed preponderance which the Russians are now exercising over East Central Europe carries with it a very definite threat to the peace and stability of Europe as well as to the hoped for progress of the East-West detente.

Naturally, President Nixon must not yield to the Russian pressures. His acceptance of Soviet demands would be contrary to the proclaimed principles of American foreign policy and would seriously undermine the trust and prestige enjoyed by the United States among all freedom-loving nations. Ultimately, it would considerably damage the United States' position as a world power by excluding American influence from the areas of great political importance.

While pronouncing an unequivocal "no" to Soviet claims, the President should spare no effort in dispelling Russian mistrust and suspicion that the United States is seeking to dislodge the Soviet Union in order to establish American domination of East Central Europe. On the contrary, he should give all necessary assurances that this region would enjoy complete freedom to continue, on a voluntary basis, cooperation with the Soviet Union and to maintain traditional ties with Russia.

But this is not all. For essential as well as for tactical reasons, the President cannot confine himself to rejecting the Soviet concept of a new order, but must present an alternative of his own. There are several aspects which such a proposal could raise.

First, President Nixon could proclaim a firm principle of "non-interference" in the internal affairs of European states, including Soviet non-intervention in East Central Europe and demand that Moscow renounce the "Brezhnev doctrine." Second, he could insist on a full discussion of the ideological division of Europe and its dangers to security. Third, he could propose positive measures on arms control and balanced troop cuts in Europe. Fourth, he could demand the opening of an economic, cultural and scientific cooperation between the two parts of Europe through free movements of men and ideas. Fifth, he could express a deep interest in the preservaton of ethnic identity and cultural heritage of all national minorities inhabiting the Soviet Union.

In connection with the last point, President Nixon should be made fully aware of the fact that the Americans of Polish origin are greatly concerned with the fate of the Polish minority in the Soviet Union and are seriously disturbed by the progressive destruction of Polish historical monuments in the areas incorporated into the USSR after WWII as a result of the Teheran and Yalta agreements in which the American Government so unfortunately participated.

Hopefully, President Nixon will be able to muster all his will, courage and talent in pursuit of these objectives. There is no evidence however, at least for the time being, that he wishes to do so. Preoccupied with the difficulties in Vietnam and at home, faced with tremendous domestic pressures to withdraw into an isolationist posture, the President may be tempted to buy time and to use the Moscow visit only as a courtesy call providing a sympathetic undertone to the now famous concept of "coexistence."

Be that as it may, we must bring to the President's attention problems close to the hearts of Americans of Polish descent and insist that they be raised by him in Moscow. We should also clearly indicate that in this year, important domestically and internationally, Americans of Polish origin will review with special interest the President's efforts to maintain the prestige of the United States and the welfare of its citizens.

WEEKLY REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the text of my current weekly report concerning strike legislation:

STRIKE LEGISLATION

Eight times in the last decade, and four times in the last two years, the Congress has been called upon to enact special legislation to prevent, or to halt, rail strikes which were threatening to create a national emergency.

National attention to crippling transportation stoppages has grown in the last few years as these strikes have increased in number and frequency. The dock strikes are the most recent example, and now, a new railroad dispute looms on the horizon.

The Congress has responded on a crisis-by-crisis basis, but has failed to propose legislation to deal with these strikes before they become crises. President Johnson promised, but failed to deliver, such legislation. President Nixon has proposed legislation to strengthen and expand Presidential options in dealing with transportation strikes. The basic sticking point is an inability to get agreements by labor and management on any mediation proposal. If these two parties could agree, an amendment of the federal strike laws already on the books would be relatively easy.

Organized labor opposes any form of dispute settlement in a mandatory manner, including compulsory arbitration. Management traditionally has resisted the idea of compulsory arbitration as a technique of settlement, although that attitude has become more clouded as work stoppages become more widespread and bargaining stakes become higher.

There are two major federal laws dealing with labor dispute settlements. The Railway Labor Act, covering railroads and airlines, includes such procedures for settlement as mediation, and the establishment of emergency boards. The Labor Management Relations (Taft-Hartley) Act, covers labor disputes in industries affecting commerce, except the rail and airline industries. The Taft-Hartley emergency procedures include Presidential boards of inquiry, injunction proceedings, mediation, strike ballots, and Presidential reports to Congress.

Neither law has worked effectively. Under the Railway Labor Act there has been a lack of genuine negotiations between disputing parties. The Taft-Hartley Act does not guarantee settlement without strikes or lockouts.

President Nixon has urged the Congress on several occasions to pass legislation dealing with national emergency labor disputes. He has recommended that the emergency provisions on the Railway Labor Act be repealed and that strikes and lock-outs in all transportation industries, including railroads and airlines, be subject to a new set of Presidential options under the Taft-Hartley Act. Those options would include (1) extending the cooling off period for an additional 30 days, (2) permitting partial operation of the struck industry, and (3) invoking a "final offer selection" on the parties in dispute.

Under the "final offer" procedure, the two parties would be given three days to submit either one or two final offers to the Secretary of Labor. If, after five days of bargaining over these final offers, no agreement emerged, a panel of three neutral members would be selected by the disputants, or if they failed to agree on a panel, the President would appoint the panel. The panel would then choose one of the final offers as a final, binding settlement.

Neither labor nor management has been enthusiastic about the proposal. Labor argues that it amounts to compulsory settlement. Management, which has traditionally opposed compulsory arbitration, government seizure, fact-finding recommendations, and the "arsenal of weapons" approach to settlement, would prefer legislation aimed at seeking a power balance between unions and industry which the economy could tolerate.

Despite a continuous buildup of public pressure for legislation to limit transportation strikes, the outlook for passage of such a law is dim. The House Interstate and Foreign Commerce Committee has indicated it will not vote out legislation this Session. The Senate Labor Committee, however, is scheduling hearings this month on proposals to deal with transportation strikes, including the President's.

In my view the Congress has failed to deal adequately with the strike which threatens a national emergency. I prefer that these disputes be settled through the collective bargaining process without government interference. If that fails, as it often has in the past, an approach must be found which encourages, and perhaps requires, the parties to bargain to final settlement.

"SUGARIN' OFF TIME" IS HERE FOR FAMILY IN BARKHAMSTED

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mrs. GRASSO. Mr. Speaker, too often we find ourselves too busy to appreciate the marvelous work of nature, which is so clearly evident at this time of year in New England.

A journey through New England now reveals not only a hardy people slowly recovering from the harsh effects of a season's snowfall, but also sturdy buckets hanging from the trunks of maple trees symbolic of the ingenuity of a people who understand that nature offers secret gifts.

For the interest of my colleagues, an article which appeared in the Hartford Times and which describes the adventures of one Barkhamsted family during "sugarin' off time" follows:

[From the Hartford Times, Mar. 2, 1972]

"SUGARIN' OFF TIME" IS HERE FOR FAMILY IN BARKHAMSTED

(By Jan Myles)

It's "nigh on" sugarin' off time again in New England and a lot of the traditional sap harvesters like Barkhamsted's Irving Hart and family have already set out buckets in anticipation.

"It's hard to say just when to begin the tapping," says Hart, who's participated in the annual sugaring off since his childhood some 40 years ago. "But it'll be any time now. The ideal time is a sunny day when it's about 40–45 degrees but freezes at night. If it's too warm or too cold, the sap stops or turns to poor quality. Sometimes people—like my kids for instance—get too anxious," Hart chuckles, "and want to tap too soon, but you have to wait till the tree thaws."

To Hart who is a professional forrester for the Metropolitan District Commission, sugaring is a treasured hobby shared with all the family members.

The Harts' four sons, Robert, 23, James, 21, Paul, 19 and Peter, 14, have grown up with the sugaring tradition.

A fire in the sap house 15 years ago might have been enough to discourage a family less interested in the hobby. The fire did quite extensive damage before the Harts managed to extinguish it—using sap, syrup and "anything we could lay our hands on," Hart says.

The Harts have 100–130 buckets out this year. When they feel it's time to sugar off, they'll drill small holes in the trees. Once the sap starts running, they'll travel from tree to tree and collect the sap in large milk cans, then take it back to the sap house to boil until it thickens into syrup.

Hart estimates the yield this season should be from 40 to 60 gallons of syrup. What the family doesn't use for private purposes, it markets to anyone who might see a "Syrup for Sale" sign posted on the road near the Hart house on Center Hill.

The forrester says he feels the Yankee tradition of "making your own" maple syrup and sugar has been losing popularity in recent years, partly because "people don't want to bother with it," and partly because "some people are afraid it is harmful to the trees."

Hart says the latter fear is unfounded since "if it's done properly . . . gauging the number of buckets on a tree to the size of the tree and so forth, there won't be any tree damage."

PUBLIC DOES NOT FAVOR GUN CONTROL

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HAGAN. Mr. Speaker, from time to time, particularly when crime appears to be on the increase, a sort of gun hysteria arises and there is a clamor for more gun control. I wish to share with my colleagues an editorial by Mr. Robert R. Hollingsworth from my hometown of Sylvania, Ga. Mr. Hollingsworth is editor and publisher of the Dixie Sportsman, a monthly paper devoted to the interests and concerns of outdoor sportsmen. He has brought to the attention of his readers the very interesting poll taken by Life magazine on gun control.

For years, I have held that we do not need more legislation to prohibit ownership of guns or to register guns and gun owners but what we do need is stricter enforcement of existing laws and heavier penalties for criminals who use weapons to terrorize, maim, and kill. The misuse of guns by criminals and our irresponsible citizens would be a far lesser problem if we removed some of the unreasonable restrictions from our law enforcement agencies and allowed them to fully exercise their lawfully granted authority. It would appear, from this poll, that a sizable number, 30 percent, keep a gun for self-protection and would not favor any further abridgement of their constitutional right to keep and bear arms as law-abiding Americans.

The article follows:

PUBLIC NOT IN FAVOR OF GUN CONTROL

By querying 43,000 readers, Life magazine in its Jan. 14 issue came up with figures indicating a widespread fear of U.S. crime. Their own homes felt unsafe to 78 per cent; the city streets seemed menacing to 80 per cent. Of families, 43 per cent contained at least one crime victim during 1971; 41 per cent felt that police protection was inadequate; 70 per cent would pay added taxes for improved policing. But 30 per cent of the populace, said Life, hedged all bets by keeping a gun for self-protection.

To some this might seem cause for plaster-tight gun-control edicts, but the study also brought out the fact that the queried readers saw no virtue at all in that approach.

"Gun Control laws, particularly those proposed by Senator Hart of Michigan and Mayor Lindsay of New York found no sympathy . . .," said the Life article. Responses indicated the police should offer gun-handling clinics, every criminal is a potential killer, and so on.

Life's 30 per cent figure for households containing guns for protection may or may not be correct. Perhaps greater weight should be given the higher figures, including firearms used for target shooting and hunting rather than self-defense, which have been cited in other surveys. But it is clear that the public does not want confiscation, does feel that the road to crime control is not by tightening up on firearms but rather by tightening up on criminals.

CONGRESSMEN MICHAEL HARRINGTON AND LES ASPIN DEMAND FACTS ABOUT THE AIR WAR

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. DRINAN. Mr. Speaker, I attach herewith an editorial from the Boston Globe of March 13, 1972, commending our two colleagues, Congressman HARRINGTON of Massachusetts and Congressman ASPIN of Wisconsin.

These two Congressmen, both members of the House Armed Services Committee, are doing all of us and the American people a service in their persistent quest for the basic information concerning the widening air war the results of which are bringing total devastation to the people of Southeast Asia and particularly to the people in South Vietnam—a nation which is our ally.

The editorial follows:

MAKING WAR BY SECRECY

Is the air war in Indochina really winding down as President Nixon has claimed? Two Congressmen, Reps. Michael Harrington (D-Mass.) and Les Aspin (D-Wis.), charged over the weekend that it is not, and that the American people are being deceived.

The two congressmen, both members of the House Armed Services Committee, say that not only the public but the committee, too, are not being told of the scope or intensity of the bombing.

More than a week ago, the US command in Saigon announced that it would no longer make public the number of planes or individual missions involved in raids over North Vietnam. The reason given was that such information might be of use to the enemy, but in the past the information had only been released well after the raids had occurred, at a time when the other side surely knew all it needed to know about them.

Why, then, the sudden change? Perhaps part of the answer was given in dispatches from Saigon last Friday reporting that US planes had struck into North Vietnam for the 11th straight day which set a record for consecutive days of attacks there since President Johnson halted the bombing of that country Nov. 1, 1968. The previous record of 10 days of consecutive bombing was set only last Dec. 21–30.

And in the first 72 days of this year, including the week that was supposed to have "changed the world" when Mr. Nixon came to China "in peace for all mankind," US planes have made no less than 93 air strikes into North Vietnam in the name of "protective reaction."

Other indicators of a widening air war are the stationing of four aircraft carriers off Indochina and the doubling of the number of B–52's available for bombing in the last month.

Why, then, all the secrecy? Dennis J. Doolin, Deputy Asst. Secretary of Defense for International Security Affairs, writes a letter to Cong. Aspin referring to "the extreme sensitivity" of the data requested.

Herbert Klein, Director of Communications for the Executive Branch, queries the Pentagon and is told that it doesn't give the same "priority" to the bombing data as it does to our own casualty figures, and that the latter have to do with personnel, and the former concern "materiel."

From all this the conclusion is inescapable that the Pentagon's priorities are horribly and barbarously confused. It simply will not equate bombing figures with killing people.

With the air war at its highest peak since the bombing halt of 1968, American officials are claiming that air power is the only means left of influencing the military situation. But they are expecting it to do what it utterly failed to do for so many years even with our massive power on the ground.

They have yet to learn from John Donne that "any man's death diminishes me, because I am involved in mankind. . . ."

They must be told by Congress and the people that this is still a government run by civilians, and that the bombing figures must be made public.

MORE ON CANADIAN CONCERN OVER THE ALASKA PIPELINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. ASPIN. Mr. Speaker, I would like to include in the RECORD today an editorial from the Toronto Globe, which my colleagues who are concerned with the Alaska pipeline will find of interest. It forcefully expresses Canada's profound concern with the proposed trans-Alaska pipeline and its possible environmental consequences for Canada.

The article follows:

[From the Toronto Globe, Feb. 11, 1972]

DILEMMAS IN OIL

It should be of vital interest to Canadians that the report produced this week on the dangers of oil pollution to the West Coast of Canada and the United States was produced only because the United States has a law called the National Environmental Protection Act which forces such studies to be made and published.

The United States Department of the Interior did not want to produce this report; it delayed and delayed, and probably brought it out in the end only because the U.S. courts had already made it plain, with their treatment of off-shore drilling proposals for the U.S. East Coast, that no environmental studies and reports meant no plans permitted to proceed.

The U.S. Interior Department has been anxious, with three of the world's largest oil companies, to bull through the Trans-Alaska Pipeline System, which would deliver Alaskan oil through a pipe crossing delicate tundra and one of the most earthquake-prone zones in the world, to one of the stormiest ports in the world, for transshipment into tankers which would proceed through some of the roughest seas in the world down the entire West Coast of Canada and most of the West Coast of the United States.

The report, produced by the U.S. Coast Guard, outlines the horrendous dangers of one part only of this trip—that by tanker from Alaska.

The study reports that statistics show that 140,000 barrels of oil will be accidentally spilled off Canadian and U.S. coasts every year, and that there will also be an average of one casualty (collision or grounding of a tanker) on the route every year. In addition, there will be oil lost during loading and unloading, small spills in harbors, and the frequent and deliberate discharge of oil during seagoing tank-cleaning operations.

Since these will be the largest tankers ever devised by man, and since both the United States and Canada have experience of the great destruction and cost of large (but not so large as the future could provide) oil spills, the projection of the study is shocking in the extreme; so shocking, indeed, that the U.S. Interior Department has finally admitted that it is going to have to consider alternative methods of moving the oil, which would include doing it by pipeline through Canada.

The questions raised by this study in Canada are several.

The Canadian Government was slow and reluctant to protest the dangers to which the TAPS plan would expose our West Coast. In the end, however, External Affairs Minister Mitchell Sharp did convey to the U.S. Government its concern. Parliament was more firm. It gave unanimous support to the report of a committee of the Commons which vigorously opposed the tanker route.

The present report should prove to the Government that the cause for concern is real, and that Conservative Heath Macquarrie was correct when he told the House "that we cannot be too concerned and should express our concern day in and day out".

The second question that is raised is why Canada does not itself have an act that requires environmental studies to be made and published before projects which could affect the environment are launched. U.S. citizens have been able to work through the courts to halt, perhaps forever, the very dangerous TAPS, and at least to force public exposure of all its dangers. Canadian citizens do not have the same powers and, in fact, our East Coast is now being explored for oil and gas, with the Government's blessing, under conditions just as dangerous as those exposed for the West Coast.

The third matter to be pondered is that any long delay over TAPS will force both U.S. Government and the oil industry to consider the alternative of delivering the oil by pipeline through Canada. How safe will that be for Canada? It is true that the Government has been involved with the oil companies in extensive research on the impact of oil and gas pipelines on Canada's north and that A. D. Hunt, assistant deputy minister for the Minister of Northern Development, said last week that "we expect that by the end of this current year we will have adequate information to deal with any application" for an oil or gas pipeline.

This "adequate information" must be made available to the public.

But even if pipelines can be safely constructed (and U.S. environmentalists give Canada far higher marks for research in this area than they do the United States) what would such pipelines do to Canada in the areas of economics and sovereignty? How would they affect our balance of payments? How far along the road to a continental energy policy would they take us?

If the U.S. Interior Department is being pushed to consider urgent questions it would rather evade, so is Canada.

THE 110TH ANNIVERSARY OF BIRTH OF JANE DELANO, FOUNDER OF AMERICAN RED CROSS SERVICES

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mrs. GRASSO. Mr. Speaker, March 12 was the 110th anniversary of the birth of Jane Delano, founder of the American Red Cross Services, and warm friend of those who suffer.

Jane Delano lived a life of selflessness and dedication. These virtues, coupled with her imaginative and innovative mind, raised nursing to higher levels of service.

From 1888 until her death in 1919, the fervent desire of Jane Delano to improve nursing and public health services was constant. Introduced to the needs and inadequacies of health facilities during a 3-year stay in a typhoid-ridden Arizona town, Jane Delano became committed to the goal of improving the lot of the sick. In retrospect, her contributions to the care of the sick during her early years foreshadowed her marvelous contributions to the needy during the First World War.

As head of the girl's department at the House of Refuge, Randalls Island, N.Y., Jane Delano exhibited great warmth as well as firm discipline—qualities she retained in her important post as superintendent of the Bellevue Hospital School of Nursing. As an educator she revised curriculum and broadened the perspective and dignity of the nursing profession.

It was therefore natural for Miss Delano to become the guiding light of the Red Cross, as chairman of the National Committee on Red Cross Nursing Services in 1905. In this position, Miss Delano implemented a plan which substantially increased the volume of available nursing services. In 1910 she stated:

> The committees, with nearly 1,300 enrolled nurses, are a guarantee to the Nation that neither the stress of calamity nor the turmoil of war will ever again find us totally unprepared.

Under Miss Delano's leadership, the Red Cross Nursing Services grew dramatically over the years. When Americans answered the call to arms during World War I, nearly 20,000 enrolled Red Cross nurses, under the direction of Jane Delano, responded and served.

Today, the Red Cross Nursing Services is a living memorial to this "first lady" of American nursing. Although she was often decorated, she sought neither ribbons nor medals but the love and respect of her fellow nurses. She deservedly earned the unending gratitude and admiration of an entire nation.

SENATE—*Wednesday, March 15, 1972*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, strong to save, amid the changes of all that is temporal and visible, give us clear eyes and clean minds to discern the shining truth of the eternal and the invisible. May this place with its dome pointing skyward still symbolize to all mankind a people whose eyes of faith are ever turned toward Thee. Help us who labor within its walls to walk and work with hearts attuned to Thy presence. We pray, O Lord, that this Nation may become a spiritual bastion of those irresistible and eternal verities upon which our freedoms were reared and upon which they must rest if we are to remain a great and good and strong people. Help us to do our part according to Thy will.

In Thy holy name, we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 15, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER.
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 14, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VACATING OF TIME FOR SENATOR BYRD OF WEST VIRGINIA TO SPEAK TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time allotted to the distinguished assistant majority leader, the Senator from West Virginia (Mr. BYRD), be vacated and that the 15 minutes allowed for the Senator from West Virginia be allocated to the distinguished Senator from Alabama who is now presiding.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RADIO FREE EUROPE AND RADIO LIBERTY

Mr. SCOTT. Mr. President, I have received a letter from the President of the United States in which he notes the "essential role" of Radio Free Europe and Radio Liberty in the new phase of East-West relations now developing. I ask unanimous consent that the President's letter be printed in the RECORD and commend it to the close attention of my Senate colleagues.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington.

Hon. HUGH SCOTT,
Minority Leader
U.S. Senate.

DEAR HUGH: I am deeply concerned by the present impasse in funding for Radio Free Europe and Radio Liberty. It is my considered judgment that these institutions can play an essential role in the reorienting of East-West relations which is now taking place. They must not be allowed to go under.

There are of course differing points of view concerning the way in which these radios are funded and the role they should play in the future. But differences over these issues need not and must not result in the denial of all Federal funding. Yet this is a very real danger at the present time. If the deadlock is not broken by Monday, March 13, Radio Free Europe and Radio Liberty will have to take major steps toward terminating their operations.

It would appear that the House and Senate conferees are close to agreement on the basic funding question and that the gap between them can be easily bridged without prejudging the final resolution of the other issues. I hope that you will take a special interest in resolving the unhappy impasse so that these two radios will not have to terminate their important missions.

Sincerely,

Richard Nixon.

NEED FOR FEDERAL AID FOR MASS TRANSIT SYSTEMS

Mr. SCOTT. Mr. President, the March 11 issue of the New York Times published an editorial on the essential need for Federal aid to our Nation's mass transit systems. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

First Aid for Mass Transit

Compared with a Federal farm subsidy of $5.5 billion, a mere $400-million contribution to the operation of the country's mass transit lines may seem too modest to warrant enthusiasm. But that is what the Institute for Rapid Transit estimates to be the annual operating deficit of the nation's bus, subway and commuter lines. And it is what an emergency bill introduced by Representative Koch of New York would have the Federal Government put up in order to stabilize fare structures and save the lines from further deterioration.

The Senate last week voted the subsidy as part of the Housing and Urban Development Act of 1972. Its chances of getting House approval have been enhanced by the formula included in the Koch bill at the urging of the Institute's president, Dr. William J. Ronan, chairman of New York's Metropolitan Transportation Authority. To assure an equitable distribution, avoid the risk of sinking money into a bottomless pit and escape the political risks of choosing between conflicting claims, the funds would be allocated on the simple basis of the number of passengers served. A bus line in a rural area would be entitled to proportionally the same treatment as the New York subway.

The bind in which almost all mass transit lines find themselves is by now familiar. The more they deteriorate, the fewer passengers they attract, the greater their deficit becomes, the higher their fares rise, the more passengers they lose and the further, in turn, they run down—in an ever more depressing cycle.

The Mayor of Cincinnati testified, typically, that the transit line of his city carried 132 million passengers in the late nineteen-forties but only 21 million last year and the number is still dropping. Officials of a St. Louis bus company warned that unless they could count on outside help by the end of this summer, the whole bus system of that city would simply grind to a halt.

Anyone who has waited fifteen or twenty minutes on a dirty New York subway platform for a dirtier train, or ridden a decayed commuter coach into the city—annoyingly late and maddeningly overcharged—will sympathize with his Midwestern fellow-sufferers. Mr. Koch's bill deserves support.

THE CITY AND THE SUBURB—A MAIN ISSUE OF THE 1970'S

Mr. SCOTT. Mr. President, I am pleased to call to the attention of my colleagues the address by Robert Dickey III, president of Dravo Corp. of Pittsburgh, Pa. His talk attracted considerable attention and notice by the news media and others. The Pittsburgh Post-Gazette in an editorial characterized it:

> Once in a long time a man comes along who courageously and to the point "tells it like it is" so that the speech becomes a milestone in itself.

Bob's talk is a very thoughtful expression of some of the real problems that face the urban-suburban complex. But he went further and suggested some possible resolutions.

I ask unanimous consent that the text of his address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The City and the Suburb . . . A Main Issue of the 1970's

I'm very pleased to have this opportunity to address the joint meeting of the Economic Club of Pittsburgh and the Pittsburgh Chapter of the American Statistical Association. I thank you for your invitation. Because there may be differences of opinion regarding some of my thoughts and conclusions, I should point out that I am speaking as a private citizen, and that these views are strictly my own, although perhaps shared by others.

I propose to talk today, not about economics, but about an issue—a nationwide problem—one that is going to receive an extraordinary amount of attention over the next decade, in Pittsburgh and elsewhere. The issue is not exactly ignored today, but I am under the impression that many of us may not realize the extent to which it is about to come front-and-center on the national scene.

I refer to the battle that is shaping up between the city and the suburb, the first skirmishes of which are now being fought in the courts.

On one side of this struggle will be those in the city's outlying communities who want certain arrangements to stay as they are: the local taxes they pay; the education of their children; the physical composition of the neighborhood they live in, and the control they have over the kind of people who are allowed to live in their community.

On the other side will be those in the city who seek adjustments to those arrangements. Supporting the city will be federal and state agencies, with their lawyers and technicians carrying court orders and executive rulings in their hands. Some suburban groups, as of now, give every indication that they intend to battle the agencies, courts, lawyers and technicians every step of the way—in the streets if necessary.

You are all familiar with the problems of large American cities; but let me mention some of the major points to serve as background, and to lead us later into a discussion of these things in relation to our own city.

Since 1950, some twenty million people with little education and limited skills, many of them black, have moved from rural areas to the cities. The majority of them moved directly into the inner city slum areas. Federal aid to the cities, in providing welfare benefits and services to these people, has encouraged and subsidized that massive "in-migration" to the cities.

In the same period, some millions of middle-income families, virtually all of them white, have left the cities to take up residence in surrounding suburbs. The 1940 federal guarantee of mortgages, to some degree, contributed to this "out-migration."

For these and other causes, the cities have seen their tax base reduced; the cost and range of their social services substantially increased; their financial and social problems multiplied; racial imbalance developed; economic opportunities for individuals lessened; substandard housing creating new slums; all the elements of the familiar "urban crisis."

The suburbs, with their own goals and problems, accept virtually no responsibility for the viability of the central city, and they pay relatively little to it in the way of taxes, though they do depend on it for jobs and services.

Our own region is a good example. When the City of Pittsburgh enacted a wage tax back in 1954, it included non-residents working in the city. The effectiveness of the move was drastically reduced when the County's boroughs and townships imposed their own wage tax, based on residency and which took precedence over the city's.

As Leland Hazard put it rather vividly some time ago, "Pittsburgh's municipalities snuggle up to Pittsburgh for economic warmth, like little pigs to an old sow, suckling her milk, and they think they can keep on doing it if the sow dies."

While sharing the advantages and services of the city, including a place to work (as a matter of fact, one out of every four jobs in Allegheny County is in downtown Pittsburgh), the typical suburb not only fails to pay its share of the cost, but also denies suburban privileges to many outsiders.

Take the case of housing. Many American suburbs maintain zoning restrictions that effectively prevent low and moderate-income families from leaving the city to live in those suburbs. Restrictive devices, in fact, have excluded the poor, low-income and non-white groups from almost all communities developed in this country since World War II. We may have a full understanding of why and how that has happened, and we may even think it was inevitable; but I don't believe anyone can be proud of it. In any case, we are paying for it now.

The exclusionary devices are largely legal and economic, based on minimum size of lots and restrictions against the lower cost forms of housing: row houses, garden apartments, high-rise apartments and individual units on quarter-acre lots. In eight counties of New Jersey, for example, 82 per cent of the vacant developable land is zoned for lots of not less than one-half acre.

Anatole France once said of French law that, in its equal majesty, it forbids the rich and the poor alike from sleeping under bridges. The suburban zoning laws are equally impartial. They force both rich and poor to build single-family dwellings of at least a given size on lots no smaller than a specified area. The effect, however, is to keep out the poor, the low-income blue-collar worker, the young marrieds, the elderly on fixed incomes, and the black family seeking to better itself and escape the crime and violence of the ghetto. Interestingly enough, in Southwestern Pennsylvania most of those excluded are white; for they make up five-sixths of our poor population, as defined by government standards.

Economic and legal exclusion, of course, is deeply ingrained in custom and is all too often reinforced by discriminatory pricing and by the social pressures exerted on families that move into neighborhoods where they are not welcome. When an effort is made to relax these restrictions, for a special situation, the fear of setting a precedent is generally overriding.

The problem is worsened by the current trend of plants and offices to move to the outer periphery of the cities. Some 70 per cent of new plant sites are now being located in suburban areas. That means that job opportunities are being decentralized, but the job market is not. If the blue-collar worker is unable for social or economic reasons to live in a suburb near his plant, he must spend additional time and money commuting. More often, the plant is simply not accessible by public transportation but must be reached by car. We too easily assume that every American family has at least one car. But in this part of our state, one-half of the "poor" households do not.

The story of Mahwah, New Jersey, which was reported in a New York Times article last November, is a classic case of workers denied residential access to the suburban community in which they work. The Ford plant there employs 4,200 workers, of whom only about 90 live in Mahwah. The others live in such places as Elizabeth and Newark. It would be hard to believe that the workers preferred to live in Newark, twenty-five miles from their jobs, rather than in Mahwah, where they work.

In any case, Mahwah zoning restrictions effectively exclude most of the Ford plant workers from residency. The plant there is important to, and draws on, a whole metropolitan area, but the local property taxes it pays benefit only residents of Mahwah. In effect, the residents expect taxpayers in other communities to pay for educating the children of those who work in their plant but may not live in their town. Under such advantages, the Mahwah tax rate on industrial property is only 1.55 per cent of value. Newark, which houses and educates the children of nearly 1,000 of the Ford workers, has a business property tax of 7.14 per cent.

As a matter of interest, the Suburban Action Institute, White Plains, New York, has filed complaints with three Federal regulatory agencies against several corporations that plan to move to "exclusionary" suburbs. The complaints charge that, by relocating in communities where their employees cannot enter the housing market, the companies are not only creating conditions of employment discrimination, but are affirmatively aiding it.

It is against this general refusal to admit middle and low-income families that the Federal government and a number of independent groups have begun a campaign that will make headlines in the 1970s. And I believe, the campaign will be pushed no matter who is in the White House.

One reason that it will be pushed is that so many other attempts to alleviate this aspect of the urban crisis have failed. Public housing in the inner city to a large degree is a failure, although Federal housing activity under Mr. Nixon and Mr. Romney has been greatly expanded. Education in the ghetto is as much custodial as it is instructive. Large investment of capital in the slums has produced little. Public welfare is a growing burden. Urban renewal is a failure as far as the ghettos are concerned. The slum areas are, for complex and varied reasons, worse places to live in today, to work in, to bring up children in, than they were a decade or two ago.

Recognizing these failures and shortcomings, those responsible for analyzing and implementing social remedies, in the Federal agencies, in the programs financed by the foundations, in the "think tanks," have come to this firm conclusion: The problems of the inner city will never be solved in the inner city, no matter what is done there. Poor people crowded together in a slum, unskilled and without hope of escape, simply create more problems. The crisis of the inner city can be solved, they believe, only by allowing workers to follow the flow of jobs, and by dispersal and blending into larger middle class areas in the surrounding suburbs. Access to reasonable-cost housing is the key both to jobs and to dispersal. It is the key to honest, workable school desegregation.

There is no question but that this is an extremely complex social problem, loaded with emotion and without simple, clear-cut answers. On the one hand are the strong feelings and frustrations of those who are denied and excluded. On the other, the deep concern of those who live in a pleasant, suburban community. They express the fear that the quality of life will deteriorate with an influx of families who are not able or willing to accept the standards of their neighborhood and who could become a burden to the community.

There is no "pat," easy answer. But the fact remains that thousands upon thousands of decent law-abiding people are denied the remedy others have taken of moving to homes in safe, liveable communities. As I mentioned earlier, I am convinced the campaign to correct this situation is going to be one of the principal thrusts of the 1970s. The government is already deeply involved and the involvement is increasing.

Each year, billions of dollars in grants and loans are made available to municipalities for renewal, open land acquisition, water and sewage systems, libraries and other programs. Today there is a growing tendency to attach strings to such money. Secretary Romney of Housing & Urban Development has declared that his department will henceforth favor with federal aid those suburbs that permit the construction of subsidized housing.

The federal government is also now taking punitive action against exclusionary zoning ordinances and other municipal restrictions that are held to violate the Bill of Rights and various Civil Rights and Employment acts.

A judge has ordered the public schools of Richmond (which are 70 per cent black) and those of two suburban counties (90 per cent white) to merge into one metropolitan unit. This is the first and most far-reaching consolidation order ever issued by a federal court seeking to end classroom segregation by breaking down political boundaries.

Attorney General John Mitchell recently filed suit against the community of Black Jack, Missouri, a suburb of St. Louis, that had incorporated and passed zoning legislation to exclude certain types of housing.

Equally important, in addition to the "get tough" attitude of the federal government, municipalities are facing an increasingly hard line attitude from their own states.

Massachusetts has enacted a state zoning law requiring that at least three per cent of every community's vacant land be made available for the construction of low and moderate income housing.

The Pennsylvania Supreme Court held unconstitutional a zoning plan that had the effect of excluding apartments in an entire township.

There is no question that a drive is under way to open the suburbs, and that every city and every suburb with exclusionary zoning ordinances should be getting ready to meet the future with prepared plans and policies. I believe these changes are inevitable and will come sooner rather than later. A municipality with a prescribed program of action will not only minimize any negative impact but may be in a position to captalize on these changes to the betterment of the entire area.

Now how about Pittsburgh and the metropolitan area surrounding it that makes up Allegheny County? Are these developing forces going to affect us? I don't think there is any question about it, the answer is yes.

We have most of the problems that are generally present in all large urban areas of our country, although in many ways they are of a more manageable nature and scale. Certainly, we don't share the size, scope and seriousness of the problems contended with in a New York City.

For one thing, there is no wrenching racial imbalance in Pittsburgh proper. There has been a relatively small exodus of white inhabitants to the suburbs, and there are many fine, sound residential neighborhoods in the city. The black population has remained fairly stable. To be specific, it has risen four per cent in the past ten years, to twenty per cent, and most of it is native to Pittsburgh. By accident of geography, there has been no tidal wave of dispossessed Southern farm workers such as have moved into Baltimore, Philadelphia, New York, Detroit and Chicago.

The city, the county and the whole region have benefitted, moreover, by one of the greatest renewal programs that any American city has ever seen. One that is not limited to the brick and mortar of construction but also includes broad consideration for urban life and for human resources.

It is to be regretted that, for whatever reason, the kind of cooperative relationship that existed between prior city administrations, and the organizations that created and stimulated the Pittsburgh redevelopment, does not exist today.

One major handicap we work under is typically prevalent in many of the country's metropolitan areas. Allegheny County is cut up into many separate, distinct and autonomous governmental units. Although this is essentially one community, with Pittsburgh at its heart, it is fragmentized into 129 cities, boroughs, and townships.

32 of those municipalities have fewer than 2,500 inhabitants each.

20 of them occupy less than one-half square mile of land each—about the size of downtown Pittsburgh.

Only a few of these various units have comprehensive plans for guiding the growth and development of their jurisdictions.

Our problems, of course, are county-wide, or wider. The highways, the rivers, the smoke and the criminals cross administrative lines as though they did not exist. It is difficult and expensive to attack large problems on a piecemeal basis with piecemeal administrative offices, each with limited jurisdiction. In my opinion, this area's problems cannot be attacked effectively on anything less than a county-wide basis. In today's world, each metropolitan area must be treated with the most modern administrative tools, a systems approach, relating all of the inter-acting parts. And that can best be done with some form of merger or consolidation of services between the city and the county.

Such a merger, a proposed Pittsburgh Metropolitan Plan, was submitted to the voters in 1929. I was surprised to learn that 68 per cent approved it then, and that it received a majority vote of 82 of the county's 123 local units. It failed to pass, however, because it did not obtain the required two-thirds vote in certain municipalities.

The metro plan was revived in 1955 with presentation of a four-year, high-level study of governmental services. The study recommended a highly modified form of federation, with stringent protection for municipal home rule; but it never got off the ground.

However, many things have happened in the past seventeen years and there have been a great number of changes. A new situation has developed that gives "consolidation" new significance. Let's look at the evidence.

To begin with, some progress has already been made toward the assumption of services on a county-wide basis. As early as 1940, the City of Pittsburgh gave up its separate assessment of property for taxation and accepted the County's valuation. Not long after, Pittsburgh turned over the institutional care of indigents to the County. Other transfers followed, and County government, which at one time had done little more than collect taxes and look after roads and parks, assumed more and more responsibilities, under what has been called "a metro plan in reverse."

The merger of these functions between the City and County demonstrates that there is a strong force at work—the pressure of economic logic. The steps that have been taken demonstrate that such consolidation can work and, that where applied, it saves money and improves efficiency and services.

There is now county-wide responsibility for public health and, within limits, for sanitary sewage disposal. For smoke control. For aviation facilities. For many welfare services. For traffic planning, crime laboratory, certain aspects of mass transit and others.

County-wide assumption of other functions has been proposed and is being studied through various agencies.

This is a good beginning, but the far greater opportunity for economy, efficiency and improved quality of life lies ahead of us. There are many needs in which there would be almost unanimous agreement that they are at least county-wide in nature and should be administered that way.

Consider, for example, the advantages of a centralized tax collection office at the county level. It would serve all municipalities in the collection of real estate, personal property, income and occupation taxes levied by the county, city, townships, boroughs and school districts. Pennsylvania is one of the few remaining states where taxes are collected by locally elected officers, in the manner of year 1870. A centralized system would eliminate the fees paid to scores of local collectors, fees running from one to five per cent.

Jacksonville, a recent city-county merger, saved $350,000 when it merged its separate tax offices.

Consider the advantages of a coordinated purchasing system administered in a county-wide department of purchasing. Few of the County's municipalities have sound purchasing systems. They can't afford to. Most of their buying is in small quantities and without adequate inspection of the material purchased. And, except in the city and county operations, there is little attempt to standardize and test. Again, referring to Jacksonville, it saved $500,000 by centralized purchasing of police cars alone.

Consider the benefits of county-wide consolidation of police operations. We especially need centralization of police and fire communication systems. Most of the various municipalities and townships communicate with their respective police cars by radio over wave lengths that differ between the various communities and Pittsburgh. With our problems of crime, dope and drug abuse, and rising costs, we simply cannot afford to support duplicate and fragmented police forces in these times.

A case can be made in the same way for county-wide refuse and garbage collection, water supply and distribution, minimum and standardized building codes and regulations and several other services.

You may have noticed that I have discussed these suggestions on the basis of consolidation as contrasted with a complete and total merger, including the elimination of 129 separate political entities. I'm afraid that, although I believe this move is desirable and ultimately inevitable to force the issue at this time would be the kiss of death. Regrettably, in some places, the word "Metropolitanism" just does not conjure up the image of something having "redeeming social value."

Those who have studied and favor county-wide consolidated government, hold strongly to the position that it is possible to have such a government, make major reductions in costs, improve the overall well-being of the area, and still permit the municipalities to retain a certain degree of autonomy.

While reduction in cost and improved efficiency are important benefits of city-county consolidation, government officials and civic leaders of other major cities that have moved in this direction speak of even more important results. They report better race relations, up-graded schools, stabilized taxes, expanded municipal services, better police protection, lower insurance rates, and an economic upsurge. A Business Week article reports that city-suburban clashes have died out, partly because the city no longer has to worry about losing its taxpaying enterprises to the surrounding area. The end of constant bickering between city and county, they say, has brought new business confidence to the central city. It seems to me, we could certainly stand a little less bickering here in Pittsburgh.

It must be clear to you that I have been talking about two different subjects today: the coming federal and state campaign to open the suburbs to low income housing; and the possible merits of city-county consolidation. Actually, the two are so interlaced that they cannot be treated independently or separately.

It is one of the chief functions of suburban governments today to protect its people against the mounting outward pressures of the central city. This situation has given new life to what everyone recognizes as an obsolete nineteenth century administration step. However, as the programs to create housing opportunities beyond the central city expand, the city and the suburbs will find themselves with common problems to which they must find common solutions. With the wall down between them on the basic issue, there will be less reason to continue the present duplication and fragmentation of services that now prevails.

I hold some strong personal convictions on the matters I have discussed today.

I agree with the sociologists and planners who say that the suburbs cannot in good conscience continue to take from the city only its desirable functions and people. The suburbs cannot continue to exclude potential residents on the grounds that they make too little money. They must assume their share of the social welfare task, now being left almost entirely to hard-pressed central cities.

I agree also that the real threat to the existing middle class is the crisis in poverty. None of us can rest in peace or safety until the causes of the festering problems of America's slums are dealt with. Crime and violence cannot be confined to a Hell's Kitchen area as they were fifty years ago. They spread, they affect us, and they must be eliminated.

I believe that we have the resources and the ability to solve these problems. They are essentially internal and they are manageable. This is particularly true in Pittsburgh.

Exactly twenty-five years ago—February, 1947—Fortune magazine wrote this about us:

"Pittsburgh is the test of industrialism everywhere to renew itself, to rebuild upon the gritty ruins of the past a society more equitable, more spacious, more in the human scale."

You know how we met that test. Twelve years later—November, 1959—the magazine of my profession—Engineering News-Record, wrote this:

"Pittsburgh progress is an accomplished fact. And it is more: it is the precedent all America needs to prove that any city worth its salt can find the way to rebuild, to fit itself to the future."

Some of the vision, some of the zing, has gone out of the great Pittsburgh Renaissance. To face new situations and to overcome new problems, we need a rebirth in spirit and a rededication to what we started a quarter of a century ago, but on an even broader scale. I refuse to believe that we cannot join our wills, talents and resources to do this. I feel that we must, that we can, and that we will.

FLORIDA PRIMARY RESULTS

Mr. SCOTT. Mr. President, now that all the palms of Florida—the outstretched palms of Florida, that is—have been crossed and some of the candidates have been double-crossed, and many of our senatorial colleagues from that higher atmosphere than we breathe have discovered that 18 percent can be a matter of rejoicing and 7 percent can lead to serious speculation as to the continuance of their efforts, one wonders whether all their absences from the Senate have really been worth it. I am curious as to whether they needed to go to Florida in the first place. It is a nice place for vacations, but so is Pennsylvania.

Really, it looks to me as though a great deal of effort was wasted. The fellow who made the most noise got the most votes and the fellow who made the most excuses got the least number of votes.

The winner said that he and Shirley Chisholm were the only two who thought the same way all over the country. I suppose that is the penalty for ambivalence. The voters like to know what the candidates are for. Just running around, saying you are for quality education "ain't fooling nobody, nohow, nowhere" any more.

Thus, Mr. President, I would suggest to our errant brothers, our peripatetic patriots, that they plod wearily back to the place where the taxpayers labor under the false assumption they are paying them to serve their country. We will welcome them home with open arms. Some of our votes in the Senate are pretty close. None of their votes are close. This is the better place to come, because here is where the action is.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. Byrd of West Virginia). Under the previous order, the distinguished Senator from Alabama (Mr. Allen) will now be recognized for not to exceed 15 minutes.

GOVERNOR WALLACE'S VICTORY IN FLORIDA PRIMARY

Mr. ALLEN. Mr. President, I appreciate very much the action of the distinguished majority leader and the distinguished assistant majority leader now occupying the Chair in allowing me time out of the time that has been allotted to the distinguished Senator from West Virginia so that I, too, might comment on the results of the Florida primary.

Mr. President, Governor Wallace of Alabama promised to shake the eyeteeth of the liberals in both parties by his campaign in Florida and by the actions of the voters of Florida in the primary.

I have not had either the opportunity or the inclination to check up here in the Senate on whether Governor Wallace literally kept that promise, whether the eye teeth of the liberals here in the Senate, if they still retain their original eye teeth were in fact shaken up, but it would seem to the junior Senator from Alabama that the results might well have shaken up, at least figuratively speaking, the eyeteeth of the ultraliberals throughout the entire Nation.

There has been a whole lot of talk about Governor Wallace not even being a Democrat. Well, it looks like the Democrats of Florida thought he was the best Democrat in the race. They had the opportunity to choose from a man who ran for President in 1968 on the Democratic ticket, a man who ran for Vice President on the Democratic ticket, and three distinguished Members of this body who are also said to be Democrats.

As Governor Wallace said, his winning was a great victory for the people of this country. I am very much pleased at Governor Wallace's great victory. I am proud, as I am sure all Alabamians are, that a fellow Alabamian is so highly regarded in our sister State of Florida. He received about 43 percent of the vote, getting more votes than Muskie, Humphrey, and Jackson combined—all three great Democratic Members of this body.

Governor Wallace's vote is bound to have a definite impact on the future course of action of the National Democratic Party. Mr. President, in the judgment of the junior Senator from Alabama, it remains to be seen whether this influence is going to be in the direction of moving the Democratic Party toward the center and toward the right from its present left leaning direction or whether it is going to have the result of further polarizing the National Democratic Party as the party of the left. And I am rather afraid that it is going to have the result of helping to polarize the National Democratic Party as the party of the left. It is indeed tragic that the Democratic Party is in the public mind the party of the left.

I congratulate the Governor of Alabama and wish him well in the other primaries in which he is entered. If Governor Wallace does not win the Democratic nomination, he will certainly have considerable influence in deciding who does.

Mr. President, I noticed in the press just a couple of days ago that one of the senatorial candidates for the office of the Presidency—who, I assume, will be here at 12 o'clock to vote on the voter registration by postal card bill—in a large ad said that he had 67 delegates pledged to him and that as a result of those 67 delegates he was the front runner. This was not the man whom the press has from time to time labeled as the front runner.

If the news accounts are accurate, Governor Wallace won 75 delegate votes in yesterday's primary. So, if 67 delegates made the man in the ad the front runner, I assume that 75 votes today would make another man the front runner. So, we have the unusual situation where a man running as a third party candidate only 4 years ago has emerged today as the man who is representing a cause, the cause of returning the Democratic Party to the people. He has been able to become, by virtue of the statistics I have cited, the front runner for the Democratic nomination for the Presidency.

As the distinguished Senator from Pennsylvania pointed out a moment ago, there is probably something in this primary for everyone. Everyone took comfort, at least publicly, from the outcome.

Mayor Lindsay seemed to feel that he won the primary, because he beat the Senator from South Dakota (Mr. McGovern).

The Senator from South Dakota (Mr. McGovern), I assume, won the primary because he beat Representative Shirley Chisholm.

The Senator from Washington (Mr. Jackson) took comfort from the fact that he beat the Senator from Maine (Mr. Muskie).

The Senator from Minnesota (Mr. Humphrey) took comfort from the fact that he beat the Senator from Maine and the Senator from Washington.

Mrs. Chisholm can take comfort from the fact that she defeated Senator Hartke, former Senator McCarthy, and Mayor Yorty combined.

The Senator from Maine (Mr. Muskie) took comfort from the fact that he beat the Senator from South Dakota (Mr. McGovern).

So, Mr. President, this has been a most interesting campaign. And it shows that party lines are disappearing and that people are voting more independently today than ever before.

I am glad to see Governor Wallace seeking the Democratic nomination for the Presidency. I believe that the result in Florida is going to be duplicated in a number of other States.

I want to commend the distinguished Senator from South Dakota (Mr. McGovern) for his leadership in reforming the delegate selection process for the National Democratic Party. He is responsible for the fact that the people have the opportunity to elect the delegates and that they are not controlled as much by political machines.

Mr. President, the chief beneficiary of that reform has been the Democratic Governor of the State of Alabama whom the Democrats of Florida said they would prefer to see heading the national ticket in the fall.

Mr. President, the delegate selection process reform has been a great effort. Now that they see that it will benefit a man whom the people want to support, I wonder if they will now reform the reform procedure and get back to the original machine selection of the nominee.

Mr. President, it is a most interesting race. And the straw vote, so to speak, on busing should be most enlightening to the Members of the Senate, because 75 percent of the people of Florida said they would like to see a constitutional amendment that would forbid busing for the purpose of creating a racial balance.

Mr. President, I believe that is the case throughout the country. I hope that the Members of the Senate when the time comes will, on the higher education bill, accede to the position of the House conferees who are directed to stand by their amendments with respect to busing and that the Senate conferees will not insist on the provisions of the Scott-Mansfield amendment which is, of course, a watered-down version of an antibusing proposal.

Mr. President, this election or primary was most enlightening to the country and, I believe, that the Members of the Senate would do well to study the results of this primary. All of us will profit by an analysis of the election returns.

Mr. President, I yield back the remainder of my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. Byrd of West Virginia). Under the previous order, there will now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The Senator from Montana is recognized.

THE FLORIDA PRIMARY

Mr. MANSFIELD. Mr. President, I listened with real interest to the remarks of the distinguished Senator from Alabama (Mr. Allen). He mentioned the straw vote, so-called, on the referendum which was held in Florida yesterday apart from the votes the various candidates received.

He emphasized the fact that by an overwhelming vote the citizens of Florida indicated their advocacy of a constitutional amendment for facing up to the question of busing.

I believe the percentage vote, if I recall, and I am speaking from memory now, was 74 percent for that suggestion. On the other hand, there was another proposal on the ballot and that had to do with quality education and against a return to the dual segregated school system. Again speaking from memory, if my recollection is correct, that question was approved by 78 percent. So, Mr. President, you have a strong vote for a busing amendment and a strong vote for no return to the dual segregated schools, but, in reality, for quality education.

I hope that everyone is aware of just how long a constitutional amendment might take to face up to this perplexing problem, which is not confined to one area of the country, but relates to all areas; and I hope that it will be kept in mind that a constitutional amendment requires a two-thirds vote in each body and ratification approval by three-fourths of the States, all within a certain period of years.

I think that a constitutional amendment, while it sounds good on the surface, could be looked at as a delaying action, a postponement, and a way to avoid facing up to a situation which must be faced up to now.

Therefore, now that the Florida primary is over and the President has met with his advisers and the group which he selected to study this question of busing, I would hope that the President would give us as expeditiously as possible the benefit of his considered judgment as to what should be done and notify Congress and the American people accordingly.

This is the time, I think, for the President to exercise leadership in this most perplexing and most confusing of all issues which faces this Nation today.

I would express the hope again for reiterative purposes that the President's message would be forthcoming shortly and that Congress and the American people would have the benefit of his judgment based on what he considers to be the way to face up to the issue which confronts all of us in all parts of the country today.

Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 3 minutes.

Mr. ALLEN. Mr. President, I concur with the opinions and statements of the distinguished majority leader with respect to the desirability and the need for the President to come forward at once with his recommendation with regard to the limitation or the ending of the practice of busing for the purpose of obtaining a racial balance.

As a matter of fact, we would have welcomed his help and his recommendations back when the Griffin amendment was before the Senate, an amendment which lost by a one-vote margin.

Now, with respect to the matter of the constitutional amendment, I agree that if the matter can be handled by statute that is the preferable way to handle it; failing in that a constitutional amendment should be pushed and should be submitted to the States.

I expressed the hope that the Senate conferees would agree with the House on their statutory amendments on the higher education bill that would put some reasonable limitations on busing for the purpose of achieving racial balance.

Now, on the second matter on the Florida ballot that the distinguished majority leader referred to, and that is equal educational opportunity for all, of course, I endorse that position the same as I endorse the position of eliminating busing for achieving racial balance. There is no inconsistency. Apparently the people of Florida thought there was no inconsistency between the two.

Yes, have equal educational opportunity for all. Yes, have the opportunity for everyone to attend a well-equipped school, with a good faculty. Yes, give everyone the opportunity of having a quality education. But do not accomplish that by assignments for achieving a racial balance which, of course, then result in busing for achieving a racial balance. I do not feel there is any inconsistency whatsoever between the 78-percent vote in favor of quality education for all and the 74 percent vote which would have supported the constitutional amendment for the purpose of ending busing.

The matter of the constitutional amendment was not the important question in Florida. The important question was ending busing, by whatever method that can be achieved.

Mr. President, the Florida results are interesting. I believe the Senate will profit by analyzing those results.

I yield the floor.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

S. 3353. An original bill to provide for the striking of medals in commemoration of the First United States International Transportation Exposition (Rept. No. 92-692). Considered and passed.

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, with an amendment:

S. 3166. A bill to amend the Small Business Act (Rept. No. 92-693).

By Mr. CHURCH, from the Committee on Foreign Relations, with an amendment:

S. Con. Res. 55. Concurrent resolution providing for the recognition of Bangladesh (Rept. No. 92-694).

GRANTS TO RADIO FREE EUROPE AND RADIO LIBERTY—CONFERENCE REPORT (S. REPT. NO. 92-691)

Mr. AIKEN, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 18) to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty, submitted a report thereon, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

O. Louis Olsson, of Connecticut, to be a member of the National Credit Union Board.

By Mr. HANSEN, from the Committee on Interior and Insular Affairs:

Jack O. Horton, of Wyoming, to be a member of the Joint Federal-State Land Use Planning Commission for Alaska.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

S. 3353. A bill to provide for the striking of medals in commemoration of the First United States International Transportation Exposition. Considered and passed.

By Mr. MILLER:

S. 3354. A bill to amend the Commodity Exchange Act, as amended. Referred to the Committee on Agriculture and Forestry.

By Mr. DOLE (for himself and Mr. Brock):

S. 3355. A bill to authorize the payment of a death gratuity to the survivors of certain members of the Armed Forces who have been in a missing in action status and subsequently determined to have died during a period when no Government life insurance program was in effect for active duty personnel. Referred to the Committee on Armed Services.

By Mr. GRAVEL:

S. 3356. A bill for the relief of Beatriz Vizcarra. Referred to the Committee on the Judiciary.

By Mr. MONDALE (for himself and Mr. Young):

S. 3357. A bill to provide price support for milk at not less than 85 percent of the parity price therefor. Referred to the Committee on Agriculture and Forestry.

By Mr. STEVENS:

S. 3358. A bill to prohibit the use of certain small vessels in U.S. fisheries. Referred to the Committee on Commerce.

By Mr. STEVENS (for himself and Mr. Tower):

S. 3359. A bill to raise the present level of grades for U. S. Deputy Marshals. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 3360. A bill to amend title 37 of the United States Code to provide an incentive plan for participation in the Ready Reserve. Referred to the Committee on Armed Services.

By Mr. PEARSON:

S. 3361. A bill to provide a group life insurance program for State and local government public safety officers and to provide benefits for survivors of officers who are killed in line of duty. Referred to the Committee on the Judiciary.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 3362. A bill to establish the Seal Beach National Wildlife Refuge. Referred to the Committee on Commerce.

By Mr. HUMPHREY:

S. 3363. A bill to make an assault on or murder of a State or local policeman, fireman, or prison guard a Federal offense. Referred to the Committee on the Judiciary.

S. 3364. A bill to amend the Older Americans Act of 1965 to promote and maintain the health of senior citizens through the authorization of a comprehensive program of home health services, and for other purposes. Referred to the Committee on Labor and Public Welfare.

S. 3365. A bill to provide employment opportunities in public service for unemployed persons, to assist States and local communities in providing urgently needed public services; and for other purposes. Referred to the Committee on Labor and Public Welfare.

S. 3366. A bill to allow States and localities more flexibility in funding ground transportation improvements in order to better meet the needs of interstate commerce, and for other purposes. Referred to the Committee on Finance.

By Mr. ALLEN (for himself and Mr. Sparkman):

S. 3367. A bill to amend the Wild and Scenic Rivers Act by designating a certain river in the State of Alabama for potential addition to the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MILLER:

S. 3354. A bill to amend the Commodity Exchange Act, as amended. Referred to the Committee on Agriculture and Forestry.

Mr. MILLER. Mr. President, it has been brought to my attention that there has been increasing futures trading in agricultural and forestry commodities which are not subject to Government regulation, and prices to consumers and losses to investors have caused complaints. In an effort to prevent damage to these investors, I am today introducing legislation which will place futures trading in all agricultural and forestry commodities under the supervision of the Commodity Exchange Authority.

There is no Federal agency that supervises the futures markets in nonregulated commodities. As a result, no one really knows to what extent there are practices in these markets which would be violations of the law if the commodities were regulated under the Commodity Exchange Act. Investigations of nonregulated markets by the Congress or by agencies of the executive branch have been made as a result of high consumer prices.

In 1953 and 1954, there were sharp increases in coffee prices which brought about an investigation by the Federal Trade Commission. Reporting on this investigation, the Commission stated that:

> Certain activities on the New York Coffee and Sugar Exchange, in combination with imperfections and restraints in the total coffee market, were important factors in the recent coffee-price spiral.

The need for Federal regulation of these markets to protect the consuming public was recognized by the chairman of the House Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, whose committee studied the coffee and sugar market in depth. The chairman stated in testimony in 1967, that:

> Frantic buying and selling of futures by amateurs not connected in any way with the trade—coupled with a tremendous amount of speculation, also, as well as hedging by regular traders—caused chaos in the marketing of these commodities (coffee and sugar)—resulting in wild swings in prices which were reflected in quick order in much higher consumer prices. Both of these episodes (the coffee market in 1953 and 1954 and the sugar market in 1963) could have been prevented, or at least sharply contained, by effective Federal regulation.

The chairman also concluded that:

> There is a great deal of important information to show that trading in sugar on this exchange (the New York Coffee and Sugar Exchange) should be brought into regulation.

This view was supported by a Department of Agriculture study which concluded that:

> Speculation in sugar futures on the New York Coffee and Sugar Exchange contributed materially to the sharp rise in sugar prices in the spring of 1963.

All of these investigations were conducted a number of years ago. There is no way to know whether the situation in the nonregulated markets has bettered or worsened in recent years.

Since the Commodity Exchange Authority—CEA—cannot investigate anything connected with nonregulated commodities, the only information on these markets comes from the press, persons who file complaints, and investigations of regulated commodity transactions which sometime reveal activity in the nonregulated markets. Information which has come to the attention of CEA convinces them that the need for regulation of these markets is real. This statement is made fully recognizing that the information now available is perhaps no more than the "tip of the iceberg."

The following are examples which illustrate the types of situations which lead to the conclusion that regulation of these markets is necessary in the public interest.

First. An individual in California, operating under a fictitious firm name, held meetings throughout the United States urging the public to invest in the commodity futures markets through his "firm." An investigation by the California authorities revealed that some of the victims who opened accounts with him were given commodities other than those they ordered, and their accounts were traded until all of their money was lost. In other cases, accounts were never opened, and the money deposited by the victims was merely pocketed by the swindler. As a result of these operations, over $1 million was embezzled from 400 individuals. The embezzler carefully avoided regulated commodities, dealing only in nonregulated commodities, principally sugar, cocoa, and silver.

Second. A Pennsylvania brokerage firm recently failed while owing customers $1,300,000 in connection with their trading in nonregulated commodities. The brokerage firm issued false statements to customers, used some customers' money to pay other customers who were clamoring for their profits on what were in most instances nonexistent trades, and converted customers' funds to the personal use of the brokerage firm and its owner.

Third. A New York brokerage firm used its nonregulated commodity customers' money to extend credit to two customers who had losses in excess of $600,000 in the sugar and cocoa markets. The firm subsequently became insolvent and was unable to pay nonregulated commodity customers the $200,000 due them.

Fourth. Another New York brokerage firm lost heavily in its own trading in the metals and cocoa markets and used funds of nonregulated commodity customers to cover these losses. The firm became insolvent and its nonregulated commodity customers lost $1,200,000.

The lack of information concerning trading on the nonregulated markets is also a major problem. Between July 1971 and January 1972, the price of sugar on the New York Coffee and Sugar Exchange almost doubled. Whether this is a situation comparable to the one investigated by the Congress in 1963, no one really knows. It may be that speculation in the futures market is again causing higher prices in the grocery stores. If sugar were a regulated commodity, there would be information from which it could be determined whether such a price rise is the result of changing supply and demand conditions or of excessive speculation or manipulation in the futures market.

A similar situation occurred last year in the lumber and plywood markets. There was great concern in the Government and elsewhere about the high cost of building materials and its effect upon housing. Speculation in the lumber and plywood futures markets was reportedly a contributing factor. Here, again, nobody really knows since there was no information on the trading in these markets from which one could make a judgment.

It is my understanding that many brokers who deal in both regulated and unregulated commodities are extremely interested in having all trading come under regulation. I hope the Congress will act swiftly on this bill.

By Mr. MONDALE (for himself and Mr. Young):

S. 3357. A bill to provide price support for milk at not less than 85 per centum of the parity price therefor. Referred to the Committee on Agriculture and Forestry.

FAIR PRICES TO DAIRY FARMERS

Mr. MONDALE. Mr. President, today I am introducing, with Senator Young, a bill to provide a price support of not less than 85 percent of parity for milk.

Throughout my career, I have felt that the price of milk should be at least 90 percent of parity. I still think that farm prices of at least 90 percent of parity should be the goal of all farm programs.

Dairy farmers want inflation halted. But, despite Government efforts to control inflation in the national economy, these farmers are facing increasing costs. The economic stabilization program is based on an expectation of general increase in U.S. prices amounting to 2.5 to 3 percent and possibly more. This is consistent with wage increases of at least 5.5 percent.

Although dairy farmers continually feel the pressures of a severe cost-price squeeze, they are willing to do their part in controlling inflation. They need fair prices and the very minimum should be 85 percent of parity. Continued price support at that level would only amount to a cost of living adjustment such as the rest of the economy has come to expect.

Mr. President, recently farmers have been under a flurry of criticism because of increasing prices in supermarkets. However, I am convinced that if the entire food production and distribution system of this Nation was analyzed, the family farmer would prove to be the consumer's most vigorous advocate and ally. Farmers are dedicated to production of a wholesome and economical supply of food for all Americans. They have done so admirably and will continue doing so.

Farmers are also consumers. They have to buy several capital inputs to stay in business. And like most of us, they have to pay taxes. All these costs of farming and of living are rising rapidly. A tractor equivalent to one which cost $2,500 in 1949 now costs the farmer $7,500. Since the 1940's, farm prices have not even kept up with increase in farm costs.

There is other evidence which clearly shows that the dairy farmer is the victim, not the villain in the inflationary spiral. Since the 1940's, food retail prices have risen much faster than farm prices. Department of Agriculture figures show that the average retail price for a half gallon of milk averaged 38.7 cents in 1947–49. At the same time, the farm price was 21.7 cents. In January 1972, the retail price of a half gallon of milk averaged 59.5 cents and the farm value was 29.9 cents. Thus, the farm to retail price spread has risen from 17 cents in the 1947–49 period to 29.6 cents today. While the farm price of milk has risen only 8.2 cents, the retail price has increased by 20.8 cents.

Aside from the needs of dairy farmers for fair returns in payment for their remarkable productivity, there are several economic factors which build a strong case for a dairy price support at 85 percent of parity at this time.

On March 25, 1971, former Secretary Hardin announced a price level of $4.93 per hundredweight for milk of average butterfat content for the marketing year beginning April 1, 1971 and ending March 31, 1972. When the price was set at $4.93 last year, that was 85 percent of parity. But since then that figure has slipped to 79.4 percent of parity. To get the price support back to 85 percent of parity now would require a price of $5.25. Again I emphasize that to farmers this is not a big raise. It is only a cost of living adjustment.

During the course of the 1971–72 marketing year, dairy farmers' production and living costs increased substantially. The index of prices paid by farmers for goods and services, interest, taxes and wage rates—based on 1910–14=100—rose from 407 in April 1971 to 420 in January 1972.

Before the Secretary announced the 85-percent-support level last year, several strong economic arguments were voiced against an increase in price support. From a supply and demand standpoint, some people feared that an increase in price support would cause increased milk production and burdening inventories. That was a genuine and reasonable concern. But, in fact, milk production has increased only by 1 percent during the 1971–72 marketing year. Furthermore, on a per capita basis, production held very close to that of the 1970–71 marketing year.

Marketings by farmers showed a moderate increase in 1971–72, but commercial market sales also increased. During the 1971–72 marketing year, CCC purchases of butter and nonfat dry milk will be lower than for the previous marketing year. Cheese purchases thus far have been higher. Most cheese purchases, however, were made on a bid basis for the school lunch program.

U.S. milk production reached a peak in 1964 when it totaled 127 billion pounds. It has declined since then. In 1971, milk production was 118.6 billion pounds—up slightly from 1970 but representing no increase on a per capita basis.

For 25 years the number of dairy farms has been diminishing. In 1945, milk or cream was being marketed from about 2.3 million farms. Now, the number is less than 400,000 farms. Also, the number of milk cows has decreased to the lowest point recorded in this Nation. Therefore, there is not a serious threat of burdening inventories being built up.

Government inventories will be low when the marketing year closes March 31, 1972. On January 31, 1972, USDA had stocks of only 37 million pounds of butter, 2 million pounds of cheese and a million pounds of nonfat dry milk. These included supplies being packaged for specific program uses. CCC purchases during this marketing year have represented a needed source of dairy products for important Government food programs. Purchases of several commodities, such as cheese for the school lunch program, would have been needed even without the price support program.

The number of children in schools and the number of persons participating in Government programs is expected to be substantially higher during the coming marketing year. These factors will increase the requirement for dairy products, particularly cheese and nonfat dry milk.

The importance of dairy products in the diet has been repeatedly recognized by the Congress. The national school lunch program, the special milk program for children, supplemental feeding programs for the armed services and Veterans' Administration hospitals are among the many important and worthwhile food programs to which Congress has appropriated funds.

Milk production should be encouraged to meet these program needs and the requirements of the U.S. population which is growing at a rate of some 2.5 million persons per year.

I would like to call attention to the fact that the cost of the price support program for 1971–72 will be substantially less than for the 1970–71 marketing year. This is due to a reduction in the purchases of butter and nonfat dry milk. Also, it is largely due to sales of 140 million pounds of butter into export markets. These exports relieved the United States of excess butterfat which is necessarily produced in the process of providing the Nation a sufficient supply of milk solids—not fat. Such sales also will favorably affect the U.S. balance of payments.

Mr. President, it is unfortunate that farmers, a group whose incomes have been caught in the equivalent of a wage-price freeze for over 20 years, now face threats of ceilings that would hold their incomes from equalizing with the other segments of the economy. I believe that we must continue to work vigorously in Congress to increase farm prices to a fair level. I will continue to urge the Department of Agriculture to fully utilize its authority to achieve that goal. We must not allow any farm prices to drop to a lower percentage of parity while the rest of the economy continues to expand. The purpose of our efforts to adjust the milk price support back to 85 percent of parity is to hold dairy prices in line with the general economy.

I invite other Senators to join in cosponsorship of this vital measure.

Mr. President, I ask unanimous consent that the bill, along with appropriate tables, be printed at this point in the RECORD.

There being no objection, the bill and tables were ordered to be printed in the RECORD, as follows:

S. 3357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That Section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446), as amended, is further amended by adding the following new subsection:**

"(d) Notwithstanding the foregoing provisions of this Section, effective for the periods beginning April 1, 1972, and on the first day of each calendar quarter thereafter, and ending on March 31, 1973, the price of milk shall be supported at not less than 85 per centum of the parity price therefor."

MILK PRODUCTION

	Billion pounds
Year:	
1964	127.0
1965	124.2
1966	119.9
1967	118.9
1968	117.2
1969	116.8
1970	117.4
1971	118.6

PRICE-SUPPORT LEVEL

Marketing year	Percent parity equivalent[1]	Support level per hundredweight	Increase (cents)
1967–68	87	$4.00	0
1968–69	89	4.28	+.28
1969–70	83	4.28	0
1970–71	85	4.66	+.38
1971–72	85	4.93	+.27

[1] Beginning of marketing year.

DAIRY PRODUCT PURCHASES

[In millions of pounds]

Marketing year	Butter	Cheese	Nonfat dry milk
1967–68	246.6	175.4	633.6
1968–69	186.4	69.0	555.9
1969–70	182.3	31.0	357.6
1970–71	305.4	56.8	452.3
1970–71 (April-December)	187.3	42.9	369.0
1971–72 (April-December)	175.7	76.8	372.9

GOVERNMENT PURCHASE PRICES FOR DAIRY PRODUCTS

[In cents per pound]

Marketing year	Butter	Cheese	Nonfat dry milk
1967–68	66.442	43.75	19.85
1968–69	66.394	47.0	23.35
1969–70	67.596	48.0	23.35
1970–71	69.784	52.0	27.2
1971–72	67.784	54.75	31.7

GOVERNMENT STOCKS OF DAIRY PRODUCTS

[In millions of pounds]

Marketing year	Butter	Cheese	Nonfat dry milk
1967–68	128.2	53.8	306.3
1968–69	72.9	27.7	201.9
1969–70	44.6	--------	91.7
1970–71	166.7	8.5	20.7
1970–71 (April–January 15)	48.0	1.3	21.8
1971–72 (April–January 15)	31.6	6.8	1.5

COST OF PRICE SUPPORT PURCHASES

	Net support purchases (millions)
Year beginning July 1:	
1967–68	$357.1
1968–69	268.8
1969–70	168.6
1970–71	315.4

PRICE PROJECTIONS

[USDA estimates that the parity equivalent price for manufacturing milk as of the beginning of the 1972-73 marketing year (Apr. 1, 1972) will be $6.23 per 100 pounds. Based on this, the following are their estimates of certain parity price percentages]

	Estimatee price
Percent of parity:	
80	$4.98
85	5.30
90	5.61

INDEX OF PRICES PAID BY FARMERS FOR COMMODITIES AND SERVICES, INTEREST, TAXES, AND WAGE RATES, APRIL 1971-JANUARY 1972

Month	Index (1910-14=100)
April 1971	407
May	410
June	412
July	410
August	412
September	413
October	414
November	415
December	416
January 1972	420

By Mr. STEVENS:

S. 3358. A bill to prohibit the use of certain small vessels in U.S. fisheries. Referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, I am today introducing a bill to prohibit the use of certain small vessels in the fisheries of the United States. This bill will amend section 5 of Public Law 88-308, approved May 20, 1964—16 U.S.C. 1085. It will define "vessel of the United States" to exclude a vessel of less than 5 tons if such vessel was constructed outside the United States and cannot be used in the fisheries of the country in which it was constructed.

This legislation is necessary to correct a problem of great concern to many fishermen in southeast Alaska. As the enclosed letters from Alaska State Representative Mike Miller of Juneau and Messrs. Jim Beaton and Bruce Lewis—see exhibits 1 and 2—indicate, the Alaska fishing industry is faced with an over-entry of Canadian vessels into our already crowded fishery. Canada has instituted a gear limitation program under which boats are being purchased by the Canadian Government and retired from the Canadian fishing industry. These vessels are then resold at auction to non-Canadians, particularly Alaskans. This year alone, 350 such vessels are to go on the auction block. One term of the sale is that the boats can never again be utilized in the Canadian fishing industry. Because the United States has no such stipulation, many Americans are presently buying these boats at a very small percentage—30 to 50 percent—of their actual worth and entering our own industry with them. This does not permit an orderly management program and is a great problem to the many career fishermen of our State.

As I shall indicate in some detail in a minute, the U.S. maritime laws presently prohibit the entry of such boats over 5 tons; however, a vast portion of these boats are smaller than 5 tons net. This then is the problem the bill is designed to correct.

Section 1 of Public Law 88-308, approved May 20, 1964—16 U.S.C. 1081—states that it is unlawful for any vessel, "except a vessel of the United States" to engage in the fisheries within the territorial waters of the United States. However, the Bureau of Customs, the agency which is in charge of the documenting of American vessels, has held in Treasury Decision 56382(6) contained in Bureau letter dated February 26, 1965—attached as exhibit 3—that the legislative history of Public Law 88-308 indicates no intention on the part of Congress to disturb the administrative practice, followed at least since 1940, permitting vessels of less than 5 net tons, whether built in the United States or in a foreign country, and whether owned by U.S. citizens or by alien residents in the United States, to engage in the American fisheries including such fishing operations within the U.S. territorial waters. Therefore, even though a strict interpretation of section 1 would seem to preclude all vessels not documented under the laws of the United States, including vessels of less than 5 net tons, which are ineligible for documentation because of their small size, from engaging in the American fisheries, the legislative history of that particular statute will not sustain such a literal interpretation of the statute.

Because this administrative interpretation is of such weight and of such precedent, I am informed legislation is necessary to correct the situation.

Mr. President, for this reason, I offer this bill. I request that it be printed in its entirety in the CONGRESSIONAL RECORD at this point and that exhibits 1, 2, and 3 be included as well.

There being no objection, the bill and exhibits were ordered to be printed in the RECORD, as follows:

S. 3358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels", approved May 20, 1964 (16 U.S.C. 1085), is amended by inserting at the end thereof the following:

"(e) As used in this Act, the term 'vessel of the United States' does not include a vessel of less than five tons if such vessel was constructed outside the United States and cannot be used in the fisheries of the country in which it was constructed."

EXHIBIT 1

ALASKA HOUSE OF REPRESENTATIVES,
February 15, 1972.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.
Hon. MIKE GRAVEL,
U.S. Senate,
Washington, D.C.
Hon. NICK BEGICH,
House of Representatives,
Washington, D.C.

DEAR TED, MIKE, AND NICK: In recent months a situation has developed which I believe bears scrutiny, both at the federal and state level. This is a new policy by the British Columbia government of removing gear from their fisheries by means of purchasing Canadian boats then "dumping" them on the market with the provision that such boats are not to be used again in the *Canadian* fishery.

These boats, I am told, are purchased from the fishermen for full market value and are being resold in a series of auctions at prices as low as 30 to 50 percent of value.

From the Canadian viewpoint, this is a pretty realistic program. Like us, they have too much gear in the water and they know it. They are taking this step to eliminate some excess gear.

The problem for us arises from the fact that while these boats cannot ever again be used to fish in Canada, they can and will be used to fish in Alaska. The feeling among a large number of our fishermen is that any arrangement which will result in more gear coming into Alaskan waters is an undesirable arrangement. They fear that the availability of a large number of commercial fishing boats at extremely cheap prices could very well have this effect.

I am not sure what the solution should be. Possibly, it should be along the lines of prohibiting the commercial use in American waters of boats that have been banned in foreign waters. The Department of Fish and Game, at my request, has requested copies of the Canadian regulations plus data on this program. I will forward this material to you as soon as it is available. In the meantime, I wanted you to be aware of the concern which exists over this situation.

Best personal regards.

Sincerely,

MIKE MILLER,
Representative, District 4 (Juneau).

P.S.—Ted, I believe—if I interpreted your remarks before the legislature correctly—that you are already aware of this situation and are working on it. We appreciate your interest and hope that something can be done about this problem before it gets to be one of major proportions.

SOUTHEAST GILLNET FEDERATION,
Juneau, Alaska.

Senator TED STEVENS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR STEVENS: It has been brought to our attention that a situation is developing that will be very detrimental to the fishery's resource of Alaska.

The primary problem of the Alaska salmon industry is the over entry of vessels into this already crowded fishery. The Canadians with a similar problem have taken positive action through legislation and are now instituting a gear limitation program whereby boats are being bought by the government and retired from their overcrowded fishery. In this way the fishery can be more orderly managed from a conservation standpoint and more important from the human standpoint those remaining in the fishery can make a decent living. This gives you a very brief background of the problem and what is happening, now comes the punch line.

The Canadians are stipulating that these boats can never be used in the Canadian fishery again as a term of the sale (auction). However, we have no such stipulation, therefore Americans are buying these boats at thirty cents on the dollar entering them in our already overcrowded fishery thereby in essence solving the Canadians initial problem, finding them a continuance of this program and compounding the management of our already huge salmon fleet. Of course the Jones Act stops boats over five tons but a vast segment of the combination gillnet troll fleet is under five tons net. Already numerous boats have been sold to Americans from Washington and Southeast Alaska and slated to enter our fishery. Even more traumatic is the fact that 800 more boats are slated to go on the block in the immediate future.

We support you in your endeavours to solve our various fisheries problems such as development of our off shore fleet, continental shelf and jurisdiction limits, but in all honesty this type of legislation while being needed is of little value if we cannot figure out ways of orderly managing the fisheries we have always had.

For the sake of expediency the foregoing is a very brief summation of our problem. We will be willing to meet with you any time any place and expounding on this or any other problem related to our fisheries with you.

Thanking you in advance,

JIM BEATON,
President.
BRUCE LEWIS,
Secretary-Treasurer.

EXHIBIT 3

FEBRUARY 26, 1965.

Hon. ROY L. PETERSON,
Collector of Customs,
Seattle, Wash.

DEAR MR. PETERSON: Your letters of October 21, 1964, and January 8, 1965, inquire whether foreign-built vessels of less than five net tons may continue to engage in the American fisheries notwithstanding Public Law 88–308, approved May 20, 1964 (sections 1081–1085, title 16, United States Code).

Public Law 88–308 in part provides that it is unlawful for any vessel "except a vessel of the United States" to engage in fishing in United States territorial waters. A strict interpretation of the statute would seem to preclude all vessels not documented as vessels of the United States, including vessels of less than five net tons which are ineligible for documentation because of their size, from engaging in the American fisheries. We find nothing in the language of the statute or in its legislative history, however, which would sustain such an interpretation. The legislative history clearly indicates that it is the intent of the Congress to prohibit "foreign" vessels from engaging in fishing in the proscribed waters, and we believe that for purposes of the statute foreign vessels are vessels of foreign flag or registry, or vessels owned by aliens not resident in the United States.

The Bureau is of the opinion, therefore, that in enacting Public Law 88–308, there was no intent on the part of the Congress to disturb the administrative practice, followed at least since 1940, which permits vessels of less than five net tons, whether built in the United States or of foreign-build, owned by United States citizens or by aliens resident in the United States, to engage in the American fisheries, including such operations in United States territorial waters. Consequently, this practice may continue as heretofore.

The bill H.R. 559 (71st Congress, 1st Session), to which your letter of October 21, 1964, refers, was introduced on January 3, 1941, but failed of enactment.

We are returning the letter which [name withheld] addressed to you on October 19, 1964, for reply directly to him in accordance with the views we have expressed. As he is concerned with the use of a Canadian-built commercial salmon gillnetter of less than five net tons in the Alaska fisheries, we are forwarding a copy of this letter, together with a copy of [name withheld] letter, to the collector of customs at Juneau.

Sincerely yours,

LESTER D. JOHNSON,
Acting Commissioner of Customs.

U.S. BUREAU OF CUSTOMS,
February 16, 1965.

To: The file.

Subject: Vessels of less than 5 net tons in the American fisheries.

R.S. 4311 (46 U.S.C. 251) in part provides that vessels of 20 tons and upwards, enrolled and having a license in force, or vessels of less than 20 tons, which, although not enrolled have a license in force, and no others, shall be deemed vessels of the United States entitled to the privileges of vessels employed in the American fisheries.

It has been the practice of the Bureau of Customs and of the Bureau of Marine Inspection and Navigation, its predecessor agency in the administration of the navigation laws, at least since 1940, however, to permit vessels of less than five net tons, which are ineligible for documentation because of their size, when owned or purchased by residents of the United States, to engage in the American fisheries (Memorandum dated November 5, 1942, Chief Counsel to Commissioner of Customs; undated "memorandum of authorities"; Bureau letters December 6, 1945, 217.3, to collector of customs, Juneau, Alaska; March 12, 1953, to [name withheld]; June 19, 1957, 217.3, to [name withheld]; June 22, 1960, 211.12, to [name withheld]; October 30, 1961, 217.3, to [name withheld].

Public Law 88–308, approved May 20, 1964 (16 U.S.C. 1081–1085), in part provides that it is unlawful, under penalty of forfeiture, for any vessel "except a vessel of the United States" to engage in fishing in United States territorial waters. The collector of customs at Seattle, Washington, under dates of October 21, 1964, and January 8, 1965, has inquired whether this statute precludes a foreign-built vessel of less than 5 net tons from engaging in the American fisheries. Engaging in the American fisheries is deemed to include fishing in the territorial waters of the United States (Bureau letter October 30, 1961, 217.3, to [name withheld]).

A strict interpretation of the statute would seem to preclude all vessels not documented as vessels of the United States, including vessels of less than five net tons, from engaging in the American fisheries. Such an interpretation, contrary to long-established administrative practice, would result in vessels of less than five net tons, even if built in the United States and owned by citizens of the United States, being ineligible to engage in the American fisheries.

The legislative history of Public Law 88–308 (U.S. Code Congressional and Administrative News, 1964, pp. 1243–1258), however, clearly indicates an intent on the part of the Congress to prohibit "foreign" vessels from engaging in the fisheries in the proscribed waters. House Report (Merchant Marine and Fisheries Committee) No. 1356, April 28, 1964, states the purpose of the bill is to make it unlawful for a "foreign" vessel to engage in the fisheries. Under the heading, "What the Bill Does: Section-by-Section-Analysis," the Committee states:

"Section 1 of the bill makes it unlawful for any foreign vessel * * * to engage in the fisheries within the territorial waters of the United States * * *"

The House report and the Senate report (Commerce Committee) No. 500, September 13, 1963, as well, repeatedly refer to an intent to bar "foreign" vessels from the American fisheries. The comments of the Department of the Interior dated February 18, 1964, on the proposed legislation, appended to the House report, include repeated references to "foreign-flag" vessels as barred from the fisheries, and other departmental reports also refer to "foreign" vessels. Nowhere is there any indication that the legislation is designed to apply to vessels of less than five net tons owned or purchased by residents of the United States, the subject of the administrative practice referred to above.

A foreign vessel has been said to be a vessel owned by residents in or sailing under the flag of a foreign nation. This term (a foreign vessel) does not mean a vessel in which foreigners domiciled in the United States have an interest. *The Sally,* 1 Gall. 58, Case No. 12, 257, 21 F. Cases 242, C.C. D. Mass. (1812).

Vessels of less than five net tons owned by citizens of the United States, whether built in the United States or of foreign-build, are not foreign vessels. It is less clear, however, whether vessels of less than five net tons owned by aliens resident in the United States are foreign vessels. Footnote 9 to section 4.3, Customs Regulations, states that every undocumented vessel of five net tons or over owned by an alien, whether or not such alien is a resident of the United States, is a foreign vessel. Bureau letter July 27, 1960, 211.1, to the collector of customs, New York, N.Y., states: "There appears to be no reason for any other or different interpretation merely because the vessel involved may be of less than five net tons". The footnote and letter cited refer to the exemption of a vessel from entry and clearance requirements in certain circumstances.

The administrative practice referred to, which appears even to antedate the Chief Counsel's memorandum of November 5, 1942, does not recognize a distinction, however, in respect to vessels of less than five net tons engaging in the fisheries, between such vessels owned by citizens of the United States and those owned by aliens resident in the United States. The several Bureau decisions referred to do not make such a distinction. Neither, apparently section 4.96(b), Customs Regulations, in stating that * * * no vessel employed in fishing, other than a vessel of the United States or a vessel of less than five net tons "owned in the United States" shall come into a port or place in the United States. In the circumstances, therefore, it does not appear that a vessel of less than five net tons owned by an alien resident in the United States is a foreign vessel within the purview of Public Law 88–308.

It appears that for the purposes of the statute, foreign vessels are vessels of foreign flag or registry, or vessels owned by aliens not resident in the United States. No intent on the part of the Congress is found to disturb the long-continued administrative practice which permits vessels of less than five net tons, whether built in the United States or of foreign-build, owned by United States citizens or by aliens resident in the United States, to engage in the American fisheries. Accordingly, the collector at Seattle should be advised that this practice may continue as heretofore.

By Mr. STEVENS (for himself and Mr. TOWER):

S. 3359. A bill to raise the present level of grades for U.S. deputy marshals. Referred to the Committee on the Judiciary.

Mr. STEVENS. Mr. President, the distinguished Senator from Texas (Mr. TOWER) and I are today introducing a bill which has as its purpose the reclassification and upgrading of U.S. deputy marshals positions. It has been some time since these dedicated public servants within the Justice Department have been upgraded in their classification. We believe that such reclassification is presently necessary in order to meet the needs of the times and to keep pace with other law enforcement officers on all governmental levels, State, local, and national.

This bill provides only that the classification of deputy marshals be raised from the present levels, GS–5 through GS–9, to GS–7 through GS–11—GS–11 will become the journeyman level, which can be reached only after a 2-year period of satisfactory service as a GS–9.

The requirements to become a deputy marshal are stringent. A deputy marshal must enter the service with somewhat different qualifications and experience than candidates for other Federal law enforcement positions. He must have had at least 2 years of general experience. This includes positions requiring him to deal effectively with individuals or groups in a courteous and tactful manner.

Additionally, the candidate must have had 2 years of specialized experience in such fields as responsible police or law-enforcement work. In such a capacity, he must have demonstrated competence as a law-enforcement officer generally and specifically an ability to make arrests and competence in the use of firearms. In addition, he must demonstrate the ability to exercise tact, courtesy, and effectiveness in dealing with associates, subordinates, and the public in general. A U.S. deputy marshal must also possess and maintain a high standard of physical fitness. He must undergo rigid preemployment examinations, testing both his mental and physical capacities.

Deputy marshals must face many hazards on the job, some even greater than other members of their profession. They must be prepared to make arrests without a warrant, if there is probable cause to believe that a felony has been committed. They are empowered to make arrests for any Federal crime or for any other crime committed in their presence. They serve warrants issued by Federal courts. They transport prisoners to Federal prisons. They seize and dispose of property upon the order of Federal courts. They maintain order in Federal courtrooms. They organize and manage security details for the protection of key figures involved in Federal court cases, even witnesses and dependents.

Deputy marshals serve under the direction of the President and the Attorney General of the United States. They must be prepared at any time to go anywhere they are ordered to enforce the laws of this country and to protect those persons whose lives may be threatened as a result of the enforcement of our Federal laws. In *United States* v. *Krapf*, 285 F.2d 647 (3d Cir. 1961), the Court discussed in detail the nature of the duties of U.S. deputy marshals. It went on to indicate that, in fact, these law enforcement officials could best be described by the term "peace officers."

Mr. President, I think that this statement of the Court best describes the nature of the duties and qualifications of the 2,200 to 2,500 U.S. deputy marshals in this county. We strongly believe that these brave men are deserving, not only of our consideration, but of our assistance in upgrading their positions to compensate them adequately for the risks and skills they must daily display in performing their duties according to Federal laws. In so doing, we do not believe we will be overcompensating them or giving them a break over other Federal peace officers. We will be merely treating them in the same manner that we have treated our Capitol Police and local police forces here in the District of Columbia. For these people, we have provided upgrading and additional benefits in many ways, such as Federal death benefits, hazardous duty pay, and retirement pay. We believe our U.S. deputy marshals deserve no less.

Mr. President, the Senator from Texas (Mr. Tower) and I am not unmindful that earlier in this Congress we introduced a bill, S. 366, which would increase the minimum grades for U.S. deputy marshals to a lesser degree than this bill. Because in the meantime, it has come to our attention that the provisions of S. 366 may not, in fact, fully compensate these men, we are persuaded that it is necessary to introduce this additional legislation. We are introducing this as an additional bill and not in the nature of a substitute for our original bill because we understand that the Judiciary Committee which has jurisdiction over S. 366 and, we are sure, will also have jurisdiction over this bill we are today introducing, has already requested departmental reports on S. 366. Therefore, in order to expedite consideration of this matter, we are submitting this as an additional bill.

Mr. President, we request our colleagues to respond favorably to the needs of these Federal peace officers who most recently have been called upon to assist in protecting the airlines of our Nation under the sky marshals' laws. We request that the bill be printed in the Congressional Record in its entirety at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 552 of title 28 of the United States Code is amended by inserting at the end thereof the following new sentences: "All new appointments to the position of deputy marshal shall be made at the minimum rate of grade 7 of the General Schedule under section 5332 of title 5, United States Code. A deputy marshal so appointed shall be advanced to grade 9 after completion of one year of satisfactory service in grade 7; and to grade 11 after completion of two years of satisfactory service in grade 9."

Sec. 2. Any deputy marshal who was appointed prior to the effective date of this Act shall be converted on the effective date of this Act according to the following schedule:

Prior Grade 6:—immediate conversion to grade 7, step 5, and retention of all time in grade 6 as a credit, not to exceed one year of satisfactory service, toward promotion to grade 9, step 1.

Prior Grade 7:—immediate conversion to grade 9, step 3, and retention of all time served in grade 7 as a credit, not to exceed two years of satisfactory service, toward promotion to grade 11, step 1.

Prior Grade 8:—immediate conversion to grade 11, step 2.

Prior Grade 9:—immediate conversion to grade 12, step 4.

Sec. 3. This Act shall become effective on the first day of the first pay period which begins on or after the date of its enactment.

By Mr. TOWER:

S. 3360. A bill to amend title 37 of the United States Code to provide an incentive plan for participation in the Ready Reserve. Referred to the Committee on Armed Services.

Mr. TOWER. Mr. President, I am introducing today a bill to provide an incentive plan for participation in the Ready Reserve. This bill is an essential step in the achievement of an all-volunteer force, and the maintenance of national security. In the last few years, President Nixon has turned this country from the path of war to one of peace. In the course of that transition, Department of Defense personnel have been reduced by over 1 million men and women. This decrease of about one-third of our active duty forces has resulted in a new defense posture—a smaller, "harder" active duty force capable of dealing with most conflicts short of general, large-scale war. However, these forces are not designed to fight by themselves a major war. They rely heavily on speedy reinforcement by combat-ready units. They rely on the Reserves and the Guard.

Mr. President, today the Reserve components are not ready to meet that challenge; they are not as prepared for war as they should be. Part of the problem in the past has been a lack of modern equipment, and in some areas the proper equipment was not available at all. I am, however, pleased by the program of modernization of Reserve equipment instituted by the Secretary of Defense. For example, in 1971, $726 million worth of equipment was transferred to Reserve ground forces alone. An additional $1.9 billion worth is estimated to become available in fiscal year 1972 and fiscal year 1973. Over $2.5 billion of modern equipment in the course of 3 years is a clear demonstration of the earnestness of the Secretary of Defense in this vow to strengthen the Reserve components. I strongly support these efforts, but this modern weaponry will be of little value without enough well-trained, citizen-soldiers to man it.

At the present time, we face a very serious problem in even maintaining our Guard and Reserve strengths. For 3 months last year, we experienced a no-draft situation roughly comparable to that we can expect in 1973 when the current draft law expires. I say roughly because there did exist the distinct possibility of passage of the draft bill, as in fact happened. Therefore, there still existed some degree of draft pressure as an incentive to enlist in the Guard and Reserve. During that period, waiting lists for enlistment in units were exhausted, and since that period, despite the existence of the draft, Reserve components' strengths, particularly those for the Army, have continued to plummet. As of December 1971, these strengths were 45,000 below the congressionally mandated floor. The Army components alone account for about 30,000 of this shortfall.

Even more disturbing than this, however, is the fact that there is no end in sight. In order to get and retain the quantity and quality of volunteers for the Reserve components, changes will have to be made. Certainly one of them is the modernization of equipment to which I referred. Additionally, we should update the facilities at which our reservists and guardsmen train, expand our recruiting efforts, including those directed at non-prior-service personnel, and, most importantly, liberalize the pay, allowances, and benefits for the Reserves and Guard.

The bill that I introduce today is an important step in that liberalization. Basically, it establishes enlistment and reenlistment bonuses for the Reserve components. The maximum amount of special pay available to an individual would be $3,300 for successive enlistments. Men enlisting or reenlisting for a 6-year period who possess a critical skill receive a $2,200 bonus. Men without a critical skill would enjoy a $1,100 bonus for a 6-year stay.

Men could also enlist or reenlist for periods of less than 6 years and receive a bonus. Payments would be limited to not more than 10 percent of the appropriate 6-year bonus for the first year, not more than an additional 12 percent for the second, 15 percent for the third, 17 percent for the fourth, and not more than an additional 21 percent for the fifth year. No member could enlist or reenlist for more than 6 years at a time.

This special pay would be payable in lump sum at one time, or in installments, and would be in addition to basic pay, and any other special pay, incentive pay, or allowance to which the man is entitled. The bonuses would be payable for periods of enlistment, reenlistment, or extension of enlistment in the Selected Reserve which, when added to the person's initial period of military service, does not exceed 12 years of military service. As I mentioned before, the maximum total amount payable under the provisions of this bill is $3,300 for successive enlistments.

To qualify for the bonus, each member must:

First, enlist or reenlist in the Selected Reserve in a drill pay status. Members of the Ready Reserve not in a drill pay status would be ineligible; and

Second, perform and progress satisfactorily during the period of service for which he receives special pay. Failing this, he may be ordered by the Secretary concerned to serve on active duty for not more than 24 months or he may refund an amount that corresponds proportionately to the period of unsatisfactory service; and

Third, enlist for a period of at least 3 years if he has never before been a member of the Armed Forces.

In addition, the bill would authorize special pay to enlisted members in the grade E-3 or above who have served on active duty for other than training for at least 2 years or on a combination of active duty for training and for other than training for a period which when added to his period of satisfactory service in the Selected Reserve would qualify him for discharge or transfer from the Selected Reserve. Such men must agree to remain members of the Selected Reserve for not less than 1 year.

I believe the incentive for Reserve service that this bill offers, would provide increased accessions of trained, experienced prior-service personnel in the Reserve components. Retention rates of these personnel have been extremely low in the recent past. This has resulted in high turnover rates, turbulence, shortages of trained NCO's, and high training costs. The Department of Defense has furnished the following data which shows the estimated costs for this bonus system and estimated offsetting savings in training costs:

ESTIMATED COSTS FOR RESERVE BONUS

[Dollars in millions]

	Fiscal year—				
	1973	1974	1975	1976	1977
Army	$66.4	$58.3	$80.1	$112.8	$71.7
Navy	17.6	17.5	18.6	19.2	19.2
Air Force	30.3	27.1	25.1	28.0	22.3
DOD total	114.3	102.9	123.8	160.0	113.2

ESTIMATED TRAINING COSTS SAVINGS

[Dollars in millions]

	Fiscal year—				
	1973	1974	1975	1976	1977
Army	$25.5	$24.6	$22.3	$25.8	$9.1
Navy	2.2	2.5	3.1	3.7	4.1
Air Force	7.1	6.1	5.2	6.1	3.7
DOD total	34.8	33.2	30.6	35.6	16.9
Net DOD costs	79.5	69.7	93.2	124.4	96.3

Mr. President, I urge most careful consideration of this measure I am introducing today, and request unanimous consent that my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Chapter 5 of title 37, United States Code, is amended as follows:

(1) by adding the following new section at the end thereof: "313. Special Pay: Participation in the Selected Reserve of the Ready Reserve."; and

(2) by adding the following new section at the end thereof:

"313. *Special Pay: Participation in the Selected Reserve of the Ready Reserve*

"(a) A person is entitled to special pay computed under subsection (b) of this section if—

"(1)(A) he has not previously been a member of an armed force, a reserve component thereof, or the National Guard; or

"(B) he has served in the armed forces—

"(i) on active duty (other than for training) for at least two years unless sooner released because of a reduction in force; or

"(ii) on active duty (for training and for other than training) for a period which, when added to his period of satisfactory participation in the Selected Reserve, would qualify him for discharge or transfer from the Selected Reserve;

"(2) he is accepted for enlistment, reenlistment, or extension of enlistment in a unit of the Selected Reserve, and if a prior member of the Armed Forces or a Reserve component thereof is in a pay grade above E-2; and

"(3) he agrees to remain a member of the Selected Reserve for a period of not less than—

"(A) three years if he has not previously been a member of an Armed Force, a Reserve component thereof, or the National Guard; or

"(B) one year if he has previously served in the Armed Forces under any of the conditions specified in clause (1)(B) of this subsection.

"(b) The amount of special pay to which a person covered by subsection (a) is entitled is—

"(1) for persons possessing critical military skills as determined by the service concerned, up to $2,200 for a six-year enlistment, reenlistment, or extension of enlistment with payments for lesser enlistment, reenlistment or extension of enlistment periods limited to 10 per centum of the total for one year; 22 per centum of the total for two years; 37 per centum of the total for three years; 54 per centum of the total for four years; or 75 per centum of the total for five years; or

"(2) for persons not covered by clause (1) of this subsection, up to $1,100 for a six-year enlistment, reenlistment or extension of enlistment with payments for lesser enlistment, reenlistment or extension of enlistment periods limited to the same proportionate values as contained in clause (1) of this subsection.

"(c) The enlistment or reenlistment of a person in the Selected Reserve for the purpose of receiving special pay under this section may not exceed a period of six years at one time.

"(d) Special pay authorized under this section—

"(1) may be paid in a lump sum or installments;

"(2) is in addition to basic pay and any other special pay, incentive pay, or allowance to which the person concerned is entitled;

"(3) is payable for any periods of enlistment, reenlistment, or extension of enlistment in a unit of the Selected Reserve which, when added to the person's initial period of military service as required in clause (i) or (ii) of subsection (a)(1)(B) of this section, does not exceed a total period of 12 years military service as computed under section 1332 of title 10; and

"(4) may not be more than the total amount of $3,300.

"(e) Notwithstanding any other provision of law, and regardless of the amount of any previous active duty served by him, a member who voluntarily, or because of his misconduct, does not complete, or does not perform or progress satisfactorily during a period of service for which he received special pay under subsection (b) of this section may be ordered to serve on active duty by the Secretary concerned for a period of not more than 24 months, or he shall refund that percentage of the amount prescribed by subsection (b)(1) of this section which corresponds to the period of unsatisfactory performance or unfulfilled service. If his enlistment or other period of military service would expire before he has served on the required period under this section, it may be extended until he has served the required period.

"(f) This section shall be administered under regulations prescribed by the Secretary of Defense for the Armed Forces under his jurisdiction, and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy."

By Mr. PEARSON:

S. 3361. A bill to provide a group life insurance program for State and local government public safety officers and to provide benefits for survivors of officers who are killed in line of duty. Referred to the Committee on the Judiciary.

PUBLIC SAFETY OFFICERS GROUP LIFE INSURANCE AND BENEFITS ACT OF 1972

Mr. PEARSON. Mr. President, all too frequently one may pick up a newspaper and find that someplace in this Nation a public safety officer has been killed or injured while serving our people. While in the past 30 years accidental deaths among workers in the United States have declined, deaths among public safety officers are increasing. The number of law enforcement officers killed has risen dramatically and tragically from 28 in 1960 to 100 in 1970. In the case of firemen, only 58 lost their lives in 1966, but 1970 witnessed 115 fatalities among these brave individuals. Correctional officers also are not immune from these death figures, for in the past 2 years, 18 have been killed.

As legislators, we can lament the rise of the number of casualties in the public safety profession. We can provide money for improved training, equipment, and facilities. But what can we do for the public safety officer and his dependents when that officer is killed or injured while protecting society?

My answer to this is embodied in the legislation I introduce today. The Public Safety Officers' Group Life Insurance and Benefits Act of 1972 will provide life and disability insurance plus a substantial death benefit if the officer is killed in the line of duty. Financial security is thus provided for the families of law enforcement and correctional officers, firemen, including volunteers, and those court officers who come into contact with dangerous individuals.

Title I of this bill provides for a program of federally subsidized group life and disability insurance. The policies purchased will entitle the eligible officer to both life and disability insurance each having a face value of from $10,000 to $32,000 depending upon the officer's annual salary.

Any full-time public safety officer of a State or unit of local government which is participating in the plan would be covered by the insurance unless he elects not to be. Any State or local government not now having such an insurance plan may join this Federal program. If the unit of government already has such a plan, it must take a referendum of its members, who must vote in favor of joining this Federal program before it may do so. However, if the employer wishes to continue its own plan, it may do so and apply for Federal financial assistance for that plan.

The participating employer would deduct from the officer's salary the amount of the premium or it could pay the premium itself. These funds would be conveyed to the Justice Department, along with the Federal Government's share, which would be up to one-third the cost of the program.

Under title II of this act, if any public safety officer employed on a full-time basis by a State or unit of local government dies as a result of his employment, his dependents will be paid a gratuity of $50,000 by the Law Enforcement Assistance Administration. This gratuity would be in addition to any benefits to which he may be entitled under any other law.

Mr. President, present death and disability benefits available to public safety officers are woefully inadequate. Fifteen States and the District of Columbia provide no specific benefits apart from general workmen's compensation laws or general pension plans. Three States provide benefits to firemen alone and six States provide benefits to policemen only. Twenty-six States provide benefits specifically to dependents of firemen or policemen killed in the line of duty or from death resulting from illness caused by their occupation. Most of these States, including my own State of Kansas, provide these benefits in the form of pensions. Kansas has two pension plans, both limited to policemen and firemen. The largest cities may establish their own pension programs or any unit of local government may join a State pension program. In either case, the employee himself provides most of the money for his pension benefits and must purchase his own life insurance.

Mr. President, the bill I introduce today will eliminate this inadequacy of benefits that exists not only in Kansas but in other areas as well. Insurance, as opposed to pension benefits, would be made available to public safety officers employed by the large cities down to the small rural towns. Significantly, this would include not only policemen and firemen, but also volunteer firemen, correctional officers, and certain court officers; groups which are now seldom included in State and local programs for public safety officers. The lump-sum payment for death in the line of duty is also a benefit almost never given by State and local governments.

Besides giving financial security to those persons already in the public safety profession, this bill may aid in the recruitment and retention of more qualified and dedicated personnel. This is especially important in rural areas where local governments are often not able to offer the benefits to their safety officers which can be found in more populous localities.

Mr. President, I maintain that one of the marks of a great society is found in the way it cares for those who protect it. We have the responsibility, indeed the moral obligation, to provide these dedicated people who risk their lives daily not only with modern training and equipment but with modern benefits as well. I therefore urge my colleagues to meet this obligation and join in the support of this bill.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 3362. A bill to establish the Seal Beach National Wildlife Refuge. Referred to the Committee on Commerce.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to establish the Seal Beach National Wildlife Refuge within the U.S. Naval Weapons Station, Seal Beach, Calif. I am very pleased that my distinguished colleague from California (Mr. TUNNEY) has joined me as cosponsor of this bill.

The Seal Beach Naval Weapons Station, situated at the entrance of Anaheim Bay, contains one of the last pristine salt water marshes on the southern California coast between San Diego and Morro Bay. The area serves as the feeding and resting place of over 100 species of migratory shore and water birds in the Pacific Flyway. During the migratory season, over 10,500 birds have been spotted there in a single day. The salt marshes also are the natural habitat of three birds on the Department of the Interior's rare and endangered species list, the light-footed clapper rail, the California least tern, and the brown pelican. A fourth bird threatened with extinction, the Belding's savannah sparrow, also is found in the area. Grebes, ducks, herons, egrets, avocets, stilts, sandpipers, and hawks are among the other species know to frequent the salt marshes of the Seal Beach Naval Weapons Station.

Students and faculty from California State College, Long Beach, have identified 61 species of fish in Anaheim Bay and the estuary. These include the California halibut, sandbass, diamond turbot, shiner, perch, stingray, topsmelt, and midshipman.

My bill directs the Secretary of the Interior to determine with the advice and consent of the Secretary of the Navy the boundaries of the wildlife refuge to be established within the United States Naval Weapons Station at Seal Beach. It is the intention of the bill that the boundaries selected by the Secretaries be submitted to the Council on Environmental Quality for review to insure that the wildlife values indeed are fully protected.

Since the area involved already is owned by the Federal Government, there would be no Federal expenditure for land acquisition. The Navy has indicated its support of the establishment of the refuge and has confirmed that designation would not interfere with present Navy use of the property as an ammunition storage area.

While there are a number of producing oil wells within the area I am proposing for refuge designation, there has been no recent drilling activity at the Naval Weapons Station. The Bureau of Sports Fisheries and Wildlife of the Department of the Interior has concluded that there has been no adverse impact from this oil operation on the marsh vegetation and the wildlife. I believe the presence of the wells should not discourage designation or interfere with the administration of the wildlife refuge.

The establishment of the Seal Beach National Wildlife Refuge is vital for the protection of the salt marsh and the wildlife of the area. The refuge is equally important if we are to preserve the total environment of southern California and its coastal waters.

There is strong local support for the establishment of the Seal Beach National Wildlife Refuge. The Orange County Board of Supervisors, the Seal Beach City Council, and the Huntington Beach City Council have endorsed the proposal along with the California Fish and Game Commission.

Mr. President, I ask unanimous consent that the text of this bill be printed at this place in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to establish the Seal Beach National Wildlife Refuge (hereafter referred to in this Act as the "refuge") as part of the National Wildlife Refuge System.

SEC. 2. (a) The refuge shall consist of certain lands, to be determined by the Secretary of the Interior with the advice and consent of the Secretary of the Navy, within the United States Naval Weapons Station, Seal Beach, California.

(b) Upon determination of the boundaries of the refuge by the Secretary of the Interior and the Secretary of the Navy the Secretary of the Interior shall immediately designate the area agreed upon as the refuge by publication of a description of such area in the Federal Register.

SEC. 3. The Secretary of the Interior shall administer the refuge in accordance with the provisions of the Act entitled "An Act to provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the National Wildlife Refuge System; and for other purposes", approved October 15, 1966 (16 U.S.C. 668dd et seq.), to the extent that such Act is not inconsistent with the operation of the United States Naval Weapons Station, Seal Beach, California.

By Mr. HUMPHREY:

S. 3363. A bill to make an assault on or murder of a State or local policeman, fireman, or prison guard a Federal offense. Referred to the Committee on the Judiciary.

Mr. HUMPHREY. Mr. President, I am introducing legislation today which would make the crime of murder, or attempted murder, of a policeman, fireman, or penal institution guard a Federal offense. This action is sorely needed and long overdue, for the problem of crime in America, which affects the lives of all of us, has created a crisis situation with respect to the security of public safety officials. We are a nation founded on law. We can never have a lawful and just society when the men charged with safeguarding the public welfare live in constant danger of physical attack. These people put their lives on the line for all of us every day. It is up to this Congress to assure that all that can be done, is indeed done, to assure their safety.

The problem of public safety personnel being put in the position of targets of public and political violence is increasing so rapidly that we can no longer stand back and watch these brave men fall in ever increasing numbers to the agents of lawlessness in our society. In 1961, when John Kennedy was inaugurated President, 37 policemen were killed in the line of duty in the United States. One decade later this figure has tripled to 125, with the rate increasing each year. Specifically, there were 48 policemen killed in 1962, 55 in 1963, 57 in 1964, 53 in 1965, 57 in 1966, 76 in 1967, 64 in 1968, 86 in 1969, 100 in 1970, and 125 in 1971. And in the first month of 1972 alone, 12 police officers were killed in the line of duty. This is obviously an intolerable trend which must be reversed.

During the same period of time that over 700 police officers were slain in the line of duty, 44 firemen met the same fate. And now we find ourselves in the grips of a new problem—the alarming increase in killing of penal institution guards. The deaths of men in these three groups of public safety officials tarnishes our Nation.

The legislation which I am introducing today may be one method which can successfully decrease the number of at- our Nation. Let us remember that be- tacks made on public safety officers in fore the crime of kidnaping was made a Federal offense, kidnaping had reached catastrophic proportions in the United States, with almost 300 kidnapings alone in 1931. After this heinous crime was made a Federal offense, kidnapings have averaged at 28 per year—a startling reversal. Hopefully, the same kind of reversal might be effected by the threat of FBI investigation of crimes involving attacks on policemen, firemen, and prison guards. The Constitution authorizes us to legislate the public welfare. Certainly the safety of these men whose duty is to safeguard the public welfare, is a constitutionally valid concern. Making these crimes a Federal offense will direct national attention to each of these attacks, and thus may serve to remind criminals or potential criminals of the seriousness of their actions. Thus, for the sake of our brave public safety official, as well as for the sake of law, order, and justice in our society, the legislation which I propose today must be acted upon quickly.

By Mr. HUMPHREY:

S. 3364. A bill to amend the Older Americans Act of 1965 to promote and maintain the health of senior citizens through the authorization of a comprehensive program of home health services, and for other purposes. Referred to the Committee on Labor and Public Welfare.

COMPREHENSIVE HOME HEALTH AND PREVENTIVE MEDICINE ACT

Mr. HUMPHREY. Mr. President, today I am introducing the Comprehensive Home Health and Preventive Medicine Act of 1972, to redress one of the major medical and social problems of the elderly of this Nation—the grievous lack of adequate home health services to aid in preventive medicine and provide the services that are so desperately needed to cope with the special problems that come with aging. I announced my intent to introduce this legislation in Tampa, Fla., on February 29.

In the past 3 years, there has been a net increase of over 1 million people in the United States 65 years of age, and the elderly now comprise approximately 10 percent of our population. The 95 percent of the elderly who live at home could be helped to maintain themselves in reasonably good health through provision of home health services which include assessment of health, health teaching and guidance, prevention of illness, services necessary to maintain or restore health, and when illness occurs, rehabilitation and care in the home.

There are many elderly people who could benefit from the guidance in diet and nutrition, safety precautions and personal health practices which community health agencies provide.

While it was expected that medicare would assure adequate care to individuals 65 and over, what has occurred is that increasingly the regulations have been interpreted to restrict coverage to periods of acute illness and for only limited types of care.

Unfortunately, medicare has perpetuated the problems created by voluntary health insurance programs that traditionally have given the highest priority to hospitalization as a covered cost—an emphasis which has increased both the utilization and costs of hospital care. Under medicare the financial incentive is for hospitalization even though care in the home or in the community would be more appropriate in the case of a great many people. Thus, the total reimbursements for home health services under medicare have decreased from $79 million in 1969 to $50 million in 1971 while hospitalization reimbursements increased from $4 billion to $4.5 billion in 1971.

Mr. President, I ask unanimous consent that the following table be printed into the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MEDICARE REIMBURSEMENTS FOR HOME HEALTH SERVICES AND IN-PATIENT HOSPITALIZATION

Year	Reimbursements in millions of dollars	
	Home health	Hospitalization
1969	78.8	4,042.8
1970	67.5	4,433.1
1971[1]	49.5	4,508.8

[1] Estimated on the basis of data through Nov. 4, 1971.

Source. Social Security Bulletin, February, 1972, vol. 35, No. 2. Department of Health, Education, and Welfare.

Mr. HUMPHREY. Mr. President, the focus has thus been on care of illness at a critical stage rather than the more universal need for services which will prevent illness and maintain people at their highest level of health in their homes and communities. In addition, the Social Security Administration regulations governing medicare have markedly reduced both the numbers of individuals considered eligible for home health care and the amount and types of home health services reimbursable.

There is a great and pressing need for redirection of the health care system from the narrow concept of medical care in institutions during periods of acute illness to one of health care which includes improvement and maintenance of health, prevention of diseases, curative, and rehabilitative services.

Present Federal program curbs on the provision of comprehensive health services for the elderly in their homes and communities should be modified and the focus changed from illness care to health care.

The Comprehensive Home Health and Preventive Medicine Act of 1972, which I am introducing today, would set up a system by which 75 percent of the program in the first year would be borne by the Federal Government, and 25 percent by the States. This balance would be reduced by 5 percent each year, so that at the end of the first 5 years of the program, the Federal and State Governments would be sharing the cost of the program equally.

Home health services, as defined in the bill, include out-of-hospital preventive and therapeutic health services for the purposes of promoting, maintaining or restoring health, and minimizing the effects of illness and disability. Included in the coverage would be prescription medication, nursing care, dentistry, and nutritional counseling. Audiologists, speech therapists, ophthalmologists, psychiatrists, and psychiatric social workers would be available on a contractual arrangement to meet the special needs of certain elements in the elderly population.

The burden of the costs of medicine, hearing aids, and glasses, which falls especially hard on people with limited earning capacity and fixed incomes, would be covered by the services of this program. Fees would be scheduled on ability to pay.

Let us recall again the great contribution made to this Nation by the elderly. The people who are in their senior years now are the same people that have worked so hard throughout their lives in the building of a better America. They are the people who survived the incredible depression of the late 1920's and 1930's, they are the people who kept the homefront going strong, that kept productivity up to unheralded levels to sustain our Nation through the trial of World War II. These great people have given their lives, blood, and sweat to building a just and equitable America. I think it is now time that this Nation treat them justly and equitably, and allow them to enjoy their senior years, those years of rest and leisure which they have worked so hard to achieve, in dignity and good health.

Mr. President, for the record I would like to add that nothing is more ridiculous, costly, and tied down in bureaucratic redtape than placing an elderly person in the hospital for 3 days in order to get a prescription filled free of charge. This is neither logical nor efficient. It increases the cost of medicare and subjects the program to criticism by placing elderly people in the hospital who do not need to be there and who, therefore, take up additional hospital beds. In the first place, they do not like to be there. It has a psychological effect on the person who is hospitalized, which, in turn, affects their mental health. But above all, it is unnecessary.

The people I refer to in this bill, the older Americans, should be able to get a prescription from the doctor, the community health center, or the outpatient clinic, and be able to get it filled either at these locations or at the local pharmacy of his choice.

I have found in my visits around the country a tremendous interest in this proposed legislation, and I hope it will be looked upon by the Committee on Finance as an appropriate addition to their present medicare program for senior citizens.

The program I advanced also provides counseling, nutrition, and diet services. I have seen instances, in the last few weeks, of elderly victims of malnutrition and undernourishment that are pitiful. I wish all Members of the Senate could see some of these conditions; possibly they have. If more of us would see these conditions I am confident that the conditions would be remedied.

This legislation is of the utmost importance. I shall encourage the Committee on Finance to give it prompt consideration.

Mr. President, I send the bill to the desk and ask that it be appropriately referred; and, I ask that the bill be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

S. 3364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Home Health and Preventive Medicine Act".

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds—

(1) that health care expenditure for the average person over age 65 is 4 times as great as the amount a person under age 65 would pay;

(2) that approximately 67 per centum of health care expenditures of persons over 65 years of age are for institutional care in hospitals and nursing homes;

(3) that federally supplemented health care programs provide only 67 per centum of such costs to persons over age 65;

(4) that the cost of meeting the health care needs of persons over age 65 could be reduced through a vigorous program of home health care services emphasizing early diagnosis and health education;

(5) that approximately 95 per centum of all persons over age 65 are living in households where a program of home health services, could be provided.

(b) It is the purpose of this Act to provide for the establishment and development of home health service agencies to provide home health care services.

DEFINITIONS

Sec. 3. Section 102 of the Older Americans Act of 1965 (79 Stat. 218) is amended by adding at the end thereof the following:

"(5) The term 'home health services' means services which include—

"(A) out-of-hospital preventive care and diagnosis,

"(B) all necessary prescription drugs,

"(C) hearing aids,

"(D) optical supplies,

"(E) speech pathology,

"(F) audiology services,

"(G) nutritional counseling, and

"(H) physical therapy.

"(6) The term 'home health center' means an entity which (A) provides, either directly or indirectly by contract, all necessary home health services for persons over age 65; (B) maintains a staff including, but not limited to, doctors of medicine and dentistry, psychologists and other mental health workers, registered nurses, physicians' assistants and which utilize to the greatest extent possible other allied health personnel; and (C) utilizes community health centers where such centers exist.

"(7) The term 'persons with low income' means those persons with an annual income of no more than $4,000.".

GRANTS FOR HOME HEALTH CARE AGENCIES

Sec. 4. Section 301 of the Older Americans Act of 1965 is amended by inserting the subsection designation "(a)" immediately after "301." and by adding at the end thereof the following new subsection:

"(b) For the purpose of making grants to States consistent with other provisions of this title, for the development of home health agencies, there are authorized to be appropriated $150,000,000 for the fiscal year ending June 30, 1973; $175,000,000 for the fiscal year ending June 30, 1974; $200,000,000 for the fiscal year ending June 30, 1975; $250,000,000 for the fiscal year ending June 30, 1976; and $300,000,000 for the fiscal year ending June 3, 1977.

ALLOTMENTS

Sec. 5. Section 302(c) of the Older Americans Act of 1965 is amended by striking out the second sentence and inserting in lieu thereof the following new sentence: "To the extent permitted by the State's allotment under this section such payments with respect to any project shall equal such percentage of the cost of any project as the State agency may provide but not in excess of 75 per centum of the cost of such project for the first year of such project, 70 per centum of such cost for the second year of such project, 65 per centum of such cost for the third year of such project, 60 per centum of such cost for the fourth year of such project, and 50 per centum of such cost for the fifth year of such project."

LOW INCOME PREFERENCE

Sec. 6. (a) Section 303(a)(7) of the Older Americans Act of 1965 is amended by inserting before the semicolon the following: "except that in the case of projects under section 301(b) a preference shall be granted to a project primarily serving persons with low income".

STANDARDS FOR HOME HEALTH CARE AGENCIES

Sec. 7. Section 701 of the Older Americans Act of 1965 is amended by adding at the end thereof the following new subsection:

"(e) The Committee shall conduct a study and issue a report no later than June 30, 1973, recommending for home health care agencies to be used by State planning agencies for grants under section 301(b)."

EXTENSION OF GRANTS FOR COMMUNITY PLANNING, SERVICES, AND TRAINING

Sec. 8. (a) Section 301 of the Older Americans Act of 1965 is amended by striking out that part of such section preceding paragraph (1) and inserting in lieu thereof the following:

"Sec. 301. The Secretary shall carry out a program of grants to States in accordance with this title. There are authorized to be appropriated to carry out the provisions of this title, such sums as may be necessary.".

(b) Section 703 of such Act is amended to read as follows:

"There are authorized to be appropriated for the purposes of carrying out titles IV and V such sums as are necessary.".

By Mr. HUMPHREY:

S. 3365. A bill to provide employment opportunities in public service for unemployed persons, to assist States and local communities in providing urgently needed public services; and for other purposes. Referred to the Committee on Labor and Public Welfare.

EMPLOYMENT OPPORTUNITIES ACT OF 1972

Mr. HUMPHREY. Mr. President, I introduce for appropriate reference legislation that can enable this Nation to at last launch a decisive advance toward the objective of the Employment Act of 1946, "to promote maximum employment, production, and purchasing power."

It is now clear that the present administration is failing to carry out this national policy. Over 5 million Americans out of work confront the added burden of a continuing rise in consumer prices. America's industrial plant still operates at less than three-fourths of capacity. An estimated 774,000 discouraged Americans have simply dropped out of the labor market altogether—they have given up trying to find a job even though they want to work. Unemployment among the poor in our cities is well over 10 percent, still higher for blacks, and over three times higher for poor black teenagers in our major cities. For all the rhetoric about administration efforts to create job opportunities for veterans, the harsh reality for over 300,000 Vietnam-era veterans in February was continued joblessness in the Nation they had served. And in January, 37,000 Americans exhausted their unemployment compensation benefits each week. Meanwhile, for the first time since World War II, the United States had suffered a deficit in its balance of trade, amounting to $2.9 billion.

These are the stark facts that point to an overall failure in national economic policies, despite the promises of economic expansion hopefully pointed to by the administration. What Americans see is a post-freeze economic stabilization program that is clouded by confusion, contradiction, and uncertainty. What they need is a comprehensive program to launch a major expansion of the economy.

But what this administration must recognize is that the immediate need across America is for jobs—jobs to restore hope and confidence; jobs to stimulate consumer purchasing power; jobs to enable thousands upon thousands of families to obtain food and clothing, health care, and to rebuild the savings wiped out over 3 years of recession. No longer should we hear administration pronouncements about achieving an acceptable level of unemployment, when the despair and anxiety of unemployment afflicts hundreds of thousands of American families, and when the number of people living in poverty has risen for the first time in a decade, to a level of over 25 million. It is the reality of continuing, extensive joblessness, as well as the constant threat of lay-offs—as in the hard-hit defense and aerospace industries, affecting the professional and the blue-collar worker alike—that have produced a major crisis of confidence among the American people in economic recovery.

The time has now come for the Federal Government to become the employer of first opportunity, to restore the confidence of the people and their hope in America's future.

This is the fundamental, direct purpose of the Employment Opportunities Act of 1972, which I am introducing today. Under this bill, 800,000 new public service jobs can be provided, with an authorization of $3 billion for the remaining months of fiscal 1972, and of $6 billion for each of fiscal years 1973 and 1974. It is intended that this program will supplement the jobs being established under the Emergency Employment Act and the employment opportunities to be generated under welfare program reforms, presently being considered in the Senate—meaning that over 1.2 million Americans will be able to find meaningful work at decent wages in the coming months.

The Employment Opportunities Act is designed to meet great unfilled public needs in such fields as environmental quality, health care, housing and neighborhood improvements, education, public safety, crime prevention and control, correctional and rehabilitation programs, recreation, maintenance of streets, parks, and other public facilities, rural development, transportation, and conservation—in short, jobs with a purpose, and to meet urgent requirements of our communities and States. The number of teachers, nurses, technicians, repairmen, park and recreation workers, policemen, firemen, and jobs in many other occupational fields could be greatly expanded if local communities only had the funds.

The Employment Opportunities Act is direct and to the point. It would firmly establish a national policy to promote maximum employment. And it directs that this policy shall operate on a continuing and sustained basis, on the premise that no level of unemployment can be regarded as acceptable and, therefore, not in need of correction through Federal assistance. And to assure that a maximum effort is made across the Nation to combat joblessness, the bill designates broad categories of eligible public service employers, not distinguishing between communities on the basis of population size, or between public and private nonprofit agencies.

This bill establishes job creation levels that are achievable, assuring adequate supervision, supportive services, and safe working conditions. And it sets a level of authorizations that meets the test of fiscal responsibility. Funds are to be fairly allocated among and within the States on the basis of unemployment levels, but no State shall receive less than $1.5 million in any fiscal year. Every sector of a State's population is to receive equitable consideration in the apportionment of job creation assistance, and the misapplication or discriminatory use of Federal assistance for new public service jobs is prohibited.

The Employment Opportunities Act requires that special consideration will be given to the employment needs of Vietnam-era veterans—a priority that I believe is essential today. And the emphasis throughout this legislation is that, wherever possible, job creation shall lead to advancement or suitable continued employment in either the public or private sector. But the immediate and central goal of this program is the provision of badly needed jobs that are also of critical importance to our communities in their efforts to maintain and improve public services.

As a joint sponsor of other public service manpower legislation before the Senate, I am offering this bill in the belief that this further initiative is required to provide a wider range of national policy options to address the critical employment needs of our Nation. I urge that full consideration be given to the direct approach that I am proposing to confront the major issues of extensive joblessness and totally inadequate economic growth in America.

Mr. President, I ask unanimous consent that the full text of the Employment Opportunities Act of 1972 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Employment Opportunities Act of 1972".

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. The Congress finds and declares that—

(1) to attain the objective of the Employment Act of 1946 to promote maximum employment, production, and purchasing power, we must assure an opportunity for a gainful, productive job to every American who is seeking work;

(2) there are great unfilled public needs in such fields as environmental quality, health care, housing and neighborhood improvements, education, public safety, crime prevention and control, correctional and rehabilitation programs, recreation, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement;

(3) to meet the urgent need for greater public services and the equally urgent need for public service employment which will provide meaningful jobs for unemployed persons, it is appropriate public policy to devote substantial resources to providing public service employment opportunities;

(4) expanded work opportunities must keep pace with the increased number of persons in the labor force, including the many young persons who are entering the labor force, persons who have recently been separated from military service, and older persons who desire to remain in, enter or, reenter the labor force;

(5) many of the persons who have been become unemployed as a result of technological changes and shifts in the pattern of Federal expenditures, as in the defense, aerospace, and construction industries, could usefully be employed in providing needed public services;

(6) unemployment severely affects the families of disadvantaged groups in our society, especially the poor and migrants, persons of limited English-speaking ability, and others from socioeconomic backgrounds which have generally experienced high unemployment; and

(7) providing resources for public service employment for unemployed persons can help as an economic stabilizer both to ease the impact of unemployment for the affected individuals and to reduce the pressures which tend to generate further unemployment.

AUTHORIZED APPROPRIATIONS

SEC. 3. For the purpose of carrying out this Act, there are authorized to be appropriated $3,000,000,000 for the fiscal year ending June 30, 1972, and $6,000,000,000 each for the fiscal year ending June 30, 1973, and for the fiscal year ending June 30, 1974.

FINANCIAL ASSISTANCE

SEC. 4. (a) The Secretary of Labor shall enter into arrangements with public service employers in accordance with the provisions of this Act in order to make financial assistance available for the purpose of providing employment opportunities for unemployed persons in jobs providing needed public services.

(b) Financial assistance shall be provided under this Act pursuant to applications submitted by eligible public service employers, which shall be—

(1) States;

(2) cities, counties, and other units of general local government;

(3) local educational agencies and community colleges;

(4) other public or private nonprofit agencies and institutions, and institutions of the Federal Government, which operate facilities and programs providing public services.

APPLICATIONS

SEC. 5. (a) An application for financial assistance for the purpose of carrying out a public service employment program under this Act shall set forth a public service employment program, and related training and manpower services, designed to provide jobs for unemployed persons in providing needed public services in such fields as environmental quality, health care, housing and neighborhood improvements, education, public safety, crime prevention and control, correctional and rehabilitation programs, recreation, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement.

(b) An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or institution designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that special consideration in filling public service jobs will be given to unemployed persons who served in the Armed Forces in Indochina or Korea on or after August 5, 1964, in accordance with criteria established by the Secretary (and who have received other than dishonorable discharges); and that the applicant shall (A) make a special effort to acquaint such individuals with the program, and (B) coordinate efforts on behalf of such persons with those authorized by chapter 41 of title 38, United States Code (relating to Job Counseling and Employment Services for Veterans) or carried out by other public or private organizations or agencies;

(5) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector;

(6) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment oportunities would not be otherwise immediately available;

(7) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(8) a description of unmet public service needs and a statement of priorities among such needs;

(9) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(10) the wages or salaries to be paid persons employed in public service job under this Act and a comparison with the wages paid for similar public occupations by the same employer;

(11) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(12) the planning for and training of supervisory personnel in working with participants;

(13) a description of career opportunities and job advancement potentialities for participants;

(14) assurances that agencies and institutions to whom financial assistance will be made available under this Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary.

(15) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this Act who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

(16) assurances that all persons employed under any such program, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed persons;

(17) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged;

(18) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 6. An application, or modification or amendment thereof, for financial assistance under this Act shall be approved if the Secretary determines that—

(1) the application meets the requirements set forth in this Act;

(2) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement;

(3) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary; and

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary.

Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services.

ALLOCATION OF FUNDS

SEC. 7. (a) The amounts appropriated under section 3 of this Act for any fiscal year shall be allocated by the Secretary in such a manner that of such amounts—

(1) not less than 80 per centum shall be apportioned among the States in that proportion which the total number of unemployed persons in each such State bears to such total number of such persons, respectively, in the United States, but not less than $1,500,000 shall be apportioned to any State, except that not less than $1,500,000 shall be apportioned among the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands and

(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this Act.

(b) The amount apportioned to each State under clause (1) of subsection (a) shall be apportioned among areas within each such State in that proportion which the total number of unemployed persons in each such area bears to such total number of such persons, respectively, in that State.

(c) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(1) and (b) of this section.

SPECIAL PROVISIONS

SEC. 8. (a) The Secretary shall not provide financial assistance for any program or activity under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program (A) will result in an increase in employment opportunities over those which would otherwise be available, (B) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), (C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed and (D) will not substitute public service jobs for existing federally assisted jobs;

(2) persons employed in public service jobs under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(3) all persons employed in public service jobs under this Act will be assured of workmen's compensation, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(4) the provisions of section 2(a)(3) of Public Law 89-286 (relating to health and safety conditions) shall apply to such program or activity;

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(6) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) Consistent with the provisions of this Act, the Secretary shall make financial assistance under this Act available in such a manner that, to the extent practicable, public service employment opportunities will be available on an equitable basis in accordance with the purposes of this Act among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed persons in each such segment.

(c) Where a labor organization represents employees who are engaged in similar work in the same area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) For programs which provide work and training related to physical improvements, special consideration shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(e) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(f) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayments or underpayments.

(g) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(h) The Secretary shall not proivde financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

DEFINITIONS

SEC. 9. (a) As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" means the several States and the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(3) "public service" includes, but is not limited to, work in such fields as environmental quality, health care, housing and neighborhood improvements, education, public safety, crime prevention and control, correctional and rehabilitation programs, transportation, recreation, maintenance of parks, streets, and other public facilities, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(4) "unemployed persons" means—

(A) persons who are without jobs and who want and are available for work; and

(B) adults who or whose families receive money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance;

and the determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed.

By Mr. HUMPHREY:

S. 3366. A bill to allow States and localities more flexibility in funding ground transportation improvements in order to better meet the needs of interstate commerce, and for other purposes. Referred to the Committee on Finance.

HIGHWAY TRUST FUND

Mr. HUMPHREY. Mr. President, I am introducing today the Transportation Systems Improvement Act of 1972, legislation that will utilize moneys from the highway trust fund for the construction of mass transit facilities, the preparation of locally approved comprehensive transportation plans, the operation and maintenance of community streets, and subsidies for presently existing transportation systems.

The Transportation Systems Improvement Act will provide nearly $750 million in additional transportation funds every year. When combined with the regular appropriations for the existing urban system and topics programs, the act will mean over $1 billion for improving, restructuring, and revitalizing our national transportation systems.

At the same time, this legislation provides for the phased completion of the Interstate Highway System to fulfill the promises made in 1956.

Mr. President, the transportation network in the United States suffers three main problems: lack of balance, lack of modal integration, and lack of financing.

Transportation in the United States lacks balance. It is highly skewed in favor of the single family car. Almost all Americans own a car. And Americans possess over one-half of all the cars in the world. The problem, to put it graphically, occurs when one-half of all the cars in the world are concentrated on only 2 percent of the U.S. land surface.

Along with the emphasis on the automobile, there has been a decided government bias in favor of highway construction. Highways have served this Nation well. We have enjoyed a sustained increase in our standards of living partly because we have had the kind of highway system that has been able to move commerce. Yet, we must continually question whether or not this over emphasis on highway construction should remain the predominant thrust of national transportation policy.

We need and must have a balanced transportation system—of vehicular traffic, rapid transit, rail, and water, and air transportation. A balanced transit system will reduce traveltime, increase worker productivity, reduce traffic congestion, reduce total transportation costs, increase property values, and contribute to the improvement of man's living environment.

Transportation in America lacks modular integration. The bus station is separate from the rail station; coordinated between rail arrival and airlines departures is seldom achieved. Waiting time means inconvenience. And a lack of integrating all our modes of transit means a further decline in operating efficiency.

American transportation lacks the financial commitment to have balanced and integrated systems. The needs are great. Estimates are that overall public needs for highway operations, transit facilities, and maintenance alone will run to $35 million for all governments by 1975. Added to this figure is the fact that almost one-half of all buses in the United States need replacement within the next 2 years.

TRANSPORTATION AND OUR PEOPLE

Mr. President, the manner in which this Nation moves its people has a continuing effect on how we are related to our neighbors, where we work, what we do for recreation, and where we live.

America's transportation system is vast. Our air corridors are filled with large and sophisticated planes; our waterways are used to move large quantities of freight; steel rails criss-cross the Nation, and belts of concrete carry people and commerce throughout every State.

Americans travel a great deal. Preliminary estimate of travel for 1971 is over 1.170 billions vehicle miles or a 4.4 percent increase over the 1.121 billions reported for 1970. Ten States—California, New York, Texas, Pennsylvania, Ohio, Illinois, Michigan, Florida, New Jersey, and Indiana reported travel in the excess of 30 billion annual vehicle miles. These ten States accounted for almost 53 percent of all the travel in the Nation. Main rural roads served 36.8 percent of the 1970 travel while the interstate system accounted for about 18.7 percent. In total, the annual miles driven per car rose from 9,969 in 1969 to over 10,000 in 1970. And each car consumed approximately 830 gallons of gasoline in 1970.

Americans bought over 101 billion gallons of motor fuel in 1971—an estimated 5-percent increase over 1970. California, as in the past, has led the States in highway motor fuel consumption with over 9.9 billion gallons.

All of this travel was over 3.73 million miles of roads and streets under the jurisdiction of the governments in the United States. This figure includes 560,670 miles of municipal roads and streets and over 3,169,422 miles in roads in rural areas. Thus, municipal mileage comprises 15 percent and rural mileage 85 percent of the U.S. total. Table I outlines the total road mileage in the United States in 1970.

I ask unanimous consent that table I be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD as follows:

TABLE I.—TOTAL ROAD AND STREET MILEAGE IN THE UNITED STATES—1970, CLASSIFIED BY FEDERAL-AID AND NON-FEDERAL-AID SYSTEMS

	Federal-aid highway systems											
	Traveled way Interstate Highway System			Traveled way Federal-aid primary highway system[1]			Traveled way Federal-aid secondary highway system					
State or local road system	Rural	Urban	Total	Rural	Urban	Total	Rural	Urban	Total	Total Federal-aid systems	Not on Federal-aid systems	Total
State primary highway system:												
Rural	31,421	1,758	33,179	203,990	7,265	211,255	171,655	2,436	174,091	385,346	22,916	408,262
Municipal 5,000 and over	383	5,295	5,678	1,876	22,367	24,243	649	6,263	6,912	31,155	3,749	34,904
Municipal under 5,000	1,088	371	1,459	12,142	718	12,860	8,119	196	8,315	21,175	1,183	22,358
Subtotal	32,892	7,424	40,316	218,008	30,350	248,358	180,423	8,895	189,318	437,676	27,848	465,524
State secondary highway system:												
Rural	52	16	68	2,388	145	2,533	75,519	1,119	76,638	79,171	41,753	120,924
Municipal 5,000 and over	6	70	76	108	678	786	480	1,822	2,302	3,088	4,533	7,621
Municipal under 5,000				157	4	161	1,995	37	2,032	2,193	2,896	5,089
Subtotal	58	86	144	2,653	827	3,480	77,994	2,978	80,972	84,542	49,182	133,634
County roads under State control:												
Rural	49		49	158	5	163	50,011	222	50,233	50,396	101,380	151,776
Municipal 5,000 and over		16	16		85	85		526	526	611	1,359	1,970
Municipal under 5,000				7	1	8	711	4	715	723	1,438	2,161
Subtotal	49	16	65	165	91	256	50,722	752	51,474	51,730	104,177	155,907
Total State highways	32,999	7,526	40,525	220,826	31,268	252,094	309,139	12,625	321,764	573,858	181,207	755,065
County roads	1	6	7	296	40	336	282,740	4,659	287,399	287,735	1,445,246	1,732,981
Town, township and other local	1	4	5	196	9	205	6,228	129	6,357	6,562	535,171	541,733
City streets[2]	1	92	93	428	1,315	1,743	10,706	9,994	20,700	22,443	464,124	486,567
Roads not overlapping State, county, or other local systems:												
State park, forest, and reservation roads	173	17	190	216	257	473	15	14	29	502	22,557	23,059
National park, forest, and reservation roads				250		250	134	2	136	386	187,310	187,696
Toll facilities	1,559	520	2,079	1,585	535	2,120	5		5	2,125	856	2,981
Total existing mileage[3]	34,734	8,165	42,899	223,797	33,424	257,221	608,967	27,423	636,390	893,611	2,836,471	3,730,082

[1] Mileage of Interstate System included.

[2] Municipal extensions of county, town, and township roads included.

[3] Does not include mileage in Puerto Rico.

Note: Mileage as of Dec. 31, 1970 compiled from reports of State authorities.

Source: Department of Transportation.

Mr. HUMPHREY. Mr. President, what has been the impact of this travel and transportation system on American life? First, the shortening of distance has influenced our life style. Families live great distances apart nowdays, knowing full well that they can be reunited in the space of less than a day. Roads have opened corridors of commerce for many of the rural areas; and vast recreation sites have developed for the enjoyment of our people. There has been another trend also—the increasing metropolitization of American life. Today, over 70 percent of our people live on 2 percent of the land. Great cities spread like the arms of an octopus—blending never ceasing ribbons of concrete and homes for miles and miles. Suburban life has been made possible by transportation and the development of highways.

But, our implicit, highway-oriented transportation policy has had serious, unintended social consequences. Our growth has been sporadic and concentrated. New jobs are near the arteries of great thruways, away from the people who desperately need work. And, the slabs of concrete too often have been placed through our cities and neighborhoods with merciless concern—destroying neighborhood communities, and the peace and security of people.

Our efforts at transportation development have given us an increased concern over noise pollution—and this has led the Federal Government to begin programs of noise abatement. Families cannot live in the city without growing extremely dissatisfied about the din of traffic, the honking of horns, the continuous repair of streets—all detract from the quality of life by stifling our senses. In short, the congestion that has enveloped our highways—the traffic, the commuter crisis, the backups, the overcrowded roadways have also become a congestion of mind and of senses.

We have found that it is exceptionally difficult to treat just the transportation problem alone—without thinking of the systematic consequences of our policies. For example, whenever highway right-of-way is obtained, that simple act has ramifications far beyond the mere acquisition of property. For the neighborhood, it means a cutting, a disturbance, a disruption to the lives of people. It means that relocation assistance and payments must be provided to displaced homeowners and renters.

Another example: What kind of impact does a transportation system have on the poor, the elderly, those without automobiles? How often is transportation planning done with an eye toward increasing the employment opportunities for the poor? There is little question that inadequate transportation is numbered among the disadvantages of the poor, and that increased accessibility to jobs could increase the self-sufficiency of the poor. The McCone Commission, investigating the Watts riot, noted:

> Our investigation has brought into clear focus the fact that inadequate and costly public transportation systems currently existing throughout the Los Angeles area seriously restricts the residents of the disadvantaged areas such as South Central Los Angeles. This lack of adequate transportation handicaps them in seeking and holding jobs, attending schools, shopping and fulfilling other needs.

Few of the poor own automobiles. In fact, estimates are that between those whose incomes are less than $3,000, only 53 percent own automobiles. Owning an automobile is expensive; the high initial capital outlay, the upkeep, the insurance—all place a strain on a low-income budget. And when poor people do own cars, they are generally poor cars.

The urban poor are, in short, dependent on public transit. The jobs just are not where the inner city people are. The jobs are dispersed, transit systems are nonexistent, or have declined; and there is a special bias against blacks. If a job of a low-income white worker shifts to the suburbs, he is usually able to follow it by moving to a new residence or relocating near a transit line. The low-income black may not be so fortunate. If his job moves to the suburbs, he may find it difficult to move; or, he may not want to move. People should have the ability to make their choices.

Our transportation problem is clearly more than cars, trucks, buses, and rapid transit. The problem is one of resources and the effective, efficient, planned utilization of those resources. Our transportation systems have suffered a lack of people-centered planning. Our objective now must be to make that planning operational, to link it directly with what the people want, rather than what the system wants. Unfortunately, too often this has not been the history of transportation policy in the United States.

FEDERAL TRANSPORTATION PROGRAMS—HIGHWAYS AND THE CITY

The first venture in road building by the Federal Government was the construction of the National Road to connect Baltimore with Wheeling, W. Va. Initial construction began in 1806 and was complete in 1818. It took almost 100 years for the Federal Government to again become actively involved in road-building. The Federal Air Road Act of 1916 provided for over $75 million to be spent on rural roads with a 50–50 matching. Funds were specifically excluded for roads in any urban center of more than 2,500 population. Legislation in 1921 required the States to designate a system of principal interstate and inter-country roads on which funds would be concentrated; again though, finances were focused on nonurban areas. During the years from 1921 to 1933, matching formulas and regulations were changed to allow funds to be used for the extension of main highways into and through municipalities and cities. The 1940's saw the advent of limited access highways.

In 1956 the Federal Aid Highway Act which included the Highway Revenue Act was enacted. These acts provided for a continuation of the old Federal aid program plus a new program—the Interstate Highway System.

The Interstate Highway System was originally conceived as a 42,000-mile roadway, financed by user taxes on a 90-10 sharing basis with the States. The highway trust fund was created to act as a reservoir of finances; the fund drew revenues from new and accelerated taxes on gasoline, oil, tires, and other related sources.

The Federal Aid Highway Act of 1970 provided for a change in the longstanding 50–50 matching ratio for the regular Federal aid programs. After July 1, 1973, the Federal Government will pay 70 percent of those highway costs. This highway act also established an economic development highways program as a means of promoting economic growth; the Federal Government pays 95 percent of this cost. Also, the act established a new urban highway program with emphasis on bus rightways, authorized a demonstration program for the elimination of rail grade crossings, and established a new replacement program for bridges. The year 1970 also saw the expansion of Federal investment in urban mass transit.

In the 1972 fiscal year, total Federal outlays for transportation will amount to $8.8 billion. Federal highway outlays for the same fiscal year will be nearly $6 billion. Three and a third billion dollars of this money will go toward the Interstate Highway System, approximately $0.7 billion will go for State primary and secondary roads. Altogether, there is less than $400 million budgeted for urban mass transit.

The decade of the 1970's has brought this Nation to a new juncture in American transportation policy.

In the desire for a balanced integrated transportation system, the present emphasis in highway—more specifically the demands of the Interstate System and its earmarked highway trust fund—has come under attack.

What is the status of the system and the fund?

Over 32,392 miles of the 42,500 mile national system of interstate and defense highways are now open to traffic. Construction is underway on another 4,115 miles. Thus, traffic is not moving on some 76 percent of the system; and less than 4 percent has not advanced beyond the preliminary work-up status. Totally, some $45.39 billion has been allocated and paid on the Federal Interstate System since 1956. As of September 30, 1971, work estimated to cost $12.05 billion was underway or authorized.

Currently, expenditures from the fund are averaging approximately $4.7 billion a year, including some $3.4 billion for the interstate highways, and some $1.147 billion for primary, secondary, urban, rural TOPICS, and urban system. Other expenditures from the fund included approximately $100 million for bridge and dam design, transfers to the revolving fund for right-of-way acquisition rail crossing demonstration projects, and highway safety programs. Expenditures from the fund at least for interstate highways are expected to remain between $3.4 and $3.9 billion.

Revenues on the other hand, are accruing at the rate of some $5.7 billion a year, and are estimated by the Treasury Department to reach an estimated $7.3 billion by 1977. The majority of these receipts come directly from the gross excise taxes. It is estimated that at least half of all revenues accruing for the fund will not be needed for completing the Interstate System.

Government figures indicate that in 1970, there was a balance in the fund of $2.612 billion. Of this amount, $2.601 was in holdings of Treasury certificates. Table II indicates these figures. I ask unanimous consent that table II be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II.—STATUS OF HIGHWAY TRUST FUND, ACTUAL FISCAL YEARS 1957–70, AND ESTIMATES 1971–78, UNDER EXISTING LEGISLATION, 15TH REPORT OF THE SECRETARY OF THE TREASURY ON THE HIGHWAY TRUST FUND

[In millions of dollars]

Fiscal year	Receipts									Expenditures				Balance in the fund
	Gross excise taxes	Deductions		Net excise taxes	Interest (net)	General fund advances	Repayment of advances (deduct)	Reimbursements from general fund [2]	Total	Interstate highways	Primary, secondary, urban, rural, TOPICS, and urban system [3]	Other [4]	Total	
		Transfers [1]	Refunds											
Actual:														
1957	1,479			1,479	3				1,482	208	743	15	966	516
1958	2,116		90	2,026	18				2,044	675	809	27	1,511	1,049
1959	2,171		97	2,074	[5] 13				2,087	1,501	839	273	2,613	523
1960	2,642		103	2,539	−3	359	359		2,536	1,861	879	200	2,940	119
1961	2,924		126	2,798	[5] 1	60	60		2,799	1,719	877	23	2,619	299
1962	3,080		131	2,949	7				2,956	1,914	860	10	2,784	471
1963	3,405		126	3,279	14				3,293	2,109	906	2	3,017	747
1964	3,646		127	3,519	20				3,539	2,635	1,004	6	3,645	641
1965	3,786	4	123	3,659	11				3,670	3,016	990	20	4,026	285
1966	4,065	28	120	3,917	[5] 7	70	70		3,924	2,978	937	50	3,965	244
1967	4,684	31	212	4,441	14				4,455	2,976	954	44	3,974	725
1968	4,523	30	114	4,379	34			15	4,428	3,207	947	17	4,171	982
1969	4,889	28	224	4,637	53				9,690	3,149	984	18	4,151	1,521
1970	5,414	28	32	5,354	115				5,469	3,289	1,043	46	4,378	2,612
Estimate:														
1971	5,717	28	119	5,570	180				5,750	3,481	1,147	86	4,714	3,648
1972	5,803	28	116	5,659	245				5,904	3,304	1,301	163	4,768	4,784
1973	6,070	30	116	5,924	285			61	6,270	3,478	1,318	429	5,225	5,829
1974	6,302	31	116	6,155	330			27	6,512	3,802	1,364	582	5,748	6,593
1975	6,520	32	115	6,373	380			24	6,777	3,921	1,383	467	5,771	7,599
1976	6,722	33	114	6,575	440			23	7,038	3,941	1,398	469	5,808	8,829
1977	6,926	34	114	6,778	525			21	7,324	3,535	1,410	491	5,436	10,717
1978 [6]	[7] 2,114	11	84	2,019				103	2,122	3,815	3,713	1,219	[8] 8,747	[9] 4,092
Total	94,998	376	2,519	92,103	2,692	489	489	274	95,069	60,514	25,806	4,657	90,977	4,092

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[1] Transfers to the land and water conservation fund in accordance with Public Law 88–578, approved Sept. 3, 1964 (78 Stat. 897).

[2] Reimbursements to the fund for emergency fund expenditures authorized by the 1964 amendments to the Alaska Omnibus Act, the Pacific Northwest Disaster Relief Act of 1965, and the Federal-aid Highway Act of 1966. Expenditures related to these reimbursements are included in "Other" expenditures (see footnote 4).

[3] Assuming authorizations will be extended for fiscal years 1974–78 at the annual rate of $1,100,000,000 for the primary, secondary and urban program; $125,000,000 for the rural program; $100,000,000 for the TOPICS program and $100,000,000 for the urban system program.

[4] Includes emergency relief funds; bridge and dam design and construction funds; advances to States; special $400,000,000 of primary, secondary and urban funds; and $300,000,000 transfer to the right-of-way revolving fund authorized by the Federal-aid Highway Act of 1968. Also includes programs designated for Trust Fund financing by the Federal-aid Highway Act of 1970—forest highways; public lands highways; economic growth center development highways; bridge replacement; Alaskan assistance; rail crossing demonstration projects; Baltimore-Washington Parkway; highway safety programs (23 U.S.C. 402) and highway safety research and development.

[5] Receipts of interest on investments netted by payments of interest on general fund advances of $5,000,000 in 1960, $1,000,000 in 1961, and $1,000,000,000 in 1966.

[6] Through Sept. 30, 1977.

[7] Includes receipts on tax liabilities accrued prior to Oct. 1, 1977, but collected thereafter.

[8] Provides for complete disbursement of all funds authorized for fiscal year 1978 and prior fiscal years including expenditures estimated to occur after Sept. 30, 1977.

[9] Available for additional authorizations including $1,986,000,000 Interstate system cost identified by 1970 Interstate cost estimate for which authorizations have not yet been provided.

Mr. HUMPHREY. Mr. President, at the same time that funds are accumulating in the trust fund. State and local governments are faced with ever pressing transportation needs.

Right now, cities spend $2.28 billion or 9.3 percent of all revenues on transportation—highways, transit facilities, and so forth. This amounts to $19.51 per capita. The needs of our cities are massive; and, these needs continue to increase. In the final analysis, however, the needs are just not of the cities, but they are needs of the people.

The question remains: How will we meet the transportation needs of our people?

One answer is of course, additional and fully funded programs of the Urban Mass Transit Administration. The Nixon administration is impounding millions of transportation funds. Our immediate priority must be to free these funds. And, it is time that the Nixon administration recognized its responsibility and did so.

However, releasing these funds will hardly provide the basis for sound development and growth of a balanced transportation system. What is needed is a source of money, distributed on a direct formula basis with comprehensive people planning incorporated as a legislative directive.

It is to this objective that I have drafted the Transportation Systems Improvement Act of 1971.

As its starting premise, this legislation finds that our existing modes of ground transportation have been funded inadequately and that planning for transportation systems has not adequately considered the environmental, societal, and economic costs of how we move people.

What this legislation does is take stock of past activity, and begin to correct the mistakes. Two mechanisms are established. First, a ground transportation improvement program that provides a system of grants to State and local governments to aid them in maintaining, operating, and making capital improvement to highways and related public transportation services.

Second, it distributes this money according to formula that allocates 90 percent of the money in the highway trust fund not used for the Interstate Highway System among the States as follows: 50 percent to urban places in the State, 25 percent to States on basis of population, and 25 percent on the area of the States.

Those funds that are allocated to urban areas are apportioned directly to them. And, up to 3 percent of an initial allotment may be reimbursed for planning expenses at both the State and local level.

A hold harmless for urban areas is included that will decrease a State's share of Federal funds if that State decreases its support for transportation funding to urban areas.

The main source of funds for this program comes from the changes made in the highway trust fund. Three changes are paramount. First, since current expenditures on the Interstate Highway System average just a little over $3 billion a year, future allocations to the Interstate System are set by law not to exceed $3 billion a year. Second, the matching ratio is changed from 90:10 to 70:30, Federal-State sharing beginning in fiscal year 1973. This change will not necessarily cause any additional expenses for the State. It will likely cause the States to stretch out the development and construction of the system.

In addition, this change in the reimbursement ratio of the Interstate System will match the changes of the 1970 law which increased matching for secondary and primary roads from 50:50 to 70:30. Finally, in the year 1979—fiscal year 1980—the highway trust fund is collapsed into the National Ground Transportation Development Trust Fund, able to receive both allocations formerly part of the highway trust fund and direct appropriations from the Congress.

This legislation also provides that comprehensive State transportation plans must be developed and no money may be expended unless it is spent in accord with the plan. Included in the plan must be transportation systems that are responsive to the needs of the State and its communities as those needs are defined by the State and communities. The plan must assure adequate citizens involvement and participation in the planning process; and local citizen groups must have access to technical assistance in the preparation of planning testimony on alternative modes of transportation or alternative uses for a locality's funds.

The plan must be approved at the local level and by the Governor and not be rejected by the State legislatives. And it must be coordinated with local community development programs and consider the social, economic, and environmental impacts of various alternatives available to solve the transportation problems facing the community.

Mr. President, I believe that this legislation accomplishes three key purposes. First, it puts money into urban areas—areas that need assistance in their transportation systems. It provides money from the highway trust fund for operating subsidies, for construction, for maintenance of streets—in short, for the priorities that the community determines.

Second, this money is returned via a set formula, a formula that allows planning ahead. This formula assures cities and States of money for planning budgets, for letting contracts, and securing building commitments.

Third, the legislation requires that meaningful people-directed comprehensive planning be a part of every transportation decision.

Fourth, the legislation simplifies and streamlines the process for getting funds into areas where they are needed.

Mr. President, I ask that a section-by-section analysis of the bill be printed in the Record at this point.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

Section-by-Section Analysis of S. 3366, Transportation Systems Improvement Act of 1971

Section 1. *Short name.*—This section provides that the Act may be cited as the "Transportation Systems Improvement Act of 1971."

Section 2. *Findings and declaration of policy.*—Subsection a declares it to be findings of Congress that allocation to various modes of ground transportation has been inequitable; that this inequity has caused decline of certain modes and inappropriate emphasis of other modes; that planning for transportation has not reflected completely environmental, social, and economic costs of facility location and governmental, financial, and developmental resource decisions; that it has adversely affected large segments of the population, and has caused disruption to many communities; that the remedy lies in giving the States more flexibility in making use of Federal assistance; and that providing adequate transportation for travelers, and shippers require that States and communities be able to plan, construct, and maintain ground transportation systems without priorities brought on by Federal funding levels and methods of assistance.

Subsection b declares that the purpose of this Act is to assist in correcting these inequities through the establishment of a ground transportation improvement program in which grants will be made to States and communities to that end; and secondly, to establish a National Ground Transportation Developmental Trust Fund.

Section 3. *Definitions.*—This section defines terms used in the Act.

Section 4. *Trust Fund.*—Subsection a of this section provides for the establishment of the National Ground Transportation Development Trust Fund in the Treasury, to become effective in fiscal year 1980. The trust fund shall consist of money to be either appropriated or credited to the fund as provided by this Act. The amount to be considered available for expenditure is to be the amount in the trust fund on the first day of the fiscal year, and such expenditures shall be made in accordance with the provisions of this Act.

Subsection b provides for the transfer into the trust fund, as of July 1, 1979, of all unspent money designated for Federal aid under any transportation law. Money so transferred shall continue to be subject to the provisions of the law under which it was made available in the first place.

Subsection c provides that after June 30, 1979, receipts from taxes on the following items are to be transferred into the trust fund at least monthly:

Diesel fuel and special motor fuel.

Automobiles, trucks, buses, etc.

Tires, tubes, etc.

Gasoline.

Use of certain vehicles.

Subsection d authorizes appropriations from the Treasury, after June 30, 1979, of any additional amounts needed beyond those received from sources such as the Highway Trust Fund to make expenditures as provided in this Act.

Subsection e directs the Secretary of the Treasury to report to Congress each year by March 1 on the financial condition of the trust fund.

Subsection f directs the Secretary of the Treasury to invest unneeded money in the trust fund in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States. Interest earned through such investment is to be returned to the trust fund. No part of the trust fund is to be used for administrative expenses of the Government agency.

Section 5. *Allocation formula.*—Subsection a provides that for each fiscal year beginning after June 30, 1973, the Secretary of Transportation shall estimate the amount of money available in the Highway Trust Fund and allot 90 percent of it among the States on a formula as follows:

50 percent in the ratio which the population in urban places in each State bears to

the total population of urban places in all States;

25 percent in the ratio which the total population of each State bears to the total population of all States; and

25 percent in the ratio which the area of each State bears to the total area of all States.

No State, however, shall receive less than one-half percent of the total for a given year. Guam and the Virgin Islands shall receive $1 million and $2 million, respectively, for fiscal years 1974 and 1975.

Subsection b provides that the remaining 10 percent shall be available for allotment by the Secretary of Transportation at his discretion, with priority given to assistance in transportation planning, financing research, development, and demonstration projects in ground transportation, and emergency relief repairs needed because of natural disasters.

Subsection c provides that the funds allocated to urban places shall be apportioned directly to local units of government in the ratio of population of the local unit to all such units in the State. In arriving at population data, the populations of smaller units of government contained within the boundaries of larger units shall be subtracted from the population of the larger units. Where a local unit makes no highway or public transportation expenditures, its apportionment shall be reallocated to the unit of State or local government spending the most for transportation services in that community. Up to 3 percent of a State's initial allotment may be for reimbursement for planning expenses.

Subsection d requires the Secretary of Transportation to publish in the Federal Register the amounts apportioned to each State, beginning with fiscal year 1974.

Subsection e provides that when a State reduces its expenditures for ground transportation facilities below the level for the fiscal year immediately preceding the effective date of this Act, the State shall have its allocation reduced by a like amount, unless it can demonstrate that special circumstances warrant.

Subsection f provides that if a State is unable to spend its allotment it shall be returned and redeposited in the Highway Trust Fund.

Section g provides that allocations for Federal aid to ground transportation under this Act shall replace allocations authorized under any other Federal-aid law except the Urban Mass Transportation Act of 1964.

Subsection h provides that after June 30, 1979, allocations shall be made in a manner to be determined by Congress.

Section 6. *Allocations for the Interstate System.*—This section makes available for each year beginning with fiscal year 1973 through 1978 the amount of $3 billion per year, for completion of the Interstate System of Highways. Amounts not allocated under this section by April 1 of the year following the year in which the funds became available shall become subject to allocation under another section (Section 5) of this Act.

After June 30, 1974, the Federal share of projects in the Interstate System will be reduced from 90 percent, as the law now provides, to 70 percent. However, where a State contains public lands and non-taxable Indian lands in excess of 5 percent of its total land, in a ratio of such lands to its total land, the resulting ratio as a percent is to be added to the 70 percent, but not to exceed an aggregate of 95 percent.

Section 7. *Comprehensive State Transportation Plans.* This section provides for the funding of state comprehensive plans. No money for any assistance for any other sections of the legislation may be expended except in accord with the plan.

Section c sets the conditions for the Secretary's approval of the plan. The plan must provide for the development of transportation facilities that are responsive to the needs of the State and its communities, must assure citizens involvement and participation in the planning process, allow citizens groups to secure technical assistance, formulate planning concepts, requires public hearings, must be coordinated with local community development, take into consideration the social, economic, and environmental impact of various alternative modes of transportation, and be approved at the local level, by the Governor, and not be rejected by the State legislature. The Plan must be administered by a single State agency, that monies from the planning fund will be allocated to the communities, that the review process for transportation plans must be continuous, and that Secretary will give reasonable notice and opportunity for hearing before disapproving any state plan.

Section 8. *Records, audits, and reports.*—This section requires the use of adequate fiscal and accounting procedures by the recipients, with access to such records provided to the Secretary of Transportation. Reports must be made to the Secretary as he requires.

Section 9. *Recovery of funds.*—This section provides for procedure to be followed when a State has failed to comply substantially with the provisions of this Act through reference of the matter to the Attorney General of the United States, or notification of the State that is allocation for the same or succeeding year will be reduced by the amount of funds involved.

Section 10. *Rules and regulations.*—This section authorizes the Secretary of Transportation to prescribe necessary rules and regulations to carry out this Act.

Section 11. *Annual report.*—This section directs the Secretary of Transportation to report annually to the President and Congress on this program.

Section 12. *Civil rights.*—Funds allocated under this Act shall be considered to be assistance within the meaning of Title VI of the Civil Rights Act of 1964.

Section 13. *Agreements between the States.*—This section confers Congressional consent to cooperation or agreements between States required to maximize the benefits to be achieved under this Act.

Section 14. *Labor standards.*—This section provides that wages paid for labor shall be at rates not less than prevailing rates for similar work in the locality, in accordance with the Davis-Bacon Act provisions.

Section 15. *Relocation assistance.*—This section provides that no Federal money in addition to funds allocated under this Act shall be provided for relocation purposes for those dispatched by transportation activities assisted by this Act.

Section 16. *Highway safety programs.*—This section makes clear that the highway safety program provided by section 402(a) of title 23, United States Code is not repealed and remains in force.

Section 17. *Effective date.*—This section makes July 1, 1973 the effective date of this Act, but allows the Secretary of Transportation or any State to take necessary action prior to that date.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 738

At the request of Mr. CRANSTON, the Senator from California (Mr. TUNNEY) and the Senator from New York (Mr. JAVITS) were added as cosponsors of S. 738, a bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation.

S. 2504

At the request of Mr. HUMPHREY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 2504, a bill to amend title XVIII of the Social Security Act to include, among the home health services covered under the insurance program established by part B of such title, nutrition services provided by or under the supervision of a registered dietician.

S. 2729

At the request of Mr. HUMPHREY, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 2729, a bill to provide the establishment and maintenance of reserve supplies of soybeans, corn, grain sorghum, barley, oats, wheat, and dairy and poultry products for national security and to protect domestic consumers against an inadequate supply of such commodities.

S. 2813

At the request of Mr. TOWER, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2813, a bill to amend the Vocational Rehabilitation Act to provide improved vocational rehabilitation services to individuals.

S. 3044

At the request of Mr. HUMPHREY, the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from California (Mr. TUNNEY), the Senator from Illinois (Mr. STEVENSON), the Senator from Kentucky (Mr. COOK), and the Senator from Kansas (Mr. PEARSON) were added as cosponsors of S. 3044, a bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs.

S. 3047

At the request of Mr. MONDALE, the Senator from Alaska (Mr. GRAVEL) and the Senator from Michigan (Mr. GRIFFIN) were added as cosponsors of S. 3047, a bill to amend section 451 of the Tariff Act of 1930 so as to exempt certain private aircraft entering or departing from the United States and Canada at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees and to treat snowmobiles as highway vehicles for the purposes of such section.

S. 3105

At the request of Mr. STENNIS, the Senator from Mississippi (Mr. EASTLAND) was added as a cosponsor of S. 3105, a bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentive program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes.

S. 3121

At the request of Mr. SCOTT, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 3121, a bill to extend the Commission on Civil Rights for 5 years, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes.

S. 3148

At the request of Mr. BAYH, the Senator from Missouri (Mr. EAGLETON), the Senator From Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Nevada (Mr. BIBLE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Utah (Mr. Moss), the Senator from New Mexico (Mr. MONTOYA), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Hawaii (Mr. INOUYE), and the Senator from Connecticut (Mr. RIBICOFF), were added as cosponsors of S. 3148, a bill to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

S. 3302

At the request of Mr. PEARSON, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 3302, a bill to amend the Airport and Airway Development Act of 1970, in order to make certain airports where the landing area is owned by the United States or an agency thereof eligible for assistance under such acts.

SENATE JOINT RESOLUTION 170

At the request of Mr. BAYH, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of Senate Joint Resolution 170, proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress.

SENATE JOINT RESOLUTION 208

At the request of Mr. BYRD of West Virginia, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of Senate Joint Resolution 208, authorizing the President to proclaim the first Sunday in June of each year as "National Shut-in Day."

SENATE JOINT RESOLUTION 212

At the request of Mr. CHURCH, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Illinois (Mr. PERCY) were added as cosponsors of Senate Joint Resolution 212, authorizing the President to call a series of four White House Issue-Oriented Subconferences on Aging.

SENATE RESOLUTION 278—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING AS A SENATE DOCUMENT OF THE REPORT ENTITLED "PROGRESS IN THE PREVENTION AND CONTROL OF AIR POLLUTION"

(Referred to the Committee on Rules and Administration.)

Mr. RANDOLPH submitted the following resolution:

S. RES. 278

Resolved, That the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with Sec. 313, Public Law 91-604, The Clean Air Act Amendments of 1970) entitled "Progress in the Prevention and Control of Air Pollution" be printed as a Senate document.

SEC. 2. There shall be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

SENATE RESOLUTION 279—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING AS A SENATE DOCUMENT OF THE REPORT ENTITLED "THE ECONOMICS OF CLEAN AIR"

(Referred to the Committee on Rules and Administration.)

Mr. RANDOLPH submitted the following resolution:

S. RES. 279

Resolved, That the annual report of the Administrator of the Environmental Protection Agency, to the Congress of the United States (in compliance with Sec. 312(a), Public Law 91-604, The Clean Air Amendments of 1970), entitled "The Economics of Clean Air", be printed with illustrations as a Senate document.

SEC. 2. There shall be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

MARINE MAMMAL PROTECTION ACT—AMENDMENT

AMENDMENT NO. 1048

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. STEVENS. Mr. President, the Senate Subcommittee on Oceans and Atmosphere is presently holding hearings on ocean mammal legislation.

Many bills are being considered by the subcommittee as they attempt to find various solutions to the problem. Several of the bills, however, such as those introduced by the distinguished Senator from Oklahoma (Mr. HARRIS), take the approach that an outright ban on all ocean mammal harvesting is absolutely necessary.

This approach has caused me considerable concern. These bills will protect the ocean mammals, but in doing so will exterminate the culture and economy of the Alaskan Eskimos.

Many Alaska Natives, particularly Eskimos along the coast, depend upon ocean mammals for their existence. What little cash they are able to obtain in order to have even a marginal existence they are able to earn only through the sale of native crafts, clothing, and art works. These activities are vital for the social and economic welfare of the Alaska Native people.

Mr. President, the way of life of the Alaskan Native is threatened by the proposed legislation. If Congress enacts provisions outlawing all but subsistence hunting by Alaskan Natives, not only will this proud group of Americans have their economic livelihood stripped from them, but they will face the certain fate of cultural extinction.

The Alaska Native people of the coastal regions are the Eskimos. These people have achieved a unique pact with nature. They alone, of all mankind, have been able to survive in the harshest possible climatic conditions. Snow and ice cover the ground much of the year. Thus, travel across the ice is a necessity. Wood is scarce. Boats must be light and built with the materials at hand.

Even with such limitations, the Eskimos have been able to invent the kayak and the umiak. These unique vessels utilize skin and bone rather than bark and wood. The single-seat kayak and the multi-seat umiak are sturdy enough to travel hundreds of miles across open water. Kayaks will right themselves if overturned in storms, while keeping the lower half of the occupant completely dry in the meantime. Single Eskimo hunters, riding kayaks and armed only with harpoons have, for centuries, successfully harvested whales, the mightest creatures on earth.

This is but a single example of the high level of culture reached by the Eskimos in the cruelest environment on the face of the earth. Anthropologists and scholars agree that there is much in the Eskimo culture that will greatly benefit white civilization. For example, the clothing worn by Eskimos out-of-doors and fashioned from ocean mammals is both cold-resistant and waterproof. It effectively seals the wearer from the elements, yet permits him freedom of movement. It is far superior to anything the white man has invented. Our copies are but poor imitations.

It is a well-known fact that the major market for such genuine Eskimo clothing—parkas, pants, and mukluks—native fur boots—is not the tourist, nor the exporter, but other Alaskans. We, white people, in Alaska appreciate these Eskimo improvements and depend upon them, especially in the far northern part of the State. We know that when we must travel to his part of the State, we cannot improve upon the artifacts it has taken the Eskimo centuries to perfect.

To deny the Eskimo the right to manufacture and sell these items will not only create a hardship upon him, but also upon the white people who must live and work in an equally cruel and hostile environment.

Because the land in the far north is frozen much of the year, agriculture is very limited. For this reason, the coastal Natives are very dependent upon sea mammals for much of their food. In fact, many of those Eskimos who now live in the cities have retained their taste for many of these foods. Thus, there is a small but thriving business of canning and preserving sea mammal meat for transshipment to natives throughout Alaska and the "lower 48."

But most Eskimos have not moved to the cities. They still live on the North Pacific and Arctic coastlines. They continue to live basically the same way they have lived for centuries. They have maintained a cherished tradition, a link with the past—a way of life, proud and unbent in the face of modern civilization.

Mr. President, the Alaskan Eskimos for many years prior to the coming of the airplane remained largely isolated from civilization as we know it. Only in the 20th century, particularly in the last several decades, have these people come into contact with modern civilization. To many of them English is still a second language.

But they are rapidly moving into the 20th century. Snowmobiles have largely replaced dog sleds. Air travel is used for long trips. Short-wave radios are now the primary communication link between villages. Canned goods, manufactured household items, and clothing are readily available. Education is available, as is better health care. Even housing is improving.

But to take advantage of all these modern conveniences, the Alaska Native needs cash. If he is to have the choice to live where his people have dwelt for centuries, he must be permitted to make a living there. He must have the right, not only to hunt for his native food, but to buy a balanced diet including milk and vegetables; clothing; medicine; and building materials for his house. It is, of course, true that eventually the benefits from the Alaska Native Claims Settlement Act (Public Law 92–203) will yield to each Native a certain amount of cash plus some land. However, the land and cash will not be enough to compensate him for the loss of his occupation; nor are they intended to do so. Neither will they give most Natives jobs; nor return to them their lost sense of dignity. Most importantly, any direct payments to individuals will be over 2 years in coming, due to the time it will take to complete the enrollment procedures.

The only industry that the Alaska Native can count on to support himself and his family is one based upon full utilization of the ocean mammals—the same animals which have been the basis of existence for his people for centuries. This is an industry of Native manufacture, handicrafts and carving—wonderfully intricate hand-carved bones and tusks, decorated parkas and boots, completely waterproof and ideally suited for the rugged outdoor life lived in that far part of the world.

Mr. President, if the Native people of my State are denied the right to carve, sew, and utilize fully the entire animal carcass, the result will be truly disastrous. Even marginal cash flow will cease. Their only means of earning a living will be foreclosed to them. They will be forced to remain idle, go on welfare, or relocate. Their priceless cultural heritage will become extinct.

Therefore, even today, the dependence of the Alaska native people upon ocean mammals is a real and continuing one. They are indeed learning the ways of the rest of the world quickly and coming into their own. But during this period of adjustment, it is doubtly important that they be able to continue as they wish and make their own determination of the kind of life they wish to lead.

Mr. President, the Alaskan Eskimo asks for himself no more than any other group in this country. He asks only the right to determine for himself his own destiny.

For this reason, I urge the Senate to reach a reasonable solution to the problem and to take into account not only the biological aspect, but also the sociological and anthropological effects of this legislation. We must not destroy a civilization in the process.

Mr. President, for this reason, I am today introducing an amendment to S. 3161. The purpose of this amendment is to preserve the priceless cultural heritage of the native Alaskans by permitting them to continue to produce handmade native arts and crafts as well as clothing manufactured from sea mammals. I intend that the effect of this amendment will be to permit the total utilization of the mammals and the wise management of these wonderful and irreplaceable ocean creatures.

I request that my amendment be printed in its entirety in the CONGRESSIONAL RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1048

On page 23, line 2, strike out the period and add the following: ", *Provided*, That such taking may be for handmade native arts and crafts and clothing."

APPOINTMENT OF U.S. MARSHALS—AMENDMENT

AMENDMENT NO. 1049

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. STEVENS. Mr. President, I am today submitting an amendment to S. 367, my bill providing for the appointment by the Attorney General of the United States of U.S. marshals. This amendment is being offered in order to direct the Director of the U.S. Marshals Service to fill a marshal's vacancy from among those qualified individuals residing within the district. Only if there are no such qualified individuals within the district, may he fill the position from outside the district.

I am introducing this amendment to strengthen the original bill by requiring that marshals be appointed from those qualified applicants most intimately familiar with their judicial district and the people in it. Such applicants will most often be those residing within the district. Since I originally introduced S. 367 last year, several marshals have suggested the desirability of such a provision. It is at their urging that I introduce this amendment today.

Mr. President, I request that this amendment be printed in its entirety in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1049

On page 1, line 6 strike quotation mark and insert the following:

"The Attorney General shall make the appointment from among the qualified applicants residing within the judicial district, unless there are no such qualified applicants therein, in which case he may make the appointment from anywhere in the United States."

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENTS NOS. 1050 AND 1051

(Ordered to be printed and referred to the Committee on Finance.)

COVERAGE OF PSYCHOLOGISTS SERVICES UNDER MEDICARE

Mr. HARTKE. Mr. President, medicare contains several built-in limitations which restrict the patterns of care and availability of services for individuals suffering from mental, psychoneurotic or personality disorders. While there are provisions for the diagnosis and treatment of mental, psychoneurotic and personality disorders under part B, they must either be provided by a doctor of medicine or a doctor of osteopathy or incident to his services. The result of these provisions on the delivery of mental health services has been to restrict the delivery to the point that less than 1 percent of the patients served by psychologists are 65 years of age or over. In effect, this has excluded the diagnostic and treatment service of psychology to recipients of medicare benefits. This is contrary to the intent of H.R. 1 which is to make fullest use of health personnel.

Psychology has established itself as an independent health profession through its training, public acceptance of its services and through statutory regulations. Our training leading to the Ph. D. degree and experience at hospitals, clinics, and other service facilities has qualified psychologists to provide direct services to the public. Psychologists practice without medical certification, direction or supervision according to professional practice statutes in 44 States and the District of Columbia. In the remaining six States, psychologists practice without medical direction or supervision using voluntary controls.

State legislatures have recognized the inequities in private insurance contracts which have denied the claims of policyholders for the diagnosis and treatment of mental, psychoneurotic and personality disorders when the policyholder was attended by a psychologist. Ten States have now enacted laws which require insurance carriers to reimburse their policyholders for the diagnosis and treatment of nervous and mental disorders whether the services are rendered by a psychologist or a psychiatrist. This has not resulted in any additional premiums to the policyholders or exceptional increases in utilization. These laws have been well received by the public. Several insurance carriers, recognizing this inequity, have voluntarily included psychology as a qualified provider of service as a physician for the purposes of mental disorders. Therefore, I believe that continuing the practice of requiring that mental health services for the recipients of medicare be provided only by psychiatrists causes an unnecessary hardship on the beneficiaries of medicare and creates an unnecessary artificial shortage of qualified providers of service for nervous and mental conditions. Failure to include psychological services without medical referral, produces a condition of "featherbedding" physician's fees. The cost of certification and recertification by doctors of medicine or osteopathy only can require an extra visit to the doctor and produce another fee chargeable to the medicare program.

I believe that utilization control must occur through peer review mechanisms rather than through the source of referral. The profession of psychology has established its own peer review mechanism which is accepted by the health insurance industry.

Therefore, Mr. President, I am today introducing an amendment to H.R. 1 which provides that psychologists will be listed as physicians for the providing of diagnostic and treatment services for mental, psychoneurotic and personality disorders as well as for diagnosis and treatment of mental retardation, vocational rehabilitative services, and child care services.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 853

At the request of Mr. Humphrey, the Senator from Indiana (Mr. Hartke), the Senator from Washington (Mr. Jackson), and the Senator from Massachusetts (Mr. Kennedy) were added as cosponsors of amendment No. 853, intended to be proposed to the bill (S. 2729), a bill to provide the establishment and maintenance of reserve supplies of soybeans, corn, grain, sorghum, barley, oats, wheat, and dairy and poultry products for national security and to protect domestic consumers against an inadequate supply of such commodities.

AMENDMENTS NOS. 998 AND 999

At the request of Mr. Church, the Senator from Michigan (Mr. Hart) was added as a cosponsor of amendments Nos. 998 and 999, intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

ADDITIONAL STATEMENTS

THE GIRL SCOUTS OF AMERICA

Mr. BROOKE. Mr. President, on February 21 the Senate passed Senate Resolution 259, lauding the Girl Scouts of America on that organization's 60th anniversary. On March 6 the House of Representatives passed an identical resolution, also praising the outstanding work of this institution.

There are 106,400 Girl Scouts in Massachusetts alone. These girls, between the ages of 7 and 17, serve their communities in a variety of ways. In recent years, primary attention has been given to preserving the environment, and meeting the needs of inner-city youth. Massachusetts Girl Scouts have engaged in the creation of a heritage marked trail in Central Massachusetts, of a wildlife sanctuary on Stiles Reservoir, and in antilitter and "Keep America Beautiful" projects throughout the State. Girl Scouts in the Bay State have also set up day camp and resident camp facilities for disadvantaged children.

But the Girl Scouts is more than community service: it is training in citizenship as well. It is as members of a patrol that young Girl Scouts first learn they are expected to be decisionmakers. The members of the patrol cooperate to decide the courses of action the patrol will follow, and choose one of their number to convey these decisions to scouting's next larger representational body—the Girl Scout troop. By learning to live with the decisions they make, these young girls learn the value of careful forethought and the need to consider all the available options before making a decision.

This valuable training in representational Government should be of special interest to this body. It is today's young people who will inherit our governing responsibilities as the citizen-leaders of tomorrow. The fact that many senior Girl Scouts have become responsible, active members of such larger governing bodies as the National Board of Directors of Girl Scouts of the U.S.A. and of the various Girl Scout council boards across the country, is not only very encouraging proof of the capacity of these young people, but it underscores the value of scouting's emphasis on the democratic process. The accent on international friendship and international exchange programs is another very important part of the Girl Scout experience. Every Girl Scout becomes part of a unique international sisterhood through the national Girl Scout organization's membership in the World Association of Girl Guides and Girl Scouts. This link with 6½ million girls from 87 nations, is reinforced by exchange visits to member nations, and by meetings and conferences at the association's four international centers, in England, India, Switzerland, and Mexico.

This early exposure to other viewpoints, and other customs and cultures, is duplicated within the Girl Scout organization in this country. From the closed society of the family, and the frequently limited range of backgrounds found among her schoolmates, the youngster who enters Girl Scouting automatically becomes a sister to nearly 4 million other girls from every section of the country, and from a tremendous variety of social, economic, and ethnic backgrounds. The only requirement for Girl Scout membership is a commitment to the values that are enunciated in the Girl Scout promise and laws, and the payment of a nominal registration fee.

The opportunities for individual growth that scouting provides, the broader horizons it opens to all its young members, were part of the vision of Girl Scouting's founder when she decided to form that first troop of Girl Scouts in Savannah, Ga., 60 years ago this week. A southern gentlewoman, but something of a maverick, too, Juliette Gordon Low conceived of the Girl Scout movement as a means of expanding girls' interests and opportunities.

The growth of the organization during these past 6 decades is a tribute to her prescience. She recognized a need that was soon to become a demand. Full citizenship for women, with the responsibilities and privileges it entailed, came just 5 years later with the passage of the 19th amendment. In Girl Scouting, America's newly enfranchised women-to-be found a congenial sisterhood that emphasized each member's identity as a full and equal citizen and encouraged her to welcome the challenges and new life roles that were becoming available to the women of America.

I think Juliette Low's successors can be proud that scouting has remained a pioneering movement and that its leaders today still demonstrate the kind of initiative and long-range vision that made Girl Scouting's founder such a remarkable woman. I join with the sponsors of this resolution in commending the Girl Scout organization for its contribution to the Nation, and in conveying to its fine young members and leaders congratulations on their observance of Girl Scouting's 60th anniversary.

VOTER REGISTRATION

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the Record an article entitled "Senate Vote Set on Mail Registration" and an editorial entitled "A Vote on Voting," both published in the Washington Post of March 15, 1972.

There being no objection, the items were ordered to be printed in the Record, as follows:

SENATE VOTE SET ON MAIL REGISTRATION

(By Spencer Rich)

The senate battled through seven procedural roll calls last night on the controversial postcard voter registration bill before finally agreeing to vote today on whether to kill the measure.

In a surprise move, Southern Democrats led by James B. Allen (D-Ala.) teamed up with Republicans in an attempt to force a vote yesterday, when 20 of its Democratic supporters were absent while virtually all its opponents were present.

However, Majority Leader Mike Mansfield (D-Mont.) managed to postpone a vote on Allen's tabling motion until today, when most of the Democratic absentees are expected to be back. Even so, the bill's future looks gloomy because Republicans and Southern Democrats have hinted at a filibuster should they fail to kill the bill outright.

Under the bill, a new agency within the Census Bureau would mail out postcard registration forms to all known addresses across the nation. Anyone could register for all federal elections simply by filling out the postcard form and mailing it back to his local election office.

Southerners say this invites fraud, while Republicans are convinced it is simply a gimmick to register large blocks of low-income voters and blacks who would vote predominantly Democratic.

Mansfield blocked a vote on Allen's motion to kill the bill by demanding the floor and simply offering one motion after another to adjourn or recess the Senate. Although it is customary for members of a party to vote with their leader on such motions, about a dozen Southern Democrats united with Republicans to beat down every one.

However, the procedural votes, on which Mansfield got by tallies such as 45 to 30, 47 to 29 and 46 to 32, consumed so much time that Allen finally agreed to put off the vote on his tabling motion until today.

Mansfield won only one vote—51 to 26—but that was crucial: It upheld his right under the rules to keep offering adjournment motions indefinitely.

A VOTE ON VOTING

Senator Gale McGee's bill to permit voter registration by mail is simply a plan to make voting relatively easy. Registration in its current form—requiring people to come, often from far away and at great inconvenience, to some central registration place—operates as a high hurdle which many never surmount—to their consequent disenfranchisement. In 1968, for example, 47 million voting-age Americans didn't vote. There is little doubt that registration difficulties were largely responsible. Only six out of ten Americans eligible to vote actually do so; but of those who manage to get themselves registered, nine out of ten cast ballots.

The McGee bill would make registration easy by mailing to every household in the country a postcard registration form which, when filled out and returned and checked by voter registration authorities, would qualify an eligible voter for voting on Election Day. It does not seem to us any more subject to fraud than the current much more complicated system. However, a number of Republicans are opposed to the McGee bill because they believe it to be in essence a Democratic plan to register low-income and black voters likely to vote Democratic in the 1972 elections; and because a number of Democratic candidates were absent campaigning Thursday when a crucial Senate vote on the bill took place, an effort to keep it from being referred back to the Judiciary Committee was defeated 44 to 37. Today there will be another (and final) chance to stop that process of referral back to committee which is designed to bury the measure until the 1972 election is a thing of the past.

The vote is reported likely to be a close one and it will probably depend not just on the return of the Democratic candidates from Florida, but also on the good faith and good will of those Republicans who profess to be concerned with opening up the electoral process so as to make it more responsive to the popular will and who also are under considerable party pressure to sidetrack a bill that might work to the shortrun advantage of the Democratic Party. We think that the longrun interest in passing this bill is a national interest, and that those senators from both parties who have committed themselves to the reform and rehabilitation of our democratic system have an obligation to vote against its burial in committee.

JUDGE ROBERT E. JONES, PORTLAND, OREG.

Mr. PACKWOOD. Mr. President the sixth amendment to the U.S. Constitution provides that in all criminal prosecutions the accused shall enjoy the right to a speedy trial. Despite this declaration, however, prisoners must wait up to 6 months for trial in many of our metropolitan areas.

We have reached the point where more than half of the inmates in city and county jails across the country are imprisoned without having been convicted of a crime. In our Nation's Capital, the delay is often so long that suspects released on bail are sometimes arrested a second or third time while waiting for their first trial.

In an attempt to correct this problem, I have cosponsored a bill, S. 895, which would breathe life into the intent of the sixth amendment. It has become increasingly apparent that the enactment of this legislation is essential if we are to insure that the accused will be granted their constitutional right to a speedy trial.

Mr. President, if justice delayed is justice denied, then we have seen the denial of justice throughout our court system. It is with particular pride that I note that the Multnomah County Criminal Court in Portland provides a welcome exception to this general trend.

Under the leadership of Chief Criminal Judge Robert E. Jones, criminal court procedures have been streamlined. Judge Jones' outstanding efforts have been described in an excellent article written by Tom Stimmel for the Oregon Journal, and also by an editorial published in the same newspaper.

Mr. President, I ask unanimous consent that the article and editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JUDGE ENFORCES RIGID DEADLINES TO SPEED CRIMINAL COURT DOCKET

(By Tom Stimmel)

By the end of this year there will, most likely, be about 30 prisoners in Rocky Butte Jail waiting criminal trials in Multnomah County Circuit Court.

That number, in an aging and overburdened facility, compares with 219 prisoners who were being held for trial as recently as Labor Day.

None of the prisoners now awaiting trial has been in jail more than a week or two. Each of them is assured of trial within 30 days of his first court appearance. In practice, this usually means trial within a month of arrest.

The progress in moving the criminal court docket, which in this field is recognized as truly astounding, is not the result of a wholesale cleansing of the jail in the spirit of Christmas. It is, instead, the product of a determined streamlining of criminal court procedures administered uncompromisingly by Chief Criminal Judge Robert E. Jones.

Its uniqueness can best be understood by comparing arrest-to-trial times in other court systems. In New York and Chicago, prisoners must wait five or six months for trial; in Washington, D.C., delays are so long that suspects released on bail or recognizance sometimes are arrested a second and third time while awaiting their first trial.

Its benefits, or potential benefits, include an end to dilatory, trial-delaying tactics, a reduced jail population, a head start on probationary or corrective rehabilitation, and best of all a decision instead of an uncertain period of languishing in jail on dead time.

The Sixth Amendment to the Constitution specifically provides that "the accused shall enjoy the right to a speedy and public trial." Too often, as has been seen, that is not the case. Laws passed by the 1971 Legislature now require that a criminal suspect must be indicted within 30 days of arrest and tried within 60 days of his first court appearance. Judge Jones made it his business to improve upon those times.

He requires defense attorneys to file any pre-trial motions within 15 days after arraignment. Even before that, defense and prosecuting attorneys must confront each other to reveal their respective cases in a pre-trial conference, an idea Jones borrowed from federal courts. The conference abets plea bargaining and eliminates expensive, but frequent, last-minute guilty pleas.

Having thus been organized, Judge Jones set about to clean up a criminal court backlog of 600 cases. Three judges were assigned to hear nothing but criminal matters and Dist. Atty. Des Connall assigned prosecuting teams to each court. The average case load for the three judges shot from 12 to 27 a day. In one month, Judge Alan F. Davis heard 22 jury trials and 8 non-jury trials—a year's work in some jurisdictions. Judge Charles Crookham heard 20 trials in 22 days, including 6 trials with a potential sentence of life. He once had three juries out in the same day.

By the end of his four-month tenure as presiding judge in January, Jones estimates his court will have cleared more than 1,500 cases. During that time an estimated 800 new cases were originated. Of those, 131 remain to be tried (the defendants in jail or out on bail) and all are scheduled within the 30-day limit.

Some defense attorneys are critical of the pressure Jones' court administration has placed upon them, and of the judge's insistence on his deadlines. "He sits up, there like he's God," one snapped. But Jones says most attorneys find they have ample time to prepare their cases, and benefit because witnesses are more available and their memories are fresher. "There's no depreciation in justice that results," he said.

The trial is not the end. The judge has innovated post-trial procedures to speed and improve sentencing and to provide better guidance to those placed on probation. These procedures will be discussed on this page in the future.

THE MARK OF A JUDGE

The chief criminal judge in Multnomah County is the judge whom defendants face in their first appearance in court. For some, who plead guilty, he is the last judge they see. For others, he is the one who hears motions and writs and excuses, takes pleas, and sets trial dates.

The late Judge Charles W. Redding was the first such judge, and he had the job for nine years. But after his tenure, the job was rotated among the dozen judges in the trial departments because nobody wanted the burden for long.

But if the job is a burden, it also offers challenges. This has been proved beyond reasonable doubt by Judge Robert E. Jones, a young man who is about to complete a four-month service in the chief criminal court.

Judge Jones, purposefully and without compromise, drew a plan to cut down the waiting time for trials in the criminal courts, and enforced his plan rigorously. His methods, described elsewhere on this page, exasperated some lawyers but won the grateful respect of most.

Moreover, time was not his only goal. He initiated ideas to facilitate trials and to improve prospects of rehabilitation, and these bear promise of great usefulness in the future.

It has all happened in a very short time, for Judge Jones is about to end his service on the chief's bench. He has assaulted one of the most obstinate areas of court reform, and he has left his mark. Hopefully, that mark will become permanent.

COMPLETION OF TELLICO DAM, LITTLE TENNESSEE RIVER

Mr. BROCK. Mr. President, I recently made public the text of a letter that I wrote to William Ruckelshaus, Administrator of the Environmental Protection Agency. This concerns a matter of great interest to the people of Tennessee—the completion of the Tellico Dam which would impound the flow of the Little Tennessee River.

I ask unanimous consent that this letter, along with a selection of letters received by TVA commenting on their initial draft, "Environmental Impact Statement," and the TVA discussion be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., March 13, 1972.

Hon. WILLIAM RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR BILL: For many years the completion of the Tellico Dam project has been a subject of much controversy in Tennessee and neighboring states. Good people on both sides have demonstrated enormous concern over the various ramifications of this proposal. Recently, the issue has taken on national proportions, as public interest in protection of the environment has burgeoned.

In view of this, I should like to summarize my own position and request your assistance in resolution of the matter.

I have questioned the premises on which this project is justified since its inception. However, as it received Congressional approval through the relatively easy appropriation process available to TVA, I have seen little more that could be done to change the pattern. To date, few of my questions have been resolved, yet the work has continued because I was prepared to give the benefit of the doubt to a group whose efforts have meant so much to my state.

I had hoped that the final Environmental Impact Statement on the project would help to resolve my dilemma. I have reviewed this document and find that it does not adequately answer my questions, or does so in a way that a layman cannot evaluate fully.

Obviously, the TVA has expended much effort to answer criticism leveled at their project. The original draft statement of 38 pages has now grown to an incredible three volumes. Because of its complexity, however, I believe it is in the best interest of my state that a definitive and comprehensive evaluation be made immediately.

For this reason, I am requesting that the Environmental Protection Agency conduct a thorough and objective evaluation of the Impact Statement in concert with other interested state and federal agencies. I would hope that this review could take place as expeditiously as possible, as the effects of a long delay would prove detrimental—regardless of the ultimate course chosen.

With all good wishes.

Very truly yours,

BILL BROCK.

REASONS FOR PRESERVING THE LITTLE TENNESSEE RIVER AS A RECREATIONAL WATERWAY

(1) Because of the unique combination of factors creating nearly ideal habitat conditions for trout, the Little Tennessee River is possibly the most unique fisheries resource in the state.

(2) The artificiality normally associated with hatchery releases is minimized since fingerling rainbow mature under natural conditions and grow at nearly the same rate as hatchery produced trout. The TVA fisheries evaluation report makes reference to this.

(3) The productive capacity of the river for raising small trout to adult size is comparable to all the natural trout stream mileage of the Tennessee Appalachian range combined.

(4) The recreational claims for Tellico Dam are particularly insignificant because of the 18 major existing reservoirs within a 50-mile radius of the proposed lake Planning studies show that most of the visitors to a new lake are attracted away from other lakes nearby, to the detriment of established businesses there. As for adding new warmwater fishing opportunity to the region, fish tagging studies have proved that 80% of our game fishes are not now being harvested.

(5) The system of governmental impoundments in Tennessee no longer provide the same attraction for non-resident visitors because of the proliferation of reservoir construction throughout the southeast and more recently in the midwestern states. This trend is confirmed in the steady decline of nonresident fishing licenses sold in recent years.

(6) Trout stream mileage is decreasing at an alarming rate in the east which puts a premium on the few remaining quality streams. Tennessee is a long narrow state soon to be traversed by two north-south interstate highways. The uniqueness and appeal of good trout fishing can provide an important attraction for diverting a larger portion of the tourist flow from the interstate highways and help the state to remain competitive in the tourist travel business.

(7) The Little Tennessee in conjunction with nearby Chilhowee and Calderwood Lakes can provide a trout fishing complex comparable to the White River in Arkansas which contributes over $5,000,000 to the economy of the north-central Ozark Mountain region.

(8) The Tennessee Valley Authority has always been alert to possibilities for further development of fringe benefits and opportunities resulting from their primary responsibility of power production, navigation, and flood control. Examples are their pioneering efforts in fishery research on large impoundments and forest restoration in the Tennessee Valley. However, the recreational potential for coldwater fisheries development in tailwater rivers has been completely ignored.

(9) With the new Department of Interior emphasis on the preservation of unique and scenic free-flowing rivers, and the impetus given recreational development by the Bureau of Outdoor Recreation and the Appalachian Regional Commission this would seem to be an opportune time for a review of the potential of our remaining natural rivers.

Submitted by:

TENNESSEE GAME AND FISH COMMISSION,
FRED W. STANBERRY,
Director.

THE LITTLE TENNESSEE RIVER AS A UNIQUE AND VALUABLE RESOURCE

The Little Tennessee River is potentially the most unique and productive ecosystem for trout and aquatic invertebrates existing in the eastern United States. Fontana Dam, several miles upstream, gathers the flow of small coldwater streams on national park and national forest lands and meters this cold, clear flowage into the river below. The abundance and variety of fish food organisms plus ideal water temperatures produce excellent growth and survival of introduced trout. The lack of natural spawning is not a limiting factor and the artificiality normally associated with hatchery releases is minimized since liberated subadult trout mature under natural conditions.

Approximately 650 miles of manageable coldwater stream habitat remain in the Tennessee Appalachian and Smoky Mountain ranges. This represents a water surface area less than the acreage of prime trout habitat existing in the Little Tennessee River.

Further, our natural coldwater stream resource is declining in quality because of watershed damage and increasing fishing pressure.

Several factors combine to produce a river environment superior to natural stream habitag e.g. (1) a predominantly rubble bottom which provides the ideal substrate for invertebrate animals, (2) a water quality and mineral content giving efficient protosynthetic activity, (3) absence of the normal flood and drouth cycle and (4) a favorable water temperature range allowing year-round trout growth.

Opportunity for water oriented recreation is provided for on 19 major reservoirs with a surface area of 231,300 acres, all within a 50 mile radius of the Tellico Project. Any need for additional warmwater fishing demand can be met by exerting more pressure on existing gamefish population since documented tagging studies show that 80 to 90 percent of these fish are not being utilized.

The Little Tennessee River lies in an area of strategic zoogeographical interest for rare and undescribed fishes and aquatic invertebrates. At least three endangered fish species (a logperch, chub and darter) probably occur in lower Citice Creek, lower Tellico River or in the Little Tennessee. Impoundment would effectively eliminate these and other species already decimated by changes in the flowing water environment.

Only the upper third of the river (11 miles) is under management at present, but favorable habitat for trout extends to the river mouth. Competition for space is intense in the lower river because of the influx of rough fishes from Watts Bar Lake, but developing technology in rough fish control is expected to allow expanding sport fish populations in this area.

A sufficient growth of Eurasian water milfoil exists in the Little Tennessee River so effectively colonize the new reservoir. All requirements for extensive infestation of rooted acquatic plants e.g. water clarity, shallow margin and moderate fluctuation will exist. Chemical herbicides for control of such noxious water plants are under scrutiny as pollutants.

POTENTIAL FOR RECREATIONAL DEVELOPMENT ALONG THE LITTLE TENNESSEE RIVER

The Little Tennessee River is strategically located in relation to Tennessee's best known vacation area. It lies between the Great Smoky Mountain National Park, which has the highest visitation rate of any national park, and the southern half of the Cherokee National Forest. Highway 129, which parallels the Little Tennessee, provides the western access for the Fontana, Santeetlah Lakes resort area and the Nantahala and Joyce Kilmer National Forests.

The national park expansion of visitor facilities is moving toward the Little Tennessee River along the new Foothills Parkway which terminates on the west bank. Across the river, the Cherokee Crest Scenic Highway, included in the President's Appalachia Program, begins to provide a new entry to the Tellico wildlife area and southern national forest just as the Foothills Parkway gives new access to the national park.

With this recreational complex magnet already attracting over seven million visitors to this general area, the economic potential of a visitor service development along the Little Tennessee is exceptionally good. This is consistent with recent national park planning philosophy which would preserve the wilderness character of the Great Smokies by confining visitor facilities and commercial development to peripheral lands along the approaches to the park. (See map attached).

The Knoxville Tourist Bureau travel survey shows that 14 percent of our non-resident visitors go fishing and spend an average of $6.30 while here. If even one of every ten visitors already coming to the national forest-national park area could be attracted to a float fishery for trout and associated historical restorations on the Little Tennessee River for one day, a local expenditure of 4.4 million dollars for accommodations and services would be created. The maximum value assigned to recreational benefits on the 14,400 acres of Tellico Reservoir is $750,000 in seven years.

The tourist and travel business is Tennessee's largest and finest source of revenue. Here is an industry that doesn't pollute the streams and air; doesn't leave ugly scars on the land and doesn't increase the tax burden to provide extra community facilities. The travel industry stimulates expansion of many supporting enterprises and creates jobs in the unskilled categories where they are most needed. The primary requirement of transient visitors is something to see and to participate in that they do not have at home. This touches another very important point since most of these people do have bluegill, crappie and bass fishing near home. The one fishery with the appeal and reputation to bring fishermen great distances is the trout fishery. The facilities and planning for this type of development are already underway with a large national trout hatchery under construction in Tennessee and a new state hatchery in the design stage.

The TVA feasibility report for Tellico Dam assigns a value of $25,000 to the existing sport fishery of the river. This estimate has already been proved erroneous and very conservative by a joint Game and Fish Commission-U.S. Fish and Wildlife Service economic survey still in progress. A better idea of the economic and recreational potential of an intensively managed float fishery for trout on the Little Tennessee can be had by comparison with the White River in Arkansas where 1.5 million is spent annually with boat dock operators alone. The total impact on the economy of the area is many times this figure.

The Little Tennessee River drainage is characterized by a high degree of watershed protection afforded by the Great Smokies and national forest lands. The natural trout stream drainage from this terrain is stored and released through the Fontana Dam generators and travels the full length of the Little Tennessee with only a few degrees rise in water temperature. Ideal water temperature, oxygen and food supply conditions result in a growth rate of introduced rainbow and brown trout nearly equal to hatchery growth.

Existing trout stream mileage is declining at an alarming rate because of impoundment, pollution, uncontrolled timbering, road construction and gravel dredging. This puts a premium on the few remaining quality streams. The Little Tennessee is recommended for preservation as a recreation riverway in the Tennessee Department of Conservation, *Plan for Development of Public Outdoor Recreation Resources in Tennessee*. With the new Department of Interior emphasis on preservation of unique and scenic free-flowing rivers, this would seem to be an opportune time for re-evaluation of the Little Tennessee River as a trout fishery and scenic area worth retaining.

Submitted by:

Fred W. Stanberry, *Director*.

Tennessee Game and Fish Commission.

DISCUSSION

1–3. See volume I, parts 1 and 3, volume II, part 1, and volume III, part 3.

4. The pollution of the upper end of Fort Loudoun Reservoir is largely the result of discharges over which TVA has no control. It will exercise control at Tellico through the use of restrictions in land rights conveyances.

5. See volume III, part 3.

6. Statistics for 1971 agricultural sales are not yet available.

7–8. See volume I, part 1, and volume II, parts 2–6, 11, and 12.

9. See volume III, part 3.

10. The impoundment will neither significantly add to nor reduce the oxygen supply in the project area.

11. See volume III, part 3.

12. The effects of the project on rare and endangered species are described in volume I, part 1.

TVA's discussion of the points raised in the Wilkins attachment is as follows:

1. See volume III, part 3. TVA notes that only a small proportion of fishermen on the Little Tennessee River are float fishermen.

2. See volume I, part 1, and volume III, part 3.

3. See volume I, part 1.

4. The 29,115 figure is for visitor-day units. According to officials of the U.S. Forest Service, this is equivalent to about 180,000 trips. The 63,000 trip figure used in the draft statement was in error.

5. See volume I, part 1. TVA expects a good warmwater fishery to develop at Tellico Reservoir. Tellico Reservoir will be connected to a main stream reservoir (Fort Loudoun Reservoir) by a canal, unlike Chilhowee and Melton Hill Reservoirs. Undoubtedly, Tellico Reservoir will cause some use transfer; however, it is not expected to significantly affect commercial operations at nearby lakes.

6. See volume I, part 1.

7. See volume I, part 11.

In evaluating the alternative of developing the Little Tennessee River in the project reach for scenic purposes, TVA considered the points raised in the Stanberry attachments. See volume I, part 1, in which most of the points are discussed.

The basic points raised in the attachment "The Little Tennessee River as a Unique and Valuable Resource" are also dealt with in volume I, part 1.

Tennessee Game
and Fish Commission,
Nashville, Tenn., August 31, 1971.

Mr. Aubrey J. Wagner,
Tennessee Valley Authority, New Sprankle Building, Knoxville, Tenn.

Dear Mr. Wagner: At their meeting on August 19, 1971, members of the Tennessee Game and Fish Commission adopted a resolution concerning the Little Tennessee River. They requested that a copy of this resolution be forwarded to you.

Yours sincerely,

Tennessee Game
and Fish Commission,
David M. Goodrich, *Director.*

The Tennessee Game and Fish Commission is on record this August 19, 1971, in opposition to the destruction of the remaining 33 miles of free-flowing Little Tennessee River. This action is in recognition of the concern of local, state, and national conservationists for the preservation of this unique and irreplaceable natural resource. The combination of watershed protection, metered flow, supply of fish food organisms and stable habitat conditions makes this river the most unique and productive ecosystem for trout and aquatic invertebrates existing in the eastern United States. Further, this Commission stands ready to cooperate with all state and federal resource agencies in developing acceptable alternatives to a high dam on the Little Tennessee River.

/s/ William H. Blackburn, *Chairman.*

DISCUSSION

The points raised in this comment are discussed in volume I, part 1, and in volume II, parts 11 and 12.

The University of Tennessee,
Knoxville, Tenn., June 14, 1971.

Subject: TVA's Tellico Project.

Hon. Russell Train,
President's Council on Environmental Quality, Executive Office, Washington, D.C.

Dear Mr. Train: The Tennessee Valley Authority has long been authorized to construct a dam and reservoir on the last remaining stretch of the Little Tennessee River in Monroe and Loudon Counties, Tennessee. The construction has proceeded slowly, in part because of increasing budgetary restrictions. Several important issues are involved in the project. I apologize if I bring up issues that are already overly familiar to you.

The presently projected total cost of the project (without allowances for inflation) come to $69 million dollars. The TVA States publicly with repetition that some $24 million have been expended on the project, and they say in practically the same breath that the project is half completed and therefore should go to full completion. I find their arithmetic peculiar.

Of the $24 million already expended on the project, an amount in the neighborhood of $4 million has been used for actual construction of the dam itself. The rest of the monies have been expended for new bridges, highway relocations, and land acquisition.

A large percentage of the benefits ascribed to the project will be derived from the development of industrial sites along the shortline of the reservoir. The TVA expects to recover several millions of dollars in land sales to industries. I personally find it revolting that a government agency uses its right of imminent domain to acquire land, and then sell it at an unbelievably high profit to itself. This practice seems to be contradictory to a number of constitutional premises.

In response to our repeated requests for an environmental impact statement, provided for in the section 102(A) of the Environmental Quality Act of 1970, the TVA has rightly pointed out that the project was authorized long before the EQA was passed. They also argue that it is pointless to file an environmental impact statement when the project is half completed.

I would point out to you that the two environmentally significant phases of the project, namely, the impoundment of the river and the development of the model town, Timberlake, are either far from completion or not even begun. It seems to me that TVA ought to be required an environmental impact statement concerning the impoundment alone.

The model town, Timberlake, is another case of the acquisition of private lands by the Federal Government, including the use of the right of imminent domain, for essentially the purposes of private enterprise.

The residents of the region are particularly embittered about this last point. The environmental impact of the development of a city by the Federal Government seems obvious. Why should not the TVA be required to file an environmental impact statement?

Some 40% of the benefits ascribed to the project are to come from recreation. The claims are made that additional recreation on impounded waters is severely needed. That argument is difficult to substantiate with the very high number of artificial lakes available within an extremely short distance of the proposed project.

One of the unusual aspects of this project is that a canal connecting Ft. Loudon Reservoir with the impounded waters of the Little Tennessee River will be constructed for shipping by barge. The environmental consequences of this portion of the project are manifold and unevaluated. I daresay, even though TVA denies it, that there will be periods when the polluted waters of Ft. Loudon Reservoir are able to flow into the Tellico Reservoir. What the consequences of such mixing will be, no one knows and no one plans to find out.

Your consideration of these issues and the opinion of the Council will be greatly appreciated. I should like to have your thoughts on the matter.

Sincerely yours,

EDWARD E. C. CLEBSCH,
Associate Professor, Chairman, Conservation, Association of Southeastern Biologists.

DISCUSSION

The environmental and economic points raised in this letter have been discussed in part 1 of this volume and in volume III, part 3.

COMMENTS ON THE TELLICO ENVIRONMENTAL IMPACT STATEMENT, JUNE 18, 1971

1. No alternative action (with both long and short range implications) that will minimize the adverse impact on the environment are explored.

2. No "study, develop, and describe" has been done on the alternatives. No ecological study of the Little Tennessee River has been conducted by the responsible agency. (Does the agency have ecologists employed?)

3. No primary and secondary consequences for the environment have been properly analyzed.

4. This statement prematurely forecloses options which might have less detrimental effects on the present ecology of the Little Tennessee River Valley.

5. The range of beneficial uses of the environment has not been properly identified with regards to the irreversible loss of resources.

6. The environmental statement does not afford proper control with respect to water quality. (Ex. P. 17) Water quality is insured by land use restrictions in leases—TVA has never taken action even when lease violations were obvious—Bowaters situation, February 12, 1971. TVA apparently lacks authority and thus cannot assure water quality.

7. No reassessments of environmental consequences not fully evaluated at the outset of the project are included in the statement. (Has reassessment taken place? If so, on the basis of what studies?)

8. The results of the latest study on the Hiawassee River (TVA Test Team—March, 1970) should be the basis for reassessment of the long range benefits of a possible alternative such as a scenic river designation.

9. No point of diminishing return is apparent in this statement with regards to the 20+ large reservoirs within fifty miles of this project. We presently have fewer large, cold water flowing streams than reservoirs. Thus, the remaining streams have an increased value and additional reservoirs a decreasing value.

10. The ideal that the environment will be improved by this project violates a basic ecological concept. This project will simplify the ecosystem and cause it to become less diverse and thus more unstable. This amounts to degrading, not improving the ecosystem. Only by causing the system to become more diversified and more stable could the environment be improved. Never by simplification would improvement result.

11. A cyclic problem of invasion of the flood plain results from the increased flood protection supposedly accruing from added flood storage capacity. Only by restricting or controlling development on the flood plain can flood damage be controlled in the long run.

12. What is the validity of the argument for more storage capacity allowed by this project in view of the recent rise in the reservoir levels which probably eliminates more storage capacity than this project will add to the system?

13. What studies have been conducted on the rare and depleted fishes which may be eliminated by this project?

14. In view of past performance the method of economic analysis of the project should be reviewed. (Melton Hill Project navigation benefits were estimated at $730,000 annually and have averaged about $1,200 annually in eight years of operation.) Can we expect the same for the Tellico navigation benefits? If so, the cost benefit ratio does not even seem valid.

15. The population changes indicated may be out of perspective since there is a trend toward urbanization which may be demonstrated as a national rather than a regional problem. Can we even produce jobs as fast as we reproduce?

JOHN E. WOODS, Ph. D.

DISCUSSION

1–5. See part 1 of this volume.

6. See part 1 of this volume and parts 2–6 of volume II. TVA will exercise its land-use restriction rights, if necessary, to prevent pollution of Tellico Reservoir.

7. See part 1 of this volume.

8. TVA considers the Hiwassee River to be far better suited for this type of use than the Little Tennessee River.

9. See part 1 of this volume and volume III, part 3. Tellico presents a special opportunity for recreation unlike the opportunities available at many of the other reservoirs in the area.

10. The human environment will be dramatically improved by the project. While the natural environment will be less diverse in the impoundment area, TVA does not consider this a significant adverse effect of the project.

11. See volume III, part 3.

12. The storage capacity is needed in the area between the upstream tributary reservoirs and Chattanooga.

13. See volume I, part 1.

14. See volume III, part 3.

15. See the discussion of migration from the area in volume III, part 3.

STATE OF TENNESSEE,
December 7, 1971.

Mr. AUBREY J. WAGNER,
Chairman, Board of Directors, Tennessee Valley Authority, Knoxville, Tenn.

DEAR MR. WAGNER: For some months now, my staff has been working with personnel of the Tennessee Valley Authority in reviewing the implications of the Tellico Dam project in East Tennessee. From this inquiry I have concluded that the interests of the State would be best served if TVA were to discontinue plans to impound the Little Tennessee River.

The area around this river enjoys a strategic location. Its proximity to the Great Smoky Mountains National Park and to the Cherokee National Forest confers upon it a truly exceptional tourism potential. The Little Tennessee itself is know as one of the Eastern United States' finest stocked trout streams; as such it is a rare and valuable recreational resource. The entire river environment displays unusually fine scenic qualities, an attraction which is becoming ever more difficult to find as more of the nation's rivers are impounded. The lands which would be inundated by the Tellico Lake contain numerous sites of historical and archeological interest, and the proposed reservoir would bury a great acreage of attractive and productive cropland, pasturage, and woodland.

Considering the bounty of reservoirs in the immediate area and the diverse recreational opportunity which they provide, I feel that the impoundment of the Little Tennessee would reduce, rather than expand, recreational opportunities in Tennessee.

For all these reasons, it is my opinion that the Little Tennessee could best serve Tennesseans as the focal point for a scenic river recreational gateway to the national wilderness lands beyond. As a first step toward that end, I will propose both to our General Assembly and to our Congressional delegation that the Little Tennessee be given protective designation under The Tennessee Scenic Rivers Act and the Federal Wild and Scenic Rivers Act.

I urge that you bring these considerations before the Board of Directors of the Tennessee Valley Authority at your earliest opportunity. I am well aware of the time, effort, and public monies already invested in the project; it is my hope that much of that can be reclaimed or turned to other productive uses. There is much to be done in the way of assisting the river area in reaching its full recreational potential—as a floating, canoeing and trout fishing river; and as a camping, hiking, and nature study area. After reconsidering the possibilities that I have outlined, I hope that you will join this Administration in the conclusion that the Little Tennessee as it now exists is a waterway too valuable for the State of Tennessee to sacrifice.

Yours truly,

WINFIELD DUNN.

DISCUSSION

Aubrey J. Wagner, Chairman of the TVA Board of Directors, replied to Governor Dunn's letter in the letter that follows:

TENNESSEE VALLEY AUTHORITY,
Knoxville, Tenn., December 17, 1971.

Hon. WINFIELD DUNN,
Governor of Tennessee,
Nashville, Tenn.

DEAR GOVERNOR DUNN: This is in response to your letter of December 7, 1971, concerning the Tellico project.

Your letter does not appear to raise any new or different factors from those which were fully considered by both TVA and the Congress before the construction of the Tellico project was commenced in 1967. TVA considered all of the factors mentioned in your letter, together with many other factors which are discussed in the following paragraphs, before arriving at its decision, reflected in the President's budget for fiscal year 1966, to request Congressional approval and funding of this project. The same arguments against the project which are contained in your letter were made to Congress by opponents of the project during the course of hearings held by Congress on appropriation requests for fiscal years 1966 and 1967. Congress rejected these arguments, approved the construction of the Tellico project, and has appropriated funds for this project each year for the past six years. The total estimated cost of the project is $69 million; and to date Congress has appropriated $35 million, of which about $30 million has already been spent. Each year these appropriations were made with the concurrence of the Congressional delegation from Tennessee.

This does not mean that TVA has a closed mind on the subject of the Tellico project; and in connection with the preparation of the final environmental statement for this project, we will again consider all the many factors which are involved. This will include, of course, consideration of your letter, together with all the other comments we have received.

Practically all of your letter is concerned with only one aspect of the Tellico project—its effect upon recreation. Under the TVA Act the TVA Board has the responsibility to consider all the effects of a project, both good and bad, and to make its decision based upon a careful weighing of all these considerations. Some of the extremely important factors which are involved here, but which are not mentioned in your letter, are:

1. The economic development of the region through the provision of 9,000 industrial and 16,000 service jobs over a period of 25 years which we estimate would occur as a result of the Tellico project.

2. The effect that economic development resulting from the Tellico project would have upon the income levels of the people of the area.

3. The effect that economic development resulting from the Tellico project would have on stopping the out-migration of young people because enough desirable jobs are not now available in the area.

4. The value of the new town, Timberlake, which would incorporate the most advanced planning and environmental protection to insure that the highest quality of living would be maintained for its inhabitants, which it is estimated will reach 50,000 people over the 25-year period.

5. The value of an additional 200 million kilowatt-hours of electrical energy which would be generated each year as a result of the Tellico project. This is about the amount of energy required annually by the City of Alcoa; and, as you know, hydroelectric generation is the cleanest method we now have for generating power.

6. The value of the additional flood control capacity which would be created by the Tellico project. This additional capacity would be larger than the flood control capacity now provided by Ft. Loudoun Lake and would primarily benefit the city of Chattanooga, which still has a flood problem.

The above factors are discussed in more detail in the following material.

ECONOMIC DEVELOPMENT, JOBS, AND INCOME

In 1933, when TVA was established, the per capita income of the State was 54 percent of the national average. Today it is 79 percent, which is better but still not good, when a quarter of the State's citizens have incomes below the poverty level. I think we both recognize this. In announcing the formation of the Economic Development Committee last August, you termed current economic growth figures "unacceptable" and stated that "we can do better."

Unfortunately, even the prosperity which has been achieved is not shared evenly. Monroe County, in which about half of the Tellico project is located, has a median family income only 48 percent of the national median and more than half of its families have incomes below the poverty level. The three Tellico counties have an average income about two-thirds of the national average, well under even the state average; and it should be observed that the three-county average is elevated by the Alcoa industrial development in Blount County. Those who will gain the most from Tellico are the people who need it the most, but it should not be forgotten that the prosperous also benefit from economic gains by the underemployed and the unemployed. The Tellico project, in our view, presents a unique opportunity for east Tennessee, both in terms of its economic development opportunities and in terms of the favorable impact it will have on opportunities for higher quality living.

The Tellico project and its employment opportunities would also help stem out-migration from the project area. The tragedy of a low income area lies only partly in the condition of the people who reside there. Others, many of them young people, often must leave the region in hope of improving their condition only to wind up in urban ghettos. The children of the affluent leave too for better opportunities available to the educated in economically developed areas. As you recognized this week in your speech at Gatlinburg, the out-migration from the area like Monroe County, from which over 2,200 people—10 percent of its population—have left in the last decade, represents a depletion of its most valuable resource, its young people. As the Monroe County Industrial Development Association so succinctly expressed in a recent letter to TVA:

Monroe County has 35.9% of its families in the $0–$2,000 income bracket. Fishing and scenic rivers are not solutions to our low income, low standard of living problems.

It seems clear that the best answer to the problems of low income levels and lack of job opportunity is in industrial development. TVA has found through experience that there are a few unique locations in the Tennessee Valley which are unusually favorable for attracting heavy industry. These locations are areas where commercial barge transportation, rail service, highway connections, and large acreages of land with favorable terrain all come together at the same place. The Tellico project area near Vonore now has all of these advantages except a navigable waterway, and that missing link would be supplied by the Tellico project. TVA's estimates that 9,000 industrial jobs and 16,000 service jobs would be created over 25 years by the industrial development resulting from the Tellico project are not guesswork. They are based upon what has already happened wherever these unique locations have occurred in the Tennessee Valley. For example, the following waterfront industrial employment has already occurred at the locations listed below:

City:	*Waterfront industry employment*
Calvert City, Kentucky	2,915
New Jacksonville, Tennessee	2,589
Muscle Shoals, Alabama	7,645
Decatur, Alabama	7,002
Scottsboro, Alabama	1,050
Chattanooga, Tennessee	11,804
Hiwassee River, Tennessee	1,587

Although it may seem odd with Watts Bar and Fort Loudoun Reservoirs both situated in east Tennessee, there presently are only about 900 acres of waterfront industrial land available in the eastern end of the state. This point was emphasized by your Staff Division for Industrial Development in a recent letter to TVA about the project which stated:

"From our own knowledge in showing prospects sites in East Tennessee, we are aware of the shortage of the type of industrial land that will be created by this project. As of now there are only three waterfront sites on the Tennessee River in East Tennessee that are firmly available for industry and within practical distance of other forms of transportation and services.

The Tellico project will create a highly desirable transport complex and will add some 5,000 acres to the meager waterfront industrial land inventory in the area. On the other hand, development of the river as a scenic stream would have very limited economic impact. Gatlinburg is certainly one of the State's major tourist attractions, yet Sevier County has a median family income only 51 percent of the national median. Tourism alone can be economically shallow. A resource development project like Tellico which provides a full range of complementary opportunities—industrial, residential, commercial, and recreational—would not be.

TIMBERLAKE NEW TOWN

The attractiveness of the Tellico project for industry will be enhanced by both the recreational opportunities it will afford and by TVA's plans for the development of the Timberlake new community. Timberlake would be a town expected to grow to some 50,000 people, designed and built to the highest standards. Aside from offering quality residential environment. TVA's plans include the development of the best available environmental protection technology.

FLOOD CONTROL AND POWER

The project will also provide flood control benefits downstream from Fort Loudoun Dam, and will add to the flood protection available for Chattanooga, where it is especially needed. Because of its size and its link to Fort Loudoun Reservoir by a canal, Tellico reservoir will double the flood control capacity of Fort Loudoun. The canal also will allow TVA to add 200 million kilowatt-hours of electric power generation to its system without installing additional generating equipment. When Fort Loudoun Dam was designed, the possibility of the development of Tellico was taken into account; and its generators are adequate to utilize the waters of both reservoirs. While 200 million kilowatt-hours represents only a small portion of TVA's total output, it nonetheless is sufficient to meet the entire needs of a city about the size of Alcoa.

RECREATION

Even if one looks solely at the question of recreation, the relative merits of the river in its present state as compared with the benefits from the Tellico impoundment are far from one-sided.

The diversity of water recreation which you suggest as being desirable will be diminished in only a small degree. For example, by far the greater amount of trout fishing which occurs in Little Tennessee waters takes place on the upper reaches of two of its tributaries, Tellico River and Citico Creek which will not be affected by the project. They experience over 180,000 fishing trips annually, four times that on the Little Tennessee itself. Present trout fishing on the main stream occurs primarily on the upper eight to ten miles; this will be reduced to the upper three or four miles where trout fishing will still be possible on a put-and-take basis as at present.

As a canoe stream, the Little Tennessee has a number of counterparts nearby which are its equal or superior. The Hiwassee, for example, is fare superior; and the Holston below Cherokee Lake, the French Broad above and below Douglas Lake, the Clinch below Norris, and the Nolichucky, all are at least its equal. The Little Tennessee in this reach does not have the rate of fall necessary to provide sufficient current for good canoeing.

Parenthetically, those who claim that rivers are a fast disappearing resource are not acquainted with the facts. In the Tennessee Valley, there are more than 9,500 miles of unimpounded streams, counting only those which have a drainage area of more than 25 square miles. Impoundments on tributary streams occupy less than 15 percent of the original river mileage.

The Little Tennessee, while certainly an attractive stream, has little that would qualify it as a unique scenic attraction. In the stretch we are concerned with, it flows between farmlands long in cultivation and for the most part possesses only a narrow band of trees along its banks. In our judgment, the Obed, Hiwassee, and Buffalo Rivers have the superior qualities necessary for designation as a scenic river. As you know, TVA and the State have proposed a scenic river project for the Buffalo and are working together on a similiar proposal for the Hiswassee.

On the other hand, the Little Tennessee is much better suited for major development than the others mentioned above. Tellico lake will have a spectacular beauty and recreation appeal which we estimate will attract as many as 2 million visitors annually, far more than the river could possibly support in its present state or if developed only as a scenic river. More than 90 percent of the fishermen in east Tennessee fish in reservoirs, and we expect that fishing in Tellico reservoir will quickly reach a level at least five times greater than the present fishing use of the river.

In addition to these advantages there are others. For example, the Great Smoky Mountains National Park is severely crowded, having this year already experienced more than 7 million visits. Tellico reservoir and developments on its shoreline, in a sense, would expand the national park and provide a wider range of recreation opportunity to those who visit the park area.

ARCHEOLOGY

During the long period after the Cherokees left the area, no effort was made by the Federal government, the State of Tennessee, the Cherokee Nation, or any private group, to acquire or otherwise protect the sites with Indian historical and archaeological interest.

For nearly two hundred years plowing, grazing, sheet erosion, and, before upstream impoundments were constructed, flooding destroyed and damaged these sites. Most of the obvious artifacts were gradually removed each year by souvenir hunters and amateur diggers.

When TVA received the initial appropriation to construct Tellico Dam, it used part of the money to finance scientific exploration of the sites. Thus, the Tellico project itself has made possible the rescue of artifacts still remaining and prevented these artifacts from being completely destroyed and dissipated by unplanned and unmanaged scavenging.

In summary, while as indicated above we will again consider all relevant factors in connection with the final environmental statement, it now appears to us that the course of action you have proposed would sacrifice the much broader benefits which can be realized through comprehensive development as provided by the Tellico project.

We expect to continue to work with the State of Tennessee and Loudon, Monroe, and Blount Counties in the continuing effort to develop the resources of the lower Little Tennessee in a manner which will assure realization of its full potential.

Sincerely,

AUBREY J. WAGNER, *Chairman.*

ENVIRONMENTAL PROTECTION AGENCY,
Atlanta, Ga., January 10, 1972.
Dr. F. E. GARTRELL,
Director, Environmental Research and Development, Tennessee Valley Authority, Chattanooga, Tenn.

DEAR DR. GARTRELL: In our letter of November 12, 1971, we attached a list of questions concerning TVA's draft environmental impact statement for the Tellico project. Subsequently, the staffs of our two agencies met and determined that most of these questions can be answered by the examination of existing TVA data. We recommend that you respond to these questions in your final statement.

We would like to emphasize our particular concern with the three following items.

1. Our Agency has received much public inquiry in regard to the Tellico project and there is no indication of public hearings after the release of the draft environmental impact statement. We feel, therefore, greater public input to the statement is necessary and recommend that consideration be given to holding public hearings prior to the release of the final environmental impact statement. To facilitate this public input, a full and detailed description of the project should be developed for public use and distributed at the time notice of the hearing is advertised. Indexed maps or some other method of illustrating the present state of the project, the location of the dam and other salient factors should be part of this description.

2. We recognize that the planning for the Timberlake Development is not complete, but some discussion of this development is necessary to put into perspective the environmental effects of these closely interrelated projects. Since both projects affect the same small geographic area, they should be analyzed together so that significant and interacting components can be identified and further development can proceed in a manner that will provide maximum protection to the environment. Perhaps a general overview statement would be in order. This would be in addition to the impact statements on the two projects, Tellico Dam and Timberlake. This overview would provide the necessary perspective against which the environmental effects and alternatives for this system of developments and each specific project could be assessed.

3. The Environmental Protection Agency feels that a broad and more comprehensive discussion of the special factors which make the Tellico area unique relative to the other nearby reservoirs insofar as industrial, commercial, and recreational developments are concerned is necessary.

Sincerely,

JACK E. RAVAN,
Regional Administrator.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., November 12, 1971.
Dr. F. E. GARTRELL,
Director, Environmental Research and Development, Tennessee Valley Authority, Knoxville, Tenn.

DEAR DR. GARTRELL: Thank you for the opportunity to review the draft environmental impact statement for the Tellico Project. We have studied this statement and have enclosed our detailed comments. We apologize for the delay in forwarding the comments.

The statement is lacking in sufficient information to enable an accurate environmental appraisal of the total project. In general, proper consideration has not been given to problems of water quality, project alternatives, secondary environmental impacts, environmental degradation during construction, or to the development of contingency plans to take care of problems frequently encountered in the operation of large reservoirs.

The total project includes the proposed Timberlake Development as an integral component. The impact of this community on the environment should be explored in detail. In particular, information should be given on the anticipated economic base of the community, and the potential adverse environmental effects that the economic activity may produce. It is not clear if the cost of development of Timberlake is included in the project costs.

Please contact us if you have any questions concerning our comments.

Sincerely,

GEORGE MARIENTHAL,
Acting Director, Office of Federal Activities.

ENVIRONMENTAL PROTECTION AGENCY—DETAILED COMMENTS: TELLICO PROJECT (TVA)

The information given in the draft environmental statement on the Tellico Project is insufficient to support the contention that the project is environmentally sound and constitutes the best choice of alternative solutions to the water resource problems in the region. In particular, the statement does not contain sufficient information, data, and other appropriate evidence to permit a conclusive environmental assessment of the project. We hope the following comments will be useful to you in revising your draft version.

WATER QUALITY

The statement should describe the state of water quality in the Little Tennessee River and its tributaries, providing information such as:

A. The types, nature, source, and concentrations of suspended and dissolved pollutants, including organic, inorganic, and bacterial pollutants presently in the river and its tributaries.

B. Variations of pollution concentrations with respect to time and location, including for each component:

1. Maximum and minimum values.
2. Duration of extremes.
3. Mean values.

C. The probable qualitative and quantitative effect of the construction, operation, recreational use, and maintenance of the project on water quality (both above and below the dam sites).

D. Specific requirements of state or Federal water quality standards applicable to the Little Tennessee River, and how present and probable future water quality compares to these standards.

E. Procedures and/or techniques to be to lower excessive pollution levels, where they exist, to within that allowed by applicable standards such as:

(1) Rigid control of the types and quantities of pollutants entering the Little Tennessee River from domestic animal sources.

(2) Extensive soil conservation and land management programs including:

(a) Crop rotation and land drainage control.

(b) Barrier strips to retain top soil.

(c) Water retention procedures (e.g., ponding of runoff.)

(d) Contour planting and terracing.

(e) Strictly controlled application of chemicals (i.e., pesticides, herbicides, fertilizers, etc.).

F. The pertinent details of any comprehensive scientific studies or technical surveys done on the Little Tennessee River and its tributaries. This should include information on the specific types of pollutants monitored, sampling techniques used, equipment employed and its sensitivity, the sampling frequency, location of sampling equipment along river course, reliability of data, when the studies were done and their applicability to the current situation, and the general conclusions of the studies.

PHYSICAL CHARACTERISTICS

The statement should contain a complete description of the physical characteristics of the Little Tennessee River and its tributaries including information on:

A. The course.

B. Widths along course.

C. Normal depths and flow rates, as well as their temporal variations.

D. Frequency, size, and duration of floods in relation to location along river course.

E. Location of outfalls, agricultural drainage routes, and other potential sources of pollution.

In addition, appropriate geographical and topographical maps of the region should be supplied showing:

A. Location of towns, cities, and other human population centers.

B. Land use in region indicating:

1. Agricultural areas.
2. Industries and industrial parks.
3. Power plants and other utilities.
4. Airports.
5. National and state parks.
6. Recreational areas.
7. National and state forests.
8. Commercial forests.
9. Wildlife refuges.

C. Location of roads, highways, and any oil or gas transmission lines.

D. Existing dams, reservoirs, impoundments and levies.

E. Location of all significant bodies of water in the area in addition to the Little Tennessee River and its tributaries.

F. Location of historic sites and regions of archaelogical importance.

G. Geologic structure of region in river basin showing:

1. Type of material and general geological characteristics of the river valley.

2. Elevations of land features in region.

3. Location of aquifers and other potential or exploited water supplies.

4. Water table levels and any natural springs in region.

5. Location of any areas of significant geologic activity. In particular, seismic activity which has the potential of damaging the reservoirs and project structures or affecting the course of the Little Tennessee River. Some of the figures referenced in the text of the draft statement were not included in the copy received by EPA.

BIOLOGICAL CHARACTERISTICS

The statement should survey in reasonable detail the biological system in and about the river and its tributaries presenting information on:

A. Principal aquatic and terrestrial species of plants and animals indigenous to the region.

B. Populations and distributions of species considered.

C. Environmental necessities for each important species, for example:

1. Food or nutrient requirements.

2. Requisite air and water quality.

D. Sensitivity or susceptibility of important species to environmental changes induced by the project.

E. Economic, aesthetic, recreational and biological importance of those species likely to exhibit drastic changes in population levels.

The overall effect of the project on wildlife in the river basin needs to be fully discussed insofar as this is possible.

PROJECT STRUCTURES AND/OR FACILITIES

Appropriate vertical and horizontal cross sectional diagrams of the reservoirs, dams, subsidiary impoundments, and supportive structures should be supplied with the draft statement. They should show:

A. Locations and dimensions of all project and project related structures.

B. Areas to be graded, filled, cleared of foliage, or otherwise modified.

C. Water depths and reservoir dimensions as well as seasonal variations of depths and dimensions (including flood easements) above and below the dam sites.

In addition, information should be provided on the following:

A. The types, quantities, and source of building materials to be used. Source of fill materials should be noted on the maps provided in the draft statement.

B. The design, nature, and power requirements of any mechanical or electrical equipment employed in the operation of the dams which could result in degradation of the environment.

OPERATIONAL PROCEDURES

The draft statement should include a discussion of the specific procedures to be employed to handle various "problem" situations that may arise due to the existence, operation, or maintenance of the project facilities such as:

A. Extreme flow rates.

B. Excessive silt loads.

C. Algae blooms or extensive growth of other nuisance aquatic plants.

D. Mosquito infestations.

E. Spills of hazardous materials in navigation areas.

CONSTRUCTION PRACTICES

The draft impact statement should describe the control procedures to be used to prevent excessive and air quality degradation during construction activities.

Degradation of water quality from increased siltation and turbidity can be reduced by:

A. Minimizing or eliminating dredging.

B. Reseeding graded or excavated areas promptly.

C. Excavating fill material so as to minimize total surface area exposed to rainfall and runoff.

D. Providing settling pools to collect runoff.

E. Constructing control devices to divert runoff from flowing over graded or excavated regions.

Air quality will suffer temporarily during construction from the disposal of cleared trees and brush by open fire burning and/or the raising of dust by construction equipment operating over graded or excavated areas. Methods to be employed to control such air pollution sources should be described in detail in the revised impact statement.

SECONDARY EFFECTS

The National Environmental Policy Act places the responsibility for consideration of the total effect on the environment of any given project directly on the Federal agency which is sponsoring the action. Thus, the secondary effects of the project, such as the following, must be explored:

A. Stimulated industrial and commercial development in the region considering the possible adverse environmental effects of such development.

B. Expansion of urban areas, especially the Timberlake community, and their populations with accompanying demands on water resources, waste disposal system, transportation, and other necessities of modern life. Particularly as to how the satisfaction of these demands affects the quality of the environment in the region.

ALTERNATIVES TO PROJECT

The consideration of alternatives to the project which could achieve the proposed benefits of flood control (or flood damage prevention), navigation, water supply, electric power, recreation, shoreline development, and fish and wildlife has not been sufficiently explored in the draft statement. Possible alternatives include:

A. Flood control or avoidance of flood damage through proper flood plain zoning restrictions, flood proofing of vulnerable structures and facilities, and/or emergency evacuation procedures.

B. The construction of shoreline development projects adjacent to existing TVA projects.

C. Supplying water by expanded use of existing ground water, greater utilization of the free-flowing river, or employing several smaller reservoirs.

D. Expanded hydroelectric power generation facilities at existing sites.

Each alternative or combination of alternatives should be explored in detail in the draft statement. Adequate information, data, or other evidence on all alternatives, in addition to reasons for the elimination of each alternative considered, should be included.

BENEFITS

The revised statement should reconsider the overall environmental benefits to be derived from this project.

A. The discussion of the recreational and aesthetic aspects should carefully compare the benefits of a free-flowing stream to those of a man-made lake. The creation of a new lake, offering virtually the same recreational benefits as the existing lakes in the region; and the sacrifice of a free-flowing river, are two effects of the project which should be justified in the environmental impact statement.

Any discussion of recreational benefits, such as boating, hunting, and fishing, should describe present opportunities along the free-flowing stream and estimate how these will change, to the public's and environment's "benefit", as a result of the project. Such estimates should be quantified where possible.

B. The extent to which increased productivity on agricultural land below the dams will offset the complete loss of productivity on land inundated by the reservoirs, should be discussed in detail in the draft statement. In addition, the benefit to be derived from protecting downstream land from floods of various degrees and frequency should be discussed.

C. Several of the benefits attributed to the Tellico project such as: Downstream water quality control and the creation of an additional water supply for municipal and industrial use can be realized only if reservoir water is of sufficiently high quality. The draft statement should include, in addition to the general aspects of project water quality outlined in the water quality section of these comments, a discussion of:

1. The interrelation of water quality in the reservoir and that obtainable downstream. For instance, is it possible to regulate water quality downstream using some control procedure without adversely affecting the overall water quality within the reservoirs? There should be detailed evaluation of the project over a broad range of river conditions of flow rate, pollution levels, and silt loads; indicating the water quality outlined above and below the dam sites under each condition and discussing the control procedures to be used to mitigate various adverse water quality situations.

2. The effect of a given control procedure, designed to regulate one water quality parameter, on other parameters. As an example: The regulation of DO content downstream through the selective release of water from a certain level in the reservoir, may not be compatible with maintaining low phosphate concentrations downstream, that is, the water at that level may be too high in phosphate content. Any discussion of benefits to water quality should consider such unavoidable interactions.

D. The draft statement should include a reasonable estimate of the overall life of the project. Such factors as the buildup of sediment in the reservoirs and changes in the physical nature and course of the river, will affect the operation and utility of the dams.

All environmental "benefits" need to be quantified (where possible), compared and weighed to arrive at a judgment as to the net overall effect of the project on the environment.

GENERAL COMMENTS

The following are important to the quality and effectiveness of any environmental impact statement:

A. A discussion of the accommodations that will be made for the relocation or protection of families, commercial business, public utilities, and industries which will be displaced or otherwise affected by the project should be added. Particularly, reference should be made as to how these accommodations affect the environment and the quality of life in the region.

B. Scientific and engineering support for all conclusions reached on the environmental consequences of the project should be provided. In addition, where scientific research studies are cited as supportive evidence they should be referenced either in footnotes or in an appropriately indexed bibliography.

DISCUSSION

In its January 10, 1972, letter the Environmental Protection Agency indicated that most of the questions listed in its November 12, 1971, letter can be answered by an examination of TVA data. Data of the type referred to are contained in volume II. While there may be a few questions in the November 12 letter that remain unanswered, TVA does not believe any significant information has been omitted.

The January letter emphasizes three points. The first is an EPA recommendation that a public hearing be held on the project. TVA does not believe a public hearing would be desirable now since the project is nearly half completed. The views of project proponents and opponents have been presented to Congressional committees and have received wide and continuing publicity.

The second point in the January letter is that TVA should prepare a general overview statement covering both Tellico Reservoir and Timberlake in addition to statements on each. TVA has attempted to provide an overview of both developments in this statement, and the separate statement or statements dealing with shoreline development should further provide the type of perspective described in the comment.

The third point deals with the special factors that make the Tellico area unique for industrial, commercial, and recreational development. These have been described in the statement.

Department of Housing
and Urban Development,
Atlanta, Ga., July 26, 1971.

Dr. F. E. Gartrell,
Director, Environmental Research and Development, Tennessee Valley Authority, New Sprankle Building, Knoxville, Tenn.

Dear Dr. Garttell: Subject: Draft Environmental Statement Tellico Project—Blount, Loudoun, and Monroe Counties, Tennessee.

I am pleased to acknowledge reecipt of your June 18, 1971, letter requesting HUD review of the above project under the requirements of the national Environmental Policy Act of 1969.

We have reviewed the information submitted along with your referral and have investigated the environmental aspects falling withing the Council on Environmental Quality designated area of special HUD interest or expertise. From the information available to us, we offer the following comments:

This Office approves the Tellico Project providing TVA will assume the responsibiilty for financially underwriting the area's residential, recreational, and industrial development essential to fulfill the concept of "an ideal living, working and recreation environment," (Page 1, Draft Environmental Statement). This involves providing the area schols, utilities, and total urban services required. Otherwise, this Office opposes the Tellico project for the following reasons:

1. It is stated that the project will bring commercial navigation to 5,700 acres of industrial development along the reservoir shorelands. It is also stated that 9,000 new industrial jobs and 16,000 new recreation, commercial, service, and other jobs will be created. The proposed Timberlake project is treated as a single vast urban complex from Knoxville to Chattanooga. However, there is no assurance as to the source of financing such a complex of industry and employment. The proposed commercial navigation benefits are irrelevant unless the proposed industrialization occurs.

It is essential that TVA aid local governments in providing the required urban services to the impacted area, or perhaps completely underwrite such services itself.

It is noted that Sevier and Grainger Counties border on TVA projects and are still essentially poor, rural counties. Has consideration been given to developing these areas? It is also noted that all the proposed industry be situated in Monroe County and all the housing in Loudon County. Perhaps there should be a mixture of development in these counties.

2. It appears that a 1,000-acre State park near Fort Loudon has been included as one of the benefits of the Tellico Project. This Office cannot see the relationship between the park and the dam.

3. No consideration has been given to the irreversible loss of zinc deposits and related employment opportunities to be inundated with 16,500 acres of water. The loss of productivity from 112 commercial farms has not been reconciled. These seem to be high costs for another dam in an area that is already "one of the most highly developed hydroelectric regions in the Nation," (Page 6, Draft Environmental Statement).

4. Adequate housing resources available to relocate 274 families, 5 churches, and 4 schools must be assured.

5. The hydroelectric power and flood control benefits appear to be negligible.

6. There is no assurance that TVA ownership of adjoining land will insure the development of a balanced environment. What is to assure the environment oriented staff controlling the development?

7. There is no discussion of the alternative of constructing no dam whatsoever on the Little Tennessee River.

8. Local opposition has become so intense that State legislation has been proposed to halt any State assistance to the project.

We also call your attention to Attachment "A" of this letter and request you initiate action to satisfy the several noted items.

Sincerely yours,

Thomas J. Armstrong,
Assistant Regional Administrator.

Discussion

During planning of the Tellico project, TVA met with the Assistant Secretary for Metropolitan Planning and Development and other officials of the Department of Housing and Urban Development (HUD) to assure that Tellico proposals accorded with the plans of that agency. These discussions included meetings with the HUD officials responsible for development of new communities. HUD expressed a complete willingness to cooperate with TVA, and discussions since the receipt of this comment have confirmed the Department's willingness to cooperate with TVA in the development of the new community. TVA, along with other state and Federal agencies and private developers will finance the residential, recreational, and industrial development at the project. A discussion of schools, utilities, and urban services appears in response to the September 3 comment of the Tennessee Office of Urban and Federal Affairs.

1. Timberlake is not a single vast urban complex from Knoxville to Chattanooga but rather a development along the shoreline of Tellico Reservoir.

While it is true that Sevier and Grainger Counties border on TVA projects, they do not border on navigable portions of the Tennessee River. There are no railroads in Sevier County, and the one branch line in Grainger County is at the opposite side of the county from TVA's Cherokee Reservoir. TVA has numerous programs designed to aid counties such as these, including an education program involving Grainger County and a local project for flood control at Sevierville in Sevier County.

The proposed industrial areas at the project are about equally divided between Monroe and Loudon Counties. While the residential portions of Timberlake will be situated in Loudon County, it is expected that more than half of the residential development that will occur as a result of the project will be outside of Timberlake, much of it in Monroe County. TVA's local consultation and coordination activities are designed to help both counties provide, in cooperation with each other, the services that the area will need.

2. TVA apparently failed to make clear in the draft statement that the 1,000-acre state park is near old British Fort Loudoun at mile 20 on the Little Tennessee River and not near Fort Loudoun Dam. About half of the park will occupy an island in the lake.

3. The primary zinc deposits do not underlie the entire reservoir area. Rather they occur in the Bat Creek Knobs area at about mile 13. Only a small zinc reserve will be affected by the shoreline development and none by the impoundment. None of this zinc is being mined. The deposit is an insignificant portion of the zinc reserves in east Tennessee.

TVA has taken the agricultural losses from the project into account. In part 1 of this volume, it is indicated that the total annual value of agricultural products in the project area was about $1.9 million in 1964. TVA recognizes these losses but believes that they will be offset many times over by the developmental benefits of the project. The counties affected by the project are suffering from a lack of employment opportunity, not a lack of agriculture. In rural Monroe County, for example, 35.9 percent of the families have incomes of less than $2,000 annually. While the watershed is one of the most highly developed hydroelectric regions in the Nation, this hydroelectric development does not provide commercial navigation nor does it exist in an area having a shoreline suitable for the types of development that will occur at the Tellico project.

4. TVA has determined that adequate housing resources are available, and it assists the families in finding suitable replacement housing.

5. While electric power benefits from the project are not as great as from many of TVA's hydroelectric projects, they are sizeable enough to be important and valuable. See the Federal Power Commission's comments. The estimated production of 200 millian kilowatt hours of energy each year is especially attractive because the construction of additional generating units will not be required. Hydropower generation also has environmental advantages over fossil-fueled generation. The value of the benefits for power and flood control is discussed in volume III, part 3. The combined benefits for electric power and flood control are estimated at about one-fourth of the total project benefits for electric power and flood control are estimated at about one-fourth of the total project benefits (excluding economic development benefits).

6. TVA is committed to maintaining very high environmental quality in the project area. In part this will be achieved through restrictions on land use to assure protection of the environment. TVA has used and plans to continue to use both staff experts and consultants in the natural and social sciences to guide development plans.

7. See part 1 of this volume.

8. Legislation to incorporate the Little Tennessee River in the State Scenic Rivers System, which was introduced by legislators outside the three-county project area, was defeated. Most elected officials from Loudoun and Monroe Counties strongly support the Tellico project, and the county judges from the three counties testified in support of the project at recent appropriation hearings. In the spring of 1971 a local legislator conducted a poll of his constituents and determined that most of them support the project. On May 24, the Tellico Area Planning Council held a public meeting on the project and found very little local opposition.

The President's budget for fiscal year 1973 includes $15 million for the project. In fiscal year 1972, $8 million was appropriated.

Those matters raised in Attachment A to the HUD comment that require a response have been discussed elsewhere in this part.

U.S. Department of the Interior,
Washington, D.C., September 22, 1971.

Dear Mr. Gartrell: Reference is made to your letter of June 18, 1971, submitting for our review and comment the Draft Environmental Statement on Tellico Project, Blount, Loudon, and Monroe Counties, Tennessee.

We have reviewed the Draft Environmental Statement and believe it does not adequately disclose the effects of the proposed project on the environment. We therefore recommend that appropriate sections be modified to accommodate the following comments.

Project Description and Environmental Setting Without the Project—In order to fully and objectively portray the environmental consequences of the proposed action, it is essential that a complete inventory be provided in both quantitative and qualitative terms that identifies the relevant cultural and natural resources. For example, the project area to be inundated should be described in a manner that will factually portray the kind, quantity, and quality of recreation lands, cropland, pasture, timber cover, and wildlife that will be involved in the tradeoff with the reservoir impoundment. The draft statement makes general reference to these resource values, but fails to identify the specific land uses and types, amount and quality of timber and other cover in the project area and the kinds and approximate numbers of wildlife and waterfowl resources that will be displaced by the project. The discussion of esthetics should be expanded to include an impartial analysis of the esthetic values of the free flowing Little Tennessee River in order to provide a basis for a meaningful treatment of the tradeoffs involved with the reservoir project. The statement does not establish the degree of uniqueness of this river within the context of the total TVA system nor within the context of the remaining unregulated streams in the State.

Environmental Impact of the Project—There is an apparent tendency to utilize the draft environmental statement as a form of justification document to support the water resource development proposal. The discussion should include both the beneficial and detrimental aspects of the environmental changes from the varying viewpoints of different environmental interest groups. An objective analysis should give co-equal consideration to the adverse and beneficial impacts and thereby clearly delineate the environmental tradeoffs involved.

The statements would be improved if it included a discussion of the effects of introducing waters from Fort Loudoun Reservoir into the Little Tennessee River.

We recommend that the environmental statement be expanded in the final form to more fully reveal the effects of the project on fish and wildlife as well as the esthetic aspects of the area to be impounded. Such expansion should include the following:

Impact on Fish and Wildlife—This section should describe the Little Tennessee River, below Chilhowee Dam, as supporting a significant trophy trout population of statewide, regional, and national importance. This reach of the river receives extremely heavy angling use which is increasing at a rate well above the national average. The loss of this special trout fishery will be keenly felt for it is considered one of the top trout tailwaters in the eastern United States. The river is irreplaceable since it is the last free-flowing section of the Little Tennessee River in the State. The expected warmwater reservoir fishery will only make available more of the same mediocre fishing already present in abundance.

The description of the impacts of the project on fish and wildlife should include more detail on the impacts on these resources from the urban and industrial developments connected with the project. These developments will replace wildlife habitat as surely as the reservoir. The ultimate projected acreage of the planned community should be stated. In the description of the waterfowl use of the area, the reservoir should be described as being of minor importance. Migrating waterfowl will only use the reservoir for resting during short periods at the times of migration through the area. Waterfowl hunting will be of poor quality and hunting pressure will be light within the project area.

Deer, dove, quail, and squirrel hunting has occurred in the bottoms along the river. This hunting should be described and the project impacts should be detailed. In the portion of the area which will be incorporated into the State park system, hunting probably will not be allowed. Thus, this loss also will be an impact of the project and should be described. A greater loss of hunting will occur than is indicated in the statement.

Adverse Environmental Effects—This section should contain a description of the adverse impacts described in the impacts section. This statement is in error when it states: "This" (referring to the portion of trout fishery of the Little Tennessee River to be adversely affected) "will amount to a very minor reduction in the total trout water of the area." This trout water is a very important part of the State's total trout resource for the reasons stated previously. This section also should describe the means and measures which will be used, or are proposed, to eliminate or minimize the described adverse effects. In this way, these means and measures can be properly evaluated. The loss of the last free-flowing section of the river and its unique river bottom habitat should be documented as an adverse effect on the natural environment.

It would be helpful also if the statement elaborated more on the kind and amount of loss anticipated from agricultural and timber use foregone and wildlife and recreation values lost to the reservoir development.

Alternatives to the Project—The discussion of alternatives would be strengthened by specifically considering the general environmental consequences of no action. This would require a projection of the future environmental setting expected to occur if the project is not accomplished.

Relationship Between Short-Term Uses and Maintenance and Enhancement of Long-Term Productivity—The intent of this section is to compare the short-term use, the project, with the long-term productivity of the area. Thus, the effects of the project on the production of living resources, including fish and wildlife, should be detailed. The annual production of trophy sized trout in the State will be significantly reduced and the production of wildlife in the inundated area will be eliminated by the project. In addition, the wildlife production in the planned urban area and the industrial areas will be slowly replaced as these areas are developed. All relationships such as these should be described.

Irreversible and Irretrievable Commitment of Resources—This section should describe the above mentioned losses of fish and wildlife production due to project construction and operation; such losses are irretrievable. Thus the project will adversely affect the environment in terms of these living resources.

With the exception of the impact of the project on groundwater levels, it appears that the statement takes cognizance of the various hydrologic factors which might be expected to change as a consequence of constructing a water development project of this scope and magnitude. It is suggested that a statement regarding the effects of the proposed storage on the geohydrologic environment be incorporated in the environmental statement.

Consideration of the project impact upon archeological and historic values is reflected along with actions to safeguard archeological data and historic sites. However, we would suggest that the statement include specific mention of consultation with both the National Register of Historic Places and the State Liaison Officer for Historic Preservation (Executive Secretary, Tennessee Historical Commission) regarding the presence of significant archeological and historic sites in the project area.

We suggest that the statement be substantially expanded in its consideration of natural values. Much of the statement's text is devoted to descriptions of the project in terms of physical developments and predicted economic and social benefits. The recognition of project impacts upon natural values needs to go beyond the discussion of fish and small game. Identity of the scope and significance of ecological factors which would be subject to project influences would be helpful in evaluating the full range of the project's impact upon the natural environment.

This environmental statement should provide a discussion which deals with those lands in the study area that have historic value to the Cherokee Nation. Appropriate sections of the environmental statement should be revised to reflect the project impact on these lands. Further, the statement should discuss the scope of the archeological studies now under way in the study area and identify what, if any, recommendations are available dealing with salvage or preservation which would minimize the loss of lands or artifacts having historical significance to the Cherokee people.

We appreciate the opportunity to review and comment on this Draft Environmental Statement.

Sincerely yours,

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

DISCUSSION

PROJECT DESCRIPTION AND ENVIRONMENTAL SETTING WITHOUT THE PROJECT

Additional information of the type requested has been supplied in volume II. It should be noted that the Little Tennessee River is a regulated stream, not an unregulated stream as described in the comment.

ENVIRONMENTAL IMPACT OF THE PROJECT

The viewpoints of other interested persons and agencies are contained in this statement. Both beneficial and detrimental aspects in the environmental changes resulting from the project have been described as has the interchange of water from Fort Loudoun Reservoir with Tellico Reservoir. See volume I, part 1, and volume II, part 2.

IMPACT ON FISH AND WILDLIFE

The brown trout in the Little Tennessee River have been described as have the other matters relating to the trout fishery. The portion of this comment dealing with urban and industrial development will be treated in the subsequent statement issued by TVA on that subject. TVA recognizes that the reservoir will not be used for much more than a resting area by waterfowl, and no substantial waterfowl benefits have been claimed. Hunting losses have been described.

ADVERSE ENVIRONMENTAL EFFECTS

TVA does not believe it necessary to repeat in the Adverse Environmental Effects section the material contained elsewhere. The material in this comment has been discussed in part I of this volume, elsewhere in this part, and in volume II.

ALTERNATIVES TO THE PROJECT

The alternative of no action has been considered as has the development of the river as a scenic river. Were no action of any sort taken, unplanned development would in all probability occur generally throughout the area along the river.

RELATIONSHIP BETWEEN SHORT-TERM USES AND MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY; IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

The information and relationships requested in these two comments are described in this statement along with related considerations. See particularly volume I, part 1, and volume II, parts 11 and 12. TVA agrees that the annual production of trout of trophy size will be reduced unless a substitute fishery for brown trout is established. TVA also recognizes that wildlife production will be reduced as urban and industrial areas are developed. TVA does not consider it necessary to repeat under specific headings of the statement discussions that appear in other sections.

OTHER POINTS RAISED IN THE COMMENT

The reservoir is not expected to have any significant adverse impact on the geohydrologic environment.

The draft statement was sent to the Advisory Council on Historic Preservation. No response was received. The State of Tennessee did not include in its comment any comments by the Tennessee Historical Commission.

The statement has been substantially expanded in its consideration of natural values, particularly those of fish and small game. The statement also contains an expanded discussion of archaeology. See especially volume I, part 1, and volume II, parts 8, 11, and 12.

A QUESTION OF NUCLEAR SABOTAGE

Mr. GRAVEL. Mr. President, the successful planting of two live bombs on commercial airliners last week necessarily raises unpleasant questions about the vulnerability of nuclear powerplants to extortion or sabotage. So does the successful planting of bombs in bank safe-deposit boxes in January.

The New York Times pointed out the connection quite explicitly in its lead editorial on Sunday, called The Vulnerability of Systems.

Mr. President, I ask unanimous consent to have the editorial printed at the end of my remarks.

It is remarkable that AEC regulations Nos. 50.13 and 115.9 explicitly state that nuclear license applicants "are not required to provide for design features or other measures for the specific purpose of protection against the effects of attacks and destructive acts, including sabotage, directed against the facility."

ALREADY A DEMONSTRATED PROBLEM

The first case of successful sabotage at a nuclear powerplant has already occurred in New York, at an unloaded Consolidated Edison plant just prior to its completion.

On November 4, 1971, arson caused $5 to $10 million worth of damage at the Indian Point No. 2 nuclear powerplant; in February, a maintenance employee was accused of the crime.

Mr. President, I ask unanimous consent to have the following four stories also printed at the end of these remarks:

"Con Ed Employee Charged on Arson."

"Cops Eye Suspect in Con Ed Fire."

"Con Ed Surveying Fire Damage at a Nuclear Plant."

"Damage Is Put at Millions in Blaze at Con Ed Plant."

NATIONAL SECURITY IMPLICATIONS

Dr. Edward Teller, who developed the hydrogen bomb, considers the nuclear bomb to be "a relatively safe instrument" compared with nuclear powerplants. In an article in the Journal of Petroleum Technology, May 1965, he pointed out that radioactivity from a bomb ascends to the stratosphere, where it is diluted before descending, whereas radioactivity released from a nuclear powerplant will be concentrated near the ground "in a truly deadly fashion." A large nuclear powerplant produces about as much radioactivity every year as would the fissioning of 1,000 Hiroshima A bombs.

The national security implications of the whole civilian nuclear power program are profound, and represent still another major nuclear hazard left unexamined by Congress as a whole.

I urge my colleagues to think hard about this question and several others before going along with bills like H.R. 13731 and H.R. 13732, which would rush more nuclear powerplants into operation this year. Instead, a temporary halt to nuclear construction and operation might be considerably more appropriate, and that is what I have proposed in my bill S. 3223.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 12, 1972]

THE VULNERABILITY OF SYSTEMS

A bomb explodes in an airplane parked at Las Vegas and the entire American air transport industry is thrown into turmoil. A mechanical device malfunctions and almost the entire northeastern United States is deprived of electricity. A computer program has a single error and as a result a space mission involving a multimillion-dollar rocket ends in failure. Wage disputes between workers and employers produce strikes that tie up the entire shipping industry of the United States on both the Pacific and the Atlantic Coast and impose billions of dollars in losses to the nation's economy.

The common thread tying together these and other catastrophes of recent years is the fact that each incident exposed the extreme vulnerability of one or another complex system upon which American society is now so heavily dependent. Inevitably, therefore, increasing proliferation of these systems is called into question. Each such system is open to disruption or failure from causes which range from operational malfunction or weather damage all the way to sabotage by criminals, madmen, or individuals with real or imagined grievances.

Looking to the future, it is now widely predicted that the nation will become dependent for much of its electric power upon breeder atomic power stations. Yet these will require large numbers of vehicles transporting plutonium—a raw material for atomic bombs—which could be hijacked, while any nuclear power station might be sabotaged by a madman who wanted for some perverted reason to see radioactive substances spread broadcast through the environment. Such examples could be multiplied many times.

Designers of complex systems are well aware of their vulnerability and, where possible, they try to create fail-safe situations by building alternative means of accomplishing the same job into the system. Thus no Apollo astronaut has been lost in flight because of the extensive redundancy built into the spacecraft to guard against any individual component's failure. But in less exotic systems, such redundancy and fail-safe devices are often omitted because of cost or for other reasons. Thus, civil aircraft might be less vulnerable to bomb damage if their passengers wore parachutes and could escape from damaged planes. But the cost would be enormous; the need to wear parachutes would frighten many potential passengers away; and in the event of need it is doubtful that many passengers could successfully parachute to safety anyway.

There are no simple or blanket answers to such problems, but certainly the vulnerability factor needs to be given more importance in the future than it has received in the past. The need for fail-safe devices—for example, independent electricity generators standing by in hospitals and other large buildings against the possibility of electricity failure—requires higher priority in both governmental and private thinking and planning.

More fundamentally, what is needed is a new skepticism toward complex systems, and a new appreciation of the small and the simple. Bigger and more complicated does not necessarily mean better, but it certainly means more vulnerable. It is time for the gigantomania and systems-infatuation of the past to be replaced by a more realistic appreciation of the dangers presented by our dependence on the systems around us.

[From a Westchester, N.Y., newspaper, February 1972]

CON ED EMPLOYEE CHARGED ON ARSON

(By Milton Hoffman)

A maintenance employee who turned in the alarm and was among the first to fight the blaze has been charged with arson in the multimillion dollar fire last Nov. 4 in an auxiliary building at Con Edison's Indian Point Nuclear Plant 2.

The arrest of Arthur Rickey Jr., 27, of 5 Hickory Lane, Wappingers Falls, came on Saturday night, the day he admitted himself as a patient to the Veterans Administration Hospital in nearby Montrose. Following a preliminary hearing, he was permitted to return there as a patient until the next hearing Feb. 14.

A motive, if any, for the alleged blaze has not been revealed by arresting authorities.

The arrest was made by the men of Sheriff Daniel F. McMahon, whose office had been probing the blaze since the night it occurred. The fire, although in a building removed from the main nuclear plant, caused severe damage to delicate wiring and pumping equipment and delayed the opening of the plant by several months.

The blaze has been estimated to have cost between $5 million and $10 million, the latter figure placed by fire underwriters who said it was the costliest blaze in the United States in 1971.

Rickey, a seven-year employee of Con Edison, worked at the plant as an operating mechanic. According to Sheriff McMahon, Rickey was at the plant the night of the blaze.

Rickey, a former resident of the Peekskill area, is married and the father of three. His wife is expecting their fourth child soon.

McMahon credited chief Criminal Investigator Charles Jackson, and Senior Investigators Thomas McInerney and Dominic De Marco with cracking the case, but did not state what led them to suspect Rickey. Shortly after the blaze, however, the sheriff did label the fire arson and said that there was a prime suspect.

McMahon credited Con Edison officials with assisting in the investigation.

Rickey was charged with second degree arson. At the request of his attorney, Martin Trainor, Rickey was returned to the VA Hospital by the hearing judge, Buchanan Associate Judge Daniel McCarthy. McCarthy said Rickey had volunteered for psychiatric treatment at the hospital before his arrest.

McMahon said that the fire was started by lighted matches being tossed into the wooden tool shed in the auxiliary building.

While the fire did not damage the main nuclear plant building itself, about 50 feet from the fire its effect was to delay the start up until this summer, if not later. Con Edison officials said they were prepared at the time to immediately start up the plant, which will produce 873,000 kilowatts, awaiting only permission from the Atomic Energy Commission.

Nuclear Plant No. 1, also nearby, was operational the night of the fire and was not affected.

The National Fire Protection Association said that the blaze, based on an estimated loss of $10 million, was the costliest last year in the United States. Con Edison, however, said the repair work "will not exceed $5 million."

[From the New York Daily News, Nov. 17, 1971]

COPS EYE SUSPECT IN CON ED FIRE

(By Dominick Unsino and Robert Carroll)

A multimillion-dollar fire that wrecked an auxiliary building at Consolidated Edison's nuclear generating complex on the Hudson River south of Peekskill Nov. 4 was determined yesterday to have been deliberately set.

Westchester County Sheriff Daniel F. McMahon would not go into detail, but it was learned that a "prime suspect" has been identified and an arrest is expected shortly.

SUSPICIOUS MATERIAL FOUND

The arson determination apparently was made on the basis of unspecified material found at the scene, which was turned over to the Federal Bureau of Investigation for study. McMahon said neither a bomb nor a "timing device" was used to start the fire.

The fire began in or near a plywood shack on the ground floor of an auxiliary building situated 150 feet from the Indian Point No. 2 nuclear reactor building and an equal distance from the facility's generator building, according to Con Ed. The building is connected by power lines with the reactor building to control various systems associated with the reactor.

Despite the severity of the fire, Con Ed insists that there will be no appreciable delay in the testing under way at the million-kilowatt facility. The utility also said it still expects to have the $150 million unit in operation for next summer, if long-delayed approval by the federal Atomic Energy Commission is given early in 1972.

Many environmentally concerned individuals and groups are challenging Con Ed's application for an AEC operating license for the plant at hearings which are still in progress.

FENCED AND PATROLLED

The Indian Point No. 2 facility, which is fenced in and patrolled by security forces, adjoins the smaller Indian Point No. 1 plant, which has been operating since 1962, and a second million-kilowatt plant, Indian Point No. 3, which is under construction. No. 3 will be completed in 1974.

Con Ed said it won't know "for quite some time" the extent or money value of the damage caused by the fire.

[From the New York Times, Nov. 16, 1971]

CON ED SURVEYING FIRE DAMAGE AT A NUCLEAR PLANT

(By Boyce Rensberger)

Eleven days after a mysterious fire destroyed part of the electrical control system at The Consolidated Edison Company's new nuclear power plant at Indian Point, near Peekskill, workmen and inspectors yesterday were still scrubbing soot from the blackened walls and picking among the charred wires and dismantled components, trying to determine the extent of the damage.

The fire broke out on Nov. 3 around 7:30 P.M. It was confined to one corner of a steel and concrete "Primary auxiliary building" near the 135-foot-diameter dome containing an atomic reactor that is fueled but not scheduled to begin operation until next summer.

Beyond the fact that Westchester County police and fire officials say they are investigating the possibility of arson, the cause of the fire remains unknown.

DAMAGED SHACK REMOVED

Although Con Edison officials maintain that the fire will not delay the start-up of the plant, designated as Indian Point No. 2 (an older plant at the same site, No. 1, has been in operation since 1962; No. 3 is under construction), the full extent of damage has not yet been established.

The fire began in or near a 20-foot-by-20-foot plywood shack on the ground floor of the auxiliary building where metal parts—valves, flanges, and other hardware—were stored for use in construction.

The remains of the shack have been cleared away and scaffolding erected to help workmen inspect damage to the thousands of electrical cables held overhead in open racks. Some of the racks became hot enough during the fire to sag and twist out of shape.

The wires, now clipped and dangling, once connected panels of circuit breakers with dozens of subsystems throughout the power plant, such as the pumps and valves that regulate the flow of cooling water through the reactor.

Warren R. Cobean Jr., Con Edison's manager of nuclear power generation, said each of the thousands of wires and circuit breakers would have to be tested to determine whether it was salvageable. Some of the equipment, he said, will have to be replaced. Some will be cleaned up and reused.

SOOT IS SCRUBBED OFF

Dozens of soot-covered electrical components lay dismantled on the floor of the building next to tangles of charred cables as inspectors rooted among the smudged and scarred components.

Workmen with red hardhats scrubbed soot off the white-painted walls with bristle brushes. Others blasted jets of steam into mazes of pipes and valves to wash away the black powder.

Although one unofficial estimate is that the damage amounts to $10-million, Con Edison officials maintain it will be some time before they can complete a damage survey.

"One thing is for certain, though," Mr. Cobean said. "If this plant were in operation, that plywood shack wouldn't have been there to start a fire. Virtually everything in this building would be either concrete or steel, virtually fireproof."

Mr. Cobean said that if a fire had caused the same damage while the power station was operating, the only effect outside the building would have been to shut down the generator. He said there would have been no danger that the reactor or the high-pressure steam generators would go out of control.

[From the New York Times, Nov. 14, 1971]

DAMAGE IS PUT AT MILLIONS IN BLAZE AT CON ED PLANT

(By Robert D. McFadden)

A fire listed as "possible arson" by the Westchester County and New York State Police caused millions of dollars of damage to electrical equipment at Consolidated Edison's new 873,000-kilowatt nuclear power plant at Indian Point, 40 miles north of New York City.

The extent of damage to cables and control panels caused by the fire 10 days ago is still being assessed and may not be known for another week or two. The day after the fire, Con Edison spokesman said it had occurred in a "tool shed," and did not characterize the damage.

But the chairman of the state's Public Service Commission, who reported the incident to Governor Rockefeller, yesterday called it a "multimillion dollar" fire, and the chief of one of five volunteer fire departments that fought the blaze put the damage at $10-million as an unofficial figure "in the ball park."

A spokesman for the Consolidated Edison Company yesterday conceded that it was "not a small fire by any means," but he added that the company would have to await a full damage report before commenting in more detail on the extent of damage.

The spokesman, who offered assurances that there was no danger of radioactive release, said it may take several months to repair the fire damage at the $150-million plant known as Indian Point No. 2.

Indian Point No. 1 is an adjacent 260,000-kilowatt nuclear plant already in operation, and No. 3—projected as a 965,000-kilowatt nuclear generator—is in the early stages of construction.

The No. 2 plant, which had been nearing completion after five years of construction by a subsidiary of the Westinghouse Electric Corporation, has been described by company, state and city officials as a "crucial" link in Con Edison's production to meet next summer's peak demand for power.

Despite the anticipated delay caused by the fire, the Consolidated Edison spokesman said the company still expected to have the plant in operation by next summer. He contended that obtaining an operating license from the Atomic Energy Commission—a company effort that has been complicated by recent court decisions on environmental protection—would be a more important consideration than the fire damage in determining when the plant would become operable.

Westchester County Sheriff Daniel McMahon and the New York State Police at Peekskill have listed the fire as "suspicious" and "possible arson."

While investigators declined to give details of the suspicious nature of the fire, Joseph C. Swidler, chairman of the Public Service Commission, said it was under investigation because the "amount of heat generated—and duration [of the fire]—did not seem to be consistent with the normal amount of combustible material" at the scene.

BLAZE LASTED TWO HOURS

Five volunteer fire companies, nearly 200 men from the nearby communities of Verplanck, Buchanan, Montrose, Peekskill and Mohegan, fought the blaze for nearly two hours in an auxiliary control building at the plant on the night of Nov. 4.

The flames, which reportedly did not endanger the nuclear reactor building 150 feet away or the generator building 300 feet away, began in a 20-foot-square plywood workmen's shed on the concrete first floor of the three-level auxiliary building, which is a steel frame structure housing a variety of control panels, cables and pumps.

C. D. Lohrfink, division manager of public affairs in Westchester for Consolidated Edison, said that flames leaping up from the shed damaged cables in racks overhead and a variety of electrical equipment and pumps.

A maintenance foreman who works at the scene and asked not to be identified said the fire had "melted electrical control panels right down to the floor."

Robert Gilbert, chief of the Buchanan fire volunteers, said that heat and smoke in the building had been intense during the firefighting, which lasted from 7 P.M. to about 9 P.M. Despite the use of oxygen masks, he said, two firemen were overcome by smoke, one of them requiring hospitalization overnight.

"It was far from a minor fire," he said, adding: "I never saw so many Con Edison officials in my life."

Thomas Carey, chief of the Verplanck fire volunteers, said he had been told by an insurance investigator on the scene that a damage figure of $10-million would be "in the ball park."

A spokesman for the Atomic Energy Commission in Washington said that a company report to the A.E.C. had listed "damage to electrical equipment and heat and water damage to piping, components, structural supports and concrete," but did not put a dollar-figure on it.

Experts of Wedco, the wholly owned subsidiary of Westinghouse that is building the plant, are currently assessing damage and should have a report by the end of this week, a Consolidated Edison spokesman said.

Mr. Swidler said yesterday that it was still "uncertain who bears the cost" of the fire. Consolidated Edison's contract with Wedco is a "turnkey" contract, meaning that "they build the plant, make it work and turn it over to Con Ed," according to a Consolidated Edison spokesman.

A state police spokesman said there were "no hot leads" in the investigation of possible arson, and a spokesman for the Westchester County police said that reports on laboratory tests had not yet been completed.

Both spokesmen and the Buchanan Village police described security at the nuclear power complex as tight. The complex is surrounded by an eight-foot cyclone fence topped with barbed wire. Security guards are posted at all gates around the clock and others are posted on "fire watch."

Company employes said that the security force had been strengthened since the fire. These sources also said that police investigators had questioned numerous employes on duty at the complex on the night of the fire.

A state police investigator said yesterday that it was his understanding that there had been no one in the auxiliary building when the fire broke out and that it had been discovered by a member of the fire-watch patrol.

VAST MAJORITY OF TEACHERS FAVOR EQUAL RIGHTS AMENDMENT

Mr. BAYH. Mr. President, the National Education Association has done a very significant study of the views of teachers, both male and female, toward the equal rights amendment. The association found that the vast majority of the Nation's public school teachers—83 percent—favor the amendment, while only 9.5 percent oppose it. Among the male teachers alone, it is interesting to note, more than three-quarters—79.8 percent—favor the amendment.

Mr. President, there is overwhelming support for the equal rights amendment—support among the public, as this and other polls show; support among organized men's and women's groups, and among scholars, as the hearings show; and support in the Congress, as the approval by the House and the fact that over half the Senate cosponsors the amendment, amply show. Shortly, I hope, the Senate will approve the amendment and send it to the States for ratification.

I ask unanimous consent that the teacher opinion poll which appeared in the November 1971 issue of the National Education Association's publication, Today's Education be printed in the Record.

There being no objection, the poll was ordered to be printed in the Record, as follows:

Teacher Opinion Poll: Equal Rights for Women

The vast majority of the nation's public school teachers favor a Constitutional amendment that would guarantee equal rights for women. Over half strongly favor such an amendment, and an additional 3 to 10 tend to favor it. Fewer than 10 percent are opposed.

These are findings of a Teacher Opinion Poll which in spring 1971 asked a nationwide sample of classroom teachers the following question:

"Do you favor or oppose an amendment to the federal Constitution providing that equality of rights under law shall not be denied or abridged by the United States or by any state on account of sex?"

Responses show a higher percentage of women than of men (85 compared with 80 percent) in favor and also a noticeably larger proportion of women than of men (56 percent compared with 46 percent) who strongly favor a Constitutional amendment to this effect.

[In percent]

	Total	Men	Women
Strongly favor	52.5	46.0	56.4
Tend to favor	30.5	33.8	28.5
Tend to oppose	6.2	7.6	5.4
Strongly oppose	3.3	5.5	2.0
No opinion	7.5	7.1	7.7

Regional analysis of responses reveals that more teachers in the Northeast (87 percent) and the Middle section of the country (85 percent) than in the Southeast or West (80 percent each) favor an equal rights amendment. The Northeast stands out from other regions of the country in having a particularly large percentage (61 percent) who *strongly* favor such an amendment.

[In percent]

	Northeast	Southeast	Middle	West
Strongly favor	61.4	46.3	52.9	49.1
Tend to favor	25.1	33.7	31.8	30.9
Tend to oppose	5.7	5.6	5.9	7.7
Strongly oppose	3.0	4.1	2.8	3.7
No opinion	4.9	10.3	6.7	8.6

Proportions of urban, suburban, and rural teachers in favor of an equal rights amendment are generally similar. However, larger percentages of urban and suburban teachers strongly favor such an amendment, while more rural schoolteachers say they tend to favor it.

THREAT OF FOREIGN FISHING OFF U.S. SHORES

Mr. STEVENS. Mr. President, in weeks past, I have reminded the Senate of the threat of foreign fishing that continues off our shores .

The economic consequences are greatest to my home State of Alaska, where many depend entirely on the sea for income and whole families look to the Alaska fishery for a large part of their diet. For many years fishing was Alaska's most valuable industry. More than 30,000 persons are employed in the industry in Alaska, including 21,000 licensed fishermen and 9,000 people in plant operations. The total investment in vessels and facilities now approaches $1 billion. And 172 companies operate 200 to 240 processing plants.

Yet, today, 142 Russian and 126 Japanese ships are just off Alaska's shores, sweeping the sea of the valuable protein source of this important industry, using techniques denied our fishermen by law.

Seventy-four Russians and 85 Japanese are fishing groundfish between St. George Island, in the Pribilofs, and Unimak Island.

Thirty-two Russians and 16 Japanese are between Nunivak and the Pribilofs.

Seventeen Russian trawlers are working the shrimp beds near Chirikof.

Two Japanese and three Russians are after black cod and perch near Kodiak.

Six Japanese, between Middleton Island and Cape Spencer, and 11 between Cape Spencer and Dixon Entrance, are fishing for black cod.

Mr. President, this danger must be met with action that will force these foreign fleets to meet the same standards of conservation, at least, that we impose on our own commercial fishermen.

NUCLEAR POWERPLANT CHALLENGED BY BETHLEHEM STEEL CORP.

Mr. GRAVEL. Mr. President, I believe Members of Congress are quite sensitive to the sentiments of big business and, therefore, they may be interested to learn that the Bethlehem Steel Corp. recently asked permission to intervene in an AEC licensing hearing.

Nuclear promoters, who seem to expect legislative relief whenever citizens win court decisions against nuclear power, may find themselves tangling with opponents who are more politically powerful some day soon.

Mr. President, I ask unanimous consent to have printed in the Record an article entitled "AEC Petitioned on A-Plant Near Gary," published in the Chicago Sun-Times on January 31, 1972.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Chicago Sun-Times, Jan. 31, 1972]

AEC Petitioned on A-Plant Near Gary

(By Bruce Ingersoll)

Bethlehem Steel Corp., three environmental groups and the State of Kansas have asked the Atomic Energy Commission for permission to intervene in hearings on the proposed nuclear plant east of Gary, it was learned Sunday.

Northern Indiana Public Service Co. plans to build a $161.5-million nuclear unit at its Bailly Station, on Lake Michigan directly between Bethlehem's mammoth Burns Harbor plant and Dune Acres, an exclusive residential enclave inside the Indiana Dunes National Lakeshore.

BETHLEHEM'S WORRY

Because of the possibility of a nuclear accident and radiation fallout, the environmentalists maintain that a 680-megawatt reactor does not belong on the lakeshore. They favor an inland site, away from population centers and the Dunes national park.

Bethlehem has not yet declared its preference on a nuclear plant site. But sources inside the company and out said Bethlehem executives are concerned about safeguards at the Bailly plant and about safety requirements that would be imposed on the Burns Harbor facility.

In the event of a nuclear accident, sources said, Bethlehem's 5,000 workers would have to be evacuated and operations at the billion-dollar steel complex would have to be curtailed drastically.

In the event of a nuclear accident, sources at Bethlehem, Pa., said in a telephone interview: "We want to be kept informed on the safety and environmental requirements which may affect the operations of the Burns Harbor plant and the safety of its employees."

NEAR FIRST FOR AEC

It is only the second time that a corporation ever has sought to intervene in an AEC construction-permit proceeding, according to David D. Comey, environmental research director of Businessmen for the Public Interest, 109 N. Dearborn, one of the groups opposing the lake front site.

The Porter County Chapter of the Indiana Izaak Walton League, BPI, and a group known as Concerned Citizens Against the Bailly Nuclear Site point out that the power company already has said it would build a cooling tower to prevent thermal (heat) pollution of Lake Michigan.

"They only need 10,000 gallons per minute to make up for cooling water that evaporates from the cooling tower," Comey said.

The company could obtain more than enough water from the Kankakee, Tippecanoe or some other inland river, he maintained

In 1962, the Southern Railway Co. was the first to challenge a nuclear facility—a since dismantled reactor at Parr, S.C.

The environmentalists also have doubts about the power company's competence in nuclear engineering. The Bailly boiling-water reactor would be its first and would emit more radiation than the pressurized-water reactors now mushrooming across the country, Comey noted.

Vern Miller, Kansas attorney general, filed a petition to intervene to protect the safety and health of Kansans living in the vicinity of the AEC's proposed nuclear-waste "repository"—a salt mine at Lyons, Kan.

It is Miller's contention that no wastes from the Bailly reactor or any other nuclear plant should be buried at Lyons until the AEC has assessed fully the environmental impact.

A NEW POLICY TOWARD SOUTH ASIA

Mr. HUMPHREY. Mr. President, last week the Committee on Foreign Relations held hearings on Bangladesh. One of three resolutions before the committee was Senate Concurrent Resolution 58 which I introduced on February 8. This resolution outlines the major steps which must be taken to restore a positive role for the United States in South Asia and to assist in the building and strengthening of the new nation of Bangladesh.

In the testimony I prepared for the committee I discussed these steps in greater detail and brought to the committee's attention some discrepancies involving our food assistance programs to East Pakistan. The President claims that we have given $158 million worth of assistance to East Pakistan. And yet the programs administered by AID have not been completely identified, nor is our future level of assistance yet determined. There has not been a clear accounting of just how that $158 million was spent, nor has there been any earmarking of funds appropriated by Congress for East Pakistani refugee relief assistance.

Mr. President, I ask unanimous consent that my testimony submitted before the Committee on Foreign Relations and the letter I wrote to Dr. Hannah concerning the use of our Public Law 480 programs in Bangladesh be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HUBERT H. HUMPHREY SUBMITTED TO THE COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE, MARCH 7, 1972

Mr. Chairman, on February 4, I introduced S. Con. Res. 58 urging the President to take concrete steps to redress our policy in South Asia. This resolution brought together several proposals I made following the crisis on the Subcontinent, particularly those made in my Senate speech of December 15 when I first urged our government to extend diplomatic recognition to Bangladesh.

The four steps outlined in my resolution are:

(1) Diplomatic recognition of Bangladesh and the government of Sheik Mujibur Rahman;

(2) Provision of humanitarian and economic assistance to Bangladesh from funds already authorized by Congress for that purpose;

(3) Resumption of economic assistance programs to India;

(4) Extension of diplomatic initiative in improving our relations with India.

There is no longer any logical reason for our delaying the establishment of formal relations with the government of Bangladesh. Appropriate criteria of international law have been met. The government is in control of its territory, administers the country with the consent and acquiescence of its people, and has indicated its willingness to fulfill obligations under international law.

Yesterday before this Committee Deputy Assistant Secretary Van Hollen acknowledged in his testimony that the legal prerequisites for diplomatic recognition had already been met. Reports are filtering out that our government in fact intends to extend recognition within the next six weeks. We in the Congress, the American people, and the world at large are forced to wait in suspense for a decision. This delay does little to encourage those who can afford to wait the least: the people of Bangladesh.

Beyond the formal question of establishing relations with Bangladesh lies a deeper question of whether or not the United States will be able to perform a role as leader in the urgent international relief program now getting under way. The needs of Bangladesh are so tremendous that United Nations Secretary-General Waldheim labeled the task the "largest" in the history of the UN.

On February 16th, the Secretary General issued an appeal to all nations of the world to provide 565 million dollars worth of commodities and cash to the United Nations Relief Operation in Dacca (UNROD).

Congress has already appropriated 200 million dollars for relief of refugees from East Pakistan, but the Administration has not yet decided specifically how these funds will be used. In last month's Foreign Policy Report, President Nixon noted that 158 million dollars worth of assistance had already been committed to East Pakistan prior to the outbreak of hostilities in December. But as of this date only a small fraction of that aid has actually arrived.

In comparison to the glacial pace of providing assistance for Bangladesh, I note that the Administration removed with dispatch the Congressional ban on aid for Pakistan and announced on March 3 that a food agreement would be signed with Pakistan totalling some 30 million dollars worth of wheat, vegetable oil, cotton and tobacco.

Our zeal to assist Pakistan comes at a time when reports indicate that only a small amount of the assistance actually assigned to Bangladesh has reached its destination. Thousands of tons of PL480 commodities intended for East Pakistan before the December war apparently have been diverted to other parts and close to a hundred thousand tons of PL480 commodities committed for use in the East have been channelled instead to Pakistan where they remain today.

A total of the 127.9 million dollars worth of PL480 items was listed by AID as scheduled shipment during the post March 25, 1971 period. This agreement like many others represents a conglomerate of agreements on dates of shipment for particular produce. One particular agreement between our government and the government of Islamabad, signed on August 6, 1971, authorized 100,000 metric tons of wheat for shipment. Allegedly, only 18,053 of the 100,000 tons were actually off-loaded, the remaining 84,575 metric tons reportedly were diverted to Karachi, West Pakistan.

The August 6 agreement also called for a shipment of 50,000 tons of rice. In actuality 58,300 tons were purchased and shipped. But it is alleged that of that amount, only 6,180 tons actually arrived in East Pakistan. Approximately 26,250 tons are said to have been diverted to West Pakistan (4,800 of that amount was sunk off the coast of Karachi), 3,578 tons diverted to Indonesia and 21,450 tons diverted to Saigon.

These allegations are made in a report issued by the Bangladesh Information Center, an independent non-governmental organization.

I urge the Administration and the Agency to explain whether these allegations are correct. The Administration should inform the Congress immediately of the exact status of all aid promised to Bangladesh.

Mr. Chairman, I regret the Administration's failure to face squarely the potential for widespread disease and starvation that hangs over Bangladesh. From what may be seen, our government is trying to largely ignore what has been one of the most awful human tragedies of the century.

In a March 1 dispatch from Dacca, Lee Lescase of the *Washington Post* writes, "The problems of Bangladesh go beyond the normal disaster. This is a country almost flat on its back with a desperate need to rebuild wrecked communications and find jobs and food for its people on a long-term basis."

If outside help doesn't reach Bangladesh by the monsoon season beginning in June, a second unnecessary wave of disaster may strike.

The United States cannot be expected to shoulder the burden for Bangladesh. Now that the alien occupation force has been removed, that responsibility lies with the elected leaders of the Bangladesh government. But neither can we ignore the humanitarian responsibility of all nations to assist the victims of this disaster and to help restore East Bengal to its pre-war footing.

The United States also should support the United Nations and other international agencies in assuring the protection of Biharis in Bangladesh and helping to secure population exchanges between Pakistan and Bangladesh wherever necessary.

Looking beyond the present difficulties, the only hope for Bangladesh lies in a rapid and skillfully engineered program of long range development.

The United States, I believe should encourage the formation of a confederation similar to Europe's Common Market—whose aim would be the cooperative peaceful development of all countries in the area. To that end it is of the utmost importance that normal relations be renewed with the government and people of India.

It is not enough to call for diplomatic recognition. The United States must take the lead in encouraging regional cooperation. There is no more perfect example of economic, social and historic interdependency than on the Subcontinent. Out of the last crises, world leaders should have enough foresight to recognize the communality of interests which link Bangladesh, India, and West Pakistan together.

Since the outbreak of the present crisis almost one year ago, India has accepted the major financial burden in caring for the refugees. Approximately 500 million dollars were expended in housing and feeding the 6.8 million refugees in the camps. Additional sums were incurred through losses linked to the presence of the three million other refugees who lived in homes and outside camps.

Only 260 million dollars worth of assistance has been committed from outside sources to offset this cost to India, and only half of that amount has actually arrived.

Surely, the nations of the world cannot expect India alone to pay such a large share of the cost for a problem which she had no responsibility in creating.

The President has maintained a freeze on all development funds for India while India strains from a continuing economic drain.

It is long since time that we restore to India the $87.6 million of economic aid approved by the Congress which was arbitrarily cut off on December 6, 1971.

It also would be appropriate for the President to consider announcing an indefinite extension of the present arms embargo to all countries in South Asia.

Our business in South Asia should truly be one of peace.

I believe the steps I have endorsed in S. Con. Res. 58 will advance this purpose, and I urge favorable action by the Congress on those proposals.

March 7, 1972.

Dr. John A. Hannah,
Administrator, Agency for International Development, Washington, D.C.

Dear Dr. Hannah: A report alleging the diversion of PL 480 shipments from East Pakistan to Indonesia and Japan has been brought to my attention. I am bringing to your attention some of the items raised in the report which I referred to in the enclosed testimony, submitted today to the Senate Foreign Relations Committee.

I would appreciate any clarification which you could provide concerning these allegations. Aside from our alleged "loss" of over 100,000 metric tons of wheat, I am concerned by the apparently ambiguous accounting process which has left so many questions unanswered as to the effectiveness of the assistance we intend for Bangladesh.

I realize that, during the hostilities in Bangladesh, circumstances were not ideal for the shipping of PL 480 commodities to their original destination. It would be helpful, however, to know what the facts are. Does our government now intend to replace with new deliveries the commodities originally destined for East Pakistan? If so, will these deliveries be considered as a replacement item or will their value be subtracted from the assistance for relief of the East Pakistan refugees authorized and appropriated by Congress?

As one of those deeply concerned about these policies, I would appreciate your assistance in this regard.

Sincerely,

Hubert H. Humphrey.

Mr. HUMPHREY. Mr. President, the administration is urging that Congress simply "sit tight" is far from satisfactory. Bangladesh is in need of international assistance, and it is in American interest to join in a cooperative aid effort. To do that, the first step which must be taken is to recognize Bangladesh.

The second step is to clearly identify the level of our assistance thus far, and to conform with the law by allocating those funds appropriated by Congress for relief of the refugees who have now returned to Bangladesh.

The third step is to restore the aid which we have already committed to India and take other diplomatic action which would indicate our concern for moving on to an era of goodwill between our countries. Mrs. Gandhi has just rung up a tremendous electoral victory for her party in India. She is a sensible woman, interested in keeping strong ties with the United States.

Where are the initiatives in diplomacy that the President has laid claim to? Where is the human concern in our present American foreign policy. Where is our policy toward South Asia?

ALASKAN FISHING VESSEL CASUALTY ANALYSIS

Mr. STEVENS. Mr. President, today I shall place in the Record an Alaskan Fishing Vessel Casualty Analysis prepared for me from insurance figures on the subject. Please note the large number of deaths and grievous injuries that have occurred off the Alaska coast in the last several years. The casualty figures are similarly high. But, by the same token, the number of lives saved as a result of the work of the Coast Guard has been much higher.

The people of my State, indeed, owe a great debt to the Coast Guard. Their dependence upon the Coast Guard is much greater than the figures would indicate. Almost daily, we receive numerous cards and letters from people throughout the coastal areas of Alaska praising the Coast Guard, and in many cases, asking for additional assistance.

For this reason, I have consistently urged Congress to increase the allocation of Coast Guard men and materials to Alaska. The figures on the enclosed table speak for themselves.

For this reason, I ask unanimous consent that the table be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

Alaskan Fishing Vessel Casualty Analysis

Lives lost or grievous injuries	*Monetary loss*
1967—16	$525,000
1968—10	527,000
1969—21	1,236,000
1970—10	1,617,500
*1971—7	1,458,500

*1971 figures are incomplete.

Coast Guard assistance in Alaska

Lives saved	*Property assisted*
July 1, 1969 to June 30, 1970—250	$34,246,000
July 1, 1970 to June 30, 1971—160	36,876,750
*July 1, 1971 to Jan. 1, 1972—203	12,749,600

*Figure covers only first half of fiscal year 1972.

UNITED CHURCH OF CHRIST SUPPORTS EQUAL RIGHTS AMENDMENT

Mr. BAYH. Mr. President, the Council for Christian Social Action of the United Church of Christ, representing some 2 million members of the church, has undertaken an extensive study of the equal rights amendment, and has voted, with but one dissent, its full support of the amendment "as approved by the House of Representatives" and its determined opposition to any crippling, or loophole amendment that might be proposed.

The council in a statement by Tilford E. Dudley, director of the Washington office, makes a number of important points—legal, practical, and theological—about the necessity for the equal rights amendment. I commend the statement to all Senators and ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Tilford E. Dudley, Council for Christian Social Action, United Church of Christ, for the Senate Judiciary Committee

EQUAL RIGHTS AMENDMENT TO THE CONSTITUTION

I am Tilford E. Dudley, Director of the Washington Office for the Council for Christian Social Action of the United Church of Christ. Our office is at 110 Maryland Ave., N.E. Washington, D.C. 20002. The Council has 27 members, selected by the Synod and other units of the United Church and is an official instrumentality of that denomination. The United Church has about two million members in about 7,000 churches. Its highest delegate body is its General Synod which meets biennially.

In June 1971 the Eighth General Synod adopted a pronouncement on *The Status of Women in Church and Society*. The statement is as follows:

THE STATUS OF WOMEN IN CHURCH AND SOCIETY

An integral part of our Christian faith is that God's love for all his children makes no distinction of worth between male and female. They are equal in value in God's sight; therefore, distinctions made by society which assume an inferior-superior relationship are contrary to the will of God. The right of each person to achieve his or her maximum potential as a child of God is basic to any understanding of the gospel of Jesus Christ.

We affirm the vital importance of the woman's role in the parent-child relationship; however, our society has locked most women into stereotyped roles as housekeepers and child-raisers without regard to their desires or abilities to perform other kinds of work. This has resulted in widespread discrimination in employment, job training, education, and compensation for work performed. Many a woman sheltered by her husband's earnings and presence, never learns that discrimination exists until widowed or divorced. In great part women are excluded from better paying jobs, and in many instances they receive less pay for performing substantially the same work. Furthermore they are under-represented on church boards, in church pulpits, and on the staffs of the denomination's national and judicatory structures.

The health of the church, the family, and all institutions of our society depends on the contributions all can make; thus, to deny any group the right to fulfill its maximum potential is to deprive society of the most effective means for solving its increasingly complex problems.

Moreover, women have been the victims of injustice resulting from cultural patterns which have greatly restricted their freedom in the performance of their sexual roles. These act as restrictions upon men also, since our culture makes assumptions about what are properly "male" interests and traits and what are properly "female."

In the light of these considerations, the General Synod calls on the members, local churches, Conferences, Instrumentalities, and other national agencies of the United Church of Christ to:

1. Insist on increasing opportunities for women in theological education, ordination, voluntary roles, and employment at all levels of the church's life—as pastors, as national and judicatory staff, with equal pay for equal work, and as members and officers of the policy-making boards and agencies of the denomination.

2. Introduce into church and public school materials more information concerning the significant contributions women have made to our history and culture.

3. Offer the church as inspiration and forum to develop a social action program concerning women's rights and expectations.

4. Work toward elimination of discrimination in employment and compensation on the basis of sex wherever it exists in our society.

5. Call on the United States Senate to ratify the United Nations Convention on Political Rights of Women which is now pending before the Senate Foreign Relations Committee.

6. Work for easier access to contraceptive information and materials, and for legislation of physician-performed abortions during the early months of pregnancy.

7. Commend (without necessarily endorsing every claim, style, and proposal) the movements for women's rights for their contributions toward better understanding of the economic, cultural, and social injustices which have been inflicted upon the women in our society.

8. Affirm new life styles for our children which allow boys and girls to express their essential humanity and free their vocational prospects.

9. Recognize that there are other areas not covered in this document and deserving further study, especially those pertaining to the legal implications of the Equal Rights Amendment, such as military service, divorce, legal age, and property rights.

You will notice that the last paragraph of the statement mentions other areas "deserving further study, especially those pertaining to the legal implications of the Equal Rights Amendment." During the winter of 1971–2, the Council undertook that "further study" and in January 1972 the Council received a report on the legal implications and considered the merits of the Equal Rights Amendment.

As a result the council voted in January, with only one dissent, to support the equal rights amendment as approved in 1971 by the House of Representatives and to oppose any crippling or loop-hole amendment that might be proposed. The council authorized its representatives to testify before the Senate Judiciary Committee and take other reasonable steps to inform Members of the U.S. Senate as to its position.

BASIC CONSIDERATIONS

The Council members' position was based in part on teachings in the New Testament about the dignity of all people, with no distinction made as to their sex and also on reported instances in which Jesus indicated that it was just as important for women to concern themselves with his teachings and witness of society as to do the housework and matters commonly considered by some to be the role of women. Jesus did not accept that latter concept.

The Council also noted that the proposed Equal Rights Amendment is in line with, and to some extent is even duplicated by, current laws of the United States, namely the 5th and 14th Amendments to the Constitution, the Equal Employment provisions of the Civil Rights Act, U.S. Code, Title 42, Sec. 200 e–2, and the Equal Pay Regardless of Sex provisions in Title 29, Sec. 206. Members noted that the chaos and deprivation feared by its opponents nor the drastic social changes, respect and job openings desired by its proponents. But the Council believed that adoption of the new amendment would be helpful in that it would clearly state a principle, dispel much confusion and dissension and bring quickly a change that otherwise would come slowly and painfully.

The Council also considered the legal implications of the proposed Amendment, as requested by the General Synod.

IMPLICATIONS—MILITARY SERVICE

Since women are already allowed to volunteer for military service, the only question here is whether they would be subject to the draft, especially under the House-Cook-Bayh proposal. A strict constructionist might claim that "equality of rights" does not necessarily mean "equality of duties" such as the draft implies. But this does not get us anywhere, since males could claim that any "right" of exemption for females must be equalized by the same "right" for men.

All witnesses seemed to agree that the Courts would undoubtedly interpret the Amendment to apply the draft to women as well as men. Furthermore, the women activists pushing the Amendment want it this way; even insist upon it. The legislative history is thus rather clear. However, this does not mean that women would be drafted to perform duties for which they are not qualified. At present men are sorted out, each to do what he is best suited to do. It is well known that for each fighter, there are many more people working behind the scenes. And even the fighters today often push buttons rather than engage in physical combat. There are undoubtedly many jobs women could perform.

There does not seem to be any compelling reason for women to be exempt from the draft merely because they are women. Like men they should be taken or rejected on the basis of need, physical and mental abilities, conscientious objections, conditions at their homes, etc.

IMPLICATIONS—LEGAL AGE

In Illinois, and perhaps other states, women reach their legal majority at 18 years of age and men at 21 years. There is thus a difference as to when women and men are adults, can contract and do business for themselves. This may be an advantage or disadvantage for women. For example the statute of limitations begins to run on maturity. Thus if a woman is injured in an automobile accident at 19 years of age, she must start her lawsuit in one year. But if a man is so injured, he has a year from his majority, or 3 years from the accident.

Under the Amendment, the age should be the same. Presumably the state legislature would decide within the 2 years after ratification; if not then the courts. With the 18 year eligibility for voting, and general emphasis on youth, one might expect the move for equality to be in that direction. Of course, there is no guarantee.

IMPLICATIONS—PROPERTY RIGHTS

If there are any states which prohibit or limit women's rights to buy, sell or hold property, they would surely be changed by the state legislatures or invalidated by the courts under the Amendment. Such carryovers from the ancient common law are surely rare and have no place today.

But there may be differences. Thus, in Michigan, under its married women's act, a married female can conduct business in her own name, make contracts, hold title to real estate and sell her real property without any identification of her married status or the signature of her husband. However, the husband cannot sell his property without his wife's signature. The common law dower right of a woman in her husband's real estate continues unless she releases it by deed.

This inequality could be corrected by the legislature. It might hold that modern woman no longer needs the dower right and abolish it. Or it might retain it, but set up a special category of property held in the course of business, for which dower rights would not apply either way.

Idaho recently had a probate statute stating that as between persons equally entitled to administer an estate, the male must be preferred. The U.S. Supreme Court ruled that preference invalid on Nov. 22, 1971, under the 14th Amendment. The Equal Rights Amendment would have produced the same result.

DIVORCE, FAMILY AND CHILD SUPPORT

Generally, a husband is liable for the support of his wife and children, and the wife has not been liable for her husband's support, nor for the children if the husband is able financially. This is based, of course, on the historic conditions of the son inheriting his father's money, being trained to work and becoming the breadwinner, with the little woman inheriting little, getting no training for earning money and being able only to care for the children and the house. Obviously times have changed.

All impacts of the Equal Rights Amendment are not clear, but surely the wife would come to share the financial responsibility for the family or at least the children. For example, if she should leave the household, she should be willing to pay half the abandoned family's expenses. If she goes outside to work, she should share in family needs, depending on her income and her husband's. She would have difficulty in suing her husband to make him pay all expenses, and vendors of family goods might be able to collect from her as well as the husband.

The wife would not be able to collect alimony automatically; it would depend more on the needs and financial ability of herself and her husband. She might have to pay alimony. Courts are moving in this direction already; the pace would be accelerated. Likewise the children would not be awarded automatically to the mother and the father would not be automatically liable for the whole bill. Theoretically the courts have considered the needs of the children predominate in this area but it would be even more so with the Amendment, with the parents equally responsible according to their abilities. This would not prevent, however, the Court believing the mother better suited to care for young children and the father thus required to pay for her and their support, according to need and ability.

Divorces would not be granted automatically on the ground of nonsupport by the husband. It would depend on his ability, family needs and the wife's ability and willingness to share costs.

LAWS PROTECTING WOMEN AT WORK

Here lies the major ground for opponents to the Equal Rights Amendment. Michigan, for example, has a law setting 54 hours as the maximum a woman can work in a week. Some states go down to 40 hours. Some states provide minimum wages for women and not for men. Some require a day of rest, or a rest period or a meal at work, provision of chairs, maternity benefits, etc. Some bar women from working at some jobs such as in mining, bartending or requiring night work or lifting heavy weights. Some people say this is to protect the women; some say it is to protect the men by saving the jobs for them. The female work force does tend to cluster in the low-paying, low prestige jobs, often in intrastate commerce and unprotected by federal laws or labor unions. The median wage levels in 1966 was $6,848 for men and $3,973 for women.

Consequently labor officials and women advocates who have fought for protective laws in the past are inclined to oppose the Amendment. The Kennedy Commission, opposed the Amendment. But Pres. Nixon's Council on the Status of Women, said to have only women with professional and business backgrounds, supports it. The United Auto Workers, with a very active Women's Department, also supports it.

Seven states have minimum wage laws for only women; 14 prescribe days of rest for only women; 20 require a meal period; 12 a rest period; 44 require chairs only for women. Two require maternity benefits. Seventeen states prohibit women from working in or about mines, 10 from bartending, 1 from liquor stores and 11 from various occupations including wrestling. Ten set weight lifting limits ranging from 15 to 50 pounds; 38 set maximum hours for working even at premium rates; 18 prohibit nightwork and 6 prohibit work before and after childbirth. (Data as of Jan. 1969)

In addition to the argument as to whether these limitations benefit or retain women is the question as to what happens to them when the Amendment is ratified. Legislatures must act; probably the courts also. Will they abolish the stringent requirements, or move the men's standards up to them, to achieve equality? Will the Michigan legislature, for example, limit men's hours to 54 hours? That will depend on political pressures on the legislature—the automobile industry, etc. Courts have already acted on some cases, like women bartenders, to extend the benefits.

It is important to remember that courts, legislatures and employers can still set up requirements, classifications, etc. that are based on the strengths and weaknesses of people rather than on their sex. All men don't have to be able to do all kinds of work, lift all manners of weights, stand all kinds of fumes, be available for all hours. These differences in treatment should apply to everyone, including women.

CHANGE IS INEVITABLE

Through 1226 pages of Senate testimony in 1970 and 723 pages of House testimony in 1971 both opponents and proponents of the Amendment agree that discriminations against women must be removed, that the change is inevitable and that it is coming through new social structures and laws already on the books. Thus law Prof. Freund said it is coming already through the 14th Amendment; he said to leave it that way. Law Profs. Emerson and Kanowitz said it is coming already through the 14th but to adopt also the new Amendment to hasten the process.

Under the 14th Amendment and the Equal Employment laws, the change will come on a case by case basis—fought in the federal and state courts and in the federal and state legislatures. A sweeping new Amendment would state the new principle unequivocally, be faster, cleaner and less likely to leave holes of discrimination beyond the public notice or without advocates ready to battle.

SUPPORT SWELLS FOR RADIO FREE EUROPE AND RADIO LIBERTY

Mr. HUMPHREY. Mr. President, a compromise has been reached which would keep Radio Free Europe and Radio Liberty alive, at least for the meantime. While any compromise never fully satisfies those who strongly support or oppose a given cause, it can provide a viable way out of what otherwise would remain a total impasse.

We have faced precisely this situation with regard to the authorization for continued funding of Radio Free Europe and Radio Liberty since December 1971, when the House and Senate versions were sent to conference. Because the sides for and against the support of the stations became clear early in the game, it was essential that the administration make known its position.

Regrettably, the administration failed to lobby actively for any bill in support of the radio stations until it was too late. Only a few days ago, just at a time when the radios were on the brink of financial bankruptcy, did the President speak out in an effort to break a deadlock among the conferees for the authorization bill. What we now have is an authorization for the rest of fiscal year 1972; that is until the end of this June, with only an understanding to consider further legislation before the end of fiscal year 1972. It is better than nothing, but it is the best we could expect. Could Presidential leadership have resulted in a stronger, more viable compromise?

In my opinion, the continued funding of the radio stations is important. Based on this evaluation on March 2, I submitted along with Senator PERCY a resolution, Senate Resolution 272, in support of the stations. At this time, the resoution has 65 cosponsors, expressing very clearly the majority will of the Senate.

Outside groups have organized in support of the radio station. One most noteworthy group is the Citizen's Committee on Radio Free Europe and Radio Liberty. The 57 organizing members, all prominent professionals, have issued a policy statement which I would like to call to the attention of my colleagues.

Mr. President, I ask that the statement in support of Radio Free Europe and Radio Liberty be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Policy Statement of Citizens' Committee on Radio Free Europe and Radio Liberty

The undersigned "Citizens' Committee on Radio Free Europe and Radio Liberty" strongly urges that the Congress authorize a full and careful examination of these valuable instruments of communication with the peoples of Eastern Europe and the Soviet Union, and that it provide adequate support for their continued operation until such a study is completed.

These radios have large and important audiences numbering in the millions of listeners who rely on them daily for uncensored information on developments in their own countries and internationally.

To close down these radio stations within the next few months without careful consideration would be an irresponsible action contrary to the best interests of the American people.

Organizing Members of the Citizens' Committee on Radio Free Europe and Radio Liberty

(Affiliations are Listed for Identification Purposes Only)

Altschul, Frank, Investment Banker, New York City.

Armstrong, John A., Professor of Political Science, University of Wisconsin.

Ball, George W., Partner, Lehman Brothers; Former Under Secretary of State.

Ballantine, Mr. & Mrs. Arthur, Publishers, Durango Colorado Herald and News.

Baron, Murray, International Management Consultant.

Barr, Joseph W., Former Under Secretary of the Treasury.

Barrett, Edward W., Former Assistant Secretary of State; Former Dean, Columbia Graduate School of Journalism; Director of Communications Institute, Academy for Educational Development.

Benton, William, Former Assistant Secretary of State and U.S. Senator (Conn.); Chairman of the Board, Encyclopaedia Britannica Educational Corp.

Blumberg, David, World President, B'Nai B'Rith.

Bohlen, Charles E., Former Ambassador to the USSR.

Brzezinski, Zbigniew K., Director, Research Institute on Communist Affairs; Professor of Comparative Government, Columbia University.

Byrnes, Robert F., Professor of History; Former Director, Russian and East European Institute, Indiana University.

Canham, Erwin D., Editor-in-Chief, Christian Science Monitor.

Dallin, Alexander, Professor of History and Political Science, Stanford University.

Davenport, John, Former Editor, Fortune Magazine.

Dillon, C. Douglas, Former Secretary of the Treasury and Under Secretary of State.

Disalle, Michael V., Former Governor of Ohio.

Eisenhower, Milton S., President Emeritus, Johns Hopkins University.

Fischer, John, Editor, Harper's Magazine.

Fowler, Henry H., Former Secretary of the Treasury.

Friedberg, Maurice, Professor of Slavic Literature, Indiana University.

Griffith, William E., Professor of Political Science, Center for International Studies, MIT.

Gronouski, John A., Former Ambassador to Poland; Dean, Lyndon B. Johnson School of Public Affairs, University of Texas.

Gruenther, Alfred M., General, U.S. Army (Ret.); Former President, American Red Cross.

Gullion, Edmund A., Dean Fletcher School of Law and Diplomacy, Tufts University; Former Ambassador to the Republic of the Congo.

Harlow, Bryce N., Executive, Procter & Gamble Mfg. Co.

Harriman, W. Averell, Former Ambassador to the USSR and Under Secretary of State for Political Affairs.

Hayes, John S., Former Ambassador to Switzerland.

Jessup, John K., Former Editorial Chairman, Life Magazine.

Kohler, Foy D., Former Ambassador to the USSR.

Linen, James A., Chairman, Executive Committee, Time, Inc.

Lipson, Leon S., Professor of Law, Yale Law School.

Lord, Mrs. Oswald B., Former U.S. Representative, U.N. Human Rights Commission.

Lucy, The Most Rev. Robt. E., Former Archbishop of San Antonio, Texas.

McCloy, John J., Former U.S. Military Governor and High Commissioner for Germany; Former President of World Bank and Coordinator, U.S. Disarmament Activities.

Marks, Leonard H., Former Director, U.S. Information Agency.

Meany, George, President, AFL–CIO.

Merchant, Livingston T., Former Under Secretary of State for Political Affairs.

Mickelson, Sig, Vice Pres., Encyclopaedia Britannica Educational Corp.; Former Chairman, International Broadcast Institute.

Moyers, Bill D., Host of Public Television Presentation; Former Publisher of Newsday; Former Presidential Spec. Asst. and Press Secretary.

Petersmeyer, Charles Wrede, President, Corinthian Broadcasting Corp.

Pipes, Richard E., Director, Russian Research Center, Harvard University.

Pool, Ithiel de Sola, Professor of Political Science, Center for International Studies, MIT.

Porter, Paul A., Former Chairman, Federal Communications Commission.

Quaal, Ward, President, WGN Continental Broadcasting Co.

Reedy, George, Dean Designate, School of Journalism, Marquette University; Former Presidential Press Secretary.

Repplier, Theodore S., Former President, Advertising Council.

Roche, John P., Professor of Politics, Brandeis University.

Rockefeller, Nelson A., Governor of New York.

Rostow, Eugene V., Professor and Former Dean, Yale University Law School; Former Under Secretary of State for Political Affairs.

Scranton, William W., Former Governor of Pennsylvania.

Stein, Jacob, Chairman, Conference of Presidents of Major Jewish Organizations.

Stern, Henry Root, Jr., Partner, Mudge, Rose, Guthrie & Alexander.

Wadsworth, James J., Former U.S. Representative to the U.N.

Wilcox, Francis O., Dean, Johns Hopkins School of Advanced International Studies; Former Assistant Secretary of State.

Winter, Ralph K., Professor, Yale University Law School.

PROPOSAL OF THE WATER RESOURCES COUNCIL, INSTITUTING NEW CRITERIA FOR THE EVALUATION OF WATER RESOURCE PROGRAMS, CAUSES CONGRESSIONAL CONCERN

Mr. RANDOLPH. Mr. President, the Water Resources Council recently announced that it was proposing new procedures to be used in the economic evaluation of water resources programs. With certain exceptions, the guidelines proposed to be promulgated by the Council will be helpful in formulating a sound and meaningful water resources program.

In 1965, Congress passed the Water Resources Planning Act, Public Law 89-80, which created the Water Resources Council. One of the Council's objectives is to prescribe principles and standards for planning water and related land development. In 1968, the Council changed the method for determining the interest rate to be used in discounting project benefits to present-day worth. This resulted in a higher rate and also in a need for complete reevaluation of present guidelines. Such a review was soon undertaken by the Council and completed in 1970. After a long review by the Office of Management and Budget, the proposed principles and standards were published in the Federal Register of December 21, 1971.

I regret that the Council chose to ignore the mandate of the Congress set forth in section 209 of the River and Harbor Act of 1970, Public Law 91-611, which provides for a four-account system in water resource project evaluation. The expressed intent of Congress is that projects shall be evaluated in terms of their effect on first, national income; second, regional development; third, environmental quality; and fourth, social well-being of the people. The Council's proposal gives full consideration to items 1 and 3, but has deleted item 4. Item 2 has been substantially weakened.

I regret, also, that the Water Resources Council's proposed new evaluation standards include a discount rate based on a theoretical private money market concept. This purely economic approach treats water resources as just another commodity in the marketplace. Simply stated, it would deny funds for any water resource project if those funds would earn more money invested in race horses or resort hotels. This theory fails to come to grips with the fact there is no alternative to a national program for the development of water resources. It totally ignores the growing water needs for the Nation.

It is obvious that the Office of Management and Budget, long critical of water resources programs, has had a heavy hand in dictating this portion of the proposed evaluation standards. The concept of basing the discount rate on the "opportunity cost of capital" is shortsighted. While it would save money now, it will jeopardize America's future healthy development. If implemented, we find ourselves moving from a period of measured progressive, multiple-purpose water project programs to an era of failure to meet vital national needs.

In considering the proposed standards and criteria, the Senate Committee on Public Works will look very closely at the proposed discount rate. I note that the present "opportunity cost" is said to be about 10 percent, although only a 7-percent discount rate is proposed for the time being. Thus, it would appear that a 10-percent rate is definitely in prospect. This means that the Federal Government would be undertaking only those projects which would, in fact, be tempting to private industry. Perhaps projects promising such a high return, such as small water supply reservoirs, should indeed be undertaken by the private sector, leaving comprehensive, large-scale river planning, development, and conservation to the National Government. A substantial reduction in the programs of the Nation which build up entire regions and create a better life for millions, plays havoc with the public interest.

I will not permit the scuttling of the Nation's water resources program by the use of an unrealistic interest-discount rate. I have previously introduced S. 2612, a bill to establish policy and principles for planning the use of the water and related land resources of the United States. It is more commonly referred to as the National Water and Related Land Resources Policy Act, and is presently pending before the Committee on Interior and Insular Affairs. The chairman of that committee, the distinguished Senator from Washington (Mr. JACKSON), has joined me in the introduction of this important legislation.

S. 2612 would institute principles and standards for the evaluation of water resource projects similar to those proposed by the Water Resources Council. However, this measure would set standards that would give full consideration to a multiple-objective approach as required by the River and Harbor Act of 1970.

In addition, the discount rate would be based on the average rate of interest payable by the Treasury on interest-bearing marketable securities of the United States outstanding at the end of the fiscal year preceding such computation which, upon original issue, had terms to maturity of 15 years or more. In other words, the discount rate would depend upon the "coupon rate" of long-term Government securities. The use of this formula would be in keeping with a water resources program that provides benefits over a long period of time; benefits not only for ourselves, but for future generations as well.

Mr. President, concern for the changes in water resource criteria and the impact they would have is widespread. Members of Congress are aware of this situation and of the potential effect that such sweeping changes would have on water resource development throughout the United States. I have received a letter signed by four of our colleagues, Senator METCALF, Senator BURDICK, Senator McGOVERN, and Senator BELLMON, in which they express dissatisfaction with the turn of events and urge that we give close attention to the public hearings scheduled by the Water Resources Council for March 20 and 21, 1972.

Since the proposed action by the Water Resources Council, underwritten by the Office of Management and Budget, has such far-reaching implications, it is imperative that Congress take appropriate measures to insure the continuance of a strong water resources program which is so vital to the economy and well-being of our Nation. I will, therefore, seek enactment of the National Water and Related Land Resources Policy Act. I will also pursue the matter in hearings before the Committee on Public Works, and in addition, will take such further steps as may be required to preserve and enhance this important program.

PROPOSED STANDARDS AND PROCEDURES FOR WATER RESOURCE PROJECTS

Mr. ELLENDER. Mr. President, the senior Senator from West Virginia (Mr. RANDOLPH) has performed a real service by alerting the Senate and the Nation to the effect the proposed standards and procedures for evaluating water resources projects will have on the future development of these resources.

The Water Resource Council's Task Force developed the standards, and they were realistic until the Office of Management and Budget directed certain changes in the proposed standards.

The original standards provided for four accounts: National economic development; environmental quality; social well being—of man—and regional development.

Last fall, the Senate and the Congress approved my amendment which became section 209 of the River and Harbor Act of 1971. That amendment expressed the sense of Congress that the four objectives are to be considered in project formulation and in the economic analysis.

Subsequently, the Office of Management and Budget, in spite of section 209, deleted the social well-being account, and directed that the regional account could be used only when approved in advance. It is not clear who will make the approval.

There will be expert testimony presented at the hearings to be held by the Water Resources Council showing that the opportunity cost of money as the basis for the discount rate is wrong. The senior Senator from West Virginia has presented facts to show the practical effect of using an unrealistically high discount rate.

The other point I would like to make is that most medium to large projects require 4 to 5 years of preconstruction planning after authorization. The Office of Management and Budget has insisted that if construction has not started within 5 years of authorization the authorized project must be re-analyzed under the new standards and procedures.

The Subcommittee on Public Works of the Committee on Appropriations receives requests from most Members of the Senate urging funds for local projects. Unless Members of Congress express their opposition to the new standards to the Water Resources Council, the work of the subcommittee will be greatly reduced.

LOS ANGELES TIMES SUPPORTS EQUAL RIGHTS AMENDMENT

Mr. BAYH. Mr. President, I wish to call the attention of the Senate to a perceptive editorial which appeared in the Los Angeles Times on January 17, 1972. The editorial calls for approval of the Equal Rights Amendment. It eloquently reminds us that sex discrimination—

> Is not a problem for women alone but for all Americans. Sex discrimination is rampant. It is flagrantly unjust. It is a prodigal abuse of human resources that no nation can afford.

I fully agree, Mr. President, and I think that the hearings that have been held on the Equal Rights Amendment show this to be true. I fully agree too, with the editorial's conclusion that the answer to legal sex discrimination will come only "from an amendment of the ultimate law of the land."

I ask unanimous consent that the Los Angeles Times editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Equal Rights for Women

Hundreds of the women of Southern California will gather Friday at El Pueblo de Los Angeles State Park. Each will have with her a man, among them judges, business leaders and political chieftains. They will not be there to admire the Pico House. They will be there to discuss an evident defect in American society:

Unequal treatment of women.

And to promote a remedy: The "equal rights" amendment proposed for the U.S. Constitution.

The women are right in what they are about, and there is logic in bringing along the men to join the cause. For this is not a problem for women alone but for all Americans. Sex discrimination is rampant. It is flagrantly unjust. It is a prodigal abuse of human resources that no nation can afford.

It is embarrassing that the courts of the nation have failed for 103 years to extend to women the equal rights that appear so clearly asserted in the 14th Amendment of the Constitution. It says: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Equal protection? Even in California, which is progressive in comparison to many states, community personal property is controlled by the husband, not the wife. In some states a woman doesn't even control her personal earnings. And that is just the beginning.

A woman won her first 14th Amendment case in the U.S. Supreme Court only last November. It was a unanimous decision, but it was not the broad assertion of equal rights that opponents of sex discrimination had hoped for.

There now seems no practical alternative to a constitutional amendment to end expeditiously the contradictions and equivocations which have been used to reduce women to second-class citizens in many states and to exploit them on the labor market in every state.

Members of the House of Representatives agree. They voted 354 to 23 last Oct. 12 to approve the constitutional amendment. It asserts simply that: "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

Members of the House struck down amendments to the amendment which the sponsors felt were "crippling." But the amendment issue has been raised now in the Senate by Sen. Sam J. Ervin Jr. (D-N.C.), who insists that the change in the Constitution include specific provision for discrimination between the sexes if "such distinction is based on physiological or functional differences."

It is not evident whether paramount in the proposal is the senator's considerable knowledge of the Constitution or his reputation as an old-fashioned Southern gentleman. Whichever, we are not persuaded. It seems to us that legislation and common sense should be able to cover any special problems without constitutional exemption. The last employment barrier may have collapsed anyway last Thursday when New York's highest court cleared the way for Mrs. Bernice Gera to become a professional baseball umpire.

There will always be an excuse or a quibble to try to perpetuate the exploitation and discrimination. The record of the courts themselves shows the need for reform and clarification that can best come from an amendment of the ultimate law of the land.

GENOCIDE: THE STRUGGLE IN BANGLADESH

Mr. PROXMIRE. Mr. President, the civil war in Pakistan was a short but bloody affair. The media flashed pictures of violence and atrocities into homes throughout the world. Only with the arrival of Indian troops in Dacca was East Pakistan freed from the oppressions of the West and a new, independent state of Bangladesh declared.

But the infant state of Bangladesh has yet to overcome profound internal problems. The bloodshed that marked the days of civil war continue after independence. Pakistani sympathizers have been searched out, tortured, and publicly executed as an example for others. But one of the worst fates meted out has been to the tribal group of the Biharis. This ethnic group continues to bear the brunt of violent persecution and ostracization. Using the excuse of punishing Pakistani collaborators, the Bangladesh guerrillas have cut off the food and medical supply to Bihari villages and have effectively curtailed Red Cross emergency assistance and international exposure through the news media. Whether the Bihari villages will be allowed to survive only the people of Bangladesh can determine. As yet the outside world has brought very little pressure to bear.

Although the persecution of the Bihari tribe comes dangerously close to an act of genocide, the state of Bangladesh can be held accountable to no international agreement. It is too young to have signed the Genocide Convention of 1948. However, the situation in Bangladesh dramatically indicates the overwhelming need for universal acceptance of such an international agreement to protect the dignity, human rights, and very lives of minority groups.

The possible mass slaughter of the Bihari people should be prevented at all costs. The reason and pressure of the civilized world must be exerted to save these lives. But what pressure can the United States exert? What position of moral leadership can we assume having never ratified the Genocide Convention?

Mr. President, no longer can we neglect our responsibility to oppose the atrocity of genocide. I call upon my colleagues to move immediately toward ratification of the Genocide Convention.

OPPOSITION TO PROPOSED CUTS IN IMPACTED AID

Mr. MOSS. Mr. President, my State of Utah has been hard hit by the announcement that funds for the impact aid program might be cut significantly in the fiscal 1973 budget. Early accounts at the time of the introduction of the President's budget indicated that substantial cuts were to be made, but it was not until Wednesday, March 8, that we received full documentation from the Office of Education regarding these cuts.

It is hard to believe, but the present budget proposes a 60-percent cut in the amount of funds the State of Utah would receive for impact aid assistance. I strongly object to these cuts, and will fight for restoration of full funding and exhaust every opportunity given in the Senate for voting on this appropriation.

It is incredible that at this time of a recognized crisis in school funding we would receive a proposal for such a substantial cut in one important aspect of education funding. Is this the kind of solution we are to expect from the President? The report of the President's own Commission on School Financing, 2 years in preparation, points out that local property taxes now carry 52 percent of the load of financing education in America's schools. The impact aid program is specifically designed to relieve communities of that burden where there are substantial numbers of Federal employees and Federal installations attending the local public schools, because there is no property tax base from Federal installations. Certainly the action proposed to reduce impact aid funding flies in the face of the recommendation of the President's own Commission.

This is a "nonbureaucratic" program. The money goes directly to the school districts involved. The districts apply for the money and receive it directly. This is certainly the best of the "revenue-sharing" ideas, and it was adopted long before the current emphasis on revenue sharing.

I take this opportunity to announce my intentions. I plan to seek the earliest possible opportunity to amend the Education Appropriations Act to restore full funding for these programs. I know that the senior Senator from California (Mr. CRANSTON) has been very active in this field in the past. I hope to either introduce an amendment of my own or join with him in efforts to accomplish this purpose. The junior Senator from New Mexico (Mr. MONTOYA) has been active on the Appropriations Committee, securing adequate funding for these programs. I will work with all Senators who are interested in redressing the injury that would occur if the President's budget request for this item were accepted.

Thirty-four school districts in the State of Utah receive Public Law 874 funds. All 34 of these Utah districts would receive reductions under the proposal in the President's budget. Seven of these districts would receive the maximum cut allowed under the proposal. These are Morgan County, Box Elder County, Ogden City, Weber County, Davis County, Tooele County, and Grand County.

The Office of Education has just delivered detailed tables showing the distribution of funds under the new proposal throughout the country. I would point out that we must be somewhat cautious in interpreting these tables. The figures are based on 1971 data supplied from the school districts, and that data base will change as new information comes in. Nevertheless, these are good general estimates regarding the effect of the proposed cuts. On the basis on this 1971 data, the State of Utah would receive a cut of $4.2 million in impact aid. In fiscal 1972, the State of Utah received $7 million. A cut of this magnitude is a tremendous burden for any school district to absorb in one year.

Let me cite some of the most substantial examples in my State of Utah. Davis County received $1,811,476 in the fiscal year 1972 appropriation. Under the new proposal, Davis County would receive $859,751, or a cut of $951,725. The figures for Salt Lake City are $303,132 for fiscal 1972, $64,945 for fiscal 1973, for a loss of $238,187. For Box Elder County, the figures are $340,016 for fiscal 1972, $68,621 for fiscal 1973, for a loss of $271,395.

The President's budget request says that his education revenue sharing previously submitted would assure that no school district would lose money on any education programs. I believe that this is fine, but I also believe that it is improper to reduce any education programs until the proposed revenue-sharing bill, or some variation of it, is passed.

The President attempted to make substantial reductions in the impact aid program last year. In an amendment on the floor of the House, funds for these programs were restored to the level of funding provided in fiscal year 1971. In other words, no change was allowed in fiscal year 1972, though proposals were made to specifically cut the program. At present school districts receiving funds under section 3(a) of Public Law 874 will receive 100-percent funding if students qualifying under 3(a) constitute more than 25 percent of the school population. Otherwise, the school receives 90 percent of its entitlement for such students. Under section 3(b), a school district received 73 percent of its entitlement under the fiscal year 1972 act. This 73-percent figure is the crucial battleground and has been for the last 2 years. The President is proposing to reduce this category to zero percent, except for the children of military personnel and Indians.

I applaud the effort to place the highest priority on areas affected by military personnel and Indians, and will support such an effort. But this should be done as an additional item, and not at the unnecessary expense of other parts of the impact aid program. I will not support an effort to take any funds away from the category of military personnel and Indians. But it is not necessary to make this choice. All parts of the program should be funded.

I understand the motivation to restructure the impact aid program; there are some school districts, particularly those surrounding Washington, D.C., that do not seem to merit the money they get under this program. We should not, however, harm innocent school districts and the children they serve by using a rather inept measure to achieve such a change. If the basic law is wrong, then let us change it and do a proper job. The present proposal by the administration would harm many districts that deserve the money they are receiving. A better cure should be found.

I would hope that the House Appropriations Committee, since it is the first to take action, would redress this inequity immediately. If it does not, then I would hope for floor amendments in the House or amendments in the Senate committee. I would be prepared to support such amendments all the way through to the floor of the Senate. I ask unanimous consent that there be printed at the end of my remarks two documents: the first is an explanation by the Office of Education of the proposed action and a description of an accompanying table; the second item is the table for the State of Utah itself.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

OFFICE OF EDUCATION

The President's budget for 1973 proposes a revised method of distributing Impacted Area Aid funds under existing legislation. The budget requests $415 million for 1973 compared with $592.6 million appropriated in 1972. While this is a reduction of $177.6 million, the distribution planned would return this program to the original intent of the legislation.

Initially this program was created to provide financial assistance to school districts heavily impacted by children associated with Federal government operations, primarily military. Gradually, over the past twenty years, the concept of providing funds to offset the loss of tax revenue in districts heavily impacted by the military has eroded and has developed into a situation where heavily impacted school districts constitute less than half of the districts receiving aid under the program. Moreover, increasing amounts of money are being provided for the children of Federal employees who reside in the "impacted" school districts and who contribute to the financing of the school systems through the local taxing system, just as do their neighbors who do not work for the Federal government.

The 1973 budget proposal attempts to return the progam to its original emphasis and will provide 100 percent of entitlement for military dependents and Indian children whose parents work or reside on Federal property. The budget also provides a hardship provision to ensure that no impacted district in 1973 receives less than 95 percent of their 1972 total school budget as a result of the reduction in impacted area aid.

Actual data on the number, composition (military, Indian, civilian), and per pupil expenditures for the 1973 school year will not be available until after the 1973 school year is completed. Information on 1972 is now being collected from applications submitted by each impacted school district. Therefore, it is not possible at this time to develop a reliable estimate of each school district's payment for 1972 or 1973.

However, to illustrate how the budget will affect each school district, the Office of Education compiled actual data for 1971 and then applied to this data, the method of payment currently in effect for 1972 and the proposed method of payment for 1973. This is essentially the information contained in the attached report. The 1971 data on which both payment plans are based were obtained from the local school districts' applications in 1971 and from additional information on children of Uniformed Services personnel for each school district supplied to the Office of Education from State departments of education. Reports were received from all jurisdictions except Massachusetts, Puerto Rico and the Virgin Islands.

In the attached report, no attempt has been made to project the 1971 actual data to 1972 or 1973 for each school district. Such projections are dependent on specific conditions in each district relating to changes in pupil enrollment, per pupil costs, and total school expenditures.

For the purposes of compiling the attached report, 1971 data have been used to compute payments under the funding arrangement provided in the 1972 appropriations and as proposed in the 1973 budget. Each column contained in the report is explained as follows:

"A Payment, 1972 Appropriation": A entitlement at 90% if A children comprise less than 25% of total children in the school district or A entitlement at 100% if A children comprise 25% or more of total children.

"A payment, 1973 proposal": A entitlement at 100%. Includes any B(1) Indian children as A children.

"B payment, 1972 Appropriation": B entitlement at 73%.

"B payment, 1973 proposal": Entitlement for military dependent B children at 100%.

"5% of TCE": 5% of 1970–71 total current expenditures as estimated by school districts on 1971 applications.

"Hardship": Amount of difference between 1973 and 1972 payments that exceeds 5% of total current expenditures.

UTAH, PUBLIC LAW 874, IMPACT AID—BY CONGRESSIONAL DISTRICT

State Apl. No. and school district name	(A) payment 1972 appro.	(A) payment 1973 prop.	(B) payment 1972 appro.	(B) payment 1973 prop.	5 percent TCE	Hardship	Total (A)+(B) 1972 appro.	Total (A)+(B) hard. 1973
UTAH								
802 Duchesne Co. S.D.	45,651	50,724	32,399	171	82,352	0	78,050	50,895
1501 Wayne S.D.	5,552	6,169	14,760	0	25,010	0	20,312	6,169
1502 Garfield Co. S.D.	10,795	11,995	31,023	342	41,635	0	41,818	12,337
1601 Morgan Co. S.D.	925	1,028	54,040	685	38,642	14,610	54,965	16,323
1701 Sevier S.D.	1,850	2,056	29,772	3,427	93,640	0	31,622	5,483
6 Box Elder Co. S.D.	30,537	33,930	309,479	8,568	271,395	26,123	340,016	68,621
1703 Alpine S.D.	307	342	108,955	24,333	439,050	0	109,262	24,675
901 Daggett S.D.	22,620	22,620	3,002	0	13,865	0	25,622	22,620
1802 Nebo S.D.	925	1,028	49,161	5,654	285,081	0	50,086	6,682
803 Emery Co. S.D.	1,541	1,713	42,781	2,056	70,169	0	44,322	3,769
902 Uintah S.D.	127,083	141,547	126,844	1,542	129,794	0	253,927	143,089
4 Bd. of Ed. of Ogden City	0	0	672,498	19,363	481,215	171,920	672,498	191,283
3 Weber Co. S.D.	17,890	19,878	996,113	0	536,690	457,435	1,014,003	477,313
2001 South Sanpete S.D.	2,466	2,741	17,888	0	21,233	0	20,354	2,741
2002 Piute Co. S.D.	0	0	5,879	0	21,578	0	5,879	0
2003 Carbon Co. S.D.	0	0	102,826	5,140	135,499	0	102,826	5,140
2 San Juan Co. S.D.	294,405	294,405	31,648	171	89,525	0	326,053	294,576
2005 Wasatch Co. S.D.	925	1,028	19,389	0	65,425	0	20,314	1,028
1201 Cache Co. S.D.	0	0	71,052	5,312	219,220	0	71,052	5,312
801 Kane Co. S.D.	5,243	5,826	14,135	685	30,250	0	19,378	6,511
7 Davis Co. S.D.	392,048	435,609	1,419,428	117,310	951,725	306,932	1,811,476	859,751
601 Grand Co. S.D.	7,093	7,882	86,689	342	45,982	39,576	93,782	47,800
201 Logan City Bd. of Ed.	0	0	28,521	8,053	131,611	0	28,521	8,053
Congressional District Total (23)	967,856	1,040,521	4,268,282	203,054	4,220,586	1,016,596	5,236,138	2,260,171
UTAH (002)								
2001 Washington Co. S.D.	10,795	11,995	61,045	1,199	121,427	0	71,840	13,194
1004 Juab S.D.	616	685	4,002	0	31,197	0	4,618	685
1901 Tintic S.D.	0	0	4,503	171	13,099	0	4,503	171
1805 Jordan S.D.	0	0	107,955	0	677,296	0	107,955	0
1804 Beaver Co. S.D.	1,233	1,370	2,251	685	41,087	0	3,484	2,055
1803 Iron Co. Bd. of Ed.	0	0	21,390	2,570	99,804	0	21,390	2,570
1401 Granite S.D.	0	0	566,795	37,870	1,646,552	0	566,795	37,870
1 Tooele Co. S.D.	210,984	235,112	430,194	4,798	211,223	190,045	641,178	429,955
1801 Millard Co. S.D.	307	342	10,757	1,199	76,706	0	11,064	1,541
1702 Bd. of Ed. of Salt Lake City	24,676	27,418	278,456	37,527	1,320,273	0	303,132	64,945
1402 Murray City S.D.	0	0	46,034	0	167,834	0	46,034	0
Congressional District total (11)	248,611	276,922	1,533,382	86,019	4,406,498	190,045	1,781,993	552,986
State total (34)	1,216,467	1,317,443	5,801,664	289,073	8,627,084	1,206,641	7,018,131	2,813,157

SEABEDS TREATY

Mr. HUMPHREY. Mr. President, an editorial in the April issue of the National Parks and Conservation magazine has been brought to my attention. The article discusses in some detail the importance of agreeing on a convention for the regulation and protection of the seas. At this moment the Seabeds Committee of the United Nations is meeting and as negotiations proceed it is important that the United States not bargain away its proposal. In fact, the need may be to strengthen it.

The article I have referred to makes this point very well, particularly with regard to the rapid establishment of a world agency to control the use of the seabeds. The United Nations Conference on the Law of the Sea meets in 1973 and, therefore, the deadline is approaching for agreement on a Seabeds Treaty. There are many difficulties which still need to be ironed out. We should give our delegation our strongest support and draw attention to the importance of this convention as part of an international campaign to save our environment.

Mr. President, I ask unanimous consent that the article from National Parks and Conservation magazine be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE LIFE OF THE SEAS

President Nixon's farsighted and commendable proposal of two years ago for the establishment of a world regime for the regulation of mineral extraction from the seabeds may be headed for trouble. As we write, the March sessions of the Seabeds Committee of the United Nations, to which the United States submitted its proposals, are about to convene. The U.S. delegation may be severely handicapped in the negotiations by domestic opposition.

Ahead will be further sessions of the Committee next summer, and thereafter the projected U.N. Conference on the Law of the Sea in 1973. The fate of the President's proposal, and the outcome of the Conference itself, could be settled in Committee, long before the Conference, and settled adversely.

The original plan, embodied in the President's statement of May 23, 1970, and made more specific in a Draft Convention deposited with the U.N. Seabeds Committee on August 3, 1970, contemplated that the natural resources of the seabed beyond the 200-meter depth line would become the common heritage of mankind. A world Authority would be established to license exploration and exploitation in the Common Heritage Zone. Within the main zone, along the coasts, and comprising the continental shelves and margins, a Trusteeship Zone would be established, in which the licensing powers of the Authority would be exercised in trust by the coastal states.

The Authority would consist of an Assembly, including representatives of all Signatories, a Council, a Tribunal, and a Secretariat. These organs would exercise licensing, revenue-collecting, rule-making, inspection, enforcement, adjudicative, and revenue-sharing powers. Revenues from licensing would accrue in part to the expenses of the Authority, making it an autonomous world agency, but in the main to development aid for the less affluent nations.

In a world compressed into a neighborhood by the accelerating technologies of transportation and communication, threatened by lethal armaments, deadly pollution, famine, and overcrowding, the national security and national interests of all nations, including those of the United States, compel the prompt emergence of world institutions of the kind the President has proposed.

For our part, in the NPCA, we endorsed the President's proposals wholeheartedly by editorial in our issue of August, 1970. There was widespread press and other approval throughout the Nation. Opposition, however, also gathered rapidly.

Existing international conventions assert the right of coastal states to exploit the mineral resources of the seas along their shores, out to the 200-meter depth line and as far beyond within the continental margins as technology can reach. A decade ago the 200-meter depth might have been the technological limit. This is no longer true, and the line is now largely meaningless to nations like the United States with equipment to go much farther if they choose.

A Subcommittee of the Senate Committee on Interior and Insular Affairs held hearings after the President advanced his proposal, and pronounced in effect, in a report dated December 21, 1970, that the national interests of the United States forbade assent to the 200-meter line limitation. The oil industry, looking toward the next round in the galloping exploitation and exhaustion of our national reserves of petroleum, seems to have mounted a strong attack upon the President's proposal. Environmentalists the world over should organize effective counter-initiatives.

The growing pollution of the seas imperils the survival of man. Surely it is common knowledge that the Mediterranean may be dying, the Baltic in terminal illness. Some experts believe that the oceans, the cradle of life, from which life would have to renew itself again if defeated on the continents, may be dead within 25 years if present trends continue.

The living creatures of the oceans can now be pursued and exploited with the aid of the most advanced technologies, unknown a dozen years ago. They can be gravely depleted, or even wiped out, and the food resources of a hungry world can be greatly reduced.

The surviving ocean mammals are imperiled everywhere. Species which offer no exploitative profit (dolphins, porpoises) are none the less endangered incidentally in the capture of lucrative species. Man's ecological foundations, the foundations of all life in the ecosphere, are shaken.

Able students of international law and resources management, practical, experienced, prudent men, concerned for the national security and the national interests of America, would strengthen the President's proposals, rather than weaken them, in effect by enlarging the World Heritage Zone for environmental protection purposes up to low-water mark. We concur in the recommendation, and hope that the world environmental movement may take that position. The Trusteeship Zone could be moved back to the landward side of the 200-meter depth line only.

Most of the life of the seas occurs in the continental margins; the estuaries, remote from the deep seas, are the rich breeding grounds of the simpler marine organisms on which the structure of life is built in the oceans. Pollution from oil drilling, always a menace, capable of but partial containment at best, will be a greater danger in the territorial seas than the deep oceans.

The destructive exploitation of fish resources, benefitting none but the most rapacious commerce, and that but briefly, occurs heavily near the coast. The protection of the men and industries, and of the ultimate consumers, who live by this commerce and these commodities, requires rational and considerate regulation by a strong world agency.

The problems of marine pollution from the land would remain. The proposed Authority should be given the function of convening conferences, developing model national laws, recommending economic and financial methods of mutual aid, and looking toward enforceable covenants to deal with the issue expeditiously.

For the less affluent countries, the urge toward accelerated agricultural production and rapid industrialization will work against environmental protection unless compensatory financing can be provided from the World Community on the basis of the gross national product of each nation. The more affluent countries, which can afford to give such help, should understand that their own survival depends upon such financing.

The objectives for which the U.S. delegation to the U.N. Seabeds Committee should be bargaining in the Seabeds Committee, and for which it should have strong support, are obvious: access for our commercial and naval fleets through straits within territorial seas (whether 12 or 200 miles); access also for our distant-water fishing fleets (tuna, shrimp, etc.); protection for our anadromous fisheries in areas remote from our coasts (the Atlantic salmon off Iceland); a share through a world agency in the mineral wealth, including petroleum, of the continental margins of other continents; and revenue raising systems to finance the proposed Authority and provide funds for technical and economic assistance to help the less affluent nations get on their own feet and off the welfare rolls.

For a good bargain in these matters the United States should be prepared to accept world agency controls over all marine resources exploration and exploitation along the lines proposed by the President and farther, with the agency having direct authority seaward of the 200-meter depth line, and the coastal states having trust authority landward of that line to the low-water line. The United States would have great negotiating strength in such a position and could bring about the creation of the necessary world agency rapidly. Domestic opposition to the establishment of such a world agency weakens the bargaining position of the United States and endangers our national security and our national interests.

The President's plan is a good and necessary plan; it needs only to be strengthened. There should be no retreat by the U.S. delegation in the Seabeds Committee negotiations; more expansive claims should be asserted. The Administration which fathered the plan should stand by it and reinforce it. The interests which are opposed to it should examine their responsibilities to this Nation and to mankind.

ANTHONY WAYNE SMITH.

CONSUMERISM

Mr. MOSS. Mr. President, last December, A. Edward Miller, president of the Berlitz Schools of Languages, gave a speech entitled "The Mythology of Consumerism" at an Association of National Advertiser's Workshop on Research on Copy Effectiveness and Consumer Response. I would like to put Mr. Miller's remarks in the RECORD following my remarks because I find them rather interesting.

I think it would be appropriate, however, for me to comment on consumerism in general. Some date the dawning of the modern consumer movement with President John F. Kennedy's special consumer message 10 years ago. In that message the President reminded Congress that consumers are the largest economic group in the country, accounting for two-thirds of all spending. He urged that the Federal Government be alert to consumer needs and advance the consumer's interest. And to fulfill our obligations to the consumer, the President proclaimed four basic rights.

Contrary to Mr. Miller's comments, I believe that those four basic consumer rights serve to shape every piece of consumer legislation that passes before us. Those rights? First, the right to safety—to be protected against the marketing of goods which are hazardous to health or life; second, the right to be informed—to be protected against fraudulent, deceitful or grossly misleading information, advertising, labeling, or other practices, and to be given the facts needed to make an informed choice; third, the right to choose—to be assured, wherever possible, access to a variety of products and services at competitive prices and in those industries in which competition is not workable and in which Government regulations are substituted, an insurance of satisfactory quality and service at fair prices; fourth, the right to be heard—to be assured that consumer interest will receive full and sympathetic consideration in the formulation of governmental policy and fair expeditious treatment in its administrative tribunals.

Although that was 1962, it took Congress until 1966 to produce the first breakthrough in consumer legislation. That was the year of the auto safety law, the truth in packaging legislation and the year of the emergence of Ralph Nader.

In the intervening period, the Congress has produced not only the automobile and tire safety legislation and the packaging law, but flammable fabrics legislation, hazardous substances, toy safety legislation, natural gas pipline and electronic product radiation legislation, the act banning broadcast cigarette advertising, the law authorizing the creation of the National Commission on Product Safety, and laws requiring investigation of flaws in our system of automobile insurance.

Just last year, the Senate passed legislation to strengthen the Federal Trade Commission and to insure meaningful product warranties, as well as legislation to establish systematic limits on escalating cost on automobile repairs.

To what does American industry owe this outpouring of apparently punitive legislation? Is it simply political opportunism and demagoguery as some businessmen have suggested? Is it less a response to demonstrated consumer needs and more an exploitation by politicians of irrational consumer fears and prejudices?

The set upon businessmen is free, of course, to take refuge in that comforting belief, but in my judgment the forces unleashed and the pursuit of these legislative goals over the past half decade have presented a rather fundamental change in public consciousness and attitudes toward the basic private and public institutions serving our society.

Mr. President, I ask unanimous consent that Mr. Miller's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

MYTHOLOGY OF CONSUMERISM

(By A. Edward Miller)

Once upon a time there was a small school. It was a good school. It had a young and active headmaster. He loved his school and he loved his students. He was interested and involved in every aspect of his school so no detail was too small to escape his attention.

Early one morning he was in front of the school supervising the laying of concrete for a new sidewalk. The job was almost complete when two youngsters on the way into school could not resist putting a footprint into the still wet concrete.

When the headmaster saw this he flipped. He grabbed the two youngsters by the back of their necks—held them in mid-air screaming hysterically—"You monsters—you miserable brats"—and proceeded to knock their heads together.

At this point the mother of one of the two small monsters observed the hysteria and joined in screaming at the headmaster. "Sir"—she exclaimed "I have never seen such violent behavior. At the last parent teacher meeting I heard you preach about love—love for learning—love for each and every student—this doesn't look like love to me."

The headmaster dropped the two little boys—turned to her and said "Madam—I was speaking about love in the abstract—not in the concrete."

Today I'd like to talk about consumerism in the concrete not in the abstract. In my previous reincarnation—before foreign languages—I was in the dictionary business. I got in the habit of looking things up. I decided I better look up the title of this talk—"The Mythology of Consumerism."

While it has a nice cultural somewhat controversial ring to it—but what does it really mean? My favorite dictionary tells me that mythology means—the science or study of myths or a telling of tales and legends—or a book or collection of myths. What are myths? A traditional story of unknown authorship; ostensibly with a historical basis, but serving to explain some phenomenon of nature, the origin of man or the customs, institutions, religious rites, etc. of a people—any fictitious story or unscientific account, theory, belief, etc. Finally—myths usually involve the exploits of gods and heroes—then the advent of the deification of Ralph Nader to replace Marshall McLuhan suddenly became clear.

I then moved on to "consumerism." To my chagrin there was no such word in the new Webster's New World Dictionary. The closest I could come was "consume". That means "to destroy; to do away with, to use; to spend wastefully, to squander, to eat or drink up, devour, to absorb completely." All of these add up to a fairly strong set of negative statements for what is essentially a positive process and a basic ingredient of our life cycle and our economic processes.

What does this all add up to? I guess I'll be telling you some phoney or fictional stories in pontifical fashion about waste and destruction. Perhaps that comes closer than either of us like to explaining and understanding the consumerism movement.

Having been frustrated by my very own dictionary I decided that this was too contemporary a thing for dictionaries. Instead I delved into more recent history. I didn't go too far back when I discovered a rather interesting message to the Congress of the United States made by President John F. Kennedy on March 15, 1962. Surprisingly this is now almost a decade ago and I suspect this almost forgotten message may have given birth to the Consumerism movement. It was entitled "A Message to the Congress on Protection for the Consumer." In his opening paragraph President Kennedy stated that Consumers are the largest economic group in the economy. "Two-thirds of all spending in the economy is by consumers. But they are the only important group in the economy who are not effectively organized, whose views are often not heard."

He delineated consumer problems in terms of inferior products, exorbitant prices, drugs which are unsafe or worthless and the need for freedom of choice on an informed basis.

He made some interesting comments which still have the ring of wisdom and truth—almost a decade later. The reasons for the need for increasing consumer protection were particularly interesting—first the match of technology—second the increasing impersonal nature of marketing with particular influence of mass advertising.

He proposed a four-point bill of consumer rights.

1. The right to safety
2. The right to be informed
3. The right to choose
4. The right to be heard

That bill of consumer rights has stood up remarkably well during this decade—indicating their basic wisdom.

However, I thought it might be interesting to get a contemporary slant on the phenomenon of consumerism so I wrote to 14 thoughtful leaders of the consumerism movement asking them to give me a simple definition of consumerism. The replies were interesting and revealing.

Ralph Nader replied with a 5-page talk on the Future of the Consumer Movement. However, he did not attempt to define consumerism.

It appears consumerism is almost impossible to define because it means different things to different people. As one respondent reported—consumerism means a chaotic, harassing, insatiable anti-business movement to many businessmen, it means a strong, revolutionary uprising for "rights" to many consumer advocates.

Mr. Woodrow Wirsig, head of the Metropolitan N.Y. Better Business Bureau, defines consumerism as increasing consciousness among all of us—businessmen, professionals and workers—that we must do better in our own production of products and services so that we can become more satisfied consumers of products and services.

The response from Secretary of Commerce Stans was simple—"The growing framework for expectations against which consumers view business behavior." Perhaps too simple.

Dr. Nelson Foote who heads the Sociology Department of Hunter College, and a former businessman writes "consumerism is the term which refers to the general tenor of various public critics of the goods and services purchased by consumers which fall in quality below their reasonable expectations." These critics bear down especially hard on businessmen and corporations with the implication at times of deliberate cheating or injury; other critics on the other hand, criticize government agencies, professors and even non-profit organizations.

Another thoughtful response from Dr. Milton Blum who is Director of the Program for the Study of Consumer Affairs of the University of Miami defines consumerism as a body of knowledge that studies consumer affairs which includes the interaction between a buyer and seller as well as the affairs that develop as a result of buyer-seller transactions but which are broader in scope and involve large numbers of people as well as social issues, ecology, etc.

His irrepressible sense of humor comes to the fore in further definitions—like "Executives believe that consumerism means that they appoint a lady who is often pretty as the Director and that solves all problems. Government uses this ploy too, but the lady is less pretty and makes lots of speeches."

One of the prettiest lady consumerists in government provided me with a rather direct and effective definition "The organization of citizens throughout the country to make certain that they are treated fairly by merchants."

An equally attractive Washington consumerist provided a rather thorough and sound definition. "Consumerism is nothing more and nothing less than a challenge to business to live up to its full potential—to give consumers what is promised, to be honest, to give people a product that will work and that is reasonably safe, to respond effectively to legitimate complaints, to provide information concerning the relevant quality characteristics of a product, to take into consideration the ecological and environmental ramifications of a company decision, and to return to the basic principle upon which so much of our nation's business was structured—'satisfaction guaranteed, or your money back.' "

John Mack Carter who edits the Ladies Home Journal defines consumerism as "the skill each of us exercises in responsibly judging the value of products and services for purchase."

Dr. Herbert Krugman of General Electric: "A trend of opinion which would change the character of the market place from one in which the buyer's fear of having made an inappropriate purchase outweighed the seller's fear of having made an inappropriate sale—to one in which the seller's fear outweighed that of the buyer." That definition takes some defining.

The Senators and Congressmen all ignored my request for a definition. I guess they are too busy working on the 700 odd bills lurking in Congress on consumerist issues to be writing definitions on the subject.

So much for definitions. It is interesting to at least superficially analyze them. It seems to me that most are oriented to opinion and attitude and not toward behavior. There are strong indications that the quality of products and services are deficient. There seems to be unanimity that consumerism is a consumer responsibility: There is no agreement on whether the consumer should look to the merchants or the maker for satisfaction. Finally there is a very proper concern with the difference between the aspirations or expectations of consumers and the realities of the world in which they live.

As a final note on this subject, Lou Harris ran a recent national poll on the subject of consumerism for Life Magazine and despite the daily headlines on the subject less than one half of the people in the country say they have heard of the term consumerism. More people say that they know who Ralph Nader is—than said they know about consumerism.

Most of our definitions tend to be abstractions—I guess definitions have to be. There are realities in consumerism. There are facts. The act of purchasing a product or service is rooted in behavior, in action. Therefore it is possible to make definitive measurements of the extent to which there are consumer abuses in the market place. Do products hold up and function? Are products serviced? Are warranties honored? Are delivery dates met? Are financing charges honest and legal and understood? I could go on.

For some reason there has never been a broad gauged systematic measurement of failures of products and services to deliver what has been promised. There is no continuing feedback system on the consumer in the market place. This is not a very complex measurement. I am sure that just about every research organization or department represented in this room is capable of making such measurements—yet except in isolated and very specific cases and on a very confidential basis these measurements have not been made. They are not available to businessmen, to consumers, or to legislators.

I spent many months in a hopeless attempt to get the United States Government to measure the experiences of the consumer in the market place on a sound factual basis. If we had this data we could have a sound basis for legislation, we would have a basis for persuading business to correct some abuses. We would be able to measure trends and know whether things are getting better or worse. Perhaps my timing was wrong. Perhaps business was not yet ready to put calipers on its sins. I predict it will happen whether they want it to or not.

The national Better Business Bureau has organized an effort to classify and to organize the rather impressive volume of complaint mail which they receive. That will never give us a full perspective on the problem. There are new efforts to self-discipline advertising claims and copy. These are constructive efforts but they are not substitutes for a sound continuing factual national measure of what is happening to the consumer in the market place. It should have the support of each of you even though it might uncover facts that may reflect unfavorably on your business or your industry. In the long run you will be better off dealing with fact and with reality than you will be when politics and opinion and subjective experience becomes the dominant force that determines legislation and control.

Some months ago I was having my own war with a major automotive company in getting my new car to function as it should. At the peak of my war I suddenly came to the realization that the automotive company had no vested interest in providing me with a bad product or poor service. The consumer failure which I was experiencing was the result of a producer failure.

It is very simple—perhaps too simple a concept. Every consumer failure is a function of a producer failure. Ironically the consumer and the producer are one and the same people. On the one hand our failure—as producers create a consumer problem for someone else. If we all functioned perfectly as producers there would be no consumer problem.

Let me therefore turn to the subject of producerism. You won't find that in the dictionary either, so let me attempt a simple definition. By producerism I mean the development of products and services both quantitatively and qualitatively to serve the best interests of the consumer in our society within the framework of our economic system.

The problem of producerism in my opinion transcends the problems of consumerism. There are two basic aspects to this problem—both of which affect consumerism. The qualitative aspects of production determine the quality of the goods and services which find their way into the market place. In this area of consumerism we plunge headlong into the area of subjective measurements. When does a product become obsolete? How do you set objective standards in quality? How do you measure quality? The problems of quality are very much related to the problem of consumer expectations mentioned earlier. In this area I think it becomes essential to sort out problems created by the retailer from those which are the responsibility of the manufacturer.

There have been virtually no measurements of consumer satisfaction or dissatisfaction with specific products. Of course, buying behavior is a pretty good index over time. Despite the subjectivity of the measurement problem I believe it is possible to get meaningful measurements of consumer attitudes and behavior. I think that research which is being discussed on your program today is ample evidence that the skills required to make these measurements exist in this very room if we could persuade Government and business to finance such measurements. Time does not permit me to go beyond this comment at this time.

There is a second dimension to producerism as it affects consumerism which may even transcend the importance of consumerism—that is productivity. By productivity I mean the quantity of goods and services produced with a given unit of labor or effort. There are obviously two factors which determine productivity—one is the skill and motivation which labor brings to the process, the other is the machinery or plant or assembly line which capital investment brings to the process. In my non-professional opinion the decline in increasing productivity which settled into this nation about the year 1966 has been the cause of most of our inflationary and other economic ailments.

Until 1966, in each year since the Industrial Revolution increasing productivity more than compensated for the increased cost of labor so there were no inflationary pressures. Since 1966 the pattern of increasing productivity has been slower and less certain. As an example according to Business Week output per manhour in the private economy rose less than 1% in 1969. In 1970 it rose only ½%. It is now indicated that is 1971 the productivity increase will be 4%.

If we are to understand productivity I think we must do more than simply measure productivity, we must understand the variations and the reasons for the variations from year to year.

In the last 5 years in the U.S. output per man hour improved an average of 2.1% per year. Average hourly compensation increased 6% each year so we were losing the battle of inflation to the tune of 4% a year in increased unit labor costs. In contrast with this 4% figure in the U.S. the figure in West Germany for five years has been 3.2%, in Sweden 2.5%, in Japan 0.8% and in Switzerland—no change.

How does this happen? How does a national economy which each year since the Industrial Revolution managed to increase productivity suddenly find itself impotent? There are a number of possible reasons.

One rather significant factor is that our economy has been changing from a product economy to a service economy. That technology of mass production cannot be applied as well to service industries and activities. The productivity of such a meeting as this one is a case in point.

For another factor we seemed to have run out of technological magic to keep offsetting the increasing costs of labor with mechanical or electronic cost saving devices.

Finally and possibly most significantly there is the attitude, or the motivation which the employee brings to his job. I suspect that there has been substantial deterioration in employee attitudes and motivation—but I really don't know. The shocking thing is that no one seems to know. This extends beyond the industrial plant to the college campus and the government offices and the home and family as well. I think our value system as it affects work attitudes has undergone a revolution—but Al Toffler in "Future Shock" seems to be the only one to recognize it.

I wanted to find out how much the government and industry spend to research this problem of productivity. I suspected that one of the problems was that we have not given the problem the research attention it deserves.

A long time ago I discovered that one of the most effective means of getting answers to difficult questions is to write to your favorite informed and influential Senator. I wrote to Senator Javits who did indeed move quickly. He wrote to Mr. Leon Greenberg, Executive Director of the National Committee on Productivity in Washington. To my surprise—no answer. I wrote again, but Mr. Greenberg was on vacation. A month went by. I began to wonder about the productivity level of the Commission on Productivity. Finally he did answer by telephone. Believe it or not, the National Commission on Productivity has no data on the research investment which has been or is being made by the Government or industry to improve productivity. When I expressed some horror at this state of affairs, he went on to say that he was a little surprised too so he turned some researchers loose. They came up with a report by the National Science Foundation entitled "Federal Funds for Research, Development and Other Scientific Activities." I recommend that each of you get and read this document.

I could not separate out research on productivity but I did study it enough to come to the realization that one of our major problems in this area of productivity and in many other aspects of our lives is that we are spending a woefully inadequate proportion of our national resources on what I call people research as compared to physical science research. I know I'm probably guilty of oversimplification but let me give you a few facts.

A summary of Federal Funds for research actually spent in the year 1970 show that 2 billion dollars were spent for engineering science research. $215 million were spent for social science research. Over 1 billion dollars were spent for research in the physical sciences and $113 million was spent for research in psychology. These are 10 to 1 ratios for engineering or physical research compared to social or human research.

On a departmental basis the Department of Defense spent $7 billion $756 million for research in 1971. The Department of Health, Education and Welfare spent 1 billion 390 million. In contrast the Department of Commerce had a $144 million expenditure. When the $144 million expenditure is analyzed $82 million of it was for the National Oceanic and Atmospheric Administration, $34 million of it for the National Bureau of Standards. The Maritime Administration gets $12 million and that doesn't leave much for any consumer or producer research.

I submit this is an imbalance of a most serious order.

I would urge that the Research Committee of the Association of National Advertisers and all other major associations dig into the spending of the research funds of the U.S. I believe we need a better balance in the spending of our research resources. I think we must make our points of view known and effectively heard in Washington. As an example, how many of you knew there as a Commission on Productivity in Washington?

I know that a battle rages on whether our limited progress in productivity in recent years is a function of our reaching the limits of technology—or reaching the limits for capital investment or whether we have reached the limits of human capacity. I suspect the answer is that we have not reached our limits in any of these three dimensions.

I believe capital will flow into investment again. I believe our technological development will continue because of the great research capacity we have turned loose on space problems and problems of combat will ultimately help us in our productive capacity.

However, no one is turned on to the problems of people. People as consumers. People as producers. Frankly, I don't know why you as researchers—and that includes me as a former researcher—are content to eat the crumbs from the research table. Now as never before we must understand human behavior. We must understand the forces at work in human motivation. We must understand the forces at work in our young people. We must understand new or changing value systems. We must understand human communication. All of you have the skills to make significant contributions beyond testing of commercials or predicting the success of a new product, to make in these basic and important areas of human dynamics.

There are fears. Fears of manipulation. Fears of invasion of privacy. Fears of difficult measurements because dealing with the human mind and the human soul is not a very precise science. Perhaps it is not a science. But insight and understanding and communications can all be significantly improved through the use of your skills in these broader areas.

I don't think you can be coy or shy and wait to be asked. I think the leadership in marketing and in psychology and in the social sciences should be demanding a decent opportunity to show government and to show industry and to show people—people as consumers and producers—how much they can contribute.

I'm afraid I have taken advantage of the soap box you so generously proffered to stray a bit from the subject.

Let me bring you back to the beginning with a last definition of consumerism which more eloquently than I ever could states the need for fact. It is from Wade Nichols, the Editor of Good Housekeeping.

" 'Consumerism', both in concept and practice, has probably gone beyond the applicability of a single or simple definition. It has become an umbrella made of ambivalence, sheltering idealists and altruists along with opportunists and manipulators. It covers people's most basic needs and highest legitimate hopes, but also fronts for political cynicism, unrealistic claims and naive expectations. This umbrella, then, seems at once an instrument which sometimes fends off the fallout of customer frustrations—but also sometimes stabs the unwary in the eye. It depends quite a lot upon whose hands it's in."

DRUG TREATMENT AND REHABILITATION FOR FEDERAL OFFENDERS ON PROBATION AND PAROLE

Mr. BAYH. Mr. President, I wish to commend Senators who by voice vote on March 3, 1972, passed S. 2713, a bill to provide care for narcotic addicts and drug-dependent persons who are placed on probation, released on parole, or mandatorily released.

The bill was favorably reported by the Committee on the Judiciary on February 29.

The Narcotic Addict Rehabilitation Act—NARA—was enacted by the 89th Congress in response to the narcotic problem in this Nation during the mid-1960's. The act embraces the view that narcotic addiction is a disease that should be treated rather than viewed as a matter for punitive penal action. Its declaration of purpose in favor of civil commitment for treatment, in lieu of prosecution or sentencing, was a legislative landmark—a turning point in the Federal approach to drug addiction.

At least 30 percent of the 11,000 people annually committed to serve sentences in Federal prisons have drug-related problems, or have been convicted of drug-related crimes. However, NARA excludes the following adjudicated Federal offenders from authorized rehabilitation programs:

First. An offender who is convicted of a crime of violence.

Second. An offender who is convicted of unlawfully importing or selling or conspiring to import or sell a narcotic drug, unless the court determines that such sale was for the primary purpose of enabling the offender to obtain a narcotic drug which he requires for his personal use because of his addiction to such drug.

Third. An offender against whom there is pending a prior charge of a felony which has not been finally determined or who is on probation or whose sentence following conviction on such a charge, including any time on parole or mandatory release, has not been fully served: Provided, That an offender on probation, parole, or mandatory release shall be included if the authority authorized to require his return to custody consents to his commitment.

Fourth. An offender who has been convicted of a felony on two or more prior occasions.

Fifth. An offender who has been committed under title I of the Narcotic Addict Rehabilitation Act of 1966, under this chapter, under the District of Columbia Code, or under any State proceeding because of narcotic addiction on three or more occasions.

Consequently, only 1 or 2 percent of addicted or drug-dependent offenders have qualified under the special sentencing provisions of NARA.

There is an urgent need for legislation to assure that drug treatment and rehabilitation programs will be accessible to Federal offenders who are ineligible for treatment under NARA. Our bill meets this need.

S. 2713 authorizes an expansion of drug treatment and rehabilitation to those otherwise ineligible Federal offenders who are under community supervision or mandatory release. The community-treatment phase authorized by S. 2713 complements the drug abuse programs already undertaken by the U.S. Bureau of Prisons for non-NARA addicts in the institutions located in Lewisburg, Pa.; Terre Haute, Ind.; Petersburg, Va.; El Reno, Okla.; Lompoc, Calif.; and Fort Worth, Tex., under general authority to provide for the treatment, care, rehabilitation, and reformation of Federal offenders (18 U.S.C. 4001).

Yet, an institutional program cannot fully prepare these individuals for the return to the community. Aftercare and counseling in the community is essential to assist these non-NARA Federal offenders in establishing a drug-free and crime-free life style. S. 2713 authorities such aftercare as a necessary adjunct to the supervision already provided by U.S. Parole Officers.

S. 2713 also authorizes community-based drug treatment for offenders who have not taken part in an institutional drug program. Individuals on Federal probation or those released outright from a Federal prison would be eligible for treatment. U.S. probation officers would be provided an alternative to revocation of probation and incarceration of an addict or drug-dependent person.

As originally introduced by Senator Hruska, S. 2713 offered community drug treatment and rehabilitation only to narcotic addicts. Although I supported the bill as introduced, it was my judgment that the scope of S. 2713 should be expanded.

Through the series of hearings on amphetamine and barbiturate abuse conducted by the Juvenile Delinquency Subcommittee, of which I am chairman, I have become increasingly aware of the widespread abuse and dependency on these and other similar dangerous substances. Barbiturate addiction is often more severe and debilitating than heroin addiction. Considerable criminal activity is associated with the abuse of amphetamines and barbiturates and with efforts to obtain these dangerous substances.

My amendment, adopted by the Subcommittee on National Penitentiaries, and favorably reported by the Judiciary Committee, expands the community services available under S. 2713 to Federal offenders who are dependent on amphetamines, barbiturates, and other controlled nonnarcotic dangerous substances.

The rationale for this amendment is similar to that which led Congress to enact the Comprehensive Drug Abuse Prevention and Control Act of 1970, which authorized the expansion of treatment and rehabilitation programs under the Community Mental Health Center Act and the Public Health Services Act to include drug abusers and drug dependent persons as well as narcotic addicts.

I urge our colleagues in the House to act expeditiously and vote for the passage of S. 2713 to assure that the broadest range of treatment and rehabilitation is made available to narcotic addicts and drug dependent persons who are subject to Federal jurisdiction and control.

SAFETY APPLICATIONS OF SPACE SCIENCE TECHNOLOGY

Mr. ANDERSON. Mr. President, NASA has recently announced a number of important applications of space technology that will directly affect the lives of almost every person in the United States. The first of these involves the first development of a device for the nondestructive testing of automobile and aircraft tires. The importance of this to the safety of the people in our country is obvious. The B. F. Goodrich Co. is using this device to check new tire designs at speeds up to 400 miles per hour. It weighs less than 40 pounds and is small enough to be mounted on test automobiles.

The second application of great interest is the adaptation of techniques developed in NASA for spacecraft assembly to modern surgical procedure. When widely adopted, it is expected to substantially lower the risk of infection during surgery.

The third application is the announcement by NASA that recent flight tests verify the NASA supercritical wing. This new aircraft wing involves a totally new airfoil shape which will permit jet aircraft to operate more efficiently at speeds near mach 1.

Mr. President, I ask unanimous consent that three NASA releases more fully describing these applications of NASA technology to the everyday needs of our people be printed at this point in the Record.

There being no objection, the releases were ordered to be printed in the Record, as follows:

[Release No. 72-24]

National Aeronautics and
Space Administration,
Washington, D.C. February 8, 1972.

NASA Technology Checks Tire Safety

Ultrasensitive fast-scanning infrared optical equipment first developed by the National Aeronautics and Space Administration is seeing daily industrial use in testing the safety of new automobile and aircraft tires.

The first major tire firm to use the improved device was the B. F. Goodrich Company. Tire manufacturers are interested in the new equipment because it permits effective non-destructive testing of tires for the first time. This is an important consideration in the case of large, costly aircraft tires. Destructive testing to determine a tire's interior structure is expensive when any large number of samples must be destroyed.

The device, an infrared fast-scanning microscope, was first developed in the mid-1960s by Raytheon Company under a contract with NASA's Marshall Space Flight Center. It was originally designed for automated, non-destructive testing of miniaturized electronics circuits.

Produced by Dynarad, Inc., Norwood, Mass., the improved equipment used by Goodrich produces a real-time cathode ray tube picture of the heat in tires as they spin rapidly in the testing devices—up to 200 miles an hour in the case of automobile tires and as fast as 400 miles an hour for aircraft tires.

Hot spots in a tire are viewed as bright areas in the picture, indicating design or construction flaws needing correction. Goodrich uses the device in its Brecksville, Ohio, research center to check new tire designs.

The sensitive infrared camera is capable of reading the heat from 600,000 points on a tire every second, presenting a view as if the spinning tire were stopped, Dr. Jacob E. Jansen, Goodrich vice president in charge of research and development said.

NASA's original research with Raytheon was responsible for the fast-scanning, high-resolution optics now adapted by Dynarad and other firms in infrared non-destructive testing equipment.

"Previous camera equipment that could 'stop' a spinning tire was too cumbersome to be used effectively in many test situations," Dr. Jansen said. "This new thermal evaluation tool is all electronic, weighs less than 40 pounds and is small enough to be mounted on test automobiles. Its lower power requirement permits it to operate from an automobile electrical system."

Such mobility will permit the device to be used on the firm's outdoor test track, Goodrich officials said.

"We anticipate that this highly accurate method of heat analysis will help us improve many of our products by testing them non-destructively," Dr. Jansen said. "Heat shortens the life of V-belts, shock mounts, brakes, rubber bearings and many other items besides tires."

Dynarad is one of a number of companies manufacturing infrared equipment for non-destructive testing of industrial products. More than 30 such devices were sold in 1971, ranging in price from $19,000 to $26,000 per testing unit. Other testing applications have been in quality control for electronic circuitry, for CO_2 gas laser research, and for void detection in honeycomb structures.

[Release No. 72-47]

Space Techniques Help Surgeons

National Aeronautics and
Space Administration,
Washington, D.C., March 8, 1972.

A germ-control and dust-purging technique used in the production of spacecraft is helping surgeons at St. Luke's Hospital, Denver, Colo., lower the risk of infection in surgical procedures.

The technique uses portable equipment designed for the continuous removal of dust and germs from the surgical area. Equipment includes helmets that resemble those worn by astronauts and specially treated surgical garments that bacteria cannot penetrate.

The concept is based on techniques developed by the National Aeronautics and Space Administration and the aerospace industry for sterile spacecraft assembly and self-contained life support systems.

Surgeons are using the equipment during hip-joint replacements and other surgical procedures in which large incisions must remain open for several hours. Such surgery requires highly antiseptic conditions to protect the patient from infection.

The technique employs a 10-by-10 foot plexiglass and aluminium enclosure (technically known as a laminar flow clean room) that fits inside the conventional surgical room. When not in use, the collapsible enclosure can be folded and stored.

Air-circulating units force the air through a wall of filters that trap dust and bacteria. The air then moves in a gentle flow from the rear of the enclosure to the front.

Surgeons and nurses wear clear plastic helmets attached to vacuum lines. An opening in the top of each helmet permits air to flow into the helmet. Exhaled breath is removed by the vacuum lines. Headsets provide communication among members of the surgical team.

The team also wears disposable laminated paper clothing that is treated with a plastic through which bacteria cannot pass.

A control panel for the air circulation and communication systems is situated outside the enclosure.

The anesthetist works near the front of the enclosure. Since his expelled breath is circulated out of the enclosure rather than toward the patient, the anesthetist wears the traditional gauze mask instead of a helmet.

The medical application of the technique was conceived by surgeons at St. Luke's Hospital. Martin Marietta Corporation designed and furnished the equipment under contract to NASA's Office of Aeronautics and Space Technology, in cooperation with St. Luke's Hospital.

Johnson & Johnson Co., a surgical supply manufacturer; and the Envirco division of Becton & Dickinson Co., manufacturers of clean-room equipment, also participated in the development.

National Aeronautics and
Space Administration,
Washington, D.C., March 1, 1972.

Flight Tests Verify NASA Supercritical Wing Concept

[Release No. 72-45]

Actual flight tests of the NASA Supercritical Wing have demonstrated that the new airfoil shape does permit jet aircraft to operate more efficiently at speeds near Mach one, the speed of sound.

This conclusion and other results from the flight tests of the new aeronautical concept were described Tuesday, Feb. 29 by the National Aeronautics and Space Administration at a one-day technical meeting at NASA's Flight Research Center, Edwards, Calif., which conducted the flight tests of the new wing on a modified F-8 jet fighter.

The NASA Supercritical Wing was developed and tested in wind tunnels under the direction of Dr. Richard T. Whitcomb at NASA's Langley Research Center, Hampton, Va. The top side of the new wing has been flattened and the rear portion of the underside is curved concavely.

The flight tests confirm the wind tunnel predictions that the aircraft would be able to fly at increased speeds before encountering a significant rise in aerodynamic drag, an adverse force on the aircraft. This means that the aircraft can fly faster without using more power.

Since its first flight on March 9, 1971, the F-8 with the Supercritical Wing has made a total of 27 flights reaching a top speed of Mach 1.2, about 1267 kilometers per hour (792 mph) and a peak altitude of 15 kilometers (51,000 feet).

Summarizing the flight test program, Joseph Well, Director of Research at the Flight Research Center and Chairman of the afternoon session of the meeting said, "I feel that the overall performance goals of Dr. Whitcomb, as demonstrated by the delayed drag rise, have been achieved. Overall agreement between the wind tunnel and flight data is quite good."

Reporting on the piloting aspects of the new wing, civilian project pilot Thomas C. McMurtry said that the flight test program indicated that the piloting procedures and tasks at near sonic cruise speeds should be as routine as present day jet transport operations. He concluded, "The introduction of the Supercritical Wing is not expected to create any serious problems in day-to-day air transport operations."

For applications in which near sonic speed is not required, the advantages of the supercritical wing can be used to permit a thicker wing section, with a resultant saving in structural weight, and an increase in usable internal volume. At the meeting, a report on the flight tests of a thick supercritical wing mounted on a T-2C jet trainer was made by William E. Palmer of the Columbus Division of North American Rockwell who made the flights under joint NASA-US Navy sponsorship.

Future plans for the Supercritical Wing were also described at the meetings. These included the addition of side fairings for increased area ruling, a configuration more likely to be used with a supercritical wing on commercial jet aircraft, and the determination, by simulation, of the effects of wing roughness that might be caused by manufacturing imperfections. Plans for possible follow-on flight programs to further the readiness of new technology for application are currently being developed.

REVOLUTION IN HEALTH CARE

Mr. GAMBRELL. Mr. President, on February 1, 1972, Mr. Russell Richardson, director of the Governor's Special Council on Family Planning for the State of Georgia, testified in Atlanta before the Democratic National Committee Task Force on The Revolution in Health Care.

I invite the attention of Senators to Mr. Richardson's remarks and unanimous consent, that they be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Testimony of Russell Richardson

Mr. Chairman, I am Russell Richardson, Director of the Governor's Special Council on Family Planning for the State of Georgia, a former chairman of the Georgia Council for Voluntary Family Planning Services, and formerly coordinator of the Metropolitan Atlanta Council for Health. Thank you for the opportunity to appear before you today to state my belief in the need for a comprehensive national health insurance program, and my views on how such a program could best serve the health needs of all people.

I believe our nation has demonstrated its poor health care record. On one hand, we have enormous outlays of funds for health. The Social Security Administration has just released statistics showing that the average health bill for each American in fiscal year 1971 was $358—up $31 from last year and ten times the amount spent at the end of World War II. In spite of some specialized shortages, we do have a favorable ratio of physicians to patients. We have, of recent years, a large increase in the number of individuals who have some sort of health insurance protection. Yet, we have a higher infant mortality rate and shorter life expectancy than many other industrialized nations. We are faced with dramatically and rapidly rising medical costs and, for the most part, inadequate insurance protection through private insurance plans. There are gross inequities in the availability of medical care between urban and rural areas. There are gross inequities, as well, between income groups. The poor, who have a higher rate of illness than other income groups, have the least access to quality health care and insurance protection. The Department of Health, Education and Welfare reports that half of the families with incomes of less thn $5,000 a year and two-thirds of those with annual incomes of less than $3,000 have no health insurance protection whatsoever.

Any new system of national health insurance must be both comprehensive and efficient. Furthermore, if we are talking about insuring the health of all persons—that is, in the sense of preventing illness—then I believe that all health services related to fertility, including full maternity and infant care, voluntary family planning services and infertility services, must be an integral part of any system of national health insurance.

Family planning is, first and foremost, a matter of preventive health care. We cannot dispute that a large proportion of infant mortality, mental retardation, congenital malformation, prematurity, and brain damage are related to poor maternal health care and lack of adequate family planning services. We know that the incidence of these conditions rises alarmingly among women having too many closely spaced births, among older women and among first births to teenage women. We know also that the risks associated with pregnancy and childbearing are highest among the poor. Their inadequate care through childhood and puberty, a greater prevalence of illness or incapacitating situations, inferior and unsanitary housing, inadequate nutrition and prenatal care all compound the risks for mothers and infants. We know that fertility control offers the opportunity to prevent this continuing spiral of mortality and morbidity. It provides a prime example of why health care should concentrate on keeping people well instead of making people well.

The problems and risks of pregnancy although great among low-income families exist at all income levels. Most Americans who practice family planning do so under the direction and supervision of their private physician. Yet rarely is protection offered by private insurance plans to cover the principal costs of family planning health care, such as office visits, contraceptive drugs, and laboratory tests. The result is, in effect, to discourage persons from seeking this kind of preventive health care—partly because they are already burdened with the extraordinarily high costs of medical care for emergencies and illnesses. Furthermore, these plans cover only a fraction of the cost of maternity and pediatric care and thereby, inhibit the provision of adequate care by the practitioners and health institutions in this field.

Among the poor, on whom the health and economic burden is already far too great, there is practically no access to private or preventive health care. While Medicare and Medicaid have permited a greater number of poor persons to obtain health care for acute or catastrophic illesses and curative care, Medicaid has failed, with a few local exceptions to extend coverage to preventive care services. Medicaid coverage for family planning services has been demonstrated by several DHEW studies to range, nationally, from non-existent to inadequate. Eight States (Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, South Carolina, Texas, and Wyoming) report categorical exclusion of family planning services from coverage under their plans. Most of the others, through restrictions on clinic services, have limitations on drugs and devices, or intricate administrative decisions which in effect perclude Medicaid patients from access to family planning services.

Under these conditions, it is not surprising that more than half of all American couples experience unwanted or accidental pregnancy. In a 1965 study by Dr. Charles Westoff, now Executive Director of the Congressional Commission on Population Growth and the American Future, unwanted births have been estimated to be as high as one million a year. Again the incidence of unwanted, unplanned pregnancy is much higher among the poor. The percentage of births which were estimated by the parents to have been unwanted at the time of conception was 32% among the poor as against 15% among more affluent couples. The adverse consequences of unwanted births are also much more severe when income and other resources are already strained. The consequences are borne, and sometimes tragically, by the parents, the child and the whole community. Since the majority of Americans want and need to plan their families, for health, economic and personal reasons, the opportunity to choose to do so must be made available to every person, regardless of income, age, marital status or parental status.

Preliminary research has been done on the cost to American society of complete coverage of all health services related to fertility. At the present time, as much as 85 percent of the cost of fertility services is presently financed by existing public health programs, public and private financing mechanisms, and individuals. The remainder to be financed, some 15 percent, could be immediately offset by reduced claims for maternity care alone, stemming from the prevention of unwanted pregnancies and births.

None of the national health insurance proposals now pending before Congress specifically provide for coverage of the complete range of fertility services. The Administration's proposal would cover maternity care and some pediatric services but it would limit coverage of family planning services to those families with incomes below $5,000 a year who are enrolled in the Family Health Insurance Plan. In addition, and this seems particularly shortsighted, services would be covered only for those individuals or couples who have already borne a child. Thus economic and financial barriers to the utilization of family planning services would remain for most American families.

The Health Security Act proposal comes closest to providing total comprehensive health care coverage for all individuals. While this proposal does not specify family planning health services, strong emphasis is placed on preventive care. In addition, except for certain limitations on the availability of drugs, this proposal provides for all necessary out-patient medical services and treatment, which are basic aspects of fertility care. The most important feature of the Health Security Act is its basic concept of providing one nationally-administered health insurance plan providing uniform coverage for all individuals. My experience indicates that even when the disadvantaged are singled out for special treatment they still receive inferior services and inadequate benefits, particularly in a bureaucracy with many fragmented programs. This tends to create a discontinuity that can be disastrous for a service such as fertility care, which needs to be continuously sustained if it is to be effective. All of the other health insurance plans pending before Congress perpetuate in some way this fragmentation of services and uneven quality of care and coverage. The other proposals vary in the degree of coverage and benefits but, no proposal other than the Health Security Act provides equality of coverage for all, regardless of income.

In closing, I would like to say that if we are to achieve a resolution of our national health care problems we must enhance the health and well-being of all persons on an equitable basis. The provision of fertility services is fundamental to preventive health care, and the complete range of these services—including maternity care, infant care, infertility services, and fertility control services—should be a vital component of any health financing system. A truly equitable, efficient, and comprehensive health insurance program must take into consideration the social, economic and personal costs of unwanted pregnancies as well as the costs of prenatal, delivery and infant care of children who are deeply wanted by their parents. I believe that the Health Security Act would be greatly strengthened by making explicit in the proposal what is now only implicit, that is, the full coverage of all fertility services—fertility control, maternity care and infertility services. This is particularly crucial since enactment of national health insurance would mean the phaseout of current maternal and child health programs and of existing family planning services authorized through Title V of the Social Security Act and Title X of the Public Health Service Act. Progress made in the past few years in the provision of family planning services could be eliminated by too abrupt a shift to general health financing unless all services related to fertility are specifically mandated in the law.

PEACE THROUGH CHANGE: THE RISK AND PROMISE FOR MAN'S FUTURE

Mr. HUMPHREY. Mr. President, on December 27, I had the privilege to address the annual meeting of the American Association for the Advancement of Science. The theme of my speech was how men of science and politics must work together to tackle the problems and challenges of man's future.

An article, based on my address, appeared in the February 18, 1972, issue of the AAAS magazine, Science. It is an attempt to discuss the scope of technological change and the resulting demands placed upon the institutions and entire makeup of our society. In the article, I offer some suggestions of how we can best grapple with the rapid technological developments we are now witnessing and those which we will inevitably face in the future. The crucial challenge for us is not to fight against potentially constructive change, but rather to channel dynamic conflict into forms of peaceful change.

The proposals I made, such as the establishment of an open system of national estimates and the creation of national institutes of peace and development, can best take root when we establish a peaceful condition in the world.

And yet, as I noted in my article, "peace is shockingly absent when the war in Southeast Asia continues." Calling for an all-out effort to end the war in Indochina, particularly ending American involvement in that war, is the first step among many to establish a situation conducive to peaceful change.

Mr. President, I ask unanimous consent that the entire article from the magazine Science be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PEACE THROUGH CHANGE: THE RISK AND PROMISE FOR MAN'S FUTURE

(By Hubert H. Humphrey)

("The only mistake that history does not forgive in people is to scorn their dreams."—MAURICE SCHUMAN, 3 November 1971.)

To speak of peace is to speak of change. One is a part of the other. Their inseparability is rooted in their common allegiance to the progressive development of man's welfare within a compatible society. A condition of general peace, where institutions are controllable and people comprehensible, is, in my opinion, an ideal situation for effecting change. Not only is it ideal, it is a necessary condition.

Any other situation would create over time a perilous limbo between a repressive sort of inertia and the extremes of violent outbreak. We may very well be in that threatening kind of impasse today. Peace is shockingly absent when the war in Southeast Asia continues and is able to snuff out serious efforts for comprehensive reform in our own society. The desire for change is, I believe, as real as it ever was in the human mind, but the failure to bring about significant change frustrates all of us.

There is, therefore, as much risk in standing still as there is in moving destructively out of our present position. What we should be seeking is a means of moving forward, channeling dynamic conflict into forms of peaceful change. This effort will inevitably involve the reduction of human violence and the promotion of man's development. Development essentially involves the achievement of an improved standard of living and quality of life. Considered in the broader context, it is concerned with all paramount values—political, social, and economic. In practice, the process is still incomplete; vast inequalities continue to exist among nations. A new commitment is essential if the process is to continue.

If peaceful change is to be achieved, a new relationship must be established between science and politics. Politics at its best under a democratic system of government can be the vehicle for translating tensions in our society into social progress. It is an all-encompassing process whose strength comes from wide and solidly based participation.

As society grows more complex, the vitality of the political process depends to an increasing degree on the effectiveness and equity of the measures designed to achieve its basic values. Before the appropriate political decisions are reached, the need is greater than ever before to have the broadest possible knowledge base—knowledge oriented toward the future rather than toward the past. Science can create the knowledge base, the starting point for a close working relationship between science and politics.

The consequences of science for our age are profound. Increasingly, it is the basis of our technological systems, the most powerful means devised by man for controlling his environment.

From time to time, both science and politics come under attack, as is the case today. I am prepared to acknowledge their deficiencies, but we must also recognize their inherent value to society. Recognizing the weaknesses and the strengths, we must face squarely what is our common challenge: How can science and politics, each with its constructive role, work together more effectively to meet the needs and deal with the conflicts of our own people and of others?

A strong new commtiment will be necessary if adequate answers to this question are to be found. The scientific community will have to provide a more systematic knowledge base. But political leaders must also be prepared to address the issues. Let me offer one approach, which is not intended to be either exhaustive nor definitive, but rather a means of eliciting your ideas. The approach has three main parts: (i) a common agenda for science and politics, (ii) new institutional arrangements for the production and utilization of knowledge, and (iii) procedures for stimulating a similar commitment by other states.

COMMON AGENDA

The present conception of U.S. national interest is too often expressed in terms of military power and national security. Nearly half of all research and development is devoted to perfecting means of destruction. Worldwide, the research and development devoted to military purposes probably exceeds $2.5 billion. Alternative conceptions of our long-term interests could lead to a very different pattern of resource allocation. These alternatives must be worked out in collaboration between the scientific community and political leaders. In my view, the new directions would include increased attention to population, environment and growth, health and education, arms control and disarmament, a future international system, and conflict situations.

Throughout the world, population growth is taking place on an unprecedented scale. What are the implications for conflict and development? For any given level of population, may alternative patterns of distribution have significantly different implications?

Since World War II, the labor force in the United States has greatly increased in size, and the character of its knowledge and skills has undergone substantial changes. At the same time, there have been important shifts in the occupational structure from agriculture to manufacturing, and the service industries have expanded. What are the future implications for peace and security of the manpower trends of the past quarter of a century?

In the developing world, the birthrate remains relatively high, while the standard of social welfare struggles to keep pace. The absolute gap between the have and have-nots, nations continues to widen, while the world community grows smaller. Meanwhile, in the advanced states, frustration of the growing masses of the educated young appears to be on the rise. Can means be devised that would more fully match the needs of the former and the aspirations of the latter? What new dimensions of education are essential to equip our nation's manpower to play a more effective role in metropolitan and international institutions, as well as those of a national character?

Our technological capacity to modify the environment has multiplied a thousandfold, but a comprehensive appreciation of how to reshape the country's capacity to provide for both peaceful change and environmental quality is lacking. Equally important, what is the positive contribution of technology to peace and security? Systematic analysis of the nonmilitary elements of strength has not been attempted since the 1940's. A large number of excellent specialized studies exist, but it is impossible without a concerted effort to derive from these the nation's potential for moving toward its goals. Four areas illustrate the scope of the task.

1) General industrial capacity: The foundations of national security in the early 20th century—raw materials, manufacturing capacity, and specialized military production facilities—are no longer a sufficient measure of potential power and influence. Are there alternative patterns of adaptation and development to support policies for achieving security and development that can be worked out in detail and tested?

2) Energy: Energy requirements have mounted in the last two decades and are expected to rise further. Environmental considerations continue to loom ever larger. What will be the future energy needs of the United States? Of the world? As choices are made, what balance should be sought from the point of view of national strength? And how are these considerations affected by the growth of energy needs in other parts of the world and by the global pattern of energy resource development? In what sense is energy a strategic factor in shaping the global environment?

(3) Communication and transportation: The postwar world has experienced a revolution in the means of communication and transportation. Important new developments are expected in the next two decades. An appreciation—strategic in scope—of the potential contribution of communications and transportation to peaceful change and development is therefore essential. Are there credible technological options for meeting the knowledge needs of individuals in a manner that will contribute to peace and development?

(4) Technology transfer: Technology transfer, whether public or private, constitutes an important source of influence. As technology is diffused among nations, their relations change. In the case of advanced states, the process may reach a point where interdependence is maintained by a self-sustaining, reciprocal flow of technology which serves the interests of the participants. This kind of transfer has an important bearing on the possibilities for peaceful change.

Better provisions for health and education rank near the top of people's list of hopes and expectations. While research has provided the basis for major advances in health and learning, delivery of services in the United States remains unsatisfactory, and resources fall significantly short of requirements. Moreover, in many parts of the world the gap between what is technically possible and what is actually available is immense and may be widening. While the differences between our health and educational requirements and those of other countries are great, there is a certain amount of mutual interest. Sharing the problems helps to solve them and, in the process, reduces the flash points of tension between nations or regions. More account must be taken of this fact in dealing with these urgent national and international needs.

The arms control and disarmament talks are now in their third decade. Meanwhile, investment in weapons systems has continued apace. Ironically, survival has come to depend on the rationality of the adversary, expressed in terms of a strategy of deterrence. Now, in a war of hours rather than months, their destructive capacity may be measured in megatons. New agreements are promised as a result of the SALT (Strategic Arms Limitation Talks) talks, and these are to be welcomed. However, nothing is likely to emerge that will substantially reduce the role of civilian populations as hostages to the nuclear age. More fundamental approaches must be found if the persistent threat to our survival is to be removed. For one thing, a fundamental rethinking of the role and functions of the nation-state may be required.

Nation-states are still the major actors in the international system. They have developed an array of instruments to exercise influence within the system. These include, for example, diplomatic services for representation and negotiation, as well as information agencies to shape world opinion. Public opinion feeds back to this system by having some weight, varying in degree according to the nature of a particular national political system, in the determination of priorities and of the broad parameters within which leaders may act.

Significant functional institutions, such as the international monetary system, are nevertheless gradually emerging. Multinational corporations are among the most dynamic elements now on the scene. In addition, a large array of international, nongovernmental organizations of lesser scope have grown up. With the worldwide trend toward urban living, metropolitan areas share common goals, even as they experience common problems.

Finally, there exist among governments regional and global institutions. One of the most successful examples of a regional system is the Common Market. A potentially successful, specialized institution is the planned U.N. Commission on the Human Environment.

In what respects has this array of institutions kept pace with the new requirements of the postwar period? And in what respects have they lagged behind? How does their present condition and their potential for growth relate to our central concern for peaceful change and development?

Attributes of conflict situations vary widely, but common to all of them is the need for knowledge sufficient for constructive action to enable people to deal more predictably with other people. What then must be known for constructive action? Each conflict situation has a particular setting in time and space. Each has a unique set of participants for whom the situation has varying degrees of impact. The testimony of many statesmen is that they respond to events. Are there, then, preferred ways for them to choose to what they will respond? What can be learned about situations in which taking the initiative is effective in reducing violent conflict?

Like other living things, man is a result of the experience of his species. However, to a degree that sets him apart from all other species, man has acquired the power to create his own experience. There may be as many views of reality as there are men. Given our parochial perception of reality, how can a persistent tendency to disregard the values of the adversary be reduced or overcome?

NEW INSTITUTIONAL ARRANGEMENT

Agreement on a common science-politics agenda for peace and development is merely a first step. Next it is necessary to provide the institutional capacity to delineate and implement a comprehensive program. The capacity, if it is to be effective, must be concerned not only with reliable scientific knowledge, but also with valid information for political action. For example, gathering enough knowledge to deal definitely with the population problem or the environmetal problem may be a long-term undertaking, but the time frame of political leaders is rather short. Actions are taken year by year. An arrangement is needed which will support both systematic long-term studies and sensible short-term actions. Here an enlightened bureaucracy, which has a somewhat longer perspective than the elected official, has an important part to play,

I doubt whether there is a single solution to providing an adequate institutional framework for peace and development. Let me instead suggest a number of complementary approaches that may be valuable.

First, for a broad knowledge base, we need a broad base of scientific inquiry. We have witnessed how technology develops with a momentum all its own, often with little benefit to society at large. Scientists and politicians together and seperately, must ask questions before they arrive at answers. Too often official research panels have had participants who know the answer before they study the problem—because they all agree. In most instances under governmental sponsorship, the diversity and confrontation that exist at public conscience and among political leaders are not duplicated at the scientific level.

While making as much use as possible of official institutions, our government should turn more and more to the unencumbered, independent scientific bodies. Edward David, science adviser to the President, discussed this problem with respect to his own committee, the National Science Foundation, and the National Academy of Sciences. He found that, despite their excellence, these institutions did not quite fit the bill. He stressed the need to turn to independent boards of inquiry or research. The AAAS has shown how effective this kind of approach can be. One example among many is the AAAS's herbicide assessment commission, whose report on herbicides has had a significant impact on Congress and hopefully will have a similar impact on the other two branches of government.

What I have in mind is the sort of multiplicity and diversity through which can come the balanced conclusions we need in our future-oriented policies. The job is not for one institution, any more than it is for one branch of government. Guidelines for the knowledge required for peaceful change should be a product of representative thinking.

Second, Congress should create a new institution to provide itself and the attentive public with *open* national intelligence estimates. At present, both Congress and the public must depend on fragmentary information derived from personal contacts, committee hearings concerned with particular topics, and selective information "leaked" to the press by the Executive Branch and by other governments. Facilities for open, systematic analysis and evaluation exist, but their activities are also fragmentary. Among these are the Legislative Reference Bureau of the Library of Congress, the Center for Strategic Studies in the United Kingdom, and the International Peace Research Institute in Sweden. In comparison with the secret intelligence-gathering facilities of all major governments, the open capacities for collection, analysis, and authoritative synthesis of policy-relevant information is very limited.

While all governments devote substantial resources to acquiring secret information, this practice poses special problems for a democracy. On balance, the Executive Branch acquires unintended special advantages. The utility of secret information cannot be denied, but there are also major disutilities. Undertakings may be initiated which, for lack of full discussion and participation by those with a stake in the outcome, may in the end damage the unity of the nation. One example among many was project "Camelot" in Latin America. Ostensibly a social science project, the real purpose of the program, to study the possibilities of revolution and the techniques of counterrevolution under CIA sponsorship, was ultimately disclosed. The result was a general suspicion of American social scientists in Latin America and increased tension in our relations with Latin America.

Open treatment of policy-relevant information will no doubt introduce some constraints in independent action, but it offers at least two advantages that I think have great potential. On the one hand, an open system would introduce a badly needed competitive element into the crucial process of defining what information is important for policy purposes. On the other hand, the availability of authoritative estimates could help to focus the endeavors of Congress and the private sector, thus reducing misdirected efforts to a minimum. Those outside the Executive Branch would have the benefit of more information than they are able to gather and assimilate under present procedures. Congress would have a better basis for responding to presidential initiatives. Commercial enterprise would have a better foundation for its investment decisions. The scientific community would have a better basis for orienting its applied research and technology assessment efforts. Interest groups would have access to a body of authoritative information not now available to many of them.

The estimates would focus on particular situations of either a geographic or functional nature involving major questions of public policy. Second, the estimates would not present a position on policy issues, but would seek to provide concise and authoritative information as a basis for congressional and public discussion. Third, while some estimates might focus on areas of potential crisis, others would seek to give an authoritative assessment of selected long-term developments. An example of the former would be an estimate of the emerging situation in Southeast Asia prepared well before the war broke upon an unprepared world. An example of the latter might be an assessment of the international implications of changes in population size and quality over the next decade. In either case, the summary estimate would seek to correlate existing knowledge in relation to a spectrum of policy alternatives.

The information would be stored in computer-based systems. The computers would also be capable of providing assistance in visualizing and simulating policy options.

National estimates ought to concern themselves with domestic as well as international situations. Part of the public concern and confusion about such problems as poverty, drugs, and crime, I am inclined to believe, stems from the lack of regular and authoritative assessment. Information and misinformation abound, but objective and authoritative estimates are rare.

By the way of institutional arrangements, I visualize a representative Board of Estimates with a relatively small, high-caliber professional staff consisting of social advisers who would be responsible for preparing the estimates. One of the initial tasks of the staff would be to develop channels of communication with scientists and research workers in all fields. Any research scientist, area expert, or individual who felt he had relevant knowledge should have an opportunity to contribute to an estimate. There should also be opportunities for criticism of estimates once they are issued.

Similarly, the users of these estimates in Congress and among the public should be expected to contribute to the process. If a policy-maker questioned a finding, the opportunity would be available to examine the material from which it derived.

A system of open national estimates could make an essential contribution to strengthening the now frayed links between public participation, political action, research and development, and the allocation of resources. Attention would be directed to common objectives, while leaving each of the various participants in the policy process free to make his own unique contribution.

Third, as congressional sources of information are expanded and modified, so must the institutional nature of the congressional process mature. Science and government can only work effectively together if there is a parallel and complementary structural adaptation. Science does not have the corporative integration that the government has developed over the years, but a conscious reordering of priorities in that area should be the main focus of reform. For much of the redirection, the impetus may have to come from Congress. For Congress to provide this force, it will need to resort to a revamping of its own system.

Certain congressional practices and facilities need to be updated. For a more detailed blueprint of reform, I have proposed that there be established a citizen's committee to study Congress. At the same time I have proposed that a joint committee on national security be established to study in an integrated way some of the urgent issues, such as defense, arms control, foreign development, and national priorities, that affect what is commonly referred to as our national security. The attempt here would be to fortify the constitutional separation of powers and joint participation in decision-making. National security, which until now has been a gray zone of ambiguity and surrender as far as the Congress is concerned, has come largely under the purview of the Executive Branch. The Congress has moved gradually into this area, but never in a clear, formalized manner. The joint committee would give dependable definition to the kind of reform and policies that our government should be instituting.

Fourth, I can envisage the creation of a series of national institutes of peace and development, charged with initiating new domestic and international programs and participating directly in the diplomatic process. At present, we are inadequately equipped with research and development capacity and commitment to deal with such problem areas as conflict resolution, population, and the environment, all of which are candidates for our common agenda.

The commitment cannot be stressed enough.

Private capacity to promote initiatives in international affairs should be strengthened.

This conclusion flows from a study project with which I was associated that surveyed the activities of 500 organizations and conducted interviews with leaders in all walks of life. Private diplomacy that is not burdened by the traditional inflexibilty of government is one important area for new initiatives. It has played a relatively important role in Vietnam, but it could be even more useful. It may be especially helpful in arranging preventive talks which help to keep conflict from coming to a head. From time to time a single individual whose integrity is respected can, by moving back and forth between adversaries, play a catalytic role.

With the building of a system of world education, the commitment I am talking about would be self-perpetuating. This might take the form of a multicentered world university, as advocated by Harold Lasswell, or of a world system of research centers, as suggested by Carl Kaysen, which in time might acquire a teaching function.

Fifth, I believe a joint commission created by Congress and the Executive Branch may be needed to begin now to identify the incentives for growth vital for the more important peace and development industries. The commission should be broadly representative of business, labor, science, and the public. Its primary task would be not merely to determine what the nature and pattern of growth is likely to be in the years ahead, but to document what is possible and to suggest what is preferable. With such an analysis, enterprises and urban centers could more readily appreciate the opportunities opening for them. Cities, for example, could begin to plan for their growth on the basis of peace and development industries in contrast with the past, when many have had to rely on weapons production and military installations.

STIMULATING RECIPROCAL ACTION BY OTHER NATIONS

Without complementary action by other nations, the commitment of the United States to strengthen its capacity for peaceful change may be aborted. The United States may exercise leadership in the undertaking, but a reciprocal response from others is vital.

The goal of stimulating other nations to commit talent and resources to peaceful, constructive change need not be left wholly to chance or "conventional wisdom," as is too often the case at present. With the creation of an effective, constructive capacity for peaceful change, the self-interest of other nations can be expected to lead them to respond. Moreover, in strengthening our capacity for peaceful change we need not rely on the power of example alone. Is it beyond the realm of possibility that systematic study and analysis would not demonstrate the feasibility of creating new complementary capabilities for peace and development?

In conclusion, let me enlarge on the challenge posed at the outset. Let us agree to commit our energy and talent:

To the goal of peace and development;

To a common agenda for science and politics in support of that goal;

To the creation of the institutional capacity essential for the production and utilization of knowledge in the pursuit of that goal;

And, finally, by example and design, to inducing other nations to establish complementary capabilities.

CHARGES AGAINST ITT

Mr. GOLDWATER. Mr. President, all of us cannot help being aware of what is going on before the Judiciary Committee in its supposed hearing wrapped around the Anderson charges against the ITT. Those of us who have taken the time to visit this usually very austere and sound committee—we have been appalled and disappointed by what has most obviously become a political playground for three of our colleagues.

Questions are asked, not once, but sometimes more than a dozen times. Innuendos are made without any background or without any reason. The whole thing has become a shambles and a mockery to decent committee activity, but I would suspect that one could not expect anything different from charges brought by Mr. Anderson. Instead of the ITT and officials of the Attorney General's office being raked over the coals, I would suggest it might be wise to have Mr. Anderson testify as to his unloyal activity in disclosing classified papers, but I suppose that is beside the point.

I ask unanimous consent that an editorial published in the Arizona Republic be printed in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ANDERSON'S CHARGES BACKFIRE

Washington columnist Jack Anderson appears to have egg all over his face. That probably is to be expected from a columnist who learned the trade from Drew Pearson.

Anderson used a memorandum written by Dita D. Beard to smear the appointment of Richard Kleindienst as attorney general. Mrs. Beard promptly got herself admitted to a Denver hospital, apparently awaiting a heart attack, and the hospital attendant, Dr. Louis Radetsky, said it would be dangerous to interrogate her. However, her own physician for many years, Dr. Victor L. Liszka of Arlington, Va., told a Senate committee that Mrs. Beard acted irrationally from time to time because of circulatory ailments complicated by excessive drinking and tranquilizers.

Louis B. Nunn, former governor of Kentucky, told the committee that Mrs. Beard passed out at a party in Louisville due to a heart attack "combined with some other things—drinks and a few things."

The blow-up started when Anderson published a memorandum by Mrs. Beard connecting the out-of-court settlement of an anti-trust action against International Telephone and Telegraph Co. with an ITT grant of $400,000 to the Republican Party to help finance its coming national convention in San Diego. Anderson, in his column, tied Kleindienst into the matter.

Although he had already been cleared by the Senate committee for his appointment as attorney general, Kleindienst asked the Committee to reopen its hearings—a request that convinced most people that Kleindienst had nothing to hide.

Subsequent committee hearings have given no proof that Kleindienst had anything to do with the anti-trust settlement. A routine letter addressed to him by an ITT lawyer was referred to the proper department of the attorney general's office, which is hardly evidence of wrong-doing.

The alleged gift of $400,000 makes things look bad for ITT. However, the figure apparently is $100,000, not $400,000, and the gift was made by a hotel-operating subsidiary of ITT. Hotels usually chip in to bring conventions to town, because of the increased business. The Democrats, as well as the Republicans, sell advertising and get contributions to help pay for their conventions. On occasion, city councils have put up some of the required money.

If both parties gave up this source of revenue, the already bankrupt Democrats would find it hard to hold a national convention this year. However, the Republicans presumably will put a lid on giving, and ITT will stay under it.

In the meantime, the Democrats can be expected to make hay out of the Beard memorandum. At least until Mrs. Beard can be questioned. When she does make an appearance before the Senate committee, we'll probably find out her memo has no more value than any other self-seeking paper from a public relations person trying to ingratiate herself with her employers.

As for Anderson's position, he looks bad regardless of whether he published the memo without looking up Mrs. Beard's credentials or whether he knew about her erratic behavior and simply wanted to hurt Kleindienst.

In the end we believe Kleindienst will make his detractors look bad just as his fellow Arizonan, Supreme Court Justice Bill Rehnquist, did when the Eastern liberal establishment held hot irons to his feet during a similar confirmation wingding.

OUR DISPOSABLE SOCIETY: ECONOMIC AND ENVIRONMENTAL WASTE

Mr. MOSS. Mr. President, an early and constant voice of the conservation of our environment and more careful husbandry of natural resources has been that of the Senator from Wisconsin (Mr. NELSON).

Last year in testimony before the Senate Committee on Rules and Administration on two legislative proposals which I offered to increase the use of recycled paper in congressional documents, Senator NELSON stated:

> For too many years we have attempted to ignore the consequences of living in a "disposable" society. With the arrogance of affluence and throwaway attitudes we have tried to buy convenience by deferring the ultimate costs of a devastated environment and a diminishing supply of natural resources. As we are now discovering, the environmental due bill for ill-considered actions cannot be avoided without a serious effect upon the quality of our lives.

This week Senator NELSON appeared before the Environmental Subcommittee of the Committee on Commerce to testify for his legislative initiative which would provide for a full environmental accounting for all the social costs associated with throwaway packaging. The Nelson proposal calls for a system of economic incentives combined with regulatory authority to encourage the return, reuse, and recycling of packaged materials.

As vice chairman of the Environment Subcommittee and a cosponsor of Senator NELSON's packaging proposal, amendment No. 861 to S. 1377, I share his concern for a strong national policy of "more rational and economic use of our natural resources—materials and energy—as well as the preservation of environmental quality."

In order that the entire Senate may consider the Senator's articulate presentation of the conservation philosophy inherent in a policy of recycling of materials, I ask unanimous consent that his excellent testimony before the Committee on Rules and Administration last August and his recent statement to the Environment Subcommittee of the Commerce Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator Gaylord Nelson's Testimony Before the Committee on Rules and Administration of S. 2266 and S. 2267, August 3, 1971

Mr. Chairman, as a cosponsor of S. 2266 and S. 2267, I appreciate this opportunity to offer some remarks in support of these proposals to make recycled paper available for the official use of the Senate and the House of Representatives, as well as to require its use in the printing of the Congressional Record.

For too many years we have attempted to ignore the consequences of living in a "disposable" society. With the arrogance of affluence and throwaway attitudes we have tried to buy convenience by deferring the ultimate costs of a devastated environment and a diminishing supply of natural resources. As we are now discovering, the environmental due bill for ill-considered actions cannot be avoided without a serious effect upon the quality of our lives.

A case in point is our increasingly profligate use of virgin pulpwood.

About half of the trash and waste materials collected by cities throughout the United States is wood fiber discarded after one-time use. At present, far too little of this cellulose fiber is being salvaged or reclaimed from the trash barrel. Instead of recycling this waste fiber back into newsprint, building materials, coarse paper and fiberboard, and developing other new products, thereby reducing pulpwood demand and providing more raw material for industry, this valuable component of municipal waste must be collected and attempts made to dispose of it—both jobs at tremendous public cost. And more often than not, the attempts at disposal are esthetically and environmentally a disaster: polluting the air through faulty incineration; destroying the land and water through dumping or unsatisfactory landfill disposal.

The adverse environmental impact and increasing public expense created by discarded, unrecycled paper and wood fiber would, in my judgment, be sufficient reason alone to support efforts to encourage the recovery and reuse of wood fiber through legislation such as S. 2266 and S. 2267.

As we look to future projections of wood fiber requirements and wood fiber supply, however, an equally compelling argument is presented for vastly accelerating cellulose fiber recycling now. Under our present practices we are facing a situation where we will not have the pulpwood supply to meet our national demands in but a few years.

In a paper entitled *Increased Wood Fiber Recycling: A Must*, delivered at a Cellulose Solid Waste Seminar in March 1969, Wayne F. Carr, a chemical engineer at the U.S. Forest Service's Forest Products Laboratory at the University of Wisconsin's Madison campus, stated:

"Presently we are producing about 50 million tons of woodpulp per year, and about 1985 we will enter an era of 100 million tons per year production. If the United States merely continues the recycle rate it has maintained for the past 20 years, processing secondary fiber with little technological change, we are not going to have enough wood at an economic price similar to what is it today." Mr. Carr went on to state that, using the American Paper Institute's statistics on pulpwood production and demand for pulp, "sometime during the mid-1970's, if wood or pulp imports do not increase, the United States will not have the supply to meet the demand."

Thus while we presently have a sufficient supply of domestic pulpwood to meet our current needs, and it appears that Canadian imports of pulpwood can supply the demand for a few additional years, the situation will change rather dramatically in the next ten years or so.

Now there is research under way to grow trees twice as fast. On the surface that sounds like a very reassuring promise. The rub is that if we continue on our present course of action, we will have to grow trees twice as fast just to maintain the current rate of paper or wood fiber supply for each person. This startling prospect is a result of the decreasing ratio of forest land for each person in this country. In 1900 there were 11 acres of forest land for each person and now we are down to 3 acres for each of us. By 1985 that figure will be down to 1½ acres per person.

As Mr. Carr concluded: "This is really the fact of life: We must utilize as much of our waste as possible just to meet demands, unless there is to be a cost spiral for wood fiber that can create problems of gigantic proportions."

Now the recycling of paper is not a new idea or concept. During the latter years of World War II the paper industry recycled 35 percent of the paper we consumed. Today, that rate has been reduced to just about 20 percent, and is projected to decrease even further.

It is interesting to note that countries which are considered to be wood-poor such as Japan, Spain, the Netherlands, and West Germany are presently recycling wood fiber well above the 30 percent level. Even the wood exporting country of Austria recycled fiber above 35 percent according to 1967 figures. More recent data indicates that Japan is now near the 50 percent level and West Germany has passed 45 percent.

Thus it appears from the practices in countries which are already in a wood-poor situation similar to our prospects for the 1980's that the recommendation on fiber recycling made by the National Academy of Science in a 1970 report to the U.S. Department of Health, Education and Welfare entitled "Policies for Solid Waste Management" are certainly a realizable goal. The NAS report called for the recycling of 35 percent of the paper annually consumed by 1985. Other experts familiar with the wood and paper industry have publicly stated that "there is every reason to believe that with available technology and a bit of insight we can easily reach a 40 to 50 percent recycling rate in the United States."

I am happy to point out to the committee that much of the available technology and new technology in the recycling of paper has been developed and—more importantly—is being introduced and utilized in my state of Wisconsin.

A recent letter from the Forest Service of the United States Department of Agriculture pointed out that "thirty percent of the fiber in this sheet came from the city dump in Madison, Wisconsin. We have reclaimed refuse that is an eyesore and pollution problem in most American Communities."

The letter went on to report that the work of the Forest Products Laboratory in the Wisconsin state capital has found that there is an enormous supply of wood fiber in municipal rubbish for making paper products. In cooperation with two other federal agencies, the Forest Products Laboratory has been working on a cooperative research and development pilot project with the City of Madison to convert the paper and wood fiber—as well as cans, bottles and other components of the city's solid waste—into materials which can be reused and thus reenter America's economic lifestream instead of being discarded onto the nation's expanding trashpile.

While this particular project of the Forest Products Laboratory has produced letter paper from Madison trash, it is only one aspect of their comprehensive and continuing re- All of you have the skills to make significant techniques to better utilize the nation's wood fiber supply—both its discarded waste fibers as well as the annual supply of virgin pulpwood.

The Wisconsin effort has not just been one of government research and pilot demonstration projects, however. Two commercial companies in my state are presently making and marketing commercial grade letter quality paper that is 100 percent recycled paper. The Riverside Paper Corporation of Appleton, Wisconsin announced this spring the manufacture of their "Ecology" brand letter paper. As the watermark on each sheet proclaims: "Ecology—100%. Reclaimed Waste". Riverside's "Ecology" is primarily waste from milk cartons, paper cups and other plastic and wax coated "disposables," collected from manufacturers. The company has indicated that they are also studying the feasibility of collecting used milk cartons from schools and hospitals as a source of supply for "Ecology."

Using a newly patented process which they call "Poly-Solv," Riverside has found it economically feasible to strip the coatings from waste and reclaim the fiber to be recycled into fine quality printing and writing papers. As an added bonus, the Poly-Solv process is itself apparently environmentally clean. It is a closed system without air or water effluent and the coating residue which is stripped from the waste is used as a fuel supplement to run the plant.

Also manufacturing a 100% recycled letter paper is the Bergstrom Paper Company of Neenah, Wisconsin. Bergstrom's paper, "Recycle 100," is made from totally recycled waste paper without the ink or clays being removed. In addition to relieving the demand for virgin pulp, Bergstrom's ability to use waste paper while retaining the ink and clay has reduced the amount of solid waste which might otherwise end up as waste effluent into the Fox River.

Both Riverside and Bergstrom have received the attention of the entire nation and spurred the paper industry. Kimberly-Clark Corporation announced from their home office in Nenneth, Wisconsin on July 14th of this year that they are introducing two papers designed for business use made from 100 percent recycled paper. In this case, the waste paper to be used comes from recycled card and ledger stock, envelope clippings, and other higher quality discards.

As the first 100 percent recycled publication sheet, Bergstrom's Recycle 100 was chosen as the paper to be used for the July 1971 issue of Chem 26 Paper Processing. A leading publication in the pulp and paper field, Chem 26 claims credit as the first commercial magazine to be printed entirely on 100 percent recycled paper. Included in the July issue are two articles describing the hows and whys of Bergstrom and Riverside Paper Companies recycling efforts. I would request that the Committee incorporate these two articles into the hearing record along with the speech by Mr. Wayne Carr, referred to earlier in my remarks.

If the need for the recycling of our waste wood fibers is becoming an increasing concern for both present environmental reasons as well as projected economic demands, and if the technology and experience in recycling wood fiber is already available, what is holding us back?

Among other reasons, there is the need for the development of sustained markets and the acceptance of new recycled products whose characteristics may differ in some degree with similar products made out of virgin materials. As the American Paper Institute stated in their 1970 publication "The Paper Industry's Part in Protecting the Environment," "Taken as a whole, the national market for products made out of waste paper has been slow to expand. This fact together with economic and technical problems in collection and transportation, has limited the industry's use of waste paper. An appreciable expansion of such use will require the development of new products acceptable to the market."

It is to this goal of expanding the market for recycled paper and upgrading the status of products made from secondary materials that I think S. 2266 and S. 2267 speak. Obviously, the furnishing of recycled material for the official use of the Senate and the House of Representatives and the printing of the Congressional Record on recycled paper is not going to single-handedly reduce our national solid waste problems or relieve the pressure to find wood fiber sources for the next ten years. I must admit, however, that from the growing size of the Congressional Record and from the amount of paper that I observe coming into and being generated by a Senate office, I am convinced that every member of Congress has a special and personal obligation to foster the recycling of paper.

What this legislation will do is not only create a highly visible market for recycled papers, but give further indication that the Congress is willing to take the leadership in environmental matters and in the economic husbandry of our dwindling resources. I think that our constituents should expect nothing less.

Statement of Senator Gaylord Nelson Before the Subcommittee on the Environment, Senate Commerce Committee, on Solid Waste Packaging Legislation March 13, 1972

Mr. Chairman, I am particularly pleased that the Subcommittee has initiated this set of hearings to reemphasize Congressional concern about this nation's ever-growing problems of discarded packaging and solid waste.

There is increasing recognition throughout the country that our society's affluence and unprecedented capacity to transform natural materials and energy into consumer goods is not without waste and enormous environmental and economic costs. In the immediate glut and fervor of production and consumption, however, we have attempted to sweep the discarded commercial wastes under the rug.

We have also tried to ignore a portion of the total costs of these commercial activities. This occurs when we seek to defer the eventual public payment for the inevitable environmental results of imperfect production and consumption of consumer goods.

This attitude can no longer be tolerated. The residues of our disposable society—solid wastes—are now physically piling up in front of us. In addition to degrading our environment and misusing our limited natural resources, the growing piles of daily debris are exacting an unacceptable claim on the public pocketbook for inadequate solid waste management systems.

Much of the response to any recognition of our solid waste problems, particularly among those who are directly responsible for its production, appears as a form of ecological spin-the-bottle-or the can. That is, if there really is a problem, then it is somebody else's problem and responsibility.

A second sort of response involves an expensive nationwide advertising campaign to convince the consumer that a particular product or package really would combine convenience and conservation if the consumer would only cooperate in the process. The message is that when the consumer is left holding the bag—or the box—then it is up to him to see that they are properly disposed or returned.

The final response we have witnessed most recently, usually accompanied by a wistful look and a shrug of the corporate shoulders, is an appeal for a technological second-coming which will miraculously scour the land and return our resources to their proper natural forms.

The fact of the matter is that our mounting national trashpile is everybody's problem in this country, and it will not be solved by words, mystical appeals, or finger-pointing.

Two years ago Congress recognized the need to forego rhetorical posturing with solid waste problems and to take positive action. In overwhelmingly approving the Resource Recovery Act of 1970, the Congress authorized a dramatic reorientation of the Federal effort in solid waste management.

The Resource Recovery Act extensively rewrote and extended for three years the Solid Waste Disposal Act of 1965, shifting the emphasis from conventional waste disposal to the recycling and recovery of materials and energy from solid waste. The Act blended the need for accelerating federally directed research in resource recovery (Section 205) with a new action program to demonstrate innovations and new recycling techniques (Section 208).

This loud legislative response from Capitol Hill to our nation's solid waste problems may have been heard in communities throughout the country, but the message has apparently fallen on deaf ears only sixteen blocks down Pennsylvania Avenue.

Although the Resource Recovery Act of 1970 survived the threat of a pocket veto and became Public Law 91–512 on October 26, 1970, the program has been effectively blocked by a "pocketbook" veto.

The Act authorizes a $238.5 million federal solid waste effort in Fiscal Year 1973. The Administration has requested less than one-tenth of this amount in its 1973 budget, including none of the $140 million authorized for the innovative demonstration program in Section 208.

The action taken under Section 205, a provision authorizing an on-going study of important issues related to recycling of solid wastes—means of recovering materials and energy; changes in production and packaging practices, including disposal charges, to reduce wastes; the use of Federal procurement to develop market demand for recovered resources; and incentives and disincentives to recycling, including tax policies—have not fared any better. After two bureaucratic reorganizations it appears that we can finally expect the first annual report on this study later this year, almost two years since the law was passed.

In light of the recent experience with the Resource Recovery Act, it is especially important for the Congress to reemphasize its leadership role in providing new directions and answers for solid waste management and resource recovery. It is apparent that continual Congressional attention and focus on the issues involved will be necessary to promote accelerated federal actions and insure innovations in solid waste programs.

The need for this type of leadership is reinforced by the February 4, 1972 GAO Report to the Congress entitled "Demonstration Grant Program Has Limited Impact On National Solid Waste Disposal Problem". In its findings and conclusions, GAO stated "The grant program has been beneficial in improving existing technology to a limited extent, in stimulating public interest in proper solid waste disposal methods, and in solving a number of local solid waste disposal problems. Greater benefits could have been achieved if more emphasis had been placed on developing methods of recovering natural resources from waste for reuse (recycling) and on new or improved and more economical methods of disposal."

With the Resource Recovery Act of 1970 amending and redirecting the 1965 program while the review was underway, GAO specifically recognized in its report that there was an even greater need to apply the suggested corrective actions to see that the 1970 Congressional mandate is met. The report directly recommended that ". . . the Administrator, EPA, should place greater emphasis on the need to develop and demonstrate new methods, devices, and techniques of solid waste disposal—particularly those related to resource recovery and recycling—which have potential for national or wide-spread use."

Mr. Chairman, this Subcommittee's investigation and examination of the three new legislative proposals aimed at specifically reducing the quantity and improving the quality of solid wastes, particularly discarded packaging and beverage containers, reaffirms the intent of Congress to look for a new and improved means of solving our national solid waste problems. The hearings also call the public's attention to the need to implement programs and policies previously mandated by the national legislature.

As a general proposition regarding legislative proposals to find a better solution to our solid waste problems, we must seek to implement a philosophy of conservation in the production and consumption of consumer goods. Conservation in this sense means a more rational and economic use of our natural resources—materials and energy—as well as the preservation of environmental quality.

Environmental considerations must become an important factor at each point of decision in the manufacture, sale, use, and eventual discard of commercial goods. In addition, the complete environmental and economic costs to society represented by commercial products should not be hidden or disguised, but should be accurately reflected in the commercial market price of these goods so that the consumer can exercise an informed choice.

If the market price accurately reflects all the social and environmental costs associated with a consumer product, economic incentives will be operative to encourage the development and use of more environmentally sound consumer goods. These marketplace incentives should act to accelerate more economic husbandry of resources and environment through the return, reuse, and recycling of materials in consumer goods.

There is no doubt in my mind that there should be an environmental accounting for *all* goods which enter our national commerce. The price of *all* goods should reflect not only the costs of production of the product, but also the costs of disposal of the product after use, including any degradation of the environment or squandering of our valuable resources. At present, this is certainly not the case. In fact, we have very little applied experience with this type of accounting system.

It is time to introduce environmental accounting into the marketplace. Therefore, on February 3, 1972, I introduced Amendment #861 to S. 1377, and am pleased to have the Vice Chairman of this Subcommittee, Senator Moss, as an original cosponsor.

The scope of the application of environmental accounting is intentionally limited to packaging in Amendment #861. As a potential model for all solid waste, it would provide a coordinated system of economic incentives and regulatory mechanism to encourage the design, development, production and use in interstate commerce of packaging which conserves natural resources, which minimizes the adverse economic and environmental impact when discarded, and which is returned, reused, or recycled into the economy.

First of all, this amendment provides economic incentives for environmentally sound packaging through the imposition of a schedule of national packaging charges on all packaging manufactured or imported into the United States, charges which would become effective not later than June 30, 1973. This environmental accounting in the market price of commercial packaging would merely be an accurate reflection of the total social costs that are presently hidden and being paid by the public on the long-term installment plan.

Several factors are to be considered in determining the direct and indirect social costs of packaging and the charge to be applied to a particular package. These factors are the amount of virgin and secondary materials contained in such packaging, the quantity of solid wastes which would result from such packaging in terms of weight and volume, the burden on solid waste disposal systems, the disposability of such packaging, and the toxicity and health effects of the disposal of such packaging. With the proper and accurate accounting of all these factors in the market price of a package, normal economic competition and consumer decisions will operate in favor of the environmentally superior package.

Amendment #861 provides that the funds collected each fiscal year as a result of these packaging charges shall be returned to local government agencies for the planning, improvement, and construction of resource recovery and solid waste disposal facilities. In light of the tremendous financial burdens on local governments, and the need to apply advanced resource recovery and recycling techniques on the municipal and regional level, these funds are badly needed just to meet existing problems. Furthermore, as environmentally sound packaging is introduced into commerce, the funds derived from the packaging charges would diminish, thus making this financial mechanism for local governments self-limiting and elastic to the scope of the problem.

Two years after the packaging charges are put into effect, Amendment #861 would require the publication of quantitative and qualitative national packaging standards to be put into effect one year later. This regulatory mechanism would build on two years of marketplace experience of environmental accounting and economic incentives for sound packaging and would be complementary and consistent with the charge mechanism and economic incentives.

Specifically, the standards would include: (1) minimum percentages of recycled materials which shall be contained by such packaging; (2) maximum permissible quantities of materials which produce adverse environmental effects when such packaging is discarded; and (3) specific packaging practices which shall be prohibited whenever the Administrator has found that the specific practice places an unreasonable burden on solid waste management systems or the environment, or such practice prevents the effective return, reuse, or recycling of such packaging.

Such a coordinated system of accurate environmental accounting in the marketplace, and national packaging standards to set limits for recycled materials and for practices which unreasonably inhibit recycling, should be advocated for *all* consumer goods which become part of the solid waste stream. These systems, however, need a firm base of experience and must be applied so that environmental integrity remains the primary goal, rather than mere simplicity of administration or revenue generation.

Because of the dearth of experience in the area of environmental accounting, and the number of factors which should be considered in determining the proper charge for a particular consumer product, this proposal and the mechanisms it suggests are focused upon consumer packaging. The ancient medical aphorism "primum non nocere" or "first of all do no harm" applies in the case of instituting a form of environmental accounting. In applying this procedure, we must make sure the remedy is no worse than the disease.

In making this system work with packaging, we will be able to do more than apply accurate economic marketplace incentives for the use of environmentally sound packaging. Thus while relieving a particularly egregious form of solid waste and misapplication of resources, we will also be perfecting a mechanism that can be applied to a broader spectrum of consumer goods.

In the last decade there has been a vast change in this country in the production and consumption of packaging. These changes, which have already resulted in greatly increased economic costs to the American public and which have contributed to the Nation's burden of solid wastes, are expected to continue to soar in the coming years.

In 1958, every person in the United States produced 404 pounds a year of discarded packaging. Eight years later this amount had risen over 25 percent to 525 pounds of packaging that each person discarded in a year, and by 1976 it is estimated that this figure will be 661 pounds per year of packaging—paper, glass, metals, wood, plastics, and textiles—for every man, woman, and child in this country.

The total amount of packaging consumption in the United States rose from 70,800,000,000 pounds in 1958 to 103,400,000,000 pounds in 1966 and will be 147,000,000,000 pounds by 1976. These astronomical amounts of solid waste due to packaging become particularly significant when it is realized that only 10 percent of the total amount is presently being recycled back into the economy. Thus, in 1966, 90 percent of those 103,400,000,000 pounds of packaging wastes wound up in the Nation's trashcan, or on her highways, or in her streams and waterways, or on her beaches, or blowing in the wind. A total of 93,600,000,000 pounds of packaging trash was dumped upon the beleaguered solid waste management systems of local government.

In 1966 almost 3½ percent of this Nation's entire gross national product was spent on all aspects of packaging. That is $25 billion of our country's productive wealth was for packaging. Of this amount, $16.2 billion represented packaging raw materials. With 90 percent of the packaging produced in the United States being discarded and not recycled, that means that in 1966 we tossed approximately $14.6 billion out the window and away.

In 1966, in addition to the loss of $14.5 billion in discarded packaging materials, the American public had to pay another $419 million for local governments to collect and dispose of the material. It would be expected that with the expenditure of $15 billion for the production, use, discard, collection, and disposal of packaging, the American public could expect some monumental and striking results. The only monuments we see, however, are the mountains of materials of such permanence that they may still be standing hundreds of years from now.

We must view with bitter irony the possibility that the pyramid for our affluent and productive age may prove to be a massive pile of indestructable bottles, cans, and plastic containers paid for by the collective sweat of the public brow. It may be that the signature of our culture will be the immortal aluminum can.

Future estimated costs indicate that the price tag which the public will have to pay because of discarded packaging wastes will escalate greatly in the next several years. The $15 billion that was paid in 1966, the last year for which figures are available, is expected to jump to $21,327,000,000 by 1976—$20.7 billion in unreturned, unrecycled packaging materials, and $600 million in the costs of collection and disposal.

Indicative of the mounting problems of packaging wastes is the growth in absolute numbers and change in the construction and composition of beverage containers in recent years. In 1957 returnable glass bottles represented over 60 percent of the fillings of the beverage industry. By 1976 it is estimated that returnable bottles will only have 20 percent of the fillings if present trends continue.

On the other hand, those one-way, no-deposit, no-return containers which will have 80 percent of the market will increase 127 percent between 1957 and 1976. This means that instead of the 25,600,000,000 non-returnable bottles and metal cans that we had to try and dispose of in 1958, we will be inundated by the disposal problem of 58,100,000,000 non-returnable bottles and cans in 1976.

A returnable glass container will make many trips to the market during its useful life, and most likely will be removed at the bottling plant and recycled and made into a new bottle without ever having to be collected and disposed of by local government's solid waste systems. On the other hand, the non-returnable can or bottle is purposely and expressly designed to be used one time and then discarded in the name of convenience.

The use of non-returnable beverage containers is not a sin qua non of modern living. As reported June 24, 1971, by the Brewers Warehousing Company Limited, Downsview, Ontario, over 97% of the beer sold to retail customers in this Canadian province is produced in reusable, returnable deposit-bearing bottles. The remaining three percent of the beer is sold in cans. Of the total annual production of beer in Ontario in the year ending March 31, 1971, 95.1 million gallons of beer were sold in the reusable bottles exclusively used in Ontario. This amounted to 1.26 billion bottles of beer of which 1.21 billion or over 96 percent were returned by customers for reuse. Beer bottles in Ontario are reused on an average of 25 times and when they are no longer usable, they are returned to glass companies to be used in the manufacture of new glass products. The same attitude of reuse and recycling applies to the beer cartons.

Not only is there a move away from the returnable container in the United States, but it is becoming more and more likely that the non-returnable replacement may be the ubiquitous aluminum can. Whereas the steel container can be magnetically separated from municipal trash and used again in the basic steel manufacturing process, aluminum must be manually separated if any recovery of this valuable metal is to be achieved. In Madison, Wisconsin, the daily trash load is presently being processed by initial pulverization and subsequent magnetic separation of the ferrous materials. In addition to recovering steel beverage cans, this process removes auto parts, bottle caps, pails, other cans and similar steel items from Madison refuse. All of this recovered ferrous material is then shipped and any tin is recovered before it is ready to be reprocessed back into steel.

During the first 9 months of 1971, 1.2 billion or 2.0 percent of the 46.5 billion steel cans which were produced in the country were recovered, mostly by magnetic separation. During the same period 346 million or 4.1 percent of the 5.3 billion aluminum cans were manually separated and recovered. While magnetic separation of steel cans from municipal refuse is still the exception rather than the rule, it is expected to dramatically increase. The failure to recover and recycle aluminum, however, represents a far more egregious problem of economic waste, energy loss, and environmental damage.

As Dr. Barry Commoner pointed out in a paper delivered at the annual meeting of the American Association for the Advancement of Science last December, the substitution of aluminum for steel is the substitution of a power-intensive process for a more power-thrifty one and contributes to the fact that while industrial consumption of electricity has been doubling every 14 years, the efficiency of its use has been steadily declining since 1947. Thus the replacement of the returnable bottle system with the throwaway represents a 4–5 fold increase in power consumption to produce the equivalent item.

And while the production of a ton of steel from ore requires about 2,700 KWHr, and the reclaimed steel from an electric furnace requires only 700 KWHr per ton, the production of a ton of aluminum requires over 17,000 KWHr.

In addition to the massive power consumption required, eighty-five percent of the ore used in the domestic production of aluminum is imported into the United States. Last year this amounted to 14 million tons of imported ore costing $165 million.

Thus when a ton of aluminum is used only one time for throwaway packaging materials, we rob the economy of $200 of valuable metal, are required to import 4 tons of bauxite ore to make up the loss, use 17,000 KWHr to convert the bauxite to one ton of aluminum, create 3 tons of mineral wastes, and scar our environment with a form of pollution which will not disappear or degrade for thousands of years.

This country's compulsive obsession with so-called convenience items and elaborate packaging is wasting an enormous amount of our natural and economic resources. It is becoming apparent to the public that we are going to have to change both our attitudes and our actions regarding the solid wastes which are an inevitable part of our present commercial process. A good beginning would be to provide a proper environmental accounting in the marketplace for the increasing amounts of packaging materials which are used in this nation. Unless competitive forces are harnessed for environmental quality now, our solid waste problems are not likely to diminish. If that is the case, and present projections are realized, more drastic controls and regulations will be required in the future.

UNEMPLOYED WOMEN DO MATTER

Mr. HUMPHREY. Mr. President, an important article written by Carolyn Shaw Bell, entitled "Unemployed Women: Do They Matter?" was published in the Wall Street Journal this morning. We are talking about a majority of our population, a majority that has long been systematically discriminated against in our labor force. At a time when we are focusing meaningful attention on equal rights for women it is central to this goal to provide expanded employment opportunities. Carolyn Bell has presented a thoughtful analysis of the status of women in our national work force. I believe her findings deserve the attention of my colleagues. Mr. President, I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Unemployed Women: Do They Matter?

(By Carolyn Shaw Bell)

While the recent high rates of unemployment have been hesitant to go away, there has been no lack of effort to explain them away. Typically, the explanations rest on the contention that unemployment among women is far less serious than it is among men.

Historically, unemployment rates for women have exceeded the rates for men, and the gap has widened in the past five years. So it is perfectly true that the current group of unemployed contains more women than a similar total formerly would have. This is scarcely surprising, since the proportion of women in the total labor force has been increasing. Women made up 43.4% of the labor force in 1971, compared with 37.8% in 1960.

Thus, the argument runs, we should pay less attention to the total unemployment rate, including all those women, and concentrate instead on the more favorable looking rate for married men. Or in other words, we should pay less attention to unemployment among women precisely because they have become a more important factor in the workforce.

The logic of this contention is not entirely obvious. Indeed, it would make more sense to argue that since women make up more of the labor pool than before, unemployment among them has become a more serious problem, not a lesser one. In fact, women workers are more important than ever before in maintaining their families' standard of living, in lifting poor families out of poverty, in serving as the sole breadwinner for many families and in contributing to economic production and growth.

EARNINGS OF WORKING WIVES

Half of all married women whose husbands are present have been employed at some time during the past year, and for the past four years such women have accounted for the largest increase in the labor force. (Single men are second.) It follows that many families no longer depend solely on the husband's employment for all, or most, of the income. In fact, the earnings of working wives amount to over 26% of total family income, and the median income for families where the wife is in the labor force was $12,276 in 1970, compared to $9,867 for all families.

The income figures deserve somewhat fuller examination than merely these averages. First, although the median earnings of working wives were only slightly over $3,000, median family income is only three times that amount. For many families, therefore, the sums earned by working wives spell the difference between poverty and scraping by. More than one million wives who earned between $2,000, and $4,000 in 1970 were married to men who earned less than $7,000. For other families, working wives contribute enough to ensure moderate comfort rather than merely scraping by. Almost 8 million wives earned between $4,000 and $7,000 in 1970, and two-thirds of their husbands received earnings of less than $10,000. Obviously, therefore, the 16.5 million families with working wives benefited considerably from their employment.

Next, working wives and their additions to family income come from all kinds of population groups. They are not confined to lower income classes: 41% of the families in the top 5% of the income distribution included wives in the paid labor force. Over one-fourth of women who themselves earned more than $10,000 annually were married to men earning more than $15,000. Clearly many families would not reach these higher income ranks without the earnings of working wives. Nor do such women come from childless couples: Mothers of 6- to 17-year-olds work more frequently than do wives without children, and about one-third of the mothers with children under 6 were in the labor force last year. The fraction is almost as great for mothers with children under three.

As these figures suggest, wives and mothers work primarily to benefit their families. Every survey that asks women why they work reports such mundane reasons as buying new glasses, paying medical bills, saving for the children's college education or, dramatically, "You ask why I work? Money! What else?"

One population difference should be emphasized. The past 15 years have seen a dramatic rise in the proportion of white women working and in the number of white working wives. No such rise has occurred, among black women because over half of them in the country have always worked, and their contribution to family income looms much larger than for whites. At every income level and with every type of family, more black women hold paid jobs than white women. The impact on family income stands out strikingly at very low levels. Among families (with husbands present) below the poverty line, both median income and average income per family member is higher for Negroes, despite their larger families, than for whites. This reflects the additional earnings of Negro wives.

The increase in the number of working women, representing chiefly more wives in the labor force, has contributed significantly to the growth in total national output. It is not generally realized that among all the men in the population, the proportion in the labor force has been dwindling steadily since the early '50s. (In 1950, 84% of all males over 16 years old were in the labor force; in 1970, the figure was 75%.) Since then, of course, the national product has more than doubled, even after allowing for price increases. Obviously this could only occur through the efforts of working women. Nor does this increase in female employment represent two women working part-time instead of one full-time male worker. Four out of five adult working women work full-time, and this percentage has not changed for over a decade. Among teen-agers, of course, part-time work is characteristic, but no more so for females than for males.

A recent analysis of our current unemployment suggests that, if the composition of the labor force today were the same as it was 15 years ago, the present level of economic activity would yield a much smaller rate of unemployment. What this argument ignores is the fact that if the labor force today hadn't been augmented by women who more than replaced the declining proportion of men, the level of economic activity today would be considerably lower, as would our total national output and income.

If, then, married women with husbands present are now employed in such numbers, and if their contribution not only to family income (and hence to total spending, economic expansion and employment) but to total production amounts to such magnitude, is there any justification for treating unemployment rates for women as of minor importance? I do not think so.

It remains true, of course, that married women move in and out of the labor force with greater frequency than do married men, so that the current method of calculating unemployment rates proves most unsatisfactory. The number of unemployed consists of people not holding jobs who are actively seeking work and are available for employment. To convert this to a rate of unemployment, we must also know the total number of people employed. Adding the two figures together produces a quantity known as the total labor force. The difficulty comes because the total labor force may rise for the same reasons that employment expands, leaving the unemployment rate little changed.

THE CONVENTIONAL WISDOM

The usual example refers to women. In good times, when jobs are plentiful and employment high, bored wives and harried mothers (so goes the conventional wisdom) come into the labor force looking for part-time work to occupy their days or to satisfy their egos. By so doing, they increase the labor force and, unless they instantly get a job, they also increase the number of unemployed. The unemployment rate rises, but somehow it isn't "real" unemployment. Because when jobs get scarcer, women simply forget this notion of finding something else to do, outside the home and family where they belong, so they retreat from the labor force and, more importantly, from the ranks of the unemployed. Such reasoning helps justify the Bureau of Labor Statistics index of employment for married men.

The facts, as opposed to this mythical construct, are that we have millions of people vital to the economy and to their families, whose employment status is not now well publicized. Worse, we allow some to suggest that they comprise an adjunct, a casual and unimportant interference with our statistics, much like static on a radio, because they don't fit our preconceived classifications. Even worse, we probably understate the extent of deprivation, if not poverty, in this country by never collecting data that properly measure the impact of working wives on family income, or the impact of female unemployment on family income.

A second critical difficulty with the data as reported stems from the growing number of women who support other people. The model of the American family, the husband, wife, and two children—or even two and a fraction children—that occupies television commercials and popular articles about the average family now make sense for less than one-sixth of all American families. Almost as many families are headed by a single woman as conform to that out-dated model. For these families dependent on women, over six million of them, "female employment" or the lack of it is every bit as critical to the welfare of the entire economy as is unemployment among married men. Indeed, given the gap between women's and men's earnings (full-time, year-round women workers average 60% of what a full-time, year-round male worker gets), it is probably more crucial. Granted that 164 million people live in families where husband and wife are both present, there are 20 million in families headed by women, and half of them are dependent children.

LOOKING AT POVERTY

A look at poverty will again prove useful. Fifteen per cent of all the children under 18 live in poor families and over half of them have no fathers in the home. Put it another way, of the six million families headed by women, one-third are poor. Despite continuing unemployment, persistent grumbling that welfare recipients ought to get jobs also exists, so that it should be noted that of the 800,000 Negro families in this poverty group over half the mothers worked, and 17% of them held full-time jobs. Among the larger group of poor white families (over 1 million) work experience was much less usual. Only 5% of the mothers held full-time jobs, although almost 40% had worked at some time in the past year.

But unemployment among this group of women, responsible for their families, ran 39% for whites and 65% for Negroes. The number of "working poor" families with husbands present decreased sharply between 1960 and 1970—to some extent owing to the contributions of working wives. The number of poor families supported solely by working women did not decrease at all over the decade.

Against figures like this there is little cause for congratulation if the unemployment rate for married men drops from 3.1% to 3%. Women's jobs, and hence unemployment rates among women, have a significant impact on millions of people. The contribution of women to the economy deserves much wider recognition and analysis than it has yet received.

JUDGE RICHARD McLAREN AND THE ITT

Mr. BEALL. Mr. President, 3 weeks ago, Judge Richard McLaren was regarded as one of the most innovative, most progressive, most daring lawyers ever to head the Antitrust Division of the Justice Department. Now he is regarded by some as a man who has sold out his convictions to the supposed financial needs of his President's political party. And he has been tainted with that image on the basis of some of the thinnest, least convincing evidence that I have ever seen.

Why has this happened? Because certain members of the opposition party think it serves their own political interests to take questionable evidence from an even more questionable source and turn it into a 24-karat smear—because they think, having lost the support of the American people on both domestic and foreign issues, they need something—they need anything—to throw at President Nixon.

There are some simple facts which have been obscured in the wave of distortion upon distortion which our friends on the other side of the aisle have provided the American public:

First. Far from dropping the ITT antitrust case as has been charged, the Justice Department forced upon the company a very tough settlement requiring ITT to divest itself of six major corporations and to clear with the Justice Department any mergers they make for the next 10 years.

Second. This settlement, according to Dean Erwin Griswold of the Harvard Law School, now serving as Solicitor General of the United States, would probably not have been obtained had the case gone to the Supreme Court. Furthermore, this case went nowhere under the previous administration which refused to pursue it.

Third. What kind of preferential treatment did ITT get? The kind of preferential treatment which makes its stock drop 12 points the day after the settlement was announced and keeps that stock down despite the fact the Dow Jones averages are climbing 100 points. This is no cushy settlement. This is the kind of settlement the previous administration did not even dare to hope for when it was prosecuting the case—the kind of settlement the previous administration thought beyond its reach.

The reputation of the most vigorous antitrust lawyer to preside over antitrust activities in the Justice Department in this century has been smeared—for the sake of a jealous political party's dreams. It is extremely unfortunate that a dedicated public servant like Richard McLaren who has performed such a valuable service to the public should be subjected to almost slanderous accusations.

Indeed, rather than place a question mark over his record, we should be thanking Richard McLaren for a job well done as one of the most relentless trustbusters in modern times.

OPENING UP THE HIGHWAY TRUST FUND

Mr. KENNEDY. Mr. President, I want to take this opportunity to commend the Secretary of Transportation for his decision to finally break open the highway trust fund to permit the broad transportation needs of the Nation to be fulfilled.

The proposal to permit a portion of the funds to be used for urban mass transit is an important initiative. Although a single national transportation trust fund, permitting full discretion to the cities and States in deciding how to meet their transportation needs still is the most desirable approach, the Secretary's plan is a commendable and positive first step.

Secretary Volpe, who has endorsed the concept of a single trust fund as contained in legislation I introduced in both the last Congress and the current Congress, had a difficult time in obtaining approval for this step. His success represents a significant attempt to place Federal funds in line with national needs.

However, there are several aspects in the proposal which hopefully can be changed: First, the provision to carry out the Interstate System as designated is highly questionable. Over half of the $30 billion remaining to complete that project is for urban areas and many of those urban areas already have acted to prevent more highways destroying homes and businesses in their midst.

I would urge the funds for the urban portion of the Interstate System to be added to the single urban fund proposed by the Secretary so that localities can make intelligent decisions on how to meet urban transportation problems even if it means not building the highways as designated in the Interstate System.

Second, I would hope that we could permit operating costs of transit systems to be covered in some way by the single urban fund.

Finally, the 40-percent allocation to the States should be contingent on States establishing a single transportation agency to plan and administer those funds. Only in this way can comprehensive planning at the State level take place.

But the proposal of the Secretary now permits the Congress to deal realistically with the transportation needs of the Nation without blind adherence to the maintenance of the highway trust fund for highways alone. That in itself reflects a bold step forward in this Nation's efforts to produce a balanced transportation system.

WHICH WAY, AMERICA?

Mr. HUMPHREY. Mr. President, it has been my privilege to read an extraordinary address delivered on July 25, 1971, at the National Urban League conference, by Harold R. Sims. Mr. Sims served as acting director of the National Urban League, following the tragic death of Whitney M. Young, Jr., and until the assumption of leadership of this outstanding organization early this year by Vernon E. Jordan, Jr. Harold Sims performed a vital trusteeship service during this difficult period when the NUL faced a severe test of its ability to bear with dignity and fortitude the profound loss of one of the truly great men in American history, and to build upon its own remarkable 61-year history to expand its programs of decisive importance in the affirmation and service of human rights.

In his address, entitled "Which Way, America?" Mr. Sims challenges America to face "the plight of black workers who are experiencing depression unemployment in a trillion-dollar economy," as well as "the creeping cancer of housing abandonment" in deteriorating cities across America. And his central question is left to each one of us to answer: "Which way, Americans—together up or apart down?"

The action agenda of the National Urban League as stated by Harold Sims, and to which I am fully committed, includes a call to commitment by the Federal Government to achieve goals of greatness in human development:

> Now is the time for this Administration and this country to push forward on a humane, massive, non-partisan program to end poverty want, racial tensions, and urban and rural decay; to create a meaningful, well-paid job for every adult who can and will work; to build the houses for every family now lacking decent shelter; to create the schools and careers for every child in the land; to provide the health security that will leave no one uncared for and to create the framework of that society which every citizen can truly say is just and good.

Mr. President, I ask unanimous consent that the address by Harold R. Sims, delivered at Cobo Hall in Detroit, Mich., and keynoting the 1971 National Urban League Conference, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHICH WAY, AMERICA?

(By Harold R. Sims)

This 61st Annual Conference of the National Urban League opens under the long, deep shadows of a loss so profound, a void-creation so great, that it defies reason, understanding and faith—the untimely and tragic death of our leader, colleague and friend—Brother Whitney Moore Young, Jr.

Whitney, the humanist, statesman, confidant of Presidents, yet, champion of youth, justice, and the poor; the giver of power, voice and hope and the fighter for equality of results; the greatest ambassador to all the racial, warring camps of our time—the bold leader, who built bridges between the races and unity among black people is no longer with us in the physical presence of this hour and in the imagery of our every day.

W. E. B. DuBois has written that "Throughout history, the powers of single black men flash here and there like falling stars, and die sometimes before the world has rightly gauged their brightness." The powers of Whitney Young blazed across the American firmament for a brief decade of national leadership—a shining star of inspiration—a black prince whose temporal existence was untimely ended, but whose work and meaning will live on so long as there are men who can dream and people who value justice and decency.

And so, in a very real sense, we meet not under the shadows of death, but in the bright sunshine of his life and the legacy he bequeathed us. He lives on through our deeds and commitment. He lives on through the voice, hope and power he gave to those who were voiceless, hopeless and powerless.

The spirit of Whitney Young is alive and well;

We only laid to rest his earthy shell;
His movement is marching on!

This great man dreamed bold dreams and charted the great voyages of spirit and hope that this society must take. His dreams are our dreams. His program is the Urban League's program. His hopes are our hopes. His cause is the Urban League's cause. Our identification with his life's work is total and complete, and our commitment to bringing it to fruition is all-encompassing.

He believed in an *open society*; a society founded not in narrow separatism nor in the cultural suicide of assimilation, but rather a society founded on mutual respect, cooperation and pluralistic group self-consciousness and pride, in which black people their fair share of the power, the wealth and the comforts of the total society. *Towards this we still strive.*

He called for a Domestic Marshall Plan; a massive public-private effort on the scale of that taken by this nation to rebuild the ruined remnants of post-World War II Europe; an undertaking that led to booming economies, full employment and new housing in the cities of our former enemies, while black veterans who fought in that war endured poverty, joblessness and slums at home. It was Whitney's idea for this nation to do at home whit it so willingly did abroad. He called for a massive reordering of national priorities so that the poor and non-white minorities would receive the resources and national commitment to make America's age-old promise of equality and decent living standards, come true for all, and not just for a majority, whose composition is determined by wealth and skin color. He wanted specific goals and time-tables set for reaching those goals. He wanted for Americans what this nation helped other people to achieve. *Towards this, we still go forward.*

He was the first to realize that it's not enough to talk about equal opportunities; there must be equal results. Equality is a sham if it does not mean that black people share equally in all aspects of society's rewards. His measure was that equality will have been reached when there are proportionately as many blacks as whites who succeed and who fail. *Towards achieving this condition, we will strive.*

He transcended the provincialism of "doing your own thing" in a vacuum; he refused to accept the limits of the microcosm of the minority community alone. He knew that we must transcend the boundaries imposed upon us, and forge solid unity within the black community and go forward from there to build action coalitions with other minorities and with all poor people. And from that base of shared interests and common power, to negotiate with the Establishment and build coalitions around issues that would bring power and equality to America's oppressed masses, finally bringing us truly together as a nation founded on equality and justice. *Towards this, we are committed.*

He believed in building strong black organizations and strong, black-led interracial coalitions which we, as a movement, exemplify.

Whitney's legacy is a dynamic, revitalized League, and this movement's achievements since his tragic death, amply demonstrate his unique and unprecedented achievement of building the strongest human rights organization in the history of the nation.

For the first time in our 61 years, we lost a leader in office—not just a leader, but the most effective spokesman of the poor and champion of black people in the country. His warmth and his humanity had suffused the movement. It was not just organizational pain we felt, but it was personal grief and anguish, as well. And it came at a time of great national crisis and organizational challenges.

Any other organization may have faltered and stumbled blindly, splitting apart in despair, in shallowness, and opportunism. Any other organization may have simply marked time, holding the fort and sat still waiting, . . . waiting, . . . waiting. But for the Urban League, at a time when the sufferings of black people and poor people are increasing we could not sit tight. At a time when the challenges facing the agency and the total society were mounting to unprecedented proportions, we could not mark time. At a moment when Whitney had been taken from us, his organization, his followers, his disciples who walked in his footsteps and who sharpened their skills to serve him, could not betray his legacy and the meaning of his life.

That could never be true of this agency and its freedom-fighters. Instead, these past 137 days have been covered with the glory of achievement and with the restless, energetic momentum of a united, determined movement—61 years in the struggle—out to exceed its previous grasp, and to carry its work forward to a new plateau of excellence.

This, we have done.

First, we met the enormous demands of the tragic interment, with a dignity and with a professionalism that served his memory well. Our respect and dedication remained in those difficult days that followed, as we worked to smooth the path for Whitney's treasured family, preserving their memorial options, and absolutely refusing to exploit his name or his memory.

Once we had done that, we promptly moved to assure a confused public that the Urban League was still in business, and Whitney's agenda was still in vogue. We spoke out forcefully on the issues and provided leadership in the nationwide campaign to create jobs and called attention to the plight of black workers who are experiencing depression unemployment in a trillion-dollar economy.

We continued through our programs to serve students, workers, welfare mothers, veterans, the unemployed . . . all of America's hungry and dispossessed. These Urban League programs continued to have results to the general society far out of proportion to their limited costs. Our Labor Affairs program places apprentices and journeymen, and every dollar spent on it generates $15 in benefits. The cost of each apprentice is almost equal to the taxes he pays in his first year of work. Every dollar spent on the On-the-job training program yields society $13; every dollar spent on our Veterans Affairs program multiplies by more than ten in its impact on society. These programs and our many others put green power into black hands and have a tremendous impact on making this a better country for all.

And we did more than keep the Urban League machine humming at full capacity—we expanded into new areas of concern, in response to the new challenges of these terrible times.

A major study of the creeping cancer of housing abandonment was published by the Urban League, focusing national attention on the way cities are dying today, unnoticed and unsung by the complacent majority. Our documentation of the death agonies of urban housing is a call to action that provides a testing ground of whether we will remain a great nation or whether this society's values and its meaning will, like its housing for the poor, be abandoned, desolate and rubble-strewn.

The Urban League Research Department, in concert with 53 of our affiliates, came up with a penetrating documentation of the employment crisis in black America that resulted in our call for the immediate designation of 53 cities as employment disaster areas. At this conference, we will also set forth a major statement on the strengths of the black family, on the nation's Census and on the perils of the situation facing the black aged—action research that we hope will lead to new paths for the League and for the nation.

We successfully met the challenge of financing our operations at a time of red ink and national recession. The League has implemented internal management strategies that make us by far the most efficient public or private agency in the field of human resources.

We became the first of our kind to initiate major programs in correctional system reform, new town development and construction and master planning for long-term results in meeting human needs.

And we have moved our program of effective partnership further ahead, employing the hard-earned nickels and dimes of black tax money for the benefit of black people. Shortly before his death, Whitney went to the White House and pointed out the irony and futility of federal spending to bail out private corporations with public money; the tragedy of disproportionate concern over physical resources while human resources were neglected.

Out of that meeting came a commitment to involve black-run community organizations in the implementation and evaluation of federal programs, and the Urban League has taken the lead in insuring that black people will benefit from the otherwise dormant dollars that could be the levers of change.

They represent an unprecedented return on the investment of private individuals, organizations and foundations in the Urban League over the last 61 years—a private investment which we know will not only be sustained but increased.

Some of these new commitments will enable us to expand our job training, health, and veterans programs. Some will result in demonstration projects that will innovate in new areas, such as the establishment of comprehensive centers in urban and rural areas. Others will involve the first black evaluation of federal programs, and still others will set the stage for major reforms in employment practices and in the system of criminal justice that discriminates against black people.

And we moved ahead on our total programming thrust that involved Urban Leaguers—on their own time—in changing their professions and the institutions they come in contact with. And on our total organizational strategy aimed at involving Urban Leaguers in every professional, ethnic and human rights organization important to the success of our program and our objectives.

We did these things because *we had to;* because the plight of black people is still profane and sacred, withdrawn and extroverted, overstudied and undermet; because we were determined not to sit still but to move forward.

For this is a bad year for blacks, browns, reds and the poor. Poverty for the first time in a decade is on the rise. Over a million people are now counted among the long term unemployed. Black unemployment, especially teen-agers, exceeds depression level averages in the core areas of major cities, and approaches ten percent overall. *Environmental deterioration continues. Access to quality health care lessens. Consumer protection is largely rhetoric. Housing starts are paltry and inaccessible to most blacks and lower income citizens. Career oriented jobs, where created, tend to be in suburban areas. Crime, dope and unrest run rampant. Cities teeter on the edge of bankruptcy.* Here in Detroit, as in many other big cities, public jobs go unfilled for lack of funds, while unemployment hits nearly one out of every six families.

Veterans return in increasing numbers from the slaughter of a war nobody wants and everybody hates. Trained to destroy, ill-cared for and job denied, they find that their blood has been spilled in vain, that jobs are closed to them and that the barred streets are their reward for heroism in battle, sacrifice in war.

This city offers us the story of one such black GI, one man who was called a hero one day, and tragically killed, a victim of his environment the next. His name was Dwight Johnson, and he grew up in a project in Corktown. He was an altar boy and an Explorer Scout. He overcame the grinding poverty and frustration of black ghetto life. He was called to the army and went to Vietnam. Sergeant Johnson served his country as he was told to; he became a hero, the winner of a Congressional Medal of Honor, the highest award a man can win. He went to the White House and received it from the President. He was also honored right here in Cobo Hall, at a massive dinner at which the Army Chief of Staff spoke. But the horrors of war pursued him. His sleep and his dreams were red with the blood he had spilled. And he was haunted by his memories and his uncertain future. The debts piled up, and the pressures on a black man from the ghetto mounted.

Dwight Johnson was killed in a grocery store the police said he had tried to hold up, but the real truth may have been that, as his mother was quoted in the newspapers, "Sometimes I wonder if he was tired of life and needed someone else to pull the trigger."

This tragic death of an American hero is not only a Detroit story; it is an American story; it's a black story of hope shattered against the rocks of adversity and of a fellow human being whose potential was warped in a manipulative, callous society. There are hundreds of thousands of Dwight Johnsons, and it is our solemn responsibility to change this society so that it cannot do to them what it did to him.

He stands as a symbol of how this society relentlessly crushes the aspiration of black people and other minorities. His story, and the challenges non-white people face today, places a great responsibility on the Urban League movement at this Conference.

Our task then is reflected in what the Black Coalition of Waterbury, Connecticut wrote me days after Whitney's tragic death.

"First," they wrote, "we think you should tell the politicians that kind words for the dead are not enough, that verbal commitment to black dreams is not enough, and that a wreath on the grave of a dead black man is not the same as a loaf of bread on the table of his live brother. We don't need the white man to teach us how to grieve for our dead. We have had plenty of practice.

"Second, we think you ought to make it clear to the black community that the struggle has not been won just because the President comes to our funerals. When he comes to our births, to our weddings, to our graduations, when he starts to share our life, not just our death, then we may be able to say things are changing.

"That has not happened yet. You can make it happen. Let us get on with the living; we have had enough of the dying."

And so we are asking at this assembly, this week, "Which way, America?" Which way, business? Which way, Labor? Which way, church? Which way, school? Which way, government? Which way, citizens? Which way, reds, blacks, yellows, whites and browns? Which way, Americans—together up or apart down? Will we continue down the road to separatism, conflict, hate, war, extinction, resegregation and repression? Or will we turn and head up the road to real togetherness, harmony, peace, love, survival, racial pluralism, liberty and justice? Will we put away our race prejudice or simply put the old hates in a new bottle? Will we banish the idea that one economic class must rule over another or will we sustain an unethical aristocracy? Will we accept the responsibilities and sown seeds of our realities, or will we continue to blame the victim and reap the harvest of fools?

We say that history, fact and vested interest leave us only one direction to travel—towards the free society we've died and suffered to attain—and that way is the way which requires us to demonstrate by example and through sharing—that the rights of the least or less privileged of our citizens are as worthy of the same protection as are those of our highest—that the principles of truth, justice and humanity cannot be reserved for rich folks and white folks only.

One way for America to go in mapping out this progressive and constructive route is to create partnerships for effective action in human development and use; partnerships among creditable and committed public and private sources in the interest of human resources and systems change; partnerships between decent, concerned people of all races in all our places, of all beliefs in all our kingdoms, of all faces and needs within a framework of result-oriented militancy which seeks to make life, liberty and happiness pursuits for all. Partnerships between groups with similar interest and like purposes; partnership for results beyond racism and philosophy.

The important thing in such partnerships or coalitions we think, is to be tough-minded and flexible enough to coalesce around the issues with those with whom you will not always agree. We must also in partnership-building, never lose sight of our goals and clearly separate in our minds and our rhetoric, tactics from strategy. There is a non-white agenda that we've got to pursue, a blueprint for building black, brown, red, yellow and poor folk power and equality within a framework of pluralism, and the test of our coalition or partnership tactics must be integrity and bulldog tenacity of our pursuit towards ultimate goals.

For the present system of applying patent medicines to society's open, bleeding wounds must be replaced by a bi-partisan, public-private commitment to meet society's unmet human priorities with a massive infusion of funds, brains and effort that will get at the root causes of America's urban and rural disintegration.

It is the work of this conference to find ways to help us mount strategies for the seventies to help us do this so that under the new leadership of our exceptionally able and experienced Executive-Director-Elect, Vernon E. Jordan, Jr., a trusted colleague and friend, we can move the Urban League movement into a new era of power and leadership in America.

My father always observed that, in the history of mankind, the nations that grew and prospered always acted in time. Arnold Toynbee proved that 26 great civilizations did not act in time and died internally from decay and rot. The seconds are ticking fast for America too, and the time is now. Rhetoric won't help; neither will promises of tomorrows. The tensions that threaten to split us apart—tensions between black and white, young and old, male and female, suburb and city—man and his machines—are all mounting and the clock keeps ticking—ticking with nuclear power and rocket speed. Now is the time; now is the moment for action and for courage.

Now is the time to expose the cancer of hate and deception that eats at the heart of this nation. For this is a country that tells black people who provided slave labor for 250 years and who, throughout its history have done the hardest, dirtiest and most backbreaking of America's tasks, that they're lazy. This is a nation that runs schools that teach Indian children that Columbus discovered America. This is a country that proclaims "all men are created equal" and then relegates every ninth citizen to the bottom rung of the ladder because his skin is black.

Now is the time for this country to face up to the hell it has created for its own people—not to mention those in distant lands—and to act with honor and dignity as befits a nation with pretensions to power, leadership and morality.

Now is the time for this Administration and this country to push forward on a humane, massive, nonpartisan program to end poverty, want, racial tensions, and urban and rural decay; to create a meaningful, well-paid job for every adult who can and will work; to build the houses for every family now lacking decent shelter; to create the schools and careers for every child in the land; to provide the health security that will leave no one uncared for and to create the framework of that society which every citizen can truly say is just and good.

Now is the time to move beyond racism, beyond petty prejudice, beyond the stifling confines of a system based on exploitation and suspicion. Time to move beyond civil rights to human rights!

And now is the time for the Urban League to fulfill its broad, noble goal set forth last year, to build a lasting unity among black people; a unity that spans the generation gaps and ideological gaps; a unity that focuses on the many things that we share rather than on the few things that may divide us. For there is a brotherhood in blackness, in oppression, and in poverty that is the foundation stone of our coming strength and power.

And it is now time to start moving beyond the program of black unity to build a new unity among America's oppressed minorities—black, brown, yellow, red, and the millions upon millions of poor and exploited people who are white—to build an example of the United Nations Charter in action among ourselves so that we might really influence, through that example, the results of the one located within poor borders in New York City.

The shifting sands of current conditions and short-term tactics must not sway us from pursuing our ultimate goal of a pluralistic, open society with integrity, leadership and tenacity.

And now is the time for America to say to its black people, indeed to all its non-white minorities, what Whitney Young persistently said it must say; that "We believe in you, as you have believed in us through centuries of degradation and horror. Your faith has been betrayed in the past, but we, white America, now recognize that we are one people with a common destiny, and the fate of the man highest will be that of the man farthest down."

America must and should say this because it tolerated slavery for the few, and paid for it with the graves of many. It tolerated racism and segregation and is paying for it now in racial strife and mistrust. It tolerated organized crime and drug addiction that victimized black people, and is now paying for it in heroin in white suburban schools. It tolerated poverty and urban decay and is now paying for it in a wrecked economy and in a decline of its cities. It tolerated racism at home and now pays for it in suspicion by good Third World nations abroad. Truly, as Frederick Douglass said, "Crime, allowed to go unpunished, unresisted and unarrested, will breed crime." The crimes of the past and the present may yet kill this country's future. It is reaping that which it hath sown.

But descent to oblivion, like ascent to glory, is reversible. The tide can be turned if this nation will but steel itself to the effort.

Now is the time for the United States of America on the eve of the 200th Anniversary of its Declaration of Independence, to come forth with a Declaration of Interdependence—a declaration of unity that recognizes healthy, pluralistic diversity, a declaration that the needs of some must be the needs of all, an affirmation that 200 years late, the American dream will be the American reality; a Declaration of Interdependence, declaring, that all Americans will be free to work out our common destiny without the hate and the racism and the economic deprivations that have kept us chained to the ground. when we should be on the launching pad of greatness.

So, Which way, America? In the words of Blake, "He whose face gives no light will never become a star. The busy bee has no time for sorrow. What is now proved was once only imagined. When thou seest an eagle, thou seest a portion of Genius; lift up thy head."

Which way, America? Can we lift up our heads to the American eagle? Will it take our hopes and dreams and fly to freedom? Or will it, burdened by inequities and bigotry, fall down from the skies in which it hoped to soar?

For our sakes, for our children's sakes, for the sake of all mankind, let it soar high and bold, let it take Whitney Young's challenge and his program and with wings like that, it must span the heavens with that glory that only goodness and integrity command! So that the summary of Whitney's life, our life, America's life will not be a long foolish day's journey into night, but rather a long wise night's journey into day. In that way our deeds can become Whitney's legacy and his time our future.

THE VOTER REGISTRATION BILL

Mr. STENNIS. Mr. President, I am completely opposed to the proposal set forth in S. 2574, the voter registration bill, that the Federal Government undertake a massive effort to register voters by post card.

The registration of voters and the conduct of elections is a jurisdiction that by tradition and by long-standing practice belongs to the States. There has not been, and need not be, interference in this jurisdiction by the Federal Government unless there should be a denial of constitutional rights to individuals. This contingency is covered by existing law which is adequate to its purpose.

This bill would place a centralized Federal bureaucracy in a supervisory and consulting capacity over the procedures of the 50 States in the holding of Federal elections. Such an action is a clear infringement on what has been considered for 200 years to be an established right of the States.

This drastic departure from the customs of our Nation since its founding is to be made, it is said, in the name of increasing voter participation.

To vote is a right. Any right is accompanied by a responsibility. Those who seriously exercise the right also accept the responsibility seriously. They register, under the provisions of State laws, and if those laws require that the citizens appear in person to register, and identify themselves, they do so. They are then entitled to cast their ballots as a right of their citizenship. Those who do not take the right to vote seriously do not take the trouble to register, and having avoided that responsibility, forfeit the right to cast a ballot.

What is intended by this bill is that the responsibility to register be so lightened that it can be done by post card, presumably postage free. Those that take their responsibility so lightly will surely cast their ballots lightly also. Impulse registration will obtain impulse voters.

With postcard registration will come postcard fraud. When the registration form arrives with the throwaway mail, the opportunity for fraud is present and surely it will occur. We read in the papers of those who in order to prove a point have successfully applied by mail for various governmental benefits for the family dog. This appears to make the point very well that the requirement for application in person is a deterrent to fraud.

We are dealing here with a fundamental American institution—the vote. The right to participate stems from the Constitution. The bill raises constitutional questions. One must question why it has not been referred to the Senate committee that is charged with the responsibility for examining such matters—the Senate Judiciary Committee. Surely it is clear that the question before the Senate is not whether voter registration by mail shall be carried out by the U.S. Postal Service and the Bureau of the Census. The question is whether there shall be, or shall not be, registration by mail. I find it unfortunate that a unanimous-consent agreement, obtained in December by the distinguished assistant minority leader, to refer the bill to the Judiciary Committee, after consideration in Post Office and Civil Service, was voided because a clean bill was reported.

There are other questions, also, that deserve the attention of the Judiciary Committee, such as whether presidential electors are covered by this bill, for the Supreme Court has held that they act by authority of the States and are not Federal officials.

It is said that one master roll of voters will not be available at Federal level, because the Federal postcards are sent from the registrant to State agencies. As a practical matter, this should be little hindrance to the quick establishment of such a master roll, through political party lines at State and national levels. Electronic data transmission and data bank storage make it easy. This is the age of computers. Information becomes knowledge and knowledge becomes power. The implications of the existence of national rolls of registered voters are disturbing to an extreme.

Mr. President, unless the States capitulate to the proposed postcard registration system for their own State elections, there will be a dual registration system, and that will mean chaos for a long time to come. There is much to criticize in this bill, and little to commend it. I urge that it be rejected.

VOTER REGISTRATION ACT

Mr. INOUYE. Mr. President, I have been interested in and intrigued by the arguments which have been raised in opposition to S. 2574, the National Voter Registration Act. They seem to be of two kinds: The first, is that this measure should have been considered by some other committee than that to which it was properly referred by the parliamentarian.

As the original sponsor of universal voter enrollment legislation in the 91st Congress, I know that my bill was sent to the Post Office and Civil Service Committee. Subsequent measures on this subject were likewise sent to that committee and the measure before us now is an outgrowth of those earlier proposals.

It is true that the Judiciary Committee

has earlier considered legislation relative to the denial of the right to vote when this has been a civil rights matter. What is involved here is not a civil rights matter, however. It is rather a provision to simplify the voter registration process and thereby encourage broader citizen participation.

I participated in the full and detailed hearings held by the distinguished chairman of the Post Office and Civil Service Committee and I know that a great number of experts were heard and a number of alternative proposals were considered. The one which I had authored grew out of the Freedom To Vote Task Force which had been named by the Democratic National Committee in 1969 and was chaired by former Attorney General Ramsey Clark. We held numerous meetings on the subject of how we can make the right to vote more meaningful as a result of the failure of some 47 million Americans to participate in the electoral process in 1968. We found difficulty in getting registered the single greatest barrier to their participation.

The other major objection which has been raised has been the charge that simplified registration procedures would result in increased fraud. I contend this measure would have just the opposite effect.

Election fraud is encouraged when the number of voters is minimized. Any organized effort to sway the election through fraud is more likely to be successful when the total vote is reduced. Neither is there anything about appearing in person before a registrar which prevents false registration, should that be an individual's intent. We have had a long history of such efforts in some political jurisdictions and I have yet to hear that anyone found their physical appearance before a registration official the barrier to such false registration.

I cannot believe that election officials would find it difficult to ascertain whether those registering by mail are legitimately residing in a given election district and, therefore, qualified to vote. We find no great difficulty in permitting activities where the temptation may be far greater from being consummated by mail. A man can get credit cards worth thousands of dollars of credit by mail without difficulty. He can purchase many thousands of dollars of stock on credit with a mere phone call without any difficulty. Why then should we insist that in the act of voting we must somehow restrict participation to those who are willing to first hurdle a cumbersome registration procedure?

I urge support for S. 2547 because it is a forward step. I think it will go far to include in the electoral process many people who now find themselves on the outside and are frustrated thereby. While I do not support the philosophy that anyone should be forced to vote if he does not want to, I do strongly support the thesis that democratic government is strengthened by increased participation and involvement of a greater percentage of our citizenry in the electoral process. I am confident that S. 2574 will go a long way in helping to achieve that goal.

VOTER REGISTRATION REQUIREMENTS

Mr. SPONG. Mr. President, while I agree with the objective of easing voter registration requirements, I do not believe the bill reported by the Post Office and Civil Service Committee (S. 2574) is the proper way to go about it.

The defects of the bill are apparent from the very readiness of its sponsors to accept changes offered from the floor, but of particular concern to me, and I know to many other Senators, is the possibility that postcard registrations will lead to increased voter fraud. What will have been gained if in broadening voting opportunities through this device, we also broaden the opportunity to cheat at the polls and to deprive voters of their right to an honest election. The sole justification for having registration requirements at all is to minimize such fraud and I think we have to weigh that value very carefully in anything we do.

Another consideration is that the setting of voter registration requirements traditionally has been a prerogative of the States and it is my hope that it will remain so. I have been disappointed in some aspects of my own State's performance in this regard. It is especially important that the States follow through on the 26th amendment by facilitating registration of new young voters. If the States do not meet their obligations, I think they will have forfeited their claim to power over these matters and will have invited Federal legislation.

Again, I hope this will not prove necessary, but if it does I am confident that the Congress can enact better legislation that the proposal before us today.

POST CARD REGISTRATION

Mr. DOLE. Mr. President, if there is any one matter in political life on which the major parties can agree, it is that voter participation is essential for effective representative government. Any sound, feasible, practicable proposal which, therefore, has the effect of increasing voter participation calls for nonpartisan support. The post card registration, S. 2574, however, fails to meet these basic qualifications, and its manifest disadvantages and defects far outweigh any supposed benefits which would result from its passage.

BASIC PROVISIONS

At the outset it might be well briefly to outline what the bill proposes.

It would establish a national voter registration system operated by a Federal agency. This would be called the National Voter Registration Administration. The NVRA would be a new bureaucracy in the Bureau of the Census, Department of Commerce.

This agency would administer the services of the U.S. Postal Service to distribute Federal voter registration cards to every postal address in the United States no earlier than 45 days nor later than 30 days before Federal election. We assume that such cards would be addressed to "householder" or "resident."

The registrant would return the mail registration cards to the designated State or local government voter registration office. The State office would process the card, register the applicant as a voter in the next Federal election, and bill the Federal Government for the processing of the cards.

Under the bill, there is a 30-day durational requirement in a State for voting in Federal elections in that State.

Provision is made for assistance by the agency, on request, of State or local governments to put the registration system into effect.

Two different kinds of incentives are offered a State to establish a registration system for State and local elections similar to that for Federal elections. One would be 15 percent of the amount paid to the State for processing the registration cards. This would be increased to 30 percent if the State also adopts a 30-day durational residency requirement for its own elections.

State officials could call on the Federal Government if fraud is suspected in voter registration applications. Criminal penalties are provided for convictions of fraud.

The objectives of the bill are of course laudable. Unfortunately the problems that would be created by the bill, particularly at this time, would be most unfortunate, harmful to the people, and very possibly disastrous to the electoral process itself in a presidential year.

CONFOUNDING CONFUSION AT THE POLLS

Fundamental to an orderly presidential election is certainly in the rules that will apply to competing sides. The post card bill would create great uncertainty, endless confusion.

Consider the setting in which it would operate for the first time.

This legislation, obviously, no longer can affect the presidential primaries for 1972. The result is that the rules of the game under the bill would control only for the second half of the electoral process, that is, the general election. This in itself would make a mockery of a bill which is intended to apply to every step of the presidential nomination and election process.

Next, under the 26th amendment the States are undertaking to register hundreds of thousands of new young voters. No one can minimize the magnitude of this task in sheer numbers, in the complexity of problems as to who is a resident for voting, and in other respects. The courts already have enough problems to wrestle with and resolve before the next general election.

In addition, the States are struggling to extract some light and understanding from the various provisions of the Voting Rights Act Amendments of 1970. To cite merely a few of these problems—abolition of durational residency requirements—the maximum 30-day cutoff of registration—absentee registration and voting—voting by nonresidents who have recently moved from the State.

Let us for a moment put ourselves in the position of these harassed state officials and ask ourselves whether it would be fair to the voters to impose even greater burdens under still another new Federal program, affecting the electoral process, the impact of which no one can, no one dares, to predict. The post card bill in these circumstances, would not improve the electoral process but impair it by confounding the existing confusion.

THE COST

The majority report on the bill admits that if 40 million Americans completed and returned registration forms, the cost of the process would be $26 million. The minority report concludes that because mailings would have to be made for State political conventions, as well as primary and general elections and others, the cost per presidential year may run in the neighborhood of $120 million and these cost estimates, the minority report points out, do not include numerous other items, to which apparently the majority report gives scant weight, if it has considered them. Even if we were to assume that the actual costs lie somewhere between the low and high estimates, there can be no escape from the fact that the cost will be very high. Experience should teach, however, that costs of any program in a very short time escalate far beyond even the most generous estimates.

ANTICIPATED RESULTS

Possibly there would be some justification even for the high cost of the proposed program if it could be expected to bring into the polling booths many new voters. This is not the case.

From a survey taken by the Bureau of the Census in November 1968, of 50,000 households, it appears that 53.2 percent of those not registered did not do so because they were not interested, never got around to registering, or disliked politics; 11.2 percent said they did not meet the residence requirement; 13.5 percent said they were ill, did not have transportation or could not get off from work; 10.6 percent were not citizens; 9.5 percent gave other reasons; and 2.2 percent did not know.

The results of this broad survey scarcely support the notion that existing State registration procedures are responsible for the majority of non-registration cases. Certainly the results of this survey fall far short of justifying such a huge expenditure of Government funds as S. 2574 would require. Such public funds can be used more profitably in more essential programs than one to spoonfeed a right to register for those who are merely indifferent to their obligations as citizens.

THE INADEQUACY OF THE PROPOSED REGISTRATION CARD

The heart of the bill is the registration postcard. Reference to it demonstrates what an experiment in futility the post card bill would create a veritable administraive nightmare which may make Congress the butt of ridicule and criticism throughout the Nation.

We are dealing here with a perforated double postcard of undetermined size. One side of one half of this post card will contain the following:

First. The ever-present instructions on how to complete it.

Second. A Census Bureau summary of all State voter qualification laws, except residency, applicable to all Federal, State, and local elections in that State.

Third. Space for registrant's name, address, and party preference.

Fourth. Statements that the registrant either, first, has been a resident long enough to qualify for State and local elections—remember that what those requirements are is not included in the summary of State laws—or second, will be a resident for 30 days before the next Federal election.

Fifth. A statement of the Federal and State penalties for fraudulent registration.

Sixth. A place for the individual to certify his qualifications.

This is one side of one half of the double post card.

I would ask each Senator to recall his State voter qualification laws and attempt to visualize all this on one side of a post card. In some States I doubt that a card 3 by 5 feet would be sufficient. Perhaps a junior billboard might suffice.

It is not clear what goes on the other side of this half of the post card. I get the impression these cards are supposed to go to the appropriate local voting registrar although the bill does not say so. If I am correct, the Census Bureau will have to determine which county or other appropriate local unit each post card recipient lives in. This is, no doubt, possible—at least where the cards are delivered to home addresses—but I suspect it will involve a tremendous search and a rather high printing cost.

Now we come to the other half of this double post card. On one side goes the name and address of the registrant. On the other side we have a series of printed statements:

First. That the individual is qualified to vote in all elections.

Second. That the individual is qualified to vote in Federal elections only.

Third. That the individual is not qualified. These are to be noted as appropriate and an explanation given if the individual is found not qualified. I do not know what happens if a State has different requirements for some State elections than for others. Perhaps no State has followed the lead of Congress when it prescribed different duration of residency requirements for school board elections in the District of Columbia than for the other elections. In any case, the explanation space may be large enough for the voting official to fill in such details.

I think it should also be noted that the burden of investigating the qualifications of a registrant is apparently on the local voting official. The postcard does not furnish him with date of birth, so he must investigate to determine age qualification. The postcard does not furnish him with length of residence, so he must determine this from his own sources. And, if I understand the bill correctly, he has no more than 30 days at best to investigate the eligibility of every registrant who returns the card. I seriously doubt that this is possible.

In short, it seems to me that this may be an attractive idea, but it is unlikely to work. It will very likely cripple State and local voting officials, the Census Bureau and the Post Office and produce chaos in our electoral process. We cannot afford the risk.

It is clear that S. 2574 is neither sound, feasible nor practicable. On those grounds alone I would be opposed to it.

But the bill has many other defects.

AN INTRUSION ON TRANSITIONAL STATE RIGHTS BY THE FEDERAL GOVERNMENT

It would be one thing if constitutional rights were being violated in the application of voter registration laws and practices by the States. Action by Congress in the field, and the cost, however heavy, could then be defensible. But this is not the case here. Rather the post card bill contemplates an intrusion by Congress into a field of voter registration qualifications which traditionally has been left to the States and administrated by them in a manner that complies with the Constitution.

THE PROSPECTS OF FRAUD

It would be one thing if registration by postcard under S. 2574 could be regarded as a device which might be conducive to reduction in voting frauds. The contrary is the case. The opportunity for fraud would be increased greatly by S. 2574. The residency requirement under the bill is only 30 days before election day and registration is by mail. However, there is no cutoff date for receipt of the registration cards in order for the voter to be put on the registration rolls. This gives little time for checking registration rolls, especially in precincts or voting districts with a large voter population. In many cases, registration list inspectors may have merely a few days to inspect such lists before election day—hardly enough to prevent large scale fraud.

How many elections and electoral votes will be thrown into question, how many controversies will rage over the next presidential election is hard to foretell. While a presidential election should be fought hard and fairly, it is our tradition that the results should be certain and when the election is over the people shall be united. Enactment of the post card bill would have the directly opposite result. After the election confusion would be rampant, fraud a universal complaint, and uncertainty the only order of the day.

It seems plain to me that more deliberate consideration should be given to registration programs by the Congress, and that the 1972 election should be the very last place to initiate an experiment that is so highly explosive and unpredictable.

The post card bill should be defeated.

And to further illuminate the deficiencies and defects of the post card bill, I would pose a number of questions for the Senator from Wyoming.

I believe it would be helpful if his responses to these questions could be made a part of the RECORD, and I ask unanimous consent that these questions and the Senator's replies be printed in the RECORD at this point.

There being no objection, the questions and answers were ordered to be printed in the RECORD, as follows:

QUESTIONS AND ANSWERS

Q. Absent a showing of discriminatory conduct or fraud on the part of state officials what provisions of the Constutition support federal legislation such as this which withdraws from the States authority it has traditionally exercised with respect to voting.

Q. The November 1968 survey by the Bureau of the Census of 50,000 households showed about 27,000 households reporting that they did not register to vote. Of those not registered, 53.2 percent assigned as a reason they were not interested; 11.2 percent said they did not meet the residence requirement; 13.5 percent said they were ill, did not have transportation or could not get off from work; 10.6 percent were not citizens; 9.5 percent gave other reasons; and 2.2 percent did not know.

Upon what constitutional basis is Congress authorized to act on behalf of voters whose failure to register in large part stems solely from their own indifference, disinterest, and inaction?

Q. In section 401(3) the bill defines "Federal office" to mean, among others, the office of the President and Vice President, and in section 401(4), it defines "Federal election" to mean various elections for the purpose of nominating or electing candidates for any Federal office. In section 401(5) "State or local election" is defined to mean an election other than a Federal election. In section 403 the Administration is authorized to establish and administer a national voter registration solely for *Federal elections*. However the Supreme Court has held that presidential electors are not federal officials. *In re Green*, 134 U.S. 377, 379, (1890); *Ray* v. *Blair*, 343 U.S. 214, 224–225 (1952). Where does the bill authorize the Administration to establish and administer a national voter registration for presidential electors, who under these decisions are state officials?

The question as to who is a "resident of a State" entitled to vote is often a difficult matter to decide, depending on State laws and decisions of state courts based on the particular facts of a case.

Q. Merely because the individual states on his printed card that he has been "a duly qualified resident" does that mean that the state or local official will be bound by the individual's classification of himself?

An individual in good faith and entirely free from fraud may conclude that he is "a qualified resident" of the State. A state court might disagree with this conclusion. In such a case, fraud being absent, presumably such a person would not be subject to a criminal sanction and an injunction may not be granted.

Q. Does the bill contemplate that such a person's vote shall be counted, even though if there were time to litigate the question as to whether he is a "qualified resident to vote," a state court might hold that he is not?

Q. If his vote would nevertheless be counted in such a case, does it not suggest that the existing procedures in the 50 States for determining a challenge in an orderly way as to whether a person is a qualified resident for voting purposes should continue to be given effect, and not be superseded by the bill?

Presumably if the bill were passed, an out-of-state student at a University could complete the registration form as being a duly qualified resident of the State even though the Attorney General of the State has concluded that such students are merely transients in the State and not duly qualified residents of the State for voting purposes.

Q. In such a case, would the student's possession of the registration form be such prima facie evidence as to entitle him to vote?

Q. Would his voting in the face of the State Attorney General's opinion that out-of-state university students are not entitled to vote subject the student to the criminal sanctions of the bill?

Q. Does the bill intend that the injunction provisions of the bill should be invoked to nullify his vote, if cast?

Q. Does the bill intend that the State's Attorney General opinion shall not suffice to override the "prima facie case" made out by the filing of the registration statement under section 405(c)?

Q. Does the bill contemplate that if the local registration official suspects that the name on the registration card or the statements made thereon are fraudulent, he may deny the individual the right to register? If so, where does the bill make such provision?

Q. Does the bill contemplate that if the state or local official suspects fraud, that he may notify the individual whose name appears on the card to appear for a hearing and establish his qualifications under this bill?

Q. Does the bill intend that state law and procedures, including criminal sanctions for false registrations should be superseded, and that the federal law should be exclusive?

Q. Section 405(b), which deals with registration forms, provides that they may be a perforated double postal card, which may include on the first part of the card, a printed statement of the requirements of State law for voting. Do you agree that this will require the Administration to print up different postal cards for each of the 50 States?

Was the cost of these 50 different State printings included in the estimates of the costs of the program, which the majority report of the Committee states will amount to about $26 million?

Does the Committee's cost estimates include the expense of mailings for state political party conventions?

Does the Committee's estimate of $26 million include costs for processing the returned registration cards, payments to the States for bringing State and local election registration laws into line with the Federal mail voter registration system, staffing and other administrative costs required for the operation of the National Voter Registration Administration?

Q. Section 405(b)(3) provides that the registration form may include space for the individual to write his name, address, and "political party preference if *appropriate*."

Does this provision mean "appropriate" under state law? If not, under what law?

If the individual refused to indicate his political party preference on the form, would that be any ground for the state or local official to refuse to accept it as valid and to complete and return the form to the individual as required by section 405(c)?

Q. Section 405(c) provides that the possession by an individual of the registration form that he is entitled to vote in any Federal election for which he qualified shall be "prima facie" evidence that the individual is a qualified and registered elector entitled to vote.

Does this provision mean that this individual is entitled to vote even though the state or local official knows of his own knowledge and concludes that the individual is not a qualified resident or otherwise qualified to vote?

What provision, if any, is made in the bill to resolve a dispute of this kind between the state or local official and the person who asserts the right to vote?

Is it the intention of the bill that the individual who possesses the form must be allowed to vote, but that he may be subject to criminal sanctions if he has given false information?

What then happens to the vote which he cast? Is it not true that the bill makes no provision that votes based upon the state or local official's challenge shall be set aside and not counted pending the outcome of the criminal proceedings?

Q. During the debate on the bill on March 9, in answer to a question put by the Senator from California (Mr. Cranston), the Senator from Wyoming (Mr. McGee) stated that the bill "was very carefully drawn to make sure of one thing, and that is that the jurisdiction of States, the role of the State in keeping the control of its own electoral rolls, is not called into question nor is it challenged."

Are there any provisions in the bill expressly preserving the power of the States to pass on the qualification of voters in all elections, including federal elections?

Are there any provisions in the bill recognizing the power of state election officials to take evidence to determine the qualifications of voters?

If state election officials have no power to take such evidence to determine the qualifications of voters, and if, under section 405(c), the possession of the registration form by an individual is prima facie evidence that the individual is a qualified and registered voter, how can the State possibly be expected to overcome the prima facie case which the possession of the form represents?

And if the state official's lack of power to take evidence on the individual's qualifications to vote, how can the States as a practical matter continue to keep control of its own electoral rolls, as the Senator from Wyoming seems to believe?

The bill requires that registration cards are to be mailed out to postal addresses no earlier than 45 nor later than 30 days before the next federal election in any State. Sec. 406(c). However, the bill has no cut-off date as to when registration cards must be received by the registration office in order for the voter to be put on the registration rolls. Conceivably the cards could come in merely a few days prior to the election.

Q. If the state or local registration official suspects fraud, would there be time enough under these circumstances to investigate the case before election day?

Q. Will a state or local official be required to conclude that the individual is "a qualified elector," based wholly on the latter's self-serving statements, where the state or local official has no adequate opportunity prior to election to check the accuracy of the statements made in the registration form?

Section 406(d) of the bill delegates broad authority to the Administration, when it determines that the circumstances of a federal election present such difficulties of compliance with the provisions of section 406, as to justify an exception, to issue rules and regulations for the preparation and distribution of registration forms as it deems suitable.

Q. Does the bill intend that the Administration shall grant exceptions only after notice to state or local officials whose activities and duties may be affected thereby; and an opportunity by them to be heard?

Q. Would the Administration have authority under section 406(d) to reduce or increase the number of days set forth in subsection (c) of 406 "not earlier than 45 days or later than 30 days prior to the close of registration" within which the Postal Service shall distribute the registration forms to postal addresses and Army Force installations?

Q. Does the bill permit the state or local registration official to conduct an investigation to determine whether the individual who purports to sign the card exists and whether the information furnished is true?

Q. Does section 407(a) of the bill, in requiring the state or local official, who suspects a registration card to be fraudulent, to notify the Federal Administration and request his assistance, preclude the state or local official from refusing to register the individual until the Administration has had an opportunity to see whether fraud exists?

Q. Section 407(a) authorizes the Administration in such a case to "give reasonable and expeditious assistance as it deems appropriate in such cases." Does section 407(a) contemplate that the Administration may authorize the state or local officials to refuse registrations that appear fraudulent, or not to count votes cast of persons who have fraudulently registered?

Q. Section 407(b) provides that whenever the Administration or a State or local official determines that there is a pattern of fraudulent registration, or activity by individuals or groups of individuals to register persons to vote who are not qualified, the Administration or the State or local official may notify the Attorney General who would be authorized to bring an action to enjoin the unlawful activity? Since there is no cut-off date under section 406(c) for return of the registration form, the registration forms could be received merely a few days prior to election.

Q. How would it be possible in so little time for a referral to be made to the Attorney General and for the latter to initiate his injunction suit prior to election?

Q. Even if the Attorney General should prevail in his injunction suit, in the event that judgment is entered after the election, what good would the injunction be if, as appears, the bill makes no provision for setting aside the fraudulent votes cast?

Section 407(b) would provide a federal civil remedy for injunctive relief, against individuals or groups of individuals to prevent fraudulent registrations and section 408 would impose a federal criminal sanction on an individual who gives false information in connection with his registration to vote.

Does the bill intend to preempt the field and preclude resort to state injunction and criminal proceedings for the same offense?

Although the registration forms will be printed by the Administration, it will contain the requirements of state law for voting in Federal, state and local elections, be distributed by state and local officials, returned to such officials, examined and processed by such officials, and registration lists will be preserved by state and local officials.

Q. Does the bill therefore intend that the registration form shall be regarded as a "federal" document?

If it is not a federal document, but a state or local document, could section 408(c) of the bill (which incorporates by reference 18 U.S.C. 1001) be said to apply? 18 U.S.C. 1001 would of course apply if the false registration form related to "a matter within the jurisdiction of any department or agency of the United States." But if, as the Senator from Wyoming has stated, the bill makes "sure" of one thing, which is that "the jurisdiction of States, the role of the State in keeping the control of its own electoral rolls is not called into question" (Congressional Record 7818, March 9, 1972), how would it be possible for 18 U.S.C. 1001 to apply?

Although the bill provides civil and criminal remedies against *individuals* who engage in fraudulent registration, no express provision is embodied in the bill requiring a State or political subdivision thereof to participate in the program.

Does the bill intend to permit participation by the States and their political subdivisions to be a voluntary matter, which leaves it open to them whether to cooperate?

What remedy, civil or criminal, or both can be invoked under the bill to require a State to participate?

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

URGENT SUPPLEMENTAL APPROPRIATIONS, 1972

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair lays before the Senate, House Joint Resolution 1097, which the clerk will please report.

The assistant legislative clerk read the joint resolution as follows:

A joint resolution (H.J. Res. 1097) making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes.

Mr. ELLENDER. Mr. President, a few weeks ago I met with Chairman Mahon of the Committee on Appropriations of the House of Representatives, and we agreed to take, from the supplemental bill that would be before us later, several items of an urgent nature which I shall mention in the course of my remarks.

Mr. President, the Committee on Appropriations met in executive session yesterday, for the purpose of considering this urgent appropriation resolution. It was reported by the House Committee on Thursday, March 9, and was passed by the other body yesterday. In the full Committee meeting yesterday, I was authorized by a unanimous vote to present this bill to the Senate immediately.

The amount recommended in the resolution is $957,476,059, which is the total of the budget estimates submitted in two documents, House Documents numbered 92–216 and 92–262. The resolution contains five items of sufficient urgency, in the Committee's view, as to warrant appropriation action in advance of the second supplemental appropriation bill, 1972, which is currently in the processing stages. It is my understanding that this latter bill will not be reported by the House Committee on Appropriations until shortly after the Easter recess. As a consequence, four of the items considered in connection with the pending resolution were excerpted from the supplemental budget estimates submitted with the administration's budget in January. The fifth request for claims and judgments was submitted in a separate document.

Two items relate to unemployment compensation—one, for Federal unemployment benefits and allowances, in the amount of $311,600,000, will provide for payments to eligible unemployed ex-Federal employees and ex-servicemen. Available funds will be exhausted by about March 20; hence, the necessity for these supplemental funds at this time.

The second such item is the $600 million recommended for advances to the extended unemployment compensation account, which appropriates necessary funds for estimated fiscal year 1972 payments to the States, as repayable advances, for extended unemployment benefits pursuant to Public Laws 91–373 and 92–224. The Committee also recommends concurrence in the House action designating these funds as a definite appropriation in lieu of the permanent, indefinite appropriation as requested in the budget estimate.

For the student loan insurance fund under the Office of Education, the committee recommends the full amount requested, $12,765,000, the same as the House allowance. No funds were requested for this appropriation in the regular fiscal year 1972 bill because it was estimated at that time that unobligated balances in the fund would be sufficient to meet requirements. The balances in the fund have now been exhausted. This supplemental request is based on a larger than expected number of student loans in repayment status—and, hence, subject to default—rather than on an increase in the default rate.

The next item is the recommendation of $28 million for payment of loan guaranties made by the Interstate Commerce Commission to repay a Government-guaranteed loan of $30 million to the Reading Co., of which $2 million has been repaid. The interest liability on this loan—at 6½ percent—increases at the rate of about $5,000 per day, and, as of March 15, 1972, interest costs will amount to $1,289,215.

The last item is the request for $5,111,059 for payment of claims and judgments. Of this sum, $2,905,682 is for judgments rendered by the U.S. Court of Claims and U.S. district courts, $2,115,240 for claims adjudicated by the Indian Claims Commission, and $90,137 for damage claims pursuant to law. The sum recommended is the amount of the budget estimate and the House allowance.

Mr. President, that concludes my remarks. I understand that there will be a vote at 11:45 on final passage.

Mr. MANSFIELD. That is correct.

Mr. ELLENDER. The committee is presently holding hearings on defense appropriations, and the Senator from North Dakota (Mr. Young) is now presiding in my stead. He wishes for me to say to the Senate that he is absent because he is conducting hearings on defense appropriations, but that he completely concurs in the statement just made by me.

Mr. President, I ask unanimous consent to have printed in the Record a letter from the Chairman of the Interstate Commerce Commission, George M. Stafford, dated March 15, 1972, on this subject.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Interstate Commerce Commission,
Washington, D.C., March 15, 1972.

Hon. Allen J. Ellender,
Chairman, Senate Appropriations Committee, U.S. Senate, Washington, D.C.

Dear Chairman Ellender: The following is submitted in response to your request for additional information on the guaranteed loan recently defaulted by the Reading Company.

1. With respect to the rights of the United States Government as a secured creditor of the Reading Company, upon payment of principal and interest by the United States pursuant to the terms of its guaranty under Part V of the Interstate Commerce Act, the trustee representing the lenders shall assign all rights and privileges in this loan to the United States. This includes collateral of $37,500,000 principal amount of first and refunding mortage bonds, with a present estimated market value of $10,800,000, and equipment trust certificates appraised at $9,900,000, secured by 57 diesel-electric locomotives. With respect to the bonds, the United States will become a secured creditor, and upon conclusion of the reorganization proceeding shall be treated equally with the said bondholders and will be entitled to all rights.

With respect to the equipment trust certificates, the United States will immediately obtain title to equipment. Unless the trustees of the railroad assume the obligation or reach some other satisfactory arrangement with the United States, which is represented by the Department of Justice, the equipment can be taken by the Government and sold to another party to recoup the price.

2. As for protecting the Government's interest after payment, Section 506(b) of Part V of the Interstate Commerce Act provides:

In the event of default on any such guaranteed loan, and payment in accordance with the guaranty by the United States, the

Attorney General shall take such action as may be appropriate to recover the amount of such payments, with interest, from the defaulting carrier, carriers, or other persons liable therefor.

Accordingly, the Attorney General has the responsibility of protecting the interest of the United States after payment on the loan. The Commission has officially referred the matter to the Attorney General, and on the staff level has made available to the staff of the Attorney General all documents and other information needed relative to said loan. Close liaison between the staff is maintained to assure full exchange of views and information which may be of benefit to protecting the Government's interest. The decision relative to any settlement of said claims of the Government rests however with the Attorney General.

At present the Attorney General is represented in Part V matters by Mr. James F. Dausch, Railroad Reorganization Unit, Civil Division.

If I can be of further assistance, please contact me.

Sincerely yours,

GEORGE M. STAFFORD,
Chairman.

The ACTING PRESIDENT pro tempore. What is the pleasure of the Senate?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I have sought recognition to call to the attention of the Senate the problems affecting the employment of youth, which are terribly severe in terms of the unemployment rate which affects them, and the opportunity we have to do something about it in respect of the neighborhood youth corps program for jobs and recreation.

I shall not move an amendment to this bill, because I believe it would be counterproductive in terms of the very result I wish to achieve.

However, the matter is so urgent that I hope and pray something will be done by the Committee on Appropriations—which will consider it shortly—because I have no desire for an amendment if one is not necessary, if it is possible for the Appropriations Committee to do what ought to be done in this situation. I traditionally have been the particular Member who has interested himself in this situation, both when I was a member of the Appropriations Committee, as well as now. This is very understandable, as my State, being the principal industrial State of the country, is very heavily impacted in this regard and also as I am the ranking minority member of the Committee on Labor and Public Welfare which has substantive jurisdiction over these provisions.

Mr. President, the reason why I shall not move on this bill is that it is an urgent supplemental and despite the urgency of the summer job situation, raising it will introduce a new element of controversy which may impede all of these urgent matters. Its main provisions deal with critically important makeup in respect of extended unemployment compensation and unemployment benefits for veterans, especially for veterans in Federal employment. This is the principal amount of this bill, the overwhelming part of it. I am deeply concerned that if I raise this issue, it will interfere with the passage of the bill. It may even result in the item—even if carried here, and I am confident that it would be—being knocked out in conference, with prejudice to it. I would rather do my utmost to convince the Appropriations Committee of the need and to have the expectation that it will be satisfied in substance in the second supplemental, which they assure us is due up immediately after the Easter recess, which means less than a month away, than to run the risks which would be involved in making the motion now and being subject to the charge—which I think would be justified—that we were premature and that the committee really had not had a chance to consider what we had requested.

Therefore, in all fairness to the committee—and the Members have been sympathetic to this and have been people who have been far from stonyhearted about the unemployment problems of youth—I am hopeful we can take counsel together, and come up with a meaningful solution in the second supplemental.

Mr. President, the basic facts are these. I urge that the committee provide in the context of the second supplemental a total supplemental appropriation of $291.5 million for the neighborhood youth corps summer program, which request breaks down as follows:

$268.3 million for the job component; this amount together with the $175.7 million already available, would fund 947,928 10-week job opportunities for economically disadvataged youth ages 14 to 21 in urban and rural areas. The administration has requested a supplemental appropriation of $82.2 million for this purpose, to fund an aggregate total of 609,300 opportunities, the same total number of opportunities funded last year.

$1.3 million for related transportation necessary for such youths to participate in the job program; the administration would provide $1.4 billion out of existing funds.

$21.9 million for the recreational support programs—providing activities to children 6 through 12 years of age, and for which no funds are now available. The administration has requested a supplemental appropriation of $12.8 for these purposes, again the same aggregate amount as was made available last year.

My requests in each respect are documented on a city-by-city basis by the National League of Cities—U.S. Conference of Mayors which represents most of the public agencies which conduct these programs.

I ask unanimous consent that a letter dated February 23 from the league and accompanying documents be placed at this point in the RECORD; it shows in the job component a need for 410,035 opportunities in the 50 largest cities, and 537,893 in rural and other areas.

Mr. President, I ask unanimous consent to have printed in the RECORD the areas concerned, together with the needs calculated for 1972.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL LEAGUE OF CITIES—
U.S. CONFERENCE OF MAYORS,
Washington, D.C., February 23, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made inquiries as to the cities' 1972 needs for the summer Neighborhood Youth Corps slots. The information we have received from the 50 largest cities shows that the total number of slots these 50 large cities could effectively use this summer is 410,035.

On the basis of our contacts with a sample of smaller cities, we estimate that their needs and the number of slots these smaller cities could effectively utilize to total 537,893.

Combining these figures—the total for the 50 largest cities with estimated needs for the balance of the nation—the present real need for 1972 is 947,928 slots nationwide.

We trust that these statistics will be helpful to you in pointing up the critical need for an enlarged appropriation for the summer Neighborhood Youth Corps.

Sincerely,

PATRICK HEALY,
Executive Vice President, National League of Cities.

JOHN J. GUNTHER,
Executive Director, U.S. Conference of Mayors.

SUMMER NEIGHBORHOOD YOUTH CORPS

	Rank in size	Population	Slots			Dollars, 1972 need
			1971 need	1971 actual [1]	1972 need	
Region I: Boston	16	641,000	3,500	3,330	5,000	2,340,000
Region II:						
Buffalo	28	463,000	4,268	2,367	4,268	1,997,424
Newark	35	382,000	14,563	4,750	14,563	6,815,484
New York	1	7,868,000	77,500	40,541	77,500	36,270,000
Rochester	49	296,000	1,000	1,007	4,650	2,176,200
Region III:						
Baltimore	7	906,000	8,000	6,268	9,420	4,408,560
Norfolk	47	308,000	2,625	1,977	2,625	1,228,500
Philadelphia	4	1,949,000	12,500	6,189	12,500	5,850,000
Pittsburgh	24	520,000	2,500	6,164	9,265	4,336,000
Washington, D.C	9	757,000	36,000	11,689	36,000	16,848,000
Region IV:						
Atlanta	27	497,000	3,408	2,391	3,408	1,594,944
Birmingham	48	301,000	2,086	1,777	2,135	999,180
Dade County (Miami)	42	335,000	8,226	4,532	8,226	3,849,800
Jacksonville	23	529,000	(2)	927	1,735	811,980
Louisville	38	361,000	3,500	2,062	3,500	1,638,000
Memphis	17	624,000	2,394	1,598	2,394	1,120,400
Nashville	30	448,000	(2)	1,330	2,000	936,000
Tampa	50	278,000	2,887	4,335	6,514	3,049,020

Footnotes at end of table.

	Rank in size	Population	Slots			Dollars, 1972 need
			1971 need	1971 actual[1]	1972 need	
Region V:						
Chicago	2	3,367,000	40,000	25,695	40,000	18,720,000
Cincinnati	29	452,000	3,000	2,102	3,000	1,404,000
Cleveland	10	751,000	10,000	7,392	11,100	5,194,800
Columbus	21	540,000	2,000	1,184	2,000	936,000
Detroit	5	1,509,000	11,670	13,392	25,000	1,170,000
Indianapolis	11	745,000	2,500	1,217	2,500	1,170,000
Milwaukee	12	717,000	3,000	2,295	3,000	1,404,000
Minneapolis	32	434,000	2,735	1,589	2,735	1,280,000
St. Paul	46	310,000	1,025	787	1,025	479,700
Toledo	34	384,000	990	758	990	463,320
Region VI:						
Dallas	8	944,000	2,280	1,728	2,280	1,067,000
El Paso	45	322,000	1,125	830	3,000	1,404,000
Fort Worth	33	393,000	1,178	805	1,507	705,276
Houston	6	1,233,000	3,000	2,732	3,560	1,666,080
New Orleans	19	593,000	5,000	1,914	5,000	2,340,000
Oklahoma City	37	366,000	1,000	1,175	1,530	716,040
San Antonio	15	654,000	5,514	3,608	5,514	2,580,500
Tulsa	43	332,000	850	540	1,011	473,148
Region VII:						
Kansas City	26	507,000	4,000	2,345	4,000	1,872,000
Omaha	41	347,000	700	1,284	1,670	781,560
St. Louis	18	622,000	1,500	3,932	5,910	2,765,880
Region VIII: Denver	25	515,000	2,100	1,203	2,100	982,800
Region IX:						
Honolulu	44	325,000	2,191	513	2,800	1,310,400
Long Beach	40	358,000	20,000	17,983	25,000	11,700,000
Los Angeles	3	2,813,000				
Oakland	39	362,000	5,785	4,493	5,850	2,737,800
Phoenix	20	582,000	17,000	2,824	17,000	7,956,000
San Diego	14	697,000	2,500	3,136	4,510	2,110,680
San Francisco	13	716,000	5,000	3,107	8,000	3,744,000
San Jose	31	446,000	(2)	1,890	3,535	1,654,380
Region X:						
Portland	36	382,000	5,000	1,697	5,000	2,340,000
Seattle	22	531,000	5,000	2,682	5,000	2,340,000
50 largest, total			354,490	220,066	410,035	192,268,856
Balance			287,149	328,304	537,893	251,733,924
Total			641,639	548,370	947,928	444,002,780

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[1] All figures shown are for 10-week slots.

(2) Included in top 50 as a result of 1970 census.

SAMPLING OF CITIES OTHER THAN 50 LARGEST

	Slots			1972 need
	1971 need	1971 actual[1]	1972 need	
Akron	612	694	1,137	$532,200
Albuquerque	600	745	1,000	468,000
Dayton	620	796	1,500	702,000
Gary	1,380	2,714	4,447	2,081,200
Jersey City	1,275	1,498	2,454	1,148,472
Paterson	1,200	900	1,500	702,000
Total	4,687	7,347	12,038	5,633,872

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[1] All figures shown are for 10-week slots.

SUMMER YOUTH TRANSPORTATION PROGRAM

	Rank in size	Population	1971 actuals	1972 needs
Region I:				
Boston	16	641,000	$10,700	$20,000
Region II:				
Buffalo	28	463,000	7,500	13,000
Newark	35	382,000	23,437	39,500
New York	1	7,868,000	149,130	251,400
Rochester	49	296,000	7,500	12,000
Region III:				
Baltimore	7	906,000	21,100	35,000
Norfolk	47	308,000	7,500	12,000
Philadelphia	4	1,949,000	24,360	42,000
Pittsburgh	24	520,000	12,650	22,000
Washington, D.C	9	757,000	22,960	38,700
Region IV:				
Atlanta	27	497,000	12,080	30,000
Birmingham	48	301,000	13,790	24,000
Dade County (Miami)	42	335,000	12,000	23,000
Jacksonville	23	529,000	6,300	14,000
Louisville	38	361,000	7,500	12,500
Memphis	17	624,000	11,860	18,000
Nashville	30	448,000	7,000	12,000
Tampa	50	278,000	7,500	17,000
Region V:				
Chicago	2	2,367,000	42,240	70,000
Cincinnati	29	452,000	7,920	15,000
Cleveland	10	751,000	19,310	35,000
Columbus	21	540,000	8,640	17,000
Detroit	5	1,509,000	36,560	75,000
Indianapolis	11	745,000	8,480	15,000
Milwaukee	12	717,000	47,280	65,000
Minneapolis	32	434,000	12,380	20,000
St. Paul	46	310,000	7,500	12,500
Toledo	34	384,000	7,990	15,750
Region VI:				
Dallas	8	844,000	$19,340	$23,990
El Paso	45	322,000	38,900	58,900
Fort Worth	33	393,000	8,130	15,000
Houston	6	1,233,000	16,387	45,000
New Orleans	19	593,000	14,790	25,000
Oklahoma City	37	366,000	14,000	25,000
San Antonio	15	654,000	14,570	26,570
Tulsa	43	332,000	7,500	12,500
Region VII:				
Kansas City	26	507,000	13,970	50,000
Omaha	41	347,000	13,500	15,000
St. Louis	18	622,000	25,790	43,500
Region VIII: Denver	25	515,000	18,320	29,000
Region IX:				
Honolulu	44	325,000	7,500	15,000
Long Beach	40	358,000	7,500	16,000
Los Angeles	3	2,813,000	82,870	82,870
Oakland	39	362,000	15,000	28,000
Phoenix	20	582,000	11,740	23,000
San Diego	14	697,000	14,360	30,000
San Francisco	13	716,000	11,970	25,000
San Jose	31	446,000	7,500	8,160
Region X:				
Portland	36	382,000	8,580	13,000
Seattle	22	531,000	19,060	32,100
50 largest, total			954,394	1,608,940
Balance of 1971 participants			464,996	783,967
New cities				357,093
Total			1,419,390	2,750,000

SUMMER RECREATION SUPPORT PROGRAM (RSP)

	Rank in size	Population	1971 actuals	1972 needs
Region I: Boston	16	641,000	$168,000	$180,000
Region II:				
Buffalo	28	463,000	96,000	120,000
Newark	35	382,000	77,000	140,000
New York	1	7,868,000	1,836,000	2,934,000
Rochester	49	296,000	53,000	95,000
Region III:				
Baltimore	7	906,000	276,000	335,000
Norfolk	47	308,000	132,000	180,000
Philadelphia	4	1,949,000	528,000	700,000
Pittsburgh	24	520,000	168,000	165,000
Washington, D.C	9	757,000	228,000	364,000
Region IV:				
Atlanta	27	497,000	$143,000	$180,000
Birmingham	48	301,000	120,000	170,000
Dade County (Miami)	42	335,000	126,000	192,000
Jacksonville	23	529,000	84,000	175,000
Louisville	38	361,000	96,000	130,000
Memphis	17	624,000	264,000	305,000
Nashville	30	448,000	72,000	150,000
Tampa	50	278,000	132,000	175,000
Region V:				
Chicago	2	3,367,000	649,000	2,100,000
Cincinnati	29	452,000	120,000	175,000

SUMMER RECREATION SUPPORT PROGRAM (RSP)—Continued

	Rank in size	Population	1971 actuals	1972 needs
Cleveland	10	751,000	$163,000	$205,000
Columbus	21	540,000	132,000	211,000
Detroit	5	1,509,000	360,000	897,000
Indianapolis	11	745,000	130,000	195,000
Milwaukee	12	717,000	108,000	155,000
Minneapolis	32	434,000	60,000	96,000
St. Paul	46	310,000	36,000	58,000
Toledo	34	384,000	84,000	120,000
Region VI:				
Dallas	8	844,000	228,000	285,000
El Paso	45	322,000	144,000	200,000
Fort Worth	33	393,000	108,000	173,000
Houston	6	1,233,000	350,000	440,000
New Orleans	19	593,000	252,000	300,000
Oklahoma City	37	366,000	108,000	170,000
San Antonio	15	654,000	324,000	400,000
Tulsa	43	332,000	72,000	115,000
Region VII:				
Kansas City	26	507,000	108,000	130,000
Omaha	41	347,000	48,000	96,000
St. Louis	18	622,000	$240,000	$384,000
Region VIII: Denver	25	515,000	120,000	170,000
Region IX:				
Honolulu	44	325,000	60,000	99,000
Long Beach	40	358,000	72,000	125,000
Los Angeles	3	2,813,000	552,000	650,000
Oakland	39	362,000	84,000	125,000
Phoenix	20	582,000	144,000	200,000
San Diego	14	697,000	144,000	200,000
San Francisco	13	716,000	180,000	250,000
San Jose	31	446,000	85,000	100,000
Region X:				
Portland	36	382,000	84,000	135,000
Seattle	22	531,000	84,000	129,000
50 largest, total			9,966,000	15,928,000
Balance			2,834,000	4,530,000
New cities				1,500,000
Total			12,800,000	21,958,000

Mr. JAVITS. Mr. President, I urge that these amounts be provided for the following reasons:

First, the current national unemployment rate of 5.9 percent falls most heavily upon economically disadvantaged youth. The most recent available statistics released by the Department of Labor, February 24, 1972, show a jobless rate among teenagers in poverty neighborhoods of 25.7 percent in the last quarter of 1971 with the rate among black teenagers in such areas at 34.7 percent.

We are courting disaster with those kinds of figures. We have found, and Congress has been entirely willing, that the summer youth job opportunities have gone a very long way toward giving us social conditions which are infinitely more acceptable than those we would otherwise face, in view of the extremely high rates of unemployment.

Experience indicates that even if the overall employment situation improves, as I hope it will, youth—particularly poor youth—will continue to have unemployment ranging from four to five times the norm. As Secretary of Labor James D. Hodgson noted generally on February 17, 1972, in testimony before the Joint Economic Committee:

> The unemployment situation of teenagers vis-a-vis adults has deteriorated over the past decade. In 1962, the unemployment rate for teenagers averaged 3.1 times higher than for workers 25 years of age and over. Beginning in 1963, the ratio began to exceed 4 to 1, and in no year did it drop below 4 to 1; the average ratio of teenage to over-25 unemployment in the years 1963–71 amounted to 4.7 to 1.

There are already substantial signs that increases in the number of returning veterans, economic cutbacks, and other factors will aggravate further the youth unemployment situation in the coming summer.

The neighborhood youth corps job program is an appropriate mechanism to deal with the problem by funding work experience and related transportation for poor youth between the ages of 14 and 21 with public and nonprofit private agencies in the summer months, providing them with earnings enabling them to complete or continue their education.

Second, other special sources of refunding will not be adequate; the Emergency Employment Act of 1971, which will provide approximately 135,000 public sector job opportunities in this fiscal year and a similar number in the coming year will not focus upon the needs of poor youth; according to a preliminary survey taken by the Department of Labor only 14 percent of those now covered are in the age group below 21 years of age. It appears also that general economic conditions will continue to make it difficult for the private sector to take up the slack through such voluntary job programs as those conducted by the National Alliance of Businessmen. The National Alliance—which has not yet established a goal for this summer—was forced last summer to reduce its goal by 30,000 from the 180,000 goal of the previous summer.

Third, with respect to the duration of the program, I wish to emphasize that it was reduced from a 10-week to a 9-week program for the first time last summer, and then only as a temporary compromise to make very inadequate funds spread as far as possible.

To the poor the difference between 10 and 9 weeks is more than academic; beyond the desirability of providing meaningful experience for the greater portion of the summer, the fact is that poor youth depend upon the wages derived from the program to contribute to the costs of returning to school and, in many cases, to the support of their families.

Accordingly, I urge that it be maintained as a 10-week program, as has generally been the case in the past.

Fourth, in addition to transportation enabling youth to accept employment and retain their earnings, we must have in mind the needs of younger children—many of whom may be from the same families—for meaningful opportunities. There are approximately 3 million children in poverty in the age group covered by the recreational program; last year the program only reached 40,000 of them, less than 2 percent.

Mr. President, I shall urge the committee to consider these requests. While they represent substantial sums and will help enormously, even these sums will not meet the need. For example, in the job program, the 947,000 opportunities would reach less than one-half of those which the Department estimates could benefit from the program.

For these reasons, I deeply believe that the administration is falling far short of the need, that we have to follow the advice of the local officials, to wit, the mayors, and meet their calculations of the needs.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter which I sent to the Secretary of Labor and his response to me indicating the Department's intentions, together with the statement which I filed.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 25, 1972.

Hon. JAMES D. HODGSON,
Secretary, Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: I am writing to urge the Administration to submit a revised supplemental budget request for additional funds for the Neighborhood Youth Corps summer job program, and for related transportation and recreational activities to meet the needs of poor youths in urban and rural areas during the coming summer.

As you know, the Neighborhood Youth Corps job program funds work experience and related transportation for poor youths between the ages of 14 and 21 with public and non-profit private agencies in the summer months, providing them with earnings enabling them to complete or continue their education; the recreational component provides summer recreational opportunities to poor children between the ages of 6 and 12.

The current national unemployment rate of 5.9 percent falls most heavily on economically disadvantaged youth. The most recent available statistics released yesterday show a jobless rate among teenagers in poverty neighborhoods of 25.7 percent in the last quarter of 1971 with the rate among black teenagers in such areas at 34.7 percent.

Experience indicates that even if the overall employment situation improves, as we hope it will, youth—particularly poor youth—will continue to have unemployment ranging from four to five times the norm. As you noted generally on February 17, 1972, in testimony before the Joint Economic Committee:

"The unemployment situation of teenagers vis-a-vis adults has deteriorated over the past decade. In 1962, the unemployment rate for teenagers averaged 3.1 times higher than for workers 25 years of age and over. Beginning in 1963, the ratio began to exceed 4 to 1, and in no year did it drop below 4 to 1; the average ratio of teenage to over-25 unemployment in the years 1963–71 amounted to 4.7 to 1."

Already, there are substantial signs that increases in the number of returning veterans, economic cut-backs, and other factors will aggravate further the youth unemployment situation in the coming summer.

The National League of Cities—U.S. Conference of Mayors, representing most of the public agencies which conduct the Neighborhood Youth Corps summer program, advises, on the basis of an extensive survey, that there will be a very real need for 947,928 ten-week job opportunities in the program for this summer, compared with the 641,639 which it projected at this time last year.

The National League of Cities estimates that a total of $444.0 million will be needed to provide the projected 947,928 opportunities, it is my understanding that the administration intends to provide only 609,300 nine-week opportunities, the same as last year, with a total appropriation for jobs of $257.9 million—which would consist of $175.7 million already available and an additional $89.2 million which it has requested in a supplementary budget request.

Thus there is a short-fall of $186.1 million and 338,628 opportunities in the job program for the coming summer, on a ten-week basis.

It should be noted that the National League of Cities survey relates to the number of job and recreational opportunities which could be effectively used; in fact the Department of Labor has estimated the "target group"—those who could benefit from the job program—in excess of 1.8 million youths.

I enclose a copy of a letter which I received, dated February 23, 1972, from the League, documenting these needs on a city-by-city basis.

Moreover, the National League of Cities estimates that there is an additional need for $1.3 million for related transportation and $9.1 million for the recreational support program, above the $1.4 million and $12.8 million respectively which the Administration hopes to make available.

Other special sources of refunding will not be adequate; the Emergency Employment Act of 1971, which will provide approximately 135,000 public sector job opportunities in this fiscal year and a similar number in the coming fiscal year will not focus upon the needs of poor youth; according to a preliminary sample taken by the Department of Labor only 14 percent of those now covered are in the age group below 21 years of age.

It appears also that general economic conditions will continue to make it difficult for the private sector to take up the slack through such voluntary job programs as those conducted by the National Alliance of Businessmen. The National Alliance of Businessmen—which has not yet established a goal for this summer—was forced last summer to reduce its goal by 30,000 from the 180,000 in the previous year because of general economic conditions similar to those faced today.

Accordingly, I urge the Department to submit a revised supplementary budget request responsive to these documented needs so that public and non-profit sponsors will be able to plan effectively programs which will provide youths with meaningful alternatives to continued frustration and restlessness in the coming summer.

Sincerely,

JACOB K. JAVITS.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 9, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Thank you for your February 25 letter concerning the 1972 Neighborhood Youth Corps Summer Program and other summer programs for young people.

I assure you that the Administration has given very careful consideration to the data which you cite in your letter. We feel that the appropriations level requested by the President in his January budget message to the Congress represents a responsible and adequate request which basically meets the problem and which we can afford. With the improvement in the economy we expect that more jobs will be available to youths this summer.

I am enclosing a copy of a brochure which describes our summer youth program. Please note that we plan to increase the summer job opportunities provided through our programs alone by 89,000 jobs.

As always, I appreciate your deep interest and concern with training and employment needs of our Nation's young people. However, in the face of the many priority demands for Federal dollars and the deficit, we must keep the NYC summer program at last year's level.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

Mr. JAVITS. Mr. President, I have just stated the reasons why I am not moving an amendment to the bill. I hope very much that it will not be necessary to amend the second supplemental because the committee will have done what needs to be done in the present situation for summer youth employment and recreation.

Mr. President, one further point, we have constantly been running after a passing bus with respect to this matter. There have been occasions, in previous years, when appropriations came through as late as June or the end of June of a given year. Obviously, that is bound to be placed less effectively and to court all the deficiencies which we associate with Government programs which are the subject of the worst elements of bureaucracy. If we wait that long in order to meet a need, there is bound to be inefficiency, wastefulness, and even injustice.

In the second supplemental we will have an opportunity to act in a timely way. Certainly it would be great if we could act today but, obviously, for the reasons I have just described—and I understand them well—we cannot do so.

But we will be able to act the first 2 weeks of April, so that I hope very much the committee will see fit to go a long way toward meeting the recognized need for the slots that the mayors calculate they find essential at a minimum. I shall be glad if the Appropriations Committee feels it useful that I appear personally before it. I am sure that many other Senators will appear personally to testify to the situation in their particular area.

Mr. BYRD of West Virginia. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. BYRD of West Virginia. I know that the distinguished Senator from New York is expected to attend a meeting of a committee at this point. Therefore, I will presume—in the temporary absence from the floor of the distinguished manager of the bill, the Senator from Louisiana (Mr. ELLENDER) and the distinguished Senator from Washington (Mr. MAGNUSON) who, as a general rule, presides over this area of appropriations—to respond to the distinguished Senator from New York.

It is a matter of common knowledge that the Senator from New York has long been a champion of the program to provide jobs for youth during the summer. He has been successful, on many occasions, in prevailing upon the Committee on Appropriations to add appropriations over and above the budget request for the Neighborhood Youth Corps. I, in the past, have often joined him in that effort.

There was a time when I was chairman of the Subcommittee on Deficiencies and Supplementals Appropriations, so I am close to the issue. I know of the great concern of the Senator from New York. Upon those occasions, when I handled supplemental bills, I joined him at times in the effort to increase the amount, as I have indicated.

Now the Senator has stated the case precisely. There is a $175 million carryover for the program.

The budget request which will be considered in the second supplemental soon to come over from the other body—I assume right after the Easter recess—would amount to $95 million.

As the Senator from New York has indicated, this amount, together with the carryover, would not, in his opinion, be sufficient to meet the needs that exist, so that it will be his purpose to attempt to persuade the Committee on Appropriations and the Senate to increase that amount.

I believe that the committee will be not only considerate of his request, but will also be sympathetic toward it. And I think I could presume to assure the distinguished Senator from New York that the Appropriations Committee will be glad to hear him, if he so desires, although the hearings have already been conducted. The committee would certainly be glad to have any testimony that he would like to present to the committee. And I myself would like to join him for that purpose.

I feel that the committee will not only carefully consider the $95 million in the budget request, but will also consider the Senator's request for additional money. It will be glad to receive his views by way of letter, personal appearance, or otherwise in support of the need for increasing the amount over and above the budget request.

On behalf of the committee and its chairman I personally express appreciation to the Senator for his understanding and thoughtfulness in not pressing this matter today in connection with the urgent supplemental appropriation bill. He has stated quite rightly that to do so might delay action on the bill, might create problems in conference, and might in the end defeat the efforts to promptly appropriate moneys for the critical needs that are being met in the bill.

I appreciate on behalf of the committee the Senator's understanding in this respect, and along with that I think I can assure him that he will have ample opportunity to present his viewpoints with reference to the need for additional moneys for this very important and useful and effective and beneficial program of summer employment for youth.

I thank the Senator, and I will join with him when the time comes in attempting to get additional moneys over and above the budget request.

Mr. JAVITS. Mr. President, I am very

grateful to the Senator from West Virginia. He has joined with me before, and his joining has been, in my judgment, not only effective, but also on occasion decisive in respect to improving a situation.

Mr. President, I am very grateful to the Senator from West Virginia. I might say, too, that my office has consulted with the staff of the Senator from New Jersey (Mr. Case) and the staff of the Senator from Washington (Mr. Magnuson), and they are extremely helpful in respect of the efforts I am making to do what can be done before the Appropriations Committee.

May I say, too, that a principal difference between my figure and the administration's figure is attributable to the fact that I contemplated a 10-week program and the administration contemplated a 9-week program.

I mention this because I want to spread the variables on the record. We think personally that a 10-week program is essential for the effectiveness of the program. However, the committee had on previous occasions shortened it to 9 weeks. The administration is now proceeding along that line. Those are the variables which are involved.

I am deeply heartened, and I think thousands of young people will be deeply heartened, by the support of the Senator from West Virginia and his assurance—which I know comes from knowledge—that we can expect to receive sympathetic treatment from the committee.

Mr. President, I have one wish that I would like to express publicly to the Senator. I hope that I do not have to amend the supplemental and that the committee does whatever anyone reasonably asks to be done and that we come in with an agreed upon program. It would be a much happier day for me and for all concerned.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield briefly to me?

Mr. JAVITS. I yield.

Mr. BYRD of West Virginia. Mr. President, I join with the Senator in expressing the hope that the committee will take this action, making unnecessary an amendment on the floor. I want to make it clear that I am in no position, of course—and I know the distinguished Senator from New York understands this—to commit the committee to increasing the amount over the budget request or even to allowing the full budget request.

I can only say that the committee will certainly be receptive to any testimony that the Senator from New York and other Senators might wish to offer. The committee will be sympathetic, I am confident, and will act on the basis of its judgment, reached after a proper consideration of those facts.

Mr. President, may I say also that it is my understanding—and I do not choose to differ with the Senator from New York, but I clearly want to support his effort—that in a figure I quoted a little while ago, I erred when I indicated that there was presently available, as a carryover, $175 million. I am advised that the presently available funds are $193,298,000, which, when added to the $95 million proposed, which will be considered in the supplemental to come from the other body, would make a total of $288,298,000.

Mr. JAVITS. Mr. President, I am very glad to hear that revised figure, which I now understand to include funds that may be reprogramed from other programs to be made available for this purpose. We, of course, would adjust our request accordingly, unless it is undesirable to reduce the program from which funds are to be taken. I thank the Senator.

The PRESIDING OFFICER. The bill is open to amendment.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 11:35 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until 11:35 a.m. today.

The PRESIDING OFFICER. The question is on agreeing to the request of the Senator from Montana.

The request was agreed to; and at 11:17 a.m. the Senate took a recess until 11:35 a.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. Gambrell).

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIFFICULTY IN COMMITTEE ON FINANCE WITH CONSIDERATION OF H.R. 1

Mr. LONG. Mr. President, I regret to say that on today, as has been the case on, I suppose, four or five other occasions, at a minimum, the Committee on Finance was unable to proceed with the consideration of H.R. 1 because of a lack of a quorum.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MANSFIELD. Was that the situation this morning, too?

Mr. LONG. Yes, I regret to say. The chairman was there and he was accompanied by the ranking Republican member, the Senator from Utah (Mr. Bennett), who is anxious to get on with the business, and the Senator from Arizona (Mr. Fannin) was there, but really we cannot proceed with a measure of this sort with just two Republican members and the chairman. It stands to reason that on rather controversial phases of the bill it is impossible to predict what some of our Democratic members would want to do about them. If we moved in their absence, we would have an occasion occur where some of our liberals would contend that something was put over on them or something was "pulled" in their absence by agreeing, even though tentatively, subject to confirmation by others, on something that might be controversial.

Mr. MANSFIELD. Will the Senator yield further?

Mr. LONG. Yes.

Mr. MANSFIELD. I believe the Senator mentioned something about a lack of a quorum on Monday.

Mr. LONG. Yes, we had the same problem Monday, and we have had the same problem on a number of other occasions.

Mr. MANSFIELD. Before the Senator proceeds, I think he ought to make it plain that the Senator from Connecticut (Mr. Ribicoff) is necessarily absent because of the very serious illness of his wife.

Mr. LONG. The Senator is entirely correct. As a matter of fact, we were able to agree on some of Senator Ribicoff's amendments in his absence, and the others we will be able to proceed with upon his return.

I do not like to complain about the matter, Mr. President, but I do feel that I may find it necessary, in the future, to present the list of those who were present and those who were not present for the benefit of the Record, in the hope that it will bring some pressure to bear upon the absent Members to make themselves available to help us move this important piece of legislation. In terms of dollars, this will be the biggest bill to be acted upon by this Congress.

Mr. MANSFIELD. Will the Senator yield?

Mr. LONG. I yield.

Mr. MANSFIELD. Mr. President, I commend the distinguished Senator from Louisiana, the chairman of the Committee on Finance, because he has been trying with might and main to live up to what he promised the Senate last year and early this year, to get a bill out. This is a most important measure. There will be a good deal of debate on it; it is a contentious piece of legislation.

All I want is for the Record to show that the chairman of the committee and the ranking Republican member have at least been trying to keep their word and get this measure before us, so that, as we had promised, we can take it up somewhere around the latter part of this month or the first part of next month, and I want the Record to be clear.

Mr. LONG. I thank the distinguished majority leader.

Mr. President, I know I have a commitment to the majority leader to bring this bill out. It should have been here already. I just want the Record to reflect that as far as the chairman is concerned, he is doing everything within his power to responsibly move this measure.

I do not propose to charge off half-cocked and do something without knowing what we are doing. The committee owes a higher responsibility than that to the Senate. But I do think, Mr. President, that the members of the committee ought to either be there and do their duty, particularly if they have no excuse for not being there, or else they ought to resign from the committee.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. DOLE. I appreciate the efforts of the distinguished Senator from Louisiana. I might suggest that there is quite a blockade in that particular hallway. There is a hearing of some sort going on in the Judiciary Committee—some sort of sideshow. Perhaps some of the Senators who tried to reach the Finance Committee room could never make it.

Mr. LONG. No; that had nothing to do with it. I looked in on the sideshow myself, on my way to the Senate Chamber, and it did not have anything to do with the fact that we did not have a quorum in the Finance Committee.

But I do think, Mr. President, that I ought to commend the diligence of the ranking member on the minority side (Mr. BENNETT). In addition to being one of the President's best friends, the Senator feels a responsibility toward this administration to see that its proposals are considered. He has done all within his power to obtain sufficient people present to move forward.

Mr. President, I am not going to insist that the Committee on Finance have a quorum in order to make progress, but I cannot responsibly urge the committee to go ahead and try to make even a tentative decision if the various points of view of the liberals, the conservatives, and the moderates do not have some representation there, so that we can have some reason to think that what those of us who operate in the absence of a quorum are doing is likely to reflect the views of a majority on the committee.

So I do hope this little exchange for the RECORD might cause some of my committee members to neglect some other duty, if they must neglect something, in order to be present at the Finance Committee sessions to help us do the work of the Senate on this measure, which is in my judgment the most important piece of unfinished business remaining before the Senate.

URGENT SUPPLEMENTAL APPROPRIATIONS, 1972

The Senate continued with the consideration of the joint resolution (H.J. Res. 1097) making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes.

NEED FOR ADDITIONAL UNEMPLOYMENT BENEFITS

Mr. BYRD of West Virginia. Mr. President, I wish to express my support for the Federal unemployment benefits and allowances contained in House Joint Resolution 1097, the urgent supplemental appropriations bill for fiscal year 1972.

There are several different items contained in this resolution to provide additional unemployment benefits, of which the first is for $311,600,000, to provide for a greater number of weeks of unemployment compensation and an increase in the average weekly benefits for ex-servicemen and for ex-Federal employees.

To qualify for these benefits, the veteran or the ex-Federal employee must be ready, available, and willing to work. If a job is offered to such an individual and he turns it down, he will not receive unemployment benefits—providing, of course, that the job offered to that individual was suitable work, according to the applicable State requirements. I might also point out that veterans who have received dishonorable discharges are not eligible for these benefits. If a veteran was discharged under conditions "less than honorable," however, his eligibility to receive these benefits must be adjudicated by the Veterans' Administration, which will take into consideration all of the facts relevant to his individual case.

The second item related to unemployment benefits included in this urgent supplemental is $600,000,000 for extended unemployment compensation benefits, authorized by Public Law 91-573, enacted August 10, 1971. Twenty-two States have been providing these extended benefit payments even though the Federal share has not been available. Therefore, part of this appropriation will be used to reimburse the States for their previous expenditures for this purpose. The total amount owed the States is $123,822,584, of which $10,168 is owed to my own State of West Virginia.

Normally, these unemployment benefits are financed from Federal Unemployment Tax Act receipts earmarked for this purpose. However, when receipts from this source are not sufficient to meet the full amount of extended benefit payments, the law requires that a request for a general revenue appropriations be made for the amount of the deficit. That is the reason this mandatory item of $600,000,000 is before us at this time.

I sincerely hope that the unemployment rate in this country will drop to the point where no extended benefits will be necessary. However, in the meantime, I do urge approval of House Joint Resolution 1097 in order that these existing needs may be met.

The PRESIDING OFFICER (Mr. GAMBRELL). The joint resolution (H.J. Res. 1097) is open to amendment. If there be no amendments to be proposed, the question is on the third reading of the joint resolution.

The joint resolution was read the third time.

The PRESIDING OFFICER. The hour of 11:45 a.m. having arrived and the joint resolution having been read the third time, the question is, Shall it pass?

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Will the Chair state the question on which we are about to vote?

The PRESIDING OFFICER. The question is on passage of House Joint Resolution 1097, the urgent supplemental appropriation bill.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Florida (Mr. CHILES) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF), is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Florida (Mr. CHILES), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. PERCY) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 88, nays 0, as follows:

[No. 108 Leg.]

YEAS—88

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—12

Chiles
Fulbright
Harris
Humphrey
Jackson
McClellan
McIntyre
Metcalf
Mundt
Muskie
Percy
Ribicoff

So the joint resolution (H.J. Res. 1097) was passed.

Mr. ELLENDER. Mr. President, I move

that the vote by which the joint resolution was agreed be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL VOTER REGISTRATION ACT

The PRESIDING OFFICER (Mr. Byrd of Virginia). Under the previous order, the Chair now lays before the Senate S. 2574 which the Clerk will state.

The assistant legislative clerk read as follows:

S. 2574, to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The pending question is on agreeing to the motion of the Senator from Alabama (Mr. Allen) to lay on the table S. 2574.

On this question the yeas and nays have been ordered.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate throughout this rollcall vote?

The PRESIDING OFFICER. The Senate will please be in order. The galleries will be in order.

The clerk will proceed to call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Florida (Mr. Chiles), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from Arkansas (Mr. McClellan), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. Ribicoff) is absent because of illness in family.

I further announce that, if present and voting, the Senator from Connecticut (Mr. Ribicoff), the Senator from Washington (Mr. Jackson), the Senator from Minnesota (Mr. Humphrey), the Senator from Oklahoma (Mr. Harris), the Senator from Arkansas (Mr. Fulbright), and the Senator from Florida (Mr. Chiles) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. Percy) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. Percy) would vote "nay."

The result was announced—yeas 46, nays 42, as follows:

[No. 109 Leg.]

YEAS—46

Aiken
Allen
Allott
Baker
Beall
Bennett
Boggs
Brock
Buckley
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, N.C.
Jordan, Idaho
Miller
Packwood
Pearson
Roth
Saxbe
Scott
Sparkman
Spong
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker

NAYS—42

Anderson
Bayh
Bellmon
Bentsen
Bible
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cranston
Eagleton
Gravel
Hart
Hartke
Hollings
Hughes
Inouye
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Proxmire
Randolph
Schweiker
Smith
Stevenson
Symington
Tunney
Williams
Young

NOT VOTING—12

Chiles
Fulbright
Harris
Humphrey
Jackson
McClellan
McIntyre
Metcalf
Mundt
Muskie
Percy
Ribicoff

So the motion to lay S. 2574 on the table was agreed to.

Mr. ALLEN. Mr. President, I move to reconsider the vote by which the bill was tabled.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON MANPOWER REQUIREMENTS, RESOURCES, UTILIZATION, AND TRAINING—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-192)

The PRESIDING OFFICER (Mr. Byrd of Virginia) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

This is the tenth annual Manpower Report of the President and the third of my Administration. The information in this volume, as in its predecessors, will help to deepen the Nation's understanding of manpower problems and issues and to point the way toward achievement of our human resources development goals.

The second decade of an active manpower policy, which begins in March of this year, is dedicated to attaining full opportunity for all American workers.

Our tactics for pursuing this objective are twofold: First, to accomplish much needed and long overdue reform of the manpower programs set up under the Manpower Development and Training Act and subsequent legislation and thus increase their effectiveness in enhancing the employability of jobless workers; and, second, to move toward a broader national manpower policy which will be an important adjunct of economic policy in achieving our Nation's economic and social objectives.

My Administration has made substantial progress in improving the operation of manpower programs under existing legislative authorizations, as described in this report. Fundamental reform of these programs, however, requires new legislation. For this reason, in the recent Special Message to the Congress which forms the first part of this volume I again urged speedy enactment of a Manpower Revenue Sharing Act, to make possible coordinated and flexible manpower programs administered by local governments in accordance with local needs.

The need for a comprehensive national manpower policy which is sensitive to the manpower implications of government actions in many fields is also documented in this report. There is hardly any major aspect of government policy which does not significantly affect the utilization, size, and skills of the country's work force.

Yet during the 1960's, efforts to appraise the employment impact of new and changing policies and programs were fragmentary, at best—leading to avoidable inefficiencies in program operations and unnecessarily severe adjustments for workers, industries, and local communities.

Both the efficiency of our economy and the well-being of the country's workers will be served by more systematic assessment of the manpower consequences of government policies and programs. Accordingly, I am instructing the Secretary of Labor to develop for my consideration recommendations with respect to the most effective mechanisms for achieving such an assessment and for assuring the findings receive appropriate attention in the government's decision making processes.

The upturn in employment late in 1971, in response to the New Economic Policy which I announced in August, is another subject discussed in this report. The outlook is now favorable for economic and employment expansion. However, as I said in my Economic Report in January, unemployment must be further reduced. This will be accomplished by the stimulus given to employment through our fiscal and monetary policies and by a number of special measures discussed in the present record, among them:

- —The expansion in enrollments in federally assisted manpower programs to record figures, providing a substantial increase in opportunities for Negroes and other minorities:
- —The new program of public service employment which serves two purposes simultaneously—opening transitional jobs for unemployed workers and filling unmet needs for essential public services;
- —Better matching of workers and jobs through computerized Job Banks; and
- —Special programs to aid the reemployment of veterans and persons displaced because of cutbacks in the defense and aerospace programs.

Teenage workers have by far the highest jobless rate of any group—more than four times the rate for adult workers in 1971. The remedial action underway and needed to meet their special problems is discussed in depth in this report. In particular, we propose a special, lower, youth minimum wage to help overcome employers' reluctance to hire inexperienced young workers.

A new approach to career education in the public schools is also being developed. This would give young people more realistic career preparation and help to build an easier, more effective school-to-work transition, paving the way toward a real solution to the problems of jobless youth.

The final focus of the report is on the professions. Scientists and engineers, teachers, doctors, and other professional and technical personnel represent only about one out of every seven workers, but they carry a responsibility for the country's economic and social well-being, its defense and position of world leadership, out of all proportion to their numbers.

We have two major objectives with respect to professional personnel. In the immediate future, we must promote full utilization of their talents and training, and we are moving strongly toward that goal through the special programs we have undertaken to aid the reemployment of the relatively small numbers of scientists and engineers now out of work or underemployed.

In the longer view, we must assure a supply of new entrants into the professions adequate to meet national needs. As the findings of this report indicate, this objective is in process of accomplishment in the major professional fields, including the health professions. With the increased Federal funds for medical and nursing education that I have recommended to implement the new 1971 health manpower legislation, rapid progress will be possible in achieving a better standard of health care for all Americans.

I am pleased to transmit herewith a report on manpower requirements, resources, utilization and training as required under the Manpower Development and Training Act.

Richard Nixon.

The White House, *March 15, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Byrd of Virginia) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills;

S. 888. An act for the relief of David J. Crumb;

S. 1362. An act to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes; and

S. 1977. An act to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. Allen).

EQUAL RIGHTS FOR MEN AND WOMEN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 662, House Joint Resolution 208, proposing an amendment to the Constitution of the United States relative to equal rights for men and women. I do this so that the joint resolution may be the pending business.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

Calendar No. 662, a joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDALS IN COMMEMORATION OF THE FIRST U.S. INTERNATIONAL TRANSPORTATION EXPOSITION

Mr. MANSFIELD. Mr. President, I ask unanimous consent for immediate consideration S. 3353, a bill to provide for striking medals in commemoration of the First International Transportation Exposition, which I understand needs action soon. Incidentally, it is supposed to make some money for the U.S. Government.

The PRESIDING OFFICER. The bill will be stated by title.

The bill was read by title as follows:

A bill (S. 3353) to provide for the striking of medals in commemoration of the First United States International Transportation Exposition.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, I yield to the Senator from Alabama, who will make a brief explanation of the bill which has previously been cleared on this side because of the urgency of the matter.

Mr. SPARKMAN. Mr. President, this bill has been urgently requested by the Treasury and more particularly by the Director of the Mint.

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order. The Senate will be in order.

The Senator from Alabama may proceed.

Mr. SPARKMAN. Mr. President, the bill has just been reported but there is urgency for its early enactment. There is involved a sizable sale and it will make money for the Treasury.

I wish to say to my friend from Michigan that I cleared this matter with the Senator from Pennsylvania (Mr. Scott) earlier.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. GRIFFIN. The bill comes from the Committee on Banking, Housing and Urban Affairs?

Mr. SPARKMAN. Yes.

Mr. GRIFFIN. And how about the ranking minority member of that committee, the Senator from Texas (Mr. Tower)?

Mr. SPARKMAN. It was reported unanimously.

Mr. GRIFFIN. I thank the Senator. If I seemed surprised, the bill is not on the calendar.

Mr. SPARKMAN. No. It was reported this morning.

Mr. GRIFFIN. I thank the Senator.

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report on the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

EXPLANATION OF THE BILL

S. 3353, authorizes and directs the Secretary of the Treasury to strike and furnish at cost to the Secretary of Transportation medals commemorating the First United States International Transportation Exposition ("Transpo 72"), to be held at Dulles Airport May 27 through June 4, 1972. The medals may be of such sizes, content, and designs as the Secretary of Transportation may determine, subject to the approval of the Secretary of the Treasury.

The bill also authorizes the Treasury to sell such medals to the general public, as a list medal of the mint, at a price sufficient to cover all costs of manufacture, including labor, materials, dies, use of machinery, and overhead expenses. The bill was approved unanimously by the Committee.

TRANSPO 72

The First United States International Transportation Exposition was authorized by Congress in section 709 of Public Law 91–142, the Military Construction Authorization Act, 1970, enacted Decembr 5, 1969. Intended originally as an aeronautical exposition, "with appropriate emphasis on military aviation," the concept of the exposition was subsequently broadened to include all aspects of transportation, and all forms of transportation equipment, systems, and technologies. Under Executive Order 11538, issued by President Nixon on June 29, 1970, authority for establishing and conducting the exposition was assigned to the Secretary of Transportation.

According to information received by your committee from the Department of Transportation, Transpo 72 will have two primary purposes:

First, to be a showcase of new technology to assist urban centers in finding solutions to major problems of congestion and developing new methods to increase mobility of people and goods, such as STOL (short takeoff and landing) aircraft, magnetic levitation trains, tracked air cushion vehicles, et cetera.

Second, to stimulate the sale of American manufactured products to domestic and foreign buyers.

Aeronautics will, of course, play an important role in the exposition, including military aviation.

The exposition site will cover 360 acres on the Dulles Airport grounds.

Members of Congress serving on the Secretary of Transportation's Advisory Committee for Transpo 72 include Representatives F. Edward Hébert, John J. McFall, Harley O. Staggers, Leslie C. Arends, Silvio O. Conte, and William L. Springer; and Senators Warren G. Magnuson, John C. Stennis, Clifford P. Case, and Norris Cotton.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill (S. 3353) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the First United States International Transportation Exposition, to be held at Dulles Airport, May 27 through June 4, 1972, the Secretary of the Treasury (hereinafter referred to as the "Secretary") is authorized and directed to strike medals of suitable sizes and metals, and with suitable emblems, devices, and inscriptions to be determined by the Secretary of Transportation, subject to the approval of the Secretary.

SEC. 2. The Secretary shall furnish the medals to the Secretary of Transportation at a price equal to the cost of the manufacture.

SEC. 3. The Secretary shall also cause such medals to be sold by the mint, as a list medal, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM

Mr. GRIFFIN. Mr. President, I seek recognition in order to inquire of the distinguished majority leader if he might give us some information about the program for the rest of the day and the rest of the week.

Mr. MANSFIELD. Mr. President, in response to the inquiry of the distinguished acting Republican leader, it is the intention of the Senate to consider the conference report on the debt limit this afternoon, if the House completes it in time. There well may be a yea-and-nay vote on that report.

It is not anticipated much will be done on the equal rights amendment this afternoon, or for that matter tomorrow.

Tomorrow it is the intention of the leadership to call up Calendar No. 490, S. 1821, a bill to amend the Federal Aviation Act, as amended, on which I am informed by the Senator from Nevada (Mr. CANNON) there may be several rollcall votes.

On Friday, if the Senate concurs, the time limitation already agreed to would begin with respect to the equal rights amendment. This is only fair to the distinguished Senator from North Carolina (Mr. ERVIN) who has been most cooperative, but who has been on his feet in connection with practically every bill since the Senate convened on January 18.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ERVIN. I thank the distinguished majority leader for his cooperation. That is satisfactory.

Mr. MANSFIELD. Before I yield to the Senator from Indiana, I made the following request.

ORDERS FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in adjournment until 10 a.m. on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Subsequently, these orders were changed to provide that when the Senate completes its business today it adjourn until 10 a.m. on Friday, March 17, 1972.)

PROGRAM

Mr. MANSFIELD. Mr. President, there is a treaty which has been reported by the Committee on Foreign Relations on which there will be a yea-and-nay vote on either Friday or Monday.

I now yield to the distinguished Senator from Indiana (Mr. BAYH), manager of the bill which is the pending business.

EQUAL RIGHTS FOR MEN AND WOMEN

The Senate resumed the consideration of the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Mr. MANSFIELD. Mr. President, before the Senator from Indiana begins his statement, I ask unanimous consent that in any consideration of the pending business the time do not begin to run until the conclusion of the morning business on Friday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, the Senator from Indiana expresses deep appreciation to the majority leader for the way in which he has cooperated with the Senator from Indiana and all of us who are concerned about the present constitutional amendment which is now the pending business.

This is a matter which has been under discussion in this country for some 43 or 44 years. It passed the House and it is now before the Senate. With the permission of the Senator from Montana I thought a word or two might be helpful to our colleagues.

As has been mentioned earlier, with the concurrence of the Senator from North Carolina (Mr. ERVIN) and the Senate, and the unanimous-consent agreement has been reached under which the time limitation on the pending constitutional amendment is as follows:

A total debate on the amendment itself of 16 hours, to be equally divided 8 hours on a side; a total time limitation of 2 hours on each amendment, to be equally divided, 1 hour on a side; and pursuant to the agreement just reached by the Senate, this time will begin to run as of Friday.

Inasmuch as this matter has been the subject of some debate over a period of many months both on the floor of the Senate and in the subcommittee of which the Senator from Indiana has the privilege of being the chairman, the Subcommittee on Constitutional Amendments of the Committee on the Judiciary, I am hopeful that the Senate will be on notice that as of Friday we will relentlessly pursue the debate on this issue to its final consummation.

I am convinced the Senator from North Carolina is sincere in his determination not to participate in any delaying or dilatory tactics. Hopefully the rest of the Senate concurs and we can have a vote on this important issue up or down as quickly as it is discussed by Members of this body.

Inasmuch as several of our brother Senators are involved in important activities elsewhere, I would like the record to show that as floor manager of this constitutional amendment I intend to use all parliamentary rights available to me to see that this matter is brought to a vote as quickly as possible, and hopefully we can resist the well-intentioned efforts that will be made by some to amend it, so that the issue can be decided once and for all as it now stands: Does the Senate share the concern expressed by the House that at long last discrimination that has existed for far too long against the women of this country will be put to an end?

I would like also to express one additional word of gratification to our assistant majority leader, the Senator from West Virginia (Mr. BYRD), who has resolutely participated in reaching the time limitation agreement that some thought was impossible, but because of his efforts and the efforts of the Senator from North Carolina the issue is now put and in the foreseeable future will be resolved.

Mr. BYRD of West Virginia. I thank the distinguished Senator. He is most gracious and charitable, as is his normal practice.

WAIVER OF GERMANENESS RULE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the rule concerning germaneness be waived for the remainder of today.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION OF GOVERNMENT TRAFFIC BY CIVIL AIR CARRIERS — UNANIMOUS - CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, the distinguished majority leader has indicated that the Senate, on tomorrow, will proceed to the consideration of S. 1821, a bill to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States.

I have discussed this bill with respect to a time limitation thereon, with several Senators, including the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Louisiana (Mr. ELLENDER), the distinguished Senator from Washington (Mr. MAGNUSON), the distinguished Senator from Nevada (Mr. CANNON), the distinguished assistant Republican leader (Mr. GRIFFIN), and others. The distinguished majority leader has authorized me to propound at this time the following unanimous-consent request:

I ask unanimous consent that time for debate on S. 1821 be limited to 4 hours, to be equally divided between the distinguished majority leader and the distinguished minority leader, or whomever they may designate; provided further, that time on any amendment, debatable motion, or appeal be limited to 30 minutes, to be equally divided between the mover of such and the manager of the bill, except in any instance in which the manager of the bill may be in favor of such, in which instance the time in opposition thereto be under the control of the distinguished minority leader or his designee; ordered further, that time on an amendment which will be offered by the distinguished Senator from Louisiana (Mr. ELLENDER) be limited to 1 hour, to be equally divided between the distinguished mover of the amendment and the manager of the bill; provided further, that Senators in control of the time on the bill may yield therefrom to any Senator on any debatable motion, amendment, or appeal.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. MANSFIELD. Mr. President, in view of the fact that the Senate has no business to transact at the moment and that the House is now in the process of considering the conference report on the raise in the debt ceiling, and because that is a very important measure at this particular time, as far as the fiscal policy and the financial stability of the U.S. Government is concerned, after talking it over, the joint leadership has decided that we ought to face up to that issue this afternoon.

Therefore, I move that the Senate stand in recess until the hour of 2 o'clock, and I would hope that, if this motion is agreed to by the Senate, Senators will be on notice and will be here, because there is a possibility of a rollcall vote.

Mr. GRIFFIN. Mr. President——

The PRESIDING OFFICER. Will the majority leader withhold putting his motion until the Senator from Michigan can speak

Mr. MANSFIELD. Yes.

Mr. GRIFFIN. Mr. President, I want to express my appreciation to the distinguished majority leader. I do not think any Senator, on either side of the aisle, particularly enjoys voting on the increase in the debt ceiling, but I think this is a good example of fine cooperation, and I want to indicate my appreciation to the distinguished majority leader.

Mr. MANSFIELD. I thank the Senator.

Mr. President, I renew my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana to recess until 2 p.m.

The motion was agreed to; and at 12:38 p.m. the Senate took a recess until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FANNIN).

UNIVERSAL COPYRIGHT CONVENTION—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Universal Copyright Convention, as revised at Paris on July 24, 1971, together with two related Protocols—Executive G, 92d Congress, second session, transmitted to the Senate today by the President of the United States, and that the convention and protocols with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the Universal Copyright Convention as revised at Paris on July 24, 1971, together with two related Protocols. I transmit also, for the information of the Senate, the report of the Acting Secretary of State with respect to the Convention.

Essentially, the purpose envisaged in negotiating the Convention was to satisfy the practical needs of developing countries for ready access to educational, scientific, and technical works, without weakening the structure and scope of copyright protection presently offered by developed countries under the two multilateral conventions on copyright.

The 1971 revised Convention represents a fair and effective balance of different interests and will make a significant contribution to the solution of copyright problems. I recommend that the Senate give early and favorable consideration to the Convention and protocols.

RICHARD NIXON.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FANNIN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY MEMBERS OF THE KOMEITO PARTY OF THE JAPANESE DIET

Mr. SCOTT. Mr. President, it is my great honor to introduce to the Senate at this time some distinguished visitors whom the present Presiding Officer, the distinguished Senator from Arizona (Mr. FANNIN), and a number of other Senators had the pleasure of meeting when they visited Japan.

Our distinguished guests are members of the Komeito Party of the Japanese Diet. Acting as their interpreter is their distinguished Ambassador to the United States, Nobuhiko Ushiba.

Mr. President, let me introduce at this time the Chairman of the Komeito Party, Mr. Y. Takeiri. Then Mr. Y. Masaki and Mr. A. Kuroyanagi; and to say that we are very glad to have them here.

RECESS

Mr. President, I move that the Senate stand in recess for 5 minutes so that we may greet our distinguished visitors

(Applause, Senators rising.)

The motion was agreed to; and at 2:02 p.m. the Senate took a recess for 5 minutes.

The Senate reassembled at 2:07 p.m., when called to order by the Presiding Officer (Mr. FANNIN).

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESCISSION OF ORDER TO CONSIDER S. 1821 TOMORROW

Mr. MANSFIELD. Mr. President, earlier today, a unanimous-consent agreement was reached under which Calendar No. 490, S. 1821, would be brought up tomorrow.

Because of a detail which we overlooked, that will not be the case, but it is the intention of the joint leadership to call it up some time next week at an appropriate time; and at that time, the agreement relative to the limitation of time will prevail.

Mr. SCOTT. No objection.

ORDER FOR ADJOURNMENT TO 10 A.M. ON FRIDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 a.m. on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, it is my understanding that the conference report on the debt ceiling will arrive in the Senate Chamber at 2:15 or shortly thereafter today.

Mr. SCOTT. Mr. President, I want the record to show that sentries are posted, the outriders are prepared, the portcullis is up, the drawbridge is down; so that whenever the other body is ready to advance with troops, we will receive them joyfully.

Mr. MANSFIELD. Not only Democrats are missing today but a few Republicans as well.

Mr. SCOTT. I was not referring to absentees. I was referring to our happiness over meeting anything the other body sends over. I was referring to our happiness in greeting anything the other body would send over to us.

Mr. MANSFIELD. Well——

[Laughter.]

Mr. SCOTT. We are glad they are in session.

Mr. MANSFIELD. I have a suspicious feeling. [Laughter.]

CONSIDERATION OF EXECUTIVE CALENDAR NO. 19—INTERNATIONAL ATOMIC ENERGY AGENCY

Mr. MANSFIELD. Mr. President, it is the intention of the joint leadership to call up at an appropriate time, today, or Friday morning, Calendar No. 19 on the Executive Calendar, Executive C—92d Congress, second session—an amendment to paragraphs A, B, C, and D of article 6 of the Statute of the International Atomic Energy Commission, approved by the General Conference of the Agency on September 28, 1970, and I ask unanimous consent that the Senate grant unanimous consent that a vote be taken on this convention at 12 o'clock Friday, noon, next.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination at the desk, which was reported earlier today.

There being no objection, the Senate proceeded to the consideration of executive business.

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION OF ALASKA

The assistant legislative clerk read the nomination of Jack O. Horton, of Wyoming, to be a member of the Joint Federal-State Land Use Planning Commission for Alaska.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. HANSEN. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. HANSEN. Mr. President, I move that the Senate return to the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that Mr. GAYDOS had been appointed as a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education—the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes; vice Mr. SCHEUER, resigned.

The message announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT—CONFERENCE REPORT

Mr. LONG. Mr. President, I submit a report of the committe of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of March 9, 1972, at page 7716.)

Mr. LONG. Mr. President, I will not ask for a vote at this moment. I am going to suggest the absence of a quorum before we vote on this matter because of the importance of the measure. However, I would like to say a word or two about the measure before I suggest the absence of a quorum.

As the Senators know, it was the the view of the Senate that there should be a spending limit amendment added to the bill. I did the utmost I could. In fact, I voted against removing the spending ceiling amendment from the debt limit bill. A considerable portion of it was language that the manager of the bill, the junior Senator from Louisiana, was successful in adding to the bill. Unfortunately the House did not agree with the Senate amendment. The House conferees were adamant in opposition to the parts I was successful in adding and a part of which was agreed to by a 6-to-1 margin.

The administration would agree to a spending limit, but to one in the form of the Senate amendment. The House was willing to consider certain parts of the amendment but not other parts. It was the view of the House conferees that the matter should be studied further; that there should be hearings on the subject; that neither the Committee on Finance of the Senate nor the Committee on Ways and Means of the House has jurisdiction over such legislation; and that there will be another debt limit bill before the end of the fiscal year in case the Senate wishes to legislate on a measure over which the Committee on Finance has jurisdiction. Of course, I would cheerfully admit that any Senator has the opportunity to offer his amendment again, and I also reserve that right for myself, when the debt limit measure comes before the Senate again, if anyone wishes to use the Finance Committee measure as a vehicle to offer that spending limitation. It would be more appropriate that the Appropriations Committees conduct hearings on this matter and bring a recommendation before us, in view of the fact that if such a measure were introduced purely on its own merits in the Senate it probably would be referred to the Committee on Appropriations rather than the Committee on Finance.

The Committee on Finance and the Committee on Ways and Means have jurisdiction over the manner in which funds are to be raised. Therefore, although I voted against receding on this matter, I respect the view of the majority of my conferees who, as a group, probably felt more strongly in favor of a spending limitation than I did. I signed the conference report because I was convinced that I was incapable of imposing my will on the House, although I would like to have done so, had I been able to do so.

Both the House and the Senate versions of this bill provide a further temporary increase in the public debt limit of $20 billion throughout June 30, 1972. Combined with the present permanent and temporary limit this will raise the debt limit to $450 billion from the date of enactment of the bill through June 30. After that date the limit will revert to $400 billion, the permanent limitation on the debt.

Since the debt limit was the same in both bills this was not a matter at issue in the conference. As the Senators know, Senate action last week added two sections to the bill providing a limitation on expenditures by the Federal Government during fiscal year 1973. This includes the Roth amendment as modified by the Spong substitute and the provisions I offered and which the Senate accepted.

In brief, the Senate amendment would have accepted the President's proposed spending level of $246.3 billion as an expenditure ceiling for the fiscal year 1973 but provided two basic modifications in this ceiling. First, it would have provided that this ceiling could be adjusted upward or downward to the extent Congress, through action on appropriations bills, raised or lowered the expected expenditure level.

Second, four expenditure categories which account for major uncontrollable expenditure categories, together with two receipt categories, would have been excepted from the application of the expenditure ceiling but only to the extent that amounts spent for, or to the extent that receipts received from, these categories exceeded in the case of expenditures, or fell short of in the case of receipts, the amounts shown in the budget. However, this exception for expenditures exceeding, or receipts falling short of, the budget totals could have raised the expenditure ceiling by no more than $6 billion above the levels shown in the budget.

The uncontrollable expenditure categories where the excess over the budget would not have been taken into account are: The social insurance trust funds—that is, social security, medicare, unemployment insurance, and retirement programs; the national service life insurance trust fund; interest on the public debt; and farm price support payments by the Commodity Credit Corporation. The receipts where a decline from an amount shown in the budget would have been taken into account in this expenditure ceiling were receipts from leases on lands on the Outer Continental Shelf and sales of financial assets of programs administered by the Farmers Home Administration, the Veterans' Administration and agencies of HUD.

The Senate amendment also would have required the President to inform the Congress as to how he planned to reduce spending when necessary to bring the total within the ceiling limitation. Then Congress was given a 30-day period in which to substitute its own program for redudcing spending to the expenditure ceiling.

The House conferees were unwilling to accept this Senate amendment providing an expenditure ceiling. In part this was because the House conferees stated that under their rules this amendment was not germane to an increase in the public debt limitation. In view of this they pointed out that it would have taken a separate vote of the House on such an amendment had they taken it back to the House.

They also pointed out that this was not a matter which came before the Ways and Means Committee of the House. They stated that the issue had been presented to the House Appropriations Committee by the administration but as yet the Appropriations Committee had taken no action on any such limitation.

In view of these considerations the House conferees were most reluctant to agree to any expenditure limitation. It also became clear in the conference that if an expenditure limitation were to be adopted the House conferees might have different views as to how such a limitation should be constructed. I should also add that the administration's representatives who attended the conference expressed their dissatisfaction with any expenditure limitation on this bill and particularly one which did not take the exact form proposed by the administration.

A factor which was persuasive with the Senate conferees in agreeing to omit this amendment related to a matter of timing. Since this is an expenditure limitation for the fiscal year 1973 and since the debt limitation provided by this bill relates to the fiscal year 1972 there will of necessity be another debt limitation bill before us before the beginning of the fiscal year 1973. As a result, the Senate will again have an opportunity before the beginning of the fiscal year 1973 to legislate an expenditure limitation as a part of a bill to provide for an increase in the public debt limitation should it care to do so. This is evident from the fact that the debt limitation at the end of June 30 will revert to $400 billion, while the debt estimated by the Treasury on that date is expected to amount to $443 billion. Obviously, this will require another consideration of the debt limitation before the end of June of this year and before an expenditure ceiling for 1973 would in any case come into operation.

There is the additional fact that if we wait for consideration of an expenditure ceiling until later in the year the Appropriations Committees, appropriately the committees to consider an expenditure ceiling, will have an opportunity to consider the matter and report to the Congress as to their notions of the best type of expenditure ceiling to consider.

In view of these considerations and because it was imperative that the Treasury borrowing authority be increased immediately, the majority of the Senate conferees concluded that they should not insist upon the Senate amendment at this time.

Mr. President if we are not to face the Treasury with a difficult and expensive problem in managing the public debt we must act upon this bill immediately. It is the only fiscally responsible thing to do. Mr. President I urge the Senate approve the conference report on H.R. 12910.

The only real point at issue between the House and the Senate was the spending limitation. We will offer the Senate further opportunities to conduct hearings, and the House will do so as well, and to vote again on this measure if that be the desire of Senators between now and the end of the session.

Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask unanimous consent that the requirement of the printing of the report of the conferees, as a report of the Senate be waived, in view of the fact that such a printing has occurred in the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from

Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. PERCY) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 55, nays 33, as follows:

[No. 110 Leg.]

YEAS—55

Aiken
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Cooper
Cranston
Curtis
Dole
Fong
Griffin
Hart
Hruska
Hughes
Humphrey
Inouye
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
Miller
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Saxbe
Schweiker
Scott
Smith
Sparkman
Stafford
Stevens
Stevenson
Tower
Tunney
Williams
Young

NAYS—33

Allen
Brock
Buckley
Byrd, Va.
Chiles
Church
Cook
Cotton
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Gambrell
Goldwater
Gurney
Hansen
Hartke
Hatfield
Hollings
Jordan, N.C.
Pell
Proxmire
Randolph
Roth
Spong
Stennis
Symington
Taft
Talmadge
Thurmond
Weicker

NOT VOTING—12

Fulbright
Gravel
Harris
Jackson
McClellan
McIntyre
Metcalf
Mondale
Mundt
Muskie
Percy
Ribicoff

So the conference report was agreed to.

Mr. LONG. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION—AMENDMENT TO STATUTE OF INTERNATIONAL ATOMIC ENERGY AGENCY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar No. 19, Executive C, 92d Congress, 2d session.

The PRESIDING OFFICER (Mr. ROTH). Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the amendment to paragraphs A, B, C, and D of article VI of the Statute of the International Atomic Energy Agency, approved by the General Conference of the Agency on September 28, 1970, which was read for the second time, as follows:

AN AMENDMENT OF ARTICLE VI OF THE STATUTE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

(a) Replace sub-paragraphs A.1–A.3 by the following:

1. The outgoing Board of Governors shall designate for membership on the Board the nine members most advanced in the technology of atomic energy including the production of source materials, and the member most advanced in the technology of atomic energy including the production of source materials in each of the following areas in which none of the aforesaid nine is located:

(1) North America
(2) Latin America
(3) Western Europe
(4) Eastern Europe
(5) Africa
(6) Middle East and South Asia
(7) South East Asia and the Pacific
(8) Far East.

2. The General Conference shall elect to membership of the Board of Governors:

(a) Twenty members, with due regard to equitable representation on the Board as a whole of the members in the areas listed in sub-paragraph A.1 of this article, so that the Board shall at all times include in this category five representatives of the area of Latin America, four representatives of the area of Western Europe, three representatives of the area of Eastern Europe, four representatives of the area of Africa, two representatives of the area of the Middle East and South Asia, one representative of the area of South East Asia and the Pacific, and one representative of the area of the Far East. No member in this category in any one term of office will be eligible for reelection in the same category for the following term of office; and

(b) One further member from among the members in the following areas: Middle East and South Asia, South East Asia, and the Pacific, Far East;

(c) One further member from among the members in the following areas: Africa, Middle East and South Asia, South East Asia and the Pacific.

(b) In paragraph B:

(i) First sentence—replace "sub-paragraphs A—1 and A—2" by "sub-paragraph A—1"; and

(ii) Second sentence—replace "sub-paragraph A—3" by "sub-paragraph A—2";

(c) In paragraph C, replace "sub-paragraphs A—1 and A—2" by "sub-paragraph A—1"; and

(d) In paragraph D, replace "sub-paragraph A—3" by "sub-paragraph A—2", and delete the second sentence.

On behalf of the Director General of the International Atomic Energy Agency, I. S. Sugihara, Director of the Legal Division of the Secretariat, hereby certify that the foregoing is the text, in the Chinese, English, French, Russian, and Spanish languages, of the amendment of Article VI of the Statute approved by the General Conference, in accordance with the provisions of Article XVIII.C.(i) thereof, on September 28, 1970.

S. SUGIHARA.

NOVEMBER 19, 1970.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I believe consent has already been granted to vote on the pending treaty at 12 o'clock on Friday next.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time for the vote be changed from 12 o'clock to 1 p.m. on Friday afternoon next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, this amendment to the statute of the International Atomic Energy Agency would increase the membership of the Board of Governors of the International Atomic Energy Agency—IAEA—from 25 to 34 or, possibly, 35 members. The size of the Board can vary slightly depending upon the number of designated members.

According to the Department of State, the purpose of the amendment is to achieve more equitable representation on the Board of Governors of the IAEA for the countries of the lesser developed regions as well as to increase the representation of countries most advanced in the technology of atomic energy. Under its provisions, the number of members most advanced in the technology of atomic energy including the production of source materials which are designated by the Board is increased from five to nine. These five designated members of the Board have been the United States, the United Kingdom, the U.S.S.R., France, and Canada. By widespread, unwritten agreement among Agency members, the four additional designated members would be the Federal Republic of Germany, Italy, India, and Japan. The entry of the Peoples Republic of China into the Agency would, however, necessitate a review of the members in this category.

In addition, the amendment also continues the provision for representation by designated members of geographic areas not represented by the most advanced nine states, while it eliminates other categories of designated members.

The amendment will enter into force when two-thirds of the member states (68) have deposited their instruments of acceptance. Thus far, 28 states have accepted the amendment.

Mr. President, I should like to say—incidentally and in passing—that if this is the type of treaty which is supposed to occupy the concern of the Committee on Foreign Relations and to call for a two-thirds vote for ratification, then I think there is something wrong with our system, when there are other treaties of greater substance and more import than one having to do with increasing the board from 25 to 34 or possibly 35 members.

I would hope that this kind of treaty could be executed on the basis of an executive agreement and that many of the executive agreements could be executed in forms of treaties, so that they could be referred to the Committee on Foreign Relations and disposed of one way or the other by the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report of the Committee on Foreign Relations.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Purpose

This amendment would increase the membership of the Board of Governors of the International Atomic Energy Agency (IAEA) from 25 to 34 or, possibly, 35 members. (The size of the Board can vary slightly depending upon the number of designated members.)

According to the Department of State, the purpose of the amendment is to achieve more equitable representation on the Board of Governors of the IAEA for the countries of the lesser developed regions as well as to increase the presentation of countries most advanced in the technology of atomic energy. Under its provisions, the number of members most advanced in the technology of atomic energy including the production of source materials which are designated by the Board is increased from five to nine. These five designated members of the Board have been the United States, United Kingdom, the U.S.S.R., France and Canada. By widespread, unwritten agreement among Agency members, the four additional designated members would be the Federal Republic of Germany, Italy, India and Japan. The entry of the Peoples Republic of China into the Agency would, however, necessitate a review of the members in this category.

In addition, the amendment also continues the provision for representation by designated members of geographic areas not represented by the most advanced nine states, while it eliminates other categories of designated members.

DATE OF ENTRY INTO FORCE

The amendment will enter into force when two-thirds of the member states (68) have deposited their instruments of acceptance. Thus far, 28 states have accepted the amendment.

COMMITTEE ACTION

The Committee on Foreign Relations held a public hearing on the Amendment to the Statute of the International Atomic Energy Agency on March 2, 1972. At that time, testimony in support of the amendment was received from Mr. John T. Trevithick, Director, Science and Technology, Bureau of International Organization Affairs, Department of State. His prepared statement is reprinted below.

On March 9, 1972, the Committee met in executive session and ordered the amendment reported favorably with the recommendation that the Senate give its advice and consent to ratification thereof.

Statement of John P. Trevithick, Director, Science and Technology, Bureau of International Organization Affairs, Department of State

Mr. Chairman, I am pleased to appear today to speak for the Department of State in support of the amendment to the Statute of the International Atomic Energy Agency on which the President has requested the Senate's advice and consent to acceptance.

The amendment which is before the Committee would increase the size of the Board of Governors, which is the principal executive body of the IAEA. It now has 25 members. The proposed amendment would expand the Board to 34 or 35 seats. The United States Representative on the Board, incidentally, is Ambassador T. Keith Glennan, former AEC Commissioner and first Administrator of NASA.

The amendment was negotiated over a period of two years between 1968 and 1970. It was approved by the General Conference of the Agency in September 1970. It must be accepted by two-thirds of the member states of the Agency before it can come into effect.

Essentially this amendment is responsive to two developments. On the one hand, the amendment responds to the growth in the membership of the IAEA from 58 nations in 1957 to 102 members today. On the other hand, the amendment responds to the intensified interest in the Agency on the part of the non-nuclear weapons states as a result of the Treaty on the Non-Proliferation of Nuclear Weapons. This amendment when it enters into force upon acceptance by the necessary two-thirds of the total membership of the Agency, will achieve a more equitable representation on the Board of Governors for the countries of the lesser developed regions as well as an increase in the representation of the countries most advanced in the technology of atomic energy.

Briefly summarized, the Board of Governors is made up of members designated annually by the outgoing Board and other members elected by the General Conference at its annual sessions. The categories of designated members would be adjusted as follows: those member states most advanced in the technology of atamic energy, including the production of source material, would increase from 5 to 9, and those most advanced in geographical areas not represented in the first category would be reduced from 5 to either 3 or 4 depending upon whether one or two members now in this second category moved into the top category. The number of elected members would increase from 12 to 22.

So far, 28 member states have deposited their instruments of acceptance to this amendment. Sixty-eight acceptances are required to bring it into effect.

The United States supported and co-sponsored this amendment, both in the Board of Governors and at the General Conference. I have noted before the role that the Treaty on the Non-Proliferation of Nuclear Weapons has played in the background to this amendment. The Department believes that the progress made by the IAEA in the negotiation and conclusion of safeguards agreements pursuant to the Non-Proliferation Treaty is encouraging and that the United States should proceed with ratification of this amendment. We anticipate that United States ratification will encourage ratification on the part of other countries, and thus help bring into effect the broader representation that the amendment would provide.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DOMINICK. Did the Senator say at what time there might be a vote on this treaty? Having been to Vienna last September as a representative from the Joint Committee to the International Atomic Energy Agency, I think that the form of the agreements in setting up that agency requires a treaty. It seems to me that this is a very good one, and I fully support it.

I just wonder when we might have a vote on it.

Mr. MANSFIELD. The Senate has agreed to vote on it at 1 p.m. on Friday, March 17, 1972.

Mr. DOMINICK. Unfortunately, I will have to be out of town, but I do want to exhibit my full concurrence with that treaty proposal.

Mr. MANSFIELD. I appreciate the remarks of the Senator. My point was that it seems odd to have a treaty which increases the membership from 25 to 34 or 35, and that, in reality, is all it does. It takes up time when there are matters of greater substance which I think should take up the attention of the Senate.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. AIKEN. Mr. President, the Committee on Foreign Relations conducted a hearing on the proposed amendment to the treaty earlier this month and recommended that it be adopted without any opposition, to the best of my knowledge. Even though the IAEA might have been an agreement in the beginning, it was written originally as a treaty, and this is an amendment to the treaty. Therefore, I think it would have to have the same treatment. I know of no opposition to this.

More countries are coming into this organization, and it was felt advisable to increase the size of the board and the advisory committee.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which I would suggest that the clerk now report.

The PRESIDING OFFICER. If there be no objection, Executive C, 92d Congress, 2d session, will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will read for the information of the Senate.

The legislative clerk read as follows:

Resolved, (*Two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the Amendment to Paragraphs A, B, C, and D of Article VI of the Statute of the International Atomic Energy Agency, approved by the General Conference of the Agency on September 28, 1970 (Ex. C, 92–2).

The PRESIDING OFFICER. It has been agreed that the vote on this treaty will occur at 1 p.m. on Friday next.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER FOR RECOGNITION OF SENATOR PERCY ON TOMORROW VACATED AND TRANSFERRED TO FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order recognizing the distinguished Senator from Illinois (Mr. Percy) on tomorrow for not to exceed 15 minutes be vacated and that the order be transferred to Friday, immediately following the recognition of the two leaders under the standing order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, there will be no additional votes today.

It is my understanding that the distinguished senior Senator from Virginia (Mr. BYRD) wishes to address the Senate at this time. Following his address, if no other Senators seek recognition for any purpose, it will be the intention of the leadership to adjourn until Friday morning at 10 o'clock, under the order previously entered.

GRIFFIN AMENDMENT IS CONSTITUTIONAL

Mr. GRIFFIN. Mr. President, on March 1, the Senate came within one vote—48 to 47—of passing an amendment designed to withdraw jurisdiction from the Federal courts to order busing of schoolchildren on the basis of race.

Earlier a similar amendment offered by the junior Senator from Michigan (Mr. GRIFFIN) was first adopted on February 25 by a vote of 43 to 40, and then rejected on February 29 by a vote of 47 to 50.

In part the amendment read:

> No court . . . shall have jurisdiction . . . to issue any order . . . to require that pupils be transported to or from school on the basis of their race, color, religion or national origin.

Mr. President, at the time some in the Senate argued that such an amendment, if enacted, would be unconstitutional. On the other hand, this Senator argued strongly that it is within the power of Congress under article III of the Constitution to limit the jurisdiction of Federal courts, including the Supreme Court, in the manner provided in the amendment.

Mr. President, I ask unanimous consent that a well reasoned, scholarly thesis on the general issue, written in 1966 by Michael Cronin in partial fulfillment of requirements for his law degree cum laude from Harvard Law School, be printed in the RECORD.

There being no objection, the thesis was ordered to be printed in the RECORD, as follows:

THE POWER OF CONGRESS TO RESTRICT THE APPELLATE JURISDICTION OF THE SUPREME COURT, THE ORIGINAL UNDERSTANDING

(By Michael Cronin)

It had long been generally assumed that the power of Congress concerning the extent of appellate Supreme Court jurisdiction was plenary.[1] Because the issue was more or less theoretical, many works on Constitutional Law completely overlook the entire question.[2] In recent years however, as a reaction to a Supreme Court decision in some area has developed, Congressional action to restore the status quo ante has increasingly involved attempted changes in the jurisdiction of the Court to hear any future case concerning the same point.

The Jenner Bill,[3] introduced in 1957 failed of passage in the Senate.[4] In 1964 a bill denying jurisdiction to the lower federal courts to hear cases questioning state legislative apportionment and to the Supreme Court to hear appeals from both federal and state courts concerning legislative apportionment, passed in the House.[5] The ease of statutorily restricting the Court's appellate jurisdiction in comparison with the time consuming process of amending the Constitution when it is desired by the Congress to restore past conditions, combined with the Court's continued reformist desires, give indications that if an unpopular decision occurs in the near future, Congress will again attempt to restrict the Court's jurisdiction.

Possibly because of the above Congressional action, and because of a reversal in traditional political views toward the Supreme Court, several recent articles and books have appeared questioning the extent of Congress' power [6] and attempting to mark its Constitutional limits far short of the Jenner or Tuck bills.[7]

This paper presents a historical study of the applicable Constitutional provisions in an attempt to fathom the original understanding of the Framers. The questions asked are two. (1) Was it intended that an individual has a Constitutional right to present his claim arising under the Constitution, a federal statute or a United States treaty in an appeal before the Supreme Court? [8] To this it is believed the answer is clearly No. (2) Was it intended that Congress have the authority to deprive the Supreme Court of all jurisdiction to hear a particular type of Constitutional claim, federal statutory claim or treaty claim? To this it is believed the answer is clearly Yes.[9] It will endeavor not to discuss the power of Congress to completely deprive the Supreme Court of all or nearly all of its appellate jurisdiction, but will center discussion on a limited deprivation analogous to the Tuck or Jenner Bills.[10]

INTRODUCTION

Power in Congress over the Supreme Court appellate jurisdiction flows in the first instance from Article III, sections 1 and 2 of the United States Constitution.[11] In addition Congressional power might also derive from Article I, section 8,[12] including the necessary and proper clause.[13]

Any argument asserting Congressional power over appellate jurisdiction is of necessity based primarily on the last sentence of paragraph 2, section 2 of Article III, the Exceptions and Regulations Clause. By its terms this clause grants Congressional power in the area of Supreme Court appellate jurisdiction. The first sentence of paragraph 2, section 2 of Article III in contra-distinction vests original jurisdiction in the Supreme Court and is silent as to Congressional control. The enumeration of cases where the Supreme Court is to have original jurisdiction is limited in comparison to those in which it is to have appellate jurisdiction, indicating an intent to make the Supreme Court's business mostly appellate.[14]

At first glance then of the bare words of the Constitution, appeals to the Supreme Court appear either (1) to the Constitutionality allowed in cases which fall within the judicial power of Article III (subtracting however cases affecting ambassadors and those in which a state is a party) but not Constitutionally required, or (2) Constitutionally required but with a power in Congress to regulate these appeals and to make exceptions from them in certain cases. Either interpretation, it should be noted, gives Congress power in this area. It may be argued however that the second, whereby a vested power is subject to limited Congressional divestment, is more restrictive on Congress than the first because it involves taking away of Constitutionally granted power from a co-equal branch. The first interpretation would apparently require affirmative Congressional action before any appeal at all could be heard, which would mean unlimited Congressional power over appeals. This is because the idea of legal compulsion on a legislature to pass a statute is unprecedented in Anglo-American history, i.e. if Congressional action is required before appeals can be heard, political theory indicates this action is within the discretion of Congress.

If treated as purely a matter of verbal interpretation than the indicated intent that the Supreme Court mostly be involved with appeals, plus the germ of an idea expressed by any exception power that something must pre-exist to be excepted from, combined with the concept that mandatory and compulsive legislature action is not a normal democratic theory, would seem to indicate that the second interpretation is the correct one.

Even if the first interpretation was intended, the scheme of government set up by the Constitution of a tripartite federal system of nearly co-equal branches, would seem to indicate that Congress would be compelled Constitutionally to give to the Supreme Court appellate jurisdiction subject only to certain exceptions and regulations it may desire, regardless of previous concepts of legislative theory. But who would force the Congress to act and pass a statute granting jurisdiction and how would this be accomplished. If the first interpretation was intended of necessity Congressional power must be plenary although the whole theory of American government would press on Congress the political requirement to use its power to establish as much appellate jurisdiction as possible. It is the conclusion of the author that the first interpretation was intended by the Framers with an understanding similar to that mentioned in the preceding sentence.

THE INTENT OF THE FOUNDERS

The discovery of any legislative intent is a very nebulous thing. Gouverneur Morris, a delegate to the Constitutional Convention of 1787, was asked years afterward what was the meaning of a certain phrase in the Constitution based on what he had heard at Philadelphia and remembered. He declined to answer saying:

"If I could [remember], it is most probable that a meaning may have been conceived from incidental expressions different from that which they were intended to convey, and very different from the fixed opinions of the speaker. This happens daily." [15]

To Morris' caution may be added several others. The records of this time are scanty, and the discussions confused. In late years as abstract Constitutional provisions became of concrete political importance, the personal interests of the Framers would be affected by an interpretation one way or the other. Their beliefs therefore of what was intended by a particular provision may have become so colored by their own immediate self-interest as to make their statements then very unreliable. This paper attempts to avoid this last danger by largely restricting research for intent to things that were said in the years 1787–1789.

(1) *The Constitutional Convention of 1787*

The determination of the meaning of the clauses in question, especially the Exception and Regulations Clause, requires first a search of the records of the Constitutional Convention of 1787. After assembling at Philadelphia in 1787, fears of later misuse of what was said in deliberating on the projected Constitution possibly based on observations similar to those of Gouverneur Morris, led the Convention to impose an oath of secrecy on all members.[16] In addition, at the Convention's end in September, William Jackson, the only paid employee, burned all papers in his charge.[17] Enough of the delegates kept private journals and papers however that some light can be shed on the proceedings drafting the Judiciary Article.

That a Supreme Court was desired by most members of the Constitutional Convention is beyond refute.[18] Most of the delegates also believed inferior federal courts were necessary at least to exercise admiralty jurisdiction, but while originally making their establishment constitutionally mandatory [19] on a motion of Rutledge rejected this and substituted discretion to establish these inferior tribunals in the Congress.[20] During the debate on the motion, Rutledge commented on the possibility of appeals from the state courts to the Supreme Court, making lower federal courts unnecessary.[21]

Footnotes at end of article.

Some delegates assumed that the judicial power would extend to declaring Congressional and state statutes Unconstitutional.[22] Proposals were advanced to give the Congress a veto power over state laws but these were defeated partially on the grounds that they would be too much of an interference with state legislatures and that the Supreme Court would have this power anyway, in its exposition of the laws.[23] Much discussion ensued concerning to what the judicial power should properly extend. Randolph moved that a Committee on Detail be established to draw up the judiciary powers. He admitted the great difficulty in finally determining what they should be.[24] Later the Convention as a whole slightly altered Randolph's proposals[25] and submitted their change to a newly created Committee on Detail.[26] Both Randolph's submission and those of the Convention as a whole were of an extremely general nature. It was obviously intended that the Committee on Detail have great discretion in drawing up the specifics of what the judicial power would be.[27]

Various stages of the work of the Committee on Detail show the development of the Clause which became Article III, section 2.[28] In the Committee on Detail papers, in the handwriting of Randolph with changes by Rutledge, the first qualification of the previously unfettered Supreme Court appellate jurisdiction appears.[29] A qualification appears again in the Committee on Detail papers in Wilson's handwriting with Rutledge again correcting, here for the first time using the words "with such exceptions and under such Regulations as the Legislative shall make".[30] In addition this draft permitted the Congress to assign this appellate jurisdiction in the manner and under the limitations it deemed proper to any inferior courts it should constitute.

Mr. Rutledge then delivered a printed copy of the final Committee draft to each member of the Convention.[31] This draft enumerated the jurisdiction of the Supreme Court and after specifying the few original jurisdiction cases, stated "In all the other cases before mentioned, it shall be appellate, with such exception and under such regulations as the Legislature shall make. The legislature may assign any part of the jurisdiction above mentioned (except the trial of the President of the United States) in the manner, and under the limitations which it shall think proper, to such Inferior Courts, as it shall constitute from time to time."[32]

On August 27, this part of the new Constitution came under discussion. Several amendments on the floor were made concerning the judicial power. Morris asked to know what the phrase about appellate jurisdiction meant and whether it included a review of facts as well as law. In response Dickenson moved for the insertion after the word appellate, the words "both as to law and fact", which was approved.[33]

It was then moved that the words "In all the other cases before mentioned the Judicial power shall be exercised in such manner as the Legislature shall direct", either be inserted or form the basis of an amendment to the draft Judiciary Article.[34] This was defeated by a vote of 6 to 2. This defeat arguably shows that Congress was to have no control over the (operation of the judicial power once an appeal reached the Supreme Court or an original action commenced in an inferior tribunal. However it does not show that the Congress was not to have control over what cases the Supreme Court or the lower federal courts would hear.[35] There is surely a distinction between the exercise of judicial power which the Founders possibly wanted beyond Congressional control and jurisdiction to exercise the judicial power.[36] Such distinction was more than likely contemplated by the Founders when they defeated the motion mentioned above while at the same time permitting the original Congressional grant of power over jurisdiction to stand.[37]

No reasons are discoverable in the records of the Constitutional Convention explaining the purpose of this clause. Obviously the members of the Committee on Detail who had great discretion had some reason when they changed the original propositions. Perhaps one purpose could have been that the Founders after realizing that Congress having a direct negative over Unconstitutional state laws would be "terrible to the states", decided to give this function solely to the Supreme Court which would be a less politically motivated institution and whose actions would be less likely to stir state emotions. At the same time, it may have been desired to allow Congress some control by giving it the right to activate the Supreme Court in this function when it thought a state law should be scrutinized, or deactivate the Supreme Court when it did not so think.[38] It also could have been the product of a compromise between those who desired no Federal review of state court decisions and those who desired total review. If a compromise, it would have resulted in a postponement of what was a very devisive issue at the Convention until the First Congress met to decide what the Supreme Court appellate jurisdiction would be. The fact that the action of the First Congress in passing the Judiciary Act of 1789 took place with much debate over this cleavage, lends some credence to this suggestion of a compromise.[39]

(2) *Pamphlets and newspaper articles, 1787–1789*

After the final draft of the completed Constitution was printed and signed by most of the delegates,[40] it was forwarded for action to the Continental Congress, still sitting in Philadelphia.[41] No reported debate took place on the provisions affecting appellate jurisdiction.[42] On September 27, 1787, the Constitution was referred with no new amendments to the states for ratification in accordance with its terms.[43]

During the period of the debates in the state conventions, called to consider the draft Constitution, many of Framers wrote pamphlets and newspaper articles, explaining provisions that had come into dispute and rebutting objections that were raised against certain of these provisions.

The main attack on the appellate jurisdiction clause asserted that it made the accepted colonial right to jury trial meaningless in the federal courts in civil cases.[44] This argument reasoned that if the Supreme Court had appellate jurisdiction as to questions of fact, it could overturn and reverse jury verdicts if the Judges of the Court disagreed on the meaning of the testimony or perhaps because they disagreed for political reasons.[45] Alexander Hamilton in Federalist #81, originally published as a newspaper article in 1788, attempted to answer this allegation. He contended that the appellate jurisdiction as to facts was inserted by the Constitutional Convention in order to allow Congress the right to vary the extent of appellate review depending on the mode of the trial court action, i.e. if a civil law action, historically reviewable by appeal as to facts, it could be made reviewable by Congress, but if a common law action, they could foreclose review. Because the different states varied in their trial court procedures and characterizations, no one definite standard could be constitutionally required without offending someone.[46] Also some important cases of national interest could not be left to the possibly prejudicial fact-findings of local juries. Congress was to be left to determine what appellate jurisdiction was needed as events progressed. That Congress was to have important power is clear from Hamilton's statement:

"To avoid all inconveniences, it will be safest to declare generally that the Supreme Court shall possess appellate jurisdiction both as to law and fact, and that this jurisdiction shall be subject to such exceptions and regulations as the national legislature may prescribe. This will enable the government to modify it in such a manner as will best answer the ends of public justice and security."[47]

Hamilton's argument of course failed to convince those who worried about the review of factual questions by the Supreme Court. Its thrust was to give Congress the power to allow the Supreme Court to review jury determinations and Congress could also be politically motivated. The Seventh Amendment of the Bill of Rights clearly preserved the right of trial by jury and forbade re-examination of facts in any appeal court, except to the limited extent historically exercised by the Common law courts.[48]

On review of questions of law, Hamilton assumed wide powers in the Congress. During discussion of the possibility of Congress setting up inferior federal courts, in answer to critics who worried about the Supreme Court overturning state court decisions, he advanced the proposition that appeals from state courts carried to the inferior federal courts, with no Supreme Court appeals at all, would be within the power of the Congress.[49] While arguing for the establishment of inferior federal tribunals, Hamilton advanced as one reason for their creation, that they would aid in making sure that "appeals may be safely circumscribed within a narrow compass" because an "unrestrained course to appeals" would be a "source of public and private inconvenience."[50] Hamilton in summary considered Congress' power "ample" in this area.[51]

Roger Sherman, who had been a delegate from Connecticut, shared the apprehension of many citizens that the judicial authority was the one most imprecisely limited by the new Constitution. He asserted, in calming this fear, that Congress would have full power to regulate it by law, and would surely vary these regulations as circumstances required.[53] He believed appeals would be limited to cases of great magnitude and importance, which Congress could not trust to the state courts.[53] Oliver Ellsworth joined Sherman in the belief that appeals should be limited to cases of "great magnitude".[54]

Several pamphlet writers were worried about appeals being used by one of the parties to a case as a time consuming device, or as a method of discouraging poorer parties, who could not afford to go to where the Supreme Court would hear the case. Most of them assumed however that Congress would have authority to forbid appeals of small dollar amounts.[55]

Richard Henry Lee, who did not attend the Constitutional Convention though nominated as a delegate, expressed the belief that Congress could "annihilate" the appellate jurisdiction if it wished and render the Supreme Court of "very little importance",[56] by use of its powers under the Exceptions and Regulations clause.

In summary, most of those who wrote about the clauses in question seemed to assume that Congress could and would limit the possibly oppressive and inconvenient appellate review of the Supreme Court.

(3) *Debates in the State conventions*

The debates in the State conventions were strenuous and at many times, their outcome was in doubt. The fear of the destruction of trial by jury because of the possibility of Supreme Court overturning of facts on appeal was used by opponents to attack the Constitution.[57] Answers similar to Hamilton's were put forth by those defending the new system of government.

James Wilson, who had been a member of the Committee on Detail, was asked to explain

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Footnotes at end of article.

the Judiciary Article in the Pennsylvania Convention. In reply to those who saw dangers in appeals as to fact, he recounted occurrences under the Articles of Confederation where a prejudiced jury of a state had found against a out-of-stater in prize and capture cases. Only an appeal to the Supreme Court which could reopen this type of biased factual determination would serve the needs of justice. Because other types of parochial narrow-mindedness might occur, Congress' power should be opened.[58]

In the Virginia Convention, Patrick Henry in rebutting an answer analogous to James Wilson's, argued that Congress would not have any rights to restrict the jurisdiction of the Supreme Court because to do so would give Congress power to amend the Constitution. When Congress organized the judiciary they would be required to vest the complete Article III jurisdiction in the Court and if they did not, the federal judges would declare any prohibition Unconstitutional.[59] The President of the Virginia Convention, Edmund Pendleton, answered Henry by arguing for a liberal interpretation of the Exceptions and Regulations Clause.[60] John Marshall added that Congress would act wisely and if they did not they could be changed by the people. He went on, "Where power may be trusted, and there is no motive to abuse it, it seems to be as well to leave it undetermined, as to fix it in the constitution".[61]

Marshall, a few moments later defined what he believed the word exception meant. He did so in language which echoes Hamilton in Federalist #81;

"What is the meaning of the term exception? Does it not mean an alteration and deminution? Congress is empowered to make exceptions to the appellate jurisdiction, as to law and fact, of the Supreme Court. These exceptions certainly go as far as the legislature may think proper, for the interest and liberty of the people." [62]

James Madison also participated in this discussion with Patrick Henry. He believed Congress could prevent appeals from jury verdicts entirely and remedy "vexatious" appeals.[63] Edmund Randolph, who had worried about the undefined power of the judiciary,[64] argued that this ambiguity and its own "cure". The same clause of the Constitution that granted this undefined power, granted the Congress power to define it. He had refused to sign the Constitution partly because of this vagueness but he stated that candor and fairness required him to refute Henry's statement.[65]

In the North Carolina Convention, Richard Spaight, a delegate at Philadelphia, stated that the different types of federal cases, equity, admiralty, and common law, required giving the Congress the right to set up juries and factual appeals as they saw fit because no one Constitutional standard was proper.[66] Several other speakers mentioned possible Congressional restrictions on appeals without contradiction by either of the two delegates at Philadelphia who were present.[67]

Rufus King, a delegate at Philadelphia, defended the judiciary article in the Massachusetts Convention. Fears of an "oppressive" court system were advanced. King countered such arguments by referring to the Exceptions and Regulations clause. He explained that Congress would decide when appeals would be allowed and that the Supreme Court "may or may not have appellate jurisdiction as the Congress shall direct".[68] Going on to answer an objection that trifling controversies could be carried all the way to the Supreme Court at great expense, King referred the complainant to the Massachusetts practice. This had not occurred in the state courts because the legislature had acted from time to time to prevent it. Congress could also be expected to enact laws tending to the "ease and happiness of the people".[69]

These speeches in the State Conventions all indicate that Congress when it met for the first time after ratification of the Constitution would have great discretion in setting up an appeal structure. Several of the speeches concern recommendations to Congress for possible limits on appeals. No mention of any Constitutional restriction on Congress' power is discoverable, except that of Patrick Henry.

(4) *English and Colonial Practice*

A study of the prevailing colonial practice in the matter of judicial appeals may shed some understanding on Constitutional interpretation for at least two reasons. First, it can be assumed that the common experiences of the Framers and the methods of government with which they were familiar would be expressed unconsciously in any new political system they proposed. Second, it is fairly clear that at least the Articles of Confederation and the Constitution of the State of New York were used as guides by the Committee on Detail.[70]

The Connecticut Charter of 1662, which vested power in the executive and his council, to establish "judicatories" as they thought "fit and convenient".[71] The Delaware Constitution of 1701 guaranteed that no person be obliged to answer any matter pertaining to property, unless appeals were hereafter by law appointed, which apparently required legislative action.[72] The Georgia Charter of 1732, granted the corporation, "full power and authority" to set up courts, implying legislative discretion to use this power.[73] The Georgia Constitution of 1789 vested power in the legislature to establish the mode of appeals, including the power to direct a new trial, with no appeal.[74] The Massachusetts Constitution of 1780 vested "full power and authority" in the general Court (legislative) to erect and constitute courts.[75] The New Hampshire Constitution of 1784 uses the same language as the Massachusetts Constitution.[76] The Pennsylvania Frame of Government of 1682 granted the Governor and Council the power to erect judicatories.[77] The Rhode Island Charter of 1663 vested power in the Governor and Company to appoint, order, direct, erect, and settle courts, "as they shall think fit".[78]

The only state Constitution which specifically guaranteed a right to appeal, was that of North Carolina. But even this is limited to a right to go to a second court which apparently is to be a local one.[79] No mention of appellate jurisdiction or legislative power is made in the Colonial Constitutions of Maryland, South Carolina, or Vermont.[80] In New Jersey the Governor and his Council were the court of appeal.[81] New York had a council of revision which included Supreme Court judges whose function was to vote on laws for constitutionality prior to legislative passage. In addition a court for the correction of errors, was established, under the regulation of the legislature.[82]

The Colonial experience, it appears, was one of large legislative control over the jurisdiction of the judiciary. Only North Carolina guaranteed appeals. In eight of the thirteen original Colonies, specific legislative power in the area of judicial jurisdiction appears in the colonial constitution. In one other the executive branch of government was itself the court of appeal.

The Articles of Confederation contain authority for a very limited judicial establishment, essentially narrowed to cases of admiralty. Article IX granted Congress the "sole and exclusive" right to establish courts for receiving and determining final appeals in all cases of maritime capture. No other appeals were authorized.[83]

The English practice prior to 1789 on control of appellate jurisdiction is confusing. Blackstone contended that the House of Lords, was the "dernier resort for the ultimate decision of every civil action," [84] which on its face seems to indicate an absolute right to hear appeals, uncontrollable by Parliament. In a dictum in *Cristie v. Richardson*,[85] Lord Kenyon stated that by the constitution of Great Britain every subject had a right to have his case reviewed by a court of error. As the House of Lords was also a powerful legislative body, as well as a court, the question of who controlled the right to appeals, court or legislature, is somewhat moot. Even Blackstone in his discussion of the writ of attaint, which was an appeal to reverse a jury verdict, admits the writ was very limited at common law and was only expanded by subsequent Parliamentary action. He also shows how the writ of error, an appeal of law, was not absolute but could only be pursued upon the posting of substantial bond, as required by statute.[86] Even a brief study uncovers many English statutes regulating and limiting appeals.[87]

(5) *The Judiciary Act of 1789*

(A) Arguments in the First Congress

Washington, after his election as President, convened the first Congress in April 1789. In his opening address he instructed the new Senators and Representatives that the complete organization of the judiciary was in their hands.[88] The first action of the Senate involved consideration of Senate Bill Number 1, a draft proposal for the judicial establishment. As many of the members of the First Congress had been members of the Philadelphia Convention, the content and structure of the Judiciary Act has long been recognized as a reflection of the meaning of the Judiciary Article as intended by the Framers.[89] The Senate bill formed the basis for the later Judiciary Act. Oliver Ellsworth, a member of the Philadelphia Committee on Detail, was responsible for the bill and was its main author.[90]

The most significant thing about the Judiciary Act of 1789 for our purposes is its very existence. It is a recognition that the judicial system as authorized in the Constitution was not self executing. Before the new judiciary could function at all, the hazy, general grants in Article III had to be given concrete specificity. The framing of these specifics required a statute,[91] which clearly points toward a Congressional power to draft the statute according to its discretion. If Congress did not have power over appellate jurisdiction, or only had power to make exceptions from it, there would have been no reason for a statute that by its terms, grants appellate jurisdiction.

Charles Warren, the leading historian of the passage of the judiciary bill, found that several arguments were made by opponents of the draft act, to the effect that Congress was required by the Constitution to vest the entire Article III judicial power in any lower federal tribunals it established. The rationale of this position was the lack of an Exception and Regulations clause in section 1 of Article III.[92] This argument failed to convince the sponsors of the bill.[93] Legislative discretion was believed to be nearly absolute in vesting jurisdiction in the lower federal courts regardless of the absence of any specific Constitutional provision. Specific authorization through the Exception and Regulation clause arguably can mean no less Congressional power over the appellate jurisdiction of the Supreme Court. If anything, it would indicate more power was intended.

No recorded speech in the House or Senate debates on the bill indicates recognition of any Constitutional limit on the power of Congress in relation to the Supreme Court. Senator Maclay pointed at the evils of appeals and how they could be abused.[94] In a speech in the House, Mr. Smith of South Carolina, argued that if the state courts heard federal causes an appeal to the Supreme Court must lie, but his argument was

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Footnotes at end of article.

directed against the allowance of state court power over federal causes and appears to be based on policy grounds.[95] Shortly thereafter he pointed out that it was better to require federal causes to be brought in district courts because there the decisions could be made final in most cases.[96] Several other Congressmen communicated a desire for a local justice and a limit on appeals.[97]

The most stringent criticism of the Judiciary Bill in this area and the one of the most historical significance goes against any allegation of pre-existing Constitutionally vested appellate jurisdiction in the Supreme Court. Critics of the bill argued that Congress had no authority at all to establish an appeal from the state courts to the Supreme Court.[98] Section 25 of the bill did just this in a limited class of cases. The issue in controversy was therefore not whether appellate jurisdiction existed without Congressional action but whether even if Congress did act such appellate jurisdiction was Constitutional.[99] Any conception manifest in these debates of a limit on Congress' power was not in the direction of a Constitutional grant to the Supreme Court, immune to Congressional action. Rather the focus of Constitutional dispute was exerted, along with other contentions, in an effort to defeat section 25 and protect the principle of states rights. The fight here was over a hotly debated and disputed statutory grant. No awareness of a Constitutionally compelled automatic gesture is apparent either by the opponents of section 25 or the proponents.[100]

(B) The Structure of the Act

Even a brief study of the Judiciary Act, which eventually emerged after two months of debate, reveals how striking were the Congressional restrictions on the appellate power.[101] In adition, the whole tenor of the Act is one of statutory grant of authority, not of exception and regulation. The Supreme Court is treated analogous to the district and circuit courts created by the Act, not as a special creature with pre-ordained rights.[102]

The most complete foreclosure of Supreme Court power was in the review of federal criminal proceedings. There is no section of the act authorizing an appeal of either a conviction of crime or a dismissal of an indictment. Section 22 [103] provides for appeals in the federal courts for civil suits alone. This was in accordance with the traditional English practice and remained unchanged for nearly one hundred years.[104] Only by an exercise of section 14 habeas corpus power could the Supreme Court look into the physical confinement of an individual.[105] Marshall referred to the narrow extent of the review granted by a habeas corpus proceeding in *Ex Parte Bollman*.[106]

Section 9 authorized actions in the federal district court for a variety of different causes.[107] Except for admiralty actions, a writ of error was allowed to the circuit court if the sum in controversy exceeded $50. No appeal from the circuit court decision was authorized by the Judiciary Act, another example of total foreclosure.[108] Admiralty appeals to the circuit court required a $300 sum in controversy. An appeal to the Supreme Court was then allowed if the matter involved more than $2000.[109]

The circuit courts were granted authority to hear original actions in diversity cases involving more than $500, original actions in which the United States was plaintiff, original suits by aliens and trials for major federal crimes.[110] Appeal to the Supreme Court were, as in admiralty cases, limited to those where more than $2000 was involved.[111] This $2000 figure, in relation to the economics of the late Eighteenth Century was massively high. The predictable effect would be to forbid appeals in the over-riding majority of cases and obviously was responsive to some of the criticisms voiced during the ratification debates.[112]

Diversity cases under $500 remained exclusively in the state courts with no appeal authorized to the Supreme Court.[113] There is no section authorizing review of any court decision in the vast northwest region which had been established as a territory by Congress in 1787.[114]

Even in the cases authorized under section 22, the type of appellate reexamination by the Court was sharply restrictive. Congress did not authorize an "appeal" but a writ of error, which removes for reexamination only questions of law. No factual findings could be disturbed by the court. The sufficiency of evidence or bias of the judge or jury in the court below could not be a ground for reversal.[115]

The authorization for review of state court decision contains no jurisdictional amount.[116] Of all the statutory appellate grants, the one concerning the state court is the broadest in extent. But here also there is a reduction of the total possible power. Section 25 permits review only when the state court had upheld a state statute or the action of state officials in the face of a claim that they were repugnant to the Constitution, treaties, or laws of the United States, or when the state court had declared a federal law, treaty or authority invalid, or when the state court had found against a title, right, privilege or exemption claimed by a party under the treaties, laws or Constitution of the United States. If a state court construed a federal statute favorably to a party or upheld a right claimed under the Constitution, no Supreme Court power existed.[117] If a state court held a state statute unconstitutional, the losing party could not appeal. This would mean that the state court in this type case was made by Congress the final interpreter of the Constitution.[118] In those actions under section 25 in which the Supreme Court was clearly to have jurisdiction, the extent of its review was restricted to a greater degree than under section 22.[119] Not only was the review limited to a writ of error, but the court could only regard as a ground of reversal an error that appeared on the face of the record. This meant the state court were to be given an opportunity to rule on all Constitutional, statutory, and treaty issues.[120] No Constitutional questions could be raised for the first time on appeal, which arguably means the Supreme Court could be compelled to affirm an Unconstitutional decision. This particular requirement resulted in much difficulty for the Court in determining what the state court actually had done.[121] As the preparation of the record was largely in state hands and under state control, section 25 enabled the states to present Constitutional and statutory issues in terms most favorable to themselves.

The Judiciary Act of 1789 in summary lends credence to an argument that the Founders believed Congressional power was very extensive in the appellate jurisdiction field and that complete prohibitions on appeals were Constitutionally justified.

(6) *Early judicial interpretation*

Seven years after the passage of the Judiciary Act, the relatively new Supreme Court heard the first case requiring interpretation of the appellate grants. Of the six members of this court, three, Ellsworth, Wilson, and Paterson, had participated in both the Constitutional Convention and the First Senate.[122] The case of *Wiscart* v. *Dauchy* [123] involved a writ of error to review an equity case heard as an original matter by the federal circuit court sitting in Virginia. Jurisdiction was alleged to lie under section 22 of the Judiciary Act. The record, including the pleadings, depositions, and evidence was attached to the petition. The issue in controversy was whether the statement of facts by the circuit court was conclusive and binding on the Supreme Court or whether the entire record could be used in reviewing the decision below. The Judiciary Act contained no positive authorization for this type of review, but Congress had also not expressly forbidden it, except by providing for review by a writ of error, which had the meaning historically of allowing reconsideration of questions of law alone.[124]

On the merits, Ellsworth held that the facts as found by the circuit court were conclusive, while Wilson and Patterson held they were not. Ellsworth resolved the question of statutory interpretation by holding that only a writ of error was authorized in admiralty cases. In reply to a suggestion that review by appeal was traditionally the proper mode for rehearing admiralty cases, he answered:

"The constitution, distributing the judicial power of the United States, vests in the Supreme Court, an original as well as an appellate jurisdiction. The original jurisdiction, however, is confined to cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party. In all other cases, only an appellate jurisdiction is given to the court; and even the appellate jurisdiction is, likewise, qualified; inasmuch as it is given 'with such exceptions, and under such regulations, as the Congress shall make.' Here then, is the ground, and the only ground on which we can sustain an appeal. If Congress has provided no rule to regulate our proceedings, we cannot exercise an appellate jurisdiction; and if the rule is provided, we cannot depart from it. The question, therefore, on the constitutional point of an appellate jurisdiction, is simply, whether Congress has established any rule for regulating its exercise?" [125]

Further on in the opinion in discussing the alleged denial of justice by Congress' prohibition of a factual review, Ellsworth stated:

"But surely it cannot be deemed a denial of justice, that a man shall not be permitted to try his cause two or three times over. If he has one opportunity for the trial of all parts of his case, justice is satisfied; and even if the decision of the circuit court had been made final, no denial of justice could be imputed to our government . . ." [126]

Wilson, in dissent resolved the statutory question by finding that Congress had authorized an appeal in admiralty cases.[127] If they had not so authorized, the absence of a prohibition meant that the Constitution itself gave the Supreme Court appellate power for Congress had not exercised its power to make exceptions and regulations.[128] And finally Wilson significantly stated his belief that even if a positive restriction existed by law, it would in his judgment, be superceded by the superior authority of the Constitutional provision.[129]

In the next term of the Court, Patterson in *Jennings v. Brig, Perseverance* [130] expressed his agreement with Wilson's dissent in *Wiscart v. Dauchy* but on the ground of giving a "liberal construction to the act of Congress." [131] Patterson obviously felt little Constitutional qualms about Ellsworth's views because he followed the holding of *Wiscart v. Dauchy* and denied counsel's request for allowance to present factual evidence.[132] In addition, basing his dissent on the theory that a more liberal reading be given to the statute, could be considered a recognition by Patterson that the statute was the key to whether appellate jurisdiction existed and not the Constitution.

CONCLUSION

The overriding majority of existing evidence leaves but little room for doubt that the Framers expected Congress to exert great authority in determining Supreme Court appellate jurisdiction. The Federalist Papers, the Colonial experience, The Judiciary Act of 1789, and the writings of many of the Founders all point towards an expectation

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Footnotes at end of article.

that Congress would have and would continue to have a large discretion in its structuring of the judicial establishment. It is the opinion of the writer that some reasons for this Congressional leeway were (1) the great difficulty in the Philadelphia Convention of working out a Constitutional system which would be satisfactory to all parties in the limited time then available, (2) a realization of the need to allow for changing feelings about the propriety and mode of appeals, (3) a decision to give Congress some method of guaranteeing the overturning of biased jury verdicts, (4) a decision to allow Congress discretion in determining what cases were of great enough magnitude to merit appeal, both on grounds of expense to the parties, and on grounds of national interest, (5) a realization that an appellate procedure was a complicated animal that required much more detail than was possible in a Constitution, (6) a desire to continue a practice with which the Founders were familiar, (7) perhaps an intention to give Congress an indirect method of determining when a state statute should be struck down and when it should not be, and (8) an idea that legislative control would best answer the ends of public justice and security and guarantee the liberty of the people against an unrepresentative and in theory undemocratic judicial institution.

In summary, Congress in exercise of its powers under the Necessary and Proper Clause and section 2 of Article III was intended to possess almost unlimited power in the area of the appellate jurisdiction of the Supreme Court.

FOOTNOTES

[1] Corwin, *The Constitution and What It Means Today* 117, 122 (8th ed., 1946); Mason and Beaney, *American Constitutional Law* 14 (1954); 2 Story, *Commentaries on the Constitution* sec. 1774 (5th ed., 1891); Richter, *A Legislative Curb On The Judiciary*, 21 Journal of Pol. Econ. 281, at 284–287 (1913); Roberts, *Now Is The Time*, 35 A.B.A. J. 1 (1949); Tweed, *Provisions of the Constitution Concerning the Supreme Court of the United States*, 31 B. U. L. Rev. 1 (1951).

[2] See e.g. Freund, Sutherland, Howe, and Brown, *Constitutional Law, Cases and Other Problems* (1961); Mason, *The Supreme Court* (1962); Choate, *Supreme Court of the United States, Its Place in the Constitution*, 65 Alb. L. J. 203 (1903).

[3] S2646, 85th Congress, 1st. Sess. (1957). The Jenner Bill would have denied to the Supreme Court, jurisdiction to hear on appeal any case involving 1) dismissal of Federal Government employees on security grounds, 2) state laws relating to subversive activities, 3) state rules and regulations relating to public school teachers, 4) state bar admission regulations and 5) matters pertaining to the jurisdiction and activities of Congressional committees. For a study showing how each one of these sections was in fact a Congressional attempt to overturn a specific Supreme Court decision, see Norris and Burke, *Congress and the Supreme Court's Appellate Jurisdiction*, 35 L.A.B. Bull. 212 (1960).

[4] The Bill was reported favorably by the Senate Committee on the Judiciary, *Report No. 1586* (1958), but never went to a vote in the Senate. For report of hearings see *Hearings Before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary*. 85th Congress, 1st and 2nd sess., parts 1 and 2 (1958).

[5] H.R. 11926, 88th Congress, 2nd sess. (1964) (also known as the Tuck Bill). The vote for passage was 218–175. As the date of passage was August 19, 1964 and the 88th Congress was drawing to a close, the House action may have been intended by many of its proponents merely as a warning of future legislation if the Supreme Court did not mend its ways. See *N.Y. Times*, Aug. 20, 1964. For the record of the debates on the floor of the House see *Congressional Record* 19580–19667 (1964).

[6] Historically the Supreme Court has been thought of as a conservative institution. Those who believed in popular democracy and/or progressive reform, traditionally argued for a doctrine of judicial inferiority. See e.g. Debates in the Senate mentioning Abolitionist bills to remove Supreme Court appellate jurisdiction over cases raising the question as the Dred Scott decision, *The Congressional Globe*, 35th Congress, 1st Sess. (1859); Socialist Party Platform of 1900, calling for the abolition of judicial review, Porter, *National Party Platforms* (1956); Corwin, *The Decline of the Supreme Court* (1938). Today the attacks on the Court are mostly from the political right and its defense is in the hands of the progressive community, which is over-represented on law school faculties and reviews. For a comment on this modern transformation of roles see testimony of Joseph L. Rauh, Chairman, Americans for Democratic Action in *Hearings, supra*, n. 4, 47–48.

[7] 1 Crosskey, *Politics and the Constitution* 612–617 (1953); Hart and Wechsler, *The Power of Congress to Limit the Jurisdiction of the Federal Court; An Exercise in Dialectic*, 66 Harv. L. Rev. 1362 (1953); Norris and Burke, *supra* n. 3; Ratner, *Congressional Power over the Appellate Jurisdiction of the Supreme Court*, 109 U. Pa. L. Rev. 157 (1960); Note, *Congress Versus Court: The Legislative Arsenal*, 10 Villanova L.R. 347 at 354 (1965). For a current example of the more traditional view see Lenoir, *Congressional Control over the Appellate Jurisdiction of the Supreme Court*, 5 Kansas L.R. 16 (1956). By far the most complete picture is the article by Ratner. As to his constitutional conclusions, the author of this article is greatly in disagreement.

[8] This assumes all other requirements such as standing, ripeness, justiceability, etc. were met. It is of course realized that many of these doctrines were later developed by the courts. What is postulated is a situation where the only thing in the way of an individual having the Supreme Court review his case is a Congressional statute denying this review or silent as to authority for it.

[9] This paper does not attempt to consider any argument alleging an individual's Constitutional right to judicial review of state or Federal action taken against his liberty or property or whether this judicial review, if constitutionally required, must be in a Federal Court, if a Federal question arises. See Hart and Wechsler, *supra*, n. 7 and 1 Crosskey, *supra*, n. 7. Only the right to appellate review before the *U.S. Supreme Court* is considered.

[10] This may prove impossible. Prof. Ratner in his article arguing against Congressional power in this area to Constitutionally pass the Jenner Bill, postulates that to admit the power in that case would allow Congress a) to deprive the Supreme Court of all appellate jurisdiction and abolish all the lower federal courts, or b) to deprive the Supreme Court of appellate jurisdiction and lower federal courts of all jurisdiction over all cases involving the validity under the Constitution of all state statutes or the conduct of all state officials or, c) to deprive the Supreme Court of all cases arising under the Constitution, laws, or treaties of the United States. See Ratner, *supra*, n. 7, at 158. Prof. Hart argues in a similar manner. Hart and Wechsler, *supra* n. 7, at 312. It is always difficult to argue against a power's existence by attempting to show how it can be abused. See *Martin v. Mott*, 12 Wheaton 19 at 32 (1827) (Justice Story). The Senate could possibly do the same things Prof. Ratner fears by failing to advise and consent to all Presidential appointments of Supreme Court justices for a long enough period. The President could also accomplish the same result by failing to nominate Supreme Court Justices. See U.S. Const. Art. II, sec. 2, par. 2. These possibilities are not very persuasive in an argument against the existence of the President's power or the Senate's authority.

Even Prof. Ratner admits that such action as he imagines is politically unlikely. See Ratner, *supra* n. 7 at 159. I am sure he would make short work of an argument against the Supreme Court's judicial power based on a contention that it could be abused by the Supreme Court declaring all Congressional statutes Unconstitutional. See also Dicey, *Law of the Constitution*, 76–77 (4th ed., 1893) for a discussion of the internal-external political checks limiting the exercise of all sovereignty.

[11] Sec. 1 "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office."

Sec. 2 After enumerating in para. 1 the cases to which the judicial power extends in para. 2 states, "In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make."

[12] "The Congress shall have Power . . . To constitute Tribunals inferior to the supreme Court." Whether this refers to the same thing as the power in Art. III, or denotes an additional power has never been answered. Congress has set up legislative tribunals to administer justice in the territories of the United States, but they seem to be justified as necessary and proper to carry out other enumerated powers. See Jaffe, *Administrative Law*, 103 (1961).

[13] "The Congress shall have power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers [Art. I, sec. 8 powers], and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof."

By its plain words, this clause gives Congress some control over the judicial Power. Congress has exercised this power greatly in the area of admiralty and maritime jurisdiction which appears only as a grant of judicial power. See Note, *Judicial Grant to Legislative Power*, 67 Harv. L. Rev. 1214 (1954). Whether Congress could exercise similar power in the area of diversity jurisdiction is complicated by holding in *Erie Railroad* v. *Tompkins*, 304 U.S. 64 (1938) part of which is based on Constitutional grounds. It can be argued that Erie applies only to the Supreme Court unilaterally making law in the diversity field or in fact is not a Constitutional decision at all but only a statutory reinterpretation of the Judiciary Act of 1789.

[14] Hamilton in Federalist #81 states, "We have seen that the original jurisdiction of the Supreme Court would be confined to two classes of cases, and those of a nature rarely to occur". *The Federalist Papers 488* (Rossiter ed. 1961).

[15] 2 *Diary and Letters of Gouverneur Morris* 441 (Morris ed. 1888).

[16] Farrand, *Records of the Constitutional Convention* 15 (1911) (Hereafter cited as Farrand). See also 1 *Life and Correspondence of Rufus King* 255 (1894). King worried about misuse by those who would desire to prevent ratification of the Constitution.

[17] Conway, *Edmund Randolph* 72 (1888).

[18] See Randolph's resolutions, 1 Farrand

21-22; Patterson's propositions in substitution for Randolph's, 1 Farrand 244; both propositions criticized by Hamilton and his own substituted, 1 Farrand 292. All three groups of suggested resolutions vested jurisdiction (the extent of which varied with the plan) without any mention of Congressional control. All three specified that most of the Court's jurisdiction would be appellate.

After discussion of all plans, the concept of a Supreme tribunal was agreed to unanimously. 2 Farrand 37. See also 2 Farrand 432 (Col. Mason's papers).

In addition see The Pinckney Plan, 3 Farrand 600. This also gave Congress no control over the Supreme Court's jurisdiction.

[19] Farrand 95, 104-105, 119.

[20] Farrand 124-125, 127-128.

[21] 1 Farrand 124, 128. As this debate revolved around Randolph's propositions (which did not include any Congressional power over the Court's appellate jurisdiction) Madison's report of "Mr. Rutledge . . . arguing that the State Tribunals might and ought to be left in all cases to decide in the first instance the right of appeal to the supreme national tribunal being sufficient to secure the national rights and uniformity of Judgments," which arguably suggests that this appeal was a matter of Constitutional right not controllable by Congress, is not indicative of the meaning of the Article III, sec. 2 clause which later was added. Pierce's report of the same speech by Mr. Rutledge, at 1 Farrand 128, "Mr. Rutledge was of the opinion that it would be right to make the adjudications of the State Judges, appealable to the national Judicial" if the more accurate of the two reports gives the impression that even when the Supreme Court's jurisdiction was not by the bare words of the proposition in debate under the control of Congress, Congress either still had the option to permit appeals from the state courts or not, or in order to give the Supreme Court jurisdiction over state courts further Constitutional provisions were needed.

[22] 1 Farrand 97, 109, 138-140; 2 Farrand 76, 298-299, 391.

[23] 1 Farrand 21, 54; 2 Farrand 27-29, 390-391.

[24] 1 Farrand 238. Randolph's submission to the Committee on Detail granted to the Federal Judiciary jurisdiction extending to cases of national revenue, impeachment of national officers, and questions which involve the national peace and harmony. These are very general categories.

[25] These altered provisions stated that the jurisdiction of the national Judiciary shall extend to cases arising under the laws passed by Congress and to other questions involving national peace and harmony, 2 Farrand 39, 46.

[26] The Committee on Detail, which singlehandedly drafted the Judiciary Article, was composed of five members. They were Oliver Ellsworth of Connecticut, Nathanial Gorham of Massachusetts, Edmund Randolph of Virginia, John Rutledge of South Carolina, and James Wilson of Pennsylvania.

[27] See Barry, *Mr. Rutledge of South Carolina* 335-336 (1942). Barry's work is the sole source of any of the writings of John Rutledge, which to this day remain in Philadelphia unpublished.

[28] 2 Farrand 132-133, 146, 157, 173.

[29] 2 Farrand 146-147. In this draft the jurisdiction of the supreme Tribunal is extended to all cases arising under laws passed by the general Legislature, to the impeachment of officers, and to such other cases as the national legislature may assign, as involving the national peace and harmony. (Here listed revenue cases, disputes between citizens of different states, disputes involving citizens of other countries, and cases of admiralty jurisdiction.) The draft goes on and states that the jurisdiction shall be appellate only unless the legislature makes it original. The legislature in addition was granted authority to organize the jurisdiction.

[30] 2 Farrand 173. There are no records of what the discussions of the Committee on Detail were or why these qualifications were added.

[31] 2 Farrand 177.

[32] Farrand 186-187. The position of this clause allowing Congress to assign jurisdiction to lower courts coming immediately after the exception and regulation clause could be construed as evidencing an intent to allow Congress for the sake of convenience to relieve the Supreme Court of some appellate cases if it desired and assign these cases to lower federal courts. There were reasons why Congress might find such a power useful which came out during the ratification debates. See parts 2 and 3, *infra*.

[33] 2 Farrand 430-431.

[34] Compare 2 Farrand 425, where the Journel states it was an amendment and 2 Farrand 432 where Madison's minutes state there was a motion to insert this phrase.

[35] Prof. Ratner puts great stress on this rejected phrase. He argues "Its passage would have given Congress plenary control over the appellate jurisdiction of the Supreme Court. Had the Convention desired to give Congress such power, the reasonable course would have been to adopt the unequivocal language of the amendment in place of the more ambiguous phrasing of the Committee's draft." Rather, note 7 *supra*, at 173. But this overlooks that the lower federal courts also exercise judicial power while their very existence and total jurisdiction at the same time depends on Congressional action. U.S. Const., Art. III, sec. 1. If this rejected amendment means that Congress cannot restrict the Supreme Court's appellate jurisdiction, it also means it cannot refuse to vest the same complete jurisdiction in the lower Federal Courts.

In addition the defeat of this proposal could have been motivated on the grounds that it was superfluous as Congress already had control over the judicial power, through the Exception and Regulation Clause.

[36] See Warren, *Congress and the Supreme Court* 214 (1925), where the distinction is made that authority to control jurisdiction does not include authority to control judicial power. See also *United States v. Klein*, 80 U.S. 128 (1872). See also the first printed draft of the Judiciary Article which was reported by the Committee on Detail, sec. 1 of which vests the Judicial Power while sec. 3 speaks of jurisdiction of the Supreme Court. 2 Farrand 186.

[37] It of course can be argued that the Founders were extremely naive. Authority to prevent cases from being heard can be an effective control of the judicial power. However it is possible that the Founders realized this and felt that the limitation of Congress' jurisdictional power to that of making only exceptions and regulations would be a sufficient safeguard. Or possibly they believed Congress would act rationally and there would be no problem.

[38] Mr. Johnson of N.Y. when debating in the House of Representatives in 1789 on the merits of the Judiciary Act, argued, "Under the old form of Government, Congress had no compelling Judiciary; no power of reversing the decrees of the State Judges; but it is contended that they have, or ought to have more under the present system. It is allowed, sir, that Congress shall have the power in the fullest extent, to correct, reverse, or affirm any decree of a State court; and assuredly the Supreme Court will exercise this power". 1 *Annals of the Congress* 814 (1834).

[39] Charles Warren, after reviewing all the records of the First Congress concludes that the Judiciary Act of 1789 was itself a compromise between these two groups. Warren, *New Light on the History of the Judiciary Act of 1789*, 37 Harv. L. Rev. 49, at 54 (1923).

John Jay, in a charge to a federal grand jury in 1790, mentions the great difficulty in balancing the judicial power between state and federal government. He considered it a continuing task, which would be embarrassing, and ardous 3 *Corresponding and Public Papers of John Jay* 390-391 (Johnston ed., 1891). If it was to be a continuing task, we can assume the Framers would have meant for Congress to do the balancing in the future.

Gouverneur Morris believed the judicial article to be equivocal, but states that it passed without cavil. 3 Sparks, *Life and writings of Gouverneur Morris* 323 (1832).

Barry in his biography of Rutledge, reasons from the study of the changes in the drafts of the Judiciary Article by the Committee on Detail that Rutledge whom he credits with a large part of the responsibility for these changes, deliberately decided not to define the authority of the Supreme Court too carefully. Barry, note 27 *supra*, at 350. If true, this may have been from a desire not to arouse any strong emotions at that time and leave to later, the working out of jurisdiction.

[40] Among the non-signers were Ellsworth and Randolph of the Committee on Detail.

[41] Richard Henry Lee reported that so many members of the Continental Congress were also delegates to the Constitutional Convention that only five states were represented in Congress that summer. 8 *Letters of Members of the Continental Congress* 643 (Burnett ed. 1936).

[42] 33 *Journal of the Continental Congress* 487-548 (1936); *Melancton Smiths' Minutes of Debates on the New Constitution*, 64 Col. L.R. 26 (1964).

[43] U.S. Constitution, Art. VII.

[44] Jury trial in criminal cases was guaranteed by the U.S. Const., art. III, sec. 2, para. 3. No appeals were customary in criminal trials in Colonial times.

[45] This appears to be one important reason why some of the delegates to the Convention opposed this clause. See Luther Martin, *The Maryland Journel*, March 21, 1788, reproduced in Ford, *Essays on the Constitution* 362 (1892) (hereafter referred to as Ford, *Essays*); Eldridge Gerry, *The New York Journel*, April 10, 1788, in Ford, *Essays* 131. For criticism of Luther Martin's stand on this issue, see Oliver Ellsworth, *The Maryland Journel*, Feb. 29, 1788 in Ford, *Essays*, 185.

[46] This statement is partially confirmed by George Washington. In discussing in a letter in 1788, why the right to trial by jury was not included in the Constitution, Washington said: ". . . it was only the difficulty of establishing a mode which should not interfere with the fixed modes of any of the states, that induced the Convention to leave it, as a matter of future adjustment". 29 *Writings of Washington* 478-479 (1944).

[74] Federalist #81, *The Federalist Papers*, *supra* n. 14, at 490.

[48] It can be argued that the Seventh Amendment acts to completely repeal Congress' authority under Art. III to regulate appeals as to the review of facts. But the terms of the Seventh Amendment would still leave open the right of Congress to restrict appellate review of facts to something less than the extent historically exercised by common law courts. In fact in the Judiciary Act of 1789, Congress did so limit factual reviews of state court cases by narrowing grounds for reversal to those errors which were apparent on the face of the record only. Act of Sept. 24, 1789, ch. 20, sec. 25, 1 Stat. 85.

[49] "I perceive at present no impediment to the establishment of an appeal from the State courts to the subordinate national tribunals and many advantages attending the power of doing it may be imagined. It would diminish the motives to the multiplication of federal courts and would admit of arrangements calculated to contract the appellate jurisdiction of the Supreme Court.

The State tribunals may then be left with a more entire charge of federal causes and appeals, in most cases in which they may be deemed proper, instead of being carried to the Supreme Court may be made from the State courts to district courts of the Union. Federalist #82, *The Federalist Papers, supra* n. 14, at 495.

[50] Federalist #81, *ibid.*, at 486.

[51] Federalist #80, *ibid.* at 481. George Washington, who never violated his oath not to divulge what went on at the Convention at Philadelphia, was not reticent in endorsing the views of others concerning what the new Constitution meant. He was quick to recommend the Federalist as a true picture of the Constitution. 29 *Writings of Washington, supra* n. 29, at 323–324, 404, 466.

[52] *The New Haven Gazette,* Dec. 4, 1788, in Ford, *Essays, supra* n. 44, at 235.

[53] *The New Haven Gazette,* Dec. 25, 1788, in Ford, *Essays,* 241.

[54] *The Connecticut Courant,* Dec. 10, 1787, in Ford, *Essays,* 165.

[55] Noah Webster, *An Examination,* Oct. 10, 1787, in Ford, *Pamphlets on the Constitution* 53–54 (1888) (hereafter referred to as Ford, *Pamphlets*); Alexander Hansen, *Remarks on the Proposed Plan* in Ford, *Pamphlets* 238. While these two writers and several others soon to be referred to were not at the Convention that drafted the Constitution, their statements may shed some light on what those present intended. They were in contact with many of the Framers during this period.

[56] Lee, *IV Letters of a Federal Framer,* Oct. 12, 1787, in Ford, *Pamphlets,* 311.

[57] 2 Elliot, *Debates in the State Conventions* 127–128 (2nd ed. 1836) (hereafter referred to as Elliot) (Massachusetts Convention); 374 (New York Convention); 3 Elliot 515, (Virginia Convention).

[58] "There are other cases in which it will be necessary, and will not Congress better regulate them as they arise from time to time, than could have been done by the convention? Besides, if the regulations shall be attended with inconvenience, the Congress can alter them as soon as discovered. But any thing done in convention must remain unalterable but by the power of the citizens of the United States at large." 2 Elliot 458.

[59] 3 Elliot 492. Prof. Hart advances an argument which almost verbatim parallels that of Patrick Henry. Hart and Wechsler, *supra* n.7, at 1365.

[60] 3 Elliot 500.

[61] 3 Elliot 504. This expression of a belief in unlimited Congressional power, subject only to popular control, in the area of Supreme Court appellate jurisdiction is extremely significant. If the strongest believer of judicial independence in U.S. history acknowledged large legislative power, the claim to that power must have been very strong indeed.

[62] 3 Elliot 508.

[63] 3 Elliot 487, 490.

[64] Letter of October 16, 1787, Ford, *Pamphlets supra* n. 55, at 275. Randolph expresses a hope in this letter that Virginia will be successful in introducing an amendment that would limit and define the judicial power.

[65] 3 Elliot 519. Randolph desired that amendments be passed Constitutionally forbidding appeals of jury verdicts and appeals in small amounts and not leaving it to the "virtue" of Congress. 3 Elliot 552.

[66] 4 Elliot 154.

[67] 4 Elliot 157 (appeals should be limited to cases of great importance); 161 (Congress will make such regulations as will secure the "liberty of the people"); 164 (appeals should be regulated so not to be oppressive); 161 (Congress could require juries in the Supreme Court on appeal). Besides Richard Spaight, William Davie, participated in this discussion of the appellate power. Both had been at Philadelphia.

[68] 1 *Life and Correspondence of Rufus King supra* n. 16, at 306.

[69] *Ibid.*, 307.

[70] Farrand, *Framing of the Constitution* 127–129 (1913).

[71] Charter of Connecticut (1662).

[72] Charter of Delaware, art. 7 (1701). See *Lewis v. Hazel,* 4 Harrington 470, 478 (1847) (act of assembly having embraced subject everything left out excluded from appellate jurisdiction).

[73] Charter of Georgia (1732). Compare Georgia Constitution of 1776, art. XL which guarantees appeals in all cases with no mention of legislative control. However, the "appeal" consisted only in a new jury trial from which no appeal was allowed.

[74] Georgia Constitution of 1789, art III, sec. 2 and 3.

[75] Constitution of Massachusetts, Chap. 1, art. III (1780).

[76] Constitution of New Hampshire, Part II (1784). Compare Commission for New Hampshire (1680), which guaranteed an appeal to the King of England if the judgment was for more than 50 pounds.

[77] Frame of Government of Pennsylvania, art. V, art. XVII (1682).

[78] Rhode Island Charter (1663).

[79] North Carolina Fundamental Constitution of 1669, arts. 62, 63, 65.

[80] Maryland Constitution (1776) (art. LVI establishes a Court of Appeal); South Carolina Constitution (1776) (No provision for a Supreme Court in Constitution); Vermont Constitution (1777). (sec. XXI allows the legislature to grant additional powers to the supreme court).

[81] New Jersey Constitution, art. IX (1776).

[82] New York Constitution, art. III, XXXII, (1777).

[83] Articles of Confederation, art. IX (1777).

[84] 3 Blackstone, *Commentaries,* * 411.

[85] 3 T.R. 78, 100 Eng. Rep. 465 (K.B., 1789).

[86] 3 Blackstone, *Commentaries,* chap. 25, Proceedings in the Nature of Appeals * 402–411.

[87] 27 Eliz., c. 8, 1585 (appeal court changed from Parliament to Exchequer); 32 Hen. VIII, c. 30, 1540 (colorless appeals disallowed); 8 Hen. VI, c. 12, c. 15, 1429 (justices permitted to amend appeal records); 14 Edw. III, c. 6, 1340 (no appeal annulled by copying mistake). See also statutes cited in 3 Blackstone, *op. cit.*

[88] "The complete organization of the Judicial Department was left by the Constitution to the ulterior arrangement of Congress. You will be pleased therefore to let a supreme regard for equal justice and the inherent rights of the citizens be visible in all your proceedings on that important subject." 30 *Writings of Washington* 304 (Fitzpatrick ed. 1944).

[89] In the Senate, serving on the Judiciary Committee, seven of ten members, Pinckney, Ellsworth, Davie, Few, Paterson, Strong and Wingate had been at Philadelphia.

[90] The handwriting of secs. 10 through 23 of the original Draft Bill is that of Ellsworth, Warren, *supra* n. 39, at 50. See also Maclay, *Sketches of Debate in the First Senate* 90 (1880) where Maclay refers to the Judiciary Bill as a child of Ellsworth.

[91] Warren, *supra,* n. 39, at 57.

[92] *Ibid,* 68. See n. 11, *supra.* Justice Story shared this view. *Martin* v. *Hunter's Lessee,* 1 Wheat. (U.S.) 304, at 323 (1816).

[93] The final Judiciary Act severely limited the jurisdiction of the district and circuit courts. See part 5, *infra.* In the 20 years following 1789, Congress vested the state courts with a large variety of cases; including suits by the United States for penalties, suits to recover custom duties, prosecutions of crimes against the United States, and taxation actions. Warren, *supra* n. 39, at n. 49, 70. In 1801, Congress granted jurisdiction to the lower federal courts to hear all cases arising under the Constitution, laws, and treaties of the United States. Act of Feb. 13, 1801, chap. 4, sec. 11, 2 Stat. 92. This jurisdictional grant was almost immediately repealed. Act of March 8, 1802, chap. 8, sec. 1, 2 Stat. 132.

[94] Maclay, *supra* n. 90, at 102–104. Maclay voted against the bill because he believed it took too much power away from the states. Maclay, *op. cit.* 95, 112.

[95] 1 *Annals of Congress, 1789–1790* 798–799. Smiths' argument is extremely relevant in the consideration on policy grounds of a bill limiting Supreme Court jurisdiction. He mentions the necessity of uniformity of decision, the necessity of a single authority to collect and focus decisions, and the possibility of state obstruction of Federal policy. He also concedes the great danger of Supreme Court control of state court decisions and its potentiality for the sapping of the Federal system.

[96] *Ibid.* 799.

[97] *Ibid.* 802–803, 817, 819.

[98] *Ibid* 818.

[99] The right of Congress to grant to the Supreme Court appellate power remained under heavy attack for nearly thirty years. In 1815, the Virginia Court of appeals held section 25 unconstitutional. On appeal to the Supreme Court, this decision was reversed. *Martin v. Hunters Lessee, supra,* n. 92. During his long discussion of the Judiciary Article and Judiciary Act, Justice Story said at 326–327: "Hence its powers [the Constitution's] are expressed in general terms, leaving to the legislature, from time to time to adopt its own means to effectuate legitimate objects and mould and model the exercise of powers as its own wisdom, and the public interest should require".

To this day, the power of Congress to pass sec. 25 is infrequently questioned. It is now well established, however that such authority was intended by the Framers. See Thayer, *The Origin and Scope of the American Doctrine of Constitutional Law* in Legal Essays I (1908); Beard, *The Supreme Court and the Constitution* (1912).

Absent sec. 25, Supreme Court power to declare state laws Unconstitutional, which is completely without specific Constitutional foundation, would also be without statutory justification. Sec. 25, a slim enough thread on which to base the holding of *Martin v. Hunters Lessee,* would not have been available to Justice Story. It is difficult to believe this case would even have arisen without sec. 25. If it had, *Martin* v. *Hunters Lessee* would surely have gone the other way if only on grounds of public policy, based on a fear of state nullification and possible subsequent dissolution of the Union. Because Story could point to Congressional action that he was upholding, the states would concentrate their attack on the decision on Congress and not on the Court.

[100] A reading of the debates in the House gives this impression. See 1 *Annals of Congress, supra,* n. 95, at 781–834. In the Senate a similar atmosphere prevailed. Maclay, *supra,* n. 90, 89–111.

[101] Warren believed that the friends of the Constitution in the First Congress restricted the appellate jurisdiction in a more drastic and extreme manner than even their opponents had advocated. Warren, *supra,* n. 39, at 102.

[102] Sec. 1 set the number of justices to sit on the Supreme Court, the number required for a quorum, and the time and place of meeting of the Court; sec. 7 empowered both the circuit courts and Supreme Court to appoint clerks; sec. 8 required the Supreme Court justices and the district judges to take an enumerated oath; sec. 13 required in certain cases a jury in the Supreme Court and granted appellate jurisdiction "in the cases herein after specially provided"; sec. 14 granted the district court and the Supreme Court habeas corpus power; sec. 15 authorized all courts to require books and writings

of the parties to be brought into court; sec. 17 grants all courts rule making and contempt powers; sec. 22 specifies appellate power for the circuit court and the Supreme Court and sets time limits for appeals; sec. 23 authorizes costs to be assessed by the circuit courts and the Supreme Court; sec. 26 provides for jury trial of damages in all courts; sec. 24 provides reversal procedures for both the circuit courts and the Supreme Court; sec. 27 authorizes the appointment of marshals for all courts; sec. 30 provides that modes of proof for all the courts be the same.

In April, 1802, Congress amended sec. 1 by abolishing the August term of the Supreme Court and requiring all appeals to be delayed until February, 1803. Act of April 29, 1802, chap. 31, sec. 1, 2 stat. 156. This action was probably the most extreme historically under the Exception and Regulation power, involving a complete foreclosure of all appeals for nearly one year.

[103] Act of Sept. 24, 1789, ch. 20, sec. 22, 1 Stat. 84. (This Act will be hereafter referred to as The Judiciary Act.)

[104] See Plunkett, *A Concise History of the Common Law* 202 (1948). The Act of Feb. 6, 1889, ch. 113, sec. 6, 25 Stat. 655 permitted an appeal for capital convictions only. In *United States v. More,* 7 U.S. (3 Cranch) 159 (1805), the Supreme Court held that it could not review a dismissal of an indictment because no such procedure was authorized by the Judiciary Act of 1789.

[105] The Judiciary Act, sec. 14, 1 Stat. 81. The availability of the writ of habeas corpus was limited to persons in custody under or by color of the authority of the U.S., or committed for trial before some court of the same, or needed in a U.S. court to testify. See *Ex parte Bollman,* 8 U.S. (4 Cranch) 75 (1807) where the Constitutionality of sec. 14 was challenged. Marshall rejected an argument that the habeas corpus power was analogous to the mandamus power held Unconstitutional in *Marbury v. Madison.* He also rejected an assertion that the habeas corpus authority was not something separate but was auxiliary to powers granted in other sections of the Judiciary Act, and as the Supreme Court had no such powers to which this could attach, it had no habeas corpus right at all.

The proviso clause of section 14 could arguably be interpreted to forbid habeas corpus power of the Supreme Court after conviction. In 1833, Congress extended habeas corpus to persons confined under the authority of a federal court. Act of March 2, 1833, ch. 57, sec. 7, 4 Stat. 634.

[106] *Ex Parte Bollman op. cit.,* at 96–97.

[107] Minor crimes and offenses against the U.S., admiralty actions, actions for penalties under the laws of the U.S., suits at common law when the U.S. was plaintiff, suits against vice-counsels of foreign countries, and actions in tort by aliens. The Judiciary Act, sec. 9, 1 Stat. 76.

[108] The Judiciary Act, sec. 22, 1 Stat. 84. This state of affairs was changed by the Act of March 3, 1803, ch. 40, sec. 2, 2 Stat. 244 which made these cases capable of appellate review by the Supreme Court if the $2000 amount in sec. 22 was met. But see *United States v. Mourse,* 31 U.S. (6 Pet.) 470 (1832).

[109] The Judiciary Act, secs. 21, 22, 1 Stat. 83–84.

[110] Authority to hear as an original matter cases where the U.S. was plaintiff, suits by aliens, and diversity suits were concurrently granted to the state courts, the district courts, and the circuit courts by the Act. See The Judiciary Act, secs. 9, 11, 1 Stat. 76, 78–79.

[111] There was no allowance of appeal for federal crimes tried originally in the circuit courts. See text accompanying nn. 102–104 *supra.*

[112] See nn. 55, 69 *supra.* In 1925 Congress finally removed the requirement of a jurisdictional amount on appeal. Act of Feb. 13, 1925, ch. 229, sec. 240, 43 Stat. 938–939.

[113] Sec. 25 allowed appeals of state court decisions only in the so called federal question cases. Diversity was not considered a federal question. The Judiciary Act, sec. 25, 1 Stat. 85. Today the limit is $10,000, and those cases under this figure are still unappealable unless the appellant alleges a separate Federal question ground.

[114] The Northwest Ordinance had been enacted under the Articles of Confederation. It was carried forward by the First Congress. 1 Stat. 50 (1789). In *Clarke v. Bazadone,* 5 U.S. (1 Cranch) 212 (1803) the Supreme Court dismissed a writ of error from the general court of the Territory. The court held that no appeal was authorized as Congress had not so specified in the Judiciary Act, even though to deny the appeal was against "actual justice".

[115] An appeal historically allowed review of both law and facts while a writ of error was restricted to questions of law. This again reflects Congressional awareness of some of criticism directed at the judicial power during ratification. See nn. 44, 45 *supra.*

This restriction of the Supreme Court should be compared with the lack of a similar restriction on review by the circuit courts in admiralty cases. The Judiciary Act, sec. 21, 1 Stat. 83.

The Seventh Amendment precludes appellate review of facts beyond common law standards in jury cases. Sec. 22 extends this and precludes factual review of equity cases and admiralty libels.

[116] The Judiciary Act, sec. 25, 1 Stat. 85.

[117] See Ratner, *supra,* n. 7, at 185 for an explanation how these two holdings deny to the party who lost on the issue his rights under federal law or the Constitution. This losing party was entitled to no review of his claim by the Supreme Court under Sec. 25.

[118] In 1914 Congress finally granted to the Court authority in these situations. Act of Dec. 23, 1914, chap. 2, 38 Stat. 790. Prof. Ratner traces the events leading up to this action. Ratner, *op. cit.* 187–188. N.Y. had declared its state workmens compensation law Unconstitutional and review to the Supreme Court was foreclosed by the descendant of sec. 25. Congress under public pressure realizes that sec. 25 left the state courts too much Constitutional interpretation power.

[119] See n. 115 and accompanying text, *supra.*

[120] Which if the state court favored the federal claim, would result in no appeal in the case.

[121] See *Crowell* v. *Randall,* 10 Peters 368 (1836); *Menard v. Aspasila,* 5 Peters 505 (1831); *Jackson* v. *Lamphire,* 3 Peters 280 (1830).

[122] Ellsworth and Paterson were members of the Judiciary Committee of the Senate and together were largely responsible for the first draft of the bill. See nn. 89, 90 *supra;* Warren *supra, n.* 39, at 50. Wilson also played some part in the Judiciary Act debates. Maclay, *The Journal of William Maclay* 98 (1928). Both Ellsworth and Wilson were members of the Committee on Detail. See n. 26, *supra.*

[123] 3 U.S. (3 Dall.) 321 (1796).

[124] The opinion in *Wiscart* v. *Dauchy* apparently was written in deciding a previous case with a slightly different fact situation. This case, *Pinado* v. *Berned,* was not reported because of the absence of the court reporter. It involved a petition for review from an admiralty decision below and the question was primarily one of statutory interpretation of the Judiciary Act. The appellant argued that sec. 21 and sec. 22 of the Act taken together authorized an appeal in admirality cases while the appellee contended that sec. 22 must be read alone and only a writ of error was permitted. See 3 U.S. (3 Dall.) 325. *Wiscart* v. *Dauchy* involves a review of an equity decision which clearly was limited by sec. 22 to a writ of error. The dissenting opinion of Justice Wilson refers only to the admiralty case.

[125] 3 U.S. (3 Dall.) 327. This statement by the drafter of the Judiciary Act and the Judiciary Article expresses a belief in absolute Congressional control over the appellate jurisdiction, which if not exercised by the Congress, completely shuts off appellate review in the particular area. It also strongly negates the concept of a Constitutionally vested appellate jurisdiction subject only to limited Congressional veto.

[126] 3 U.S. (3 Dall.) 329.

[127] *Ibid.,* 325–326.

[128] *Ibid.,* 326.

[129] *Ibid.,* 325. This final statement of Wilson's merits comparison with his answer at the Philadelphia Convention in 1787, *supra* pg. 24–25, where in response to someone who worried about the Supreme Court overturning jury verdicts, he gave the example of admiralty cases as ones where Congress should have the authority to determine when a factual appeal should be allowed or denied. See discussion concerning the difficulty of determining original intent for a possible explanation of Wilson's change of opinion, *supra* pg. 9–10.

[130] 3 U.S. (3 Dall. 336) (1797).

[131] *Ibid.,* 337.

[132] *Ibid.,* at 337. However Wilson also went along and joined in Patterson's opinion.

Mr. BYRD of Virginia. Mr. President, the distinguished junior Senator from Michigan (Mr. GRIFFIN) just made reference to the rollcall vote of a week ago in which his antibusing proposal was defeated by just one vote.

Yesterday, the people of the great State of Florida, some 2 million strong, spoke out and expressed their views as to compulsory busing to achieve a racial balance.

The people of Florida, by a 75-percent vote, went on record as telling the government of their State and the Government of the United States that they do not approve of this policy dictated by the Federal courts and, to some extent, by the Department of Health, Education, and Welfare in Washington, D.C.—that the people of Florida do not approve, by an overwhelming majority, of such action.

Mr. President, I cannot speak for any other State, but I believe if such a proposal were on the ballot in the State of Virginia, the people of Virginia, likewise, by a vote of 75 percent, would register their disapproval of the court-dictated edicts on compulsory busing to achieve an artificial racial balance.

That minority of Senators in this Chamber who supported the amendment offered by the Senator from Michigan (Mr. GRIFFIN) are in closer touch with the sentiments of the people than are the majority of Senators who voted against his amendment.

RECONFIRMATION OF FEDERAL JUDGES

Mr. BYRD of Virginia. Mr. President, I have introduced an amendment to the Constitution which would provide that all Federal judges be subject to reconfirmation by the Senate after a term of 8 years in office.

Federal judges are appointed for life. They are accountable to no one.

It is time that we restored balance in

the Government by making Federal judges more responsible to the people.

In recent years the Federal courts have assumed more and more power—power which under the Constitution, was reserved to the Executive, the legislature, the States, and the people themselves.

This misuse of power was not envisioned by the Founders of this Republic. I believe that it is time that the judiciary be made, once more, a coequal branch of the Government, rather than the self-appointed supervisor of nearly every aspect of our country's existence.

Today, we find the executive branch and the Supreme Court assuming more and more power, and the elected representatives of the people having less and less power.

Part of this clearly is the fault of the Congress for not facing its responsibilities. But part of the erosion of congressional authority results from usurpations of power by the other branches of the Government.

Today, I believe we have an imbalance of power as among the three branches. The amendment I have proposed is directed to correcting part of the imbalance created by unwarranted judicial assumption of power.

If representative government is to continue, if our democratic processes are to have the meaning intended by the Constitution, then this imbalance must be corrected—and now.

I have enormous respect for the men who drafted our Constitution 184 years ago. I believe that, had the Supreme Court followed the role designed for it by those framers of the Constitution, an amendment such as this would be unnecessary.

A careful review of the debates of the Constitutional Convention makes clear several points.

First, the convention was unanimous in its desire that the Federal courts should be an independent branch of the Government. Thus, provision was made for lifetime appointments, limited only by good behavior.

Second, it is obvious that the men who drafted the article on the judiciary never for a moment intended that the courts should attempt to act as a legislative body in seeking solutions to every social problem facing this country. In discussing the scope of judicial authority, not even the strongest of the federalists ever suggested that the Federal courts should, or could, extend Federal law into the domain reserved for the States and the legislative branch of Government.

Third, by specifically refusing to allow Congress the power to remove judges from the bench, except by the very difficult route of impeachment, the convention placed the disciplining of the courts into the hands of the individual judges.

For the better part of this Republic's existence, the unwritten canon of judicial restraint, as expressed by such great Justices as Holmes, Brandeis, Stone, Hughes, Cardozo, and Frankfurter, was one of our most hallowed legal principles.

In furtherance of that doctrine, the Supreme Court enunciated several rules: The Court refused to pass on political questions; it deferred to State common law principles; it refused to enunciate constitutional rulings, unless absolutely necessary; it refused to rule upon moot questions; it deferred to a State's interpretation of its own constitution and statutes; and it strictly interpreted the rules concerning "standing" to bring a lawsuit.

In recent years, the Federal courts have ignored or discarded each of these wise doctrines. Now the Court, acting under the premise that the Constitution is whatever the judges say it is, has plunged into what its admirers like to call a "revolution."

One of the greatest scholars of the modern judiciary recognized the Court's unique position in our governmental arrangement. Dissenting in the reapportionment decision, Baker against Carr, Mr. Justice Frankfurter stated:

> The court's authority—possessed of neither the purse nor the sword—ultimately rests on sustained public confidence in its moral sanction.

Mr. Justice Frankfurter's views on judicial self-restraint, if adhered to, would have precluded much of the criticism suffered by the Court.

Unfortunately, the era of judicial self-restraint appears to be over. The tragic result of this is that the judiciary, accountable to no one, has run rampant in asserting its authority over the daily lives of all Americans.

It was never intended that the Federal judiciary should have the power to rewrite the Constitution. Chief Justice Marshall, one of the great activists of the Court, stated that, "It is a Constitution we are expounding." He did not use the word "expanding."

I believe, as did Mr. Justice Cardozo—

> That Justices are not commissioned to make and unmake rules at pleasure, in accordance with changing views of expediency or wisdom.

I believe, as Mr. Justice Frankfurter asserted, that the Court should not repudiate "the experience of our whole past in asserting destructively novel judicial power."

Mr. Justice Holmes asserted that Supreme Court Justices must be careful not to let the Constitution become the mere partisan of their own set of ethical or economic principles.

If the Justices are permitted to substitute their personal sense of justice for rules of law, the reign of law will end, Mr. Cardozo noted, and the rule of benevolent despots will begin.

Is not that about where we find ourselves today?

Thomas Jefferson recognized the danger of government by men rather than by laws when he counseled:

> In questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

Mr. President, I like that quotation from Thomas Jefferson so much that I want to read it again:

> In questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

Our constitutional system is based upon a respect for the rights of the individual. But it is a logical inconsistency and a social impossibility for every individual to have unlimited rights against all other individuals.

Only with the restraint of law impartially applied, can there be justice, tranquility, welfare, and freedom for all. And respect for the law in a democracy is a respect for justice, tranquility, welfare, and freedom.

In recent times, however, we find that respect for the law has been eroded.

One of the factors which has contributed to this decline of respect for law and order has been the recent trend of decisions rendered by the Supreme Court.

Too often the hallmark of the modern court has been the voice of power, not the voice of reason.

Listen to a recent member of the Supreme Court, Mr. Justice Harlan:

> This court can increase respect for the Constitution only if it rigidly respects the limitations which the Constitution places upon it (the Court).

The court-created revolution which began in the Supreme Court has permeated the lower Federal courts. The flagrant abuse of injunctive powers of Federal district judges, has grown over the last few years to the point where, in each section of our country the daily lives of the citizens are subject to regulations by single Federal district judges.

These men have, in many cases, arrogantly assumed unto themselves the prerogatives of lords of the middle ages. Nothing in our system at present exists to control these judges. Their passions of the moment are totally unrestrained, even by the collective wisdom of fellow judges.

In case after case, local Federal district judges have taken it upon themselves to intervene in areas set aside by the Constitution for State and local action. They have interfered with the operation of schools and universities. They have set forth detailed regulations for the administration of State penal facilities; they have dictated to local school boards, and in some areas, they have even gone so far as to suggest that local governing bodies should make appropriations of moneys for projects which the judges feel are necessary.

Only recently a Federal court ordered a State to forego the election of local officers—even when this issue never had been presented to the court by any of the parties involved.

One Federal judge has ordered the consolidation of the school systems of two counties and one city.

Unless this decision is reversed, what is to prevent the judicial enforcement of total mergers of cities and counties?

No one has expressed the problem of the Judiciary better than former Justice Harlan, dissenting in the decision which overturned both State and Federal welfare residency laws, when he stated:

> Today's decision, it seems to me, reflects to an unusual degree, the current notion that this Court possesses a peculiar wisdom all its own, whose capacity to lead the nation out of its present troubles, is contained only by the limits of judicial ingenuity in contriving new Constitutional principles to meet each problem as it arises.

Mr. President, when the Federal courts have cast aside the bonds of self-restraint and have taken it upon themselves to legislate, the hour has come for the legislative branch of the Government to assert itself, and bring the Court back into line with the original desires of the drafters of the Constitution.

I fully support the concept of an independent judiciary. The legislation I introduced simply provides a method by which the courts might be made more accountable to the people.

My amendment states that judges could serve in office for a term of 8 years, at the end of which term, they would be automatically nominated for reconfirmation by the Senate. If reconfirmed by the Senate, they would continue to serve for another 8 years.

Of course, this amendment contains the standard "grandfather clause" and would not apply to judges who are presently sitting.

Every State in the Union, except Massachusetts, provides for periodic reconfirmation of State judges. This has not destroyed the independence of State judges. I see no reason why a provision of reconfirmation would destroy the independence of the Federal judiciary.

Why should any official in a democracy have a lifetime appointment?

Too many Federal judges have come to ignore all of the principles of judicial self-restraint. This has been recognized even by members of the Court itself.

Mr. Justice Harlan, in June, 1969, stated:

> Swept up in a Constitutional revolution of its own making, the Court has a tendency to lose sight of the principles that have traditionally defined and limited its role in our political system.

Since it is impossible, by an amendment to the Constitution, to restore the time-honored doctrine of judicial self-restraint, the amendment which I have introduced will provide the people, through the Senate, an opportunity to review, every 8 years, the actions of individual judges.

This period of time is long enough for the decisions of that judge to be weighed as a whole. There is little danger that the Senate might be influenced by any single decision. The length of the term and the makeup of the Senate should preclude the injection of partisan politics into the decision as to whether a judge should be reconfirmed.

There would be no chance that the renomination would be subject to a filibuster, since the amendment provides that the judge would remain in office until the Senate reached a decision.

In order that the financial independence of the judiciary might be maintained, I have proposed that if a judge were not reconfirmed, he would be retired at full pay. As a companion to my constitutional amendment, I introduced a bill to that effect.

The people of the United States, through their power to ratify amendments to the Constitution, should be given an opportunity to express their views as to whether Federal judges should be made more responsible to the people.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, March 15, 1972, he presented to the President of the United States the following enrolled bills:

S. 888. An act for the relief of David J. Crumb;

S. 1362. An act to authorize the Commissioner of the District of Columbia to enter into contracts for payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes; and

S. 1977. An act to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks that Mr. HUMPHREY made at this point on the introduction of several bills are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate until 10 a.m. on Friday, the Secretary of the Senate be authorized to receive messages from the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. I ask unanimous consent that during the adjournment of the Senate until 10 a.m. on Friday, the President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the Senate will next convene on Friday at 10 o'clock a.m.

After the two leaders have been recognized under the standing order, the distinguished Senator from Illinois (Mr. PERCY) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Senate will resume consideration of House Joint Resolution 208, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

A time agreement has been entered into with respect to House Joint Resolution 208, the time agreement providing for 16 hours of debate on the resolution, 2 hours on any amendment, and 30 minutes on any debatable motion, appeal, or point of order. Rollcall votes could possibly occur on House Joint Resolution 208 on Friday with respect to any amendments which might be offered thereto.

In any event, at 1 o'clock p.m., on Friday, a yea-and-nay vote will occur on a treaty, Executive C, 92d Congress, second session, after which the Senate will resume consideration of the equal rights for women amendment.

Mr. President, conference reports can also be brought up, of course, at any time on Friday. The conference report on the drug bill, for example, could conceivably be taken up. If that should occur, a rollcall vote could be had thereon.

ADJOURNMENT UNTIL 10 A.M., FRIDAY, MARCH 17, 1972

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Friday next.

The motion was agreed to; and at 3:40 p.m. the Senate adjourned until Friday, March 17, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 15, 1972:

DIPLOMATIC AND FOREIGN SERVICE

Charles S. Whitehouse, of Virginia, a Foreign Service Officer of class 1, to hold the rank of Ambassador while serving as Deputy Ambassador to the Republic of Vietnam.

U.S. NAVY

Vice Adm. Noel A. M. Gayler, U.S. Navy, for appointment to the grade of admiral for the duration of his service in duties determined by the President to be of importance and responsibility within the contemplation of subsection (a), title 10, United States Code, section 5231, for which duties I have designated Admiral Gayler.

CONFIRMATION

Executive nomination confirmed by the Senate March 15, 1972:

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA

Jack O. Horton, of Wyoming, to be a member of the Joint Federal-State Land Use Planning Commission for Alaska.

HOUSE OF REPRESENTATIVES—*Wednesday, March 15, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If we walk in the light, as He is in the light, we have fellowship one with another.—I John 1: 7.

God of all goodness, who art always within us endeavoring to make us aware of Thy presence and seeking to keep us conscious of the needs of the world, help us to hear Thy voice and to receive the ministry of Thy love as we bow before Thee in this moment of devotion.

Give us courage and faith for the living of these days that we may find our way out of the mistakes of the past into a new spirit of unity in our national life with a greater hope for an enduring peace, an expanding brotherhood, and an enlarging concept of freedom and justice.

Keep our faith steady, our hope strong, our love sure that with a glad dedication we may follow Thy light into the dawn of a better life, a better nation and a better world. During these Lenten days may we walk with Thee in the steps of the Master and may His spirit abide in all our hearts. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House with amendments to a bill of the Senate of the following title:

S. 2601. An act to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1977. An act to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes.

POINT OF ORDER

Mr. HALL. Mr. Speaker, a point of order. I make the point of order that a quorum is not present. This is legislation.

The SPEAKER. Would the gentleman withhold the point of order if the Chair recognizes individual Members to make individual unanimous-consent requests for 1-minute speeches and extensions of remarks?

Mr. HALL. I would be delighted to withhold the point of order, Mr. Speaker, but not for legislation.

MAID OF COTTON DAY

(Mr. MAHON asked and was given permission to address the House for 1 minute.)

Mr. MAHON. Mr. Speaker, I do not believe there will be objection if I proclaim today "Maid of Cotton Day" on Capitol Hill.

The national "Maid of Cotton" who is from my home area in Texas is being honored on Capitol Hill today. There will be a luncheon and a reception for her. She will be greeted by the Speaker and other leaders of the House. The Secretary of Agriculture and other officials from the Department will come to the Capitol to do her honor.

There was a time when cotton was more dominant in the fiber field than now. When we relied almost wholly on the natural fibers we had fewer problems. The Nation has strayed a bit since King Cotton has been somewhat eclipsed. This causes me to say we ought to be more faithful to King Cotton who has meant so much in song and story and to the economy and trade of our great land.

So I would like to propose a special salute to Debbie Wright of Tahoka, Tex., the national Maid of Cotton who will soon begin her tour of the world as ambassadoress for cotton and for the United States.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from Louisiana.

Mr. BOGGS. The decline in the consumption of the natural fibers has not reflected itself in the beauty of the queen, the Maid of Cotton, and you still produce a very beautiful Maid of Cotton despite this decline; is that not so?

Mr. MAHON. The gentleman is eminently correct. Debbie Wright is graceful, beautiful, and talented. She will do a great job as the 1972 Maid of Cotton, reflecting honor upon her family, Texas Tech University, her alma mater, the State of Texas, and the Nation.

THE OLD ARMY GAME

(Mr. PIKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PIKE. Mr. Speaker, I am happy to be able to announce to my long-suffering colleagues that it is just possible that the ordeal of listening to me make a 1-minute speech every day may be nearing an end. This is the third day in a row I have taken the floor in an effort to pry some facts which I have been after since last May loose from the Army and the GAO. My office has received a phone call from the Army, blaming the GAO for the delay, to add to the letters I have from the GAO, blaming the Army for the delay. We have received a phone call from the GAO, promising that we would get the facts soon, to add to the promises I have had that I would get them in last October, last January, last month. Last month's letter reveals one of the great stupidities in the system. A Member of Congress—and, incidentally, of the Armed Services Committee—cannot get a report which he has requested from the GAO regarding the Army unless the Army is willing to release it.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., February 15, 1972.

B-173556.

Hon. OTIS G. PIKE,
House of Representatives.

DEAR MR. PIKE: In further reference to your request of July 7, 1971, for a report on the move of Army intelligence units to Fort Huachuca, Arizona, this is to confirm that we have submitted a draft of our report to the Department of the Army requesting authority to release it to you in view of its security classification. This is in accordance with (1) our general policy on releasing classified information originated in other agencies and (2) the provisions of Department of Defense Directive 5200.1, July 10, 1968.

We have requested the Department of the Army to expedite their reply in view of your need for the information. The report will be transmitted to you upon receipt of authority to release the information and completion of our final processing.

Sincerely yours,

R. F. KELLER,
Deputy Comptroller General of the United States.

LAWRENCE WOODWORTH—CIVIL SERVICE AWARD RECIPIENT

(Mr. FULTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FULTON. Mr. Speaker, I was most pleased to learn of the National Civil Service League's recent selection of Mr. Lawrence Woodworth, chief of staff of Congress' Joint Committee on Internal Revenue Taxation, as one of America's outstanding career civil service officers. This honor, the first of its kind awarded to a congressional employee, will formally be acknowledged at the league's 18th annual Career Service Awards banquet, Friday, April 28, at the Washington Hilton Hotel.

In his 27 years with the committee, 7 years as its director, Larry Woodworth has indeed demonstrated outstanding administrative abilities. His work is most complex, yet Larry keeps it firmly in hand. As described by the league in its announcement of award recipients, Larry gains the respect of executive leaders and committee chairmen "not merely for his technical skills, but for his rare long-range vision." From my work with Larry during my 7 years as a member of our Ways and Means Committee, I know this to be the case.

Larry's background is impressive and solid. He was born in Loudenville, Ohio, in 1918; the son of Rev. and Mrs. A. R. Woodworth. Graduated from Ohio Northern University in 1940 with his A.B. degree, Larry went on to earn his master's—government management—in 1942 from the University of Denver, and Ph. D. in 1960 from New York University. He married the former Margaret Bretz in 1940 and is the father of four.

Larry's past experience with tax matters is substantial. Prior to joining the joint committee staff, he worked for the Tax Foundation in New York City, and the Civic Research Institute, Kansas City, Mo.

Larry's attitude is humble. A professional, he realizes he has an important job to do—and is satisfied only when it is done. I need not add "done to the best of his ability"—that, in Larry's case, is something we take for granted and recognize as considerable.

Larry Woodworth's contribution has been—and continues to be—great. We are most fortunate to have this award winner serving the Joint Tax Committee, serving our country.

THE BUFFALO CREEK DISASTER—COMMUNICATING WITH OUR GOVERNMENT

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, a sixth-grade class in Branchland, W. Va., wrote me a letter which I received this morning which started with this intriguing sentence:

> DEAR CONGRESSMAN HECHLER: Will you please send us some information on how we can communicate with our government.

I am tempted to observe that I have been trying to find the answer to that question myself, with respect to the Buffalo Creek disaster.

On Monday I related to the House, on page 8091 of the RECORD, the telegrams, letters, and various communications with the Bureau of Mines and the Department of the Interior pointing to the specific authority possessed by the Bureau to investigate this tragic situation.

I regret that the Bureau has neither acknowledged nor answered my repeated inquiries.

Yesterday I telephoned the Director of the Bureau of Mines at 11 a.m. He returned the call at 3:45 p.m. He asked me what I wanted. I responded that I would like to find out what the Bureau of Mines was doing with reference to the Buffalo Creek disaster. He asked, "What would you like to know?"

I suggested he start with an answer to my telegram of February 28. He responded that he had answered that letter a week ago, but, he added, the letter was still in the office of the Secretary of the Interior awaiting the Secretary's signature. Therefore, I still seek an answer to the question: "Will you please send us some information on how we can communicate with our Government?"

I think, believe, and have some reason to be more confident that I will hear soon concerning my inquiry of over 2 weeks ago.

PRIMARY ELECTION IN FLORIDA

(Mr. ABERNETHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ABERNETHY. Mr. Speaker, it is easy to be a winner, but it takes a man and real courage to be a loser. As in any athletic contest, in our political election campaigns there has got to be a loser. A good loser moves to the middle of the field, shakes the hand of the winner, congratulates and extends good wishes. A poor loser gets mad and pops off, and the poorest of losers sometimes refers to the winner in most uncomplimentary terms, for instance, as a demagog.

Last night one of the candidates in the Florida primary showed his ugly colors and they were very ugly indeed. Instead of complimenting the winner, he referred to the winner in the most uncomplimentary terms, charging that the winner stood for all that this country was opposed to. Then he sure enough got hot under the collar and charged that the winner was an ugly demagog. Of course, Mr. Speaker, this is the same as charging that the more than 600,000 people who voted for the winner in Florida were also against what this country stands for and that they too, are demagogs.

The people of Florida had an opportunity to see and hear these candidates offering for President in their preferential primary. They had the opportunity to measure their character, as well as their qualification and to determine whether or not they are temporarily and otherwise fitted for the highest office within the gift of our people.

The big winner of the primary chalked up almost five votes to every one voting for the candidate from the State of Maine. Now, come to think of it, if the gentleman from Alabama, who was the big winner, is a demagog as the candidate from Maine said he was, then where does that leave the candidate from Maine? I do not know but it could be that the people of Florida—and incidentally they are a reasonably intelligent people—concluded that the candidate from Maine is the real demagog. Mr. Speaker, please understand, I am not making any such charge. I am simply endeavoring to analyze what the people of Florida might have been thinking.

In any event, Mr. Speaker, the colors of the candidate from Maine have faded considerably. But I guess this was to be expected because they were not very good from the very beginning. He has succeeded in plowing himself under a mile high mound of bitterness and vituperation. All of which reminds me, Mr. Speaker, what Harry Truman once said:

"If you can't stand the heat, get out of the kitchen."

FLORIDA VOTERS SPEAK OUT ON BUSING, PRAYER ISSUES

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, the news media and the political pundits today are busily analyzing the results of Florida's presidential primary—but perhaps more significant in terms of the course and future of our Nation were the results of straw ballots yesterday on the vital issues of forced busing and restoration of prayer and Bible reading in our schools.

While the results of the presidential preference balloting will be interpreted in various ways, there can be no question any longer about how people feel on these critical questions involving the education of our children.

The people want an end to forced busing of children and they want to preserve our neighborhood schools. They want equal educational opportunities for all, regardless of race, creed, or color. And they want to return voluntary prayer and Bible reading to our classrooms.

With 99 percent of the votes now counted, the people of Florida spoke out against forced busing by a 3-to-1 majority: The vote was 1,104,700 for a constitutional amendment to prohibit busing, and 387,073 against. On the issue of equal educational opportunities, the vote was nearly 4 to 1 in favor, 1,066,123 to 290,003, thus demonstrating that Floridians, despite accusations by some, are not racists. And again, the vote was about 4 to 1, 1,126,805 to 294,171, in favor of prayer and Bible reading in the schools.

Because people come to Florida from every State in the Nation and their views are representative of the country as a whole, these results take on added significance. Most of our colleagues have had living in their districts at one time or other people who now call Florida their home.

A majority of the Members of the House can take pride in having voted for prayer and Bible reading in the schools. And certainly we have gone on record repeatedly against forced busing and in favor of neighborhood schools.

But the busing continues and God is still barred from our classrooms. The time has come for more positive, more effective action. The Florida straw ballot proves this conclusively—the people are crying out for their leaders to act.

FLORIDA VOTERS' OPINIONS ON EDUCATION OF CHILDREN

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of Georgia. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Florida who just preceded me. The people have once again spoken out in this Nation to say they want the right to direct their own lives. This is particularly true where their children are concerned. They are unwilling to abandon their children to any sociologist or psychologist from Washington, or Maine, or wherever it may be, who wishes to tell the people the sociologist or psychologist knows better how to rear the children than the people do themselves.

We have had a valid demonstration in Florida that the people are not motivated for racial purposes, because while they voted 3 to 1 as opposed to busing, they also voted a little better than 3 to 1 for a quality education for all.

I hope this message will ring loud and clear not only here in the House, which has demonstrated its opposition to forced busing, but also in the other body, which I feel still needs to hear that message.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

MARCH 13, 1972.

Hon. CARL ALBERT,
The Speaker,
House of Representatives.

DEAR SIR: On February 18, 1972 I advised you that a civil action was filed by Ralph Nader and Public Citizen, Inc. v. several Government officials including W. Pat Jennings, Clerk of the U.S. House of Representatives (Civil Action File No. 243–72). I also advised that pursuant to 2 U.S.C. 118 I had written to the Acting Attorney General of the United States and to the U.S. Attorney for the District of Columbia requesting that they carry out their assigned statutory responsibilities in defending the Clerk of the House in this matter. This correspondence was published in the *Congressional Record* of February 22, 1972.

I have received the attached reply from the Department of Justice dated March 6, 1972 that undertakes representation of the Clerk of the House on a conditional basis. The Assistant Attorney General advises in the letter of reply that: "In undertaking your representation, we should advise you that, although we do not foresee it at this time, *if during the course of this litigation it might appear in our judgment that a possible divergence of interest is present and that your interests might better be served by obtaining other counsel, we shall, of course, so advise you.*" (Emphasis supplied.)

In the event the Attorney General so advises me of a possible divergence of interests at a later date, I will promptly advise The Speaker of the matter to insure that the House may take such steps as it deems appropriate to safeguard its interests.

I have this date received a simillar reply from the U.S. Attorney (copy attached) that he is undertaking the requested representation "under the same conditions" as were stated in the Department of Justice's letter of March 6, 1972 to the Clerk of the House.

With kindest regards, I am,

Sincerely yours,

W. PAT JENNINGS,
Clerk, House of Representatives.

DEPARTMENT OF JUSTICE,
Washington, D.C., March 6, 1972.

Hon. W. PAT JENNINGS,
Clerk, House of Representatives,
Washington, D.C.

DEAR MR. JENNINGS: Your letter to Mr. Kleindienst of February 18, 1972, regarding the filing of a suit in the district court for the District of Columbia, *Ralph Nadar, et al* v. *John N. Mitchell, et al,* Civil Action 243–72, has been referred to me for reply.

The Department of Justice will be pleased to undertake your representation in this litigation in accordance with your request under 2 U.S.C. 118.

We are presently obtaining information necessary for use in the defense of this action and attorneys from this Division will, no doubt, contact your office in the near future.

In undertaking your representation, we should advise you that, although we do not foresee it at this time, if during the course of this litigation it might appear in our judgment that a possible divergence of interest is present and that your interests might better be served by obtaining other counsel, we shall, of course, so advise you. In view of the breadth of the allegations of this complaint, we think it appropriate to point this out to you in response to your request.

Sincerely,

L. PATRICK GRAY III,
Assistant Attorney General.

WASHINGTON, D.C.,
March 10, 1972.

Re Ralph Nader, et al. v. John N. Mitchell, et al., Civil Action No. 243–72.

Hon. W. PAT JENNINGS,
Clerk, House of Representatives,
Washington, D.C.

DEAR MR. JENNINGS: I am told that L. Patrick Gray, III, Esquire, Assistant Attorney General of the Civil Division has replied to your letter to the then Attorney General John N. Mitchell requesting representation in the above case. I further understand that the Department of Justice has complied with your request.

In response to your letter to me of February 18, 1972 in which you made a similar request of me please be assured that members of my staff will work closely with the Department's attorneys in defense of the Congress of the United States under the same conditions as stated in Mr. Gray's letter to you.

Yours truly,

HAROLD H. TITUS, Jr.,
U.S. Attorney.

TENTH ANNUAL MANPOWER REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–192)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed, with illustrations:

To the Congress of the United States:

This is the tenth annual Manpower Report of the President and the third of my Administration. The information in this volume, as in its predecessors, will help to deepen the Nation's understanding of manpower problems and issues and to point the way toward achievement of our human resources development goals.

The second decade of an active manpower policy, which begins in March of this year, is dedicated to attaining full opportunity for all American workers.

Our tactics for pursuing this objective are twofold: First, to accomplish much needed and long overdue reform of the manpower programs set up under the Manpower Development and Training Act and subsequent legislation and thus increase their effectiveness in enhancing the employability of jobless workers; and, second, to move toward a broader national manpower policy which will be an important adjunct of economic policy in achieving our Nation's economic and social objectives.

My Administration has made substantial progress in improving the operation of manpower programs under existing legislative authorizations, as described in this report. Fundamental reform of these programs, however, requires new legislation. For this reason, in the recent Special Message to the Congress which forms the first part of this volume I again urged speedy enactment of a Manpower Revenue Sharing Act, to make possible coordinated and flexible manpower programs administered by local governments in accordance with local needs.

The need for a comprehensive national manpower policy which is sensitive to the manpower implications of government actions in many fields is also documented in this report. There is hardly any major aspect of government policy which does not significantly affect the utilization, size, and skills of the country's work force.

Yet during the 1960's, efforts to appraise the employment impact of new and changing policies and programs were fragmentary, at best—leading to avoidable inefficiencies in program operations and unnecessarily severe adjustments for workers, industries, and local communities.

Both the efficiency of our economy and the well-being of the country's workers will be served by more systematic assessment of the manpower consequences of government policies and programs. Accordingly, I am instructing the Secretary of Labor to develop for my consideration recommendations with respect to the most effective mechanisms for achieving such an assessment and for assuring the findings receive appropriate attention in the government's decisionmaking processes.

The upturn in employment late in 1971, in response to the New Economic Policy which I announced in August, is another subject discussed in this report. The outlook is now favorable for economic and employment expansion. However, as I said in my Economic Report in January, unemployment *must* be further reduced. This will be accomplished by the stimulus given to employment through our fiscal and monetary policies and by a number of special measures discussed in the present record, among them:

—The expansion in enrollments in federally assisted manpower programs to record figures, providing a substantial increase in opportunities for Negroes and other minorities;

—The new program of public service employment which serves two purposes simultaneously—opening transitional jobs for unemployed workers and filling unmet needs for essential public services;

—Better matching of workers and jobs through computerized Job Banks; and

—Special programs to aid the reemployment of veterans and persons displaced because of cutbacks in the defense and aerospace programs.

Teenage workers have by far the highest jobless rate of any group—more than four times the rate for adult workers in 1971. The remedial action underway and needed to meet their special problems is discussed in depth in this report. In particular, we propose a special, lower, youth minimum wage to help overcome employers' reluctance to hire inexperienced young workers.

A new approach to career education in the public schools is also being developed. This would give young people more realistic career preparation and help to build an easier, more effective school-to-work transition, paving the way toward a real solution to the problems of jobless youth.

The final focus of the report is on the professions. Scientists and engineers, teachers, doctors, and other professional and technical personnel represent only about one out of every seven workers, but they carry a responsibility for the country's economic and social well-being, its defense and position of world leadership, out of all proportion to their numbers.

We have two major objectives with respect to professional personnel. In the immediate future, we must promote full utilization of their talents and training, and we are moving strongly toward that goal through the special programs we have undertaken to aid the reemployment of the relatively small numbers of scientists and engineers now out of work or underemployed.

In the longer view, we must assure a supply of new entrants into the professions adequate to meet national needs. As the findings of this report indicate, this objective is in process of accomplishment in the major professional fields, including the health professions. With the increased Federal funds for medical and nursing education that I have recommended to implement the new 1971 health manpower legislation, rapid progress will be possible in achieving a better standard of health care for all Americans.

I am pleased to transmit herewith a report on manpower requirements, resources, utilization and training as required under the Manpower Development and Training Act.

RICHARD NIXON.

THE WHITE HOUSE, *March 15, 1972.*

CONFERENCE REPORT ON S. 2097, SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse:

CONFERENCE REPORT (H. REPT. NO. 92-920)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Sente recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

§ 1. Short title.

This Act may be cited as the "Drug Abuse Office and Treatment Act of 1972".

TITLE I—FINDINGS AND DECLARATION OF POLICY; DEFINITIONS; TERMINATION

Sec.
101. Congressional findings.
102. Declaration of national policy.
103. Definitions.
104. Termination.

§ 101. Congressional findings.

The Congress makes the following findings:

(1) Drug abuse is rapidly increasing in the United States and now afflicts urban, suburban, and rural areas of the Nation.

(2) Drug abuse seriously impairs individual, as well as societal, health and well-being.

(3) Drug abuse, especially heroin addiction, substantially contributes to crime.

(4) The adverse impact of drug abuse inflicts increasing pain and hardship on individuals, families, and communities and undermines our institutions.

(5) Too little is known about drug abuse, especially the causes, and ways to treat and prevent drug abuse.

(6) The success of Federal drug abuse programs and activities requires a recognition that education, treatment, rehabilitation, research, training, and law enforcement efforts are interrelated.

(7) The effectiveness of efforts by State and local governments and by the Federal Government to control and treat drug abuse in the United States has been hampered by a lack of coordination among the States, between States and localities, among the Federal Government, States, and localities, and throughout the Federal establishment.

(8) Control of drug abuse requires the development of a comprehensive, coordinated long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse.

(9) The increasing rate of drug abuse constitutes a serious and continuing threat to national health and welfare, requiring an immediate and effective response on the part of the Federal Government.

§ 102. Declaration of national policy.

The Congress declares that it is the policy of the United States and the purpose of this Act to focus the comprehensive resources of the Federal Government and bring them to bear on drug abuse with the immediate objective of significantly reducing the incidence of drug abuse in the United States within the shortest possible period of time, and to develop a comprehensive, coordinated long-term Federal strategy to combat drug abuse.

§ 103. Definitions.

(a) The definitions set forth in this section apply for the purposes of this Act.

(b) The term "drug abuse prevention function" means any program or activity relating to drug abuse education, training, treatment, rehabilitation, or research, and includes any such function even when performed by an organization whose primary mission is in the field of drug traffic prevention functions, or is unrelated to drugs. The term does not include any function defined in subsection (c) as a "drug traffic prevention function".

(c) The term "drug traffic prevention function" means

(1) the conduct of formal or informal diplomatic or international negotiations at any level, whether with foreign governments, other foreign governmental or nongovernmental persons or organizations of any kind, or any international organization of any kind, relating to traffic (whether licit or illicit) in drugs subject to abuse, or any measures to control or curb such traffic; or

(2) any of the following law enforcement activities or proceedings:

(A) the investigation and prosecution of drug offenses;

(B) the impanelment of grand juries;

(C) programs or activities involving international narcotics control; and

(D) the detection and suppression of illicit drug supplies.

§ 104. Termination.

Effective June 30, 1975, the Office, each of the positions in the Office of Director, Deputy Director, and Assistant Director, and the National Advisory Council for Drug Abuse Prevention established by section 251 of this Act are abolished and title II is repealed.

TITLE II—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Chapter	*Section*
1. GENERAL PROVISIONS	201
2. FUNCTIONS OF THE DIRECTOR	221
3. ADVISORY COUNCIL	251

Chapter 1.—GENERAL PROVISIONS

Sec.
201. Establishment of Office.
202. Appointment of Director.
203. Appointment of Deputy Director.
204. Appointment of Assistant Directors.
205. Delegation.
206. Officers and employees.
207. Employment of experts and consultants.
208. Acceptance of uncompensated services.
209. Notice relating to the control of dangerous drugs.
210. Grants and contracts.
211. Acting Director and Deputy Director.
212. Compensation of Director, Deputy Director, and Assistant Directors.
213. Statutory requirements unaffected.
214. Appropriations authorized.

§ 201. Establishment of Office.

There is established in the Executive Office of the President an office to be known as the Special Action Office for Drug Abuse Prevention (hereinafter in this Act referred to as the "Office"). The establishment of the Office in the Executive Office of the President shall not be construed as affecting access by the Congress, or committees of either House, (1) to information, documents, and studies in the possession of, or conducted by, the Office, or (2) to personnel of the Office.

§ 202. Appointment of Director.

There shall be at the head of the Office a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

§ 203. Appointment of Deputy Director.

There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director may assign or delegate, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of Director.

§ 204. Appointment of Assistant Directors.

There shall be in the Office not to exceed six Assistant Directors appointed by the Director.

§ 205. Delegation.

Unless specifically prohibited by law, the Director may, without being relieved of his responsibility, perform any of his functions or duties, or exercise any of his powers through, or with the aid of, such persons in, or organizations of, the Office as he may designate.

§ 206. Officers and employees.

(a) The Director may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to perform the functions vested in him. At the discretion of the Director, any officer or employee of the Office may be allowed and paid travel expenses, including per diem in lieu of subsistence, in the same manner as is authorized by section 5703 of title 5, United States Code, for individuals employed intermittently.

(b) In addition to the number of positions which may be placed in grades GS–16, 17, and 18 under section 5108 of title 5, United States Code, and without prejudice to the placement of other positions in the Office in such grades under any authority other than this subsection, not to exceed ten positions in the Office may be placed in grades GS–16, 17, and 18, but in accordance with the procedures prescribed under such section 5108. The authority for such additional positions shall terminate on the date specified in section 104 of this Act.

§ 207. Employment of experts and consultants.

The Director may procure services as authorized by section 3109 of title 5, United States Code, and may pay a rate for such services not in excess of the rate in effect for grade GS–18 of the General Schedule. The Director may employ individuals under this section without regard to any limitation, applicable to services procured under such section 3109, on the number of days or the period of such services, except that, at any one time, not more than fifteen individuals may be employed under this section without regard to such limitation.

§ 208. Acceptance of uncompensated services.

The Director is authorized to accept and employ in furtherance of the purpose of this Act or any Federal drug abuse prevention function, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

§ 209. Notice relating to the control of dangerous drugs.

Whenever the Attorney General determines that there is evidence that

(1) a drug or other substance, which is not a controlled substance (as defined in section 101(6) of the Controlled Substances Act), has a potential for abuse, or

(2) a controlled substance should be transferred or removed from a schedule under section 202 of such Act,

he shall, prior to initiating any proceeding under section 201(a) of such Act, give the Director timely notice of such determination. Information forwarded to the Attorney General pursuant to section 201(f) of such Act shall also be forwarded by the Secretary of Health, Education, and Welfare to the Director.

§ 210. Grants and contracts.

(a) In carrying out any of his functions under this title, the Director is authorized to make grants to any public or nonprofit private agency, organization, or institution, and to enter into contracts with any agency, organization, or institution, or with any individual.

(b) To the extent he deems it appropriate, the Director may require the recipient of a grant or contract under this section to contribute money, facilities, or services for carrying out the program and activity for which such grant or contract was made.

(c) Payments pursuant to a grant or contract under this section may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Director may determine.

(d) Any Federal department or agency may enter into grant or contractual arrangements with the Director and, pursuant to such a grant or contractual arrangement, may exercise any authority to use any personnel or facilities which would otherwise be available to such department or agency for the performance by it of its authorized functions.

§ 211. Acting Director and Deputy Director.

The President may authorize any person who immediately prior to the date of enactment of this Act held a position in the executive branch of the Government to act as the Director or Deputy Director until the position in question is for the first time filled pursuant to the provisions of this title or by recess appointment, as the case may be, and the President may authorize any such person to receive the compensation attached to the office in respect of which he serves. Such compensation, if authorized, shall be in lieu of but not in addition to other compensation from the United States to which such person may be entitled.

§ 212. Compensation of Director, Deputy Director, and Assistant Directors.

(a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(21) Director of the Special Action Office for Drug Abuse Prevention."

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(95) Deputy Director of the Special Action Office for Drug Abuse Prevention."

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(131) Assistant Directors, Special Action Office for Drug Abuse Prevention (6)."

§ 213. Statutory requirements unaffected.

Except as authorized in section 225, nothing in this Act authorizes or permits the Director or any other Federal officer to waive or disregard any limitation or requirement, including standards, criteria, or cost-sharing formulas, prescribed by law with respect to any Federal program or activity. Except with respect to the conduct of drug abuse prevention functions, nothing in this Act shall be construed to limit the authority of the Secretary of Defense with respect to the operation of the armed forces or the authority of the Administrator of Veterans' Affairs with respect to furnishing health care to veterans.

§ 214. Appropriations authorized.

(a)(1) For the purposes of carrying out the provisions of this title, except for the provisions of sections 223 and 224, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972; $10,000,000 for the fiscal year ending June 30, 1973; $11,000,000 for the fiscal year ending June 30, 1974; and $12,000,000 for the fiscal year ending June 30, 1975.

(2) For the purpose of carrying out the provisions of section 223, there is authorized to be appropriated $40,000,000 for each of the fiscal years ending June 30, 1973, June 30, 1974, June 30, 1975.

(3) For the purpose of making grants and contracts under section 224, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, and $30,000,000 for the fiscal year ending June 30, 1975.

(b) Sums appropriated under subsection (a) of this section shall remain available for obligation or expenditure in the fiscal year for which appropriated and in the fiscal year next following.

Chapter 2.—FUNCTIONS OF THE DIRECTOR

Sec.
221. Concentration of Federal effort.
222. Funding authority.
223. Special Fund.
224. Encouragement of certain research and development.
225. Single non-Federal share requirement.
226. Recommendations regarding drug traffic prevention functions.
227. Resolution of certain conflicts.
228. Liaison with respect to drug traffic prevention.
229. Technical assistance to State and local agencies.
230. Management oversight review.
231. Federal drug council authorized.
232. International negotiations.
233. Annual report.

§ 221. Concentration of Federal effort.

(a) The Director shall provide overall planning and policy and establish objectives and priorities for all Federal drug abuse prevention functions. In carrying out his functions under this subsection, the Director shall consult, from time to time, with the National Advisory Council for Drug Abuse Prevention.

(b) For the purpose of assuring the effectuation of the planning and policy and the achievement of the objectives and priorities provided or established pursuant to subsection (a), the Director shall

(1) review the regulations, guidelines, requirements, criteria, and procedures of operating agencies in terms of their consistency with the policies, priorities, and objectives he provides or establishes, and assist such agencies in making such additions thereto or changes therein as may be appropriate;

(2) recommend changes in organization, management, and personnel, which he deems advisable to implement the policies, priorities, and objectives he provides or establishes;

(3) review related Federal legislation in the areas of health, education, and welfare providing for medical treatment or assistance, vocational training, or other rehabilitative services and consistent with the purposes of this Act, assure that the respective administering agencies construe drug abuse as a health problem;

(4) conduct or provide for the conduct of evaluations and studies of the performance

and results achieved by Federal drug abuse prevention functions, and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered;

(5) require departments and agencies engaged in Federal drug abuse prevention functions to submit such information and reports with respect thereto as the Director determines to be necessary to carry out the purposes of this Act, and such departments and agencies shall submit to the Director such information and reports as the Director may reasonably require;

(6) except as provided in the second sentence of section 213,

(A) coordinate the performance of drug abuse prevention functions by Federal departments and agencies; and

(B) coordinate the performance of such functions by Federal departments and agencies with the performance by Federal departments and agencies of other functions which the Director determines may have an important bearing on the success of the entire Federal effort against drug abuse; and

(7) develop improved methods for determining the extent of drug addiction and abuse in the United States.

§ 222. Funding Authority.

In implementation of his authority under section 221, and to carry out the purposes of this Act, the Director is authorized

(1) to review and as he deems necessary modify insofar as they pertain to Federal drug abuse prevention functions,

(A) implementation plans for any Federal program, and

(B) the budget requests of any Federal department or agency; and

(2) to the extent not inconsistent with the applicable appropriation Acts, to make funds available from appropriations to Federal departments and agencies to conduct drug abuse prevention functions.

§ 223. Special Fund.

(a) There is established a Special Fund (hereinafter in this section referred to as the "fund") in order to provide additional incentives to Federal departments and agencies to develop more effective drug abuse prevention functions and to give the Director the flexibility to encourage, and respond quickly and effectively to, the development of promising programs and approaches.

(b) Except as provided in subsection (c) of this section, sums appropriated to the fund may be utilized only after their transfer, upon the order of the Director and at his discretion, to any Federal department or agency (other than the Office) and only for the purpose of

(1) developing or demonstrating promising new concepts or methods in respect of drug abuse prevention functions; or

(2) supplementing or expanding existing drug abuse prevention functions which the Director finds to be exceptionally effective or for which he finds there exists exceptional need.

(c) Not more than 10 per centum of such sums as are appropriated to the fund may be expended by the Director through the Office to develop and demonstrate promising new concepts or methods in respect of drug abuse prevention functions.

§ 224. Encouragement of certain research and development.

In carrying out his functions under section 221, the Director shall encourage and promote (by grants, contracts, or otherwise) expanded research programs to create, develop, and test

(1) nonaddictive synthetic analgesics to replace opium and its derivatives in medical use;

(2) long-lasting, nonaddictive blocking or antagonistic drugs or other pharmacological substances for treatment of heroin addiction;

(3) detoxification agents which, when administered, will ease the physical effects of withdrawal from heroin addiction.

In carrying out this section the Director is authorized to establish, or provide for the establishment of, clinical research facilities.

§ 225. Single non-Federal share requirement.

Where funds are made available by more than one Federal agency to be used by an agency, organization, or individual to carry out a drug abuse prevention function, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Director may order any such agency to waive any technical grant or contract requirement established in regulations which is inconsistent with the similar requirement of the other Federal agency or which the other Federal agency does not impose.

§ 226. Recommendations regarding drug traffic prevention functions.

The Director may make recommendations to the President in connection with any Federal drug traffic prevention function, and shall consult with and be consulted by all responsible Federal departments and agencies regarding the policies, priorities, and objectives of such functions.

§ 227. Resolution of certain conflicts.

If the Director determines in writing that the manner in which any Federal department or agency is conducting any drug abuse prevention function or drug traffic prevention function substantially impairs the effective conduct of any other such function, he shall submit in writing his findings and determinations to the President, who may direct the Federal department or agency in question to conduct the function thereafter under such policy guidelines as the President may specify to eliminate the impairment.

§ 228. Liaison with respect to drug traffic prevention.

One of the Assistant Directors of the Office shall maintain communication and liaison with respect to all drug traffic prevention functions of the Federal Government.

§ 229. Technical assistance to State and local agencies.

(a) The Director shall

(1) coordinate or assure coordination of Federal drug abuse prevention functions with such functions of State and local governments; and

(2) provide for a central clearinghouse for Federal, State, and local governments, public and private agencies, and individuals seeking drug abuse information and assistance from the Federal Government.

(b) In carrying out his functions under this section, the Director may

(1) provide technical assistance—including advice and consultation relating to local programs, technical and professional assistance, and, where deemed necessary, use of task forces of public officials or other persons assigned to work with State and local governments—to analyze and identify State and local drug abuse problems and assist in the development of plans and programs to meet the problems so identified;

(2) convene conferences of State, local, and Federal officials, and such other persons as the Director shall designate, to promote the purposes of this Act, and the Director is authorized to pay reasonable expenses of individuals incurred in connection with their participation in such conferences;

(3) draft and make available to State and local governments model legislation with respect to State and local drug abuse programs and activities; and

(4) promote the promulgation of uniform criteria, procedures, and forms of grant or contract applications for drug abuse control and treatment proposals submitted by State and local governments and private organizations, institutions, and individuals.

(c) In implementation of his authority under subsection (b)(1), the Director may

(1) take such action as may be necessary to request the assignment, with or without reimbursement, of any individual employed by any Federal department or agency and engaged in any Federal drug abuse prevention function or drug traffic prevention function to serve as a member of any such task force; except that no such person shall be so assigned during any one fiscal year for more than an aggregate of ninety days without the express approval of the head of the Federal department or agency with respect to which he was so employed prior to such assignment;

(2) assign any person employed by the Office to serve as a member of any such task force or to coordinate management of such task forces; and

(3) enter into contracts or other agreements with any person or organization to serve on or work with such task forces.

§ 230. Management oversight review.

The Director may, for a period not to exceed thirty days in any one calendar year, provide for the exercise or performance of a management oversight review with respect to the conduct of any Federal drug abuse prevention function. Such review may be conducted by an officer of any Federal department or agency other than the department or agency conducting such function. The officer shall submit a written report to the Director concerning his findings.

§ 231. Federal drug council authorized.

To promote the purposes of this Act, the Director may convene, at his discretion, a council of officials representative of Federal departments and agencies, including intelligence agencies, responsible for Federal drug abuse prevention functions or Federal drug traffic prevention functions.

§ 232. International negotiations.

The President may designate the Director to represent the Government of the United States in discussions and negotiations relating to drug abuse prevention, drug traffic prevention, or both.

§ 233. Annual report.

The Director shall submit to the President and the Congress, prior to March 1 of each year which begins after the enactment of this title, a written report on the activities of the Office. The report shall specify the objectives, activities, and accomplishments of the Office, and shall contain an accounting of funds expended pursuant to this title.

Chapter 3.—ADVISORY COUNCIL

Sec.

251. Establishment of Council.
252. Membership of the Council.
253. Chairman; meetings.
254. Compensation and expenses.
255. Functions of the Council.

§ 251. Establishment of Council.

There is established a National Advisory Council for Drug Abuse Prevention (hereinafter in this chapter referred to as the "Council") which shall consist of fifteen members.

§ 252. Membership of the Council.

(a) The Secretary of Health, Education, and Welfare, the Secretary of Defense, and the Administrator of Veterans' Affairs, or their respective designees, shall be members of the Council ex officio.

(b) The remaining members of the Council shall be appointed by the President and shall serve at his pleasure. Appointments shall be made from persons who by virtue of their education, training, or experience are qualified to carry out the functions of members of the Council. Of the members so appointed, four shall be officials of State or local governments or governmental agencies who are actively engaged in drug abuse prevention functions.

§ 253. Chairman; meetings.

The President shall designate the Chairman of the Council. The Council shall meet at the call of the Chairman, but not less often than four times a year.

§ 254. Compensation and expenses.

Members of the Council (other than members who are full-time officers or employees of the United States) shall, while serving on business of the Council, be entitled to receive a per diem allowance at rates not to exceed the daily equivalent of the rate authorized for grade GS–18 of the General Schedule. Each member of the Council, while so serving away from his home or regular place of business, may be allowed actual travel expenses and per diem in lieu of subsistence as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

§ 255. Functions of the Council.

(a) The Council shall, from time to time, make recommendations to the Director with respect to overall planning and policy and the objectives and priorities for all Federal drug abuse prevention functions.

(b) The Council may make recommendations to the Director with respect to the conduct of, or need for, any drug abuse prevention functions which are or in its judgment should be conducted by or with the support of the Federal Government.

TITLE III—NATIONAL DRUG ABUSE STRATEGY

Sec.
301. Development of strategy required.
302. Strategy Council.
303. Content of strategy.
304. Preparation of strategy.
305. Review and revision.

§ 301. Development of strategy required.

Immediately upon the enactment of this title, the President shall direct the development of a comprehensive, coordinated long-term Federal strategy (hereinafter in this title referred to as the "strategy") for all drug abuse prevention functions and all drug traffic prevention functions conducted, sponsored, or supported by any department or agency of the Federal Government. The strategy shall be initially promulgated by the President no later than nine months after the enactment of this title.

§ 302. Strategy Council.

To develop the strategy, the President shall establish a Strategy Council whose membership shall include the Director of the Special Action Office for Drug Abuse Prevention until the date specified in section 104 of this Act, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the Administrator of Veterans' Affairs, and other officials as the President may deem appropriate. Until the date specified in section 104 of this Act, the Director shall provide such services as are required to assure that the strategy is prepared, and thereafter such services shall be provided by such officer or agency of the United States as the President may designate. The strategy shall be subject to review and written comment by those Federal officials participating in its preparation.

§ 303. Content of strategy.

The strategy shall contain

(1) an analysis of the nature, character, and extent of the drug abuse problem in the United States, including examination of the interrelationships between various approaches to solving the drug abuse problem and their potential for interacting both positively and negatively with one another;

(2) a comprehensive Federal plan, with respect to both drug abuse prevention functions and drug traffic prevention functions, which shall specify the objectives of the Federal strategy and how all available resources, funds, programs, services, and facilities authorized under relevant Federal law should be used; and

(3) an analysis and evaluation of the major programs conducted, expenditures made, results achieved, plans developed, and problems encountered in the operation and coordination of the various Federal drug abuse prevention functions and drug traffic prevention functions.

§ 304. Preparation of strategy.

To facilitate the preparation of the strategy, the Council shall

(1) engage in the planning necessary to achieve the objectives of a comprehensive, coordinated long-term Federal strategy, including examination of the overall Federal investment to combat drug abuse;

(2) at the request of any member, require departments and agencies engaged in Federal drug abuse prevention functions and drug traffic prevention functions to submit such information and reports and to conduct such studies and surveys as are necessary to carry out the purposes of this title, and the departments and agencies shall submit to the Council and to the requesting member the information, reports, studies, and surveys so required;

(3) evaluate the performance and results achieved by Federal drug abuse prevention functions and drug traffic prevention functions and the prospective performance and results that might be achieved by programs and activities in addition to or in lieu of those currently being administered.

§ 305. Review and revision.

The strategy shall be reviewed, revised as necessary, and promulgated as revised from time to time as the President deems appropriate, but not less often than once a year.

TITLE IV—OTHER FEDERAL PROGRAMS

Sec.
401. Community mental health centers.
402. Public Health Service facilities.
403. State plan requirements.
404. Drug abuse prevention function appropriations.
405. Special reports by the Secretary of Health, Education, and Welfare.
406. Additional drug abuse prevention functions of the Secretary of Health, Education, and Welfare.
407. Admission of drug abusers to hospitals for emergency treatment.
408. Confidentiality of patient records.
409. Formula grants.
410. Special project grants and contracts.
411. Records and audit.
412. National Drug Abuse Training Center.
413. Drug abuse among Federal civilian employees.

§ 401. Community mental health centers.

(a) Section 221 of the Community Mental Health Centers Act (42 U.S.C. 2688a) is amended by adding at the end thereof the following new subsection:

"(c) If an application for a grant under this part for a community mental health center is made for any fiscal year beginning after June 30, 1972, and—

"(1) the Secretary determines that it is feasible for such center to provide a treatment and rehabilitation program for drug addicts and other persons with drug abuse and other drug dependence problems residing in the area served by the center and that the need for such a program in that area is of such a magnitude as to warrant the provision of such a program by the center, such application may not be approved unless it contains or is supported by assurances satisfactory to the Secretary that the center will provide such program in such fiscal year; or

"(2) the Secretary determines that it is feasible for the center to assist the Federal Government in treatment and rehabilitation programs for drug addicts and other persons with drug abuse and other drug dependence problems who are in the area served by the center, such application may not be approved unless it contains or is supported by assurances satisfactory to the Secretary that the center will enter into agreements with departments or agencies of the Government under which agreements the center may be used (to the maximum extent practicable) in treatment and rehabilitation programs (if any) provided by such departments or agencies.

For the purpose of making grants under this part to assist community mental health centers to meet the requirements of this subsection there are authorized to be appropriated $60,000,000 for fiscal year ending June 30, 1973, $60,000,000 for the fiscal year ending June 30, 1974, and $60,000,000 for the fiscal year ending June 30, 1975."

(b) Section 251 of the Community Mental Health Centers Act (42 U.S.C. 2688k) is amended—

(1) by inserting in subsection (a) "or leasing" after "construction",

(2) by inserting in subsection (a) "facilities for emergency medical services, intermediate care services, or outpatient services, or" immediately before "posthospitalization treatment facilities",

(3) by inserting in subsection (a) "or leased" after "constructed", and

(4) by inserting in subsection (b) "or leasing" after "construction" the first time it appears.

(c) Section 256(e) of the Community Mental Health Centers Act (42 U.S.C. 2688n–1) is amended (1) by striking out "and $35,000,000" and inserting in lieu thereof "$60,000,000", and (2) by striking out the period at the end and inserting in lieu thereof "; and $75,000,000 for the fiscal year ending June 30, 1974.".

§ 402. Public Health Service facilities.

(a) Section 341(a) of the Public Health Service Act (42 U.S.C. 257(a)) (relating to care and treatment of narcotic addicts and other drug abusers) is amended by adding at the end thereof the following new sentence: "In carrying out this subsection, the Secretary shall establish in each hospital and other appropriate medical facility of the Service a treatment and rehabilitation program for drug addicts and other persons with drug abuse and drug dependence problems who are in the area served by such hospital or other facility; except that the requirement of this sentence shall not apply in the case of any such hospital or other facility with respect to which the Secretary determines that there is not sufficient need for such a program in such hospital or other facility."

(b) Section 341 of that Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary may enter into agreements with the Administrator of Veterans' Affairs, the Secretary of Defense, and the head of any other department or agency of the Government under which agreements hospitals and other appropriate medical facilities of the Service may be used in treatment and rehabilitation programs provided by such department or agency for drug addicts and other persons with drug abuse and other drug dependence problems who are in areas served by such hospitals or other facilities."

§ 403. State plan requirements.

(a) Section 314(d)(2)(K) of the Public Health Service Act (42 U.S.C. 246(d)(2)(K)) is amended by inserting after "problem" the following: ", and include provisions for (i) licensing or accreditation of facilities in which treatment and rehabilitation programs are conducted for persons with drug abuse and other drug dependence problems, and (ii) expansion of State mental health programs in the field of drug abuse and drug dependence and of other prevention and treatment programs in such field".

(b) Section 204 of the Community Mental Health Centers Act (42 U.S.C. 2684) is amended by adding at the end thereof the following new subsection:

"(c) After June 30, 1973, the Secretary may not approve any State plan unless it provides for treatment and prevention programs in the field of drug abuse and drug dependence, commensurate with the extent of the problem, and it includes the provisions required by section 314(d)(2)(K) of the Public Health Service Act for State plans submitted under section 314(d) of such Act."

§ 404. Drug abuse prevention function appropriations.

Any request for appropriations by a department or agency of the Government submitted after the date of enactment of this Act shall specify (1) on a line item basis, that part of the appropriations which the department or agency is requesting to carry out its drug abuse prevention functions, and (2) the authorization of the appropriations requested to carry out each of its drug abuse prevention functions.

§ 405. Special reports by the Secretary of Health, Education, and Welfare.

(a) The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the "Secretary") shall develop and submit to the Congress and the Director within ninety days after the date of enactment of this Act, a written plan for the administration and coordination of all drug abuse prevention functions within the Department of Health, Education, and Welfare. Such report shall list each program conducted and each service provided in carrying out such functions, describe how such programs and services are to be coordinated, and describe the steps taken or to be taken to insure that such programs and services will be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines. The plan shall be consistent with the policies, priorities, and objectives established by the Director under section 221 of this Act.

(b) The Secretary shall submit to the Director, for inclusion in the annual report required by section 233 of this Act, a report describing model and experimental methods and programs for the treatment and rehabilitation of drug abusers, and describing the advantages of each such method and program and an evaluation of the success or failure of each such method or program. The Secretary's report shall contain recommendations for the development of new and improved methods and programs for the treatment and rehabilitation of drug abusers, for community implementation of such methods and programs, and for such legislation and administrative action as he deems appropriate.

§ 406. Additional drug abuse prevention functions of the Secretary of Health, Education, and Welfare.

(a) The Secretary shall

(1) operate an information center for the collection, preparation, and dissemination of all information relating to drug abuse prevention functions, including information concerning State and local drug abuse treatment plans, and the availability of treatment resources, training and educational programs, statistics, research, and other pertinent data and information;

(2) investigate and publish information concerning uniform methodology and technology for determining the extent and kind of drug use by individuals and effects which individuals are likely to experience from such use;

(3) gather and publish statistics pertaining to drug abuse and promulgate regulations specifying uniform statistics to be furnished, records to be maintained, and reports to be submitted, on a voluntary basis by public and private entities and individuals respecting drug abuse; and

(4) review, and publish an evaluation of, the adequacy and appropriateness of any provision relating to drug abuse prevention functions contained in the comprehensive State health, welfare, or rehabilitation plans submitted to the Federal Government pursuant to Federal law, including, but not limited to, those submitted pursuant to section 5(a) of the Vocational Rehabilitation Act, sections 314(d)(2)(K) and 604(a) of the Public Health Service Act, section 1902(a) of title XIX of the Social Security Act, and section 204(a) of part A of the Community Mental Health Centers Act.

(b) After December 31, 1974, the Secretary shall carry out his functions under subsection (a) through the National Institute on Drug Abuse.

§ 407. Admission of drug abusers to hospitals for emergency treatment.

(a) Drug abusers who are suffering from emergency medical conditions shall not be refused admission or treatment, solely because of their drug abuse or drug dependence, by any private or public general hospital which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency.

(b) The Secretary is authorized to make regulations for the enforcement of the policy of subsection (a). Such regulations shall include procedures for determining (after opportunity for a hearing if requested) if a violation of subsection (a) has occurred, notification of failure to comply with such subsection, and opportunity for a violator to comply with such subsection. If the Secretary determines that a hospital has violated subsection (a) and such violation continues after an opportunity has been afforded for compliance, the Secretary is authorized to suspend or revoke, after opportunity for a hearing, all or part of any support of any kind received by such hospital from any program administered by the Secretary. The Secretary may consult with the officials responsible for the administration of any other Federal program from which such hospital receives support of any kind, with respect to the suspension or revocation of Federal support for such hospital.

§ 408. Confidentiality of patient records.

(a) Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse prevention function authorized or assisted under any provision of this Act or any Act amended by this Act shall be confidential and may be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b) of this section.

(b)(1) If the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, gives his written consent, the content of such record may be disclosed

(A) to medical personnel for the purposes of diagnosis or treatment of the patient, and

(B) to governmental personnel for the purpose of obtaining benefits to which the patient is entitled.

(2) If the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, does not give his written consent, the content of such record may be disclosed as follows:

(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

(B) To qualified personnel for the purpose of conducting scientific research, management or financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner.

(C) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

(c) Except as authorized by a court order granted under subsection (b)(2)(C) of this section, no record referred to in subsection (a) may be used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient.

(d) The prohibitions of this section continue to apply to records concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

(e) Except as authorized under subsection (b) of this section, any person who discloses the contents of any record referred to in subsection (a) shall be fined not more than $500 in the case of a first offense, and not more than $5,000 in the case of each subsequent offense.

§ 409. Formula grants.

(a) There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, $30,000,000 for the fiscal year ending June 30, 1973, $40,000,000 for the fiscal year ending June 30, 1974, and $45,000,000 for the fiscal year ending June 30, 1975, for grants to States in accordance with this section. For the purpose of this section, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

(b) Grants to States may be made under this section

(1) for the preparation of plans which are intended to meet the requirements of subsection (e) of this section;

(2) for the expenses (other than State administrative expenses) of (A) carrying out projects under and otherwise implementing plans approved by the Secretary pursuant to subsection (f) of this section, and (B) evaluating the results of such plans as actually implemented; and

(3) for the State administrative expenses of carrying out plans approved by the Secretary pursuant to subsection (f) of this section, except that no grant under this paragraph to any State for any year may exceed $50,000 or 10 per centum of the total allotment of that State for that year, whichever is less.

(c)(1) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated pursuant to subsection (a) for such year among the States on the basis of the relative population, financial need, and the need for more effective conduct of drug abuse prevention functions, except that no such allotment to any State (other than the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands), shall be less than $100,000 multiplied by a fraction whose numerator is the amount actually appropriated for the purposes of this section for the fiscal year for which the allotment is made, and whose denominator is the amount authorized to be appropriated by subsection (a) for that year.

(2) Any amount allotted under paragraph (1) of this subsection to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be reallotted by the Secretary to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this section, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under paragraph (1) of this subsection to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such four States which have need therefor, on such basis as the Secrteary deems equitable and consistent with the purposes of this section, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

(d) No grant may be made under subsection (b)(1) of this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, including assurances satisfactory to the Secretary that the grant will be used by the State for the preparation of a State plan which will meet the requirements of subsection (e), as the Secretary shall by regulation prescribe.

(e) Any State desiring to receive a grant under subsection (b)(2) or (b)(3) of this section shall submit to the Secretary a State plan for planning, establishing, conducting, and coordinating projects for the development of more effective drug abuse prevention functions in the State and for evaluating the conduct of such functions in the State. Each State plan shall

(1) designate or establish a single State agency as the sole agency for the preparation and administration of the plan, or for supervising the preparation and administration of the plan;

(2) Contain satisfactory evidence that the State agency designated or established in accordance with paragraph (1) will have authority to prepare and administer, or supervise the preparation and administration of, such plan in conformity with this subsection;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, from different geographical areas of the State, and which shall consult with the State agency in carrying out the plan;

(4) describe the drug abuse prevention functions to be carried out under the plan with assistance under this section;

(5) set forth, in accordance with criteria established by the Secretary, a detailed survey of the local and State needs for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provide services for drug abuse and drug dependence, and a plan for the development and distribution of such facilities and programs throughout the State;

(6) provide for coordination of existing and planned treatment and rehabilitation programs and activities, particularly in urban centers;

(7) provide a scheme and methods of administration which will supplement, broaden, and complement State health plans developed under section 314(d)(2) of the Public Health Service Act;

(8) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(9) provide that the State agency will make such reports, in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(10) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary an analysis and evaluation of the effectiveness of the prevention and treatment programs and activities carried out under the plan, and any modifications in the plan which it considers necessary;

(11) provide reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extend feasible and practical the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds; and

(12) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions of this section.

(f) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (e) of this section.

(g) From the allotment of a State, the Secretary shall make grants to that State in accordance with this section. Payments under such grants may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

§ 410. Special project grants and contracts.

(a) The Secretary shall

(1) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to provide training seminars, educational programs, and technical assistance for the development of drug abuse preventive, treatment, and rehabilitation programs for employees; in the private and public sectors;

(2) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, and institutions, to provide directly or through contractual arrangements for vocational rehabilitation counseling, education, and services for the benefit of persons in treatment programs and to encourage efforts by the private and public sectors of the economy to recruit, train, and employ participants in treatment programs;

(3) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions and individuals to establish, conduct, and evaluate drug abuse prevention, treatment, and rehabilitation programs within State and local criminal justice systems;

(4) make grants to or contracts with groups composed of individuals representing a broad cross-section of medical, scientific, or social disciplines for the purpose of determining the causes of drug abuse in a particular area, prescribing methods for dealing with drug abuse in such an area, or conducting programs for dealing with drug abuse in such an area;

(5) make research grants to public and private nonprofit agencies, organizations, and institutions and enter the contracts with public and private agencies, organizations, and institutions, and individuals for improved drug maintenance techniques or programs; and

(6) make grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to establish, conduct, and evaluate drug abuse prevention and treatment programs.

(b) There are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1972; $65,000,000 for the fiscal year ending June 30, 1973; $100,000,000 for the fiscal year ending June 30, 1974; and $160,000,000 for the fiscal year ending June 30, 1975, to carry out this section.

(c)(1) In carrying out this section, the Secretary shall require coordination of all applications for programs in a State and shall not give precedence to public agencies over private agencies, institutions, and organizations, or to State agencies over local agencies.

(2) Each applicant within a State, upon filing its application with the Secretary for a grant or contract under this section, shall submit a copy of its application for review by the State agency (if any) designated or established under section 409. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of drug abuse under section 409. The State shall furnish the applicant a copy of any such evaluation. A State if it so desires may, in writing, waive its rights under this paragraph.

(3) Approval of any application for a grant or contract under this section by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria that

(A) provide that the activities and services for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

(B) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

(C) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

(D) provide for reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

(d) Payment under grants or contracts under this section may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

§ 411. Records and audit.

(a) Each recipient of assistance under section 409 or 410 pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to such grants or contracts.

§ 412. National Drug Abuse Training Center.

(a) The Director shall establish a National Drug Abuse Training Center (hereinafter in this section referred to as the "Center") to develop, conduct, and support a full range of training programs relating to drug abuse prevention functions. The Director shall consult with the National Advisory Council for Drug Abuse Prevention regarding the general policies of the Center. The Director may supervise the operation of the Center initially, but shall transfer the supervision of the operation of the Center to the National Institute on Drug Abuse not later than December 31, 1974.

(b) The Center shall conduct or arrange for training programs, seminars, meetings, conferences, and other related activities, including the furnishing of training and educational materials for use by others.

(c) The services and facilities of the Center shall, in accordance with regulations prescribed by the Director, be available to (1) Federal, State, and local government officials, and their respective staffs, (2) medical and paramedical personnel, and educators, and (3) other persons, including drug dependent persons, requiring training or education in drug abuse prevention.

(d) (1) For the purpose of carrying out this section, there are authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1972, $3,000,000 for the fiscal year ending June 30, 1973, $5,000,000 for the fiscal year ending June 30, 1974, and $6,000,000 for the fiscal year ending June 30, 1975.

(2) Sums appropriated under this subsection shall remain available for obligation or expenditure in the fiscal year for which appropriated and in the fiscal year next following.

§ 413. Drug abuse among Federal civilian employees.

(a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Director and with other Federal agencies and departments, appropriate prevention, treatment, and rehabilitation programs and services for drug abuse among Federal civilian employees. Such policies and services shall make optimal use of existing governmental facilities, services, and skills.

(b) The Director shall foster similar drug abuse prevention, treatment, and rehabilitation programs and services in State and local governments and in private industry.

(c) (1) No person may be denied or deprived of Federal civilian employment or a Federal professional or other license or right solely on the ground of prior drug abuse.

(2) This subsection shall not apply to employment (A) in the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, or any other department or agency of the Federal Government designated for purposes of national security by the President, or (B) in any position in any department or agency of the Federal Government, not referred to in clause (A), which position is determined pursuant to regulations prescribed by the head of such department or agency to be a sensitive position.

(d) This section shall not be construed to prohibit the dismissal from employment of a Federal civilian employee who cannot properly function in his employment.

TITLE V—NATIONAL INSTITUTE ON DRUG ABUSE; NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

Sec.
501. Establishment of Institute.
502. Establishment of National Advisory Council on Drug Abuse.

§ 501. Establishment of Institute.

(a) Effective December 31, 1974, there is established, in the National Institute of Mental Health, a National Institute on Drug Abuse (hereinafter in this section referred to as the "Institute") to administer the programs and authorities of the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") with respect to drug abuse prevention functions, The Secretary, acting through the Institute, shall, in carrying out the purposes of section 301 of the Public Health Service Act with respect to drug abuse, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of drug abuse and for the rehabilitation of drug abusers.

(b) The Institute shall be under the direction of a Director who shall be appointed by the Secretary.

(c) The programs of the Institute shall be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines.

§ 502. Establishment of National Advisory Council on Drug Abuse.

(a) Section 217 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(e) (1) The National Advisory Council on Drug Abuse shall consist of the Secretary, who shall be Chairman, the chief medical officer of the Veterans' Administration or his representative, and a medical officer designated by the Secretary of Defense, who shall be ex officio members. In addition, the Council shall be composed of twelve members appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The appointed members of the Council shall represent a broad range of interests, disciplines, and expertise in the drug area and shall be selected from outstanding professionals and paraprofessionals in the fields of medicine, education, science, the social sciences, and other related disciplines, who have been active in the areas of drug abuse prevention, treatment, rehabilitation, training, or research.

"(2) The Council shall advise, consult with, and make recommendations to, the Secretary

"(A) concerning matters relating to the activities and functions of the Secretary in the field of drug abuse, including, but not limited to, the development of new programs and priorities, the efficient administration of programs, and the supplying of needed scientific and statistical data and program information to professionals, paraprofessionals, and the general public; and

"(B) concerning policies and priorities respecting grants and contracts in the field of drug abuse."

(b) Section 266 of the Community Mental Health Centers Act is amended

(1) by striking out in the first sentence "part C" and inserting in lieu thereof "parts C and D",

(2) by striking out in the second sentence "established by such section", and

(3) by adding at the end the following new sentence: "Grants under part D of this title for such costs will undergo such review as is provided by section 217(e) of the Public Health Service Act."

And the House agree to the same.

Harley O. Staggers,
Paul G. Rogers,
David Satterfield,
Peter N. Kyros,
Richardson Preyer,
James W. Symington,
William R. Roy,
William L. Springer,
Ancher Nelsen,
Tim Lee Carter,
James F. Hastings,
Managers on the Part of the House.
John L. McClellan,
Abe Ribicoff,
Lee Metcalf,
Lawton Chiles,
Charles Percy,
Jacob K. Javits,
Edward J. Gurney,
Harold E. Hughes,
Jennings Randolph,
Harrison A. Williams, Jr.,
Edward M. Kennedy,
Walter F. Mondale,
Alan Cranston,
Bob Packwood,
Peter H. Dominick,
Richard S. Schweiker,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The amendment of the House to the bill is a substitute for the entire text of the Senate bill. The conference substitute is a substitute for the text of both the Senate bill and the House amendment. Except for technical, clerical, clarifying, and conforming changes, the differences between the conference substitute and the Senate bill and House amendment are set out below:

DEFINITIONS

The Senate bill contained a specific listing of programs to which the legislation was applicable; the House amendment included these programs through specifically defining the terms "drug abuse prevention function" and "drug traffic prevention function".

The Senate bill included, but was not limited to, the following:

(1) the Narcotic Addict Rehabilitation Act of 1966 including treatment and aftercare programs of the National Institute of Mental Health and the Bureau of Prisons of the Department of Justice;

(2) part D and part E (to the extent such parts pertain to drug abuse) of the Community Mental Health Centers Act including treatment, rehabilitation, and education projects administered by the National Institute of Mental Health;

(3) title I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 including treatment, rehabilitation, and education projects authorized by the Secretary of Health, Education, and Welfare;

(4) section 502(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, to the extent it pertains to public education programs not involving law enforcement within the Bureau of Narcotics and Dangerous Drugs of the Department of Justice;

(5) the Drug Abuse Education Act of 1970 administered by the Office of Education of the Department of Health, Education, and Welfare;

(6) section 222(a)(9) of the Economic Opportunity Act of 1964 and all other provisions of that Act, to the extent they pertain to drug abuse, including community treatment and rehabilitation projects administered by the Office of Economic Opportunity;

(7) section 306(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968, to the extent that it pertains to drug abuse, including treatment, rehabilitation, and education projects administered by the Law Enforcement Assistance Administration of the Department of Justice;

(8) the Manpower Development and Training Act of 1962, to the extent it pertains to drug abuse, including rehabilitation projects administered by the Department of Labor;

(9) the Public Health Service Act, to the extent it pertains to drug abuse, including service, research, and training programs administered by the Department of Health, Education, and Welfare;

(10) title 38 of the United States Code, to the extent such title pertains to drug abuse, including treatment and rehabilitation services conducted by the Veterans' Administration; and

(11) grant programs authorized by the conference substitute.

The conference substitute is the same as the House amendment, and covers the designated programs, as well as any other programs or activities falling within the defined term "drug abuse prevention function," whether or not conducted by an agency to whose primary mission drug abuse prevention functions are incidental.

ACCESS TO PERSONNEL AND INFORMATION

Both the Senate bill and the House amendment provided for establishment of the Special Action Office for Drug Abuse Prevention in the Executive Office of the President. The House amendment provided that the establishment of the Office in the Executive Office shall not affect congressional access to (1) information, documents, and studies in the possession of, or conducted by, the Office or (2) personnel of the Office.

The conference substitute is the same as the House bill.

APPOINTMENTS

The Senate bill authorized the appointment of 25 persons without regard to civil service and compensation laws, with up to 10 persons permitted to be paid at rates up to GS–18, and 15 additional could be paid at rates up to GS–13.

The House amendment contained no comparable provision.

The conference substitute provides that, in addition to the number of positions which may be placed in supergrades under normal Civil Service Commission procedures, not to exceed 10 positions in the Office may be placed in grades GS–16, 17, and 18, in accordance with the procedures prescribed under section 5108 of title 5, United States Code.

This revised authority will permit the Office to employ the personnel they need for top positions, while preserving the jurisdiction of the Civil Service Commission and the congressional committees having an interest in this subject.

Both the Senate bill and the House amendment authorized appointments of experts and consultants, but the House amendment, and the conference substitute, permit such employment without regard to limitations on the length of service.

ADVISORY COUNCIL

The House amendment provided for the establishment of a National Advisory Council for Drug Abuse Prevention consisting of the Secretary of HEW, the Secretary of Defense, the Administrator of Veterans' Affairs, ex officio, or their designees, and 12 members appointed by the President, of whom four must be State or local officials concerned with drug abuse prevention functions. The Director is required, in carrying out his overall planning and policy functions, to consult from time to time with the National Advisory Council.

The Senate bill contained no corresponding provision.

The conference substitute is the same as the House bill.

LIAISON

The House amendment provided for the appointment of an Assistant Director to maintain communication and liaison with Federal agencies performing drug traffic prevention functions.

The Senate bill contained no corresponding provision.

The conference substitute is the same as the House amendment.

CONCENTRATION OF FEDERAL EFFORT

The Senate bill provided that the Director shall coordinate drug abuse programs and activities carried out by the United States, and shall coordinate such programs and activities with other programs and activities of the United States, if it will aid the Federal effort against drug abuse.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill, with the addition of a specific reference to the second sentence of section 213 of the legislation, which provides that the authority of the Director shall not be construed to limit the authority of the Secretary of Defense with respect to the operation of the Armed Forces, or the authority of the Administrator of Veterans' Affairs with respect to furnishing health care to veterans, except with respect to overall policies established by the Director relating to the conduct of drug abuse prevention functions.

The legislation contemplates that the Director and his staff will act as a catalyst to improve the organization and operation of Federal drug abuse programs. The Director is to play an active role in establishing budget levels, programs priorities and policies aimed at curbing drug abuse. The conferees also intend that he monitor agency performance to find and correct failures, weaknesses, and delays in policy implementation. In addition, the conferees expect that the Director will take the lead in adjusting and reconciling any policy differences between Federal agencies concerning drug abuse.

The conferees reaffirm the intention of this legislation that the Special Action Office concentrate its efforts on interagency coordination and policy development. It must not attempt to manage or intervene in the routine operation of programs conducted by the departments and agencies. Such action would be contrary to the express purpose of the bill and would waste the resources of the office. The conferees do intend, however, that the Director be fully informed concerning the operation of agency programs affecting drug abuse prevention or traffic functions, to assure that the overall policies he has set are being complied with and implemented. If the Special Action Office is to play a constructive role, it must focus its activities on those areas directly related to its mission—assuring cooperation between departments and agencies on policy issues which cut across jurisdictional lines, providing and encouraging rigorous evaluation of existing programs, and fostering new and innovative approaches to the drug abuse problem.

DEVELOPMENT OF METHODS TO DETERMINE EXTENT OF DRUG ABUSE IN UNITED STATES

The House amendment included as one of the duties of the Director the development of improved methods for determining the extent of drug addiction and abuse in the United States.

The Senate bill contained no comparable provision.

The conference substitute is the same as the House amendment.

PRESIDENTIAL ASSIGNMENTS

The Senate bill provided that the Director, in carrying out his overall planning and policy functions, is to perform such other functions as the President may assign.

The House amendment contained no such provision, and the conference substitute is the same as the House amendment. Section 232 authorizes the President to designate the Director to represent the United States in discussions and negotiations relating to drug abuse prevention, drug traffic prevention, or both.

PHARMACOLOGICAL RESEARCH

The House amendment provides that the Director shall encourage and promote research to create, develop, and test nonaddictive synthetic analgesics to replace opium, long lasting nonaddictive blocking or antagonistic drugs, and detoxification agents, for heroin.

The Senate bill did not contain such authority for the Director, but authorized similar authority through grants and contracts entered into by the Secretary of Health, Education, and Welfare.

The conference substitute is the same as the House bill, with authorization of $30,000,000 for fiscal year 1975.

APPROPRIATION AUTHORIZATIONS

The Senate bill authorized appropriations totaling $42,000,000 for functions of the Director, and $160,000,000 for the special fund, with authorizations for fiscal years 1972 through 1975.

The House amendment authorized $25,000,000 for fiscal year 1972 through 1974 for functions of the Director, and $80,000,000 for fiscal years 1973 and 1974 for the special fund.

The conference substitute authorizes, for functions of the Director, $5,000,000 for fiscal year 1972, $10,000,000 for fiscal year 1973, $11,000,000 for fiscal year 1974, and $12,000,000 for fiscal 1975.

With respect to the special fund, $40,000,000 is authorized for each of the fiscal years 1973, 1974, and 1975. Funds appropriated for one fiscal year but not expended therein may be carried over to the next fiscal year.

Under the conference agreement, the Director's authority will extend for three full fiscal years ending June 30, 1975, plus the remainder of the current fiscal year.

NATIONAL DRUG ABUSE TRAINING CENTER

The House amendment authorized $2,000,000 for fiscal year 1972, $3,000,000 for fiscal year 1973, and $5,000,000 for fiscal year 1974, for the Director to develop, conduct, and support training programs relating to prevention of drug abuse, with the operation of the Center to be transferred to the National Institute of Mental Health prior to the termination of the Director's powers.

The Senate bill contained no comparable provision.

The conference substitute is the same as the House amendment except that the Director's role with respect to the training center is to be that of overall supervision; the Center is to be transferred to the National Institute of Drug Abuse (created by other provisions in the bill) as of December 31, 1974. The appropriation authorizations are set at $1,000,000 for fiscal year 1972, $3,000,000 for fiscal year 1973, $5,000,000 for fiscal year 1974, and $6,000,000 for fiscal year 1975.

FEDERAL PERSONNEL POLICIES

The Senate bill provided that the Civil Service Commission would establish policies for control and treatment of drug abuse among Federal civilian employees (including employees of the Postal Service), and that drug dependent employees were not to lose benefits, and where possible to be provided employment, during rehabilitation.

The House amendment provided that the Director should advise the Civil Service Commission and other agencies as to policies and services for control and treatment of drug abuse among Federal civilian employees.

The conference substitute is the same, with respect to drug abuse, as section 201 of the Alcohol and Alcohol Abuse Prevention and Treatment Act of 1970, is with respect to alcoholism and alcohol abuse by Federal employees.

Employees of the Postal Service were removed from this section at the request of the Postal Service as inconsistent with the nongovernmental status of such employees under the Postal Reorganization Act. The Postal Service stated that it was their intention to make every effort to cooperate with the Special Action Office, and to establish a program, modeled on that established for other Federal employees, for the treatment of drug abuse among postal employees.

This section establishes the principle that drug abuse and drug dependence shall be handled by Federal departments and agencies as a medical problem for the employee involved. The provision is almost identical to section 201 of the Alcohol and Alcohol Abuse Prevention and Treatment Act of 1970, and should be administered in a similar manner. Thus, except for certain designated sensitive agencies and sensitive positions, an employee may not be dismissed solely because of prior drug abuse. Except for the designated agencies and positions, Federal employees may have their employment terminated only for failure to perform their jobs. All Federal civilian employees dismissed, including those in the agencies and positions listed in subsection (c)(2) of this section are to be treated alike with respect to retention of collateral benefits. Accordingly, any dismissed employee's rights to annual and sick leave, medical treatment, rehabilitation services, pension, and other collateral rights should be preserved to the same extent as they would be for employees who have lost their jobs due to other medical disabilities.

REORGANIZATION PLANS

The Senate bill provided that the President may change the functions of the Director by reorganization plans without regard to the cutoff date for the submission of plans and the limits on the number that may be submitted.

A similar provision in the House version was deleted by an amendment on the House floor, so that the House amendment contained no comparable provision.

The conference substitute is the same as the House amendment.

CLASSIFICATION OF DRUGS

The Senate bill provided that the Director should consult with and be consulted by appropriate officials regarding classification of drugs under the Controlled Substances Act, and investigational new drugs with a potential for abuse. The Director had similar responsibilities with respect to international questions of classification of drugs, and with respect to New Drug Applications.

The House amendment contained no corresponding provisions.

The conference substitute provides that whenever the Attorney General determines that there is evidence that a drug which is not a controlled substance may be subject to abuse, or that a controlled substance should be transferred or removed from a schedule under the Controlled Substances Act, he shall, prior to the initiation of a formal proceeding for such transfer, removal, or control, notify the Director. In addition, when information is developed with respect to an investigational new drug indicating that the drug has a potential for abuse, that information which is forwarded to the Attorney General as required by the Controlled Substances Act shall also be forwarded to the Director.

SERVICES FOR VETERANS

The Senate bill provided that veterans would receive treatment and rehabilitation services for drug dependency irrespective of the nature of their discharge, the service connection of their drug dependency, or of any other limitation in title 38, United States Code. Services to veterans would include inpatient treatment and outpatient services irrespective of any prior inpatient treatment, psychiatric care, counseling, vocational training, or other rehabilitative services, and the funding, setting up, or operation of residential halfway houses.

The House amendment contained no corresponding provision.

The conference substitute contains no provision relating to treatment and rehabilitation for veterans. The conferees have noted that legislation dealing with this subject has passed the House, and is presently under active consideration by the Senate Veterans' Affairs Committee.

The removal of this section of the bill by the conferees is based upon their assumption that separate legislation will be promptly enacted dealing with the problem of treatment and rehabilitation for veterans, and is done because of jurisdictional objections raised by the Veterans' Affairs Committee of the House. The conferees wish to stress, however, their unanimous firm conviction that dealing with the problem of drug abuse among returning veterans is a matter of the utmost urgency and should be accorded the highest priority by the Congress.

NATIONAL DRUG ABUSE STRATEGY

The Senate bill provided for the establishment of a comprehensive, coordinated, long-term Federal strategy for all drug abuse programs and activities conducted, sponsored, or supported by the United States.

The House bill contained no comparable provision.

The conference substitute is the same as the Senate bill, with technical changes.

COMMUNITY MENTAL HEALTH CENTERS PROGRAMS

The House amendment required that applications for staffing grants for community mental health centers contain assurances that each such center will provide needed drug abuse treatment and rehabilitation programs to persons in the area to be served, if the Secretary finds that the problem in the area warrants establishment of such a program. Appropriations of $60 million for each of the fiscal years 1973 and 1974 are authorized.

The Senate bill contained no comparable provision, but amended the Community Mental Health Centers Act to authorize grants for the leasing of facilities for drug abuse treatment programs, and authorized assistance for facilities for emergency medical services, intermediate care services, and out-patient services.

The conference substitute combines the provisions of the House amendment and the Senate bill, with authorization of $60,000,000 for fiscal year 1975.

USE OF PHS FACILITIES

The House amendment provided for establishment of drug abuse treatment and rehabilitation programs in facilities of the Public Health Service to provide services for persons residing in the local areas, and for servicemen and veterans in such areas.

The Senate bill contained no comparable provision.

The conference substitute is the same as the House bill.

STATE PLAN REQUIREMENTS

The House amendment requires that State plans for grants for comprehensive public health services include provisions for licensing facilities in which drug abuse treatment and rehabilitation programs are conducted, and for expansion of State mental health programs in the method of drug abuse prevention and treatment.

The conference substitute is the same as the House amendment, with a clarifying change.

DRUG ABUSE PREVENTION APPROPRIATION REQUESTS

The House amendment provided that all requests for appropriations for drug abuse prevention functions must hereafter be submitted on a line item basis.

The Senate bill contained no comparable provision.

The conference substitute is the same as the House amendment, with the addition of the requirement that the appropriation request must also include each specific authorization on the basis of which the request is made.

SPECIAL PROJECTS

The House amendment increased from $35 million to $60 million the authorization for special projects of programs for drug abuse treatment and rehabilitation for fiscal year 1973, together with a new authorization of $75 million for fiscal year 1974.

The conference substitute is the same as the House bill.

NATIONAL INSTITUTE ON DRUG ABUSE

The Senate bill provided for the establishment within the National Institute of Mental

Health of a National Institute on Drug Abuse.

The House amendment contained no comparable provision.

The conference substitute is the same as the Senate bill, except that the new National Institute on Drug Abuse is to be created on December 31, 1974. The postponement will give the Department of HEW time to prepare for the establishment of the new Institute. The conferees anticipate that, in the consideration of other legislation in the field of mental health and drug abuse, scheduled for expiration in the future, further consideration will be given to the proper role and function of the new Institute.

REPORTS BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

The Senate bill required that the Secretary of Health, Education, and Welfare submit to Congress a written plan for the administration and coordination of his drug abuse programs, and describe existing model and experimental methods for drug abuse treatment, and make recommendations for future development of treatment techniques.

The House amendment contained no comparable provision.

The conference substitute is the same as the Senate bill.

ADDITIONAL RESPONSIBILITIES OF THE SECRETARY

The Senate bill provides that the Secretary is to (1) operate an information center related to drug abuse information, (2) investigate and publish information concerning methodology and technology for determining the extent and kind of drug abuse, (3) publish statistics, and (4) review and evaluate provisions for drug abuse prevention and treatment programs submitted in State health plans.

The House amendment contained no comparable provision.

The conference substitute is the same as the Senate bill.

FORMULA GRANTS

The Senate bill established a formula grant program for assisting States in planning, establishing, maintaining, coordinating, and evaluating projects to deal with drug abuse, with authorization of appropriation of $15,000,000 for fiscal 1972, $30,000,000 for fiscal 1973, $40,000,000 for fiscal 1974, $45,000,000 for fiscal 1975, and $50,000,000 for fiscal 1976.

The House amendment authorized formula grants to assist States in planning drug abuse prevention functions and in evaluating the conduct of such functions, with appropriation authorization of $5,000,000 for fiscal 1972, $13,000,000 for fiscal 1973, and $13,000,000 for fiscal 1974.

The conference agreement is the same as the Senate bill except that the appropriation authorizations for fiscal 1976 are deleted, and the minimum allotment to the States contained in the Senate bill is set at $100,000, with provision for reduction if appropriations are below authorizations.

GRANTS AND CONTRACTS FOR SPECIAL PROGRAMS

The Senate bill authorized grants and contracts—

(1) for training programs,

(2) for rehabilitation programs,

(3) for drug abuse treatment programs within State and local criminal justice systems,

(4) to determine the causes of drug abuse,

(5) for research relating to blocking or antagonistic drugs, improved detoxification agents, and improved drug maintenance techniques and programs; and

(6) for drug abuse treatment programs on the local level.

Authorization for appropriations were $65,000,000 for fiscal 1972, $170,000,000 for fiscal 1973, $260,000,000 for fiscal 1974, $400,000,000 for fiscal 1975, and $450,000,000 for fiscal 1976.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill, except that the programs for research related to blocking or antagonistic drugs, and improved detoxication agents are eliminated as covered by the authority of the Director under section 224 of the bill, and the appropriation authorizations are as follows: $25 million for fiscal 1972; $65 million for fiscal 1973; $100 million for fiscal 1974; and $160 million for fiscal 1975.

ADMISSION OF DRUG ABUSERS TO HOSPITALS

The Senate bill provided that drug abusers who are suffering from emergency medical conditions shall not be refused admission to or treatment by any public or private general hospital which receives Federal assistance, with a suspension or revocation of Federal assistance for any hospital violating this provision.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill.

NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

The Senate bill provided for the establishment of a National Advisory Council on Drug Abuse similar to the other advisory councils established under the Public Health Services Act, to advise and consult with the Secretary concerning his functions in the field of drug abuse and to review and approve grants made for narcotic addiction and drug dependent person rehabilitation programs under part (D) of the Community Mental Health Centers Act.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill.

CONFIDENTIALITY OF PATIENT RECORDS

The Senate bill provided for confidentiality of private records prepared or obtained in connection with drug abuse programs, with some limitations.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill, with technical and clarifying changes.

The conferees wish to stress their conviction that the strictest adherence to the provisions of this section is absolutely essential to the success of all drug abuse prevention programs. Every patient and former patient must be assured that his right to privacy will be protected. Without that assurance, fear of public disclosure of drug abuse or of records that will attach for life will discourage thousands from seeking the treatment they must have if this tragic national problem is to be overcome.

Every person having control over or access to patients' records must understand that disclosure is permitted only under the circumstances and conditions set forth in this section. Records are not to be made available to investigators for the purpose of law enforcement or for any other private or public purpose or in any manner not specified in this section.

DESIGNATION OF CERTAIN POSITIONS IN ACTION

The Senate bill contained an amendment to the Economic Opportunity Act of 1964 providing for two associate directors of ACTION, to be compensated at Level IV of the Executive Schedule.

The House amendment contained no corresponding provision.

The conference substitute is the same as the House amendment.

Harley O. Staggers,
Paul G. Rogers,
David Satterfield,
Peter N. Kyros,
Richardson Preyer,
James W. Symington,
William R. Roy,
William L. Springer,
Ancher Nelsen,
Tim Lee Carter,
James F. Hastings,
Managers on the Part of the House.
John L. McClellan,
Abe Ribicoff,
Lee Metcalf,
Lawton Chiles,
Charles Percy,
Jacob K. Javits,
Edward J. Gurney,
Harold E. Hughes,
Jennings Randolph,
Harrison A. Williams, Jr.,
Edward M. Kennedy,
Walter F. Mondale,
Alan Cranston,
Bob Packwood,
Peter H. Dominick,
Richard S. Schweiker,
Managers on the Part of the Senate.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 74]

Abourezk
Anderson, Ill.
Arends
Aspinall
Baring
Biaggi
Bingham
Blatnik
Bow
Caffery
Carey, N.Y.
Chisholm
Clark
Clay
Danielson
Dellums
Diggs
Dingell
Dorn
Dowdy
Dwyer
Edwards, La.
Fascell
Fisher
Ford, William D.
Galifianakis
Gallagher
Gaydos
Gray
Green, Oreg.
Gross
Hawkins
Hébert
Hull
Jacobs
Jarman
Jonas
King
Landrum
Long, La.
McKinney
Morgan
Nelsen
Nichols
Pelly
Podell
Pryor, Ark.
Pucinski
Reid
Riegle
Rooney, Pa.
Rosenthal
Roybal
Ryan
Scheuer
Shipley
Sisk
Steed
Steiger, Wis.
Stubblefield
Stuckey
Teague, Calif.
Thompson, N.J.
Van Deerlin
Vander Jagt
Wilson, Bob
Zablocki

The SPEAKER. On this rollcall 364 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RESIGNATION OF AND APPOINTMENT OF CONFEREE ON S. 659, EDUCATION AMENDMENTS OF 1972

The SPEAKER laid before the House the following resignation of a conferee:

Washington, D.C.,
March 15, 1972.

Hon. Carl Albert,
Speaker of the House,
Washington, D.C.

Dear Carl: As you know, I have recently and unexpectedly become involved in a primary campaign against my colleague, Representative Jonathan Bingham. Since this campaign will keep me in New York almost constantly in the coming weeks, I will be unable to participate actively in the conference committee meetings on S. 659, the Higher Education Act Amendments of 1972.

I therefore ask that my name be withdrawn as a House conferee.

I appreciate your consideration in this matter.

Sincerely,

JAMES H. SCHEUER,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Pennsylvania (Mr. GAYDOS) as a manager on the part of the House at the conference on the bill (S. 659), Education Amendments of 1972, to fill the vacancy resulting from the resignation of the gentleman from New York (Mr. SCHEUER).

The Clerk will inform the Senate of this action.

CONFERENCE REPORT ON H.R. 12910, TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

Mr. MILLS of Arkansas. Mr. Speaker, I call up the conference report on the bill (H.R. 12910) to provide for a temporary increase in the public debt limit, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of March 9, 1972.)

Mr. MILLS of Arkansas (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement of the managers.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER. The gentleman from Arkansas is recognized.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the conference report on H.R. 12910 provides for a temporary increase in the public debt in the exact amount of the increase passed recently by the House. The bill is identical in all respects with the bill that passed the House.

Presently, the overall debt limit is $430 billion, consisting of a permanent limitation of $400 billion and a temporary additional ceiling through June 30, 1972, of $30 billion. The bill, as it passed the House, provided a further temporary increase of $20 billion, also effective through June 30, 1972. As a result, the bill as passed by the House and as agreed to in conference raised the debt limit to $450 billion from the date of enactment until June 30, 1972. After that date, the limit will revert to $400 billion, which is the present permanent limit on the public debt.

The Senate accepted the same $20 billion additional temporary increase, but modified the bill to provide an expenditure ceiling. That provision specified that expenditures and net lending during the fiscal year ending June 30, 1973, were not to exceed the President's recommendations in the budget for 1973; namely, $246.3 billion.

The amendment added by the Senate provided that the $246.3 billion limitation would be increased to the extent budget outlays for certain uncontrollable expenditure programs exceeded the estimates for them included in the budget. These programs include: the social insurance trust funds—which includes social security, unemployment, medicare, and retirement; the National Service Life Insurance Trust Fund; interest on the Federal debt; and the farm price support programs of the Commodity Credit Corporation. The amendment also provided that the limitation would be increased if the receipts from sale of financial assets of programs administered by the Farmers Home Administration, the Veterans' Administration, and agencies of the Department of Housing and Urban Development, and the lease of lands on the Outer Continental Shelf were less than their budget estimates. However, the increase from these six enumerated programs could not exceed $6 billion.

In addition, the Senate version provided a floating limitation which would be adjusted up or down as the result of congressional action, or inaction, on the President's requests for appropriations and other budgetary proposals or as the result of other congressional action which affects budget outlays.

One of the problems the conferees had with the Senate amendment was that it is not germane to the debt ceiling provision passed by the House. Because of this, we did not feel that it was desirable for the House conferees to consider such an amendment on this bill. Second, while the administration raised the question of an expenditure limitation before the Appropriations Committee, no hearings have been held on this matter by the Ways and Means Committee. In fact it is my impression that action on this matter is still pending business before the Appropriations Committee.

Finally, even though some of us favor an expenditure ceiling, we did not believe the Senate version would be effective in controlling the level of spending. I say this primarily because the Senate expenditure ceiling would float upward any time Congress passed an appropriations bill for more than the President's request.

In any event, the Senate receded and accepted the House version of the bill without change.

Mr. Speaker, it is interesting to observe that it is estimated that as of the end of today the Treasury will have outstanding securities issued by the Treasury within this debt ceiling amounted to $429 billion, 976 million. That means there is less than $24 million of authority remaining in the hands of the Treasury under the existing ceiling for further issuance of Treasury securities. That authority, in all probability, will be used today, or tomorrow, or certainly by the end of the week. So it is absolutely imperative that we take this action in order that the Treasury may pay bills that are coming due in connection with the appropriations already provided for the fiscal year 1972. Without this bill, the Treasury would be lacking some $20 billion in authority to pay bills.

The bills have been incurred. This is the day for the payment of those bills.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I am glad to yield to the gentleman from Indiana.

Mr. DENNIS. I thank the distinguished chairman for yielding.

As the gentleman from Arkansas knows, when this matter was in the other body our distinguished colleague from Delaware (Mr. ROTH) offered what I believe was a very important amendment, putting on a limitation on expenditure fixed in the amount of the budget and which would have been binding on both the Congress and the executive.

Now, unfortunately, the Senate watered it down considerably, but they at least did recognize the principle which the President of the United States has also advocated. I think it can be regarded as unfortunate that we omitted that entirely here in the conference report. I wonder if the distinguished chairman would give us some comment on the reasons for omitting that.

Mr. MILLS of Arkansas. I think my friend from Indiana knows there is no Member of this House who has advocated more than I have a spending ceiling in connection with each of our fiscal years.

The amendment offered by the distinguished Senator from Delaware was, I thought, a good amendment. The Senator from Delaware discussed the matter with me before he offered it. Actually, some of our own staff people assisted him in the development of this amendment.

The SPEAKER. The time of the gentleman has again expired.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, I was fully prepared as one conferee on the part of the House, even though the amendment was not germane to the subject matter and was not within the jurisdiction of the Committee on Ways and Means, to give serious consideration to accepting the amendment offered by the Senator from Delaware.

That amendment, however, was initially replaced by a substitute amendment offered by another Member of the Senate. After that was adopted, then another Senator offered still another amendment providing two major exceptions to it. The net effect of all of the amendments was to dilute the amendment initially offered by the Senator from Delaware to such an extent that, in the opinion of the Treasury people who spoke to us in conference, the amendment offered by the Senator from Delaware became almost completely ineffective.

Representatives of the Treasury and of the administration told us that they preferred and would readily accept an overall ceiling, without exceptions, in the amount of the budget request, which was $246.3 billion.

This was not what we had in conference. If we had tried to go to such a limit in conference, we would not have been within the purview of the conference.

In any event, the Senators were not willing to go back to a limit without exceptions. They were not willing to eliminate the exceptions they had written to the ceiling. The representatives of the administration did not want the exceptions in the Senate bill. They preferred having no limitation to having the Senate provision. So the Senate finally agreed that we bring back to the House exactly what passed the House.

The **SPEAKER**. The time of the gentleman has again expired.

Mr. **MILLS** of Arkansas. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, I call the attention of my friend and of other Members interested in this to the fact that in all probability—unless the House has initiated in the meantime a ceiling that will be effective, a ceiling that will apply to all expenditures of the Government—the Senate in connection with the next debt ceiling—which must be passed sometime prior to June 30 next—is likely to make another effort to develop an effective spending ceiling in connection with the debt limitation.

I would hope that the Committee on Appropriations would see fit—because this is a matter that I think is within their jurisdiction—to do what the administration is asking be done; namely, to report out an effective expenditure ceiling. This is the first administration I can ever recall that ever willingly asked the Congress to pass a ceiling on what the administration could spend.

I would hope that they would take the administration's suggestion and write it into a bill considered in the appropriations process.

The **SPEAKER**. The time of the gentleman from Arkansas has again expired.

Mr. **MILLS** of Arkansas. Mr. Speaker, I yield myself 2 additional minutes.

Mr. **DOW**. Mr. Speaker, if the gentleman will yield further, might I address an inquiry to the distinguished chairman?

Mr. **MILLS** of Arkansas. I yield to the gentleman from New York.

Mr. **DOW**. Mr. Speaker, what is the status now of tax reform? There has been a good deal said about it but we do not have anything definite on it.

Mr. **MILLS** of Arkansas. I do not know that there is anything that I can say to the gentleman about its status. I wrote the President a letter, and I have a letter, as I explained the other day, in acknowledgment of the letter which I have written. I have not received anything further from the White House.

I had a conversation this morning with one of the President's assistants at the White House, and I think the President probably has in mind some further response to the letter. However, do not hold me to that because I was not talking to the President directly. But, I think there will be some further response to that letter. I think we will have that information before we take up the next debt ceiling increase.

Mr. **DOW**. Mr. Speaker, if the gentleman will yield further, I wonder now if the legislative arm of the Ways and Means Committee would not consider it sound procedure to take the means and frame a tax reform bill?

Mr. **MILLS** of Arkansas. Let me get my friend from New York to introduce a bill and we will consider it, but during the consideration of it I would like to have the gentleman's ideas as to the reasons for his tax reform proposals.

The gentleman must bear in mind that we just enacted, and it finally became law in the closing days of 1969, a tax reform program. That still is not fully in effect.

I know of some areas that should be reformed, but I do not have any definite conclusions or solutions in my own mind. At the time that someone comes up with some thoughtful conclusions and solutions with reference to the problems of tax reform, the committee will begin working on them. We do not have to wait for them downtown. We have as much responsibility, or more, in this area than the people downtown. Frankly, I do not know what the administration's recommendations will be with regard to some of the various problems that exist within the law, the legislation that we enacted in 1969, and the parts of tax law that we did not include in the tax reform program of 1969 in addition to estate and gift taxes.

Mr. **DOW**. Mr. Speaker, if the gentleman will yield further, I am a cosponsor of one of the very excellent bills which has been submitted to the committee for consideration. I think there is every reason in this Congress for the committee to formulate a tax reform bill.

Mr. **MILLS** of Arkansas. I can assure the gentleman that the committee is considering all aspects of the problem and I thank the gentleman for his contribution.

Mr. **DENNIS**. Mr. Speaker, will the gentleman yield?

Mr. **MILLS** of Arkansas. I yield further to the gentleman from Indiana.

Mr. **DENNIS**. I thank the chairman for his statement in answer to my previous question and I would like to associate myself with him in expressing the hope that this very important matter of expenditure limitation will not be lost sight of.

The **SPEAKER**. The time of the gentleman from Arkansas has again expired.

Mr. **MILLS** of Arkansas. Mr. Speaker, I yield myself 2 additional minutes.

The **SPEAKER**. The gentleman from Arkansas is recognized for 2 additional minutes.

Mr. **MILLS** of Arkansas. I do not like to appear to be too insistent about anything, but if I am insistent about anything it is this very matter of returning to the Congress the constitutional prerogatives that Congress enjoys of saying how much is to be spent in a fiscal year. That is not the constitutional authority of the people downtown—the Budget Director or the President of the United States. That is the responsibility of the Congress. We authorize them downtown to have such authority as we give them.

The President is not asking for $246 billion in his budget for 1973. He is asking for some $270 billion, or more, of obligational authority. Add that to what already is in the pipeline, another $267 billion made available for spending in the future by previous sessions of Congress, and you have a total of better than $537 billion, if we do what the Budget asks us to do.

Out of that amount the President says, "I will not spend it all; I will spend just $246 billion."

Now, to me it is the responsibility of the Congress to say how much, and I welcome the suggestion of the President that the Congress regain this constitutional responsibility, and write into the law what will be spent. And I do not take it as an answer that it is not binding upon the Congress. Of course it is not binding upon the Congress in the sense that the Congress cannot amend its own legislation, but it is binding upon the President and those in the executive departments downtown. They cannot spend more. The Congress can give them the right subsequently, but that is the responsibility of the Congress.

The **SPEAKER**. The time of the gentleman from Arkansas has expired.

CALL OF THE HOUSE

Mr. **DOW**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. **MILLS** of Arkansas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 75]

Abourezk
Abzug
Anderson, Tenn.
Arends
Ashley
Aspinall
Baring
Bingham
Blanton
Caffery
Carey, N.Y.
Chisholm
Clark
Clay
Danielson
Diggs
Dowdy
Dwyer
Edmondson
Edwards, La.
Eilberg
Esch
Evins, Tenn.
Fisher
Foley
Ford, William D.
Fraser
Fuqua
Galifianakis
Gaydos
Green, Oreg.
Grover
Hanna
Hébert
Hull
Jacobs
Jarman
Jonas
Kee
King
Landrum
Lloyd
Long, La.
McKinney
Madden
Mitchell
Montgomery
Moorhead
Nelsen
Nichols
O'Hara
Pelly
Pryor, Ark.
Pucinski
Railsback
Reid
Riegle
Roybal
Scheuer
Sisk
Smith, Calif.
Springer
Steiger, Wis.
Stubblefield
Thompson, N.J.
Van Deerlin
Vander Jagt
Widnall
Wilson, Bob

The SPEAKER. On this rollcall 362 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 12910, TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

The SPEAKER. The gentleman from Arkansas consumed 13 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield myself such time as I may require.

We bring this bill back from conference identical in every respect to the bill that passed the House. I will make one short comment and that is on the items stricken out in the conference, which were the amendments purporting to set a ceiling on spending. The trouble with the amendment in its final form was that it was paying lipservice to establishing a ceiling, without having any real effect.

It was for that reason that the administration and the Treasury opposed it, and we could not arrive at what would be an effective ceiling because we did not have full latitude in the conference. We were limited to what the other body had done.

Mr. Speaker, this legislation is absolutely essential. We are within approximately $25 million of the present debt ceiling today.

So, there is no alternative but to accept this legislation and adopt it.

I see no need, Mr. Speaker, of belaboring the point any further and I yield back the balance of my time.

Mr. MILLS of Arkansas. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, it has been 5 weeks since the House voted to increase the debt limit, and now the conference report is before us. During this period there has been no indication that the administration understands the necessity of submitting to Congress a comprehensive program to close existing tax loopholes. It has been estimated that meaningful tax reform would recover $20 billion to the Treasury—the exact amount of the requested debt ceiling increase.

In view of the many suggestions made when this measure was before us previously, I had hoped that the Ways and Means Committee would take prompt action on the question of tax reform and eliminate the glaring inequities in our tax structure.

It is indefensible that in 1970, 112 taxpayers with earnings of more than $200,000 paid no taxes whatsoever.

The request for an increase in the temporary public debt ceiling is prompted by the Nixon administration's deficits—$23 billion in fiscal year 1971, $38.8 billion estimated for fiscal year 1972, and $25.5 billion estimated for fiscal year 1973. These deficits are a consequence of misguided economic policies which have produced inflation and high unemployment at the same time. In addition, the unwillingness to put forward a comprehensive program for tax reform compounds the problem of perpetuating a substantial loss of tax revenues.

My vote against the resolution is intended as a protest against the administration's fiscal and tax policy as well as its warped budget priorities.

Mr. LUJAN. Mr. Speaker, as the conference report on the public debt limit comes before the House, I rise again in personal protest of the size and growth of the debt itself. In the strongest terms I can muster, I urge my colleagues to consider the burden it places on the American people. We must take action now to rid the Nation of this cancerous growth before it destroys us completely.

The national debt will reach an estimated $455.8 billion by the end of this fiscal year. In more personal terms, that amounts to more than $2,100 for every man, woman and child in this country. In a time of rising prosperity, when our gross national product is pushing a trillion dollars, I think this is inexcusable—and the responsibility for it lies in only one place: the House of Representatives.

Over the vehement objections of many of us, the majority in this Chamber has been on a wild and reckless spending spree that consistently forces the Treasury to borrow more money just to pay the bills.

Every year, as the reckoning on this debt is brought before the House for an accounting, those of us who believe we should live within our income and begin paying off what we owe are shouted down. Even when the spending bills come back marked, "insufficient funds," the answer of the majority in this House is always the same: "Borrow, borrow, borrow, then borrow some more to pay the interest on what we have already borrowed."

Mr. Speaker, as that clock on the wall ticks away, every second costs this country $679 just to pay the interest on what we have borrowed. Every minute that passes costs us $40,715. With every hour, another $2,442,922 goes down the interest drain. And by the end of the day, that clock has ticked away $58,630,137. This is money wasted. Money from which we derive no tangible benefit. It is money that our people have paid in hard-earned taxes, and they expect us to spend it wisely. And yet there we are again today with a bill before us to raise the debt ceiling so we can go out and borrow even more.

The time to stop it is now; the place to stop it is here, and the only people in the world who can put on the brakes are those of us whom the people have elected to the House. The responsibility is solely ours. I implore each of my colleagues to accept that responsibility now, today, and reverse this disastrous collision course with bankruptcy.

Just 42 short years ago, Mr. Speaker, our national debt amounted to only $131.51 per person. That was in 1931. Our total debt at that time was $16 billion. Today, after 42 years of spending more than our income, we pay $21 billion a year in interest alone. If the head of a family handled his finances like that, he would probably be declared insane. At the very least, his creditors would have taken him to court long ago.

There are many things this Nation needs, and our income is sufficient to pay for them. On the other hand, there are many things we want but cannot pay for, and we must have the backbone to say "no" until we can pay for them.

My colleagues, we cannot stop the clock on that wall from ticking. But we can reverse our spending course and start living within our incomes so we can begin paying off the debt which we have saddled the Nation. By reducing our appropriations and tightening our belts, we can stop that ticking from counting off $679, $680, $681, $682, and make it tick, instead, $679, $678, $677, $676, and on backward to zero.

When that day arrives, America will be truly prosperous because every dollar paid in taxes will stop being wasted on interest payments and will be spent on the things our people need and want.

Please join me in this cause. Let us hold the line.

Mr. ROSTENKOWSKI. Mr. Speaker, as the House of Representatives considers the conference report to accompany yet another increase in the debt ceiling, I believe that it is time that we take a good look at this matter and place it in the proper political perspective. It has always been fashionable to label Democratic administrations in the past as the big spenders who demonstrated little fiscal responsibility. It has also been fashionable in the past to oppose Democratic requests for increases in the ceiling by claiming in highly moralistic tones that any increase would be inflationary and bad for the country.

For these reasons, Mr. Speaker, I feel that it is quite ironic to see many of my colleagues on the other side of the aisle, longtime opponents of excessive increases in Federal spending, so strongly stressing the need for the current increase.

Well, I would like to say to all my friends on the other side, that the debt ceiling will be approved, not because the Democrats are very happy about it, and certainly not because we feel that it is the best course available, but because we know it is the only course available right now, if the country is to pay its bills. But, at the same time, the Government's need to pay its bills should not, and must not be construed as a rationale for the Congress to abandon its fiscal controls of the spending process.

That is the main reason that our Committee on Ways and Means decided against approving the entire administration request at this time. If the request for a temporary increase in the ceiling of $50 billion, effective through June 1973, had been granted, the overall ceiling would have climbed to $480 billion. I believe that the size of this increase becomes clearer when you realize that this would have been an increase in the debt ceiling of 32 percent in the few short years that Richard Nixon has been in the White House. This would also mean that almost one-fourth, 24 percent of the entire ceiling, has been enacted while the supposedly more fiscally responsible party was in control of the White House. These figures show that the national debt has increased more in the past 3 years than it has at any one time, since the early days of the Second World War.

I did not take the time today to present these statistics to pay compliments or to pass judgment on any one individual or political party, but rather simply to set the record straight. The American economy should be a concern of both political parties, and, in fact, a concern of all the American people. It is not an area where credit can be quickly earned for doing a right, or undoing a previous wrong. It is an area which has little room for absolutes—absolutes which may later be proven either unwise or unnecessary.

For example, in the summer of 1969, President Nixon pledged that his administration would be able to control inflation without imposing controls on the economy. In the summer of 1971, the administration placed strict guidelines on wages, prices, salaries, and rents.

At the same time the administration was announcing this reversal of their absolute position of 1969, they pledged that there would be no devaluation of the dollar. This pledge has most obviously been forgotten in the sequel to extensive meetings with the leaders of other Western nations.

A more famous example of the reversal of this administration would have to be the pledge of candidate Richard Nixon in 1968 when he firmly declared the need for a balanced budget. The postcampaign realities have shown the President that this isn't always possible with the fluctuations of our American economy.

These are just some of the examples of the administration's predictions which have fallen considerably short of their earlier goals. Because of this, I do not think that there is a man in this chamber who can vote on any economic issue as if it is the complete answer to our problems, for there is no room for self-righteousness on this issue. The American economy is one subject which we in this Congress must at all times try to approach rationally and without ceremonious flagwaving which does little but cloud the issue.

So, in conclusion, Mr. Speaker, I will support the increase in debt ceiling today. Not because it is the noble thing to do, nor because it is the righteous thing to do, but because, at the present time, it is the only thing to do.

Mr. PRICE of Texas. Mr. Speaker, today we are faced with that often recurring proposal—to approve an increase in the public debt limit. There are some persons who argue that the debt limit legislation is meaningless because Congress always authorizes an increase in the limit which permits the Government to borrow additional funds and thus continue the cycle of deficit financing. Mr. Speaker, the Congress keeps going through this same exercise time and time again. Unfortunately, more proposals to increase the debt limit will confront the Congress until the day Congress calls a halt to this pattern. Today should be that day; we cannot continue ad infinitum on this irresponsible path of deficit spending. I contend that we must now face up to this problem and reject the conference report on H.R. 12910—a bill to raise the public debt limit to $450 billion through June 30, 1972.

Since 1954 the public debt limit legislation has been amended 21 times. Over this period the debt limit has been raised from $275 billion to $430 billion. Today we are being asked to approve an increase of another $20 billion in the debt limit. Furthermore, Mr. Speaker, we will be confronted with another request within the next couple of months asking that we increase the debt limit even more, so as to permit the Federal Government to borrow the funds needed to pay the Government's bills as they come due.

Mr. Speaker, 10 years ago—March 13, 1962—Public Law 87-414 increased the public debt limit to $300 billion through the end of fiscal year 1962. Since then the public debt limit legislation has been amended 12 times. Today we are asked to raise the public debt limit to $450 billion through the end of fiscal year 1972. Mr. Speaker, that means that in this 10-year period our Federal Government will have spent $150 billion that it had to borrow. This $150 billion of increased public debt over the past 10 years will cost us nearly $8 billion annually in additional interest payments. This added interest cost alone annually is more than the Federal Government spends on agricultural and rural development; it is more than three times as much as it spends on natural resources; it is more than twice as much as it spends on international affairs and finance; it is almost as much as it spends on health programs, excluding trust funds expenditures. Mr. Speaker, this added $8 billion of interest cost amounts to about $20 annually for every man, woman, and child, in this country. This $20 per capita must be paid each and every year through increased taxes or through borrowing, which in turn fuels the inflationary pressures that force every American to pay more through reduced purchasing power of the currency.

Mr. Speaker, over the past 10 years the purchasing power of the dollar has declined by 27 cents. A dollar today will purchase consumer items equal to what 73 cents would have 10 years ago. Or to look at it in another way, it now takes $1.37 to buy what a dollar would have bought 10 years ago. Not only does inflation erode the purchasing power of the currency, but it also erodes the people's confidence in their Government, and their country's future.

When our Federal Government continually spends more than it collects in revenue, these deficits inescapably generate inflation. We are only kidding ourselves if we think that we can get away without paying the price for deficit financing. Our Federal budget deficits have been a prime source generating the inflation we are experiencing. Inflation has been termed the cruelest form of taxation because it falls hardest on those least able to pay, and there is no escape for them. Over the past several years while we have been running large Federal budget deficits prices have been rising. The public has had to pay more and more for the same amount of consumer goods and services.

For the year 1968 the public spent $536 billion for personal consumption; however, for the year the consumer price index rose by 4.2 percent which meant that $24 billion of the personal consumption expenditures went for increased prices alone.

For 1969, personal consumption expenditures amounted to $580 billion, but the consumer price index rose by 5.4 percent, thus $30 billion of the consumption expenditures went for increased prices alone.

For 1970, personal consumption expenditures amounted to $616 billion, but the consumer price index rose by 5.9 percent, thus $34 billion of the consumption expenditures went for increased prices alone.

For 1971, personal consumption expenditures amounted to $662 billion, but the consumer price index rose by 4.3 percent, thus $27 billion of the consumption expenditures went for increased prices alone.

Over the past 4 years we have averaged about a 5-percent increase in consumer prices annually. The effect on the American consumer has been roughly the same as a 5 percent national sales tax. He has been paying about 5 percent more each year for the equivalent amount of goods and services. I would pose this question: What would be the reaction if someone proposed instituting a 5 percent national sales tax to finance the programs that we have been financing through borrowed funds? I feel sure that we would immediately get calls for a reexamination of all our expenditures and authorizations, and rightly so.

Our approval of an increase in the public debt limit today will only open the door for further deficit spending which will continue fueling the inflation. In turn we will continue taxing the American public, though indirectly, through inflation. Mr. Speaker, I therefore urge the distinguished Members of the House to reject the conference report on H.R. 12910 and thus place a halt to this pattern of fiscal irresponsibility.

Mr. MONTGOMERY. Mr. Speaker, I appreciate the gentleman yielding. The vote we make this afternoon on the conference report to further increase the public debt ceiling will be one of the most important votes we make this year. What saddens me most is that this legislation is only the first of several pieces that will be before the Congress this year to further increase the debt limit. Admittedly these are only so-called temporary increases, but they are very real increases on which interest amounting to billions of dollars a year must be paid.

Mr. Speaker, I was also quite disappointed that no attempt was made to work out a compromise on the Senate language added to this legislation which would have set a Federal budget expenditure ceiling. The statement was made in this Chamber Monday afternoon that the Senate language was not adequate. What I cannot understand is why the conferees did not attempt to change the language so it would be adequate.

I have always assumed, and I certainly

hope my assumption is not erroneous, that the job of the conferees is to work out a compromise between the differing language of the two bodies and when possible to improve upon these differences. I would certainly think that this should be the paramount objective of the conferees when the purse strings of America are involved.

Mr. Speaker, we periodically debate legislation, such as we have under consideration this afternoon, to place our great Nation even further into debt at the expense of the taxpayers—the people we represent. Yet we never seem to offer any alternatives whereby the Federal budget can be held in check or alternatives to reduce the Federal debt rather than constantly adding to it.

I further submit that it is only a subterfuge to say that we are approving only a temporary increase in the debt ceiling. The people of America fortunately can see through this subterfuge. I feel it is time we were honest with ourselves and our constituents and admit that temporary increases that are continued year after year are really permanent increases.

Mr. Speaker, I urge defeat of the conference report and urge my colleagues to call upon the appropriate committees to present us with legislation that will realistically bring Federal spending in line with Federal revenues and legislation that will start the ball rolling to reduce the Federal debt.

Mr. VANIK. Mr. Speaker, I will vote today to support the increase in the Federal debt ceiling to $450 billion. This is a reluctant necessity.

This morning, the Democratic caucus of the House of Representatives adopted the following resolution which I sponsored:

RESOLUTION ADOPTED BY THE DEMOCRATIC CAUCUS AT THE MARCH 15, 1972, MEETING

Whereas, the estimated Federal Funds budget deficit of the Federal government for the fiscal year ending June 30, 1972, exceeds $44.7 billion, and the estimated deficit for fiscal year 1973 is now estimated at $36.2 billion, which means in four years an increase in the Public Debt of $123 or $124 billion; and

Whereas, the national debt ceiling has been raised to $450 billion, with a higher debt ceiling request scheduled for June, 1972; and

Whereas, additional revenues and reduced deficits may be achieved through effective tax reform; and

Whereas, the House is reluctant to undertake weeks of work on tax reform proposals if after passage they are to be subjected to a Presidential veto; and

Whereas, full Presidential support is needed to assure passage of meaningful, revenue-raising tax reform;

Now, therefore, be it resolved by the Democratic Caucus of the House of Representatives of the 92nd Congress.

That it is the sense of the Caucus that passage of legislation further increasing the federal debt ceiling will be jeopardized unless the President either publicly supports a meaningful, revenue-raising tax reform proposal, or, at least, sets forth the tax preferences or loopholes which in his judgment Congress may attempt to rectify without confronting a Presidential veto.

More than a year ago, the administration promised a recommendation on estate taxes. A capital gains tax on estates would bring more than $3.5 billion per year into the Treasury. A comprehensive tax proposal which I have cosponsored would bring in $7.5 billion. When added to other proposals which I support, more than $18 billion could be added to Federal receipts and halt the progression of horrendous deficits which have plagued this administration. The tax reform proposals would eliminate the almost certain need for increased Federal taxes next year.

Legislative changes in the tax laws are very complex. Only the administration has access to the information essential to develop proper legislative language. It is incumbent upon the administration to provide this information in a reasonable time for action.

An increased debt ceiling is indeed in jeopardy if the administration overlooks or ignores this request for tax reform which is urgently demanded by the American people.

GENERAL LEAVE

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks in the RECORD on the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS of Arkansas. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. VANIK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 238, nays 150, not voting 43, as follows:

[Roll No. 76]

YEAS—238

Adams
Addabbo
Alexander
Anderson, Ill.
Andrews
Annunzio
Ashley
Aspin
Barrett
Belcher
Bell
Bergland
Betts
Biester
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burton
Byrne, Pa.
Byrnes, Wis.
Cabell
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellums
Dennis
Derwinski
Dingell
Donohue
Downing
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Findley
Fish
Flood
Foley
Ford, Gerald R.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gubser
Gude
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hathaway
Hays
Hébert
Heckler, Mass.
Heinz
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Hosmer
Howard
Hungate
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Kazen
Keating
Keith
Kemp
Kluczynski
Koch
Kuykendall
Lent
Lloyd
McClory
McCloskey
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
Mahon
Mailliard
Mallary
Mathias, Calif.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Mills, Md.
Minish
Mink
Mollohan
Monagan
Moorhead
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
O'Hara
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Purcell
Quie
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Robison, N.Y.
Rodino
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Ruppe
St Germain
Sarbanes
Schneebeli
Shipley
Shriver
Slack
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Wis.
Stokes
Stratton
Stuckey
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vanik
Veysey
Vigorito
Waggonner
Ware
Whalen
Whalley
Whitehurst
Widnall
Wiggins
Winn
Wright
Wyatt
Wydler
Yates
Young, Tex.
Zablocki

NAYS—150

Abbitt
Abernethy
Abourezk
Abzug
Anderson, Calif.
Anderson, Tenn.
Archer
Ashbrook
Badillo
Baker
Begich
Bennett
Bevill
Biaggi
Blackburn
Bray
Brinkley
Buchanan
Burke, Fla.
Burlison, Mo.
Byron
Camp
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Tex.
Colmer
Conyers
Crane
Daniel, Va.
Dellenback
Denholm
Dent
Devine
Dickinson
Diggs
Dorn
Dow
Drinan
du Pont
Edwards, Calif.
Eshleman
Fascell
Flynt
Fountain
Frey
Gibbons
Goldwater
Goodling
Griffin
Gross
Grover
Hagan
Haley
Hall
Halpern
Harrington
Harsha
Hawkins
Hechler, W. Va.
Helstoski
Henderson
Hogan
Hunt
Hutchinson
Ichord
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kyl
Kyros
Landgrebe
Latta
Leggett
Lennon
Link
Long, Md.
Lujan
McClure
McCormack
McMillan
Macdonald, Mass.
Mann
Martin
Mathis, Ga.
Mazzoli
Michel
Miller, Ohio
Minshall
Mitchell
Mizell
Montgomery
Mosher
Myers
Nix
Obey
O'Konski
Powell
Price, Tex.
Quillen
Rarick
Roberts
Robinson, Va.
Roe
Rogers
Roncalio
Rosenthal
Rousselot
Roy
Roybal
Runnels
Ruth
Ryan
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schwengel
Scott
Sebelius
Seiberling
Sikes
Skubitz
Smith, Calif.
Snyder
Spence
Steele
Steiger, Ariz.
Stephens
Taylor
Terry
Thompson, Ga.
Thompson, N.J.
Waldie
Wampler
White
Whitten
Williams
Wilson, Charles H.
Wolff
Wylie
Wyman
Yatron
Young, Fla
Zion
Zwach

NOT VOTING—43

Arends
Aspinall
Baring
Bingham
Caffery
Chamberlain
Chisholm
Clay
Danielson
Dowdy
Dwyer
Edwards, La.
Fisher
Flowers
Ford,
William D.
Galifianakis
Gaydos
Green, Oreg.
Hull
Jacobs
Jarman
Jonas
Karth
Kee
King
Landrum
Long, La.
McKinney
Madden
Nelsen
Nichols
Pelly
Pryor, Ark.
Pucinski
Railsback
Riegle
Scheuer
Shoup
Sisk
Stubblefield
Van Deerlin
Vander Jagt
Wilson, Bob

So the conference report was agreed to.

The Clerk announced the following pairs.

On this vote:

Mr. Stubblefield for, with Mr. Nichols against.

Mr. Bob Wilson for, with Mr. Baring against.

Mrs. Green of Oregon for, with Mr. Caffery against.

Mr. Karth for, with Mrs. Chisholm against.

Mr. Bingham for, with Mr. Dowdy against.

Mr. Scheuer for, with Mr. Fisher against.

Mr. Madden for, with Mr. Hull against.

Mr. Landrum for, with Mr. Long of Louisiana against.

Mr. Sisk for, with Mr. Aspinall against.

Mr. William D. Ford for, with Mr. Flowers against.

Mr. Arends for, with Mr. Danielson against.

Mr. Van Deerlin for, with Mr. Shoup against.

Mr. McKinney for, with Mr. Riegle against.

Mrs. Dwyer for, with Mr. King against.

Mr. Kee for, with Mr. Galifianakis against.

Until further notice:

Mr. Clay with Mr. Pucinski.

Mr. Gaydos with Mr. Chamberlain.

Mr. Jacobs with Mr. Nelsen.

Mr. Jarman with Mr. Jonas.

Mr. Vander Jagt with Mr. Pelly.

Mr. Pryor of Arkansas with Mr. Railsback.

Messrs. ROYBAL, MITCHELL, MICHEL, and KYL changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL ARBOR DAY

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 563) to authorize the President to proclaim the last Friday of April of each year as "National Arbor Day."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 563

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue annually a proclamation designating the last Friday of April of each year as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer two amendments and ask unanimous consent that they be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. EDWARDS of California; On line 4, strike out the word "annually".

On line 5, strike out the phrase "each year" and insert in lieu thereof "1972".

The amendments were agreed to.

Mr. McCLORY. Mr. Speaker, I am pleased to add my support for the adoption of House Joint Resolution 563 authorizing and directing the President to proclaim the last Friday in April as National Arbor Day.

Mr. Speaker, Arbor Day, 1972 represents the 100th anniversary of this significant celebration.

Mr. Speaker, there are many remarks which may be delivered on the subject of our environment—including the preservation of our natural resources. However, I can think of no greater natural resource than that of our trees, our arbors and our forests.

Mr. Speaker, J. Sterling Morton, onetime Secretary of Agriculture, designated the first Arbor Day in 1872. It is he who gave emphasis to this memorable occasion and to the institution of tree planting and tree preservation which we respect and observe annually. The Morton Arboretum in Lisle, Ill., is a living memorial to this great American.

Mr. Speaker, my friend and constituent, Mr. H. J. Griffin of Waukegan, Ill., is an arborist and naturalist who has labored with both young and old to encourage tree planting and respect for the mighty trees of my congressional district and of our Nation. He has recommended that a commemorative postage stamp in recognition of the 100th anniversary of Arbor Day should be authorized. In addition, he has urged me to support this timely resolution.

Mr. Speaker, I am pleased that the last Friday in April is to be designated as Arbor Day, 1972. I hope to participate with many other Americans in appropriate commemoration of this significant national event and I urge my colleagues and their constituents to take part in Arbor Day activities and ceremonies in their respective congressional districts.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the joint resolution (H.J. Res. 563).

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize the President to proclaim the last Friday of April, 1972, as 'National Arbor Day.' "

A motion to reconsider was laid on the table.

FATHER'S DAY

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 687) to authorize the President to designate the third Sunday in June of each year as Father's day.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 687

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the third Sunday in June of each year is hereby designated as "Father's Day". The President is authorized and requested to issue a proclamation calling on the appropriate Government officials to display the flag of the United States on all Government buildings on such day, inviting the governments of the States and communities and the people of the United States to observe such day with appropriate ceremonies, and urging our people to offer public and private expressions of such day to the abiding love and gratitude which they bear for their fathers.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on House Joint Resolution 687.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CHECK YOUR VEHICLE EMISSIONS MONTH

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 1095) authorizing and requesting the President to proclaim April 1972 as "National Check Your Vehicle Emissions Month."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1095

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of April 1972 as "National Check Your Vehicle Emissions Month", and call upon the motorists and the automotive industry of the United States to take appropriate steps during the month of April 1972 to reduce substantially air pollution from the motor vehicles operating on the streets and highways.

(Mr. ECKHARDT, at the request of Mr. EDWARDS of California, was granted permission to extend his remarks at this point in the RECORD.)

Mr. ECKHARDT. Mr. Speaker, we have an opportunity today to give strong impetus to a voluntary program, and one that will not cost the Government anything, to help clean up the air. House Joint Resolution 1095 authorizes and requests the President to proclaim April 1972 as "National Check Your Vehicle Emissions Month" and call upon the motorists and automotive industry of the United States to take appropriate steps during this month to reduce substantially air pollution from motor vehicles.

The program conducted during this month would have four main goals:

First, to publicize to the American people the message that they have a responsibility to keep their automobiles in the best possible running condition in order to help clean up the air;

Second, to teach garagemen and mechanics how to check engines to ascertain amount and type of emissions, and their cause;

Third, to convince dealers and service station owners to offer, free, clean-air engine diagnoses; and

Fourth, to urge the American people to bring their automobiles in for this diagnosis.

The program has full industry support at every level and many State governments have indicated their backing of the effort. An ad hoc committee to support a Presidential proclamation designating April 1972 as "National Check Your Vehicle Emissions Month" has been formed.

Its members are: James E. Bates, Ignition Manufacturers Institute; Dr. B. G. Gower, Atlantic Richfield Co.; Gerry Haddon, Motor Age magazine; Richard D. Kudner, Champion Spark Plug Co.; Frank McGonagle, Fram Corp.; Arthur H. Nellen, Jr., Car Care Council; and A. J. "Russ" Russo, Shell Oil Co.

I am convinced that this is a very serious effort on the part of industry to conduct a voluntary campaign to help cut down on emission-caused air pollution. In fact, tests have indicated that simple adjustments and minor tuneups could result in a minimum of 15- to 25-percent reduction of automobile air pollution. Furthermore, efficient engines would, in the long run, save motorists money through increased engine life, improved performance, and reduced operating costs. Trucking and bus firms would also be encouraged to participate. The broadcast and print media have promised to donate free time and space to publicize the month.

This type of program could bring an even greater reduction in air pollution than would the Federal emission standards for 1975 model cars. These standards, it is estimated, will bring only an annual 2-percent reduction.

Studies in Wisconsin, New Jersey, Arizona, and California, along with tests conducted by private industry, show that emission reduction of carbon monoxide and hydrocarbons can be attained by implementing a program of vehicle inspections and, where needed, repairs. The reductions attainable can range from 15 percent to 68 percent.

I am very optimistic about the results of the programs conducted during National Check Your Vehicle Emissions Month and with the backing of the President and the Congress it can become an annual affair to encourage motorists and industry to join in the battle against automobile-caused air pollution.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the joint resolution (H.J. Res. 1095).

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAN-AMERICAN DAY

Mr. FASCELL. Mr. Speaker, I offer a resolution (H. Res. 899) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 899

Resolved, That the House of Representatives hereby designates Thursday, April 13, 1972, for the celebration of Pan-American Day, on which day, after the reading of the Journal, remarks appropriate to such occasion may occur.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REVIEW AND REFUNDING OF RAIL PASSENGER SERVICE ACT

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 898 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 898

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 898 provides an open rule with 1 hour of general debate for consideration of H.R. 11417, review and refunding of the Rail Passenger Service Act. It shall be in order to consider the committee substitute as an original bill for the purpose of amendment and, because of nongermaneness, points of order are waived against the substitute for failure to comply with clause 7 of rule XVI.

The purpose of H.R. 11417 is to enable Amtrak financially to continue operations until July 1, 1973, as required by the Rail Passenger Service Act of 1970.

The bill authorizes $170 million for this continuation of service. Also authorized are $2 million annually to permit operations to and from Canada and Mexico.

Amtrak assumed service on May 1, 1971, with a $40 million Federal grant and payments from participating railroads of $197 million payable in 36 monthly installments. In addition, there was a $100 million loan guarantee. At that time it was anticipated that these funds would be sufficient for the Corporation to continue operations until July 1, 1973; however, such has not been the case.

The bill requires that at least $147.5 million be spent for acquisition of the best 1,200 passenger cars available from the present fleet; purchase of new locomotives; continued marketing experimentation, such as valet parking, the use of credit cards, and the addition of more trains.

In order that the Congress may completely reevaluate the program by June 30, 1973, the Secretary of Transportation and Amtrak must submit annual reports by March 15th of each year. The Corporation is also required to make monthly reports of revenues and expenses.

Mr. Speaker, I urge the adoption of the rule in order that the bill may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the statement made by the distinguished gentleman from New York (Mr. DELANEY) and I will simply add a few additional comments.

The waiver of points of order has to do with clause 7 of rule 16. The original bill was stricken, and a complete new bill submitted as a substitute rather than putting in a clean bill, so they had to request such a waiver of points of order because there are a number of items in the substitute in the nature of an amendment which are not germane to the original bill.

For example, the salaries in the future will be limited to an annual salary maximum of $60,000. And then there are certain pass privileges which we struck out when the original bill was passed, and these are reinstated for those who are entitled to them. Also we are guaranteeing certain interest on the loans, and I believe there are certain provisions having to do with carrying the mail which did not appear in the original bill.

In addition to that, Mr. Speaker, may I state that although we felt that Amtrak could operate within the money we originally appropriated, we have found out that they cannot, and I doubt that they will be able to do so with this particular money. There will probably be additional legislation in the future to keep the railroads running.

The deficits actually, Mr. Speaker, are estimated at about $152.3 million for fiscal year 1972, and an additional $123.8 million for fiscal year 1973.

The Department of Transportation supports the basic $170 million authorization for Amtrak, but they have reservations about several of the other sections of the bill. For example, they oppose the requirement that $147.5 million be allocated for capital expenditures, and the requirement that an additional $2 million authorization be used for service to Canada and Mexico.

The gentleman from California (Mr. SCHMITZ) and the gentleman from Texas (Mr. COLLINS) have each submitted dissenting views, concluding that Amtrak has proved itself a failure and should not become another endless drain on the taxpayers.

The committee reported the bill by a voice vote.

Mr. Speaker, I urge the adoption of the rule so that Members can work their will in the consideration of the bill, H.R. 11417.

Mr. DELANEY. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11417, with Mr. BURLESON of Texas in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself whatever time I might require.

Mr. Chairman, the Rail Passenger Service Act of 1970 authorized the creation of the National Railroad Passenger Corporation. This corporation is now generally known as Amtrak. It was organized as a private, for-profit corporation to provide intercity rail passenger service.

When we created the corporation we chose the least evil of the choices before us. There were no good choices.

Our rail passenger transportation deteriorated severely over the years since World War II, both in terms of quality and quantity. By 1970 it had become obvious that through ICC train discontinuance proceedings, we would soon have no passenger service at all.

Amtrak was and is an attempt to avoid that situation, to save a basic national system, and to upgrade and restore passenger service to the maximum extent possible.

We originally authorized $40 million of Federal money and $100 million in loan guarantees to assist in seeking these goals. Amtrak has used all of the $40 million and $45 million of the $100 million of loan guarantees.

They came back to us for further financial assistance sooner than most of us had hoped or expected. In any event, I have been assured by Amtrak's president and other representatives of the corporation that they need additional financial assistance and that they need it right now.

Therefore, we reported H.R. 11417 which will do the following:

Section 1 limits future salaries $60,000 annually—Amtrak's incumbent president receives $125,000.

Section 2 requires Amtrak to increase revenue from the carriage of mail and express.

Section 3 encourages an increase in use of trains for Federal Government employees on business travel.

Section 4 requires Amtrak to submit monthly reports on operating and financial results.

Section 5 provides for the emergency use by Amtrak of tracks and facilities of any railroad.

Section 6 requires Amtrak to the extent practicable on a space available basis to honor pass privileges and to be reimbursed by the railroads for the cost related thereto.

Section 7 authorizes an additional grant of $170 million to enable Amtrak to continue operations until June 30, 1973. Earmarks $147.5 million of Amtrak's total funds for capital expenditures and authorizes $2 million annually for service to and from Canada and Mexico.

Section 8 restates the loan guarantee language to assure the full faith and credit of the United States so that Amtrak may more easily obtain loans at low rates of interest.

Section 9 provides for GAO audits of Amtrak and railroads which have contracts with Amtrak.

Section 10 requires the Secretary of Transportation to issue a comprehensive report evaluating Amtrak and projecting a feasible ssytem after July 1, 1973. This report is to include legislative recommendations and is due as of March 15, 1973.

We feel that Amtrak has not had time to be fully tested. We feel that it is too early to abandon the difficult task of saving what is left of our rail passenger system. With this bill we can have a fair test and a complete evaluation between now and June 30 of next year. The Secretary of Transportation and the officers of Amtrak are optimistic and believe that rail passenger service can be saved through this corporation. I believe that this additional trial period, while by no means assuring success, is the most rational decision that we can render at this time, and I urge that you vote in favor of it.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Iowa.

Mr. KYL. The gentlemen from West Virginia, the wise and knowledgeable chairman of the Committee on Interstate and Foreign Commerce, mentioned nationalization of the railroads. There is abroad in the country today a worry that that is exactly the direction in which we are proceeding. Therefore, I would like to direct some questions to the chairman.

First, is the Interstate and Foreign Commerce Committee of the House today considering any proposal for nationalization of the railroad transportation system?

Mr. STAGGERS. No, sir.

Mr. KYL. Then may I ask a further question: Is any hearing on any such proposal pending at the present time?

Mr. STAGGERS. Not to my knowledge, and I am chairman of the committee. No.

Mr. KYL. In other words, there is no intention on the part of the committee at this time of even thinking about or discussing such a proposal?

Mr. STAGGERS. I can assure the gentleman that that is my intent as chairman of the committee.

Mr. KYL. I thank the gentleman for his assurance.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. The gentleman made reference to the carrying of mail on these trains by Amtrak. As far as I know, we would have one line across a small corner of the State of Iowa. How is it proposed to get that mail to the rest of the State? The line to which I refer is clear down in the southeast corner. There are only a few miles of trackage in the State of Iowa. How would you get that mail delivered to the rest of the State of Iowa?

Mr. STAGGERS. The gentleman presents a dilemma which I am sure is presented in several of the States. The mail would have to be taken by other means of transportation.

Mr. GROSS. The bill presents a dilemma for me.

Mr. STAGGERS. It does.

Mr. GROSS. I am glad to hear the chairman considers it is something out of this world.

Mr. STAGGERS. No; it is a dilemma, out of this world.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from New York.

Mr. RYAN. Section 601 of the bill lists a number of purposes for which Federal grants will be made available to the corporation. Among the purposes listed in Section 601 is the following:

> (4) the conduct of research and development and demonstration programs respecting new rail passenger services;

I have been very much concerned about the concept of providing reduced fares for elderly citizens who so often experience great hardship when they have to live on fixed incomes and pay for high-cost transportation. I wonder if the Chairman would agree with me that it would be worth while for the corporation, and the Secretary to encourage it to do so, to study and analyze the question of providing a reduced schedule of fares for the elderly.

That could be done under the terminology of the bill, and I would hope that the Secretary and the corporation would undertake such analysis. It is self defeating to price rail transportation out of the reach of elderly citizens who would enjoy the opportunity to travel.

Mr. STAGGERS. In answer to the gentleman from New York, I might say this. His intentions certainly are good. Any time we can serve the elderly of the land, we want to do it. But I believe it would be inappropriate to put anything of that sort into this bill, since the corporation is floundering and is trying to get along and make headway. By the next report we hope to be much further ahead than in this one. I think it would be a good thing if the Secretary of Transportation or anyone connected with this would make such a study. I do not believe it would be feasible to introduce such fares now, but I believe the gentleman's intention is worthwhile, and deserves careful consideration. Whether it will be feasible in the future, I do not know.

Mr. SCHMITZ. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from California.

Mr. SCHMITZ. Mr. Chairman, I would like to refer to the response the gentleman from West Virginia made to the question of the gentleman from Iowa. If the passenger facet of our railroad service requires $150 million to $170 million a year in Government subsidies at what point does the gentleman envision we would give up the passenger service as a lost cause? Let me rephrase it and say at what point do we consider the experiment a failure? And, if the experiment is not considered a failure but continue to be subsidized at $150 million, would that not be the same result as nationalization of the passenger service in this country?

Mr. STAGGERS. In response to the gentleman from California, a very valuable member of our committee, I would say certainly he is keen in watching out for the public interest and those things which he believes are in the public interest, and I commend him for it, I say to him that those who work at Amtrak have said they expect by 1975 to be in business and making money, and will not need any more financial help from the Government. They hope to reach that point before that time. They are making progress.

We have provided for a corporation under which they shall operate. We do not tell them what to do in detail and how to run the schedules or anything like that. We have said it is to be a separate corporation. I believe it is quite different from nationalization, because if we had nationalization of the railroads, this Congress would undoubtedly say how they were to be run, and who would run them, and how much money would be set aside to run them, and we would take away the profits and turn them in to the Treasury of the United States, and if there were any loss the Government would have to stand it. It is a completely different thing. But we are hopeful that in the next 3 years—and I am quoting those who are in charge—this will be a profitmaking venture.

Mr. SCHMITZ. I am not sure in my mind that this is such a different thing. If we subsidize it to the tune of $150 million, not only in line with past Supreme Court finding that what the Government subsidizes it controls, but with the old adage that who controls my purse strings controls me, we in the Congress and in the Government of the United States are running the passenger railroads.

In response to the gentleman's remarks that it should be a paying proposition by 1975, would the gentleman want to venture whether we in the Congress or the Government in general will, if it does not prove to be a going concern by 1975, then change course?

I think not. I think it is apparent from past experience that if it is not a going concern in 1975, we will continue to subsidize it to the tune of $150 million or $200 million, or whatever it takes.

Mr. STAGGERS. The gentleman is a better prophet than I am.

Mr. SCHMITZ. I am not a prophet, at all, only a historian. I cannot recall any of these so-called experiments which, once pumped full of money has been given up as a failure.

Mr. STAGGERS. I do not know when we have had such an experiment. This is new ground completely. We have assurances they can make money, and the President has put some very capable men in charge who, I think, will make a profit out of this. It is their aim to do just that.

I cannot say what is going to happen in the future, but I would say this: If Amtrak makes these trains clean and runs them on schedule, as people like to have them, and on time in delivering them to their destinations, I believe it will be a paying proposition.

We do not know what the people of America are going to do. I do not know. You do not know. No one else does.

They have predicted that by 1975 they will be in the black. That is the only estimate I can give.

Mr. SCHMITZ. If we took a poll of all of the people in this country we would probably find that most wanted subsidized passenger service, or at least wanted the passenger service, so that the other person would get out of their way on the highways. It is rather like the volunteer draft. Those who want it. want the other people to do the volunteering.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Amtrak was created to take up the burden of providing passenger service on the rail lines and relieve the carriers of a crushing economic loss which threatened the continued existence of all rail service. There should have been no doubt in the minds of Members of Congress or the public that this was first and last a salvage operation. Whether passenger service could be saved at all was doubtful. If it could be saved, the amount of such service which could be expected was a great unknown. With all available information and the best efforts of those who finally wrote the legislation the whole project was definitely experimental. The experiment was slated to last until July 1, 1973, when a further look would be taken and a revised system developed or the whole idea scrapped.

When Congress passed the legislation it necessarily contained provisions for the funding of Amtrak. It was hoped that the various sources of money outlined would do the job. Even this was speculative, since the size and makeup of the system was not to be determined until after the law began to operate. Determination of the initial network, to be operated until 1973, was left to the Department of Transportation.

In floor debate I pointed out that the network would have to be very restricted if it were to be viable. As it turned out, a skeleton nationwide system was devised. Almost from the beginning it was apparent that the revenues and other money available to Amtrak would not sustain the effort in this first, formative period. Assuming that the network now being operated can, in fact, become profitable, we must expect that getting to that point and making all of the drastic and expensive changes necessary to accomplish it will require additional financial support.

Without detailing the accounting and fiscal horrors which have been encountered, it can be said that the present predicament was inevitable. I am sure that some people will argue, and not without some justification, that the organization effort was inordinately expensive and that contracts between Amtrak and the railroads were unduly loaded in favor of the roads rather than the new passenger service. On the other hand, the deadlines imposed upon the new corporation were very tight. The whole ground being covered was new. It was a tough, maybe even impossible, job being attempted and it did, in fact, come off. The trains are running. Making final judgment at this time on the ultimate chances of Amtrak to succeed would be premature.

H.R. 11417 is intended basically to make an additional $170 million available to the corporation to keep the system in operation for the remainder of the initial period which runs until July 1, 1973. In addition, it aims to correct the language of the guaranteed loan section which has been interpreted by the lending institutions in such a way that only 45 percent of the $100 million provided in the act can be obtained. Most of the new money must be spent for capital items, specifically, $147.5 million of it.

Realizing that Congress must review the performance of Amtrak in 1973 in great detail and make fundamental decisions about the future of rail passenger service, the bill calls for ongoing reports on operations and also a comprehensive report with recommendations as to the system to be maintained and all legislation necessary to revise the effort.

A section of the bill encourages the Government to use train travel as much as possible.

The question of passes for railroad employees has been coming up regularly since Amtrak took over. Each railroad had its own policy, and since it ran its own passenger trains it could pretty much control the situation. Some arrangements were the result of labor negotiations. Some lines extended pass privileges to larger classes of dependents than did others. Some made deals with other roads for limited off-line passes. Amtrak, recognizing this maze of policies, came up with a fairly liberal policy toward employees whether or not they were directly engaged in passenger service. Complaints have been heard, however. The committee considered these complaints sympathetically but found it impossible to legislate an across-the-board solution. The bill, therefore, exhorts Amtrak to liberalize pass privileges as much as possible and negotiate with the railroads for reimbursement on some logical basis.

Salaries of Amtrak officials were felt to be too high and the bill would place an upper limit of $60,000 on compensation for any of the corporation employees. This is the amount paid to Cabinet officers at the present time.

Two years from now passenger train operations may be vastly different from today. Probably fewer trains will be in operation, and they will be mostly short-haul runs. Certainly by that time we will have little justification for the continuance of consistent money-losers. At least we should be able to tell what segments have some chance to make it. Meanwhile we are obligated to support the thing we have created. I recommend that the House approve the bill.

I will now yield to the gentleman from Minnesota (Mr. ZWACH).

Mr. ZWACH. Mr. Chairman, I thank the gentleman for yielding. I am very impressed with the statement made by the gentleman in the well that this money will go for the purpose of trying to provide improved equipment and service. I had a newspaper editor in the northwest area of my district who took his entire family to Florida via Amtrak, and he wrote an editorial about that. They were very, very disappointed, and very, very disturbed. The train was never timely at any place; the food and service was bad; and they froze. When they finally reached Florida they were ill. They said they would never again ride a train.

So I am sure that we must have some real problems here, and I am wondering to what extent we are really getting input and real determination to improve this.

Mr. SPRINGER. I think the determination is there. However, you are not going to accomplish changes in the railroads because they have been here for 125 or 135 years, and if you walk into a railroad station—and I am not talking about all the railroad employees, but I am talking about a good many of them—you have a hard time buying a ticket. You see what I mean?

What I am saying is that I do not believe you are going to change the habits that you do have in the train service in the next 24 months. I think there are going to be some changes, but the gentleman from Minnesota has touched on the real important point, and that is improved equipment and improved service. Those two things, I think, are the most important.

Mr. ZWACH. They are the key to real success.

Mr. SPRINGER. And unless you have that, this program cannot succeed.

Mr. KEMP. Mr. Chairman, will the gentleman yield for a question?

Mr. SPRINGER. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I commend the gentleman from Illinois (Mr. SPRINGER) and the committee, for the work they have done in trying to bring some accountability to the operation of Amtrak. Let me ask this question:

Can the gentleman in the well tell me whether there have been any additions to the basic Amtrak system since its inception?

Mr. SPRINGER. I believe there has been at least one that I know of. That is the only one I can think of offhand. I might ask the chairman to respond to that question.

Mr. KEMP. Was that on an experimental basis, or a permanent basis?

Mr. SPRINGER. This I think has not been added on any permanent basis.

Mr. KEMP. Just one?

Mr. SPRINGER. As far as I know, none. Some have been on an experimental basis.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the distinguished chairman, the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, insofar as I know there have been no additions to the basic system; none.

Mr. KEMP. There have been no additions to the basic system?

Mr. STAGGERS. That is as I understand it.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, the difficulty comes in terms of the basic system. There have been some experimental runs that have been attempted that were beyond the original basic system, but no additions to that system as such.

Mr. KEMP. If the gentleman would yield further, could those be identified for me, and for the record?

Mr. ADAMS. There is one that goes from Washington, D.C., through an alternative route that was tried to Chicago, other than the route going through Harrisburg, because there had been two routes from Chicago prior to that time.

Then, if my memory is correct, there was another one from New York, where they have put on additional trains on an experimental basis from New York to the Boston area.

I know of no other experimental runs that have been started.

Mr. KEMP. It was my understanding, if I might pursue that point just a bit further, and if the gentleman from Illinois will yield further, that there were some additions to the basic Amtrak system and, if so, they be made known to me, because I do not quite understand——

Mr. ADAMS. Mr. Chairman, if the gentleman will yield further, it can be stated directly to the gentleman from New York (Mr. KEMP) that there have been no additions to the basic system since it was designated by the Secretary. And an addition to the basic system means having put on an additional train, and left it on.

There was one experiment into the Cleveland area where the local people are allowed, under the present provisions of the bill, if they want, to pay the losses to bring the trains through, but that fell through, and it is no longer operating. So there have been no additions.

Mr. KEMP. Were there any on an experimental basis under section 403(c) that is by States picking up two-thirds of the operating deficit?

Mr. ADAMS. That was the one I was referring to, the one in Ohio which is the only one I have any knowledge of.

Mr. KEMP. That is the one I have some knowledge of. Our experience was extremely unfortunate, to the extent that I am going to seek an amendment which will be read a little later.

But one of the things that really bothered me about the whole operation was a letter I received from the Governor's office from the State of New York in which a paragraph alludes to dealing with the Amtrak Corp., and I would like to read it into the record, if the distinguished gentleman would yield for that purpose.

Mr. SPRINGER. If it is not too long, I will yield to the gentleman.

Mr. KEMP. It is one short paragraph consisting of four lines.

The Governor's office states in this letter:

> In addition, the Department has repeatedly requested cost and patronage data relative to this operation, which must, of necessity, be the basis for any agreement. Again, no information was sent until December 27 and it does not appear to be sufficient to support an agreement.

They could never get the data that they needed to make up the two-thirds and this service was suspended and denied, some 25 million people along our route were denied the services because Amtrak would not fulfill its obligation to the State of New York.

I thank the distinguished gentleman, the chairman of the committee and the gentleman in the well for their work on this bill. But this type of experience has extremely upset me and it is why I am going to seek an amendment to correct this inequity.

Mr. SPRINGER. May I say to my distinguished colleague, the gentleman from New York, that you are not the only one in this situation. There were other experiments on a two-thirds basis in Cleveland and Emporia, Ill., or at least they said they were going to and nobody raised the money so nothing was ever done on it.

So I think this point the gentleman is talking about has been tried not in just one instance but in several instances. But in the end, most of these communities felt that it was not profitable to produce the two-thirds.

Mr. KEMP. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. GROSS. The gentleman mentioned his freezing train ride only a few weeks ago. What in the world were they using for power on that train—horses or mules?

Mr. SPRINGER. May I say to the distinguished gentleman, the car in which we rode was quite comfortable and it had individual seats. But something happened. I was in the rear of the car on the Illinois Central train going south and they have a car on it for Champagne, Ill., which is the first stop on account of the University of Illinois, and everybody mostly is put in that car. It was on the end of the train and for some reason they did not get the connection right, and when we got to Champagne, I noticed it was cold when we got there and I was told if I moved forward in the other car where there was some space I could have sat in the other end of the car, but it was full and the whole train was full. So I sat there. It might have been my fault, but the rest of the train was perfectly all right.

Mr. GROSS. I wondered if they had an engine on that train because they certainly had to use some kind of coolant for the engine and that ought to have provided ample heat. Unless they were using an air-cooled diesel engine, and I doubt that very much.

Mr. SPRINGER. I think it was a diesel, but I cannot tell the gentleman what kind of diesel it was.

Mr. GROSS. Could they not have used the hot water from the engine to heat the cars?

Mr. SPRINGER. As I say, it was pretty cold that afternoon and they said on the Illinois Central that the rest of the train was very comfortable, but it was quite a long train—consisting, I think, of 12 cars.

Mr. GROSS. Do I understand correctly that they want to run this Amtrak operation from Seattle to Vancouver, Canada. Is that to bring Canadians to the United States or haul Americans to Canada?

Mr. SPRINGER. I think the gentleman knows of two experiments that connect with only the two big systems in carrying passengers in Canada, just two, and they cross the entire country.

What they are trying to do is to hook on to both ends so that people who want to go across Canada, they can from Vancouver and put both ends on Amtrak, Vancouver and Montreal. I do not know what line is going to be used to be hooked on to the other end of this because on all these lines nobody wanted to pay so Vancouver is going to switch off these two Canadian systems.

Mr. GROSS. What formula would apply to the service to Laredo, Tex.? Is that to bring Mexicans here or to take our citizens to Mexico?

Mr. SPRINGER. My understanding is there is only one train going south from the United States that connects up with the Mexican system that carries you into Mexico City. So Laredo is the only crossing there is where you can hook a train on.

Mr. GROSS. I only want to make sure that all of these special cases are taken care of, and that international traffic is given preference before passenger traffic in the United States is taken care of.

Mr. McCOLLISTER. Mr. Chairman, I rise to explain an important provision concerning pass rights adopted by the Interstate and Foreign Commerce Committee in its report on H.R. 11417, the review of the National Rail Passenger Service Act.

The amendment is contained in section 405(f) of the bill. The subsection provides:

> (f) The Corporation shall take such action as may be necessary to assure that, to the maximum extent practicable, any railroad employee eligible to receive free or reduced-rate transportation by railroad on April 30, 1971, under the terms of any policy or agreement in effect on such date will be eligible to receive, provided space is available, free or reduced-rate transportation on any intercity rail passenger service provided by the Corporation under this Act on terms not less favorable than those available on such date to such railroad employee under such policy or agreement. The Corporation shall be reimbursed by the railroads by way of payment or offset for providing transportation services to railroad employees under any policy or agreement referred to in the preceding sentence, including the costs of implementing and administering this section. As used in this subsection, the term "railroad employee" means (1) an active full-time employee of a railroad or terminal company, (2) a retired employee of a railroad or terminal company, and (3) the dependents of any employee referred to in clause (1) or (2) of this sentence.

Simply stated, I offered the rail pass amendment adopted by the committee out of a desire to render justice to retired employees of the Nations' railroads. All of us know how it was before Amtrak. A custom had grown over the years of granting an unrestricted lifetime system pass to the retiree. A man or woman who had dedicated a lifetime of service to railroading could, on retirement, generally look forward to two things: his pension and his lifetime pass. Surely, many of these people, during their active career, waived demands for greater compensation or made other concessions of many varieties on the premise that the lifetime pass was to some degree a concession to them on the part of the railroad.

Therefore, and rightfully so, the pass rights which they expected to have on retirement were in fact, if not in letter, an annuity of a sort—something bargained for. The fact that there has been such strong objection to Amtrak's pass policy evidences the fact that something was expected which is now being denied, and I believe wrongly denied. And these retired people, being outside the mainstream of collective bargaining, have no recourse. By the enactment of the Railpax Act the Government has placed a shield of protection over their former employers, the railroads, which can now disavow any duty to their retired employees. And now Amtrak can assume the position of someone who has no duty to these employees and make much ado about granting half-rate passes to retirees, who thought that they had the right to enjoy unrestricted privileges.

The pass provision is an exercise in fairness. It will put the retired railroad employee in the position he had a right to be in and insure that nothing more will be taken away from him. It also recognizes the fact that prior to Amtrak the pass policies of the various railroads for retirees may have had variations. The amendment is designed to return to the retiree that which he had a real right to expect, and nothing more.

It is to be expected that the implementation of the pass rights amendment will require administrative efficiency on the part of Amtrak, however the rendition of justice often demands inconvenience.

It is clear to me, Mr. Chairman, that the pass rights amendment to H.R. 11417 is needed in this bill, and I fully support it.

Mr. STAGGERS. Mr. Chairman, I have no requests for time at this time.

Mr. SPRINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Chairman, I am opposed to the concept of extending this Amtrak financing program as provided in the bill. But I want to say that my being opposed does not mean that I am opposed to railroads. Railroads built my city. When the railroads came into my area, they took a plain pasture and made it into a great city. And railroads have a great future in America.

But we are confusing the future of railroads with Amtrak, and they are completely different subjects. I want to read some testimony that was given only 3 months ago, on December 8, 1971, by a gentleman named L. W. Menk, chairman of the board, Burlington Northern Railroad. When we asked him what he thought about Amtrak, he said:

> On the other hand, as a pragmatic and experienced railroader I cannot compromise honest convictions, long-held and well-known to this committee, that the operation of passenger trains is not and never will be profitable, and to believe that this corporation ever can be profitable amounts to self-delusion.

Later on in his testimony he made another statement. He said:

> As for long distance passenger travel, trips of over 400 miles, I continue to hold firmly that the market, which has long been the victim of advancing technology, is unneeded now and for some time past from an economic point of view. By large the mass market for long distance travel is in the business community.

Here we are 3 months later coming in and talking about financing a business that economically has no opportunity in the world. I said in my dissenting views:

> No more money should be authorized to continue the Amtrak experiment. It is now clear beyond doubt that the concept is not working, will not work, will get worse, and additional public outlays for it will be sending good money after bad.
>
> Amtrak was accepted as the best of three wrong answers to the rail passenger problem 2 years ago. Congress, if it wished to salvage passenger service via rail, could have subsidized the network of passenger trains then being operated by railroad management. Another possibility was to allow management to pare the system down to a very few trains which were economically viable in its view. The third answer, and the one which we then accepted, was to lift the passenger business out of railroad management and create a new entity of streamlined operations while encouraging the public back into the coaches.
>
> The railroad future depends on freight. Our field of concentration for building a stronger transportation system in America should be to help them as they revitalize their freight operations. The American public is not concerned with traveling as train passengers. While we have had tremendous increase in passenger travel, it is interesting to compare what has happened to rail passenger volume between 1944 and 1968, which is the last year I had statistics. In 1944 there were 90 billion passenger miles in intercity travel. This represented 76 percent of total travel on intercity. In 1968 railway passenger lines had dropped to where the intercity travel was 8 billion miles. With less than 100 passengers on an average intercity train there is no system of economists that can advocate the continuance of this plan. The original Corporation was approved by Congress with an optimistic outlook. The initial legislation authorized action as an experiment. And the experiment now proves that we are headed down the wrong track. It was expected that this revitalized railway passenger service could become a profitable commercial undertaking. With the public turning more and more to air for speed and buses and cars for convenience there is less demand for intercity railway. At the same time the cost of operating even this limited system is continuing to prove substantially higher than we had estimated.
>
> We should commend those who have worked so hard in Amtrak to try to make the system a success. But the plain facts are that the public is no longer riding trains for the long haul and there is no need to keep them running. When the passenger train took the place of the stagecoach, they stopped running the stagecoach. And intercity passenger trains are going the same way that the colorful stagecoach went.
>
> We have been told that losses from Amtrak in 1972 will be $152 million and by 1973 they anticipate $123 million loss. And now for consideration they will ask for $170 million in additional funds. July of 1973 when the basic system has been in existence for the allotted period will be the time to make the decision as to the future of Amtrak. In the bill pending before us, I believe we should be realistic and oppose H.R. 11417. Let us find progressive and permanent ways to help the railways grow stronger to expand with America's future.

Thank you, Mr. Chairman.

(Mr. MALLARY (at the request of Mr. SPRINGER) was granted permission to extend his remarks at this point in the RECORD.)

Mr. MALLARY. Mr. Chairman, I commend the House Interstate and Foreign Commerce Committee for providing such an excellent bill on this subject. We Vermonters are particularly pleased that provisions for rail travel to Montreal are included.

In 1966, the Montrealer took its last run from New York to Montreal, ending rail passenger service through Vermont. The thought of returning this run through my State is a very exciting prospect to all Vermonters and, as well, to all New Englanders.

It seems to me that continued good relations with our neighbors to the north are a vital necessity. In the area of international relations, this bill takes a big step in the right direction.

The proximity of northern Vermont to Montreal places many Vermonters within the influence of this city. Our border is within 1 hour's driving time from Montreal and Vermont's largest city, Burlington, is within 2 hours. As is always the case when a growing metropolitan area like Montreal expands, economic, social, and cultural ties with the people in outlying areas are heightened. This situation brings with it the need for more public transportation.

Montreal is the sixth largest city on the North American Continent with a population of 1,460,000. The population of the Montreal SMSA is 2,570,000.

This proposed route will be a particular boom to the tourist trade in the economically depressed areas of the Northeast. There is no doubt that this area has established itself as a year-round vacation area. In 1970, summer tourists spent $84,000,000 and winter tourists, primarily skiers, spent $52,600,000 in the State of Vermont. Whether for the summer or winter vacationer, this area has much potential for Canadians and Americans alike.

For many Vermonters, travel to Montreal and southern Quebec Province is not as tourists but rather as visitors returning home to relatives and friends on holidays and weekends. I understand that these Quebec natives who have moved to Vermont make heavy use of buses during the summer and holiday seasons. If train service were available to these people, I am sure that they would make use of it.

Restoration of the Montreal route via Vermont would be an asset to all of southern New England as well as Vermont. According to an Interstate Commerce Commission report, a daily average of 258 passengers traveled by train through Vermont in 1966.

More and more of my constituents write everyday expressing their support of the Montreal route and their desire that Amtrak select the route through Vermont. In fact, citizens are organizing railroad passenger associations throughout New England. The organizational meeting of the Vermont Association of Railroad Passengers in White River Junction recently was an overwhelming success. In addition, my colleagues from Vermont and I have received resolutions the Amtrak line through Vermont from the following: The St. Johnsbury Chamber of Commerce, the St. Albans Chamber of Commerce, the Greater Vermont Chamber of Commerce, the city of Barre, the Burlington-Lake Champlain Chamber of Commerce, the Rutland Region Chamber of Commerce, the Montpelier Area Chamber of Commerce, the city of Montpelier, the town of Rockingham, the town of Brattleboro, the city of St. Albans, the Franklin County Regional Planning Development Commission, the Franklin County Republican Committee, the city of Newport, the Governor of Vermont, Deane Davis. The interest and desire of my constituents for this route is very strong and I am pleased to see that they are taking very positive and firm action toward achieving this goal.

Again, I wish to commend the Committee on Interstate and Foreign Commerce on their wisdom in recommending this addition to the basic Amtrak system.

Mr. SPRINGER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. SCHMITZ), a member of the committee.

Mr. SCHMITZ. Mr. Chairman, to recite all the problems of Amtrak up to this point in its relatively brief life would take a long time and a lot of paper. The hearing record on it is a tale of woe 764 pages long, describing the making of a potential debacle.

Rail passenger service, at the time Amtrak was established, presented in an acute form the growing problems of the railroad industry which have been largely created and fostered by Government intervention. Noted economist Dr. Clarence Carson, writing in the December 1970 issue of the Freeman, pointed out three ways in which the Federal Government has "throttled the railroads":

> In the first place, restrictive regulation took away crucial managerial authority from the railroads and vested it in the Interstate Commerce Commission. This was supplemented, in turn, by various legislative inhibitions of general application. In the second place, Government subsidized and otherwise privileged competitive means of transport. In the third place, Government fostered the organization of railway unions and aided them in various ways in circumscribing and hamstringing the use of rail facilities.

Unwilling to tackle these fundamental causes of railroad difficulties Congress accepted Amtrak, nee Railpax, as the best of three wrong answers to the rail passenger problem 2 years ago. One of these wrong answers was to subsidize the network of passenger trains then being operated by railroad management. Or Congress could have allowed management to pare the system down to the very few trains which it regarded as economically viable. The third wrong answer—the one which this committee then accepted—was to lift the passenger business out of private railroad management and create a new entity, the so-called public corporation, to try to revitalize operations while teasing the traveling public back into the coaches.

So Congress approved Amtrak, but is was not long before Members began to realize that they had not understood what was being sold to them. Deciding on the routes to be retained became a traumatic experience for many, because even if one's constituents do not ride trains, they do not want to lose them if someone else is to have them. The result was a system foredoomed because it was unrealistic.

Congress gave Amtrak $40 million in "walking around money." In addition, it had a backup fund of $100 million guaranteed by the Federal Government. The railroads would be paying in about $200 million. Once started, the operating revenues would be added to the pot. This, it was believed, would be enough to find out whether passenger service by rail really was for this world. It will probably never be known whether it could have worked or not. The record since then is a saddening tale of bad contracts, continuing bad service, and poor on-time performance, bad equipment, and small ridership. And all this despite paying Amtrak's president the stupendous salary of $125,000 a year, second only to that of the President of the United States—a salary which this bill protects by a "grandfather clause" so long as he is willing to receive it.

Now we are told that Amtrak losses projected for 1972 and 1973 will amount to $152.3 million and $123.8 million, respectively. A long list of reasons for the deficits was given to us by the Department of Transportation and Amtrak witnesses, but the hard fiscal facts remain. And this bill would have us add $170 million more to the funds already at risk in this venture.

Amtrak was conceived and sold as an experiment. How can we find out what we need to know about rail passenger service under the aegis of a "public corporation" if we now treat it, so soon after its inception, as an established, accepted going concern which must be maintained? That would be to pave the way for making this whole undertaking a pattern and preclude to subsequent larger-scale nationalization of our transportation system and public utilities.

If Amtrak does not work—and it certainly is not working very well to date—further infusion of funds at this point will not solve its problems. They may well be insoluble without a perpetual, and doubtless perpetually growing subsidy. We have until July of next year to decide whether Amtrak is or can become self-supporting. If we increase its subsidization now we can be certain that it never will be. Instead, it will become one more endless drain on the already overburdened American taxpayer and one more component of an inflation-producing Federal deficit that is bringing us to the brink of national economic catastrophe.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I rise in support of the legislation.

Mr. STAGGERS. Mr. Chairman, in closing the debate, I would say we have three alternatives. We can follow through with this legislation as we have proposed and with the hope that we can build up a really successful rail passenger system in America. I think we can.

It is going to take time. Or, two, we can nationalize the railroads of America. Or, three, we can just let all rail passenger service disappear.

Mr. Chairman, I think it really will be a catastrophe if we do either one of these latter two alternatives. I am not in favor of nationalization or of just abandoning the rail passenger service in America, so I think the only reasonable alternative we have is to vote for this legislation, and give the corporation a chance to go ahead and see what they can do with new equipment.

We say they must spend $147.5 million for capital investments so that people will ride the railroads and so we can make that service something we, as American citizens, desire.

Mr. Chairman, in this light, I urge everyone in the House to vote for the bill.

Mr. Chairman, I have no further requests for time.

Mr. SPRINGER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Chairman, I rise to say that not only am I in support of, but also I am excited about this type of legislation. It deals with the development of a transportation system, an aspect of a great and important freedom, freedom of movement of men and goods.

I had some amendments to offer, but after talking to the leadership about the passenger service field and their understanding and objectives, I will withhold those amendments, but I am enthusiastic about the legislation. I propose to vote for it. I hope all Members of Congress will do likewise.

Mr. Chairman, members of the committee with the proper attention, supervision and direction by the Department of Transportation, the Congress and by the National Railroad Passenger Corp. can prove to be a good investment. It is my hope that we will give more than the money here provided. The help we can get from the knowledge and experience in our country can be invaluable. It should be acquired and used.

Mr. ANDERSON of Illinois. Mr. Chairman, I have consistently supported the whole concept of the National Railway Passenger Corp., and still believe that this innovative effort can be successful. I will vote to continue the funding of Amtrak this afternoon, however not without some serious reservations. Most important it seems to me, is the fact that many communities across the Nation have been left with no railway passenger service at all. My own area, northwestern Illinois was completely excluded from the basic transportation system established by Amtrak. I wrote to David Kendall, then chairman of Amtrak, last March, urging him to include northern Illinois with a passenger train on the Chicago-Minneapolis route. I was given assurance by Mr. Kendall that he would consider the matter very seriously. To date, there are still no passenger trains running between Chicago and northern Illinois. Instead, six trains are running daily between Milwaukee and Chicago, and, according to Amtrak's own statistics, this line lost a total of $6.53 million, from May 1 through October 31, 1971. The reason I mention this $6.53 million loss is not to embarrass Amtrak, but rather to point out the fact that there are other competing modes of transportation that run regularly between Chicago and Milwaukee, and this is why Amtrak will not be able to make a profit on this route. The alternative to running the route through Milwaukee was to service the northern Illinois area, an area which does not have alternative means of transportation available. Amtrak could make a profit on these lines, and if not, it certainly would incur a less substantial loss than it is presently taking on the route via Milwaukee.

The mayors of Rockford, Elgin, Freeport, Belvedere and East Dubuque have been working toward the achievement of rail passenger service in northern Illinois. Their efforts have been reenforced by State Representative Timothy Simms and William F. Cellini, secretary of transportation of Illinois. They feel that rail passenger service could be a tremendously vital factor in opening up the whole area of northwest Illinois, southern Wisconsin, and eastern Iowa to further progress in commerce and industry. As this active group has indicated time and again, this route does offer the possibility of profits for Amtrak. The latest effort in their steady campaign, is the petition signed by 2,000 area residents to the effect that they need and would use railroad passenger service if it would be provided by Amtrak.

In conclusion I would like to state that I believe Amtrak can and will be a success, but only if they take the needs of our citizens as their basic point of departure. I hope that the management of Amtrak will not close themselves off to alternate suggestions on how best to service the needs of our citizens, that they will continue to look for ways to improve their service, and always be flexible in their scheduling of routes.

Mr. MALLARY. Mr. Chairman, I commend the House Interstate and Foreign Commerce Committee for providing such an excellent bill on this subject. We Vermonters are particularly pleased that provisions for rail travel to Montreal are included.

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Again, I wish to commend the Committee on Interstate and Foreign Commerce on their wisdom in recommending this adition to the basic Amtrak system.

Mr. KING. Mr. Chairman, one of the provisions of the legislation we are considering today provides funds to the National Railroad Passenger Corporation for the purpose of assisting in the development and operation of international rail passenger services between the United States and Canada and between the United States and Mexico. Such international rail passenger services shall include intercity rail passenger service between points within the United States and Montreal, Canada.

Railroad passenger service between New York-Albany and Montreal was previously provided by the Penn Central and the Delaware & Hudson Railroads. This service, unfortunately, was terminated on May 1, 1971. Since that time I have strongly urged the officials of the National Railroad Passenger Corporation to restore passenger train service between Albany and Montreal, emphasizing the fact that this route constitutes by far one of the most important rail connections between the United States and Canada. Since patronage on these trains consisted of Canadians visiting the United States as well as Americans visiting Canada, consideration should have been given to the adverse effect on the balance of payments which resulted from the discouraging of travel to the United States by Canadians and other foreign tourists coming to the United States from Quebec. The New York-Albany-Montreal trains which were involved were the last remaining passenger trains entering the United States from eastern Canada.

It should be emphasized that the severe winter and heavy snowfall annually experienced by northern New York State makes the need for passenger train service peculiarly acute. No other means of transportation is available with the dependability of passenger trains in extreme cold or heavy snowfalls which frequently make highways impassable and close airports during the winter months in New York State north of Albany. Thus, in contrast to areas enjoying a warmer climate, discontinuance of these trains has worked an extraordinary hardship on persons traveling to and from north New York State and Montreal.

If Amtrak is to be successful in its operation and improvement of passenger trains in this country, and if the public is to be served by dependable all-weather transportation and the spiraling costs of highway and airport construction slowed, then the previous service connecting the Empire State with its neighbors to the north must be restored and if possible improved.

I therefore urge the addition of a New York-Albany-Montreal route to the basic Amtrak system.

Mr. VANIK. Mr. Chairman, for quite some time, I have been troubled over Federal support to the rail passenger system commonly know as Amtrak.

At the time Amtrak was established, I looked upon it as a device through which the railroad industry could divest itself of the legal obligation to provide passenger traffic and divert this responsibility and its horrendous cost to the Federal Government. Because of the alleged importance of continuing rail transportation, however, I supported this experiment designed to show whether rail passenger traffic could be maintained.

This experiment has already demonstrated its failure. The public has not provided any convincing interest in utilizing rail transportation except for commuter services in large metropolitan areas. A regional mass transit system or rapid rail system in high density corridors can provide a substantial cost-benefit ratio. A national system such as Amtrak is totally indefensible. The Federal Government cannot afford massive contributions to a nationwide system. An inadequate, infrequent, unreliable rail system for a small group of passengers will constitute an abyss of waste.

There are alternative systems of passenger travel which are more competitive. The costs of rail travel are not competitive. The following table sets forth some comparisons selected at random.

COST AND TIME FOR 20 1-WAY ROUTES VIA TRAIN, PLANE, AND BUS

Route: 1-way, coach	Train (AMTRAK)		Plane		Bus	
	Cost	Time	Cost	Time	Cost	Time
New York to New Orleans	$59.16	28¾ hr	$88	3 hr	$51.80	36 hr.
New York to Atlanta	36.22	17 hr. 35 min	61	2 hr	35.65	24 hr.
New York to Washington, D.C	13.00	4 hr	26	1 hr	11.20	4 hr.
New York to Miami, Fla	59.01	25 hr. 45 min	83	2¼ hr	52.45	32 hr.
New York to Seattle	132.75	63½ hr	163	5½ hr	102.45	98 hr.
New York to Chicago	51.25	15 hr. 55 min	59	2⅓ hr	36.40	16 hr.
New York to Cleveland	32.75	11 hr. 50 min	39	1 hr. 22 min	24.85	10 hr.
Chicago to New Orleans	45.00	17½ hr	67	2 hr	31.90	31 hr.
Chicago to Cleveland	19.75	5 hr. 55 min	33	1 hr. 10 min	15.55	10 hr.
Los Angeles to San Francisco	16.00	10 hr. 10 min	22	1 hr	12.60	8 hr.
Los Angeles to St. Louis	81.75	42 hr. 55 min	111	3 hr. 43 min	67.95	45 hr.
Los Angeles to Seattle	62.25	19 hr	67	2 hr. 20 min	38.55	27 hr.
Washington, D.C. to Columbus, Ohio	29.10	13 hr. 25 min	33	1 hr. 20 min	21.60	10½ hr.
Washington, D.C. to Raleigh, N.C	12.63	5 hr. 25 min	25	1 hr	10.70	5 hr.
Washington, D.C. to Atlanta, Ga	24.42	12 hr. 35 min	49	1 hr. 26 min	23.20	12¼ hr.
Cincinnati to Norfolk, Va	35.75	16 hr. 50 min	50	5 hr	29.30	21 hr.
Indianapolis to Montgomery, Ala	27.04	13 hr. 10 min	47	3 hr	25.05	18 hr.
Minneapolis to Detroit	33.75	16 hr. 25 min	48	3 hr. 27 min	24.85	14 hr.
Houston to St. Louis	43.25	30 hr. 35 min	56	2½ hr	34.45	34 hr.

Retired railroad employees have pass privileges on the Amtrak system. These citizens earned the right of free railroad travel as a condition and fringe benefit of their labor contracts. They should not be deprived of this earned privilege. Nor should the taxpayers of the Nation be called upon to subsidize hundreds of millions of dollars to maintain a railroad passenger system in order to meet the obligation of the railroads to their former employees.

I am preparing legislation to increase railroad retirement benefits to include reimbursement in lieu of the retirement right of free—subsidized—rail travel. This should be infinitely less expensive to the general taxpayer and more tangible to the retired employee.

The shift of Amtrak support to regional or corridor programs which have a reasonable prospect of success would receive more adequate funding to insure their success. I expect to support mass transit extensions in urban areas and corridors.

Amtrak started off last year at a cost of $40 million and $100 million in loan guarantees. Of this loan guarantee authority, approximately $55 million remains uncommitted. This year's request is for $170 million to run Amtrak until June 30, 1973. The costs of running Amtrak have increased by 425 percent within 1 year. Next year's cost could reach $250 million with no end in sight.

Federal expenditures in these times in particular must face the extreme test of need and propriety. Amtrak appears to be a patient in terminal illness—it merely postpones an inevitable demise.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 303(d) of the Rail Passenger Service Act of 1970 (45 U.S.C. 543(d)) is amended by inserting immediately after the second sentence thereof the following new sentence: "No officer of the Corporation shall receive compensation at a rate in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code.".

(b) No individual serving as an officer of the National Railroad Passenger Corporation on the date of enactment of this Act shall have his rate of compensation as such officer reduced solely by reason of the enactment of the amendment made by subsection (a) of this section.

SEC. 2. Section 305 of the Rail Passenger Service Act of 1970 (45 U.S.C. 545) is amended—

(1) by inserting "(a)" immediately before the first sentence thereof; and

(2) by adding at the end thereof the following new subsection:

"(b) The Corporation shall take such actions as may be necessary to increase its revenues from the carriage of mail and express. The Corporation is authorized and directed to acquire the equipment or modify existing equipment for the efficient carriage of mail and express. Upon request by the Corporation, Federal departments and agencies shall, consistent with the provisions of existing law, provide such assistance as may be necessary in carrying out the purposes of this subsection.".

SEC. 3. (a) Section 306(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 546(a)) is amended by striking out "all provisions of the Interstate Commerce Act" and inserting in lieu thereof "all provisions, including the provisions of section 22(1), of the Interstate Commerce Act".

(b) Section 306 of the Rail Passenger Service Act of 1970 (45 U.S.C. 546) is amended by adding at the end thereof the following new subsection:

"(f) All departments, agencies, and instrumentalities of the Federal Government shall, in authorizing travel in the continental United States for their employees or for members of the Armed Forces or commissioned services, treat travel by train (whether or not extra fare trains) on the same basis as travel by other authorized modes.".

SEC. 4. Section 308 of the Rail Passenger Service Act of 1970 (45 U.S.C. 548) is amended to read as follows:

"Sec. 308. Reports to the Congress.

"(a)(1) Not later than the eightieth day following the end of each calendar month, the Corporation shall transmit to the Congress and release to the public the following information applicable to its operations for such calendar month:

"(A) Total itemized revenues and expenses.

"(B) Revenues and expenses of each train operated.

"(C) Revenues and total expenses attributable to each railroad over which service is provided.

"(2) Not later than the fifteenth day following the end of each calendar month, the Corporation shall transmit to the Congress and release to the public the following information applicable to its operations for such calendar month:

"(A) The average number of passengers per day on board each train operated.

"(B) The on-time performance at the final destination of each train operated, by route and by railroad.

"(b) The Corporation shall transmit to the President and to the Congress by January 15 of each year (beginning with 1973), and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act, including a statement of receipts and expenditures for the preceding year. At the time of its annual report, the Corporation shall submit such legislative recommendations as it deems desirable, including the amount of financial assistance needed for operations and for capital improvements, the manner and form in which the amount of such assistance should be computed, and the sources from which such assistance should be derived.

"(c) The Secretary and the Commission shall transmit to the President and to the Congress by March 15 of each year (beginning with 1974) reports (or, in their discretion, a joint report) on the effectiveness of this Act in meeting the requirements for a balanced national transportation system, together with any legislative recommendations.".

SEC. 5. Section 402(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(b)) is amended to read as follows:

"(b) To facilitate such operations by the Corporation as may be deemed by it to be necessary in an emergency, the Commission shall, upon application by the Corporation, require a railroad to make immediately available tracks and other facilities for the duration of such emergency. The Commission shall thereafter promptly proceed to fix such terms and conditions as are just and reasonable including indemnification of the railroad by the Corporation against any casualty risk to which it may be exposed.".

SEC. 6. Section 405 of the Rail Passenger Service Act of 1970 (45 U.S.C. 565) is amended by adding at the end thereof the following new subsection:

"(f) The Corporation shall take such action as may be necessary to assure that, to the maximum extent practicable, any railroad employee eligible to receive free or reduced-rate transportation by railroad on April 30, 1971, under the terms of any policy or agreement in effect on such date will be eligible to receive, provided space is available, free or reduced-rate transportation on any intercity rail passenger service provided by the Corporation under this Act on terms not less favorable than those available on such date to such railroad employee under such policy or agreement. The Corporation shall be reimbursed by the railroads by way of payment or offset for providing transportation services to railroad employees under any policy or agreement referred to in the preceding sentence, including the costs of implementing and administering this section. As used in this subsection, the term 'railroad employee' means (1) an active full-time employee of a railroad or terminal company, (2) a retired employee of a railroad or terminal company, and (3) the dependents of any employee referred to in clause (1) or (2) of this sentence.".

SEC. 7. Section 601 of the Rail Passenger Service Act of 1970 (45 U.S.C. 601) is amended to read as follows:

"SEC. 601. FEDERAL GRANTS.

"(a) There is authorized to be appropriated to the Secretary in fiscal year 1971, $40,000,000, and in subsequent fiscal years a total of $170,000,000, to remain available until expended, for payment, pursuant to terms and conditions prescribed by the Secretary, to the Corporation for the purpose of assisting in—

"(1) the initial organization and operation of the Corporation;

"(2) the establishment of improved reservations systems and advertising;

"(3) servicing, maintenance, repair, and rehabilitation of railroad passenger equipment;

"(4) the conduct of research and development and demonstration programs respecting new rail passenger services;

"(5) the development and demonstration of improved rolling stock;

"(6) essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines of the same or different railroads;

"(7) the purchase or lease by the Corporation of railroad rolling stock; and

"(8) other corporate purposes.

Notwithstanding the foregoing provisions of this subsection, of the total funds from all sources available to the Corporation prior to July 1. 1973, $147,500,000 shall be expended only for purposes set forth in paragraphs (3) through (7) of this subsection.

"(b) There is authorized to be appropriated to the Secretary $2,000,000 annually, for payment, pursuant to terms and conditions prescribed by the Secretary, to the Corporation for the purpose of assisting in the development and operation of international rail passenger services between the United States and Canada and between the United States and Mexico. Such international rail passenger services shall include intercity rail passenger service between points within the United States and—

"(1) Montreal, Canada;

"(2) Vancouver, Canada; and

"(3) Nuevo Laredo, Mexico.

For the purposes of section 404(b) of this Act, international rail passenger services provided under this subsection shall be deemed to be included within the basic system.".

SEC. 8. (a) Section 602 of the Rail Passenger Service Act of 1970 (45 U.S.C. 602) is amended to read as follows:

"SEC. 602. GUARANTEE OF LOANS.

"(a) The Secretary is authorized, on such terms and conditions as he may prescribe, to guarantee any lender against loss of principal and interest on securities, obligations, or loans (including refinancings thereof) issued to finance the upgrading of roadbeds and the purchase by the Corporation or an agency of new rolling stock, rehabilitation of existing rolling stock, and for other appriate related corporate purposes. The maturity date of such securities, obligations, or loans, including all extensions and renewals thereof, shall not be later than twenty years from their date of issuance.

"(b) All guarantees entered into by the Secretary under this section shall constitute general obligations of the United States of America backed by the full faith and credit of the Government of the United States of America.

"(c) Any guarantee made by the Secretary under this section shall not be terminated, canceled, or otherwise revoked, except for fraud or material misrepresentation on the part of such holder.

"(d) The aggregate unpaid principal amount of securities, obligations, or loans outstanding at any one time which are guaranteed by the Secretary under this section may not exceed $100,000,000. The Secretary shall prescribe and collect a reasonable annual guarantee fee.

"(e) There are authorized to be appropriated to the Secretary such amounts, to remain available until expended, as are necessary to discharge all of his responsibilities under this section.

"(f) If at any time the moneys available to the Secretary are insufficient to enable him to discharge his responsibilities under guarantees issued by him under subsection (a) of this section, he shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Secretary from appropriations available under subsection (e) of this section. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, which rate shall not be less than the current average marketed yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.".

(b) The amendment made by subsection (a) of this section shall also apply with respect to guarantees issued by the Secretary of Transportation under section 602 of the Rail Passenger Service Act of 1970 before the date of enactment of this Act.

Sec. 9. Section 805 of the Rail Passenger Service Act of 1970 (45 U.S.C. 644) is amended—

(1) by inserting "and certain railroads" immediately before the period at the end of the section heading;

(2) by inserting "(a)" immediately before "(1)(A)"; and

(3) by adding at the end thereof the following new subsection:

"(b)(1) The financial transactions of any railroad with which the Corporation has entered into a contract for the performance of intercity rail passenger service may be audited by the Comptroller General of the United States for any fiscal year during which Federal funds are available to finance any portion of the operations of the Corporation. Any such audit shall be conducted at the place or places where accounts of such railroad are normally kept, in accordance with the principles and procedures applicable to commercial corporate transactions, and under such rules and regulations as may be prescribed by the Comptroller General. The representatives of the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such railroad pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of such railroad shall remain in the possession and custody of the railroad.

"(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform the Congress of the financial operations and condition of such railroad, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, adversely affects the financial operations or condition of such railroad or lessens its ability to perform intercity rail passenger service under its contract with the Corporation. A copy of each report shall be furnished to the President, to the Secretary, and to the Corporation at the time it is submitted to the Congress.".

Sec. 10. Title VIII of the Rail Passenger Service Act of 1970 (45 U.S.C. 641–644) is amended by adding at the end thereof the following new section:

"Sec. 806. Report by Secretary of Transportation.

"(a) The Secretary shall, on or before March 15, 1973, transmit to the Congress a comprehensive report on the effectiveness of this Act in achieving and promoting intercity rail passenger service and on the effectiveness of the Corporation in implementing the purposes of this Act. Such report shall include an evaluation by the Secretary of the intercity rail passenger service operations assumed by the Corporation including, but not limited to, adequacy and effectiveness of services, on-time performance, reservations and ticketing, scheduling, equipment, fare structures, routes, and immediate and long-term financial needs.

"(b) In addition to the general evaluation and assessment required under subsection (a) of this section, the report by the Secretary shall include—

"(1) recommendations for the orderly assumption by the Corporation of the operation and control of all aspects of its intercity rail passenger service, including the performance by the Corporation of all full-time functions solely related to the intercity rail passenger service provided by it under this Act;

"(2) recommendations for specific changes in work rules which the Secretary deems advisable for efficient and economical operations by the Corporation as it assumes direct control of intercity rail passenger service functions, which recommendations shall include, but not be limited to, changes with respect to excessive manning requirements and daily compensation rates, and the development of appropriate protective measures for rail workers who would be adversely affected by any such changes in work rules;

"(3) an assessment of whether the board of directors of the Corporation adequately and fairly represents the members of the public who utilize intercity rail passenger services and, if necessary, recommendations for appropriate changes in the composition of such board of directors;

"(4) estimates of potential revenues for the Corporation from the transportation of mail and express on intercity passenger trains;

"(5) a detailed analysis of the on-time performance of intercity rail passenger service operations assumed by the Corporation, together with such recommendations as the Secretary may deem advisable to eliminate delays in such intercity rail passenger service operations caused by freight train operations;

"(6) recommendations with respect to the establishment of the optimum intercity rail passenger service system as soon as possible after July 1, 1973, taking into account economic feasibility, requirements as to public convenience and necessity, and the ability of the Corporation to provide adequate service over the total system, which optimum system shall include recommended routes and discontinuances; and

"(7) recommendations with respect to the improvement of tracks and roadbeds on routes over which the Corporation operates intercity passenger trains.

"(c) Such report shall contain such additional recommendations as the Secretary may deem advisable to assist the Corporation in carrying out the purposes of this Act, including recommendations for legislative enactments or administrative actions which would enable the Corporation, after July 1, 1973, to discontinue more rapidly and efficiently those routes which do not meet the criteria recommended by the Secretary for the establishment of the optimum intercity rail passenger service system.

"(d) In carrying out the provisions of this section, the Secretary may use available services and facilities of other departments, agencies, and instrumentalities of the Federal Government with their consent and on a reimbursable basis.

"(e) Departments, agencies, and instrumentalities of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the provisions of this section.".

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer an amendment on behalf of the committee.

The Clerk read as follows:

Amendment offered by Mr. Staggers: Page 9, beginning in line 22, strike out "appropriate related corporate purposes" and insert in lieu thereof the following: "corporate or related purposes".

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer an amendment on behalf of the committee.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Page 10, line 10, strike out "such holder" and insert in lieu thereof the following: "a holder of a guaranteed security, obligation, or loan".

Mr. GROSS. Mr. Chairman, I move to strike the penultimate word.

Mr. Chairman, this bill is but another in the seemingly endless series of projects which have been sold to the Members of the House under the guise that a single injection of money will cure each problem once and for all.

In each case the problem solvers have proved unequal to the situation and the sponsors of the legislation have come running back up Capitol Hill for more money.

I recall that the so-called Kennedy Culture Center was not going to cost the taxpayers one red penny. Next, the story was that one, lone appropriation would do it. Then it was another and now we are asked to provide a permanent subsidy for the thing.

You will recall that little air show out at Dulles that was going to cost "only" $750,000 a couple of years ago and which has now cost the taxpayers $5 million.

And here is Amtrak—the private corporation that, for $40 million of the public's money 2 years ago was going to put the passenger trains back on the tracks and in the black.

"We won't need any more money from the Congress," its sponsors promised. "This one shot financing will do it."

Well, it is the same, tired old story. Here they are today with their hands out again—and this time not just for another $40 million. This time they want more than three times $40 million—a total of $170 million more gouged out of the hides of the American taxpayers to subsidize an outfit whose management has a record of failure surpassed only by that of the Penn Central.

It is my understanding that in addition to the $40 million from the public treasury, Amtrak has already used up almost the same amount of money from a Government guaranteed bank loan and, once this bill is passed, will have access to a similar amount of Government guaranteed loan money to pour into this bottomless pit.

Mr. Chairman, I wonder if there is a single member of the committee which handled this bill—or of the House—who is willing to stand up and stake his reputation on the likelihood that Amtrak will repay the $100 million Government guaranteed loan it has obtained from a Chicago bank.

I wonder, Mr. Chairman, if any of the promoters of this financial nightmare can tell us what assets this corporation has to secure this bank loan.

I would like to know, also, how much new rolling stock has been purchased by Amtrak with all the money it has received.

I would like someone to tell me how many passenger cars have been refurbished and how many are now in the shops being refurbished and how long they have been in those shops.

I would like to know whether any reduction in the size of the payroll has been accomplished since Amtrak began piling up the huge losses with which it is faced.

I do not believe, Mr. Chairman, that the product Amtrak is offering has improved to any great extent. What has improved, however, is the bankroll of the advertising business because, as I understand it, Amtrak is currently spending over $4 million on advertising and $275,000 for public relations consultants.

One example is this advertisement in the morning paper, extolling the scenic ride from here to Parkersburg, W. Va.—a trip that takes place in the pitch black dark of night. If you want to return, you take off at 4 o'clock in the morning from Parkersburg. In other words, you get up at 3 o'clock in the morning to catch a train at 4 to view the scenic beauties between Parkersburg, W. Va., and Washington, D.C.

I would also like someone on the committee that handled this legislation to tell me how Amtrak intends to pay off this bank loan after June of 1973 when the $170 million provided by this bill will have been gobbled up and when the current payments from the railroads have ended.

There is no way, in my opinion, for the loan to be paid off unless the taxpayers do it and, just as sure as I am standing here, that is what will happen.

I see no reason whatsoever to pour $170 million more into this foolish operation, the management of which has apparently done nothing since it has been on the job to improve passenger service.

This bill paves the way for an endless public subsidy of this corporation by removing the existing $100 million ceiling on appropriations that can be made for Amtrak.

And I might point out to Members of the House that, despite the fact that the Congress has already supplied $40 million to Amtrak, and the Government has guaranteed another $100 million in the form of a bank loan, the Appropriations Committee has never held a hearing on this subject.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, this country already has one foot in its financial coffin.

It is time the House came to its senses and admitted that Amtrak was a mistake.

We ought to get out of this program just as we got out of the supersonic transport program, before the taxpayers of this Nation are railroaded into the poor house inside a broken down pullman car.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MONAGAN

Mr. MONAGAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MONAGAN: Page 6, immediately after line 14, insert the following:

SEC. 6. Section 403(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 563(a)) is amended—

(1) by inserting "(1)" immediately after "(a)";

(2) by striking out "subsection" and inserting in lieu thereof "paragraph"; and

(3) by adding at the end thereof the following new paragraph:

"(2) The Corporation shall provide intercity rail passenger service between Boston, Massachusetts, and New Haven, Connecticut, via Worcester, Massachusetts, Springfeld, Massachusetts, Hartford, Connecticut, Meriden, Connecticut, and Wallingford, Connecticut, and shall also provide connecting intercity rail passenger service between New Haven, Connecticut, and Washington, District of Columbia. Intercity rail passenger service provided under the preceding sentence shall include not less than three trains per day between Boston, Massachusetts, and New Haven, Connecticut, and at least one train per day between New Haven, Connecticut, and Washington, District of Columbia. Intercity rail passenger service provided under this paragraph shall be designated by the Secretary as a part of the basic system.".

And renumber the following sections accordingly.

Mr. MONAGAN. Mr. Chairman, the purpose of this amendment obviously is to make the so-called inland route between New Haven, Conn., and Boston, Mass., a permanent part of the Amtrak network. This route would proceed via Wallingford, Meriden, Berlin, and Hartford in Connecticut, and Springfield, Worcester, and Framingham in Massachusetts.

I fully realize there have been no changes in the basic system since it was set up. I agree as a general rule that we should not embark on any changes lightly and that the Congress should restrain any tendency to legislate particulars and leave the details to the organization that we have set up. At the same time, I think that all will concede that any particular route or system is not encased in concrete and is not necessarily permanent and that reasonable changes should be legitimately considered.

Now, the reason for my suggestion is that there are two ways, traditionally, by which passengers have moved from New York to Boston, one by way of the so-called shore route—the Long Island Sound route—and the other up through Meriden and Hartford to Springfield and Worcester and on to Boston.

The fact is that the mileage along the two routes is approximately equal. However, the inland route which is referred to in this amendment would service 1.2 million more citizens than the Shore Line route, and holds an effective buying power of some $4 billion more. So, in terms of population and economic resources, this is a much more suitable area as a market for the service of these trains.

At the present time Amtrak runs 10 trains daily along the Shore Line, and only one daily between Boston and Springfield.

The point of this amendment is to suggest that there should be a balanced system which uses both routes and which takes advantage of the resources, population and financial, that exist on the inland route as well as those along the Shore Line system.

Mr. Chairman, I believe this new route would prove to be financially sound. Certainly, solvency is a very important consideration in the light of the emergency funding that we are considering for Amtrak today.

Mr. Chairman, I hope that all Members will support this amendment.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment which is being offered by the gentleman from Connecticut (Mr. MONAGAN).

Mr. Chairman, I also rise in support of this bill which comes out of the great Committee on Interstate and Foreign Commerce. I supported Amtrack when it was originally passed by the Congress and I support it now.

It has had some difficulties. That is understandable because it is a new program.

The inland route from Boston to Worcester and New Haven and Hartford serves 1.2 million more people than the Shore Line route.

The amendment would assure a permanent inland route for Amtrak rail service between Boston, Mass., and New Haven, Conn.—an inland route that has been shunned by the railways for years now. Three passenger trains a day would take this route—via Worcester, Mass., Springfield, Mass., Hartford, Conn., Meriden, Conn., and Wallingford, Conn.—under the provisions of Mr. MONAGAN'S amendment. His amendment, still further, calls for at least one passenger train a day between New Haven and Washington, D.C.

The need for such train service becomes obvious only after a searching and scrupulous examination of the data. A superficial glance at the data—for example, a head count of the number of passengers now using Amtrak's demonstration service along the inland route—is not enough. In fact, it is downright misleading. I am willing to concede, quite freely, that the market for this demonstration service is something less than enthusiastic. But Amtrak has not yet had the time—or the resources, for that matter—to cultivate the market. Most people still consider a train ride nothing short of an adventure. They are all too familiar with the whimsical train schedules.

What I want to emphasize, Mr. Chairman, is that it takes time to meet the problems of rail passenger service.

It takes time to convince them that Amtrak is capable of providing comfortable, brisk and efficient intercity train service.

The Metroliner, once it had conquered people's doubts, demonstrated that a vast potential market exists for such train service. That same market lies dormant throughout the length of the inland route I have described. I am convinced, Mr. Speaker, that people in central Massachusetts and central Connecticut would all but embrace Amtrak rail service once its advantages are made clear.

The very rationale behind Amtrak, after all, is a balanced transportation system—one that smoothly integrates the modes of highway, air, and rail travel.

Without efficient intercity rail service, the traffic jams that beset our highways and airports will grow worse year by year.

Mr. Chairman, the only solution to the mass transit problems in the New England area is the development of adequate rail passenger service between larger urban concentrations in New England.

The amendment offered by the gentleman from Connecticut recognizes this fact.

Mr. Chairman, last December Mr. Roger Lewis, Amtrak president met with interested parties with reference to the inland route. He indicated that because of local enthusiasm and support the inland route has not received that attention. The inland route has over 1,000,000 more people that the shore route and serves central and western Massachusetts. It deserves more and better service. If it gets it, I am confident that there would be a real possibility of establishing a profitable operation along this populous route.

Mr. DONOHUE. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Massachusetts (Mr. DONOHUE).

Mr. DONOHUE. Mr. Chairman, I wish to compliment and commend my colleague, the gentleman from Connecticut (Mr. MONAGAN) for offering this amendment, and I want to associate myself with his remarks, and with the remarks of the gentleman in the well, the gentleman from Massachusetts (Mr. BOLAND) in strong support of this amendment which is much needed.

I earnestly believe it would make a great and significant contribution to the overall viability of the basic national rail system that Congress intended in the original legislation.

Mr. Chairman, there is no question but that the inclusion of improved and expanded service, of at least three trains a day, along the inland Boston-New York corridor, through Worcester, Springfield, Hartford and on into New Haven, Conn. would stimulate and attract a tremendous market potential for modern rail service in a vitally important area of the country.

As I have previously stated here and before the distinguished Interstate and Foreign Commerce Committee, independent research authority has long demonstrated that the highest population centers by far lie along the inland rail route from Boston to New York, through the cities I have mentioned, and it is impressive, I think, to note that studies conducted by our Department of Transportation, itself, reveal that a significantly larger travel market, by some four million, lives along this inland route than on the shoreline route.

Mr. Chairman, the objective of stimulating and revitalizing rail passenger service, where it is most needed throughout this country, is and should be placed among our highest priorities.

If it becomes obvious that we cannot or will not provide the resources to establish a viable national basic system, or the appointed agency is unable, under the circumstances, to adequately carry out their total responsibility to the country, then we are forced to the contemplation as to whether no measure would be better than any restricted half measure that would be inevitably doomed to failure and result only in a further, more senseless waste of the taxpayers money.

Mr. Chairman, the inclusion and establishment of the inland rail route that the gentleman from Connecticut has described and which I endorse, would, by the testimony of independent authority, provide one of the most promising service markets for the accomplishment of a profitable Amtrak operation within the shortest possible time and I am sure that a profitable enterprise within the operation of an administrative agency is something that the Members of this Congress and the people of this country sorely need, especially now, as an example and inspiration of commonsense and common prudence.

Mr. Chairman, I very earnestly hope that a majority here today will accept this amendment to strengthen the national transportation system in the public interest.

Mr. BOLAND. Mr. Chairman, I thank the gentleman for his statement.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment, and I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the amendment, and I do so reluctantly, because I know that the gentleman from Connecticut (Mr. MONAGAN) is very sincere in his wishes for his people, but if we started to do this then we would have to do it for all 435 Members who might want additional routes.

We are not in the business of setting certain routes, or schedules. We said in the original law that the Secretary would set up the end points, and then the Amtrak Corporation would move within those frameworks, and decide how to get to those end points.

They have done this. The amendment offered by the gentleman from Connecticut says that they should go over the alternate route so as to go over exactly the route that the gentleman has proposed by his amendment. However, the Amtrak Corporation decided that the shoreline would be the best route to use.

A provision was put in the bill stating that a State, when they want a certain route and are willing to pay two-thirds of the losses, can have that route. Well, there was a route put in from Boston to New York along the route the gentleman from Connecticut wants. I do not know how much the losses were or are. The State agreed to pay two-thirds of the losses on this route.

I cannot see why the group that wants this route would not go to the corporation and say, "We can make more money up here," and if they could make a case, then they would change this route up there from the route that goes along the shore up to Springfield. I believe they would do this. But that is the way to do it. And if they want to run more trains and have better service, that is the way they can secure this.

So I have to oppose the amendment, because if we get into a situation where everyone wants to make route changes through this means, then I do not believe we would ever get anything done during this session.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. MONAGAN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. KEMP

Mr. KEMP. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEMP: Page 6, immediately after line 14, insert the following:

SEC. 6. Section 403(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 563(a)) is amended—

(1) by inserting "(1)" immediately after "(a)";

(2) by striking out "subsection" and inserting in lieu thereof "paragraph"; and

(3) by adding at the end thereof the following new paragraph:

"(2) The Corporation shall provide intercity rail passenger service between Buffalo, New York, and Chicago, Illinois, via Erie, Pennsylvania, Cleveland, Ohio, Toledo, Ohio, and South Bend, Indiana, and shall also provide connecting intercity rail passenger service between Detroit, Michigan, and Toledo, Ohio. Intercity rail passenger service provided under this paragraph shall be designated by the Secretary as a part of the basic system.".

And renumber the following sections accordingly.

Mr. KEMP. Mr. Chairman, I am here today to ask that the bill, H.R. 11417, the Amtrak appropriation bill be amended to include the New York to Chicago lakeshore route via Buffalo, Erie, Cleveland, Toledo, and South Bend with a connecting link between Detroit and Toledo into the basic system of rail passenger service in this country.

As the figures indicate, the lakeshore route serves a total population of well over 25 million people. I believe any route that serves this many people should be included in the basic system. Twenty-five million people represent a lot of potential patronage by any standards, and I am sure you are all aware of the routes which serve drastically fewer people which have been included in the basic system.

It appears that Amtrak has never really tried to save this route.

I am very much in sympathy with the previous gentleman from Connecticut and his attempt to amend it because that was my experience.

Amtrak instituted service on an experimental basis for 7 months. But it appears that Amtrak shrewdly tried to play the same game that Penn Central tried to play for so many years when it purposely downgraded service and discouraged patronage to make a case for discontinuance before the ICC. The ICC was never taken in and neither should we be taken in.

Amtrak wanted to make it appear that it sincerely tried but the route was still unprofitable; however its gross malfeasance in the operation of this route is borne out by the facts.

Amtrak never tried to improve this service—it merely operated freshly scrubbed equipment under old work rules, through old stations, with old fares, little advertising and a near-useless reservation system. They never tried to cut the costs.

It never tried to cut costs by demanding that the railroads renegotiate costly, unrealistic terminal contracts. Nor did it approach every local union along the route to seek new contracts and work rule modernization. Amtrak did not ask communities to ease taxes on stations or initiate improvement projects similar to the same programs that the same communities operate for airports.

In other words, Amtrak has made the smallest possible effort in 7 months to exploit the potential patronage of over 25 million people along this route. Amtrak says it ran this route on a "for-profit" basis, but I cannot conceive of any corporation in America that tries to sell a service to the public and expects to turn a profit using such inefficient and costly techniques.

Mr. Chairman, I am happy to see that the new bill makes special provision for avoiding such operating ineptness in the future by requiring Amtrak to submit detailed monthly reports to Congress on operating and financial results. I have included pertinent letters at the end of my remarks that point up that this requirement was badly needed.

Mr. Chairman, I am glad to see that this purposeful derogation of passenger service will be corrected in the future, very hopefully, since the committee in its report made it clear that it expects that passenger service will be accorded priority over freight trains and that exceptions should be rare.

I commend the chairman of the committee and the committee for taking into consideration this very important aspect. But the challenge is clear to me: Amtrak must improve its operating efficiency and get tough with the railroads. We need intercity rail passenger service if we want a balanced transportation system for our Nation and if we want to relieve congestion on our highways and airways and relieve pollution.

Any map will reveal that a link from Buffalo west to Chicago is necessary for a truly balanced rail passenger system in this country. I think we should round out our own rail passenger system before we add any international routes to the basic system.

I might also add that both the ICC and the National Association of Railroad Passengers have consistently recommended the inclusion of the New York to Chicago route via Buffalo into the basic system.

I believe it is essential that passenger service be maintained between New York City and such large population centers as Cleveland, Erie, Toledo, South Bend, and Detroit. And I want to emphatically add that the Governors of New York, Pennsylvania, Ohio, Michigan, and Illinois support me in this view that the Lake Shore route is essential.

Mr. Chairman, I am also asking that H.R. 11417 be amended to reduce any State's contribution toward an operating deficit from two-thirds to one-third should it want to enter into a financial agreement with Amtrak to add a particular link to the basic system. I am sure that this reduction in the State's obligation for any operating losses will serve as a great stimulus throughout the country for the addition of many feeder lines that will connect with the basis system.

I am very much opposed to nationalization. I commend the committee for the hard work they have done. The chairman has mentioned that he wants a fair trial for Amtrak. I, too, want a fair trial. I want a fair trial for the line from New York to Chicago via Buffalo.

Mr. Chairman, I want to point out in conclusion that if these amendments are defeated, I cannot in good conscience support the bill on final passage. We will not have a balanced transportation system, geographically or environmentally, and I cannot support the expenditure of tax moneys for a sure loser, whether the taxes are collected in Buffalo, New York, or throughout the Nation.

The letters and material previously referred to are as follows:

BUFFALO, N.Y.,
December 20, 1971.

Mr. DAVID W. KENDALL,
Chairman, National Railroad Passenger Corp., Washington, D.C.

DEAR SIR: On December 27, 1971 my parents had occasion to use Train #74 from Buffalo to New York.

They report that the train consisting of only three cars and Diesel Unit 4041 was badly overcrowded. In addition the Diesel Unit broke down north of Poughkeepsie subjecting the passengers to a three hour delay and a complete absence of baggage porters on arrival in Grand Central Station.

It seems to be Amtrak's intention to follow old Penn-Central's practices of providing inadequate and poorly maintained equipment with no follow-up procedures in the event of breakdown or heavy demand on the services by the traveling public. In addition Amtrak by its threatened discontinuance of the overnight New York-Buffalo-Cleveland and Chicago thru trains clearly shows the public its lack of desire to provide needed service on important routes.

It is my hope that Amtrak will take appropriate measures to correct the inadequate service standards provided over this route.

Yours very truly,

GEORGE HAMILTON FORMAN,
Attorney-At-Law.

FEBRUARY 9, 1972.

Hon. JACK KEMP,
House Office Building,
Washington, D.C.

DEAR SIR: Before I begin, let me introduce myself. I am Gordon Inglis, employed as a locomotive engineer in Denver, Colorado and have worked in various capacities during my nearly 25 years with the former CB&Q and now the Burlington Northern.

This letter is to offer some assistance to you in compiling data for your study recording the failure of Amtrak to accomplish the purpose that it was intended.

I am aware of your need for information pertaining to the National Railroad Passenger Corporation as a result of an article that appeared in the "Locomotive Engineer" publication.

To best illustrate my points of concern, let me take you back just ten short years. At this time in my life I had accepted a new job of responsibility, that of Road Foreman of Engines with headquarters in La Crosse, Wisconsin.

While still working in Denver as a passenger fireman, I felt that the passenger train seem to be dying a slow death. This mental observation was the result of seeing daily the type of passengers we were carrying. Either those in their late teens and early twenties, or the elderly. I felt to be successful we needed the families and the very young back on the rails for future business. I had a rude awakening when I arrived in La Crosse in March of 1962. The passenger train was not dying. It was very much alive on this division that followed the beautiful Mississippi for 281 miles.

Business was good simply because management offered three things; service, on-time performance, and most important of all, a sincere concern to try and make money carrying passengers.

I feel they were making money during those years and in the paragraphs to follow let me explain how this was accomplished.

Let's take the first thing I mentioned service. On their Twin-Cities Zephyrs a passenger could board one of these trains either in the morning or afternoon and have his choice of coach or parlor. Both offered the vista-dome type car. In addition, this train had club car facilities and diner. This was an attractive train which was well patronized for two reasons. It offered service and on-time performance. Not by accident, but due to the ardent demands of management.

In addition to these two trains were the Northern Pacific's North Coast Limited and the Great Northern's Empire Builder. These trains were consolidated during the winter months from Chicago to St. Paul and of course run separately from St. Paul to the coast.

These trains were very well equipped. They consisted of cars built by Pullman Standard Company, which are heavily built to give an exceptionally good ride and to withstand the weather conditions and terrain that these roads covered. The trains included a group of pullmans with a club or observation car, vista domed coaches, lunch car and diners. The Great Northern offered their long dome car, which also had bar facilities.

I believe the most memorable feature was the varied extras that were offered the passengers of these trains. Music piped through the intercom system throughout the train, a hostess to offer passenger assistance, and the varied eating facilities of lunch, dinner, and sandwiches with beverages sold in the coaches.

One other train was scheduled during those years. It was Great Northern's Western Star. This train I feel was one of the most profitable. It was an overnight train from Chicago to Minneapolis and back, which consisted of pullmans, coaches, baggage, mail, and combination diner-club car. During the year this train carried many people because it was a local train which gave the business man a good night's rest in the pullman and an early morning start in Chicago or the Twin Cities.

Why have I taken so much time and space to tell you about these trains? Simply because for Amtrak to succeed they must give the public the service they want. To accomplish the Amtrak must have the other two things I mentioned. On-time performance and management's concern that the public's demands be met.

I have painted a picture of a success story but I have not offered any solutions. Let me try to convey what is needed. First of all I am not living in the 60's, and I realize we cannot back up. We cannot have those times or trains back, but we can build from what we have today.

The CB&Q was noted for its passenger trains, primarily the Zephyrs. These trains were run on time, not by accident. The Zephyrs were well patronized, not by coincidence.

To obtain on-time schedules someone with responsibility must be watching them. This takes supervision. Amtrak needs people with experience located at key points to see that the railroads produce service, on-time trains and show constant concern for schedule. I am not suggesting that Amtrak add to their financial woes by hiring a large number of people, but a few experienced in the procedures of passenger train operation.

During the years 1962 to 1966, sixty percent of my supervision pertained to the passenger train. The National Railroad Passenger Corporation needs this type of scrutiny today. It cannot survive on hit and miss methods.

I realize that they have some people hired to ride these trains, but most of them are former passenger department employees who only know how to cater to the public's complaints but are not trained to deal with the hundred and one alibis that rail management may offer for failure to produce the things that are demanded by the traveling public.

Here are some of the complaints you will receive from the interested traveling public. The train was poorly heated. We could hardly sit in our seats the ride was so rough. The train was two hours late and I missed my plane connection. The lights kept going on and off. The air conditioning was not working and all I could get was excuses.

The train could have been poorly heated because there were too many cars in the train (12 cars can be efficiently heated in extreme cold weather with blowing snow). Too many steam leaks, not enough boilers running on the units to maintain pressure, and valves that may be defective or improperly maintained. We could go on and on talking about heating trains.

Trains that ride rough could be the result of track conditions, flat wheels, poor equipment, and in some cases poor train handling.

If the train was late, this could be the result of traffic conditions, equipment failure, weather, and of course that old standby of an unconcerned management.

I would like to elaborate on all complaints but I realize your time is valuable. You want answers and solutions. Lets talk about Amtrak routing, with which I am familiar. One of their trains runs via the Chicago, Milwaukee & STPI Pacific from Chicago to Milwaukee and then west through Portage, Wisconsin to La Crosse, Wisconsin and up the Mississippi to the Twin Cities.

The reason for this routing I assume was to give the Milwaukee road and the city service. However, much of traveler appeal was lost when the Burlington Northern route along the Mississippi from Savanna, Illinois, to La Crosse, Wisconsin was forfeited. Two cities which gave the rails a lot of passenger business was Prairie du Chien, Wisconsin and Dubuque, Iowa. This 152 miles of scenic route is without any passenger rail service today.

Every area cannot be served, but why should a profitable route be discontinued in favor of one that offers a longer schedule and very little appeal. It seems that the answer here is simply to discourage the rail traveler.

Have you tried to get passenger train information lately? You probably get a recorded voice explaining everything but what you want to know. Pick up your newspapers, turn to the travel section and see if you find anything on passenger train excursions for skiing or weekend trips to Chicago or New York. It pays to advertise and let the public know that Amtrak is trying to win them back.

Let's quit "bad mouthing" rail travel. If a good public relations man is needed. Amtrak should hire one; and he should be a railroad man who was in top management in the passenger department. His one prime attribute should be that he believes in the passenger train and the purpose it must serve.

What about equipment? We should talk about that. When Amtrak was established they supposedly picked out the best equipment from the supply of over 3,000 passenger cars. I cannot speak for other railroads, but the Burlington Northern from Denver to Chicago has some good equipment in service; however, new cars and power units will be needed in the near future.

I have heard and read that not all of the participating roads have good equipment. This should be of concern to Amtrak in planning for the future.

Amtrak will need to think about new cars that are differently designed. Not the old vestibule type that is a regular bottleneck for unloading and loading people and baggage. Perhaps we should go to the new suburban type with double air operated doors in the middle of the car. Possibly the European style with doors to each compartment opening outward to a raised platform. I do not know what the answer is here but America needs a change. We are graduating thousands of young engineers from our colleges and universities every year. Surely some are equipped to design new passenger equipment.

Why not appeal to the student to ride the train? Give them student rates, standby fare, etc. to educate them on rail travel. Does every business man have to fly? If station X needs Amtrak trains to stop, give them a chance to prove their need. If a group wants a car of their own, give it to them.

At the start of this letter I mentioned that the passenger train needed to get the family back on the rails. This is true, but how? Offer a good family plan on fare, and other extras that appeal to families. Here again Amtrak should appeal to those who can give some new and fresh ideas.

To sum up; this letter was not written because of some nostalgic concern for something that was but for something that we all had a part in—the destruction of the passenger train. Management helped in this destruction through mismanagement, keeping unprofitable trains on, openly discouraging rail travel. Labor by its failure to relent on some work rule changes and encouraging management to keep trains regardless of the circumstances. Government by failing to give the railroads relief from regulatory laws that hampered a profitable passenger operation. The rails needed tax relief and the loss of the U.S. mail spelled the end for many of our nation's passenger trains. The public also had a hand. They did not demand their government to preserve the passenger train operation. They wanted service but not enough to let their voices be heard.

Yes Amtrak has a mountain to climb, but it is not insurmountable. Our highways are congested, pollution is with us, the airways are crowded and many airports ill equipped to handle the mushrooming traffic. The answer is rail transportation with passenger stations centrally located in most cities. The possibilities are unlimited. Yes it will take money, perseverance, and hard work. The one thing that will be a detriment to success is to continue to waste time with the passenger train issue.

No, Congressman Kemp, we cannot take much more time to talk about our passenger train system. We must put our shoulders to the wheel and preserve a form of transportation that is essential not only to this generation but those that will follow.

I hope what has been written here will be of some benefit to you in your study. If I can be of any further assistance to you in the future, do not hesitate to call on me at any time. In closing I would like to thank you for your concern for the passenger train, and may I wish you every success in your venture.

Very truly yours,

GORDON J. INGLIS.

BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
Staples, Minn., February 1, 1972.

Hon. JACK KEMP,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN KEMP: Just got my Locomotive Engineer in the mail today and I read the article where you were suppose to be interested in the Amtrack Follies. Well, I am Local Chairman of the Brotherhood of Locomotive Engineers and have been so for the past ten years. I have wrote to several Senators for favors; and in most cases you and your fellow men have come through for us. Before I get sidetracked on Amtrack; I would also like you to do a favor for me; and vote for H.R. 3595; or S. 832. We need both of these bills acted in favor of Labor. Thank you.

Now on this Amtrack deal; the first waste of money was when, who ever it was, paid out a million dollars for the word of Amtrack; Disgusting . . . And the men you have on the Board; well Mr. Menk; our President and I can assure you he does not want passenger trains on his railroad. I hope that this writing will be in confidential because they will come back on me; I know that; because I have had it happen before; so if you would please refrain from using my name. But all I am writing to you is the truth. . . .

We used to have two nice passenger trains; Train 25; and 26 Vista Dome, four of them on each train; a stewardress; nice dining facilities; and just a beautiful train. Also had train No. 1; and No. 2. That used to connect with a train from Winnipeg Canada at Mt. Jct; and the people were standing up in the aisles more than once on this train, but yet it was pulled off. This is the accomodations that they gave a person; say she got on at Hitterdahl; about 45 miles from Detroit Lakes and on the old train No. 1 and 2 she could get on at 4:30 p.m. and be there at 5:15 p.m.; but they decided to get rid of the passenger public so they changed connections so this same lady would get on at night and at 10:25 p.m. and get to Detroit Lakes at 10:30 a.m. Nice connections eh. Now for this Amtrack, they are running one train on this big Burlington Northern Inc.; through Staples; on Monday and Wednesday; and Saturday night about 10:48 p.m.; and the train going to Chicago is going at 4:30 a.m. on Wed.; Friday and Sunday morning. They run the other train every day over the former Great Northern tracks; every day, however, both of these trains operate at night; and when they both get into Fargo; N.D. its about anywhere from 1:00 a.m. until 4:25 a.m. Nice time to get up and go anyplace on a train; however, I know somebody had to have a night train but why have both operating at nights.

Now this train gets in Minneapolis and goes from Seattle to Chicago; via the Great Northern tracks and former Northern Pacific tracks to Minneapolis; but when they get to Minneapolis they both run a hour apart on the Milwaukee tracks. Now that really makes sense; two trains going on the same tracks and hour apart. Now; if they want business why do they not run the train that they have running on the former Northern Pacific tracks and run it at daytime between the places mentioned; on the old time of train No. 1; and No. 2. It used to leave Chicago about 11:15 p.m. and get in Mpls at 6:45 a.m get into Staples about 11:35 a.m. get into Fargo at 2:00 p.m. and when it was running from Seattle in arv at Fargo at 4:15 p.m. and they used to pick up lots of revenue from the College kids there are four of them in Moorhead; Minn and Fargo N.D. across the river from each other. And run this train over the former Burlington Railroad; then possibly you would get some of this business back thats been lost. I have caught Amtrack several times; the train is poorly equipped very poor brakes;

I have wrote this up quite a few times and just did last week again. Dirty cars; and the engines are old and beat up; No doubt Amtrack is paying a nice price to somebody to keep these units up; but the work is not being done; I can assure you of that. I have had the same engine quite a few times and this engine is running with traction motors that are not working properly. Like I asked the fireman last night and he said; we report it but lets face it; they dont care. And hell thats for sure. The other day the train ran out of fuel in the mountains and had to send up couple of switch engines to bring them back to the terminal to get fuel. I know the Conductor and the two brakemen that operate Amtrack and they are trying to do there part; but lets face it the carrier does not want passenger trains. Period * * * They tell the operators that there is no space available and there is room to spare; and theres lots more to say. Its a shame why people deserted the trains but I can assure you it was not because of airplanes; but just people like to be treated like people not dirt under any bodys feet; and thats the way they were treated on the railroads. When you fly it always reminds me of the commercial of that Oleo commercial were you are like a King and they go out of there way to please the public. Thats what people like; is to be cater to and the airlines do just that. It was not the working man that kicked these trains off because after all it was there way of making a way of living; so I can tell you nobody on the railroad tried to get rid of the trains except the brass. I could go on more;. but I am sure Amtrack will die out; just like MacArthur said; Old Soldiers never die they just fade away; well thats how Amtrack will make out. If the railroads want this freight business they should be made to give service grade A passenger service also. Thats where the Government is to easy on them; there is no reason for the Penn Central going broke either; poor management; to many chiefs and not enough braves. Thats the solution. Get somebody on the Board thats not connected with the railroad; and make these railroads toed the mark. There's lots of ways to hurt them; and make them give service.

Well Congressmen Kemp; do your best; I can assure you will get lots of letters and I could of said more but whats the use; next year or by fall we will not have a passenger train through here. The only reason we have one now is because of Senator Maguson; we call it Magusons train here on the old N.P. It will never make another year; the big boys will see to that. I offer my sympathy because I am afraid you are going to lose your battle; but give it try the rails are behind you 100%.

Fraternally yours;

——— ———.

P.S. Excuse the lousy typing; I am a hit and miss typer; and if you think I am a lousy typer; wait until you would try and read my writing. . . . Good luck; and thanks for at least giving it a try; By the way if you would like to write to them and ask them if they would be willing to drop you a few lines; I can assure you they will give you lots to read. . . .

Write to these two and you will get plenty of information I can tell you, this brother has plenty to tell

Robert B. Wright; Chrm and Legislative Representative, 1646 Iglehart Avenue, St. Paul, Minn. 55104, Tel–645–1763.

E. E. Berglund; Chrm and State Legislative Director, 1000 Upper Midwest Building, Minneapolis, Minn. 55401, Tel.–335–1723.

DENNISON, OHIO,
January 15, 1971.

Hon. JACK KEMP,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KEMP: I have read in our union publication, Locomotive Engineer, an interesting account of your proposed "in depth study of Amtrak's operations" to determine whether or not this service can succeed.

It is apparent that the officials who are charged with the responsibility of operating the passenger trains have been doing a good job of short circuiting the system. One must remember, generally speaking, that prior to Amtrak the passenger train service throughout the country was in a state of chaos. The basic reason for this irrespective of the charges of poor service, was the heavy governmental subsidies, measured in billions and billions of dollars, that have been showered upon the airway and highway systems since the end of World War II. No enterprise much less the passenger trains, could hope to remain in business under these adverse conditions.

Amtrak promptly eliminated about 60% of the remaining passenger trains after they took over. Their next step was to make it all but impossible for prospective patrons living between the major cities to ride the trains. For instance, Dennison is located half way between Pittsburgh, Pa., and Columbus, O., a distance of about 200 miles, on the New York to Kansas City route. Amtrak closed all pre-existing station stops between Pittsburgh and Columbus, namely: Steubenville, Dennison and Coshocton. Steubenville served one of the most heavily industrialized areas in the United States. Dennison, the half way point between Pittsburgh and Columbus, served a four county area of considerable population density. Coshocton not only served the surrounding area but also is a city of some size and the county seat.

For example, two Dennison citizens recently tried to buy tickets on Trains 30 and 31 from Dennison to Kansas City and return. These people, previous to the Amtrak take over, had used these trains without incident. However, Amtrak not only refused to sell them tickets but they (Amtrak) also would not stop the train to pick them up. Amtrak advised these patrons that they could drive 100 miles to Pittsburgh, then ride the same same train back through their home town, or drive the 100 miles to Columbus and catch the train. Herein lies a classic story which demonstrates the stupidity of Amtrak's policies. Imagine what this is doing to the passenger train service if, as I believe, this type of public relations is taking place throughout the system? Amtrak's operations should be investigated, the sooner the better.

I am convinced that Amtrak is seeking to destroy one of America's most valuable transportation assets, the passenger trains. Ours is the only nation on the face of the earth that is permitting this disaster to happen. It is time for the Congress to reverse this trend.

Yours truly,

W. S. MCGUIRE,
Local Chairman, Brotherhood of Locomotive Engineers.

FEBRUARY 3, 1972.

Hon. Congressman JACK KEMP D., N.Y.

HONORABLE SIR: Notice comes to me through B. of L. E. paper of your thoughts and intentions, reference to Amtrak. First you will pardon this, but I think it very well to mention my qualifications. I am a retired engineer 55 yrs. 8 mo. in rail road engine service.

I were to and did ride down the last two Missouri Pacific passenger trains running between Houstcn and New Orleans, La. First the day train pulled off then at last the nite train, was discontinued prior to, during, and after W.W. 2 these trains were you may say delux, I were engr. passenger regular run 14 years and doing extra passenger for years prior to regular assignment.

The above is to show my qualification where by I speak.

When the different rail roads over U.S. began to pull runs off. The I.C.C. collabrated all along. Each time a passanger schedule discontinued that change connections and caused inconvience and so on all around the country, equipment was changed to aged dirty and worn, chair seats had holes in them, covers, pillars, red cap, services stopped.

Hard boiled attendants from ticket seller to ticket collectors (conductors were insolvent to customers) I had this told me by my conductor and even by passengers who for some reason would tell me.

Finally after the U.S. mail was given away to other modes (a great mistake). The trains were shortened, pullman service stopped, dinners were taken off, passengers would be compelled to wait hours for connection to continue there journey. Station eating houses, Harvey, Van Noy or Brown news were closed anything to discourage passengers was placed in effect, my attention was called to these facts by my friends who were passengers of mine so to speak. (They knew me and would wait my trip to ride behind such as I were) (considered by all a very good engineer. I appreciated all this of course.)

Now my reference to Amtrack is nothing good it was doomed before a wheel was turned first there are high salaried men (too high) that do not know anything about running a railroad system. The whole set up is doomed to failure if for no other purpose than to keep from making liars out of the industries, (R.R.) it is true the some engine that is which hauled passenger trains can be put to a more lucrative hauling income which is freight, as I recited in a letter to Hon. Lee Metcalf the rails were initially formed for passenger hauls (early days) then goods or freight come along. But for years our country enjoyed a wonderful set up to haul any thing whether hog or human, I work partly through W.W. 1 we the rail roads operated so efficiently, then W.W. 2, what a task it was but, railroad men can do their stuff when called on, now if a real emergency would occur I hate to think of what will happen. These college R.R. officials graduates educated to get the most out of men and machinery really do not know what it is all about, our passenger equipment all gone. Stations destroyed, road beds bad condition, now my suggestion being this. Transportation be to the railroads. Force each and every line to operate at least 1 on time passenger train per day, if not then stop them as freight haulers only, we have laws against discrimination. This is being violated.

I know in congested parts of our country there is more need than others, relieve this by adding more main tracks I still am convinced that we need passenegr transportation stop paying into a rat hole, unless you can get results then kill the rat. I am sorry to burden you as I feel I have but I could not hold it, had to pop off.

Sincerely,

JOE B. ROGILLIO, Sr.

BROTHERHOOD OF
LOCOMOTIVE ENGINEERS,
Champaign, Ill., February 5, 1972.

Congressman JACK KEMP,
Washington, D.C.

DEAR SIR: I have just read of your proposed study of Amtrak operations in the current issue of the weekly newspaper published by the Brotherhood of Locomotive Engineers. This article suggested that we Engineers help provide you with information about Amtrak operations. I have two suggestions:

1. Read the January 3 issue of U.S. News and World Report for an interview with B. F. Biaggini, President, Southern Pacific Railroad. This man is also one of the Directors of Amtrak. He states in this interview that he feels that it is his job as a Director to preside over the orderly abandonment of *all* rail passenger service. You might ask the question in Congress, why was this man made a director, unless Congress planned for the failure of Amtrak before it was even organized. Biaggini also states that Locomotive Engineers make an annual salary of $25,000 to $30,000. This is fantastic. According to ICC statistics, the highest paid engineers in the country are making an average of $19,058.75. If Biaggini is typical of the kind of brains which are running Amtrak, then I can well understand their problems.

2. When the railroads were going all out to have Amtrak established, the Illinois Central promised that they had an assembly line set up and ready to go in their Paducah, Kentucky shop, which would have the capacity to completely rebuild one passenger locomotive a month for use in Amtrak service. The Illinois Central has never rebuilt a single passenger engine on this line to the best of my knowledge. Are they responsible for their promise? All of our passenger engines are in bad shape and they do not get any substantial repairs at all.

Respectfully,

J. R. BAUM,
Local Chairman, Division 602, BLE.

GRAND FORKS, N. DAK.,
February 18, 1972.

Congressman JACK KEMP,
House Office Building,
Washington, D.C.

DEAR SIR: Have just rechecked my Jan. 28th issue of the Locomotive Engineer before destroying it and find the notice that The Honorable Congressman from New York is making a probe of Amtrak operations. The B. of L.E. has suggested its members help the Congressman in any way possible.

I'm no expert but have witnessed the operation on Great Northern and now Burlington Northern for 34 years. I am at present working as a locomotive Engineer in freight service on the Dak. Div. Never did take much advantage of our pass privilege but did on occasion in an emergency. Last month I had to have my family or at least my wife with me while being checked out at the Mayo Clinic. Not wanting to drive, I bought two tickets on Amtrak No. 8 B.N. for $24.00 for wife and daughter and I used my pass. Made reservations in advance and picked up our tickets on the night of departure from Grand Forks, N. Dak. to Minneapolis, Minn. After walking back and forth in the cold found the car with the number shown on the two tickets. On boarding a brakeman told us to take any seat open and stay there. Entering the car we find it well filled with people sleeping in most all seats. I asked a passing porter if we weren't to get the seats the ticket called for and he said he would see what he could do. It was only a few minutes and he had two seats cleared for wife and daughter. On checking my reservation find I have a seat four cars farther back in train. Being after midnight I wandered thru darkened cars till I found the one with the right number. It turned out this car was full also and everyone sleeping. I went back to car where wife and daughter were and took an unassigned seat in the dome. Kept my coat on to keep warm and stayed there until we arrived Minneapolis six hours or more later. None of this bothered me as we as employees are accustomed to this sort of thing. As an Engineer I sit on a cold locomotive with a parka on for as much as 14 hours a day. It was the confusion that got me. When people started awakening all you could hear was gripes. Some had been on the train for days and in most instances separated from those they were traveling with. This tells me the reservation system for coach passengers need some revision. When the carriers were running the passenger trains this never happened. Passengers were hearded in like a bunch of sheep and told to sit down and that would be their seat for the trip. If there was a shortage of seats a car would be added some where along the route, and taken off when not needed. Now it seems they take only as many as they have cars or seats for and keep going passing up half the business.

The return trip was worse for confusion. Got on at Minneapolis about 10:30 p.m. Wife and I got settled in seats assigned us and got two pillows from porter. We had only 320 miles to go. We also got the last two pillows. Some of the people that got on at Mpls. were going to Seattle. Twelve hundred miles without a pillow in a broken down old coach. Most long haul passengers are old, unable to drive or afford to fly. With all the sleeper cars taken out of service I would suggest some of them be put back into service and anyone buying a ticket for a distance of 500 miles or more be automatically assigned a sleeper for the entire trip. Why have coaches on a coast to coast train? One coach for short hauls would be plenty. They make very few stops so have very few short hauls. The cost of operating a train with a couple extra cars wouldn't amount to much if the right equipment were used.

Fact is the whole system need revision. We have been fighting with steam for heating trains for years. The electric companys can heat many homes electrically with one transmission line or one plant. One locomotive unit supplies enough electricity to run traction motors that can pull 50 or 60 or more cars of grain which comes to about 5 or 6 thousand tons. Why not have one unit in train for heating and light and air-conditioning one 10 car passenger train? The railroads claim the old work rules ruin them. Its their old handed down ideas on how to railroad that ruins them.

The most important change necessary for operation of any passenger train is to get all new employees and they cannot be trained by the existing forces or you will have the same thing for the next hundred years. Employee, employer relationship on the railroads is so rotten at the local levels that its a wonder they can operate at all. With the taxpayer footing the bill for Amtrack it will be like building a public building. I could have a building built for a hundred thousand if I paid for it. If it was paid by the tax payer it cost three hundred thousand. Everyone seems to think any Government sponsored project is to make a few wealthy from a small fee from many. A lot of employees on the railroads seem to think that railroads are run just to make employment for them.

I have often wondered why the Government is always ready to pick up and try to make a go of something that has already been milked dry. Why not take over a going concern like the insurance companys and put the country back on its feet. Or do like the railroads have one profit making enterprise help take care of the ones that aren't doing too well.

Up in this country in winter there is always an overcrowding of trains because of the weather. As soon as the weather clears the autos take over. If our trains were so it would be a joy to ride rather than a chore there is no reason why they wouldn't payoff. Read the article on the fun train from Los Angeles to Las Vegas. That not only provided people with transportation but also kept them off the freeways on the busy weekends. Some even slept so would be in shape on arrival either end.

Wife and I are planning a vacation and would like to go by rail but would have to drive 600 miles to Omaha to catch train so might as well drive on to Reno, or Las Vegas.

Want to wish the Congressman luck in chasing down the bugs in Amtrak and if I could be of any assistance I would be more than glad to cooperate.

Some of the things I've said already are sufficient cause for dismissal from service on the railroad.

Sincerely,

WILLIAM E. ANDERSON.

McCLUNG, PETERS AND SIMON,
ATTORNEYS AND COUNSELORS AT LAW,
Albany, N.Y., March 2, 1972.

Hon. JACK F. KEMP,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: Representatives of the Brotherhood of Locomotive Engineers running Trains 5 and 6, which are mail and express trains, formerly operating between Albany and Boston, informed me yesterday that this service had been discontinued into Albany and was being operated via Selkirk, which, as you know, is a railroad yard to the south and west of Albany, reached by a bridge over the Hudson River.

This means that there is presently no traffic on the line between Albany and Niverville, which intersects with the main line of the Penn Central between Boston and the Selkirk Yard. With no traffic operating over this line, it is expected that the Penn Central will attempt to abandon this portion of its railroad.

If such an abandonment takes place without Amtrak reinstituting passenger service, it will mean that there will never be any means of having passenger travel between Boston and Albany. This is a very serious blow to any hopes of revival of this passenger service, particularly in reference to feeder value of the existing service between New York and Buffalo.

I pass this information along to you for what it is worth and to assist you in your efforts in connection with Amtrak. If I can be of any further assistance, please do not hesitate to contact me.

Very truly yours,

HOMER E. PETERS.

NEEDLES, CALIF.,
February 10, 1972.

Congressman JACK KEMP,
House Office Building,
Washington, D.C.

DEAR MR. KEMP: I read in the Locomotive Engineer our Union paper that it would be appreciated if we could "Help Kemp with Amtrak probe", and as I am a locomotive engineer on Amtrack I think that I can furnish you with some important information concerning the operation of Amtrack. I am a regular engineer on Amtrack Nos 4 and 3 on the Santa Fe Railroad working between Needles, California and Seligman, Arizona and have been since Amtrack started.

One particular instance was on February third when I reported for work at Needles I was advised that a man his wife and small child had driven by car from Kingman, Arizona, to Needles so that they could board No 4 Amtrack enroute to Albuquerque, New Mexico. The reason for them driving to Needles that they were not going beyond Newton, Kansas. But this same date the diagram of the reservations showed chair car passengers and pullman passengers boarding the train at Kingman, and it would be necessary for us to stop. This particular night I made two stops to load these passengers which I am always more than glad to do because this is my job, and I realize without passengers Amtrack cannot survive. The question in my mind is are the personnel in charge of Amtrack trying to kill the train, run off the passenger business, or are they unaware of what is going on. To me this is a disgrace. I understand they will not stop at intermediate stations to pick up passengers, and I do know that at Seligman, Arizona where the train stops and my away from home terminal they have instructions not to take any passengers on or discharge any passengers at this point yet the train stops to change crews. I also know of a lady that had to fly from Kansas City to Las Vegas, Nevada to come to Needles, and at this particular time there were according to the conductors empty seats in each coach. I know that I have only given you a small amount of information; that more could be given by Amtrack employees.

Mr. Kemp I would not have taken the time to sit down and write you a letter, but not only am I interested in my job, but long after I have left the railroad service I would like to see good passenger service coast to coast and between cities, and service to serve the tax payers and traveling public. Under the existing circumstances and management I don't see how Amtrack can possibly survive if the situation is not corrected. It could be that the Management is unaware of the circumstances that now exist, and if they are I would be the first one to help them in anyway I can to see that they are fully informed of what is going on in actual operation of Amtrack.

Anything that you can do to help correct the existing situation will be appreciated by not only those interested in survival of passenger train service, but to the traveling public as well.

Thanking you for your interest, I remain,

Yours Very Truly,

RAYMOND G. LYNN,
Amtrak Locomotive Engineer.

LOCOMOTIVE ENGINEER PAPER,
January 28, 1972.

DEAR SIR: My ideas at the age of 75. I worked just 18 years for the Southern Pacific Railroad in the shops at Eugene, Oregon.

Some of this time was spent on the extra gang. All over the system in the Portland division.

I was issued a company railroad pass in 1964 after returning, which I held until our good friend Amtrak or Government railroad took over.

I got in the habit of taking a ride on the passanger trains during those six years, which is not a bad habit to pass the time and see what is going on along their lines. Besides you meet a lot of nice people.

"My Idea." It's just like taking a nipple away from a baby.

In Amtrak's contract to the Secretary of Labor, in the Locomotive Engineers paper issue of April 30, 1971 it will pay you (Congressman Kemp) to read the issue and contract which Amtrak is not following up to their promises of agreements.

I have their contract here on the table which is too long to write. I will just write article 2.

ARTICLE 2

The rates of pay, working conditions and all collective bargaining and other rights, privileges and benefits (including continuation of pension rights and benefits) of railroad's employees under applicable laws and or existing collective bargaining agreements or otherwise shall be preserved.

Amtrak charged me full fare, from Los Angeles to Portland, Oregon. My first trip I paid the full fare at Los Angeles expecting to get a refund in Portland or a round fare back.

They said (or I was told by their clerk in Portland), no deal under Law and Order.

When I get slapped on one trip, I don't figure on trying that again.

The heading of this appendix C–1 Secretary of Labor James D. Hodgson has prescribed protective conditions for railroad employees affected by discontinuance of inter city rail passenger service by the National Railroad Passenger Corporation's Amtrak network.

In order that every BLE member may know what these conditions are, they are printed here in full.

LOCOMOTIVE ENGINEER PAPER,
April 30, 1971.

All us Old Timers with pension checks of 135 dollars a month, who served time at 97 cents per hour to 2.18 per hour had very little left to travel.

Now the trains are running 50 percent capacity. A crowd draws a crowd, even if one-third are Free riders who have served their time to keep the railroads running.

I worked many hours on overtime to get the power out of the Round House on call time.

If you (Mr. Jack Kemp) cannot help, some of us Old Timers, Please, Please, do not help that H.—S. National Railroad with no heart for aged and faithful servants.

Best of Health and lots of Good Luck. Hoping to hear from you,

ALBERT E. CHRISTIE,
Southern Pacific Company.

SAN ANTONIO, TEX.,
February 6, 1972.

Congressman KEMP.

DEAR SIR: Amtrak made many mistakes, Washington lawyers advised them to put employes on Rail-Road Act. This forced them to hire Rail-Road Company employes to help operate trains. It should have been social security. I am a retired engineer on S.P. Rail-Road. They taken the passes away from retired employes that help make the wealth of the Nation.

I only know Southern Pacific from New Orleans to El Paso.

Not one advertisement of schedules has been advertised in San Antonio newspapers.

The president of S.P. Rail-Road appeared on San Antonio television and said passenger trains would tail through here. I agree under the same conditions that I ran a passenger engine for about 10 years. Employes on passes are not allowed to buy Pullman service unless they pay full train fare.

They have two employes of Southern Pacific working for them at salary I understand at $1,500 per month.

I will go to work for Amtrak at salary of $1,000 per month under social security plan and guarantee that I will make Southern Pacific passenger trains pay from New Orleans to Los Angeles, Calif.

I would change schedules of train so could get mail contracts back from truck lines. Restore daily service both ways of trains that now run 3 days a week. Restore passes to retired employes and give them right to pay Pullman fare which would mean one and maybe 2 more Pullman cars on each train. with revenue coming in.

Will explain No. 1 and No. 2 at New Orleans. No. 2 arrives New Orleans about 8:30

p.m., No. 1 leaves New Orleans at 12:01 p.m. As mail is shipped mostly at night, would have No. 1 leave New Orleans at about 8 p.m. to 10 p.m.

Hauling mail and Pullman passengers to Houston, arrive Houston about 6 am.

No. 2 would leave San Antonio about 7 p.m. arrive Houston about 11 p.m. leave Houston about 11:20 p.m. arrive New Orleans about 7:30 a.m. with passengers and mail from San Antonio after contracts are got back from truck line.

Race tracks are open at New Orleans about 6 months a year. People can't go to New Orleans and leave same night if wanted to.

People could come to Houston from East and go to Astradome to see football game and base-ball games and leave same night.

So you can see why employes of Southern Pacific can not afford to fight Southern Pacific for Amtrak.

Where a retired employe under railroad retirement pension can, if he is under Social Scurity plan. Official of S.P. rail-roads will cooperate if government man suggest changes to make Amtrak pay.

We have a gray-hound bus co. at Southern Pacific depot at both New Orleans and El-Paso and they run buses right ahead of passenger train at both places using R-R loud speaker to announce leaving of buses. I believe this is against Sherman anti-trust laws.

Will cooperate with anyone wanting more information about S.P. trains.

Thanking you for same.

C. R. RUD.

FEBRUARY 7, 1972.

Congressman KEMP,
House Office Building,
Washington, D.C.

DEAR SIR: Would like to have you try to have 51 & 52—Daylit. Via Bakersfield to Los Angeles—put on by Amtrak. There a lot of people without pass service of any type except bus and car from Oakland. Sacramento, Fresno, Bakersfield to Los Angeles.

Your Truly

G. W. ROCKWELL.

P.S.—Add was in Bofie paper.

SONOMA, CALIF.,
February 5, 1972.

Congressman JACK KEMP,
Washington, D.C.

DEAR SIR: We just received our Locomotive Engineer paper and I've read the article stating you were going to probe Amtrak! I hope you not only probe but I hope you try to do something about it.

I believe I'm a little qualified to speak out about this MESS.

My father travelled a great deal and as a child I remember the service for one thing everyone polite and helpful. Then I married a railroad man and I still travelled by train but the service kept getting poorer and poorer. Mostly the attitude of the employees. Seems as tho they were getting paid to give out wrong information or no information at all. I think this was a deliberate plan to scratch the passenger service since the freight business was more lucrative and less trouble. They can pull a hundred freight cars with less crew so why not let the government take over the passenger business and make the middle class overtaxed citizen pay the bill. Fine if we got something for our money?

I made one of my yearly trips to Albuquerque. N. Mex. just after Christmas. I live in Sonoma, the train goes thru Crockett a distance of about fourteen miles from my home but I have to go clear to Oakland to board a distance of forty-five or more miles. No safe place to park your car since this depot is in a poor neighborhood, 16th and Wood. O.K. the train is over and hour late coming from Seattle gets later as we get to Los Angeles one hour and forty-five minutes late, so the passenger expecting to go East via Santa Fe were put up for the night at two hotels, room, breakfast and lunch paid by Amtrak. Taxpayer's money.

I was given a number to call next morning about my pullman reservations. What did I get! Nothing but impudence so I walked to the Santa Fe ticket office a few blocks from the hotel told them my problem and within minutes had my pullman reservations Oked for that night plus a very pleasant and concerned clerk because I'd had to come out in a pouring down rain. Santa Fe has generally always been cooperative.

However, I found the dining car prices way out of line. For instance the menu listed liver and bacon $4.25. Well that is all I got four slices of bacon and four small pieces of liver, one small roll and a pat of butter $4.25, coming home the lady across from me in the diner ordered the same and was as amazed as I was!

The Santa Fe has always given good service in their diners, but I found they acted like they could care less, take it or leave it, pour your own coffee even if the train is flying along and your inexperience and pour it all over the place! They still expect that generous tip however!

Unfortunately I hurt my leg soon after I arrived in Albuquerque and knew I was going to have to get home and get medical attention. When I phoned the Santa Fe they told me Amtrak was not releasing any reservations until after Jan 6th. I told them who I was and the problem with my leg, within the hour I received a phone call telling me they had a seat on the train for me if I could make it down there in forty-five minutes. I made it but before that train left the depot they came aboard and told me they had a roomette for me. Now that's service! I counted three empty roomettes all the way to L.A. and Amtrak had said full up. At Los Angeles union depot I got no help from any of the "in charge big shots" there so I approach the special officer and asked if there was any way I could get to my train ahead of the crowd so I wouldn't be taking a chance on getting my leg bumped. He very kindly told me how to sneak out and board ahead of the crowd.

I'd wired my family I'd be in that night a full week before they expected me to return but, it's even hard for me to believe, when my husband asked what time the train would arrive in Oakland he was told they didn't know, they lost it after it left San Jose!

The chair car porter you wouldn't believe either. Before the train left Los Angeles he announced loud and clear "who's not going get off"! On arriving at Oakland the lady across from me asked him to carry off her bags. He told her she could carry the small one herself. When she said she thought that was what he got paid for he made the remark that now the taxpayers were running the railroads he wasn't too sure he had a job!

I realized this is a long envolved letter but I feel we need the passenger trains. I've talked to many who want them back. Freeways and autos are a rat race but we can do without Amtrak as it is now that's for sure!

One thing more, my husband worked for the Santa Fe for forty-seven years. He put in his time as a machinist, then fireman, then engineer when he retired in 1963 the Santa Fe presented us with gold engraved life time passes in leather cases. Now they don't mean a thing. It took me three weeks and four letters from a sarcastic clerk to get a rate order in order to make the trip to Albuquerque which was nearly a disaster and certainly didn't do my disposition any good either. I'd broken the large blood vessel in my leg so was hospitalized for three weeks and am still sitting in bed wishing I could do something besides write letters.

Just one more thing. You might wonder why I didn't take advantage of a wheel chair to get to and from my train in L.A. Well, if you've never seen those wheel chairs you've missed one of the antiques of the century. I may be old and I certainly was lame but not dumb enough to let anybody shove me around in one of those things.

Sincerely,

ELIZABETH A. SUTHERLAND.

DETROIT, MICH.,
January 28, 1972.

DEAR CONGRESSMAN KEMP: I'm writing to you because of an article in the Locomotive Engineer News.

I am a locomotive engineer presently a fireman on the Grand Trunk Western R.R. Only a little spoke in a big wheel, 5 years seniority. I started as a switchman, went to braking and then into engine service.

But I'm not just writing about Amtrac, G.T.W.R.R. just like the rest wanted to rid passenger service and then came Volpe with the axe to finish the job for the G.T.W. We have 3 commuter trains left on our road, 36 mi. Pontiac to Detroit but that will be gone soon. Mr. H. Ford bought up a city yard was the last stop downtown Detroit. We lost all of our passenger runs. Port Huron to Chicago, Detroit to Chicago, Detroit to Durand. If these trains were run on time, proper service, warm coaches, cool in summer, they could make money but the freight must go through. We may not be as fast as air travel but we do run in all weather—clear or foul.

These carriers in the U.S. are all looking for substitutes but I for one don't feel I should pay taxes to help keep my job.

To many men in Congress, to many people (the public) don't know what is really like to be a railroader. The hazards, the enjoyment, the low pay.

But just the fact your a railroader gets into your blood and don't know when to quit.

I could go on forever about the Pros and Cons.

Thank you for your time.

Sincerely,

THOMAS M. CURRAN.

P.S. Talk to the men on the ground, the men in the caboose, the head end men engineers. These are the men that work these jobs. Rain, sleet, snow and heat.

Forget the officials of the carriers. 75% of them couldn't tell you the difference between a switch or a derail and the $130,000 dollar a year man the official he should know something and produce more than callouses on his butt.

Your biggest mistake was Railpax and Amtrac money could have gone to the railroads, then policed to see why passenger service was failing.

If railroads in other parts of the world can run profitable passenger service no reason the U.S. can't.

OLEAN, N.Y.,
January 31, 1972.

Congressman JACK KEMP,
House Office Building,
Washington, D.C.

DEAR MR. KEMP: I am writing to you today to inform you that I am in full accord for your program of study into the Amtrak policies toward better operation of the passenger operations. I am a retired Locomotive Engineer with Twenty-eight years of Service. Our very vital means of Land Transportation should be railroad passenger service. It is a sad day when we don't have a passenger train in this area especially East and West.

I must draw emphasis on the fact that the service is very poor on some of these runs in passenger service and should be improved. I am a member of The National Association of Railroad Passengers whose every effort is to retain the Passenger trains in this wonderful country of ours.

I have followed your efforts since you took office in the congress and I am in full accord with your results to date.

Sincerely yours,
PETER METROVICH,
President, Division 35, Brotherhood of Locomotive Engineers.

BLOOMFIELD, N.J.,
February 9, 1972.

Hon. JACK KEMP,
U.S. Representative,
Rayburn Office Building,
Washington, D.C.

DEAR SIR: On April 21 of last year you and a number of your colleagues in the House introduced H.J. Resolution 565 which was intended to provide needed financial and route strength to the National Railroad Passenger Corporation (formerly "Railpax"). An outstanding feature of that resolution, I feel, was the provision for allowing states to institute extra service if they agree to provide ⅓ of any operating deficit. Given the financial postion of most states today, the present ⅔ requirement is oppressive.

It is my request that you seek expedited action on this resolution. Given the favored treatment of road builders and airlines, the money to be appropriated in your resolution is the least Congress could supply to Amtrak. I fear however, that Rep. Harley Staggers, Chairman of the Commerce Committee, is less than enthusiastic about Amtrak and would not mourn its demise. Although he has made public statements supporting the agency, his real actions are unimpressive. Coincidentally or otherwise, since Amtrak instituted rail service to West Virginia his criticism has faded in much the same way patronage on that line has faded.

I would like to know if you would be willing to file a discharge petition to bring H.J. Res. 565 to the floor of the House for a vote. I feel that the Senate would support the measure with little amendments and the House may do likewise. Since you are in a favorable position to sense House sentiment on this matter I would hope that you give it some consideration. I would very much appreciate hearing your reaction to the filing of a discharge petition.

Very truly yours,
Mr. JAMES BONDANK,
Teacher, New Jersey.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ADAMS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. ADAMS. I feel a great deal of sympathy for the gentleman from New York and for the amendment which he has offered. All of us on the committee, I think you will see from the debate today, have found ourselves between the rock and the hard place on what to do with passenger service. We debated specifically the problems of going through the Cleveland area with members of Amtrak when they came before the committee. One of the problems we had at that time was that we found the average ridership in that particular segment, as I remember, was 32 riders a day, and the deficit was $3.2 million a year.

The gentleman has put his finger on many of the reasons why that occurred: The fact that the big terminal is still there. These terminals have to be disposed of because their costs run up losses in an incredible fashion. I refer the gentleman, so we can get it in greater detail, to page 521 of the committee reports and he will see an analysis of the losses on each of the trains—Buffalo, New York, Chicago, Cincinnati, Detroit, Chicago—each one of these.

We have gone through and analyzed every train that is being run by Amtrak, and we know that in the United States at the present time very few are operating at a profit.

The reason the committee has come forth with this proposal is to give us an opportunity until July 1, 1973, to determine whether or not there will be any passenger trains at all, and if there are to be any, where they will run. I also think that Congress will have a complete picture of whether or not it will have to subsidize some traffic. I think the gentleman from Illinois, the ranking member of the committee, put it very well when he said that we are trying to determine and to give it time to see what the traffic of the United States should be. We do not want a nationalized system.

I think we must put this in the context that we started with 500 passenger trains less than 5 years ago. We are now operating only 181, and those have caused a deficit, as you have heard Members here explaining. So what we are trying to decide is where we need them, what we need, and how we will need them.

That segment the gentleman mentioned may very well come out as being a segment we want to maintain. The question has been asked, and I will answer it: Why have we made this effort? We have tried to maintain a skeletal rail transportation system in the United States for the future decades of this country. If we do not do that, the cost of trying to buy back the right-of-way on which we would operate trains between key points would be so great that nobody at any time in the United States could buy it. I will refer the gentleman to the report. We have asked and have specific information about where they are going to put on trains or where are the new cars they bought, the new locomotives they bought, but also we have to maintain at least the interval system first, that is, between the key points. To rebuild the right-of-way between New York and Washington, it has been estimated, would cost between $1 million and $4 billion, so we are trying to hold that.

The reason we did not hold this particular segment, as Amtrak explained, was that we kept the route from northern New York into Chicago over one segment. They could not run both of them and justify the losses they would have to pay. It was just that. It was based on ridership and the equipment they had available. There was no attempt to base it on anything else.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I appreciate the gentleman yielding.

The thing that bothers me is that this Pittsburgh-Chicago segment—and I would like to be corrected if I am wrong—has three routes, this Pittsburgh to Chicago route. I still suggest to the gentleman that leaving upstate New York totally out of the basic system west to Chicago is an unconscionable policy in view of the number of people. Despite the fact that there was low ridership, I would also submit the fact that the National Association of Rail Passengers has consistently told me and made it quite clear to the gentleman or anyone else willing to listen that the attempts to upgrade service to Chicago through Buffalo were absolutely pitiful and rather discouraged ridership than encouraged it.

The chairman says—and I agree with him—that this is for the future and not for 1972 or 1973. My interest is for the 1980's when the demands on our rail system will be so great. I ask if we are trying to experiment and give it a chance, and I suggest I do not think our system for New York, Ohio, and Michigan was given a chance.

Mr. TERRY. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from New York (Mr. KEMP). Railroading has played a significant role in my life with several members of my family giving over 100 years of service to the old New York Central System. I have often reflected in recent years about their reaction to the state of railroads in America today.

On October 30, 1970, the Congress authorized the creation of the National Railroad Passenger Corp., known as Amtrak. Amidst a great deal of publicity about the improvements which Amtrak would provide, a temporary additional route through the upstate New York area was authorized. The participation of New York State was required under the legislation, since the route was not part of the original basic system of Amtrak.

That trial run was halted in January when New York was unable, because of its well known financial plight, to participate in the underwriting of the loss incurred by Amtrak to cover the upstate cities of Buffalo, Rochester, Syracuse, Utica, and Albany.

The amendment offered by Mr. KEMP addresses itself to the immediate problem New York residents face as well as the long run potential for Amtrak in the upstate area.

Including the upstate cities in the basic system is essential if Amtrak is to emerge as a viable alternative to existing forms of transportation. There has not been enough time for the new direction of the rail system to take hold of the American people. But the interest, and desire to see a workable system implemented is there.

In the February 8, 1972, edition of the Syracuse Post-Standard, the morning daily based in Onondaga County in my congressional district, the impact of the Amtrak decision to terminate the upstate run from New York City to Chicago was discussed.

The editorial read in part:

> Termination of the New York City-Chicago train reduces passenger rail service for Syracuse area residents to six trains a day, three in each direction. For 10 hours out of every 24 there is no passenger train leaving or arriving here, in any direction.
>
> For 16 hours out of every 24, there is not passenger service from Syracuse to Albany and New York City or from Syracuse to Rochester or Buffalo.

If Amtrak is to live up to its name as the National Passenger Service Corp., its basic system must be oriented to the requirements of meeting the transportation needs of all segments of the Nation. Over 10 million people who do not reside in New York City will benefit from including this route in the Amtrak basic system. I urge the support of my colleagues for the amendment offered by Mr. KEMP. I cannot in good conscience support the main appropriation if a major segment of New York State is cut from the system.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment. I do so reluctantly, and I am not going to take 5 minutes.

I should like to say I commend the gentleman from New York (Mr. KEMP) for his interest in this program. I might say that he appeared before the committee and he gave a very articulate, well-reasoned, and intelligent presentation to the committee as to why these things should be done. I commend him for that, because he is certainly trying to take care of his section of the State and of his people, but I am constrained to say I am opposed to the amendment for many reasons, though I am not going into all of them now.

As I stated previously to the gentleman from Connecticut, Congress is not in the business of setting schedules or routes. We had to leave that up to the Secretary of Transportation, as to the end points, and we had to leave it to the corporation to say how to get from one end point to the other.

This action would be unwise. There might be a time in the future when the gentleman's proposition will be more appropriate. A couple of years from now, further down the road, when they begin to make progress, there might be a time when we can say, "All right, you have to expand, take in more people, and give more service." But I believe that now, when they are struggling and are in the red, is a wrong time to add to their losses.

We are trying to build a foundation upon which to build some service. As the gentleman from Iowa said, it could be a great adventure in the future. We believe it will be. We have to build the foundation first, before the other stories. We want to build that foundation and to get it going. After that there might be a proper time to consider the amendment of the gentleman. I do commend him for his efforts.

Mr. SPRINGER. Mr. Chairman, I rise in opposition to the amendment.

I know how diligently the distinguished gentleman from New York and Buffalo has worked in behalf of getting railroad service in his area. I believe he has contacted almost everybody on my side of the aisle, and I assume he has also contacted those on the other side with reference to this amendment. He has explained it in great detail, and has shown thoroughness and investigation of the entire problem of upper and western New York.

In fact, we have not had anyone appear before our committee who has come near making the case the gentleman from Buffalo has. I want to commend him for the diligence he has shown on behalf of western New York and on behalf of his own city, where he lives. That is to be commended.

However, I do believe it important that we not add to the system at this time. If we do, there are others, I know, who will come to me, who are in similar situations to that of the gentleman from New York, and whose situations are about as commendable as that of the gentleman from New York.

We have made detailed studies. The Department of Transportation has advised me on this particular case that it would not be one they could engage in with any expectation of profitability at this time.

I do think that this is one that the Department of Transportation ought to have under continued study, and I recommend that for the present, but I also recommend that we do not add anything to it by fiat of legislation at this time.

Mr. RONCALIO. Mr. Chairman, I move to strike the requisite number of words.

Thank you, Mr. Chairman. I shall not use all of my time. I have abstained from speaking from the well of the House during this session unless I felt there was something worthwhile to say. I think I have something worthwhile to say now.

We are told—time and time again by the eminent chairman—and I have profound respect for the chairman of this committee and his good coworkers and the chairmen of the subcommittees—that we are not in the business of scheduling routes here. In between my term in the 89th Congress and this one, you gentlemen said we were not in the business of promulgating laws dealing with health and safety of our taxpayers. So Congress delegated to the Secretary of Labor the right to promulgate rules and regulations dealing with safe premises and we delegated our right to make law in that respect. As you can see, the Occupational Safety and Health Act of 1970 is the biggest mess in America today.

When it comes to antitrust laws, to the Clayton and the Sherman Acts, the violation of which goes to the guts of our free enterprise system, we said that we must not invoke the specific cases of those who violate those laws today, so we delegated that right to pass laws to someone else. We see results in the headlines daily.

What are we doing in the Congress today other than the theatrics, ceremony and the ritual attached to this work? When do we stop passing the buck? We have done this with the Civil Aeronautics Board, and with antitrust legislation, and with occupational health and safety legislation, and here we are doing it again with Amtrak.

I at one time encouraged the Railpax deal, even though it ignored the existence of the State of Wyoming and of 480 miles of railroad that bridged the Nation from the Pacific to the Atlantic Oceans which pass through Wyoming.

Yet we did not get Amtrak in our area. In the last days of negotiations we finally did get something there by default.

I am further disposed against this measure because Amtrak has quite clearly been a disappointment. It is now paying out $2 for every $1 it takes in, and for many areas of the Nation, it is not functioning at all. I have very little hope that Wyoming will be served after this year and so I am asked to continue an experiment which already promises to exclude every single one of my constituents.

Its passing is to be regretted, even by those who were as much inconvenienced by Amtrak as they were served. I recall hearing Mrs. Fran Connor, of Rawlins, Wyo., relate to me the ordeal of taking an Amtrak train across southern Wyoming and being sidetracked in the dead of winter for 8 hours, while the freight rolled by. The best of service for steel and cattle, while the passengers bide their time.

I had intended to offer today an amendment insuring the inclusion of Wyoming in future routing, but I can see by the course of amendments that this would be a futile gesture. We are not routing here, we are only paying the bills, and not getting much of a return in the bargain.

In view of these considerations, I cannot see where additional appropriations will satisfy any of the objectives Congress so earnestly sought; we will not have a truly national rail passenger system and it most definitely will not be self-supporting. To pour good money after bad makes no sense—and reminds me of Winston Churchill's comment on the defection of a colleague. He said it was the only instance in history when a rat swam toward a sinking ship. If we keep investing in Amtrak, we may well see the ship sink anyway.

Again let me say to you, my fellow colleagues, do any of you get mail out of Amtrak downtown? Well, I do not. I get treated with rudeness, and discourtesy when I contact them as if they say, "It is none of your business, Mr. Elected Official."

Shall we let these people go without their routes and shall we let Wyoming be omitted again? This is what we do year after year in session after session and Congress after Congress. It is little wonder people have lost faith in the parliamentary processes. Think about it, my colleagues.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from New York (Mr. KEMP).

The amendment was rejected.

AMENDMENT OFFERED BY MR. TIERNAN

Mr. TIERNAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TIERNAN: Page 11, after line 25, insert the following:

SEC. 9. Title VI of the Rail Passenger Service Act of 1970 is amended by adding at the end thereof the following new section:

"SEC. 603. GUARANTEES FOR LOANS FOR URBAN CORRIDOR IMPROVEMENTS.

"(a) The Secretary is authorized, on such terms and conditions as he may prescribe, to guarantee any lender against loss of principal and interest on securities, obligations, or loans (including refinancings thereof) issued to finance the development, improvement, and construction by the Corporation of rights-of-way, terminals, and vehicles to be used for intercity transportation along fixed guideways within urban corridors of the United States. The maturity date of such securities, obligations, or loans, including all extensions and renewals thereof, shall not be later than twenty years from their date of issuance.

"(b) The aggregate unpaid principal amount of securities, obligations, or loans outstanding at any one time which are guaranteed by the Secretary under this section may not exceed $500,000,000. The Secretary shall prescribe and collect a reasonable annual guarantee fee.

"(c) All guarantees entered into by the Secretary under this section shall constitute general obligations of the United States of America backed by the full faith and credit of the Government of the United States of America.

"(d) There are authorized to be appropriated to the Secretary such amounts, to remain available until expended, as are necessary to discharge all his responsibilities under this section.

"(e) As used in this section, the term 'urban corridor' means a densely populated area containing a series of two or more standard metropolitan statistical areas not more than 500 miles apart connected by major routes of ground passenger transportation.".

Mr. TIERNAN. Mr. Chairman, my amendment—which has been cosponsored by Mr. ST GERMAIN, Mr. ROONEY of Pennsylvania, Mr. REES, and Mr. HALPERN—would provide $500 million in loan guarantees for improvements in the Nation's urban corridors. The moneys are designated for improvements of rights of ways, terminals, and vehicles.

The need to designate funds specifically for capital improvements has been noted by the full committee, in that H.R. 11417 does specify that $147.5 million will be used for these capital expenditures. This figure, however, is tragically inadequate. Let me quote to you from a letter I received in October from the vice president of Government affairs of Amtrak:

> Amtrak's equipment program is of paramount importance in the rehabilitation of the U.S. intercity passenger service and is estimated to cost $147.5 million through June 30, 1973. These expenditures are expected to total $64.1 million in FY 1972 plus $83.4 million in FY 73 and will be primarily devoted to the purchase and modernization of our passenger fleet. *Additional expenditures of the same character will be required in succeeding years.*" (Emphasis added)

It is thus evident that if we do not want to subsidize Amtrak forever, we must provide them with adequate funds now. I fear that $147 million or even $170 million is sufficient only to maintain the status quo for the present level of passenger service.

Let me also note that this letter mentions only vehicles, and does not touch on the vital question of roadbed and terminal improvements.

My amendment would not only provide sufficient funds for loan guarantees, but would specify that the funds would be used in urban corridors only. This is where the money can be made and where the Government can get its money back. I quote Secretary of Transportation Volpe in his testimony before our committee:

> On the East Coast, of course, (the route) does traverse primarily very heavily populated areas and, frankly, those are the areas that are going to have to produce the cash necessary to bring about a break-even proposition.

The 1968 DOT Corridor Task Force report stated that 76.5 percent of the urbanized population and 11.3 percent of the land area of this Nation is located in the set of 15 urban corridors as identified by the Department. The report also said that 67 percent of all passenger travel occurs between distances of 50 and 449 miles.

I am not here seeking an end to long-distance trains, but rather am recognizing that only with a strong emphasis on building up rail service within our urban corridors will we be able to save train service outside of these corridors. The executive director of the National Association of Railroad Passengers put it this way in a letter I received this week:

> While we believe that Amtrak should continue to operate a limited number of long distance trains, primarily for tourists and vacationers, we concur with your position that urban corridor service should be separately funded.... High speed rail service does not come cheap, but the cost of providing it will be quite moderate compared to the total cost of exclusive reliance on other modes.

Finally, let me address myself to the use of loan guarantees. The administration itself, through the DOT Northeast Corridor Report of 1971, recommended loans and loan guarantees because they believed that sufficient revenues would be generated to pay off the cost of the needed improvements. Let me quote a small portion of this report:

> The impetus must come from the Federal Government. Because the project is expected to be profitable, an outright grant is unnecessary. Federal support could take the form of a direct loan, guaranteed bonds or some similar arrangement.

We in the Congress have placed Amtrak in the unenviable position of having been authorized to do a job and then denied sufficient funds to complete it. The adoption of my amendment would be an important step in correcting this problem and in giving rail passenger service a real chance to succeed in this country.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment, and I do so very reluctantly because I recognize that the gentleman from Rhode Island (Mr. TIERNAN) is indeed a very valuable member of the committee and not only for that reason, but also because there is some merit to what the gentleman says. But I do not believe this is the proper time and place to put this into the bill before us, because we are trying to save and strengthen a foundation, a base upon which to build. We have passed the Hi-Speed Transportation bill under which we will experiment with different kinds of rapid transit. We hope that soon they will have perfected the air-cushioned vehicle which will be able to run at higher speeds and with greater safety. But until the time that is perfected we cannot change the present process.

In addition to that, as I said a while ago, this bill is designed to build the foundation for a really good transportation system in America, and we cannot build any of the higher speed trains until we get the foundation built, and we cannot move too rapidly until we know where, how, and what we are doing.

So I think it is wrong now to support this amendment.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. Mr. Chairman, I appreciate very much the chairman of our committee yielding to me. But I would like to point out to the chairman the fact that all of the testimony before our subcommittee indicated that if we are going to decrease the time lapse on these high-speed trains we must improve the roadbeds. You can produce the most modern equipment imaginable, but it will still be limited in its speed by the roadbed on which it has to travel. We have experienced this situation with the turbo-train, and I think the chairman will agree with me that the time of the run of the turbo-train on a specific route will be limited by the roadbed on that route.

But this amendment would provide for Amtrak to go ahead and borrow money, and the Government would guarantee the repayment of the loan. As you know, we have that kind of authorization for other private railroads, and yet here is a group that we, the Congress, formed to take over the passenger service, and have an investment in, and as the Northeast Corridor studies have shown, with an investment of $36 million of improvement that 37 minutes could be eliminated on the run from Boston to New York.

I think this would have a tremendous impact on the number of people who would use the train, for example, from Boston to New York alone, and that stretch right now is the only area on the Amtrak system that is operating in the black.

So I think—although I realize that our distinguished Chairman does not like to have amendments adopted on the floor—but I did have this amendment before the committee in the form of a half-billion dollars in the loan, and a guarantee of $1 billion, and I have cut that down to merely half a billion dollars on the loan guarantee. There is no money in this authorization except if there is a default on the guarantee. We now have similar legislation that provides for guaranteeing loans to private corporations, so it seems to me that we can do the same thing for the corporation that we set up to run the passenger service. And if, in fact, the chairman has difficulty in accepting the amendment today, then I strongly urge that it be considered as soon as possible, because we are going to be back here every year from now on authorizing additional funds in order to keep passenger train service in this country.

Mr. STAGGERS. I appreciate the gentleman's statement.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

The Committee will rise informally in order that the House may receive a message.

The SPEAKER resumed the Chair.

The SPEAKER. The Chair will receive a message.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 1097. Joint resolution making certain urgent supplemental appropriations for fiscal year 1972, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12910) entitled "An act to provide for a temporary increase in the public debt limit."

REVIEW AND REFUNDING OF RAIL PASSENGER SERVICE ACT

The Committee resumed its sitting.

Mr. SPRINGER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, may I say to my colleague that we are trying to keep this thing within some reasonable limits.

The discussion in committee about how much money we are going to spend was quite exhaustive and we have come here to you with what we think is an adequate sum, but certainly no more than an adequate sum.

We believe that until July 1, 1973, we ought to be as economical on this as we possibly can be. To just add another $500 million in guaranteed loans, which is the way I understand the gentleman's amendment—if that is true, in my estimation that much money can be used by the corporation in strictly urban corridors.

It is not necessarily with reference to urban corridors. Although we are trying to improve that in a great part of the country.

May I say, the gentleman comes very close to mass transit. As I understand, what he is trying to do in the upgrading of the corridors in urban areas. This may not be called mass transit, but I think that is what he is attempting to do.

Let us just take the corridor from here to New York as an example. I think the gentleman certainly knows of no reason to upgrade the area between here and, let us say, New York unless you are going to have to serve the urban areas that are along there. That is something we do not want to do. We do not want any more stops between here and New York because the success of the Metroliner has been the quickness with which you can get to New York. If there has been any success, it has been that one thing.

To add another $500 million when we have been pretty economical, I think, in this bill.

I commend the gentleman. I know what he is trying to do. As he says, the corridor in which he happens to live is one of the few really profitable areas. It is for that reason I can understand why he presents the amendment. But I do not believe it ought to go into that at this time. I think this time next year might be better. Nobody has said that they had any real knowledge about this until the end of the second year and we ought to leave it until July 1, 1973.

Mr. Chairman, for that reason, I oppose the amendment.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. TIERNAN. The whole legislation that we are acting on here today is a continuation of the railroad passenger service that we adopted initially, and that is based on the Department of Transportation study of 1968. In that study the requirements are set forth and the testimony with regard to the original act clearly indicates that you are not going to be able to make these viable lines not just in the northeast area but also on the west coast and in the middle of the country until we improve the railroad beds for high-speed passenger service up to 500 miles.

The railroad companies are not interested in improving the railroad beds because they do not need to improve them for freight service. So here we are going to have to do it if we are going to have viable passenger service and this Congress is going to have to do that.

Mr. SPRINGER. I think the real result we are trying to get out of this bill this year is the improvement of equipment and these 1,200 cars for modernized travel. We are concentrating on almost three-quarters of the money in this bill to upgrade the equipment.

We think we have made an exhaustive study of this. I think we are establishing the right priority for the fiscal year 1973. That is the reason I am opposed to the amendment.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is hard to believe that the gentleman from Rhode Island is serious about his amendment which would call for another $500 million—a half billion dollars more that will be tossed down the drain on this noble experiment.

I do not know where the gentleman from Rhode Island expects to get the money. The debt-ceiling-increase bill was messaged back to the House a few minutes ago and, evidently, is on its way to the White House. This bill and this amendment can only do one thing and that is to further boost the debt ceiling.

Of course, it would be helpful if the State of Rhode Island would pay its debt to the Federal Government. It is my understanding—and I am recalling this from memory, and I will correct the RECORD if I am not precisely right—that in 1837 the State of Rhode Island, along with several other States, got a substantial amount of money in the form of loans and they have not paid a dime on the principal or interest on that money. Now these States are asking that Congress enact legislation to forget and forgive those loans they got from the Federal Government in 1837.

If you in Rhode Island would pay your debts we might help you with some of your problems.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes; I yield to the gentleman from Rhode Island.

Mr. TIERNAN. I do not know whether it is accurate or not, but if it is, I am pleased that you have enlightened me to the fact that the State of Rhode Island owes to the Federal Government some money that it borrowed in 1837. Is that correct?

Mr. GROSS. That is correct.

Mr. TIERNAN. I am not aware of it, and I am not in a position to guarantee the repayment of that by the State of Rhode Island, unless we get substantially more money than what the revenue-sharing bill now indicates. But this amendment of mine would provide for the corporation to borrow the money with the Government guaranteeing repayment. We are doing that right now for private railroad corporations to go out and borrow money to keep railroad companies operating. We have not seemed to be too reluctant to do that in the past.

Mr. GROSS. Wait a minute. Let me interrupt at that point. When you say "we," you are talking about somebody else. The gentleman from Iowa presently addressing the House was not a party to that deal. So "we" did not do these things.

Mr. TIERNAN. I did not have anything to do with the borrowing of the money in 1837 by the State of Rhode Island either, but——

Mr. GROSS. That may be, but the State of Rhode Island has an obligation to pay its debts. A bill relating to that subject is pending now. I suggest the gentleman look it up and see how much is owed.

Mr. TIERNAN. I am going to look up Iowa, too.

Mr. GROSS. Please do that.

The CHAIRMAN. The question is on

the amendment offered by the gentleman from Rhode Island (Mr. TIERNAN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. KEMP

Mr. KEMP. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEMP: Page 6, immediately after line 14, insert the following:

SEC. 6. (a) The first sentence of section 403(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 563(c)) is amended to read as follows: "For the purposes of this section, the reasonable portion of such losses, not to exceed an aggregate of $5,000,000 annually, to be assumed by the State, regional, or local agency shall be 33⅓ per centum of the solely related costs and associated capital costs, including interest on passenger equipment, less revenues attributable to, such service, and the reasonable portion of any such losses in excess of $5,000,000 annually to be so assumed shall be 66⅔ per centum thereof.".

(b) The first sentence of section 404(b)(4) of such Act (45 U.S.C. 564(b)(4)) is amended to read as follows: "For the purposes of paragraph (3) of this subsection, the reasonable portion of such losses, not to exceed an aggregate of $5,000,000 annually, to be assumed by the State, regional, or local agency shall be 33⅓ per centum of the solely related costs and associated capital costs, including interest on passenger equipment, less revenues attributable to, such service, and the reasonable portion of such losses in excess of $5,000,000 annually to be so assumed shall be 66⅔ per centum thereof.".

And renumber the following sections accordingly.

Mr. KEMP (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. KEMP. Mr. Chairman, this is a simple amendment, and I do not intend to take the 5 minutes allotted to me to explain it. It would provide a stimulus to bring feeder lines into the basic system, and we would reduce, under section 403(c), the obligation to make up the two-thirds operating deficit. This would be reduced from two-thirds for States down to one-third in order to stimulate the States in order, as I mentioned earlier, to bring more feeder lines into the system at their own expense. I think this would add an impetus to this program and would be helpful to the overall basic system. It would certainly be a positive step in the right direction.

I yield back the remainder of my time.

Mr. STAGGERS. Mr. Chairman, I rise, as I said before, reluctantly to oppose the amendment.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. STAGGERS. This subject was considered in the committee. We discussed what the share should be, whether it should be 50 percent, 66⅔, 75 percent, or what it should be, and 66⅔ percent was arrived at. So I think until there is further consideration by the committee, the percentage should remain at that point. The next time we consider the bill, the matter ought to be brought before the committee. The committee will discuss it and get competent opinion from all sides as to what the proportionate share should be. So, as I have said, I reluctantly oppose the amendment, at this time. The proportion set by the committee should not be changed.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, suppose the bill is passed and the funds are made available to Amtrak, then, over the course of the operations by the corporation the losses continue and the funds are dissipated both with respect to the grants and the loans which would be the subject of Government guarantees.

Will the gentleman's committee be coming to this House for additional funds at that time? What alternative is there? Will we be turning the roads back to the constituent railroads for operation?

Mr. STAGGERS. Let me say this to the gentleman. In all probability they will have to come back. I have never said they would not have to come back. According to the competent men who are in charge of it, they feel it should be in the black by 1975, and they feel they are reducing the amount each year of what their losses will be. They had to start from scratch with the roadbeds and cars and engines that were all run down. They really had to make a greater expenditure to start with than they thought would be required. They have found out they will have to make still further investments to have a railroad people will travel on. That is the reason for the $170 million.

Mr. YATES. But what happens when the $170 million is gone? Suppose it is not operating in the black by 1975, as the gentleman indicated?

Mr. STAGGERS. We hope it is. Of course, they will be back here.

Mr. YATES. Is the gentleman saying, then, that Amtrak will go on and on, no matter what, that you will be coming back to the Government for more and more funds, even though Amtrak continues to have operating losses?

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, I think none of us has a crystal ball, and it could very well be true as the gentleman says. In this case I do not know any member of the committee that has ever said anything else to the Members of the House. When we look at it, maybe we will find there will be no more passenger trains at all except those that run at a profit, that the railroads want to run. So we have no assurance at this time that there will be people back asking for further appropriations for passenger traffic.

As the gentleman from Wyoming said in his earlier speech, it will be decided by the Representatives here whether the subsidized passenger service will be necessary in parts of the United States or not. What we are trying to do today and until July 1973 is to see where the service is profitable, where it is not, and trying to avoid a nationalized system

In answer to the gentleman, no, we do not say automatically we will be back, or anything is going to happen fast.

Mr. YATES. Is there a possibility that if their operations are not successful, passenger service will be turned back to the constituent railroads?

Mr. ADAMS. This is a possibility, yes, but at that point we are faced with the possibility where 18 class 1 railroads are in a position where they could go under at any time, so the ICC has to make a decision whether a railroad can pick up from its freight customers the operating deficit to run a passenger train.

At that point the regulatory body has to look at the individual railroad and determine whether or not it can stay in existence and bear that loss.

Believe me—and I hope all Members on the floor understand this—what we are dealing with here is a very difficult financial situation, and a public need. We are trying to balance these various items and give this operation a chance to work, but nobody I know on this committee has predicted what will happen in the year 1975.

Mr. YATES. What steps are the committee taking to assure that the constituent companies which make up Amtrak will still be in an adequate financial position to operate the service at such time? Let me pose to the members of the committee the point I have in mind.

I am a member of the Appropriations Subcommittee for the Department of Transportation. In our hearings yesterday on the budget for the Interstate Commerce Commission we were somewhat shocked to learn in the testimony given by the Bureau of Accounts about the inadequate number of employees in the Bureau supervising the operations of the holding companies that own the stock of the operative companies. It was obvious to us, as we listened to that testimony, that there is no protection to the investors who invest their money in the operating companies. In time their investments may be dissipated. However, the companies may be in such poor financial condition that they would have to be taken over by the Government.

I note the splendid staff study that was made by this committee, and the statement of the staff study entitled "Inadequacies of Protections for Investors in Penn Central and other ICC-regulated Companies."

The CHAIRMAN. The time of the gentleman has expired.

Mr. YATES. Mr. Chairman, I move to strike the last word.

I note what the committee has said on page 40:

Holding companies have been utilized to reduce the regulatory controls of the Interstate Commerce Commission. Nonrailroad operations have been withdrawn from under the jurisdictional controls of the Commission while railroad operations, which initially fi-

> nanced the diversification programs of the holding companies, have been orphaned. Any bargaining powers the railroad components might once have possessed have been submerged beneath a morass of intercompany transactions intended to permit excessive investment returns by the conglomerate parents.

The point I am making is this: Does not the possibility exist of "milking" the operating companies by their holding companies during this time? Is it not possible that at such time as the Congress and the companies have to make their decision of what to do at a later time, the companies will not have financial ability to sustain operations?

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I should like to say that at some time soon, and this is in the near future, we intend to have a bill to take up what the gentleman is talking about, to see what we can do and to get behind the whole apparatus and to make any corrections we need to make.

Mr. YATES. Is such a bill pending?

Mr. STAGGERS. We have had the recommendation.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Washington.

Mr. ADAMS. There are two bills presently pending, and we will have hearings on them this month. One is the administration bill and the other is one put in by a number of us on the committee. These do go over the whole regulatory system for the railroads, trucks, barges and airlines, as well as making a recommendation in terms of what the Government should do, in terms of the capitalization of these transportation companies, and in terms of regulating the so-called below the line transactions, which is what the gentleman is talking about.

Mr. YATES. I am delighted to have the gentleman's answer. I hope your committee moves on it soon.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from West Virginia.

Mr. STAGGERS. When the subcommittee gets through with its hearings, that will be our next proposal.

Mr. YATES. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. KEMP).

The amendment was rejected.

AMENDMENT OFFERED BY MR. COLLINS OF TEXAS

Mr. COLLINS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. COLLINS of Texas: Page 12, strike out line 1 and all that follows down through page 13, line 21.
>
> And renumber the following section accordingly.

Mr. COLLINS of Texas. Mr. Chairman, this amendment was brought up in the committee, and it was voted on in a party line vote. I hope that today in the House we can discuss it in terms of what is good for the railroads and the strength and future of the railroads.

Basically, this section of the bill requires the railroads to have still an additional audit. As it is today in the railroads, one out of two men seem to work in the accounting department, and one out of five rail cars seem to carry all the paper they need for the paperwork. After all the present reports required of railroads, they come along and ask for still an additional audit on behalf of the Comptroller General.

Think of the roads associated with Amtrak. They give Interstate Commerce Commission a full report. Every State the railroads run through gets a full report. Most towns they run through get a report. Labor committees get statistical reports. The tax commission gets a full report. They have reports being required in every direction, and yet we are stating here the requirement of one tremendous detailed additional audit.

Let me comment on the exact wording of the bill. It says:

> A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform the Congress of the financial operations and condition of such railroad—

And here is the point to remember—

> together with such recommendations with respect thereto as he may deem advisable.

The report also specifically analyzes any program expenditure or other financial operation undertaken in the course of the audit which, in the opinion of the Comptroller General, adversely affects the condition of such railroad.

What they are saying is they will check every labor operation and check every mechanical operation and check every office. This information is already checked five times. How can you run a railroad when you are spending half of your time with auditors taking over the office? We believe in keeping absolutely accurate books, but, after all, they have this same information now five times over. Why do we need to require an additional burden to be placed on the railroads that are already overburdened in every respect?

We talk about the fact that they are losing money and that Amtrak will need $157 million more in order to meet its current losses. Then we turn around and add an additional burden of duplicated accounting responsibility for them.

I hope in our wisdom today we can do the railroads a good turn. Let's give the railroads an opportunity to get on a break-even basis by doing away with the unnecessary paperwork this requires.

Mr. STAGGERS. Mr. Chairman, I rise to oppose the amendment.

I read further down in the report as to the intent of the legislation where it says that the committee expects the Comptroller General will utilize his authority to audit the financial transactions of the railroad only to the extent that he deems necessary in connection with such audits as he may make of the financial transactions of Amtrak.

I think it is very clear that we think it would not be a wise bill at all if we did not have the ability and the right to audit any contracts that Amtrak makes. That is all we say in the bill, and that is all we intended for them to do; namely, audit the transactions related to contracts that Amtrak makes. I am sure the gentleman from Texas would want them to be able to do that.

Mr. COLLINS of Texas. Will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Texas.

Mr. COLLINS of Texas. Certainly the railroads have no greater friend in America than the chairman of the committee, who always taken an openminded position, but when we talk about the language it says financial operations of any railroad.

Mr. STAGGERS. I would like to clarify it and say it is not the intent of the committee. If we try to do this, certainly they can take my word for it as to what the intent was. It is only to audit railroad transactions related to Amtrak. I think it is a right we should have. If we tried to go into even one railroad, the Comptroller General's office told us that it will take 2,000 extra men just to audit one railroad. We are not attempting to do that here. I want to assure the gentleman and everyone else that it is not our intent.

Mr. COLLINS of Texas. Will the gentleman yield further?

Mr. STAGGERS. I yield to the gentleman.

Mr. COLLINS of Texas. You say it is only in respect to an audit. That is not what it says in the bill.

Mr. STAGGERS. It does in the language that I read. It says "audit" in two places. I say "audit" and that is all. That word is used in two places in the language I read. I say only as it pertains to the contracts entered into by Amtrak. I think we make that clear.

Mr. COLLINS of Texas. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. COLLINS).

The question was taken; and on a division (demanded by Mr. COLLINS of Texas) there were—yeas 16, noes 31.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. SCHMITZ

Mr. SCHMITZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SCHMITZ: Page 3, line 10, strike out the period, insert a semicolon and add: "*Provided, however,* That compensation to any officer of the Corporation in excess of level I of the Executive Schedule, shall be paid only from net profits of the Corporation."

Mr. SCHMITZ. Mr. Chairman, my amendment is very simple. Page 3, line 2, of the bill, reads as follows:

> No officer of the corporation shall receive compensation in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code.

Mr. Chairman, this limits the salary level of the officers of Amtrak to the same level of Cabinet officers; namely, $60,000 a year.

However, beginning on line 6, page 3, there is a "grandfather clause" for the present president of Amtrak who receives $125,000 a year. This bill will allow him to retain his present salary of $125,000 a year as long as he keeps the job. Under my amendment he can receive the Cabinet-level salary of $60,000 a year, but anything between that and $125,000 must come from the net profits of the corporation.

Mr. Chairman, I can think of no better amendment to bring on that time which we all claim to envision for Amtrak; namely, that period when it operates at a profit and does not have to come back to Congress for its annual subsidy

I offer this amendment, in all seriousness, and I hope it will be adopted.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SCHMITZ. I yield to the gentleman from Iowa.

Mr. GROSS. I want to commend the gentleman for his amendment. It is fair and yet it is effective, and I am sure every Member of the House understands it.

Further, in the interest of putting some real reason in this bill—there is very little of it in it—but to put some reason in this bill, I cannot see why any Member of the House could possibly vote against it.

Mr. SCHMITZ. If our colleagues are serious in their desire that Amtrak will operate at a profit in the future, they will take this amendment seriously and vote for it.

Mr. STAGGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to vigorously oppose the amendment which has been offered by the gentleman from California.

Mr. Chairman, I believe we have a serious corporation setup of men who are responsible and who are doing the best that they can in a most difficult job. Certainly, this would be an unwarranted slap in the face of their two top officers, Mr. Roger Lewis, who is under contract with Amtrak's board of directors, as president, at $125,000 a year, and Mr. Richard Tomlinson, executive vice president, at $74,000 a year. We have no basis or right to summarily limit their pay to $60,000, which is what this amendment would do.

I think it would be legally wrong; I am absolutely certain that it would be morally wrong. So, I oppose the amendment which has been offered by the gentleman from California.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SCHMITZ).

The question was taken; and on a division (demanded by Mr. SCHMITZ) there were—ayes 30, noes 27.

TELLER VOTE WITH CLERKS

Mr. STAGGERS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. STAGGERS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. SCHMITZ, STAGGERS, DENNIS, and ADAMS.

The Committee divided, and the tellers reported that there were—ayes 235, noes 136, not voting 61, as follows:

[Roll No. 77]

[Recorded Teller Vote]

AYES—235

Abbitt
Abernethy
Abourezk
Abzug
Alexander
Anderson, Calif.
Andrews
Ashbrook
Aspin
Badillo
Baker
Belcher
Bell
Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Blatnik
Bray
Brinkley
Brotzman
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burlison, Mo.
Byron
Camp
Carney
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conyers
Corman
Crane
Curlin
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellums
Denholm
Dennis
Devine
Dickinson
Dow
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Eilberg
Esch
Eshleman
Evins, Tenn.
Findley
Fish
Flowers
Foley
Frey
Fuqua
Gettys
Gibbons
Goldwater
Goodling
Grasso
Gray
Green, Pa.
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Halpern
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Hastings
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks, Wash.
Hogan
Horton
Hosmer
Hungate
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Keating
Kee
Kemp
Koch
Kyl
Landgrebe
Latta
Leggett
Lennon
Lent
Lloyd
Lujan
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Mikva
Miller, Ohio
Mills, Md.
Minish
Minshall
Mitchell
Mizell
Montgomery
Mosher
Myers
Natcher
Obey
O'Konski
Passman
Pike
Pirnie
Poff
Powell
Price, Tex.
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Reuss
Rhodes
Robinson, Va.
Robison, N.Y.
Roe
Roncalio
Rosenthal
Rousselot
Roy
Runnels
Ruth
Ryan
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shoup
Shriver
Sikes
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Wampler
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Zablocki
Zion
Zwach

NOES—136

Adams
Albert
Anderson, Ill.
Anderson, Tenn.
Archer
Ashley
Barrett
Begich
Bergland
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brooks
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burleson, Tex.
Byrne, Pa.
Byrnes, Wis.
Cabell
Carey, N.Y.
Carter
Casey, Tex.
Clark
Collins, Ill.
Collins, Tex.
Conte
Cotter
Coughlin
Culver
Dellenback
Dingell
Donohue
Dorn
Drinan
du Pont
Eckhardt
Edwards, Calif.
Erlenborn
Evans, Colo.
Fascell
Flood
Ford, Gerald R.
Ford, William D.
Forsythe
Frelinghuysen
Frenzel
Fulton
Gallagher
Garmatz
Giaimo
Gonzalez
Griffiths
Gude
Hamilton
Harrington
Harvey
Hathaway
Hawkins
Hicks, Mass.
Holifield
Howard
Johnson, Calif.
Karth
Kazen
Keith
Kluczynski
Kuykendall
Kyros
Link
McClory
McFall
McKay
McKevitt
Macdonald, Mass.
Mallary
Matsunaga
Meeds
Melcher
Metcalfe
Miller, Calif.
Mink
Monagan
Moorhead
Morse
Moss
Murphy, N.Y.
Nedzi
Nix
O'Hara
O'Neill
Patten
Pepper
Perkins
Peyser
Pickle
Poage
Podell
Preyer, N.C.
Price, Ill.
Purcell
Rees
Reid
Rodino
Rogers
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roybal
Ruppe
St Germain
Sarbanes
Schwengel
Seiberling
Sisk
Skubitz
Slack
Springer
Staggers
Stanton, James V.
Steiger, Wis.
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Waldie
Ware
Whalen
White
Yates
Young, Tex.

NOT VOTING—61

Addabbo
Annunzio
Arends
Aspinall
Baring
Bingham
Broomfield
Burton
Caffery
Chisholm
Clay
Danielson
Dent
Derwinski
Diggs
Dowdy
Dwyer
Edwards, La.
Fisher
Flynt
Fountain
Fraser
Galifianakis
Gaydos
Green, Oreg.
Hansen, Wash.
Hébert
Heckler, Mass.
Hillis
Hull
Jacobs
Jarman
Jonas
King
Landrum
Long, La.
Long, Md.
McCloskey
McEwen
McKinney
Madden
Mills, Ark.
Mollohan
Morgan
Murphy, Ill.
Nelsen
Nichols
Patman
Pelly
Pettis
Pryor, Ark.
Pucinski
Riegle
Roberts
Roush
Scheuer
Shipley
Stubblefield
Teague, Tex.
Van Deerlin
Wilson, Bob

So the amendment was agreed to.

The CHAIRMAN. Are there further amendments to be proposed? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. BURLESON of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes, pursuant to House Resolution 898, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. COLLINS OF TEXAS

Mr. COLLINS of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. COLLINS of Texas. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Collins of Texas moves to recommit the bill H.R. 11417 to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. SCHMITZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 313, nays 63, answered "present" 1, not voting 54, as follows:

[Roll No. 78]

YEAS—313

Abourezk
Abzug
Adams
Addabbo
Anderson, Ill.
Anderson, Tenn.
Andrews
Ashley
Aspin
Badillo
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Biaggi
Biester
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Dellums
Dennis
Devine
Diggs
Dingell
Donohue
Dorn
Drinan
du Pont
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Howard
Hunt
Ichord
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Leggett
Lent
Link
Lloyd
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Monagan
Moorhead
Morse
Mosher
Moss
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Purcell
Quie
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Saylor
Schneebeli
Schwengel
Sebelius
Seiberling
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Staggers
Stanton, James V.
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Veysey
Vigorito
Waggonner
Waldie
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—63

Abbitt
Alexander
Anderson, Calif.
Archer
Ashbrook
Baker
Bevill
Camp
Carney
Clawson, Del
Collins, Tex.
Crane
Daniel, Va.
de la Garza
Denholm
Dickinson
Downing
Dulski
Duncan
Edwards, Ala.
Goodling
Griffin
Gross
Hall
Hammerschmidt
Hansen, Idaho
Hechler, W. Va.
Henderson
Hosmer
Hungate
Hutchinson
Jones, N.C.
Kemp
Landgrebe
Latta
Lennon
Lujan
McClure
Martin
Mathis, Ga.
Miller, Ohio
Montgomery
Myers
Poff
Price, Tex.
Quillen
Rarick
Robinson, Va.
Roncalio
Runnels
Satterfield
Scherle
Schmitz
Scott
Sikes
Snyder
Stanton, J. William
Steed
Steiger, Ariz.
Taylor
Terry
Vanik
Wampler

ANSWERED "PRESENT"—1

Rousselot

NOT VOTING—54

Abernethy
Annunzio
Arends
Aspinall
Baring
Bingham
Blatnik
Broomfield
Caffery
Chisholm
Clay
Conyers
Danielson
Dent
Derwinski
Dow
Dowdy
Dwyer
Edwards, La.
Fisher
Fountain
Galifianakis
Gaydos
Green, Oreg.
Hawkins
Hébert
Hillis
Hull
Jacobs
Jarman
Jonas
King
Landrum
Long, La.
Long, Md.
McKinney
Madden
Mollohan
Morgan
Murphy, Ill.
Nelsen
Nichols
Pelly
Pettis
Pryor, Ark.
Pucinski
Riegle
Roberts
Roush
Scheuer
Shipley
Stubblefield
Van Deerlin
Wilson, Bob
Wyman

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Petts for, with Mr. Rousselot against.

Until further notice:

Mr. Hébert with Mr. Arends.
Mr. Blatnik with Mrs. Dwyer.
Mr. Roush with Mr. King.
Mr. Stubblefield with Mr. Nelsen.
Mr. Shipley with Mr. McKinney.
Mr. Annunzio with Mr. Wyman.
Mr. Aspinall with Mr. Bob Wilson.
Mr. Hull with Mr. Derwinski.
Mr. Caffery with Mr. Riegle.
Mr. Dent with Mr. Pelly.
Mr. Danielson with Mr. Broomfield.
Mr. Fountain with Mr. Jonas.
Mr. Roberts with Mr. Hillis.
Mr. Murphy of Illinois with Mr. Clay.
Mr. Nichols with Mr. Landrum.
Mr. Long of Maryland with Mr. Conyers.
Mr. Morgan with Mr. Mollohan.
Mr. Van Deerlin with Mr. Madden.
Mr. Abernethy with Mr. Long of Louisiana.
Mr. Gaydos with Mr. Dow.
Mr. Pucinski with Mrs. Chisholm.
Mrs. Green of Oregon with Mr. Scheuer.
Mr. Galifianakis with Mr. Bingham.
Mr. Jarman with Mr. Jacobs.
Mr. Baring with Mr. Dowdy.
Mr. Fisher with Mr. Hawkins.

Mr. ROUSSELOT. Mr. Speaker, I have a live pair with the gentleman from California (Mr. Pettis). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

SALUTE TO WSB RADIO FOR 50 YEARS SERVICE

(Mr. FLYNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FLYNT. Mr. Speaker, today I pay

tribute to one of the finest broadcasters in the country on the celebration of its 50th anniversary.

Mr. Speaker, WSB radio in Atlanta was the first radio station in the South, beginning operations as a small 100-watt station in 1922. Since that time, WSB radio has enjoyed an illustrious and universally respected reputation in the forefront of broadcast journalism in the South and across the Nation.

Mr. Speaker, WSB radio's record speaks for itself as WSB radio was the first radio station in the country to broadcast a complete church service; they were the first radio station to broadcast educational programs in the South; WSB radio was the first radio station in the Nation to play records on the air; WSB radio was the first radio station in the country to broadcast farm information; it was the first radio station in the South to broadcast baseball games; it was the first radio station in the country to broadcast nationally known opera stars in a live performance; WSB radio was the first radio station in the country to use a musical format for station identification, which was the first three notes of the Song, "Over There," and has since been adopted as the familiar chimes now used by the National Broadcasting Co.

Mr. Speaker, it is worthy of note that WSB radio has received countless awards in the broadcasting industry, including the George Foster Peabody Award, the National Freedom Foundation Award, and scores of others which serve as evidence of the excellent service WSB radio has provided its listeners for 50 years.

Mr. Speaker, the people of the State of Georgia are pleased to have WSB radio located in Atlanta. The service WSB radio has provided for five decades has informed, educated, and entertained millions of Georgians and Americans as well as listeners overseas and in Canada. WSB radio is a shining example of preeminence in every sense of the word.

Mr. Speaker, the Governor of Georgia has proclaimed today as "WSB Radio Day" in Georgia. The mayor of Atlanta has proclaimed today "WSB Radio Day" in Atlanta. I am pleased, Mr. Speaker, to recognize WSB radio here in the House of Representatives.

THE MINORITY ENTERPRISE SMALL BUSINESS INVESTMENT ACT OF 1972

(Mr. WIDNALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, today I introduced H.R. 13805, a bill titled "The Minority Enterprise Small Business Investment Act of 1972." Mr. J. WILLIAM STANTON, of Ohio, and Mr. GARRY BROWN, of Ohio, cosponsored the bill with me.

A section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS

Section 1. Section 1 sets forth the enacting language and short title of the bill, namely "The Minority Enterprise Small Business Investment Act of 1972."

Section 2:

Subsection (a). Subsection 2(a) amends section 103 of the Small Business Investment Act of 1958 ("Act") by adding a new paragraph (8) which defines MESBIC as a Small Business Investment Company whose investment policy states that its investments will be designed to contribute to a well-balanced national economy by facilitating ownership of small business concerns by persons who, because of social or economic disadvantages, have been hampered in their participation in the free enterprise system. This provision provides a statutory basis for the MESBIC program, which has evolved administratively under the Act.

Subsection (b). Subsection 2(b) amends Title III of the Act by designating sections 301 through 316 as "Part A. Small Business Investment Companies." A new Part B setting forth new authority applicable to MESBIC's, and not SBIC's generally, is added to Title III by subsection 2(e), necessitating this change.

Subsection (c). Subsection 2(c) adds a new subsection (d) to section 301 of the Act, authorizing the Administration to license MESBIC's which are organized under the nonprofit corporation laws of any state. This is not to say, however, that the requirements of "financial soundness," "successful operation" and "adequate profitability" under section 301(c) and section 302(a) of the Act are eliminated. The provision facilitates favorable tax treatment of nonprofit MESBIC's and of gifts by individuals or organizations to nonprofit MESBIC's (easier qualification for charitable deduction) and investments in nonprofit MESBIC's by tax exempt organizations (less danger of jeopardizing tax exemption or incurring penalty taxes). This should increase the private capital available to MESBIC's.

Subsection 2(d). This subsection eliminates the prohibition against banks and other financial institutions owning 50% of a MESBIC and should allow the growth of MESBIC's which have the built-in support of a strong parent having the know-how and resources to provide effective assistance. Subsection 2(d) adds a new subsection (d) to section 302 of the Act, providing that, notwithstanding the 50% limitation of subsection (b)(2) of the section or any other provision of law, shares of stock and other securities issued by a MESBIC may be purchased by bank and other financial institutions, subject only to the present limitation which prohibits bank ownership of the shares of such companies in an aggregate exceeding 5% of the bank's capital and surplus.

Subsection (e). This subsection adds a new part to Title III of the Act entitled "Part B. Minority Enterprise Small Business Investment Companies" having sections 317 through 320.

Section 317. This section gives authority to the Administration to purchase two types of securities from MESBIC's, to encourage their formation and growth on the following conditions:

Subsection (a). Subsection 317(a) authorizes the Administration to purchase nonvoting preferred securities from any MESBIC; such securities may be preferred stock, or a security having similar characteristics, such as an income bond. (The purposes are three fold: first, to authorize the Administration to participate in the capitalization of a MESBIC by providing equity funding which need not be amortized nor interest bearing; second, to avoid state law prohibitions against the issuance by nonprofit corporations of classes of such stock; and third, to make clear that it is not intended for the Administration to participate in the management of the MESBIC.)

(1) The security carries a preferred cumulative dividend of 3% of par value per annum. (Before any dividend may be paid to private stockholders, the MESBIC must have paid to the Administration 3% of the par value of these securities for each year in which the Administration held such securities. Thus, the requirement to amortize a loan and pay interest thereon is eliminated. Nevertheless, the Administration is entitled to the payment of at least 3% for each year before any distribution can be made to private stockholders.)

(2) The security carries a preference on liquidation or redemption to the extent of par value. (In the event of any liquidation, or redemption of the securities by the MESBIC, the MESBIC must pay the Administration the par value of such securities held by the Administration.) Also, upon liquidation or redemption, the Administration may require the preferred payment of the difference between dividends actually paid and an amount of cumulative dividends computed at the rate determined under section 303(b) for 15 year debentures, without interest on such difference. (The purpose here is to empower the Administration to require payment of a fair return approximating the interest on government debt leverage in cases where liquidation or redemption is undertaken to distribute profits to private stockholders.)

(3) Purchases must be at par value in amounts of $50,000 or more. (The purpose is to set the purchase price and to protect handling repetitive and complex purchase transactions in small amounts.)

(4) The aggregate amount of preferred securities which may be purchased from a MESBIC varies with the amount of its private capital:

(A) MESBIC's having private capital of less than $300,000 may sell preferred securities on a 1:1 basis on all private capital invested subsequent to October 13, 1971 (the date the President announced these proposals), provided the MESBIC was licensed prior to such date. (This provision provides an incentive to the pioneer MESBIC formed at the $150,000 level to raise additional private capital.)

(B) MESBIC's having private capital of $300,000 but less than $500,000, may sell preferred securities on a 1:1 basis on all private capital in excess of $300,000. (This provision encourages the formation of MESBIC's with private capital in excess of $300,000.)

(C) MESBIC's having private capital of $500,000 or more may sell preferred securities on a 1:1 basis on the entire amount of its private capital. (This provision provides incentive to all MESBIC's to raise private capital to $500,000.)

Subsection (b). Subsection 317(b) authorizes the Administration to purchase subordinated debentures from any MESBIC on the following conditions:

(1) The term may not exceed 15 years. (This follows section 303, regulating SBIC debentures.)

(2) The interest rate is determined in accordance with section 303(b) and new section 318. (This provides for the new interest subsidy under section 318.)

(3) The aggregate government leverage, including both preferred securities and subordinated debentures, may not exceed 200% for MESBIC's with a private capital of less than $500,000, nor 300% for MESBIC's with a private capital of more than $500,000. (The 2:1 leverage continues the present law. However, in the purchase of debentures and preferred stock, the Administration would not be required to assure itself that the funds are not available from private sources on reasonable terms and the Administration would not have the discretion provided by section 303(b) as to subordination of debentures. There would be no overall ceiling, as at present, on leverage. The omission of these

requirements is intended to recognize the contemporary realities of investing in minority enterprise and afford the Administration the flexibility and authority required to tailor the need of MESBIC's to the great need of risk capital for minority businessmen. The minimum capital required for third dollar leverage is reduced from the present $1 million to $500,000. Not one dollar of third dollar leverage has ever been utilized by MESBIC's. This provision, coupled with the preferred stock substitution allowed under subsection (a), is designed to encourage MESBIC's realistically to reach for authorized leverage, and to induce more private investors to form MESBIC's. Once the MESBIC attains $500,000, it may receive 3:1 leverage on its entire capital, rather than only on capital in excess of the minimum level, as now. A $500,000 MESBIC might receive $1 million debt and $500,000 equity leverage. This provides a significant incentive to increase private investment in MESBIC's, both as to existing MESBIC's having private capital of less than $500,000 and to new MESBIC sponsors.)

Subsection (c). In the event a MESBIC wishes to exchange a part of its outstanding debt leverage for equity leverage, it may do so in a non-cash transaction within the authorized limits. (This provision puts existing pioneer MESBIC's on an equal footing with new ones, without having to raise cash.)

Subsection (d). The Administration is afforded discretion to require a favorable ratio of equity to debt investments, and to eliminate the flat requirement for 65% venture capital investment, as a condition of third dollar leverage. (This will allow the Administration to make third dollar leverage more readily available, and at the same time allow it discretion to ensure emphasis on venture capital consistent with a sound financial program.)

Section 318. Interest Reduction: This section would grant a limited interest subsidy for the first five-year term following October 13, 1971 (the date of the President's Message to Congress) on MESBIC debentures purchased by the Administration. (This is intended to reduce the MESBIC's interest burden in the early years. The rate would be pegged at the greater of 3%, or 3 percentage points below the rate certified by the Secretary of the Treasury as representing the borrowing cost of the government for comparable remaining maturities. The Administration would be authorized to rebate future interest payment on debentures until the issuer thereof has received the interest subsidy for the first five-year term of the debenture following October 13, 1971. A MESBIC which benefited from section 318 would have to reimburse the Administration, dollar for dollar, for the interest subsidy before any distribution on private capital, by dividend, redemption, liquidation in whole or in part or in any other manner could be made. This is intended to require MESBIC's to pay a fair return on government funds before making distributions to private stockholders.)

Section 319. New Part B: This section would make clear that the present provisions of Title III (which will become Part A of Title III) will continue to apply to MESBIC's, except for the alternative provisions of this new Part B which will be available only to MESBIC's.

Section 320. Exemption from Investment Company Act of 1940: This section would amend that provision of the Investment Company Act of 1940 which requires registered investment companies to have a 200% asset coverage for preferred stock, to exempt from that requirement preferred stock of MESBIC's which is held by the Administration. Such exemption could also be granted by the Securities and Exchange Commission by rule pursuant to section 6(c) of the Investment Company Act of 1940.

EQUALITY OF POWERS

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, I am today introducing a bill which I think will both settle a current constitutional debate and restore a proper balance between the President and the Congress. Every Member of the House is aware of the controversy generated in the past 2 years over the impounding of funds by the President's Office of Management and Budget. Some Members have defended these actions as anti-inflationary steps while others have challenged either the President's authority or specific instances of impoundment. On one point we can all agree; at this time the Congress is without recourse in such cases. The bill I have introduced seeks to serve two purposes. It affirms the President's authority to impound and also gives the Congress the opportunity to review and overrule specific instances of the use of this power.

While I have disagreed with some of the recent cases of impoundment, I believe that in general it may be necessary at times in order to fight inflation. I feel just as strongly, however, that since this power means that the President can change the budgetary priorities which are established by the Congress, we must have an established procedure that restores the check and balance theme to the appropriations process.

The latter goal is accomplished in the bill by using the same procedures in cases of impoundment as in cases of administrative reorganization. The President would be required to notify the respective committees of the House and Senate of the intent to impound funds and explain the reasons with respect to the specific agency and program to be affected. Either House of the Congress could then vote to stop the intended action if in the judgment of the Members there were an insufficient case made for impoundment. As in the case of administrative reorganization, the congressional action must be taken within 60 calendar days of the date on which the President communicated his intention to impound.

Mr. Speaker, I am sure the Members will agree with me that there is more at stake here than the separate instances of the freezing of funds. We are now in a situation of constitutional imbalance of power. I hope, Mr. Speaker, that all of us can agree on the constitutional imperative for this legislation and that it can be considered without regard to partisanship or our individual views on specific prior cases of impounded funds.

THE PEOPLE ARE DEMANDING TAX REFORM NOW

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, 4 weeks from next Monday midnight, every American citizen will have been required to file an income tax return.

For the overwhelming majority of Americans, the tax will be figured on ordinary income from the tables furnished by the Internal Revenue Service. But for a handful of others—the wealthy—the rates will be based on an intriguing system of loopholes.

Some of the wealthy will file returns showing $0 amounts due the Federal Government for the last calendar year. Others in the upper income brackets will mail token amounts on billions and billions of dollars in income.

Mr. Speaker, these inequities—this gross discrimination—is possible because we have allowed our tax laws to become riddled with special favors—loopholes—which have kept the wealthy wealthy and have made lifetime careers for some sharp-shooting tax lawyers.

These loopholes are so numerous that it would be impossible to list them all here today.

The capital gains tax is a great example of the inequities which we have allowed to be written into tax laws. This is a tax treatment that can be accorded on the sale of any so-called capital assets—such things as stocks, bonds, buildings, land, factories, and the like—anything that a person has owned for more than 6 months.

CAPITAL GAINS—BONANZA FOR THE FEW

In some cases, a taxpayer can obtain a nearly two-thirds reduction in taxes through the use of this capital gains provision. As Philip Stern, author of the "Great Treasury Raid," noted before the Joint Economic Committee earlier this year, only one taxpayer in 12 has any capital gains. Eleven out of 12—or almost all of the constituents of the 435 Members of this House—have no capital gains through which they could avoid taxes.

This tax avoidance device is costing the Treasury $13 to $15 billion annually.

Of course, the capital gains provision is just one escape hatch for the affluent. Tax-exempt municipal bonds are exclusively the playground of the rich and large banking institutions. Nearly every single bond of this category is in the hands of the wealthy who are seeking a totally tax-exempt shelter for their idle funds. It is entirely possible for an individual to live off the interest income from tax-exempt bonds and not pay a single dime of taxes to the Federal Government. At the same time, the tax-exempt bonds have been invested in heavily by the commercial banks and it has become a prime device to reduce the already small tax liability of these institutions.

The figures vary on the magnitude of loss in this area each year. But, I am convinced that the tax-exempt bond income is amounting to a net loss to the Treasury of between $2 billion and $3 billion annually. It would be much cheaper for the Federal Government to pay out a direct subsidy to the local governments—to subsidize the difference between the interest coupon on a tax-exempt bond and that on a bond bearing no tax shelter provisions. Even with this subsidy we would probably save the Treasury between $1 billion and $1½ billion yearly.

The accelerated depreciation which is allowed on real estate has provided still another dodge that has not only hurt the revenues of the Federal Government, but has had a questionable impact on homebuilding. The wealthy—and the fast buck artists—have been moving into the real estate field, buying up lucrative properties, and using the accelerated depreciation provisions for a big tax windfall. In the end, these properties are being written off for tax purposes and the owners could care less about long term maintenance and improvements. In this instance, the tax laws are actually helping to build slums.

BAD DEBT SUBSIDY FOR BANKS

It would take much too long to go into all of the tax benefits and subsidies accorded the banking industry. But, let me just point out one really atrocious area—the so-called bad debt reserves. For years, the banks were able to write off 2.4 percent of their total loan portfolio as bad debts regardless of what their losses might have been on the loans. It was an automatic windfall. In reality the loan losses have been running an average of only about 0.2 percent for the major commercial banks.

When the loan for Lockheed Aircraft Corp. was up for consideration last summer, the commercial banks were lobbying hard for a golden no-risk guarantee that the Federal Government would pick up all of the pieces in case their loans to this corporation went sour.

We looked at these banks and discovered that they had more than $2.1 billion in bad debt reserves which amounted to a tax subsidy of well over $1 billion for just these 24 banks. Happily, the Tax Reform Act of 1969 has reduced this bad debt reserve to 1.8 percent of loan portfolio, but it is still an enormous and unnecessary subsidy in light of the very low level of actual loan losses.

TAX-EXEMPT PROPERTIES

Much of this is dwarfed by the tremendous amount of tax-exempt properties scattered all over the Nation. It has been estimated, for example, that at least 50 percent of Manhattan Island is tax exempt. That island, of course, is the headquarters for some of the biggest privately controlled foundations in the world. In addition, there is a great deal of property that is tax exempt because it is held by religious and fraternal orders and similar entities which have been granted immunity over the years.

We have had great difficulty in obtaining information about foundations. It has come slowly and to this date, I doubt that the IRS has all of the foundations on its rolls. But a conservative estimate would indicate that there is at least $40 to $50 billion in assets tied up in the foundations.

The 1969 Tax Reform Act applied a token 4 percent tax to give IRS some administrative funds to monitor the operation of these huge institutions. But for the most part, the assets tied up in these foundations are immune from taxation at any level.

There are undoubtedly good foundations as well as bad foundations but we cannot escape the fact that great wealth has been hidden away in these organizations and the result has been that the rest of the people have had to pay more taxes to make up for all of these assets which have been removed from the various tax rolls. In many cases, these foundations have been established—not for charitable purposes—but for the means of retaining family control over huge corporations while at the same time enjoying tax-exempt status. Our studies have uncovered situations where fast buck operators were actually running "tax-avoidance schools" in connection with the establishment of foundations. In these cases, foundations were simply mechanisms for tax-dodging and had nothing to do with charitable purposes.

ATTEMPTS TO WEAKEN REFORM ACT ON FOUNDATIONS

The 1969 Tax Reform Act has placed some new requirements on foundations. Probably the most beneficial aspect of the 1969 act was a requirement for a specific payout of foundation income and/or assets for charitable purposes. In recent weeks, we have seen attempts to gut this section of the 1969 act and reopen loopholes for the foundations.

So, Mr. Speaker, there are some who are not moving to close loopholes, but to open them wider for the special interests.

Mr. Speaker, I want to place in the RECORD a short excerpt from an interview with IRS Commissioner Johnnie Walters which appears in the March issue of the Nation's Business:

> Could you pinpoint any areas you think will be of particularly strong challenge to IRS in the 1970s?
>
> We might as well start off with the granddaddy problem—the tax exempt organizations. They have been demanding more of our time. To some extent this comes about because these organizations have abused their charters, and this invites criticism by the public and the Congress, and that calls it to our attention.
>
> You may remember Congressman Wright Patman, D., Texas, was very much interested and did a lot of investigative work in the foundation field. I assume in the 1970s this is going to be a mandatory project.
>
> There are other areas. Pension plans, savings plans and profit sharing plans—this whole area will require increasing attention. Multinational companies is another area. They have all sorts of tax arrangements that are being worked out in the changing international financial field. For instance, the DISC provision in the new tax bill is an indication of what is on the horizon.

The list of tax loopholes and questionable exemptions could fill page after page of this record and I have only attempted to list a few of them here today. There have been various compilations and recently the Brookings Institute received wide notice on a study in which they listed $77 billion of tax preferences. I am not sure that this particular compilation is all-encompassing and some of the items which make up the $77 billion are not undesirable. It would be unrealistic to believe that anyone would attempt to knock out all of these so-called preferences listed in the Brookings report.

However, the study does help to dramatize the tax problems and to focus attention on the need for a searching study aimed at meaningful reform. Until there is a complete and objective study, no one can be certain of the exact total of unwarranted and undesirable loopholes, but it has been suggested that $25 billion to $30 billion of loophole-closing could be accomplished without disruption to the economy or without unfair treatment to any individual or group.

If this could be accomplished, it would mean that we could reduce taxes sharply or have available the revenues necessary to finance worthwhile projects. We would have the funds needed without resorting to expensive and disruptive deficit financing in the open markets. Certainly, this is worth shooting for.

Mr. Speaker, everyone has his own definition of loopholes. Some of the tax provisions serve specific purposes and many undoubtedly provide broad public benefits. It would be foolhardy to stand here and say that every single tax exemption could or should be eliminated overnight.

ELIMINATE SPECIAL TAX BILLS

At a minimum, this Congress ought to call a halt to special tax bills which reach the floor without hearings and about which the Members know very little. They ought to be stopped now and never started again. Tax laws are too important to be handled in this manner.

As Mr. Stern stated in his testimony:

> All the special gimmicks and escape hatches that Congress has been writing into the tax laws over the years—for the lowly as well as for the mighty—amount to welfare payments for the lucky recipients of the tax favors.

Mr. Speaker, I agree with my colleagues who are demanding that the President of the United States submit to the Congress a tax reform package. This is very necessary in light of the huge deficits which this administration is running up each year. When a President puts a country $100 billion in the red in 4 years, it is time that he started closing tax loopholes.

However, regardless of what the President does or does not do, the Congress of the United States has a responsibility to the people to take a hard look at all the tax laws. Each of the so-called loop holes or exempitons should be examined in public hearings. Economists—not connected with the industry involved—should be called and we should have concrete economic justification for any loophole that remains anywhere in the tax laws. Undoubtedly there can be some economic justification made for some loopholes, but these should be in very definite formulas and the benefits to the general public should be spelled out. Surely, no one can object to this kind of spotlight being thrown on the tax laws.

If a special interest group can make a case for certain exemptions, then it should be willing to do so in open hearings, and with an opportunity for adversary witnesses to be called.

Mr. Speaker, the people of the United States are overburdened with taxes and they do not feel that the Congress is doing enough to make sure that this heavy load is fully shared by the wealthy, the corporations, the banks and the other favored few. The Federal Government—including the Congress—is going to be in deep trouble unless we can demonstrate to the American people that our tax laws are indeed based on a progressive and equitable system and not on the muscle of the special interest groups.

EMERGENCY STRIKE LEGISLATION

The **SPEAKER** pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Michigan (Mr. HARVEY) is recognized for 60 minutes.

GENERAL LEAVE

Mr. **HARVEY**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. **HARVEY**. Mr. Speaker, on March 1, in what I believe was a tragic and irresponsible move, the Transportation and Aeronautics Subcommittee of the House Committee on Interstate and Foreign Commerce refused to report out H.R. 11281 by a vote of 6 to 5. I first introduced the original version of this legislation on May 13, 1971. It had the bipartisan support of more than 70 cosponsors. In essence, it would have created within the administration in power the necessary permanent machinery to bring about the settlement of disputes within the railroad and airline industries.

A more recent version of this legislation, which I introduced on January 27 as H.R. 12702, would have utilized H.R. 11281 as a separate title I to amend the Railway Labor Act. At the same time, in a separate title II, it would amend the National Labor Relations Act of 1947 so as to create somewhat similar machinery for the settlement of disputes among the longshore, maritime, and trucking industries covered by that act.

Our subcommittee on March 1 not only failed to report out such legislation, but by a similar vote of 6 to 5 tabled H.R. 12702 and sought to kill such permanent legislation for the remainder of this Congress.

Today, my cosponsors and I have taken this special order to emphasize to our colleagues in the House the error of this decision by the subcommittee, and to demonstrate again the tremendous importance and great need for this legislation.

The record is crystal clear on the need for a revision of the Railway Labor Act to deal with emergency transportation disputes in the railroad and airline industries. Since 1963 the President has been forced to ask Congress for ad hoc legislation to end railroad strikes nine times. Eight of these nine ad hoc strike settlement bills have been passed by Congress since 1967. A look at past history clearly demonstrates the inadequacy of the present Railway Labor Act. Since 1953 there have been 75 Presidential Emergency Boards appointed, an average of more than three per year, just to hear testimony with regard to disputes in the railroad and airline industries. This total includes 53 Presidential Emergency Boards to settle railroad labor disputes and 22 such boards to settle airline labor disputes.

It is noteworthy that of the 53 railroad emergency boards, 12 have been complete failures and resulted in major strikes, five of which lasted more than 5 days. While none of the 22 airline emergency boards necessitated ad hoc congressional action, the disputes in 17 of them resulted in strikes or work stoppages. Several of these work stoppages were so severe and so prolonged that they very nearly precipitated ad hoc congressional action on the basis of a national emergency.

The record is also clear on the need for a revision of the National Labor Relations Act of 1947, commonly referred to as the Taft-Hartley Act, which regulates the parties to disputes in the longshore, maritime and trucking industries. In the maritime and longshore industries alone, the present Taft-Hartley Act has failed to bring about a settlement in two-thirds of the major disputes, even though an 80-day injunction was ordered.

What all this represents, Mr. Speaker, is a serious breakdown in the collective bargaining process. It is apparent that the existing legal machinery under both the Railway Labor Act and Taft-Hartley Act is inadequate and badly in need of repair. What is needed is a revision of the law that would first of all restore the incentive to the parties to undertake serious collective bargaining. Where that collective bargaining fails, however, the President must have the permanent machinery available to him to bring an end to the dispute.

With regard to this latter point, a key requirement is flexibility. Certainly, no one administrative procedure will be appropriate for all of the different situations and the wide variety of substantive issues which will arise in the future. The President should have before him a variety of tools with which to work. And if these tools are to be sufficient, he must be required to use them judiciously but inexorably until the dispute at hand is settled.

I would add that this very flexibility, which is so necessary when finally needed, is also the key element in avoiding the need for its use in the first place. For almost every knowledgeable observer agrees that it has been the certainty of ad hoc congressional action which has, in the past, contributed most to the failure of collective bargaining in the transportation industry. A situation is truly needed in which neither party to the dispute can foresee that the Government will intervene to their potential advantage. Then, and only then, can the true procedures of collective bargaining move forward fruitfully.

H.R. 11281, my cosponsors and I felt, would have given the necessary incentive to the parties to bargain collectively; would have provided the permanent machinery for the settlement of disputes where collective bargaining failed; and would have given the President the flexibility so necessary in each dispute.

If a dispute were unresolved by the emergency boards, the President could have chosen one of three weapons for settlement: One, he could permit a selective strike, subject, of course, to certain well-defined limits and public safeguards; two, he could call for a 30-day cooling-off period; and three, or he could use final offer selection.

H.R. 11281 would have required that these weapons be used until a settlement had been reached and, thus, a degree of finality would have been built into the Railway Labor Act. Far from abridging the workingman's right to strike, H.R. 11281 would have guaranteed it by permitting a selective strike prior to the meeting of the Presidential Emergency Board. For reasons of national or regional health or safety, this strike would necessarily be limited; yet, it would be permitted to continue so long as it did not exceed its legal limits.

The only causes for the President to terminate this selective strike would have been if it spread beyond the limits set by law, or if the President determined that the strike, if permitted to continue, would result in injury to the national or regional health or safety. Only at that point, if the dispute were still unresolved, could the President have called for an emergency board and used the arsenal of weapons that the bill provided.

My cosponsors and I felt that this approach was the most equitable way of handling a very critical situation, for it would have protected the rights of the working man without sacrificing the public interest.

A similar approach to the Taft-Hartley Act, designated as title II in H.R. 12702, would have given the President the power to order a 30-day cooling-off period; to order a partial operation of the industry; or to utilize the final offer selection process. Again, I stress that it was our goal, while providing the machinery for settlement, to give incentive to bargain collectively and yet provide flexibility for different situations.

Mr. Speaker, the dangers from strikes in the transportation industry have been tremendous. A brief survey of the economic impact of the two most recent transportation labor disputes will point out to my colleagues in the House the intolerable burden that these strikes place not only on the economy and the American people in general, but also for the transportation workers themselves.

The 19-day "selective" rail strike by the United Transportation Union last summer was hardly selective in its effects on the Nation's economy. Ten major rail carriers and almost 50 percent of the country's railroad carrying capacity were halted, and the union had immediate plans to strike eight more carriers if the dispute had not been settled on August 2. As it happened, the UTU strike brought much commerce to a virtual standstill. Bituminous coal shipments were reduced by 67 percent; the California agricultural community lost more than $11 million per day because it could not ship its produce to market; the sugar beet industry, so vital to my home district, cut production by 70 percent; the loss to the northwest lumber industry amounted to more than $28 million. In addition, the strike threatened the entire automobile industry, and Chrysler indicated that had they been without rail service much longer, they would have been forced to lay off more than 100,000 workers.

The recently concluded west coast dock

strike, a labor stoppage that had continued for 135 days, was even more economically devastating. West coast ports lost an estimated $23.5 million daily, and the White House calculated that as of January 21, the walkout resulted in the loss of $1.4 billion in foreign trade. Individual companies on the west coast and Hawaii suffered losses as high as $6 million during the strike, and many observers feel that the strike may have caused a permanent loss of export markets. As President Nixon has said:

> There is an increasing danger that some of these trade losses will become permanent, as foreign purchasers come to believe that our farmers and businessmen cannot provide dependable deliveries. Japan, a billion-dollar market for agricultural imports, has already asked other suppliers to step up production so that it can lessen its dependence on American exports.

The west coast strike also resulted in millions of dollars of lost income for the longshoremen and their families. The Pacific Maritime Association figured that during the first 100 days of the strike, wage and fringe benefit losses totaled $45 million. Prorating these losses for the full length of the strike resulted in an estimated $55 million loss to the workers, or an average of $3,600 per man. For the longshoremen, this loss was very severe, especially since the ILWU does not maintain a strike fund.

The Nation is currently facing several potential transportation labor disputes that could very well result in crippling strikes. An unresolved labor dispute between the Sheet Metal Workers International Association and the railroads could lead to a rail strike before the end of March. On February 23, the National Mediation Board advised that its efforts to bring about an amicable settlement had failed. The NMB suggested that the parties submit their dispute to voluntary arbitration. The carriers have agreed to this arbitration, but the sheet metal workers have rejected this arbitration.

Should this controversy follow the pattern of so many recent railroad disputes, we will have, within a very short time, another intolerable railroad strike. Then, as in the past, Congress will be forced to legislate an ad hoc settlement. I also need not point out to my colleagues that under new contract agreements, all railroad contracts now expire on a single date—July 1, 1973—and the threat of a nationwide rail strike at that time is very real.

The dock strike still has not been completely settled, either. East and gulf port longshoremen had promised to work without a contract until March 14th. While it appears that the longshoremen in most ports have agreed to sign new contracts, several ports, including Philadelphia, Baltimore, and Houston, have still been unable to resolve their differences completely. A renewed strike in one or all of these ports is a definite possibility at this time. In addition, the ILWU has indicated that it will strike again if the Pay Board refuses to grant the full increase of their new contracts.

In conclusion, Mr. Speaker, it is true that the subcommittee's refusal to report out H.R. 11281 may delay passage of permanent strike legislation temporarily. However, this legislation is of such great importance that I firmly believe that it cannot delay it permanently. The President and the Secretary of Labor have been pressing repeatedly for this legislation for more than 2 years; more than 70 of our colleagues in the House have joined me in my legislative proposals; numerous other Congressmen and Senators have introduced their own plans.

Clearly, the creation of permanent mechanisms for handling emergency transportation strikes is an idea whose time has come. It is my hope that Congress will pass such legislation quickly. In the meantime, I would strongly urge my colleagues to reject any ad hoc legislation that might be required and insist that it be replaced with permanent strike legislation.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HARVEY. I yield to the minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I share the views expressed by the gentleman from Michigan (Mr. Harvey). I think it was most unfortunate that the subcommittee did not act affirmatively on the legislation the gentleman has described.

As the leader on this side of the aisle, I have introduced in 1970 and 1971 the legislation recommended by the President to provide permanent legislation to meet the problem of crippling transportation strikes of a crisis nature. This legislation is essential if we are to avoid the kinds of problems that have happened in the past and the kinds that could very well happen in the future. I hope some action can be taken by the Congress this year to meet these crises in transportation.

Mr. Speaker, the gentleman from Michigan deserves great credit for his efforts in this regard.

Mr. HARVEY. Mr. Speaker, I thank our minority leader for his contribution.

Mr. LLOYD. Mr. Speaker, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman from Utah.

Mr. LLOYD. Mr. Speaker, I rise to commend the distinguished gentleman from Michigan (Mr. Harvey) for his dedicated and persistent effort in urging this House to face up to the desperate need for new legislation to protect the public from devastating strikes.

It is well known that I share his dismay at the irresponsible failure of the Congress to come to permanent grips with this problem.

Organized management and organized labor working together in an effort to resolve labor disputes have obviously failed to protect the public interest, and when I speak of those involved in the public interest, I mean the members of striking unions as well as the stockholders and management of the shipping companies. The public interest is sacrificed as the warring parties fail to find a peace agreement. This Congress, which should give highest priority to representing the public interest in these labor tie-ups causing widespread economic damage, stands helplessly by and does nothing. It is incredible that in these early weeks of this session of Congress when we have had a very thin schedule, we have devoted not 1 minute's time on the floor of this House to this great problem facing the Nation.

As chairman of the House Republican Task Force on Labor-Management Relations, I have had the special opportunity to study our experience under existing laws and I must say, I have been appalled at the record.

In the 25 years since Congress passed the Taft-Hartley Act, its provisions for dealing with strikes which imperil the public health or safety have had to be invoked over 30 times. Moreover, its emergency procedures have been used more often to halt work stoppages already in progress than to avert threatened strikes. In other words, the damage has already been done before relief comes.

So that all of the Members may have an opportunity to see the facts of this record for themselves, I am inserting at this point in my remarks tables summarizing the Taft-Hartley experience up to the recent longshore disputes:

DOCUMENT II-B-2.—HIGHLIGHTS OF NATIONAL EMERGENCY DISPUTES, 1947-68

		Strike status			Settlement reached				
						With injunction			
							After 80-day cooling-off period		
Industry and date of dispute [1]	Number of workers involved [2]	Approximate calendar duration (days)	In progress before injunction	Halted by injunction	Without injunction	Within 80-day cooling-off period	Without strike	After striked	Last offer ballot
Bituminous coal mining:									
Mar. 15-Apr. 12, 1948	320,000	41	×	(3)		×			None.
June 19-24, 1948	(4)	(4)	(4)	(4)	×				Do.
Sept. 19, 1949-Mar. 5, 1950	337,000	116	×	(5)		×			Do.
Meatpacking: Mar. 15-June 5, 1948	83,000	82	(6)	(6)	×				Do.

Footnotes at end of table.

DOCUMENT II-B-2.—HIGHLIGHTS OF NATIONAL EMERGENCY DISPUTES, 1947–68—Continued

	Strike status				Settlement reached				
						With injunction			
							After 80-day cooling-off period		
Industry and date of dispute[1]	Number of workers involved[2]	Approximate calendar duration (days)	In progress before injunction	Halted by injunction	Without injunction	Within 80-day cooling-off period	Without strike	After striked	Last offer ballot
Atomic energy:									
Mar. 5–June 15, 1948	(4)	(4)	(4)	(4)			X		Rejected.
July 6–Nov. 7, 1954	4,500	4	X[7]	X[7]			X		Do.
July 6–Aug. 18, 1954	(4)	(4)	(4)	(4)	X				None.
May 10–Aug. 5, 1957	1,500	6	X	X			X		Rejected.
Basic steel: July 15, 1959–Jan. 28, 1960	519,000	116	X	X		X[8]			Do.[9]
Nonferrous smelting:									
Aug. 27–Nov. 5, 1951	40,000	12	X	X		X			Do.[10]
Sept. 30, 1966–Feb. 3, 1967	2,000	83	X	X		X			None.
Fabricated metal products: Aug. 29, 1952–Feb. 20, 1953	1,600	106	X	X		X			Do.
Aircraft-aerospace:									
Apr. 2–Aug. 12, 1962	8,800	76	X	X		X			Do.
Nov. 28, 1962–Jan. 27, 1963	20,000	2	X[11]	X[11]		X			Do.
Jan. 23–May 10, 1963	(4)	(4)	(4)	(4)			X		(12)
Oct. 17–Dec. 11, 1966	6,100	2	X	X		X			None.
Apr. 15–July 3, 1967	2,400	1	X	X		X			Rejected.
Shipbuilding: Nov. 4, 1966–July 18, 1967	9,700	130	X	X			X		(13)
Maritime:									
June 3–Nov. 25, 1948	[14] 28,000	95				(15)	(16)	X[17]	(18)
June 16–Sept. 21, 1961[19]	2,700	32	X	X[20]		X[21]		(21)	Rejected.[22]
Mar. 16–July 16, 1962[23]	5,000	27	X	X		X			(24)
Stevadoring:									
Aug. 17–Nov. 28, 1948	45,000	18						X	Rejected.
Oct. 1, 1953–Dec. 31, 1954	30,000	34	X	X				X	None.
Nov. 16, 1956–Feb. 22, 1957	60,000	20	X	X				X	Rejected.
Oct. 1–Dec. 26, 1959	52,000	8	X	X		X			Do.
Oct. 1, 1962–Jan. 26, 1963	50,000	39	X	X				X	Do.
Sept. 30, 1964–Mar. 13, 1965	53,000	62	X	X				X	None.
Sept. 30, 1968–Feb. 25, 1969	[26] 50,000	70	X	X				X	Rejected.
Telephones: May 18–June 4, 1948	(4)	(4)	(4)	(4)	X				

Source: U.S. Department of Labor. Bureau of Labor Statistics. National emergency disputes, Labor Management Relations (Taft-Hartley) Act, 1947–68 Washington, 1969 (BLS Bulletin No. 1633).

[1] Defined as from the beginning of a strike or the appointment of a board of inquiry to date of settlement.

[2] Refers to those in a bargaining unit or to those directly involved in the strike.

[3] Strikers returned to work about 3 weeks after a temporary restraining order was issued.

[4] No strike.

[5] Injunction issued. In contempt proceedings, the union was found not guilty of ordering continuation of the strike.

[6] No injunction.

[7] Strike halted voluntarily before injunction was issued.

[8] 1 large and a number of minor producers reached agreement after the injunction was dissolved.

[9] Rejected by employees of 4 small companies.

[10] 1 major producer settled before the injunction was issued, and the other major producers settled within the injunction period. The last offer ballot was held in plants of 8 companies.

[11] Strike halted, on request of mediators, before injunction was issued.

[12] NLRB election held, but results not officially announced.

[13] Some issues were settled before and during the injunction period. Parties agreed to (1) submit unresolved issues to board of inquiry, (2) extend no-strike period beyond injunction period, and (3) request NLRB supervised last-offer before reactivating strike. Settlement, reached after injunction period without strike, ratified in NLRB ballot.

[14] Dispute involved the ILWU on the Pacific Coast and 6 maritime unions on the Atlantic, Gulf, and Pacific Coasts, and the Great Lakes. A strike occurred only on the Pacific Coast after the injunction was dissolved.

[15] On the Atlantic and Gulf Coasts.

[16] On the Great Lakes after the injunction was dissolved.

[17] On the Pacific Coast.

[18] Ballot was boycotted by the ILWU and not completed for off-shore union before the injunction was dissolved.

[19] Involved 7 maritime unions on the Atlantic, Gulf, and Pacific Coasts.

[20] Settlements with a number of the unions were concluded before the injunction was issued.

[21] 6 of the 7 unions had settled before the expiration of the injunction period; 1, on the Pacific Coast, settled later after a strike.

[22] By 1 union.

[23] Involved 3 divisions of 1 union on the Pacific Coast and Hawaii.

[24] Ballot mailed but results not certified because settlement was reached before end of voting period.

[25] Last offer rejected in West Gulf Coast Ports.

[26] Most ports had settled by March 1969. Still on strike at this time were Boston, Jacksonville, Fla., Baton Rouge, La., and West Gulf Coast Ports.

STRIKES AND SETTLEMENTS IN NATIONAL EMERGENCY DISPUTES, 1947–68

Strikes and settlements	Number of disputes	Number of workers[1]
Total	29	2,076,100
Settlements without strike	5	344,800
Settlements after strike	24	1,731,300
Within 80-day injunction period	13	1,316,600
After 80-day injunction:		
Without strike	3	15,700
After strike	[2] 7	316,000
No injunction issued	1	83,000
Strike occurred	24	1,731,300
Before 80-day injunction	16	1,332,300
After 80-day injunction	[2] 2	73,000
Before and after 80-day injunction	5	243,000
No injunction issued	1	83,000

[1] The number of workers refers to those in the bargaining unit or to those directly involved in the strike.

[2] 1 stoppage involved 6 maritime unions and the International Longshoremen's and Warehousemen's Union on the Atlantic, Gulf, and Pacific Coasts, and the Great Lakes. Settlements were reached for the Atlantic and Gulf Coasts and the Great Lakes during or immediately after the injunction period. The ILWU and several maritime unions struck on the Pacific Coast after the injunction had expired.

NATIONAL EMERGENCY DISPUTES BY INDUSTRY, 1947–68

Industry	Number of disputes	Number of strikes[1]	Vote on employer's final offer		
			Number	Accepted	Rejected
Total	29	24	15	0	12
Stevedoring	7	7	5	0	5
Aircraft-aerospace	5	4	[2] 2	0	1
Atomic energy	4	2	3	0	3
Bituminous coal mining	3	2			
Maritime	3	3	[3] 3	0	1
Nonferrous smelting	2	2	1	0	1
Meatpacking	1	1			
Fabricated metals	1	1			
Basic steel	1	1	1	0	1
Shipbuilding	1	1			
Telephones	1	0			

[1] Stoppages halted by an injunction and resumed after the injunction expired are counted as 1 strike.

[2] In 1 situation, vote was held, but results were not officially announced.

[3] In 1 election, the ballot was boycotted by 1 union and not completed by the other unions before the injunction was dissolved. In the 2d election, ballots were mailed, but the results were not certified because settlement was reached before the end of the voting period.

Our experience under the Railway Labor Act has been equally sorry. Time after time, the Congress has had to step in to act as arbitrator and devise an 11th hour solution to crippling strikes in the railroad and airline industries.

Again, I offer for the record a chronology of the ad hoc legislation that has had to be passed to resolve disputes where the procedures of the Railway Labor Act itself were inadequate to do so.

[Document II-A-3. Source: Library of Congress, Congressional Research Service]

CHRONOLOGY OF STRIKE-RELATED RAILROAD LEGISLATION SINCE THE END OF WORLD WAR II

During the post-World War II period eight Federal laws have been enacted to prevent or end threatened or actual rail strikes. The first, in 1963, dealt with a dispute on fireman manning and other work rules, which led to a strike in 1964 anyway. The legislative action in 1963 marked the first time since 1916, and the first time under the Railway Labor Act, that the Congress imposed a statutory settlement for a rail dispute. Three of the eight ad hoc laws were passed in 1967, to prevent a nationwide strike by six shopcraft unions. Another three of the statutes were enacted in

1970, two of them again involving shopcraft unions. The eighth instance of special Federal legislation occurred in 1971, to prohibit strike or lockout in a dispute involving the railway signalmen. It is noteworthy that four of the eight instances took place in the last two years, seven of the eight in the last four years.[1]

The following chronology summarizes the background and provisions of the eight ad hoc statutes.

1. Public Law 88–108, approved August 28, 1963 (77 Stat. 132). Established a seven-member arbitration board to make a decision binding on both parties (Class I railroads and five operating brotherhoods) with respect to (1) use of firemen on diesel locomotives, and (2) the size of road and yard crews. These were the two primary issues in dispute. Directed the parties to immediately resume collective bargaining on all other (secondary) issues not covered by the arbitration provision. This dispute, begun in 1959, progressed for several years without settlement through procedures within the Railway Labor Act and then outside the Act.[2]

This law prevented a threatened nationwide railroad strike scheduled to begin at 12:01 a.m., August 29, 1963. The action marked the first time since 1916 that the Congress imposed an ad hoc legislative settlement for a rail dispute.

The parties failed to reach agreement on the secondary issues which Public Law 88–108 did not settle by arbitration. A two-day strike resulted, on April 8 and 9, 1964, involving the Illinois Central Railroad and 5,000 members of four operating brotherhoods (engineers, firemen and enginemen, conductors and brakemen, and trainmen). The strike was terminated through intervention of the U.S. Secretary of Labor. An agreement reached through the mediation efforts of a government-appointed panel was tentatively approved April 22, 1964, and signed by the parties June 25, 1964.

2. Public Law 90–10, approved April 12, 1967 (81 Stat. 12). Delayed for 20 days (until May 3, 1967) a nationwide rail strike scheduled for April 13, 1967, by six shopcraft unions against most of the nation's major rail lines, accounting for over 95 percent of total rail mileage in the United States. The unions were the boiler makers, machinists, sheet metal workers, electrical workers, railway carmen, and firemen and oilers. The issue in dispute was wages. Recommendations of Emergency Board No. 169 had been replaced by the unions and all other procedures under the Railway Labor Act had been exhausted.

During the 20-day delay period, the President appointed a three-member special mediation panel which reported to the President April 22, 1967. The report included a mediation proposal for disposition of the dispute, but this recommendation failed to effect a settlement.

3. Public Law 90–13, approved May 2, 1967 (81 Stat. 13). Delayed for an additional 47 days, until June 19, 1967, a threatened nationwide strike by the same six shopcraft unions against most of the nation's Class I carriers, with the understanding that President Johnson would offer a plan to settle the controversy "within a few days."

On May 4, 1967, the President in a message to Congress recommended special legislation to resolve this dispute and the brotherhoods agreed to withold unilateral action for a reasonable period of time. When it appeared that enactment of legislation might be delayed, the brotherhoods on July 11, 1967 withdrew their commitment against unilateral action, effective July 15.

4. Public Law 90–54, approved July 17 1967 (81 Stat. 122). Ended a two-day series of sporadic work stoppages on July 16–17, 1967, affecting various carriers throughout the nation. The striking organizations were the six shopcraft unions involved in the impasse which occasioned enactment of Public Laws 90–10 and 90–13 (items 2 and 3 above). This was the first nationwide rail strike since 1946.

Public Law 90–54 also provided a procedure for final disposition of the dispute by a five-member Special Board, which issued its report and determination on September 15, 1967. The Special Board's determination was not modified by the parties in subsequent conferences and became effective October 16, 1967.

5. Public Law 91–203, approved March 4, 1970. Enacted to prevent a nationwide rail strike scheduled to start at midnight March 3, 1970, in a dispute between carriers represented by the National Railway Labor Conference and four shopcraft unions (machinists, electricians, boiler makers, and sheet metal workers). Prohibited strike or lockout for 37 days, until April 11, 1970.

This dispute already had caused a one-day strike on January 30, 1970 by 48,000 members of the four shopcraft unions against the Union Pacific Railroad. On the day of the strike the Class I rail carriers announced a national lockout. A temporary restraining order was then issued by the U.S. District Court for the District of Columbia, prohibiting both the nationwide lockout and the strike against Union Pacific.

Issues in the dispute were wages and work rules. Contract negotiations had begun in November 1968. Emergency Board No. 176 had been unable to resolve the dispute.

6. Public Law 91–226, approved April 9, 1970. Provided a settlement for the labor dispute between the carriers and the four shopcraft unions indicated above, in item 5. Established as the contract the terms of a memorandum of understanding, dated December 4, 1969, agreed to by all negotiators for the disputant parties, although subsequently ratified by the general membership of only three of the four unions involved. Failure to ratify by the fourth union, the sheet metal workers, had prevented the memorandum of understanding from going into effect.

7. Public Law 91–541, approved December 10, 1970. Extended until March 1, 1971, a prohibition against strike or lockout in a dispute between Class I carriers and four rail unions (operating employees, except engineers; railway clerks; dining car employees; and maintenance of way employees). Provided a 5 percent pay increase for the employees involved, retroactive to January 1, 1970, and a 32-cent hourly increase (approximately 8½ percent) retroactive to November 1, 1970.

This legislation ended a one-day nationwide walkout of 400,000 rail employees on December 10, the third nationwide rail strike since the close of World War II; the other such strikes occurred in 1946 and 1967.

Issues in this dispute were wages and work rules. The dispute had resulted in an earlier one-day strike, on September 15, 1970, which was halted by temporary restraining order of the U.S. District Court for the District of Columbia. President Nixon at that time appointed Emergency Board No. 178. The Board issued its report and recommendations on November 9, 1970. The carriers accepted the Board's recommendations but the brotherhoods rejected them. The brotherhoods subsequently struck on December 10, upon completion of the 30-day statutory "cooling off" period after issuance of the Board's report.

Three of the four unions settled with the carriers in February 1971. The fourth brotherhood, the United Transportation Union, did not settle until after a selective strike of 10 railroads during July and August 1971; this strike ended August 3.

8. Public Law 92–17, approved May 18, 1971. This legislation halted a two-day nationwide strike, May 17 and 18, 1971, precipitated by a walkout of 10,000 railway signalmen (mechanics working with electrical and electronic devices). This was the fourth nationwide rail strike since the end of the second World War, the earlier such strikes occurring in 1946, 1967, and December 1970.

Public Law 92–17 prohibited strike or lockout until October 1, 1971. It provided for a pay increase of about 13½ percent for the employees in the dispute (5 percent retroactive to January 1, 1970, and 30 cents an hour—approximately 8½ percent—retroactive to November 1, 1970).

Every American has felt the impact of these disputes in his pocketbook. Their effect on the economy as a whole has of course been disastrous. Let us consider, for example, what happens during a railway strike.

WHAT HAPPENS DURING A RAILWAY STRIKE?

U.S. News & World Report recently printed the following figures on the current importance of the railroads to the Nation's economy:

> U.S. railroads move: 41% of the Nation's intercity freight; 71% of the household-appliance shipments; 70% of the coal used by utilities and heavy industry; 76% of new autos and auto parts; 78% of the lumber and wood used in the U.S.; 40% of furniture shipments; 63% of chemicals—including most of those used to purify water supplies; 68% of iron, steel, and other primary metals; and 46% of meat and dairy products.

In addition, railroads each week carry an average of 4,041,000 commuter passengers and 1,494,000 other intercity passengers. The average cost of rail-freight in 1969 was 1.35 cents per ton-mile compared with 7 cents per ton-mile by trucks, and 21.09 cents by air carriers.

The Nation cannot stand a nationwide railway strike for more than a few days, because of the effects on commuters, the national defense, the supply of perishable goods, the mails, the electric power industry, and other industries such as automobiles, steel, coal, wood, and paper. The 2-day strike in May 1971 was reported to have left 350,000 commuters without trains, endangered fresh fruits and vegetables awaiting harvest and loading, and caused slowdowns in production and layoffs in the food processing, coal mining, automobile, and steel industries. Perhaps most alarming were the projections of unemployment at 8.4 percent after a 2-week strike and 22.1 percent after 8 weeks.

After the 1-day strike on December 10, 1970, Newsweek reported the following:

> The shutdown's effects were felt from coast to coast. In New York, 150,000 commuters were left without trains. General Motors Corp., which considers railroads an extension of its assembly lines, cut back production at four auto plants; coal mines were shut down in West Virginia, fuel supplies dwindled at power plants and thousands of cars loaded with perishables idled in freight yards. Christmas packages piled up in post offices, leading to a nationwide embargo on

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[1] The eight laws involved five separate disputes. For brief histories of these disputes, see John G. Kilgour, Alternatives to the Railway Labor Act: an appraisal. Industrial and labor relations review, v. 25, no. 1, Oct. 1971: 77–81.

[2] For further background and a fuller chronology of the fireman manning dispute, see Library of Congress, Legislative Reference Service, The Railway fireman manning dispute: history and issues, 1959–1970. Joseph F. Fulton. July 31, 1970. 23 p. HE 1001 U.S. Cl, 70–192 E.

all but first-class mail beyond a 300-mile limit.

U.S. News & World Report made a similar report on the effects of the strike:

> In major cities, hundreds of thousands of railroad commuters had switched to cars and buses, snarling traffic. In Chicago, for example, 17,000 extra cars hit the expressways the morning of December 10. The Chicago Transit Authority pressed into service all of its 2,000 buses and 1,200 rapid-transit rail cars. Said a Chicago official, "It's the worst jamup I've seen in my 35 years in public transportation work." . . .

After the 1967 railroad strike, then Senator Morse, Democrat of Oregon, inserted into the CONGRESSIONAL RECORD the following evaluation of the effects of that strike when it was just 12 hours old:

> 86% of the rail miles were shut down.
>
> Only 6 major railroads could operate.
>
> Defense shipments: 10 ammunition vessels were scheduled to load; however most of the 1,500 railcars required to load these ships were tied up and could not get to the ports. Hundreds of missiles in movement were *stopped*. Dozens of tanks and armored personnel carriers between depots and ports for movement to Vietnam were *stopped*. Several Polaris missiles and other classified shipments were *tied up*.
>
> Passengers: Nearly 400,000 commuters were stranded in New York, Chicago, Philadelphia, Boston, and San Francisco alone. All long-haul passengers were stopped.
>
> Mail: First-class mail could move only on a priority basis by the end of the day. An embargo was in effect on all 2nd, 3rd, and 4th class mail over 150 miles.
>
> Perishables: 10,000 cars of refrigerated shipments—fruit, vegetables, eggs, etc.—*stopped*. 200 cars—livestock on the hoof—*stopped*.

THE DOCK STRIKES

The recent longshore disputes had an equally telling toll on our economy. In this case, it was the farmer who was hardest hit. The Department of Agriculture has estimated that farmers losses will total over $1 billion and that it will take at least 15 years to reestablish trading patterns with foreign nations which were disrupted and sometimes completely severed during the course of the strike.

Again, during October and November of 1970, the east coast and gulf ports handled 917 million in agricultural exports. For the same period in 1971 they moved only 400 million.

On the west coast, the dock workers strike reduced agricultural exports by 215 million during July and September compared with the previous year. The majority of losses were in wheat, perishable vegetables, and fruit.

The real tragedy of this situation, as these impact figures show, is that it was innocent people who had no involvement in the dispute itself who were hurt the most.

Mr. Speaker, I am frankly at a loss to offer any answer when I am asked why the Congress has not acted to prevent these economic holocausts.

Certainly, it is not due to any lack of available solutions.

Over three times in as many years, the administration has suggested legislation to provide permanent mechanisms to prevent these big strikes from occurring or to quickly terminate them if they do. A number of Members from both parties have also introduced legislation of their own. Yet it continues to collect dust while the strikes go on.

The recent dock situation is a classic illustration of the folly of the Congress' shortsightedness in this regard. After a 134-day strike, emergency ad hoc legislation was passed at the 11th hour—but we again refused to go further and provide a mechanism to insure that the situation would not arise again.

As a result, we are again today—less than a month later—faced with a resumption of that walkout.

Nor is this the only strike threat hanging like a dark cloud over the Nation at this time. Indeed, there is a very real possibility that east and gulf coast longshoremen may close those ports down as well, in a sympathy action. Additionally, contract negotiations between the sheetmetal workers and the railroads are reported to be at an impasse and could flair into a major rail strike very shortly.

Mr. Speaker, I abhor as much as any Member the necessity to restrict the rights of the parties to free collective bargaining. But I do not accept the theory that the public should be made hostage to the collective bargaining system. Yet that is exactly what has happened in the case of these major labor disputes. Clearly, the time is long overdue to put an end to this situation and give the public the protection it deserves against devastating labor strife.

Mr. HARVEY. Mr. Speaker, I thank my friend, the gentleman from Utah. I also wish to congratulate the gentleman on the work the Republican task force has done and the very great contribution that they have made on this subject.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman from New York.

Mr. SMITH of New York. Mr. Speaker, I thank the gentleman from Michigan for yielding.

Mr. Speaker, I think the time is past when the American people are going to continue to tolerate the crippling strikes that tie up transportation and threaten the health and safety of the Nation. I congratulate the gentleman on sponsoring the legislation which I was proud to cosponsor with him to provide some reasonable machinery and machinery which takes into consideration not only the health and safety of the people of this Nation, but also the rights and responsibilities of both organized labor and the employers.

I would say that particularly worthy of approbation would be the imaginative provision of options to the President in the event of such a crippling strike. I am entranced by what to me was a new idea of this final offer selection mechanism which, as I have heard the gentleman say before, has a tendency to bring the negotiating parties together instead of, as collective bargaining does so often today, thrusting them apart.

I believe the more we can bring labor and management together the more the American people will benefit.

I thank the gentleman.

Mr. HARVEY. I thank the gentleman from New York.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. I thank the gentleman for yielding to me.

First I want to join my colleagues in commending the gentleman in the well for his leadership and for the intelligent study that he has put into the final form of a bill, that I have cosponsored with him. This is a very fair bill. It is fair to industry. It is fair to labor. And it certainly takes into consideration the public welfare. It certainly ought to be given more serious consideration than it has had up to now.

Mr. Speaker, emergency strike legislation, I believe, was dealt a narrow and yet a serious and unfortunate defeat by the Transportation and Aeronautics Subcommittee. At a time when we have recently suffered through a long, costly, and harmful dock strike, this action seems illogical, to say the least. The economic effect, Mr. Speaker, on the farmers in Iowa and the Midwest has been disastrous up to now. We can establish beyond question of a doubt that the price of corn was down 10 cents a bushel, and with a surplus of corn the price already had been low. This is the kind of price they should not have to pay.

Mr. Speaker, through the years Congress has been criticized for moving forcefully and decisively only when prodded by an issue of great national importance. We seem to act only in a national emergency, and then only on a specific issue. Here we are confronted with such an issue, yet the Congress is being frustrated in its attempt to solve the problem and to prevent such disastrous strikes from occurring in the future. We cannot afford to overlook the problem for the time being. We need action now to bring stability to America, and we need to help the laboring people who are adversely affected by the prolonged strikes that occur in these kinds of situations.

While recognizing the inherent good in collective bargaining and good faith efforts at settlement, this legislation realizes that agreement is not always possible. Strikes are inevitable in many circumstances; and strikes, per se, are not to be discouraged. Of course, if management and labor were always able to resolve their differences we would not be faced with this difficult task. And in many circumstances labor-management disagreements do not reach the proportions which directly affect the national interest. What is at issue are transportation strikes which are prolonged, which effect dramatically the economy, and which directly affect the national interest.

Mr. HARVEY's bill, which I have the privilege of cosponsoring, recognizes the disastrous effects prolonged transportation strikes can have on the Nation. Millions of Americans can be, and are, affected by such strikes. The recent dock strike dramatically illustrates such effects. It has been estimated that the dock strike cost the United States billions of dollars. However, we may still ask—is this legislation really necessary?

Former President Lyndon Johnson, in his 1966 state of the Union message, recognized this problem and asked "Congress to consider measures which, without improperly invading State and local authority, will enable us effectively to deal with strikes which threaten irreparable damage to the national interest." President Nixon also faced this issue and called for a solution. Most major groups feel that something must be done, although, admittedly, most disagree as to the elements to be included in any legislation.

Since 1936 we have been faced with 158 major transportation labor disputes, an average of over 4 per year. These disputes have had an untold adverse effect on our Nation, but any reasonable estimate would be in the billions of dollars. Today there are three impending transportation strikes which will add to that total. The history and extent of these disputes has been well documented and debated before, and further reference is unnecessary. The concern now becomes—what can we do to prevent such crippling strikes from continuing.

Here we must note that the emphasis is not upon prevention of strikes; rather, the emphasis is on providing the necessary machinery to curtail such devastating strikes and bring about their successful settlement.

The numerous bills introduced to date offer various solutions to the problem. The bill offered by Mr. HARVEY seems to provide the most efficient and effective machinery. But whatever bill can, or will, be decided upon must provide realistic machinery and must be fair to labor as we deal with prolonged, costly transportation strikes. We cannot afford to overlook this issue again. To do so would be failure on our part to face important issues and provide solutions to the problems. I hope we will have an opportunity to consider this legislation this year.

Mr. HARVEY. I thank the gentleman from Iowa.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I am happy to participate today in the special order on the subject of permanent legislation to cover labor disputes affecting transportation and communications which affect our Nation.

I commend my colleague from Michigan (Mr. HARVEY) for his leadership in requesting this special order and in devising a legislative remedy which would enable us to avert the costly work stoppages which adversely affect the Nation as a whole.

Mr. Speaker, the issue before us has been handled on innumerable occasions in the past on an ad hoc basis—frequently with last minute legislative and executive actions directed toward individual labor disputes.

Mr. Speaker, the recently ended west coast dock strike which continued for 134 days is reported to have been the most costly in our Nation's history. It is estimated that wholesale and retail businesses experienced losses of $29 million a week while this strike continued. In addition, industry and agriculture sustained losses estimated at $46 million per week.

Mr. Speaker, that costly strike kept 188,000 people out of work according to estimates of Secretary of Labor Hodgson. This figure is in addition to the days lost by those employed in agriculture.

Mr. Speaker, the labor disputes with which we are concerned today are not the typical conflicts by the representatives of labor on the one hand and representatives of management on the other. Indeed, what we are mainly concerned with is the economy of the Nation as a whole and work stoppages which interfere with the operations of other businesses and industries which depend upon such vital services and activities as transportation and communications.

Mr. Speaker, the legislation which my colleague from Michigan (Mr. HARVEY) has sponsored (H.R. 11281) and of which I am proud to be a cosponsor, is pending before the Interstate and Foreign Commerce Committee.

Mr. Speaker, it is my understanding that the chairman of the committee, the gentleman from West Virginia (Mr. STAGGERS) has tabled this legislation for this session of Congress. It is my hope that this action may be reconsidered and this measure may be brought to the floor of the House for consideration during this Congress.

Mr. Speaker, we have already delayed too long in the enactment of appropriate legislation to deal with strikes affecting these vital industries upon which our Nation's economy depends. I hope that this action which we are taking here this afternoon may be persuasive in producing at long last a legislative remedy for the crippling strikes and work stoppages at which this measure is directed.

Mr. Speaker, again I congratulate my colleague from Michigan (Mr. HARVEY) and I associate myself with his remarks.

Mr. HARVEY. I thank the gentleman from Illinois.

I yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding.

I, too, would like to congratulate him and the gentleman from Utah on their interest and leadership in this very important subject.

I am not personally ready to commit myself at this point to any particular legislation, but that we should consider general legislation in this field on this floor is past any rational dispute. Indeed it is really a disgraceful situation that we have not been able to move general legislation in this field out of committee for consideration well prior to this time. I, too, am entirely disgusted with the idea of voting emergency legislation from time to time and shoving under the rug consideration of a real national problem. In fact the only time we have even been able to consider emergency legislation which had any drive behind it, or teeth in it, was the other day under circumstances of extreme national emergency which became such that these circumstances overrode the leadership of the House, and of the committee, and the general disposition of the Congress, and then we got some legislation passed, even though it was emergency in nature.

Mr. HARVEY. Will the gentleman let me ask this question? Would he agree on the next occasion, on the next crisis, that we truly ought to have an opportunity to vote for permanent legislation rather than an ad hoc approach to that particular strike?

Mr. DENNIS. I certainly thoroughly agree with the gentleman on that. I do not think there is any question about it.

Normally speaking, I am in favor of collective bargaining. Also, normally speaking, I will say that when it comes to reform I am more inclined to be in favor of an equalization of the two sides by amendments to the Taft-Hartley law than I am for the compulsory arbitration approach, although in the field of transportation we have had so much trouble with national emergency strikes that I am coming to the point where I am inclined to favor some sort of compulsory arbitration in that field. But certainly, whatever we do, we ought to consider it on a permanent basis.

I may say also that in a meeting I was in the other day the indications were that we are probably going to face another emergency situation very soon, because the Pay Board is probably going to reject, in part, the longshoremen's settlement, which may well lead to another strike on the west coast and which may very well lead to a strike on the east coast and in the gulf ports as well, and it may be impossible then for this Congress no longer to avoid facing up to some sort of permanent action in this field.

So I commend the gentleman from Michigan for his interest and his leadership.

Mr. HARVEY. I would like to add to what the gentleman said about the imminence of the dock strike. Even if the Pay Board approves the west coast settlement at this time, the ILWU contract will expire on July 1, 1973, the very same date that the contracts for all of the railroad unions expire. It does not take much of an imagination to conceive of what could happen at that particular time if both the dockworkers and the railroad workers were free to go on strike.

I yield to the gentleman from Minnesota (Mr. FRENZEL).

(Mr. FRENZEL asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. FRENZEL. Mr. Speaker, the Transportation and Aeronautics Subcommittee of the Interstate and Foreign Commerce Committee has defeated emergency transportation strike legislation, and the committee chairman has been quoted as stating that any such legislation is dead for this session. Thus have the people of this country been virtually assured that future work stoppages in our Nation's vital transportation industry will again affect our daily lives, penalizing some of us with inconvenience, some with loss of wages, and some with loss of our jobs.

Eight times since 1963 we have had to pass emergency legislation to end rail strikes. We have just lived through west, gulf, and east coast dock strikes, some of which still threaten. It is hard to believe that the subcommittee could not find an acceptable means by which these devastating work stoppages could be prevented in the future. My constituency repeatedly asks me whether the Congress is oblivious to problems in our economy or simply unwilling to listen to the public. Usually I can tell them that the Congress is working on a solution. On this problem I must now tell them that we, or at least one subcommittee, are unwilling to provide relief.

The right to strike has been a necessary bargaining weapon for organized labor. Generally, it should be retained, and, if conditioned, must be compensated for. Unfortunately, when strikes occur in the transportation industry, too many innocent parties are seriously hurt. The ripple effect of transportation strikes causes economic hardship throughout our entire economy. Defenseless companies are put out of business and defenseless working people lose their jobs.

A current example exists within my district. A businessman there was forced to close the doors of his business as a result of the west coast dock strike. One hundred jobs, including those in his business and those dependent on it, many of which had existed for 20 years, came to an end when his business died. I include a copy of his letter to his suppliers in the Record at this point.

March 1, 1972.

Dear Supplier: It is difficult to write this letter to all of you with whom we have enjoyed a pleasant relationship over many years.

1971's dock strikes caused problems for all of us dependent on imports. Lack of supplies and finished products curtailed shipments for several peak months. Reduced cash flow required excessive borrowing.

Uncertain deliveries adversely effected sales. Anticipating a substantial sales increase, the year ended with a decline, and a large inventory. Much of this was sacrificed to obtain funds to satisfy as much as possible our creditors and bank obligations.

Our year's loss was sizeable. For many years we have used secured bank financing with favorable relations. Pursuant to its factors lien, the bank has taken possession of all inventory and accounts receivable. It would appear there will be a substantial amount remaining due the bank.

Our business involved virtually no production machinery. Fixtures and equipment are subject to a lien to the bank, and it is not anticipated that there would be any proceeds remaining. As a result, the Company has for practical purposes no remaining assets, and it has unsecured debt to numerous creditors in total amount of over $70,000.

Having been associated with the Company over twenty years, nine as president since purchasing its assets in 1962, I sincerely appreciate the many favors and friendly associations enjoyed with each of you during this time. I write with deep regret to advise that due to the above circumstances, we are unable to continue, and are forced as of this date to discontinue our operations.

Sincerely yours,

The Wallace Co.

I believe that those 100 jobs in my district could have been saved without seriously inconveniencing, or weakening the rights of, either of the bargaining parties. H.R. 11281 and Mr. Harvey's bill, H.R. 8385, allow for the regular negotiation process to take place, but they also equip the President with authority to take action in times of emergency to avert national crises, to resolve disputes, and to prevent the loss of jobs such as occurred within my district.

This Nation's economy is again threatened by a rail strike. The sheet metal workers are making a current threat, and other contracts expire on July 1, 1973. The threat of further dock strikes is still with us. There is an obvious and compelling need for emergency transportation strike legislation, not at some vague future date, but right now.

I have noted with interest rising sentiment in favor of such corrective legislation. An excellent editorial in the March 7 Minneapolis Tribune is one example of the changing attitude of the general public toward transportation strikes. This editorial also refers to statements by Mr. George Meany, president of the AFL–CIO, suggesting the possibility of "binding arbitration voluntarily agreed to." I include the Minneapolis Tribune editorial at this point in the Record.

[From the Minneapolis Tribune, March 7, 1972]

Alternatives to the Walkout

Small heresies are beginning to crack the dogma that surrounds the right to strike. Organized labor seems less dependent on the strike as a primary bargaining tool, although the changes in attitudes are still subtle. Congress seems closer than at any time in years to recognizing, by legislation, that in some situations strikes are intolerable. Both developments are encouraging.

More and more, one hears national labor leaders talk of alternatives. For example, the six maritime unions recently let shipowners know that their June 1 contract-expiration date isn't an automatic signal for a strike if new settlements are not then in hand. One idea being discussed is a no-walkout, no-lockout agreement to permit negotiations to go forward. Even George Meany, head of the AFL–CIO and a leading opponent of arbitration, now raises the possibility of "binding arbitration voluntarily agreed to."

The trouble with Meany's approach is that it would still permit the interruption of vital national services such as transportation. Under present federal laws, Congress acts only when a transportation emergency is at hand, often after a work stoppage has begun. To improve that unwieldy and ineffective procedure, the Nixon administration two years ago proposed a comprehensive new plan, which would replace the Railway Labor Act and expand the Taft-Hartley Act to include emergency procedures for transportation industries. One of its three options for strike avoidance is a mandatory, "last-best-offer" arbitration method.

Until recently, such proposals have gotten nowhere. But this year, when Congress approved an administration request for legislation to end the dock strike, the broader reform came surprisingly close to enactment. Offered in the Senate as an amendment to the dock-strike bill, it failed by a vote of 39 to 42.

This is a particularly appropriate time, then, for a push from the White House on transportation-labor reform. Storm signals flying in those industries should be a further incentive for Congress. Sheet Metal Workers threaten a strike against railroads over work rules; Teamsters against truckers over a deferred pay increase; Machinists against airlines over demands for increases in excess of Pay Board guidelines.

The Senate Labor Committee is scheduled to begin hearings on March 17 on administration and other proposals. We hope that proves a good omen for completion of transportation-labor legislation—with an arbitration alternative—in 1972.

Senate hearings on emergency transportation strike legislation will begin this week. It is my fervent hope that they will be more successful than those held in the House. In my judgment, it is a sad day when the House casts aside its responsibility so that the people of this country are forced to rely on the Senate for protection against economic disasters they cannot control themselves. Mr. Speaker, I urge the Transportation and Aeronautics Subcommittee of the Interstate and Foreign Commerce Committee to resume its hearings, to resume its deliberations, and to give this House a bill that will offer our people some protection from the disastrous economic effects of uncontrolled strikes in the transportation industry.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman from Oregon.

Mr. DELLENBACK. I thank my friend for yielding.

Mr. Speaker, I would like to say that I have great respect for our American system of free collective bargaining. I know that the gentleman in the well joins me in that respect.

By and large, in my opinion it has been a good system for resolving labor disputes, but there are times when it just has not worked. Last month's experience that this Congress had in dealing with the west coast dock strike was one of those unfortunate occasions. In my opinion Congress deserves credit for what it did on that occasion, in facing up to a truly national crisis. It faced up to it admittedly belatedly, but it did show that when the chips were down the problem could be met. However, that was an ad hoc treatment of a very special situation, and before we acted, great injury had been suffered by many workers, by many farmers, and unemployment resulted as a result of the strike.

Mr. Speaker, the gentleman from Michigan has been a leader in our efforts to move the Congress toward the establishment of a system for dealing with problems of this nature, not on a crisis basis or ad hoc basis, but on a general procedural basis.

It is most regrettable in my opinion that the legislation of the gentleman from Michigan was killed in the Interstate and Foreign Commerce Committee. I say this because in my opinion the House deserves an opportunity to work its will on that piece of proposed legislation. When we face as we do now the defeat of such legislation by a very narrow vote of a subcommittee of one of the committees of this Congress, where one or two votes which were present or one or two votes which were not present, could have made all the difference in the world, and where this House could have worked its will on this legislation, it is indeed unfortunate that we could not have had favorable action by the subcommittee on permanent legislation dealing with emergency strike situations.

But I think there is a burden on the Congress to face up to this problem. There are still ways in which we can do so, maybe through new legislation in the House Committee on Education and Labor, possibly through the Senate legislation which was referred to earlier.

In my opinion the gentleman from Michigan (Mr. Harvey) deserves great commendation from both sides of the aisle by this House. He was seeking to move the Nation's laws in the right direction toward a general procedural permanent law on the books to deal with this type of crisis.

I think we are going to see the day when the gentleman's missionary work in this field is going to bear fruit. I commend him for it. And for the sake of the Nation I hope that that day will come soon.

Mr. HARVEY. Mr. Speaker, I want to thank my friend, the gentleman from Oregon (Mr. Dellenback) for his comments. I would like to point out that now we must look for his leadership on the Committee on Education and Labor because in the House, as well as in the Senate, it is now up to that committee to originate emergency strike legislation.

I think my friend, the gentleman from Oregon, will agree with me also that the House Rules Committee should now permit the House to vote on permanent legislation. In this way, when the next crisis arises, the House will not have to vote on ad hoc legislation, applicable only to a particular crisis. Rather, the Committee on Rules should say to the House that we have an opportunity to work our will on permanent legislation to handle transportation strikes. We have had enough of them over the years, certainly, to warrant such action.

Again, I thank my friends for their comments on this very important matter.

Mr. CEDERBERG. Mr. Speaker, I join my distinguished colleague from our home State of Michigan, Congressman James Harvey, in deploring the action taken by the House Interstate and Foreign Commerce Committee to kill, for all intents and purposes, legislation to provide a permanent method for settling transportation strikes. Congressman Harvey is to be applauded for his nevertiring efforts to secure action on his emergency strike legislation.

I have served in this Congress for the last 20 years and during that time the Congress has seen 53 Presidential Emergency Boards set up to handle railroad disputes and has been forced to pass nine ad hoc settlements. The history of the other transportation industries is no better. We have been over this same ground time after time and still we have absolutely nothing to show for our efforts. The recent action of the Subcommittee on Transportation and Aeronautics has once again brought us to an all-too-familiar standstill.

When are we finally going to realize that the ad hoc legislative process that has characterized the history of railroad disputes is not an adequate method of handling these emergency situations? We seem to close our eyes to the basic need for permanent legislation until we are again faced with a crippling strike. Each time a dispute occurs we find ourselves no better prepared than we were the last time when we were forced to take 11th-hour action. This Congress must face up to its responsibility to act on behalf of the American people. After all, the people who are most hurt by these strikes are usually the innocent bystanders. Think for a moment about who is really carrying the burden of these strikes—the farmer who watches his crops die in the field, the businessman whose trade is hindered because he cannot obtain goods to stock his shelves, the commuter who is stranded, the consumer who is forced to pay higher prices because someone must absorb the loss of perishable goods and, most importantly, those who find themselves out of work.

We are continually faced with the threat of another stoppage, and as we look ahead the forecast is pretty gloomy. Congressman Harvey has explained just how serious the impending strike situation really is, and once again the Congress may find itself faced with another emergency situation.

Mr. Speaker, there is no excuse for further delay by this Congress and I implore my colleagues to continue to work for solutions to this national problem.

Mr. ERLENBORN. Mr. Speaker, in the 196 years since the start of our Nation, many elements of our society have tried to gather unto themselves more power than was good for them or good for the people, generally. Some have succeeded for a time, but in the end all have failed.

In the formative years of our Republic, Aaron Burr tried to aggrandize himself by starting a new nation to the West. It was not necessary to find him guilty of treason in order to thwart his scheme.

During the first 85 years of our nationhood, slave owners grew rich and powerful. In the end, it was necessary to fight a long Civil War to stop them.

Railroads were cut down to size by the Interstate Commerce Act of the 1880's; and corporations generally were restricted by the Sherman and Clayton Antitrust Acts.

In the 1930's, Congress saw clearly that the managers of business had gotten the upper hand over workers, and were using that authority to the detriment of wage earners and of the people, generally. The result was the National Labor Relations Act, giving workers the right to organize.

None of these powerful segments of the body politic has surrendered power willingly; but when the time has come to limit their power, most have understood and have yielded to moderate pressure.

Occasionally, however, the holders of extraordinary power have blinded themselves to the public interest. They have refused to bend, refused to compromise. Inevitably this has led to confrontation between them and the people, and the people have survived. Only once was the issue in doubt—in the Civil War.

Mr. Speaker, in the field of transportation, and perhaps in other areas of endeavor, the people of the United States are approaching a confrontation with the power of organized labor. With increasing frequency, labor unions have stopped the rest of us from moving the products of our labor from the places where they have been made to where they can be used.

With increasing frequency, Congress has been called upon to settle these strikes by special legislation, and our record is—to say the least—uneven. Most recently, we acted to end the strike of longshoremen at west coast ports—acted after the strike was 135 days old.

Another dock strike appears imminent, to be followed perhaps by another railroad strike. How long can the people stand that kind of pressure? Not very long.

Some of us believe there is a way to avoid these emergency bills which Congress does not handle well. In 1970, President Nixon proposed a formula for ending transportation strikes; and Representative James Harvey of Michigan introduced a bill which, I believe, is an improvement on the administration bill. Together with several others, I have joined as a cosponsor of the Harvey bill.

This bill was considered by the Transportation and Aeronautics Subcommittee which, by a 5-to-6 vote, killed it; and the chairman of the parent Interstate and Foreign Commerce has said that no further consideration of legislation to end crippling strikes may be expected this year.

Mr. Speaker, I suggest that all of us will be better served if we address ourselves to this problem now. I believe it is possible now to work out a solution which labor can live with and which will serve the people well. Postponement means that pressure will build higher and higher, and every mounting pressure increases the probability of an immoderate resolution.

Some Members of this body are considering, even now, whether they should vote against any temporary solution which may be suggested to us in the strikes which are likely this month.

I am aware that organized labor does not want legislation, such as the Harvey bill. To that, I can only say that I would not urge passage of a bill which will do harm to labor. In a day when corporations are big and strong, we need labor unions which are big and strong.

We also need legislation which will take the two sides to the negotiating table on equal terms. The time will not always be ripe for that. We had better act before the issue comes to the confrontation stage.

Mr. MONTGOMERY. Mr. Speaker, I would like to commend my colleague, Representative Harvey, for requesting this time in order that I and other Members of Congress might express our very strong feelings on the need to pass permanent legislation to deal with prolonged strikes in the transportation industry. We need effective legislation to protect the public interest against crippling strikes. It should hardly be necessary to point out the deficiency of current law. We have only to look at the terrible economic plight of American farmers, consumers, and foreign buyers of American goods as a result of the dock strikes last year.

H.R. 11281, or some similar bill, is needed to deal in a positive, equitable, and sensible way with the threat—or the reality—of national emergency strikes that arise from time to time in the transportation industry.

Dock strikes last year caused a terrible toll in farm income. My own State of Mississippi normally exports over $200 million in farm commodities a year. As would be expected, this amount was seriously reduced as a result of the dock strikes.

The west coast ports were closed in July 1971. They were reopened by Federal injunction after a 100-day stoppage that reduced agricultural shipments through these ports by about $200 million. East and gulf ports closed in October 1971. Some were open between October and the end of the year, but many were closed for all that period.

The result of the prolonged strikes was the rotting of perishable farm commodities which had to be destroyed. Grain and soybeans suffered millions of dollars of damage because the crops had no way to move into established port markets, and storage alongside docks is not available.

One of the most insidious facets of dock strikes is the effect they have on other segments of the economy. Because ports are closed, loaded barges and trains and trucks back up all the way to the harvest fields. As inland transportation grinds to a halt, domestic markets deteriorate.

It is estimated that closing east coast and gulf ports reduced the farm value of soybeans as much as 25 cents a bushel, and reduced corn prices as much as 10 cents a bushel. The strikes affected farm exports that normally would have amounted to $70 million a week.

Mr. Speaker, I urge my colleagues to accept their responsibility to deal with prolonged strikes in the transportation industry. Action is needed before the close of the 92d Congress.

Mr. FRELINGHUYSEN. Mr. Speaker, it is indeed unfortunate that the Transportation and Aeronautics Subcommittee of the House Interstate and Foreign Commerce Committee refused to report out H.R. 11281. The narrow margin of defeat, by vote of 6–5, reinforces my belief that there is significant support for this bill.

Recent and pending transportation crises surely show that this is an area which needs corrective legislation. Widespread economic dislocation like the kind the Nation suffered from the prolonged west coast dock dispute has long lasting effects. This legislation would go a long way in preventing future unnecessary stoppages.

Further efforts must be made by Members of Congress to pass legislation which will ease existing labor problems in the transportation industry.

Mr. DERWINSKI. Mr. Speaker, the devastating effects of the west coast dock strike are still felt in our economy and it is unfortunate that the majority party in Congress is deliberately ignoring long overdue legislation and refusing to address itself to this problem.

When collective bargaining breaks down completely the public suffers from the crippling effects of a strike having nationwide impact. An alternative must be found.

Certainly I appreciate the political debate that rages over this legislation but the obligation that we have to the public should be our major concern. Therefore, as a cosponsor of the legislation for emergency transportation strike action, I join in this special order this afternoon, and certainly hope that the majority party leadership will reconsider the negative action taken in the House Interstate and Foreign Commerce Committee.

Mr. MORSE. Mr. Speaker, I am very deeply distressed and disappointed by the recent decision of the House Interstate and Foreign Commerce Committee's Subcommittee on Transportation and Aeronautics not to report legislation revising procedures for settling national emergency labor disputes. The many rail strikes which have occurred in the recent past and which continue to confront the Nation, and the west coast dock strike settled last month, only after Congress enacted emergency ad hoc legislation, are indicative of the inability of current laws—the Railroad Labor Act and the Taft-Hartley Act—to deal with emergency labor disputes in a reasonable and orderly manner. These strikes and imminent threats of more serious work stoppages emphasize the vital need for permanent legislation which will enable the President to deal effectively with transportation strikes threatening irreparable damage to the national interest.

In the last decade, Congress has been forced to enact ad hoc legislation to prevent or end rail strikes eight times, four of them in the 2-year period 1970–71. There have been 12 major railroad strikes since 1953, and 17 major work stoppage in the airlines industry since 1936. The consensus among labor authorities, moreover, is that the mechanisms of the Railway Labor Act have not been working effectively. Negotiations between labor and management prior to the establishment of an emergency board, provided for under the Railway Labor Act, are minimal, and the proposed solutions of these boards are often not accepted.

Emergency procedures under the Taft-Hartley also do not guarantee settlement of disputes without strikes or lockouts. Since 1947, work stoppages have occurred in eight of the 31 disputes in which the emergency provisions of the Taft-Hartley law were invoked, after its settlement provisions had been exhausted. Thus, while the President is able to label a strike as an emergency, he is left with no recourse after a 60- or 80-day period has expired other than to permit a strike or to submit the dispute to Congress for special legislation.

Our highly interdependent economy simply cannot withstand protracted interruptions in the flow of goods for more than a few days. During the first two weeks of the United Transportation Union strike last summer, for example, it was estimated that the loss of forest product shipments in the Western States alone amounted to $28 million, and had it lasted another 2 weeks, Chrysler Corp. would have been forced to shut down 35 plants and layoff approximately 110,000 workers. As a result of the west coast dock strike begun last July, unemployment in Hawaii reached a 17-year high, totaling at least 21,450 unemployed, while produce prices rose 10.8 percent. Perhaps most alarming were projections made after the 2-day rail strike in May 1971, that national unemployment after a 2-week strike would reach 8.4 percent, and 22.1 percent after 8 weeks.

Mr. Speaker, the need for legislation which will protect the public interest from undue disruption is imperative, especially in light of existing labor problems in the transportation industry. The Sheet Metal Workers' International Association and the railroads are currently in the midst of an unresolved dispute that could become another major railroad strike as early as March 23. All railroad labor contracts, due to expire on July 1, 1973, signal the threat of a nationwide rail stoppage at that time. In addition, no settlement has been reached with the longshoremen on the east and gulf coast ports, whose agreement to work without contract expired yesterday, thus carrying the threat of a renewed dock strike.

The floor of the House and Senate, in the midst of an emergency, is not the proper arena to resolve such disputes, nor is the current system of extrastatutory intervention by the executive branch. Without some form of permanent strike legislation, however, we may soon find ourselves once again called upon to pass emergency legislation to resolve individual disputes. I strongly urge, therefore, that the Subcommittee on Transportation and Aeronautics reconsider its recent decision on pending emergency transportation strike legislation, so that the Congress will not be denied the opportunity to consider more effective procedures for dealing with these disruptive situations.

Mr. HENDERSON. Mr. Speaker, the attitude the House is taking toward the very serious proposition of nationwide strikes in the transportation industry reminds me of a hit song recorded by vocalist Peggy Lee back in the 1950's.

It was called "Manana" and in it, Miss Lee assumes the role of a lazy young Mexican girl who worries about the leaky window when the rain is pouring in but will fix it tomorrow. She goes on to hope that tomorrow will be a sunny day and then protection against the blowing rain will not be needed.

Time after time in recent years, we in the Congress have faced a crisis strike threat in the transportation industry particularly the railroad industry. With the rain pouring in, we have patched our window temporarily with Scotch tape and Saran Wrap. Then as soon as the weather improved and we had an opportunity to enact permanent legislation to replace our jury-rigged patch job, we have backed off to wait for "manana."

It is ridiculous for the Congress to act hastily and under pressure in times of emergency and report legislation which is not really satisfactory to either side and is seldom satisfactory to us because we are forced to do so by the urgency of the immediate situation.

It is my intention to join my colleague (Mr. HARVEY) and other Members of the House in taking any action which might appear to be effective in bringing to the floor a permanent, long-range, carefully thought-out bill. I have joined the gentleman from Michigan in cosponsoring such a bill.

I am not totally wedded to its exact language, and I am sure this would be true for the other sponsors. But I am totally convinced that it is past time for some kind of permanent bill to reach the floor and put an end to patching windows with Scotch tape and Saran Wrap.

Mr. SEBELIUS. Mr. Speaker, it is a privilege to join with my distinguished colleague from Michigan, the Honorable JAMES HARVEY, to underscore the urgent need for congressional action on permanent emergency transportation disputes legislation. Congressman HARVEY's patience and perseverance have been an inspiration in our efforts to enact legislation to avoid recurrence of crippling strikes in the transportation industry.

No industry has felt the hardship of national transportation strikes more than agriculture. The farmer has been repeatedly forced to pay increasing transportation costs, and at the same time endure strikes that have depressed farm prices and disrupted markets that have taken us 20 years to develop.

The most recent illustration of a work stoppage at the farmer's expense was the Longshoremen's strike on the Pacific, gulf, and east coasts. This strike virtually stopped the marketing of grain and other products at the farm gate. When the strike hit last October 1, more than 1,000 barges and 1,400 railcars were brought to a standstill on the gulf ports and similar tieups were reported on the west coast. Farm prices dropped almost immediately.

Department of Agriculture authorities have estimated that the dock tieup during the 1971 farm harvest cut 10 cents per bushel from the price of corn and perhaps as much as 25 cents per bushel from soybean prices. Secretary of Agriculture Earl L. Butz has said recently that the dock strikes will cost farmers a billion dollars in income.

It is important to realize this income would have generated at least $5 billion of economic activity. In other words, this work stoppage was a direct disservice to consumers, business, labor, the domestic economy, the hungry and malnourished in underdeveloped countries, and the impoverished farmer-producer who is already caught in the grips of a price-cost squeeze.

To make matters worse, this sacrifice was unnecessary. It is appalling to note that jobs, economic prosperity, and our balance of payments position were sacrificed when congressional action on Emergency Transportation Strike legislation could have provided the framework for contract settlement short of a strike.

As the Representative of the largest wheat producing congressional district in the Nation. I am most concerned over the strike's impact on Kansas, the Nation's largest wheat producing State. Kansas wheat growers export about half of their wheat production. Last summer, Kansans harvested a record-breaking 313 million bushels, up 14 million bushels from 1970.

Normally, prices decline throughout the duration of the harvest period, but with the export demand of the past year, the grain trade was confident it could absorb the additional production and bring prices back up. Their confidence was borne out of the fact that in 1970 wheat prices in September increased 13 cents over August levels. However, the impact of the west coast strike and the theat of the gulf and east coast tie up resulted in an additional 2 cents per bushel drop in September to $1.26 per bushel from the $1.39 average price at the outset of the harvest.

Taken together, these losses mean these real and threatened dock strikes cost Kansas wheat growers a differential of at least 15 cents a bushel—or $45 million.

The national impact of the dock strike on the Nation's wheat growers is dramatized by the fact that in the 1970–71 marketing year wheat exports totaled 739 million bushels, and in the current marketing year wheat exports are now forecast at no more than 575 million bushels. The 1968–69 dock strike reduced the value of the U.S. farm exports $430 million below the farm export value of the previous year.

The impact of this action on the farmer's pocketbook is even more significant since $1 out of every $7 of farm income comes from the export market. The production from one cropland acre in four goes into export. The production from more than 70 million farm acres moves overseas each year.

It is also imporant to realize the effect of these strikes on our efforts to improve relations with other nations. President Nixon's action last summer to lift the old 50-percent shipping requirement, and the maritime unions' acceptance of that change, led directly to the recent breakthrough in agricultural trade with the Soviet Union. This development has opportunities with the Soviet Union and Eastern Europe.

When the U.S.S.R.'s Minister of Agriculture was in this country last fall, he emphasized his country's desire to increase the animal protein level in the Russian diet by 25 percent. He indicated that to accomplish that goal the Soviet Union would be required to import feed grains and soybeans or meal. Our surplus of high-quality feed grains and soybeans would logically lead to some kind of long-range trade agreement in view of recent U.S. trade expansion efforts. However, the discussions broke off short of any significant developments due to the uncertainty of a long-range uninterrupted supply prompted by our past history of dock strikes and the absence of meaningful solutions for future tieups.

On the domestic scene, Congress has been forced to settle railroad contract negotiations eight times since 1967. Unfortunately, congressional action was the last alternative and followed work stoppages which forced elevators to stockpile grain on community streets resulting in deterioration and losses to the elevator and local farmers.

I want to make it clear I do not favor Government intervention in collective bargaining or compulsory arbitration, but the public interest must be protected. The proposal we are discussing today is not labor's bill and it is not management's bill. It merely sets up an orderly framework for contract negotiations and settlement beyond the 80-day Taft-Hartley "cooling off" injunction.

This legislation gives the President the authority to extend the period of the injunction for 30 days, a most useful device if the dispute seems to be near an end.

Second, he could require partial operation of the troubled industry, so that those segments essential to the national health or safety could be kept in operation for an additional 180 days. This alternative should be extended to include regional disputes.

Or, he could invoke a "final offer selection" procedure whereby the final offers of each party would be submitted to a neutral panel. This panel would select, without amendment, the most reasonable of the offers as the final and binding contract between the parties. Unlike bargaining which now occurs under the Railway Labor Act or under arbitration, this approach would encourage the parties to narrow their positions so that they could persuade the panel of their reasonableness.

The consideration of this proposal by the Labor Subcommittee of the Senate Labor and Public Welfare Committee is encouraging. It reflects the broad base of public sentiment that supports this proposal to protect the public interest. I am hopeful that it will be possible for this distinguished body to review the recent vote by the Aeronautics and Transportation subcommittee of the House Interstate and Foreign Commerce Committee. Certainly, in this election year, the voters deserve to know how their representatives stand on this most important and far-reaching issue.

For too long the farmer has shouldered the burden of wage increases which are not substantiated by increases in productivity in the transportation industry. For too long the farmer has been the only man in our economy who has been forced to buy everything retail, to sell everything wholesale, and to pay the freight both ways. This must be changed to protect our food supply, the farmer, the consumer, and our economy.

It is time that Congress acts to afford the man—who is truly the backbone of our Nation—the protection that he deserves in marketing his products. Enactment of the proposed emergency transportation disputes legislation would open the doors to new opportunity not only for the farmer, but for the unemployed, the consumer, and the businessman, and would add a new dimension of economic stability which has been absent during each contract negotiation period.

Again, Mr. Speaker, let me say I appreciate the opportunity to join my colleague from Michigan (Mr. HARVEY) in making these remarks. The farmer, being a patient and optimistic man because of his longstanding annual efforts to harvest a crop and obtain the best possible price, is simply asking for fair play and justice. He cannot understand, and I must confess I have difficulty understanding, why Congress will not enact emergency strike legislation to protect the public and national interest.

The answer to this question appears to be relatively simple—despite some near misses, we have been outvoted by those who are not willing to even consider a reasonable compromise. I consider this attitude most reprehensive, but it does not mean those of us who are vitally interested in this legislation will give up. Quite the contrary, should our Nation experience yet another major transportation dispute, I feel the public would demand that Congress take action. In this regard, I am most appreciative of Congressman HARVEY's perseverance and leadership.

Mr. COLLINS of Texas. Mr. Speaker, as a cosponsor of H.R. 11281, which would create permanent mechanisms for settling emergency transportation labor disputes, I am very much concerned by the fact that Congress will take no action in this area during 1972. We have just concluded a crippling dock strike on the west coast that lasted 135 days. East and gulf coast dock workers are presently working without a contract and depending upon the outcome of present negotiations. We could conceivably find the eastern half of the country bottled up at any time. All railroad labor contracts expire July 1, 1973. We could see a complete tieup of our national rail system next summer.

We can no longer afford to postpone action until we are in the middle of a crisis. Our balance of payments, our economic recovery, and our employment needs demand that Congress work out a system now for settlement of these disputes. Strikes on the scale we have experienced lately reach far beyond the parties involved. Businessmen lose markets, travelers are delayed and inconvenienced, mail service slows to a trickle, perishable goods rot, production lines come to a halt, workers are laid off, expenses to the Federal, State, and local governments go up, revenues to the Federal, State, and local governments fall off—in short, our entire economy is dealt a severe blow.

The most telling argument in favor of the legislation we are urging today is the enormous costs to our economy. I would like to review some of these figures briefly.

President Nixon, in his February 2 speech to Congress on the impact of the west coast dock strike, brought out the following facts:

Between July 1 and October 9, 1971, American exports would have been $600 million higher if there had been no dock strike.

American farmers were particularly hurt. American farmers export the product of one out of every 4 acres of cropland. Between June and September 1970 farm exports from the west coast amounted to $288 million. During the same period in 1971, because of the dock strike, we exported only $73 million in farm products.

American wheat farmers have lost sales to Japan of 25 million bushels of wheat valued at $40 million since April of 1971. Japan normally purchases over 50 percent of her wheat from the United States. However, because the dock strike resumed in January and because Japan must be certain of firm delivery to feed her people, the Japanese purchased only 1.6 million bushels of wheat from the United States of the 8.7 million bushels needed for spring delivery.

As the President pointed out we lost $600 million in exports because of the recent dock strike. In the 1962–63 dock strike we lost $350 million in exports. In the 1965 dock strike we lost between $450 and $500 million. In the 1968–69 strike it was approximately $250 to $300 million. Our international balance-of-payments position cannot continue to absorb losses of this kind.

The U.S. merchant fleet is always a big loser in these strikes. It costs between $6,000 and $7,000 a day to operate a vessel even when a ship is tied up in port. In the 1969 dock strike 185 American ships were tied up in port at a cost of over $1 million per day. The current strike is estimated to have cost the shipping industry $3 million a week and the inland transportation companies $5 million a week.

The wholesale and retail trade sectors will have lost approximately $30 million per week and the industrial and agricultural sectors $46 million per week.

Transportation Secretary Volpe estimates the peak employment impact as follows:

Shipping—5,000 people out of work.

Inland transportation—10,000 people out of work.

Port services—18,000 people out of work.

Trade—7,000 people out of work.

Industry—148,000 people out of work.

These figures do not include workers displaced in the agricultural sector. The longshoremen themselves lost an estimated $410,000 per day in wages. Direct wage losses to ship's crews amounted to $5 million. The total estimated cost to the States of Oregon, California, and Washington was $23.5 million per day during the 100-day strike. Washington and Oregon lost $1 million per day in lost wheat and lumber sales alone.

Hawaii was hardest hit. Mr. Speaker, 80 percent of the goods consumed in Hawaii are shipped in. Most of the food is shipped from the west coast ports. With the dock strike in effect, food had to be flown in or shipped from other ports. This pushed food prices up 8 percent between July 1 and the wage-price freeze in August. Rice, an important food staple in Hawaii, had to be rationed.

Mr. Speaker, these are just the first and most readily apparent costs of the dock strike. Clearly, the absolute right of any segment of the population to strike for increased wages is not so sacred that it should result in this broad economic harm to the rest of the country. There is an imbalance of power here that must be corrected. The future economic health of the United States requires us to act.

Mr. ANDREWS. Mr. Speaker, North Dakota is the most agricultural State in the Nation, with 85 percent of my State's income agriculturally oriented. In order for this economy to be sound, however, we must continue to develop foreign markets for our products. Fifty-five percent of all the wheat we grow, for instance, must be exported. In 1970, during the months of July, August, and September, $88.7 million of wheat was exported from Pacific coast ports, and in 1971 during that same time when the dock strike was in effect, only $1.4 million of wheat was shipped. This represents 2 percent of the 1970 figure and was a devastating blow to the economy of the farmers in my State and cannot be tolerated.

The Congress must face up to our responsibility and enact legislation that will protect farmers and the public from the economic disaster of lengthy transportation-labor disputes.

At the end of October, it was estimated that the dock strikes had reduced farm exports for fiscal year 1972 by some half billion dollars. Some of this business may be regained as the year goes along, but most of it is lost forever. Moreover, the future outlook for agricultural exports may well have been jeopardized, since the strike situation casts doubt on our dependability as a supplier and is helping our competitors get a foothold in some of our best markets.

To illustrate what is happening, consider our wheat sales to Japan—our largest overseas customer not only for wheat but for all agricultural commodities. Japan prefers to buy all its wheat from west coast ports and thus was immediately affected when they closed. Figures have been announced on the Japan Food Agency's purchases of wheat for the April–October period, the first 7 months of the Japanese fiscal year. Purchases during this period totaled 2.8 million metric tons, compared with 2.7 million metric tons during the same period in 1970. So you can see that purchases are up.

But, the tragedy for the American wheat grower is that while in 1970, more than 58 percent of these purchases were U.S. wheat; in 1971 the percentage dropped to 42 percent. That is a decline of approximately 400,000 metric tons, worth roughly $25 million. All of that business went to Canada and Australia, our major wheat competitors.

After all, when a boat leaves Japan, its cost to operate on the high seas is some $1,500 to $2,000 per day. If there are rumors of a dock strike in effect or one coming up, that ship obviously will not be sent toward the United States but rather will head for Australia. Here again, the impact is on the farmer. Because of the strike, he ends up being the innocent but injured third party. Labor union leaders and dock operators are fighting over containerization. The work rules revolving around the use of packaged methods of shipping goods overseas has nothing to do with the bulk loading of commodities such as grain.

Many people in our country feel that there is a natural alliance between the working man and the farmer, and there is because if the workingman is not getting a good wage, he cannot buy the food that we produce. And, certainly, farmers are some of the hardest workers to be found anywhere. But this pulling together seems to go out the window when it comes to top leadership in some of the unions. If the union bigwigs were really concerned about the farm families, they could have, in their strike, exempted bulk loaded commodities which were not under work rule disagreements. But they did not. The last estimate I heard was that the dock tieup cost U.S. farmers $729 million. This represents sales we lost directly, but since our foreign customers were forced to find other, more dependable sources of supply to meet their immediate needs, the impact will continue and the total of our lost sales will not be known for some time. Certainly, however, they could exceed 200 to 300 million bushels and this loss of income to U.S. farmers will never be recovered.

Japan is not the only market where we have lost wheat business as a result of the west coast strike. We have lost sales in Taiwan, in Korea, and in the Philippines, as well as in such nations as Iran and Nigeria. Even our own offshore State of Hawaii was forced to take a shipment of wheat from Canada because it could not get it from the mainland.

The American farmer has made a tremendous investment to continue as the most efficient producer in the world. The investment behind the average farm family worker is $50,000 while the average investment behind an industrial worker is $25,000. The farmer must pay interest on this huge investment in land, modern machinery, fertilizer, insecticides, seed, labor, and many more items. These production costs must also come from somewhere. If we will provide farmers with a decent return, however, they will provide food for all our domestic needs as well as a large part of that needed abroad.

American farmers have always bought in a protected market. They pay American prices for the goods they purchase, yet must sell in a free international market, competing with goods produced by those with a wage scale only a fraction of that in the United States. There perhaps would be less need for price supports if the American farmers could buy in a completely free market. Until this is possible, however, it is up to us to give the assistance necessary to insure the American people that they will be able to buy enough to eat at a reasonable cost.

Of course, tieups due to strikes were especially difficult this year due to the bumper crops experienced not only in North Dakota but throughout the Nation. Our marketing system is at present being called upon to handle large additional quantities of grain. This increase in production would be hard to handle even under normal conditions, but with the situation as it now stands, we are facing a critical situation which, as I have suggested, could be detrimental to thousands of farm families.

While the dock workers are now back on the job, the United States continues to have the reputation of undependability as a supplier, which is helping our strong competitors get in the front door in some of our best markets. This situation will remain until the Congress acts to pass permanent legislation dealing with transportation tieups. We must do all we can to prevent further hardships on not only the farmers but our entire population.

Mr. WYLIE. Mr. Speaker, the distinguished gentleman from Michigan is to be commended for taking this special order and for his able perseverance with regard to emergency strike legislation. As a member of the Republican Task Force on Labor-Management Relations, I have a special interest in finding a satisfactory legislative solution for crippling national or regional labor disputes. Congress must act to pass legislation designed to deal effectively with economically disastrous strikes in the transportation industry.

The trade union movement has done much to alleviate long hours, low wages, lack of job security, and miserable working conditions for the workingman, and ought to be aided in these respects. Congress responded to these needs and legislation has been enacted to enable unions to function in a proper manner to redress industrial inequities.

In recent years organized labor has grown and expanded its operation into an entity of immense economic and political power. It is obvious to any serious observer that in the last 40 years the locus of industrial power has surely shifted from management to organized labor at the contemporary collective bargaining table.

The laws that, in theory, were supposed to grant equal negotiating positions to labor and management to facilitate free effective collective bargaining have in practice failed in that function. This, I submit, is especially true in the transportation industries.

Look at the record under the Railway Labor Act. Between 1953 and 1972 there were 53 Presidential emergency boards concerned with rail disputes, 12 major rail strikes, and nine ad hoc settlements imposed by the Congress. Commercial aviation labor disputes between 1936 and 1972 required 33 Presidential emergency boards, and caused 17 major work stoppages.

Under the Taft-Hartley Act the situation has not been much better. Labor differences with the maritime unions, 1947 until the present, show a record of four major labor disputes, three Taft-Hartley injunctions, and two strikes after a Taft-Hartley injunction had expired. During the same period, the longshoremen were engaged in nine major disputes requiring eight Taft-Hartley injunctions with seven strikes after the expiration of the injunction period. In February of this year the Congress passed emergency legislation after the fact to insure that the west coast dock strike would be ended.

The aforementioned tieups in vital transportation industries have caused serious economic harm. In the recent west coast dock strike, many firms in the export and import business suffered severe financial loss, and in some cases were even forced into bankruptcy. American agriculture was especially hard hit by this work stoppage which prevented the export of foodstuffs to world markets. Many foreign purchasers of American made products, and produce are now looking elsewhere because they feel that our labor conditions are such that U.S. exporters cannot guarantee delivery. With the present state of our economy and balance-of-payments problems, the United States cannot in economic terms afford the disruptions caused by strikes in transportation industries. A way must be found to settle such disputes quickly and fairly without long-term strikes forced by organized labor.

On March 1, the Transportation and Aeronautics Subcommittee of the House Interstate and Foreign Commerce Committee refused by a 6 to 5 vote to report out pending emergency strike legislation. Chairman STAGGERS has indicated that this proposal is dead for the remainder of the 92d Congress in the committee which he chairs.

The House passed an ad hoc stopgap measure to deal with the recent west coast dock tieup. Senator PACKWOOD offered permanent strike legislation as a substitute which failed by only 3 votes. This action put enough pressure on the longshoremen to induce them to reach an agreement.

Unfortunately, we are not out of the woods yet as far as the west coast dock strike is concerned. It is my understanding that there is a clause in that agreement which says in effect that approval of the contract by the Pay Board is a condition precedent to an agreement by the parties. The Board is presently considering this matter, and in all probability will disallow a 25-percent to 34-percent wage increase which is far in excess of pay guidelines.

On February 4, a Taft-Hartley injunction expired in the east and gulf coast longshoremen's strike, and the union agreed to work without a contract for 30 days. A tentative agreement has been submitted but nothing definite has yet developed, and the 30 days has since elapsed. The longshoremen's leadership has indicated that if the Pay Board trims back either the west coast agreement, or the east and gulf coast proposal, then all longshoremen may engage in a nationwide dock walkout.

Concerning the railroads, the future looks equally bleak. The Sheet Metal Workers International Association and the railroads are in the midst of a dispute which could precipitate a major rail strike as early as the 23d of March. By July 1, 1973, all present railroad labor agreements will have expired.

How much longer will the American people tolerate this heavy economic burden caused by the lack of congressional action. How can this body continue to enact one-shot gap bills when permanent legislation, such as that proposed by the administration and Congressman HARVEY is desperately needed to guarantee that the economy does not experience a severe economic trauma because of a transportation labor crisis.

Mr. Speaker, the time for action is now.

Mr. BROWN of Michigan. Mr. Speaker, as a sponsor of legislation to expedite the settlement of labor disputes in the transportation industry, I am appreciative of this opportunity to again bring to the attention of my colleagues in the House the overriding need for action on this legislation now. I regret the recent action by the Transportation and Aeronautics Subcommittee in refusing by a 6–5 vote to report any such legislation.

The continuing failure of labor and management in the industry to get behind a proposal that in the public interest would place reasonable, limited restraints on their powers to collectively bargain, and their apparent willingness to allow the costs of contract disputes to be borne by the American people rather than themselves, demonstrates an unacceptable, public-be-dammed attitude which must not continue to be tolerated by the Congress.

The most recent instance of a disruptive transportation industry strike, of course, is the west coast dock strike. Only in the face of ad hoc congressional action have labor and management agreed on a settlement, but not until, once again, considerable damage had been done to the economy.

And, now there is no guarantee that the agreement will be binding. It is becoming increasingly certain that the Pay Board will reject the settlement and that we will be in for yet another strike.

The west coast pact calls for a wage boost variously estimated at between 25–34 percent over an 18-month period. This clearly appears to be in excess of the Board's 5.5 percent-a-year guideline.

Furthermore, east and gulf coast longshoremen have tentatively reached agreement on a contract which would boost wages an estimated 40 percent over 3 years. And, west coast longshoremen's chief, Harry Bridges, has threatened that if the Pay Board trims back either of these settlements, east, gulf and west coast longshoremen "will join forces and pull out in every port in the United States."

Such an open challenge to public authority, such a blatant attempt at intimidation of the Pay Board, is unacceptable. I submit, however, that such a challenge to governmental authority has been encouraged and fostered by the Congress, and the Democratic leadership in particular, by its unwillingness to risk offending labor and management interests on behalf of the public interest. The subcommittee action refusing to report reasonable strike legislation was along party lines, only the chairman joining with the Republican members of the subcommittee in support of the bill. This is only the most recent in a long line of similar votes.

For years, the collective bargaining process in the transportation industry has been out of control, and increasingly—no doubt, sensing the unwillingness of Congress to act—labor and management have become more and more inclined to make unreasonable demands upon each other and force unnecessary strikes which the public must pay for in loss of jobs, spoilage of million of dollars of perishable farm products and the loss of markets at home and overseas.

Since 1953, it has been necessary in the railroad industry to summon 53 Presidential emergency boards in response to breakdowns in the collective bargaining process. There have been 12 major railroad strikes in that same period and nine of them were finally resolved through ad hoc settlements dictated by Congress. Eight of these have been since 1967.

Negotiations in the airlines industry have been equally disruptive of the national economy, forcing the formation of 33 Presidential emergency boards since 1936 and involving 17 major work stoppages.

Further, there have been four major maritime disputes since 1947, three Taft-Hartley injunctions and two strikes after injunctions had expired. And there have been nine major longshoremen's disputes, eight Taft-Hartley injunctions and seven strikes after the expiration of injunctions.

This history of breakdowns in the collective bargaining process is prima facie evidence that labor and management in the transportation industry are engaging in open warfare. Now they are prepared to attack Government itself. If the Pay Board disapproves the settlement and the longshoremen walk out, the Government will face a politically explosive problem: how to cope with a major strike in definance of Government action.

I submit that the Democratic leadership has failed in its responsibilities to the American people in allowing this public-be-damned approach to collective bargaining. The American people should no longer tolerate this reluctance to act.

Critics of the proposed legislation would claim that it is antilabor or antimanagement. It is neither.

Labor's inflated charge that the legislation will spell the end to collective bargaining is on its face a gross exaggeration. The bill does not involve compulsory arbitration; it does involve limited compulsion, the minimal necessary to protect the public interest. Any law designed to protect the public interest must necessarily place limits on somebody.

The legislation seeks to empower the President in one industry to act to avoid a widespread crisis caused by a labor dispute.

Currently, our laws actually are serving to protect the right of a private group to create a widespread public emergency. Clearly, this was not the intent when the laws were initially passed, but there have been some changes since then. Now, a single labor contract may cover the entire Nation in an essential industry. Bargainers have lost some of their fear of ad hoc congressional intervention and oftentimes, it seems, they actually invite it. And our economy is considerably more complex and wholly dependent upon an orderly distribution of goods and services. Labor and management have also learned a lot over the years about how to minimize the effect of strikes upon themselves.

Thus, I submit that those that would argue that the proposed legislation will destroy collective bargaining are shortsighted as well as wrong. The bill, in fact, may be collective bargaining's last hope. If reasonable limits are not soon placed on bargaining in the transportation industry, it may well be that in the not-too-distant future an angry and fed-up public will demand far greater restraints on collective bargaining. We owe it not only to the people, but to the collective bargaining process as well not to let that happen.

Mr. Speaker, I urge this Congress to act and act now in the public interest on legislation to expedite settlement of labor disputes in the transportation industry.

Mr. ROBINSON of Virginia. Mr. Speaker, I have joined in sponsorship of several bills intended to deal with the problem of crippling strikes in the transportation industry.

I have also participated in the sponsorship of a bill to establish a National Labor Court to adjudicate major labor-management disputes generally.

At this time, I do not undertake to advocate a particular bill to the exclusion of others.

I simply want to join in urging this House to face up to its clear responsibility to protect the public interest by establishing mechanisms to supplement those which have proved inadequate.

For far too long the Congress, by ignoring developing crises, has permitted itself to be forced ultimately to undertaking specific legislative settlements of individual work stoppages.

This is not orderly conduct of the public business.

The Congress is not the proper arbitrator of specific labor-management disputes; neither the interests of the contesting parties nor those of the general public are appropriately served by such a procedure.

Among the bills which have been introduced, there certainly is to be found a sensible framework on which can be built a flexible system with capacity to avoid protracted major strikes.

Strangulation of the economy through widespread coordinated work stoppages in transportation cannot be tolerated; the huge financial losses which they involve, affecting as they do the livelihoods of hundreds of thousands of citizens not directly involved in the disputes which precipitated the strikes, are an unconscionable mockery of both our free enterprise system and our representative form of government.

That Government must respond within the framework of law.

When that framework does not permit an effective response, it must be altered.

We have been on notice for sufficient time that this remodeling is required.

Even today, we discuss this problem under threat of further work stoppages at our ports—a freezing of trade at a time of unfavorable trade balances, when we are attempting to apply our best ingenuity to improvement of our national position in world commerce.

Jobs are on the line in this—not merely the jobs of transportation employees, but also of the many industries dependent on the scheduled arrival and departure of raw materials, parts and finished goods.

This is not a partisan matter, and I cannot believe that the majority in this House will not join in moving appropriate legislation to the floor.

Mr. CLEVELAND. Mr. Speaker, recently, after a 5-month delay, the Transportation and Aeronautics Subcommittee of the House Interstate and Foreign Commerce Committee refused to report out legislation designed to minimize the crippling effects of strikes in the transportation industry. The legislation would have given the President new weapons to deal with transportation work stoppages which threaten the national interest.

This 6 to 5 vote by the subcommittee has effectively killed action in this session of Congress to deal with this very important issue. I deplore this irresponsible action by the subcommittee and cite it as an example of the tremendous influence big labor has in the Halls of Congress.

The recent west coast dock strike was just a sample of what we can expect in the next few months if, as anticipated, agreement is not reached on several contracts in the transportation industry. Congressional inaction on this legislation now has all but doomed the country to a series of seriously crippling strikes.

It is time we faced the fact that transportation work stoppages do serious damage to the economy and cause widespread suffering to innocent people. Foreign markets are lost, perishable goods spoil, and unemployment increases as a direct result of such strikes. Action in just emergency situations, and then too little, too late, is not enough. The American people deserve the security of more permanent measures. Just as Congress has passed legislation to protect the people from the excesses of big business, it is now time to protect them from the excesses of big labor.

I congratulate Mr. HARVEY for his efforts to enact needed legislation in this critical area. I am pleased to be a cosponsor with him and commend him for his leadership.

Mr. CHAMBERLAIN. Mr. Speaker, the recent action by the Transportation and Aeronautics Subcommittee of the House Interstate and Foreign Commerce Committee in narrowly voting not to report out legislation designed to protect the public interest in national emergency disputes is deeply distressing and disappointing. If left unchanged, it will go down as one of the most tragic failures of the 92d Congress and the majority leadership.

The patience of the American people is about at an end with the seemingly unending series of crises in the transportation industry and the failure of the Congress to provide effective tools for resolving them.

Nevertheless, even with the experience of the west coast dock strike, one of the most damaging in years, fresh in our minds and with several unresolved labor-management disputes involving the railroads and other ports looming menacingly on the horizon, the subcommittee has decided to do nothing. It has further been reported that this kills any hope for such legislation this year. This should not be permitted to happen.

Congress has had more than ample time to take action. It will be recalled that President Johnson in his January 12, 1966, state of the Union message said he intended to ask the Congress to consider measures to deal effectively with strikes which threaten irreparable damage to the national interest. No proposal, however, was ever submitted. On taking office President Nixon placed this problem high on his list of priority items and in 1970 submitted a specific legislative proposal. In addition other approaches have been suggested seeking to break the logjam of congressional inaction. A particularly promising one, was offered by my distinguished colleague, the gentleman from Michigan (Mr. HARVEY) which I joined in sponsoring last year.

One of its strongest features is that it preserves the right to strike. However, only selective strikes, subject to limitations defined in the bill, would be permitted. By means of this option, which may be exercised after present procedures of the Railway Labor Act have been exhausted without settlement, the proposed legislation safeguards the public interest while maintaining the strike as a cornerstone of free collective bargaining. Another highly desirable aspect is that it puts an end to the practice of running to the Congress to settle every emergency rail or airline dispute. Congress could take down its shingle as a labor arbitrator.

Most Members of the Congress, I believe, agree that the dispute settlement provisions of the Railway Labor Act badly need revision. This 45-year-old statute, enacted in 1926 and only slightly amended since then, has shown itself to be increasingly ineffective in resolving without strike or lockout the numerous labor-management impasses which fall within its jurisdiction, particularly those in the rail industry. Some eight times in recent years, Congress has had to step in with ad hoc legislation to prevent crippling rail strikes or to end nationwide rail strikes which had already begun.

Although some persons and interests may be satisfied with this kind of piecemeal special legislation, most are fed up with it. They are unhappy because they believe that Congress should not be in the labor arbitration business. They resent being faced at ever more frequent intervals with crisis situations, creating stress for all and making a sound and reasoned judgment hard to achieve.

By its negative vote the subcommittee has decreed that this intolerable situation will continue. The House majority leadership must accept the ultimate responsibility for this failure to protect the public interest.

Mr. McKEVITT. Mr. Speaker, it was with regret I learned that H.R. 11281, the proposed emergency transportation strike legislation, apparently is dead for this session of Congress. In fact, it appears that chances for any permanent legislation in this field this year are nil.

This development comes as the Sheet Metal Workers' International Association and the railroads are attempting to resolve a dispute that could become another major railroad strike before the end of this month. We are also faced with the prospect of another railroad strike when all railroad labor contracts expire on July 1, 1973. In addition, there is the threat of a renewed dock strike, this time on the east and gulf ports.

In light of these developments, it seems apparent that permanent strike legislation is needed and that we will have to face up this fact. In my opinion, the sooner we face up to this, the better.

The recent history of strikes in the transportation industry also point to the need for such legislation. Between 1953 and 1972, in the rail industry alone, there were 53 Presidential Emergency Boards, 12 major strikes, and nine ad hoc congressional settlements, eight since 1967.

In the airline industry, since 1936, we have witnessed 33 Presidential Emergency Boards and 17 major work stoppages.

Under the heading of Taft-Hartley disputes, there have been four major disputes in the maritime industry since 1947, three Taft-Hartley injunctions and two strikes after expiration of Taft-Hartley injunctions.

During the same period of time, there have been nine major longshore disputes, eight Taft-Hartley injunctions, seven strikes after expiration of Taft-Hartley injunctions, and only this past February, Congress acted in the west coast dock strike.

Clearly, the need for such legislation is undisputed and we should act.

Mr. J. WILLIAM STANTON. Mr. Speaker, I deeply regret the need for this special order today. However, the recent deplorable action of the Transportation and Aeronautics Subcommittee of the Interstate and Foreign Commerce Committee in killing any hope for the enactment of emergency transportation strike legislation in this Congress must not go unchallenged. By refusing to report out H.R. 11281, the subcommittee has acted most irresponsibly in view of the existing labor problems in the transportation industry.

The west coast dock strike, settled after 135 days of paralysis and only with the threat of congressional action, provided an excellent illustration of the need for permanent mechanisms to settle disputes in the railroad and airline industries. Under the provisions of H.R. 11281, the President would be empowered to intervene in crippling transport strikes with three options: selective strike, subject to specific limitations and public safeguards; a 30-day cooling-off period; final offer selection. The enactment of this measure would completely eliminate the need for congressional involvement in strike settlements.

With the imminent threat of a renewed dock strike, the dispute between the sheet metal workers and the railroads which could result in another major rail strike and the fact that all railroad labor contracts expire on July 1, 1973, the failure of the Transportation and Aeronautics Subcommittee to take positive action on H.R. 11281 can only be viewed as outright negligence of congressional responsibility to serve the public welfare.

Mr. KUYKENDALL. Mr. Speaker, since coming to Congress in 1967 rarely have I felt as strongly about a single piece of legislation as I do about the comprehensive rail and air transportation legislation, more commonly known as the Harvey bill.

It was very difficult for me to understand why so many of my colleagues on the Transportation and Aeronautics Subcommittee voted against this piece of legislation 2 weeks ago. In light of the national implications of this legislation, the subcommittee should have at the very least permitted the full House Commerce Committee to work its will on this bill. To kill a bill of this magnitude in subcommittee is most unwise.

In a few short months all of the Members of this body will have to go before the voters. One of the great issues undoubtedly will be the state of the economy in our country. In all honesty I cannot understand how a Congressman who voted down this important legislation in subcommittee could face the voters. Modernizing the Railway Labor Act is a critical element in our effort to revitalize the economy of our country. If we are going to prevent future crippling strikes which have had such disastrous effects on the commerce of this Nation, we are going to have to get off the dime and act on this matter.

Even as we discuss this matter today, all of us know that in a few weeks we will again be faced with a transportation emergency. At that time the House Commerce Committee will have to halt consideration of other pending legislation to consider special legislation to deal with that particular emergency. This method of dealing with transportation labor matters is wasteful of our time on the committee and it is wasteful of our Nation's economic strength and resources. With unemployment and underemployment at still unsatisfactory levels, with inflation and other economic dislocation problems remaining in our midst, it would seem to me to be the height of irresponsibility to defer action on this most important legislation.

Most of those who have opposed this legislation in subcommittee feel that the bill will unfairly restrict the right of labor to strike. While it certainly would restrict the right to strike, it would not do so unfairly in my judgment. No right is unlimited in this country. Every time we approve emergency labor settlements we are restricting this right. How much better our whole situation would be if both labor and management knew that there would be a number of options available with a binding settlement assured through "final offer selection." This updated legislation is needed because the situation in our country has changed drastically from the days when the Railway Labor Act was written. It is high time the Congress took official recognition of the changes which have come about. Union contracts today affect large segments of our transportation industry and the danger to the public as a whole greatly exceeds the potential danger to the participants in the dispute. The time for responsible action is now.

Mr. ANDERSON of Illinois. Mr. Speaker, I am pleased to join in this special order of the gentleman from Michigan (Mr. HARVEY) on the need for permanent emergency strike legislation for the transportation industry. As a cosponsor of the legislation introduced by the gentleman from Michigan to provide the President with additional tools to handle such situations, I was naturally stunned by the recent vote in the Transportation Subcommittee of Interstate and Foreign Commerce and the subsequent statement of the committee chairman (Mr. STAGGERS) that this bill is dead in the 92d Congress.

To my mind, the subcommittee vote and the chairman's statement represent the height of irresponsibility and insensitivity to the public interest. I just refuse to believe that this Congress prefers to have major labor disputes plopped in its lap at the 13th hour for settlement when it is within our powers to fashion more rational, orderly and permanent mechanisms with which to handle these matters. And I refuse to believe that the public has one ounce of tolerance left for such an inept and ineffectual approach to handling emergency transportation strikes.

In every such instance the public interest has suffered, the economy has suffered, and the legitimate interests of labor and management have ultimately suffered; and even then the congressional remedies have only proved temporary and these same crises boil up again and again, and eventually find their way back to our doorstep once more for resolution. And so long as we continue to operate under the present system, the image of Congress will suffer in the eyes of the public and the collective bargaining process will suffer. It would only seem logical and reasonable that we would want to reform the present system in such a way that the parties are forced to come to terms on their own rather than being driven farther apart as is presently the case—that we would want to devise a system wherein there can be a partial continuation of services during the bargaining process so that irreparable harm is not done to the national interest.

The legislation introduced by the gentleman from Michigan and that proposed by the administration are designed to accomplish these objectives by providing the President with additional weapons—weapons which will make it mutually desirable for labor and management alike to come to terms at an early stage in the bargaining process rather than delay and make increasingly exaggerated and unrealistic offers. Specifically, the "final offer selection" approach is designed to bring the parties to a dispute together rather than drive them apart for there will be no splitting of the differences under this procedure.

Mr. Speaker, the Congress has had a long history and a poor record of settling labor disputes. And if we look down the road a piece we can readily see that more disputes are looming before us and if we continue under the present system we will again and again be thrust into the labor crisis mismanagement role for which we are not suited. We have an opportunity in the crippling strike prevention legislation which has been offered to divest ourselves of this responsibility; to turn our backs on this opportunity would be the most inexcusable example of irresponsibility. I would submit that we would not be fulfilling our obligations to the American people if we did not act on this legislation which is responsive to the public interest.

Mr. SCHMITZ. Mr. Speaker, the inability of present laws to provide any reasonable means of dealing with major transportation strikes has been convincingly shown during recent weeks and months. We have reached the point where such strikes, actual or threatened, can only be settled "under the gun" of proposed ad hoc legislation by Congress. Collective bargaining has become a sham, while the real decisions are made here. This situation satisfies nobody except those who want to centralize total economic power in Washington. It should be obnoxious to friends of labor and of management alike, both of whom have always proclaimed their willingness and desire to bargain collectively and work out settlements rather than having Government impose them.

At the very minimum, we need some type of permanent legislation to set the ground rules under which prestrike and poststrike negotiations are conducted, rather than hastily drawing up a separate bill in an emergency situation for every major transportation strike. I believe there is a great deal of merit in the bill H.R. 11281 introduced by the gentleman from Michigan (Mr. HARVEY) and regret very much that the Transportation and Aeronautics Subcommittee of the House Interstate and Foreign Commerce Committee, on which I serve, saw fit to reject it by a single vote on March 1, without proposing any substitute. I find H.R. 11281 particularly meritorious in that it does not set up so-called compulsory arbitration, which in practice invariably amounts to Government dictation of a labor-management contract, but rather combines the "cooling-off period" concept of our present Taft-Hartley Act with the new concept recently developed by the Department of Labor, called "final offer selection"—allowing the bargaining parties to make "final offers" and employing Government arbitrators only to choose one of them, not to write the terms of the contract themselves.

Simply to foreclose all action on legislation of this kind is hardly responsible at this point, when new railroad and longshoremen's strikes—this time involving the east and gulf coast longshoremen—are threatened. Sooner or later Congress is going to have to face up to the issue of working out a permanent means of handling these crippling strikes. What are we waiting for?

Actually, I would like to see us go beyond the minimum represented by the bill of the gentleman from Michigan. and similar action supported by many of my colleagues. Our problems with nationwide strikes and inflationary wage settlements are going to continue, even if we adopt a bill like H.R. 11281, though they probably would be alleviated somewhat by its passage. Those problems result from the excessive power given to America's big labor unions primarily by the Wagner National Labor Relations Act of 1935, which was passed in a depression period when labor had widespread public sympathy and was seen as a distinct underdog in its contests with management. But as a result of the Wagner Act and the policies of the National Labor Relations Board which it established, the pendulum has swung too far in the other direction, so that labor is now more and more in a position to impose its terms on management and to a considerable extent even on the country as a whole.

At least two basic changes should be made in our national labor relations law. Labor unions should be made subject to the antitrust laws like all other huge economic combinations which can be used to restrain trade. And the power now given to unions allowing them to demand and obtain contracts from management making union memebrship a condition for workers to hold their jobs, should be withdrawn. This means a national right-to-work law.

As the National Right to Work Committee has stated:

> With almost unanimous agreement by the public and by most respected economists, that excessive union power is a key factor in bringing our nation to the brink of economic disaster, Congress and the President have the opportunity to deliver a telling blow at a root cause of union monopoly; compulsory union membership. Failure to deal with the fundamental problem of unrestrained union power will leave no alternative to permanent strait-jacket government regulation of the economy.

That straitjacket has now been imposed in the form of a national price and wage control program. Passage of a national right-to-work law would eliminate the most frequently heard justification for these controls: the otherwise unrestricted power of big labor. A bill for this purpose, H.R. 11827, was introduced November 17 by the gentleman from Arizona (Mr. STEIGER) and I am proud to be a cosponsor of it.

Mr. WILLIAMS. Mr. Speaker, I rise today to announce to this House that I am convinced that the action of the Transportation and Aeronautics Subcommittee of the Interstate and Foreign Commerce Committee in refusing to report out the emergency transportation strike legislation is not in the best interests of the people or of the economy of the United States. Considering the numerous existing labor problems within the transportation industry, the failure of the 92d Congress to act to resolve the problems may well be tragic.

As early as next week, March 23, this Nation could suffer from another major railroad strike as the result of the unresolved differences between the Sheet Metal Worker's International and the railroads. Even if we avoid disruption at this time, we will still be faced with the potential of total stoppage on July 1, 1973, when all railroad labor contracts expire.

Once more we are facing the threat of yet another dock strike. When the 80-day Taft-Hartley injunction expired on February 14 for the east and gulf coast longshoremen, they agreed to work without a contract for 30 more days. To date, no agreement has been reached in Philadelphia, Baltimore, or Houston, and these ports could be closed at any moment.

Mr. Speaker, we are living in an age of mobility, and our entire economy depends on maintaining this mobility. We regularly hear the transportation industry's message of their importance to our society. Wally Schirra came back from the moon to ask us where would we be without America's railroads. I regularly hear a commercial which states if you have it, a truck brought it. These points are valid. Today, the entire fabric of our economy is based on our excellent transportation system.

In the past, we in the Congress have been forced to accept the role of setting emergency pay and labor standards for the transportation industry. I deplore this role for the Congress. We must provide various means for the Executive to settle emergency disputes. We must provide the President with a broad spectrum of choices.

Legislation should allow selective strikes unless they are ruled, in specific instances, to immediately imperil the national health or safety. The President should be provided with the power to call for additional time at the bargaining table. He should have the authority to set up a mediation board, if necessary, to settle the strike, and we must provide strong momentum to collective bargaining while reducing the threat of the divisiveness of compulsory arbitration.

Mr. Speaker, I call on my colleagues in the Congress to recognize the tremendous potential for damage in these repetitive transportation strikes. Our responsibility to the American people is clear. We must act, and act now, to provide ways for the settlement of these problems without the chaos of the past, disastrous transportation disputes.

Mr. ROBISON of New York. Mr. Speaker, I asked to join the gentleman from Michigan in his special order today, so that the RECORD will show that, on at least one occasion in my life, I was able to predict the future. Because, if transportation-strike legislation is truly a dead issue in the House for this Congress, I can evoke with certainty the national trauma of a future transportation strike. We will all be back in an emergency session of the House dictating settlement terms for a nationwide strike that has reached the threshold of endangering the health and welfare of our citizens. We will probably be meeting in the wake of an extended period of strike mediation, when contending parties have had every reasonable chance for discussion of alternatives. Consumers will watch management and labor battle it out on the evening news and the Sunday afternoon interviews. Consumers will also watch the price of food and other commodities rise in proportion to the duration of the strike, and they may experience an incipient concern over coming shortages of fuel, vegetables, and other commodities, and possibly even chemicals for water purification.

Perhaps these costs and anxieties are a small price to pay in the interest of future peace for the transportation industry. Yet, too many of my constituents are now saying that that promise does not exist, and that the possible dimensions of future strikes are too serious to avoid. And, I am now forced to reply to these constituents that peace for the transportation industry will continue to rely on the same unstable and unworkable mediation procedures that have failed, and will fail again, this year.

Many of us who spoke to the Transportation and Aeronautics Subcommittee when it was considering the several transportation strike proposals, exhausted our rhetoric in an attempt to recapture the crisis atmosphere of our May 18, 1971, session—when we were forced, without hearings—and without the benefit of any sort of careful, detailed study, to dictate to the railway workers the terms of their settlement. Several of us reminded our colleagues on the subcommittee of the frustration of that night, of our lack of preparation and of our own forced necessity to act. And, despite the fact that those hearings were being conducted in the midst of the rotting vegetables and snarled commuter traffic of a new strike, we cannot even show our constituents a token bill for our efforts. To be precise, we have nothing for our citizens but the promise of "more of the same."

The Railway Labor Act, which is supposed to assure peace on the railroads, has—in the words of one commentator—assured only congressional intervention. By providing procedures which only postpone a strike, the Railway Labor Act encourages both labor and management to forward the most extreme versions of their offers as they look forward to the certainty of Federal mediation and, often enough, congressional intervention.

The bill presented to this body by the gentleman from Michigan (Mr. HARVEY) could have altered this pattern. It allowed sufficient mechanisms and sufficient time for genuine bargaining to take place, but with a clear terminal point to the negotiating process. Adoption of this proposal would have encouraged contending parties to enter into bargaining, and would have provided mechanisms to stimulate that bargaining. In the event of a complete breakdown in negotiations—one which has exhausted all mediation alternatives—H.R. 11281 would have spared this country the dangerous possibility that 46 percent of its meat and dairy products would fail to reach consumers, that 70 percent of the coal used by utilities and heavy industry would stand unused, and that 63 percent of industrial and public sanitation chemicals would not reach their proper destination.

Rather, we have provided our constituents with the distinct possibility that such threats to their health and welfare will continue, and that in the final, painful hour Congress will again meet in emergency session, when political considerations and even the possibility of a filibuster dictate the ultimate settlement, unwise and unfair though it may be.

Mr. REES. Mr. Speaker, I am one of the coauthors of H.R. 11281 which would create the machinery for the settlement of disputes in the transportation industry.

I believe that we must have some method of settling disputes between labor and management in cases where there is substantial public interest involved. Too many times disputes remain hung up on a minor point which is tied in with the ego involvement of the negotiators or a personality clash. The result is a strike which is not only harmful to labor and management but also to the public at large. In most instances the public harm far outweighs the injury done to the parties directly involved.

H.R. 11281 offers a reasonable alternative to a shutdown of transportation which would, of course, jeopardize the public interest.

THE LATE HONORABLE JAMES WILLIAM TRIMBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) is recognized for 60 minutes.

Mr. HAMMERSCHMIDT. Mr. Speaker, when word came to me of the death of the former Representative of the Third District of Arkansas, I felt the loss very deeply. For Jim Trimble and I were friends, and even more particularly, he was a close friend of my mother and father.

The cold statistics of Jim Trimble's service in Congress are a wholly inadequate measure of the man. The "Judge" as he was known affectionately by so many, was truly beloved and revered by countless persons both on Capitol Hill and in the Third District of Arkansas.

Jim Trimble had a unique personal way about him, a genuineness, a sincerity, plus a great willingness to listen and take interest in the views and problems of others. This he did as a part of and in addition to his work as a Congressman. He was genuinely concerned about people.

After he left the House at the conclusion of the 89th Congress, Jim stayed in Washington a while. During a period of several months, he would occasionally visit the office. He always would captivate the staff members, and then we would get together to visit at length about various matters—both personal and congressional.

The company of Jim Trimble was always a source of great pleasure. How little are these qualities reflected in his biographical entry in the Congressional Directory of the 89th Congress. So characteristically understated, I read it now:

> James William Trimble of Berryville, Arkansas; born near Osage, Carroll County, Arkansas, February 3, 1894; was graduated from the University of Arkansas in 1917; lawyer; prosecuting attorney; circuit judge; married Miss Ruth Maples of Berryville, Arkansas on February 14, 1922; two children (twins) daughter, Martha Carol (deceased) and son, James Kerry, U.S. Army; elected to the 79th Congress and reelected to each succeeding Congress through the 89th Congress.

Those words are a meager measure of a fine man, James W. Trimble.

My deepest sympathy to Mrs. Trimble; to the son, Col. James Kerry Trimble, who is serving in Alaska; to four surviving sisters, Mrs. Clell Mayes of Berryville, Mrs. Verne White of Springdale, Mrs. Joe M. Lee of Chewalah, Wash., and Mrs. William Miller of Carthage, Mo., and two brothers, Claude M. Trimble of Roswell, N. Mex., and Jerry A. Trimble of Waterloo, Iowa.

Of James William Trimble, Congressman, I join my colleagues and his many friends outside the Congress in the tribute that he is very fondly remembered.

Mr. MILLS of Arkansas. Mr. Speaker, I would like to take just a moment to associate myself with the remarks of my esteemed colleague from Arkansas.

When an Arkansas newspaper called me on Friday night to advise me of the death of our beloved former colleague, I said Jim Trimble never met anyone who he did not regard as a friend and vice versa.

My memory goes back to the morning after the 1966 general election. One of the first phone calls I received was from Jim Trimble who wanted me to know what a fine young man JOHN PAUL HAMMERSCHMIDT was and is, who wanted to ask me to work with JOHN PAUL as I had worked with Jim for so many years.

This is just one example of the thoughtfulness and character that was recognized by all of us who knew him in Arkansas and in the House.

We have all lost a friend.

I extend my deepest sympathies to the members of his family.

Mr. PRYOR of Arkansas. Mr. Speaker, our State and our Nation has just sustained a great loss. Today with personal sadness, but with great pride, I join with my colleagues in eulogizing an Arkansan whose stature as a private and public man will forever cast not shadows but brightness on the history of Arkansas and America. This country was blest with James William Trimble, and I know that Judge Trimble believed his life had been blest by his country and her people.

Born in Carroll County, Ark., on February 3, 1894, Judge Trimble attended public schools and was graduated from the University of Arkansas in Fayetteville. In 1925, he was admitted to the bar and shortly thereafter began a law practice in Berryville.

The benefit of the Judge's service to his beloved State and Nation began early in his life. As a private in the U.S. Army during World War I, Mr. Trimble served with the adjutant general's office in Little Rock. From 1920 to 1925, he served as a county governmental official. During the years of 1930 through 1938, his career as a prosecuting attorney for the Fourth Judicial Circuit of Arkansas gained him the reputation of a fair, honest, devoted, but persistent public servant whose eminent knowledge and strict adherence to the law were to become hallmarks of his glorious career.

His never swaying policy of equal justice for all carried Judge Trimble to the bench of the Fourth Judicial Circuit where he presided from 1938 through 1944.

But I think it was inevitable, as many will agree, that the day was to come for Judge Trimble to accept even broader responsibilities. That it was his fate during his life to not only interpret and apply the law, but to help develop and mold and write the laws—many of which today stand in monument to him.

So, in 1944, a grand old man of the Arkansas Democratic Party was elected to a seat in the House of Representatives of the 79th Congress as a Representative of the Third District of Arkansas.

For 22 years, Congressman Trimble worked hard and long to shape the better future of not only his district, not only his State, but also his Nation. His irreproachable ethics and high ideals were the guidelines of his visions of the tomorrows of us all. His service on the great and powerful Rules Committee will forever be remembered. His devotion to his district and reversing its population exodus is still immensely appreciated. His counsel and advice to fellow leaders in Arkansas government through the years will long be cherished.

But more than anything that I or others can say to praise the judge and his service to a grateful people, he is well deserving of an epitaph that few ever gain. If it can be said of any man, it can be said that James William Trimble was one of those rare, so very rare, human beings who never had a true enemy in the world. He was a friend to all men and all men were his friends, from pageboys and elevator operators to Governors and Presidents; Judge Trimble respected each man for his individual worth and searched for goodness in all men.

Mr. Speaker, it is a sad day for Arkansans and, though many may not be aware, it is a sad day for all Americans. I join with my colleagues in extending my condolences to his gracious widow and his honored family.

James William Trimble was a good friend and a great man.

I shall miss him, but I shall never forget him.

Mr. REUSS. Mr. Speaker, I join in mourning the death last Friday of James W. Trimble, who served the Third District of Arkansas in this House for 22 years. Always mindful of the needs of the people in his own home constituency—as when he brought rural electrification to northwest Arkansas—he gave thoughtful attention as well to the citizens of his adopted second constituency, the District of Columbia. As a member of the House District Committee—an assignment he did not seek—he diligently pursued the interests of District residents, siding with committee insurgents on such causes as home rule. As a moderate member of the Rules Committee, he helped to free progressive legislation which committee conservatives sought to block.

Jim Trimble well earned the esteem in which he was held by his colleagues.

Mr. SHRIVER. Mr. Speaker, I was personally saddened to learn of the passing of our former colleague and good friend, James W. Trimble of Arkansas. The people of Arkansas and the Nation have lost a distinguished and valuable servant with the death of Judge Trimble. During the years it was my privilege to work with him in the House, I found the Judge to be a man of great understanding and good humor. I held his friendship in high esteem.

Mrs. Shriver and I join in extending our heartfelt sympathy to the Trimble family upon the great loss they have experienced.

Mr. RHODES. Mr. Speaker, I was saddened by the death of our former colleague, James W. Trimble, last week—he was a fine man who received, and deserved, the respect of all who knew him. I had the privilege of serving with him from the 83d through the 89th Congresses, and in those 14 years in which we were associated, I grew to know him well and to admire his integrity, his principles, and his ability. He represented not only the citizens of the Third District, but of all Arkansas, as well as the United States, with devotion and wisdom.

"Judge" Trimble leaves a heritage of which his family can always be proud, and a record of dedicated public service which will long be remembered. I value my association with him, and will always recall our friendship with pleasure.

Mrs. Rhodes joins me in sending heartfelt sympathy to his dear wife, Ruth, and their family in their bereavement.

Mr. O'HARA. Mr. Speaker, I wish to associate myself with the other Members of this body in paying tribute to the Honorable James W. Trimble, who so ably represented the Third District of Arkansas for so many years.

All of us who served with the "Judge" know that he was a man of great courage and conviction. He was one of the finest gentlemen who ever served in this House.

During my time in this body, Mr. Chairman, I can truly say that I never knew a finer man than Jim Trimble. I considered myself as his friend. I will miss him.

Mr. DELANEY. Mr. Speaker, it was with deep sadness that I learned of the passing of our beloved former colleague, the Honorable James W. Trimble, of Arkansas.

We in Congress are privileged to personally know people from all walks of life and from all sections of the country. In my own experience, Judge Trimble was one of the finest persons I have ever met. He was quiet, humble, and studious, and demonstrated a remarkably keen insight into the manifold legislative issues that came before Congress during his tenure. He truly represented the people of his rural section of Arkansas.

Prior to coming to Congress in 1944 he had already dedicated himself to public service. He served with distinction during World War I in the Army's Adjutant General's Office, and later effectively worked as a county official. From 1930 to 1938, he was an outstanding prosecuting attorney in the Fourth Judicial Circuit of Arkansas. Following this service he distinguished himself as judge of the Fourth Judicial Circuit, and after 6 years on the bench he was elected to Congress.

It was my good fortune to be associated closely with him on the Committee on Rules. His contributions to that committee were invaluable. In all his legislative actions he always had the best interests of our country in mind. Sometimes he voted at great personal sacrifice, choosing what he viewed as the right course of action, even though it may not have been the popular course.

Jim Trimble was a warm and gentle man, and his passing is a great loss not only to me, but to all who knew him.

Mr. O'NEILL. Mr. Speaker, I take this opportunity to express my deep sorrow and bereavement over the death of former Congressman, James Trimble of Arkansas, a great champion of the liberal cause and highly regarded for his untiring efforts in the rural electrification program in the State of Arkansas. James W. Trimble was an illustrious member of the Arkansas delegation, which produced such distinguished and able legislators as Senator WILLIAM FULBRIGHT, Orval Faubus, and the Honorable WILBUR MILLS, chairman of the House Ways and Means Committee. James Trimble was a liberal in the classic sense, believing that true reform was the most precious legacy which any generation could leave to the next. Consequently, he joined in the movement to obtain home rule for the District of Columbia, which was exemplary of his commitment to greater freedom for more Americans.

I served on the Rules Committee with James Trimble for a number of years, and I can truthfully say that there are few men with whom I have worked over the years in Congress that have equaled James Trimble in sincerity, perserverance, and dedication. The contribution which James Trimble made to both this Nation and this Chamber will not soon be forgotten. The people of Arkansas, who he faithfully and fervently represented for 22 years, need only look to the reservoirs, dams, and various other public works projects which he secured for the State, in order to be reminded of his unswerving sense of duty to the people of this Nation. I join my colleagues in mourning the loss of this great American, and in paying tribute to a man who gave his all to the task of representing the Third Congressional District of Arkansas. Mrs. O'Neill and the entire O'Neill family join me in extending our condolences to the family and friends of the late James W. Trimble.

Mr. PICKLE. Mr. Speaker, as a new Member in Congress I soon found that one of the most thoughtful and kindest men serving in the Congress was the Honorable James Trimble. The judge always had a kind word to say to a Member and always made a positive suggestion of something good which might be done. Though he often found himself in the eye of a legislative storm, because of his position on the Rules Committee and because his position on legislation did not always reflect the stern emotions of his district, Judge Trimble voted for what he thought was right and best for this Nation. In conversations with Judge Trimble on the floor, I consider those moments some of the most enriching times of my life. It may seem incongruous in view of some public antipathy toward public officials if I were to refer to Judge Trimble as a "saintly" Congressman. That is a fact, however. The judge would weigh the rights and wrongs, the pluses and minuses and quietly but with resolve take his stand and not move. I learned that Judge Trimble had provided more constructive projects for his area than perhaps any man in the Southwest. The adequate water supply of Akransas today attests to his foresight and planning. Some of the major bills in the field of human relations stand as mute testimony to Judge Trimble's support. During the years that Congressman Trimble served I think he earned the respect, the love and affection of every Member here on both sides of the aisle. I certainly remember not a harsh or discouraging word ever said about the judge. I never heard him say anything harsh or discouraging. Instead he took the high road and walked steadily forward to achieve improvements and benefits for the people he represented.

Mr. ZABLOCKI. Mr. Speaker, I wish to join my colleagues in expressing sorrow at the passing on March 10 of our former esteemed colleague, the Honorable James W. Trimble.

It was my privilege to serve in the Congress with him. Congressman Trimble represented the Third District of Arkansas and his State and country with dedication and devotion for 22 years. He was a man of principle and courage and at all times put the welfare and progress of his country above his own personal and political future.

Mr. Trimble will be missed by his family and his many friends. My wife joins me in expressing deep sympathy to his beloved wife and son. May they derive some consolation from the knowledge that their loss is shared by his many friends.

Mr. SIKES. Mr. Speaker, I am honored to join with my colleagues in paying special tribute to our esteemed friend and distinguished former colleague, the late James Trimble, who passed away March 10. He was a warm and genuine human being who spent much of his life in the service of his fellow man and his country. I take pride in stating he was my close friend.

As we pause to honor the memory of the gentleman who so ably represented the Third District of Arkansas for 22 years in this Chamber, from 1944 to 1966, we should recall with appreciation the accomplishments of this very able legislator.

Representative Trimble served as a member of the House Rules Committee where he wielded power that helped get many projects for Arkansas. Prior to serving on the Rules Committee, he was a member of the Public Works Committee where he championed Arkansas waterway projects. One of his dreams was the completion of water projects on the White River in north Arkansas, and on the Buffalo River. His death came less than 2 weeks after President Nixon signed the bill to make the Buffalo River a national river, free of dams.

In addition to his service on the Rules and Public Works Committees, Representative Trimble was named to the House District Committee in 1963. In this important assignment he gave solid support to the Democratic leadership in the Congress.

Mr. Trimble studied law and was admitted to the bar in 1925. He was elected circuit judge in the State's Fourth Judicial Circuit in 1938. One of his circuit clerks was Orval E. Faubus, who later became Governor. In 1944, when his friend WILLIAM FULBRIGHT left his congressional post to run for Senate, Mr. Trimble became the district's Congressman.

I join my colleagues in extending deepest sympathy to Congressman Trimble's family and assure them he will long remain in our thoughts and prayers.

Mr. HATHAWAY. Mr. Speaker, I join with my colleagues in the House in mourning the death of our good friend and former colleague, Hon. James W. Trimble.

I considered it a great honor to serve with the "Judge" during my first term in Congress which, unfortunately, was his last. He was a devoted Member of the House and during his 22 years of service he was admired and respected by all with whom and for whom he served.

To his family I extend my deepest sympathy on their loss.

Mr. ANDERSON of Tennessee. Mr. Speaker, it is with deep feeling that I rise to pay tribute to a close friend who passed away several days ago.

Judge James W. Trimble, a former colleague, died on March 10 in Eureka Springs, Ark.

For 22 years, Judge Trimble served the Third District of Arkansas with distinction and honor. For 12 of those years he was a most effective member of the House Committee on Rules.

Since he left Congress in 1967, we who now sit on the Rules Committee have felt the void left by this fine legislator.

Judge Trimble was one of the men I turned to as a freshman Congressman in 1965. His advice was always heeded and his honesty and devotion to his country will never be forgotten by those of us who had the privilege to serve with him.

The people of the State of Arkansas have suffered a great loss. Men like Judge Trimble are hard to find and I consider it a great personal honor for me to have known him.

My sympathies are extended to the members of his family and to the people of Arkansas whom he served so well.

Mr. ROONEY of New York. Mr. Speaker, I join my colleagues today, sadly, in paying tribute to a fine gentleman, the late Honorable James W. Trimble who served as a Member of this body for 23 distinguished years. I knew Judge Trimble all of those 23 years and remember him fondly as a warm, hard-working friend. He brought legislative skill and know-how to the House of Representatives and used those attributes to help develop the water resources and rural areas of his native Arkansas and the country. He served on the Committee on Rules and previously on the Committee on Public Works of the House of Representatives. Jim was known as a man who was always on top of any legislative problem. Prior to coming to Congress he had served as a prosecutor and then as circuit judge in Arkansas. His searching, reasoned approach to problems here bore witness to his ability in both of those roles. He was a fine man, a good friend, and he will be sorely missed by all who knew him. To his widow and family I extend my deepest sympathy in their loss.

Mr. VANIK. Mr. Speaker, it is with profound sorrow that I join in this tribute to one of the kindest and most honorable men to have served in this House, my friend and cherished colleague, Judge James Trimble.

Throughout my tenure in this body there were few colleagues upon whom I could count on more steadily for advice and counsel than the Judge. His cool and calm deliberation and his constant willingness to be of guidance and assistance was a continuing source of strength to me during my work in the Congress.

The Judge's ability to rise well above partisan or personal debate and act upon principle and honor were unexcelled by any in this great House. These qualities extended even to the tasks which confronted him as a member of the District Committee. Th Judge was compassionate, free from rancor, and filled with a feeling for humanity for which we must all strive.

For my part, I shall sorely miss his occasional visits among us. He has left his mark on this Congress forever.

GENERAL LEAVE

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today, the late Honorable James William Trimble.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkasnas?

There was no objection.

TAX REFORM NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 30 minutes.

Mr. VANIK. Mr. Speaker, this is March 15—the ides of March—when every taxpayer must give careful consideration to the tax settlement he must make with his hungry Uncle Sam.

The average American taxpayer has never shirked his responsibility in supporting his Government. If we apply the contributions test, the average taxpayer shoulders the heaviest tax burden. He has no tax shelters, he has no depreciation gimmicks, no tax-free bonds, no capital gains. He pays on every dollar of income. In 1968, taxpayers with incomes under $10,000 paid 80 percent of the Federal individual income taxes.

It is my strong suspicion, however, that the administration is committed to the dismemberment of the corporate tax system.

One of the most revealing sources of information as to the cause of reduced Federal tax receipts and the skyrocketing Federal deficits can be found in the various corporate annual reports for 1971.

In one report of a typical major corporation, the first three paragraphs of the annual report for 1971 read as follows:

> The words and pictures of this Annual Report record the results of 1971 operations of the Company, and give evidence of the sustained steady growth and development.
>
> Sales in 1971 increased 5.9% over 1970. Operating revenues were $95.4 million, 17.2% higher than in 1970.
>
> Earnings for Common Stock amounted to $1.89 per average share outstanding in 1971, compared to $1.83 per share in 1970 on fewer shares then outstanding. Cash dividends of $1.36 were paid in 1971. The quarterly dividend rate was increased from 34¢ to 35¢ effective with the January 15, 1972 payment. Dividends have been increased in each of the past 19 years and have been paid for 53 consecutive years.

The report further states that Federal income taxes in 1971 were $156,730, compared with $2,400,608 for 1970, a tax reduction of $2,243,868. Thus, a corporation with glowing prospects has been able to achieve a tax reduction in 1971 of almost 1,600 percent.

As far as the Federal Treasury is concerned, this corporation, conducting a business of almost $100,000,000, pays less Federal income tax than a professional golfer.

In note 3 to the corporation's report it is stated:

> Tax reductions resulting from the use of liberalized depreciation methods are reflected in Federal income tax expense currently in accordance with the rate-making policy of ——— Commissioners of the State of ———. As a result of adopting Class Life (ADR) Depreciation System under the Revenue Act of 1971, Federal income tax expense was reduced in 1971 by approximately $111,000. Also, the Company has elected the percentage repair allowance rule under ADR, and Federal income tax expense under this provision, was reduced in 1971 by approximately $514,000.
>
> As a result of investment tax credits, including $110,000 under the new investment tax credit in the Revenue Act of 1971, Federal income taxes in 1971 and 1970 have been reduced by amounts of $367,000 and $433,000 respectively. The investment tax credit for 1971 principally represents a carryback to be applied against taxes paid in a prior year. Amounts equal to the tax reductions have been charged to income and credited to Deferred Credits for amortization by credits to income over five-year periods. or over the life of the property in the case of the investment tax credit earned under the new Revenue Act.

Thus we can begin to measure what we have done in last year's tax giveaway. We are very near to completely eliminating taxes on business. This goal of the administration is being substantially achieved.

However, taxes not paid by the business and industry sector will have to be assumed by the individual taxpayer. As the burden for Federal taxation is more heavily shifted to the individual taxpayer, the need for further tax reform becomes more obvious. The need for closing loopholes and eliminating tax escape systems becomes more clear and necessary.

The American corporation—with its demand for public services—and with its heavy contribution to pollution and damage to the environment—is on the way of becoming a freeloader on the American scene.

The Federal income tax on corporation net income is officially 48 percent. The Revenue Act of 1971 is estimated to reduce that tax level by up to 20 percent.

The question is, what percentage of Federal income tax are corporations actually paying now, before the Revenue Act of 1971 becomes fully effective?

For the last several days, members of my staff have been attempting to determine the effective corporate tax rate on 1969 income.

It is almost impossible to make an accurate determination of the tax paid. A careful check of corporation filings with the Securities and Exchange Commission shows that there is no standard format for submitting tax information. In short, there are so many qualifications and exceptions in the information submittted to the SEC that it is impossible to determine Federal taxpayments.

A check of the financial information books, Moody's and Standard & Poor, is a little more helpful. In most cases, taxes paid to the Federal Government, State and local governments, and foreign governments are lumped together. In some cases, however, the amount of Federal tax is listed separately.

Checking through the top 60 American corporations as listed by Fortune magazine's listing of the top 500 corporations, the following samples of Federal taxpayments are found:

CORPORATE RANK, CORPORATION AND 1969 U.S. TAXES PAID (PERCENTAGE)

1. General Motors, 41.8.
4. General Electric, 37.
6. Chrysler, 30.
15. DuPont, 46.
17. Westinghouse Electric, 41.
20. Goodyear Tire & Rubber, 30.
21. RCA, 47.
22. Swift & Co., 28.
24. Union Carbide, 31.
25. Bethlehem Steel Co., 17.
27. Eastman Kodak, 31.
28. Proctor & Gamble, 39.
31. International Harvester, 18.
40. American Meat Co., 40.
51. Continental Can, 40.
52. International Paper, 26.
56. American Can, 34.

As one can see, some corporations pay approximately the established rate of 48 percent. Others, however, pay as little as 18 percent. When the Revenue Act of 1971 becomes fully effective, these effective tax rates will drop even further.

I have not included the major oil and gas companies in the above list, because the percentage of Federal tax which they pay on enormous net incomes has always been notoriously low. For example, in 1970, Standard Oil of New Jersey paid 10.8 percent Federal tax on net income before tax of almost $2.5 billion. Texaco paid 6.4 percent on $1.1 billion. Gulf paid 1.2 percent on taxable income of about $1 billion—and these examples are the rule, not the exception.

Because the data does not appear to be available from normal sources, I am asking the Internal Revenue Service to provide me with figures on the amount of Federal taxes paid by the top 100 corporations in 1969 and 1970.

Additional revenues for consumer tax relief, for needed Federal programs and for lessening the deficit, can be and should be obtained by a thorough tax reform bill which will close the innumerable tax loopholes that favor the very few.

In 1969, the last year before the Tax Reform Act of 1969 went into effect, 300 persons with incomes over $200,000 paid absolutely no Federal taxes. Of this select group of 300, 52 had income of over $1 million, yet paid no Federal tax.

As a result of the 1969 Reform Act, the number of very wealthy persons paying no taxes declined to 112—including three with incomes in 1970 of over $1 million.

This is an improvement. But it is obvious that there are still gaping tax loopholes that must be plugged to provide tax equity and raise needed revenues.

The size of the tax loopholes is absolutely staggering. The Joint Economic Committee released a study on January 11, 1972, indicating that the level of tax subsidies is about $38 billion a year. Some of these subsidies are justified; many are not. During the Senate's debate on the Revenue Act of 1971, figures were supplied which indicated that tax credits, deductions, and special privileges cost the Treasury over $60 billion a year.

Typical of the tax loopholes is the minimum tax established in 1969 on those with large incomes. In determining one's minimum tax, one does not include interest received from State and local taxes or from intangible drilling expense allowances. In addition, if one has a tax credit carryover from previous years, one can apply it to one's minimum tax. It is the manipulation of procedures such as this that allowed 112 Americans to avoid any taxes last year.

Even those that end up paying some minimum tax pay only at a 10 percent rate on income above $30,000. Thus their effective tax rate is considerably lower than that of a salaried worker making $15,000 a year.

Other tax loopholes lower the effective tax rate—generally to the benefit of the very wealthy. For example, the avoidance of capital gains at death costs the Treasury $3.5 billion per year. It has been estimated that every year $22 billion worth of appreciation in stocks, real estate, and other property passed on to heirs at death or given away as lifetime gifts, avoids the capital gains tax.

Thus a well-to-do investor who holds 5,000 IBM shares worth around $1.5 million now, but which cost him only a few thousand dollars originally can avoid any taxes on this gains if he leaves the stock to his children—even if his children sell the shares immediately after the investor's death.

I have introduced legislation to close this loophole. Other loopholes are equally expensive.

Depreciation of nonrental buildings in excess of straight line, $550 million.

A $25,000 business surtax exemption which is often abused, up to $2.3 billion.

Bad debt reserves of financial institutions in excess of actual, $380 million.

Dividend exclusion, $280 million.

In the first session of the 92d Congress, I have introduced legislation which would close a number of loopholes and provide an additional $6 billion per year to the Treasury. These bills would:

First, eliminate percentage depletion after the cost of drilling for oil or gas has been recovered;

Second, eliminate all depletion allowances on foreign mineral explorations;

Third, repeal intangible drilling and development costs; and

Fourth, increase the holding period for capital assets from 6 months to 1 year before applying the lower capital gains rate to them.

During the coming months, I intend to introduce additional reform bills which will close other loopholes and provide the Treasury with an additional $11 to $12 billion. When added to other proposals which I support, more than $18 billion could be added to Federal receipts and halt the progression of horrendous deficits which have plagued this administration. The tax reform proposals would eliminate the almost certain need for increased Federal taxes next year.

LIMITATION ON GOVERNMENT PAYMENTS TO FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, the 1971 experience with the $55,000 payment limit on Government payments to farmers, showing no significant reduction in program costs, fully justifies hearings by the Committee on Agriculture to determine why. I hope these hearings will occur this year. This would be a desirable preparatory step in the development of legislation to follow the Agriculture Act of 1970 which expires next year.

The report by the Department of Agriculture just released confirms my worst fears and calls for tightening the payment limit language to stop the wholesale evasion which obviously occurred.

The details of payments in 1971, as placed in last Thursday's CONGRESSIONAL RECORD—page 7824—raise serious questions about the payment limit. In one instance in California, for example, the same post office box number was used to mail seven separate checks, each for $55,000, to seven different people. Three of those receiving the maximum payment were: J. R. Tracy, C. F. Tracy and R. W. Tracy. Others listed at the same address, each receiving $55,000, were: W. Selvidge, E. J. Selvidge, L. W. Frey and Jack Frey. During 1971, $385,000 in Federal farm payments were mailed to Box 177, Buttonwillow, Calif. In 1970 $113,581 was mailed to Tracy Bauch at the same box number.

The payment limit so far is a no limit at all. It is a cruel joke on taxpayers. Although many Congressmen voted for the provision believing it would actually end giant payments to wealthy farmers, Congress itself must accept much of the blame for failing to write a payment limit without any loopholes. I am confident they will demand a tighter limit in new legislation. I will press for an effective limit of $20,000 per farmer.

The report also helps to make a case for the $20,000 limit level, and in effect supports the finding under the last administration when John A. Schnittker, Undersecretary under Orville Freeman, prepared a report which found that a limit at $20,000 per farmer would not seriously impair the functioning of the farm program.

In addition the Tracy Ranch case mentioned above, here are other curiosities brought to light in farm payment data regarding Kern County, Calif. Doubtless the payments elsewhere contain just as many curiosities as Kern County:

SELECTED PAYMENTS FOR 1970 AND 1971

1970	1971
Belluomini Brothers, Route 1, Box 89, Buttonwillow, Calif., $106,720.	Thomas Belluomini, $55,000. R. A. Belluomini, $55,000. Elmo Belluomini, $55,000. A. C. Belluomini, $55,000. All of the above listed at Route 1, Box 89, Buttonwillow, Calif.
1970	1971
Torigiani Brothers, P.O. Box 223, Buttonwillow, Calif., $111,413.	R. Torigiani, Box 846, Buttonwillow, $54,887. G. Torigiani, 7107 Mesa Verde Way, Bakersfield, Calif., $54,871. M. Torigiani, Box 846, Buttonwillow, $54,871.
Bloemhof Hay Company, P.O. Box 147, Buttonwillow, Calif., $105,770.	D. Bloemhof, Jr., $54,976. Henry Bloemhof, Jr., $54,976. Ted Bloemhof, $54,976. Dave Bloemhof, $54,796. All the above are listed at Box 147, Buttonwillow, Calif.,
Bidart Brothers, Route 1, Box 860, Bakersfield, Calif., $150,910.	J. A. Bidart, Sr., $52,082. Emily Bidart, $52,082. B. A. Bidart Trust, $52,082. J. A. Bidart, Jr. Trust, $52,082. P. J. Bidart Trust, $52,082. All the above are listed at Route 1, Box 860, Bakersfield, Calif.
Joe G. Fanucchi and Sons, Route 2, Box 318, Bakersfield, Calif., $91,878.	Charles Fanucchi, $39,596. Frank M. Fanucchi, $39,596. Joe P. Fanucchi, $39,596. Joe G. Fanucchi, $39,580. All the above are listed at Route 2, Box 318, Bakersfield, Calif.

Here is the USDA study, except for exhibits and tabular information:

USDA STUDY THE EFFECT OF PAYMENT LIMITATIONS ON THE SET-ASIDE PROGRAMS—RESPONSE TO RESOLUTION S. 153

PART I—INTRODUCTION AND BACKGROUND

A. *Introduction*

This report provides the results of a study of changes in farming operations by producers who earned $55,000 or more under the 1970 Upland Cotton, Feed Grain, or Wheat Programs. This study was requested by the Secretary in response to Senate Resolution S. 153 dated July 15, 1971. This report responds directly to the following issues set forth in the Resolution:

(1) The extent of changes in farming operations for 1971 by participants who earned more than $55,000 in program payments in 1970.

(2) An evaluation of the impact of the $55,000 limitation on program participation in 1971.

(3) An evaluation of the probable impact should a $20,000 limitation be imposed in subsequent years.

Part II of this report responds to point (1) of the Resolution. Part II is based on a study of changes in farming operations of 1,350 producers who earned $55,000 or more in 1970. It is a comparative analysis of these producers' 1970 and 1971 farming operations as reported by 371 ASCS county offices in 33 States. Parts III and IV are in response to points (2) and (3) above.

To obtain information for the comparative analysis, a questionnaire was sent to ASCS county offices where producers who earned $55,000 or more under the 1970 Upland Cotton, Feed Grain, or Wheat Program had farming interests. County office personnel were required to report the 1971 changes from the producers' 1970 operations. It was impracticable to trace these changes to those persons ultimately receiving the base and allotment acreages. Completed questionnaires showed 1970 and 1971 payment and acreage allotment/base data for each producer, and changes in their 1970 farming operations for the 1971 Set-Aside Programs. The data submitted by ASCS county offices was verified by OIG auditors on a sample basis for 150 producers in 18 counties in 5 States. This verification established the reliability of the information furnished by the county offices.

B. *Background*

The Agriculture Act of 1970 provides a payment limitation of $55,000 for each "person" each year for the 1971–1973 programs for upland cotton, wheat, and feed grains. The law further provides that the limitation:

(1) Applies separately to upland cotton, wheat, and feed grain payments.

(2) Applies to payments received for price support, set-aside, diversion, public access, and wheat marketing certificates, but does not apply to loans or commodity purchase agreements.

(3) Does not apply to lands owned by States, political sub-divisions, or agencies thereof, if the lands are farmed for the direct furtherance of a public function.

Pursuant to the Act, the Secretary prescribed rules and regulations to implement the payment limitation. The Secretary's regulations define a "person" for the purpose of the payment limitation as follows:

". . . the term 'person' shall mean an individual, joint stock company, corporation, association, trust, estate, or other legal entity. In order to be considered a 'person' for the purpose of the payment limitation, in addition to other conditions of this part, the individual or other legal entity must

(a) Have a separate and distinct interest in the land or the crop involved,

(b) Exercise separate responsibility for such interest, and

(c) Be responsible for the cost of farming related to such interest from a fund or account separate from that of any other individual or entity."

The Secretary also issued regulations for applying the above definition to multiple individuals or entities (partnerships, joint ventures, tenants-in-common, joint operations, corporations and stockholders, estates or trusts, husband and wife, minor children and other) for the purpose of implementing the payment limitation provisions. (See Title 7, Chapter VII, Part 795, of the regulations.)

PART II—CHANGES IN FARMING OPERATIONS FOR 1971

A. *Summary*

The 1971 payment limitation provisions of the Agriculture Act of 1970 resulted in total savings (actual reductions in payments) under the Upland Cotton, Feed Grains, and Wheat Set-Aside Programs of $2,183,976. This represents 1.6 percent of $138.8 million paid to cotton, feed grain, and wheat producers who earned more than $55,000 in 1970. The payment reductions due to the $55,000 limit affected 466 cotton, feed grain, and wheat producers in 1971.

In addition to the savings, 1971 payments to producers who earned more than $55,000 in 1970 decreased about $70.7 million. About $28.0 million of this decrease represented an actual reduction in 1971 program costs due to basic changes between the 1970 program and the 1971 Set-Aside Program. This $28.0 million reduction was not related to the 1971 payment limitation. The remaining decrease of $42.7 million represents a shift in 1971 program payments to other persons or entities as a result of changes in farming operations by those producers who received more than $55,000 in 1970. This $42.7 million was not a reduction in program costs, but represents a redistribution of program payments in conformity with the 1971 distribution of allotments/bases and cropping shares.

The study showed that of about 1,350 producers receiving more than $55,000 each in 1970 program payments on cotton, feed grain, or wheat, 1,046 (77%) changed their farming interests or operations for 1971. The following paragraphs provide summary data for the individual commodities.

B. *Upland cotton*

In 1970, about 1,200 cotton producers in 204 counties in 17 States received more than $55,000 each in program payments on 1,462 farming operations. The 1970 payments to these producers totalled about $125.1 million. The 1971 payment limitation provisions resulted in total savings under the Upland Cotton Set-Aside Program of about $1.3 million. This represents one (1) percent of the $125.1 million paid to cotton producers who earned more than $55,000 in 1970. The payment reductions due to the limitation affected 413 cotton producers in 1971.

In addition to the savings, payments to the 1,200 producers on 1,462 farming operations in 1971 decreased about $62.7 million. About $22.1 million of this decrease was due to basic program changes between the 1970 Upland Cotton Program and the 1971 Cotton Set-Aside Program. This amount represents an actual reduction in program costs, but is not related to the payment limitation provisions. The remaining $40.6 million decrease represents a redistribution of 1971 cotton payments to other persons or entities as a result of changes in operations by about 1,000 producers (83%) on 1,184 farm operations. Presumably, many of these changes in operations were a direct result of the imposition of the $55,000 limit. Many of these producers who changed their operations for 1971 used more than one means of accomplishing the change. Details of the changes and the impact on 1971 Upland Cotton Program payments are on the following page.

Reason for payment decrease	Decrease in 1971 payments to producers receiving more than $55,000 in 1970 (millions)	Farm operations affected [1]	Reduction in 1971 program costs (millions)
Basic program changes: Reduction in 1971 price support payment rate and farm yields	$22.1	1,462	$22.1
Farm operations changed	40.6	1,184	0
By temporary transfer of allotment acres away from farms	[2] 18.8		
By shifting land and allotment to other "persons or entities" (includes formation of partnership(s), corporation(s), trust(s), settlement of estates, adding tenants; reducing allotment acres transferred to the farm for 1971; reconstitutions resulting from selling farms, cash leases, dropping leases, revising crop share agreements, and discontinuance of farm operations)	[3] $21.8		
Total	$62.7		$22.1

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[1] For the purpose of this study, a farm operation represents all cotton farms in 1 county on which the producer received a 1970 cotton payment. There were 1,462 cotton farm operations on which about 1,200 producers received payments in 1970.

[2] There were 320 farm operations that transferred allotments away under the temporary lease provisions. Based on 1971 participation data, it is assumed that this acreage was enrolled in the set-aside program by those producers who acquired the allotments for 1971.

[3] Based on 1971 participation data, it is assumed that these payments were earned by producers who obtained an interest in the relinquished farming operations for 1971.

Note: See explanations on exhibits attached:

Exhibit 1.—Summary of 1970–71 cotton payments and domestic allotment acres for farming operations of producers who received more than $55,000 in 1970.

Exhibit 2.—Explanation of 1971 cotton payment decreases on farm operations of those producers who received more than $55,000 in 1970.

Exhibit 3.—Summary of cotton allotment acres leased under the temporary lease provisions on farming operations of those producers who received more than $55,000 in 1970.

Exhibit 4.—Summary of 1971 changes in farming operations by cotton producers who received more than $55,000 under the 1970 upland cotton program.

C. Feed grain

In 1970, 93 feed grain producers in 110 counties in 17 States received more than $55,000 each in program payments. The 1970 payments to these producers totalled about $9.3 million. The 1971 payment limitation provisions resulted in a total savings under the Feed Grain Set-Aside Program of about $.2 million. This represents 2.1 percent of the $9.3 million paid to feed grain producers who earned more than $55,000 in 1970. The payment reductions due to the $55,000 limit affected 11 feed grain producers in 1971.

In addition to the savings, payments to all feed grain producers who received more than $55,000 in 1970 decreased about $6.7 million in 1971. About $5.5 million of this decrease was due to basic program changes between the 1970 Feed Grain Program and the 1971 Feed Grain Set-Aside Program. This amount represents an actual reduction in program costs, but is not related to the payment limitation provisions. The remaining $1.2 million decrease represents a redistribution of the payments to other producers as a result of the 1971 changes in operations by 21 producers (23%). Presumably, many of these changes were a direct result of the imposition of the $55,000 limit. Many of the producers who changed their operations for 1971 used more than one means of accomplishing the change. Details of the changes and the impact on 1971 Feed Grain Program payments follow:

Reason for payment decrease	Decrease in 1971 feed grain payments to producers receiving more than $55,000 in 1970 (millions)	Feed grain producers affected	Reduction in 1971 program costs (millions)
Elimination of barley and additional diversion payment from 1971 program	$5.5	72	$5.5
Change in farming operation by shifting land and allotment to other "persons or entities" (includes formation of partnership(s), corporation(s), trust(s), settlement of estates; reconstitutions resulting from selling farms, cash leases, or dropping leases)	[1] $1.2	21	0
Total	$6.7		$5.5

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[1] This payment decrease is attributable to an estimated feed grain base reduction of 22,000 acres by the 21 producers who changed their 1971 operation. It is probable that some of this relinquished base acreage was not enrolled in the program by those producers acquiring control of the land and base acreage for 1971.

Note: See explanations on exhibits attached:

Exhibit 5.—Summary of 1970–71 feed grain payments to producers who received more than $55,000 in 1970.

Exhibit 6.—Summary of 1971 changes in farming operations by feed grain producers who received more than $55,000 under the feed grain program.

D. Wheat

In 1970, 57 wheat producers in 74 counties in 15 States received more than $55,000 each in program payments. The 1970 payments to these producers totalled about $4.4 million. The 1971 payment limitation provisions resulted in total savings under the Wheat Set-Aside Program of about $.7 million. This represents 15.9 percent of the $4.4 million paid to wheat producers who earned more than $55,000 in 1970. The payment reductions due to the $55,000 limit affected 42 wheat producers in 1971.

In addition to the savings, payments to the 57 producers in 1971 decreased about $1.3 million. About $.4 million of this decrease was due to basic program changes between the 1970 Wheat Program and the 1971 Wheat Set-Aside Program. This amount represents an actual reduction in program costs, but is not related to the payment limitation provision. The remaining $.9 million decrease represents a redistribution of the wheat payments to other producers as a result of changes in operations by 25 producers (44%). Presumably, many of these changes were a direct result of the imposition of the $55,000 limit. Many of the producers who changed their operations for 1971 used more than one means of accomplishing the change. Details of the changes and the impact on 1971 Wheat Program payments follows:

Reason for payment decrease	Decrease in 1971 wheat payments to producers receiving more than $55,000 in 1970 (millions)	Wheat producers affected	Reduction in 1971 program costs (millions)
Elimination of additional diversion payment from 1971 program	$0.4	32	$0.4
Change in farming operation by shifting land and allotment to other "persons or entities" (includes formation of partnership(s), corporation(s), trust(s), settlement of estates; reconstitutions resulting from selling farms, cash leases or dropping leases, and non-participation in 1971)	[1] $0.9	25	0
Total	$1.3		$.4

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[1] Based on 1971 program participation data, it can be reasonably assumed that these payments were earned on allotment acreages enrolled by those producers who acquired an interest in the land and allotment relinquished by the 1970 producers.

Note: See explanations on exhibits attached:

Exhibit 7.—Summary of 1970–71 wheat certificate payments to producers who received more than $55,000 in 1970.

Exhibit 8.—Summary of 1971 changes in farming operations by wheat producers who received more than $55,000 under the 1970 wheat program.

PART III—IMPACT OF THE $55,000 LIMITATION IN 1971

The $55,000 payment limitation had little significant effect on the extent of participation in the 1971 program. And only in the cotton program was the number of producers affected by the limitation significant.

In 1971, 98.5 percent of all eligible cotton allotment acreage was in the program—slightly higher than the 97 percent in 1970. Since the total allotment enrolled in the cotton program was higher than in 1970 and since virtually all was in the program, it is evident that the program payment limitation had little effect on total participation. Most of the persons who earned more than $55,000 in payments in 1970 were in the five states of Arizona, Arkansas, California, Mississippi, and Texas. About 99 percent of eligible cotton allotment acreage in these states was in the program in 1971—compared with 98 percent in 1970.

Although precise data are not available, we estimate about 50 wheat producers and 20 feed grain producers would have been affected by the payment limitation in 1971 if they had made no change from their 1970 farming operations. Allotments and bases on these farms accounted for about 0.43 percent of total U.S. wheat allotments in 1971, and 0.12 percent of corn and grain sorghum base. On the other hand, about 1,000 cotton producers holding about 13 percent of total cotton allotments would have been affected in 1971 if they had made no change from their 1970 farming operations.

Participation in the feed grain program rose from 66 percent of the eligible acreage in 1970 to 81 percent in 1971. Similarly, participation in the wheat program rose from 88 percent to 95 percent. These increases, however, occurred because of other changes in the program rather than the payment limitations.

The payment limitation very likely caused some cropping changes on those farms where payment to a producer was reduced because of the payment limitation. The acreage set aside on these farms was reduced proportionately to the reduction in total payments. The limitation thus made more acreage available for production on these farms. About 16,000 acres in total set-aside was reduced for this reason on farms affected directly by the payment limitation.

Most of this reduction was under the provisions of the wheat program. These farmers earned lower income than they would have had there been no payment limitation. Likewise, those farmers who utilized the leasing provision of the cotton legislation also earned a lower income in 1971 than had they not been subject to a payment limitation. Conversely, most of the lessees probably had a higher income from cotton as a result of the payment limitations feature of the 1971 program, because they didn't pay the full return from the program payment as rent for the leased allotments.

In summary, while the $55,000 payment limitation in 1971 adversely affected some individuals and benefited others, it had no significant effect on:

(1) program signups;

(2) surpluses of grain or shortage of cotton; and

(3) government expenditures.

These results, especially (2) and (3), are interrelated. If there had been a significant reduction in government expenditures as a direct result of the limitation (payments forfeited), then the surplus grain and short cotton situations would have been aggravated. This point will be dealt with further in Part IV below.

PART IV—PROBABLE IMPACT OF A $20,000 PAYMENT LIMIT IN SUBSEQUENT YEARS

If the maximum payment to any one person had been $20,000 in 1971, some 10,000 persons would have been affected compared with about 1,350 affected in 1971 by the $55,000 limit (based on 1970 data). A small part of the feed grain and wheat program payments went to persons receiving more than $20,000, and they accounted for a small part of United States production of corn, grain sorghum, and wheat as implied in the following table. Thus, the major impact of a $20,000 payment limitation in subsequent programs which were otherwise similar to the 1971 programs would fall on the cotton program and cotton producers.

NUMBER OF PERSONS, AND PAYMENTS AND ALLOTMENTS OR BASES OF PERSONS RECEIVING $20,000 OR MORE FROM COTTON, FEED GRAIN, AND WHEAT PROGRAM PAYMENTS IN 1971

Program	Persons		Payments		Allotment or base	
	Number	Percent of U.S. total	Amount (in thousands)	Percent of U.S. total	Acreage (in thousands)	Percent of U.S. total
Cotton	8,742	2.6	$308,117	37.7	3,231	31.3
Feed grains	247	.1	7,186	.7	627	.7
Wheat	1,112	.9	31,009	3.6	741	4.1
Total	[1] 10,012		$347,312		4,599	

[1] Net number; some persons received $20,000 or more from 2 or 3 programs.

In adjusting from unlimited payment in 1970 to the $55,000 limit in 1971, the affected producers reduced their cotton allotment acreage by 324 thousand acres, or 45 percent, from 715 thousand acres they drew payments on in 1970. Most of the reduction was brought about by leasing land and allotments to producers earning less than the limit.[1] However, based on 1970 data, only 14.3 percent of the cotton payments went to producers who received in excess of $55,000. But, as indicated in the table above, 37.7 percent of the cotton payments in 1971 went to producers who received between $20,000 and $55,000.

With a further reduction to a $20,000 limit the supply of allotments for lease or sale without or with the land could be expected to increase without any comparable increase in demand for these allotments. Thus, the rent that allotment owners could receive from their allotments would very likely drop from the amount received in 1971 when it ran between three and ten cents a pound. This would result in a readjustment in the benefits from the program—with the holders of the allotments to be leased out receiving a smaller share of the benefits.

Another problem would arise in those areas where there is a heavy concentration of large producers. In such cases, there might not be a market for all the leases made available as a result of a $20,000 payment limitation.

Under the rules in effect for the 1972 programs, a producer would need to establish up to nine separate corporations if that method were chosen to minimize effects of the limit on him as an individual, because if a producer has more than a 20 percent interest in a corporation, his proportionate income from the corporation would count toward his total payments. It would, of course, be difficult, if not impossible, to organize several corporations by an individual who would perforce be a minority stockholder in each.

As required by law, the cotton program provides the option of leasing or selling allotments. Such an option is not available to feed grain or wheat producers. Therefore, relatively more leasing out of land by feed grain and wheat producers subject to a $20,000 limit could be expected. Others might adjust by dropping the leases on land they were renting in order to cut the size of their farming operation down (c.f. Exhibit 4 with Exhibits 6 and 8). However, the sum total would apparently not be large since if a $20,000 limit had been in effect in 1971 only about one percent of the feed grain base acreage and four percent of the wheat allotment acreage was on farms that would have been affected.

The 10,000 producers in 1971 that received more than $20,000 operated 30,000 farms. There were 20.4 million acres of cropland on these farms. Their planting pattern was as follows:

	Million acres
Feed Grains (all four)	2.9
Wheat	2.7
Total Grains	5.6
Soybeans	2.4
Cotton	4.5
Other Crops	.9
Conserving Base	3.2
Set-Aside	1.9

The experience with the $55,000 limit in 1971 indicates that many farmers would adjust to a lower limit by dropping leases, leasing out allotments with or without land, or outright sale of farms or farmland. These kinds of adjustments reduce the impact on production; however, they also preclude any reduction in total government payments under the farm program due to the limitation.

What size of farm would be affected by a $20,000 limit, given the payment rates provided for in the 1972 program? In the case of corn on a farm that has a hundred bushel yield, a $20,000 limitation would become effective on a payment base of 500 acres (1,000 acres corn base) if the producer signs up for the minimum set-aside of 25 percent. If he wished to sign up at the maximum, it would become effective on a corn base of 625 acres (a payment base of 312.5 acres). In the case of wheat with a 60 bushel yield, the limit would be effective on a farm having a wheat allotment of 198 acres at the minimum level of participation; at the maximum level of participation, a farm of only 140 acres of wheat allotment would be affected. Cotton with a 500 pound yield would be affected on a farm with a cotton allotment of 267 acres.

The number of producers and the acreage affected in the 1972 feed grain and wheat programs would be somewhat larger than in 1971—because payments under the 1972 feed grain and wheat programs will be larger. First, the minimum set-aside acreage for feed grain was revised from 20 percent to 25 percent of the base and payments increased proportionately. Furthermore, farmers are offered additional set-aside for both feed grains and wheat. However, if the required set-aside raised a person's payment to the limit he could not be expected to volunteer additional set-aside. Thus, the limitation would reduce the total set-aside on these farms below what it otherwise would be. On the one hand, this would reduce the total payments to these producers—but it would also require increased set-aside (at increased costs per acre) by other producers to offset the resulting reduction in the supply management aspects of the program.

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[1] Rented-in allotments increased from 58 thousand acres in 1970 to 90 thousand acres in 1971. But this increase resulted from the greater ease with which allotments could be transferred for 1971 and not from any effect of payment limitation.

In 1970, when barley was included in the feed grain program and producers could voluntarily divert additional land, 1,425 grain producers (0.09 percent) and 1,273 wheat producers (0.13) percent received payments in excess of $20,000 each. With greater participation expected in the 1972 program, the number of producers with payments in excess of $20,000 each is expected to be somewhat larger than it was in 1970.

The increase in required set-aside in the 1972 program could increase the number of feed grain producers receiving $20,000 or more by some 25 percent above the number affected in 1971, as the acreage required to set-aside per farm also is about 25 percent larger—or about 350 producers more. The number of wheat producers would be perhaps 10 to 15 percent greater—or 150 to 200 more. Estimating the number who would move up to $20,000 or more because of additional voluntary set-aside is much more difficult; there is no solid basis for estimating ahead of actual signup the number who would voluntarily set-aside additional acreage under the several available options even if there were no limit on payments.

Reducing the limit from $55,000 to $20,000 would reveal some differences in kind as well as degree. A substantial part of the hardships resulting from the 1971 crop limits fell on a relatively few producers who operated farms on such a scale that the entrepreneur himself was required to devote most of his time to the management and direction of the farm operations, as opposed to actually driving the tractor, combine, or cotton picker. However, producers affected by a $20,000 limit, as opposed to the $55,000 maximum, would, to a large extent, be farmers who, with their family members, actually perform a significant portion of the basic farm labor requirements themselves. These are mostly family farms; not typical, but generally efficient, unusually productive and progressive—but certainly few would be large corporate operations.

This report has approached the probable impact of a $20,000 limitation as it would have related to the programs in effect in 1971 and 1972. Since it is impossible to precisely foresee future program changes, this statement, of necessity, outlines mainly the direction rather than the specific magnitude of the possible effects.

In summary, the anticipated impact of a $20,000 limit in subsequent crop years would be:

(1) Slightly reduced participation in the set-aside programs.

(2) A slight increase in grain production which at present is surplus to our needs.

(3) A modest decrease in cotton production which at present is short of our requirements.

(4) A nominal decrease in government payments under the set-aside programs.

(5) Increases in cotton production for a considerable number of small operators who would increase production by renting acreage from farmers with payments above $20,000.

PRIME MINISTER LYNCH INTERVIEW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Frelinghuysen) is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, on March 6 I submitted for the Record a report of an interview between Bernard D. Nossiter of the Washington Post and the Prime Minister of Ireland, Mr. John Lynch. That article indicated that Mr. Lynch had been critical of Senator Edward Kennedy for advocating immediate withdrawal of British troops from Northern Ireland.

To my surprise, I recently received a letter from Mr. William Warnock, the Irish Ambassador here in Washington. He described the Washington Post request as "incomplete and in some respects misleading." In an effort "to put the record straight," the Irish Ambassador wrote to me: "No doubt you will consider" having the text of Prime Minister Lynch's press release included in the Congressional Record.

Having considered this suggestion, Mr. Speaker, I am of course glad to comply with the Ambassador's request. However, I hope it is not presumptuous of me to suggest that the material which I received still leaves me somewhat confused. Mr. Lynch, according to his own press release, denies that he has been critical of Senator Kennedy. Yet, there surely is a sharp difference of views between the two men. And the release adds little to the completeness of the interview, or in what respects Mr. Nossiter's account was "misleading."

At his appearance before the Foreign Affairs Committee, Senator Kennedy advocated immediate withdrawal of all British troops from Northern Ireland. The Prime Minister of Ireland described his interview as involving "the likely effects which their immediate removal would have on the present situation in the North." To an outsider, this sounds like a difference of opinion with Senator Kennedy, if not a criticism of his views. So, too, does Mr. Lynch's advocacy, as "an immediate step," of the withdrawal of British troops only "from Catholic areas" of Northern Ireland. This suggestion was not advocated by Senator Kennedy.

The press release issued by the Prime Minister of Ireland seeking to clarify his position, and the statement appearing in the Irish Independent of Dublin on May 4 follow:

March 3, 1972.

(The following statement has been issued by the Government Information Bureau (Dublin) on behalf of the Taoiseach (Prime Minister), Mr. John Lynch.)

The Taoiseach regards the published report of his interview with the "Washington Post" as incomplete and, in some respects, misleading.

Certain quoted remarks attributed to the Taoiseach, while accurate, are removed from their proper context. For example, the Taoiseach did not, as reported, criticise Senator Kennedy or his efforts.

The Taoiseach's comments on the possible withdrawal of British troops were made in the context of the likely effects which their immediate withdrawal would have on the present situation in the North while emphasising the need for political initiatives from the British Government which would lead to the complete withdrawal of British troops from Northern Ireland. As an immediate step, the Taoiseach repeated his view that British troops should be withdrawn from Catholic areas.

The possibility of a war situation arising between Ireland and Britain was not adverted to by the Taoiseach in the course of the interview as the report suggests.

[From the Irish Independent, Mar. 4, 1972]

Lynch Denies Rebuking Kennedy

The Taoiseach last night denied that, as published in an interview in the "Washington Post," he had criticized Senator Edward Kennedy or the Senator's efforts to highlight in the U.S. the Irish problem.

Mr. Lynch said that he, in fact, welcomed the interests the Senator had shown and his part in bringing the Northern problem to a position of prominence in American political life.

In a statement Mr. Lynch said he regarded the published report of his interview as incomplete and, in some respects, misleading. Certain quoted remarks attributed to him, while accurate, were removed from their proper context.

His comments on the possible withdrawal of British troops were made in the context of the likely effects which their immediate withdrawal would have on the present situation in the North while emphasising the need for political initiatives from the British Government which would lead to the complete withdrawal of British troops from Northern Ireland. As an immediate step, he had repeated his view that British troops should be withdrawn from Catholic areas.

The possibility of a war situation arising between Ireland and Britain was not adverted to by him in the course of the interview, as the report suggested.

THE 95-PERCENT CONVENTIONAL MORTGAGE LOAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. Heckler) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, Mr. Jackson W. Goss, president of the Investors Mortgage Insurance Co. of Boston, Mass., recently articulated in an exceptionally lucid and able fashion the great advantages and enormous potential for prospective home buyers of the availability of 95-percent conventional mortgage loans.

Mr. Goss' statement is worthy of much attention, and I am pleased to bring it to the attention of my colleagues:

Statement by Jackson W. Goss, Investors Mortgage Insurance Co.

The 95 per cent conventional mortgage loan—one of the most revolutionary innovations in the history of the nation's thrift industry—is expected to have dramatic intermediate, as well as long-range, effects on our housing industry.

In the past, the most that a potential home buyer could hope for was a 90 per cent conventional mortgage loan—which meant a minimum cash down payment of 10 per cent. For loans in excess of 90 per cent, borrowers and lenders, for the most part, turned to programs offered by the Federal Housing Administration or the Veterans Administration.

But today, it is a totally new—and different—story. In mid-August, 1971, the Federal Home Loan Bank Board changed the regulations to permit federally chartered savings and loan associations to make 95 per cent conventional loans—with only a 5 per cent cash down payment required.

This innovation has opened the door to literally thousands of potential home buyers across the nation—especially those with moderate incomes and no large amounts of ready cash accumulated.

Along with permitting 95 per cent loans, the Bank Board wisely laid the groundwork necessary for a brand new nationwide secondary market dealing in conventional mortgages.

A secondary market system—between lenders—for conventional loans has existed within the savings and loan and mortgage banking industries for many years but it has been a fairly inactive market. It is a means of moving funds from areas with a surplus of capital to areas where the supply is limited.

Various attempts have been made over the years to stimulate the secondary market—one of the most recent by Investors Mortgage. In January, four mortgage bankers from Texas—Houston, Dallas, San Antonio and the El Paso-Albuquerque area—were brought to Chicago to meet with executives of 20 Chicago area S&Ls.

The Chicago area is one currently with a surplus of capital for mortgage lending. The money is needed in Texas for further housing development, construction and financing.

The Texans brought along films of their areas, of the construction now under way and of the areas where further development and construction is planned. The mortgage bankers were able to tell the S&L executives exactly what they had in their mortgage portfolios—the projects, the costs and the interest rates.

As a result, several transactions were completed that day and at least five of the savings and loans agreed to send people to Texas for further study of the situation.

To the best of our knowledge, this was the first program ever put together to bring two such groups into direct contact.

The new nationwide secondary market with uniform procedures, however, is something else.

The Bank Board created the Federal Home Loan Mortgage Corporation (FHLMC) to operate the secondary market—along with the Federal National Mortgage Association (FNMA).

Active participation by lenders in this market will help assure a more stable suply of lendable funds for the thrift industry. Institutional lenders will be readily able to sell mortgages from their loan portfolios to either the FHLMC or FNMA and, in turn, have more money to lend.

All mortgages sold to the agencies must meet one of three requirements set up by the 1970 housing act. One of the key stipulations is that any unpaid loan balance above 75 per cent be protected by private mortgage insurance.

FNMA held its initial auction on February 14 in the new market and the first mortgage purchased—on February 15—was a 95 per cent conventional mortgage on a single-family home in Birmingham, Alabama. The top portion of the loan was insured by Investors Mortgage.

The new 95 per cent program does have some limitations. A 95 per cent loan can be made only for the purchase of a condominium or single-family home—the maximum amount that can be borrowed is $30,000.

This means that the price of the unit cannot exceed $31,578—the 5 per cent cash down payment amounts to $1,578.

Lenders making 95 per cent loans may do so under one of two options. The S&L may require that private mortgage insurance be written to cover any amount above 90 per cent. Or, the lender may establish a reserve fund equal to 1 per cent of the loan balance until it is reduced to no more than 90 per cent.

The private mortgage insurance industry, recognizing the potential of the 95 per cent program, has developed new wide-ranging annual and single-premium plans which give the lender the necessary protection on a 95 per cent loan.

The availability of 95 per cent financing will be a boon to potential home buyers who have put off buying houses simply because they lacked the cash for a down payment. For thousands of these families, that requirement has been slashed by half—and more.

No doubt, there will be new developments in the housing and thrift industries in the coming years, but those of 1971 will truly be hard to match. An insatiable demand for new homes, an active secondary market and 95 per cent conventional mortgage loans should help push the housing industry to possibly another record year in 1972.

TAX INCENTIVES TO AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, at first glance, there would seem to be little chance for an urban Congressman to actively cosponsor legislation which would provide tax incentives for job development in the rural areas of America. This statement is in support of just such a bill.

I strongly favor passage of H.R. 5063, which proposes the use of special tax incentives to spur a substantial increase in private investment and indigenous employment in rural areas, so as to overcome some of the factors which otherwise discourage business expansion in those localities.

According to the provisions of this bill, industrial and commercial enterprises locating in counties designated as "rural job development areas"—no city over 50,000 population, and 15 percent of families with incomes of less than $3,000—will be eligible for the following:

A 7-percent tax credit on personal property;

A 7-percent tax credit on real property;

An accelerated depreciation allowance; and

A 50-percent tax deduction on wages paid workers given on-the-job training.

In order to qualify the enterprise must hire at least 50 percent of its work force from the local area, and at least 10 employees, wherever possible. Provisions dealing with "runaway" firms would prohibit a company's moving to such a rural area, simply to take advantage of the tax incentives.

H.R. 5063 is an attempt to redevelop the many rural areas of our country which have deteriorated due, in large part, to a lack of employment opportunities. Hundreds of thousands of farms and rural industries have been put out of business as a result of rising production costs, increased taxes, and declining farm prices. Inadequate housing, education, health, water and sewer facilities, and community services have only aggravated the unemployment problem. The outcome has been a massive migration to our Nation's urban centers.

In place of the open job market and improved services which these migrants expect to find, the majority of the unskilled, urban poor, whether black, white, or chicano, encounter—and eventually contribute to—all the ills of the modern, overpopulated metropolis.

The cost, to such a city as New York, of welfare, education, housing, transportation, health care, pollution abatement, and crime control will only become more difficult to bear as the rural unemployed continue to flock to the city while the upper and middle classes, along with a growing number of industries, escape to the refuge of suburbia.

Shortsighted efforts at solving the problem of urban blight have included, on the one hand, cost-saving cutbacks on welfare payments and, on the other, a relentless increase in the funding of relief programs. Neither approach has been characterized by careful analysis of the causes behind the crisis.

Mr. Speaker, the Rural Job Development Act of 1971 attacks both rural and urban blight. It provides for a way to regenerate many poor areas of rural America, and at the same time launch an offensive against the relentlessly escalating problem of overcrowded cities. I urge my colleagues to give this legislation their unqualified support.

THE 205TH BIRTHDAY OF ANDREW JACKSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 10 minutes.

Mr. FULTON. Mr. Speaker, today, March 15, is the 205th anniversary of the birth of Andrew Jackson, the seventh President of the United States and the man who put forth the philosophy of "Jacksonian democracy."

As befits Jacksonian democracy's emphasis on all citizens' right to participate in government, Andrew Jackson himself rejected pomp and pageantry. He thus demonstrated humility and identification with the common man.

Yet Andrew Jackson was, indeed, a great man.

He was a soldier in the American Revolution, the prosecuting attorney for western North Carolina—now Tennessee—a member of the Tennessee Constitutional Convention of 1796, a Tennessee Supreme Court Justice, the first U.S. Congressman from Tennessee, a U.S. Senator from Tennessee, a major general of the U.S. Army, the military governor of Florida, and President of this Nation.

Today, on his birthday, we should take note of Andrew Jackson's contributions to our Nation—both his accomplishments, as a public servant and his support of the right of all persons to participate fully in government.

Mr. Speaker, the Tennessee General Assembly has resolved to "commemorate this day in honor of Andrew Jackson by pledging ourselves anew to work for and consider each and every Tennessean in our legislative deliberations." At this point I include the general assembly's resolution in the Record:

TENNESSEE HOUSE JOINT RESOLUTION No. 270

(A resolution to commemorate the two hundreth and fifth anniversary of the birth of Andrew Jackson.)

Whereas, Andrew Jackson was a great Tennessean and a great American; and

Whereas, Andrew Jackson served his state and his nation as a soldier in the American Revolution, the prosecuting attorney for Western North Carolina (what is now Tennessee), a member of the Tennessee Constitutional Convention of 1796, a Tennessee Supreme Court Justice, the first United States Congressman from Tennessee, a United States Senator from Tennessee, a Major General of the United States Army, the Military Governor of Florida and the seventh President of the United States; and

Whereas, Andrew Jackson undertook this service with such diligence and perseverance that he became known as "Old Hickory"; and

Whereas, through such service to this state and nation he was able to put forth a new philosophy in government whereby the common man became a full participant and this philosophy became known as "Jacksonian Democracy" which has persisted and influenced subsequent presidents of this nation; and

Whereas, Andrew Jackson with all of his accomplishments carried them under a cloak of humility as evidenced by his rejection of pomp and pageantry at his inauguration as President of the United States; and

Whereas, it is fitting and proper that we give special recognition to the memory of a man who has contributed so much to the state and nation and who believed and fought for the right of every person to have a fair chance to rise to a common level with other persons; and

Whereas, the fifteenth day of March, nineteen hundred and seventy-two is the two hundred and fifth anniversary of the birth of one of America's greatest statesmen; now, therefore,

Be it resolved by the House of Representatives of the eighty-seventh General Assembly of the State of Tennessee, the Senate concurring, That we commemorate this day in honor of Andrew Jackson by pledging ourselves anew to work for and consider each and every Tennessean in our legislative deliberations.

Be it further resolved, That Governor Dunn is asked to proclaim March 15, 1972 as "Andrew Jackson Day."

Be it further resolved, That a copy of this Resolution be sent to each member of the Tennessee Congressional delegation, each member of the Tennessee Historical Commission, and the curator of the Hermitage.

Adopted: February 21, 1972.

James R. McKinney,
Speaker of the House of Representatives.
John S. Wilder,
Speaker of the Senate.

Approved: February 28, 1972.

Winfield Dunn,
Governor.

CONGRESSIONAL BLACK CAUCUS OUTLINES POSITION ON SCHOOL BUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Stokes) is recognized for 10 minutes.

Mr. STOKES. Mr. Speaker, in light of several recent developments concerning the busing situation, some confusion has arisen over the position of the Congressional Black Caucus on this important question.

In order to lay the controversy to rest, I call to my colleagues' attention the Congressional Black Caucus' public pronouncements in support of school busing.

On February 25, 1972, after a considerable amount of consultation with residents of our congressional districts and with black Americans from other parts of the country, we issued our first collective statement in support of busing, and in opposition to a constitutional amendment which would prohibit the busing of schoolchildren. On March 15, 1972, we issued a second statement, reaffirming our stand.

The two statements follow:

Congressional Black Caucus Seeks Quality Education: Says No to Busing Amendment

Washington, D.C., February 25, 1972.—In its statement of opposition to the proposed Constitutional Amendment to prohibit busing, the Congressional Black Caucus declared that "quality education for all Americans should be sought first instead of 'rewriting' the Constitution with negative limitations on the right of states to seek the best ways of improving our schools."

Rep. Louis Stokes, D-Ohio, Caucus Chairman, said for the 13 black Members of the House of Representatives, "Passage of House Joint Resolution 620, or any of the other proposed anti-busing amendments will not solve any of the real problems in education. It will still leave our schools underfinanced, segregated, and insufficiently operated. It will continue to sustain racist emotions and promote hostile divisions in our society.

"Let us clarify," he continued in the Caucus' behalf, "the full ramifications of anti-busing legislation currently before Congress. Even the authors of the anti-busing amendments have questioned the constitutionality of their legislation. If an amendment were passed, two possible consequences could result:

"(1) Curtailment, by the legislative branch of the judiciary's ability to do its job.

"(2) The continued existence of Title V of the Civil Rights Act would be threatened. Under Title B, the federal government is authorized to withdraw its funds where discrimination exists, not only in education, but also in the areas of housing, employment, and others."

"Busing may or may not be the answer in many local situations," the Congressional Black Caucus stated. "But in some areas it is already an accepted method. In others, if busing is prohibited, the cost to the local communities to comply with judicial decisions of equal educational opportunities will be too costly for local taxpayers to bear."

The position of the Congressional Black Caucus included three direct recommendations for the formulation of legislation and for Executive action by President Richard Nixon.

(1) We recommend a broad, comprehensive program that deals with the real issues in quality education, including adequate funding; and, with relevant problems of better housing, full employment and equal opportunities for all Americans to achieve their full potential in a democratic society.

(2) We deem it incumbent on the federal government to assume a heavier load of the cost of quality education and the President to exercise a positive and more constructive leadership in educational goals for the nation.

(3) We urge President Nixon to include in his discussions on this subject not merely the proponents of legislation that sanctions anti-busing amendments, but representative Americans of opposing views as well. Beyond even this, we recommend that immediate steps be instituted to support legislation and implement judicial decisions already made to provide equal and quality education.

The Caucus further declared: "It is well to remember that busing has only become an issue and judicially mandated because states and local districts have not only maintained separate and unequal school systems, but have actually manipulated school boundaries, segregated communities, provided inferior school educational facilities and programs, and short-changed minority children in the receipt of school funds.

"Blacks cannot support a constitutional amendment against busing because of its very narrow focus, and the dangerous precedent it could set for action which may be genocidal. If this one is passed, perhaps the next one would limit our very existence."

Three of the Caucus Members, Rep. Augustus F. Hawkins, D-Calif., Rep. Shirley Chisholm, D-NY, and Rep. William Clay, D-Mo., are on the House Education and Labor Committee. Rep. John Conyers, D-Mich., of the Caucus is on the House Judiciary Committee.

Congressional Black Caucus Reaffirms Caucus Position on Busing

Washington, D.C., March 15, 1972.—The Congressional Black Caucus today reaffirmed its position on busing with the following statement.

STATEMENT

As the Black elected representatives to the U.S. Congress, we strongly reaffirm our support of busing as one of the many ways to implement the Constitutional requirement of equal educational opportunities in education.

We consider busing neither the exclusive solution nor the major problem. Properly administered, most schools can be desegregated without massive busing. We, therefore, call on the Federal government to provide both the necessary funds and technical assistance which will assist our local schools to achieve both equality and quality education with a minimum of busing. The continued existence of "inferior" schools is repugnant and unconstitutional. All schools must be excellent.

At the same time we strongly condemn those who would exploit this issue for personal, political, or monetary gain.

Racists must not be allowed to formulate our policies in education, and especially to educationally brutalize Black children who are the chief victims of inferior schools and discriminatory practices.

We pledge our support to clarifying the issues in education and seeking lawful, constructive, and positive solutions, including adequate funding, relevant curriculums, improved personnel, community involvement, student rights, early childhood development, a full range of supportive services, and improved community facilities.

THE TRANS-ALASKA PIPELINE—THE RESULTS OF A LONG PERIOD OF STUDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. Begich) is recognized for 5 minutes.

Mr. BEGICH. Mr. Speaker, in the past few weeks, increasing interest has been expressed in still further hearings on the environmental impact statement for the trans-Alaska pipeline. Most recently, my colleagues have been asked to sign a letter urging such additional hearings.

Today, I am including information in the Record which I hope will be of use to Members in determining their own position on this matter. My own conclusion is that under present circumstances it will not serve the public interest to have what essentially amounts to a study on a study. The work previously done by the Interior Department has been both extensive and thorough, and enough information has now been accumulated to permit responsible decisionmaking. I think it is, at best, dubious that new hearings will produce enough new information to justify themselves.

The special report from the Department of Interior indicates the level of effort this project has received, and outlines the extensive nature of the study:

The Trans-Alaska Pipeline and the Environment

The Department of the Interior has taken unusually comprehensive measures to assure that its examination of the Trans-Alaska

Pipeline proposal is in consonance with the spirit and intent of the National Environmental Policy Act of 1969 and with specific guidelines promulgated by the Council on Environmental Quality.

On August 29–30, 1969, the Department of the Interior initiated the first of three public hearings on the Pipeline project, four months before the enactment of the National Environmental Policy Act. The initial hearing was held in Fairbanks, Alaska. Subsequent hearings were held, respectively, on February 16–17, 1971, in Washington, D.C., and on February 25-March 1, 1971, in Anchorage, Alaska. A measure of the extent of public participation in the hearings can be gleaned by noting that the February 1971 hearing alone resulted in the production of more than 12,000 pages of testimony and exhibits.

In September 1969 the Department released draft stipulations for the Trans-Alaska Pipeline—which would attach to and condition any permits should the project be approved. They were prepared by an interagency group of Federal/State resource professionals and set forth explicit requirements to minimize environmental damage.

In November 1970, after ten months of meticulous examination of the engineering of the pipeline by an interagency Technical Advisory Board, the Department released a companion set of technical stipulations.

On January 13, 1971, the Department completed and made public a *Draft Environmental Impact Statement for the Trans-Alaska Pipeline* which included, as attachments, both the environmental and technical stipulations. This statement was reviewed by interested Federal agencies, by State and local governments and by the general public.

On August 8, 1971, an intensive 30-day review was begun by 60 Federal/State scientists and engineers of the 161-pound document containing the description of the Trans-Alaska Pipeline project. This was followed by a 2-week-long analysis by 28 members of the Working Groups of the Technical Advisory Board in Menlo Park, California.

Early in October 1971, the Technical Advisory Board notified the Chairman of the Federal Task Force of the results of its analysis; based upon the Board's findings, the Pipeline Consortium was requested to clarify and amend certain sections of the Project Description to make it more consistent with the stipulations for the proposed pipeline.

In addition to the activities noted above, Departmental officials have testified at the following Congressional hearings:

October 16, 1969, Senate Interior Committee.

October 21, 1969: Senate Interior Committee.

October 28, 1969: House Interior Committee.

October 21, 1969: House Merchant Marine and Fisheries Subcommittee on Fisheries and Wildlife Conservation.

November 12, 1969: House Interior Committee.

November 26, 1969: House Interior Committee.

Because of the unprecedented breadth and volume of the total public expression on the subject of the Trans-Alaska Pipeline, and in view of the in-depth analyses made by interagency groups of scientists and engineers representing Federal and State governments—there are no current plans for scheduling additional hearings.

However, the Secretary of the Interior does plan to avail himself of the benefit of further public participation in the Trans-Alaska Pipeline decision-making process. It is his intention to allow at least 30 days for public review of the final *Environmental Impact Statement* before any further action is taken.

The Secretary has not reached a decision on the application for the pipeline. No action will be taken until the *Environmental Impact Statement* and other supporting documents have been completed; until the requirements of the National Environmental Policy Act—both in spirit and intent—have been satisfied; and until the public review of the *Environmetnal Impact Statement* has been permitted.

THE WEST FRONT EXTENSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, it was recently announced that the Commission for Extension of the U.S. Capitol recommended that the west front of this Capitol building be extended some 70 feet. The reason was said to be that the present west front is in danger of collapse, and that Members of Congress need additional offices.

At a time when we are so rightly concerned about excessive Federal spending, it is a serious mistake to proceed on such a questionable project. In fact, it is hard to believe that this plan could even be considered seriously. It appears that the extension, if built, could be one of the most expensive government building projects ever undertaken. How can we in Congress complain about waste in other branches of government, when we appear ready to practice it ourselves?

Mr. Speaker, I think this proposal, if it is ever acted on, would be a flagrant waste of public funds. I hope the Commission will reconsider its recommendation, and will hold up its plans until the extension can be reevaluated by a board of architects and other experts on restoration, to see if it is architecturally sound. Economically, it is anything but sound.

AID TO FEDERAL IMPACTED AREAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, today I am filing a bill which merits the attention of every representative in this House. Certainly very few Congressmen represent districts which do not include some share of Federal property which is tax exempt. Another fact of life should be painfully obvious to every Member here and that is, the cost of local government is certainly not becoming any easier to bear for the local taxpayers, but rather is growing in such leaps and bounds that it threatens to topple under its own weight and create unbearable burdens on the local taxpayers. Certainly every Member of this House is aware that the Committee on Ways and Means, on which I serve, is currently—and has been for some time—engaged in deliberations on a program of massive aid to communities on the local level. While numerous local officials have expressed growing impatience over the time it is taking to report a bill out of the committee, the fact is that the resulting bill will be with us for a period of some 5 years and I am sure in the end every mayor will prefer to have the bill operate in as equitable a manner as possible. To come up with the best distribution formula is no easy task and I am sure in the end every local official would live to regret it if the committee rushed into just any formula in order to report out just any revenue sharing bill.

While the committee is deliberating on revenue sharing, I am filing a bill today which is not intended to compete or serve as a substitute for the bill before the committee, but rather is designed to supplement whatever the committee reports out in the end. If the recent hearings on revenue sharing demonstrated any one common cause of concern for many of our mayors and county officials around the country, it was that the Federal Government's continual encroachment upon the already limited tax base of communities across the Nation has directly contributed to the worsening of an already serious fiscal crisis in far too many instances. I know firsthand that for instance, the city of Boston, which I represent, is a prime example of the effect of tax exempt Federal property on a city's ability to raise money to meet increasing demands for service. Increasingly, local homeowners and business firms are bearing an unduly large proportion of the cost of providing this greater service. I have been convinced for some time now that a clear cut case can be made for the proposition that the Federal Government has both a moral and fiscal responsibility to help bear its fair share of the cost of government at the local level. The present situation is that the only program of substance to assist local communities with a large concentration of Federal buildings is for the Federal Government to contribute aid to the local school systems under an arrangement known as educational aid to federally impacted areas. The fact is that a heavy concentration of Federal activity in any area creates additional demands on local governments, especially core city governments, besides just demands for educational service. Again, in most cases, formulas based on the number of Federal employees in a given community quite often ignore the situation which prevails when most Federal employees flock to the suburbs around a given central city and contribute nothing in the way of local property taxes to that city. All the core city is left with is a diminished tax base and lots of Federal property in its midst.

The recent decision by the new Postal Corporation to arbitrarily renege on a previous commitment by its predecessor, the Post Office Department, not to remove a further 6.321 acres from the city of Boston taxable property base demonstrated for me at least, that something must be done and done soon to help local governments in the form of legislation, especially where the attitude of the new Postal Corporation seems to be one lacking in a sense of responsibility for the problems being created for local government by the all too simple exercise of eminent domain. Therefore, I am today introducing legislation along the lines of that previously filed by my distinguished colleague from Pennsylvania, Congressman HERMAN T. SCHNEEBELI, a ranking Member from the other side of the aisle on the Ways and Means Committee.

This, it seems to me, is an example of the most responsible kind of revenue sharing. It represents an entirely appropriate response by the Federal Government to local fiscal crises which have been aggravated in varying degrees by decisions made by Federal agencies. A copy of the bill follows as well as a general explanation of the key provisions of the bill.

PROPOSED AMENDMENT TO THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF JAPAN CONCERNING CIVIL USES OF ATOMIC ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Holifield) is recognized for 10 minutes.

Mr. HOLIFIELD. Mr. Speaker, as chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, I wish to advise my colleagues that in compliance with section 123c of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission on March 9, 1972, submitted to the joint committee a proposed amendment to the agreement for cooperation between the Government of the United States and the Government of Japan concerning civil uses of atomic energy. The Atomic Energy Act requires that such proposed amendment lie before the joint committee for 30 days while Congress is in session before becoming effective.

The amendment will modify article IX of the existing agreement which sets the ceiling limitations on the amount of special nuclear material which the United States undertakes to provide to Japan as fuel for nuclear power reactors. The increase will be from 161,000 to 335,000 kilograms of Uranium-235. The amendment is accompanied by a revision of the appendix to the agreement which identifies the nuclear power projects in Japan for which the enriched uranium available under the agreement is to be supplied. The revised appendix includes 13 additional power projects in Japan making a total of 26, all of which are scheduled to be under construction by the end of 1973. This reflects a substantial acceleration in the growth of Japan's nuclear power program.

In keeping with the general practice of the joint committee, I include in the Record, for the information of interested Members of Congress, the text of the diplomatic notes constituting the amendment, the revised appendix to the agreement, and supporting correspondence:

Atomic Energy Commission,
Washington, D.C., March 9, 1972.

Hon. John O. Pastore,
Chairman, Joint Committee on Atomic Energy, Congress of the United States

Dear Senator Pastore: Pursuant to Section 123c of the Atomic Energy Act of 1954, as amended, copies of the following are submitted with this letter:

(a) an exchange of diplomatic notes dated February 24, 1972, incorporating an agreement amending the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy;

(b) a letter from the Commission to the President recommending his approval of the amendment; and

(c) a memorandum from the President containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security and approving the amendment and authorizing its execution.

The purpose of the amending agreement set forth in the proposed exchange of notes is to increase the limit on the quantity of U–235 which may be transferred to Japan, as specified in Article IX of the current Agreement for Cooperation. The increase is from 161,000 to 335,000 kilograms of U–235, to provide fuel for additional nuclear power reactors which are to be installed in Japan. The revised quantity would be available over the life of the Agreement, which expires in 1998. The additional separative work involved (approximately 30 million separative work units), together with commitments under existing Agreements for Cooperation as well as actual and anticipated enrichment requirements for domestic power reactors which will become operational in the same time period as the Japanese projects covered by the amendment, is within the capability of our existing enrichment facilities to supply on a continuing basis.

The amendment is accompanied by a revision of the appendix to the Agreement in order to identify the nuclear power projects in Japan for which the enriched uranium available under the Agreement is to be supplied. Article VII of the current Agreement provides that the appendix may be amended from time to time by mutual consent of the parties, subject to the quantity limitation specified in Article IX. Accordingly, upon entry into force of the amending agreement to increase the quantity limit to 335,000 kilograms of U–235, the exchange of notes will revise the appendix to include thirteen additional projects, making a total of twenty-six. All of the projects are scheduled to be under construction by the end of 1973, reflecting the accelerated growth of Japan's nuclear power program.

The amending agreement will enter into force on the date on which the Government of Japan shall have received written notification from the United States Government that it has compiled with all statutory and constitutional requirements for entry into force.

Sincerely,

James R. Schlesinger,
Chairman.

Proposed Amendment of Agreement for Cooperation with Japan Concerning Civil Uses of Atomic Energy

The White House,
Washington, D.C., January 13, 1972.

Memorandum for Dr. James R. Schlesinger, Chairman, Atomic Energy Commission.

I have reviewed the proposed agreement incorporated in the exchange of diplomatic notes that would amend the 1968 "Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy", which was submitted for my approval with the Atomic Energy Commission's letter of December 27, 1971.

Pursuant to the provisions of Section 123b of the Atomic Energy Act of 1954, as amended and upon the recommendation of the Atomic Energy Commission, I hereby:

(a) Approve the proposed amendment, and determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security; and

(b) Authorize the execution of the proposed amendment on behalf of the Government of the United States of America by an appropriate authority of the Department of State.

Richard Nixon.

Atomic Energy Commission,
Washington, D.C., December 27, 1971.

The President,
The White House.

Dear Mr. President: Enclosed is a proposed exchange of diplomatic notes incorporating an agreement which would amend the 1968 "Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy." Negotiation of the amendment has been conducted by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended. With the Department's support, the Commission recommends that you approve the proposed amendment, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution.

The amending agreement set forth in the proposed exchange of notes is one of those which were under negotiation at the time of issuance of the Commission's Statement on Uranium Enrichment Services of June 8, 1971. The purpose of the amendment is to increase the limit on the quantity of U-235 which may be transferred to Japan, specified in Article IX of the current Agreement. The increase would be from 161,000 to 335,000 kilograms of U-235 to provide fuel for additional nuclear power reactors which are to be installed in Japan. The increased quantity would be available over the life of the Agreement, which expires in 1998.

The amendment would be accompanied by a revision of the appendix to the Agreement in order to identify the nuclear power projects in Japan for which the enriched uranium available under the Agreement is to be supplied. Article VII of the Agreement provides that the appendix may be amended from time to time by mutual consent of the parties, subject to the quantity limitation specified in Article IX. Accordingly, upon entry into force of the amending agreement to increase the quantity limit to 335,000 kilograms of U-235, the exchange of notes would revise the appendix to include thirteen additional projects, making a total of twenty-six. The combined output of the projects totals 17,560 MWe. All are scheduled to be under construction by the end of 1973, reflecting the accelerated growth of Japan's nuclear power program. The potential revenues accruing to the United States by supply of enrichment services for the projects over the period of the Agreement would be on the order of one and one-half billion dollars.

Following your approval, determination and authorization, the diplomatic notes will be formally exchanged between appropriate authorities of the United States and Japan. In compliance with Section 123c. of the Atomic Energy Act of 1954, as amended, the notes incorporating the amendment will be submitted to the Joint Committee on Atomic Energy.

Respectfully yours,

——— ———,
Chairman.

Embassy of Japan,
Washington, D.C., February 24, 1972.

Hon. William P. Rogers,
Secretary of State,
United States of America.

Sir: I have the honor to refer to Article IX of the Agreement for Cooperation between the Government of Japan and the Government of the United States of America concerning Civil Uses of Atomic Energy which was signed on February 26, 1968 (hereinafter referred to as "the Agreement"), providing for the quantity of uranium enriched in the isotope U–235 which may be supplied to the

Government of Japan or to authorized persons under its jurisdiction.

In Article IX, paragraph A of the Agreement, it is provided that the adjusted net quantity of U-235 of uranium enriched in the isotope U-235 transferred from the United States of America to Japan shall not exceed in the aggregate one hundred and sixty-one thousand (161,000) kilograms or such quantity as may be agreed between the Parties in accordance with their statutory and constitutional procedures. In accordance with these provisions of Article IX, I have the honor to propose on behalf of the Government of Japan that the quantity limitation on the transfer of the adjusted net quantity of U-235 in uranium enriched in the isotope U-235 referred to in paragraph A of Article IX of the Agreement be increased to three hundred and thirty-five thousand (335,000) kilograms. If the foregoing is acceptable to your Government, I have the honor to propose that this note and your affirmative reply to this proposal shall constitute an agreement between the Government of Japan and the Government of the United States of America which shall enter into force on the date on which the Government of Japan shall have received written notification from the Government of the United States of America that it has complied with all statutory and constitutional requirements for the entry into force thereof.

In Article VII, paragraph A of the Agreement it is provided that the Appendix to the Agreement, subject to the quantity limitation established in Article IX, may be amended from time to time by mutual consent of the Parties without modification of the Agreement. In this regard and in light of the above proposal to increase the quantity limitation in Article IX, I have the honor to propose on behalf of the Government of Japan that the Appendix to the Agreement be replaced by the Appendix done in the Japanese and English languages and set forth as the enclosure to this note. If the foregoing is acceptable to your Government, I have the honor to propose that this note and your affirmative reply to this proposal shall constitute the mutual consent of the Government of Japan and the Government of the United States of America with respect to the amendment of the Appendix to the Agreement, which shall become effective on the date of entry into force of the agreement referred to above relative to Article IX.

Accept, Sir, the renewed assurances of my highest consideration.

NOBUHIKO USHIBA,
Ambassador of Japan.

JAPAN'S ENRICHED URANIUM POWER REACTOR PROGRAM

Reactors	Start of construction	Total kgs. of U-235 required
CONSTRUCTION COMPLETED		
A. Tsuruga, 357 MWe (Japan Atomic Power Co.)	1966	7.300
B. Fukushima No. 1, 460 MWe (Tokyo Electric Power Co.)	1966	8.700
C. Mihama No. 1, 340 MWe (Kansai Electric Power Co.)	1966	7.400
UNDER CONSTRUCTION		
D. Fukushima No. 2, 784 MWe (Tokyo Electric Power Co.)	1968	13.780
E. Mihama No. 2, 500 MWe (Kansai Electric Power Co.)	1968	10.172
F. Takahama No. 1, 826 MWe (Kansai Electric Power Co.)	1969	16.073
G. Shimane No. 1, 460 MWe (Chugoku Electric Power Co.)	1969	8.477
H. Fukushima No. 3, 784 MWe (Tokyo Electric Power Co.)	1970	13.800
I. Hamaoka No. 1, 540 MWe (Chubu Electric Power Co.)	1970	9.500
J. Genkai No. 1, 559 MWe (Kyushu Electric Power Co.)	1970	10.000
K. Takahama No. 2, 826 MWe (Kansai Electric Power Co.)	1970	14.700
L. Onagawa No. 1, 524 MWe (Tohoku Electric Power Co.)	1971	8.900
M. Fukushima No. 5, 784 MWe (Tokyo Electric Power Co.)	1971	15.000
N. Fukushima No. 4, 784 MWe (Tokyo Electric Power Co.)	1972	14.450
UNDER PLANNING		
O. Kansai No. 5, 1000 MWe	1972	19,250
P. Kansai No. 6, 750 MWe	1972	14,450
Q. Chubu No. 2, 750 MWe	1972	15,000
R. Hokuriku No. 1, 500 MWe	1972	9,650
S. Shikoku No. 1, 500 MWe	1972	9,650
T. Tokyo No. 6, 1000 MWe	1973	18,450
U. Hokkaido No. 1, 350 MWe	1973	6,500
V. Chubu No. 3, 750 MWe	1973	13,850
W. Tokyo No. 7, 1000 MWe	1973	18,450
X. Chugoku No. 2, 750 MWe	1973	13,850
Y. Kyushu No. 2, 750 MWe	1973	13,300
Z. Kansai No. 7, 1000 MWe	1973	17,700
Total		328,352

DEPARTMENT OF STATE,
Washington, D.C., February 24, 1972.

His Excellency NOBUHIKO USHIBA,
Ambassador of Japan.

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency's note dated February 24, 1972 which reads as follows:

"I have the honor to refer to Article IX of the Agreement for Cooperation between the Government of Japan and the Government of the United States of America concerning Civil Uses of Atomic Energy which was signed on February 26, 1968 (hereinafter referred to as 'the Agreement'), providing for the quantity of uranium enriched in the isotope U-235 which may be supplied to the Government of Japan or to authorized persons under its jurisdiction.

"In Article IX, paragraph A of the Agreement, it is provided that the adjusted net quantity of U-235 in uranium enriched in the isotope U-235 transferred from the United States of America to Japan shall not exceed in the aggregate one hundred and sixty-one thousand (161,000) kilograms or such quantity as may be agreed between the Parties in accordance with their statutory and constitutional procedures. In accordance with these provisions of Article IX, I have the honor to propose on behalf of the Government of Japan that the quantity limitation on the transfer of the adjusted net quantity of U-235 in uranium enriched in the isotope U-235 referred to in paragraph A of Article IX of the Agreement be increased to three hundred and thirty-five thousand (335,000) kilograms. If the foregoing is acceptable to your Government, I have the honor to propose that this note and your affirmative reply to this proposal shall constitute an agreement between the Government of Japan and the Government of the United States of America which shall enter into force on the date on which the Government of Japan shall have received written notification from the Government of the United States of America that it has complied with all statutory and constitutional requirements for the entry into force thereof.

"In Article VII, paragraph A of the Agreement it is provided that the Appendix to the Agreement, subject to the quantity limitation established in Article IX, may be amended from time to time by mutual consent of the Parties without modification of the Agreement. In this regard and in light of the above proposal to increase the quantity limitation in Article IX, I have the honor to propose on behalf of the Government of Japan that the Appendix to the Agreement be replaced by the Appendix done in the Japanese and English languages and set forth as the enclosure to this note. If the foregoing is acceptable to your Government, I have the honor to propose that this note and your affirmative reply to this proposal shall constitute the mutual consent of the Government of Japan and the Government of the United States of America with respect to the amendment of the Appendix to the Agreement, which shall become effective on the date of entry into force of the agreement referred to above relative to Article IX.

"Accept, Sir, the renewed assurances of my highest consideration."

In reply, I have the honor to inform you that the Government of the United States of America accepts the above proposals. The Government of the United States of America agrees that Your Excellency's note and this reply shall constitute an agreement between the Government of the United States of America and the Government of Japan relative to Article IX which shall enter into force on the date on which our written notification that the Government of the United States of America has complied with all statutory and constitutional requirements for its entry into force shall have been received by your Government. The Government of the United States of America also agrees that Your Excellency's note and this reply shall complete the mutual consent with respect to the amendment of the Appendix to the Agreement which shall become effective on the same date as the agreement relative to Article IX.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Acting Secretary of State:

WINTHROP G. BROWN,
Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs.

APPENDIX

JAPAN'S ENRICHED URANIUM POWER REACTOR PROGRAM

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A. Tsuruga, 357 MWe (Japan Atomic Power Co.)	1966	7,300
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V. Chubu No. 3, 750 MWe	1973	13,850
W. Tokyo No 7, 1000 MWe	1973	18,450
X. Chugoku No. 2, 750 MWe	1973	13,850
Y. Kyushu No. 2, 750 MWe	1973	13,300
Z. Kansai No. 7, 1000 MWe	1973	17,700
Total		328,352

FREEDOM HIGH PATRIOTS PRACTICE PATRIOTISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Rooney) is recognized for 5 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, in an age when open and earnest patriotic gestures seem almost extinct, it is refreshing to see young Americans flaunt their heritage. Citizens of the Washington metropolitan area and visitors to our Nation's Capital will have such an opportunity during the forthcoming Cherry Blossom Festival.

I am particularly proud that among the marching bands scheduled to participate in the Festival Parade on April 8 is the Freedom High School Patriots Band of Bethlehem, Pa.

The Patriots—200 strong and strikingly outfitted in uniforms reminiscent of the Revolutionary period when this Nation was founded—have adopted a practice which makes the name, "Patriots," distinctively meaningful.

From Niagara Falls to Miami, as the Patriots march along parade route after parade route thousands of viewers are thrilled, not only by the band's patriotic dress and music but also by the small folders which the band distributes along the line of march.

The folder introduces the Freedom High Patriot Band of Bethlehem, Pa., and, when opened, reveals the American's Creed printed across the center spread. Authored by William Tyler Page and adopted by act of Congress April 6, 1918, the Creed affirms:

> I believe in the United States of America, as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign nation of many sovereign states; a perfect union, one and inseparable; established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes.
>
> I therefore believe it is my duty to my country to love it, to support its constitution, to obey its laws, to respect its flag, and to defend it against all enemies.

The Patriots point out:

> The American's Creed contains some thought provoking reminders for Americans of all ages.

And, attached to the folder above the creed is a small American flag lapel pin—"Yours to be worn proudly by all 'Patriots'."

Then Vice President of the United States Hubert Humphrey delivered the dedicatory address when Freedom High opened its doors less than 5 years ago. In the interim, its band has compiled an outstanding record, due in large measure to the efforts of its most able director, Ronald Demke, and the encouragement of the Freedom High principal, Joseph J. McIntyre.

I am pleased and privileged to call the attention of my colleagues and the Washington, D.C. community to the following achievements of 200 patriotic young Patriots:

> The Freedom High School Patriot Band has grown in size from 90 members when it was organized in August 1967, to its present complement of 200. These 200 students make a striking appearance in their gold and black uniforms fashioned in the Revolutionary Colonial period, complete with tricorne hats.
>
> The Fife Corps which was expanded to 35 members in 1970, was outfitted with new uniforms that year. The new uniforms were done in the Patriots colors of black and gold and were styled after the Lancraft Fifers and Drummers of North Haven, Conn.
>
> On parade, the first unit to appear is a "Spirit of '76" trio consisting of a drummer, flag bearer with a 13 star flag, and a fifer. They are followed by the Fife Corps and a color guard which carries replicas of colonial period flintlock muskets. Next in line are the majorettes followed by the main body of instrumentalists.
>
> In addition to local parades, school activities, and civic events, the Patriot Band's major credits include:
>
> May, 1969—4th Place Grand Feature Parade, Apple Blossom Festival in Winchester, Virginia.
>
> September, 1969—Played at the dedication ceremonies of the Medal of Honor Grove, Freedom Foundation, Valley Forge, Pa.
>
> October, 1969—2nd Place Pulaski Day Parade, Chester, Pa.
>
> May, 1970—Honor Band at Niagara Blossom Festival, Niagara Falls, Ontario. 1st Place in Grand Parade and featured in a special Honor Band concert at the Skylon Tower.
>
> November, 1970—The Patriots first collegiate appearance was at Upperclassmen's Parents Day at the Lehigh-Delaware football game where the band performed both pregame and half-time shows.
>
> December, 1970—The Patriot Band was one of the ten out-of-state bands to participate in the King Orange Jamboree Parade, Miami, Florida, New Year's Eve 1970. The estimated "live" audience witnessing the parade is 1,000,000 and an estimated 52,000,000 on nation-wide live television.
>
> December, 1970—The Patriot Band was the only out-of-state high school band to perform in concert at Young Circle Theatre, Hollywood, Florida. Dr. Paul Yoder, internationally famous band conductor, arranger, and composer conducted the Patriot Band in the performance of his composition "Heneghan's Holiday" at this concert.
>
> May, 1971—1st Place Senior High Band and 1st Place Band Front in the Pennsylvania State Lions Club Convention Parade in Allentown, Pennsylvania.

GEORGIA-PACIFIC CORP. CONTRIBUTES TO ECONOMIC DEVELOPMENT OF SOUTH CAROLINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. Davis) is recognized for 15 minutes.

Mr. DAVIS of South Carolna. Mr. Speaker, in recent years, South Carolina has come into some great economic development. One of the companies that has contributed the most to our area is the Georgia-Pacific Corp.

Georgia-Pacific has committed more than $20 million to the development of an integrated forestry products complex at Russellville, S.C. in Berkeley County.

There recently appeared in the Augusta Chronicle on March 5 of this year an article by Louis C. Harris, entitled, "Incredible Doesn't Describe It."

Mr. Speaker, I would like to insert this article into the Record today so that my colleagues might see what we in South Carolina are doing to use our great natural resources, keeping foremost in our mind conservation and the needs to protect our wildlife, but at the same time using our forests to help create jobs and happiness in what was once a very depressed area.

Mr. Speaker, I am indeed proud of the First District of South Carolina and, indeed, this is just an example of one of the many reasons why.

The article follows:

"Incredible" Doesn't Describe It

(By Louis C. Harris)

Back when I was courting my wife-to-be, lo these many moons ago, Russellville, S.C.—near which she lived—wasn't even a wide place in the road. That deficiency was due in large measure to the fact that if the back-country road leading to Russellville had been any wider, half of it probably would have been in the adjacent swamp.

In other words, one could hardly have described Russellville as a thriving city. As a matter of fact, folks residing more than 25 miles from it may not have known that it even existed. Its claim to fame was that it supported a small sawmill which gave employment there to a few hardy souls and sustained, by way of its small payroll, a couple or so general stores.

Today, the Berkeley County town is still a long way from being a metropolis. It still remains off the beaten path and there is a good possibility that many a South Carolinian couldn't tell you where Russellville is because he may not have ever heard of it.

But the town looks like one now and, one of these days, it may look more like a city than a town. The road connecting Russellville to Highway 52 and Moncks Corner has been widened and paved. Scores of new residences have been constructed, new business establishments have opened and Russellville's economy, as well as that of nearby St. Stephen, is booming.

People are happier because there's now a reason for living. Folks who were at the poverty level for years suddenly have good jobs and good pay. They not only have food in their tummies and clothing on their backs; they have money in their pockets. The good life has come to Russellville.

The metamorphosis has been dramatic, and the credit belongs to the Georgia-Pacific Corporation. It has created, in the backwoods of Berkeley—at a cost of more than $20 million in capital investment—a brand spanking new forestry products complex—a plywood factory, particle board plant, chip and saw mill and supporting logging operations—which currently gives work to almost a thousand residents of Berkeley and Williamsburg Counties. In addition to providing an annual payroll approximating $6½ million, G–P is spending, for local purchase of raw materials and supplies, in excess of $10 million a year.

And, you know what? The federal government is now taking action which could lead to the curtailment—and possible elimination—of the good life that has come to this one-time economically depressed and culturally starved community!

Slightly more than a year ago—in January of 1971—the Federal Trade Commission challenged the purchase by Georgia-Pacific of 16 forestry products firms and ordered the Augusta-born company to divest itself of five of 13 plywood plants it had built in several of the Southern States. One was at Russellville.

The government contention is that G-P action lessens competition and creates a monopoly.

It would be ludicrous if it wasn't such a deadly serious matter affecting the future of so many people. If FTC is permitted to force G-P to sell its plant at Russellville, for instance, what makes the bureaucrats think that a monopoly won't eventually exist again? Any firm large enough to purchase it will be one already with extensive forestry products holdings. It most probably will ship raw materials from its own plants to the Russellville plywood plant and, if that occurs, what happens to the satellite chip-and-saw mill and particle board plant at Russellville? One of two things: They will be forced to curtail operations and cut off personnel or, as could be the case, be sold to the firm which will have bought the plywood plant, setting up again the very "monopoly" which the FTC is undertaking to eliminate!

The Government contends that Georgia-Pacific accounts for the production and sale of more than 35 per cent of the softwood plywood produced in the South. That is true. But, seen from G-P's viewpoint, this is a loss, not a gain. It is a considerable drop from the 100 per cent. Georgia-Pacific enjoyed after it had pioneered in the development of softwood plywood and brought to the South from the West Coast a manufacturing process in which it invested millions of dollars and created thousands of new jobs.

In other words, since Georgia-Pacific made the first plywood from Southern pine trees, other manufacturing concerns have gotten into the act and G-P no longer has the "monoply" it actually did enjoy at the outset.

As a matter of fact, instead of throwing governmental monkey wrenches into G-P's machinery, the FTC—and other government agencies, as well—should applaud the corporation's success in building plants which are keeping thousands of persons back on the farm, as it were, and out of the overly-populated cities. For that, alone, if for no other reason, the government should pin a medal on G-P, not tag it with a lawsuit.

Just last month, when Georgia-Pacific dedicated its plants at Russellville and at Emporia, Va., the governors of both Virginia and South Carolina said as much.

Said Gov. Linwood Holton of Virginia: "It's incredible to me that a giant supplier of jobs and materials has to stop and defend itself against such an order. I ask now that the FTC reconsider its order."

At Russellville, Gov. John West of South Carolina said: "As we view this plant and see firsthand the significant investment that has been made and realize the great impact that this will have on the economy of this section of our state, I find it difficult to comprehend that the plywood plant here is named in an action by the Federal Trade Commission . . . We see all about us today indications that the government is interested in trying to stimulate employment and economic activity, and it is incredible that Georgia-Pacific has to defend itself for making this kind of contribution to the economy of the area."

The governors are eminently right. It is incredible. And when you consider that the price of plywood is well below what it was 10 and 20 years ago, the FTC action not only is incredible, it is unreasonable, unfair and unwarranted.

If you don't believe it, ask the folks at Russellville.

THIS YEAR—THE 25TH ANNIVERSARY OF THE FOUNDING OF THE "TIPP-OFF" AWARD—WILL BE THE LAST IN THIS HONORED TRADITION

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, when a visitor crosses the threshold of any home in Ireland his traditional greeting to its occupants is "God bless all here." Because of the closeness of Saint Patrick's Day and the nature of my subject, I begin with that same Irish greeting, to you Mr. Speaker, and to the Members of this House. God bless all here.

I call attention today to a significant group of men, all members of Tipperary Hill Post No. 1361 of the American Legion, in my home city of Syracuse who began, in 1948, a great Saint Patrick's Day tradition. These men undertook each year, on the Feast Day of the Holy Patrick, to recognize an individual for outstanding achievement in his chosen profession and for service to his community. The form this recognition took was a dinner held in the recipient's honor and presentation of a solid gold replica of the famous Tipperary Hill traffic light, the only one in the Nation with the green light over the red. The replica and the honor it represents became known as the Tipp-Off Award, taking its name from the Legion Post's newsletter. Since 1948 it has been presented to just twenty-five individuals in the worlds of sports, business, the church, education, the law and politics.

Father Robert E. Frawley, OFM, China missionary priest and himself recipient of one of the two awards presented in 1950, described the replica's significance in these words:

> Tipperary Hill's Green Beacon is the symbol of fertility, faith, freedom, liberty and love . . . the go-ahead green should be on top of red, symbol of sterility, of tyranny . . . the stop everything!

The men of Tipperary Hill Post No. 1361 and of the Tipp-Off Committee, among whom I am most proud to be numbered, have selected award recipients from their own community as well as other areas of the country. Hugh Devore, athletic director of Saint Bonaventure University was the first in 1948. General William O'Dwyer, James A. Farley, Frank Leahy of Notre Dame, and Hugh "Duffy" Daugherty of Michigan State, were all recipients of the Tipp-Off Award. Three former mayors of Syracuse as well as the Honorable Patrick J. Corbett, sheriff of Onondaga County, Rabbi Benjamin Friedman of Syracuse's Temple Society of Concord and the Most Reverend Father Walter A. Foery, Roman Catholic Bishop of Syracuse among others, were presented with the "Green Beacon."

One woman has received the Tipp-Off Award. She is truly a star in the firmament of education in our country, Mrs. Rhea M. Eckel, president of Cazenovia College.

It is with a feeling of sadness in my heart that I announce to the Members, that this year, the 25th anniversary of the founding of the Tipp-Off, will be the last in this honored tradition. The words of the Tipp-Off Committee speak for themselves.

> The old adage, "The time to quit is when you're ahead" fits our situation. We cannot continue indefinitely. Changing times require changing ideas. We would like to believe that during our stay we awakened a bit of Irish in everyone, at least on St. Patrick's Day.

In selecting the 25th and last recipient of the Tipp-Off Award the selection committee with unanimity, chose one of their own number, who along with John J. Murphy of Syracuse, founded the Tipp-Off tradition 25 years ago. The silver anniversary and last Tipp-Off Award will be presented this St. Patrick's Day in the grand ballroom of Hotel Syracuse to John C. McGuire, vice president and director of Monroe Abstract & Title Corp. In selecting John McGuire for the 1972 coveted solid gold "Green Beacon," the committee cited "his tireless devotion to his community and his church as evidenced by the countless projects he organized and led to successful conclusions as well as the success and stature he achieved in his chosen profession."

I would be remiss, Mr. Speaker, if I did not mention that the proceeds of these annual Tipp-Off Award dinners have provided scholarship funds to further the educational needs of policemen, firemen, sheriff's deputies, and students of Syracuse University, LeMoyne College, Onondaga Community College, and Saint Bonaventure University.

Sean O'Casey wrote that "it takes both courage and patience to live in Ireland." I say that it gives love and a glad heart to have been one with the Tipp-Off Award Committee, its friends, supporters, and Tipp-Off recipients on so many St. Patrick's Days.

THE EFFECT OF IMPORTS ON AMERICA'S GROWTH INDUSTRIES

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the employment situation in this country has given many of us great great concern in recent years. The problem seems intractable because even though we have more workers on the payroll than ever before we still have unemployment close to 6 percent. There are not sufficient job openings to absorb the new additions to our work force each year.

In order to make room for the newcomers who now number some 1.5 million per year, we need industrial expansion to a degree that is higher than our increase in productivity. We can produce about 3 percent more per year across the board without hiring any new workers. Technological progress increases worker productivity and makes it just that much more difficult to employ all our workers.

In the past 50 or 60 years we have looked to new products and new industries dedicated to their production to absorb the additions to our work force. These were our "growth" industries. They sprang up as new products were invented or developed. Any number of such industries come to mind, one of the principal ones being the automobile. Others are the motion picture, electric light, refrigeration, radio, television and a wide assortment of household appliances, such as sweepers, washers, driers, aircoolers, et cetera. These inventions and developments opened up new industries, sometimes displacing existing ones, and in the process provided thousands of new jobs in manufacturing as well as in advertising, selling, maintenance, and repair.

Beyond that, established products were also subject to radical improvement and cost reduction. New layers of lower consumer income could be tapped and a much larger market created. If wages kept up with increased productivity consumer income would expand sufficiently to buy the increasing output. This is a lesson some other countries have been very slow to learn. They have thus created for themselves a heavy dependence on exports.

Mr. Speaker, we have some typical growth industries today but they no longer fare as well as such industries did in the past. Foreign technological development, hand in hand with lagging foreign wages, has given an increasing competitive margin to our foreign competitors. We have all but dismantled our tariff; and we have only a few import quotas that limit the access of foreign goods to our market.

It has been dismaying to see what imports can do to our growth industries.

Mr. Speaker, recently a paper that compares what has happened in two growth industries, under two different sets of conditions was prepared by O. R. Strackbein of the Nationwide Committee on Import-Export Policy.

In this well prepared paper Mr. Strackbein traces what has happened to the household electronic industry compared with the chemical industry. He selected these two industries because they are both "growth" industries and therefore typical of the dynamic American system of production.

The chemical industry is still the beneficiary of ASP—American selling price—which has the effect of enhancing the tariff protection on benzenoid chemicals. The electronic industry has no such protection; indeed the rates of duty have been sharply reduced.

Mr. Strackbein supports his analysis by facts drawn from official sources. The paper shows a very sharp contrast in the fortunes of employment and foreign trade in the two industries. It is very interesting.

Unless we find a way to assure our growth industries a fair opportunity to develop and fill our domestic market before imports of the same but lower-priced goods snatch this market away, we will most surely make little permanent headway toward full employment.

I think we should be grateful for having this situation illustrated for us as Mr. Strackbein has done.

I urge Members to take the time to read this paper. I insert the article at this point in the RECORD:

IMPORTS AND THE GROWTH INDUSTRIES: CHEMICALS, ELECTRONICS, AS EXAMPLES

(By O. R. Strackbein)

The role played by so-called growth industries in our economy, and particularly in the creation of jobs, has not received the attention and appreciation to which it is entitled. Much of America's world industrial leadership earlier in this century owed its triumph to this factor.

It should be said, of course, that the climate had been made favorable for the development of new industries and their vast expansion by a few vital points of policy which had been adopted by this country. One was the value of fair competition. Recognition of this prime factor was to assure the passage of the fruits of volume production based on improved technology to the consumer in the form of lower prices. Another was the much earlier adoption of free trade among the States through a Constitutional inhibition against duties as goods moved from State to State. This made possible a mass market if the time should come when population growth would justify it. Then there was a further vital insight, namely that mass production needed mass consumer purchasing power. But for this, mass production would have come a cropper.

The upshot was that as higher productivity came along it was matched by higher wages that assured absorption of the output by the public. This combination of factors differentiated the economy of this country sharply from that of all other countries (Canada aside).

It may be helpful to examine a few growth industries as illustrations of the foregoing assertions. The chemical and the electronics industries compared with some others, offer more recent examples than the automobile industry, the great pioneer in this field.

THE CHEMICAL INDUSTRY

One of our most prolific industries in terms of new products and innovations is chemical manufacturing. The industry typifies the dependence of our economy and its employment potentials on the invention, discovery and development of new fields of production. It is not alone in this respect, of course. We have had many new industries based on new discoveries or inventions, and no doubt there are more to come.

Some of the new products developed from time to time in this country competed with those already established, e.g., the automobile in place of the buggy, man-made fibers in place of cotton, wool, and silk; synthetic rubber in place of natural rubber, the electric lamp in place of the kerosene lamp and candles. Others were new and represented additions to existing products, as sources of employment, e.g. biologicals, insecticides, motion pictures, radio and television.

Employment trends in the chemical industry, compared with those in less mercurial industries and particularly those devoted to production of the necessities, provide an example of the employment potentials of innovations and new discoveries.

A Table will permit some comparisons. Employment changes over a 20-year period in several industries are shown in the following table.

Industry	Total employees (thousands)			Percent change, 1950–70
	1950	1960	1970	
Chemicals	682	878	1,057	+55
Blast furnace and basic steel	611	651	629	+3
Food and kindred products	1,523	1,790	1,796	+18
Grain mill products	116	131	137	+18
Bakery products	277	301	282	+2
Lumber and wood products, except furniture	805	627	580	−28
Footwear except rubber	252	243	219	−15

During this period (1950–1970) our population increased 35%, or an average of 1¾% per year. The consumption of necessities would be expected to keep pace with this growth. Shifts within a general classification might, of course, occur, as in the case of food products. A lower per capita consumption of wheat might be offset by an increase in vegetable consumption. The per capita consumption may shift more heavily to one product such as beef compared to pork, or oleomargarine compared to butter. Nevertheless the total consumption is limited by the number of stomachs. There can be no great increase in the per capita consumption of food, such as often occurs in the consumption of *nonessential* goods. The demand for the nonessentials may expand indefinitely, and the per capita consumption may increase from zero to large quantities in a few years. Examples are television sets, household appliances, some plastics, dishwashers, etc., in response to lower costs of production.

If new products appeal to potential consumers because of usefulness, reduction of drudgery, increase of comfort or convenience, or because of prestige value, they will be bought by the public in ever greater volume as the cost is reduced and if the consumers have sufficient pocketbook capacity. By far the greater part of the people's buying power springs from employee compensation. For this reason the higher the level of employee compensation in keeping with rising productivity the richer the market will be and the higher the rate of new employment.

If demand is limited by head-count, i.e. population, employment may actually decline over a period of time if the rise in productivity is greater than the population increase. While this trend may reduce prices the demand will not be stimulated to nearly the degree that it is in those instances in which the demand is elastic, e.e., responsive to lower prices, as in the field of the nonessentials.

In the case of *Food and Kindred Products* the increase in employment from 1950 to 1970 was only 18% while the population increased 35%. Here then was a lag of 50% behind the population expansion indicating a faster rise in productivity than in the population. With respect to *Lumber and Wood Products, except Furniture,* there was an actual decline of 28% in the employment. *Footwear except Rubber* also declined in employment, a full 15% during the 20-year period. In the case of *Steel* the increase in employment was only 3%.

Food products, of course, are essentials, and essentiality also extends to lumber and wood products, footwear and steel. However, some of these may spill over into the nonessential field.

If employment in general was not in decline during the 1950–70 period, as it was not, other industries than those mentioned, or services must have made up the slack. Employment in Food and Kindred Products would have risen from 1,523,000 to 2,056,000 instead of rising only to 1,796,000, if it had kept pace with the population increase. In the Lumber and Products industry the increase should have carried the 805 in 1950 to 1,056,000 instead of declining as it did to 580,000, if employment had not fallen behind population growth.

The Service Trades, took up a great part of the slack. Between 1950 and 1970 employment rose from 5.07 million to 11.57 million. In times of economic prosperity induced to a large degree by Defense expenditures and foreign military involvement, this shift from manufacturing employment to the Service Trades succeeded in avoiding heavy unemployment. Much of the Service Trades, however, is not strictly essential and is therefore quite vulnerable to contraction in times of recession, as are the nonessential goods.

IMPORT COMPETITION

In recent times import competition began to put on a new face due to the sharpness of its challenge. Our foreign competitors in the industrialized countries achieved a high technological development in recent years, much of it guided and financed by this country. As a result we faced a wholly new set of competitive challenges.

This impact on our economy took the form of displacing workers in sundry industries, and either in reducing the normally expected growth or completely canceling it. The effect in the past two years has been to prevent employment from developing sufficiently within the growth industries, some new, some old, to maintain full employment in general.

If employment in *manufacturing* had kept up with our population growth from 1950 to *September 1971* the level would have reached 20,625,000. Instead it stood at 18,603,000 at that time. The shortfall was therefore 2,000,000 jobs. In September 1971 unemployment in the total civilian labor force was 4,840,000. Had the 2,000,000 industrial workers who did not find jobs in manufacturing found openings our unemployment would have been cut by 41% or to 2,840,000, or to 3.5% of the work force from its recent level of 5.8%.

These calculations reflect the forces that are at work. The Chemical Industry's experience offers a convincing example in support of the foregoing assertions and calculations.

As already said, the chemical industry is a "growth industry" precisely because it develops new products through research and constant experimentation. It produces an output that is divided between both essential and nonessential consumer goods and industrial supplies. It is integrated very closely to the economy as a whole. The fortunes of the economoy as a whole are therefore quickly reflected in the chemical industry. Since it caters both to the market for necessities and the nonessentials, it partakes of the sensitivity of the market for nonessentials. It sets new products before the public. Some of these products are in the nature of substitutes for existing products; others blaze new trials. The former may displace workers in existing industries, but if the cost is reduced in response to high productivity and if the product is a consumer good for which the demand is elastic it can lead to sufficiently higher consumption in a few years to create more jobs than those that were displaced initially. If the product is new and not a substitute it makes a net addition to employment.

That chemical products are predominantly of the job-breeding variety follows from the trend of employment already noted: namely an increase from 682,000 in 1950 to 1,057,000 in 1970, an increase of 55%. This increase was 57% above the increase in population. *Had all other manufacturing employment equaled that of the chemical industry from 1950 when the total employment in manufacturing was 14,957,000, a level of 23,183,000 would have been reached in 1970 instead of 19,393,000 or nearly 4 million more than were actually employed.*

No further evidence is needed to demonstrate the potentials of the chemical industry as a source of employment *if the climate is right.*

In general this climate has been right during the past twenty years; but now encroachments from several sources could undermine the favorable conditions that made for continuous growth.

ASP (AMERICAN SELLING PRICE)

The duty on synthetic organic chemicals is levied not on their foreign value, as is the basis for nearly all other products, but on their American selling price. This base is estimated to average higher in the magnitude of 80% above the usual foreign value base for duty assessment. Not all chemical duties are assessed on this basis. However, a substantial part of them do enjoy this special consideration. The effect has been quite notable.

The synthetic organic branch of chemicals, a beneficiary of ASP, has enjoyed a phenomenal growth. In 1951 the sales of the industry were $1.78 billion. In 1960 the sales value had risen to $6.62 billion, in 1970 to $12.16 billion representing a seven-fold growth in 20 years. This growth compares with that of the iron and steel industry in which sales (revenues) increased from $9.5 billion in 1950 to $19.1 billion in 1970, or a two-fold increase.

As a result of its active technology, its innovations and productivity the chemical industry as a whole enjoys a substantial export surplus. In 1970 the excess of exports over imports was $2.35 billion. However, evidence of erosion now raises serious questions for the future. In 1950 the ratio of exports to imports was 3.1; in 1970, 2.6 and for the first eight months of 1971 it was 2.4, indicating a substantial gain of imports over exports in the past few years. Nevertheless the export surplus in chemicals is in strong contrast to the trade balance in steel, which was negative in 1970 by $764 million. This result in the steel industry's foreign competition reflects a sharp change since 1960 when the export surplus was still $204 million. The increase in imports was restricted in 1969 or a much deeper penetration by imports would doubtless have occurred.

Had the chemical industry not enjoyed the benefit of the ASP duty-base, its experience would assuredly have been different. In place of the strong growth in exports the growth would more likely have been in imports. The higher duty attributable to ASP no doubt dampened the growth of imports but it did not halt it. But for ASP new products offered by the industry on our home market would soon have been challenged for market supremacy by imports. While consumer demand might have responded handsomely the imports might have captured the greater part of it as they did in the field of radio receiving sets and other consumer goods.

It may be concluded on reasonable grounds that the increase in employment in the chemical industry, related above, between 1950 and 1970 would not have occurred in the absence of the substantially higher duty level provided by ASP, and further, that its elimination now would reduce the incentive for research and development by the chemical industry aimed at building new products for the domestic market.

RADIO AND TELEVISION SETS

In substantiation of this conclusion we may turn to another industry that resulted from invention and development, namely, radio and television. This industry was one of a number that came on the scene as a result of research, experimentation and investment in producing facilities. Radio and television receiving sets at the outset gave evidence of wide popular acceptance and therefore foreshadowed the possibility of a mass market if the cost could be reduced to a level that would tap the popular pocketbook. Import competition was clearly not the factor that prodded the industry since none was present. Abundant motivation for investment and technological improvement therefore lay in the vision for a mass market.

The industry had free access to our market and time in which to develop it. It needed only capital and continuous development to bring down costs of production through mass output. Consumer purchasing power was already adequate as a result of the liberal wage policy adopted by this country, to assure sales in terms of millions of units if the consumer price could be pulled down to a level within the range of wage earners.

The development of the radio industry on its advent was not clouded by import competition and the industry was in a position to develop a market according to its own energy, promotional zeal and continuing improvement of the product. In 1933 already 3.50 million sets were produced. This volume had more than doubled by 1939 to 7.95 million. By 1947 the sales of home radio sets had reached 14.48 million sets. By 1971 over 99% of wired homes in this country had at least one radio set.

In a fashion that had become typical under our mass-production, mass-consumption system, the cost was reduced as more units were produced. In 1933, for example, the number of workers who produced the total output of 3.50 million radio sets, was 32,879. In 1939 when the output had doubled to 7.95 million sets, employment had reached 43,509 or only 32% above the 1933 level. The average output per man in 1933 was 106 sets. In 1939 it was 183 sets. Under competitive clamor for the market the price to the consumer also fell, with the objective of reaching the pocketbooks of the tens of millions of consumers residing in the next lower layers of income.

After television came on the scene the sale of home radio sets declined from the peak of 14.48 million sets produced in 1947 to 8.17 million in 1950, to 3.52 million in 1955 and 3.19 in 1959. Television set production grew from 129,000 in 1947 to 7.46 million in 1950, on to only a little higher level, or 7.90 million in 1955. After a decline through 1960, production reached a peak of 12.78 million sets in 1966.

Thereafter production declined and fell to 9.45 million sets (both black and white and color) in 1970.

Production of home radio sets never recovered to the 1947 level of 14.48 million sets, but after a decline to less than half that level did reach a second peak in 1966 or 14.20 million sets, accounted for, no doubt, by the transister. Thereafter, hand in hand with television sets, production declined, and in 1970 had fallen to 8.26 million sets.

Meantime imports of radio sets rose rapidly, reaching 26.08 million sets in 1966 and growing to 33.86 million sets in 1970. The latter quantity compares with domestic production of home sets of 8.26 million in 1970. In other words imports were about 4 to 1 over domestic production.

Imports of television sets was at a level of 1.53 million in 1966 and reached 4.51 million sets in 1970.

The production trend of radio and television sets in this country on the one hand, and the trend of imports on the other shows how the imports may influence the former. Domestic production of both radio and television sets declined after 1966 when they were at their zenith. Total production of the two items combined was 26.58 million sets. We had reached 98.7% saturation in black and white television by 1971 but only 42.5% in color TV. However, imports were mounting, and would head us off from further expansion.

In 1966 imports as noted had already reached a level of 26.08 million radio sets and 1.53 million television sets, or a total of 27.6 million sets of the two combined. This exceeded domestic production by a small margin. By 1970 domestic production of television sets and home radio sets had declined to 17.71 million sets, while imports reached 38.37 million sets. Thus was halted the classical course of a typical job-breeding industry and its expansion transferred overseas.

Employment in the manufacture of radio and TV receiving equipment was 74,000 in 1958, rose to 85,000 in 1961, and on to 130,000 in 1967. By 1969 the level fell to 125,000 in keeping with the decline in production following the rise in imports.

In the chemical and allied products industry, by contrast, employment rose from 698,000 in 1958 to 737,000 in 1963 and on to 883,000 in 1969.

In the one instance, which is to say in the radio and television manufacturing industry, imports took away the growth that otherwise would have taken place in this country and transferred it abroad. In the case of a substantial part of the chemical industry growth was still possible in this country because the duty was high enough to overcome much of the foreign competitive advantage derived from low wages. ASP (American Selling Price, as the base for duty assessment) assured the domestic industry a market, thus providing a climate favorable to expansion of production.

If we extrapolate the experience of these two industries to the broader economic field it becomes possible to explain the competitive defeat that has been perpetrated on American industry other than machinery (including transport equipment such as aircraft and automobiles) and chemicals.

Almost without exception all manufacturing industries other than these two have suffered competitive defeat from abroad. Their combined trade deficit in 1970 was in the magnitude of $7 billion.

However, the exports of machinery and transportation equipment, especially machinery, have continued very heavy. While inducing euphoric sentiments in liberal trade quarters, this experience is not to be read in isolation. During the first seven months of 1971 these exports represented 45% of our total exports, *or more than twice our total agricultural exports and 2½ times more than our exports of all other manufactured products.* Moreover, our machinery exports alone from 1950–70 came to $123.5 billion, and no doubt account for much of the foreign technological advancement and higher productivity that occurred. This result is not to be deplored, but should not be lost to sight when we re-examine our trade policy.

The effect on our climate of industrial growth in this country could become disastrous.

Unquestionably it is the production of nonessential goods that fills our factories with workers. Yet, even in this field, we will move toward market saturation in one product after another in a generation or two. Then, unless new products are invented, discovered, developed and put on the market with the hope of reaching the mass purchasing potential of the consumers, employment in this country in the production of nonessentials would be limited to population growth just as it is so limited with respect to the production of essential goods. Replenishment, should it come to that as the total market, does not add to employment.

Thus unless we contain, by appropriate limitations, the competitive advantage enjoyed in our market by imports that come in because of the lower unit labor cost enjoyed abroad, our potential growth industries will neither germinate nor sprout into job-generating enterprises. It will be precisely as if our mass-production pioneers, such as Henry Ford, had not perceived the dependence of mass-production on "high" wages. Without that vision our system could not have been developed. Just as surely it cannot prosper or get beyond the point of stagnation if in effect import competition is permitted to despoil and destroy our potential market. This they can now do by beating us to the pass that leads to massive consumption of goods produced by someone at prices the public is able and willing to pay. If that someone is not the American producer producing in this country we will see full employment elsewhere but not here. Our system will have lost its powerful motivation.

The difference between the chemical and the household electronic industry, both with respect to employment and trade balance, will have been demonstrated sufficiently to warn us against a source of disaster for our whole economy.

COMPTROLLER GENERAL'S DOCUMENT AND IMPOUNDMENT

(Mr. ANDERSON of Tennessee asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Tennessee. Mr. Speaker, my office has received an interesting and valuable document from the Comptroller General entitled "Budgetary and Fiscal Information Needs of the Congress."

This document, dated February 17, 1972, is a direct result of the Legislative Reorganization Act of 1970 which provides that the executive branch be given information on congressional needs for budgetary and fiscal data. In an effort to complete this document, the Comptroller General's office interviewed 249 persons representing 42 committees and 68 Members of Congress.

The Comptroler General should be commended for the manner the recommendations contained in this document were received and the excellent easy-to-understand fashion of the document itself.

It is my hope that the executive branch at the direction of the Office of Management and Budget, will seriously consider adoption of many of the recommendations contained in this document.

The recommendations to the executive branch written in this document, I believe, are basic to restore the prerogatives of Congress over the Nation's revenues.

Appendix IV of the document, however, touches on an area which is of primary concern to many House Members. Under the title, "Budget Execution and Control by the Office of Management and Budget," the Comptroller General states:

> Under the law and delegation by the President, the Director of the Office of Management and Budget distributes appropriations and other budget authority to each Federal agency by time periods (usually by quarters) or by activities. Obligations may not be incurred in excess of the amount apportioned. The objective of the apportionment system is to plan the effective and orderly use of available authority and to prevent, where possible, the need for requesting additional or supplemental authority. Any type of executive action which effectively precludes the obligation or expenditure of appropriated funds causes these funds to be impounded.

On January 26, I introduced legislation which would require the President to notify Congress when he impounds or authorizes the impoundment of appropriated funds. Congress would then have 60 days in which to approve the President's action or he would have to release the funds.

The definition of impoundment in my bill is the same listed by the Comptroller General; that is:

> Any type of executive action which effectively precludes the obligation or expenditure of the appropriated funds.

Thus far, 120 House colleagues have joined me by requesting to be listed as cosponsors. Included in the list of cosponsors are five full committee chairmen and 39 subcommittee chairmen.

Prior to the introduction of this bill and since, I have been critical of the impoundment practices of the executive branch. It has been our belief that the prerogatives of Congress have been usurped by the Executive by using the impoundment method as the tool.

On January 19 I charged the Nixon administration with planning to release 80 percent of funds, amounting to $3.5 billion, appropriated this fiscal year in the Departments of Housing and Urban Development and Agriculture during the closing months of fiscal year 1972 for obvious political purposes. I further stated that over $1.3 billion for vital programs in these two Departments were impounded from previous fiscal years' appropriations.

On February 1, in another statement to the House, I made known that OMB will impound $500 million in the important urban water and sewer program of HUD this year and is planning to further impound $300 million in July 1973 even though the present need for these funds exceed $1 billion.

Since then, my office has discovered that the National Institutes of Health, at the direction of OMB, will impound 42 percent, amounting to over $60 million, of funds appropriated by Congress last year for grants to assist in the construction of schools to train professional medical personnel.

Mr. Speaker, when Congress approved this program last year, our intent was to attempt to solve the problems of the great shortages in the professional medical field. The Nixon administration has resorted to line item budget cutting in this vital program and has, by its action, thwarted the will of Congress and the people we represent.

Three medical schools in Tennessee alone have been affected by the OMB medical school funds impoundment. Meharry Medical School, Meharry Dental School, and Vanderbilt Medical School had application totaling $16.7 million which were approved but were returned because of lack of funds. Nationally, approved but unfunded applications for medical school construction exceeded $700 million.

In addition, the OMB impoundment trend will result in $6 billion being withheld at the end of this fiscal year in our interstate highway program.

The highway fund apportionment system, directed by OMB to the Federal Highway Administration, reads like disorganized confusion.

Taking my State of Tennessee as an example. At the beginning of fiscal year 1972 Tennessee had $57 million of apportioned funds not obligated. Because of the OMB directive Tennessee was authorized to obligate $15 million during the first quarter of which $12 million was obligated.

On October 1, 1971—the end of the first quarter—Tennessee had $45 million left of apportioned funds and was directed to go ahead and obligate the entire amount. On October 20, 1971, funds authorized by Congress for fiscal year 1973 became available for immediate obligation and Tennessee was apportioned an additional $74 million giving the State a total of $119 million of apportioned funds for immediate obligation in the second quarter. In the second quarter, Tennessee obligated $49 million which left $70 million of unobligated apportioned funds left for the third and fourth quarters.

In the third quarter, which began on January 1, 1972, OMB placed a control on the Highway Administration which resulted in a directive to Tennessee to obligate only $7 million in the third quarter and, in all probability, another $7 million in the fourth quarter. This would leave $56 million of unobligated apportioned interstate highway funds impounded at the end of this fiscal year for Tennessee alone.

Mr. Speaker, the State Highway Department of Tennessee as well as similar departments in every other State have found it extremely difficult to plan ahead for their interstate highway programs. Numerous complaints have been filed in my office concerning the unfinished highway systems of Tennessee.

As I referred to previously in this statement, the Comptroller General stated that:

> The objective of the apportionment system is to plan the effective and orderly use of available authority.

The Office of Management and Budget has made a sham of this definition. It has resorted to systems of impoundments, reserves, transfers, reprograms, and who knows what other measures to supersede the powers of Congress. It has thus become the second most powerful office in the land, and is indeed the fourth branch of Government.

Mr. Speaker, I again commend the Comptroller General for this excellent document. I would hope that Mr. Nixon and the Office of Management and Budget will read it very thoroughly.

SANTA FE SPRINGS, CALIF., RECEIVES ALL-AMERICAN CITIES AWARD FOR THE SECOND TIME

(Mr. HOLIFIELD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HOLIFIELD. Mr. Speaker, it is with a great deal of pride that I announce that Santa Fe Springs, one of the fine cities I have the honor to represent, has been chosen as one of nine cities in the United States to receive one of the 1971 All-American Cities Awards. The city won a similar award in 1960.

These awards were started in 1894 when the National Municipal League was founded as a nonpartisan organization to promote good government. It is interesting to note that the cities that were chosen for awards in 1971 varied in size from 10,645 people to 1,874,380. So the small city of Santa Fe Springs with only 14,874 people was chosen along with other cities ranging up to the maximum-size award winner, Twin Cities of Minnesota which has a population of 1,874,380 people.

Each of the cities faced up, in their own way, to their particular social, economic, and municipal problems. The problems were never the same and, for that reason, the judges were forced to compare different methods and procedures employed by the people of each city to solve their particular problems.

In every instance however, there was a common factor. That factor was the willingness of a city's people to recognize their problem and work together in an intelligent way to reach a beneficial solution.

This factor of working together and reaching a consensus of opinion on what the problem really was; what procedure to take to solve the problem; and how a majority of the people could coordinate their efforts to achieve a successful solution to their problem, was the most important in the selection process.

These three principles are much easier to state than to accomplish. Every American is a sovereign in his own mind and it is very hard to yield one's sovereign opinions in full or in part to a majority of other sovereign people. But that yielding of individual ideas, philosophy and viewpoints is the essence of successful democracy in action.

All of these nine cities are living proof that democracy in practice can bring beneficial results when actually used. The story of Santa Fe Springs, Calif., therefore, is an American story of success in the practice of the basic principles of democracy. That story is told in the spring edition of the revitalized Saturday Evening Post. That spring edition sells on the newstands for $1 I mention that because as a boy of 10 years of age I had a Saturday Evening Post route in a small town in northwest Arkansas. I had 10 customers and I delivered each week a copy of the Post to my customers for 5 cents a copy. My commission was a penny a copy and when I delivered my last of the 10 copies, I remitted 40 cents to the Curtis Publishing Co.'s distributor and proudly went home with my commission of 1 dime clutched tightly in a small moist hand, thrust deeply in a pocket of a pair of faded blue overalls.

But lest I digress further into my boyhood memories, I will return to the story of Santa Fe Springs as told in the 1972 spring edition of the Saturday Evening Post.

Mr. Speaker, the five city councilmen who served in 1964, when the Santa Fe Springs community action program really started, are still serving in their official capacity today, March 15, 1972. Their names are Ernest R. Flores, mayor, William Emmens, William J. McCann, and Archie Beasor councilmen, and Mrs. Betty Wilson, councilwoman. They are still serving because their people believe that they have served the best interests of the people of Santa Fe Springs. Their task has not been easy but they have persevered in what they believe to be right for their people even though the controversy frequently raged and differing groups fought vigorously for their differing groups fought vigorously for their different viewpoints. Yet in the end the concensus of the majority prevailed and the leadership of the five city councilmen was approved by this typical American community.

Here then is the Saturday Evening Post story of Santa Fe Springs, the small city that has been awarded for the second time, an All-American Cities Award!

[From the Saturday Spring Edition, 1972]

SANTA FE SPRINGS

In this study of urban problems, we notice that often the same problem takes on different aspects in one community or the other, calling for new approaches by way of solution. Santa Fe Springs, in California, is a case in point.

The city background is interesting, and part of the major problem. Santa Fe Springs is located only thirteen miles southeast of downtown Los Angeles, but it has at no time—nor is it today—been particularly influenced by the big metropolis. Its original character was simply that of a typical Southern California ranching and cattle community. But then mineral springs were discovered early in the 1900s and developers came in to stake out a spa to capitalize on the waters.

However, when they found oil bubbling out of the ground as well as the springs, they turned to oil as a basic community industry. The area became a kind of a boom town. Santa Fe Springs sits right on the San Gabriel River, which residents are aware can be mighty wet in spring and flood time, but is dry the rest of the year. A spot right on the river is known as Flood Ranch, and in the twenties the developers managed to foist off the undesirable land on Mexican laborers, who for their part were enabled to buy their own property cheap and settle down on it, however uncomfortable it might be due to the flood-and-dry tides. It took only a good rain to inundate the place entirely. But the Mexicans stuck it out at Flood Ranch, and in due time it became the nucleus of an ethnic colony.

Today, the population of Santa Fe Springs is 50 percent of Mexican extraction. They are scattered throughout the city, but the Flood Ranch section came to be recognized as a ghetto some years ago. Being so emphatically ethnic, however, it did draw more and more Mexicans as a kind of residential rallying point to live; so they were in a certain sense entrapped by their own sense of belonging.

They were also trapped in another way by the same instincts. The city authorities and indigenous Americans as well as Mexican-Americans elsewhere in Santa Fe Springs wanted to do something about the Flood Ranch society problem. But the people there were suspicious of being helped, in a way, and resisted to a degree which hampered and slowed down efforts on their behalf.

One thing favored the well-meaning city fathers and the other citizens working with them: Santa Fe, a highly industrialized section with a relatively small residential community, has a splendidly healthy tax base and the economic strength of the city is the envy of its neighbors. But it took a little work to put this money into action. When things started to perk, though, the move to bail out Flood Ranch resulted in the establishment of facilities which benefitted communities on the county level as well as Santa Fe Springs itself. Miss Rosemary Zarate, who had been Student Mayor while still in high school and is now a student at Whittier College (President Nixon's Alma Mater), summed it all up in Atlanta:

"The people of Santa Fe Springs are proud today—proud of their city, proud of their neighborhoods, and proud of themselves. There was a time, perhaps, when this wasn't true—nor for all the people of Santa Fe Springs. In a city whose population is low and middle income, Mexican-Americans comprise the majority of the poor; the majority of the culturally disadvantaged.

"What they accomplished has made them proud. It has made an entire city proud. for it benefitted not only those disadvantaged who fought so hard and so diligently for its creation, but it has reached out to enhance the entire community, to bring to Santa Fe Springs services, unity and pride that the city had only approached before.

"This may be seen in the variety of our thirteen residents who are here today to support what we think is an exciting accomplishment. We are represented by Councilman William J. McCann, residents of the community who participated in this adventure, and by John Hoge, President of our Chamber of Commerce, which so strongly supports this project."

This is the story of the Santa Fe Springs Neighborhood Center and the people who made it live.

Several years ago the city found itself embroiled in a bitter controversy centering around a redevelopment plan for the barrio at Flood Ranch. The people there distrusted City Hall—as it is with people of almost any ethnic minority who have suffered from discrimination. When the city held out a promise of a better life through redevelopment, many slapped that promise away, asking, "What strings are attached? What do you gain and what do we lose?" They found it difficult to believe that a government agency could work to their benefit.

Many hard-fought months later, that distrust began to chip away, and although the people of Santa Fe Springs had disliked the bitterness and problems that the conflict may have generated, they saw emerging something new, something exciting. In fighting City Hall—whether with good reason or not—the people of the barrio had learned a lesson that the most expensive college education could not have taught them. They learned how to make the system work for them. They learned that not *fighting* City Hall, but *guiding, moving,* and *using* City Hall was the answer to their quest for a better life.

The people organized, first within their neighborhood and then city-wide. They came to a city and a county government—both of which were faced with serious financial problems—and these undereducated, unsophisticated people convinced the politicians and bureaucrats that their desires, their needs, should be met. The redevelopment plan was changed to meet those needs and the project today stands completed—accepted with the community's full support.

But more than just a better redevelopment project resulted. Today, we have the Neighborhood Center.

Mrs. Mary Gingras was a moving force in the creation of the Neighborhood Center. These are her words:

"I am a resident of Santa Fe Springs, and was one of the people who began work for the Neighborhood Center. In 1965, a small group of us, with the support of the Club Cultural Mexicano and others in the city, petitioned the City Council, and together we rented a house in our neighborhood. We offered our people social services, using all volunteer help. The Coordinating Council oversaw the services.

"But we weren't satisfied. We knew we needed more. In 1969, a 7,500-square-foot building—a beautiful building costing $300,000—was built. The City gave one-third of the money and the federal government the rest. This enabled us to greatly expand our services.

The people not only overcame these obstacles, they excelled. Listen to the words of Mrs. Candalaria Corral:

"I am another of the Center's original proponents, and I too am proud of what we have done. Today in our Neighborhood Center we offer sixteen different social, economic, educational and medical services. Our greatest pride, perhaps, lies in the Youth Clinic, which now counsels and treats about 800 young people per month not only from Santa Fe Springs but from cities and communities for miles around.

"Since July of 1970, the Neighborhood Center, through its Intake and Referral unit, has handled about 800 cases; the manpower center has handled 701 cases; the Youth Clinic has seen 11,222 patients; Intercommunity Child Guidance has seen more than 200 patients; the Catholic Youth Organization has worked with more than 300 children; and the education programs have benefitted more than 400 residents. Some evening classes from a local community college are now being offered at the Center.

Concludes Mayor Ernest R. Flores:

"Two major things resulted from the citizen-government cooperation that emerged from the redevelopment project and the Neighborhood Center. The city began a rent-subsidy program as a means of helping the people stay in their improving neighborhood. The federal government has since helped greatly in this. And, as a by-product, today nearly 38 percent of the people buying homes in part of the formerly 100 percent Mexican-American neighborhood are of Anglo descent, breaking down a wall of de facto segregation.

"As the city government and the residents of Santa Fe Springs work to meet their problems, they take courage from the example of that neighborhood in the northern part of the city where people with their own needs—very major needs—not only rose to meet them, but succeeded in much, much more.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DANIELSON (at the request of Mr. BOGGS), for today, on account of official business for the Committee on Veterans' Affairs.

Mr. PETTIS (at the request of Mr. GERALD R. FORD), for March 16, on account of official business.

Mrs. DWYER (at the request of Mr. GERALD R. FORD), for March 13, on account of injury.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GIBBONS, on Wednesday, March 22, for 1 hour, and to revise and extend his remarks.

Mr. MICHEL, tomorrow, for 1 hour.

Mr. STRATTON, for 20 minutes, tomorrow, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. FRENZEL), to revise and extend their remarks, and to include extraneous matter:)

Mr. FINDLEY, today, for 10 minutes.

Mr. KING, today, for 5 minutes.

Mr. MCKEVITT, today, for 5 minutes.

Mr. FRELINGHUYSEN, today, for 5 minutes.

Mrs. HECKLER of Massachusetts, today, for 5 minutes.

Mr. HALPERN, today, for 5 minutes.

(The following Members (at the request of Mr. GONZALEZ), to revise and extend their remarks, and to include extraneous matter:)

Mr. GONZALEZ, today, for 10 minutes.

Mr. CONYERS, today, for 30 minutes.

Mr. EDWARDS of California, today, for 15 minutes.

Mr. FULTON of Tennessee, today, for 10 minutes.

Mr. STOKES, today, for 10 minutes.

Mr. BEGICH, today, for 5 minutes.

Mr. ASPIN, today, for 5 minutes.

Mr. BURKE of Massachusetts, today, for 10 minutes.

Mr. HOLIFIELD, today, for 10 minutes.

Mr. ROONEY of Pennsylvania, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MCMILLAN, and to include extraneous matter.

Mr. PERKINS, and to include extraneous matter in two instances.

Mr. DONOHUE, to extend his remarks on the bill H.R. 11471 today.

Mr. MAHON to revise and extend remarks in his 1-minute speech today on the National Maid of Cotton.

Mr. DENNIS during the special order of Mr. HARVEY of today.

(The following Members (at the request of Mr. FRENZEL) and to include extraneous matter:)

Mr. PRICE of Texas.

Mr. BROTZMAN.

Mr. WHITEHURST.

Mr. WHALEN.

Mr. LUJAN.

Mr. LATTA.

Mr. STEIGER of Arizona.

Mr. WYMAN in two instances.

Mr. KEITH in two instances.

Mr. HILLIS.

Mr. DUNCAN.

Mr. COLLINS of Texas in three instances.

Mr. ZWACH in two instances.

Mr. SCHMITZ in three instances.

Mr. MCCLORY in two instances.

Mr. HUNT.

Mr. HOSMER in two instances.

Mr. VEYSEY in two instances.

Mr. ASHBROOK in three instances.

Mr. MCCLURE in two instances.

Mr. LENT.

Mr. MCCOLLISTER in three instances.

Mr. GROSS.

Mr. VANDER JAGT in three instances.

Mr. ANDERSON of Illinois.

Mr. BURKE of Florida.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. PICKLE in five instances.

Mr. EILBERG in five instances.

Mr. ROSENTHAL in five instances.

Mr. WOLFF in three instances.

Mr. STOKES in five instances.

Mr. ANNUNZIO in five instances.

Mr. SCHEUER.

Mr. PRYOR of Arkansas in two instances.

Mr. MCKAY.

Mrs. HANSEN of Washington in three instances.

Mr. FLOWERS in three instances.

Mr. RODINO.

Mr. JAMES V. STANTON in two instances.

Mr. Biaggi in 10 instances.

Mr. Giaimo in 10 instances.

Mr. Evins of Tennessee in three instances.

Mrs. Grasso in 10 instances.

Mr. Udall in eight instances.

Mr. Harrington in two instances.

Mrs. Hicks of Massachusetts.

Mr. Mazzoli in two instances.

Mr. Burke of Massachusetts in two instances.

Mr. Anderson of Tennessee in three instances.

Mr. Roncalio in three instances.

Mr. Flood.

Mr. Rees.

Mr. Evans of Colorado.

Mr. Waldie.

Mr. Leggett.

Mr. Griffin in two instances.

Mr. Downing.

Mr. Daniels of New Jersey.

Mr. Brasco.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles which were thereupon signed by the Speaker:

H.R. 12910. An act to provide for a temporary increase in the public debt limit.

H.J. Res. 1097. Joint resolution making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 888. An act for the relief of David J. Crumb;

S. 1362. An act to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes; and

S. 1977. An act to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on March 14, 1972 present to the President, for his approval, a bill of the House of the following title:

H.R. 8293. An act to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 51 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 16, 1972, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1742. A letter from the Governor, Farm Credit Administration, transmitting the 38th annual report of the Administration on the work of the cooperative farm credit system, pursuant to the Federal Farm Loan Act, as amended, and the Agricultural Marketing Act, as amended (H. Doc. No. 92–265); to the Committee on Agriculture and ordered to be printed with illustrations.

1743. A letter from the Secretary of Transportation, transmitting part 1 of the 1972 national highway needs report, pursuant to section 3 of Public Law 89–139 (H. Doc. No. 92–266); to the Committee on Public Works and ordered to be printed with illustrations.

1744. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the first two quarters of fiscal year 1972, pursuant to section 720 of Public Law 92–204; to the Committee on Appropriations.

1745. A letter from the Chairman, Commission on Population Growth and the American Future, transmitting the final report of the Commission on Population Growth and the American Future, pursuant to section 8 of Public Law 91–213; to the Committee on Government Operations.

1746. A letter from the Chairman, American Revolution Bicentennial Commission, transmitting a report on the activities of the Commission, including an accounting of funds received and expended, pursuant to section 7(b) of Public Law 89–491; to the Committee on the Judiciary.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOLIFIELD: Committee on Government Operations. Report on phosphate and phosphate substitutes in detergents; Government action and public confusion (Rept. No. 92–918). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on aircraft collision avoidance systems (Rept. No. 92–919). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on S. 2097. (Rept. No. 92–920). Ordered to be printed.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 13334. A bill to establish certain positions in the Department of the Treasury, to fix the compensation for those positions, and for other purposes; with an amendment (Rept. No. 92–921). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on executive reorganization; a summary analysis (Rept. No. 92–922). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 13592. A bill to amend the Public Health Service Act to provide for the prevention of sickle cell anemia; with an amendment (Rept. No. 92–923). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO (for himself, Mr. Carney, and Mr. Dent):

H.R. 13804. A bill to amend the act of March 2, 1931, to provide that certain proceedings of the Italian American War Veterans of the United States, Inc., shall be printed as a House document, and for other purposes; to the Committee on House Administration.

By Mr. WIDNALL (for himself, Mr. J. William Stanton, and Mr. Brown of Michigan):

H.R. 13805. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Banking and Currency.

By Mr. BARING:

H.R. 13806. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. BENNETT:

H.R. 13807. A bill to provide an incentive plan for participation in the Ready Reserve, and to provide an annuity for the dependents of persons who perform the service required under chapter 67 of title 10, United States Code, and die before being granted retired pay; to the Committee on Armed Services.

By Mr. BROTZMAN:

H.R. 13808. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 13809. A bill to amend the Federal Property and Administrative Service Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government; to the Committee on Government Operations.

By Mr. de la GARZA:

H.R. 13810. A bill authorizing the Secretary of the Army, acting through the Corps of Engineers, to cause a survey to be made for flood control and allied purposes, including channel and major drainage improvements, and floods aggravated by or due to wind or tidal effects on San Diego Creek at and in the vicinity of Alice, Tex.; to the Committee on Public Works.

By Mr. EVANS of Colorado (for himself, Mr. Meeds, Mr. Badillo, Mr. Obey, Mr. Dow, Mr. Eilberg, Mr. Fraser, Mrs. Hicks of Massachusetts, Mr. Rees, Mr. Mitchell, Mr. Burton, Mr. Harrington, Mr. Rodino, Mr. Gibbons, Mrs. Mink, Mr. Helstoski, and Mr. Gettys):

H.R. 13811. A bill to amend the Federal Food, Drug, and Cosmetic Act in order to provide for the registration of manufacturers of cosmetics, the testing of cosmetics, and the labeling of cosmetics, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN (for himself, Mr. Waldie, Mr. Boland, Mr. Dellums, Mr. Frelinghuysen, Mr. William D. Ford, Mr. Link, Mr. Gibbons, Mr. Obey, Mr. Cleveland, Mr. Ryan, Mr.

Whalen, Mr. Rodino, Mrs. Grasso, Mr. Buchanan, Mr. Seiberling, Mr. Karth, Mr. Bell, Mr. Rees, Mr. Hicks of Washington, Mr. Horton, Mr. Mailliard, Mr. Hanna, and Mr. Rhodes):

H.R. 13812. A bill to promote international cooperation in United Nations efforts to protect the world's oceans and atmosphere; to the Committee on Foreign Affairs.

By Mr. HANNA:

H.R. 13813. A bill to affirm the President's power to impound appropriated funds, subject to the right of either House of Congress to disapprove any such action; to the Committee on Rules.

By Mr. MALLARY:

H.R. 13814. A bill to provide for the establishment of a national cemetery in the State of Vermont; to the Committee on Veterans' Affairs.

By Mr. NIX:

H.R. 13815. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Texas:

H.R. 13816. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. REUSS:

H.R. 13817. A bill to amend the provisions of the Tariff Act of 1930 relating to the marking of imported articles in order to clarify the meaning of "ultimate purchaser" in the case of certain articles imported for processing; to the Committee on Ways and Means.

By Mr. RUPPE:

H.R. 13818. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of procedures to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

H.R. 13819. A bill to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 13820. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 13821. A bill to amend title 39, United States Code, to restrict the mailing of certain matter pertaining to correspondence courses of instruction in locksmithery and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SIKES (for himself, Mr. Dingell, and Mr. Pelly):

H.R. 13822. A bill to extend for 5 additional years the authorization for appropriations to carry out conservation programs on military reservations; to the Committee on Merchant Marine and Fisheries.

H.R. 13823. A bill to establish wildlife, fish, and game conservation and rehabilitation programs on military reservations, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 13824. A bill to transfer the implementation of conservation programs on military reservations to the Department of the Interior, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. STEIGER of Arizona (for himself, Mr. Rhodes, and Mr. Udall):

H.R. 13825. A bill to extend the time for commencing actions on behalf of an Indian tribe, band, or group; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 13826. A bill to prohibit the imposition by the States of discriminatory burdens upon interstate commerce in wine, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VEYSEY:

H.R. 13827. A bill to promote the use of low-pollution motor fuels by equalizing the tax treatment of liquified and compressed natural gas; to the Committee on Ways and Means.

By Mr. WHITEHURST (for himself and Mr. Williams):

H.R. 13828. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.R. 13829. A bill to amend the Communication Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 13830. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. ALEXANDER:

H.R. 13831. A bill to provide for a study of a proposed Huckleberry Finn National Recreation Area on the Lower Mississippi River, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON of Tennessee:

H.R. 13832. A bill to authorize the construction of 40 liquefied natural gas carriers to meet the energy crisis; to the Committee on Merchant Marine and Fisheries.

By Mr. BURKE of Massachusetts:

H.R. 13833. A bill to authorize the payment to State and local governments of sums in lieu of taxes and special assessments on Federal real property, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CARTER:

H.R. 13834. A bill to authorize the establishment of the Big South Fork National River and Recreation area in the States of Kentucky and Tennessee, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON (for himself, Mr. Alexander, Mr. Biaggi, Mr. Boland, Mr. Brasco, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Corman, Mr. Dellums, Mr. Dent, Mr. Duncan, Mr. Forsythe, Mr. Frenzel, Mr. Gallagher, Mr. Halpern, Mr. Helstoski, Mr. Hicks of Washington, Mrs. Hicks of Massachusetts, Mr. Lent, Mr. Matsunaga, Mr. Melcher, Mr. Morse, Mr. Nix, and Mr. Pepper):

H.R. 13835. A bill to provide for the establishment of an Office for the Aging in the Executive Office of the President, for the fulfillment of the purposes of the Older Americans Act, for enlarging the scope of that act, and for other purposes; to the Committee on Education and Labor.

By Mr. HARRINGTON (for himself, Mr. Rangel, Mr. Rees, Mr. Rosenthal, Mr. Ryan, Mr. Seiberling, Mr. Stokes, Mr. Charles H. Wilson, and Mr. Wolff):

H.R. 13836. A bill to provide for the establishment of an Office for the Aging in the Executive Office of the President, for the fulfillment of the purposes of the Older Americans Act, for enlarging the scope of that act, and for other purposes; to the Committee on Education and Labor.

By Mr. KEE:

H.R. 13837. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 13838. A bill to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes; to the Committee on Education and Labor.

By Mr. KOCH:

H.R. 13839. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

By Mr. MIKVA:

H.R. 13840. A bill to prohibit sonic booms by civil aircraft within the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. MIZELL (for himself, Mr. Begich, Mr. Bergland, Mr. Dellenback, Mr. Dow, Mr. Findley, Mr. Jones of North Carolina, Mr. Teague of California, and Mr. Vigorito):

H.R. 13841. A bill to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes; to the Committee on Agriculture.

By Mr. PRYOR of Arkansas:

H.R. 13842. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RODINO:

H.R. 13843. A bill to gear the income tax more closely to an individual's ability to pay, to broaden the income tax base of individuals and corporations, and to otherwise reform the income and estate tax provisions; to the Committee on Ways and Means.

By Mr. ROY:

H.R. 13844. A bill to amend title 5, United States Code, to correct inequities in connection with the loss by employees of entitlement to travel and transportation expenses under travel agreements which have expired while the employees remained on duty outside the continental United States, and for other purposes; to the Committee on Government Operations.

H.R. 13845. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. SATTERFIELD:

H.R. 13846. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT (for himself, Mr. Alexander, and Mr. Teague of California):

H.R. 13847. A bill to amend title 38, United States Code, in order to permit certain veterans up to 9 months of educational assistance for the purpose of pursuing retraining or refresher courses; to the Committee on Veterans' Affairs.

By Mr. ULLMAN:

H.R. 13848. A bill to provide for the selection of candidates for President of the United States in a national presidential primary election, and for the election of a President and a Vice President by direct vote of the people, and for other purposes; to the Committee on House Administration.

By Mr. BURLISON of Missouri:

H. J. Res. 1109. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. FULTON:

H. J. Res. 1110. Joint resolution authorizing and requesting the President to proclaim April 24 through 29, 1972, as "National Auctioneers Week"; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT (for himself, Mr. Mills of Arkansas, Mr. Pryor of Arkansas, and Mr. Alexander):

H. J. Res. 1111. Joint resolution authorizing the Preisdent to proclaim the month of May as "Clean Waters for America Month"; to the Committee on the Judiciary.

By Mr. MICHEL:

H. J. Res. 1112. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. ROBINSON of Virginia:

H. J. Res. 1113. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. WHALLEY:

H. J. Res. 1114. Joint resolution proposing an amendment XX to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. HATHAWAY:

H. Con. Res. 561. Concurrent resolution providing for the recognition of Bangladesh; to the Committee on Foreign Affairs.

H. Con. Res. 562. Concurrent resolution supporting the United States delegation to the 1972 United Nations Conference on the Human Environment; to the Committee on Foreign Affairs.

By Mr. LANDGREBE (for himself, Mr. Bray, Mr. Dennis, Mr. Hillis, Mr. Myers, and Mr. Zion):

H. Con. Res. 563. Concurrent resolution congratulating Earl L. Butz on his nomination to the office of Secretary of Agriculture; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 13849. A bill for the relief of Dr. Kenneth C. Ozojiofor; to the Committee on the Judiciary.

By Mr. HICKS of Washington:

H.R. 13850. A bill for the relief of Tait Stevedoring Co., Inc.; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 13851. A bill to provide for the free entry of five carillon bells for the use of the University of Wisconsin, Madison, Wis.; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.R. 13852. A bill for the relief of James E. Bashline; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

VALUE-ADDED TAX

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. WALDIE. Mr. Speaker, according to recent reports, the President is considering the proposal to establish a value-added tax—a kind of national sales tax—in order to alleviate the burdens of the property tax and educational financing.

I support the concept of tax reform on all levels of Government. But the guiding principle of that reform must be that those who are most able to pay shall pay the most, while the poorest of our society shall pay less. This principle is embodied in our graduated income tax system, and it is only compromised by our complex and undesirable system of loopholes and special benefits.

The value-added tax does not solve this inequity. Instead of making our tax structure more progressive, it is merely one more regressive revenue system. Instead of easing the burden of the people hardest hit by the property taxes, the value-added tax merely makes them pay the same amount in a different manner, under the guise of reform.

The following article by Dr. Douglas Beasley from the Rossmoor News of February 23 provides an excellent summary of the critique of the value-added tax:

VALUE-ADDED TAX

(By Douglas Beasley)

There is presently much discussion by politicians of the proposal to replace the property tax by the value added tax (V.A.T.) to finance the nation's schools.

The V.A.T. is equivalent to a national sales tax now widely used in Europe. In essence the tax is computed on the value added to a particular product by each manufacturer.

He pays tax on the difference between his total sales and total purchases, this includes everything from raw materials to machinery and office equipment even though the V.A.T. has already been paid by someone else.

The manufacturer bills his wholesale customers for the tax on the sales price of the articles sold. The wholesaler does the same on his sales to the retailer, this is repeated again by the retailer on his sales to the consumer who ultimately pays all the bill for the value added taxes.

Opposition to V.A.T. is growing in Europe and in this country due to its unfairness and inherent weakness, it is a regressive tax, as is the property tax, both hit the poor harder than they do the rich. The tax is paid entirely by consumers and does not take into account the ability to pay and thus falls more heavily upon low income families for they would pay a higher percentage of their income for this new tax than would the wealthy.

This tax is also inherently inflationary due to ease with which it can be collected and the rate increased at the will of the law makers.

The administration of the V.A.T. system would be cumbersome and very costly to service and would add another unnecessary bureau.

It is obvious that a new method of school financing is desperately needed but V.A.T. is not the answer. An income tax surcharge and a closing of the many loop-holes in the present laws would be far better and would produce more net revenue than V.A.T. as the financial burden of a new bureaucracy would be unnecessary. At the same time it would recognize "ability to pay" and would provide the means to bring about equal opportunities for all students and at the same time relieve home owners and renters of the unfairness of property taxes.

ECONOMICS & FINANCE

(EDITOR'S NOTE.—This new column in the News is devoted to investments, taxes, savings, economics, finance, money and how to make and save it. The chairman of the column is Douglas Beasley, retired vice-president of the Wells Fargo Bank, but the writers of the column will be many. Anyone in Rossmoor who is willing to contribute a column on these subjects that may be helpful or entertaining to Rossmoorians at any time is asked to contact Mr. Beasley, either by sending him a column, or by phoning him for discussion. The several investment clubs here may be particularly interested in contributing. We are generally more interested in a column that can wind up saying something like "a good thing for you to investigate doing is . . ." or "a bad thing to do, it appears is, . . ." rather than a column which simply comments on a national scene.)

(By Douglas Beasley)

An article in the Chronicle of Feb. 17 quotes Secretary Connally as saying it would be "sheer folly" for the United States to resume convertibility of the dollar before there is convincing evidence that the nation's underlying balance of payments situation has improved. However, some method of restoring the world's confidence in the dollar must be undertaken at the earliest possible moment, otherwise a more serious crisis than experienced recently can plunge the whole free world into a depression rivaling that of the 1930s.

We can heal this incipient illness by taking the following actions: Notify the World Bank that the U.S. will sell at auction 20 million ounces of gold to the highest bidders among the world's Central Bankers, and that additional auctions will be held monthly until further notice.

Rules of governing these auctions would be: 1. The lowest bids or combinations of bids accepted on this first auction would be for $1 million. 2. A minimum bid price of $50 an ounce for this auction. 3. Terms of future auctions would be announced monthly until gold and dollar values stabilize. 4. The highest bids only, working down from the top, would be accepted to cover the 20 million ounces offered. 5. Settlement of all contracts in U.S. dollars would be through the International Monetary Fund within 30 days. 6. Future auctions would be subject to appropriate current market conditions.

The U.S. presently holds approximately $10 billion in gold valued at $35 an ounce (to be raised to $38, if approved by Congress). This hoard weighs approximately 285,714,286 ounces and at the approximate free market quotation of $50 an ounce is actually worth $14,285,714,300.

This positive action by the world's largest holder of gold would allow the precious metal to establish its true value in dollars and other world currencies, and will tend to prevent new runs on the dollar and thus give us time to balance our international payments' account. It will also allow us to "sop up" a considerable amount of excess dollars circulating overseas, and at the same time will, almost surely, increase the dollar value of our remaining gold reserves. Of course this action would also be expected to bring "windfall" profits to all nations and individuals holding gold. We, however, having the largest hoard, would profit handsomely so why complain about the profits that would accrue to the Russians, the gold mining companies or others? Is gold so different from platinum, silver, or oil that we do not want its price to be established by the Law of Supply and Demand! Let's grow up and face realities.

If you agree with these thoughts get in touch with the law makers and the President so they will know how You want them to act. A simple way to do this is to clip this column and send it on with your endorsement.

ECONOMICS & FINANCE

(By Douglas Beasley)

It is income tax time again and through the courtesy of the California Society of Certified Public Accountants we will pass on to the residents the following tax tips.

1. If your tax for the current year increased substantially over the previous four years you may be able to average your income and lower your taxes. Refer to schedule G federal form 1040, state 540.

2. If you are unmarried and maintain your home as the principal place of abode for a dependent, or your dependent parent is in a rest home, you are entitled to use lower rates.

3. Use schedule R if retired and over 65 even if as a widow you have not earned $600 a year for 10 years but provided your husband qualified.

4. Don't forget your self employment tax if you are a professional person or a proprietor of a business. See Schedule S.E. form 1040.

5. If your adult son or daughter is a full time student for at least five months of the year and you provide one half of his support, you can claim a dependence for him. If he is not in college but you are providing over one half of his support, you can still claim a dependency exemption if he is not yet 19 and has less than $675 gross income. If you provide over one half the support of your dependents you can deduct expenses paid on their behalf.

6. If you itemize deductions, list the 5 percent California sales tax (1½ percent for residents of rapid transit districts) and the 7 cents per gallon gas tax. The instructions to form 1040 contain these tables. If you bought a new car last year deduct the sales tax.

7. The joint return is generally an advantage, however, if both spouses have some income and one has high medical expenses, separate returns might be desirable to prevent these expenses being absorbed by the 3 percent limitation, also it should be remembered that capital loss carryovers from years prior to 1970 may be deducted against ordinary income up to $1000 on each return if filed separately.

8. Federal gift tax returns must now be filed quarterly on or before the 15th day of the second month following the close of the calendar quarter in which the gifts were made.

9. If you incurred moving expenses you should consult your tax accountant as you may qualify for a deduction.

10. Don't forget the loss on security sales can be taken as a deduction.

WHAT IS KILLING THE CITY?

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, March 15, 1972

Mr. BYRD of Virginia. Mr. President, Newsweek magazine for March 20 contains an excellent column by the economist, Dr. Milton Friedman.

The column is largely devoted to an analysis of the financial and general governmental problems of New York City, but much of what Dr. Friedman has to say about New York can be applied to the Federal Government.

The columnist observes that all too little of what is spent for social programs actually reaches the needy, and that increased government spending has not solved the major problems of New York City.

I think this can also be said of many Federal programs, and certainly Dr. Friedman's observation that "government spending is the problem, not the solution" is just as true for the United States as it is for New York.

I ask unanimous consent that the column entitled "What Is Killing the City?" be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT IS KILLING THE CITY?

(By Milton Friedman)

In two remarkable columns, Stewart Alsop has explored "The City Disease" that is killing the South Bronx area of New York City (NEWSWEEK, Feb. 28 and March 6). He summarized his findings as follows: "Well-intentioned and liberal-minded people (including this writer) have assumed that the way to cure conditions like those in the South Bronx is to spend a lot of money in the slums. A lot of money has been spent in the South Bronx and other New York slums. New York's expenditures for 'social services' have tripled since John Lindsay became mayor, and Federal spending for social purposes has also vastly increased. All the time, the city disease has got worse—and worse and worse."

PARADOX?

This result seems a paradox. How can it be that more spending is accompanied by worse results?

One standard explanation is that the disease has gotten worse despite the increase in spending, that it would have gotten still worse if there had been less spending, and that we need still more spending by New York City and the Federal government. Though this explanation has produced a massive and continuing increase in Federal, state and local government spending for "social services," its plausibility has worn thin as spending has mounted and the disease continued to get worse.

A second explanation is that the fault is not with the amount of government spending but with the way government has spent the money. In housing, this explanation has led to stress on rehabilitation instead of new construction, on small-scale scattered public housing instead of gigantic housing projects, on rent supplements instead of public housing. Unfortunately, despite the great fanfare and extravagant promises that accompany each new program, still the city disease marches on.

The right explanation, I submit, is very different. Mr. Alsop is simply wrong when he says, "New York's expenditures for 'social services' have tripled." They may not have changed at all—or may even have declined. What has happened is that expenditures by the *government* of the City of New York have tripled. But where has the money come from? Primarily from the people in New York City.

Where else can it come from? The money may take a detour via Albany or Washington—which will, of course, take their cut—but that only conceals, it does not change, the ultimate origin of the money. The citizens of New York City have spent more through their government and therefore have had less to spend themselves.

NOT TO BE EXPECTED

The total amount available for spending has not been increased by Lindsay's programs. On the contrary, it has been decreased as the deterioration of the city and ever-higher taxes have encouraged people and business to move out. Is it really a paradox that we get less for our money when government bureaucrats spend our money for our supposed benefit than when we spend our own money on our own needs?

But, you may say, government spending is for the poor; the money government spends comes from the well-to-do; hence private spending would benefit different people.

Wrong on both counts. The government program may be labeled "welfare for the poor," but that does not mean that very much of the money spent benefits the poor. Much of the money goes to buy land or buildings or services from the not-so-poor—as, most notably, in urban renewal programs—to provide amenities for the not-so-poor. Some of the rest goes to pay excellent salaries to bureaucrats. Even the part that does trickle down to the poor is largely wasted because it encourages them to substitute a handout for a wage.

As to who pays, the possibility of taxing the rich is strictly limited, especially in a city like New York. It is too easy for the rich to move. Whatever the rhetoric, the poor pay their full share of the taxes.

Government spending is the problem, not the solution. We do not need new government programs. We need to abolish the old programs and let people spend their own money in accordance with their own values. The city would then get better—and better and better.

For New York City, it is probably too late for this cure because so large a part of the voting population already consists of city employees and welfare recipients. But it is not too late for other cities to learn from New York's disease.

LACK OF REGULATION OF $6.5 BILLION COSMETIC INDUSTRY ENDANGERS PUBLIC

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. EVANS of Colorado. Mr. Speaker, at this very moment the FDA is deciding whether or not to accept a proposal put forward by representatives of the $6.5 billion cosmetics industry, which would sanction a so-called voluntary program of self-regulation. This proposal, unfortunately, completely fails to come to grips with most of the major deficiencies in the law regulating cosmetics. Presently, there are no requirements that cosmetics manufacturers carry out any safety testing of their products, label their ingredients, or open their complaint files to inspection by FDA. Therefore, in effect, the consuming public is the guinea pig that tests the safety of cosmetics. Because of these voids in the law, the products of unscrupulous, incompetent, or negligent cosmetics manufacturers will almost inevitably reach the market and cause injuries before FDA becomes aware of the problem and is able to act.

The industry proposal presently before FDA cannot and will not close these vast loopholes in the law. This proposal fails to expand FDA's present powers. In fact all the proposal does is exhort the cosmetics manufacturers to voluntarily register with FDA and to send to FDA the listing of their ingredients of their various cosmetics formulations.

However, this proposal in no way compels any company to comply, and if a company refuses to register or divulge the desired information, no sanctions can be brought against it. Furthermore, it is the very companies whose business practices are most questionable who are the least likely to comply with a voluntary program.

Such elemental and essential information should long since have been available to FDA. No company under the guise of voluntarism should be allowed to suppress information which is vital to the protection of the public.

Therefore, today I am reintroducing H.R. 13417, the Cosmetics Act of 1972. This legislation requires that all cosmetics companies register with and divulge their cosmetic formulations to FDA. It further requires that these companies carry out safety testing of their products, label their ingredients, and open their complaint files to FDA. It also increases the penalties for selling defective cosmetics.

In reintroducing this legislation I am joined by 17 cosponsors: Herman Badillo, Phillip Burton, Joshua Eilberg, Donald Fraser, Sam Gibbons, Michael Harrington, Henry Helstoski, Louise Day Hicks, Patsy Mink, Parren Mitchell, David Obey, Thomas Rees, Peter Rodino, Jr., Lloyd Meeds, John Dow, and Tom Gettys.

Mr. Speaker, I am also placing in the Record articles by Nancy Ross of the Washington Post, Richard D. James of the Wall Street Journal, and an article in Chemical Week which illustrate the need for this legislation:

Eyes: Microbes in the Makeup

(By Nancy L. Ross)

For the past two years, hundreds of women from teen-agers to grandmothers have been batting their eyelashes at Louis Wilson.

Louis Wilson? He is not a pop idol or a movie star. He's an ophthalmologist. As such, his interest in eyelashes is clinical, not romantic. Louis A. Wilson, M.D., as he is more properly known at the Medical College of Georgia in Augusta, has been studying along with three colleagues the correlation between eye makeup and eye diseases.

Eye injuries from microbial contamination of makeup are one of the most common complaint cosmetics manufacturers receive along with skin reactions to bubble baths containing harsh detergents, and hair and scalp damage from shampoos and other hair preparations.

While no breakdown is available, the National Commission on Product Safety estimates that cosmetics in general injure 60,000 persons seriously enough each year that they must see a physician or be restricted in their activities for at least one day. The Food, Drug and Cosmetics Act does not require premarketing tests for safety of cosmetics.

Dr. Wilson's study grew out of his private practice, he reports, he treated many women with ocular abnormalities caused wholly or in part by makeup. His findings were verified in independent research performed at the London Institute of Dermatology and the University of Miami School of Medicine.

The study, as reported in the June 1971 issue of the American Journal of Ophthalmology, concludes that microorganisms present in mascara, eyeliner and eye shadow "constitute a potential hazard" because they can invade a scratched eyeball and cause infection or even loss of vision.

Since July, Dr. Wilson has been under contract to the Food and Drug Administration to continue and expand his research in this virtually untouched field to determine how large, and serious, a problem may exist and the causes of it. A spokesman for the American Association of Ophthalmology said he knew of no other studies in progress on eye makeup.

Four hundred twenty-eight eye cosmetic samples from 235 women aged 18 to 52 were cultured in Wilson's study. Potentially dangerous fungal contamination was found in 12 per cent and bacterial contamination in 43 per cent. There was no evidence to suggest one form or brand of eye cosmetic was worse than any other. Expensive makeup could be just as contaminated as cheap.

Dr. Wilson, incidentally, said he received no cooperation from manufacturers, who refused to divulge their ingredients.

Cosmetics fresh from the factory were found generally pure. Contamination, Wilson said, can come from keeping the makeup a long time, letting someone else use it, and mixing saliva or even tap water in mascara to thin it. Heat, body chemistry and the type of preservative used in makeup are also determining factors. A high incidence was observed in nurses wearing eye makeup in germ-filled hospitals.

The resulting bacteria, Dr. Wilson found, can invade a cornea which has been scratched by a contact lense or other foreign matter, cause crusting of the eyelids and even a loss of eye lashes. Two cases of loss of vision have been reported, according to the Augusta physician. But the FDA has not positively pinpointed the cause as contaminated makeup.

Besides correcting the makeup habits of women, Dr. Wilson believes the answer to this problem lies in packaging "one-shot" cosmetics designed to be thrown away after one application and improving the preservative. The most commonly used preservative, called parabens, he found to be ineffective because they tend to disperse in emulsified cosmetics. This point is disputed by some cosmetic chemists.

Dr. Wilson has proposed, and the FDA will soon sanction, the use of a stronger preservative, phenyl mercuric acetate, in eye makeup. According to Dr. Robert M. Schaffner, director of the FDA's office of product technology of the Bureau of Foods, the very small amount of mercury—up to .005 per cent—cannot be considered dangerous.

At the same time the agency is preparing to regulate certain skin bleach creams where the amount of ammoniated mercury, the active ingredient, can reach as high as 5 per cent. Mercury can cause bad skin reactions, such as numbness. The bleaches have already been reclassified as drugs and may either be banned or reformulated.

Prior to the mercury scare occasioned by tainted swordfish and tuna, 18 companies used mercury in their products, according to the Cosmetic, Toiletry and Fragrance Association, a trade group. As of February 1971, seven had ended its use and the remaining 11 will have eliminated it by January 1973. CTFA, however, speaks only for its members, who represent fewer than half of the cosmetic manufacturers in this country, although they do 90 per cent of the volume of business.

How many other manufacturers do use mercury in their products? How harmful is mercury in certain concentrations? How many products now sold as cosmetics should rightly be considered drugs and be subject to more stringent rules governing drugs? How many cases of eye disease can be attributed to which eye makeup?

At present the FDA doesn't know the answer to any of these questions. Perhaps it will begin to get a clearer picture with the introduction next year of a voluntary information program.

The cosmetics section has always been the poor relation of the FDA's food and drug divisions. The cosmetics bureau, for example, has only 30 people, compared to 800–900 in the drug bureau. At present it does not know—or have the power to require information on—how many cosmetics manufacturers there are in this country and what they put in their products.

Earlier this year CTFA, at the urging of Virginia Knauer, the presidential assistant for consumer affairs, petitioned the FDA to institute voluntary registration of producers and their formulations, the latter on a confidential basis. Schaffner estimates 1,000 manufacturers with 10,000 formulations exist.

The highly-competitive cosmetics industry is reluctant to have trade secrets divulged to competitors and to the public. For this reason, labeling of ingredients—requested by consumer groups—is not yet acceptable to industry, and the FDA has abandoned the notion as premature.

At a Dec. 7–8 seminar of the Food and Drug Law Institute, industry representatives voiced objections that ranged from the argument that formulations are too long and complicated for the public to understand, to the argument that the public would compare the ingredients of an expensive, heavily promoted brand with a substantially cheaper product and realize they were essentially the same preparations.

Industry also objected to "arbitrary" reclassification of some cosmetics as drugs, a move proposed by FDA commissioner Charles C. Edwards. Those products that would have been affected are eye lotions, nail hardeners, douches, depilatories, hormone creams, bleach creams, wrinkle removers, bronzers and suntan preparations. The reclassification was based on the products' claim to effect a physiological change in the body rather than simply mask a condition.

Thus, for example, a suntan lotion which purports to cure sunburn is a drug, whereas a product with an identical formula which only claims to make the user beautiful is a cosmetic.

The next effect of reclassification as drugs would have meant premarketing clearance for the aforementioned products on the basis of both safety and effectiveness—a procedure bound to either increase the price of products or drive some products from the market.

The FDA, in response to industry pressure has agreed instead to consider products on a case by case basis as complaints arise. This would undoubtedly enable the suntan lotion maker to change his pitch and avoid regulation.

A third proposal by CTFA is also meeting opposition from some of its members and will not be included in the initial set of voluntary regulations to go into effect early in the new year, although CTFA and FDA are both optimistic it will eventually be adopted.

This proposal would urge manufacturers to send the FDA records of their "consumer experience," i.e., complaints. At present the FDA receives only about 250 complaints a year on cosmetics. Many large companies are thought to receive an equal number.

[From the Wall Street Journal, Feb. 14, 1972]

SKIN DOCTORS COMPLAIN SOME INGREDIENTS IN SOAPS, SHAVE LOTIONS CAUSE USERS TO BE ALLERGIC TO SUN

(By Richard D. James)

CHICAGO.—The cosmetics industry, already under fire because of potential health hazards from the widely used germ-killer hexachlorophene, is coming under attack from a new direction.

A number of physicians specializing in skin disorders report that they are seeing an appreciable number of people who have been made allergic to sunlight by some of the big-selling after-shave lotions and by the deodorant toilet soaps that contain germ-killing chemicals other than hexachlorophene. The doctors aren't certain what ingredients in the lotions cause the allergy, but with the soaps they claim that a chemical known as tribromosalicylanilide (TBS) is the main offender.

Most people who use the products aren't bothered by them, but those who are bothered develop scaly, itchy sores on their faces, hands and other parts of the body when exposed to sunlight, the doctors say. The reaction, similar to that caused by poison oak, usually stops when the patients stop using the soaps and lotions, but some sufferers remain allergic to sunlight for years afterward and have to remain indoors virtually all the time. In a few cases they can't even sit near a closed window because light coming through the glass will trigger the reaction. Sometimes light from a fluorescent lamp is enough to cause trouble.

MANY CASES IN HAWAII

The allergy occurs most frequently in parts of the country that receive a lot of sunlight. "Not a week goes by that I don't see one new patient with this problem, and on the average I probably see two new cases a week," says Dr. Harry L. Arnold, a Honolulu dermatologist.

In other areas the number of new cases follows a seasonal pattern, swinging up in warm-weather months and down in the winter, except that there is an upturn around Christmas, the time when people go south for vacations and receive new after-shave lotions as gifts. The allergy also seems to hit men over 40 more frequently than others. The doctors don't understand why.

Some dermatologists have stopped using the soaps and lotions and are recommending that their patients follow suit. They maintain that antibacterial agents in soaps aren't needed. The U.S. Food and Drug Administration says it has received a small number of complaints of photoallergy, as it's called, connected with the soaps and lotions and is keeping an eye on the situation, but it doesn't plan any immediate action.

Companies that manufacture the products generally say they are aware that the products have caused some people to develop the allergy, but they contend that considering the millions of users, the problem is so rare that they consider their products safe and useful. "We take the view that the risk is small and that there are many people who want such a product, so we make it available. My conscience doesn't bother me," says J. David Justice, assistant research director at Lever Brothers Co., a deodorant soap maker.

NOT MONSTROUS, BUT SIGNIFICANT

Doctors agree that the number may be small, but they argue that even a small number is unneeded and unacceptable. "I understand that the companies believe they really aren't harming many people, but who are they helping?" asks Dr. John Epstein, a dermatologist at the University of California medical school.

No count of the number of persons afflicted is available, but the dermatologists estimate that nationally they see between 500 and 1,000 new cases a year, and some say perhaps four times that number never come to doctors' attention. "We really don't know how big the problem is. It can't be monstrous, but it is significant," says Dr. Frederick Urbach, head of the dermatology department at Temple University.

The problem could become worse, some experts believe. They point out that the troublesome chemical in the soaps soon may be used even more widely than it is now because it is a logical substitute for hexachlorophene. The federal government recently proposed restrictions regarding use of hexachlorophene. The proposed restrictions resulted from research showing that hexachlorophene—used widely in shampoos and deodorants—can cause brain damage under certain circumstances.

About half of the two billion bars of toilet soap sold annually contain an antibacterial agent, and there are some 115 million bottles of after-shave lotion sold each year, trade sources estimate.

The deodorant soaps that cause the most trouble, the doctors say, are Lifebuoy and Phase III, made by Lever Brothers Co.; Zest and Safeguard, made by Procter and Gamble Co., and Cuticura, made by Purex Corp. After shave lotions cited by doctors are Hai Karate, made by Pfizer Inc.; English Leather by Mem Co.; Swank Inc.'s Jade East, and Brut by Faberge Inc.

LIME OIL SUSPECTED

Although the doctors aren't certain what ingredients in the lotions cause the trouble—mainly because the companies generally refuse to disclose the products' contents, even for medical research—they believe the trouble lies with the various oils that are used to give the lotions their fragrance. "We know, for instance, that in the oil of limes there is a powerful photo-sensitizing agent, and I suspect it is lime oil that causes the trouble in lotions such as Hai Karate," says Dr. Harvey Blank, dermatology professor at the University of Miami in Florida.

The doctors say synthetically produced fragrances, which don't utilize the natural oils, don't produce the allergy; the doctors recommend that their patients use cheaper lotions, which generally contain the synthetics.

Most of the companies that make lotions containing natural fragrances say they are unaware of any photoallergy problem with their products. But at least one lotion-maker, Faberge, tends to confirm the doctors' suspecion. "We think the agent (that causes the allergy) might be one of the oils in it," says Phillip Brass, executive vice president. "We've been working on that oil, attempting to find a substitute for it." In the meantime, he says, the company is reducing the amount of that oil in the lotion. Mr. Brass didn't identify the oil.

In the case of soaps, the manufacturers say they are unaware of any current problem. They say that the few photoallergy cases of which they are aware occurred several years ago when TBS—the ingredient doctors believe causes the problem—contained impurities and that it was the impurities that caused the trouble. Today, they say, the TBS used in soaps is almost 100% pure and presents no problem. They go on to argue that if cases of the allergy are still occurring, they are among a tiny number of people who were once sensitized by the old impure TBS and now also react to the pure chemical.

Lifebuoy, Safeguard, Zest, Phase III and a new toilet soap, Irish Spring, being test-marketed by Colgate-Palmolive Co., all contain TBS. It is included in the soaps to kill skin bacteria that produce body odors.

Most of the dermatologists believe that the germ-killing soaps aren't needed by the general public. "They're probably a good idea for prison chain gangs, soldiers and others who have a high risk of contracting skin infections, but most people aren't in that category," says a New York City dermatologist.

The doctors also point out that there's growing evidence that normal skin bacteria, which every person has and which are the type killed by the deodorant soaps, probably play a protective role in fighting off disease-causing bacteria. "Those of us who are studying the skin bacteriology have stopped using them (deodorant soaps). I once used them myself, but I've stopped, and I discourage their use among our staff," says Dr. Blank from Miami University medical school.

Some, but not all doctors think that TBS should be removed from soaps. "I think it is dangerous. It's not fair to say that percentagewise the risk is small. If you've got a thing like this, you shouldn't expose anybody to it," says Dr. Arnold of Honolulu.

Dr. Urbach of Temple University adds: "It's a question of relative worth. If you're going to save someone's life by using a poisonous chemical, you can take a higher risk. But if you simply want someone's armpit to smell good, you have less of a trade-off."

Some doctors also point out that a few years ago Denmark ordered TBS withdrawn from soaps after a large number of people developed reactions to the chemical. U.S. soap companies, however, respond that the amount of TBS used in Denmark was more than double the amount being used in U.S. soaps.

Doctors who don't favor banning the chemical say that at least it should be listed on the package. Some deodorant soaps do presently list their contents, but not all.

SWEDES TELL IT ALL—APRIL 7, 1971, CHEMICAL WEEK

A major Swedish cosmetics company, Barnaengen AB, has begun listing its products' ingredients on the packages. Purpose: to enable customers to avoid substances they may be allergic to.

Barnaengen launched the program by listing ingredients of Vademecum toothpaste, has now extended it to Shantung cosmetics. "We feel this kind of consumer information is necessary these days," says Peter Edstroem, information director of Barnaengen. "But it's too early to say whether project has helped sales."

The labels list the chemicals and the purpose of each in the formulation. Complex chemical names or trade-names are simplified by a basic description of the ingredient. On large packages (box, tube or bottle), identification of ingredients is printed directly on the labels. While brochures are inclosed with small packages such as lipsticks.

The company is the first cosmetics maker to join a growing number of Swedish companies that list product ingredients. For example, detergent maker AB Helios gives materials and formula percentage on labels.

All Quiet on U.S. Front: Barnaenger's new policy has not been extended to include its U.S. marketer of toothpaste. Vademecum-Barnaengen (Chaska, Minn.). And it's a good bet that U.S. cosmetics companies won't follow the Swedish firm's lead.

At present, the cosmetics industry is not required to list product ingredients. Under the Food, Drug & Cosmetic Act of '38, only food and drug companies must do so.

Late last month the cosmetics industry sent two petitions to FDA that outline a voluntary registration program. Cosmetics makers would be registered, and they in turn would list their product ingredients with FDA. The data provided would be confidential, for FDA use only, says the Cosmetic, Toiletry and Fragrance Assn. (the new name adopted by the Toilet Goods Assn. in February).

UNITED TRANSPORTATION CONSUMERS STRIVING TO KEEP CONSUMER PRICES DOWN

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. LENT. Mr. Speaker, we often hear that the objectives of business and the objectives of the consumer sharply clash. But this is not always the case.

I learned that last November, a group of businessmen gathered to form a new organization to work with consumers in an effort to keep prices down. They called the organization the United Transportation Consumers.

Headquartered in Washington, D.C., the United Transportation Consumers is comprised of some of America's most prestigious corporations—Allied Chemical Corp., Continental Can Co., Inc., Dow Chemical Co., E. I. du Pont de Nemours & Co., Inc., Georgia-Pacific Corp., PPG Industries, Inc., St. Regis Paper Co., Union Camp Corp., U.S. Plywood-Champion Papers, Inc., and the Weyerhaeuser Co. These companies put the weight of their resources behind this effort, yet few people are aware of the billions of dollars they pay every year to subsidize inefficient transportation operations?

Transportation costs are a major factor in the cost of virtually every item we buy—food, clothing, housing, electricity.

With respect to food, the Department of Agriculture is predicting that food prices will likely rise by at least 3.5 percent in 1972. How much of this increase can be attributed to inefficient transportation? How much does the consumer pay in higher prices as a consequence of inefficient transportation?

No one really knows the answers to these questions today. But the United Transportation Consumers say they are going to find out and inform the American public.

Only when the American consumer is aware of the magnitude to which inefficiencies in transportation force him to pay higher prices for nearly everything he buys, will remedial action come about.

Mr. Speaker, the companies that belong to the UTC tell me that if they can keep transportation prices from rising, consumer prices can be kept down as well.

To my knowledge, no one has ever attempted to relate the cost of transporting goods to the prices we must pay for them on as broad a scale as the UTC proposes.

I commend this group of concerned businessmen for their initiative in this vital area, and look forward to their findings with great interest.

THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962—A DOCUMENTARY HISTORY (PART I—THE 87TH CONGRESS)

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. PERKINS. Mr. Speaker, 10 years ago today, on March 15, 1962, John F. Kennedy signed into law Public Law 87-415, the Manpower Development and Training Act of 1962. In the ensuing 10 years, MDTA, with its subsequent amendments, has become the basis for one of the largest programs entrusted to the Departments of Labor and Health, Education, and Welfare, on one of the most far-reaching and significant programs enacted by the Congress in that decade.

Literally millions of Americans have had their lives touched by and improved by the manpower training programs authorized under this very important piece of legislation. It has provided new hope and new skills for those whose skills are no longer relevant in times of changing technology. It has provided basic work orientation and skill training for those whose skills had never been enough to bring them into the mainstream of the economy. It has given new hope and new purpose to the displaced and to the disadvantaged, the underemployed, and the employed. It has been a piece of legislation which is a credit to everyone who has been connected with it.

The executive branch, as is only right and proper, is conducting an observance of this 10th anniversary this week. But since MDTA was largely a creation of the legislative branch, and since its development in the years since has been in no small part of a result of legislative initiative, I think it only proper that the Congress have its own "Happy Birthday, MDTA" observance.

I have, therefore, had compiled an unofficial and informal documentary history of the Manpower Development and Training Act, beginning with the first consideration of that act by the 87th Congress, and going through to the most recent amendments, in 1969.

This compilation, Mr. Speaker, is not a formal and authoritative "legislative history". It consists of excerpts from the floor debates in both bodies, excerpts from the reports of the Committee on Education and Labor and the Senate's Committee on Public Welfare, and the texts of the successive amendments as considered and as enacted. Since it is a very lengthy product, I shall ask unanimous consent to have one segment of this history appear in the RECORD today, and continuing segments on the days immediately following.

Each reader of this compilation, Mr. Speaker, will draw his own conclusions from it. But to me the single thing that stands out as I reexamine this document is the fact that MDTA began as a bipartisan undertaking, and that the degree of unanimity in the Congress grew steadily from 1962, when the original legislation passed with ease, to the last amendments, which were able to secure the unanimous approval of both Houses. I will not run the risk of offending anyone by leaving anyone out, so I will not try the enormous task of listing all the Members of the Congress who had an important part to play in the development of this legislation. Suffice it to say that the list includes ex-Members, present Members, Representatives and Senators, Democrats and Republicans. MDTA, Mr. Speaker, has had a very productive first decade. I trust it will continue to develop, in a bipartisan manner, to meet continually changing needs.

Today, Mr. Speaker, I ask to have printed at this point in the RECORD, the first installment of this documentary history, "MDTA in the 87th Congress."

The first installment of the documentary follows:

[87th CONGRESS, 1st session, Senate Report No. 651]

MANPOWER DEVELOPMENT AND TRAINING ACT OF 1961

July 31, 1961.—Ordered to be printed.

Mr. Clark, from the Committee on Labor and Public Welfare, submitted the following report together with Individual views—to accompany S. 1991.

The Committee on Labor and Public Welfare, to whom was referred the bill S. 1991, relating to manpower requirements, resources, development, and ultilization, having considered the same, unanimously report favorably thereon with amendments and recommend that the bill, as amended, do pass.

BASIC OBJECTIVES OF THE BILL

S. 1991 was proposed in a message to the Congress by the President on May 29, 1961. It seeks to deal with one major aspect of the problem of unemployment in the United States by enabling workers whose skills have become obsolete to receive training which will qualify them to obtain and hold jobs. Its provisions will also contribute to the upgrading of many employed persons, so that they can make a greater contribution to the national economy.

No one can state with accuracy exactly what proportion of the current unemployment level of 5,600,000 can be attributed to the various causes of unemployment—cyclical, seasonal, structural, and frictional. But there is agreement among all who have studied the problem that a substantial portion of our unemployment exists because idle workers cannot be matched with available jobs. This structural unemployment will persist even when recovery from the recent recession is complete and we are approaching maximum employment and production as defined in the Employment Act of 1946.

There are a number of reasons why unemployment continues even during the boom phase of the business cycle. One is the concentration of large numbers of unemployed in a relatively few depressed areas; the Area Redevelopment Act, passed by the Congress earlier this year, was designed to help guide some of our economic growth into those areas. A second major reason is the absence, in many hundreds of thousands of the unemployed, of any skill which is needed in the present-day economy.

The more rapidly our economy advances, the more rapidly do skills become obsolete. With the growth of automation, we can anticipate that the need for continuous retraining of the labor force will become more and more pressing. Much of this retraining is now carried on by public educational authorities, assisted by the Federal Government's vocational education program, and much is done by private schools. But it is clear that this combined Federal, State, local, and private effort falls far short of the total need, and that without an intensive, nationwide program to provide opportunities for retraining, tens of thousands of worthy men and women will never be able to obtain the skills which will enable them to be self-supporting and to make their maximum contribution to the Nation's productivity.

S. 1991 establishes such a program. It directs the Secretary of Labor to take the lead in determining the training needs of the Nation, in consultation with local authorities. It provides funds for establishing training programs, primarily through the existing public educational authorities. It authorizes the payment of subsistence allowances to unemployed persons, who have had 3 years work experience and who are heads of families, during the time they are enrolled in training. It provides that the Secretary of Labor shall report annually on the Nation's manpower requirements and resources, and that the President shall report annually to the Congress.

Safeguards are included to prevent its benefits from being used in the "pirating" of industry from one location to another; to require that States maintain existing levels of expenditure for vocational training from their own funds; and to encourage prospective trainees to accept training at the first opportunity rather than remain on unemployment compensation.

PART A—BACKGROUND

The need for training of the structurally unemployed has become widely recognized and publicized.

Every comprehensive study of the unemployment problem conducted in recent years has identified training, or retraining, as an essential remedy.

The Special Senate Committee on Unemployment Problems, in its report dated March 30, 1960, said:

"The committee recommends cooperation by all levels of government to provide greatly expanded facilities for preparing young people to enter the employment market and for assisting older workers whose skills have become unmarketable to obtain retraining. The committee recommends:

"* * * Institution of a nationwide vocational training program through Federal grants-in-aid to the States, including specialized courses for youth who have dropped out of school and for older workers who require retraining."

The minority of that committee, in its separate statement of views, said:

"We further recommend retraining allowances for those who are able to take advantage of retraining opportunities and to maximize such opportunities we recommend that facilities for the retraining of older workers be established where needed."

The 1961 report of the Joint Economic Committee of the Congress points out that:

"While rapid technological progress increases the Nation's productive capabilities and standard of living, it does cause large-scale displacement of workers whose productive efforts and creative abilities are lost to the Nation if not trained for the jobs to be done in an advanced society. Congress and the administration ought to develop immediately the program for large-scale cooperative efforts for retraining workers * * *."

On this issue, the views of the minority were similar. The minority stated:

"Continued economic growth of the wholesome kind creates two major problems. And the more rapid the growth the more aggravated these two problems become. The first problem is that of technological employment and unemployment. Technological advancement, by its very nature, while creating a need for new skills makes obsolete various ways by which men have been making their livelihood. Those ways of making a livelihood most affected are concentrated in the unskilled and semiskilled occupations. * * *

"The problem lies in the process of training and retraining for the skills which are constantly being created. This is a happy problem to deal with, though by no means an easy one or one that does not require considerable effort upon the part of the individuals within our society who must buckle down and start using more of their brains and less of their brawn."

The Committee for Economic Development, in its report on depressed areas released June 4, 1961, expressed strong support for a program of retraining of the unemployed.

The Area Redevelopment Act, enacted in April 1961, authorized a training program, with provisions similar to those in S. 1991, limited to areas eligible for assistance under that act.

Approving editorials have appeared in an unusually large number of leading newspapers and other periodicals throughout the country. A recent public opinion poll disclosed that of all the proposals specified by the President in his second "state of the Union" message, the proposal to train the unemployed was cited by 67 percent of those replying as one for which they were willing to make sacrifices. This was more than twice the degree of support given to any other item listed.

Many feature articles and syndicated columns have likewise discussed the possibilities and prospects of a nationwide effort in this regard.

Bills to establish a nationwide program of training, centering upon the retraining of the unemployed, were introduced in the 86th and early in the 87th Congress.

During subcommittee hearings, held both in Washington and in six cities in three States, a wide range of witnesses endorsed the conception underlying the bill, and supported the bill itself. Not a single witness opposed it.

It is against the backdrop of general recognition of the widespread need that the committee has acted unanimously to support the President's program.

SCOPE OF THE PROBLEM

The manpower problems to which this program is addressed include the need of our complex society for employees with more sophisticated skills; the dilemma of the unemployed whose skills have been made obsolete by automation and other changes in the structure of the economy; and the fate of the unskilled, whether employed or not, in a market with diminishing demand for unskilled labor.

The problem is intensified by the enormous increase in the numbers of youth, many of whom are entering the labor market without sufficient levels of training and education to meet the complicated requirements of jobs that are and will be available in our highly advanced industrial society.

In good times and bad there is a hard core of unemployed persons whose identity changes only slowly—those whose skills have become obsolete; the unskilled especially those without high school education; older workers; minority groups; and the youth. For many months now, approximately 900,000 American citizens have been out of work more than 6 months.

A key problem to which the bill is addressed is automation and other technological advance, an essential and desirable process for augmenting the strength of the United States and the viability of its economy. We must have a strong, progressive, and technologically powerful economy to meet the demands that press on us from inside and outside our borders, to maintain and improve our Military Establishment, and lead the forces of freedom in a divided world. Our Nation cannot fully realize its technological potential unless our work force is given the opportunity to acquire the new skills that are required by the changes in technology.

Moreover, it is patently unfair to permit the burdens of higher productivity to fall disproportionately on a few among us—those whose jobs are eliminated. The nation which benefits from increased productivity has the responsibility to provide the means by which employees who are displaced can acquire new jobs by which they can sustain their living standards.

As President Kennedy stated in his message on urgent national needs:

"* * * The Government must consider additional long-range measures to curb * * * unemployment and increase our economic growth, if we are to sustain our full role as world leaders. * * *

"I am therefore transmitting to the Congress a new manpower development and training program, to train or retrain several hundred thousand workers, particularly in those areas where we have seen critical unemployment as a result of technological factors, in new occupational skills over a 4-year period, in order to replace those skills made obsolete by automation and industrial change with the new skills which new processes demand. * * *"

William McChesney Martin, Jr., Chairman of the Federal Reserve Board, referring to the structurally unemployed in testimony before the Joint Economic Committee on March 7, 1961, said:

"Actions best suited to helping these groups would appear to include more training and retraining to develop skills needed in expanding industries; provision of more and better information about job opportunities for various skills in various local labor markets. * * *"

Some of the causes that have rendered the skills of many persons obsolete were pointed out by Secretary of Labor Goldberg:

"During the postwar period, productivity in the soft coal industry nearly doubled, rising from 6.4 tons per man-day in 1947 to 12.2 tons in 1959. During this same period the number of coal miners fell by 262,000. Productivity in the Nation's railroads during this same period rose by 65 percent. In physical terms freight ton-miles (including their equivalent passenger miles) rose from 530,300 per employee in 1947 to 719,900 in 1959. The number of workers employed by the railroads fell enormously, by 540,000. Many of the so-called depressed areas in the Nation can be traced to these declines in employment in the coal-mining and railroad industries.

"Employment opportunities have declined markedly in many industries which formerly provided steady work, good wages, and a secure future for millions of American workers. In many centers of these industries, abandonment of older plants, or shifts in methods of production have caused the discharge of workers with long employment records, despite the protection of seniority rights.

"Production and related jobs in the auto industry have been declining almost steadily, from 767,100 in 1953 to 612,600 in 1960. In the basic steel industry, technological changes, at present, are moving ahead rapidly and the trend in the number of production and maintenance jobs is downward. The electrical machinery industry is undergoing a period of rapid technological change. Production and maintenance jobs in this industry have dropped. Indeed, the total number of factory production and maintenance jobs has actually declined by 1½ million over the last 7 years."

Productivity increases in agriculture have also been reducing manpower needs in that field at about twice the rate this process has been proceeding in nonagricultural employment. And yet, as Secretary Goldberg pointed out:

"At the same time that old jobs are being wiped out, new ones are being created. Today's unemployed are faced with want and calling for persons engaged in transistorized circuitry, inertial guidance, ferret reconnaissance, human factors science, gyrodynamics and data telemetry, job titles all but unknown a half dozen years ago."

THE IMPORTANCE OF RELATING TRAINING TO JOBS

Throughout our hearings, witnesses emphasized the importance of relating training to actual job opportunities in the rapidly changing labor market. Training which does not lead to employment is not only a waste of money but also a cause of frustration for the person trained. This bill has, therefore, been drawn to insure that the person undertaking training will do so with a strong likelihood of obtaining a job related to his training.

In this connection, Mr. J. T. Hammond, chairman of the Michigan Employment Security Commission, testified that:

"Our experience has made it evident that training and retraining programs are desirable and productive only if there is a reasonable potential for employment in the field for which the applicants will be trained. Retraining is not a substitute for employment and unless the latter is a result of retraining our goal is not achieved. The primary problem in developing our training program is to determine, on a community basis, the areas in which retraining will result in employment for the trainee."

While witnesses before the subcommittee pointed out that retraining can be most effective in an expanding economy in which new job opportunities are being rapidly created, they were agreed that even in times of serious recession, with great numbers of unemployed, large numbers of jobs remain unfilled because people with adequate skills cannot be found.

Kenneth E. Carl, Director of the Williamsport (Pa.) Technical Institute, told the subcommittee that:

"In 14 major labor market areas of Pennsylvania, I compiled a list of 228 occupations for which there were jobs open at that time (1959). All of these occupations were listed with the Pennsylvania State Employment Service. Jobs were going begging at that time (1959), just as they are today, for the lack of skilled and trained people. But I emphasize, they are skilled, technical, and professional jobs; jobs for which education and training are a must."

J. Fred Ingram, State director, vocational education for the State of Alabama, testified:

"* * * we have the peculiar situation whereby there are shortages of workers in certain particular occupations and areas of work.

"I have in my hand a complete full page of ads that appeared in the Birmingham News of yesterday, ads that were paid for by firms that are seeking qualified workers in many occupations. Yet in the State of Alabama we have 90,000 people who are hunting jobs.

"The shortages are due to the fact that there are no workers presently available with the necessary training and experience for these jobs. Furthermore, there are other areas of the country outside of our own State which could absorb to advantage many of our present unemployed workers if they could be retrained in new skills that are in demand * * *."

The committee also heard testimony to this effect from Michigan, West Virginia, Massachusetts, Rhode Island, New Jersey, Louisiana, and Ohio.

While the number of unskilled jobs in the economy remains approximately constant, the demand for skilled and semiskilled workers is constantly rising. According to the Department of Labor's projections, the number of professional and technical workers needed by 1970 will be at least 40 percent higher than in 1960; there will be 20- to 30-percent increases in the number of proprietors and managers, clerical and sales workers, skilled workers and those in service occupations. It thus is clear that the greatest opportunities for employment will be in those occupations requiring the most education and training, and such new jobs are continually becoming available.

A word of caution is necessary. Training for the unemployed is not a panacea for the problem of unemployment nor a cure for the malfunction of our economy. Training does not of itself produce jobs, except in extraordinary cases. To bring unemployment down from the current figure of 6.8 percent of the labor force to tolerable levels will require many other kinds of public and private action. Training will, however, raise the productivity potential of the economy and thus raise the potential limitations upon economic growth. It will provide a measure of hope for those with newly acquired skills that they will be considered for employment, along with others, when jobs are available—in short, it will remove a disability, a qualification, under which many jobseekers of today find gainful and stable employment unavailable.

THE NEED FOR FEDERAL ASSISTANCE

The manpower problems to which this bill is addressed are national problems. While significant accomplishments have been made by industry, labor, and local government in dealing with dislocations that have occurred in certain areas, the total problem is too great for local capacities alone. Moreover, the labor market is a national market and if its needs are to be met national leadership is required.

The competition for the education dollar at the State and local level is already intense. Indeed, many of the criticisms leveled at vocational education can be directly traced to inadequate funds for competent instructors and for modern equipment upon which to learn up-to-date skills.

Although funds allotted to the States under the Federal vocational education acts could in theory be used for the training of unemployed persons, only a few States have made such use of these funds and then only to a negligible extent. Federal funds allotted to States under the Federal vocational education acts, the Smith-Hughes and George-Barden Acts, are so completely used by schools with long established programs of vocational education for young people that a new program entirely independent of the Smith-Hughes and George-Barden programs is necessary in order to provide the type of training for older workers who need jobs.

The success of a program to train the unemployed is not simply a question of funds for training expenses. Experience has clearly shown the necessity of supplementing such training with training allowances. In most States an unemployed person taking training is considered unavailable for employment and thus disqualified from receiving unemployment insurance benefits. The bill reported would remedy this defect by providing training allowances from Federal appropriations when unemployment insurance was not available. It is estimated that more than 50 percent of the funds authorized by this program will be expended on training allowances, and Federal leadership is the only practicable means for starting such a program.

The Federal responsibility for assisting States in providing training opportunities for the unemployed or underemployed is likewise clear. In its declaration of policy, the Unemployment Act of 1946 states:

"The Congress declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means consistent with its needs and obligations and other essential considerations of national policy, with the assistance and cooperation of industry, agriculture, labor, and State and local governments, to coordinate and utilize all its plans, functions, and resources for the purposes of creating and maintaining, in a manner calculated to foster and promote free competitive enterprise and general welfare, conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power."

S. 1991 is one method by which the Federal Government can meet the obligations imposed upon it by the Employment Act of 1946.

Past programs of occupational training have been in specified or well recognized occupational areas such as nursing, agriculture, distributive trades, etc. The program authorized by this bill, emphasizing relatively short term training, will cover every possible occupation for which there are opportunities for gainful employment. Despite the priority given training for employment within a State, no one State can determine national skill development needs or judge the adequacy of the national skill development effort. American labor is mobile. It crosses State lines to seek employment opportunities. Training, therefore, unless it is to be wasted or duplicated, must be undertaken in the context of national skill needs and employment opportunities.

PART B—MAJOR PROVISIONS OF THE BILL—MANPOWER APPRAISAL

Title I of the bill makes more specific the responsibilities of the Federal Government in matters of manpower.

To a considerable degree, title I of the bill is a restatement of existing responsibilities of the Department of Labor. The Secretary of Labor now possesses the authority to evaluate the impact of automation, the mobility of labor, and conduct research and information activities in the manpower field. What is added is a specific directive "to appraise the adequacy of the Nation's manpower development effort" as a whole and analyze manpower requirements, resources, and use to provide a sound basis for public and private training efforts throughout the country.

That the Secretary undertake these tasks is in the interest of avoiding waste, providing a focus for the coordination of Government activities affecting manpower requirements development and utilization, and making it possible for the Nation to meet the staffing requirements of the struggle for freedom.

The Secretary will report to the President on manpower matters, and the President will transmit an annual manpower report to the Congress.

ORGANIZATION OF PROGRAMS AND SELECTION OF TRAINEES

Based upon his analysis of manpower requirements and resources, the Secretary is given the responsibility for promoting the development of training programs, and for the selection of trainees and referral of them for training.

The Secretary testified that his expectation is to use the existing offices in the field; thus, the State employment services throughout the United States will, under the general guidance of the Secretary, be directly responsible for carrying out this program.

The person desiring training will apply to his local employment office. He will be interviewed and tested. He will be counseled on the possibilities of employment for which he seems fitted. Then he will be formally referred to the appropriate training program. Upon completion of the program the employment office will endeavor to find him employment. As noted earlier, training courses will be used to the fullest possible extent on actual job opportunities.

It is evident that the large-scale program envisaged by this bill will require extensive upgrading, both in quality and in quantity of the personnel of these State employment offices. In too many States and localities, these institutions are weak, and preoccupied with the mechanics of recordkeeping and paying unemployment benefits. Frequently the employment offices are not suitably located for handling white-collar occupations. The committee has taken notice of the many studies surveying the employment services,[1] which invariably recognize their weaknesses. These must be corrected if the tasks provided by this bill are to be performed.

Preliminary to a training program in any locality, it is necessary to ascertain what employment opportunities in what occupations are, or are likely to be, available. The area skill survey is the standard technique for this purpose (an example has been included at p. 43 of the hearings). But the schedule of such surveys will have to be substantially speeded. For example, the area skill survey program in Michigan at its present rate would not be completed for 10 years. It should be finished in not more than 3 years, if the training program is not to become an empty promise, and thereafter it should be continually rechecked to be certain that it is up to date. It is the hope of the committee that sufficient funds for these purposes will be provided.

The Secretary of Labor, testifying before the committee, made an eloquent summation of the task before him:

"Let me tell you now of some of the problems with which we must come to grips in making the proposal work and something of the methods we intend to use.

"We must make an assessment of where the Nation stands with respect to the adequacy of our human resources. We must measure our future manpower requirements and our future manpower supply on an occupational basis. In short, we must do the things necessary to know our automation and other changes in our economy are likely to affect the demand for specific skills in the future.

"In general, we already know that the labor market will demand of workers more basic education and more thorough training, but we need more specific information. We need to know, for example, how the technological changes which are now occurring in the construction industry are likely to affect the demand for plumbers, electricians, civil engineers, etc. We also need to know how technological changes in office operations will affect white collar workers, particularly office workers. We must find out how changes in technology, consumer demand, and foreign competition are likely to affect the location of various industries and needs in different occupations. We must know the specifics of labor demand and supply area by area. We must determine how workers can best adjust to the geographical shifting of industries and what methods we can use to enhance their occupational mobility.

"Before individuals are selected for training, we need to know not only the needs of our industries, but also a lot about each individual worker. We have to know, for example, how much basic education he has had, the amount and kind of his previous skill training, and his aptitude for different kinds of work. The obvious need for this kind of information and other facts bearing on the individual's occupational potential suggests that this first step is a job for professionally trained counselors. In this initial step in the training program, we will utilize to the fullest the counseling facilities of the local State employment service offices. Although such services already exist, they will have to be greatly expanded to do the kind of job that will be necessary. We have already launched a program of expanded services at the direction of the President, but even more will have to be done.

"But even after the occupational potential of the trainee is established, a second important step must be taken before actual training can begin. Assessment must be made of the employment prospects in the field for which the unemployed person is best suited for training. This calls for an analysis of the long-term prospects in particular occupations and particular areas, as well as the outlook immediately ahead. Realistically, we must also consider the demand for the skills which we can give the trainee in areas other than his own hometown. In this country where mobility of the labor force is so great, this is a particularly important consideration.

"Having established the individual's needs and capacity for training the job world into which his needs and capacities must fit, we must then determine the kind of training best suited to his individual situation. Vocational training will often prove to be the best, but in many cases a completely different type of training might be called for. We intend to use every available resource and facility that can equip a trainee with the necessary skill to enable him to take his place again in the Nation's work force. Experience may teach us that new training methods and facilities need to be developed to insure that each individual gets the kind of training that is best for him.

"I should like to stress that the retraining program for each unemployed person will be determined by examining his or her needs. Unemployed persons will be counseled to assess what they already have to offer on the job market; their potential for retraining. For some workers the retraining may be very simple. In other cases, the task of retraining and placement may be difficult. Older workers with low levels of education and deep roots in their own communities are likely to be severe problems.

"In any case, the training or retraining prescribed will match the individual's needs. It is for this reason we are proposing that a wide range of training institutions be used to meet our retraining objectives. Sometimes a few weeks of on-the-job instruction may make the unemployed worker reemployable. Sometimes a course in drafting or electronics will turn the trick. In a few cases perhaps the 4 or 5 months needed to complete work for a high school diploma would be worthwhile to enhance permanently the employability of an unemployed worker. In still other cases, apprenticeship or technical school instruction may provide the best answer."

TRAINING ALLOWANCE

The unemployed person whose skills suddenly become obsolete faces special hardships. He may have spent a number of years in his old job and become accustomed to better than average pay, bringing with it a high standard of living for himself and his family. He will find difficulty in finding a new employer because many companies have age limitations in hiring. He probably has made commtiments for payments on his home, life insurance, and other household goods. He may have prepared his children for a college education.

His hopes and his self-respect are in jeopardy—in jeopardy not because of his own shortcomings or because of a temporary recession, but because his employment relationship has been severed permanently. If he is a coal miner, the consumer's need for coal may have been met by other fuels; if a semiskilled factory hand, his firm may have failed or may have been relocated many miles away. Foreign competition displaces domestic producers. Machinery and automated equipment eliminate whole employee classifications. These are examples of structural unemployment—unemployment caused by some structural change in the economy—and studies have shown that such unemployment is likely to be of long duration.

The person who is structurally unemployed is confronted with an immediate reduction in his payscale if he can find work, or dependency on unemployment insurance.[2]

Unless such a laid-off person receives financial assistance, he will probably be unable to afford retraining. The incentive for abandoning training when even odd jobs are available will disrupt his plans for completing his occupational rehabilitation, and in most States, he will be disqualified from unemployment insurance when he takes training.

For all these reasons, S. 1991 authorizes training allowances at levels in each State equal to unemployment insurance benefits. In the event the training program includes part-time on-the-job training for which the employer pays learners' wages, the training allowance will be reduced proportionately.

Under some circumstances training for certain jobs will be available only in a location far removed from a trainee's residence. Some courses which require relatively heavy investment in teaching equipment, for example, may be given at only one location in a particular State. The bill provides modest living and transportation expenses for the individual certified for training if he lives beyond commuter distance of the training center.

With the exception of limited amounts for supplementing earnings of youth undergoing on-the-job training, training allowances will be limited to persons not receiving unemployment insurance who are heads of families and who have had a minimum work experience of at least 3 years. As a further safeguard against abuse, the committee further provided that an individual who fails to avail himself of training when it is offered to him will be disqualified from receiving benefits for 6 months. The committee believes the Secretary, under his rulemaking authority, may further restrict the payment of training allowances when he has reasons to believe a given individual has postponed his training period in order to protect the period of insurance benefits before availing himself of the training allowances. The committee does not intend, however, to limit in any way the amounts paid under the unemployment insurance program, nor in any way to compel a person to take training against his wishes.

TRAINING RESPONSIBILITIES

The assignment of responsibilities under the bill to the Department of Labor and the Department of Health, Education, and Welfare has been carefully defined. Existing facilities for training will be used to the extent they are available. To the extent that new programs are contemplated, the bill outlines the relationships between the two departments. Both departments have been consulted and endorse the assignment of functions made by the bill. There is sufficient flexibility in the provisions to permit hitherto untried methods of training when this seems appropriate.

The Secretary of Health, Education, and Welfare will be responsible for providing through the State boards of vocational education the training programs especially designed to provide training for the unemployed and underemployed so thatthey may be more readily fitted to immediate or likely employment prospects. The experience of several State boards for vocational education, especially that of Pennsylvania and to a lesser extent those of Michigan, Connecticut, and West Virginia, has contributed materially to the formulation of the committee's bill.

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[1] See, for instance, "Studies on Unemployment Service in a Changing World," William S. Haber; "Readings on Unemployment," pp. 1081–1134, both published by the Special Committee on Unemployment Problems, S. Res. 196, 86th Cong.

[2] See "Too Old To Work—Too Young To Retire," a study of the Packard Motor Co. shutdown, Special Committee on Unemployment Problems, S. Res. 196, 86th Cong.

The kind of training contemplated by the bill differs in important respects from traditional vocational training under the Smith-Hughes and George-Barden Acts. Under those statutes, categories of occupation for which training is to be given are either specified by law or have become stabilized by custom; the allotment of funds to States is made on the basis of formulas unrelated to the distribution or volume of unemployment; in most instances training is provided by local school districts to school-age youth on fairly regular schedules, and the flexibility needed for retraining the unemployed in temporary employment needs is not available.

Under S. 1991, as amended, if a State board finds the training facilities in any given area to be inadequate, or not suitable for the training requested by the Secretary of Labor, the State board may then make arrangements with private educational or training institutions to provide the instruction requested.

If the State board is not in a position to carry out the training and retraining responsibilities in the bill, the Secretary of Health, Education, and Welfare has the authority to make an agreement with public or private educational or training institutions either within the State or convenient thereto to provide such training under the same conditions as would apply if the State boards for vocational education in that State were to assume responsibility.

The committee assumes that a high degree of flexibility in program content will be maintained. The funds provided under the bill will permit rental of buildings for temporary or mobile training programs. The committee recognizes that it would not be feasible to require a specific percentage of employment from a training course in which a given employee is trained. Some training will be of a broader scope than that which would be limited to a specific job opportunity in order to fit the trainee for a wider range of employment. Nor did the committee believe it wise to impose a time limitation on employee placement, as a condition to continuing the course. During periods of recession, job opportunities become increasingly scarce, and to curtail the program sharply to accord with curtailed job openings would result in serious administrative difficulties and loss of instructor personnel. Then, as recovery progressed, it would be difficult expand training as fast as job opportunities developed. For these reasons, while training must be closely related to employment requirements, it should not be directly and exclusively tied to immediate job possibilities.

The Secretary of Labor will develop programs for on-the-job training. This is a function already the responsibility of his Department. To the maximum extent possible, the Secretary of Labor will secure the adoption of such programs by private and public agencies, employers, trade associations, labor organizations, and other industrial and community groups which he determines are qualified to conduct effective on-the-job training programs. The Secretary of Labor is authorized to enter into appropriate agreements with these groups and may make such provision for payment of the cost of providing necessary training as equitable in each case.

The bill requires a cooperative relationship between the Departments of Labor and Health, Education, and Welfare to insure that each agency will take full advantage of the information and techniques available in the other. In carrying out its on-the-job training functions, the Department of Labor will make the fullest possible use of training facilities which can be made available through the Department of Health, Education, and Welfare. In carrying out its responsibilities for vocational education and training, the Department of Health, Education, and Welfare will rely upon the information developed by the Department of Labor as to occupational needs of the Nation and particular labor market areas and the potential of individuals selected for training.

A successful program will require maximum effort and close cooperation by the State employment service and education agencies, not only at the Federal level but at the State and local levels as well. The experience in those States, such as Pennsylvania, which have worked out effective cooperative programs, furnishes a pattern which will be useful for other States.

The ultimate success of this program, however, will depend upon the extent to which individual workers accept the opportunity to participate and develop their potential. The training programs authorized by this bill are, therefore, geared both to the skill needs of the economy and the occupational potential of the individuals to be trained.

YOUTH

S. 1991, as proposed by the administration and introduced, would have provided training to all unemployed persons including new entrants into the labor force. S. 2036, also proposed by the administration and under consideration by the committee, would likewise have authorized a program for occupational training for young people between the ages of 16 and 21. Because the overlapping of the two bills gave rise to questions as to their relationship, the committee decided that the training activities for youth should be included in the bill here reported.

Because the problems of training youth, especially those in the younger age bracket who have dropped out of school, are different to some extent from those of adult training, the committee believed it desirable at several points in the bill to provide the Secretary of Labor with special authority in this field. For this reason, the Secretary was given the authority "wherever appropriate" to provide a special program for the testing, counseling, and selection of youth "for occupational training and further schooling."

Testimony before the committee in its consideration of S. 2036 demonstrated a remarkable variety of techniques utilized by many communities in their attempts to ease the transition of teen-age youth from school to adult employment. The transition is reasonably successful for those who complete school and go on to technical or college training. But for those who do not complete school, the problem is acute. This is true not only because such young people are often already unable to adjust to society, but also because the number of jobs available to unskilled workers is a steadily decreasing proportion of the total.

Under these circumstances, various programs involving a combination of employment and formal instruction—sometimes called work-study programs—have been successfully tried on a limited scale. These programs are especially needed in the 10 or 15 largest urban centers where unemployment rates, according to the testimony before the committee, run as high as 70 percent in the 16 to 21 age bracket in some underprivileged neighborhoods.

The committee believes that the Secretary in providing special guidance and counseling programs for such youth should not necessarily limit himself to utilizing U.S. Employment Service facilities. He will find that some local agencies are already providing limited programs of the kind contemplated in this bill. He will have authority to provide special programs in a variety of circumstances and with a variety of techniques. He will be able to promote and encourage further schooling and training combined with different amounts of part-time on-the-job training. Under unusual circumstances he will be able to provide training allowances, where necessary to promote the occupational training envisaged by the program. Great care, however, must be exercised that the amount of such training allowances will be minimal. It is not the committee's intention that the equivalent of a scholarship-type program be available for teen-age unemployed youth who have dropped out of school.

THE UNDEREMPLOYED

The bill gives a priority in training to workers actually unemployed over those who hold jobs but who need their skills upgraded. The committee discussed the possibility of giving a similar priority to underemployed persons, especially when their employment was parttime and at a bare subsistence level.

Because of the difficulty of distinguishing among the various levels and causes of underemployment and the difficulty of defining unemployment, the committee decided against a priority for such individuals and against providing them with training allowances during periods of training.

A special and definable problem exists, however, in the case of rural areas of low-income, subsistence agriculture. Under these circumstances, the committee determined that workers in families whose family income does not exceed $1,200 per year shall be considered unemployed for the purpose of the program.

PRINCIPAL CHANGES IN THE BILL AS INTRODUCED

The committee amendment in the nature of a substitute does not change the purposes of the bill as introduced. It nevertheless contains many refinements and important changes which were suggested by witnesses during the hearings or by the members of the committee.

The principal changes are as follows:

"1. The relationships between the Department of Labor and the Department of Health, Education, and Welfare were clarified and the functions to be performed under the general supervision of each was more precisely defined.

"2. The Secretary of Labor was given special duties of job counseling and the promotion of training in connection with youth 16 to 21 years of age. The functions authorized here are similar to those recommended by the administration in title I of S. 2036, except for additional flexibility in the choice of programs."

"3. In addition to the manpower reports to be prepared by the Secretary of Labor, an annual manpower report by the President is required.

"4. A requirement for 50–50 State matching of funds after the second year was added.

"5. A proposal for financial assistance in the form of moving expenses to persons relocating in other communities was removed.

"6. For the purposes of the bill, persons in farm families with less than $1,200 annual net family income are to be considered unemployed.

"7. A number of safeguards against possible abuses were added, including an antipirating provision; a requirement for the maintenance of State training effort; a disqualification from receiving training allowances for persons declining training opportunities; limitations on transportation and subsistence allowances; and requirements for detailed reports on the training program.

"8. A National Advisory Committee is created.

"9. An apportionment formula sets forth four criteria to be used in determining an equitable allotment of funds among the States.

"10. Specific ceilings are set upon appropriations for each of the 4 years of the program."

INDIVIDUAL VIEWS OF SENATOR BARRY GOLDWATER

I voted to report out S. 1991, as amended, because I believe that this legislation should have an opportunity to be debated at length on the Senate floor.

While I support the basic aims of this legislation, I reserve the right to offer and support floor amendments which I believe will strengthen this legislation.

BARRY GOLDWATER.

[87th Congress, 1st Session, House of Representatives, Report No. 879]

MANPOWER DEVELOPMENT AND TRAINING ACT OF 1961

August 10, 1961.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. POWELL, from the Committee on Education and Labor, submitted the following report—To accompany H.R. 8399.

The Committee on Education and Labor, to whom was referred the bill (H.R. 8399) relating to the occupational training, development, and use of the manpower resources of the Nation, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

H.R. 8399 is designed to provide broad and integrated programs to help workers to adjust to the problems which arise out of automation, rapid technological advances, and other changes in the structure of the economy. It is also designed to provide for the effective development and use of the Nation's manpower to meet the skill requirements of our highly advanced and constantly changing industrial society. Through the development of new on-the-job and vocational education training programs, this bill will provide the unemployed and the underemployed, including those employed persons whose skills are inadequate and need upgrading with the opportunity for training in skills which are or will be in demand in the labor market.

The bill thus seeks not only to deal with a major aspect of the Nation's problem of unemployment, but also to assist in achieving the goal of maximum employment and a more fully productive work force. It recognizes that a large share of the unemployment problem represents not the inability of the economy to create jobs but our failure to train people with the proper skills to qualify them for jobs.

The bill is based on H.R. 7373 which embodied the proposals of the President in this area.

There is agreement among all who have studied the problem that a substantial proportion of our unemployment exists because idle workers do not have the skills necessary to enable them to undertake existing jobs. Many hundreds of thousands of unemployed lack the skills which are needed in our present-day economy. Unless these people acquire new skills, their unemployment will persist even when recovery from the recent recession is completed.

The more rapidly our economy advances and becomes automated, the more rapidly do skills become obsolete, and the need for continuous retraining of the labor force more and more pressing. It is clear that present Federal, State, local, and private efforts fall far short of the total need, and that without an intensive nationwide program to provide opportunities for retraining, all too many men and women will never be able to obtain the skills which will enable them to be self-supporting and to make their maximum contribution to the Nation's productivity.

This bill establishes such a program. Briefly, it directs the Secretary of Labor to take the lead in determining the training needs of the Nation, both on a national basis and on a local basis, in consultation with local authorities. It provides funds for establishing training programs and authorizes the payment of subsistence allowances to unemployed persons during the time they are enrolled in training. The training programs will be provided largely through existing public vocational educational authorities, and also through on-the-job training, a combination of both, or by new methods that may be developed and found effective.

BACKGROUND

The problem

This bill fully reflects the findings made after 2 months of public hearings and another month of gathering additional data by the Holland Subcommittee on Unemployment and the Impact of Automation.

It was almost unanimously accepted by those who testified before the subcommittee that the present high level of unemployment is the most pressing domestic problem facing the American economy in 1961. Although this legislation is being considered when the economy appears to be on the uptrend, unemployment is still high.

Department of Labor figures for July showed that for the seventh straight month the seasonally adjusted rate of unemployment had not dropped below 6.8 percent, and indeed had risen to 6.9 percent as it was in March and May. Total unemployment in July was 5,140,000. In addition, there are some 3.2 million persons who work only part time through no choice of their own.

The Department of Labor figures for July also show, significantly for this legislation, that the number of workers who have been unemployed 6 months or longer has risen from approximately 928,000 in June to 1,026,000.

The evidence also shows that the rate of unemployment for the poorly trained, poorly educated, unskilled workers is about three times as great as for the well trained. It shows that jobs are available, but that for the most part they require more education or skills, or different skills, than many of the unemployed and underemployed now have. Almost three-fourths of the unemployment is among those workers who stopped short of completing high school.

It was shown that agricultural manpower needs are being reduced twice as fast as in the nonagricultural fields. This is due to the increased productivity through the use of mechanization on the farms. This bill authorizes retraining for the underemployed farmer.

In testimony before the Holland subcommittee it was shown that—

"The United States is the first nation in the world where total output (production) continued to rise while employment of production workers continued to decrease.

"Production rose 43 percent—employment of factory workers decreased 10 percent—and our population increased 19 percent during the years 1950–60.

"During the last three recessions, each increased in severity * * * and * * * each prosperity period, following the recession, decreased in length.

"The rate of unemployment grew with each recession * * * and * * * the rate of hard-core unemployment (structural) also grew during the prosperity peaks.

"The 1962 estimated rate of unemployment, under present conditions, will be over 5 percent."

The need for training the hard-core structurally unemployed has become widely recognized and publicized. Every comprehensive study of the unemployed conducted in recent years has identified training or retraining as an essential remedy.

The 1961 report of the Joint Economic Committee of the Congress points out that—

"While rapid technological progress increases the Nation's productive capabilities and standard of living, it does cause large-scale displacement of workers whose productive efforts and creative abilities are lost to the Nation if not trained for the jobs to be done in an advanced society. Congress and the administration ought to develop immediately the program for large-scale cooperative efforts for retraining workers * * *."

On this issue, the views of the minority were similar. The minority stated:

"Continued economic growth of the wholesome kind creates two major problems. And the more rapid the growth the more aggravated these two problems become. The first problem is that of technological employment and unemployment. Technological advancement, by its very nature, while creating a need for new skills makes obsolete various ways by which men have been making their livelihood. Those ways of making a livelihood most affected are concentrated in the unskilled and semiskilled occupations * * *.

"The problem lies in the process of training and retraining for the skills which are constantly being created. This is a happy problem to deal with, though by no means an easy one or one that does not require considerable effort upon the part of the individuals within our society who must buckle down and start using more of their brains and less of their brawn."

The Committee for Economic Development in its report on depressed areas released June 4, 1961, expressed strong support for a program of retraining of the unemployed.

The Area Redevelopment Act, enacted in April 1961, authorized a training program, with provisions similar to those in H.R. 8399, but on a very limited basis and only for areas eligible for assistance under that act.

A large number of leading newspapers and other periodicals throughout the country have recognized the need for a national training effort such as that embodied in this bill. A recent public opinion poll disclosed that of all the proposals specified by the President in his second state of the Union message, the proposals to train the unemployed was cited by 67 percent of those replying as one for which they were willing to make sacrifices. This was more than twice the degree of support given to any other item listed.

In the light of this general recognition of the widespread need for a comprehensive program of training and retraining, the committee has acted to support the President's program.

The manpower problems to which this program is addressed include the need of our complex society for employees with more sophisticated skills; the dilemma of the unemployed whose skills have been made obsolete by automation and other changes in the structure of the economy; and the fate of the unskilled, whether employed or not, in a market with diminishing demand for unskilled labor.

Automation and other technological advancement is an essential and desirable development for maintaining the strength of the United States. We must have a strong, progressive, and technologically powerful nation to meet the demands that press on us from outside our borders; to maintain our great military establishments and lead the forces of freedom in a world divided among men whose technical knowledge has far outstripped their ability to resolve dispute issues.

Our Nation cannot fully realize its technological potential unless our most valuable asset, our work force, is given the opportunity to acquire the new skills that are required by the changes in technology. It is essential to the well-being of our economy that we provide our workers with the training necessary to exploit fully technological advances.

It is just as essential to the welfare of the individual worker who finds it difficult to adjust to the changing needs of a rapidly advancing technology that he be trained. Automation and technological change can make obsolete the skills and impair the livelihood of individual displaced workers.

This bill is designed to provide the means by which those who through no fault of their own have lost their jobs and their hard-won skills, or who early in life have entered the labor force without adequate skills, can acquire skills which will give them the opportunity to become productive members of their communities.

We must not expect the workers who are displaced to bear the whole burden of higher productivity. The whole Nation which benefits from increased productivity has the responsibility to provide the means by which the employees who are displaced can acquire new skills that are needed and will be useful in the economy.

The number of unskilled jobs is constantly declining and the demand for skilled and semiskilled workers is constantly rising. According to the Department of Labor's projections, the number of professional and technical workers needed by 1970 will be at least 40 percent higher than in 1960; there will be a 20 to 30 percent increase in the number of proprietors and managers, clerical and sales workers, skilled workers and those in service occupations. It thus is clear that the greatest opportunities for employment will be in those occupations requiring the most education and training.

Some of the events that have caused the skills of many persons to become obsolete were forcefully pointed out by witnesses before the Holland subcommittee.

"In the steel industry, production and shipments for the years 1950 and 1960 were almost identical, but production worker employment showed a drop of 80,000 workers and a decline in the workweek of 3.3 hours (David J. McDonald, president of the United Steelworkers of America, AFL–CIO).

"In the soft coal industry, from 1947 to 1959, productivity doubled but there were 262,000 less jobs for the coal miners (Thomas Kennedy, president, United Mine Workers of America).

The computers that are the brains of automation can perform a hundred thousand tasks, from rolling steel to deciding how many frankfurter rolls a bakery driver should leave at a Third Avenue delicatessen on a rainy summer Friday.

They design, in an hour, a new chemical plant that would take a platoon of engineers a year—monitor space vehicles on their way to the moon—coach baseball players—govern switches and signals on 35,000 miles of railroad track from a single remote control center—collect eggs in an electronic henhouse—refine oil—issue insurance policies—operate acres of industrial machinery—and provide the guideposts for billions of dollars in corporate decisions.

One thing the computers cannot do, however, is tell how many workers have been added to the Nation's hard core of unemployment by the technological progress they so strikingly exemplify (A. H. Raskin, New York Times).

Each computer installation affects 140 jobs and, in 1961, there are 10,000 such installations to be made. Therefore, 1,400,000 clerical workers will feel the effect of this.

A machine was demonstrated to the American Bar Association that did 7 man-hours of legal research in a matter of minutes (Howard Coughlin, president, Office Employees International Union, AFL–CIO).

In the canning and preserving industries there has been a very substantial rise in output since 1947, but the rise in productivity has been even steeper. As a result, even in this very rapidly expanding industry, the total of jobs has dropped from 211,000 in 1947 to 193,000 in 1960 (P.E. Gorman, secretary-treasurer, Amalgamated Meat Cutters & Butcher Workmen of North America, AFL–CIO).

"We seem to have automated our country sufficiently to supply all of the basic demands and a good many luxuries and still involve only 93 percent of our work force.

"We can't argue that technological change and automation are not labor-saving processes. Of course they are. They do cause displacement of people. In fact, to do so is one of their major purposes. They may also upgrade people or increase the prosperity of an industry so that more are employed. Nevertheless, we do have more unemployment than we can tolerate today and some of it has come from technological change and automation.

"The problem before us, however, is not whether to block technology. The problem is how to block unemployment (Thomas J. Watson, Jr., president of IBM Corp.).

"Productivity in the Nation's railroads increased 65 percent from 1947 to 1959, but 540,000 railroad workers' jobs were gone (W. P. Kennedy, president Brotherhood of Railroad Trainmen).

"Because of the shift from airplanes to missiles, it has been estimated that the aircraft industry alone has eliminated 200,000 production jobs in the past few years even though the industry's dollar volume has continued to rise (A. J. Hayes, president, International Association of Machinists, AFL–CIO).

"In the production of electrical appliances, output jumped tremendously and employment dropped 50 percent since 1953 (James B. Carey, president, International Union of Electrical Radio and Machine Workers, AFL–CIO)."

Other witnesses who testified before the Holland committee stressed the employment implications of automation, technological change, and the large number of new entrants into the labor market that can be expected in the decade of the 1960's and urged governmental action to deal with this problem.

"Some idea of the immediate problems ahead can be seen from the fact that, even if all we do is increase our production at the same rate as we have been doing during the past dozen-odd years since the end of World War II, a total of 1.8 million persons will feel the impact of the technological changes just in the year ahead. In other words, we are going to need enough output increases between now and next year to take care of 1.8 million people affected by productivity change.

"This decade will seen an unparalleled 26 million new young workers coming into the job market—and if current levels prevail, 7½ million of them will be dropouts, without a high school diploma and very ill-fitted for the job world ahead which will see major advances on the technological scene (Arthur J. Goldberg, Secretary of Labor).

"During the 1960's it will be necessary to create an even greater number of job opportunities—perhaps as many as 4 million a year to provide employment for the average yearly growth in the labor force and the possible annual displacement of workers from rising productivity (Stanley Ruttenberg, director of research, AFL–CIO).

"If, in spite of the best planning we can do, some people are temporarily unemployed because of technological change, both industry and government have a recognized responsibility to help families through any such period of transition (Ralph Cordiner, chairman of the board of General Electric).

"It is the responsibility of the Government to anticipate and to identify those trends which will create chronic unemployment problems in the future, and it has the responsibility to participate in the solution of those problems once they occur.

"It is the Government's responsibility for objectively and thoroughly identifying and studying the problems presented by chronic unemployment and then developing reasonable and practical plans of action to relieve them.

"There is a delicate balance here between rushing into a situation before adequate plans are made and the other extreme of procrastinating until the problem is virtually beyond hope. It, therefore, becomes apparent that the problem of organizing to meet this problem is a critical one.

"A number of possible solutions have been suggested, including a high-level Federal agency which would coordinate Federal activities and would work closely with State and local governments. There are some people who would insist that the Federal Government stay out of the picture. You and I know that is impossible, because there are certain aspects of the problem, certain critically distressed areas, for example, that will require the kind of massive support that only the Federal Government can provide.

"It seems to me that these are the remedial steps that can be taken:

"1. An objective and thorough study to determine the extent, locations, and underlying cause of chronic unemployment.

"2. A greatly strengthened program of vocational training, to train the untrained and to retrain those whose original skills are no longer needed.

"3. More effective career guidance for young people.

"4. Better information about employment opportunities in other portions of a given State, or elsewhere in the country (Mr. Don G. Mitchell, vice chairman of the board of General Telephone & Electronic Corp.)."

The need for Federal assistance

Since 1946, the Federal Government has been charged with the responsibility "to promote maximum employment, production and purchasing power." The Full Employment Act of 1946 states:

"The Congress declares that it is the continuing policy and responsibility of the Federal Government to use all practical means consistent with its needs and obligations and other essential considerations of national policy, with the assistance and cooperation of industry, labor, and State and local governments, to coordinate and utilize all its plans, functions, and resources for the purpose of creating and maintaining, in a manner calculated to foster and promote free competitive enterprise and general welfare, conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power."

In order to permit the Federal Government to carry out these obligations and responsibilities, this committee feels that the passage of this bill is necessary.

The manpower problems to which this bill is addressed are national problems. While significant accomplishments have been made by industry, labor, and local government in dealing with dislocations that have occurred in certain areas, the total problem is too great for local capacities alone. Moreover, the labor market is a national market and if its needs are to be met national leadership is required.

No one State can determine national skill development needs or judge the adequacy of the national skill development effort. American labor is mobile. It crosses State lines to seek employment opportunities. Training, therefore, unless it is to be wasted or duplicated, must be undertaken in the context of national skill needs and employment opportunities.

The success of a person to train the unemployed is not simply a question of funds for training expenses. Experience has clearly shown the necessity of supplementing such training with training allowances. In most States an unemployed person taking training is considered unavailable for employment and thus disqualified from receiving unemployment insurance benefits. The bill reported would remedy this defect by providing training allowances from Federal appropriations when unemployment insurance is not available. It is estimated that a large part of the funds authorized by this program will be expended on training allowances, and Federal leadership is the only practicable means for starting such a program.

Training for the unemployed is, of course, not a cure-all for the problem of unemployment and the malfunction of our economy. Training will, however, raise the productivity potential of the economy and thus raise the potential limitations upon economic growth. It will give those with newly acquired skills the knowledge that they will be considered for employment, along with others, when jobs are available.

MAJOR PROVISIONS OF THE BILL

Manpower appraisal

One of the important elements of this proposal is the assignment to the Secretary of Labor, in order to further the broad training purposes of the bill, of additional responsibilities in the overall manpower field.

Title I of the bill will enable the Secretary of Labor to establish a continuing review of the national skill development effort and to recommend actions needed to achieve improved balance between occupational resources and requirements. Combining these manpower functions in one agency will give much needed overall unity to the Federal Government's responsibility for leadership in the field of skill development. It will also more effectively relate the separate activities of the various agencies in this field to an overall program of optimum development and employment of manpower resources.

To assist the Nation in accomplishing the objectives of technological programs, while avoiding or minimizing the harsh and tragic consequences of labor displacement, title I also requires the Secretary of Labor to evaluate the impact of automation on the utilization of the Nation's labor force, to appraise the adequacy of the Nation's manpower development efforts to meet foreseeable manpower needs, and to arrange for the conduct of such research investigations as give promise of furthering the purposes of this proposal.

Many of the beneficial practices that have evolved as a byproduct of labor-management relations (e.g., pension plans and other fringe benefits) here introduced rigidities that impeded labor force adjustments and mobility, thus contributing to unnecessary unemployment. Title I, therefore, directs the Secretary of Labor to make intensive factual studies of what causes lack of occupational mobility and to encourage the voluntary adoption of equitable means by which these impediments might be removed. It also directs the Secretary of Labor to study and report on how the gradual retirement of long-service workers, the vesting of pension rights, and the development of other devices freeing the laid-off workers from equity losses incurred by moving might be encouraged by Government and private actions.

Title I authorizes the Secretary of Labor to develop, compile, and make available information regarding skill requirements, occupational outlook, job opportunities, the labor supply in various skills, and employment trends on a National, State, or other area or appropriate basis. This is in effect an inventory of the occupational resources and needs of the Nation which will be used in the educational, training, counseling, and placement activities performed under other provisions of this act.

Finally, title I will require the Secretary of Labor to report to the President on manpower matters, and the President to transmit an annual manpower report to the Congress.

Selection of trainees

Under title II of the bill, the Secretary of Labor is given the responsibility for promoting the development of training programs, for the selection of trainees through testing and counseling, and for referral of them for training.

The committee recognizes the fact that the ultimate success of this program depends upon individual participation and the desire of the individual to develop his potential. For this reason, the bill specifies that the Secretary of Labor institute programs for testing, counseling, and selecting individuals for training in skills which, when acquired, can reasonably be expected to enable them to secure full-time employment. It is expected that the facilities already in existence to perform testing, counseling, and placement, as well, will be expanded rather than establishing new facilities to perform these functions.

The person desiring training will apply to his local employment office. He will be interviewed and tested. He will be counseled on the possibilities of employment for which he seems fitted. Then he will be formally referred to the appropriate training program. Upon completion of the program the employment office will endeavor to find him employment.

The Secretary of Labor, testifying before the committee, gave an excellent summary of the task before him:

"Let me tell you now of some of the problems with which we must come to grips in making the proposal work and something of the methods we intend to use.

"We must make an assessment of where the Nation stands with respect to the adequacy of our human resources. We must measure our future manpower requirements and our future manpower supply on an occupational basis. In short, we must do the things necessary to know how automation and other changes in our economy are likely to affect the demand for specific skills in the future.

"In general, we already know that the labor market will demand of workers more basic education and more thorough training, but we need more specific information. We need to know, for example, how the technological changes which are now occurring in the construction industry are likely to affect the demand for plumbers, electricians, civil engineers, etc. We also need to know how technological changes in office operations will affect white collar workers, particularly office workers. We must find out how changes in technology, consumer demand, and foreign competition are likely to affect the location of various industries and needs in different occupations. We must know the specifics of labor demand and supply area by area. We must determine how workers can best adjust to the geographical shifting of industries and what methods we can use to enhance their occupational mobility.

"Before individuals are selected for training, we need to know not only the needs of our industries, but also a lot about each individual worker. We have to know, for example, how much basic education he has had, the amount and kind of his previous skill training, and his aptitude for different kinds of work. The obvious need for this kind of information and other facts bearing on the individual's occupational potential suggests that this first step is a job for professionally trained counselors. In this initial step in the training program, we will utilize to the fullest the counseling facilities of the local State employment service offices. Although such services already exist, they will have to be greatly expanded to do the kind of job that will be necessary. We have already launched a program of expanded services at the direction of the President, but even more will have to be done.

"But even after the occupational potential of the trainee is established, a second important step must be taken before actual training can begin. Assessment must be made of the employment prospects in the field for which the unemployed person is best suited for training. This calls for an analysis of the long-term prospects in particular occupations and particular areas, as well as the outlook immediately ahead. Realistically, we must also consider the demand for the skills which we can give the trainee in areas other than his own hometown. In this country where mobility of the labor force is so great, this is a particularly important consideration.

"Having established the individual's needs and capacity for training and the job world into which his needs and capacities must fit, we must then determine the kind of training best suited to his individual situation. Vocational training will often prove to be the best, but in many cases a completely different type of training might be called for. We intend to use every available resource and facility that can equip a trainee with the necessary skill to enable him to take his place again in the Nation's work force. Experience may teach us that new training methods and facilities need to be developed to insure that each individual gets the kind of training that is best for him.

"I should like to stress that the retraining program for each unemployed person will be determined by examining his or her needs. Unemployed persons will be counseled to assess what they already have to offer on the job market; their potential for retraining. For some workers the retraining may be very simple. In other cases, the task of retraining and placement may be difficult. Older workers with low levels of education and deep roots in their own communities are likely to be severe problems.

"In any case, the training or retraining prescribed will match the individual's needs. It is for this reason we are proposing that a wide range of training institutions be used to meet our retraining objectives. Sometimes a few weeks of on-the-job instruction may make the unemployed worker reemployable. Sometimes a course in drafting or electronics will turn the trick. In a few cases perhaps the 4 or 5 months needed to complete work for a high school diploma would be worthwhile to enhance permanently the employability of an unemployed worker. In still other cases, apprenticeship or technical school instruction may provide the best answer."

Priority in placement for training

The bill requires that a priority in referral for training must be extended to unemployed persons who cannot reasonably be expected to secure full-time employment without retraining. The committee discussed the possibility of giving a similar priority to underemployed persons, especially when their employment was part time and at a bare subsistence level.

Because of the difficulty of distinguishing among the various levels and causes of underemployment, the committee decided against a priority for such individuals and against providing them with training allowances during periods of training.

However, the Secretary of Labor is specifically authorized to refer qualified persons, including the underemployed, for training or retraining programs which will enable them to acquire needed skills.

The committee wishes to emphasize that training not geared to employment opportunities is wasteful and demoralizing to those persons participating in the program. The Department of Labor is expected to operate the selection program so that workers undertaking training will do so with the strong likelihood that jobs will be available in the area in which they live. If adequate job opportuntiies, after training, will not be available in their home areas, training will be given first to those individuals who indicate that they voluntarily and without any compulsion desire to relocate to areas where the skills they are to learn are in demand.

Training Programs; Cooperative Effort

The Committee on Education and Labor found it was best to coordinate the training programs envisaged in this proposed legislation so that the full efforts, expertise, talents, and facilities of both the Department of Labor and the Department of Health, Education, and Welfare could be fully utilized. The bill strengthens the cooperative relationship between these Departments and each will have full advantage of the information and techniques available to the other.

Title III specifies the responsibility of the Secretary of Labor for on-the-job training while title IV specifies the responsibility of the Secretary of Health, Education, and Welfare for vocational education programs. Title V, in addition to establishing criteria which the Secretary of Labor should consider in allocating funds to the States, also pertains to the duties and responsibilities of both the Secretaries of Labor and Health, Education, and Welfare to keep the Congress informed, and contains a provision that the individual States must not slacken their own efforts in the training field because of the initiation of the Federal program.

The development of programs for on-the-job training is already a function of the Department of Labor. To the maximum extent possible, the Secretary of Labor will secure the adoption of such programs by private and public agencies, employers, trade associations, labor organizations, and other industrial and community groups which he determines are qualified to conduct effective on-the-job training programs. The Secretary of Labor is authorized to enter into appropriate agreements with these groups and may make such provision for payment of costs of providing necessary training as is equitable in each case.

Vocational education programs are presently a responsibility of the Department of Health, Education, and Welfare. For the purpose of carrying out his training mission under this bill, the Secretary of Health, Education, and Welfare is thus authorized to enter into agreements with the States under which the appropriate State vocational education agencies will undertake to provide the vocational training or retraining needed to equip individuals referred by the Secretary of Labor for the occupations specified in the referrals. Training is to be provided by the State agency through public education agencies or institutions or, if the facilities or services of such agencies or institutions are not adequate, through arrangements with private educational or training institutions. If a State does not enter into an agreement or does not provide the particular training needed, the Secretary of Health, Education, and Welfare is directed to provide the needed training by agreement or contract with public or private educational or training institutions.

A successful program will require maximum effort and close cooperation by the State employment service and education agencies, not only at the Federal level but at the State and local levels as well. The experience in those States, such as Pennsylvania, which have worked out effective cooperative programs, furnishes a pattern which will be useful for other States.

Existing facilities for training will be used to the extent they are available. To the extent that new programs are contemplated, the bill outlines the relationships between the two Departments. Both Departments have been consulted and endorse the assignment of functions made by the bill. There is sufficient flexibility in the provisions to permit hitherto untried methods of training when this seems appropriate.

The committee believes that a high degree of flexibility in organizing and content of programs should be maintained. The bill will permit rental of buildings and facilities for temporary or mobile training programs. Furthermore, while training must be closely related to employment requirements, it should not have to be tied directly or exclusively to immediate job possibilities. In order to fit the trainee for a wide range of employment, some training will be of a broader scope than that which would be limited to a specific job opportunity. During periods of recession, job opportunities become increasingly scarce, and to curtail the program sharply to accord with curtailed job openings would result in serious administrative difficulties and loss of instructor personnel. Then, as recovery progressed, it would be difficult to expand training as fast as job opportunities developed.

The ultimate success of this program, of course, will depend upon the extent to which individual workers accept the opportunity to participate and develop their potential. The training programs authorized by this bill are, therefore, geared both to the skill needs of the economy and the occupational potential of the individuals to be trained.

Training allowances

The unemployed whose skills are obsolete are generally unable to undertake a training program without financial assistance. This bill, therefore, authorizes the payment of training allowances to such people while they undergo training. The amount of such payment is geared to the amount of weekly unemployment compensation paid in the State in which the unemployed workers reside and can be paid for a maximum of 52 weeks.

This bill contemplates some of the unemployed selected for training will be referred to on-the-job training programs where the employer pays a learner's wage to the trainee while he is learning the job. For individuals undergoing such training, the amount of any training allowance will be reduced by a proportion equal to the ratio that the number of compensated hours a week bears to 40 hours.

Under some circumstances training for certain jobs will be available only in a location far removed from a trainee's residence. Some courses which require relatively heavy investment in teaching equipment, for example, may be given at only one location in a particular State. The bill provides modest living and transportation expenses for the individual certified for training if he lives beyond commuter distance of the training center.

Training allowances will not be paid to persons who are receiving or who are eligible for unemployment insurance. The committee intends that, to the extent possible under various State laws, those who are eligible to receive unemployment compensation while undergoing training should do so. To assure that all trainees receive the same allowance while they are undergoing training, i.e., the average weekly unemployment insurance compensation payment in the State, the committee has provided that a trainee whose unemployment compensation payment is less than that amount may receive a supplementary training allowance not to exceed the difference between his unemployment compensation and the average unemployment compensation payment in the State.

The committee recognizes that at present only 11 States consider a person to be eligible to receive unemployment compensation if he is undergoing the type of training contemplated by this bill. In the rest of the States a person undergoing such training is not considered "available for work" and so is not eligible to receive unemployment compensation to which he might otherwise be entitled. The problem presented by this lack of conformity and eligibility standards among the States was recognized as being a subject outside the jurisdiction of this committee. The Ways and Means Committee has before it proposed legislation which will correct this situation. We note, however, that more and more States are recognizing the importance of permitting unemployed workers to continue to receive unemployment compensation when they enter a training program. Until this year only six States had such laws. Now five more have been added, the 11th just a month or so ago.

As a safeguard against possible abuse, however, the committee has provided that an individual who fails to avail himself of training when it is offered to him shall not for 1 year thereafter be entitled to training allowances.

COSTS

For the 2-year program contemplated in this proposed legislation, the committee provided spending ceilings for each title of the bill and for each year of operation. For the fiscal year 1962, the ceiling was set at $100 million, over 90 percent of which would be allocated to the payment of training allowances and the operation of vocational education programs. For the fiscal year 1963, a ceiling of $163 million was set and allocated roughly with the same emphasis. The Department of Labor estimated that a total of some 160,000 would be trained the first year; 50,000 in on-the-job programs, and 110,000 in vocational education programs, of which 80,000 would be from unemployed workers and 30,000 from the underemployed. In the second year, it is estimated a total of some 250,000 would be trained—90,000 on the job and 160,000 in vocational education, with more than 120,000 from the unemployed and 40,000 from the underemployed. The cost estimates submitted by the Departments of Labor and Health, Education, and Welfare were based on the payment of training allowances to 65,000 long-term unemployed in 1962 and 110,000 in 1963 as well as to 20,000 on-the-job trainees the first year and 40,000 the second year.

In title V of the bill the committee sets forth certain criteria which the Secretaries of Labor and Health, Education, and Welfare shall consider in effecting an equitable apportionment of Federal expenditures among the States. The language of the bill clearly indicates that the respective Secretaries are not bound by these criteria but these criteria are to be a guide in policy determinations as to expenditures.

SUMMARY OF THE BILL

(*a*) *Purposes of H.R. 8399*

H.R. 8399 has three purposes:

1. To achieve "maximum employment and purchasing power," recognizing that rapid technological progress is essential to accomplishing this.

2. "To assist in the development of policies and programs which will result in the adequate development, preparation and productive use of the manpower resources of the Nation * * *."

3. "To appraise the manpower requirements and resources of the Nation, develop and apply the information and methods needed to deal with the problems of automation and with technological and other types of persistent unemployment and provide for the adequate training and retraining of the Nation's labor force."

(*b*) *Existing conditions requiring action*

H.R. 839 recognizes six conditions existing in the country which require Federal action if these purposes are to be achieved.

1. "The skills of many persons have been rendered obsolete by dislocations in the economy arising from automation and other technological developments. * * *"

2. "Government leadership is necessary to insure that the benefits of automation do not become burdens of widespread unemployment."

3. "Improved planning and expanded efforts will be required to assure that men and women will be trained and available to meet shifting employment needs."

4. "Many persons now unemployed or underemployed, in order to become qualified for full employment, must be provided with skills which are or will be in demand in the labor market."

5. "The skills of many persons now employed are inadequate to enable them to participate in the mainstream of the Nation's economy."

6. "It is in the national interest that the opportunity to acquire new skills be afforded to these people in order to alleviate the hardships of unemployment, reduce the costs of unemployment compensation and public assistance and to increase the Nation's productivity and its capacity to meet requirements of the space age."

(c) *Means of accomplishing the objectives*

The Secretary of Labor shall—

1. Make studies of the impact of technological changes, develop techniques for predicting the impact in advance, develop solutions, and publish the findings.

2. Promote or directly engage in programs of information and communication to reduce or prevent undesirable effects of technological changes, appraise the Nation's efforts to meet manpower needs, recommend needed adjustments, and arrange for research to further these objectives.

3. Make studies to encourage greater labor mobility in industry, and

4. Report on these studies to the President who, in turn, shall transmit to Congress within 60 days after the beginning of each regular session (beginning in 1962) a report on the Nation's "manpower requirements, resources, utilization, and training."

(d) *Training and skill development*

The Secretary of Labor shall—

1. "Develop and encourage the development of broad and diversified training programs, including on-the-job training" for those who need it.

2. Accomplish this through the maximum utilization of all possible resources for skill development available to industry, labor, public and private educational and training institutions, State, Federal, and local agencies, and other appropriate public and private organizations and facilities.

3. "Provide a program of testing, counseling, and selecting for occupational training" for those persons who need it to secure appropriate full-time employment and

4. Provide original placement and later counseling services for those who complete such courses.

(e) *Training allowances and payments to States*

The Secretary of Labor may make payments to the States for the purpose of paying weekly training allowances to those unemployed persons selected for training under this act. Such payments shall not exceed 52 weeks and the amount paid in any week "shall not exceed the amount of the average weekly unemployment compensation payment (including allowances for dependents) for a week of total unemployment in the State making such payments during the most recent quarter for which such data are available." To those people who receive unemployment compensation, where it is permitted while undergoing training, and it is less than the average for a week of total unemployment, a supplemental training allowance may be paid. This shall not exceed the difference between the actual unemployment payment and the average weekly unemployment compensation payment referred to above. Training payments shall also be reduced proportionately to people engaged in part-time compensated employment (taking 40 hours as full time). In no case shall the training payment, when added to the employee's wages, exceed the average weekly unemployment compensation to which the employee would be entitled if fully unemployed.

The bill provides the Secretaries of Labor and Health, Education, and Welfare with four criteria which they shall consider in effecting an equitable apportionment of Federal expenditures among the States. These criteria are indicia of the incidence of the unemployment problem within each State.

Training allowances may be supplemented by the Secretary of Labor to defray transportation to and from training facilities and when the facilities are not within commuting distance of the regular place of residence, both transportation and subsistence expenses for separate maintenance may be paid.

In order to qualify as an approved training program, on-the-job training must be compensated by the employer at such rates, including periodic increases, as may be deemed reasonable under regulations hereinafter authorized, considering such factors as industry, geographical region, and trainee proficiency.

No training allowance shall be paid to anyone during any week in which he has received, or is eligible for, unemployment compensation. Any person who refuses, without good cause, to accept training under this act shall not, for 1 year thereafter, be entitled to retraining allowances.

The Secretary of Labor shall, to the maximum extent possible, secure appropriate agreements with all kinds of qualified private and public agencies to carry out the purposes of this act. Adequate provisions are included in the act to give the Secretary of Labor authority to carry out the purposes of the act, promote effective administration, protect the Nation against losses, and insure a proper division of responsibilities among the various agencies involved.

(f) *Vocational training*

The Secretary of Health, Education, and Welfare shall enter into appropriate agreements with the various State vocational agencies which will undertake to provide the vocational training or retraining needed to carry out the purposes of this act. If public institutions or facilities are not adequate for the purpose, the State vocational agencies shall make appropriate arrangements with private educational or training institutions. Any such agreement may provide for payment to the State agency of up to 100 percent of the cost to the State of carrying out the agreement with respect to unemployed people and up to 50 percent of the cost with respect to other people.

Adequate provisions are included here also to provide the Secretary of Health, Education, and Welfare with authority to carry out the purposes of the act, maintain adequate efficiency of administration and quality of programs, cooperate with the Secretary of Labor, and protect the Nation against losses.

(g) *Maintenance of State effort*

No training program financed in whole or part by the Federal Government under this act shall be approved unless the appropriate Secretary is satisfied that neither the State nor locality in which training is carried out has reduced or is reducing its own level of expenditures for any kind of vocational education and training.

(h) *Reports*

The Secretary of Labor and the Secretary of Health, Education, and Welfare are both required, under this proposed legislation, to report to the Congress prior to March 1, 1963, giving an evaluation of the programs undertaken and recommendations concerning their continuance.

MINORITY VIEWS

We, the undersigned members of the committee, are opposed to the enactment of H.R. 8399. This is not the time for additional experimental and costly legislation which, even in normal times, would have very doubtful value. There are presently in effect four extensive and costly Government-operated vocational education and training programs. These programs are overlapping and uncoordinated, and the Assistant Secretary of Health, Education, and Welfare has admitted that the Federal vocational education program is a hodgepodge. There is a grave question as to whether the very people which this bill will undertake to train are either interested in or capable of being trained for the skills which are presently needed. Finally, this bill, coupled with H.R. 8354 (Youth Employment Opportunities Act of 1961) and other legislation would place massive powers in the hands of the Secretary of Labor and would, for the first time, make him a commanding figure in the education field.

BAD TIMING

This country is faced with a life or death challenge from the Communist nations, headed by the Soviet Union. President Kennedy has called for extensive additional defense expenditures to meet this challenge, and has specifically stated that "* * * to help make certain that the current deficit is held to a safe level, we must keep down all expenditures not thoroughly justified in budget requests." Notwithstanding the seriousness of this threat and the President's plea, this bill as reported calls for the expenditure of $263 million within the next 2 years even though the need for the bill under normal peacetime conditions has not been adequately established. Social legislation of this type is a frill which we can ill afford in peacetime. During the perilous period just ahead, this bill, added to others of a like nature, could spell disaster.

HODGEPODGE OF CONFLICTING PROGRAMS

At the present time there is extensive Federal participation in vocational education and training. There is the Smith-Hughes Vocational Education Act and the Vocational Education Act of 1946.

The veterans have their vocational rehabilitation and vocational education programs under present veterans' legislation.

The Department of Labor is operating an apprenticeship program and there is even a provision for vocational training in the Area Redevelopment Act. Moreover, in the Youth Employment Opportunities Act of 1961, a special program for the training of the youth of America is established.

The following résumé is sufficient to indicate the scope and the extent of the Federal participation in the vocational education and training field:

Enrollment in Federal-State vocational education programs for the fiscal year ending June 30, 1960, totaled 3,768,149. Of this number, 1,588,109 were in home economics, 938,490 were in trades and industry, 796,237 were in agriculture, 303,784 were in distributive occupations, 101,279 were highly skilled technicians, and 40,250 were in practical nurse training.

As of December 31, 1960, there were 161,128 apprentices in training under the Department of Labor's apprenticeship and training program.

Under the Veterans' Administration, 615,332 veterans of World War II have been afforded vocational rehabilitation training, and at the present time 5,967 Korean veterans are receiving such training. In addition, 210,293 Korean veterans are presently receiving educational and vocational assistance.

Under the recently passed Area Redevelopment Act, it is estimated that many thousand individuals will receive some type of vocational training.

Finally, the Youth Employment Opportunities Act of 1961 would provide training for an estimated 218,000 youths during the next 3 years. It should also be remembered that this is only a so-called pilot program and it can be expected that the cost and scope of this program will increase sharply after the third year.

Duplication of effort and unnecessary costs cannot be avoided whenever, as in this case, a number of similar programs are enacted. However, no attempt has been made to identify this overlapping or to harmonize the old programs with the new. The seriousness of this omission is demonstrated by the fact that Mr. Wilbur J. Cohen, Assistant Secretary of Health, Education, and Welfare, in testimony before the Subcommittee on Unemployment and the Impact of Automation, agreed that the present Federal vocational education program is a hodgepodge and that it would be the better part of wisdom to defer further action in this field until such time as the Secretary of Health, Education, and Welfare has completed his major study on vocational education. Notwithstanding this testimony, and the existence of the many and varied programs, Congress is now being asked to dramatically add to the hodgepodge by the enactment of this bill.

For example, title II calls for the counseling, testing, and placement of 1,200,000 individuals and the payment of relocation allowances to 175,000, at a total cost of $176,460,000. Title III would encourage, develop, and secure adoption of on-the-job programs at a cost of $7,600,000, and title IV would provide vocational training for 200,000 unemployed and 70,000 underemployed at a cost of $70,500,000. And this, of course, is just a pilot program with undoubtedly increased costs after the first 2 years.

NOT WORKABLE

Over and over again it has been emphasized that H.R. 8399 would be used to attack the so-called hard core of unemployed. Allegedly, under its provisions, these individuals, many of whom have exhausted their unemployment compensation benefits, would be trained and equipped with the new skills which our changing industrial processes desperately need. The hard, cold truth of the matter is that this stated purpose apparently cannot be achieved for the new skills lie almost exclusively in the technical and semitechnical fields. A substantial educational background is required before an individual can be trained for such jobs. In addition, the individual must have certain aptitudes, the motivation to undertake rigorous and difficult training, and then be willing to move to an area of the country where such a skill is required.

Recently conducted studies illustrate this point. For example, according to Prof. Robben W. Flemming, executive director of the Armour Automation Committee only 170 of the 400 workers laid off by the closing of the Armour plant in Oklahoma City took advantage of the employment tests and counseling offered by the Oklahoma Employment Service. Of these 170, only 60 gave evidence of being able to benefit from educational training. Fifty-eight enrolled for such training, and only seven found work in their new skill.

Last November, when auto industry layoffs were just beginning to hit the Michigan economy, the Michigan Employment Security Commission had applications on file from 160,000 jobseekers. Of these, 104,000 had not completed high school, 53,000 had not even begun high school, and 20,000 had not completed elementary school. Only 2 percent were college graduates.

Finally, a study of the trainability of relief recipients just completed under the auspices of the Detroit Public Welfare Commission reflects the following: The study committee selected a random sample of 761 family heads who were physically able to work. Of this total, 216 could not take employment aptitude tests because they were illiterate. Another 299 who completed the examinations failed to meet the minimum requirements for training in any of the 23 occupational aptitude patterns established by the Michigan Employment Security Commission. The illiterates and those who failed all tests accounted for two-thirds of the original group. The committee concluded that—

"A substantial number of those classified as employable and presently receiving relief are not capable of participating in retraining programs of the kind thought of to date."

BUILDUP OF POWER

This Congress has witnessed an unprecedented reach for power by a Cabinet officer. The Secretary of Labor, Arthur Goldberg, has made approximately 60 appearances before Congress this session in support of various pieces of legislation. It is a conservative estimate that in at least 90 percent of the legislation which he has proposed and supported additional power would be placed in his hands. This power is generated by the fact that the authority of the Secretary of Labor would be substantially extended, both in old and new fields, tremendous additional appropriations would be placed at his disposal, and many, many more employees would be required to administer the programs.

Again and again the Secretary has stated that he is speaking for the present administration, and that there is no need to call the Secretaries of Commerce, Agriculture, Interior, or Health, Education, and Welfare, or the Attorney General, for he is authorized to speak for them. This has been the case even though the particular bill in question would normally fall within the area handled by another Secretary.

This bill is a dramatic example of the Secretary of Labor extending his jurisdiction into the educational field. By all of the normal rules of the game, it should be considered inappropriate and inadvisable for the Secretary who represents and advocates just one segment of our society to be responsible for an educational program which will, in fact, affect all segments. In the past, those responsible for our educational programs, both public and private, have jealously guarded their historic and exclusive rights in this field. Apparently, the New Frontier allocation of power and influence has called for a new assignment of leadership in the educational field and such leadership is to be exercised by the Secretary of Labor.

CONCLUSION

For the reasons stated above, we are opposed to the enactment of this bill. There is every reason to believe that extensive additional studies must be made before legislation of this type can be considered. Even under what could be termed normal times this bill would be inappropriate and harmful rather than helpful. Under today's conditions, it cannot be justified unless it is the intent of Congress to promote the dramatic extension of Federal control under the leadership of the Secretary of Labor into the fields of vocational training and education.

Edgar W. Hiestand.
Donald C. Bruce.
John M. Ashbrook.
Dave Martin.

Supplemental Views

The undersigned Republican members of the committee endorse the principle of training unemployed workers in order that they may rejoin the productive mainstream of our economy. We believe the Federal Government shares a responsibility in this field. However, Federal activities must be carefully coordinated with private, State, and local efforts to solve the problem.

We have supported this bill as it was revised in subcommittee and the full committee because we believe that the objective it seeks is desirable. There is, however, one factor which we feel justifies special mention in this report. The training allowance provision in this bill must be made to dovetail with the present unemployment compensation system.

The training program provides an all-Federal payment to the trainee in the amount of the average unemployment compensation payment in the State. Only 10 of the 50 States, plus the District of Columbia, presently permit an unemployed person to enroll in a training program while continuing to collect unemployment benefits. Unless present provisions of the Unemployment Compensation Act are changed, this bill may seriously undermine the present Unemployment Compensation Act. Since training allowances will be paid entirely by the Federal Government, while unemployment allowances are paid from the unemployment compensation fund, this legislation could be a substantial step toward federalizing the entire unemployment compensation system.

Prior to the final vote in the full Education and Labor Committee, an understanding was unanimously reached that this serious loophole should be closed. The matter could not be resolved in our committee because the Ways and Means Committee exercises jurisdiction over the Unemployment Compensation Act. It was understood by the members of our committee that every effort would be made to reach an agreement whereby the chairman of the Ways and Means Committee would, on behalf of the membership of that distinguished committee, present an appropriate amendment to this bill to close this loophole and thereby protect the present unemployment compensation system. If such an amendment is approved by the Ways and Means Committee, the Rules Committee should be asked for a rule making it in order to offer such an amendment on the floor.

It is our sincere belief that unless substantial impact on the unemployment compensation system is eliminated, this bill will be unsound. We would regret being forced to withdraw our support for the bill which, under proper circumstances, could benefit many Americans.

Carroll D. Kearns.
Peter Frelinghuysen, Jr.
William H. Ayres.
Robert P. Griffin.
Albert H. Quie.
Charles E. Goodell.
Peter A. Garland.

[Congressional Record, Senate, Aug. 23, 1961]

MANPOWER DEVELOPMENT AND TRAINING ACT OF 1961

Mr. Clark. I thank the Chair. The bill, S. 1991, sponsored by the Kennedy administration and reported unanimously by the Committee on Labor and Public Welfare, is an effort to give further legislative authority to the policy directive contained in the Employment Act of 1946, from which I quote in part:

> "DECLARATION OF POLICY
>
> "Sec. 2. The Congress hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means consistent with its needs and obligations and other essential considerations of national policy, with the assistance and cooperation of industry, agriculture, labor, and State and local governments, to coordinate and utilize all its plans, functions, and resources for the purpose of creating and maintaining, in a manner calculated to foster and promote free competitive enterprise and the general welfare, conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power."

That retraining is an essential tool in the effort to find jobs for idle workers is, I think, admitted by all, and certainly is elaborately established in the extensive hearings before the Subcommittee on Employment and Manpower of the Committee on Public Welfare of which I have the honor to be the chairman.

The importance of retraining has also been stressed by the President of the United States in the message on this subject which he sent to Congress earlier this year.

Let me stress at the outset that the bill proposes no utopia. If the bill should be enacted, it will not solve the unemployment problem which continues to plague us. It will, I am confident, result in the retraining of many Americans in skills which will enable them to get jobs which are not available to them at present. But we shall have to do much more than to pass the bill in order to reduce unemployment in the United States to acceptable levels. The bill will, however, start a program to provide new skills for some of the unemployed, so that they can go back to work.

The President stated last fall, and it has been reiterated by many others since, that it will be necessary to find 25,000 new jobs each week for the foreseeable future, in order to bring unemployment down to acceptable levels. That is a gigantic task. The bill, if enacted, will help significantly.

The need for the new jobs arises from two major factors: The first is automation and technological developments, which displace the jobs of many workers; the second is the very substantial increase in the labor force due to the increase in births and the decrease in deaths which have occurred since the end of World War II. The bill would attack this problem in the following way:

First, the Secretary of Labor is directed to find out where job opportunities are. This is a most important part of the proposed legislation and is set forth in full in title I. We do not really know today what our manpower requirements are. We do not know really what skills are in short supply. We do not know what the requirements for everything from ditchdigger to nuclear physicist are likely to be in the years ahead. In short, we do not know how to staff freedom, man our economy to meet the worldwide challenges it faces. Title I of the bill directs the Secretary of Labor to find out how to staff freedom. Having found where job opportunities are likely to exist, the Secretary will then set to work to find people and to train them to meet those employment opportunities. Through tests, interviews, and guidance, he will develop a corps of workers whose skills can be upgraded. He will provide skills for those who do not have them at present. He will retrain unemployed and underemployed workers in skills where his studies have shown that job opportunities are available.

Having done that work, he will turn to his colleague, the Secretary of Health, Education, and Welfare, and to the State Vocational training agencies and will ask them to create training courses to give those people the skills they need in order to fill the job opportunities, either actual or potential, which he has discovered.

Having done that, priority for training under the bill goes to those who have lost their jobs and are seeking work. But under the bill others are eligible, including those who wish to upgrade their skills, so as to become more useful members of the labor force.

The bill also provides although at a lower priority than the one for those who have lost their jobs and are seeking to find new ones—for the training of younger people. The testimony before the subcommittee indicated the critical nature of the category of our younger citizens who no longer are in school, but have not been able to find jobs. One of the most shocking bits of evidence in this regard was produced in the course of a speech made by Dr. James B. Conant, who has devoted many years of his life to the development of our educational system in the primary and the secondary schools. His statement was with respect to a number of special studies he had made in large metropolitan areas. The studies indicated that the lack of job opportunities was demoralizing to those in many sections of our large cities; juvenile delinquency was on the increase; and young men and young women were roaming the streets, seeking work which they could not find. I cannot stress too strongly the importance of this part of the bill, although I repeat that this is what may be called a secondary objective, the primary objective being to retrain and find job opportunities for older members of the labor force who either are chronically unemployed or underemployed.

Let me explain what I mean by "underemployed." Much of real underemployment is in rural areas where adults, and youths, too, are living and working on family farms where the total cash income annually is $1,200 or less. We must move these people into the labor force; there is no future for them where they are. So the bill provides that, for the purposes of this act, individuals living on farms or in rural areas in economic units with a total annual cash income of less than $1,200, shall for the purposes of this act be considered underemployed.

I turn now to the weekly retraining allowances called for by the bill. This was a sensitive subject to which the subcommittee and the full committee gave very careful consideration. The administration had recommended a wide, across-the-board provision for retraining allowances. The committee was more conservative; and the bill provides that—with one exception, about which I shall speak later—retraining allowances shall be confined to payments to adult workers who are the heads of families and have been members of the labor force for 3 years or more, such payments to be in the nature of retraining allowances substantially the equivalent of the average payment of unemployment compensation which the same workers would have received if they had been drawing unemployment compensation in the State in which they reside.

The exception to which I refer is that when the Secretary of Labor finds it necessary, and I stress the word "necessary," under the bill he has limited authority to make retraining payments to unemployed youths. I can say on the authority of the Secretary of Labor that he intends to use this privilege sparingly. It is not thought that the total expenditures in this connection would exceed 5 percent of the total authorized allowance appropriations called for by the bill. But, Madam President, it is important that the Secretary of Labor have this flexibility; otherwise, the training opportunities for unemployed youth will, in the opinion of the committee, be unduly restricted.

Madam President, the bill provides a substantial program of on-the-job training to be developed by the Secretary of Labor. The Secretary is very hopeful that this will turn out to be one of the most important aspects of the bill. The Secretary will solicit the cooperation of employers across the country, in industries in which there are job opportunities for development. It is hoped this on-the-job training can be provided to many thousands of Americans, as a means of retraining them in employable skills.

The bill also provides that to the extent that on-the-job trainees receive compensation from their employers, their retraining allowances shall be proportionately decreased. So, in no event in such cases could they receive in excess of what would have been the unemployment compensation in their States if they had been drawing unemployment compensation.

The bill provides for a 4-year life; it would phase out of existence on June 30, 1965.

The cost of the bill would be met, during the first 2 years, entirely by the Federal Government. Although the administration originally recommended that the cost of the program be met throughout its life entirely by the Federal Government, the committee felt otherwise; and the committee bill provides that during the last 2 years there shall be matching funds from the States, on a 50–50 basis, which we hope will more than double the number of individuals who can be trained and retrained in the third and fourth years.

Madam President, I stress the importance of a 4-year program. I understand that later an effort will be made to cut the program to 2 years. I believe that would be unacceptable to a very large majority of the committee, and I hope it will be unacceptable to the Senate. My reasons for making that statement are that if the time for the expiration of the bill were changed from June 30, 1965, to June 30, 1963, the effect would be practically to kill the program just as it is getting off the ground. The effect would be to require our committee and our subcommittee to start at the next session of Congress with new hearings, in order to develop more testimony to establish the need to continue the program further, at a time when the evidence will be slim indeed as to how effective the program has been. So I would urge my colleagues not to support an amendment to curtail the life of the program.

Appropriations to be authorized by the bill will be $90 million the first year, $165 million the second year, and $200 million the third and fourth years.

I stress that these authorized appropriations have the approval of the administration, which I am confident has given adequate consideration to the possibility of a deficit in the budget resulting from this particular authorization.

The bill contains an antipirating clause, intended to prevent the training provisions under the bill from making it possible for industry to move from one area to another.

There is a clause providing for maintenance of State effort.

There are incentives to encourage trainees to take retraining, instead of continuing to draw unemployment compensation.

There are standards laid down by which the Secretary of Labor can determine how to distribute the funds available for retraining among the various States. These standards, briefly, include the percentage of the total labor force in each State, and the percentage of total unemployment in the country and in each State, as criteria which the Secretary shall use in determining how to distribute the funds, under the program, among the States.

In conclusion, I stress again that this bill promises no Utopia. Its enactment would not solve the unemployment problem. The bill is not going to result in the retraining of all the citizens of the United States of America. But the bill will result in training and retraining enough to make a really significant start.

I yield now to the Senator from New York.

Mr. JAVITS. I should like to say I think this is one of the most constructive bills that has been reported out of our committee during this whole session of the Congress. I think the Senator from Pennsylvania is entitled to great credit for his leadership in bringing out the report, because I think it goes to so fundamental a problem of our times, which is the urgent need to materially increase our productivity, and the fact that we are counseled by the Commissioner on Labor Statistics and other experts in this field that we need 25 percent more highly technical people, as of yesterday, if we are really to do the job which needs to be done.

Also, the great problem which we face in the world, aside from the security problem, is the problem of porductivity. The real challenge is, Can we or the Russians bring about material improvements in the standards of living, health, housing, and education of the peoples of the world?

Those who stand on the floor and say we just cannot do it, we just do not have the money, we just do not have the resources, are not really talking in terms of dollar bills or pieces of gold. They are talking about production.

Here is a bill designed to materially increase the productivity of the United States. I think, in all fairness, it should be put to the country, not as another proposal that merely spends money and contains a Federal program, which some people like and some do not like, but as a measure directly pointed at the ability of our democratic, free society, to deal with a matter which is a maxim in totalitarian societies, and that is the effective training of our operatives, our people, for the productivity job which must be done.

We are very much behind in this effort. Apprenticeship training has not managed to keep abreast of the problem. Vocational high schools and the whole complex of that kind of training activity in the country have not kept abreast of the problem. This is one of the real major lags in the whole industrial area of our economy.

Mr. CLARK. I wish to note for the record the very great contribution that the Senator from West Virginia has made in bringing the bill out of the subcommittee into the full committee and to the Senate. The Senator from West Virginia was diligent in his attendance at hearings, and was outspoken in our executive sessions. His ideas were intelligent and were received perceptively by Senators. His interest on this subject goes back many years before consideration of the bill. He introduced a bill in the last Congress very similar to this bill. I know of no Senator who has made a greater contribution than has the Senator from West Virginia in respect to the proposed legislation which is now before the Senate.

Mr. RANDOLPH. Madam President, I am grateful for the gracious words of the distinguished Senator from Pennsylvania [Mr. CLARK]. It is our belief that the end product—S. 1991, the manpower and training bill—is a worthy, and, more importantly, it is a workable measure. I subscribe to the facts and the logic which characterized the opening statement so capably and forthrightly presented by the Senator from Pennsylvania. I join in underscoring these pertinent views of our Committee on Labor and Public Welfare in its report on S. 1991:

"There is agreement among all who have studied the problem that a substantial portion of unemployment exists because idle workers cannot be matched with available jobs. This structural unemployment will persist even when recovery from a recession is complete. The more rapidly our economy advances, the more rapidly do skills become obsolete. It is clear that combined Federal, State, local and private effort falls far short of the total need. Without an intensive nationwide program to provide opportunities for retraining, tens of thousands of worthy men and women will never be able to obtain the skills which will enable them to be self-supporting and to make their maximum contributions to the Nation's productivity. S. 1991 establishes such a program.

"Although the number of unskilled jobs in the economy remains approximately constant, the demand for skilled and semiskilled workers is constantly rising.

"Training for the unemployed is not a panacea for the problem of unemployment nor a cure for the malfunction of our economy. Training does not of itself produce jobs, except in extraordinary cases. Training will, however, raise the productivity potential of the economy and thus raise the potential limitations upon economic growth.

"The manpower problems to which this bill is addressed are national problems. While significant accomplishments have been made by industry, labor, and local government in dealing with dislocations that have occurred in certain areas, the total problem is too great for local capacities alone. Moreover, the labor market is a national market and if its needs are to be met national leadership is required.

"The Federal responsibility for assisting States in providing training opportunities for the unemployed or underemployed is clear. It is inherent in the declaration of policy spelled out in the Full Employment Act of 1946. S. 1991 is one method by which the Federal Government can meet the obligations imposed upon it by the Full Employment Act of 1946."

Madam President, this bill represents a conscientious desire to cope with one of the most serious domestic problems which presently faces this country; namely structural unemployment. We know it to be a virulent and persistent type of unemployment which condemns millions of Americans to joblessness and privation, even during periods of national prosperity.

It is true that this legislation is being considered at a time when our economy appears to be recovering from a period of recession. But despite significant increases in the tempo of business activity and in the volume of total production, millions of workers continue to be unable to find employment.

Data by the U.S. Department of Labor indicates that during the month of July approximately 5,140,000 persons were unemployed. In addition, 3,200,000 individuals, although employed, worked only part time through no choice of their own.

They had a desire to work full time. They were working part time because full-time jobs were not available to them. For the eighth consecutive month the seasonally adjusted rate of unemployment—6.9 percent in July—was not significantly changed.

Perhaps the most important, and yet the most discouraging of all known facts is that the number of persons jobless for more than half a year continues to rise. In June, approximately 928,000 individuals had been unemployed continuously for 6 months or longer; in July that number had increased to 1,026,000.

There seems to be general agreement among those experts who have studied the problem that a substantial proportion of unemployment exists because idle workers do not have the skills necessary to enable them to qualify for available jobs. It is a fact, too, that these individuals do not have the financial resources to pay for whatever training they may need to equip themselves for different jobs. And even if they did, it would appear to be wasteful of money and effort for these persons to make unguided decisions concerning fields of endeavor in which to seek training.

Of course we know that a substantial number of those in the ranks of the unemployed never possessed any skills.

Certainly we know that automation and technological changes have made obsolete the skills of literally hundreds of thousands of Americans who desire to work. The same difficult problem is basic in both instances. The workers do not have any skills which are salable in 1961 under the type of economy that we have developed.

Unless persons in these categories acquire new skills the vast majority of them will remain jobless. The future of these individuals is extremely bleak unless constructive plans and programs are developed by which they can obtain the training and work experiences needed to acquire skills which will enable them to qualify for the types of jobs that are and will be available in our highly industrialized and ever-changing economy.

The pending proposal is designed to provide broad and integrated plans to help workers obtain the qualifications which will enable them to be self-supporting.

Madam President, the cost of unemployment cannot be measured solely by calculating the production lost to the Nation's economy because a given number of persons cannot find work, nor by totaling payments to the unemployed and their families, although these costs are high. A strong and prosperous country such as ours can afford these financial outlays, perhaps, but to do so without making affirmative efforts to solve the problem is to foster a shameful waste. Our country can and must become even stronger economically. We must attempt to make our jobless employable in places which fit their talents and, wherever possible, seek to help our unemployed broaden their skills; we must endeavor to place the absolute maximum number of our citizens in places of gainful employment in the United States.

Can we afford to see large numbers of our citizens doomed to economic failure, unable to share in the Nation's prosperity because they have not the opportunity to acquire skills which will permit them to share fully in the Nation's growth and well being of our people in general?

In my judgment, it is morally wrong and economically indefensible to tolerate these conditions. If we enact S. 1991 I believe we will have started a program which when fully developed will give a successful answer to the unemployment problem of this country.

Mr. PROUTY. Madam President, first I should like to express my appreciation to the chairman of the subcommittee for the courtesies he has extended to me and for reporting a bill which I believe is much better than the one originally introduced. My purpose in speaking today is twofold. First I wish to point out the need for the program in the proposed legislation, and also to justify an amendment which I shall offer later to reduce the program to a 2-year period instead of the 4-year period provided in the bill at the present time.

Madam President, there are today 5.1 million unemployed Americans. The seasonally adjusted rate of unemployment—6.9 percent in July—remained practically unchanged for the eighth straight month.

Unemployment rates for married men remain at high levels. There were 1.5 million married men without jobs in July 1961—4.2 percent of all such men in the labor force, as compared with 3.3 percent a year ago and 2.3 percent in 1957. In July 1961, about two-fifths of the jobless married men had been out of work for 15 weeks or longer.

PROBLEM OF LONG-TERM UNEMPLOYMENT

Long-term unemployment or continuous joblessness for half a year or more is one of the gravest parts of our present economic situation.

Long-term unemployment—15 weeks and over—was 1.6 million in July, nearly one-third of the jobless total. Among the long-term unemployed were 1 million persons who have been seeking work for more than half a year. This total was 600,000 more than a year ago and about equal to the postwar high reached in August 1958.

GROUPS HARD HIT BY LONG-TERM UNEMPLOYMENT

Among those with very prolonged spells of unemployment—27 weeks or longer—several groups stand out. Five may be noted in particular:

First. Men 45 years and over represented 30 percent of those out of work more than 6 months as compared with 25 percent of the civilian labor force.

Second. Semiskilled operatives, and unskilled nonfarm laborers made up about half of the very long-term unemployed in contrast to one-quarter of the civilian labor force. On the other hand, although white-collar workers constitute 40 percent of the labor force they make up only 18 percent of the long-term unemployed.

Third. Workers last employed in durable goods manufacturing represent only 13 percent of the labor force and yet they constitute 27 percent of the very long-term unemployed. The proportion of steel and auto workers out of work for 27 weeks or more was nearly four times their proportion in the labor force—11 percent as compared with 3 percent. Construction workers also represent a serious unemployment problem.

Fourth. Nonwhite workers accounted for 25 percent of the very long-term unemployed but they make up only 11 percent of the labor force.

Fifth. Persons with no previous work experience were 7½ percent of the very long-term unemployed although they represent only about 1 percent of the labor force. These are chiefly young workers seeking their first job.

These figures are a cold statistical profile of the problem of hard core unemployment that continues through good times and bad because the occupation may be dying, the skill no longer needed, the industry no longer competitive.

AUTOMATION

The story of America is filled with revolutionary changes in our industrial and economic life. Big problems follow in the wake of new industrial changes. It is one of these problems—the challenge of training men for a new industrial age—with which we are concerned today.

One of the forms of technological advancement that portends both good and evil is automation.

What is automation?

John Diebold, who coined the word "automation," has this to say, "when machines do a man's work, that's mechanization. When they do his work and control their own operations as well, that's automation.".

Placing emphasis on instrumentation, electronics, and other precision operations, automation seems destined to create many new technician positions.

The first half of the 20th century brought into our society mass production methods which reduced the need for unskilled manual labor and created a demand for semiskilled workers to feed or manipulate machines. Now electronic devices can perform such tasks with greater speed and greater accuracy.

AUTOMATION IN MANUFACTURING

Production workers in manufacturing industries have been the hardest hit by automation. From 1948 to 1959 manufacturing production showed an increase of 53 percent. Yet, during the same 11 years, factory production workers decreased from 12.7 to 12.2 million.

It should be noted that in the last few years the threat of employee displacement from automation or technological change has been the focal point of disagreement in most major labor disputes—including those in the meatpacking, steel, longshore, and railroad industries.

Although I have spoken here principally of industry, I do not disregard the effect of automation upon agriculture. The development of synthetic fertilizers and growth regulators and the mechanization of farms have resulted in nearly a doubling of production per man-hour in agriculture in the last 10 years. More and more food and fiber are being produced by fewer and fewer people each year.

As we make the shift from manual and semiskilled employment to highly skilled work we must take every precaution to do so without undue hardships.

Nothing would contribute more to the moral of workers than their being freed of necessary but monotonous repetitive operations.

As Dr. Vannevar Bush once said:

"We should hold as a great social gain industrial changes that abolish inherently dangerous, burdensome, or monotonous jobs and replace them with jobs having variety and judgment."

NEED FOR AN EFFECTIVE DEPARTMENT OF LABOR AND U.S. EMPLOYMENT SERVICE

Madam President, an Office of Automation and Manpower has been set up within the Department of Labor to examine unemployment by area, occupation, and industry and to keep track of present and anticipated technological changes. It will consider and develop:

"Education and guidance programs to allow workers who may be displaced by automation to find new employment, without suffering a long period of unemployment. It will develop proposals for both training and retraining, for both placement and replacement of workers coming into the new economy, and of those who must change their places within it."

Of course, the U.S. Employment Service has the major responsibility for matching the jobless man and the manless job. An effective service would hold a great deal of potential for the economy.

It is said that we can, by filling four million jobs 10 days faster on the average than they would otherwise be filled, contribute the equivalent of 160,000 additional full-time jobs to the economy, which means the indirect contribution of still another 250,000 jobs. The Department of Labor contends that it would take $2 billion of capital investment to have a comparable effect in terms of direct jobs alone.

A simple way of stating this situation would be to say that if we get a job to a man or a man to a job 1 day earlier than would normally be the case, we make the same contribution to our economic system as we would in investing $50 in a new plant.

We must have an effective U.S. Employment Service. When the Service fails, when workers and employers lose confidence in it, the job and the man are not matched, and unemployment and hardship result.

A study conducted for the Senate Special Committee on Unemployment Problems a little more than a year ago revealed that skilled people generally shun the Employment Service. The highly skilled professional and white collar fields generally look upon the Employment Service as a "last resort." As a result, only a mere dent has been made in placement of professional, technical, and higher skilled trades.

In its report on the employment and manpower training bill now before us, the Senate Committee on Labor and Public Welfare acknowledges the weaknesses of the State employment offices and, in effect, concedes that if these weaknesses are not corrected the large-scale program envisioned by the training bill will be unsuccessful.

I believe a part of our difficulty today stems from the fact that we need a better understanding of the character of hard-core unemployment.

During the course of Senate hearings, I asked Secretary of Labor Goldberg:

"Do we really know how many structurally unemployed there are? How specifically can we locate them geographically?"

Secretary Goldberg replied, in part:

"We have no precise measure of the number and geographic location of the structurally unemployed."

Pointing to the jobless problem among Negroes, I asked the Secretary of Labor:

"Do we know what percentage of the structurally unemployed are Negroes? How specifically can we locate them geographically?"

Secretary Goldberg responded:

"Detailed information on the distribution geographically of unemployed nonwhites is not available."

If the Federal Government is to set up programs to train the unemployed, we should at the very least be able to indentify these people in terms of age, sex, race, education, training skills, and geographical location.

S. 1991 : AN EXPERIMENT

Today funds are allotted to the States under the Federal Vocational Education Acts and Smith-Hughes and George-Barden Acts. Few States use these funds for the training of unemployed. By and large, the Federal money is used by schools with long established programs of vocational education for young people. It is for this reason that the Committee on Labor and Public Welfare reported a bill designed principally to provide the types of training needed by older workers who seek jobs.

During the 86th Congress, as a member of the Special Committee on Unemployment Problems, I recommended that a new program for the training and retraining of workers be established. I voted to report the pending proposed legislation, and I do not shrink from the conviction I held a year ago that a new training program is desirable at this time.

Madam President, I digress to say that I believe this is the first time since I became a member of the Committee on Labor and Public Welfare that the committee has reported a bill of this kind unanimously.

S. 1991, the manpower development and training bill, authorizes a 4-year program of training terminating on June 30, 1965. Ninety million dollars is authorized for fiscal 1962, $165 million for 1963, and $200 million for each of the 2 succeeding fiscal years.

Because of the lack of knowledge the Department of Labor possesses with respect to the characteristics of the unemployed and because we are instituting under the bill's provisions an entirely new training program for the structurally unemployed, I question the wisdom of setting up the program on a 4-year basis.

We are beginning an experiment; and as a Member of the Senate, I want to know whether it is going to succeed before we make it a long-term program.

During the course of committee consideration, I offered, and the committee accepted, an amendment which specifically requires the Secretary of Labor to develop information concerning:

First. The number and types of training and retraining activities conducted under the act;

Second. The number of unemployed persons who secure full-time employment in fields related to such training or retraining; and

Third. The nature of such employment.

When the Secretary of Labor furnishes to Congress a year from now the information required by this provision, we will know what contribution the manpower and training bill has made to the unemployment and skilled shortage problems.

The Senate should have no part of any endeavor which builds up false hopes only later to dash them to the ground.

All training programs have not been successful. One of the most publicized was the program set up by the union and management at Armour & Co. after the closing of a meatpacking plant in Oklahoma City.

Armour's automation committee, consisting of company and union representatives, offered to finance the major part of training expenses for workers who could show an aptitude for a new job and who could demonstrate a reasonable chance of getting a new job if retrained. The Oklahoma Employment Service was called in to give aptitude tests and to furnish a group of personnel experts.

According to Sylvia Porter, these are the results of the experiment:

"Of the 400 laid off at the Oklahoma City plant only 170 accepted the offer to be tested for retraining. Most of these had no jobs and no apparent prospects of jobs.

Of the remaining 230, some had obtained new jobs but the majority simply didn't care about going to school to learn new skills.

Of the 170 tested, the Oklahoma Employment Service found only 60 who showed the necessary aptitudes.

Of the balance—a majority of 65 percent—most just didn't have the basic intelligence or education to benefit from training and their best chance for employment, the Oklahoma Employment Service told them, was as common laborers.

Of the 60 who were found likely to benefit from retraining, 58 took advantage of the retraining offer and enrolled in a wide variety of courses ranging from typing to welding to real-estate procedures."

Miss Porter pointed out that while a few of the employees who were retrained obtained jobs in the fields of their choice, the overall results were far from satisfactory. She brought sharply to focus the plight of others who had gone through the training program:

"Many, though, haven't been able to get work in the new fields and instead are working as janitors or in similar occupations at pay far below what they were receiving from Armour. Still others remain unemployed because there aren't enough jobs to go around in Oklahoma City."

The Armour experience is ample evidence of what can happen if we do not proceed with the utmost caution. The Armour committee tried to undertake the task of fitting a group of unemployed workers with skills for which there was little demand. James Wishart, research director of the Amalgamated Meatcutters, and a member of the Armour automation fund committee, spotlighted one of the key problems, saying:

"Retraining for what? On a loose labor market you are just raising the educational level of the unemployed."

Samuel Lubell, nationally known political scientist and pollster, recently made a tour of nine cities in which he talked with unemployed workers about the bill to reduce hardcore unemployment by giving workers training. After his trip, Mr. Lubell concluded:

"Some tough human and economic problems will have to be overcome if President Kennedy's proposal to retrain jobless workers is to succeed."

Mr. Lubell contends that most of the hardcore unemployed do not wish to be retrained. This is particularly true, he said, of those who have some seniority with their old companies. He quotes an older worker as saying:

"If I went to work for a new company I'd always be the first one fired. This way, if I can hold on long enough, I'll get enough seniority to work steady."

Mr. Lubell cited examples of persons who wasted time and money retraining for jobs that did not exist. One 27-year-old worker told Mr. Lubell of the failure of his own retraining effort, in these words:

"Last year I took $160 of my savings and enrolled in a night course in handling IBM cards. When I finished the course it turned out the tire companies were shifting from IBM cards to computers. Everything I was taught was worthless."

In a speech in the House of Representatives on July 10, Representative Curtis of Missouri spoke about the Holland subcommittee hearings which he contends have brought out the inadequate performance of the Department of Labor and the Department of Health, Education, and Welfare in carrying out functions in the areas of training and retraining that have been their responsibility for years. I quote from his statement:

"The two Departments have not been performing or coordinating their responsibilities—the one, for identifying, classifying, and providing word descriptions for the new skills that our dynamic economy is constantly creating, as well as the jobs that it is making obsolete; the other, for utilizing this data and assisting the vocational educational programs throughout our society to gear themselves to this rapid and ever-changing incident of progress."

No Member of Congress wishes to send to school a man with obsolete skills, simply to have him, at the expenditure of the taxpayers' money, acquire another set of obsolete skills.

It has been said that 25 percent of the long-term unemployed are on the edge of illiteracy. Mr. Lubell refers to these persons as misfits in a technological society.

In his testimony before the Employment and Manpower Subcommittee, Mr. J. T. Hammond, chairman of the Michigan Employment Security Commission, stated:

"Unfortunately, while the employability of workers would undoubtedly be improved by retraining, there simply are not enough job opportunities to make an appreciable reduction in the number who would be reemployed after being retrained."

Mr. Hammond pointed out at the subcommittee hearing that retraining would do little for the more than 20,000 unemployed in Michigan who had not completed grade school, or for the 33,000 more who had not had any education beyond grade school, or for the 51,000 others who had started, but not completed, high school.

We are undertaking a large-scale program which I hope will enable many Americans to find remunerative and useful employment. The dollar investment we shall be making will not be small, by any means; and we have to face the cold, hard facts I have attempted to bring to light.

Madam President, it may well turn out that the problem of upgrading the skills of the labor force is going to bring much more of a challenge as a result of the new technology than will the problem of displacement and unemployment. The new technology for defense and industry is going to require a higher order of skills than workmen have ever known.

I am very pleased that the Senate is addressing itself to the national manpower problem; but in view of the many uncertainties I have cited, I urge that we build slowly, but surely, a sound training and retraining program for the future.

I shall, therefore, offer an amendment which will make the training and retraining activities a 2-year program, rather than a 4-year program.

The situation we are in at this moment calls to mind a story which Under Secretary of Labor Willard Wirtz tells of three stonemasons of Charters who were asked by a passerby what they were doing. The first answered that he was cutting stones; and the second that he was making a living; but the third replied, with a smile of quiet satisfaction: "I am building a temple."

I do not advocate that we take the nearsighted view; but I do suggest that before we contemplate building a cathedral, we must have a solid foundation.

The people who will enter the working population in the sixties have already been born, but many of the jobs they will obtain have not yet been created. Indeed, many of the skills of 10, 8, or even 2 years hence are not even known today. Let us have a 2-year program. Let us study the results and be prepared to accept whatever adjustments in our thinking later facts may require.

We are on the threshold of a new and different industrial age. By 1970 the labor force will increase from 73.6 million to 87.1 million. This jump in the number of workers will be by far the largest for any 10-year period in our history.

As we face the new age and the new challenges, we must recognize that research, engineering, and—yes—craft skills will be essential, not only to our prosperity, but also to our survival.

I urge the adoption of the pending measure with the amendment I have suggested and one or two others which I shall submit at a later time.

Mr. McNamara. Mr. President, I suggest the absence of a quorum.

The Presiding Officer. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. Clark. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The Presiding Officer. Without objection, it is so ordered.

Mr. McNamara. Mr. President, I send to the desk an amendment, which I offer and ask to have read.

The Presiding Officer. The amendment offered by the Senator from Michigan will be stated.

The Legislative Clerk. It is proposed, on page 25, line 8, to strike out the period, and insert a colon and the following:

"*Provided, however,* That in any week an individual who, but for his training, would be entitled to unemployment compensation in excess of such allowance, shall receive an allowance increased by the amount of such excess."

Mr. McNamara. Mr. President, the purpose of the amendment is to correct what appears to be an inequity, or perhaps an oversight, in the presentation of the bill dealing with unemployment compensation for trainees. It provides, in some instances at least, that trainees would receive less for participating in the program than they would on unemployment relief. Therefore, I hope the amendment will be adopted. I hope it will be satisfactory to the chairman of the subcommittee who is handling the bill on the floor

Mr. Clark. Mr. President, will the Senator yield?

Mr. McNamara. I yield.

Mr. Clark. The Senator from Michigan is correct. It is an oversight. I am happy that he has offered the amendment. He is a member of the subcommittee, and also the full committee, and is fully cognizant of our problems.

As he has said, the bill as presently drawn, through an oversight, might result in a person being penalized by taking training, because he would receive less while in training than he would if he stayed on unemployment compensation payments. Since we want to provide an incentive for workers to take training under the program, rather than a discouragement, I think the amendment is in order, and I am happy to accept it in behalf of the committee.

The Presiding Officer (Mr. Burdick in the chair). The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. Clark. Mr. President, I suggest the absence of a quorum.

The Presiding Officer. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. Clark. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The Presiding Officer. Without objection, it is so ordered.

Mr. Prouty. Mr. President, I send an amendment to the desk, which I offer and ask to have stated.

The Presiding Officer. The amendment offered by the Senator from Vermont will be stated.

The Legislative Clerk. It is proposed, on page 27, in line 5, to strike out the words "six months" and insert in lieu thereof the words "one year".

Mr. PROUTY. Mr. President, this amendment would prohibit an individual who refuses to accept retraining from receiving training allowances for 1 year after such refusal.

The language of the bill contains a loophole which would be closed by the adoption of my amendment.

Under the present language of the bill, a person refusing retraining could not receive training allowances for a period of 6 months following such refusal.

However, in most circumstances, a person refusing training would be drawing unemployment compensation and the 6-month limitation could be satisfied while the individual was receiving unemployment compensation benefits. Thus, in most cases, the penalty for refusing training would be meaningless.

By substituting "one year" for "six months", my amendment would prohibit for 1 year training allowances being paid to an individual who had refused training following such refusal, so as not to allow the period during which unemployment compensation benefits are received to completely satisfy the prohibition on receiving training allowances.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. CLARK. While I am satisfied that the 6 months' penalty period as presently contained in the bill is really adequate for all practical purposes, nonetheless I concede that the Senator from Vermont is making a point, and I am happy, on behalf of the committee, to accept the amendment.

Mr. PROUTY. I am very grateful to the Senator from Pennsylvania.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. PROUTY. Mr. President, I have another amendment, which I offer and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Vermont will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 25, line 13, to strike out the period and insert in lieu thereof the following:

"*Provided*, That in no event shall the payment to such an individual, when added to the amount received from the employer, bring the total to more than the average weekly unemployment compensation payment referred to above."

Mr. PROUTY. Mr. President, this amendment would add a proviso to section 203(a), with respect to individuals undergoing on-the-job training.

The purpose of this amendment is to limit the training allowance paid to an individual undergoing on-the-job training to an amount, which, when added to the payment from the employer, will not exceed the average weekly unemployment compensation payment.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. CLARK. A few moments ago, while the Senator was temporarily out of the Chamber, the Senator from Michigan [Mr. MCNAMARA] pointed out that the bill as presently written, on page 25, refers to payments which shall be measured by the average weekly unemployment compensation payment in the State. The phrase "average weekly unemployment compensation" is on lines 4 and 5. The Senator from Michigan pointed out that this might do an injustice to workers seeking retraining whose unemployment compensation payments were higher than the average, and might thus act as a deterrent rather than an incentive for taking training courses.

Accordingly, an amendment was adopted which provides that in any week an individual who, but for his training, would be entitled to unemployment compensation in excess of such allowance, shall receive an allowance increased by the amount of such excess.

The same phrase "average weekly unemployment compensation payment" appears in the proviso which the Senator has proposed as an amendment. I have no objection to his proposal, which I think is entirely in order. I am willing to accept it, but I ask the Senator to agree with me that staff representatives may confer to be sure that the use of that phrase in the Senator's amendment will not destroy the amendment previously adopted, sponsored by the Senator from Michigan.

Mr. PROUTY. I shall be happy to accede to the Senator's wish. I certainly do not desire to upset what has been done.

Mr. CLARK. Under those circumstances, I am happy to accept the amendment of the Senator from Vermont.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont.

The amendment was agreed to.

Mr. PROUTY. Mr. President, on the question of agreeing to this amendment, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr METCALF in the chair). Is there a sufficient second?

The yeas and nays were ordered.

Mr. PROUTY. Mr. President, for the benefit of Senators who now are on the floor, let me say I shall speak very, very briefly on this amendment.

Under the provisions of the bill as it now stands, the Secretary of Labor could use the entire $655 million for the payment of the equivalent of unemployment compensation to youths between ages 16 and 22 who, perhaps in many cases, never have worked a day in their lives. This is possible even though the bill is ostensibly directed to affording this quasi-unemployment compensation to the heads of families who have been in the labor market or have been part of the labor force for 3 years. But as I have said, the Secretary of Labor could, because of a loophole, spend—if he saw fit to do so—the entire amount on the youth programs. These young people will be entitled, under the provisions of the bill, to vocational training and other types of training. This is all right. But I do not believe they are entitled to receive unemployment compensation while they are taking such training courses. I feel very strongly that this unwise grant of authority should be eliminated.

It should be noted that the committee has already reported a bill relative to the Youth Conservation Corps, which contemplates an expenditure of $4,000 a year per man; and the committee has included provisions for another training program which will equip young persons to be game wardens, janitors, and so forth, for public agencies. These young people will receive their training at considerable expense to the taxpayers.

How many more youth training programs do we need at the present time?

Under my amendment, people between 16 and 22 years of age will be entitled to receive vocational education and on the job training, but they will not be entitled to receive compensation for taking the training.

That, in brief, is the essence of my amendment; and I hope very much that it will be adopted.

Mr. CLARK. Mr. President, I should like to read to the Senate a letter in connection with this matter, directed to me by the Secretary of Labor, and received by me late yesterday afternoon. The letter is dated August 22, and reads as follows:

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 22, 1961.

Hon. JOSEPH S. CLARK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CLARK: In response to your request, I am happy to explain my intentions with respect to exercise of the authority vested in me by section 203(c) of S. 1991, to provide training allowances for youths.

As you know, this authorization is limited to instances in which the "Secretary of Labor finds such training allowances are necessary to provide occupational training for youths". Otherwise the allowances are "limited to unemployed persons who have had not less than 3 years of experience in gainful employment and who are heads of families."

It is my firm conviction that priority and emphasis must be accorded the experienced unemployed heads of families. Their needs demand our attention and are the underlying reason for this legislation. It is in their own and the national interest that they be assisted to acquire new or improved skills which will enable them to obtain gainful employment.

However, some youths also need and deserve our assistance in acquiring skills which will permit them to take their rightful places in our labor force. It is for their special needs that the authority to provide training allowances where necessary, is contained in the bill.

I do not anticipate the need to expend much of the authorized funds for training allowances for youths. Careful review of the needs and the resources leads me to conclude that less than 5 percent of the total funds authorized for carrying out the purposes of this bill would be required for training allowances for youths. In administering the bill, I woud not expend more than this sum for this purpose.

I hope that this information will be helpful to you in considering this legislation.

Cordially,

ARTHUR J. GOLDBERG.

I should like to ask the Senator from Vermont a question: In view of that letter from the Secretary of Labor, will the Senator from Vermont be willing to withdraw his amendment, and to rely on the legislative history we are now making, to the effect that it is the intention of the Senate that the Secretary of Labor be closely held to the letter which I have now read into the Record, and that it is the feeling of the Senator in charge of the bill on the floor and is also the feeling of the Senator from Vermont (Mr. PROUTY), a member of the subcommittee and a member of the full committee, who is proposing this amendment, that we wish these payments to youths to be held down, and in no event to be more than 5 percent of the total amount appropriated?

I hope the Senator from Vermont will be willing to accept the assurance from the Secretary of Labor and from the Senator from Pennsylvania—namely, that we do not intend to have a large part of the money to be made available go for training allowances for youths.

Mr. PROUTY. Mr. President, I should like very much to go along with the suggestion of the Senator from Pennsylvania. But it seems to me that to do so would be to establish a very dangerous precedent—if we began to pay unemployment compensation, which is what it really would be, to persons who have never worked and are not entitled to receive unemployment compensation.

My amendment will do nothing to prevent occupational training of these young people. I want them to have it, and I think they should have it.

But I do not think they should be treated in the same way as the head of a family who has been a member of the labor force, and is entitled to receive compensation, while he upgrades his skill. I regard the proposal in that part of the bill as very dangerous. So I do not think I can accept the suggestion of the Senator from Pennsylvania.

Mr. Clark. Let me say that, as the Senator from Vermont knows, the testimony showed in ample detail the desperate plight of thousands of young men and young women who have dropped out of school, and do not have employable skills. They have no place to which to turn, and they cannot obtain employment, and they are on the streets, and all too frequently some of them are participating in acts of juvenile delinquency.

Surely the Senator from Vermont will agree that many of these young people must, if they are to be trained in adequate skills, leave their home communities, because of the fact that in or near their home communities there is no means of giving them such training. The Senator from Vermont will recall that in the testimony in regard to Pennsylvania there was reference to the training school at Williamsport, Pa. It is a very good school, as I am sure all will agree. That facility is in central Pennsylvania, and it is an important school in Pennsylvania for training in skills which many young persons, and also many older persons, would like to have made available to them. Therefore, those in Pennsylvania who wished to receive such training would have to go to Williamsport. It seems to me that, at the very least, the Secretary should have discretion—if such persons have no way to get to Williamsport, or have no way to support themselves, once they get there—to provide a modest training allowance.

Mr. Prouty. Mr. President, I think the Senator from Pennsylvania is exaggerating the situation. I think in most of the places where these young people are located, there are high schools or other facilities which would be available for the training of these young people.

I feel very strongly about this particular feature of the bill, and I certainly could not go along with the Senator's thinking on it.

Mr. Clark. I wonder if the Senator would be willing to accept a substitute to the amendment which would restrict the funds to no more than 5 percent of the amounts appropriated, which is a relatively small amount, in view of the total amount provided, so the Secretary of Labor would have some flexibility in dealing with this serious problem?

Mr. Prouty. No; I do not think I could agree to that. If it were 1 or 2 percent, I might.

Mr. Clark. Mr. President, I offer a substitute to the amendment proposed by the Senator from Vermont, which, starting as does his amendment, on page 26, line 6, would substitute for the Senator's amendment the following words: "(c) Except where the Secretary of Labor finds such training allowances are necessary to provide occupational training for youths over sixteen but under twenty-two years of age, and only to the extent of 5 percent of the total allowances under this section"—and then proceedings as in the bill at the present time.

The Presiding Officer. The amendment offered by the Senator from Pennsylvania as a substitute for the amendment of the Senator from Vermont will be stated.

The Legislative Clerk. It is proposed, beginning on page 26, line 6, to insert the following language:

"Except where the Secretary of Labor finds such training allowances are necessary to provide occupational training for youths over sixteen but under twenty-two years of age, and only to the extent of 5 percent of the total allowances under this section, such weekly training allowances shall be limited to unemployed persons who have had not less than three years of experience in gainful employment and who are heads of families or heads of households as defined in the Internal Revenue Code."

Mr. Clark. Mr. President, I should like to say a word in support of my substitute amendment, and then I shall be ready for a vote. It goes as far as the Secretary of Labor is willing to go, and puts into statutory form his assurance, as contained in his letter, that he does not expect to spend substantial sums of money in this regard, and is willing to limit it to 5 percent of the total authorization. I think it is a substantial solution to the problems raised by the Senator from Vermont. I respect him for raising it. I think large sums of money should not be used for this purpose. I think we should support the Secretary of Labor. I urge the adoption of my substitute for the Prouty amendment.

I ask for the yeas and nays on my substitute to the Prouty amendment.

The yeas and nays were ordered.

Mr. Prouty. Mr. President, I think a real concession has been made, and I am happy we have accomplished at least that much, but I think we should go still further. I think the provision should be stricken from the bill entirely.

We must remember that the so-called Youth Conservation Corps program may go into effect next year, not with my support, but a majority of the Congress may see fit to approve it. That bill involves a good many thousands of young people. Also, many young people undoubtedly will be called into the Armed Forces as a result of the buildup in our military strength.

Mr. Prouty. Mr. President, may I point out that if the substitute offered by the distinguished Senator from Pennsylvania prevails, a 16-year-old boy could receive an average of $32 a week for 52 weeks while he was going to school, perhaps in his own community, where most of the applicants would be taken care of.

I think we should also recognize that this program will not be subject to review for another year, at least, on any important feature, and we might as well postpone grandiose plans until we find out where we are going. I think if the Clark substitute is rejected and if my amendment is agreed to, it will not adversely affect the program.

During the course of a 2-year period we can examine the question of subsistence and then make judgments. I think the judgments should be those of Congress rather than the Secretary of Labor, because I think a great many unfortunate things could creep into an arrangement of that nature. I hope the Clark substitute will be rejected and that my amendment will prevail.

The Presiding Officer. The question is on agreeing to the amendment offered by the Senator from Pennsylvania [Mr. Clark] to the amendment offered by the Senator from Vermont [Mr. Prouty]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The result was announced—yeas 53, nays 39, as follows:

[No. 164]

YEAS—53

Anderson, Bartlett, Beall, Bible, Burdick, Byrd, W. Va., Hartke, Hayden, Hickey, Hill, Holland, Humphrey, Jackson, Javits, Johnston, Kefauver, Kerr, Long, Hawaii.

Cannon, Carroll, Case, N.J., Church, Clark, Douglas, Long, La., Magnuson Mansfield, McCarthy, McGee, McNamara, Metcalf, Morse, Moss, Muskie, Neuberger, Pastore.

Eastland, Engle, Fulbright, Gore, Gruening, Hart, Pell, Proxmire, Randolph, Smathers, Smith, Mass., Sparkman, Stennis, Symington, Williams, N.J., Yarborough, Young, Ohio.

NAYS—39

Aiken, Allott, Bennett, Boggs, Bush, Butler, Byrd, Va., Capehart, Case, S. Dak., Cotton, Curtis, Dirksen, Dworshak.

Ellender, Ervin, Fong, Hickenlooper, Hruska, Jordan, Keating, Kuchel, Lausche, McClellan, Miller, Morton, Mundt.

Prouty, Robertson, Russell, Saltonstall, Schoeppel, Scott, Smith, Maine, Talmadge, Thurmond, Tower, Wiley, Williams, Del., Young, N. Dak.

NOT VOTING—8

Bridges, Carlson, Chavez, Cooper, Dodd, Goldwater, Long, Mo., Monroney.

The Acting President pro tempore. The bill has been read the third time. The question now is, Shall the bill pass?

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 60, nays 31, as follows:

[No. 165]

YEAS—60

Aiken, Anderson, Bartlett, Beall, Bible, Boggs, Burdick, Bush, Byrd, W. Va., Capehart, Carroll, Case, N.J., Church, Clark, Cooper, Douglas, Engle, Fong, Gore, Hart.

Hartke, Hayden, Hickey, Hill, Humphrey, Jackson, Javits, Johnston, Keating, Kefauver, Kerr, Kuchel, Long, Hawaii, Long, La., Magnuson, Mansfield, McCarthy, McGee, McNamara, Metcalf.

Morse, Morton, Moss, Muskie, Neuberger, Pastore, Pell, Prouty, Proxmire, Randolph, Scott, Smith, Mass., Smith, Maine, Sparkman, Symington, Talmadge, Wiley, Williams, N.J., Yarborough, Young, Ohio.

NAYS—31

Allott, Bennett, Butler, Byrd, Va., Case, S. Dak., Cotton, Curtis, Dirksen, Dworshak, Eastland, Ellender.

Ervin, Fulbright, Hickenlooper, Holland, Hruska, Jordan, Lausche, McClellan, Miller, Mundt, Robertson.

Russell, Saltonstall, Schoeppel, Smathers, Stennis, Thurmond, Tower, Williams, Del., Young, N. Dak.

NOT VOTING—9

Bridges, Cannon, Carlson, Chavez, Dodd, Goldwater, Gruening, Long, Mo., Monroney.

So the bill (S. 1991) was passed.

The title was amended, so as to read: "A bill relating to manpower requirements, resources, development, and utilization, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled, That this Act may be cited as the "Manpower Development and Training Act of 1961".

TITLE I—MANPOWER REQUIREMENTS, DEVELOPMENT, AND UTILIZATION

Statement of findings and purpose

Sec. 102. The Congress finds that there is critical need for more and better trained personnel in many vital occupational categories, including professional, scientific, technical, and apprenticeable categories; that even in periods of high unemployment, many employment opportunities remain unfilled because of the shortages of qualified personnel; and that it is in the national interest that current and prospective manpower shortages be identified and that persons who can be qualified for these positions through education and training be sought out and trained, in order that the Nation may meet the staffing requirements of the struggle for freedom. The Congress further finds that the skills of many persons have been rendered obsolete by dislocations in the economy arising from automation or other technological developments, foreign competition, relocation of industry, shifts in market demands, and other changes in the structure of the economy; that Government leadership is necessary to insure that the benefits of automation do not become burdens of widespread unemployment; that the problem of assuring sufficient employment opportunities will be compounded by the extraordinarily rapid growth of the labor force in the next decade, particularly by the entrance of young people into the labor force, that improved planning and expanded efforts will be required to assure that men, women, and young people will be trained and available to meet shifting employment needs; that many persons now unemployed or underemployed, in order to become qualified for reemployment or full employment must be provided with skills which are or will be in demand in the labor market; that the skills of many persons now employed are inadequate to enable them to make their maximum contribution to the Nation's economy; and that it is in the national interest that the opportunity to acquire new skills be afforded to these people in order to alleviate the hardships of unemployment, reduce the costs of unemployment compensation and public assistance, and to increase the Nation's productivity and its capacity to meet the requirements of the space age. It is therefore the purpose of this Act to require the Federal Government to appraise the manpower requirements and resources of the Nation, develop and apply the information and methods needed to deal with the problems of unemployment resulting from automation and technological changes and other types of persistent unemployment.

Evaluation, information, and research

SEC. 103. To assist the Nation in accomplishing the objectives of technological progress while avoiding or minimizing individual hardship and widespread unemployment, the Secretary of Labor shall—

(1) evaluate the impact of, and benefits and problems created by automation, technological progress, and other changes in the structure of production and demand on the use of the Nation's human resources; establish techniques and methods for detecting in advance the potential impact of such developments; develop solutions to these problems, and publish findings pertaining thereto;

(2) establish a pogram of factual studies of practices of employers and unions which tend to affect mobility of workers, including but not limited to early retirement and vesting provisions and practices under private compensation plans; the extension of health, welfare, and insurance benefits to laid-off workers; the operation of severance plans; and the use of extended leave plans for education and training purposes;

(3) appraise the adequacy of the Nation's manpower development efforts to meet foreseeable manpower needs and recommend needed adjustments, including methods for promoting the most effective occupational utilization of and providing useful work experience and training opportunities for untrained and inexperienced youth;

(4) promote, encourage, or directly engage in programs of information and communication concerning manpower requirements, development, and utilization, including prevention and amelioration of undesirable manpower effects from automation and other technological developments and improvement of the mobility of workers; and

(5) arrange for the conduct of such research and investigations as give promise of furthering the objectives of this Act.

Skill and training requirements

SEC. 104. The Secretary of Labor shall develop, compile, and make available information regarding skill requirements, occupational outlook, job opportunities, labor supply in various skills, training activities, and employment trends on a National State, or area or other appropriate basis which shall be used in determining the educational, training, counseling, and placement activities performed under this Act.

Manpower report

SEC. 105. The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to manpower requirements, resources, use, and training; and the President shall transmit to the Congress within sixty days after the beginning of each regular session (commencing with the year 1962) a report pertaining to manpower requirements, resources, utilization, and training.

TITLE II—TRAINING AND SKILL DEVELOPMENT PROGRAMS

Part A—Duties of the Secretary of Labor
General Responsibility

SEC. 201. In carrying out the purposes of this Act, the Secretary of Labor shall determine the skill requirements of the economy, develop policies for the adequate occupational development and maximum utilization of the skills of the Nation's workers, promote and encourage the development of broad and diversified training and retraining programs, including on-the-job training designed to qualify for employment the many persons who cannot reasonably be expected to secure full-time employment without such training, and to equip the Nation's workers with the new and improved skills that are or will be required.

Selection of Trainees

SEC. 202. (a) The Secretary of Labor shall provide a program for testing, counseling, and selecting for occupational training those unemployed or underemployed persons who cannot reasonably be expected to secure appropriate fulltime employment without training. Whenever appropriate the Secretary shall provide a special program for the testing, counseling and selection of youths, sixteen years or older, for occupational training and further schooling. Workers in farm families with less than $1,200 annual net family income shall be considered unemployed for the purpose of this Act.

(b) Although priority in referral for training shall be extended to unemployed persons, the Secretary of Labor shall also refer other persons qualified for training or retraining programs which will enable them to acquire needed skills. Priority in referral for training shall also be extended to persons to be trained for skills needed within the State of their residence.

(c) The Secretary of Labor shall determine the occupational training or retraining needs of referred persons, provide for their orderly selection and referral for training under this Act, and provide placement services to persons who have completed their training, as well as follow-up studies to determine whether the programs provided meet the occupational training needs of the persons referred.

Weekly Training Allowances

SEC. 203. (a) The Secretary of Labor may, on behalf of the United States, enter into agreements with States under which the Secretary of Labor shall make payments to such States either in advance or by way of reimbursement for the purpose of enabling such States to make payment of weekly Federal training allowances to individuals selected for training pursuant to the provisions of section 202 and undergoing such training. Such payments shall be made for a period not exceeding fifty-two weeks, and the amount of any such payment in any week for individuals undergoing training, including uncompensated employer-provided training, shall not exceed the amount of the average weekly unemployment compensation payment (including allowances for dependents) for a week of total unemployment in the State making such payments during the most recent quarter for which such data are available: *Provided however,* That in any week an individual who, but for his training, would be entitled to unemployment compensation in excess of such allowance, shall receive an allowance increased by the amount of such excess.

For individuals undergoing on-the-job training and amount of any payment by the Secretary of Labor under this section shall be reduced by a proportion equal to the ratio that the number of compensated hours per week bears to forty hours: *Provided,* That in no event shall the payment to such an individual, when added to the amount received from the employer, bring the total to more than the average weekly unemployment compensation payment referred to above.

(b) Such weekly training allowances may be supplemented by such sums as may be determined by the Secretary of Labor to be necessary to defray transportation and subsistence expenses for separate maintenance of individuals engaged in training under this title including compensated full-time on-the-job training, when such training is provided in facilities which are not within commuting distance of their regular place of residence: *Provided,* That the Secretary in defraying such subsistence expenses shall not afford any individual an allowance exceeding the rate of $35 per week; nor shall the Secretary authorize any transportation expenditure exceeding the rate of 10 cents per mile: *And provided further,* That where due to the unusual circumstances the maximum per diem allowance would be more than the amount required to meet the actual and necessary expenses the Secretary may prescribe conditions under which reimbursement for such expenses may be authorized on an actual expense basis.

(c) Except where the Secretary of Labor finds such training allowances are necessary to provide occupational training for youths over sixteen but under twenty-two years of age, and only to the extent of 5 per centum of the total allowances under this section, such training allowances shall be limited to unemployed persons who have had not less than three years of experience in gainful employment and who are heads of families or heads of households as defined in the Internal Revenue Code.

(d) After June 30, 1963, any amount paid to a State for training allowances under this section shall be paid on condition that such State shall bear 50 per centum of the amount of such allowances.

(e) No training allowance shall be made to any person otherwise eligible who, with respect to the week for which such payment would be made, has received or is seeking unemployment compensation under title XV of the Social Security Act or any other Federal or State unemployment compensation law, but if the appropriate State or Federal agency finally determines that a person denied training allowances for any week because of this subsection was not entitled to unemployment compensation under title XV of the Social Security Act of such Federal or State law with respect to such week, this subsection shall not apply with respect to such week.

(f) A person who refuses, without good cause, to accept training under this Act shall not, for one year thereafter, be entitled to training allowances.

(g) Any agreement under this section may contain such provisions (including, as far as may be appropriate, provisions authorized or made applicable with respect to agreements concluded by the Secretary of Labor pursuant to title XV of the Social Security Act) as will promote effective administration, protect the United States against loss and insure the proper application of payments made to the State under such agreement. Except as may be provided in such agreements, or in regulations by any duly designated officer or agency as to the eligibility of individuals for weekly Federal training allowances under this section shall be final and conclusive for any purposes and not subject to review by any court or any other officer.

On-the-Job Training

SEC. 204. (a) The Secretary of Labor shall develop, and shall secure the adoption of programs for on-the-job training needed to equip individuals selected for training with the appropriate skills, including wherever appropriate special programs for youths over sixteen years of age. The Secretary shall, to the maximum extent possible, secure the adoption of programs by private and public agencies, employers, trade associations, labor organizations and other industrial and community groups which he determines are qualified to conduct effective on-the-job training programs.

(b) The Secretary of Labor shall cooperate with the Secretary of Health, Education, and Welfare in coordinating on-the-job training programs with vocational educational programs conducted pursuant to the provisions of this title.

(c) In adopting or approving any training program under this part, and as a condition to the expenditure of funds for any such program, the Secretary shall make such arrangements as he deems necessary to insure adherence to appropriate training standards, including assurances—

(1) that wages paid to trainees are not less than those customarily paid in the training establishment and in the community to learners on the same job; and

(2) that adequate and safe facilities, personnel, and records of attendance and progress are provided.

(d) Where on-the-job training programs under this part require supplementary classroom instruction, appropriate arrangements for such instruction shall be agreed to by the Secretary of Health, Education, and Welfare and the Secretary of Labor.

National Advisory Committee

SEC. 205. (a) The Secretary shall appoint a National Advisory Committee which shall consist of ten members and shall be composed of representatives of labor, management, agriculture, education, and training, and the public in general. From the members appointed to such Committee the Secretary shall designate a Chairman. Such Committee, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary relative to the carrying out of his duties under this Act. Such Committee shall hold not less than two meetings during each calendar year.

(b) The National Advisory Committee shall encourage and assist in the organization on a plant, community, regional, or industry basis of labor-management-public committees and similar groups designed to further the purposes of this Act and may provide assistance to such groups, as well as existing groups organized for similar purposes, in effectuating such purposes.

(c) The National Advisory Committee may accept gifts or bequests, either for carrying out specific programs or for its general activities or for its responsibilities under subsection (b) of this section.

Reports on Operation of Training Programs

SEC. 206. The Secretary shall develop, compile and make available information concerning—

(1) the number and types of training and retraining activities conducted under this Act;

(2) the number of unemployed persons who have secured full-time employment in fields related to such training or retraining; and

(3) the nature of such employment.

State Agreements

SEC. 207. (a) The Secretary of Labor is authorized to enter into an agreement with a State, or with the appropriate agency of the State, pursuant to which the Secretary of Labor may, for the purpose of carrying out his functions and duties under this title, utilize the services of the appropriate State agency and, notwithstanding any other provision of law, may reimburse such State or appropriate agency for services rendered for such purposes.

(b) Any agreement under this section may contain such provisions as will promote effective administration, protect the United States against loss and insure that the functions and duties to be carried out by the appropriate State agency are performed in a satisfactory manner.

Rules and Regulations

SEC. 208. The Secretary of Labor shall prescribe such rules and regulations as he may deem necessary and appropriate to carry out the provisions of this part.

Part B—Duties of the Secretary of Health, Education, and Welfare

General Responsibility

SEC. 231. The Secretary of Health, Education, and Welfare shall, pursuant to the provisions of this title, enter into agreements with States under which the appropriate State vocational education agencies will undertake to provide training or retraining needed to equip individuals referred to the Secretary of Health, Education, and Welfare by the Secretary of Labor pursuant to section 202, for the occupations specified in the referrals. Such state agencies shall provide for such training or retraining through public education agencies or institutions or, if facilities or services of such agencies or institutions are not adequate for the purpose, through arrangements with private educational or training institutions. Any such agreement shall provide for payment to such State agency of 100 per centum of the cost to the State of carrying out the agreement with respect to unemployed individuals, and 50 per centum of the cost with respect to other individuals referred under this Act, and shall contain such other provisions as will promote effective administration (including provision for reports on the attendance and performance of trainees and provision for continuous supervision of the training programs conducted under the agreement to insure the quality and adequacy of the training provided), protect the United States against loss, and assure that the functions and duties to be carried out by such State agency are performed in such fashion as will carry out the purposes of this title: *Provided,* That after June 30, 1963, any amount paid to a State to carry out an agreement authorized by this part shall be paid on condition that such State shall bear 50 per centum of such cost. In the case of any State which does not enter into an agreement under this section, and in the case of any training which the State agency does not provide under such an agreement, the Secretary of Health, Education, and Welfare may provide the needed training by agreement or contract with public or private educational or training institutions.

Rules and Regulations

SEC. 232. The Secretary of Health, Education, and Welfare may prescribe such rules and regulations as he may deem necessary and appropriate to carry out the provisions of this part.

TITLE III—MISCELLANEOUS

Apportionment of benefits

SEC. 301. For the purpose of effecting an equitable apportionment of Federal expenditures among the States in carrying out the programs authorized under title II of this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare shall make such apportionment in accordance with uniform standards and in arriving at such standards shall consider only the following factors: (1) the proportion which the labor force of a State bears to the total labor force of the United States, (2) the proportion which the unemployed in a State during the preceding calendar year bears to the total number of unemployed in the United States in the preceding calendar year, (3) the amount of underemployment in the State, (4) the proportion which the insured unemployment within a State bears to the total number of insured employed within such State. For this purpose, the word "State" shall be defined to include the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

Maintenance of State effort

SEC. 302. No training or retraining program which is financed in whole or in part by the Federal Government under this Act shall be approved unless the Secretary of Labor, if the program is authorized under part A of title II, or the Secretary of Health, Education, and Welfare, if the program is authorized under part B of title II, satisfies himself that the State and/or the locality in which the training is carried out is not reducing its own level of expenditures for vocational education and training, including program operation under provisions of the Smith-Hughes Vocational Education Act and titles I, II, and III of the Vocational Education Act of 1946, except for reduction unrelated to the provisions or purposes of this Act.

Other agencies and departments

SEC. 303. In the performance of his functions under this Act, the Secretary of Labor, in order to avoid unnecessary expense and duplication of functions among Government agencies, shall use the available services or facilities of other agencies and instrumentalities of the Federal Government, under conditions specified in section 306(a). Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary of Labor and, to the extent permitted by law, to provide such services and facilities as he may request for his assistance in the performance of his functions under this Act.

Appropriations

SEC. 304. (a) There are authorized to be appropriated to the Secretary of Labor and the Secretary of Health, Education, and Welfare, respectively, such sums as are necessary and appropriate to carry out the provisions of this Act. The total of such sums shall not exceed $90,000,000 for the fiscal year 1962, $165,000,000 for the fiscal year 1963, and $200,000,000 for each of the two succeeding fiscal years.

(b) Funds appropriated under the authorization of this Act may be transferred, with the approval of the Director of the Bureau of the Budget, between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

(c) Any equipment and teaching aids purchased by a State or local vocational education agency with funds appropriated to carry out the provisions of part B shall become the property of the State.

(d) No portion of the funds to be used under part B of this Act shall be appropriated directly or indirectly to the purchase, erection, or repair of any building except for minor remodeling of a public building necessary to make it suitable for use in training under part B.

(e) Funds appropriated under this Act shall remain available for one fiscal year beyond that in which appropriated.

Additional positions

SEC. 305. Subject to the standards and procedures prescribed by section 505 of the Classification Act of 1949, as amended, the head of any agency, for the performance of functions under this Act, including functions delegated pursuant to section 303, may place positions in grades 16, 17, and 18 of the General Schedule established by such Act, and such positions shall be in addition to the number of such positions authorized by section 505 of the Classification Act of 1949, as amended, to be placed in such grades: *Provided*, That not to exceed a total of ten such positions may be placed in such grades under this subsection, to be apportioned among the agencies by the Director of the Bureau of the Budget.

Authority to contract

SEC. 306. (a) The Secretary of Labor and the Secretary of Health, Education, and Welfare may make such contracts or agreements, establish such procedures, and make such payments, either in advance or by way of reimbursement, as may be necessary to carry out the provisions of this Act.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall not use any authority conferred by this Act to assist establishments in relocating from one area to another. The limitation set forth in this subsection shall not be construed to prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that the assistance in the establishment of such branch, affiliate, or subsidiary will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

Termination of authority

SEC. 307. (a) All authority conferred under title II of this Act shall terminate at the close of June 30, 1965.

(b) Notwithstanding the foregoing, the termination of title II shall not affect the disbursement of funds under, or the carrying out of, any contract, commitment or other obligation entered into prior to the date of such termination: *Provided*, That no disbursement of funds shall be made pursuant to the authority conferred under title II of this Act after December 30, 1965.

[From the CONGRESSIONAL RECORD, House, Feb. 27, 1962]

Mr. POWELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8399) relating to the occupational training, development, and use of the manpower resources of the Nation, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8399, with Mr. MAHON in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from New York [Mr. POWELL] will be recognized for 1½ hours, and the gentleman from Pennsylvania [Mr. KEARNS] for 1½ hours.

The Chair recognizes the gentleman from New York.

Mr. POWELL. Mr. Chairman, I yield myself such time as I may need.

Mr. Chairman, in his January 11 state of the Union message, and again in his Economic Report, the President stressed that the task of reducing unemployment and achieving full use of our manpower resources remains a serious challenge which this country must meet in order to fulfill its responsibilities to its citizens and its responsibilities as a leader of the free world.

In setting H.R. 8399 No. 1 on his priority list for domestic legislation, the President pointed out that this country cannot "countenance the suffering, frustration, and injustice of unemployment, or let the vast potential of the world's leading economy run to waste in idle manpower, silent machinery, and empty plants."

There is overwhelming support for the immediate enactment of this legislation. The need for training the hard-core unemployed workers has become widely recognized and publicized. Witnesses before our committee from all segments of the economy—business, labor, education, and the public—testified almost unanimously as to the urgent need for the training program which this bill establishes. Every recent study—the one done by the Committee for Economic Development, and the Michael report for the Center for the Study of Democratic Institutions—has indicated the need for training and retraining as an essential remedy.

The policy of retraining and retooling our manpower resources has had bipartisan support in this Congress. The bill received the support of the ranking minority members on our committee.

The other body passed a similar measure by a 2 to 1 vote in the last session, after it had been reported out unanimously by their Committee on Labor and Public Welfare.

The Republican study committee has produced a report endorsing the need for this type of legislation.

There is substantial agreement among all who have studied the problem that a major portion of our unemployment exists because most of our idle workers do not possess the skills necessary to equip them for jobs that are available in our highly industrialized economy. The more rapidly our economy advances, the more rapidly do skills become obsolete—and the need for training and retraining and for a continuing appraisal of skill needs and resources, such as this bill provides become more trouble.

Despite recent indications of some recovery from the recession and a decrease in the unemployment rate, there still remains large numbers of workers who have exhausted, even extended, unemployment insurance benefits—those whose skills have become obsolete; the unskilled, especially those without high school education; older workers; minority groups; and the youth.

The American people are well aware of the urgency of this legislation. A recent public opinion poll disclosed that of all the proposals specified by the President in his second state of the Union message, the proposal to train the unemployed was cited by 67 percent of those replying as one for which they were willing to make sacrifices. This was more than twice the degree of support given to any other item listed.

It is clear that present Federal, State, local and private efforts fall far short of the total need, and that without an intensive nationwide program to provide opportunities for retraining, all too many men and women will never be able to obtain the skills which will enable them to be self-supporting and make their maximum contribution to the Nation's productivity. This bill establishes such a program.

The fact that we are in the midst of the cold war only increases the need for the programs this bill will provide. The present struggle requires the maximum use of all our manpower, with no waste of the skills and ability to produce that are now available in the ranks of our long-term unemployed, and which can be fully exploited and utilized when these unemployed are trained for the skills needed today and tomorrow.

Most of us are faced in our districts with visible evidence of the waste of human resources caused by industrial relocation, technological advancement, and the increased application of automation.

The good men and women who have been displaced and cast aside—victims of technological progress—should be given every opportunity to once again become productive members of society.

Mr. Chairman, I cannot close my remarks without paying tribute to the author of this bill, the gentleman from Pennsylvania [Mr. HOLLAND]. I can say that no bill in this Congress was proposed prior to this one, because on the morning after the elections in November, the gentleman from Pennsylvania called me and said:

"I would like a green light immediately to go ahead and study and bring forth legislation in this area."

So this legislation began the day after the elections. The homework has been good homework, despite the charge made by one of the Members of this body. It was bipartisan homework. We went out to get the best chief counsel we could get in this area. We hired a young man, Dr. Walter Buckingham, who had written a book on automation, dean of one of the graduate schools in the Georgia Institute of Technology. There has been considerable work done by the Republican group, and I want especially to pay tribute to the gentleman from New York [Mr. GOODELL] for his great assistance in connection with this program.

Mr. KEARNS. Mr. Chairman, I yield myself such time as I may require.

Today this country is faced with a strange dilemma. On the one hand, unemployment continues to be our No. 1 domestic problem. Much of this unemployment is caused by automation, foreign competition, plant relocation and normal shifts in our economic production demands. However, at the same time millions are unemployed, and countless jobs go unfilled because men do not have the right kind of skills or those with the skills do not know that the job exists at some other location. It is in this area that the proposed legislation is intended to do its most effective work.

This legislation will not create jobs, nor will it prevent workers from losing their present job when this is caused by the factors that have been listed above. However, it is an affirmative step in the direction of providing a means whereby workers who are displaced, or who are about to be displaced, can upgrade their skills or acquire the necessary training to switch to a new field of employment. There is nothing more tragic than a situation where men sit around in idleness waiting for their old job to open up again when that old job has been forever eliminated. This legislation, and the program of training which it will initiate, can bring new hope and usefulness to this unfortunate group.

At the outset, title I of this bill will be the most important. Here the Secretary of Labor is authorized and instructed to survey the unemployment and employment situation as it exists today and as it will be developing in the future. With these statistics he should be able to determine which skills will become in short supply. Even more important, he should be able to predict what new skills will be needed as we enter into the space age which has now been opened up by Colonel Glenn's epoch-making orbital flight.

Next, the skills of our present workforce will be identified and made known to employers who are seeking such skills. In turn, existing job opportunities will be pointed out to those who are seeking work and who are ready to take the training which is necessary to qualify them for such jobs.

Under title II, the Secretary of Labor will have the authority to test and select individuals for training. This is the heart of the bill—its most important part. Wise and careful selection can insure the success of the program. On the other hand, careless selection motivated by political or other extraneous considerations can spell failure and even worse the discrediting of the whole idea of retraining. It is here that the Goodell substitute contains its most important provisions. Under the provisions of the substitute, the Secretary of Labor is given very specific guidelines and criteria which he must follow when making his selection. For example, priority shall be given to unemployed individuals, and before a person is selected there must be a reasonable expectation of employment in the occupation for which he is trained or the Secretary has received assurance from the individual that he is willing to accept employment outside his area of residence. Also, there will be no referrals for training which takes less than 2 weeks unless there is an immediate job opportunity. Finally, if the trainee does not attend or progress satisfactorily he shall be dropped from the program.

We want to make it clear that this is not a gimmick to get people off the street—a meaningless make-work project. This is and must be a meaningful training program with a job waiting for the trainee once he successfully completes the course of training.

The training allowance provision contained in this section is also very important and again the Goodell substitute provides a number of essential safeguards. Training allowances will be limited to unemployed heads of families who have had at least 3 years' employment experience. It is not intended that this be in the form of a gratuity or spending money for professional trainees. Rather, it is intended to provide the means whereby a man can feed his family while he is being trained for a job which he would not otherwise be able to obtain. However, no training allowance can be paid to an individual who is taking a training course of less than 6 days' duration. The incentive for a quickie course must be an immediate job opportunity.

Finally, a training allowance cannot be paid to an individual for a year after he has received a training allowance under this act or any other Federal act. This, of course, is to discourage the professional trainee—the man who might be inclined or encouraged to go from one training program to another. This again emphasizes the point that this program is intended to train individuals for a specific job.

Title III establishes an on-the-job training program which will be administered by the Secretary of Labor. Training allowances may be given to supplement the pay which the trainee receives from his employer. In addition, classes provided by the Secretary of HEW may be utilized in the training. Again, the emphasis is on training for existing or soon to be existing jobs. An employer who is setting up a new plant or a new department in an old plant will be able to avail himself of this assistance. The trainees will be selected from the unemployed who have been tested and identified as having the requisite basic skill and ability by the Secretary of Labor.

Title IV, vocational training is placed under the jurisdiction of the Secretary of HEW. This is certainly appropriate and necessary for educational effort should be directed by the Secretary of HEW rather than the Secretary of Labor.

It is also provided that the Secretary of HEW shall utilize the States and the State's vocational education agencies.

Very quickly I would also like to mention two or three additional aspects of this bill which are most important.

The substitute provides that there will be matching by the States after 18 months. This is most important. Matching has always been an integral part of vocational training. It is absolutely essential that this important principle be incorporated at the outset. To do otherwise would be to unnecessarily federalize a program which should be carried on with the support and cooperation of the States.

It is also provided that the Secretary of Labor and the Secretary of HEW will report back to Congress once each year for the next 2 years. These reports are critical. This is a new program—we must follow it closely. In addition, there is much to be corrected in the present vocational education field. The Secretary of HEW is presently carrying forward a comprehensive survey. We must have the benefit of this survey as soon as it is completed. It is unfortunate but true, that the Assistant Secretary of HEW characterized the present system of vocational education as a hodgepodge when he was questioned by our committee. Hopefully, this can be corrected when the report and recommendations are received.

Finally, the substitute provides that training and placement under this program shall not be denied because of an individual's membership or nonmembership in a union. What could be more fair? Union membership or lack of union membership should have absolutely nothing to do with an individual's selection. It is his need for training and ability to be trained for a particular job that is all important. Those who would object to this provision would be permitting the injection into this program of a completely irrelevant and extraneous matter. In fairness to all future trainees this should not be done.

I urge that the manpower training bill as amended by the Goodell substitute be adopted. It is an important and necessary step. Training and retraining of workers, although now very important, will become even more important in the near future. Federal participation should be under a bill of this type and not in a piecemeal and inefficient manner. Although the administration appears to be headed in the direction of fragmentizing the Federal effort, we in this body and with this legislation have an opportunity to get it started in the right direction. If we do this, it will then be possible to insist that future programs follow the guidelines which we have established and be a part of this one overall training program.

Mr. POWELL. Mr. Chairman, I yield to the distinguished author of this bill, the gentleman from Pennsylvania (Mr. Holland), 15 minutes.

Mr. HOLLAND. Mr. Chairman, we have before us today the Manpower Development and Training Act, H.R. 8399, legislation we have found to be necessary if we are to get our unemployed back to work, our underemployed on a full-time workweek, our national economy on a healthy, stable basis, and our relief load reduced.

I must admit that this sounds like extremely broad coverage for one piece of legislation. However, our unemployment problem is so complex and interwoven with other segments of our society we found, as a result of our public hearings of the Subcommittee on Unemployment and the Impact of Automation, this approach is the most practical as well as the most plausible.

Automation, our subcommittee found, is indeed the promise of the future, but it is also the problem of today.

Automation will create millions of jobs during the years ahead, but in so doing, it is now—and will continue—to eliminate millions of jobs held by those in our work forces.

We know we must have automation if we want our economy to grow and prosper, if we want to have an effective Defense Establishment, if we want to accelerate our space program, if we want to compete on the world market, and if we want to remain a leader in world affairs.

We also realized, however, at the conclusion of our hearings, that we could not sit back any longer and watch our unemployment increase.

We found that during the fifties, with each succeeding recession, more people were unemployed, and with each recovery period which followed, the rate of structural, hard-core, or long-term, or call it what you will, unemployment continued to grow.

In fact, the Department of Labor's latest report, for January of this year on the unemployment situation, shows that hard-core unemployment was holding at 1.25 million, about the same as 1 year ago.

We also found that the United States is the first nation in the world where output or production continued to rise, while employment of production workers continued to decrease.

It was almost unanimously accepted, by those who appeared and testified, and those who submitted statements before our subcommittee, that the present high level of unemployment is the most pressing domestic problem facing the American economy.

That was almost a year ago, and since then we have seen a considerable up-swing in our national economy—our gross national product—but our unemployment rate has not responded equally, for it has decreased but little—by only 1 percent.

During the hearings it was revealed that if we did not act quickly our rate of unemployment in 1962 would be between 5 and 6 percent. Unfortunately, this estimate seems to be apparently accurate.

Testimony from the Department of Labor disclosed that we could expect 1.8 million jobs a year to be eliminated even if our technological advancement and our expansion of automation were no more rapid than at the present rate.

As I said before, we know we must have technological advancement, but we also know that these advancements are responsible for the problems with which we are faced—socially and economically.

It was disclosed at our hearings that the Government has the responsibility to create conditions conducive to economic expansion. However, it has additional responsibilities.

Mr. Ralph Cordiner, chairman of the board of General Electric, put it this way:

"If, in spite of the best planning we can do, some people are temporarily unemployed because of technological change, both industry and Government have a recognized responsibility to help families through any such periods of transition."

Mr. Don G. Mitchell, vice chairman of the board of General Telephone & Electronic Corp., said:

"It is the responsibility of the Government to anticipate and to identify those trends which will create chronic unemployment problems in the future, and it has the responsibility to participate in the solution of those problems once they occur."

Mr. Mitchell went on to say:

"A number of possible solutions have been suggested, including a high-level Federal agency which would coordinate Federal activities and work closely with States and local governments.

"There are some people who would insist that the Federal Government stay out of the picture. You and I know that is impossible, for there are certain aspects of the problem, certain critically distressed areas, that will require the kind of massive support that only the Federal Government can provide."

Mr. Thomas J. Watson, Jr., president of the IBM Corp., in his testimony said:

"The problem before us all is not whether to block technology. The problem is how to block unemployment. Perhaps the thing that confounds us about unemployment is our insistence on calling it a problem. How can we permit able-bodied men or women who want to work to be a problem. America's unemployed, correctly handled, can provide a partial solution to the nation's real problem, that of learning to survive and triumph over communism.

"We must try to solve the unemployment problem—

And I am still quoting Mr. Watson—"by putting it in the setting of the Nation's problems as a whole. In this way we can accept the challenge of unemployment and convert it, through reemployment, into a source of increased national power.

"Admittedly, it is a tremendous undertaking which would have vast effects financial and otherwise on our country. However, learning to survive and triumph in the modern world is an even vaster problem which will only be solved by realism and action of the very boldest sort."

Mr. Watson concluded:

"I believe we are at war. As soon as all of us realize it, we can begin to use all our tools to win it. This is no time to debate whether such a plan will mean more governmental control of business and science. Of course it will * * * but * * * the stakes are too great to let this worry stand in our way."

The President's Advisory Committee on Labor-Management Policy, in its recent report to the President on the unemployment situation, said:

"While employment has expanded in some industries, the net affect of rising output per worker—of the growing labor force—and of other factors—has been an increase in the volume of unemployment during the past few years, even as total employment has reached new heights. Proper retraining facilities, and a system of financial support for workers, while retraining, have been lacking."

The President's Advisory Committee on Labor-Management is composed of Government officials, representatives of labor, and leading industrialists, including Elliott V. Bell, chairman of the executive committee of the McGraw-Hill Publishing Co., Joseph L. Block, chairman of the board of Inland Steel Co., Richard S. Reynolds, Jr., president of Reynolds Metal Co., and Thomas J. Watson, Jr., president of IBM, whom I quoted earlier. The committee recommended:

"Support from both public and private organizations for retraining of workers who have been—and will be—displaced.

"Where it is not possible for the employer to reabsorb displaced workers, appropriately safeguarded public support, in the form of subsistence payments, should be available to industrial and agricultural workers who qualify for and engage in retraining."

Thus, their findings and recommendations concur with those of our Subcommittee on Unemployment and the Impact of Automation and the full Committee on Education and Labor.

The Manpower Development and Training Act, H.R. 8399, we are now considering, is designed to provide training for our unemployed, and, in some cases, our underemployed, who through no fault of their own have found that their skills are now obsolete. Why? Because of the expanding use of automation and other technological changes in our industries.

I would like to emphasize again a fact brought out by Mr. Watson, of IBM—this is a national problem. Every section of our Nation—if it has not already felt the impact of this development—can rest assured that eventually it will experience it.

I would also like to point out that this is a nonpartisan proposal, for when a machine, a computer, a data processor, or some other automatic device moves in, it replaces Democrat and Republican alike. It recognizes no party lines.

I am glad to tell you that this bill, H.R. 8399, was reported out of the Committee on Education and Labor by a vote of 24 to 3, indicating that the majority of committee members also felt this was a nonpartisan issue.

The able gentleman from Missouri [Mr. CURTIS] testified on behalf of this bill before the Rules Committee, as did our colleague from New York, the ranking minority member of our subcommittee [Mr. GOODELL].

Because our unemployment problem is nationwide we feel it is the duty of Congress to make every effort to find a solution.

This bill, we know, will not completely solve that problem, but we feel it is certainly a step in the right direct. A step we must take without further delay.

Our States or cities, alone, cannot provide the solution, nor can private corporations acting alone. However, with combined effort by States, counties, cities, private enterprise, and the assistance of the Federal Government, we can start on the road back to full employment and a healthy national economy.

I know that some people will say "we cannot afford this additional expense."

Let me point out to you, we cannot afford not to have this program.

All of us know that automation and technological advancements will continue at an even more rapid rate in the years ahead. With each advancement, more jobs in certain categories are eliminated. Without additional training, the future of these displaced workers point to only one place, our relief rolls.

We must remember one thing: Not only does the worker go on relief, but his family does also. His children do not receive, as a result of this situation, the necessary education or training to prepare them to work and live in our highly automated society of tomorrow, and, we may end up with them on our relief rolls permanently.

We must give these men and women who are raising families the opportunity to be retrained, reenter the work force, education and support their families, become self-sustaining and active contributors to our national economy.

This legislation is an investment in the future. The ultimate returns received by the Nation will be boundless.

Let us look just a little further. I understand that we are going to be asked to help industry further modernize plant and equipment through tax legislation.

It must be realized that with each modernization and each improvement we will see more and more displaced workers, not only in the unskilled groups but also in the semiskilled group.

I do not want to be termed an "alarmist," but I would like to call your attention to the fact that if we keep losing taxpayers from the employment rolls and forcing them to become tax recipients on the relief rolls, who will pay their share of the cost of government? I mean the cost of city, county, State and Federal governments.

We know there are jobs available. However, they all call for more education or for more special training in specific skills than those now held by our unemployed.

With the passage of this legislation and the machinery available for our long-term unemployed to secure training our hard-core unemployment rate will be materially reduced.

Not only will our economy continue to grow, but our total unemployment will shrink and our relief rolls will decrease.

I ask your serious consideration of this legislation and your vote in favor of it.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. HOLLAND. I am glad to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Chairman, first of all I desire to commend the gentleman from Pennsylvania upon the statement he has made. Secondly, I rise to pay personal testimony to the diligent effort the gentleman from Pennsylvania has put into this matter. Last August when this bill was reported from the Committee on Education and Labor the gentleman undertook to get it programed and advised that he would offer perfecting amendments when it reached the floor. He said he was going to continue his study and investigation of this matter. During all this time he was quick to give credit to other members of his subcommittee. For instance, he told me that the gentleman from New York (Mr. GOODELL) had important and what he thought were beneficial amendments.

Of the other members of the subcommittee some were interested in the farm provision, others in the youth training provision. The gentleman has pursued this matter vigorously, as has the subcommittee over which he presided; and I think it can well be said that this has been a bipartisan effort and that it has been a job well done.

Mr. GOODELL. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in support of manpower training legislation. As the ranking member of the subcommittee that wrote this bill I wish to state that I think this bill we brought out of the committee is a promising beginning. It is my understanding that there will be presented a substitute, with bipartisan support, which embodies completely my bill, H.R. 10363. I emphasize that it includes, word for word, every single provision in that bill. Under these circumstances I am particularly pleased, because I offered these amendments; there was a total of 28 or 29 that I offered in subcommittee. About half of them were approved in subcommittee and the other half were rejected. Now that other half is being accepted in the form of a substitute. Under those circumstances I feel we are writing effective legislation.

I offered those amendments primarily to narrow our efforts and focus them on the places of most critical need and to prevent waste in this program.

I would emphasize, in answer to some of the comments that have been made here earlier that I certainly do not think training legislation is the full answer to our unemployment problem. It is a beginning. We are not going to spend money on any people who do not accept training, who do not make a sincere effort to utilize their abilities and develop new skills. If 10 percent of the unemployed in an area accept training, those are the ones we are going to spend money on. If 90 percent reject the training, we shall spend no money on them. They will remain on the unemployment rolls and the welfare rolls. So the 10 percent is a bonus. It is money spent well to put those 10 percent back into the productive stream of our economy.

I do not endorse the view that automation is a major cause of unemployment. I do not believe the facts will indicate that we should panic about the effects of automation. Most of its results are beneficial to mankind. Automation increases productivity and in my opinion when you increase productivity you ultimately increase employment. Historically this has been true in our economy.

No substantial expert has come before our committee and argued against technological progress and automation. We are simply striving to adapt humanely to the needs of fast change in our economy.

The statement was made earlier that we would have no one to train under these programs. I have before me a small example of some of the skills for which training would be useful. And when we go back into the House I shall place this in the RECORD as part of my remarks. But broken down, to give you an example of the type of things we can do, in an 8- to 20-weeks training period, we could train workers to be bookkeeping machine operators, key punch operators, clerk-typists, nurses' aids, welders, sewing machine operators, electronic assemblers, fabricators of plastics, and so forth.

In a 21- to 52-week training time we go all the way from medical record librarians and psychiatric social workers through X-ray technicians, surveyors, fertilizer technicians, and so forth. This is a long, long list and to anyone who is interested I should be glad to make it available for him to see at the desk.

My amendments were designed to prevent the types of things which were discussed here earlier as to abuses, putting people on training allowance to train them to be waitresses or dishwashers or chambermaids. One of my amendments would prevent any training allowance to a person who is trained for less than 6 days. This will eliminate in itself most of the very small minor skills for which some person might get a day or two of training. They can be trained, but will receive no training allowance. For anybody who is trained for less than 2 weeks under my amendment there must be an immediate job vacancy available. It is my opinion if you are training a person for less than 2 weeks' time you should know a job vacancy is there and will be there at the end of 2 weeks. Under my substitute bill there will be a training allowance paid only to unemployed—not to employed or underemployed or prospectively unemployed but only to unemployed, heads of families. In other words, the ones who are in most critical need and who have held jobs for at least 3 years will receive the help. This will prevent giving this aid to young people who have quit school in order perhaps to qualify for training allowances or for some kind of training.

Mr. Landrum. Mr. Chairman, will the gentleman yield?

Mr. Goodell. I am delighted to yield to my colleague.

Mr. Landrum. In view of the statement just made by the gentleman from New York I would ask how his amendments would permit payment to people selected under this act under the provision on page 8 of the substitute which I understand will be offered, which reads thusly:

"Workers in farm families with less than $1,200 net family income shall be considered unemployed for the purposes of this Act."

Now how are you going to provide for the payment of training allowances to a worker from that farm family?

Mr. Goodell. The training allowance would be paid to him when he accepted a program of training for a specific skill, provided he was a head of family. If his training was for less than 6 days he would get no training allowance.

Mr. Landrum. You have just stated that no training allowance would be paid to one who had not held a job for at least 3 years. Must this farm family show that they had not had income of more than $1,200 for a period of 3 years?

Mr. Goodell. No. He must show, to qualify for this aid, that he has held a job for 3 years in his lifetime.

Mr. Landrum. That is, if he has been a farmer, 3 of the years of his life, whether they were consecutive or not—or interspersed with great periods of employment in something else, he would still qualify under this bill?

Mr. Goodell. That is correct. My amendment is designed merely to prevent aid to any young people who are quitting school and then going into a training program to be paid for it. They not only must have worked for 3 years but they also must be heads of families and unemployed.

Mr. Landrum. In view of the last statement which the gentleman has made, referring to page 7 of what I understand will be the substitute to be offered by the gentleman we find that the Secretary of Labor whenever appropriate shall provide a special program for the testing and counseling of youth 11 years or older for selection of these youths for whom occupational training under this act is indicated. How are they going to qualify for on-the-job training when obviously they cannot have held a job for 3 years prior to that?

Mr. Goodell. The young people who do not qualify as heads of families with 3 years of work and being unemployed will qualify for training but not for training allowances. We set up a special program for testing and counseling of these young people but they will get no training allowances from the Federal Government.

Mr. Landrum. Are you by this provision encouraging the 16-year-olds to abandon their high school training program?

Mr. Goodell. I think this amendment prevents that. That is my intent in presenting the substitute.

Mr. Landrum. Are you encouraging the 16-year-old to abandon the opportunity to go to the area vocational schools that are being established in many of our States?

Mr. Goodell. He may go to the vocational school exactly the way he is going now but he will not be paid a training allowance for doing so.

Mr. Landrum. That is the point I want to get at. In order to go to the vocational school he has to go there under the reqirements and prerequisites set up by the Secretary of Labor. Is that not correct? That is what you are saying.

Mr. Goodell. You have raised another point which I will cover at this stage because it is a very excellent point.

The Chairman. The gentleman has consumed 10 minutes.

Mr. Goodell. Mr. Chairman, I yield myself 5 additional minutes.

To a considerable degree the original administration bill confused the authority of the Secretary of Health, Education, and Welfare and the Secretary of Labor. In subcommittee a number of my amendments were accepted which I believe clarified this point completely.

The original bill had a tendency to put our vocational schools under the Labor Secretary. We did not want that. We want them segregated completely, if I may use that word.

Mr. Landrum. That is a good word.

Mr. Goodell. We will not get into that because I am afraid we have a little disagreement there. We want this separated, may I say, so that the vocational system would continue to be run by the local and State governments and HEW; and, therefore, we provided that 19 percent of the money would come from the Federal Government, 40 percent from the local government, and 35 percent from the State government. It is primarily a State and local program. We provide Federal aid to take up part of the burden. We specifically deny the Secretary of Labor the authority to move over into that program and start trying to take it over. I believe we do that effectively.

Mr. Landrum. Mr. Chairman, will the gentleman yield?

Mr. Goodell. I yield.

Mr. Landrum. I cannot agree with that statement just made by the gentleman in view of the provisions of section 202 headed "Selection of Trainees." This states specifically that the Secretary of Labor, not the Secretary of Health, Education, and Welfare, the Secretary of Labor shall provide a special program for testing and counseling of youth 16 years of age or older, and for the selection of those youths for whom occupational training under this act is to be given. You specifically give the authority to the Secretary of Labor to select those youths.

Mr. Goodell. Absolutely.

Mr. Landrum. And refer them to the Secretary of Health, Education, and Welfare.

Mr. Goodell. Absolutely.

Mr. Landrum. The Secretary of Health, Education, and Welfare will have the direction of the educational agency, the counseling and guidance of the public school program and State school program which presently do that. Why do you want to remove it from them and let the Secretary of Labor get his fingers into the pie?

Mr. Goodell. I will tell you precisely why we want to do it; and let me make this point: Selection, counseling, and referral of these unemployed prospective trainees is done by your local employment offices, by State employment offices, and the U.S. Employment Service under the jurisdiction of the Secretary of Labor. The Secretary of Labor is going to make this decision through those offices as to selecting, and testing, and referral. That is where the Secretary of Labor's authority ends. After the Secretary refers them, the local, State, and HEW vocational system provides the training, they control this training and the schooling. That is where we want to keep it.

Mr. Landrum. Mr. Chairman, will the gentleman yield further?

Mr. Goodell. I shall be delighted to.

Mr. Landrum. So you confirm my previous suggestion that the only way you are going to get these youths into the vocational training program after the adoption of this bill is after the Secretary of Labor has tested them, counseled them, looked them over, sized them up for the qualities he wants, and then refers them himself.

Mr. Goodell. He may enter vocational school without any reference to employment offices or the Secretary of Labor. But the only way he will qualify for a training allowance is if he goes through the orderly procedures of the employment offices. A good example of the need for such a procedure is that many of these vocational schools are teaching obsolescent trades where, had they consulted the employment offices, the employment offices could have told them the skills in which there were shortages and they could train people accordingly; under the substitute, there would be some coordinated effort.

Mr. Landrum. It seems to me that could be done under the Smith-Hughes Act, the National Defense Vocational Training Act, and others.

Mr. Goodell. If I may say, the only agency that is capable of dealing with this unemployment problem properly and doing the testing and counseling is your local employment office which is under the jurisdiction of the States and the Department of Labor.

Mr. Landrum. Who is to determine the unemployment problem? Who is to determine the skill necessary? You are here giving the Secretary of Labor authority to select the trainee and to select him at a high school age level.

The Chairman. The time of the gentleman from New York has expired.

Mr. Goodell. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Albert. Mr. Chairman, will the gentleman yield?

Mr. Goodell. I yield to the gentleman from Oklahoma.

Mr. Albert. Somebody has to decide whether the youth or other unemployed person is going to be sent to an occupational school or on-the-job training. You have to have some concentration of responsibility in the matter of selection and referral but after the individual goes on the job or goes into that school, does not that institution and whoever in the Federal or State Governments, or whoever has jurisdiction, continue to have jurisdiction over the training?

Mr. Goodell. That is true. We have a specific provision in here requiring HEW through the school to notify the local employment office if the student is not performing satisfactorily or attending satisfactorily. It is then entirely in the discretion of the HEW and the local vocational school system, as to whether the trainee is training satisfactorily. If they notify the Secretary of Labor that he is not, then he is cut off from the training allowance.

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. GOODELL. I yield to the gentleman from Georgia.

Mr. LANDRUM. In view of what has just been said about the Secretary of Labor having no more authority after the selections are made, I read section 303 of the proposed substitute, and it is in the pending bill too:

> The Secretary of Labor shall make appropriate provision for continuous supervision of the on-the-job training programs conducted under this title to insure the quality of the training provided and the adequacy of the various programs.

Mr. GOODELL. The gentleman in his very meticulous and intelligent way has skipped to another section dealing with on-the-job training, not vocational training. The Secretary of Labor now has jurisdiction and we are giving the Secretary of Labor continued jurisdiction over on-the-job training in the plants. That is no change over present law.

Mr. CURTIS of Missouri. Mr. Chairman, will the gentleman yield?

Mr. GOODELL. I yield to the gentleman from Missouri.

Mr. CURTIS of Missouri. I simply want to call to the attention of the Members of the House, this is one of the key areas where there has been a collapse in this whole program in our society. There has been a fight on jurisdiction between the Department of Education and the Department of Labor. I want to commend the committee for grappling with this difficult problem, and also the gentleman from Georgia for bringing out the point that this is the area that the Congress must resolve. But we certainly do not want to continue this confused jurisdiction. The committee has done an excellent job of preserving jurisdiction in a very practical way and providing a responsibility for moving forward.

Mr. GOODELL. I thank the gentleman.

May I point out further, in the substitute there will be a matching provision. The State governments shall match Federal funds in the payment of these training allowances as quickly as possible. My bill makes it 18 months. The unemployment compensation fund will be protected under my bill, which is the substitute, by providing reimbursement for training under the unemployment system. Today in approximately 17 States a man who is unemployed and collecting unemployment insurance may take training and continue to collect his unemployment compensation. This provision will permit us to reimburse those State unemployment trust funds, paid for entirely by the employers, for the period that a man is undergoing training. I think this is fair because you are taking a man out of the job market when he goes into a training school. He is temporarily not available for suitable jobs, and he should not be charged to the employed. I am happy that provision has been accepted.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. GOODELL. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Section 203(f), page 11:

> "A person who receives training under this act shall not for 1 year be entitled to any training allowance."

That takes all discretion away from the man. If he refuses to take the training, he is sitting on the sidelines until he can get back to the Secretary of Labor.

Mr. GOODELL. That is very important. The greatest challenge made of this training allowance by conservatives, such as myself and others here, is that we might end up letting people stay on the unemployment rolls until their full eligibility had elapsed, then they could jump over and take up a training allowance.

This provision would give the local employment office some authority to deal with such a situation. A man who was deemed qualified for training and asked by the employment counselors to take up training and refused to do so, because he wanted to stay on the unemployment rolls until his eligibility was gone, would not be eligible for training for a year thereafter. It may be a harsh provision, but he is just ineligible, that is all.

Mr. WAGGONNER. What would happen if a man had been on the unemployment rolls and he had just one week of eligibility left?

Mr. GOODELL. In that circumstance, he would be eligible. If the long-term unemployed, particularly, are eligible for training and qualified, we want them to get the training and get them back in and start paying taxes instead of being on the unemployment or welfare rolls.

Mr. WAGGONNER. But the assumption is that the Secretary of Labor knows more about this than the man himself.

Mr. GOODELL. The unemployed man can refuse training. But he just will not get a training allowance for a year thereafter if he refuses it, and wants to sit around collecting unemployment compensation. I do not think he should be able to do that with impunity.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. GOODELL. I yield to the gentleman from Iowa.

Mr. KYL. The gentleman always speaks with such clarity. Suppose we have a rather small community and there are 25 people who want to be retrained in 25 different occupations, as you have listed them. Where are these people going to get their training?

Mr. GOODELL. We provide that they can be sent to the nearest place that provides this kind of facility. If they choose to go, they will go and we will help pay their transportation costs back and forth. One of my amendments would limit the total amount of this transportation allowance that may be granted to these people, but in small communities we anticipate they will have to go to the nearest facility, and if transportation is necessary, they will be paid that. If it is more economical for them to go and stay 5 days, in the nearest city for instance, to get this training, we will pay them subsistence while they are in the city.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GOODELL. I yield to the gentleman from Iowa.

Mr. GROSS. What is this business going to cost, and where is the money coming from to pay it?

Mr. GOODELL. The money is going to come from the Federal Government, $262 million over a 2-year period. States will match Federal money after 18 months. I believe the history of training under the vocational rehabilitation program and under the vocational program generally has demonstrated that we will get back a major share of our expenditures in terms of increased productivity and taxes collected from the individuals involved. Instead of them standing around stagnating, they will be working and they will pay their share of taxes and pay part of the load, and we want to help them do that.

Mr. GROSS. I wish I could share your optimism, but I do not.

Mr. GOODELL. I am sorry I cannot persuade my esteemed colleague from Iowa, but I do feel this very deeply. This has been, I may say to my colleagues on this side, a Republican approach. It is a solidly conservative approach, in my opinion, to the problem of unemployment, to help the people develop their own potential and get back into the working force. I do not want to try to solve this problem by wildly throwing a lot of Federal money into the economy, loading your employers with more cost so that they cannot expand their operations, create new jobs, and improve their productivity. Nor should we do it by generally hamstringing the economy. This substitute bill, H.R. 10363, offered by me last week will help the employers to develop the skills of their workers, and they will be able to find the people they need in short skills more quickly because they will know where their supply is coming from. I, as much as anyone who has spoken here do not believe that we ought to shield our people or our economy completely from the facts of life, nor avoid the necessary purging and shedding of inefficiencies in our economy. This substitute bill is a method of helping people help themselves by putting workers, who are laid off by reason of technological advancement, back to work productively, when they can carry their own load from there on. I want to express my commendation to the other side for accepting my substitute bill, H.R. 10363. My bill has 11 major differences from the committee bill. Those 11 changes were rejected in subcommittee when offered by me. I am glad the Democratic members of the committee are now accepting H.R. 10363, in toto. We will now have a bipartisan approach which I can accept wholeheartedly.

Mr. O'HARA of Michigan. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. ELLIOTT].

Mr. ELLIOTT. Mr. Chairman, I support the bill, H.R. 8399, and particularly the inclusion of low-income farm people in the bill.

Mr. Chairman, it is a real pleasure for me to speak in favor of H.R. 8399, the Manpower Development and Training Act of 1962, which bill is now before the House. I have always been a firm supporter of, and a great believer in, more vocational education; more training for our citizens so that they can better compete for jobs in this age of technology and, thus, earn a better living for themselves and their families; more training so that industry will be encouraged to locate where there is a good supply of skilled employees; and more training so that our great country can grow and increase its productivity and thus maintain its leadership in the free world. I am glad the Committee on Education and Labor placed the responsibility for formal training under this bill in the hands of our friends of vocational education, who have had 40 years of experience in educating and training people for the vocations.

In my State, vocational education has done fine things—it is conducted by fine teachers and fine administrators. The only trouble with vocational education in Alabama is that there is not nearly enough of it. We do not have enough money to get the equipment and to compete with industry for teachers to furnish sufficient up-to-date training to the many people who could use it, and who desperately want and need it.

There are some in this great body who might have doubts about the wisdom of a comprehensive nationwide program of vocational training. Let me assure them on this score. The backlog of training to be done is so great that they need have no fears if this program went three times the size now proposed by the administration. Let me assure them that between training our unemployed people of all ages and upgrading the skills of those who are now working, there will be no problem of spending the money both wisely and usefully.

The State of Alabama can well use the $5 million provided by this bill in the next 2 years. One-third of this sum will be available for equipment, teachers' salaries, and the other expenses of vocational education which as the Members of this body know has been supported by the Federal Government ever since 1917 when the Smith-Hughes Act was passed. The remainder of the funds will be available for providing allowances to tide over the unemployed person while he completes his training.

Mr. Chairman, I want to propose one amendment which I think will strengthen the bill. Alabama is an agricultural State. Many of its people are farmers who are not earning a good enough living. There are 79,724 rural farm families in my State whose total annual income is $1,200 or less. Of these families, 4,110 live in my Seventh Congressional District. This is not just an Alabama problem. There are 1,624,505 such farm families in the United States today. But where the national figure represents 12 percent of the country's farm community, the figure for my district represents 27 percent and the Alabama figure indicates that a total of 23 percent, nearly one-third, of our farm families earn less than $1,200.

These people are not unemployed the way a city dweller is when he has no job. But actually, this meager farm income is so small that the farmer's condition amounts to unemployment. Where the net family income is less than $1,200, it is my view that such a person should be considered unemployed. The change which I propose will permit farm workers to prepare themselves for jobs in their local communities and thus supplement their farm income. The Senate-passed bill contains language so providing and I am told that such an amendment to this bill is acceptable to the administration and to the chairman of the subcommittee, the gentleman from Pennsylvania. [Mr. HOLLAND], who has worked so diligently and so worthily and so effectively on this bill.

I therefore propose the following amendment:

"At the end of section 202(a), on line 10, page 7 of the bill add the following: 'Workers in farm families with less than $1,200 annual net family income shall be considered unemployed for the purpose of this Act.' "

Mr. O'HARA of Michigan. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, the so-called Goodell bill, H.R. 10363, is primarily the original Holland bill, except that it does embody parts taken from the Senate bill, such as the priority provisions in that bill, which I personally feel will improve the Goodell proposal and the substitute to be offered by the gentleman from Pennsylvania [Mr. HOLLAND]. But, the gentleman from New York [Mr. GOODELL] also goes to the Youth Opportunities Act to take another provision, and that is on-the-job training for the youth.

Mr. Chairman, there are three titles in the Youth Opportunities Act. Title I provides for on-the-job training. Then there is the public service employment title, and the Youth Conservation Corps. It was our hope, of course, when we were studying the Youth Opportunities Act last year, and we felt at the time that we would get the Youth Opportunities Act to the floor prior to the retraining bill. But since the retraining bill has been brought to the floor first, naturally it makes good commonsense to put all of the retraining programs together.

Mr. Chairman, I hope I may be able to help clear up some way, somehow, where this question of authority should be lodged, and why it should be lodged in the Secretary of Labor. We have got to have a concentration of authority. We have more than 1 million youths today between the ages of 16 and 22 years who are unemployed, who are dropouts from high school, and from the grade schools. Many of these dropouts, these teenagers, that this bill provides for have dropped out of vocational educational schools. Would it not be ridiculous to try to require these youngsters to go right back to a place from which they had already dropped out?

It is natural that we have other provisions to take care of such youngsters, such as on-the-job training. We feel that good work can be done under this particular provision. Many of us remember the NYA days where hundreds and hundreds of thousands of youths between the ages of 17 to 22 were trained on the job and took their places in defense plants, having been trained as stonemasons, welders, woodworking, and in many other trades.

Since the Department of Labor has the very definite responsibility, under this legislation, for determining manpower needs and the responsibility to screen, counsel, and select the people to be trained or retrained, they certainly should have the right to enter into contracts with HEW in connection with retraining. I may say that during World War II the Manpower Commission at that time determined the skills needed and they selected the people and referred them to various industrial establishments for training, as well as to the public vocational schools of America. This is not any precedent in any sense of the word.

So I think the committee has acted wisely in placing this authority in the hands of the Secretary of Labor because not only the youngsters, but the people trained or retrained always visit those State employment offices to ascertain information about employment. These unemployed expect the employment offices to have the answers.

Mr. Chairman, this is another point I would like to make: whether the people to be retained really want this bill. I for one, know that this is not a cure-all. In many areas in my section we need a public works program. In one of my counties we have some 12,000 unemployed. Some 3,100 of them today are drawing unemployment compensation. There are more than 3,000 exhaustions and some 6,000 to those, mostly miners, have not had employment for many years. But right across from Pike County, Ky., in Mingo County, W.Va., they have a training program under the Area Redevelopment Administration—a county about half the population of Pike County—and they can only train 200 people in the trade school there, but they have 964 men who have come in and applied for training. And this is right across the river from the county that I am talking about. This clearly demonstrates the great demand for training.

Not many years ago 25,000 men in the district that I represent earned a living from the mining of coal—today that figure is down to 10,000 even though the amount of coal being mined is about the same. The 15,000 who watched machinery take their jobs have been fighting adversity. They do not have the skills which employers require. Most of them want work, but they look for work under a terrible handicap. The bill we are debating today offers some of them hope. It offers training to those of them who can get benefit from such training. It offers it to them in the form of courses which are considered likely to provide jobs, and it offers them this training with enough weekly financial aid so as to permit completion of the courses.

The bill's passage will be a great day for vocational training. It provides some funds for on-the-job training to the extent that employers will find it feasible. But the greater part of the training money will go to vocational training—the kind of shop work, the kind of experience on modern machinery which is available at Mayo Technical Trade Schools in Ashland, Hazard, and elsewhere in the Nation. The bill will thus provide vocational training at an increased scale, $4½ million in Kentucky alone. As in other vocational training programs now supported by the Federal Government, this money will be expended for teachers' salaries, new equipment, the rental and renovation of buildings.

Mr. Chairman, I welcome the opportunity of speaking on behalf of a program which will mean so much to the people. I commend the administration for its leadership in bringing hope to our unemployed and in showing the way to a new era for vocational training.

Mr. POWELL. Mr. Chairman, I ask unanimous consent that a letter from the Secretary of Labor, Mr. Goldberg, addressed to the chairman of the Committee on Education and Labor of the House be inserted at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. POWELL. Mr. Chairman, the letter referred to is as follows:

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 28, 1962.
Hon. ADAM C. POWELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: The amendments to H.R. 8399 in the proposed Holland substitute include certain language of which the purport is to transfer title I of H.R. 8354 to H.R. 8399. Title I of the administration's Youth Employment Opportunities Act (H.R. 8354) would authorize an annual program of training the first year for approximately 25,000 youth between the ages of 16 through 21.

The proposed amendment leaves to the discretion of the Secretary of Labor the proportion of training services available to such young people. In order to assure those who have devoted their interest and energies to the growing problem of 1 million out-of-school and unemployed youth, I want to make clear that it will be my intention to make available sufficient moneys authorized by H.R. 8399 as amended for training at least 25,000 young people the first year and 33,000 in subsequent years. The number of young people aided by the bill might exceed this number. I have assumed that appropriations will be made available at a level contemplated by the bill.

I will appreciate your making this letter a part of the legislature history of this bill.

Yours sincerely,
ARTHUR J. GOLDBERG,
Secretary of Labor.

Mr. GOODELL. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS of Missouri. Mr. Chairman, I want to commend this subcommittee under the chairmanship of the gentleman from Pennsylvania [Mr. HOLLAND] for the very fine work that they have been doing, and in particular coordinating the various areas that this bill touches on. I say that with real concern because this does touch on one of the jurisdictions of the Committee on Ways and Means which considers unemployment insurance.

I am most pleased to state that among the amendments offered by the gentleman from New York [Mr. GOODELL] will be found the provision in regard to the unemployment insurance systems in the States so that this program will not interfere with or in any way damage them. I am looking to see if the chairman of the Committee on Ways and Means is in the Chamber. This matter has been cleared with the gentleman from Arkansas [Mr. MILLS] together with myself and the gentleman from Wisconsin, Congressman BYRNES and others on the Committee on Ways and Means who are concerned with it. I do want to say my interest in this legislation goes way beyond the aspects of the unemployment insurance program. This has been a matter of constant concern to the Joint Economic Committee. I am happy to state that this bill and the concept is the approach I take in regard to the real problem of unemployment which is that it is essentially a matter of frictional and structural unemployment and not a matter of cyclical and what I term to be the concept of the Keynesian economists who say that the unemployment can be solved through massive Federal expenditure programs. Indeed, I think the work that this subcommittee has done points up very pointedly the area just where it needs to be pinpointed and it is a matter of rapid economic growth, automation we call it, where skills are made obsolete very quickly and where it is concentrated among the unskilled and semiskilled workers, and that this job of retraining I might say is not a simple one—it is not just a question of matching the unskilled and the semiskilled unemployed person with the new skills that technological advancement creates because you are not going to take the displaced cotton picker or the displaced ditch digger and train him for these higher skills.

What is happening is that a person with a job retrains or studies at night to learn a higher skill so he moves over into that higher skill leaving a job open for someone down the line to upgrade his skill. This is a very difficult and complicated matter that this bill is directing its attention to with reference to this basic problem of retraining. Essentially the point needs to be made that automation and rapid technological advancement actually creates more jobs than it displaces. But the human element involved is the thing that makes it difficult for us as legislators to meet because an unemployed person or a displaced skill is related to a human being and it involves all the human problems while the newly created job—which, incidentally, is going begging because we are not filling the jobs we need to fill—is not related yet to a human being and therefore we do not have it calling out in this fashion. Lest anyone think that these thousands of jobs that are going begging are not in existence, test yourself with your own newspaper and look at the want ads, particularly on Sunday where you will see the want ads showing skills that are going begging. Take the New York Sunday Times of this last Sunday or of any Sunday. You will find column after column and page after page of people advertising for the skills that are needed in our economy. Actually our unemployed are our greatest resources to fill these skills that our society needs.

One of the points brought out by the gentleman from New York [Mr. GOODELL] very ably and also by the gentleman from Georgia [Mr. LANDRUM] when he was pointing out this problem of the jurisdiction of vocational education which is in the Department of Health, Education, and Welfare, and on-the-job training and apprenticeship training which is in the Department of Labor, one of the tragedies has been over the period of years that our two Departments most concerned in this area have not been doing their job and vocational education has gotten to the point where much of it is training people in skills that are already obsolete.

The committee hearings bring this out to some degree; but the point of this lies here: Secretary Ribicoff in testifying before the Ways and Means Committee just 2 weeks ago in regard to revising our welfare program, pointed out the great need, he said, to have schools in the field of social work, not just the college graduates, I might add, to function in the field of social work. I asked the Secretary: "What are you doing in your vocational educational program toward attracting people to take jobs, to go out and become technicians in this field?" And Secretary Ribicoff made this remark, and I was pleased to hear it; he said: "After some of our previous discussions on this we are completely revising and studying in depth the entire field of Federal vocational education." This is a program, I might state, which dates back to 1917. This is nothing new. This is a program that has been in existence along with the other bill which became law in 1946. So a great deal of work has to be done by the Department of Health, Education, and Welfare in this tremendous area of vocational education.

Likewise, the Department has not been doing an adequate job in developing its dictionary of skills. That was brought out during debate on the floor when the rule was under consideration. I believe the gentleman from Kansas [Mr. AVERY] demonstrated the inadequate list of skills that has been compiled to date by the Department of Labor, highly inadequate. The job is not being done.

But the point of this bill and the key to this bill, in my judgment, is the requirement that both of these Departments report back—this is found on page 20, section 504(a)—both the Secretary of Labor and the Secretary of HEW shall report to the Congress prior to March 1, 1963, on what they have done in developing their programs, so that they know what they are doing and requiring, and the coordination of these two Departments on the scene.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from New York.

Mr. GOODELL. I also would like to commend the gentleman for his leadership. In fact, many of my amendments were derived from the very solid statement he made after the study, and they have been incorporated in the substitute which will be presented tomorrow. I think the gentleman from Missouri can take considerable credit for this substitute.

The gentleman also referred to the requirement for reporting within a year. I would point out that the substitute which will be presented tomorrow specifically adds to the other report provisions that were in the previous bill, requiring that reports include the number of individuals trained and the number and types of training activities under this act, the number of unemployed or underemployed persons who have secured full-time employment as a result of such training, and the nature of such employment. That is spelled out in the bill specifically. They must report in detail and that report must also be made in 2 years, 1 year after enactment and 2 years after enactment.

Mr. CURTIS of Missouri. I appreciate the gentleman's statement, and I want to commend the gentleman from New York for the great work he did. I am so pleased these amendments are being accepted.

If I may turn again to the other side of the aisle and to say to the chairman how much I appreciate the cooperation the chairman gave to those of us who were trying to work on this, and the fact he has been working in this field so many, many years with great results. It could only be achieved with your patience and understanding, and I thank the gentleman.

Mr. GOODELL. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota [Mr. QUIE] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. QUIE. Mr. Chairman, chronic structural unemployment has been a problem which our country has faced almost continuously since the last war. In my home State of Minnesota there is a graphic example of this—the Iron Range of northern Minnesota. As I have watched the situation in that area I have become aware that steps must be taken to solve our problems—not just ease the pain caused by those problems nor postpone the day in which we must face up to the truth of those problems.

This is not a question of our States neglecting the problem of chronic unemployment. Many pepole at the State level of government are working hard to find a solution. Again, to use my home State as an example, Governor Andersen, of Minnesota, is providing admirable leadership to remove unemployment and to restore a more favorable competitive position for our American iron ore industry.

Within the realm of Federal responsibility, the present short range programs—such as providing adequate unemployment compensation—are desirable in alleviating the situation.

More important is that we develop long range programs aimed not only at lessening the results of our economic problems but also designed at removing the sources of these problems.

As a member of the House Committee on Education and Labor I have supported and will continue to support Federal aid for the retraining and relocation of unemployed workers. I believe that the question we face today is how we will arrive at the best bill to provide this retraining and relocation of workers.

Workers who have lost jobs because of basic changes in the economy must be encouraged to learn other skills which are in demand. We must not abandon those workers with obsolete skills to carry the burden of technological change alone.

The majority of these workers had no control over the economic shifts which left them unemployed with unwanted skills. They also lack the necessary resources for retraining. Added to these factors is a third and most important reason for Federal aid. Our national economy is presently losing the productive services of these workers.

The home communities of the retrained cannot be expected to carry the full load when, after new skills are developed, employment may be found in other areas and perhaps in other States.

If a retraining bill is passed it must be carefully coordinated with private, State, and local efforts to solve the problem. In particular, the training allowance provision must be made to dovetail with the present unemployment compensation system.

This, the Goodell substitute bill, would insure by requiring the States to match Federal funds in paying the retraining allowances as quickly as possible and by providing reimbursement to State unemployment compensation funds which would permit training while a worker collects unemployment compensation.

The Goodell substitute also provides needed provisions to insure that those people most needy receive retraining funds and that the retraining funds are not misused.

It is my privilege to serve with the gentleman from New York (Mr. GOODELL) on the Education and Labor Committee. Mr. GOODELL's keen grasp of this problem as it came before the committee and his hard work in drafting his retraining bill has greatly impressed me. The gentleman from New York (Mr. GOODELL) is to be commended for his efforts and contributions.

During the past few weeks there has been much discussion of expanded American foreign trade and of how the transition to freer trade can be made a smoother one. All of this talk has centered around the competitive position vis-a-vis the rest of the world.

Legislation providing for the retraining and relocation of workers would do much to enable us to compete more favorably with the rest of the world. Retraining of workers would not simply postpone the day when certain American products can openly compete with European goods as would be the effect of import quotas. Rather retraining would act to improve our competitive position today.

Retraining of workers is an example of positive and progressive Federal action at its finest. For this reason I heartily support the bill.

Mr. O'Hara of Michigan. Mr. Chairman, I yield such time as he may desire to the gentleman from California (Mr. Cohelan).

Mr. Cohelan. Mr. Chairman, I rise in support of this important legislation which would help the workers of our Nation adjust to the problems which are created by automation and rapid technological advances; legislation which would provide for the effective development and use of our Nation's manpower resources to meet the skill requirements of our highly advanced and constantly changing industrial society.

There is no question in my mind that one of the most serious domestic challenges confronting us in the 1960's is to achieve full employment in the face of a rapidly expanding labor force and the continued displacement of workers by automation.

We can, of course, take satisfaction that the seasonally adjusted rate of unemployment in January of this year dropped below the 6-percent level for the first time since September of 1960. We must take cognizance of the fact, however, that the number of long-term unemployed—those who have been out of work for 15 weeks or longer—has not changed from last Januarys total of 1,250,000, and that 700,000 of these workers have been out of work for more than 6 months.

Mr. Chairman, this problem of long-term unemployment is especially severe among the nonwhite elements of our labor force, and this is a matter with which I am greatly concerned. As the Department of Labor's figures for the month of January 1962 indicate, 10.8 percent of our labor force is composed of other than Caucasians—28.7 percent of this group, however—a disproportionately high level—has been seeking work for 6 months or longer.

This problem must be dealt with for it is a cause of severe personal suffering as well as a serious loss to our total national effort.

There is agreement among those who have studied this matter, as the Committee on Education and Labor has stated in its excellent report accompanying this bill:

"That a substantial proportion of our unemployment exists because idle workers do not have the skills necessary to enable them to undertake existing jobs. Many hundreds of thousands of unemployed lack the skills which are needed in our present-day economy. Unless these people acquire new skills, their unemployment will persist even when recovery from the present recession is completed."

Mr. Chairman, there can be no doubt that the labor force of this country is our most valuable productive resource. I urge my colleagues therefore, to support this constructive and urgently needed manpower development and training legislation which would enable us to more effectively utilize this resource; legislation which would improve the skills and adaptability of our Nation's workers through a continuing assessment and review of our manpower needs, and through broadly based programs of training and retraining which would match workers' skills with needed jobs.

[From the Congressional Record, Feb. 28, 1972]

House

Mr. Powell. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for further consideration of the bill (H.R. 8399) relating to the occupational training, development, and use of the manpower resources of the Nation, and for other purposes.

The Speaker. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8399, with Mr. Mahon in the chair.

The Clerk read the title of the bill.

The Chairman. When the Committee rose on yesterday the gentleman from New York [Mr. Powell] had 16 minutes remaining, and the gentleman from Pennsylvania [Mr. Kearns] had 25 minutes remaining.

The Chair recognizes the gentleman from New York [Mr. Powell].

Mr. Powell. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. O'Hara].

Mr. O'Hara of Michigan. Mr. Chairman, during the course of yesterday's debate a number of questions arose with regard to the fashion in which this bill, if enacted into law, would operate. In particular, there were questions with regard to an alleged conflict of responsibility between the Secretary of Labor and the Secretary of Health, Education, and Welfare, and with regard to the effect of enactment of this legislation upon existing vocational education and on-the-job training programs. I will direct myself to those questions.

In practical operation the manpower retraining program would work something like this: First, the Secretary of Labor would, through the facilities of the Bureau of Labor Statistics, the U.S. Employment Service and other divisions of the Department of Labor determine occupational——

Mr. Kearns. Mr. Chairman, will the gentleman yield?

Mr. O'Hara of Michigan. I yield to the gentleman from Pennsylvania.

Mr. Kearns. Mr. Chairman, is the gentleman going to be able to support the amendment that will be offered?

Mr. O'Hara of Michigan. I wish to say to the gentleman from Pennsylvania that I think the proposed amendment has a number of very good features and I support both the amendment and the bill.

Mr. Kearns. I thank the gentleman.

Mr. O'Hara of Michigan. Mr. Chairman, the first step involves the selection through testing, interviewing and counseling of persons who are able and qualified to take training and want such training for new jobs. The jobs for which they will be trained would depend upon determinations by the Department of Labor and by the various State employment agencies. They would determine what the job needs and the training needs of their areas were and they would select the occupations for which trainees would be trained.

Second, the States, under the provisions of their agreements with the Secretary of Labor and the Secretary of Health, Education, and Welfare, would provide suitable training programs to equip selected trainees with the desired skills. They would use existing public and private vocational training schools and agencies and on-the-job training programs.

Mr. Chairman, during the debate yesterday, the gentleman from Georgia [Mr. Landrum], raised a question with regard to the operation of other vocational training programs if this program were to be enacted into law. I think it should be made very clear at this point that, as far as trainees under this program go, they must be selected and referred to training by the State employment agencies; but this would in no way affect the operation of other vocational education programs and in particular it would not require a referral by the Secretary of Labor before taking part in existing programs such as the area vocational institute programs under the National Defense Education Act. They would continue as before.

The Federal Government would pay the cost of training under the act for unemployed trainees and up to 50 percent of the cost for trainees who have jobs of one sort or another and who are engaged in training for upgrading purposes.

During the course of the training program the Secretary would pay trainees a training allowance roughly equivalent to unemployment compensation benefits.

Persons being trained on on-the-job training programs would, of course, be receiving some payment from their employers and their training allowance would be reduced accordingly.

Mr. Chairman, with regard to this matter of training allowances, the committee believes that training allowances are essential if this program is to work. Under the employment compensation laws of about two-thirds of the States, an unemployed person eligible for unemployment compensation and drawing unemployment compensation will lose his rights to those benefits if he undertakes a training program. When he undertakes a training program, he is considered no longer available for work and he is cut off from unemployment compensation. This feature of State unemployment compensation systems has been an important factor in inhibiting the use of training programs by unemployed persons. A man with a wife and two or three or four children can ill afford to give up his unemployment benefits, which he needs to pay the rent and to buy the groceries, to take a program of training. The proposal for training alloawnces is designed to make it possible for unemployed persons to take this training program and equip themselves for new employment without suffering a complete loss of income. They will receive an amount roughly equivalent to their unemployment compensation benefits while they are training.

Approximately one-third of the amount authorized to be appropriated will be allocated to teachers' salaries, equipment and rental of buildings which are aspects of vocational training traditionally supported by Federal funds. Approximately two-thirds of the total authorized to be appropriated would be expanded for the payment of training allowances.

Finally, the bill provides for counselling and placement services through the State employment agencies for trainees who have successfully completed their courses.

Additional matter in the Holland bill sets forth the formula for the apportionment of Federal funds among the States, and provides safeguards to insure that the training offered is adequate to the purposes for which it is given, and to prevent States and other governmental units from substituting Federal programs under the act for existing local programs.

I think this last, Mr. Chairman, is a very important point because it is not our intention to merely subsidize existing vocational training programs. Funds under this act would be available only for additional training programs, over and above those presently being conducted. No State or locality could receive Federal funds for a training program under this act, if it were using these funds to reduce its local effort. They must maintain their level of local effort.

In conclusion, Mr. Chairman, I wish to emphasize that throughout this bill the utmost care has been taken to provide economical and efficient operation of the training program through maximum utilization of existing Federal and State agencies and avoiding duplication and overlapping of Federal and State efforts.

One of the ways we do this, Mr. Chairman, is through maintaining the traditional lines of authority of the Secretary of Labor and the Secretary of Health, Education, and Welfare. Throughout the history of such programs, the Secretary of Labor has been responsible for determining manpower needs and the referral and placement of jobseekers. We keep that function in the Department of Labor. We do not attempt to set up a new bureau within the Department of Health, Education, and Welfare to perform the same task.

We likewise keep on-the-job training under the jurisdiction of the Secretary of Labor. That is where it has been and we do not want to make a change.

Similarly we bring in the Secretary of Health, Education, and Welfare who has responsibility for Federal vocational education programs. We retain his role of leadership of those programs. There is no change in the existing lines of Federal authority contrary to what some of the speakers yesterday might have indicated. But, nevertheless, this is the explanation for the fact that both the Department of Labor and the Department of Health, Education, and Welfare are involved in the operation of this act.

Mr. Chairman, we do not pretend that the enactment of this bill is going to solve the Nation's unemployment problem. Indeed, under the 2-year operation of the act, only about 410,000 persons could receive training. The number of unemployed exceeds four million. But, we do believe we have a responsibility to make progress toward assisting those displaced from their jobs by technological change. That is what this bill does and I urge its enactment.

Mr. MATHIAS. Mr. Chairman, I rise to support the manpower development and training bill in general and the Holland-Goodell amendments in particular.

Retraining is clearly a constructive conservative approach to the problem of unemployment. The objective of the bill is to assist individuals to develop their own potential and to return them in the productive streams of the American economy as rapidly as feasible. It focuses our effort on the hard core of residual unemployment, rather than indiscriminately raising Federal expenditures and Government deficits in order to stimulate the economy. In addition to concentrating on the most crucial needs, the retraining approach is an investment with real returns in both human and economic terms. It gives people on the unemployment rolls a new hope; a chance to regain the confidence, dignity, and self-esteem that derives from the full employment of their individual talents and potential. In economic terms it means increased productivity and tax returns from productive workers instead of stagnation and the endless drain of welfare payments.

In the past, I have applauded administration efforts to increase jobs in the depressed areas of my State. I have urged the Secretary of Labor not to overlook the pressing needs of western Maryland where the Cumberland labor market area has a current unemployment rate of 7.3 percent—December 1961—and Hagerstown 9.8 percent—December 1961. I welcome this bill as an important step in easing the substantial and persistent unemployment in these and similar areas.

While I welcome the administration's efforts, I have been disturbed, Mr. Chairman, by the impression that has been created, intentionally or not, that the Republican Party is dedicated to obstruction of this program.

This bill is a Republican contribution with bipartisan support. The Republican policy committee devoted considerable time in this general area last year. A special task force under the leadership of the gentleman from Missouri, Representative Curtis, issued a report last summer entitled "Employment in the Dynamic American Economy." Retraining and manpower development were treated extensively in that report. The work of my colleague, the getleman from New York [Mr. GOODELL], on the subcommittee reporting this bill is generally known and appreciated within this body.

Finally, Mr. Chairman, I should also like to endorse the specific amendments offered in the Holland substitute. These tighten up an already sound bill. They concentrate aid where it is most needed—to unemployed heads of families rather than high school dropouts. They extend the principle of matching Federal with State funds. They permit another dovetailing with existing unemployment assistance programs. They eliminate potential abuses in the granting of training allowances. They institute attendance and progress requirements in regard to these allowances. I wholeheartedly support my colleague in his efforts to produce a carefully and narrowly drawn bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Manpower Development and Training Act of 1961."

Mr. HOLLAND. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

"Amendment offered by Mr. HOLLAND: Strike out all after the enacting clause and insert in lieu thereof the following:

"That this Act may be cited as the 'Manpower Development and Training Act of 1962'."

Mr. POWELL (interrupting the reading). Mr. Chairman I ask unanimous consent that the substitute be considered as read, and be open to amendment at any point.

Mr. GRIFFIN. Mr. Chairman, reserving the right to object, I should like to inquire as to whether the substitute the gentleman from Pennsylvania now offers is the same as H.R. 10363, the bill which was introduced by the gentleman from New York [Mr. GOODELL]? Is it identical in all respects?

Mr. HOLLAND. It is identical.

Mr. KEARNS. Will the gentleman from New York [Mr. GOODELL] be known as a cosponsor of the bill? We had one famous bill here known as the Landrum-Griffin bill.

Mr. HOLLAND. This is of bigger importance than the Landrum-Griffin bill.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. HOLLAND] is recognized for 5 minutes in support of his amendment.

Mr. HOLLAND. Mr. Chairman, in making this proposal, I am encouraged by the wide support given this legislation and the many fine things said about it from all parts of the country and from both sides of the aisle.

In proposing this substitute, I am, in effect, reintroducing my own bill, H.R. 8399, as it was reported by the Committee on Education and Labor, 24 to 3, last July 27. With the cooperation and assistance of the gentleman from New York [Mr. GOODELL], the ranking minority member of our subcommittee, we worked untiringly for the passage of this legislation, we have made certain modifications which will have a wide appeal to the Members of this body.

I would like to remind the House that it has been 7 months since the committee discharged its obligations on H.R. 8399.

Since then we have had two hearings before the Rules Committee—one last September and a second one several weeks ago.

I have also had the benefit of letters from many parts of the Nation as well as first-hand discussions with many of my own constituents, who are looking forward to the promise and hope which this bill will provide for them.

As the Senate passed a companion bill on August 23, I have carefully studied the debate which took place in that Chamber and, finally, I have consulted quite frequently with many of the Members from both sides of the aisle, since Congress convened.

From all these sources, some significant additions to H.R. 8399 have been incorporated into the substitute. I would like to summarize these changes for you.

First. The most important is to spell out the fact that payment of training allowances are for those adults who have had at least 3 years of gainful employment and who are heads of households. This has always been my view, but to define it clearly is quite agreeable to me and to my colleagues.

Second. This bill was developed for the unemployed—the factory worker, the miner, and the white-collar clerk. It has been brought out, however, that the small farmer and the farmhand are also experiencing hardship from technological change. To help those whose net income is less than $1,200 per year we have considered them unemployed, rather than underemployed, for the purposes of this bill. I appreciate the help of my Republican and Democratic colleagues from the rural areas of the Nation for this suggestion and recommendation.

Third. It was the intent of this bill to preserve the system of training allowances separate from unemployment insurance benefits. In order to make this intent perfectly clear, a provision has been added which states the reimbursement of moneys will be given to those States which pay insurance benefits for time spent in training. This will insure replacement of funds to those States now following this practice.

Fourth. A fourth change has to do with the training for youth. H.R. 8399, as reported, provided training for all ages. In order to clarify this intent for those for us who are interested in the many unemployed between the ages of 16 and 21, my substitute includes a provision to provide this training.

Fifth. One oversight has been brought to our attention. It is the theory of the bill that those getting training will get training allowances rather than unemployment insurance benefits. These allowances are pegged at the State average. We failed, however, to take account of the unemployed person receiving benefits above the State average; the substitute makes this change.

Sixth. The original bill provided for 10 supergrade positions and we find this is no longer appropriate. It has, therefore, been eliminated in this substitute.

Seventh. The training for minor skills, requiring less than 2 weeks' time, will be prohibited unless immediate job opportunity is available before the training is undertaken.

Eighth. No training allowance will be available for those requiring less than 6 days' training. For jobs such as dishwashers, waitresses, and the like which require only 2 days' training, training will be available but not allowances.

Ninth. Trainees are required to have satisfactory attendance and show progress to remain under the program. Failure to do so—without good cause—will automatically stop the payment of allowances, and trainee cannot again qualify for at least 1 year.

Tenth. Applicants for training under this program cannot qualify if they have, during the previous year, received allowances for training under any other Federal program.

Eleventh. In regard to the subsistence and transportation expenses of trainees under this program, actual and necessary expenses must be shown. In no event shall these exceed $35 per week or 10 cents per mile.

Twelfth. States will be required to match Federal funds covering the cost of training allowances as quickly as is feasible.

These changes were discussed and approved by all interested persons.

I appreciate the help given me by all the Members who assisted and I would again like to commend Congressman GOODELL for his suggestions and recommendations.

Mr. Chairman, I am interested in getting our unemployed back to work—active in the work force of the Nation—thereby allowing our people to regain their self-respect and permitting them to again support their families and educate their children.

This, Mr. Chairman, is first and foremost in my mind.

To accomplish this I will cooperate with all Members on both sides of the aisle.

I know many Congressmen—both Republican and Democratic—who represent districts that need this legislation and I know these Members want to vote for this bill.

I want them to be able to do so and I will bend over backward to let them.

What is most important is that we give our unemployed of the Nation the chance they so greatly need.

With assistance and advice of the gentleman from New York [Mr. GOODELL] I believe we have the legislation properly prepared to meet the approval of all factions in this Congress.

Therefore, Mr. Chairman, I ask the support of my colleagues on both sides of the aisle for the amendment in the nature of a substitute bill which is now on your desk.

Mr. GOODELL. Mr. Chairman, I rise in support of the substitute.

Mr. Chairman, I want at the outset to commend my colleague, the gentleman from Pennsylvania [Mr. HOLLAND], for his work on this legislation, and I want to pay particular tribute to him for his willingness to accept this substitute, H.R. 10363, and offer it jointly on a bipartisan basis. And, I wish to emphasize the difference between this substitute on which we will vote and the bill that came from the committee.

This substitute will focus the bill on the unemployed workers who are heads of families and who have held jobs for at least 3 years. There will be no training allowance to a worker who does not fall in that category. It requires matching by the States of the administrative cost and of the training allowance cost after a period of 18 months. Experience has shown that where the States participate and put up some of this money, and they participate in this program through the employment offices locally and through the vocational offices locally as well as through the State legislatures appropriating money, that the program turns out to be much more efficient. The unemployment compensation fund will be protected by a new provision in my substitute bill. We had a running debate throughout the consideration of this bill as to how we could preserve the independence of this unemployment compensation system and the local control over it. We have worked out a system of reimbursing those unemployment trust funds which permit the payment of benefits to workers who are undergoing training. This, I believe, is important. It means that there will be an inducement for our State legislatures to extend the provision permitting unemployed workers to take their training while collecting unemployment benefits. Today, in most of our States, in all but 17, this is forbidden. A worker who is unemployed cannot be trained and still draw unemployment compensation. He has no choice. In other words, he must sit and just take the benefits. The substitute requires that there must be an immediate job opportunity if training is to be for less than 2 weeks. It is my view that if you are going to train a worker for less than 2 weeks' time, you should know that there is a job waiting for him at the end of that period.

The substitute forbids any training allowances for training of less than 6 days. This does not mean they cannot train workers for skills which take less than 6 days to acquire. But such trainees are not going to be paid a training allowance during that period. H.R. 10363 requires specifically satisfactory attendance and progress and requires the vocational school, or whatever other facility is involved, to notify the local employment office immediately if satisfactory performance is not forthcoming from the trainees.

Mr. Chairman, the bill forbids any payment of training allowances for 1 year after the training is completed, or after the training is turned down by a worker. This will foreclose the possibility of a worker collecting unemployment compensation after being advised by the office of employment locally that he should get some training and go back to work and he deciding that he wants to wait until his unemployment compensation runs out and then go over and get some training allowances. If he is offered the opportunity to train and turns it down under the substitute and under the bill he will thereafter be ineligible for a training allowance for 1 year. We will permit no training eligibility to be determined by the employment office on the basis of union membership or nonunion membership, and we restrict the types and amounts of transportation and subsistence allowances that can be paid.

Mr. Chairman, H.R. 10363, which is the substitute now pending before the House, I believe is an efficient and effective and progressive program that this Congress should support upon a bipartisan basis. The program will help these workers get off the welfare and unemployment rolls and back into the productive stream of our economy.

Mr. PUCINSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the substitute amendment now pending before the House. I am in full agreement with the previous speakers to the effect that the gentleman from Pennsylvania (Mr. HOLLAND) and the gentleman from New York (Mr. GOODELL) certainly deserve the gratitude and commendation of the entire Congress for working out an agreeable and acceptable formula that we can vote on today.

Mr. Chairman, I think the substitute provision in some instances strengthens the bill. I would like to particularly point out the tribute that belongs to the gentleman from Pennsylvania (Mr. HOLLAND). Two years ago the gentleman from Pennsylvania (Mr. HOLLAND) had asked the chairman of the Committee on Education and Labor of the House permission to conduct hearings on the effect of automation on the American economy. He has done a magnificent job. He has assembled a tremendous record of information and knowledge on this subject. The mere fact that we are here today, able to vote on this bill, I think is a tribute to his diligence and his sincere interest in this subject. I think the fact that we are able to vote on this bill today also reflects the new look in the Committee on Education and Labor of the House under the chairmanship of the gentleman from New York (Mr. POWELL) who has indeed encouraged this investigation of the impact of automation on the American employment scene, and who has helped the committee in every aspect.

Mr. Chairman, if this bill is adopted today, and I hope it will be, we indeed are writing an historic piece of legislation into the books of our country.

We are in this way giving full meaning to the fact that the Congress of the United States recognizes that problems in the employment field of America must follow the trend of automation; but we are also strengthening the whole concept of free enterprise as contrasted to the communistic totalitarian system's economy. We are saying here in effect that we recognize that American industry, working within the concept of free enterprise, has the right, has the responsibility, has the duty to move forward, to develop new technological means; but we are also recognizing that in this process there is a great dislocation of workers. And we here today are trying to provide legislation which will take care of these dislocated workers and put them back into the stream of gainful employment.

There are people in this country who have been unemployed for many, many years. These are people who want to go to work. These are people who want to preserve their personal dignity and earn their livelihood. But they have been dislocated from their regular jobs for various reasons—automation, movement of industry, foreign imports, various other reasons.

This legislation will help an estimated 450,000 people become better trained to take on new skills to replace old ones for which there no longer is a need because of technological improvements. The impact of these 450,000 people who would be helped by this legislation would be of great benefit to the economic growth of the country, to an extent that can hardly be estimated.

The question was raised, can older people be retrained? I have such profound confidence in the ingenuity and ability of the American worker that there is not the slightest doubt in my mind that a man who has worked with machines all his life can, indeed, be retrained for another job regardless of his age. There is not the slightest doubt in my mind that this can be done with considerable success. In Chicago, we have seen hundreds of older workers lose their original jobs—jobs they held for many years—because some very large companies have moved to other parts of the country. There is no demand for these workers' particular skill in most instances. I believe the only way you can put these people back to work is to quickly train them for another job. There are jobs available. You need only look at the want ads of many newspapers to verify this statement. With just a little help in retraining, many of those now unemployed can be helped to qualify for these jobs.

The question was raised quite properly by the gentleman from Ohio, Mr. ASHBROOK, whether or not this is going to intrude upon other vocational programs. I think the substitute bill certainly reduces that possibility. Notwithstanding that, however, it appears to me that any legislation can be successful only if the legislative branch of the Government continues periodically to review the activities of the executive agencies of Government. We have had several examples of this in our committee under the chairmanship of the gentleman from New York [Mr. POWELL] when we called in administrators to see what they are doing with legislation that we pass in Congress; to see whether or not they are doing a good job. On a bipartisan basis we have suggested ways to improve administration of laws passed by Congress, in those cases where they have not been staying within the spirit of the act. I think if this act does not work, or is not administered properly by the agencies, Congress should react very swiftly. It is my judgment that Congress has a duty to ascertain whether the laws it enacts are being properly administered by the agencies.

Mr. KEARNS. Mr. Chairman, may I inquire of the chairman of the committee, the gentleman from New York [Mr. POWELL], how many amendments are pending on his side?

Mr. POWELL. Mr. Chairman, we have no amendments. We have worked this bill out in compromise.

Mr. KEARNS. Mr. Chairman, if there are any amendments pending on either side, may I ask whether they are perfecting amendments, or whether they are amendments that change the substance of the bill?

Mr. POWELL. Mr. Chairman, I do not know of any amendments that are pending.

Mr. KEARNS. Mr. Chairman, may I ask what amendments are pending, if any?

Mr. CRAMER. Mr. Chairman, I have an amendment, which is at the desk.

Mr. GROSS. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. KEARNS] on the pending amendment.

Mr. Kearns. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close at 2:15 p.m.

Mr. Powell. Mr. Chairman, the distinguished minority leader of my committee has moved that all debate close at 2:15. If he will amend his motion to reserve the last 5 minutes to this side, I would have no objection to that.

Mr. Gross. Mr. Chairman, a point of order.

The Chairman. The gentleman will state it.

Mr. Gross. The gentleman may not make a reservation on a motion.

Mr. Kearns. Mr. Chairman, I withdraw my motion.

Mr. Griffin. Mr. Chairman, I rise to support the Holland-Goodell substitute and to call attention to several items which, I think, deserve particular attention. This bill would set up a 2-year program as it will be amended by the Holland-Goodell substitute and would authorize expenditures in the neighborhood of $253 million. I do not believe it is realistic to expect that the Department of Labor can properly and wisely spend as much money as is authorized for the first year of this program. Looking back at the area development legislation, sometimes referred to as the depressed-area bill, we know it has taken a long time to get that program underway. Before the pending bill could be effective, there must be made an inventory of the skills in short supply and a number of other steps must be taken. I should like to call the attention of the Committee on Appropriations to the fact that more money is probably being auhorized than will be needed or can wisely be used in the first year. The Committee on Appropriations should take a close and careful look, and require that the Department of Labor justify fully the appropriation of any funds authorized by this bill.

Mr. O'Hara of Michigan. Mr. Chairman, will the gentleman yield?

Mr. Griffin. I yield to the gentleman from Michigan.

Mr. O'Hara of Michigan. I would call the attention of my colleague to the fact that just the other day, in a discussion at the Department of Labor, I asked about the retraining provisions of the Area Redevelopment Act.

I was given to understand that as far as the retraining provisions of the Area Redevelopment Act are concerned, the funds appropriated have been almost completely committed for the current fiscal year. I do not know if the gentleman has other information, but that is the information which was given to me.

Mr. Griffin. I join the gentleman in the desire to get this program underway as quickly as possible. It is not my purpose to retard it; however, I am suggesting that it is difficult to get a program of this kind rolling at once. It is going to take some time, and I question whether the full amount to be authorized by this bill is necessary.

Mr. Chairman, I should like to go to another point. The substitute contains an important provision in section 504 which provides that selection of trainees shall not be contingent upon membership or lack of membership in a labor organization. I would assume that if this provision had not been included we could expect that the Department of Labor, under no circumstances, would select trainees on the basis of whether or not they happened to belong to a union. In the selection of trainees, surely unemployed workers have the right to expect and demand that the Department of Labor will not discriminate on the basis of whether a person happens to be a union member or happens not to be a union member.

This can be very important because workers of the Negro race are excluded from membership in a number of unions and a large percentage of the unemployed are Negroes.

Now that section 504 has been included in the Holland-Goodell substitute, it should not be taken out in conference. If the conferees should now allow the provision to be taken out it might be inferred that Congress would condone discrimination by the Department of Labor, on the basis of union membership or the lack of thereof. Accordingly, it is very essential now that section 504 be retained by the conferees.

I assume that the gentleman from Pennsylvania (Mr. Holland) will be among the conferees. Will he comment in regard to section 504 of the substitute he has offered which provides that the selection of individuals shall not be contingent upon membership or nonmembership in a labor organization?

Mr. Holland. That was the judgment of the committee. I will stand by the committee's decision.

The Chairman. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Holland).

The amendment was agreed to.

The Chairman. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Mahon, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8399) relating to the occupational training, development, and use of the manpower resources of the Nation, and for other purposes pursuant to House Resolution 544, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The Speaker. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The Speaker. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. Hiestand. Mr. Speaker, I offer a motion to recommit.

The Speaker. Is the gentleman opposed to the bill?

Mr. Hiestand. I am.

The Speaker. The gentleman qualifies. The Clerk will report the motion.

The Clerk read as follows:

"Mr. Hiestand moves to recommit the bill to the Committee on Education and Labor."

The Speaker. The question is on the motion to recommit.

The motion was rejected.

The Speaker. The question is on passage of the bill.

Mr. Hiestand. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 354, nays 62, answered "present" 1, not voting 19, as follows:

[Roll No. 26]

YEAS—354

Adair, Addabbo, Addonizio, Albert, Alexander, Alford, Andersen, Minn., Anderson, Ill., Andrews.

Anfuso, Arends, Ashley, Aspinall, Auchincloss.

Avery, Ayres, Bailey, Baker, Baldwin.

Baring, Barrett, Barry, Bass, N.H., Bass, Tenn., Bates, Battin, Becker, Beckworth, Belcher, Bell.

Bennett, Fla., Berry, Betts, Blatnik, Boggs, Boland, Bolling, Bolton, Bonner, Bow, Boykin, Brademas, Bray, Breeding, Brewster, Bromwell, Brooks, Tex.

Broomfield, Brown, Buckley, Burke, Ky., Burke, Mass., Byrne, Pa., Byrnes, Wis., Cahill, Cannon, Carey, Cederberg, Celler.

Chamberlain, Chelf, Chenoweth, Chiperfield, Church, Clancy, Clark, Coad, Cohelan, Collier, Conte, Cook.

Corbett, Corman, Cramer, Cunningham, Curtin, Curtis, Mass., Curtis, Mo., Daddario, Dague, Daniels, Dawson, Delaney.

Dent, Derounian, Derwinski, Devine, Diggs, Dingell, Dole, Dominick, Donohue, Dooley, Dowdy, Doyle.

Dulski, Durno, Dwyer, Edmondson, Elliott, Ellsworth, Everett, Evins, Farbstein, Fascell, Feighan, Fenton.

Finnegan, Fino, Flood, Flynt, Fogarty, Ford, Fountain, Frazier, Frelinghuysen, Friedel, Fulton, Gallagher.

Garland, Garmatz, Gavin, Giaimo, Gilbert, Glenn, Gonzalez, Goodell, Goodling, Granahan, Grant, Gray.

Green, Oreg., Green, Pa., Griffin, Griffiths, Gubser, Hagen, Calif., Halleck, Halpern, Hansen, Harding.

Harris, Harrison, Wyo., Harsha, Harvey, Ind., Harvey, Mich., Hays, Healey, Hechler, Hemphill, Henderson, Herlong, Hoeven.

Holifield, Holland, Horan, Hosmer, Huddleston, Hull, Ichord, Mo., Inouye, Jarman, Jennings, Joelson, Johnson, Calif., Johnson, Md., Johnson, Wis., Jonas, Jones, Ala., Jones, Mo., Judd, Karsten, Karth.

Kastenmeier, Kearns, Kee, Keith, Kelly, Keogh, Kilgore, King, Calif., King, N.Y., King, Utah, Kirwan, Kluczynski.

Knox, Kornegay, Kowalski, Kunkel, Kyl, Laird, Lane, Langen, Lankford, Latta. Lennon.

Lesinski Libonati, Lindsay, Loser, McCulloch, McDonough, McDowell, McFall, McIntire, McMillan, McVey, MacGregor, Mack.

Magnuson, Mailliard, Marshall, Martin, Mass., Mathias, Matthews, May, Merrow, Michel, Miller, Clem, Miller, George P.

Miller, N.Y., Milliken, Mills, Minshall, Moeller, Monagan, Montoya, Moore, Moorhead, Pa., Morgan, Morris.

Morrison, Morse, Mosher, Moss, Moulder, Multer, Murphy, Natcher, Nedzi, Nelsen, Nix, Norrell, Nygaard.

O'Brien, Ill., O'Brien, N.Y., O'Hara, Ill., O'Hara, Mich., O'Konski, Olsen, O'Neill, Osmers, Ostertag, Patman, Pelly, Perkins, Peterson.

Pfost, Philbin, Pike, Pirnie, Poff, Powell, Price, Pucinski, Purcell, Quie, Rains, Randall.

Reifel, Reuss, Rhodes, Ariz., Rhodes, Pa., Riehlman, Rivers, Alaska, Roberts, Ala., Roberts, Tex., Robison, Rodino, Rogers, Colo., Rogers, Fla., Rooney, Roosevelt, Rosenthal, Rostenkowski, Roudebush, Roush, Ryan, Mich., Ryan, N.Y.

St. George, St Germain, Santangelo, Saylor, Schadeburg, Schenk, Schneebeli, Schweiker, Schwengel, Scott, Scranton, Seely-Brown.

Selden, Shelley, Shipley, Short, Shriver, Sibal, Sikes, Siler, Sisk, Slack, Smith, Iowa, Spence.

Springer, Stafford, Staggers, Stratton, Stubblefield, Sullivan, Taber, Taylor, Teague, Calif., Thomas, Thompson, N.J., Thompson, Tex.

Thomson, Wis., Thornberry, Toll, Tollefson, Trimble, Tupper, Udall, Morris K., Ullman, Vanik, Van Pelt, Van Zandt, Vinson.

Wallhauser, Walter, Watts, Weis, Whalley, Wharton, Whitener, Wickersham, Widnall, Wilson, Calif., Wilson, Ind., Wright, Yates, Younger, Zablocki, Zelenko.

NAYS—62

Abbitt, Abernethy, Alger, Ashbrook, Ashmore, Beermann, Blitch, Bruce, Burleson, Casey Colmer, Davis, James C. Davis, John W., Dorn, Downing, Findley, Fisher, Forrester, Gary, Gathings.

Gross, Haley, Hall, Hardy, Harrison, Va., Hébert, Hiestand, Hoffman, Ill., Jensen, Johansen, Kilburn, Landrum, Lipscomb, McSween, Mahon, Mason, Meader, Murray, Norblad, Passman, Pilcher.

Pillion, Poage, Ray, Reece, Rivers, S.C., Rogers, Tex., Rousselot, Rutherford, Smith, Calif., Smith, Va., Stephens, Teague, Tex., Thompson, La., Tuck, Utt, Waggonner, Whitten, Williams, Willis, Winstead, Young.

ANSWERED "PRESENT"—1

Martin, Nebr.

NOT VOTING—19

Bennett, Mich., Broyhill, Cooley, Davis, Tenn., Denton, Fallon, Hagan, Ga., Hoffman, Mich., Kitchin, Macdonald, Madden, Saund, Scherer, Sheppard, Smith, Miss., Steed, Weaver, Westland.

The Clerk announced the following pairs:

On this vote: Mr. Westland for, with Mr. Martin of Nebraska against.

Until further notice:

Mr. Fallon with Mr. Scherer.

Mr. Hagan of Georgia with Mr. Hoffman of Michigan.

Mr. Denton with Mr. Weaver.

Mr. Madden with Mr. Bennett of Michigan.

Mr. Macdonald with Mr. Broyhill.

Mr. MARTIN of Nebraska. Mr. Speaker, I have a live pair with the gentleman from Washington [Mr. WESTLAND]. If he were present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

That this Act may be cited as the "Manpower Development and Training Act of 1962".

TITLE I—OCCUPATIONAL TRAINING AND MANPOWER UTILIZATION

Statement of finding and purpose

SEC. 102. The Congress finds that there is critical need for more and better trained personnel in many vital occupational categories, including professional, scientific, technical, and apprenticeable categories; that even in periods of high unemployment, many employment opportunities remain unfilled because of the shortages of qualified personnel; and that it is in the national interest that current and prospective manpower shortages be identified and that persons who can be qualified for these positions through education and training be sought out and trained, in order that the Nation may meet the staffing requirements of the struggle for freedom. The Congress further finds that the skills of many persons have been rendered obsolete by dislocations in the economy arising from automation or other technological developments, foreign competition, relocation of industry, shifts in market demands, and other changes in the structure of the economy; that Government leadership is necessary to insure that the benefits of automation do not become burdens of widespread unemployment; that the problem of assuring sufficient employment opportunities will be compounded by the extraordinarily rapid growth of the labor force in the next decade, particularly by the entrance of young people into the labor force, that improved planning and expanded efforts will be required to assure that men, women, and young people will be trained and available to meet shifting employment needs; that many persons now unemployed or underemployed, in order to become qualified for reemployment or full employment must be assisted in providing themselves with skills which are or will be in demand in the labor market; that the skills of many persons now employed are inadequate to enable them to make their maximum contribution to the Nation's economy; and that it is in the national interest that the opportunity to acquire new skills be afforded to these people in order to alleviate the hardships of unemployment, reduce the cost of unemployment compensation and public assistance, and to increase the Nation's productivity and its capacity to meet the requirements of the space age. It is therefore the purpose of this Act to require the Federal Government to appraise the manpower requirements and resources of the Nation, and to develop and apply the information and methods needed to deal with the problems of unemployment resulting from automation and technological changes and other types of persistent unemployment.

Automation and occupational training

SEC. 103. To assist the Nation in accomplishing the objectives of technological progress while avoiding or minimizing individual hardship and widespread unemployment, the Secretary of Labor shall—

(1) evaluate the impact of, and benefits and problems created by automation, technological progress, and other changes in the structure of production and demand on the use of the Nation's human resources; establish techniques and methods of detecting in advance the potential impact of such developments; develop solutions to these problems, and publish findings pertaining thereon; and to such ends conduct or cause to be conducted within the Department of Labor and other agencies of Government a comprehensive and continuing program of research as may be necessary;

(2) promote, encourage, or directly engage in programs of information and communication concerning automation, technological developments, and prevention and amelioration of undesirable manpower effects from such developments;

(3) appraise the adequacy of the Nation's manpower development efforts to meet foreseeable manpower needs and recommend needed adjustments, including methods for promoting the most effective occupational utilization of, and providing useful work experience and training opportunities for, untrained and unexperienced youth;

(4) arrange for the conduct of such research and investigations as give promise of furthering the objectives of this Act.

Improving labor mobility

SEC. 104. In order to encourage the mobility of labor, to determine existing impediments to such mobility, and to determine the feasibility and desirability of methods to improve the mobility of labor, the Secretary of Labor is directed to—

(1) establish a program of factual studies of practices of employers and unions which tend to impede the mobility of workers or which facilitate mobility, including but not limited to early retirement and vesting provisions and practices under private compensation plans; the extension of health, welfare, and insurance benefits to laid-off workers; the operation of severance pay plans; the operation of seniority systems; and the use of extended leave plans for education and training purposes. A report on these studies shall be included as a part of the Secretary's report required under section 105.

(2) promote by discussions, publications, and other appropriate means, the development and adoption of equitable practices which improve the mobility of workers.

Manpower report

SEC. 105. The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to manpower requirements, resources, use, and training; and the President shall transmit to the Congress within sixty days after the beginning of each regular session (commencing with the year 1963) a report pertaining to manpower requirements, resources, utilization, and training.

Information and research

SEC. 106. The Secretary of Labor shall develop, compile, and make available, in such manner as he deems appropriate, information regarding skill requirements, occupational outlook, job opportunities, labor supply in various skills, and employment trends on a National, State, area or other appropriate basis which shall be used in the educational, training, counseling, and placement activities performed under this Act.

Appropriations for administration

SEC. 107. There is hereby authorized to be appropriated to the Secretary of Labor a sum, not to exceed $1,770,000 for the fiscal year ending June 30, 1963, and not to exceed $1,670,000 for the fiscal year ending June 30, 1964, to administer the provisions of this title.

TITLE II—TRAINING AND SKILL DEVELOPMENT PROGRAMS

Responsibility for programs

SEC. 201. (a) In carrying out the purposes of this Act, the Secretary of Labor shall determine the skill requirements of the economy, develop policies for the adequate occupational development and maximum utilization of the skills of the Nation's workers, and develop and encourage the development of broad and diversified training programs, including on-the-job training, designed to qualify for employment the many persons who cannot reasonably be expected to secure appropriate full-time employment without such training, and to equip the Nation's workers with the new and improved skills that are and will be required.

(b) The Secretary of Labor shall carry out his responsibilities under this title through the maximum utilization of all possible resources for skill development available in industry, labor, public and private educational and training institutions, State, Federal, and local agencies, and other appropriate public and private organizations and facilities.

Selection of trainees

SEC. 202. (a) The Secretary of Labor shall provide a program for testing, counseling, and selecting for occupational training under titles III and IV those unemployed or underemployed individuals who cannot be expected to secure appropriate full-time employment without training. Whenever appropriate the Secretary shall also provide a special program for the testing and counseling of youths, sixteen years of age or older, and for the selection of those youths for whom occupational training under this Act is indicated.

(b) Although priority in referral for training shall be extended to unemployed individuals, the Secretary of Labor shall, to the maximum extent possible, also refer other individuals qualified for training programs which will enable them to acquire needed skills. Priority in referral for training shall also be extended to individuals to be trained for skills needed within the area of their residence. Workers in farm families with less than $1,200 annual net family income shall be considered unemployed for the purpose of this Act.

(c) Before selecting an individual for training, the Secretary shall determine that there is a reasonable expectation of employment in the occupation for which the individual is to be trained. If such employment is not available in the area in which the individual resides, the Secretary shall obtain reasonable assurance of such individual's willingness to accept employment outside his area of residence.

(d) The Secretary shall not refer individuals for training in an occupation which requires less than two weeks training, unless there are immediate employment opportunities in such occupation.

(e) The duration of any training program to which an individual is referred shall be reasonable and consistent with the occupation for which the individual is being trained.

(f) Upon certification by the responsible training agency that an individual who has been referred for training does not have a satisfactory attendance record or is not making satisfactory progress in such training, absent good cause, the Secretary shall forthwith terminate his training and subsistence and transportation allowances, and withdraw his referral. Such individual shall not be eligible for such allowances for one year thereafter.

(g) The Secretary of Labor shall provide placement services to individuals who have completed their training under this Act, as well as counseling services to such individuals for an appropriate period after they have been placed.

Training allowances

SEC. 203. (a) The Secretary of Labor may, on behalf of the United States, enter into agreements with States (which, for the purposes of this Act shall include the District of Columbia, Puerto Rico, and the Virgin Islands) under which the Secretary of Labor shall make payments to such States either in advance or by way of reimbursement for the purpose of enabling such States, as agents for the United States, to make payment of weekly training allowances to unemployed individuals selected for training pursuant to the provisions of section 202 of this title and undergoing such training in a program operated pursuant to the provisions of this Act. Each such agreement shall provide that eighteen months after the enactment of this Act any payments made thereafter under this section must be matched by State funds in an amount equal to the Federal payment. Such payments shall be made for a period not exceeding fifty-two weeks, and the amount of any such payment in any week for individuals undergoing training, including uncompensated employer-provided training, shall not exceed the amount of the average weekly unemployment compensation payment (including allowances for dependents) for a week of total unemployment in the State making such payments during the most recent quarter for which such data are available: *Provided however*, That in any week an individual who, but for this training, would be entitled to unemployment compensation in excess of such an allowance shall receive an allowance increased by the amount of such excess.

With respect to any week for which an individual receives unemployment compensation under title XV of the Social Security Act or any other Federal or State unemployment compensation law which is less than the average weekly unemployment compensation payment (including allowances for dependents) for a week of total unemployment in the State making such payment during the most recent quarter for which such data are available, a supplemental training allowance may be paid. This supplemental training allowance shall not exceed the difference between his unemployment compensation and the average weekly unemployment compensation payment referred to above.

For individuals undergoing on-the-job training, the amount of any payment which would otherwise be made by the Secretary of Labor under this section shall be reduced by an amount which bears the same ratio to that payment as the number of compensated hours per week bears to forty hours: *Provided*, That in no event shall the payment to such an individual, when added to the amount received from the employer, bring the total to more than the average weekly unemployment compensation payment referred to above.

(b) Training allowances may be supplemented by such sums as may be determined by the Secretary of Labor to be necessary to defray actual and necessary transportation expenses of individuals engaged in training under this Act and, when such training is provided in facilities which are not within commuting distance of their regular place of residence, to defray actual and necessary transportation and subsistence expenses for separate maintenance of such individuals. The Secretary in defraying such subsistence expenses shall not afford any individual an allowance exceeding the rate of $35 per week; nor shall the Secretary authorize any transportation expenditure exceeding the rate of 10 cents per mile.

(c) Training allowances shall be limited to unemployed persons who have had not less than three years of experience in gainful employment and who are heads of families or heads of households as defined in the Internal Revenue Code.

(d) No weekly training allowance shall be paid to any person otherwise eligible who, with respect to the week for which such payment would be made, has received or is eligible for unemployment compensation under title XV of the Social Security Act or any other Federal or State unemployment compensation law, but if the appropriate State or Federal agency finally determines that a person denied training allowances for any week because of this subsection was not entitled to unemployment compensation under title XV of the Social Security Act or such Federal or State law with respect to such week, this subsection shall not apply with respect to such week.

(e) Any agreement under this section may contain such provisions (including, so far as may be appropriate, provisions authorized or made applicable with respect to agreements concluded by the Secretary of Labor pursuant to title XV of the Social Security Act) as will promote effective administration, protect the United States against loss, and insure the proper application of payments made to the State under such agreement. Except as may be provided in such agreements, or in regulations hereinafter authorized, determinations by any duly designated officer or agency as to the eligibility of individuals for weekly training allowances under this section shall be final and conclusive for any purposes and not subject to review by any court or any other officer.

(f) If unemployment compensation payments are paid to an individual taking training under this Act, or any other Federal Act, the State making such payments shall be reimbursed from funds herein appropriated. The amount of such reimbursement shall be determined by the Secretary of Labor on the basis of reports furnished to him by the States and such amount shall then be placed in the State's unemployment trust fund account.

(g) A person who, in connection with an occupational training program, has received a training allowance or whose unemployment compensation payments were reimbursed under the provision of this Act or any other Federal Acts shall not be entitled to training allowances under this Act for one year after the completion or other termination of the training with respect to which such allowance or payment was made.

(h) No training allowance shall be paid to any person who is receiving training for an occupation which requires a training period of less than six days.

(i) A person who refuses, without good cause, to accept training under this Act shall not, for one year thereafter, be entitled to training allowances.

Agreements with States

SEC. 204. (a) The Secretary of Labor is authorized to enter into agreements with States, or with the appropriate State agency pursuant to which the Secretary of Labor may, for the purpose of carrying out his functions and duties under this title, utilize the services of the appropriate State agency and, notwithstanding any other provision of law, may reimburse the State or appropriate agency and its employees for services rendered for such purposes.

(b) Any agreement under this section may contain such provisions as will promote effective administration, protect the United States against loss and insure that the functions and duties to be carried out by the appropriate State agency are performed in a manner satisfactory to the Secretary of Labor.

Rules and regulations

SEC. 205. The Secretary of Labor shall prescribe such rules and regulations as he may deem necessary and appropriate to carry out the provisions of this title.

Appropriations

SEC. 206. There is hereby authorized to be appropriated to the Secretary of Labor a sum, not to exceed $65,800,000 for the fiscal year ending June 30, 1963, and not to exceed $110,667,000 for the fiscal year ending June 30, 1964, to carry out the provisions of this title.

TITLE III—ON-THE-JOB TRAINING

Development of on-the-job training courses

SEC. 301. (a) The Secretary of Labor shall encourage, develop, and secure the adoption of programs for on-the-job training needed to equip individuals selected for training with the appropriate skills. The Secretary shall, to the maximum extent possible, secure the adoption by private and public agencies, employers, trade associations, labor organizations and other industrial, educational, and community groups which he determines are qualified to conduct effective training programs under this title of such programs as he approves, and for this purpose he is authorized to enter into appropriate agreements with them.

(b) The Secretary of Labor shall cooperate with the Secretary of Health, Education, and Welfare in coordinating on-the-job training programs with vocational educational program conducted pursuant to the provisions of title IV.

Training program standards

SEC. 302. In adopting or approving any training program under this title, and as a condition to the expenditure of funds for any such program, the Secretary shall make such arrangements as he deems necessary to insure adherence to appropriate training standards and policies, including assurances—

(1) that the training content of the program is adequate, involves reasonable progression, and will result in the qualification of trainees for suitable employment;

(2) that the training period is reasonable and consistent with periods customarily required for comparable training;

(3) that adequate and safe facilities, personnel, and records of attendance and progress are provided; and

(4) that the trainees are compensated by the employer at such rates, including periodic increases, as may be deemed reasonable under regulations hereinafter authorized, considering such factors as industry, geographical region, and trainee proficiency.

Supervision of on-the-job and related training programs

SEC. 303. The Secretary of Labor shall make appropriate provision for supervision of the on-the-job training programs conducted under this title to insure the quality of the training provided and the adequacy of the various programs.

State agreements

SEC. 304. (a) The Secretary of Labor is authorized to enter into an agreement with a State, or with the appropriate agency of the State, pursuant to which the Secretary of Labor may, for the purpose of carrying out his functions and duties under this title, utilize the services of the appropriate State agency and, notwithstanding any other provision of law, may reimburse such State or appropriate agency for services rendered for such purposes.

(b) Any agreement under this section may contain such provisions as will promote effective administration, protect the United States against loss, and insure that the functions and duties to be carried out by the appropriate State agency are performed in a manner satisfactory to the Secretary of Labor.

Rules and regulations

SEC. 305. The Secretary of Labor shall prescribe such rules and regulations as he may deem necessary and appropriate to carry out the provisions of this title.

Appropriations

SEC. 306. There is hereby authorized to be appropriated to the Secretary of Labor a sum, not to exceed $2,800,000 for the fiscal year ending June 30, 1963, and not to exceed $4,800,000 for the fiscal year ending June 30, 1964, to carry out the provisions of this title.

TITLE IV—VOCATIONAL TRAINING

Provision of vocational training

SEC. 401. The Secretary of Health, Education, and Welfare shall, pursuant to the provisions of title II of this Act, enter into agreements with States under which the appropriate State vocational education agencies will undertake to provide the vocational training needed to equip individuals, referred to the Secretary of Health, Education, and Welfare by the Secretary of Labor pursuant to section 202, for the occupation specified in the referrals. Such State agencies shall provide for such training through public education agencies or institutions or, if facilities or services of such agencies or institutions are not adequate for the purpose, through arrangements with private educational or training institutions. Any such agreement may provide for payment to such State agency of up to 100 per centum of the cost to the State of carrying out the agreement with respect to unemployed individuals, and up to 50 per centum of the cost with respect to other individuals, and shall contain such other provisions as will promote effective administration (including provisions for reports on the attendance and performance of trainees, with immediate notice to the Secretary of Labor in the event a trainee fails to attend or progress satisfactorily, and provision for continuous supervision of the training programs conducted under the agreement to insure the quality and adequacy of the training provided), protect the United States against loss, and assure that the functions and duties to be carried out by such State agency are performed in such fashion as will carry out the purposes of the title: *Provided*, That, after eighteen months after the enactment of this Act, any amount paid to a State to carry out an agreement authorized by this part shall be paid on condition that such State shall bear 50 per centum of such cost. In the case of any State which does not enter into an agreement under this section and in the case of any training which the State agency does not provide under such an agreement, the Secretary of Health, Education, and Welfare shall provide the needed training by agreement or contract with public or private educational or training institutions.

Cooperation with Secretary of Labor

SEC. 402. The Secretary of Health, Education, and Welfare shall cooperate with the Secretary of Labor in coordinating vocational education programs with on-the-job training conducted pursuant to the provisions of title III.

Rules and regulations

SEC. 403. The Secretary of Health, Education, and Welfare may prescribe such rules and regulations as he may deem necessary and appropriate to carry out the provisions of this title.

Appropriations

SEC. 404. There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare a sum, not to exceed $28,500,000 for the fiscal year ending June 30, 1963, and not to exceed $42,000,000 for the fiscal year ending June 30, 1964, to carry out the provisions of this title.

TITLE V—MISCELLANEOUS

Apportionment of benefits

SEC. 501. For the purpose of effecting an equitable apportionment of Federal expenditures among the States in carrying out the programs authorized under titles II, III, and IV of this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare, in accordance with uniform standards and in arriving at such standards, shall consider the following factors: (1) the proportion which the labor force of a State bears to the total labor force of the United States, (2) the proportion which the unemployed in a State during the preceding calendar year bears to the total number of unemployed in the United States in the preceding calendar year, (3) the lack of appropriate full-time employment in the State, (4) the proportion which the insured unemployed within a State bears to the total number of insured employed within such State.

Other agencies and departments

SEC. 502. (a) In the performance of his functions under this Act, the Secretary of Labor, in order to avoid unnecessary expense and duplication of functions among Government agencies, shall use the available services or facilities of other agencies and instrumentalities of the Federal Government, under conditions specified in subsection (d). Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary of Labor and, to the extent permitted by law, to provide such services and facilities as he may request for his assistance in the performance of his functions under this Act.

(b) Funds authorized to be appropriated under this Act may be transferred, with the approval of the Director of the Bureau of the Budget, between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

(c) The Secretary of Labor and the Secretary of Health, Education, and Welfare may make such contracts or agreements, establish such procedures, and make such payments, either in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as they deem necessary to carry out the provisions of this Act.

(d) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall not use any authority conferred by this Act to assist in relocating establishments from one area to another. Such limitation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that such assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

Maintenance of State effort

SEC. 503. No training program which is financed in whole or in part by the Federal Government under this Act shall be approved unless the Secretary of Labor, if the program is authorized under title III, or the Secretary of Health, Education, and Welfare, if the program is authorized under title IV, satisfies himself that neither the State nor the locality in which the training is carried out has reduced or is reducing its own level of expenditures for vocational education and training, including program operation under provisions of the Smith-Hughes Vocational Education Act and titles I, II, and III of the Vocational Education Act of 1946, except for reductions unrelated to the provisions or purposes of this Act.

Selection and referral

SEC. 504. The selection of individuals for training under this Act and the placement of such individuals shall not be contingent upon such individual's membership or nonmembership in a labor organization.

Secretaries' reports

SEC. 505. (a) Prior to March 1, 1963, and again prior to March 1, 1964, the Secretary of Labor shall make a report to Congress. Such report shall contain an evaluation of the programs under titles I, II, and III, including the number of individuals trained and the number and types of training activities under this Act, the number of unemployed or underemployed persons who have secured full-time employment as a result of such training, and the nature of such employment, the need for continuing such programs, and recommendations for improvement.

(b) Prior to March 1, 1963, and again prior to March 1, 1964, the Secretary of Health, Education, and Welfare shall also make a report to Congress. Such report shall contain an evaluation of the programs under title IV, the need for continuing such programs, and recommendations for improvement. The first such report shall also contain the results of the vocational training survey which is presently being conducted under the supervision of the Secretary.

Termination of authority

SEC. 506. (a) All authority conferred under titles II, III, and IV of this Act shall terminate at the close of June 30, 1964.

(b) Notwithstanding the foregoing, the termination of these titles shall not affect the disbursement of funds under, or the carrying out of, any contract, commitment, or other obligation entered into pursuant to these titles prior to the date of such termination: *Provided*, That no disbursement of funds shall be made pursuant to the authority conferred under titles II, III, and IV of this Act after December 30, 1964.

Appropriations

SEC. 507. There is hereby authorized to be appropriated to the Secretaries of Labor and Health, Education, and Welfare such sums as may be necessary to administer the provisions of this title, but not to exceed the sum of $1,600,000 for the fiscal year ending June 30, 1963, and not to exceed the sum of $2,750,000 for the fiscal year ending June 30, 1964.

[From the CONGRESSIONAL RECORD,
Mar. 8, 1962]

SENATE

Mr. CLARK. Mr. President, the conference report was signed by all the conferees of both parties, on both sides of the Capitol.

The differences between the House version and the Senate version of the bill were not particularly significant but I shall briefly mention a few of the more important ones and the disposition of them made by the conferees.

First, the duration of the training program. The Senate version proposed a 4-year program; the House version, a 2-year program. The conferees compromised on a 3-year program, ending June 30, 1965. Both versions provided that the States shall assume 50 percent of the cost after a certain amount of time, which differed as between the two versions. The conferees agreed that the States will assume half of the cost after the second year; in other words, during the last year of the program.

Second, the amount of authorization. The conferees agreed on authorizations for appropriations as follows: For the current fiscal year, $5 million for the first full year, beginning July 1, $100 million; and for each succeeding year, $165 million—totaling $435 million for the 3 years. The original Senate bill had provided $655 million for 4 years; the House version, $262 million for 2 years.

Third, training allowances for youth. Both versions provided training allowances equivalent to a State's weekly unemployment compensation benefit. The House version limited these allowances to persons who have had at least 3 years of gainful employment and who are heads of families or heads of households. The Senate version included the same limitation, except that youths aged 16 through 21, even though unmarried and without work experience, could receive training allowances up to 5 percent of the total authorization. The Senate provision was an effort to do something in regard to the overwhelming problem of school dropouts, with which those of us who come from metropolitan areas are so familiar. The conferees compromised by accepting training allowances for youths, with the 5-percent limitation of the Senate version, but with the minimum age raised from 16 to 19, and a ceiling set at $20 a week.

Fourth, subsistence and transportation expenses. The versions of both Houses authorized payment of subsistence and transportation expenses for workers who take their training at locations beyond commuting distance from their homes, limited to $35 a week and 10 cents a mile. The Senate version contained a provision authorizing these limits to be exceeded in "unusual circumstances", but, regretfully from my point of view, the conferees eliminated this provision because of the House insistence.

Fifth, the National Advisory Committee. The conferees accepted a Senate provision calling for appointment of a National Advisory Committee representing labor, management, agriculture, education and training, and the general public. There was no similar provision in the House version; but the House receded, and accepted the Senate version.

Sixth, nondiscrimination because of union membership. A provision in the House version stated that the selection of workers for training and their subsequent placement in jobs should not be contingent upon membership or nonmembership in a labor organization. The Senate conferees accepted the House provision.

Both the House and the Senate versions contained provisions, not in dispute authorizing the Secretary of Labor to develop information on the Nation's needs for trained manpower, to distribute such information for use in planning training programs, and to conduct research on such matters as the effects of automation and the mobility of labor; and requiring an annual manpower report by the President. I am particularly pleased with provisions in these sections of the bill which authorize the Secretary of Labor to make extensive investigations into the future manpower needs of our country, ranging all the way from the top need for nuclear scientists to the need for persons to fill jobs at the bottom of the scale. I believe this action today to recognize manpower planning as an element of national policy is one to which we shall look back upon in the years to come with merited pride.

I believe this function of manpower planning, which appropriately belongs in the Department of Labor, will make an enormous contribution toward overcoming unemployment in the days ahead and will better enable us to staff freedom in the constant cold-war struggle with our Communist opponents.

This act will provide long overdue leadership at the national level in promoting and assisting the States as well as local groups, private and public, in the training and retraining of workers, unemployed, underemployed and otherwise, so that they can return to productive and useful occupations in our society and can contribute to the fullest extent to the national product. Our responsibility, as a nation, to our own people, and our position and responsibilities as the leader of the free world, require the fullest development and utilization of all our manpower resources.

The conference bill will provide new and imaginative methods for dealing with problems that have been allowed to exist too long. We cannot tolerate the economic waste involved in unused human resources. Nor should we as a nation tolerate the hardship, misery, and loss of dignity that are the consequences of prolonged unemployment. Enactment of this proposal—which was the first bill urged upon us by President Kennedy in his state of the Union message—will help us to move forward in developing a more efficient and better utilized labor force. It will pay large dividends by providing the unemployed with the opportunity to become productive citizens, once again bearing their part of the Nation's responsibilities, as well as participating more fully in the benefits of a prosperous economy.

Mr. President, this bill is our first real effort in this Congress to measure up to the challenge which the President of the United States laid before the country, both during the campaign and more recently from the White House at one of his press conferences—the challenge of finding 25,000 new jobs a week for the foreseeable future, in order to prevent massive unemployment and provide an opportunity for remunerative employment to everyone who wants to work. It is this great constructive effort that we support in this proposal.

I yield now to the Senator from New York.

Mr. Javits. Does the Senator agree with the view I have seen published, that the bill will allow us to train or retrain as many as 1 million applicants?

Mr. Clark. Yes. I believe that is a conservative estimate, if we include both on-the-job and classroom training.

Mr. Javits. I think the country should be alerted to the fact that this is a very large-sized operation.

Mr. Clark. I am glad the Senator has made that point.

Mr. Javits. I join the Senator in the hope that the Senate will adopt the conference report, in spite of all the inadequacies in the bill and I shall in a moment speak about them independently, if the Senator will permit me to do so.

Mr. Clark. I wish to commend the able Senator for his assistance in bringing this bill to the Senate from the Committee on Labor and Public Welfare last year, and also acknowledge that he is the author of the section creating a national advisory council.

Mr. Javits. I am pleased to hear that statement from the Senator. I am pleased that the conferees have done about as well as could be done in any conference, notwithstanding the unhappiness of the Senator from Pennsylvania and myself about certain of these matters.

There is another thing that can be said in asking the Senate's approval of the conference report. There may be some argument about the figure of 25,000 new jobs a week. We have had that argument before the Joint Economic Committee. There are questions of substantial difference. Certainly, the answer is that the training afforded in the bill will provide needed training for persons who will be added to the work force.

Will the Senator not agree with me that at least another very major objective of the bill is how to alert American labor to the coming automation and the fact that we must produce more, and produce more efficiently? How are we going to do it unless we find techniques which will enable us to go forward in the direction of giving to the worker some concept of the needs and the help he will require in making the adjustments which we ask him, on economic and patriotic grounds, to make?

Mr. Clark. I would agree completely with what the Senator from New York has said. I should like to point out, however, that this bill is not only to accommodate American labor to the employment opportunities of the future, but also to accommodate American education, because, under the bill, the Secretary of Labor is directed to make studies to determine where workers will be needed in all occupations. This will include physicists as well as workers in the domestic services or other fields where workers will not need higher levels of education.

My hope is that processes will be developed whereby, under freedom and without compulsion, the Nation's manpower will be divided and directed so that the brains and abilities in our society will be most fully utilized for the advancement of our country and of Western civilization.

Mr. Javits. Will the Senator agree with me that, as we are facing a trade program which may require certain efforts of workers and business, just as we are facing an automation program, which is essential to the country, of the same character, just as we are facing a new tax law which will encourage reequipment of American industry, which is becoming obsolescent in terms of equipment, we cannot consider this bill as the final one on the subject, and that nothing the Senate conferees have done will foreclose us, as the situation develops, from perhaps taking other steps in the direction of training and retraining workers in the national interest?

Mr. Clark. The Senator is quite correct. This is only the beginning. We still have on the calendar, and I hope we do something about it, the youth employment opportunities bill. I hope we can do something about the bill which will authorize employment on public works projects on a standby basis to be utilized if and when we have a new recession, and find unemployment increasing to a significant extent. This is only one step to help increase the growth rate of our economy. This is only a step in a long series of legislative efforts that will be necessary to provide full employment during the days ahead, in accordance with the important objectives of the Employment Act of 1946.

Mr. Javits. Mr. President, in this connection, I ask unanimous consent that I may address myself to the conference report independently, though briefly, and that my remarks may follow the remarks of the Senator from Pennsylvania.

Mr. Clark. Mr. President, if the Senator will withhold his request for a moment, I should like to say a word of praise for my fellow conferees on both sides in this Chamber. The Senator from Vermont [Mr. Prouty] and the Senator from New Hampshire [Mr. Murphy] were most helpful in working out the difficulties which confronted us. The Senator from Michigan [Mr. McNamara] and the Senator from Rhode Island [Mr. Pell] were most helpful. Although the Senator from West Virginia [Mr. Randolph] was not able to be present, he gave me his proxy and his views before he left.

On the House side also, there was bipartisan effort to come out with a constructive bill. I should like to pay tribute to Representative Adam Clayton Powell, chairman of the House conferees; Representative Elmer J. Holland, of Pennsylvania, the sponsor of the House bill; Representative James O'Hara, of Michigan, who took a significant part in the proceedings; and also Representative Charles Goodell, of New York, who made significant contributions in shaping our bipartisan bill.

Mr. Pell. Mr. President, will the Senator yield?

Mr. Clark. I am happy to yield to the Senator from Rhode Island with the understanding that thereafter I shall accede to the request of the Senator from New York.

Mr. PELL. I earnestly desire to support the bill which the Senator from Pennsylvania [Mr. CLARK] has so ably handled in the conference, and I commend the Senator for the way he defended the interests of the Senate and got all the essential ideas of the Senate-passed bill into the bill reported by the conference committee. It will be really a milestone, in its own way, in the history of the United States.

Our country, while technologically advanced, has lagged behind many of the other countries of the world in the sociological fields. This is a field in which we have, so far, lagged greatly. By passing the bill and making it law we shall at least catch up with most of the countries of the world which have already acted in this area.

Speaking from the viewpoint of my own specific area, the State of Rhode Island, the bill could be of great help in solving our own problems.

Mr. CLARK. I thank the Senator for his kind comments.

I wish to add that the Senator from Rhode Island has worked most actively on the subcommittee during the past year, when we took extensive testimony before bringing the bill to the Senate. The Senator has been of great assistance in the entire progress of the proposed legislation.

I also wish to invite the attention of my colleagues to the work of the very able and distinguished chairman of the Committee on Labor and Public Welfare, the Senator from Alabama [Mr. HILL]. I wish to pay particular tribute to him. The Senator from Alabama permitted the members of the Subcommittee on Employment and Manpower, of which I have the honor to be the chairman, to be the Senate conferees. I think the Senate conferees have less seniority than the Senate members of any other conference committee in my knowledge. I wish to thank the Senator from Alabama [Mr. HILL] for his graciousness in handling the problem in that way.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed independently, without asking questions, but that the Senator from Pennsylvania may nevertheless not lose his right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I shall be brief, but there are a number of things which need to be specially noted. I think the prime one, to me, is how the proposed legislation developed in the other body.

Mr. President, I have been in the Congress now for 14 years. I have served in both bodies. I have been pursuing during every year of this time, a struggle in my own party to see that my party was responsible for affirmative proposals to the American people on the major issues of our times, proposals completely consistent with what I consider to be the twin pillars of my party—the private economic system, and equal opportunity without regard to race, creed, color, or national origin.

Mr. President, we have here a splendid example of how that policy pays enormous dividends both to the Nation and, I say with respect—I know my colleagues will understand this—in party terms as well, for by proposing the constructive and affirmative alternative in the other body, Representative CHARLES GOODELL of my own State has made it possible for the proposed legislation to be enacted, though it might otherwise be just bogged down as is the education bill and as are other bills in the other body.

We are now in the final stages of passage of the proposed legislation, with pride in its authorship, and with an ability for members of each party to compliment the Senator from Pennsylvania [Mr. CLARK], as chairman of the Senate conferees, in return for his own graciousness in complimenting the conferees of both parties for a job well and constructively done.

Mr. President, to me this is a prime vindication for the fight which has been fought within my own party all these years. It is the constructive alternative which, in terms of the party's activities, represents one of the greatest services we can bring to the Nation. I am delighted that a Representative from the State of New York, Mr. GOODELL, took the opportunity to carry the ball and to demonstrate the validity of this thesis.

In a sense, it is even better that he did so than I, Mr. President, because I have stood for this principle so long it is very valuable to have it proved from a source not particularly identified, perhaps, with me, but by an upstate New York Republican Representative.

It is the constructive alternative authored by Representative GOODELL which has strongly influenced what we are acting on now—a version containing strict and realistic administrative provisions. Such provisions are the result of hard and long and detailed work. Within this framework I am glad to see that my distinguished colleague in the House steered through the conference a proposal based on the experience of the Honorable Martin P. Catherwood, industrial commissioner of New York, who found in his work with the retraining provisions of the Area Redevelopment Act that State facilities could be utilized more effectively if the Federal program worked directly through them. Thus, new language was substituted for section 304(a) of this bill to assure such utilization of appropriate State agencies by the Secretary of Labor.

Second, Mr. President, the creation of a National Advisory Committee, and the encouragement of local and industry-wide labor-management-public committees for which I am deeply indebted to my colleague from Pennsylvania [Mr. CLARK], without whose cooperation this could not have been done, can be turned to an enormous advantage for our country. This is a practice which we pursued in World War II. We had 5,000 such committees in World War II on the plant and local level. The estimate is that about one-third of those, or roughly 1,500 did a really vital and important job in dealing with problems of absenteeism; in easing the shift to automation and other efficiency-making projects, which materially improved our productivity; in easing management-labor relations relating to grievance procedures and other problems; and in solving the transportation problem which is a material one in many of these plants.

Mr. President, this is an opportunity on the local level which, to my mind, can be extremely important both in regard to productivity, which is so critical an element in whether we shall win or not win the cold war, and also in terms of the relationships between management and labor, which dominate not only productivity but also the climate of social justice in our own country.

I hope very much that the administration gaze will be attracted to this opportunity, and that so will the ideas and the leadership of labor and management, which is equally as important, and that all will seize the opportunity presented by this proposed legislation and really use it.

It seems to me, Mr. President, that this proposal can answer a tremendous number of problems. On the one hand, the trade unions fear bills like those to apply the antitrust laws to trade unions; and, on the other hand, management fears totalitarian ideas and attitudes on the part of certain elements of labor leadership. This is an opportunity, in the typically American way, by working together on the local level, to avoid many of those excesses and to wrestle with and to solve problems in a very effective way, as we demonstrated during the war we could do.

Finally, Mr. President, I think it is most unfortunate that the compensation to youth who will study under the terms of the proposal, who will be learning or training under the terms of the bill, has been reduced, and that the age limit has been raised. I have talked in very recent days with most distinguished leaders in our community, with people like Helen Hall Harris, one of our great settlement workers in New York, and one of the greatest in the world. These people feel very strongly that we should encourage those who are from 16 to 19 years of age to study under the terms of the bill, and that there is a tremendous area in which we could help to deal with problems of juvenile delinquency, of youth crime, and of school dropouts.

I hope very much that our committee—and I say this to the chairman of our subcommittee—will require from the Labor Department a rather close report on how the proposal works out. We are now making the first step, as the Senator has so properly said. I am hopeful that we shall be able to demonstrate, on the basis of facts, that to raise the age limit and to cut the figure for maintenance for those who study was improvident. Having oriented the thinking in the minds of our own colleagues, I hope we may be able to take other steps which will really make this work as it should.

Mr. CLARK. I share the view of my friend from New York, and I recall to him the brilliant study of this subject made by the former president of Harvard University, Dr. James B. Conant, which impressed us all wtih the problem of school dropouts in the great metropolitan areas of our country, a critical problem about which we must do something.

Mr. JAVITS. I thank my colleague.

Mr. CLARK. Mr. President, I ask that the Chair put the conference report to a vote.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

CONFERENCE REPORT (H. REPT. NO. 1416)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1991) relating to manpower requirements, resources, development, and utilization, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment, insert the following: "That this Act may be cited as the 'Manpower Development and Training Act of 1962.'

"TITLE I—MANPOWER REQUIREMENTS, DEVELOPMENT AND UTILIZATION

"Statement of Findings and Purpose

"SEC. 101. The Congress finds that there is critical need for more and better trained personnel in many vital occupational categories, including professional, scientific, technical, and apprenticeable categories; that even in periods of high unemployment, many employment opportunities remain unfilled because of the shortages of qualified personnel; and that it is in the national interest that current and prospective manpower shortages be identified and that persons who can be qualified for these positions through education and training be sought out and trained, in order that the Nation may meet the staffing requirements of the struggle for freedom. The Congress further finds that the skills of many persons have been rendered obsolete by dislocations in the economy arising from automation or other technological developments, foreign competition, relocation of industry, shifts in market demands, and other changes in the structure of the economy; that Government leadership is necessary to insure that the benefits of automation do not become burdens of widespread unemployment; that the problem of assuring sufficient employment opportunities will be compounded by the extraordinarily rapid growth of the labor force in the next decade, particularly by the entrance of young people into the labor force, that improved planning and expanded efforts will be required to assure that men, women, and young people will be trained and available to meet shifting employment needs; that many persons now unemployed or underemployed, in order to become qualified for reemployment or full employment must be assisted in providing themselves with skills which are or will be in demand in the labor market; that the skills of many persons now employed are inadequate to enable them to make their maximum contribution to the Nation's economy; and that it is in the national interest that the opportunity to acquire new skills be afforded to these people in order to alleviate the hardships of unemployment, reduce the costs of unemployment compensation and public assistance, and to increase the Nation's productivity and its capacity to meet the requirements of the space age. It is therefore the purpose of this Act to require the Federal Government to appraise the manpower requirements and resources of the Nation, and to develop and apply the information and methods needed to deal with the problems of unemployment resulting from automation and technological changes and other types of persistent unemployment.

"Evaluation, Information, and Research

"SEC. 102. To assist the Nation in accomplishing the objectives of technological progress while avoiding or minimizing individual hardship and widespread unemployment, the Secretary of Labor shall—

"(1) evaluate the impact of, and benefits and problems created by automation, technological progress, and other changes in the structure of production and demand on the use of the Nation's human resources; establish techniques and methods for detecting in advance the potential impact of such developments; develop solutions to these problems, and publish findings pertaining thereto;

"(2) establish a program of factual studies of practices of employers and unions which tend to impede the mobility of workers or which facilitate mobility, including but not limited to early retirement and vesting provisions and practices under private compensation plans; the extension of health, welfare, and insurance benefits to laid-off workers; the operation of severance pay plans; and the use of extended leave plans for education and training purposes. A report on these studies shall be included as a part of the Secretary's report required under section 104.

"(3) appraise the adequacy of the Nation's manpower development efforts to meet foreseeable manpower needs and recommend needed adjustments, including methods for promoting the most effective occupational utilization of and providing useful work experience and training opportunities for untrained and inexperienced youth;

"(4) promote, encourage, or directly engage in programs of information and communication concerning manpower requirements, development, and utilization, including prevention and amelioration of undesirable manpower effects from automation and other technological developments and improvement of the mobility of workers; and

"(5) arrange for the conduct of such research and investigations as give promise of furthering the objectives of this Act.

"Skill and Training Requirements

"SEC. 103. The Secretary of Labor shall develop, compile, and make available, in such manner as he deems appropriate, information regarding skill requirements, occupational outlook, job opportunities, labor supply in various skills, and employment trends on a National, State area or other appropriate basis which shall be used in the educational, training, counseling, and placement activities performed under this Act.

"Manpower Report

"SEC. 104. The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to manpower requirements, resources, use, and training; and the President shall transmit to the Congress within sixty days after the beginning of each regular session (commencing with the year 1963) a report pertaining to manpower requirements, resources, utilization, and training.

"TITLE II—TRAINING AND SKILL DEVELOPMENT PROGRAMS

"Part A—Duties of the Secretary of Labor

"General responsibility

"SEC. 201. In carrying out the purposes of this Act, the Secretary of Labor shall determine the skill requirements of the economy, develop policies for the adequate occupational development and maximum utilization of the skills of the Nation's workers, promote and encourage the development of broad and diversified training programs, including on-the-job training, designed to qualify for employment the many persons who cannot reasonably be expected to secure full-time employment without such training, and to equip the Nation's workers with the new and improved skills that are or will be required.

"Selection of Trainees

"SEC. 202. (a) The Secretary of Labor shall provide a program for testing, counseling, and selecting for occupational training under this Act those unemployed or underemployed persons who cannot reasonably be expected to secure appropriate full-time employment without training. Whenever appropriate the Secretary shall provide a special program for the testing, counseling, and selection of youths, sixteen years of age or older, for occupational training and further schooling. Workers in farm families with less than $1,200 annual net family income shall be considered unemployed for the purpose of this Act.

"(b) Although priority in referral for training shall be extended to unemployed persons, the Secretary of Labor shall, to the maximum extent possible, also refer other persons qualified for training programs which will enable them to acquire needed skills. Priority in referral for training shall also be extended to persons to be trained for skills needed within, first, the labor market area in which they reside and, second, within the State of their residence.

"(c) The Secretary of Labor shall determine the occupational training needs of referred persons, provide for their orderly selection and referral for training under this Act, and provide counseling and placement services to persons who have completed their training, as well as follow-up studies to determine whether the programs provided meet the occupational training needs of the persons referred.

"(d) Before selecting a person for training, the Secretary shall determine that there is a reasonable expectation of employment in the occupation for which the person is to be trained. If such employment is not available in the area in which the person resides, the Secretary shall obtain reasonable assurance of such person's willingness to accept employment outside his area of residence.

"(e) The Secretary shall not refer persons for training in an occupation which requires less than two weeks training, unless there are immediate employment opportunities in such occupation.

"(f) The duration of any training program to which a person is referred shall be reasonable and consistent with the occupation for which the person is being trained.

"(g) Upon certification by the responsible training agency that a person who has been referred for training does not have a satisfactory attendance record or is not making satisfactory progress in such training absent good cause, the Secretary shall forthwith terminate his training and subsistence allowances, and his transportation allowances except such as may be necessary to enable him to return to his regular place of residence after termination of training, and withdraw his referral. Such person shall not be eligible for such allowances for one year thereafter.

"Training Allowances

"SEC. 203. (a) The Secretary of Labor may, on behalf of the United States, enter into agreements with States under which the Secretary of Labor shall make payments to such States either in advance or by way of reimbursement for the purpose of enabling such States, as agents for the United States, to make payment of weekly training allowances to unemployed persons selected for training pursuant to the provisions of section 202 and undergoing such training in a program operated pursuant to the provisions of this Act. Such payment shall be made for a period not exceeding fifty-two weeks, and the amount of any such payment in any week for persons undergoing training, including uncompensated employer-provided training, shall not exceed the amount of the average weekly unemployment compensation payment (including allowances for dependents) for a week of total unemployment in the State making such payments during the most recent quarter for which such data are available: *Provided, however,* That in any week an individual who, but for his training, would be entitled to unemployment compensation in excess of such allowance, shall receive an allowance increased by the amount of such excess. With respect to Guam and the Virgin Islands the Secretary shall by regulation determine the amount of the training allowance to be paid any eligible person taking training under this Act.

"With respect to any week for which a person receives unemployment compensation under title XV of the Social Security Act or any other Federal or State unemployment compensation law which is less than the average weekly unemployment compensation payment (including allowances for dependents) for a week of total unemployment in the State making such payment during the most recent quarter for which such data are available, a supplemental training allowance may be paid to a person eligible for a training allowance under this Act. This supplement training allowance shall not exceed the difference between his unemployment compensation and the average weekly unemployment compensation payment referred to above.

"For persons undergoing on-the-job training, the amount of any payment which would otherwise be made by the Secretary of Labor under this section shall be reduced by an amount which bears the same ratio to that payment as the number of compensated hours per week bears to forty hours.

"(b) The Secretary of Labor is authorized to pay to any person engaged in training under this title, including compensated full-time on-the-job training, such sums as he may determine to be necessary to defray transportation and subsistence expenses for separate maintenance of such persons when such training is provided in facilities which are not within commuting distance of their regular place of residence: *Provided*, That the Secretary in defraying such subsistence expenses shall not afford any individual an allowance exceeding $35 per week, at the rate of $5 per day; nor shall the Secretary authorize any transportation expenditure exceeding the rate of 10 cents per mile.

"(c) The Secretary of Labor shall pay training allowances only to unemployed persons who have had not less than three years of experience in gainful employment and appropriate to carry out the provisions of this part.

"TITLE III—MISCELLANEOUS

"Apportionment of Benefits

"Sec. 301. For the purpose of effecting an equitable apportionment of Federal expenditures among the States in carrying out the programs authorized under title II of this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare shall make such apportionment in accordance with uniform standards and in arriving at such standards shall consider only the following factors: (1) the proportion which the labor force of a State bears to the total labor force of the United States, (2) the proportion which the unemployed in a State during the preceding calendar year bears to the total number of unemployed in the United States in the preceding calendar year, (3) the lack of appropriate full-time employment in the State, (4) the proportion which the insured unemployed within a State bears to the total number of insured employed within such State, and (5) the average weekly unemployment compensation benefits paid by the State. The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to make reapportionments from time to time where the total amounts apportioned under this section have not been fully obligated in a particular State, or where the State or appropriate agencies in the State have not entered into the necessary agreements, and the Secretaries find that any other State is in need of additional funds to carry out the programs authorized by this Act.

"Maintenance of State Effort

"Sec. 302. No training program which is financed in whole or in part by the Federal Government under this Act shall be approved unless the Secretary of Labor, if the program is authorized under part A of title II, or the Secretary of Health, Education, and Welfare, if the program is authorized under part B of title II, satisfies himself that neither the State nor the locality in which the training is carried out has reduced or is reducing its own level of expenditures for vocational education and training, including program operation under provisions of the Smith-Hughes Vocational Education Act and titles I, II, and III of the Vocational Educational Act of 1946, except for reductions unrelated to the provisions or purposes of this Act.

"Other Agencies and Departments

"Sec. 303. (a) In the performance of their functions under this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare, in order to avoid unnecessary expense and duplication of functions among Government agencies, shall use the available services or facilities of other agencies and instrumentalities of the Federal Government, under conditions specified in section 306(a). Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary of Labor and the Secretary of Health, Education, and Welfare and, to the extent permitted by law, to provide such services and facilities and either may request for his assistance in the performance of his functions under this Act.

"(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall carry out their responsibilities under this Act through the maximum utilization of all possible resources for skill development available in industry, labor, public and private educational and training institutions, State, Federal, and local agencies, and other appropriate public and private organizations and facilities.

"Appropriations Authorized

"Sec. 304. (a) There are hereby authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1963, $3,000,000 for the fiscal year ending June 30, 1964, and a like amount for the fiscal year ending June 30, 1965, for the purpose of carrying out title I.

"(b) There are hereby authorized to be appropriated $97,000,000 for the fiscal year ending June 30, 1963, $161,000,000 for the fiscal year ending June 30, 1964, and a like amount for the fiscal year ending June 30, 1965, for the purpose of carrying out title II.

"(c) There are hereby authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1963, $1,000,000 for the fiscal year ending June 30, 1964, and a like amount for the fiscal year ending June 30, 1965, for the purpose of carrying out title III.

"(d) There are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1962, for planning and starting programs under this Act.

"Limitations on Use of Appropriated Funds

"Sec. 305. (a) Funds appropriated under the authorization of this Act may be transferred, with the approval of the Director of the Bureau of the Budget, between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

"(b) Any equipment and teaching aids purchased by a State or local vocational education agency with funds appropriated to carry out the provisions of part B shall become the property of the State.

"(c) No portion of the funds to be used under part B of this Act shall be appropriated directly or indirectly to the purchase, erection, or repair of any building except for minor remodeling of a public building necessary to make it suitable for use in training under part B.

"(d) Funds appropriated under this Act shall remain available for one fiscal year beyond that in which appropriated.

"Authority To Contract

"Sec. 306. (a) The Secretary of Labor and the Secretary of Health, Education, and Welfare may make such contracts or agreements, establish such procedures, and make such payments, either in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as they deem necessary to carry out the provisions of this Act.

"(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall not use any authority conferred by this Act to assist in relocating establishments from one area to another. Such limitation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

"Selection and Referral

"Sec. 307. The selection of persons for training under this Act and for placement of such persons shall not be contingent upon such person's membership or nonmembership in a labor organization.

"Definition

"Sec. 308. For the purposes of this Act, the term 'State' includes the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

"Secretaries' Reports

"Sec. 309. (a) Prior to March 1, 1963, and again prior to March 1, 1964, the Secretary of Labor shall make a report to Congress. Such report shall contain an evaluation of the programs under title I and part A of title II, including the number of persons trained and the number and types of training activities under this Act, the number of unemployed or underemployed persons who have secured full-time employment as a result of such training, and the nature of such employment, the need for continuing such programs, and recommendations for improvement.

"(b) Prior to March 1, 1963, and again prior to March 1, 1964, the Secretary of Health, Education, and Welfare shall also make a report to Congress. Such report shall contain an evaluation of the programs under part B of title II, the need for continuing such programs, and recommendations for improvement. The first such report shall also contain the results of the vocational training survey which is presently being conducted under the supervision of the Secretary.

"Termination of Authority

"Sec. 310. (a) All authority conferred under title II of this Act shall terminate at the close of June 30, 1965.

"(b) Notwithstanding the foregoing, the termination of title II shall not affect the disbursement of funds under, or the carrying out of, any contract, commitment or other obligation entered into prior to the date of such termination: *Provided*, That no disbursement of funds shall be made pursuant to the authority conferred under title II of this Act after December 30, 1965.

"And the House agree to the same."

Adam C. Powell,
Elmer J. Holland,
James G. O'Hara,
Neal Smith,
Charles S. Joelson,
Carroll D. Kearns,
Charles E. Goodell,
Peter A. Garland,
Managers on the Part of the House.
Joseph S. Clark,
Jennings Randolph,
Pat McNamara,
Claiborne Pell,
Winston L. Prouty,
Maurice J. Murphy, Jr.,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1991) relating to manpower requirements, resources, development, and utilization, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a new text. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the House amendment and the substitute agreed upon in conference are described in this statement, except for incidental, minor, and clarifying changes. These differences are taken up in the order in which they appear in the House amendment.

MANPOWER REQUIREMENTS, DEVELOPMENT, AND UTILIZATION

Section 103(1) of the House amendment provided for research through the Secretary of Labor on matters involving manpower requirements, developments, and utilization. This provision was dropped from the conference substitute in view of the provisions for research provided in section 102(5) of such substitute.

Section 104 of the House amendment provides that in order to encourage the mobility of labor, to determine the impediments to such mobility, and to evaluate methods of improving the mobility of labor, the Secretary of Labor must make certain studies and must promote the development and adoption of equitable practices which improve the mobility of workers. The section also provided that the Secretary must establish a program of factual studies of practices of employers and unions which impede or facilitate mobility of labor, including among other subjects the operation of seniority systems. The Secretary was directed to include a report on these studies in the manpower report provided for in section 105 of the House amendment (sec. 104 of the conference substitute). The Senate bill did not include anything requiring the Secretary of Labor to promote the mobility of labor; it did, however, contain a provision (in sec. 103(2)) for factual studies which was like the House provision on studies, except that it did not require a study of the operation of seniority systems or require the inclusion of material in a report as was required by the House provision. The conference substitute in this respect is the same as the House amendment except that "affect" is substituted for "impede" and "facilitate", and the reference to seniority systems is omitted. In including the requirement that the Secretary make a report on these studies, it is the intention of the conferees that the report should not include recommendations which might affect free collective bargaining.

Section 107 of the House amendment authorized the appropriation of $1,770,000 for the first fiscal year of the program and $1,670,000 for the second year, for carrying out title I. The Senate bill did not segregate the authorizations for this title out of the general authorization provided in section 304(a). The conference substitute, in section 304(a), authorizes the appropriation of $2,000,000 to carry out this title during fiscal 1963 and $3,000,000 for each of the next 2 fiscal years. These additional sums reflect adjustments made in the authorizations originally provided in title V of the House amendment.

TRAINING AND SKILL DEVELOPMENT PROGRAMS

Section 201(b) of the House amendment directed the Secretary of Labor to carry out his responsibilities under title II of the House amendment through maximum utilization of all resources for skill development available in all training institutions, in Federal, State, and local public agencies and institutions, and in private organizations and facilities. The Senate bill did not contain this provision. The conference substitute included this provision as section 303 (b) with an amendment making it also applicable to the responsibilities of the Secretary of Health, Education, and Welfare. This provision is in the nature of a general instruction to the Secretary of Health, Education, and Welfare, and in no way affects the specific instructions regarding agreements with States which are set forth in section 231 of the conference substitute.

Section 202(a) of the House amendment provided that in connection with the programs for the testing, counseling, and selection of persons for training under the act, he should provide for a special program for the testing and counseling of youths 16 years of age or older, and for the selection of those for whom occupational training is indicated. The Senate bill provided for the counseling and selection of such youths for occupational training and further schooling. The conference substitute is like the Senate amendment. The inclusion of the words "further schooling" does not indicate that the Secretary of Labor is to handle matters affecting classroom instruction; those words merely recognize the growing emphasis on work-study programs.

Subsection (b) of section 202 of the House amendment directed the Secretary of Labor to extend priority in referral for training to persons be trained for skills needed in the area of their residence. The comparable Senate bill provision extended such a priority to persons to be trained for skills needed in the State of their residence. The conference substitute provides that such priority shall be extended to persons to be trained for skills needed within, first, the labor market area in which they reside, and, second, the State of their residence.

The Senate bill, in section 202(c), directed the Secretary of Labor to determine the occupational training needs for referred persons, to provide for their selection and referral for training, and provide them with placement services after their training is completed. The House amendment contained no provision which was entirely comparable, but it did provide in section 202(g) that the Secretary of Labor should provide placement services for individuals who have completed training as well as counseling services to such individuals for an appropriate period after they have been placed. The conference substitute adopts the provision of the Senate bill but with the addition of the words "and counseling" after "placement," so that the subsection as thus amended will be as broad as section 202(g) of the House amendment.

Subsection (f) of section 202 of the House amendment relates to termination of allowances when the trainee does not have a satisfactory attendance record or is not making satisfactory progress, absent good cause. The Senate bill contained no comparable provision. Section 202(g) conference substitute is the same as the House amendment except for the deletion of the comma before "absent" in order to make it clear that the determination of the absence or presence of "good cause" is to be the responsibility of the training agency and not of the Secretary of Labor.

The first paragraph of section 203(a) of the House amendment (relating to weekly training allowances) specifically included the District of Columbia, Puerto Rico, and the Virgin Islands within the meaning of the word "State" for the purposes of the act. The Senate amendment contained a definition of "State" for the purposes of section 301, which added Guam to the above list. The conference substitute adopts the procedure of defining the term "State" for purposes of the entire act in section 308. This definition includes not only the District of Columbia, Puerto Rico, and the Virgin Islands, but also Guam. At the end of this paragraph the substitute inserts a new provision giving the Secretary of Labor power, by regulation, to determine the amount of training allowance to be paid eligible persons taking training in Guam and the Virgin Islands. This provision is inserted because unemployment compensation payments are not made in Guam and the Virgin Islands.

The second paragraph of the House amendment provided that where an individual receives unemployment compensation which is less than the average weekly unemployment compensation for a week of total unemployment in the State making the payment, a supplemental training allowance may be paid. The supplemental training allowance would be the difference between his unemployment compensation and the average weekly compensation payment referred to above. The Senate bill contained no such provision. The conference substitute adopts this provision of the House amendment with a technical amendment making it clear that supplemental training allowances may be paid only to persons who would be eligible for a training allowance.

The House amendment provided, in the third paragraph of section 203(a), for a limitation on the training allowance of persons undergoing on-the-job training so that the training allowance when added to the amounts received from the employer, would not exceed the average weekly unemployment compensation payment referred to above. This provision has been deleted from the conference substitute so that the limitations on training allowances will be the same for persons undergoing on-the-job training as they are for persons undergoing vocational training.

Section 203(b) of the House amendment permitted the Secretary of Labor to supplement training allowances to the extent necessary to defray the actual and necessary transportation expenses of trainees, and when the training was provided in facilities which were not within commuting distance of their regular place of residence, to defray actual and necessary transportation and subsistence expenses for separate maintenance for such individuals. It limited the subsistence expenses to the rate of $35 a week and the transportation expenditures to the rate of 10 cents a mile. The Senate bill permitted the Secretary to supplement weekly training allowances by amounts necessary to defray transportation and subsistence expenses of trainees when training was provided and facilities which were not within commuting distances of their regular place of residence. It limited subsistence and travel expense allowance in the same manner as did the House, but it contained an exception under which the Secretary could prescribe conditions under which reimbursement for expenses could be authorized on an actual expense basis. The conference substitute, in section 203(b), permits the Secretary of Labor to pay trainees such sums as may be determined to be necessary to defray transportation and subsistence expenses for such trainees when such training is provided at facilities which are not within commuting distance of their regular place of residence. The Secretary is prohibited from affording any individual an allowance exceeding $35 a week (at the rate of $5 per day) and from authorizing any transportation expenditure exceeding the rate of 10 cents a mile.

Both the Senate bill and the House amendment limited training allowances to unemployed persons having more than 3 years of experience in gainful employment who are heads of families or heads of households. The Senate bill contained an exception which would permit the Secretary of Labor, if he finds that such training allowances are necessary to provide occupational training to youths over 16 but under 20 years, to pay such training allowances, but only to the extent of 5 percent of the total allowances paid under the act. The House amendment contained no such exception. The substitute agreed upon in conference contains, in section 203(c), an exception that permits the Secretary to pay training allowances at a rate not to exceed $20 a week to youths in their 19th, 20th, and 21st years where such allowances are necessary to provide them occupational training, but not more than 5 percent of the estimated total training allowances paid annually under the section could be paid to such youths.

The Senate bill, in section 203(d), provided for dollar-for-dollar State matching of training allowances after the first 2 fiscal years of the program. The comparable provision of the House amendment required such matching after the first 18 months of the program. The substitute agreed upon in conference is the same as the Senate bill.

Section 203(d) of the House amendment denied training allowances to persons who have received or are eligible for unemployment compensation with respect to the week for which the payment would be made. The Senate bill contained a provision which was comparable, except that it denied such training allowances to persons who are seeking unemployment compensation with respect to such a week, instead of to those who are eligible for it. The conference substitute adopts (in sec. 203(e)) the provision of the Senate bill.

The House amendment provided in section 203(f) that if unemployment compensation payments are paid to an individual taking training under the act, or under any other Federal act, the State making the payments would be reimbursed. The amount of the reimbursement would be determined by the Secretary of Labor on the basis of reports furnished him by the States and the amount so reimbursed would then be placed in the State's unemployment trust fund account. The Senate bill contained no comparable provision. The conference substitute adopts the provisions of the House amendment with technical amendments which limit its application to persons who are otherwise eligible for a training allowance under this act. The reference to other Federal acts is dropped. It is the intent of this subsection that, if a State is reimbursed for paying unemployment compensation to trainees, that employers should not be charged with such unemployment compensation payments under the experience rating provisions of their laws, and that the trainees should not have their eligibility for unemployment compensation reduced on account of the payments they received during training.

Section 203(g) of the House amendment provided that a person who has received a training allowance or whose unemployment compensation payments were reimbursed under this act or any other Federal act could not receive a training allowance under this act for 1 year after the completion or other termination of the training with respect to which the allowance or payment was made. The Senate bill contained no comparable provision. The conference substitute adopts this provision of the House amendment with a technical amendment to limit its application to persons whose termination of training was not for good cause.

Section 203(h) of the House amendment prohibited training allowances for persons receiving training for an occupation which requires a training period of less than 6 days. The Senate bill contained no comparable provision. The conference substitute adopts this provision of the House amendment.

Section 204 of the House amendment authorized the Secretary of Labor to enter into agreements with States and State agencies for the purpose of carrying out his functions under title II. This section has been consolidated with section 304 and appears as section 206 of the conference substitute.

Section 205 of the House amendment authorized the Secretary of Labor to issue rules and regulations to carry out the provisions of title II. This section has been consolidated with section 305 and appears as section 207 of the conference substitute.

Section 206 of the House amendment authorized the appropriation of $65,800,000 for the first fiscal year of the program, and $110,667,000 for the second fiscal year, for carrying out title II of the House amendment. As explained before, the Senate bill did not segregate authorizations by titles. The conference substitute aggregates in one authorization the amounts for this title, the on-the-job training provisions, and the vocational education provisions.

Section 301 of the House amendment was the basic provision directing the Secretary of Labor to provide on-the-job training. It directed him to make maximum use of, among others, educational groups. The comparable Senate provision required the Secretary to provide whenever appropriate special programs for youths 16 years of age and over.

The conference substitute adopts the provisions of the Senate bill insofar as they relate to special programs for youths. It also directs the Secretary, to the maximum extent possible, to secure the adoption by States of training programs under this title. The reference to educational groups is stricken in conformity with the pattern of the bill which divorces the Secretary of Labor from any connection with traditional educational functions. The inclusion of language mentioning State programs stresses the desirability of the Secretary of Labor first seeking State agreements wherever States have existing programs for the purpose of achieving maximum coordination of efforts.

The provisions of subsection (b) of section 301 of the House amendment directed the Secretary of Labor to cooperate with the Secretary of Health, Education, and Welfare to coordinate on-the-job training programs with vocational educational programs conducted under the act. This provision has been dropped as a separate provision from the conference substitute in recognition of the provisions on cooperation contained in section 303. However, it should be understood that by this merger of provisions there was no intention to change the requirement that the Secretary of Labor shall cooperate with the Secretary of Health, Education, and Welfare in coordinating on-the-job training programs with vocational educational programs. The Senate bill contained a provision in section 204(d) to the effect that where on-the-job training programs require supplementary classroom instruction, appropriate arrangements for such instruction shall be agreed to by the Secretary of Health, Education, and Welfare and the Secretary of Labor. This provision, which has no counterpart in the House amendment, is retained in the conference substitute as section 204(c).

Section 205 of the Senate bill provided for the appointment of a 10-member National Advisory Committee containing representatives of labor, management, agriculture, education and training, and the public. The Advisory Committee was directed to encourage and assist in the organization on a plant, community, regional, or industry basis, of labor-management-public committees and similar groups to further the purposes of the act and was permitted to assist such groups in effectuating the purposes of the act. It was specifically authorized to accept gifts and bequests. The House amendment contained no comparable provision. The conference substitute contains the provisions of the Senate bill in section 205 but also provides for the payment of per diem and travel expenses to members of the Committee. It also has a standard exemption from the conflict-of-interest laws for members of the Committee.

Section 303 of the House amendment directed the Secretary of Labor to make provision for supervision of on-the-job training programs conducted under the act to insure the quality of training, and provide for the adequacy of the various programs. The Senate bill contained no provision which was comparable in language to this section of the House amendment. The conference substitute drops this provision as being duplicative of the provisions contained in section 204(b).

Section 304 of the House amendment related to State agreements and, as explained above, has been merged with section 204 and appears as section 206 in the conference substitute.

Section 305 of the House amendment gives the Secretary of Labor authority to prescribe regulations to carry out title III. This provision has been consolidated with the like provision in title II and appears in the conference substitute as section 207.

Section 306 of the House amendment authorized the appropriation of $2,800,000 for the first fiscal year of the program and $4,800,000 for the second fiscal year, for carrying out title III of the House amendment. As explained before, the Senate amendment did not segregate authorizations by titles. The conference substitute aggregates in one provision the authorization for the provisions of the substitute which are comparable to the provisions included in titles II, III, and IV of the House amendment.

The Senate bill, in section 231, and the House amendment, in section 401, both direct the Secretary of Health, Education, and Welfare to enter into agreements with States under which the appropriate State vocational educational agency will provide training needed to equip individuals referred to it for the occupation specified in the referrals. The State agencies would provide the training through public educational agencies or institutions or where they are inadequate, through private education or training institutions. In the case of any State which does not enter into an agreement under this section and in the case of any training which the State agency does not provide under the agreement, the Secretary of Health, Education, and Welfare will provide the needed training through public or private educational institutions. It is expected that wherever possible the many excellent private institutions will be utilized in the vocational educational programs provided by State agencies, or by the Secretary of Health, Education, and Welfare in cases in which a State has failed to enter into an agreement or in the case of any training program not provided under such agreement.

The Senate bill provided 50-50 State matching in the case of vocational education provided pursuant to State agreements except that for 2 years after the program got underway the Federal Government would pay 100 percent of the cost of carrying out the agreement with respect to unemployed individuals. The House amendment was the same except that the 100-percent payment with respect to unemployment individuals would continue for 18 months after the enactment of the act. In section 231 the conference substitute, in substance, adopts the provision of the Senate bill.

Section 402 of the House amendment related to cooperation between the Secretaries of Health, Education, and Welfare and Labor. This provision has been merged with other comparable provisions and appears in the conference substitute in section 303.

MISCELLANEOUS

Section 501 of the House amendment listed four factors which the Secretary of Labor must consider in allotting Federal expenditures among the States. The Senate bill listed substantially the same factors, but provided that he could consider only these factors. The conference substitute (in sec.

301) permits him to consider only the listed factors, but adds one additional. The additional factor is the average weekly unemployment compensation benefits paid by the States. The conference substitute also makes it clear that unused apportionments may be reapportioned.

Section 502(a) of the House amendment directed the Secretary of Labor, in the performance of his duties under the act, to use the available services or facilities of other Federal agencies. Each Federal agency is directed to cooperate with the Secretary of Labor to the extent permitted by law and to furnish him the services and facilities he needs to perform his functions under this act. The Senate bill in section 303 contained a provision which was substantially the same. The conference substitute, in section 303(a), contains a provision similar to that in the House amendment except that the requirements of the provision are extended to include the Secretary of Health, Education, and Welfare.

The Senate bill contained a single authorization of an appropriation in section 304(a). It provided that the total amount of funds appropriated to carry out the act could not exceed $90,000,000 for the first fiscal year, $165,000,000 for the second fiscal year, and $2,000,000 for each of the 2 succeeding fiscal years. The House amendment, as has been indicated, contained a separate authorization for each of the titles of the bill. The conference substitute contains a separate authorization for title I of the substitute, which corresponds to title I of the House bill. It also contains a separate authorization for title II of the substitute, which, in effect, lumps the appropriations for titles II, III, and IV of the House amendment into one appropriation. The conference substitute provides a separate authorization for title V. It should be noted that in each instance the Senate bill authorized appropriations for 4 years while the House amendment authorized appropriations for but 2 years. The conference substitute in each instance authorizes appropriations for 3 years.

The following is a summary of the appropriations authorized by the House amendment and those authorized by the conference substitute. For title I the House amendment authorized $1,700,000 for fiscal 1963 and $1,670,000 for fiscal 1964. For this title the conference substitute authorizes $2,000,000 for fiscal 1963 and $3,000,000 for fiscal 1964, and a like sum for fiscal 1965. The aggregate appropriations authorized by the House amendment for titles II, III, and IV were $97,100,000 for fiscal 1963 and $157,467 for fiscal 1964. The comparable appropriations authorized under the conference substitute, that is, for title II thereof, is $100,000,000 for fiscal 1963, $165,000,000 for fiscal 1964, and a like amount for fiscal 1965. The House amendment authorized $1,600,000 for carrying out title V for fiscal 1963 and $2,750,000 for fiscal 1964. The comparable authorization in the conference substitute, authorizes $1,000,000 for fiscal 1963, 1964, and 1965.

In addition, the conference substitute authorizes the appropriation of $5,000,000 for the purpose of planning and starting programs under this act between the date of its enactment and June 30, 1962. No referrals for training will be made under the act prior to the beginning of fiscal 1963.

The Senate bill provided in section 304(b) that equipment and teaching aids purchased with funds appropriated to carry out the vocational education provisions of the act will become property of the State. The House amendment contained no comparable provision. The conference substitute adopts this provision of the Senate bill as section 305(b).

Subsection (d) of section 304 of the Senate bill prohibited the use of funds appropriated to carry out the vocational education provisions of the act for purchase, erection, or repair of any building except for minor remodeling of a public building necessary to make it suitable for use in vocational education. Again, the House amendment contained no comparable provision and the conference substitute drops this provision of the Senate bill.

Subsection (e) of this section of the Senate bill provided that funds appropriated under the act will remain available for 1 fiscal year beyond that for which appropriated. The House amendment contained no comparable provision. The conference substitute adopts the provisions of the Senate bill.

Section 506 of the House amendment provided that programs under the act would be carried on for 2 fiscal years. The Senate bill provided that the programs should be carried on for 4 fiscal years. Section 310 of the conference substitute provides that such programs should be carried on for 3 fiscal years.

ADAM C. POWELL,
ELMER J. HOLLAND,
JAMES G. O'HARA,
NEAL SMITH,
CHARLES S. JOELSON,
CARROLL D. KEARNS,
CHARLES E. GOODELL,
PETER A. GARLAND,
Managers on the Part of the House.

[From the CONGRESSIONAL RECORD, Mar. 13, 1962]

HOUSE

Mr. KEARNS. Mr. Speaker, as you know, the Republican substitute for the Manpower Development and Training Act which was overwhelmingly adopted by this House contained a number of very important standards and safeguards. I am very happy to report that in our conference with our Senate colleagues we were able to retain all of these important measures. Thus, the bill which we present today is a good bill. If it is properly administered, it can provide much of the training which is so desperately needed by so many of our unemployed. It will also provide the means whereby the significant data on employment trends and future skill needs can be compiled and then disseminated to employees, employers, and unions.

Now, to be specific, what compromises were made in our conference? Also, what important features of the House bill were retained?

First, the bill now provides for a 3-year program. As you will recall, the House bill provided for a 2-year program while the Senate bill called for a 4-year program. The compromise which was agreed to, established a 3-year program. However, State matching is required after the first 2 years and both the Secretary of Labor and the Secretary of HEW must submit detailed reports to Congress at the end of the first and second years.

Second, the conference bill adopts the Senate form and sets forth the provisions of the bill under three titles rather than five. This is only a technical change which was made so that redundancy could be avoided. The important thing to note is that the duties of the Secretary of Labor and the Secretary of HEW are still carefully spelled out. And, even more important, all of the provisions were retained which establish that the Secretary of HEW shall have full responsibility for all educational aspects of this bill. This includes the furnishing of supplementary classroom work when such work is required by an on-the-job training program.

Third, although the appropriations have been codified under one section—304(a)—the overall cost of the program remains approximately the same. The first full year will cost $100 million and the second and third years will cost $165 million each. In addition, $5 million has been provided for the fiscal year ending June 30, 1962, for planning and starting programs. Thus, for the full 3-year-and-3-month period this training program will cost $435 million.

This is a lot of money. However, the benefits which can be realized from this program are also enormous. I, for one, when reviewing the results of this program after the first and second years, will do my best to make sure that this money is being wisely spent and that the maximum benefits are being realized. If this is not the case, I shall then bend every effort to effect immediate remedial changes so that the program can operate efficiently. In the event the necessary changes cannot be made I shall then return to the floor of this House and urge the immediate cancellation of the program. I want to make it perfectly clear that this bill does not establish a bureaucratic, experimental toy. This bill has been enacted because the needs of our country demand that a positive, hard-hitting training program be undertaken. This can and must be done. If unfortunately, this bill is unsuccessful, then this legislation must be terminated forthwith and some other means devised.

Very quickly, Mr. Speaker, I would also like to note that the conference bill retained all of the House safeguards with respect to the selection of the trainees and the circumstances under which they can be paid a training allowance. In addition, it has been made clear that the Secretary of Labor must work through existing State agencies when setting up on-the-job training programs. In this respect it will be much similar to the manner in which the vocational education programs are administered.

The Secretary of HEW and the State vocational training agencies have been instructed to utilize the services of the many excellent private institutions whenever this is possible.

Finally, specific instructions are given in the manager's statement that when unemployment compensation is paid to a trainee and reimbursement is made to the State funds, the particular employer and employees account that has been charged is to be credited. This particular instruction carries out the will of the House in this matter. It must be underscored at this point, for the Department of Labor has indicated that it would interpret this reimbursement provision in a manner which would prohibit the crediting of the particular employer-employee account.

In conclusion then, this is a good bill. It has many vital safeguards and standards. If it is properly administered, it can do the job. I am confident that by carefully reviewing the bill's administration at the end of the first and second year we can do a great deal to keep it efficiently administered and going in the right direction.

Mr. HOLLAND. Mr. Speaker, on March 6, Mr. Powell, Mr. O'Hara of Michigan, Mr. Joelson, Mr. Smith of Iowa, Mr. Kearns, Mr. Goodell, Mr. Garland, Mr. Bruce, and I, as conferees designated by the Speaker on S. 1991, met with six Members of the other body who were similarly designated.

Before us was the task of reconciling the differences which appeared in the measures adopted by the House and Senate.

I am happy to point out there were very few differences.

With the exception of the structure of the bill, very few additions were necessary and these will be outlined by my colleague, Congressman O'HARA of Michigan.

In order to secure complete agreement among the attending conferees, only two meetings were required. On March 7, the 15 members of the conference committee, with only 1 abstention, endorsed the provisions of the legislation now before us.

I believe there are very few occasions when such general accord has been shown by the Members of Congress.

The desperate need of the unemployed workers, the underemployed farmers, and our inadequately trained youth throughout the Nation has been recognized as the No. 1 problem on our homefront.

The Senate, displaying its awareness of the seriousness of the present unemployment problem, passed—by a voice vote—this report now before us the day after our conference committee reported it out.

I would like—at this time—to say that it was a pleasant experience to serve on this conference as the spirit of cooperation and the desire to provide adequate training programs for our unemployed prevailed throughout the meetings we held.

All of the attending conferees, from both the House and the Senate, recognized the urgent need of this legislation and worked diligently toward satisfactory agreement of minor differences.

As chairman of the Subcommittee on Unemployment and the Impact of Automation, I would like to especially express my appreciation to the members of the House committee who served as conferees. We have gone through quite a bit together—from our original open hearings to this presentation of the final legislation—and I believe I can truthfully say that our convictions for the need of it have grown with each passing day.

With the overwhelming support of this legislation, already a matter of record by the vote of the House Members on February 28, I ask that you again endorse this program by supporting the conference report we have presented.

Mr. GOODELL. Mr. Speaker, I would like to comment briefly with respect to the conference report on the Manpower Training and Development Act. In my brief comments I will try to underscore some of what I feel are the more important provisions of this bill as it has been modified by the conference.

RESPONSIBILITY FOR EDUCATION

The Senate bill contained a provision to the effect that where on-the-job training programs require supplementary classroom instruction, the appropriate arrangements for such instuction shall be agreed to between the Secretary of Health, Education, and Welfare and the Secretary of Labor. This provision was retained in the conference substitute. Thus, when classroom work is required by an on-the-job training program, it is the intent of Congress that such classroom work will be provided by the Secretary of Health, Education, and Welfare in conjunction with the various State vocational education groups.

In addition, although the Senate provision stating that the Secretary of Labor shall test, counsel, and select youths for occupational training and further schooling was adopted, the conference report underscores the fact that the inclusion of the words "further schooling" does not indicate that the Secretary of Labor is to handle matters of classroom instruction. Those words merely recognize the growing emphasis on work-study programs. Finally, although the conference substitute includes the Senate provision which directs the Secretary of Labor to secure the adoption of training programs by various groups which appeared in the Senate version is stricken. This again conforms to the general pattern of the conference bill which divorces the Secretary of Labor from any connection with educational functions.

ON-THE-JOB TRAINING

The conference substitute contains language which specifically mentions State on-the-job training programs. This inclusion is intended to stress the desirability of the Secretary of Labor first seeking the State agreements whenever States have on-the-job training programs. In this connection, it should be noted that prior to the Senate adopting the conference report, my colleague from New York, Senator Javits, noted that New York State has a very effective on-the-job training program. He advised that it was his understanding that the Secretary of Labor would work through this State on-the-job training program when he places in effect the provisions of this act. Senator Clark, who was the chairman of the conference, agreed with Senator Javits' interpretation of this provision. I would also like to state that it is certainly my understanding that there was general agreement among the conferees regarding the manner in which the Secretary of Labor should administer the on-the-job training programs. Thus, it was agreed that in those States where there is an effective on-the-job training program, or such a program is adopted, the Secretary of Labor should work through the State agency which administers such a program.

UTILIZATION OF PRIVATE INSTITUTIONS

The conference report underscores the fact that whenever possible the many excellent private instiutions will be utilized in the vocational education programs. As we are all aware, there are many excellent private institutions which perform invaluable service in many of our States. It is anticipated that the services of these private institutions will be used whenever it is possible to do so. In many instances it will be only through the adequate utilization of these institutions that the training called for under this act can be carried forward.

REIMBURSEMENT OF UNEMPLOYMENT COMPENSATION PAYMENTS

The House provision which provides for reimbursement whenever unemployment compensation payments have been paid to a trainee has been included in the conference bill. During the House debate on this bill, it was specifically noted that where such reimbursement has been made, the employer's account which has been charged as a result of the payment of unemployment compensation should be credited. Unfortunately, the Labor Department, I understand, tentatively chose last week to interpret this provision as meaning that although there is reimbursement to a State fund, the particular employer's account which has been charged should not be credited. This interpretation directly contradicts the congressional intent. Members of our committee and the chairman of the Ways and Means Committee are agreed on this point. In order to clarify this point once and for all, the manager's statement provides:

"It is the intent of this subsection that if a State is reimbursed for paying unemployment compensation to trainees, that employers should not be charged with such unemployment compensation payments under the experience rating provisions of their laws, and that the trainees should not have their eligibility for unemployment compensation reduced on account of the payments they receive during training."

In view of this statement, there now is absolutely no basis for the Labor Department to misinterpret the intent of Congress. I am confident that they will not do so.

PAYMENT OF TRAINING ALLOWANCES TO YOUTHS

Although the House bill did not contain a provision which would permit the payment of training allowances to youths, the conferees agreed to include such a provision. However, this provision is precisely stated and is very carefully limited in its application. Thus, the conference substitute permits the Secretary to pay training allowances at a rate not to exceed $20 a week to youths in their 19th, 20th, and 21st years where such allowances are necessary to provide for occupational training, but not more than 5 percent of the estimated total training allowances paid annually to the Secretary can be paid to such youths. By this provision it is intended that training allowances may be paid to those youths who have either completed their high school education or are too old or completely unsuited for further schooling of this type. In most cases, the youths receiving training allowances will be married and often times the head of a family. In no way is this provision intended to encourage youths to drop out of school when they should be continuing such schooling.

FURTHER CLARIFICATION OF SPECIFIC SECTIONS OF THE MANPOWER DEVELOPMENT AND TRAINING ACT

Mr. O'HARA of Michigan. Mr. Speaker, section 203(c) contains three conditions to the payment of training allowances under this bill. First, that the recipient must eb unemployed; second, that he must have had not less than a 3-year attachment to the labor market; and third, that he be the head of a family or a household as defined in the Internal Revenue Code of 1954. Any persons, irrespective of age, who meet all three of these criteria and who are selected for training will be entitled to training allowances. Unemployed youths between the ages of 19 and 22 who have not had at least 3 years of experience in gainful employment and who are not heads of families may, if they are receiving training, be paid a training allowance at a rate not to exceed $20 a week.

Unemployed youths less than 19 years of age who do not meet the other two criteria specified in this section and who are selected for training can receive no training allowance in this bill.

Section 202(a) includes provision for a special program for the testing, counseling and selection of youths 16 years or older for occupational training and further schooling. The age limitation intended in this provision is 16 through 21.

Section 203(b) is intended to permit the payment of subsistence expenses and transportation costs not to exceed the rate of 10 cents per mile to any persons who are receiving training, whether or not they are eligible for, or are receiving, training allowances subject to the conditions contained in this section.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

(NOTE.—The conference report, in the text shown above, was signed by President Kennedy on March 15, 1962, as Public Law 87–415.)

[87th Congress, 2d Session, Senate Report No. 1853]

AMENDMENT OF MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962 TO PROVIDE FOR REIMBURSEMENT OF RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

August 7, 1962.—Ordered to be printed.

Mr. CLARK, from the Committee on Labor and Public Welfare, submitted the following report—to accompany S. 3529.

The Committee on Labor and Public Welfare, to whom was referred the bill (S. 3529) to amend the Manpower Development and Training Act of 1962 with regard to reimbursement of the railroad unemployment insurance account, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to direct that the Railroad Retirement Board shall be reimbursed for all unemployment compensation payments made by it to persons taking training under the Manpower Development and Training Act of 1962 (Public Law 87–415; 76 Stat. 23) and eligible for training allowances thereunder. The act provides for reimbursement in compensation cases to any State making such payments, and it is the object of this bill to make identical provision for reimbursement in the case of railroad unemployment benefits paid out of the railroad unemployment insurance account. Reimbursement would be authorized for all payments made prior to July 1, 1964, and for 50 percent of payments paid on or after that date.

BACKGROUND

Section 203 of the Manpower Development and Training Act of 1962 provided for the payment of weekly training allowances to persons taking training thereunder. The Secretary of Labor is authorized to enter into agreements with States to enable them to pay these allowances as agents for the United States. The allowances may be paid for a period not exceeding 52 weeks, and the weekly amount may not ordinarily exceed the average weekly unemployment compensation payment (including allowances for dependents) in the State paying the allowance.

However, training allowances, where paid, are in lieu of unemployment compensation. If the trainee for any particular week has received or is seeking unemployment compensation under the Social Security Act or under the Railroad Unemployment Insurance Act, he is not eligible to receive a training allowance. In appropriate cases he may receive either the allowance or the unemployment compensation, but not both.

In most States, the unemployed worker becomes ineligible to receive unemployment compensation during any period when he undertakes vocational training or any other form of education. It is generally said, in such cases, that the unemployed worker has withdrawn himself from the labor market and for that reason cannot qualify for unemployment compensation.

However, a number of States follow the policy of paying unemployment compensation to insured unemployed workers whether or not they are taking training. An unemployed worker undergoing training under the Manpower Development and Training Act in any of these States, does not, of course, qualify for a training allowance for the reason that he continues to receive unemployment compensation.

In order to provide equal treatment for States in this group, section 203(h) provides that the States making such payments to a trainee under the Manpower Development and Training Act who is otherwise eligible for a training allowance shall be reimbursed from funds appropriated for the administration of the act.

However, the Railroad Retirement Board was inadvertently excluded from this provision. It now appears that unemployed railroad workers remain eligible for unemployment compensation under the Railroad Unemployment Insurance Act even though they are taking training under the Manpower Act. This means that the unemployed railroad worker in this position may not receive a training allowance. However, under the present system, the Railroad Retirement Board, unlike the various States in this identical situation, is not reimbursed for these payments.

NEED FOR LEGISLATION

The Railroad Unemployment Insurance Act (52 Stat. 1094, as amended) establishes a system of unemployment insurance for railroad workers completely outside the State unemployment compensation systems. The act is administered by the Railroad Retirement Board, and benefits are paid from the railroad unemployment insurance account in the unemployment trust fund. Railroad employment is excluded from coverage under the unemployment compensation laws of the States. However, the Manpower Development and Training Act does not exclude railroad workers from its provisions. Railroaders may qualify for training allowances under the same conditions as persons in other industries.

The Manpower Act did not intend to, and does not, make any distinction between railroad workers and those in other industries; there should be no discrimination against the railroad unemployment insurance account in the matter of reimbursement for unemployment benefits paid to trainees eligible for training allowances. The bill therefore provides for reimbursement of that account in the same manner as the States' accounts in the unemployment trust fund are reimbursed.

All of the interested parties are in favor of this amendment and urge enactment of the bill. The Association of American Railroads and the Railway Labor Executives' Association have joined in urging Congress to correct this technical oversight in the drafting of the Manpower Act.

The Department of Labor, the Bureau of the Budget, and the Railroad Retirement Board also recommend passage of the bill as a measure needed to correct this technical problem.

The bill will not require any additional appropriation. Reimbursement of the railroad unemployment insurance account will be made out of the funds recently appropriated for the administration of the act.

EXPLANATION OF THE BILL

The bill would amend the Manpower Development and Training Act of 1962 by adding a new paragraph to subsection (h) of section 203. That subsection now provides that a State which pays unemployment compensation to a trainee eligible for a training allowance shall be reimbursed from funds appropriated under the act. The amount of such reimbursement, determined by the Secretary of Labor on the basis of reports furnished by the States, is to be placed in the State's unemployment trust fund account. Subsection (d) of section 203 provides that after June 30, 1964, any amount paid to a State to enable it to pay training allowances, or to reimburse it for unemployment compensation paid by it to trainees eligible for training allowances, shall be paid on condition that the State bear 50 percent of the amount of such payments.

The first sentence of the new paragraph which the bill would add to subsection (h) of section 203 provides for reimbursement of the railroad unemployment insurance account in the unemployment trust fund for unemployment benefits under the Railroad Unemployment Insurance Act paid to a person who is taking training, and is eligible for a training allowance, under the Manpower Development and Training Act of 1962. The account would be reimbursed for all such benefits paid before July 1, 1964, and for 50 percent of the amount of such benefits paid on or after that date. This limitation on reimbursement for benefits paid on or after July 1, 1964, corresponds to the condition imposed on State reimbursement by subsection (d) of section 203.

Under the second sentence of the new paragraph, above referred to, the amount by which the railroad unemployment insurance account is to be reimbursed would be determined by the Secretary of Labor on the basis of reports furnished to him by the Railroad Retirement Board. The amount so determined would then be placed in the railroad unemployment insurance account.

[87th Congress, 2d Session, House of Representatives, Report No. 2369]

AMENDMENT OF MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962 TO PROVIDE FOR REIMBURSEMENT OF RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

September 14, 1962.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. Powell, from the Committee on Education and Labor submitted the following report to accompany S. 3529.

The Committee on Education and Labor, to whom was referred the bill (S. 3529) to amend the Manpower Development and Training Act of 1962 with regard to reimbursement of the railroad unemployment insurance account, having considered the same, report favorably thereon, without amendment, and recommend that the bill do pass.

[From the CONGRESSIONAL RECORD, Senate Aug. 9, 1962]

RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

The bill (S. 3529) to amend the Manpower Development and Training Act of 1962 with regard to reimbursement of the railroad unemployment insurance account was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (h) of section 203 of the Manpower Development and Training Act of 1962 is amended, effective March 15, 1962, by inserting "(1)" after the subsection designation, and by adding at the end of such subsection the following new paragraph:

"(2) If unemployment benefits under the Railroad Unemployment Insurance Act are paid to a person taking training under this Act and eligible for a training allowance, the railroad unemployment insurance account in the unemployment trust fund shall be reimbursed, from funds herein appropriated, for all of such benefits paid prior to July 1, 1964, and for 50 per centum of the amount of such benefits paid on or after that date. The amount of such reimbursement shall be determined by the Secretary of Labor on the basis of reports furnished to him by the Railroad Retirement Board and such amount shall then be placed in the railroad unemployment insurance account."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1853), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

"PURPOSE OF THE BILL

"The purpose of the bill is to direct that the Railroad Retirement Board shall be reimbursed for all unemployment compensation payments made by it to persons taking training under the Manpower Development and Training Act of 1962 (Public Law 87-415; 76 Stat. 23) and eligible for training allowances thereunder. The act provides for reimbursement in compensation cases to any State making such payments, and it is the object of this bill to make identical provision for reimbursement in the case of railroad unemployment benefits paid out of the railroad unemployment insurance account. Reimbursement would be authorized for all payments made prior to July 1, 1964, and for 50 percent of payments paid on or after that date."

[From the CONGRESSIONAL RECORD, House, Sept. 19, 1962]

REIMBURSEMENT OF RAILROAD UNEMPLOYMENT INSURANCE

The SPEAKER. The further unfinished business is the question on suspending the rules and passing the bill S. 3529, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill (S. 3529)?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

THE GLASS HOUSE

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. REES. Mr. Speaker, a rather remarkable—indeed, a unique—television film has come to my attention and I should like to bring it to the further attention of this body and through it to the people of the United States.

The film is called "The Glass House." Perhaps some of my colleagues were fortunate enough to have seen it when it was first telecast by the CBS television network on Friday, February 4. I am happy to say it will now be aired a second time, on Friday, April 7, and I urge each of you to make every effort to see it.

This is not an entertainment film, aside from the fact that its professional entertainment credits—writing, acting, direction, and production—are of the highest caliber. It is a relentless, devastating, and above all compelling authentic portrayal of what goes on, as a matter of routine, day after day, in our prisons, whether they be county jails or Federal penitentiaries. Television is often accused of providing us with a steady, unrelieved diet of pap and pablum, of escape from reality, of flimsy, frothy entertainment on a virtual 24-hour basis. "The Glass House," of a certainty, is none of these.

"The Glass House" is proof positive that television can be of enormous and vital service to society, even within the framework of the much maligned entertainment show. For "The Glass House" was not designed as a documentary to be aired on a Sunday afternoon for an audience of a minute handful of people and a bid for applause from the FCC. It was designed as an entertainment motion picture, to be telecast in the very choice 9 to 10:30 p.m., Friday nighttime period.

I have been aware for a long time—I think all of us have—of the crying need for prison reform in this country. But never have I known this need to be brought home to me so dramatically, so compellingly, so shockingly as by "The Glass House." For this is not a pleasant film. It has no moments of comic relief or even a fleeting respite from the constant, exhausting pressure it applies to the viewer from the first moment of its opening scene. And in order to make doubly sure that its flavor and background were absolutely authentic, its producers shot the film entirely within the confines of the Utah State Prison.

This could not have been done without the full and understanding cooperation of Gov. Calvin L. Rampton of Utah and Warden John Turner. I salute them for their vision and their courage. It took a large measure of both to allow their prison facilities to be used for the making of this remarkable motion picture.

"The Glass House" was produced by Tomorrow Entertainment, Inc., a forward-looking subsidiary of the General Electric Co. Its stars are Vic Morrow, Clu Gulager, Billy Dee Williams, Kristoffer Tabori, Dean Jagger, and Alan Alda. It is based on an original story by Truman Capote and Wyatt Cooper, with the screenplay done by Tracy Keenan Wynn. It was directed by Tom Gries. The coproducers are Robert Christiansen and Rick Rosenberg and the executive producer, Roger Gimbel.

I purposely salute these talented gentlemen by name in these regards for I believe they have made a unique and singularly valuable contribution in their presentation of "The Glass House." I urge, once again, the membership of this body to see this film, if they have not already, on Friday night, April 7.

"The Glass House" makes one further point which I believe is pertinent: That writers of talent and conviction can, indeed, write what they wish to write for television; that producers of integrity can, indeed, recognize and embrace such convictions; and that a network can, indeed, put on the air a controversial film for the greater benefit of society as a whole.

EASTERN MASSACHUSETTS HOCKEY TOURNAMENT CHAMPIONS

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, the town of Norwood, which is part of my Ninth Congressional District in Massachusetts, is celebrating not only its Centenary Year, but, will also celebrate the year in which the Norwood High School hockey team brought home the laurel wreath as Eastern Massachusetts Hockey Tournament Champions.

This victory has been long in coming, but well-deserved. After many years of being second best to Arlington High School hockey team, the Norwood Club won the championship in a thrilling exciting game with less than 3 minutes remaining in regulation play.

I would like my colleagues in the House to join with me in congratulating Coach Don Wheeler and the members of the Norwood High School hockey team and in order that my colleagues may enjoy the playoff performance, I am inserting an article from the Boston Herald-Traveler in the RECORD:

NORWOOD ICE CHAMP, SPILLS ARLINGTON, 3-2

(By Bill Abramson)

It began to look like a rerun of last year's EMass Hockey Tournament final, but someone changed the ending. This time Norwood came back to win its first title, 3-2, over defending state champ, Arlington, last night before 12,420 at Boston Garden.

A year ago Norwood dominated the first period of play, but came out of it scoreless before losing 3-0. This year the Mustangs outshot Arlington 21-2 in the first 12 minutes, but with five minutes to play it was Arlington, 2-1.

Then, with 4:21 to play, Norwood's second line of Bill Denehy, Greg Walker and Dan Bayer again, as they had done all night, pulled Norwood even. Denehy popped in the equalizer off Walker's shot that was deflected wide by the Arlington defense.

And Ed King, Bay State League MVP, was in the right place to score the winner with 2:41 to play. Mike Martin took control at the Norwood blue line, skated up the center and faked a slap shot before feeding Bill Clifford busting down the right side. Clifford fired for the far corner and King tipped the drive in as pandemonium broke loose.

"Clifford set up the play," King said in the exuberant Norwood dressing room. "I just tipped it in. We've worked on that all year long and this is the first time it worked."

Norwood outshot Arlington 44-10 as it reversed the three straight losses in tourney finals administered by the Suburban League's perennial tourney team.

"We outplayed them all the way," Norwood coach Don Wheeler explained. "This was our game all the way. I knew there was no way we could lose it. There are certain things that you just know and even when we were down 2-1 I knew we would win.

"Our second line was just fabulous and I think they turned it around. They just went out there and tore hell out of them."

The second wave, which has scored in every tourney game, put Norwood on the board after just 35 seconds of play when Bayer shot from the right point and the puck eluded goalie Chuck Cremmens and went behind the net. Denehy picked it up and tried to stuff it inside the left post, but Cremmens saved. The rebound came out to Walker and he lifted his shot just under the crossbar.

Arlington came back to tie it at 1-1 on Alan Quinlan's score at 1:06 of the middle period. Maury Corkery got control of the puck along the left boards and fanned on his shot. But he was able to get it over to Quinlan who had time to fake goalie Bill Pieri down and fire over him.

The Spy Ponders took the lead as Peter Noonan carried down the left side, shot and picked up his own rebound as a Norwood defenseman blocked his first attempt. Noonan fired the second try over Pieri's shoulder at 2:24 of the final frame.

But maybe Wheeler had read the script because he said he knew Norwood would win.

"Norwood played inspired hockey," Arlington coach Ed Burns said. "I thought we could steal it when we went ahead 2-1. But Norwood kept hustling. They could have had four or five more if it weren't for Cremmens who was fantastic. I'm proud of my kids because they played great hockey all the way."

Arlington attack was blunted by eight penalties, including a major and misconduct.

But King probably said what everyone from Norwood felt. "It wouldn't have been as nice unless it was Arlington!"

Division 1

Norwood	1	0	2—3
Arlington	0	1	1—2

N—Walker (Denehy, Bayer); A—Quinlan (Corkery); A—Noonan (Quinlan); N—Denehy (Walker, Hurley); N—King (Martin, Clifford).

ALL-TOURNEY TEAMS

(Selected by tournament committee)

Division 1

Forwards—Maury Corkery, Arlington; Bill Clifford, Norwood; Ed King, Norwood; Mike Flanagan, Arlington.

Defense—Brian Walsh, Matignon; Peter Brown, Norwood.

Goal—Jeff Goodchild, Beverly.

Tourney MVP—Walsh.

Division 2

Forwards—Dan Yeadon, Burlington; Mark Shepard, Wayland; Bill Moore, Barnstable.

Defense—Ralph Hollenborg, Billerica; John Hurley, Barnstable.

Goal—Jeff Sollows, Barnstable.

To Coach Don Wheeler my congratulation for a job well done and to each player—thank you for true sportsmanship.

PEACE FOR THE 1970'S: SOVIET STYLE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. SCHMITZ. Mr. Speaker, the following article by Dr. James D. Atkinson appeared in the February 11, 1972 edition of the Washington Report.

Dr. Atkinson briefly reviews Soviet expansionist efforts in the subcontinent of India, their espionage apparatus in Great Britain which came to light with the defection of the chief of the Soviet sabotage and assassination section for the British Isles, and the Communist shipment of armaments to fuel the conflict in Ireland. He notes that the scope and boldness of Soviet political warfare efforts has increased as their strategic military power has grown, and that unless the United States makes some effort to rebuild its own strategic forces we can expect more of the same throughout the 1970's.

As Soviet strategic military strength in relation to that of the United States continues to grow, so does the area in which they have freedom of action. They no longer are particularly worried about out strategic power when targeting areas outside of the continental United States. It is apparent that our capability to extend our strategic umbrella of protection to distant parts of the world is steadily lessening.

The present administration has no plans even to regain strategic parity with the Soviet Union, much less bring us back to a position of clear superiority. The "sufficiency" criterion which currently governs our strategic force posture is not based on "simply adding up the relative size or capabilities of Soviet and American strategic forces" but on "broader underlying questions," according to the last State of the World Message. Perhaps this is because it is becoming so embarassing to add them up.

Whatever the case may be, Soviet efforts to increase their existing strategic superiority indicate that they are not as yet basing their strategic force posture on the "broader underlying questions." The heightening scope and intensity of their efforts to bring additional areas of the world into the world into the Communist camp might even lead us to believe that they are assessing the strategic balance, or rather imbalance, in the old-fashioned way. It obviously has not yet dawned on them that, "paradoxically," strategic superiority no longer confers a decided advantage. They have not reached the level of sophistication necessary to confuse paradoxes with some essential insight into the nature of things.

Until they do we are in trouble, as the following article by Dr. Atkinson makes clear.

PEACE FOR THE 1970'S: SOVIET STYLE

(EDITOR'S NOTE.—Dr. James D. Atkinson is Professor of Government at Georgetown University, Member of The International Institute For Strategic Studies, Special Consultant to the President of The Institute for American Strategy, and a recognized authority in the defense studies field.)

In 1967, and again in 1968, The American Security Council prepared studies on the Changing Military and Naval Balances, U.S. v. USSR, at the request of the chairman of the House Armed Services Committee. These studies, followed by later analyses and special papers, accurately warned about the vast Soviet thrust to secure military-technological superiority over the United States. Now, in the early 1970s, the hard evidence indicates how the USSR is making use of its enhanced military-technological power to change the geo-political map of the world.

The succinct statement of the chief of Japan's delegation to the United Nations, Kiichi Aichi, is perhaps as clear as anything concerning the decline of the United States and the rise of the Red Star of Russia in the world. Speaking at the end of the UN General Assembly meeting of last October 25—and following the seating of the Chinese Communists—he said: "*What has happened makes one feel that the U.S. strength in world politics has declined.*"

PAKISTAN DISMEMBERED

The victory of India over Pakistan last December was a clear indication of the rise of Soviet influence on the Indian subcontinent and in the Indian Ocean. The USSR, quite aware of its greatly increased power in the strategic balance, assisted India with both advice and military hardware.

Indeed, it may well be that the Soviets not only encouraged India to attack both East and West Pakistan, but actually triggered the undeclared war. For, only a few days following Soviet Deputy Foreign Minister Nikolai Firyubin's long consultations with Indian officials, the commander-in-chief of the Soviet Air Force, Marshal and Deputy Minister of Defense Pavel S. Kouthakov, arrived in New Delhi on October 30.

The Soviet air chief spent about a week in India and, following his departure, the USSR organized a large airlift of military equipment for India by way of Egypt. Giant *Antonov 12* cargo aircraft were used in early November to transport Soviet military equipment to India, and one can hardly be surprised at the actions which followed: The invasion of East Pakistan by the Indian Army and Air Force and air attacks on selected targets in West Pakistan in December.

BANGLADESH EMERGES

The Pakistan forces in East Pakistan were defeated in this undeclared war, and what was formerly East Pakistan was proclaimed the sovereign state of the People's Republic of Bangladesh last month. Not surprisingly, among the first of the countries to grant recognition to Bangladesh were the four Soviet satellite states of East Germany, Bulgaria, Poland, and Mongolia. The close collaboration of this new "state" with the USSR was further indicated by the appearance of a Bangladesh contingent at the fifth conference of a Soviet-supported front organization. This occurred during the second week of January in Cairo, with Egypt, whose government has been collaborating more and more closely with the Soviets, hosting the conference. This front group, the Afro-Asian Peoples Solidarity Organization (AAPSO), has served for some time as a Soviet vehicle for agitation, propaganda, and political warfare directed against the West, but especially against the United States.

AAPSO is an excellent example of Soviet-style *"peace"* for the 1970s since it is actively engaged in the promotion of conflict at almost every level.

WHEN "PEACE" IS WAR

It is not without interest that the chief of the Bangladesh delegation, Mulla Jaladin Ahmed, told the AAPSO conference that he wanted to *"stress the resolve of the people of Bangladesh to struggle against imperialism, colonialism and neo-colonialism, shoulder-to-shoulder with the progressive Afro-Asian states."* The *"struggle"* against *"imperialism, colonialism and neo-colonialism"* has long been a Marxist-Leninist euphemism for waging war under the guise of peace on all nations which do not accept the Soviet view of what the world should be, and especially for those nations which in any way bar the USSR's advance towards the goal of THE dominant world power.

Ahmed underscored the importance of Soviet assistance in defeating Pakistan. Said he: *"Our people highly evaluate the Soviet support in the struggle for liberation* . . . [*and*] *in the name of our people, government and our delegation, I thank the Soviet Union* . . . [Emphasis supplied.]

The dismemberment of Pakistan—a member of both the SEATO and CENTO defensive treaty organizations sponsored by the West—and the creation of the new state of Bangladesh is, above all, a victory for the USSR. India will more and more be drawn into the Soviet orbit and Bangladesh will soon, no doubt, be admitted to the United Nations, thus giving the USSR one more vote and, if the words of Mulla Jaladin Ahmed are any guide, one more political warfare mouthpiece on the East River.

INDIAN OCEAN: RED WATERS

The Soviet fleet in the Indian Ocean was increased in numbers during the undeclared India-Pakistan war and shows no signs of departure, unlike the United States Navy task force which was briefly in the Indian Ocean, but was later withdrawn. India, while not wanting the ships of the United States or of some other naval powers in the Indian Ocean, has viewed the Soviet naval buildup there without concern and, indeed, has upgraded the port facilities in Visakapatnam by, apparently, providing facilities for Soviet submarines.

While India has kept Western nations away from the strategic Andaman and Nickobar islands, she has permitted the USSR to use these Indian Ocean islands for fueling Soviet ships and for other purposes. This is especially ironic in view of the $7.2 billion in United States taxpayers' money which has been granted to India over the years, until President Nixon cut off funds during the India-Pakistan war.

If any further evidence were needed as to the very close Soviet-Indian relations, it was supplied by the statement from New Delhi last Jan. 12 that an Indian defense mission would leave for the USSR the following day to make the final arrangements for an *"improved version"* of the Soviet Mig-21 to be deployed by the Indian Air Force. Production of this new type Mig (it may be the Mach-3 speed and 80,000-feet-plus ceiling Mig-23) is apparently planned for production in 1973–1974 in India with Soviet technological assistance.

Bangladesh, Indian-Soviet collaboration, Soviet naval expansion in the Indian Ocean, a weakened Pakistan on the brink of internal chaos—all of these add up to a pattern of Soviet-style *"peace"* for the 1970s, or, to put it rather more bluntly, Soviet willingness to embark on a strong forward strategy in world politics, emboldened by the steady rise of Soviet strategic striking power.

LYALIN DEFECTS, TALKS

Soviet willingness to take somewhat greater risks in the 1970s than in the past in exploiting conflict far from the Soviet borders and on grounds not favorable to the Soviets, was revealed by the defection of Oleg Lyalin at the end of last September. Lyalin, the chief of the Soviet secret police's sabotage and assassination section for the British Isles and, possibly, for a part of Europe, defected in London. Lyalin is thought to be related (possibly a *close* relative) to Lt. Gen. Serafim N. Lyalin, presently chief of one of the main directorates of the Soviet secret police and formerly chief of the infamous "SMERSH" murder squads of World War II and after.

Lyalin officially was employed by RAZNO, the Soviet import-export organization which is a part of the Soviet trade mission in London. This was, of course, only a cover for Lyalin's real work: Planning for sabotage and apparently any groundwork for the assassination of persons the USSR secret police wanted liquidated.

TARGETS OF SABOTAGE

Some of the targets on the sabotage list appear to have been: (1) The early warning radar network, in which the United States is heavily interested and the key point of which is at Fylingdale in Yorkshire; (2) the U.S. submarine base at Holy Loch, Scotland, one of the highly critical bases from which a key part of our deterrent forces operates; (3) the British submarine base at Faslane, Scotland, from which missile-firing submarines of the Royal Navy operate; and (4) the anti-submarine warfare base at Portland, England, which is one of the world's leading research points for the detection of submarines and, obviously, a key site for the research and development of detection aids to counter the growing Soviet submarine threat.

Information given to the British counter-intelligence service by Lyalin led to action by the British foreign Office in declaring 105 Soviet agents *persona non grata* for using diplomatic cover in Great Britain to engage in espionage and related activities. Lyalin seems also to have given the British the information which led to the seizure of a very large shipment of arms and munitions designed to further exacerbate the conflict in Northern Ireland.

RED ARMS TO IRELAND

On last Oct. 16, the Dutch police, acting on information from British intelligence, seized an airliner in Amsterdam. This aircraft, a DC–6, had been flown in from Prague, Czechoslovakia, and was chartered by a Belgian company. It was flown by a Belgian pilot who, according to press accounts, was accompanied by a man named Ernest Koening, an American salesman living in Luxembourg.

The aircraft had cargo which a manifest showed was bound from Prague to London, but at Amsterdam the actual plan was to refuel and fly to some place in Ireland. This appeared to be Southern Ireland, from which the Irish Republican Army, which is outlawed by Eire, would transport the cargo across the border into Northern Ireland.

After a search of the aircraft, the cargo was found to consist of 116 wooden boxes. These contained ammunition, machine guns, automatic rifles, mortars, anti-tank rocket launchers, and hand grenades. The markings on the weapons and on the ammunition indicated that they had been made in the USSR and in Czechoslovakia. The rocket launchers alone would have contributed to a dangerous escalation of the conflict in Northern Ireland since the IRA could have used them against the armored cars which the British army has been using in an effort to preserve order in that province.

IRISH COMMUNISTS MEET

Perhaps it was only a coincidence that on the following day, October 17—the day on which the arms and munitions would have arrived in Ireland had the cargo aircraft not been seized in Holland—the Second Congress of the Irish Communists Party met. The Congress called for the overthrow of both the Government of Eire, headed by Prime Minister Lynch, and the Government of Northern Ireland (Ulster), or Stormont, as the government with its capital in Belfast is often called. Ninety delegates of the Irish Communist Party were present from both the South and the North of Ireland.

Present also were the following persons whose purpose was obviously to use the Irish Communists for the benefit of the Soviet Union: Prof. Nikolai Matkevsky, a member of the USSR Academy of Sciences and of the Supreme Soviet; Dzhavid Sharif, a senior Soviet trade official, Jerzi Kwiatek, head of the Polish Communist Party's cultural" department; Wlodzimierz Komarskifi a representative of the Polish Student Union; Alexander Lilov, chief of the Bulgarian Communist Party's "cultural" department; un-named representatives of the official Soviet news agency TASS (which has long had a reputation for taking more interest in espionage and similar operations than in news gathering), and of the East German official news agency which is closely associated with Tass.

Most interesting is the fact that Prof. Matkevsky, representing the Supreme Soviet, has been very active in the past in Soviet-sponsored front organizations.

Soviet front groups, such as the World Federation of Trade Unions, the International Organization of Journalists, the World Federation of Democratic Youth, the International Union of Students, and the like, have long been used by the USSR as vehicles for political warfare and for the exploitation of conflict situations. Additionally, it is known that the International Union of Students operates a training school in Prague for sabotage, subversion, and guerrilla warfare.

Prof. Matkovsky's presence at the Second Congress of the Irish Communist Party was reported by the London *Daily Telegraph* as *"significant"* and as closely related to Soviet efforts to exploit the conflict in Northern Ireland.

THE SOVIET FIRE BRIGADE

The purpose of the Soviet fronts, of Soviet secret police agents, and of their local Communist Party camp followers is just the opposite of the work of a good fire department. Trained firemen arrive on the scene of a fire and smother it with water, chemicals, *et cetera*. The Soviet fire brigade arrives on the scene of a conflict and then throws gasoline—in the form of agents, agitators, arms, and munitions—on the fire. This was openly admitted by a Cuban delegate to the Eighth World Youth Festival in Helsinki, Finland, when he said: *"We are here to teach the Africans and Asians how to conduct revolutions."*

The Communist Cuban was speaking, however, in 1962.

What is sharply different a decade later—in 1972—is that the USSR now possesses such powerful strategic striking power that Soviet arms and assistance can be given on a huge scale ranging world-wide from the support of the Indian invasion of East Pakistan to the exploitation of the conflict in Northern Ireland.

Unless the United States takes steps to rebuild its own strategic striking power, the pattern of *"peace"*, Soviet style, for the 1970s may well continue as it has unrolled during 1971 and early 1972, excepting only that the scale and boldness of the Soviet effort will increase.

DR. JAMES D. ATKINSON,
International Politics Editor.

AMERICAN HELLENIC EDUCATION PROGRESSIVE ASSOCIATION CELEBRATES 50TH ANNIVERSARY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. BIAGGI. Mr. Speaker, AHEPA—the American Hellenic Education Progressive Association—celebrated the 50th anniversary of its founding with its 20th biennial dinner here in the Nation's Capital. It is with profound respect and admiration that I offer my congratulations to AHEPA on this most exciting of occasions. It was with great honor and pride that I participated in their banquet last night, both as a member of the order and as a U.S. Congressman.

AHEPA, in hosting this banquet for the Congress, carries on a tradition that reaches back to ancient Greece, where the world's cherished principles of democracy and representative government first flourished. America's culture as well is greatly indebted to the genius of these great people. Greek civilization produced some of the world's greatest architects, playwrights, philosophers, artists, and historians. What student can be said to be truly educated without having studied major Greek figures in these areas? America has recognized her cultural debt to Greece and, I am proud to say, our two peoples have maintained a strong and enduring friendship because of it.

AHEPA has served an important function in strengthening these ties and in furthering the goals of democracy by encouraging its 46,000 members to participate in the governmental process; by instilling in them a respect for the privileges of citizenship and a loyalty to the United States; by developing a strong commitment to morality and an aversion to political corruption and all forms of political and social tyranny; and by promoting the goals and aspirations of Hellenic culture and Hellenism.

AHEPA expects its members not to be passive objects in society, but to be active and socially responsible citizens. These goals, of course, are consistent with AHEPA's Greek heritage as well as its American heritage.

AHEPA is active in the fields of education, charity, and civic improvement. The contributions of Greek Americans to the culture and strength of this great country are indeed significant and their impact immeasurable.

Mr. Speaker, I again congratulate the order of AHEPA. I am proud to be a member of this organization which stands as a beacon, a model for all civic-minded groups. It has a proud tradition, an impressive history, and a bright future. I hope the years ahead bring success and fulfillment to all members of AHEPA.

ARVILLE SCHALEBEN RETIRES FROM MILWAUKEE JOURNAL

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. REUSS. Mr. Speaker, Associate Editor Arville Schaleben, a mainstay of the Milwaukee Journal's operation, retired last month after 43 years with the newspaper.

I extend my best wishes to Mr. Schaleben as he continues his service to journalism through other channels, and insert at this point an editorial from the Milwaukee Journal of February 29:

HAPPY RETIREMENT, ARV

Another of Wisconsin's ablest journalists, nationally known for many years, has been lost to the active profession by retirement from The Milwaukee Journal. Happily in the case of Arville Schaleben, he will continue to serve the cause of journalism as educator, mentor and authority on its principles and ideals.

Schaleben made a name as a probing and perceptive reporter in the first six of his 43 years with The Journal, and never lost the instinct or the zest all the rest of the time in news executive positions, where he rose to be associate editor. He long continued to be a world traveler and keen observer for Journal readers, literally from pole to pole, doing his own photography into the bargain.

Schaleben's special interests and productive labors in his news executive role have been highly useful in two fields: advancement of journalism as a career, and watchdogging the legal status of the press as a public service institution constitutionally protected. In the former he has worked to instill in journalism students a sense of the importance and values of newspaper work. In the latter, teamed with editors across the state and nation, he has helped lead the good fight, both for press freedom when menaced from outside and for press integrity and responsibility when endangered from within.

Young people getting their feet wet in The Journal newsroom will miss Schaleben's frequent tours of the room for friendly, understanding talks wtih them, encouraging them in their work, sympathizing with their problems. But he is in demand as a lecturer on college campuses and will be launching a new career as teacher and author, still striving to uplift even higher a profession that he is proud of—one that also is proud of him.

TOWARD SIMPLIFYING FEDERAL TAXES

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. FLOWERS. Mr. Speaker, one of the most perplexing matters to Mr. and Mrs. Average American these days is the enormously complex nature of our Federal tax structure. Like the weather, everyone seems to be talking about real tax reform, yet nothing ever really gets done about it that is meaningful to the average citizen.

Mr. Bart Fulton, a constituent of mine from Tuscaloosa County, Ala., has given a great deal of probing thought and attention to this subject. I would offer a portion of a recent letter from Mr. Fulton for inclusion in the RECORD. I think his remarks provide some good food for thought for all of us.

We want a simplified plan—a totally new tax measure—that a layman can understand. Moreover, Mr. Man In The Street wants taxes collected on the earnings of Foundations, Churches, Institutions—a figure said to total some fifty *billions* of dollars, untaxed as of now. In brief, Walter, we need a tax structure totally fair to all and slanted in favor to none!

Every dollar earned, after expenses attendant to the earning, should be taxed.

The scale I suggested may be wanting, in that it might not produce sufficient income on which to run the nation. But the PATTERN is right! It is entirely possible, using a computer, to determine the exact amount of taxes that should be paid on various incomes—assuming all exemptions have been eliminated. If Joe Bloke earns X dollars, after costs, he will pay X tax thereon. And, with such a simplified plan, we could save the government the x millions of dollars now going to an army of IRS parasites.

The most asinine fiasco on the face of God's green earth is our present federal income tax structure—a burden that's eating the very heart out. It stands to be the death of us all. The power to tax is the power to rule, to destroy in the end.

BUSINESS LEADERSHIP AND SOCIAL RESPONSIBILITY

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, American business leadership has often been charged with failing to fulfill pressing social needs; indeed, some say that business has not only neglected, but has even aggravated our social problems. An outgrowth of this popular sentiment has been shareholder activities such as campaign GM round I and II, where the stockholders are presenting major challenges to the management personnel of the largest corporations in America. I think we sometimes need to be reminded that a number of America's leading corporations have been deeply involved in trying to solve America's vast social dilemmas.

The following is part of the Chase Manhattan Bank's annual report for 1971. I think it is an excellent example of the kind of initiative American corporations are capable of producing once they do become so involved:

A QUIET KIND OF REVOLUTION

(By E. J. Kahn, Jr.)

In the last few years, more and more American businesses have found themselves, wittingly or unwittingly, involved in matters that used to be considered none of their business. High among their new priorities is the often frustrating but increasingly pressing search for ways to improve an intangible for which there is no fixed line on a profit-and-loss statement—the quality of life. To have to think in terms of social responsibility as well as stockholder responsibility has made some businessmen uneasy; but these days the company that doesn't react at least sympathetically—let alone innovatively—to the aspirations of society at large is likely to end up, whatever its material accomplishments, as a social outcast. "What all this boils down to," one Chase officer said not long ago, "is that a corporation must adapt to the world it functions in."

Inasmuch as banks, rightly or wrongly, are often thought to be the most conservative of businesses (and bankers the flintiest of businessmen), it comes as something of a shock to one whose connection with banks has rarely extended beyond a teller's cage to learn the extent of one bank's self-immersion in the whirlpool problems of our times. The idea of examining the social performance of corporations is not new; a few months back, for instance, *Business & Society* evaluated twenty-five large companies and—happily for this brief account of one bank's tentative steps into strange new territory—rated the Chase first. What has been going on at the Chase these last few feverish years is regarded by some of the bank's in-house evaluators as merely a part of a gradual, evolutionary process. But to the outside observer, the activity has aspects and implications that seem little short of—although the word is rarely uttered at One Chase Manhattan Plaza except in reference to others—revolutionary. Still, as one Chase executive who dares to use the word said not long ago, "It's been a quiet kind of revolution, and one that's all the more extraordinary in that, unlike your usual nonbusiness revolution, it pretty much started at the top."

Banks are limited in what they can do by law, by tradition, and by their primary purpose, which is of course to lend and manage money for a profit. And like any other institutions, they must reflect their times as much as try to shape them. The Chase, for instance, has a great many minority-group employees—at last count, 6,278—but this 32% representation derives as much from compulsion as compassion: any New York-based organization that wants to man its desks and phones and computers must rely on the available labor pool, and in New York, as in most urban centers, the nature of that pool has drastically changed. Long gone is the day when personnel managers could expect to fill clerical vacancies with demurely dressed blonde high school graduates; Afros and suede jerkins are the style. There is no shortage of available candidates cast in the old-fashioned mold, however, to flesh out boards of directors. Thus, it was not mere inevitability that made the Chase the first big American bank to invite a black to join its board. Now, the bank has two black directors, one of them a woman. Anybody who might have tried to borrow money from a Chase lending officer a few years ago, in order to bet it on the likelihood of the bank's soon having a black woman director, would have been turned down as, if not plain dotty, a very poor risk.

As recently as 1963, fewer than 8% of the Chase's employees were black or Spanish-speaking; and the bank's directors, not to mention all its other visible operatives, routinely wore white shirts to work. But as shirts began to change, so did the fabric of the entire city, and Chase soon embarked on a concentrated effort to recruit minority employees. It was a campaign much in the bank's self-interest. A bank is inextricably enmeshed in the community in which it functions; it cannot pull up stakes and leave if things look bleak. When New York is a fun city the Chase grins; and when a rock is thrown through any New York window, the Chase winces. Accordingly, nine years ago, the bank started searching for new, minority-oriented programs. Two of the first steps in this direction were small, acronymic ventures—BET and JOB: a Business Experience Training program and a Job Opportunities in Business program. The participants in BET were high school students, many of them black, who were given employment at the bank every afternoon provided they agreed to attend school every morning. So far, there have been 277 BET students, 195 of whom finished high school. Of these, 51 went on to college, and 101, who evidently got more turned on by their afternoon than by their morning studies, stayed at the Chase. JOB was for dropouts; the bank could thus train them all day long. Of the 465 individuals who have gone through this course—most of them, too, nonwhite—127 are currently working for the bank.

In 1967, at about the time that JOB was getting underway, a number of people at the Chase began to think hard about the kind of social and economic environment in which the bank could expect to operate in the foreseeable future. David Rockefeller was then president of the bank, and he had been instrumental in the formation early that year of the National Urban Coalition, which was addressing itself to a sobering multiplicity of country-wide problems. But aside from its low-key aid to disadvantaged students, the Chase hadn't addressed *itself*, on an institutional scale, to many local problems. "There had been crises in the cities, and youthful unrest everywhere," Rockefeller says today. "There was deep concern in many sectors of society about the role of institutions. It was time for us at the bank to look at ourselves and see what we were doing and what perhaps we ought to do."

Others at the bank were harboring similar thoughts. One of those was Thomas W. McMahon, Jr., a Chase executive vice president and, as chairman of the Urban Affairs Committee of the American Bankers Association, a prime mover in, among other ventures, a billion-dollar A.B.A. loan program to help minorities in fifty cities, and the MINBANC Capital Corporation to supply needed capital to the nation's minority-owned banks. In May, 1967, he corralled a half-dozen Chase senior vice presidents under his wing and shepherded them on a first-hand encounter with dope peddlers, pimps and other members of the citizenry with whom they had had little routine contact. "I thought it was very educational for them," McMahon said afterward. "You can't design social programs in a board room or, when it comes to that, in the White House. You have to get to know people."

In June, 1968, Rockefeller called a meeting of the heads of various Chase departments. The outcome was the creation of a high-level Urban Affairs Advisory Committee and of the first full-time urban affairs functionaries in the bank's history. Later, as programs expanded, the 17th floor (where the highest-ranking Chase men roost) responded further by setting up an urban task force to review programs and look ahead.

"Everybody always seems to think that because you're the Chase Bank, you can change the world," says one of the members, John B. Davies, Jr. "Well, you can't. But that doesn't mean you shouldn't try. And when you succeed, in however small a way, you have the satisfaction of knowing that you're part of a major institution that has not only made a commitment but is engaged in many programs that are bringing about social and economic change."

Programs in education, for instance: It was all well and good, the Chase had realized back in 1967, to lend a hand to high school dropouts; but these young people, no matter how conscientious, were unlikely to develop into bank officers, and the Chase was as aware as any other organization that in the long run one hasn't struck much of a blow for equality if almost all one's minority-group employees are segregated in low-level categories. So Chase had begun recruiting, for one thing, on black college campuses in the South, and had had fair, if something less than spectacular, success. In any event, the source of most of the bank's new hometown employees, whatever their race or color, was likely to continue to be New York. Remedial education, which was basically what BET and JOB represented, was good enough after its fashion, but it wasn't enough. Accordingly, the bank is now helping to devise a plan whereby the Chase, in collaboration with the New York City Board of Education and the Bank Street College of Education, would undertake the upgrading of training for primary and junior high school principals. The abler the principals, presumably, the abler their graduates. "Perhaps this particular enterprise won't alter the course of New York," Rockefeller told an acquaintance, "but it's a tangible way of participating actively in one of the city's most acute problems."

In an urban-affair policy statement issued by the Chase early in 1970, the bank announced its determination to help the poor of New York (the rich, bankers know, can usually help themselves) "both by creating opportunities for ownership and management of business in disadvantaged areas and by seeking new ways to meet the urgent problems of inadequate housing."

The officer in charge of the minority-housing phase of the new program, Joseph H. Quinn, does not lend money quixotically, but at the same time, he has made several loans—to, among others, the proprietors of store-front churches—for which there was no discernible collateral.

"We just have to put our faith in individuals," Quinn says. He hasn't merely been giving out mortgages; he has also invited community leaders to the bank and given them practical courses in mortgage-process—yarmulked Hasidim and dashikied brothers all listening intently together as he expounds on mortgage points and brokerage fees. Quinn started off with $100 million to allocate as suitable opportunities arose. That sounds like a lot of money, and it is a lot, but it is still somewhat less than 1% of all the bank's outstanding loans. Two of the three areas on which the Chase has been concentrating are in Brooklyn, which makes sense, since 34% of the bank's clerical staff lives there. Even within a single borough, Quinn and his associates have been confining themselves to small geographical areas, trying to make a perceptible dent in them with loans that vary as circumstances dictate—some money for, say, refinancing of existing homes, some for new-home purchases, some for the rehabilitation of rundown structures. It is the bank's conviction that a single change—a change in *any* direction—can markedly affect a locality; as Quinn once said, "We believe that improvement can be more contagious than deterioration." At the behest of a black Baptist minister in Brooklyn, the Chase authorized a loan of $325,000 for the conversion of a gutted warehouse into a day-care center and the establishment, a block away, of a school to train IBM key-punch operators, many of them the mothers of the day-care center's children. It is this kind of integrated effort that the bank hopes can revitalize listless neighborhoods.

The loans to minority businesses have been largely processed in the Chase's 170 branches and coordinated by a department presided over by a vice president, Lawrence J. Toal. He and his associates have not tossed the rules of banking to the winds; they still turn down, though not without regret, six of every seven petitioners who come their way. But the loans they do grant are high-risk loans—that is, to men and women who have little experience, less capital and nothing really going for them except ideas and enthusiasm. By the end of 1971, the Chase had approved loans of around $14 million to 236 minority-owned businesses, a portion of this in the form of investments in these enterprises by the Chase Manhattan Capital Corporation. The largest single investment was $1.6 million in a California company that makes glove-box compartments for Chevrolets; the smallest loan was $750 to a new meat-processing firm as a security payment for rent on its proposed premises.

To date, the minority-business loans have had a loss rate of 4.7% of their total dollar volume. This compares unfavorably with the loss rate on the bank's ordinary, low-risk loans. But some of the borrowers not only have not failed but have rather spectacularly prospered. Notable among these is the Wallace & Wallace Fuel Oil Company, in the borough of Queens. It could scarcely have begun under less favorable auguries. The business record of its founder, Charles Wallace, a proud, tough, now 39-year-old black man from Florida with only a high school education, was unimpressive; his credit rating was nil; and by the most generous estimate his assets totaled $30,000. Most finance companies won't consider lending a man more than four times the sum of his assets. The Chase loaned Wallace $250,000, more than half of this against accounts receivable of uncertain magnitude. Wallace, who once described the bank as "an oasis on the horizon" of his "desert of despair," sold 100,000 gallons of fuel oil in 1969, pretty much as a one-man operation. By 1971 he had a dozen full-time employees and sales of 35,000,000 gallons; by 1975 he expects to have 100 employees and to hit 250,000,000 gallons, which would represent some 2% of all the fuel oil consumed in New York City. "No black businessman can really make it nowadays without going to the white establishment," Wallace says, "but most whites just give us a lot of lip service. The Chase gives me service."

While it is a source of pride to the Chase that almost one-third of its personnel are from minority groups, and that they now constitute 15% of its supervisors (the banking equivalent of foremen), the bank is not especially happy that of its 1,717 officers only 34—or 2%—come from those groups. Those minority-group employees who feel they are not moving upward fast enough can derive some small hope and comfort from the experience of another group—the women at the bank. Though for some time more than 50% of all the bank's employees have been female, in 1967 there were only 15 women officers. In 1971, there were 64. In absolute terms, the women still have a long way to go; in relative terms, they are making headway. As far as black officers are concerned, one of the bank's chief concerns is not only to find and train potential candidates but, having created them, to figure out a way of holding onto them; nowadays, any black with a solid financial background can just about write his own job ticket. Currently there are 17 blacks among 183 men and women in the Chase's credit-training program, its principal source of officers. A current black trainee in that course, Clifton Best, a native of Memphis, had worked for a bank in the South before he came to New York, but he considered himself a showpiece black man there. He thinks he will probably stay on at the Chase because, in part, of the absence of tokenism. "I don't know of any showpiece people around here," he says. "All anybody demands is that you know what you're doing."

One black officer who arrived at that rank by a different route is Sherman Brown, a social worker who was the assistant director of a Harlem settlement house when the Chase asked him to join its urban affairs staff. He spends most of his time outside the bank.

"Regardless of whatever pronouncements come out of the 17th floor, to get anywhere in a community you have to expose yourself to it," he says. "It's not often easy. If I go to a black group in Queens to talk about our home-loan operations, as often as not somebody will start off by saying that any black working for the establishment is automatically co-opted, and why in the world would anyone be working for a bank? I let them cuss me out for half an hour or so, and when the shouting session is over, I try to tell them I have something to offer them. There's usually someone in the crowd who'll eventually say, 'Hey, let the man speak. We want to hear about your mortgage pool.' Sometimes I stay at these meetings till midnight before I can make myself heard, but it's worth the wait."

Within the last couple of years, the Chase has become increasingly cognizant of the interdependence of the nation's economy and its ecology. In 1970, setting a precedent for banks everywhere, the Chase established a new staff position called Coordinator of Environmental Systems, and filled it with a chemical engineer, Robert H. Aldrich. He believes that banks can play crucial roles—mainly through their impact on legislation, technology, and finance—in upgrading the country's ecological system. Since he joined the Chase, it has been his pleasure to recommend the rejection of a loan application from a paper mill that couldn't conceivably operate at a profit (no one at Chase ever loses sight of profitability) without shirking its environmental responsibilities; and to help bring about the approval of a loan to an egg company by assisting in the development of a technique for making its chicken droppings less of a public nuisance. Aldrich is probably one of the few officers of any bank who can be found on street corners sniffing automobile exhausts. He has been conducting curbside emission tests, in the hope of securing loans for manufacturers of devices to curtail that particular source of pollution. Recently, Aldrich's labors dovetailed neatly with those of Lawrence Toal, the minority-business-loans man: with Aldrich's ringing concurrence. Total authorized a Chase loan to a black entrepreneur who had figured out a way to eliminate noxious particles of dirt that accumulate in industrial incinerators.

Within the bank itself, Aldrich has become a vigilant ecological watchdog. He has been trying to devise a method of getting its waste paper—ten tons of it daily—recycled. Meanwhile, the bank's chief purchasing officer, James J. O'Donnell, who buys twenty-five million sheets of paper annually merely for the Chase's own printshop, has been looking into a new kind of recyclable paper made from sugar cane. "If we buy it and it isn't satisfactory, I guess I can always eat it," O'Donnell says. His department purchases fifteen million dollars' worth of supplies a year, and for 1971 he was enjoined by his superiors to obtain at least one percent of that from minority suppliers, and to reach two percent in 1972. It hasn't been easy to find qualified minority suppliers to buy things from, but so far O'Donnell has done business with fourteen of them (principally in printing, office supplies, data-processing services, and furniture repairs), and has come close to meeting his goal—in part, to be sure by accepting bids from inexperienced businessmen that run slightly higher than their competitors'.

What does it all add up to? No one can measure precisely how many new checking accounts or deposits have stemmed from the Chase's social concern, or how many robberies may have been averted, or windows left intact. "Sometimes you have to be satisfied with hearing somebody say that all banks are bad but that the Chase is least bad," one urban affairs staff man says. "Still, it's nice to be able to go to a party and not have people jump all over you the way they do if you're with some companies. Now I can say I'm with the Chase and keep my head up, and if one of my friends asks, 'How can you possibly work for a bank?,' I can reply quite honestly that I find it fascinating; that what keeps me there is the incredible potential we have to influence change."

The bank's management is itself trying to determine if there are any useful criteria for measuring the health of the whole economy. Should a polluting company's volume of business, for instance, be a total plus in the Gross National Product, or should there be a minus somewhere along the line for its pollution? Should "Gross National Product," when it comes to that, be supplanted by some such more meaningful phrase as "Gross National Well-being?" Should the time-honored principles of accounting be radically altered, to include intangibles like social good? Toward the end of 1971, the Chinese commissioned a study of the still largely unexplored area of social audits. "We're trying to discover whether we can quantify something that's never been quantified before," one officer says. "We're trying to find some new kind of arithmetic that makes sense today. Maybe we'll have to redefine our notions of acceptable loss ratios, for one thing, and take the position that when it comes to minority housing and minority consumer credit, a somewhat higher ratio should be perfectly acceptable. But most of all, we have to try to figure out how far we should go in all these directions we've been moving. Some of our hesitant people ask, 'Aren't we doing too much?,' and the 17th floor counters with, 'Aren't we doing too little?,' and what all of us have to ascertain sooner or later is, 'How much is enough?' "

From time to time, David Rockefeller tries to answer such questions himself. "However, far we go," he said recently, "I don't think we can ever give up our principal activity of lending money to our principal customers, but I certainly don't think we have exhausted the possibilities of what we can do. It seems clear to me that the entire structure of our socity is being challenged. And unless banks and other businesses take greater interest in what happens to society, there's a real possibility that our system will be radically changed or abandoned, and I can't see that that would be constructive."

INDIVIDUAL RETIREMENT BENEFITS ACT

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. BROTZMAN. Mr. Speaker, I am today introducing the Individual Retirement Benefits Act. This legislation was requested by the President in a December 14, 1971, message to Congress. Having now had an opportunity to review the proposal in detail, I am convinced that the provisions of this legislation would do a great deal toward permitting the Nation's future senior citizens to provide for their own retirements in comfort and dignity.

The plight of the Nation's senior citizens has been a matter of concern to me and most Members of this body for some time. Indeed, during the time I have spent representing the Second District of Colorado in Congress, a number of significant pieces of legislation to assist senior citizens have been passed. Invariably, however, the legislation has established or expanded a government program which is aimed at providing some specific benefit to senior citizens.

Most senior citizens with whom I have met, through periodic senior citizen forums I hold and through meetings in my office, stress that they are not interested in receiving welfare benefits. Rather, they would prefer enjoying a measure of the fruits of their labor produced during their working years. Moreover, I have been impressed with the number of persons who are presently in the work force and who would like to provide for their retirement years through their own devices.

All too often they are unable to do so. While their salaries enable them to live in relative comfort, they simply lack the resources necessary to save for the future. More often than not their inability to save can be traced to the fact that their taxes—including income taxes, sales taxes, and property taxes—represent the single largest claim on their pay checks.

The Individual Retirement Benefits Act would make it possible for those .Americans who choose to provide for their retirement to do so. It would reward self-reliance. It would assure the future for those who are covered by private pension plans and it would allow those not covered to take the steps necessary to have a degree of financial independence during retirement.

There are three principle features of this legislation, Mr. Speaker. First, an income tax deduction would be provided for those who wish to save independently for their retirement. Second, the tax deduction for self-employed persons who provide for their own and their employees' retirement is liberalized to better conform to current financial realities. Third, the bill establishes a minimum standard for the vesting of pensions in those who take part in a private plan for a number of years, but who lose their jobs or change their jobs prior to actual retirement.

Only 30 million employees are covered by private retirement plans. The others, unless they are of substantial means, will have to rely on social security or some other public retirement plan for the main source of their income following retirement. For these people, my bill would permit a deduction of up to 20 percent of an individual's salary, with a limit of $1,500 annually, for contributions made to a segregated retirement fund. A wide variety of investment possibilities would be allowed the taxpayer who chooses to establish such a fund for himself. Standards for the distribution of the accumulated assets of the fund are established to assure that the fund will not be utilized before retirement and to further assure that the fund would be liquidated during the life expectancy of the participant. Also, the deduction is reduced for those whose employers contribute to a fund and for those not now subject to either the social security or railroad retirement taxes. This would place all taxpayers on an equal footing with respect to total impact on income and tax liability.

Presently, those who are self-employed or who do business other than as a corporation are severely limited in the amount the business can deduct from its taxable income for contributions to retirement funds. No such limit exists for corporations, and the result has been a proliferation of concerns doing business as corporations chiefly for this tax purpose. Even professionals are being allowed to incorporate in many States so as to take advantage of the tax laws concerning employer contributions to retirement funds. Whatever the merits of incorporation, this is not a decision which ought to be made on the basis of the deductibility of employer contributions to retirement funds. Therefore, my bill would increase the deductible contribution limit for noncorporate firms from $2,500 to $7,500 per employee, and it would increase the percentage of eligible earned income from 10 percent to 15 percent.

For those 30 million Americans who are now covered by private pension plans through their employment, the bill would preserve interests accrued through the years. A basic problem in the present private pension system is the situation of the worker who loses his pension when he is discharged, laid off, resigns, or moves to another job. For these persons, the typical private pension plan pays no benefits when retirement age is reached, despite the fact that both the employer and employee treat contributions to the fund as deferred compensation. The bill provides that employees would receive a vested right in their pension funds equal to 50 percent of accrued benefits when their age plus their years of service equal 50. Additional vesting of 10 percent would accrue for each additional year worked. Provisions to prevent employee abuse of the vesting requirements are included.

Mr. Speaker, the Individual Retirement Benefits Act does not establish an all pervasive scheme of Federal regulation. Some have suggested such approaches, but I believe the need is for Federal legislation which would protect employee interests in their pension funds and encourage private thrift without depriving individuals and funds of the flexibility they now enjoy. This is the approach taken by the bill, and I commend it to my colleagues' attention for their support.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. WHITEHURST. Mr. Speaker, I I am inserting in the RECORD the March 13 edition of the bicentennial bulletin of the American Revolution Bicentennial Commission. The bulletin is compiled and written by the staff of the ARBC Communications Committee. The bulletin follows:

BICENTENNIAL BULLETIN

ARBC Chairman David Mahoney will appear as a guest on Sherrye Henry's "Woman" Show in New York on Tuesday, March 14 at 9:30 a.m. on WCBS. The Chairman will discuss the Bicentennial Parks and show the Park's model in one segment of Miss Henry's informative show for women featuring prominent guests from every field.

Five "city improvement type" projects, most already on the drawing boards, were informally adopted for support recently by the San Antonio (Texas) Bicentennial Committee. Four of the projects include planned downtown developments, as the Del Alamo project, extension of San Antonio River beautification, the Mexican Market project, and a San Antonio "new town." A fifth project, termed an urgent need for a 1976 celebration, was brought up with discussion of a municipal stadium for major sports events. Mrs. Gene Riddle, Associate Executive Director of the Texas ARBC addressed the committee during their meeting.

Thomas J. Guilfoil, a St. Louis (Mo.) lawyer, has been named president of the St. Louis Bicentennial World Congress, Inc., a non-profit group that is raising funds for a World Congress on legal and social justice to be held in St. Louis in August, 1975, as part of the American Bicentennial celebration.

The Americana Unit of the American Topical Association has announced plans to record and publish complete information on all issues relating to the Bicentennial that is expected from many foreign countries from now until 1976. The information will be published and recorded in Americana Philatelic News, the bulletin of the Americana Unit. For further information on the Americana Unit in conjunction with 200th anniversary issue contact American Unit C 9, Lauren R. Januz, 1370 Longwood Road, Lake Forest, Illinois, 60045.

A network of bicycle trails extending from the Newport News City Park to Jamestown and the proposed York River State Park has been suggested as a new Bicentennial program for Virginia. The plan has been proposed by Stanley Abbott of Williamsburg, former parkway superintendent, to link municipal park with a bike-hike trail paralleling Colonial Parkway. Abbott said recently that he believes the National Park Service is taking a look at building the bike trail beside the 26-mile historical park roadway.

Congratulations to Richard F. Pourade, editor emeritus of The San Diego Union, who has received a special "Ring of Truth" award, the first of a series of annual awards to be made by the Copley Newspapers over the next five years to recognize a special contribution to the Bicentennial by a Copley newspaper or employee. Mr. Pourade was recognized for his distinguished contributions to the preparations for the celebration of the American Bicentennial. Mr. Robert Letts Jones, president of the corporation, has urged his publishers and executives to stimulate programs in their communities which will fulfill the recommendation of the ARBC that the Bicentennial celebration be nationwide in scope, highlighting progress and the future.

Rhode Island Lieutenant Governor J. Joseph Garrahy recently urged members of the Sons of the American Revolution in Rhode Island to promote the state's Bicentennial celebration "so we can make giant strides in fulfilling our tourism potential." Lt. Governor Garrahy urged the SAR to expend itself in behalf of the Bicentennial celebration in 1976.

On March 14, the U.S. Senate has scheduled hearings on the ARBC's 1973 budget and the House will hold its hearings on the new budget on March 16.

Following are some newspaper comments on the ARBC's Bicentennial Parks:

Harriet Van Horne, a columnist for the New York Post (2/26) writes: "Obviously, this Bicentennial Commission is endowed with more wisdom than one usually finds in such groups. Out of their deliberations has emerged a master plan for beautifying America, restoring old landmarks, razing slums, and establishing 'Bicentennial Parks' in each of the 50 states."

From The Salt Lake Tribune (3/2), Salt Lake City, Utah, in an editorial titled "Gifts to the People"—"The idea of parks in each state built on land donated by the federal government, ranging from 100 to 500 acres, would leave a permanent residual, benefitting many people instead of long forgotten Trylons and Perispheres or Treasure Islands that few remember. More important, in a time when the urban crush is becoming more throbbing, a proposal to construct sizeable recreational parks, as a gift from the nation to the people, is a birthday present that is most appropriate."

The Christian Science Monitor (2/24) reports, "The American Bicentennial Commission has come up with a winning—not to mention needed—alternative to the delays and debate in Philadelphia. The various sites will be chosen for their natural setting and proximity to lakes or harbors—and will provide a much needed safety valve in the form of open space for harried city dwellers. Park structures will be designed in such a way to grace, not disgrace, the terrain. Architectural breakthroughs are likely, for innovation (along with maturity) will be encouraged."

The Bicentennial Parks would be a creditable permanent reminder of the national pride that Americans should feel in 1976 suggests the *Journal* in Wilmington, Delaware (2/28).

The Journal recommends Cape Henlopen as an obvious location for Delaware's Bicentennial Park, giving the state a "meaningful permanent bicentennial project." "If the federal commission continues to push for its 50-park proposal, Delaware's congressional delegation should get behind the Cape Henlopen location." (2/28).

PRAISE FOR GIRL SCOUTS OF AMERICA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. EILBERG. Mr. Speaker, I take this opportunity to pay tribute to one of the finest organizations for young women in our country, the Girl Scouts of America.

This week the Girl Scouts are celebrating their 60th anniversary and we should stop and think about the accomplishments of this remarkable organization.

Most of us only think about the Girl Scouts during their annual cookie sale and we never stop to wonder about their other activities.

The Girl Scouts provide young women with invaluable training in citizenship and they have an excellent program in environmental activities.

The statement "Girl Scouting Builds Character" may be a cliche, but it is very true.

At this time I enter into the RECORD an editorial from a newspaper in my district, the Northeast Times, which honors the Girl Scouts of America.

The editorial follows:

TIMES EDITORIAL VIEWS—U.S.A. GIRL SCOUTS MARK 60TH YEAR

About 30,000 girls in the Philadelphia area will mark the 60th anniversary of the Girl Scouts of the U.S.A. in activities during Girl Scout Week, March 12–18.

Festivities start with Girl Scout Sunday when girls all over Philadelphia are holding Scout Sunday services. Some troops have taken on the responsibility of running their entire Sunday service while others are planning celebration breakfasts. Throughout the week banquets, window displays, special ingatherings and troop birthday parties will keep the girls busy.

Two new programs are being inaugurated during Girl Scout Week this year. Philadelphia Council is the first in the country to begin the "Emmanuel Badge." This interfaith badge is designed to help Scouts learn about the basic beliefs of the three major religious faiths of America. Scout troops working on the badge must fulfill requirements during the year, starting Girl Scout Sunday. By doing projects, researching and taking part in religious ceremonies other than their own, each Scout will relate what she has learned to every phase of Girl Scouting and her life.

The second addition, The Trefoil Society, is comprised of former members of the Girl Scout Board of Directors. This group will act in an advisory capacity so that Girl Scouting can continue to benefit from their vast experience and expertise. Trefoil Society Chairman Caspar Wister and Board Chairman Charles E. Strickler will host the group at an inaugural luncheon on Wednesday of Girl Scout Week.

Girl Scouts have been going strong since the year Juliette Low started the first troop in 1912. Philadelphia troops began the next year and have a number of milestones to brag about.

In 1918 they sold the most bonds in the Fourth Liberty Loan Drive and got a medal for it. In 1923, they were the first to institute a Brownie program. The annual Cookie Sale started in Philadelphia in 1933 when the girls baked cookies in the windows of the Philadelphia Gas Works to raise money for more camping programs. The first day camp operated in Philadelphia in 1935 and earlier that decade the first troop for handicapped girls was started at the Philadelphia Home for Incurables. The first conference for high school age girls was held on Juniper Street and included a program that discussed girl-parent relationships.

The 40's found them fighting against juvenile delinquency and for better racial relations. In 1941, Girl Scouts of the U.S.A. pledged their service for national defense at a ceremony in Washington D.C. and followed up by collecting paper and metal, working in hospitals, preparing dressings for the Red Cross and planted Victory Gardens.

The last 60 years have been filled with service to the country and for the community. Among their many activities in the 60's, they helped rehabilitate patients at the Philadelphia State Hospital. The men in Viet Nam received support from Scouts in the form of letters, toiletries and paper back books.

Contemporary problems of the 70's demand plenty of Girl Scout attention. Many are involved in drug hotlines and drug education workshops. To learn about themselves and find what's in store for them as women, they participate in Women's Consciousness Raising sessions. Ecology is a deep concern for Girl Scouts as they run glass re-cycling centers and clean-up projects. Scouts are even involved in helping the flood victims in West Virginia by collecting supplies and shipping them to the flood areas. As a matter of fact, wherever there's a community concern, you'll find a concerned Scout.

CALIFORNIA YOUTH LEGISLATORS STAND OUT

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. VEYSEY. Mr. Speaker, if the attitude and the spirit of the young people in my district is representative of young people across the Nation, then America indeed stands on a solid foundation and faces a bright future.

On February 18, some 150 high school students from throughout my congressional district gathered in mock legislative session at the University of California in Riverside to tackle two of the most pressing problems we have faced in this Congress—pollution and political campaign spending. With guidance from the Riverside Jaycees, the students themselves organized this legislative session, selecting the format, setting up the committee structure, and determining the topics for consideration. Further, they conducted the hearing procedures, questioned witnesses, and drafted constructive legislative proposals during the day-long session.

Their conscientious dedication and responsible manner were inspiring to all of us involved in their program as I am sure it would have been to each of my colleagues.

As a result of their work, and utilizing their committee reports, I plan to develop additional legislative proposals on pollution and campaign spending in the near future.

The students came with three basic intents; to listen and learn, to spell out their own concerns, and to develop well-founded legislative proposals. The Congress could well take that simple formula to heart. Often, we seem too concerned with our own pet projects and too busy talking about them to see all sides of a question.

In recognition of the leadership and the contributions of each of the following youth conference participants, I offer this congressional tribute. If time allowed, I could enter here a personal note about the individual contributions of each participant. Suffice it to say that the 1st Annual 38th Congressional District Youth Conference was the product of at least 150 individual efforts. Further it is a testimonial to the high caliber of our young people today. With youth leaders such as these I have only enthusiasm for the future of America.

Kevin Kane and Bob King, both from Riverside performed stellar roles as co-chairman, as did the official legislative secretaries, Dee McGowan and Kim Stelzner, also of Riverside.

The organizing committees lined up like this: Program—Bonnie Fauth, Kevin Kane, Terri Buus, Karen Bishop, Doug Frost, and Jay Jacobson, all of Riverside, and Mike Stroda of Sunnymead.

Facilities—Doug Svensson, Kim Lambert, and Melvin Vigil of Riverside, and Kathy Nagurski, and Gary Sheets of Rubidoux.

Registration—Albert Leland, Steve Marlatt, and Craig Celse, all of Riverside.

Printing—Vicki Manns and Kim Stelzner of Riverside, and Jay Ast of San Jacinto.

Public Relations—Bob King, Barry Brennan, Dee McGowan, Cathy Dumas, and Ron Redmond, all of Riverside.

Outstanding Jaycee leadership came from Jim Grant, Gene Agnes, Phil Cruz, Pete Miller, Rich Garcia, Gene Grant, Joe Arnold, and Jim Lovestrom.

Special accolades must go also to my loyal Riverside staff and volunteers including Cathy Swajian, Mary Riley, Sue Miller, Carol Hedrick, Beth Riley, and Dan Hollingsworth.

And the ones who really made the conference such an unparalleled success were the delegates themselves. I submit to you the delegates and their respective high schools: Ramona High School—Cathy Nelson, Bill Peterson, Dana Barthoff, Chris Smith, and Eric Manning. Corona High School—Diane Turner, Judy Usler, Ava Dunlavy, Don Williamson, and Laurie Sherman. Brawley Union High School—Howard Kellogg, Brad Luckey, Mark Shahan, Don Whitted, and Kathy Smith.

Rubidoux High School—Mike Strobach, Diana Vance, Sandy Myers, Mark Davis, and Cynthia Yingst. Norco High School—Joe Cloutier, Mary Doerr, Judy Hockenberry, Don Love, and Robin Wileford. Eagle Mountain High School—Peggy Harris, Mary Lou Robles, Judy Bilyer, Cathy Stanton, and Jodi Oatman. Perris High School—Kei Okubo, Robert Gutierrez, Virniecia Green, Karen Bagley, and William Menchelli.

Calipatria High School—Tom Barrington, Bhagwant Stwal, Robert Barras, Linda McConnell and Robert Sigmond. Moreno Valley High School—Jay Jacobson, Mike Strode, Laura Daniel, Leonard Therrien, Linda Hand, Tanya Brickham, and Jules Benne. San Pasquel High School—Iris Leamons, Becky Ramirez, Laura DeGrand and Diane Leamons. Polytechnic High School—Marilyn Brick, Mike Perez, Barbara Udell, Paul Wellenkamp and Melanie Morin. Calexico High School—Ophelia Gomez, Eliza Martinez, Celeste Cantu, Louis Valenzuela and Richard Carilla. North High School—Lorraine Rodriguez, Sara Schlanger, Steven McCutchan, David Dewitt and Laine Herman.

Norte Vista High School—Ken John, Carolyn Poppell, Jane Skinner, Fred Western and Frank Teurloy. Beaumont High School—Jon Wallace, Cathy Zilz, Gert Schaffhauser, Legan Chatigny and Cindy Blain. Indio High School—Sam Fernandez, Marvin Dennis, Carol Jesse, Robert Rawnsley, and Sabos Rosas. Notre Dame High School—Robert Wlock, Robert Lyons, Mark Kwasney, Paul Kreter and Duane Dennis. Elsinore Union High School—Robert Isaacs, Ken Gossalin, Dreama Walker, Caroline Childers and Norma Crandell. San Jacinto High School—Robert Brezine, Dean Mathes, Jerry Peebles, Brett Long, Bruce Kraveik and Bill Alexander.

Sherman Indian High School—Jack Coats, Emma Chico, Anita Tatro, Jackie Salgado and Colleen Stacey. Coachella Valley High School—Mark Davis, Sandra Avila, Mario Torres, Debbie Colmb and Arlene Alvarer. Palo Verde High School—Kris Kontilis, Karen Loder, Jennie Griffin and Juana Iroz. Banning High School—Nancy Black, James Wimberly, Mickie Montgomery, Richard Niemi and Larry Netschke. Palm Springs High School—Robert Severino, James Colbert, Rosa Villarreal, Gale Hurd and Stephen D. Petach. Hemet High School—Peter Hollmann.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

AGRICULTURAL YEARBOOK CITES WARREN COUNTY, TENN., AS EXAMPLE OF RURAL GROWTH AND PROGRESS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the Yearbook of Agriculture for 1971 includes an excellent account of the outstanding program of industrial development in Warren County, Tenn.

The article is entitled "How a Town Can Attract Industry", and the authors are Mr. G. W. F. Cavender, assistant administrator for special projects of the Farmers Administration, and Mr. Richard G. Schmitt, Jr., also of FHA.

The article points to the industrial growth and progress of Warren County, which FHA helped to make possible through grants and loans for water facilities and services.

Certainly I want to commend the local leadership in Warren County, as well as the Farmers Home Administration, for their cooperation in achieving rapid industrial growth.

Mr. Speaker, because of the interest of my colleagues and the American people in this most important subject, I place excerpts from the article in the RECORD herewith.

The excerpts follow:

WARREN COUNTY, TENN.—EXAMPLE OF RURAL GROWTH

Warren County, Tenn., had made some progress in industrialization by 1960, but many of its people were still leaving in search of jobs. Porter Henegar, then Executive Secretary of the Warren County Chamber of Commerce, said recently: "We realized a new approach was needed, so we started using a rifle instead of a shotgun. We began inventorying our resources and needs and established goals."

In 1960, the county seat of McMinnville undertook development of a water supply that could serve the entire county for domestic and industrial purposes. Now 68 percent of all Warren County citizens use the system, and there is ample capacity for expansion. The Farmers Home Administration provided financial assistance for five of the six rural water districts.

The area's first industrial park was acquired in 1965. There are now 400 acres fully accessible to utilities, plus a mile of rail frontage.

McMinnville and Warren County have furnished facilities and services for business and industry. They have also provided economic, social, and cultural opportunities for their citizens. They did this by taking advantage of available programs of both the private and public sector and making full use of local assets.

This has resulted in successful industrialization. There are 10 plants that employ from 250 to 1,050 persons, several others with 50 to 250 employees, and some that employ fewer than 50. Many of the plants have been established since 1960. The county has not neglected its long-established industries or its agriculture and nursery stock enterprise.

There are now 7,500 industrial jobs in the county. Clarence Redmon, of the Caney Fork Electric Cooperative (REA), said: "Warren County's industry has also provided an economic boost to adjoining counties where the lumber and coal business had declined."

Why did the Carrier Corporation come to Warren County? Personnel Manager Clyde Briggs replied: "One reason was the climate; another was the availability of low cost electricity and third was central location for the distribution of our product." He added that several places within a radius of 100 miles would have been acceptable, but Warren County was chosen because of progressive attitudes of the people, and community services and programs available for employees.

What have been the results? With outmigration stemmed, population in the county increased from 23,102 in 1960 to 26,972 in 1970. The tax base rose from $7.3 million to $42 million, retail sales shot up 94 percent, and assets of financial institutions went from $22 million to more than $62 million in the same period. Broadscale results included hundreds more gainfully employed, new housing, and a general upgrading of living conditions.

A recent USDA survey revealed that half the industrial jobs created in the last decade were in the countryside. But the change in composition of our total population, which shows a continual decline of people living in rural areas, reminds us that past efforts have not been adequate to hold and attract people in rural areas. More can and should be done.

THOMAS GURICK NEW JERSEY VFW VOICE OF DEMOCRACY WINNER: MY RESPONSIBILITY TO FREEDOM

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. HUNT. Mr. Speaker, earlier this week I had the pleasure of announcing that one of my high school constituents, Thomas J. Gurick, won first place in the New Jersey State competition of the VFW's 25th annual Voice of Democracy contest.

I have now obtained a transcript of Tom's winning speech and I think it would be well worth the effort of every Member to spend a few moments in studying it.

The speech follows:

MY RESPONSIBILITY TO FREEDOM

(By Thomas Gurick)

There is great pain in giving birth to a child. There is also great suffering in raising a child. But you endure, you suffer, you persevere, because in the back of your mind you hope and pray, that after you have given every ounce of strength in trying to make this child a mature, strong human being he will become just that. You trust that he will have the responsibility to honor and respect you for the good fortune and great happiness you have granted him throughout the struggle of his younger life.

And by the same token, I believe, this is the manner in which our country was developed and still stands. It was given birth by the early colonization from Europe by people who had a hunger for freedom. It was a young country with many problems and misfortunes. But her people didn't give up. They struggled through the tyranny of Britain, through the havoc of the Revolutionary War, and through the growing pains which followed as a result of a nation with a lack of a strong representative government. Why did these people persevere? Why did they stand up and endure? They suffered, died, and withstood this agony because all these men had a responsibility to freedom, a responsibility to a nation which would render them certain rights and privileges never before bestowed upon citizens of one country. I also have this responsibility. I am an offspring, a citizen of this country which is now fully grown and fully matured. My responsibility to the freedom of this country is to respect and honor it for the good fortune and happiness which it has given to me. It is my responsibility to endure hardship, to persevere with pain, to fight and even die for my country, if necessary, just as my forefathers did. But most of all, I feel I should be mature enough to be able to accept, respect, and to be capable of handling mentally and physically the rights and privileges which are mine as a citizen of the United States. I think John F. Kennedy phrased it very well when he said: "In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility. I welcome it. I do not believe that any of us would exchange places with any other people or any other generation. The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it and the glow from that fire can truly light the world."

HON. GEORGE BUSH ON FOREIGN POLICY

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. LATTA. Mr. Speaker, on March 2, our former colleague and present U.S. Representative to the United Nations, the Honorable George Bush, gave the people of the Fifth District of Ohio as clear and as concise a statement on our foreign policy as I have been privileged to hear. I not only want to share the Ambassador's speech with you, I want to take this opportunity to say that our former colleague is, in my humble opinion, doing an outstanding job in this difficult and terribly important assignment. I know that all of you join me in wishing him continued success.

His statement follows:

AMBASSADOR BUSH

The world is changing very fast, and so is American foreign policy. We are not just responding to external events. We are also creating new opportunities. And, over the past year, a pattern has begun to emerge. As the President told Congress in his third annual foreign policy report, 1971 was a "watershed year."

We are not only getting rid of some of the burdens that were a dissatisfaction in the past. We are also widening our options and improving our expectations. Let me tick off some of the President's initiatives that have helped give a new shape and meaning to world politics.

First, Vietnam. I am sure some of you disagree with the new policy. Some of you feel the American withdrawal is not proceeding fast enough. There can be no argument, however, whether this is a new policy with tremendous implications for the future.

Domestically, an oppressive burden on America is being eased. Internationally, our disengagement is widening our options for dealing with both allies and adversaries. We are no longer locked in. We have choices.

And, as I personally see it, we have bought some time so the war-weary people of South

Vietnam also have a chance to determine their own political future, free of coercion.

Second, the Nixon doctrine, which is in a sense an extension of our Vietnam policy to the wider problem of mutual security. Most of our allies and friends are now in a far better position to provide for their own security, at conventional military levels, than they were five or ten years ago. Western Europe and Japan in particular can afford to carry a larger share of the common defense burden. But a number of smaller nations, too, are now stronger economically. Thanks in part to our past assistance, and are socially and politically more stable.

They are beginning to look out for their own security, with no more than material assistance from us. This not only reduces our burdens, it also removes us from the uneasy role of protector and policeman. It is also good for the self-respect of those peoples who can stand on their own feet.

Yet, for the foreseeable future, only the United States can provide our friends and allies with the ultimate guarantee of a credible nuclear deterrent.

Third, the new era of negotiations with both the Soviet Union and the People's Republic of China.

We have long had an on-again, off-again dialogue with the Soviet Union, and even reached some important earlier agreements, such as the nuclear test-ban and nonproliferation treaties. Only in the last few years, however, has this dialogue made much progress on such fundamental issues of peace and security as access to Berlin and the limitation of strategic armaments.

The United States cannot take all the credit for this new Soviet flexibility. The important thing is that we have begun to make slow though painful progress out of the cold war stalemate, and possibly out of the terribly costly and dangerous arms race as well. We are even talking about joint space exploration, and that would have been unthinkable half a dozen years ago.

Similarly, the dialogue with Peking would never have begun if the President had not initiated, the moment he entered office, the most delicate signals which led to last week's summit in Peking. Now a process has begun that could have a profoundly constructive effect on world stability and peace. I am not suggesting that either China or the United States has abandoned its principles or its state interests. But a vacuum of hostile silence has been bridged. We are talking.

We are less likely to misjudge each other. We have recognized a common interest in improving the chances for peace.

Some cynics say there were no concessions, the visit was a publicity play—ridiculous! The very fact that an American President went to Peking and was welcome is a startling breakthrough. Six months ago saw American ping-pong players there and the world went crazy.

Now our President has gone there and laid the groundwork for future talks. The news of the China visit is the future, not the past. Plenty of difficulties lie ahead but so does plenty of promise—that might lead to a world at peace.

Fourth, the revolutionary reforms now underway in the free-world monetary and trading systems, and the equally important adjustments that are now being made in our political relations with our principal allies in Western Europe and Japan.

As the other great economic-power centers have matured across the Atlantic and the Pacific, the responsibilities for international finance have had to be distributed more widely. Similarly, the time has passed when our great trading partners were entitled to special protection of their own markets. The recent economic difficulties the United States has been undergoing, including our first international trade deficit in this century, and a mounting international payments deficit, hastened the need for reform.

Decisive action was called for, and the President took it last August. The broadscale currency realignments agreed to last December, and the various trade concessions that have since been negotiated, restore the United States to a much more competitive position in the world economy. The next step, which has now been agreed to, will be a new round of trade-liberalization negotiations, beginning next year. The outlook is good.

Something else is happening that should please those of you who have worried about America's "overpresence" in the world. Partly as a result of all these other initiatives, the free-world alliance is growing up into a more mature partnership of equals, where burdens are better shared, and where the autonomy of each ally is respected.

It is a different world. And the United States is behaving differently in the world.

But never let us confuse cosmetics with fundamentals. As we behave differently, let us be sure that this is never mistaken for a lack of conviction or a lack of will to battle for our own principles. The open society is better than the closed. The free press is better than the controlled. Free elections are better than selecting leaders through totalitarian processes.

We must be clear as we communicate with others that we believe deeply in what America stands for. We must not let our nation's basic future be eroded away.

COMMUNITY SERVICE JOBS FOR SENIOR CITIZENS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. KOCH. Mr. Speaker, today I am introducing two bills which will provide older and middle-aged persons with increased employment opportunities: The Senior Citizen Job Corps Act of 1972, providing 50,000 part-time community service jobs for the elderly; and the Middle-Aged and Older Workers Act, providing unemployed or underemployed workers 45 years and over with the training, counseling, and placement services needed for advancement or transfer to more productive work.

THE SENIOR CITIZEN JOB CORPS ACT OF 1972

Most of us must know from family experience how elderly citizens are often frustrated in their desire to continue to work. They want to work not only to supplement their meager social security benefits, but also to continue to be active and productive citizens. Unfortunately, too often a senior citizen is shunted aside and finds it difficult to get a job, particularly in periods of high unemployment. Their employment problems are compounded by our social security laws which, unfairly in my judgment, reduce social security benefits when a recipient's income exceeds $1,680 a year—or $2,000 as proposed in H.R. 1.

There is great need for the special services which can be provided by the elderly. Not very long ago I visited the Foundling Hospital in Manhattan which has many young children in needs of the warmth and affection that could be given by elderly citizens if they were employed during the day to teach them, to play with them, to love them.

Not long ago I described to our colleagues the terrible conditions which exist in our institutions for the mentally and physically disabled. One such institution in New York City, Willowbrook, has more than 5,000 children. Because of the lack of staff, these children are not adequately cared for. Indeed, the most disabled who need special care in feeding are sometimes subject to the threat of death, because of inadequate help. Normally an attendant stays with a severely retarded child for 20 minutes during a feeding; because of the shortage of personnel, no more than 4 minutes of such attention can be provided at Willowbrook. It has been reported that children have died of chemical pneumonia, because rushed, forced feeding has sent food into their lungs. Then there are the many children who could learn to use their limbs if given therapy; again, this attention and patience is too often not available. These are but two illustrations of what could be done by the elderly to help the children as well as to benefit themselves.

The legislation which I am introducing will provide 50,000 jobs for persons of low income who are 62 years and older. It authorizes the Secretary of Labor to enter into contracts with public and private nonprofit agencies to hire on a part-time basis elderly citizens to be paid at no less than the Federal minimum wage. Members of this Senior Citizen Job Corps could work as many hours as they want, as long as the total annual amount they earn does not exceed the level at which social security benefits start being reduced.

THE MIDDLE-AGED AND OLDER WORKERS ACT

Technological displacement has become a major problem in our industrialized economy, and the tendency of employers to look to the young when hiring new workers compounds the difficulties displaced workers face in finding new jobs. For so long in this country we have welcomed technological advance. But now, because of the hardships it imposes on our workers, we are beginning to fear it. I believe the Middle-Aged and Older Workers Act is a very important bill, for it offers these workers much greater job mobility and advancement opportunities.

THE WHITE HOUSE CONFERENCE ON THE AGING

It has been almost 3 months now since the White House Conference on the Aging made its legislative recommendations, and I have seen very little evidence these last few months that any administration initiatives have been made to see that such recommendations are developed and enacted into law.

How the problems described by the conference can continue to be ignored is really beyond my understanding. The 1970 statistics show that almost 10 percent of our Nation's population is over 65, and almost one-fourth—4.7 million—of these persons live in households below the official, rock-bottom poverty line of $1,852 for a single person and $2,328 for a couple. For elderly minority groups, this percentage is much higher, with 48 percent of them living in poverty compared to 23 percent for elderly whites. And for widows, the number living in poverty is over one-half.

Everyone in this country is complaining about inflation and the continuing rise in the cost of living. But it is our older citizens, living on fixed incomes, that suffer most from our Nation's economic ills. Housing, food, transportation, and medical expenses are the areas where inflation is hitting hardest, and these are the expenses that are already devouring the incomes of the elderly. In the past year alone medical costs increased by 10 percent, hospital charges by 65 percent, doctors' fees by 12 percent, and drug charges by 5 percent. Property taxes have increased by approximately 35 percent in the past 3 years, and in 1970 the Consumer Price Index rose by 5.9 percent. These are increases in basic, day-to-day expenses, yet many of the elderly cannot really even begin to pay them and are forced to live in substandard housing with poor diets, and inadequate health care.

The two bills I am introducing today adds to a series of bills I have introduced in this Congress that respond to the needs of the elderly in the areas of national health insurance, housing, free or reduced-rate transportation, nutrition services, social security increases, and tax benefits.

THE LAST THING U.S. MEDICINE NEEDS IS RADICAL REFORM

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. STEIGER of Arizona. Mr. Speaker, I would like to share with you an article from the February 14 issue of Medical Economics.

The article follows:

THE LAST THING U.S. MEDICINE NEEDS IS RADICAL REFORM

(By Harry Schwartz)

The conventional practice of medicine and the physicians engaged in it are under attack in the United States as never before. Ranged behind a banner reading HEALTH-CARE CRISIS, a large and vociferous group of critics claims that the nation's medical system is woefully deficient in so many major respects that it must be radically reorganized—and quickly. On this essential diagnosis and prescription, the Nixon Administration stands shoulder to shoulder with Senators Edward Kennedy and Edmund Muskie, among others, as well as with many union leaders.

Many patients are vocally dissatisfied with the high cost of medical care and, increasingly, with the outcome—this latter fact attested to by an epidemic of malpractice suits. The past few years have seen barrages of articles, books, television programs, and other investigations of the weaknesses and inadequacies of the medical system. "Don't get sick in America," the nation has been told, as though there were some place where it was good to have cancer or multiple sclerosis or schizophrenia. Alarmed by this atmosphere, the American Medical Association has begun to run scared, offering programs for improved financing and delivery of health care, and seeking to upgrade its public image by sponsoring advertisements to show that doctors do care about the health of their patients, the quality of the environment, and the like.

In their righteous wrath, many of today's critics seem to feel that limits of truth, balance, or plain good sense just don't apply to their holy cause. Thus, one national magazine recently blazoned its front cover with WHY YOU CAN'T GET A DOCTOR, though the editors surely know that every week millions of Americans see and are treated by physicians. And in another national magazine, a television critic who signs himself "Cyclops" assured his readers that Medicare had enriched the doctors in much the same fashion that the oil depletion allowance had served the oil industry. One wonders if in an earlier era Cyclops denounced "faceless and nameless accusers" who presented no evidence but simply accused broad categories of people. More generally, the critics have often focused on the worst areas in this field and trumpeted their findings as though they were typical. With that technique, of course, every aspect of American life can be indicted, since all—the same as medicine—have weaknesses and deficiences.

Even unfair criticism can be useful in keeping an individual, an institution, or a section of society on its toes and helping prevent complacency. Vice President Agnew's attack on the media can be defended from this point of view. But in the case of medical care, many of the critics have "solutions" they want to offer. Having told us what incompetent, greedy monsters dominate the medical profession, the critics assure us that if we will only adopt their pet nostrum, all will be well in the best of all medical worlds.

The fact that for many years to come most of the physicians treating sick Americans will be the same men and women with M.D. degrees who are being denounced now doesn't seem to shake the faith of these true believers in simplistic solutions. Nor does it seem to occur to many of these would-be reformers that there could be heavy costs in the transition to some new health-care mechanism and there could even turn out to be serious new problems with the proposed "solutions." Such complications tend to be ignored as the fighters against medical evil use the undoubted weaknesses of what now exists for their propaganda while assuming that their proposals would introduce a utopia.

A staple argument advanced by those who profess to see a health-care crisis is that the nation's health is well below what it might be because of the inadequacies of the present medical mechanism. To buttress this argument, the critics virtually always trot out international statistics purporting to show that the United States is way down on the list of the world's nations, being so ranked by such indicators as infant mortality and life expectancy.

In part, this argument is based upon simple naivete in statistical matters. It assumes that it is meaningful to compare small, homogenous nations concentrated on relatively tiny territories—Sweden and Holland, for two examples—with the United States, whose population is roughly 20 times as large, incredibly heterogeneous, and spread across a whole continent. Moreover, those who triumphantly cite these statistics usually ignore the problems of statistical definition that make such comparisons even more suspect. And they almost never point out that if comparisons are made between the two most nearly comparable large countries for which data are available—the Soviet Union and the United States—the Soviet Union turns out to have a much higher infant mortality rate than the United States and approximately the same life expectancy level. Why doesn't anyone talk about a Soviet health-care crisis?

But this argument has an even more fundamental fallacy, which is the assumption that in a highly developed modern urban society medical care is somehow the decisive element in such matters as infant mortality and life expectancy. This, of course, ignores all the complex social forces at work. Whatever its sins, the American medical establishment is not responsible for hunger in this country, for the automobiles that kill 50,000 or more people here annually, for the drug overdoses that claim thousands of young lives, or for the millions of Americans who court heart disease and lung cancer by overeating, exercising little or not at all, and smoking a pack or more of cigarettes daily. If a person chooses to eat or smoke his way to death despite his doctor's warning, why place the blame on the doctor?

Finally, it is curious that those who rush to use statistics to indict American medicine are so quiet about data that point in the opposite direction. Why is so little said, for example, about the dramatic decline in American infant mortality in recent years—a drop of more than 20 per cent just between 1965 and 1970? Last year, for the first time in American history, the infant mortality rate went below 20 deaths per 1,000 live births. Nor are we often reminded that, when allowance is made for the changing age distribution of the population, the death rate in this country has been dropping significantly. In 1967, the last year for which data are available, the age-adjusted death rate in this country was 7.3 per 1,000 population. Twenty years earlier, the corresponding figure, 9.0 per 1,000, was almost 25 per cent higher.

I do not mean to suggest that there is no room for further improvement. But if either want to be honest with the American people they ought to present the whole picture—including the undeniable evidence of substantial and continuing improvement, in some cases very rapid improvement—and not merely carefully selected international comparisons, the relevance or validity of which is dubious. It should be added, moreover, that the gains, i.e., the reductions, in American infant mortality and over-all mortality rates have been shared by whites and nonwhites of both sexes.

A second frequent complaint is about shortages of doctors, sometimes more generally of all health manpower and womanpower. Along with this grievance often goes the more or less explicit charge that the American Medical Association has been choking off the supply of doctors, presumably to increase the monopolistic power of its own members.

Nobody can deny that there are shortages of doctors in some places, and that the worst problems are encountered in urban slums and remote rural communities. But the United States as a whole has one of the highest ratios of physicians to population in the entire world. Between 1950 and 1970 the number of M.D.s in this country increased almost 50 percent, or substantially more than the roughly one-third population increase in the same period. Moreover, the country's rate of physician production is mounting rapidly as old medical schools expand enrollments, new medical schools begin operating, and some medical schools cut the period for M.D. training from four to three, or even two, years. In September, 1971, more than 12,000 new medical students began their studies, almost 40 percent more than the number of freshmen enrolled as recently as 1965.

The net increase of between 35,000 and 40,000 doctors in this country just since 1965 makes a mockery of the charge that the A.M.A. or any other organization is attempting to preserve some sort of monopoly. The real problems are different, and they have at least three roots. One is the trend toward specialist care and away from general practice, a trend born both of the economic advantages of being a specialist and of the increasing volume and complexity of medical knowledge. A second factor is the understandable desire of many physicians to live and practice where it is most advantageous and pleasant for them to do so, rather than in surroundings of poverty or of professional isolation; physicians are abundant on Manhattan's fashionable East Side and in affluent Westchester County, but very scarce in New York City's poorer areas. Finally, there has been a tremendous upsurge in the demand for physicians' services born of the Medicare and Medicaid revolutions of the mid-1960s, which lowered the economic barriers to medical care for millions without immediately doing anything to compensate for the provision of this care.

Nevertheless, there can be little doubt that in recent years more Americans have been receiving more—and usually better—medical care than ever before in the nation's history. But this is hardly the situation that the term "health-care crisis" brings to mind or is intended to bring to mind.

A third complaint is the rapid rise in the nation's total medical bill. Here is the way the Nixon Administration's recent White Paper on medical care put the indictment: "In fiscal year 1970, the nation spent $67 billion on health, nearly three-fifths again as much as had been spent only four years earlier. While undoubtedly there were improvements in the quality of care for at least some of the population, more than 75 per cent of the increase in expenditures for hospital care and nearly 70 per cent of the increase for physician services were the consequence of inflation."

Put this way, of course, there is a strong implication of gouging, of conscienceless profiteering at the expense of the sick. But every American knows that the last four or five years have been a period of rapid general inflation, of substantial rises in prices and wages throughout the economy. Between 1967 and 1970, for example, the Consumer Price Index shows that physicians' fees rose an average of 21.4 per cent, or almost exactly the same percentage by which average hourly earnings of workers on private nonagricultural payrolls increased over the same period. Between 1967 and 1970, the C.P.I. reports, the average price of a semiprivate hospital room rose 45.4 per cent. Hospitals, of course, are very labor-intensive institutions, and before Medicare and Medicaid many of their personnel—interns, residents, and housekeeping workers, many of the last being from minority groups—received very low wages. These last mentioned groups have particularly benefited from above-average wage raises in recent years, a circumstance that hardly makes such formerly disadvantaged workers economic criminals.

There should be no illusions in this area. Proper care of the sick—particularly of the elderly, who make up such a disproportionately high percentage of the seriously ill—is and always will be a very expensive proposition. There are, of course, inefficiencies in the existing medical-care mechanism that add to costs, but it is a delusion to think that the physically ill or the emotionally disturbed can be handled satisfactorily and humanely in ways that will compare in efficiency and cost effectiveness with the assembly-line techniques Detroit uses to build automobiles. Certainly the nation does not want the high percentage of error and neglect in its health care that car buyers find in their new vehicles.

Yet it is essentially assembly-line medicine provided by collectivized physicians that the critics suggest to meet the "health-care crisis." The road to medical utopia, many voices now tell us, is to be found by general acceptance of prepaid group practice arrangements ("health maintenance organizations," in Nixon Administration jargon) on the model of the Kaiser-Permanente groups along the West Coast. Such prescriptions are natural if one believes this country is now in a health-care crisis, which derives from the cliches the critics employ to describe present American medicine. They hold that it is "a cottage industry" consisting of "solo practitioners" working on a "fee-for-service basis" in a "non-system." Simply inverting these terms produces the notion that what is needed is a mass-production medical industry staffed by teams of doctors working independently of payment in a highly organized system.

This description of the present situation is grossly oversimplified. American medicine today is highly pluralistic. Millions of Americans have completely socialized medicine; for example, those in the Armed Forces and in Veterans Administration hospitals. Several million others belong to prepaid group practice organizations, and additional millions look to hospital emergency rooms, outpatient clinics, and the like for their primary medical care. Medicare, Medicaid, and private medical insurance, including the Blue plans, have revolutionized the economics of medical care in recent years. In short, the stereotype of the sick American going to the isolated physician and digging into his pocket for the $10 or $15 fee covers only a portion of the reality. And, except in remote areas, no physician is really isolated. Any good doctor is part of an informal system that . . . salaries, freedom from the entrepreneurial and other woes of private practice, regular hours, and the aid of other physicians and ancillary medical workers.

Patients have a fixed or semi-fixed medical cost, for which they can budget in advance, and a source of medical care available at any hour and on any day. Competing with private physicians, group practices can put economic curbs on private doctors' fees and force the private practitioners to make their own informal or formal arrangements to ensure that patients can get a doctor at 3 A.M. on a Fourth of July and on other occasions when most people are sleeping or on holiday.

But the zealous advocates of revolutionary change in American medical care go far beyond such modest and realistic claims. They see group practice or health maintenance organizations as wonder-working systems that can provide better care for lower costs while simultaneously ensuring that the population enjoys better health than ever before. It is these expectations that explain the intensity of the more extreme propagandists for universal health insurance and compulsory group practice.

However, the evidence presented for these claims is very thin, particularly since group practice in the United States has historically been limited to special groups, while what is advocated by the extremists is extension of this mode of health-care delivery to the entire population of the country.

How, for example, can group practice improve the nation's health if medical science knows so little about the causes of the degenerative and hereditary diseases that cause so much illness? And what is there about group practice that will enable it to stop smoking, overeating, lack of exercise, reckless driving, heroin addiction, alcoholism, poverty, inheritance of genetic defects, and other individual or social causes of sickness and death?

Some people argue that the end of direct financial cost for medical care will encourage people to go to doctors earlier than they might otherwise and thus catch diseases at a stage where they can be dealt with more effectively. This may be true in some cases, but the change to prepaid medical care has more complex consequences.

The end of fee-for-service removes the individual physician's economic interest in his patient, while, for the group as a whole, it is economically advantageous to do as little as possible for the patient. For the subscriber to such a group, however, the removal of additional out-of-pocket cost for a visit to the doctor creates the temptation to overuse the group's resources. Thus, a tension is automatically set up between the group physicians and their patients.

The possibilities that a national system of prepaid group practice will turn into a bureaucratic monster are enormous. The nation's real problems of medical care can best be met by measures that focus on particular trouble areas, rather than by a violent transformation of the entire complex medical system that would affect equally all parts, those working well and those working poorly.

Of course the ghettos and small towns need more doctors and medical facilities. But the Government already has authority to recruit physicians and other medical personnel to meet these needs. And if young physicians are idealistically anxious to go into these deficient areas, why shouldn't the state help them to do so?

The family of moderate means struck by catastrophic illness can be bankrupted by heavy medical bills. That problem could be solved by Government-organized, compulsory major medical insurance whose cost on a national per capita basis would be relatively small.

The upward rocketing of hospital costs might be slowed down by a variety of measures. One important need is for revision of the formulas used to reimburse hospitals under Medicare, Medicaid, Blue Cross, and other insurance schemes. These formulas—which in the past have often stressed reimbursement for costs without pressures for economy—need to be altered so that hospital administrators will be more economy-minded in the future than in the past. The escalation of medical costs could also be usefully countered by effective action on the malpractice front to curb present excesses and abuses that add significantly to the costs that patients, insurance firms, and the Government have to pay.

In an era of increasing and justified disenchantment with big government, it is astonishing that so many well-meaning and intelligent reformers essentially want to nationalize and bureaucratize American medicine, either explicitly as in Britain or implicitly as in some of the legislation before Congress. One would have thought that the postal and public school systems would have taught them long ago that nationalization does not mean efficiency, and that the telephone system would have taught them that even a private integrated system can develop serious flaws. Based on the record of the past, we have every reason to suspect that if the revolutionary proposals for transforming American medicine are adopted and implemented, medical care in this country will cost more while providing less satisfaction and poorer treatment for millions.

ACHIEVING PUBLIC EDUCATION EQUALIZATION

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. HICKS of Washington. Mr. Speaker, one of the greatest problems facing the individual States, and the Nation, in view of the decision by the California State Supreme Court in the case of Serrano against Priest and other recent decisions, is that of reorganizing the financing of public education to comply with the 14th amendment.

A brief summary of some of these considerations and the options they pose are outlined in the following article:

Alternative Legislative Options for Achieving Public Education Equalization[1]

(By John Silard)

The one clear constitutional requirement announced in *Serrano* and likely to be accepted by subsequent judicial rulings is the untying of the cost (and thus quality) of public education from the accident of a locality's aggregate taxable wealth. In considering legislative options for complying with the Fourteenth Amendment, achievement of that untying is the first and indispensable requirement.

However, there are other desirable goals which should also be considered when we review the available alternatives to our present system of education finance. One of these is the equalizing of the local tax burden (millage rate) for education. It is not clear from *Serrano* whether it did *not* result in educational inequality the maintenance of a system imposing differing tax-rate burdens on localities for the achievement of an equivalent educational fund would itself violate constitutional requirements. In any event, tax-burden equalization is a desirable goal to be advanced by a changed funding system.

Another desirable goal is maintenance of a local option to improve local public education a greater taxing (millage) effort. It is generally the *less* advantaged school districts which today are carrying a larger tax-rate effort for education. Thus, under a system which removes their wealth disadvantage the retention of a local option to impose an additional surtax for better education might enable these poorer districts to achieve the premium education they need for their culturally disadvantaged students.

Another desirable goal is facilitation of an educational disbursement system which does not become impaled on an "equal dollars per child" formula. Such a formula may look egalitarian but in fact it would result in vast inequality in educational offering due to great differences in costs of education between localities. A desirable disbursement system would permit increased dollar allocations to school districts with above-average costs in such areas as transportation, plant maintenance, and employee pay; or with special teaching burdens due to student populations with physical handicaps, illiteracy, language barriers, and cultural deprivation.

A final important consideration is political acceptability. In a state where there is no litigation pending or in the offing, political acceptability is obviously a crucial consideration in choosing among alternative courses of reform. But even in a state where a court may intervene, the process of reform will inevitably require an orchestration of judicial and legislative action wherein political acceptability remains an important factor.

In the ensuing analysis, the five desiderata briefly reviewed above are applied to the four basic options for achievement of intrastate education equalization: (I) abandoning the local property tax base for education, (II) major shift of funding burden from local to state sources, (III) power equalizing and (IV) local tax-yield equalization.

Option I. Abandoning the Local Property Tax Base for Education (Full State Funding):

This might be achieved either (i) by outright abolition of local taxes for education in favor of state income, sales, property, or other taxes, or (ii) pooling and distributing at the state level of the local revenue from a prescribed statewide millage of local property taxes for public education.

Desiderata Ratings of Option I:

+ Education untied from wealth.

+ Tax burden equalization.

— Local surtax option.

+ Facilitating equalization of education offering.

? Political acceptability.

Option II. Major Shift of Funding Burden From Local to State Soures:

The foundation plan approach initially sought equalization of education by infusion of major state money to help impoverished localities. It is conceivable that in some states a further major shilt of funding from local to state sources could effectively eliminate the local wealth factor as a determinant of local educational-offering. This would be most likely in a homogenous state with a minor imbalance in local taxable wealth per pupil. However, to eliminate expenditure differentials it is likely that this approach would require even in the "homogeneous" state an increase of the state's proportion of the total public education expenditure in the state to 80 or 90 percent. The tax-burden inequalities, of course, would remain under this scheme, and state money is largely tied up in achieving dollar equalization rather than providing special assistance to districts with educational overburdens.

Desiderata Ratings of Option II:

+ Education untied from wealth.

— Tax burden equalization.

+ Local surtax option.

— Facilitating equalization of education offering.

+ Political acceptability.

Option III. Power Equalizing:

This system redistributes local taxes for education by shifting from tax-rich districts to poorer districts the amounts representing their taxable wealth advantage.

Desiderata Ratings of Option III:

+ Education untied from wealth.

+ Tax burden equalization.

+ Local surtax option.

— Facilitating equalization of education offering.

— Political acceptability.

Option IV. Local Tax-Yield Equalization:

A fourth possible approach would remove the local wealth factor from local educational offering, but would leave the wealthier community the advantage of achieving the local dollar input for education at a lower millage rate. Such a system might work as follows: the legislature would prescribe a statewide "local public education contribution" set at a prescribed annual per-child expenditure. Each school district would raise that local contribution by whatever millage would yield that expenditure for its students. This system would remove the existing expenditure differentials among localities, yet would leave wealthier districts with the advantage of being able to raise their "local public education contribution" at a lower millage rate than poorer districts. The State funds would be freed from the task of dollar equalization, and could provide special assistance to districts with educational overburdens.

Desiderata Ratings of Option IV:

+ Education untied from wealth.

— Tax burden equalization.

— Local surtax option.

+ Facilitating equalization of education offering.

+ Political acceptability.

The foregoing discussion attempts only to view the advantages and demerits of the four basic options for new educational funding systems which could untie education expenditures from the local taxable wealth, as *Serrano* requires. In addition to new approaches to funding sources, new approaches are required in the area of dispersement formulas. As indicated in a previous study (Silard & White, Intrastate Inequalities in Public Education, 1970 Wisconsin Law Review 1, 25–28), the goal there should be to provide equal educational opportunity to every school child, taking into account all cost variables including the learning disabilities of certain school populations.

TO PROVIDE FOR MORE ORDERLY PROCEDURES FOR RENEWAL OF RADIO AND TELEVISION BROADCASTING LICENSES

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. PRICE of Texas. Mr. Speaker, today, I am introducing legislation to amend the Communications Act of 1934 and provide for more orderly procedures for the renewal of radio and television broadcasting licenses. Essentially my bill extends the maximum license period from 3 to 5 years which is a far more practical period. In addition, the bill provides that a renewal license will be granted if the applicant can demonstrate that his broadcast service over the preceding period reflected a good faith effort to meet the needs and interests of the local community in a manner consistent with the promises made in the pending and immediately prior license renewal applications. The latter provision applies only to those applicants who are financially, legally and technically qualified; a record of callous disregard for the law or the regulations of the Federal Communications Commission would prevent an applicant from having his license automatically renewed. A record of performance not in conformity with stated intentions in the immediately preceding and pending license renewal applications or a demonstrated callous disregard for law and regulations would be weighed against the renewal applicant.

The provision to extend the license period to 5 years is long overdue and recognizes several realities of the renewal process. The purpose of having a limited license period would not be changed by extending the period to a more reasonable length. The merit of a limitation is to serve as a reminder to the license that he must fulfill his obligations to the public interest, convenience or necessity. Flagrant disregard of those obligations could result in loss of the license privilege at the end of the period. Broadcasters, on the whole, have an outstanding record in fulfilling those obligations as is evidenced by the very low number of renewal applications which have been denied—only 78, as a matter of fact, between 1934 and 1969. In other words, most licensees retain their license privileges for long periods of time and are granted renewals term after term. For that reason, there would be no noticeable difference between a 3-year and a 5-year term. The requirement that broadcasters reapply every 3 years does involve many costs and inconveniences, including the retention of outside legal assistance; the frequency of the application process actually interferes with the broadcasters' ability to serve the public, thereby imposing an unnecessary social cost as well. My bill lengthening the period to 5 years is, therefore, in the public interest and will increase the efficiency of the industry while not diminishing the attainment of regulatory objectives.

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[1] By January 1, 1972, this paper will be expanded substantially to explain more fully the types of options and their advantages and disadvantages. Updated copies will be available from R. S. Browning, Lawyers' Committee for Civil Rights Under Law, 733 Fifteenth Street, Northwest, Suite 520, Washington, D.C. 20005, phone: 202/628-7446.

The provision on the status of the renewal applicant is necessitated by the uncertainty caused by the vacillation of the Commission and the courts about the criteria to be applied in comparative renewal hearings. Comparative hearings for broadcast license renewals became a subject of major controversy in January 1969 when the Federal Communications Commission denied WHDH's application for renewal of its television license to operate over channel 5 in Boston. The license was simultaneously awarded Boston Broadcasters, Inc., on the basis of the comparative criteria: diversification of the media and integration of ownership and operation. On the face of it, this action appeared to be the first time the Commission had awarded a license to a competing applicant in a comparative renewal proceeding. The decision sent shock waves throughout the industry. Broadcasting magazine estimated stations valued at a total of $3 billion were jeopardized by the precedent. Louis L. Jaffe, professor of law at Harvard University, referred to the decision as a "lurch to the left" on the Commission's part, especially as elaborated in Commissioner Nicholas Johnson's concurring statement. Senator PASTORE stated that a "Sword of Damocles" was hanging over the heads of broadcasters. As a precedent, the decision is of little value today, since the skirmishes of the contending troops have obscured any clear-cut policy determinations which might have been intended by the Commission at the time. The Commission's decision was by a 3-to-1 vote, barely a quorum. More importantly, the Commission denies WHDH was a regular renewal applicant since the station has operated with a temporary license for over 10 years because of charges of ex parte contacts which caused its initial license award to be withdrawn. In the meantime, the license renewal controversy has shifted to the problem of formulating new policy guidelines.

In 1969, Senator PASTORE introduced and held hearings on S. 2004 which was designed to assure that a licensee would be awarded renewal of his license if his record of performance had been in the public interest, convenience, and necessity. No competing applicants would be considered unless his application was rejected. The bill had strong support in the Senate and was allowed to die only after the Commission had issued a new policy statement on comparative license renewal proceedings in January 1970. The new policy statement said that licensees who were "substantially" meeting the needs and interests of their areas would be awarded license renewals. By "substantial" it meant "strong" or "solid" rather than merely minimal service. In issuing the policy statement, the Commission maintained that they were merely clarifying policy which had prevailed since its WBAL—Baltimore—decisions in 1951. That decision stated that a license renewal should be granted if the performance record has been "meritorious." "Actual performance" was to be weighed more heavily than "paper proposals."

Up to this point, both Congress and the Federal Communications Commission seemed to be acting purposefully to restore stability to the broadcasting industry and reinstate the only renewal policy which has really applied to broadcasting licensees, especially if we dismiss WHDH as an aberration involving unique issues. Soon thereafter, however, the courts threw the broadcast industry into a state of confusion by overturning the FCC's comparative renewal policy. The June 1971 decision, written by Judge J. Skelly Wright of the U.S. Circuit Court of Appeals for the District of Columbia, asserted that the policy statement violated the Communications Act by undermining qualified applicants' rights to a full hearing and also that "superior performance" should not preclude competing applicants from being considered. Judge Wright emphasized the importance of the diversification of media standard as a comparative criterium. Since that decision broadcasters have been in a state of great uncertainty comparable to the period immediately following the WHDH decision.

By summarizing the regulatory and judicial framework in which radio and television broadcasters must now operate, I trust I have adequately illustrated the unjustified turmoil they face and demonstrated the need for the legislative clarification which my bill provides.

I have received many justified complaints from various stations regarding the harassing tactics of a number of the FCC inspectors, who have acted in a rude and threatening manner when carrying out their duties of inspection of stations and their records. I hope the FCC will make note of this fact and take proper action to see that these bullying tactics are stopped.

ITALIAN-AMERICAN WAR VETERANS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. ANNUNZIO. Mr. Speaker, today I am introducing in the Congress a bill to provide for printing as a House document certain proceedings of the Italian-American War Veterans of the United States, Inc., and I am delighted to have my distinguished colleagues, Hon. CHARLES J. CARNEY, of Ohio, and Hon. JOHN H. DENT, of Pennsylvania, join me as cosponsors of this legislation.

It would indeed be appropriate for the Congress to extend this recognition, which is now enjoyed by other veterans' organizations, to the Italian-American War Veterans of the United States whose members have done their share to uphold and preserve the freedom and security of our beloved country.

This outstanding veterans organization is a nonprofit and nonpolitical group made up wholly and without exception of honorably discharged American war veterans. They are devoted citizens who have demonstrated splendid patriotism and dedication to the cause of freedom.

During the 91st Congress, I had introduced a similar bill which passed the House of Representatives, but the Congress adjourned before the other body had the opportunity to take final action. I do hope that, during the 92d Congress, expeditious action will be taken by both the House and Senate in order to afford this long overdue recognition to the Italian-American War Veterans.

HIGHWAY SAFETY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. HOGAN. Mr. Speaker, every year more than 50,000 people die in the United States as a result of highway accidents, and approximately half of those deaths are caused by motorists or pedestrians under the influence of alcohol.

Those are shocking statistics, and, although extensive efforts have been made to reverse the trend, the number of alcohol-related traffic fatalities has continued to rise.

More funds are needed to research new safety devices, to test new vehicle engineering methods, to conduct driver training for emergency situations, to research special lanes on freeways, and to conduct other research.

In an effort to improve highway safety, I have cosponsored H.R. 9483 which would allocate 40 percent of Federal taxes related to alcohol for such highway safety programs.

In testimony delivered before the House Committee on Public Works, I presented the case for this bill in detail, and I now request permission to insert the testimony into the RECORD.

The testimony follows:

TESTIMONY OF THE HONORABLE LAWRENCE J. HOGAN, REPUBLICAN, OF MARYLAND, BEFORE THE ROADS SUBCOMMITTEE OF THE HOUSE COMMITTEE ON PUBLIC WORKS IN SUPPORT OF H.R. 9483, FEBRUARY 24, 1972

Mr. Chairman, it is a pleasure to have the opportunity to testify in support of H.R. 9483, a bill which I was pleased to cosponsor with my good friend and the ranking Minority Member of this Committee, the Honorable William H. Harsha.

As the members of this Subcommittee are aware, this bill would amend the Highway Safety Act of 1970 to provide additional funds for highway safety programs by authorizing appropriations for such programs in an amount equal to 40 percent of the revenue collected from Federal taxes relating to alcohol.

Certainly the members of this Subcommittee do not need to be apprised of the shocking, but nevertheless very real, connection between alcohol and highway accidents. The use of alcohol by drivers and pedestrians leads to some 25,000 deaths and a total of at least 800,000 car crashes in the United States each year. Especially tragic is the fact that much of the loss in life and limb, and property damage, involves completely innocent parties.

This relationship of alcohol and highway safety only emphasizes the need for improvements in vehicle and highway crash design. Certainly we can all appreciate the attempts which have been made in the past to control this problem, such as the National Traffic and Motor Vehicle Safety Act of 1966. We are really only now beginning to feel the results of that Act which led to the establishment of motor vehicle standards which have demonstrably saved many lives and reduced injuries. Notable among these achievements are the energy-absorbing steering column, improved windshields, and safety belts and harnesses. And in the next few years we can look forward to the new reinforced bumpers and the possibility of having safety air bags installed on all new cars.

Despite these advances in the direction of automobile safety devices, motor vehicle deaths continue to rise. In 1970 alone, 55,300 persons died on the highways but this alarming and depressing figure would be even higher if it were not for the programs authorized by the National Traffic and Motor Vehicle Safety Act.

H.R. 9483 will allow the progress of the 1966 law to continue and to improve while, hopefully, decreasing the numbers of people killed each year on our highways. If enacted, this legislation would provide adequate funding to conduct research and development on new safety devices, to permit through testing of new and revolutionary vehicle engineering methods, to conduct realistic driver training for emergency situations, to conduct research special speed lanes on major nationwide freeways, and many other remedies which may arise from increased knowledge in this area.

Some of this activity is, of course, already being initiated under the auspices of the 1966 Highway Safety Act and individual state and local attempts to find new methods of improving safety. We have probably all read recently of the attempt to install a sniffing device in automobiles to detect the presence of an intoxicated driver and thereupon lock automatically so that the driver is unable to start the car. Unfortunately, the device is also sensitive to strong perfumes or to the presence of an intoxicated person in the automobile who may not be the driver. Despite the driver's sobriety, his car still locks. These are the types of problems which can be remedied by adequate funding for research activities. The imagination and know-how of dedicated experts can certainly devise new and better methods for road safety if given the opportunity.

A more effective though less dramatic solution, as far as I am concerned, is to deal vigorously and punitively with the drunken driver who jeopardizes the safety of us all. We must wage an all-out attack on the abusive consumption of alcohol in connection with highway use. We should recognize that all practical means for reducing the Nation's staggering highway losses, now averaging 10,000 casualties each day from all causes, must be employed to the fullest extent possible. This should include such programs as making emergency services far more effective.

In fact, my interest in this legislation was aroused because of my previous involvement with ambulance care and the availability of emergency hospital services. I was privileged to address the opening of the International Trauma Symposium in Washington, D.C., in 1970 and there to learn of the tremendous work being done in the United States through the National Institute of General Medical Sciences and throughout the world by recognized trauma experts to alleviate the pain and suffering incurred in emergency situations. Of course, many of these emergency situations result from highway accidents.

In my own State of Maryland, the State Police have, in recent years, initiated an emergency helicopter service to transport victims of highway accidents to hospital emergency centers which are equipped to treat them with the tools available to modern medical science.

All in all, the requirements of highway safety are an area of specialization in themselves and should be given the attention necessary to achieve the desired results. If we recognize that during an equivalent period, highway deaths outnumbered combat losses in Southeast Asia by a margin of 10 to 1, it seems only feasible and rational that we should devote a proportionate measure of this nation's resources to combat this killer of our people.

I urge the members of this Committee to lend their support to this legislation as a giant step forward in the quest to make our highways into safe arteries.

"DIXIE": THE ALL-AMERICAN SONG

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. GRIFFIN. Mr. Speaker, I rise in defense of one of America's most well liked and well-known songs—"Dixie".

In recent times we have read of various protests lodged against this old American song because it has played at school assemblies or sporting events. And most recently the U.S. Court of Appeals for the Eighth Circuit addressed itself to this particular issue. I would hope that their decision will lay to rest any doubts concerning the rightful place of this song in the hearts and minds of millions of Americans.

The contention was made in the recent case by the plaintiffs that the song, "Dixie", was offensive, racially abusive, and that its playing constituted officially sanctioned racial abuse. This is completely unfounded, and I am pleased to note that the court agrees with me on this point.

I think it appropriate that we take a short look at the history of this song so that we might better understand the reasoning in the courts' decision.

Many people have claimed authorship of this song and, in fact, there have been many variations of it. But there seems to be little doubt, however, that the song was written prior to the Civil War by Daniel Decatur Emmett, a native of Ohio, as a "walk on" for a minstrel show.

In the book, Sampler of American Songs. "Dixie" is described as "a typical American song with a gay and catchy tune." Maymie Krythe in this particular book states.

> Over a century ago Daniel Decatur Emmett, an American minstrel performer and composer, wrote both the words and music for "Dixie", a typical American song with a gay and catchy tune. Although he was a Northerner, his song won immediate popularity.

She goes on to write—

> At the beginning of the Civil War, "Dixie" was taken over by the southerners as their confederate battle song. But today all sections of our great country sing "Dixie," termed one of the most rollicking of our national songs, known and loved throughout the world.

I think it also interesting to note in the same book the story of the song's birth. Emmett had been requested by a friend to write a song for him to use in his minstrel show the next day.

> Emmett started in early the next day; it was a dark dreary, rainy and chilly Sunday morning, an atmosphere not very conducive to inspiration. At first he wasn't successful. He wanted to concoct an entirely different kind of composition, but good ideas failed to come to his mind. His wife urged him on; she tried to encourage him and said she'd be his audience. As he sat in the drab boardinghouse, trying to concentrate on the job, Daniel grumbled and declared, "I wish I was in Dixie." He had traveled in the south, and when he and other showmen were back in the cold north, they would often say, "Oh, I wish I was in Dixie."

Mr. Speaker, this song was never intended to be considered a racial slur, or to be associated with slavery as a political or social institution. Rather, it was a song born out of a desire of a northern showman to return to the warm and sunny South, certainly a desire that few can question.

The song has always been a very catchy tune appealing to most everyone. During the presidential campaign of 1860, Abraham Lincoln borrowed the tune to use as a campaign song. "Dixie" was in fact a great favorite of the President and 5 years later, when many people gathered at the White House lawn to celebrate the surrender of General Lee, Lincoln asked the Marine Band to play "Dixie" and he jokingly added:

> As we have captured the Confederate Army, we have also captured the Confederate tune and they both belong to us.

Arthur Farwell and W. D. Darby in their book Music in America, paid this tribute to the song:

> The music of "Dixie" is so pleasing to the people that it has almost become a tune without words. Its beginning was in the minstrel show; it was dedicated as a battle song in the great uprising of the south; and in its last estate it has a place among the enduring music of the Union.

This song has become a tune without words. Today we rarely hear the words to this song used. Yet some would contend that it is offensive. Is it offensive because of its words. If so, then where will such cries stop?

Is it offensive because of its use as the battle song of the South? Are we to strike down memory of deeds of the past because our ideas and opinions have changed? Are we to forget history simply because of recent political trends?

No one is asked to agree or to adopt someone else's heritage or pride in the past, but everyone has a right to be proud of their background and respect should be shown for that pride.

"Dixie" can be said to be a song of the

past, a link to a proud history. But it is much more. It is part of America and it belongs to everyone. We cannot possibly abandon that. And how can we even be asked to do so in a day and time when people are striving to claim pride in past history and their early beginnings.

I commend the court for preserving American heritage and pride.

THE CASE FOR AMNESTY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. HARRINGTON. Mr. Speaker, the Boston Globe has established a national reputation for its forthright and courageous stands on leading public issues. Recently the Globe printed a reasoned and compassionate editorial on the subject of amnesty and I believe every Member of the House would profit by reading it and thinking seriously about the points it makes.

The editorial from the March 12 Boston Globe, follows:

THE CASE FOR AMNESTY

President Abraham Lincoln's Second Inaugural Address, March 1, 1865: "With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds.

Hearings have been going on in Congress on the bill Sen. Robert Taft Jr. (R-Ohio) to grant conditional amnesty to all draft evaders and resisters, including those who have gone into exile. The bill would condition amnesty upon a willingness to serve in the Armed Forces for a period of three years or to perform alternative service in Vista, VA hospitals, or other Federal agencies. It does not deal with men who have deserted from the military services.

Perhaps predictably, the bill has been strongly opposed by various proponents of the war in Southeast Asia.

A spokesman for President Nixon told a subcommittee hearing chaired by Sen. Kennedy that the President "clearly rejected any consideration of amnesty at this time."

John H. Geiger, national commander of the American Legion, said his organization believes that "any wholesale amnesty—whether conditional or unconditional—would make a mockery of the sacrifices of those men who did their duty."

And Martin Kelley of Dorchester, whose son was killed in Vietnam, said the subcommittee might better "engage in designing a memorial to the men who led our country in Vietnam."

To disparage these views would be wrong. They are deeply and earnestly held.

Yet the contrary view is also deeply and earnestly held.

In fact, the subcommittee heard such a view from another father bereaved by the Vietnam War. Robert C. Ransom, a New York corporation lawyer, told the subcommittee that his son had been opposed in principle to American involvement in Southeast Asia and very nearly refused to board the plane that took him there.

"My greatest regret," Mr. Ransom said, "is that I did not try to put more pressure on him to follow the dictates of his conscience."

Mr. Ransom described his son's life as "utterly wasted." He said he hoped he could "dispel forever that popular and prevalent misconception" that a grant of amnesty "to these many of our children who have opposed participation in the war" would dishonor the 56,000 Americans who have died in Southeast Asia.

We think the weight of the argument is on Mr. Ransom's side. Continued punishment and ostracism of young men who refused to go to war in Vietnam will bring back neither Mr. Kelley's nor Mr. Ransom's son, nor any other man's.

But amnesty, properly conditioned, finds profound support in notions of charity and forgiveness. And, to paraphrase Lincoln, it can help bind up the awful psychological wounds resulting from a war which has split the nation apart as no other conflict since the War Between the States.

Ten days after Lincoln made his memorable call for reconciliation in his Inaugural Address of March 1, 1865, he himself signed a presidential proclamation of amnesty for all Union deserters who would agree to return to their posts within 60 days and serve the remainder of their military tours of duty plus a period of time equal to their unauthorized absence.

Since the war at that time was nearing an end, with the Union victorious, it was plain that this grant of amnesty was not primarily made for the purpose of augmenting Union military forces, but rather for reasons of forgiveness and national unity.

American history, indeed, is replete with instances of Federal amnesty, from George Washington (amnesty for participants in the Whiskey Rebellion in 1795), to President Andrew Jackson (pardon in 1830 for all deserters previously indicted or convicted, with permission for them to return to duty, and discharge and pardon for all deserters still at large) and to President Harry Truman (pardon in 1947 for 1500 offenders against the draft act of 1940).

In the absence of any apparent intention on the part of President Nixon to extend executive clemency to young men who have refused to participate in the Vietnam War, the Congress is to be applauded for considering at this time the enactment of an appropriate amnesty law.

Reconciliation must take place, and soon, or the country can only slide further into the abyss of domestic turmoil and disunion.

CONGRESSMAN CHARLES B. RANGEL CALLS FOR REMOVAL OF BRITISH TROOPS FROM NORTHERN IRELAND

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. RANGEL. Mr. Speaker, the Subcommittee on Europe of the House Foreign Affairs Committee has been holding hearings on the critical situation in Northern Ireland. The slaughter of innocent citizens at the hands of British troops continues and the Catholic minority lives in constant fear of violence, discrimination, and interment. Yet the United States has so far refused to use its diplomatic and moral power by calling for the withdrawal of British troops and their replacement by a United Nations peacekeeping force.

As a cosponsor of the Carey-Kennedy resolution, I was privileged to submit the following statement to the subcommittee in support of immediate congressional action to end the tragedy in Northern Ireland:

STATEMENT OF CONGRESSMAN CHARLES B. RANGEL

Mr. Chairman and members of the Subcommittee. I appreciate having this opportunity to express my support for the resolutions introduced by my colleagues with my cosponsorship calling for a withdrawal of British troops in Northern Ireland and their replacement by a U.N. peacekeeping force. This, I believe is critical if the civil rights and liberties of all the citizens of Northern Ireland are to be guaranteed until a political settlement agreeable to all can be found.

I am fully aware that its charter does not entitle the U.N. to intervene in the internal affairs of another country unless requested to do so and that at the present time Northern Ireland is an integral part of Great Britain. Yet it seems to me that it would be in Britain's own self-interest to accept this alternative, and that it is incumbent upon the United States and the United Nations to use their "good offices" with Britain, as recently requested by the Irish Foreign Minister Dr. Patrick Hillery, to impress upon the British government the wisdom of this proposal. As the recent tragic events have shown us, the British troops have clearly failed in their peacekeeping efforts in Northern Ireland. If civil war is to be averted in Ulster, other alternatives should be promptly considered.

When British troops first arrived in Northern Ireland in 1969, they were greeted by the Catholic minority as protectors. They had been sent to Ulster to prevent Protestant extremists from harassing Catholic civil rights groups agitating for the redress of well-justified grievances. Their grievances included discriminatory practices in the local franchise which assured large Protestant majorities through extensive gerrymandering and the denial of the principle of one-man-one-vote, as well as discrimination in housing and employment.

Over the past three years, the British, by their actions and policies, have completely discredited their Army as an impartial peacekeeping force. They have become the instrument of the repressive Ulster government. Instead of checking the rising tide of violence and bloodshed, they have tragically contributed to it. The policy of internment without trial, introduced last August, was directed almost exclusively against Catholics, while Protestant vigilantes were left alone. Catholic homes are repeatedly broken into and subjected to humiliating searches, while the homes of Protestants are generally immune from search. Far from restoring "law and order," these practices have served only to further alienate the Catholic population and provoke new waves of violence. The senseless shooting last January 30 into a crowd of unarmed civilians which had peacefully gathered to protest the hated policy of internment has ended any kind of usefulness the British presence in Northern Ireland might have had in the search for peace.

Indeed, the very presence of British troops in Ulster has itself become an obstacle to a peaceful settlement. Internment without trial, the shameful practice of torture to extort information from those illegally detained, added to systematic military repression, have only aggravated the rift between the two communities. To protest these policies, Catholic opposition members have had no choice but to boycott the Northern Ireland Parliament. Many Catholic officials have resigned from their government posts. The I.R.A. has gained in popularity. Civil disobedience is spreading rapidly in the form of rent strikes, refusal to pay gas and electricity bills, and more protest rallies. Northern Ireland now finds itself on the brink of civil war. The British claim that if they do withdraw their troops from Ulster civil war will inevitably break out. Yet their continued presence seems to guarantee that which they seek to avoid. Since the Army has identified itself with the Protestant majority, there appears to be no hope for a political solution to the crisis as long as it remains. A U.N. peacekeeping force holds the chance of restoring a sense of impartiality, lost by the British, which would enable leaders of the Catholic minority to resume their duties and engage in talks with the Protestants.

I am talking about the basic struggle for human rights which we as a nation are committed to seek. The struggle in Northern Ireland closely parallels that in the United States and that in the Portuguese colonies of Africa, in Rhodesia and in the Republic of South Africa.

Recently, I attended a conference of African and American legislators and government officials in Lusaka, Zambia, and at that time I had the opportunity to talk with representatives of the liberation movements in Angola and Mozambique. I also had the opportunity to speak with those who have witnessed and suffered the discrimination and subjugation of Black Rhodesians and Black South Africans by their governments.

Zambian President Kenneth D. Kuanda pointed out the moral obligation of the United States to the search for human dignity and civil rights around the globe:

"The future of African-American relations will be greatly determined by the United States policy in matters relating to self-determination in southern Africa. No major power genuinely committed to peace and the welfare of mankind can ignore the unfolding crisis in this part of the world."

I might add at this point that the United States government has hypocritically condoned the practice of racism and apartheid in our own NASA tracking station in Johannesburg, South Africa. Discriminatory policies in employment, pay scales, educational opportunities and even the use of physical facilities is the admitted practice at that American facility.

It was in 1776, nearly two centuries ago, that we pledged ourselves to the principles that all men are created equal and that they are endowed by their Creator with certain inalienable rights. We said that governments are instituted among men to guarantee these rights and that any government which becomes destructive of those rights may be abolished or altered by the people.

Those basic rights are at stake in Northern Ireland today, just as they are at stake in southern Africa. Those rights cannot be assured except under conditions of peace. That is why we in Congress have an obligation to make our voices heard on behalf of a peaceful settlement in Northern Ireland. A United Nations peacekeeping force would help defuse a highly explosive situation and enable the people of Northern Ireland to work out a settlement guaranteeing each citizen his human rights and civil liberties. The British must seize this chance before it is too late.

MORE FARMERS HOLD AUCTION SALES

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. ZWACH. Mr. Speaker, almost every day, I call to the attention of my colleagues the sad economic plight of countryside America.

At this time of the year, we have graphic evidence of the migration from the farms to the cities as our rural newspapers are full of farm auction sales.

Madonna Kellar, editor of the Heron Lake News, recently wrote a discerning editorial on this movement away from the farms which I would like to share with my colleagues by inserting it in the CONGRESSIONAL RECORD:

MORE FARMERS HOLD AUCTION SALES

Every time a farm auction sale bill appears it is another decline in the small farm. One by one they have given up the struggle and taken jobs where they had more assurance of adequate income. Empty buildings stand out like ghosts as sentinels of the past, left to decay as time goes on. The farm families have left to seek more lucrative jobs and better living conditions.

Increased costs of living and raising families have contributed to the decline of small farm numbers, along with high costs of production of farm products. No longer can a farmer feed just what he raises to his farm animals. In that day he could make a good living even if prices were not so high. Now he must apply all kinds of herbicides, pesticides and fertilizers to make his operations pay. This costs many hard earned dollars and at the end of a year of hard work, he has little to show for his efforts.

Luckily we have some men in the state and national governmental offices who are showing grave concern for the decline in small farming operations, but whether it is within their power to make it possible for the ones that remain to continue in their work remains to be seen. Certainly they will do all they can to keep prices up to a living level and will endeavor to block legislation which will curb their operations. This is not an easy task as the ones who oppose farm help, either because they are uninformed, or because they are committed along other lines, will oppose the very thing the farm leaders are working for.

Many a small farmer in the area holds down another job or his wife works to supplement the family income in a frantic effort to keep on.

The assurance of Congressmen who have the plight of the small farmer at heart gives us all hope that some miracle will happen to curb the migration from the farm to the urban areas.

Rural living seems to be appealing to city workers, but while they prefer to live in the small communities, they like to continue in their urban jobs. This increases the population count of the farming communities, but the trend to larger farming operations continues and the small operator is squeezed out.

About all we can do as individuals is to be careful of who we vote for in every election and be sure we send concerned men to the legislature who have a good understanding of the Minnesota farmer's problems and the zeal to give him all the assistance that is within their power.

At this time of year it is particularly noticeable as one auction after the other appears in the papers, each one a grim reminder that another farmer has either retired or decided to try another field of endeavor.

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 5,100 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 114,500 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

DARRELL ROYAL—MR. SOUTH TEXAN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. PICKLE. Mr. Speaker, University of Texas Head Coach Darrell Royal was awarded the Mr. South Texas Award at ceremonies in Laredo, Tex., on February 21. The George Washington Birthday celebration is held each year in Texas and it is easily one of the largest and most colorful attractions held in the United States. Some of the most outstanding people in our State have been given this award; such as, former U.S. Ambassador to Australia Edward Clark, former Congressman Joe Kilgore, former Congressman Richard Kleberg, Mr. Lon Hill of Corpus Christi, and others. This year the organization selected a leader in the field of athletics and it is timely that this selection was made.

Darrell Royal has compiled one of the most impressive records in America in the win-loss column, particularly in the area of championships, but what has impressed us most is what this man has meant to the thousands of young men who have learned the meaning of competition, courage, and determination.

The introductory remarks were made by the most famous master of ceremonies in Texas, Mr. Cactus Pryor. The remarks were made in gridiron good fashion, but the high good humor that prevailed at the banquet is shown by Coach Royal's own remarks and is indicative of the great love, respect, and esteem that we hold for Darrell and Edith Royal.

The remarks of this proceeding are shown as follows:

DARRELL ROYAL'S REMARKS, PRESIDENT'S LUNCHEON, LAREDO, TEX.—GEORGE WASHINGTON'S BIRTHDAY CELEBRATION

Thank you, Cactus. That's the warmest introduction I've received since Frank Broyles introduced me to an unsigned all-state football prospect. And Cactus, I'd like to thank you for coming down here to Laredo to introduce me. As they said, Cactus is co-host of my television show. We selected Cactus because Cactus makes me look good. As a matter of fact, compared to Cactus ANYONE would look good.

I'm especially happy to participate in this celebration because I've always been an admirer of George Washington. I admired him especially because he never told a lie. 'Course he never lost two straight to Oklahoma and Arkansas and had an alumni club to keep happy either. That George Washington pageant the other night was beautiful. It kinda shook me up to see George and Martha come driving up in a Cadillac. But what I really would like to have seen was when Pepe Martin was George Washington. George sporting a powdered mustache eating a taco must have been wild.

I am honored that you have chosen me Mr South Texas. I have to admit that I'm a little humbled by the list of the past recipients of this honor. Men like John Connally, who is now in charge of the depression . . . Joe Kilgore, Richard Kleberg, H. B. Zachary, Ambassador Ed Clark . . . when I consider the stature of these men and count myself among them, I wonder how the hell Penn State managed to beat us.

Speaking of football, I want to take this opportunity to thank Governor Smith for those plays he sent me to use in the Cotton Bowl. And Governor, I think it was obvious that we used every one of them . . . in the second half. I don't want to alibi, but injuries did hurt us pretty badly last fall. It got so bad that during the Oklahoma game, I had Oral Roberts sit on the bench with our team. It didn't help our game, but it cleared up every pimple on the squad.

Our trainer, Frank Medina, took care of so many injuries, he got groggy. After the O.U. game, one of our players gave Frank the hook-em-horn sign and Frank put two splints on his fingers.

About the only one who escaped injuries was our little split end Dean Campbell. Oh, he did have a slight concussion. It happened when our tackle Robert Guevera dropped one of his socks on Dean's head. But, I'm proud of our '71 Longhorns. They did fight off the injuries and setbacks and win the Southwest Conference championship.

And I'm sincerely very proud of this honor you do me today.

You know, I've got more Texas in my blood than Oklahoma. Both my parents and my grandparents were Texans. And I'm not sure but what I was born in Texas. The area where I grew up around Hollis was disputed territory. The Red River divided Oklahoma from Texas and every now and then the river would change course. And one time the river took a big bite out of what had been Oklahoma and both states were claiming it as their own. So there was a big legal battle, and Oklahoma lost when they won the case. But, I thank you for clearing up the doubt as to whether I am a Texan or Oklahoman. This beautiful plaque naming me Mr. South Texas is proof that I am a Texan to stay.

And while I'd like to stand up here and humbly accept these honors, I must follow the lead of the man who's birthday you honor on this occasion and tell the truth. Without this little lady sitting beside me, there wouldn't be anyone in this room who would know my name. I'd like to present the best thing to happen to this football coach . . . or any other . . . my wife, Edith.

I assume this also makes Edith an official Texan.

CACTUS PRYOR'S REMARKS AT PRESIDENT'S LUNCHEON 1972, LAREDO, GEORGE WASHINGTON BIRTHDAY CELEBRATION

Thank you. I haven't seen this many state officials together since the last Brown & Root testimonial dinner.

I want to thank the Independent Club for allowing me to appear.

Governor Smith, it looks like you're the only survivor remaining from the celebration among the gubernatorial candidates.

Lt. Governor Barnes is under the weather. He made the mistake of eating a meal on this side of the border and came down with an attack of Davy Crockett's revenge. No, actually Ben had to leave because he's due to begin his whistlestop train tour tomorrow. He's boarding his own train in Amarillo and will campaign via train all the way to Houston. Two of the Dallas Cowboys will be with him . . . Bob Lilly and Walt Garrison.

Governor Smith, not to be outdone, leaves at the same time from Waxachachie in a Volkswagen with Gene Stahlings.

Personally, I like all of the gubernatorial candidates. I like Ben Barnes because he's so modest. Most people brag about how much money they have. Ben brags about how much money he doesn't have.

And I like Governor Smith for many reasons. One thing, I feel a certain obligation to him. He appointed me to the Texas Tourist Development Board; and if he follows my #1 recommendation, things are really going to pick up around here . . . topless border guards.

And I like Dolph Briscoe because we've been friends for a long time. One thing though, I can't understand why Dolph wants to get into Texas politics. He's already rich. Dolph's so rich he tips Allan Shivers.

They say that at Dolph's ranch, the Briscoe Hilton, he throws fabulous weekend parties for state politicos. On some Saturday nights you can find more politicians sleeping there at the same time than in the House of Representatives.

Governor Smith really upset the applecart by announcing for re-election. That was the biggest surprise in Texas politics since Ma Ferguson addressed the Legislature in hot pants.

But, despite the rivalry, these men remain good friends. Just a while ago, I heard the Governor call Ben Barnes "son". I just caught part of it, I think.

Governor Smith is really making a sacrifice to be here at this occasion honoring Darrell Royal, because he's a big Texas Tech booster. As a matter of fact, he's trying to get a bill passed that would make beating Texas Tech a felony. If it passes, that would make Darrell a lifer.

I'm happy to see a good friend and a man I admire very much here today . . . a former Ambassador to Australia, Ed Clark. Ambassador Clark has done more to improve Texas-Mexican relationships than Kayopectate.

I'm sure President Johnson would have enjoyed being here today because he's the Longhorn's #1 fan . . . and a great admirer of Darrell Royal. But he's tied up. He's supervising the construction of his birthplace.

I notice that we have two other Presidents represented here today. Mr. Phillip Sanchez representing President Nixon who is in China giving their table tennis teams some new plays. President Nixon is a George Washington admirer. He's always quoting George in his speeches. I've always thought that George Washington had the hardest job of all our Presidents. He had no previous Presidents to quote.

And Juan Barona Lobato representing the President of Mexico Señor Lobato "Mucho gusto al viera usted aque. Mi lingua is gringa . . . mi corezon es Mexicana." I think I just said, "give the check to Pepe Martin."

But, I'm proud to have the opportunity to introduce Coach Darrell Royal and delighted that you have so wisely chosen Mr. South Texas. Central Oklahoma has come a long way.

Coach Royal is the greatest coach we've ever had at Texas. And we are proud that this year's team was the first to win a 4th straight SWC Championship.

Of course, there were a few rough spots along the way. We got the wrong end of the wishbone against Oklahoma. But we were proud of our Texas boys that day . . . including the one's who played for the Longhorns. And Arkansas was about as hospitable as Royal Wright at a Billy Hall testimonial. We had a bit of a crop failure in the Cotton Bowl.

But Darrell, the people of South Texas have overlooked those games while not overlooking your many positive accomplishments and qualities. And I'm happy to present this plaque proclaiming you Mr. South Texas . . . the first from the world of sports so honored. And they've left the plaque blank because, knowing you, they figured you'd rather compose your own inscription.

And Darrell, I'm delighted at this time to read a telegram that expresses all of our feelings:

"I join the people of Texas in honoring Darrell Royal as Mr. South Texas. You have chosen well. He is an asset not only to his adopted state, the game of football, but to the nation as well. His contributions as a citizen and as a coach provide a goal for all purposeful Americans to follow. He is in the tradition of the man who's birthday you observe with your celebration. I'm sorry that Mrs. Nixon and I are not able to be with you on this worthy occasion."

SAM NIXON, *Falfurias, Tex.*

BOB HOPE NAMES ED DALY USO MAN OF YEAR

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. LEGGETT. Mr. Speaker, occasionally men in private enterprise gain a perspective beyond the confines and parameters of their particular job and relate in a multidisciplined manner across the spectrum of the problems we are faced with in our international relations. Such a man is Edward J. Daly, a self-made private enterpriser, who developed one of the world's largest independent supplemental airlines practically from scratch over the past 20 years.

Ed used his capacities and know-how to fantastic social benefit in pioneering a 50-percent serviceman's cut rate to Vietnam for nonofficial travel; thereby substantially alleviating the hardships imposed on thousands of our personnel on that particular duty assignment.

Last Thursday night, I was privileged to be in Boston with Ed Daly, who was singled out for the special award of the United Service Organization for 1972. The following is a brief news release which describes Ed's performance not only in the Vietnam effort but in a host of other areas which reflect his strong concern for his fellow man:

Edward J. Daly, chairman of the board and chief executive officer of World Airways, Inc. will be the recipient of the USO's special award for 1972. Mr. Daly will receive the award on March 9, 1972 at the annual banquet of the USO's National Council at the Boston Statler Hilton Hotel. The award is being given in recognition of Mr. Daly's personal and corporate commitment to the welfare of the men and women in America's armed services.

The special award is presented only when the USO National Board of Governors determines that someone is especially deserving. It is not given each year. Past recipients have included Mrs. Bob Hope, Martha Raye and Robert Dechert. The USO National Council annual banquet, of which Bob Hope will be the master of ceremonies, will cap a week long meeting of USO volunteers and staff.

In choosing Mr. Daly for the 1972 Special Award, the Awards Selection Committee of the USO National Board of Governors underscored Mr. Daly's abiding humanitarian concern which has been demonstrated so well through his many activities in behalf of American servicemen. High among these activities is last year's World Airways/USO homecoming program. This program successfully provided low-cost round trip air fares from Vietnam to the U.S. and enabled more than 23,000 servicemen to visit families and friends at home during their tour of duty in Vietnam.

In three months Mr. Daly made three extended visits to Vietnam to inaugurate, review and constantly improve the homecoming USO program. On each occasion he visited servicemen and troop commanders at headquarters, at firebases and at the USO clubs from the Delta to DMZ, to insure them the best possible opportunities for visiting home. For those servicemen needing loans in order to take advantage of their home leave, Mr. Daly offered his personal guarantee for bank loans.

While in the process of setting up the homecoming program Mr. Daly further evidenced his concern for servicemen by personally arranging and participating in the distribution of holiday gifts such as turkeys and Christmas trees, to the men serving in Vietnam. On his first trip to develop the homecoming program, he was accompanied by actor Fess Parker, a director of World Airways, who participated in the distribution of gifts to the American servicemen in Vietnam.

Between his visits to Vietnam to oversee the homecoming program, Mr. Daly took time to assist the USO in responding to an unusual petition from servicemen stationed in Alaska, a petition that requested a Bob Hope show. Mr. Daly personally provided free transportation for Bob Hope and the huge troupe of entertainers and USO volunteers that brought the hopes of the servicemen in Alaska to happy fruition. He accompanied the troupe to ensure that all arrangements for the trip were handled in a first-class manner.

Mr. Daly's humanitarian concerns have taken many other forms. He has served as chairman of the board of regents of the University of Santa Clara. He currently is a member of the university's board of founders and the board of trustees. The Edward J. Daly Science Center at the university was dedicated on April 13, 1966.

Originally appointed by President Lyndon B. Johnson, and then reappointed by President Richard M. Nixon, Mr. Daly served as the chairman of the Oakland Metropolitan Area of the National Alliance of Businessmen, an organization which has successfully spearheaded an effective program to increase the number of jobs available to unemployed and under-employed citizens of all races. He served longer than any other metropolitan chairman in the Nation. He received another appointment from President Johnson and then was reappointed by President Nixon. This time as one of the original incorporators of the National Corporation for Housing Partnerships, a venture in which some of the Nation's most prominent businessmen have successfully set out to develop new ways of improving the supply of low income and middle income housing for the United States.

Mr. Daly has served as a volunteer fund raising chairman for the Cerebral Palsy Fund, the United Negro College Fund, the National Association for the Advancement of Colored People; serves on the advisory council of the San Francisco Bay Area Council of Boy Scouts; is a member and director of the Oakland Chamber of Commerce; a trustee of the Bay Area Council; a director of the Oakland Boys Club; a director of KQED—the Bay Area educational T.V. station; a director of the German/American Chamber of Commerce of the Pacific Coast; and vice president and director of the American Irish Foundation.

"MY RESPONSIBILITY TO FREEDOM" BY NOLA FAY LAIR

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. PRYOR of Arkansas. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct a Voice of Democracy Contest. The theme for this year's speeches was "My Responsibility to Freedom," and I am informed by Mr. Cooper Holt, the executive director of that great organization, that nearly 500,000 secondary school students participated in the national event.

I am proud to say that the winning speech from Arkansas was delivered by a talented young lady from my district, Miss Nola Fay Lair, of Monticello.

Miss Lair's remarks concerning young people's responsibilities to their Government are particularly appropriate for an election year which will see a great mass of new young voters entering the polling booths. She is pointed in her ideas. She displays vision in her thoughts. She shows great maturity in her message.

I hope that her provocative realism is heeded and understood by Arkansas and Americans of all ages.

It is an honor for me to insert Miss Lair's speech in the RECORD at this time:

MY RESPONSIBILITY TO FREEDOM

I am a soldier. I fight a battle. If I lose this battle the whole world loses. I fight for freedom. My weapons are the truth, and the knowledge that I am right.

It is common to think of freedom on the national and world levels first but freedom, real freedom has to start in the home. Children can't be oppressed by parental authority to the point that freedom of thought and speech is infringed. If children aren't allowed freedom of expression how will they learn to form their own opinions and make their own decisions as must be done in a democracy? But while children must have freedom of expression, they must also learn to follow the rules of a family and the laws of a nation.

I must then turn my attention not to the state, not to the national level but to the local city governments. Freedom in government starts here. It is my responsibility to find out about my local government, what it is doing and who is in office. How many of us know who our councilmen are? It is my responsibility to give my councilmen my opinions of activities taking place in my city. It is my responsibility to vote in city, as well as state and national elections.

I have the duty of writing my legislators in my state government to inform them of my opinion of the bills under consideration. It is my duty to uncover any underhanded, crooked deals by some few politicians. I must fight the corporate control of my congressmen and senators with my vote. I can fight these corporate and outside interest groups by checking my lawmakers voting records before I vote in elections and by keeping myself well-informed of world happenings.

Too many of the young people, people in my generation scream rights, rights, but what about the responsibilities that go along with these rights. All right the eighteen-year-olds got the vote, but what are we going to do with it? Will we be responsible citizens seeing our responsibilities and living up to them, or will we throw caution to the winds and pull the plug letting the United States go right down the drain. Will we live up to the responsibility of checking voting records, or will we vote like our friends are voting, or will we vote for the candidate who looks best in living color on our television screens? Will we read current events magazines to keep up with what is happening in our world, or will we read modern pot boilers and underground magazines?

Many young people are against the war in Vietnam. I believe the United States must, as a democracy keep Red China from impairing Vietnamese chances of freedom. Any war is a tragedy and I believe we must try to live up to the ideal in democracy of talking our problems out. We, as a democracy, must set an example to nations that aren't free.

People in Pakistan and India are starving and we say: Well it's not the United States' responsibility to feed and educate the world. And these creatures are humans too and you can't teach democracy to a starving person or an illiterate populous, and after all isn't that what we want, a free world at peace? America's whole governmental system is based on a belief in God and in God's eyes we're all brothers. Well don't my brothers deserve a chance at freedom too? I'd like to say one more thing. Eternal vigilance isn't enough. To preserve freedom we have to fight for it. Fight not with guns, but with education, votes, words, speeches, demonstrations, and as a last resort, we must then be prepared to back up our words with actions, if our rights and freedoms are infringed.

THE HAND THAT ROCKS THE CRADLE IS ALSO ROCKING THE POLITICAL BOAT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. FRASER. Mr. Speaker, February 12 the National Observer published an article describing how women are reaching for political power long denied them. From Maine to Texas women are working to gain their rightful places in the national nominating process. Three Minnesotans—Koryne Horbal, Mary Ziegenhogen and Jeri Rasmussen—are mentioned in Nina Totenberg's Observer story. This movement will change the makeup of our national political conventions and could have immense influence on American politics.

I am certain that my colleagues will be interested in reading about this revolution in progress. The article follows:

WOMEN OUT TO BE LIFE OF THE PARTIES

(By Nina Totenberg)

Men have never been stingy about letting women share in the quadrennial rite of nominating Presidential candidates. For their share the men took the important posts, the decision making, the power, and the credit. They gladly gave women the errands, the telephoning, the stamp licking, the coffee serving, and the anonymity.

Not any more. This year the hand that rocks the cradle is rocking the political boat too.

From Maine to Texas a grass-roots movement for female political power is gaining strength every day. It could have immense influence on the entire scope of American politics. Its special impact—and the one that will be felt soonest—will be on the Presidential conventions.

Because this year women could come close to running them.

In 1968 both major political conventions were overwhelmingly male. Women made up only 13 per cent of the Democratic delegates, 17 per cent of the Republican. But this year, because of new party rules, the Democrats expect 40 to 50 per cent of their delegates to be women. The GOP is also aiming for a more equal sex ratio, but it has no new rules to enforce that goal.

When the Democratic National Committee (DNC) reformed its rules after the disastrous 1968 convention, one major reform required state delegations to reflect more representatively the female, young, and black populations of their states. Ideally, DNC sources say, the 1972 Democratic convention should be 50 per cent female, 11 per cent black, and 25 per cent young people.

The National Women's Political Caucus immediately seized on the guideline for women and organized in 35 states to make it a reality. The caucus and other groups have been holding state and regional meetings to teach women the recipe for becoming a delegate. Despite 20-below-zero cold, about 75 Midwestern women came to Des Moines recently for one such session.

PRESSURE ON THE GOP

The women's caucus also met with the GOP national chairman, Sen. Robert Dole of Kansas. Afterward he began encouraging GOP state chairmen to increase their number of women delegates this year. Senator Dole says he hopes the Republican convention will be 30 to 35 per cent female.

A simple fact of political life is behind the whole movement: Women will no longer tolerate being left out of politics at the decision-making level.

Take Anne C. Martindell, the wealthy, socially prominent Democratic vice chairman in New Jersey. Last November she created a *cause celebre* that reverberated throughout New Jersey. She learned that Salvatore A. Bontempo, the state Democratic chairman, was meeting secretly at his house with the state's only Democratic U.S. senator, two former governors, and chairmen of the six largest counties to discuss delegate selection.

Mrs. Martindell phoned Bontempo to inquire why she, his second in command, had been excluded. Bontempo forbade her to come. Furious, Mrs. Martindell promptly drove in her chauffeured Rolls-Royce to Bontempo's house and forced her way inside. One of the men told her that she'd have been welcome except that the men wanted to relax, and, well, maybe use bad language. The proper Mrs. Martindell drew herself up to her full height and declared: "I don't give a s——— what language you use."

She stayed, later admitting: "I've never used that word in my life before. I practiced all the way over there."

Says Anne Wexler, executive director of Citizens for Muskie: "I've always operated under the theory that women do all the work in politics anyway, and its about time they got the credit for it.

"This [women's movement] has the biggest potential of anything in the country," she adds. "We've got to make women see the connection between the nominating process and the issues that matter to them—issues like day-care and garbage removal, more street lights, more police. Women can see to it that people are nominated in local and national government who are good on these issues."

A lot of women see their potential already, and they're not above using a little muscle to achieve it. In Pennsylvania recently two factions of women were holding concurrent political breakfasts. Feminist Gloria Steinem was speaking at one breakfast when, midway through her speech, a burly man rose from the audience, marched to the dais, picked her up, and carried her off to the other breakfast—where his wife, its sponsor, wanted Gloria to speak too.

Usually, however, women gang up on men in demanding political equality. In Tennessee, for example, a group called the Democratic Women's Roundtable almost singlehandedly forced the Democratic state committee to rewrite its rules to comply with the reform guidelines. First the women forced the state party to hold state-wide hearings. Then they organized, testified at each hearing, and packed each audience with women.

When the state party wrote—and the DNC approved—new rules that the women considered lacking, "there was smoke out of Tennessee," one male politician says. The state party quickly redrafted the rules, but the women, still unsatisfied with one section, are threatening to sue unless it's rewritten again.

MINNESOTA WOMEN ORGANIZE

In Minnesota, women of all political persuasions have formed a nonpartisan women's caucus with 2,000 members. Democratic-Farmer-Labor Party women have formed a separate caucus that has 4,000 active members and expects to fill at least half of Minnesota's delegate slots at the Democratic National Convention. These women have done all this in less than six months.

My education in the women's political revolution began on the plane to Des Moines, where an arm of the National Women's Political Caucus had organized a bipartisan conference on how to become a convention delegate. My traveling companions were Carol Casey from the DNC and Phyllis Segal of the Women's Caucus. I asked Carol if there was any difficulty getting women to run for the delegate jobs.

"Yes, in some places," she said. Her lip curled patronizingly: "Some women are afraid to run because their husbands don't want them to. It might be bad for business if wifey was too involved in politics. And a lot of the poor dear boys don't want their wives to go away to the convention because they don't like to fix their own din-dins." Cost is another deterrent, she added, although many women's groups are raising money to pay delegates' expenses.

The women at the Des Moines conference ranged in age from mid-20s to mid-50s. Although the conference was organized in just nine days, one woman came all the way from St. Louis. Mo., and three women drove five hours from Minnesota to be there.

Betty Durden, chairman of the Iowa Governor's Commission on the Status of Women, opened the conference. "You will hear today from women who are partisan," she said. "They may not represent your point of view, but they will show you how to get things done." Then we split up into workshops to learn how.

"Please, don't assume we know anything," pleaded a woman in a red sweater at a workshop run by Miss Casey and Pat Bain, the GOP state committeewoman for the district encompassing Des Moines.

"Traditionally the precinct committeewoman does all the secretarial work and the man makes all the decisions," Mrs. Bain began. "So when he says, 'Do you take shorthand?' you say, 'No, do you?' "

Mrs. Bain then passed out charts showing the two parties' organization in Iowa. She and Miss Casey began explaining what happens at a precinct caucus, how to demand your rights, why the precinct caucus is important, and why you don't have a chance of winning unless you bring lots of friends to vote for you.

The first rule, the women are told, is to make sure a fair and impartial caucus chairman is elected.

"But how can a chairman ignore a raised hand?" the audience asks. "You'd be surprised how blind they can be," the two pros laugh.

How do you know when and where the precinct caucus is being held? Check in the back of the newspaper, near the death notices, the two pros reply. One woman tells of arriving at her first precinct caucus five minutes late and finding the meeting over. Miss Casey replies that the record for brevity goes to a delegate-selection meeting that lasted 15 seconds. This year, she explains, the new party rules say the meetings must begin at 8 p.m. but that delegate election can't start until 8:30.

The red-sweater lady offers some practical suggestions on two problems. "I guess maybe you should plan to lay aside a little extra money for baby sitters or to eat dinner out on the night of the caucus," she says. "And maybe you should get someone in to help you with the ironing that week because the family is getting hostile without fresh clothes."

"There are all sorts of solutions," Miss Casey adds, "You can even arrange to have a separate room at the meeting where mothers can deposit their children, and then get a few high-school kids to take care of them."

MOCK CAUCUS FOR LUNCH

The teaching continued through lunch time, when the women watched a mock precinct caucus while munching on box lunches. Then came another workshop, this one conducted by three Minnesota women, each the mother of two children.

One of the three, Koryne Horbal, is the Minnesota Democratic state chairwoman and a supporter of Sen. Hubert Humphrey. But first, she says, she is a woman. "In the past six months the Republican state chairman and I probably have had lunch together more than any other two political strategists in the state, and that's because we know where we stand as women: We are not accepted in our parties at the highest decision-making level, and we are going to change that."

To illustrate her point, Mrs. Horbal notes that her male counterpart, the Democratic state chairman, is paid $18,500 a year plus a car and expenses. She is unpaid and does not even get expenses.

Mrs. Horbal told how politically aware women have quite literally taken Minnesota by storm. They organized awareness seminars in every congressional district. They did a complete study of women's role in Minnesota politics and then used it to show other women how they had been exploited and ignored.

They got every Democratic candidate for President to pledge himself to delegate slates of at least 50 per cent women. They are holding fund raisers to pay the expenses of women convention delegates so that no woman's family budget will prevent her from going. They are developing money-credit systems for hours worked by campaign drones, usually women; these can be turned in for tickets to the lavish parties thrown for big contributors. They are considering raising money to pay for household help for women political candidates and charging it off as a legitimate campaign expense. They are developing a voucher system that would force candidates to commit themselves to certain women's issues before women's groups give their support.

Women have become so powerful in Minnesota, Mrs. Horbal says, that they demanded a new election when more men than women were elected delegates at a recent city convention in St. Paul. The men caved right in, resigning so that a new election could be held. "Of course," Mrs. Horbal notes, "the first man to resign was a state legislator, and I think he was wise. Oh yes, very wise."

The students listen, all enraptured, many knitting furiously, as the lecturing continues. One Republican woman says it might be a good idea if the money raised by GOP women's clubs were reserved for women candidates, or to pay household expenses so women could run for office. Everyone nods approvingly. No more turning the money over to the party.

"The average woman lives to 74," says Mary Ziegenhagen, another of the Minnesota women. "She has her last child by the time she is 29, and that child is in school by the time she is 35. That leaves nearly 40 years. If you can't spend some of that time being a citizen . . . then democracy is a sham. . . . It's about time women grew up and stopped expecting men to provide all the leadership and happiness in their lives and all that stuff at the end of the rainbow."

"We have to demystify political caucuses," says Jeri Rasmussen, another of the Minnesota female pols. "It's just a meeting of your neighbors of the same political persuasion. Most women are expert politicians: Just look at the way they lobby for that new dress or davenport. Even though women usually outnumber men at the precinct-caucus level, they traditionally take a back seat to the men because the men wear pants or something."

"If I were organizing a precinct caucus," adds Mrs. Horbal, who began her political career that way, "I'd first find out how many people showed up for it last time. That way I would know how many I'd need to bring to win. And remember there is nothing wrong with overkill. If I saw there were 30 people at the caucus last time, I'd try to bring 130. Also, check to see how many of the people there last time were women. If there weren't many, I'd start giving little coffees.

"Don't elect a woman just because she is a woman," Mrs. Horbal adds. "If she is just someone's wife and not concerned with women's issues, we don't want her. . . . And when you're pledging yourself to a candidate, as I have [to Senator Humphrey], make your support contingent on his continued commitment to women's issues."

LOADING THE BAND WAGON

Indeed, it appears that the only band wagon in the Democratic Party so far this year is full of women—and a lot of men are scrambling to get aboard. Says DNC Chairman Lawrence O'Brien: "We haven't gotten much flack on this yet, but it could well be that the old stalwarts haven't quite realized what has happened yet. And they probably won't until they see that half the faces at the convention are female."

The female pols point out that there's a difference between losing a delegate race and being discriminated against, but the difference will be hard for state delegations to prove. State delegations with less than 50 percent women can be, and probably will be, challenged. And the burden of proof falls on the delegation.

Unless the delegation can prove that it tried to recruit women to run for delegate spots, it can be disqualified. The first offical challenge came in mid-January in Illinois, where Sen. George McGovern's office announced that it would challenge a Sen. Edmund Muskie slate because it lacked women.

The biggest obstacle women have to overcome is probably themselves. "Women have all kinds of self barriers," Mrs. Horbal explains. "They are always asking themselves, 'Am I qualified?' A man doesn't scrutinize himself; he just assumes he is qualified." Women also face external barriers such as family objections and lack of time and money.

Women are nonetheless emerging from their political cocoons, and the signs all say that the evolutionary process can't be stopped. But will it make any difference that a lot of 1972 delegates will be women occupying seats that men filled in 1968?

NOT A SEXUAL QUALITY

Some of the women's caucus activists don't think so, except that women will get to participate. But many professional politicians—male and female—think it will make a big difference. "There are women who are hacks, as well as men; it's not a sexual quality," says Ken Bode, who was a key staffer on the Democratic reform commission. But he adds: "I think women are more susceptible to change. I think women in general are to the left of men on issues they are concerned with: the economy, women's rights, the war."

Democratic Chairman O'Brien agrees: "I'm sure there will be as many divergent views among the women at the convention as in the convention as a whole. But the women who come probably will have been activists in their local communities. And women are more liberal with respect to wanting to effect change and being dissatisfied with procedures. . . . It's not new to me that women will be in a minority group, and their views will prevail.

"The women who would be coming to the convention would be uniformly aggressive, articulate, and probably will make a greater proportionate contribution to the platform, for example, than the men. Most of the women will be new arrivals and highly motivated, while most of the men will probably be repeaters," O'Brien adds.

"Elections have usually revolved around the male way of doing things, the cult of personality, and issues be hanged," says Minnesota's Jeri Rasmussen. "We're going to change that."

How much women will change American politics, beginning with next summer's conventions, remains to be seen. But politicians of every stripe are coming to realize that there may be prophecy in Rep. Bella Abzug's comment that, "a woman's place is in the House . . . in the Senate, and on the Supreme Court."

A COMING OF AGE

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. KEITH. Mr. Speaker, President Nixon's trip to China recently is still a matter of much discussion throughout the world. Here at home, the news analysts are continuing in their effort to assess the trip, the reactions of the participants, and future consequences. But beyond all of this hypothesizing, the trip marks this country's "coming of age" in the diplomatic community.

I think this sentiment is particularly well discussed—as is the trip—in a recent editorial in the Standard Times of New Bedford, Mass. The editorial lists several of the concrete assurances that came out of the President's talks with representatives of the Peoples' Republic, and looks to our new attitude toward Taiwan. It compares our current posture on Nationalist China with our posture in Vietnam, and concludes that America has shown its confidence in itself and of our fundamental desire for world peace.

Mr. Speaker, I think this editorial, entitled "Agreement with China," is worthwhile, not only because it comes from a city that sent whaling ships around the world to open up new dialogs with other countries, but because it is a thoughtful study of the beginnings of our future course in the Far East. The editorial is in my view worthwhile reading for my colleagues in Congress.

TODAY'S VIEWPOINTS: AGREEMENT WITH CHINA

"This was the week that changed the world."

So President Nixon summed up his historic visit to China.

It is an apt summary. Little else can be said with such positiveness. The world has changed, but in precisely what ways and to what degree is a matter for the future to reveal.

Beyond these generalities, the impact of the trip is hard to assess. There is a danger in reading too much into what few facts we have.

These facts amount to a few hundred words and some very subjective tidbits relating to everything from the expression on the faces of the negotiators, to the choice of such things as a revolutionary ballet and gymnastics as entertainment for the President.

Obviously the week was carefully planned and the Chinese were trying to leave us with some definite impressions of them. As a result, we know far more about the Communist Chinese than we did a week ago. But we still know less about them than we do about the people of any other major country in the world.

Still, we can say with some assurance that:

—There has been a major diplomatic breakthrough in the direction of easing relations between the United States and China.

—Changed relationships between the U.S. and China will cause many other countries to re-examine their policy towards the U.S. and China.

—Coverage of this major diplomatic event has caused an educational awakening of the people in both countries toward one another.

In terms of specifics, there now seems to be an understanding on our relationship to Taiwan and upon Taiwan's relationship to China. This nation now agrees that the question of Taiwan's future is an internal problem to be resolved by Chinese, not by Americans.

The Nationalists on Taiwan always have maintained there is just one China. The Communists on the mainland have maintained there is just one China. What President Nixon has done is formally recognize this state of affairs and maintained that if the two groups can settle their differences peacefully, we will stand aside.

The reduction of our military forces in Taiwan is not unlike our withdrawal from Vietnam. The joint communique issued by the Chinese and Americans spelled out clearly our position in this respect:

"The United States Government . . . reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves. With this prospect in mind, it affirms the ultimate objective of the withdrawal of all U.S. forces and military installations from Taiwan. In the meantime, it will progressively reduce its forces and military installations on Taiwan as the tension in the area diminishes."

In summary, the President has made a fine start in the direction of peace. His actions are a sign of diplomatic maturity in America, of our own confidence in our strength and of our fundamental desire for a peaceful world.

BELLA ABZUG AND CONGRESSIONAL REDISTRICTING

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. DELLUMS. Mr. Speaker, lately, the legislatures of the several States have been busily engaged in redistricting their congressional districts. The need for this decennial task arises due to population changes recorded by the 1970 census.

While the Supreme Court has gone part of the way in attempting to make reapportionment fair and equitable by requiring equal population in legislative districts, the politics of the status quo still manages to operate by means of gerrymandering. The interesting ways in which new districts are drawn remind us that the old guard of American politics has it own methods for disposing of those who would bring about change in our society.

One of the most blatant and outrageous examples of gerrymandering to surface this year took place in the State of New York, where Bella Abzug's district was sliced into no less than four—count them, four—pieces. There are those who claim that she is not effective, but the fact that the power structure is going so far out of its way to cut her down is proof positive of the contrary.

Nicholas von Hoffman had an excellent column on this subject in this morning's Washington Post, and I include it in the Record at the conclusion of my remarks.

There is a slim possibility that the courts will have something to say about this sort of chicanery, but I rather doubt it. The only route remaining is for the people to stand up on election day and state with their votes that they will not stand for the decimation of the handful of legislators who really represent them.

The column follows:

Congressional Re-Districting

(By Nicholas von Hoffman)

Bella of the wide-brimmed hat has been up in New York snorting, ripping and letting it be known she will not die dainty. "I don't plan to let that gang of enemies cut me down," she was saying from the ruins of her congressional district. For Bella Abzug hasn't been redistricted, she has been de-districted, her old constituency cut up and split in four different ways.

She has been domolished, the political map redesigned to put her out of politics forever. She says she's going to fight back and fight on, and maybe she will and maybe she will win. She is Bella, after all, but that's why Nelson Rockefeller and the conservative Democrats wanted to get her and beat her brains out. They did indeed liquidate her inelegantly because, as she says, "When you have all the power, you don't need to be clever."

Why they did it is interesting. Bella has zilch seniority, nor is she regarded as being especially effective in Congress. She has stood for something, however. There is in her chemistry an uncrackable element which resists being reduced to the House of Representatives' ordinary bipartisan sludge. That makes her dangerous. She attracts people, excites them, gets them into politics, and if there were too many like her, we would begin to discern a difference in our two major political parties.

Another congressman who's getting shafted is Ken Hechler, a Democrat from West Virginia, and when Hechler goes, that's the end of the state. It will be strip mined into mud, gravel and pulmonary disease. Not only is Hechler the only pro-coal miner member of a state congressional delegation that's so bad it makes you giggle, he is being blotted out by a congressman who once testified he favored strip mining because it lets the sun shine in the forests.

This chap's name is James Kee, and he, his mother and father have held the seat since 1932, and "I'm going to make goddamn sure I keep it," he says. He deserves it, too, the way he serves his constituents. More than 15,000 miners and their widows living in his district have been denied black lung compensation from the government. But Kee is working on it. He's got his daughter on his own payroll at $22,000 a year as a "black lung specialist," and when the Charleston (W. Va.) Gazette asked him about the young woman who majored in music at school, he answered that, "We only hire the best people for the job in my office. It don't make a damn bit of difference who they are. I'll put my daughter up against anybody. Nepotism is a grossly misused word . . . she's right up to snuff on this black lung and I'll tell you or anybody else that wants to know that Kirsten earns her pay."

In Indiana they've savaged young Rep. Andy Jacobs' district. Probably because of C–5A. "Cee" is Jacobs' great dane, named after the flying turkey military cargo plane because, like it, the dog also just grew and grew. It is said that the late L. Mendel Rivers, the chairman of the committee that approved the money for this multi-billion dollar goose, once made the mistake of telling Jacobs what a fine animal C–5A was. "Thank you, Mr. Chairman," the younger man replied, "but every time old C–5A here comes in for a landing one of his legs falls off."

That tells you why he got it. Abner Mikva of Illinois isn't as funny but his record is just as good. William Green of Philadelphia has been unseated and is trying to survive against a "67-year-old super hawk and organization minion," as he puts it, for the sin of having run against Frank Rizzo for mayor.

The cumulative effect of a couple of generations of such decapitations is a Florida primary, which is what you get when the distinctive people are knocked off at the bottom. For it is at the local and the congressional level that you hope to build a party politics with meaning and an abiding direction, one that can raise up presidential candidates who have organic connection with a definite group of people and a coherent set of ideas.

When you don't have that, you have a Florida. Mobs of loud, cynical, suspiciously wealthy pols running around with opinion surveyors hoping their numerologists can tell them when to say yea and nay. With a Florida you get these frenzied men picking their political positions by checking where their rivals are; if Wallace is far right, then Jackson will be reasonable right, and Humphrey will be iddy-bitty center which shoves Muskie a couple of centimeters to the left . . . like 11 piglets trying to nurse a sow with 10 teats. And one leftover, squealing, frantic, scrambling porker.

With a Florida, you get the political stars, the celebs undisciplined by the long nurture of growing inside a school of thought . . . You get the Gene McCarthys who feel they owe their followers nothing and so can betray them out of celebish eccentricity.

Yes, when they do in Bella, they not only give it to her now, but all of us later.

CUYAHOGA COUNTY BAR ASSOCIATION'S 26TH ANNUAL PUBLIC SERVANTS MERIT AWARDS LUNCHEON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. STOKES. Mr. Speaker, on February 23, 1972, the Cuyahoga County Bar Association held its 26th annual public servants merit awards luncheon. The occasion is always unique in that the bar association pays tribute to those persons who have devoted their careers to smooth administration of the law. The individuals honored are usually those who have worked quietly and with little recognition.

Those who received honors this year were Marie J. Carlin, assistant secretary to the county clerk, Emil J. Masgay; Mary R. Grealis, secretary to common pleas court administrator John J. Lavelle; Josephus F. Hicks, casework supervisor of the juvenile court; Irving Klein, deputy clerk, Cleveland Municipal Court; and Billie Reed, supervisor of the docket department, probate court.

Marie Carlin went to work as a deputy in the clerk of courts' office 31 years ago. Prior to becoming deputy clerk, she held a variety of positions within the clerk's office. Today her spare time is devoted to charitable work within the St. Francis Xavier Mission Circle and the Holy Family Cancer Home Guild. Marie Carlin has been active in Democratic politics all her life. She plays an energetic role in the 16th ward of Cleveland and in the county Democratic Women's Club. She is a graduate of St. Edward's Commercial Academy.

Mary Rita Grealis has been a public servant for 29 years. She began her career in the Cleveland division of motor vehicle maintenance in March 1943. In 1949, she began working for the department of domestic relations of the court of common pleas. Seven years later she transferred to the divorce assignment room, and on March 1, 1958, was appointed to her present position as personal secretary to John J. Lavelle, court administrator. Miss Grealis is a graduate of St. Rose Elementary School, Lourdes Academy, and Dyke Business College.

Josephus F. Hicks was born in Newbury, S.C., on May 4, 1908. Upon graduation from South Carolina State College, he entered public service. In 1937, he moved to Cleveland and into the position of relief administrator for the Cleveland Welfare Department. From 1940 until 1943, Mr. Hicks served as the Cleveland Recreation Department's recreation center director. In 1943, he was appointed to the position of probation officer of the juvenile court. He subsequently advanced steadily through several positions until reaching his present important post as casework supervisor for the court.

Hicks earned a degree in applied social science from Western Reserve University in 1940. He was president of the Wade Park Allotment Association in 1966 and, in 1967, served as head of the Glenville Area Community Council. He is the juvenile court's representative to the central community council.

He has the distinction of having organized the Pride program, a cooperative effort between the juvenile court and the Cleveland Board of Education, designed to prevent delinquency among elementary schoolchildren. In his spare time, Mr. Hicks teaches juvenile court procedures at Cleveland Community College; engages in his photography hobby; and serves on the board of managers of the Cedar YMCA and the St. John's AME Church's board of stewards and trustees. He is married to the former Ellen E. Ward and has two sons, Kenneth, 31, and Joel, 24.

Irving Klein has, for the past 3 years, been issuing summons in his role of deputy clerk for the Cleveland Municipal Court, but for 29 years before that he taught many fledgling lawyers the art of processing a case through the court. He has taught innumerable attorneys the procedural aspects of working in a clerk's office, from obtaining a cognovit note judgment to securing a court cost refund.

Mr. Klein has been in the public employ since June 1932, when he went to work for the building department of the city of Cleveland. Before joining the clerk's office in 1940, he worked with the county auditor for 3 years and with the city utilities division for 1 year.

Mr. Klein attended Kennard Junior High School and Longwood Commerce High, from which he graduated in 1924. In 1925, he attended Spencerian Business College and, from 1929 to 1932, took a night course in accounting and commercial law at Dyke Business College.

Mrs. Billie Reed, docket supervisor at probate court, came to Cleveland in 1939, after graduating from Wilberforce University with a B.S. degree in social administration. In June 1941, she started working for the probate court as a deputy clerk. She attended elementary and high school in Richmond, Ind. Mrs. Reed devotes her spare time to the Community AME Church, her garden, and to her favorite leisurely pastime, fishing.

The testimonial luncheon was arranged by Attorney Franklin A. Polk, chairman; Dale Powers, narrator; William A. Weiss, coordinator; Harry Auslander, secretary; Judge Perry B. Jackson; Otto Themann, Nelson N. Moss; Andrew J. Lukcso; Lucien B. Karlovec, Jr.; and Raymond D. Metzner, the program's originator.

I ask my colleagues to join me today in saluting these five public servants, who have contributed so much to the city of Cleveland.

MORE ON THE FRENCH CONNECTION TO HEROIN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. RANGEL. Mr. Speaker, with the recent discovery of a Turkish Senator smuggling morphine base into France and the seizure of nearly 1,000 pounds of pure heroin processed in southern France by French Customs officials, the French Government is at last resuming its investigation of the Delouette-Fournier narcotics trafficking affair.

Judge Gabriel Roussel, a French investigating magistrate, has finally arrived in the United States to question Roger Delouette, the self-proclaimed drug smuggler who was convicted of shipping 96 pounds of heroin into this country last April. Delouette has maintained that Col. Paul Fournier, a top-level French counterespionage official, was intimately involved in the smuggling ring, but Fournier has refused to come to the United States for questioning.

While it is, indeed, a hopeful sign that Roussel has arrived here to investigate this affair, we in Congress should not be satisfied with that alone. The Department of State and the Department of Justice should insist that Herbert Stern, the U.S. attorney for the State of New Jersey, be permitted by the French Government to travel to Paris and question Colonel Fournier. If we are to make any progress against those who traffic in dangerous drugs, then international cooperation—not defiiance—must be the key.

Mr. Speaker, I am inserting an article from the New York Times in the Record at this point on Judge Roussel's visit.

French Judge Comes To Query Heroin Smuggler

(By Eric Pace)

France's chief judicial expert on narcotics smuggling arrived here yesterday to seek information from and about a Frenchman who has pleaded guilty to smuggling $12-million worth of heroin from France to New Jersey.

Judge Gabriel Roussel, an investigating magistrate, is expected to meet today with his compatriot, Roger Delouette, now a prisoner-chef at Somerset County Jail in New Jersey, where he is becoming noted for his tuna souffles.

"Je suit tres optimiste," the lanky judge declaimed when asked about the prospects for his inquiry. In France he has questioned Col. Paul Fournier, a French counter-espionage expert who, Delouette says, masterminded the smuggling plot.

Judge Roussel's visit here, made at the behest of the French Ministry of Justice, followed a wave of antinarcotics activity by officials in France. After Washington had complained for years that French officials were lenient with international drug smugglers, they cracked down when narcotics abuse spread markedly within France.

A figure of magisterial dignity in a velvet trimmed topcoat, the judge was met by a delegation of American law enforcement officials when his Air France Boeing 707 from Paris arrived, 20 minutes late, at Kennedy International Airport.

Chief among the American officials was Herbert Stern, the United States Attorney for New Jersey. The judge shook his hand, but did not embrace him, and Mr. Stern declared that "he has come here to carry out the French investigation and to question Delouette."

The warden of Somerset County Jail, Louis Balent, said Delouette had not yet been sentenced. When he pleaded guilty to a conspiracy charge in November, sentencing was deferred pending a probation report, and Delouette was remanded to his jail cell with his $500,000 bail continued.

Reached at the jail yesterday, Warden Balent said he assumed the sentencing was being postponed pending "negotiations with the French consulate and the examining magistrate."

Judge Roussel said he also hoped to confer with Mr. Stern, who last year challenged Colonel Fournier to come to this country to stand trial. The colonel replied, "If I am guilty, Mr. Stern, prove it and justice will follow its course."

Yesterday Mr. Stern declined to discuss details of the case, which came to light when heroin was discovered in a Volkswagen camper that had been shipped to Delouette at port Elizabeth, N.J.

VOICE OF DEMOCRACY WINNER'S FINE SPEECH

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. GROSS. Mr. Speaker, this year's Veterans of Foreign Wars' "Voice of Democracy" contest in Iowa was won by a constituent of mine, David William Hostetler of 2836 Rownd Street in Cedar Falls, Iowa.

I know that his parents, Mr. and Mrs. Roger E. Hostetler, his five sisters and brothers, and all who know him are as proud of this fine young man's achievement as I am.

It is a privilege to have the opportunity to insert David's winning speech in the Record at this point:

I Have Plans

(By David William Hostetler)

Against Nature's silence I use action
In the vast indifference I invent meaning
I don't watch unmoved, I intervene
And say that this and this are wrong
And I work to alter them and improve them
What we do is just a shadow of what we want to do
And the only truths we can point to are the ever-changing truths of our own experience
You'll see it all one day
I have plans.

These words from Marat-Sade by Peter Wiess express the importance of finding meaning in life, of using action to solve problems, and of maintaining a constant hope. Meaning, hope, and action are all around us.

In the middle of our world there stands a forest. A forest alive with all the beauty, calmness and growth of nature. This forest stands as an endless continuum of creation and a constant renewal of life. But in the distant is a burning, raging destruction, covering all the land. The fire comes, destroys, and then moves on, forever destroying. All that remains are the burnt branches, the ashes, and the lifeless bodies of those animals that couldn't escape. A forest once filled with the beauty of nature turns to bleakness.

But through the ashes, the lifelessness and remains there stands one lonely jackpine. A very common tree that grows only where there has been a forest fire. Protecting within the cone is the seed that is released only under intense heat. In the midst of destruction there stands this vitality of nature. A persistent hope in the dark.

Fires are raging in America today. We are told by some that our population will double by the year 2000. We are told by others that China is becoming a nuclear super-power with enough atomic weapons to destroy much of the world in a single blow. There is poverty and hunger across our land. There is war and the threat of other wars.

Frank Ericson is a jackpine. He loves the outdoors and conservation has become a major commitment in his life. All of his concerns fell into perspective when he read an article about the ecological damage we're doing in Vietnam from mass bombing and bio-chemical war. He's seen the effects near his home town where the Army's nerve gas killed over 6,000 sheep. Frank Ericson got a draft deferment to work in ecology. He said "I do owe my country something. How can I be a conservationist and destroy South-East Asia? I'm trying to do something positive. So he uses action. He doesn't watch unmoved, but intervenes and says that this and this are wrong and he works to alter and improve them. Frank Ericson has plans.

I haven't experienced war or poverty. I am not in a position to see the nuclear threat China poses. I don't even know what it's like to go for days without a meal. I have not experienced the fire. However, we are all jackpines. Like the jackpine protected within each one of us is this infinite hope built into life. Like the jackpine this hope is not released unless we experience the fire.

My responsibility to freedom rests in experiencing and finding meaning in life, using action to solve problems and maintaining a constant hope. Unless we build our own prisons, we are free to experience life. All of us have the potential to be a jackpine. In the midst of despair we can be that vitality of nature, that persistent hope in the dark. You'll see it all one day. For I have plans.

ELIMINATE THE STRIKE AND SAVE ON SHOE LEATHER

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. ZWACH. Mr. Speaker, the recent west coast dock strike cost agriculture millions of dollars in lost sales. Other segments of our economy suffer equally when there is a work stoppage. It is generally agreed that no one wins a strike.

This reasoning was well developed in an editorial by Charles W. Rather in the St. Cloud Daily Times in our Minnesota Sixth Congressional District, which I would like to insert in the RECORD:

ELIMINATE THE STRIKE AND SAVE ON SHOE LEATHER

George Meany, head of the 16-million member AFL–CIO, says strikes no longer make sense and suggests voluntary binding arbitration as a substitute for them. What he is offering is a lot of pants-warming at the bargaining table to save shoe leather on the picket line. And why not.

Meany says strikes are outdated because workers simply can't afford them because with incomes of more than $7,500 (and that's well below the national average wage) they've got so many commitments to home and family they're flat on their backs in a week on the strike line.

That's a good enough reason for the AFL–CIO to begin digging for a formula for reaching binding contract agreements on a voluntary basis and it ought to be good enough for others to endorse it.

But there are other reasons. There is a growing public aversion to the strike. It's a nuisance at the very least and a costly affair at the most. In the evolution of this economy there is a vast public stake in these disruptions. For far from putting a few people on a picket line in an isolated area as once may have been the case, strikes are now potent weapons of great force able to shut down entire sectors of the economy and cripple other related industries.

Congress seems in no mood now, or in the near future, to do anything permanent about the labor relations picture and maybe they shouldn't have to. It is a growing and complex issue of national structure, to be sure, but maybe the country is not ready to accept a ban on strikes as a federal policy or failing that accept a complicated intrusion of government into what ought to be a face-to-face situation. Meany's idea couched in economic terms we all understand in a better way.

RADIO FREE EUROPE AND RADIO LIBERTY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. ANNUNZIO. Mr. Speaker, yesterday, the conference report on S. 18, to provide assistance to Radio Free Europe and Radio Liberty, was filed, and hopefully, final action will be taken by the House and Senate in the early future.

The conference report provides $36 million for fiscal year 1972 for RFE and RL, and also establishes a temporary commission to conduct a one-time study and evaluation of international radio broadcasting as well as the related activities of RFE and RL.

In this connection, I want to call the attention of my colleagues to an open letter about Radio Free Europe which appeared in the March 7 edition of the Polish Daily Zgoda, an outstanding ethnic newspaper serving the Chicagoland area, and also to an editorial which appeared in today's Washington Post entitled "Radio Free Europe and Detente."

Both the open letter written by Aloysius A. Mazewski, distinguished president of the Polish American Congress, and the editorial underline and reiterate the great need for continuing free discourse to which these international broadcasts contribute in large measure.

The open letter and the editorial follow:

RADIO FREE EUROPE

DEAR SIR: According to information coming from the Senate-House conference on certain disputed items of foreign expenditures, you have threatened to veto, singlehandedly, modest appropriation for Radio Free Europe.

Your contentions seem to be that in view of President Nixon's forthcoming visit to Moscow, we should be "nice" to the Russians, or they will revert back to their old intransigence, and block our policy of accomodation which is to supercede that of confrontation.

You are entitled to your opinion. And although sharply disagreeing with it, I respect it.

However, your rather autocratic statement at the conference that you will not allow Radio Free Europe to continue its activities, brings to my mind the concept of the "arrogance of power" which you misapplied in your dissertations on America's noble post war efforts in foreign aid.

Actually, arrogance of power came into being much earlier, during the Yalta conference in 1945.

It was then, that the United States, through its diplomacy, acceded to the power of politics of the Soviet Union and tacitly agreed to the application of the arrogance of power, sealing the fate of 150 million people in Central and Eastern Europe without consulting them and against their national will.

Through diplomacy, we, as one of the victorious powers, have consented to give to Soviet dominations vast lands which were not ours to give.

We have tacitly agreed to the destruction of the basic liberties and fundamental rights of man in entire nation with historic tradition of democracy and millennial ties with the Western civilization and culture.

Official explanation of these give-aways to which we had no right was, that the compelling reason for them has been the forlorn hope that Soviet Union will be less truculent in post war dealings with the free nations of the West.

History proved otherwise. After the Yalta agreement and shortly after the cessation of hostilities in Europe, we entered the era of Cold War.

An earnest contest for the mind of the modern man has begun.

In his struggle, Radio Free Europe stands out as the most effective instrument in reaching the people cut off by the Iron Curtain from the free flow of objective news and the interplay of ideas of the open societies of the West.

For those people, whose fate was sealed by the arrogance of power at Yalta, the Orvellian nightmare arrived much sooner than 1984.

The "Big Brother" concept of a closed, totalitarian society with concomitant thought control, directed news and commentaries, and educational system geared to bring up young generations in restrictive communist sophistries, have become the way of life for nations of the Eastern half of Europe.

For them, the only contact with the West, the only source of objective news, the only breath of freedom comes through the Radio Free Europe facilities.

As any institution of man, RFE is not perfect. However, it has learned respect, confidence and unprecedented popularity among the people living under communist tyranny and longing for freedom.

Whatever it is, RFE is not an aggressive or offensive weapon. Its only mission is truthful, objective reporting of events on both sides of the Iron Curtain.

What can the Soviet Union give in exchange for the liquidation of Radio Free Europe? Nothing in this particular area of news dissemination.

The Soviet Union does not need any facility similar to Radio Free Europe, since every Communist party in the West is in fact a propaganda agency for Moscow.

To close down Radio Free Europe just because it is inconvenient to the tyrants of Moscow and their satraps in satellite countries would be equivalent to telling the subjugated nations that the United States is no longer interested in their present travail or in their future.

It would, indeed, be a raw and inhuman display of the arrogance of power.

I do not believe American people would accept this newest concession to the Soviet Union at the expense of the people who believe in our good will and see in the United States the hope and the promise of a better future for humanity.

I hope that as a scholar statesman of considerable knowledge, experience and influence you will reconsider your position regarding RFE and take under advisement its intrinsic value and revelancy which far surpasses any shortcomings it may have in term of political expediency.

Respectfully,

ALOYSIUS A. MAZEWSKI,
President.

[From the Washington Post, Mar. 15, 1972]

RADIO FREE EUROPE AND DETENTE

Senator Fulbright's opposition to Radio Free Europe and Radio Liberty raises a serious and legitimate question about detente. He is right, of course, that these broadcasts—which will end on June 30, if he has his way—are a form of intervention in the internal affairs of East Europe and the Soviet Union: not a cold-war provocation but an attempt to nourish precisely those liberal, reformist and democratic elements which are personified so well by Mr. Fulbright in the United States but which are discouraged if not altogether suppressed by their Communist rulers. And as the senator states, the broadcasts do irritate East European and Soviet governments—even though, as he himself fairmindedly concedes, there is no evidence that their irritation has proved an obstacle to actual diplomacy. Mr. Fulbright contends only that the broadcasts are inconsistent with detente and may raise doubts about American sincerity.

The question remains: even if the Kremlin's and East Europe's irritation does not spill over into negotiations, is it worth irritating them by continuing the broadcasts? We submit the answer is yes. It seems to us every bit as right and reasonable for RFE and RL to speak to those who care to listen, their governments' irritation notwithstanding, as it is for senators to voice their dissent from a president, his irritation notwithstanding. Granted, it is hard to establish that such broadcasts actually will help create a more democratic and, presumably, a more detente-minded socialist community, just as it is hard to establish the effects of a senator's dissents. In both situations, however, irritation is a relatively small and manageable price to pay in order to serve the larger values of an open society, in particular, dedication to free discourse and peaceable change. The rationale of RFE and RL is not, as Mr. Fulbright suggests, "the arrogant belief that people around the world will act like we want them to act if we only tell them how." The proper rationale is our belief in a free society. Fortunately, detente requires neither Americans nor Russians to set their fundamental values aside.

This is not to say that RFE and RL, formerly supported by CIA, must continue as before. In fact, thanks in large part to Fulbright's assault, they cannot. He said on March 6 that the stations should be liquidated "unless perhaps our European allies are willing to pick up their fair share of the financial burden." On Feb. 17, however, he had expressed the judgment, which is shared even by the stations' friends, that there is not "any indication that (our allies) can be talked into putting up some money to support these radios." Indeed, to convert a 20-year American operation into an alliance project, under the June 30 gun now held by Senator Fulbright, is simply not feasible. We do not have dogmatic views on how RFE and RL should henceforth be financed, or on how their funds and programs should be related to those of the official station, the Voice of America. We earnestly believe, however, that these are problems which can be reasonably solved, if Mr. Fulbright will permit.

THE TALE OF TWO GROCERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. RARICK. Mr. Speaker, the newspaper recently carried the tale of two grocers in Brooklyn, N.Y. The one grocer who had a gun and used it is alive; the second grocer who did not have a gun lies near death.

Strangely, those constitutionalist advocates of the first and fifth amendments remain silent as to the second amendment guarantee also being extended by the 14th amendment to the States.

I include the related newsclipping at this point:

[From the Washington Post, Feb. 13, 1972]

GROCERS' DILEMMA: KILL OR BE KILLED

(By Stephen Isaacs)

BROOKLYN, N.Y.—"If every businessman be like me," says Vidal Nunez, "I don't think there be so many holdups."

"When they push you around," he says in his broken but determined English, "they walk on you. I know. I lived in Harlem one time."

To "be like me," from the 5-foot, 2-inch vantage point of Nunez, is to be tough, carry a gun, and use it.

Which is exactly what he did around midnight on Jan. 15, 1971, in his little bodega on New Lots Avenue in the tough East New York section here.

By the time the echoes of the three explosions from Nunez's .25-caliber Beretta had subsided, a crowd of curious (and angry) blacks stood outside, peering at the fresh corpse of a young black man who had tried to "walk on" Vidal Nunez—to steal a 59-cent jar of mayonnaise from his store and to grab Mr. Nunez's wallet.

"Right now," says Nunez, "I am poor and I am small, but these guys, they know they can't do much with me. In this town, people are too soft with them. They walk all over the white people in this country."

A week ago, New York Supreme Court Justice Joseph R. Corso sentenced Vidal Nunez to five years' probation for the murder of the young man, who had been unarmed.

Meanwhile, across the East River in Manhattan, Jose Ferrer speaks more softly, since that is all the breath he can summon, from his hospital bed in the intensive care unit of Metropolitan Hospital, where he has lain near death since last Dec. 18.

Ferrer, 42, had operated a bodega on 97th Street, at the southern edge of Spanish Harlem. Two young men came into his store, and Ferrer had no gun.

The bullet that tore into Ferrer's chest, collapsed his right lung, skimmed the left and somehow managed to sever his liver and end up (where it still is) lodged next to his spinal column about halfway down his back.

Why didn't he have a gun to protect himself?

"I never felt like having anything like that. You know, you feel you might do something crazy."

But how do you stop the kids who are constantly coming into the store, dipping into the cash register, swiping a six-pack of beer?

Not with a gun, says Jose Ferrer. "You don't kill a man for that. A life is too much."

"The law says you should not have had a gun," Justice Corso had told Nunez before sentencing him. "The law says that under the circumstances, you should not have killed, but I can appreciate the problem that decent businessmen have in trying to protect their business in this fun city that we are living in.

"This man (Nunez) is 55 years of age. He has had a generally good record. He has tried to earn a decent, lawful living. He has been robbed; he has been assaulted; he has been harassed, and he has been shot at. It is unfortunate that a life was taken. While he has violated the law, I could not in good conscience do anything more than sentence this defendant to probation for five years."

Sitting in his cluttered office upstairs in the dingy 5th precinct stationhouse in Chinatown, Deputy Inspector Emile Racine head of New York's Crime Prevention Squad, shakes his head at the cases of Vidal Nunez and Jose Ferrer.

"In past years I've tried to discourage these shopkeepers from getting gun licenses," he says.

"It's just not a matter of slinging on a six-shooter and feeling all your problems are solved.

"After all, most holdup men would just let a holdup take its natural course. If you undertake to reach for a six-gun, you undertake the awesome responsibility of the return fire you're going to draw from the holdup man."

And, Inspector Racine points out, even if the shopkeeper wins the gun battle, he may not win the war. "In some instances," he says, "you find return harassment by the kin of the shot individual."

It is something that Nunez understands. Since he killed the youth in his store, he says, he has heard that three or four friends of the youth are out to get him.

But Nunez will not back down a bit—even though he has pledged to the court not to get another gun. "If you show fear," he says, "they'll attack you. That's why they attack the old ladies.

"Those three or four friends. They know now what I can do to them. If I can kill one, I can kill two or three or four more."

Even before the incident for which Nunez ended up charged with murder, the neighbors around his store feared Nunez—some of them had heard that he had even killed one young tough who had tried to hold him up.

Having that kind of reputation, Nunez feels, is the only way to stay in business in New York City if you're a small groceryman.

"Lots of citizens argue with me about it, says Inspector Racine. "They say, 'Your policy is to let criminals have the guns, but not let the law-abiding people have them. If more people were armed, these people would be more respected.

"We did that once—in the old West—and you could die in an afternoon, over something like whose glass is fuller."

"I'm a realist," says the inspector, who was born in Brooklyn himself. "I know that Nunez thought he was doing the right thing at the moment. How was he to know the guy didn't have a gun? He's just as frightened if the guy had his hand on an empty smoking pipe."

"What are these little shopkeepers to do?" asks Sara Halbert, the attorney for both Nunez and Ferrer. "Nunez told me about the problems there. What should he do? They wouldn't give him a gun. They've all been held up."

She points to her law partner's two brothers, both of whom operated groceries in Brooklyn. One got out of the business after 11 holdups, the other after seven.

She feels that every shopkeeper in the city, or any city, should not have a gun, but wonders what else a man can do. Nunez, she says, "overreacted. He's trigger-happy. That's why I didn't take a chance on going to the jury. As the judge said, it's not a question of sympathy, it's a question of the facts."

"I told Nunez, when he asked me what he should do the next time some one holds him up and he hasn't got a gun, that you'll just have to die."

To get Nunez off without a sentence, Mrs. Halbert followed a typical legal pattern. She shopped around for a judge who could be lenient with her client, and then "plea bargained."

But she remains unsettled by the case, as do most of those involved.

As for Nunez, he is scared, because he has seen such a history of violence in the stores he has operated.

An Inca who immigrated to the United States from Peru in 1953, Nunez has operated a number of stores in Brooklyn.

The first time he was held up, he says, was in 1962, when "three young guys came into the store with a .22 gun. It was on Sunday. They said, 'This is holdup. Give us your money.' And I pulled a watergun out of my pocket, real fast, and put against the neck of one of these guys and he shouted, 'No, no, Nunez, don't shoot' and they run."

Twice, says Nunez, he applied to police precincts for pistol permits. But each time he was told that his volume of business did not justify a permit. So he got a gun anyway. He used to carry it in his right front trousers pocket.

"I never used to show it," he says, "but they knew I had it."

The store in which the fatal shooting occured was held up four times in all, says Nunez, and broken into and looted repeatedly at night * * * on Dec. 22, 1969, when three youths came in to hold him up and, when he made a quick movement, shot him. The bullet passed through his left arm.

The youth he killed a year ago, says Nunez, was the same youth who twice before had pilfered from his shelves. He says he shot the youth not because of the jar of mayonnaise, but because the youth, when challenged, swung at him and then, when Nunez ducked, reached for Nunez's wallet, which was in his back pocket. In the same motion as the youth went for the wallet, Nunez says, he went for his own pocket and his gun and fired three quick shots.

Nunez and Ferrer have been wiped out financially by their most recent violent experiences.

After he was jailed on a murder charge, Nunez's store and his apartment were broken into and most of what he owned was stolen. He is now operating a store 40 blocks distant. The new store is in another man's name since, with a homicide conviction, Nunez himself cannot obtain a license to sell beer. He is deeply in debt, and his three children are in foster homes.

Ferrer's family is even worse off, since they have no income and their outgo includes $60 a month in tuition payments to parochial schools for three of their four daughters.

"I want to pay my debts," he says. "Those people need the money, too. They're part of my family but, you know, they need, too."

He figures he will lose his store and probably have to take a job washing dishes for $50 or $60 a week.

Both men and their families are casualties of the street war, and both feel that most of the people who have broken into their stores, have held them up, have shot at them, are narcotics addicts who desperately need the money.

All the stores in both their neighborhoods are hit repeatedly. The 75th precinct, where Nunez shot the youth, recorded 2,413 robberies last year, 4,970 burglaries, 1,040 felonious assaults.

No easy solutions for the problem exist, according to Racine. Certainly New York City, with its overwhelming volume of crime (88,994 robberies, 181,331 burglaries, 33,865 assaults, 1,468 murders in 1971) seems to be the place where the problem is most acute—not because it is highest in per capita crime, but because of the great number of addicts who need money to feed their habits. Estimates of their numbers here range from 150,000 to 400,000.

"The answer," he says, "lies outside, in how to get this guy not to need the $135-a-day habit. Those guys need that fix. They don't know right from wrong. You can't talk morals to these kids. They're in a different corridor of the building, and that corridor's got no door. These guys are in another world, and until you get them back into this corridor of the building, there's no way, no way, until you can get people not to want the goddamned stuff.

"It's almost impossible to stop a holdup man."

What he is finding in New York, he says, is that many citizens understand that impossibility and are flouting the law by arming themselves.

"You find these women with tear gas guns, the cabbies with the lead pipes or the knives or the guns under the seat, or the grocers. What they feel is, 'I don't care about a technical charge. It's my life you're talking about.'

"It just can't go to jungle warfare. We won't be able to leave our families during the day. We'll all have to go back to living in stockades."

"Maybe," says the policeman, "some doctor—say like a Dr. Salk—could invent a vaccine that would make an addict pop out in warts or something. That would solve a hell of a lot of this."

Meanwhile, on the streets and in the shops, no solution is at hand.

Nunez, who grew up where alpacas and vicunas run free and condors soar overhead, spends his nights sleeping on a cot wedged into a corner of his little store in Flatbush, with a 150-pound German Shepherd as company, lest another break-in be attempted.

And Ferrer, who came to New York in 1947 because he did not want his life's work to be cane cutting in Puerto Rico, is hoping that the infectious material will stop accumulating in his liver and that the only other operation he will need (he has undergone two already) will be to cut the bullet out of his back.

RESTORE DRUG EDUCATION FUNDS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. ROSENTHAL. Mr. Speaker, 12 of my colleagues representing New York City have joined me in appealing to legislative leaders in Albany to prevent a planned cutoff in State funding for drug education programs in the public schools.

In view of the overwhelming importance of drug education efforts, we are urging swift action on legislation to continue funding these programs. Present State budget plans call for cutting off funds for drug education and prevention programs while continuing the drug treatment efforts.

To so neglect education and prevention is being insensitive to the needs of our young people and our society. The final victims of the cuts in our drug education programs are our children, and the only beneficiaries are the drug pushers. Many of the approximately 200,000 addicts in New York City are teenagers, and we want to insure that no more children are added to that grotesque figure.

The drug education programs have been administered by the 31 local school boards and the board of education. The year-old efforts have reached 160,000 students with information and counseling on the hazards of drug abuse.

I am inserting our letters in the RECORD at this point:

THE FOLLOWING LETTER WAS SENT TO THE HONORABLE WARREN M. ANDERSON, CHAIRMAN, SENATE FINANCE COMMITTEE AND THE HONORABLE WILLIS H. STEVENS, CHAIRMAN, WAYS AND MEANS COMMITTEE IN THE ASSEMBLY IN THE NEW YORK STATE LEGISLATURE

DEAR MR. CHAIRMAN: We are writing to urge you to take immediate and positive action to restore funding for school-based drug education programs. This is the time to strengthen these valuable programs, not to weaken them.

The drug abuse problem needs no new documentation. We are all well aware that it begins in the elementary schools and involvement of our children increases as they grow older. Our jails are full of addicts and our cities are full of their victims. Institutions throughout our society, from the schools themselves to the armed forces, are seriously damaged by drug abusers. The best time to combat this enormous threat is early, and the best place is the school. The School Prevention of Addiction Through Rehabilitation and Knowledge program (SPARK) and the efforts of New York's 31 school districts, are vital in the attempt to prevent drug abuse and must receive full refunding.

It is not enough to fund only treatment programs. Such decisions admit defeat in preventing drug abuse and this is one war which we can never give up. To neglect education and prevention programs strikes us as unbalanced and insensitive to the needs of our young people and our society.

We are aware that different school districts have utilized funds available to them at different rates and with varying degrees of success. We are also aware that evaluation in this very human, non-technical area is extremely difficult. Nevertheless, these obstacles must not be allowed to obscure the overwhelming importance of drug education efforts. The factual information our students are provided, in addition to the individual and group counseling troubled youths receive, is absolutely crucial in any effort aimed at protecting them against the drug threat.

The drug education programs have already helped abusers to become non-users; non-users have been given incentives and support to remain healthy and safe. The final victims of the cuts in our drug education programs are our children, and the only beneficiaries are the drug pushers.

As you know, there are already some 200,000 addicts in New York City. Please help us to ensure that no more children are added to that grotesque figure.

Sincerely,

Benjamin S. Rosenthal, Bella S. Abzug, Joseph P. Addabbo, Herman Badillo, Mario Biaggi, Jonathan B. Bingham, Emanuel Celler, James J. Delaney, Seymour Halpern, Edward I. Koch, William F. Ryan, Lester Wolff, John W. Wydler.

THE FOREIGN TRADE AND INVESTMENT ACT OF 1972

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. VANDER JAGT. Mr. Speaker, the Asian-Pacific Council of American Chambers of Commerce has released a comprehensive statement in opposition to the proposed Foreign Trade and Investment Act of 1972. Because of the importance of this proposal and the impact which it would have upon American firms, I share this analysis with my colleagues in the House of Representatives:

THE FOREIGN TRADE AND INVESTMENT ACT OF 1972—HARTKE-BURKE BILL

The Asian Pacific Council of the American Chambers of Commerce request that the proposed Foreign Trade and Investment Act of 1972 or any portions thereof be voted against and that legislation be enacted to tackle the real problems of multinational corporations and free trade. These Bills (S. 2592 and HR 10914) in their present formats would stifle U.S. economic and corporate growth by increasing the reasons for not investing in the United States. Many companies would probably be forced to actually move their facilities from the United States to foreign countries. Their assets would include buildings, banking and capital, their management, and worst of all, their technological resources. U.S. companies would be forced to treat the United States as an export market from a foreign base with little or no return to the U.S. economy.

If this proposed Act is passed, specifically:

1. It will reduce the market area for U.S. products produced in the United States and now sold overseas.

2. It will increase the price on goods sold in the United States because of the rising cost of research and of limited access to foreign goods.

3. It would virtually eliminate our reciprocal access to foreign technology which again would assist in raising consumer prices in the United States.

4. It would reduce the dividends now received on multinational stock in the United States.

5. It would lead indirectly to more international conflict by reducing the capital, technology and management expertise now available to stabilize foreign economies.

6. It would in the long run lead to greater unemployment in the U.S. with the loss of export markets.

The proposed restrictions of these bills will force U.S. multinational corporations to look at the following points much more closely.

1. Move Research and Development Facilities outside the United States to avoid possible U.S. restrictions on world wide use of patents at a time when the need to amortize the increasingly higher cost of research and development requires a world wide market.

2. Replace its U.S. employees with personnel of other nationalities overseas to avoid higher U.S. personal income tax on existing U.S. employees just to remain competitive.

3. Relocate its corporate offices outside of the United States and serve it as an export market from a foreign base to avoid the double taxation and restrictions on technological transfers.

These are just a few of the doomsday choices available to the U.S. consumer, labor, and the U.S. multinational corporations if the proposed Foreign Trade and Investment Act is adopted.

The United States of America is the most successful common market in the world today. However, if any individual state limited the technological flow to other states, penalized its workers for working in other states, enacted prejudicial taxes on its registered companies setting up subsidiaries in other states, or imposed trade quotas on imports from other states, America's current level of prosperity would never have been achieved. Indeed, its residents and the companies they work for would have moved to other locations long ago. We have been able to eliminate a great deal of civil strife and at the same time raise our standard of living within our United States. There is no reason to think that this kind of existence cannot be carried on outside our national boundaries.

The growing interdependence of world economies will not perimt the United States of America, let alone a single state of our Union, to economically and thereby politically secede from the growing global union. The Foreign Trade and Investment Act, in effect, proposes that the United States secede. With this secession, it would give up its role as the world economic and trading leader. We cannot make the point strong enough that the result of this would be to lose the bulk of the export market and returns from U.S. capital investment overseas.

A multitude of studies are currently being carried out by several responsible academic oragnizations, both public and private, in the United States which will fully document the U.S. multinationals positive balance of assets against liabilities. The Asian Pacific Council of American Chambers of Commerce, "APCAC", does not propose to review these studies here, but instead wishes to offer responsible alternatives to these Bills. These suggestions are offered as a possible means of enhancing the leadership role of the United States of America and to redress the current imbalance in the U.S. economy. If this is not firmly met it will culminate in our country's economic and political isolation.

The proposed Foreign Trade and Investment Act of 1972 must be rejected. In its place, we offer that the U.S. Executive and Legislative Branches of the Government take the following action.

1. Inform the U.S. consumer of the advantages of freer, rather than increasingly more restrictive trade policies and practices.

2. Subsidize government studies of world wide economic trends, as Japan does, so that adequate plans could be prepared for the future economic needs of the United States. This information should be disseminated to both labor, multinational management, and developing countries.

3. Eliminate restrictive and discriminatory trade and investment practices and policies. We recommend that the United States dismantle both tariff and non-tariff barriers on a reciprocal guarantee basis by country.

4. A recognition that multinationals are the most effective economic mechanism for foreign development and assistance. Their ability to move resources, technology and management efficiently and at a profit is undisputed.

5. Foster the multinationalisation of labor overseas. Labor already has a common interest; we wish to also add a common identity and purpose with the U.S. multinationals.

6. Inform all levels of labor with unbiased information. Specifically here, we wish to mention the benefits accruing to them through the maintaining of the economic health of the multinationals, such as Union pension funds that are dependent very heavily on the performance of multinationals for their members' ultimate security and welfare.

7. Establish adequate worker retraining and plant adaptation funds, subsidies, and programs to phase out inefficient U.S. producers and introduce more productive facilities and equipment.

Rather than handcuff the most dynamic force of the United States economy with retrogressive measures, we feel that legislation and executive action should be taken to prepare labor and business for the future economic realities of freer, not more restrictive, trade and investment policies. Legislation such as the proposed Foreign Trade and Investment Act clearly chooses to ignore these opportunities for a dynamic future; it chooses instead to protect the bones of the buried past. Should any part of this legislation be enacted now it will adversely affect the U.S. economic and political opportunities, not only in the Asian Pacific area, but throughout the rest of the world.

GEORGIA-PACIFIC CORP. IN SOUTH CAROLINA

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. McMILLAN. Mr. Speaker, I include in the CONGRESSIONAL RECORD my own remarks and a statement concerning the Georgia-Pacific Corp. which recently appeared in the Augusta Chronicle. I hope everyone who receives the CONGRESSIONAL RECORD will take time to read this statement.

I do not know of any company that has done more to relieve unemployment and also increase the standard of living in South Carolina than the Georgia-Pacific Corp. I do hope Congress will never pass legislation that will impress upon the rights of these great industrial organizations, as they are certainly one of the outstanding reasons for the progress we have made in South Carolina during the past 25 years. The article follows:

[From the Augusta Chronicle, Mar. 5, 1972]

"INCREDIBLE" DOESN'T DESCRIBE IT

(By Louis C. Harris)

Back when I was courting my wife-to-be, lo these many moons ago, Russellville, S.C.—near which she lived—wasn't even a wide place in the road. That deficiency was due in large measure to the fact that if the back-country road leading to Russellville had been any wider, half of it probably would have been in the adjacent swamp.

In other words, one could hardly have described Russellville as a thriving city. As a matter of fact, folks residing more than 25 miles from it may not have known that it even existed. Its claim to fame was that it supported a small sawmill which gave employment there to a few hardy souls and sustained, by way of its small payroll, a couple or so general stores.

Today, the Berkeley County town is still a long way from being a metropolis. It still remains off the beaten path and there is a good possibility that many a South Carolinian couldn't tell you where Russellville is because he may not have ever heard of it.

But the town looks like one now and, one of these days, it may look more like a city than a town. The road connecting Russellville to Highway 52 and Moncks Corner has been widened and paved. Scores of new residences have been constructed, new business establishments have opened and Russellville's economy, as well as that of nearby St. Stephen, is booming.

People are happier because there's now a reason for living. Folks who were at the poverty level for years suddenly have good jobs and good pay. They not only have food in their tummies and clothing on their backs; they have money in their pockets. The good life has come to Russellville.

The metamorphosis has been dramatic, and the credit belongs to the Georgia-Pacific Corporation. It has created, in the backwoods of Berkeley—at a cost of more than $20 million in capital investment—a brand spanking new forestry products complex—a plywood factory, particle board plant, chip-and-saw mill and supporting logging operations—which currently gives work to almost a thousand residents of Berkeley and Williamsburg Counties. In addition to providing an annual payroll approximating $6½ million, G-P is spending, for local purchase of raw materials and supplies, in excess of $10 million a year.

And, you know what? The federal government is now taking action which could lead to the curtailment—and possible elimination—of the good life that has come to this one-time economically depressed and culturally starved community!

Slightly more than a year ago—in January of 1971—the Federal Trade Commission challenged the purchase by Georgia-Pacific of 16 forestry products firms and ordered the Augusta-born company to divest itself of five of 13 plywood plants it had built in several of the Southern states. One was at Russellville.

The government contention is that G-P action lessens competition and creates a monopoly.

It would be ludicrous if it wasn't such a deadly serious matter affecting the future of so many people. If FTC is permitted to force G-P to sell its plant at Russellville, for instance, what makes the bureaucrats think that a monopoly won't eventually exist again? Any firm large enough to purchase it will be one already with extensive forestry products holdings. It most probably will ship raw materials from its own plants to the Russellville plywood plant and, if that occurs, what happens to the satellite chip-and-saw mill and particle board plant at Russellville? One of two things: They will be forced to curtail operations and cut off personnel or, as could be the case, be sold to the firm which will have bought the plywood plant, setting up again the very "monopoly" which the FTC is undertaking to eliminate!

The Government contends that Georgia-Pacific accounts for the production and sale of more than 35 per cent of the softwood plywood produced in the South. That is true. But, seen from G–P's viewpoint, this is a loss, not a gain. It is a considerable drop from the 100 per cent Georgia-Pacific enjoyed after it had pioneered in the development of softwood plywood and brought to the South from the West Coast a manufacturing process in which it invested millions of dollars and created thousands of new jobs.

In other words, since Georgia-Pacific made the first plywood from Southern pine trees, other manufacturing concerns have gotten into the act and G–P no longer has the "monopoly" it actually did enjoy at the outset.

As a matter of fact, instead of throwing governmental monkey wrenches into G–P's machinery, the FTC—and other government agencies, as well—should applaud the corporation's success in building plants which are keeping thousands of persons back on the farm, as it were, and out of the overly-populated cities. For that, alone, if for no other reason, the government should pin a medal on G–P, not tag it with a lawsuit.

Just last month, when Georgia-Pacific dedicated its plants at Russellville and at Emporia, Va., the governors of both Virginia and South Carolina said as much.

Said Gov. Linwood Holton of Virginia: "It's incredible to me that a giant supplier of jobs and materials has to stop and defend itself against such an order. I ask now that the FTC reconsider its order."

At Russellville, Gov. John West of South Carolina said: "As we view this plant and see firsthand the significant investment that has been made and realize the great impact that this will have on the economy of this section of our state, I find it difficult to comprehend that the plywood plant here is named in an action by the Federal Trade Commission. . . . We see all about us today indications that the government is interested in trying to stimulate employment and economic activity, and it is incredible that Georgia-Pacific has to defend itself for making this kind of contribution to the economy of the area."

The governors are eminently right. It is incredible. And when you consider that the price of plywood is well below what it was 10 and 20 years ago, the FTC action not only is incredible, it is unreasonable, unfair and unwarranted.

If you don't believe it, ask the folks at Russellville.

KATHY BOLAND'S WINNING ESSAY

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. RONCALIO. Mr. Speaker, this year, an estimated half a million high school students throughout the Nation participated in the annual Voice of Democracy contest, sponsored by the Veterans of Foreign Wars and VFW Auxiliary. The students, competing for five national scholarships, submitted essays on the theme "My Responsibility to Freedom."

I was delighted to learn that the Wyoming State winner is Miss Kathlynn Ann Boland, the daughter of Ed and Arden Boland of Casper, my good friends over many years. I have every confidence that in the example of her parents, whose many labors for the Democratic Party are known throughout Wyoming, Kathy found renewed faith in the political process and the validity of choosing a path of active involvement in the making of a better world.

Kathy's receipt of the Voice of Democracy honor is only the latest accomplishment in an admirable academic career. She is a senior at Natrona County High School, where her activities include student body coordinator, vice president of choir, secretary of the National Forensic League, secretary of French Club, chairman of the Ecology Club, editor of the annual, and member of the Natrona County Educational Appraisal Committee.

She won the Wyoming competition for the William Randolph Hearst Senate Youth contest, the American Civil Liberties Union 50th anniversary essay contest, the JoAnn Blower trophy for outstanding interpreter and was named to the Wyoming mathematics team, the Wyoming Parents Teachers Association Council and to the National Honor Society.

I insert for the RECORD Kathy's winning essay with the hope that her ringing affirmation of freedom is representative of her generation:

FREEDOM IS DETERMINING ONE'S OWN DESTINY

When we were children, our lives were filled with gossamer-winged fairy queens, afternoon sojourns to launch popsicle-stick ships and frequent visits to the arms of the most available tree when great plans about your life had to be made. A unique form of freedom was available to us as children, for our naiveté and detachment from the realistic world provided us with an opportunity to legitimately shirk responsibility without endangering the welfare of others.

However, this freedom was slowly removed, for as we stepped from the illusive world of make-believe, our emotional and physical maturation created a new awareness to the world of reality. This transition from crayons to perfume can be traumatic, for the sudden realization that one is a self-contained individual with responsibility for the welfare of others, as well as himself, can provide a rude awakening to the duties of adulthood. When stepping from the world of make-believe into the world of reality, we are provided with another form of freedom—the freedom to choose between participating towards the betterment of our society or stepping aside and allowing others to determine the destiny of humanity.

Since our country is merely a macrocosm of societal niches, our government is a disciplinary agent that attempts to unify similar concepts that individual facets of society have deemed necessary for a harmonic existence. Therefore, as a new eighteen-year-old voter, I now have the freedom to either choose to participate within the structure of the government or I may choose to travel an apathetic road. This is the ultimate in freedom in my opinion, for no matter which road I choose, I am still responsible for my destiny.

Yet, the most practical avenue to travel would be to participate in the workings of our government, because our primary freedom to choose between activism or apathy is guaranteed in the Bill of Rights; which must be upheld and preserved through strong involvement. However, I can sympathize with the tendency to shrug one's shoulders in apathy, for I too am skeptical about the integrity of our nation's leader's! You see, it's very difficult to step out of the sheltered world of naiveté into the painful realities of *The Pentagon Papers,* Mai Lai and the moral chaos of the No-win war in Viet Nam!

Yes, it is difficult to step into the world of reality without having a few repercussions about choosing to work within the structure of our government—the very same government that created the aforementioned travesties. I guess one could merely turn around and walk away . . . but, that's how children solve problems . . . and after all, we're mature adults, with wisdom. . . . Aren't we?

MY RESPONSIBILITY TO FREEDOM

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. GRAY. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conducts a Voice of Democracy Contest. This year nearly 500,000 secondary school students participated in the contest competing for the five national scholarships which were awarded as the top prizes. The contest theme was "My Responsibility to Freedom."

The winning contestant from each State was brought to Washington, D.C., for the final judging as guest of the Veterans of Foreign Wars.

Enclosed is a copy of the winning speech from my district as delivered by John Thomas Archer, Mount Vernon, Ill.

I am privileged to enclose for printing the winning essay of John Archer:

MY RESPONSIBILITY TO FREEDOM

(By John Archer)

It was a warm, crowded courtroom scene, nestled in the city of New York, August, 1735. A middle-aged man sat tightly in his chair, awaiting a verdict which was to decide not only his future, but also many aspects of the long years that lay ahead for his children.

John Peter Zenger, newspaperman, who edited pro-Revolution writings, was acquitted of treason against England. A victory for the free press.

Lexington, dawn, April 19, 1775. Five bells had just been sounded in a wooden church tower near the small Massachusetts community. As the sounds of bells ringing drifted off, other enormous sounds came to take their place. About 1,200 people heard the bells at Lexington that morning. Millions heard the shots that followed . . . millions around the world.

Yorktown, Virginia, 1781. A short man, white powdered wig on his head, accepted a sword from another man named Cornwallis. America was born this very instant. Along with the new sword he carried home with him, George Washington must have known he had won a prize far greater and more precious than any other ever granted a group of thirteen colonies.

The cries of glee from Peter Zenger, the shots at Lexington, sword at Yorktown . . .

so our revolution marked the beginning of freedom, let me correct myself . . . freedoms.

Today, 1971, it seems the shots of our revolution have been lost somewhere in two centuries of enormous growth. Our job, yours and mine, and the job of every person, large or small . . . . is to let those sounds ring again.

Now, don't get me wrong, I'm not saying, let's have another revolution, I'm merely stating my responsibility to freedom, that being . . . to bring forth in myself, the spirit our forefathers had when they won the American revolution, and then to recognize all my freedoms, and use them to their full potential.

This spirit of gaining new freedoms I spoke of: let's be sure we have the correct idea. I don't mean to try to gain some new freedoms today . . . . . I am speaking of the generous freedoms we were given when we were born in this country. How can we do this? Easily. Try picking up a copy of our United States Constitution and look at the first ten amendments. I'll even go farther than that . . . . . take a look at the first amendment.

This first amendment gave us freedom of speech, religion, press, assembly, and petition.

Freedom of speech—saying what you please . . . yet . . . how many times have you or I just shut-up and thought, "oh well, it's not my worry."

Freedom of religion—the right to believe as you please . . . yet . . . how many times have you or I denied another person this right by condemning him for his beliefs.

Freedom of press—the right for you to print a letter in your community paper saying what you think is right. How many times did you or I gripe about some problems to our family instead of taking real action.

Freedom of assembly—the right to get together and peacefully talk over problems or just have a good time. Yet, how many meetings have you had at your house.

The last, freedom of petition—the right to send a letter to your Congressman. How many times have you said, "Heck what good does a letter do. He'll just toss it in the wastebasket!"

Points itself out, doesn't it! Our five most basic freedoms, ... and how many times can you or I remember pushing them aside. In reality, it's just like pushing our forefathers aside. Those thousands who willingly died, not only in our revolution, but in all the other costly American wars to save our freedoms.

My responsibility to freedom is your responsibility as well. Let's wake up, recognize all our freedoms, and get out there and use them.

You know, I wouldn't be able to sit back and think all those people who gave their lives did it for little or nothing at all. Would you?

OPPOSES NATIONAL DEBT CEILING INCREASE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. BIAGGI. Mr. Speaker, I must strongly oppose any efforts which would increase the ceiling on our national debt. The astronomical figure of $450 billion is a negative approach to solving our financial problems. It merely puts off until tomorrow a problem which should be dealt with today.

When President Nixon took office in January of 1969, the actual national debt was at $359 billion. Today that figure has risen to $429 billion. This is contrary to the earlier promise made by the administration to lower the public debt.

The initial intent of the debt limit legislation was to restrain our indebtedness. This concept is useless if we go along with every request of the President to raise the ceiling on this debt. Someday we are going to have to face up to the fact that we cannot continually and automatically increase our debt limit every time the administration asks us to. This has been the trend, however, and the ceiling continues to rise.

The current proposal is the forth such increase since President Nixon took office. In 1969 the ceiling on the national debt was $365 billion. Subsequent increases were in April of 1969 to $377 billion; June of 1970 to $395 billion; March of 1971 to $430 billion; and now in March of 1972 to $450 billion. Continued and unchallenged increases in the national debt ceiling is a blank check to further wasteful and unessential Federal expenditures such as we have witnessed in recent years. Only by holding the line on these increases can we force a reevaluation of our Federal programs to eliminate wasteful spending.

The interest on the national debt alone is staggering. The cost now amounts to nearly $110 annually for every man, woman, and child in this country. This must be paid for either by taxes or more borrowing. The interest on the public debt is now increasing from $1 billion to $2 billion every year. The interest cost for fiscal 1973 alone is estimated in excess of $22 billion. This is more than twice the amount that the Federal Government spends on all health programs excluding trust funds. These payments hurt the middle- and low-income citizens of this country who must provide the tax dollars necessary to pay off this interest.

Mr. Speaker, the public debt is no longer solely attributable to the cost of war. It has now become a way of life even in a peacetime economy. We now have the largest deficit since World War II. The time has come to reverse this trend and pay off this debt.

We can no longer rely on the projections of our national debt from the administration. This poor economic forecasting will only lead us down the road to financial ruin. The administration will be back again in June requesting yet another increase in the public debt ceiling. I will vote against an increase now, I will vote against an increase then, and I will continue to urge my colleagues to do the same until this trend of living out of a national pocketbook which is far larger than what we can afford is reversed.

ITT CASE CASTS A CLOUD OVER WASHINGTON

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the Nashville Tennessean in a recent editorial points out that the settlement of the antitrust suit against International Telephone & Telegraph Corp. has cast a cloud over the administration.

Unfortunately this flagrant example of the influence of big business on the Federal Government casts a cloud over the entire governmental process—and every effort should be made to explore every aspect and every facet of this matter to demonstrate to the American people the responsibility of their Government.

Because of the interest of my colleagues and the American people in this most important matter I place the editorial from the Tennessean in the RECORD herewith.

The editorial follows:

THE ITT CASE PUTS CLOUD OVER THE ADMINISTRATION

The life style of the Republicans is that of wheeling and dealing with vested interests, whether it is by trying to peddle the Teapot Dome oil reserves or fitting a White House aide for a vicuna coat.

Considering the track record, it is hardly surprising the Republicans are embroiled in a current controversy over an anti-trust settlement and a bit of big business largesse to the GOP national convention. The whole thing would make a fiction writer itch to get to his typewriter.

The hearings by the Senate Judiciary Committee continue to turn up new and fascinating bits of information, including some that are contrary to what has been publicly stated by those involved. And those involved make quite a cast of characters.

There is a women lobbyist and an incriminating memo linking the anti-trust settlement of cases involving International Telephone and Telegraph Corporation and a financial commitment by a subsidiary to the GOP convention in San Diego.

There is Judge Richard McLaren, the chief anti-trust lawyer for the Justice Department who, after the ITT settlement, was suddenly named to a federal judgeship. There is Mr. Richard Kleindienst, the deputy attorney general and nominee to succeed Mr. John Mitchell as the chief law enforcement officer. There is Mr. Peter Flanigan, a top presidential aide, who recommended an outside anlayst to the Justice Department who made a report favorable to ITT. There is an Arlington physician who testified that the woman lobbyist said she was "mad and disturbed" when she wrote the memo, publicized by Columnist Jack Anderson. And there is Mr. John Mitchell, former attorney general now in charge of Mr. Nixon's campaign. Last, there is Mr. Nixon who had his heart set on having the convention in San Diego.

Statements by the various parties about the murky circumstances involved in the ITT settlement have been contradictory and inconsistent with the known facts. Some have been plainly ridiculous on their face.

Mr. Mitchell has denied any role at all in the neogtiations on ITT or negotiations to hold the convention in San Diego, and denied Mr. Nixon ever said anything about ITT. But Mr. Mitchell knew of the ITT settlement and long before that he was told of the ITT subsidiary pledge to the convention. Mr. Mitchell could have raised the proper questions then, but he did not.

Mr. Kleindienst, his deputy, first said he took no part in the negotiations. Subsequently he conceded that he had arranged and attended the meeting at which ITT's financial specialists made the economic presentation to Mr. McLaren. He also disclosed he had four private meetings with an ITT director.

Mr. Kleindienst also said he had no knowledge of the pledge of money to San Diego until late November or early December. Yet at least two people, including Mr. Lawrence O'Brien, the Democratic national committee chairman, wrote to him shortly after the ITT settlement was announced.

Mr. Mitchell has done his best to absolve the White House, but why did a top presidential aide, close to the President, recommend a financial analyst from a New York brokerage firm to be hired by the Justice Department, when the government has all kinds of capable economists at its disposal. The outside analyst made a report favorable to ITT.

Did Mr. Flanigan involve himself in a Justice Department case without the knowledge of the President? If so, Mr. Nixon ought to have fired him. Instead, Mr. Nixon gave him a promotion as top assistant for international economic matters.

The questions could go on and on, but they would only increase the peculiar odors of this case.

In a burst of pique last week, Judge McLaren denounced the hearings as an "outrage." That is an apt word, but not in the way Mr. McLaren meant. The outrage ought to come from the public over the strange way this administration operates in dealing with affairs of public interest.

NORTHEAST PHILADELPHIA POLICE ATHLETIC LEAGUE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. EILBERG. Mr. Speaker, there are many organizations in this country which do an excellent job of providing our young people with meaningful activities to occupy their spare time.

Among the best of these programs is the Police Athletic League which operates in some 100 cities along the east coast, the South and the Midwest.

PAL is a partnership made up of the young people of our urban centers, the police, private industry, and interested citizens. It provides young people—many from inner-city neighborhoods—with an alternative to "the streets" as a place to "hang out" and spend their free time.

Although the organization's name emphasizes sports, PAL provides a full range of activities including arts and crafts, music, entertainment, recreation and a free lunch program for those children who need it.

PAL is open to all children. There are no restrictions because of prior incidents or behavior. All that is required is the young person's desire to participate.

In my city, Philadelphia, PAL has been active for 25 years. There are now 22 chapters, some with more than 1000 members.

In the district I represent, Northeast Philadelphia, we have a unique PAL operation. Area residents and businessmen wanted to establish a PAL center in the area, but because of the high cost of real estate they have not yet been able to establish a permanent site for the club house.

However, the interest in the program is so great that northeast PAL has become an active organization despite this handicap.

It has become a service organization which provides equipment and assistance to the many athletic organizations and Boys and Girls Clubs located in the area it serves, the 7th police district.

PAL is an organization which deserves our aid and respect and at this time I enter into the RECORD a history of the Northeast Philadelphia Police Athletic League.

HISTORY OF NORTHEAST PAL
(7TH POLICE DISTRICT)

Although the citizens of Northeast Philadelphia who reside in the 7th Police District do not physically have a PAL Club, their interest in PAL was so great that in 1969, a citizens committee was formed to represent the 7th District PAL and Mr. Frank Masters, a Northeast businessman was elected Chairman and Mr. Steve McSain as Treasurer. Francis J. Lederer, a member of the Police Athletic League Executive Committee and Board Director was appointed to coordinate the activities between the city-wide PAL and the 7th District PAL.

After several meetings between Mr. Lederer and Mr. Masters, it was decided that until such time as land or property became available, the Northeast PAL would operate in such a way as to appropriate equipment and assistance to the many athletic associations and Boys and Girls Club located within the boundaries of the 7th Police District. (It should be noted that land and property values in the area are being discussed is so high that it would take more money that would ordinarily be available to operate a PAL Center in other areas of the City of Philadelphia).

Since 1969, through the close cooperation of former Police Commissioner Frank L. Rizzo, now the Mayor of Philadelphia and Deputy Police Commissioner Harry Fox, this permanent PAL Committee has continued to be of great assistance upon request to numerous civic and church agencies. Their programs have included emergency food programs funding athletic teams with equipment and other ventures.

The Crown Cork & Seal Company, Inc., a manufacturer of beverage cans, located at 9300 Ashton Road in North Philadelphia, assigned Francis J. Lederer to devote as much time as would be needed to assist the Northeast PAL Committee.

Mr. Lederer is also the Corporate Community Relations representative for this Company and his experience in community and government work covers a period of twenty (20) years in the Philadelphia community.

It remains the objective of the PAL and the Northeast PAL to find a permanent place for the housing of a PAL Center within the boundaries of the 7th Police District sometime in the not to distant future.

The identity of such a center with the youth in this heavily populated section of Philadelphia will be a great aid in crime prevention and drug abuse.

CAN FREE CHINA SURVIVE?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. ASHBROOK. Mr. Speaker, now that the dust has temporarily settled on the issue of United States-China relations, the future of the Republic of China is of genuine concern to those who remember the vital World War II role played by Nationalist China in the Pacific Theater and who, in addition, can never forget the tragic policies of our Nation which helped wrench basic freedoms from the Chinese people in 1949.

A note of encouragement is sounded by Prof. David Nelson Rowe of Yale University, an authority on Chinese affairs who was born in Nanking in 1905 and who has followed developments in that area most of his adult life. An educator and author, Dr. Rowe's extensive background was acquired through his associations with academic and governmental sources dating back to the mid-1930's. The following observations by Dr. Rowe review briefly recent U.S. policies on China, her recent economic progress, necessary military requirements for an adequate defense, and the heartening will to survive which motivates the Republic of China today. I insert his observations in the RECORD at this point:

CAN FREE CHINA SURVIVE?

(By David Nelson Rowe, Yale University)

The Republic of China (ROC) includes not only Taiwan and the neighboring Pescadores Islands, but the Matsu and Kiamen (Quemoy) groups close up to the Communist mainland. In these territories there are now over 15,000,000 people who enjoy the fruits of the Modernizing Chinese Revolution of our time. To this Revolution the ROC is the sole heir, and it continues to carry it on with unabated energy, determination, skill and devotion.

Today, as a result of its expulsion from the United Nations and the admission of the Chinese Communist regime there, the ROC has once again come to an important crisis in its life. What is it, and what does it mean?

By way of background, President Nixon in his State of the World message of Feb. 25, 1971, while opening the door to UN membership for the Chinese Communists, had promised to continue to resist attempts "to deprive the Republic of China of its place as a member of the United Nations and its Specialized Agencies." (p. 108) A simple majority vote in favor of expelling the ROC from the UN and for admitting the Red Chinese had been cast in the UN General Assembly in 1970. It thus became clear that the so-called "important question" technique of requiring a two-thirds majority for expulsion would probably be ineffectual in 1971. Nevertheless the United States held to this technique. The ROC loyally went along and did not invoke the other main provisions of the UN Charter that clearly applied to the matter.

In this respect, Secretary of State Rogers and other US officials repeatedly, and correctly, labelled the UN action toward the ROC as "expulsion" of a member. Under the UN Charter such expulsion of a Permanent Member of the Security Council by a simple majority of the General Assembly was clearly illegal. Under U.S. law the Charter, as a Treaty to which we are a signatory, is part of the "supreme law of the land." This supreme law has been violated in this instance.

To the Government and people of the ROC the announcement on July 15, 1971, of President Nixon's visit to Communist China had seemed to maximize the chances of a reaction and against them in the coming UN session. When his foreign affairs advisor Dr. Kissinger, made his second visit to Peking just at the time of the voting in the General Assembly, they believed it had certainly helped swing votes away from them. Announcements came from the State Department to the effect that the question of "Taiwan" (as it is usually mis-named) was still unsettled since the end of World War II. Dr. Kissinger implied that this should be a matter for negotiation between the ROC and the Chinese Communists.

All this made it very difficult to take at face value the continuous stream of statements by US officialdom that even after the expulsion of the ROC from the UN the United States would continue to recognize the ROC and to come to its defense in case of attack, as provided in the mutual security treaty of 1955. After all, in 1949–50 President Truman had refused further military assistance to the ROC. In January, 1950, Secretary of State Acheson had declared both South Korea and Formosa (Taiwan) to be beyond our defense perimeter in the Western Pacific. Was the United States about to revert to these policies of the past?

In 1945 the United States had decided that the ROC must be brought into a coalition government with its sworn enemy and inveterate opponent, the Chinese Communist party. Was Dr. Kissinger now trying to revive some such strategy by urging negotiations between the ROC and the Chinese Communists? Like the try at coalition in 1945–47, the Nixon two-Chinas policy in the UN had failed in 1971. Both were attempts at securing a modus vivendi between Chinese Nationalists and Communists. But the 1971 two-Chinas policy resulted in a complete victory of the Communists in the UN and the complete defeat of the ROC there. Would President Nixon's trip to Peking carry this defeat still further?

These apprehensions combined with a wave of shock, anger and bitterness in the government and people of the Republic of China. We must remember that many of those who had come over from the mainland twenty years before had lost everything they owned to the Communists. Was disaster to engulf them again? But the tradition of revolutionary persistence in the face of defeat and even of seeming disaster is still as strong as ever in the Republic of China. A very few people decided to liquidate their holdings in the local economy, but were soon to see all values climb higher than before. No major defections of any kind have been indicated. The resolution and steadfastness of the people of Free China, from President Chiang Kai-shek on down, is often capable of surprising even those who know it best.

Being forced out of the UN was a bitter blow to prestige, and a cruel injustice, undeserved on the record. But the dignity and assurance of the Republic of China survives unharmed. Furthermore, the ROC has simply proceeded to adjust and innovate on every hand.

In foreign affairs, for instance, a new flexible policy has already been initiated. Dealings of all sorts, on a pragmatic basis, with any and all countries, no matter what their ideologies, will be undertaken in the future, if only the countries involved are not "hostile" to the ROC. Every case will be worked out on its merits, without regard to legalisms or technicalities. This would seem to forecast possible trade relations, for example, with any member of the Communist bloc except Communist China. The ROC has simply accepted, however unwillingly, the new developments as to its international status, and has decided to make the best of them.

Internally, there are also strong tendencies toward generalizing still further the political representation and participation of the people in government, while revitalizing administration by the introduction of more new and vigorous young talents. Changes of this kind have been under way for a number of years. Power has been flowing steadily away from the older functionaries and into the hands of younger and modern scientifically trained personnel. Much of the ROC's progress in the last twenty years has come from this.

Most evident as a reaction to the current emergency are policies aimed at still more rapid and progressive development of the economy. Certainly the UN defeat and other developments in the foreign field have by no means hindered economic growth. On the contrary, 1971 was the best year ever for business in the ROC, with the gross national product climbing by 11.4% to a figure of US$6,237.5 million at current prices. Per capita income increased by 10% to a figure of US$329 per annum, one of the highest in Asia. Foreign trade increased during 1971 by 32% to a total volume of over US$4 billion. This is very close to the total figure for the entire Communist mainland with at least 47 times as many people.

The US Ambassador to the ROC, Mr. Walter McConaughy, predicted in a speech before the American Chamber of Commerce in Taipei on Jan. 19, 1972, that the total foreign trade of the ROC would exceed that of the Chinese mainland by as much as US$1 billion by 1974, and that by 1975 this "margin is likely to be even bigger." (Note: in terms of value, about 28% of Red China's exports are of narcotics.)

Economic development in the ROC is firmly based on a substructure of high quality education, with nine years of free education for all. There is increasing emphasis upon vocational training. Basic research is stressed, and will be continuously developed in the future, taking into full account the skills being imported from abroad along with capital funds. American investments in the ROC are steadily increasing and will soon be worth US$500 million.

Increasing attention is being given to manpower problems, particularly in view of the steady drift of labor from agriculture into industry. The primary problems of manpower are qualitative ones. On these matters the best brainpower in both the USA and the ROC is being mobilized to work out solutions. Included are some very comprehensive plans for mechanization and land consolidation in agriculture, as answers to growing shortages of agricultural labor. The population grows at a rate of around 2.3% per year, but the rate is slowly being decreased.

Rapid economic and technological development is bound to bring new problems, particularly as to social welfare, labor, and income. Much of the industrial growth is based upon the lower wage scales prevalent in the ROC, even compared to Japan and Hongkong, as well as to the high trainability and hard working habits of labor. But the ROC has successfully dealt with the wage problem by effective controls upon wages, money supply, commodity prices and currency values. No substantial wage-price inflationary spiral is likely in the near foreseeable future. This, in turn, induces capital inflow, accompanied by advanced technology. This increases productivity of labor and leads to a natural healthy growth in labor's income and standard of living. This is a politico-economic fact of great importance. The accompanying growth of social services, such as health insurance, is in fact spearheaded by the Nationalist Party itself, not the least of whose interests is naturally that of political mobiliaztion.

All this is related directly to the problem of internal security of the ROC. There is no doubt but that the drastic shift in the world position of the ROC will accentuate opportunities for the development of opposition to the Government, from a variety of reasons and sources. The assumption must be made by the Government now, even more than before, that some of this will emanate from a desire for the destructive subversion of the Republic of China. But this has never constituted a major problem for the security agencies of the ROC, and it is not likely to become such in the near future.

There is no doubt of the glowing pride of the people of Free China in the social, cultural and economic achievements of the past twenty years. To them this is a living proof of the continuing validity, over the years, of their own solutions of the problems of the Modernizing Chinese Revolution of our time. This is a fact of Chinese life, of which the people on the mainland and in the Republic of China are all aware. It is also a fact of the continuing political warfare between Communist China and the Republic of China. But here, of course, is the danger, namely that the greater the successes of the Republic of China and the grosser the failures of the fluctuating and expediential policies of the Chinese Communists, the more the latter must, in self defense, resolve to "liberate" the people of the ROC by force, saying, as they do, that "no force on earth" can stop them.

It is natural, therefore, to hear the top echelons of the Government of the ROC saying that "economic strength is the only means to military power." Here, while accepting the limitations natural to a people of only fifteen million with a highly restricted area and natural resource base, the Republic of China will undoubtedly develop its armed strength to the highest degree consistent with orderly and swift economic and social development. In this as in other things, it "does a lot for less." Aside from regular armed forces of about 600,000, it has huge trained military reserves several times larger, along with the necessary weapons and command structure.

Military development will no doubt be accentuated by the drop in credibility ratings of previously relied upon "guarantees" as to their external security. In spite of all assurances from the "highest quarters" in the US government that it will sustain its treaty for the ROC's security against armed attack, there remains the steady question as to just what these guarantees may mean in actuality.

For example, the Chinese Communists for a long time have demanded the "total removal of US forces from Taiwan." President Nixon can hardly accede to this demand without helping to create the same situation in respect to the ROC that Mr. Acheson did for the Republic of Korea by his announcement that it was "beyond our defense perimeter in the Western Pacific," which certainly helped bring on the Korean War about six months later. The likelihood might be stronger, therefore, of some actions which at the start might be described as "merely symbolic." They could start, for instance, with a pledge by President Nixon to close down all US Air Force stations on the Island of Taiwan. Perhaps the single most important of these involves the USAF use of the big Chinese air base in central Taiwan as a way station in air logistics for the war in Southeast Asia. This might happen soon anyway, as the war in Vietnam phases down or out. Another possibility is that the US Military Assistance Advisory Group (MAAG) might be removed. Such an action would, it seems, be far more important symbolically than materially, although its material significance cannot be completely downgraded.

The increasing self-sufficiency of the Republic of China's armed forces, and their capacity for maintenance, repair and replacement of military equipment have been well noted. Their Air Force is in serious need of more modern planes for defense, but the US Government has not been willing to supply them. Removal of the US MAAG might well stimulate the Republic of China to spend some of its foreign currency reserves upon such weapons. Even though this could by no means satisfy the requirement, it would constitute a "counter symbolism" to help offset effects of possible US withdrawal of its advisory group.

Much farther up on the list of possible options would be the withdrawal of the American component of the joint Sino-American Taiwan Defense Command (TDC). This organization, logically called for by the joint security arrangements between the two countries, is headed by an American admiral who is schematically second in command under President Chiang Kai-shek, Commander in Chief of ROC armed forces. However, even if these joint security arrangements are themselves to be unilaterally put out of effect by the USA, contrary to every specific guarantee that has been repeated so many times since the UN defeat, something like the TDC is essential to the interests of the USA in respect to the preservation of security in the area. Otherwise the ROC would be left in complete control of the options as to defense against aggression in the area. If only for such reasons, TDC removal at this time is deemed improbable.

Finally, what of the idea that the Chinese Communists would, *for the time being at least*, be satisfied if only the Republic of China would evacuate all its armed forces from the offshore island groups of Kinmen (Quemoy) and Matsu? These islands are in no sense bases for any possible ROC attack against the Chinese mainland. They have been strongly attacked *from* the Communist-held mainland, notably twice, in 1949 and 1958. Both attacks failed.

As things now stand, the Republic of China cannot conceivably be "talked out" of the offshore islands, and will not even discuss the matter. They have developed the defenses of these islands to the place where they believe that, given adequacy of air cover, they are solidly defensible. But even if not, they will have to be driven out of them by force, since they consider them indispensable forward positions for the defense of Taiwan and the Pescadores from attack from the mainland. It is merely natural and logical that their unjustifiable expulsion from the UN has hardened their will against giving up as much as one square inch of their national territory.

But what if the discussions between Mao Tse-tung and Chou En-lai and President Nixon in Peking should take a more general line, involving, for example the idea that in return for a pledge by the Chinese Communists not to use force in the Taiwan Strait, the USA would pledge no further military support at all for the Republic of China? It is most doubtful, no matter what is promised on either side, that American diplomacy at this time can really succeed in the aim of getting the Chinese Communists to abjure the use of force in the Taiwan Strait, something our diplomacy has been trying to secure ever since the days of Secretary of State John Foster Dulles. And in the last analysis, any Chinese Communist promises along this line would not be worth the paper they were written on.

But, it will be said, at present the Chinese Communists have special reason to make some agreement. They are, it is claimed, desirous of "doing business" with us because they want to use us to help balance off the Russians who threaten them with thirty-five or more divisions of heavily armed troops along their northern borders. The exploitation of the balance of power potentialities of the so-called Sino-Soviet split is, in fact, widely considered around the world to be the main reason for the Nixon intiative toward Communist China and for Mao Tse-tung's willingness to have him visit and talk in Peking. In fact it goes beyond this, even to the point where many are convinced that the troubles between Peking and Moscow have resulted in conversations between authorities of the ROC and those of both the Chinese Communists and the Russians! The Chinese Communists have themselves planted stories to the effect that the ROC had been talking and negotiating with them. On this, President Chiang Kai-shek's New Year's Day message to his own people, of 1972 stated:

"The only contacts between us and the enemy are those of blood and steel in the operations in front of and behind the enemy's lines. There are absolutely no contacts of any other kind."

In fact the balance of power game here is far from being a relatively simple question of Communist China, Russia and the USA, but must involve a number of other countries as well. The current initiatives of Moscow toward Tokyo show how hard it is to keep such a game within bounds. What would it profit President Nixon to gain a few odds and ends from the Communists in China, only to lose as far as Japan is concerned? Here the Russians hold some high cards in the shape of Japanese territories they have held since the end of World War II. By contrast with the Nixon diplomacy toward Okinawa, the Russians have held these territories until a vital *quid pro quo* could be secured for any concessions regarding them.

President Nixon no doubt entertains the notion of playing around the margins of the problems of Sino-Soviet relations and thus avoiding any entanglement with either party which would be dangerous. But if the Russians are suspicious of what he may be doing in this respect, we know already that the Chinese Communists are not merely suspicious: they are convinced from the start that President Nixon, who made his political start in life as a hard anti-Communist, could never be trusted even if he were to say only "Two plus two equals four."

Seen in this way, President Nixon's Peking trip and his later trip to Moscow are not believed in the Republic of China to be likely to change things for the better. They are also convinced that whatever may *seem* visibly to come out of these meetings, the unannounced results, even perhaps the secret agreements for the future, will be more important to them than what is in the communique, if there is one.

Therefore it follows, many in the ROC believe, that the way must be explored toward alternate sources of security in case the United States really and in secret seems to be deserting them, and no matter how long such a desertion could take. For a long time they have been trying to build up regional security arrangements with such nations as the Republic of Korea, the Philippines, and South Vietnam. The United States has, seemingly, always discouraged these efforts, on the basis that none of these countries need any more security guarantees than are given by the USA.

This argument now begins to fall on rather deaf ears not only in the ROC, but in all the other countries involved in the area. But the missing element is Japan, as to whose direction in the field of national defense no one can be sure. Even the current slow but steady rise in the military budget in Japan raises severe political problems there, not the least of which are caused by the strong aim in many quarters to "normalize" relations with Communist China.

Such "normalization" already faces the staggering obstacle of Japan's previously stated and now reaffirmed position as to the ROC, as of Jan. 11, 1972, namely that the security of "Taiwan" is of vital importance to Japan. This so-called "Taiwan clause" was originally contained in the joint Nixon-Sato communique of Nov. 19, 1969. But now, as then, any relevance it has to the security of the ROC is, purely and simply, a function of US security arrangements on behalf of the ROC. Japan plays no part in any such arrangements. And, in fact, no US forces on bases in Japan can be used for this or any other purpose without prior consultation with Japan and Japan's consent. This will soon apply to our bases on Okinawa.

Only a sufficient and autonomous Japanese military establishment can provide any meaning or any sanctions behind Japanese desires and plans for the security of areas nearby to herself and in which her political and economic as well as strategic vital interests are involved. This may well be a very long time in coming. But this too will depend very much upon the Japanese interpretation of the results of the Nixon visits to Peking and Moscow.

The pressure in the Japanese media for "normalization" of relations with the Chinese Communists has to be seen to be believed. Even anti-Communist circles in Japan appear to have been at least partially brainwashed by this constant pressure. Some Japanese are now beginning to urge, for example, that the Republic of China should cease to identify itself with China at all, and should abandon its title as Republic of China in favor of one which would identify it as a "separate country." Perhaps they believe that this is the only way in which it can possibly escape a takeover by the Chinese Communists. But there is little chance that the Chinese Communists would settle for anything as trifling as this. They want nothing less than the destruction of the Government of the Republic of China and the takeover of its territories, people, armed forces and total assets. And the Government of President Chiang Kai-shek will never give up its present title, no matter what is advocated along these lines either at home or abroad.

The Republic of China, post-United Nations, thus presents a picture of calm, resolute and determined self-confidence in the face of the injustice and evil treatment which it suffered in the United Nations. It is, in fact, the UN which has come out badly in this matter. By contrast with the Republic of China, the United Nations has lost the confidence of millions of its supporters both in the United States and around the world, and has set its feet on the pathway towards dissolution and total impotence.

In fact, the Republic of China is today stronger than ever before. Its friends and admirers on every continent have even more reason to support it than ever. Long Life to the Republic of China!

CRIMINALS AND CORRESPONDENCE COURSES

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. SCHEUER. Mr. Speaker, I am introducing today legislation designed to deny the use of the mails by correspondence schools which teach locksmithing unless they have obtained criminal record checks on those who apply for such courses.

This problem was brought to light by an enterprising correspondent for the New York Daily News, Mr. Robert Crane. His article in the March 5, 1972, edition of the News, described in detail an overlooked aspect of the Nation's battle against crime.

While hundreds of thousands of dollars are being spent by beleaguered frightened city dwellers across the country on ever-fancier and more sophisticated security devices, successful burglaries and break-ins continued unabated. In New York City last year, for example, there were 181,331 burglaries—34,571 of these were committed in the Bronx, which means that 7 percent of the homes and apartments in the Bronx were burglarized last year.

It is a horrible irony, as Mr. Crane

discovered, that while residents try to tighten up home security with new locks, burglars can sharpen up their skills by enrolling in correspondence schools for locksmithing intended for the dedicated. legitimate apprentice.

Mr. Crane said:

> For $300 anyone can receive instructions on jimmying doors, filing keys, picking locks and other occupational skills. Tools come with the lessons; practice locks are provided for home work.

The article also discussed, for example, the case of one burglar who was accepted for enrollment in a locksmithing course after 12 arrests and five convictions for petty larceny, grand larceny, and burglary.

I do not think this should be tolerated. The legislation I am introducing today would prevent known criminals from gaining access to such courses. It would require that the Postal Service request a check through the identification records of the Federal Bureau of Investigation of the criminal history of any applicant for such courses before the school would be allowed to enroll him. If an applicant has been convicted of a felony, the Postal Service would indicate to the correspondence school that the applicant was not cleared for enrollment. I am convinced that this rejection would be necessary only rarely, since I have no reason to believe that most of those who enroll in locksmithing courses are anything but honest individuals intent on learning a legitimate trade.

This legislation would simply prevent criminals from gaining access to this source of information on how to pick locks. It is a small but significant loophole in our efforts to prevent crime which can be easily plugged. The following is the text of the bill:

H.R. 13821

A bill to amend title 39, United States Code, to restrict the mailing of certain matter pertaining to correspondence courses of instruction in locksmithery, and for other puposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 30 of title 39, United States Code, is amended by adding immediately after section 3002 thereof the following new section:

§ 3002a. Nonmailable matter relating to locksmithery.

"(a) Except as provided in paragraphs (1) and (2) of this subsection and subsection (c) of this section, matter consisting of or including material which relates to any correspondence course of instruction in locksmithery (other than advertisements of such course of instruction) is nonmailable matter and shall not be carried or delivered by mail unless—

"(1) the matter is mailed by or to any school offering a correspondence course of instruction in locksmithery and consists solely of material constituting or responding to applications for, or requests for information in connection with, enrollment in such correspondence course; or

"(2) the matter consists solely of instructional or test materials of a correspondence course of instruction in locksmithery mailed by any school offering such course to any person enrolled in such course who is not prohibited from receiving such matter through the mail by subsection (b) of this section or consists solely of material mailed by such person to such school in connection with the taking of such course.

"(b) The Postal Service shall require, as a condition of conveying any matter in the mails under subsection (a)(2) of this section, that each person enrolled in a correspondence course of instruction in locksmithery be checked by the Attorney General through the identification records of the Federal Bureau of Investigation in order to determine whether, on the basis of such records, any matter proposed to be transmitted in the mails under such subsection is to be transmitted by or to a person who has been convicted of a felony, consisting of an offense against persons or property, under Federal law or the law of any State, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, or a territory or possession of the United States. At the request of the Postal Service, the Attorney General shall furnish to the Postal Service, on the basis of such records, information as to whether such person has been so convicted and has been legally pardoned for the offense concerned. Matter shall not be conveyed in the mails under subsection (a)(2) of this section by or to any person with respect to whom such records disclose such conviction and who has not been legally pardoned for the offense concerned. Information furnished by the Attorney General under this subsection shall be used by the Postal Service only for the administration of this section.

"(c) The Postal Service is authorized to make such additional exemptions from the prohibition in subsection (a) of this section as it considers necessary in the public interest.

"(d) For the purposes of this section, 'correspondence course of instruction in locksmithery' means a course of instruction in the making, repair, and operation of locks and other fastenings operated by a key or similar device or by a combination or mechanism functioning or moved by the sequence of numbers, letters, or marks chosen in setting the lock or fastening."

(b) The table of sections of chapter 30 of title 39, United States Code, is amended by inserting—

"3002a. Nonmailable matter relating to locksmithery."

immediately below—

"3002. Nonmailable motor vehicle master keys."

SEC. 2. (a) Chapter 83 of title 18, United States Code, is amended by inserting immediately following section 1716A thereof the following new section:

"§ 1716B. Nonmailable matter relating to locksmithery.

"Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail according to the direction, thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, any matter which is nonmailable under section 3002a of title 39, shall be fined not more than $1,000 or imprisoned not more than one year, or both.".

(b) The table of sections of chapter 83 of title 18, United States Code, is amended by inserting—

"1716B. Nonmailable matter relating to locksmithery."

immediately below—

"1716A. Nonmailable motor vehicle master keys.".

SEC. 3. The foregoing provisions of this Act shall become effective on the sixtieth day after the date of enactment of this Act.

SURRENDER AT PEKING

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. SCHMITZ. Mr. Speaker, Winston Churchill, describing Prime Minister Neville Chamberlain at the time of the Munich agreement, in "The Gathering Storm," said:

> His all-pervading hope was to go down in history as the Great Peacemaker, and for this he was prepared to strive continually in the teeth of facts, and face great risks for himself and his country.

On February 23, as President Nixon dined sumptuously and conferred cordially with his mass murderer hosts in Peking, I said, in reference to Taiwan, that "the final sacrifice of the last 15 million free Chinese on the altar of appeasement is being prepared." At Peking, on February 28, that sacrifice was offered up to the false god of peace through surrender.

We need not join in any of the semantic rock and roll of which Presidential assistant Henry Kissinger is so fond, in order to understand exactly what the Peking communique, signed by President Nixon and Chou En-lai, really meant. It is enough to review very briefly the last 8 months of United States-Chinese diplomatic history.

Early last July it was still our position—as it has always been until then—that there is just one China, whose legitimate government is the Nationalist regime of President Chiang Kai-shek, now located on Taiwan. Then, after the President announced he would go to Peking and consent to the admission of Red China to the United Nations, the administration assured us that we now had a "two China" policy, according to which we would deal with Red China, but also honor and protect Free China. Again and again, during that period, I explained that a "two China" policy was impossible, that neither Peking nor Taipei nor Washington could possibly accept it. The final proof of that comes in the February 28 communique from Peking, in which the United States states officially that there is only one China and Taiwan is a part of it, in the same paragraph in which we pledge "the withdrawal of all U.S. forces and military installations from Taiwan." Is anyone still naive enough to believe that the new "one China" we are talking about is anything other than the Red regime which we joined in issuing this communique?

So in just 8 months we have gone from recognition of one free China, to pretending to recognize both the free and the slave China, to in effect recognizing only the slave China. Compared with these hard policy realities, the diplomatic window-dressing of whom we exchange ambassadors with, pales into insignificance.

The Chou-Nixon communique was so bad that its defenders have been reduced to claiming, without a shred of evidence, that the President must have made some advantageous "secret deal" not mentioned or even hinted at in the communique. But if this is the case, then what are we to make of the President's unequivocal public declaration on his return to this country that he made no secret deals in Peking? If he is telling the truth, then we have sacrificed Taiwan for nothing. If he is not telling the truth, then his word cannot be trusted. It is one or the other; there can be no third alternative.

Almost exactly a year ago I was told of the impending sellout by international intelligence analyst Hilaire du Berrier, who had learned from his European sources that our Government was putting pressure on the two famous Soong sisters—Mme. Chiang Kai-shek and Mme. Sun Yat-sen, of Free China and Red China respectively—to meet on the island of Hainan to begin working out new arrangements between the Free and Red Chinese because we were preparing to unveil a drastic change in our China policy. I alluded to this in my newsletter of April 7, 1971, mentioning "reports that elements in our Government are attempting to bring about a change of attitudes of the Government of Nationalist China toward the enslavers of the Chinese people," even though I knew that many of my readers would find it hard to believe that such reports could be true. Now, a year later, the report is not only readily believable, but seems positively tame compared to what has actually happened.

Finally, the communique included this language:

> The Chinese side states: Wherever there is oppression, there is resistance . . . it firmly supports the struggle of all oppressed people and nations.

Communists define oppression as a condition existing solely because of the existence of a class society—which to them means any non-Communist society. So in this communique the Chinese are explicitly committing themselves to go right on fomenting revolution against all non-Communist governments. While they tell us this, we are telling them that we are no longer particularly interested in the fate of their next potential victims on Taiwan, the object of their lasting hatred, who have attained great prosperity and have resolutely held the fort against the enemy of all free men for more than 20 years.

Never since Yalta has the United States of America so cruelly betrayed a friend.

NEED INCENTIVES TO INCREASE OIL AND GAS RESERVES

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. COLLINS of Texas. Mr. Speaker, the Murphy bill on gas is essential to America's progress. I am proud to be a cosponsor of this bill that would stimulate the search for more gas reserves.

Last year the consumption of gas in the United States far exceeded the new discoveries. The demand for gas is growing more intense every year.

Enclosed is a news story written by UPI in yesterday's Dallas Times Herald:

SEARCH FOR MORE GAS RESERVES

Some energy experts are wondering if former President Lyndon B. Johnson had the benefit of a crystal ball during his "save electricity" days in the White House.

Oil men in particular—those who produce 75 per cent of the free world's energy—are recalling Johnson's actions to make their point that production of this country's natural resources isn't keeping up with demand.

"It was a funny situation only a few years ago when President Johnson went around the White House turning off lights," said Wayne E. Glenn, western division president of Continental Oil. "Now, a lot of people are thinking that maybe LBJ had a pretty good idea."

Low-cost power from oil, gas, coal and water used to be taken for granted in this country. Not anymore.

Industries in some areas are being told they can't build or expand factories because there isn't enough gas or electricity to operate and heat them. Private home builders in some areas are being advised to scrap plans to heat new homes with gas.

Consolidated Edison, the New York City utility, has switched from promoting more energy consumption to asking customers to "save a watt." Cities Service Oil Co., in Tulsa, Okla., was recently awarded a citation for outdoor lighting of its new office building, and on the same day was criticized for "conspicuous consumption."

"The message seems to be getting through —at long last that our standard of living, virtually our entire economy, depends on energy," Glenn said.

"Someone has calculated that between 1850 and 1950—in just 100 years—the world used about half as much energy as it had in the entire 18½ centuries since Christ," Glenn said. "But in the second half of this century—in the 50 years between 1950 and 2000—the world will consume as much energy as was used in the preceding 1,950 years."

BUREAU OF LAND MANAGEMENT NEEDS ITS ORGANIC ACT

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. McCLURE. Mr. Speaker, because roughly two-thirds of the State of Idaho is owned by the Federal Government, we have more than a passing interest in proposals to change administrative procedures on public lands. At the present time, the proposed Organic Act is subject to a great deal of conversation and study in Idaho. I think that the remarks of one newspaper editor are particularly enlightening and insert them into the CONGRESSIONAL RECORD at this point:

BLM NEEDS ITS ORGANIC ACT

In the place of the assorted jumble of 3,000 inadequate and confusing laws governing management of the nation's 450 million acres of public lands, the U.S. Bureau of Land Management clearly needs the integrity of the proposed new organic act.

The laws are so inadequate, in fact, that the Bureau of Land Management does not even have enforcement authority to protect the lands from growing public-use abuses.

Idaho, with most of its federal lands under BLM management, has a special stake in the adoption of the proposed new act. It is amazing, in fact, that the BLM has been able to do what it has in the face of the mission-muted framework it has operated under all too long.

The new act would establish as management objectives for these lands, to be called the National Resource Lands, multiple use, sustained yield, environmental quality and assurance of their continued value for present and future generations. Much of this framework was suggested in the U.S. Public Land Law Review Commission study and the proposed organic act is an outgrowth of this study although it is not an exclusive commission flowering. Essentially, the act gives the Secretary of the Interior the authority he needs for the proper management and highly selective disposition of the public lands.

While the BLM has attempted to apply multiple use and sustained yield to its management stance, it has not been able to consistently achieve it. The Department of Interior itself admits that "excessive exploitation of resources and headlong modification of ecological relationships have taken place, and much needs to be done to correct errors and to redirect activities . . . for the maximum benefit of the general public."

One of the things which the new act would permit would be the maintenance of an up-to-date land use plans. Tragically, all levels of government—federal, state and local—have not advanced broad but serviceable land use blueprints which will provide the most effective yet sustaining use of our lands. One can look around Idaho and see wild, unplanned developments, from sub-divisions on the Salmon River to conflicting land uses in one concentrated area to realize the importance of recognizing the need and applying an overall blueprint in which all developments and growth can be wholesomely assigned.

Owyhee County, for example, is a bristling case in point. In that county, in the vicinity of both the Bruneau River and the Snake River southeast of Boise, there are a welter of conflicts. There are conflicts in water development plans, in grazing (which would be supplanted by the water development) in recreation, in wildlife displacement, and road and highway planning. Some integrity which would incorporate the maximum public benefit in a wisdom of sharing, needs to be outlined.

The Boise Front, considered a model of coordinated planning, is another example. It took huge mud-carrying floods into the streets of Boise, for the people of Boise and the different government stratas there to wake up to the need of integrated planning and development. There were private lands, BLM, Forest Service, City of Boise, and public recreation uses all separately going their conflicting courses on the over-burdened land for many years—and with increasing velocity. So a cooperative plan was developed and a sharing of responsibility. The result was the Boise Front, a highly coordinated land use plan where the abused land was salvaged and where everyone benefits, both man and animal.

The tragedy of the Boise Front, however—like the tragedy of the Morgan Creek Mountain Sheep rescue project—is that it is a small island of endeavor in a sea of emergency. The Boise Front does not even cover all of the Boise Front geography. Morgan Creek in Custer County is only one of several critical range problems which the BLM and other private and government groups are attempting to retrieve after many years of uncoordinated neglect.

Idahoans should not delude themselves: Boise Front and Morgan Creek are showpieces, models of what can be done and nothing more. There is too much critical range elsewhere over Idaho despite the comparatively impressive and energetic cooperative projects of ranchers and the BLM to restore range.

The BLM needs its organic act and we hope Congress will not tarry with it.

AIRPORTS ARE BAD NEIGHBORS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. ROSENTHAL. Mr. Speaker, airports are bad neighbors. They and the airlines that use them often display what appears to be contempt for the community surrounding them.

They are deaf to complaints of noise pollution and blind to the problems of air pollution.

And yet they wonder why communities resist their plea for expansion.

My own constituents are plagued by the noise of LaGuardia Airport. I have called on the Port of New York Authority and the airlines to voluntarily work out a curb on noise during normal sleeping hours. I suggested a 10 p.m. to 7 a.m. curfew on takeoffs and landings. This would mean a minor inconvenience to the airlines but it would be far outweighed by the benefits to the people who live nearby and under the flight paths. The airlines and Port Authority have responded with silence. That, in my opinion, is further evidence of their lack of concern over the problem of noise pollution.

I intend next week to introduce, with the support of some two dozen colleagues, the first legislation aimed at establishing noise curfews nationwide. This is not an ultimate solution but rather a first step with immediate, tangible results.

LaGuardia is more the rule than the exception to the problem of airports as neighbors. In the January–February 1972 issue of City, published by the National Urban Coalition, Caryl Rivers and Alan Lupo have written a very insightful article entitled "How To Succeed in the Fight to Contain Airports." Writing of Boston's Logan International Airport, they observed—

> As a good neighbor, Logan is on a par with Attila the Hun.

The same can be said for many others.

I am inserting their article in the Record at this point:

How To Succeed in the Fight To Contain Airports

(Note.—Caryl Rivers and Alan Lupo are husband and wife. She is a former Washington correspondent now doing freelance. He is a former Boston Globe reporter who now moderates "The Reporters," a nightly show on public TV in Boston.)

"We won't give up. We've been fighting and we'll keep on. We'll fight them from every rooftop of every house if we have to." The source of that quote is not Che Guevara, H. Rap Brown, Jerry Rubin, or Mao Tse Tung, but a kindly Italian grandmother: Anna DeFronzo of Jeffries Point in East Boston.

Mrs. DeFronzo is not exactly the prototype of a revolutionary. She has a smile that lifts and lights her whole face and a body suitable for an Italian grandmother who makes a lasagna that melts in the mouth and settles on the hips. Her will to fight, however, has more the consistency of wrought iron than pasta.

She has picked a formidable enemy: the jet airplane. Anna DeFronzo's East Boston is shoulder-to-shoulder with Logan International Airport. As a good neighbor, Logan is on a par with Attila the Hun. It has gobbled up the community's waterside park, packed large chunks of Boston Harbor with landfill, and stuffed the air with the whine and soot of jet engines.

Anna DeFonzo does not want East Boston to become a runway or a terminal or a place where the air is so shattered by noise that it is unlivable. Two years ago she led a phalanx of women into the street to stop the trucks that rumbled down a residential street on their way to the airport. East Boston's cold war with Logan turned hot.

It was the sort of battle ushered in by the Jet Age, with the shadow of its sleek, swept-back wings, and fought by little knots of people, irate but powerless against the American version of progress. They were Don Quixotes, tilting at airplanes instead of windmills. In East Boston and Hempstead, N.Y., in Playa del Rey, Calif., and in dozens of other communities across the nation, they raised their voices and were drowned out by the roar of the jets.

The Don Quixotes have, amazingly, become Davids. Goliath has been rocked. God is not, perhaps, always on the side of the big battalions. Anna DeFronzo may beat the Jet Age. The shooting down of the American SST on the drawing boards may have been the Gettysburg in the battle of Airports vs. People. Its carcass (which could yet resurrect itself) is a token of the fact that the American love affair with size and speed—damn the cost—is cooling down.

The SST was only the most publicized of the battles against jet noise and pollution. Pressure from citizens and environmentalists halted a huge jetport in the Florida Everglades. California has passed a law setting state limits on airplane noise—the first one in the nation. It went into effect December 1. Other states, including Massachusetts and New York, have similar regulations in the works. A National Academy of Sciences panel issued a report last February that came out strongly against a major expansion of JFK Airport into Jamaica Bay. The expansion was halted.

In Boston, the long and bitter fight against airport expansion came to a dramatic climax last July when Governor Francis W. Sargent faced television lights and newsmen, and said: "What is the best transportation available for the future? Technology has a ready reply—the old ready reply: Fast equals good and therefore fast equals best. And with a parent's pride, technology points to its quickest child, the jet aircraft. Thus technology's answer: The jet airplane is the fastest, therefore the best, transportation. I disagree."

The governor opposed the plans for a major expansion of Logan, and, in what many people felt was an extremely enlightened statement of transportation policy, called for a carefully planned and balanced transportation system which would take into account both environmental factors and the quality of human life.

Score one—a big one—for Anna DeFronzo.

The story of how the anti-jetport forces in Boston grew from a small, ragged army to a political force begins on Maverick Street in East Boston. The street does not display the thick dirt of the inner-city slum. It is smudged and worn, like anything handed down from one generation to the next, but dirty it is not. The daughters and granddaughters of Abruzzi scrub floors and sweep steps with all the attention of a crusader hunting Saracens.

There are Maverick Streets all over this country. They usually are white and Catholic, and they feature a pattern of zoning that produces coronaries in schools of design: a single-family home next to a three-decker next to a bakery next to a somewhat empty variety store (the 1948 Moxie or White Rock poster in the window and the empty shelves mean the establishment is really a social club, which is a nice white ethnic way of saying, Put me down for $2 on so-and-so at Suffolk Downs). Maverick Street is a neighborhood, and this means that a lot of people who live on the street want to stay there. But in the last decade it has lost a lot of the qualities that mold a neighborhood, including housing and parks—thanks to its neighbor, the airport. (A billboard at Logan proudly announces, "World's Eighth Busiest," and like the city's ball teams, it would like to move up in the standings.)

The airport is run by the Massachusetts Port Authority (Massport), a creature of the state legislature with a lot of political clout. It owns more tax-exempt property in Boston than the universities, hospitals, or churches, and it pays three lobbyists to watch over its interests at the statehouse. For years, the people who protested in East Boston and other nearby communities were written off as obstructionists. The press and the pols played ball with Massport.

But something happened on Maverick Street one fall day in 1968 that marked the beginning of a change. Huge trucks loaded with gravel had been using the street as a route to Logan, where they dumped the fill into the harbor. By that autumn, 400 trucks a day rumbled by late into the night, filling the air with noise and dirt, tearing up the street, and making every mother worry about her kids.

Residents pleaded with Massport to use a route on its own property that crossed a little-used taxiway. The Port refused. So the Italo-Americans of the neighborhood, with Anna DeFronzo in the front lines, went into the street and blocked it with their bodies.

They found an ally at city hall. Kevin White, elected on a pledge to return city government to the people, backed the neighborhood all the way. After a week of action on the streets and in the court, Massport agreed to use the other route. For a lot of white Bostonians, the era of civil disobedience had began.

The movement intensified. Half a dozen times in 1969 East Boston residents practiced guerilla warfare on Massport, with stall-ins on the bridge and tunnel leading to the airport that slowed traffic to a crawl. The neighborhood council wrote and submitted more than 180 bills to the legislature. None passed.

Even more significant was the beginning of "regionalization" of the protest. East Boston linked up with a group called the Greater Boston Committee on the Transportation Crisis, a mixed-bag alliance of working-class whites, suburbanites, and blacks which had successfully fought interstate highways that would have sliced through the city. The Jaycees of Winthrop, a neighboring beach town of 22,000 which was racked by noise, formed MAPNAC (Massachusetts Air Pollution and Noise Abatement Committee), patterned after the anti-airport group in Hempstead. MAPNAC started as a local organization, but grew to be a major arm of all the communities fighting the airport. The coalition brought in conservationists from the Sierra Club, battle-scarred Irish pols from South Boston, blacks from a housing project under the flight path. They began intensive political lobbying. Now they had more troops. Equally important, theirs was an idea whose time had come.

The anti-airport groups, who three or four years ago were used to hearing themselves called nuts, now hear their arguments echoed in places of power and prestige. The National Academy of Sciences now says that the federal government must choose environmentally suitable sites for airports, that "environmentally hazardous" airports must be closed or replaced, and that all jets should be retrofitted with anti-noise devices by 1975. Massachusetts Governor Sargent says what anti-airport groups have long said: Airports cannot go on getting bigger while traffic on the ground strangles and the airlines operate inefficiently.

In the past, anti-airport forces also have heard themselves called the enemies of air travel, people who hold parochial interests dearer than the development of a fast, efficient system of transportation. The leaders of the movement reject this picture. They see themselves as the real ally of the traveling public.

"We have nothing against airplanes or airports," says Randall Hurlburt, environmental standards supervisor of the city of Inglewood, Calif. "We feel that much more can be done within reason to reduce noise without inconveniencing passengers or hurting the economy."

John Vitagliano, executive director of MAPNAC, says that because there has not been an effort to insure a balanced mixture of air and ground transportation in this country, it is the traveler who winds up being odd man out. "You have a large consumer market that is saddled with one choice of transportation mode," says Vitagliano. "You should have at least two. One reason for the imbalance is the priorities of the federal government. Before the jet age they were subsidizing the airline industry at the rate of about $10 per passenger. They didn't spend anywhere near the same amount for rapid rail or other ground mass transit."

An effective rapid rail service in the Northeast corridor could help relieve badly clogged airports, Vitagliano believes. A third of the air traffic out of Logan goes to New York. A train that could make the run in two hours between Boston and New York and Washington and New York would attract large numbers of passengers. Vitagliano points to the Metroliner now operating between Washington and New York: "That's not really a very high-speed train, but even with its limited service, there's been a 1- to 2-percent drop in the air shuttle. Eastern Airlines has applied to the CAB to get out of the air shuttle between New York and Washington."

Governor Sargent called a special meeting in August of New England governors and a representative of Governor Rockefeller to discuss high-speed rail service for the corridor. He said: "The men who say two-hour rail service between Boston and New York is practical are either hopeless dreamers or hard-nosed realists. It's time to know which they are."

The "new politics" of transportation, of which the anti-airport groups are a sizable part, have forced the beginnings of this rethinking of transportation policies. John Vitagliano thinks even more future-think is needed. Vitagliano, 29, is a graduate engineer and an Air Force vet with a private pilot's license. He has deserted engineering for the financially perilous but rarely dull career of community activist.

"We have to be willing to start from scratch with a new set of air transportation facilities," he says. "Today we are trying to accommodate a mode of transportation (the jet) that is a decade old with facilities that were designed 30 or 40 years ago. We don't have any choice but to start from scratch."

The huge jetports close to densely populated areas like JFK, Logan, and Los Angeles have outlived their time. Vitagliano thinks the offshore airport complex may be the answer. He talks of an airport five miles out in Boston Harbor, and says that engineering studies have proved the concept feasible. The terminal buildings at the existing site could be maintained, linked by causeways or air-cushion craft to the oceanport. The rest of the land now occupied by runways and storage facilities could be put to other uses.

"The mind boggles at what could be done," he says. "A whole new town could be built. Or perhaps the area could be devoted to recreational use."

The offshore airport idea is not pie-in-the-sea. Architect Larry Lerner specializes in "environmetrics," which he calls "the science of the things people use and the places in which they use them." His firm (Saphier, Lerner & Schindler) has been granted $400,000 by the Federal Aviation Administration for a feasibility study of the offshore airport concept. He has been working on a plan for an airport-shipping-power complex in the ocean five miles off Long Beach, N.Y. It would cost $8 billion and could be paid for in part, he says, by intelligent conversion of the land the city now owns at JFK and along the Manhattan waterfront.

Offshore airports also have been proposed for Southern California and in the Great Lakes. However, the Lakes projects have caused concern among environmentalists because of the severe pollution problems that already exist there. Opponents of a Lake Michigan jetport have banded together in a group called SAIL (Stop the Airport in the Lake).

John Vitagliano calls the ocean ports the least damaging socially and environmentally. The costs of creating such facilities may seem huge, but the costs of airports staying where they are may be even greater. The city of Los Angeles has just spent $300 million to buy homes in three residential neighborhoods on the borders of L.A. International Airport, and it fears it may have to spend another $1.6 billion buying an additional 65,000 homes. There also are some $3 billion in damage claims against the airport grinding through the courts.

The fact is that if new concepts of air transport facilities are not developed, there won't be any more new airports. New York tried to find a site for a fourth jetport for 10 years. The citizens of Morris and Hunterdon counties in New Jersey defeated it; so did Westchester, N.Y. Governor Rockefeller has settled on Stewart Air Force Base in Newburgh, but some in Newburgh are reluctant to accept the gift.

Even when the site is remote, there is opposition. A desert site in Palmdale, Calif., selected for a huge airport for the Los Angeles area, is under siege from conservationists who claim it would ruin the desert's ecology.

Anti-airport groups say that in many areas there is no need for expansion. If the airlines operated efficiently, most of their problems would be solved. "Historically the airline industry has scheduled flights very uneconomically," says Clifford Deeds of TVASNAC. "Fifty percent of capacity or less. If they cut the number of flights they would force up the percentage of occupancy in their planes. Braniff did this the first half of the year and doubled its net revenue."

Would prodding the airlines to schedule fewer flights make the traveler unhappy? Doesn't he want a wide choice? "The guy who's sitting out there on the runway in a plane with 30 people in it can look out and see that he's being held up because there are two other planes out there, each with 30 people," says John Vitagliano. "He'd rather be on one plane with 90 people that would get him where he's going with no delays."

Undoubtedly the major complaint against the jet is contained in a single word: noise. It is the thing that damages eardrums, sours the digestion, wrecks marital harmony, drowns out the crucial sentence in the TV mystery, wakes the baby, ruins the dinner party, and shakes loose a few psychological nuts and bolts.

The airline industry says that because the new generation of jet aircraft now rolling off the assembly lines is considerably quieter than existing jets, the noise problem will solve itself. But the anti-airport groups aren't buying this rationale. "All indications point to the fact that the existing jets will be around a long time," says John Vitagliano. "First, those jets were designed to last as long as possible. And given the present financial state of the airlines, you can't expect any sizable phaseouts for some time."

The anti-airport groups have a simple solution: muffle the noise at the source. A retrofit program would do just that. There are two bills now before Congress that would require retrofitting of the jet fleet. The FAA also has issued an advance notice of proposed rulemaking on retrofitting, which means they're thinking about it.

The airlines have opposed a retrofit program, saying that the result would be only "marginal" noise reduction. But Clifford Deeds cites engineers' claims that interior alterations could reduce noise by 17 decibels or more. "That's down to one-seventh of what it is now," says Deeds.

The FAA is the agency charged with setting noise regulations for airplanes, but the anti-airport groups view it with suspicion. They claim it sees its role as a booster for the aviation industry and is wedded to the status quo. "Putting the FAA in charge of noise regulation is like putting a fox in charge of a henhouse," says Clifford Deeds. "The FAA has a narrow view of its role," says an aid of Senator Edward Brooke, author of one of the two retrofit bills. "Their job is building airports. Anything that gets in the way of that, they don't like." He says he sent a copy of the Brooke bill to the FAA for comment and it stayed there six months—before he gave up on them.

The lack of strong federal regulation has led to state laws that set aircraft noise levels—like California's. Municipalities have tried it before. The town of Hempstead fought for its noise regulations all the way up to the Supreme Court. (The section of the town affected by jet noise has a quarter of a million people, larger in population than 11 states.)

So far, the courts have struck down such laws because they interfere with the federal right to regulate interstate commerce. Though state action may force the federal government to act, anti-airport groups fear that regulations passed by the FAA may be too lenient.

Damage suits against airlines continue to proliferate. In some cases preliminary rulings have been made, holding airlines and airplane manufacturers liable for damage to health or property. If the courts ultimately uphold such rulings, it would leave the companies open to staggering financial settlements.

All these pressures point to change in the transportation patterns in the U.S. This can only be good news for the traveler and for people who worry about urban America. As Governor Frank Sargent points out, there must be thorough examination of the alternatives instead of the haphazard growth of the past decade. If there is not, he say, "We will not be the master of this change, we will be its victim. We must act to be its master."

THE 1972 LEGISLATIVE PROGRAM OF THE DAV

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. HILLIS. Mr. Speaker, on March 14, the National Commander of the Disabled American Veterans, Edward T. Conroy, presented the 1972 legislative program of the DAV to the Veterans' Affairs Committee. I would like to bring his thoughts to the attention of my colleagues. The speech follows:

STATEMENT OF EDWARD T. CONROY

Mr. Chairman and Members of the Committee:

This is, indeed, a very high honor and privilege to come before you and present the 1972 Legislative Program of the Disabled American Veterans.

I am particularly pleased to share this very special occasion with a deeply dedicated group of DAV Department and National Officers who have journeyed here from all sections of the Nation to take part in our Mid-Winter Conference. These meetings, which occur annually, achieve two objectives—they allow for a series of discussions on matters of urgent concern to the DAV membership and, at the same time, serve to assure a continuity of interest in the fundamental purpose for which our Organization was created. That purpose, in part, urges all of us to do what is necessary "to advance the interest and work for the betterment of all wounded, injured and otherwise disabled war veterans." This objective—rightly and justifiably—includes consideration of the veteran's obligation to his family. Accordingly, the concerns of the disabled veteran's dependents and survivors must also be considered in any meaningful and rewarding assistance programs.

The primary mission of our Organization is carried out principally through our National Service Officers who are stationed in offices of the Veterans' Administration throughout the country. These 168 full time national employees—63 of whom are Vietnam veterans—assist veterans with their claims for compensation, pension, hospitalization, medical treatment, educational and vocational training, and sundry other benefits which have been provided by this Committee and the Congress. These services are extended with no charge to the veteran.

Let me assure you, Mr. Chairman, of the profound sense of pride I feel for the DAV service program and the prominence it has attained through the dedicated efforts of our National Service Officers.

The DAV participates actively in other programs which, although not too widely known, nevertheless, serve a very useful and humanitarian purpose.

Our scholarship program provides four years of college to needy children of service-connected disabled veterans. At present, we have approximately 47 students involved in the program.

Another on-going and growing program initiated by our Organization is the DAV Scouting for the Handicapped. The Disabled American Veterans is the only veteran organization that has committed itself to a formal partnership with the Boy Scouts of America to help carry the load of scouting for the handicapped. The DAV's participation in this highly successful program reflects, in our view, a genuine desire to recognize the dignity of disabled youngsters, and to deliver the service which they need and which, indeed, they deserve and enjoy.

Our Employment Assistance Program involves itself deeply in the employment problems of disabled war veterans. Our National Interim Employment Committee is currently developing an expanded program of employment services to disabled veterans of the Vietnam era. We have recently sent questionnaires to these young veterans to determine the utilization and effectiveness of the Public Employment Service. Our survey indicates that approximately 50 percent of those responding are not registered with that Agency. We have, therefore, instituted a pilot program which, at present, involves the States of Illinois, Connecticut and Arkansas. We have enlisted the cooperation of Veterans Employment Representatives and other officials to provide special counseling and placement assistance for those disabled veterans whose returned questionnaires indicate a need for such assistance.

We plan to expand this phase of our program to other states, and to establish contact with employers so as to improve their hiring practices with respect to disabled veterans. Hopefully, our efforts—in conjunction with employment service personnel—will result in substantially greater training and employment opportunities for thousands of disabled war veterans.

Before proceeding to the substance of our Legislative Program, Mr. Chairman, I want to take a moment to commend and to thank you and the Committee members for the legislative achievements of the 1st Session of the 92nd Congress. They represent the latest addition to an already well-established record of affirmative Committee actions on behalf of the nation's disabled war veterans, their dependents and survivors.

The increases in pension payments, the increases in dependency and indemnity compensation, the improvements in the home loan and medical programs are welcomed and appreciated by all members of the DAV and its Auxiliary.

We have great hope for what this distinguished Committee will accomplish this year. Indeed, we of the Disabled American Veterans, have been heartened by the overall atmosphere of hope and concern that has preceded this hearing. The proposed VA budget is at an all-time high and its medical budget is also the highest ever. Surely, this is encouraging.

On this note, Mr. Chairman, I would like now to turn directly to the heart of our testimony.

As you know, Mr. Chairman, DAV Legislative Programs spring from resolutions approved by our National Conventions and our National Executive Committee. On the basis of National Convention resolutions adopted last August, we believe our Organization has fashioned a Legislative Program that is sound and reasonable—a kind of program that blends what we think is important, positive and feasible. It is recognized, of course, that time does not permit a full discussion of all facets of our program. However, it is my hope that when your Committee holds later hearings, you will allow us to appear and discuss in detail some of the matters I shall touch upon only briefly here today.

DISABILITY COMPENSATION

Mr. Chairman, this Committee and the Congress throughout the years have given steadfast recognition to the concept that disabilities incurred as a result of service in our Armed Forces entitled the sufferer to very special recognition and gratitude from the nation. It has been accepted that compensation payments should be adequate to meet the particular needs of the service-connected disabled—and to meet those needs by providing payments based on the ingredients of compassion and understanding.

The basic rates of compensation payable in the wartime cases currently range from $25 for a 10 percent disability to $450 per month for total disability.

It is the feeling of the DAV that there should be a substantial, and immediate, increase in these monthly payments. We feel that the increase must be so subtantial as to take into account not only the loss in purchasing value since the last increase in July, 1970, but also an estimate of the additional loss which will occur between the present and the next review of the Disability Compensation Program.

Of the more than 2 million veterans on the VA compensation rolls, there are approximately 123,000 whose income is limited solely to monthly compensation payments.

Compared with average earnings, the present monthly rate for the totally disabled war veteran is grossly inadequate. Available statistical data show that the 1971 average earnings for production workers in private manufacturing industries was $7,809.36. while the compensation for the severely disabled unemployed war veteran is $5,400.00 per year. We do not believe that this veteran should be left behind in the "earnings" race.

Other data show that the median annual income of male veterans in the civilian population for calendar year 1970 was $8,660. Wages in both the public and private sectors have been increased approximately 12 percent since July, 1970. In this same period, non-service-connected disability payments have been raised on two occasions for a total of 16 percent.

It is our hope that serious study and thoughtful consideration of the facts set forth above will lead your Committee to give the highest priority to recommendations for well-deserved increases in the basic rates of service-connected disability compensation.

There are other compensation matters of high importance to the DAV which will draw our attention during the course of the year. We are particularly interested in legislation providing for dependency allowances for veterans whose disabilities are rated less than 50 percent, and a clothing allowance for veterans who, because of service-connected disability, wear prosthetic appliances which tear or wear out their clothing.

We think there is a very justifiable case for increases in the dependency allowances to restore their purchasing value; and a specially urgent case for increases to those veterans who receive the $47 monthly award for anatomical loss or loss of use of body organs. These special awards were last increased in 1952. The DAV has sponsored legislation to increase the $47 on numerous occasions with no headway. It is now more than 20 years after the last increase and the proposal is still prominently in our program.

During this entire period, the Veterans Administration has persistently opposed legislation to provide an increase in these awards on the pretext that it is conducting a study to "validate" the Disability Rating Schedule. We are told that recommendations based on the study may be available on April 1, 1972. However, we would point out that while the so-called validation may change some of the disability "percentage evaluations," it can have no effect on the supplemental statutory rate which the Congress authorized in consideration of factors "other than the economic loss" suffered by the veteran.

In its action, the Congress recognized that there was no way to adequately compensate a veteran who has lost a limb or an eye, or a veteran who has suffered irreparable psychological damage in the service of his country. Accordingly, the Congress rightfully sought to repay these disabled American veterans for the pain and suffering, the loss of physical and mental integrity, which these disabilities by their very nature often bring.

As mentioned earlier, Mr. Chairman, we would welcome the opportunity to discuss these and other items relating to the disability compensation program at future Committee hearings.

EDUCATION AND TRAINING

Mr. Chairman, we think it is generally accepted by the American people that those who serve in our Armed Forces bear a disproportionate burden of citizenship. While they are off serving their country, others of their age are preparing for occupational or professional careers. We think it only fair that the ex-serviceman be given the opportunity to secure educational and training advantages lost during his period of active military duty.

This opportunity was enhanced when your Committee on February 29th favorably reported H.R. 12828. This legislation, which has since passed the House, contains a wide variety of features, some of which would satisfy resolutions adopted by our most recent National Convention. Among other things, it provides a well-deserved increase in the monthly subsistence allowances paid to severely disabled veterans receiving training under the VA vocational rehabilitation program. Another provision would increase the monthly rates of educational assistance payable to veterans, and to wives, widows and children of service-connected totally disabled and deceased veterans under the War Orphans' and Widows' Educational Assistance Act.

NATIONAL CEMETERIES

In previous appearances before this Committee, the DAV outlined its position with respect to the National Cemetery System as it is currently operated. We have consistently urged—as we do now—that the operational jurisdiction and control of the system be transferred from the Department of the Army to the Administrator of Veterans' Affairs. Legislation to bring this about is presently under consideration in the Congress.

If enacted, the legislation would, in our opinion, eliminate the confusing and uncertain conditions currently associated with the cemetery program, and would result in the establishment of a unified and orderly system.

The officers and resources of our national Organization are ready and on call to assist in helping resolve this urgent problem.

VA MEDICAL PROGRAM

Another item of real significance to the DAV relates to the program of hospital and medical care for disabled war veterans.

We believe that the well-being of the disabled veteran and the debt his nation owes him commands aggressive action to make certain he receives a high standard of medical service as a matter of right. In this regard, Mr. Chairman, I want to reiterate here our grateful thanks to you and the Committee members for initiating and following through with the action that led to House passage of legislation in the 92nd Congress to improve the delivery of health services to eligible war veterans.

We are particularly pleased with one of the many excellent features of the Veterans Medical Care Act of 1971. It would provide hospital and medical care to the wife or child of a totally and permanently disabled service-connected veteran and the widow or child of a veteran who has died as a result of service-connected disability.

As I mentioned earlier, Mr. Chairman, the DAV is encouraged by the fact that the VA medical budget for 1973 is the highest ever. Among other things, it calls for an increase of 11,000 new medical employees; for an increase in the number of veterans to be cared for both on an in-patient and out-patient basis; for construction; for prosthetic research and for VA nursing care units.

Despite these promising improvements, there is a growing concern among DAV members about a trend strongly underway to assimilate the VA medical system into a National Health Care Plan under the jurisdiction of HEW or some other social service agency.

The DAV recognizes that the problem of health care for the general population is swelling rapidly and that legislation is needed to deal realistically with all aspects of the health care issue. However, the DAV is inalterably opposed to any scheme which has as its object the absorption of the VA medical and hospital program into a sweeping national health insurance system. Conversely, we firmly advocate that the VA hospital program, as presently constituted, not only be preserved intact but also be expanded and improved for the benefit of America's war disabled.

Mr. Chairman, I have attempted here today to bring to notice some of the highlights of our objectives for the year 1972. As expressed earlier, we think our program is a reasonable one, is feasible and supportable, and represents what we believe to be needed improvements in veterans' programs.

Before concluding my Statement, Mr. Chairman, I want to say a brief word about the draft "amnesty" issue which, as you know, is evoking rancorous, bitter debate across the country.

This burning question must, in our opinion, be evaluated with the utmost honesty and frankness. Reports indicate that there are about 70,000 draft dodgers and deserters residing in Canada and Sweden. A large number have said they were obligated by conscience to take flight. We rather think they were motivated more by the basic instinct of self-preservation. In any event, the really astounding aspect of this whole matter is the present attitude of some of the defectors. At a recent press conference in Toronto, a representative group demanded "totally non-punitive restoration" of their civil rights if and when they return to the United States. They rejected without reservation any alternative service as a condition for amnesty.

We do not think these people will win favor with any veteran groups. It is our considered opinion that amnesty should not now be granted, that the merits of the individual case should be decided separately, and only after the conflict has ended and all who served their nation honorably have returned home.

Mr. Chairman, may I again express our grateful appreciation for giving us the opportunity to appear before you. I cannot think of any better note on which to bring my Statement to a close than to call attention to and publicly thank the dedicated and conscientious members of the Committee staff. The officials of our Organization receive the Staff's splendid cooperation not only when hearings are in progress but all through the year; and for this we are deeply grateful.

ROSES FOR NEW YORK

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. HALPERN. Mr. Speaker, on today's front page of the Christian Science Monitor, David Winder wrote a colorful article in which he makes all New Yorkers glad they are New Yorkers.

In just a few short paragraphs he has subtlety but firmly captured the charm of living in the city. No one will disagree that we have our problems, but then, again, no city has the theater, culture, or the commercial vigor as does New York.

Often we hear that "New York is a nice place to visit but you wouldn't want to live there." Slowly this is changing. The unmatched theater and entertainment on and off Broadway still makes New York the show capital of the world. The flourish of new stores with new ideas and diversity contribute greatly to the exciting pace of living and working in Manhattan and the surrounding boroughs.

I would like to insert into the RECORD that fine article by Mr. Winder in which he points out why New York is still the place to live:

ROSES FOR NEW YORK

(By David Winder)

New York is coming up roses.

The press is suddenly finding time to put in a good word for the big city. They're almost affectionate about it. This change of mood is not capricious and is sufficiently pervasive to prompt one journalist here to claim that "a backlash of good news seems to be upon us."

The turning of the new leaf began appropriately in the new year. January saw Suzanne Haire, Lady Haire of Whiteabbey, formerly of the BBC, writing a column in the New York Times entitled: "If you are tired of New York, you must be tired of life." It was one of three good public relations jobs on New York City that appeared within one week on the Times's op-ed page.

Then February's Harper's Bazaar rushed to the defense of New York. In the same month New York magazine devised 101 signs that the city wasn't dying—most of them trivial indications, but nevertheless underlining a feeling that there was a lot going for New York and not nearly enough fans going for it.

TWINGE OF CONSCIENCE

Why the sudden turnabout for much maligned New York? There are still muggings, strikes, and petty harassments.

Maybe it is a slight twinge of conscience. A sense of shame perhaps for continually knocking New York. A realization, too, that it has been made the scapegoat for all urban problems.

Charles Gillett, executive vice-president of the New York Convention and Visitors Bureau, thinks there is an element of that.

"It is ironic. This giant has been so beat that it is almost becoming something of an underdog."

With even rural U.S.A. now starting to put locks on its doors, people apparently are coming to the conclusion that New York doesn't have a monopoly on all the unpleasant things in the world. Surprisingly, New York ranks only 16th in the national crime listings, but the concentration of the mass media here gives the city maximum exposure on this front.

Moreover, there is evidence to show that those who live in New York (and very often voice complaints) are miserable when they are away from it.

HISTORY ON DOORSTEP

A colleague with the German news media, questioned on how he enjoyed a vacation back home, nodded approvingly. Then, as if to impress another thought more clearly than he would in passing conversation, he grabbed a paper napkin and wrote on it forcefully: "But the bluebird of happiness is New York."

If that puzzles those who think Manhattan is fun to visit but not to work and stay in, Mr. Gillett, the paid lobbyist for New York, provides an explanation:

"New York means to me one of the most exciting, most up-to-date cities in the world. It means living in a place where history is literally being made every day and you are seeing it on your doorstep."

Michel Bernoville would probably go along with that. Michael is a cultured Frenchman with a good eye for antiques and whose ability to read and write four languages makes him a useful interpreter at the United Nations. But there came a time when Michel wanted to escape from the Manhattan rat race. He packed his bags for Europe. For good, he thought.

MUSIC AT ANY HOUR

Soon he was back again in Manhattan. He had deluded himself into thinking Paris wasn't materialistic. He missed the mobility of ideas here. And the cultural stimulation ("if French artists want to exhibit they come to New York"). And the opportunities for recreation. And "even stupid little things like turning the radio on at any time of night to hear music."

This correspondent, returning after a five-year absence, finds no difficulty in readjusting to New York. Moreover, he is agreeably surprised to find more trees planted out on the sidewalk; that air pollution is not personally as uncomfortable or irritating as it was back in the mid-'60's; and that from a Manhattan apartment the stars on a clear night really do shine.

Certainly there are problems in New York. But there is a moral to that, and Mr. Gillett as New York's most ardent promoter provides it.

In his busy 42nd Street office opposite Grand Central Terminal, he likes to relate a conversation between a native New Yorker and a friend from mythical Podunk, U.S.A.

Says Podunk citizen: "Our restaurants are better. Our air is cleaner. We have less traffic. What do you think of that?"

Replies the New Yorker: "You're so right. But the only difference is that when you wake up in the morning you are still in Podunk."

CRITICS OF SAFE STREETS PROGRAM FEAR RETALIATION

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. JAMES V. STANTON. Mr. Speaker, the following letter to Mr. Jerris Leonard, Administrator of the Law Enforcement Assistance Administration, is self-explanatory. I include it in the RECORD for the information of Members of the House:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 10, 1972.

Mr. JERRIS LEONARD,
Administrator, U.S. Department of Justice, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. LEONARD: As you probably know, I have been in contact with mayors and other public officials in the 56 largest cities, with respect to my Emergency Crime Control Act (HR 11813). I have been seeking their comments on the legislation, in anticipation of the public hearings ordered by the Hon. Emanuel Celler, Chairman of the House Judiciary Committee.

While the majority of the cities have responded, sending me material which has proved very helpful, I am disturbed to find—and I am certain you will share this feeling—that officials in some cities have not replied because they say—or intimate—that they fear retribution by the Law Enforcement Assistance Administration and/or the State Planning Agencies.

One official I spoke to yesterday was quite candid about this. He telephoned me to apologize for not having replied to my survey letter. He explained he could not "go on record" because to do so might damage his relationship with your agency and with his state agency as a result of which his city could lose some sorely needed crime-fighting funds. But he urged me to press forward with my legislation, assuring me, as he put it, that it is "100% on target." Then, on a confidential basis he told me about some of the inadequacies of the Safe Streets program, as administered by your agency and state authorities.

I regret that I cannot give details because to do so would unavoidably identify the city in question. However, the information is worth having for purposes of my own elucidation, even though I am, of course, distressed that the city official should feel so inhibited about publicly discussing the situation. I can only say that this city clearly is not getting sufficient funding from the Safe Streets program, and even the funds allocated to it are not reaching the city speedily because of an incredible amount of red tape.

I would like to cite another example. An official in another large city advised my office that he could not answer the survey letter because he feared that this might jeopardize the possibility of his city being selected as one of the eight "Special Impact" grantees. Since that time his city *was* selected, but the official still is dissatisfied with the way the grant was handled. He too will not "go on record" out of fear of retaliation.

As you know, Mr. Leonard, my legislation assures large cities that they will automatically receive Safe Streets funds as *a matter of right*. The amount could not be changed by your agency or state officials. The amount would be based on the city's population and crime rate. This would be clearly stated in the law, and there would be no danger of politics interfering with the program, since your agency would be relieved of a great deal of the discretion it now has—and so would the state capitals.

Whatever you think about the merits of my legislation, I am certain you believe that (1) a free exchange of opinions is healthy, and (2) it is necessary for Congress to have such opinions with facts to back them up.

Therefore I ask you to circulate a letter to program officials in the largest cities (defined in my bill as those having populations of 250,000 or more), assuring them that they will not be penalized if they give information to Congress that is critical of your program. I am certain that is your policy right now, but, as I have indicated, officials in some cities evidently need some assurances to this effect. I request also that you send a letter to the State Planning Agencies, asserting that it is the policy of your office to encourage frank and open discussion of the Safe Streets program.

I do not doubt that perhaps the fears of some officials were not too well-founded. But I am convinced that such feelings with inevitably arise under a program structured in such a way that city officials have to come to Washington begging for a handout. I would hope to have your support for H.R. 11813, which would cure this situation.

Sincerely,

JAMES V. STANTON,
Member of Congress.

VIEWS ON BUSING

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. DOWNING. Mr. Speaker, as the debate on forced busing of school children continues throughout our Nation, it would be wise for us to hear the experiences of my colleague, the Honorable DAVID E. SATTERFIELD III, of Richmond, Va.

It was in Congressman SATTERFIELD's district that the landmark judicial decision to abolish established school boundaries to achieve racial balance was handed down.

My colleagues recently testified before the Subcommittee No. 5 of the House Judiciary Committee in support of the pending constitutional amendment which would provide that no public school student because of race, creed, or color shall be assigned to or required to attend a particular school.

His eloquent testimony, which I am presenting here, clearly outlines the effects of busing on Representative SATTERFIELD's district, the State of Virgina, and our entire Nation.

One of Mr. SATTERFIELD's main concerns is the deterioration of quality education for all students as a result of extensive busing. He also expresses his fear that this decision sets a precedent that will have nationwide impact.

I believe it is appropriate that we take a moment to read this pertinent and compelling views on this important and immediate issue.

The material follows:

STATEMENT BY REPRESENTATIVE DAVID E. SATTERFIELD III, BEFORE SUBCOMMITTEE NO. 5 OF THE HOUSE JUDICIARY COMMITTEE, FEBRUARY 29, 1972

Mr. Chairman and Members of the Subcommittee: I know no issue of deeper concern to our citizens than court ordered busing of school pupils to alter the racial mixture in public schools. I wish to take this opportunity to congratulate this Subcommittee for its decision to conduct public hearings upon a host of proposals before it which would attempt to deal with this issue.

I wish to express also my personal appreciation for this opportunity to appear before you to express my views as well as those of my constituents in the City of Richmond, Virginia, and the two adjacent Counties of Henrico and Chesterfield, who are so vitally affected.

The depth of concern among my constituents was forcefully demonstrated on February 17th. Despite a heavy snowstorm a motorcade of 3261 vehicles journeyed from Richmond to the District of Columbia to demonstrate objection to forced busing and to consolidation of school districts to facilitate forced busing. An additional 2000 vehicles were turned back at the point of origin in order to reduce the impact of this demonstration on the usual heavy afternoon traffic on highways leading south from Washington.

The peaceful, lawful nature of their protest and the demeanor of 120 citizens, who called upon more than 300 offices of Members of the House that day, demonstrates more eloquently than words that these were serious individuals typical of middle-class America.

I want to make it clear that I do not appear here today to argue the question of integration in the public schools of Richmond or any other place. I appear as a spokesman for the people in my District and as a legislator who has become deeply concerned about forced busing of pupils to correct racial imbalance in public schools. I am concerned by what I have seen it do to my City of Richmond, Virginia, and by what I fear it may do to my entire District, my State and my Nation.

I am concerned about the present and future quality of public education and the adverse affect of forced busing upon excellence in education. I have grown concerned also about the possible effect of busing decisions upon the future of this nation and its system of government.

Our Federal system of government is a good one, capable of perfection in its operation. It is my view that the failure to realize its full potential has been due to the frailties of man and not imperfections in the system itself. However, we will never achieve that potential if we abandon the basic premise inherent in the freedoms secured to us all in our Constitution, that to the fullest extent possible, man should control his own destiny and that of his minor children.

In a sense, it is regrettable that the offending judicial edicts have become obscured by the use of the term "busing" and that as a result the real points at issue have been obfuscated. The busing of which I speak, and about which I complain, is the busing of pupils by force, pursuant to judicial order, for the purpose of effecting an artificial racial balance of students in public schools.

I have heard it said, primarily in an effort to mitigate the gravity of the forced busing issue, that busing is historic in America and that through the years thousands of students have ridden school buses to and from school. But there is a serious difference between that kind of busing and the forced busing of which I speak. That difference can be described in one word—compulsion.

The kind of busing to which these individuals refer emerged with the development of the motor vehicle and was employed to replace the long walk or horseback ride to the nearest school. It developed as a matter of convenience to assist pupils in their efforts to attend the nearest school. It was voluntary.

Court ordered busing plans, on the other hand, transfer students by bus, not as a matter of convenience, but merely to achieve some arbitrarily established level of racial mix among pupils. The court thus replaces the parent in determining what schools his child shall attend and how. It thus seizes all control over a child's education and denies to the parent the right and opportunity to influence an important aspect of his child's education.

I realize that there have been instances in the past where a black child was bused past his nearest school to attend a black school or a white child bused past his neighborhood school to attend a white school. That was wrong.

It is just as wrong today to bus a black or a white child past his neighborhood school in order that he will become a part of an artificial racial balance in a school miles away.

I am not unmindful of the fact that some sociologists and psychiatrists have suggested that proper public education demands a certain degree of racial mix and that parents lack the ability, experience and knowledge to determine what is best for their own children and that these suggestions have been used to defend forced busing. I would observe, however, that neither suggestion has escaped serious challenge and that arguments supporting the principle of free choice must of necessity transcend both in importance.

I am acutely aware of the fact that some individuals who express the view that forced busing is necessary, do so with the mistaken idea that areas now under busing orders have made no effort to integrate their schools or that they have deliberately resorted to subterfuge to prevent integration.

That is not the case in my District. Even if it were, it seems to me there are other solutions, not nearly so harsh, which can at the same time contribute to quality education. We may have been slow to react to the Brown decision but we did take steps to conform to what it said.

In 1966 the school system in the independent City of Richmond inaugurated a freedom of choice system for enrolling pupils in our public schools.

This plan was devoid of any possibility of gerrymandering a school area since it employed no geographic zones at all. It permitted parents to send their children to any school of their choice within the corporate boundaries of the City of Richmond. It conformed to the 1969 court definition of a unitary system as being one within which no person is effectively excluded from any school because of race. That it was achieving integration in the public schools of Richmond is evident. Consider, if you will, the fact that in 1961, prior to implementation of this freedom of choice plan, only 1.8 per cent of 34,956 pupils attended integrated schools. In the 1967–68 school year, the second under this freedom of choice plan, that figure had risen to 44.6 per cent and in the 1969–70 school year to 50.2 per cent. In 1969–70 every white student in the City of Richmond attended an integrated school.

The subsequent decision of the Federal Court at Richmond ordering forced busing of pupils to achieve an arbitrary racial mixture of students in the Richmond Public School and its further order requiring the reassignment of teachers to achieve a racial mixture in each school's faculty as well, produced a profound and undesirable effect upon the Richmond School System and the quality of education provided by that system.

I realize that this is neither the time nor place to discuss in detail the numerous incidents which support this conclusion or to discuss those resulting problems peculiar to Richmond. I feel I would be remiss, however, if I did not invite the attention of this Subcommittee to some of those problems which I believe are inherent in every case where forced busing is ordered and which I believe diminishes the quality of education.

Perhaps the greatest long range damage results from transferring teachers from the school at which they taught prior to a busing order, for the sole purpose of achieving an arbitrary racial mixture of teachers at each school. Some of these teachers were uprooted after years of tenure in one school. An immediate result in Richmond was a termination by many teachers of their voluntary after-hours work with students in various extracurricular activities. Furthermore, many teachers, upon the expiration of existing contracts, feel compelled to leave the school system involved. Some seek employment elsewhere. Others who have reached the age for retirement but who continued to teach out of pure love of their profession, have elected to retire. This exodus, which includes in its ranks many of our most experienced and effective teachers, seriously damages the school systems in which they had worked.

I doubt any educator will challenge the value of participation in extracurricular activities to the quality of a pupil's education. Yet forced busing has seriously interfered with the opportunity to engage in these activities after school. For many, the time formerly employed in these pursuits is now unproductively consumed riding a bus. For those fortunate enough to continue their extracurricular activities, the experience is less rewarding because of the reduced number of participants and the diminished availability of teachers who possess the greatest interest in these activities.

The debilitating effect of forced busing on extracurricular activities is particularly true of after school athletic programs. It is regrettable that participation in sports, so essential to the physical and mental health of our young citizens, is thus curtailed.

But that is only part of the story. In the Richmond system, for example, which has been remarkably free of violence in the past, there occurred, following the inauguration of forced busing, an alarming increase in the incidence of violence, disruption and criminal acts in its public schools and against the persons of pupils and teachers. This regrettable fact forced the City to engage, for the first time ever, a school security force armed with the power of arrest to help maintain order and to protect law-abiding students and teachers. It also forced the termination of nighttime school sports events.

One tragic result of forced busing has been the destruction of the role of the neighborhood public school in its community. As a direct result of forced busing;

Parental contact with and influence in schools attended by their children have been lost.

Parental conferences with teachers, so essential to proper childhood guidance, have been inconvenienced if not lost altogether.

Children, especially those in kindergarten and lower elementary grades, have lost an important sense of security and identity provided by neighborhood schools.

Parents are severely handicapped in their ability to bring a sick child home; and

Children are subjected to additional risks; for example in Richmond alone, school buses were involved in a total of 153 accidents between September 1, 1971, and February 24, 1972.

Last, but by no means least, is the question of educational opportunity. All of us have heard, at one time or another, the statement that in order for a black child to receive a quality education he must attend a school in which white children are enrolled. That is a racist statement which makes no more sense than another racist statement which we have also heard, that a white child cannot receive a quality education in a school also attended by black students. Both statements are erroneous, but they do serve to focus upon a critical question relative to the effects of forced busing.

No doubt, there are instances where one might conclude that a bused pupil will achieve a better education in the school to which he is bused than he received previously. But what about that child who will receive an inferior education as a result of being bused. A classic example, which can be documented, but which is by no means exclusive, has occurred in Richmond.

The Richmond School Board was a pioneer in the concept of providing accelerated courses in math, chemistry and physics through which exceptionally talented students would be afforded an opportunity to expand their knowledge at a more rapid rate than was possible in the standard curriculum. Pilot courses were commenced in one high school and gradually extended to others when and where a need became evident. As a result of the forced busing order, some who were already pursuing the course of study provided in these advanced classes were plucked out of their neighborhood school and bused to schools which do not provide any accelerated courses of study. These unfortunate students were forced to waste the balance of their high school careers repeating classwork they had already completed in their accelerated studies.

Can one really justify forced busing when this is a direct result? Of course, we must exert every effort to provide equal quality education to all pupils, regardless of their race or economic station in life. But I fail to see how anyone can condone a plan which may improve the quality of education of one student at the expense of another or which threatens a decrease in overall quality education.

Do the rights of a student who may improve his educational lot through forced busing outweigh the rights of a student who thereby suffers a diminution in the quality of his education? If this then be a result of forced busing, and it is, on what conceivable constitutional theory can it be supported? I submit there is none.

None of the problems to which I have referred, by any stretch of imagination can be said to contribute to excellence in education. Indeed, the exact opposite is true. These problems are in fact sacrificial offerings upon the altar of forced busing.

The time has come to stop this practice.

In January a new decision was rendered by the U.S. District Court at Richmond, not out of a new cause of action but upon a motion of joinder in the original action which had produced the forced busing order for the City of Richmond. Although this new decision is being appealed, I feel compelled to discuss it, because it provides a chilling insight into how far Federal Courts are prepared to go.

To fully comprehend the impact of this decision it must be remembered that Virginia is unique in that its cities and counties are completely separate political entities, neither being dependent upon the other in the operation of its government.

The City of Richmond is governed by an elected council and the Counties of Henrico and Chesterfield by separate elected Boards of Supervisors who appoint the members of their respective school boards. Each political entity has operated its own separate school system, the boundaries of which are coterminous with the political boundaries.

Funds to operate these systems are appropriated by their respective legislative bodies which also authorize capital investments. Bond issues for school construction are the sole obligation of the political entity offering the issue.

Richmond City has approximately 43,000 pupils, the Counties of Henrico and Chesterfield have approximately 34,000 and 24,000 respectively. Richmond City students are predominantly black and those in the counties predominantly white. The three independent political subdivisions encompass an area of 744 square miles, some of which and, in both Henrico and Chesterfield, is rural.

The decision to which I refer would impose a forced busing plan upon these three jurisdictions, by abolishing the three separate school districts and their respective school boards and by creating in their place and stead a single master school district encompassing the entire area. That new district would be administered by a master school board to which Richmond City would appoint four (4) members, the County of Henrico three (3) members and the County of Chesterfield two (2) members.

I wish to call particular attention to the fact that when this decision was rendered each of the three jurisdictions involved was then operating an approved unitary school system; Richmond's unitary system having been established pursuant to order of the court in question and the Counties of Henrico and Chesterfield having been established pursuant to unitary school plans approved by the Department of Health, Education and Welfare.

This decision goes far beyond the ordinary desegregation case involving the reassignment of students and faculty to obtain a unitary school system. It involves the complete restructuring of three independent unitary school systems in three independent political subdivisions in order to bring about something defined as a more "viable racial mix" throughout the area, defined as a "metropolitan area" school community. In mandating this consolidation, the Court, for the first time, has affixed a constitutional right of Negro children attending a judicially approved unitary school system of one political subdivision to be transported to and enrolled in a unitary school system of an adjoining political subdivision. The Court has further affixed to white children attending a unitary school system, the *obligation* of being transported to a predominately black unitary school system, in another political subdivision; the rights and obligations are said to have been invoked to provide for a more desirable racial mix.

It would establish within the new master school district six subdivisions extending like slices of pie from the center of the city and would arbitrarily fix the racial mix in each school at not less than 20 per cent nor more than 40 per cent black. It would provide that selection of pupils to be bused would be by lottery, similar to the Random Selection Method employed in the selection of draftees under the Uniform Selective Service Act.

The implications of this decision are broader by far than any previous school case. Here, for the first time a Federal Court has struck down jurisdictional lines which were established in the first half of the 18th Century and which have been changed only by periodic enlargement of the City through annexation proceedings which no one has ever seriously suggested were designed to perpetuate school segregation.

Should this decision to ignore jurisdictional lines within a State be affirmed by the U.S. Supreme Court, which certainly is not a complete improbability, then the precedent will have been set to ignore State lines as well. We could then anticipate a host of court ordered interstate mergers, such as a merger between the schools of Washington, D.C., now 97 per cent black, with those of the adjacent areas of Maryland and Virginia, or perhaps a merger involving New York City and New Jersey.

Make no mistake, this decision constitutes a very real threat to the right of a locality to control its own schools. Once begun, interstate mergers could easily lead to a Federal School System controlled absolutely in Washington by appointed officials, who are in no way answerable to the electorate. They would dictate the design of each and every new public school; determine where and when it shall be erected; assign pupils to specific schools; determine the training requirements of teachers and their assignment to specific schools; select the textbooks to be used, formulate and dictate classroom curricula; and control every facet of school administration.

Should this come to pass, it goes without saying that every single community in this country will be affected, even though it does not now have, and may never have, an education problem involving race.

The greatest guarantee we have, for the continuation of freedom in education so essential to a free people, is to continue that diversification of control over public education inherent in the principle of local control. Destroy that and you destroy freedom of education itself.

As disturbing as this aspect of the consolidation decision may be, the collateral questions which it raises are even more disturbing.

For example, if Federal Courts are permitted to strike down local jurisdictional boundaries for an educational purpose, might they not also traverse them for some other public purpose such as welfare and medical care?

Consider if you will those questions collateral to implementation of the Richmond Consolidation Case. The manner in which they may be resolved will have a serious impact upon local government far beyond the questions of education, integration and forced busing.

The court has made no effort in its decision to deal with the number of school administrators which will be required by the new master school district. It makes no reference to the philosophy of the new district or the educational program it will employ nor does it indicate how or by whom either will be determined. It fails to acknowledge the operational costs of this new school system or to suggest how funds to finance those costs will be raised. It fails to address the question of how capital outlays for new schools or additions to existing schools are to be financed or, for that matter, how bonds will be issued. It fails to address the problem of how school property will be conveyed to the new school board or how that board will receive and hold such property; it ignores the vital problem of how the separate outstanding bond obligations of the counties and city involved, will be assumed or repaid. Above all, it leaves unanswered the vexing question as to how three separate legislative bodies can be made to finance their respective portions of the operating expenses of this new common school district, especially when the true tax rate in each political entity is different or how either of these bodies can be made to act when the public interest of county or city is hostile to the public interest of one of the others.

Previously in this case the presiding Judge ordered the Richmond City School Board to purchase buses and Richmond City Council, an elective legislative body, to appropriate the funds required to pay for them. These orders were armed with the threat of contempt citation and punishment if resisted.

Both bodies, the School Board and City Council complied with these orders. Regardless of any question as to whether they should or should not have resisted, I think it is self-evident that little or no imagination is required to raise the fear that all these collateral questions will be determined either by court edict or by judicial coercion upon the elected representatives involved. Such a possibility should be repugnant to every individual who believes in our Constitution.

The potential for mischief inherent in this decision is, I think, self-evident. It constitutes a serious threat to the autonomy of local and state governments as integral parts of our Federal system and it constitutes a serious danger to the continued right of the people of this nation to freely govern themselves at the state and local levels of government.

If the Federal Courts are prohibited from demanding forced busing as a tool to achieve a unitary school system—whatever that may be—then the reasons which have produced the Richmond consolidation case and all like it, will have been removed. Court ordered busing is a fact. Extension of the doctrine upon which forced busing is predicated is now more than a fear or a theory.

The time has come for Congress to act to prohibit forced busing either by legislative act, as some suggest, or by amendment to the Constitution, which I believe to be the only practical course now open to us.

There was a time when I believed that Congress could enact legislation which the Supreme Court would sustain to prohibit forced busing to achieve an artificial racial balance or to eliminate a racial imbalance in public schools. I confess, however, that my optimism in this regard was destroyed by the Supreme Court's opinion in *Swann, et al. v. Charlotte-Mecklenburg Board of Education, et al.*

That opinion left no doubt that the Supreme Court has concluded there shall be a reordering of the ratio between the races among pupils in the public schools in areas where *de jure* segregation is said to exist. Moreover, it makes quite clear that busing is an acceptable tool, and, therefore, a Constitutional tool, which may be utilized to effect the necessary involuntary transfers.

When I consider that determination, when I consider the facility with which the Supreme Court swept aside pertinent language in the 1964 Civil Rights Act, as well as Congressional expressions in subsequent enactments, and when I consider the distances pupils must be moved from one school to another to implement that decision, I find it impossible to conceive that the Supreme Court, of its own volition, will embrace and approve any legislative act having the effect of prohibiting such forced busing or eliminating forced busing already in progress as a result of its decision.

I know that some Members of Congress sincerely believe we can prohibit forced busing simply by enacting legislation. I respect their right to this view, of course, but I disagree with their conclusion. We are dealing with a basic decision which is predicated upon the Supreme Court's interpretation of the Constitution. I fail to see how we can alter such a decision by mere legislation. The groundwork is already laid upon which the Supreme Court can render a decision which would declare such legislation unconstitutional and I believe that is precisely what it would do.

It is important at this point for each of us to contemplate a perplexing aspect of the Charlotte-Mecklenburg decision. I refer to the Court's failure to make that decision applicable to public schools located in areas where *de facto* segregation is said to exist. What may be of greater signficance, however, is the Court's refusal to hold that these areas are exempt from its application at some future date.

I find it difficult to justify the apparent conclusion of the Supreme Court, on the one hand, that the civil rights of a black child in North Carolina are so violated by a condition of segregation as to demand redress, whereas, on the other hand the civil rights of a black child in another area who experiences the same condition of segregation are not violated simply because the former condition is determined to be *de jure* segregation and the latter *de facto* segregation. I deem it self-evident that the rights of both children are the same and that if the rights of one are violated, then the rights of both are violated regardless of the circumstances which contributed to establishing the offending condition. There can be no serious doubt, absent effective action by Congress, that the time must come when the Supreme Court will conclude that the Charlotte-Mecklenburg decision applies to *de facto* and *de jure* segregation with equal force.

It is high time for all of us to recognize, for what it is, the distinction which has been created between *de facto* and *de jure* segregation;—that it is a deliberate effort to divide into two camps the potential objectors to forced busing and to keep the two camps divided by holding out to one the hope that it will not suffer the same indignity of forced busing visited upon the other. I suggest that the long range result, if we fail to act, is that both camps will suffer the same fate, separately.

Those who feel secure today because they reside in areas identified as having *de facto* segregation will be well advised to heed the arguments of those of us who are currently under the gun. Where we stand today, they will surely stand tomorrow.

Some of those who now advocate action by legislation, and who argue that it would be upheld in Court, do not seek to prohibit forced busing, but rather to implement existing busing orders by attempting to impose some limitation upon the extent to which such orders would apply. Some advocates of this approach with whom I have talked seem to be saying that a certain amount of forced busing is acceptable, so long as it occurs somewhere else.

I hold that if busing is wrong in one place then it is wrong every place. I cannot, therefore, understand or accept such an approach as a method for dealing with this issue.

Forced busing under Court order, solely to achieve an artificial racial mix of pupils in public schools is a fact. In Richmond, for example, it has existed for a full year and a half. To date every determination to impose forced busing upon separate school systems have been made by the Judicial Branch of the Federal Government, in which democracy as we know it simply does not exist.

We should not make the mistake of failing to recognize that citizens across this land, especially those in jurisdictions already subject to Court ordered busing are growing restive, not simply because of their objection to forced busing but because this practice, so vital to them and their children, has become a reality without any opportunity to express themselves on the issue either by direct vote or through their duly elected representatives.

This fact alone offers a compelling argument against reliance now upon so questionable a remedy as a legislative act, for the validity of such an act will remain undetermined for a long period of time, perhaps several years. Meanwhile, existing court ordered busing would continue unabated and consolidation orders, such as the one in Richmond, even if stayed throughout appeal, will have been decided long before such legislation can be tested in the Supreme Court.

I am here today, therefore, to support, and to urge your sympathetic consideration of, an amendment to the Federal Constitution which will establish the Constitutional foundation for valid legislative action to properly and effectively deal with this issue and hopefully with the related arbitrary assignment of teachers to achieve artificial racial balances of the teachers in each public school.

The essential language to which I refer provides that no public school student because of race, creed or color shall be assigned to or required to attend a particular school. This language is appealing because it is brief and explicit and because it properly extends to its ultimate conclusion the existing principle that the Constitution is color-blind.

Proponents of forced busing have charged that such an amendment would roll back progress in school integration which began with the Brown decision in 1954. This is an invalid argument.

First of all, the charge appears to be predicated upon a conviction, which no amount of fact seems to dispel, that every opponent of forced busing is an unrelenting segregationist whose sole objection to it is his unswerving aversion to mixing black and white children in public schools. That simply is not a fact. Opposition to forced busing is not related to race, for the principle that public schools shall be racially integrated is well established and accepted. In the past year and a half, for example, I have received approximately 15,000 communications from constituents, some of whom are black, expressing their opposition to forced busing. Except for a handful of letters, these citizens made affirmative statements demonstrating that they do not object to integration in public schools. That this reflects a genuine conviction is attested by the fact that immediately prior to the forced busing order in Richmond, public school integration was progressing—peacefully and without incident.

Second, I find it difficult to understand how these opponents of the Constitutional amendment which I support can embrace, on one hand, the proposition that our Constitution says that a public school pupil may not be prevented from attending a particular public school on account of his race, creed or color, yet reject on the other, this proposed amendment which complements that proposition by stating that henceforth the Constitution will also forbid the assignment of that pupil to a particular school because of his race, creed or color.

Their position supports the patently unequal proposition, that for some purposes the Constitution is color-blind but for others, it is not.

The language I support, as set out in my resolution, H.J. Res. 597, H.J. Res. 620, and other pending proposals, would make it clear beyond doubt that the Constitution is indeed color-blind—in every respect.

Should there be a feeling on the part of this Subcommittee that the suggested amendment should reflect both propositions then, I submit, it might consider inserting immediately after that portion of the proposed amendment which reads "No public school pupil shall because of race, creed or color" the words "be prevented from attending or" so that Section 1 will read "Section 1. No public school student shall, because of his race, creed, or color, be prevented from attending or be assigned to or required to attend a particular school."

An important facet of the approach I recommend, which should allay the fears of its detractors is that even though this Constitutional amendment is passed and ratified, subsequent legislation will be required to implement it. The question as to what school plans will result and whether the neighborhood school concept, freedom of choice, or some other plan will be permissible will, no doubt, be determined by subsequent Congressional legislation.

I am aware of the argument that this amendment might produce a result contrary to the one I seek. Perhaps that is possible; however, its adoption and ratification will provide Congress with an opportunity to make the decisions involved rather than to continue to leave them to the Federal Courts. I, for one, feel far better about relying upon the will of Congress than I do about having to rely upon the discretion of Federal judges who are not accountable to the people for their actions. I have an abiding faith in the citizens of this Nation, when important issues are involved, to be fair and objective and to reach a correct decision. Those of us who have joined together in our anti-busing effort are perfectly willing to place our case before the body politic who will speak through their elected representatives. I think it is fair, then, to ask those who oppose us why they are unwilling to do the same.

In conclusion, let me reiterate; our effort here is not one to perpetuate segregation, it is simply an effort to prohibit the utilization of compulsory busing of pupils to achieve an arbitrary racial mixture in public schools.

It is an effort to redirect national focus upon the proposition that public schools exist for the purpose of providing quality education, not for experimentation in sociological projects.

It is an effort to provide the framework upon which permssible legislation can be formulated.

It is an effort to afford to the people an opportunity to act.

I intend to support legislation, if it is developed, which has as its objective a prohibition upon forced busing. However, to support such an effort to the exclusion of all else would, in my view, be a serious mistake and I will, therefore, continue to work for their Constitutional Amendment.

Because of the questionable validity of a legislative act, I believe, we should all join hands, now, in support of this Constitutional Amendment, regardless of whether our action is in conjunction with separate legislation or not.

Should we do that and should we also enact anti-busing legislation which is sustained by the Court before this amendment can be ratified, then no damage will have been done. On the other hand, should such legislative enactment be declared unconstitutional at some future date then the immediate availability of an amendment for ratification will be a significant and welcome circumstance in what must be the common goal of us all, to effect resolution of this vexing problem at the earliest possible time.

Thank you.

AMERICAN ACADEMY OF PEDIATRICS SIGNS NEW CONTRACT WITH HEW

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. PERKINS. Mr. Speaker, I am pleased to present for insertion in the CONGRESSIONAL RECORD a copy of a communication that I have recently received from Dr. George K. Degnon, director, Department of Government Liaison, American Academy of Pediatrics, together with an article in the American Academy's newsletter dated March 1, 1972.

Without elaboration at this point the communication and the article in the newsletter inform us that the Academy has signed a new contract wtih the Department of Health, Education, and Welfare expanding headstart medical consultation services to 1973.

The letter and article follows:

AMERICAN ACADEMY OF PEDIATRICS,
Evanston, Ill., March 8, 1972.

Hon. CARL PERKINS,
Chairman, Education and Labor Committee, House of Representatives, Washington, D.C.

DEAR CHAIRMAN PERKINS: You know of the long-standing interest and support of the

American Academy of Pediatrics for programs to improve the health and welfare of young children, particularly Project Head Start. Enclosed for your information is a copy of the Academy's recent newsletter discussing the new medical consultation contract.

This contract which will result in expanded participation by the pediatric community in Project Head Start represents a major step forward by the Academy to insure that health services provided the Head Start children throughout the country will adequately meet the health needs of these children, their families, and their communities.

We will be pleased if you see fit to submit the enclosed article to the Congressional Record so that other members of the Congress and the public might be apprised of the Academy's continued commitment to the health and welfare of young children.

Sincerely yours,

GEORGE K. DEGNON,
Director, Department of Government Liaison.

[From Newsletter, American Academy of Pediatrics, Mar. 1, 1972]

Academy Signs New Contract with HEW Expanding Head Start Medical Consultation Services to 1973

The American Academy of Pediatrics has signed a $1,134,600 contract with the Office of Child Development, Department of Health, Education and Welfare renewing and expanding the AAP Head Start medical consultation program originally initiated in 1967. The contract will extend the program through July, 1973.

The new Head Start contract was initiated and developed by the Academy's Department of Community Services and represents a major step forward by the Academy to insure that health services provided Head Start children throughout the country adequately meet the health needs of these children, their families and their communities.

The Head Start contract features two new provisions which were not included in the original program.

REGIONAL HEALTH SPECIALISTS

One provision will enable the Academy to hire and train twelve regional health specialists to develop and coordinate health services training and technical assistance systems to serve the needs of local program personnel. The regional health specialists will participate in general policy making and program development with the regional Head Start consultant and the regional Office of Child Development.

They will assist local program personnel in obtaining and using medical assistance funds; train personnel in the use of planning and budgeting guides, and train program staff in self-evaluation techniques, program budgeting and planning of training and technical assistance needs. Besides training Head Start program personnel, the regional health specialist will monitor local Head Start programs to ensure their smooth and effective operation.

SELF-EVALUATION

The other new provision calls for individual self-evaluation of Head Start programs at the community level. Through this mechanism, Head Start medical consultants and program staff will review and critically assess the program's operation in detail. This procedure will enable Head Start consultants, regional health specialists and program staff to effectively develop and implement new techniques as needed to ensure better quality child health care.

These two new provisions in the Head Start contract will further enable consultants to pinpoint and resolve administrative and other types of problems more quickly and efficiently. Thus the consultant will have additional time to provide extensive medical services to Head Start children through a more economic and efficient overall program.

CONSULTANTS' DUTIES

Under the provisions of the renewed contract, the Head Start medical consultant will be able to more effectively: assist in the development of applications submitted by the community; meet with local planning committees to map out Head Start programs; maintain contact with program medical directors; follow-up and evaluate programs, and maintain liaison with OCD regional and national offices.

Consultants will work with the Office of Child Development representatives responsible for funding and evaluating Head Start health programs, helping them interpret the needs of the children, the resources of the community, and the success of Head Start programs. The consultant will supplement rather than replace the medical and administrative skills available in each community.

FURTHER INFORMATION AVAILIBLE

Anyone wishing further information about the Head Start medical consultation service program or desiring to serve as a consultant should contact: Mr. Edmund N. Epstein, administrative director, Head Start Medical Consultation Service, American Academy of Pediatrics, P.O. Box 1034, Evanston, Ill. 60204.

CHINA: WHAT DID WE GIVE AND WHAT DID WE GET?

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. SCHMITZ. Mr. Speaker, I have here a copy of a penetrating and outspoken statement summarizing the real results of the President's recent visit to Peking, made by a man who has become probably the best known, mostly widely watched television commentator in southern California: George Putnam. I only wish our national broadcast media, whose spokesmen react with such a pious pretense of horror when they are accused of allowing a single point of view to dominate their newscasts and comment almost completely, would give this man the nationwide audience he clearly deserves. Then the American people would have the opportunity to hear a good many more of the truths not pleasing to Chairman Mao.

Mr. Putnam's broadcast, entitled "What Did We Give and What Did We Get?" and broadcast over KTLA, Channel Five, Los Angeles, at 5 and 10 p.m., February 28, follows:

What Did We Give, and What Did We Get?

(By George Putnam)

When it was first announced that the President would fly to Red China to meet with Mao Tse Tung and Chou En Lai, this reporter voiced disapproval unless such a meeting be held at a neutral location with predetermined ground rules, agenda, and objectives fully expressed.

Shortly thereafter, I was summoned to the Western White House and a briefing by Presidential adviser Henry Kissinger. I came away with some of the following conclusions—that the meeting would consist only of discussions—that we would give nothing away—that we would carry forth our commitments to Taiwan and to the Nationalist Chinese—that the administration needed maneuvering room—that's the way the doctor put it—that a wedge might be driven between Russia and Red China—that a giant international chess game was in progress—and that we were, in fact, playing one Communist power against the other.

Well, it all sounded quite reasonable. But now, my original fears have been borne out. It is this reporter's conclusion that Mr. Nixon came away from his meeting with Chou En Lai giving much more than he received. And there is question that we received anything at all.

Mr. Nixon promises withdrawal of our ten thousand troops from Taiwan—not immediately—but over a period of time. He agrees there is only one China and that Taiwan is a part of mainland China. He endorsed entirely the five principles of so-called peaceful coexistence as espoused by the Red Chinese since back in 1955.

And the President comes very close to warning Russia not to attack China when he states, "Respect for the sovereignty and territorial integrity of all states—non-aggression against other states—noninterference with the internal affairs of other states."

It must be noted that these would be violated by any Soviet strike against Red China.

Well now, what did we get in return? It is this reporter's opinion we got nothing, or next to nothing. There are thirty thousand Red Chinese troops in Laos. There are American prisoners held in Red China. There are three U.S. civilians held by the Chinese Communists at this moment.

The Red Chinese continue to supply our enemies with the weapons of a war that are killing Americans and our allies, and that is happening right now. The Red Chinese continue to use drugs as an instrument of policy and as a weapon. Now, are these not *negotiable* items?

Red China is committed to the destruction of the United States and all western values, as enunciated by Chairman Mao himself. Yet, the Nixons sat down and broke bread with the Red Chinese, who emasculated Tibet—killed at least fifty million of their own—directed the Red Guard massacre as recently as four years ago, in 1968.

And yet, in high flown language, our President, in his post-communique toast said, and I quote, "The Chinese and American peoples are dedicated to the principle that never again shall foreign domination, or foreign occupation, be visited upon any part of China or any independent country of this world."

But what is to become of Taiwan? It would appear that the President has pulled the rug out from under the Nationalist Chinese and Chiang Kai Shek, our steadfast allies through three wars. It will be denied—but putting Washington acceptance of Taiwan as a part of China, together with U.S. acceptance of the principle of non-interference, in the internal affairs of other states, adds up to a "hands off" attitude toward Taiwan.

Conspicuous by its absence is any pledge of Nixon support for Nationalist China if Taiwan is invaded by the Communist Chinese. What is to become of the mutual security treaty that we signed with the Nationalist Chinese in 1954? What is to become of the confidence some Asian allies previously held for the United States? Does our word mean anything at all? Are we, ourselves, to be trusted?

July fifteenth, 1971, President Nixon pledged, and I quote, "Our action, in seeking a new relationship with the People's Republic of China, will not be at the expense of our old friends." End quote.

Now, it is this reporter's opinion that Mr. Nixon has acted contrary to those high flown words—that he has gained nothing in return for his commitments to the Red Chinese and that he has now substituted expediency for principle.

Does Mr. Nixon, by his new concessions to the Red Chinese, prove true the statement carried on the North Korean radio that he, Nixon, was going to China with the white flag of surrender in one hand and the beggar's bowl in the other?

Because, if so, he will rank in history with Neville Chamberlain, and this will prove to be just another Munich.

COAST GUARD SERVICES ON LAKE MICHIGAN

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. VANDER JAGT. Mr. Speaker, about a month ago the Coast Guard cutter *Woodbine*, which had been stationed at Grand Haven, Mich., for many years, was decommissioned due to budget curbs imposed upon the agency.

Since the time when I was first notified of this impending action, I have been working to secure assurance that the vital Coast Guard services provided to the boating public and commercial shippers of western Michigan will be maintained. The decommissioning of the *Woodbine* left the shoreline of Lake Michigan from Chicago to Charlevoix without the services of a cutter. This decision is a serious concern to the thousands of citizens who depend upon the protection of the Coast Guard in the southeastern portion of Lake Michigan.

Over 75,000 boats are registered in nearby counties, the overwhelming majority of which are used by people fishing or boating on Lake Michigan. Many other boaters come from other areas of Michigan or outside the State to fish in these waters. In addition, increasing utilization of the St. Lawrence Seaway at all times of the year suggests that the icebreaking operations, navigational aid systems, and search-and-rescue programs of the Coast Guard will become steadily more important in the years ahead.

The Coast Guard is presently analyzing its requirements and vessels assignments for Lake Michigan, to assure that its larger vessels are distributed throughout the area in the most effective manner. The citizens of Grand Haven and neighboring counties, who have enjoyed many decades of close association with the Coast Guard and who have demonstrated their interest and support of the agency in the annual Grand Haven Coast Guard Festival, are very hopeful that the Coast Guard will be able to respond to the needs of their area. Several weeks ago, while visiting in Michigan, I heard the following editorial on WOOD-TV of Grand Rapids, Mich. The editorial effectively summarizes these needs and the fine cooperation which Grand Haven has traditionally extended to the Coast Guard:

WOOD-TV EDITORIAL, FEBRUARY 18, 1972

The Coast Guard Cutter *Woodbine*, a fixture in Grand Haven for 25 years, is now mothballed in Detroit for economy reasons. Aside from small boats operated by Coast Guard stations along Lake Michigan, buoy tending, search and rescue missions, and assistance to commercial shipping will be shared by two ice-breakers—the *Sundew* stationed at Charlevoix and the *Mesquite* stationed at Sturgeon Bay, Wisconsin.

Now, the Coast Guard is wrestling with a division of Lake Michigan . . . either to split the Lake down the middle, or to establish an East-West dividing line with each ship taking half the Lake.

The *Woodbine* was expensive to maintain. With helicopters and faster small boats, search and rescue teams can cover more ground. But Sturgeon Bay and Charlevoix are both in the northern half of the Lake, almost opposite and a little over 100 miles apart. Both these stations are between 250 and 300 miles from the concentration of boats and shipping around Chicago and lower Lake Michigan.

Requiring two ships to patrol all of Lake Michigan is lean. And, certainly, their present locations are not strategically sound. . . . The interests of commercial and pleasure craft in the lower lake—and there are thousands of them—ought to be carefully considered. If, as we've heard, the shipping season on Lake Michigan will be extended, an ice-breaker on the lower east shore would be handy when prevailing winds clog east shore shipping lanes.

One other consideration: Grand Haven people have worked hard to make theirs the Coast Guard City—Coast Guard Week is an example. That kind of publicity has immeasurably helped the Coast Guard and Grand Haven deserves serious consideration as a base for another Coast Guard ship.

VOTER INFORMATION DAY IN MANHASSET, N.Y., STORE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. WOLFF. Mr. Speaker, on Saturday, March 11, Lord & Taylor Department Store, in cooperation with the League of Women Voters, held a Voter Information Day at their Manhasset and Garden City branches. Volunteers from the League of Women Voters spent the day at the two stores at voter information centers answering questions and distributing voter information kits to shoppers. In their announcement of the event, Lord & Taylor emphasized the importance of vote power to young people, the group at which this day's events was aimed.

Mr. Speaker, I would like to commend both Lord & Taylor and the League of Women Voters for their efforts not only to inform the public, but to emphasize the responsibility we all have to take part in our country's election process. Of course, the time to establish regular voting habits is when we are young, and therefore Lord & Taylor has performed a double service by directing its appeal to those 18, 19, and 20 years old.

By acquainting the newly enfranchised youth with the procedures and responsibilities of voting, Lord & Taylor and the league have hopefully laid a solid groundwork of conscientious citizenship with the many young people I am told took part in the day's activities.

I hope that others will follow the fine example Lord & Taylor has set.

DEFENSE INDUSTRIAL SUPPLY CENTER

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. EILBERG. Mr. Speaker, April 1 marks the 10th anniversary of the Defense Industrial Supply Center and its mission of supply support to the Nation's Armed Forces.

Established as a field activity of the Defense Supply Agency on April 1, 1962, DISC has for a decade, combined professional personnel talent with modern management techniques to provide its military customers throughout the world with responsive logistic support. DISC items are used by all the services in support of their multimillion-dollar weapon systems such as the Polaris, Hawk, Hercules, Thunderchief, and F-111 aircraft, Minuteman, Chinook, Vigilante, Chinook helicopter and Sheridan tank, as well as the repair and overhaul of other military and space program equipment.

Commanded by Brig. Gen. Paul E. Smith, USA, DISC averages over 14,000 individual sales each calendar day of the year, with a catalog of approximately 578,600 industrial items. The DISC inventory totals $307 million, with sales of over $181 million per year.

From its 9-acre headquarters in Northeast Philadelphia, within my district, DISC personnel maintain a constant flow of critical items 24 hours a day, 7 days a week to satisfy the supply needs of the military services.

Over 2,000 career civil servants and 36 officer logisticians representing each of the services, are responsible for the realization of DISC's mission. Because of the primary functions relating to procurement, supply, distribution, and technical analysis, the majority of employees are in the inventory manager, purchasing agent, and equipment specialist categories.

DISC, during its 10 years of service, has been responsible for the wholesale support of the military services with industrial type items. These include bearings, block and tackle, rigging and slings, rope, cable, hardware, metal bars, sheets and shapes, and electrical wire and cable.

DISC catalogs about 30 percent of the total DSA number of items with many items enjoying repetitive demand and high dollar sales characteristics. The center processes over 5½ million requisitions yearly and renders bills to about 2,000 customers.

DISC has met the challenges of its first decade squarely and surely. Its personnel now look forward to the future by continuing its role as a vital link in DSA's logistic chain from American industry to the U.S. Armed Forces through improved support at reduced costs.

As DISC marks its decade of service, I personally extend my praise and appreciation to Brig. Gen. Paul E. Smith, USA, his officers and civilian personnel who have given so much to the successful accomplishment of their military mission but have also pioneered numerous and innovative domestic action programs in the community.

The people of Philadelphia and the Nation can take justifiable pride in a fine job well done and to look forward to the continuation of DISC's vital role in the defense efforts of our country.

RESOLUTION OF MISSISSIPPI'S DISABLED AMERICAN VETERANS

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. GRIFFIN. Mr. Speaker, I would like to call my colleagues' attention to the positions taken by the Department of Mississippi, Disabled American Veterans, who support President Nixon's policies in Vietnam whereby he has offered to set a deadline for withdrawal of troops in exchange for American prisoners and an accounting of those missing in action. The Mississippi Department of the DAV also deplores the inhumane treatment of American prisoners.

These positions were taken in a resolution adopted at the State executive committee meeting held in Jackson last month.

I include the text of the resolution at this point:

RESOLUTION

Whereas, the Disabled American Veterans is an association of wartime disabled veterans federally chartered by Congress to work in the interest and welfare of the health, education, rehabilitation, and employment opportunities for all disabled veterans, their widows, and dependents. Its total membership is around 400,000, and

Whereas, at its last national convention held in Detroit, Michigan, in August, 1971, the Disabled American Veterans passed a resolution placing the organization solidly behind the President in support of his policy in Southeast Asia, and

Whereas, the Department of Mississippi, through its several chapters geographically situated throughout the State, serves as the spokesman for all the disabled veterans, their widows and orphans living within the State of Mississippi, and

Whereas, a large percentage of our members are former Prisoners of War from previous wars, and

Whereas, we deplore and consider the current handling of the present Prisoners of War very inhumane and inconsistent with international policy adopted by the Geneva Convention and supported by the United States of America and *all* civilized nations. The suffering and suspense presently imposed upon the families of those missing-in-action and formally declared Prisoners is intolerable, from our point of view.

Now therefore be it resolved: That during its regularly scheduled semiannual Executive Committee meeting held in Jackson, Mississippi, on February 12 and 13, 1972, the Executive Committee, in executive session, does hereby reaffirm its support of the President of the United States in his offer to set a deadline for withdrawal of all troops in that area in exchange for Americans who are presently held as Prisoners of War and in his efforts to bring about cessation of all war activities in Indochina. It appears to us that the President of the United States has put the responsibility for the continuing of this war squarely upon the shoulders of the North Vietnamese, and

Be it further resolved: That copies of this resolution be forwarded to every Senator and Congressman, from the State of Mississippi, in Washington, D.C., urging his support of the President's Vietnam policy, and

Be it further resolved: That copies of this resolution be forwarded to all news media asking their support in this effort to attempt to secure the release of all Americans presently held in enemy prisoner of war camps in Southeast Asia.

ALEX J. SIMON,
Chairman, Resolution Committee.

Passed this 13 day of February, 1972, at 9 o'clock a.m.

Attest:

GADDIS M. WILLIAMS,
Department Adjutant.
ROBERT E. GRANT,
Department Commander.

STRATEGIC MISSILE SYSTEMS

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. ANDERSON of Tennessee. Mr. Speaker, I have recently received a thesis on the subject of sea-based and land-based missile systems. The article forwarded by Richard M. Flaherty of the University of Michigan is thought provoking and deals with one of the most complex and absorbing subjects of our time. I believe the Members will benefit from reading it.

The article follows:

STRATEGIC MISSILE SYSTEMS

Thesis statement: Sea launched ballistic missiles should aid or replace land-based intercontinental missiles.

I. Reason for offensive sea missiles:
A. Mobility.
B. Detection.
C. Civilian factor.
D. Defense perimeter.
E. Accuracy and power.
F. Time factor.
II. Reasons for defensive sea missiles:
A. Adaptability.
B. MIRV's.
C. Misses reported to Safeguard.
D. Defense of allies.
E. Accidental launches.
III. Affect on Strategic Arms Limitation Talks:
A. Plan for United States and Russia.
B. Advantages of the plan.

There is now some question as to whether the United States still has an edge over the United Soviet Socialist Republic in nuclear power. As each day progresses, the Soviet Union's production of nuclear weapons increases rapidly. If the Soviets achieved nuclear supremacy, our country could well be threatened by a possible "first strike" by the unpredictable Russians.

Leaders in the United States' government feel that we should prevent this gap in power and find a way to give the Soviets less reason to present an attack. The United States now has approximately one thousand and fifty-four intercontinental ballistic missiles to the Soviet's thirteen hundred and fifty; four hundred and thirty-five heavy bombers to the Soviet's one hundred and fifty; fifty medium bombers to the Soviet's seven hundred; and six hundred and fifty-six sea launched missiles to the Soviet's two hundred and ninety.

Many Congressmen, as well as the leaders in our armed forces, have presented plans which they think might tip the nuclear balance in our favor. An antiballistic system was brought to the attention of Congress and was approved. It is now under construction. This action is just one step this country has taken to gain nuclear advantage over Russia. An underwater long range missile system also has been proposed and is being developed on the drawing board.

A number of statesmen, along with our Chief of Naval Operations, Admiral Zumwalt, feel that we should return to the sea with our nuclear power. They have managed to sway Congress into letting the Navy replace four hundred and ninety-six of the six hundred and fifty-six Polaris missiles with the up-dated Poseidon, which is more accurate and can carry ten to fourteen separate warheads, commonly called MIRV's. (multiple independently targetable re-entry vehicles)

But the United States should not stop at this point in building up its sea power. Uncle Sam can easily decrease the chance of nuclear war by aiding or even completely replacing our land based intercontinental missile system with emphasis on sea launched missiles.

At the present, our nuclear sea power consists of forty-one nuclear submarines, carrying sixteen nuclear missiles each. Each missile, which may be MIRVed, carries a single megaton. These missiles can be aimed towards targets as far away as twenty-eight hundred miles.

If this sea force were doubled and supported by a nuclear surface ship fleet, the United States would have a great advantage over Russia, which would last far into the future.

There are many reasons which support a sea based nuclear force over a stabilized land base. The Soviets have developed a new missile which is capable of dispersing several bombs of twenty megatons each. Just one of these bombs can deliver a blow one thousand times as powerful as the Hiroshima bomb of World War Two.

Every U.S. intercontinental ballistic missile silo's location is known by the Soviets. Our immobile missile system grows more vulnerable day by day. The silos are not deep enough, strong enough, or placed far enough apart to withstand these new Russian SS–9's or "Scarp" missiles. The mobility of a nuclear sea force is quite obvious. The waters of the world cover close to three-fourths of the globe's surface. Nuclear submarines, as well as other nuclear equipped surface vessels, are capable of cruising almost four hundred miles a day. A missile could be shot by a foreign power at a certain submarine or surface ship and the same vessel could be ten miles away before the missile reached its target. Hostile missiles would have to be shot within a twenty mile diameter in order to get a *single* nuclear vessel. As a result, it would take a large segment of the Soviet's missile force to attempt to destroy a very small portion of our nuclear fleet!

Polaris submarines are also able to remain submerged for ninety days without surfacing. These nuclear submarines are almost impossible to detect while submerged in the silent depths, for scientists have not made a surface device which is capable of finding submarines at cruising depths. In the near future "there is no sign of a breakthrough that could let man 'see' through the dense curtain of the ocean the way radar can spot different objects in the sky." It is possible for a hunter submarine to track down another, but very unlikely.

Because underwater acoustics are tricky, getting an accurate fix on a fast moving submerged target can be as much an art as a science. The temperature of the water, for instance, affects the behavior of sound waves. Thermal layers can bend and scatter sonar signals and throw a big error into calculations.

Electromagnetic radiation, used in sonar, fades in water.

And the more sensitive the hydrophone array (which is used by the hunter submarines) the more difficult it becomes to distinguish the "signature" of a submarine from the jumble of sound and echoes produced by the abundant natural life in the ocean. Many a sonar operator has reporter (sic) a sub contact that turned out to be a whale!

Consequently, it seems very practicable to use a nuclear sea force not only for its mobility, but also for its undetectability.

However, ther is still more reason to support the changing of the United States' present land based system to sea based missiles. If the United States were to put its nuclear power to sea, the civilians of this country would not be *directly* threatened in case of a nuclear war. "Russia's prime targets in the United States are our ICBM (Intercontinental Ballistic Missile) sites, which the Kremlin planners know they must destroy if they are to mount a successful attack." Since most of the United States' ballistic missiles are located on the continent, its cities are vulnerable to direct hits in the event of a Soviet attack. If we removed our nuclear power from our soil and placed it at sea, the Soviets would have no reason to bomb our cities and would be less likely to hit them through error. Their main objective would be our retaliatory force at sea.

The Navy agrees that if the United States were to place seventy-five percent of its nuclear power out to sea, the United Soviet Socialist Republic would have no feasible reason for even mounting a strike on this country.

The most searching analysis shows that a global missile ship force could not be put out of action in less than eight to ten hours. In fact, significant numbers of ships would survive for days, weeks, or even months. Facing such a prospect an aggressor would have to conclude that a first strike on his part would lead to national suicide.

Presently, all our continental nuclear power directed against the Soviet Union is aimed in a single direction. All our missiles upon reaching Russia would have to pass through a small area known as the "threat tube." "The tube is 33 degrees wide or about nine percent of the Soviet defense perimeter." As a result, the Russians now only need to direct their defenses on one small area. With an accurate Soviet antiballistic system now being built, a retaliatory attack from the United States could possibly be thwarted. On the other hand, if America were to take advantage of a major nuclear sea force, the Soviets would have to present a three hundred and sixty degree defense. Our ships could be based in all the waters surrounding Russia, enabling our missiles to be fired from all directions.

The accuracy and power of the missiles found on the United States' submarines is unquestionable. Each missile, regardless of the evasive maneuvers of the submarine, ". . . is always trained on its assigned target." A former chief of Pentagon research said that although Poseidon's lone megaton is quite small as compared to the Soviet's SS–9, he feels that the Poseidon could become accurate enough to make up the difference.

A sea force would also allow the President more time to make a decision if a major crisis were to arise. On the average, it takes a missile about twenty minutes to reach the United States after it has been detected. Due to the shorter flight time needed for the missiles on a submarine or surface vessel which are nearer to their targets, the President may have a few more vital minutes in deciding his course of action.

A nuclear force would not necessarily consist of only offensive missiles. The United States could greatly aid its present Safeguard system with a sea based antiballistic missile force. There would be a number of advantages in such a novel plan. The Navy claims that the present Polaris boosters could be easily adapted to handle the Safeguard defensive missile. By this method, a surface ship could easily carry sixty interceptors. The mobility of such a defensive force is very evident. It would be similar to that of the proposed offensive nuclear system. A sea borne antiballistic missile system would also be able to intercept MIRVed missiles before their warheads separated, and the radar deceptive flack released. Accordingly, we would be able to keep a larger number of missiles from entering the country. If the defensive sea force were to miss a Russian missile, it could radio the miss to the continental Safeguard which could possibly have another chance at the missile. This mobile force would also more easily be able to defend our allies from the threat of an attack. Finally, if we were to accidentally launch a missile from the continent or from our offensive nuclear sea force, the sea based antiballistic missiles, because of their location, would be more capable of intercepting it before it reached foreign boundaries.

Government officials in Vienna at the Strategic Arms Limitation Talks (SALT) feel that if we do not obtain supremacy over the communists, we should at least attempt to place ourselves in a permanent nuclear deadlock, halting the build up of any more nuclear arms. This deadlock could be obtained by a nuclear sea force of equal proportion on each side.

If both sides had an agreed level of nuclear submarines—and also of hunter killer subs, the most effective antisubmarine weapons—neither side would have to fear that the other was developing a first strike capability. Both sides would MIRV their submarine-borne missiles, but since there would be no land-based ICBM's to serve as targets for the MIRV's, the effect would not be destabilizing.

The agreed level would provide the two nuclear giants with crushing nuclear superiority over the Chinese or any other nuclear power. . . . At the same time the agreement would ensure that neither nuclear giant, except in an act of insanity, would attack the other. (39)

Therefore, there are many reasons supporting a sea based nuclear force. Ships are more mobile than land-locked silos. Thus, sea vessels would be harder to pinpoint and destroy. A sea based force would minimize the immediate civilian hazard in the event of a nuclear war. Ships would enable us to retaliate from any side of the Soviet Union if the need should arrive. Our present sea missile, Poseidon, is accurate enough to compensate for the destructive power of the Russian SS–9. The nuclear fleet would allow the President more time in making decisions. Finally, antiballistic missiles, along with the other offensive missiles on the sea vessels, would have all the same advantages as well as being able to intercept the MIRVed missiles and our own missiles if they ever were accidentally fired.

If we are unable to obtain a nuclear supremacy with a nuclear fleet of our own, it would be possible to form a deadlock with the Soviets in a limited but equal amount of nuclear sea force, as proposed at the Strategic Arms Limitation Talks.

For these reasons, a sea launched missile system, whether of the offensive or defensive type, definitely would be superior, should supplement, and could easily replace our present land based missiles.

RADIOACTIVE ASHES IN THE KANSAS SALT CELLAR

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. EILBERG. Mr. Speaker, the Atomic Energy Commission plans to construct a nuclear generating station on Newbold Island, 11 miles from the city of Philadelphia.

I am concerned by such a prospect and will vigorously oppose any such construction.

Besides the safety of 2 million people in Philadelphia and an additional 400,000 in an adjoining county, I have strong reservations about the siting trend the AEC is trying to establish by placing this facility in the heart of a major metropolitan area instead of in safer and more sparsely populated areas. Such planning is indeed dangerous to our people and has been overlooked by persons who should recognize this very real danger.

Newbold Island is in the middle of the Delaware River which is Philadelphia's source of drinking water. In December 1966, the Public Service Electric & Gas Co. of New Jersey applied for a construction permit from the AEC for a nuclear powerplant to be located on the river in Burlington County, N.J. This site is 5 miles from the northern Philadelphia border and the congressional area I represent. That application was withdrawn after I filed a protest with the Commission.

Now once again the same utility has put forward another construction application equally as dangerous. This one is 11 miles from the same section of Philadelphia—on Newbold Island, in the Delaware River, upstream from the previous location.

Title 10, CFR Part 100 in AEC Document TID–14844 for Calculation of Distance Factors for Power and Test Reactor Sites issued on March 23, 1962, provides that—

> Where large cities are involved a greater distance may be necessary . . .

It further provides for three concentric circles to surround a reactor to isolate it from population centers such as Philadelphia.

In the case of an accident, distance would be the only safeguard.

Philadelphia has more than 2 million people and is the fourth largest city in the United States. The thermal capacity for the Newbold reactors would be 6.6 billion watts. A pipe rupture with consequent loss of coolant would cause a nuclear core meltdown which would release a significant amount of radioactive material.

One feels that reasonable men with knowledge of nuclear power and its consequence to people in event of an accident would respect such power and therefore plan accordingly.

Yet the AEC does not heed these possibilities. Indeed, in appraising the Newbold site, the AEC admitted to deliberately ignoring Philadelphia. If the above-cited recommendations were followed, the site would have been planned about 48 miles away from Philadelphia in accordance with the three suggested concentric circles.

To me, Mr. Speaker, the Commission would be ignoring a great many safeguards and would be playing with our lives if it approves this application giving authorization to construct the nuclear powersite 11 miles from the fourth largest city in the United States.

The AEC claims that improved technology will lessen the danger. Incredibly, while the Commission admits that a hazard does exist, they refuse to do anything to protect the people of Philadelphia from a nuclear accident.

I cannot accept, I cannot allow 2 million-plus lives to depend on, the argument that this new technology will prevent an accident. This is especially true when the AEC will not follow its own recommendations which assert that a great enough distance between the reactor and major population centers is the best protection in case of an accident.

The AEC is willing to take a chance on catastrophe. It will experiment and test its new equipment at the cost of people's health and lives. This cannot be tolerated.

The list of AEC failures to comply with its promises for safety is long. One example is the bitter struggle in Lyons, Kans., where its 5,000 residents fought the AEC over the dumping of radioactive substances near the town.

John Lear, writing in the February 19 issue of Saturday Review, tells of the fight and subsequent victory of the people of Lyons.

Because I feel I must call to the attention of my distinguished colleagues the AEC's dangerous gambling with the lives of our citizens, I now submit Mr. Lear's account in the RECORD:

RADIOACTIVE ASHES IN THE KANSAS SALT CELLAR

(By John Lear)

The town of Lyons, Kansas (pop.: under 5,000), sits over two salt mines, one beneath the north end of town, the other under the south end. The main tunnels of the mines head directly toward each other and come within 1,800 feet of meeting, 1,000 feet below the streets of Lyons. The north-end mine has been abandoned for some time, and the U.S. Atomic Energy Commission wants to buy it and turn it into a dump for disposal of the radioactive ashes of all the atomic furnaces in the country. The south-end mine is in daily operation. Its owners oppose the opening of the radioactive dump because they fear it would harm their business—people might think their salt was contaminated by radioactivity.

The south-end mine owners are not alone in their fears of radioactivity's contaminating effects. These fears have spread all over Kansas and have reached Washington, D.C., where Kansas Congressman Joe Skubitz talks of changing the wording of billboards that stand alongside every main highway leading into Kansas. Now the billboards flaunt this legend over Governor Robert Docking's name: "Welcome to Kansas. Home of beautiful women. Please drive carefully."

Skubitz says that if the north-end mine at Lyons is finally taken over by the AEC the billboards will have to read: "Welcome to Kansas. Home of beautiful women and the national nuclear waste dump. Please be careful."

The fears arise, of course, from the peculiar nature of splitting atoms as displayed in the fissionable isotopes of uranium and plutonium. In one respect, these radioactive fuels are the same as fossil fuels: wood, coal, oil, and natural gas. They all burn in a relatively steady process. Oil and gas are not good illustrative analogues, however, because their burning leaves little residue. Let us take coal instead. When coal burns, both the flame and the source of the flame can be seen clearly. When part of the coal is exhausted of its energy, that part dies; if the ash does not crumble away, it can at least be discerned and knocked away. It is finished burning. Not so with radioactive fuels. They burn internally. The combustion can be neither seen nor felt. The ashes are all mixed up with the still energetic fractions of the fissioning isotopes. At any time the potent fractions are a large proportion of the fuel in the furnace (which scientists confusingly call a "reactor") for nuclear combustion is more efficient if exhaustion of the available energy does not pass a certain point. Hence, any batch of fuel removed from the furnace is still dangerously hot.

In fact, the radioactivity contained in atomic furnace ashes is so intense that the ashes must be handled at a considerable distance from the human keepers of the furnace. Remotely controlled mechanical slaves, often of enormous size, do the sifting behind thick walls of concrete, lead, or steel and at the bottoms of deep pools of water. The ashes themselves boil spontaneously, and some will continue to boil for half a million years. The AEC allows private atomic furnace operators to keep these seething brews on private premises under proper safeguards for ten years. Then the ashes must be taken to a reprocessing facility. Only one such facility is operating in the country today. It is near Buffalo, New York. Another is under construction in Illinois. A third is planned for South Carolina. In the reprocessing, acids chemically separate the isotopes, which continue to change identity as they lose energy. The ones that are still useful as fuel are shipped back to the atomic furnace. Regulations recently put into effect require the residual mixture to be dried to a solid state and bundled in glass or ceramic before being capsuled in metal for permanent burial in some such place as the abandoned salt mine at Lyons.

Why a salt mine? Why Lyons? Why Kansas? Kansas has no atomic furnaces. Why should America's breadbasket, its fabled wheat fields rippling golden in the sun, become an inglorious cover for the radioactive ashes of everyone else's atomic furnaces? Because seventeen years ago, when atom-splitting was still a federal government monopoly (inherited from the military makers of atom bombs conceived as a last-ditch defense against Adolf Hitler and finally used to erase two Japanese cities from the earth), a panel of specialists chosen by the National Academy of Sciences looked into the future and saw only one possible containment for the furious energy of radioactivity during the thousands of years it would remain perilous to man. That containment was in geological structures lying deep within regions of the earth's crust that have long established records of stability, few visitations from earthquakes, and no access to flowing water. Thickly bedded salt looked safest of all. Salt resists corrosion, and flows slowly under the influence of heat, like a tallow candle. At a certain distance from the heat source, the flowing stops and the salt hardens again, sealing up whatever space has been opened by the flowing.

Five hundred thousand square miles of the continental United States is underlain with sailt, but only three patches of it meet the minimum requirements of a radioactive disposal site: salt at least 200 feet thick in order to absorb the most extreme radioactive effects with space to spare; salt buried at least 500 feet below the surface of the ground so that even glacial erosion could not wear away the rocky overburden and expose the salt to the rain; salt within a 2,000-foot depth to avoid prohibitively expensive access. One deposit of such dimensions is in western New York State, another lies under the city of Detroit, and the third stretches tens of thousands of square miles from central Kansas west and southwest through the panhandles of Texas and Oklahoma into New Mexico.

Millions of years before there was a state of Kansas, the breadbasket of today was occupied by a shallow sea intermittently connected to the Gulf of Mexico. Salt, evaporated from the sea water by the sun, accumulated to depths of between 200 and 300 feet all along the shore. During subsequent geological ages, successive layers of sedimentary rocks formed above the salt, and water gathered within these layers to feed the soil from which the wheat, the alfalfa, the sorghum, the soybeans, and the tall corn grow.

Perhaps because the salt around the city of Hutchinson, Kansas, had been easily mined since the 1800's, the AEC chose it as the first site for radioactive ash disposal. In 1959, Congress was asked to finance the underground carving of a giant Atomic Age replica of an old-fashioned moonshiner's still. It was proposed that, deep within the Kansas salt bed, a great cavern be cut in the shape of a laboratory flask. Into this chamber radioactive liquids from atomic furnaces throughout the country were to be poured and allowed to ferment into impotence. Congressman Skubitz, then administrative assistant to the late U.S. Senator from Kansas Andrew S. Shoeppel, recalls that piping was to run upward from the cavern to the ground and back to carry hot gases, cool them, and return them to the cavern. Senator Shoeppel considered this a "harebrained idea. Congressman Skubitz still thinks it was and calls it characteristic of the superficiality of the AEC's attention of the need for atomic furnace ash disposal while billions of tax dollars are lavished on the AEC's "client relationship with private companies operating power plants" that will steadily produce more radioactive ashes.

Two years after abandoning the idea of the moonshiners still, the AEC asked the American Association of Petroleum Geologists to select some saline aquifers (underground reservoirs of salt water) into which the radioactive liquids might be put. When the AAPG study committee recommended an aquifer under Lincoln County, Kansas, the designation was deleted from the committee report at the AEC's request.

Two years after that, in 1963, having accepted a National Academy of Sciences suggestion that radioactive ashes be solidified before their permanent disposal was attempted, the AEC returned to the salt cavern concept. An existing cavern was available in a worked-out segment of a mining property of the Carey Salt Company at Hutchinson. Hutchinson, the state's old salt marketing center, has excellent transcontinental rail connections that would facilitate transport of atomic furnace ashes from all directions. But the AEC soon shifted its attention twenty miles away to the entirely abandoned Carey salt mine under the north end of Lyons.

In 1965, a crew of scientific observers from the AEC's Oak Ridge National Laboratory moved into Lyons and lived there for the next year and a half, conducting Project Salt Vault. They drilled holes in the floors of five empty mine caverns, filled the holes with encapsuled radioactive ashes from the AEC's atomic test furnaces in Idaho, and measured the effects of the capsules' heat and radiation on the surrounding salt. The ashes from Idaho were old and not nearly as hot as ashes from a reprocessing plant of today; so electric heaters were brought in to approximate reality. The only unexpected observation was that a few drops of water moved through the salt toward the ash-filled capsules. Calculating the total effect of their findings, the AEC crewmen estimated that if twenty capsules containing radioactive ashes in glass blobs eight to ten feet long and six to ten inches in diameter were spaced out in a cavern 300 feet long and 30 feet wide, and if the caverns then were refilled with salt, the ceilings would sink two feet, the floors would rise two feet, each wall would move one foot inward, and each capsule of ashes would move two feet up and six inches sidewise during the following ninety years.

After the Oak Ridge crew left Lyons, nothing further was heard of the need for a radioactive dump until the General Accounting Office of Congress reported, in May 1968, that its men had been scrutinizing the AEC's management of the radioactive waste problem. They learned that ninety-three billion gallons of very hot furnace ashes had been stored in supposedly leakproof tanks in the states of Washington, Idaho, and South Carolina, where the AEC's own facilities are concentrated. The GAO reported that several hundred thousand gallons of these dangerous liquids had leaked out of their containers and had escaped into the ground.

Silence fell again for eighteen months. Then, late in January 1970, AEC geologist Tom Lomenick appeared without notice in the offices of the Kansas State Geological Survey on the University of Kansas campus at Lawrence. Lomenick asked for help in determining how to predict geological change in central Kansas during the next million years.

The next silence was shorter. On March 24, two AEC representatives arrived unexpectedly in the offices of Kansas Governor Robert Docking in Topeka and requested an immediate interview. They told the Governor that the Carey mine at Lyons had been chosen for use as an atomic furnace ash dump and that it would be advisable to prepare the people of Kansas to accept the proximity of radioactivity.

When news of this interview reached the university campus at Lawrence, it set geology professor William Hambleton to growling. After many years of service in the State Geological Survey, he was preparing to assume its directorship at the beginning of the new fiscal year, only three months off. He did not agree that people should accept the proximity of radioactivity unless they were confident that they would be safe. He mulled this dissent for three weeks and then put it into a letter to the Governor.

The letter pointed out that once the AEC took title to the Lyons mine the state of Kansas ever after would be helpless to protect its citizens against mistakes. Lacking detailed geological information about the mine himself, Hambleton pleaded with the Governor to demand thoroughly documented scientific data establishing the safety of the mine for the designated purpose.

Hambleton's advice seemed sound to the Governor, who immediately authorized the State Geological Survey to undertake as much study of the Lyons site as the state budget would allow. The Governor also suggested to the Kansas legislature that it summon a symposium to corral all views of the controversy. State Attorney General Vern Miller was ordered to take whatever legal steps were necessary to protect the rights of the citizens of Kansas from abuse by any AEC action at Lyons. At the same time, the Governor's position was transmitted to the AEC and to the Kansas Congressional delegation, which includes U.S. Senator Robert Dole, national chairman of the Republican Party.

Reaction in Washington was prompt. The National Academy of Sciences Committee on Radioactive Waste Management invited Hambleton to join the committee's Panel on Disposal in Salt and to participate in its next meeting at Oak Ridge, Tennessee. He joined the panel and, after hearing the AEC's case in favor of Lyons, refused to sign the original draft of the panel report, insisting on the insertion of a number of precautionary provisos.

The scientific community is notoriously allergic to public exposure of its internal politics. The AEC had to go through the motions of placating someone it continued to underrate as a hick surveyor from the Bible Belt. Hambleton was asked to play host to a scientific group discussion of the recommendations the academy panel had asked him to make. After a full day of talking at Lawrence, on June 16, the conferees went into executive session on the 17th. While they were still debating, AEC Assistant Manager John Ehrlwine summoned news reporters in Topeka and announced the "tentative selection" of the Lyons mine. Even Oak Ridge employees of the AEC at the Lawrence meeting were embarrassed by this *fait accompli.*

Hambleton expected some signal of disapproval from the academy panel. When none came, he compiled his own "interim report" of events. "Unquestionably," he wrote, "the AEC would now proceed to buy the Lyons mine and prepare for operation of the radioactive dump by 1974. He said that it was now more crucial than ever that Kansas protect its citizens by carrying through adequate investigation of the Lyons site and by exploring the possible selection of more appropriate sites, either in Kansas or elsewhere."

On December 2, Hambleton wrote a further report. He distributed copies of it to interested scientists, the Governor's office, and the press. In it he disclosed that, pursuing one of the recommendations he had made to the academy panel, the AEC had added $100,000 to State Geological Survey funds already assigned to make a detailed study during the month of August of the surface geology, groundwater hydrology, and subsurface geology of a nine-square-mile area centered on Lyons.

Hambleton said he had proposed the drilling of four holes from the surface of the site through the salt to a depth of approximately 1,300 feet. Two holes had actually been drilled. A core had been drawn from the full length of one while core samples had been taken from the other. The corings would make it possible for the first time for the AEC to do what he said should have been done earlier on its own initiative: analyze the order and respective thicknesses of the layers of rock and salt at the mine and locate possible fractures along which fluid movement possibly could occur.

To date, he revealed, the AEC had based all its calculations on the supposition that there was a single layer of pure shale underlain by a single layer of pure salt. The cores, however, contained many alternating layers of salt and shale. Hambleton then explained that discrepancies between the AEC's assumptions and the geological realities "could be responsible for breaking the seal" of rocks overlying the salt and for permitting entry of surface or subsurface waters into the salt bed to create erosional problems and to invite dangerous convection effects.

Hambleton's December 1971 report also discussed the energy to be buried. "As long as the waste containers maintain their integrity, only very small quantities of salt would be subject to high-energy, heavy-particle radiation," he agreed. "However, release might occur once or twice a year for about three years, and melting or erosion might cause containers to migrate to lower depths, possibly the shale areas, and faults could develop in overlying rocks because of explosions. In addition, the metal containers are expected to deteriorate within six months, and the ceramic material [binding the radioactive ashes] is expected to deteriorate within several years. Accordingly, radioactive particles could migrate through the salt. . . . Water is available in the salt, and the waste particles could be suspended by turbulent boiling." The released radioactivity could also cause chemical breakdown of the salt itself. The salt molecule is constituted of chlorine and sodium atoms, and sodium burns intensely in the presence of water.

The AEC was hard pinched. The disproportionately low priority it had assigned to atomic furnace ash disposal over the years had left it vulnerable now that the private industrialists it had subsidized were reaching for the market they had been promised. Twenty-one atomic furnaces were in operation, fifty-five were under construction, and thirty-six more were under contract. Some time had been bought for solution of the ash problem by allowing the furnace owners and reprocessors to hold the ashes on their own properties for a decade, and the space necessary to accommodate the ashes had been reduced by the order to solidify the liquids. Nevertheless, the ash pile estimated for 1980 would make a cube thirty-three feet on a side; by the year 2000 the cube would be 180 feet on a side. It would be necessary to move only three capsules of ashes into the Lyons mine in 1976, but by 2000 there would be 500 intensely radioactive capsules ready for disposal every year, plus 700 capsules of less virulent stuff. The AEC could not afford any further delay, but it could not escape circulating a statement of environmental effects before going to Congress for funds with which to buy the Lyons salt mine.

Governor Docking got his copy of the environmental impact statement in December 1970. Almost everyone in Kansas who read the copies Hambleton distributed was enraged by the AEC's continuing failure to answer his questions. There was an even more hostile reaction to the AEC's insistence on preparing to put radioactive stuff into the mine and experimenting with it on the assumption that whatever difficulties might arise could safely be "engineered out." Moreover, Kansas hooted at the AEC's vague promise to remove the radioactive capsules from caverns refilled with salt should removal become necessary. What fantastic excavation instrument would be used? It had not been invented yet and would not be until need for it arose. This would happen in Kansas?

Both houses of the Kansas legislature and the whole Kansas delegation in Congress had joined the uproar by the time the Congressional Joint Committee on Atomic Energy called a public hearing last March on the AEC's request for $25-million to buy 180 acres of the Lyons mine property and 900 additional acres of salt plus subsurface mineral rights to a 1,700-foot-wide buffer zone surrounding those two adjoining properties. Activation of the appropriation would take out of production, for twenty-five to thirty years, 1,000 acres of Kansas farm land now planted in wheat, sorghum, or soybeans, or devoted to pasture.

Governor Docking authorized Hambleton to testify in the name of the state of Kansas. Among the other hearing witnesses was a functionary of the National Academy of Sciences who admitted that the AEC had not told the academy whether or not the salt panel's provisos had been satisfied. Another witness disclosed that the AEC had managed to make one computer calculation based on the multilayered rock and salt core provided by Hambleton. A third witness explained that the scientist responsible for the heat-transfer studies repeatedly requested by Hambleton had died and was only now being replaced. Hambleton's own remarks occupied about six of the 279 pages of the Lyons appropriation hearing transcript. Almost all the rest of the space was taken up in defense of the AEC, enunciated not only by AEC officials but also by members of the joint committee, only two of whom—Senator John Pastore of Rhode Island, the committee chairman, and Senator Howard H. Baker, Jr., of Tennessee—expressed sympathy with Kansans' fears. A prediction that Senator Pastore made, however, turned out to be right: Congress was not willing to act against the unanimous opposition of the elected representatives of Kansas. Instead, it approved an appropriation bill amendment submitted by Senator Dole, prohibiting the AEC from purchasing the Lyons mine within the following three years unless the acquisition was first approved by a special committee to be appointed by the President.

The AEC did not confess any change of attitude after the Congressional rebuff. But it did completely reorganize its machinery for administering the radioactive waste disposal system. Closer to Hambleton's home grounds in Lawrence, the members of the Lyons Chamber of Commerce—who at first had enthusiastically favored the abandoned Carey mine purchase—experienced a modification of opinion. They had originally looked upon Hambleton as a crank, but last June they invited him to Lyons to address interested townspeople at their high school. They met his University of Kansas plane at the Lyons airport in a playful mood, displaying a hangman's noose and asking whether the plane could fly home if it were tarred and feathered. Half a hundred Lyons residents went to the schoolhouse to hear what Hambleton had to say. One of them was J. B. Allen, superintendent of the mine that the American Salt Corporation operates at the south end of Lyons. After the meeting, Allen asked whether or not Hambleton had seen a letter the corporation president and general manager, Otto Rueschhoff, had written to the AEC from the corporation headquarters at Kansas City, Missouri.

At Allen's suggestion, Rueschhoff sent a copy of the letter to Hambleton. The original, dated May 4, had been dispatched in reply to one that F. M. Empson, an AEC health physics specialist at Oak Ridge, had written to Rueschhoff on April 14. Empson nad been in the crew that lived at Lyons during the Salt Vault experiment. As the only AEC employee known to have met Rueschhoff personally, Empson was picked to ask the salt mine company executive for proprietary information that probably would not be forthcoming—such as how much salt the south-end mine at Lyons produced each year. Rueschhoff did not give this information, but his letter to Empson did list some interesting reasons why the abandoned Carey mine at the north end of Lyons might not be a safe place for a radioactive dump.

Although the American Salt Corporation and the Carey Salt Company were competitors in a business notoriously reluctant to share information, Rueschhoff was familiar with the Carey property because each of the Lyons mines has only one entry-and-exit shaft. In the 1930s, the rival mine owners considered connecting their main tunnels in order to provide each other with a back door in case of accident. These plans were abandoned when the Carey salt mine was closed, but the negotiations lasted long enough for Rueschhoff to learn that the Carey mine shaft drillers had passed through forty feet of water in the rock overlying the salt; a caisson had to be installed to complete the operation.

The shaft of American's own mine at the south end of Lyons, as Rueschhoff reported in mining parlance, is "wet." Water regularly collects in a receiving ring at the shaft bottom and has to be pumped to the surface.

Only five days after Empson's letter to Rueschhoff was written, drillers and blasters in the dry-mining segment of the American mine bored seven feet into what they thought was solid salt and hit a hole from which mud and water poured until the hole was closed with concrete. No one knew how the hole got there. Mine records gave no clue. The owner of the land above the mine was equally nonplused. An unrecorded well was suspected, but no opening could be found in the ground above, even after a bulldozer dug up the soil to a depth of four feet in a 200-foot radius from where the entrance to such a well should have been.

An equally puzzling episode of 1965 was recalled oy Rueschhoff. It occurred in that part of the American mine where hydraulic methods are used to remove the salt. In the way customary to such operations, three vertical holes were drilled 600 feet apart in a triangular configuration. Fresh water was pumped into one hole with the expectation that it would break through the salt below, find the other two holes, and wash the dissolved salt back up to the surface in them. In this instance however, the brine did not come up. The downpouring water—170,000 gallons of it—simply disappeared.

After Hambleton went to see Rueschhoff and reported their conversation to the AEC, enthusiasm for a dump anywhere in the Lyons neighborhood waned perceptibly. In a subsequent talk to the Kansas Engineering Society, the new director of the AEC's waste disposal system, Dr. Frank Pittman, referred to unresolved "problems" that had arisen. AEC Chairman Dr. James R. Schlesinger wrote a letter to Tammy Lee Estes, an anxious Fort Scott, Kansas, schoolgirl, and promised her that the Lyons mine would not be used unless its safety could be guaranteed. However, he reiterated the scientific preference for disposal in salt beds.

Hambleton had never questioned the desirability of using the salt beds under adequate safeguards, and a recent report of his to the AEC identifies seven other places in Kansas that might be suitable as atomic furnace ash disposal sites. The question now is whether the AEC's tactics at Lyons have stigmatized the radioactive dump concept too starkly to restore it to respectability in the public's mind.

If a dump is not established somewhere, the American people will have to relinquish the benefits of the Atomic Age until scientists learn to effectively control the fusion of atomic nuclei and thereby open a new era of almost clean power.

SOLVING THE POWER CRISIS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. UDALL. Mr. Speaker, America's power needs have doubled in the last decade; current demands will triple by the year 2000. The inability of existing technology to close the widening gap between demand and supply means that this summer there will be more blackouts, brownouts, voltage reductions, and power shortages than ever before.

One answer to the power crisis is that the insatiable American consumer may well have to settle for fewer electrical gadgets in the kitchen and garage. Another is that traditional attitudes toward population growth need to be changed and the goal of population stabilization—two children per family—achieved by voluntary means. Still another is a new technology which can meet the energy requirements of a prosperous economy without the belching smoke of conventional powerplants or the radiation and thermal pollution dangers associated with the current state of nuclear power.

Along these lines, Dr. Aden Meinel of the University of Arizona, and his wife Marjorie, have gained national attention with their study of solar energy. The Meinels have suggested that the sun's energy can be harnessed by the optical concentration of sunshine in ground collectors spread over desert regions—sunshine converted to produce steam and ultimately electricity. The Meinels' fascinating proposal, which has received all too little attention, is examined in articles recently appearing in the magazine Aware and the Scottsdale Daily Progress.

They follow:

SOLAR ENGERY—THE POSSIBLE DREAM?

(In this new approach the primary technology is optical thin film coatings that can absorb sunlight but prevent remissions of infrared light)

(By Aden Baker Meinel)

People are becoming aware that solar energy may be a neglected option in the growing energy crisis and they ask the question "Is solar energy practical, and if so, when could it become available?" Since our name is now being associated with a new concept for thermal conversion of solar energy for power production we would like to tell you of our exploration into the subject, how the concept developed and the long road ahead—the road from concept to reality.

Solar energy from time to time has been hailed as something important to mankind, but these hopes were not realized. What might be different this time? We began researching the solar energy literature last year solely to answer our own curiosity of why solar energy, hailed widely in the 50's, had not achieved its promise. We also wondered why solar energy had been dismissed as of no importance by a prestigious committee of the National Academy of Sciences as recently as 1969.

Solar energy recently is having a new birth of interest and some spectacular but impractical proposals have been made—such as giant orbiting power stations. So often the unspectacular gets overlooked in flights of imagination. The result of our study has been a new avenue, but one that could hardly be called "spectacular"—but it might work!

Solar power is familiar to most of us through its service in the form of direct conversion silicon solar cells on spacecraft. These devices work fine if you can afford to pay a few hundred times as much for power as is regularly produced by nuclear and fossil commercial power plants.

Few fully appreciate what inexpensive power means to civilization and in freeing mankind from harsh labor. We travel to the Asian subcontinent rather frequently in connection with science projects and have opportunities to get into the back country and see how much of mankind has lived since the dawn of antiquity. When we hear some people say that we need less energy and want to return to the "good old days", we want none of it. We feel it urgent that energy be kept inexpensive and our studies have been guided by this need.

ECONOMICS BASIC SOLAR BARRIER

Economics is the biggest barrier to solar power. There are many scientific ways to convert sunlight into power—direct conversion, thermal conversion, biological conversion (such as a crop-to-methane process) and many variants. Quite a few of these effects are once more being proposed but the hard facts of economics will keep many in the category of museum curiosities.

Our study led us to thermal conversion as an area needing a new look when we noted that the low conversion efficiencies of 2 to 3 percent in olden attempts could be vastly improved by devising a system that would operate at high temperatures. We asked the question "Why not make a system that could operate at the high temperatures of modern steam turbine power plants?" In this case one could neatly interface the new solar technology with existing central power station equipment types. Let us look at the key technologies that combine to meet this goal.

The primary technology is optical thin film coatings that can absorb sunlight but prevent re-emission of infrared light, the dominant way heat escapes from a heated surface when the surface is inside a vacuum envelope. These coatings are very thin. They can be applied to steel substrates by various techniques such as vacuum (HVD) or chemical (CVD) deposition, and withstand the high temperature we require when refractory metals and oxides are used. Modern "continuous processors" like the Libby-Owens-Ford unit for coating architectural glass have lowered the cost of multilayer coatings to a point where they are cheap enough to be seriously considered for solar power uses.

In our design we use simple Fresnel (microstepped) lenses or mirrors to concentrate sunlight 10 to 15 times normal brightness on the selective coatings. One can then extract on the order of 80% of the incident sunlight at a temperature of 1000°F.

The second key technology is liquid metal heat transfer fluids, such as liquid sodium, developed by the AEC for a nuclear reactor coolant. Sodium is cheap and abundant and appears to be the ideal way to bring heat into a central power station from a farm of solar collectors.

The third key technology is low temperature salt eutectics, also developed by the AEC. The role this type of material plays in our concept is as a cheap way to store solar energy heat for overnight and cloudy day operation of the steam power plant.

The fourth key technology is the art of U.S. industry to develop and manage integrated manufacturing facilities. Such a facility is vital for economic success in the solar energy field because of the stringency of economics constraints. This facility might be located in a city in the middle of a suitable arid region and serve a cluster of solar power farms in a radius of 20 to 30 miles.

WHAT IS ALLOWABLE CONSTRUCTION COST?

"The magnitude of the economic constraint can be seen when you ask what the allowable construction budget is in terms of the anticipated power cost. For example, if we wish power at 5.3 mills/kwh (energy cost) (which is about that using natural gas as a fuel, but more expensive than nuclear or coal) and must pay 10% interest on the large capital investment inherent in solar power farms, then if the capital is paid off in 15 years, the operating lifetime of the plant is 40 years, and the efficiency of conversion (via our concept) is 25–30%, it means that one can expend no more than 60 dollars per square yard of collecting area. While this constraint is tight we feel that it can be met.

The basic plan of our concept is shown in the accompanying chart. The solar collecting farm is connected to the thermal storage tanks via the liquid metal loop. The power plant draws energy from storage as the demand of the power plant requires, the cooled thermal storage material being stored for reheating the next day. This diagram is obviously much simplified over what a real system becomes. For example, one does not wish to leave hot sodium in the solar collectors at night or it will cool and probably freeze. When the frozen system is reheated the next morning considerable time would be lost in getting it up to operating temperature, hence we purge the hot sodium out with compressed nitrogen and store the hot fluid overnight. The empty collectors heat rapidly the next day, whereupon the sodium is pumped back into the collectors and the system begins to collect a new load of energy.

WON'T UPSET CLIMATE OF THE DESERTS

Solar power farms require large land areas and raise a number of environmental questions. We have given many talks to student and professional groups and certain questions are always raised. The main one is "Won't they upset the climate of the deserts?" The answer is definitely no! It happens that a balance occurs since the energy being collected and delivered to the distant cities is balanced because the solar collectors are blacker than normal terrain and absorb enough adidtional energy to balance the export. In other words, if you looked at a solar farm from an Apollo spacecraft you would see a darker spot since the radiation that would have been reflected out into space by the terrain is now absorbed.

"WASTE HEAT" BECOMES "RETURN HEAT"

There is a subtle point hidden in the achievement of local thermal balance at the solar power farms—we must return the unused portion of the turbine thermodynamic-cycle heat to the local environment. We call it "waste heat" when the power plant is nuclear or fossil since it *adds* something to the environment. In the case of solar power it is more appropriate to call it "return heat" since we need it to keep the local climate in balance. Yet one must be careful how this is done in order to avoid damage to the immediate spot, a point that the power industry now fully appreciates.

There have been expressions of concern over the amount of land area required by solar power farms. The total amount to produce 1,000,000 MWe of power, a significant fraction of what the entire U.S. will need in the year 2000, is about 5000 square miles (a square 70 miles on a side). This land would not be in one solid cluster, but spread over 8 or 10 of the Southwestern states and Florida. This area is only *one* percent of the agricultural farm land in the U.S., yet food constitutes only about 1% of our total energy needs. It would seem therefore that solar power farms would be a bargain in comparison, in terms of energy output per acre.

A second important comparison was brought to our attention by Arizona Public Service Company, operators of the Four Corners Power Plant, also a company that is backing our concept. They noted that their plant would require strip mining a considerably larger area of land in the next 35 years than would be needed if it could be operated with solar energy—and the Navajo's sheep could safely graze under and between the rows of collectors. Unfortunately we are perhaps 20 years of intensive development removed from this intriguing possibility.

CAN CONTRIBUTE WITHIN TWO DECADES

We feel that solar power farms can be developed to a point where they are contributing power to the U.S. needs within two decades. We base this optimism on the fact that our concept combines currently available technology with existing power plant hardware. In fact one could, and perhaps would, in the early years, make a power plant to operate interchangeably with solar power and a backup supply of fossil fuel.

Solar energy does have two practical problems. The first is that the arid regions are far from the major power using areas, the Eastern Seaboard and the upper Midwest. This means that new methods of long-distance power transmission must be developed. Already study is in progress on how to do this with underground cryogenically-cooled AC or superconducting DC power lines. In the meantime the growth of power demand even in the arid regions is so great that all the solar power farms that one could imagine being built in the next 30 years would scarcely handle the demand in the states reachable by present technology.

The second practical problem of solar energy available changes with the seasons and any "national" system built to meet the December-January power demand would have excess power for 8 months of the year. This surplus, however, is good since many domestic need for liquid fuels will continue well beyond the foreseeable end of abundant petroleum resources. To synthesize these fuels will require energy and one could use this surplus power for this process.

CAUTIOUS OPTIMISM

Solar energy is no instant answer to our growing power needs, but by the year 2000 it could well be important—and it cetrainly has the potential of supplying not a minor fraction of national needs, but the entire burden if necessary. We are anxious to see our concept tested in the near future. The initial skepticism that any solar energy proposal seems to get is beginning to be replaced by cautious optimism that the idea may have merit. We are especially pleased to see several of the utilities in the Southwest and Pacific area providing some vital technical and financial assistance to our work. It seems that some far-sighted members of the power industry may already sense the possibility that some day in the future we may consider the deserts of the earth as one of its greatest natural energy resources!

SOLAR ENERGY WORTH STUDY

For several years we have been hearing dire predictions of an energy crisis in the United States. Fossil fuels eventually will give out and they are polluting the environment. Hydroelectric potentials are limited. The answer is nuclear energy, or so we are told. But is it the best answer?

For the past 20 years 85 per cent of federal research dollars for energy has gone to nuclear electricity. It has cost taxpayers some $3 billion, and in return we have developed 9,000 megawatts of nuclear electric capacity, and many scientists question the safety of the plants producing it.

In the meantime relatively little research has been done in the field of solar energy. Despite this, most government officials have dismissed solar energy as a solution to our needs.

The October 1971 Bulletin of the Atomic Scientists contains two provocative proposals for solar energy which indicate that such power cannot be dismissed as an answer.

Dr. Norman Ford and Dr. Joseph Kane of the University of Massachusetts propose using solar heat to produce non-polluting hydrogen gas from water. This could be stored and transported like natural and synthetic gas, and it would have the advantage of being clean.

The second proposal comes from two Tucson scientists, Dr. Aden and Marjorie Meinel of the Optical Sciences Center at the University of Arizona The Meinels propose building what they call solar farms. They estimate that an area of 5,500 square miles could produce almost three times as much electricity as is now being produced by all processes in this country.

The Meinel's system is based on conversion by optical concentration of sunshine in ground collectors spread over desert regions. According to the article in the Bulletin of the Atomic Scientists it has the advantage that energy could be stored in the form of heat until used.

These concepts are new and different. They may not be the ultimate answer, but it seems incredible that our government has not given solar energy research significant attention. It offers a potential which boggles the mind, and if it works it would be both safe and pollution free.

TELEPHONE PRIVACY—III

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. ASPIN. Mr. Speaker, I am presently circulating for cosponsorship the Telephone Privacy Act, which would allow individuals to place a "no solicitors" sign on their telephones.

This bill would give to individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option to require the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phone book who have chosen to invoke the commercal solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates and organizations and opinion poll takers. Also not covered would be debt collection agencies or any other individuals or companies with whom the individual has an existing contract or debt.

As I noted in a statement last Thursday, I have received an enormous amount of correspondence on this legislation from all over the country. Today I am placing a second sampling of these letters into the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow—the names have been omitted:

COLUMBUS, GA., *February 24, 1972.*

DEAR REPRESENTATIVE ASPIN: Although the article about the "phone privacy bill" might have been allotted a small space in our local newspaper, the thought of such a possibility was a very thrilling one, indeed.

The fact that you have investigated such a bill will greatly be appreciated by many private citizens who have been harassed by these calls. The most infuriating aspect of these calls usually turns out, when you have informed the caller that you neither want nor need his product (to save him time and effort and in a polite way) that he hangs up very rudely before you can even finish speaking.

Mainly, however, I wanted to take this time to thank you for your effort and your good idea, and wish you much luck and hope that the bill will pass. You can be sure, also, that I speak for many Americans.

Let's hope we will soon be reading about the new "phone privacy bill" that passed unanimously.

Thank you again.

——— ———.

LAKEWOOD, OHIO,
February 23, 1972.

Representative LES ASPIN,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE ASPIN: I read with great interest an editorial placed in *The Plain Dealer*, Cleveland, Ohio, on February 23, 1972, pertaining to a Bill which you have introduced in Congress, called the *Telephone Privacy Act*. It is the wish of a multitude of citizens that your Bill will have the support that is needed for passing.

For many years I could have stood on a "soap box" in favor of such a Bill to prevent the use of what I consider my private property, just as much as my electricity, gas or water that I pay for.

May I have the number of your Bill because I would like to contact our State Representatives for their support, and pass the word along to many people I come in contact with daily that favor such a Bill. Thank you—thank you.

Sincerely yours,

——— ———.

PAPILLION, NEBR.,
February 28, 1972.

Representative LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ASPIN: I read an article in the Omaha World Herald a few days ago. This article concerned the bill you planned to introduce this past Monday to give persons the right to indicate to the telephone company if they do not want to be solicited over the phone. I would like to congratulate you, sir, and let you know there are many of us who are behind you. I live in a suburb of Omaha and my neighbors and I are plagued with everything from awning specials to having your dog photographed! We all resent this and have communicated with the phone company getting courteous service but no results. Their solution is to have an unlisted number or be unlisted in the book but allowing your number to be given out through information. I have chosen the latter for the next book to be published soon.

I consider such phone calls to be an invasion of my privacy and that the solicitors should pay me for my wasted time—having to answer the phone and then hang up on them.

I would like to see your bill passed along with all my friends, relatives and neighbors.

Thank you.

Sincerely,

——— ———.

INDEPENDENCE, MO.,
February 21, 1972.

Hon. LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: I support your proposed bill to be called the "Telephone Privacy Act," as reported in the Kansas City *Times* for February 19, 1972. It seems to me that the telephone is a private convenience. I pay for it on that basis! By subscribing to the phone company's service I do not feel that implicit authorization has been given all other subscribers permitting them to bother me without my permission.

Junk mail can be disposed of at my pleasure, but there is no way of identifying a junk phone call until after the inconvenience has taken place.

Please push for passage of the "Telephone Privacy Act."

Sincerely,

——— ———.

OMAHA, NEBR.,
Februray 22, 1972.

Representative LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR MR. ASPIN: As a harassed consumer I want to express my enthusiastic support for the bill referred to in the enclosed clipping from the Omaha World-Herald.

Since moving to this city less than two months ago we have been bombarded by companies soliciting our business. It was especially annoying during a 10-day period when I was ill and in need of rest. It was not possible to take the phone off the hook because of the loud beeping noise which begins shortly after the phone is taken off. So I was at the mercy of these irritating callers.

We feel it is a definite invasion of privacy for businesses to take advantage of the telephone which we have had installed for our own private use and for which we are paying. Since it is undesirable for most people to have an unlisted number it would seem quite desirable to have provision made for those who do not want to be imposed upon by telephone solicitors.

We will be interested in learning the fate of this bill.

Sincerely,

——— ———.

P.S.—We were *sure* we heard coyotes while camping in northern Wisconsin last summer. Did our ears deceive us?

RESPONSE NOT RHETORIC

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, Members on this floor have often pointed an accusing finger at those who are long on words and short on action. I hope that we here are not going to be guilty ourselves of giving 57 million workers a great deal of rhetoric and very little response to funding the Occupational Safety and Health Act in fiscal 1973.

Recently, the AFL–CIO Executive Council made an incisive statement on the need to carry out what we promised more than a year ago when the law passed this body. We pledged:

> To assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources. . . .

Are we about to abdicate that responsibility?

Will we shortchange our workers by not providing the OSH Administration with enough personnel to develop effective standards and enough inspectors to assure compliance with them?

When the Department of Labor appropriations come up for consideration, I ask my colleagues to join me in increasing and strengthening the allocation of funds by giving priority to the act's most vital activities: standards-setting and compliance.

The AFL–CIO resolution follows:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH

More than a year has passed since President Nixon signed the Occupational Safety and Health Act into law. At that time, he termed it one of the most important and far-reaching laws of recent decades, and promised highest priority to its vigorous and effective administration.

We have weighed the President's words against his deeds and found them wanting. The record is one of foot-dragging, flabby enforcement and adulteration of the special provisions of the Act setting forth specific rights and protections for employees.

Organized labor had hailed the act, pledged its full cooperation to the federal agencies responsible for administration, and established programs designed to shoulder organized labor's responsibilities in helping make it work.

But the Administration regards implementation of the act as a matter to be worked out among the federal government, business management and the governments of the various states. Organized labor is regarded as an interloper. Its proposals and suggestions are disregarded or opposed. Major policy decisions are discussed with labor only at our insistence or after decisions have already been reached.

Thus the goals of this law have been debased, and their achievement needlessly delayed. We further note that there is a similar lack of enforcement and implementation of the Railroad Safety Act.

The Occupational Safety and Health Administration's own summary report on its enforcement actions between July and November 1971 tell the story.

This report shows that 77.4% of all establishments inspected were in violation, a commentary on the abject failure of the states to protect the lives and health of workers during the years when there was no federal law.

According to the report, $512,000 in fines were assessed against 8,257 employers for violations—an average fine of $62. That is too cheap a price tag to be placed on the lives and health of workers. More stringent fines are necessary to prevent employers from deciding that it is cheaper to violate the law than to correct the hazard.

On the basis of the present enforcement staff of over 300 plus, with 9,800 establishments inspected in five months, the 4.1 million workplaces covered by the Act would all be finally inspected once in the next 170 years.

In response to an urgent appeal from the AFL–CIO, the OSHA adopted an emergency asbestos standard, but has not undertaken on its own initiative a single inspection of any workplace where asbestos may be a hazard.

The fiscal year 1973 budget authorizes $67.5 million for the Occupational Safety and Health Administration of the Labor Department, or an increase of 85 percent over fiscal 1972. But of that amount, nearly half is earmarked for assisting the states to regain jurisdiction over occupational safety and health. That $30 million figure is one-third greater than the budget authorization for federal enforcement programs.

Up to now, few states show inclination to submit plans that will provide programs affording protections to workers equal to those provided by the federal program.

Organized labor in every state must watch with care the development of such plans. Any which do not fully embody the employee protections of the federal law must be opposed.

We urge the Congress to drastically overhaul the Administration's budget for occupational safety and health porgrams as follows:

DEPARTMENT OF LABOR

There still are not enough inspectors to provide an effective enforcement program. The AFL–CIO requested 1,000 inspectors in the field by the end of fiscal year 1972. There are only 315.

The AFL–CIO last year urged that there be more than 2,000 compliance personnel. The 1973 budget calls for only 800.

1. The amount for enforcement should be more than doubled in order to provide for 2500 or more compliance officers, and industrial hygienists.

2. The Congress should remove $20 million from the state program item and transfer it to enforcement.

3. Budget authorizations for developing occupational safety and health standards, training and education and statistical reporting of injuries and illnesses should be at least doubled.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

The National Institute for Occupational Safety and Health must be rescued by the Congress from the callous indifference of the Secretary of Health, Education and Welfare. Its effective functioning is indispensable to carrying out the intent of the Act.

The budget does not provide authorization for training needed occupational health personnel as required under the Act.

We urge that the Congress more than double the $28.3 million authorized for the vitally important program of NIOSH. This will enable more rapid development of criteria and recommended occupational health standards, expanded hazards evaluation, and plant surveillance, and accelerated training of critically needed occupational health personnel.

DEPARTMENT OF HEALTH, EDUCATION, AND COMMISSION

The Review Commission, which is responsible for adjudicating contested citations for violations of the Act, is both short-handed, and faced with a weekly rate of new cases greater than contested decisions by the National Labor Relations Board. This creates a constantly increasing backlog of unprocessed cases—a bottleneck to the entire occupational safety and health program.

The budget request of $1.3 million for the Review Commission is only $220,000 over that of the previous year. That is completely inadequate. We urge the Congress to increase it substantially.

We urge the Congress to appropriate the necessary funds and provide for the necessary staff to enforce the Railroad Safety Act and carry out the intent of that law.

Much progress has been made in the past year by all of our affiliates in meeting the responsibilities of organized labor under the Act. Much is yet to be done—in the plant, in the state legislatures and before the Congress.

All affiliates are urged to let their governors and legislators know that they will accept no substitutes for strong, effective, well-founded state laws and plans. All affiliates should let their Congressional delegations know that they are vitally concerned in adequate appropriations this year to make the act work toward achievement of its great humanitarian aims.

PHILADELPHIA PROCLAMATION OF 1972 OF THE AFRICAN COMMISSION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. CLAY. Mr. Speaker, a recent proclamation issued by the African Commission of the National Committee of Black Churchmen focuses attention on the problems of black Africans.

The grim reality in 1972 for black people in America is to be seen in the continuing policy of colonialism and neo-colonialism in Africa and its relationship to the muffling of the drums of freedom on that continent.

The proclamation calls for definitive steps which our Government can and should take in putting an end to the policies of colonialism and apartheid which pervade these African nations. Many of the steps which the African Commission advocates can be accomplished through legislation.

The Congressional Black Caucus has addressed itself to these problems. We have introduced a bill which would terminate the exploitative activities of U.S. business concerns in the Republic of South Africa, South-West Africa, Rhodesia, or any African territory under Portuguese control and to end certain violations of the United Nations universal declaration of human rights by such businesses. I urge this Congress to act on these measures.

I commend the Philadelphia proclamation to the attention of my colleagues:

PHILADELPHIA PROCLAMATION OF 1972 OF THE AFRICA COMMISSION—NATIONAL COMMITTEE OF BLACK CHURCHMEN

The Africa Commission of the National Committee of Black Churchmen calls upon all concerned people to understand, challenge and struggle against the *Administration of Benign Neglect* in the ghettos, suburban as well as urban, of America. The responses must be made from every level and segment of the population including the church. The Africa Commission of the National Committee of Black Churchmen recognizes that if a religion lays stress on human values, upon honesty in commercial relations, love, freedom, and the equality of opportunity, it will be helpful to growth of a people. If it is hostile to these values it is hostile to human life and unworthy of the name "religion."

In an era which finds the church on the wane, especially among young people; in a time when the church is supporting apartheid in South Africa; in a time when the church is a willing partner of government in the suppression of millions of people around the world; N.C.B.C. calls upon the churches of America to close ranks and to declare their allegiance and support for the crowning achievements of humanity, love, freedom, peace, happiness and abundant life which Christ came to bring.

We are now witnessing the waning of the church. Can religion admit the existence of a sharp antithesis between personal morality and the practices which are permissible in business? Does the idea of a Christian church involve the acceptance of a particular standard of social ethics? Should not the church enforce such an ethic among the obligations incumbent upon its members? These questions present the most pressing problems of our time.

The Book of Revelations speaks of Armageddon or the apocalyptic struggle between good and evil. The forces of both sides are busy positioning themselves for the battle. The evil forces will be known by several names, among them are the Haves, Rich, Oppressors, and Racists. The battle will be the scene of terrible retribution upon a faithless church as well as a sinful world.

It is possible that the ultimate tragedy may be delayed, speeded up, altered, or transformed by new programs of church involvement. It is clear that the belly comes before the soul, not in the scale of values, but in point of time. Churchmen of America: "We are part of the problem or part of the solution". The decision rests with us. Groups and individuals denying the human rights of others can claim none themselves. Once the oppressed have set themselves to liberation goals, nothing, not even the church can stop them.

The grim reality in 1972 for Black people in America is to be seen in the continuing policy of colonialism and neo-colonialism in Africa and its relationship to the muffling of the drums of freedom on that continent. It involves an understanding of the indivisibility of African people around the world. It involves the understanding that Attica and Sharpsville are caused by the same forces. It involves and understanding that Marks, Mississippi and Namibia are exploited by the same forces. It involves and understanding that the forces that murdered El Haj Malik and Lumumba are the same. It involves the understanding that the backbone of the American dollar is the bloodstained, downtrodden shoulders of the people of Harlem, Selma, Latin America, South America, Asia, and Africa. It is because of this duality that the African Commission of the National Committee of Black Churchmen calls upon all concerned people to raise the cry of African Liberation and to support the movements against colonialism, apartheid and neo-colonialism.

Therefore we call upon all people of good will in America to demand that the American Government implement the vaunted humanism of its Declaration of Independence, its Constitution and the United Nations Charter on Human Rights by:

1. Calling for an end to the sugar quota for South Africa and other forms of economic support for that apartheid government.
2. Taking the initiative in calling for a United Nations Task Force to drive South Africa out of Namibia.
3. Repealing of the Chromium Ore Agreement with Rhodesia.
4. Denouncing and rejection of the Home-Smith Agreement.
5. Cancelling the proposed $437 million loan to Portugal.
6. Extending the minimum wage and other domestic worker benefits to foreigners who work for American corporations abroad.
7. Beginning now to pay reparations for the slavery of African people into a general fund for the liberation and development of the colonial possessions presently being fought for by the African movements.
8. Withdrawing immediately all its military personnel and armaments from Vietnam, Southeast Asia and Africa.

The echos of history and the drift of domestic and international politics of the United States Government compel African people in America to make a profound decision about the destiny of our people and to challenge this nation to redress the grievances of oppressed peoples throughout the world who have been directly and indirectly victimized by American racism and imperialism. Close Ranks in 72. We *are* an African People.

THE TAXPAYER'S LAMENT

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. BRASCO. Mr. Speaker, in a few short weeks, the average American is going to have to read the grim news his tax return gives him, reach down very deep and pay what to him or her will be an exorbitant sum in Federal income taxes.

I know many critics will come forth with the usual excuses, damning those who are perpetually complaining over the rate of taxation and what we get for it.

But it is a sad fact that the average lower- and middle-income taxpayer in the country is being exploited as badly or worse than ever before. This situation is due plainly and simply to the fact that our tax system is unjust, unfair, and stacked in favor of special interests, large corporations, and the wealthy. Last year approximately 200 individuals in the United States earned vast sums of money, yet paid no taxes.

Meanwhile, the average wage earner in this country is confronted with a merciless Federal Government with its hand stretched forth menacingly. And heaven help him or her who dares to hold out a cent.

Computerization in the Internal Revenue Service now insures he or she will be tracked down wherever they seek refuge, yanked forth and be made to disgorge whatever extra sums they owe Government.

These people are being shredded by inflation. The vaunted economic policy of this administration is as bankrupt as Penn Central Railroad. But no Federal Government is present or ready to bail out any individual taxpayer if he is in difficulty.

Price controls have become a national joke, hitting at wages of the average worker while major industries run price hikes at will through the so-called governing board. Any glance at the recent jump in wholesale prices and what meat costs in markets will reveal the hollowness of the administration claims that all is well on that front.

But it is our tax system that is the worst aspect of the entire nasty picture confronting an average wage earner. Beset by inflation, fixed wages, and a depressed economy, he and she still have to make ends meet. No law has repealed mortgages, utility bills, grocery lists, and clothing needs for children. The income tax hits these average citizens like a piledriver, especially when they least can afford it. For these reasons tax breaks offered major industries are most outrageous and deserve to be pointed out to the public at large.

No industry gets away with more Federal tax privileges than the oil industry. Over the years, this group of massive corporate giants has carved out a series of tax privileges that lend themselves well to clever activities of corporate accountants. As a result, these conglomerations of capital are able to evade most Federal taxes, a situation the average American would find impossible to enjoy. Here is some of the latest available evidence on this situation.

In 1970, Standard Oil of New Jersey earned $2,474,748,000 in net income before Federal tax. It paid only 10.8 percent of that sum in such taxes.

Texaco earned $1,137,666,000 in 1970 in net income before Federal tax. That company paid 6.4 percent of that sum in Federal taxes.

Gulf Oil set some sort of record for greed. In 1970, it earned $990,197,000 before Federal taxes in net income, yet paid out a staggering sum of 1.2 percent in taxes to the Government. Where did all the rest of the cash go? Why, into pockets of fat cats, who do not take subways to work in the morning. Into pockets of people who have few worries about necessities for families or education for children.

I am including a chart at this point in my remarks showing how much money each of the major oil companies earned in 1970, net income before Federal taxes. After that are figures for percentage of that income they paid to the Federal Government in the form of taxes.

	Amount	Percent
Standard (New Jersey)	$2,474,748,000	10.8
Texaco	1,137,666,000	6.4
Gulf	990,197,000	1.2
Mobil	873,744,000	10.9
Standard (California)	589,637,000	5.0
Standard (Indiana)	394,539,000	14.2
Shell	274,681,000	12.4
Atlantic	257,121,000	4.13
Phillips	198,241,000	10.0
Conoco	301,115,000	6.4
Tenneco	182,082,000	13.3
Sun	223,086,000	12.1
Cities Service	151,562,000	17.9
Union (California)	161,825,000	4.6
Amerada Hess	183,905,000	3.6
Getty	159,144,000	21.9
Marathon	153,783,000	5.3
Standard (Ohio)	66,351,000	10.4
Ashland	84,326,000	32.3
Total	8,857,753,000	8.7

Average taxes paid by such companies is 8.7 percent of total earnings in Federal taxes. This was out of a total of $8,857,753,000 in total income before taxes. How many average American wage earners are able to support families and pay 8.7 percent in Federal income tax? Most Americans pay two and three times that percentage of their income annually in Federal levies. How, then, can we excuse such an outrage upon the public?

These are the same companies which have been polluting off our coasts with a firm disregard for a clean environment. Plenty of slick public relations brochures promise all is well. Innumerable well-produced and expensive television ads in prime time assure the public the oil industry is all but killing itself to protect us while giving America all the energy we require. To believe all this, one only needs a petrified brain and the gullibility of a moron.

This is the same industry that has been granted price hikes at public expense. It is the same industry that inflicts promotion gimmicks, games, and trading stamps upon the public and its captives, service station operators.

It is the same industry that perpetrated the Santa Barbara Channel spill and mammoth oil drilling platform fires in the Gulf of Mexico.

It is the same industry that enjoys a 22-percent oil depletion allowance.

And who pays for all this? Merely the consumer, stretched out on the altar of oil industry profit like any human fiscal sacrifice. We all pay for their tax privileges, because what one has must come at the expense of another. We are paying for it at the gas pump, in home heating of oil bills, and for natural gas fuels.

Cheap oil imports available practically everywhere in the world but here could easily be allowed into America. Energy prices could drop like plummets if they were allowed to enter.

But they will not, and many among us know why. Oil import quotas set up by Executive order under Eisenhower insure that a barrel of crude oil doubles in price when brought into this country from abroad. Why? Because our Government wills it so.

Just as Government wills that the oil industry pays minimal taxes at public expense. And this appalling state of affairs will endure until enough people find out about and change it.

Certainly none of this will transpire under this administration. But at least a few more taxpayers will know a little more of the why of it, as they write out those checks next month.

For sure, the heads of oil companies will not be doing much sweating over their returns.

A SHOWCASE FOR INTEGRATED TRANSPORT

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. RODINO. Mr. Speaker, Port Newark is one of the few, yet highly significant, examples of economic growth in an otherwise depressed Newark economy.

The phenomenal growth of my home port has been largely due to its easy access to all forms of inland transportation. Recently, Business Week highlighted the Port Newark-Elizabeth story and I am pleased to share it with my colleagues:

A SHOWCASE FOR INTEGRATED TRANSPORT

A garden spot it is not. But a small strip of the Garden State near Newark has been a fertile element in making the growth of metropolitan New York possible. Here, in 20-odd sq. mi. of land, partly reclaimed from Newark Bay, is located a rich grab bag of facilities that makes the area a billion-dollar showcase of today's transportation.

"I specify the Newark-Elizabeth port for my shipments," says Clifford Robertson, an importer of Scandinavian wood products, "because my truck can go directly from the pier to the turnpike and I don't have to pay to wait in a traffic jam." Ship operators find the port efficient, too. "It's one of the best in the world," says L. A. Renehan of Prudential-Grace Lines. "And it has certainly got more diverse elements." Within the region's informal boundaries is a great variety of traffic—containerships and tractor trailers, Volkswagens and Metroliners, helicopters and jets—all moving to the frantic rhythms of New York's hurry. Not the city's only transport hub, Newark-Elizabeth is easily its most diverse.

The busiest containerport in the world, handling almost 10-million long tons of container and other general cargo, straddles the eastern boundary. A 2,300-acre jetport that serves 6.5 million passengers and moves 160,000 tons of air freight a year sprawls in the middle. High-speed intercity and local rapid transit lines provide rail links with New York and other cities in the "Northeast Corridor" megalopolis, which stretches from Boston to Washington. Four large rail systems crisscross the area with a maze of freight yards and terminal tracks. And splitting the area down the middle is its lifeline, the 12 lanes of the New Jersey Turnpike, the world's busiest superhighway, providing the essential link for freight and passengers alike to move the final miles between ports and terminals and their ultimate destinations.

CLASS BY ITSELF

There is nothing quite like this concentration of transportation anywhere else in the world. Rotterdam has fine harbor facilities but lacks the highway network. Nor does it have an airport as part of the mix. The Tokyo Bay ports of Yokohama and Tokyo have good water access but have little room to grow and are plagued by congested land transport. London's port is spread out along both banks of a crowded river and is also troubled by ground congestion. Smaller ports such as San Francisco do not handle anything like the volume of traffic that passes through New York.

Transportation theorists have long envisioned an integrated commercial hub where all forms of transportation could meet and mesh smoothly. The Jersey complex is not quite that, in large part because there is no present need for an all-purpose interface for all kinds of transportation. Although both seaports and airports, for example, need connecting highway and rail service, there is at present little need for an interchange between sea and air carriers. But if tomorrow's transportation develops such a need, the elements will be there for further integration. Right now, shippers and carriers alike are getting the benefit of smooth coordination of land and sea operations.

Ironically, it wasn't planned that way. The complex developed largely because Newark Bay provided both deep water for ocean ships and wetlands that could be reclaimed to provide acreage for new projects. The reclaimed land made possible both airport expansion and the vast shore-based facilities that containerships in particular require. But there has been no over-all plan for developing the area as an integrated transportation complex. Even now, there is no all-encompassing plan to direct future growth.

But as the port area and the turnpike have grown to match and eventually surpass the area's rail yards in economic importance, a kind of de facto master plan has taken shape. It can be seen in the decisions of the coordinating interagency committees responsible for building parts of the whole: the Port of New York Authority, the New Jersey Turnpike Authority, the New Jersey Transportation Dept., the Tri-State Transportation Commission, and the U.S. Bureau of Public Roads. All of these, along with local agencies, have some jurisdiction in the area.

RAIL TO HIGHWAYS

The railroads were the first to arrive. The Penn Central and three smaller roads all have major freight yards in the area. The city of Newark established the port in 1915 and the airport in 1928. But the big change to the region's present status as an interchange for all transportation modes began when the Port Authority leased the airport and seaport from Newark in 1948 and began a massive improvement program that so far has cost $217-million for the airport and $241-million for the Newark and Elizabeth seaports. A redevelopment program that will triple the capacity of the airport by 1975 is costing another $200-million. Improvements now under way at the seaports will bring the total investment in those facilities to $360-million, also by 1975.

The other big change in the region came when the 118-mi. New Jersey Turnpike was opened early in 1952. Originally six lanes wide through the Newark-Elizabeth area, the turnpike was widened to 12 lanes in 1970, bringing the total investment to $449-million. Just north of the airport, the turnpike divides into two separate six-lane routes, one connecting with the Lincoln Tunnel and midtown Manhattan, the other with the uptown George Washington Bridge. A six-lane extension leads to the Holland Tunnel. The bridge and tunnels, like much else in the area, are Port Authority facilities.

VITAL ARTERIES

Probably the most important single element in the whole complex is the highway network—the turnpike, U.S. highways 1 and 9, state route 22, and the new interstate 78 under construction. Without the highways and to a lesser extent the rail connections, there would not be the easy movement of people and freight that makes Newark-Elizabeth one of the world's most efficient way stations for international commerce.

But if the enormous concrete acreage of the highways dominates the physical scene, it is the far-flung activities of the Port Authority—the oldest, largest, and richest superagency in the country—that will shape Newark-Elizabeth's future. And as a northbound turnpike traveler reaches the airport-marine terminal interchange, his attention is inevitably caught, "industrial haze" permitting, by the Manhattan skyline 15 mi. away. Significantly, the first landmarks he will notice are the twin 110-story towers of the PA's World Trade Center.

MY RESPONSIBILITY TO FREEDOM

HON. K. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. McKAY. Mr. Speaker, I would like to share with you the speech that won the Veterans of Foreign Wars sponsored Voice of Democracy Contest in the State of Utah.

The winner was 17-year-old Jeanne Grow of Provo, Utah, and a senior at Provo High School. Miss Grow, in discussing our responsibility to freedom said that "Freedom" is an important and unique trait of America. She then added:

> America has not arrived, but she is in the process of being created.

I would like to commend Miss Grow for her speech and also the VFW for the Voice of Democracy Contest that provides an opportunity for our young citizens to think about and discuss freedom and democracy.

The speech follows:

MY RESPONSIBILITY TO FREEDOM

(By Jeanne Grow)

The ceremony was simple, but it was meaningful to the girls that were participating. As the Flag was raised in the surroundings of American University, Washington, D.C., where girls were gathered from all over the nation—many stood by and laughed. One of the observers shouted, "How can you salute a country that is allowing people to starve within its own bounds, that has such great economic chaos, and that is killing thousands in Vietnam?" The girls felt a form of pity for those who could not realize, because they simply would not realize, what that symbol of freedom actually offers.

America is unique because of its one important trait—freedom. It is being used by some to dissent and destroy, but by others to improve and progress. The responsibility each American citizen has to this freedom is to maintain and preserve it within the intent in which it is given. Hamilton Wright Mabie expressed what the intent of freedom is when he said, "Real freedom comes from the mastery, through knowledge, of historic conditions and race character which makes possible a free and intelligent use of experience for the purpose of progress."

In other words, preservation of true freedom is based on a foundation of knowledge of the historic conditions of America, such as the strivings and accomplishments of our ancestors, and the workings of present-day patriots who are now creating a history that our posterity will be proud of. Such a history can be created only with the knowledge of the processes of democracy and its vital ideals—for a government by the people cannot stand without the competent rule of those people.

With such knowledge, we can master ourselves and our environment, and progress without allowing the problems of present-day America to impede improvement. We may wish to forget the tragedy of the Manson murders, the Chicago riots, the Vietnam war. We could let such experiences of America lend to its total destruction, or we could use what we learned from them. The scars left by occurrences of the past can be partially healed by future decisions.

These are frightening times. We have seen growing prosperity. We have seen medicine progress greatly. We have seen a very old dream turned into reality—there are footprints on the moon. But we have seen poverty. However, an ancient problem still plagues our modern society. The answer to world peace has been war. The answer to increasing crime has been continued apathy. Times are not the same as our fathers lived through, but the basic principle of freedom, as they set it forth, is the same. If we work for a progressive change, preserving that trait as it was originally initiated, the future of this land will be brighter. Then the past accomplishments of America will go toward even better ones, to solve the great problems we now face.

If we can only build on that foundation of knowledge, as Mabie expressed, of our history, the processes of democracy, of the characteristics of all people, and of the history we are now creating, we can intelligently use our experiences, whether good or bad, to initiate progress. It is this that will enable America to fulfill her dream to gain freedom for all people. It is that this will supply the courage to stand up with the voice of democracy against those who look on, laughing. Only then can freedom be maintained as it was intended to be, not as a license to destroy, but as a tool of progress.

"How can you salute a country that is allowing starvation, economic chaos, and death in Vietnam?" You can't. You support a nation that has often provided the hope of millions of people by sharing its wealth, that has the widest prosperity known in the world—a trillion dollar economy, that is saving the lives of thousands, and sacrificing to share its freedom. And as America preserves its one important trait, she can lead all people toward the same goal.

We will see the wall that separates man from man destroyed. We will see America, not divided by differing groups of individuals, but united by tolerance and understanding for progress, for freedom. For as it has been said, "Tis not too late to seek a better world." America has not arrived but she is in the process of being created.

JOB PLACEMENTS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. DUNCAN. Mr. Speaker, I was pleased to have a report on the National Alliance of Businessmen which was presented to President Nixon by Mr. John D. Harper, chairman of the alliance.

He and his members are to be complimented on a highly successful effort. As you know, Mr. Harper is chairman of the board of the Aluminum Co. of America and working with him have been thousands of business executives.

I specifically want to call attention to the part of the report that involves the placement of veterans in jobs.

The report follows:

ALUMINUM CO. OF AMERICA,
Pittsburgh, Pa., February 16, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am pleased to give you an interim report on the progress of the National Alliance of Businessmen toward its June 30 goals of job placements for the disadvantaged and Vietnam-era veterans.

As you will recall, in a meeting at the White House last June 23, you requested that the Alliance, as part of your six-point program for veterans, take on the important task of finding jobs for 100,000 Vietnam-era veterans, in addition to our continuing program of job placements for the disadvantaged.

As of January 31, our NAB participating companies and metro organizations report that more than 45,200 Vietnam-era veterans had been hired through our Veteran/JOBS program. The accelerating pace of hiring, supported by the follow-up efforts now underway throughout our organization, make clear that we will meet, and probable exceed, our goal of 100,000 veteran hires by June 30.

In addition, hires of disadvantaged Americans under the JOBS program have continued at a strong level. For the first six months of the fiscal year, NAB companies report 102,000 disadvantaged hires. The majority of these hires continue to be under the "voluntary," non-contract NAB program, at no cost to the government.

These results are to the credit of several thousand loaned executives who have worked on our campaigns across the country this fall. Without the assistance of these men and women, and the cooperation of our partners in the Department of Labor, these accomplishments would not have been possible.

Knowing your continued personal interest in the National Alliance of Businessmen and your support of the principles of voluntary action which it embodies, as well as your desire that every Vietnam-era veteran and every American citizen should find the opportunity for work and advancement, I am pleased to make this report to you personally.

Yours respectfully,
JOHN D. HARPER, *Chairman,*
National Alliance of Businessmen.

MY RESPONSIBILITY TO FREEDOM

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mrs. HANSEN of Washington. Mr. Speaker, this year marks the 25th Anniversary of the Voice of Democracy contest sponsored by the Veterans of Foreign Wars.

Few activities could be called more patriotic than instilling in American youth an appreciation of their Democratic freedoms and the responsibility to safeguard those freedoms. Few activities do this more than the Voice of Democracy contest.

This year about 500,000 young men and women from over 7,000 of the Nation's secondary schools competed in the contest. Each contestant was required to write and deliver an original manuscript on the subject "My Responsibility to Freedom."

I am extremely proud that one of my constituents, Mr. Mark Harmon, the son of Mr. and Mrs. Cecil W. Harmon of Olympia, Wash., was the third place winner in the 1971 Voice of America contest.

Mark Harmon is an 18-year-old student at North Thurston High School in Lacey, Wash. After graduation he plans to attend the Northwest Nazarene College at Nampa, Idaho, to study for the ministry or a career in the educational field.

The following is the award winning essay of Mark Harmon:

MY RESPONSIBILITY TO FREEDOM

A man died, of an illness that was curable, if the correct medicine would have been applied. He died, clutching in his cold fist a small bottle of tiny green pills, that correct medicine. But that tiny pill bottle had never been opened, the cap never removed. Those small pills had never been put to use—never been put to work.

I, as an American today, am symbolically clutching a small bottle of tiny pills. These pills are often labeled freedom. I am a very lucky person, I hold freedom in my hands. I hold freedom of religion, I hold freedom of choice. I hold freedom of press, assembly and petition. I hold the right to vote.

I can turn on the radio and listen to the music of my choice. From Brahms, Bach, and Beethoven to Johnny Cash or the Rolling Stones. I may go to the public library and read any selection I wish, from Einstein's Theory of Relativity to Fairy Tales by the Brothers Grimm. I have the choice of electing whom I want to represent me, from my class officers, school cheerleaders to the President of the United States. And I, as everyone, hold the right to pursue happiness, as long as I do not infringe on the rights of others. For after all, freedom is a give and take proposition. It is a way of giving, as well as receiving. You see, I hold a bottle of duties in my hands as well as a bottle of rights. It is momentous to find that President Abraham Lincoln, the epitome of freedom, used the word responsibility nearly as often as he used the word freedom. And it is my duty to recognize my responsibility, which is I must use what I hold in my hand. I must put freedom to work. For freedom never put to work is like medicine never applied. No benefits are ever obtained from either of them.

Freedom is not something given to me only to sit back and enjoy. It is something I must use, and *I* must be the *one* to use it. Me, as an individual—a committee of one. For this is where my freedom and responsibility begins. With I. A wonderful pronoun, but a singular pronoun. It is personal. It means I, and no one else. I must put freedom to work. And if ever I believe that I am not able to do this, I should remember that great works of the world always begin with one person As one author says:

I am only one,
But I am one.
I can't do everything
But I can do something.
What I can do, I ought to do,
And what I ought to do,
By the grace of God I will do.

As the author points out, I am able to do something. I can put freedom to work. In several ways;

I can seek the facts . . . in everything I do. But more important than this, I can seek the truth.

I can fulfill the duties that are mine in home, school and community. It is my job to take an active part—it is my responsibility.

I can educate myself to the geography, economics, history and culture of other peoples. And I can free myself of the prejudices and misconceptions about those people.

I can learn and exercise the qualities of leadership . . . I can be patient, impartial and humble. And with taking the qualities of a leader, I can also take the responsibility and privilege of being a follower.

I can study human relations . . . in order to live compatibly with my friends, family and neighbors. I must learn what the term humanitarian truly means.

And lastly, I can practice the Golden Rule. I can love others as myself. For by loving others, I will help, instruct and educate others to the democratic processes. I can exercise my responsibility to freedom. I must exercise my responsibility. I must not die with an unopen pill bottle full of freedom. I must uncap that bottle of freedom and understand it, use it and preach it, but most important of all, I must put it to work, it is my responsibility.

HOUSE OF REPRESENTATIVES—*Thursday, March 16, 1972*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let us hold fast to the profession of our faith without wavering.—Hebrews 10: 23.

Eternal God and Father of us all, as the quiet splendor of a new day dawns upon us we stand before Thee opening our hearts to the light that never fades, the love that never falters, and the strength that never fails.

Quicken within us a vivid sense of Thy presence and endow our souls with a power which makes us strong and keeps us steady when we would waver by the way.

Give to us and to our people the spirit to see that Thou alone canst lead us safely through these troubled times and empower us to live and to labor faithfully for the good of all.

In the Master's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3353. An act to provide for the striking of medals in commemoration of the first U.S. International Transportation Exposition.

SUCCESS IN THE ARMY GAME

(Mr. PIKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PIKE. Mr. Speaker, I am delighted to be able to announce to the Members of the House that at 5 o'clock last night I received the documents which I have been after.

EXTENDING LIFE OF INDIAN CLAIMS COMMISSION

Mr. HALEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10390) to extend the life of the Indian Claims Commission, and for other purposes, with a Senate amendment thereto, and consider the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That section 23 of the Act entitled "An Act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes", approved August 13, 1946 (60 Stat. 1049, 1055), as amended (75 Stat. 92; 25 U.S.C. 70v), is hereby amended by striking said section and inserting in lieu thereof the following:

"DISSOLUTION OF THE COMMISSION AND DISPOSITION OF PENDING CLAIMS

"SEC. 23. The existence of the Commission shall terminate at the end of fifteen years from and after April 10, 1962, or at such earlier time as the Commission shall have made its final report to the Congress on all claims filed with it. Upon its dissolution the records and files of the Commission in all cases in which a final determination has been entered shall be delivered to the Archivist of the United States. The records and files in all other pending cases, if any, including those on appeal shall be transferred to the United States Court of Claims, and jurisdiction is hereby conferred upon the United States Court of Claims to adjudicate all such cases under the provisions of section 2 of the Indian Claims Commission Act; *Provided,* That section 2 of said Act shall not apply to any case filed originally in the Court of Claims under section 1505 of title 28, United States Code."

SEC. 2. Section 27(a) of such Act of August 13, 1946, as amended (25 U.S.C. 70w), is amended by striking said section and inserting in lieu thereof the following:

"TRIAL CALENDAR

"SEC. 27. (a) The Commission from time to time shall prepare a trial calendar which shall set a date for the trial of the next phase of each claim as soon as practical after a decision of the Commission or the United States Court of Claims or the Supreme Court of the United States makes such setting possible, but such date shall not be later than one year from the date of such decision except on a clear showing by a party that irreparable harm would result unless longer preparation were allowed."

SEC. 3. Section 27(b) of such Act of August 13, 1946, as amended (25 U.S.C. 70w), is amended by striking said section and inserting in lieu thereof the following:

"SEC. 27. (b) If a claimant fails to proceed with the trial of its claim on the date set for that purpose, the Commission may enter an order dismissing the claim with prejudice or it may reset such trial at the end of the calendar."

SEC. 4. The Act of August 13, 1946, as amended, is further amended by adding at the end thereof a new section as follows:

"SEC. 28. The Commission shall, on the first day of each session of Congress, submit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives, a report showing the progress made and the work remaining to be completed by the Commission, as well as the status of each remaining case, along with a projected date for its completion."

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. HALL. Mr. Speaker, reserving the right to object, did I understand my friend, the distinguished gentleman from Florida, to say that he wishes to concur in the Senate amendment to the bill?

Mr. HALEY. We will offer a motion to concur in the Senate amendment with an amendment.

Mr. HALL. May we ask, under the right of reservation, what the other body did to the House-passed legislation and thus I will give the gentleman an opportunity to explain his proposed amendment at this point.

Mr. HALEY. Will the gentleman yield?

Mr. HALL. I will be glad to yield to the gentleman from Florida for that purpose.

Mr. HALEY. Mr. Speaker, after H.R. 10390 was passed by the House, it was amended in the Senate by striking everything after the enacting clause and inserting new text which differed from the text of the House bill in three particulars:

First, the House bill extended the life of the Indian Claims Commission for 4 years, and the Senate amendment extended it for 5 years.

Second, the House bill required an annual authorization for the appropriation of funds to meet the administrative expenses of the Commission. The Senate amendment omitted this provision.

Third, both the House bill and the Senate amendment required the Commission to make annual reports, and although the substance of the requirement is the same the language used is slightly different.

The amendment to the Senate amendment which I propose accepts the Senate provision for a 5-year extension of the life of the Commission, instead of the 4-year extension originally passed by the House, and it adds the annual appropriation authorization provision of the original House bill. The Senate language for the reporting requirement, which is the same in substance as the House language, is also accepted.

I believe that if this amendment is passed by the House it will be acceptable to the Senate and a conference will be unnecessary.

I believe, if I may say to the gentleman from Missouri, that really there is not very much change. In other words, the House wanted 4 years, and the Senate wanted 5 years in their extension. We want this commission to come through the proper committees of Congress and justify their expenditures and their request to operate, and also we request a report on what they are doing from year to year.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's clear and concise statement and his personal belief and comment. May I ask further if there is an increase in funding in connection with the additional year of life that has been given to this commission?

Mr. HALEY. In the oriignal instance there was no limitation. We have imposed a limitation.

Mr. HALL. I appreciate that, as the gentleman would understand. I recall, of course, that considerable legislative record was made when this passed this body the other day, to the intent that they were really going to bring the commission to a close in 4 years.

I have no personal objection to it being extended to 5 years, especially if there is a limitation on the funding and if it will then be brought to a complete close and will be one Commission we can do away with.

Mr. Speaker, I appreciate the gentleman's explanation. Obviously, from his statement, the amendments of the body were germane to the House-passed action. Therefore, I withdraw my reservation.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION OFFERED BY MR. HALEY

Mr. HALEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HALEY moves to concur in the Senate amendment with an amendment as follows: Insert in lieu thereof the following: That section 23 of the Act entitled "An Act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes", approved August 13, 1946 (60 Stat. 1049, 1055), as amended (75 Stat. 92; 25 U.S.C. 70v), is hereby amended by striking said section and inserting in lieu thereof the following:

"DISSOLUTION OF THE COMMISSION AND DISPOSITION OF PENDING CLAIMS

"SEC. 23. The existence of the Commission shall terminate at the end of fifteen years from and after April 10, 1962, or at such earlier time as the Commission shall have made its final report to the Congress on all claims filed with it. Upon its dissolution the records and files of the Commission in all cases in which a final determination has been entered shall be delivered to the Archivist of the United States. The records and files in all other pending cases, if any, including those on appeal shall be transferred to the United States Court of Claims, and jurisdiction is hereby conferred upon the United States Court of Claims to adjudicate all such cases under the provisions of section 2 of the Indian Claims Commission Act: *Provided*, That section 2 of said Act shall not apply to any case filed originally in the Court of Claims under section 1505 of title 28, United States Code."

SEC. 2. Section 27(a) of such Act of August 13, 1946, as amended (25 U.S.C. 70v–1), is amended by striking said section and inserting in lieu thereof the following:

"TRIAL CALENDAR

"SEC. 27. (a) The Commission from time to time shall prepare a trial calendar which shall set a date for the trial of the next phase of each claim as soon as practical after a decision of the Commission or the United States Court of Claims or the Supreme Court of the United States makes such setting possible, but such date shall not be later than one year from the date of such decision except on a clear showing by a party that irreparable harm would result unless longer preparation were allowed."

SEC. 3. Section 27(b) of such Act of August 13, 1946, as amended (25 U.S.C. 70v–1), is amended by striking said section and inserting in lieu thereof the following:

"SEC. 27. (b) If a claimant fails to proceed with the trial of its claim on the date set for that purpose, the Commission may enter an order dismissing the claim with prejudice or it may reset such trial at the end of the calender."

SEC. 4. The Act of August 13, 1946, as amended, is further amended by adding at the end thereof a new section as follows:

"SEC. 28. The Commission shall, on the first day of each session of Congress, submit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives, a report showing the progress made and the work remaining to be completed by the Commission, as well as the status of each remaining case, along with a projected date for its completion."

SEC. 5. Section 6 of such Act of August 13, 1946 (25 U.S.C. 70e), is amended by adding at the end thereof the following: "There are authorized to be appropriated for the necessary expenses of the Commission not to exceed $1,500,000 for fiscal year 1973, and appropriations for succeeding fiscal years shall be made only to the extent hereafter authorized by Act of Congress."

The motion was agreed to.

The Senate amendment, as amended, was concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2097, DRUG ABUSE OFFICE AND TREATMENT ACT OF 1972.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

The **SPEAKER.** Is there objection to the request of the gentleman from West Virginia?

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object, I would like to ask the chairman a question or two, if I might, pertaining to the conference report.

Mr. STAGGERS. Yes, sir.

Mr. MONTGOMERY. Mr. Speaker, what, if any, changes were made in the conference report affecting the Veterans' Administration hospitals that might be different than in the House-passed bill?

Mr. STAGGERS. None.

Mr. MONTGOMERY. There were no changes?

Mr. STAGGERS. No.

Mr. MONTGOMERY. You did not adopt the stronger Senate language?

Mr. STAGGERS. We took out the language of the Senate which did affect them in different ways and kept what we passed on the House side.

I am concerned that the veteran and veterans hospitals be protected.

Mr. MONTGOMERY. Was Mr. SATTERFIELD, the gentleman from Virginia and chairman of the Hospital Subcommittee of the Veterans' Affairs Committee, satisfied with it?

Mr. STAGGERS. He was. He signed the report.

Mr. MONTGOMERY. I withdraw my reservation of objection, Mr. Speaker.

The **SPEAKER.** Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The **SPEAKER.** The Clerk will read the conference report.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The **SPEAKER.** Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of March 15, 1972.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with so that I may explain the agreement reached in conference.

The **SPEAKER.** Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, I rise to urge the House to adopt the conference report on S. 2097, the proposed Drug Abuse Office and Treatment Act of 1972.

Mr. Speaker, the bill we are presently considering was recommended by the administration, and represents many hours of work on the part of our committee, as well as two Senate committees. Our Subcommittee on Public Health and Environment held 21 days of hearings on this bill and had 110 witnesses. They visited a number of facilities throughout the United States, and have studied the problem thoroughly.

Following conclusion of their hearings and executive sessions, the subcommittee recommended introduction of a clean bill, based on the provisions of S. 2097, as passed by the Senate, with a number of modifications. This is the bill which passed the House, and the conference agreement which we are considering today contains substantially all of the provisions of the bill as it was passed by the House.

In other words, Mr. Speaker, the conference agreement is the same as the bill passed by the House, with a number of added features which were contained in the measure as originally passed by the Senate. It is my belief that the measure we are considering today is an improvement over both the original Senate passed bill and the House substitute for the Senate bill. One problem which was of concern to many Members of the House, as reflected by the vote on the Teague amendment when the bill was under consideration is the extent to which the authority of the Director can be exercised with respect to the ongoing programs and activities of other Federal agencies. We intended in the House bill to give the Director of the Special Action Office the same powers with respect to funds and programs which fall within the definition "drug abuse prevention function" as the OMB has today. We intended that the Director could set overall policy for drug abuse prevention functions of Federal agencies, but the authority of the Director does not limit the authority of the Secretary of Defense with respect to the operation of the Armed Forces, or the authority of the

Administrator of Veterans' Affairs with respect to furnishing health care to veterans.

The Senate bill was a 4-year bill, in general, with one of the programs a 5-year program. The measure we are today considering will extend through fiscal year 1975, so that as a practical matter this is a 3-year bill, plus 4 months remaining in fiscal year 1972.

An important feature contained in the Senate bill which was not in the measure passed by the House was a program of formula grants for the States to assist them in planning, establishing, maintaining, coordinating, and evaluating projects to deal with drug abuse. The House passed version was limited to planning and evaluation. The conference agreement is the same as the Senate bill, except that the authorization for fiscal 1976 has been eliminated and the formula for allotments among the States has been modified slightly.

In addition, the Senate bill authorized grants and projects for special programs with authorizations totaling $1,345,000,000 over 5 fiscal years. The House bill had no corresponding provision, and the conference substitute authorizes $350,000,000 through fiscal 1975.

The Senate bill provided that drug abusers who are suffering from emergency medical conditions shall not be refused admission or treatment by any private or public general hospital which receives Federal assistance with a suspension or revocation of Federal assistance for any hospital violating this provision. The conference agreement is the same as the Senate bill. The Senate measure contained a provision providing confidentiality of patient records and the conference agreement carries out this policy with revised language.

The Senate bill provided for the establishment of a committee to develop a comprehensive, coordinated, long-term Federal strategy for all drug abuse programs and activities, conducted, sponsored, or supported by the United States. The substitute we are considering today includes that feature of the Senate bill.

The Senate bill contains provisions protecting rights of Federal employees who are drug abusers. The conference substitute is a modification of the Senate passed version, and is the same with respect to drug abuse and Federal employees as existing law is with alcohol abuse and alcoholism.

Mr. Speaker, this bill represents many months of hard work by the Subcommittee on Public Health and Environment, and in my opinion will make significant contributions to our national effort to combat abuse. I urge the House to adopt the conference report.

Mr. SPRINGER. Mr. Speaker, will the chairman yield?

Mr. STAGGERS. I would be happy to yield to the ranking minority member of the committee.

Mr. SPRINGER. Mr. Speaker, not so long ago the Committee on Interstate and Foreign Commerce brought to the floor for your consideration the bill to create a special action office on the subject of drug abuse. We felt that we had worked out a very good bill. The urgent need for across-the-board coordination of Federal drug abuse programs is evident to everyone who observes the jumble of efforts now extant. This confusion pertains all the way down the line to local drug abuse programs. By making some sense out of the Federal efforts and giving direction to those efforts we will perforce influence the activities at all other levels, and this is to be greatly desired.

The bill which passed the House did create a special action office in the Executive Office of the President and gave to that Office the necessary authority to pull together Federal activities in the war against drug abuse. In addition there were authorities and funds for some additional research and training of personel. At the local level we tried to help by expanding an established program for the creation and operation of mental health centers. It seemed to us and you agreed that more and faster progress could be made in this manner where the Federal role was already clear and the line for both authority and funding already established.

The conferees went to the conference table facing a bill passed by the other body which differed in many ways as to the philosophy of drug abuse control, or at least as to the ways to approach it. The other bill was many times larger than the House bill in authorizing funds—in fact the Senate bill would have cost over four times what the House bill provided. A great deal of this difference lay in the differing approach to encouraging and assisting local efforts and drug abuse programs. The Senate bill contained authorizations for well over $1 billion for contracts and grants for the support of local drug abuse programs. The money was rather loosely directed at the whole spectrum of drug problems with which local governments are struggling. Compromise was most difficult because of the inevitable overlaps and crosscurrents of both authority and money between the two approaches. However, the need is too urgent not to work at it until a reasonable viable compromise on the issues could be reached. We did work at it and the conference version of the bill before you today is the result. It ends up with a total of just over $1 billion as compared with the House bill total of $411 million. Much of what is contemplated in the way of activity under the resulting bill will require close supervision and good judgment to make the best use of the money. Fortunately the main purpose of the bill is to create the entity to do just that.

What we hope we have accomplished by this conference bill can be best described in a short quotation from the report of the conferees which says:

> If SAODAP (the Special Action Office) is to play a constructive role, it must focus its activities on those areas directly related to its mission—assuring cooperation between departments and agencies on policy issues which cut across jurisdictional lines, providing and encouraging rigorous evaluation of existing programs, and fostering new and innovative approaches to the drug problem.

I recommend that the House accept the conference report.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. ROGERS), the chairman of the subcommittee.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding me this time. I would like to say that I feel the conference report is an excellent report. I feel that it will mount an extensive drive against drug abuse in this country, will give the tools that have been asked for to the Special Action Office for Drug Abuse Prevention, and will put us in high gear so that we can fight drug abuse in this country.

Mr. Speaker, approval of this conference report will end the work of my colleagues on the Subcommittee on Public Health and Environment on a phase of legislation which we hope will become a milestone in the history of drug abuse in this country—a milestone that marks the beginning of the point when this country turned away from drug addiction.

Unfortunately, this point has yet to be reached, according to the latest figures. Statistics only recently released by the Department of Justice indicate a heroin population in the United States of approximately 560,000. When compared with the figure 350,000 suggested during testimony before our subcommittee only a few months ago, these figures are indeed shocking. They appear to indicate that despite reports to the contrary, heroin addiction is on the rise. For this reason, I believe that every penny of the $1 billion in this report is necessary and should be spent in the development of an all-out multimodality approach toward treatment and prevention of addiction to heroin and other hideous drugs.

Mr. Speaker, the report adopts the format of the House amendment concerning the powers and duties of the Special Action Office and includes virtually every provision contained in the bill that passed the House. It also adds some provisions developed by the other body. I believe it is a reasonable compromise, and a workable one, and I urge its adoption.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am delighted to yield to our majority leader, the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, I just wish to take this moment to commend the able and distinguished chairman of the committee, and the ranking minority member of the committee, and also the chairman of the subcommittee, for producing this legislation, because it is so desperately needed. I believe the legislation has been well thought out, well considered, and if it makes a substantial contribution toward curing drug addiction and eliminating the drug traffic in this country, then it will be one of the most significant bills that we have had in this Congress.

So again I commend and thank these gentlemen.

(Mr. GERALD R. FORD (at the request of Mr. SPRINGER) was granted permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, from its first days in office, the Nixon administration has assigned top priority to a nationwide drive against trafficking in narcotics and dangerous drugs and to increased research into the causes and prevention of drug addiction.

Drug abuse in America today is of epidemic proportions. It is for that reason that what we are doing here in the House this afternoon takes on special significance, for the magnitude of the drug menace demands a total response from the Congress as well as the administration.

Last June the President established on an interim basis a Special Action Office for Drug Abuse Prevention. That Office has already had an impact in the fields of drug abuse education, treatment, rehabilitation, and prevention. The Office is working to coordinate programs which are spread through nine Federal agencies and to develop a national strategy to guide these efforts. The Special Action Office also has stimulated new research, gathered valuable information, planned for a new drug training and education center, and helped in setting up a major program to identify and treat drug abuse in the Armed Forces.

Now that Congress is giving the Special Action Office the authority the President has requested for it, the Office will be able to do much more.

I commend the President; I commend the administration; and I commend the Congress for moving on this horrible problem of drug abuse. What we are doing is to put together a massive assault on drug addiction. We are coordinating present drug abuse control programs that are fragmented and are expanding them to cure insufficiencies.

The President has laid a far-reaching drug abuse control program before the Congress, and we are responding with a large-scale program to rehabilitate drug-addicted individuals and expanded and improved education and training programs in the field of dangerous drugs.

The Special Action Office will direct all Federal drug abuse prevention, education, treatment, rehabilitation, training, and research efforts under a central authority within the executive office.

The Special Action Office is developing overall Federal strategy for drug abuse prevention programs, is setting program goals, and is evaluating performance.

The increased cost of this broadened Federal effort will be just a fraction of the billions lost in drug addiction and crime. And the value of the lives lost to narcotics and dangerous drugs cannot be calculated.

With the Special Action Office for Drug Abuse Prevention we have in the Federal Government for the first time a watchdog committee to treating drug abusers and measuring the performance of Federal agencies operating in this field against standards of excellence.

Mr. Speaker, I feel confident that the Special Action Office for Drug Abuse Prevention can achieve solid progress in a most difficult area, one which clearly has emerged as among the Nation's gravest ills.

Mr. Speaker, I would like to call attention to one of the special features of the legislation we are approving in final form today, a feature which I think holds great promise for success in our fight against drug abuse. I refer to the establishment of a special fund to be used by the Director of the Special Action Office to fund promising new concepts or methods for the treatment of drug addiction. These funds will encourage and promote research aimed at improving the treatment of drug addicts. These provisions establish clinical research facilities and a National Drug Abuse Training Center.

Drug addiction, particularly heroin, is costing this country $2.5 to $3 billion a year. In addition, it is estimated that about 50 percent of our violent street crime is traceable to heroin addiction—crime committed by addicts who steal to maintain their habit.

Mr. Speaker, I am pleased by the overwhelming support given the President's initiative in establishing a Special Action Office for Drug Abuse Prevention and I am gratified that the legislation we are approving here today has been so speedily enacted into law.

Mr. STAGGERS. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 366, nays 0, not voting 65, as follows:

[Roll No. 79]

YEAS—366

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews
Annunzio
Archer
Ashbrook
Aspin
Badillo
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conte
Conyers
Corman
Cotter
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McCormack
McCulloch
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mallary
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Peyser
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Reid
Reuss
Rhodes
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, N.J
Thomson, Wis
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—65

Alexander
Arends
Ashley
Aspinall
Baker
Baring
Bingham
Blanton
Brademas
Brown, Mich.
Caffery
Camp
Clay
Collins, Ill.
Colmer
Coughlin
Dent
Derwinski
Dowdy
Dwyer
Edmondson
Edwards, La.
Flowers
Fountain
Galifianakis
Gaydos
Goldwater
Gude
Hébert
Helstoski
Hillis
Holifield
Horton
Hull
Jacobs
Jarman
Kemp
Landrum
Long, La.
McCloskey
McDade
Madden
Mathias, Calif.
Mikva
Miller, Calif.
Mitchell
Nelsen
Nichols

Passman
Pelly
Pettis
Pickle
Pryor, Ark.
Pucinski
Riegle
Robinson, Va.
Roush
Rousselot
Runnels
Scheuer
Steiger, Wis.
Stubblefield
Teague, Tex.
Thompson, Ga.
Wilson, Bob

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.
Mr. Teague of Texas with Mr. Horton.
Mr. Holifield with Mr. Bob Wilson.
Mr. Mikva with Mr. McDade.
Mr. Miller of California with Mr. Goldwater.
Mr. Dent with Mr. Coughlin.
Mr. Roush with Mr. Mathias of California.
Mr. Stubblefield with Mr. Baker.
Mr. Helstoski with Mr. Derwinski.
Mr. Hull with Mr. Brown of Michigan.
Mr. Aspinall with Mr. Gude.
Mr. Ashley with Mrs. Dwyer.
Mr. Blanton with Mr. Camp.
Mr. Brademas with Mr. Pettis.
Mr. Caffery with Mr. Pelly.
Mr. Madden with Mrs. Heckler of Massachusetts.
Mr. Mitchell with Mr. Baring.
Mr. Galifianakis with Mr. Clay.
Mr. Pucinski with Mr. Nelsen.
Mr. Landrum with Mr. Kemp.
Mr. Jacobs with Mr. Collins of Illinois.
Mr. Nichols with Mr. Hillis.
Mr. Runnels with Mr. Thompson of Georgia.
Mr. Alexander with Mr. Robinson of Virginia.
Mr. Bingham with Mr. Riegle.
Mr. Flowers with Mr. McCloskey.
Mr. Jarman with Mr. Rousselot.
Mr. Fountain with Mr. Steiger of Wisconsin.
Mr. Gaydos with Mr. Edmondson.
Mr. Scheuer with Mr. Dowdy.
Mr. Long of Louisiana with Mr. Colmer.
Mr. Passman with Mr. Pryor of Arkansas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF HOUSE REPORT 92-911

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92-924) on the concurrent resolution (H. Con. Res. 557) authorizing the printing of additional copies of House Report 92-911, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 557

Resolved by the House of Representatives (the Senate concurring), That there shall be printed five thousand additional copies of the House Report 92-911 on H.R. 11896, to amend the Federal Water Pollution Control Act, for the use of the Committee on Public Works of the House of Representatives.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

INSTALLATION OF SECURITY APPARATUS FOR THE PROTECTION OF THE CAPITOL COMPLEX

Mr. GRAY. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92-925) on the concurrent resolution (H. Con. Res. 550) providing for the installation of security apparatus for the protection of the Capitol complex, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 550

Resolved by the House of Representatives (the Senate concurring), That the Architect of the Capitol, under the direction of the Committee on House Administration and the Senate Committee on Rules and Administration, is authorized and directed to procure and install security apparatus for the protection of the United States Capitol, including the procurement and installation of a video surveillance system, an intrusion detection system, and a parcel inspection system, in the Capitol Buildings, as such term is defined in section 16(a)(1) of the Act of July 31, 1946, as amended (81 Stat. 277; 40 U.S.C. 193m(a)(1)). The cost of the acquisition and installation of such security apparatus, not to exceed $3,000,000, shall be paid from the contingent fund of the House of Representatives.

Mr. GRAY. Mr. Speaker, House Concurrent Resolution 550 is the culmination of a year's effort on the part of the House Committee on Administration, Special Subcommittee on Police, Capitol Police Force, Chief Powell of the Capitol Police, U.S. Secret Service and other agencies. It is a measure designed to provide electronic equipment in the Capitol to supplement our professional Capitol Police work force.

Mr. Speaker, the U.S. Capitol belongs to all of the American people and must be preserved as a bastion of freedom, freedom to come here and witness a democracy in action, enjoy the beauty and historic significance of the building. But at the same time, we, as elected Representatives have an obligation to preserve these historic buildings. We do not want a police state. We will not tolerate an armed camp, but the type of sophisticated equipment to be installed will not be repugnant to any visitor. The installation of the electronic equipment will be done under the jurisdiction of the architect of the Capitol and will preserve the esthetics of the buildings. This resolution authorizes a three-phase security program:

First. The installation of a series of strategically located closed circuit television cameras.

Second. The installation of motion detection devices to be used primarily after the buildings are closed. This equipment would notify a central control booth if an intruder should be in the building.

Third. Authorization of the purchase of X-ray equipment to inspect parcels and bags. At the present time, bags and parcels are being opened to the embarrassment and consternation of visitors and employees. X-ray machines will be installed at strategic locations and a person merely sets the bag down for 2 or 3 seconds and if any unauthorized contents are in the bag, the screening officer would be able to see it.

Mr. Speaker, the President has the responsibility of preserving security at the White House. This same equipment we are proposing for the Capitol building complex is now being used at the White House unnoticed and undetected by the millions who visit there each year. We have had the very fine cooperation of the Secret Service and feel that this is a minimum effort to provide adequate security at this time. This is a bi-partisan effort supported by our very outstanding chairman, Mr. HAYS, of Ohio, Mr. DICKINSON, of Alabama, the ranking minority member on the Special Committee on Police, and every other member of both the full committee and the subcommittee on both sides of the aisle.

Mr. Speaker, I will be happy to yield to any Member who might have any questions regarding this matter.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I will be delighted to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding. I would ask the gentleman from Illinois whether, to the gentleman's knowledge and aside from the proposal for electronic surveillance equipment, there is any plan to do anything about the security in the Chamber of the House of Representatives when the House is in session?

Mr. GRAY. The gentleman from Iowa raises a very important question. Unfortunately, I am not in a position to give the gentleman any detailed information since that matter does not fall within the purview of our special subcommittee on police. However, the Speaker has appointed a special committee to look into the possibility of installing around the perimeter of the House balconies certain glass enclosures. I am sure that this committee wants to take this matter under very careful consideration because we do have the feelings of the American people to be considered as well as our own security. I do not know how far along they are in that particular study, but the study is being undertaken by a separate committee.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. GRAY. I am delighted to yield to the gentleman.

Mr. GROSS. In the acquiring of this sophisticated electronic equipment, would it be American made or would it be imported?

Mr. GRAY. The gentleman raises another very important point. Certain proposals were submitted to our committee and we asked for the expertise of the Secret Service which has the jurisdiction of the protection of the White House. They agreed to help and graded all of the companies that made the proposals and the one that received the highest points is an American-made product.

So far as I am concerned personally, as chairman of the special subcommittee, I would insist that we install American-made equipment here in the Capitol.

Mr. GROSS. I am sure the gentleman is aware that some of the equipment purchased by Congress has been produced in foreign countries.

Mr. GRAY. The gentleman is infinitely correct. We want to make sure that we not only have good quality equipment, but equipment that will be working all the time, and that the maintenance costs will not be prohibitive.

Mr. GROSS. I thank the gentleman.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to the ranking member of the House Committee on Administration, the very distinguished gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Speaker, I thank the gentleman for yielding.

I am asking for this time in order to create a little legislative history on this matter. Perhaps you may not be happy with the result.

Mr. GRAY. I am always happy with what my friend says.

Mr. DEVINE. I see that the expenditure involved in this legislation is about $3 million, and the purpose of this surveillance is to determine whether or not anyone may be prowling around in the halls of any of the office buildings or of the Capitol building, and primarily during nonbusiness hours.

Mr. GRAY. The gentleman is correct.

Mr. DEVINE. Will this result in a savings of personnel on Capitol Hill with reference to the police force and are we going to have less police because we have this electrical surveillance?

Mr. GRAY. The gentleman raises a very important point.

I would like to explain where we are with our Capitol Police, if I could very briefly.

Last year the House authorized an additional 214 policemen. We have insisted on an all professional Capitol Hill police force. We are requiring very rigorous training for our policemen.

For that reason we still have almost 100 vacancies now on the Capitol Hill police force because we are screening the applicants very closely.

It is my personal opinion that once this system is operational, we will not need all of the additional 100 policemen that we have not recruited. It will require about three men to monitor the control booth.

I think it is very reasonable to assume that when this is in place, you will not need policemen at some of the camera locations.

Mr. Speaker, I personally believe it can be a means of saving to the taxpayer.

The total cost here is estimated at $3 million, but I anticipate that we will not spend that much money—possibly closer to $2½ million for the total package.

If we cut down 20 or 30 policemen, I think we can readily see that in a very few years' time we will recoup all of the costs of the installation of this system.

In addition, we will strongly strengthen the security of the Capitol. In direct answer to my friend, I would say that the end result is that there can be a saving to the taxpayers.

Mr. DEVINE. Does the gentleman happen to know at the present time how many Capitol Hill Police there are? Not including the Metropolitan Police Department and the Park Police around these buildings—how many are there who are monitoring Capitol Hill presently?

Mr. GRAY. On both sides of the Capitol buildings, we have authorized 1,000 men and we are up to about 900.

Mr. DEVINE. What is their jurisdiction, from a geographical standpoint?

Mr. GRAY. We have policemen on the House side and they have on the Senate side——

Mr. DEVINE. I mean geographically speaking about—do they cover just the Capitol grounds and the office buildings or do they go to the Library of Congress—how far do we go?

Mr. GRAY. They do not. They cover the Capitol building and the environs and by that I mean all of the buildings under the jurisdiction of the House and of the Senate; namely, the three House office buildings and the two Senate office buildings.

The Senate recently purchased the old hotel building where the police now have moved in to use as their headquarters. That, of course, is under our jurisdiction. But we do not have the Library of Congress or any of the other Capitol Hill buildings.

Mr. DEVINE. That is about 500 men over three shifts; is that correct?

Mr. GRAY. Yes, over three shifts. We think by having an all-professional police force, plus the fact that we have just graduated two canine classes and also have a good canine corps to sniff out bombs and that sort of thing, we feel, with the proposed electronic equipment, we will have beefed up the police force so that they can provide maximum security in the Capitol Hill complex.

Mr. DEVINE. Mr. Speaker, if the gentleman will yield further, I should like to state that I am law-enforcement oriented and have a law-enforcement-oriented background——

Mr. GRAY. If I may interrupt, the gentleman has been very helpful in the House Committee on House Administration.

Mr. DEVINE. I feel that we should, of course, take whatever steps are necessary to guard and preserve historic shrines such as the Capitol Building. However, I wonder if there might be a danger of our overreacting. We have had only one bombing incident, to my knowledge, since the time the British tried to burn the Capitol down. I have a kind of personal thing about overreacting by the GSA in Federal buildings.

I have in mind particularly my office building in Columbus, Ohio, a Federal building. The doors are kept locked. You can get in at only one place, and they shake you down. It seems to me that perhaps we are being intimidated by a few "nuts" who are running loose. It may be that we are overreacting. I question the wisdom of getting into a hypersecurity system because we have a few "nuts" loose.

Mr. GRAY. The gentleman has made an important point. I have a few statistics I should like to state to the House. The General Services Administration has about 10,000 buildings under their administration. They testified before our Subcommittee on Public Grounds of the Committee on Public Works. Last year they lost $12 million in man-hours through the evacuation of buildings due to bomb threats. They also spent an additional $10 million to beef up their security force against, as the gentleman describes them, the so-called "nuts." That is a total of $22 million.

The Post Office has 38,000 buildings. They are costing the taxpayers even more in beefing up security. I think the gentleman can see that the $3 million maximum in this resolution is a small amount, indeed, compared to what the GSA and others are paying for security in Federal buildings throughout the country.

Also, we took a year to study this matter. The Secret Service, which now protects the White House, has said that this is a minimum—I repeat, a minimum—of what we should do in the Capitol. We have not overreacted. We have made the proposal in the light of the recommendations of the most prominent people who are engaged fully in this field, including the Secret Service, the Night Vision Laboratory of the Department of the Army, and we have consulted the FBI and everyone we could get who has great expertise in this field.

After the March 1 bombing, we had 31 bomb threats in the month of April. We have had an average of 6 to 10 a month since that time. So there are still these so-called "nuts" floating around. We want to make sure that we do our constitutional duty in providing maximum security and, if we ever have another unfortunate situation, we will know we have done our best.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. GRAY. Yes, I yield to our distinguished chairman, who has been very helpful.

Mr. HAYS. I would merely like to say to the Members of the House that if we do not do anything and there would be a bombing or something of the kind and several Members or others lost their lives, then we would certainly be criticized for not having done this. We do not know whether we would be overreacting or not because the measure proposed is preventive. If nothing happens, we will not know whether we have prevented it or that it would not have happened anyway. But this is one of the most historic buildings in this country. It is the focus of more tourists than any other building in the United States. I think we are well advised to do whatever we can to protect the security not only of the building but the people who may be in it.

Mr. GRAY. I thank the gentleman.

I yield to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I thank the gentleman for yielding. First of all, let me commend the gentleman from Illinois and his subcommittee for their presentation of this matter to the House. It has been under long and active study, it seems to me. Of course, I do not believe the committee has overreacted or that we would overreact in supporting the committee. I might say we have not only a responsibility for the physical plant, but also for the American people who visit here. But let us not overestimate the requirement and responsibility we have to protect our own staff and get our own work done. This Congress must proceed. I do not have to draw any diagrams on how easy it would be to stop the whole process. I think it is absolutely essential for us to do this.

May I ask the gentleman from Illinois, do I understand this is a first step in a series of programs the committee has under consideration?

Mr. GRAY. I would say to my friend the resolution we have before us would authorize the entire package. We would go forward in three increments. One, we would begin to phase in the closed circuit television system. We have bids from several different contractors to do this work. The motion detection devices would be installed throughout the areas. The X-ray equipment is available now.

But the answer to the gentleman's question is this resolution authorizes the entire package. The $3 million in my opinion—and we do not anticipate using all of it—would cover the entire cost. We will not be coming back and asking for more money. We think this is adequate to do the entire job.

Mr. FASCELL. I did not raise that question, but I appreciate the gentleman's comment. Will this be an integrated uniform system for the Capitol?

Mr. GRAY. It is indeed. I thank the gentleman very much for his helpful remarks.

Mr. MONAGAN. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Speaker, I will say to the gentleman from Illinois, I cannot think of a more dramatic warning or a more dramatic expression of need for action than the fact of the bomb which was exploded in the Capitol of the United States. I do not believe the committee is overreacting. We have to take steps, I think, here, and I am glad the recommendation is being made which has been made here today.

I would like to ask about one thing, however. I think, perhaps, the gentleman from Illinois has touched upon it. I have been concerned in this whole matter that we have an adequate overall consideration in planning an interrelationship between the various agencies that are necessarily involved in the question of security in the Capitol, not only the committees of Congress, but also the FBI and the local police and the State police and the other agencies that would obviously be included. Is the gentleman satisfied—and I am not trying by any means to supplant the existing committees or anything like that—that there is an adequate interchange of information and also adequate overall supervision and investigation of security here?

Mr. GRAY. The gentleman from Connecticut has raised a very important question. I also serve as chairman of the Subcommittee on Public Buildings and Grounds, and we held public hearings. We heard the Chief Postal Inspector and the Secret Service and the FBI and the General Services Administration and all services involved. Based on that hearing, we obtained a great deal of valuable information. I have introduced a resolution that would set up a national security force merely in an advisory capacity, so we would coordinate our security procedures on a Federal level for all agencies.

Mr. MONAGAN. That would not be limited to the Capitol?

Mr. GRAY. It would not be limited to the Capitol.

The gentleman has been very helpful. The gentleman's letter was included in our hearings.

Mr. MONAGAN. Mr. Speaker, I thank the gentleman from Illinois very much.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Alabama, the ranking minority member on the Subcommittee on Police.

Mr. DICKINSON. Mr. Speaker, I would like to make several points and to raise a question. As the gentleman pointed out, I serve on the Subcommittee on Police. These police captains with the installation of the proposed equipment will have the ability to see in the dark, as we understand it.

Mr. GRAY. That is correct.

Mr. DICKINSON. I understand also with the motion detection devices that will lock into the monitor when they are acitvated, when there is motion, they will be recorded on the TV screen and the camera will automatically record this on tape. Is this correct?

Mr. GRAY. The gentleman is correct. I am glad he brought that out. It is very important. If this motion device signals something is going on in quarters A, the camera can lock in on that, and in addition to the instant replay that can be used as evidence.

Mr. DICKINSON. That is true. Of course, I am in support of this.

Anything that would obviate the necessity for the guards looking into every parcel or package that comes into the building, to the chagrin and possibly the embarrassment of some people, would be highly desirable.

I should like to remind the Members it is possible, by going to this system, we can do away with the necessity for signing in, and for guests and staff people signing in to the building at night, because whoever comes in, you or your staff or your guests, to go to your office, no matter what time of night, just remember to smile, because, "You're on candid camera."

Mr. GRAY. The gentleman is always tremendously helpful, but I want to make it absolutely clear that we are not installing a peeping device in the Capitol building. We are installing a device to protect the security of the building. No sound monitoring will be allowed.

Most of these cameras will be in areas which are inaccessible. When the bombing occurred on March 1 of last year it was in a very remote area, in a rest room that I did not know existed, and I have been here for almost 18 years. If we had had a camera back there we might have avoided the bombing last year and a saving of over $100,000 to the taxpayers.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Iowa.

Mr. GROSS. The remarks of the gentleman from Alabama intrigue me. If it is proposed to mount one outside my office door for surveillance of those who come and go in the dead of night, I can only say, at my age, I thank you for the compliment.

Mr. GRAY. Let me point out something. These 99 locations will not be on Members' doors. They mostly will be in the Capitol building, and down in the subways and places where we have traffic. I can assure my friend from Iowa that there will be no camera on his door because I am his neighbor down the hall. He will not be on candid camera.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. I commend the gentleman for bringing up this measure. If there is any single Member in this Hall today who doubts the need for the legislation, I would suggest that he go back to the rear of the Hall and take a look at that one open bullet hole right above the page section, and take a look at the bullet hole where the pages sit, and where the exit is from this Hall, and I suggest that he look at this table, where he will find the old bullet marks of that infamous day of March 1954, when four Puerto Ricans were seated up there and shot into the Hall and wounded five Members. Of those five Members there are only two alive today. One is Ken Roberts and the other is George Fallon.

We need this sort of protective measure. I do hope that this will be the first step in an accelerated program to protect this body.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. I do not want the RECORD to indicate that all the shots were aimed at the Democratic side of the House Chamber. We have evidence on this table, likewise, where a shot was fired that ricocheted and also did damage to one or more of the Members.

I wholeheartedly agree that anything we can do in this regard is necessary. We have delayed too long. Do we have to have another crisis in order to move ahead?

I strongly urge that the recommendation be approved.

Mr. GRAY. I thank my distinguished friend.

Mr. Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITIONAL IMMIGRANT VISAS

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 877 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 877

Resolved, That upon the adoption of this resolution it shall be in order to move, clause

7 of rule XIII to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9615) to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL. Mr. Speaker, I yield myself such time as I may need, and at the conclusion of my remarks I yield 30 minutes to the gentleman from California (Mr. SMITH).

Mr. Speaker, House Resolution 877 provides an open rule with 1 hour of general debate for consideration of H.R. 9615 providing for availability of additional immigration visas. Because there are no cost estimates provided in the report, points of order are waived for failure to comply with clause 7 of rule XIII.

The purposes of H.R. 9615 are to make additional special immigrant visas available annually to each country of the Eastern Hemisphere and to reduce the backlog in visa issuance to brothers and sisters of U.S. citizens.

This is to remove two inequities which have developed since the inactment of the 1965 amendments to the Immigration and Nationality Act.

The additional visas available annually to each of the countries would be 75 percent of the 1955–64 average of immigrant visas issued, less visas issued each year under the permanent provisions of the act, not to exceed 7,500 visas per country per fiscal year.

Mr. Speaker, I urge the adoption of the rule.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the statements of the distinguished gentleman from Massachusetts (Mr. O'NEILL) are in accordance with my understanding of the rule, House Resolution 877.

When we were holding hearings in the Rules Committee, somebody referred to this as the O'Neill bill. I do not see his name as the principal author, but in any event I guess the gentleman is most interested in this particular measure.

Mr. Speaker, I wish to make a few comments about H.R. 9615.

I suppose the bill will pass readily. We want to be bighearted and take care of everybody in the world, I guess, from birth to death. However, if you read today's morning paper or look at your mail, you find out that most every city is very desirous of Federal revenue sharing. The cities in my district, the county of Los Angeles and the State of California certainly are. We have a serious problem in the field of welfare, and our unemployment rate is more than 5 percent.

I am not certain that I can actually prove the figures, because it is a little hard to estimate, but I believe because of this bill there will be about 40,000 people a year coming into this country for the next 4 years, which will be a total of about 160,000 people. Now, maybe that is not very many people, but by the same token they will have to have jobs, and probably many of them are better workers than some of the people who work in stores and other places in the United States. They may replace them. So I do have some concern about this measure with the many problems that we have facing us in the United States today. Maybe we should give some thought to not having so many people come in here for the next year or so until we get some of our own problems settled.

I do not know that I can prove this statement that I am about to make, but it seems to me many Puerto Ricans come into New York every year and before too long they may be able to control one or two or three of the elections for congressional seats in that area. This is a statement that has been made to me.

Three gentlemen; namely, Mr. DENNIS, Mr. HUTCHINSON, and Mr. MAYNE, have filed separate views. They brought to the attention of the House the fact that this is for the purpose of uniting families. However, if you bring in a married daughter who has a husband and two or three children with the purpose of getting the daughter in here with her mother, or with her father and mother, or with the father, depending on which of them are living, you might be running into complications. If my understanding is correct, I think an amendment may be offered to confine this to unmarried children and brothers and sisters. Otherwise, you will not be uniting families, but will be bringing in an entirely new family.

With those comments, Mr. Speaker, I reserve the balance of my time. I have no requests for time.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9615) to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9615, with Mr. ADAMS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New Jersey (Mr. RODINO) will be recognized for 30 minutes and the gentleman from Indiana (Mr. DENNIS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Chairman, in essence, this is a temporary measure and would permit primarily the entry into this country for a period of 4 years—the duration of the bill is 4 years—of about 16,000 Irishmen, at the rate of about 4,000 a year and about 28,000 Italians, at the rate of 7,000 a year.

Mr. Chairman, if you examine the roster of the Members of this House you can easily discern that we have had some very fine and outstanding dedicated public servants, all representative of the races who are going to be helped by this bill—the Irish and the Italians. They have contributed greatly to the wealth and the welfare of this country. There need be no argument along those lines. The admission of such a paucity of people of those races, sturdy and hard working, is merely a ripple as it were upon the tremendous population of this country.

Mr. Chairman, 6½ years ago we enacted legislation abolishing the pernicious national origins quota system which formed the basis of our immigration policy for more than 40 years.

Under this system you may recall the number of immigrants admitted annually from each country was calculated as a percentage of the number of U.S. citizens of the same national origin in this country as recorded by the 1920 census.

This system was highly discriminatory, based largely on the erroneous assumption that immigrants from countries most highly representative of our population were somehow more easily assimilated into our culture.

It is some comfort in these troubled times to realize that there are some problems that we have outgrown. Largely as a result of the 1965 Immigration and Nationality Act amendments, our immigration policy is no longer based on the assumption that some people are more fit than others to come to the United States, because of their race or national origin.

H.R. 9615, the bill before us today, is aimed at the alleviation of hardships unfairly imposed on a few countries; namely, Ireland, Italy, Great Britain, Germany, and Poland by our immigration laws. The hardship, however, is not the result of a calculated policy. On the contrary, it is the completely inadvertent result of the sweeping changes brought about by the 1965 legislation. The legislation under consideration is of a temporary nature, as I have indicated, aimed at correcting the unfortunate inequities that arose in the process of transition from the national origins quota system to the system now used to regulate annual immigration from Eastern Hemisphere countries.

The 1965 amendments replaced the quota system with an annual overall ceiling on Eastern Hemisphere immigration of 170,000 immigrant visas, of which no more than 20,000 could be used by any one country. Within these two numerical restrictions, the visas are distributed on a first-come, first-served basis according to a revised eight-category preference system aimed first at reuniting families, and second at providing admission for the professional and highly talented and for those seeking employment in occupations undersupplied by American labor.

The legislation provided for a 3-year transition period; all countries were still allotted their original quotas, but any unused numbers were pooled for use by other countries. For instance, under the quota system Great Britain had an annual allotment of 65,361 immigrant visas, of which only 30,560 were used in 1964. Since these numbers were nontransferable, they were actually lost, and went down the drain; during the pooling period unused quota numbers became transferable to other countries according to the new preference system.

It was hoped that by July 1, 1968, when the provisions of the 1965 act went into full effect, that the backlogs which had accumulated under the quota system would have been absorbed and that all countries would compete on an equal footing under the new system. This, in fact, was not the case; some old backlogs had not been absorbed, and some new ones had developed during the transition period, particularly in the work-related preferences. Italy, for instance, had a waiting list of over 100,000 brother and sister applicants when the 1965 law was passed. The pooling did little to ease this since Italy was restricted to 20,000 visas annually and, after the long years on the meager quota of 5,666 visas per year, most of these were used by applicants for the four preference categories preceding fifth-preference brothers and sisters.

Further, and most unexpectedly, several countries particularly well favored under the quota system, including Germany, Great Britain and Ireland, have had their immigration severely reduced by the new provisions. Ireland, for instance, used 6,328 immigrant visas in fiscal 1964 and 1,077 in fiscal 1971; Germany used 28,691 immigrant visas in 1964 and 6,028 in fiscal 1971. These dramatic reductions have not been voluntary. They have resulted in part from the disadvantageous position of applicants from high quota countries due to the backlogs in some of the preference categories at the close of the transition period. Moreover, natives of countries highly favored by the national origins quota system almost by definition are more apt to have ancestors buried here than close relatives who can petition for their entry. This has proved particularly true of the Irish, who came to this country in large numbers in the 19th century.

H.R. 9615 is aimed at correcting the two specific situations to which I have referred—the heavy backlog in the fifth preference brother and sister category, and the disadvantageous position of natives from certain countries which have been plunged from riches to rags as far as immigrant visas are concerned. Being human, we did less than a perfect job in 1965.

H.R. 9615 will correct an inequitable situation which has been pending too long. In 1965, everybody was assured that upon passage of the new immigration act all nationalities would be treated on an equal footing. History has taught us otherwise. The backlog of Italian immigrants was not cleared up by July 1, 1968 as we were led to believe it would. Irish immigrants were unable to qualify for visas under the new law and immigrants from that country have dwindled to a mere trickle. This is indeed unfortunate.

I support H.R. 9615 as a definite forward step in removing the last stumbling blocks to the complete integration of a discriminationless basis for immigration to the United States. To let this situation go uncorrected is a terrible slight to our many fine citizens of Italian and Irish heritage who rightfully want for their countrymen only what was promised—namely, the right to compete for immigrant visas on an equal basis with all other nationalities.

It is very significant that tomorrow is St. Patrick's Day—an auspicious time to grant this boon to our Irish friends.

Second, the passage of this bill would be a wonderful benefit to the Irish who are now in the throes not only of discomfort, but in the throes of despair as the result of an intolerant government, and as a result of centuries of religious strife. It would be very cheering indeed to the Irish, aside from the benefits that would occur to this country, to pass this bill.

Mr. RODINO. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the bill H.R. 9615 that the committee brings before the House today has a long history.

Provisions of the bill have been discussed at length by the members of the Committee on the Judiciary. Numerous witnesses have appeared before the Subcommittee on Immigration and Nationality unanimously voicing their appeals that the two objectives of the bill be approved by the Congress.

Permit me to backtrack for a moment in order that I may acquaint the House with the reasons why we should approve H.R. 9615.

In 1965, Congress abolished the arbitrary and unjust national origins quota system which had been in effect since the 1920's. Under this system, Ireland had a guaranteed annual quota of 17,756 immigrant visas, a comparatively high allotment reflecting the large proportion of the Irish in our national population when the quota system was drawn up. Of this number, they used an average of about 7,000 a year, leaving more than 10,000 potential visas unused. The immigration law prior to amendment was a perpetual story of feast and famine. The Italians, in contrast to the Irish, had an annual allotment of 5,666 and a waiting list of a quarter million. The gross inequity reflected in these figures, combined with the ineffectiveness of the system—two out of three immigrants were nonquota in the years preceding its abolition—led to its abandonment in 1965. This move was long overdue, and criticism of the system which replaced the national origins quota system does not imply a desire to return to the past. I would indeed like to return to the days when America's gates were open wide to the Irish, but not at the expense of closing them once again to the orientals and the Greeks, or keeping them barely ajar for the Italians and the French. This, fortunately, is not the choice before us.

There can be no question that the abolition of the national origins quota system was highly desirable. The system was a disgrace, particularly to a nation which rightly regards itself as a nation of immigrants. Neither can there be any question about the value of the basic principles of the 1965 amendments: the reunion of families and the protection of American labor.

It was most certainly not the intent of the 89th Congress to penalize Ireland, Great Britain, and Germany, and other countries which were the beneficiaries of high quotas. However, as the immigration statistics show, this, in fact, is what the Congress did, regardless of its intent. It now remains for Congress to correct its inadvertent errors of the past and the time is overdue.

Not until 1964, after four decades of subjection to the principle that some immigrants were more acceptable than others, was there a coordinated effort and sufficient leadership to pave the way for repeal of the national origins systems. The impetus in this direction was supplied by the late President Kennedy when he sent an Executive communication to the Congress in 1963.

The bill introduced as a result of the executive communication was a product of great study and sought to prevent problems before they occurred. To insure an orderly transition from the national origins system to a system based upon first-come, first-served, within preferences, a 5-year phaseout period was proposed which the departmental experts and statisticians concluded would relieve the backlogs that had accumulated in some preference categories for some countries. Furthermore, this bill called for a reserve of visas which the President could allocate to those countries which had enjoyed large quotas under the old system and which would be disadvantaged by the change. The proposal recognized that these countries could not initially compete equitably on a first-come-first-served basis; simply because there was never a need to establish priority dates and a place in line for a visa.

Unfortunately, by the time the bill was enacted, the 5-year phaseout period was reduced to a 3-year phaseout. The reserve of visas was deleted completely and a new feature—the labor certification requirement—became an integral part of the act.

Cautioned and warned of the problems that could arise, the Congress, in its haste to attain the target of repeal of the national origins systems, cast probable problems aside.

Today, we suffer the result of casting aside those safeguards that were originally proposed in the executive communication. We find that the fifth preference, particularly with regard to Italy, is oversubscribed and has been oversubscribed, and the backlog was not eliminated as the drafters of the legislation anticipated.

We find that immigration from Western Europe, particularly Germany, Great Britain, and Ireland, dissipated to a mere trickle. These results certainly were not intended. Until these results are corrected, our immigration policy is harnessed by the deadweight of discouragement, frustration, and dismay.

H.R. 9615 is designed to correct the deficiencies resulting from the haste in approving the act of October 3, 1965. Before the Congress can build on that act and approve a worldwide immigration system with workable preferences, or any other legislation affecting immigration, we must backstep and put our immigration law in good order.

We have waited for 5 years to determine if the shortcomings of the law would correct themselves, but it is obvious now that these shortcomings will only manifest themselves in greater hardship and unfairness. The only corrective method is by legislation, legislation which I hoped would not be necessary but which experience has dictated has become very necessary.

This bill establishes a floor on immigration for each country by making special immigrant visas available equal to 75 percent of the 1955–65 average less visas issued under the permanent provisions of the Immigration and Nationality Act, as amended. No more than 7,500 special visas can be used by any country in each fiscal year.

The bill is temporary in nature, designed to correct a temporary problem and will automatically terminate after 4 years. After carefully reviewing the abundant material and statistics on the problems which the Irish and other Northern European aliens have experienced in competing for immigrant visas, it was concluded that this 4-year period would grant sufficient time for people from those countries to establish priority dates and thus eliminate the unintended inequities. That feature of the bill and the floor provision have been widely and thoroughly discussed, not only in the Congress, but by various interested organizations. I think that those of us on the Subcommittee on Immigration and Nationality can stipulate to the fact that immigration from Northern Europe has been drastically curtailed. We also stipulate that this result is directly attributable to the shortcomings in the changeover from the national origins system to the first-come, first-served system. I believe that this temporary legislation will correct the deficiencies that have caused a decline in immigration from those countries which have traditionally sent immigrants to the United States.

The second thrust of the bill is directed at the backlog in the fifth preference—brothers and sisters of U.S. citizens—which was not eliminated by the time the landmark 1965 amendments became effective on July 1, 1968. It had been expected that the 3-year phaseout period 1965–68, would eliminate the backlogs which had accumulated under the repugnant national origins quota system. However, the fifth preference category, particularly in the case of intending Italian immigrants, was and remains heavily oversubscribed. Without remedial legislation, it may be many years before the brothers and sisters who qualify for the present fifth preference can be united with their U.S. citizen families. Therefore, this bill would authorize the issuance of special immigrant visas to all qualified brothers and sisters of U.S. citizens who have petitions filed prior to July 1, 1971.

I believe that it is patently important that we solve the major outstanding inequities stemming from the 1965 amendments before we can attempt to solve any other problems in the immigration field.

Tomorrow is St. Patrick's Day and it is my sincere hope that the day's festivities will include celebration of our passage of the bill before us today. A rollcall of the Members of this House, now or at virtually any period in our past, is eloquent testimony to the debt our country owes to the sons of Ireland and the sons of Italy.

Mr. Chairman, I wish to insert in the RECORD at this point an analysis of H.R. 9615 and several letters in support of this worthwhile legislation:

ANALYSIS OF H.R. 9615

This bill is temporary legislation designed to correct the inequities that resulted from the transition from the national origins concept, as a system for selecting immigrants, to one based on a "first-come, first-served" principle.

Congress intended, in enacting the 1965 amendments to the Immigration and Nationality Act, that (1) no country would be disadvantaged by the transition to the new system and (2) all existing backlogs would be eliminated during the transition period.

However, this was not the result and immigration from Northern Europe—particularly Great Britain, Ireland, and Germany—was sharply curtailed since immigrants from these countries were unable to qualify under the new preference system which required a labor certification or were unable to compete on an equal basis with immigrants from other countries who had earlier registration dates, even if they did qualify.

The latter situation occurred because there were no immigration backlogs in the Northern European countries prior to the 1965 Act and immigrants from these countries were unable to compete fairly for visas with immigrants who had been on waiting lists for long periods of time.

Specifically, this bill would make special immigrant visas available annually to each country of the Eastern Hemisphere equal to 75 percent of the 1955 to 1965 average, less the number of visas issued during the preceding fiscal year. These special visas could not exceed 7,500 per country per fiscal year.

The bill would also reduce the backlog in visa issuance in the fifth preference category by providing additional visas for immigrants in this category—brothers and sisters of United States citizens.

This legislation would become effective the first fiscal year after enactment.

The number of special visas made available in any year to a particular foreign state under sections 1 and 2 of this bill will be dependent upon the number of visas issued to that state under the permanent provisions of the Immigration and Nationality Act in the preceding fiscal year.

As an illustration, these sections of the bill would have authorized the issuance of 31,423 visas in 1971 and 32,877 visas in 1972.

Germany and Great Britain could have received 7,500 visas (the maximum) in each of these years. Ireland could have received 4,241 visas in 1971 and 4,096 visas in 1972. Poland could have received 2,724 visas in 1971 and 2,970 visas in 1972. Other countries which could receive visas under these sections of the bill are: Czechoslovakia, The Netherlands, Norway, Sweden, and U.S.S.R.

Under sections 3, 4, 5, and 6 of this bill, a total of 39,764 visas would be available for issuance over the four-year life of the bill; or an annual average of 9,918 visas. Italy, the primary beneficiary of this section of the bill, could receive a four-year total of 28,680 visas; or an annual average of 7,170 visas.

Therefore, under all provisions of this bill, a maximum of 42,795 additional visas would have been available in fiscal year 1972. But, there is no way to predict how many applicants there would be for these visas.

NATIONAL COUNCIL,
STEUBEN SOCIETY OF AMERICA,
New York, N.Y., March 13, 1972.

DEAR CONGRESSMAN: We have been informed that H.R. 9615, which would make additional visas available to certain immigrants has been cleared by the Rules Committee for debate and vote by the House, on Thursday, March 16, 1972.

We will appreciate your support and vote in favor of this bill.

Thank you for your consideration.

Sincerely yours,

EDWARD J. SUSSMANN,
National Chairman.

UNITED-ITALIAN AMERICAN
LABOR COUNCIL, INC.,
New York, N.Y., March 14, 1972.

Hon. PETER RODINO,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RODINO: Congress will be considering an emergency immigration bill which will bring additional visas to clear the back logs accumulated under the old law.

This bill bears the number H.R. 9615 representing the tens of thousands of workers in the needle trades. Also as President of the United Italian American Labor Council, I earnestly urge your support for this important piece of legislation, as it was originally introduced and without amendments.

Our members specifically oppose the Dennis Amendment which would eliminate from the present law, on a permanent basis the category of married brothers and sisters of United States citizens.

I am sure that you will exercise your good offices to the effect of having H.R. 9615, as introduced without amendments, adopted.

Respectfully yours,

E. HOWARD MOLISANI,
President and Executive Director.

JOINT COMMITTEE FOR
FAIR IMMIGRATION,
New York, N.Y., March 13, 1972.

Hon. PETER W. RODINO, Jr.,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RODINO: On March 16, 1972, H.R. 9615 will be scheduled to be voted on by the House of Representatives.

This Bill is a temporary measure designed to remove inequities resulting from the enactment of the 1965 amendments to the Immigration and Nationality Act.

The Bill would make special immigrant visas available to natives of certain countries who were adversely affected by the 1965 amendments, which became fully effective on July 1, 1968.

When the 1965 amendments were under consideration, certain provisions were present in the proposal which would have placed every country on an equal basis as of the effective date of the 1965 Act. However, before enactment, amendments were adopted which gravely altered the original design of the 1965 amendments. Consequently, when the 1965 Act became fully effective in July 1968, backlogs for previously oversubscribed preferences were not eliminated as originally intended and immigration from former high quota countries was severely affected.

In particular, immigration from Northern Europe, especially Ireland and Germany was drastically reduced, and the tremendous backlogs in the 5th preference for natives of Italy, which were present only because of the discriminatory nature of the old law towards Italy, was not eliminated.

H.R. 9615 will correct the injustices resulting from the 1965 Act, by assuring that each country will be able to compete fairly and equitably for visas. This Bill is a temporary measure, four years in duration, during which period the proper balance will be restored.

There are several proposed amendments which may be introduced during floor debate. These amendments would totally subvert the purpose of the Bill and must be defeated.

We urge you to vote favorably on H.R. 9615 and to vote against any amendments which would change its present form.

Sincerely,

Edward J. Sussmann,
National Council of the Steuben Society.
Rev. Joseph A. Cogo, C.S.,
American Committee on Italian Migration.
John P. Collins,
American Irish National Immigration Committee.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Chairman, I appreciate deeply the distinguished gentleman from New York yielding.

Mr. Chairman, I take this time to commend the chairman of the full committee and to commend the gentleman in the well, who is chairman of the Subcommittee on Immigration and Nationality, and who is also chairman of the Council on European Migration. The gentleman from New Jersey (Mr. Rodino) is one of the experts in this House on dealing with immigration problems.

The bill before us today is landmark legislation. It carries out the policy of the Members of this House when they passed in 1965 the Immigration and Nationality Act, in which we forbid discrimination, we rejected the quota system, and said to the world that every man should be judged on his merits and his merits alone.

Mr. Chairman, the bill before us now, on the eve of St. Patrick's Day, is popularly referred to as the Irish-Italian bill. The first of its two major provisions would be of primary benefit to would-be immigrants from Ireland, as well as to those from several other countries which have been hard hit by the impact of the 1965 amendments to the Immigration and Nationality Act. These include Great Britain, Germany, and Poland. The second and more limited of the provisions would primarily benefit Italy. Both provisions are temporary and would expire 4 years after the enactment of this legislation. Both are responsive to hardships for tending immigrants which time has shown are unlikely to work themselves out without corrective legislation.

As a cosponsor of similar legislation, I want to point out that the need for its enactment is apparent from the discrepancy between the number of visas allotted certain countries in fiscal 1964, before the enactment of the 1965 amendments, and in fiscal 1971. Ireland received 6,328 visas in 1964 and 1,077 in 1971; Great Britain and Northern Ireland received 30,324 in 1964 and 8,708 in 1971; and Germany received 28,691 in 1964 and 6,027 in 1971. There was no intention on the part of Congress in enacting the 1965 amendments to so restrict immigration from these countries, and it is the hope underlying this provision that, given a 4-year grace period, the preference system will unskew itself as far as these and a few other countries similarly affected are concerned.

The second major provision of the bill is aimed at eliminating the backlog of fifth-preference applicants—brothers and sisters of U.S. citizens. The waiting list for this preference is largest for Italy, which was limited to an annual quota of 5,666 visas a year for decades and, as a result, had a waiting list of 250,000 when the national origin quota system was finally terminated in 1965. More than 100,000 applicants were waiting for fifth-preference visas. While Italy has been using the maximum per-country allotment of 20,000 visas a year since 1965, most of the numbers have been going to the higher preferences, and there have also been additional increments in the fifth-preference waiting list. The bill before us would make a limited number of special immigrant visas available over the next 4 years for fifth-preference applicants on whose behalf petitions were filed prior to July 1, 1971.

I want the House to know that if it was not for the diligent efforts and persuasiveness of the distinguished chairman of the Immigration and Nationality Subcommittee—Peter Rodino—this most worthy and necessary legislation would not be before us today.

Many bills have been introduced in the last several years to give the sons of Ireland a fair chance to compete for immigrant visas to the United States. Other bills have long been pending to give relief to the brothers and sisters of U.S. citizens who are denied the opportunity to join their relatives in the United States because of the long waiting lists.

As one who has long advocated the reuniting of families under our immigration laws, I am pleased that H.R. 9615 has finally reached the floor for action. Passage of this bill would help achieve this objective and would correct some of the shortcomings of the 1965 Immigration and Nationality Act Amendments. I urge my colleagues to support H.R. 9615 as it has been reported by the House Judiciary Committee.

Mr. Chairman, I thank my good friend, the gentleman from New Jersey for yielding.

Mr. EILBERG. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Chairman, I rise in support of H.R. 9615. The 1965 amendments to the Immigration and Nationality Act have had some bizarre and unlooked for effects, not the least of which has been the slowing of Irish immigration to a trickle. Tomorrow is St. Patrick's Day, and the Nation will pay tribute to the Irish in the only nationally observed holiday set aside to honor another nation's American descendants. The contribution of the Irish to our country cannot be overestimated. They have fought in wars, beginning with the Revolution. George Washington's army was bilingual, with Irish spoken as commonly as English. Lord Mountjoy told the British Parliament, "You have lost America by the Irish," a sentiment echoed in the Irish House of Commons: "America was lost to England by the Irish emigrants." The great famine in Ireland in 1846–47 sent the Irish here in waves to fight in our Civil War and build our roads and railways. The sons of Ireland have built and served our cities until the present day. And, not least, from Andrew Jackson, the son of an Irish exile, down to John Fitzgerald Kennedy, they have led our Nation as Presidents.

Under the 1965 amendments, immigration from all countries not in the Western Hemisphere is restricted to 170,000 a year, with a 20,000 per country limit. Within these numerical restrictions, intending immigrants compete on a first-come, first-served basis for entry. Entry is further regulated by an eight-category preference system, which places first priority on family relationships and second priority on needed skills and talents. However, the Irish immigrant has been typically young, unmarried, and unskilled. He has come to America alone to seek his fortune. The extent to which the Irish are ineligible for entry under today's immigration laws is graphically illustrated by the fact that 1,077 received immigrant visas in fiscal year 1971, as opposed to the average annual figure of 7,185 immigrant visas issued to Ireland during the 10-year period fiscal years 1956–65. A similar pattern is repeated for Germany and for Great Britain and Northern Ireland. Unquestionably, the goals of reuniting families and protecting American labor are highly preferable to the illusory one of freezing the ethnic balance in the United States at its 1920 status. However, regardless of the merit of its underlying rationale, there is something wrong with a system which so drastically and arbitrarily reduces immigration from the countries which built America.

The bill before us would put a guaranteed floor under the number of immigrant visas available to each country for a 4-year period. This figure would be based on the annual average number of visas used by a given country during the 10-year period 1956–65. The difference between the number received by a country under the permanent provisions of the immigration law and the guaranteed annual floor would be made up by special visas issued outside of the overall ceiling of 170,000. Using 1971 as a base year, the State Department estimated that a maximum of 32,877 special visas would be made available during the first fiscal year this legislation was in effect. The bill exempts those receiving these visas from the labor certification requirement, and provides for their distribution as follows: 40 percent to applicants in the first through fifth preference classes; 30 percent plus fall down to sixth preference—skilled and unskilled labor; and 30 percent to nonpreference applicants.

The second major provision of the bill would facilitate entry of brothers and sisters of U.S. citizens who have been waiting for fifth preference visas, and would be of primary benefit to Italy. The waiting list for this category, formerly fourth preference, at the time enactment of the 1965 amendments was over 100,000 for Italy, largely the result of her woefully inadequate annual quota of 5,666. The backlog for this preference for Italy and for several other countries was not absorbed during the transition period of 2½ years before the provisions of the 1965 act went into full effect on July 1, 1968, and there is no prospect of its elimination in the future without remedial legislation. The bill before us would provide for a specified number of special immigrant visas for fifth preference applicants on whose behalf petitions were filed prior to July 1, 1971, and would allow unused ones to drop down to sixth preference applicants. This, too, is a temporary provision, limited, in effect, to 4 years.

I am confident that this temporary legislation will eliminate the fifth preference backlogs. There is some question, however, about its long-term effect on the changed pattern of immigration from Ireland and other formerly favored countries such as Great Britain and Northern Ireland and Germany. This problem will certainly be kept in mind during the review of omnibus immigration reform legislation about to get underway by the immigration subcommittee. In the meantime, there is no question that temporary remedial action must be taken.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I rise to associate myself with the gentleman from New Jersey's remarks. His credentials in connection with immigration are without parallel. I am cognizant of the lengthy deliberations he and his committee have given this particular problem. I congratulate the gentleman for the resolution he has offered to this problem by virtue of the legislation presented for our consideration today.

Mr. Chairman, I rise to express my strong support for passage of this bill which would provide additional immigrant visas from Eastern Hemisphere countries and reduce backlogs in the fifth preference category.

The 1965 Immigration and Nationality Act resulted in a drastic decline in the number of immigrants from Ireland, Germany, Italy, and other European nations. Additionally, it perpetuated the chronic backlog of the fifth preference applicants, particularly from Italy. These are the brothers and sisters of U.S. citizens. The 1965 act only provided a 3-year phaseout period which created undue hardships on the formerly privileged countries of Northern Europe.

The bill we are considering now is a remedial measure. It would be in effect only for 4 years. By readjusting the formulas for allotting entry visas, it would correct the inequities that have created a grossly unfavorable situation for the European nations. Moreover, it would provide for a temporary period of additional visas to clear up the fifth preference backlog. While it does not go far enough for certain countries, such as Greece, it does improve the situation to a considerable degree.

For this reason, Mr. Chairman, I will oppose any amendment which will further restrict this measure. The proposal of the gentleman from Indiana (Mr. Dennis) is such an amendment. By attempting to limit the fifth preference category to unmarried brothers and sisters only, he would destroy any remedial effect the bill might have on the backlogs. The amendment should be defeated.

Arguments that this bill will have a negative effect on the U.S. employment situation are groundless. The total number of immigrants that will be admitted in any one year is 18,000. This figure includes the spouses and minor children of the principal applicants. A conservative estimate, then, of the actual number of immigrants entering the labor market is approximately 9,000. This is hardly a dent in the total labor force of 86 million workers. There is no threat either to the economic stability of the United States or the job security of the American worker.

Lest we forget, this country was founded by immigrants primarily from the European nations. Our tremendous growth and development in the 20th century is due in large part to the thousands of immigrants who came to this country from Europe in the late 1890's and early 1900's. My own mother and father came to this country as immigrants and worked hard to build up their new Nation. They had a commitment to their new fatherland as strong as any held by a native-born American.

The tradition of this country has been to welcome the poor, the weak, and the oppressed of other nations. It is so inscribed on the Statute of Liberty in New York Harbor. Are we going to cast aside this tradition and close our doors to the people of the world who seek our help? Are we going to ignore the cries of those who look to America for leadership in world peace and succor in a time of need?

I hope my colleagues will join with me in supporting this bill as it was reported from committee. It is a just and fair bill and deserves passage.

Mr. BURTON. Mr Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, I, too, would like to join with my colleagues in commending the gentleman in the well, our distinguished colleague, the gentleman from New Jersey (Mr. Rodino). We are all mindful of the great leadership the gentleman from New Jersey has given to the amendments to the Immigration and Nationality Act in years past. It is a further tribute to the gentleman from New Jersey that he has moved with dispatch, during this his first session as chairman of the subcommittee, to correct an unintended injustice that flowed from the earlier amendments to the immigration laws.

I am happy to have been a cosponsor of this legislation and to join in the effort to correct this situation.

As chairman of the Democratic Study Group, I was pleased to join with the chairman of our Task Force on Immigration and Naturalization in urging the DSG membership to support this legislation.

I am placing in the Record at this time the text of the DSG letter:

Democratic Study Group,
U.S. House of Representatives,
Washington, D.C., March 14, 1972.

Dear Colleague: We are writing to ask your support for H.R. 9615, temporarily providing additional immigrant visas, when it is considered by the House on Thursday. This bill is a remedial measure to be in effect for four years only. Its sole purpose is to correct the inequities that have resulted from the unreasonably short transition period from the old national origins system of granting visas to the new "first-come-first-served" system. By providing a 3-year phase-out period rather than the 5-year period originally requested by President Johnson, the 1965 act has worked undue hardships on once privileged nations. This bill would ameliorate this hardship and ease the transition to the new system of granting visas which we whole-heartedly endorse. The bill would in no way return us to the old national origins preference system.

Specifically, the bill would make special immigrant visas available annually to each country of the Eastern hemisphere equal to 75% of the 1955-1965 average, less the number of visas issued during the preceding year. This would primarily benefit Ireland, Great Britain, Germany, and Poland. The bill would also provide additional visas for immigrants in the "fifth preference category" (brothers and sisters of U.S. citizens). This provision would primarily benefit Italian immigrants.

This bill was reported out of the Judiciary Committee by a voice vote following the defeat by a 27 to 6 margin of an amendment offered by Rep. Dennis. The Dennis amendment, which will be offered on the House floor, would limit the "fifth preference category" to unmarried brothers and sisters. The committee majority believes as we do that it is inappropriate to attach such a permanent change in the immigration law to a bill that is designed to be remedial and temporary. Consequently, we urge you to join us in support of H.R. 9615 and in opposition to the Dennis amendment.

Sincerely,

Peter Rodino,
Chairman, DSG Task Force on Immigration and Naturalization.
Phillip Burton,
Chairman.

Mr. MINISH. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New Jersey (Mr. Minish).

Mr. MINISH. Mr. Chairman, I commend the gentleman from New Jersey, the chairman of the subcommittee, for the fine work he has done on this and other immigration bills.

Mr. Chairman, I rise in support of H.R. 9615, a bill to correct certain inequities which have developed since the passage of the landmark Immigration and Nationality Act of 1965.

It is appropriate, I believe, that we are considering this legislation on the eve of St. Patrick's Day. The present law has inadvertently resulted in a drastic decline in immigration from previously favored nations, particularly Ireland. In fact, immigration to the United States from Ireland has dwindled from an average of 5,000 per year before 1965 to little more than 1,000 today. Germany and Poland also have been adversely affected and would benefit under H.R. 9615.

In this regard, I am pleased that the committee has seen fit to adopt provisions substantially similar to legislation I have cosponsored for the past 4 years. Under my bill and under section 1 of the pending measure, Ireland would be entitled to over 4,000 additional visas in each of the next 4 years. Visas available to Germans would amount to 7,500 annually, and Poles would receive almost 3,000.

Mr. Chairman, it is clearly against our national interest to discriminate, as we do under the present law, against the people of Ireland, Germany, and Poland, especially when one considers the outstanding contributions of these groups to our Nation. Science, religion, the arts and humanities, government and industry—all have benefitted immeasurably from the legacy of our country's Irish, German, and Polish immigrants. Surely we would have been the poorer if we had refused admission to immigrants blessed with such a high degree of ingenuity and initiative.

Another significant section of the pending bill would reduce the backlog of fifth preference applicants from Italy. These are brothers and sisters of U.S. citizens who have been waiting for many years to join their relatives in this country.

I understand that an amendment will be offered on the floor to weaken this part of the bill. The amendment, if adopted, would alter the permanent immigration law by restricting the fifth preference to unmarried brother and sisters of U.S. citizens. As a substantive change in the basic law, this amendment has no place in a limited, temporary measure such as H.R. 9615 and I urge my colleagues to oppose it.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York, a member of the committee.

Mr. RYAN. Mr. Chairman, I should like to join in commending the chairman of the full committee for his eloquent statement in support of H.R. 9615, and I also wish to express my feeling of appreciation to the chairman of the Subcommittee on Inmmigration and Nationality for the leadership he has shown since assuming the chairmanship in bringing about within that subcommittee a consensus, which is reflected in the bill before us, in order to remedy unanticipated inequities which resulted from the 1965 amendments to the Immigration and Nationality Act, which became fully effective on July 1, 1968.

The purpose of this bill is to remove two inequities.

The Immigration and Nationality Act of 1965 quite properly had the intended and laudable purpose of eliminating the obnoxious national origins quota system. Unfortunately, it had the unforeseen adverse effect of effectively barring immigration from a number of countries which have traditionally been sources of valuable seed immigration, such as Ireland, where there was a precipitate decline in immigration. It also failed to remove the fifth preference backlog—brothers and sisters of U.S. citizens. The backlog continues to exist—mainly in in Italy.

This legislation is designed to overcome those inequities. I believe it is a fair, reasonable and workable bill which will make it possible to compensate for the failure to anticipate some of the consequences of the act of 1965.

It is also appropriate to note that we are acting upon this legislation the day before St. Patrick's Day.

At the time of the adoption of the 1965 amendments, the Department of State had submitted estimates that Ireland, for which the average immigration for the decade preceding fiscal year 1966 had been 7,185, would be able to qualify under the new law for about 5,200 places each fiscal year. However, this has not been the case. There was an immediate drastic decline, and since the act became fully effective on July 1, 1968, the number of preference and nonpreference visas issued to applicants born in Ireland was:

Fiscal year:	
1969	1,347
1970	1,151
1971	1,297
1972[1] (July 1, 1971–December 31, 1971)	674

[1] Estimated 1,200 for fiscal year 1972.

I include tables provided to me by the Department of State:

VISAS ISSUED, CONDITIONAL ENTRIES, AND ADJUSTMENTS OF STATUS GRANTED IMMIGRANTS BORN IN IRELAND

Year and place issued	Preference							Nonpreference	Nonquota	Immediate relative	Special immigrant	Total
	1st	2d	3d	4th	5th	6th	7th					
Fiscal year 1965:												
Dublin			3	8				3,825	13			3,849
Elsewhere			1	3				1,481	44			1,529
Adjustments of status	1		1					183				185
Total	1		5	11				5,489	57			5,563
Fiscal year 1966 (July to November):												
Dublin				11				1,781	4			1,796
Elsewhere				1				557	21			579
Adjustments of status								72				72
Subtotal (July to November)				12				2,410	25			2,447
Fiscal year 1966 (December–June):												
Dublin	1	12	4		93			238		39	56	433
Elsewhere	1	6	1	1	44			142		48	20	263
Adjustments of status		1	1	1	21			21				45
Subtotal (December–June)	2	19	6	2	158			401		77	76	741
Total												3,188
Fiscal year 1967:												
Dublin	7	52	3	2	333	6		1,222		124	111	1,860
Elsewhere		7		5	108	2		561		77	45	805
Adjustments of status		9		1	59	4		78				151
Total	7	68	3	8	500	12		1,861		201	156	2,816
Fiscal year 1968:												
Dublin	4	40			464	1		1,658		117	92	2,376
Elsewhere	1	16		5	178			897		94	52	1,243
Adjustments of status	1	14			108	1		175				297
Total	6	70		5	748	2		2,730		211	144	3,916

VISAS ISSUED, CONDITIONAL ENTRIES, AND ADJUSTMENTS OF STATUS GRANTED IMMIGRANTS BORN IN IRELAND—Continued

Year and place issued	Preference							Nonpreference	Nonquota	Immediate relative	Special immigrant	Total
	1st	2d	3d	4th	5th	6th	7th					
Fiscal year 1968:												
July:												
Dublin		1	2			15			127	12	4	161
Elsewhere						4			56	7	3	70
Total		1	2			19			183	19	7	231
August:												
Dublin			2			14			124	9	13	162
Elsewhere			1			10			56	10	4	81
Total			3			24			180	19	17	243
September:												
Dublin			1			28			121	6	11	167
Elsewhere			1			8			38	5	5	57
Total			2			36			159	11	16	224
October:												
Dublin			5			37			108	11	9	170
Elsewhere			2		1	14			59	8	1	85
Total			7		1	51			167	19	10	255
November:												
Dublin			7			20			81	7	7	122
Elsewhere						7			59	5	2	73
Total			7			27			140	12	9	195
December:												
Dublin		1	1			14			33	7	5	61
Elsewhere		1	2		3	6			66	14	7	99
Total		2	3		3	20			99	12	22	160
January:												
Dublin			3			32			99	14	11	159
Elsewhere			3			11			49	9	5	77
Total			6			43			148	23	16	236
February:												
Dublin						43			77	10	8	138
Elsewhere					1	6			64	4	1	76
Total					1	49			141	14	9	214
March:												
Dublin		1	4			39			62	12	4	122
Elsewhere			3			17			51	5	4	80
Total		1	7			56			113	17	8	202
April:												
Dublin			1			41			119	17	8	186
Elsewhere			2			29			57	10	3	10
Total			3			70			176	27	11	287
May:												
Dublin			3			46			230	5	4	288
Elsewhere			1			34			153	14	7	209
Total			4			80			383	19	11	497
June:												
Dublin		1	11			135	1		477	7	8	640
Elsewhere			1			32			189	3	10	235
Total		1	12			167	1		666	10	18	875
Total:												
Dublin		4	40			464	1		1,658	117	92	2,376
Elsewhere		1	16		5	178			897	94	52	1,243
Adjustments of status		1	14			106	1		175			297
Grand total		6	70		5	748	2		2,730	211	144	3,916
Fiscal year 1969:												
July:												
Dublin										10	13	23
Elsewhere			1			5				17	3	26
Total			1			5				27	16	49
August:												
Dublin		1	2							6	10	19
Elsewhere		1	2							10	5	18
Total		2	4							16	15	37
September:												
Dublin		1	1							11	17	30
Elsewhere			11	1		8	2			7	1	30
Total		1	12	1		8	2			18	18	60
October:												
Dublin			2			22				27	16	67
Elsewhere			7		2	46				9	5	69
Total			9		2	68				36	21	136

Year and place issued	Preference							Nonpreference	Nonquota	Immediate relative	Special immigrant	Total
	1st	2nd	3d	4th	5th	6th	7th					
Fiscal year 1969—Continued												
November:												
Dublin			4			27				13	19	63
Elsewhere			4			35	2			8	4	53
Total			8			62	2			21	23	116
December:												
Dublin		1	2			9				7	6	25
Elsewhere			6	1	1	30	13		8	16	2	77
Total		1	8	1	1	39	13		8	23	8	102

VISAS ISSUED, CONDITIONAL ENTRIES AND ADJUSTMENTS OF STATUS GRANTED IMMIGRANTS BORN IN IRELAND

	Preference							Non-preference	Immediate relative	Special immigrant	Total
	1st	2d	3d	4th	5th	6th	7th				
Fiscal year 1969:											
January 1969:											
Dublin		8			16	2			5	9	40
Elsewhere		1			8	2			9	2	22
Total		9			24	4			14	11	62
February:											
Dublin		3		1	8	8			9	7	36
Elsewhere		3			13	9			6	1	32
Total		6		1	21	17			15	8	68
March:											
Dublin	1	12		6	17	19		1	7	6	69
Elsewhere		4		1	7	1		1	5	7	26
Total	1	16		7	24	20		2	12	13	95
April:											
Dublin		12		3	24	17		20	9	8	93
Elsewhere					10	3			10	4	27
Total		12		3	34	20		20	19	12	120
May:											
Dublin		7		1	24			44	16	8	100
Elsewhere		1			15			22	9	5	52
Total		8		1	39			66	25	13	152
June 1969:											
Dublin	2	5			41	9		155	10	8	230
Elsewhere		2			11			39	9	2	63
Total	2	7			52	9		194	19	10	293
Fiscal year, 1969, grand total:											
Dublin	6	58		11	188	55		220	129	127	794
Elsewhere		28	2	4	126	20		77	116	41	414
Adjustment of status	2	23			102	45		27			199
Total	8	109	2	15	416	120		324	245	168	1,407
Fiscal year 1970:											
July 1969:											
Dublin		1		1	29			11	9	12	63
Elsewhere		1			8	1		9	4	3	26
Total		2		1	37	1		20	13	15	89
August:											
Dublin		7			25	9		28	12	13	94
Elsewhere					16	1		48	10	4	79
Total		7			41	10		76	22	17	173
September:											
Dublin	1	7		4	26	10			13	14	75
Elsewhere		4			8	4			10	2	28
Total	1	11		4	34	14			23	16	103
October:											
Dublin	1	8		4	13	18		3	12	8	67
Elsewhere		3			9	4		4	16	7	43
Total	1	11		4	22	22		7	28	15	110
November:											
Dublin	1	11		1	9	10		1	8	3	44
Elsewhere		1			4	17		5	7	3	37
Total	1	12		1	13	27		6	15	6	81
December:											
Dublin	1	4			26			3	7	8	49
Elsewhere		2			17	8		7	8	2	44
Total	1	6			43	8		10	15	10	93
January 1970:											
Dublin	2	4			20	17		4	5	5	57
Elsewhere					11	17		3	5		36
Total	2	4			31	34		7	10	5	93

VISAS ISSUED, CONDITIONAL ENTRIES, AND ADJUSTMENTS OF STATUS GRANTED IMMIGRANTS BORN IN IRELAND—Continued

	Preference							Non-preference	Immediate relative	Special immigrant	Total
	1st	2d	3d	4th	5th	6th	7th				
Fiscal year 1970—Continued											
February 1970:											
Dublin		1			27	13		2	4	4	51
Elsewhere		1			8	6		7	6	2	30
Total		2			35	19		9	10	6	81
March:											
Dublin		5			34	4		3	8	4	58
Elsewhere					15	2		5	7		29
Total		5			49	6		8	15	4	87
April:											
Dublin	1	3			9	3		8	14	6	44
Elsewhere		2			15	4		16	7	3	47
Total	1	5			24	7		24	21	9	91
May:											
Dublin	1	9			8	1		2	8	10	39
Elsewhere		4		2	7	1		2	11	3	30
Total	1	13		2	15	2		4	19	13	69
June:											
Dublin	3	5			28	1		6	10	4	57
Elsewhere	1	1		2	22			12	10	2	50
Total	4	6		2	50	1		18	20	6	107
Fiscal year 1970, Grand total:											
Dublin	11	65		10	254	86		71	110	91	698
Elsewhere	1	19		4	140	65		118	101	31	479
Adjustments of status	2	27	2		185	51		40			307
Total	14	111	2	14	579	202		229	211	122	1,484
Fiscal year 1971:											
July:											
Dublin	1	5			27			6	13	13	65
Elsewhere		1			20	5		17	10	2	55
Total	1	6			47	5		23	23	15	120
August:											
Dublin		7			14	9		11	12	8	61
Elsewhere	1	1			17	4		6	10		39
Total	1	8			31	13		17	22	8	100
September:											
Dublin		8			34	6		10	11	13	82
Elsewhere		2			16	1		6	9	3	37
Total		10			50	7		16	20	16	119
October:											
Dublin	1	3			17	9		24	8	13	75
Elsewhere					11	8		11	4	3	37
Total	1	3			28	17		35	12	16	112
November:											
Dublin		3			12	7		16	3	11	52
Elsewhere		1			6	8		10	9	5	39
Total		4			18	15		26	12	16	91
December:											
Dublin		5			8	5		20	15	2	55
Elsewhere				1	6	7		7	7	7	35
Total		5		1	14	12		27	22	9	90
January:											
Dublin	1	4			12	3		16	6	5	47
Elsewhere		1			10	2		7	5	1	26
Total	1	5			22	5		23	11	6	73
February:											
Dublin	1				15	1		7	5	4	33
Elsewhere		1		1	15	9		7	9	2	44
Total	1	1		1	30	10		14	14	6	77
March:											
Dublin					21	14		3	5	3	46
Elsewhere		2			6	2		2	7		19
Total		2			27	16		5	12	3	65
April:											
Dublin	1	5			12	12		4	11	2	47
Elsewhere		4			1	1		5	4	3	18
Total	1	9			13	13		9	15	5	65
May:											
Dublin		2			20	1		16	11	3	53
Elsewhere	1	1			12	1		5	6	4	30
Total	1	3			32	2		21	17	7	83

	Preference							Non-preference	Immediate relative	Special immigrant	Total
	1st	2d	3d	4th	5th	6th	7th				
Fiscal year 1971—Continued											
June:											
Dublin		4			13	1		30	10	8	66
Elsewhere					2			7	6	1	16
Total		4			15	1		37	16	9	82
Total 1971:											
Dublin	5	46			205	68		163	110	85	682
Elsewhere	2	14		2	122	48		90	86	31	395
Adjustments	2	23	1	8	364	83		55			536
Total	9	83	1	10	691	199		308	196	116	1,613
Fiscal year 1972 (July 1971–January 1972):											
July:											
Dublin	2	3			17	10		14	5	6	57
Elsewhere		1			4	8		4	13	1	31
Total	2	4			21	18		18	18	7	88
August:											
Dublin	1	3			12	7		12	16	7	57
Elsewhere		1			7	2		5	9	2	26
Total	1	4			19	9		17	24	9	83
September:											
Dublin	2	8			13	5		24	13	15	80
Elsewhere					8			8	5	4	25
Total	2	8			21	5		32	18	19	105
October:											
Dublin		5			14	3		6	5	4	37
Elsewhere		2	3		14	1		2	4	2	28
Total		7	3		28	4		8	9	6	65
November:											
Dublin		3			20			7	8	8	46
Elsewhere		1	1		8	5		4	10		29
Total		4	1		28	5		11	18	8	75
December:											
Dublin				4	14	3		7	4	7	39
Elsewhere		2		2	7	1		4	5		21
Total		2		6	21	4		11	9	7	60
January:											
Dublin		2			8	1		18	10	6	45
Elsewhere					3			5	3	2	13
Total		2			11	1		23	13	8	58
July–January:											
Dublin	5	24		4	98	29		88	60	53	361
Elsewhere		7	4	2	51	17		32	49	11	173
Adjustments		39	1		294	60		32			426
Total	5	70	5	6	443	106		152	109	64	960

Similar declines in immigration have affected several other countries as well—countries which were also traditional sources of young men and women intent upon making their lives in the United States, and thereby bringing new blood to this country. These include Belgium, Denmark, Germany, Norway, and Sweden.

In 1967, during the transition period from the old national origins quota system to the first-come, first-served system, I became aware of the drastic decline in immigration from countries which have supplied "new seed" immigrants throughout our history. After intensive study of the problem, it was determined that a special hardship was created by the new section of the law which required a labor certification for all applicants who were not eligible by reason of a family relationship or professional preparation. The "new seed" immigrant—the young man or young woman who had little opportunity for skill, education, or training but who was ambitious—had long been admitted to our shores to pursue the "golden dream." Under the new law, however, this opportunity had been denied most of these people.

On April 10, 1968, I introduced H.R. 16593—a bill which would make additional visas available to countries of the Eastern Hemisphere which had been disadvantaged by the new law. At that time there were 22 cosponsors of the legislation—22 Members who were sufficiently disturbed about this inequity in the immigration law to join me in trying to correct it. Although hearings were held on July 3, 1968, no action was taken in that Congress.

In the 91st Congress when I reintroduced my bill, then H.R. 165, with cosponsors, 76 Members joined me in sponsoring it. During 1969 another hearing was held on December 10, 1969. Fifteen Members submitted statements at the July 1968 hearings, and three more made statements at the December 1969 hearings; other witnesses included Governor-elect Cahill of New Jersey and representatives from the American Irish National Immigration Committee, the Steuben Society, the Ancient Order of Hibernians, the American Radio Association, AFL–CIO, and the German-American Immigration Committee of New Jersey.

My bill, as originally introduced, set a floor under immigration. It provided that in any year, in which immigration from any country dropped below 75 percent of the average immigration from that country for the period 1956–65, additional visas would be supplied in the following fiscal year to that country to make up the difference between the number issued and 75 percent of the average for the base period. Today the bill, which we are considering, embraces the formula set forth in that legislation.

Section 1 of H.R. 9615 is based on two simple premises. One, the benefits which have accrued from the 1965 amendments to Southern European countries and the African and Asian nations should in no way be mitigated or diminished. Two, the adverse consequences which have resulted should be rectified.

Section 1 establishes a floor for every country. This floor is equal to 75 percent of the average immigration from that country for the decade 1956–65. When a country's emigration to the United States in a given year is less than this floor, that country may receive additional visas the next year in an amount equal to the difference between the actual emigration and the floor. In no case may more than 7,500 additional visas be issued for any one country.

In addition, section 1 of H.R. 9615 sets up an allocation as between preferences for these additional visas, and it eliminates the labor certification requirement of section 212(a)(14) as it applies to these added immigrants. The reason for eliminating this requirement lies in the fact that the seed immigration which is so beneficial to the United States is largely made up of young men and women who have not yet learned a skill sufficient to enable them to obtain this certification. This circumstance is the reason for the severe decline which Ireland has experienced. Labor certification erects a barrier which cannot be surmounted.

Now, let me illustrate with figures how the formula would operate. Suppose, for the decade 1956–65 country X had an average emigration to the United States of 6,000 people. Its emigration has fallen—in fiscal year 1970 to 2,000 and in fiscal year 1971 to 1,500.

The floor whereby the number of additional visas is determined is 75 percent of the average immigration for 1956–65—in the case of country X this means 4,500; for example, 75 percent of 6,000. Now, we subtract 2,000—the number of visas issued in fiscal year 1970—from 4,500 and arrive at 2,500 as the number of additional visas available for country X in fiscal year 1971. Thus, in fiscal year 1971, had H.R. 9615 been in effect, the immigration from country X could have amounted to 4,000—the 1,500 who came in under present provisions of the law, and the 2,500 additional admissible under the bill.

The chart in House Report 92–506 at page 5 shows all the countries which would have been—because their emigration declined—eligible for additional visas under H.R. 9615 and the maximum number of additional visas which they might have received if H.R. 9615 had been in effect in fiscal year 1971 and if applicants actually had applied for them.

Let me list what H.R. 9615 does and does not do.

What does section 1 do?

First. It offers a solution to a problem which is not going to disappear unless action is taken to resolve it.

Second. It enables those countries which have been injured by the 1965 amendments to receive some reasonable relief. At the same time it does not disadvantage any country which benefited by virtue of the 1965 act.

Third. It recognizes the sociological ebbs and tides of immigration from any given country. If 1 year there is no demand for visas, then it will not matter. If the next year, a demand appears, the low immigration the preceding year will enable a sufficient number of additional visas to be issued.

Fourth. It recognizes the value of seed immigrants, and gives them a chance to enter the United States, in limited numbers.

What does section 1 not do?

First. It does not open the door to uncontrolled, mass immigration. Keying the floor to the 1956-65 average, and then taking 75 percent of the average, and in no event more than 7,500, assures this.

Second. It does not disadvantage any country—such as Greece, Italy, Spain, or the Asian and African nations—which has benefited from the 1965 amendments.

Third. It does not revive the national origins quota system. The formula for the floor is based on the actual level of immigration during the base period. The formula is not based on the former national quota which a country had under the old law. It in no way impinges upon the 1965 amendments which effectively opened the door to immigration from those nations which previously were discriminated against. It merely brings equity into an unforeseen inequitable situation.

Section 2 of this bill sets an effective period of 4 fiscal years.

In addition, under section 1, it will be possible to relieve the pressure of the oversubscription of dependency areas such as Antigua, British Honduras, and the British Virgin Islands. Those areas will be able to benefit by the additional visas to which the mother countries would be entitled.

Sections 3 and 4 would make special visas available to those countries which have continuously experienced sizable backlogs in the fifth preference category, contrary to the purpose of the 1965 act, which was intended to wipe out existing backlogs. This objective was not achieved, and the present backlog of Italians in the fifth preference category is approximately 88,178. Under the bill, visas in an amount equal to 25 percent of the total fourth preference registration of any foreign state as of July 1, 1964, will be made available to aliens from the state who are the beneficiaries of the fifth preference petitions filed prior to July 1, 1971. The total number of visas to be made available during the 4-year period is 39,674, with 28,680 visas available to Italian applicants. Thus, 7,170 visas would be available to Italy for each of the 4 years.

I have long been concerned about the continuing backlog of fifth preference applicants and have introduced legislation (H.R. 1647) in this and previous Congresses to facilitate the entry into the United States of aliens who are brothers or sisters of the U.S. citizens.

H.R. 9615, which has the support of the American Irish National Immigration Committee, the American Committee on Italian Migration, the Steuben Society of America as well as the Joint Committee for Fair Immigration, among others, is the result of a several-year effort to find a legislative solution to the unanticipated effects of the 1965 act.

Credit for bringing the problem of reduced Irish immigration to the attention of the Congress belongs to the American Irish National Immigration Committee, and its chairman, John Collins, and its vice chairman, the Very Reverend Donald M. O'Callaghan. In 1967 and 1968 Members of Congress were apprised of the impending eclipse of Irish immigration by the work of the committee. Since then the American Irish National Immigration Committee has worked tirelessly to build support for remedial legislation. It has been joined in this effort by the American Committee on Italian Migration which under the leadership of the Reverend Joseph A. Cogo, C.S., has sought to make the 1965 act live up to its promise of eliminating the large fifth preference backlog in Italy. The dual thrust of this legislation is the culmination of the efforts of both groups which have also been joined by the Steuben Society of America.

I should like to express appreciation particularly to the following Members of Congress who in this or past Congresses have sponsored my original legislation:

LIST OF SPONSORS

Joseph P. Addabbo, Herman Badillo, Frank Annunzio, William A. Barrett, Mario Biaggi, Jonathan Bingham, Edward P. Boland, Frank T. Bow, Frank J. Brasco, James A. Burke, Phillip Burton, Daniel Button, James A. Byrne, Hugh L. Carey, Jeffrey Cohelan, Harold R. Collier, Dominick V. Daniels, James J. Delaney, John H. Dent, Edward Derwinski, Harold Donohue, John Dow, Thaddeus Dulski, Leonard Farbstein, Peter H. B. Frelinghuysen, Samuel N. Friedel, James G. Fulton, and Cornelius Gallagher.

Robert N. Giaimo, Jacob Gilbert, Henry Gonzalez, William Green, James R. Grover, Seymour Halpern, Margaret M. Heckler, Henry Helstoski, Louise Day Hicks, Charles G. Joelson, John C. Kluczynski, Edward I. Koch, Clarence D. Long, Allard K. Lowenstein, Torbert Macdonald, Richard McCarthy, Joseph McDade, Stewart B. McKinney, Martin B. McKneally, Ray J. Madden, Thomas J. Meskill, Abner Mikva, Joseph G. Minish, John S. Monagan, John M. Murphy, William T. Murphy, and Robert N. C. Nix.

Thomas P. O'Neill, Richard L. Ottinger, Edward J. Patten, Philip J. Philbin, Otis Pike, Bertram Podell, Adam Clayton Powell, Roman Pucinski, Henry S. Reuss, Ogden Reid, Daniel J. Ronan, Benjamin S. Rosenthal, William F. Ryan, Fernand St Germain, William St. Onge, Charles W. Sandman, James Scheuer, William Stanton, John Stanton, Robert Taft, Jr., Frank J. Thompson, Robert O. Tiernan, Joseph Vigorito, Lowell P. Weicker, Charles W. Whalen, Jr., Lester L. Wolff, John W. Wydler, and Gus Yatron.

Mr. GREEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. Mr. Chairman, I rise in support of this legislation. Many Italians and Irish desire to come to this country.

Both groups have contributed enormously to this Nation.

I was a strong supporter of the elimination of the old discriminatory system but the new law has worked a hardship on these two groups and this bill to eliminate the unanticipated hardships is warranted.

It is special legislation. It is temporary. It is deserved recognition of the contributions of both the Italians and the Irish.

Considering the situation in Ireland it is also timely and perhaps even merciful. I hope the House will pass this bill.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I rise in support of this bill. I am a member of the gentleman's subcommittee. I can certainly state for the RECORD that under his leadership the subcommittee worked long and hard to wrestle with the problem of the transition from the old national origins principle to the principle which is now in the law.

This bill, as the gentleman from New Jersey so eloquently pointed out, is merely an effort to alleviate some of the undue hardships which have resulted for people caught up in that transition. In no way does it constitute a return to the national origins system, but rather it facilitates the movement away from that principle.

I should also like to associate myself with the remarks of the gentleman from Pennsylvania (Mr. Eilberg) who pointed out the impact of this on the labor situation in the United States is de minimis. When we consider there are 5 million people unemployed in this country and that last year we sent back to their countries of origin 400,000 illegal immigrants who had entered this country illegally, and probably this year will send back a like amount, it seems to me we ought to bring out the fact also that under the leadership of the gentleman from New Jersey (Mr. Rodino) the subcommittee has had extensive hearings on this whole problem of illegal immigration and will soon be considering legislation to tighten up the enforcement of the immigration laws.

If we really mean to do something about stopping immigration that has a real impact upon our unemployment problem in this country, we should concentrate on that rather than try to attack this very modest effort to correct inequities and eliminate hardships to individuals that resulted from the old national origins quota system.

Mr. CONYERS. Will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. CONYERS. I thank the gentleman for yielding, because we have not yet had any discussion of the statement made by the Department of State opposing this bill. I do not think that has been pointed out to the Members of this body, for the precise reason that it represents a step backward toward a national origins quota system—a system which the Department continues to oppose. In view of the fact that you and others here have said it does not represent a step backward, would the gentleman care to explain why the State Department is taking a contrary position on this measure?

Mr. RODINO. I cannot imagine why the State Department is stating that it regards it as a step backward to the national origin system. This is not permanent legislation. This is a piece of legislation which is designed to correct the inequities resulting from the changeover from the national origins quota system. In enacting the 1965 amendments we failed to provide for just those things that are now occurring. In no instance does this bill revert to national origins.

Mr. CONYERS. May I point out to the gentleman in the report on page 12, in a letter from the Assistant Secretary for Congressional Relations, he states, and I quote:

> In addition, these provisions establish "national origins quotas" and it will be necessary to maintain a control system for the allocation of the visas within each "quota."
>
> It creates the anomalous situation of providing a special benefit for a number of fifth and sixth preference applicants chargeable to these dependent areas while providing no benefit whatever to people from these areas directly with regard to higher preference classification.

Mr. RODINO. I would answer the gentleman from Michigan by stating that the allegation on the part of the State Department that this is reverting back to national origins is without foundation. This is not legislation that is permanent in nature. Rather, it seeks to correct inequities that occurred as a result of the national origins quota system—a system whose repeal I had worked for strenuously, since I first came to the Congress. It was a great victory when this repugnant system was replaced in 1965 by the present first-come, first-served preference system.

I will continue to vehemently oppose any return to the old system, and I can assure you that this bill does not represent such a return. Once again, this is temporary legislation and nationality is not the sole criteria for determining eligibility for a special visa under this bill.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

The Chair recognizes the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. ANNUNZIO. Will the gentleman yield?

Mr. DENNIS. I yield to the gentleman.

Mr. ANNUNZIO. I appreciate the gentleman yielding.

I would like the Record to show that the reason why this bill is a good bill is because the State Department is against it, and the State Department has always been against anything that is good for America.

Mr. DENNIS. Mr. Chairman, the bill before us essentially does two things. In the first place, it operates to permit additional immigrants and additional visas for and during a temporary 4-year period from certain countries which were disadvantaged immigrationwise by the changeover in the basis of the immigration statutes which was accomplished here in 1965. Now, the bill does this in the following manner:

It provides that if in any fiscal year after June 30, 1970, the total number of immigrants admitted from any foreign state was less than three-quarters of the average annual number admitted from that state during a 10-year base period from 1956 to 1965, that in that case, and in the case of a country which finds itself in that situation, there shall, during the 4 years ensuing after the passage of the bill, be made available to immigrants from such a country an additional number of visas for the succeeding fiscal year which will be equal to the difference between the number of visas made available to them in the preceding year and three-fourths of their average in that base period.

For example, in the country of Great Britain the 10-year average in the base period was 27,574. Seventy-five percent of that figure is 20,680. Actually 8,719 were admitted in fiscal year 1971.

Now, there is a ceiling on this. The maximum you can get under the formula in any case is 7,500, and the difference there would be more. So, Great Britain, gets the maximum of 7,500.

But if you take Ireland, the average was 7,185 in the base period and 75 percent of that is 5,389. In fiscal year 1971 they only actually had 1,293 admitted. So, you subtract the 1,293 from the 75 percent of the average and you get 4,096 additional visas for Irishmen during fiscal year 1972.

As I say, this part of the bill is designed to correct a disadvantage which the changeover in 1965 operated to inflict on these countries, and they are basically countries from northern Europe.

The main beneficiaries of this section of the bill are Great Britain, Ireland, Germany, Poland, the Scandinavian countries, the Netherlands, Czechoslovakia, and the Russians, if they let them in.

I point out to the committee that these are all northern European people, or most of them are northern European people, from the stocks which have formed in the past a great part of the immigrants to this country, stock from which many of us have sprung, people who have rather readily been assimilated, and who have made good citizens of this country.

The second part of the bill seeks to correct another situation which is thought to present some inequity, and it does—this, again, over a 4-year period. It makes available to qualified immigrants from any foreign country additional special visas equal to 25 percent of the fourth preference, which we now call the fifth preference, registration for that state which was pending on July 1, 1964.

Now, that fifth preference is given to brothers and sisters of American citizens. We have a large potential backlog in some cases. The State Department estimates that, although they might not all ask for it, there probably are potentially 190,000 or 200,000 people who would be qualified under the fifth preference as brothers and sisters of American citizens but who were never able to be reached, or to come here, because the overall limitations or ceilings from these countries were exhausted before they were reached.

We have no legal obligation to clear up this backlog, but it is thought to be an equitable thing to do.

The second part of this bill provides for these additional visas, in number equal to 25 percent of such registrations as were pending on July 1, 1964, again over a 4-year period.

The chief beneficiaries of this part of the bill are the Italians, with the Greeks second, and after that I think the Portuguese and the Polish.

Under the first section of the bill, the part which deals basically with the northern European countries, it is estimated we would have something around 30,000 to 32,000 additional visas the first year. And for those 4 years there will be about 30,000 per year; you cannot be sure about it, but for the 4 years you will get about 120,000 additionally under the first part of the bill.

Under the second part of the bill, the so-called Italian part, you get about 10,000 a year for the 4 years, or about 40,000 people. So altogether you get about 160,000 additional immigrants, 120,000 of whom will come under the first section, the northern European section, approximately 40,000 of whom will come under the second section. That is assuming that those visas which will be available are actually picked up. And out of that 40,000 approximately 28,000 would be Italians.

That is what the bill does, basically.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from New Jersey.

Mr. RODINO. Mr. Chairman, I would ask the gentleman in the well if he is suggesting that the figure of 120,000 is the figure for the quota for 1 year?

Mr. DENNIS. No; it is about 30,000 a year under the first part of this bill, which would make for the 4-year period 120,000; about 10,000 under the second portion of the bill per year, which would mean 40,000 for 4 years. So there would be a total of approximately 160,000 for the 4 years.

Mr. RODINO. I thank the gentleman.

Mr. DENNIS. Mr. Chairman, I have an amendment which I am going to offer here at the appropriate time, to the second part of the bill, and that is simply to provide that in the future the fifth preference, which now covers all brothers and sisters of American citizens, shall be limited only to the unmarried brothers and sisters.

There are several reasons for that amendment. It seems to me, in the first place, that if we are going to clear up a backlog in the fifth preference, which there is no legal obligation to do, but if we are going to do it as a matter of equity, that it is a fair thing at the same time to take some step to help avoid the accumulation of this backlog again. And, of course, this would cut down, quite materially, the number of fifth-preference eligibles, and therefore it would tend to keep the backlog from occurring. And I might point out to the House that we have had at least three previous backlog cleanups, in 1959, 1961, and 1962. And the 40,000 people who would be admitted under this bill will not anywhere near clean up the backlog, or the potential backlog, at least, which exists.

So it seems fair, if you are going to give this relief, to do something at the same time to keep it from recurring.

This particular amendment is recommended as law, not necessarily as part of this bill, but as a part of an overhauling of the immigration laws, by the Immigration Department, and it is included in an overhauling bill of which my distinguished colleague, the chairman of the subcommittee, the gentleman from New Jersey (Mr. RODINO) is the author. So it is not a measure which I have dreamed up. It is a well-considered measure. And the distinguished gentleman from New Jersey—and I will be glad to yield to the gentleman in just one moment—contends, as I understand him—and I will give him a chance to speak for himself—that this type of reform should wait on an overall reform of the immigration law.

My answer to that is that if we are going to get special legislation to clean up the backlog it is perfectly legitimate and reasonable at the same time to legislate on the special point of keeping the backlog from recurring.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman.

Mr. RODINO. Mr. Chairman, I would want to make the point clear, that I have considered and as a result of consideration have introduced legislation which is designed to be permanent legislation which would change the preference system and then we would provide for the limitation of brothers and sisters to the unmarried brothers and sisters category.

But that proposition is based on considering legislation permanent in nature. What the gentleman is suggesting in his amendment is to add permanent legislation onto a temporary measure and at the same time not provide for the needed change in the preference system.

Incidentally, as the gentleman knows, I have already scheduled hearings on the overall change in the preference system.

Mr. DENNIS. I thank the gentleman for his contribution. As the House may see, the distinguished gentleman and I are simply in disaccord and disagreement on that particular matter.

I can only say, again, that if you are going to pass special legislation to clean up this backlog, which we are under no obligation to do, it is a perfectly logical time to pass legislation to keep the backlog from coming back to plague us and lead to future legislation as has been the case in the past.

Moreover, I think it is fair to point out to the committee in this connection that the amendment which I will propose and which will in the future limit the fifth preference to unmarried brothers and sisters only is consistent with the thrust of the immigration law, which is to reunite families.

Those people who are married have families of their own. They have formed another family unit and they do not need to come in, to be consistent with our statute. But they do, by virtue of having large families of their own, bring a great many more people in than I think the statute ever intended.

I would like to point out, further, in connection with this amendment, that it is so reasonable that, in fact, it was adopted after full debate by a majority of the Committee on the Judiciary in the first instance.

So, I am really supporting the committee's original views. But the gentleman from New Jersey is such a persuasive member of that committee that he got them to change their minds. So I am giving this committee a chance to change it back.

Now I say to the House, this bill is a corrective bill to correct an injustice both in the first part of the bill, the northern European part, and in the second part of the bill. If my amendment is included, it will also be, additionally, a remedial bill in that it will not correct these injustices but it will, to some extent, prevent some of them from recurring.

I would like to point out also that the amendment does not affect the amount or number of special visas made available under this legislation. It does not affect the overall ceiling as to any country. It merely applies, in the future, to those who will be admitted under the fifth preference; that is, unmarried brothers and sisters of American citizens.

Mr. EILBERG. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman.

Mr. EILBERG. Mr. Chairman, I am sure the gentleman does not wish to mislead the Members, in any way, that the subcommittee charged with the responsibility of considering this bill was under any pressure.

I am sure that what the gentleman refers to as the maximum number of persons that might be admitted, he does not mean to say that we came under pressures from Germany, where there is an excellent employment situation, or from Poland, where we doubt very much these people could possibly leave, or from Great Britain and so many other places around the world.

The fact of the matter is that we were concerned primarily with the Irish and the Italian situation, and if you take those numbers, they are insignificant compared with the maximum numbers that the gentleman mentioned in the well a moment ago.

Mr. DENNIS. I will say to the gentleman, I do not think I said anything about any pressures from any place. I have made a statement about what the provisions of the bill will do, which I believe to have been an accurate statement, and I submitted to the House that this is a legitimate, corrective bill in both of its phases. I intend to support the bill. But it is a much better bill if we take action to prevent the recurrence, at least in some measure, of the problem which we face in section 2.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding. Right along the lines of the discussion prior to the gentleman's last statement in summation, why are there extra visas made available to some 27 countries under the first section of this bill when we seem to be informed and advised here on the floor that this is not only a St. Patrick's Day project but is designed to favor our traditional friends from Ireland, England, and Italy in the second section? Why make these extra visas available when there is no indication that they might come in?

Mr. DENNIS. The argument is made that perhaps they will not all be asked for. My personal opinion is that that has to be speculation, pretty much. We drew the bill so there will be a certain number of additional visas available for those countries. Whether they will be picked up or not, and used, of course, is somewhat of a different proposition. But the legislation is general, and that is what it provides and permits.

Mr. HALL. If the gentleman will yield further, I have one other question that I think is pertinent. My position is well known in this regard. I made a statement on the floor of the House in a special order on January 18, 1972. I did not support the original Public Law 89-236 when it was debated on the floor before. But be that as it may, how do we justify admitting more than 32,000 a year for the next 4 years, as the gentleman has pointed out, without even the requirement of Labor statistics, when we have such high unemployment that the majority party rails against regularly?

Mr. DENNIS. The gentleman, of course, has raised one of the controversial points in the bill. I would rather agree with the gentlemen who have spoken before who would say that the rather small numbers here involved and the fact that, according to hearings we have been having that I have been attending, many of the types of jobs which might be filled here are those which, even today, are very difficult to fill with American citizens, and yet the jobs are there and people need them to be done, this is a partial answer.

Over and above that we merely have to weigh the unemployment situation, for whatever it may be worth, against a correction of the injustice to which this particular measure is aiming.

Mr. HALL. If the gentleman will yield further, I would merely say to that that we are correcting the wrong error. Maybe we have undermined the will to work of the people of America by too much subsidization and too much security and too much Federal legislation. But why is it that there is a negative report from both the Department of Labor and the Department of State, as well as the FBI and the CIA as far as the passage of the bill is concerned?

Mr. DENNIS. I would not disagree with the gentleman from Missouri, as I think he knows, about the fact that we have discouraged the work ethic and the will to work too much in this country, but perhaps it would not hurt anything if we got a few good Irishmen in here who were willing to work.

Mr. HALL. Particularly if one's name was "Dennis" and the other's name was "O'Neill."

Mr. DENNIS. I thank the gentleman. I support the bill and urge its adoption, particularly if my amendment is put on it, which will make a fairly good bill into a rather good bill.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, we have before us today a very important legislative proposal in that it offers an opportunity for this Nation to once again illustrate its humane character.

The bill (H.R. 9615) would correct the unforeseen inequities in the 1965 Immigration and Nationality Act. The 1965 act, which became fully effective in 1968, repealed the national origins quota system and substituted a ceiling on Eastern Hemisphere immigration on a first-come, first-served basis, within various preference categories. Unfortunately, it has resulted in the drastic decline of immigration from Ireland and increased the backlog of fifth-preference applicants, the brothers and sisters of U.S. citizens, from Italy. This situation developed as a result of amendments which were added to the 1965 bill before its enactment.

H.R. 9615 is designed to correct the inequities resulting from the act of October 3, 1965. In fact, the dual thrust of the bill carries out the intent and purpose of the 1965 amendments to allow each country an opportunity to compete fairly and equitably for visas by creating a temporary floor on immigration based upon a 10-year average and by the partial, but reasonable, elimination of the backlog in the fifth preference. It was agreed in 1965, and it is no less important today, that the inequities of, and the deficiencies in, our immigration law, must be eliminated before the United States can fully embark on a fair, reasonable, and an equitable immigration policy. This bill does not in any way reinstate the national origins concept for selecting immigrants.

Mr. Chairman, as I said initially, this is an opportunity for us to illustrate our humane character. In 1965 many of us, and I for one, sincerely believed we were correcting the inequities of our previous immigration laws. We did, in part, correct those inequities. Experience under that act has shown, however, that all the then-existing problems have not been solved. As a consequence of the 3-year phaseout period of the old system, the backlogs in some oversubscribed preferences were not eliminated as intended by the proponents of the legislation and immigration from the former high-quota countries was adversely affected. This bill, as reported from the committee, should help correct that situation.

I know that efforts will be made to amend the bill. The amendments would be most detrimental to attaining the true purpose and be contrary to the original purposes of the act.

I most strongly urge my colleagues to support the bill as reported by the committee, rejecting all amendments.

Mr. DENNIS. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOGAN), a member of the committee.

Mr. HOGAN. Mr. Chairman, I thank the gentleman from Indiana for those generous remarks about the Irish and, of course, he speaks the truth as he always does.

I would like to point out, without plowing the same ground which has already been gone over, we ought to stress the fact that this is temporary legislation designed to correct inequities that resulted from transition from the old national origins plan to the new first-come-first-served plan. The legislation would expire after 4 years and would not be part of the permanent legislation on immigration. Congress intended, when it enacted in 1965 the amendments to the Immigration and Naturalization Act, that no country would be disadvantaged by the transition to the new system, and that all existing backlogs would be eliminated during the transitional period.

This has not been the case, and this legislation before us today is designed to try to carry out that objective. Immigration from Great Britain, Ireland, Italy, Germany, and some other countries has been sharply curtailed since immigrants from these countries were unable to qualify under the new preference system which required a labor certification or were unable to compete on an equal basis with immigrants from other countries who had earlier immigration dates.

Mr. Chairman, I would like to respond to the comment made by the gentleman from Missouri about the opposition of the State Department. I think we have to recognize there is a built-in propensity on the part of some Government agencies to resist change, and this may have a great deal to do with the opposition of the State Department to this proposal.

During hearings, the State Department did, however, indicate that they could work out the administrative problems incidental to the first section of this bill if it were enacted.

Mr. DENNIS. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. MAYNE), a Member of the committee.

Mr. MAYNE. Mr. Chairman, I certainly want to commend the distinguished gentleman from Indiana (Mr. DENNIS), the ranking minority member of the subcommittee for his excellent presentation of just what is involved in this bill, and particularly to express my support of the very beneficial amendment that the gentleman has described to us. I will speak on that in more detail when it is actually offered.

I do not like to have what I consider the unfortunate and intemperate remarks of my friend, the gentleman from Illinois (Mr. ANNUNZIO) about the Department of State go unchallenged in this RECORD. I really hope that on reflection the gentleman will agree that he went a great deal further in his blanket condemnation of the State Department than the facts warrant. I would suggest to the gentleman that the many loyal and dedicated American citizens who work in that Department deserve much fairer treatment from his hands or from other Members of this Congress than were expressed in his outburst.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I will be glad to yield to the gentleman from Illinois in just a moment.

Mr. Chairman, I personally know many hard-working Americans both in and out of this country who have performed and continue to perform distinguished service in the Department of State, some under conditions of real hardship and danger, even to the risk of life itself. Some State Department personnel in the performance of duty have been killed within the last year in foreign countries. I must take strong exception to the remarks of the gentleman from Illinois, as I strongly feel that those of us in the legislative branch of the Government can find no justification for being so self-righteous as to find no merit whatsoever in the work of this most senior of all our executive departments. In November of 1970 it was my privilege to visit 15 African countries with other members of the House Committee on Agriculture on official business. I was very favorably impressed with the high caliber of performance of our Foreign Service officers in each of the countries visited, and found the enthusiasm, ability, and dedication of our younger officers most inspiring.

It is my own observation based on personal experience that our Foreign Service officers' performance of duty in the field compares very favorably with the performance of many Congressmen.

I would also say that in asserting the position the State Department has taken on this bill and opposing a return to the national origins quota system, the State Department is following the lead of every American President from Franklin Delano Roosevelt to Richard Nixon, Republican and Democrat alike. When the gentleman from Michigan said that this bill was retrogressive, that it was a slipping back to the national origins quota system by singling out specific countries for favored treatment, he was precisely correct.

Mr. Chairman, I yield now to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Chairman, I deeply appreciate my good friend, the gentleman from Iowa, yielding. Mr. Chairman, I am happy to join a number of other Members of this body in criticizing the State Department because there is no department of the Government that is so sacrosanct that it cannot be criticized. I was not attacking the employees of the State Department, merely the policy.

Mr. MAYNE. Mr. Chairman, I am delighted to have the gentleman from Illinois make clear that he has no criticism of the personnel of the State Department, because those are the people I am interested in, the human beings who make its work possible, the thousands of dedicated professionals who labor long and hard, sometimes in the most unfavorable circumstances to carry out the historic mission of that Department.

Mr. DENNIS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Chairman, if I could carry a tune I would get up here and, rather than say anything, sing, "When Irish Eyes Are Smiling" or a verse of "O Solo Mio," because this is a great day. Unfortunately, I cannot sing.

Therefore, Mr. Chairman, I rise in support of H.R. 9615 which would remove two inequities which have developed since the passage of amendments to the Immigration and Nationality Act in 1965 and oppose the so-called Dennis amendment.

One problem created by the new law is the unfortunate situation which has been created for formerly privileged countries. When the 1965 act was first formulated, a 5-year phaseout period was contemplated in order to give the privileged countries a realistic opportunity to adjust to the new system. The phaseout period instead was reduced to 3 years and, as a consequence, immigration from former high quota countries has been affected adversely. For example, immigration from Ireland has dwindled from an average of 5,000 before 1965 to little more than 1,000 at present. To correct this inequity, immigrants from previously undersubscribed countries would be allocated additional visas.

The second problem that the 1965 act failed to correct is the huge backlog in some oversubscribed preferences. Contrary to the intent of the proponents of the 1965 legislation, these backlogs in the fifth preference in particular have been reduced by an insignificant amount.

Under the legislation we are now considering, this problem would be remedied somewhat, with the issuance of additional visas for this category. Primary beneficiaries would be Italy, Greece, Poland, and Portugal.

The need for corrective legislation is clear. This bill would only accord to those countries immigration benefits intended for them but which were denied them because of the amended version of the 1965 legislation.

I earnestly hope that my colleagues will join me in approving this temporary measure which will eliminate some of the inequities in our present immigration policies.

Thank you, Mr. Chairman.

Mr. DENNIS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. Peyser).

Mr. PEYSER. Mr. Chairman, in the short time I have I wish to extend my congratulations to the entire subcommittee for what I believe is a fine bill that they have presented us the opportunity of acting on today.

For myself, not being on the committee, and having to do a good deal of work to study what was at stake, I also want to thank an outside group, the American Committee on Italian Migration, who have done a great deal of research work in this area under the leadership of Reverend Cogo, who I believe has made a real contribution to my being able to affirmatively support this legislation.

Particularly what I should like to say is I hope this legislation, when we do vote on it, is passed in its present form and without an amendment that would be in many ways crippling to this bill. Our many fine Italian and Irish Americans in this country deserve better treatment than the Dennis amendment would give them. I will vote for the bill and against the amendment.

Mr. DENNIS. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. Frenzel).

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Chairman, I came into this Chamber today prepared to endorse this bill enthusiastically, until I heard the speech of the gentleman from Michigan (Mr. Conyers) who called my attention to the fact that in his opinion this was a retreat to the national origins system.

Then I read in the committee report the statement of the Department of State, which is quite clear, and which states their opinion of what we are doing here.

In looking over the bill, it is apparent that there is a built-in prejudice, that we are looking to assist two countries, which may be all right, but I believe we ought to recognize, at least, what we are doing.

I notice that the Department of Labor stands opposed to this.

I notice, in addition, that the Immigration and Naturalization Service was not even invited to appear at the hearings.

Mr. Chairman, it seems to me that the bill may be all right. Who can argue about opening up additional opportunities for people to enjoy this great and wonderful country of ours? On the other hand, one would wonder why we have to go back to a kind of preference system on which we have turned our back previously, and which we profess is not what we really want.

The lack of labor certification, at a time of high unemployment, causes many problems as well, for I hear continued moans from the other side of this Chamber about that unemployment situation, and about the continuing needs for new programs. Of course, lacking labor certification, we will get additional unemployment in this country.

Mr. DENNIS. Mr. Chairman, I yield to the gentleman from New York (Mr. Reid) for a unanimous-consent request.

Mr. REID. I thank the gentleman from Indiana for yielding. I highly commend the committee for its efforts on this legislation and rise in strong support of H.R. 9615.

It is entirely fitting that today, the eve of St. Patrick's Day we are considering a bill which will be of primary benefit to two nationalities which have contributed so much to our country—the Irish and the Italians.

When the Immigration and Nationality Act of 1965 was passed, it repealed the national origins quota concept as a system for selecting immigrants and replaced it with a system of preferential admissions based on the advantages to this country of the skills of the immigrants and the close family ties which existed between those desiring to come to the United States and those already here as citizens and permanent residents. It was the intention of the act that no group would be disadvantaged by this law and that all countries would be able to compete on an equal basis for immigrant visas. However, as a result of amendments added to the bill before it was enacted, various inequities resulted, affected most severely those from Northern Europe and the Italians. H.R. 9615 is remedial legislation, designed to correct these inequities the 1965 law unwittingly created.

The first provision of the law would allocate additional visas to immigrants from previously undersubscribed countries, particularly Ireland. It would place a floor under the number of immigrant visas available annually to any given country, guaranteeing every country 75 percent of the average number of visas it used annually between 1956 and 65, but not to exceed 7,500. The need for this provision is apparent when we examine the immigraton statistics from a country such as Ireland which received 6,328 visas in 1964 and 1,077 in fiscal 1971. Congress did not have the intention of restricting immigration from Northern Europe when it passed the 1965 act and it is the hope of those of us supporting this legislation that this provision will lead to an unskewing of the preference system insofar as the countries involved are concerned, countries which have contributed so many of our citizens in the past.

The second provision has as its purpose the reduction of a substantial backlog of brothers and sisters of U.S. citizens who are presently awaiting fifth preference visas. This legislation would have primary benefit for Italy and the dependencies. As written it would provide over a period of 4 years approximately 28,000 additional immigrant visas for the fifth preference backlog.

As with the first provision affecting Northern Europeans, the need for this provision as well is most apparent. At the moment a desperate situation exists with those registered under fifth preference from Italy, for visas are being issued only to those qualified applicants whose petitions were filed prior to June 1970. This lengthy waiting period works extreme hardships on families who have already been separated for long periods of time. One of the chief purposes of our immigration laws written in 1965 was the reuniting of families and I have always believed that this should in fact be a main objective.

An added advantage of this provision is that applicants for sixth preference—skilled and unskilled labor in short supply—and nonpreference visas, currently unavailable in Italy, would also benefit since the net effect of the provision would be to eliminate the bottleneck at fifth preference thus freeing visas for use by sixth preference and nonpreference applicants.

Finally, I would like to say a few words about the amendment which will be proposed by Mr. DENNIS. This amendment would make a permanent change in the law by eliminating from the fifth preference category "married" brothers and sisters of American citizens. The rationale behind this amendment is that fifth preference will always be oversubscribed and that this change is the only way to alleviate the situation. Mr. Chairman, I categorically oppose this amendment.

First, the intent of our law is the reuniting of families and marriage does not severe blood relationships.

Second, since 65 percent of the present fifth preference applicants are married brothers and sisters, the practical effect of this amendment would be a substantial reduction in the number of immigrants who could come in under fifth preference.

Third, if we are going to address ourselves to a redefinition of the preference system, then this should be done during a general discussion on the revision of the entire act. To single out one preference category in this manner is totally injust since it is targeted at the Italians.

In short, Mr. Chairman, I urge this House to accept H.R. 9615 without amendment. This legislation is entirely equitable, it is reasonably written and is entirely remedial in nature. It does not, as some have suggested, return to a natural origins system. Rather, it corrects once and for all the inequities of discrimination which were created by the old law and which the 1965 act aimed at correcting.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield me 1 minute to reply to the gentleman from Minnesota (Mr. FRENZEL)?

Mr. DENNIS. I would like, if the gentleman from Ohio does not mind, to use my own time, because I do not have very much.

(By unanimous consent, at the request of Mr. DENNIS, Mr. SHOUP was allowed to extend his remarks at this point in the RECORD).

Mr. SHOUP. Mr. Chairman, we are today considering a bill which would allow increased immigration into this country at a time when increased immigration is something we can ill afford.

Our country is suffering the throes of economic change, moving from a war-oriented economy to a peace-time one. We are beginning to increase employment—but only beginning—we are facing constant social change and upheaval. Yet at this time of great social and economic change we are also being asked to increase the number of visas to immigrants—to bring more optimistic hope-filled people into a land not all that ready for them.

But there is more here than just the raising of the numbers of visas to persons wishing to move to this country. Our current program of immigration and work force balance is approaching the absurd.

In a simplified way, while the State Department and Immigration Service are working to increase immigrants—while they stand with their proverbial outstretched arms welcoming all who would come to the land with streets paved with gold—the Labor Department is frantically trying to keep the unemployment rate down, find jobs for those who have none, and make room in the American work force for American youth.

The Department of Labor and Department of State are at odds, burning the candle at both ends, so to speak, not bothering to watch what the other is doing, with the Immigration Service holding the candle in the middle.

All three, Mr. Chairman, are very close to getting burned and severely so. The following information will underscore my point.

Canadian Nationals are often given special work visas along the northern tier of States, particularly Montana and North Dakota, as specially trained individuals needed for seismograph and survey crew work. Whole teams of Canadian Nationals have been given such visas when only one or two men in a five-man crew is indeed a specially trained worker. While we have substantial unemployment along the Canadian border, with plenty of men needing work and willing to work at the tasks available on such crews, the Bureau of Immigration is stamping approvals on more and more Canadian National work permits every day.

Especially in the case of Canadian workers, we have seen abuses which point out how lackadaisical the control of alien workers is. Some of the oil field workers have been working in Montana, making very substantial wages on special, supposedly short-term permits for 3 years. Whenever their temporary permits become outdated, they simply go back north for 30 days, get a new permit and come back down. Practically to the same job they left.

Mr. Chairman, another aspect of this situation, that is especially distressing to me, is the situation involving foreign students. When a foreign student enters this country, he or she signs an affidavit stipulating that he or she has the resources needed to live and study in this country for the entire time he or she is entering, yet the policy of allowing foreign students to work part or full time while in this country has been extremely lenient.

This practice is definitely adverse to our own students in need of work, and to our returning Vietnam veterans who need employment.

Also, many of our college youth are faced, this summer, with a summer of no income—of no jobs. Our student youth, many of whom depend on summer jobs to stay in school, can find none and many probably will not be able to return to school next fall because of the lack of income this summer. Rather than being in school, they will be standing in line to get unemployment checks. Not a very good prospect for the student-youth of the most prosperous country on earth.

So, Mr. Chairman, while we are discussing enlarging the number of immigrants to this country, while we are getting ready to open our arms up once again to legions of people full of hope, but destined to being confronted with the frustrations of not finding the streets of America actually paved with that proverbial gold—the Department of Labor, the Department of State, and the Immigration Service have evidenced that they simply do not know what is going on within their own areas of immigration.

They are so split up and buried in their internal dispute responsibility over the immigration problem, especially the special permit worker and student workers, that the bureaucrats themselves are perplexed and confused by it all.

We must, Mr. Chairman, take care of our own first—then take care of the rest of the world. The regulation of immigrants is at best a haphazard affair. For that reason I am voting against H.R. 9615 and I urge my colleagues to do the same.

Mr. DENNIS. Will the Chairman advise me how much time I have remaining?

The CHAIRMAN. The gentleman from Indiana has 1 minute remaining.

Mr. DENNIS. Mr. Chairman and members of the Committee, I regret that I have less time than I would be glad to extend to those on both sides, but in reiteration of what I said before I support this bill. I think this is a better bill if my amendment is adopted, which, incidentally, as I stated before, is in accordance with the views of the Immigration and Naturalization Service. I think the employment matter is rather de minimus, as my learned legal friends over here have said. I also think such additional Irishmen as we get in here under this bill will be useful citizens. They will have jobs. The same with the additional Italians. Also they will not interfere with the work of any American who really wants to work.

I urge the support of the bill and of the Dennis amendment.

Mr. PODELL. Mr. Chairman, there are a number of Italians wishing to emigrate to this country so that they may be reunited with family and friends. There is an estimated backlog of 22,000 Italian immigration requests. This huge backlog is the result of previous discrimination against Italian immigration under the Walter-McCarran Act of 1952 and earlier immigration laws.

We have before the House a bill, H.R. 9615, which would, once and for all, correct the inequities against Italian immigration as well as some other immigration problems. It would extend a relatively small number of special immigration visas for brothers and sisters of American citizens for a short period of time.

We are faced today with attempts to limit the effectiveness of H.R. 9615. In particular the Dennis amendment would permanently bar the married brothers and sisters of American citizens.

Mr. Chairman, this amendment would bar 65 percent of those in the fifth preference category. By so doing, we would establish a malicious and permanent pattern of discrimination against Italians and only Italians.

In the name of reducing unemployment, the gentleman from Indiana (Mr. DENNIS) is challenging the just and legal immigration of the relatives of American citizens. It is false to place the blame for unemployment on legal Italian immigrants.

I am also afraid that the current furor about illegal aliens will have an adverse effect on H.R. 9615 and on Italian immigration. The information we have so far seems to show that the illegal alien problem has a major impact on our large unemployment problem. Unfortunately, the contribution of illegal aliens to unemployment of Americans has led some people to react negatively to all immigration. As you know, most illegal aliens arrive from Mexico; so there is no reason why the illegal alien problem should even indirectly be related to Italian immigration.

Why make the immigrant relatives of Italo-Americans the innocent victims of an unemployment problem they are not responsible for?

Of the total 22,000 potential Italian immigrants, only a small part are potential workers; most of the 22,000 are wives and children. Very often these new immigrants will be bringing skills to this country which are in demand and for which jobs go begging now.

In any case, the number of new Italian immigrants allowed by H.R. 9615—only a few thousand a year—will have a very minor effect in our labor market of almost 90 million workers. The great benefits of family reunification which would result from the immigration of Italians under H.R. 9615 surely outweigh the unlikely possibility that unemployment will increase.

If passed intact, without any changes, H.R. 9615 will mean much to many families I represent and many other Italo-American families throughout the country.

Mrs. HICKS of Massachusetts. Mr. Chairman, I have introduced a bill similar to H.R. 9615, and am very pleased at this opportunity, on the eve of St. Patrick's Day, to vote for it and to comment on its merits.

In 1965, in the rush of Great Society legislation, Congress passed major amendments to the Immigration and Nationality Act. The 1965 amendments abolished the national origins quota system, which for decades had guaranteed countries highly represented in our population in 1920 many more visas than they could use. Ireland, for instance, had an annual quota of 17,756, of which she used an annual average of about 7,000. Italy, on the other hand, had an annual quota of 5,666, which was far from adequate. The national origins quota system heavily favored the countries of Western and Northern Europe at the expense of other countries in the Eastern Hemisphere. Under the current eight-point preference system, the situation has been reversed. Congress has robbed Peter to pay Paul.

The system with which Congress replaced the national origins quota system in 1965 was widely hailed as a model of fairness. It is not. It is as discriminatory in its own way as the national origins quota system. We no longer say you can only come here if your ancestors were here in 1920; now we say you can only come here if your relatives are here now. We no longer say, "Give me your tired, your poor"—as long as they come from the right countries. Now we say, "Give me your skilled, your rich"—and pat ourselves on the backs for opening our gates to all the world.

Under the provisions of the 1965 amendments, immigration from Eastern Hemisphere countries is restricted to 170,000 a year, with a 20,000-per-country limit. The immigrant visas are distributed according to an eight-category priority or preference system, with each preference allotted a certain percentage of the total. First preference is given to unmarried sons and daughters of U.S. citizens; second preference to the spouses and children of permanent resident aliens; third preference to members of the professions and the exceptionally talented; fourth preference to married sons and daughters of U.S. citizens; fifth preference to the brothers and sisters of U.S. citizens; sixth preference to workers in short supply; seventh preference—conditional entry—to refugees; and nonpreference, any unused numbers, to those meeting the labor certification requirement or those not coming here to work.

Reuniting families and protecting American labor are admirable goals. However, any immigration law which drastically reduces immigration from the countries of Western and Northern Europe, from our closest allies, from the countries whose people made America great, has something very wrong with it. For example, immigration from Ireland fell to 1,077 in fiscal 1971 and will continue downward unless something is done.

Mr. Chairman, John Kennedy's great grandfather could not have come into this country under the current preference system, and I doubt if the great grandfathers of many Members of this House could have either. Patrick Kennedy had no close relatives here, and there has never been a shortage of tenant farmers so he would have been ineligible for labor certification. The only preference Patrick Kennedy might have entered under would be seventh preference refugees, limited to 6 percent. He with millions more, left Ireland in the wake of potato blight, which might have qualified as "a catastrophic natural calamity." Refugees from the conflict in Northern Ireland, which recently claimed its 268th life, are not eligible for entry under the refugee preference category. We only accept refugees fleeing on account of persecution or the fear of persecution because of race, religion, or political opinion from Communist dominated or Middle Eastern countries. We do, however, accept those permanently uprooted by catastrophic natural calamities from any Eastern Hemisphere country.

The bill before us contains two major provisions, the first of which provides a temporary solution for the unintentional drastic reduction of immigration from among others, Ireland, Great Britain and Northern Ireland, and Germany. For the next 4 years, the life of this legislation, special immigrant visas would be made available to any country which would otherwise receive less than 75 percent of the average number of visas it received annually during 1956–65. These visas would be supplied in addition to the 170,000 ceiling on Eastern Hemisphere immigration; countries such as Italy which do not need this protection would not have the total number of visas available to them reduced by it. The bill provides that labor certification would not be required of applicants receiving special visas. The first 30 percent would go to the first through fifth preferences; 30 percent plus fall down would go to sixth preference—skilled and unskilled labor—applicants; and 30 percent plus fall down to nonpreference applicants.

The primary purpose of the second provision of H.R. 9615 is to clear up the backlog of Italian brothers and sisters of U.S. citizens waiting for fifth preference visas. Some of them have been waiting a long time, and there is no end in sight without corrective legislation. As a result of her inadequate quota, Italy had a waiting list of close to a quarter million in 1965 when the national origins quota system was abolished. Of these, more than 100,000 were waiting for fifth preference visas. Some have received them, of course, but the majority of the visa numbers have been going to the four higher preferences. The bill before us would provide for special immigrant visas equal to 25 percent of the number of people registered under the fourth preference, the former brother and sister preference, as of July 1, 1964. These would be made available over a period of 4 years to fifth preference applicants on whose behalf petitions had been filed prior to July 1, 1971. Any unused visas would drop down to sixth preference beneficiaries of petitions filed by the same date.

The bill before us is much-needed and long-awaited remedial immigration legislation. I hope that it becomes law well before the end of this Congress.

Mr. BOLAND. Mr. Chairman, I support H.R. 9615. I commend the distinguished gentleman from New Jersey (Mr. RODINO) for his leadership in bringing this proposal to the floor.

Mr. Chairman, in 1965, just 7 years ago, we enacted sweeping amendments to the Immigration and Nationality Act, abolishing once and for all the discriminatory national origins quota system that had been in effect for over 40 years. Under this system, each country had been entitled to an annual quota equal to one-sixth of 1 percent of the number of U.S. citizens of the same national origin in 1920. The result of this arbitrary system was that in the year 1964, Great Britain and Northern Ireland's quota was 65,361, of which Great Britain used less than half; Ireland's was 17,756, of which she used less than one-third. On the other hand, Italy had a quota of 5,666, France 3,069, and Greece 308. The Alien Pacific Triangle provisions of the law, relating to orientals, were probably the most shameful. Regardless of place of birth, any alien whose ancestry was 50 percent oriental was assigned to one of the quotas of the Asian or Pacific area, most of which were 100 per year. The law was amended in 1965 to provide for equal treatment of aliens of oriental ancestry. They are now charged to their country of birth.

In 1965, we rightfully deplored a discriminatory law that restricted immigration from certain countries on the grounds that some foreigners are more foreign than others because their ancestors had not been here in large numbers in 1920. Since the provisions of the 1965 act have been in effect, it has become increasingly apparent that we are now faced with a curious turnabout. The bill before us today represents an effort to check the drastic reduction in immigration from the countries that helped to build America.

According to the figures recently released by the Department of State, Ireland received 1,077 immigrant visas in fiscal 1971. Irish immigration in fiscal 1966, just after enactment of the 1965 amendments, fell from 5,378 to little over 3,000. When the 1965 amendments went into full effect in fiscal 1969, it dropped again to 1,208. Following this downward trend, Irish immigration should fall below 1,000 during the current fiscal year. And the pattern I have described for Irelands has been repeated for other formerly highly favored nations, most notably Germany and Great Britain.

Mr. Chairman, the discrimination decried in the national origins quota system was a matter of policy and politics. The system became a permanent part of our law in 1924, despite the objections of many of our colleagues, among them the distinguished chairman of the Judiciary Committee, the Honorable EMANUEL CELLER. The discrimination in our immigration laws today is, fortunately, inadvertent, making it considerably easier to correct. It was certainly not our intention to reduce immigration from Ireland and other countries in northern and western Europe dramatically. This has been an unforeseen and unexpected result of the 1965 amendments.

From the vantage point of hindsight, the decrease in Irish immigration appears to be largely the result of the new preference system—a system that emphasizes the reunification of families—and of the stricter labor certification requirements. As I said in comments on a similar bill in 1969:

> The Irish fall through the seven-category preference system like water through a sieve. The categories are not applicable to most Irishmen who want to come to America today.

John P. Collins, chairman of the American Irish National Immigration Committee, discussed this before Subcommittee No. 1 of the House Judiciary Committee in 1969:

> Ireland's immigrants to the United States have traditionally been of the non-preference, unskilled variety. Had the present law been in effect some years ago, many of the Members of Congress would not be present in the United States today. Analyzing Irish families, one finds that a few brothers and sisters from the family emigrate, while others remain at home. The mother and father remain at home. The Irish emigrant is generally young, unmarried, and hence brings no spouse or children. It is the rare case in recent times when a whole Irish family emigrates to the United States. Thus, Ireland's sociological pattern of immigration does not permit it to compete equally with some other nationalities for family preference.

I would like to add that the inapplicability of the family reunification categories to the Irish is also the result of the fact that most Irish families here were reunited many, many years ago. The Irish came to this country in great numbers earlier in this century—does this make them ineligible for entry now? The answer at the present appears to be, yes, it does.

The first provision—sections 1 and 2—of the bill before us is an amended version of a bill offered in previous Congresses by the Honorable WILLIAM F. RYAN—a bill that I have cosponsored. I am particularly pleased to have the opportunity to vote for it today. Briefly, it would lay down an annual floor for the number of visas available to any given country, based on the average annual number of visas issued to that country during the 10-year period from 1956 through 1965. Every country would be guaranteed 75 percent of that annual average, not to exceed 7,500. As an example, Ireland averaged 7,185 visas a year during that period, and therefore would be guaranteed 5,389 visas, instead of the 1,077 she received last year. The special visas in excess of those granted through the permanent provisions of the immigration law would be provided in addition to the annual ceiling of 170,000 visas per year for Eastern Hemisphere countries, so countries not in need of this safeguard would not be restricted by it. The bill in its entirety is temporary legislation, scheduled to end 4 fiscal years after its enactment. I would have preferred open-ended legislation, such as the Ryan bill, but there is reason to believe that this is the only form in which the bill could be brought to the House floor for a vote. I assume we will have the opportunity to vote on additional immigration reform bills before the 4-year life of this legislation expires.

The bill's second major provision, sections 3 through 6, is addressed to still another problem that we have been concerned about for a number of years—the long waiting list for visas for brothers and sisters of U.S. citizens applying under the fifth preference category. Unlike the Irish, Italians emigrate in family groups and, also unlike the Irish, they have been burdened with a grossly inadequate quota under the national origins system. The result was a waiting list of close to a quarter of a million applicants in 1964, of whom more than 100,000 were applying as brothers and sisters of U.S. citizens. Unlike most backlogs that accumulated in the past, this one did not come close to being absorbed during the 2½-year transition period between 1966 and mid-1968. Italy's immigration rose immediately from 5,666 to the maximum per-country limit of 20,000, but the majority of the available visas are used by the higher preferences, and the backlog for fifth preference continues to accumulate. The purpose of the second provision of the bill before us is to complete the work not finished during the transition period: absorb the backlog so that applicants for fifth preference visas can compete in all countries on an equal footing, unhampered by the backlog resulting from 40 years of an insufficient quota.

The bill would make a specified number of special visas available to fifth preference applicants in whose behalf petitions were filed prior to July 1, 1971. Unused special visas will be made available to applicants for sixth preference, workers in short supply in the United States, in whose behalf petitions were filed prior to the same date. In countries where there is a fifth preference backlog, sixth preference and nonpreference visas have become completely unavailable. This provision would allow visas to become available for these lower priority categories.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 9615 to amend the Immigration and Nationality Act of 1965. This legislation is based on a bill which I cosponsored in order to correct inequities in connection with the decline of immigration from Ireland and to reduce the backlog of fifth preference applicants from Italy who are brothers and sisters of U.S. citizens.

When I cosponsored this legislation in its original form, I did so because of the unanticipated results of the 1965 amendments to the immigration law and the affect of those amendments on immigration from Ireland, Italy, Germany, Poland, Great Britain and Scandinavian countries. This bill while a compromise version of the original provides needed relief from the unexpected results of those changes by placing a floor under immigration. The floor is based upon 75 percent of the number of visas issued during the base period of 1956 through 1965. Under the new formula authorized by this legislation. Ireland will receive at least 5,389 visas as contrasted with the actual number of 1,297 issued in fiscal year 1971.

In addition to the impact of the bill upon immigration from Ireland the legislation will have an important effect upon the backlog of applications from Italy. The current backlog from Italy in the fifth preference category is more than 88,000. The proposed changes will make available 7,170 visas each year for 4 years to applicants from Italy. This is particularly important because these applicants are brothers and sisters of U.S. citizens and the change will carry out the intent of Congress expressed in the 1965 amendments, of reunification of families. I urge my colleagues to support H.R. 9615 and to vote against any amendments to this bill which might present obstacles to the reunification of families by applying the new change only to unmarried brothers and sisters.

Mr. WAGGONNER. Mr. Chairman, I urge the favorable vote of each of my colleagues on H.R. 9615, a bill devised to correct inequities in the present immigration law which were carried over from the old discriminatory national origins quota system. H.R. 9615 is a temporary measure which would make special immigrant visas available to natives of certain countries who were adversely affected by the 1965 amendments, which became fully effective on July 1, 1968.

When the 1965 amendments were under consideration, certain provisions were present in the proposal which would have placed every country on an equal basis as of the effective date of 1965 act. However, before enactment, amendments were adopted which gravely altered the original design of the 1965 amendments. Consequently, when the 1965 act became fully effective in July 1968, backlogs for previously oversubscribed preferences were not eliminated as originally intended, and immigration from high quota countries was severely affected.

In particular, immigration from northern Europe, especially Ireland and Germany, was drastically reduced and the tremendous backlogs in the fifth preference for natives of Italy, which were present only because of the discriminatory nature of the old law toward Italy, were not eliminated.

H.R. 9615 will correct the injustices resulting from the 1965 act by assuring that each country will be able to compete fairly and equitably for visas.

Immigrants from previously undersubscribed countries such as Ireland, Germany, and England would be allocated additional visas based upon the average number of visas available to these countries in the period preceding the 1965 act. Visa numbers would not exceed 7,500 per year for any such foreign state.

Special immigrant visas would be available for brothers and sisters of U.S. citizens where backlogs are present as a result of the discriminatory nature of national origins quota system.

The labor certification provision of the law would not be applicable to any visas issued under H.R. 9615.

The bill is a fair proposal which is essential to place each country on equal footing, as the drafters of the 1965 act had originally intended. The total number of additional visas is approximately 72,500, which would be allocated over a 4-year period. An annual increase of 18,000 immigrants per year for a period of 4 years could easily be absorbed within the United States and would have virtually no effect on our economy.

Enactment of H.R. 9615 is particularly important to natives of Italy, who are prejudiced under the present system. Because of the tremendous backlog in the fifth preference by the time the new law went into effect, there is a lengthy waiting list. For the month of March 1972, visa numbers were available for natives of Italy who registered in the fifth preference as brothers and sisters of U.S. citizens by June 1, 1970.

This is a backlog of approximately 2 years. Because of this backlog, Italians use a numerical limitation of approximately 20,000 each year for a portion of the fifth preference. Consequently, there are no numbers available for the sixth and nonpreference Italians. This has caused grave problems for many employers who usually hire skilled Italian workers such as master tailors, stone masons, cutters, specialty cooks. There are no numbers available for natives of Italy in the sixth preference which is for skilled workers in short supply in the United States.

As of July 1, 1968, immediately prior to the new law becoming effective, the Department of State estimated there were approximately 114,000 fifth preference Italians registered to come to the United States. This means that for the fifth preference only, if no one new registered, it would have taken the entire 20,000 numbers per year available to natives of Italy until the present time to wipe out the backlog. However new people did register at a rate of approximately 7,500 per year. This means that only about 4,500 people had worked off the backlog each year. With the original backlog of over 100,000, it would take many years to exhaust it if only 4,500 were eliminated each year. However, many persons have dropped off the list. Some have in the meantime made other plans or have migrated to other countries. Some have died and many have just lost interest. As of July 1, 1971 there were 86,000 Italians on the list. However, of the 86,000, 64,000 have already been reached on the waiting list as of January, 1972. Although their turn had been reached, they did not drop off the list since registrations are valid until formally canceled. Since the 64,600 persons could have come to the United States and did not, one must assume that they did not desire to come any longer. This higher than usual rate of fallout among applicants is due, in part, to the high level of unemployment and a turndown of the economy in the United States. Even if all 21,000 persons who are registered whose turns have not yet been reached decided to come to the United States when offered the opportunity, it would take several years to make the fifth preference current since only about 4,500 numbers per year are used to eliminate the old backlog. Therefore, within the near future there will continue to be a backlog in the fifth preference and no numbers will be available to the sixth preference.

Enactment of H.R. 9615 will eliminate this problem by making the fifth preference current.

Mr. BURLISON of Missouri. Mr. Chairman, I am opposed to this legislation, increasing the flow of immigrants from certain foreign countries. The chief justification for the legislation, as I understand it, is to correct inequities perpetrated by the 1965 amendments to the Immigration and Nationality Act. I have no judgment as to accuracy of the allegations that inequities do exist. My reasoning for opposition to the legislation makes the presence of such alleged inequities irrelevant and immaterial. My position, therefore, should not be interpreted as a bias toward those nationalities purported to be benefited by passage of the proposal, that is, Irish, Italians, British, and Germans.

The demography and ecology experts have been telling us for years of the dangers of overpopulation and of the steady movement toward that end. Our present unemployment rate approaches 6 percent and has been hovering around that figure now for about 3 years. Our Nation has manifold problems that are inherent in overpopulation and underemployment. It just does not make sense at this time to exacerbate these problems by now increasing the number of immigrants to be permitted entry to our Nation. This is just another area in which we need to give more attention to our country's problems, rather than solving those of other countries.

Mr. WOLFF. Mr. Chairman, today, the House of Representatives has before it legislation which, if enacted, will offer significant relief to thousands of people who are presently being denied visas to this country. The bill to which I refer, H.R. 9615, would establish a floor under immigration so that, according to the bill's formula, up to 7,500 additional visas could be issued to any one country in a particular fiscal year. The bill, as an emergency and temporary immigration measure, is designed to correct remaining inequities in the Immigration Act of 1965 for an effective period of 4 fiscal years.

Mr. Chairman, the 1965 Immigration Act unwittingly produced a situation of serious disadvantage for formerly privileged countries whereby the originally proposed 5-year period of adjustment to the new system was reduced to 2½ years. As a result, immigration from these countries has dwindled considerably; Ireland, in particular was affected, issuing barely 1,000 visas last year.

In addition, backlogs, especially for fifth preference visas, which had accumulated as a result of discrimination prior to the 1965 act, still exist. By providing for special visas for brothers and sisters of U.S. citizens who qualify as fifth preference immigrants, this legislation will eliminate the backlog and do much to alleviate the distress of families who have been separated for want of a visa.

When this legislation was considered by the Judiciary Committee, an amendment was considered and rejected that would have limited fifth preference consideration only to unmarried brothers and sisters of U.S. citizens. Clearly, this discriminatory provision would have worked to perpetuate the family separations and hardships which this bill seeks to eliminate. Therefore, should such an amendment be presented for consideration on the floor today, I would urge that it be defeated on the grounds that its inclusion would seriously undermine the very essence of H.R. 9615.

As an original cosponsor of the legislation, I am particularly concerned that we act at once to terminate the hardships we have caused by so severely limiting visas to those countries which formerly enjoyed preferential status. Over the past months, Americans have expressed their deep dismay over the continued hostilities in Northern Ireland and many have petitioned the government there to end its discriminatory practices. I, myself, have spoken out on numerous occasions to oppose discrimination on any front and to urge the government of Northern Ireland to correct the prevailing inequities. I believe H.R. 9615, by opening the door to America for many of those who wish to escape this tyranny, can be a positive statement of our Nation's concern for the Northern Ireland minority.

Similarly, there are many Italian-Americans in this country who have been separated from their friends and families because the existing immigration law limits so severely the number of visas available. Mr. Chairman, Italy has long been the subject of discriminatory policies where our immigration laws have been concerned. Prior to 1965, under the so-called national origins quota system, Italy accumulated a backlog of nearly 22,000 visas. Then, when we revised our immigration standards with the 1965 act, no provision was included to correct this glaring inequity and Italian immigration since 1965 has slowed to a near halt. Today, the Congress has the opportunity to rectify this tragic situation; H.R. 9615 would provide additional visas to accommodate nearly all this backlog.

Mr. Chairman, the bill H.R. 9615 is, I believe, a fair and realistic approach to immigration to the United States. It recognizes and corrects past inequities in the law that have worked needlessly to prevent immigration to the United States and it accommodates as well as the realities of the future by placing a 4-year limitation for distribution of the additional visas. Thus, we have before us a bill that would serve to equalize, during its period of effectiveness immigration opportunities for those who have formerly been denied and will as well facilitate conversion to the new policy as provided in the 1965 Immigration Act. For these reasons, I therefore urge my distinguished colleagues to join with me in voting for passage of this important legislation.

Mr. BINGHAM. Mr Chairman, it is with great enthusiasm and gratitude to the members of the House Judiciary Committee that I rise this day before St. Patrick's Day in full support of H.R. 9615 as reported from the committee and in vigorous opposition to any weakening amendments. I might add that I made a special trip down from my district today, leaving behind a tense political situation, in order to be sure to be on the floor to oppose any attempts to weaken the bill and to vote for its final passage

Our consideration today of H.R. 9615 is the fruit of a long and arduous effort of myself and other concerned Members of the House to correct the unintended and unjust inequities resulting from the 1965 Immigration and Nationality Act, particularly the drastic reduction in immigration from Ireland and the growing backlog of fifth preference applicants—brothers and sisters of U.S. citizens—from Italy. The critical reduction in Irish immigration was of special concern to me as a representative from the New York City area, because New York especially has benefited greatly from its talented and hard working Irish immigrants who have done so much to build this country and make it prosper. In light of this, it would be highly unjust and ungrateful of our Nation to allow Irish immigration to be reduced to a trickle. This does not mean we should return to the national origins concept of immigration, but it means we should remedy the present system's inequities and prevent further unfortunate declines in immigration from those countries severely disadvantaged under the terms of the 1965 act.

Since this problem with the 1965 act became apparent in 1968 when its provisions became fully effective, I have sponsored and cosponsored numerous bills—H.R. 16593 in 1968, H.R. 165 in 1969, and H.R. 165 and H.R. 9321 in 1971—delivered speeches on the House floor and elsewhere, and written letters to the chairman and members of the House Judiciary Committee toward the goal of ending this injustice to potential Irish immigrants. H.R. 9615 is the result of this effort and it does provide a hopefully lasting solution to this problem.

The amendments to the U.S. Immigration and Nationality Act, which became law in 1965 and fully effective in 1968, were clearly designed to make our Nation's immigration policies more equitable by ending the national origin quota system that discriminated against southern and eastern Europeans and Asians. The old system was replaced with a new one providing a ceiling on Eastern Hemisphere immigration and the issuance of visas on a first-come, first-served basis, within various preference categories based on family relationships and job skills. When this law passed, it was thought by most of us in Congress that the transition from the national origins system to the new system would not disadvantage any particular country or area. This proved not to be true, and the country which suffered most severely was Ireland. While total immigration to the United States has increased significantly since 1965, Irish immigration has been choked to a mere fraction of what it was in 1965 and before. From fiscal years 1965 to 1967, total immigration to the United States increased from 292,000 to 326,000, while immigration from Ireland fell from more than 4,000 to less than 2,000. By fiscal year 1970, the total number of Irish immigrant admissions to this country had fallen to 1,178, and the figures for the last fiscal year, 1971, were not much better—1,293. Section 1 of H.R. 9615, which incorporates similar provisions of legislation I have sponsored and cosponsored on this subject, corrects this unintended inequity by establishing a floor under immigration from any country. That floor, or minimum, amounts to 75 percent of the average yearly number of immigrant visas issued from a given nation during the 10-fiscal-year period—1956–65—before enactment of the 1965 Immigration and Nationality Act. If in any fiscal year after June 30, 1970, visas issued to natives of any country fall below this minimum, then additional special visas will be issued in the following fiscal year to make up the difference between that minimum and the number of visas issued the previous fiscal years under the provisions of the 1965 act. The number of additional special visas is not to exceed 7,500 for any one country. Under this formula the total number of visas available to Ireland annually will be at least 5,389, as compared with 1,293 for fiscal year 1971. I must add that section 2 of H.R. 9615 sets an effective period for its provisions of 4 fiscal years. I sincerely hope that this will allow sufficient time for correction of all the inequities of the 1965 act and complete the transition smoothly from the old national origins immigration systems to the new, more equitable system.

Correction of the Irish immigration injustice alone merits passage of H.R. 9615, but this worthy legislation also attempts to solve another unforeseen difficulty with the 1965 Immigration and Nationality Act—the growing backlog of fifth-preference applicants—brothers and sisters of U.S. citizens—from certain countries, notably Italy. The reuniting of families in the United States is one of the principal aims of our Nation's immigration policy. Because of the previous quota system and the ceiling on the immigration of brothers and sisters of U.S. citizens, countries like Italy who have a great many eligible immigrant applicants in this category have experienced sizeable backlogs in such applications. By July of 1964, the backlog of Italians in this brothers and sisters category reached the astounding figure of 114,717. Under sections 3 and 4 of H.R. 9615, special visas in an amount equal to 25 percent of the total of the brothers and sisters preference registration of any foreign state as of July 1, 1964, will be made available to aliens from the state who are the beneficiaries of the fifth-preference petitions filed prior to July 1, 1971. The total number of visas to be made available during the 4-year period provided in H.R. 9615, is 39,674, with 28,680 visas available to Italian applicants. Thus, 7,170 visas would be available to Italy for each of the 4 fiscal years.

In addition, H.R. 9615, would relieve the pressure of the backlog of immigrant visa applications of natives from the dependency areas such as Antigua, British Honduras, and the British Virgin Islands, because those areas will be able to benefit from the additional visas to which Great Britain and other mother countries would be entitled under section 1 of this bill.

H.R. 9615 has the support of the American Irish National Immigration Committee and the American Committee on Italian Migration, and represents the best legislative solution achievable under present circumstances to the unanticipated effects of the 1965 act. I would like at this time to commend the very able Chairman of the House Judiciary's Immigration subcommittee (Mr. RODINO) and subcommittee member (Mr. RYAN) for their dedication and leadership in developing this legislation and in bringing it successfully out of the Committee for House floor consideration; and I strongly urge all the Members of the House to vote for passage of H.R. 9615 without amendments.

Mr. PRICE of Illinois. Mr. Chairman, today we are considering legislation to improve our immigration laws by reducing the hardships placed on many of our families. Specifically, the pending bill, H.R. 9615, democratizes the system further by making special immigration visas available to natives of certain countries who were adversely affected by the 1965 amendments to the Immigration and Nationality Act.

The 1965 amendments spelled the end of the national origins quota system, which was to be phased out in favor of a more desirable "first come, first served" system. Unfortunately, the 1965 amendments provided for a 3-year phase-out period which was not long enough. As a result, the backlogs of some oversubscribed preference categories were not eliminated as originally intended, and immigration from the former high quota countries was adversely affected. Immigration from Northern Europe, especially Ireland, was reduced tremendously, and the backlog in the fifth preference category—brothers and sisters of U.S. citizens—particularly in the case of Italy, was not significantly reduced.

The problems have not straightened themselves out, and we can now see that the only way to correct the present inequities is to adopt remedial legislation. Today's bill, H.R. 9615, is a temporary emergency measure to make special immigrant visas available annually to each country of the Eastern Hemisphere equal to 75 percent of the 1955–65 average visas issued, less the number of visas issued each year under the permanent provisions of the Immigration and Nationality Act, but not exceeding 7,500 visas per country per fiscal year.

In addition, H.R. 9615 should reduce the backlog in visa issuance to brothers and sisters of U.S. citizens. The legislation would have the effect of being an extension of the transition period to the first come, first served basis for immigration regulation. In no way does the legislation return us to the primitive and undesirable national origins quota system. An amount of fairness would be instilled into our immigration policies. Primary benefits would be to Ireland, Great Britain, Germany, Poland, and Italy, who were adversely affected by the 1965 enactment.

Mr. Chairman, a number of my constituents have encountered separation from immediate family members overseas who are locked out of this country, so to speak, by the inequitable provisions of the existing law. The 1965 amendments were designed to alleviate backlogs, but the final version of the bill resulted in a situation contrary to what was intended. In order to adjust the law to the intent of the legislation we must endorse this remedial legislation.

The question has been raised in these times of economic focus whether an increase in immigrants would cause job displacement or other domestic economic difficulties. Of course, Mr. Chairman, I would be the last one to support a bill detrimental to our economic or employment situation. Our justification for this legislation is that the additional number of immigrants permitted is relatively small and the measure is only temporary in effect to correct the present inequities.

It is imperative that this legislation be adopted without crippling amendments so that our immigration system works as it should. I, therefore, urge my colleagues to give this legislation their full support.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of H.R. 9615, a bill which is long overdue. During the 7 years since we enacted the Immigration Reform Act of 1965, American immigration law has visited upon thousands of earnest hard-working immigrants an unnecessary inequity.

Prior to 1965, Irish citizens immigrated to this country at an average of 7,000 per year. As a result of the Immigration Reform Act of 1965, however, that average trickled to a mere 1,000 immigrants per year. Similarly, in 1965, there were 100,000 Italian brothers and sisters of U.S. citizens on the waiting list for visas. Seven years later, there remains a backlog of 88,000.

H.R. 9615 would correct this inequity by seeking to eliminate over the next 4 years the backlog developed since the 1965 act went into effect. Thus, emigrants from Ireland, Great Britain, and Poland would be entitled to approximately 33,000 visas and 40,000 visas would also be issued to brothers and sisters of U.S. citizens, primarly to Italian emigrants.

This legislation would not open up the floodgates to the poor and helpless of other countries—although I should note that some of America's greatest businessmen, doctors, scientists, and jurists came from such ranks. We need not expect that the number of persons on welfare would be increased. The waiting emigrants we would be admitting all have skills or would be vouched for by relatives now in the United States. Thus we can expect that they would quickly become self-supporting and contributing residents of the communities in which they settle.

This bill is temporary corrective legislation and would repair the inequity caused by the unfortunate provisions in the 1965 Immigration Reform Act. We have already been urged to wait too long to determine whether, as the committee put it, the "shortcomings of the 1965 amendments would correct themselves. It is obvious now that these shortcomings will only manifest themselves in greater hardship for many intending immigrants."

Mr. Chairman, I urge my colleagues to give their strong support today for this legislation.

Mr. BADILLO. Mr. Chairman, as a cosponsor of legislation authorizing the availability of additional visa numbers of those countries from which average immigration has significantly declined as a result of the 1965 Immigration and Nationality Act, I am very pleased to rise in support of the measure we are considering this afternoon.

The 1965 act marked an important milestone in U.S. immigration policy. This measure abolished the archaic and highly discriminatory national origins quota system and was a major contribution toward returning this country to a more humane and meaningful manner of selecting persons allowed to emigrate to our shores.

Although the 1965 act removed many gross inequities and represented the first major overhaul of the immigration law in over 40 years, there are still many loopholes which must be filled and a number of inequities and inadequacies which must be corrected. I believe H.R. 9615 will be most important in providing essential relief by temporarily removing certain biased portions of our immigration law.

When President Johnson called upon the Congress to revise the immigration laws he requested that the transition or phase-out period from the national origins quota system be 5 years. Unfortunately, the Congress only provided for a 3-year period and this has worked an exceptional hardship on a number of countries, including some Eastern Hemisphere nations, such as Ireland, which had traditionally been large sources of immigrants. In attempting to achieve equality for those countries which had previously suffered various forms of discrimination, the new law subsequently proved to discriminate against others by drastically curtailing the level of immigration. The formula contained in H.R. 9615 establishes a floor under immigration and makes special immigrant visas available to each Eastern Hemisphere country equal to three-quarters of the 10 year, 1955–65, average, minus the number of visas issued in the preceding year. This temporary 4-year provision will assure that every country will be permitted to compete justly and equitably for visas. It should also remove current backlogs and restore a proper balance in the issuance of visas.

One of the primary aims of the 1965 act was to reunite families and, generally, it has facilitated bringing families together. However, the fifth preference position for Italy has long been oversubscribed and the brothers and sisters of American citizens have been forced to wait for countless years. It is inhuman for this needless and cruel separation of families to continue and is certainly inconsistent with our basic traditions and values. The relief provided by H.R. 9615 should permit further family reunions and remove most of the present large backlogs, particulary in the case of Italy which is currently 21 months in arrears. Also, it would be senseless to limit this special consideration to only unmarried brothers and sisters—particularly on a permanent basis—and we should firmly resist any ill-conceived efforts to amend this measure.

I have carefully examined this legislation and, in light of its temporary 4-year nature, am satisfied that it will not return this Nation to the national origins quota system. We are still suffering repercussions from this odious feature of an earlier—and in terms of our immigration policies, darker—era and I am certain that the Congress would not repeat such a mistake by even suggesting a return to the quota system. Further, contrary to the views of some of our colleagues, I do not believe that the liberalizing provisions of H.R. 9615 will open any floodgates and I know of no substantive data which would indicate that permitting additional aliens to come to this country will have an adverse effect on our employment situation. Certainly our domestic labor market must be afforded all reasonable protection but the issuance of an additional number of visas during 4 years should not result in the displacement of more workers or be generally detrimental to the labor force.

Mr. Chairman, I am encouraged that we are finally taking steps to remove barriers to persons desiring to emigrate to this country and I especially commend the efforts of our colleague from New York (Mr. Ryan). Bill Ryan has been tireless in his efforts to achieve these urgently needed reforms and his years of dedication and hard work are now bearing fruit. He certainly deserves our gratitude for his initiative in this field and I am pleased to support him in this effort.

I urge, Mr. Chairman, that today's action signal the first step in a realistic examination of our immigration policies and a thorough reassessment of our procedures for selecting immigrants. Further legislative action is required to banish present discriminatory practices, which amount to nothing more than a standing affront to millions of our citizens and friends overseas, and to demonstrate to the world our dedication to equal and just treatment of immigrants.

I very strongly believe the next priority must be the removal of the highly discriminatory annual limitation on Western Hemisphere immigration. It is well known that the imposition of the Western Hemisphere ceiling was a poorly considered, last minute addition necessary to insure Senate approval of the 1965 act. I am certain it was not the intention of the Johnson administration to establish any such ceilings and this unnecessary restriction has certainly not helped our image overseas. It has also led to hard feelings on the part of many Latin American nations.

The ceiling of 120,000 placed on this hemisphere by the Congress has caused incredible personal hardship and has had very serious effects on business and commercial relations. Not only are families heartlessly separated and commercial activities disrupted but this Western Hemisphere quota unfortunately recalls the era of the national origins quota system and the reprehensive Asia-Pacific Triangle quota. Although these two outmoded and discriminatory aspects of earlier immigration policies were abolished some 7 years ago, the question as to "where were you born" still has not yet been eliminated from the questions which Latin Americans must answer in establishing their eligibility for immigration.

It is perfectly obvious that positive action must be taken to remove this highly undesirable feature of the immigration law—one which simply exacerbates already strained relations with many of our Latin American neighbors. A clear indication that such action is both necessary and desirable was the enactment in the last Congress of a measure which exempted certain business and managerial personnel from the Western Hemisphere limitation. Also, I remind this body that the Select Commission on Western Hemisphere Immigration, established by the 1965 law, recommended against imposing the ceiling but no legislative action was taken and it became effective in June 1968.

Latin Americans are also the victims of discriminatory treatment by the current provision of the immigration law which denies them the opportunity to adjust their status on the same basis as aliens from other lands. I have sponsored legislation repealing this offensive section of the Immigration and Nationality Act and again urge that we move for its prompt enactment.

I am pleased that the distinguished chairman of the House Immigration Subcommittee (Mr. Rodino) has scheduled hearings on this issue in May. I am hopeful some positive action will be taken to abolish these offensive provisions of the immigration laws and that prospective immigrants from South and Central America and the Caribbean will finally be accorded just and unprejudiced consideration. In the coming weeks I will be offering specific legislation to remove the Western Hemisphere limitation and return our country to our traditional ideals by giving no one area or group special consideration. Further, my proposed legislation will revise the present labor certification requirement in an effort to preclude numerous inequities in this area. Also, it will establish a Board of Visa Appeals in the Department of State responsible for reviewing the denials of immigrant visas to relatives of American citizens or permanent residents.

The foregoing are just a few of the features of a measure I will introduce to facilitate and assist persons to emigrate to our country, rather than to make it virtually impossible in many instances, and to end present discriminatory features, especially against our Latin neighbors.

Passage of H.R. 9615 today must be just the first step in a further comprehensive reform of our immigration laws and policies. I welcome and support its enactment and hope we will soon see the implementation of additional revisions.

Mr. EDWARDS of California. Mr. Chairman, I am pleased to rise in support of this legislation sponsored by my colleague on the Judiciary Committee, the distinguished gentleman from New Jersey (Mr. Rodino). The Immigration and Nationality Act as amended in 1965 eliminated the same kind of inequities that this legislation is designed to rectify. The 1965 amendments repealed the national origins concept as a system for selecting immigrants. With a 3-year phaseout, existing backlogs for immigrant visas or oversubscribed preferences were expected to be eliminated and a more equitable immigration system was anticipated.

However, the 3-year phaseout did not produce the desired results and we are now faced with a situation that is at least as inequitable as that which occurred prior to the 1965 amendments to the Immigration and Nationality Act. H.R. 9615 corrects this problem and will allow the 1965 amendments to perform as originally hoped for. H.R. 9615 recognizes that the present backlogs in the fifth preference are a carryover of the backlog existing when the 1965 amendments went into effect. The passage of this amendment will be of particular importance to Italian-American families all over America. These citizens have been victimized by an unfortunate situation that existed prior to the 1965 amendments and one which will continue unless H.R. 9615 is enacted. The fifth preference, brothers and sisters of American citizens, is clearly a workable concept. It is working in virtually every country except Italy. There is no reason to believe that the fifth-preferance system cannot also work in Italy if only the system can be inaugurated when all countries are on an equal immigration footing. A prime goal of our American immigration policy is the reuniting of families. This legislation is totally in accord with that guiding principle and will allow many American families of Italian descent the long-awaited chance to reunite with loved ones now barred from the United States. I certainly hope that we are able to enact this important and necessary measure. It certainly has my complete support.

Mr. DONOHUE. Mr. Chairman, as the sponsor of identical legislation, I most earnestly hope and urge that the great majority of our Members, here, will accept and approve this pending bill, H.R. 9615, which will temporarily provide additional visas for prospective immigrants from certain foreign countries.

I think it should be emphasized that this proposal is, in substance, a remedial measure to be in effect for only 4 years and with the sole purpose of correcting the inequities that have obviously resulted from the too-short transition period of change, 1965 to 1968, from the old national origins system of granting visas to the new "first-come-first-served" system.

We have come to realize that however well meant certain amendments were as attached to the basic 1965 immigration act, the accumulation of visa requests in some heavily used preference classifications was not eliminated as a result of the amendments and prospective immigrants from former high quota countries, such as Ireland and Germany have had undue and practically discriminatory hardships visited upon them.

Passage of this bill before us will go a long way toward insuring that the countries that were denied the expected benefits of the 1965 Immigration Act due to the amendments will now receive them. Under the provisions of the bill, special immigration visas would be available annually for 4 years to each country of the Eastern Hemisphere. The number of available visas would be equal to 75 percent of the 1955–65 average of immigrant visas issued, less the number of visas issued during the preceding year. The bill would also provide additional visas for immigrants in the "fifth preference," the brothers and sisters of U.S. citizens.

In summary, Mr. Chairman, this measure is not in any way intended to return us to our former National Origins Preference System; it will correct hardships that were inadvertently imposed upon once priviliged nations and it will serve to wholesomely unite unhappily separated family members and relatives. It is a just and rightful extension of our traditional immigration policy and I hope it is given the speedy and resounding approval of the House that I believe it eminently merits.

Mr. COLLIER. Mr. Chairman, I wholeheartedly support this bill because it removes two major inequities that have developed since we passed the 1965 amendments to the Immigration and Nationality Act.

Although this is a temporary measure which will be in effect for 4 years, it will provide relief to a substantial number of Irish and Italian aliens desiring to join their families who already are citizens of this country. During the past few years I have personally encountered situations for which the present law provides no remedy despite the merit of these cases.

I am particularly pleased that the bill will provide special visas for those seeking American citizenship, including spouses and children in a manner that is both fair and orderly under our immigration policy.

It should be pointed out that the vast majority of immigrants from the two countries most affected, Italy and Ireland, have an enviable record in the performance of their responsibilities of citizenship over a period of many years. They have contributed substantially to the economic and cultural growth of our Nation.

The Committee on the Judiciary should be commended for taking legislative action to remove the iniquitous situations which have culminated as a direct result of the discriminatory national origins system which provided disproportionate national quotas to govern the admission of immigrants without full regard to the reunification of families.

Mr. GROSS. Mr. Chairman, seldom does a day pass but what some liberal arises on the House floor or inserts his remarks in the CONGRESSIONAL RECORD complaining about unemployment in this country.

However, these shouting liberals will have no trouble today adjusting to support of this bill, H.R. 9615, which will permit at least 40,000 Europeans to immigrate to this country each year for the next 4 years to compete for jobs and swell the ranks of the unemployed. That is a total of 160,000 immigrants and these are in addition to the normal flow of foreigners from all parts of the world who are permitted to take up residence in this country each year.

Mr. Chairman, the United States, faced with the twin problems of overpopulation and unemployment, ought to be restricting immigration instead of expanding it, and if a rollcall vote is not taken on this legislation let the record show that I am opposed to it.

Mr. MACDONALD of Massachusetts. Mr. Chairman, we can take a big step today toward reducing the discriminatory barriers against immigration for people throughout the Eastern Hemisphere who have been adversely affected by the current immigration laws.

In 1965 Congress approved an immigration act which provided for the phasing out over a 3-year period of the old national origins system of granting visas. At the time, many members shared my concern that this transition period should have been at least 5 years. Unfortunately, the fears expressed then have materialized with the result that thousands of people in Europe and elsewhere have been made to wait for years with no hope of receiving a visa.

In many cases which have been brought to my attention, families have been separated because the law was not flexible enough to apply to their situation. It is my hope that these long years of waiting will soon be over.

I would remind my colleagues that H.R. 9615 does not mark a return to the national origins system. It simply recognizes the inequities of the present first-come first-served system with regard to those countries who formerly enjoyed preferential status. As I said when I introduced similar legislation last year, we should not replace one inequitable system with another.

The measure before the House today is temporary and will expire in 4 years. It is intended to alleviate the present backlog, and it will result in a truly fair and balanced system for immigration.

I would also emphasize the fact that the economic impact of the bill will be minimal. It is aimed not at increasing the number of immigrants but at making the system of allocation of visas more equitable for those who were adversely affected by the 1965 act.

I urge the adoption of this legislation as a positive response to a very real hardship.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the numerical limitations in sections 201(a), 202(a), and 202(c) of the Immigration and Nationality Act, if in any fiscal year after June 30, 1970, the total number of immigrants admitted, or aliens who were adjusted to permanent resident status in the United States under the Immigration and Nationality Act, from any foreign state under paragraphs (1) through (6) and paragraph (8) of section 203(a) of such Act was less than three-fourths of the average annual number of such visas made available to immigrants from such foreign state under such Act during the ten-fiscal-year period beginning July 1, 1955, there shall be made available to immigrants from such foreign state an additional number of visas for the succeeding fiscal year equal to the difference between the number of visas made available to them under paragraphs (1) through (6) and paragraph (8) of section 203(a) of such Act in the preceding fiscal year and three-fourths of such average number, except that the number of such additional visas made available in any fiscal year to immigrants from such foreign state shall not exceed seven thousand five hundred. The additional visas authorized by the preceding sentence for immigrants from such foreign state shall be made available as follows:

(1) Forty per centum of the additional visas shall be made available to immigrants entitled to a preference status under paragraph (1), (2), (3), (4), or (5) of section 203(a) of the Immigration and Nationality Act, except that no more than 8 per centum of the additional visas may be made available to immigrants entitled to a preference status under any one of the paragraphs.

(2) Thirty per centum of the additional visas plus any visas not issued under paragraph (1) shall be made available to immigrants entitled to a preference under paragraph (6) of section 203(a) of the Immigration and Nationality Act.

(3) Thirty per centum of the additional visas plus any visas not issued under paragraph (1) or (2) shall be made available to immigrants who are not entitled to a preference under section 203(a) of the Immigration and Nationality Act.

In the case of immigrants entitled to a preference under paragraph (1), (2), (3), (4), (5), or (6) of section 203(a) of the Immigration and Nationality Act, the additional visas authorized by this subsection shall be issued in the order in which a petition in behalf of each such immigrant is filed with the Attorney General as provided in section 204 of such Act. In the case of immigrants not entitled to a preference under section 203(a) of the Immigration and Nationality Act, such visas shall be made available in the chronological order in which such immigrants qualify. The provisions of section 212 (a)(14) of the Immigration and Nationality Act shall not apply in the determination of an immigrant's eligibility to receive any visa authorized to be issued under this Act.

SEC. 2. No alien shall be issued a visa under the first section of this Act, nor have his status adjusted to that of a permanent resident alien under such first section, after the expiration of the four-fiscal-year period beginning with the first fiscal year commencing on or after the date of enactment of this Act.

SEC. 3. That, notwithstanding the numerical limitations in sections 201(a), 202(a), and 202(c) of the Immigration and Nationality Act, there shall be made available to qualified immigrants from any foreign state, additional special visas equal to 25 per centum of the fourth preference registration from such foreign state pending on July 1, 1964.

SEC. 4. The Secretary of State is authorized to make reasonable estimates of the anticipated numbers of special visas to be issued under section 3 during each of four fiscal years, and, based upon such estimates, not more than 25 per centum of such visas may be issued in each of the four fiscal years beginning with the first fiscal year commencing on or after the date of enactment of this Act. The visas authorized to be issued under section 3 shall be made available to eligible immigrants specified in sections 5 and 6 in the order in which petitions in their behalf were filed with the Attorney General under section 204 of the Immigration and Nationality Act.

SEC. 5. The additional special visas authorized to be issued under section 3 for each foreign state shall be made available, during a four-year fiscal period beginning with the first fiscal year commencing on or after the date of enactment of this Act, to any alien eligible for a preference status under the provisions of section 203(a)(5) of the Immigration and Nationality Act, on the basis of a petition filed prior to July 1, 1971, and the spouse and children of such alien if otherwise admissible under the provisions of the Immigration and Nationality Act: *Provided,* That upon his application for an immigrant visa and for his admission to the United States, the alien is found to have retained his relationship to the petitioner, and status as established in the approved petition.

SEC. 6. The special visas authorized for each foreign state in each fiscal year under section 3 not used by aliens eligible for visas under section 5 of this Act, shall next be available to aliens from each such foreign state who have qualified for a preference under section 203(a)(6) of the Immigration and Nationality Act on the basis of a petition filed prior to July 1, 1971, and the spouse and the children of such alien if otherwise admissible under the provisions of the Immigration and Nationality Act.

SEC. 7. Except as otherwise specifically provided in this Act, the definitions contained in section 101 (a) and (b) of the Immigration and Nationality Act shall apply in the administration of this Act. Nothing contained in this Act shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

Mr. RODINO (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OFFERED BY MR. DENNIS

Mr. DENNIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DENNIS: On page 5, after line 20, insert the following new sections as follows:

"SEC. 7. Section 203(a)(5) of the Immigration and Nationality Act shall be amended to read:

(5) Visas shall next be made available, in a number not to exceed 24 per centum of the number specified in section 201(a)(ii), plus any visas not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are the unmarried brothers or unmarried sisters of citizens of the United States.

"SEC. 8. The amendments made by section 7 of this Act shall not apply with respect to any alien who is eligible for immigrant status under a paragraph of section 203(a) of the Immigration and Nationality Act on the basis of a petition filed with the Attorney General prior to the effective date of this amendment.

And redesignate the following sections accordingly.

Mr. EILBERG. Will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Chairman, I merely would like to say as the gentleman begins his explanation that various references have been made to organizations supporting this bill and not supporting it. I would like the committee to know the following international unions support the bill as it is:

Service Employees International Union, International Longshoremen's Association, International Transport Workers Union, International Brotherhood of Painters, Decorators and Paperhangers, Radio Officers Association, International Brotherhood of Teamsters, Central Labor Council of New York, New York State AFL–CIO, Building and Construction Trades Council of Greater New York, and Building and Construction Trades Council of Greater New York; and various locals throughout the United States.

Mr. DENNIS. Mr. Chairman and members of the committee, this is the amendment which I have discussed previously.

It merely adds one word to the immigration law, the word "unmarried."

The effect of it is that, henceforth, what we call the fifth preference, rather than giving a preference to all brothers and sisters of American citizens, will confine that preference to the unmarried brothers and sisters of American citizens.

Mr. Chairman, the thrust of this amendment and the thinking behind it is this: What we are trying to do in our immigration statutes is to unite families. We are not trying to put a great big hole in the immigration law so that everyone and his cousins can come into this country.

Unmarried brothers and sisters of an American citizen are properly members of the family unit here. Married brothers and sisters, very possibly, have very large families of their own and are not members of the American citizen's family unit.

It was never the intention of the law to blanket them all into this type of coverage—perhaps, 10, 12, or 15 people in a family under this fifth preference.

Mr. Chairman, Mr. Charles Gordon, General Counsel of the Immigration and Naturalization Service, testified before our Immigration Subcommittee on August 6, 1970, and he said:

> Third, we support modification of the fifth preference to limit it to the unmarried brothers and sisters of a U.S. citizen, if the citizen is at least 21 years of age. The fifth preference is intended to promote family unity, and it seems correct to conclude that in granting a preference to married brothers and sisters, the present law is not actually unifying families, but in many cases is sanctioning the entry of new families.

It is an appropriate time to take this matter up because in this bill, out of the goodness of our hearts, out of the desire to correct an inequity, and not through any legal compulsion, we are attempting to clear up the fifth preference backlog.

As I pointed out a minute ago, we have already done that three times before with special legislation. We do not provide enough extra visas at this time in this bill to clear up the backlog. It seems quite reasonable, particularly when it is in consonance with the purpose of the immigration statute, to tackle this particular problem—to take a modest action to try to prevent this backlog from accumulating again.

Now, all of the basic overhauls of the immigration laws which have been proposed, including that offered by my friend from New Jersey (Mr. RODINO), include this provision, but they say it should await a general overhaul of the law.

I say if we are going to pass such backlog clean up legislation, there is no reason why this correction I propose should wait.

This is such a reasonable amendment that the Judiciary Committee adopted it in the first instance, but reversed itself due to the persuasive powers of my friend from New Jersey.

I submit to this House that this is a better bill, a more equitable bill, and a bill which ought to appeal more to the membership of this body if this amendment is adopted, so that we would not only correct existing inequities but would also do something about preventing them from accumulating in the future.

I point out, again, that the amendment in no way decreases the extra visas provided by this legislation and it in no way affects the overall basic country ceilings existing in the present law. It simply defines the limits and extent, in a reasonable way and for the future, of the fifth preference.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, at this time I want to compliment the gentleman from New Jersey (Mr. RODINO) for his authorship and fine work in bringing out this excellent bill. I want to join with him as strongly as I can in opposing the amendment offered by the gentleman from Indiana (Mr. DENNIS). I feel that we have a good bill; it has been given a lot of thought by the gentleman from New Jersey and his committee. A great deal of work has gone into this legislation, I therefore do not think that we should dilute it now by passing this amendment. I hope the amendment is soundly defeated.

Mr. REID. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

Mr. REID. Mr. Chairman, I thank the distinguished chairman, the gentleman from New Jersey (Mr. RODINO) for yielding to me.

Mr. Chairman, I would like to associate myself with the remarks of the gentleman from New Jersey in opposition to the amendment, and to commend the gentleman for this bill.

Moreover, is it not a fact that 65 percent of the present fifth preference is comprised of married brothers and sisters? And if this amendment were to carry we would significantly dilute the essential opportunity of reuniting families, and of bringing brothers and sisters, of whom there are some 28,000 allegedly, into this country?

Mr. RODINO. The gentleman is absolutely correct.

Mr. REID. I thank the gentleman.

Mr. RODINO. Mr. Chairman, I submit that the amendment offered by the gentleman from Indiana (Mr. DENNIS) would really cripple that part of the bill which goes to the Italian section. There has been an injustice created over a period of years as a result of the national origins quota system, in where Italians were being discriminated against in attempting to immigrate to our country and limited to about 5,600 a year. The backlog that existed was a result of that system. What we are seeking to do—and this is what we must not lose sight of——

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I will yield to the gentleman in just one moment.

What we must not lose sight of is that this amendment is permanent in nature while it amends a measure that is temporary in nature.

I have stated time and time again that while I might agree with the thrust of the amendment, nonetheless we cannot consider it in that very narrow viewpoint; we must consider the whole preference system. It is for this reason that I prepared a general revision bill after long deliberation. I was a member of the subcommittee on immigration when we provided for the elimination of the national origins quota. But what we are seeking to do now is to merely reduce the backlog that exists—not to divide married brothers and sisters from unmarried brothers and sisters, and, therefore, violate the very basic philosophy we employed when we eliminated national origins: to reunite families. We are seeking now to correct these inequities through this temporary measure, hoping that when the bill runs its course that things will be equal, and things will be just again.

But the amendment offered by the gentleman from Indiana (Mr. DENNIS) will do just the opposite. He would break up the family. He would initiate a permanent measure of preference in an area where we have not yet actually studied the full impact. Therefore I would hope that this amendment would be soundly defeated, because it would do violence to the very thing that we are seeking to cure.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I simply cannot understand how my distinguished friend can seriously say that this amendment does violence to what we are attempting to do in the gentleman's bill, for the simple reason that the gentleman's bill extends additional visas to fifth-preference people who filed a petition prior to July 1, 1971, whereas my amendment applies only to petitions filed after the date of the amendment. It is perspective only, it has nothing to do with the people whom this bill affects.

Mr. RODINO. There would still be the question of the married brothers and sisters who, as the gentleman from New York indicated, make up 65 percent of the problem.

Mr. DENNIS. Only in the future, not to the backlog brothers and sisters; they are not affected.

Mr. RODINO. I have reiterated time and time again to the gentleman, and I know he is sincere in trying to bring forth an amendment that he thinks would cure future buildings. I, too, must confess that I introduced such a bill distinguishing unmarried brothers and sisters from married brothers and sisters.

But I have done this only on the basis that we change the preference system in permanent legislation. The committee has not addressed itself to this issue as yet. It is for that reason that I urge defeat of the amendment.

Mr. MAYNE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in strong support of the Dennis amendment. This amendment is not in any way designed to kill this bill. It is designed for the future to prevent the kind of problem that this bill thrusts upon us from recurring, and it is a very salutary amendment for that reason.

This amendment is designed to correct a serious weakness in the bill in its present form. This weakness is that it fails to include any provision to prevent future backlog buildups similar to the present condition which section 3 through 6 of the bill are designed to clean up.

In this day of severe unemployment in the United States, it is highly questionable whether we should provide for the admission of more than 160,000 immigrants—over a 4-year period—as does this bill, H.R. 9615, in addition to the regular 170,000 annual numerical ceiling for the Eastern Hemisphere.

That is the Eastern Hemisphere alone. Of course, these figures are in addition to the 120,000 a year from the Western Hemisphere. A backlog clean-up can only be justified if coupled with provisions to prevent its recurrence.

The backlog buildup occurred in the fifth preference by reason of unlimited qualification standards which are in conflict with one of the basic objectives of our immigration policy—that is, family reunification.

A family, first and foremost, is made up of the head of the family and the unmarried children in it and not of a lot of married relatives who have families of their own.

Testimony before the Committee on the Judiciary indicates that the majority of fifth preference registrants—brothers and sisters of U.S. citizens—are married. Repeatedly since 1968, the State Department and Immigration and Naturalization Service witnesses have recommended that the fifth preference be limited to unmarried brothers and sisters. The Administrator of the Bureau of Security and Consular Affairs, Miss Barbara Watson, testified on this point on August 5, 1970; stating that the number of new registrations under the fifth preference would increase markedly if the backlog in the fifth preference were eliminated. She stated:

> As you know, the law, as it is presently written, makes no distinction between married brothers and sisters or unmarried brothers and sisters. It has its own built-in increments, so that as soon as you get rid of a backlog there is the incentive for new applicants. This is why we feel possibly it would be wiser to limit fifth preference to unmarried brothers and sisters. Then, too, married brothers and sisters do not really come to the home of the petitioner so that. in a sense it is not family reunification. They usually are an entire family unit and set up their own household. It would be more in the spirit of the law, we would consider, if you restricted it to the unmarried brothers and sisters.

The administration's omnibus immigration bills in the 91st and 92d Congresses provide for such a limitation of the fifth preference. So do bills which have been introduced by the distinguished chairman of the full Committee on the Judiciary and the chairman of the subcommittee now handling this bill.

It is my opinion that this legislation which is essentially cleanup legislation will be greatly strengthened by the Dennis amendment which gives some assurance that the need for such periodic cleanup legislation will not occur again in the future. This amendment provides for a limitation upon fifth preference unmarried brothers and sisters and will definitely improve the bill. This amendment is a limitation for the future. I want to emphasize that this will not in any manner reduce or affect the number of special visas made available to any country under this bill since the amendment specifically provides that the proposed limitation to the married brothers and sisters will not apply to petitions filed prior to the effective date of this legislation. Nor will such amendment reduce the maximum number of regular visas available to any one country—which is 20,000 per year—in the future.

I am happy to yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Indiana (Mr. Dennis), to the effect that qualified immigrants under section 203(a)(5) of the Immigration and Nationality Act, be the unmarried brothers and sisters of U.S. citizens.

This amendment is completely in line with the testimony of the General Counsel of the Immigration and Nationality Service before the Immigration Subcommittee of the House Judiciary Committee on August 6, 1970, who pointed out—

> The fifth preference is intended to promote family unity, and it seems correct to conclude that in granting a preference to married brothers and sisters, the present law is not actually unifying families, but in many cases is sanctioning the entry of new families.

I cannot agree with those who might object to this amendment on the grounds that it discriminates against any particular nationality. It would not prevent the acceptance of any number of immigrants of any number of immigrants of any nationality up to the maximum, who were unmarried members of that national group. Certainly those who are unmarried have but one family, while those married have a second one, which indeed demands a greater loyalty and attention than the original family unit. This amendment upholds the purpose of the fifth-preference category; the promotion of primary family unity. It seems to me that this should have greater importance than secondary, or multifamily unity.

Mr. MAYNE. Mr. Chairman, in conclusion I sincerely believe that the Dennis amendment is needed to help bring our immigration into closer agreement with the demand and historic basic objectives of our Nation's immigration policy.

Mr. RYAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think the best argument against the Dennis amendment was made by the author himself when he said that it "has nothing to do with the people this bill affects."

That statement by Mr. Dennis is true, and it signifies the importance of putting his amendment in perspective. The substance of the Dennis amendment should be considered when we consider, as the subcommittee will, a revision of the whole preference system. But to single out at this point one of the preferences would, of course, change the entire basic policy which we enacted in 1965. It would also have the effect of singling out one particular group of people where the backlog is most severe, and that is, the people of Italy. To restrict eligibility for the fifth preference category to unmarried brothers and sisters would do violence to the concept of reunification of families—a basic objective of the 1965 act.

At this point it would be unwise to adopt the Dennis amendment which is aimed at only one category.

The sensible way to legislate is to examine the whole question of whether or not there should be revisions in the preference system established in 1965. The place to do that is in the subcommittee and the full committee—after full hearings.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from Indiana.

Mr. DENNIS. I should like to point out to my friend from New York that this section deals with one specific preference only, the fifth preference, and all I am doing by this amendment is not affecting at all his attempt to deal with this so-called backlog. I am simply—and I submit it is very germane—trying to keep the backlog from again occurring, this being the fourth time we have had special legislation for that very purpose. All I suggest is that if we are going to do that, we ought to do something about the future.

Mr. RYAN. It is a piecemeal change, and the important point is that we ought to deal with the whole preference system at one time.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. SEIBERLING. Mr. Chairman, I am a member of the subcommittee, and I rise in opposition to the Dennis amendment. Mr. Dennis' argument reminded me a little bit of a saying of Plato: "One way to raise your standard of living is to reduce your consumption." The way to solve the problem, if there is a problem of backlog of Italian immigrants, is not just to arbitrarily redefine the definition that would otherwise admit them to this country. Unfortunately for his argument, that is not what his amendment does.

As the gentleman from New York so ably pointed out, and as Mr. Dennis himself said, his amendment would not affect the people who should come in under the fifth preference under this bill, which is purely temporary legislation, but instead is aimed at making a permanent piecemeal revision of our immigration laws, one segment of the preference system. You cannot, however, do an intelligent job of revising the preference system unless you look at the whole system. So I think he effectively has argued against his own amendment.

I would like to address myself to a point that was raised by the gentleman from Minnesota (Mr. Frenzel). Despite the fact that the State Department has opposed this legislation on the basis that it was a return to the national origin system, just merely saying it does not make it so.

The fact is that at the time the 1965 act was passed, there was a backlog of 115,000 applications from Italy resulting from the unfair and discriminatory restrictions of the national origins system. At that time it was pointed out that unless arrangements were made for cleaning up that backlog, there would be some great inequities done by virtue of this discrimination resulting from the old system. The arrangements were not made at the time that act was passed to clean up the backlog. What we are trying to do now is belatedly correct a failure in the 1965 act. It is not by any conceivable argument a return to the national origins system. It is temporary in nature, it lasts only 4 years, and it is merely an effort to correct these past inequities.

Mr. EILBERG. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Chairman, I would like to ask my colleague on the subcommittee a brief question. Do you agree with me, that during consideration of this bill—during which time we were so ably led by the chairman of the subcommittee—was it not decided that this bill deals not only with one or two countries, but also deals worldwide with the problems we are considering? Is it not highly doubtful that any maximum number would be used? It is dealing with the Italian and the Irish situations. My question is, Are not we dealing with what has become a red herring when we talk about 160,000?

Mr. SEIBERLING. The practical result of this bill will be a much smaller figure admitted, but since it is general legislation, it has to be broadly written and cover all countries affected.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from New York.

Mr. KOCH. Mr. Chairman, I rise at this point to state I am in favor of this bill, and I join the gentleman in his remarks. I am opposed to this amendment.

Mr. BIAGGI. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I strongly oppose the amendment offered by the gentleman from Indiana (Mr. Dennis). It is not only injurious to the purposes and intents of the bill itself, but also, it should not even be considered as part of the bill. This amendment has been debated at length in the subcommittee and in the full committee, and it was defeated in both places.

The amendment seeks to restrict the fifth preference category to unmarried brothers and sisters of U.S. citizens. At present, the law applies simply to brothers and sisters, whether married or not. The gentleman from Indiana (Mr. Dennis) then seeks a permanent change in the immigration law which is clearly not consistent with the temporary nature of this bill.

The amendment would work a particular hardship on those wishing to immigrate from Italy who have brothers and sisters in this country. That nation has the most serious backlog in the fifth preference category. If the amendment is adopted, it would virtually destroy one of the principal objectives of the bill—to reunite families.

It has been argued here today that

there has been an effort on three different occasions to eliminate the backlogs prior to the enactment of the 1965 immigration and nationality bill, and that is true. But the purpose of the 1965 bill was to eliminate backlogs. It was not accomplished. That is the reason for this bill today. Instead of a 5-year phase-in period, it was a 3-year phase-in period. Instead of a situation without quotas, there were quotas. Hence the backlog did develop.

There have been arguments that this bill as written would not curb or prevent the recurrence of backlogs in the future, and that backlogs will recur. The State Department figures indicate that the additional visas provided in the bill are sufficient to clear up the "live" backlog and provide a few extra visas for the sixth preference category. Future allotments should be sufficient to handle any new immigrants.

The overwhelming vote of the committee against this amendment was a sound one, and it should be sufficient testimony to the efficacy of their position and of the opposition to the amendment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, is not the main thrust against this amendment the fact that it is permanent legislation on a temporary measure?

Mr. BIAGGI. Yes. I have indicated that in my remarks, Mr. Chairman. It is permanent legislation attached to a temporary measure. It would survive this particular bill, after the bill outlives its existence, after 4 years.

Mr. DELANEY. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I am glad to yield to the gentleman from New York.

Mr. DELANEY. Mr. Chairman, I wish to associate myself with the remarks of the gentleman from New York (Mr. BIAGGI) in support of the bill as written by the committee.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. I want to join in the remarks of our distinguished colleague from New York, and I also join in congratulating the chairman of the subcommittee, who handled the bill and who has had extensive hearings on it.

At this time I believe it would be unwise to amend the work of the committee. Therefore, I shall oppose the amendment offered by the gentleman from Indiana.

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I am delighted to yield to my colleague from New York.

Mr. CAREY of New York. I thank the gentleman for yielding. I wish to associate myself with the remarks the gentleman made in connection with the amendment and the bill, and to indicate that in a sense the adoption of the amendment would be disastrous to the intent of the bill.

Mr. Chairman, I rise in support of H.R. 9615, a successor bill to the 1965 Immigration and Nationality Act which I cosponsored.

This is an emergency immigration measure devised to correct unforeseen injustices in the 1965 act. As a result of these inequities there has been an increase in the backlog of fifth preference applicants—brothers and sisters of U.S. citizens—from Italy as well as a drastic decline of immigration from Ireland.

This bill, which is endorsed by the American Committee on Italian Migration and the American Irish National Immigration Committee, is the culmination of years of work to arrive at a solution to the unanticipated effects of the 1965 act.

H.R. 9615 provides for the issuance of special immigrant visas for brothers and sisters of U.S. citizens, from any country whose registrations were pending on July 1, 1964, who qualify as fifth preference immigrants under section 203(a)(5) of the Immigration Act of 1965 and for whom petitions have been filed with the Attorney General prior to July 1, 1971.

According to the Visa Office of the State Department, the total Italian fifth preference registration as of July 1, 1971, is 86,054. The visa office also advises that 64,000 of these have been reached by the American Consulates as of January 25, 1972. On that date, in fact, the cutoff date for Italian fifth preference was March 1, 1970. The "live" Italian backlog, therefore, is about 22,000. The difference between the figure 86,054—the backlog on the books—and the figure of 22,000 is the mortality rate.

The realistic backlog, then, is 22,000 and H.R. 9615 is more than adequate to bring up to date the Italian fifth preference and to grant some numbers also to the Italian sixth preference which has been closed for years.

Mr. Chairman, the amendment offered by Mr. DENNIS would drastically change the preference system of the 1965 act under which the existing fifth preference is for brothers and sisters of U.S. citizens. The Dennis amendment would restrict the fifth preference to unmarried brothers and sisters of U.S. citizens.

The rationale behind this amendment is that the fifth preference would otherwise be perpetually oversubscribed. But this fear of the recurrence of backlogs is completely unjustified by all available evidence.

At present in the Eastern Hemisphere only Italy and the Philippines have a backlog in the fifth preference, as I have indicated. The Philippine problem stems from the fact that all 20,000 numbers are preempted by the first three preferences. The Italian problem is caused by the huge backlog existing when the new law went into effect. It must also be noted that this backlog was accumulated over years of discrimination under the 1952 Walter-McCarran Act.

Mr. Chairman, the Dennis amendment would be contrary to one of the original purposes of the act—the reunification of families.

I believe that this is an equitable bill. The legislation also provides that immigrants from previously undersubscribed countries; that is, Ireland, England, and so forth, would be allocated additional visas to the extent of 75 percent, less the numbers issued during the previous fiscal year, of the average number of visas available to these countries in the 10-year period from 1955 to 1965. The visa numbers to be issued would not exceed 7,500 for any such foreign state.

Mr. Chairman, the 1965 act has unwittingly produced a situation of disadvantage for formerly privileged countries. When the 1965 act was first formulated, a 5-year phaseout period was contemplated in order to give the privileged countries a realistic opportunity to adjust to the new system. The phaseout period, instead, was reduced to 2½ years.

Consequently, immigration from Ireland, for example, has dwindled from an average of 5,000 before 1965 to little more than 1,000 at present.

I believe this bill is also realistic. The total number of additional visas is 72,531. A temporary annual increase over 4 years of 18,000 immigrants can hardly be considered to threaten either the economic stability of the United States or the job security of the American worker. It must be pointed out that this figure of 18,000 includes spouses and minor children of the principal applicants. Therefore, a conservative estimate of the actual number of immigrants who will enter the labor market is approximately 9,000. In a total labor force of 86 million, an increase of 9,000 is minimal.

Mr. Chairman, I urge that H.R. 9615 be passed without amendment.

Mr. WILLIAMS. Mr. Chairman, I rise in opposition to the amendment.

Mr. JAMES V. STANTON. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I am happy to yield to the gentleman from Ohio.

Mr. JAMES V. STANTON. Mr. Chairman, I rise in opposition to the Dennis amendment. I should like to raise and support the chairman of the subcommittee, who brought the bill to the floor.

I strongly endorse the provisions of H.R. 9615, to amend the Immigration Reform Act of 1965. In 1965 the Congress acted to end the harsh and inequitable national origins system for admitting immigrants, and in its place, a system which admits immigrants on a first-come-first-served basis was established. However, under this new system, certain countries, including Italy, Ireland, and Germany, have inadvertently been discriminated against, and so this new act will provide additional immigrant visas to correct these injustices.

I am especially pleased that this bill will provide additional fifth preference visas, which are granted to foreign nationals whose brother or sister is a U.S. citizen. For those who have a brother or sister living in their native country who would like to come to the United States, this change will mean that these families can once again be united. Those of Italian descent will particularly benefit under this section, because 28,680 additional fifth preference visas will be granted to Italy, thereby ending the backlog which has built up over the years.

People of greatly diverse origins have

come together in this country, and the richest part of our heritage has been our ability to work together for a strong America under which all prosper. The legislation before us today reaffirms that proud heritage, and so I urge its enactment.

Mr. WILLIAMS. Mr. Chairman, I have listened to this debate with great interest. I am not a member of the committee, and I am of course, not a member of the subcommittee. However, it has become quite apparent to me during this debate that the bill is temporary legislation which is designed to correct an inequity.

The Immigration and Nationality Act was amended in 1965. At that time it was not supposed to adversely affect any country. During the transition period from the concept of national origins to first-come first-served the backlog of each country was supposed to be absorbed into this country. However, this has not occurred.

I believe this temporary legislation is much needed. The subcommittee and the committee are to be commended for reporting it out. I believe we should pass this bill as it is, and then wait for the permanent legislation to be reported out by the Judiciary Committee.

Mr. KOCH. Mr. Chairman, today the House will undoubtedly pass a very important piece of legislation—H.R. 9615—to grant additional immigrant visas to certain foreign countries. I support this measure and urge its passage.

This bill removes two inequities which have been present since the enactment of the 1965 Immigration and Nationality Act. While the 1965 act eliminated the national origins quota system, and rightly so, it also had the unfortunate side effect of barring immigrants from a number of European countries which had been a great source of immigration in the past—they could no longer qualify under the new preference system. They did not qualify, because either they were unable to compete on an equal basis with immigrants from other countries who had earlier registration dates, or because they lacked labor certification. The second inequity was its failure to remove the fifth preference backlog, which relates to brothers and sisters of U.S. citizens.

The additional visas will be available annually to a number of countries, but will particularly affect Ireland and Italy, and will be 75 percent of the 1955–64 average of immigrant visas issued, less visas issued each year under the permanent provisions of the act, not to exceed 7,500 visas per country per fiscal year. Primarily, the bill will permit entry into the United States of about 16,000 Irish immigrants at the rate of about 4,000 a year and about 28,000 Italian immigrants, at the rate of 7,000 a year. It is to be noted that this is a temporary measure, permitting entry into this country for a period of 4 years to correct the present inequitable situation.

For a nation, made up of immigrants, it would be a disgrace not to pass this measure. It will correct certain injustices perpetrated against countries which have been responsible for so many of our good and indeed great citizens. Benefiting most under this bill will be Ireland and Italy. However, there are other countries, also assisted, including Poland, England, and Germany.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. DENNIS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DENNIS. Mr. Chairman, I demand tellers.

Tellers were refused.

On a division (demanded by Mr. DENNIS) there were—ayes 21, noes 64.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ADAMS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 9615) to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes, pursuant to House Resolution 87, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed and also that I may be permitted to include extraneous matter after my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDING MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962; APPOINTMENT OF CONFEREES

Mr. PERKINS. Mr. Speaker, I ask unanimous concent to take from the Speaker's table the Senate bill (S. 3054) to amend the Manpower Development and Training Act of 1962, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3054

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 310 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2620) is amended by striking out the colon and the following: "*Provided,* That no disbursement of funds shall be made pursuant to the authority conferred under title II of this Act after December 30, 1972".

SEC. 2. That all real property of the United States which was transferred to the United States Postal Service and was, prior to such transfer, treated as Federal property for purposes of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), shall continue to be treated as Federal property for such purpose for two years beyond the end of the fiscal year in which such transfer occurred.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PERKINS moves to strike out all after the enacting clause of S. 3054 and substitute in lieu thereof the provisions of H.R. 11570, as passed, as follows:

That section 310 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2620) is amended by striking out "1972" both times it appears and inserting in lieu thereof "1973".

The motion was agreed to.

The Senate bill, as amended, was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 11570) was laid on the table.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to S. 3054 and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs PERKINS, DANIELS of New Jersey, MEEDS, QUIE, and ESCH.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have requested this time for the purpose of asking the distinguished majority leader the program for the remainder of the week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. In response to the distinguished minority leader, we have completed the program for this week. I shall ask unanimous consent to go over until Monday next when we adjourn today.

The program for next week is as follows:

Monday is Consent Calendar day, to be followed by the following four suspensions:

H.R. 8395, to amend the Vocational Rehabilitation Act;

H.R. 4174, to amend the Uniform Time Act;

H.R. 11948, participation in the Hague Conference on Private International Law; and

House Joint Resolution 984, U.S. participation in the International Bureau for the Protection of Industrial Property.

Tuesday is the call of the Private Calendar to be followed by H.R. 13120, Modification in Par Value of the Dollar, the so-called gold bill, subject to a rule being granted.

Wednesday and the balance of the week, the program is as follows:

H.R. 11896, the Federal Water Pollution Control Act Amendments, also subject to a rule being granted; and

The legislative appropriations bill for fiscal year 1973.

Conference reports may be brought up at any time and any further program will be announced later.

Mr. SPEAKER, would the gentleman from Michigan yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding to me.

Is not the consideration of H.R. 13120 also contingent upon a report being filed?

Mr. BOGGS. Yes; as I recall, I said that.

Mr. GROSS. As I understood the gentleman from Louisiana, the gentleman said subject to a rule being granted, but as far as I can determine there is no report available on that bill.

Mr. BOGGS. That report has been filed by the chairman of the committee, the gentleman from Texas (Mr. PATMAN). It is Report No. 92–912.

It is likely that one day next week the conference report on S. 18, Radio Free Europe, will also be called up.

Mr. GERALD R. FORD. I thank the gentleman from Louisiana.

ADJOURNMENT TO MONDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AUTHORITY FOR CLERK TO RECEIVE MESSAGES AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House, the Clerk be authorized to receive messages from the Senate, and the Speaker be authorized to sign any enrolled bills and joint resolutions, duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business scheduled for Calendar Wednesday on Wednesday next be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

THE IMPORTANCE OF OUR INVESTMENT IN SCIENCE AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–193)

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee of the Whole House on the State of the Union, and ordered to be printed:

To the Congress of the United States:

The ability of the American people to harness the discoveries of science in the service of man has always been an important element in our national progress. As I noted in my most recent message on the State of the Union, Americans have long been known all over the world for their technological ingenuity—for being able to "build a better mousetrap"—and this capacity has undergirded both our domestic prosperity and our international strength.

We owe a great deal to the researchers and engineers, the managers and entrepreneurs who have made this record possible. Again and again they have met what seemed like impossible challenges. Again and again they have achieved success. They have found a way of preventing polio, placed men on the moon, and sent television pictures across the oceans. They have contributed much to our standard of living and our military strength.

But the accomplishments of the past are not something we can rest on. They are something we must build on. I am therefore calling today for a strong new effort to marshal science and technology in the work of strengthening our economy and improving the quality of our life. And I am outlining ways in which the Federal Government can work as a more effective partner in this great task.

The importance of technological innovation has become dramatically evident in the past few years. For one thing, we have come to recognize that such innovation is essential to improving our economic productivity—to producing more and better goods and services at lower costs. And improved productivity, in turn, is essential if we are to achieve a full and durable prosperity—without inflation and without war. By fostering greater productivity, technological innovation can help us to expand our markets at home and abroad, strengthening old industries, creating new ones, and generally providing more jobs for the millions who will soon be entering the labor market.

This work is particularly important at a time when other countries are rapidly moving upward on the scientific and technological ladder, challenging us both in intellectual and in economic terms. Our international position in fields such as electronics, aircraft, steel, automobiles and shipbuilding is not as strong as it once was. A better performance is essential to both the health of our domestic economy and our leadership position abroad.

At the same time, the impact of new technology can do much to enrich the quality of our lives. The forces which threaten that quality will be growing at a dramatic pace in the years ahead. One of the great questions of our time is whether our capacity to deal with these forces will grow at a similar rate. The answer to that question lies in our scientific and technological progress.

As we face the new challenges of the 1970's, we can draw upon a great reservoir of scientific and technological information and skill—the result of the enormous investments which both the Federal Government and private enterprise made in research and development in recent years. In addition, this Nation's historic commitment to scientific excellence, its determination to take the lead in exploring the unknown, have given us a great tradition, a rich legacy on which to draw. Now it is for us to extend that tradition by applying that legacy in new situations.

In pursuing this goal, it is important to remember several things. In the first place, we must always be aware that the mere act of scientific discovery alone is not enough. Even the most important breakthrough will have little impact on our lives unless it is put to use—and putting an idea to use is a far more complex process than has often been appreciated. To accomplish this transformation, we must combine the genius of invention with the skills of entrepreneurship, management, marketing and finance.

Secondly, we must see that the environment for technological innovation is a favorable one. In some cases, excessive regulation, inadequate incentives and other barriers to innovation have worked to discourage and even to impede the entrepreneurial spirit. We need to do a better job of determining the extent to which such conditions exist, their underlying causes, and the best ways of dealing with them.

Thirdly, we must realize that the mere development of a new idea does not necessarily mean that it can or should be put into immediate use. In some cases, laws or regulations may inhibit its implementation. In other cases, the costs of the process may not be worth the benefits it produces. The introduction of some new technologies may produce undesirable side effects. Patterns of living and human behavior must also be taken into account. By realistically appreciating the limits of technological innovation, we will be in a better position fully to marshal its amazing strengths.

A fourth consideration concerns the need for scientific and technological manpower. Creative, inventive, dedicated scientists and engineers will surely be in demand in the years ahead; young people who believe they would find satisfaction in such careers should not hesitate to undertake them. I am convinced they will find ample opportunity to serve their communities and their country in important and exciting ways.

The fifth basic point I would make concerning our overall approach to science and technology in the 1970's concerns the importance of maintaining that spirit of curiosity and adventure which has always driven us to explore the unknown. This means that we must continue to give an important place to basic research and to exploratory experiments which provide the new ideas on which our edifice of technological accomplishment rests. Basic research in both the public and private sectors today is essential to our continuing progress tomorrow. All departments and agencies of the Federal Government will continue to support basic research which can help provide a broader range of future development options.

Finally, we must appreciate that the progress we seek requires a new partnership in science and technology—one which brings together the Federal Government, private enterprise, State and local governments, and our universities and research centers in a coordinated, cooperative effort to serve the national interest. Each member of that partnership must play the role it can play best; each must respect and reinforce the unique capacities of the other members. Only if this happens, only if our new partnership thrives, can we be sure that our scientific and technological resources will be used as effectively as possible in meeting our priority national needs.

With a new sense of purpose and a new sense of partnership, we can make the 1970's a great new era for American science and technology. Let us look now at some of the specific elements in this process.

STRENGTHENING THE FEDERAL ROLE

The role of the Federal Government in shaping American science and technology is pivotal. Of all our Nation's expenditures on research and development, 55 percent are presently funded by the Federal Government. Directly or indirectly, the Federal Government supports the employment of nearly half of all research and development personnel in the United States.

A good part of our Federal effort in this field has been directed in the past toward our national security needs. Because a strong national defense is essential to the maintenance of world peace, our research and development in support of national security must always be sufficient to our needs. We must ensure our strategic deterrent capability, continue the modernization of our Armed Forces, and strengthen the overall technological base that underlies future military systems. For these reasons, I have proposed a substantial increase for defense research and development for fiscal year 1973.

In this message, however, I would like to focus on how we can better apply our scientific resources in meeting civilian needs. Since the beginning of this Administration, I have felt that we should be doing more to focus our scientific and technological resources on the problems of the environment, health, energy, transportation and other pressing domestic concerns. If my new budget proposals are accepted, Federal funds for research and development concerning domestic problems will be 65 percent greater in the coming fiscal year than they were in 1969.

But increased funding is not the only prerequisite for progress in this field. We also need to spend our scarce resources more effectively. Accordingly, I have moved to develop an overall strategic approach in the allocation of Federal scientific and technological resources. As a part of this effort, I directed the Domestic Council last year to examine new technology opportunities in relation to domestic problems. In all of our planning, we have been concentrating not only on *how much* we spend but also on *how* we spend it.

My recommendations for strengthening the Federal role in science and technology have been presented to the Congress in my State of the Union message, in my budget for fiscal year 1973, and in individual agency presentations. I urge the Congress to support the various elements of this new Federal strategy.

1) We are reorienting our space program to focus on domestic needs—such as communications, weather forecasting and natural resource exploration. One important way of doing this is by designing and developing a reusable space shuttle, a step which would allow us to seize new opportunities in space with higher reliability at lower costs.

2) We are moving to set and meet certain civilian research and development targets. In my State of the Union Message, my Budget Message and in other communications with the Congress, I have identified a number of areas where new efforts are most likely to produce significant progress and help us meet pressing domestic needs. They include:

—Providing new sources of energy without pollution. My proposed budget for fiscal year 1973 would increase energy-related research and development expenditures by 22 percent.

—Developing fast, safe, pollution-free transportation. I have proposed spending 46 percent more in the coming fiscal year on a variety of transportation projects.

—Working to reduce the loss of life and property from natural disasters. I have asked, for example, that our earthquake research program be doubled and that our hurricane research efforts be increased.

—Improving drug abuse rehabilitation programs and efforts to curb drug trafficking. Our budget requests in this critical area are four times the level of 1971.

—Increasing biomedical research efforts, especially those concerning cancer and heart disease, and generally providing more efficient and effective health care, including better emergency health care systems.

3) We will also draw more directly on the capabilities of our high technology agencies—the Atomic Energy Commission, the National Aeronautics and Space Administration and the National Bureau of Standards in the Department of Commerce—in applying research and development to domestic problems.

4) We are making strong efforts to improve the scientific and technological basis for setting Federal standards and regulations. For example, by learning to measure more precisely the level of air pollution and its effects on our health, we can do a more effective job of setting pollution standards and of enforcing those standards once they are established.

5) I am also providing in my 1973 budget for a 12 percent increase for research and development conducted at universities and colleges. This increase reflects the effort of the past 2 years to encourage educational institutions to undertake research related to important national problems.

6) Finally, I believe that the National Science Foundation should draw on all sectors of the scientific and technological community in working to meet significant domestic challenges. To this end, I am taking action to permit the Foundation to support applied research in industry when the use of industrial capabilities would be advantageous in accomplishing the Foundation's objectives.

SUPPORTING RESEARCH AND DEVELOPMENT IN THE PRIVATE SECTOR

The direction of private scientific and technological activities is determined in large measure by thousands of private decisions—and this should always be the case. But we cannot ignore the fact that Federal policy also has a great impact on what happens in the private sector. This influence is exerted in many ways—including direct Federal support for such research and development.

In general, I believe it is appropriate for the Federal Government to encourage private research and development to the extent that the market mechanism is not effective in bringing needed innovations into use. This can happen in a number of circumstances. For example, the sheer size of some developmental projects is beyond the reach of private firms particularly in industries which are fragmented into many small companies. In other cases, the benefits of projects cannot be captured by private institutions, even though they may be very significant for the whole of society. In still other cases, the risks of certain projects, while acceptable to society as a whole, are excessive for individual companies.

In all these cases, Federal support of private research and development is necessary and desirable. We must see that such support is made available—through cost-sharing agreements, procurement policies, or other arrangements.

One example of the benefits of such a partnership between the Federal Government and private enterprise is the program I presented last June to meet our growing need for clean energy. As I outlined the Federal role in this effort, I also indicated that industry's response to these initiatives would be crucial. That response has been most encouraging to date. For example, the electric utilities have already pledged some $25 million a year for a period of 10 years for developing a liquid metal fast breeder reactor demonstration plant. These pledges have come through the Edison Electric Institute, the American Public Power Association, and the National Rural Electric Cooperative Association. This effort is one part of a larger effort by the electrical utilities to raise $150 million annually for research and development to meet the growing demand for clean electric power.

At the same time, the gas companies, through the American Gas Association, have raised $10 million to accelerate the effort to convert coal into gas. This sum represents industry's first-year share in a pilot plant program which will be financed one-third by industry and two-thirds by the Federal Government. When it proves feasible to proceed to the demonstration stage, industrial contributions to this project will be expected to increase.

APPLYING GOVERNMENT-SPONSORED TECHNOLOGIES

An asset unused is an asset wasted. Federal research and development activities generate a great deal of new technology which could be applied in ways which go well beyond the immediate mission of the supporting agency. In such cases, I believe the Government has a responsibility to transfer the results of its research and development activities to wider use in the private sector.

It was to further this objective that we created in 1970 the new National Technical Information Service in the Department of Commerce. In addition, the new incentives programs of the National Science Foundation and the National Bureau of Standards will seek effective means of improving and accelerating the transfer of research and development results from Federal programs to a wider range of potential users.

One important barrier to the private development and commercial application of Government-sponsored technologies is the lack of incentive which results from the fact that such technologies are generally available to all competitors. To help remedy this situation, I approved last August a change in the Government patent policy which liberalized the private use of Government-owned patents. I directed that such patents may be made available to private firms through exclusive licenses where needed to encourage commercial application.

As a further step in this same direction, I am today directing my Science Adviser and the Secretary of Commerce to develop plans for a new, systematic effort to promote actively the licensing of Government-owned patents and to obtain domestic and foreign patent protection for technology owned by the United States Government in order to promote its transfer into the civilian economy.

IMPROVING THE CLIMATE FOR INNOVATION

There are many ways in which the Federal Government influences the level and the quality of private research and development. Its direct supportive efforts are important, but other policies—such as tax, patent, procurement, regulation, and antitrust policies—also can have a significant effect on the climate for innovation.

We know, for instance, that a strong and reliable patent system is important to technological progress and industrial strength. The process of applying technology to achieve our national goals calls for a tremendous investment of money, energy, and talent by our private enterprise system. If we expect industry to support this investment, we must make the most effective possible use of the incentives which are provided by our patent system.

The way we apply our antitrust laws can also do much to shape research and development. Uncertain reward and high risks can be significant barriers to progress when a firm is small in relation to the scale of effort required for successful projects. In such cases, formal or informal combinations of firms provide one means for hurdling these barriers, especially in highly fragmented industries. On the other hand, joint efforts among leading firms in highly concentrated industries would normally be considered undesirable. In general, combinations which lead to an improved allocation of the resources of the Nation are normally permissible, but actions which lead to excessive market power for any single group are not. Any joint program for research and development must be approached in a way that does not detract from the normal competitive incentives of our free enterprise economy.

I believe we need to be better informed about the full consequences of all such policies for scientific and technological progress. For this reason, I have included in my budget for the coming fiscal year a program whereby the National Science Foundation would support assessments and studies focused specifically on barriers to technological innovation and on the consequences of adopting alternative Federal policies which would reduce or eliminate these barriers. These studies would be undertaken in close consultation with the Executive Office of the President, the Department of Commerce and other concerned departments and agencies, so that the results can be most expeditiously considered as further Government decisions are made.

There are a number of additional steps which can also do much to enhance the climate for innovation.

1) I shall submit legislation to encourage the development of the small, high technology firms which have had such a distinguished pioneering record. Because the combination of high technology and small size makes such firms exceptionally risky from an investment standpoint, my proposal would provide additional means for the Small Business Investment Companies (SBICs) to improve the availability of venture capital to such firms.

a. I propose that the ratio of Government support to SBICs be increased. This increased assistance would be channeled to small business concerns which are principally engaged in the development or exploitation of inventions or of technological improvements and new products.

b. I propose that the current limit on Small Business Administration loans to each SBIC be increased to $20 million to allow for growth in SBIC funds devoted to technology investments.

c. I propose that federally regulated commercial banks again be permitted to achieve up to 100 percent ownership of an SBIC, rather than the limited 50 percent ownership which is allowed at present.

d. To enhance risk-taking and entrepreneurial ventures, I again urge passage of the small business tax bill, which would provide for extending the eligibility period for the exercise of qualified stock options from 5 to 8 or 10 years, reducing the holding period for non-registered stock from 3 years to 1 year, and extending the tax-loss carry-forward from 5 to 10 years. These provisions would apply to small firms, as defined in the proposed legislation.

2) I have requested in my proposed budget for fiscal year 1973 that new programs be set up by the National Science Foundation and the National Bureau of Standards to determine effective ways of stimulating non-Federal investment in research and development and of improving the application of research and development results. The experiments to be set up under this program are designed to test a variety of partnership arrangements among the various levels of government, private firms and universities. They would include the exploration of new arrangements for cost-sharing patent licensing, and research support, as well as the testing of incentives for industrial research associations.

3) To provide a focal point within the executive branch for policies concerning industrial research and development, the Department of Commerce will appraise, on a continuing basis, the technological strengths and weaknesses of American industry. It will propose measures to assure a vigorous state of industrial progress. The Department will work with other agencies in identifying barriers to such progress and will draw on the studies and assessments prepared through the National Science Foundation and the National Bureau of Standards.

4) To foster useful innovation, I also plan to establish a new program of research and development prizes. These prizes will be awarded by the President for outstanding achievements by individuals and institutions and will be used especially to encourage needed innovation in key areas of public concern. I believe these prizes will be an important symbol of the Nation's concern for our scientific and technological challenges.

5) An important step which could be of great significance in fostering technological innovations and enhancing our position in world trade is that of changing to the metric system of measurement. The Secretary of Commerce has submitted to the Congress legislation which would allow us to begin to develop a carefully coordinated national plan to bring about this change. The proposed legislation would bring together a broadly representative board of private citizens who would work with all sectors of our society in planning for such a transition. Should such a change be decided on, it would be implemented on a cooperative, voluntary basis.

STRONGER FEDERAL, STATE AND LOCAL PARTNERSHIPS

A consistent theme which runs throughout my program for making government more responsive to public needs is the idea that each level of government should do what it can do best. This same theme characterizes my approach to the challenges of research and development. The Federal Government, for example, can usually do a good job of massing research and development resources. But State and local governments usually have a much better "feel" for the specific public challenges to which those resources can be applied. If we are to use science and technology effectively in meeting these challenges, then State and local governments should have a central role in the application process. That process is a difficult one at best; it will be even more complex and frustrating if the States and localities are not adequately involved.

To help build a greater sense of partnership among the three levels of the Federal system, I am directing my Science Adviser, in cooperation with the Office of Intergovernmental Relations, to serve as a focal point for discussions among various Federal agencies and the representatives of State and local governments. These discussions should lay the basis for developing a better means for collaboration and consultation on scientific and technological questions in the future. They should focus on the following specific subjects:

(1) Systematic ways for communicating to the appropriate Federal agencies the priority needs of State and local governments, along with information concerning locally-generated solutions to such problems. In this way, such information can be incorporated into the Federal research and development planning process.

(2) Ways of assuring State and local governments adequate access to the technical resources of major Federal research and development centers, such as those which are concerned with transportation, the environment, and the development of new sources of energy.

(3) Methods whereby the Federal Government can encourage the aggregation of State and local markets for certain products so that industries can give Government purchasers the benefits of innovation and economies of scale.

The discussions which take place between Federal, State and local representatives can also help to guide the experimental programs I have proposed for the National Science Foundation and the National Bureau of Standards. These programs, in turn, can explore the possibilities for creating better ties between State and local governments on the one hand and local industries and universities on the other, thus stimulating the use of research and development in improving the efficiency and effectiveness of public services at the State and local level.

WORLD PARTNERSHIP IN SCIENCE AND TECHNOLOGY

The laws of nature transcend national boundaries. Increasingly, the peoples of the world are irrevocably linked in a complex web of global interdependence—and increasingly the strands of that web are woven by science and technology.

The cause of scientific and technological progress has always been advanced when men have been able to reach across international boundaries in common pursuits. Toward this end, we must now work to facilitate the flow of people and the exchange of ideas, and to recognize that the basic problems faced in each nation are shared by every nation.

I believe this country can benefit substantially from the experience of other countries, even as we help other countries by sharing our information and facilities and specialists with them. To promote this goal, I am directing the Federal agencies, under the leadership of the Department of State, to identify new opportunities for international cooperation in research and development. At the same time, I am inviting other countries to join in research efforts in the United States, including:

—the effort to conquer cancer at the unique research facilities of our National Institutes of Health and at Fort Detrick, Maryland; and

—the effort to understand the adverse health effects of chemicals, drugs and pollutants at the new National Center for Toxicological Research at Pine Bluff, Arkansas.

These two projects concern priority problems which now challenge the whole world's research community. But they are only a part of the larger fabric of cooperative international efforts in which we are now engaged.

Science and technology can also provide important links with countries which have different political systems from ours. For example, we have recently concluded an agreement with the Soviet Union in the field of health, an agreement which provides for joint research on cancer, heart disease and environmental health problems. We are also cooperating with the Soviet Union in the space field; we will continue to exchange lunar samples and we are exploring prospects for closer cooperation in satellite meteorology, in remote sensing of the environment, and in space medicine. Beyond this, joint working groups have verified the technical feasibility of a docking mission between a SALYUT Station and an Apollo spacecraft.

One result of my recent visit to the People's Republic of China was an agreement to facilitate the development of contacts and exchanges in many fields, including science and technology. I expect to see further progress in this area.

The United Nations and a number of its specialized agencies are also involved in a wide range of scientific and technological activities. The importance of these tasks—and the clear need for an international approach to technical problems with global implications—argues for the most effective possible organization and coordination of various international agencies concerned. As a step in this direction, I proposed in a recent message to the Congress the creation of a United Nations Fund for the Environment to foster an international attack on environmental problems. Also, I believe the American scientific community should participate more fully in the science activities of international agencies.

To further these objectives, I am taking steps to initiate a broad review of United States involvement in the scientific and technological programs of international organizations and of steps that might be taken to make United States participation in these activities more effective, with even stronger ties to our domestic programs.

Finally, I would emphasize that United States science and technology can and must play an important role in the progress of developing nations. We are committed to bring the best of our science and technology to bear on the critical problems of development through our reorganized foreign assistance programs.

A NEW SENSE OF PURPOSE AND A NEW SENSE OF PARTNERSHIP

The years ahead will require a new sense of purpose and a new sense of partnership in science and technology. We must define our goals clearly, so that we know where we are going. And then we must develop careful strategies for pursuing those goals, strategies which bring together the Federal Government, the private sector, the universities, and the States and local communities in a cooperative pursuit of progress. Only then can we be confident that our public and private resources for science and technology will be spent as effectively as possible.

In all these efforts, it will be essential that the American people be better equipped to make wise judgments concerning public issues which involve science and technology. As our national life is increasingly permeated by science and technology, it is important that public understanding grow apace.

The investment we make today in science and technology and in the development of our future scientific and technical talent is an investment in tomorrow—an investment which can have a tremendous impact on the basic quality of our lives. We must be sure that we invest wisely and well.

RICHARD NIXON.

THE WHITE HOUSE, *March 16, 1972.*

INSISTENCE ON COMPLETE LIST OF ALL PRISONERS HELD BY THE NORTH VIETNAMESE, VIETCONG, AND PATHET LAO

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, on Saturday, March 18, Spec5c. James M. Ray will begin his 5th year as a prisoner of the Vietcong. Specialist Ray is only 22 years old and was only 18 when captured.

I received a letter from his father today which sums up better than I ever could the suffering and torment our captured servicemen must endure every day. It also points out the suffering of the prisoners' families, especially the families of those men who are listed as missing in action. Even though the Vietcong have never acknowledged the capture of Specialist Ray, a fellow prisoner who escaped in 1969 told his family that Jimmy was alive. Mr. Speaker, the following letter from Jimmy's father points out the need for our Government to insist on a complete list of all prisoners held by the North Vietnamese, Vietcong, and Pathet Lao. The letter is as follows:

ENCINO, CALIF.,
March 15, 1972.

HON. G. V. (SONNY) MONTGOMERY,
Washington, D.C.

DEAR CONGRESSMAN MONTGOMERY: March 18, 1972 will mark the beginning of my 22-year old son's fifth year as a prisoner of war. Our family has not forgotten him neither will we allow Madame Binh and the National Liberation Front to do so.

By day he is chained to a tree, at night he is kept in an underground pit. His diet consists of one cup of rice a day and medical care is minimal. For the past four years the Viet Cong have refused to acknowledge him or the many other men they hold captive—even though a prisoner escaped from his camp in April, 1969. He indicated my son was one of the three healthiest in the group, both mentally and physically; despite the fact that the National Liberation Front has refused him the basic requirements of the Geneva Convention. The Viet Cong treat Specialist 5 James M. Ray as an American and a serviceman—but not as a human being.

Courage, brotherhood and faith will never become just words to him. Jimmy will bring back memories of men striving to pull a fellow prisoner from the depths of despair and depression. He'll understand that kinship which emerges from one human being's concern for another.

Also, he will have learned, all too well, of man's inhumanity to man. The Viet Cong have disregarded every civilized rule set down through the ages. If this is the sort of cruelty he went over there to alleviate, then it was worth it. Perhaps Jimmy's suffering may prevent his son from having to undergo years of living hell. Someday the world may realize that brotherhood and humanitarianism are not just words—they are commitments.

Sincerely,

CHARLES J. RAY.

U.S. ASSISTANCE PROGRAM IN CAMBODIA

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, at 11:30 last night there was knock at the door of my house in Washington.

A State Department official entered from the dark of night bearing photocopy of an extraordinary document signed Richard M. Nixon.

The timing of my midnight visitor's visit was no coincidental.

On February 9, 1972, I wrote a letter, as chairman of the Foreign Operations and Government Information Subcommittee, requesting the country field submissions for Cambodia for the fiscal years 1972 and 1973 and mentioned the section of the Foreign Assistance Act which provides that in the event of denial of information to the Congress money for that foreign aid program will cease 35 days after such request unless the President himself invokes the doctrine of Executive privilege.

That 35-day period expired at midnight last night.

Thirty minutes before the deadline, my midnight visitor delivered to me a photocopy of the document whereby Mr. Nixon asserted this doctrine.

The Committee on Government Operations, through its duly-constituted subcommittee with jurisdiction over U.S. economic assistance programs abroad, is now unable to comply with our mandate from the House of Representatives to study the economy and efficiency of such government activities at all levels.

On March 3, I advised Secretary of State Rogers of the possible implications of withholding information from Congress on the Cambodian aid program. I said at that time:

> This position can only raise questions in the minds of Members of Congress and the public that the Executive Branch is trying to hide something it is either ashamed of or unable to defend.

Now that this action to deny Congress this information actually has been taken, I feel impelled to raise a question.

"Could it be that the administration is trying to cover up the possible diversion of economic assistance funds for military uses when these funds were specifically appropriated by Congress to support the civilian economy with essential commodity imports?"

Others might logically ask whether there is any connection between this refusal and the new dictatorship which has been established in Cambodia?

I think the American public and Congress have a right to know the answers.

We have never been refused this document—the country field submission—under the past three administrations until now. We always have respected the proper security classifications. Since 1964 we have examined at least nine Country field subcommissions for East Asia and numerous others for other nations in other parts of the world.

So what is so special about the documents for Cambodia? What is it that the White House cannot share with the Congress—the duly-elected representatives of the American people?

I include a copy of the President's memorandum at this point in the RECORD:

THE WHITE HOUSE,
Washington, D.C., March 15, 1972.

Memorandum for the Secretary of State, the Director, United States Information Agency

As you know, by a memorandum of August 30, 1971 to the Secretary of State and the Secretary of Defense, I directed "not to make available to the Congress any internal working documents which would disclose tentative planning data on future years of the military assistance program which are not approved Executive Branch positions." In that memorandum, I fully explained why I considered that the disclosure of such internal working papers to the Congress would not be in the public interest.

I have now been informed that the Senate Foreign Relations Committee and the House Foreign Operations and Government Information Subcommittee have requested basic planning documents submitted by the country field teams to the United States Information Agency and the Agency for International Development, and other similar papers. These documents include at USIA Country Program Memoranda and the AID fiscal year 1973 Country Field Submission for Cambodia, which are prepared in the field for the benefit of the agencies and the Department of State and contain recommendations for the future.

Due to these new requests for documents of a similar nature to those covered by my August 30, 1971 directive, I hereby reiterate the position of this Administration so that there can be no misunderstanding on this point.

My memorandum for the Heads of Executive Departments and Agencies, dated March 24, 1969, set forth our basic policy which is to comply to the fullest extent possible with Congressional requests for information. In pursuance of this policy, the Executive Departments and Agencies, have provided to the Congress an unprecedented volume of information. In addition, Administration witnesses have appeared almost continuously before appropriate Committees of the Congress to present pertinent facts and information to satisfy Congressional needs in its oversight function and to present the views of the Administration on proposed legislation.

The precedents on separation of powers established by my predecessors from first to last clearly demonstrate, however, that the President has the responsibility not to make available any information and material which would impair the orderly function of the Executive Branch of Government, since to do so would not be in the public interest. As indicated in my memorandum of March 24, 1969, this Administration will invoke Executive Privilege to withhold information only in the most compelling circumstances and only after a rigorous inquiry into the actual need for its exercise.

In accordance with the procedures established in my memorandum of March 24, 1969, I have conducted an inquiry with regard to the Congressional requests brought to my attention in this instance. The basic planning data and the various internal staff papers requested by the Senate Foreign Relations Committee and the House Foreign Operations and Government Information Subcommittee do not, insofar as they deal with future years, reflect any approved program of this Administration, but only proposals that are under consideration. Furthermore, the basic planning data requested reflect only tentative intermediate staff level thinking, which is but one step in the process of preparing recommendations to the Department Heads, and thereafter to me.

I repeat my deep concern, shared by my predecessors, that unless privacy of preliminary exchange of views between personnel of the Executive Branch can be maintained, the full frank and healthy expression of opinion which is essential for the successful administration of Government would be muted.

Due to these facts and considerations, it is my determination that these documents fall within the conceptual scope of my directive of August 30, 1971 and that their disclosure to the Congress would also, as in that instance, not be in the public interest.

I, therefore, direct you not to make available to the Congress any internal working documents concerning the foreign assistance program or international information activities, which would disclose tentative planning data, such as is found in the Country Program Memoranda and the Country Field Submissions, and which are not approved positions.

I have again noted that you and your respective Department and Agency have already provided much information and have offered to provide additional information including planning material and factors relating to our foreign assistance programs and international information activities. In implementing my general policy to provide the fullest possible information to the Congress, I will expect you and the other Heads of Departments and Agencies to continue to make available to the Congress all information re-

lating to the foreign assistance program and international information activities not inconsistent with this directive.

RICHARD NIXON.

OIL ASSOCIATION PRICE PLEA PROBED

(Mr. CONTE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONTE. Mr. Speaker, I would like to draw the attention of the body to an article which appeared in March 14 Washington Post, entitled "Oil Association Price Plea Probed."

According to the article, the Independent Petroleum Association of America last Friday wrote a letter to the Price Commission to urge an increase of about 25 percent in the price of crude oil. The involvement by a trade association in pricing matters has always been considered a violation of our antitrust laws.

I am dismayed that this apparent violation was aimed at effecting an increase in fuel prices. Consumers throughout the country, and especially those in the Northeast, are already paying an unconscionable amount for fuel. Yes, our consumers are suffering; and as they suffer, the oil producers continue to grow rich.

The oil producers already wield unparalleled political pressure in this country. I have taken this floor many times to point out that the Congress and the administration, under both Democratic and Republican leadership, have given the oil producers every break imaginable. Oil import quotas and State agency regulation of production keep the supply down and thereby force prices up. Tax loopholes prevent the return of a fair share of the profits to the Treasury. The Justice Department has chosen to ignore the anticompetitive acquisition by the oil companies of other energy sources, such as coal and uranium.

And now we have the IPAA, a powerful trade association, attempting to influence the Price Commission's decisions with respect to crude oil.

The Post article reports that the Justice Department is investigating IPAA's involvement as a possible violation of the antitrust laws. I hope, for the sake of our consumers, that the Justice Department has indeed decided to take action. I urge the Department to spare no effort in pursuing this matter and I hope my colleagues will join me in this appeal.

APPROPRIATIONS FOR HEALTH PROGRAMS

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 60 minutes.

Mr. MICHEL. Mr. Speaker, this body will, during the next few weeks, be considering the various appropriations bills that will provide funds for operating the Federal Government during fiscal 1973. Substantial amounts for health programs will be included in these measures.

According to a study of "The Budget of the United States" which I have just completed, obligations for the numerous health programs administered by the executive branch totaled $21,412,218,000 during fiscal 1971 and are estimated at $24,887,482,000 during fiscal 1972. The President has requested $26,716,189,000 for fiscal 1973, which begins in a little over 3 months. These sums do not include health funds that are not separated from nonhealth funds in the budget.

More than $21.3 billion, the bulk of the $26.7 billion asked for 1973, has been earmarked for the Department of Health, Education, and Welfare. Congress will soon have the opportunity to work its will on the appropriations bill that provides funds for that Department—along with the Department of Labor—as well as on the various funding measures that provide money for health programs outside the jurisdiction of Health, Education, and Welfare.

Mr. Speaker, the previously mentioned study, which I will place in the RECORD at the conclusion of my remarks, should interest those of my colleagues who are convinced that the Federal Government is not spending enough on health, as well as those who feel that there is a good deal of fat in some of the programs. In any event, I hope they will take a good look at the figures contained in the study, and bear in mind that the money to finance the numerous health programs can come from only one source—the taxpayers.

The study follows:

EXECUTIVE OFFICE OF THE PRESIDENT

[In thousands of dollars]

Special Action Office for Drug Abuse Prevention	1971 actual	1972 estimate	1973 estimate
Salaries and expenses:			
Coordination of drug abuse programs		2,850	6,556
Change in selected resources		150	300
Total obligations		3,000	6,856

The Special Action Office for Drug Abuse Prevention was established to focus the resources of the Federal Government and bring them to bear on solving the drug abuse problem in the Nation.

The Special Action Office is developing a national strategy for the reduction of drug addiction and drug abuse in the United States. The Office will develop drug abuse programs, set program objectives and priorities, develop guidance, policies, and standards for operating agencies, and evaluate all Federal drug abuse programs.

FUNDS APPROPRIATED TO THE PRESIDENT

[In thousands of dollars]

Appalachian regional development programs	1971 actual	1972 estimate	1973 estimate
Demonstration health projects	36,372	55,129	48,000

Grants are made for the construction, equipping, and operation of multicounty demonstration health facilities, including hospitals, regional health diagnostic or treatment centers, and other facilities. Emphasis will be given to programs for child development and nutrition and to continued operational assistance for health activities in selected demonstrations within the Appalachian region.

[In thousands of dollars]

Number of projects (cumulative)	1971 actual	1972 estimate	1973 estimate
Health operations	198	258	293
Construction	77	95	103
Child development	41	65	75
Annual obligations	40,540	55,129	48,000

FOREIGN ASSISTANCE

[In thousands of dollars]

International development assistance	1971 actual	1972 estimate	1973 estimate
Informational foreign currency schedules:			
Financing activities related to maternal welfare, child health and nutrition, and problems of population growth	1,782	14,052	8,428
Financing activities related to animal or plant pest control	527	14,800	500

Portions of the foreign currencies from the sale of agricultural commodities under Public Law 83–480 are allocated to the Agency for International Development to finance activities related to maternal welfare, child health and nutrition, population growth, and plant or pest control.

OFFICE OF ECONOMIC OPPORTUNITY

[In thousands of dollars]

Economic opportunity program	1971 actual	1972 estimate	1973 estimate
Health and nutrition	167,322	179,200	152,000

In 1973, the health services program will continue the exploration of more effective ways of organizing, delivering, and financing comprehensive health care in poverty areas. Efforts will be made to make fuller use of allied health personnel in order to increase efficiency and to prepare members of low-income groups to assume leadership and management responsibilities. Family planning activities will be continued, as will emergency food and medical services projects for Indians and migrants only. As needed other emergency food and medical services outreach will continue the phase-over to Agriculture's food stamp program begun in 1972. Drug rehabilitation will be expanded, extending a program to be increased significantly during 1972. Funds will be used to support diverse approaches to treatment in cooperation with the special action office on drug abuse programs. The Office of Economic Opportunity will have a major role in undertaking specialized research and demonstration projects conducted in conjunction with a nationwide evaluation program of Federal drug abuse activities.

The request for the Department of Health, Education, and Welfare, reflecting transfer of responsibility, includes $21,000,000 to extend comprehensive health projects, $10,000,000 for family planning projects, and $3,000,000 for a drug rehabilitation project currently administered by the Office of Economic Opportunity.

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Research:			
Research and development on the eradication of narcotic-producing plants		2,100	2,100
Coordination of departmental and interdepartmental activities related to pests and their control	64	158	158
Plant and animal disease and pest control:			
Plant disease and pest control	38,781	12,899	
Animal disease and pest control	56,311	32,725	
Pesticides regulation	2,453		

Research and development on the eradication of narcotic-producing plants. Research under this activity was started in 1972. The research conducted under this activity is directed toward the development of technology for the detection and destruction of illicit growth of narcotic-producing plants without adverse ecological effects. The development of this eradication technology is carried out in cooperation with research institutions in foreign countries.

Coordination of departmental and interdepartmental activities related to pests and their control. The 1973 estimates provide for the availability of $158,000 for the use by the Secretary to meet emergency situations relating to the safe use of pesticides. The project provided for coordination with the Department of Health, Education, and Welfare, the Department of the Interior, the Environmental Protection Agency, and other agencies of the Federal Government in development of measures to protect the public health, producers, and resources.

Plant and animal disease and pest control. The regulatory and control activities previously carried out under this subappropriation item by the Agricultural Research Service were transferred to the Animal and Plant Health Service which was established effective October 31, 1971. Narrative statements describing the programs and performance of these activities are included under Animal and Plant Health Service. The level of costs, financing, and outlays relating to obligations incurred under these activities prior to October 31, 1971, are included under this account.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements:			
Plant and animal disease and pest control	2,382	808	
Miscellaneous trust funds:			
Expenses and refunds, inspection, certification, and quarantine of animal products	22	4	
Expenses, feed, and attendants for animals in quarantine	216	46	
Miscellaneous contributed funds	1,253	706	301
Prior year advances returned	10	9	
Total program costs, funded	1,501	765	301
Change in selected resources	−9	8	−26
Total obligations	1,492	773	275

The following services are financed by fees and miscellaneous contributions advanced by importers, manufacturers, States, organizations, individuals, and others.

Expenses and refunds, inspection, certification, and quarantine of animal products and byproducts not intended for human food, and for other purposes, moving in interstate and foreign commerce primarily to prevent introduction and spread of animal diseases. Fees are paid in advance for services to be rendered.

Expenses, feed, and attendants for animals in quarantine are paid from fees advanced by importers.

Miscellaneous contributed funds received from States, local organizations, individuals, and others are available for work under cooperative agreements on miscellaneous farm, utilization, and marketing research activities, plant and animal quarantine inspection, and cooperative plant and animal disease and pest control activities.

ANIMAL AND PLANT HEALTH SERVICE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Plant disease and pest control		31,079	42,231
Animal disease and pest control		38,863	57,783
Construction of facilities			1,600
Contingencies		1,500	1,500
Total program costs, funded		71,442	103,114
Change in selected resources		278	780
Total obligations		71,720	103,894

The Service was established on October 31, 1971. The programs of the Service were formerly conducted by the Agricultural Research Service.

The major objective of the Service is to protect the animal and plant resources of the Nation, through a series of plant and animal disease and pest control programs, and through cooperation with States and local agencies and foreign governments. Costs, financing, and outlays relating to obligations incurred prior to October 31, 1971, are included under Agricultural Research Service; related level of activity data are included below for comparative purposes.

Plant disease and pest control. Programs are designed to keep out of this country by inspection at ports of entry those harmful insects, plant diseases, nematodes, and other pests that cause great damage abroad. Working with the States, programs are conducted to eradicate or prevent spread of crop pests that become established in this country. Assistance is given to the States to suppress incipient and emergency outbreaks of crop pests. The 1973 program includes an increase for agricultural quarantine inspection and pest management.

Animal disease and pest control. Programs are conducted to keep communicable diseases of foreign origin from entering this country and to prevent the spread of disease through interstate shipments of livestock or distribution of impure or impotent veterinary biologics. Other programs are directed at the control and eradication of livestock diseases. The animal welfare program is concerned with the humane care and handling of approximately 40,000,000 warm-blooded animals. The 1973 estimates propose a program to detect and combat African swine fever. The estimates propose increases for a cooperative screw-worm eradication program in Mexico, animal welfare, veterinary biologics, and a decrease in the hog cholera eradication program.

The level of activities for the major control programs on animal diseases and pests is as follows:

	1971 actual	1972 estimate	1973 estimate
Brucellosis:			
Certified free States, plus Virgin Islands	23	28	30
Modified certified States, plus Puerto Rico	28	24	22
Herds tested (thousands):			
Blood tests	253	240	225
Milk ring tests	1,122	1,100	1,050
Hog cholera:			
Hog-cholera-free States	21	40	52
Suspicious outbreaks reported	4,647		
Outbreaks confirmed	418		
Tuberculosis:			
Modified accredited States, plus Puerto Rico and Virgin Islands	51	51	52
Cattle tested (thousands)	3,800	3,800	3,800
Scabies:			
Sheep inspected (millions)	8	7	6
Cattle inspected (millions)	23.2	22.0	22.0
Screw worm:			
Sterile flies released (millions)	7,051	7,100	7,000
Cases in United States outside of barrier	15	140	20
Cases in United States part of barrier	157	400	400
Cases in Mexico part of barrier	5,328	10,000	7,000
Salmonella: States with cooperative rendering plant programs, plus Puerto Rico	51	51	51
Ticks: Cattle inspected (millions)	1.5	1.5	1.5
Veterinary biologics:			
Serials produced	11,844	12,000	12,000
Serials potency tested	2,181	2,200	2,200
Serials sterility test	3,922	4,000	4,000
Public stockyards inspection: Animals inspected (millions)	37.1	36.8	36.4

The level of activities for animal inspection and quarantine is as follows:

	1971 actual	1972 estimate	1973 estimate
Import inspection, animals (thousands)	1,104	1,100	1,150
Animal welfare:			
Research facilities inspected	11,291	13,145	22,500
Laboratory animal dealers inspected	2,886	3,250	9,600
Wholesale pet dealers inspected		1,950	7,800
Zoos inspected (public)		400	1,080
Zoos inspected (private)		2,400	9,600
Circuses, carnivals, and exhibitions inspected		400	1,680
Horse shows inspected		50	287

Construction of facilities. The 1973 program provides increases for planning an offshore animal quarantine station and a veterinary biologic facility. Construction of an animal import center at Floyd Bennett Field, Brooklyn, New York, is planned for 1973.

Contingencies. Of the total annual amounts provided under this appropriation, $1,500,000 is apportioned for the control of outbreaks of insects, plant diseases, and animal diseases to the extent necessary to meet emergency conditions.

[In thousands of dollars]

Animal quarantine station	1971 actual	1972 estimate	1973 estimate
Construction of facilities		50	471
Change in selected resources		80	−80
Total obligations		130	391

Public Law 88–592 authorized the sale of the Animal Quarantine Station at Clifton, New Jersey, to the city of Clifton, and application of the proceeds of sale to the planning and construction costs of a new station in the New York-New Jersey port and airport area. A sales contract between the Department and the city of Clifton was executed at the appraised value of $527,000. An additional $1,500,000 was provided in 1970 under the subappropriation Plant and animal disease and pest control, now redesignated Animal and Plant Health Service, for the remainder of the total cost of $2,027,000 for the new station.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements:			
Plant and animal disease and pest control		2,043	3,121
Miscellaneous services to other accounts		20	22
Agency for International Development		71	106
Total obligations		2,134	3,249
Miscellaneous trust funds:			
Expenses and refunds, inspection, certification, and quarantine of animal products		16	20
Expenses, feed, and attendants for animals in quarantine		129	189
Miscellaneous contributed funds		693	656
Prior year advances returned		11	
Total programs costs, funded		849	865
Change in selected resources		15	−14
Total obligations		864	851

The following services are financed by fees and miscellaneous contributions advanced by importers, manufacturers, States, organizations, individuals, and others.

Expenses and refunds, inspection, certification, and quarantine of animal products and byproducts not intended for human food, and for other purposes, moving in interstate and foreign commerce primarily to prevent introduction and spread of animal diseases. Fees are paid in advance for services to be rendered.

Expenses, feed, and attendants for animals in quarantine are paid from fees advanced by importers.

Miscellaneous contributed funds received from States, local organizations, individuals, and others are available for plant and animal quarantine inspection, and cooperative plant and animal disease and pest control activities.

FOREST SERVICE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Construction and land acquisition: Pollution abatement	3,905	16,569	26,690

To provide for bringing water and air pollution control at existing recreation, research, fire, and administrative facilities to the quality standards adopted pursuant to the Federal Water Pollution Control Act, as amended, the Clean Air Act, as amended, or as prescribed pursuant to Executive Order 11507 (1970).

DEPARTMENT OF COMMERCE

PROMOTION OF INDUSTRY AND COMMERCE

[In thousands of dollars]

National Industrial Pollution Control Council	1971 actual	1972 estimate	1973 estimate
Salaries and expenses:			
Administrative expenses	294	307	301
Change in selected resources	4	3	9
Total obligations	298	310	310

The National Industrial Pollution Control Council advises on programs of industry relating to the quality of environment. In particular, it surveys and evaluates the plans and actions of industry in the field of environmental quality; identifies and examines problems of the effects on the environment of industrial practices and the needs of industry for improvements in the quality of the environment, and recommends solutions to those problems; provides liaison among members of the business and industrial community on environmental quality matters; encourages the business and industrial community to improve the quality of the environment; and advises on plans and actions of Federal, State, and local agencies involving environmental quality policies affecting industry which are referred to it by the Secretary of Commerce, or by the Chairman of the Council on Environmental Quality through the Secretary.

DEPARTMENT OF DEFENSE—MILITARY

[In thousands of dollars]

Operation and maintenance	1971 actual	1972 estimate	1973 estimate
Army National Guard: Medical support	33	969	1,088

DEPARTMENT OF DEFENSE—MILITARY

[In thousands of dollars]

Operation and maintenance	1971 actual	1972 estimate	1973 estimate
Air National Guard: Medical support	560	700	730

DEPARTMENT OF DEFENSE—MILITARY

[In thousands of dollars]

Operation and maintenance	1971 actual	1972 estimate	1973 estimate
Informational foreign currency schedule value of goods and services provided by the Berlin Magistrat (for occupation costs and mandatory expenditures): Medical activities	1,021	588	725

Note: A great deal of money is provided for "Medical" under "Department of Defense—Military" that is not isolated from other budget items.

REVOLVING AND MANAGEMENT FUNDS

[In thousands of dollars]

Air Force stock fund	1971 actual	1972 estimate	1973 estimate
Medical-dental	57,060	58,015	56,953

[In thousands of dollars]

Defense stock fund	1971 actual	1972 estimate	1973 estimate
Medical and dental material	182,460	190,000	192,000

DEPARTMENT OF DEFENSE—CIVIL

[In thousands of dollars]

Soldiers Home	1971 actual	1972 estimate	1973 estimate
Operation and maintenance: Medical care	4,863	5,109	5,076

A hospital operated as part of the Home cares for the daily average patient loads shown below. In addition, certain members will receive specialized care at other hospitals.

THE PANAMA CANAL

[In thousands of dollars]

Operating expenses	1971 actual	1972 estimate	1973 estimate
Health and sanitation:			
Hospitals and clinics	14,743	15,765	16,812
Other public health services	2,787	2,982	3,224

Hospitals and clinics. Two general medical and surgical hospitals, with outpatient clinics, are maintained and operated to furnish medical care to eligible civilian and military personnel. A neuropsychiatric and domiciliary hospital and a leprosarium also are operated and maintained.

AVERAGE NUMBER OF INPATIENTS PER DAY

[Excluding newborns]

	1971 actual	1972 estimate	1973 estimate
General hospitals	269.3	271.9	271.9
Canal Zone Mental Health Center	149.1	146.2	155.5
Palo Seco Hospital (leprosarium)	57.0	52.0	48.0
Total number of inpatients (daily average)	475.4	470.1	475.4

Other public health services. This provides for communitywide public health services, sanitation, and quarantine work in the Canal Zone and for ships calling at its ports and transiting the Canal, inspection of food processing establishments, and facilities for animal care and quarantine.

CAPITAL OUTLAY

[In thousands of dollars]

Civil functions	1971 actual	1972 estimate	1973 estimate
Public areas and facilities:			
Construction of seweage pollution controls		400	750
Health and sanitation:			
Replace and add equipment	365	531	354
Hospitals and clinics: improvements and rehabilitations to health facilities	93	817	542
Prior year projects	232	60	

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[In thousands of dollars]

Food and Drug Administration	1971 actual	1972 estimate	1973 estimate
Food, drug, and product safety:			
Foods	41,247	43,363	57,510
Drugs and devices	41,113	40,767	45,157
Product safety	6,500	18,738	32,178
Program direction and management services	7,452	7,258	9,179
Total program costs, funded	96,312	110,126	144,024
Change in selected resources	−8,866		
Total obligations	87,446	110,126	144,024

The Food and Drug Administration enforces laws which are designed to protect the public from dangerous, misbranded, and adulterated foods, drugs, and cosmetics, and from unnecessary exposure to man-made sources of radiation. Other products regulated by FDA include medical devices, toys, and hazardous substances.

Foods. FDA is responsible for insuring the safety, quality, and nutritional adequacy of the country's food supply. The agency conducts intramural and extramural studies to evaluate health and nutrition factors, sets standards for classes of foods, and reviews industry petitions for the use of additives and establishes tolerances to these substances. FDA defines good manufacturing practices and works to receive voluntary compliance with these guidelines. In addition, FDA inspects food establishments to insure that products are manufactured and distributed properly, collects and analyzes samples of food products to verify that the items are safe, wholesome, and properly labeled, and takes regulatory actions when necessary to obtain compliance with the law. Research and training grants are awarded to universities, qualified nonprofit organizations, and State agencies to identify and evaluate harmful properties in food, and to develop and improve methods to detect and prevent food contamination.

The 1973 request will fund expanded domestic and imported food inspection programs, complete teratogenic and mutagenic tests for numerous additional substances currently identified as generally recognized as safe, initiate major comparative pharmacology studies, and develop new methods and techniques to detect and evaluate problems associated with substances such as mycotoxins, heavy metals, and industrial chemicals.

Drugs and devices. FDA's responsibilities are to insure that drugs and therapeutic devices are safe and effective for their intended uses. The agency evaluates all new human and veterinary drugs prior to marketing, reviews reports from industry and the medical profession to learn about adverse reactions or other problems associated with marketed drugs and devices, and conducts intramural and extramural research to identify new problems. FDA inspects manufacturers, analyzes samples, and takes necessary regulatory action to insure compliance with legal requirements.

The 1973 request will enable FDA to develop criteria for measuring the safety and efficacy of a number of classes of nonprescription drugs, continue the classification of medical devices, and implement a national drug monitoring system. The agency will conduct research on the effects of several new drug classes in producing residues in meat.

Product safety. FDA utilizes research, surveillance, regulatory actions, and cooperative efforts with industry to minimize hazards associated with toys, household chemicals, cosmetics, and other consumer products, and to eliminate unnecessary exposure to man-made sources of radiation. Surveillance of firms and products and mandatory and voluntary standards are directed toward achieving an adequate national product safety control program. Also, research and training grants are awarded to universities and other eligible institutions to detect harmful ingredients in consumer products, identify products most often associated with accidents, identify radiation problems, and evaluate exposure to radiation.

The 1973 request will enable FDA to establish product standards and to conduct an increased number of inspections and sample examinations. The agency will be able to review and investigate more injury and poisoning reports, and will expand its capability to collect, process, and analyze product safety data. FDA will enforce radiation emission performance standards for several products, expand efforts to improve X-ray equipment and use procedures, and conduct research to determine the effects of RF-microwave radiation exposure.

Program direction and management services. This activity includes FDA's executive and administrative functions: the establishment of policy, the formulation and promulgation of agencywide plans and directives, the allocation and control of resources, the evaluation of program performance, the maintenance of liaison with other Government agencies, the coordination of FDA's international activities, and the support of FDA's operating units in the areas of financial management, mail and records, printing and distribution, facilities management, supply management, management services, personnel, and training.

BUILDINGS AND FACILITIES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Laboratory construction		16,500	
Repairs and improvements	56	2,997	5,000
Total program costs, funded	56	19,497	5,000
Change in selected resources		2,000	
Total obligations	56	21,497	5,000

This appropriation provides funds for continuing projects related to the planning, construction, repair, and improvements of all buildings and facilities of the Food and Drug Administration.

A major effort in 1973 will involve the renovation and improvement of facilities at the National Center for Toxicological Research to significantly increase laboratory space and test animal holding areas.

REVOLVING FUND FOR CERTIFICATION AND OTHER SERVICES

[In thousands of dollars]

Operating costs, funded	1971 actual	1972 estimate	1973 estimate
Certification services:			
Antibiotics	3,511	3,601	3,662
Color additives	632	644	655
Insulin	77	79	82
Establishment of tolerances:			
Pesticides	113		
Total operating costs	4,333	4,324	4,399
Capital outlay, funded:			
Purchase of equipment	80	93	93
Total program costs, funded	4,413	4,417	4,492
Change in selected resources	22		
Total obligations	4,435	4,417	4,492

The Food and Drug Administration certifies batches of antibiotics, insulin, and color additives for use in foods, drugs, or cosmetics; it also lists color additives for use in foods, drugs, and cosmetics. Their services are financed wholly by fees paid by the industries affected.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and Reimbursements: Food, drug, and product safety	326	624	66

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

[In thousands of dollars]

Mental health	1971 actual	1972 estimate	1973 estimate
Research:			
Grants	74,134	97,400	101,400
Direct operations	22,964	42,151	43,268
Total research	97,098	139,551	144,668
Manpower development:			
Training grants and fellowships	98,406	120,050	105,050
Direct operations	4,561	10,353	9,141
Total, manpower development	102,967	130,403	114,191
State and community programs:			
Community mental health centers:			
Construction	17,913	5,200	9,800
Staffing	79,150	135,100	135,100
Narcotic addiction	29,291	78,523	93,431
Alcoholism:			
Project	7,921	38,297	48,193
Grants to States		30,000	30,000
Mental health of children		10,000	10,000
Direct operations	2,778	6,816	7,239
Total, State and community programs	128,053	303,936	333,763
Rehabilitation of drug abusers	16,851	13,323	13,926
Program support activities:			
Field activities	2,616	3,739	4,015
Scientific communication and public education	4,496	5,803	5,798
Executive direction and management services	5,306	5,775	5,769
Total, program support activities	12,418	15,317	15,582
Total program costs, funded	357,387	602,530	622,130
Change in selected resources	64,055		
Total obligations	421,442	602,530	622,130

Research. Grants. There are two major grant programs included in this subactivity. First, the regular research grants program provides support on a project basis for behavioral, clinical, psychopharmacology, and applied research. The 1973 increase will support grants in areas of special interest such as drug abuse, alcoholism, child mental health, minority mental health, crime and delinquency, and services development research. Approximately 1,485 grants will be supported in 1973, including 455 grants for the special interest areas. Second, the hospital improvement program supports project grants to State mental hospitals for improvement in the care, treatment, and rehabilitation of patients. This program will support 71 projects in 1973. $6,000,000 formerly included in this category for drug abuse research grants are now included in

Direct operations (the next paragraph) for drug abuse research contracts.

Direct operations. The funds in this subactivity will support laboratory and clinical research in the behavioral and biological sciences; for example, psychiatry, socioeconomic studies, health problems of narcotic addiction, alcoholism, neuropharmacology, and clinical psychopharmacology. This subactivity also supports Institute staff who are responsible for the planning, development, and administration of the grant programs identified in the preceding paragraph. A portion of the funds is used to support research on a contract basis. One such activity is the marihuana contract program designed to determine the behavioral and biological effects of marihuana. Payments to the National Institutes of Health management fund are also supported in this subactivity. For 1972 and 1973, funds to operate the Clinical Research Center at Lexington, Kentucky, formerly presented in Rehabilitation of drug abusers will be included here.

Manpower development. Training grants and fellowships. Training grants are made in the key mental health disciplines such as psychiatry, behavioral sciences, psychiatric nursing, and social work, as well as in auxiliary and related areas. In 1973, the Institute will support a total of 1,700 awards with priority consideration to training programs which stress child mental health, crime and delinquency, alcoholism, and drug abuse, and training of mental health paraprofessionals. Fellowships are awarded to individuals who are committed to research careers relative to mental health and who propose to undertake full-time research training. A total of 657 fellowships will be supported in 1973.

Direct operations. The funds in this subactivity support Institute staff who are responsible for planning and administration of the national mental health manpower program, including mental health manpower studies and the development of training programs for paraprofessionals. Contracts to train individuals to work with drug abusers will be supported. A portion of the funds also supports a program for training psychiatrists for careers in the Federal Government.

State and community programs. Community mental health centers. Construction. Grants provide matching support to local, State, and private agencies for the construction and renovation of public and nonprofit community mental health centers. Funds are allocated to the States on a formula basis. Funds appropriated in 1972 will be obligated in 1972 and 1973.

Staffing. Grants are awarded to community mental health centers for partial support of the salary costs of professional and technical personnel. In 1973, 22 new projects will be funded bringing to 562 the total number of centers funded of which 422 will be operational.

Narcotic addiction and Alcoholism. The funds in these activities support a variety of programs to assist communities to prevent and control narcotic addiction and alcoholism. They are as follows:

Staffing grants. These awards provide support for a portion of the salary costs of professional and technical personnel to staff comprehensive community centers for the treatment of alcoholism, narcotic addiction, and drug abuse.

Special projects. These support the development of training programs or materials relating to the provisions of public health services for the prevention and treatment of alcoholism and narcotic addiction; training personnel to administer such services; conducting surveys and field trials to evaluate the adequacy of alcohol and narcotic addiction programs; and programs for treatment and rehabilitation of narcotic addicts and drug abusers which the Secretary determines are of special significance.

Service projects for narcotic addicts. These grants provide support on a matching basis to public and nonprofit agencies to meet the costs of detoxification services, institutional services, or community based aftercare services.

Drug abuse education. Funds in this subactivity are used to provide grants and contracts for the development of educational programs, materials, and manpower in the area of drug abuse and its prevention, and to coordinate program activities among participating agencies, departments, and instrumentalities of the Federal Government with respect to the health education aspects of drug abuse.

Planning and initiation grants. These support projects are awarded to plan or develop narcotic addiction, drug abuse, and alcohol treatment services in a particular area.

Consultation services. These grants support the salaries of professional and technical personnel who will be providing consultation services in narcotic addiction and alcohol treatment centers.

Alcohol formula grants. These grants are given to States to enable them to plan, establish, and maintain more effective prevention, treatment, and rehabilitation programs to deal with alcohol abuse and alcoholism.

Mental health of children. This activity supports grants which will improve the quantity and quality of services to children through staffing and training grants. Funds will provide staffing support to existing community mental health centers for establishment or expansion of children's services. Prevention activities are also emphasized.

Direct operations. This subactivity supports Institute staff who administer the community mental health centers program, and the mental health study center. This subactivity also supports the staff costs of the National Institute on Alcohol Abuse and Alcoholism.

Rehabilitation of drug abusers. The funds in this activity support National Institute of Mental Health staff who administer the Institute's narcotic addiction and drug abuse program. Included are activities authorized by the Narcotic Addict Rehabilitation Act of 1966, which provides treatment and rehabilitation to narcotic addicts through contract arrangements with community agencies. Beginning in 1972, funds are included in Research—Direct operations to operate the Clinical Research Center at Lexington, Kentucky.

Program support activities. Field activities. The funds in this subactivity support the National Institute of Mental Health staff located in the Department of Health, Education, and Welfare regional offices and the headquarters staff responsible for coordination of regional programs and the Institute's relationships with other Federal agencies, professional societies, and State and community organizations.

Scientific communication and public education. Included in this activity is the National Clearinghouse for Mental Health Information which collects and disseminates scientific and technical information in the mental health field, and the National Clearinghouse for Drug Abuse Information which gives the public a central office within the Federal Government to contract for information and assistance concerning this social problem. Other public information and education activities are also supported, including a program directed toward increasing public knowledge about alcohol and alcoholism.

Executive direction and management services. The funds in this subactivity support salaries and related costs of staff responsible for the program planning and evaluation, biometric services, and administrative management of the Institute.

SAINT ELIZABETHS HOSPITAL

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Clinical and community services, total program costs	45, 500	50, 094	56, 166
Unfunded adjustments to total program costs: property, services, or capital assets transferred in without charge	150	150	150
Total program costs, funded	45, 350	49, 944	56, 016
Change in selected resources	36	161	156
Total obligations	45, 314	49, 783	55, 860

Saint Elizabeths Hospital provides treatment and care for the mentally ill who are either beneficiaries of the Federal Government or residents of the District of Columbia. Programs of the hospital are financed by Federal appropriations covering treatment and care of Federal beneficiaries and by reimbursements made to the hospital for services rendered other patient groups, principally residents of the District of Columbia. Federal appropriations to the hospital are of the indefinite type, under which the hospital receives, in appropriated funds, the difference between the amount of reimbursements actually received during the year, for patient care provided by the hospital, and total program costs approved by the Congress for the year.

Treatment programs of the hospital operate on both an inpatient and outpatient basis. Saint Elizabeths operates a security treatment facility and a community mental center, which serves approximately 175,000 persons representing the population of that portion of the southeast quadrant of the District of Columbia which is located south of the Anacostia River.

The hospital conducts a clinical research program for the purpose of obtaining a better understanding of the causes of mental disorders. and of the factors bearing upon their development, treatment, and possible prevention. Saint Elizabeths also provides multidisciplinary clinical training for professional and ancillary personnel engaged in or interested in mental health activities.

Inpatients at Saint Elizabeths Hospital have decreased from 3,547 in 1971 to an estimated 3,150 in 1973 and outpatients have increased during the same period from 2,523 to an estimated 2,750. Also, the community mental health center has had an increase of about 20% in its patient load over the last two years. The center will serve 2,773 patients in 1973.

HEALTH SERVICES PLANNING AND DEVELOPMENT

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Health services research and development:			
Grants and contracts	39, 105	56, 118	58, 018
Direct operations	4, 869	5, 898	6, 325
Comprehensive health planning:			
Planning grants			39, 800
Direct operations			1, 833
Regional medical programs:			
Grants and contracts	45. 408	140, 656	125, 100
Direct operations	7, 395	5, 462	5, 103
Medical facilities construction:			
Construction grants	89, 755	87, 192	175, 221
Interest subsidies		5, 000	22, 800
District of Columbia medical facilities	7, 463	38, 967	
Direct operations	2, 606	2, 883	3, 267

HEALTH SERVICES PLANNING AND DEVELOPMENT—Continued

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Program direction and management services	2,917	2,663	2,650
Total program costs, funded	199,518	344,839	440,117
Change in selected resources	124,503		
Total obligations	324,021	344,839	440,117

This appropriation includes activities which focus on planning and demonstrations aimed at improving the Nation's health care delivery system. The major areas of emphasis are utilization, distribution, quality, and cost of care. These are accomplished through the following programs:

Health services research and development. The National Center for Health Services Research and Development has been established as the principal organization within the Health Services and Mental Health Administration to improve the organization, delivery, and financing of health services by stimulating and supporting research, development, demonstrations, and related training. The major problems in the health care delivery system that are given priority in the National Center's research and development program are: Rising costs of medical care, unequal distribution and utilization of health services, inadequate data for health services planning and decisionmaking at local and national levels, and relative shortages or maldistribution of professional health personnel.

Grants and contracts. Research and development. Grants and contracts are awarded to public or private agencies, academic, and other research organizations to conduct analyses of economic, social, and technological factors which affect the organization, financing, and utilization of health services. Large-scale research and development projects are directed primarily at containing the rate of increase of medical care costs, developing community-based systems for delivering health services, improving the availability, utilization, and quality of care, and developing a cooperative Federal-State-local health statistics system.

Research and development training. Grants and contracts are awarded to institutions and to qualified scholars for supporting research and managerial training in the health services field. A major emphasis in 1973 will be the development of training programs and opportunities in health services planning, implementation, and operation.

Direct operations. This activity provides the staff required to design and direct the National Center's strategic program of research and development. The staff obtains high-level evaluation of all proposals, closely monitors contracts, reviews results, informs the professional community of significant progress, and identifies the next steps in research and development.

Comprehensive health planning. Planning grants. State formula grants. Grants are awarded to States according to a formula based on population and per capita income with no State receiving less than 1% of the total. The purpose is to provide a framework in which health needs and resources can be analyzed and alternative courses of action recommended. Federal financial participation cannot exceed 75% of the costs. Agencies have been established in each of the 50 States, the District of Columbia, and five territories.

State planning agencies have been involved in promoting the development of areawide health planning agencies within their jurisdictions and will continue to work with them toward cooperative accomplishment of mutual objectives. The strengthening and coordination of the work of existing areawide agencies becomes increasingly important as the number of areawide agencies involved in operational planning increases.

The continuing close ties of the State comprehensive health planning programs to the State political, economic, and social systems will facilitate the adoption by the States of recommended planning priorities and recommended alternatives for solution of their problems.

In 1973, the increase of $2,325,000 will allow State agencies to increase professional staffs by approximately 25%. Primary emphasis will be for State agencies to become substantially more involved in assisting the development of new areawide planning agencies and to provide for the establishment of State agency assisted planning councils in rural areas. In addition, continuing emphasis will be placed upon working with areawide agencies toward a joint accomplishment of mutual objectives.

Areawide project grants. Through project grants to public or private nonprofit groups, areawide health planning agencies are established. A community thus has the opportunity to work toward a more coherent and efficient areawide health system aimed at meeting the needs of all segments of the population. Such groups as private health practitioners, hospitals, medical schools, voluntary health agencies, health departments, local governments, consumers, and specialized planning groups, as well as urban or regional general planning agencies, now work through an institutionalized forum to reach agreement on local priorities for facility, service, and manpower development. Federal support cannot exceed 75% of the costs.

The 1973 increase would provide $6,800,000 for the 172 agencies expected to be in operation at that time and $5,100,000 for the support of approximately 100 new agencies and about 30 State assisted comprehensive health planning councils in rural areas. Agencies will be located in areas in which 80% of the Nation's population reside. The increase for the 172 agencies would enable the hiring of over 180 new professional employees, an increase of some 25% over the then expected 700 professionals on agency staffs, and a more than comparable increase in planning operations.

Training project grants. These grants provide support for both long- and short-term training of health planners and consumers.

The increase of $575,000 would enable the graduate programs to increase the level of technical assistance to be provided to the State and areawide agencies and would be directed in part to further emphasis on development of planning for innovative systems for the delivery of health care. In addition, the increase would enable the continuation of demonstration graduate projects and 35 continuing education projects (including consumer projects). About 1,750 health professionals and consumers would receive short-term training and over 400 graduate students would receive long-term training, with approximately 240 expected to graduate with advanced degrees in the spring of 1973.

Direct operations. This activity provides the staff required to direct and administer: Formula grants for State comprehensive health planning; project grants for areawide comprehensive health planning; and project grants for training, studies, and demonstrations for comprehensive health training. The number of areawide planning agencies has increased very rapidly. This increase has been coupled with an escalation in the responsibilities of these agencies. The requested personnel increase would enable the staff to be more responsive to both the State and areawide agencies in providing technical assistance and consultation.

Regional medical programs. Grants and contracts. Through grant awards and direct staff activities, the 56 regional medical programs promote and sustain the development of regional cooperative arrangements among the Nation's health professions and institutions for: Improvement of regionalization of health resources and services and enhancement of the capabilities of providers of care at the community level. These activities are aimed at improving the quality of health care and strengthening the health care system generally throughout the Nation and specifically to improve personal health care for persons threatened by heart disease, cancer, stroke, kidney disease, and related diseases.

In 1973, emphasis will be placed on: Manpower development and utilization programs. Training aimed at enabling existing health manpower to provide more and better care and training of new kinds of health manpower. A significant portion of the 1973 request would be used for these activities including a major new initiative in support of area health education centers.

New techniques and innovative delivery patterns. Activities aimed at improving the accessibility, efficiency, and quality of health care. Through their provider linkages, the regional medical programs will act as catalytic agents for the planning and development of health maintenance organizations, ambulatory and emergency medical care services, particularly for rural areas, and for the application of new technologies, including automated systems and centralization of laboratory facilities.

Regionalization activities. Provider initiated activities leading to greater sharing of health facilities, manpower, and other resources. These activities will include support for comprehensive interregional kidney disease projects.

Development and implementation of quality of care guidelines and performance review mechanisms. Such guidelines and mechanisms are necessary to the development of the new and more effective comprehensive systems of health services such as health maintenance organizations, rural health delivery systems, and emergency health care systems.

Development, demonstration, and application of biomedical and management techniques. Activities aimed at increasing productivity of providers and extending specialized services to areas not currently covered.

Direct operations. This activity provides the staff required to review, process, and award grants and contracts; provides leadership to the regional medical programs to insure that their activities are consistent with national goals; and provides technical and professional assistance for the 56 regional medical programs.

Medical facilities construction. Federal funds are provided by grants or guaranteed loans with interest subsidies to assist States, other public agencies and nonprofit organizations in the construction and modernization of hospitals and other health facilities.

Construction grants. Funds appropriated for construction grants would be used to construct ambulatory care facilities including outpatient facilities, rehabilitation facilities, community mental health centers, facilities to house health maintenance organizations and for comprehensive health care centers which include programs in maternal and child health, family planning, drug abuse prevention and care, and alcoholic rehabilitation. The ambulatory care facilities are needed to reduce the use of expensive hospitalization (and thereby the need for the more costly inpatient facilities) and achieve a better balance of community health care facilities. The $85,000,000 requested for 1973 would generate approximately $340,000,000 worth of health facility construction in more than 240 ambulatory care facility projects. The primary thrust of the program would be to relate service delivery and funding support from other Health Services and Mental Health Administration programs to community health care facilities supported by Hill-Burton wherever possible. Correlation of multiprogram project support involving staffing and service funds with capital funding for facilities would be of the highest priority.

Interest subsidies. Federal support for construction of inpatient health facilities, such as hospitals and long term care centers, would be available through guaranteed loans with interest subsidies for private nonprofit hospitals, and direct Federal loans for facilities owned by public agencies. The $2,500,000 requested for 1973 would, when added to carryover from previous appropriations, permit $605,000,000 worth of loans being guaranteed resulting in 83 projects adding or modernizing over 12,000 acute care or long-term care beds. The amount requested would also permit continued subsidy payment on loans guaranteed in prior years. Funds appropriated for interest subsidies are transferred to the loan guarantee and loan fund from which interest subsidies, direct loans, discharge of guarantee obligations, and other authorized expenses would be paid.

District of Columbia medical facilities. Authorization for this program expires at the end of 1972.

Direct operations. This activity provides the staff required to direct and administer the medical facilities construction program. State agencies are provided technical assistance in determining additional facilities required and developing programs to meet the indicated needs. State plans are reviewed for conformance with planning criteria and guidelines. Assistance is provided to States and communities in the planning, designing, and functioning of hospitals and other health facilities, and proposed projects are reviewed to determine eligibility and compliance with the law and regulations. Project application procedures and policy determinations are coordinated with other HSMHA programs which provide planning, health care delivery, and staffing grants to health care facilities. In addition, the program provides program management assistance and consultation to health facility construction projects assisted under the Federal Housing Administration loan guarantee program and under Sections 202 and 214 of the Appalachian Redevelopment Administration and to rehabilitation facilities assisted under Section 12 of the Vocational Rehabilitation Act.

Program direction and management services. This activity provides for overall executive direction, planning, evaluation, and administrative management of the health planning and development programs.

HEALTH SERVICES DELIVERY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Comprehensive health services:			
Planning grants	22, 865	25, 000	
Grants to States	76, 481	90, 000	90, 000
Health services grants	61, 100	158, 213	116, 200
Migrant health grants	11, 525	17, 950	23, 750
Direct operations	11, 921	19, 002	18, 862
Maternal and child health:			
Grants to States	53, 864	121, 522	125, 678
Project grants	38, 450	92, 008	101, 330
Research and training	6, 650	21, 106	21, 392
Direct operations	2, 986	4, 078	4, 148
Family planning:			
Project grants and contracts	5, 492	94, 815	137, 024
Direct operations	1, 148	1, 438	1, 987
National Health Service Corps		14, 117	14, 803
Patient care and special health services:			
Inpatient and outpatient care	87, 349	89, 640	96, 303
Coast Guard medical services	4, 593	4, 802	5, 105
Federal employees	3, 976	4, 487	4, 498
Payment to Hawaii	1, 200	1, 200	1, 200
Regional office central staff	4, 072	5, 287	5, 281
Program direction and management services	5, 021	5, 341	6, 314
Total program costs, funded	398, 693	770, 006	773, 875
Change in selected resources	208, 741		
Total obligations	607, 434	770, 006	773, 875

This appropriation includes activities which support the provision of personal health care services directly to Federal beneficiaries or indirectly through grants to medically underserved areas. This is accomplished through the following programs:

Comprehensive health services. Grants to States. These bloc grants to State health and mental health authorities assist the States in attacking those health problems they consider of most immediate importance. The State plan for carrying out these programs must be in accord with the overall plans developed by the State comprehensive health planning agency. By statute, at least 15% of these funds must support mental health activities. Additionally, 70% of all funds are to go toward the provision of health services at the local level.

State health and mental health agencies have utilized their funds to assist in the support of a broad range of basic health programs provided at the State and local level. Among these ongoing activities that provide health services to both the general population of the States and to high risk groups within the States are communicable disease control, environmental health programs (including food and drugs, radiological health, sanitary engineering, and vector control), laboratory services, vital statistics, nursing services, and a variety of community mental health services. Some States have used the flexibility of these funds to support new approaches to the delivery of these health programs, others have expanded into new areas of services for their State health agencies, such as family planning, dental, and medical care clinics.

Health services grants. These project grants, awarded to public and nonprofit agencies, provide an effective means for upgrading and expanding the capacity of the ambulatory health services delivery system. This activity permits the Federal Government to be more responsive to health needs of limited geographic scope or of special regional or national significance, and to initiate new health service programs and related training. The programs are directed at two prime underserved areas: Urban poverty neighborhoods and remote rural areas.

Emphasis in 1973 will be placed on improving the management of existing comprehensive health centers and improving the quality of health care. These centers and component projects provide primary ambulatory care services to an estimated 850,000 persons covering an eligible population of approximately 2,700,000.

The 1973 increase provides $20,000,000 for neighborhood health centers formerly funded by the Office of Economic Opportunity.

Migrant health grants. Grants supported under this activity provide primary health care services to migrant agricultural laborers and seasonal farmworkers and their families. The objective of the program is to raise the health level of migrants to that of the general population, and to assure that migrants have access to quality health care services.

In 1973, the program will focus on upgrading at least 50 existing projects strategically located along the migrant streams to maximize their quality and utilization. In areas where provider organizations exist, the program will include funds which can be used in a third party arrangement to assure that the migrants would receive care. In addition, the program will initiate a reporting system to collect information on the extent of health services obtained by migrants and seasonal farmworkers and their families.

Direct operations. This activity provides professional and technical assistance to States, communities, providers of health services, and medical and health organizations in the administration and operation of the grants to States; health services project grants which include comprehensive health centers and family health centers; migrant health projects; and health facility survey improvement programs. This activity participates in the development, strengthening, and revision of Medicare standards.

In 1972, a major effort will be initiated to improve the Nation's nursing homes. Major activities will include an accelerated program of university-based training courses for State health facility surveyors and a program of short-term training courses for approximately 21,000 professional and ancillary health personnel providing services for nursing home patients.

In 1973, the emphasis of this activity will be directed toward aiding the comprehensive health centers in achieving a significant degree of financial independence through the garnering of additional third party reimbursements.

Material and child health services. This program has as its major goal the provision of health services to mothers and children especially in rural areas or areas suffering from severe economic distress. Through assistance to States, localities, and nonprofit groups it directs primary attention to: Reducing infant mortality and otherwise promoting the health of mothers and children; and locating, diagnosing, and treating children who are suffering from crippling or handicapping illnesses.

Significant contributions to recent reductions in the Nation's infant mortality rate have been made through the maternal and child health program and the comprehensive maternity and infant care projects. For the Nation as a whole, infant mortality decreased almost 24% during the period 1960 to 1970. Almost three-fourths of that decrease occurred during the four-year period 1966 to 1970. Especially significant reductions are occurring in large cities in which maternity and infant care projects are located.

National infant mortality rate per 1,000 live births per calendar year: 1965—24.7, 1966—23.7, 1967—22.4, 1968—21.8, 1969—20.7, 1970 provisional—19.8.

Grants to States. Formula grants are made to States for health as noted below. One-half of the amount appropriated must be matched by the States and the remainder is distributed in proportion to the financial need of the States, except that not more than 12.5% of the appropriation may be used for special project grants.

Maternal and child health services. Funds are used by States for the extension and improvement of health services for mothers and children. In 1973, approximately 400,000 women will receive prenatal and postpartum care in maternity clinics, and 1,500,000 children will attend well-baby clinics.

Crippled children's services. States utilize funds for casefinding, diagnosis, and treatment of children who are crippled or who are suffering from conditions leading to crippling. It is estimated that 500,000 children will receive physicians' services under this program in 1973 and 78,000 children will receive hospitalization services.

Project grants. Grants are made to specified agencies to meet up to 75% of the costs of comprehensive health care in three major areas as follows:

Maternity and infant care. State and local health agencies or other public or nonprofit private organizations operate projects to help reduce infant and maternal mortality and the incidence of mental retardation and other handicapping conditions associated with child-bearing. The 56 existing projects are also serving a demonstrated need to improve the quality and quantity of maternity services to women in low-income areas. In 1973, 152,000 mothers and 53,000 infants will be admitted to maternity and infant care projects, compared with the 144,000 mothers and 49,000 infants admitted in 1972.

Children and youth. State or local agencies, medical schools, and teaching hospitals conduct comprehensive health care projects for children and youth, particularly in areas where low-income families are concentrated. The number of children served is expected to increase from 504,000 in 1972 to 547,000 in 1973.

Dental health of children. State and local agencies and other public or nonprofit groups are eligible to conduct comprehensive dental care projects for children. Approximately 10,000 children are expected to benefit from the funds made available in the program's first year of operation, 1971. In 1972 and 1973 it is expected that 21,000 and 22,000 children, respectively, will receive comprehensive dental care.

Research and training. Training. Grants are made to public or nonprofit institutions of higher learning, including university-affiliated mental retardation centers for training personnel for health care and related services for mothers and children.

Research. The focus of this program is to support research which shows promise of substantial contribution to the advancement of maternal and child health or crippled children's services and to study the effectiveness of such programs through research grants, contracts, or jointly financed cooperative arrangements.

Direct operations. This activity provides for the administration of medical care service and construction to States, localities, and organizations for the conduct of maternal and child health programs.

Family planning activities. One of the most effective measures for reducing infant and maternal mortality and for improving the physical and mental health of families is through the provision of family planning services which enable families to decide the number and spacing of their children. Thus, the Child Health Act of 1967 specified that not less than 6% of the amounts appropriated for maternal and child health should be available for family planning.

In July 1969, the President set a goal of providing adequate family planning services within five years to all those who want them, but cannot afford them. The passage of the Family Planning Services and Population Research Act of 1970 gave specific congressional support to the President's proposal. The following programs administered by the National Center for Family Planning Services are designed to accomplish this goal.

Project grants and contracts. Services delivery. Project grants for the provisions of family planning services are made to State and local health agencies or other public or nonprofit organizations under Title V of the Social Security Act and under Title X of the Public Health Service Act. Approximately 2,200,000 women will receive family planning services from funds awarded in 1973 as compared to 1,500,000 in 1972 and 700,000 in 1971.

Training and education. Project grants and contracts are awarded for the short-term training of health personnel for service in family planning clinics, to educate and inform families of the benefits of voluntary family planning, to develop improved training programs for family planning workers, and to develop improved family planning education and information materials. Approximately 2,200 family planning personnel will be trained with project grant and contract funds awarded in 1973 for work in family planning clinics.

Services delivery improvement. Project contracts are awarded for studies designed to improve the delivery of family planning services, for technical assistance to encourage the utilization of improved family planning services delivery methods, and for program planning and evaluation.

Direct operations. This activity supports the decentralized services delivery project grant program in 10 regions and the development and operation of training, education, and services delivery improvement programs of the National Center for Family Planning Services.

National Health Service Corps. The program provides for the assignment of commissioned officers and civil service personnel of the U.S. Public Health Service to communities where health services are inadequate due to a critical shortage of health personnel. It is anticipated that in 1973, about 50% of the program costs will be financed by reimbursements from the communities and from patients being served. The request would continue to support the 100 to 150 communities to which health personnel were assigned in 1972 and would also provide for assignment of personnel to an additional 75 communities, thus providing support for a total of 175 to 225 communities with a total population of approximately 700,000 to 900,000 people.

Patient care and special health services. In 1973 this program will provide direct and contract medical care to the legal beneficiaries of the Public Health Service. Major beneficiary groups are American seamen, Coast Guardsmen and their dependents, Bureau of Employees' Compensation cases, and persons afflicted with leprosy. The largest single category of beneficiaries is American seamen. In 1972, American seamen will comprise about 50% of the inpatient workload in PHS general hospitals. On a reimbursable basis, medical care is also provided to foreign seamen and beneficiaries of other Federal agencies in PHS hospitals, and to Federal employees in PHS health units. In addition, Coast Guard personnel are provided medical and dental services at various Coast Guard locations.

Inpatient and outpatient care. Eight general hospitals and the National Leprosarium at Carville, Louisiana, operate under this activity. When PHS facilities are not accessible, beneficiaries receive care in other Federal and non-Federal facilities.

In addition to providing direct health care services, the hospitals are actively participating in the improvement of health services in the local community. Over 600 professional and subprofessional employees and 2,400 individuals from the community receive clinical training both in these facilities and through affiliations and auxiliary training programs. Emphasis is given to training of disadvantaged groups. Community involvement has increased through sharing available medical capabilities and health care resources where reimbursements or reciprocal services are received from the communities.

The system has been experiencing a continuing decline in inpatient workloads and is now operating at less than maximum capacity. The facilities have, however, become important community health resources. Recognizing the potential of further increasing the value of these facilities to the communities and to assure maximum utilization, the administration is conducting studies to determine the feasibility of converting them from Federal to local control. This will permit communities more latitude in utilizing the excess capacity to meet local needs. During 1973 efforts will be made to begin converting some of these facilities to community control in line with local health care needs and resources.

A supplemental estimate will be submitted for the current year requesting budget authority to finance the continued operation of PHS hospitals and clinics through 1972.

Coast Guard medical services. This activity provides PHS personnel to staff infirmaries, dispensaries, and sick bays at shore stations, air stations, and on board vessels. Contract care is also provided in civilian or other Federal facilities, when PHS hospitals are inaccessible. Programs are being established to provide both detection and rehabilitation of personnel with problems related to drug abuse. Facilities to deal with the rehabilitation of personnel with minor psychological disorders are being established at the two major recruit training centers located at Cape May, New Jersey, and Alameda, California. As an adjunct service related to the continuing goal of providing the best possible health care to Coast Guard personnel, this activity is also initiating programs in industrial, underwater, and aviation medicine, and in environmental sanitation.

Federal employees. This activity provides, upon request, surveys of and consultation to Federal agencies, Federal executive boards and associations, and Federal employee organizations on the establishment and evaluation of Federal employee health activities. Occupational health programs are provided, on request, to Federal agencies on a reimbursable basis. In 1973, an estimated 160,000 Federal employees will be able to avail themselves of health services in 95 health units operating under this activity.

Payment to Hawaii. Grants are made to Hawaii to defray the cost of care and treatment of persons afflicted with leprosy. The average daily patient load is expected to be 158 in 1973, as compared with 164 in 1972, and 166 in 1971.

Regional office central staff. This activity supports the regional health directors and their central staffs which are concerned with the coordination and interrelation of the various program activities of HSMHA and the implementation of those programs in the regional offices. The major components of the staff are: A comprehensive health planning unit that provides leadership in the development and operation of programs for the conduct and improvement of comprehensive State and areawide health planning; a grants management unit which provides centralized support activities for all HSMHA project and formula grants that have been decentralized to the regions; and a special projects unit which manages an information system which provides data on areas of special interest to each paricular region.

Program direction and management services. This activity provides for overall executive direction, planning, evaluation, and administrative management of the health services delivery programs.

PATIENT CARE AND SPECIAL HEALTH SERVICES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Inpatient and outpatient care supplemental		5,610	....

This request will provide funds to finance the continued operation of the Public Health Service hospitals and clinics at the 1971 level.

PREVENTIVE HEALTH SERVICES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Disease control			
Infectious diseases:			
Research grants	827	2,144	2,215
Project grants		2,000	39,300
Direct operations	34,023	33,544	35,826
Nutritional and chronic diseases		3,423	5,658
Laboratory improvements	7,392	7,805	9,870
Community environmental management:			
Grants	485	6,500	23,500
Direct operations	4,449	4,724	4,837
Occupational health:			
Grants	3,875	3,875	4,414
Direct operations	13,742	21,258	23,903
Environmental control	19,888		
Program direction	1,778	3,545	4,299
Total program costs funded	44,020	88,818	153,822
Change in selected resources	2,617	−2,000	
Total obligations	46,637	86,818	153,822

This program provides facilities and services for the investigation, prevention, and suppression of diseases and occupational injuries by direct development, advancement, and demonstration of knowledge and techniques, through research grants, and through prevention of the introduction of communicable diseases from foreign countries.

Disease control. Infectious diseases. Research grants. Research grants are awarded to organizations, institutions, and individuals for research concerned with epidemiology, prevention, laboratory diagnosis, and treatment of infectious diseases at the community level. Approximately 52 research projects would be supported in 1973 as compared to 50 in 1972 and 48 in 1971.

Project grants. Project grants are awarded to States which meet established eligibility criteria. Grants are made in five areas: Venereal diseases, tuberculosis, RH factor, rubella, and immunization other than rubella. The national effort to control the spread of venereal diseases consists of both project grants and direct operations. The project grant program places primary emphasis on the interruption of the transmission of venereal diseases through case finding, tracing of contacts of infectious cases, and venereal diseases education. At the request of States, personnel and vaccines are furnished in lieu of cash.

Direct operations. Activities are focused directly on the national goal of improvement of the health care system through emphasis on prevention rather than treatment. Efforts toward this goal are channeled through three areas of operations: Investigations, surveillance, and control.

In the area of investigations, professional competence is afforded to the States through the staff of the Epidemic Intelligence Service which is constantly alert to epidemic situations in the country. These EIS officers provide a wide range of service, including epidemic aid, epidemiological field investigations, consultations in infectious disease control, surveillance of infectious diseases, and collaborative field and laboratory research.

Surveillance activities directed at national disease problems are supported on a continuing basis. The concept of surveillance has contributed to the decrease in incidence of diseases such as diphtheria, encephalitis, measles, poliomyelitis and tetanus. Certain visa applicants are examined in order to determine those who are excludable for physical or mental reasons. Inspections (persons and importations) are made to prevent the introduction into the United States of quarantinable and other infectious diseases. Basic workload data include:

	1971 actual	1972 estimate	1973 estimate
Vessels cleared	24,862	24,116	23,393
Aircraft cleared	126,268	132,581	139,210
Total persons inspected	152,977,620	157,215,482	161,732,799
Visa applicant medical examinations	160,682	144,614	115,691
Animal importations inspected	380,674	418,750	460,600

As basic knowledge is acquired, diagnostic techniques developed, and preventive methods developed for a disease, control efforts are initiated and maintained. Ongoing control programs are supported for tuberculosis and venereal diseases.

Tuberculosis. Studies are conducted in epidemiology, prevention, detection, diagnosis, and therapy of tuberculosis. This research is conducted in cooperation with State and local health departments, tuberculosis hospitals, private investigators, and others. The results of the applied research are made available to the States and integrated into tuberculosis control programs by means of demonstrations, consultative services, operational studies, and training activities.

Venereal diseases. Direct operations in venereal diseases provide for research and evaluation activities directed toward maintenance of uniformly satisfactory nationwide serologic services; development and introduction of new syphilis diagnostic tests; development of immunizing agent for syphilis; improvement of diagnostic techniques for gonorrhea; evaluation of more effective methods of therapy; and the improvement of control procedures. Scientific and general information about venereal disease for both professional and lay groups is disseminated through State agencies.

One facet of all control programs is training of State and local health workers in specific control techniques or methodologies. An estimated 11,000 trainees will participate in 486 courses conducted by the Center for Disease Control in both 1972 and 1973.

Nutritional and chronic diseases. Research and evaluation activities are directed to the identification of specific factors which cause nutritional diseases, the relationship of nutrition to other health problems, and to the determination of the extent of nutritional problems. Corrective action and prevention of nutritional diseases is sought through the conduct of demonstrations, and provision of technical assistance to State and local health departments and other public and private organizations. These funds also support the smoking and health activity aimed at preventing health problems resulting from cigarette smoking by stimulating and supporting National, State, and local activities to help those who wish to stop or curtail their smoking and by encouraging youth not to begin smoking.

Laboratory improvements. A comprehensive national laboratory improvement program is administered through research for improving and standardizing laboratory methodology and through evaluation techniques, materials, and reagents used in public health laboratories. Individuals are provided experimental vaccines and special immune globulin is distributed to control laboratory infections. States are also provided consultation, training, and in laboratory techniques. The program provides for upgrading the performance of the Nation's clinical laboratories and for the licensure and evaluation of clinical laboratories engaged in interstate commerce.

Community environmental management. Grants. Grants are made to communities to provide support for a comprehensive approach to rat control and the control of lead-based paint poisoning in children.

Lead-based paint poisoning in children. Grants and technical assistance in the amount of $9,500,000 will be awarded in 1973 to initiate programs in several hundred communities to screen approximately 1,500,000 children currently at risk of having or acquiring lead poisoning and to support the development of community organization and public education to reduce the extent of the problem in the future. Screening and deleading of hazardous dwelling units are emphasized through voluntary community action and local management of the housing stock.

Rat control. Under the Federal rat control program, project grants in the amount of $15,000,000 will be continued in 28 cities and initiated in six new project cities for a total of 34 cities in 1973. In 1973, it is anticipated that the premise prevalence for external rat signs will be further reduced to 7% from the 9% in 1972. Since the inception of the program in 1971, five project cities have been completely phased out having reached an acceptable maintenance level of rat infestation and causative conditions.

Direct operations. States and communities are assisted in applying a systematic management approach for identifying environmental health hazards, setting priorities, developing and implementing plans for the solution of health problems, motivating and securing the support of community residents, and coordinating community services and programs of other Federal agencies for effective local action. Program field activities called human health ecology centers concentrate on understanding and controlling the special health problems and priorities of the specific geographic area in which they are located.

Occupational health. Grants. Grants are made to public agencies and institutions to conduct research for developing criteria for standards to protect the safety and health of the Nation's work force and to provide research training programs for future scientific investigators in the field of occupational safety and health.

Direct operations. Program activities are designed to provide technical service and assistance to other agencies and to industry to reduce the direct and indirect cost of occupational hazards and diseases and to raise the health status of workers. Emphasis is focused on the preventive aspects of occupational safety and health and the improvement of the productivity and employability of workers. This is accomplished through the development of criteria for standards necessary for the successful implementation of a safe and healthy workplace.

Program direction and management services. This activity provides for overall program management of preventive health service programs.

NATIONAL HEALTH STATISTICS

[In thousands of dollars

	1971 actual	1972 estimate	1973 estimate
National vital and health statistics	9,481	14,827	17,652
Program direction and management services	771	1,017	1,007
Total program costs, funded	10,252	15,844	18,659
Change in selected resources	90		
Total obligations	10,342	15,844	18,659

National vital and health statistics. The program of the National Center for Health Statistics comprises the major activities of the Public Health Service in the measurement of the health status of the Nation and in developing and applying optimum technical methods for the collection, processing, and analysis of health statistics. It includes: The collection, compilation, analysis, and dissemination of statistics on birth, deaths, fetal deaths, marriages and divorces, and other health data related to these basic vital events; continuing surveys and special health statistics studies on the amount, distributions, and effects of illness and disability in the United States, and the services received for or because of such conditions; studies of health survey methods with a view toward their continued improvement; technical advice and assistance on the application of statistical methods in the health and medical fields; and provision of leadership for the implementation of a cooperative Federal-State-local statistical system which will have the capability of producing uniform health data for local, State, and national use in the planning and evaluation of health care programs.

Program direction and management services. All of the program activities of the National Center for Health Statistics are centrally directed and managed. The Office of the Director establishes program priorities for the Center and provides centralized administrative management support. The Office of Program Planning and Evaluation reviews program plans and periodically evaluates overall effectiveness of program activities.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Dependents' medical care	10,173	11,460	11,913

This activity provides funds for care in non-Public Health Service facilities for dependents of PHS beneficiary members of the uniformed services and retired personnel in accordance with the Dependents' Medical Care Act, as amended. Care provided directly in PHS facilities is financed under the appropriation Patient care and special health services.

BUILDINGS AND FACILITIES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Center for Disease Control		3,343	448
Federal Health Programs Service	710	483	2,603
National Institute of Mental Health:			
Saint Elizabeths Hospital	1,043	4,276	5,600
Other	80	450	1,500
Subtotal, National Institute of Mental Health	1,123	4,726	7,100
Total program costs, funded	1,833	8,552	10,151
Change in selected resources	1,169	1,100	9,306
Total obligations	3,002	9,652	19,457

This appropriation includes all proposed direct construction items of the Health Services and Mental Health Administration except construction of Indian health facilities. It also includes certain health-related facilities transferred from the former Environmental Health Service in 1972.

OFFICE OF THE ADMINISTRATOR

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Management and central services	10.968	12.359	12.590
Change in selected resources	64		
Total obligations	11.032	12.359	12.590

This activity provides a central staff needed in planning, directing, and administering the broad scope of program activities in the Health Services and Mental Health Administration. Staff assistance is provided the Administrator in formulating policy in the areas of grant-in-aid, contract administration, financial management, personnel, and general services.

In 1973, the Office of the Administrator will continue to give strong guidance and leadership to the HSMHA programs with special emphasis on the development of local government and nongovernmental organizations in the conduct of federally sponsored health programs. The operational planning activity as set forth in the 1972 objectives will continue in 1973. Staffing studies of the major HSMHA headquarters components will be conducted. These studies will determine the impact that decentralization to the regions has had on workload both at headquarters and in the field.

An operations analysis function will be implemented which will organize and analyze data concerning the operations and accomplishments of HSMHA programs. The results of this analysis will be used for decision-making by the Administrator. This function will become operational during 1973, building on the initial phase implemented in 1972.

During 1973, further steps will be taken to systematize the HSMHA planning process. The capacity of the Office to perform special studies and analyses relating to HSMHA programs will be strengthened. These analyses will include systems analyses of the health care system which will form an analytical base for improving the planning of HSMHA programs.

INDIAN HEALTH SERVICES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Patient care	89,785	107,722	112,36
Field health services	31,611	43,889	47,54
Administration	2,330	2,475	3,27
Adjustment of prior year costs	−51		
Total program costs, funded	123,675	154,086	163,179
Change in selected resources	3,216		
Total obligations	126,891	154,086	163,179

This program provides medical care and public health services for Indians and Alaska native people. The following table provides pertinent examples of the level of effort and accomplishments of the program.

	1971 actual	1972 estimate	1973 estimate
Infant mortality per 1,000 births	[1] 26.3	25	24.1
Tuberculosis mortality per 100,000 population	[1] 9	7.6	6.4
Number of new active tuberculosis cases	693	607	593
Percent of Indian women ages 15 to 44 rendered family planning services each year	19	20	21
Birth rate per 1,000 women ages 15 to 44	[1] 182.8	181.7	178.2
Indian homes provided complete or improved sanitation services	5,748	13,552	14,000

[1] Provisional.

Patient care. This activity consists of the operation of 49 general hospitals and their outpatient clinics and two tuberculosis sanatoria and medical care under contract with non-Federal hospitals, clinics, private physicians, and dentists, as well as contractual arrangements with State and local health organizations.

The 12% reduction in the inpatient load in hospitals of the Indian Health Services from 1971 to 1973 will result in an improved ratio of staff to patient and higher quality of care.

Workloads for the total program are expected to be as follows:

Direct care n Federal hospitals and clinics	1971 actual	1972 estimate	1973 estimate
Inpatient average daily patient load by type of patient:			
General patients	1,564	1,485	1,402
Tuberculosis patients	63	45	33
Total average daily inpatient load	1,627	1,530	1,435
Total GMS admissions (excluding births)	70,275	69,914	70,483
Average days of stay, general patients	8.1	7.8	7.3
Outpatient visits to hospital facilities	1,202,027	1,333,000	1,459,000
Contract care:			
Inpatient average daily patient load by type of patient:			
General patients	390	442	442
Tuberculosis patients	50	36	36
Neuropsychiatric patients	110	130	130
Total average daily inpatient load	550	608	608
Total GMS admissions (excluding births)	23,725	25,678	25,608
Average days of stay, general patients	6.0	6.3	6.3

Field health services. These include programs in sanitation, health education, nutrition, maternal and child health, school health, tuberculosis and other communicable disease control, medical social services, public health nursing, oral health, family planning, and mental health. The services are provided through health centers, clinics, and other field health units operated directly by the Indian Health Service, as well as through contractual arrangement with State and local health organizations.

An additional $10,000,000 for Indian health programs was provided in 1971 by the Office of Economic Opportunity, the Department of Labor, and the Department of Health, Education, and Welfare. These programs will continue to be funded by these three agencies in 1972 and 1973.

The 1973 request reflects an increase of funds to contract with Indian tribal enterprises for health services.

INDIAN HEALTH FACILITIES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Hospitals:			
New and replacement	204	1,280	2,176
Modernization and repair	499	1,647	778
Outpatient care facilities	1,648	1,197	177
Grants to community facilities	200	393	214
Sanitation facilities	13,689	31,620	34,839
Personnel quarters	821	200	23
Total program costs, funded	17,061	36,337	38,207
Change in selected resources	6,124	−4,230	4,777
Total obligations	23,185	32,107	42,984

Sanitation facilities. In 1972, the Indian Health Service, in conjunction with other Federal and tribal housing authorities, will provide sanitation or technical services to 8,575 new and improved units of housing.

Concurrently, services to 4,977 units of existing housing will be provided as well as an additional phase of the Kotzebue water and sewer systems. In 1973, sanitation or technical services will be extended to 8,500 new and improved units of housing in cooperation with other Federal and tribal housing authorities. In addition, 1,500 existing homes near these construction sites and 4,000 existing homes in other communities will be furnished water and/or waste disposal facilities.

EMERGENCY HEALTH

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Medical stockpile	6,491	1,333	1,333
Community preparedness	1,435	1,472	1,524
Program direction and management services	1,299	1,299	1,343
Total program costs, funded	9,225	4,104	4,200
Change in selected resources	−4,152	163	68
Total obligations	5,073	4,267	4,268

Medical stockpile. The goal of this activity is to provide essential medical material for civilian needs in time of disaster. Medical supplies and equipment have been assembled into emergency packaged disaster hospitals which are located throughout the United States in affiliation with local community hospitals. In 1973, 2,217 such packaged disaster hospitals will be pre-positioned throughout the Nation. Selective medical supplies have been placed in community hospitals to meet heavy disaster medical care workloads. The estimate for 1973 supports a program to maintain the medical stockpile inventories and to excess certain materials that are no longer required.

Community preparedness. Programs are inaugurated and maintained to support the preparation of national emergency health and medical plans, and the development of preparedness action projects to achieve a continuity of health services necessary to meet all conditions of a national emergency. The estimate for 1973 provides for a moderate program to assist States and communities during disaster situations, continue the development of plans and operational capability for civilian health manpower as well as utilization and distribution of health resources, develop and initiate emergency medical care services, and continue the operation of training programs at the State and local level.

Program direction and management services. Total program control is provided for the organization and planning of programs that will afford adequate medical care for individual in medical emergencies. The estimate for 1973 provides for a continuing activity that furnishes program direction, coordination, and management services to carry out the total emergency health preparedness program. Working relationships are to be maintained with professional organizations and other Government agencies for the development of an effective disaster readiness program for the civilian population.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Operating costs, funded:			
Interest subsidies		5,000	22,800
Capital outlay funded: Loans		30,000	90,000
Total obligations		35,000	112,800

A Loan guarantee and loan fund for medical facilities is established in the Treasury, without fiscal year limitation, to discharge responsibilities under guarantees; for payment of interest subsidies on the loans to nonprofit sponsors which are guaranteed; for direct loans to public agencies which are sold and guaranteed; for payment of interest subsidies on direct loans which are sold and guaranteed; and for repurchase of direct loans which have been sold and guaranteed.

In 1973, the Medical facilities guarantee and loan fund would be capitalized at $52,800,000 of which $30,000,000 would serve as a revolving fund from which direct loans to public agencies are made and $22,800,000 would provide interest subsidies on direct and guaranteed loans.

The Medical facilities guarantee and loan fund is capitalized with transfers from activities under the Medical facilities construction appropriation, and no request is made for direct appropriation to the fund.

SERVICE AND SUPPLY FUND

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Operating costs, funded:			
Supply distribution sales: Cost of services	2,493	2,931	2,971
Data management services: Cost of services	1,361	3,577	4,031
Fiscal services: Cost of services	953	939	1,103
Publications storage and distribution services: Cost of services	84	113	174
Parklawn services: Cost of services	718	2,342	2,493
Total operating costs	5,609	9,902	10,772
Capital outlay funded:			
Supply distribution sales: Purchase of equipment		10	10
Data management services: Purchase of equipment	4	30	10
Fiscal services: Purchase of equipment		6	6
Publications storage and distribution services: Purchase of equipment		1	7
Parklawn services: Purchase of equipment	1	80	6
Total capital outlay	5	127	39
Total program costs, funded	5,614	10,029	10,811
Change in selected resources	45	34	−2
Adjustment in selected resources (donated working capital)	−25		
Total obligations	5,634	10,063	10,809

This fund finances medical supply and service operations of the Health Services and Mental Health Administration. It is reimbursed from the appropriations supporting the programs benefited.

Budget program. The principal activities of the fund are carried out at: the Supply Distribution Sales Center, which maintains inventories of medical stock and supplies to meet, in part, the requirements of the Health Services and Mental Health Administration and requisitions of other Government organizations; the data management services which develops agencywide systems for the Office of the Administrator and manages the HSMHA computer center; fiscal services which provides fiscal and accounting services to HSMHA headquarters offices; and the Parklawn services which provides a wide range of centralized services to the Public Health Service and the Department of Health, Education, and Welfare offices occupying the Parklawn Building, Rockville, Maryland. Of major importance among these services are printing and reproduction, telecommunications, procurement, mail and messenger, building and space management, shipping and receiving, surplus property utilization, and building safety and security. This fund is reimbursed from applicable appropriations or funds available when services are performed or stock furnished on the basis of rates which shall include estimated or actual charges for personal services, materials, equipment (including maintenance, repairs, and depreciation), and other expenses.

[In thousands of dollars]

Advances and reimbursements	1971 actual	1972 estimate	1973 estimate
Health services delivery	1,634	1,900	10,821
Health services planning and development	31	27	27
Preventive health services	8,520	12,315	12,282
National health statistics	174	300	300
Office of the Administrator	591	74	
Emergency health	2,548	2,395	698
Consolidated working fund	1,077	941	821
Research grants	1,223	1,770	1,228
Total program costs funded	15,798	19,722	26,177
Change in selected resources	−132		
Total obligations	15,666	19,722	26,177

[In thousands of dollars]

Public Health Service trust funds	1971 actual	1972 estimate	1973 estimate
Patients' benefits	57	56	57
Gifts	76	57	46
Special statistical work	5	15	15
Construction and maintenance of Indian sanitation facilities	435	689	762
Total program costs, funded	573	817	880
Change in selected resources	95	192	134
Total obligations	668	1,009	1,014

Gifts to the Public Health Service, some of which are limited to specific uses by the donors, are expended for the benefit of patients at PHS hospitals, and for research of other activities of the Service. Donations are also received by Saint Elizabeths Hospital and used for patients' benefits as provided by the donors.

Contributions are made by Indians and others to be served, toward the construction, improvement, extension, and provision of sanitation facilities.

NATIONAL INSTITUTES OF HEALTH

The National Institutes of Health is the primary arm of the United States Government in the support of biomedical research, education, and communications. The mission of the NIH is investigating basic life process, advancing the capability for the diagnosis, treatment, and prevention of disease, and providing support to strengthen health research, educational, and communications resources. NIH consists of 10 national research institutes, three program divisions, the Bureau of Health Manpower, the National Library of Medicine, and the Office of the Director.

In 1973, the NIH research institutes will initiate or expand activities in several high-priority programs. The National Cancer Institute will expand its efforts in all areas of cancer research, to continue the administration's cancer research program. The National Cancer Act of 1971 authorizes a national cancer program which will be initiated during 1972 and further developed in 1973 by the National Cancer Institute. A description of the specific activities of the National Cancer Institute can be found in the detailed presentation that follows. The National Heart and Lung Institute will increase research in sickle cell anemia, arteriosclerosis, hypertension, thrombosis, and pulmonary diseases.

The National Institute of Dental Research will enhance the goals of the national caries program through increased research grant funding. The National Institute of Arthritis and Metabolic Diseases will give special emphasis to research in the area of digestive diseases—peptic ulcer, ileitis, and diseases of the liver, gallbladder, and pancreas. The National Institute of Neurological Diseases and Stroke will provide increased support for research in the fields of stroke, acute spinal cord injury, Parkinsonism, and communicative disorders. The National Institute of Allergy and Infectious Diseases will give increased attention to research concerning cellular and clinical immunology, hepatitis, the biology of the gonococcus, and to allergic diseases. The National Institute of Child Health and Human Development will strengthen its research programs in the areas of family planning, child health, and aging. The National Institute of Environmental Health Sciences will increase research efforts in areas such as chemical mutagenesis, teratology, pesticides, food toxicants, air pollutants, and physical factors such as noise. The National Institute of General Medical Sciences will support research in the basic medical sciences. The National Eye Institute will continue its research efforts in the diseases and disorders of the eye.

The activities of the research institutes and divisions are carried out through extramural grant programs and through operations conducted directly by NIH and through contracts. Extramural grant programs are of three types:

Research grants—the principal activity of the institutes—are awarded to individuals for health-related research projects which are chosen on the basis of their scientific merit.

Fellowships are awarded to promising individuals preparing for research careers in the biomedical sciences.

Training grants are awarded to academic or research institutions which have demonstrated the ability to design and conduct successful training programs in the biological sciences.

In addition to grants, the NIH research institutes and divisions support biomedical research through direct operations which include the following componets:

Laboratory and clinical research is conducted in the institutes' laboratory facilities and in the commonly shared clinical center facility.

Research and development contracts are conducted by NIH researchers in collaboration with other Federal and non-Federal institutions and are strongly oriented toward the solution of specific health problems where the state of knowledge is sufficiently advanced to permit a more directed approach.

Research management and program services provides such operational requirements as program direction, review, and approval of grants, and intramural training programs.

Other activities under direct operations include biometry, epidemiology and field studies, biologics standards, and international research.

The Bureau of Health Manpower Education provides a national focus for health manpower activities and supports programs designed to increase the number of qualified health personnel. A description of the Bureau's activities can be found in the detailed presentation of health manpower programs that follows. The National Library of Medicine serves as a national resource for biomedical information and as a focus for national planning to improve communications in the health sciences. Appropriations for Buildings and facilities support construction, renovation and maintenance of NIH laboratory, clinical, and administrative facilities, while those for Office of the Director support salaries and expenses for the staff of the Director's office, NIH.

A distribution of the budget authority for NIH follows:

RESEARCH INSTITUTES AND DIVISIONS

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	571, 391	666, 486	693, 595
Fellowships	45, 421	44, 152	44, 031
Training	121, 593	121, 832	121, 832
Subtotal grants	738, 405	832, 470	859, 458
Direct operations:			
Laboratory and clinical research	90, 491	93, 245	94, 729
Research and development contracts	83, 108	110, 895	127, 678
Other	46, 490	60, 081	61, 347
Subtotal direct operations	220, 089	264, 221	283, 754
Total research institutes and divisions	958, 494	1, 096, 691	1, 143, 262
Bureau of Health Manpower Education	432, 212	677, 599	536, 655
National Library of Medicine	21, 436	24, 086	28, 104
Buildings and facilities		3, 565	8, 500
Office of the Director	8, 903	11, 054	11, 526
Scientific activities overseas	28, 944	25, 545	25, 619
Subtotal	1, 449, 989	1, 838, 540	1, 753, 616
National Cancer Institute	233, 132	337, 670	430, 000
Total budget authority	1, 683, 121	2, 176, 210	2, 183, 616

[In thousands of dollars]

Biologics Standards	1971 actual	1972 estimate	1973 estimate
Research and development contracts	2, 627	2, 100	2, 100
Biologics standards	7, 356	7, 039	7, 197
Change in selected resources	−706		
Total obligations	9, 277	9, 139	9, 297

Research and development contracts. This activity represents that portion of the total biologics standards program aimed at the acquisition of knowledge for the improvement of standard utilizing the contract method.

Biologics standards. Functions include establishment of standards for preparation of biologics, testing of vaccines and their preparation, and research related to development, manufacture, testing, and use of vaccines and analogous products.

NATIONAL CANCER INSTITUTE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	98, 400	126, 719	160, 874
Fellowships	4, 067	3, 548	4, 750
Training	11, 807	12, 874	15, 750
Total grants	114, 274	143, 141	181, 374
Direct operations:			
Laboratory and clinical research	19, 894	19, 443	21, 624
Research and development contracts	81, 802	122, 303	137, 787
Collaborative research and support	21, 137	27, 542	29, 882
Research management and program services	4, 893	9, 276	10, 539
Total direct operations	127, 726	178, 564	199, 832
Construction		16, 000	49, 000
Total program costs funded	242, 000	337, 705	430, 206
Change in selected resources	−9, 144		
Total obligations	232, 856	337, 705	430, 206

The National Cancer Institute conducts, fosters, and assists research and training directed toward preventing, diagnosing, treating, and controlling cancer in man. The National Cancer Institute will strengthen the cancer research center program. Expanded research of viruses and chemicals will be effected for the ultimate prevention of cancers in man. Cancer therapy methods will be expanded to utilize to a greater extent those drugs and combinations thereof that have proved effective in the treatment of cancer; and application of knowledge gained in treatment of fast growing tumors to the slow growing ones such as breast, lung, color, bladder, prostate, and pancreas. Task forces will be emphasized in order to concentrate on the causes and prevention of cancers.

Grants. Research. Approximately 1,574 regular research grants will be supported in 1973 as compared to 1,268 in 1972 and 979 in 1971. In addition, funds are provided for cancer research centers (clinical centers and program centers), leukemia research support centers, large bowel and bladder task forces, general research support grants, and cancer control competitive demonstration projects.

Fellowships. Approximately 224 postdoctoral and special fellowships will be supported in 1973 as compared to 151 in 1972 and 191 in 1971. Also, some 100 career award and career development fellowships will be supported in 1973 as compared to 78 in 1972 and 82 in 1971.

Training. Grants are awarded to accredited schools for the improvement of instruction in the curriculum; clinical training grants are awarded for training in such fields as surgery, pathology, radiobiology, radiotherapy, and internal medicine; and grants are awarded to research training centers for individual traineeships. The following table summarizes those grants:

	1971 actual	1972 estimate	1973 estimate
Graduate training	86	90	102
Cancer clinical training	85	102	113

Direct operations. Laboratory and clinical research. Research includes laboratory research in the fields of biology, biochemistry, and physiology; and clinical research in the fields of surgery, immunology, radiation, dermatology, pathology, and metabolism.

Research and development contracts. This activity includes the funds for that portion of the research programs described under "Laboratory and Clinical Research" and "Collaborative Research and Support," utilizing the contract mechanism.

Collaborative research and support. Research is conducted in the areas of etiology and chemotherapy. Several task forces, for example, breast cancer and lung cancer, are also included within this activity. This activity contains the research effort carried on directly in Government laboratories and clinical facilities for these integrated programs. The programs are focused on the causes of cancers and their occurrence patterns and prevention, as well as funding the best methods of treating cancer through the screening, testing, and clinical evaluation of drugs. That portion of the effort of these targeted programs conducted through the contract mechanism is included in the above activity Research and Development Contracts.

Construction. Cancer research centers will be constructed which are a critical component of the expanded cancer research program. Etiology research facilities will be constructed for the expansion of carcinogenesis and viral oncology research. Plans are being developed for the addition of outpatient and laboratory facilities.

NATIONAL HEART AND LUNG INSTITUTE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	108, 370	133, 794	141, 628
Fellowships	5, 094	7, 371	7, 371
Training	15, 630	17, 643	17, 643
Total grants	129, 094	158, 808	166, 642
Direct operations:			
Laboratory and clinical research	16, 927	17, 721	18, 132
Research and development contracts	21, 872	46, 497	59, 374
Biometry, epidemiology, and field studies	1, 215	1, 506	1, 582
Research management and program services	5, 861	7, 603	8, 686
Total direct operations	45, 875	73, 327	87, 774
Total program costs funded	174, 969	232, 135	254, 416
Change in selected resources	19, 857		
Total obligations	194, 826	232, 135	254, 416

Grants. Research. Approximately 1,470 grants will be supported in 1973 as compared to 1,472 in 1972, and 1,447 in 1971. In addition, funds are provided for special research centers and the heart cooperative drug study.

Fellowships. Approximately 345 awards will be supported in 1973 as compared with 345 in 1972 and 340 in 1971.

Training. Funds will provide for 250 grants for cardiovascular and pulmonary research and clinical training for 1,000 trainees. Comparable numbers of grants and trainees are 365 and 996 in 1972, and 366 and 1,000 in 1971. The pulmonary academic award was instituted in 1971 to four trainees. It will be continued at this level in 1972 and expanded to 60 trainees in 1973.

Direct operations. Laboratory and clinical research. Research encompasses work which aids in the understanding of the cardiovascular and pulmonary systems and their diseases, with emphasis in therapeutic agents, diagnostic instrumentation, surgery, and clinical medicine.

Research and development contracts. Funds will support programs in the research and development of the application of cardiovascular and pulmonary medical devices, in myocardial infarction, blood resources, sickle cell diseases, lipid research, respiratory diseases, and clinical trials in hypertension and in multiple-risk factors.

Biometry, epidemiology, and field studies. This activity conducts and supports therapeutic evaluations, epidemiological, and biometrics research. National Institute of Dental Research.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	15, 746	21, 504	22, 152
Fellowships	1, 455	1, 601	1, 601
Training	5, 225	5, 270	5, 270
Total grants	22, 426	28, 375	29, 023
Direct operations:			
Laboratory and clinical research	6, 192	6, 751	6, 745
Research and development contracts	795	5, 500	5, 500
Collaborative research and support	260	314	339
Biometry, epidemiology, and field studies	666	938	977
Research management and program services	1, 154	1, 382	1, 492
Total direct operations	9, 067	14, 885	15, 053
Total program costs funded	31, 493	43, 260	44, 076
Change in selected resources	3, 718		
Total obligations	35, 211	43, 260	44, 076

Grants. Research. Research grants support fundamental clinical and applied research studies in such areas as dental caries, periodontal disease, oral-facial growth and development, and dental restorative materials. Support is furnished for studies designed to advance scientific frontiers and exploit emerging research opportunities, including: investigation of the interplay of host, dietary, and microbiotic factors in dental caries; development of more effective therapeutic and preventive measures in periodontal disease; development of treatment procedures and determination of preventive measures for oral-facial anomalies; and work on the immediate problems of dental treatment through development of new and improved restorative materials and clinical methods.

The activity in support of dental research institutes (centers) in university settings, now entering its fifth year and requiring support at the current level of $6,200,000, continues to close the gap between dental and other biomedical research, and is significantly influencing the progress of dental education.

The recently initiated Special Dental Research Award program is designed to help newly trained investigators remain active in research during the formative stages of their careers, and thereby assure a vital input to the dental investigator pool. Emphasis will continue to be in the basic and clinical problem areas of dental caries, periodontal and mucosal diseases of the mouth, oral-facial defects of development and dental pain.

Approximately 248 project grants will be supported in 1973, compared wtih 249 in 1972 and 217 in 1971.

Fellowships. Funds for fellowships are used for support of clinical and basic research training. Applications under this program are for special fellowships, postdoctoral fellowships, and career development and career awards. In 1973, 91 fellowships will be supported compared with 96 in 1972 and 95 in 1971.

Training. Training funds are the principal means of meeting the need for dental research and academic personnel in the dental schools to teach clinical and basic sciences, and to conduct research. Increased costs per grant will make it necessary to support only 81 grants in 1973, compared with 85 in 1972 and 93 in 1971.

Direct operations. Laboratory and clinical research. Laboratory and clinical research studies conducted in Institute facilities are concerned with the causes, treatment, control, and prevention of such dental diseases and disorders as caries, periodontal disease, oral-facial anomalies, and oral cancer. Three primary approaches are used: basic research directed at the acquisition of new knowledge as a means of solving dental health problems; field studies and clinical trials of new therapeutic and prevention concepts coming out of basic research; and further studies on the definition and distribution of oral-facial diseases and disorders on an epidemiologic or geographic basis. Much of this research will make direct contribution to the recently initiated National caries program.

Research and development contracts. The programs in this activity involve contracts with public and private research and development organizations. Primary objectives include support of the National caries program and the development of new and improved dental restorative materials.

Collaborative research and support. This activity provides administrative, contract, and clerical personnel necessary to administer the research and development contracts supported by this Institute.

Biometry, epidemiology, and field studies. This activity is concerned with the planning, conduct, and analysis of epidemiological and field investigations concerning such matters as prevalence of oral disease, and effectiveness of new or improved methods of diagnosis, control, and prevention. A number of the studies conducted will be integral parts of the National caries program.

NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	85, 252	101, 917	105, 903
Fellowships	5, 470	5, 740	5, 740
Training	15, 060	15, 072	15, 072
Total grants	105, 782	122, 729	126, 715
Direct operations:			
Laboratory and clinical research	18, 460	18, 235	19, 052
Research and development contracts	4, 693	5, 954	6, 224
Collaborative research and support	843	1, 128	1, 213
Biometry, epidemiology, and field studies	860	1, 146	1, 298
Research management and program services	3, 069	3, 776	3, 892
Total direct operations	27, 925	30, 239	31, 679
Total program costs funded	133, 707	152, 968	158, 394
Change in selected resources	4, 240		
Total obligations	137, 947	152, 968	158, 394

Grants. Research. Approximately 2,167 grants will be supported in 1973 as compared to 1,957 in 1972, and 1,880 in 1971. In addition, funds are provided for general research support grants and clinical research centers.

Fellowships. Approximately 323 fellowships will be supported in 1973 as compared to 342 in 1972 and 357 in 1971.

Training. During 1973 it is estimated that 246 grants will be awarded to accredited schools for the improvement of instruction. This compares to 260 grants in 1972 and 276 grants in 1971.

Direct operations. Laboratory and clinical research. Research is conducted in the fields of arthritis, rheumatism, diabetes, and other metabolic disorders, as well as studies in the major disciplines including pharmacology, physiology, biochemistry, nutrition, chemistry, pathology, endrocrinology, physical biology, molecular biology, chemical biology, gastroenterology, hematology, and biomathematics.

Research and development contracts. Projects are conducted under contract with individuals and institutions primarily in support of the artificial kidney/chronic uremia, the digestive diseases and nutrition, and the hormonal development programs.

Collaborative research and support. Comprehensive programs are conducted in methods to improve hemodialysis and to develop simpler, more economical, and less cumbersome articficial kidneys; in the preparation and distribution of hormonal substances; in the analysis and evaluation of Institute programs; and in scientific communications, such as the preparation of abstracts on specific areas of research interest.

Biometry, epidemiology, and field studies. Research and epidemiological studies are conducted on arthritis, diabetes, cholecystitis, iodine metabolism, and hyperuremia in special population groups, primarily long range studies in the southwestern United States.

Research management and program services. General direction, coordination, and administration of the resources of the total Institute are provided by the Institute Director, his immediate staff, and the office of administrative management including contract negotiations and awards. The review and approval of grants functions includes review for scientific merit and program relevance and maintenance of surveillance over each grant project. Scientific information functions are also conducted under this activity.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	56,543	69,460	69,763
Fellowships	2,523	2,782	2,782
Training	12,696	14,300	14,300
Total grants	71,762	86,542	86,845
Direct operations:			
Laboratory and clinical research	11,474	10,654	10,846
Research and development contracts	5,800	8,219	8,285
Collaborative research and support	6,550	7,936	8,004
Research management and program services	2,809	3,168	3,318
Total direct operations	26,633	29,977	30,453
Total program costs funded	98,395	116,519	117,298
Change in selected resources	5,050		
Total obligations	103,445	116,519	117,298

Grants. Research. Approximately 1,250 grants will be supported in 1973 compared to 1,377 in 1972 and 1,258 in 1971. In addition, funds are provided for specialized research center grants.

Fellowships. Approximately 147 fellowships will be supported in 1973 compared to 148 in 1972 and 190 in 1971.

Training. Approximately 187 graduate training grants will be supported in 1973 compared to 198 in 1972 and 221 in 1971. These grants are made to training institutions to establish and improve programs to train teachers and clinical investigators in neurology and otology. Also, approximately 144 traineeships will be awarded to individuals for specialized postgraduate training in 1973 compared to 153 in 1972 and 195 in 1971.

Direct operations. Laboratory and clinical research. Research is being conducted on disorders of the brain, spinal cord, and peripheral nerves, such as epilepsy, multiple sclerosis, apoplexy, and Parkinson's disease; on communicative disorders and neuromuscular disorders, such as muscular dystrophy.

Research and development contracts. Contracts for directed research are used for collaborative and intramural programs including epilepsy, head injury and sensory prosthesis, and other neurological disorders.

Collaborative research and support. These studies include the coordination and central service activities for the collaborative perinatal project on cerebral palsy, mental retardation, and other neurological and sensory disorders of childhood. Also included are the Institute's research programs on head injury, spinal cord injury, epilepsy, cerebral death, and sensory prosthesis research. In sensory prosthesis research, the goal is to develop devices using suitable sensors, data processors, and stimulating electrode arrays implanted against the brain of a blind or deaf person to permit the subject to abstract meaningful information from his environment.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	56,097	62,986	65,589
Fellowships	3,291	3,579	3,579
Training	8,323	8,922	8,922
Total grants	67,711	75,487	78,090
Direct operations:			
Laboratory and clinical research	18,275	17,717	18,304
Research and development contracts	7,879	11,050	10,928
Collaborative research and support	2,055	2,153	2,198
Research management and program services	2,144	2,326	2,387
Total direct operations	30,353	33,246	33,817
Total program costs funded	98,064	108,733	111,917
Change in selected resources	3,989		
Total obligation	102,053	108,733	111,917

Grants. Research. Grants are awarded to universities and to other institutions on a project basis to conduct research needs which have been identified as of national importance. Funds available for 1973 will support approximately 1,271 awards compared to 1,185 awards in 1972 and 1,154 awards in 1971. In addition, funds are provided for general research support grants, clinical research centers, and international centers for medical research and training.

Fellowships. Funds for fellowships are used to train professional researchers in research areas within the categorical interests of the Institute. The program supports postdoctoral, special, career development fellowships, and career awards. An estimated 206 awards will be made in 1973 and 1972, compared to 205 actual awards in 1971.

Training. Funds in 1973 will provide approximately 153 grants to train 918 individuals in allergy and immunology and infectious diseases in 1973 and 1972, compared to 151 grants and 906 individuals in 1971.

Direct operations. Laboratory and clinical research. Laboratory and clinical research in microbiology and immunology, in its broadest sense, nourishes the entire field of biomedicine and affects the programs of all the other Institutes. The Institute research effort embraces both basic and applied research. Laboratory scientists and clinical investigators at NIH and field installations are directing their efforts to the discovery and exploitation of new knowledge leading to the eventual prevention and treatment of diseases caused by infection with micro-organisms or abnormal immunological mechanisms. The diseases under intensive study are those caused by viruses, bacteria, mycoplasma, fungi, protozoa, and helminths.

Research and development contracts. The activities carried out under this program are through research contracts with industry and other Federal and non-Federal institutions. Primary objectives include translation of significant basic research data into practical achievements of clinical applicability in immunologic and infectious diseases. The program also conducts and supports developmental research in the prevention, control, and treatment of diseases caused by infectious agents including bacteria, viruses, and parasites and abnormalities in the body's immune mechanisms.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	101,321	103,676	105,626
Fellowships	16,951	15,609	15,609
Training	43,746	43,746	43,746
Total grants	162,018	163,031	164,981
Direct operations:			
Research and development contracts	3,263	4,816	5,016
Research management and program services	4,664	5,488	5,719
Total direct operations	7,927	10,304	10,735
Total program costs funded	169,945	173,335	175,716
Change in selected resources	−10,104		
Total obligations	159,841	173,335	175,716

Grants. Research. Approximately 1,278 grants will be supported in 1973 as compared to 1,277 in 1972 and 1,142 in 1971. In addition, funds are provided for general research support grants, pharmacology-toxicology research centers and research centers in genetics, diagnostic radiology, and anesthesiology.

Fellowships. Approximately 1,085 fellowship awards will be made in 1973 as compared to 1,221 in 1972 and 1,735 in 1971.

Training. Approximately 467 grants and 3,952 trainees will be funded in 1973 as compared to 468 grants and 4,160 trainees in 1972 and 521 grants and 4,360 trainees in 1971.

Direct operations. Research and development contracts. This activity supports the research contract program in the biomedical sciences and supportive areas and is utilized to achieve specific research and training objectives that cannot be accomplished appropriately through the research and training grant mechanisms.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	48,780	63,836	72,001
Fellowships	4,471	3,786	3,786
Training	13,867	10,142	10,142
Total grants	67,118	77,764	85,929
Direct operations:			
Laboratory and clinical research	7,611	11,685	10,558
Research and development contracts	6,934	21,021	24,242
Collaborative research and development	374	686	797
Biometry, epidemiology, and field studies	536	602	616
Research management and program services	3,862	4,403	4,554
Total direct operations	19,317	38,397	40,767
Total program costs funded	86,435	116,161	126,696
Change in selected resources	8,309		
Total obligations	94,744	116,161	126,696

Grants. Research. Approximately 965 regular research grants will be supported in 1973. This compares with an anticipated 811 in 1972 and 748 in 1971. Additionally this activity provides funds for general research support grants, and mental retardation research centers.

Fellowships. In 1973 the fellowship program will be supported at the same dollar level as in 1972. Approximately 210 awards will be supported as contrasted to 214 in 1972 and 220 in 1971.

Training. In 1973 the Institute will support approximately 98 training grants. This compares with 99 anticipated for 1972 and 112 supported in 1971.

Direct operations. Laboratory and clinical research. The laboratories of this activity conduct research in five major program areas of child health and human development. Reproduction and population research includes research in reproductive biology, endocrinology, and ecology. Perinatal biology and infant mortality includes research relating to maternal-child interactions, maturation of motor and behavioral systems, nutrition, and development. Growth and development includes research in the areas of neurophysiology, neurochemistry, and nutrition. Adult development and aging includes research in cellular biology, biochemistry, physiology, psychological development. Mental retardation includes biochemical, neurophysiological, and behavioral research.

Research and development contracts. This activity, primarily through the contract mechanism, supplements the Institute's five research programs. The research conducted is usually Institute initiated and is directed toward gaps in existing research or to expand on current studies of either the intramural program or the research grant program. This activity provides one of the most effective ways for coordinating program development in the Institute's five program areas. The main thrust of the Institute's population research program is accomplished through contract efforts within this activity.

Collaborative research and support. This activity supports the Center for Population Research which was established in 1968 to administer the Institute's population research program. Research and training is conducted in the biomedical and behavioral sciences of population. The goals of such research are to develop and evaluate methods of contraception and fertility regulation and to support acquisition of knowledge on determinants and consequences of population growth.

Biometry, epidemiology, and field studies. This activity supports the Institute's scientific staff in planning and in conducting studies dealing with the incidence, distribution, and control of health problems in certain populations. It supports development of more effective and reliable means for measuring health problems, collects analyzes health data, and makes statistical studies for use in initiating and evaluating scientific programs.

NATIONAL EYE INSTITUTE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	12,550	24,984	24,950
Fellowships	1,058	1,676	1,676
Training	2,819	2,998	2,998
Total grants	16,427	29,658	29,624
Direct operations:			
Laboratory and clinical research	1,454	3,277	3,419
Research and development contracts	425	2,225	2,225
Biometry, epidemiology, and field studies	305	446	454
Research management and program services	968	1,416	1,479
Total direct operations	3,152	7,364	7,577
Total program costs funded	19,579	37,022	37,201
Change in selected resources	10,406		
Total obligations	29,985	37,022	37,201

Grants. Research. The research grants program of the National Eye Institute supports the acquisition of new knowledge to combat the widespread incidence of visual disability. Projects range from basic investigations of the visual process to the clinical application of knowledge acquired in the laboratory. Glaucoma, retinal disease, disorders of the cornea and lens, cataract, and infectious eye diseases are among the specific conditions undergoing intensive investigation. In addition, funds are provided for vision clinical research centers and general research support grants. During 1973 the Institute plans to award approximately 418 research grants as compared to 423 awards in 1972 and 411 in 1971.

Fellowships. The fellowship program supports the national vision research effort through the provision of postdoctoral research training to individual investigators working on problems of visual health. Awardees receive training in the wide variety of scientific disciplines associated with vision research. Approximately 101 fellowships will be awarded in 1973 as compared to 101 in 1972 and 88 in 1971.

Training. Training grants are awarded to academic institutions for the establishment, improvement, or expansion of vision research training programs. The grants provide sophisticated training environments for more advanced investigators who wish to pursue academic careers in vision research. Approximately 42 training grants will be awarded in 1973 as compared to 45 in 1972 and 48 in 1971.

Direct operations. Laboratory and clinical research. This activity supports laboratory and clinical investigations conducted by staff of the National Eye Institute. Talented investigators representing a broad spectrum of scientific disciplines strive to increase our knowledge and understanding of glaucoma, retinal disorders, inflammatory diseases of the eye, embryology of the retina and cornea, and the coding of visual information from the eye to the brain. A close association between the laboratory and clinic facilities the rapid translation of research findings to the care of eye patients.

Research and development contracts. This program supports research contracts with universities, other Federal agencies, and industrial research organizations for projects that require close direction and surveillance by Institute staff and offer high probability of rapid payoff. Projects have been initiated to improve the diagnosis and treatment of glaucoma, retinal disease, and developmental abnormalities of the visual system.

Biometry, epidemiology, and field studies. This activity constitutes a program for the collection and analysis of data on the incidence and prevalence of vision disorders in selected population groups, and for the study of environmental and hereditary factors in the etiology of eye disease. The program also provides biometric and epidemiologic support to intramural and collaborative programs, including clinical trials to evaluate the efficacy of various regimens in the prevention of blindness.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	10,093	12,750	14,404
Fellowships	240	264	264
Training	3,233	3,117	3,117
Total grants	13,566	16,131	17,785
Direct operations:			
Laboratory and clinical research	5,585	7,206	7,673
Research and development contracts	442	2,054	2,354
Research management and program services	818	936	1,005
Total direct operations	6,845	10,196	11,032
Total program costs funded	20,411	26,327	28,817
Change in selected resources	−318		
Total obligations	20,093	26,327	28,817

Grants. Research. Approximately 177 regular research and center grants will be supported in 1973 as compared to 146 in 1972 and 118 in 1971. This activity supports research on the phenomena associated with the source, distribution, mode of entry, and effect of environmental agents on biological systems through grants to universities, research institutes, and other public or private nonprofit institutions.

Fellowships. Approximately 17 awards will be supported in 1973 as compared to 17 in 1972 and 18 in 1971. Under the following program, postdoctoral, special, and research career development awards are made to physicians and scientists for training in the field of environmental health sciences.

Training grants. Approximately 30 grants will be supported in 1973 as compared to 35 in 1972 and 42 in 1971. The graduate research training program supports the availability of high quality training opportunities in environmental health. It has a threefold goal: to increase the number of highly qualified scientists primarily concerned with environmental health, to enable training institutions to strengthen and enrich the research training capabilities, and to expand opportunities for environmental health research training in a greater number of graduate institutions throughout the United States.

Direct operations. Laboratory and clinical research. This activity constitutes the in-house research programs in environmental health sciences at the National Environmental Health Science Center in the Research Triangle Park, North Carolina. Included are research efforts in cell biology, pharmacology and toxicology, analytical and synthetic chemistry, biophysics and biomedical instrumentation, animal science and technology, pathologic physiology, epidemiology, and biometry. Scientific communication as well as the supporting services for these laboratories and branches are also included.

Research and development contracts. This activity supplements and complements the Institute's intramural research program. Research in this activity is supported through contracts in collaboration with other Federal agencies, university research centers, and industrial research organizations.

RESEARCH RESOURCES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	63,622	71,079	71,079
Fellowships	146	126	126
Training	387	352	352
Total grants	64,155	71,557	71,557
Direct operations:			
Research and development contracts	1,697	1,459	1,430
Research management and program services	1,975	1,912	1,942
Total direct operations	3,672	3,371	3,372
Total program costs funded	67,827	74,928	74,929
Change in selected resources	−1,640		
Total obligations	66,187	74,928	74,929

The programs administered by the Division of Research Resources provide for the creation of specialized research settings for use by grantees and contractors of the NIH categorical programs and for the generation of new knowledge to aid the general progress of biomedical science in the treatment of human disease and disability.

The discrete research resources include: general clinical research centers which are prominent features in many of the Nation's leading medical schools and which make extensive, controlled studies of human patients possible; biotechnology resources which bring powerful instrumentation and physical sciences expertise within reach of the biomedical scientist; and animal resources, which not only give investigators access to expertly maintained colonies of rare animals for those studies which cannot realistically be undertaken in humans, but also represent standards for the most advanced facilities and procedures for high quality animal care. The Division also administers the general research support program.

Grants. Research. Funds in 1973 will provide the following special research resources: General clinical research centers—approximately 82 centers will be supported in 1973 including three new high priority centers, with some diversification for further expansion of research on ambulatory subjects, as compared to 82 in 1972 and 81 in 1971; biotechnology resources—approximately 48 resources will be supported in 1973 as compared to 48 in 1972 and 47 in 1971; animal resources—approximately 75 animal resources including seven primate centers will receive support in 1973, the same as 1972, as compared to 71 in 1971.

Fellowships. Approximately 14 fellowships will be supported in 1973, the same as 1972 and 1971.

Training. Grants are awarded to institutions to support training in the field of laboratory animal medicine. Approximately eight training grants will be supported in 1973 as compared to nine in 1972 and 1971.

Direct operations. Research and development contracts. This activity is carried out primarily through research contracts with industry, universities, and other Federal and non-Federal institutions. Included are contracts in the areas of chemical/biological information handling, bioetchnology, and laboratory animal care.

JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	500	500	500
Fellowships	1,076	1,618	1,497
Fogarty scholarships	170	270	270
Direct operations: International Center	1,474	1,892	2,198
Total program costs funded	3,220	4,280	4,465
Change in selected resources	195		
Total obligations	3,415	4,280	4,465

The Fogarty International Center administers programs of advanced study and related international activities to provide a new dimension in the identification, exploration, and solution of biomedical science problems.

Grants. Research. Funds will support the Gorgas Memorial Institute.

Fellowships. Approximately 142 fellowships will be supported in 1973 as compared to 154 in 1972 and 122 in 1971. In addition, funds are provided for scientific evaluation.

Fogarty scholarships. Eight scholars will be supported in 1973, as compared to eight in 1972 and eight in 1971.

International Center. Provides for the planning and coordinating of international activities of the National Institutes of Health, including the executive direction of programs mentioned above and international seminars and conferences.

HEALTH MANPOWER

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Health professions support	325,934	452,116	391,818
Dental health	10,953	11,850	12,700
Nursing support	55,911	175,911	132,783
Public health support	15,565	20,383	21,609
Allied health support	22,977	31,954	35,600
Program direction and manpower analysis	4,511	6,698	8,530
Total program costs funded	435,851	698,912	603,040
Change in selected resources	−63,826		
Total obligations	372,025	698,912	[1]603,040

[1] The 1973 decline stems from technical adjustments in advance obligational authority.

Health professions support. The objective of alleviating the shortages of professional health manpower is pursued by providing financial assistance to health professions institutions and their students. This assistance is provided through four mechanisms:

Institutional support. Institutional assistance is provided through several programs. Capitation grants are awarded on a formula basis to health professions schools in order to strengthen their base of financial support, thereby encouraging increases in enrollment and graduates, and improving the quality of their educational programs. Startup grants to new medical, osteopathic, and dental schools are intended to accelerate the date instruction begins or increase the number of students in the entering class. Conversion grants will be awarded to two-year schools that desire to become degree-granting institutions. Special project grants supply broad-range assistance to schools with potential to increase enrollments as well as to enable schools to experiment with programs designed to increase the quality of trained personnel. Financial distress grants help alleviate the difficulties of schools in serious financial straits. The numbers of schools receiving support are:

	1971 actual	1972 estimate	1973 estimate
Capitation:			
Medical and osteopathic	115	115	121
Dental	52	52	56
Other health professions	101	108	109
Special project:			
Medical and osteopathic	62	75	75
Dental	6	21	20
Other health professions		10	10

Included in this category are health manpower education initiative awards which are intended to help achieve special national health manpower goals.

Student assistance. Health professions scholarships and loans enable deserving but financially needy students to pursue their education. Scholarships and loans are awarded to students who, in the judgment of the schools, have exceptional financial need. The numbers of recipients are:

	1971 actual	1972 estimate	1973 estimate
Scholarships:			
Medical and osteopathic	8,430	8,400	8,040
Dental	3,500	3,300	3,015
Other health professions	6,325	6,300	5,695
Loans:			
Medical and osteopathic	10,859	13,100	14,040
Dental	4,077	4,800	5,265
Other health professions	7,506	9,100	9,945

Construction. Grants are made to public and other nonprofit schools, agencies, and organizations for the construction of health professions and nursing teaching facilities and of multipurpose and graduate facilities. In 1972 and 1973, construction assistance will be in the form of both matching grants and interest subsidy payments on guaranteed loans.

Educational grants and contracts and direct operations. Support is focused on innovation and experimentation in medical education as well as scientific evaluation proposals.

Dental health. Programs administered by the Division of Dental Health are oriented to a full-range of dental health efforts, including activities directed toward increasing and improving the dental manpower supply, support for projects concerned with the control of dental diseases, and provision of high-quality dental services through the improvement of delivery systems.

Dental fellowship grants are awarded to candidates pursuing advanced degrees in public health administration, computer technology, bioengineering, dental health delivery systems, dental economics, and education research. In 1973, 11 fellows will be supported, the same number as supported in 1972. Dental research training grants support students working in the areas of oral epidemiology, dental education, and sociology in dental public health. Five grants will be supported in 1973 for continuing education systems which deliver new knowledge to the practicing dentist and dental assistant. The current Dental Auxiliary Utilization program, designed to teach students the effective utilization of a chairside assistant has produced a more productive practitioner; financial support for this current program continues to undergo gradual withdrawal and be redirected to a program which will provide dental students with training in expanded functions and expanded auxiliary management—the team concept of clinical dentistry. This new approach should expand productivity considerably.

Nursing support. Nurses are an essential element in providing the manpower necessary for the delivery of adequate health care. At present, registered nurses are in short supply. Financial assistance is provided to nursing institutions and students through the following programs:

Institutional support. Funds are included for capitation grants which will provide assistance to approximately 1,100 schools of nursing in 1973. Special projects for the improvement of nurse training provide the impetus for schools to initiate new methods in nursing education designed to improve the quality and increase the number of nurses available in the nation. Funds requested for 1973 will support approximately 250 projects in such areas as utilization of faculty, methods of instruction, curriculum revision, and enrollment increases. Major emphasis will be placed on projects for the development of programs to prepare nurses to assume expanded functions and responsibilities in the provision of health care. Financial distress grants assist schools in meeting operational costs required to maintain quality educational programs and accreditation requirements. Funds requested in 1973 will support approximately 20 schools in serious financial straits. Startup grants provide training programs where they are most needed and utilize existing resources wherever possible to increase the numbers trained. Funds requested in 1973 will provide for the establishment of an estimated 20 new nurse training programs.

Student assistance. Nurse scholarships and loans encourage and assist qualified young people with serious financial need to undertake education for nursing. Numbers of recipients are:

	1971 actual	1972 estimate	1973 estimate
Scholarships: Nursing students	17,000	19,500	19,500
Loans: Nursing students	24,000	30,000	26,000

Traineeships support the graduate and specialized preparation of professional nurses as teachers, administrators, and supervisors. Funds requested in 1973 will provide approximately 2,000 long-term traineeships. In addition, 750 nurses will receive short-term intensive training.

Construction. Grants are made to public and other nonprofit schools, agencies, and organizations for the construction or renovation of teaching facilities for nurses. The 1973 request includes an increase of $800,000 for interest subsidy payments.

Educational grants and contracts and direct operations. Educational research projects in such areas as nursing practice are supported and result in modifications to and development of nurse educational and training programs. Funds requested in 1973 will support 40 nurse research projects. A nurse-scientist graduate training grant program advances nursing and other health-related research by increasing the number of research scientists with a nursing background. Funds requested in 1973 will support science departments in nine universities. Nursing fellowship grants are awarded to prepare professional nurses for independent research, to collaborate in interdisciplinary research, and to direct community health research. In 1973, 120 fellows will be supported. Recruitment grant and contract funds broaden the recruitment base of nursing students by identifying potential nursing candidates and encouraging them to undertake nurse training. The $2,000,000 for this program will support approximately 20 recruitment projects.

Public health support. Changes in the concepts of health services have created needs for new types of public health personnel when existing types are already in short supply. The following mechanisms are currently being used in an attempt to alleviate the shortages:

Institutional support. Formula grants are awarded to accredited schools of public health for the purpose of assisting them in providing comprehensive professional training, specialized consultative services, and technical assistance in public health fields and in public health administration at the state and local levels. Project grants for graduate training in public health are awarded to schools of public health and to other public or nonprofit private institutions to strengthen or expand the graduate or specialized training in public health which they provide. In 1973, the number of grants awarded will increase by over one-third, reaching a total of 120 and including an estimated 40 first-year projects.

Student assistance. Traineeships support the graduate and specialized preparation of students in public health, most of whom are employed by state and local health agencies representing such health disciplines as medicine, dentistry, nursing, and engineering. Types of training included are postprofessional, long-term academic training; short-term training to update the skills of current public health professionals; residency training in preventive medicine and dental public health; and apprenticeships for medical and dental students in public health training. An estimated 450 additional trainees will be supported in 1973.

Direct operations. Grants programing will emphasize consultation with schools and professional organizations which can most readily utilize resources affecting priority areas of nutrition, maternal and child health, and preventive services to people in disadvantaged situations.

Allied health support. More general use of allied health workers in this country requires more efficient utilization of our present training capacities and experimentation with, and development of, new and improved ways of training and using these personnel. The following mechanisms are directed to these ends:

Institutional support. Special improvement grants will be made to allied health training centers offering the greatest comparative potential for expansion of allied health manpower output through enrollment increases in established curriculums, planning and establishing new programs, shortening curriculums, and developing coordinated programs to conserve faculty and facilities. Some 40 more allied health training centers will be brought into participation in this program through new awards.

Student assistance. Traineeships support students preparing to teach or to serve in an administrative, supervisory, or specialist capacity in the allied health disciplines. Funds requested in 1973 will continue long-term and training institute assistance to approximately 3,000 students.

Educational grants and contracts and direct operations. Funds are requested for special project grants in 1973. Efforts will continue to provide awards for developing, demonstrating, or evaluating interdisciplinary training programs; new teaching methods; new types of health manpower; equivalency and proficiency testing mechanisms; and special programs to reach special groups such as returning veterans with experience in a health field.

Program direction and manpower analysis. The Bureau of Health Manpower Education guides, supports, plans, and evaluates health manpower programs; designs proposals for new or revised programs; coordinates improved manpower data gathering, statistical, and reporting activities; and maintains an inventory of all health manpower educational programs in the Nation.

NATIONAL LIBRARY OF MEDICINE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Medical library assistance	4,998	6,681	7,970
Direct operations:			
Lister Hill National Center for Biomedical Communications	1,177	1,589	2,428
National Medical Audio-visual Center	2,096	2,164	2,522
Library operations	7,404	7,957	8,241
Toxicology information	1,246	1,211	1,508
Review and approval of grants	639	716	676
Program direction	1,877	2,202	2,489
Total program costs funded	19,437	22,520	25,834
Change in selected resources	1,944	1,585	2,270
Total obligations	21,381	24,105	28,104

The National Library of Medicine, the world's largest resource for biomedical documents, facilitates the application of biomedical information to the treatment and prevention of diseases by acquiring, organizing, and disseminating informational materials to health professionals. The Library explores ways in which technological advances in the communications field, which have helped scientists generate vast quantities of new knowledge in recent years, can be applied to organizing that knowledge and making it available where and when it is needed.

The individual programs of the Library are described below.

Medical library assistance. The Library provides six categories of grant and contract support as outlined below.

Training grants. The objective is to train creative leadership for the Nation's medical libraries. In addition to training in conventional library sciences, special emphasis will be placed on training medical librarians in the new communications fields to handle more complex information systems utilizing the computer sciences.

Special scientific project grants. This program will support projects by eminent scientists and scholars to analyze and evaluate the literature in their specialty fields and make it more readily accessible to users in the health sciences.

Research grants. The grants will support investigations that are designed to produce more effective means of storage, retrieval, and transmission of the constantly growing mass of biomedical information and data.

Library resources grants. The library will provide grants to improve the resources and services in local medical libraries, both small and large. The emphasis is on upgrading the medical libraries in hospitals, educational institutions, and medical societies by supplementing rather than replacing local resources.

Regional medical library grants and contracts. In 1973 the Library will continue to provide assistance to 10 major medical libraries which serve as the intermediate links, for their respective regions of the Nation, between the Library and the small hospital or other local medical library. Services provided through the regional medical libraries will include searches, which enable a health professional to identify the current journal articles relevant to his particular information needs; and interlibrary loans, which provide him with that portion of the literature which he needs, but which is not available locally.

Public support grants. The Library will continue the support of projects directed at developing selected publications designed to help health professionals be aware of and digest the world's tremendous output of biomedical information.

Direct operations. This activity includes the following programs:

Lister Hill National Center for Biomedical Communications. This effort involves: Identifying existing innovative communications technology available to the network; demonstrating their feasibility and cost-effectiveness in a biomedical context; and applying computer technology to improve medical education, research, and health care. It also includes managing and coordinating the technical communications aspects of the nationwide network.

National medical audiovisual center. This acquires, organizes, and distributes audiovisual materials; evaluates and provides educational research and consultation on audiovisual systems and materials; and provides audiovisual reference services.

Library operations. The Library acquires and maintains the foremost archival and reference collection of the world's biomedical literature. It provides bibliographic, reference, and loan services from this data base through a network of regional and local medical libraries.

Toxicology information. This program is responsible for developing and operating a computer-based information storage and retrieval system concerning the health effects of chemical compounds on man and his environment.

Review and approval of grants and program direction. These activities provide the overall scientific and administrative management of the Library programs.

BUILDINGS AND FACILITIES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Research facilities	348	1,920	1,300
Service and administrative facilities	2,226	3,299	5,700
Total program costs funded	2,574	5,219	7,000
Change in selected resources	−1,479	5,053	4,350
Total obligations	1,095	10,272	11,350

The Buildings and facilities account provides funds for the construction of new facilities required for the mission of the National Institutes of Health as well as for necessary repairs and improvements of existing facilities.

OFFICE OF THE DIRECTOR

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Program direction and management services	8,981	11,010	11,526
Change in selected resources	79		
Total obligations	8,902	11,010	11,526

The Office of the Director provides overall executive and program direction, and supporting services relating to program planning and evaluation, scientific and public information, financial management, personnel management, management policy and review, and grants and contract management and analysis.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Foreign health research	27,094	27,686	25,619

The scientific activities overseas/special foreign currency program is supported by foreign currencies owned by the United States which have been determined by the Treasury to be in excess of normal U.S. needs. Authorization for these activities is given by the Agricultural Trade Development and Assistance Act of 1954 and the International Health Research Act of 1960.

The general objective of this program is to support health research and research related activities overseas that are within the program interests of the Department's health agencies and of mutual interest to the host country, its institutions, and its scientists. The Department anticipates that the support of health research potential overseas will ultimately enhance the status of the health sciences in the United States. To meet the general objectives, approximately 350 projects are currently active in eight excess currency countries: Ceylon, Egypt, India, Israel, Pakistan, Poland, Tunisia, and Yugoslavia. Areas of research include: The improvement of the organization and delivery of health services, environmental health, nutrition, manpower development, population and family planning, disease prevention and control, food and drug consumer protection, biomedical research, and health science communications.

Increased involvement in the worldwide problems of environmental health, population and family planning, and disease prevention and control is planned for 1973. Emphasis will be placed on matching high priority U.S. health needs with salient areas of concern in the host countries in order to achieve domestic goals and also promote U.S. foreign policy.

It is planned to support an estimated 170 new projects in 1973. Specific objectives are: $2,250,000 for environmental health; $4,860,000 for studies to improve the organization and delivery of health services; $1,015,000 for population and family planning research; $1,900,000 for nutrition studies; $580,000 for manpower development; $1,930,000 for disease prevention and control; $5,526,000 for studies in food and drug consumer protection; and $7,550,000 for biomedical research and scientific health communications.

HEALTH PROFESSIONS EDUCATION FUND

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Interest	3,844	3,622	3,623
Loan cancellations		374	223
Total obligations	3,844	3,996	3,846

Title VII, Part C of the Public Health Service Act established a revolving fund from which health professions schools could borrow in order to provide loans to their students. The Allied Health Professions Personnel Training Act of 1966 amended the Public Health Service Act to authorize the Federal Government to pay the difference between the interest paid by students to the schools and the interest payable by the schools to the Government National Mortgage Association and the Treasury.

In 1973, provision is made for the following Federal payments:

$130,000 to GNMA, which represents the difference between the 5.25% interest rate earned by the student loan paper and the 6.38% rate paid by GNMA on the $11,500,000 worth of paper held by the public.

$604,000 to GNMA, which represents the 5.25% interest due on $11,500,000 worth of paper held by the public.

$1,170,000 to the Treasury on the difference between the Treasury interest rate and that paid by the schools on $18,718,000 loaned to the schools.

In addition, $223,000 will be paid to health professions schools for loan cancellations under the Public Health Service Act. These loans are canceled by either the death or permanent and total disability of the borrower or the borrower's willingness to serve in an area designated by the Secretary.

NURSE TRAINING FUND

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Interest	2,597	2,391	2,453
Loan cancellations to schools		951	894
Total obligations	2,597	3,342	3,347

Title VIII, Part B of the Public Health Service Act established a revolving fund from which schools of nursing could borrow in order to provide loans to their students. The Allied Health Professions Personnel Training Act of 1966 amended the Public Health Service Act to authorize the Federal Government to pay the difference between the interest paid by students to the schools and the interest payable by the schools to the Government National Mortgage Association and the Treasury.

In 1973, provision is made for the following Federal payments:

$40,000 to GNMA, which represents the difference between the 5.25% interest rate earned by the student loan paper and the 6.38% rate paid by GNMA on the $3,500,000 worth of paper held by the public.

$184,000 to GNMA which represents the 5.25% interest due on $3,500,000 worth of paper held by the public.

$755,000 to the Treasury on the difference between the Treasury interest rate and that paid by the schools on $12,081,000 loaned to the schools.

In addition, $894,000 will be paid to schools of nursing for loan cancellations under the Public Health Service Act. These loans are canceled by either the death or permanent and total disability of the borrower or the borrower's willingness to serve in an area designated by the Secretary.

GENERAL RESEARCH SUPPORT GRANTS

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Total obligations	54,200	55,212	54,624

In 1973 funds are provided for the following general research support programs. General research support grants enable institutions heavily engaged in health-related research greater control over the quality, content, emphasis, and direction of their research activities than is possible exclusively under the categorical research project system. Approximately 346 grants will be supported in 1973 as compared to 338 in 1972 and 326 in 1971. The biomedical sciences support program provides funds to academic institutions other than health professional schools for support of their health-related research and research training activities. Approximately 117 grants will be supported in 1973 as compared to 115 in 1972 and 112 in 1971. Health sciences advancement awards program—in 1973 continuation awards will be made to two institutions compared to four in 1972 and nine in 1971. The minority schools biomedical support program is designed to strengthen institutional biomedical research and research training capability at institutions where the student enrollment is drawn mainly from minority ethnic groups. Approximately 49 institutions will receive support in 1973 as compared to 26 in 1972 when this program was initiated.

NATIONAL INSTITUTES OF HEALTH MANAGEMENT FUND

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Computer services	4,399	4,592	4,466
Research services	5,377	5,591	5,714
Engineering services	11,897	12,858	14,364
Clinical services	21,416	22,392	23,932
Grant review and approval	8,532	8,848	8,999
Administrative services	9,040	8,961	9,293
Total obligations	60,661	63,242	66,768

The National Institutes of Health Management Fund was established to facilitate the conduct of operations of the NIH which are financed by two or more appropriations. The activities of the fund are financed primarily from advances and reimbursements from the individual institutes. Formulas for determining the contribution from each institute are designed to reflect utilization of services performed by the management fund. The formula takes into consideration such factors as the number of activated beds in the clinical center, the number of laboratory workers, total personnel, and the dollar level of grants and direct research funds obligated by the individual institutes. A small portion of the funds comes from reimbursements from outside sources and from other Government agencies.

The centralized organizations of the NIH provide supporting services as follows:

Computer services provide a central scientific research and computation resource in support of the NIH programs. The Division plans and conducts an extensive interdisciplinary research and development program in which the concepts and methods of computer science, engineering, and mathematics are applied to biomedical problems.

Research supporting services provide the central administration and operation of services for the conduct of research activities such as providing laboratory animals, culture media, and glassware, design and fabrication of laboratory instrumentation; operating the NIH medical reference library, including the translation of medical literature; scientific photography and medical arts; and environmental engineering services.

Engineering services provide engineering, architectural, craft, and labor services required for the: Operation and maintenance of the NIH facilities, planning of facilities and improvements, administration and inspection of construction performed under direct contract, and liaison and inspection of direct construction projects.

Clinical services provide facilities and services, other than physician care, for: an integrated operation of the clinical center's 516-bed facility serving nine Institutes conducting clinical investigations, developing and recommending policies and rules for the protection and welfare of patients, conducting research in methods and techniques of hospital administration in a medical research environment, professional staff conducting independent research, and numerous other medical care services.

Grant review and approval provide staff support services in formulating NIH grant and award policies and procedures relating to research, training, and fellowship programs.

Administrative services include plant and office services, including cleaning of space, mail, messenger, telephone, and other communication services; operation and maintenance of motor vehicles; guards, fire fighting, and other plant protection and safety services; and procurement and supply management.

SERVICE AND SUPPLY FUND

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Administrative services:			
Cost of goods sold	5,497	5,890	6,121
Other	3,627	3,248	3,388
Data processing services	7,829	7,823	8,712
Instrumentation:			
Cost of goods sold	301	371	395
Other	1,320	1,444	1,577
Research animals:			
Cost of goods sold	140	151	163
Other	1,446	1,551	1,578
Total program costs funded	20,160	20,478	21,934
Change in selected resources	338	−12	−25
Total obligations	20,498	20,466	21,909

The NIH Service and Supply Fund provides a single means for consolidated financing and accounting of business-type operations involving the sale of services and commodities to customers.

The activities of the fund are grouped into four categories: administrative services, data processing services, instrumentation, and reservices or sold commodities to the institutes and divisions of NIH at a $20,171,000 level in 1971. It is expected that the level will be $20,500,000 in 1972 and increase to $22,000,000 in 1973. Two activities, the scientific equipment rental pool and still photography, were added to the fund during 1971, adding approximately $345,000 in services.

A general description of these activities follows:

Administrative services. These services include the sale of commodities from inventory printing and reproduction services and other miscellaneous services. The NIH maintains a supply of scientific and general-use materials and supplies, alteration and construction material, linens, and special equipment. The Printing and Reproduction Branch provides printing, distribution, and related services. Its printing plant is equipped to produce brochures as well as ordinary administrative materials.

Data processing services. This central facility provides data systems design and consultation, key punching, EAM processing, computer programing, and computer processing services.

Instrumentation. The Biomedical Instrumentation and Engineering Branch maintains, repairs, and fabricates scientific laboratory apparatus and equipment for use in the research laboratories at NIH.

Research animals. The NIH animal facilities provide small and large research animals to the research laboratories. The facilities include breeding, holding, and conditioning facilities for mice, rats, guinea pigs, rabbits, hamsters, dogs, cats, primates, and ungulate animals. Bleeding services are also provided.

ADVANCES AND REIMBURSEMENTS

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Medical research	833	8,499	8,716
Health manpower	2,305	2,119	2,039
National Library of Medicine	196	1,000	1,000
Total obligations	3,334	11,618	11,755

OFFICE OF EDUCATION—EDUCATIONAL RENEWAL

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Educational systems improvement: National priority programs: Drug abuse education	5,901	13,024	12,400

Grants are made to State and local agencies to support demonstration, dissemination, and training projects to improve drug abuse education.

SOCIAL AND REHABILITATION SERVICE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants to States for public assistance: Medical assistance	3,373,866	3,827,619	4,502,687

Federal grants for medical assistance under Title XIX of the Social Security Act (Medicaid) are made to States with plans approved by the Department of Health, Education, and Welfare. States must provide medical assistance to all persons receiving or eligible to receive assistance payments for their basic needs under the Social Security Act. States may elect to provide medical assistance to certain medically needy persons who need help with their medical bills. Medicaid complements the Federal Medicare program by paying the deductible and coinsurance for the needy aged, paying their premiums for Medicare's supplementary medical insurance program, and by paying for services not covered by Medicare, for example, long-term nursing home care.

MEDICAL PAYMENTS, EXCLUDING ADMINISTRATIVE COSTS

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Total payments	5,895,300	7,042,767	7,860,648
Federal share	3,221,924	3,853,476	4,314,028

ADMINISTRATIVE COSTS

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Total payments	280,573	298,880	340,956
Federal share	151,942	165,205	188,659

The major factors accounting for the increase from 1972 to 1973 are the continued rise in medical prices, increase in the number of eligible recipients, and continued increase in utilization under State programs.

The following is the estimated number of different persons receiving Federal medical assistance under this program for 1971, 1972, and 1973:

	1971 actual	1972 estimate	1973 estimate
All recipients	18,223,000	20,632,000	23,537,000
Aged 65 or over	3,600,000	3,800,000	4,000,000
Blind	123,000	132,000	137,000
Permanent and total disability	1,500,000	1,700,000	2,000,000
Children under 21	8,300,000	9,400,000	10,800,000
Adults in Aid for Dependent Children-type families	4,700,000	5,600,000	6,600,000

The increase in the number of persons receiving medical assistance during 1973 results largely from the anticipated increase in the number of recipients of maintenance payments.

GRANTS TO STATES FOR PUBLIC ASSISTANCE—SUPPLEMENTAL NOW REQUESTED

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Medical assistance:			
For those eligible for maintenance assistance		68,712	....
For those not eligible for maintenance assistance		124,967	....
Administration		−2,617	....
Total		191,062	....

ASSISTANCE TO REFUGEES IN THE UNITED STATES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Health services	2,816	3,600	3,600

These services are provided to new arrivals and to needy refugees in Miami and include medical screening, examinations, treatment, and provision of prescribed drugs by the clinic operated for the program by the Dade County, Florida, public health service; arrangements are made for outpatient clinic services when necessary at local hospitals and for care of patients with tuberculosis and mental illness.

SOCIAL SECURITY ADMINISTRATION—PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Matching payments for supplementary medical insurance	1,245,282	1,376,400	1,434,015
Hospital insurance for the uninsured	878,688	503,351	467,825

Matching payments for supplementary medical insurance. An estimated $1,434,015,000 will be required in 1973 to finance the Government's contribution to the Federal supplementary medical insurance trust fund and to cover the deficiencies in financing the Government's contribution for 1971 and 1972. For each monthly premium paid by enrollees in the voluntary medical insurance program, which primarily covers doctor bills, the Federal Government matches a like amount. The estimate for 1973 assumes that an average of about 20,500,000 persons will be enrolled in the program during 1973 as compared with an average of about 20,100,000 in 1972.

Hospital insurance for the uninsured. A payment of $467,825,000 to the Federal hospital insurance trust fund is budgeted for 1973 to cover the costs of hospital and related care for individuals aged 65 and over who are not insured under the social security or railroad retirement systems. The estimate assumes that there will be an average of 1,400,000 uninsured persons covered for hospital benefits during 1973, and is net of adjustments for prior years for which the amounts appropriated were higher than presently estimated costs. The uninsured group covered by this provision includes persons who retired before their occupations were covered by social security (such as teachers and State and local employees), and widows whose husbands died prior to earning coverage under social security.

LIMITATION ON SALARIES AND EXPENSES—HEALTH INSURANCE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Hospital insurance	133,579	156,777	164,961
Supplementary medical insurance	254,649	290,691	328,827

Health insurance. This program includes the hospital insurance and the voluntary supplementary medical insurance programs which were established by the 1965 amendments to the Social Security Act and commonly referred to as Medicare.

Hospital insurance. The hospital insurance program affords protection to persons aged 65 and over against the cost of inpatient hospital services, posthospital home health services, and posthospital extended care services. Bills for services rendered under the hospital insurance program are generally submitted by hospitals, extended care facilities, home health agencies, and in some instances by individuals who have received emergency care in nonparticipating hospitals. In most instances, these bills are processed by the Blue Cross associations and private insurance companies acting as intermediaries for the Social Security Administration. The individual beneficiary records of utilization of hospital services are maintained in the central office of the Social Security Administration. The growth in beneficiaries who will be covered by the program as the population of age 65 and over increases and the rise in the utilization of available services cause an increase in the number of claims in both 1972 and 1973.

Supplementary medical insurance. Almost all persons aged 65 and over are eligible to enroll in the supplementary medical insurance program which covers the cost of physician services and other medical costs within certain deductible and coinsurance requirements. Enrollees in the program pay a monthly premium and the aggregate of these premiums is matched by the Federal Government by appropriations from Federal funds. Claims for services under the medical insurance program may be submitted by the physician or other suppliers of service or by the beneficiary to Blue Shield associations and private insurance companies who have been designated to act as carriers for the Social Security Administration in specific geographical areas.

The volume of claims will rise in 1972 and 1973 as a result of the growth in the aged 65 and over population and the projected increase in utilization of medical services.

The health insurance program data is reflected in the following chart:

	1971 actual	1972 estimate	1973 estimate
Claims received for services covered by hospital insurance	8,332,000	8,411,000	8,621,000
Claims received for services covered by medical insurance	57,540,000	64,538,000	71,390,000
Beneficiaries receiving reimbursed services:			
Hospital insurance	4,500,000	4,600,000	4,700,000
Medical insurance	10,300,000	10,900,000	11,400,000
Benefit payments (in millions):			
Hospital insurance [1]	$5,443	$6,265	$6,950
Medical insurance	$2,035	$2,240	$2,455

[1] Includes $533,000,000 in 1971, $539,000,000 in 1972, and $549,000,000 in 1973 chargeable to Federal funds.

The administrative costs budgeted for this program cover the claim payment functions performed by the intermediaries and carriers; services performed by State agencies in certifying and consulting with providers of services; all work performed by the Social Security Administration in directing the program, providing services to beneficiaries, maintaining records by individual beneficiary of utilization of hospital and medical services and processing claims to establish entitlement to hospital insurance for persons not insured for cash benefits under either the social security or railroad retirement program.

FEDERAL HOSPITAL INSURANCE TRUST FUND

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Benefit payments	5,489,826	6,280,000	6,957,000
Construction	1,522	971	314
Administration:			
Authorized program	146,845	168,674	177,290
Adjustment of prior year costs	920		
Incentive reimbursement experimentation	364	6,442	2,372
Total obligations	5,639,478	6,456,088	7,136,977

The hospital insurance program protects individuals and families against the costs of health care by helping eligible people aged 65 and over finance the cost of hospital and related care.

Benefit payments. The hospital insurance program provides protection to over 20,000,000 persons aged 65 and over against the costs of inpatient hospital services, posthospital home health services, and posthospital extended care services. The following table shows comparative data on hospital insurance beneficiaries and on benefit payments classified by type of coverage for 1971 through 1973 (in millions):

	1971 actual	1972 estimate	1973 estimate
Persons with hospital insurance protection (average)	20.3	20.6	20.9
Beneficiaries receiving reimbursed services	4.5	4.6	4.7
Payments for inpatient hospital services	$5,119	$5,903	$6,513
Payments for extended care services	247	268	323
Payments for home health services	77	94	114
Total benefit payments	5,443	6,265	6,950

The growth in benefit payments in 1972 and 1973 results primarily from increases in the size of the covered population and in the cost of covered services. The estimates are in keeping with the wage and price guidelines. Without these guidelines, estimated benefit outlays would be $135,000,000 higher in 1972 and $290,000,000 higher in 1973.

Construction. The cost of site acquisition, design, and construction of office facilities for the Social Security Administration are financed by this and the other trust funds.

Administration. The administration expenses of the Social Security Administration as reflected in its salaries and expenses appropriation and those incurred for social security programs by the Treasury Department and other Department of Health, Education, and Welfare components are financed in part by each trust fund.

Incentive reimbursement experimentation. The 1967 Social Security Amendments provide authorization to conduct experiments for reimbursement of providers of services on a basis other than the "reasonable cost" or "reasonable charges" provisions generally applicable under the Medicare program, in order to achieve incentive for economy while maintaining or improving quality in the provision of health services. The cost of administering and evaluating the experiments is financed by the hospital insurance and supplementary medical insurance trust funds. Hospital insurance benefit payments made to providers of health services who are participating in these experiments are included in the benefit payments shown above.

FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Benefit payments	2,055,364	2,241,976	2,457,150
Construction	1,836	1,170	374
Administration			
Authorized program	258,713	293,338	332,956
Adjustment in prior year costs	1,939		
Incentive reimbursement experimentation		1,094	808
Total obligations	2,317,852	2,537,578	2,791,287

The supplementary medical insurance program protects individuals and families against the costs of health care by helping individuals aged 65 and over who elect this coverage to finance the cost of physicians' services and certain other medical and health services. Almost all persons aged 65 and over are eligible to enroll in the voluntary supplementary medical insurance program provided by the Social Security Act and about 96% of those eligible have chosen to do so. The costs of services covered by the program and administrative expenses are financed by premium payments from enrollees together with matching contributions from the general revenues of the Treasury.

Benefit payments. Participants in the program are covered for the cost of physician's services, home health services not covered under the hospital insurance program, outpatient services, and certain other medical costs, with specified deductible and coinsurance amounts. The following table shows comparative data on supplementary medical insurance beneficiaries and benefit payments, classified by type of coverage, for 1971 through 1973 (in millions).

	1971 actual	1972 estimate	1973 estimate
Persons with supplementary medical insurance protection (average)	19.8	20.1	20.5
Beneficiaries receiving reimbursed services	10.3	10.9	11.4
Payment for physicians' services	$1,864	$2,043	$2,231
Payments for home health services	32	36	41
Payments for outpatient services	106	119	136
Payments for other medical and health services	33	42	47
Total benefit payments	2,035	2,240	2,455

The growth in benefit payments in 1972 and 1973 results from increases in the covered population and projected increases in the utilization and cost of medical care services. For 1973 it is assumed that the controls will limit recognized fee increases to approximately 2½%. Without these assumptions the 1972 benefit estimate would be $5,000,000 higher and the 1973 benefit estimate would be $65,000,000 higher.

Construction. The costs of site acquisition, design, and construction of the office facilities for the Social Security Administration are financed by this and the other trust funds.

Administration. The administrative expenses of the Social Security Administration as reflected in its Salaries and Expenses appropriation, and those incurred for social security programs by the Treasury Department and other Department of Health, Education and Welfare components are financed in part by each trust fund.

Incentive reimbursement experimentation. The 1967 Social Security Amendments provide authorization to conduct experiments for reimbursement of providers of services on a basis other than the "reasonable cost" or "reasonable charges" provisions generally applicable under the Medicare program in order to achieve incentives for economy while maintaining or improving quality in the provision of health services. The cost of administering and evaluating the experiments is financed by the hospital insurance and supplementary medical insurance trust funds. Medical insurance benefit payments made to providers of health services who are participating in these experiments are included in the benefit payments shown above.

SPECIAL INSTITUTIONS

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Howard University: Freedmen's Hospital	18,958	20,555	21,195

The hospital furnishes inpatient and outpatient care and a facility for training of physicians and nurses and other professional and technical health personnel. Operation of the hospital is financed by direct appropriation and income derived from charges for medical and hospital services for self-pay and insured patients, Medicare patients, and other patients paid for by the District of Columbia and other jurisdictions. Federal funds provide 67% of the total operating costs.

	1971 actual	1972 estimate	1973 estimate
Patient statistics:			
Admissions	11,376	11,600	11,800
Average daily patient load including newborns	389.9	398.0	406.0
Outpatient visits:			
Clinic	70,784	73,000	75,000
Emergency	57,369	59,000	60,000
Total outpatient visits	128,153	132,000	135,000

OFFICE OF THE SECRETARY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Departmental management: Commission on Medical Malpractice		1,500	500

The Commission convened to collect, classify, and analyze data showing the incidence of malpractice claims and litigation, and to study the present system for compensating individuals (or their representatives) for injury or death arising out of medical treatment, the relationship between malpractice claims and the current legal environment on professional practices of health care providers and institutions, and the present malpractice insurance system to determine its role and its effectiveness in the processing of malpractice claims.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements:			
International health activities	1,123	990	1,029
Family health insurance plan	153		
Advisory committee on dental health	23	86	
Ad hoc committee on health professions	76	105	

FOOD AND DRUG ADMINISTRATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Food, Drug, and Product Safety: Wholesome fish, consumer and hazardous product safety, and medical device safety			38,845

Legislation has been proposed that will require intensive screening of fish and fishery products by the Food and Drug Administration. Frequency and intensity of current fish establishment inspections will be increased to provide comprehensive coverage. Grants will be provided to States to assist in their development of inspection programs for the intrastate fish industry.

This estimate also provides resources for implementation of consumer product safety legislation and proposed amendments to the Hazardous Substances Act. The new legislation will provide authority to establish standards for consumer products not subject to existing legislation, to remove hazardous products from the market, and to inspect manufacturers' and distributors' records.

Legislation also has been proposed to authorize the Food and Drug Administration to establish standards relating to the safety of medical devices.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Health services planning and development: Health maintenance organization activities		57,000	60,000

Legislation has been proposed to promote the development and expansion of health maintenance organizations through technical and financial assistance in order to make this health care option available to all citizens of the Nation. By encouraging Health maintenance organization development the program will deal with specific major health care problems: rapid inflation, inefficient organization, uneven distribution of medical resources, and inadequate emphasis on illness prevention.

SOCIAL AND REHABILITATION SERVICE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants to States for public assistance: Medical assistance			−700,220

Pending legislation would provide Medicare coverage to some disabled persons currently relying on Medicaid and would thus cause a reduction in Medicaid costs.

This legislation would also modify the Medicaid program, including provisions that would permit States more flexibility in scope of program, discourage over utilization of services, place increased emphasis on preventive and ambulatory medical care, and restrain cost increases for institutional services. These changes are consistent with the proposed family health insurance plan, one objective of which is to promote cost sharing according to the beneficiary's ability to pay.

DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and Expenses, Bureau of Prisons:			
Medical services	5,306	6,316	7,107
Narcotic addict treatment	1,486	2,748	3,398

Medical services. Funds are allocated to the Health Services and Mental Health Administration for the cost of medical, psychiatric, and technical services.

Narcotic addict treatment. This covers the cost of treatment of narcotic addicts while in institutions and provides for aftercare treatment services after the inmate is released.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

[In thousands of dollars]

Advances and reimbursements	1971 actual	1972 estimate	1973 estimate
Kabul Hospital:			
Agency for International Development	193	211	211
Peace Corps	21	23	23
Defense	18	19	19
Other accounts	33	37	37

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Contributions to international organizations:			
World Health Organization	21,681	23,741	26,342
Pan American Health Organization	9,263	10,437	11,313

The World Health Organization is increasing its activities in the areas of drug monitoring, drug efficacy, environmental services and water supply, and small pox eradication.

The Pan American Health Organization is increasing its activities with respect to malaria eradication and its support of the Pan American Zoonosis Center, which was involved in the recent outbreak of Venezuelan equine encephalitis.

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Operations: Administration of medical programs	6,897		7,363

This activity covers the development of regulations governing the physical and mental fitness of airmen and other persons whose health affects safety in flight; the development and supervision of a health and medical program for agency personnel; the administration of an aviation medical research program, the project costs of which are financed under Engineering and development; and the operation of the Civil Aeromedical Institute building.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Safety regulation: Administration of medical programs		4,568	

Note: This account will be phased out in 1972 and the activity will be shown in the operations account in 1973.

	1971 actual	1972 estimate	1973 estimate
Operations (airport and airway trust fund); Administration of medical programs		2,745	

Note. This account will be phased out in 1972. The activity will be shown in the operations account in 1973.

	1971 actual	1972 estimate	1973 estimate
Research and development: Aviation medicine	2,130		

	1971 actual	1972 estimate	1973 estimate
Engineering and Development (airport and airway trust fund): Aviation medicine		675	985

This provides for conducting aeromedical research directed toward identifying and eliminating those physiological and psychological factors inimical to personnel engaged in operating the traffic control system.

ATOMIC ENERGY COMMISSION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Operating expenses: Biology and medicine	88,117	88,845	93,800

This program includes basic and applied research and development in the life sciences. By major category, the costs are as follows (in thousands of dollars):

Category	1971 actual	1972 estimate	1973 estimate
Interaction of radiation with biological systems	32,981	32,613	34,000
Assessment, evaluation, and control of radiation exposure to man and his environment	44,274	45,767	49,000
Beneficial applications of radiation	10,862	10,465	10,800
Total biology and medicine	88,117	88,845	93,800
Additional amounts for environmental research included in proposed 1972 supplemental		2,000	700

The program provides the scientific information necessary to assure that all nuclear energy activities are conducted with due regard for the safety of man and his environment and which increases the ability to predict the environmental behavior and biological effects of radionuclides. The program is thus directly responsive to the needs of the AEC in both its operations and its regulatory functions. The program is coordinated with other Government agencies conducting programs in related aspects of biomedical research.

Primary emphasis in 1973 will be placed on program areas of particular importance and urgency including: the late effects of low doses of radiation: tumorigenicity of particles of plutonium and other alpha emitters; thermal alteration of fresh water, marine, and atmospheric environments; toxicity of radioelements such as radium and uranium in humans; and studies of the structure and function of biological molecules and components of cells, radiation-induced damage to cells, and the processes by which the damage is repaired.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Operating expenses (supplemental now requested): Biology and medicine		2,000	700

	1971 actual	1972 estimate	1973 estimate
Plant and capital equipment: Biology and medicine	7,079	7,330	10,355
Plant and capital equipment (supplemental now requested): Biology and medicine		2,000	

VETERANS' ADMINISTRATION—MEDICAL CARE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Direct operating costs funded:			
Maintenance and operation of VA facilities:			
VA hospital care:			
Medical bed sections	537,247	683,833	727,301
Surgical bed sections	330,179	379,796	401,868
Psychiatric bed sections	404,581	400,161	415,047
Nursing home care	44,409	53,255	65,642
Domiciliary care	42,510	43,002	44,325
Restoration centers	4,065	4,217	4,325
Outpatient care	293,362	357,770	447,169
Miscellaneous benefits and services	28,788	33,808	38,854
Education and training	102,742	117,382	143,457
Research and development in health services	2,333	2,189	
Contract care:			
Hospitalization	17,551	20,270	21,727
Nursing home	19,685	26,922	32,450
Grants for State home care:			
Domiciliary	7,757	8,058	8,420
Nursing home	5,405	6,032	7,111
Hospitalization	3,145	3,245	3,784
Total direct operating costs funded	1,843,759	2,139,940	2,361,480
Capital outlay funded:			
Maintenance and operation of VA facilities:			
VA hospital care:			
Medical bed sections	22,015	44,350	51,200
Surgical bed sections	13,326	27,000	25,300
Psychiatric bed sections	10,057	20,165	15,900
Nursing home care	1,354	733	1,650
Domiciliary care	1,185	1,200	1,220
Restoration centers	122	190	220
Outpatient care	3,890	6,510	8,974
Miscellaneous benefits and services	2,986	3,812	3,900
Education and training	387	900	2,000
Research and development in health services	1	1	
Total capital outlay	55,323	104,861	110,364
Total direct program costs funded	1,899,082	2,224,801	2,471,844

	1971 actual	1972 estimate	1973 estimate
Reimbursable program:			
Maintenance and operation of VA facilities:			
VA hospital care	13,535	13,154	13,154
Outpatient care	2,930	2,846	2,846
Total reimbursable program costs	16,465	16,000	16,000
Total program costs funded	1,915,547	2,260,801	2,487,844
Change in selected resources	42,326		
Total obligations	1,957,873	2,260,801	2,487,844

Providing the highest-quality health care to eligible veterans is the prime mission of the Veterans Administration's medical system. In fulfilling that mission, the Veterans Administration operates the country's largest civilian hospital system. Between 1971 and 1973, the system will expand from 166 to 170 hospitals, from 76 to 83 VA nursing homes, and from 199 to 203 outpatient clinics. Employment will rise by 11,824 permanent positions in this period, to 145,245 physicians, nurses, and other health workers. The total number of veterans, who in 1973 will receive some form of health care financed by this appropriation will rise by nearly 24% over the number served in 1971, to 4,700,000. To help maintain its standards of medical excellence, the Veterans Administration trains medical students, physicians, and all other categories of health manpower, and conducts an extensive program of medical research (largely financed by the Medical and prosthetic research appropriation). Under the impetus of the President's national health initiatives for improving the quality and accessibility of health care, the Veterans Administration has proposed legislation to authorize earlier treatment of disease. VA also has engaged in an expanding program of demonstrations of new models of health organization and delivery, including progressive regionalization of its hospitals, improvements in design and location of outpatient clinics, and other improvements.

Specific increases in 1973 cover activation expenses for the new hospitals at San Antonio, Texas; Columbia, Missouri; Lexington, Kentucky; Northport, New York; San Diego, California; and Tampa, Florida; increased staffing to improve inpatient and outpatient care; extension of new specialized medical services begun in 1972 and initiation of additional specialized medical services; increased outpatient workloads resulting from the Vietnam war; 1,723 more VA nursing home care beneficiaries treated and 5,122 more beneficiaries treated in non-VA facilities; expansion of the education and training program; increased usage of drugs, utilities, communications, prosthetics, medical and dental supplies, and operating supplies; increased equipment and minor improvements; wage and salary increases and other payroll adjustments including Federal Insurance Contributions Act taxes; and increased cost of operation and maintenance of additional facilities and space.

Maintenance and operation of VA facilities. VA hospital care.

Medical bed sections	1971 actual	1972 estimate	1973 estimate
Patients treated	367, 230	389, 500	405, 000
Average employment (including education and training)	46, 535	56, 175	59, 162

Surgical bed sections	1971 actual	1972 estimate	1973 estimate
Patients treated	291, 049	288, 025	288, 987
Average employment (including education and training)	27, 936	30, 053	31, 699

Psychiatric bed sections	1971 actual	1972 estimate	1973 estimate
Patients treated	160, 300	148, 100	150, 216
Average employment (including education and training)	36, 470	32, 475	33, 151

VA Hospitals	1971 actual	1972 estimate	1973 estimate
Patients treated	818, 579	825, 625	844, 203
Average employment (including education and training)	110, 941	118, 703	124, 012

Nursing home care	1971 actual	1972 estimate	1973 estimate
Patients treated	7, 398	8, 837	10, 560
Average employment (including education and training)	3, 955	4, 494	5, 467

Domiciliary care	1971 actual	1972 estimate	1973 estimate
Patients treated	25, 666	25, 710	24, 380
Average employment (including education and training)	3, 084	3, 024	3, 009

Restoration centers	1971 actual	1972 estimate	1973 estimate
Patients treated	2, 467	2, 886	2, 993
Average employment (including education and training)	297	338	341

Outpatient care. This includes care provided by VA staff and by physicians and dentists participating under a fee basis arrangement in the hometown care program.

NUMBER OF MEDICAL VISITS AND DENTAL CASES AUTHORIZED

[In thousands]

	1971 actual	1972 estimate	1973 estimate
Medical visits:			
Staff	6, 798	7, 349	8, 450
Fee	1, 266	2, 084	2, 395
Total	8, 064	9, 433	10, 845
Dental cases authorized:			
Examinations:			
Staff	148, 988	139, 000	149, 000
Fee	97, 835	118, 700	119, 000
Total	246, 823	257, 700	268, 000
Treatments:			
Staff	83, 025	89, 000	91, 000
Fee	160, 963	143, 590	156, 000
Total	243, 988	232, 590	247, 000
Average employment (including education and training)	14, 488	16, 064	20, 318

Miscellaneous benefits and services. This includes items of expense not directly connected with medical care and treatment such as beneficiary travel, care of the dead, operation of personnel quarters at medical facilities, and the cost of furnishing supply, engineering, housekeeping, and other administrative support service to other Veterans Administration departments on a nonreimbursable basis.

	1971 actual	1972 estimate	1973 estimate
Average employment	1, 084	1, 097	1, 097

Education and training. All Education and training average employment has been apportioned to the respective inpatient activity.

	1971 actual	1972 estimate	1973 estimate
Average employment	5, 958	6, 168	7, 489

Research and development in health services. In 1973 there will be an increase in funds over 1972 to expand and diversify research and development for improved delivery of health care services. The 1973 funds for this activity are included under the appropriation Medical administration and miscellaneous operating expenses.

	1971 actual	1972 estimate	1973 estimate
Average employment	89	100	---------

Contract care. Hospitalization. This covers the hospitalization in other Federal hospitals for service and non-service-connected disabilities where Veterans Administration facilities are not available. It also covers the use of non-Federal hospitals which are limited to treatment of service-connected disabilities, except that female veterans, veterans in training under the provisions of 38 U.S. Code 1506, and veterans in U.S. territories and possessions may also receive treatment for non-service-connected disabilities.

	1971 actual	1972 estimate	1973 estimate
Patients treated	22, 168	22, 225	22, 500

Nursing home. This includes provision for nursing care of veterans in private facilities where Veterans Administration facilities are not available.

	1971 actual	1972 estimate	1973 estimate
Patients treated	12, 803	15, 165	17, 060

GRANTS FOR STATE HOME CARE—DOMICILIARY

	1971 actual	1972 estimate	1973 estimate
Patients treated	11, 129	11, 356	11, 926

Nursing home	1971 actual	1972 estimate	1973 estimate
Patients treated	5, 413	5, 977	7, 098

Hospitalization	1971 actual	1972 estimate	1973 estimate
Patients treated	6, 728	6, 943	8, 204
Average employment (for support of non-VA facility workloads)	197	197	197

The requirements presented in this budget submission take into consideration the contemplated receipt in 1973 of an amount of property and supplies from other Federal agencies or from the General post fund, national homes, Veterans Administration, equivalent to that experienced in 1971 which had an acquisition value of $3,100,000. This does not, however, represent the value of the items when transferred.

MEDICAL AND PROSTHETIC RESEARCH

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Direct operating costs funded:			
Medical research	53, 088	56, 538	62, 670
Prosthetic research	2, 019	2, 078	3, 053
Total direct operating costs funded	55, 107	58, 616	65, 723

MEDICAL AND PROSTHETIC RESEARCH—Continued

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Capital outlay funded:			
Medical research	6,613	9,079	9,410
Prosthetic research	26	40	160
Total capital outlay	6,640	9,119	9,570
Total direct program costs funded	61,746	67,735	75,293
Reimbursable program:			
Medical research:			
Cancer chemotherapy research	921	1,906	1,950
Other	560	550	550
Total reimbursable program costs	1,481	2,456	2,500
Total program costs funded	63,227	70,191	77,793
Change in selected resources	1,038		
Total obligations	64,265	70,191	77,793

Medical research. The 1973 program provides for additional research in drug addiction, sickle cell disease, psychiatry, pulmonary disease, and other areas of Veterans Administration specialization.

Prosthetic research. The budget provides a 50% increase in 1973 funding of research, development, and testing of prosthetic, orthopedic, and sensory aids for improving the care and rehabilitation of disabled eligible veterans, including amputees, paraplegics, and the blind.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

[In thousands of dollars]

Operating costs funded	1971 actual	1972 estimate	1973 estimate
Medical, hospital, and domiciliary administration	14,272	15,213	17,242
Postgraduate and inservice training	3,297	4,215	4,908
Exchange of medical information	1,923	76	1,500
Research and development in health services	99	101	2,301
Total operating costs funded	19,591	19,605	25,915
Capital outlay funded:			
Medical, hospital, and domiciliary administration	53	57	101
Postgraduate and inservice training	210	590	500
Exchange of medical information	402		500
Research and development in health services			240
Total capital outlay	665	647	1,341
Total program costs funded	20,256	20,252	27,292
Change in selected resources	−211		
Total obligations	20,045	20,252	27,292

Medical, hospital, and domiciliary administration covers the development, implementation, and administration of policies, plans, and broad objectives, and provides executive direction for all agency medical programs.

Postgraduate and inservice training provides for tuition and registration payments, lecturer fees, travel expenses, and training materials incidental to continuing education programs for professional medical and administrative staff. This also serves as a media for disseminating information on medical advances resulting from research efforts.

Exchange of medical information provides for entering into agreements with medical schools, hospitals, research centers and individual institutions, and members of the medical-scientific community under which physicians at hospitals not affiliated with medical schools will maintain closer contact with such schools and other primary sources of medical information. (This program was extended an additional four years by Public Law 92–69, approved August 6, 1971. Estimates for 1972 are being submitted under the Proposed for separate transmittal, existing legislation section. Funds for 1972 are to be obtained by transfer of savings from Medical care appropriation.)

Research and development in health services provides for studies designed to facilitate improved delivery of health care services. (The major portion of this activity was funded under the appropriation Medical care prior to 1973.)

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES (SUPPLEMENTAL NOW REQUESTED)

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Exchange of medical information		1,924	

CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Hospitals:			
Replacement and modernization	53,854	53,671	37,127
Other improvements	11,935	30,401	37,024
Domiciliaries		40	417
Nursing homes	624	2,858	2,853
Construction of research and education facilities	7,043	11,662	8,838
General administration	7,463	8,765	9,741
Total program costs funded	80,919	107,397	96,000
Change in selected resources	21,915	2,500	59,923
Total obligations	102,834	109,897	155,923

These funds provide for the construction of new hospital and domiciliary facilities; replacement and relocation of existing hospitals and domiciliaries; acquisition of sites; modernization and other improvements; including alterations and additions for medical research and education facilities, nursing home beds, supply depots, and data processing centers; all of which include construction planning, administration, and related staff activities.

Hospitals. Replacement and modernization. This activity provides for construction of new hospitals, replacement and relocation of existing hospitals, and modernization of existing hospitals to bring them up to the standards of new hospitals insofar as practicable.

Other improvements. This activity provides for needed improvements at hospitals which are not included as replacement or modernization projects.

Domiciliaries. This activity provides for construction of domiciliary facilities, including restoration centers.

Nursing homes. This activity provides for the construction necessary to establish VA nursing home facilities. These facilities are being provided by altering existing hospital and domiciliary facilities and by new construction where necessary.

General administration. This activity provides for planning, administration, design and construction supervision, construction research and development program, and related staff activities.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants for State nursing home construction	4,168	2,680	1,575
Grants for existing State home hospital or domiciliary facility remodeling, modification, or alteration		1,320	3,725
Total program costs funded	4,168	4,000	5,300
Change in selected resources	188	685	3,700
Tota obligations	4,356	4,685	9,000

This program provides grants to assist the States in the construction of State nursing facilities and to remodel, modify, or alter existing hospital and domiciliary facilities in State homes for providing care and treatment to war veterans.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Medical care and treatment of veterans	1,558	2,000	2,000
Medical research and training grants	72	100	
Hospital equipment, plant, and facilities rehabilitation grants	31	9	
Total obligations	1,661	2,109	2,000

Grants are made to the Republic of the Philippines for the medical care and treatment, at the Veterans Memorial Hospital or at contract facilities, of Philippine Commonwealth Army veterans and new Philippine Scouts. Public Law 89–612 extended the program for another five years through June 30, 1973, and expanded reimbursement to include payments for hospital care for non-service-connected disabilities.

	1971 actual	1972 estimate	1973 estimate
Patients treated	4,270	5,455	5,388

ADVANCES AND REIMBURSEMENTS

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Medical administration and miscellaneous operating expenses	45	50	52
Research, training, and demonstration project	420	440	750
Total program costs funded	465	490	802
Change in selected resources	−13		
Total obligations	452	490	802

MEDICAL CARE, DIRECT OPERATING COSTS FUNDED

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Maintenance and operation of VA facilities:			
VA hospital care:			
Medical bed sections			6,928
Surgical bed sections			2,961
Psychiatric bed sections			4,173
Nursing home care			389
Domiciliary care			30
Restoration centers			8
Outpatient care			1,456
Total obligations			15,945

Proposed legislation, 1973. To provide shift differential pay for certain nurses in the Veterans Administration Department of Medicine and Surgery performing service in the evening or night shifts, on weekends, on holidays, or overtime ($15,936,000).

To extend installation of official telephone service in the private residences of all nonmedical Veterans Administration facility directors ($3,000).

To authorize agreements between Veterans Administration hospitals and other hospitals, medical schools, or medical installations for central administration of training for interns and residents ($6,000).

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

(Proposed for later transmittal, proposed legislation)

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Medical, hospital, and domiciliary administration			155

To provide for the appointment of two additional Assistant Chief Medical Directors, $82,000.

To amend salary range for Director of Nursing Service, Chaplain Service, Pharmacy Service, and Dietetic Service, and create Director grade in nursing schedule and position of Chief Optometrist, $73,000.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Total obligations			1,000

Grants provided under this program to assist States in the construction of State nursing facilities and to remodel, modify, or alter existing hospital and domiciliary facilities in State homes have been restricted to 50% of the total cost of the projects. Legislation is proposed in 1973 to increase the amount of grants from the 50% limit to 65% of the total cost of the projects.

CIVIL SERVICE COMMISSION—GOVERNMENT PAYMENTS FOR ANNUITANTS, EMPLOYEES

[In thousands of dollars]

Operating costs funded	1971 actual	1972 estimate	1973 estimate
HEALTH BENEFITS			
Government contributions for annuitants benefits (1959 law)	59,400	96,936	126,846
Government contributions for annuitants benefits (1960 act)	10,615	12,229	12,145
Administrative expense (1960 act)	278	205	227
Total program costs funded	70,293	109,370	139,218
Change in selected resources	112	198	−1,610
Total obligations	70,405	109,568	137,608

This appropriation covers: the Government's share of the cost of health insurance for certain annuitants as defined in Sections 8901 and 8906 of Title 5, United States Code; the Government's share of the cost of health insurance for other annuitants (who were retired when the Federal Employees Health Benefits law became effective), as defined in the Retired Federal Employees Health Benefits Act of 1960; and the Government's contribution for payment of administrative expenses incurred by the Civil Service Commission in administration of the Retired Employees Health Benefits Act of 1960.

The use of these funds is reflected in the schedules for the Employees health benefits fund and the Retired employees health benefits fund.

EMPLOYEES HEALTH BENEFITS FUND—OPERATING COSTS FUNDED

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Payments to carriers:			
Semimonthly (subscriptions)	1,021,382	1,306,294	1,633,382
Annual from contingency reserve	37,124	35,000	38,000
Excess or deficiency on payments to carriers	12,734	−12,570	−17,500
Administration	1,499	1,641	2,314
Total operating costs funded	1,072,739	1,330,365	1,656,196
Change in selected resources	−4,570	20,070	27,000
Total obligations	1,068,169	1,350,435	1,683,196

The fund finances the cost of health benefits for: Active employees; employees who retired after June, 1960, or their survivors; and the related expenses of the Commission in administering the program.

RETIRED EMPLOYEES HEALTH BENEFITS PROGRAM

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Subscription charge payments to uniform plan carrier	6,526	5,973	5,779
Less excess subscription charge held by carrier	−827	−2,164	−2,306
Net payments	7,353	8,137	8,085
Government contributions to annuitants with private plans	6,570	8,214	8,230
Administration	283	205	227
Total obligations	14,206	16,556	16,542

This fund finances: The cost of health benefits for retired employees and survivors who enroll in the Government-sponsored uniform health benefits plan; the contribution to retired employees and survivors, who retain or purchase private health insurance; and expenses of the Commission in administering the program.

RAILROAD RETIREMENT BOARD—ADVANCES AND REIMBURSEMENTS

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Medicare activities (Social Security Administration)	607	634	634

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Processing of sickness claims	2,402	2,473	2,646

TEMPORARY STUDY COMMISSIONS—NATIONAL COMMISSION ON MARIHUANA AND DRUG ABUSE

[In thousands of dollars]

Salaries and expenses	1971 actual	1972 estimate	1973 estimate
Conduct a study of marihuana and the causes of drug abuse	76	1,762	1,080
Change in selected resources	5	85	40
Total obligations	81	1,847	1,120

The Commission will conduct a study of marihuana, including the extent of its use, the efficacy of existing laws, its pharmacology and effects, its relationship to crime and other drugs, and its international control. The Commission will also conduct a study and investigation into the causes of drug abuse and their relative significance.

On the basis of its study, the Commission will make recommendations to the President and the Congress for legislation and administrative action.

RECAPITULATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grand total of obligations	21,412,218	24,887,482	26,716,189
Executive Office of the President: Special Action Office for Drug Abuse Prevention		3,000	6,856
Funds appropriated to the President	(206,003)	(263,181)	(208,928)
Appalachian regional development programs	36,372	55,129	48,000
Foreign assistance	2,309	28,852	8,928
Office of Economic Opportunity	167,322	179,200	152,000
Department of Agriculture	(105,388)	(140,880)	(137,608)
Agricultural Research Service	101,483	49,463	[1] 2,533
Animal and Plant Health Service		74,848	[1] 108,385
Forest Service	3,905	16,569	26,690
Department of Commerce: Promotion of Industry and Commerce	298	310	310
Department of Defense—Military	(241,134)	(250,272)	(251,496)
Operation and maintenance	1,614	2,257	[2] 2,543
Revolving and management funds	239,520	248,015	248,953
Department of Defense—Civil	(23,083)	(25,664)	(26,758)
Soldiers Home	4,863	5,109	5,076
Tha Panama Canal	18,220	20,555	21,682
Department of Health, Education, and Welfare	(17,386,732)	(20,100,618)	(21,303,080)
Food and Drug Administration	92,263	136,664	193,027
Health Services and Mental Health Administration	(1,656,514)	(2,222,155)	(2,529,654)
Mental health	421,442	602,530	622,130
St. Elizabeths Hospital	45,314	49,783	55,860
Health Services planning and development	324,021	401,839	500,117
Health Services delivery	607,434	770,006	773,875
Patient care and special health services		5,610	
Preventive health services	46,637	86,818	153,822
National health statistics	10,342	15,844	18,659
Commissioned officers' dependents medical care	10,173	11,460	11,913

RECAPITULATION—Continued

	1971 actual	1972 estimate	1973 estimate
Department of Health, Education, and Welfare—Continued			
Buildings and facilities	3,002	9,652	19,457
Office of the Administrator	11,032	12,359	12,590
Indian health services	126,891	154,086	163,179
Indian health facilities	23,185	32,107	42,984
Emergency health	5,073	4,267	4,268
Medical facilities guarantee and loan fund		35,000	112,800
Service and supply fund	5,634	10,063	10,809
Advances and reimbursements	15,666	19,722	26,177
Public Health Service trust funds	668	1,009	1,014
National Institutes of Health	(1,765,511)	(2,362,373)	(2,415,316)
Biologics standards	9,277	9,139	9,297
National Cancer Institute	232,856	337,705	430,206
National Heart and Lung Institute	194,826	232,135	254,416
National Institute of Dental Research	35,211	43,260	44,076
National Institute of Arthritis and Metabolic Diseases	137,947	152,968	158,394
National Institute of Neurological Diseases and Stroke	103,445	116,519	117,298
National Institute of Allergy and Infectious Diseases	102,053	108,733	111,917
National Institute of General Medical Sciences	159,841	173,335	175,716
National Institute of Child Health and Human Development	94,744	116,161	126,696
National Eye Institute	29,985	37,022	37,201
National Institute of Environmental Health Sciences	20,093	26,327	28,817
Research resources	66,187	74,928	74,929
Fogarty International Center for Advanced Study in the Health Sciences	3,415	4,280	4,465
Health manpower	372,025	698,912	[3] 603,040
National Library of Medicine	21,381	24,105	28,104
Buildings and Facilities	1,095	10,272	11,350
Office of the Director	8,902	11,010	11,526
Scientific activities overseas	27,094	27,686	25,619
Health professions education fund	3,844	3,996	3,846
Nurse training fund	2,597	3,342	3,347
General research support grants	54,200	55,212	54,624
National Institutes of Health management fund	60,661	63,242	66,768
Service and supply fund	20,498	20,466	21,909
Advances and reimbursements	3,334	11,618	11,755
Office of Education	5,901	13,024	12,400
Social and Rehabilitation Service	(3,376,682)	(4,022,281)	(3,806,067)
Grants to States for Public Assistance: Medical assistance	3,373,866	4,018,681	3,802,467
Assistance to refugees in the United States	2,816	3,600	3,600
Department of Health, Education, and Welfare—Continued			
Social Security Administration	(10,469,528)	(11,320,885)	(12,323,892)
Payments to Social Security Trust Funds: Matching payments for supplementary medical insurance	1,245,282	1,376,400	1,434,015
Hospital insurance for the uninsured	878,688	503,351	467,825
Limitation on Salaries and Expenses: Health insurance:			
Hospital insurance	133,579	156,777	164,961
Supplementary medical insurance	254,649	290,691	328,827
Federal hospital insurance trust fund	5,639,478	6,456,088	7,136,977
Federal Supplementary Medical Insurance Trust Fund	2,317,852	2,537,578	2,791,287
Special Institutions: Howard University—Freedmen's Hospital	18,958	20,555	21,195
Office of the Secretary	1,375	2,681	1,529
Department of Justice: Federal Prison System	6,792	9,064	10,505
Department of State	(31,209)	(34,468)	(37,945)
Kabul Hospital	265	290	290
World Health Organization	21,681	23,741	26,342
Pan American Health Organization	9,263	10,437	11,313
Department of Transportation: Federal Aviation Administration	9,027	7,988	8,348
Atomic Energy Commission	95,196	100,175	104,855
Veterans Administration	(2,151,486)	(2,470,349)	(2,777,754)
Medical care	1,957,873	2,260,801	2,503,789
Medical and prosthetic research	64,265	70,191	77,793
Medical administration and miscellaneous operating expenses	20,045	22,176	27,447
Construction of hospital and domiciliary facilities	102,834	109,897	155,923
Grants for construction of State extended care facilities	4,356	4,685	10,000
Grants to the Republic of the Philippines	1,661	2,109	2,000
Advances and reimbursements	452	490	802
Civil Service Commission	(1,152,780)	(1,476,559)	(1,837,346)
Government payments for annuitants, employees health benefits	70,405	109,568	137,608
Employees health benefits fund	1,068,169	1,350,435	1,683,196
Retired employees health benefits program	14,206	16,556	16,542
Railroad Retirement Board	3,009	3,107	3,280
National Commission on Marihuana and Drug Abuse	81	1,847	1,120
Grand total of obligations	21,412,218	24,887,482	26,716,189

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[1] Increases and decreases due partly to shifts in programs from one Service to the other.

[2] Large amounts for Medical under Defense are not isolated from other budget items and are therefore not included above.

[3] The 1973 decline stems from technical adjustments in advance obligational authority.

WHY EXTENSION OF THE WEST FRONT MUST BE STOPPED AND HOW TO GO ABOUT IT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 20 minutes.

(Mr. STRATTON asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, last week when I took strong exception to the action of the Commission on the Extension of the Capitol to proceed with the long-planned extension of the West Front, several new Members expressed perplexity to me over this clash. What is so wrong with the Commission's decision to proceed with the new West Front? they asked. And if it is wrong, what can we as Congressmen do about it anyway?

These are good questions, Mr. Speaker, and they deserve a straightforward and honest answer. Also they remind us that this West Front extension has been kicking around here for a long time. It is all too familiar to those of us who have been here for a few terms, but it may be strange to our new Members. After all, the last public debate on the West Front took place in December 1969, and the matter has not been raised on the floor since.

Now that the question has suddenly been projected into the foreground again by the Commission's abrupt action last week, this is a good time to review the issues involved.

The most important thing that is wrong, Mr. Speaker—and Senator KENNEDY made this point very clear in the RECORD for March 13—is that what has happened is completely contrary to the democratic, deliberative process of government which Congress itself embodies. If we want to add another tally clerk to the House staff at a few thousand dollars salary it requires a vote of the membership. Yet a decision that could profoundly alter the Nation's No. 1 historic shrine, to say nothing of ultimately costing the taxpayers more than $70 million, is taken without debate, without discussion, without a public record, behind closed doors, by the desires of just a handful of Members, and without any opportunity for other Members to comment, much less vote, on the issue.

This is profoundly wrong today in America, Mr. Speaker, no matter what the 1970 appropriation bill may say. It flies directly in the face of everything we have been trying to do in this new 92d Congress to reform our arbitrary procedures and turn more of our decisions over to the will of rank-and-file Members rather than have them continue to be made behind closed doors and without recorded votes by a handful of congressional "brass."

Moreover, Mr. Speaker, the Commission completely ignores the facts. If we in Congress, in discharging our legislative duties, were to proceed in such total disregard of the facts as the Commission has done in this case, the Republic would be in grave trouble indeed.

Let us look at the record. When the West Front extension was last debated in the House in 1969 the case for it rested on two principal arguments. First, the West Front was said to be in imminent danger of collapse. In fact we were told it might come tumbling down around our heads if even a jet airplane flew too close to the dome. Those who were in the Chamber at the time will recall that the gentleman from Illinois (Mr. YATES) in presenting the case for extension, brought several colorful drawings into the Chamber to illustrate just how badly off were the brick arches that support the West Front, and how dangerous was the "'lateral thrust" which these weakened arches were gradually being forced to bear. His words struck terror into the heart of every Member who heard him. and few Members, understandably, were willing to endanger their own lives and those of their colleagues for an instant longer than absolutely necessary.

Second, it was alleged, the cheapest, simplest and, indeed, the only feasible way to prevent the West Front from collapsing was by means of the longstanding extension plan. Normal restoration had become impossible, we were told. It would cost more than extension, it could not be spelled out clearly enough for any contractor to bid on, and it would cause far more lengthy disruption in offices located in the present West Front while the reconstruction work was underway.

Some of us, myself included, were skeptical of those arguments. We were not engineering professionals, of course, but we did arouse public opinion enough over the spending of $45 to $60 million for such a dubious project that the proponents of extension finally agreed to fund an independent, professional engineering study to settle once and for all the validity of these assertions.

Some $225,000 was appropriated for this study in late 1969 and the prestigious firm of Praeger-Kavanagh-Waterbury of New York City was engaged to do the job. Their report was submitted to Congress in early 1971, and its conclusions totally demolished all the contentions that had underlain the long pressure for a West Front extension.

It had been charged, for example—and the legislation setting up the study required it to address five specific points—that restoration of the West Front—in place of extension—could not be carried out without "undue hazard" to structure and persons, nor could the building be made "safe, sound, durable and beautiful." On this the Praeger report said flatly:

> The West Central Front can be made safe, sound, and durable for the foreseeable future without impairing its inherent beauty and without hazard to safety of the structure and persons by cleaning the wall, strengthening it by grouting and restoring its appearance by repainting.

Second, it had been charged that restoration would involve more vacating of existing office "space in the building proper than would be required by the proposed extension." Here too the Praeger report entered a flat denial:

> Such restoration can be accomplished without vacation of west central front office space or the terrace structure.

Third, it had been alleged that a restoration assignment could not be sufficiently specified as to form the basis for performance by competitive bids. This charge, too, was found to be untrue:

> Restoration methods can be specified to form a basis for performance of the work by competitive lump sum construction bids.

Fourth, the cost of restoration, it had been charged, would exceed the cost of extension, and the 1969 legislation imposed the rigid—and I believe somewhat unreasonable—requirement that the cost of restoration not exceed $15 million. Yet even here the Praeger report concluded—in early 1971—that—

> The cost of restoration can be limited to $15 million.

In fact they recommended a plan they said would cost only $13.7 million.

Fifth and finally, it was alleged that restoration would require too much time. But the Praeger report concluded that "restoration work can be accomplished within the time projected for the plan 2 extension work," and went on to say, "it is estimated that with proper timing and phasing the work can be accomplished in about 3 years, with no single wall section being scaffolded more than 1 year."

In short all five of the conditions spelled out in the 1969 legislation in behalf of extension were decisively demolished by the Praeger report, which had been formally filed in January 1971. Yet from that moment until last week the Commission on the Extension of the Capitol never uttered one, single word of comment on it. Then suddenly, on March 8, 1972, following a secret meeting, they issued a curt statement that "all five of the conditions specified in Public Law 91–145 relating to restoration cannot be met," and ordered the original extension into final design planning.

The Commission did not even deign, Mr. Speaker, to specify which of the five conclusions it did not believe to have been "established to its satisfaction." No argument, no explanation: just an ex cathedra order. Mr. Speaker, this is really incredible. If the Commission can arbitrarily reject the findings of this report without even a single word of comment, what on earth did Congress think it was doing in ordering a quarter of a million dollars spent to obtain an independent, professional engineering study? Surely, whatever the 1969 legislation may say, the Commission has an obvious obligation to spell out just where and why they, as nontechnical people, have chosen to challenge the factual findings of a group of top-flight professional engineers on a strictly technical issue.

It is true that the provisions of Public Law 91–145 do not require the Commission to justify their decision or to make any report to anybody. A legislative booby trap, it turns out now, had been planted in the middle of that bill, permitting the all-important determination of whether the conclusions of an independent, professional engineering study actually did or did not meet the five conditions to be made exclusively by the Commission itself. In fact Public Law 91–145 provided that even if the Commission acknowledged that all five conditions for restoration had been met they could still recommend—though apparently not direct—that the extension plan be carried out anyway. It was a kind of heads-you-win, tails-I-lose arrangement that conceded little to opponents of extension. By requiring that all five conditions had to be met in the 1969 legislation insured that hesitation on only one of the five would be enough to trigger extension automatically.

There has been no official comment yet, but indications are that the one condition on which the Commission tried to hang its hat was the $15 million cost ceiling. Even conceding that some unknown factors might ultimately push the cost of restoration over $15 million by a 1975 or 1976 completion date, inflation is nothing new here in Washington. The $15 million after all, was a 1970 figure. Even if that total had risen in a year and a half to $16 or $20 million, it is still hard to see how this justifies jumping all the way to an expenditure of $60 or $70 million.

With the argument about a collapse of the Capitol shot down so conclusively, the Commission now bases its continuing support for extension, appropriately on an alleged need for additional office space. But with five large office buildings already at hand, surely we cannot seriously argue that we have to alter the Nation's most important historic shrine just for the sake of a few convenient hideaways for senior Members who want to avoid riding 100 yards back to their present suites. If space is really the problem, which I doubt, let us consider another building, but let us not transform our historic Capitol into a super Howard Johnson's just because a few Members think it would be fun to have more offices.

If we do not like what the Commission has done, what can we do about it? Are we helpless before their action, or can the remainder of the Nation's elected representatives do something to remedy the situation? Specifically, is there some way in which we can insure that a question of such magnitude and national significance will be settled only after debate and a vote in both Houses of Congress?

Of course, there is a way. A majority of the Members of Congress always have that power. What Congress has given Congress can take away—by appropriate legislation. I have today introduced in the House three separate bills to accomplish just that.

The first would rescind the mistake we made in 1969 in allowing the Commission to give a go-ahead on extension of the west front without any reference to Congress as a whole. It would require that nothing further can be done with respect to either restoration or extension of the west front without specific legislative authorization by Congress.

My second bill would prohibit any repair or reconstruction work on any part of the Capitol in excess of $50,000 without specific authorization by Congress.

The third bill would abolish the Commission on the Extension of the Capitol. The checkered history of the west front over the past 6 years has demonstrated conclusively that there is no proper place today for a body with such secret and autocratic powers. It no longer serves any useful purpose. Any normal, routine housekeeping duties around the Capitol can be adequately carried out by the Architect and his staff. Matters of greater importance deserve to be determined by the entire Congress through normal channels of legislative action, not by any elite body.

Some may ask, Mr. Speaker, what chance is there to get such legislation enacted? Well, that depends on how strongly we all feel about the integrity of the Capitol Building, and how strongly the American people feel. Obviously, those of us who do feel strongly will not have an easy job in taking on the congressional establishment. But an aroused public opinion can accomplish much, Mr. Speaker. Already we have managed, I might point out to those Members who are relatively new in this House, to prevent this extension for a period of some years, and I am convinced we can, if we all work hard together, kill it completely.

But the one thing that is essential is that we go to work now to get these three bills enacted. We cannot succeed by waiting another couple of years until the $2 million available for "planning" has already been spent. By then the Architect will already have started us well down the road toward construction, and we may find it almost impossible to cut off further appropriations.

Besides, considering the influential opposition we face, public interest and support is not something we can turn on and turn off like a faucet. Far better to fight the battle on our own grounds, and at a time of our own choosing, than merely react to what the other side does.

This is the picture as I see it. These are the steps we can take to preserve this great, historic edifice. I urge every Member who feels as I do to join with me in an all-out effort to enlist the public support we need and to enact the legislation required to end the highly unsatisfactory arrangements that now exist.

Under leave to extend my remarks, Mr. Speaker, I include editorials from the Washington Post and the New York Times of March 13, 1972, a news article from the Washington Post of March 12, 1972, a press release issued by the gentleman from New Jersey (Mr. THOMPSON) dated March 16, 1972, and draft copies of the three bills I have introduced on this subject:

[From the Washington Post, Mar. 13, 1972]

OBSTINATE VANDALISM ON CAPITOL HILL

Obstinate vandalism has once again triumphed on Captol Hill. We cannot conceive that it will ultimately prevail.

In an arrogant maneuver of dubious legality and in the face of clear opposition on the part of the nation's architects and architectural historians, not to speak of a contrary recommendation by its own expert consultants, the ruling congressional establishment has decided to proceed with its old plan to extend the west front of the United States Capitol. Seven men—House Speaker Albert, Vice President Spiro T. Agnew, House majority and minority leaders Hale Boggs and Gerald R. Ford, Senate majority and minority leaders Mike Mansfield and Hugh Scott and the Architect of the Capitol, George M. White, who are ex officio members of a commission created for the purpose in 1955—would rebuild the most prominent part of the Nation's First Building in the image of (declining) Roman imperialism so that it would be physically and spiritually akin to that pompous disaster, the Sam Rayburn House Office Building. It makes not a shred of sense in terms of history, function, finance or aesthetics.

Historically, or rather anti-historically, what the extenders would do, is to bury the last remaining external vestiges of the Capitol as it was originally designed and built. William Thornton's softly elegant sandstone facade is the only visible link to the Capitol's beginning in the early years of the Republic. It is the last remnant of an architecture that was at once inspired by and expressive of the Jeffersonian concept of civilization, a concept that believed in gentle manners, the virtues of classical beauty and the pursuit of happiness. This part of our history would be irretrievably obscured behind a glossy, new marble facade, some 70 feet further out, which, far from expressing our own time, fakes classic architecture in a clumsy way. To make matters worse, the extension of the building into a massive box will ruin the commodious terraces designed by Frederick Law Olmsted, America's greatest landscape architect, reducing them to a narrow strip. It would puncture Olmsted's blank terrace walls with windows, destroying his landscaping with a service road and spoil the present sight of the dome by setting it much too far back on the building, much as a brazen drunk pushes back his hat.

All this, ironically, could well turn the Capitol into a messy construction site during the sumer of 1976, just when millions of Americans will flock to Washington to celebrate the 200th anniversary of the nation and pay their respects to our historic traditions.

Functionally, the extension folly was to be justified by the need to rebuild the "crumbling" west front walls. The alleged crumbling, which so frightened the last Architect of the Capitol, George Stewart, has been proven a myth in an extensive study by Praeger-Kavanagh-Waterbury, a reputable architectural engineering firm, selected under Mr. Stewart's regime and retained by Congress under Public Law 91-145 of 1971. The present Capitol Architect, George M. White, called it "a careful and diligent open-minded study." It concluded, in sum, that there was nothing wrong with the west front that careful restoration could not fix under all five conditions set down by Congress two years ago. The conditions were, in sum, that restoration could, without undue hazard, make the building safe, sound, durable and beautiful for the foreseeable future and that restoration would be no more disrupting than extension and wouldn't take any more time.

Now the argument is made, that Congress needs more space *within the Capitol* and that is only a little less spurious. Under the Stewart plan most of the 4½ acres of expended space was to be used for tourist cafeterias, "a giant Howard Johnson," as one Congressman put it. The new architect has thought better of duplicating the tourist services which the proposed Visitors' Center in the remodeled Union Station will provide a few hundred yards away. Mr. White talks of 285 offices and conference rooms. But he does not give any reason why these offices must be built *inside* the Capitol.

Nor does Mr. White say anything about a recent report by a task force of the American Institute of Architects which found the present space within the Capitol "crowded, misused and underused" all at the same time. It noted that many functions now located within the building have no reason for being there. And it urged a rational space utilization and development plan outside the old building since the proposed extension "will not begin to meet present, least of all projected, space needs."

Financially, the extension plan is as illogical as it is shocking. The extenders imply that they are not bound by Public Law 91-145 because restoration would cost more than $15 million. What with the rise in building costs and the contingencies of careful restoration work, it probably will. But is that any reason to spend an estimated $60 million on the extension? A few years ago the extension was to cost only $45 million—no less than $166.95 a square foot which was five times more than the Rayburn Building, at the time the most expensive office building in the world (since eclipsed by the Federal Bureau of Investigation building). Why should we believe that the cost will not go up by another $15 million or more in another few years?

But apparently nothing can be done to stop this fit until Mr. White has drawn up the $2 million worth of extension plans for which Congress appropriated the funds in 1969. This will assure him a place in history as the Architect of the Great Capitol Boondoggle. But when he comes back to Congress with this folly and an appropriation request for $60 or $75 or $100 million to carry it out, Congress will, we are sure, refuse him. For Congress is responsive to the people. And the **American people, after far too many years of destructive "progress" which bulldozed away some of our more cherished landmarks, are gaining a new and wholesome respect for our historic heritage. They like the Capitol as it stands.**

[From the New York Times, Mar. 13, 1972]

CAPITOL CRIME

The United States Capitol does not belong to the seven Congressmen of the Commission for the Extension of the Capitol. It belongs to the people of the United States and to history. In spite of public and professional opinion that the controversial extension of the Capitol's West Front is a gross error of art and judgment, these gentlemen seem determined to proceed with this gigantic bungle and boondoggle.

They have, in fact, insured it by booby-trapping the legislation that called for the recent feasibility study that recommended restoration instead of new construction. They built in a proviso that the extension scheme must go ahead if certain criteria could not be met by preservation, and they guaranteed it could not be met by setting a totally unrealistic $15-million maximum cost for restoration. No limits have been set on the extension, however. They are quite willing to let that price go up from the original $36 million to $50 or $60 million today and ever onward. Call it cynicism or sabotage.

Even if the extension scheme were not a contradiction of the historical and esthetic values that this country has been promoting in recent years in landmark legislation and preservation, the proposal is an appallingly bad plan. It is architecturally atrocious, loaded with ill-considered features. It is based on no adequate space utilization studies to correctly determine real present and future needs. It is a third-rate railroading job. [With the destruction of the West Terraces designed by Frederick Law Olmsted timed for national celebration of the Olmsted Sesquicentennial, irony is added to irresponsibility.]

The decision is reported to have been made by the Commission because its members feel that preservation involves too many unknowns of cost and durability. Of course there are procedural unknowns, but no reason to doubt results. The skill and ingenuity required are becoming an American specialty as the body of landmarks being restored grows daily.

The extension plan offers the Congressmen certainty if that is what they want—the certainty of irreversible damage to an irreplaceable structure and of absurd costs for minimum space gains and maximum loss of architectural integrity.

And there is the certainty of a monumental national display of arrogance and ignorance in the cold permanence of marble. That is not a memorial any Congress should want to leave.

[From the Washington Post, Mar. 12, 1972]

THE U.S. CAPITOL: AN UNEASY FUTURE

"This Dutchman in taste,
this monumental builder,
This planner of grand steps and walls
This falling-arch maker,
this blunder-roof gilder,
Himself still an architect calls."

(By Abbott Combes)

The United States Capitol has had an uneasy past. In the aftermath of last week's decision to proceed with the outward extension of the building's west front, it seems destined to have just as uneasy a future.

While most buildings exercise a somnambulant influence on their environment, the Capitol is this country's symbol of governmental purpose and has had anything but a sleepwalker's effect. It is guarded zealously by the people it serves—in this case an entire population—and any tampering with the structure is regarded suspiciously.

The above verse, for example, expresses the low esteem in which the first architect of the Capitol and designer of the original building, William Thornton, held Benjamin Latrobe, his successor and the first professional to hold the post.

The position continues to generate an uproar. While Rep. Samuel S. Stratton (D-N.Y.) did not resort to rhyme last week, his criticism of the current Capitol architect's participation in extension plans was just as harsh: "Instead of giving Congress his professional judgment, he (George M. White) has allowed himself to be pushed around . . . His performance is a disgrace and he should resign."

The present clamor concerns those who favor as-is restoration of the west front, since it is the last remaining exterior portion of the original building, and those who favor extending the west front outward, since this would provide additional office space at the same time the structure is buttressed.

The Capitol is a building oft-changed by additions, extensions and redecorations.

It began with an advertisement in Philadelphia newspapers on March 14, 1792, announcing a design competition for the Capitol with a prize of $500.

There were few trained architects in the newly independent colonies, so a young physician, Dr. Thornton, was awarded the cash. George Washington laid the cornerstone on Sept. 18, 1793. Construction began under the direction of the runner-up in the competition, Etienne S. Hallet, because Thornton was unfamiliar with the building trade.

Hallet added so many personal touches that a third person, James Hoban, who had won another competition to design the White House, took charge. Guided by these men, the Capitol's north wing was completed in 1800 and Congress met in Washington for the first time in November of that year.

Three years later, Latrobe, the subject of Thornton's rancor, was placed in command by President Thomas Jefferson. By 1807, Latrobe had directed completion of the south wing and already had started to repair and alter the north side. The disconcerted Dr. Thornton demonstrated his versatility by going on to establish the U.S. Patent Office.

Then along ventured Sir George Cockburn, rear admiral of the British fleet, who ordered "this harbor of Yankee democracy" set ablaze on Aug. 24, 1814. As a result, Congress relocated in a temporary "Brick Capitol" on the site of the present Supreme Court, and Latrobe began rebuilding "this magnificent ruin."

After friction developed between Latrobe and other officials involved in the restoration, he resigned under pressure in 1817. The present interior reflects Latrobe's own work but he closely followed Thornton's initial exterior design.

Charles Bulfinch, America's first native-born architect of distinction, was appointed by President James Monroe to succeed Latrobe. Bulfinch supervised construction of the Capitol's mid-section linking the two wings and the building's first low, wooden dome.

Two years after Bulfinch had completed the link and dome still paralleling Thornton's scheme, Congress approved a bill abolishing the office of Capitol architect. From 1829 to 1851, necessary services were performed by either the commissioner of public buildings and grounds or the architect of public buildings.

During this period, there was growing congressional grumbling over the lack of space in the Capitol, the same complaints heard today. And so another $500 was offered for the best design extending the building north and south. (Jefferson Davis, later president of the Confederacy, was chairman of the Senate Committee on Public Buildings which ran the contest.)

After considerable interference from President Millar Fillmore, a Philadelphia architect named Thomas Ustick Walter was chosen the winner. Exercising his infrequently used presidential initiative, Fillmore then reestablished the office of Capitol architect and appointed Walter to the post in 1851.

Walter's tutelage saw the House extension finished in 1857 and its Senate-side counterpart in 1859. These extensions, although the interiors have been remodeled, contain the present House and Senate chambers.

Also under Walter's architectural direction, the huge cast-iron dome, rising 285 feet above the eastern plaza, was erected. Thomas Crawford's Freedom statute was hoisted atop it on Dec. 2, 1863. According to President Abraham Lincoln, construction was continued during the Civil War because "If people see the Capitol going on . . . it is a sign we intend the Union shall go on."

Today's congressional leaders privately cite the Vietnam War as the prime reason extension of the west front has been delayed until now, not preservation sentiment among some members of Congress. The leaders say that they were reluctant to countenance an expensive alteration of the Capitol until the war's conclusion. "The war must be over," one observer said cynically last week on learning of the decision to proceed.

The first 90 years after the Civil War were relatively calm ones for the Capitol itself, as the Senate and House office buildings, the Library of Congress and the Supreme Court sprang up around it. Changes to the Capitol tended to be functional: steam heating was added in 1865, elevators in 1874, fireproofing in 1881, modern drainage in 1882, electricity in 1884 and so on.

The Capitol architects of the period—Edward Clark (1865–1902), Elliott Woods (1902–1923) and David Lynn (1923–1954)—fussed with repairs, with grounds or with nearby construction, but left the Capitol alone.

Indeed, the most lasting development was the hiring of landscape architect Frederick Law Olmstead to lay out the Capitol grounds, a task that took from 1874 to 1885.

Then on Oct. 1, 1954, President Dwight Eisenhower appointed as architect of the Capitol J. George Stewart, an ex-congressman with a varied nonarchitectual career. And the tranquility of the post-Civil War period evaporated.

From then until he died on May 24, 1970, Stewart had managed to anger nearly everyone except a tightly knit coterie of congressional leaders and favored architects.

At Stewart's insistence and under his direction, the east front of the Capitol was extended 32½ feet between 1958 and 1962, adding 102 rooms at a cost of approximately $12 million. And it was Stewart, charging that the west front could collapse at any minute, who first proposed extending it nearly 10 years ago.

George White, Stewart's successor and the first real architect since Walter, says he tended to favor restoration of the west front when he first arrived here from Cleveland a year ago.

Now, he maintains, he has changed his mind after considerable "soul searching—I used to lie awake nights". The reasons for the change of mind, he explains, are cost factors, congressional space needs and the continuous past altering of the building.

His critics, mobilized against him only last week, view his change of mind in a different light, charging that he has compromised his professional integrity at the insistence of top congressional leaders.

In addition to congressional critics, William L. Slayton, executive vice president of the American Institute of Architects issued a statement Friday night that said, "We deplore the ill-considered decision of the commission to destroy the last portion of the original walls of the Capitol.

"The AIA refuses to accept this decision as irrevocable; we intend to make every effort to prevent the destruction of part of the nation's heritage."

And so the war of the walls goes on.

The certain thing is that the west front needs work—even though it won't fall down tomorrow.

George Washington and the British are to blame: Washington because he demanded it be built with sandstone from nearby Virginia quarries rather than with more expensive and durable Vermont marble; and the British, because their torches generated much of the front's flaking and chipping ("spalling").

An 1851 interior fire in the Capitol's west central and an 1898 gas explosion in the old north wing did not increase its strength either. (Last year's expansion on the Senate side did not harm the structure's strength.)

Thus, after a year of solitude the Capitol architect's role has returned to calamitous normality.

And reverberating in the halls of Congress is a verse former Sen. Paul Douglas was fond of directing at White's predecessor Stewart. Neither the quality of the doggerel nor the message has changed much since Thornton's time. Douglas would periodically rise in the Senate chamber and implore:

"Architect, spare our Capitol,
Touch not another stone.
In youth it sheltered our Republic,
O please, let it alone."

News From Representative Frank Thompson, Jr., of New Jersey

Woe, I suppose, is the lot of all mortals. But sometimes it seems as if our capital city of Washington gets more than its fair share. Witness, if you please, the latest assault by the Commission for the Extension of the Capitol.

It is acknowledged that the Capitol needs structural repair. The standstone walls of the west front are literally held in place with wooden buttresses. But reconstruction has been held in abeyance pending a decision as to whether the west front is to be restored so as to preserve the facade created by William Thornton, or whether the walls are to be covered by marble and extended outward some 88 feet.

The proposed expansion came within inches of being railroaded through six years ago by former Speaker McCormack and the then Capitol Architect, George Stewart. The argument was made that in addition to its historic function as the seat of Congress, the Capitol should also serve as a kind of visitors' center. Various restaurants, auditoriums and rest rooms were to be fashioned within the 4½ acre expansion area as well as assorted rooms and chambers for senior Members of Congress, all at a reported cost then of $45 million.

But a number of us, myself included, felt that the Capitol's historic west front should not be sacrificed to create a Howard Johnson atmosphere; that other provisions could be made to host the visitors who descend upon Washington throughout the year. Moreover, I thought it essential that we obtain the viewpoint of the nation's leading architects as to whether: (a) the Capitol was really in immediate danger of falling down and (b) whether restoration, rather than expansion was feasible from a financial and architectural point of view.

Reviewing that hearing record, I must confess that the arguments made against expansion are just as valid today as they were then. Witness this comment from the then President of the American Institute of Architects, Mr. Charles Nes, Jr.:

"The AIA believes that it should be a permanent policy of the Congress that the exterior of the Capitol is to remain unchanged. Today, the west front contains the last remaining external vestiges of the Capitol as it was originally designed and built. It is the only important link with the beginnings of the building. If the west front of the Capitol is extended, we will have buried the last of those walls that date from early years of the Republic and will have obscured a part of our history that can never be restored."

Those words are as valid today as when they were delivered before my Subcommittee in 1966. Moreover, it has now been determined that the west front can, indeed, be restored at substantially less cost than the proposed expansion. Congress has in the interim made specific provision for a visitors' center for the city. It would appear now that the only justification being given for the extension is the need for additional space for Members of Congress. In my judgment, that argument has not been well made. I know of no function of Congress, or any of its Members or committees which will suffer for want of office space in the Capitol. Funds for the extension should be denied and restoration should be approved as recommended by this nation's leading architects.

H.R. 13892

A bill relating to the expenditure of funds for the restoration or extension of the west central front of the United States Capitol

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, no funds available, on or after the date of enactment of this Act, for expenditure in connection with the restoration or extension of the west central front of the United States Capitol may be expended for any purpose in connection with such restoration or extension (other than emergency shoring and repairs of, and related work on, such west central front), until the Congress by concurrent resolution has approved either the restoration or extension of such west central front.

H.R. 13890

A bill relating to the expenditure of funds for repair or construction work in or about the United States Capitol

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law and effective on the date of enactment of this Act, no funds in excess of $50,000 available, on or after such date of enactment, may be expended for any repair or construction work on the United States Capitol, unless the Congress by joint resolution has given its prior approval to such expenditure for such purpose.

H.R. 13891

A bill to abolish the Commission for Extension of the United States Capitol, to repeal the authority for the extension of the west central front of the United States Capitol, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that portion of the Legislative Appropriation Act, 1956, under the center heading "Architect of the Capitol" with the subheading "Capitol Buildings and Grounds" and the side caption "Extension of the Capitol" (69 Stat. 515; 83 Stat. 124; 40 U.S.C. 166, note) is repealed.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman.

Mr. RANDALL. Mr. Speaker, if I recall correctly, we have been up the hill and then down the hill a time or two before on this west addition to the Capitol. At this moment I am in the same position as Will Rogers who once said all he knew was what he read in the papers.

There have been two or three newspaper stories. One in particular I call to the attention of the membership. It was on the editorial page of the Washington Post. I recommend the perusing, of that paper's editorial on the proposed west alteration of our Capitol to the Members of the House.

The facts are the Washington Post came out editorially against changing the West Front of the Capitol. Does the gentleman agree that the Post's editorial was well reasoned and reached valid conclusions?

Mr. STRATTON. That is absolutely true. And the New York Times as well. These are not always endorsments that commend themselves to all of the Members of this House but I think those editorials have some good meat in them, I am, in fact, including them with my remarks, and I am glad to have the support of those two great newspapers.

Mr. RANDALL. As I recall the point of that particular editorial, it was that if we go ahead now on the West Front, we would be tampering with the last remaining part of the Capitol that has remained intact from the time when the Capitol was first built. In other words the West is all we have left unchanged. Everything else has already been altered or changed for something new. I do hope we might be able to preserve at least a little of the Capitol, as it was when built.

Mr. Speaker, I am most delighted that the gentleman has taken this time to discuss this important matter. I recall that we had quite a debate here a few years ago. I hope we will be given the opportunity and the privilege to have another debate to bring out all the facts.

As I recall, all the architects of America were against this change and all the historians were against it.

Could the gentleman say who is really for it now?

Mr. STRATTON. Well, the Commission on the Extension of the Capitol at least was for it. Why? We do not know because the body meets behind closed doors and keeps no records. It does not have any requirement to report to the Congress.

I do think when we are dealing, as the gentleman has said, with the Nation's No. 1 historic shrine, with a building that was originally built in 1800, one that even the British Army when they invaded Washington in 1814 were not able to destroy. I do think a decision as to whether we are going to destroy that historic building and cover it up and make this West Front look like a cheap imitation of the East Front or a super Howard Johnson restaurant—at least the membership of the House and of the Senate ought to be able to vote on the issue and not have the whole thing done by secret ballot of a few elite Members.

In fact, the gentleman, I know, is always interested in economy, and in this case we have had the top structural engineering firm from the great city of New York, which completed a quarter of a million dollar study of the engineering aspects of the Capitol, and they have concluded that it could be restored for $15 million. Maybe with inflation that figure might go up to $16 or $17 million. Instead, the Commission last week turned that professional recommendation down and now orders us to go ahead with something that will cost $60 or $70 million. I think with a $40 billion deficit already staring us in the face, I am sure the gentleman will agree with me we ought not to throw away $45 or $50 million more of the taxpayers' money.

Mr. RANDALL. Mr. Speaker, will the gentleman yield further?

Mr. STRATTON. I am glad to yield to the gentleman from Missouri.

Mr. RANDALL. My recollection is that at some point during the debate the proposed restoration was described as taking away from the beauty of the Capitol. It was referred to as a Howard Johnson. It is my recollection that someone described it as attempting to create a sort of pyramid-like structure, starting at the base and sloping up like a pyramid, trying to bring about a reasonable replica of an Egyptian pyramid on the West Side of the Capitol.

The gentleman has mentioned the matter of the secrecy of this Commission. I have been led to believe that we have in the House a subcommittee which has to do with freedom of information. It occurs to me that maybe that subcommittee could call in the Commission and inquire by what charter or prerogative—and surely it could not be by executive privilege—do these people meet behind closed doors and not divulge any of their information to the membership of this body or the other body?

Mr. STRATTON. The gentleman has made a very good point. What happened is this. Before the gentleman from Missouri came to this body and before I came to this body, Congress in its wisdom, in 1955, as part of the drive to extend the East Front of the Capitol, created this Commission on the Extension of the Capitol and gave them carte blanche to proceed with any kind of restoration, repair, or extension work that they thought was appropriate. The only thing the Commission has to do is come back to the House and the Senate occasionally for money. But no further authorization is needed.

One of the three bills I have introduced would repeal that particular provision of law. Whether it was a good thing then or not, it certainly is not in keeping today. We have been trying to reform our procedures in this 92d Congress so the average Members, like the gentleman from Missouri and myself, could have something to say about what goes on. Certainly, when it comes to the future of our Capitol, we should have something to say.

Mr. RANDALL. Mr. Speaker, will the gentleman yield further?

Mr. STRATTON. I yield to the gentleman from Missouri.

Mr. RANDALL. I hope the gentleman

will give us the style of his bill. We want to cosponsor it. I suggest that at this moment all is not hopeless, nor is all lost and gone. I remember that we were able to generate a little bit of interest in stopping the appropriation for this third library going forward a block from the Capitol. There is now a huge hole that is being dug for the Library extension, a facility we need on Capitol Hill like we need a hole in our heads.

I remember at that time when the appropriation bill came before the House there was a chance to defeat that appropriation. With just a little bit of advance preparation we could have held the line on the third library.

So I suggest to the gentleman that all is not lost. We might be able to meet them at the bridge for another skirmish if they ask for appropriations to tamper with the west side of the Capitol.

Mr. STRATTON. I certainly appreciate the gentleman's encouragement and help. He is a very valuable Member of this House. This support and the support of other Members will certainly be welcome. I share his optimism, but I am sure he knows it will not be easy. But we will keep at it.

One thing I would like to emphasize is this. The gentleman will remember that when we last discussed this matter on the floor of this Chamber we were told the Capitol was about ready to collapse. The gentleman from Illinois (Mr. YATES), as I mentioned in my remarks, came in here with some beautiful pictures pointing out how the brick arches of the west front would no longer bear the weight of the superstructure. Members were trembling in this Chamber for fear the whole thing might collapse around them.

Well, that is one of the things we asked the Praeger firm in New York City to investigate. They came back here with a huge and detailed document pointing out that this charge was all nonsense, that the Capitol is not going to collapse.

They said that for $15 million we can fix it up so that the cracks are gone, and we can take away all those fancy supports that the former Architect of the Capitol put up there a few years ago as public relations gimmicks to try to contribute to this scare psychology that everything was going to colapse. We can fix the West Front for $15 million, so there is really no reason to talk about extending it at all, except that some Members just do not like to walk or ride 100 yards back to the House Office Building. They would rather have secret hideaways in the Capitol building. And that is why we are being asked to spend all this money and destroy the Nation's greatest shrine. It just does not make sense.

Mr. Speaker, I am delighted the gentleman agrees with me.

DUE PROCESS AND THE COURTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN), is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, I wish to call the attention of this body to a trial now being conducted in New York City which is causing great controversy and raising many questions concerning not only the conduct of defendants during the time between arrest and adjudication, but also the due process assurances which all American citizens are guaranteed as a basic, constitutional right.

I make no pretense, Mr. Speaker, to pronounce upon the guilt or innocence of Sonni and Timbuk Pyles, who have been detained for over a year now in the Manhattan House of Detention—commonly known as the Tombs—and who are currently being tried in the New York State Supreme Court on a charge of robbery. I am quite aware of the dangers involved when one branch of government interferes in the proceedings of another.

I do feel quite strongly, however, that there should be a thorough judicial review into all aspects of this case—a review which would investigate the charges of false arrest, unreasonable bail, false testimony, and the denial of basic due process rights as charged by the Pyles brothers, as well as the contention of the court that these complaints are nothing more than desperate delaying tactics.

Today I have formally requested the Appellate Division of the State of New York to exercise its judicial overseeing function by proceeding with a detailed investigation into the conduct of the police and prosecution in the Pyles case on the one hand, and that of the defendants on the other.

To forge on with the trial at this time would appear to be quite imprudent. The defendants, who claim innocence and refuse to enter the courtroom until their due process grievances are heard, have had to be tear-gassed and brought forcibly to court. Their fellow inmates at the Tombs have threatened to riot if the Pyles brothers are brought to trial before their complaints are given a full hearing.

This is hardly the atmosphere in which trials in America have traditionally been conducted. A continuation of such a spectacle at this time would benefit no one. Mr. Speaker, in order to present my colleagues and the American people with some of the details of this case, I would like to submit into the RECORD correspondence from the Pyles brothers themselves and from a Sister Marlane who works with prisoners in the Tombs, as well as two excellent articles which recently appeared in the New York Post and the Times, written by Emile Milne and Michael Kaufman respectively.

NEW YORK, N.Y.

From: The Silent Majority in Jail.

DEAR SIR: Why is it everybody only speak of the so-called bed side? There are two sides to every coin and there are two sides to Manhattan House of Detention. First, we think it is very nice some people want to make the institution very comfortable for the inmates so they will forget where they are and how they got here and why, if they stay busy in the games and T.V. and going to the movies, before they realize it they will be going to a much bigger institution.

Now, they are teaching the officers to smile at the inmates to make them feel right at home. In return some of the inmates want a "better cell" or as they call it a "better house." Some of them want certain types of meats for dinner, more doctors on the staff, more TV on the floor. What's going on? We are sorry, we just can't sympathize with all this! We don't want a better jail or as they call it nowaday "institution."

The jail is not the problem, its the "court room!" Why is everybody on the warden's back? The warden has done a wonderful job, as a matter of fact" to good of job, and he is still improving the place.

Please, please stop the campaign about the jail and, put the thoughts in the "court room" that's the place improvement is needed. Thank God, for people like "Sister Mariane" who is not trying to get more games in here for the men, but is trying to get men out of here, and she is not doing this for personal gain, but out of her concern and love for her "fellow man." She is not doing these things with a group or an organization, she is doing these things alone. Sister Marlane, is a "women liberation movement by herself, and is doing what a real women liberation movement should be doing "helping man."

Sister Marlane is one who knows the root of the problem is in the "Court Room" she knows a man can't go from prison to court, but from court to prison. Thank God, that somebody out there in society knows we are not all criminals or addicts, and know if the law worked right, only the guilty would be here.

The criminals and addicts don't need a better jail but, they need a hospital because they are sick people and it appears that nobody realizes this fact. If you who are reading these words are sane; would you do what they do and call yourself sane?

Please wake up! please, some of us in here don't want a better jail because we are not trying to make this "our home." The inmates that want to make this a better home for themselves, "so be it." But the majority of us want to make the "Court Room" a just place; and we will make a better home in society.

They already have "orphan homes", this place is supposed to be a jail! A man is supposed to be only brought here when he is accused of a crime. Next, the court room is there to decide whether the accused is innocent or guilty, and if the court room follows the laws that govern it, the truth will prevail. That is why it is so important that the court room function right. Presently, they need help, they are not functioning right.

If the people really want to do something they should set up a committee to help the judges. These "Honorable Men" make mistakes sometimes, they are only human beings. They could use some help. With a committee they could see that a person is not denied or overlooked his due process and constitutional rights and human rights.

Why don't people wake up? Jail is not supposed to be a honorable place. It's a place for criminals and if the people put their thoughts in the "court room" only the criminals would be in jail. And then, they could be helped; not with games, T.V., and movies, but with medical and spiritual care. Sister Marlane has done wonders in separating the innocent from the guilty and have helped both, but she is only one person. Sister Marlane has restored faith in us that somebody cares and knows the root of the problem.

What's wrong with people today? Are they really trying to stop crime or improve it? Are they trying to make "jail" a nice place to come? Anybody should know if you make jail a honorable place to come.

Why not commit a crime?

From people that are in here; we know!

The innocent silent majority in jail,

Mr. SONNI PYLES,
Mr. RONALD JOHNSON,
Mr. RICHARD SHARFF,
Mr. TIMBUK PYLES.

These are just a few.

NEW YORK, N.Y.

Mr. SEYMOUR HALPERN,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR MR. HALPERN, I am urging your immediate attention to the case of the two men who composed this letter . . . Timbuk and Sonni Pyles: It is so difficult for them to receive justice and due process now in these courts . . . that I am going to call publicly for a full-scale Congressional investigation into the arrest and court proceedings that have kept these men . . . innocent men . . . in the Tombs.

There is wide-spread police and court corruption that has not been touched by the Knapp Commission hearings. The worst kind of police corruption is the kind they commit in order to secure convictions.

In the case of the Pyles Brothers I have uncovered lying by the assistant district attorneys, cops and complainants. I feel that such men paid to protect the innocent should be charged with "malicious persecution" and obstruction of justice.

The innocent Pyles Brothers are victims of crimes committed against them in the name of the people of the City and State of New York.

The devices used by cops, district attorneys and judges to force pleas do not work in their case. They will not plead guilty to crimes they did not do. Yet other men despair of ever receiving justice. They plead guilty and go to state prison. Some hope an Appellate Court will give them justice eventually.

The District Attorney runs these criminal courts on Centre Street. The way it is run has nothing to do with justice . . . and very little to do with law.

Judges are run by the District Attorney . . . and both are either ignorant of the law or chose to ignore it.

Prisoners don't need rehabilitating. The *courts* and personnel do. From the moment of apprehension by police . . . thru precinct handling . . . and then on thru the courts . . . the law is ignored and personal prejudices take over. Loss of liberties thru such abuse of law is very serious and cannot continue any longer.

Now many prioners take out their anger and frustration *in connection with their cases* on the facilities that hold them. And when they know of innocent men in jail this feeds the fire.

Written on two court houses on Centre Street is: "The true administration of Justice is the firmest pillar of good government". What goes on inside these buildings is a mockery of everything you lawmakers in Washington work to bring about.

I do not see "law and order" by those paid to uphold the law. I see a perversion of the law to further careers. There is game-playing by law-enforcers . . . with the lives of sick, troubled men . . . most all of whom are overcharged automatically by lying cops who feel justified because "the charges will be knocked down anyway". These cops are sicker than the men they bring in . . . because most of the cops are not on dope.

Mr. Halpern, I help hundreds of men in an effort to help them be better men. In the case of the Pyles Brothers. I have found no better men! It was a shock to find them in the Tombs . . . charged as they were. Months of investigation and conferences with them and people connected with their case has revealed utter confusion, corruption and disintegration of what may at one time have been justice in these courts.

I urge you to step in immediately to get them out of prison and have them appear before people in position to stop this court and cop corruption . . . that can best be shown by what has been happening to them.

The facts of this case bear public disclosure and these men are willing to proceed to let what has been happening to them help others.

They are good men and men of character. They have no convictions . . . only numerous arrests since they filed suit against the city for false arrest in 1968.

They believe in the law . . . but it has not been followed or they would not be in jail now.

I am seeking any additional legal and investigative help I can get. Also I am seeking persons who have the capital . . . to invest in PEOPLE . . . to put up their bond now.

I want them out to help their case. Judges and juries are very prejudiced when they see a defendant come into the court under guard. Also they can help prove their case better when out. The assistant district attorney has fought any bail reduction so they have never had one. He said he wants to keep them in jail. He also lied to keep the high bail. There are men with double homicides with bail a tenth of theirs . . . out on the streets.

These men would never commit a crime. I know the men . . . and I know the illegal means that put and hold them there.

It is important that you talk with these men if you are truly seeking the answers to government. They are a classic example of how innocent men can be victims of injustice. They are not militants, muslims, addicts or criminals. They do not smoke, drink, use profanity and have worked all their lives. In prison now they are helping me help others.

If citizens are to better understand the problems that confront us . . . and if you as a lawmaker . . . are to have a better understanding . . . you should bring these men to Washington to talk with you and other lawmakers. You should talk with them in the Tombs during this holiday.

It will soon be ten months since this last arrest.

Cops and District Attorneys who climb to financial security and recognition over the bodies of men they illegally incarcerate and deny due process should be fired and replaced with men of integrity.

Crime rates rise with the amount of *corruption*. In New York City it is wide-spread . . . and deep.

Cops who make false-arrests not only should be sued (which they are not in city and state arrests) . . . but they should be charged with a crime. To incarcerate a man illegally . . . swear falsely . . . lie to complainants . . . (to persuade them to identify defendants for crimes they did not do) . . . kick in the doors with revolvers drawn and NO arrest or search warrants or probable cause . . . to hold loaded gun on the pregnant wife with three tots in the apartment . . . not saying who they were . . . why they were there . . . then arresting BOTH brothers in their separate apartments for crime committed months before next door by only ONE person . . . and so reported . . . forcing them into illegal show-ups at the station house . . . not allowing counsel or phone calls . . . "finding" evidence that was just not theirs at all . . . these and numerous other devices used against Timbuk and Sonni Pyles . . . should show you . . . and the public . . . how innocent men can be the victims of crimes and court and police corruption and injustice.

As these men say . . . if this can happen to men sleeping in their homes with their families . . . then they don't want to go out of jail . . . they are safer in jail. And they mean this.

Most of the courts are now closed for the holidays. They cannot get out when others go home to enjoy the holidays.

What I have said of what has occurred to them is only a little of the most incredible travesty of justice. And it has happened to wonderful men.

The doors of these courts should be locked permanently . . . bolted . . . to stop this barbaric, inhuman disdain for human life and liberty.

I am sure you can be of great help. They very much appreciated hearing your reply to their letter.

Will you come to the Tombs to talk to them during the holidays?

If you cannot come to them I will come to you here or in Washington on their behalf. I feel strongly that their case can be a turning point in our Justice system. And we feel you can help make this so.

Bless you.

Very sincerely,

Sister MARLANE.

THE TOMBS TWINS REMAIN DEFIANT

(By Emile Milne)

Timbuk and Soni Pyles, 26-year-old twin brothers held in jail for more than a year while awaiting trial on robbery charges, were expected to refuse today—for a second time—to attend the start of their trial in Supreme Court.

The brothers, described as "model prisoners", balked at the start of their proceedings on Tuesday until the Appellate Division ruled on their two-month-old motion for bail reduction.

The opening of the trial was then postponed by Judge Myles Lane until today at the request of Correction Commissioner Benjamin Malcolm.

The brothers, informed yesterday during an interview at the Tombs, where they are being held, that their bail motion had been denied, contended that irregularities in their arrest and indictment had prevented them from getting "due process" and that they would continue to refuse to report to a trial they described as a "hanging."

They have each been arrested before, but never convicted of any crime. The charges were usually dropped after numerous court appearances.

"I'm not going to holler that they're doing this to us because we're black," Timbuk, who is married and the father of four children, said. "But I'm tired of getting picked up out there while I'm not doing anything. This time it's not going to be dismissed without finding out why all this happened."

Meanwhile, Rep. Seymour Halpern (R-L-Queens), who has been corresponding with the brothers, said in a statement from Washington that "there are serious questions of due process to be investigated in this case and I plan to see that their plight is brought out in the open."

Halpern concurred with prison officials who have described the men as "model prisoners" who had "succeeded not only in helping individual inmates at the Tombs but in quelling potential riots at the institution."

Late yesterday, court-appointed attorneys for the two brothers, in an effort to head off a showdown, sought an order in Federal Court for the lowering of the $30,000 bail set for each or the postponed of today's scheduled proceedings.

The motions were rejected by Federal District Court Judge Charles Breitel. That ruling could now be appealed, which would leave the impasse basically unchanged.

Correction Board chairman William vanden Heuvel and Tombs officials, noting that "disturbances are altogether possible" if the men are forced to go to trial, said a Federal Court stay was the only hope at this point.

Sources in the Tombs close to the case said the possibility of violence remained real today, as it had been last Tuesday when the men first balked at appearing.

Malcolm's decision to request a delay, the sources contend, was based heavily on this fear. But it appeared unlikely today that the trial would again be postponed without the intervention of the federal court. A spokesman for Justice Lane said the trial would go on as scheduled at 11 a.m.

The brothers, who were arrested on robbery charges in their Manhattan apartment a year ago this week, said, however, that short of violence they would do anything so as not to have to report to court without a "promise of due process."

"We have great respect for Warden (Albert) Glick," Timbuk Pyles said in an interview yesterday. "But we are going to be the first men to die unless they get due process. This time they are dealing with men who know they are innocent and are going to prove we are innocent."

It was not until last January that the men received their first hearing, on a motion to suppress evidence, according to a source close to the case. The brothers contend the judge's decision last Friday to start the trial this week came as a complete surprise.

"We pleaded with the judge to give us an adjournment so we could prepare a defense," said Timbuk. "We aren't ready for trial."

The brothers, who are fraternal twins and do not look alike, were both employed as cooks and studied music, one under a Juilliard professor, before their arrest. Though neither has ever been convicted of a crime, both have been arrested yearly since 1968, according to their attorneys.

In that year, the brothers filed a suit for false arrest after charges were dropped in a robbery indictment against them.

The following year, Timbuk was arrested for homicide in the death of an army colonel. He was released in his own custody while awaiting trial and appeared in court 10 times before the charges were dropped. Both brothers were arrested and released on minor charges in 1970.

TWIN BROTHERS APPEAR IN COURT VOLUNTARILY

(By Michael T. Kaufman)

The Pyles twins, who twice in the last week were teargassed by Correction Department personnel and carried to their trial, appeared in court yesterday without coercion.

They said they had ceased their resistance to avert a riot in the Manhattan House of Detention for Men.

But before the day was over they were ordered removed.

Their appearance before Justice Myles J. Lane marked the first time since the trial actually got under way last Thursday that the 26-year-old twins were in the courtroom at 100 Centre Street.

On Monday, Justice Lane ordered them tried in absentia because, he said, they had refused to conduct themselves "with the decorum befitting an American court."

As yesterday's session began, the neatly dressed twins, Timbuk and Soni Pyles, sat quietly next to their court-appointed lawyers, who the defendants say they have dismissed.

ACCUSED OF ROBBERIES

The prosecution made its opening statement, contending it would prove that the brothers were the men who took a total of about $500 from desk clerks at the Mansfield and Mansfield Hall Hotels in two separate robberies, last February.

Then Timbuk Pyles rose to address the jury.

A tall, thin black man who came here from Mississippi with his brother eight years ago, he said he had worked as a cook and studied jazz at the Manhattan School of Music.

The brothers describe themselves as deeply religious spiritualists. They have never been convicted, but have been arrested several times and are currently detained on five other indictments.

Timbuk Pyles said the only reason he and his brother came willingly to court yesterday was to prevent bloodshed at the Tombs, where fellow inmates were reported to have organized protests in the event of more teargassing.

Justice Lane admonished him to limit his statements to his defense.

"We do not have a defense," he replied. "We have asked the court for an adjournment to prepare one."

The justice again broke in, saying the remarks were inappropriate, but Mr. Pyles continued.

"All we're asking for is due process," he said. "It is the right of the accused to a speedy trial. We waive that right. What we want is a fair trial."

The justice replied that the prosecution had been ready since last May and that the defendants had three times dismissed teams of lawyers and filed preliminary motions, which were heard. And he ordered the defendant to sit down and be still.

Instead Mr. Pyles said he and his brother had been "unconscious" during Monday's hearing, when the court proceedings were broadcast into an adjoining pen where the two men were held.

At this point Justice Lane ordered the defendants removed and guards escorted them to the adjoining room.

After the men were taken out, Justice Pyles said the men's statement that they had been unconscious was a lie. He said he had a report of a medical examination that showed no neurological effects of the tear gas.

"As far as the court is concerned, these men were conscious and heard everything that happened."

During the rest of yesterday's session, the prosecution introduced two hotel clerks who identified the brothers as the men who took money from them on Feb. 25 and Feb. 28 last year.

The court-appointed lawyers conferred with their clients and then declined to cross-examine.

ATLANTIC UNION RESOLUTION PASSES COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, the Atlantic Union Resolution, House Joint Resolution 900, was approved by the Foreign Affairs Committee today by a vote of 22 to 9. I view the committee's action as historic. The first major step has now been taken which hopefully will lead the nations of the Atlantic community to a convention very similar to our own constitutional convention in 1787.

The resolution establishes an 18-member delegation of prominent U.S. citizens to meet with similar delegations from such North Atlantic Treaty parliamentary democracies as desire to join in the enterprise—to explore the possibility of agreement on a declaration that the goal of their peoples is to transform their present relationship into a more effective unity based on Federal principles.

The resolution also calls upon the convention to agree on a timetable for transition to the agreed upon goal and create a commission to help keep the transition on schedule.

The Atlantic community has suffered severe setbacks in recent years. The monetary crisis continues with the dollar scraping the bottom of its limits at near record lows. England has entered the Common Market, threatening the loss of valuable U.S. trade markets. NATO is in difficulty, with France out of the integrated command and most of Europe uneasy about the U.S. commitment on the Continent.

The Atlantic Union Resolution is a forward-looking proposal aimed at developing better institutions for dealing with all of these problems. It shows that the United States will not turn its back on Europe, that our whole political and cultural heritage forms a common bond across the Atlantic Ocean. In my view, it also provides the only effective way to deal with multinational problems of defense, economics, pollution, and many others, with which the United Nations has had little success.

It counters a strong isolationist tendency in our country which has developed largely as a result of the Vietnam war.

Atlantic Union enjoys the support of many prominent Americans, including President Nixon, who while a private citizen in 1966, told the House Foreign Affairs Committee:

> The Atlantic Union Resolution is a forward-looking proposal which acknowledges the depth and breadth of incredible change which is going on in the world around us. I urge its adoption.

Former President Eisenhower, in a personal letter to me gave his support, saying:

> I strongly favor your undertaking; let there be no mistake about this.

Other supporters have been: Senators HUBERT HUMPHREY and BARRY GOLDWATER, former Senator Eugene McCarthy, Gov. Nelson Rockefeller, and the late Robert F. Kennedy.

In the House of Representatives, more than one-quarter of the Members, a broad bipartisan group, are cosponsors.

ASPIN RELEASES RICKOVER MEMO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, I am releasing to the public today a memo recently written by Vice Adm. Hyman Rickover criticizing the Navy's new claims system for subsidizing inefficiency.

Admiral Rickover's astute observations demonstrate that the Navy's new ship claims system is a huge, bureaucratic, multi-million-dollar boondoggle for shipbuilders.

I have written to Secretary of the Navy John Chafee and asked him to personally review the claims systems in light of Admiral Rickover's comments and report his findings to the Congress. At the moment shipbuilders are attempting to collect approximately $1 billion of claims. We must act now to avoid a huge scandal in shipbuilding claims.

In his memorandum Admiral Rickover points out that as long as contractors believe the Government will bail them out, either through change orders—that is, changing the design of the ship or claims—it will be impossible to achieve efficiency cost control or lower costs.

As many of my colleagues may know, Admiral Rickover's memo was prompted by the abolishment of a civilian claims board and the earlier removal of its chairman, after that group rejected a $73 million claim for Avondale Shipyards, Avondale, La.

In January, Gordon Rule's civilian panel was replaced by an all military board. Senator PROXMIRE and I have written to Secretary Chafee requesting the reestablishment of a civilian panel and the reinstatement of Mr. Rule.

Admiral Rickover, in his memorandum, suggests that many naval officers have neither the experience nor the expertise to handle giant claims. It is suggested by Admiral Rickover that much of the negotiating work for final settlements of claims be handed over to the Navy's legal counsel. There is no doubt that giant shipbuilders are able to employ the best legal and accounting talent in the country and easily overwhelm our own Navy's procurement officers.

Mr. Speaker, the Navy needs a complete shakeup in claims procedure before hundreds of millions of dollars are paid to greedy shipbuilders. The Navy brass should heed Admiral Rickover's recommendations before they have a first-class scandal on their hands. I hope that Secretary Chafee will conclude that some basic and fundamental changes are needed in Navy procedures to handle claims.

My letter to Secretary Chafee and Admiral Rickover's memorandum follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 16, 1972.

Hon. JOHN H. CHAFEE,
Secretary, Department of the Navy,
Washington, D.C.

DEAR MR. SECRETARY: I am forwarding you a copy of a memorandum written by Vice Admiral Hyman Rickover regarding changes in the Navy's claims systems.

As you may know, I am most concerned that recent changes in the Navy's procedures will result in the payment of large, unjustified claims to shipbuilders.

I believe that Admiral Rickover has correctly observed that the Navy Counsel should participate in a direct way in the final negotiation of a claims settlement. It is my understanding under the new regulations there are no lawyers who act as voting members of either the Naval Material General Board or its subsidiary civilian claims board.

Claims are a major concern to the Navy and to many members of Congress. I hope that you will personally review the current situation and present procedures in light of Admiral Rickover's comments and report to the Congress your evaluation of this situation.

It is my hope that shipbuilding claims can be settled in a fair and equitable way for both the contractor and the Navy.

Sincerely,

LES ASPIN,
Member of Congress.

DEPARTMENT OF THE NAVY,
NAVAL SHIP SYSTEMS COMMAND,
Washington, D.C., February 11, 1972.

MEMORANDUM FOR THE CHIEF OF NAVAL MATERIAL

Subject: Claims Procedures.

Reference: (a) NAVMAT NOTICE 4200 dtd 11 Jan. 1972; (b) My memorandum for the General Counsel of the Navy dtd May 10, 1971, subj.: Shipbuilder Claims.

1. I have just learned of the new procedures established by reference (a) for handling contractor claims against the Navy. I am concerned because these new procedures appear to be a step in the wrong direction, particularly for the large complex shipbuilding claims we are encountering today.

2. The new procedures provide for settlement of contract claims at the "lowest possible level in the contracting framework." Claims of $10 million or more are subject to review by a General Board consisting of selected senior flag officers in the Naval Material Command and the Office of the Chief of Naval Operations. This General Board is to be assisted by a Claims Board composed of "procurement executives" designated by COMNAVSHIPS, COMNAVAIR, COMNAVORD and COMNAVELEX. Presumably, assignment to the Claims Board is in addition to each procurement executive's normal full-time job. Reference (a) further provides that a Navy Deputy General Counsel will be an adviser to but not a member of the Claims Board.

3. I consider a number of things to be wrong with this approach.

a. First, the new procedures make claims settlements a routine contract matter. Yet these claims, by their very nature, go beyond routine contract actions and therefore should be accorded special handling. Routine settlement of claims as an ordinary contracting matter will encourage more claims and will tend to undermine our contractual relations.

b. These claims usually involve complex questions of fact and of law; to properly resolve these matters requires both special expertise and legal training. My experience over a period of many years is that most Navy contracting officers and procurement executives are not adequately trained or experienced to analyze and settle these large claims. Further, few flag officers possess the training, background, experience and judgment to deal with such claims; even fewer have the time to do so.

c. The settlement of claims, particularly large complex claims against the Government is principally a legal matter, not a contract negotiation. The Navy should not pay any claim or part of a claim that is not solidly grounded in fact or in law. Any claim not susceptible of factual determination should be rejected. Items not clearly supported by factual records or not susceptible of factual determination should, if pressed by contractors, be settled by the courts, not by the Navy.

4. In reference (b) I pointed out that our contractors are exerting considerable effort to establish, early in their contracts, claims against the Government. Some contractors have set up large organizations with experienced lawyers, accountants and engineers—as many as are needed—to develop claims against the Government. Often, they also engage outside claims experts in the legal profession to guide and assist them. The Government has no comparable body of talent to defend itself against these claims.

5. In reference (b) I also pointed out that to the extent contractors get more than they should in claims settlements, the Navy is not only subsidizing inefficiency but also undermining its own contracts. As long as contractors believe that the Government will bail them out through changes and claims, it will not be possible to achieve effective cost control, efficiency, or lower costs.

6. I would like to reiterate my recommendations in reference (b) for handling major claims against the Government:

a. I would assign primary responsibility to the Office of the General Counsel.

b. The Office of General Counsel should establish a Review Board composed of qualified legal, accounting and technical experts to carefully review proposed claim settlements and to eliminate from them any items not clearly supported by factual determination of entitlement and amount. The elimination of unsubstantiated items from negotiated settlements would compel contractors to keep proper records.

c. Whenever it is necessary to augment its own resources for legal analysis and defense against contractor claims, the Office of General Counsel should obtain competent outside help—legal and technical. The use of outside legal firms to help the Government defend against claims would ease the burden on the small existing organizations. It woud serve to expedite the review and settlement process, and would provide for the thorough analysis required to settle claims on their merits.

d. Government contracts should prohibit payment, directly or indirectly, of any costs associated with preparation or prosecution of claims against the Government. The Armed Services Procurement Regulation should be strengthened as necessary to implement this; and with no room for ambiguity, as is presently the case in many of its provisions.

e. The Office of General Counsel should promulgate a list of contractors who frequently or repetitively make claims against the Government, or who submit excessive or unwarranted claims. Procurement agencies should give consideration to a contractor's claim record in awarding new contracts.

7. I know of your strong desire to improve Navy procurement. I trust you will give full consideration to my recommendations. We must have procedures that will ensure that all claim settlements are adequately supported, factually and legally.

H. G. RICKOVER.

STILL NO WORD FROM PRESIDENT NIXON ON TAX REFORM; 59 DEMOCRATS INTRODUCE $7.25 BILLION "QUICK-YIELD" TAX REFORM PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, I introduce for appropriate reference H.R. 13877, which would provide $7.25 billion a year in new revenue by closing some of the loopholes in our tax laws which allow many wealthy Americans to avoid paying their fair share in taxes. This "quick-yield" tax reform package is sponsored by 59 House Democrats:

LIST OF SPONSORS

James Abourezk of South Dakota.
Bella S. Abzug of New York.
Joseph P. Addabbo of New York.
William R. Anderson of Tennessee.
Les Aspin of Wisconsin.
Herman Badillo of New York.
Nick Begich of Alaska.
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James H. Scheuer of New York.
John F. Seiberling of Ohio.
James V. Stanton of Ohio.
Louis Stokes of Ohio.
Frank Thompson, Jr. of New Jersey.
Charles A. Vanik of Ohio.
Jerome R. Waldie of California.
Charles H. Wilson of California.
Gus Yatron of Pennsylvania.

I am disappointed that President Nixon has so far failed to follow through on his promise of last September that he would submit tax reform proposals to Congress in this session. Chairman Wilbur Mills of the House Ways and Means Committee reminded President Nixon of his pledge in a letter on February 7, and urged the President to submit his proposals to Congress by March 15 so we would have time to act on them in this session.

These proposals have not been forthcoming, and, as the Democratic caucus resolved yesterday, further increases in the Federal debt ceiling "will be jeopardized" if the President fails to publicly support meaningful tax reform, or at least make clear to Congress which tax reform proposals can be passed without facing a Presidential veto.

Our request is a modest one. It will be difficult indeed to get real tax reform through Congress without the President's wholehearted backing. As DNC Chairman Larry O'Brien pointed out in a recent speech:

> My years on Capitol Hill have taught me that strong presidential leadership is *the* essential ingredient in any serious tax reform effort. The President must define the battle ground, marshall the troops, organize public opinion and personally commit his prestige to passage of the legislation in the House and Senate.

Yet all we are asking is that President Nixon tell us which tax reforms he will not veto. If he will just take our tax bill, or Congressman Corman's, or the one Senator Nelson is preparing, and put a little check by those tax reform provisions he will not veto, we will be set to go. We would welcome Presidential leadership in support of tax reform, but if we have to settle for acquiescence we will take what we can get.

I am surprised that the President is not in the lead on tax reform. If I faced a cumulative 3-year budget deficit in excess of $87 billion, I would welcome tax reform proposals that promised new revenue. And certainly the President cannot be deterred by the fact that these are Democratic proposals. Given the precedents set last August, that should recommend them to him even more highly.

Furthermore, a President faced with a nationwide unemployment rate approaching 6 percent, a budget deficit approaching $40 billion, and an election—all in 1 year—should welcome tax reform proposals which promise job creation, deficit reduction, and the affection and gratitude of the electorate.

The $7.25 billion "quick-yield" tax reform package we propose has no provisions which would reduce jobs, has some which would increase them, and provides the revenue needed for Federal job-creation programs like the "Jobs Now" program to create 500,000 public service jobs.

The proposal to tax capital gains on property transferred at death, for example, would eliminate the incentive older people now have to hang on to capital gains property until they die. Instead, they could sell their assets freely, and invest the proceeds in newer and more innovative "growth" companies where the best profit and job creating potential is.

Or take the proposal in our bill to tax the income of foreign subsidiaries of U.S. corporations on a current basis. This would eliminate an incentive in the present law which induces American firms to build plants in foreign countries and export American jobs.

Repeal of the ADR rapid depreciation scheme would have little or no impact on jobs, since ADR's principal, if not sole, purpose is to create profits rather than jobs.

A section-by-section explanation of H.R. 13877 and the full text of the bill follow:

Section-by-Section Explanation of H.R. 13877

TITLE I—TAXATION OF CAPITAL GAINS ON PROPERTY TRANSFERRED AT DEATH OR BY GIFT—ANNUAL REVENUE GAIN—$2 BILLION

When real estate, shares of stock, and other forms of property increase in value, the increase is subject to tax as a capital gain. However, the capital gains tax rate on property held for more than 6 months is only half of that for ordinary income. (Prior to 1969, the maximum capital gains rate in all cases was only 25 percent. The 1969 Tax Reform Act increased the maximum rate for corporations to 30 percent, and for individuals the maximum rate on gains of more than $50,000 was raised in stages to its present level of 35 percent—half the top ordinary rate of 70 percent.)

But some capital gains—those on property transferred at death—are never taxed at all. Here is how it works. Suppose a taxpayer bought some stock in a small electronics company for $50,000 back in 1962. The company has flourished and the stock is now worth $150,000. If he sells it now he will have to pay a capital gains tax on the $100,000 increase in value. If he is in the highest 70 percent tax bracket, this means a tax of $30,000 (25% of the first $50,000 plus 35% of the second $50,000). But if he never sells the stock and it passes on to his heirs, neither he nor his heirs will ever have to pay income tax on the increase in value. The heirs will have to pay capital gains taxes on any increase in the value of the stock beyond $150,000 if they later sell it, but that's all.

The greatest beneficiaries of this loophole, obviously, are those with large amounts of accumulated wealth to pass on to the next generation.

The Treasury Department in December, 1968, called for an end to this loophole, recommending that the increase in value of assets be taxed when they are transferred at death or by gift (see "Tax Reform Studies and Proposals", published in three volumes on February 5, 1969, by the House Ways and Means Committee and the Senate Finance Committee, pp. 331–351).

The present system of not taxing appreciation on assets transferred at death, the Treasury said, "is grossly inequitable and substantially impairs the progressivity of the tax structure."

In addition, the Treasury estimated, it allows at least $15 billion in capital gains to fall completely outside the income tax system each year.

Furthermore, it has "undesirable economic effects, particularly in cases of older people":

"Assets become immobilized; investors become "locked in" by the prospect of avoiding income tax completely if they hold appreciated assets until death rather than selling them. This freezing of investment positions deprives the economy of the fruits of an unencumbered flow of capital toward areas of enterprise promising larger rewards."

In its August 2, 1969, Report on the 1969 Tax Reform Act, the House Ways and Means Committee said that "the time available" did not permit the inclusion of reform measures relating to the problem of the tax treatment of property passing at death. However, the Report went on, the Committee would "undertake to study" this problem as soon as possible, "with the expectation of reporting out a bill on this subject in this Congress."

More than 2½ years later, in an interview in the February 26, 1972, issue of Business Week, Ways and Means Committee Chairman Wilbur Mills again singled out capital gains at death as one of the "problem areas" in the estate and gift tax system, and raised the question of "whether we should continue to let an individual give away everything he has at death and avoid taxes on any of it."

The time is over-ripe for action on this loophole. H.R. —— would treat property transferred at death as if the decedent had sold it at death. An income tax would be imposed on the capital gain and the tax would be treated as a debt of the decendent's estate. It would thus be deductible from the gross estate for estate tax purposes and would reduce the estate tax liability. Small estates—those under $60,000—would be exempted, and there would be additional exemptions for personal and household effects, transfers to a husband or wife, and to orphans. In order to avoid giving an artificial incentive for lifetime gifts, the gain on appreciated property transferred by gift would also be taxed at the time of transfer.

The revenue gain from this provision would be $2 to $3 billion a year.

TITLE II—REPEAL OF ASSET DEPRECIATION RANGE (ADR) SYSTEM OF ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY—ANNUAL REVENUE GAIN—$2 BILLION

The tax law allows businesses to deduct from their taxable income every year a "reasonable allowance" for the exhaustion, wear and tear, and obsolescence of property used in the business. Until 1971, Treasury rules required that these deductions for depreciation be spread over the actual useful life of the property. Businesses could not write off property for tax purposes faster than they were actually replacing it.

In 1971, however, the Treasury changed its rules to permit businesses to write off their plant and equipment 20 percent faster than before, whether the property was actually depreciating that fast or not. These larger deductions of course meant lower tax bills for businesses. Late in 1971 Congress wrote this "Asset Depreciation Range" (ADR) system of 20 percent depreciation speed-ups into law (The Revenue Act of 1971, P.L. 92–178, December 10, 1971).

The ostensible reason for initiating the ADR system was to encourage businesses to invest in new plant and equipment. However, with business using only 74 percent of the plant and equipment it already has, it is difficult to see how ADR is going to induce much additional investment. In addition, the 1971 Revenue Act also re-instated the 7 percent Investment Tax Credit, which has the same purpose as ADR, so that retaining both provisions results in wasteful over-kill.

The Administration has apparently been disappointed in the response of businessmen to these double incentives for capital investment. Treasury Secretary John Connally, addressing more than 1000 businessmen assembled by the U.S. Chamber of Commerce in Washington, on January 20, 1972, reminded them that the Administration has given them both rapid depreciation and the 7 percent investment tax credit. "You asked for it," Connally said. "You got it. What have you done with it? Nothing."

H.R. 13877 would repeal ADR, thus going back to the pre-1971 depreciation system. The revenue gain would be $2 to $3 billion a year.

TITLE III—FEDERAL INTEREST SUBSIDY TO STATES AND LOCALITIES TO ENCOURAGE ISSUANCE OF TAXABLE BONDS—ANNUAL REVENUE GAIN—$100 MILLION

The interest on state and local bonds has been tax-free ever since the original income tax law of 1913. As a matter of fact, taxpayers need not even report this income on their tax returns.

As a consequence, state and local bonds have long been a favorite investment for the very rich. Although the average taxpayer perceives no great advantage in buying tax-free municipal bonds paying 4 percent interest when he can get taxable corporate bonds paying 7 percent, tax-free interest begins to look better and better as a taxpayer's marginal tax bracket gets up around 42 percent (the rate paid on taxable income in excess of $32,000 by a married couple filing jointly).

It has been estimated that over 80 percent of the tax-free bonds held by individuals are in the hands of the wealthiest 1 percent of the population.

This tax exemption does, however, have one important redeeming feature—it enables hard-pressed states and cities to raise money for schools, roads, sewage treatment plants, hospitals, and other essential public facilities at relatively low interest rates. Simply taxing the interest on municipal bonds, therefore, would force municipalities either to pay higher interest rates (which few of them could afford) or to forego badly-needed public improvements.

Understandably, states and localities have strongly opposed taxing the interest on their bonds. H.R. 13877 would not require that this interest be taxed. States and localities could continue to issue tax-free bonds, but they would be given the additional option of issuing taxable bonds and receiving from the Federal government an interest subsidy to make up for the higher interest rate they would have to pay. This Federal interest subsidy could go as high as 40 percent of the total interest paid, and there would be no strings attached.

The Treasury would still come out ahead on the deal, since it now *loses* far more revenue by failing to tax the interest on municipal bonds than states and localities *save* in lower borrowing costs. An estimate cited by the House Ways and Means Committee in 1969 put the saving to states and localities at only $1.3 billion a year, while the annual revenue loss to the Federal government was estimated at $1.8 billion. Other estimates of the disparity between interest saving and revenue loss have been even higher, approaching a ratio of 2 to 1. It is therefore reasonable to estimate a revenue gain of $100 million a year from the proposal.

In addition to bringing in more revenue and closing off a loophole from which only a small number of wealthy investors can benefit, this provision would also make it easier for states and localities to market their bonds. Tax-free municipals must now be sold in a fairly limited market, consisting almost entirely of very wealthy individuals, banks, and other financial institutions. By making it possible for these bonds to be sold at higher, federally-subsidized, interest rates, H.R. 13877 would make them attractive to a far wider spectrum of the investing public. With more buyers available, the market would not be as tight and there would be less upward pressure on municipal bond interest rates.

The House approved this provision in 1969, when it was part of the House version of the 1969 Tax Reform Act (H.R. 13270, Secs. 601 and 602). It was dropped in conference.

TITLE IV—TAXATION OF INCOME OF FOREIGN SUBSIDIARIES OF U.S. CORPORATIONS ON A CURRENT BASIS—ANNUAL REVENUE GAIN—$150 MILLION

The income of foreign subsidiaries of United States corporations is not taxed by the U.S. until it is returned to the parent corporation or corporations in this country. This usually means that the tax on this income is deferred for many years, and in some cases the income may never be taxed at all.

In addition to costing the Treasury more than $150 million a year in lost revenue, this provision gives U.S. corporations an artificial incentive to build plants abroad and export American jobs. A U.S. firm faced with a close decision on whether to build a plant in this country or abroad may well decide to build in a foreign country in order to get the tax deferral benefits of present law. The Federal government is in effect giving them an interest-free loan if they invest abroad.

H.R. 13877 would close this loophole by taxing this foreign subsidiary income on a current basis. Only "controlled" foreign corporations—those with more than half of their stock held by American corporations—would be covered. Each American corporation holding more than 10 percent of a controlled foreign corporation's stock would have to include in its U.S. tax return each year its pro rata share of the foreign corporation's earnings and profits for that year.

TITLE V—TIGHTENING OF MINIMUM TAX ON TAX PREFERENCES—ANNUAL REVENUE GAIN—$3 BILLION

The 1969 Tax Reform Act contained a "Minimum Tax" provision which was intended to deal with the problem of very wealthy persons who paid little or nothing in Federal income taxes. There were, for example, 155 persons with reported incomes for 1967 in excess of $200,000 who paid no Federal income tax at all for that year, and the number rose to 222 for 1968 and 301 for 1969. Many other wealthy individuals pay only a small fraction of their income in taxes.

The Minimum Tax has had some impact, but not much. There were still 112 persons with reported incomes in excess of $200,000 who paid no Federal income tax for 1970, the first year in which the Minimum Tax was in effect.

The problem is that the Minimum Tax contains so many exclusions and exemptions that relatively little "preference income" is reached by it. Only certain specified "tax preference items" are subject to the Minimum Tax:

(1) *Excess investment interest*—the excess of interest on loans to buy investments over investment income (expires on January 1, 1972, when direct limitations on deductibility of investment interest take effect);

(2) *Accelerated depreciation on real property and on personal property subject to a net lease*—the excess of accelerated depreciation over straight-line depreciation;

(3) *Amortization of certified pollution control facilities and railroad rolling stock*—the excess of special 5-year amortization over normally-allowed depreciation;

(4) *Stock options*—the excess of the fair market value of the stock at the time of exercise over the option price;

(5) *Reserves for losses on bad debts of financial institutions*—the excess of the institution's fixed-formula bad debt reserve over its actual bad debt loss experience;

(6) *Depletion*—Oil and other mineral depletion allowances to the extent they exceed the actual cost of acquiring and developing the property;

(7) *Capital gains*—One-half of capital gains for individuals and three-eighths for corporations.

A great many other items generally considered to be tax preferences are not covered by the Minimum Tax, including intangible oil and gas drilling expenses, tax-exempt bond interest, the unrealized appreciation on property contributed to charity, and excess farm losses.

Furthermore, the taxpayer's total "tax preference" income must exceed $30,000 *plus* the amount of income tax he pays on his regular, non-preference income before the Minimum Tax is even assessed. And then the Minimum Tax rate is only 10 percent, about what a married couple filing separately would pay on a total family income of $12,000.

The Minimum Tax brought in only $116.9 million in additional revenue in 1970, according to preliminary figures just released by the Treasury. At the time the 1969 Tax Reform Act was passed the Treasury estimated that the Minimum Tax would bring in around $500 million a year in additional revenue when fully implemented. H.R. 13877 would raise an additional $3 billion a year by making the following changes in the Minimum Tax:

(1) Eliminate the deduction presently allowed for the amount of tax paid on regular, non-preference income;

(2) Include state and local bond interest among the "tax preference" items subject to the Minimum Tax; and

(3) Increase the Minimum Tax rate from 10 percent to 20 percent.

H.R. 13877

A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) Short title.—This Act may be cited as the "Tax Reform Act of 1972".

(b) Table of Contents.—

TITLE I—GAIN ON CERTAIN PROPERTY TRANSFERRED AT DEATH OR BY GIFT

Sec. 101. Gains and losses on property transmitted at death.
Sec. 102. Gains and losses on lifetime gifts.
Sec. 103. Gross income definition.
Sec. 104. Basis of certain property acquired from a decedent.
Sec. 105. Basis of property acquired by gift.
Sec. 106. Contributions of certain property to charity.
Sec. 107. Time for filing decedent's final income tax return.
Sec. 108. Extension of time for paying tax.
Sec. 109. Effective date.

TITLE II—DEPRECIATION REVISION

Sec. 201. Reasonable allowance for depreciation.

TITLE III—STATE AND LOCAL BONDS

Sec. 301. Interest on State and local obligations.

TITLE IV—FOREIGN CORPORATIONS

Sec. 401. Taxation of earnings and profits of controlled foreign corporations.

Sec. 402. Effective dates.

TITLE V—MINIMUM TAX FOR TAX PREFERENCES

Sec. 501. Repeal of deduction for taxes and rate increase.

Sec. 502. Inclusion of interest on State obligations.

Sec. 503. Effective date.

(c) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

(d) Technical and Conforming Changes.—The Secretary of the Treasury or his delegate shall, as soon as practicable but in any event not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives a draft of the technical and conforming changes in the Internal Revenue Code of 1954 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this Act.

TITLE I—GAIN ON CERTAIN PROPERTY TRANSFERRED AT DEATH OR BY GIFT

SEC. 101. GAINS AND LOSSES ON PROPERTY TRANSMITTED AT DEATH

(a) Part II of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1954 (relating to items specifically included in gross income) is amended by adding at the end thereof the following new section:

"SEC. 84. GAINS AND LOSSES ON PROPERTY AT TIME OF DEATH.

"(a) IN GENERAL.—In the case of the death of a taxpayer there shall be included in computing taxable income for the taxable period in which falls the date of his death, the gains and losses which would be taken into account if the taxpayer had sold all property (except items of income in respect of a decedent under section 691), which is considered to have been acquired from or to have passed from the decedent taxpayer (within the meaning of section 1014(b)) at a selling price equal to its fair market value at death, or if an election is made under section 2032 (relating to the alternate valuation date), at a price equal to its fair market value on such date. The gain and losses so computed shall be considered amounts received from the sale or exchange of a capital asset held for more than six months. For purposes of this section, losses shall be determined without regard to section 1091.

"(b) EXEMPTIONS.—Subsection (a) shall not apply to the following:

"(1) HOUSEHOLD OR PERSONAL EFFECTS.—Gain on a personal or household item acquired from a decedent or which has passed from a decedent (within the meaning of section 1014(b)), if the fair market value of such item at death (or, if an election is made under section 2032, relating to the alternate valuation date, the fair market value on such date) is less than $2,000.

"(2) PROPERTY WHICH PASSES OR HAS PASSED TO SURVIVING SPOUSE.—Property which passes or has passed from the decedent to his surviving spouse, but only to the extent deductible under section 2056 (relating to the allowance of an estate tax marital deduction).

"(c) BASIS FOR COMPUTING GAIN OR LOSS.—For purposes of subsection (a), the following rules shall apply in determining basis for computing gain or loss:

"(1) MINIMUM BASIS.—Property to which subsection (a) applies shall be considered to have a minimum total adjusted basis to the decedent of $60,000 or the total fair market value of the property, if lower.

"(2) PROPERTY ACQUIRED BEFORE DATE OF ENACTMENT.—In the case of property acquired before the date of enactment of this section, if the basis otherwise determined under this subtitle, adjusted as provided in section 1016, is less than the fair market value of the property as of the date of enactment of this section, then the basis for determining gain shall be such fair market value.

"(3) ALLOCATION OF BASIS.—If subsection (a) does not apply, by reason of paragraph (2) of subsection (b), the basis of property (as determined under paragraphs (1) and (2) shall be allocated (pursuant to rules and regulations prescribed by the Secretary or his delegate) among all property (other than cash) to which subsection (a) applies in proportion to the fair market value of such property.

"(d) LOSS CARRYBACK.—If the application of subsection (a) produces a net long term capital loss, the amount thereof (to the extent not utilized against net capital gain, computed without regard to subsection (a), for the decedent's final taxable period) shall be a loss carryback to each of the three taxable years preceding the decedent's final taxable year. The entire amount of the net loss produced by subsection (a) shall first be carried, as a net long term capital loss, to the earliest of the taxable years to which such loss may be carried, and the portion of such loss which shall be carried to each of the other years to which such loss may be carried shall be the excess, if any, of such loss over the total of the net capital gains for each of the prior taxable years to which such loss may be carried. If there remains, after the application of the preceding sentence, any unused loss produced by subsection (a), one-half of the amount thereof shall first be carried, as a loss deductible against ordinary income, to the earliest of the taxable years to which such loss may be carried, and the portion of such loss which shall be carried to each of the other taxable years to which such loss may be carried shall be that portion, if any, of one-half of such loss which is not used to reduce the amount subject to income taxation for a prior taxable year to which such loss may be carried. The carryback of a loss pursuant to this paragraph may not increase or produce a net operating loss (as defined in section 172(c)) for the taxable year to which it is being carried back.

"(e) LIABILITY FOR INCOME ON GAINS AT DEATH.—Unless the decedent directs otherwise in his will, if any part of the property which is subject to tax by reason of section 84 (relating to income taxation of gains at death) consists of property transferred by the decedent during his lifetime, the executor shall be entitled to recover from the donee to which the decedent made a transfer during his lifetime, such portion of the total tax paid by reason of section 84 as the tax attributable to the property transferred during the decedent's lifetime bears to the total tax paid."

(b) The table of sections for part II of such subchapter is amended by adding at the end thereof the following item:

"Sec. 84. Gains and losses on property at time of death."

SEC. 102. GAINS AND LOSSES ON LIFETIME GIFTS.

(a) Part II of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1954 (relating to items specifically included in gross income) is amended by adding at the end thereof the following new section:

"SEC. 85. GAINS AND LOSSES ON LIFETIME GIFTS.

"(a) IN GENERAL.—In the case of the transfer of property by gift, there shall be included in computing taxable income for the taxable period in which the transfer was made, the gains and losses which would be taken into account if the taxpayer had sold the transferred property at a selling price equal to its fair market value at the time of the transfer.

"(b) EXEMPTIONS.—Subsection (a) shall not apply to the following:

"(1) PROPERTY TRANSFERRED TO SPOUSE.—Property transferred by gift to an individual who at the time of the transfer is the taxpayer's spouse, but only to the extent the property transferred is deductible (without regard to the limitation equal to one-half of the value of the transferred property) under section 2523 (relating to the allowance of a gift tax marital deduction).

"(2) ANNUAL PER DONEE EXEMPTION.—In the case of transfers of property by gift made to any person during the taxable year, the first $1,000 of the amount of gain which would otherwise be taken into account for purposes of subsection (a).

"(c) BASIS FOR COMPUTING GAIN OR LOSS.—In the case of property acquired before the date of enactment of this section, if the basis otherwise determined under this subtitle, adjusted as provided in section 1016, is less than the fair market value of the property as of the date of enactment of this section, then the basis for determining gain shall be such fair market value.

"(d) LOSSES BETWEEN RELATED PARTIES.—No deduction shall be allowed in respect of losses from transfers of property by gift where both the donor and the donee (or transferee) are persons specified within any one of the paragraphs of subsection (b) of section 267."

(b) The table of sections of part II of such subchapter is amended by adding at the end thereof the following item:

"SEC. 85. GAINS AND LOSSES ON LIFETIME GIFTS."

SEC. 103. GROSS INCOME DEFINITION.

Section 61(a) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

"(16) Gains derived, pursuant to section 84, on property at time of death.

"(17) Gains derived, pursuant to section 85, on property transferred during lifetime."

SEC. 104. BASIS OF CERTAIN PROPERTY ACQUIRED FROM A DECEDENT

Section 1014 of the Internal Revenue Code of 1954 (relating to basis of property acquired from a decedent) is amended by striking out paragraph (6) of subsection (b) and by adding at the end thereof the following new subsection:

"(d) PROPERTY SUBJECT TO TAX AT DEATH.—The basis of property in the hands of a person acquiring the property from a decedent or to whom the property passed from a decedent, which is not, pursuant to paragraph (2) of section 84(b)) (relating to property which passes or has passed to surviving spouse), subject to taxation under section 84(a), shall be the adjusted basis of the property, determined with regard to section 84(c)(3) (relating to allocation of basis), immediately before the death of the decedent."

"SEC. 105. BASIS OF PROPERTY ACQUIRED BY GIFT.

Section 1015 of the Internal Revenue Code of 1954 (relating to basis of property acquired by gifts and transfers in trust) is amended by adding at the end thereof the following subsection:

"(e) Property Subject to Tax Upon Transfer.—To the extent that gain or loss is taken into account in computing taxable income, pursuant to section 85(a) (relating to gains and losses on lifetime gifts), the basis of property in the hands of a person acquiring the property by gift shall be the fair market value of the property at the time of the transfer by gift."

SEC. 106. CONTRIBUTIONS OF CERTAIN PROPERTY TO CHARITY.

Section 170(e) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new paragraph:

"(3) Property subject to tax upon transfer to a charity.—In determining the amount of any charitable contribution of property otherwise taken into account under this section no reduction shall be made under paragraph (1) to the extent gain is taken into account in computing taxable income under section 85(a) (relating to gains and losses on lifetime gifts)."

SEC. 107. TIME FOR FILING DECEDENT'S FINAL INCOME TAX RETURN.

Section 6072 is amended by redesignating subsection (e) as subsection (f) and by adding after subsection (d) the following new subsection:

"(e) FINAL INCOME TAX RETURN OF A DECEDENT.—The return for a decedent's final taxable period, required under section 6012 or 6013, shall be filed on or before the date required by subsection (a) or within 9 months after the date of the decedent's death, whichever is later."

SEC. 108. EXTENSION OF TIME FOR PAYING TAX.

(a) (1) Section 6161(a) (1) of the Internal Revenue Code of 1954 is amended by inserting "or income tax due for the decedent's final taxable period" after "estate tax" in the parentheses in the first sentence thereof.

(2) Section 6161(a) (2) of such Code is amended by striking out the comma at the end of subparagraph (A) thereof and inserting in lieu thereof "or section 84 (relating to income taxation of gains at death),"

(3) The heading of section 6161(a) (2) is amended to read "ESTATE TAX OR INCOME TAX ON GAINS AT DEATH."

(b) (1) Section 6166(a) of such Code is amended by inserting "section 84 (relating to income taxation of gains at death) or" before "section 2001" in the first sentence thereof.

(2) Section 6166(b) of such Code is amended—

(A) by inserting "imposed by section 2001" before "which may be paid in installments"; and

(B) by adding at the end thereof a new sentence to read as follows: "The maximum amount of tax imposed by section 84 (relating to income taxation of gains at death) which may be paid in installments as provided in this section shall be an amount which bears the same ratio to the tax imposed by section 84 as the gain attributable (pursuant to rules and regulations prescribed by the Secretary or his delegate) to the interest in the closely held business bears to the total gains subject to tax pursuant to section 84."

(3) Section 6166(f) of such Code is amended by inserting "section 84 (relating to income taxation of gains at death) or" before "section 2001' in the first sentence thereof.

(4) Section 6166(h) (1) (B) of such Code is amended by inserting "section 84 (relating to income taxation of gains at death) or" before "section 2001" in the last sentence thereof.

(5) The heading of section 6166 is amended by inserting "OR INCOME TAX ON GAINS AT DEATH" after "ESTATE TAX" and the items relating to section 6166 in the table of sections for subchapter B of chapter 62 of subtitle F is amended to read as follows: "Extension of time for payment of estate tax or income tax on gains at death where estate consists largely of interest in closely held business."

SEC. 109. EFFECTIVE DATE.

The amendments made by this Act shall apply to decedents dying on or after the first day of the first calendar year beginning after the date of the enactment of this Act.

TITLE II—DEPRECIATION REVISION

SEC. 201. REASONABLE ALLOWANCE FOR DEPRECIATION.

(a) Repeal of Asset Depreciation Range.—Section 167 (m) (1) (relating to class lives for depreciation allowance) is amended by striking out the following: "The allowance so prescribed may (under regulations prescribed by the Secretary or his delegate) permit a variance from any class life by not more than 20 percent (rounded to the nearest half year) of such life.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 1970.

TITLE III—STATE AND LOCAL BONDS

SEC. 301. INTEREST ON STATE AND LOCAL OBLIGATIONS.

(a) Election To Issue Taxable Bonds.—Section 103 (relating to interest on certain governmental obligations) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) Election To Issue Taxable Bonds.—

"(1) Subsection (a) not to apply.—The issuer of obligations described in subsection (a) (1) may elect to issue obligations to which subsection (a) (1) does not apply.

"(2) Election.—The election described in paragraph (1) shall be made (at such time, in such manner, and subject to such conditions as the Secretary or his delegate by regulations prescribes) with respect to each issue of obligations to which it is to apply. An election with respect to any issue once made shall be irrevocable."

(b) United States To Pay Fixed Percentage of Interest Yield on Taxable Issues.—

(1) Permanent appropriation.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this subsection; and such appropriations shall be deemed permanent annual appropriations.

(2) Payment of fixed percentage of interest yield.—

(A) In general.—The Secretary of the Treasury or his delegate shall pay a fixed percentage of the interest yield on each issue of obligations with respect to which an election under section 103(e) of the Internal Revenue Code of 1954 (relating to election to issue taxable bonds) applies. Before the first day of each calendar quarter, the Secretary or his delegate shall determine (and publish in the Federal Register) the fixed percentage—

(i) for calendar quarters beginning before January 1, 1977, not less than 30 percent and not more than 40 percent, and

(ii) for calendar quarters beginning after December 31, 1976, not less than 25 percent and not more than 40 percent,

of the interest yield which he determines it is necessary for the United States to pay in order to encourage the States and political subdivisions thereof to make elections under section 103(e). The fixed percentage so determined and published shall apply with respect to all issues of obligations made during such calendar quarter to which elections under such section 103(e) apply.

(B) Interest yield.—For purposes of this subsection, the interest yield on any issue of obligations shall be determined immediately after such obligations are issued.

(C) Time of payment.—Payment of any interest required under subparagraph (A) shall be made by the Secretary of the Treasury or his delegate not later than the time at which the interest payment on the obligation is required to be made by the issuer.

(3) Dual coupon obligations.—At the request of the issuer, the liability of the United States under this subsection to pay the interest to the holder of an issue of obligations shall be made through assumption by the United States of the obligation to pay a separate set of interest coupons issued with the obligations.

(4) Subsection to apply only to section 103(e) obligations.—This subsection shall apply only to obligations which, but for an election under section 103(e) of the Internal Revenue Code of 1954, would be obligations to which section 103(a) (1) of such Code applies.

(c) Effective Date.—This section shall apply only to obligations issued in a calendar quarter beginning after June 30, 1975.

TITLE IV—FOREIGN CORPORATIONS

SEC. 401. TAXATION OF EARNINGS AND PROFITS OF CONTROLLED FOREIGN CORPORATIONS

(a) IN GENERAL.—Part III of subchapter N of chapter 1 (relating to income from sources without the United States) is amended by inserting after subpart H thereof the following:

"SUBPART I—CONTROLLED FOREIGN CORPORATIONS

"Sec. 991. Amounts included in gross income of United States shareholders.
"Sec. 992. Definitions.
"Sec. 993. Rules for determining stock ownership.
"Sec. 994. Exclusion from gross income of previously taxed earnings and profits.
"Sec. 995. Adjustments to basis of stock in controlled foreign corporations and of other property.
"Sec. 996. Records and accounts of United States shareholders.

"SEC. 991. AMOUNTS INCLUDED IN GROSS INCOME OF UNITED STATES SHAREHOLDERS.

"(a) AMOUNTS INCLUDED.—

"(1) IN GENERAL.—If a foreign corporation is a controlled foreign corporation for an uninterrupted period of 30 days or more during any taxable year, every United States shareholder of such corporation who owns (within the meaning of section 993(a)) stock in such corporation on the last day in such year on which such corporation is a controlled foreign corporation shall include in its gross income, for its taxable year in which or with which such taxable year of the corporation ends, its pro rata share of the corporation's earnings and profits for such year.

"(2) PRO RATA SHARE OF EARNINGS AND PROFITS.—A United States shareholder's pro rata share referred to in paragraph (1) is the amount—

"(A) which would have been distributed with respect to the stock which such shareholder owns (within the meaning of section 993(a)) in such corporation if on the last day, in its taxable year, on which the corporation is a controlled foreign corporation it had distributed pro rata to its shareholders an amount (i) which bears the same ratio to its earnings and profits for the taxable year, as (ii) the part of such year during which the corporation is a controlled foreign corporation bears to the entire year, reduced by

"(B) an amount (i) which bears the same ratio to the earnings and profits of such corporation for the taxable year, as (ii) the part of such year described in subparagraph (A) (ii) during which such shareholder did not own (within the meaning of section 993(a)) such stock bears to the entire year.

"(b) EARNINGS AND PROFITS.—For purposes of this subpart, under regulations prescribed by the Secretary or his delegate, the earnings and profits of any foreign corporation, and the deficit in earnings and profits of any foreign corporation, for any taxable year—

"(1) except as provided in section 312(m) (3), shall be determined according to rules substantially similar to those applicable to domestic corporations,

"(2) shall be appropriately adjusted for deficits in earnings and profits of such corporation for any prior taxable year beginning after December 31, 1971.

"(3) shall not include any item of income which is effectively connected with the conduct by such corporation of a trade or business within the United States unless such item is exempt from taxation (or is subject to a reduced rate of tax) pursuant to a treaty obligation of the United States, and

"(4) shall not include any amount of earnings and profits which could not have been distributed by such corporation because of currency or other restrictions or limitations imposed under the laws of any foreign country.

"(c) Coordination With Election of a Foreign Investment Company To Distribute Income—A United States shareholder who, for his taxable year, is a qualified shareholder (within the meaning of section 1247(c)) of a foreign investment company with respect to which an election under section 1247 is in effect shall not be required to include in gross income, for such taxable year, any amount under subsection (a) with respect to such company.

"(d) Coordination With Foreign Personal Holding Company Provisions.—In the case of a United States shareholder who, for his taxable year, is subject to tax under section 551(b) (relating to foreign personal holding company income included in gross income of United States shareholders) or income of a controlled foreign corporation, the amount required to be included in gross income by such shareholder under subsection (a) with respect to such company shall be reduced by the amount included in gross income by such shareholder under section 551(b).

"Sec. 992. Definitions.

"(a) United States Shareholder Defined.—For purposes of this subpart, the term 'United States shareholder' means, with respect to any foreign corporation, a domestic corporation which owns (within the meaning of section 993(a)), or is considered as owning by applying the rules of ownership of section 993(b), 10 percent or more of the total combined voting power of all classes of stock entitled to vote of such foreign corporation.

"(b) Controlled Foreign Corporation Defined.—For purposes of this subpart, the term 'controlled foreign corporation' means any foreign corporation of which more than 50 percent of the total combined voting power of all classes of stock entitled to vote is owned (within the meaning of section 993 (a)), or is considered as owned by applying the rules of ownership of section 993(b), by United States shareholders on any day during the taxable year of such foreign corporation.

"Sec. 993. Rules for Determining Stock Ownership.

"(a) Direct and Indirect Ownership.—

"(1) General rule.—For purposes of this subpart, stock owned means—

"(A) stock owned directly, and

"(B) stock owned with the application of paragraph (2).

"(2) Stock ownership through foreign entities.—For purposes of subparagraph (B) of paragraph (1), stock owned, directly or indirectly, by or for a foreign corporation or foreign estate (within the meaning of section 7701(a)(31)) or by or for a partnership or trust shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries. Stock considered to be owned by a person by reason of the application of the preceding sentence shall, for purposes of applying such sentence, be treated as actually owned by such person.

"(b) Constructive ownership.—For purposes of section 992, section 318(a) (relating to constructive ownership of stock) shall apply to the extent that the effect is to treat any domestic corporation as a United States shareholder within the meaning of section 992(a), or to treat a foreign corporation as a controlled foreign corporation under section 992(b), except that—

"(1) In applying subparagraphs (A), (B), and (C) of section 318(a)(2), if a partnership, estate, trust, or corporation owns, directly or indirectly, more than 50 percent of the total combined voting power of all classes of stock entitled to vote of a corporation, it shall be considered as owning all of the stock entitled to vote.

"(2) In applying subparagraph (C) of section 318(a)(2), the phrase '10 percent' shall be substituted for the phrase '50 percent' used in subparagraph (C).

"Sec. 994. Exclusion From Gross Income of Previously Taxed Earnings and Profits.

"(a) Exclusion From Gross Income.—For purposes of this chapter, the earnings and profits for a taxable year of a foreign corporation attributable to amounts which are, or have been, included in the gross income of a United States shareholder under section 991 (a) shall not, when such amounts are distributed directly, or indirectly through a chain of ownership described under section 993(a), to—

"(1) such shareholder (or any domestic corporation which acquires from any person any portion of the interest of such United States shareholder in such foreign corporation, but only to the extent of such portion, and subject to such proof of the identity of such interest as the Secretary or his delegate may by regulations prescribe), or

"(2) a trust (other than a foreign trust) of which such shareholder is a beneficiary, be again included in the gross income of such United States shareholder (or of such domestic corporation or of such trust).

"(b) Exclusion From Gross Income of Certain Foreign Subsidiaries.—For purposes of section 991(a), the earnings and profits for a taxable year of a controlled foreign corporation attributable to amounts which are, or have been, included in the gross income of a United States shareholder under section 991(a), shall not, when distributed through a chain of ownership described under section 993(a), be also included in the gross income of another controlled foreign corporation in such chain for purposes of the application of section 991(a) to such other controlled foreign corporation with respect to such United States shareholder (or to any other United States shareholder who acquires from any person any portion of the interest of such United States shareholder in the controlled foreign corporation, but only to the extent of such portion, and subject to such proof of identity of such interest as the Secretary or his delegate may prescribe by regulations).

"(c) Allocation of Distributions.—For purposes of subsections (a) and (b), section 316(a) shall be applied by applying paragraph (2) thereof, and then paragraph (1) thereof—

"(1) first, to earnings and profits attributable to amounts including in gross income under section 991(a), and

"(2) then to other earnings and profits.

"(d) Distributions Excluded From Gross Income Not To Be Treated as Dividends.—Any distribution excluded from gross income under subsection (a) shall be treated, for purposes of this chapter, as a distribution which is not a dividend.

"Sec. 995. Adjustments to Basis in Stock in Controlled Foreign Corporations and of Other Property.

"(a) Increase in Basis.—Under regulations prescribed by the Secretary or his delegate, the basis of a United States shareholder's stock in a controlled foreign corporation, and the basis of property of a United States shareholder by reason of which it is considered under section 993(a)(2) as owning stock of a controlled foreign corporation, shall be increased by the amount required to be included in its gross income under section 991(a) with respect to such stock or with respect to such property, as the case may be, but only to the extent to which such amount was included in the gross income of such United States shareholder.

"(b) Reduction in Basis.—

"(1) In general.—Under regulations prescribed by the Secretary or his delegate, the adjusted basis of stock or other property with respect to which a United States shareholder or a United States person receives an amount which is excluded from gross income under section 994(a) shall be reduced by the amount so excluded.

"(2) Amount in excess of basis.—To the extent that an amount excluded from gross income under section 994(a) exceeds the adjusted basis of the stock or other property with respect to which it is received, the amount shall be treated as gain from the sale or exchange of property.

"Sec. 996. Records and Accounts of United States Shareholders.

"(a) Records and Accounts To Be Maintained.—The Secretary or his delegate may by regulations require each person who is, or has been, a United States shareholder of a controlled foreign corporation to maintain such records and accounts as may be prescribed by such regulations as necessary to carry out the provisions of this subpart.

"(b) Two or More Persons Required To Maintain or Furnish the Same Records and Accounts With Respect to the Same Foreign Corporation.—Where, but for this subsection, two or more persons would be required to maintain or furnish the same records and accounts as may by regulations be required under subsection (a) with respect to the same controlled foreign corporation for the same period, the Secretary or his delegate may by regulations provide that the maintenance or furnishing of such records and accounts by only one such person shall satisfy the requirements of subsection (a) for such other persons."

(b) Technical and Conforming Amendments.—

(1) Section 864(c)(4)(D) is amended to read as follows:

"(D) No income from sources without the United States shall be treated as effectively connected with the conduct of a trade or business within the United States if it consists of dividends, interest, or royalties paid by a foreign corporation in which the taxpayer owns (within the meaning of section 958(a), or is considered as owning (by applying the ownership rules of section 958 (b)), more than 50 percent of the total combined voting power of all classes of stock entitled to vote."

(2) Section 951 is amended by adding at the end thereof the following:

"(e) Taxable Years Ending After December 31, 1971.—No amount shall be required to be included in the gross income of a United States shareholder under subsection (a) (other than paragraph (1)(A) (ii) of such subsection) with respect to a taxable year of a controlled foreign corporation ending after December 31, 1971.'

(3) Section 1018(a) (20) is amended by striking out "section 961" and inserting in lieu thereof "sections 961 and 995".

(4) Section 1246(a) (2) (B) is amended by inserting "or 991" after "section 951" and by inserting "or 994" after "section 959".

(5) Section 1248 is amended—

(A) by striking out subsection (b);

(B) by revising subsection (d)(1) to read as follows:

"(1) Amounts included in gross income under section 951 or 991.—Earnings and profits of the foreign corporation attributable to any amount previously included in the gross income of such person under section 951 or 991, with respect to the stock sold or exchanged, but only to the extent the inclusion of such amount did not result in an exclusion of an amount from gross income under section 959 or 994.":

(C) by striking out in subsection (d)(3) "section 902(d)" and inserting in lieu thereof "subsection (h)", and by adding at the end of such subsection "No amount shall be excluded from the earnings and profits of a foreign corporation under this paragraph with respect to any United States person which is a domestic corporation for any taxable year of such foreign corporation ending after December 31, 1971."; and

(D) by adding at the end thereof the following:

"(h) Less Developed Country Corporation Defined.—For purposes of this section, the term "less developed country corporation" means—

"(1) a foreign corporation which, for its taxable year, is a less developed country corporation within the meaning of section 955(c)(1) or (2), and

"(2) a foreign corporation which owns 10 percent or more of the total combined voting power of all classes of stock entitled to vote of a foreign corporation which is a less country corporation within the meaning of section 955(c)(1), and—

"(A) 80 percent or more of the gross income of which for its taxable year meets the requirement of section 955(c)(1)(A); and

"(B) 80 percent or more in value of the assets of which on each day of such year consists of property described in section 955 (c)(1)(B)."

Sec. 402. Effective Dates.

(a) Except as provided in subsection (a), the amendments made by this title shall apply with respect to taxable years of foreign corporations ending after December 31, 1971, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

(b) The amendments made by subsection (b)(4) of section 401 shall apply with respect to sales or exchanges occurring in taxable years beginning after December 31, 1971.

TITLE V—MINIMUM TAX FOR TAX PREFERENCES

Sec. 501. Repeal of Deduction for Taxes and Rate Increase.

(a) In General.—Section 56(a) (relating to imposition of minimum tax for tax preferences) is amended to read as follows:

"(a) In General.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person, a tax equal to 20 percent of the amount (if any) by which the sum of the items of tax preference exceeds $30,000."

(b) Repeal of Tax Carryover Provision.—Section 56(c) (relating to tax carryovers) is hereby repealed.

Sec. 502. Inclusion of Interest on State Obligations.

Section 57(a) (relating to items of tax preference in general) is amended by inserting after paragraph (10) the following new paragraph:

"(11) Interest on certain governmental obligations.—The interest on obligations which is excludable from gross income for the taxable year under section 103."

Sec. 503. Effective Date.

The amendments made by this title shall apply only with respect to taxable years ending after the date of the enactment of this Act.

OVERTAXED TAX MEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, last year when we adopted the Economic Stabilization Act, I warned that the bill was fundamentally wrong in assigning the enforcement responsibilities for the stabilization program to the Internal Revenue Service. I said that the IRS was not equipped to do the task, that it was not the appropriate agency in the first place, and that it could hardly be expected to stabilize the economy and administer the tax laws at the same time.

Now we are hearing complaints from the Cost of Living Council that not enough suits are being filed against those who have somehow violated the edicts of the Council. We are also beginning to learn, in the midst of the tax season, that the IRS is nowwhere near its goals in auditing of tax returns, and nowhere near its hoped for efforts to administer and enforce the tax laws. Such a situation is only an open invitation to tax avoiders and abusers, and the IRS is helpless to do much about it, because it simply has too much else to do.

I was alone in raising this warning, alone in pleading for the House not to enact an ill-considered bill, but instead to come back this winter and evaluate the situation and write a program that responded to the known and demonstrated needs of the country. But no, we acted in haste. The result is that today we have nothing like a stabilized economy; the IRS can enforce neither the stabilization program nor the tax laws. We have in the economic stabilization program the worst of all possible results.

I regret that this is the case. My conscience is clear, however, for I did my best to recognize the dangers and warn of them.

Mr. Speaker, I include in the Record a copy of an article from Tuesday's Wall Street Journal:

Overtaxed IRS: As Tax Time Nears, Revenuers Are Busy—On Other Matters—Agency Chases Dynamiters, Watches Private Schools, Measures Rhubarb Juice—Upshot: Break for Cheaters

(By Richard F. Janssen)

Washington.—Internal Revenue Service agents are very busy as tax time nears.

They're busy:

Hassling with landlords and businessmen over consumers' rent and price-control complaints.

Nabbing narcotics dealers.

Tracking down dynamiters and gun-law violators.

Enforcing antipollution laws at distilleries.

Censoring "obscenity" in beer advertisements.

Evaluating private schools' admission policies.

Standing by for presidential campaign bodyguard duty.

Measuring the amount of rhubarb juice used in rhubarb wine.

These nontax burdens have been piled on the IRS by laws old and new, by presidential orders or else by necessity or chance. And the diversification raises the question: Do the agents still have time to collect the income tax?

The answer IRS officials give is a somewhat nervous affirmative. Despite the accumulation of extra duties, Commissioner Johnnie M. Walters says, "we think we are going to be able to make it all right," perhaps even handling the flood of predeadline inquiries and later audits "a little better" than last year.

ASLEEP AT THE THROTTLE?

But that would be far from good enough, Mr. Walters readily admits. He says that even before the White House handed the IRS its biggest nontax chore of policing compliance with controls, the service was "concerned about a lack of manpower to do what we think is an adequate job in our examination" of tax returns.

The work accomplished in regular tax enforcement "is estimated to be somewhat less than would otherwise be expected" because of the controls chore, the IRS budget blandly cautions. And because crack agents increasingly are being diverted into special attacks on organized crime, there's no doubt that "our audit coverage has declined" to take in fewer ordinary taxpayers, adds John F. Hanlon, assistant commissioner for compliance.

Yet to keep the rank-and-file taxpayer honest, it is "absolutely critical" that the IRS convince the public that it isn't "sleeping at the throttle," Mr. Walters emphasizes. The distraction of the miscellaneous duties started bothering Mr. Walters soon after he became commissioner last year, and he plans to spin off some of them. Next July the 4,000 employes of the Alcohol, Tobacco and Firearms Division will be transferred out of the IRS to become a separate bureau of the Treasury.

The clearest danger signal is that the IRS was able to audit only 1.6 million returns of all types, including 1.3 million individual returns, in the fiscal year ended last June 30. That was far below its goal of 2.4 million, and an outright decline of 363,000 from the year before.

A SOFTER SQUEEZE

The IRS hopes to scrutinize 2.1 million returns this fiscal year, a target that's still below the 2.5 million audits attained several years ago. The current goal implies that about 98% of the returns will escape any check beyond routine processing.

The enforcement muscle hasn't weakened quite as much as the figures suggest, officials argue. The staff is being increased and asked to work harder, Mr. Walters says. New computer-selection techniques allow officials to pick out for audit those returns most likely to pay off in extra liabilities. And agents are being told to go on to a new audit rather than try to squeeze "the last penny" from a current one.

Awareness that IRS agents are collaring more big-time criminals probably has a "deterrent effect" on the average taxpayer, too, reasons Richard A. Nossen, assistant intelligence director. But still more effective is seeing friends, neighbors and relatives visited by revenue agents, other officials concede.

Last fiscal year the number of delinquent income-tax accounts jumped 8% from the preceding year to 2.8 million and unpaid taxes increased by 6% to a record $3.5 billion. Possible reasons: It was also a year in which IRS men were tapped to become the first "sky marshals" guarding against airliner hijackings, to temporarily augment United Nations security forces and to help defend Washington against "May Day" demonstrators.

Why the IRS?

Partly because it is the government's biggest law-enforcement agency. The IRS has more than 63,000 full-time employes, of whom about 18,000 are revenue agents and officers and 4,000 or more are investigator-types in the intelligence and alcohol-tobacco tax units. (In contrast, the FBI has 8,600 agents.) And the service's tax role makes it particularly appropriate for policing price controls, wryly says Budget Director George P. Shultz. "The IRS has a reputation that somehow makes people think twice before thumbing their nose," he maintains.

But it's the service's role in controls that raises the most doubts about whether it can preserve its reputation as a relentless tax collector. For the rest of this year, officials aim to keep about 3,000 IRS people concentrating on controls—including almost 1,000 of the approximately 13,300 agents, who are the backbone of the tax-enforcement effort.

"Realistically, though, we don't keep a clean separation" between the tax and "stabilization" staffs, says Edward F. Preston, assistant commissioner for stabilization. He explains that especially in smaller offices revenue agents and the "taxpayer service representatives" who handle routine inquiries are dividing their time between both areas. With the workload of taxpayer inquiries high as the April 17 filing deadline approaches, he says, the very nature of the telephone calls coming in dictates that more time is spent on tax matters.

Fortunately for the IRS, "the stabilization inquiries are diminishing," Mr. Preston reports. From a high of 30,000 a day immediately following the wage-price freeze of last Aug. 15, the daily average of stabilization inquiries dropped to 15,124 in the week ended Feb. 15; that was also below the 17,982 of a week before.

It's true, too, that the IRS is getting a rare respite from the usual increase in income-tax returns. Because the 1969 tax-reform law lopped a lot of low-income people off the tax rolls, the number of individual returns received dropped by 1.8 million to 76.6 million in the last fiscal year, and it is expected to hold about level this year.

Moreover, technology is helping to hold the line against widespread evasion. The IRS used to rely on "fellows in green eyeshades" to pick out returns for audit, recalls James R. Turner, planning and research director. But now computers "score" each return for the likelihood of error or fraud. With refining of the secret formulas applied, the proportion of time-wasing audits that turn up no change in the taxpayer's liability has dropped to 30% from 41% three years. ago.

THE "STRIKE FORCES"

At the same time, the massive new efforts against organized crime are clearly distracting tax men from their regular duties. Compared with only 25 agents at the onset in 1966, the IRS now contributes close to 1,000 agents to the government's interagency "strike forces," which are investigating racketeers and suspect local officials in 18 cities. This anticrime drive does yield a revenue payoff, of course; the revenue men taking part have recommended additional taxes and penalties of $260 million, almost half of that just in the past half-year.

The even newer "IRS narcotics trafficker program" seeks mainly to disrupt the traffic in illicit drugs by tripping up middle and high-level narcotics racketeers on income-tax-evasion charges. Officials explain that the top men of narcotics rings are often too "insulated" from day-to-day dealings to be convicted directly on drug charges. Just lately the IRS has been scrutinizing the spending habits and life styles of 10 men suspected of being Washington's biggest heroin dealers; prosecution is expected within months.

This program, launched last July, also promises to be a moneymaker for the Treasury. But the narcotics crackdown is a major claim on tax-enforcement manpower and top-level attention.

Some of the IRS' newer duties don't even involve any fattening of the tax take. Among these are the firearms cases. The IRS arrested 2,223 people on gun and explosive charges in its last fiscal year, more than twice the number of people indicted for tax fraud. Under the 1968 law bringing bombings under its jurisdiction, the service devoted some 620 man-years last year to investigating such incidents as the bombing of a high school in Anaheim, Calif. and of an automobile on the police-station parking lot in Falls Church, Va.

(The extra activities don't always enhance the good name of the IRS. The severe wounding of a suburban Maryland gun collector when its agents and local police burst into his apartment last June became a cause celebre in which the Treasury drew the wrath of gun lobbyists and civil libertarians alike.)

MOONSHINERS AND POLITICIANS

Although it isn't sure how much manpower it will take, the alcohol unit has been getting ready to carry out a new law requiring that it deny operating permits to breweries, distilleries and explosives plants unless they comply with federal antipollution standards for air and water. Similarly unfamiliar but more controversial has been the IRS role since mid-1970 of denying tax exemption to private schools unless they can demonstrate a "known nondiscriminatory admission policy."

Also with scant prospect for collecting extra money, the IRS has been sharply stepping up its audits of foundations and other tax-exempt organization. Under congressional pressure, it has assigned more than 500 auditors to this task, a 41% increase from a year before. Because most organizations being scrutinized are managing to keep their tax exemptions, little added revenue results.

And with the pursuit of traditional backwoods moonshiners already badly neglected, the IRS is hoping that not many of its gun-toting types will be called upon to help protect presidential candidates this year. But with a pack of Democrats running, the service isn't likely to be so lucky, one official acknowledges.

It isn't hard to see how some of the IRS' obscure older duties have frayed the patience of officials who would prefer to concentrate on collecting taxes. Chiefly as a convenience to the industry, officials keep such detailed statistics on alcoholic beverages that it's the IRS from which one can learn, for instance, how much rhubarb juice was used in winemaking in March 1970. (Answer: nine gallons.)

And under a law dating from the 1930s, the service reviews about 18,000 publications and listens to hundreds of radio broadcasts annually to check the "acceptability" of beer and * * *.

RICHARD BURGSTEINER, VOICE OF DEMOCRACY CONTEST WINNER: "MY RESPONSIBILITY TO FREEDOM"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DAVIS), is recognized for 10 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, it gives me great pleasure today to honor a citizen of the First Congressional District of South Carolina. Although he is a young citizen, he shows remarkable knowledge of this great country and the democratic concept.

I pay tribute today to Richard E. Burgsteiner of Goose Creek, S.C., who at the age of 17 has already distinguished himself many times. He has been the president of his student council, a youth leader in his church, and a former student of the month.

He has excelled scholastically and has brought pride to his parents, Edward and Betty Burgsteiner. Richard has provided an inspiration to his classmates and leadership for his friends. He is now ready to begin a career in college, which I am sure will be just as illustrious.

The latest achievement of this young man is presenting a winning entry in the Voice of Democracy Contest sponsored by the Veterans of Foreign Wars.

Mr. Speaker, I thank God that there are still young men of Richard E. Burgsteiner's caliber coming through our schools. It is not far in the future when young men of his mold will be the leaders this great country will need. I would like to place in this RECORD today the text of the winning essay so that all might see the talent and the love for country that this young man has:

MY RESPONSIBILITY TO FREEDOM

Imagine in your mind the world of yesteryear, and place yourself in that world. It is the seventeenth hundred and seventy-fourth year of our Lord. The atmosphere seems quite ordinary. Men are out working the lands. They sweat and strain with the thought of preparing for winter. The women sit within the wooden walls of their cabin. They too, do their daily routine, that of mending, cooking, teaching, and many more assorted occupations. These men and women are Americans. Yet they are not as of yet granted the complete individualism they so desire. They live and work in a new world, yet they are to obey the whims of a mother country.

Days passed into years. With each new rising sun there grew a stronger desire to escape the grip of the mother country. Men began to display brave, courageous acts, evincing their strong desire for individualism and freedom. Within nearly every settler's heart there existed this idea of freedom: freedom to prosper and grow, a means of fulfilling personal dreams and aspirations. This individual right cried so very loud in the hearts of these people.

Leaders began to prosper. They spoke fiery words and cried for action. Patrick Henry screamed for liberty or death. Men began to come together and mold into a power. A small power at first but one that would grow and become overbearing. Thomas Paine cried out reasons for action in "Common Sense." The colonies began to feel the sharp tongue of all these leaders. They felt the sting of their words and freedom became their goal.

The days began with bloodshed and ended with the same. With each dawning the atmosphere grew more tense. The settlers shed much blood, they were outnumbered. They had courageous, devoted, and skilled leaders though. These leaders led gallantly to overcome restraint. There also was the never ending devotion and love of the settlers for their lands. They wanted freedom so badly they could taste its sweetness. They realized they were to sacrifice much, for freedom is not a privilege it is an achievement. Many lost their lives so that others could cherish this freedom.

Why was freedom worth sacrificing so much for? So many lives, so much blood, so many heartaches. Can anyone place down in words just why men go to such great lengths to keep freedom in existence? It's always been done. Throughout the dusty pages of history there lie countless acts of devout duty to terminate the enemies of freedom.

Why do men risk life and limb for this individual right? It's because freedom is the most vital part of any individual. It allows him to be him and not someone else. Without freedom we would be machines programmed only to serve.

Freedom is the essence of existence. Without freedom a man is nothing. Freedom allows a man to reach the once-unreachable star. Without freedom a man can only gaze and wonder. He can never be or do anything.

The greatest thing about this fantastic nation of ours is simply freedom. Without freedom there would be no "liberty and justice for all." If freedom had not been defended through the years, America would not be the greatest of all nations. It is freedom that places the United States high above all other countries.

You ask me what is my responsibility towards freedom. Freedom is my most prized possession. I may have all the world has to offer but without freedom I have nothing. It is my utmost responsibility as it is every American's duty, to keep this individual right in existence. Freedom must always burn in the hearts of men. Young and old must join hands and create a wall that can not be toppled by opposition. We can not allow anyone or anything to deprive us and our future generations of the opportunity to prosper in a free world. To prosper as we have.

My responsibility is not to create utter chaos and destruction—instead to build on the knowledge of my forefathers and keep freedom as a constant part of the American Heritage.

I love this country and I'm very proud to be an American. It is with this pride and this love that I gain the desire to sacrifice what I may to keep America, "the land of the free." If need be, I shall give my life so that this country and its ideals may flourish.

What is my responsibility to freedom? It's summed up in John Kennedy's Inaugural Address where he so strongly stated, "Ask not what your country can do for you. Ask what you can do for your country."

NATIONAL GROWTH POLICY WITH RESPECT TO NONMETROPOLITAN AREAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 10 minutes.

Mr. ALEXANDER. Mr. Speaker, Friday I will be talking to the members of the chamber of commerce at Marked Tree, Ark. Early in the day, and on Saturday, I will be visiting a number of other small towns which, like Marked Tree and thousands of its counterparts in other regions of the Nation, are caught in a program of money-grab politics.

Planning for this trip and thoughts about the needs of the countryside brought to mind a letter I recently received from County Judge Leon Cooper of Izard County, Ark. Judge Cooper was disturbed over the operations of the employment programs under the Public Works and Economic Development Act Amendments of 1971.

He pointed out that faulty methods used for alloting the work slots resulted in small, eligible counties such as his getting little or no benefit from a program which should have helped them. Yet counties near his—counties with significantly more industrial job opportunities—received so many job slots they had difficulty filling them.

In closing his letter, Judge Cooper wrote:

> If there is any way that you can help call attention to the constant discrimination being exercised against rural communities, it needs doing.

The problem Judge Cooper pointed out, areas with heavy population concentrations monopolizing the attention of State and Federal officials is one which I have regularly brought to the attention of my colleagues in the Congress.

The situation pinpointed in his letter underscores testimony given by Madison, Ark., Mayor Willard Whitaker at the community development hearing I held in Brinkley, Ark., last August. Mayor Whitaker was discussing the obstacles his small town struck in trying to use Federal programs.

> The problem which we encounter most frequently is that we are not large enough we cannot get funded. How can we get large enough to qualify if we cannot get the money to grow?

Another example of the repressive effect executive branch policies have on small towns has been the closing, since 1967, of more than 100 small medical clinics and, since July 1971, of more than 100 small post offices in Arkansas and across the Nation. Little tangible effort seems to have been made to compensate residents of these small communities for these blows to their attempts to increase the vitality of their area economies.

This is true even though it is commonly accepted that a doctor, post office and general store are basic to the nucleus of a town with a future.

The small towns, their medium-sized sister cities, and the dispersed-population communities which dot the rolling hills, fertile deltas, green valleys and golden plains of our land are the backbone of this Nation. Their continued good health—economically, culturally, and socially—is essential to the future of America.

We, as a nation, cannot afford to continue to condone enactment or establishment of Federal programs which perpetuate the existence of the small communities in a developmental limbo. For there is no such thing as a limbo for the countryside. Either its communities acquire new or remodeled stores, offices and plants where jobs are to be had; vocational-technical schools where special skills can be learned; clean, attractive housing on quiet, residential streets; sparkling, well-equipped playgrounds and recreation areas; modern health facilities and well-planned, constructed and maintained transportation systems or they die.

The facts of life are the same for these places for our major cities and counties. There is no standing still and marking time. They either move forward or slip into the abyss of things past.

In a May 13, 1940 speech urging the people of England to fight against a foreign aggressor, Sir Winston Churchill said:

> Victory at all costs, victory in spite of all terror, victory however long and hard the road may be; for without victory there is no survival.

The forces against which we as a people struggle in our efforts to assist nonmetropolitan America are internal. They too often take the form of apathy, lack of understanding, preoccupation with symptoms rather than causes, and frustration with attempts to untangle ourselves from the morass of bureaucratic redtape. The need for an unwavering commitment to victory is the same for the friends and residents of America's countryside as it was for the British.

There is little glamour to be found in the task of helping a small town get or keep its hospital or post office, or, in pushing through to the grant stage an application for money to establish an industrial park and then filling the park with job-producing industry.

This is a nuts-and-bolts job of hard work. It should not require a lot of imagination or clear thinking to make the connection between the cultivation of progress and the good life which the future can bring. But the hoe handle must be composed of sound planning and a commitment to action. The hoe blade must be formed of grit and determination.

So far as I am concerned there is no program which this Congress or this Nation could undertake that is more important than a national growth policy which recognizes the importance of and actively seeks to encourage the development and redevelopment of nonmetropolitan areas of the Nation.

Promotion of such a policy is a major reason for my introduction of the Small Communities Planning, Development, and Training Act of 1972. Title I of the bill, the Community Development Bank, could provide a strong, new, reliable source of development money to communities on a long-term, low-interest basis.

Title II of the act, which would expand and amend the existing public facilities loan program would provide an alternative method for financing the community facilities so necessary for strong development and redevelopment efforts. It is my view that subsidizing the sale of taxable municipal bonds would help provide the credit resources for which these small towns and communities plead.

Title III of the bill is a direct effort to consolidate the community development grant programs which are now operating, reduce the excessive time and effort involved in using the programs and inject a new measure of flexibility into the programs.

I also feel that my proposals in titles IV and V of this bill for the establishment of a National Small Community Affairs Institute and fellowships for persons interested in developing and initiating solutions to the problems of our Nation's countryside, are essential to our effort to initiate the national development policy responsive to the needs I have outlined.

We make speeches in praise of a development policy which is truly national in scope. But, in practice the policy continues to be narrowly focused and gives small attention to the needs of the countryside. This lack of direction encourages bureaucratic pursuits which are harmful to the thousands of small towns, communities and counties of America.

Mr. Speaker, block by block we are witnessing the destruction of the once strong foundation upon which this Nation was built.

THE ELIMINATION OF "RECENT COVERED WORK REQUIREMENT"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Stokes) is recognized for 5 minutes.

Mr. STOKES. Mr. Speaker. I am pleased to announce that 43 of my colleagues have joined me in reintroducing H.R. 11199 to modify the qualifications for social security disability benefits.

Present law provides that an applicant must meet the test of "recent covered work." This means that the applicant must have worked at least 20 of the 40 quarters immediately preceding his disability—5 of the last 10 years—in a job covered by social security.

In the course of assisting many applicants. I have found that many people cannot meet the requirement of "recent covered work." Let me describe two cases which are typical.

Mr. A. is 56. He had worked under social security and, had he been old enough, would have been eligible for retirement benefits. He had worked for the county government for the 10 years prior to becoming disabled. That job was not covered by social security. Although he was permanently and totally disabled, social security could not pay him benefits. Mr. A. has cancer and is being supported by his sister.

Mr. B. is 50 and has a wife and four children. He has a 100-percent disability rating with the Veterans' Administration because of a neuropsychiatric disorder. That rating was established several years ago. The illness has prevented him from working, except sporadically, for 7 years. He was not considered "permanently and totally disabled" by social security until this year. Because he had not worked the required 5 of the past 10 years, social security denied him benefits.

With these and similar cases in mind, I introduced H.R. 11199 to eliminate the requirement of "recent covered work." Instead, an applicant who is disabled and who has worked under social security enough to be eligible for retirement benefits could qualify for disability benefits.

An advisory council on social security was appointed in 1969 by then Secretary Finch of the Department of Health, Education, and Welfare to study the social security program. The council has submitted its report to Secretary Richardson who transmitted it to the Speaker change provided for by the bill. I insert Document 92–80. I am pleased to state that the report strongly recommends the change provided for by the bill. I insert here the pertinent passage from pages 28 and 29 of the report:

13. INSURED-STATUS REQUIREMENTS FOR DISABILITY BENEFITS

Workers should be able to qualify for disability benefits without having to meet a test of recent covered work—a test that does not have to be met to qualify for other social security benefits.

The insured-status requirements for social security disability protection are more strict than that for retirement protection. Retirement benefits may be paid if a worker is "fully insured."[18] To be eligible for disability benefits a worker must be fully insured and must meet a test of substantial recent covered work. To meet the test of substantial recent covered work, a worker disabled at age 31 or later must have at least 20 quarters (5 years) of social security coverage during the 40-calendar-quarter period before he became disabled. (The law provides an alternative test for workers disabled before age 31 which permits them to qualify with less than 20 quarters of coverage in view of the relatively short time that they could have been in the work force.)

Some workers lose their disability protection when, because of progressive illness, they become unable to work with the regularity needed to continue to meet the recency test and thus maintain their insured status. Many people with progressive impairments experience difficulty in maintaining steady employment even though they retain the capacity to engage in some type of substantial gainful activity and are not disabled within the meaning of the law. By the time their impairments progress to the point of preventing substantial gainful activity altogether, though, the interruptions of their work caused by the illness have resulted in loss of insured status under the test. Also, some of those disabled workers who fail to meet the recency test have worked under social security for 20 years or more. Even though they may not have lost covered earnings clearly and directly as a result of disability, they have lost their potential to continue earning after a long period of covered work.

The Council recognizes that the making of disability determinations has progressed to such a point that valid determinations can be made without reliance on the recency-of-work test as an indication that the individual would still be in the work force if it were not for his impairment. Disability determinations are now made regularly under the program in cases of widows and widowers and adults who became disabled in childhood, without regard to whether they have done recent work or whether they ever have worked.

The Council recommends that the test of substantial recent covered work be eliminated so that all workers would be insured for disability protection on a basis comparable to that for retirement benefit protection.

If the bill is enacted, about 650 to 700 thousand more people, disabled workers and dependents, would qualify for benefits. About 1.7 million workers and 1.2 million dependents are now receiving benefits. The bill would mean an increase of about $900 million over the present $3.8 billion paid out annually in benefits.

It is important to note that the beneficiaries of the bill have paid into the social security system for a number of years but have been denied critically needed disability benefits because of the inequitable and unnecessary "recent covered work" requirement. I hope that my colleagues will support this measure to correct this injustice. The other sponsors of the bill are:

Hon. Bella Abzug, Hon. William Anderson, Hon. Les Aspin, Hon. Herman Badillo, Hon. Jonathan Bingham, Hon. Phillip Burton, Hon. Shirley Chisholm, Hon. William Clay.

Hon. James Cleveland, Hon. George W. Collins, Hon. John Conyers, Hon. Jorge Córdova, Hon. Dominic Daniels, Hon. Ronald Dellums, Hon. John Dent.

Hon. Charles Diggs, Hon. John G. Dow, Hon. Robert Drinan, Hon. Don Edwards, Hon. Joshua Eilberg, Hon. Walter Fauntroy, Hon. Edwin Forsythe.

Hon. Donald Fraser, Hon. Sam Gibbons, Hon. Seymour Halpern, Hon. Michael Harrington, Hon. Augustus Hawkins, Hon. Henry Helstoski, Hon. Floyd Hicks, Hon. Ralph Metcalfe.

Hon. Abner Mikva, Hon. Patsy Mink, Hon. Parren Mitchell, Hon. Claude Pepper, Hon. Bertram Podell, Hon. Melvin Price, Hon. Charles Rangel.

Hon. Donald Riegle, Hon. Benjamin Rosenthal, Hon. William Ryan, Hon. Paul Sarbanes, Hon. John Seiberling, and Hon. Richard White.

For the convenience of the Members I insert here the text of the bill:

H.R. 11199

A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has enough quarters of coverage to be fully insured for old-age benefit purposes regardless of when such quarters were earned

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 223(c)(1) of the Social Security Act is amended to read as follows:

"(1) An individual shall be insured for disability insurance benefits in any month if he would have been a fully insured individual (as defined in section 214) had he attained age 62 (if a woman) or age 65 (if a man) and filed application for benefits under section 202(a) on the first day of such month."

Sec. 2. (a) Section 216(i)(3) of the Social Security Act is amended to read as follows:

"(3) The requirements referred to in clauses (i) and (ii) of paragraph (2)(C) are satisfied by an individual with respect to any quarter only if he would have been a fully insured individual (as defined in section 214) had he attained age 62 (if a woman) or age 65 (if a man) and filed application for benefits under section 202(a) on the first day of such quarter."

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[18] To be fully insured a worker must have earned at least as many quarters of coverage as the number of calendar years that elapsed after 1950 (or the year he reached age 21, if later) and up to the year in which he became disabled, died, or reached retirement age, except that he cannot be fully insured with fewer than 6 quarters of coverage and in no case will need more than 40 quarters of coverage.

(b) The last paragraph of section 3(e) of the Railroad Retirement Act of 1937 is amended by striking out "clauses (A) and (B) of".

SEC. 3. The amendments made by this Act shall be effective with respect to applications for disability insurance benefits under section 223 of the Social Security Act, and for disability determinations under section 216(i) of such Act, filed—

(1) in or after the month in which this Act is enacted, or

(2) before the month in which this Act is enacted, if—

(A) notice of the final decision of the Secretary of Health, Education, and Welfare has not been given to the applicant before such month; or

(B) the notice referred to in subparagraph (A) has been so given before such month but a civil action with respect to such final decision is commenced under section 205(g) of the Social Security Act (whether before, in, or after such month) and the decision in such civil action has not become final before such month;

except that no monthly benefits under title II of the Social Security Act shall be payable or increased by reason of the amendments made by this section for any month before the month following the month in which this Act is enacted.

REGISTRATION OF FIREARMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Murphy) is recognized for 5 minutes.

Mr. MURPHY of Illinois. Mr. Speaker, last November, I mailed my first questionnaire to the constituents of the Third Congressional District in Illinois. The response to one question was particularly noteworthy. I asked who favored the registration of firearms in the United States and the imposition of strict fines and/or prison sentences for possession of unregistered firearms—77.7 percent of the men, 76.4 percent of the women and 75 percent of the young voters answered affirmatively. In addition, 80.9 percent of the men, 84.5 percent of the women, and 77.4 percent of the young voters recognized the need for a prohibition on manufacturing so-called "Saturday Night Specials."

I believe these statistics are significant. The overwhelming majority rejected a passive approach and stressed the need for positive action in the battle against crime. A decrease in the number of guns in circulation could conceivably mean a decrease in the number of crimes committed. There is no guarantee of success but most feel the approach is at least worth a try.

In light of these results, I am pleased to report on a resolution unanimously passed by Chicago's City Council on February 24 urging the Congress to enact legislation outlawing ownership and manufacturing of handguns except in very restricted cases.

I commend the Chicago City Council for its foresight and trust that the passage of this bold resolution will prompt other major cities in the Nation to follow suit. I recommend the resolution to my colleagues in the House. It is as follows:

Whereas; Chicago's patience is exhausted by the endless sickening and lethal shots from hand guns in its streets and buildings. The only use of hand guns is to kill and maim people. So long as hand guns can be privately owned, no one is safe. Outlawry of hand guns by a single city cannot solve the problem; hand guns should be outlawed nationally, as other nations have outlawed them.

The destruction in Chicago from hand guns is beyond belief. In the last few days, for example, a Chicago police commander was shot and hurt by a hand gun when he commanded a robber to surrender in the loop; two boys, 17 and 18, were shot and killed by a hand gun in an alley in the west side; and a father of three young children was killed by a hand gun which discharged accidentally as he fell down the stairs of his home on the south side.

Chicago knows the problems. Chicago knows that hand guns must be outlawed. Chicago knows that the hand gun lobby must be overcome in the interest of protecting life and safety.

Be it resolved by the City Council of the city of Chicago, the City of Chicago urgently memorializes the Congress of the United States to meet a national emergency by enacting S. 2815, which prohibits the ownership and manufacture of hand guns by all persons (except the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, licensed manufacturers, dealers, antique collectors, and pistol clubs).

Be it further resolved by the City Council of the City of Chicago; the City of Chicago urgently memorializes the Congress of the United States to draft legislation or amend S. 2815 to establish strict requirements for the use and ownership of long guns, as well as hand guns.

ACCOMPLISHMENTS OF FIRST STATE CAPITOL RESTORATION AND SESQUICENTENNIAL COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. Ichord) is recognized for 5 minutes.

Mr. ICHORD. Mr. Speaker, I wish to call to the attention of the Members of Congress an outstanding accomplishment that took place in the great State of Missouri during our sesquicentennial celebration last year. When Missouri entered the Union in 1821, few, if any, could have envisioned the great progress that would take place in our Nation during the next 150 years. As the Nation moved forward, the State of Missouri contributed her share—and often more than her share—every step of the way. Therefore, Mr. Speaker, it was proper and meaningful for the "Show-Me" State to celebrate her 150th birthday during 1971. It gives me much pleasure and fills me with pride to report that this celebration was successful in every respect.

However, Mr. Speaker, I wish to especially call attention to the unusual achievements of the First State Capitol Restoration and Sesquicentennial Commission of which my good friend and able administrator F. E. "Buck" Robinson, served as executive director. This commission not only refunded the entire $25,000 appropriated to them by the Missouri legislature, but also gave to the State an additional $12,500 to be placed in the State treasury. This is certainly an accomplishment worthy of praise and imitation by other commissions on all levels of government. This refund of $25,000 plus the $12,500 above expenses raised through contributions by the citizens of the State of Missouri and the sale of souvenirs commemorating the celebration contrasts with the fact that $150,000 was appropriated by the Missouri legislature and spent during the 100th birthday celebration. When one compares the size of the State, the State budget and the value of the dollar today as contrasted to 1921, this would mean that had the 1971 Commission spent State money as had been done 50 years earlier, the figure would have ranged between a half and a million dollars.

Mr. Speaker, the First State Capitol Restoration and Sesquicentennial Commission and Mr. "Buck" Robinson have offered us an example of what can still be done in this country when good American ingenuity and determination are exercised to get a job done. I wish to say "well done" to "Buck" and to the commission and submit this example to all the Members of the U.S. Congress for their consideration.

THE VOLUNTEERS OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. Randall) is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, the Volunteers of America has been serving the unfortunate of America for three-quarters of a century, and its age has perhaps given it an image of being an old-fashioned Bowery mission, Santa Claus-with-a-kettle type of charity. The Volunteers still aid the derelicts in the Bowery in New York, and their Santas are still on the street corners at Christmas time but in fact the Volunteers of America is a progressive and imaginative service organization which has changed as our country's problems have changed—all except the basic concept that Americans will always be prepared to give their time and money to help their less fortunate fellows.

I have the responsibility of chairing a subcommittee of the House which concerns itself with the problems of the aging, and it is of special interest to me that more than two decades ago, before there were White House conferences and strong organizations to represent the interests of the elderly, the Volunteers of America moved into service for the aged.

Today it has a strong program of help for the aged, has built some exceptionally good housing for retirees, and is expanding this area of its operations. At the same time, it is providing specially designed housing for single parents, with day care centers and facilities to enable family life to exist where death or divorce has separated a family.

In fact, Volunteers of America has programs to aid the unfortunate from birth to death. Recently the Newcomen Society held a dinner at the Hotel Pierre in New York to pay tribute to the Volunteers of America for their 75 years of service. Gen. John F. McMahon, commander in chief of the Volunteers, described some of the organization's achievements on that occasion. I believe my fellow Members of the House will appreciate the opportunity to hear some of the excerpts from his remarks on that occasion.

I shall read portions of General McMahon's address as delivered.

Helping the Needy To Help Themselves From Cradle to Grave for 75 Years—The Story of the Volunteers of America

(Remarks by General John F. McMahon, Commander-in-Chief, Volunteers of America, at Newcomen Society Dinner in New York honoring the Volunteers of America for 75 years of service to the unfortunate.)

My fellow members of Newcomen . . . On behalf of the Volunteers of America, I thank you for the honor you have accorded us on this 75th anniversary occasion. It is a privilege indeed to be here tonight to briefly share with you our story of growth—of change—of progress . . .

Although the Volunteers of America is a non-profit organization, we have been guided over our 75-year history by the same concept that has pointed the way to success for most commercial enterprises. That is—find a need and fill it.

Since our inception, we have always sought to single out those areas of human need in which we could make the greatest contribution, and then, having the task set out before us, we have rolled up our sleeves and plunged in.

In 1896, the Volunteers of America was founded in New York City, on the Bowery, by a small group of dedicated people—supported by a number of community leaders, with their guidance, advice and financial support.

Our first headquarters was a three-room flat on the Lower East Side. Today, we operate humanitarian services from some 650 centers in hundreds of cities across the nation. From a single men's shelter, we now either operate or are building scores of modern apartments for low-income or one-parent families or the aged.

But before I tell you more about the Volunteers of America, let me comment on where we fit into the overall picture of social welfare in the United States and why we have grown so rapidly in recent years.

Let me take you back to the beginning and trace the development of some of our programs and accomplishments.

Like America itself and like every great enterprise throughout the ages, the Volunteers of America was founded by dedicated people of vision. Our founders—Ballington and Maud Booth—were such people. Their mission in life—to aid the suffering, regardless of race, creed, or color.

Seeing the need, the suffering and misery in New York's slums, Ballington and Maud Booth, on March 8, 1896, at Cooper Union, announced to a cheering throng of thousands the formation of the Volunteers of America.

Immediate financial aid gave the new organization the strength to survive and the encouragement to grow. Among our first supporters were such illustrious people as President Cleveland, former President Harrison, the Rev. Josiah Strong, Bishop Phillips Brooks, Dr. Russell Conwell, John Wanamaker and William Dodge.

Among the first to be served were the homeless, penniless, alcoholics—the desperate men of skid row.

The Booths established the credo that was to guide us in the operation of our mission chapels and program centers down through the years. Ballington Booth's words were: "You cannot talk to a man about God when he is hungry, half-clothed and has no place to sleep. You have to feed him, clothe him and shelter him first."

Even now these words are guiding our daily endeavors at such shelters as the Volunteers of America Bowery Tabernacle and Men's Center right here in New York and at scores of similar facilities for the down-and-out in major urban areas throughout the nation.

Around the turn of the century, the needs of the poor knew no bounds. The poverty and squalor of our cities has been well documented by historians and social scientists and has been branded as our "national shame."

So large was the need and so generous was the public support for the Volunteers of America that within six months after our founding we became a truly national organization. In those first 180 days, we established some 140 mission chapels and program centers in urban areas from coast to coast to offer spiritual and material aid to people in need. Our future course was set.

During those early years, our service facilities included: Fresh air camps, orphanages, working girls' homes, hospitals, day nurseries, shelters for unemployed men and rescue homes for young women.

There were also mission chapels and Sunday School programs and something that has become an institution in the business districts of our cities—Sidewalk Santa Clauses. These street corner campaigns at Christmastime still raise substantial funds that help us to provide Christmas and Thanksgiving assistance for the poor.

One of our earliest program developments to receive public notice and high praise was our aid to prisoners and their families. This was a deep personal interest of Maud Booth and her work in this area has served as an inspiration for thousands who followed her in the Volunteers of America and in the entire field of corrections.

At the prisons, Maud Booth talked with the inmates at chapel services—straight talk—no Pollyanna philosophy—and she formed what were called Volunteer Prison Leagues in which the men set themselves on the right path to rehabilitation.

For the ex-convicts, she opened Hope Halls. Today, these facilities are called half-way houses. They were places where men could live while they looked for work. The Hope Halls were the decompression chambers for convicts being released. Like other Volunteers of America officers, Maud Booth was always looking for employment for these men.

Tere is a warm and interesting story I recall from Maud Booth's experiences. One day, she visited a Southern city to speak on prison reform. She was told that the owner of the city's largest department store wanted to meet with her.

He told her this story: "Twenty years ago I was one of those in your prison audience at Sing Sing. The message that came to us that day, I have never forgotten. I have come far since then, but always I will be grateful to the Volunteers of America for the guidance, the encouragement and the inspiration which started me on the long climb back to success."

Through all the years of this century, the Volunteers of America has continued to help millions of individuals and in so doing to help the society as a whole.

With the exception of the depression years, when there were some cutbacks in services made necessary by the decline in contributions, our organization continued to grow, following the guidance and inspiration of its founders.

Still establishing services to meet needs, we opened half-way houses for chronic alcoholics, and sheltered workshops to teach trades to the physically, emotionally and socially handicapped. We established disaster relief services, Vacation Bible Schools and our well-known waste materials recycling program which helps us to collect and refurbish discarded household goods and clothing to make them available to the needy.

Ballington Booth passed away in 1940 and Maud in 1948. The last great program that Maud was to inspire was our aid to the aged. It was she who urged Volunteers of America Centers to open Sunset Clubs so that senior citizens would have a place where they could spend their hours among friends and not be alone. We found that even the elderly, not in financial want, were hungry for companionship, warmth and social activity.

Our programs for the aged, like most of the other programs of the organization, were to be expanded, changed and strengthened during the 1960's as the Volunteers of America moved into a new era.

By the time the 1960's had rolled around, it became apparent to those of us in the social welfare field that no single voluntary agency, no one organization, no department within the government was big enough, knowledgeable enough and wealthy enough to alone cure all the social ills afflicting our society.

We fully realized that cooperative efforts were needed more than ever before to solve the terribly complex problems that we, as a nation, faced then and still face today.

For the Volunteers of America, the needs of the 1960's called for a rededication to our aims, a reshaping of programs, a new vision of what would be necessary to meet the challenges of the 1970's and beyond.

We have always maintained strong ties to local business and government leaders through our lay boards. In all communities where we operate, these boards of local citizens have served not only to guide us in our existing programs but also to aid in defining unmet needs and developing program services to meet these needs.

During the early 1960's we took steps to strengthen our ties on the national level by expanding cooperation with organizations whose aims are similar to our own. This cooperation has better enabled us to identify areas of need and to more fully meet a greater responsibility in the overall social welfare efforts of this country.

For example, we now work more closely with such groups as the National Conference on Social Welfare, the National Assembly, the American Correctional Association, the National Council of Churches and other similar organizations.

In addition, we have developed better working relationships with the Department of Health, Education and Welfare, the Department of Labor, the Department of Housing and Urban Development and the Department of Justice, and we have participated in conferences of these departments and those called by the nation's Presidents over the years to consider urgent human problems.

America, it has often been said, is composed of the most generous people on earth; our citizens are always ready to lend a hand to a worthy cause. And when I say our citizens, I encompass a great measure of support from private citizens, from business and industry and from government.

The happy combination of increased support and deeper experience and knowledge of how best to use our resources resulted in our greatest period of growth since we were founded. In 1970 alone, our services to mankind increased by 50 per cent. And this year we will spend close to 40 millions of dollars in aiding more than two million fellow Americans in need.

Over the past several years, we have been able to attract greater numbers of staff members and volunteer employees who hold degrees in theology, social work, psychology, geriatrics, teaching and related educational and medical fields.

I would not attempt to describe everything that we do today or to give a full description of any one service, but I would like to tell you a little about some of our programs.

We are still operating homes for unwed mothers, but these, as you can well imagine, are a good deal more sophisticated than the facilities we had in the early years of this century. Our state-licensed center in Fort Worth, for example, combines a maternity home, hospital, nursery and child placement agency. Not only are medical and counseling services provided, but we also have a cooperative agreement with the board of education to offer the girls a continuation of their high school education while they are living at the home.

In recent months, there has been a slight but noticeable decline in the number of unwed mothers and the number of babies placed for adoption around the nation. The pill and the availability of legal abortions have been a factor and there seems to be less and less social stigma attached to the young, unmarried woman who chooses to keep her child rather than to place it for adoption.

This means that only maternity facilities will have to take new directions in the years ahead. In addition to the services they now provide, they will have to go into the local communities and offer counseling and other aid to young single-parent families.

The Volunteers of America is continuing to operate summer camps for needy children, but many of these programs have been expanded in scope. Our Camp Volasuca in the State of Washington, for example, had a session for handicapped children, handicapped adults and single women and their children. All this was in addition to the usual programs for needy youngsters.

Day Care continues to be a vital interest to us and is gaining greater recognition at the national level. These centers that free the mothers of young children to work during the day can be one of the key factors in relieving some of the poverty which now grips our urban areas and in reducing the number of citizens who require public assistance.

Among the newest of the Volunteers of America Day Care Centers is our second center at Allentown, Pa. This is housed at a local church and funded partially by the State Welfare Department.

Most of the children under care come from disadvantaged backgrounds and, as in all of our day care centers, the skills of health, education and social work are utilized to meet the total needs of the youngsters and their parents.

Most of the parents were on the welfare rolls before this program started. Now they are able to work and earn some money toward the financial needs of the family.

To help keep single-parent families together, we are now operating the Maud Booth Family Center in North Hollywood, Calif. This program—costing some $400,000—provides more than day care and recreation. It is also combined with low-cost housing—which we operate on a non-profit basis—and counseling services for mothers and their children is provided.

Our Bar-None Boys' Ranch, in Anoka, Minnesota, is spread over 720 acres. It is a model residential treatment facility for disturbed boys between nine and 12, referred to us by county welfare departments. On the ranch they live in group homes with houseparents. The boys receive normal schooling and education, plus forays into arts and crafts.

But, more importantly, they receive a big boost back into the mainstream of American society. We have other services for youngsters, too, including a relatively new concept for teenagers—the group home. In cities as large as Boston and as small as Hagerstown, Maryland, we provide residences, house parents and professional counseling for youths who—for one reason or another—have no other home to turn to.

Our group foster home in Indianapolis is rather unique in that it serves young ladies who are paroled from the Indiana Girls School. The program is operated in cooperation with the State Department of Corrections in an attempt to break the cycle that often can chain a teenage girl to a life of crime. Correction officials have told me that this is the best alternative to institutional care that they have ever found. It has been estimated that one in every five teenage girl parolees would be better off in a foster home than in her own home.

Another program of the future that we are pioneering today is the community-based rehabilitation service for ex-inmates, parolees and inmates.

In Fort Wayne, Indiana, we operate a facility where prisoners can live while they are serving their sentences prior to their parole. These men find employment, earn money, support their families and receive counseling while living at the Volunteers of America home. It is midway between living in their own homes or being confined in prisons.

In the years ahead, I believe that we will find these work-release programs to be even more successful than their progenitors—the Volunteer Prison League and the Hope Halls of the first half of this century.

More than two decades ago, Maud Booth asked the Volunteers of America to expand its aid to the aged and in the ensuing years we have greatly increased our Sunset Club program. We have also developed new programs for America's senior citizens in recent years. Last spring we started construction on our second nursing home in the Midwest and began building a five-million dollar nonprofit apartment-service complex in Denver.

Like our other residential facilities for the aged, in Seattle and Minneapolis, for example, this new high rise will feature complete recreation and dining facilities. Our Sunset Club will be moved into the new building and a number of services and shops catering to the special needs of older people, to be operated by local business men, will be available in an attached structure.

These apartment complexes are part of our national housing program now underway in more than 30 cities. Some 35 of these complexes are either completed, under construction or on the drawing boards. The multi-million dollar program is administered by the Volunteers of America National Housing Corporation in Washington and is believed to be the largest service of its kind operated by a national organization like the Volunteers of America.

In this massive effort, we are replacing slum housing with middle-income apartments at prices that low-income families can afford.

We have been able to do this both with our own resources and with the cooperation of the Department of Housing and Urban Development. Financing has been arranged through the FHA and many of the apartments fall under the Federal rent supplement program.

From the beginning, our aim was to be more than a non-profit landlord. We want to be a provider of both shelter and service.

Each of our apartment complexes around the nation is a community in itself to serve the aged, the handicapped, low-income and moderate-income families. We have on-site community centers, adult education programs, recreation facilities, health centers and counseling programs. We are attempting to provide for the total life of the total family.

And in all of our Volunteers of America programs, we offer as best we can, a complete range of services for every member of society.

Our comprehensive, modern and growing social welfare program provides for any one in need—from the unborn baby of an unwed mother to the friendless man in the twilight of his days.

As we keep faith with our founders—serving God by serving mankind—we have developed more than a thousand and one ways to serve people.

Perhaps it was Robert Frost, our great poet, who best summed up what we believe in. He wrote: "Home is the place where, when you have to go there, they have to take you in."

Thank you.

RESPONSIBILITY TO FREEDOM

(Mr. MELCHER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, I am inserting in the RECORD today a very fine statement written by Robert Lock, of Great Falls, Mont. Bob, a Great Falls High School senior, has been chosen as the Montana Voice of Democracy winner by the Montana Veterans of Foreign Wars and its auxiliary. He outlines his "Responsibility to Freedom." After reading it, I believe all of our colleagues in the House of Representatives will agree and want to share with Robert Lock's concept that "freedom must indeed be protected," and that each of us has an individual responsibility.

MY RESPONSIBILITY TO FREEDOM

(By Robert Lock)

Freedom, the right to think, speak and live according to conscience, is something we've all grown up with. Few of us have lived life without freedom, and we consequently tend to forget that freedom is precious and perishable, and must be protected. Each of us has a responsibility to undertake this protection—to preserve liberty and "secure (its) blessings to our posterity." This is my responsibility to freedom.

Though we are fond of describing the rights of free speech, a free press, and freedom of thought as inalienable, they are not. A look at the world will show millions who do not have these rights. We here are born to freedom, but we cannot say it can never be taken from us. It has been taken from many around the globe in nations where an indiscreet remark can bring years in prison, if not death. Freedom must indeed be protected.

This protection may take the form of a soldier, slogging through the mud in a land far from home. It may take the form of a policeman, arresting one who would abuse that freedom. It may also take the form of petitions, voting, and yes, demonstrations and marches.

But freedom is not a creation of laws or constitutions, much as these may aid in preserving it. Freedom is a creature arising in the mind of each man who is free. In the mind, in the attitude, of every man, is freedom founded. It is founded as a decision to let all other men be free. We have liberty in America because I and all others have decided "As long as he harms me not, what my neighbor thinks, says, and does is his affair." Freedom's preservation—my responsibility to freedom—rests in every man's attitudes, in my attitudes. The wrong ideas—ideas against freedom—in but one man's mind can destroy the liberty of a people. The horrors of Auschwitz were born in the liberty-denying cortex of Adolf Hitler.

But what should my attitude be if freedom is to survive? That attitude must be one of tolerance. I must hear all viewpoints from all men. I must be willing to accept the existence of ideas at variance with my own. I must allow others to speak and write errors, and I must hear and read those errors, though I may, indeed must, speak and write against them.

I must never deny a man access to my mind because I believe he is wrong. For you see, if I refuse to hear a man because he is over forty, or because his hair is too long, I have denied him the right to freedom of speech. I have closed his mouth by closing my mind. If I will not read a pamphlet handed me because it is published by an extremist group, I have denied them freedom of the press. For of what use is freedom of speech if no man will listen? It is as though the words were never spoken. Of what use is freedom of the press if no man will read the words—read them if only to then disagree and condemn them?

Jefferson wrote: Error may be tolerated where reason is left free to combat it. I am responsible for that tolerance. That does not mean I must dumbly listen to slander. Rather, I must speak against it—use reason to combat it—but I must do this in the open forum that freedom provides. I must never wish a voice silenced.

The price of freedom is tolerance. I must pay that price. Keeping an open mind is my responsibility to freedom.

REPORTS ON THE NATION'S ECONOMY CONTINUE TO INDICATE IMPROVING CONDITIONS ON A WIDE FRONT

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BLACKBURN. Mr. Speaker, reports on the Nation's economy continue to indicate improving conditions on a wide front. New orders by factories for goods rose by 6.2 percent in January on a seasonally adjusted basis over December, and this was the largest increase since August of 1956. Orders by factories were at a rate of $63.1 billion in January. Orders for durable goods increased 9.7 percent and new orders for nondurable goods rose 2.1 percent over December. These increases in durable goods are strong indications that business outlays for new plant and equipment are on the rise, as suggested in the recent Department of Commerce, Security and Exchange Commission business survey.

On the consumer side, there is encouraging news regarding major retail chain sales during February, Sears, Roebuck and Co., our largest retailer, recorded an 8.9-percent sales gain for the 4 weeks ended March 1, over the comparable period a year earlier. J. C. Penney and Montgomery Ward & Co. showed February gains of 14.6 and 6.4 percent respectively. Finally, S. S. Kresge Co. showed a very high 17-percent sales growth in February, which nearly matched the 17.8-percent increase during January.

Mr. Speaker, I think these indications of improvement on both the production and the consumer sides of our economy provide further convincing evidence that our present economic policies have set the economy on the path of strong growth and expansion.

TO FIND THE ANSWERS ON CLEARCUTTING

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, clearcutting, the practice of cutting down all trees in an area regardless of size or age, is defended by the timber industry and by many foresters as efficient management of resources. It is condemned by equally as many foresters and most conservationists as a waste of our natural resources and destructive to our environment.

While the controversy continues to rage about the values or dangers of clearcutting, the fact remains, Mr. Speaker, that we do not really know the effects of this practice. We do know that when you cut several square acres of forest lands in high altitudes, the time taken to grow another forest runs up into the hundreds of years. We do know that in several instances valuable top soil is lost and no new trees can grow. We do know that the logging roads can also hasten erosion.

What we need, Mr. Speaker, are answers. We need to develop some clearcutting guidelines which take into consideration soil conditions, the kind of roads that would have to be built, the impact of the cutting and road construction on sedimentary pollution of streams and lakes, the ability of the area to produce new stands of trees, and the recreational value of some areas of particularly scenic beauty.

Because so many questions are unanswered, I and several of my colleagues are today reintroducing a proposal which would establish an independent, interdisciplinary commission to investigate and report within 2 years on the practice of clearcutting on Federal lands, and would call for a moratorium on clearcutting until this report is completed.

The text of the proposal and list of sponsors follows:

H.R. 13884

A bill to establish a Commission to investigate and study the practice of clear cutting of timber resources of the United States on Federal lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established the Inter-Disciplinary Clear Cutting Practice Study Commission.

(b) The Commission shall be composed of seventeen members as follows:

(1) five Members of the Senate, to be appointed by the President of the Senate;

(2) five Members of the House of Representatives to be appointed by the Speaker of the House; and

(3) seven members appointed jointly by the President of the Senate upon recommendation of the majority and minority leaders, and the Speaker of the House of Representatives of whom—

(A) two shall be representative of the timber and lumber industry;

(B) three shall be from the staff of an accredited school of forestry, and knowledgeable in the field of timber management; and

(C) two shall be individuals who are recognized leaders in the field of conservation.

(c) A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(e) Nine members of the Commission shall constitute a quorum.

SEC. 2. (a) It shall be the duty of the Commission to conduct a full and complete study and investigation of the practice of clearcutting of timber on Federal lands with a view to determining whether it is in the best interest of the United States to permit the practice of clear-cutting in connection with the timber resources of the United States on Federal lands, and to the extent, if any that such practice is in the best interests of the United States, the best and most effective method or methods of carrying out such practice.

(b) The Commission shall, within eighteen months following the date of the enactment of this Act, transmit to the Congress a report which shall set forth the results of its study and investigation and its recommendations with respect thereto.

(c) The Commission shall cease to exist sixty days after the submission of its report to the Congress.

SEC. 3. (a) The Commission or any committee thereof may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, and take such testimony, as the Commission or such committee may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any committee thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its duties under this Act.

SEC. 4. (a) Members of the Commission who are Members of the Congress shall serve as members of the Commission without additional compensation, but shall be allowed necessary travel expenses (or, in the alternative, a per diem allowance in lieu of subsistence and mileage not to exceed the rates prescribed by the provisions of subchapter I, chapter 57, of title 5, United States Code), and shall be reimbursed for other necessary expenses incurred by them in the performance of duties imposed upon the Commission.

(b) Members of the Commission who are not Members of the Congress shall receive compensation at the rate of $100 for each day on which they are engaged in the performance of duties of the Commission, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses reasonably incurred in the performance of the duties of the Commission.

SEC. 5. (a) The Commission may appoint and fix the compensation of an Executive Director and such other staff personnel as it deems necessary. Staff personnel shall include experts from the physical, life, and social sciences, as well as the humanities, so that the study of approach is interdisciplinary.

(b) The Commission may procure the services of experts and consultants without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may compensate such experts and consultants without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, in accordance with section 3109 of that title.

SEC. 6. On and after the date of the enactment of this Act, no clear cutting of timber resources of the United States shall be permitted on any Federal lands until the expiration of ninety days following the submission of the report required under section 2(b) of this Act, or the expiration of the twenty-four-month period following the date of the enactment of this Act, whichever first occurs.

SEC. 7. As used in this Act, the term "clear cutting" means the practice customarily used in the timbering industry which requires the removal of substantially the entire stock of timber within a particular designated area for the purpose of commercial harvest of timber or silviculture management of timber.

SEC. 8. There are hereby authorized to be appropriated such sums, not to exceed $2,500,000, as may be necessary to carry out the provisions of this Act.

SPONSORS OF CLEARCUTTING BILL

Mr. Teno Roncalio of Wyoming.
Mr. Donald M. Fraser of Minnesota.
Mr. John G. Dow of New York.
Mrs. Bella S. Abzug of New York.
Mr. Herman Badillo of New York.
Mr. Jonathan B. Bingham of New York.
Mr. John Brademas of Indiana.
Mr. John Buchanan of Alabama.
Mr. William R. Cotter of Connecticut.
Mr. George E. Danielson of California.
Mr. Ronald V. Dellums of California.
Mrs. Ella T. Grasso of Connecticut.
Mr. Gilbert Gude of Maryland.
Mr. Seymour Halpern of New York.
Mr. Michael Harrington of Massachusetts.
Mr. Ken Hechler of West Virginia.
Mr. Harry Helstoski of New Jersey.
Mr. Robert W. Kastenmeier of Wisconsin.
Mr. Paul N. McCloskey, Jr., of California.
Mr. Spark M. Matsunaga of Hawaii.
Mr. Parren J. Mitchell of Maryland.
Mr. John E. Moss of California.
Mr. James G. O'Hara of Michigan.
Mr. Otis G. Pike of New York.
Mr. Thomas M. Rees of California.
Mr. William F. Ryan of New York.
Mr. Fernand J. St Germain of Rhode Island.
Mr. Paul S. Sarbanes of Maryland.
Mr. James H. Scheuer of New York.
Mr. John F. Seiberling of Ohio.
Mr. James W. Symington of Missouri.
Mr. Jerome R. Waldie of California.
Mr. Lester L. Wolff of New York.

SOCIAL SECURITY

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, every now and then I receive a letter which is so striking that I feel compelled to share it with my colleagues. The following is just such a letter—

GREYBULL, WYO.,
March 4, 1972.

DEAR SIR: I wrote to you about a year or so ago to register a complaint because Social Security is so flagrantly inadequate for our inflated times. I'd like to submit the following resume from my account book. Before 1964 our two children were growing up and at home. Year-to-year variations are taken into consideration.

	1940	1950	1960	1970
Income	2,095	4,765	7,030	6,545
Groceries	770	1,460	1,475	1,890
Clothing	185	465	745	675
Medical	200	400	600	2,300
Utilities	200	230	300	430
Transportation	120	225	1,620	220
Miscellaneous and personal	140	210	450	880
Income tax and social security	100	365	1,030	1,160
Total per year	1,715	3,355	6,220	7,555
Average per month	143	296	518	629

This is not a *theory*, but the history of one family's progress through the 30-odd best working years of our lives! I had a heart attack in 1959 from which I partly recovered. In 1970 I had my second one and have been totally disabled since. They tell us to live on $263.50 per month social security and the State of Wyoming has *nothing* for a disabled man.

Our savings is nearly all used up now. When it is gone—what do we do?

Yours truly,

TOM POOLE.

Mr. Speaker, what do I tell my constituent?

Do I tell him that Congress is going to continue business as usual—that with our various and sundry vacations, early afternoon adjournments, and the upcoming elections—we will be unable to give any consideration to further amendments to the social security laws?

Do I tell him that we have lost the ability to be responsive to our constituent needs?

Do I send his letter over to the Social Security Administration in the hopes that that agency will give me a letter on how much Mr. Poole's benefits will increase should H.R. 1 ever become law?

I am confident that each and every Member on the floor today represents constituents who could relay the same sense of urgency, the very dependence of their future on what we do in these Chambers from day to day.

Mr. Speaker, it may well be that time will not wait. I am hopeful these plain and simple words of Mr. Poole will spur this Congress on to more positive action, not only in the realm of social security benefits, but generally, in a renewed vow to meet the many valid and pressing needs of the citizens of this Nation.

REPRESENTATIVE ULLMAN INTRODUCES HOUSE JOINT RESOLUTION 819, A CONSTITUTIONAL AMENDMENT TO ABOLISH ELECTORAL COLLEGE

(Mr. ULLMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ULLMAN. Mr. Speaker, last July I introduced House Joint Resolution 819, a constitutional amendment to abolish the electoral college, to provide for the direct election of the President, and to call for a national presidential primary election. Yesterday, I introduced H.R. 13848 that provides the procedures for direct popular election of our President.

We have now seen the results of two presidential primaries, New Hampshire and Florida. Twenty-three more of these State primaries remain. It is likely that the results of the remaining primaries will be as inconclusive and confusing as the results of the first two. Often delegates are not bound to primary winners. State primary laws have only one thing in common, and that is their inconsistency. And how exhausted and broke will the candidates be by convention time? This system of selecting our top executive official is inadequate and wasteful.

The 1968 election experience should have sufficiently highlighted the need for changes. But the Congress did not act. That is why we must act now, so that we do not face another circus in 1976.

Abolition of the electoral college and allowing the direct popular election of the President is a good beginning, but it does not go far enough. We must also implement such reform by abandoning the convention method of nominating candidates, and instituting a direct national presidential primary election.

If we intend to do an honest job of making the people the direct source of electoral power, we must extend direct democracy to the nomination process. I certainly believe we can trust the people to register their will in the selection of candidates as well as in the election of the President. I thus provided for a national presidential primary election in my constitutional amendment, and in my implementing legislation. The constitutionality of the primary would undoubtedly be questioned if it were provided only by statute, so I propose the constitutional amendment to give it a solid legal base.

H.R. 13848 would set up a National Presidential Elections Commission to administer the national presidential primaries, runoff-elections, and the general election. Safeguards for the States' right to conduct elections are included in this proposal. Candidates wishing to participate must qualify in at least two-thirds of the States, by either fulfilling the qualifications of State law for getting on the ballot, or if no such law exists, by filing a petition containing signatures of 2 percent of the registered voters in that State.

This bill will not weaken the viability of our two-party system. Splinter movements are allowed, but not encouraged. To participate in a primary, a party must have sufficient backing in two-thirds of the States, either by having received 25 percent of the vote in the previous presidential election in that State or by filing a petition containing signatures of at least 5 percent of the qualified voters in each such States. Candidates must declare their affiliation with a qualified party to appear on the ballot.

Only the names of those who meet the candidate qualifications and are affiliated with qualified parties will appear on the primary ballot in all States on the first Tuesday in September. If no candidate received 45 percent of the votes in the party primary, a runoff election will be held the following Tuesday between the two candidates receiving the highest number of votes. The parties retain the right to nominate their vice presidential candidate by any means they wish.

The general election date is unchanged by my bill. The same runoff procedure would apply in the general election, with the date being the third Tuesday after the first Monday in November.

I know that we must be careful and thoughtful as we consider these electoral reforms, but I firmly believe that we must act now. The arguments for changes have a long history, and there is no need to continue to stall the issue with endless debate. Congressional committees to study the possibility of abolishing the electoral college date back to the last century. Likewise, the first proposal for a national presidential primary election was made by President Woodrow Wilson early in this century. Public opinion polls show that the people favor this change. Enormous and escalating sums of money are spent to vie for public attention.

We must heed the necessity for reform. We must enact a meaningful system that maximizes public participation, shortens the time spent, reduces the cost of campaigns, and eliminates the fragmented and illogical system now operating.

The February 27, 1972, issue of the New York Times Magazine includes a fine article by Robert Bendiner, entitled "The Presidential Primaries Are Haphazard, Unfair, and Wildly Illogical." I include it at the end of my remarks, along with a copy of my constitutional amendment and H.R. 13848. I call upon my colleagues to join me in this effort to reform the electoral process.

H.R. 13848

A bill to provide for the selection of candidates for President of the United States in a national presidential primary election, and for the election of a President and a Vice President by direct vote of the people, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Presidential Elections Act".

Sec. 2. The President and Vice President of the United States shall be elected by direct vote of the people of the States and the District of Columbia. The respective candidates for such offices shall be selected by direct vote of the people of the States and the District of Columbia.

Sec. 3. A national presidential primary election for the selection of candidates in the general election of President of the United States shall be held in each of the several States and in the District of Columbia on the first Tuesday in September in each year immediately prior to the expiration of the term of office of the President of the United States incumbent in office.

Sec. 4. Candidates in the national presidential primary election for the office of President shall meet the requirements for candidates provided in section 6 of this Act and shall represent those political parties which shall meet the requirements for political parties in the primary election provided in section 5 of this Act. A person shall not be eligible to be a candidate for the office of President in the national presidential primary election unless he indicates a preference for a political party which has met the requirements provided by section 5 of this Act for the participation of political parties in the primary election.

Sec. 5. (a) A political party is qualified to participate in a national presidential primary election when, in not less than two-thirds of the several States, that political party has met either of the following requirements:

(1) The presidential candidate of that political party has received, in the immediately preceding general election of the President of the United States, not less than 25 per centum of the total vote cast in that State; or

(2) That political party has filed with the chief elections officer of the State concerned a petition, requesting the official participation of such political party with its candidates in the national presidential primary election in such State, signed by at least 5 per centum of the qualified voters of such State.

A political party may not participate in such primary unless it files, not later than ninety days before the date of the national presidential primary election, with the National Presidential Elections Commission created by section 9 of this Act, evidence satisfactory to the Commission that such political party has met the qualification requirements of this Act, and the Commission approves the statement filed with the Commission as satisfactory evidence of meeting such requirements.

(b) For purposes of this section and sections 6 and 8, the term "State" includes the District of Columbia.

Sec. 6. (a) A person is qualified to participate in a national presidential primary election as a candidate for the presidential nomination of a political party qualified to participate in such primary election if not later than thirty days prior to such election he has filed with the Commission—

(1) evidence, which is approved by the Commission, to the effect that in each of at least two-thirds of the States he has either—

(A) met the qualifications of the State for candidates for the presidential nomination of a political party, if such State has provided by law for such qualifications, or

(B) filed with the chief elections officer of such State a petition signed by 2 per centum of the qualified voters in such State, or containing twenty-five thousand signatures, whichever is greater, if such State has not provided by law for such qualifications; and

(2) a statement of such person indicating his preference for or membership in a political party which has qualified for the national presidential primary election under section 5 of this Act, and the nomination of which he seeks.

A person shall appear on the presidential primary election ballot in any State if and only if he is qualified under this section to participate in such election.

(b) The candidate for the presidential nomination of a political party who receives a plurality of at least 45 per centum of the total vote cast in the presidential primary election shall be such party's candidate for President. If no candidate receives a plurality of at least 45 per centum of the vote, a runoff election shall be held in which the names of the two presidential candidates who received the greater number of votes for such office shall be on the ballot in each State, and the winner of such runoff shall be such party's candidate for President.

Sec. 7. The respective candidates for Vice President in the general election for President and Vice President must be chosen, not later than the third Tuesday in the month of September in which the national presidential primary election is held, in such manner as the respective political parties, which have qualified under this Act, may determine.

Sec. 8. The general election of President and Vice President by the people of the United States shall be held on the first Tuesday after the first Monday in November in every fourth year following each election of a President and Vice President. In such election, the names of each candidate for President selected under section 5, and the names of each candidate for Vice President selected under section 7 by a political party qualified under section 5, shall be on the ballot as candidates for the respective offices to which they have been nominated under such sections. In addition, the name of any candidate for President, with the name of his running mate, shall be on the ballots as candidates for President and Vice President, respectively, if such candidate has filed with the Commissioner, after the date of the national presidential primary provided for by this Act, but before the date of the general election of President and Vice President, evidence which is approved by the Commission to the effect that in each of at least two-thirds of the States he has obtained a petition signed by 2 per centum of the qualified voters in such State, or containing twenty-five thousand signatures, whichever is greater. In the general election of President and Vice President, the voters in each State may vote for any person on the ballot or write in their choices in the spaces provided. The candidates who receive a plurality of at least 45 per centum of the total vote cast in the general election for the office of President and Vice President shall be elected to such offices. If no candidates for the offices of President and Vice President receive a plurality of at least 45 per centum of the vote for such office, a runoff election shall be held in which the names of the two presidential candidates and the two vice presidential candidates who received the greatest number of votes for such offices shall be on the ballot in each State. The voters in each State may vote in such election for either of the candidates on the ballot. The winners of such runoff election shall be elected to such offices.

Sec. 9. (a) There is established a National Presidential Elections Commission composed of five members appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as Chairman. If only two political parties are represented on the Commission, no more than three members of the Commission shall be of the same political party. If more than two political parties are represented on the Commission, no more than two members of the Commission shall be of the same political party. The members of the Commission shall be appointed for terms ending on December 31 of the year following the date of election of the President and Vice President.

(b) Members of the Commission shall serve without compensation but shall be allowed travel expenses, including a per diem allowance, in accordance with section 5703(b) of title 5, United States Code, when engaged in the performance of duties for the Commission.

(c) The Commission is authorized to appoint an Executive Director and fix his pay at a rate not in excess of the rate prescribed for level V of the Executive Schedule in section 5316 of title 5, United States Code, and to appoint such other personnel as may be necessary and fix their rates of pay in accordance with the classification laws.

(d) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States Government.

(e) The Administrator of General Services shall provide administrative support services for the Commission on a reimbursable basis.

(f) The Commission shall prescribe regulations with respect to the national presidential primary election and the general election of President and Vice President, determine questions and controversies pertaining to qualifications of political parties and candidates, and certify to the Congress the election of the President and Vice President. The Commission shall conduct studies of the election process with respect to the offices of President and Vice President, from time to time or on a continuing basis, as the Commission may determine, and report the results of its studies, from time to time, to the Congress, together with recommendations of the Commission by December 31 of the year following each presidential election.

SEC. 10. (a) Elections under this Act which are held in a State shall be conducted by such State in accordance with the laws of such State. Such laws shall be consistent with the provisions of this Act and shall provide, insofar as is practicable, the elections under this Act shall be conducted in the same manner as other elections in such State. Elections under this Act which are held in the District of Columbia shall be conducted in such manner as the Congress shall provide by law. Nothing in this Act shall impair the rights of the States and political subdivisions thereof to prescribe the type of their primary elections (other than presidential primary elections) held, to conduct elections for State and local offices, or to prescribe voter qualifications (including qualifications in primary elections relating to party affiliation) so long as such actions are not inconsistent with the purposes of this Act.

(b) Whoever violates or interferes with the right of any person to participate in a primary or general election under this Act or impedes or hinders the operation of this Act shall be imprisoned for not more than five years or fined not more than $10,000, or both.

H.J. RES. 819

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of final passage of this joint resolution:

"ARTICLE —

"SECTION 1. In lieu of the method of election provided in section 1 of article II and in the twelfth article of amendment, the President and Vice President of the United States shall be elected by direct vote of the people of the United States. The Congress shall provide by law for the nomination of candidates for President by a national primary election and for the election of the President and Vice President of the United States by direct vote of the people of the United States.

"SEC. 2. This article shall not apply to any election for a term of office beginning earlier than two years after the date of ratification of this article."

THE PRESIDENTIAL PRIMARIES ARE HAPHAZARD, UNFAIR, AND WILDLY ILLOGICAL

(By Robert Bendiner)

Few political reforms conceived in logic, civic virtue and a desire for a more perfect democracy can have turned out more preposterous than the institution of the Presidential primary as it confronts the country in 1972. Out of the best of intentions we are now plunged into 25 of these preliminary contests (counting the District of Columbia and the Virgin Islands). They are bewilderingly varied in rules, techniques and significance and have in their totality no more relevance to the will of the people than the choice of a President by a combination of poker, chess and roulette.

Indeed, the resemblance to just that combination is startling. For poker, read a candidate's decisions—once he has looked at his hand—as to which primaries he will enter and which he figures are too poor a gamble to warrant betting on. For chess, read moves and countermoves like candidate A's low advance estimate to the press of how he will do in a coming primary so that any vote he gets will look like a victory, and Candidate B's high estimate of how A will do, so that whatever A gets will look like a defeat. And for roulette, read the necessity of hazarding a given contest without even being able to guess ahead of time who your opponents will be—or even how numerous.

The offspring of a reform wave early in the century, the Presidential primary reached its peak in 1916 and began to seriously recede a few elections later, as its deficiencies became too glaring to ignore. It has been rising and falling in esteem since 1936, as reformers have found themselves weighing and reweighing the question of which is the lesser evil—a state-and-local convention system, with all its potential for maneuvering and boss control, or a system of variegated primaries which must be played as a complex and costly game, subject to changing rules.

Of this year's Presidential primaries, no two offer their party voters the same combination of opportunities, with the result that the candidate's first chore is to calculate the best choices he can make for the time and money at his disposal. Of course, the game has not up to now been the same for the comparatively poor as it is for the undeniably rich, as Hubert Humphrey discovered to his shock in 1960. Nor is it the same for a Senator, whose time is reasonably expansive, and a Mayor of New York, whose campaign absences are even more of a risk than his continued presence at City Hall.

In some states the ballot presents the voter with no more than a list of unfamiliar names of would-be delegates to the party's national convention—and not so much as a suggestion of whom they expect to support for the Presidency once they get there. In other states that useful piece of information is included but it may be of no help to you, the voter, because the man you happen to prefer for President is not even running in your state's primary—for the simple reason that he might not win.

Some states let voters express a direct preference for a Presidential candidate and then bind the elected delegates to vote for the winner, no matter how they feel about him personally. In others the preference so expressed may serve as no more than that, with the delegates free to do whatever they wish or whatever their state leaders tell them to—just as if the delegates had been picked in the traditional back room. In Wisconsin would-be delegates run only for a Presidential candidate who consents to be on the ballot. In Oregon the Secretary of State decides who is a candidate and there is nothing one so designated can do—if he really is *not* a candidate—but disclaim all interest, keep away from the state and hope he will be believed. A Republican official this year, Oregon's Secretary of State is free to embarrass a Democratic noncandidate like Senator Edward M. Kennedy at his own pleasure.

In Pennsylvania, among other primary states, would-be delegates may declare themselves "uncommitted" and run that way, rendering the process less than vital, while in others, like Ohio, that practice is strictly *verboten*. The delegation from New Mexico will be divided proportionally according to the voting in that state's primary. But in California and Oregon the Presidential preference winner, even by a small plurality, will get *all* of the state's delegates, although a majority of the party's voters may have voted for delegates who can't tolerate him.

Such differences as these are insignificant compared to some of the other variations which, taken nationally, make the results undecipherable from any objective standpoint. To cite the most needless of all aberrations, Wisconsin allows Democrats to vote freely in the Republican primary and allows Republicans to reciprocate. This curious essay on grass-roots freedom—the theory is that party registration violates the secrecy of the ballot—owes not a little to the fact that the elder Robert La Follette, as a Republican, could always count on a good number of reform-minded Democrats crossing over to vote for him. With neither senatorial nor gubernatorial elections in Wisconsin this year, the state's Republicans are expected to take advantage of this peculiar privilege to help pick the Democrats' Presidential candidate.

While these, and many more, variations on the theme may present a candidate with monumental headaches in plotting his course, the inconvenience alone would not be adequate reason for scrapping the primary in its present form. What would seem a more substantial reason for doing so, among others, is the fact that while winning a majority of primaries cannot assure a candidate the nomination, losing a single primary can deny it to him. Estes Kefauver entered 15 out of 16 primaries in 1952 and won 12 of them in a back-breaking performance. Walking the length of New Hampshire in that state's primary campaign, he once strolled absent mindedly across a bridge, continuing all the time to pump hands and invite passers-by to vote for him, until a crusty New Englander advised him, "Can't, Senator, ye're in Vermont."

In spite of his heroic efforts and his successes, Kefauver lost the nomination to Adlai Stevenson. The result, incidentally, failed to disturb the leading reform Democrats of the day.

Conversely, a single defeat in Wisconsin was thought to—and therefore effectively did—finish Wendell Willkie's hopes in 1944, even though a One-Worlder, as Willkie had become, should not have expected to win the country's most isolationist state. Oregon did as much for Harold Stassen in 1948—just as New Hampshire finished Robert Taft in 1952, West Virginia did in Hubert Humphrey in 1960 and California wrecked Rockefeller in 1964.

The consequence of this sudden-death aspect of the primaries is that all the avowed Democratic candidates now in the field are forced into playing a crafty game of picking and choosing their races. Each must be conscious every minute that a single bad guess or unavoidable circumstance can ruin him—while all the time, waiting in the wings, is Senator Kennedy, who without spending even a dollar or risking a vote can walk off with the nomination. Why? Precisely because he will have been unscarred by any of these lethal preliminaries.

Why, then, should any of the other contenders go this costly, laborious and, above all, perilous route? For some there is clearly no alternative. Never having even asked for Democratic votes before, John V. Lindsay has to show that he can get some. Senator McGovern, a comparative unknown and a maverick, has no choice but to follow the

McCarthy model of 1968. Senator Humphrey, still bearing the scars of the Chicago convention of that year, must now "go to the people" to get them healed.

Alone among the leading aspirants, Senator Muskie might have withheld a formal declaration and waited for a tired convention to turn to him, the calm and unifying figure, to lead the party out of the frying pan of the primaries and into the fire of the campaign. But very early and no doubt correctly, he concluded that the role of front-runner was a safer bet and that the momentum of a few primary triumphs was more exciting than the posture of the modest man awaiting the call.

Setting out on the primary route, for whatever reasons, a candidate and his staff sit down and figure out how they can make the best showing at the least risk for the most economic outlay of time and money. A Lindsay decides to start off in Florida, where there are thousands of ex-New Yorkers who can admire his urbanity and attractiveness without having had to concern themselves with the plight of the city or his degreee of success in relieving it. There are blacks, too, in Florida who presumably know of his appeal, now somewhat diminished, to the people in the city's ghettos.

Mr. Lindsay will likewise run in Wisconsin, where he has some financial support and hopes to knock out McGovern. But he will leave New Hampshire alone because Muskie, from a neighboring state, is a shoo-in there. Senator McGovern, on the other hand, will stay in the New Hampshire contest, not to win—his supporters all but promise that he won't—but on the theory that the more votes he and other Democratic contenders get in this New England state, the more vulnerable Muskie must appear. And, like Lindsay, McGovern will try his hand in Wisconsin, where antiwar sentiment is strong and so is the liberal tradition.

Having once decided on going through the primaries, even a contender like Senator Muskie can take the curse off some of them by playing up states where his chances are thought to be good and playing others down, discounting in advance his chances of winning. For him a New Hampshire victory by a majority is considered a must. Wisconsin is hopeful because of the state's large Polish population and the ethnic pride of a people who have not up to now had a serious Presidential contender. But Florida has to be deemphasized in order to offset a defeat made almost inevitable by the nature of the competition.

In that state Mr. Muskie must employ a counterstrategy based on the psychology of numbers. He will presently let it be known that he will consider Florida a victory if he gets only X per cent of the vote in its Democratic primary. Whereupon his opponents will fall back on the counter-counterstrategy of telling all who will listen that Muskie really expected X plus 15 or 20 per cent and was therefore badly defeated.

The arithmetic ploy can be used even when one's opponent has achieved a plurality—because victories and defeats in this strange game are generally "moral." It doesn't matter whether you win or lose but how you play the numbers. Ask the next 10 Americans you meet by how much Senator Eugene McCarthy won that famous New Hampsire primary of 1968; it will be remarkable if eight of them don't tell you they have forgotten the figures but remember that it was decisive.

Of course he did not win at all. He lost to Lyndon B. Johnson, whose name was not even on the ballot and had to be written in. McCarthy won the lion's share of the state's delegates only because there were many more candidates for Johnson delegates on the ticket than were called for, and they succeeded in cutting each other's throats—just one more irrational aspect of a generally irrational process. Nevertheless the Minnesota Senator had won a "moral victory," and it quickly passed for a numerical one in a pastime which is based less on the popular will than on popular psychology.

Appropriately in such circumstances the media play a major role. Eager for the first concrete action of a Presidential year, they zero in on the New Hampshire primary—as though something could really be proved by a contest in which less than 40 per cent of the voters of a minority party of the country's sixth smallest state choose among four candidates for their party's nomination. The contest is not made more realistic by the fact that Mayor Sam Yorty, the least plausible of the four, enjoys the daily front-page support of New Hampshire's only statewide newspaper, which should be good for 15 per cent of the vote.

All told, New Hampshire's Democratic primary this year can be won with a vote total too small to elect a coroner in a self-respecting county seat in Idaho—possibly a total no greater than the number of media representatives, students and outstate politicians who will have poured into the state to report on or take part in an event intrinsically as significant as a county fair.

Florida's chambers of commerce wanted their state's primary to be first this year, but were unsuccessful in their attempt to beat out the small New England state for this tourist-publicity-business attraction. That is precisely what it has become.

Actually, Florida could have made a logical case for primacy among primaries if it had offered a runoff as well. The state really does afford an unusual cross-section—with Dixiecrat country in the north; cosmopolitan, urban and Jewish concentrations around Miami Beach; colonies of retired citizens from Rhode Island, Iowa and points west scattered throughout the state; and large blocs of black and Spanish-speaking citizens as well.

Yet what meaning can be attached to primary results in a state where the whimsical decision of George Wallace to run (he can no more reasonably aspire to the 1972 Democratic nomination than Shirley Chisholm) can dictate sudden death for Senator Jackson's campaign hopes and perhaps dim Senator Muskie's as well? Some of the Wallace vote, it may be assumed, would have fallen to Jackson; without that vote and lost in a field of 10, the Washington Senator can make a showing poor enough to fatally though illogically prejudice his chances in other states.

By the same token, Muskie is bound to suffer in Florida by having to split his natural support with Humphrey and Lindsay and McGovern. A runoff between the top two candidates in Florida would at least give the voters a realistic choice and the country a true indication of how the political winds are blowing. But no Presidential primary has yet come that far along the road to reform.

Perhaps the least arguable defect in the present primary system is that its protracted, piecemeal nature enables a man who has done well, say, in Illinois on March 21 to go into Wisconsin two weeks later with a psychological impetus he has not necessarily earned. He may have taken Illinois due to one of the several flukes already discussed—a favorable mix of contenders, an unfair battering suffered by rivals in the earlier Florida primary, even the dropping out of some rivals subsequent to that race—or he may owe his victory to the special features of the Illinois primary, such as the personal attitude of the powerful Mayor of Chicago. It makes no difference: The winner in Illinois, especially if he has also won in either New Hampshire or Florida, goes into Wisconsin with an advantage he might not have enjoyed if these first four primaries had all been held on the same day. And so it goes throughout the preconvention months, with victory breeding more victories; defeat, more defeats.

Just to add to the impact of timing, the early Florida primary occurs *after* the deadline for filing has already passed in 13 states. This means that candidates who have done poorly in Florida, for whatever reason, must still be on the ballot in those 13 states. Already all but eliminated, they can only serve as sitting ducks for two or three more fortunate contenders. By the time the California primary is reached, on June 6, the chances are that one of these luckier contenders is going to look all but invincible, even though he may owe his position more to a series of skilled selections, lucky breaks and a synthetically stimulated momentum than to any real popular outcry for his services as President.

Canada regards this band-wagon effect as potent enough to warrant controls on Election Day itself. In, say, Manitoba, the media are forbidden to report the vote already completed in the Maritime provinces until the Manitoba polls have closed, just as the British Columbia media may not report the Manitoba results until the Far Western vote is safely locked away. The Canadians rightly fear the band-wagon effect even for a few hours; our primary system allows it to build up for months.

Compared with the old method of choosing delegates solely by local and state conventions, caucuses and the whims of political leaders, this year's rigmarole does have its good points, though they tend to fade when compared with a system that might truly be described as rational. In the nonprimary states, as well as those with primaries, reforms worked out by the McGovern-Fraser Committee have made procedures more honest, democratic and free of phony "favorite sons" than they have been in the past—and they could no doubt be refined still further. But too much has happened for the country to revert altogether to a system that for a century played into the hands of professional politicians and would presumably, when the reformist fever receded, do so again.

Accordingly, if we are to scrap the unsatisfactory half-way system we now have, it should not be abandoned for a return to an increasingly rejected procedure like the nonprimary system; it should be replaced by a national primary—with a run-off.

If 25 primaries raise the serious objections touched on in this article, it may well be asked, why add 27 others? To be sure, the additional primaries would greatly compound the folly if they were scattered at random from March through June, and with rules of bewildering variety. But run them all on a single National Primary Day, with a uniform ballot and uniform filing dates, and you have something entirely different.

Consider first the inequities, discrepancies and sheer nonsense eliminated by that single stroke.

A candidate knows his competition before he sets out on the campaign trail—and he knows it will be with him right down to the end. He cannot shop around for states with just the right combination of opponents to serve his purpose, or gamble on states that offer a winner-take-all bargain. He can count on no band-wagon psychology being stirred up for him by politicans and media on the basis of a few early victories, as likely as not synthetic. And not least, he can be nominated by his partisans only after all of them have had a chance to hear all that he has to say—and all that his opponents have to say as well. He cannot lock up a Florida delegation in March only to take a somewhat different political tack in soliciting the votes of Californians in June.

Admittedly, a national primary, too would present problems. All machinery—political as well as mechanical—is susceptible to affliction by bugs of all kinds—as well as built-in deficiencies. The question is only whether its defects are too great to be offset by its advantages over some other machinery.

The deficiencies generally cited with respect to a national primary are the high cost to each candidate, the formidable time it would consume, the advantage it might give to the well-known candidate over the newcomer, and the probability that it would do away entirely with the Presidential convention—which binds, however weakly and temporarily, an American political party into something like a coherent body.

These are plausible charges, perhaps, but they are not compelling. With a national primary, it is true, a candidate might ideally possess the wallet of a Harriman and the stamina of a Hereford, but his investment of cash, time and energy would have to be no greater than it is now—and might be considerably less.

Free to win support on a one-man-one-vote basis, he would have no need to go into every state in order to gain big delegations but could pick and choose the areas in which to make his personal appearances, as he does now. He would have, however, a single target date, with possibly a fixed limit of, say, three months for campaigning instead of the year and a half that Senator McGovern, for example, has already been at work. His speeches, pronouncements and television appearances would be addressed to partisans throughout the entire country. Certainly a candidate would go through nothing more harrowing than Kefauver's ordeal of John F. Kennedy's record of 100,000 miles in 20 states (not to mention his estimated 173 meals of creamed chicken and peas).

Under legislation just enacted a candidate in a national primary would not need to worry that a richer candidate would seriously outspend him in media advertising. A maximum for such expenditures would be fixed. It is possible that Congress will still further ease financial disparities by at last allowing taxpayers to earmark a dollar or so for political campaign purposes—including primaries.

In any case, a short nationwide campaign could not be financially worse than the present protracted system, which this year will probably have cost the Democratic candidates more than $6-million before the voters even turn out for the New Hampshire primary. Senator Eugene McCarthy and Robert F. Kennedy spent $20-million between them in the 1968 primaries, and in the current campaign Senator Fred R. Harris went broke after six weeks and had to drop out. Only a greatly abbreviated campaign with a series of free regional telecasts and probbaly no paid advertising at all can possibly solve this vexing question of primary financing.

For the two top winners in a national primary that yields no candidate an outright majority, there would—or should—be one more hurdle before the election campaign itself. If such a primary were to have any meaning at all, it would have to include a runoff. There would be no sense in allowing a lesser candidate, in terms of national following, to win the plurality of, say, 35 per cent just because five far more popular candidates had reduced each other's totals to less than 35 per cent by the sheer weight of their competition. A runoff, involving no further campaigning, could be held a week later—at little or no additional outlay for the contestants. Actually, if there were such runoffs now, state primaries would be a great deal more meaningful than they are—but the expense and drain of energy required for a score of them would obviously be far greater for a single national runoff.

The disadvantage of a comparatively unknown candidate in a national primary is a drawback, but one of less than formidable proportions. True, Senator McCarthy won national stature by plunging into the 1968 primaries, but that is all he won—politically. His few primary victories provided him with no chance whatever of being nominated at the convention. If supporters of a maverick candidate really want to put their trust in the rank-and-file voters rather than the party Establishment, the national primary is their chance to bypass the Establishment entirely. Admittedly, few of them feel that way about it, bemused as they are by the excitement that McCarthy did succeed in stirring up.

With television, moreover, a newcomer to Presidential consideration can get across to the electorate in three months if he has the necessary appeal—and not in two years if he hasn't. Even without TV, Wendell Wilkie came through to the country in a few months back in 1940, managing to build up enough of a public clamor to euchre Thomas E. Dewey out of the Republican nomination. And Adlai E. Stevenson, who was hardly a national personality in the early spring of 1952, was a thoroughly familiar one by the middle of July. Finally, it may be asked why a brand new figure on the political horizon should be nominated, much less elected, on his first time out. What is wrong with giving the country time to observe and judge him between his first and second attempts?

Except for those who view the present primary system as a fantastic chance for getting national exposure, few political figures see it as a permanent feature of the electoral landscape. Candidates who have merely hesitated to accept the ordeal in the past, when a handful of states were involved, now privately condemn it and express convictions that the system has become too costly, wearing and unpredictable to last. The end is not in sight, but as more states decide, under the pressure of reformers, to go the primary route, the closer the country comes to a national primary in fact though not in name—and the more meaningless the objections to it become.

Before considering the last of those objections, one might care to speculate for a moment on how the system would affect the Democratic nomination in 1972, the Republican nomination this year being impervious to any changes in machinery. Taking the run of polls, we find Muskie and Humphrey leading the field, but with neither enjoying a majority. The other candidates, including Governor Wallace but not including non-candidate Kennedy, might have something like 30 per cent of the vote among them. If only half of the votes that went to candidates McGovern, McCarthy, Lindsay and Chisholm in the first balloting went over to Muskie in the run-off, he would most likely have his majority and be the nominee. If not, the winner would have to be Humphrey.

In this case both top candidates are centrists, to use the word loosely. Since together they would probably poll close to 70 per cent of the total party vote, it is clear that neither would represent the political complexion of the party's majority. But suppose Governor Wallace were to be the No. 2 man in the first balloting, to take an extreme case. If he were to poll enough in the runoff to put him over the 50 per cent mark, he would be the party's nominee—and rightly so. But the chance of his picking up that kind of vote from people who had originally voted for Muskie or Humphrey, not to mention McCarthy, McGovern or Lindsay, should allay any fear of his winning by a fluke. There is no more chance of that happening in a primary-plus-runoff than there is in a convention. But if he did win, it would be by the will of the people and not the imposed will of the party Establishment or any part of it.

Finally, there is the question of what would happen to the Presidential convention under the national primary system. It might devote itself to hammering out a platform in line with the real intentions of the man just chosen by the party to head its ticket. It could nominate a Vice-Presidential candidate with a lot more care than that important obligation has been known to receive in the past. It could serve simply as a rally for the party on the eve of its campaign. Or it could disappear altogether.

This recurrent cross between caucus and carnival has afforded the country considerable entertainment from time to time—and it may do so again. But it is not embedded in the Constitution nor was it even conceived of by the Founding Fathers. If it should vanish in time, like other anachronisms, it might not even be missed except by hotel owners, balloon makers and party bosses. Neither would the haphazard, unfair and wildly illogical primary system that now precedes it.

IT IS ABOUT TIME SOMEONE THOUGHT OF OUR SENIOR CITIZENS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, all of us, by now, recognize the unmet needs of our senior citizens. Unfortunately, most of our legislative efforts have been devoted to only one problem of the elderly—financial support under the Social Security Act. So today, I am introducing two bills to deal with two relatively neglected problems of the elderly—a health bill on a new "National Institute of Gerontology" and a housing bill entitled the "Campuses for the Elderly Act."

While the Federal Government supports a vast biomedical research center in NIH, it does not conduct research into the very special health problems of the elderly. The practice of medicine for the elderly is an almost nonexistent field in this country. Almost none of the major medical schools emphasize geriatrics as a specialty.

A number of Senators and Congressmen have been concerned about the dearth of geriatric research and have introduced legislation to remedy the situation.

The bill to create a National Institute on Gerontology, which I am introducing today, is much more specific and much broader than previous legislative proposals. My bill provides for a $25 million annual appropriation for an institute to deal with the "physical and mental illnesses as well as problems of normal physical and mental health" of the elderly. In addition, it specifically mandates that, at the very least, the institute should conduct research, education, and demonstrations related to—

First, the diseases of the aged.

Second, the nutritional problems and needs of the aged.

Third, the special psychological problems associated with the aging process.

Fourth, the common physical fitness needs of the aged.

Fifth, the delivery of health care to the aged.

Sixth, the special health related requirements in the architectural design and building of health care facilities, nursing homes, and living quarters for the aged.

Mr. Speaker, my second bill represents a special testimonial to our democracy. The original idea for the campuses for the Elderly Act came from my Citizens' Advisory Committee on Senior Citizens. As you may know, I was one of the first Congressmen to establish a Citizens' Advisory Committee to advise me on potential legislation. It is heartening for myself and my constituents to know that citizen legislation can be brought to Congress.

In introducing the Campuses for the Elderly Act, I am joining with Senator Moss, who, as chairman of the Senate Subcommittee on Long-term Care of the Aging, has introduced similar legislation in the Senate.

I am the first Member of the House of Representatives to introduce this very imaginative solution to some of the housing needs of the elderly.

This bill would provide a much happier and healthier environment for our senior citizens than does the present policy of stuffing them into shabby nursing houses or crime-ridden, high-rise housing which is really intended for low-income young families.

Campuses for the elderly would unify in one place the four basic needs of the elderly: first, independent living; second, congregate living areas; third, rest homes with nursing supervision; fourth, extended care facilities with extensive medical supervision. The senior citizen would not as present be shunted about from one kind of facility to another as his needs changed. The senior citizen would thus have what many do not now have and what they want—a full service, permanent residence.

This bill also provides for public competition among architects who desire to win contracts for these projects. This provision would direct the attention of the Nation's most talented architects to the design of decent living environments for the elderly.

Mr. Speaker, both campuses for the elderly and a National Institute of Gerontology are important to the third of my constituents who are over the age of 60 and the many millions of other senior citizens across the land. This Nation's senior citizens built the America we now enjoy. We can show our gratitude to them by using our energy and imagination to build a better America for them.

MORE ON CONTROL OF HEROIN TRAFFIC

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the subject of narcotic addiction must have top priority with this Congress. I believe our colleagues will be interested in correspondence which I have had with Myles J. Ambrose, recently appointed as Special Assistant to the Attorney General. The correspondence follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 24, 1972.
Mr. MYLES J. AMBROSE,
Special Assistant Attorney General, Office of Drug Abuse—Law Enforcement, Department of Justice, Washington, D.C.

DEAR MR. AMBROSE: I read with great interest the report of your testimony before the National Commission on Marihuana and Drug Abuse which appeared in today's New York Times. I was particularly interested that it is apparently your position that the effort to deal with the heroin plague by ending the growing of opium poppies in Turkey will meet with little success. I suspect that you are right and that if heroin supplies are to be reduced, it will come as a result of the detection of heroin when the attempt is made to bring it into the United States.

Constituents have raised a question with me which I would like to raise with you—and that is, why are we unable to substantially impede the smuggling of heroin into the United States? These constituents point out that when the United States embarked on a policy to reduce the smuggling of marihuana from Mexico into the United States that it was extremely successful. Its success was predicated on the fact that everyone apparently was searched and ultimately the complaints were so strong that the searches and consequent inconveniences were reduced or eliminated in many cases. Couldn't the same draconian measures at all our points of entry be employed with respect to heroin and if they are, wouldn't they meet with the same success? I do believe that heroin addiction and its consequences are so on the minds of the American people that they would willingly bare whatever inconveniences which would result from such strict enforcement measures.

I would appreciate having your thoughts on the question raised by my constituents and on the proposal that such draconian measures be instituted now.

Sincerely,

EDWARD I. KOCH.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., March 9, 1972.
Hon. EDWARD I. KOCH,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. KOCH: Thank you for your letter of February 24, 1972, relative to my recent testimony before the National Commission on Marijuana and Drug Abuse. So that there is no misunderstanding, I am enclosing a copy of the full text.

I believe that what we are doing to assist the Government of Turkey end the cultivation of poppy for opium is important and represents a balanced approach. As you know, opium from Turkey has been the raw material from which the bulk of heroin affecting the United States has been produced for many years. The ending of opium production in Turkey following the harvest of the 1972 crop will, in effect, eliminate the raw material source responsible for an estimated 80% of our heroin problem. While this is a significant achievement, I am concerned that some people regard it as the complete solution. It is not.

However, I do believe that the elimination of one of the world's major sources of opium and the one affecting us the most will have a considerable impact on the overall supply of heroin. It can give us the opportunity to severely disrupt current opium and heroin sources. Obviously it will take some time for traffickers to establish new sources, routes, and patterns. Hopefully, now that the appropriate government agencies are being given increased resources, we may begin to cope with this problem.

Remnants of Turkish production are likely to continue to affect us through 1973 and Asiatic sources may begin to partially replace Turkey. While the world community is moving to end the uncontrolled production of opium in those areas, it may be many years before this can be achieved. This is an obvious strategic goal that must be pressed. Turkey's decision can help in this regard. While our efforts abroad should curtail and eventually eliminate the availability of natural narcotic drugs, it is unrealistic to think this can be accomplished overnight or that for the present this is our only means to bring our tragic problem under control. Quite to the contrary, it is my thought that as we work internationally to end the plague affecting us, we must simultaneously implement vigorous national and international illicit traffic suppression operations as well as domestic drug abuse prevention, treatment and rehabilitation programs. The President has initiated such programs and we are now striving to increase their effectiveness.

I appreciate the suggestion you advance on behalf of your constituents and yourself that consideration be given to searching every person and item entering the United States. I am afraid that in view of the number and complexities of international commerce and travel that this is not practical. We can, however, make it more difficult for traffickers to operate and require them to employ means which should make them more susceptible to detection by investigative personnel. The increase in Customs personnel and their awareness of the importance of their problem greatly contributed to the overall program. We continue to expand and improve our capability to interdict narcotic drugs directed to the United States. We believe heroin seizures during 1971 both here and abroad in the traffic directed toward the United States is tangible evidence of our growing effectiveness.

A major objective of the new Office for Drug Abuse Law Enforcement in the Department of Justice is to greatly expand the gathering and dissemination of narcotic enforcement intelligence. Hopefully this will enable us to more effectively strike at the major organizations involved in narcotic trafficking. While some links in the chain of heroin supply from poppy field to addict may seem more vulnerable to attack than others, we believe control must be pressed at every level. Most importantly the demand for narcotic drugs within the United States must be meaningfully reduced.

The Special Action Office for Drug Abuse Prevention under Dr. Jerome Jaffe is developing programs in this important area. With proper support, I believe they can make progress.

I am glad to have had the opportunity to give you, albeit briefly, my thoughts on this matter.

Sincerely yours,

MYLES J. AMBROSE,
Special Assistant Attorney General.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 16, 1972.
Mr. MYLES J. AMBROSE,
Special Assistant Attorney General, Office of Drug Abuse—Law Enforcement, Department of Justice, Washington, D.C.

DEAR MR. AMBROSE: I very much appreciate your detailed response of March 9th. I must disagree with you, however, with respect to your response to my suggestion for stricter controls on smuggling. When you say, "I appreciate the suggestion you advance on behalf of your constituents and yourself that consideration be given to searching every person and item entering the United States . . . I am afraid that in view of the sheer number and complexities of international commerce and travel that this is not practical," I must respond that the toll on our society is such that the inconvenience that would be caused by searching every person and every item is an inconvenience that everyone concerned about narcotic addiction would eagerly subject themselves to. It worked when it was done by the United States at the Mexican border on marihuana. Shouldn't you at least attempt it with respect ot heroin before you discard the proposal?

I urge you to reconsider the suggestion.

Sincerely,

EDWARD I. KOCH.

FARMWORKERS ARE DENIED FAIRNESS BY NLRB

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am advised that on March 9, 1972, the attorneys for the National Labor Relations Board of the regional office in Los Angeles filed a petition in the Federal district court in Fresno, Calif., requesting a nationwide injunction which, if granted, would prohibit the boycott activities of the United Farm Workers. The intent is to destroy that union's attempts to urge customers not to shop at retail stores carrying nonunion farm products. What is particularly despicable and unjust about this action of the NLRB is that farmworkers have no rights under the National Labor Relations Act, being exempted from its provisions. Having no rights, they cannot compel collective bargaining by the farm employers and, therefore, cannot achieve their goal of unionization in the usual manner, and their only effective nonviolent tool is the boycott. Surely it is inequitable, unless simultaneously they are granted the rights of all other workers covered under the NLRA, to use the sanction provisions of the NLRA against them. It is not the intention of this Congress to permit the employers to have it both ways. And that is exactly what the current situation is if the injunction were to be granted, for then farm employers exempted under the NLRA need not engage in collective bargaining, and the unions seeking to organize and demanding recognition, are stripped of any lawful weapon to compel the employers to bargain with them. Such inequity cannot be tolerated and must be stopped.

I urge the Members of Congress without regard to party or partisanship to speak out in opposition to this unfair and, indeed, un-American action initiated by the NLRB.

PERSUASIVE TESTIMONY ON NATO FROM HON. JOHN. J. McCLOY

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, recently the Special Subcommittee of the Committee on Armed Services, which I chair, was honored to have as its witness the Honorable John J. McCloy. He brought before the subcommittee a wealth of high-level experience and a capacity for broad vision that no man could exceed.

When Mr. McCloy concluded his statement, his remarks were variously described by several members of my subcommittee as "comprehensive," "excellent," and "impressive." One member of the subcommittee observed that in all of his 20 years of service as a member of the Armed Services Committee, the testimony Mr. McCloy gave to the subcommittee, was the finest summary of past success, the present importance, and the needs for the future of the North Atlantic Treaty Organization that he had ever listened to in all of his years in the Congress.

Mr. McCloy's statement, which will be of great value to our subcommittee on drafting its recommendations will, I am sure, be helpful to all Members of the Congress who may be called upon to vote on recommendations concerning Europe in the course of the year. I am therefore inserting it in the RECORD at this time. I am sure all Members will benefit from the wisdom of this great public servant.

I also will include in the RECORD following his statement a biographical summary of Mr. McCloy. Very few men in our history have held so many important positions in government and industry or have such a record of long and faithful service to their country.

The material follows:

STATEMENT OF JOHN J. MCCLOY, BEFORE THE SUBCOMMITTEE ON NATO COMMITMENTS, FEBRUARY 28, 1972

Gentlemen of the Congress, I have been invited to appear before this Subcommittee to give you some of my thinking in regard to our NATO commitments. I presume that this is due in part to my rather early association with the events and the policy which resulted in the creation of NATO, as well as my rather active connection with security and defense problems of this country and of Europe during and shortly after World War II.

I think that at the outset of any consideration of this subject it is important to ask ourselves the fundamental question; namely what role should the United States play in Europe taking into account the character and extent of its interests there?

Not so very long ago when I spoke out against the adoption of a Senate resolution proposing a unilateral withdrawal of our troops from their stations in Europe, I was charged by some with being a victim of my own experience and a product of the Cold War, now, it was suggested, happily concluded.

I cannot, and do not intend to, disclaim my experience or my association with the policies which induced our intervention in World War II to halt Hitler's aggressions and in the postwar period to aid in the rehabilitation and restoration of Western Europe to a position of integrity and economic viability. This latter intervention was in the face of determined and heavy pressure brought to bear by Communist and Soviet forces to extend their influence and domination from Eastern to Western Europe.

In spite of the spate of revisionist history writing which has appeared in recent years designed to discount any such threat that pressure was indeed exerted and all objective history will confirm it. The chief obstacles to the extension of the domination the Soviet Union achieved in Eastern Europe lay in the determination of the peoples of the Western nations to preserve their own governmental forms buttressed by the then influence and prestige of the United States throughout Western Europe. It was these obstacles which enabled the European economy to be revived, saved the democratic institutions of Europe and preserved the peace. The leadership which the United States then displayed marks the period as a heroic one in American foreign policy.

But our attachment to Europe and theirs to us is not based only on our relationships during the war and postwar periods. It extends from the period of the settlement of the continent and the origins of our national existence and it extends to the present time where it is reflected today in the acute interdependence of our economy and that of Europe, the consequences of which both of us are currently experiencing in the form of trade, our balance of payments and stable monetary relationships. Whether we like it or not, history demonstrates that we have the tendency and disposition to become involved in the great upheavals and developments which occur in Europe to a degree and with a persistence which is not comparable to any other area of the world. Twice in my lifetime and, if not in the lifetime, at least in the fresh memory of each member of this Committee, we have been plunged into a world war commenced in Europe for which we had little or no responsibility and during which we were forced to exert all our energies and wealth in terms of manpower and treasure. One could go on for some time pointing out the areas in which our common interests and inheritances impinge on each other. But they are widespread enough to cause every thoughtful man or woman in this country or in Europe to be aware of the common interests and the common dangers we both share.

They point up the need and the wisdom of establishing a strong partnership between us in order to convince us and the other nations of the world of the great stake we have in the preservation of the peace and security of the Western world. Indeed, it is no figure of speech but an abiding principle that a very large part of our security lies in the security of Europe and an equally large part of European security reposes in the security of the United States. To put it in another way, the extent of our interdependence is such that if we attempt to visualize a Europe no longer on our side but opposing us on all critical issues, neutral or oversensitive to all Communist pressures, the prospect would be bleak indeed. And much the same thing could be said of Europe's prospects if the situation were reversed.

It is well to recall the reasons which impelled us to station our troops in Europe after the close of World War II. It was not because we greatly feared an outright Soviet invasion of Western Europe. We then had a monopoly of the bomb, but we did fear the extension of Soviet influence and pressure such as had taken place in Eastern Europe and the loss of freedoms the imposition of Communist dictatorships had entailed in Eastern Europe. It is very interesting to note that even at a time when we alone possessed the bomb, it was felt the added deterrent of the presence of United States troops in Europe was necessary. The great buildup of Soviet nuclear and naval power had not then taken place. The Soviet fleet had not ventured into the Mediterranean and Czechoslovakia had not been occupied by Soviet troops. Now in terms of comparative military potential, nuclear and conventional, the disparity between the forces of the Warsaw powers and those of Western Europe is greater than it ever has been. If in the early days of NATO it was thought advisable to station United States troops in Europe to insure the deterrent and create confidence in the Alliance, would it not appear reasonable to assume that United States presence in Western Europe would be at least as advisable now that the Soviet Union has achieved nuclear parity with the United States and the disparity between Soviet nuclear and conventional strength and that of Western Europe is wider than ever?

It is also important to ask what role the

United States forces now play in Europe. In the first place they represent the earnest of our NATO commitment to come to the aid of the member states if they are attacked. Standing alone, the NATO commitment is somewhat illusory as it is left to each nation to determine the extent and character of the aid to be given. The stationing of United States troops in Europe in significant quantity, however, creates the confidence that in the event of an attack those troops would be engaged from the outset. They also play another most important role. With the quantity and efficiency of the troops now there, they can, if a conventional attack should occur, reasonably be expected to increase the amount of time that would elapse before the question of employing nuclear weapons would have to be faced. This time period could, of course, be of critical importance. In other words, the presence of United States troops could reasonably be expected to deter any form of aggression, but if it took place, they could well postpone the necessity of making the fateful decision between nuclear devastation and surrender during which time efforts to restore peace might be undertaken.

The presence of these troops has another effect. In the face of overwhelming nuclear and conventional power to the East, the American presence gives Western Europeans the sense of confidence that is needed to resist the pressures which could be brought directly or indirectly against the integrity of their own policies, as well as that of the Alliance itself. In a very real sense, it comments that Alliance and is probably a more convincing deterrent to undue pressure or minor adventures than that of the American strategic nuclear silos. It is that sense of confidence on the part of Western Europe which at this period in time can best serve as the base for a healthy East-West relationship and *modus vivendi.*

I have constantly spoken of a United States troop level of convincing size. I have done this in part to meet the contention that all that is needed is a symbol of our presence in order to create the deterrent. The argument runs somewhat along these lines: Who can say we need 300, 400 or 500 thousand men stationed in Europe? Would not 100,000 or 200,000, or maybe even 50,000 serve the same purpose? Although most of the myths of the astronomical costs of maintaining our troops in Europe have now been dispelled, may we not, in reality, now have more troops in Europe than we really need for the declared objective of their presence?

The most important factor in any deterrent is its convincing character. Our troops in Europe were substantially reduced due to the demands of the Vietnam war. Their drawdowns for that and other purposes have not so far, I understand, been fully replaced. Their present ability to perform their defensive mission should the need arise is, I believe, barely adequate. And apart from their combat mission, it is difficult for even a military or political expert to say just how many troops are needed to constitute effective deterrence, "but it would appear to be foolhardy to err on the side of inadequacy when we are thinking in terms of deterring hostilities in a nuclear age." The argument for a very small force is based on really no more than the old and discarded "trip wire" concept of defense. It was then said, and indeed it is repeated in some quarters now, that all we need is a symbolic force whose military presence, if attacked, would set us off to a nuclear exchange. The trouble is that such a force would defeat its own purpose and it would not be convincing. It would not be convincing to ourselves, to our Allies or to any potential aggressor. It would tend to accelerate, rather than retard, a resort to nuclear weapons.

I would predict that those who now argue for such a symbolic presence would be among the first to attack this "bloody shirt" concept once it was put into effect. Indeed, it is doubtful that it could be supported in any long run by either public or Congressional opinion. In my judgment, it ought not be. What is needed is a force large enough to be capable of responding seriously along with our Allies, to any act of aggression on the part of enemy forces. With this real prospect to confront them and with the latent danger of such an engagement moving to a nuclear stage, any temptation to try aggressive adventures would be convincingly and solidly deterred. Any lesser prospect would be inadequate, and, in such a case, we had better bring them all home.

Of course, I am aware of the considerations which are being put forward to lead us to the withdrawal of our forces from Europe, and indeed to depopularize the whole principle of NATO as being a misguided product of a cold war atmosphere no longer appropriate or credible. It is argued that even though the disparity between the Soviet military strength and that of Western Europe has increased, Western Europe has regained its prosperity and economic vigor and it is no longer subject to the sort of pressure which threatened when it was weak and disorganized. Moreover, the spirit of detente, welcomed by all who seek peace, is considered inconsistent with a military alliance such as NATO. There is a widespread disposition toward greater East-West cooperation and understanding; cold war rhetoric and the burdens of defense expenditures are becoming tiresome. The stationing of troops abroad, twenty-five years after the end of the war in Europe, is viewed as an anomaly, a product of an old policy now out of date.

Moscow has recently had a degree of genuine success in convincing people on both sides of the Atlantic that it is now only interested in the status quo—a thesis which is given credence in the West by references to the USSR's preoccupation with China, its domestic economy, and its interest in greater access to Europe's industrial output. We ourselves are stimulating more East-West interchanges by the initiation of active U.S.-Soviet bilateral contacts on strategic and other issues. In short, Europe, as well as much of the rest of the world, is undergoing a period of transition, in which the policies of the last twenty-five years are under critical scrutiny. There is a widespread desire for "new" approaches in which the Alliance should be de-emphasized and the importance of deterrence discounted by the advent of East-West cooperation.

To the extent that they contribute to stability, such improvements in atmosphere can only be welcomed. I do, however, sense a danger for Western Europe and the Atlantic partnership in some of the euphoria which these very tentative first steps have already induced. The current East-West interchange has given little evidence of any basic changes in Moscow's national interest with respect to Western Europe. Khrushchev never made any bones about it. It was Western Europe he sought to dominate. For two centuries Russia's distress had emanated from Western, not Eastern, Europe. It was his view and it is still Moscow's that a U.S. presence in Europe is anomalous. It was an obstacle to Soviet objectives in the postwar period and it still is. The traditional objective remains: to undermine the rationale for European defense; to weaken the trend toward Western European unity; and, most importantly, to obscure the need for the U.S. presence in Europe as a first step toward easing any U.S. presence off the continent altogether.

Viewed in this light, until more tangible evidence of a fundamentally altered purpose is forthcoming, the decisions to be made with respect to Western Europe in the near future may well prove to be as important historically as those which were made after World War II. Now, as then, the question is not so much one of deterring specific overt acts of aggression, although this remains an incident of the policy, but of assuring that there continues to be enough confidence on both sides of the Atlantic to enable the free societies of Western Europe to maintain their integrity and their representative form of government. Much has been accomplished to assure these ends. NATO is indeed a going concern. The Europeans have recently shown commendable signs of wishing to improve their own force structures and to deal with us in redressing, as far as possible, the payments deficit to which the stationing of our own forces have in the past contributed. British entry into the Common Market seems to have broken the log-jam which, for years, has held up further progress in developing the European Community. In short, Europe is close to accomplishing what has been our sustained objective over the last twenty-five years. As these tendencies develop, the cementing of the partnership across the Atlantic becomes more, rather than less, important to us as well as to them until the time comes when less tangible evidence of our military support is necessary.

Maintaining the credibility of our deterrent to aggressive action, I believe, more than any other single factor, has been the basis for Europe's current stability and confidence. Power imbalances have rarely fostered peace in Europe. At least on two occasions in my lifetime they have brought American armies into battle on the continent. Conversely, such progress toward peace which has been made in the last twenty-five years is, I believe, the result of confidence in European stability, based, as it has been so prominently, on NATO's strength. To the extent that confidence should become undermined, by premature force reductions or failure of will with regard to European defense, it will become more tempting, as has happened in the past, for some Europeans to cross the thin line between improved East-West relations and outright accommodation to pressures based on Eastern strength.

The Soviet Union is already beginning to demonstrate, in the Mediterranean and elsewhere, that in a world of nuclear equality relatively small increments of tactical power can earn very significant political gains. This development, together with the increasing doubts of American willingness to risk a nuclear war for the protection of Europe as a whole, leaves Western Europe in a mood of uncertainty. To the extent that we were now to remove our troops in any significant numbers, these doubts would, I believe, mushroom into deep concern and would in short order substantially undermine confidence in the deterrent.

I conclude that the only effective response to these new dilemmas is to continue to maintain sufficiently large U.S. conventional forces on the continent and in the Mediterranean to emphasize to the USSR that we would consider their involvement in any aggression against Western Europe a vital issue. Put another way, it is precisely because the great increase in Soviet nuclear strength has somewhat weakened the credibility of our deterrent that we should, from now on, attach greater, rather than less, importance to U.S. conventional forces in vital areas such as Europe. I believe Western Europe is more sensitive today to possible U.S. troop reductions than it was some years ago when our deterrent in respect of Europe was more credible.

I think something should be said about costs. The actual operating costs of our present forces in Europe are about 3 billion dollars, a little more than one per cent of our annual budget, and a great deal less than the frequently cited 14 billion dollar figure which refers to a percentage of the *total* cost of *all* U.S. general purpose forces oriented toward Europe. Keeping forces in Europe is, I believe, as a matter of fact cheaper than any other alternatives we have, unless we were to deactivate them altogether.

Moreover, the military expenditures of our European allies are generally underestimated. They have, in fact, increased from $19.5 billion in 1965 to over $27 billion in 1972 and the governments are committed to increased expenditures in the immediate future.

It should also be kept in mind that the Allies provide by far the major portion of NATO's committed sea power and ¾ of its air power and have, in fact, increased their armed forces substantially over the last ten years. They now maintain about 3 million men under arms. As significantly, they have made great qualitative improvements in their forces and equipment which have culminated in the very important European Defense Improvement Program now under way.

As for our balance of payments drain, the most recent offset agreement provides us with $2.034 billion through purchases of weapons and medium-term securities, which should ease this problem certainly for the time being.

I must confess I do not see any encouraging prospect in the Mutual Balanced Force reductions now under consideration. It seems to be more of a hope by which domestic U.S. pressures for U.S. troop withdrawals could be accommodated than any realistic prospect of an equitably balanced reduction of forces. There could be benefits in a carefully balanced mutual thinning out of forces, particularly if this is well prepared, and the negotiations took into account the geographic advantages of the Soviet Union's proximity to the European continent. On the other hand, I very much doubt that the Soviet Union would be disposed to make sufficient concessions to balance this a symmetry; or that its interests in the GDR and in Eastern Europe would permit it, in any case, to withdraw more than a small percentage of its forces. In other words, I do not believe that there is much prospect of MBFR talks safely producing the kind of reductions necessary to satisfy Senator Mansfield and others who press for a major U.S. force withdrawal. Moreover, it seems that negotiations, considering all the inner European political, as well as security, implications, could quickly become extremely complicated.

In short, I doubt that our national interest in Europe will be served by placing our main reliance on MBFR. Certainly it is not advanced by the current annual debates threatening unilateral reductions on the basis of invidious comparisons between U.S. and European defense contributions. The whole situation would benefit if we were to return to more fundamental questions, such as a realistic reappraisal of the kind of Europe it will be in our best interests to encourage and support. I believe we have not examined this question for some time, either in the government or in the nation as a whole. If such a debate took place, I think we would once more conclude that Europe is at least as important to us as Moscow or Peking, and we would then be able to go on with new confidence to more specific problems, for instance, how to revitalize the Atlantic partnership and redistribute our respective defense roles.

I believe there are a number of meaningful steps which could be taken towards this end. In the short term, I believe much will depend on the ability of the President and Congress to reawaken American understanding of the European question and to provide greater support for necessary policies. One approach might involve the convening of an Atlantic Summit Conference, perhaps shortly after the beginning of the next presidential term, to balance the emphasis currently being placed on Moscow and Peking. We could breathe new life into the NATO partnership, reassure our Allies of our continued commitment as they approach a European Security Conference; and further strengthen new forms of political and military cooperation. Such an endeavor would be greatly strengthened to the extent that it enjoyed a solid basis of Congressional support. In this connection I think ways should be sought, and probably could be found, to redistribute the defense burdens in the longer run. I believe this would give us a much sounder hope of some force reductions without loss of leverage in the present decisive phase of European affairs.

I would particularly suggest that more intensive thought be given to the possibility of encouraging some greater degree of European nuclear cooperation, an idea which is arousing more interest in Europe these days than is generally realized. For the Europeans such a scheme would be a timely hedge against possible U.S. withdrawal into isolationism and would assure that Germany would not drift off into an independent neutralism. Moreover, the continued political evolution of the European Community also offers more promise than is generally recognized as a base for such cooperation. If the problems of including Germany in the planning and relating such a European force to ours could be solved, Europe would be sufficiently united and secure to justify substantial future reductions.

As to how long we should maintain our troops in Europe—whether for a few years longer, or indefinitely—it is not easy to say. I cannot give a definitive answer. Certainly I would not say forever, but until some more persuasive indications of a change in Soviet attitudes toward Europe evolves, I incline to the view that we should plan to keep a substantial force there as long as the host countries want them and the host nations are reasonably forthcoming in assuming an equitable share of the costs of keeping them there. The question really is: where do such troops now most effectively protect the peace and deter aggression, whether the threat be conventional or nuclear? For the present, at least, it seems to me the answer to this question is clear. Their presence in Europe today has a much greater impact on these objectives than would their presence, say in Fort Knox, have. As long as this condition continues, I should say keep them there. They cost about as much in one place as in the other, taking into account the offsets and the assumption of certain costs of maintenance now undertaken by the hosts. In the meantime we should adopt a policy in respect to them which is understandable to our Allies and has some convincing continuity. The cat and mouse tactics we have been employing recently whereby Europe shivers in uncertainty from one appropriation bill to another vitiates in large part the whole purpose for which the troops are there. The confidence that their presence has previously instilled is in danger of being shattered by recurrent debates on the issue. One day the hosts could not be blamed if they said, "we had better forego the whole thing and move toward a more neutralist attitude."

There is another aspect of the stationing of these troops abroad on which I would like to comment. A few years ago I negotiated the so-called Tripartite Agreements on behalf of the government. From the number of troops we had then stationed in Europe, it was agreed we would return a certain amount to the United States. We then gave assurances, however, that we would return them for training purposes in Germany during the course of each year. We made much of the C5 capacity we were about to have to enable us to do this. I have now heard that appropriations are being held up which would enable us to make good on that commitment. I protested vigorously when my Allied negotiators at the time suggested that commitments under such an arrangement were unreliable. If we do not live up to that agreement now, we will introduce a new note of uncertainty into our relations and raise serious doubts, rather than confidence, in our reliability as a nation and in our intentions.

I should add that, for a number of reasons, I personally have never laid great store by our will or capacity to reinforce the European theatre effectively by air in an actual crisis, and have therefore thought it all the more important to provide for substantial permanent station compliments. The air busing of troops is not a simple matter even in peace time. Their heavier equipment must be stored, properly maintained and regularly inspected in two places if it is to be promptly available at the terminus of the flight. In time of tension, moreover, the dispatch of large numbers of troops by air may not be practicable. Such a flight would be quite spectacular and could greatly complicate the then existing political situation. It could well provoke counteraction that would frustrate all attempts to "cool" the situation. In time of actual hostilities, the flights could be most hazardous since it would not take much time to render the European runways unusable and European based attack planes could inflict great casualties and confuse the operation.

Hence, while we have a solemn international obligation to support those exercises at the agreed level, which we must keep, I would not consider placing any heavier reliance on the "dual-basing" concept a desirable or realistic alternative to the stationing of U.S. troops in Europe.

As for burden sharing, we should recognize that each of us has his security definitely enhanced by the stationing of our troops in Europe. Since we take the full cost of maintaining the strategic nuclear deterrent and we also assume the full cost of our Sixth Fleet operations in the Mediterranean, it would seem reasonable and fitting that some of the operating costs of stationing our troops in Europe be undertaken by the host countries. I believe we should, of course, pay our own troops, feed, clothe and equip them with the arms, tools and vehicles they require. To depend on the hosts to assume such expenses, or even to share in them, I believe, would put them on an inappropriately mercenary basis. On the other hand, certain installation and infrastructure costs could well be assumed by the host, at least from here out. We should not seek current reimbursement for any such costs already incurred by us. The details of such a division could, and should, be worked out in the discussions that might take place in the high level Atlantic Conference which I have suggested should convene in the relatively near future.

There is another aspect to this question which, though a little difficult to describe, is nonetheless real. It relates to the future orientation of West Germany, and it is accented by the emerging Ostpolitik as the outstanding image of the Brandt Government.

Germany is clearly the dominant industrial and economic force in Europe today. The direction in which Germany goes will in all probability be the direction in which a united Europe goes. Certainly if there is to be cohesion in Europe, Germany must not be oriented one way and Europe the other.

In the past it has been the ambivalence of Germany which has caused much of our troubles. Never allied firmly with either East or West, Germany was destined to attack both.

It is essential for European and Western stability that Germany be confident of her security. Today she finds that her security for the first time in history reposes in the West—the West now includes the Atlantic. As long as this confidence continues, Germany will find herself comfortable in the Western Alliance. If she loses confidence in the U.S. deterrent as part of the Western European security community of which she is a part, the more uncertain her future alignments become.

After all it is Germany which has the most exposed position to the East. Everything reasonable should be done to cement that confidence as it is probably that sense of confidence which most effectively ensures the cohesion of Western Europe, the Atlantic Alliance and the whole stability of the present balance of world forces. Germany's desire for the presence of U.S. troops on her soil should be given great weight.

A Western Germany confident in its own security is a force for stability and peace and the close association of the United States with the concept of that security is not only an assurance of the continuity of the Alliance but it should also be a source of some comfort to the Soviet Union as it would ensure that no unprovoked adventures could be undertaken by Germany in the East without Western concurrence—a concurrence that Western Europe and the United States would certainly withhold.

In concluding I would urge that until we can focus more seriously on the most important of all of our international relationships, i.e. those with Europe, we should refrain from taking either actual or symbolic steps which could lose us an opportunity at this critical point of history to put our policies with respect to Europe again on a constant long range basis. This is a crucial time what with Britains entry into the Common Market, the trip to Peking, the trip to Moscow, detente, Ostpolitik, the European Security Conference, as well as our recent demands on the economic and monetary front most of which is primarily related to Europe. This, I suspect, is not the time to take steps in the thought of reaping some short term benefits, either locally or internationally at the risk of prejudicing our very real and fundamental long term interests.

This statement is too long and not as well organized as I would wish it to be, but it takes a long time to prepare a good short statement on an important subject. I apologize for its length, I should be glad to try to answer your questions.

JOHN J. MCCLOY—BIOGRAPHICAL SUMMARY

John J. McCloy, partner of the law firm of Milbank, Tweed, Hadley & McCloy, has served as The Assistant Secretary of War; President of the World Bank; U.S. Military Governor and High Commissioner for Germany; Chairman of the Board of Directors of The Chase Manhattan Bank and Chairman of the Board of Trustees of The Ford Foundation. He was for a number of years a Trustee of the Rockefeller Foundation. Early in January, 1961, Mr. McCloy was named by the late President Kennedy as his Advisor on Disarmament Matters, which post he held until October, 1961, when the permanent U.S. Arms Control and Disarmament Agency was established. He is now Chairman of the General Advisory Committee on Disarmament. Early in December, 1963, Mr. McCloy was named by President Johnson to serve on the Presidential Commission to Investigate the Assassination of President Kennedy.

Mr. McCloy became Chairman of The Chase National Bank on January 19, 1953, succeeding Winthrop W. Aldrich, who left the Bank to become Ambassador to Great Britain. During Mr. McCloy's tenure as Chairman, The Chase National and The Bank of the Manhattan Company merged in April, 1955, to form The Chase Manhattan Bank. Mr. McCloy retired as Chairman December 31, 1960.

Born on March 31, 1895, Mr. McCloy attended The Peddie School and received his B.A. from Amherst College in 1916 and his LL.B. from Harvard Law School in 1921. He was in the U.S. Army from 1917 to 1919, serving as a captain in the field artillery with the A.E.F. in France.

Mr. McCloy was for many years a member of the firm of Cravath, DeGersdorff, Swaine & Wood, and in 1940 he retired from the firm to become a consultant to Secretary of War, Henry L. Stimson. From 1941 to 1945, he was The Assistant Secretary of War.

In 1947, after a year with the law firm of Milbank, Tweed, Hope, Hadley & McCloy, he was appointed President of the International Bank for Reconstruction and Development (World Bank). From 1949 to 1952, he was successively U.S. Military Governor and U.S. High Commissioner for Germany.

Mr. McCloy is Chairman of the Executive Committee of Squibb Corporation. He is Chairman of the Board of the United Nations Development Corporation and The Salk Institute, La Jolla, California. He is a Director of The Dreyfus Corporation and the Stott Capital Development Corporation. He is a retired Director of Allied Chemical Corporation; American Telephone and Telegraph Company; The Chase Manhattan Bank, N.A.; Metropolitan Life Insurance Company and Westinghouse Electric Corporation.

His other affiliations include the following:

Honorary Chairman of the Board of Trustees and Trustee Emeritus of Amherst College; Trustee of Deerfield Academy; Honorary Member of the Board of Political Science, Columbia University; Trustee Emeritus of Johns Hopkins University; Honorary Trustee of the Lenox Hill Hospital; Treasurer and Trustee of the American School of Classical Studies, Athens, Greece and member of the Committee of the Board of Overseers to Visit the Center for International Affairs at Harvard University.

Chairman of the Committee for Modern Courts, Inc.; Member of the American Bar Association; The American Society of International Law; Association of the Bar of the City of New York; Federal Bar Association of New York, New Jersey and Connecticut; the New York County Lawyers' Association and the New York State Bar Association.

Honorary Chairman of the Board of the Council on Foreign Relations, Inc. and International House; a member of the Board of Governors of The Atlantic Institute; Trustee of the United States Council of the International Chamber of Commerce and Trustee of the Army Relief Society.

Mr. McCloy belongs to the Anglers', Bond, Century, Links, Wall Street and University Clubs in New York; the Clove Valley Rod & Gun Club of La Grangeville, New York; Connetquot River Club, Inc. of Oakdale, New York; and Metropolitan Club in Washington, D.C.

He was awarded the Distinguished Service Medal, the Medal of Freedom and the Grand Cross of the Order of Merit of the Federal Republic of Germany. He is a Grand Officer of the Legion of Honor of France and a Grand Officer of the Order of Merit of Italy.

Mr. McCloy is an Honorary Member of the Senat of Johann Wolfgang Goethe University in Frankfurt, Germany; and the Friedrich Wilhelm University in Bonn, Germany; Honorary Citizen of the Free University of Berlin, Germany. He has received honorary LL.D. degrees from Amherst, Boston College, Brown, Colby, Columbia, Dartmouth, Franklin and Marshall, Harvard, Haverford College, Lehigh University, New York University, Middlebury College, Princeton, Syracuse, Trinity, University of Maryland, University of Notre Dame, University of Pennsylvania, Swarthmore College, Yale, Williams College and Wilmington College. He was also awarded a D.C.L. by Washington College and an honorary degree by the Technical University of Berlin.

Mr. McCloy and his wife, the former Ellen Zinsser, live in New York City. They have a son, John Jay II, and a daughter, Ellen Zinsser McCloy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HELSTOSKI (at the request of Mr. CARNEY), for today, on account of official business.

Mr. FOUNTAIN (at the request of Mr. BOGGS), for today, on account of official business.

Mr. HORTON (at the request of Mr. GERALD R. FORD), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RANDALL, for 15 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. HOGAN) to revise and extend their remarks and include extraneous material:)

Mr. HALPERN, for 10 minutes, today.

Mr. FINDLEY, for 5 minutes, today.

Mr. MAYNE, for 5 minutes, today.

(The following Members (at the request of Mr. MCKAY) to revise and extend their remarks and include extraneous material:)

Mr. ASPIN, for 10 minutes, today.

Mr. REUSS, for 30 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. DAVIS of South Carolina, for 10 minutes, today.

Mr. ALEXANDER, for 10 minutes, today.

Mr. STOKES, for 5 minutes, today.

Mr. KOCH, for 10 minutes, today.

Mr. MURPHY of Illinois, for 5 minutes, today.

Mr. ICHORD, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. STRATTON to include extraneous matter in special order today.

Mr. GROSS, and to include extraneous material.

(The following Members (at the request of Mr. HOGAN) and to include extraneous matter:)

Mr. MCKINNEY.

Mr. DEVINE.

Mr. DUNCAN.

Mr. HOSMER in three instances.

Mr. WYMAN in two instances.

Mr. CHAMBERLAIN.

Mr. EDWARDS of Alabama.

Mr. KUYKENDALL in two instances.

Mr. RAILSBACK.

Mr. COLLIER in two instances.

Mr. QUIE.

Mr. Keith.

Mr. Frenzel.

Mr. Morse.

Mr. Riegle.

Mr. Halpern in two instances.

Mr. Hastings.

Mr. Johnson of Pennsylvania.

Mr. Derwinski in two instances.

Mr. Goldwater.

Mr. Cleveland in two instances.

Mr. Mayne.

Mr. Andrews in two instances.

Mr. Kemp in two instances.

(The following Members (at the request of Mr. McKay) and to include extraneous matter:)

Mr. Murphy of Illinois in three instances.

Mr. Hamilton.

Mr. Aspin in 10 instances.

Mr. Hagan in three instances.

Mr. Rodino in three instances.

Mrs. Hicks of Massachusetts in three instances.

Mr. Lennon.

Mr. Van Deerlin in two instances.

Mr. Vanik in two instances.

Mr. Baring.

Mr. Daniel of Virginia.

Mr. Charles H. Wilson in two instances.

Mr. Dorn in three instances.

Mr. Boland in two instances.

Mr. Roe in five instances.

Mr. Abbitt.

Mr. Dingell in three instances.

Mr. Stokes.

Mr. Purcell in two instances.

Mr. Kluczynski in two instances.

Mr. Anderson of California in two instances.

Mr. Brasco in two instances.

Mr. Ryan in three instances.

Mr. Roncalio in four instances.

Mr. Macdonald of Massachusetts in two instances.

Mr. Symington.

Mr. Wolff in three instances.

Mr. Mathis of Georgia.

Mr. Diggs.

Mr. Preyer of North Carolina in two instances.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on March 15, 1972, present to the President, for his approval a bill and a joint resolution of the House of the following titles:

H.R. 12910. An act to provide for a temporary increase in the public debt limit; and

H.J. Res. 1097. A joint resolution making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 37 minutes p.m.), under its previous order, the House adjourned until Monday, March 20, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1747. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting the 24th annual report on the National Industrial Reserve, pursuant to section 12 of Public Law 883 of the 80th Congress; to the Committee on Armed Services.

1748. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

Received From the Comptroller General

1749. A letter from the Comptroller General of the United States, transmitting a report entitled "Civilian Health and War-Related Casualty Program in Vietnam—1 Year Later"; to the Committee on Foreign Affairs.

1750. A letter from the Comptroller General of the United States, transmitting a report on problems in making the Labor Department's concentrated employment program work in rural Mississippi; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 557. Concurrent resolution authorizing the printing of additional copies of House Report 92-911 (Rept. No. 92-924). Referred to the House Calendar.

Mr. GRAY: Committee on House Administration. House Concurrent Resolution 550. Concurrent resolution providing for the installation of security apparatus for the protection of the Capitol complex (Rept. No. 92-925). Referred to the House Calendar.

Mr. DULSKI: Committee on Post Office and Civil Service. Report on statistical activities of the Federal Government, 1971 (Rept. No. 92-926). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. Report on census programs and postal systems of several countries in southeastern Asia (Rept. No. 92-927). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 8395. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabiliation services and for vocational evaluation and work adjustment, to authorize grants for rehabilitation services to those with sensory disabilities, and for other purposes; with amendments (Rept. No. 92-928). Referred to the Committee of the Whole House on the State of Union.

Mr. WAGGONNER: Committee on Ways and Means. H.R. 11200. A bill to amend section 501(c) of the Internal Revenue Code of 1954 with respect to the exempt status of clubs; with amendments (Rept. No. 92-929). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PATMAN (for himself, Mr. Barrett, and Mr. Stephens):

H.R. 13853. A bill to amend title VII of the Housing and Urban Development Act of 1965; to the Committee on Banking and Currency.

By Mr. ASPIN (for himself and Mr. Fraser):

H.R. 13854. A bill to amend the Trade Expansion Act of 1962 with respect to workers' readjustment allowances; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Byrne of Pennsylvania, Mr. Collins of Texas, Mr. Dow, Mr. Fraser, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hosmer, Mr. Koch, Mr. Kuykendall, Mr. Matsunaga, Mr. O'Hara, Mr. Pepper, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Rees, and Mr. Terry):

H.R. 13855. A bill to provide for the protection of children against injury caused or threatened by the persons responsible for their care through a program of grants to States for the development of child abuse prevention programs (including the enactment and enforcement of child abuse laws and the punishment of child abusers); to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Vigorito, Mr. Winn, and Mr. Wolff):

H.R. 13856. A bill to provide for the protection of children against injury caused or threatened by the persons responsible for their care through a program of grants to States for the development of child abuse prevention programs (including the enactment and enforcement of child abuse laws and the punishment of child abusers); to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Abourezk, Mrs. Abzug, Mr. Begich, Mrs. Chisholm, Mr. Conyers, Mr. Dellums, Mr. Dingell, Mr. Dow, Mr. Drinan, Mr. Dulski, Mr. Edwards of California, Mr. Garmatz, Mr. Gibbons, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Kyros, Mr. Mikva, Mr. Nix, Mr. Price of Illinois, Mr. Rangel, Mr. Rodino, and Mr. Rosenthal):

H.R. 13857. A bill to gear the income tax more closely to an individual's ability to pay, to broaden the income tax base of individuals and corporations, and to otherwise reform the income and estate tax provisions; to the Committee on Ways and Means.

By Mr. EVANS of Colorado (for himself, Mrs. Grasso, Mr. Ryan, Mr. Howard, Mr. Gonzalez, Mr. Hechler of West Virginia, Mr. Brinkley, Mr. Wolff, Mr. Abourezk, Mrs. Chisholm, Mr. Koch, Mr. Edwards of California, Mr. Thompson of New Jersey, and Mrs. Abzug):

H.R. 13858. A bill to amend the Federal Food, Drug, and Cosmetic Act in order to provide for the registration of manufacturers of cosmetics, the testing of cosmetics, and the labeling of cosmetics, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON:

H.R. 13859. A bill to amend title 38 of the United States Code to provide that the full amount of payments under any public retirement or annuity program be excluded as income for the purpose of determining eligibility for veteran's or widow's pension or parent's dependency and indemnity compensation; to the Committee on Veterans' Affairs.

H.R. 13860. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board increase in benefits thereunder with a $100 minimum primary benefit, to increase the amount of earnings counted for benefit and tax purposes, and to make appropriate adjustments in social security tax rates; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 13861. A bill to affirm the President's power to impound appropriated funds, subject to the right of either House of Congress to disapprove any such action; to the Committee on Rules.

By Mr. GUDE:

H.R. 13862. A bill to amend the District of Columbia Air Pollution Control Act to increase the penalties for violation of regulations to protect and improve air quality in the District of Columbia; to the Committee on District of Columbia.

By Mr. HALPERN (for himself and Mr. Thompson of Georgia):

H.R. 13863. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

By Mr. HELSTOSKI:

H.R. 13864. A bill to amend the Federal Aviation Act of 1958 to authorize free or reduced-rate transportation for widows, widowers, and minor children of employees who have died while employed by an air carrier or foreign air carrier after 25 or more years of such employment; to the Committee on Interstate and Foreign Commerce.

By Mrs. HICKS of Massachusetts:

H.R. 13865. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers and firemen shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. HORTON (for himself, Mrs. Abzug, Mr. Bell, Mrs. Dwyer, Mr. Esch, and Mr. Harrington):

H.R. 13866. A bill to amend the Controlled Substances Act; to the Committee on Interstate and Foreign Commerce.

By Mr. KEATING:

H.R. 13867. A bill to amend the Foreign Assistance Act of 1961 to expand American exports by utilizing U.S.-owned foreign currencies to pay import duties on such goods, and for other purposes; to the Committee on Foreign Affairs.

H.R. 13868. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mrs. Abzug, Mr. Anderson of Tennessee, Mr. Aspin, Mr. Badillo, Mr. Begich, Mr. Bingham, Mr. Boland, Mr. Brasco, Mr. Córdova, Mr. Danielson, Mr. Dellums, Mr. Edwards of California, Mr. Frey, Mr. Gallagher, Mrs. Grasso, Mr. Halpern, Mr. Harrington, and Mr. Helstoski):

H.R. 13869. A bill to amend title II of the Social Security Act to provide that the remarriage of a widow, widower, or parent shall not terminate his or her entitlement to widow's, widower's, or parent's insurance benefits or reduce the amount thereof; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Matsunaga, Mr. Mikva, Mr. Morse, Mr. Nix, Mr. Podell, Mr. Pryor of Arkansas, Mr. Rangel, Mr. Reuss, Mr. Rodino, Mr. Rosenthal, Mr. Ryan, Mr. Sandman, Mr. Scheuer, Mr. Seiberling, Mr. Stratton, Mr. Waldie, Mr. Ware, and Mr. Williams):

H.R. 13870. A bill to amend title II of the Social Security Act to provide that the remarriage of a widow, widower, or parent shall not terminate his or her entitlement to widow's, widower's, or parent's insurance benefits or reduce the amount thereof; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 13871. A bill to establish more effective community planning and development programs (and expand the related provisions of existing programs) with particular emphasis upon assistance to small communities; to the Committee on Banking and Currency.

By Mr. MAYNE:

H.R. 13872. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

By Mr. NIX:

H.R. 13873. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PODELL:

H.R. 13874. A bill to authorize the Secretary of Health, Education, and Welfare to encourage and assist in the development on a demonstration basis of several carefully planned projects to meet the special health care and related needs of elderly persons in a campus-type setting; to the Committee on Banking and Currency.

H.R. 13875. A bill to amend the Public Health Service Act to establish the National Institute of Gerontology; to the Committee on Interstate and Foreign Commerce.

By Mr. PURCELL:

H.R. 13876. A bill to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets; to the Committee on Agriculture.

By Mr. REUSS (for himself, Mr. Abourezk, Mrs. Abzug, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Aspin, Mr. Badillo, Mr. Begich, Mr. Bergland, Mr. Burton, Mr. Carney, Mrs. Chisholm, Mr. Conyers, Mr. Dingell, Mr. Drinan, Mr. Dulski, Mr. Edwards of California, Mr. Eilberg, Mr. William D. Ford, Mr. Fraser, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Koch, and Mr. Long of Maryland):

H.R. 13877. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. REUSS (for himself, Mr. Madden, Mr. Meeds, Mr. Mikva, Mr. Mitchell, Mr. Moorhead, Mr. Nedzi, Mr. Obey, Mr. O'Hara, Mr. Price of Illinois, Mr. Podell, Mr. Rees, Mr. Rosenthal, Mr. Ryan, Mr. Sarbanes, Mr. Scheuer, Mr. Seiberling, Mr. Stokes, Mr. Thompson of New Jersey, Mr. Vanik, Mr. Waldie, Mr. Charles H. Wilson, Mr. Diggs, Mr. James V. Stanton, and Mr. Moss):

H.R. 13878. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. REUSS (for himself, Mr. Bingham, Mr. Dellums, Mr. Kastenmeier, Mr. Leggett, Mr. Mazzoli, Mr. Metcalfe, Mr. Rangel, Mr. Roy, Mr. Roybal, and Mr. Yatron):

H.R. 13879. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 13880. A bill to provide supplemental appropriations to fully fund bilingual education programs under title VII of the Elementary and Secondary Education Act of 1965 for the fiscal year 1972; to the Committee on Appropriations.

H.R. 13881. A bill to provide financial assistance for the construction and operation of senior citizens' community centers, and for other purposes; to the Committee on Education and Labor.

H.R. 13882. A bill to amend Community Mental Health Centers Amendments Act of 1970; to the Committee on Interstate and Foreign Commerce.

H.R. 13883. A bill to amend the Social Security Act so as to add thereto a new title XX under which aged individuals will be assured a minimum annual income of $3,500 in the case of single individuals, and $5,000 in the case of married couples; to the Committee on Ways and Means.

By Mr. RONCALIO (for himself, Mr. Fraser, Mr. Dow, Mrs. Abzug, Mr. Badillo, Mr. Bingham, Mr. Brademas, Mr. Buchanan, Mr. Cotter, Mr. Danielson, Mr. Dellums, Mrs. Grasso, Mr. Gude, Mr. Halpern, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Kastenmeier, Mr. McCloskey, Mr. Matsunaga, Mr. Mitchell, Mr. Moss, Mr. O'Hara, Mr. Pike, and Mr. Rees):

H.R. 13884. A bill to establish a commission to investigate and study the practice of clear cutting of timber resources of the United States on Federal lands; to the Committee on Agriculture.

By Mr. RONCALIO (for himself, Mr. Fraser, Mr. Dow, Mr. Ryan, Mr. St Germain, Mr. Sarbanes, Mr. Scheuer, Mr. Seiberling, Mr. Symington, Mr. Waldie, and Mr. Wolff):

H.R. 13885. A bill to establish a commission to investigate and study the practice of clear-cutting of timber resources of the United States on Federal lands; to the Committee on Agriculture.

By Mr. ST GERMAIN:

H.R. 13886. A bill to amend title 38 of the United States Code to provide an annual clothing allowance to certain veterans who, because of a service-connected disability, wear a prosthetic appliance or use an appliance or device which tends to wear out or tear their clothing; to the Committee on Veterans' Affairs.

H.R. 13887. A bill to amend title 38 of the United States Code so as to increase the period of presumption of service connection for certain cases of multiple sclerosis from 7 to 10 years; to the Committee on Veterans' Affairs.

By Mr. SHIPLEY:

H.R. 13888. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. SISK:

H.R. 13889. A bill to amend title 10, United States Code, to make certain persons eligible for retired pay for non-Regular service; to the Committee on Armed Services.

By Mr. STRATTON:

H.R. 13890. A bill relating to the expenditure of funds for repair or construction work on or about the U.S. Capitol; to the Committee on Public Works.

H.R. 13891. A bill to abolish the Commission for Extension of the United States Capitol, to repeal the authority for the extension of the west central front of the U.S. Capitol, and for other purposes; to the Committee on Public Works.

H.R. 13892. A bill relating to the expenditure of funds for the restoration or extension of the west central front of the U.S. Capitol; to the Committee on Public Works.

By Mr. SYMINGTON:

H.R. 13893. A bill to amend the Internal Revenue Code of 1954 with respect to lobbying by certain types of exempt organizations; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin:

H.R. 13894. A bill to amend the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress; to the Committee on the Judiciary.

By Mr. UDALL (for himself, Mr. Charles H. Wilson, Mr. Brasco, Mr. Hogan, and Mr. Hillis):

H.R. 13895. A bill to amend title 5, United States Code, to provide for the reclassification of positions of deputy U.S. marshal, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WYDLER:

H.R. 13896. A bill to amend the Outer Continental Shelf Lands Act, as amended, to require a study of the environmental impact of mineral exploration in the Atlantic Ocean; to the Committee on Merchant Marine and Fisheries.

By Mr. PRICE of Texas (for himself, Mr. Collins of Texas, Mr. Teague of California, Mr. Eshleman, Mr. Steiger of Arizona, Mr. Latta, Mr. Duncan, Mr. Cleveland, Mr. Kuykendall, Mr. Fisher, Mr. Kemp, Mr. Buchanan, Mr. Green of Pennsylvania, Mr. Dorn, Mr. Pike, Mr. Whitehurst, Mr. Hechler of West Virginia, Mr. McCloskey, Mr. Wampler, Mr. Scott, Mr. Forsythe, Mr. Badillo, Mr. Halpern, Mr. Hosmer, and Mr. Aspin):

H.J. Res. 1115. Joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress; to the Committee on the Judiciary.

By Mr. PRICE of Texas (for himself, Mr. Ware, Mrs. Abzug, Mr. Sebelius, Mr. Zwach, and Mr. McClure):

H.J. Res. 1116. Joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress; to the Committee on the Judiciary.

By Mr. COLLIER:

H. Con. Res. 564. Concurrent resolution to seek the resurrection of the Ukrainian Orthodox and Catholic Churches in Ukraine; to the Committee on Foreign Affairs.

H. Con. Res. 565. Concurrent resolution: Congressional spending limitations; to the Committee on Government Operations.

By Mr. DEVINE:

H. Con. Res. 566. Concurrent resolution expressing the sense of the Congress with respect to the declaration of policy contained in section 101, title I of the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. REUSS:

H. Con. Res. 567. Concurrent resolution to revise the formula for distributing special drawing rights; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ASPIN presented a bill (H.R. 13897) for the relief of Harvey E. Ward, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

199. By the SPEAKER: Petition of the Congress of Micronesia, Capitol Hill, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to making the provisions of the Rural Electrification Act of 1936, as amended, applicable to the Trust Territory of the Pacific Islands; to the Committee on Agriculture.

200. Also, petition of the Congress of Micronesia, Capitol Hill, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to the appointment and retention of Prof. Harrop A. Freeman, to the Committee on Interior and Insular Affairs.

201. Also, petition of the Congress of Micronesia, Capitol Hill, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to allowing the Congress of Micronesia to take part in the process of selecting the High Commissioner, the Deputy High Commissioner, the Chief Justice, and the associate justices of the trust territory; to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

WHO RIDES THE BUS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. HARRINGTON. Mr. Speaker, Mr. Paul Parks, the author of this eloquent letter on the emotionally charged subject of school busing is a man with unsurpassed credentials in the field of integrated education. For many years he was chairman of the education committee of the Greater Boston Chapter of the NAACP. Since January 19, 1968, he has been the administrator of one of the most successful model cities programs in the Nation located in Boston. And it is important to note in this connection that the area served by the Boston model cities program is genuinely racially integrated with large numbers of whites and blacks and growing numbers of Spanish-speaking Americans making up its population. It is indicative of Mr. Parks' deep commitment to the creation of a just and integrated society in America that he has presided over the program in a manner that has increased racial harmony.

I commend Mr. Parks' letter to every Member of this body and it is my earnest hope that it will be given consideration by the House in our future votes on busing.

The letter follows:

Model City Administration,
Boston, Mass., February 22, 1972.

Representative Michael Harrington,
Longworth Building
Washington, D.C.

Dear Representative Harrington: I would like to take this opportunity to express my dissatisfaction at the possibility of seeing the Congress support constitutional amendments on the busing of school children. The issue is not now nor has it ever been the question of busing school children; the question happens to be a question of who rides the school bus and what school location does the bus ride end. To talk about quality education without integration is an absolute folly because it was not until white children began to be bused to what was formally all black schools that people began to raise very vociferously the discussion of busing which underscored the fact that the schools were not up to the standards of the schools they had previously attended.

This was an open omission of the fact that they considered the black children whom their children were going to be sitting beside as inferior children or the schools they were attending were inferior. For what other reason would one have at showing such deep concern about the children's involvement in what should be an enlightening educational experience that was created by a bus ride.

I think that there are some very dangerous and serious implications in creating constitutional amendments that would say people have a choice in making the decision as to whether or not their children should be bused to create an integrated system. People could say under most of the amendments that are being proposed that they disapproved or approve of having their children take the bus ride. What they are saying by disapproval is they are opposed (in most cases) to children being in an integrated educational setting.

If we pass a constitutional amendment to prohibit busing of children, we could well be setting a precedent for other constitutional amendments that would allow owners of hotels, restaurants, etc., to decide who they should or should not serve based on the race of the customer. We will be turning back the clock very seriously and once again we will be opening up the possibility of inhumane treatment being perpetrated on black people in America.

I think we should make it unalterably clear that busing is not the issue, but school integration is the issue and the opponents of bus rides are using the bus as a tactic to keep from carrying out a reasonable integration plan.

Even as I hear the governor of Florida talk about a referendum that eliminates busing, but supports quality education, on the surface these two positions are in direct opposition to each other. I also feel strongly that the President by setting the tenor of opposition to busing is de-watering the mandate of the 1954 Supreme Court decision and probably also unwittingly is setting a climate for people to defy the rulings of the Supreme Court. We are moving into a very, very dangerous period in terms of creating a wholesome climate for the continuing posture of interaction between blacks and whites. There are people within the black community who are interested in developing a constituency that would support the separation of the races who see no answer to the racial question in America other than a violent confrontation between the races. The President is again unwillingly adding fuel to that fire. By supporting these kinds of forces as he speaks to the issue of making the constitutional provision that the busing of school children to obtain integration is in fact unconstitutional.

It is for these reasons that I feel very strongly that these constitutional amendments must be defeated and that we must get on about the job of creating an integrated school system throughout our nation and also an integrated society and thus eliminate the impending threat that we will legally commit ourselves to the support of destructive forces that would create a system of violence in our nation.

I also hope that neither the Congress nor the President is using the threat of constitutional amendments as a tactic to force the

Supreme Court to back away from their efforts to mandate school integration.

It is not my intention to be a merchant of doom, but to look very closely at the facts, I believe that a segregated society in our nation must be seen by all of us as absolutely intolerable.

Very truly yours,

Paul Parks,
Administrator.

SICKLE CELL ANEMIA—A DISEASE THAT CRIES FOR A CURE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. BIAGGI. Mr. Speaker, sickle cell anemia is a hereditary disease which, due to lack of Federal research support, remains incurable. Found primarily among members of the black race, it results in the occurrence of an abnormal hemoglobin in the red blood cells. The victims suffer near unbearable pain, sometimes for years, before they finally die.

The most saddening fact about sickle cell anemia is that its primary victims are children. They enter clinics or doctors' offices suffering from anemia, pallor, weakness, poor physical development, jaundice, enlargement of certain organs, such as the heart, liver, and spleen, skin ulcers, and increased susceptibility to certain infections. Many are paralyzed or nearly blind.

Over the course of the past several years we have spent a great deal of money to conquer such hereditary diseases as cystic fibrosis or phenylketonuria. Practically no Federal funds, however, have been spent to find a cure for sickle cell anemia—the black man's disease.

Surely, we must continue to support medical research on all of the major diseases afflicting mankind. However, the effect upon the black community of this one disease is so sizable that a continued effort to find a cure must be made immediately. The anemic, or active form of the disease occurs in about 1 in 500 black births in the United States. The median age of survival is 20 years. Moreover, the extensive hospitalization required in the treatment of this disease forces the victim to miss school, work and the many other normal functions of their daily lives that contribute to growth and development.

Mr. Speaker, I have cosponsored legislation which would provide funds for research to find a cure for this horrible disease. The bill reported out by the Committee on Interstate and Foreign Commerce should be brought to the floor for final action as soon as possible. The $75 million for screening and counseling programs and the $30 million for research provided in the bill is desperately needed if we are to conquer this dreaded killer.

We must continue our struggle to rid the world of all diseases which afflict mankind. This cannot be accomplished, however, without the Federal research funds necessary to carry out this noble objective. Diseases, like sickle cell anemia, are the scourge of the poor man's existence, and we cannot rest until each and every one of them has been eliminated from the face of the earth.

MRS. JAMES LYNCH IS IRISH MOTHER OF THE YEAR

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. JAMES V. STANTON. Mr. Speaker, in commemorating St. Patrick's Day, each year the Greater Cleveland United Irish Societies choose one of the outstanding Irish women of the area as Irish Mother of the Year. I would like to express my warmest congratulations to Mrs. James Lynch who will be honored as the Irish Mother of the Year in 1972 St. Patrick's Day Parade in Cleveland. In the words of her citation, Mrs. Lynch is "a woman whose life has reflected credit on the Irish nationality, and whose example has been a source of inspiration to the community."

In tribute to her achievements, I would like to insert the following article concerning Mrs. Lynch into the Record.

The article follows:

[From the Plain Dealer (Ohio), Mar. 10, 1972]

Irish Pick Widow of Immigrant

A native Clevelander, widow of an Irish immigrant, will be honored next Friday—St. Patrick's Day—as Cleveland's 1972 "Irish Mother of the Year."

She is Mrs. James J. Lynch, 2122 W. 105th Street, mother of four and grandmother of 17. Her husband, who died four days after cochairing the city's 1962 St. Patrick Day Parade, had come to Cleveland from County Mayo, Ireland.

The former Beatrice Gallagher and Lynch were married in 1924. Together they played a key role in establishing the Greater Cleveland United Irish Societies in 1958.

A "James J. Lynch Memorial Trophy" now goes each year to the marching band voted "best" in the St. Patrick's Day Parade.

Mrs. Lynch, as "Irish Mother of the Year," will occupy the place of honor among the United Irish Societies in the 1 p.m. March 17 parade. Her selection came on the basis of her being "a woman whose life has reflected credit on the Irish nationality, and whose example has been a source of inspiration to the community."

Her husband was president of the Ancient Order of Hibernians at the time of his death. For 25 years she has been a leader of that group's ladies auxiliary. Five years ago Mrs. Lynch was Hibernian "Woman of the Year."

GIRL SCOUTS AT 60

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mrs. GRASSO. Mr. Speaker, Girl Scout Week is a significant event on our national calendar.

A source of stability and guidance for girls from 7 to 17, the Girl Scout organization has grown from Juliette Low's small troop in 1912 to include some 3,250,000 girls and 670,000 adults.

The first Girl Scout troop in New England, and possibly the second in the Nation, was organized in Litchfield, a town in the Sixth District of Connecticut which I am privileged to represent. Mrs. Baillie Ripley met Juliette Low in the spring of 1912 and obtained a certificate to establish the troop. Since that time, Girl Scouting has become an international organization with programs that run the gamut from camping and conservation to work in the inner city.

My warm congratulations to Girl Scouts past and present on this splendid anniversary. Sixty years of service in so many important causes is a remarkable record indeed.

For the interest of my colleagues, editorials from the March 12 Hartford Courant and the March 12 Hartford Times follow:

[From the Hartford (Conn.) Courant, Mar. 12, 1972]

Happy Birthday to 4 Million Helpers

Although the average woman may be a bit reticent about her age, there are 4 million Girl Scouts who today are proud to admit this is their 60th birthday. And they have a right to that pride. Theirs is a heritage whose tapestry is made of the silver floss of self-improvement and the golden threads of service. Its weavers are dedicated leaders whose accumulated contribution of time is beyond numbering since Juliette Low invited 18 girls to tea in her Savannah home in 1912. During the ensuing years girls from seven to 17 have prepared themselves for the world they live in. And that preparation not only enhances their own lives but also fits each Scout with an expertise for a lifetime of helping others.

Indeed, volunteerism, which may well be one of modern day's most vital factors, is synonymous with Girl Scouting. Not mere recipients of a community agency's benefits, each girl, during her lifetime probably will return many times what she got. Patterns of service in hospitals and to the aging are already well-established, for instance.

And it is safe to say there is not a recycling program in the state which fails to include Girl Scouts among the workers. In education, the local council notes a worthy new project in Windsor last year where older Scouts acted as classroom aides during parent days releasing teachers for conferences. Proof of their success: They were asked to come back.

In Hartford plans are in progress to plant 500 trees on April 29, Arbor Day, as well as participate in Keep America Beautiful Day through a variety of clean-up and conservation projects.

But, then, doesn't everyone know about Girl Scouts' contributions to the well-being of all of us? That, indeed, is the real test of their good deeds—we take them for granted. But not this week. Happy 60th. And many happy returns, girls. You'd be hard to replace.

[From the Hartford (Conn.) Times, Mar. 12, 1972]

Girl Scouts at 60

Sixty years ago, on March 12, 1912, Juliette Gordon Low organized the first Girl Scout troop in Savannah, Ga.

From that small beginning, the organization has grown to encompass 3,250,000 girls and 670,000 adults.

Serving girls from 7 to 17, the organization has grown in the variety of its programs ranging from conservation and and camping to assistance to migrant worker families and extension of its troops in the inner cities.

An example of Girl Scouting at its best exists in the Connecticut Valley Girl Scout Council, with home base in Hartford.

This council, established in 1921, serves approximately 14,000 girls and has some 2,000 adult members. It has four camps in East Hartland, Manchester, Kensington and Glastonbury and is developing a new one in Tolland, Mass.

In recent years, a continuing effort has been made to remake the image of a middle-class, middle-income organization. The effort has brought Girl Scouting to thousands of inner city children, to give them the benefits of year-long programs and summer camping.

In a nation in which older values are being questioned and challenged, Girl Scouting stands like a grove of ancient pines, bending and moving with the winds of change, rooted in a tradition of self reliance, learning of skills, and service to one's fellows.

RECYCLING CENTER IN DAYTON, OHIO, BIG SUCCESS

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. WHALEN. Mr. Speaker, last year the Greater Dayton, Ohio, Jaycees provided the seed money to establish a recycling center in conjunction with Dayton's City Beautiful Council. With the cooperation of many local businesses, the center has become one of the most unique environmental action projects in the Nation through which teenage volunteers, staffing a once abandoned service station, have collected 2 percent, by weight, of the solid waste collected by Dayton's Division of Waste Collection.

The center opened on June 5, 1971, after local paper and scrap metal recycling firms offered to provide large open box containers for the collection of paper and metal and agreed to buy the recovered resources. In addition, a local beer distributor offered to donate transportation of glass to the nearest recycling plant 80 miles from Dayton. Other local businesses donated barrels, signs, paint, tools, trees, and a refrigerator for the center.

Between June 1971 and February of this year, 24,000 vehicles delivered to the center 590 tons of paper, 380 tons of glass, 200 tons of metal, and 30 tons of clothing. It is estimated that as a result, 10,000 trees, 300 tons of iron ore, and 200 tons of coke have been saved and one and a half million bottles have been recycled. Recently the center's services have been expanded to accept motor oil for recycling and unused pesticides and high phosphate detergents for controlled incineration.

Special projects have included the collection of more than 22,000 old telephone books during the month of February, and this month an effort is underway to obtain old bicycles and tricycles that will be repaired and repainted by patients of the Dayton Mental Health Center and given to underprivileged children.

Mr. Speaker, a number of other factors indicate further the success which the center has enjoyed.

First, the income realized by the center from the sale of recovered resources has enabled it to repay the seed money and to pay its operating expenses. The center's profits are divided between the high school student volunteers and the Jaycees' handicapped children's program. I should point out here that the center is open only on Tuesday and Thursday afternoons and all day Saturday.

Second, the center's success has led to the development of similar projects in four neighboring communities.

Third, a brochure entitled "Planning and Operating an Environmentally and Economically Successful Recycling Center," written as a result of the project, has been requested and mailed to more than 300 individuals and groups in 30 States.

On March 4, I had an opportunity to visit the center. All of the laudatory comments I have heard were confirmed. These young people truly are doing an outstanding job. They and their patrons, many of whom are forming carpools and taking turns delivering the neighborhood's recoverable resources, deserve our praise and support.

In closing, Mr. Speaker, I would like to list the names of the businesses and agencies which have contributed to the center's efforts:

Backyard Farmers & Ecology Garden Club.
Becker Electric.
Behm Glass.
Bonbright Distributors.
Borchers Ford.
Clark Oil Company.
Cotter Sign Company.
Dayton's Bureau of Parks & Division of Waste Collection.
Dayton Outdoor Advertising.
Delco Moraine.
Diem & Wing Paper Company.
Fiori Mill Supply Company.
Franklin Iron and Metal.
Fryman Display Company.
Garden Club Federation of Dayton and Vicinity.
GEL Electric.
Industrial Waste Disposal.
Loose Nursery.
Marathon Oil Company.
Martin Electric Company.
Midwest Beer Distribuors.
Montgomery County Beer Distributors.
Multimedia, Inc.
Parking Management, Inc.
Pepsi-Cola Bottling Company.
Photo-Span, Inc.
Quality Beer Distributors.
Siebenthaler Nursery.
Siegler Bottling Company.

NASHVILLE BANNER PRAISES HOUSE ACTION ON BUSING

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the Nashville Banner in a recent editorial commented favorably on the recent action of the House in standing fast on strong antibusing amendments to prohibit busing to achieve racial balance in the schools.

Because of the interest of my colleagues and the American people in this matter, I place the editorial in the RECORD herewith.

The editorial follows:

[From the Nashville Banner, Mar. 9, 1972]

ON BUSING ISSUE, HOUSE SAYS NO!

The U.S. House of Representatives demonstrated yesterday why it is called the legislative instrument closest to the people. By a 272–139 vote—virtually two to one—it instructed members on that House-Senate conference committee to stand fast behind the strongest anti-busing amendments yet introduced in Congress to block busing for achievement of racial balance in the schools.

Critics are weeping on the premise that this stand will paralyze or destroy the present Educational Finance Bill now before Congress. Apparently they regard that as untouchable.

The nation's concern at the grassroots level is that the busing devotees will destroy the school system—by inflicting outrageous hardships on the children, black and white alike, and by removing all local controls in favor of strings in the hands of a centralized bureaucracy.

Senators on the side of the people came within a hair's breadth of adding that corrective rider to the Education Bill in their own chamber. Unquestionably they will be spurred by the decision in the House—the net being progress on a two-fold approach, banning busing specifically by the written law, or by amendment of the Constitution.

Tennessee notes with gratitude that its House delegation yesterday was on the people's side. Eight Tennessee votes there were registered against busing and Rep. William Anderson, out of the city, was paired against it.

That conforms assuredly with the people's sentiment expressed more than inferentially by the state House of Representatives yesterday. It moved to put a busing referendum on the presidential primary ballot.

Hardly could there be any question on how the electorate will vote on that question.

It is one of those states, north, south, east and west, that have instructed—or would instruct—their representative law-makers to vote against this inordinately costly, cumbersome, totally unacceptable busing extravaganza.

The schools still belong to the people. As President Nixon has said, the controls belong there. Let Washington take due note of that, and act accordingly; the will and right of the people demanding it.

JAMES W. HOWE ANALYZES SPECIAL DRAWING RIGHTS SYSTEM IN OVERSEAS DEVELOPMENT COUNCIL STUDY

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. REUSS. Mr. Speaker, the Overseas Development Council has just issued a highly informative examination of special drawing rights and of proposed changes in the system, authored by James W. Howe, a former longtime official of the U.S. foreign assistance program.

In the course of his paper, Mr. Howe

cites prospects for a more efficient world economy which could result from revising the present SDR distribution formula. The potential advantages include increased prospects for a U.S. trade surplus and increased pressures for fiscal responsibility by both developed and developing nations, he suggests.

The paper follows:

DISTRIBUTING THE BENEFITS OF SPECIAL DRAWING RIGHTS AMONG NATIONS RICH AND POOR

(By James W. Howe)

SDR RESERVES

Two years ago the International Monetary Fund (IMF) began creating something akin to international money in large amounts—over $3 billion per year. It was called Special Drawing Rights (SDR's) and is often popularly referred to as "paper gold." SDR's may be used by governments as official reserves. As world trade expands and governments desire more reserves, it is expected that additional SDR's will be needed. The U.S. New Economic Policy of August 15, 1971, and the recent devaluation of the dollar may make the dollar less desirable as official reserves, and hence may cause the importance of SDR's in the world's monetary system to increase.

Since World War II, most reserves have consisted of gold and dollars. But gold supply is not increasing fast enough or at a reliable enough pace to meet the expanding need for reserves. Insofar as the supply of dollars is concerned, it can only expand if the U.S. runs a deficit, and issues dollar obligations to cover it. These obligations are used by others as reserves. For a time was acceptable but it has a number of drawbacks when done continually. Thus a new reserve was needed, such as SDR's, whose supply could be controlled by deliberate international decisions. Otherwise, nations were apt to create barriers to international trade, devalue their currency or follow internally deflationary policies in order to protect their inadequate reserves.

The basic decision to create SDR's was made by a group of the ten richest trading countries outside the Communist world, called the Group of Ten. Its decision was formalized by the International Monetary Fund which has 118 members and a weighted voting system in which the rich nations control 73% of the vote. That decision, ratified on July 28, 1969, was to create $9.5 billion of SDR's over a three year period and thereafter to decide at suitable intervals how many additional SDR's to create. On January 1, 1972, allocation of SDR's under the first three year period was completed. Hence during the current year a new decision by the IMF is expected on the duration of the next basic period, the volume of SDR issuances and on any change that may be agreed in the formula for distributing them.

SPECIAL RULES ON SDR'S

Many of the rules governing the SDR agreement are designed to assure that members accept SDR's when they can afford to do so and do not try to get rid of them unless they genuinely need to. "Need" is, in the first instance, judged by each country for itself, but the rules generally adhered to are that a country may exchange its SDR's for a currency it desires only when it is running a persistent deficit in its balance of payments, or has problems with its reserves. Similarly, participation in the scheme requires those countries with balance of payments in surplus and which are designated by the IMF as being able to afford to do so, to accept SDR's and give up an acceptable convertible currency. The maximum amount of SDR's that "designated" participants may be required to accept is two times their original SDR allocation.

DISTRIBUTION OF SDR'S

SDR's are distributed free of charge to those members of the IMF which elect to participate in the SDR scheme. The distribution is in accordance with the members' "quota" in the IMF. Roughly, this means in accordance with the amount of money such countries originally put up back in 1945 (or under subsequent amendments) to get the IMF started. Thus the members which set up the IMF and subscribed the largest quotas tend to get most SDR's. The 25 so-called "developed countries" receive nearly 73% of the total, the same percentage as their votes in the IMF. The 86 less developed countries (LDC's) that participate in the SDR scheme get the remainder (27%). Seven IMF members do not participate in the SDR scheme. Nonmembers get no SDR's. With the exception of Yugoslavia, no Communists have joined the IMF.

The reason the SDR system was created was to put liquidity where it is needed in order to encourage countries to reduce trade barriers and to follow wise economic policies in order that there might be a more efficient world economy.

A number of monetary experts have criticized the present distribution formula because it provides no incentive for recipients to follow sound internal economic policies and to reduce barriers to international trade. LDC's criticize the system because it does not sufficiently support their development. There are a number of proposals for revising the distribution formula to achieve these objectives and to give more of the benefits of the SDR scheme to the LDC's. Some would give SDR's directly to LDC's, or to the international banks which would lend to them thus making developed countries earn SDR's by exporting. Others would make the developed countries pay for the SDR's with, for example, their own currency, and give or lend those currencies to the LDC's through the international development banks. Some would require the developed countries to "voluntarily" give some of their SDR's or the equivalent in national currency to the international development banks.

In addition to these proposals applying to the annual creations of SDR's, a proposal has been made recently that there be a special issuance of SDR's which would be exchanged for some of the excessive balances of dollars and sterling being held as official reserves by certain countries. Estimates of the size of the "overhang" of unwanted reserve currencies range between $15 and $30 billion. The SDR's issued by the IMF currently pay 1½% interest (on amounts held over and above the original allocation) whereas dollar and sterling obligations pay a much higher rate. The difference in interest between what the IMF would receive from the U.S. and the U.K. and the interest the IMF would have to pay to the holders of the special issue of SDR's could be devoted to development.

Most of the rich countries originally opposed the idea of distributing to LDC's more of the benefits of annual SDR creations. They have raised a number of objections which are discussed in the paragraphs that follow.

WOULD GREATER DISTRIBUTION OF THE BENEFITS TO LDC'S IMPAIR THE SDR SYSTEM?

The developed countries were convinced that directing more of the benefits of annual SDR creations to development would impair or possibly destroy the SDR system. It would be hard enough, they reasoned, to get participants to accept these untried instruments and retain them as part of their official reserves. If recipients had to pay for them with their own resources, they might simply be unwilling to participate. Thus, the first thing any proponent of a redistribution formula has to prove is that such a formula will not make members unwilling to accept and hold SDR's. This in turn depends upon whether members consider SDR's to be a valuable reserve asset. If they do, they will presumably be willing to pay resources to get them. If not, they would not be willing and hence adopting one of the redistribution formulas (which would require the rich countries to pay resources to get SDR's) would effectively impair the operation of the SDR system.

The acid test is whether countries want SDR's enough to spend their own currency (and therefore their own goods and services) to get them. Only two years have elapsed, so any conclusions must be tentative. But there is growing evidence that rich countries do consider SDR's to be a real reserve asset, if not as good as gold, then at least good enough to justify holding a substantial amount of them in their reserves. Several countries, when given a choice by the IMF of receiving gold or SDR's (on a special transaction not realted to SDR allocations) have chosen SDR's. And the IMF in its most recent Annual Report (page 38) has set down its own summary conclusion of experience to date:

"During the period of January 1, 1970 to June 30, 1971, special drawing rights have become established as usable and acceptable reserve assets in transactions among participants and in transactions and operations between participants and the General Account; participants have been willing to hold and acquire them and have been able to use them readily to obtain needed foreign exchange."

Since that time the decision to devalue the dollar in December has probably enhanced the value of SDR's in the minds of some national monetary authorities. If this preliminary evidence of the acceptability of SDR's is reliable, this means that adopting one of the redistribution formulas would not destory the SDR system.

COULD FUNDING UNWANTED RESERVE CURRENCIES BE DONE IN A WAY THAT WOULD DISTRIBUTE SOME OF THE BENEFITS OF THE TRANSACTION TO DEVELOPMENT?

In order to rid the international monetary system of the destabilizing effects of the large balances of dollars and sterling, proposals have been discussed under which a portion of such balances would be obtained by the IMF in exchange for a specal issuance of SDR's. These proposals would devote to development the difference between the relatively high interest rate the IMF receives on the reserve currency obligations and the 1½% paid on SDR's. One problem is that the holders of the reserve currencies might object to losing this interest rate differential even though they gained an asset with an exchange rate guarantee. Thus, it might be necessary to pay more than 1½% on the special issuance of SDR's, and the differential available for development would be correspondingly smaller. Moreover, if reserve currency countries were required to maintain the gold value of IMF holdings of such currencies, they might ask for a reduction in interest rates paid thereon. Conceivably the combined effect of these two positions might kill any interest rate differential available for development.

In addition to (or as an alternative to) the interest rate differential, there might be an agreement between the IMF and the reserve currency countries under which the IMF holdings of excess dollars and sterling would be amortized by the U.S. and the U.K., for example under a flexible schedule which required payments in times of balance of payments surplus but not in times of deficit. The assets received by the IMF as these reserve currency obligations were retired could be devoted to development.

WOULD A REDISTRIBUTION FORMULA ASSOCIATED WITH ANNUAL SDR ALLOCATIONS PUT PRESSURE ON THE IMF TO CREATE MORE LIQUIDITY THAN THE WORLD NEEDS FOR TRADING PURPOSES?

Some observers have objected to a formula which gives more of the benefits of annual SDR creations to the LDC's on the grounds that the latter will press for a larger volume of SDR creations than is necessary to meet the world's need for liquidity because a large volume of SDR's would give more resources to the LDC's. Two factors would discourage this from happening.

First, LDC's have only a minority vote in the actual decision-making. Their vote amounts to 23% and it takes a majority of 85% to make the decision to create SDR's. Thus, LDC's could not force through a plan to create SDR's excessively. On the other hand, they could veto an SDR scheme if they thought it was creating too few SDR's. Since that would give them zero resources it is unlikely they would do so, but it is a possibility.

Second, as a condition of accepting the redistribution formula, the rich countries could insist that the IMF adopt an unequivocal statement of principle that volume of SDR issuances is to be governed *only* by considerations of need for liquidity and explicitly not by need for development resources. Thereafter, any pressure by LDC's to create additional SDR's to meet development needs would be weakened by the fact that it would be out of order under the IMF's statement of principle.

Another possibility exactly the opposite of the one discussed above is that the LDC's might strike a deal with Europe in which Europe, which currently wants fewer SDR's than the U.S., would support an SDR distribution formula favorable to the LCD's in return for LDC support for fewer SDR's. Mathematically such a deal could work out to yield more resources for the LDC's than the present system. This might hurt the U.S. which has welcomed a large volume of SDR's. But of course, no such deal could go through without the concurrence of the U.S. which has enough votes to cast a veto.

The above discussion points up a danger perhaps equal to the danger that LDC's will seek to force excessive creations. This danger is that powerful developed countries which expect a deficit in their balance of payments, may press for larger creations. The U.S., with 23% of the vote, the largest "user" to date of SDR's and with a prospect of continued deficit can veto any SDR scheme it considers inadequate. Moreover, it not only has votes, it has great economic and political power. Commentators on the various redistribution formulas have often taken it for granted the LDC's would press irresponsibly for large creations to serve their needs whereas the rich countries would always be responsibly conservative. Such may not be the case at all.

Let us consider the voting lineup in the hypothetical case where 100% of the SDR's annually created was allocated to the World Bank to convert to convertible currencies to be used for development. All of the LDC's would be in favor of a large volume of SDR's. But since no developed country could receive any windfall (as a number of them do at present) all of them would be more likely to favor the volume they objectively believed to be required by world liquidity needs. Under the present system, any country which expected a deficit might vote for excessive creations. Instead of only 27% of the vote (the LDC share) being in favor of excessive creations, it is not hard to imagine situations where a much larger percentage would so vote (e.g., U.S., U.K., and the LDC's together total over half the vote).

This discussion of just a few of the possible interplays of interest illustrates that it is by no means certain what effect, if any, adoption of a redistribution formula might have on volume of SDR's.

WOULD ALLOCATING MORE SDR'S—OR THEIR EQUIVALENT IN NATIONAL CURRENCIES—TO POOR COUNTRIES BE INFLATIONARY?

Would it create more demand for goods from the developed countries than the present allocation formula? In all probability it would. Indeed, since one major purpose of the redistribution formulas is to move resources from the rich to the poor, total world demand should go up unless offset by a decrease in demand in the rich countries. Such a decrease might occur, for example, as a result of tax increases in the rich countries to raise the revenue to pay for the SDR's.

But let us assume worldwide demand would rise. Would this cause inflation? It would not, if the demand were directed to countries having unused productive capacity, such as the U.S. currently has. But to some extent demand would be directed to countries whose factories, farms and labor force were already fully employed. This would have an inflationary effect on such countries.

Some observers have suggested the way to deal with the problem is to tie (or partially tie) funds generated by the redistribution formula. Then these funds could only be used for procurement in the country that put up such funds to pay for the SDR's, (or under alternate versions of the formula, the country that put up a share of its SDR's). Because of the tying, the inflationary pressure would not concentrate in the full-employment countries. The flaw in the tying suggestion is that the full-employment countries probably would not permit it. For the most part they are not as worried about inflationary pressure as they are about losing potential business to the U.S. and other economies. This in itself is a sign the inflation argument does not currently reflect real political forces in the rich countries.

The inflation argument would be valid only if the world as a whole were experiencing full employment. So long as there is substantial unemployment among the exporting countries, the inflation argument is not very powerful. And even if the whole industrialized world were enjoying full employment, that might be an argument for limiting the creation of SDR's, but not for creating them and then allocating them predominantly to the rich countries.

To argue this way is to say that the rich countries cannot spare resources for the poor. In fact, that is what the whole inflation argument comes down to: can the rich spare resources for the poor? Most of the arguments I have seen against the redistribution formulas are prefaced with declarations of support for more aid for development. Some of these commentators explicitly endorse the idea that the rich should supply one percent of their GNP in aid. Having taken this stand, it is therefore inconsistent for such observers to use the inflation argument against redistribution since (with some variations) the inflation argument is as applicable to an increase in aid appropriations (of comparable size) as it is to development funds generated by a redistribution formula.

Finally, a look at the figures suggests the inflationary impact may be quantitatively insignificant. Let us assume that SDR's were created at an annual average of $5 billion per year, a $2 billion increase over present levels; that 100% of the SDR's or their equivalent in currencies were given to the LDC's and that the LDC's were twice as prone to use them as the rich. (Some of these assumptions are deliberately exaggerated.) The extra inflationary impact on the world of such a redistribution system would be $2.5 billion compared with a system which gave 100% of the SDR's to the developed countries. The total annual demand in developed countries at present is $1,866 billion (in 1969) excluding Communist countries. So, assuming that all of the increased demand wound up in the developed countries of the free world, the inflationary impact on them would be a little over one-tenth of one percent. If full-employment countries "suffered" twice as much impact (got twice as much of the additional business) as the average participating country, the pressure on them still would be well under three-tenths of one percent. This suggests the inflation threat may have been exaggerated.

WOULD FUNDS GENERATED BY A REDISTRIBUTION FORMULA MERELY SUBSTITUTE FOR AID FUNDS?

One of the most frequently cited redistribution formulas would allocate SDR's or funds generated by SDR's to the international development banks for lending to the less developed countries. This has stimulated the objection that whatever resources may be transferred to the three international development banks by such a formula may not be additive. Donor countries may simply reduce the funds they would otherwise have made available to the banks through appropriations, by a like amount.

How much appropriated money do the banks receive now? The three banks which receive appropriations are (1) the International Development Association (IDA) which is the soft loan window of the World Bank, (2) the Inter-American Development Bank (IDB) and (3) the Asian Development Bank (ADB). A fourth bank, the African Development Bank, has not yet gotten sufficiently under way to receive major contributions from the donor countries. The donors now have agreed to finance IDA at a rate of $800 million per year. In the case of the soft loan window of the IDB, the U.S. (the only developed country contributor) has sought an authorization from Congress of about $350 million per year. There is no basis yet for calculating an annual rate for the soft loan window of the ADB. The original contributions in hand or being sought for ADB come to $300 million from all countries. For awhile the ADB rate of use will be small.

Thus, the soft loan windows of these three banks together are scheduled to receive about $1.2 billion in annual contributions of appropriations from donor countries. This would be an expansion over recent levels of actual use which have been about $1.0 billion per year. If the current rate of $3 billion of SDR's were created and if 50% of the SDR's or funds generated by SDR's were provided to the banks the annual amount would be $1.5 billion, a modest increase over the present rate of use. It might be some time before the banks could use more than $1.5 billion. Meanwhile therefore, it is reasonable to suppose the annual replenishments of the banks with donor country appropriated funds might be discontinued or reduced. This is even more likely to be true if in addition to the above funds, banks are the beneficiaries of funds generated by funding the excess of holdings of dollars and sterling official reservers. Yet even if annual appropriations were entirely discontinued, three important gains would have been achieved by adopting a redistribution formula:

First, obtaining funds through such a formula involves no budgetary burden for donor countries. Thus it is much less painful than annual foreign aid appropriations. *Second*, adopting the redistribution formula eliminates what appears to the LDC's to be a clear case of unfairness built into the international monetary system, thus alleviating a needless irritant. *Third*, at least judged from the numbers above (which I believe are conservative) adopting one of the formulas would permit an expansion in the soft loan activities of the international financial institutions. If one of the formulas were also applied to funding the dollar and sterling "overhang" an even greater expansion could occur.

However, it is not necessarily the case that resources generated by such formulas would be programmed through the banks. Proposals abound for using such resources to help development, other than through the lending programs of the banks. For example, one proposal would use such funds to help LDC's raise money by placing their bonds in the expensive private bond markets of the developed countries. Funds resulting from redistribution formulas could be used to pay part of the interest charges on such bonds. Another proposal would use such funds to subsidize trade among the less developed countries. There are other proposals. Hence it does not automatically follow that adoption of a redistribution formula would even temporarily relieve donor countries of the burden of appropriating funds for the banks.

Some observers argue that adopting such a formula would cause Congress to cut appropriations not only for the banks but also for bilateral development aid as well. No doubt some opponents of aid would use this as a reason to argue for such cuts. But depending on the way funds generated by a redistribution formula are used, such a formula could weaken rather than strengthen their case. For example, if the formula reduced the budgetary burden of aid by removing the banks' appropriations from the budget, that might enable supporters of aid to more easily win approval for the remaining bilateral development aid package since the total volume of appropriations for development would be smaller. On the other hand, if funds generated by such a formula were so used that there was no reduction in appropriations requested for the banks, the existence of the formula might be used by aid opponents to achieve some cuts in bilateral appropriations.

But even if the worst befell and the cuts in bilateral and multilateral appropriations completely offset the flows of benefits from SDR creations, there would still be the first two gains cited above plus one other applicable to bilateral aid. Funds generated by the formula would be of higher quality than bilateral aid funds because they would be untied, more concessional and would not be subject to the many legislative and administrative restrictions that have reduced the flexibility and utility of bilateral aid funds.

And there is the additional factor that—in the case of the U.S.—aid appropriations for development seem to be in profound trouble, condemned in the view of many seasoned observers, to continuing stagnation. For example, the recent aid bill approved by Congress makes clear the sense of Congress that bilateral development loans should drop to $100 million by 1975. Thus the question may not be "will SDR-generated funds cause appropriations to decline?" but rather, "since appropriations are declining anyway, will SDR's help to meet the need?"

WOULD THERE BE HARMFUL FLUCTUATIONS IN THE FUNDS SUPPLIED BY A REDISTRIBUTION FORMULA?

Related to the above, some have objected that during periods when fewer additional SDR's were needed for liquidity the international financial institutions dependent on the SDR creations would suffer. The argument is that once having discontinued appropriations it would be hard to start them again. In the U.S. the reverse may be the case. If we had gone without appropriations for international banks (or managed with reduced appropriations) for a period of years, and if there were a prospect that the need to reactivate appropriations was a one-time need, caused by the failure of the SDR system to generate funds, it might be much easier to get appropriations than if annual appropriations were a regular occurrence. In the case of foreign aid, seeking Congressional appropriations annually, instead of building tolerance for appropriations, seems to have built cumulatively greater resistance. A system which relied on SDR's, using appropriations only intermittently when it was not necessary to create SDR's, might work much better. Compared with the grim prospects for appropriations—at least in the U.S.—the argument that SDR-generated funds might fluctuate is not very strong. In addition, if annual SDR-generated funds were supplemented by funds from funding the overhang of dollars and sterling the latter would help to cushion any shock resulting from the interruptions in the former.

On the other hand, some observers suggest a future decline in need for liquidity might not be temporary. For example, if the monetary reforms now being negotiated are so successful that necessary adjustments in trade can be made quickly and smoothly through exchange rate realignments, it is possible that, in time, countries may want to accumulate fewer reserves. Future SDR annual creations might drop in volume to a fraction of the current rate and even run at negative levels for short periods. At present, that does not appear likely since the hoarding urge seems to be part of the genetic fiber of Man. But no one can be sure it will not happen. Hence caution is necessary. At this stage it would be premature to count on being able to discontinue appropriations for international banks permanently.

ARE THE REDISTRIBUTION FORMULAS AN EVASION OF PARLIAMENTARY CONTROL OVER "AID"?

Another objection sometimes heard to the redistribution formulas is that any flows which help development ought to go through parliaments and be subject to appropriations. Otherwise parliaments lose control over "aid." The 27% of SDR's now allocated to poor countries is not thought of as "aid." Nor is the 73% which goes to the developed countries considered "aid" in spite of the fact that two such countries, the U.S. and U.K. have used more SDR's (exchanged them for foreign currencies) than all of the LDC's taken together. Yet any proposal for increasing the share of the benefits going to LDC's is almost always referred to as "aid" by proponents as well as opponents. Why should this be the case?

The most likely reason is that people regard the present 73% as "belonging" to the developed countries. Anything that belongs to us which we give up to others is "aid." In fact, however, tying the allocation of SDR's to the quotas of participants in the Fund is only one of many possible formulas and by no means uncontroversially superior to others, either from the point of view of efficiency in achieving the monetary and trading purposes of the SDR system or from the point of view of achieving collateral world objectives such as development, (one of the stated purposes of the IMF) or from the point of view of inherent fairness. Thus it does not follow that 73% of the benefits are immutably "ours," and that any sharing of them constitutes "aid."

Therefore, throughout this paper I have avoided using the commonly accepted term "link" which refers to any formula for linking SDR creation to increased "aid" to development. I have avoided the term because it accepts the idea that any increase to LDC's in the benefits of SDR creation is "aid." Thus, instead of "link" I have used the term "redistribution formula" since it seems to me to be more objective and to avoid raising false issues such as the loss of parliamentary control over "aid."

It is true, however, that if such a formula kills the need for regular parliamentary appropriations for the banks, then parliaments will have lost the right to review and debate those sums of money. But parliaments have not in fact been able to use the appropriations process to exercise control over the international banks, so the redistribution formula does not involve a loss of parliamentary control. In the nature of things it would be difficult and destructive if any one parliament attempted to exercise control over the banks since there are many countries which make financial contributions. The redistribution formulas make no change in this basic fact.

REVIEW OF OBJECTIONS SUMMARIZED

Thus, summarizing my review of objections to the various formulas for redistribution, it appears that many if not all of the alleged disadvantages are exaggerated. The formulas would not kill the SDR system. There is no evidence they would cause excessive creations of SDR's. It is quite unlikely they would cause inflation. They would not reduce parliamentary control over "aid." Compared with appropriations they would not make less stable the flow of funds for development.

POSSIBLE ADVANTAGES OF REVISING THE SDR DISTRIBUTION FORMULA

On the affirmative side, revision of the formula has certain possible advantages which are enumerated below:

More efficient world economy—These proposals to require recipients to earn SDR's rather than receive them free of charge and to distribute more of the SDR's or their equivalent in national currencies to LDC's through the international development banks (under most proposals) would benefit the world's economy in three ways.

First, they would have a beneficial effect on the policies of the developed countries. They would continue an ancient and proven practice that international reserves must be earned. Throughout the history of Man the trader, international reserve assets have always been earned, never given away. Two years ago that tradition was interrupted with the decision to give SDR's free of charge, mostly to the rich countries. The redistribution formulas would, in whole or in part, restore the old tradition broken by the present SDR system. Developed countries at least (and under some proposed formulas LDC's as well) who want more reserves would have to earn them by exporting their own goods and services to LDC's. Requiring recipients to earn SDR's will benefit their policies (a) by encouraging them to devalue when needed in order to get their share of sales to LDC's, thereby earning SDR's; (b) by encouraging them to limit domestic inflation for the same reason; and (c) by denying them free SDR's, thereby encouraging them to resort to the General Account of the IMF when in need which in turn subjects them to the salutary discipline of the IMF's review procedures. The result should be economically much healthier than the present system which allocates benefits according to a rigid historical formula under which there is no effort to reward good policies and penalize bad ones. Indeed, countries with balance of payments deficits get the benefits of using their SDR's and those with surpluses are denied such benefits—a most inefficient world system of incentives. Moreover, there is no recognition that economic needs and relationships of the trading nations change over time. It is a nearly static system.

Second, they would have a favorable impact on the policies of the LDC's. (a) Placing more liquidity at the disposal of the LDC's helps finance the surplus which the developed countries desire to export to them. Developed countries in general do not want to balance their external account. They want to run a surplus if possible and in any event to avoid a deficit. But for every surplus there must be a deficit.

Therefore, it is obviously impossible for them to simultaneously achieve this goal except as LDC's are willing to run and able to finance a deficit. LDC's are normally willing to run a deficit but not able to finance it. Revising the SDR distribution scheme would help them finance the deficit. In those developed countries with painful unemployment, these extra exports are politically important even though they may be quantitatively marginal.

(b) Countries resort to trade barriers in part because they have limited reserves they wish to protect. LDC's in general have less adequate reserves than developed countries because of disadvantages in the structure of international trade and in the structure of their own economies. Hence, they are in general under greater pressure to take extraordinary measures to protect their reserves. Placing SDR's where they are most needed—with the LDC's—will therefore in general be more effective in preventing additional trade barriers than placing them where they are relatively less needed—with developed countries.

(c) Because, under most proposals, SDR's or their equivalent in national currencies would not be given directly to LDC's, but rather would be programmed through the international development banks and because the latter normally review the economic policies of borrowers and require them to achieve certain performance criteria, the discipline of that international review would apply to the distribution of SDR-created liquidity. Thus instead of SDR distribution weakening the discipline of international review as it does at present by relieving recipients of the need to make use of the General Account of the Fund, it would strengthen that discipline by programming the distribution of such liquidity to LDC's through the international banks.

Third, the revised distribution formula would improve the efficiency and reduce the costs of the international adjustment process. The international adjustment process goes on all the time. When Japan produces lower cost TV's, the U.S. stops producing them and shifts into other—usually higher technology (and therefore higher paying)—lines of activity. If this adjustment is made quickly with not much unemployment during the transition, the world's adjustment costs are low and the world's economy is more efficient as a result.

However, LDC's, having less sophisticated economies, cannot make such efficient adjustments. When they lose a line of exports (or when a line of production for domestic consumption is threatened) they often cannot switch into another line. The people and facilities thrown out of work simply remain unemployed. Rigid protective devices are erected to protect domestic markets. The world's costs of adjustment are high, its economy little more—or in some cases—even less efficient.

By allocating SDR's to those who bear these high costs of adjustment, the world provides resources which, when invested, will reduce the adjustment costs by providing alternative employment to those thrown out of work.

More Development—In addition to improving the world's economy in the three ways discussed above, the proposed revisions in the distribution system would help promote development. They would probably add to the quantity and quality of resources available for loans for international development, an important world objective.

They would help development without any balance of payments or budgetary costs to the donor country. The only "cost" is a resource outflow. In other words, the so-called "cost" is an increase in exports from the rich countries which are paid for just like any other export. Far from being a cost, this is, of course, something actually considered beneficial by most countries, particularly those with unemployment. They will solve a growing problem particularly acute for the U.S.: how to meet our quota in the internationally agreed formulas for supporting international development banks.

Correct an injustice—They will correct what appears to LDC's to be the rankling injustice of giving ¾ths of the windfall to the developed countries.

CONCLUSIONS

The *first* conclusion of this paper is that the disadvantages of revising the SDR distribution formula are not as great as they have often been portrayed. The ones which may prove to have some substance are that aid appropriations will be cut to offset the SDR flows and that those flows may one day decline as need for reserves declines making it necessary to reactivate appropriations. Only the future can tell. The *second* conclusion is that there are several possible advantages of revising the SDR distribution formula to give more benefits to LDC's. Not all of these advantages are proven. But they are worth further exploration. The *third* conclusion is that the issues are so many and so tangled and the negotiating forums so pressed with other major problems that a great deal of debate will be essential before these issues are seen in proper perspective. Thus scholars, interested businessmen and policy-makers would do well to promote dispassionate discussion of the topic. Such is the purpose of this paper.

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(NOTE.—James W. Howe, ODC's first Visiting Development Fellow, was with the U.S. foreign assistance program from 1955 to 1971. Mr. Howe was Director of the U.S.A.I.D. Mission to the East Africa Community; Director of the Program Office of the Latin American Bureau of A.I.D.; Deputy Director of the U.S.A.I.D. Mission to Brazil; and Director of the Program Office of the A.I.D. Mission to Vietnam. From 1966 to 1969 he was a member of the Department of State's Policy Planning Council, concerned with the less developed countries.)

DESTINY OF MANKIND LIES IN THE SEA

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. KEITH. Mr. Speaker, yesterday, I called the attention of the House to the 8-page special section on the oceans which was published March 8, by the Boston Herald Traveler.

As I noted, then, this excellent bit of public service writing, by the veteran Herald Traveler staff writer, James Mahony, deserves the widest possible circulation and readership—certainly within the Congress.

For that reason, beginning yesterday, I am inserting into the RECORD, each day, for the next several days, sections of that incisive report which makes so clear that, as Mr. Mahony has put it: "The destiny of mankind lies in the sea."

Today's insertion includes the following subjects: The vast amount of gold in the oceans, the slaughter of fish by powerplants, the disastrous effects of the international "fishing war," and the problems that flow from "overfishing."

The insert follows:

THERE'S GOLD IN THEM THAR OCEANS

Can you imagine anything like eight billion tons of gold?

According to some estimates that is the amount of gold in the oceans. But the seas are so vast, it isn't worthwhile in the present state of technology to try to recover any of it.

The sea does yield some of its mineral hordes now—all of the magnesium and 80 per cent of the bromine used in the United States. For the most part, however, the treasures of the sea are spread through 1,000,000,000,000,000,000 tons of water and are likely to stay there for a long time.

Some day though, the secret of using the vast resources may be found in the study of such things as seaweed, the lobster and sea cucumbers.

Iodine, for instance, can barely be detected by chemists in the sea water. Yet seaweed extracts it efficiently. Lobsters extract cobalt and the sea cucumber picks up vanadium.

How they do it, nobody knows. And so far, with few exceptions, man isn't able to handle the huge quantities of water that must be processed to get at the minerals in the sea.

From tests and studies, researchers have come up with an estimate that a cubic mile of sea water, if boiled away, would yield 120 million tons of salt, and a mixture of other minerals that would include 25 tons of gold and 45 tons of silver.

The big question posed by that cubic mile is how you handle four billion tons of water and make it yield what you want?

Aside from evaporation to get salt, the first large scale effort to extract a commercial product from ocean water was made by the Dow Chemical Co. in 1933 when it built a plant to recover bromine.

The demand for bromine had grown with the development of anti-knock gasolines and modern photographic materials and there just wasn't enough on land. The sea, however, has 750,000 tons of bromine to that mythical cubic mile and it was relatively easy to extract.

The Dow system was to take bromine out of the water by bubbling chlorine through it. The two aren't compatible and when chlorine is introduced, the bromine breaks away from its compounds and is collected.

Dow introduced a similar method for obtaining magnesium which appears in sea water as a chloride. The sea water is mixed with lime in holding tanks. The calcium of the lime replaces the magnesium which settles to the bottom and is filtered off.

The chemical process works for bromine and magnesium because there are large amounts in sea water, there is a demand for them and the chemical extraction process is relatively simple.

Still, enormous quantities of sea water are required and for the scarcer elements, the amount needed would be so huge that present financial and technical limitations make it an impossibility.

But the ocean does provide another source of minerals—manganese, cobalt, nickel and copper found on the sea floor in lumps called "nodules."

The nodules, of course, have the disadvantage of being a couple of thousand feet down and hard to reach. Mineral engineers have put their content as high as 200 billion tons.

The nodules apparently are formed around manganese which can be carried to the sea by rivers, thrown up with volcanic debris or leached out of rocks.

It apparently reacts with oxygen in the water and precipitates out as manganese dioxide, carrying bits of cobalt, nickel and copper along with it.

For some reason the manganese seems to collect around small objects—a shark's tooth, a whale bone or a lump of clay which form the center around which the nodule has grown.

Nodules first were discovered by the famous British Challenger expedition in 1875 and, though they grow slowly, the metal accumulated over millions of years has carpeted the ocean floors with a fortune.

Except in areas of high coastal concentration, the nodules will remain untouched until simple, more economical underwater mining techniques are developed or until the need for the metal becomes critical.

POWERPLANTS SLAUGHTER FISH

The California Fish and Game Dept. says that between four and 25 tons of fish are killed each month in the generator systems of southern California electric power plants.

Pipes suck in millions of gallons of seawater to cool the condensers, the department said, and with the water come fish, plankton and sometimes mammals. Few return to the sea alive, according to officials.

They said the fish are destroyed in grinders and discharged back into the sea.

The electric company said it is conducting research to develop fish pumps and nets that would prevent the fish from being sucked up by the intake pipes.

"Power plants are always going to kill fish, but from a public relations standpoint, no plant any longer can continue to take in large numbers," said a plant consultant.

FISHING NATIONS WAGE WAR—SOUTH AMERICA, ALASKA, NEW ENGLAND KEY AREAS

The "tuna boat war" has been renewed off the west coast of South America, Soviet fishing vessels have been seized off Alaska and New England fishermen face a crisis.

Although apparently unrelated, each problem has its basis in the use of the ocean and who controls them.

"If we don't get an international government for the oceans by 1976 or 1977 at the latest, it will be too late," says Dr. Arvid Pardo of Malta, United Nations minister for ocean affairs.

"The old law of the sea has broken down," he said. "Each country is establishing unilaterally how it will rule the oceans. If this continues, the seas and oceans will become one added factor in international tensions, rather than a factor for peace. The effect will be chaos."

Pardo sponsored a U.N. plan for a treaty covering control of the seabed and ocean floor and last year expanded the idea to include all ocean space.

The idea for international control and management of all ocean territory has been discussed at unofficial levels at annual Pacem in Maribus (peace in the oceans) conferences and will come up at the U.N. Law of the Sea conference to be held in Geneva next year.

Mrs. Elizabeth Mann Borgese, senior fellow at the Center for the Study of Democratic Institutions in Santa Barbara, Calif., is chairman of the Pacem in Maribus conferences and believes they have an advantage over government negotiations.

"In an official gathering it is difficult to form new ideas," she said. "But we can think a few years ahead, which we have been doing and will continue to do until an international government is set up."

She said it would take a grouping of ocean communities to end such things as pollution in the Mediterranean.

"The only way to stop it is to have all nations work together," she said.

Even if an international ocean government is not formed immediately, the U.N. Geneva conference undoubtedly will have to act on such things as a nation's offshore limits.

In South America, Ecuador, Chile and Peru claim jurisdiction over a zone extending 200 miles from shore. American fishermen from California have been seized, fined and even fired upon if caught fishing within 200 miles of shore without a $10,000 license.

The dispute heats up every time the tuna begin to run and no immediate solution is in sight. The U.S. apparently is hoping the South American nations might compromise at the Geneva conference on a 12 mile limit in conjunction with a 188-mile "patrimonial sea."

The "patrimonial sea" would be an area where the ocean resources are regulated—but not as tightly controlled—by the coastal state.

The United States has a 12 mile fishery zone, but this January seized two Russian ships on charges of violating that limit which, in New England, is not considered enough.

Massachusetts wants to extend the 12-mile limit at least temporarily because foreign fishing has cut so heavily into the fish population on the Georges Banks which lie 50 to 100 miles off Nantucket.

Already, the decline of haddock stocks, once the mainstay of the Massachusetts fishing industry, have been declared a resource disaster by the U.S. government.

Herring and yellow tail flounder are on the verge of commercial extinction and other species such as cod, makerel and lobsters are threatened.

In the early 1960's Russian ships, as well as those of other Communist bloc nations and European countries, moved onto the banks in ever increasing numbers.

A report on fish catches showed that from 1952 through 1960, the U.S. catch from New England waters averaged more than 700 million pounds—99 per cent of the total.

By 1969 the U.S. catch declined to about 418 million pounds, 25 per cent of the total harvest, while the Soviet catch in that year was 836 million pounds, or half the total.

To protect Massachusetts fisheries would require the same type limits the United States is protesting in South America.

BETTER MANAGEMENT OF SEA A MUST—OVERFISHING DEPLETES MAJOR SUPPLY AREAS

One of the major efforts in oceanography is to learn to exploit the sea more efficiently as a source of food.

This means learning more about fish—learning their ecological relationships, their life cycles, their migration routes; developing better fishing techniques, new fish products and new markets.

While the annual fish crop is estimated at a billion tons, only about 30 million tons are taken from the sea each year. Yet the major fishing areas are being depleted by over-fishing.

The reason for a shortage in the midst of abundance is, of course, economic. Fishermen go where they can get the greatest amount of fish in the shortest possible time—as cheaply as possible.

As a result the North Sea and the North Atlantic fishing banks have almost been fished to death, while most of the ocean goes untouched.

More than 90 percent of all fish taken from the sea are caught in the northern hemisphere, close to the major markets.

United States or European fishing south of the equator would require more efficient refrigeration equipment or the construction of southern canning plants.

The fishing industry probably will extend southward, and may have to, as the problem of finding food gets more difficult with the expanding world population.

Already the industry has changed from its "bow and arrow" approach to hunting fish and is using all sorts of technological devices, mainly the echo-sounder which locates schools of fish and indicates the best areas to cast out nets.

The Russians used a vacuum method, lowering a pipe into the sea and pumping up fish into the hold.

This method is effective now only for small fish in tight schools, but efforts are being made to make it useful anywhere. The problem is to get the fish close to the pipe and that has been done experimentally by sound, light and electricity.

Fish make and hear a wide variety of noises. They also respond to vibrations. If studies show what the fish respond to and answer best, the sounds and vibrations, the "language of the sea" could be used to lure fish to the spot where they are wanted.

The Germans and Japanese were pioneers in electric fishing, sending out currents which head the fish toward the positive side of the electric field. The system has worked well in fresh water, but is not so effective in salt water because it is such a good conductor it needs much more power.

Powerful underwater lights have also been used to attract fish to Russian pump ships while the Japanese use them in a different way. They use long string of lamps to lead the fish to their nets, stringing them from shore out to sea.

Then they turn off the lights one at a time, starting with the one farthest from shore. As the fish move from light to light, they soon find themselves caught in the nets.

The method is said to double the usual catch.

Developments of any or all of the methods is believed to be an answer to the need for more food.

In addition to catching fish, they could be used in setting up ocean "farms" where fish could be herded and kept in place like cattle.

FIFTY-THIRD ANNIVERSARY OF THE AMERICAN LEGION

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. ANNUNZIO. Mr. Speaker, 53 years ago, the American Legion pledged:

> To promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy, and to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

Today, the American Legion perpetuates its founding pledge in its perseverance "For God and County." On March 15, 1972, legionnaires celebrate the anniversary of their organization which first met in Paris, France, in March 1919, when delegates from the First American Expeditionary Force acknowledged that their responsibility to each other and to their country's citizens did not end with the signing of a treaty of peace.

The continuing dedication of the Legion to the adjustment of the veteran to civilian life, restoring his health and usefulness to society, maintaining his dignity, and assuring the welfare of the veteran's widow and children is celebrated with the commemoration of the Legion's founding. The American Legion admirably served the veterans of our wars with its sponsorship of the GI bill of rights and the Korean GI bill. By thus serving the veteran, the Legion serves America, for our men and women returning to American communities from military service face singular problems and pressures. In addition, financial aid to former servicemen and women increases their opportunities to contribute, in turn, to America.

While caring for veterans the Legion has not forgotten the veteran's children, promoting child welfare legislation which benefits all children and, therefore, the Nation. Youth programs like American Legion Baseball have produced stars—Musial and Spahn—while encouraging youth in good sportsmanship. The American Legion sponsors over 4,000 Boy Scout units and offers a $4,000 cash scholarship in the National High School Oratorical Contest. Such training and encouragement in American ideals multiplies the dividends resulting from these investments in our country's youth.

After 53 years of vigorous service in America, it is clear that America still needs the American Legion with its continued and important civic service for those who served their nation in war. Its history is becoming familiar to us, while the Legion's more recent humanitarianism, its heroic efforts in aiding the Alaskan earthquake victims, for example, engage our pride and increase our pleasure in congratulating the American Legion on the occasion of their honored anniversary.

PASSENGER TRAIN SERVICE

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. McCLURE. Mr. Speaker, ever since coming to Congress I have been working to preserve passenger train service. However, as far as Idaho is concerned, it has been a losing battle.

Early in the game, when we began to realize that administrative directives alone would not save the overall passenger service schedules, I called for a national study of our needs. I am convinced that such a study would point out that this country desperately needs a strong rail passenger program. Our economy benefits when people are moved quickly and efficiently. Our national security is safeguarded by diversity in available transportation for both goods and people. Our labor force relies on dependable commuter schedules. Our quality of life is bettered by the ability to reach friends, relatives, recreation, and services through a variety of fast, dependable, economic passenger services; and the railroad is an integral part of the system, to my way of thinking.

When the administration first began to talk about Amtrak, I felt that the national study should precede the decision. Even so, I though that perhaps we had found the answer to our problem in Amtrak. After all, if we are trying to preserve a way of life through rural development, and a way of life through passenger train service, it seemed only logical that the needs of Idahoans were going to be met.

But as we all know, Amtrak was designed in the end to service big urban centers. In Idaho, for instance, the small community of Sandpoint way up in the northern panhandle has become an Amtrak whistle stop by sheer virtue of being located somewhere between Chicago and Seattle. And this is the only rail passenger service in my entire State.

One year ago this week, I joined my colleague from Idaho (Mr. HANSEN) in introducing a bill to expand the system to provide service in each of the contiguous 48 States. I regret very much that the bill before us today does not contain that provision.

And I also bitterly regret that this Congress has failed to make a comprehensive study of this Nation's rail passenger service needs.

Therefore, I am voting against the National Railway Passenger Corporation Review. I see no reason for the taxpayers of Idaho to pay for a system that does absolutely nothing for them in return.

FRESH PROOF THAT THE 1968 GUN ACT IS FAULTY

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. SIKES. Mr. Speaker, I am pleased to call attention to an editorial, "Fresh Proof That the 1968 Gun Act Is Faulty." It appeared in the American Rifleman for March 1972. It is a clear and well-written document which deserves careful reading by the membership of the Congress.

The editorial follows:

FRESH PROOF THAT THE 1968 GUN ACT IS FAULTY

We, the people, now have it on the high authority of the Federal courts that the 1968 Federal Gun Control Act is in some respects a faulty and questionable law.

The courts have in effect made a judicial repeal of portions of the law, something that the Congress might well do next by enactment to tidy up the remaining mess.

The act, a hasty hodgepodge incorporating three previous laws, depends on the interstate commerce clause of the U.S. Constitution (Art. I, Sec. 8) for its authority for the Federal Government to prosecute over guns.

But the U.S. Supreme Court, terming the act "ambiguous" or unclear in that respect, ruled that Federal prosecutors hereafter must prove that convict defendants played some role in transporting the allegedly illegal firearms in interstate commerce. No longer may they assume this and fail to show a connection.

On the strength of that decision, a Federal District Court in California quickly threw out charges that a private citizen there had made illegal sales without a firearms dealer license. And it developed that at least five other Federal courts had already questioned the constitutionality of the act on this or another basis.

Some other provisions of this ill-advised and poorly drawn law are also open to challenge, it appears, and are still unclear after more than three years.

What, for example, constitutes dealing in firearms under the law? The law itself nowhere defines this, although it subjects private citizens to as much as five years and $5,000 if convicted of violating its requirement that firearms dealers be licensed.

Does an individual who sells five guns a year need a Federal firearms dealers' license under the law? Ten guns? Fifteen guns? $100 worth of guns, regardless of the number? $1,000 worth? No guns, but 500 rounds of ammunition? 2,000 rounds of ammunition?

The answer in every instance depends upon what the administrators of the law, namely the Alcohol, Tobacco and Firearms Division of Internal Revenue Service, say it is. If you doubt this, just sell a few guns and then—perhaps too late—ask the ATFD if they think you are a firearms dealer. You can get different answers, too, depending on the region of the country in which you live or the person answering your question.

That, so help us, is the Federal Gun Control Act in all its supposed majesty and justice. And that is not nearly all.

Hand grenades have become a sensitive subject, as if every last one had the pin pulled and was about to explode. Another ambiguity or omission in the 1968 act is responsible for that. It fails to make a clear distinction between a dummy or practice grenade and the combat type.

To observe a law—any law—the public must first understand not only the basic reason for the law but what it says.

When it comes to one of the first fundamentals involved, who may and may not legally own a firearm under Federal law, the provisions of the 1968 act are capable of confusing the average citizen. Let's examine them.

Under something originally called Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, later included in the Gun Control Act of 1968, individuals are forbidden to own, receive or transport firearms for five reasons:

1. If they ever have been convicted in any American court of "felony."
2. If they have been discharged from the U.S. Armed Forces under dishonorable conditions.
3. If any court in the land has ever adjudged them to be "mentally incompetent."
4. If they ever have renounced U.S. citizenship.
5. If they are aliens "illegally or unlawfully" in the United States.

These provisions were approved June 19, 1968. By October of that year, the Johnson Administration in another round of gun control legislation persuaded the Congress to enact the 1968 Gun Control Act. This second piece of legislation set up a different set of definitions to tell the Nation who might or might not have a gun. Under the law passed in October, it became illegal for anyone to transport or receive a firearm through interstate commerce if:

1. A fugitive from justice or under indictment for a crime punishable by more than a year in jail. (Even if later adjudged not guilty of the original crime, a defendant technically could be found guilty of violating this provision if caught carrying a firearm while a fugitive or under indictment.)
2. Convicted of any crime punishable by more than a year in jail. (He need not have served *one day* in jail himself. The point here is that he was *convicted* of a crime which *could* carry a sentence of more than one year.)
3. An addict or "unlawful user" of marijuana, narcotics, "or any depressant or stimulant drug" as defined by Federal law.
4. Adjudged a "mental defective" by any court or ever "committed to any mental institution." (Even if he committed himself, as some do.)

Now note the wide variations between these two sets of definitions, both of which are currently the law of the land as parts of the Federal Criminal Code, Title 18.

The June act disqualifies those dishonorably discharged from the Armed Forces. The October act says nothing of this, but disbars persons under indictment and fugitives as well as convicts.

The June act prohibits guns to persons whom a court has adjudged "mentally incompetent." The October act says "mentally defective"—which is something else again in some psychiatrists' opinions—and goes on to include anyone ever committed to a mental institution, presumably regardless of whether they later left the institution in good mental health.

The June act ignores drug users. The October act bans them from gun ownership in terms so broad that many of those "advanced" social thinkers who condone the use of marijuana must be ready to shriek. Users of so-called "pep pills", even if used only once unlawfully, presumably come under the October ban.

Although ignoring the whole critical area of drug use and addiction, which many criminologists now appear to regard as a prime cause of crime, the June acts forbids ownership of firearms by any aliens who slipped into the country illegally and anyone who ever renounced U.S. citizenship, the latter category including anti-gun actress Elizabeth Taylor.

We bring out all this confusion principally to show that these measures which were rammed through to enactment hastily by the Johnson Administration and its anti-gun Attorney General, Ramsey Clark, are so muddled that they ought to be repealed and replaced by one clear, simple, comprehensible law.

We do not suggest that the provisions safeguarding the public be abolished. Contrary to the misleading impressions given by critics of the NRA, the NRA has for decades favored laws which would bar convicted criminals, proven drug addicts, adjudged mental cases, alcoholics, and habitual law breakers from owning firearms. That continues to be our position.

The present law, however, could hardly have been more diabolically designed to befuddle and entrap everyday citizens—and that apparently is what it has done in dozens of cases.

Now that the courts have highlighted the weaknesses in the law, Congress should repeal it and replace it with a clear, simple anti-crime act that all law-abiding Americans can understand and support.

TREASURER'S REPORT TO THE CFR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. RARICK. Mr. Speaker, the U.S. Treasurer's report to the Council on Foreign Relations on the President's new economic policy is, to say the least, rather unique in several instances.

First, it is shocking and insulting to the American people to have the Secretary of the Treasury give an explanation to the Council on Foreign Relations when no such explanation has been provided to the American people or to the Congress as a whole. Secondly, he announces "We have come to the end of the postwar world."

And finally, in his appeal for willingness in building a new world based on international cooperation, his use of the term "we" in addressing the CFR leaves some uncertainty as to who is to be included in the decisionmaking process.

I ask that Secretary Connally's speech follows:

REMARKS BY THE HONORABLE JOHN B. CONNALLY, SECRETARY OF THE TREASURY, BEFORE THE COUNCIL ON FOREIGN RELATIONS, HAROLD PRATT HOUSE, NEW YORK, N.Y., WEDNESDAY, MARCH 15, 1972

On this date, seven months ago, the President of the United States initiated what has come to be known as the New Economic Policy.

The goals of that policy were three:

First, to curb the insidious inflation imperiling our domestic stability and well-being;

Second, to stimulate responsibly the healthy growth of our domestic economic activity and to provide the necessary jobs for American workmen; and,

Third, to strengthen our Nation's position both for more successful competition within and for more constructive influence upon the world's systems of international trade and finance.

It was recognized at the time that none of these goals would be—or could be—attained simply by their proclamation. Fulfillment of such objectives, separately or together, is a monumental task. Nonetheless, it can be said that implementation of the President's policy has achieved striking progress in all spheres.

In this context, I want to consider with you tonight the progress which has been made—and the opportunities for still greater progress which have been brought into being—in just one of these spheres: that is, in regard to the foreign monetary policy and international economic leadership of the United States.

When the President acted last August, there was implicit in his decision a recognition that the industrial and trading nations of Europe, North America and the Pacific have come to the end of what might be called "The Postwar World."

That world was shaped and faithfully served by agreements, arrangements and attitudes born of another time. At the time of conception, during and just after World War II, it was undeniably the reality that the United States stood apart, strong and unscarred, in a world weakened and disfigured by a generation of tension, conflict and devastation. Under conditions then prevailing, men could—and did—reason that the strength of the United States was strength to which others might cling as they undertook the long and demanding labors of restoring their own societies and their own economies. Furthermore, in that time, Americans themselves could—and did—accept as the basis for their own policies that what was good for the world must be, in the end, best for the United States itself.

Accordingly, out of that time there came into being a world in which the United States willingly assumed responsibilities others could not bear, willingly bore burdens others did not share, and willingly lived with competitive disadvantages so that others could build their strength.

Over a span of a quarter of a century, those arrangements remained unchanging even as the world itself greatly changed. The realities, reason and rationales of the 1940's eroded, yet the underlying structure of world trade and finance stood still.

By the end of the decade of the '60's, it was supported not by a solid foundation but only by a base of custom, convenience, and occasional contrivance. Thus it was, in the months immediately preceding the President's announcement last year, that developments in the world payments system forced upon us all acknowledgment of the unreality of the arrangements by which we were still attempting to abide.

As you recall, one year ago, at the end of the first quarter of 1971, it became apparent that the United States and its principal trading partners were moving toward crisis in the payments system.

Over the full year of 1970, our official reserve transactions balance had run to a record deficit of about $10 billion. If temporary, that could have been absorbed. In just the first three months of 1971, however, the deficit in those transactions equalled and exceeded the half-yearly rate for 1970.

The storm warnings were hoisted. The dollar flow pouring overseas in 1971 had become the unwanted orphan of its father so eagerly courted by all the world a few years ago.

As speculation took hold, defensive measures were put in place. Germany and the Netherlands floated their currencies. Switzerland and Austria revalued. Other European countries employed a variety of measures trying to cope with the all but indigestible inflow of short-term funds.

Relief was only brief and fleeting.

By mid-year, our trade balance was showing ominously rapid declines, confirming and accelerating the trends of the last part of the 1960's. Projections confronted us with the prospect of the first substantial trade deficits of the century in both 1971 and 1972.

We were forced to consider deeply the full implications of the massive deterioration in our trade balance.

Finally, we also faced the intolerable arithmetic of our international reserve position. The ratio of our reserve assets to our liquid liabilities had still been in our favor at the end of the 1950's, but by 1971, we had more than five dollars of liquid liabilities for each one dollar of reserve assets.

This was the balance sheet confronting the Nation and the President seven months ago. The fact is that we had expended our surplus and extended our credit until both were exhausted.

The post-war world brought some glorious achievements. But the essential underpinnings of that system were gone. By any objective reading, it was entirely obvious that what was not good for the United States certainly was not good for the world.

The developments of 1971—and the longer-term trends projected from them—clearly meant that the industrial nations were hurtling toward a time of tension and paralysis.

Under such an economic climate, it would have been difficult, if not impossible, to carry forward with the great and urgent works of peace and accord between the blocs of East and West.

Under such a climate, it would have been difficult, if not impossible, to sustain and nurture the Twentieth Century's thrust toward liberality in trading relations between industrial nations.

Furthermore, such a climate could only give impetus on both sides of the Atlantic and on both sides of the Pacific to protectionism, parochialism, and the ultimate folly of economic isolationism.

This was a situation demanding initiative and action. Yet it was this very necessity for action which brought home most forcefully the obsolescence and inadequacy of those arrangements, which shaped and served the postwar world.

In a situation indicating a need for devaluing the dollar, we could not act freely without other currencies moving with us.

In a situation obviously requiring that the explosive growth of the economy of Japan be fit into a balanced structure of trade, old arrangements of the postwar world found the United States accepting Japanese exports at a rate five time greater than the countries of the roughly equivalent market of the European Community.

In a situation already inviting concern over restrictive tariffs and quotas, national attitudes emerging—or re-emerging—in recent years facilitated the spread of discriminatory preferences by the strongest trading nations in Europe. At a time when the United States has negotiated limits on further growth of imports of textiles and steel into our market, already heavily penetrated by foreign suppliers, the surplus countries of Europe and Japan have maintained quotas established years ago, virtually to exclude a variety of "sensitive" goods.

But there was—and is—a still greater problem.

When the United States faced the necessity for acting, we were confronted with the fact that today's world provides no fully adequate machinery for reconciling all the interests involved.

Closely and critically inter-related as our world is in this last one-third of the century, it remains true that there was not last year—and there still is not this year—a forum in which decisive negotiations could be undertaken or lasting results accomplished across the full range of monetary and trade issues involved.

Against this background, for the United States to act effectively and with dispatch seven months ago, it was necessary for us to act in a unilateral manner wholly uncharacteristic of either our traditions or our desires.

This is not a state of affairs we wish to see prolonged.

Yet, in saying this, I must say that this is an area to which we need to give attention at home, as well. The developments of 1971—and, in particular, the events of the past seven months—demonstrate convincingly that our own system is not properly or realistically structured to cope with the making or the implementation of foreign economic policy.

This is a function both of organization and of outlook.

It is, also, a function of what we may hope is now a passing period in our national experience.

With the onset, first, of World War II and, then, of the Cold War tensions, we were thrust suddenly into a position of world leadership for which there were no precedents. By the nature of the challenges which those years presented, our popular attitudes, our political dialogue, and the performance of our National Government were all shaped by the era's priority emphasis upon military strategies and political alignments. Our interest in—and, to some extent, our basic understanding of—the economic relationships between nations remained an area of far lesser priorities.

With good hearts, good intentions, and good feeling, we proceeded into the realms of foreign economic policy, confident that the strength of our economic position must be inexhaustible and convinced that, in any event, the making of economic policy was subordinate to the making and maintenance of policy assuring the mutual security of the Western world.

In this spirit, we gave little thought to the organization of our Government for purposes of making and implementing foreign economic policy. For both the Executive Branch and the Legislative Branch alike, the postwar world was a time of preoccupation with strengthening and streamlining mechanisms designed to respond to armed danger.

That such priorities were proper is beyond debate. But the developments of the past year have emphasized what should have impressed itself upon us more strongly years ago: other priorities have risen in our midst.

As early as the late 1950's, when our international deficits suddenly grew much larger, the first warning clouds were present—only to be brushed away. Then, over the years of the 1960's, we saw the nature of the industrial world had, indeed, changed. The dependency of those nations ravaged by World War II yielded to the industriousness of their peoples, and both the European Community and Japan emerged as vigorous competitors—first reducing their need for the products of U.S. industry and then learning how to sell to us in volumes not dreamed of a decade earlier.

While this was occurring, we, in this country, were preoccupied with a decade of ferment, change, and social upheaval. At home, we faced up to problems without parallel in other industrial nations of racial tension, decaying cities, and population growth and mobility. Abroad, we became entangled in a prolonged and divisive war. It is only realism to acknowledge that, in both private and public sectors, these priorities distracted attention from other fundamental needs.

We welcomed a domestic boom. But we budgeted loosely and let inflation get out of hand. The erosion in our external economic position was aggravated, and we wishfully coasted on the illusion that confidence in the dollar could be sustained apart from the underlying economic reality.

Now that is clearly changed.

In the public sector, we must give to foreign economic policy that same intensive effort and emphasis which, until now, has been principally reserved for foreign military and political policies.

The conduct of foreign economic policy today is characterized by traits of ponderousness, division of responsibility, rivalry, and, in some sectors, innocence. Too often, in times past, it has been fragmented and immobilized by concern for other sectors of our foreign policy.

New organizations—and new missions for old organizations—are clearly required if the Chief Executive is to have the scope of counsel required for decision and the sensitive apparatus required for securing coherent implementation of decisions.

Similarly, the private sector is no less concerned. Industry, labor, and Government must realize that their traditional adversary roles are not always suited to the new realities of the international environment. They, toegther, have the obligation of finding ways of becoming far more efficient and imaginative competitors in the far more competitive world we now face beyond our borders.

What I am saying, essentially, is this.

Over the mid-century, we in this country have dwelled upon the growing closeness of the world. In the main, our thoughts about the implications of modern communication, transportation, and other technology have related largely to the impact upon the matter of peace or war. Now, in this era ahead, those thoughts must relate to the impact, which is both far larger and far more intimate, of this closeness upon our daily economic life.

In these times, as much as in all times past, traders are destined to succeed, where soldiers and diplomats could not succeed, at weaving the countries and continents of this planet into one world.

I speak as I do of these things because I feel that our concerns with such matters say more than anything else of the very great distance we have come.

One year ago, certainly, such subjects would not have seemed relevant and urgent.

Today, the realities are apparent because—as I said at the beginning—the President has openly faced the problem, pointed to the new priorities, and successfully launched the process of adjusting to them.

In negotiations with Japan, Canada, and the European Community, and in the Smithsonian Agreement reached by the Group of Ten, significant gains have been made toward evolution of the policies and structures which this new era so clearly requires.

At the same time, I believe it must be said that this is not a period in which final decisions will be—or can be—quickly reached. National positions on complex questions of trade and money well up from the whole of national history, experience, perception, and, very often, prejudice. New imperatives are not readily recognized, new visions are not readily embraced. Having initiated this present period of re-examination, reconsideration, and reformulation of existing agreements and arrangements, the United States readily acknowledges the need of others—as well as its own need—to contemplate future courses with care and thoughtfulness.

At the outset, we anticipated that there would be misunderstanding and even misrepresentation of our purposes and objectives. Needless to say, we have not been disappointed.

In the heat of last August, the new policy was acclaimed by many abroad—and some at home—as a return to protectionism or even to isolationism. Similarly, after the Smithsonian Agreement was announced, voices again were raised warning that the United States would not act, as agreed, to increase the price of gold to $38 per ounce.

The intemperateness of these misrepresentations already has been answered. The temporary import surcharge has been removed. Agreements have been reached committing the United States and other major trading nations to begin comprehensive negotiations aimed at expanding trade by reducing both tariff and non-tariff barriers. At the initiative of the Administration, Congress is proceeding promptly on the legislation changing the par value of the dollar.

Certainly the commitment of the United States to a liberal trade and payments system is unchanged and unchangeable. Yet it is the very depth of that commitment which requires us today to speak with new frankness—and to act with new directness in our efforts to move toward arrangements accommodating to today's new realities.

There may be some tempted to seek some profit for their own interests from promoting the instability—or even the wreckage—of the international monetary system. The United States regards such parochialism only as folly.

Our basic point of departure is the Smithsonian understandings. The new exchange rates provide a realistic framework and a fresh opportunity for our own efforts—a framework forged in the crucible of hard bargaining on all sides.

At the same time, the Smithsonian Agreement contemplates that negotiations should proceed on the longer-range issues involved in building a new monetary system. The question of convertibility of the dollar into reserve assets, upon which so much attention has been focused, is certainly one of those issues. But it is just one—inextricably linked to the others. That is the context in which it was put at the Smithsonian, and that is the context in which we intend to proceed.

More than that, we believe premature commitments could only undermine the stability we seek.

I distinguish sharply between premature efforts to restore convertibility and the more technical problem of finding means to facilitate the operations of the International Monetary Fund during this interim period. The Fund has been operating since August 15 without placing special burdens on any member. The future problems seem to me manageable—not simply by looking to the United States to provide whatever reserve assets may be convenient to others, but by truly cooperative efforts in which others participate in accordance with their strength.

These concerns, of course, are all part of broader and longer-term monetary reform.

We have not yet put forward an "American Plan" for the future shape of the international monetary structure. We shall not do so until we have fully wrestled with the complexities of this most complex subject. Nor do we intend to make our decisions until such time as our internal discussions and debates are fully complete and our thinking can be tested against the thinking of others.

Reform of the world's trade and payments structure will not be achieved quickly or easily. Behind the facade of technicalities, basic issues of national policy must be faced and basic differences must be reconciled. We need to fit the reform in a longer vision of a world economic and trading order.

Does the European Community want to function as a tightly-knit monetary unit, with its members able and willing to renounce independence of action in international monetary affairs? That is a matter for the Europeans to decide. But we cannot escape a close interest in whether monetary unity is a potentially liberalizing and stabilizing force in world financial affairs or will be converted into a vehicle for promoting an inward-looking, defensive bloc.

There are other questions to face.

In future arrangements, how will we overcome philosophical and practical differences between those favoring relatively liberal and unrestricted trade and payments systems and those who regard controls as essential permanent fixtures in any structure?

For our part, we want maximum freedom for international flows of investment capital as well as goods. We realize, however, that others seemingly prefer restricted capital and money markets, whether as counterparts to regional trading blocs or otherwise.

To what extent can differences in national monetary policies be accommodated? In an interdependent world, linkages between markets cannot be ignored. Yet countries have different economic structures, different problems, and different monetary and interest rate traditions.

Other questions could be raised. Not least among them, of course, is the difficult question of the forum—or forums—best serving the ends of such negotiations. Discussions of changes bearing on the interests of all nations must be broadly representative. They should be linked to the relevant institutions, particularly the International Monetary Fund. At the same time, there is a critical point in the size of a group capable of conducting manageable and effective negotiations without becoming merely an academic seminar.

The Group of Ten has, in the past, provided a useful forum. That Group, however, is limited to industrial nations and wealthy nations. It provides no link to trade and other aspects of the problem. Other groups and other voices certainly must be heard. The representational pattern of the IMF Executive Board provides one possible approach. In concept, some new grouping could be devised.

I have no settled answer to this question of the forum. I do feel we should work to resolve the question promptly and then proceed to more substantive issues. To that end, I have asked Under Secretary Paul Volcker to begin conferring with officials of other countries to explore possible solutions to this and other problems. In the light of his discussions, I am prepared to participate in meetings—formal or informal—as may be needed to facilitate progress in these matters.

During these recent months, I have sometimes heard the accusation that I have become a sort of bully boy on the manicured playing fields of international finance. You will not expect me to accept that characterization. But I will plead guilty to speaking in plain words as directly as I can. I do so because nuances and ambiguous phrases can only mislead the American people as to the urgency of the problems we face. Equally, our friends abroad should know of our determination to solve those problems, with good will but with firm resolve.

With that determination and resolve, I am convinced that the dollar will again be a currency sought after throughout the world, fully capable of carrying its share of the burdens of international finance. Indeed, I believe there is a truly unique opportunity for all nations to begin building a durable trade and payments structure based on equity and realism.

Without the actions initiated seven months ago, that opportunity would not exist today. We would have had, at best, a much smaller realignment, no meaningful trade negotiations in sight, and, worse still, no adequate realization here or abroad of the tasks that lie ahead.

As we continue our efforts in the international forums—whatever they may be—I do emphasize my conviction that we also need to act within our own system, public and private, if we are to grasp our opportunities. The structures of our Government in the area of foreign economic policy needs repair. We need to adhere to the discipline of sound fiscal and monetary policies at home.

We have come to the end of the postwar world.

We are willing, I am sure, and we must be able to contribute constructively, effectively, and responsibly, to the building of a new world in which money, trade, and investment serve as instruments of gain and progress for all peoples.

A BOOST FOR OUR ECONOMY

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. KUYKENDALL. Mr. Speaker, last week the Department of Commerce and the Securities and Exchange Commission released their latest survey regarding business plans for spending on new plant and equipment in 1972. According to this survey, businesses are planning to increase capital spending this year by 10.5 percent, or more than $8.5 billion. This increase in projected spending to almost $90 billion compares to the 9.1 percent increase projected for 1972 in the November–December 1971 Commerce-SEC survey. At that time, total plant and equipment outlays were expected to total $88.9 billion in 1972, up from the $81.47 billion estimated for 1971.

This upward revision in business plans for spending on new plants and equipment in 1972 is one of the best indications of strengthening business confidence in the course of our economy. Harold C. Passer, Assistant Secretary of Commerce for Economic Affairs, has termed the latest projection "highly encouraging for economic prospects."

This week the Department of Commerce released other favorable information on the economy. According to the Department's quarterly survey of sales and inventory expectations, manufacturers expect sales to increase by 6 percent this quarter to a seasonally adjusted $186.6 billion. If this 6 percent increase is realized, it would be the second largest increase in 10 years and the sharpest increase since the 6.4 percent growth in the first quarter of 1971, which followed the General Motors strike in the final quarter of 1970. Inventories are expected to rise approximately 1 percent to a seasonally adjusted $101.5 billion this quarter.

Mr. Speaker, if these business expectations regarding capital spending, sales and inventory investment are realized, our economy will be given a very substantial boost, which will help us to achieve overall growth throughout 1972.

POLL BY KANSAS UNIVERSITY STUDENT—VOTE SHOWS NIXON TOP CHOICE

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. WINN. Mr. Speaker, many of us are constantly being subjected to comment about the lack of popularity of President Nixon among our young people—especially college students.

I, for one, have never accepted such statements. Today I would like to share with you a recent newspaper article that appeared in the Lawrence Daily Journal-World about a student poll taken at the University of Kansas.

I am proud to say that Kansas University is in my district and has the distinction of being the largest university in Kansas. I certainly believe that the opinions expressed by these students are representative of student opinion in other parts of the country.

The article follows:

[From the Lawrence Daily Journal-World, Feb. 22, 1972]

POLL BY KANSAS UNIVERSITY STUDENT—VOTE SHOWS NIXON TOP CHOICE

(Kansas University students picked the nation's next president from among the announced contenders)

If you picked the only one who's now in China—President Nixon, of course—then you're absolutely correct.

The KU Student-Vote organization Monday released results of a poll it conducted earlier in the month, sampling the opinion of 1,879 dormitory residents on which of many presidential aspirants they favored.

Thirty-nine per cent of the students were undecided, but of those who picked candidates, most picked Nixon.

The president led with 19 per cent of the vote, followed by George McGovern with 13 per cent; Edmund Muskie with 12; Shirley Chisholm, John Lindsay and Eugene McCarthy, 4; Hubert Humphrey, 2; and George Wallace, 1.

Lane Bailey, Lawrence sophomore, emphasized that the poll was not a scientific random sampling of the KU student body but an indication of student thought.

The poll also indicated that 95 per cent of those students are registered or intend to register; 49 per cent are already registered.

The poll is only one of the activities of Student-Vote, which has been working since last fall "to generate interest in the student vote," says Mark Bedner, an Emporia senior who is its president.

The organization is also sponsoring a registration drive April 3. At the time of the registration drive, the organization will poll students again to determine the interest in candidates.

HON. JACK EDWARDS TESTIFIES ON FORCED BUSING

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. EDWARDS of Alabama. Mr. Speaker, I had the opportunity today to present my position to the House Judiciary Committee in support of a constitutional amendment to prohibit forced assignment and busing to schools, because of race, creed, or color. I want to share my remarks with my colleagues in the House:

STATEMENT BY CONGRESSMAN JACK EDWARDS OF ALABAMA

Mr. Chairman, I am concerned that the policy of unnecessary busing of children in order to reach a racial balance in our schools is paving the way for a collapse of quality education in this nation.

Last year, when the Supreme Court decreed that busing could be used to accomplish a balanced integration of our nation's schools, there were those among us who acknowledged that forced busing would be a rude awakening to many Americans; that the decisions which were giving us so much trouble in the South would one day be applied in other parts of the country; and that when that day came Congress would take a closer look at the problem. This has all come to pass now and thanks to the help we are now getting from some of our Northern colleagues, we are finally getting a hearing.

Mr. Chairman, busing young people to the nearest school serves a purpose, in fact the only purpose of the nation's schools—to educate. Busing for any other purpose cannot ordinarily be justified and in fact is a complete failure insofar as advancing the cause of education is concerned. With all the misery and frustration busing has created, the Federal Government and, in particular, the Federal Judiciary, has remained adamant in refusing to even compromise the issue.

In the past, objections to hauling children nine, ten or even 20 miles from their homes to school to obtain a racial balance were supposed to be nothing more than the rantings of bigoted, Southern racists. Any other objections, whether on educational grounds, the disruption of neighborhood cohesion, inconvenience to the children or their parents, the great expense involved, or perhaps the most important of all, the destruction of human relationships and the diminution of racial tolerance, were all dismissed as excuses of segregationists. Even blacks who exhibited disfavor over having to bus their children were tagged "Uncle Toms."

Well, the shoe is on the other foot now. Communities in the North, the East, and the West have begun to vehemently protest busing as it has been applied in their areas. In short, busing is now a national issue.

It is ironic and unfortunate that the tragedy of forced busing should become an issue at a time when a majority of the people of the nation (The Wall Street Journal reports at last 80 percent) today accept integration in schools and other aspects of public life. If the public accepts integration, and it has progressed further than at any previous time in the nation's history, then why muddy the waters with a thing as unpopular and unsuccessful as forced busing? The logic escapes me. James Kilpatrick has noted that we are substituting dishonest integration for honest desegregation, and I agree.

Sociologically, forced busing has been a nightmare for children throughout the land. It is taking small children, black as well as white, and making them consume a seven or eight hour day for only six or seven hours of schooling and putting them in a position where school friends are not neighborhood friends or vice-versa.

I challenge anyone here concerned with providing the best education possible for our children to stand up and advise this Committee what tangible value can be gained from busing a child, who lives within walking distance of an elementary school, an extra hour across the city to another school.

Mr. Chairman, I believe we have reached the point of no return. We must resolve the issue of forced busing once and for all.

In 1964, Congress passed very specific legislation prohibiting pupil assignment and forced busing to overcome racial imbalance in the nation's schools. No one, especially the Federal Judiciary, paid any heed. We have passed the so-called Whitten amendments and other similar amendments all to no avail. The courts continue to ignore the expressed intention of Congress. Apparently additional legislation is not the answer.

I am not one of those who believes in numerous amendments to the Constitution. I believe that great document should not be tampered with any more than is absolutely necessary. But, Mr. Chairman, we have tried just about every avenue without success.

The Supreme Court has ruled that busing is an available tool, *not* that it is an absolute must. But the Circuit Courts of Appeals and many District Courts have insisted that there must be busing, past schools, across cities and counties and now even between counties. Legislation has not been able to stem the tide.

And so I have reluctantly come to the conclusion that the Constitutional Amendment is the only answer.

As I see it, there are two basic conflicts that divide us on this issue. But first let me digress and say that I am painfully aware of the fact that we in the South have "cried wolf" too often over the years. When the ultimate "wolf" started coming around in busing clothing, we once again cried out in alarm, but no one could listen to us.

And so we come to the first conflict, namely that those who oppose busing are automatically racists, segregationists, against civil rights, and all the other things you have heard. By the same token those who are for integration, for civil rights somehow feel that they must automatically be for busing. That is until they get hit between the eyes with the problem.

The second conflict arises with those who find reason to oppose mass busing. The basic controversy here is how to fight it. Legislation? In the Courts? Or a Constitutional Amendment? In this group are those who want to be on record but don't really want to get too involved . . . those who still have faith that legislation will be sufficient . . . those who think there is some hope that the Courts will clarify this issue. And those who have seen everything else fail and who turn to the Constitution as a last resort. I fall in the latter group.

Mr. Chairman, "anti-busing" is not synonymous with "racism" or "segregation." And it naturally follows that a "civil rights advocate" or an "integrationist" if you will, is not any less an advocate because he is opposed to busing.

There was even a time not too long ago that a reference to "quality education" was considered a code word for segregation. Now everyone is speaking out for quality education. So in the realm of civil rights it is hard to keep up with the language.

My point is that regardless of what particular connotation someone cares to attach to particular phrases, our principal concern should be quality education for all our children. If busing a child to the nearest available school is required for reasons of distance, health or safety then I'm for that kind of busing. This serves an educational purpose and is therefore desirable. Busing for reasons other than this cannot possibly serve any educational purpose. And, after all, the sole purpose of schools should be to educate and anything that impedes the execution of that purpose should be discontinued.

In conclusion, I urge the Committee to report favorably the Lent Constitutional Amendment proposal, H.J. Res. 620, or my own proposal, H.J. Res. 564, both of which call for a Constitutional Amendment to prohibit forced assignment to schools because of race, creed or color.

The need for quality education in all schools is apparent. Education is not enhanced by massive busing purely for purposes of racial balance. Let's put a stop to the excessive busing now before we destroy the very educational opportunity which we so desire for all children.

Mr. Chairman, I thank you for the opportunity to appear before you and your Committee today.

ST. PATRICK AND THE IRISH PEOPLE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. RODINO. Mr. Speaker, a young man of 23 living in the comfortable and peaceful western British village of Bonnavem Taberniae, early in the fifth century, beheld a vision of a man hurrying toward him with a letter bearing the opening words of "the voice of the Irish and the voices of the Irish generations yet to be born." "We beseech thee, holy youth," the plea stated, "to come and walk among us and release us."

A great many legends have been written regarding the actions and accomplishments of St. Patrick. Yet, in each historic account and in all the scholarly research conducted, one cannot dispute the deep and impenetrable place held by him in the growth of this proud nation.

For the man lives in the hearts of the Irish people and it is the man himself and the ideals for which he fought which have been passed on to the "Irish generations yet to be born," strongly influencing the values, traditions and beliefs of Irish society.

From the slender collection remaining of St. Patrick's own writings, one recognizes a human being of humility and simplicity, a man deeply sensitive to the injustices of his time, and an individual of tremendous force of character and conviction. It is believed that the man concentrated his missionary labors within the modern province of Ulster and the northern area of Connaught.

The very qualities of St. Patrick, his deep religious devotion, his refusal to compromise with injustice, his preachings against discrimination are required now more than perhaps any other time in the history of Northern Ireland to reconcile the tragic divisions which separate countryman from countryman. One can easily see the strength of character of the patron saint and his deep feelings and longings for justice in the hopes of each and every citizen of Northern Ireland. I join with a number of my colleagues in sponsoring H.R. 654 in expressing the sentiments of the House regarding the efforts of our Government to help in bringing an end to the tragic situation daily affecting the peace and security of the Irish people.

PATRIOTISM: THE SELF-EVIDENT TRUTHS

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. DEVINE. Mr. Speaker, Ed Mason, public service director of the Columbus, Ohio, Dispatch, is a former FBI executive, and enjoys a great reputation for public and community service. He received an award from the Associated Press for his written series "Builders of America," and the George Foster Peabody Medal for Distinguished Radio Broadcasting for his "Government Under Law" series.

Ed Mason also is an area vice president of the Freedoms Foundation, and just recently published an article in the February 1972 issues of the U.S. Naval Institute magazine, Proceedings, entitled, "Patriotism: The Self-Evident Truths," and I commend it to your attention.

PATRIOTISM: THE SELF-EVIDENT TRUTHS

(By Ed Mason)

(NOTE.—The first American patriots pledged, and many later gave, everything—"Our Lives, our Fortunes and our Sacred Honor"—to defend certain truths. Yet, as the bicentennial of the signing approaches, many of the present generation seem less sure of these truths, and far less convinced that they are worth defending, except on their own terms.)

Not very many months ago, the Navy hired a public relations firm to advise recruiters on approaches to motivate young people.

The question put to the public relations experts was: "Is an appeal to patriotism appropriate and productive in persuading today's youths to enlist in the U. S. Navy? The answer came back resoundingly: "No! An appeal to patriotism would be generally ineffective."

Survey findings also showed that there was little unanimity of thinking concerning "patriotic ideals." Sample: "Patriotism is a very personal, nebulous, and highly complex subject." Surveyors found "a great hesitancy on the part of youth to talk about patriotism because of their suspicions and resentment against authority and government."

One Navy lieutenant volunteered: "Patriotism to me is not the flag-waving, 'my country right or wrong' type of emotionalism that was common when my father was young. It is rather a belief, a confidence and a trust in my country and its leaders. It may be less openly expressed than my father's type of patriotism, yet it is just as deeply believed. I think my enthusiastic response to the Peace Corps, or VISTA, is a type of patriotism that is common to youth today. Joining the Peace Corps does not mean a young man is antimilitary but rather that he wants to make a different type of contribution to his country. Sometimes the fight against disease, mistrust, ignorance, poverty and antiAmericanism is just as difficult as the search-and-destroy mission performed by a soldier. Both are motivated by patriotism, that is the love of one's country."

Recruiters constantly encounter an attitude such as that offered by the young lieutenant. It is not at all unusual and may be rather widely accepted by young people. The lieutenant sincerely thinks that his thoughts relate to patriotism whereas, in fact, his outlook pertains to personal preference and has little to do with patriotism.

Note that in his first sentence the lieutenant linked patriotism with emotionalism and has also "assumed" that he understands the type of patriotism which existed when his father was young. A little study on the topic might rudely awaken him. Even study of our heritage as it existed before and during the American Revolution might be startling.

Observe that he has linked what might be called "personal preference type of activity" with patriotism. Quite the contrary: patriotism and, for example, Peace Corps activities are two entirely different things.

Patriotism, in its most simple definition, relates to "love, support, and defense of country with devotion." Service in the Peace Corps is no more a defense of one's country than is a study of music or veterinary medicine.

The lieutenant's views about disease, mistrust, ignorance, poverty, and similar sentiments are shared by patriots, because patriotism demands love of country. The true patriot wishes to correct those situations and, in fact, goes even farther along this road by loving and defending his country against many things, disease and denigration included.

But, at one critical juncture in this high road, the pacifist and the patriot must part, for only one of them is unalterably committed to love, support, *and defend* his country.

The lieutenant observes: "The fact that there are different ways to improve society is one of the basic principles as outlined in our Bill of Rights." We applaud his desire to improve society but suggest that he read the Bill of Rights again. It authorizes nothing and guarantees nothing in regard to improving society. The Bill of Rights merely restricts the national government from doing certain things, but it does not purport to offer any avenues for service.

The older generations have contributed to the present confused situation by failing to recycle patriotism and regenerate awareness of the American heritage. Because they, like their forebears, assumed certain truths to be self-evident, they failed to pause now and again to see that the things which "go without saying" are still going.

The occasion, and the means, to regain a heritage nearly lost and gravely imperiled, is now available.

Public Law 89-491, passed by Congress on 4 July 1966, created a bicentennial commission to plan an appropriate celebration for the nation's 200th birthday. Later, governors of all states were urged to set up their individual commissions to plan local observances that would bring the "new spirit of '76" to all citizens.

Within the Federal government itself, the Department of Defense is unique among the participating agencies because its three segments will each observe their own bicentennials just before the national celebration: Army, 14 June; Navy, 13 October; and the Marine Corps, 10 November—all occurring in 1975.

To this end, the Secretary of Defense, in a memorandum, asked the members of his Department ". . . to reach back to our nation's founding and distill those themes that can illumine its future; and to devise the kinds of activities that can best bring alive for today's generations what that Revolution has meant for America and mankind."

Thomas Jefferson said it nearly 200 years ago: "We act not only for ourselves alone, but for the whole human race." Evidently, his world believed him. Now, as we propose to celebrate the bicentennial of the American Revolution, by re-emphasizing the extraordinary qualities of Americanism, we *still* act for the whole human race. We should do it so that the world believes us, and that can happen only after we learn, again, to believe in ourselves.

Chief Justice Warren Burger, in observing that the American Revolution Bicentennial celebration scheduled for 1976 is designed to honor a period in the life of our country rather than a single historical event, concluded that the American Revolution is still youthful, with every day the beginning of a new phase to improve the quality of American life.

"The stakes are much higher for us than they were for the Founding Fathers," declared President Nixon. He pointed out that, at the time of The Revolution, "What America did or did not do could have little effect on the peace of the world. But today we hold the high trust of Free World leadership, and if we fail to meet our trust, the danger of war will be enormously increased."

The stakes *are* high, the commitment is greater, and our determination to keep faith with the past must be very strong, and for *that*, our knowledge must be more complete.

It has been pointed out that "an artist can't paint without knowledge . . . nor can a writer put words on paper from ignorance." No individual can hope to be a successful citizen without a clear understanding of what is expected and why. The rights and privileges of the citizen go hand-in-hand with the obligations and duties. Today, too many people are remembering what they think are their "rights," and forgetting what they should know to be their responsibilities.

One thing is painfully evident: in the absence of sufficient knowledge, an abundance of self-appointed experts will appear. And when, for example, individuals without proven experience become authorities on the defense posture of the United States, a great danger exists. For he who makes judgments, either of art or armaments, on the basis of personal likes and dislikes, rather than upon knowledge and experience, may be the catalyst to disaster.

The men who took the first steps for American liberty made a major commitment. Many of those who voted for independence on 2 July 1776, as well as those who later signed the Declaration, knew well they were pledging, in literal truth, their lives, their fortunes and their sacred honor. William Ellery, of Rhode Island, watched as his associates signed the Declaration because he wanted to see "how they all looked as they signed what might be their death warrant." For many, the penalties were indeed harsh.

Thomas Jefferson, born wealthy, died a pauper on the 50th anniversary of his Declaration of Independence. John Adams, the Father of the American Navy, who had helped edit the document, died the same day as did Jefferson. Neither, however, suffered the extremes encountered by some of the other signers.

At the battle of Yorktown, Thomas Nelson, Jr., of Virginia, directed cannon fire against his own home which was occupied by the British. Nelson died bankrupt.

John Hart, proudest of any to sign the Declaration, was later hunted like an animal, slept with dogs to keep warm, and rarely was able to see his dying wife.

Virginia's Carter Braxton, one of nine farmers who signed the Declaration, saw all of his ships captured or destroyed by the British Navy. His home was sold to pay debts; he died in poverty.

The homes of 12 Signers were burned. The wife of one Signer was seized and subsequently died in a British prison ship. Betrayal and imprisonment broke Richard Stockton's health and caused early death. Five Signers were held as traitors by the British. Nine Signers died from wounds or hardships in the long fight for freedom. Nine Signers never lived to see independence.

Historians properly note, too, that even with such examples of total devotion to the cause of independence, all of the Colonists did not agree. Even after the "shot heard 'round the world," independence was not a universally accepted concept throughout the colonies. Many Americans still hoped for reconciliation. The 13 American colonies had a population of about three million, of whom only one-third favored independence, another million remained loyal to the Crown, and the remainder stayed uncommitted, awaiting an outcome that might have been decided otherwise had it not been for the deployment of the French fleet from its Caribbean duty station to the Virginia coast to participate in the Yorktown campaign.

Today, as we again encounter disagreement and, sometimes, violent dissent, there are those who proclaim that the United States is so divided that the end is near. Such cynics forget—if they ever knew—that division was much worse during the War for Independence and it was far more serious in the Civil War. The truth is that we, as a nation, are seldom unified on a particular topic.

In any future conflict thrust upon us, we may not be so fortunate as to be able to borrow a friendly fleet, and Speaker of the House Carl Albert's reminder that there can be no "no liberty without union, no independence without strength," has a haunting quality as we learn more about the growing naval strength of the U.S.S.R. The lessons of history concerning weakness suddenly seem to have modern implications, suggesting that a significant source of strength is to be found in the efforts of naval officers, active and retired, to refurbish the American spirit of patriotism itself.

How can this be accomplished?

First, each must make up his or her mind to be a participant in, rather than a witness to, the three important phases of the bicentennial. The first phase is "Heritage '76," a nationwide summons to recall America's heritage and put it in historical perspective. The goal of "Heritage '76" is to point with pride to this country's acomplishments as a nation, to dramatize its most recent developments, and to re-examine the meaning of America.

The second phase in which all can participate is "Open House U.S.A.," which will be a major national effort to draw foreign nationals to our shores in order to study, travel in, and understand this country. One other, but by no means secondary, goal is to stimulate U.S. citizens to travel, see, and thereby gain a new appreciation of their native land.

The third phase of the bicentennial is "Horizons "76," which is a challenge to all Americans to become involved in at least one project related to the pride, the priorities, and the aspirations of his community. Hopefully, groups will be demonstrating to express their concern for human welfare, happiness, and freedom.

For Navy and Marine officers and men—active and retired—and their families, this national exhortation to become concerned should have a special meaning and a special response: to close ranks in the common effort to attain the goals set by the President for 4 July 1976:

Full employment without the cost of war.

The restoration of our heritage of clean air and water which our founding fathers enjoyed two centuries ago.

A nation in which we again have respect for law and freedom from fear.

Better education, health, and housing for all Americans.

Reforms to our government which will make it more responsive to the needs of our time.

Unlimited opportunity for every American citizen, whatever his background.

And, as the U.S. Navy celebrates its own bicentennial, the hope of every man jack ought to be the rekindling of the now-faint flame of service pride, closer ties between all components of the naval establishment, and closer harmony with the Navy's sister services and government agencies.

And the Navy's celebrations ought to make crystal clear to friend and foe alike that this country finds nothing shameful in the 196-year winning streak its military arms have compiled. Navy men and Marines can say this again and again by cooperating with national fraternal organizations, with state and local agencies, to remind their countrymen—and themselves—of their pride in the legacy of victory passed on by generations of brave Americans.

To do this requires the individual to become a new and special kind of recruiter, striving in his own way to reenlist the nation's support for the hard-won ideals that are now threatened by dissent and disbelief.

This all seems to have a familiar ring to it—a Service program complete with drill teams, color guards, bumper stickers—isn't that what the Navy Recruiting Service does now? Certainly, but in the era of the Navy's centennial, more of these things must be done—and they must be done better.

What, then, are some of the Navy's goals which a "recruiter" can discuss?

The Navy's own personnel goals for its third century ought to be clearly expressed: to attract people with ability, dedication, and capacity for growth; to provide the opportunity for each of them to rise to the highest level of responsibility that his talents and diligence warrant; to provide help to each man as his military career ends and he makes the difficult adjustment to civilian life.

There are other goals, less lofty, but no less important: to transfer technical knowledge, gained through research, to the civilian sector for use by all the people: to increase participation in domestic action programs that will encourage and assist minority business; to use naval equipment, facilities, and services in support of community action programs.

Finally, each can dedicate himself to the task of, first, understanding The American Dream, and secondly, explaining it to the many fine young people who have reached adulthood thinking it was nothing but a cornball catch phrase. Unless one understands and believes in The Dream, it can never be made to work and it can never be improved.

In the last analysis, it is the young people that the Navy and the nation must reach. There are barriers now, erected by a great many of the young who have become disenchanted, mistrustful, and resentful. But, just as the young are not born disillusioned—they must now be given real reason to hope. And there is reason. There are all kinds of reasons. The Navy's recruiters and its "recruiters," by their conduct and conversation, can help to free the young of what has become almost a universal tendency to despair.

Ralph Waldon Emerson observed that there is no history . . . only biography. The accomplishments of the United States are a series of biographies of people whose individual qualities of pride, integrity, knowledge, faith and strength also became the recognized ingredients of our national character. These are the qualities to be recalled and to be shared by every citizen as we go about completing the unfinished business of the American Revolution.

HON. ALBERT W. JOHNSON'S LATEST QUESTIONNAIRE

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. JOHNSON of Pennsylvania. Mr. Speaker, the time has now arrived when according to my usual custom I prepare and send to the people of the 23d District of Pennsylvania a questionnaire on many of the complex issues of the day. For the information of the Members, and in order to make the questionnaire a part of the official RECORD of this session, I am presenting my questionnaire in detail, which will soon be mailed into the district. The questionnaire on its face will have a picture of myself in front of the Capitol. On the back of the questionnaire is a picture of the Capitol building. The inside of the questionnaire has a picture of myself at the telephone, wherein I state that I am calling to ask the people for their views. The remainder of the questionnaire is as follows:

MARCH 1972.

DEAR FRIENDS: The Second Session of the 92nd Congress will be faced with many important decisions, and I am again calling for your views.

Will you please take a minute or two and fill out the attached card and detach and mail it to me? Here is an opportunity for you to express your own opinions on the subjects selected.

I welcome your advice on these key issues in order to represent you more effectively.

As usual, the results will be tabulated and made known to you, the Congress, and the President.

Thank you for your cooperation.

Sincerely yours,

ALBERT W. JOHNSON.

CONGRESSIONAL QUESTIONNAIRE

(Answer Yes or No)

1. Would you favor an agreement with North Vietnam to settle the Vietnam War which would provide for the return of U.S. Prisoners of War and our withdrawal of all financial, economic and military support of South Vietnam?
2. Do you feel our national defenses are being adequately maintained?
3. Do you believe that a volunteer army can be raised to ensure an adequate national defense?
4. Do you favor establishing diplomatic relations with Mainland China?
5. Do you favor the gradual withdrawal of all U.S. armed forces from Taiwan (Nationalist China)?
6. Do you favor a nationwide system of federally financed child care centers?
7. Do you favor a federal amnesty law allowing draft evaders to return without prosecution?
8. Do you favor a federal subsidy for U.S. Olympic teams?
9. Do you favor a national health insurance program to be financed by increased Social Security taxes and other federal taxes?
10. Do you favor a procedure for automatic federal intervention in prolonged strikes that endanger the public's interest?
11. Do you favor the legalization of abortion by federal law (now a state matter)?
12. Do you favor the legalization of the possession and use of marihuana by persons over 18 years of age?
13. Should the U.S. continue its generous financial support of the United Nations?
14. Should general education be financed by a national sales tax rather than through present real estate taxes?
15. Should the minimum hourly wage of $1.60 be raised to $2.00?
16. Do you favor a federal system of "no-fault" automobile insurance?

WORKERS' READJUSTMENT ASSISTANCE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. ASPIN. Mr. Speaker, my distinguished colleague from Minnesota (Mr.

FRASER) and I today are introducing the Workers' Readjustment Assistance Amendments of 1972.

The purpose of this legislation is to dramatically increase the assistance provided to workers who lose their jobs because of increased imports.

While free trade is good for the overall American economy, we must insure that individual workers are not unduly harmed by expanding international commerce. For too long the problems of international trade have been cast as a black and white issue. Some free traders have disregarded the effects of expanded international commerce on workers' jobs, while many protectionists have ignored the total impact of restricted trade policies on the whole economy.

This legislation is the middle ground that allows the continued expansion of American trade without imposing hardships on American workers. Free trade results in the real growth in our economy and the production of more goods and services at lower prices for consumers. The introduction of restrictive trade policies would result in higher prices for American consumers. The long-term results of restricted trade policies would be a severe limitation upon the growth of the American economy. Free trade promotes growth and lowers prices. Protectionism results in higher prices and stunted growth.

Free trade, however, also results in the loss of some jobs. While in the long run free trade undoubtedly creates more jobs than it destroys this Nation must assist those individuals who lose their jobs as a result of our free trade policies.

Current law provides eligibility to receive adjustment assistance benefits to workers who lose their jobs as a direct result of a specific trade agreement. Workers who are judged eligible by the Tariff Commission may receive 65 percent of their former salary or the average wage in manufacturing, whichever is lowest.

In the administration of the present program the Tariff Commission has been totally unresponsive to the needs of workers. The legislation that Mr. FRASER and I have introduced today will establish a totally new system to determine the eligibility for benefits. Twelve regional counsels composed of three representatives of labor, three representatives of industry, and three public members will determine eligibility of workers for assistance. This legislation also provides for the liberalization of eligibility criteria. Workers who are unemployed because of increased imports or even a loss of export markets will be eligible.

Eligible workers will receive 100 percent of their old salaries for a year while they participate in retraining programs or seek new employment. All of the cost of relocation for an eligible worker and his family will be paid if he finds employment in a new location.

This legislation is modeled on the United States-Canadian Auto Agreement of 1965 which has provided more than $4 million worth of benefits to nearly 2,000 auto workers. The United States-Canadian Auto Agreement has been so successful that its principles should be applied to the entire economy.

The enactment of reforms in workers adjustment assistance is urgently needed to stem the growing wave of protectionism that could degenerate into a worldwide trade war threatening America's economic well-being. It is in the spirit of continuing free trade that does not unduly harm individual workers that my distinguished colleague from Minnesota (Mr. FRASER) and I have introduced this legislation today.

NORTHERN IRELAND

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, I would like to take this opportunity to voice my concern over the situation in Northern Ireland. The violence and bloodshed of "Bloody Sunday" has dramatically pointed out the tragedy and horror suffered by Northern Ireland and its people. Its people suffer and its divisions grow greater and deeper daily. The consequences of imposing law and order have been disastrous and repressive. It has become quite clear that the British troops have not only failed but have added to the violence and often caused it. We can no longer tolerate this unjust situation which has brought tragedy and misery into the lives of the people of Northern Ireland.

The Catholic minority in Northern Ireland has over the years been blatantly discriminated against and is denied basic civil rights and equal justice under the law. Abuse, humiliation and frustration have been a stark reality for the Catholics of Northern Ireland. Catholic civil rights groups have agitated for redress of well-justified grievances, such as the denial of the principle of one man, one vote, as well as discrimination in housing and employment.

British actions and policies have been a complete failure. I strongly believe that British troops must leave Northern Ireland now, for we have seen that civilians must now protect themselves from the "protectors." Civil disobedience has clearly spread rapidly and has intensified hatreds and frustrations to the brink of civil war. A political settlement cannot be achieved while a systematic repressive military force exists and while this very force is implementing the shameful policy of internment without trial, directed almost exclusively against the Catholics and is generally harassing, intimidating, and terrorizing the Catholic population.

I firmly believe that the long-standing policy of discrimination against the Catholic minority must be brought under control and that the long-run solution may be a free and united Ireland. Indeed, it would not be an easy task but it is quite evident that continuation along present lines by all parties concerned presents the greatest risk.

The tragedy of "Bloody Sunday" and the 13 deaths appear to symbolize the end of Northern Ireland in its present political form; almost all Catholics have withdrawn from government positions, lawyers are considering a boycott of the courts, and thousands of families have refused to pay rents and electricity bills. Clearly these conditions represent a radicalization of even the moderate elements within the Catholic community. The outraged Catholic minority which at first was but demanding equality in housing and employment has come to totally disregard the government as a viable force, and has turned to the IRA. The IRA has now become the symbol of liberation. A civil rights leader aptly expressed the sentiments of the Catholic minority shortly following the funerals of the Londonderry victims when he said that faith in the system had been shattered and it would have to be replaced. The anguish felt by the Catholic minority in Ulster must command the sympathy and indignation of all free men.

The following communique received by a nun in Boston from her mother who resides in Londonderry underscores the horrors of the developments taking place in Northern Ireland, particularly those happenings on January 13, 1972. The letter was read by President Mary Concannon to members of the Irish Social Club in Boston at a meeting held to engender support for the victims and their families of that bloody Sunday. The Irish Social Club is made up of more than 7,500 members dedicated to a united Ireland with equality for all, with an orderly withdrawal of British troops.

In order that my colleagues in the House may have a first-hand account of "Bloody Sunday," I would like to read to you the aforementioned letter:

FEBRUARY 6, 1972.

DEAR MAUREEN: We received your parcel during last week. The dressing gowns and night dresses are lovely, just what I wanted, Maureen, and your father got your cards as well also—Rosary and after shave. Thank you very much for them. Well Maureen Derry had their Bloody Sunday last week when the Civil Rights March went to a meeting which was to be held in Guild-hall Square. It was a lovely bright sunny day, just like a day in Spring as the marchers set off from the Bishop's field beside Creggan Chapel. It was such a nice day I decided to go to the bottom of the hill beside Jack McDaid's shop, to see them marching as I knew, I never could have walked to the Creggan and then marched. I was talking to Anna McMahon when the marchers came along Marlborough Terrace and turned down Creggan Street, when I saw your father and Anton come along I joined them. Everything was so joyful, it was like a picnic. When the start of the march got to the bottom of William Street, the way was blocked by troops (Paratroopers the toughest soldiers trained like the Storm troopers of Hitler's Germany). They had barricades erected so that the marchers couldn't get through. The boys at the front started to throw some stones at the soldiers and police, but nothing like what I saw thrown at them many's a time before. The Stewarts directed the marchers towards the Free Derry Corner for the meeting, as the finish of the marchers walked across Rossville Street, the Saracen's with the Paratroops roared behind them terrorizing the people. They started running away from the Saracens.

Your father and I were very lucky because when the marchers had reached the bottom of William Street before they turned into Rossville Street, the soldiers started to shower them with red dye from the water wagon and fire C.S. gas high up William Street. By this time we (your father, Anton and myself) were almost at Rossville Street Corner, the people all started to move back as the gas was terrible, it was a miracle no one was trampled upon as they couldn't see where they were moving with the gas. The gas started to affect me badly so your father pushed me up William Street to where Ritchier factory used to be. It's a vacant spot now. As the wind was blowing across that way your father said, "Get in there and you'll get some fresh air," little known that there were two soldiers lying on the flat roof of the Church in St. Jame's Street (as Ritchie's Factory has been taken away now, the back of the church is facing William Street) two soldiers were on top of the Post Office sorting office and two were in the front room of an empty. I was coughing and sneezing from the gas and after it eased a little I crossed the street to where Mary and Eddie were standing. We had lost Anton in the panic at the Rossville Corner, he had went over Rossville Street and up at the back of William Street to come out at Abby Street. When your father and myself got over to Mary and Eddie, Maureen came out from the opening into William Street, beside the Grand Stand Bar to tell us that a man had been shot in the shoulder and a boy in the leg. They were being attended by the Knights of Malta. They must have been shot by the soldiers on the Church roof or the sorting office roof, as I said to your father after, "little good fresh air would do me, if I had got a bullet through me." Those were the first shots that were fired in Derry last Sunday, although the Paratroopers tried to make out that when they came into Rossville Street they were fired on by snipers firing from the high flats, this is all lies because there wasn't a provo or an official armed I.R.A. man near. They decided to pull all their men out to the outskirts of Creggan and Guard Creggan, as they thought that the soldiers would try to get into the Creggan and start searching the houses when all the people were at the march, if the soldiers would take the trouble to think, why were they aiming at the people running around in terror and why were so many of the people shot, got it in the back. To continue the story we decided to go home, we thought there was only the two wounded whom Maureen saw; it could as easily have been Anton or Tommy McDaid as they were beside the two who were shot. The young boy was shot in the thigh first and he was roaring, the man went to assist him and he got shot in the arm. Antoinette was on duty as a Knight of Malta, I had seen her pass by near the front of the marchers but I hadn't seen Lian, Malachy or Kieren. Shawn was away playing and Eamon was working. It was not until later that night that we heard about the massacre by the British murderers, paid assassins. What happened in the Bogside will never be forgotten by the people of Derry.

What I'm telling you now is what the family saw and heard. When the Saracens with the paratroops behind them came into Rossville Street beside the high flats, they rushed in groups to different places. Then they started shooting. Bernardette had just taken the mike in her hand when she was shot at, she called on everybody to lie flat and not panic (this was at the Free Derry Corner where Ivan Cooper, Bernadette Devlin and the other speakers were standing on the platform everyone thought it was ruber bullets which were being fired until someone was hit, then some youth called "run, they are shooting live bullets at us." There was panic. Everybody was running for cover, the soldiers were just firing at everyone especially young boys. Some ones' prayers must have saved Antoinette and the boys. Malachy panicked and ran into Glen Fada Park and a man caught him by the shoulder and pulled him into a back yard where they crouched down behind the pilings. They saw a lot of death that night, when he was running three boys also ran into Glen Fadda from the other entrance with soliders behind them. They were shot and the man who was with Malachy whispered through the slits in the pilings to the boy who was lying nearest to them, if he was badly wounded, where upon the boy said he couldn't move. The boy next to him didn't move and the one furthest away raised his head a little and then let it fall. The soldiers came over to the boy who couldn't move and shot him dead then they went over to a group of women and used terrible language to them. They told them if they moved they would be shot. About this time, the man who was with Malachy said they would be better to give themselves up. So they came out with their hands on their head towards Rossville Street where again they saw a young boy called Young. He was standing with his hands on his head. He panicked and took his hands down to run but the soldiers shot him dead. It was as he was shot that Malachy panicked. He ran up towards what used to be Eglington place and the man also ran down towards Rossville Street. The Soldiers shot after them. The bullet grazed Malachy's hand. He was lucky. It could as easily have gone through his head. The man ran down towards Rossville Street. Malachy heard them shooting after him but didn't look back to see if he was hit or not. As for Liam five of them ran across St. Columb's Court. Three of them were shot dead. Liam and the other boy made it. When we look back now, we just can't believe it happened. It is like a nightmare. When the man and Malachy were running to get into the yard, the man thought they wouldn't get there. He said to Malachy, "I'm afraid we won't make it but thank God they did."

As the Saracens came rushing into Rossville Street they didn't care whether they knocked down anyone or not. A girl called Lanough Burke was crushed against the wall. She was carried into the house where Antoinette attended her. As she thought she needed an ambulance she left the house to cross St. Columb's Court below the High Flats. She didn't know that the soldiers and police were shooting also from the walls. A Knight of Malta pulled Antoinette into a corner below the High Flats. In the corner were about 20 men and two girls. A man we know as Barney McGuigan was lying shot dead. Another man lay about 6 feet away and further up the court Father Bradley was attending a dying man. The troops from the walls were shooting at Father Bradley as he knelt beside the man. Everytime Antoinette and the other Knight of Malta tried to get to Barney McGuigan, they were shot at. Antoinette says that all they could do was say an act of Contrition and two decades of the Rosary kneeling about three foot from him. When Antoinette and another girl Knight of Malta went to get an ambulance for the three men, two soldiers wanted to search them but the girl told them to catch themselves on that they were looking for an ambulance for three bodies lying over the street. On of them said, "so what" and the other said "Ha Ha". Could you believe they could be so callous. A widow woman with thirteen children was shot through the thigh. It was the first time that she had taken part in a march. We just heard last night she is very ill and not expected to live. She had to be removed to Belfast. Her leg was very badly shattered but those fools over in Altnagelvin give her the wrong blood group in a transfusion. Father Daly was running across the Square. A young boy was running in front of him. Father Daly passed him and then heard him gasp. He thought he was hit by a rubber bullet so he looked back and saw blood flying from him. He rushed back to him and saw he was dying. So he gave him the Last Rites, as he knelt beside. He was shot at. The heel of his shoe was shot off. Father Daly says that a young Knight of Malta crept out to help the dying boy although the bullets were flying around them. He thought it was the bravest thing. He saw the young Knight was crying and so was Father Daly. Ivan Cooper and another man rushed out to help a boy who was shot. Ivan carried a white flag, but even with the white flag the man with Ivan was shot through the cheek.

When one of the priests went to give the Last Rites to a man who was shot, the soldiers keep shooting. One young boy ran out calling "Don't shoot the Priest." "Shoot me." And they shot the boy. One young boy was shot in the stomach. He crawled into a doorway. Barney McGuigan was round the corner in safety but when he heard the boy he said he was going to him, soldiers or no soldiers. Just as he stepped out half his face just disintegrated. Some of the men who saw it happen just couldn't believe what they saw. Some men who were carrying a boy shot dead to an ambulance called Father Daly to go in front of them waving a white pillow case. You should have seen Father Daly on T.V. coming around a corner. Bent down waving the white cloth. Even then a crowd of soldiers came over to the men to examine the body. One boy was arrested and as the soldiers were putting him into a Saracen tank, he started to run away. The soldier shot him through the back. Two other boys was arrested and put into a Saracen. The soldiers then put a C.S. gas canister into the tank with them. The boys jumped out to get air and were then shot dead. Maureen these are only a few of the incidents that happened at a peaceful Civil Rights march on the Bloodiest Sunday Derry has ever seen. I could write a book on the happenings. How our connection got through it, I'll never know. Willie found himself facing one of the Saracens as it roared at him he thought it was the finish for him, so just stood and a big sign of the Cross on himself. At the last moment the Saracen suddenly turned from him. He couldn't believe they were. Seamus was up beside the platform when the shooting started. Everybody got down flat on the ground except Seamus. One of the priests called to him to lie flat but even to save his life Seamus called to him "what with my new suit on." But he got down behind a pillar near him. Margaret and Helen Johnston were near a boy who was shot. They went to help him and found another lying on the ground dead as they got near the boy lying wounded on a barricade. The soldiers came at them hitting Margaret with the butt of the rifle on the head and punching and kicking Helen. The language they used was awful. They then turned the boy over and shot him in the back. When I look back to that Sunday in Derry it is hard to believe that things like these could happen here. You must know John Young. He was the youngest of the family. Just 17 years. Malachy saw him being shot dead.

His sister was at the Rosemount School with you and Eileen. She had dark curly hair. His mother was Lily Hegarty from Cottage Row and the father came from Donegal Street. Lily Young opposite Paddy's shop is a cousin. Willie McKinney lived next door to your Uncle Paddy in the Creggan. He worked in the Journal Office. It was your Uncle Paddy who went with him to get the job. We were very great with the McKinney's. Liam palled it with Joseph Willie's brother for a time. He is a machine mechanic in the City

Factory. I was also very great with the Mother of Gerard McKinney who was shot. His wife had a baby son on Sunday last. That makes the family three boys and five girls. Mrs. Gerard McKinney was Ita Kane from Beechwood Avenue. I think she was at school with Eileen and you. Also Gerard's father was Mr. McKinney, manager of the Rosemount Factory. And his mother was an examiner there. You often heard your father talk about his cousin Sally McLaughlin. His Aunt Nellie's daughter young Doherty who was a son of Alice McGuigan who lived up Westway opposite the Basin. She used to be always sitting out in the garden every Sunday when we passed on the way to Holywell or for a walk. Barney was married with 6 or 7 children, one of the best. He was safe himself in a corner when a young boy was shot. The boy crept into a door way of the shops. He was crying and yelling "I don't want to die." Barney couldn't stand it. He said no matter what happened he was going out to help the boy. Some of the others tried to stop him but he went out from the corner and the next thing they saw was half of his head disintegrating before their eyes. He was shot at from behind and you can guess the others were. His eye lid with eye lashes was seen sticking against the wall, also an eye. It was really gruesome. Another boy's brains lay behind a big stone. Eddie Anton, your father saw them. All these things have been impressed so much in our minds that it will take a couple of generations before they ease off. When I think of all those shot dead and 16 supposed wounded. But there were far more than 16. Some of the others got treatment other than Altnagehiem. It's a miracle that our clan escaped. Well Maureen, I hope you will be able to make all this letter out.

Love,

MOTHER.

P.S. I started this letter last week and I'm only getting it finished now. I'm getting it posted in Eire as everything here is being censored and you wouldn't get it. We got your letter this morning. Don't forget to write to Mary and Eddie to thank them. The British Army must have had a red face because none of the 13 who were shot or the twenty or so who were wounded had the remotest connection with either the provos or the Official I.R.A.. You see everybody here knew what the plan of the Paratroopers was. One of them deserted the Thursday before Bloody Sunday. After hearing their orders and sought Political Asylum in Dublin. It seems the scheme was that the Paras were to shoot two men then wait twenty minutes until the news got through to the I.R.A. who would come to the defense of the marchers but the scheme misfired. Right enough the soldiers shot the two, one boy and the other a man. The boy was called Doneghy and the man was Johnson and they waited twenty minutes before they roared into the Bogside but they didn't know that the I.R.A. had stayed up in the Creggan to protect the houses if the soldiers tried to search them. While the people were in the march and that the shooting was so bad nobody thought of going up to the Creggan to let them know what happened. Everything was over before the word got through to the I.R.A.

I strongly believe that we in the Congress as responsible and concerned individuals should urge the administration to take appropriate actions to place Northern Ireland on the U.N. Security Council agenda and to persuade the British Government to accept a U.N. peacekeeping force. By these actions I would hope that the result would be a country in which the people of Ireland could live in harmony, peace, dignity, and equal justice.

REMARKS BY HON. GEORGE E. DANIELSON AT SAN DIEGO VA HOSPITAL DEDICATION

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. VAN DEERLIN. Mr. Speaker, yesterday I attended the dedication ceremonies for the opening of the new San Diego veterans hospital. Planning and construction of this modern hospital has been underway for several years. San Diego is proud that a long recognized need has been fulfilled.

My colleague from California, Congressman GEORGE DANIELSON, addressed the assembled group on behalf of the Committee on Veterans' Affairs. His remarks on the VA hospital system are most enlightening and I insert his speech at this point in the RECORD.

REMARKS BY HON. GEORGE DANIELSON

It is a high honor and a great privilege for me to be here officially representing the Committee on Veterans' Affairs of the United States House of Representatives at the dedication of this, the most modern, medical edifice in the chain of VA hospitals which stretches across the length and breadth of our great country.

This is a most important occasion, for we are today meeting a part of our continuing resonsibility to provide medical care to the American veteran—to him who has borne the battle, and to his widow and his orphan.

It takes a long time to build a hospital like this—longer than it took our Nation to reach the moon, after having committed itself to do so. It was 8 years and 2 months after President Kennedy announced the goal of landing a man on the moon and returning him safely to earth before Neil Armstrong set his foot on the moon.

We dedicate this hospital today—nearly 8 years and 8 months after President Kennedy first authorized it.

This $38 million medical center was first authorized on July 29, 1963 by President John F. Kennedy to help meet the growing needs of veterans in the state of California—a state which was and still is experiencing the greatest population explosion of any state in America.

The planning of this uniquely designed structure proceeded, and in 1968 President Johnson asked Congress to appropriate the funds to construct this beautiful 800 bed hospital.

What will this hospital mean? First, to the veterans here in California it means better care because I predict this hospital will set the pace for many others to follow in the VA hospital system. A hospital is not just a magnificent building; what really counts in the hospital is its modern, up-to-date lifesaving and life preserving equipment—and most important of all is the dedication of the doctors, nurses, and other medical support personnel who treat the sick and disabled veterans who come here for care.

A second thing I think is important to note is that all of the community and all the Nation will benefit because of the work and research which will be done here and in other veterans' hospitals to bring about major medical breakthroughs that benefit all the country.

For example, because of VA medical research, treatment of TB has improved to the point that veterans hospitalized for the disease decreased from 17,000 in 1954 to about 2,000 at the present time.

The first successful pacemaker implant operation was performed at the Buffalo, N.Y., VA Hospital.

The Denver, Colorado VA Hospital is the site of the world's most advanced liver transplant procedures.

And our great Long Beach VA Hospital has just commenced an imaginative new program of hemodialysis treatment for spinal cord injury patients which promises to be a major breakthrough in the medical care of people so afflicted.

Just recently, Dr. Edward D. Freis, senior medical investigator at the Washington, D.C. VA Hospital was congratulated by President Nixon upon being awarded the Albert Lasker Medical Research Award for clinical research. Dr. Freis initiated and quarterbacked a 5 year study of hypertension under controlled conditions in 17 VA hospitals. In this fashion very important research findings were compressed into a few years that otherwise could not have been accomplished in a lifetime by individual investigations.

His research demonstrated the lifesaving effectiveness of the use of drugs in treatment of moderate hypertension and the consequent dramatic reduction of deaths from stroke and congestive heart failure.

There are more than 6000 on-going research projects underway each year in VA hospitals. The fruits of VA supported research must be counted as an important asset in our national health care delivery system, an asset which must not be overlooked as we attempt to improve the quality of the health care delivery system for our entire population.

I understand that one entire floor of this magnificent building will be devoted to research activities and I feel certain that a number of major breakthroughs will result from the projects which are conducted here.

One of my first assignments after being appointed to the Veterans' Affairs Committee was to serve on a special committee appointed by Chairman Teague to investigate the San Fernando earthquake disaster and to review the efforts of the Veterans Administration to survey existing facilities in an effort to avoid recurrence of what happened at San Fernando where 46 patients and employees lost their lives. Hearings were held in Los Angeles, and we have had several more productive review sessions with VA officials since the initial hearings to evaluate the progress of the study which the VA has been conducting in high seismic areas.

I was indeed gratified to note that the 1973 budget request contained funds to construct two replacement hospitals in California—one at Loma Linda to replace San Fernando and a completely new hospital at Wadsworth in Los Angeles.

But, I have learned since being elected to Congress that this sort of action just doesn't easily happen—it requires a great deal of effort on the part of a great many people and sometimes it takes the horrors of a major earthquake to move our bureaucracy into this sort of decisive action.

EXECUTIVE RESISTANCE

Despite all of the great accomplishments of the VA hospital system, there are those within the Federal bureaucracy who for about two decades have tried to seriously curtail the VA medical program. Their efforts have extended through several Administrations and with the advent of national health care insurance you can expect them to redouble their efforts to merge the VA hospital system into whatever national health care system finally evolves.

This problem must be dealt with firmly. The VA hospital system must be preserved as a separate entity. The wisdom of this can be seen from what happened in England after World War II. After a national health care plan was approved over there, the veterans' hospital facilities were either phased out of existence or merged with other health care facilities. Assurances were given that service-connected veterans would receive priority for admission to hospitals and for other medical treatment. This commitment has not been honored. It has been reported that some veterans in England with service-connected disabilities are subjected to waiting periods of from two to four months. So, all of us who have special responsibilities in the field of veterans' affairs must be alert to this problem and prepared to act swiftly to preserve America's VA hospital system as a separate entity to insure the prompt and proper treatment our veterans so richly deserve.

I was particularly pleased to be assigned to the Veterans' Affairs Committee when I was elected to Congress. As I began to participate in the business of the committee, I very quickly realized what important responsibilities rests in its jurisdiction and work. It was evident that one of the most important objectives was to maintain a sound and viable medical care program.

Were it not for this Committee's past and continuing vigilance in this area, it is entirely possible that we would not be here today in participating together in this dedication ceremony.

VA HOSPITAL CONSTRUCTION DELAYS

Let me just quickly review some of the history of the VA hospital construction program. It is indeed unfortunate that this program has been subjected to many delays and not updated over the years to keep pace with changing times and conditions.

Back in 1944, Congress authorized expansion of the VA hospital system by appropriating $1.1 billion to add approximately 49,000 new beds to the VA system. In 1958 during the Eisenhower Administration, because of concern that VA hospitals were not keeping pace with those in the private sector, the Administrator of Veterans' Affairs appointed a special task force, including representatives from the Bureau of the Budget, to study and appraise long-range modernization and replacement requirements of the VA hospital system. This two year study resulted in a 12 year plan to spend almost $1 billion to modernize over 65,000 beds at 72 existing pre-World War II hospitals, and to construct over 11,000 new beds, to completely replace outmoded facilities.

This plan was presented to the House Veterans' Affairs Committee and to the Appropriations Committee. It received the enthusiastic endorsement of the national veterans organizations and funding for the program started in 1961. In 1962, under the Kennedy Administration, the plan was revised upward to $1.3 billion level over a 15 year period with an annual funding level of $90 to $100 million. This new level was reflected in appropriations of $98 million in fiscal 1965 and $91 million in 1966. From 1967 through fiscal 1972, more than $234 million has been appropriated by the Congress for modernization and construction of new hospital facilities.

Unfortunately, we still have many facilities that are badly in need of either replacement or major modernization. However, the Executive Branch has failed to recommend and approve the necessary funding to proceed with this important work.

Of the original 72 hospitals scheduled for modernization, 6 have been closed, one was destroyed by an earthquake here in California, and about 50 remain unfunded to accomplish either modernization or replacement. In fiscal 1973 beginning this July, at least $155 million will be appropriated by the Congress to continue construction and modernization plans.

ATTEMPTED REDUCTION IN HOSPITAL CARE

The VA medical program has also been assaulted in other ways. In 1965, attempts were made by the Executive Branch, on recommendation of the Bureau of the Budget, to close eleven VA hospitals containing almost 3000 beds. However, between the efforts of the Congress and strong support from the veterans' organizations this effort was frustrated. More recently a more oblique approach has been taken by the Office of Management and Budget, the successor organization to the Bureau of the Budget under this Administration. Each year in submitting the budget request to the Congress, reductions have been requested in the number of operating beds and the average number of patients who occupy these beds each day throughout the fiscal year. Over the past five fiscal years, the budget submission each year has called for a reduction in the average daily patient census of more than 16,000. The 1972 average daily patient census recommended to the Congress called for a reduction from an 83,000 target in 1972 to 79,000 for fiscal 1973 at a time when the census was actually in the neighborhood of 84,500.

To put a stop to this gradual weakening of the VA medical system at a time when its workload was at its peak, Chairman TEAGUE, in an unprecedented action, recommended to the House Appropriations Committee that they restore the funds to operate the hospital system at about the actual level of operation for fiscal 1971. Language was incorporated in the appropriation's bill for fiscal 1972 requiring the VA to operate not less than 97,500 operating beds and an average daily inpatient bed occupancy of not less than 84,500.

UNDERFUNDING OF MEDICAL PROGRAMS

In fiscal 1971, it became evident from our committee survey that the medical program was seriously underfunded and Congress added $105 million to the President's budget request for VA medical care. When the fiscal 1972 budget was presented to the Congress, a committee study indicated that the medical program would not be sufficiently funded to keep pace with inflation and rising workloads if funded at the Administration's recommended levels. In a partnership action between the House Veterans' Affairs Committee and the Appropriations Committee, well over 200 million was added to the Administration's medical care budget request by the Congress to preserve the level of care at the prior year's rate and improve and expand the quality of care throughout the VA system.

The 1973 budget for the Veterans Administration will soon be considered by the Congress. While it is a record high budget and contains a medical care employment target higher than last year, nevertheless, there is serious doubt about its adequacy in some areas. The Office of Management and Budget has imposed some rather restrictive personnel policies which inhibits and will continue to inhibit the employment of sufficient personnel in our hospital system. This matter is being closely studied by our committee at the present time and within the near future it is hoped that we will be able to devise some method to relieve this situation.

I can assure you that in the matter of adequate staffing, sufficient operating funds or any other problem affecting the scope and quality of VA hospital care, the House Committee on Veterans' Affairs will continue to discharge—fully and promptly—its legislative oversight responsibilities to America's veterans.

SALUTE TO WGST ON 50 YEARS' SERVICE

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. FLYNT. Mr. Speaker, March 17, 1972, is the 50th anniversary of WGST radio in Atlanta, Ga. WGST, originally carrying the call letters WGM, was launched as a broadcast service of the Atlanta Constitution on March 17, 1922, and a year later given to Georgia Tech and now licensed to the Board of Regents of the University System of Georgia, operated for and on behalf of Georgia Tech.

Mr. Speaker, WGST began operations as one of the first radio stations in the South when there were only 3 million radio receivers in the United States. There were no commercials on radio in 1922, but the issue of the Atlanta Constitution which announced the birth of WGM—now WGST—also advertised boy's all wool suits for $9.95 and hamburger for 10 cents per pound.

The first newscast on the first day of operation of this radio station announced that the semidirigible, the *Roma*, just purchased from Italy, had struck high-tension wires at Hampton Roads Army Airbase and exploded, killing 34 of its crew of 45.

Mr. Speaker, from the first day of operation to the present, WGST has brought the news of the day and entertainment to its listeners with accuracy and good taste and with appreciation of its responsibility to the public.

I join with its host of listeners in congratulating WGST and its entire organization for 50 years of significant service to the people of Georgia and to wish them continued success.

THE LATE HON. JAMES W. TRIMBLE

HON. JOE D. WAGGONNER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. WAGGONNER. Mr. Speaker, I would like to join those eulogizing our former colleague, James W. Trimble, from my neighboring State of Arkansas. The Land of Opportunity has lost a leader and the Nation, too, feels a personal loss.

Oh, there were times when some of us did not agree with Jim. But we always respected him and his convictions. As a member of the Public Works Committee, and later, the Rules Committee, Jim helped get his beloved State many projects. First and foremost, he championed waterway projects, especially dams on the Buffalo River which he felt were needed for water control in the northern reaches of his State.

Jim's dream, of course, was never realized. In fact, it ultimately led to his defeat. But just as conservationists wanted to keep the Buffalo free flowing, a free flow of viewpoints and ideologies is important in a democratic society such as ours.

Jim was widely known and respected by liberals, moderates, and conservatives alike. He was a man of his word, choosing his words carefully, and holding the man from the low country in high regard.

I join my colleagues in offering heartfelt sympathy to his family in this time of deep grief, when we here, too, feel a sense of personal loss.

THE FEDERAL GOVERNMENT PERPETUATES SECOND-CLASS CITIZENSHIP FOR SPANISH AMERICANS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. EDWARDS of California. Mr. Speaker, I rise today to bring to the attention of the House the utter failure of the Federal Government to bring Spanish-speaking Americans into the mainstream of Federal employment. The efforts of the Federal Government to increase the employment of Mexican-Americans, Puerto Ricans, and other Spanish-speaking Americans are deplorably inadequate.

Testimony received by my Civil Rights Oversight Subcommittee of the Committee on the Judiciary at recent hearings on the Federal employment problems of the Spanish-speaking revealed the following shocking information:

That the much-touted Sixteen-Point-Program announced by President Nixon in November, 1970, to increase the employment of Spanish-surnamed persons in the Federal Government is a failure; it is nothing more than a series of paper promises to the Spanish-speaking community that are not being kept;

That the Civil Service Commission, which has prime responsibility for implementation of the President's Sixteen-Point Program, has only three staff members assigned to the nationwide implementation of the program, a number so woefully inadequate that some field staff have never even been contacted with regard to implementation of the Sixteen-Point Program;

That the Sixteen-Point Program, although in operation for almost a year and a half, has not succeeded in raising the percentage of Spanish-surnamed employment in the Federal Government by even one-tenth of one percent;

That Spanish-surnamed employees in the Federal Government are concentrated at the lowest wage levels with little evidence of an increase in upward mobility;

That 80% of the Spanish-surnamed employees in the Federal Government are concentrated in the Department of Defense or in the U.S. Postal Service and that all of the other Federal agencies combined have only 20%, or less than 15,000 Spanish-surnamed employees in total;

That the Civil Service Commission, the agency which more than any other Federal agency should have its house in order with respect to the employment of minorities, has a lower percentage of Spanish-surnamed employees than the Federal governmentwide average, has no Spanish-surnamed employees between GS levels 16 and 18, and has to date issued no affirmative action plan to increase Spanish-surnamed employment within the Commission;

That the Cabinet Committee on Opportunities for the Spanish Speaking, which was created to encourage and coordinate Federal programs to assist the Spanish speaking, has been relegated to the status of second-class citizenship within the Nixon Administration.

The Chairmanship of the Committee was left vacant by the President for eight months; the new Chairman, Henry Ramirez, has been unable to receive Presidential support for the implementation of the excellent recommendations he has made to the Federal agencies; for example, his recommendation that the evaluation of every supervisor include his performance in implementing the President's Sixteen-Point Program and Executive Order 11478 has been ignored by the Federal agencies despite its obvious utility in moving supervisors to work seriously towards the goals of the Sixteen-Point Program.

The Federal Government is failing to set an example in the employment of Spanish surnamed and it is hypocritical for the Federal Government to hold private employers to a higher standard of performance than it is willing to follow itself. For example, the Civil Service Commission defends the validity of the Federal service entrance examination against charges from the Spanish-speaking community that it is culturally biased despite the fact that the validation of the test to which the Commission refers did not meet the minimum validation criteria used by the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance in their assessment of employment tests used by private employers. Chairman Ramirez of the Cabinet Committee on Opportunities for the Spanish Speaking has urged a study of the effect of written employment tests on Spanish-speaking applicants, but the Civil Service Commission undercuts his position by stoutly maintaining that there is no evidence of test-taking handicaps on the part of Spanish-speaking persons.

The effect of continuing widespread discrimination against the Spanish surnamed in Federal employment upon the Spanish-speaking community is devastating. Spanish-speaking people represent 6 percent of the Nation's population, and they should hold at least 6 percent of the Federal jobs. Instead, they are only 2.9 percent of the Federal workforce. It has been estimated that this discrepancy of 3.1 percent represents more than 80,000 jobs and a loss in take home pay of over $13 billion since World War II.

My subcommittee has received many recommendations for improving the deplorable Federal record in hiring the Spanish surnamed and I intend to press for immediate implementation of the best of these. I also urge President Nixon to investigate the failure of his 16-point program and take immediate steps to provide for its implementation. The 16-point program is a good program; the problem is that it is being ignored. The President must act to show the Federal agencies that he is seriously committed to increasing the employment of Spanish-surnamed Americans by the Federal Government.

PAY BOARD DECISION ON WEST COAST DOCK SETTLEMENT

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. KUYKENDALL. Mr. Speaker, when I picked up this morning's Washington Post I was gratified to see on the front page a story by Mr. Peter Milius indicating that the administration's Pay Board has agreed in private caucus to cut back the wage settlement negotiated by west coast longshoremen. The cutback is not official, but reportedly it will be made official when the Board meets today.

I know that I and many other Members of this body have seriously questioned some of the actions taken by the Pay Board and the Construction Industry Stabilization Committee in recent weeks. In my judgment some of these decisions have seriously undermined the confidence of nonunionized American workers in the whole operation of phase II. This decision by the Pay Board is the first indication that I have had that the pendulum may be swinging back toward the middle. To my way of thinking, it is high time. In my judgment too many of the decisions of the Pay Board have been weighted in favor of organized labor, and contrary to the interests of the average American. Cowering under pressure from any organized power broker is not good for the Pay Board or for the country.

MEDICAL EMERGENCY SERVICE AND TRANSPORTATION ACT

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. SYMINGTON. Mr. Speaker, minutes saved on the way to a hospital can save a child's life. For this reason, I cosponsored with Representative PAUL ROGERS of Florida, H.R. 12563, the Medical Emergency Services and Transportation Act which would direct the Secretaries of Transportation, HEW, and Defense to coordinate a Federal assistance effort to strengthen State and local agencies involved in medical rescue work.

In this regard, I would call to the attention of my colleagues two articles that appeared in the St. Louis Globe-Democrat on March 6 and March 10, 1972 respectively. The latter article was written by Sue Ann Wood.

At this point I insert the articles in the RECORD:

COUNTY HELICOPTER FLIES ON TWO MERCY MISSIONS

The St. Louis County police helicopter was used twice during weekend as an air ambulance to take injured children to St. Johns Mercy Hospital.

The injured youngsters, each flown to the hospital in less than four minutes, are:

Robert Newlon, 15, son of Mr. and Mrs. Ernst Newlon Jr., of 8159 Warwick st., Kinloch.

Wendy Grebe, 10 weeks old, daughter of Mr. and Mrs. Howard Grebe, 8326a Minnesota ave.

The Newlon youth was badly burned at about 10:30 a.m. Saturday when a can of gasoline was accidentally flicked into a fire he and a group of friends were building, police said.

When Kinloch Patrolman Guybert Barnes arrived on the scene, he called for emergency help from the County Police Flight Operations center.

The chopper, with Patrolman Roger Melton as pilot and Patrolman Terry Cooper as observer, flew to the scene where Newlon was strapped into the observer's seat and flown to the hospital.

Newlon was reported in satisfactory condition Sunday.

The helicopter was called into action again at 1:50 p.m. Sunday to take Wendy to the hospital from an accident scene on Interstate 55 at the Mattis road intersection.

Police said the infant was apparently not injured, but the helicopter was called as a precaution because of the child's age.

The child's father, Howard Grebe, 24, was injured when his pickup truck blew a front tire, went out of control and rolled across the median into the path of oncoming vehicles, where it collided with a car driven by Kenneth W. Kraeger, 54, of 4217 Gannett st., police said.

Riding in the pickup truck with Grebe and Wendy were Grebe's wife, Linda, and another daughter, Tricia, 2.

Police said neither Kraeger, Mrs. Grebe nor Tricia was injured in the accident.

Howard Grebe was taken by auto ambulance to St. Joseph Hospital, where there was no immediate report on his condition.

Wendy was whisked away from the accident scene by helicopter pilot Jerry Hawkins, who landed on the highway pavement minutes after the accident.

Paramedical Ambulance Saves Coronary Victim Here—on Tape

(By Sue Ann Wood)

A woman heart attack victim's life was saved before the watching eyes of an enthralled St. Louis audience Thursday, in a dramatic illustration of the way ambulance-emergency medical services can work.

The life-saving episode actually occurred some months ago in Los Angeles and was re-created by tape-recording and electronic equipment at a meeting of the Community Committee for Emergency Medical Services, held at Washington University School of Medicine.

After the demonstration, Dr. Marshall Conrad, co-chairman of the St. Louis area committee, declared the kind of emergency medical program Los Angeles has "is the type of service the people of this area have a right to expect."

Dr. R. Dean Wochner, acting director of the department of health and hospitals for the city, reported St. Louis is preparing plans for a central ambulance dispatching station that could be the basis for an areawide system like the one being proposed by the committee.

The Los Angeles demonstration was given by Harve Hannish, director of engineering for Bio-Com Systems, who set up portable telemetry equipment that can transmit electrocardiograms by ordinary radio or telephone.

To show the St. Louis group how it works, Hannish played a tape of an actual rescue by the team of paramedical technicians who answer all ambulance calls in the Los Angeles area.

The first sound was the voice of a woman dispacher, sending an ambulance to the home of a woman who had suffered a possible heart attack. Within minutes, the paramedical team was radioing they were at the woman's bedside and setting up the electrocardiogram (EKG) equipment.

Then, on the small television screen that is part of the telemetry console, a series of green blips bounced rapidly up and down. Some of the physicians watching the screen from the audience quickly identified the EKG reading as "ominous."

Next, on the tape recording, came the voice of a physician at Harbor General Hospital in Los Angeles, where the televised EKG had been monitored. By radioing to the paramedics at the woman's bedside, the physician gave immediate orders for intravenous injections and other emergency treatment. There were a few moments of tense silence.

Finally, the blips on the screen relayed the latest EKG information in a series of steady motions. Physicians in the audience smiled and nodded at each other. The woman's condition had stabilized. Now, the paramedical team was ordered to bring the patient to the hospital for further treatment. They had saved her life.

Conrad pointed out in many instances like this, treatment at the scene is essential, "not just throwing the patient into an ambulance and rushing to a hospital." It is the kind of emergency medical service not yet available in this area, he added.

Dr. Allen P. Klippel, co-chairman of the committee, reported prospects appear good for getting federal funding after July 1 to begin a first phase of the emergency medical system that eventually will cover a 4,400-square-mile area in and around St. Louis.

First steps, Klippel said, will be the purchase of about 19 new ambulances to help service the "core" area of the city, St. Louis County and East St. Louis, and the establishment of a central dispatching office with a single telephone number that can be used by persons throughout the area to call an ambulance.

FOUNTAIN SUBCOMMITTEE WATCHDOG ON FOOD AND DRUG ADMINISTRATION

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. PREYER of North Carolina. Mr. Speaker, most of my colleagues are familiar with the service my fellow North Carolinian, Representative L. H. FOUNTAIN, has rendered on the House Committee on Government Operations. Some may not know of his good work in recent months in bringing to the attention of the public some of the weaknesses in enforcement of our food and drug laws. Under his leadership hearings have explored the problems of unsafe goods and drugs—a situation which touches the daily lives of almost every American. His work has received the commendation of a number of consumer groups and is the subject of a recent article in Everybody's Money, the publication of the Credit Union National Association, Inc. The article follows:

[From Everybody's Money, winter of 1971–72]

FDA—Where Are You?

Most Americans believe the Food and Drug Administration (FDA) protects them against impure or unsafe foods and drugs. Does it?

Dr. Herbert Ley, former FDA Commissioner, who was ousted from that job in late 1969, said, "the thing that bugs me is that the people think the FDA is protecting them—it isn't. What the FDA is doing and what people think it's doing are as different as night and day." According to a study by the agency itself, "the FDA cannot assure the public that all is well with respect to the products it buys."

James Turner, author of *The Chemical Feast*, based primarily on an intensive four-month study of the FDA, with the agency's cooperation, concluded the FDA is unwilling and unable to protect the consumer. Turner asserts the regulations governing food quality and composition "read like a catalogue of favors to special industrial interests." As one example of the alleged bias, Turner uses the FDA's stand on caffeine. Some doctors question allowing children to drink beverages containing caffeine. Some doctors also say adults with certain ailments should regulate or omit caffeine from their diet. But in spite of these warnings, the FDA refused to make *Coca-Cola* and *Dr. Pepper* put "contains caffeine" on their containers.

The FDA says there are "between 2 million and 10 million cases a year of food-borne illness." One of the sections of the Food, Drug and Cosmetic Act says a food is adulterated "if it consists in whole or in part of any filthy, putrid or decomposed substance." But Thomas Brown, Director, FDA Office of Compliance, said although the law doesn't allow tolerances for filth, the FDA set up guidelines allowing limited amounts of filth. In establishing these guidelines, Brown said the agency acted in accordance with legal cases that indicate it is impossible for food processors to guarantee absolutely pure food. But the one legal case he mentioned did not authorize such guidelines. When *Everybody's Money* asked for all the guidelines, Brown refused.

Much debate has arisen over the use of food additives and medicated animal feeds. Two congressional hearings were held this year regarding these chemicals and whether the FDA was doing its job protecting the consumer. What, if any, hazard do these chemicals pose?

Nitrates and nitrites are two additives challenged by some doctors. These chemicals are used as curing agents, preservatives and color fixatives to make meat look fresh, or, with smoked fish, to stop growth of botulinus. The additives are often found in ham, corned beef, hotdogs, luncheon meats, sausage and smoked products. Most companies list these chemicals on the product label.

The FDA says nitrates and nitrites are safe as long as the prescribed limits of 500 ppm (parts per million) of nitrate and 200 ppm of nitrite are followed. However, one doctor, who has tested these additives, testified nitrites "are quite toxic, owing to their high reactivity." He said both additives were problems to infants, who "seem especially prone to this type of nitrite poisoning."

The FDA has tried to minimize the number of poisoning cases. But Representative L. H. Fountain, North Carolina, Chairman of the House hearings on chemicals in food, submitted documents proving the FDA omitted data showing over 50 percent of the firms surveyed by the agency had nitrite content in foods ranging from 1,457 to 3,046 ppm. When asked if these levels could be fatal to a child, harmful to a pregnant woman or her fetus, or harmful to a seriously anemic person, Dr. Charles Edwards, FDA Commissioner, said they could.

Rep. Fountain submitted medical documents and reports showing numerous deaths and severe illness, especially among children, from eating food containing nitrite up to 6,500 ppm. He concluded the FDA did not have "any well-developed surveillance program for the coverage of products" containing these additives. And shortly before the hearings, a man died from eating a meat tenderizer containing 9,700 ppm of nitrite. The congressmen were not told of his death.

Doctors also testified nitrites interact with certain amines, present in many foods and drugs, producing a chemical, nitrosamine (NA). The FDA, as well as other researchers, have found some NAs are carcinogenic (cancer-producing). But the FDA said there is no evidence the production of NA takes place in humans at the pesent permissible levels of nitrite. Rep. Fountain asked about a research project which found carcinogenic NA in smoked fish when only 200 ppm of nitrite were used. The FDA denied the validity of the test, but did admit their own researchers found a highly carcinogenic NA in smoked fish. When asked why nitrates and nitrites weren't withdrawn until further test results were in, the agency replied they wouldn't do that until they had conclusive evidence NA was found in food.

During the hearings, congressmen also questioned the use of diethylstibestrol (DES). This chemical is widely used to stimulate growth in cattle, calves, swine and sheep. Rep. Fountain submitted numerous research projects linking DES to cancer in both animals and man. But the FDA said it had much evidence the chemical wasn't carcinogenic. Rep. Fountain said all growth-promoting hormones, of which DES is one, had been totally banned in 21 countries. Sweden, in fact, refuses to accept imported U.S. meat containing these hormones.

As *Everybody's Money* went to press, the USDA and FDA jointly announced that livestock must be withdrawn from DES seven days prior to slaughter in order to eliminate DES residues in the meat. The previous requirement was two days. Commissioner Edwards said if the tighter controls fail to prevent residues, the FDA will take further action.

But in 1970, the FDA doubled the allowed amount of DES from 10 to 20 milligrams per head per day. Rep. Fountain says the USDA figures on carcasses containing DES are too low. And between 1967 and 1969, when an estimated 40 million cattle were slaughtered, the USDA tested only 500 carcasses. No wonder one FDA official said housewives couldn't be sure there were no traces of chemicals in the meat they bought.

And consider cyclamates. Although the ban on artificial sweeteners containing cyclamates went into effect July 1, 1970, FDA documents show that three producers of this product continued shipping the products after the ban. (Cyclamates are still permitted by prescription.) The documents revealed that Abbott Laboratories told the FDA in November it would sell rather than destroy its *Sucaryl*. The FDA now denies any knowledge of these violations.

Why all these problems with an agency that is supposed to protect our food? The agency says it lacks sufficient staff, money or authority to test chemicals, police users and recall products. There is one thing for sure: Consumers deserve better protection. And they aren't getting it.

JAMES W. TRIMBLE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. PEPPER. Mr. Speaker, it is a privilege for me to join with the able gentleman in the well (Mr. HAMMERSCHMIDT) in tribute to a former colleague on the Rules Committee and in this House, and a friend, Representative James W. Trimble.

Jim Trimble was a distinguished representative of his district, his State, and his country. He was a man deeply dedicated to the public interest. Always quiet and unassuming, he was, nevertheless, alert and zealous in doing whatever was best for his district, his State, and country.

He was a man of gracious charm and warm heart, whose friendship was cherished by everyone privileged to be his friend.

In his passing, his family, his friends, and his country have suffered a grievous loss. We shall always honor his name and memory. To all of his loved ones, my wife and I send our heartfelt sympathy.

USES OF AWACS

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. HICKS of Washington. Mr. Speaker, the airborne warning and control systems—AWACS—is a highly versatile system. The following two articles, which summarize the weaknesses of our present air defense system, illustrate the necessity of using one of the several capabilities of AWACS for air defense:

U.S. AIR DEFENSE IN SOUTH SCORED

HOUSE PANEL FINDS "GAPING HOLES" IN RADAR COVERAGE

(By John W. Finney)

WASHINGTON, January 11.—The House Armed Services Investigating Subcommittee charged today that the nation's air defenses were "virtually useless," particularly in protecting the southern flank of the United States against a bomber attack.

In reply, the Defense Department acknowledged that there were gaps in the radar detection network on the southern flank but called the possibility of a bomber attack from the south remote. It contended that the Soviet Union could not launch an undetected bomber attack against the United States.

The House subcommittee's report resulted from an investigation of an incident last October when a Cuban plane carrying 21 Cuban sugar technicians flew undetected across the Gulf of Mexico and landed at New Orleans.

In a similar incident in October, 1969, a Cuban MIG–17 flew undetected to Homestead Air Force Base in Florida and landed at the base while the President's Air Force One was there.

The subcommittee's report said that the two incidents demonstrated that there was "a 1,500-mile opening in our air defense on the southern United States perimeter between Florida and California," and that "any foreign power can, at will, violate the southern United States Air Space without detection or interception."

"IMMUNE FROM DETECTION"

"More importantly," the report continued, "they suggest that any enemy having the capability to attack from the south would be immune from detection and interception."

In making public the report, Representative F. Edward Hébert, Democrat of Louisiana, chairman of the full committee and the investigation subcommittee, said in a statement:

"Since our potential enemies know of the gaping holes in our air defenses, I think it is high time that the American people were let in on this open secret.

"For the past 10 years I have been fighting against the emasculation of our continental air defenses in the name of economy. We are now reaching the point where our weakness in this area constitutes a threat to our very survival."

As suggested by Mr. Hébert, the subcommittee's report represents a revival of an argument that has been going on between the House Committee and the Defense Department since 1963, when Defense Secretary Robert S. McNamara ordered a cutback in the air defense system, particularly in the southern United States.

The McNamara rationale was that the Soviet strategic threat was shifting from bombers to ballistic missiles, and that any Soviet bomber attack was likely to come from the north rather than from the south.

The subcommittee's conclusion was that as a result of these "economy moves, begun by Secretary McNamara in 1963, our detection and intercept capabilities have rapidly deteriorated, despite a steadily increasing threat posed by submarine-launched missiles and newly developed Soviet long-range bombers."

A contrasting view was presented at the Defense Department by the Pentagon press spokesman. Jerry W. Friedheim, who said, "A potential attack on the Southeastern United States is not a great likelihood." Asked whether there was any way the Soviet Union could launch a surprise bomber attack on the United States Mr. Friedheim replied with an emphatic "No."

NETWORK RESTRUCTURED

The subcommittee made public closed-door testimony by Gen. Seth J. McKee, commander of the North American Air Defense Command, in which the general said that with the cutbacks, the nation's antibomber "defense in depth is only a concept, not an actuality."

Antibomber defenses are "generally nonexistent" along the southern border, he said, and "our remaining interceptors and radars are currently deployed to counter the most likely threat which is, of course, from the north."

Asserting that the present radars cannot detect low-flying bombers, the general said that even on the northern approaches "I would say that we do not have an antibomber system that cannot be underflown or flown around."

Mr. Friedheim said that one reason for the present gaps in the radar coverage was that the Defense Department was restructuring the air defense network by phasing out older radars and replacing them with a new airborne warning and control system.

One of the subcommittee's principal recommendations was that the Defense Department accelerate the deployment of the new system and also over-the-horizon radars, both of which are capable of detecting low-flying planes. It also proposed that the Pentagon give priority to development and production of a new supersonic interceptor plane.

[From the New York Times, Jan. 14, 1972]

GENERALS CALL U.S. AIR DEFENSE INADEQUATE FOR RUSSIAN THREAT

(By Drew Middleton)

COLORADO SPRINGS, January 13.—The Air Defense of the United States, according to its senior commanders, is aging, inadequate and sadly in need of modernization.

The House Armed Services Investigating Subcommittee drew attention to one weakness when it charged Tuesday that the air defenses were useless in protecting the southern flank of the United States against bomber attack.

Gen. Seth J. McKee, commander in chief, North American Air Defense Command, said today that cutbacks in radar detection systems and fighter interceptor squadrons had weakened his command capacity to cope with Soviet bomber attacks anywhere over North America.

"The bomber is as great or a greater threat than ever," he said, "but it is not the total threat."

There is no present defense against the balance of the threat—more than 1,500 intercontinental ballistic missiles and submarine-launched ballistic missiles—nor will there be until the first Safeguard antiballistic missile squadrons become operational at Grand Forks, N.D., in 1974 or later.

Safeguard, however, will protect only American ICBM sites. It will not protect cities or industry.

SOVIET DEFENSE EXPANDED

The Soviet capacity to launch a missile and bomber attack is one aspect of General McKee's concern. Another is the steady expansion of Soviet air defense—radar installations, fighter interceptors and the antiballistic missile systems constructed around Moscow.

The United States, American generals argue, has no intention of attacking the Soviet Union. Why, then, are the Russians devoting so much effort and material to an air defense system. One implication is that the Soviet air defense is intended to provide some measure of security against retaliation in the event of a Soviet first strike.

General McKee and Lieut. Gen. Thomas K. McGehee, commander of the Air Force's Aerospace Defense Command, agree on the necessity of maintaining air defenses at a level that will convince the Russians that any aerial attack on this country would not accomplish its objectives.

"We want to make it clear to them that their bomber force is not going to have a free ride," General McKee said.

Norad is a binational United States and Canada command of about 100,000 men extending from the Pacific wastes across North America to Fylingdales, in the hills of Yorkshire, England. Headquarters are set in deep caverns in Cheyenne Mountain overlooking this city.

The air defense forces of NORAD are provided by three component commands: the United States Army Air Defense Command, which will include the Safeguard Missiles; the United States Air Force Aerospace Defense Command, and the Canadian Forces Air Defense Command. The Navy also makes units available to the North American command, and the American command in Alaska is responsible to the North American command for the air defense of that state.

The North American command's mission is detection, identification and, if necessary, destruction. Today, it is equipped to carry out this mission completely only against the manned bomber.

Detection of bombers rests mainly on the Distance Early Warning System, the DEW line.

BALLISTIC PROTECTION

The Ballistic Missile Early Warning System is designed to detect the launching of Soviet missiles, thus enabling the United States to activate its retaliatory forces of the Strategic Air Command.

There are three early warning system sites—at Thule, Greenland, Clear, Alaska, and Fylingdales Moor, England.

These detection systems are supported by search radars and "gap filler" radars. Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff, pointed out recently that there had been a drastic reduction in the supplementary detection systems.

Since 1969, he told the House subcommittee, the detection arm of the air defense forces has been reduced by 49 airborne early warning aircraft, 29 search radars and 17 gap filler radars.

"In the last 10 years," Admiral Moorer said, "the air defense of the North American continent has been cut by approximately 60 per cent" and the surveillance and command control system has been reduced from extensive radar coverage of the entire continent to "a thin perimeter of defense along the east and west coasts and the northern approaches."

NORAD officers said that whereas in 1962 there were 27 semi-automatic ground environment systems, there were now only six. These systems, called SAGE, are based on high speed digital computers. These collect, correlate and display information at all levels. The systems also provide intercept data for interceptor planes and Bomarc surface-to-air missiles.

In the early 1960's there were 45 interceptor squadrons of the Air Force and 25 National Guard squadrons available for interceptor duty. The figures today are 11 and 15. The number of Bomarc squadrons has fallen from eight to five. There were 127 long-range radars operational then; there are 57 today.

NORAD commanders are now concerned about a new Soviet swing-wing bomber. Admiral Moorer says that the bomber, called "backfire" here, could be operational by the mid-1970's.

"My belief," he told the House subcommittee, "is that our aging air defense forces are in need of modernization."

AMNESTY FOR THE PRISONERS

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. DANIEL of Virginia. Mr. Speaker, we have all heard a great deal of comment on the subject of amnesty in recent weeks and we will no doubt continue to hear more.

The interest this controversial topic has generated is understandable, but unfortunate in that it overshadows a problem far worthier of our attention at this time, the plight of our prisoners of war held for so long by the enemy.

An editorial in the March 13 Martinsville Bulletin of Martinsville, Va., states clearly what our priorities should be in these matters and where our present concern should properly lie.

I insert the editorial entitled "Amnesty for the Prisoners" in the Extensions of Remarks:

AMNESTY FOR THE PRISONERS

The question of amnesty for America's draft dodgers and Army deserters was given an airing in Washington the other day as numerous concerned persons presented both pro and con opinions before a subcommittee headed by Sen. Edward M. Kennedy, D-Mass.

It would be encouraging if somebody, somewhere, opened a forum on the question of amnesty for America's prisoners of war held by North Vietnam, some of whom have been in captivity for as long as six years.

Not one of this country's noble allies has brought the slightest pressure to bear on Hanoi. Not one statesman has spoken a word of criticism about Hanoi's treatment of these men. The voice of so-called world opinion remains mute—except when it comes to condemnation of the United States.

If this country held hundreds of North Vietnamese prisoners virtually incommunicado for years, permitting only sporadic delivery of letters to or from them and their families, denying visits by Geneva Convention representatives and refusing to discuss the possibility of an exchange of prisoners, why, America's outraged students would be impaling themselves on the White House fence, their counterparts would be rioting in London and Paris and Berlin and bombs would be exploding at U.S. embassies and consulates in every capital of the world.

(We do, in fact, hold tens of thousands of North Vietnamese prisoners. Or rather, South Vietnam does, and has made repeated attempts to repatriate some of them to a North Vietnam that does not even acknowledge their existence.)

But then, why should foreigners care about American prisoners of war when Americans themselves don't seem to care?

Just as it is obvious that Hanoi intends to hold these men until the last measure of blackmail value is squeezed out of them, the conclusion becomes inescapable that Americans are perfectly willing to let them do so.

In no other war this country has ever been engaged in has the question of prisoners of war hinged upon capitulation to enemy demands amounting to virtual surrender. In no other war would public opinion have stood for it.

But today we are so guilt-ridden, so full of self-doubt, so war-weary, so disillusioned that we seem ready to write these men off as scapegoats for our national sin of intervening in North Vietnam's conquest of South Vietnam. Each day they remain in captivity is, in effect, one more payment on our bill of atonement.

In the meantime, wives are growing old without husbands, children are growing up without fathers.

The moralist (who applies morality only to the United States) may counter that the prisoners, most of them fliers, are responsible for the creation of uncounted numbers of widows and orphans in Vietnam, who have no hope at all of ever seeing their husbands or fathers again.

Very well. If American servicemen are to be held accountable for carrying out the military policies of their government, then let the soldiers of every country, including North Vietnam, be held similarly accountable.

But until that happens, let American prisoners of war be treated in accordance with international standards which even the Nazis abided by.

This would mean, at the very least, regular inspections of prison camps by neutral-nation observers. It would forbid the exploitation of prisoners of war for political purposes.

There is nothing we can do to force North Vietnam to release or exchange or ameliorate the living conditions of her American prisoners of war.

But we can speak out.

MY RESPONSIBILITY TO FREEDOM BY KATHLEEN ORR

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. BARING. Mr. Speaker, I am honored to place in the CONGRESSIONAL RECORD the following speech written by Kathleen Orr, an outstanding student at White Pine High School in Ely, Nev. Her reflection on "My Responsibility to Freedom" resulted in her selection as Nevada's winner in the Veterans of Foreign Wars Voice of Democracy Contest. I feel that this is a fine example of our patriotic youth.

The speech follows:

MY RESPONSIBILITY TO FREEDOM

(By Kathleen Orr)

Imagine yourself as a small, newly-born lion. When your eyes open, the first thing you see is your cage. The next, your keeper. Soon, you learn that you will receive something to eat twice a day; that if you are friendly and entertain the people who come to see you, they too, will give you something to eat. Soon, you have grown used to these patterns. You become a lazy lion and you accept this life as it is without complaint.

But now imagine something else. You are again a lion. But this time you are big, strong and in the early years of your life. You have your own hunting grounds and a happy, free existence. One day you forget, only for a second, to be careful, cunning. The hunter pays a visit and you return with him to the city and to the younger lion, still in his cage. It is much easier to learn to live with something from the beginning. But to experience freedom and then suddenly, to have none—that is not so easily accepted!

Everybody's responsibility to freedom is to see that our freedoms remain and flourish for succeeding generations. Apathetic attitudes toward freedom cannot be excused. If one can sit back and, thinking of a Communistic country, say. "Well, I guess I'm lucky to live where I do" (and be content), that is not enough. If people allow their freedoms to simply exist, soon, they may not exist!

The generation which fought to win the freedoms we enjoy today had no idea these same rights would so soon after be the accepted life style for Americans. Those men, those first patriots, often worried that tomorrow morning they might wake up and learn they were once more under the control of a dictator.

Could Americans survive under the control of a dictator? You would have no personal protection, no courts in which to plead your case, and the word of the dictator would be final.

I have a great fear for this nation. I fear that the people are too complacent with their way of life. They, in their wildest dreams, don't think of ever having to do without their freedoms. Many people are even unaware of the fact that every human being on earth does not enjoy these same rights.

You ask, "what can be done?" I don't know the answer. But I do know of a point of departure. It lies, I believe, in the following:

First: Education. Do you really know what your rights are?

Do you understand fully their meaning and the power which these rights and privileges carry?

Second: Exercise your freedoms. Participate in politics. Voice the pro's and con's of an issue.

Third: Get involved. If there is something that you don't agree with or, if you have a better idea, tell the world about it. That's your right and your obligation.

Fourth: Don't be passive. Make sure that your rights are not infringed upon or in any way violated. If someone violates one of your rights or those of your neighbor's, don't let it go by, but make sure it is corrected.

Let's take another look at the lion. Just as every other animal, he was born free.

You were born free.

But the lion must fight viciously to retain his free existence. We are told that no one can challenge our freedoms. Believing this is not enough. To make sure our children enjoy the same freedoms that we enjoy today, each of us must protect these freedoms.

Be restless like the lion! Don't let the hunter take away what you have but be prepared to protect your hunting grounds!

RESPONSIBILITY TO FREEDOM

HON. ALTON LENNON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. LENNON. Mr. Speaker, the Veterans of Foreign Wars and its Ladies Auxiliary each year conducts a Voice of Democracy contest. This year nearly 500,000 high school students participated in the contest. The theme was "My Responsibility to Freedom."

Mr. Garry Lee Ballance, Route 1, Fayetteville, N.C., a resident of my congressional district, was the winning contestant for North Carolina. He delivered an excellent speech with mature observations on the responsibilities entailed in freedom. I am proud to make his essay available for the readers of the Congressional Record.

My Responsibility to Freedom

A man is an individual, but also a part of a greater whole. He has a soul that is unique because it thinks, feels, and expresses itself differently from all others. There is a spirit within the soul called Freedom that merits the highest honors of truth, justice, courage, and equality. When individuals who believe in these qualities combine to preserve them, strengthen them, and insure them to all, we have a general state of freedom.

I am a believer in freedom. I live in that society of men which believes that all have the right to stand and be counted. I believe further that members of a free society must be willing to say, in the words of Ross Snyder, "I did that; I hold myself responsible."

Responsibility, that is the key to freedom. As an American it is my duty to insure freedom to the utmost limits of my ability. This does not mean that I must attack and destroy those with ideals different from mine, or be so rigid in my belief that I forget the very basis for its foundation. Instead, if I practice the properties of freedom such as, respect, loyalty, equality, patriotism, and support of government, then I will begin to understand better the importance and support of freedom.

It is not my place to be on top, for glory without meaning is nothing. I am one of the pillars of American democracy in the support of my government and its policies. It is my responsibility to serve the cause of freedom because it is the major element of my life. Being free does not mean much if one cannot understand and appreciate it.

I do not have to prove my loyalty to freedom. The things I do and say are proof enough and usually the greatest influence on others. By paying homage to our flag, singing loud and clear our national anthem and defending what I believe in, I hope it is clear that I am proud to be an American.

As I grow older and look into the future I realize that my responsibility to freedom becomes more acute. As an adult member of this democracy I must stay informed of what my government is doing. Then, I must try to understand and accept those actions. If my country should call on me to defend its freedom then I would be proud to take my place. It is also my duty to instill in my children the principles of freedom and a genuine love for their country. To do this I cannot use words because they are so often misunderstood. Instead, I will act in support of my convictions, for action *does* speak louder than words.

As a citizen of the United States I must mature enough to bear my share of the burden. Maturity, then, is the acceptance of responsibility of all aspects of freedom. Freedom is a privilege, an honor that must be cared for to insure its stability. So often Americans use freedom as a means for personal gain. We abuse our rights, stretching them to the breaking point. We seek riches for the individual. We step on others and use democracy to attain selfish goals which are inconsistent with the basic principles of freedom.

It is also my responsibility to resist those elements within and without our society which seek to destroy it. Freedom is *not* a ticket which enables me to a free ride. When our freedoms are threatened I cannot stand idly by and let a few defend them. I intend to be involved in the democratic process, keep informed of what my government is doing, and vote for those who are dedicated to preserving our freedom.

As an American I am obligated to be loyal to my fellow man, to encourage and avidly support my country, flag, and government. I am a very fortunate individual to be a free citizen in this great land. As my responsibility to freedom, as we know it, I will always support it when it is right, defend it when it is challenged, right it when it is wrong, strengthen it when it is weak, and above all, serve it loyally, because to serve freedom is to serve myself.

CONTEST WINNER

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. ANDREWS. Mr. Speaker, Miss Elizabeth Ferguson, daughter of Mr. and Mrs. Paddock Ferguson of Maida, N. Dak., has won the $1,500 fifth prize scholarship in the annual Voice of Democracy Contest sponsored by the Veterans of Foreign Wars.

Miss Ferguson is a senior at Langdon Public School, Langdon, N. Dak., where she is secretary-treasurer of the Honor Society and the Drama Club, and president of the Radio Club.

She plans to study for a career in radio broadcasting and journalism at the University of Oklahoma after graduation from high school.

Miss Ferguson is president of the 4–H Club, a member of the National Honor Society, and participated in the 1971 Flickertail Girls' State. She won first place in the 1970–71 Northeast District Speech Festival in broadcasting; a third place in the State Speech Festival and the LHS Award for Drama. She also won the best actress award in the 1970 and 1971 district speech festival. She was a local winner in the American Legion oratorical contest and in 1968 was the North Dakota winner in the Independence Hall essay contest.

I insert Elizabeth's prize-winning speech on Freedom in the Record at this time.

The speech follows:

Our Responsibility to Freedom

(By Elizabeth S. Ferguson)

I am the dream that birthed America. I am the heartbeat of her people. I have walked her roadways, entered her homes, in some way touched every American. But, more than these things, I am a friend. I am Freedom.

Lately though, it seems I have not been so much a friend. I walk this land, my country, as a stranger. No one really seems to know me, no one really seems to care. In a hundred ways, in a hundred places, I feel it. I am no longer given the honor, the respect, a friend deserves; rather, I am—tolerated. I wave my banner happily at people, but get no hand-on-heart salute in return. My anthem plays in an American town, and I can see in people's faces that the old tingly feeling is missing, has been lost somewhere. And I begin to realize what has gone wrong. The general idea seems to be that, since I have been around for so long, I am here to stay, so why any special consideration for me?

People, you have forgotten that Freedom, like friendship, is a privilege, not a right. You have no license on me. What you do have is a responsibility towards me, a responsibility towards freedom. Yours is the responsibility, mine is the right, the right to demand that you uphold your responsibility.

But how? you ask. How do I successfully shoulder this responsibility towards Freedom? It isn't hard, the materials for doing it are at your fingertips.

Begin with the individual. Let him thoroughly educate himself, thoroughly understand my principles and how they function. The individual must understand these things, for they are the safeguards of Freedom. If there is understanding, there can be no twisting of facts so that Freedom becomes more of a liability than a blessing.

Let the individual be responsible. Let him be ready to stand up and be counted. Let his attitude show that he is ready and willing to work at the business of Freedom, that he desires a government on my principles. In this business, my business, the individual must always be ready to listen, always receptive to new ideas, for then Freedom may be a truly living thing—growing, expanding, always an open door to the future, never a barricade of the past.

I ask of the individual the things which any friend has the right to ask for—respect, trust, love and understanding. I am not infallible; I am people, and people can make mistakes. But only friends have the ability to understand, the ability to set the mistakes right.

Finally, let the individual apply all of those things to his life, to the lives of his family and friends. And through this, my principles, an ever open ear, respect, trust, love and understanding, all of these will reach the nation, and I will not be unknown, for I will be in America, and America will be steeped in Freedom.

I am Freedom, I have shown you your responsibility. Shoulder it readily, with a will, and I shall be happy. For as long as there are people willing to take up this responsibility, I shall walk America always as a Friend, never as a stranger.

MY RESPONSIBILITY TO FREEDOM

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. FRENZEL. Mr. Speaker, a high school student from my district last week won a $5,000 scholarship prize in the annual Veterans of Foreign Wars Voice of Democracy oratorical contest.

Steven J. Harper, of Bloomington, Minn., a senior at Jefferson High School, was awarded the second prize. Naturally, about 500,000 students entered the competition, all speaking on the subject, "My Responsibility to Freedom."

Steve Harper is a senior at Thomas Jefferson High School in Bloomington. He hopes to use his scholarship to study criminal law.

He is a cochairman of the National Honor Society at Thomas Jefferson and also is president of the debating team, speech team, and the National Forensics League chapter at the school.

Among his awards and achievements are a first place at the club, zone, State, and district levels of the Optimists Oratorical Contest; a second place in the four-State regionals, first place in the school and district American Legion oratorical contest; first place in high school extemporaneous speaking tournaments at St. Olaf College and Gustavus-Adolphus College.

Steve's speech, which follows, is a thoughtful piece of work. Study of it is the next best thing to hearing him deliver it.

The speech follows:

MY RESPONSIBILITY TO FREEDOM

(By Steven J. Harper)

"Take care of the land, and the land will take care of you." These are the words of my grandfather, and right now I wish he were here, explaining my responsibilities to freedom. You see, he was a farmer. His calloused, wrinkled hands were a kind of testament to his belief that, "If you take care of the land, it will take care of you." There's a lesson in that simple parable—a lesson that I'd like to share with you—but I'm not sure that I can. How do I make the words of a man, born in 1903, relevant to the world of the 70's? How do I make the words of a simple farmer relevant to a world of hotpants, hondas, and horoscopes?

I remember the long days when he would spend sunrise to sunset planting his fields. He would come in dirty and exhausted and sometimes disgusted. At times I think he was reassuring himself when he told me, "You get out of the land only what you put into it—no more—no less." And with every harvest, I could see the truth in his words. There's a lesson for freedom here—a lesson so very clear to me—but how do I express it? If my grandfather were here, I'd ask him to explain, but you know what he would do? He'd look at me, smile, and then tell me another of his parables.

Like the time he promised to take me hunting. That morning I got up, bright and early, only to find my grandfather gone. Confused, and disappointed, I turned to my grandmother. She explained that even though the skies were only cloudy, the weather report had forecast three days of heavy rain, and grandfather had to plow his corn while he could get into the fields. He came in late that evening—looking tired, but contented. He apologized and then explained, "Those weeds in the corn were small today—but, if left untended—and with three days of rain—they could have choked out the new young corn. It had to be done today. If I don't take care of my land today, who else will?

At this point some of you might be thinking, "But you haven't been specific." Let me take a few minutes to share with you how I attempt to apply my grandfather's philosophy. Even though I'm not a farmer, I can take care of the land so it will take care of me. For me this means voting in the school council elections. For me this means giving a dollar to the United Fund. For me this means working a part-time job and saving for my college education.

Even though I'm not a farmer, this philosophy is still true: "You get out of the land only what you put into it." For me this means studying for my classes, listening, and doing the best that I can. For me this means respecting my father and mother. For me this means attending and contributing to the church of my choice.

Even though I'm not a farmer, I know that if I don't take care of the land, I cannot be assured that someone else will. This means that if I don't register to vote—who else will? If I don't become familiar with the issues—who else will? If I don't work for the candidates of my choice—who else will?

At this point some of you might very well ask, "What became of this man who believed that if he didn't take care of his land, no one else would? What become of this man who maintained that, you get out of something only what you put into it? What became of this man who believed that, if you take care of something, it will take care of you?

More important than the fact that he is no longer with us, is the fact that the land is still there, the land is still producing, my grandfather's land is feeding our family, and yours, today. There's the lesson for freedom. Therein lies my responsibility to freedom.

LET US MAKE IT A GREAT DAY FOR THE IRISH

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. ROE. Mr. Speaker, it is with the deepest of regret, I am sure, that all of us observe the clouds of divisiveness hanging over Ireland today—but on this 17th day of March 1972 I join with many of my colleagues here in the Congress in commemorating the days that were and the tomorrows that will be when Irish eyes are smiling with a return of peace in Northern Ireland.

This is the prayer and resolve of myself (H. Res. 753) and other Members of Congress who have joined in supporting the resolution of Congressman CAREY of New York, as follows:

RESOLUTION

Whereas the continuing violence and bloodshed in Northern Ireland is a cause of the deepest concern to Americans of all faiths and political persuasions:

Whereas the causes of the present conflict may be traced to the systematic and deliberate discrimination in housing, employment, political representation and educational opportunities practiced by the governmental authorities of Northern Ireland against the minority there;

Whereas the Governments of the United Kingdom, and of Northern Ireland have failed to end the bloodshed and have failed to establish measures to meet the legitimate grievances of this minority;

Whereas continued repression and lack of fundamental reforms in Northern Ireland threaten to prolong and escalate the conflict and the denial of civil liberties: Now, therefore, be it

Resolved, That the House of Representatives expresses its deepest concern over the present situation in Northern Ireland, and in accord with the fundamental concepts of non-discrimination, fairness, democracy, self-determination, and justice requests the United States Government at the highest level to urge the immediate implementation of the following actions:

(1) Termination of the current internment policy and simultaneous release of all persons detained thereunder.

(2) Full respect for the civil rights of all the people of Northern Ireland and the termination of all political, social, economic, and religious discrimination.

(3) Implementation of the reforms promised by the Government of the United Kingdom since 1968, including those reforms in the fields of law enforcement, housing, employment, and voting rights.

(4) Dissolution of the Parliament of Northern Ireland.

(5) Withdrawals of all British forces from Northern Ireland, and the institution of law enforcement and criminal justice under local control acceptable to all parties.

(6) Convening of all interested parties for the purpose of accomplishing the unification of Ireland.

It is important to note that the recommendations of this resolution suggest a bold dynamic approach for the British Government to consider as an alternative to senseless violence and bloodshed. It calls for the convening of a "summit" meeting of all parties of interest and specifically requests that the British troops be replaced by neutral peace forces under local control that is acceptable to all parties in order to attain an orderly return to peace and unity in the Emerald Isle.

The worsening situation in Northern Ireland defies any nation or freedom-loving peoples to look the other way and not be deeply concerned. Lives are being lost; basic human rights are being violated; and the power of arrest and detention of human beings without charges is an effrontery to justice and the very fundamental cornerstone of democratic government.

Regrettably, another most tragic toll in human decency and dignity is the refugee of any war. The crisis in Northern Ireland again sees the specter of the incarceration of several thousand refugees. In the House today we are considering H.R. 9615 which would make additional immigrant visas available to countries of the Eastern Hemisphere. I joined with Congressman Rodino, the dean of our New Jersey delegation and chairman of the Judiciary Subcommittee on Immigration and Nationality, in sponsoring this legislation which would directly correct inequities that had developed in implementing the current law which provided for a transition in the immigration system from a "national origins" basis to a "first-come first-served" basis. This measure will provide special immigrant visas annually for the next 4 years to each country of the Eastern Hemisphere equal to 75 percent of the 1955–65 average less the number of visas issued during the preceding fiscal year. On this basis approximately 33,000 special immigrant visas would be available in the first year for Ireland.

If enacted into law, this legislation will not only help resolve the pending backlog of Eastern Hemisphere immigration cases but will also manifest an expression of our country's sympathy and deep concern for the oppressed victims of the disastrous conflict in Northern Ireland.

THE RESURRECTION OF UKRAINE'S CHURCHES

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. COLLIER. Mr. Speaker, as Christians throughout the United States look forward to the day on which many of them commemorate the Resurrection of Jesus Christ, they ought to express their gratitude to the Almighty for the privilege of living in a country where all enjoy freedom of worship. They ought at the same time to extend their sympathies to the peoples in other lands whose right to worship God is severely curtailed or even prohibited.

One such land is the Union of Soviet Socialist Republics, which has for over half a century persecuted the Christian churches, as well as the Jewish congregations. It has engaged in a never-ending campaign to exterminate religion, eliminate religious observances, and destroy religious institutions.

In the Ukraine, which presently has 47,136,000 people, the Kremlin has done its utmost to discourage the continued operation of the two major Christian organizations, the Orthodox and Roman Catholic Churches. The time has come to restore these churches and establish religious freedom throughout the Soviet Union. It is in that spirit that I have introduced a House concurrent resolution which would, if adopted by this body and the other body, put the Congress of the United States on record as actively seeking the resurrection of the Ukrainian Orthodox and Roman Catholic Churches in Ukraine.

If the resolution which I have introduced this afternoon is approved by both Houses, it would be the sense of Congress that the President should call upon the U.S.S.R. to permit the resurrection of the Orthodox and Catholic Churches in Ukraine. The powers-that-be in the Kremlin would have a dramatic opportunity to demonstrate that they are indeed mellowing by making it possible for the Ukrainians to worship in their own churches.

Mr. Speaker, let us take a giant step forward and help speed the day when the peoples of Ukraine and other Soviet lands will be able to enjoy freedom of worship, be they Christians, Jews, or Moslems. What a great day it will be when the people of Ukraine will be able to attend religious observances without hindrance. What a triumphant occasion it will be when those who are Orthodox or Catholic will be able to commemorate the resurrection of the Savior in their resurrected Christian churches.

The concurrent resolution reads as follows:

CONCURRENT RESOLUTION

CONCURRENT RESOLUTION TO SEEK THE RESURRECTION OF THE UKRAINIAN ORTHODOX AND CATHOLIC CHURCHES IN UKRAINE

To seek the resurrection of the Ukrainian Orthodox and Catholic Churches in Ukraine.

Whereas the Charter of the United Nations, as well as its Declaration of Human Rights, sets forth the objective of international cooperation "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion . . ."; and

Whereas in the Constitution of the Union of Soviet Socialist Republics article 124 unequivocally provides that "In order to ensure to citizens freedom of conscience, freedom of religious worship and freedom of anti-religious propaganda is recognized for all citizens"; and

Whereas not just religious or civil repression but the genocide—the absolute physical extermination—of both the Ukrainian Orthodox and Catholic Churchs in a nation of over 45 million brutally violates the basic civilized rights enunciated above: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President of the United States of America shall take immediate and determined steps to—

(1) call upon the Government of the USSR to permit the concrete resurrection of both the Ukrainian Orthodox and Catholic Churches in the largest non-Russian nation both within the USSR and in Eastern Europe; and

(2) utilize formal and informal contacts with USSR officials in an effort to secure the freedom of religious worship in places of both churches that their own Constitution provides for; and

(3) raise in the General Assembly of the United Nations the issue of Stalin's liquidation of the two churches and its perpetuated effect on the posture of the USSR in the light of the U.N. Charter and the Declaration of Human Rights.

U.S. DISTRICT COURT JUDGE BANS DUMPING OF SLUDGE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. RODINO. Mr. Speaker, I was extremely pleased to learn of the recent decision of U.S. District Court Judge George H. Barlow to ban sludge dumping along the New Jersey shore.

With the waterways of our country in a state of increasing decay, it is heartening to learn that Judge Barlow has set the wheels in motion toward the abatement of water pollution and the protection of these vital natural resources. I commend to my colleagues the following editorial from the Newark Star-Ledger of March 7, 1972:

TURNING THE TIDE

The decision by U.S. District Court Judge George H. Barlow to ban sludge dumping in the Atlantic Ocean along the Jersey Shore represents a significant breakthrough in the federal government's war on pollution.

The first ruling of its kind in the nation, it came at a time when many citizens began to question seriously the government's ability and sincerity in dealing with major environmental problems.

While the sludge decision is not the solution to all the pollution ills besetting our oceans, rivers and lakes, it is an important beginning for this nation.

But to stop the sludge flushing by 15 shore municipalities, U.S. Attorney Herbert J. Stern had to use a 73-year-old law—the only one available—to bring the case to court. The fact that the only legal document the Justice Department could find was the 1899 Refuse Act is in itself a sad commentary on the scope of the existing anti-pollution laws provided by both Congress and the judicial system since the origin of this country.

Written when the western frontier was still being explored and settled, the 1899 Refuse Act permits liquid sewage to be discharged into navigable waterways, but solid matter is prohibited.

In an unprecedented action, Stern used the Refuse Act to halt the dumping of sludge—which he contended was a solid—by the shore communities. After all the evidence was submitted by the experts for the government and the defense, Judge Barlow ruled that sludge was a solid.

Judge Barlow went even further, concluding, in his opinion, that pumping sewage-sludge directly into the surf waters every winter creates a hazard for marine and human life.

Because Stern and Barlow were limited to the sludge issue, neither was able to act on the equally vital question of liquid sewage, which continues to pour into the ocean every hour of every day.

The obsolete primary sewer treatment plants skim the solids off the waste effluent, thus creating sludge, which settles to the bottom of the holding tanks, but the liquid sewage is permitted to flow through the ocean outfall pipes only a few hundred feet from the beaches where millions of bathers swim during the summer months. The Refuse Act does not apply to sewage.

Judge Barlow's decision should serve notice to our elected representatives in Washington that the courts are doing everything within their jurisdictional powers to turn the tide of pollution, but that new laws from Congress are desperately needed if the environment is to be protected from all sources of harmful effects.

Judge Barlow and U.S. Attorney Stern are to be commended by the public for taking swift and decisive action against the shore polluters, despite the handicap of an archaic law not intended for application under today's complex conditions.

FACTIONAL DIVISION IN THE NORTH OF IRELAND: A REPORT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. BIAGGI. Mr. Speaker, last week I included in the RECORD the first half of a report written by Mr. Fred O'Briain on the situation in Northern Ireland. In order that my colleagues may be fully aware of the information on the problems besetting the people of that strife torn land, I am including the second half of this most informative report in my remarks today.

The second half of the report follows:

All attempts at keeping the peace fell apart in Ulster after Prime Minister Brian Faulkner ordered 300 suspected members of the IRA interned without trial. From this action the British army claimed that they had virtually defeated the hard core IRA gunmen in Ulster. The British Commandant claimed 20 terrorists had been killed and along with the internment, the IRA was crushed.[11]

Prime Minister Brian Faulkner claimed that he had no choice but to institute internment to bring an end to IRA terrorism. Internment in Northern Ireland had become a necessity if the attempt to preserve some degree of order in the streets of Belfast and Derry was to be sustained. Internment basically can only be justified in time of war. Internment-arrest without trial, the suspension of due process of law and of habeus corpus, the turning of criminal prisons into political concentration camps—is the chosen implement of all totalitarian societies of "left" as of "right." [12]

The governing of Northern Ireland is as much the responsibility of the British government as is the governing of Scotland, Wales and the Counties of England. That responsibility cannot any longer be disregarded. The Stormont regime has failed. The power in Northern Ireland is the power of the British Army. The responsibility in Northern Ireland is the responsibility of the British government. As a matter of good governance, the time for direct rule has now arrived.[13]

The imposition of direct rule from London would be acceptable to the minority Catholics but would be an admission of failure to the ruling Protestants. The imposition of direct rule with equal participation by Catholics would remove one of the chief issues the IRA uses to incite the Catholics, that they have no rights.[14]

The IRA replied in the usual fashion. Joe Cahill, leader of the Provisionals stated that only 30 of the 300 interned were IRA members. To prove his point Cahill, the most wanted man in Ulster, made an auracious appearance at a press conference behind the barricades in Belfast on August 13, 1971. He there told reporters that Internment and clashes with British troops did no harm to the IRA, but their biggest problem was lack of ammunition.[15]

Mr. Cahill not deterred by internment went to the United States to raise money for his cause, but he was refused admission to the United States as the U.S. bowed to pressure from Britain and revoked his visa in mid flight. Upon his return to Dublin Cahill told newsmen that the IRA would step up guerrilla warfare in Ulster. He said it was a tragedy some would get killed—"even British soldiers"—but some responsibility for all deaths" rests on the doorstep of Britain which is responsible for the partisan of Ireland." [16] Joe Cahill because of conditions in the North is a necessity and will continue to be unless something concrete is accomplished to correct the conditions in Ulster, not just tokenism as was given in 1969 which led to August 1971.[15A]

Mr. Cahill's counterpart on the Protestant side is the Rev. Ian Paisley. Paisley is the radical right wing conservative minister who has done as much as anyone else to kindle the flames of bigotry. It was he in 1969 who insisted on the Orange Order parades that caused the confrontations of Catholics and Protestants.

Mr. Paisley and his followers desire to remain a part of Britain and retain control of the North of Ireland by keeping control of the government of Stormont. He has suggested that as a counter move against the IRA the Protestants should form an IRA type "third force". The new force has as its nucleus the disbanded B-Specials, the Protestant auxiliary of the Northern Irish police. It is designed to pull together the scattered street level Protestant organizations which have acted independently during times of sectarian strife.

While the IRA has always been well organized, military Protestant action has been represented by the outlawed Ulster Volunteer Force—a loosely knit organization composed mainly of individuals operating at street level. It lacked not only central control, but also the backing of the Protestant community, which regarded it as extremist and dangerous.[16]

If Paisley and his extremists could be stopped, then a great issue that the IRA exploits to gain the support of Catholics would be curtailed. To disarm Joe Cahill it is necessary first to disarm Paisley.

After many verbal blasts over issues in Ulster, Prime Minister Faulkner of the North and Jack Lynch of the South of Ireland have agreed to meet to discuss the problem with Britain and Prime Minister Heath.

After institution of internment, Faulkner and Lynch threw verbal abuse at each other daily. Faulkner claimed it was the only way to prevent IRA-inspired violence. Lynch stated that the only people interned were Catholics and no extremist Protestants were interned.

Mr. Lynch has called for the abolition of the Stormont Government by peaceful means and its replacement by a council or commission representing equally Catholics and Protestants. Mr. Faulkner retaliated by telling Lynch to mind his own business and that he had no right to interfere in the affairs of the United Kingdom. Lynch feels he has a right to speak for the one-third Catholic minority as they are considered citizens of Ireland. Lynch wants re-unification but peacefully, not the IRA way through incessant violence. Faulkner is concerned for his government and has demanded Lynch to crack down on the IRA and their use of the Republic to perpetrate terrorism in the North. Each blames the other for not being able to arrange a meeting to discuss their differences.[17] (They have in fact met.)

Since the inception of the state of Ulster, the Unionist government have had an Act of Parliament known as the Civil Authorities (Special Powers) Act,[18] despised generally by the most mildly liberal under the title "Special Powers Act." The excuse given for the act is the continued existence of an armed threat by the IRA, though members of the government, when it suited their purpose and their audience, have derisively relegated the military prowess of the IRA to the mere ability to chop down a few trees.[19]

A terrifying wave of rioting, shooting, and bombing engulfed Northern Ireland following the reintroduction, after 10 years, of the Special Powers Act regulation allowing for the internment without trial of political subversives. Internment was a policy of repression not accepted by Catholics or Protestants and caused opposition members in the Stormont Parliament to withdraw.

Surveying the situation that exists in the North now is that there are five interested parties with different hopes for a solution. The Catholics favor re-unification, but would accept at least temporarily, an active equal participation in the affairs of government. The Protestants favor remaining with Britain and the radicals under Paisley are for totally repressing Catholics. The government of Ulster wants to stay in power and may make some concessions to Catholics. Great Britain is considering major concessions to Catholics in the area of government. The Republic of Ireland while desiring unity with the North would be appeased if major concessions to the Catholics on a temporary basis with the end goal of reunification were held temporarily in abeyance.

CONCLUSION

Being realistic about the situation in the North of Ireland; the killing has to stop and I believe it will. The problem is getting one side to take the initial step and hope the other will follow suit in good faith. The question remains who is willing to take the first step. All things considered I think the British should initiate a cease fire with the I.R.A. and try to prevent further killing through negotiation rather than trying to physically crush the organization. By recognizing the I.R.A. as a negotiating force instead of treating them as criminals, the British could stop the bloodshed. After abusing the Irish, Catholic and Protestant for four hundred years, this would be a small retribution.

The leader of the Opposition in the British Parliament, Mr. Harold Wilson recently toured Ireland, North and South, talking with all factions involved in the Irish Problem and concluded that re-unification was the only solution but that it could only be worked out over a fifteen year period. No one in Britain dismissed this possibility as they would have done six months before.

Assuming that in the interim London rather than Belfast would govern Ulster, that is an excellent solution. It is something of a compromise to all interested parties and allows time to iron out various problems confronting the differing factions.

The greatest obstacle to re-unification is that the Protestants fear being governed by a Catholic Government that gives favored status to the Church of Rome. They fear that Catholics especially Northern ones will seek revenge for past discrimination against Catholics. This feeling cannot be lightly cast aside.

The interim period as suggested by Mr. Wilson will hopefully allow Northern Protestants time to determine whether there are undercurrents of discrimination ready to burst. If it is conceded that after the fifteen year period, evidence of the possibility of rampant discrimination exists, then a federal union of the two Irelands might be worked out as a further step until the foundation for discrimination is removed and a United Ireland can be a reality.

In the interim period a United Nations peacekeeping force should be allowed in Ireland to act as an impartial force so that basic human rights are insured for all citizens.

FOOTNOTES

[11] *The Internment Fiddle,* New Statesmen, 8/13/71, P. 200.

[12] Id. P. 2.

[13] *British Failure,* International Herald Tribune, August 12, 1971. P. 3.

[14] *Ulster Steering Toward Civil War,* Time, 9/20/71, P. 29.

[15] London Times, August 13, 1971, P. 1.

[15a] Baltimore Sun, September 26, 1971, P. 1.

[16] London Times, August 15, 1971, P. 1.

[17] Tripartite Talks, Text of agreed statement by the Prime Ministers of the United Kingdom, Northern Ireland and The Irish Republic on 9/28/71, published in British Information Services Bulletin sec 54/71 N.I. 9/28/71.

[18] The Special Powers Act, including internment without trial, was passed originally in 1922 in a situation of unrest verging on civil war, the Acts were sparsely used once the violence had been curbed until the outbreak of war in 1939. After the war all but 7 of the 48 regulations that had been under the Acts were repealed. A fresh campaign of violence opened in 1956 and most of the regulations had to be reintroduced to meet this threat. After it ended in 1962 regulations were again allowed to lapse until the summer of 1969, when a number of people were briefly detained. Finally in August 1971 the regulations were again used against Catholics during the riots and are presently still being employed.

[19] Time 9/20/71, P. 29.

WHAT COUNTRY GIVES "MOST" TO THE UNITED NATIONS?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. FRASER. Mr. Speaker, "U.N. We Believe" is an organization that works with industry, business and labor for a stronger United Nations.

In the winter 1972 edition of their quarterly newsletter, U.N. We Believe, published a very useful set of tables entitled "What Country Gives 'Most' to the U.N.?" These tables are printed below:

WHAT COUNTRY GIVES "MOST" TO THE U.N.?

The vote on China in the United Nations raised new interest in what the United States gives—and should give—to support the U.N. "U.N. We Believe" has compiled the following charts which will bring light to the subject.[1]

Table A ranks 126 members of the U.N. according to their contribution in 1970.[2]

Table B shows how much the contribution cost each of its citizens.

Table C indicates each country's contribution in relation to its gross national product (GNP).[3]

A—1970 contribution to U.N. by member states in U.S. dollars [2]

United States	276, 332, 665
Britain	48, 544, 890
Soviet Union	41, 998, 270
Sweden	35, 602, 924
Canada	34, 333, 811
France	27, 471, 830
Denmark	22, 296, 184
Italy	20, 075, 798
Japan	18, 688, 221
Netherlands	15, 670, 052
India	11, 051, 855
Norway	10, 936, 540
China	10, 520, 569
Australia	8, 870, 861
Belgium	6, 637, 269
Poland	6, 032, 024
Argentina	5, 862, 066
Ukraine	5, 716, 829
Spain	5, 025, 322
Finland	4, 270, 863
Austria	4, 001, 192
Czechoslovakia	3, 937, 201
Mexico	3, 755, 848
Brazil	2, 864, 622
Pakistan	2, 732, 711
Greece	2, 718, 650
Yugoslavia	2, 699, 660
Iran	2, 196, 840
New Zealand	2, 138, 085
Venezuela	2, 115, 090
Turkey	2, 061, 432
Egypt	1, 836, 308
Hungary	1, 643, 542
Indonesia	1, 600, 143
Israel	1, 580, 327
Byelorussia	1, 561, 310
Romania	1, 390, 089
South Africa	1, 326, 077
Ireland	1, 130, 897
Colombia	1, 054, 605
Philippines	1, 011, 082
Cuba	871, 285
Kuwait	854, 641
Chile	848, 748
Morocco	837, 367
Saudi Arabia	829, 996
Thailand	826, 116
Bulgaria	702, 512
Ghana	601, 183
Ethiopia [6]	597, 333
Nigeria	580, 913
Malaysia	580, 436
Peru	488, 405
Ceylon	434, 589
Tunisia	400, 441
Iraq	391, 354
Burma	387, 812
Algeria	386, 361
Jordan	337, 745
Portugal	337, 300
Sierra Leone	297, 961
Afghanistan [6]	293, 062
Ivory Coast	292, 535
Ecuador	287, 585
Trinidad-Tobago	286, 217
Sudan [6]	282, 819
Singapore	275, 632
Congo Kinsh	268, 448
Burundi [6]	267, 932
Jamaica	264, 508
Tanzania [6]	261, 483
Gabon	258, 381
Zambia	257, 130
Mauritania	255, 818
Guyana	251, 992
Uruguay	243, 496
Senegal	237, 888
Costa Rica	230, 749
Luxembourg	229, 854
Syria	229, 304
Iceland	226, 810
Cameroon	221, 006
Nepal [6]	207, 388
Lebanon	207, 313
Mauritius	206, 483
Guatemala	205, 322
Libya	202, 776
Madagascar	198, 960
Kenya	194, 501
Cyprus	188, 290
Liberia	186, 609
Barbados	181, 260
Panama	178, 663
Dahomey [6]	175, 925
Upper Volta [6]	172, 650
Togo	171, 482
Malta	165, 935
Uganda [6]	162, 437
Albania	161, 682
Rwanda [6]	157, 446
Bolivia	157, 374
Honduras	156, 229
Somalia [6]	155, 273
Malawi [6]	152, 490
Cambodia	152, 358
Laos [6]	142, 442
Guinea [6]	139, 343
Mongolia	133, 806
Maldives [6]	133, 225
Niger [6]	130, 181
Lesotho [6]	128, 421
Congo Brazza	127, 058
El Salvador	104, 348
Nicaragua	102, 283
Central African Republic	101, 681
Gambia	101, 591
Botswana [6]	91, 791
Chad [6]	86, 238
Yemen [6]	80, 602
Paraguay	79, 539
Haiti [6]	78, 820
Dominican Republic	78, 747
Swaziland	63, 516
Southern Yemen [6]	61, 597
Mali [6]	56, 699
Equatorial Guinea	5, 011

B—Per capita contribution [4] *in U.S. dollars*

Denmark	4. 53
Sweden	4. 42
Norway	2. 81
Canada	1. 60
United States	1. 34
Maldives	1. 21
Kuwait	1. 20
Netherlands	1. 20
Iceland	1. 13
Finland	.90
Britain	.87
New Zealand	.75
Australia	.70
Barbados	.69
Belgium	.68
Luxembourg	.67
Israel	.54
Austria	.54
France	.54
Gabon	.51
Malta	.50
Ireland	.38
Italy	.37
Guyana	.33
Greece	.30
Cyprus	.29
Gambia	.28
Czechoslovakia	.27
Trinidad-Tobago	.26
Mauritius	.25
Argentina	.24
Mauritania	.21
Venezuela	.20
Poland	.18
Japan	.18
Soviet Union	.17
Byelorussia	.16
Liberia	.15
Hungary	.15
Swaziland	.15
Spain	.15
Jordan	.14
Botswana	.14
Costa Rica	.13
Congo Brazza	.13
Singapore	.13
Jamaica	.13
Yugoslavia	.13
Lesotho	.12
Panama	.12
Ukraine	.12
Sierra Leone	.11
Libya	.10
Saudi Arabia	.10
Cuba	.10
Mongolia	.10
Togo	.09
Chile	.08
Uruguay	.08
Bulgaria	.08
Tunisia	.07
Iran	.07
Albania	.07
Burundi	.07
Lebanon	.07
Mexico	.07
Romania	.06
Ivory Coast	.06
Central African Republic	.06
Ghana	.06
South Africa	.06
Dahomey	.06
Honduras	.06
Senegal	.06
Zambia	.05
Turkey	.05
Somalia	.05
Egypt	.05
Malaysia	.05
Morocco	.05
Nicaragua	.05

Footnotes at end of article.

B—Per capita contribution[4] *in U.S. dollars*—Continued

Southern Yemen	.05
Colombia	.04
Laos	.04
Ecuador	.04
Rwanda	.04
Iraq	.04
Guatemala	.03
Cameroon	.03
Syria	.03
Peru	.03
Guinea	.03
Portugal	.03
Ceylon	.03
Malawi	.03
Paraguay	.03
Niger	.03
Upper Volta	.03
Bolivia	.03
Brazil	.03
El Salvador	.02
Madagascar	.02
Algeria	.02
Philippines	.02
Pakistan	.02
Ethiopia	.02
Chad	.02
Thailand	.02
Cambodia	.02
India	.02
Tanzania	.02
Nepal	.01
Dominican Republic	.01
Sudan	.01
Kenya	.01
Equatorial Guinea	.01
Afghanistan	.01
Uganda	.01
Haiti	.01
Congo Kinsh	.01
Yemen	.01
Burma	.01
China	.01
Indonesia	.01
Mali	.01
Nigeria	.01

C—Contribution by percent of GNP[3]

Madagascar	.303
Gambia	.282
China	.220
Gabon	.163
Lesotho	.152
Denmark	.152
Mauritania	.149
Botswana	.148
Burundi	.142
Barbados	.135
Sweden	.121
Mauritius	.114
Norway	.108
Guyana	.107
Czechoslovakia	.096
Dahomey	.089
Bulgaria	.088
Somalia	.088
Swaziland	.088
Malta	.078
Togo	.076
Sierra Leone	.070
Upper Volta	.069
Congo Brazza	.068
Laos	.067
Liberia	.064
Rwanda	.060
Malawi	.053
Netherlands	.052
Central African Republic	.049
Canada	.045
Southern Yemen	.045
Finland	.044
Britain	.043
Niger	.040
New Zealand	.040
Trinidad-Tobago	.036
Kawait	.036
Chad	.035
Cyprus	.035
Ethiopia	.035
Guinea	.035
Tunisia	.033
Senegal	.033
Ireland	.032
Israel	.030
Austria	.030
Greece	.030
Egypt	.030
Yugoslavia	.030
Saudi Arabia	.029
United States	.029
Australia	.028
Argentina	.027
Belgium	.027
Costa Rica	.026
Cameroon	.026
Ghana	.025
Morocco	.025
Turkey	.025
Nepal	.023
Jamaica	.023
Ivory Coast	.023
Honduras	.023
Italy	.022
Iran	.022
India	.022
Venezuela	.022
Cuba	.021
Ceylon	.021
Afghanistan	.020
Cambodia	.020
Tanzania	.020
Yemen	.020
France	.019
Burma	.019
Haiti	.019
Panama	.018
Soviet Union	.017
Bolivia	.016
Ecuador	.016
Sudan	.016
Spain	.016
Singapore	.016
Colombia	.015
Pakistan	.015
Zambia	.015
Congo Kinsh	.014
Malaysia	.014
Iraq	.014
Lebanon	.014
Syria	.014
Uganda	.014
Nicaragua	.013
Chile	.013
Paraguay	.013
Mali	.012
Kenya	.012
Indonesia	.012
Nigeria	.012
Thailand	.012
Mexico	.011
Guatemala	.011
Philippines	.011
Uruguay	.011
El Salvador	.010
Algeria	.010
Japan	.010
Peru	.009
Brazil	.008
South Africa	.008
Hungary	.007
Libya	.006
Equ. Guinea	.006
Dominican Rep.	.005
Iceland	.005
Portugal	.005
Poland	.003
Luxembourg	.002

FOOTNOTES

[1] Figures in these tables are unofficial.

[2] Latest payment figures available from the UN.

[3] Gross National Product figures for the non-communist countries come from *Growth Rates and Trend Data*, Agency for International Development, May 15, 1971; page 8.

Communist Countries: *Monthly Bulletin of Statistics;* United Nations; November 1971.

[4] 1970 Population figures used to compute statistics come from *Monthly Bulletin of Statistics*, United Nations; November 1971.

[5] Estimates of GNP have a wide margin of error mainly because of the problems of estimating the GNP and converting the figure into US dollars.

[6] Identified by the UN as one of the hard-core least developed countries.

[7] No figures are available for Albania, Byelorussia, Maldives, Mongolia, Rumania, Ukraine.

FEDERAL WATER POLLUTION CONTROL ACT OF 1972

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. DINGELL. Mr. Speaker, I am in receipt of a letter, with enclosures, dated March 16, 1972, dealing with the proposed Federal Water Pollution Control Act of 1972 which was signed by Mrs. Donald E. Clusen, chairman, Environmental Quality Program and Projects, League of Women Voters of the United States. In the interest of assuring the fullest possible availability of the information contained in the letter and enclosures, I include these items at this point in the RECORD:

MARCH 16, 1972.

DEAR CONGRESSMAN: HR 11896, the Federal Water Pollution Control Act of 1972, has been reported out from the House Public Works Committee. It is the companion bill to S 2770, which passed the Senate 86–0 on November 2, 1971. A broad coalition of over twenty national environmental, labor, and consumer organizations feels that if Congress desires to institute a truly serious effort to clean up this nation's waters, grave deficiencies in HR 11896 must be rectified.

Certain amendments, which are outlined in the enclosed information, will be offered on the floor by a coalition of Congressmen led by Representatives Reuss, Dingell, Abzug and Saylor. We sincerely urge your support of these amendments. They are the minimum requirements for a strong water pollution control program.

The indices of trouble in our water resources are growing. Thirty percent of the nation's tap water contains quantities of chemicals exceeding Public Health Service standards, according to a 1970 HEW report. Government estimates show that if we translate the effects of water pollution into economic costs, they would reach almost $13 billion annually. Beaches that constitute the prime water recreational area for many of our largest urban centers are closed; half the beaches in New York are closed. Enforcement under the past water quality program has not been able to do the job; since 1956 the government has called to account 4000 industries and cities it deemed major polluters and almost all of them had state permits. The 1965 water pollution law required states to write water quality standards by 1967. Only 40 have complied, and not all of them meet minimum federal guidelines.

Time is short. This legislation will direct our national and state efforts in water pollution control for many years. We do not feel that it is enough to pass a water pollution control measure; we must pass a STRONG water quality bill.

Thank you.

CITIZENS FOR CLEAN WATER PACKAGE,
MRS. DONALD E. CLUSEN,
Chairman, Environmental Quality Program and Projects, League of Women Voters of the United States.

CONGRESSMEN AND CITIZENS SUPPORT CLEAN WATER PACKAGE

THE SITUATION

It is expected that H.R. 11896, the Federal Water Pollution Control Act of 1972, will come before the House before Easter recess.

The corresponding Senate bill, S. 2770, passed the Senate in November, 1971 by an 86-0 vote; though far from perfect, it is the most comprehensive piece of federal legislation ever to deal with water pollution problems, which are pervasive and growing worse.

After the Senate bill passed, a massive attack on the bill in the House Public Works Committee was launched by the Administration, industry and several state governments. This attack succeeded in emasculating the stronger Senate provisions. Congressmen John Dingell, John Saylor, and Henry Reuss, with the support of major citizen groups, are leading an effort by concerned members of the House to attach strengthening amendments to the bill on the floor.

Amendments to implement the following proposals will be offered. You are strongly urged to support them. Over 20 national environmental, consumer, and labor organizations have endorsed these proposals, the Clean Water Package.

CLEAN WATER PACKAGE

(1) Zero Discharge goals and effluent requirements of the Senate bill for 1981 and 1985 do not take effect in the House version. The House bill merely orders a study (Section 315) by the National Academy of Sciences/National Academy of Engineering to determine the feasibility of implementing these 1981/1985 requirements. Although the study is acceptable; delaying the implementation of national standards is not. These requirements and goals must be established now.

(2) Protection for workers must be instituted by requiring national effluent limitations to prevent industries from "shopping" for less strict state pollution requirements, and by establishing an equitable system of economic assistance to those workers and communities affected by plant closures due to environmental regulations.

(3) Citizen suits against polluters or against the EPA Administrator have been seriously restricted. Any person may sue under the Senate bill; only parties suffering direct damage will be granted standing to sue under the House bill. The precedents set by the Clean Air Act Amendments of 1970 and the recently House passed noise pollution legislation should stand in the matter of citizen suits; any citizen should have the right to sue to enforce the law.

(4) The Federal Permit Program has been weakened by H.R. 11896 in several ways. (a) The power of the Federal EPA to review, and when appropriate, to veto individual permits for industries issued by the states (who may be unduly influenced by local and powerful industry groups or not have adequately trained personnel) was removed from the House bill. EPA must be able to reject individual permits. (b) The permit program must be granted away to the states if they meet certain loose federal guidelines under H.R. 11896. In addition, once the grant of power is complete, EPA is not required to initiate proceedings to take back the state program if the state is not complying with the federal guidelines in administering the program. (c) Under H.R. 11896 all industries that apply for permits under the Refuse Act of 1899 (the basis for the present permit program) or the new water quality legislation will have immunity from prosecution under the Refuse Act or this bill until the permit is accepted, denied, or until 1976, whichever comes sooner. Under the Refuse Act filing for a permit does not preclude prosecution. This legislation would be weaker than existing law and must be corrected.

(5) Under the Fish and Wildlife Coordination Act state fish and game agencies and the Fish and Wildlife Service of the Interior Department may comment on all discharge permits to insure fish and wildlife resources protection. Both the Senate and House bill (Section 511(b)) would eliminate this comment procedure. The Fish and Wildlife Coordination Act must not be weakened.

(6) The National Environmental Policy Act of 1969 would be seriously weakened by the inclusion of Section 511(d) in the Senate and House bill. "The Baker Amendment", introduced by Senator Howard Baker, would seriously limit the public's procedural rights and consideration of water quality problems by agencies granting federal licenses and permits. NEPA should not be amended in the water pollution control legislation.

DISCUSSION

(1) *Zero Discharge Requirements and Goals:* The greatest weakness of the House bill is its elimination of any cleanup requirements beyond 1976. The Public Works Committee did accept the Senate bill's requirement that by 1976 industry must apply the "best practicable" control technology as a minimum and comply with water quality standards presently established. The Senate version goes on to require an effluent control strategy that would make industry eliminate their discharges of pollutants by 1981, IF it can be done at a reasonable cost ("zero discharge" of pollutants). If the shift cannot be done at a reasonable cost, then industries are to use "best available treatment." The Senate bill also sets a 1985 target date for the achievement of zero discharge for all sources of pollution.

While the House bill states the same goals as those of the Senate version, the 1981 and 1985 requirements do not take effect unless and until Congress enacts them in new legislation after a two-year study by the National Academy of Sciences on the feasibility of these goals. It amounts to a non-law after the 1976 deadlines. The major Administration/industry attack on the 1981 and 1985 goals and requirements is that the cost of eliminating all discharges will cripple industry and bankrupt municipalities. This position is fallacious and misleading for several reasons:

(a) "Zero Discharge" is aimed at stimulating recycling, which will produce net benefits in the long run. Low cost recycling techniques are available now which were ignored by the Administration in making its inflated cost estimates.

(b) The Senate bill requires "zero discharge" and "best available technology" only when it can be done at a "reasonable cost." In addition, the 1985 date is merely a target date for planning purposes—not a rigid legislatively enforceable deadline.

(c) Studying first will cost more later. Polluters will be encouraged to install minimal treatment equipment now which would not be compatible with future recycling systems that will become mandatory sooner or later.

(d) The burden of proof should not be on the public to prove that "zero discharge" of pollutants is feasible; the burden should be on the potential polluter to prove why he should not have to install the most pollution-free system.

The study by the NAS may be necessary; however, we must not wait for the results before we establish goals for clean water and rational planning for industry. Congress can always amend these goals in the future if necessary.

(2) *Worker Protection and* (4) *Federal Permit Program:* The House bill sets up a weak and state-dominated permit program to regulate discharges into the nation's waters. In so doing, the bill establishes dangerous policies for industrial workers as well. In not allowing the federal EPA an individual veto over permits; in not requiring EPA to take back state programs that are not in compliance; in granting away federal power to the states rather than delegating this power so that federal laws and procedures apply, H.R. 11896 practically assures that industries will "shop" among the states for the least costly plant site. Workers and many small communities will bear the brunt of this inhumane and inefficient policy.

Uniformity of minimum regulations among the states is absolutely essential in order to prevent the politically intimidating threats by polluters to move their factories to other states to avoid pollution control. A recent study by CEQ, EPA and the Dept. of Commerce revealed a small amount of potential worker dislocation due to environmental controls: from 50,000 to 125,000. It is possible that this projection could be lessened with more adequate federal controls. Workers must be prevented from becoming pawns in the fight to achieve clean water.

In addition to their effect on workers, the House permit program would also penalize those states with small, but growing, permit programs of their own. By its "all or nothing" policy of giving away or withholding the entire permit program of a state, H.R. 11896 would force federal control of state programs where personnel was not adequate, or expertise not yet developed. Instead of having an incentive to develop an adequate permit program, those states being run by the federal permit program in its entirety would have an incentive to retain federal assistance, thus perpetuating more federal control, not less.

(3) *Citizen Suits:* The Senate bill allows any person to commence an action against polluters who are alleged to be violating standards, or against the Administrator or EPA if he fails to enforce standards. Under the House version, such actions will be restricted to citizens who are directly affected in the area where the violation occurred or to groups that have been actively engaged in the administrative proceedings. The existence of the right of citizens to supplement agency enforcement through the courts is an incentive to industry and government to seek better methods of control. Restrictions on the citizen's right to sue should be stricken from the House bill.

ENDORSEMENTS, CLEAN WATER PACKAGE

Amalgamated Clothing Workers of America.
Bass Anglers Sportsman Society.
Clean Air, Clean Water, Unlimited.
Common Cause.
Environmental Action.
Environmental Policy Center.
Friends of the Earth.
Izaak Walton League of America.
League of Women Voters of the U.S.
Minnesota Conservation Foundation.
Minn. Environ. Control Citizens Assoc.
Minn. Public Interest Research Group.
National Consumers League.
National Farmers Union.
National Wildlife Federation.
Northern Environmental Council.
Oil, Chem., and Atomic Workers Intern. Union.
Save Lake Superior Association.
Sierra Club.
Sport Fishing Institute.
Trout Unlimited.
United Automobile Workers.
United Steelworkers of America.
The Wilderness Society.
Zero Population Growth.

[From Business Week, Feb. 5, 1972]

THE STORMY DEBATE OVER "ZERO DISCHARGE"

When Senate bill S. 2770, came to a vote last Nov. 2, it roared through on a rollcall vote of 86-to-0. Such Senatorial unanimity is usually reserved for nonbinding resolutions in support of motherhood, and the casual observer might well have thought that S. 2770 was an innocuous piece of legislation. He would have been dead wrong. S. 2770, the Federal Water Pollution Control Act, now stands as the toughest, most controversial environmental legislation. It states unequivocally that no one has the right to pollute, and establishes a tight timetable to achieve an ambitious goal: the total elimination of all effluent discharges into the nation's waterways by 1985.

This month, as the legislative action shifts to the House floor, a belated fight has erupted, focusing on the 1985 goal, popularly known as "zero discharge." Arrayed against the bill are the Nixon Administration, some economists, and virtually all business groups. Supporting the bill are the environmentalists and, as the Senate vote indicates, large sectors of the public. And since the bill's principal author happens to be Senator Edmund Muskie, the issue is smack in the middle of election-year politics.

The critical barrage, like a high-powered fusilade, is well under way. New York Governor Nelson Rockefeller calls zero discharge "totally impossible." Allied Chemical Chairman John T. Connor says "the Muskie bill . . . raises hopes on which it can't possibly deliver." Paul McCracken, recently departed head of the Council of Economic Advisers, warns that the benefits of zero discharge are not worth the multibillion-dollar costs. And Willard Rockwell, chairman of North American Rockwell, recently proclaimed that the cost of achieving zero discharge is "enough to shake the economic foundations of this country."

Industry groups, too, have weighed in with dire predictions. The American Paper Institute says that zero discharge would cause plant closings, create unemployment, and drive prices up by 50%. The American Iron & Steel Institttue estimates that zero discharge would add $1-billion to the industry's $3.5-billion cleanup bill over the next few years. And the chemical industry figures it would cost $25-billion in capital equipment by 1985, plus $10-billion a year for operating expenses.

But judging from the language and intent of the Senate bill, much of this gloomy outlook seems unwarranted. Though the legislation is indeed tough, it sets zero discharge as a goal, not a legal requirement. And every step toward achieving that goal is clearly circumscribed by cost considerations.

The bill has two stages. During its first phase ending in 1976, all companies must apply the "best practicable" technology to control water pollution. In its second phase companies must achieve zero discharge by 1981 unless they can show it cannot be done at "reasonable cost." In that case, they must employ the "best available" technology. The aim: to achieve water clean enough for swimming and fish propagation by 1981 and to eliminate all effluents by 1985.

But the language of the bill is careful not to eliminate affluence along with effluents. The phrases "best practicable" and "best available" are defined to consider the ages of the plants, their sizes, their processes, and the cost of controls—thereby ruling out ruinously expensive techniques. Furthermore, the bill requires the Environmental Protection Agency to study the cost and feasibility of zero discharge. If the costs outweigh the benefits, Congress is charged with making a "midcourse correction" by 1976, eliminating zero discharge as a national goal altogether.

A PHILOSOPHIC SHIFT

So why the fuss? Why is industry so adamantly opposed to a bill that safeguards its economic interests? With all those constraints, why did the Senate bother postulating the zero discharge goal? The answers lie in the bill's shift away from the philosophy embodied in the last major water pollution law enacted in 1965. Under that law, each state is allowed to determine how it wants its rivers and lakes used. Some waterways might be zoned for industrial use, others for swimming. The states next set water-quality standards consistent with the intended uses, then translate these standards into specific effluent limits for all polluters. The effluent limits would vary from stream to stream depending on its intended use, its assimilative capacity, the nature of the pollutant, and a host of other factors. No company would have to go to zero discharge unless that were necessary to achieve the desired water-quality standard.

In theory, the water-quality approach is sensible. It focuses not on means but on ends: the cleanliness of a river or lake. And by linking cause (effluent) to effect (water quality), it directly relates abatement costs to benefits. But in practice, as experience with the 1965 act shows, the scheme is hard to implement. It is ecologically difficult to link water-quality stanlards to scores of discharges, and even more difficult to sustain such tenuous links in court. After six years, many states still have not set water-quality standards, while others are still struggling to establish complex relationships between pollutants and water use.

Faced with these difficulties, the Senate Committee on Public Works decided to shift from water-quality standards to direct effluent limits, with the ultimate goal of zero discharge. That was a radical change, for it ended the long-standing policy assumption that one legitimate use of waterways is to assimilate waste. Thou shalt not pollute became the committee's commandment, constrained only by the availability of suitable control technology. It is this basic shift that both the Administration and industry oppose.

To apply the system of effluent limits, the bill requires all polluters to apply for a discharge permit from the EPA. In the second phase, for example, every company would have to show in its permit application that it could not achieve zero discharge at reasonable cost. Thus, the system shifts the burden of proof from the regulator to the polluter, which will probably ease the enforcement task.

The committee also decided that strict effluent limits were needed to spur the development of recycling technology. With water-quality standards, the traditional approach has been "treat and dump"—treat the wastes partially and dump the rest. In the long run, this is ecologically unsound, for what is dumped eventually causes pollution somewhere. Says a committee staffer: "What we want is 14 years of R&D based on the assumption that closed-cycle systems are the norm, not waste discharge."

BALANCING AND COSTS AND BENEFITS

The Administration, however, does not want a complete shift to effluent limits. It argues that pollution legislation should balance costs against benefits and not impose an arbitrary goal of zero discharge on every stream. It is economically wasteful, the Administration believes, to make the Houston Ship Channel clean enough for swimming. Implicit in this reasoning is the very assumption the Senate rejected; that waste disposal is a desirable use of at least some waterways. Conceding that progress under the 1965 act has been slow, the Administration nonetheless believes the water-quality approach has worked on some waterways and can work elsewhere.

Like industry, the Administration fears the high cost of strict effluent limits. Russell Train, head of the Council on Environmental Quality, points out that cleanup costs rise exponentially with the degree of cleanliness sought. "The last 1% of treatment costs as much as the first 99%," he says. Preliminary CEQ data estimate the current water program, aimed at reducing pollution by about 85%, would eventually cost $60.8-billion. To achieve a 95% to 99% reduction would nearly double the tab to $118-billion. And to go that last effortful step to zero discharge would escalate the cost incredibly to $316-billion—or some $21-billion a year between now and 1985.

Senator Muskie counters that these estimates, admittedly based on scanty data, are meaningless. "To apply a price tag to a 100% elimination of pollution can serve no purpose other than to frighten the people and intimidate the Congress," he said angrily on the Senate floor. If the costs prove too high, Muskie emphasizes, the goal will be abandoned. But he insists that the nation must move in the direction of zero discharge.

While no one knows precisely what zero discharge would eventually cost, there are signs that the price tag will not be as high as some fear. Several companies, including Dow Chemical and Hercules, are already operating plants that have achieved zero discharge through recycling. And General Motors plans to convert a Chevrolet assembly plant on the Hudson River to complete recycling of waste water. Since no one has compelled these companies to eliminate pollution, the costs are obviously not prohibitive. Indeed, as Dow has found (BW—Jan. 1), it is often cheaper to recycle wastes than to build expensive treatment facilities. With recycling, the waste water need not be purged of all pollutants; it need only be treated to a quality sufficient for the plant's own manufacturing use. The EPA, despite its objections to the Muskie bill, stated that the technology for closed-loop recycling seems within reach for many industries.

The toughest problems of all will confront municipalities. Under the bill's first phase, they are required to have secondary treatment plants under way by 1974. Then they face the same second-phase requirements as industry. But strapped for funds and unable to recoup costs through higher product prices, cities must rely on federal subsidy. The Senate bill authorizes $14-billion over four years, but even if the entire sum were budgeted, it would still fall far short of the cities' needs.

THE LAND DISPOSAL ANSWER

One hope is a land disposal system soon to be built in Muskegon County, Mich. Municipal waste—and some industrial effluent, too—will be routed through relatively simple treatment, stored in holding lagoons, then sprayed on 10,000 acres of nearby farmland. Ecologists have long favored land disposal, for it returns valuable nutrients to the soil, replenishes ground water tables, and minimizes the amount of sludge dumped from treatment plants. Perhaps more important, the costs look reasonable. The Muskegon system is contracted for $34-million, compared with $43-million for a conventional system of smaller size now under construction in suburban Chicago.

Can land disposal be applied in large metropolitan areas? Dr. John Sheaffer, who helped design the Muskegon system and is now a consultant to the Corps of Engineers, says yes, based on studies of San Francisco, Chicago, Boston, Detroit, and Cleveland. The EPA is more skeptical, estimating that versions of the Muskegon system adapted nationally to really large cities would require 7.7-million acres, assuming the land could be found. But Sheaffer says that is only 1% of total farmland. "Everywhere we looked for available land, we found it," he says.

As matters now stand, the House will vote on its version of the zero-discharge bill this month. The House bill also includes the shift to effluent limits and the zero discharge goal. But it calls on the National Academy of Sciences to prepare a detailed cost study in 1974, then requires new legislation to implement the second phase. The House bill also gievs more enforcement power to the states at the expense of the EPA, but ups the municipal ante to $20-billion. Environmentalists are hoping to strike the new legislation requirement; the Administration is fighting to preserve some form of water quality standards. The likely outcome: Both effluent limits and the zero-discharge goal will remain, but the new legislation requirement may have to be resolved in a House-Senate conference.

Ultimately zero discharge, or anything close to it, may end up costing more than the nation is willing or able to pay. In that case, both bills provide for a policy shift.

For now, though, the goal will spur both industry and municipalities in the direction they must go if the nation is to purge pollution from its waterways.

The Cost of Clean Water—An Analysis of the Administration's Figures

The goal of zero discharge of pollution into the nation's waters can be achieved at roughly 1/6 the cost originally estimated by the Administration. This conclusion emerges from a special study which was conducted by Friends of the Earth in consultation with several engineers and Jack Faucett Associates, an economic research firm located in Chevy Chase, Maryland. The Administration had estimated in November of last year that the cost of achieving the zero discharge goal set by the Senate would be $316.5 billion. It now appears that the failure of the Administration to consider other alternatives for achieving zero discharge may have led the Environmental Protection Agency to overstate total costs by as much as $265 billion. Based on the most recent information available, zero discharge appears attainable at a cost of $50–55 billion.

The enormous over-estimate by the Administration can only be explained by what appears to be a misunderstanding of the Senate's intentions and a refusal to consider much less expensive alternatives for achieving zero discharge. It is clear from the Administration's report, entitled *Environmental and Economic Benefits and Costs Related to Various Water Pollution Abatement Strategies*, that EPA's $316 billion estimate for zero discharge was based on the cost of actually distilling waste water—a process nearly twice as expensive as the most advanced forms of territory treatment. In fact, the major reference used to arrive at this incredible figure was a 1965 Interior report on the cost of distilling seawater for drinking purposes.

That the Administration was aware of less costly alternatives is demonstrated by a brief footnote on page 3 of the report just cited which states that "In some cases, total reduction may be achieved more economically through land disposal of liquid effluents." But the analysis stopped with this one sentence. The remainder of the report dealt with the sharply rising marginal costs of advanced mechanical treatment. Faced with several alternatives, the Administration chose to examine only that strategy—distillation—which would lead to the higher costs.

The first alternative which was ignored was increased recycling of industrial wastes. The experience of Dow Chemical Company and a number of other companies suggests that recycling can enable industry to recover from 40 to 100% of their pollution control costs. EPA made no effort to reflect these potential savings in their cost estimates.

Land disposal, as exemplified by the Muskegon experience, was also ignored in computing the Administration figures. The Muskegon system has the advantage of having both very low capital and operating costs. Whereas the operating costs of mechanical advanced waste water treatment systems range from 1½ to 4 times the capital costs, operating costs for the Muskegon system represent only a small fraction of such costs, adding only approximately 2 cents per year per gallon of operating capacity. Figures supplied by the Muskegon Department of Public Works show that the initial capital costs of the Muskegon system amount to only 78¢ per gallon of installed operating capacity. Annual operating costs add another 2¢ per gallon of capacity.

The dramatic difference between the cost of land disposal and advanced mechanical treatment becomes clear when the Muskegon figures are converted to a national scale. Using 1990 waste water estimates, the total capital costs for a national system of land disposal are roughly $32 billion, or approximately ⅓ the capital costs incurred for distillation. The difference in operting costs between the two approaches is even greater. Annual operating costs for a national system of land disposal would be in the $1 billion range—⅒ the annual operating costs of distillation. And yet, the tremendous economics which can be achieved through land disposal only become apparent when it is compared with the cost of more limited forms of conventional treatment. For example, the cost of achieving 100% removal using land disposal is still $5 billion cheaper than the cost of achieving merely secondary treatment using conventional means. It is less than half as expensive as tertiary treatment designed to remove 95% of the wastes.

Even these figures, however, do not tell the whole story. Not only are the costs of land disposal much lower than those incurred for conventional treatment, but land disposal makes it possible to realize substantial revenues from productive use of the land used for treatment. Muskegon, for example, expects to receive annual revenues in excess of $3,000,000 from various fees and agricultural profits which will cover the annual operating expenses and the local share of debt retirement costs.

In short, the Muskegon experience, along with that of other land disposal systems, suggests that zero discharge is not only technically feasible, but more important, that it can be achieved at reasonable cost.

APPENDIX—COST ESTIMATING PROCEDURE

EPA has estimated that the quantity of industrial and municipal waste water which will have to be treated each day in 1990 will range from 30 to 60 billion gallons. The most likely figure is 40 billion gallons. The Muskegon Department of Public Works has indicated that capital costs for that city's system are 78¢ per gallon of installed treatment capacity. This figure is probably high for the nation as a whole because Muskegon must store its wastes during the five winter months which necessitates additional storage capacity and the purchase of increased acreage for treatment purposes. Multiplying this figure of 78¢ times 40 billion yields total capital costs for a national system in 1990 of $31.2 billion. While this is admittedly a rough estimate, it is probably accurate within $2 billion. Annual operating costs can be estimated by using Muskegon's cost of 2¢ per gallon of capacity. 2¢ times 40 billion gallons yields a figure of $800 million. If this is rounded to $1 billion per year to reflect possibly higher national costs and then multiplied by 20 to obtain total operating costs over the period used in the Administration estimate, we arrive at a total cost of $51.2 billion for the system. Capital replacement costs can be expected to amount to perhaps 3 to 4 billion which gives us a grand total of roughly $55 billion. Thus, the cost of achieving zero discharge, assuming the Muskegon costs are fairly representative of those for the nation, is approximately ⅙ the cost incurred for distillation.

SPORTSMAN, CIVIC LEADER, JOURNAL PUBLISHER, SMITH DIES

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. DUNCAN. Mr. Speaker, my home district mourns the death of an outstanding community leader and newspaperman, Charles H. "Chub" Smith, Jr., of Knoxville, Tenn.

We express deepest sympathy to his widow, Mrs. Ethel Moore Lotspeich; his son, Chub III; and his daughter, Mrs. Charles M. "Trudy" Mason.

Until his illness in 1967, and even thereafter, Mr. Smith was very active in our community, and he was a great sportsman. As publisher and president of the Knoxville Journal, a leading daily newspaper, Mr. Smith led many civic programs to aid the less fortunate in Knoxville and east Tennessee.

I read some good stories about the life of this man in the Knoxville Journal and in the Knoxville News-Sentinel. I would like to share them with my colleagues, as follows:

[From the Knoxville News-Sentinel, Mar. 13, 1972]

Sportsman, Civic Leader, Journal Publisher, Smith, Dies

Charles H. "Chub" Smith Jr., 62, publisher and president of the Knoxville Journal and an interesting and popular Knoxville figure for years, died at 5:10 p.m. yesterday at his home.

Mr. Smith, an individual of charm and stamina, who had mixed business, civic, social and outdoor activities engagingly over the years, lived at 3420 Kingston Pike.

His health had been declining slowly for several years, after he had a gall bladder and intestinal operation.

He leaves his wife, the former Ethel Lotspeich of Knoxville, daughter of the late Mr. and Mrs. Roy N. Lotspeich, successively publisher and president of the morning paper; daughter, Mrs. Charles Mason, the former Trudy Smith, son, Charles H. (Chubby) Smith III, vice president and treasurer for the Journal, and five grandchildren.

The wedding of Ethel Lotspeich and Chub Smith brought together two leading Knoxville families. The father, Charles H. Smith, had been a leading Knoxville lawyer and division attorney for the Southern Railway. Before his publishing career, Mr. Lotspeich had been a Knoxville textile industrialist.

The marriage took place in 1936 after the Lotspeich purchase of the morning paper a year earlier. After graduation from UT, young Smith had first joined his father's law firm, Smith, Cate, Tate and Long. Later he went with The Journal, in various executive capacities at first.

The Lotspeiches lived at Bleak House, the Kingston Pike landmark that had been Confederate Gen. James A. Longstreet's headquarters during the Battle of Fort Sanders. The grimly stately structure is now the UDC Confederate Memorial Hall. The Charles H. Smith Jr. home, nearby, has been noted for its grounds and gardens and has been a major stop on historical pilgrimages.

WAS AMATEUR GOLF CHAMP

At Roy Lotspeich's passing in 1952, his widow became publisher and board chairman, and the son-in-law was named president. Upon her death in 1962, the son-in-law became chairman of the board.

Mr. Smith was onetime city men's amateur golf champion (in 1932, '35 and '39). He served for four years as chairman of the Knoxville Housing Authority.

He also served on the board of directors of the Knoxville Tourists Bureau, the Downtown Knoxville Association and the Chamber of Commerce.

Mr. Smith and The Journal supported the UT athletic department by putting on an annual all-state high school football banquet, with trophies for the honorees. Chub served as chairman of the selection committee and as emcee of the presentation dinner.

WAS EPISCOPALIAN

The Smith family had one other son, the late Keller Smith, five years' Chub's junior, who also graduated in law at UT. Keller, an attorney for the Federal Housing Administration, died in September 1956.

Charles H. Smith Jr. was active in the Episcopal Church of the Ascension at UT, was in the Sigma Alpha Epsilon fraternity, and was a member of the City Club, Cherokee Country Club, Men's Cotillion and the Cat 'n Fiddle Club.

Graveside services will be at 11 a.m. tomorrow at Highland Memorial Cemetery. The family was to receive friends after noon today at Mann's, Bearden.

[From the Knoxville Journal, Mar. 13, 1972]

C. H. "CHUB" SMITH, JR., JOURNAL PUBLISHER, DIES

(By Tom Sweeten)

Charles H. "Chub" Smith Jr., publisher and president of The Knoxville Journal, civic and community leader and avid sportsman, died Sunday at 5:10 p.m.

Mr. Smith, 62, had been in gradually failing health since major surgery and a lengthy hospital confinement in March, 1967. He had resumed a full day-time schedule but was confined again to the hospital for short periods several times, undergoing surgery a second time in March, 1971. Since then, he had been confined to his home at 3420 Kingston Pike.

Graveside services will be held at 11 a.m. Tuesday at Highland Memorial Gardens, Rev. Sanford Garner Jr. of the Episcopal Church of the Ascension officiating. Friends may call after noon Monday at Mann's chapel, Bearden.

Survivors are his wife, the former Ethel Moore Lotspeich, whose parents served as publisher and president of The Journal from 1936 until 1962; two children, Charles H. Smith III, vice president and treasurer of The Journal, and Mrs. Charles M. (Trudy) Mason; and five grandchildren.

Mr. Smith succeeded Mrs. Roy N. Lotspeich as publisher of The Journal on Jan. 8, 1963, following her death a month earlier. He had held the position as president of the publishing corporation since Oct. 30, 1961.

His newspaper career began in 1937 at the time of its purchase by the late Roy N. Lotspeich. He had served in an executive capacity continuously since then, with the exception of three years during World War II when he served in the Army Air Corps, being discharged with the rank of major.

Mr. Smith served his community in many ways, in addition to those promoted over the years by The Journal under his leadership. He believed in participating fully in civic affairs and was a tireless worker for some of his favorite projects.

One of his intense interests in recent years was the campaign to finance the construction of the new facility for East Tennessee Children's Hospital, which was promoted actively by The Journal. More than $2.3 million has been raised.

He served as a member of the board of the Knoxville Housing Authority from 1957 to 1962 and was for four years its chairman. During this time KHA made major strides in urban renewal programs throughout the city, developing deteriorated areas and slum areas into industrial and business complexes.

Knowing the value of tourism to Knoxville and East Tennessee, he was one of the leaders in the Knoxville Tourist Bureau, serving on its board of directors for the last several years.

For many years, too, he had been a member of the board of directors of Downtown Knoxville Association, the organization behind the revitalization of Knoxville's business district.

He was elected by the membership of the Greater Knoxville Chamber of Commerce to the board of directors for a three-year term in 1966.

Sports was an important part of his life, both as a participant and booster of the University of Tennessee. Three times city amateur golf champion, Mr. Smith was vitally interested in the development of Knoxville's golfing facilities. He never lost the zeal for a game and was a familiar figure on the course at Cherokee Country Club. Over the years, Mr. Smith had played golf with some of the city's most distinguished visitors, including Sammy Kaye the bandleader, and Fred Waring, head of the famed musical group.

He also has been on hand to present trophies at Knoxville golfing matches. The Knoxville Journal for many years presented a trophy to the winner of the Southern Appalachian tournament, and in recent years has sponsored the Dogwood Arts Festival Golf Tournament, one of the sports highlights of that special city observance.

For the past several years, The Journal sponsored during the fall the "Banquet of Champions," in which outstanding high school football players from throughout Tennessee were brought to Knoxville to be honored. He was chairman of the selection committee and was master of ceremonies at the banquets until his health lessened his activities. Many of these athletes have signed to play their university football at the University of Tennessee, and these banquets have been an unmeasurable value to UT's sports programs.

Each year, until recently, at the banquet honoring the UT football team, Mr. Smith presented The Knoxville Journal Scholastic Award to the senior on the squad with the highest scholastic average. At the basketball banquet, he presented the Roy N. Lotspeich Memorial Trophy, awarded to the best team player.

A native of Knoxville, Mr. Smith was graduated from UT and also held a degree from the UT College of Law. For a time, he practiced law with the firm of Cates, Smith & Long, of which his father, the late Charles H. Smith Sr., was a member.

Mr. Smith and Miss Lotspeich were married on Oct. 3, 1936. He left law practice to enter the newspaper field shortly after that time.

Mr. Smith joined the Army, was assigned as an instructor to a base near Miami, Fla., and later was transferred to San Antonio, Tex., in an administrative capacity, then to Mitchell Field, Long Island, N.Y. He was an early member of the Continental Air Force, assigned to Bolling Field in Washington, D.C. He was released from active duty in late August, 1945, and rejoined The Journal.

On April 5, 1954, he was named general manager of The Journal. Earlier, he had been elected vice president of the publishing corporation. On Oct. 30, 1961, he succeeded Mrs. Roy N. Lotspeich as president, when she became chairman of the board. Mrs. Lotspeich had been publisher of The Journal since the death of Mr. Lotspeich in 1951.

He was a communicant of the Episcopal Church of the Ascension, a member of Cherokee Country Club and the City Club.

The beautiful formal garden at the Smith residence on Kingston Pike has been visited by thousands of persons and has been opened for public viewing during the Dogwood Arts Festival. The walled garden has a variety of shrubs and plants within its walled confines, including beautiful yew trees. Cement figurines depict the four seasons, and highlighting the garden is a figurine of Saint Francis, the patron saint of gardens. Mr. Smith especially took pride in the hundreds of tulips planted around the lawn. When dogwoods bloom, joining the flowers already in blossom, the garden is one of the city's most beautiful.

The interest of Mr. Smith in the city's beautification also is witnessed by the newspaper's sponsorship for several years of the Dogwood Arts Festival Flower Show, presented by the Knox County Council of Garden Clubs.

CONGRATULATIONS, DR. HAAS

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. MONAGAN. Mr. Speaker, since the end of World War II, the field of higher education has experienced a period of growth and turmoil unprecedented in our history. During this crucial quarter century, Western Connecticut State College in Danbury, Conn., has been fortunate to have as its head Dr. Ruth A. Haas, one of the ablest and most personable administrators in higher education.

When Dr. Haas was inaugurated 25 years ago, as the first woman president of a State college in Connecticut, Western Connecticut State College had a total population of 265. Today undergraduate enrollment is 2,666 students, and the college offers an exciting curriculum and an excellent faculty. It has been my great pleasure to work with Dr. Haas in encouraging this expansion at the Federal level.

While modernizing and improving the quality of education at Western Connecticut, Dr. Haas has compiled a formidable list of accomplishments. She was the first woman president of the Eastern States Association of Professional Schools for Teachers. She has received numerous civic awards including the Danbury News-Times Civic Achievement Award, the Danbury Bar Association's Liberty Bell Award, and the Student Education Association's first annual award. In 1969, the new library at Western Connecticut State College was named in her honor.

One of the essential ingredients in Dr. Haas' success has been her enthusiasm and enjoyment of her work. Jean Buoy of the Danbury News-Times has captured this spirit in a profile of Dr. Haas on the occasion of her 25th anniversary. This spirit is perhaps best personified in Dr. Haas' own words:

> I hope you're not one of these people who say, "If I had my life to live over . . ." I'm not!

I shall offer Jean Buoy's article for the RECORD at this point and ask my colleagues to join me in saying, "Happy anniversary, Dr. Haas":

[From the Danbury (Conn.) News-Times, Mar. 9, 1972]

HAPPY BIRTHDAY, DR. RUTH HAAS

(By Jean Buoy)

"I don't like this one bit, need I tell you that?" The voice over the telephone was more in sorrow than anger.

What Dr. Ruth A. Haas doesn't like is all the "fuss and feathers" being made over the 25th anniversary of her inauguration as president of Western Connecticut State College.

That anniversary is today, but much of the "fuss and feathers" will take place March 25 when the Danbury Chamber of Commerce holds its 34th annual dinner dance in her honor.

Today, however, the Wesconn faculty, staff and emeritus faculty will wish Dr. Haas a happy anniversary at an in-college reception and tea from 2:30 to 5:30 in the fine arts lounge in Memorial Hall.

You'd think by now that Dr. Haas would be used to honors and hurrahs. For besides being the first woman prexy of a state college in Connecticut, as well as the first woman president of the Eastern States Association of Professional Schools for Teachers, she has had many civic and professional citations bestowed upon her during her years in Danbury.

To name a few: the Exchange Club's first annual recipient of the Book of Golden Deeds award; The News-Times Civic Achievement award; the Danbury Bar Association's Liberty Bell award; the Student Education Association's first annual award and, most important, in 1969, the new library at Wesconn was named in her honor.

But for all her formidable honors and knowledge there is really nothing formidable about Danbury's grande dame of education. Ruth Alice Haas is exactly as she describes herself: "I'm the perfectly plain tweedy-suit type," she declared the other morning, smiling warmly and sitting squarely behind her neat desk in Old Main.

The symbolic apple for the teacher, this one clear, red glass, is one of the few items on display there.

Now a lovely, fluffy white-haired figure of a woman in her 60's Dr. Haas is, on the surface, calm, cool and collected, but inside, still as shy and unsophisticated as the girl described by a friend who attended Dr. Haas' inauguration ceremony on March 9, 1947 and later wrote: "It was a thrilling experience to see all the 'tops' educators, the Governor and last—but definitely not least—you sitting there so outwardly calm—but I'll bet there were butterflies in your tummy."

And this is Dr. Haas' account of her emotions on that day in 1946 when she was told that she was the new president of Danbury State Teachers College.

"I was frightened, truly frightened," she recalled. "I was surprised. I can tell you very vividly. Dr. (Ralph C.) Jenkins died on Danbury Fair Day. He went to Rotary and came back and, in a few minutes, died in his office.

"The commissioner of education (Dr. Alonzo Grace) called me and told me to take over and keep the ship running until the board of education met in November.

"I had not applied for the position. On the day of the board meeting, I was going upstairs to my room and Dr. Grace came up and told me I was president.

"I was frightened, even though the college was then only a single purpose preparatory school and the enrollment was far less than now. But we'd started enrolling men . . ."

Ruth Haas had come in 1931 as dean to what was then Danbury State Normal School after teaching high school in Watertown, N.Y. ("I loved it there") and at Syracuse University, her alma mater. She did then as she does now, hate interviews.

"When Mr. Higgins (Lothrop D.) interviewed me—he came upstate from Danbury and met me halfway at Albany—he told me what my duties would be. I told him the one thing I would not do was make speeches and he said I wouldn't have to. But when Mr. Jenkins came in, he said I had to. And I did. I wouldn't mind it if I was a good speaker, but I'm not."

When Dr. Haas came to DTC the college had two principal buildings on its campus, Old Main, now the administration building, and Fairfield Hall, a women's dormitory.

"There were no lights after 4:30 p.m. in Old Main," Dr. Haas reminisced. "The girls' activities were limited. They made their own or went to a movie. It was run just like a public school."

She was dean for 15 years of Danbury Normal School, where the girls were offered a two-year course that would make them eligible to teach in elementary schools in the state.

In 1940, the school became a college with a two-year liberal arts course and men "began timidly to enter," a 1946 news-article observed in retrospect, also citing the fact that in 1946 there was a total of 85 veterans of a total school population of 265. Today, the undergraduate total is close to 2,600.

Dr. Haas' early education was in the Syracuse schools, until her father's work took him to Amherstburg, Ontario, Canada. There the young Ruth spent her junior and senior years of high school.

She then returned to Syracuse to attend the university and graduated with a B.S. degree in education and a master's degree in political science. After three years of teaching in Watertown, Dr. Haas went on a fellowship to the Maxwell School of Citizenship and Public Affairs at Syracuse University, where she also taught political science. She stayed there four years, three of which were spent as an assistant to the head of the personnel department.

She earned her doctor's degree in education at Rhode Island College of Education and holds an honorary doctor of laws degree from Syracuse University.

Did Ruth Haas always want to be a teacher? "I came from a family where the father thought the only profession for a young woman was teaching. And so his three daughters taught. I wanted to study law," she remarked a bit wistfully.

"If you are born into the world with a certain feeling about people and your experiences are pleasurable as you go along, that's more than you can ask. To be a teacher you must have an empathy as far as children and people are concerned. People who choose teaching for security have a hard time of it. You have to be fond of young people and be willing to sacrifice your personal life."

This Ruth Haas most certainly has. "But I've always liked what I've done and people have been cooperative and helpful."

The woman who one can easily envision being surrounded by adoring grandchildren gives a similar response to the question of whether she regrets not marrying: "Never. That's because I've always been happy in doing what I've been doing."

Dr. Haas has seen a tremendous growth from the old two-building Danbury Normal School to the present seven-building campus. "But not any more than other colleges in the country grew. After the depression, more people were seeking—had a need for—security. Parents wanted their children to go into teaching. The tuition was $10 when I came here," she mused. Then there was the growth brought about by the veterans returning from World War II during the early years of her reign.

"The state had scholarships, too—room, board and tuition for young people who wanted to teach, providing they would promise to teach for three years in a rural community after they graduated."

Dr. Haas is pleased with the development of the college during her years as president—but not satisfied. "There is still too far to go. Young people come with different interests. We have to restudy what we're doing and where we're going."

As the curriculum at Wesconn has changed with the times, so have the attitudes of the students. "Attitudes of all people have changed over the years. People are more self-centered, interested in their own personal security, as they should be. But the uncertainty in the world is reflected in the young people."

Dr. Haas admits she has found it difficult, at times, to understand the changing values. "Your own, when you are growing up, you feel were right. I don't think anywhere today people ask what is right or wrong, moral or amoral. Young people today have no society taboos created for them—no meets or bounds. You can't get definite answers for what is right or what is wrong.

"But I feel young people are trying hard in all phases of life to seek for themselves answers and solutions. Their attitudes and behavior reflect those of society today. Young people want to declare their independence at a very young age.

"Parents have a difficult time because they love their children. And that is the biggest weapon of the young people today."

Her inauguration speech, a quarter of a century ago, Dr. Haas feels was "quite prophetic." She had stated to the 1,200 who attended: "In war, we (Connecticut) led in material production; in peace we must continue to provide opportunities for our youth and adults so that they will be prepared to take their place in a rapidly changing world."

Today, she says, "It would be a sad situation if, with all our ingenuity, we fail to evolve peacetime programs. Can we here have prosperity only in time of war?"

In the area of teacher placement, Dr. Haas noted that jobs for teachers are "very much tighter. There are many applications. Our teacher placement used to be 93 per cent; last year it was 70 or 75 per cent."

And, for the veterans returning from Vietnam: "The least we can do is to offer them a job."

That many of her dreams for Wesconn revealed in that inaugural address have come true, Dr. Ruth Haas credits the town. "Danbury has been a very loyal community. The town has been most supportive and always cooperative at all times. Without the town and the support of the legislators, we wouldn't have grown as well as we have."

Any plans that Ruth Haas might have for retirement "are not for publication. I have plans to retire, but no plans for retirement," she said, smiling mischievously.

What will this busy woman, whose life for 25 years has been "a highly scheduled existence, now definitely more than it used to be," do?

"Travel? I'm a very provincial person. I've done most of my traveling by car. It seems when I could start to travel, I always wanted to get back home for the summer . . . there was a lake there. . . . I've just never taken it up," she said, shaking her head.

What she will probably continue to do is what she does now in the small leisure time she allows herself—stay on in the house on Southern Boulevard she once shared with her mother, visit her sister and family, and friends. "I live a simple life. I visit friends. I do a tremendous amount of reading—historical works. I love music and I go to concerts and listen to records."

What she will definitely do is keep out of the public eye and fade into blissful anonymity.

A warm goodbye, a gentle squeeze of hands, a friendly smile and this parting thought: "I hope you're not one of those people who say, 'If I had my life to live over . . .' I'm not!"

THE HONORABLE JAMES W. TRIMBLE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. UDALL. Mr. Speaker, Judge Jim Trimble was one of the finest, most courageous, and decent men I have served with in the House of Representatives. His quiet good sense, his low key humor, and his detailed knowledge of legislation marked him as an exceptional public servant. I deeply regret his death, but I celebrate with his Arkansas friends and my colleagues his outstanding life. He will be missed by all of us.

VETERANS' EDUCATION AND TRAINING AMENDMENTS BILL OF 1972

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. BURKE of Florida. Mr. Speaker, on Monday, March 6, 1972, the House of Representatives passed a measure which was long overdue to aid our veterans with their education.

I refer to H.R. 12828, the Veterans' Education and Training Amendments bill of 1972. This bill is another major piece of legislation to help our veterans return to normal life offering them greater educational benefits.

The current education program for veterans and certain wives, widows, and children of veterans was enacted in 1966 for veterans of the Vietnam era and others who served after January 1, 1955. The educational allowances that have been provided are payable directly to the veteran or his qualified beneficiary. At the outset of the program, the allowance for a single veteran was $100 per month. This has been increased twice in succeeding years and is now $175 per month.

The bill just approved by the House calls for a $200 per month allowance, a 100 percent increase in the educational allowance, approximately 6 years since it began.

Another major provision of the new bill deals with the authorization for the VA to make advance payment for the rehabilitation subsistence and educational assistance. This provision will minimize the initial financial burden facing the veteran during the first months of his training period.

Monthly allowances for veterans pursuing apprentice or job training programs are increased by 48 percent in the new bill. This substantial increase is designed to provide a greater incentive to prospective employers to promote on-the-job training, which should in turn help our unemployment problem with returning veterans.

The bill further provides that the spouse of a female veteran shall be classed as a dependent for veterans' benefits in the same manner as the wife or widow of a male veteran under current law.

Veterans pursuing farm cooperative training programs will have more flexibility in scheduling their classroom work under the terms of H.R. 12828. Presently, a veteran must complete 12 hours of classroom work in each of 44 weeks in a 1-year period, in addition to running his farm, to qualify as a full-time student. Under the new measure, he may elect to complete 528 hours in a 1-year period, provided not less than 80 hours are prescheduled in any 3-month period. Therefore, he is able to schedule a minimum of class instruction during periods of peak farming activity.

In addition, as we move toward the goal of an all-volunteer army, the GI benefits serve as an excellent inducement to encourage service in our Armed Forces. This bill will help many veterans who desire to complete their higher education. In this age when some young people expect a free dole, it is the veterans who want to expand their education.

Let us hope that the Senate will expedite this issue so that this measure will become public law in the very near future.

DRUG ABUSE, THE BATTLE PLAN TAKES SHAPE

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. CLEVELAND. Mr. Speaker, drug abuse is an extremely serious problem which affects more and more Americans, either directly or indirectly, every day.

Drugs threaten the mental and physical health of our children. Drug related crimes are increasing and overwhelming Federal and State law-enforcement agencies. Drug overdose deaths have increased alarmingly. And drug use overseas is undermining the integrity of our Armed Forces. Clearly, drug abuse is one of the most dangerous and urgent threats facing us today and we must fight it with positive action on every front.

One simple miracle-working piece of legislation cannot solve this complicated problem. Only a multipronged offensive can be successful in the battle against drugs.

The first and most important policy that should be adopted is one of prevention. The flow of drugs into this country must be stopped. Accessibility to drugs must be eliminated. Availability of the equipment necessary for drug production and use must be curtailed. These goals can only be achieved through more efficient law enforcement, delicate diplomatic initiatives, and new and improved laws.

The Nixon administration has made impressive progress on the international scene in the prevention of drug trafficking. In June of last year the President announced a voluntary agreement with Turkey to halt opium poppy production in that country. Along the same lines, I have cosponsored legislation which would halt foreign aid to any country which does not act to prevent drugs from unlawfully entering into the United States. I have also cosponsored a bill which would permit the United States to help countries to eliminate opium production by providing funds for crop substitution, law enforcement, treatment and rehabilitation, and education programs which are beyond the resources of the producing countries. This approach will not intimidate other nations or breed unnecessary hostility toward the United States.

These measures alone cannot be effective in eliminating all sources of illicit drugs. The administration is, therefore, making improvements in the patrol, inspection, and detection techniques used along our borders.

With the above measures aimed at illegal drugs being brought into this country, an effort must also be made to cut unnecessary overproduction or importation of legal drugs. To accomplish this, I have cosponsored a bill that would subject stimulants, such as amphetamines, to production quotas based on legitimate medical needs, strict import/export controls and tighter prescribing regulations. This legislation and other congressional action added strength to administration efforts to get the regulations changed, and resulted in lower quotas than originally proposed.

Along these same lines, I have cosponsored legislation to regulate the interstate trafficking and sale of hypodermic needles and syringes. The purchase of these items is disturbingly easy, even through the mail.

This equipment is essential to the drug pusher and user. Other tools of the trade, such as cutting agents, dilutents, and hashish pipes are also easily obtainable and I have sponsored legislation to subject a trafficker in or possessor of such drug paraphernalia to the same penalties as trafficking in or possessing the drug itself.

However, along with prevention and punishment we must also improve our system of treatment and search for a cure. On this front I have also acted. I have cosponsored legislation to increase grants to States and localities for treatment centers, because experience has shown that the best chance for successful treatment of the addict is close to his home.

On the special problem of drug abuse in our Armed Forces I have cosponsored a legislative package which includes provisions for the care and treatment of former drug dependent servicemen and addicts still in the service. Along with improved rehabilitation programs, I have proposed new penalties for the use and trafficking of narcotics for members of the services.

Finally, in an effort to seek a cure for drug addiction, I have cosponsored a bill to stimulate research by the private sector. With Federal money as a catalyst private drug companies, individuals, and organizations will greatly increase their efforts in the field. If a cure is found the Government would be financially reimbursed for its investment, in addition to the human benefits.

Obviously drug abuse is a complicated and dangerous problem. We must attack it with force and speed. My proposals will not bring instant success, but they form a serious attempt to solve the problem. I urge all my colleagues to seriously consider them, and indeed, all attempts to meet the drug threat.

EIGHTY MEMBERS OF THE HOUSE SEND LETTERS TO SECRETARY OF THE INTERIOR

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. DINGELL. Mr. Speaker, under date of March 14, 1972, some 80 Members of the House joined me in sending a letter to Secretary of the Interior Morton in which we urged that the Department of the Interior hold a public hearing on the environmental impact statement on the trans-Alaska pipeline. So that our colleagues may know of this letter, I insert its text and the names of the cosigners at this point in the CONGRESSIONAL RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 14, 1972.

Hon. ROGERS C. B. MORTON,
Secretary, Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: It is our understanding that the final environmental impact statement on the proposed Trans-Alaska pipeline project will be ready for release in the near future.

In our view the decision to build or not to build the Trans-Alaska pipeline is a matter of the greatest public importance to all of the people of the United States and to our Canadian friends.

As you know, the National Environmental Policy Act of 1969 (NEPA) requires that the public have an opportunity to involve itself in the assessment of environmental impact in connection with proposed major actions of the Federal Government. Your Department recognized this requirement by holding hearings about a year ago on the draft environmental impact statement during which testimony from public witnesses and others demonstrated major deficiencies in the draft statement.

Since the time of those hearings the Department of the Interior, from all reports, has prepared a substantially more comprehensive impact statement. The new impact statement reportedly will consist of eight volumes and will contain much new information to which the public has not yet had access and, therefore, has not had an opportunity to comment upon. The public clearly deserves the opportunity to digest this voluminous new document and then comment upon it in a proper forum prior to the time that the Federal Government takes any action to permit construction to commerce.

The requirements of NEPA for public involvement have not changed and it seems to us that said requirements make it imperative as a matter of law and sound public policy that the Department of the Interior hold another series of hearings on the final environmental impact statement.

We are convinced that you and your Department do not wish to take any action which could massively and irreparably damage the human environment. We are convinced that you and your Department have labored honestly and diligently to prepare a final environmental impact statement which fully complies with NEPA and other pertinent statutes. We do not question the fact that your Department brought to this task a very high degree of competence. However, we also are convinced that there are a great many persons of high competence—engineers, scientists, ecologists, etc.—in the public at large whose views on the environmental impact statement should be made known and we feel that the best method of accomplishing this objective is for the Department to schedule a new series of hearings on the impact statement.

We, therefore, urge you to direct that such a hearing be held by the Department of the Interior well before any final decision is made on the proposed pipeline.

Sincerely,

NAMES OF MEMBERS OF CONGRESS WHO SIGNED THE LETTER

John P. Saylor, John D. Dingell, James Abourezk, Bella S. Abzug, John B. Anderson, Thomas L. Ashley, Les Aspin, Herman Badillo, Mario Biaggi.

Edward G. Biester, Jr., William S. Broomfield, Harold R. Collier, Silvio O. Conte, James C. Corman, William R. Cotter, Lawrence Coughlin, Ronald V. Dellums, Robert F. Drinan, Don Edwards, Joshua Eilberg, Dante B. Fascell, Hamilton Fish, Jr., William D. Ford, Edwin B. Forsythe, Donald M. Fraser.

Bill Frenzel, Ella T. Grasso, William J. Green, Martha W. Griffiths, Seymour Halpern, Michael Harrington, William H. Harsha, William D. Hathaway, Ken Hechler, Floyd V. Hicks, Frank Horton, Henry Helstoski, Joseph E. Karth, Robert W. Kastenmeier.

Edward I. Koch, Robert L. Leggett, Clarence D. Long, Paul N. McCloskey, Jr., Richard W. Mallary, Spark M. Matsunaga, Ralph H. Metcalfe, Abner J. Mikva, Joseph G. Minish, Patsy T. Mink, Parren J. Mitchell, William S. Moorhead, F. Bradford Morse, John E. Moss.

Lucien N. Nedzi, David R. Obey, James G. O'Hara, Claude Pepper, Richardson Preyer, Thomas M. Rees, Ogden R. Reid, Henry S. Reuss, Donald W. Riegle, Jr., Howard W. Robison, Peter W. Rodino, Jr., Robert A. Roe, William R. Roy, William F. Ryan.

Fernand J. St Germain, Paul S. Sarbanes, James H. Scheuer, John F. Seiberling, Jr., Robert H. Steele, Samuel S. Stratton, James W. Symington, Frank Thompson, Jr., Robert O. Tiernan, Morris K. Udall, Guy Vander Jagt, Charles A. Vanik, Jerome R. Waldie, Lester L. Wolff, Sidney R. Yates.

FREEDOM UNDER ATTACK AS FEAR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. RARICK. Mr. Speaker, as one of the cosigners of discharge petition No. 9 calling for a constitutional amendment to end forced busing to achieve racial balance, I resent the inference that people who care enough about their children to want to prevent their being illegally kidnapped by the bureaucrats of the Federal Government is a reaction to fear.

I feel that the purpose of law is to instill domestic stability and safety rather than to be exploited by encouraging agitation and anarchy. Prohibition against busing is the law of the land today. The law of the land is being violated in efforts to achieve theoretical goals of social justice. I feel that very shortly, we will even witness the President of the United States issue a call for return of law and reason rather than the rule of men and ideas.

Those who would seek to belittle the efforts and aspirations of American parents in wanting to protect their children and see to it that they receive a quality education should examine their motives to see if there has not been efforts and activities on their part which have, in fact, polarized the country today. Those individuals and organizations which develop long range plans and blue prints to achieve theoretical goals which affect the people but do not include the people in the decisionmaking should never be heard to complain if the democratic process thwarts their full achievement. After all, government exists only for the common good of the people, and it is only right that the people control the government, including the social planners and not vice versa.

How can any responsible individual submitting himself as a potential candidate for the Presidency of the United States make light of those who oppose busing when busing to achieve racial balance is illegal under the law of the land at this time?

THE HILLEL SCHOOL

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. WYDLER. Mr. Speaker, I recently had the great pleasure of attending the 15th annual scholarship fund dinner for the Hillel School in Lawrence, N.Y., which provides a yeshiva education for deserving children. It was a most impressive evening and the program, being a tribute to the Jerome Alter family, should be shared with my colleagues in Congress:

THE HILLEL SCHOOL

The Hillel School seeks to teach, train and prepare its pupils to understand, appreciate and live in an orthodox Jewish way of life in the manner expounded by Rabbi Kook within the framework of an American secular society. In broad generalities, this involves:

Teaching the children the laws and customs handed down through the generations as finally expressed in the codification of the Halacha in the Shulchan Aruch and in the Responsa of the recognized Rabbinic leaders through the present time;

Preparing the children to participate meaningfully and fully as Orthodox Jews in all aspects of Jewish existence by providing them with the knowledge, background, love and understanding that will make such participation natural and effective;

Inculcating on all levels a recognition of the brotherhood of all men, a respect for the person and ideas of those with whom there is a difference, so long as there is no insurmountable conflict in basic ethical and moral values, and a clear view of how Jewish ideals harmonize with the goals of American democracy;

Instilling a special sense of our brotherhood with Jews all over the world as the bearers of a common heritage and as the children of Abraham, Isaac and Jacob, and a special love for and commitment to the State of Israel and the Holy Land as the inheritance promised to us by G-d through our forefathers and as the source of our inspiration for holiness and peoplehood. The children shall see it as a personal responsibility to involve themselves in furthering the cause of the State of Israel through their own education and through their daily activities.

These goals are achieved through the provision of a course of study in Religious and Jewish subjects as well as a course of secular studies paralleling that offered in comparable public schools and the fusion of the two where it brings added meaning to both aspects of the curriculum.

A TRIBUTE TO JEROME AND ESTELLE ALTER

We at The Hillel School are indeed fortunate to be able to dedicate our Fifteenth Annual Dinner to Jerome and Estelle Alter. Both Jerry and Estelle have worked tirelessly for our institution. Each has served us with devotion and dedication beyond the call of duty.

Over the course of the years, Jerry has served the School in the highest capacities—as President, and prior thereto, as Chairman of the Board of Trustees. Presently, he is a member of the Board of Education. Jerry has also served as Dinner and Journal Chairman. In addition, both he and Estelle have played an active role in the creation of Hillel High School, nurturing it from a dream to reality. Jerry, who headed the High School Planning Commission, today serves along with Estelle as a member of the High School Educational Committee.

Estelle has served our PTA with love and devotion since becoming a Hillel parent, presently serving as liaison to National PTA. A former Vice President, she has assumed chairmanship of many PTA events.

They are both active in communal affairs. Estelle serves as a member of the Youth Commission and the Adult Education Committee of Shaaray Tefila and is Vice President of its Sisterhood. She is an active member of the Asara Chapter of Mizrachi Women and has achieved fame for her enlightening talents as a Book Reviewer and Lecturer. Jerry is a member of the Board of Trustees of Congregation Shaaray Tefila, the Board of Governors of the National Commission of Torah Education sponsored by Yeshiva University, and was recently appointed by the America Association for Jewish Education to serve on a National Study Commission on the Residual Effects of Jewish Education. He is the President of Deluxe Fashions, Inc. of New York City.

The loving parents of three Hillel students; Kenneth, Karen and Stuart, they have shown their children by action and deed, a path of life which is intimately intertwined with a love and respect for Torah and Torah Institutions.

We proudly welcome this opportunity of paying them a well-deserved tribute at our Fifteenth Annual Dinner.

It is with a feeling of deep pleasure that I extend my personal greetings and pay tribute to two dear friends and great leaders in our Yeshiva, Jerome and Estelle Alter.

Jerry is our young elder statesman. Past President of our Yeshiva, member of the Board of Education and Board of Trustees, he declined to retire and rest on his laurels, but pursued the active roll of visionary and planner of Hillel High School. As Chairman of the High School Commission, Jerry Alter made realities of dreams, converted visions into concrete programs and, in spite of the vicissitudes of many educational enterprises, managed to bring forth a High School. Here indeed is leadership. Blessed with the vision to perceive broader and higher horizons, grasping the totality problem of American Jewish education, he is our spokesman in the national councils of education; he is our leader on the domestic scene of Hillel High School.

Estelle, his charming, vivacious helpmate, is truly "the woman of valor." Her effervescence serves as a catalyst in any group. Yet, in the depth of her incisive remarks, one is instantaneously impressed and recognizes the wisdom and knowledge which have earned her admission to the coveted Phi Beta Kappa Society.

May the Almighty bless them both with years of health and happiness. May their traditions be reflected in the lives of their children and may our community continue to be blessed with their leadership, understanding and guidance for many years.

Sincerely yours,
Rabbi Dr. SIDNEY Z. LIEBERMAN,
Principal, Rosh Ha-Yeshiva.

TRAIN UP A CHILD IN ACCORDANCE WITH HIS NEED AS AN INDIVIDUAL

(By Rabbi Dr. Arthur Laifer, Principal)

Although this century has been marked by the most remarkable technological and scientific advancement known to man, we have witnessed, at the same time, the failure of civilized society to live together peacefully without war or open hostility. In addition our twentieth century society has experienced the horror of an attempted genocide of a people whose culture and heritage has always reflected the hopes and aspirations of world peace and tranquility through the teachings of the Torah. Yet in spite of these apparent contradictory forces we look to the future with the sanguine hope that we shall achieve the goal of the betterment of mankind and ultimate world peace through the education of our children.

The education of our youth has always been a by-word of the Jewish people. Long before current educational know-how, our sages had the insight and knowledge of our most modern behavioral theorists and realized that each child must be educated as an individual. Train up a child in accordance with his needs as an individual. They understood the individual differences of children and were the exponents of this philosophy resulting in a teaching credo which was to leave its indelible mark upon education to this very day.

Yeshiva education is unique in its outlook and philosophy. The mind must be supported by the spirit. Goodness, righteousness, kindness, are mere platitudes if not translated into "mitzvot," into deeds which move the spirit of man and enhance his awareness of the Almighty. Our Jewish ethic, expressed through the Torah and its "mitzvot" is indeed the spiritual expression of life and its purpose in the most profound sense.

We look to our parents to understand the purpose of Yeshiva education and to maintain a total commitment to its continued growth and development. We look to our leaders for guidance and dynamic leadership as the key to the future of our people and the Community of Israel.

Estelle and Jerry Alter have shown this commitment and leadership as parents and officers at Hillel. Theirs has not been an easy task. But in spite of hardships and frustrations they have succeeded in helping our yeshiva grow during its fledgling years. God bless them with health, strength, and the inspiration with which to guide our wonderful school for many years to come.

May we all the privileged to see nachas from all of our children and the generations of the House of Jacob yet unborn.

ECONOMIC NATIONALISM: THE REALITIES OF EXPROPRIATION

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. MORSE. Mr. Speaker, the welfare and continued development of our Latin American neighbors is a matter of great concern to all those who live in the Western Hemisphere. Our mutual concern results from historical, humanitarian, economic, and security considerations. Currently, relations between the United States and Latin America are going through a difficult—but very necessary—period of transition. Responsible individuals both in this country and in the Latin Republics recognize that serious adjustments must be made in the traditional pattern. They realize that Latin Americans can and should assume reponsibility for major economic and political decisions that directly affect them.

In the past, the United States has proffered economic aid to the Republics in the hope of promoting economic and political development there. Certainly, such assistance, in adjusted form, should continue. But in addition, international private investment has a necessary and a significant role to play in the ongoing process of promoting development. American business and business from abroad have much to give to Latin America and much to gain from it, if they can learn to understand and accommodate the new surge of Latin American nationalism.

The desire of Latin American leaders to control investment within their borders—at least to the extent of insuring that such investments will have a positive rather than a negative impact on national development programs—is an entirely legitimate and natural one. International corporations that understand and accept this fact can learn to contribute to the development process, establish cordial relations with their host governments, and simultaneously accumulate legitimate profits. It is a balance that is by no means easy to achieve, however.

Mr. Charles W. Robinson, president of the Marcona Corp. and a member of the board of the recently established Inter-American Foundation—formerly the Inter-American Social Development Institute—has recently discussed the difficulties and promise of international corporations operating in Latin America. In a speech before the 35th Mid-American World Trade Conference in Chicago on March 2, 1972. Mr. Robinson suggested that certain overall U.S. policy changes toward Latin America might be in order, and also delineated the problems faced by a multinational corporation attempting to establish or continue operations in Latin America. In addition, Mr. Robinson discussed the activities and experiments in local cooperation of the Marcona Corp. in Peru. I commend these very enlightening and thought-provoking remarks to my colleagues and I am inserting Mr. Robinson's speech, "Economic Nationalism: The Realities of Exproporiation," in the RECORD:

ECONOMIC NATIONALISM: THE REALITIES OF EXPROPRIATION—PARTNERS IN PROGRESS

When I was first approached and asked to be your speaker today it was on the basis that I would discuss the art of survival in the developing world. I indicated that if there was a magic formula guaranteeing protection against political attack I am not privy to it. A wave is cresting over us all threatening the very existence of private enterprise and no one company can stand alone protected from this force. However, I do feel that there is much we can do to raise the odds for success acting through the U.S. government, with the multinational corporate community and as individual investors. It is on this basis that I appear before you today.

MARCONA CORP.

I suppose it would be appropriate for me to first introduce myself—and confess my biases. As President of Marcona Corporation I am responsible for a global program involving the extraction and processing of mineral resources and the operation of a worldwide shipping operation. However, at one time I was the only employee and was personally responsible for establishing our first venture—an iron ore mining project in Peru. This has grown from an initial investment of $7 million to a total of almost $200 million today. That operation continues to grow as we are just completing a $30 million expansion and are now negotiating terms of a new agreement with the Peruvian government which will allow us to proceed with another $60 million addition.

Soon after we initiated operations in Peru we commenced development of our own bulk transport operation which in turn has led us into salt mining in Chile, a titano-magnetite operation in New Zealand, and involvement in a major iron ore operation in Western Australia.

We also have underway efforts to bring into production other mining ventures in India, Alaska, Greenland and Brazil.

We have had a full measure of crises in our various activities throughout the developing world; however, to date we have continued successful operations in all areas.

My corporate responsibilities today involve forward planning and overall direction of the enterprise; however, I still maintain direct contact with government leaders in countries in which we operate. This has given me a feeling for their ambitions and their goals, both legitimate and otherwise. From this experience I have gained a firm conviction that there are basic deficiencies in our relationships with the developing world—a conviction which I want to share with you today.

PROBLEM DEFINED

I am confident that where there is a will—combined with vision—there will be a way to navigate through the rocks and shoals which certainly lie ahead in the developing countries. However, this requires a clear understanding of our basic problems.

Latin America

My comments will be largely directed toward problems in our relations with Latin America because of the magnitude of our involvement. U.S. direct investment in this area totals almost $14.0 billion, or about 70% of U.S. investment in all of the developing world. However, even though I speak of Latin America it should be understood that the same basic problems exist—or will develop inevitably in Africa, Southeast Asia and other sectors of the developing world.

Gaposis

Some of you may recall an advertising campaign many years ago with each ad containing a photograph of a person with some item of clothing improperly secured by the use of buttons. There was always the question—"Are you suffering from gaposis?" This was accompanied by the suggestion that the affliction could be easily cured with a zipper.

Today we are suffering from a serious case of "gaposis" but unfortunately it will take more than a zipper to effect a cure. First, there has been a rapidly growing gap between our *perception* of the developing world and the *reality* of that world. This is reflected in our attitudes and in our government policies which have become increasingly anachronistic and therefore counter-productive.

The second gap which we must deal with today is that which continues to widen between the economic level of the developed and the developing nations.

Since World War II accelerating technological growth has greatly extended our capacity to communicate and transport over great distances. The freer exchange of ideas—people and goods across national boundaries has stimulated an irreversible movement towards the interdependence of all peoples. Thus, it is not only the gap which has developed between our levels of development—but also a growing awareness of that gap. This is creating what appears to be almost insurmountable problems in our relationships with the developing world.

We are rapidly becoming one world family with all of the stresses which arise within any family group, especially where unequal opportunities exist.

U.S. relations with Latin America

Since the enunciation of the Monroe Doctrine 150 years ago we have viewed Latin America as our special preserve for both strategical and economic reasons. During this period our tactical plan has swung between actual intervention and a paternalistic benevolence. We have viewed with suspicion—if not alarm—European or Asian efforts to move in on the raw material source and markets of this continent.

I suggest that there is no creditable strategy argument supporting a continuation of this policy today—and certainly Japan, Germany, China or any other country has as much right to investment in this area as does the U.S. If we are to avoid more Cubas or Chiles where U.S. investors dominated the economy, we must encourage the flow of investment into Latin America from other nations of the world. This calls for a new perception of our relationship with Latin America and a change in our basic policies.

Economic gap

The widening gap between the social and economic standards in the U.S. and the developing world is a real and critical problem. It sounds simplistic to say that the gap can be eliminated by accelerating the development process in Latin America, by reducing our rate of growth, or by a combination of both. However, this forces us to face up to two basic realities.

First, it is simply unrealistic to think that we can raise the standard of living in the developing world to the U.S. level of consumption. The rate at which this would chew up earth resources and contaminate our environment goes beyond imagination.

If we are even to begin to resolve the psychological and political differences between the developed and developing worlds we must recognize the necessity for a drastic reduction in the rate at which we in the U.S. increase consumption of earth resources to satisfy our escalating demands.

Dr. Osborne, Director of the U.S. Bureau of Mines, predicts that by the year 2000 we will be consuming mineral resources at four times the current level. Without development of basic technology which could render domestic reserves economically exploitable we would have to increase the current level of mineral imports by seven times. This just isn't going to be—especially if we continue to count heavily on other Western Hemisphere sources. We must reverse our traditional concept of Latin America as our private storehouse of mineral and energy resources—as well as our market for finished products.

Continued accelerated consumption of earth resources is simply inconsistent with the limitations of a finite planet. Our world is on a collision course with disaster unless there are basic changes in social values and government policies, especially in the U.S. and other developed nations.

In summary—we must not continue to deceive ourselves, or others, by pretending that we are going to eliminate the gap between developed and developing worlds. However, it is essential that we make every effort to narrow this gap through a reassessment and scaling down of our own development goals combined with positive support for accelerated development abroad. There is no alternative solution.

U.S. emotionalism

We must recognize another problem in Latin American relations which stems from the emotionalism influencing our views of each other. We are quick to point out the volatility of the Latin temperament but do we appreciate the extent to which we respond emotionally to issues between us?

Let me give you an example—How many of you react with anger when you read about the Peruvians or Ecuadorians capturing another U.S. fishing boat? How many respond favorably to the suggestion frequently expressed in Congress, that we send a destroyer down to protect our boys? But I ask—have you ever studied this issue objectively? Do you know the nationality of the captains and crews of these boats? Do you understand the need to preserve the important but expendable reserve of marine life that exists in the Humboldt current which extends about 200 miles off the West Coast of South America? Are you aware of the U.S. law which provides compensation for fines but not for purchase of reasonably priced fishing licenses, the revenue from which is used to study and protect this marine resource?

I recognize that after a careful review of the facts you may not agree with my conclusion that our concern over the effect of a change in territorial limits on the surface of the seas has led us to an absurd and indefensible position on this fishing issue. However, I do suggest you defer any future emotional response until after you have carefully reviewed the facts.

As a further illustration of the element of emotionalism in our reaction to Latin America—several days ago Canada's Minister of External Affairs—Mitchell Sharp—stated that many U.S. multinational corporations were continuing to be imperialistic. He goes on to say—and I quote "Canadians are determined that foreign corporations will serve Canadian interests, buttress Canadian priorities and respond to Canadian aspirations." This generated some concern in the U.S. but because of our association with Canada we know that we will find a way to reconcile any differences that might arise from application of this policy. But let's think for a moment—about the reaction which would have been prompted by this statement if made by a high government official of say Brazil. We would be in a state of panic and convinced that we faced dire—even though unclearly defined perils.

The difference is in our ability to communicate. It was Francis Bacon who said—"it is by discourse that men associate." Somehow we have failed to establish a meaningful discourse with Latin America which has greatly limited our true association.

We are painfully aware of the iron and bamboo curtains and the limitation on discourse they impose—or perhaps I should say have imposed in the past—but somehow geographical proximity which inspired the myth of "Pan-Americanism", has concealed the existence of a cultural and language curtain which separates us from Latin America. We must make a positive effort to pierce this veil.

Growing nationalism

Nationalism—a growing phenomenon in Latin America again engenders emotional response in both developed and developing worlds. However, we shouldn't fear nationalism in itself. We have expended billions of dollars and thousands of American lives to create a sense of nationalism in South Vietnam. Furthermore, we will never see any real economic and social progress unless individuals do identify with national goals and aspirations—or gain a sense of nationalism.

Somehow we must learn to reconcile our corporate policies and activities to the legitimate objectives of nationalism and accept it for what it is—an essential condition for development.

However, the growth of nationalism does bring an emotional and political sensitivity to what the host country often views as imperialism on the part of the foreign investor. To counter this we must find ways to depoliticize or denationalize our foreign investments. The mere presence of investors from nations other than the U.S. will go a long way to moderate this problem. The developing nation soon learns that all foreign investment behaves in substantially the same way.

The development of consortia for major investments formed with participants from two or more countries can at least reduce the risk of political attack based on the "invasion of sovereignty" argument. Perhaps the ultimate solution is the "World Corporation" without nationality—incorporated by and responsive to a truly international institution.

"Fade out" formula

One of the by-products of excessive nationalism is the pressure to limit the period of foreign control over an investment. The Andean Group formed as a regional economic bloc by the five Latin American countries of Chile, Bolivia, Peru, Ecuador and Colombia, has issued an investment code—which includes what is referred to as the "fade out" formula. After 10 to 15 years the foreign investor is expected to "fade away into the sunset" with local investors acquiring a controlling interest in the enterprise. It is ironical that this scheme was conceived in U.S. academic circles reflecting the view that every foreign investment contains an incipient cancer which must be removed at an early stage before it contaminates the country's socio-economic body.

This simply ignores the need for a continuing flow of capital, technology and managerial know-how which is vital to the success of any venture. Application of the "fade out" formula would discourage all but those investors interested in a quick profit who do not identify with the long range interest of the developing nation. I believe that sound and constructive overseas investments serve as "engines" for development not merely the "ignition spark."

Furthermore, capital is increasingly without nationality—only management tends to retain its overseas national ties. Through developing truly international management sensitive to and willing to harmonize with host country long range interests, I am convinced that this "fade out" principle will itself fade away over time.

The excesses of nationalism have posed a growing threat to foreign investment during the past few years with a rising hostility leading in some cases to expropriation. In almost all areas we have witnessed an unpredictable changing of the rules—increasing taxes and other burdens on corporate enterprise—both foreign and domestic. This is a problem which must be resolved if foreign investment is to continue contributing to the development process.

I am totally committed to the principle that we can and will resolve this problem. However, we must recognize that the ambient—or atmosphere within which we can influence the future of our individual investments is determined to a great extent by the behavior of our government and that of other investors in the same area. Accordingly, we must find ways to encourage the establishment of new government policies and actions of other investors which will enhance our chances of success in this important—in fact essential—effort.

U.S. GOVERNMENT POLICIES

Let's first consider the question of U.S. government policies.

Foreign assistance

Our foreign aid efforts in Latin America have suffered from the Marshall Plan syndrome. We have simply failed to distinguish between the requirements for *reconstruction* as opposed to *development*.

The Alliance for Progress was conceived in the early 60's in an atmosphere of political euphoria. This was a completely unrealistic scheme to satisfy the development goals of Latin America over a short period of time. We poured massive amounts of financial aid through government-to-government channels. This only assured preservation of the status quo in spite of certain development criteria we attempted to impose on the recipient nations. Real development—calls for change—both social and economic—and this is a painful process, naturally resisted by the established and controlling forces. The dramatized presentation generated wild unrealizable dreams on the part of the Latin American people. This effort has failed and they are now suffering from a painful hangover from their emotional binge. But where do we go from here?

I feel that there is a breath of fresh air coming into our foreign assistance philosophy which holds great promise for the future. In 1969 Congress passed foreign assistance legislation which recognized the difference between the objectives of military aid, large government-to-government loans for infrastructure and support of social development or the change process.

To deal with the latter, a new government corporation was established by Congressional action. It was designated the Inter-American Social Development Institute—later changed to the Inter-American Foundation. This is a relatively small scale program—with initial multi-year funding of $50 million to be employed through Latin American non-government institutions dedicated to social change. It is administered by a 7-man Board appointed by President Nixon, of which 4 are from outside of government. I am pleased to be serving as a member of this Board and terribly excited by the potential in this new approach. We do not dictate programs—but respond to Latin American needs—not as we see them but as they perceive them, and evidence this by their own initiatives.

There are many ripples on the sea, most of which soon disappear back into the surface; however, every now and then one appears whose time has come and it continues to build into a giant swell to crash eventually on a distant shore. I believe that this new approach is a ripple whose time is overdue and the Inter-American Foundation will lead us into a new concept of foreign assistance—not only in Latin America but throughout the developing world.

Credit diplomacy

Let's look at our "credit diplomacy" of the 1960's as reflected in the Hickenlooper Amendment. This was designed to prevent illegal expropriation of U.S. property—by threatening withdrawal of all financial aid unless there is prompt adequate and effective compensation. This is our 20th Century version of the British gunboat diplomacy of the past century.

No one can argue very effectively against the principle that you shouldn't continue to provide financial aid to governments who kick us in the teeth in clear violation of accepted international standards. However, in my opinion, the Hickenlooper Amendment fails in that:

It not only tells the President, but also the opposition how he is to play his poker hand.

It generates an international emotional issue strengthening political support for the government leaders who have taken the expropriation step, and who for that reason can't afford to succumb to U.S. pressure.

It provides support for big business with sufficient clout in Washington to induce the government to jeopardize our international relations on their behalf. (You can be certain that your Uncle Joe's hamburger stand on a street corner in Lima doesn't operate under this same umbrella.)

And finally, it encourages an inflexibility and intransigence on the part of the threatened company, further compounding the problem.

We must find ways to bring appropriate economic pressure on governments to encourage fair treatment for all U.S. investors—large or small. Perhaps this can be better accomplished through an international institution such as the World Bank. In any event, calls for the flexible-non-publicized and thus noninflammatory approach, which can be adapted to the special circumstances which surround each expropriation case.

Investment insurance

Another area of our foreign policy which I believe requires review and change relates to our overseas private investment insurance.

In the first place, insurance against expropriation of property does not cover the most common risk in the developing world—which is the creeping expropriation of profit. This reduces the value of the investment but leaves the ownership intact, thereby avoiding the messy problem of compensation; secondly, I question whether we have ever really established the true objectives of this program now administered by OPIC. Are we encouraging U.S. overseas investment in developing countries because we want to support their economic growth? If so, wouldn't it be logical to extend this insurance program to investors from other countries?

Are we interested in protecting existing U.S. investments? If so, I am convinced that U.S. interests now in Latin America are better protected by new investment from Japan, Europe and elsewhere than by additional U.S. investment. On this basis perhaps we should only make the insurance available to investors from other countries.

On the other hand, our true objective may be to preserve Latin America as a reserve of raw materials and as a market for the future of U.S. industry. If that is the case, I submit that we are acting out of harmony with our stated objectives and contrary to the interests of the developing world.

It is difficult for me to see any valid argument for this insurance program which tends to encourage inflexibility on the part of the insured company, greatly increasing the likelihood of expropriation, very possibly at the expense of the U.S. taxpayer.

Our present bilateral approach also results in escalating what is a company-to-government argument into a major international issue involving both governments. This could be avoided by establishing an insurance program on an international basis to be administered by the World Bank. In any event, with current U.S. copper company insurance claims in Chile alone exceeding present OPIC reserves, and the growing reluctance of Congress to vote increased funds for this kind of program, one problem may solve itself. Events may conspire to provide an answer.

Preferential import treatment

On another issue—we have talked for years about our desire to support the advancement of export industries in Latin America. We have offered assurance that we will establish preferential import duties as an important step in this effort. However, our actions have never matched our rhetoric. We must fulfill this promise and also endeavor to gain similar treatment for Latin American products from the European Economic Community and Japan.

Underemployment crisis

Another emerging issue in our relations with the developing countries results from our failure to create more employment in the developing world through our foreign investments. The "marginal man"—or underemployed individual—continues to grow in numbers at an alarming rate, promising social stress and political instability in the years ahead.

The U.S. was developed in an atmosphere of labor scarcity—which encouraged the capital intensive approach. Unfortunately, we continue this same approach in our investments in the developing nations and thus fail to generate new jobs at anywhere near the rate required to avoid a major crisis. U.S. credit policies combined with import duty concessions and accelerated depreciation offered by the developing nations, enduce investors to go the capital intensive route. We should take the lead in developing new formulas for overseas financing to accelerate the creation of jobs. We must also encourage the developing nations to follow a similar course in their efforts to stimulate new investment. This rapidly emerging problem could well prove to be the single key issue of the 70's.

Territorial limits

I have already mentioned the question of fishing rights, but this is only a part of the larger issue of international codes. If we were to be completely honest we would have to admit that historically these are designed to protect the strong against the weak. The fact that might begets right was clearly the case when Britannia ruled the waves. Territorial limits were established at 3 miles from the coast which was the distance that a round iron ball could be fired from a shore gun. Technological "might" now replaces military "might" as the controlling factor, at least in all subsurface considerations. This is evidenced by the U.S. claim to the continental shelf for exploitation of the subsoil oil resources which became imperative when offshore oil drilling capability had been developed to exploit these resources. In the case of the fishing boat controversy—we seem to be saying that the Peruvians and Ecuadorians must restrict their offshore claims to 12 miles because we have the technological capability to send large self-sustaining, electronically equipped fishing vessels to exploit the subsurface resources beyond this limit.

To improve our relations with the developing world we must find a way to preserve the essential freedom of passage over international waters—but still deal with the subsurface and subsoil resources in ways that fully protect the weak as well as the strong.

Department of Commerce study

I have reviewed with you a few examples of current U.S. policies toward developing nations which I am convinced must be changed to reflect the realities of our world today. I am pleased to learn that our new Secretary of Commerce—Chicago's own Pete Peterson—is studying the broad question of U.S. international economic policies with a view to bringing them into line with our rapidly changing world. I have great confidence in his capacity to effect the policy changes which are absolutely essential if the U.S. is to play its proper role in the international economy.

MULTINATIONAL BUSINESS ASSOCIATIONS

As individuals we can also influence our relations with the developing world through association with other companies. Multinational business leaders will become an increasingly important influence in U.S. international relations. Inevitably this will lead to the development of action oriented organizations through which international businessmen will join forces. The Pacific Basin Economic Council is an example of this trend as it brings together business leaders of the U.S., Canada, Japan, Australia and New Zealand to cooperate in the economic development of the entire Pacific area—including the West Coast of Latin America. There will be many other such organizations through which we can exercise a positive influence in our relations with the developing world.

INDIVIDUAL BUSINESS POLICIES

Now I come to what I consider the most important area for individual effort—the operation of one's own overseas business. You'll have to forgive me if this appears to be an overly personalized review—because I have been involved directly and would like to share this experience with you.

There are many international business executives who have convinced themselves that they are following proper management policies in the developing world. Frequently you will hear them say that it is true that 30 or 40 years ago U.S. companies took advantage of the host country with their activities subject to criticism as imperialistic; but we have come a long way since then and complaints today are really "beating a dead horse."

However, the world is changing at an accelerating rate and there is a danger in steering our course by looking at the path behind as we are very likely to miss the bend ahead. I feel that we must continually reassess our policies to insure that we stay in harmony with the world as it exists today.

Continued building

While I was initiating our operation in Peru 20 years ago—I saw a cartoon from the New Yorker—which has greatly influenced my thinking and our policies in Latin America ever since. There was a picture of two Arabs sitting on a desert rock looking at a petroleum refinery under construction on the horizon. One was asking the other—"Shall we take it over now or wait until it's finished." I decided that the answer was—let's wait until it's finished and concluded that our policy should be one of never finishing. Twenty years later I am more than ever convinced that this is an important key to survival in Latin America; however, I now recognize that this calls for a good deal more than a continuation of physical construction through reinvestment of earnings—as important as this is. It is more than just expanding the role of local employees in overall company management, or building community relations as a good corporate citizen.

Partners in progress

I refer to a building process which calls for sensitivity to the country's development needs and a positive effort as a true "Partner in Progress."

I would like to describe three specific examples of our efforts in Peru which illustrate what I mean by a partnership in progress. In doing this—let me assure you I am not seeking accolades for our charity. On the contrary, I confess to having been motivated by a high level of long range self-interest. Furthermore, there are other companies playing a similar role in their operations in Latin America. However, I am convinced that the future for all foreign enterprise would be considerably brighter if all would adopt this approach. It's in the hopes that I might gain a few converts that I discuss it with you here today.

IPFE

The first example deals with the problem of education. Over 10 years ago we concluded that the most important factor in development was the cultivation of the human resource through education and training.

However, it was clear that this wasn't just a matter of building more facilities, or providing more scholarships for study in the U.S. It called for a change in the public attitude towards education—which was then viewed as the exclusive responsibility of the state. For that reason education had become a political issue and as a result both the quantity and quality of education failed to meet even minimum requirements.

We concluded that what was needed was a new perception of responsibility for education on the part of the advantaged sectors of the Peruvian society. Accordingly, we encouraged a group of leading citizens to form a foundation known as the Instituto Peruano de Fomento Educative—the Peruvian Institute for Educational Development. We supplied the necessary funds for initiation of this effort and also arranged for continuing financial support from the U.S. government. This organization has grown every year with increasing involvement in the entire spectrum of Peruvian educational life including scholarship programs from the secondary school level through overseas graduate schools, in construction of educational facilities, in text book publishing, teacher training courses, and educational credit. The foundation functions today under a multimillion dollar budget with broad local support. It is one of the most important factors in the development of human resources outside of the government itself.

This is the father of private educational foundations in Latin America and is now being studied by interested citizens in other countries of Latin America as a model for similar development elsewhere.

This was not a public relations effort—as we carefully concealed from the public our identification with the project. It was a step taken as a "partner in progress" which we felt would produce a return down the road as Peru finds her true international identity.

Local sourcing

A second example relates to the development of local manufacturing capability. Until about 5 years ago we, like other foreign operations in Peru, resisted the pressures to buy locally produced supplies and equipment. We were geared up to use fully proven products from abroad and we were concerned with the quality and reliability problems involved with local manuufacturers. However, we finally concluded that we had a responsibility for and—more than that—a real stake in the future of Peru which demanded accelerated economic development.

Having made the decision, we invited top representatives from 20 of the leading manufacturing companies in Peru to spend a weekend as guests at our mining center. We reviewed with them the list of over 50,000 items in our inventory broken down into product groups which were of interest to each company. These representatives returned to Lima to work on this challenge and soon had selected literally hundreds of products they would like to produce.

To assist them in this effort we organized a company task force made up of technicians, accountants, and quality control personnel, to spend full time with potential suppliers on this project. This program was highly successful and today we are operating with substantially higher dependence on local supplies—greatly reducing our inventory investment and overall costs. A large group of local manufacturers—which have expanded far beyond the initial 20 invitees—are producing new products and increased total volume supported not only by Marcona but by the other foreign and locally owned enterprises now taking advantage of this development.

It was not an easy battle and there were many failures along the road; however, the overall gain for local industry has been truly amazing. Needless to say, we have also generated a large new constituency sharing our interest in Marcona's survival. Again we have acted as a partner in real self-sustaining progress.

CUSTOMS ADMINISTRATION

One final and most recent example of our partnership philosophy: The new military government in Peru brought significant changes in the administration of customs duties and in the personnel responsible for this program. Delays in clearing customs were stretching into weeks and months, seriously jeopardizing both operations and construction programs. The government explained that they simply couldn't overcome the growing backlog of paper work.

We had several alternatives for improving this situation, but we finally decided to offer the government assistance in studying the problem and in developing a solution. We assigned a team of data processing specialists who in cooperation with government officials developed a computerized system with new forms and the necessary organizational changes. This system is now going into operation with important savings for Marcona—but also for Peru and for all other companies operating in that country.

I have reviewed these three examples of cooperation—to illustrate our philosophy of "partnership in progress." It is our hope that more foreign-owned companies will share increasingly in this responsibility and opportunity.

SUMMARY

In conclusion, I sense that the rising tide of nationalism and anti-foreign-capital attitude could be approaching its high-water mark. If we will recognize the legitimate needs of the developing world and adjust our government and corporate sails to the violent and shifting winds of the developing world we will survive.

I do not predict peace and tranquility—this is no place for the timid nor the weak. Certainly we must continue to adjust our relationships at an accelerating rate reflecting the realities of the world today. However, if we proceed with vision, foreign investment can become an even more dynamic and positive force in the absolutely essential development process.

"Without vision" said the Prophet Isaiah, "the people perish"—and I submit that the same fate awaits the foreign investor in the developing world. We must evidence more vision as "Partners in Progress" if we are to survive. This demands a sensitivity to trends, the imagination to project their consequences, the courage to proceed in the face of mounting risks, and the patience to support our convictions.

This is both our grave responsibility—and our hope for the future.

TAX INFORMATION NEWSLETTER

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. RIEGLE. Mr. Speaker, after talking with many of my constituents, it was evident to me that a summary of Federal income tax laws was needed to clarify the important aspects of the Tax Reform Acts of 1969 and 1971. Much confusion exists as an outgrowth of the changes in law and the increased withholding rates.

The pamphlet I prepared for my constituents' use describes the most significant areas of the tax laws which affect an individual's income tax payments for 1971. It was designed to help my constituents prepare their tax return and to inform them of all the changes in deductions, allowances, and exemptions to which they are now entitled. I am inserting my newsletter into the CONGRESSIONAL RECORD so that the information we gathered together may be of assistance to all Americans:

TAX INFORMATION NEWSLETTER

FILING REQUIREMENTS

You do *not* have to file a return if:

You are single and your income was *less* than $1700 ($2300 if you are 65 or over)

You are a married person both entitled to file jointly and living with your spouse, and your combined gross income was *less* than $2300 ($2900 if one of you is 65 or over and $3500 if both of you are 65 or over)

You are married, but either filing separately or not living with your spouse, and your income was *less* than $600.

EXTENSION REQUEST

If you cannot file your return by April 17th, you may request an automatic extension of time to file and receive a two month extension of the due date. To do this, you must make a tentative tax estimate and pay any tax due by the regular due date. IRS offices have Form 4868 available for this purpose.

GROSS INCOME

This is the income you must report and includes wages, salaries, tips, bonuses, commissions, dividends, interest, rental income, non-contributory pension income, and capital gains. Capital losses may be used to offset your capital gains.

Losses exceeding your capital gains may be used to offset additional gross income up to $1000 annually subject to the following limitations:

If you have a long-term loss (your asset was held more than six months), you may use up to $2000 to offset $1000 of income.

If your loss is short-term (asset was held six months or less), you may use $1000 to offset $1000 of income.

Capital losses exceeding these limitations may be carried over to future years to offset your capital gains and/or additional gross income.

TAX FREE INCOME

Life Insurance Proceeds upon death of the insured.

Federal Social Security Benefits.

Workmen's Compensation Benefits.

Health Insurance Benefits.

Interest from investment in certain state and municipal bonds.

Federal and State Unemployment Benefits.

Pension Income.

If you receive benefits from an employee pension plan, you may be entitled to exclude part or all of your benefits from your income if you have contributed to the plan and have not recovered your cost.

Subject to certain limitations, pension income received as a *lump-sum payment* may be subject to special tax treatment which may decrease your tax liability.

Gain from sale of your residence

Your tax on your gain may be *postponed* if within one year before or one year after the sale you buy and occupy another residence, the cost of which equals or exceeds the sale price of your old residence. Additional time is allowed if you construct your new residence or you were on active duty in the Armed Forces.

ADJUSTMENTS TO INCOME

Sick pay

You may exclude, subject to limitations, certain payments which you receive from your employer while absent from work if you are sick or disabled.

Moving expenses

These include transportation of household goods, personal effects, as well as meals and lodging in transit to your new job location. To a limited extent, you may also deduct certain expenses for a pre-move house-hunting trip, meals, and lodging while in temporary quarters at the new job location up to 30 days after obtaining employment, and expenses incurred in selling, purchasing or leasing your residence.

Employee business expenses

Includes bus, taxi, train and plane fares or the cost of operating an automobile in connection with your business responsibilities. If you haven't kept accurate records for automobile expenses, you may deduct a flat Treasury allowance based on 12¢ per mile for the first 15,000 miles and 9¢ per mile for all additional miles of business use.

Meals and lodging expenses if you are temporarily away on business at least overnight from the general area where your business is located.

EXEMPTIONS

You are entitled to claim a personal exemption of $675 for 1971. In addition, you may claim $675 for each of your qualified dependents. Remember that you and your spouse are entitled to extra exemptions if you are blind and/or 65 or over.

ITEMIZED DEDUCTIONS

These are some of the major itemized deductions you may claim if you do *not* elect to use the percentage standard deduction:

Medical and dental expenses

You may deduct medical expenses in excess of 3% of your adjusted gross income. Expenses for certain medicines and drugs may be included in medical expenses to the extent that they exceed 1% of adjusted gross income.

One-half of the cost of your premiums for medical insurance, *up to $150*, may be deducted without regard to the 3% limitation. The remaining portion is included in medical expenses subject to the 3% limitation.

Specific expenses you may deduct

Transportation expenses necessary to get medical care. This includes car, bus, taxi, train or plane fare, or ambulance hire. In lieu of actual automobile expenses, you may deduct a standard mileage rate of 6¢ per mile plus parking fees and tolls.

Expenses for staying in a sanitarium or rest home.

Cost of such items as eyeglasses, hearing aid, dentures, braces, arches, crutches, etc.

General State or local sales taxes

You may use the sales tax tables in your *Instructions for Form 1040.* In addition to the figure shown in the table, you may deduct the sales tax paid on the purchase of a car, boat, airplane, mobile home or materials used to build a new home if you were your own contractor.

Real estate taxes

If you maintain an escrow account at a bank for the payment of taxes, your deduction is the amount the bank pays from your account, not the amount you pay into the escrow account.

State income taxes

This includes amounts withheld from your pay during the year plus any estimated tax or other payments made during the year.

State gasoline taxes

You may use the gasoline tax table shown in your *Instructions for Form 1040.*

Interest payments

On your mortgage, bank loans, bank charge cards, installment purchases, and interest on life insurance loans if paid in cash.

Care of children and other disabled dependents

Subject to certain limitations, expenses are deductible which are paid for the care of dependent children (under age 13) and/or other dependent persons who are physically or mentally disabled *if* the purpose of the care is to enable you to be employed or to seek employment. You can claim up to $600 for one dependent and up to $900 for two or more dependents.

Casualty losses

You may deduct a net loss (to the extent that it exceeds $100) resulting from sudden, unexpected, and unusual occurrences such as fire, storms, floods, sonic booms, auto accidents or theft which result in destruction or loss of your property.

Labor union dues

Education expenses

If they are required by your employer or are necessary for the purpose of maintaining or improving skills required in your present employment.

Cost of safety equipment

Tools and supplies, uniforms and special clothing (not adaptable to general wear) which are not paid for by your employer.

Charitable contributions

Contributions made to certain religious, charitable, educational, scientific or literary organizations may be deducted. This includes amounts paid in cash or property. However, if the property had appreciated in value, there are special limitations that apply.

TAXABLE INCOME

This is your remaining income after your adjusted gross income has been reduced by all allowable adjustments, deductions and exemptions. You will compute your income tax by computing your taxable income and using the appropriate Tax Rate Schedule in your *Instructions for Form 1040*.

INCOME AVERAGING

This may be advantageous to you *if your taxable income has increased substantially* this year: $3000 greater than 30% of the total taxable income for the previous four years.

COMPUTING YOUR TAX

If you did not itemize your deductions, you have three choices for computing your tax:

1. The IRS will compute your tax if your adjusted gross income is $20,000 or less, and your salary consists only of wages, salary and tips, dividends, interest, pensions, and annuities.

2. You may use the 1971 Tax Tables in your *Instructions for Form 1040* if your adjusted income is under $10,000 and you have not selected to have IRS compute your tax.

3. If your income is over $10,000, you may take the percentage standard deduction (13% of your adjusted gross income up to $1500) and compute your tax from the appropriate Tax Rate Schedule in your *Instructions for Form 1040*.

INCOME TAX CREDITS

Retirement income credit

If you are of retirement age, you may qualify for this special credit which is generally 15% of retirement income if you received earned income in excess of $600 in each of any 10 calendar years before the beginning of your taxable year.

Excess social security payments

If you have worked for more than one employer in 1971 and you received wages totaling more than $7800, you are entitled to claim the excess social security tax withheld as a credit.

WITHHOLDING

You may decrease (increase) the amount of taxes withheld from your paycheck with the Form W-4 which employers are required to provide their employees. You can now claim an extra exemption ($750) *in addition to* the personal exemptions you usually claim for yourself and your dependents. You qualify to claim this exemption if you are single and hold no more than one job, or if you are married and your spouse does not work.

Additional exemptions may be claimed depending on whether or not you itemize your personal deductions. Recent cuts in take-home pay are the result of increased tax withholding rates. It may be in some cases that too much tax is being withheld.

NEW TAX COURT

Although it is not likely that you will have any problems with the IRS, you should know that the Tax Reform Act of 1969 created the new Small Tax Case Division of the U.S. Tax Court. This now permits you to appeal any disputes you may have with the IRS concerning your income taxes (involving not more than $1000) without excessive red tape and the expense of hiring a lawyer.

ASSISTING IN FILING YOUR FEDERAL INCOME TAX RETURN

The Flint IRS is sponsoring this year the *Volunteer Income Tax Assistance Program* which is intended to aid the average taxpayer in the preparation of his or her federal income tax return. The service is being offered at:

St. Michael's Catholic Church, 609 East Fifth Avenue, Flint, Mich.—12:00-5:00 p.m.—Tuesday, Wednesday, Thursday; 7:30-9:30 p.m.—Tuesday, Wednesday.

For regular taxpayer service contact:

Internal Revenue Service, 600 Church Street, Flint, Mich. Telephone: 239-9432.

MAINTAINING RECORDS

It is important that you keep copies of all records documenting your earnings and any expenditures which may be considered as deductions or tax credits reducing your tax liability. The Internal Revenue Service may go back three years in auditing your tax liability.

MOSCOW AND THE MISSILE RACE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. HAMILTON. Mr. Speaker, the seventh round of the SALT talks is scheduled to begin in Helsinki, Finland, on March 28. The United States and the Soviet Union are engaged in these talks for numerous reasons, some more obvious than others. One of the reasons is that a mutually acceptable arms limitation agreement would release economic resources for use elsewhere in the Soviet and American domestic economies.

Benjamin Lambeth, on leave from the Institute for Defense Analyses to teach at Harvard University, discusses this reason, among others, in an article that appeared in the October 1971 issue of Current History.

I recommend this article, which follows, to my colleagues:

MOSCOW AND THE MISSILE RACE

(By Benjamin S. Lambeth)

"... *a fair argument can be made* (*a*) *that the Soviet Union is genuinely interested in a strategic arms limitation accord;* (*b*) *that this interest stems neither from altruism nor from any abandonment of traditional Soviet national interests but from a pragmatic belief that such an accord would advance Soviet economic and strategic objectives; and* (*c*) *that the recent Soviet ICBM buildup can be reasonably explained as a logical response to past and present United States strategic policies.*"

In his address to the Supreme Soviet in June, 1968, Soviet Foreign Minister Andrei Gromyko imparted new momentum to the long-deadlocked East-West arms control dialogue when he officially announced that the Soviet Union was finally "ready for an exchange of opinion" with the United States on the question of limiting the further deployment of strategic offensive and defensive weapons.[1] This disclosure marked a significant turning point in the traditional course of United Stataes-Soviet strategic relations, for it suggested that Moscow had at long last come to recognize the permanence of mutual deterrence between the two superpowers and the futility of continuing the nuclear arms race.*

In Washington, the Gromyko proposal brought forth an immediate wave of optimism. Leading newspapers heralded the move as a triumph of rationality in Soviet affairs and a major step toward stabilizing the nuclear balance of terror. State Department spokesmen were said to be "vastly encouraged" by the Gromyko statement.[2] And President Lyndon Johnson, while laboring under no illusions that the talks would be easy or that tangible results would be immediately forthcoming, promptly welcomed the Soviet gesture as a significant breakthrough in the quest for an end to the arms race.

This new spirit of hope was rudely shattered scarcely two months later, however, by the abrupt and unexpected Soviet invasion of Czechoslovakia. The Soviet move triggered an almost reflexive outpouring of moral indignation in the West, and raised new doubts about the prospects of accommodation with the Soviet Union. Although Soviet spokesmen hastened to label the intervention an internal bloc affair and privately urged that their nascent arms dialogue with the United States continue unimpaired, the incipient atmosphere of detente and cooperation which had begun to emerge after the Gromyko speech sustained a major setback. Plans for a meeting between President Johnson and Premier Aleksei Kosygin on the arms control issue were summarily cancelled by the United States as a result of the Czech crisis, and the opening of concrete negotiations at the diplomatic level was then postponed indefinitely.[3]

In the intervening years since that eventful summer of 1968, a great deal has occurred in the realm of United States-Soviet strategic relations. On the American side of the equation, the Nixon administration has systematically recast both the parameters of the East-West arms dialogue which prevailed during the Johnson incumbency and the entire thrust of United States nuclear strategy and defense policy. In particular, the administration's insistence on continuing the United States multiple warhead (MIRV) deployment program despite the Soviet Union's manifest interest in arms limitation talks has fundamentally altered the original terms on which the United States-Soviet arms control discussions were to have been based and, many would argue, has substantially diminished the prospects for any future offensive weapons limitation agreement.[4]

On the Soviet side, the curious inconsistency between Moscow's professions of arms control interest and its continued deployment of strategic offensive missiles well beyond the static level of current United States ICBM strength has greatly galvanized United States fears of an incipient Soviet "first-strike" capability and has provoked a categorical American unwillingness to curtail projected United States weapons programs in the absence of any demonstrated Soviet disposition to do likewise. In the process, of course, after a series of frustrating setbacks and false starts, both superpowers have finally succeeded in getting their formal strategic arms limitation talks (SALT) underway. Yet the spirit of exuberant optimism which marked the initial exchanges on the subject in July, 1968, has now clearly been replaced by a sense of mutual caution and distrust as

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Footnotes at end of article.

the Soviets and Americans focus with growing apprehension on each others expanding strategic arsenals.

Under the circumstances, it is perhaps not surprising that the Nixon administration should feel distrustful of Soviet declarations and should suspect, as it deeply does, that Moscow may be using the arms control issue merely as a ruse to cover what many perceive to be a quest for "strategic superiority" over the United States. Nonetheless, as we shall attempt to show in the following discussion, a fair argument can be made (a) that the Soviet Union is genuinely interested in a strategic arms limitation accord; (b) that this interest stems neither from altruism nor from any abandonment of traditional Soviet national interests but from a pragmatic belief that such an accord would advance Soviet economic and strategic objectives; and (c) that the recent Soviet ICBM buildup can be reasonably explained as a logical response to past and present United States strategic policies. Since this last point is clearly the most vital to any balanced understanding of recent Soviet strategic behavior, we may perhaps best begin our analysis by turning to it first.

BACKGROUND OF CURRENT ISSUES

If any single characteristic could be ascribed to American perceptions of the United States-Soviet strategic balance during the first half of the 1960's, it would almost have to be expressed as an overarching sense of sublime self-confidence. The specter of the much-feared "missile gap" quietly evaporated shortly after President John F. Kennedy's assumption of office, and the subsequent expansion and diversification of the United States nuclear arsenal quickly erased any remaining doubts as to where the strategic balance lay.[5] The United States had achieved an overwhelming numerical preponderance over the Soviet Union in nuclear missile strength, and there seemed no apparent Soviet interest in contesting that superiority.

Then came the Cuban crisis of October, 1962, an event which the conventional wisdom interpreted as a daring Soviet gamble to narrow the strategic asymmetry "on the cheap" by deploying medium-range ballistic missiles at the very doorstep of the United States.[6] The resounding failure of the Soviets to achieve this presumed objective was almost universally attributed to Soviet Premier Nikita Khrushchev's intimidation by the threat posed by our nuclear superiority; thus the Cuban missile crisis quickly entered the idiom of American strategic thinking as an epochal watershed in the evolution of the nuclear age. Students of Soviet affairs and professional strategic analysts alike widely heralded that event both as proof of our incontrovertible strategic supremacy and, more significantly, as Moscow's last gasp in the nuclear arms race.

On the first count, the dominant belief was concisely reflected in Raymond Garthoff's assertion that as a result of Khrushchev's forced removal of the missiles from Cuba, "the American strategic superiority was doubly confirmed: his ploy proved his need for such . . . missiles, and its failure not only denied them but bore impressive witness to the American superiority that compelled him to capitulate."[7] On the second count, numerous commentators thought that because of the Soviet Union's mounting domestic economic pressures and its presumed lack of the resources necessary to underwrite a sustained ICBM competition, Moscow had to consign itself to a permanent state of inferiority in the superpower relationship and accept the political strictures which that inferiority imposed.

In a representative expression of this widely prevalent thesis, a noted United States expert on Soviet military affairs remarked that while "the Soviet Union would like to be the military equal or even the superior" of the United States, "the important question is not what the Soviet Union would like but what it can get." Because of the towering obstacles which supposedly lay in the path of Moscow's strategic ambitions, he went on to assert, "it seems likely that . . . the Soviet Union will continue to be second in military power to the United States."[8] The official euphoria which such perceptions engendered eventually found its ultimate enshrinement in Secretary of Defense Robert McNamara's confident proclamation in 1965 that the Soviet leaders "have decided that they have lost the quantitative race, and they are not seeking to engage us in that contest. There is no indication that the Soviets are seeking to develop a strategic nuclear force as large as ours."[9]

By the middle of 1966, there began to appear increasing signs that these sanguine conclusions regarding the "permanence" of Soviet inferiority were considerably premature. To be sure, in the aftermath of Moscow's retreat in the Cuban missile crisis, Khrushchev did abandon—at least for the moment—the pursuit of nuclear arms competition in favor of a policy of limited detente with the West. Yet the Leonid Brezhnev-Aleksei Kosygin coalition which overthrew him in 1964 seemed progressively to hold a different vision of the course which Soviet strategic policies should follow. The first indication of this evident departure was manifested in the Soviet Union's deployment of a prototype ABM defense around Moscow. In short order, this ABM initiative was followed by renewed signs of activity in the realm of offensive missile deployment. Whether or not these developments suggested that Moscow was now aiming—contrary to McNamara's earlier disclaimer—"to develop a strategic nuclear force as large as ours," they clearly indicated that the Soviet Union had embarked o na major campaign to improve its strategic position.

Today, largely as a result of the dramatic achievements of that Soviet campaign, the pendulum of United States defense policy has swung full cycle from its former blithe complacency to a new extreme of hypervigilance and almost obsessive concern. The contemporary view of the official United States defense policy community holds that the Soviet Union is steadily advancing toward clear strategic supremacy over the United States and that this presumed effort threatens soon to leave us in a "second-rate strategic position" if we fail to offset it quickly with new force deployments of our own.[10] Without minimizing the admitted impressiveness of current Soviet strategic power, there are good reasons for severely questioning the validity of this notion. Perhaps the best way to begin presenting them is by examining the external pressures which have largely motivated and directed the recent trends in Soviet military policy.

The overall thrust of the Soviet Union's recent force expansion cannot meaningfully be understood apart from the larger United States-Soviet strategic relationship within which it has unfolded. Like most other large powers, the Soviet Union conceives its military needs as direct consequences of its underlying perceptions of threat and opportunity. Naturally, therefore, its leaders formulate their security policies with a careful eye on the activities and policies of their American adversary.

For years following its defeat in the Cuban missile episode of 1962, the Soviet Union was confronted with an almost relentless barrage of United States public rhetoric basking in the glow of our presumption to strategic superiority. The hubris reflected in these self-confident proclamations could hardly have set well with a Soviet leadership which had long since come to expect for itself the special prerogatives and respect due a great power. Prior to the Cuban confrontation and before the strategic balance had become fully revealed to lie in the United States favor, the Soviets could easily enough invoke Western uncertainties about Soviet strength in support of their demands for deference from Washington.[11] "U.S. President John Kennedy once admitted," Marshal Malinovskii could then remind the West, "that our strength is equal. This was a more or less correct acknowledgment, and it is high time that the American military leaders drew the appropriate conclusions."[12]

When the unyielding American firmness during the 1962 missile crisis suggested a profound United States indifference to that putative Soviet equality, however, Moscow could do little more than voice melancholy wonderment at "how the admission of our equal military capabilities tallies with such unequal relations between our great states."[13] And once the East-West strategic asymmetry had become unmistakably apparent, the inferior Soviets had to fall back on the bare alternative of asserting plaintive claims to "sufficiency," claims which both they and their adversary knew to be devoid of tangible substance.[14]

Beyond this severely damaged national *amour-propre* which the Soviet Union sustained as a result of its Cuban failure and of subsequent United States braggadocio about its nuclear superiority, other developments were making it increasingly imperative that Moscow take a second look at the adequacy of its strategic capabilities. For one thing, Communist China's accession to nuclear status in late 1964 added a new potential threat to Soviet interests, and this breakthrough—especially within the context of the marked erosion which had come to beset the Sino-Soviet relationship—could only increase the long-term political strains in Moscow's already creaky deterrent. For another thing, the United States had embarked on a full-scale bombing campaign against North Vietnam, thereby directly affronting the Soviet Union's avowed commitment to defend its socialist allies in Hanoi.

Most irritating of all, however, in the eyes of Soviet planners, the whole thrust of United States foreign and strategic policy projected an image of consummate militancy which could not be allowed to go on unchallenged. In the face of these perceived threats—not so much to the physical security of the Soviet Union itself as to what one observer recently term Moscow's "virile self-image"[15]—soothing self-reassurances that all remained well quickly lost their ability to console the Soviet leadership. The military professionals began to exert sustained pressures on their party superiors to replace rhetoric with actions,[16] and the stage was gradually set for a sweeping departure from the preestablished mold of Soviet strategic policy.

As best as we can reconstruct events, it seems that sometime shortly after the Brezhnev-Kosygin regime consolidated its domestic political power base following its ouster of Khrushchev, a decision was made by the Communist party to undertake an across-the-board revamping of Soviet military policy—in hardware, doctrine and objectives. In material terms, this policy shift entailed a combined program of (a) carrying through to initial operational status the ABM system which had been inaugurated during Khrushchev's tenure in office; (b) closing the gap in number of Soviet ICBM's relative to the United States; and (c) shoring up the credibility of the Soviet retaliatory capacity through missile "hardening" and dispersal measures.

Conceptually, it also included a basic change in the Soviet strategic doctrinal orientation from a relatively rigid and static "minimum deterrence" mold to a more flexible and dynamic global thrust.[17] Its basic inspiration seemed to be a desire to impress on the United States once and for all that Soviet power and interest were to be taken seriously.

While there is no doubt that even the "inferior" Soviet nuclear capabilities which

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Footnotes at end of article.

existed throughout the first half of the past decade were more than adequate to deter a calculated United States attack, those capabilities had to remain substantially devoid of any significant psychopolitical utility as long as the United States could talk as though it believed its own superiority provided the license for an interventionist foreign policy. If, on the other hand, the Soviets could somehow move to deny Washington the convenient prop afforded by the assumption of meaningful superiority, then they could perhaps manage to acquire a more comfortable basis on which to demand a measure of equity from the West. Accordingly, it seems most likely that the principal purposes of the Soviet Union's post-Krushchev strategic arms buildup were (a) to erase the embarrassing image of "inferiority" which had been conferred on it by American strategic oratory and by the inescapable reality of the nuclear balance, and (b) to acquire the necessary additional military capabilities to present itself as an undeniable equal to the United States in all significant aspects of combat power. At the present time, it appears that the Soviet leadership has met with considerable success on both counts.[18]

Yet having attained "equality" with the United States, the Soviet Union continues to upgrade its strategic capabilities. Both its MIRV development program and its missile deployment rate seem to be going ahead without significant interruption.[19] Does it follow then from this that Moscow seeks even more ambitious strategic goals, above and beyond nuclear parity? Many authoritative observers in this country have suggested that it indeed does. There is a fair presumptive argument to be made to the contrary, however, and to do so we must consider the Soviet Union's attitudes toward the role of the SALT talks in its current national security scheme.

SALT IN SOVIET POLICY

Appeals for "disarmament" have, of course, been a standard refrain in the litany of Soviet foreign policy and diplomacy ever since the earliest years of the Soviet state. Yet despite this persistent verbal advocacy, throughout most of their history the Soviets have rarely been disposed to consider measures which would actually require them to limit or reduce the size of their arsenal. Soviet disarmament policy traditionally has been merely part and parcel of a larger political propaganda effort to bolster the "peace-loving" image of the Soviet Union and to undermine the military challenge posed by its American adversary. Moscow's repeated calls for "general and complete disarmament," for example, safely voiced with the prior knowledge that they would be categorically rejected by the United States, have long sought to embarrass the West by enabling the Soviets to pose a contrast between the avowed "reasonableness" of the socialist camp and what the Soviets have maintained to be the militaristic character of United States imperialism.

Similarly, when they have been offered, such Soviet gestures as proposals for abolishing nuclear weapons, withdrawing troops from Europe, dismantling military bases on foreign soil, halting nuclear-armed manned bomber patrols and the like have all been directed toward the largely self-serving goal of eliminating certain perceived external threats to Soviet policy and security interests. They have shared the common feature of demanding, in effect, unilateral concessions from the United States with little or no significant Soviet reciprocity.[20]

Throughout the SALT negotiations, however, the Soviets have espoused interest in arms control measures which, if implemented, would require tangible concessions on their own part as well as concessions from their American adversary. Moreover, this interest has been articulated in a declaratory tone, suggesting unprecedented seriousness of purpose on the part of those Soviet leaders responsible for it. Finally, both the businesslike negotiating approach displayed by the Soviet SALT delegation and the extreme caution that delegation has taken to avoid the sort of propagandistic harangues characteristic of most previous Soviet disarmament rhetoric have seemed directly intended to underscore Moscows profession that it is honestly seeking a nuclear *modus vivendi* with the United States.

That this unprecedented Soviet arms control seriousness should have emerged precisely when the Soviet Union has reached a position of approximate military-strategic parity with the United States would seem even to the most casual observer to be anything but coincidence. Indeed, it is most probable that Moscow's achievement of this position has sufficiently satisfied the Soviet leaders so that they have a new perspective on the potential opportunities to be exploited through arms control negotiations. A long standing assumption of Western analyses of Soviet disarmament policy has been that the Soviet Union would oppose entering proposals for arms "freezes" under conditions of manifest inferiority to the United States, since to do otherwise would be tantamount to conceding Soviet weakness before the enemy.[21]

Having finally attained nuclear parity with the United States, however, Moscow no longer remains constrained by this consideration and can now afford to contemplate the likely utility of some arms limitation accord which (a) stabilizes United States and Soviet strategic capabilities more or less at their present levels; (b) formally ratifies Soviet equality to the United States and, more important, explicit American acknowledgment of that equality before the rest of the world; (c) adequately provides for the continued security needs of the Soviet state; and (d) reduces the likelihood of a costly new round of arms competition with the West whose ultimate outcome might simply be to leave the Soviets worse off in the strategic balance than they ever were before.

A *Pravda* correspondent writing shortly after Foreign Minister Gromyko's 1968 Supreme Soviet speech all but directly admitted that such reasoning underlies Moscow's SALT policy when he approvingly quoted a *Washington Post* editorial to the effect that "it is possible to maintain that one of those rare moments of history has come when both sides are ready to admit equality in the broadest sense and to view this as an initial position for reaching agreement concerning the freezing and subsequent reduction of arms. . . . It is the politicians' task not to let this chance slip away."[22]

THE BALANCE SHEET

In the overview, the mere fact that the Soviet Union is engaging in SALT—something it would never have done prior to having achieved its hard-won nuclear equality to the United States—seems in itself to be evidence that the Kremlin sees more than simple propaganda benefits to be gained from an East-West arms control dialogue. The Soviet leaders (at least for the moment) appear reasonably persuaded that mutual deterrence is here to stay and that the returns to be reaped from a stabilized nuclear balance promise to outweigh any advantages that might accrue from an unrestricted continuation of the arms race. To say that their interest in SALT is self-serving is hardly to deny that it remains genuine. They are well aware that strategic arms production is an expensive proposition, and, like decision-makers everywhere, they face constantly competing internal claims on the allocation of their scarce economic resources.

Among other things, a SALT agreement—whether comprehensive or merely limited—would release substantial amounts of those resources from military procurement programs which could then possibly be channeled toward important domestic needs. Moreover, and perhaps even more important, the Soviet leadership might well find that a "super-stable" nuclear equilibrium growing out of SALT would open up new foreign policy prospects at lower conflict thresholds which formerly were, and to a degree still remain, foreclosed by the threat of nuclear escalation.

There is a strong probability that the bitter memory of Vietnam and the growing pressure of domestic social priorities will increasingly circumscribe the United States' future willingness (or ability) to maintain encumbering international commitments. Thus it is altogether possible that the combination of American preoccupation with problems at home and a world free of any imminent danger of nuclear war will offer the Soviets significant new inroads through which to expand their influence and presence. Indeed, post-Khrushchev improvements in Soviet naval and conventional theater-force capabilities and Moscow's increasing political-military involvement in the Middle East both suggest that the Soviet Union has already come to discover many of the advantages to be gained from its recent accession to full-fledged superpower status.[23]

FOOTNOTES

*The author is a Research Staff Member on leave of absence from the Institute for Defense Analyses, Arlington, Virginia. Any views expressed in this article are solely those of the author and should not be interpreted as necessarily reflecting the official views of the Institute for Defense Analyses or any of its governmental or private research sponsors.

[1] Report by Soviet Foreign Minister A. A. Gromyko, "On the International Situation and the Foreign Policy of the Soviet Union," *Pravda*, June 28, 1968.

[2] Peter Grose, "U.S. Encouraged by Soviet Stand," *The New York Times*, June 28, 1968.

[3] See Benjamin Welles, "U.S. Cool to New Soviet Bid on Nuclear Talks," *The New York Times*, September 16, 1968.

[4] MIRV is an acronym for "multiple individually-targetable re-entry vehicle," a system which has the effect of multiplying the number of warheads deliverable by a single booster to separate aiming points. The difficulty with this system is that once it is installed aboard operational ICBM's, neither side will be able to verify the numerical warhead strength of the other by any means short of actual on-site inspection arrangements. Both the United States and the Soviet Union have been reluctant to submit to such arrangements.

[5] For detailed discussions of this strategic force expansion, see William W. Kaufmann, *The McNamara Strategy* (New York: Harper and Row, 1964), pp. 47–101, and Alain G. Enthoven and K. Wayne Smith, *How Much Is Enough? Shaping the Defense Program, 1961–1969* (New York: Harper and Row, 1971), pp. 165–196.

[6] The most detailed and widely-cited presentation of this interpretation is Arnold L. Horelick, "The Cuban Missile Crisis: An Analysis of Soviet Calculations and Behavior," *World Politics*, Vol. XVI, No. 3 (April 1964), pp. 363–389.

[7] Raymond L. Garthoff, "Military Power in Soviet Policy," in John Erickson, ed., *The Military-Technical Revolution: Its Impact on Strategy and Foreign Policy* (New York: Frederick A. Praeger, 1966), p. 255. For a critique of this viewpoint, see Benjamin S. Lambeth, "Deterrence in the MIRV Era," *World Politics*, Vol. XXIV, No. 2 (January, 1972), forthcoming.

[8] Herbert S. Dinerstein, *The United States and the Soviet Union: Standoff or Confrontation?* (The RAND Corporation, P–3046, January, 1965), pp. 7, 10.

[9] Interview with Secretary of Defense Robert S. McNamara, *U.S. News and World Report*, April 12, 1965.

[10] See William Beecher, "Laird Cites Peril If Soviet Presses Missile Buildup," *The New York Times*, February 21, 1970.

[11] See Arnold L. Horelick and Myron Rush,

Strategic Power and Soviet Foreign Policy (Chicago: University of Chicago Press, 1966).

[12] Interview with Marshal R. Ya. Malinovskii, Minister of Defense of the U.S.S.R., *Pravda*, January 25, 1962.

[13] N. S. Khrushchev, Letter to President Kennedy, October 28, 1962, in Henry M. Pachter, *Collision Course: The Cuban Missile Crisis and Coexistence* (New York: Frederick A. Praeger, 1963), p. 218.

[14] In a 1964 interview, the commander of the Soviet strategic missile forces, Marshal N. I. Krylov, advanced the "sufficiency" formulation this way: ". . . our forces have such a quantity of nuclear warheads and such a quantity of missiles as to permit us . . . to destroy any aggressor. . . ." "Always on the Alert," *Izvestia*, February 23, 1964 (capitals in the original). In his excellent analysis of Soviet strategic policy during the late Khrushchev era, Thomas W. Wolfe has perceptively noted how Krylov's "resort to capital letters illustrates the handicap under which Soviet marshals labor . . . when trying to hold up their end of the strategic dialogue." *Soviet Strategy at the Crossroads* (Cambridge: Harvard University Press, 1964), p. 163.

[15] Ralph K. White, *Nobody Wanted War: Misperception in Vietnam and Other Wars* (New York: Doubleday and Company, 1970), p. 335.

[16] A detailed case study of this military campaign may be found in Benjamin S. Lambeth, *The Politics of the Soviet Military Under Brezhnev and Kosygin* (unpublished M.A. thesis, Georgetown University, June, 1963). See also Roman Kolkowicz, *The Dilemma of Superpower: Soviet Policy and Strategy in Transition* (Institute for Defense Analyses, P-383, October, 1967).

[17] For a knowledgeable and comprehensive account of this policy shift, see Thomas W. Wolfe, *Soviet Power and Europe, 1945–1970* (Baltimore: The Johns Hopkins Press, 1970), pp. 427–458.

[18] For a detailed comparative breakdown of United States and Soviet military forces, see *The Military Balance, 1971–1972* (London: Institute for Strategic Studies, 1971).

[19] Deployment of the large and worrisome Soviet SS-9 booster, however, seems to have stabilized at around the 300 mark, far below the level needed to provide anything approaching an effective first-strike capability against U.S. land-based ICBM's. See William Beecher, "Data Indicate Moscow is Slowing ICBM Deployment," *The New York Times*, December 17, 1970.

[20] For an excellent survey of these Soviet disarmament proposals, see Malcolm Mackintosh and Harry T. Willets, "Arms Control and the Soviet National Interest," in Louis Henkin, ed., *Arms Control: Issues for the Public* (Englewood Cliffs, N.J.: Prentice-Hall, 1961), pp. 141–173.

[21] See, for example, Alexander Dallin *et al.*, *The Soviet Union, Arms Control, and Disarmament* (Columbia University: School of International Affairs, 1964), p. 162.

[22] G. Ratiani, "The Half-Year Mark," *Pravda*, July 7, 1968. For a more recent example, see also Bernard Gwertzman "Brezhnev Bids U.S. Accept Principle of Parity in Arms," *The New York Times*, June 12, 1971.

[23] For further commentary, see Thomas W. Wolfe, *The Soviet Quest for More Globally Mobile Military Power* (The Rand Corporation, RM-5554-PR, December 1967).

ST. PATRICK'S DAY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mrs. GRASSO. Mr. Speaker, the United States boasts a long and hearty Irish heritage. Among many other attributes, the people of Eire brought to our Nation the very special qualities of wit and warmth and laughter, and a myriad of special talents.

Tomorrow is St. Patrick's Day. Through the years it has been a day of good cheer, a day to parade and celebrate and wear the green. For on this day, the Irish have remembered St. Patrick, the symbol of the spirit of the Emerald Isle. Traditionally, they have been joined in the festivities by friends and neighbors who, for 1 day, feel at least a little bit Irish.

This year, however, St. Patrick's Day will be void of the joy of old. Irishmen and their friends throughout the world grieve for events in Northern Ireland which have resulted in nearly 300 deaths in the past 3 years.

The present circumstances in Northern Ireland defy quick and easy solutions, for they are grounded in some 600 years of history. However, it is clear that the most important source of the present civil strife is the lack of civil and political rights for the Catholic minority in Ulster.

Backed by repressive legislation, blatant discrimination in social and political matters in the past have created an atmosphere of frustration for the Catholic minority of half a million. Economic discrimination and religious intolerance have systematically excluded them from vrtually all worthwhile ventures in Ulster. The minority realized that, under the present system, they would never be allowed any political power, and they attempted to gain concessions—including the civil right of equal treatment under the law. That this attempt evolved into bitterness and violence can be traced to the persistent refusal of the Ulster government to provide basic human rights to all its citizens.

Clearly, the continuing violence on both sides in Ulster must be ended and a spirit of conciliation engendered and nutured. The United States can, and should, offer to provide its good offices toward this end. As a nation, we have strong ties with both Ireland and Britain. As a friend of both parties, we should offer our assistance to achieving an acceptable and peaceful solution to the present crisis without becoming involved with the present difficulties.

In the long run, the violence will end only when the injustices of long years have ended. Three immediate steps and two long range steps could both initiate the spirit of conciliation so desperately needed and also prevent any return to the violence which engulfs Ulster today.

First, the British Government should dissolve the Stormont Parliament and rule directly from London. London has always considered itself the sovereign of Ulster, and as a result, has claimed ultimate responsibility for the protection of all the people there. But it has actually abdicated this responsibility to the provincial government. In fact the repressive legislation of the past 50 years has been enacted and enforced in the name of the British Government.

Second, the British Government should terminate the current interment policy which permits a person to be imprisoned on the mere possibility that he might commit a crime. Violence has been committed by extremists on both sides; yet, well over 90 percent of the people interned have been Catholics. Anyone with even a scant knowledge of Anglo-American law finds it difficult to comprehend how such a blatant disregard for civil rights could be supported. Surely all men have the right to a trial under the law.

Third, London should immediately terminate all political, social, economic, and religious laws which discriminate against the minority. At the same time, the British Government should initiate long overdue promises relating to housing, employment, and the political process. Extensive reforms were promised in the past, but neither Stormont nor London have translated words into concrete actions.

It would appear that, from the viewpoint of a neutral observer, such action would provide equal protection and equal rights under the law. In an atmosphere of trust brought about by these initial steps, two important, far-reaching decisions could hopefully be made.

The first would provide for the gradual reduction in the presence of British troops as the violence subsides. Consideration should be given to some type of peacekeeping force which could prevent further outbreaks of terrorism from any quarter. The British troops were originally sent to Ulster to protect the Catholic minority. However, as the situation deteriorated, the Catholics saw as the purpose of the troops' presence the perpetuation of existing injustices. To continue the presence of the troops after the level of violence has subsided would offer an incentive for extremists.

Finally, serious consideration must be given to the eventual reunification of Ireland. When the spirit of conciliation becomes widespread, negotiations should begin to determine what action for a unified Ireland is feasible at this time.

The injustices, violence, intransigence, and discrimination in Northern Ireland cast a pall over this normally joyous time for the Irish as well as concerned people throughout the world. A peaceful solution, guaranteeing the civil and political rights of all in Northern Ireland, must be reached. The fighting has continued far too long. All men are brothers and all men are created equal. The sooner this realization is abroad in Northern Ireland, the sooner peace will come to that troubled land.

HEARINGS NEXT WEEK ON BILL TO ESTABLISH SHORESIDE FACILITIES AT U.S.S. "ARIZONA" MEMORIAL IN PEARL HARBOR, AS EDITORIAL SUPPORT FOR PROPOSAL BUILDS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. MATSUNAGA. Mr. Speaker, as most of my colleagues know, I am the principal sponsor of legislation which would establish a theater and museum for use of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor. A full 30 percent of the entire membership of the

House has joined me in sponsoring this badly needed measure.

Today, Armed Services Subcommittee No. 4, chaired by the distinguished gentleman from Pennsylvania (Mr. BYRNE) announced that hearings on my proposal would be held next Monday, March 20. I would urge that any of my colleagues wishing to testify or submit statements for the hearing record contact the subcommittee on extension 5–7560.

In the meantime, support continues to build for my proposal. The latest example of this support is the strong and favorable response my bill has evoked from newspapers across the country.

In the words of a recent editorial from the Lexington, Ky., Herald-Leader:

> The proposed facilities would add a dimension to this experience (visiting the USS *Arizona* Memorial) that does not now exist.

The San Diego, Calif. Evening Tribune told its readers that—

> The museum of Pearl Harbor (would) serve as a reminder of the need to preserve peace.

Mr. Speaker, at this point I offer for inclusion in the RECORD the text of these two editorials:

A New Memorial

For better or worse, Pearl Harbor and Hiroshima stand out as the two most significant names recalling the gigantic Pacific War that started nearly 30 years ago, on Dec. 7, 1941.

The Japanese have rebuilt their destroyed city and made its center a national shrine, dedicated to peace by recalling the horror of war. Hiroshima and Honolulu, incidentally, have a sister city relationship.

Under the point of explosion of the first nuclear weapon used in war is a cenotaph with the names of Hiroshima's dead. Many acres of open area surrounding the bomb center are designated as Peace Park.

Within the park are the unrestored skeleton of a building that survived the bomb, an eternal flame, many memorials including memorial bridges, and a museum. In the museum the story of the bombing and its aftermath are shown and told with a grimly factual understatement.

Memorial efforts at Pearl Harbor so far have been limited to the shrine erected over the hull of the sunken battleship, U.S.S. *Arizona*, where more than 1,000 dead still remain.

Though it can be reached only by boat, the *Arizona* Memorial is visited by about 700,000 people each year, most of them visitors to Hawaii, American and foreign, including Japanese.

As the 30th anniversary of Pearl Harbor nears, a move is afoot, with U.S. Navy support, to expand the Pearl Harbor memorial by constructing a museum and theater at the boat landing from which visitors are taken out to the *Arizona*.

The National Park Service is cooperating informally on planning for the project.

A 9.5 acre site is available just west of the present Ford Island ferry landing, and the adjoining sketch offers a Navy artist's conception of what might be developed. The Memorial is in the background, under the flag.

Rear Adm. Thomas B. Hayward, commandant of the 14th Naval District, supports the project.

It will mesh well with other plans to clean up the waters of Pearl Harbor and eventually to open some of its shore areas to park and recreational use.

In Congress, Rep. Spark Matsunaga, D-Hawaii, plans to offer a new bill on Dec. 7 to support the Navy's plan.

He expects most of the Arizona delegation to co-sponor it and expects many other members of Congress to join in backing the project estimated to cost $4 million.

Though Hawaii will welcome this important facility, its real value will be national.

After they have seen Hawaii's beaches and recreation spots, visitors to the Islands make the *Arizona* Memorial their No. 1 destination.

The proposed facilities will add an educational dimension to this experience that does not now exist.

This opportunity to learn can be found at places like Valley Forge, Fort McHenry, the Alamo, Fort Sumter and Gettysburg, other names that stand out in history. It ought to be offered at Pearl Harbor, too.

Those who support this plan can help it along by expressing their endorsement to friends across the nation and to members of the U.S. Congress who will be asked to pass on the Pearl Harbor memorial bill.

New Pearl Harbor Memorial

On Dec. 7, 30 years after the attack on Pearl Harbor, Rep. Spark Matsunaga, D-Hawaii, plans to offer a bill to the Congress. The Arizona delegation is expected to cosponsor.

The bond between ocean-oriented and desert states lies on the bottom of Pearl Harbor where more than 1,000 dead of the sunken battleship U.S.S. *Arizona* still remain.

If the bill gains the support it merits, a new memorial consisting of a theater and museum will be erected at the boat landing where some 700,000 visitors annually are taken out to the shrine constructed over the *Arizona*.

The proposed expansion of the memorial will add an educational dimension. Visitors will have the opportunity to learn the story of Pearl Harbor as they do at historical places like Valley Forge, Fort McHenry, the Alamo, Fort Sumter and Gettysburg.

Just as the Japanese have erected a national shrine at Hiroshima, dedicated to peace by recalling the horror of war, so would the museum of Pearl Harbor serve as a reminder of the need to preserve peace.

The project, at an estimated cost of $4 million, coincides with plans to clean up the waters of Pearl Harbor and extend its shoreline park and recreational areas.

The 30th anniversary of the great war in the Pacific is an appropriate time to launch the drive for congressional backing which we hope will make the new memorial a reality.

BATTLE FOR NONSMOKERS' RIGHTS CATCHES FIRE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. YOUNG of Florida. Mr. Speaker, the State of California has recently passed a law which requires all land and air passenger carriers with trips originating in the State to provide designated space for their nonsmoking passengers. How fortunate the travelers in the State of California are that they should be given this protection while the majority of American travelers are still forced to travel in small, closed quarters being continuously exposed to the potentially dangerous smoke fumes of others.

Mr. Speaker, action on my nonsmokers relief bill, H.R. 4776, which I introduced early last year, would guarantee the same rights that the California travelers have received to passengers throughout the country. This bill, which requires the Secretary of Transportation to establish regulations for a protected area to be set aside on airliners, trains, and buses for nonsmoking passengers, has received tremendously favorable responses from many of the industries involved as well as from thousands of Americans who voiced their strong support of legislation of this type.

I am enclosing a newspaper article which states that Amtrak is the latest organization to join this nationwide battle for nonsmokers' rights by pledging to institute smoking segregation as a courtesy to their passengers. Surely we Members of Congress, as the elected representatives of the nonsmoking majority of Americans, could join this battle, too, by seeing that this legislation is expeditiously acted upon—as a courtesy to our constituents.

The article follows:

[From the St. Petersburg (Fla.) Times, Mar. 5, 1972]

Battle for Nonsmokers' Rights Catches Fire

LOS ANGELES.—Back when men did their smoking on the porch or in cloudy rooms segregated from nonsmoking society, nobody questioned the right of the majority not to have to breathe second-hand tobacco fumes.

Today there is hardly anyplace the nonsmoker can go and not inhale along with smokers—at work, in elevators and restaurants, at choir rehearsals, in his own home.

Despite evidence that tobacco fumes can be harmful to bystanders as well as the smokers—the latest U.S. surgeon general's report says so —the cause of nonsmokers' rights has had few champions.

But clearer days may be ahead.

On Saturday a law went into effect in California requiring that land and air passenger carriers with trips originating in the state "provide designated space for their nonsmoking passengers."

Amtrak, a federal corporation and not considered under the jurisdiction of the California law, is instituting smoking segregation, "as a courtesy to the passengers."

Henceforth, smokers can light up in the diner but not on the dome cars or overnight sleeping coaches or in any cars posted as off limits, an official said.

In the past year a number of airlines have bowed to pressures from anti-smoking advocates and provided non-smoking sections on flights. The holdouts are falling into line this week, at least on their California runs, to comply with the new state law.

Smokers already had been ordered to the back of the bus on long distance runs of non-municipal lines by the California Public Utilities Commission.

A similar ruling was handed down to interstate buses last November by the Interstate Commerce Commission, which noted that "secondhand smoke is an extreme irritant to humans within its range." The order has been held up, however, by appeal of the National Assoication of Motorbus Owners.

In a land where nonsmokers outnumber smokers 164-million to 44-million, it is curious that the majority is so meek when it comes to smoking manners. They would rather choke on another man's smoke than ask him to abstain.

Even in the presence of a no-smoking sign, the typical non-smoker is not likely to infringe on the other person's right to violate it

Surgeon Gen. Jesse L. Steinfeld's 1972 report singled out carbon monoxide, nicotine and tobacco tar as the most likely contributors to health hazards in cigarette smoke. Six other probable contributors included nitric oxide and nitrogen dioxide and 23 suspected contributors included ammonia, benzene, carbon dioxide, DDT, formaldehyde and methyl alcohol, according to the report.

PEOPLE UNITED TO SAVE HUMANITY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. STOKES. Mr. Speaker, on March 10, 1972, 10,000 people from all walks of American life drew together in McCormick Place in Chicago to honor the Reverend Jesse Jackson and his new organization, People United to Save Humanity (PUSH). PUSH is a young organization, having been born only last year on Christmas Day. However, despite its youth, its first public gathering was able to fill McCormick Place to the brim with enthusiastic supporters.

The evening was called "A Family Affair," and was entirely devoted to providing that the ties that bind us are stronger than the lines which divide us. In his welcoming remarks in the program, Reverend Jackson stated:

> We spend too much of our time and energy being estranged from one another by differences which *seem* very important. But the differences that divide us from one another—race, religion, social class, political loyalties—are so *un*important compared with the one supreme quality which unites us: our common humanity.

PUSH is a vibrant embodiment of the humanist principles espoused by Reverend Jackson. But it becomes more than that when one realizes that, within PUSH, humanist principles and sound economic theory are blended. The idealism of the sixties is giving way to the practicality of the seventies. And PUSH, with its practical approach, is going to provide important answers to the problems that confront us.

PUSH has a 15-point platform which enunciates the goals of the organization. The 15 points are:

(1) PUSH for a comprehensive economic plan for the development of Black and poor people. This plan will include status as under-developed enclaves entitled to consideration by the World Bank and the International Monetary Fund.

(2) PUSH for humane alternatives to the welfare system.

(3) PUSH for the revival of the labor movement to protect organized workers and to organize unorganized workers.

(4) PUSH for a survival Bill of Rights for all children up to the age of 18 guaranteeing their food, clothing, shelter, medical care and education.

(5) PUSH for a survival Bill of Rights for the aging guaranteeing adequate food, clothing, shelter, medical care and meaningful programs.

(6) PUSH for a full political participation including an automatic voter registration as a right of citizenship.

(7) PUSH to elect to local, state and federal offices persons committed to humane economic and social programs.

(8) PUSH for humane conditions in prisons and sound rehabilitation programs.

(9) PUSH for a Bill of Rights for veterans whose needs are ignored.

(10) PUSH for adequate health care for all people based on need.

(11) PUSH for quality education regardless of race, religion, or creed.

(12) PUSH for economic and social relationships with the nations of Africa in order to build African/Afro-American unity.

(13) PUSH for national unity among all organizations working for the humane economic, political and social development of people.

(14) PUSH for a relevant theology geared to regenerating depressed and oppressed peoples.

(15) PUSH for Black excellence.

I recommend this platform to my colleagues for their very serious consideration.

Rev. Jesse Jackson has written an eloquent statement in which he presents his own assessment of the potentiality of PUSH. This statement appeared in the program for "A Family Affair" and, because of its significance, I include it below:

PEOPLE UNITED TO SAVE HUMANITY: AN IDEA WHOSE TIME HAS COME

Greater than the tread of mighty armies is an idea whose time has come.—Victor Hugo.

PUSH, People United to Save Humanity, is not merely a name. It is a theme, a focus of activity and a purpose. The "S" in PUSH actually has two meanings, for we are in reality People United to Serve—and to Save—Humanity. For without serving humanity, we can have no hope of saving it. Without serving humanity, our organization would be in conflict with the meaning of its birth on Christmas Day, December 25, 1971.

We are dedicated to reaching these goals through research, education and the execution of direct action programs. Our times call for unprecedented and unparalleled thrusts against those forces which seek to perpetuate human exploitation. At this point in time, we know we must march on the Treasury Department, not the Department of Health, Education and Welfare or the Department of Agriculture.

Our perspective informs us that we are now in the third phase of the struggle for independence for Black and other minority peoples in this nation. Though they are still unfinished business, the first two phases—civil rights and civil power—have been etched into the American destiny by our increasing consciousness and determination to participate with justice and dignity in the making of this nation. From the exercise of our full civil rights and the execution of our civil power in the political arena, we have become increasingly conscious of our need for economic power, and participation in the ownership and the production of goods and services in America.

Vigilance must be maintained whether it is strengthening the Equal Employment Opportunities Commission or fulfilling the Civil Rights Commission's agenda.

Across the nation, in our quest for quality education, we are still following up the Supreme Court's overruling of segregation in the public schools. We do have a public accommodations bill guaranteeing our right to eat, sleep or use public conveniences anywhere in the nation. We also have a voting rights bill which guarantees us the right to pursue civil power, and an open occupancy statute, reinforced by a court decision, to assure us the right to live wherever our money affords us.

But now the vanguard pushes on to demand and to build the resources to deal with these areas of law and right. Though our political growth has been phenomenal, Black Americans still comprise less than one percent of the public officials in this nation. In other words, with rights and political opportunity, our problem now is the lack of economic resources. Any solution to that problem needs to be premised upon an economic analysis and an economic solution to our quandary.

At a time when increasing Black consciousness is leading to definitive Black unity, PUSH takes its place within the historical spectrum to fight for economic justice, for decent housing, for adequate health care for all people and for our economic, political and cultural independence. Black doctors, educators, politicians, businessmen and students are all coming together to cement the unity that we need to push for the economic well-being that is necessary for our people.

Black people, despite a relatively wide range of incomes made possible by the growth of the Black middle class, are still concentrated by-and-large in the lower economic brackets. Nearly 25% of the Black families have incomes below $3,000 per year. The median income for whites is at least 40% higher than Blacks. The 40% gap represents generations of destitution and exclusion from economic and educational opportunities.

It is estimated that Blacks share little more than two percent of the over-all family and corporate wealth of this nation. The picture is similar for other nonwhites. Yet, there are more poor whites (28.5 million), than poor nonwhites.

Public welfare has been inadequate for meeting needs fostered by these disparities. This is largely because it was meant as a temporary expedient standardized at subsistence levels. It has fed stomachs, but not fostered opportunities. It has allowed people to survive at a minimum income, but not to thrive on a liveable and decent income. Its costs have spiraled, but the returns have been minimal.

Now, PUSH challenges the nation to invest in human growth, dignity and potential. We call for priorities directing the nations to rebuild its cities and rural slums. We call for a human investment program spelled out in an *economic bill of rights,* now being expanded by eight outstanding Black economists who are working with its author, Dr. Marcus Alexis.

We must question the nation's priorities when Defense Department budgets constitute a more than $80 billion rip off, which cancels out the probabilities of serious economic rehabilitation at home and institutes havoc abroad.

The 15-point platform of PUSH addresses itself to issues of development and issues of human rights. A substantial portion of the program calls for a bill of rights for those segments of our population often ignored or undervalued: the aged, children and veterans.

Our board brings multiple talent and service in a commitment to meaningful reconstruction of Black hopes and Black dreams for a new Black nation.

Finally, we declare each man to be somebody whose claim to "life, liberty and the pursuit of happiness" takes precedence over any clamor to limit his dreams or blur his horizons.

To the end of affirming these goals, we will keep pushing.

WHERE MEAT PRICE RISES ARE WELCOME

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. PURCELL. Mr. Speaker, while serving on the National Commission on Food Marketing in 1964, I gained a first-hand insight into the components of steadily rising food prices. There are several of them and all but one are directly responsible for at least some portion of every penny increase in the grocery store price of food. The one component left out is—yes, for the thousandth time—

the actual producer. This article explains the absurdity of trying to attack the "problem" of high beef prices by squelching the producer. For example, a Philadelphia grocery chain orders hotdogs with only two weiners per package. As this article points out, the package itself costs more than the meat.

It is a refreshing and encouraging signal that a national business magazine has taken up for the beef producer in the midst of rising cries for more cheap imported meat. I request permission to include an article, printed in the February 26 issue of Business Week in the RECORD at this time, and I commend it to the attention of every Member.

Political expediency has for too long thrown the farmer into the mudhole for the rest of the economy to walk over. The information in this article insists that we find another alternative, and I cannot be in any more complete agreement. The article follows:

WHERE MEAT PRICE RISES ARE WELCOME

In the year ended Jan. 31, the price of beef rose more than 12 points on the Consumer Price Index, and the nation's housewives are angry.

But cattlemen are not. They have just finished what they say is their first really good year in almost two decades, and as they meet in Houston this week for the nation's largest livestock show, they are not especially receptive to consumer complaints. "The last six months is the first time we have had reasonable prices and profits in the last 20 years, and yet we get all this static from Mrs. Housewife," snaps John Trotman, an Alabama rancher and president of the American National Cattlemen's Assn. Adds J. D. Sartwelle, Sr., president of Houston's Port City Stockyards: "The livestock producer and feeder has been subsidizing the American consumer for damn near two decades."

This is only one side of the story, of course, but it is a side that is seldom heard outside cattle country. If housewives feel put upon, cattlemen say they do, too. There is little question, however, that the housewife's bane of recent months is the cattlemen's boon. The sudden spurt in meat prices is directly attributable to an increase in the price producers got for their fattened cattle, up over the past six months to 35 cents from 30 cents a pound for choice steers.

To hear ranchers tell it, these prices mean their business makes economic sense for the first time in 20 years. Depressed prices have meant a string of losses or break-even years for cattlemen, while their own costs have risen. Only now, they say, are prices coming back to the level of 1950–51, and though they were abnormally high then, costs have come up a long way since.

FAT CALVES

Mostly, they say, efficiencies in feeding cattle have kept production just far enough ahead of demand to keep prices relatively stable. In 1950, for example, only about a third of the nation's cattle were sold to feeders. The rest were raised on grass alone. Now, three-fourths come from feedlots where calves are fattened on grain. One result is that most calves now reach slaughter weight in 18 months, about one-half the time it takes to fatten a calf on grass.

But at the same time, the business was becoming much more capital-intensive. This is true "not so much because of the cost of labor, but simply because the lack of availability of labor has forced us to turn to machines," according to B. Kleberg Johnson, director and heir of the huge King Ranch. Capital costs have at least trebled since 1950, Johnson estimates, and low cattle prices occurring at the same time have meant a doubling of ranchers' debt. "To subsidize our operations, we all have had to go into hock on our land," Johnson says, "and most of the money we have made in the business since the early 1950s is from appreciation of the land asset and not from operations."

Ironically for the big producers, these rising land values helped encourage marginal operators to stay in the business. "Many ranchers stuck it out for years hoping for prices to improve because they figured they were ahead so long as they made money above their out-of-pocket costs," says Edward Uvacek, an agricultural economist at Texas A. & M. University. Their production helped keep prices low.

TURNING POINT

The recent turnaround in prices was caused by a combination of circumstances. The Southwest had one of the worst droughts in history last year, and this helped to create the first cattle shortage in a decade. As the drought worsened, many producers, especially in Texas, did not have enough pasture to support brood cows, and thousands were sold for slaughter. Calves were sold early to feedlots for the same reason. The result was a shortage of calves for fattening. By the end of last summer, commercial feedlots began bidding up prices for calves to fatten.

The price rise on live cattle has continued through this year. The average price farmers received for their cattle in January was $31.40 a hundredweight, up from the 1971 average of $28.80. But consumer prices rose even faster, and, in general, the cattlemen blame this on bad buying habits of consumers.

FANCY PACKAGES

Indeed, they say, most of the retail meat price increases in the past 20 years result from consumers demanding individual, well-trimmed meats wrapped in fancy packages and ready for the broiler. "We are quickly reaching the point of absurdity in meat merchandising," says Sartwelle. He cites a Philadelphia chain that ordered hot dogs with only two wieners per package. The package, he says, costs more than the meat.

Cattlemen also complain that they are an easy target for consumer complaints because few people understand the complexities of their business. "The only contact most consumers have with our industry is through 'Bonanza,'" cracks Johnson, "and throughout all those years of depressed prices, everyone thought everything was running smoothly and profitably on the Ponderosa."

The cattlemen's joy could be shortlived, however, because there are now 10% more cattle on feed compared with a year ago, and feeders are getting nervous that they will be caught with a lotful of high-priced fattened steers in a declining market. Meanwhile, what seems to worry them most is that the surge of bad feeling about rising food prices will bring them under Washington's price controls. "Beef prices didn't hit the headlines, and we didn't scream for government subsidies when prices hit the skids in the 1950s," says Trotman. "Why should we have to face political heat and government interference now?"

LEGISLATION TO CURB CHILD ABUSE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. BIAGGI. Mr. Speaker, today I introduced legislation along with 26 other Members which would help the States establish strong child abuse control measures in their jurisdiction and to coordinate efforts to combat this crime.

The insidious crime of child abuse and neglect by persons responsible for a child's care is the No. 1 cause of death among children under the age of 5. The methods used to carry out these murders vary from smothering or drowning, to clubbing the child to death with anything at hand. In addition, the neglect of many of these children results in their simply starving to death.

My bill is a strong measure which would require the States to develop a plan for effectively dealing with child abuse and neglect. Moreover, the bill would establish an $8 million grant program to enable the States to improve their child abuse laws and to develop child abuse prevention programs. It also establishes certain guidelines that the States must meet in order to qualify for funds.

In New York City alone, which has a task force on the subject, the incidence of child abuse rose 549 percent from 1966 to 1970. This is only a fraction of the total, however, since the majority of these abuses go unreported. Furthermore, this type of behavior causes the death of at least 50 children annually in New York City. For the Nation as a whole the reported incidence of child abuse range from 25 thousand to 35 thousand cases annually. Once again, however, these statistics are only the tip of the iceberg since the reporting techniques are totally inadequate.

My proposal will correct this inequity since the States must forward child abuse reports to a national child abuse data bank at the Department of Health, Education, and Welfare. We would thus be able to compile more accurate figures on the subject.

In my conversations with Dr. Vincent Fontana, he pointed out that there is a definite correlation between parents who are drug addicts and alcoholics and the incidence of child abuse and neglect. Many of these individuals responsible for the child's care are barely capable of helping themselves let alone a small child. The result is that these people either take out their frustrations on the child with a serious beating or simply neglect him.

This legislation would enable the authorities to prosecute the perpetrators of these crimes and allow the Federal authorities to take action in the absence of effective State prosecution of a child abuser.

We must not allow the hideous crime of child abuse to continue. This measure is the first step toward protecting our children from this type of treatment. I urge the Ways and Means Committee to take up this matter at an early date.

MYTH OF "FREE MONEY"

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. GROSS. Mr. Speaker, there are some citizens of this country—although far too few—who believe in fiscal responsibility even though the Federal Government, including Congress, seems bent on continuing down the road to bankruptcy.

A case in point is the proposed World Food Fair for Iowa in 1976 in connection with the 200th anniversary of the American Revolution.

Dealing with this subject is an excellent editorial in the March 10 issue of the Waterloo, Iowa, Daily Courier which I am pleased to insert in the RECORD at this point in the hope that it will reach the eyes of some of my colleagues who are free-wheeling spenders of public funds.

The editorial follows:

FEDERAL HELP NO REASON TO PUSH IOWA FOOD FAIR

Availability of Federal matching funds for state and local projects often has some rather insidious side-effects.

Among these are:

1. Creating the myth of "free money" from Washington. There is no such thing—all governmental funds come from taxpayers.

2. Encouraging a "let's get our share" attitude among state and local governmental agencies. This attitude can result in something less than an adequately critical evaluation of proposed projects.

Both of these side-effects seem to be at work in the Iowa Legislature's debate over a proposed World Food Fair for Iowa in 1976 to coincide with the 200th anniversary of the American Revolution.

The House Appropriations committee this week approved a $200,000 allotment to finance plans for the exposition. The money will be used by a special committee with broad authority to deal for federal matching money.

Concern was voiced in debate over the measure that the special committee might commit the state to a huge expenditure in order to get federal funds.

Rep. Richard Welden, R-Iowa Falls, feared that letting the special committee get started was a "cruel trick" to play on the next Iowa Legislature which would have to raise the millions of dollars to implement the committee's plans.

Appropriations Committee Chairman John Camp, R-Bryant, declared there was no way to explore availability of federal funds as well as possible sites for the expositon unless the state offered some earnest money for studies.

Rep. Elizabeth Shaw, R-Davenport, put her finger on a basic flaw when she expressed concern that once the state invests $200,000 there won't be any way to head off huge additional outlays. She's right. Once started, appropriations have a way of growing.

It is logical to expect that proponents of the controversial World Food Fair will later argue that "since state and federal money already has been spent, there's no point in wasting it—so let's continue" with a flow of ever-larger appropriations.

And even the most optimistic backers of the exposition acknowledge that it will take more than $12 million from Iowa taxpayers to support the $98 million fair. The remainder, according to planners, is to come from the federal government, foreign governments and private contributors.

But it can be assumed that if any of these non-Iowa sources fail, Iowa taxpayers would be forced to help make up the difference.

A $98 million food fair gamble is a mighty expensive way to promote Iowa agriculture which already has an outstanding national and international reputation.

The exposition offers little hope of benefiting anyone except a few businessmen around Des Moines, where planners envision staging the food fair.

(The Iowa Senate this week adopted an amendment which would require the food fair authority to consider sites from all sections of the state before making a final decision. However, Des Moines interests, including Kenneth Fulk, secretary of the Iowa State Fair, have provided major impetus for exposition planning and Des Moines still has the inside track.)

Since most Iowans can expect little gain from the costly food fair, availability of federal funds is a poor substitute for sound thinking about the cost-benefit ratio.

After all, Iowans pay both state and federal taxes.

LEGISLATION ON SPINAL CORD INJURY

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. McKINNEY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following: Webster defines "hope" as a desire accompanied by an expectation of or belief in fulfillment. For those who have worked so long and hard in the field of paraplegia, this "hope" has been the only difference between success and failure. In a few days, this body will consider the Rehabilitation Act of 1972 and with it, the "hope" for the establishment of national spinal cord centers.

It is impossible for me at this time to fully detail the scope of this legislation, but I would like to share with you my feelings and those of so many who are dedicated to this concept in the treatment of the spinal cord injured.

One of the greatest calamities which can befall a man or woman is the fracture or dislocation of the spinal column, with the most essential functions of life paralyzed below the injury. It was a minor medical problem before World War II because in almost all cases, the stricken usually died within a year. But in the last 25 years, we have developed techniques to keep paraplegics alive.

As a result of the Vietnam war, there are more than 2,200 para and quadriplegics. These men have given half, and for some almost all, their bodies to their country and yet, upon their return, they find themselves with little hope for the future. As a result of auto, sporting, and other accidents, more than 5,000 Americans will become paraplegics this year. And for every paraplegic we see active in a wheelchair, somewhere there is another who will never emerge from a local hospital because he has developed complications, internal infections, bed sores, and just plain despair.

What does the establishment of national spinal cord centers mean? It means that for the first time data will be collected and information available for all those who seek advice. It means that for the first time doctors, nurses, and related health personnel will be able to share in the knowledge of the few specialists who have worked tirelessly in this field, but who have not, to this time, had the wherewithal to publish their findings to a general audience.

And finally, it means that the injured will have a better chance of rehabilitation and to share once again in what is rightfully his and what has been denied him in the past.

What is the significance of a data and information center? For the first time, we will not have to settle for approximations when we try to estimate the number of paraplegics in the Unted States, who they are, and where they are living. In my own New England, there are more than 100 general hospitals that treat spinal cord injuries and some 40 rehabilitation centers that will accept the injured for postacute care. Given the relative small incidence of this injury, these facilities are hardly equipped to care for this most complex injury, or even to adivse any family as to where to seek help. What an information and data center means is that we can begin to recognize what exists today so that the injured can get the best care possible.

Finally, spinal cord injury costs the government and private sector more than $1 billion a year. The cost to the individual paraplegic over a lifetime is estimated at $300,000. Properly treated, trained in self-care, and familiar with the causes of expensive posthospital sequelae, the difference between a well treated and trained paraplegic and a poorly treated and trained one can run to thousands of dollars. It is literally impossible to make a case against the rehabilitation of spinal cord injured people.

In closing, I would like to commend my colleague, ORVAL HANSEN, for his cooperation in this area and Chairman CARL PERKINS and the Committee on Education and Labor who included the spinal cord centers in the Rehabilitation Act of 1972 and all those who have worked so long for this action.

I would like to include, in my remarks, an article by a close associate, Dr. Herbert Talbot, director of the Spinal Cord Injury Center at West Roxbury Veterans Hospital, West Roxbury, Mass.:

SPINAL CORD INJURY

The incidence of civilian spinal cord injuries in the United States has been estimated at 5,000 per year.[1] That this figure is an estimate instead of a documented fact suggests the lack of organization in the approach to this problem. It is even more difficult to establish the number of living spinal cord injury patients in the country: guesses—and they are no more than that, however well-informed—put this at between 75,000 and 125,000 and the truth very probably lies within these limits. In any event it is a formidable figure when interpreted in terms of human needs, the more so since it must be acknowledged that a majority of these people are not being cared for as they should be. The fact is that knowledge of how this is to be done has now run ahead of the means for doing it. With the best treatment now available, instituted at once and continued for life, almost all these patients could enjoy lives of dignity and satisfaction, in reasonable comfort and approaching normal spans.

This is a new development in medical history. The first written description of a spinal cord injury patient appears in the Edwin Smith Surgical Papyrus. Considered by Breasted to have been written during the first half of the third millenium BC, the passage ends tersely, ". . . an ailment not to be treated." Similar opinions were still extant in the 1930's and, sadly enough, may be

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Footnotes at end of article.

heard even today. Dick quotes from a medical research council report in 1924, "The paraplegic patient may live for a few years in a state of more or less ill-health." [2] Not long after this, however, the modern concept of treatment began to take shape. In 1943, Munro wrote "Nothing less than an active self-supporting wheelchair life is to be considered for a moment as an end result." [3] Nearly ten years earlier he had begun publication of the noteworthy series of papers in which this principle was enunciated and developed. He was largely responsible for the establishment of special paraplegic centers in selected Army hospitals during World War II. These were taken over by the Veterans Administration after the war and formed the basis of that agency's deserved preeminence in the field. At about the same time Guttmann became director of the now-famous Spinal Injuries Center at Stoke Mandeville, England, dedicated to the same principles.

There are enough of these patients to make their coordinated treatment from beginning to end in specialized centers medically essential and economically sound. This has been demonstrated in the United States and abroad and represents the conclusion of those who have had the longest and most extensive experience with this problem. But the fact that spinal cord injury patients require the attention of a variety of specialists must not lead to the misconception that a center can de facto be brought into being wherever such a group of specialists may be found. The actual availability of these particular skills as such is less important than they should be welded into a designed and integrated whole, capable of articulating at many points with the particular needs of the patient, and so directed that their several contributions are precisely related to each other in the general strategy of his care. The great danger is fragmentation in any form—the tendency to break up the management of the patient into parts: the acute treatment and the chronic treatment, neurosurgical care, orthopedic care, urological care, and all sorts of other care;—or even a distinction between "treatment" and "rehabilitation." It is too easily forgotten that all this is happening to one patient. Unless it be carefully coordinated from the beginning, its impact upon his course will be erratic and the result unsatisfactory.

Woven into the pattern of this holistic approach to treatment there must be the golden thread of a sound, compassionate, and continuing physician-patient relationship. This has been lacking in the past experience of many patients now admitted to existing centers weeks or months after injury, if for no other reason than that no one has ever accepted or had thrust upon him the obligation of continuing concern for the patient's total well-being. These people desperately need just that. No less than having spinal cords explored, stones removed, spasms relieved, and ulcers healed, they must have information, education, and understanding. They need to know that there is someone who is always interested and available.

Such centers are expensive, true enough, but experience has shown that they cost less than haphazard treatment of individual patients. Spinal cord injury is so catastrophic, in terms of both immediate and long-term expense, that scarcely any can afford it on a private practice basis. Yet somehow the bills must be paid from whatever source the funds may come, in the public or private sector or through third-party arrangements. Such figures as are now available are impressive. David Barrie, vice-president in charge of rehabilitation of the Liberty Mutual Insurance Co, estimated in 1970 the medical cost per patient to be $65,000 for a paraplegic and three times that figure for a quadriplegic. In addition, the loss of wages must be calculated as part of the total cost. This is estimated to average $228,000 per patient. First class treatment in properly staffed and organized centers would not only reduce the enormous medical costs but, because of improved health and rehabilitation, appreciably reduce the loss of earnings.

Transcending cost alone is the sparing of misery, the salvage of wasted lives, the restoration to human beings of their dignity and integrity as individuals, and the satisfaction of resuming their rightful places in society. Neither the general community nor the medical profession can rest content until our resources in this endeavor have caught up with our knowledge.

HERBERT S. TALBOT, M.D.,
West Roxbury, Mass.

FOOTNOTES

[1] *Southwestern Regional System for Treatment of Spinal Injury. Input Conference.* Phoenix, Good Samaritan Hospital, 1970, pp 4–5.

[2] Dick TBS: Traumatic paraplegia pre-Guttmann. *Paraplegia* 7:173–178, 1969.

[3] Munro D: Thoracic and lumbosacral cord injuries. *JAMA* 122:1055–1063, 1943.

CORNING LEADER GETS COMMUNITY SERVICE AWARD

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. HASTINGS. Mr. Speaker, the New York State Publishers Association recently named the Corning, N.Y., Leader as its recipient of the Distinguished Community Service Award.

This award is presented annually to the newspaper in New York State which has best fulfilled its responsibility to the community. This, the Corning Leader did admirably in the best traditions of journalism, presenting a series of indepth news stories and editorials dealing with a serious economic problem affecting the entire area.

As the citation reads in part:

> By timely, fair and full exposure of the various factors involved and an objective analysis of them, the series undoubtedly contributed to community, union and management cooperation in making adjustments which hopefully will insure the long-term viability of an important asset to the community.

The Leader has long been as its name suggests—a leader. It is one of the most reputable newspapers in New York State and its selection for the Distinguished Community Service Award is a continuation of a long history of bringing to its readers the best in journalism.

Four times in recent years, it has been singled out for special honors. In 1969, the newspaper won the Distinguished Local Reporting Award for a series on poverty. In 1968, it won the Distinguished Editorial Award and in 1964 was honored with a citation for its Distinguished Editorial Page.

With customary modesty, Mr. George H. Bevan, editor of the Corning Leader, has made a brief editorial comment on the award. To him and his staff, I offer my congratulations and commendation and should like at this time to include the editorial and news article announcing the award in the RECORD:

[From the Corning (N.Y.) Leader]

THE LEADER'S AWARD

While good manners suggest that we should be silent about receiving on Monday the New York State Publishers Association 1971 award for community service in the 10,000 to 25,000 circulation category, we are resisting strongly.

The award was given for The Leader's combination of news reporting and editorials about the Ingersoll-Rand employment situation. The gratification we feel is twofold: first, from having had an opportunity to contribute to the labor-management statesmanship which has so far resulted from the problems reported; second, from pride in The Leader's capable staff which won it.

[From the Corning (N.Y.) Leader]

LEADER'S CITATION LAUDS "FAIR, FULL EXPOSURE"

The New York State Publishers Association, praising the "timely, fair and full exposure" of the economic problems of Ingersoll-Rand Co. at Painted Post, has awarded The Leader first prize in its circulation category for "distinguished Community Service."

In a citation accompanying the award, the Association said: "The Leader of Corning, in an outstanding series of articles and editorials set forth the complex issues associated with a decision to cut-back or phase out a manufacturing plant of considerable economic importance to the community.

"By a timely, fair and full exposure of the various factors involved and an objective analysis of them, the series undoubtedly contributed to community, union and management cooperation in making adjustments which hopefully will insure the long-term viability of an important asset in the community."

The award, in the Association's 10th annual contest for newspaper excellence, was presented Monday at the Hotel Syracuse Country House in Syracuse by Charles J. Wellner, editor of the Lockport Union-Sun and Journal and chairman of the Association's award's committee. It was accepted by Robert C. McCormick, Leader business manager.

The award represents first prize in the 10,000–25,000 circulation category for distinguished community service.

Other winners in the category were: Newsday, Garden City, L.I., over 50,000, for a series on the Suffolk State School; the Yonkers Herald Statesman, 25,000–50,000, for a series on the underworld connections of Yonkers Councilman Frank Adamo; and The Leader.

All contest entries were evaluated by a panel of independent judges, chosen for newspaper field and public life. Judges were: John G. McCullough, editor of the editorial page of The Philadelphia (Pa.) Evening and Sunday Bulletin; Hugh N. Boyd, president of the New Brunswick (N.J.) Home News and Ralph A. Dungan, chancellor of the New Jersey State Department of Higher Education.

The Leader's award was based on a series of editorials, dating back to Sept. 21, which called for both sides to work to stabilize the Painted Post I–R plant; the Oct. 1 reprinting of a Forbes Magazine interview with I–R Board Chairman William L. Wearly in which he cited the local plant as a major problem area; and on Oct. 6 in-depth series of interviews with I–R workers conducted by a three-man Leader reporting team.

The latter led to the assignment of an I–R corporate vice president, Robert H. Popejoy, to try to iron out matters here. His address to all I–R employes on Oct. 25 was covered in detail by The Leader as were subsequent developments leading to a Jan. 18 union decision to accept changes in work rules and seniority provisions and the subsequent opening of new contract negotiations, which are still under way. News stories were several times augmented with editorial comment.

The award is the fourth major citation won by The Leader in State Publishers Association competition in recent years. In 1969, this newspaper won "Distinguished Local Reporting" honors for a series on poverty in Steuben County; in 1968, won the "distinguished Editorial Writing" award and in 1964 was cited for "Distinguished Editorial Page."

Other winners this year were:

Distinguished Local Reporting: under 1,000 circulation, the Union-Gazette, Port Jervis; 10,000–25,000, The Daily Item, Port Chester; 25,000–50,000, The Reporter Dispatch, White Plains and over 50,000, The Knickerbocker News and Union Star, Albany.

Distinguished Editorial Writing: Under 10,000 circulation, The Daily Messenger, Canandaigua; 10,000–25,000, The Daily Argus, Mount Vernon; 25,000–50,000, The Reporter Dispatch, White Plains; over 50,000, The New York Times.

SPECIAL SECTION ON THE OCEANS

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. KEITH. Mr. Speaker, I offer, today, for the RECORD, the third of my series of insertions of installments of the Boston Herald Traveler's March 8 special section on the oceans, their importance to man, and the need for man to rectify the damage he has done them if man, himself, is to survive.

Today's installment of this outstanding report by Herald Traveler staff writer James Mahony includes the following: "Oceans a Vast Food Reservoir," "Atlantic Ridge 10,000 Miles Long," "Oil a Veritable Black Death," and "Scientists Verify Movement on Ocean Floor."

As with my Tuesday's and Wednesday's insertions of installments of this excellent example of Herald Traveler public service reporting, I earnestly commend this as highly informative reading matter to all of my colleagues in the Congress.

The insert follows:

ANNUAL FISH CROP ABOUT 1 BILLION TONS—OCEANS A VAST FOOD RESERVOIR

The world's greatest untapped source of food is in the oceans.

Though some areas are close to being exhausted because of saturation fishing, there are other areas that have been virtually untouched.

It has been estimated that the annual fish crop is somewhere around one billion tons. The annual catch is about 30 million tons, or about three per cent.

Besides fish, the ocean contains an estimated nine tenths of all the vegetation in the world. Most of this is in the form of plankton, the "grass" of the sea, which is the primary food source for all ocean dwellers.

Plankton are divided into plants (Phytoplankton) and little animals (Zooplankton). Like ground vegetation, the plant plankton gets its energy from minerals and sunlight, growing on or near the surface where the sun can reach it.

The animal plankton feeds on the plants and together they form sustenance for the other classes of living things, either directly or as the primary part of a food chain.

While plankton is not evenly distributed and the total production is unknown—though it has been estimated at 100 billion tons—tests have shown that some areas of the ocean may produce 4,000 tons per square mile in a year.

The growth of all plankton and thus all life in the sea depends on the availability of the necessary minerals. When the basic chemicals are used, the plankton stops growing and the fish have nothing to eat.

Nature provides the minerals for plankton through currents. The cold water coming from the Arctic and Antarctic ice fields sinks below the warmer water and stirs up the minerals on the bottom. They rise with the warm water to the area of sunlight where plankton can grow.

There is never any lack of water, but the right combination of sunlight and minerals is necessary. If oceanographers could seed certain areas with the missing ingredients, the growth of plankton could be increased and the fish population would grow.

It also has been suggested that artificial currents could be created to bring minerals to the surface—something like an atomic reactor that would heat the bottom water and start an upward current that would carry minerals to the surface.

While the resulting plankton would primarily be a source of food for fish, the "grass" of the sea also has been considered as a possible food for man.

A typical ocean food chain is built roughly on a ten to one ratio. Thus to gain one pound, a man eats 10 pounds of tuna, which ate 100 pounds of sardines, which ate 1000 pounds of plankton animals which ate 10,000 pounds of plankton plants.

Broken down another way, this chain means that the ocean produces 10,000 pounds of plankton plants to produce 10 pounds of food for man. Elimination of some links in the chain, or making plankton edible, would vastly increase man's food supply.

Collection of plankton probably would not be worthwhile except in areas of extremely dense growth, but any shortening of the food chain would mean an increase in food supplies.

At present the fish may be considered unpaid workers who harvest plankton for us and turn it into a convenient form for us. However, oceanographers are toying with the idea of farming the sea themselves of producing bountiful ocean crops to feed the world's expanding population.

BIGGEST MOUNTAIN CHAIN IS UNDERWATER—ATLANTIC RIDGE 10,000 MILES LONG

The longest mountain chain in the world is the underwater Atlantic Ridge which extends 10,000 miles from Iceland to a mid-ocean point at about the latitude of the tip of South America.

There it turns eastward and goes under South Africa toward the Indian Ocean.

The existence of the ridge, which splits the Atlantic neatly, first was discovered with the laying of the Atlantic cable. Since then it has been mapped fairly thoroughly.

The ridge is as rugged and as complex as the Rocky Mountains, cut with deep gorges, valleys and chasms.

The average height is about 5,000 feet and the highest known peak is Pico Island in the Azores which rises 27,000 feet from the ocean floor, the last 7,000 being above water.

Ascension Island and Tristan da Cumba are other peaks in the ridge. So are the Rocks of St. Paul near the equator which rise so steeply that only a few feet off shore the water drops to a depth of a half mile.

The shape of the ridge has been determined by echo-sounding and some of its details have been photographed with deep-sea cameras.

Near the equator, the mountain range is cut by a deep gash, the Romanche Trench, which goes from east to west and provides the only place where the deep waters of the eastern and western Atlantic meet.

In most places the mountain ridge rises a mile or two above the ocean floor, with another mile of water above.

The Pacific, not as well mapped as the Atlantic, has several major mountain ranges, but nothing that compares with the Atlantic Ridge in length.

It does, however, have numerous deeps or "trenches" where the greatest depths of the ocean have been recorded.

To an oceanographer, a basin is a broad depression in the ocean floor, while trenches are long, narrow depressions, with steep sides.

Soundings of 36,056 and 36,173 feet have been reported from the Marianas Trench. Other trenches also have depths of 35,000 feet.

Two scientists, who studied the area extensively, described the Tonga Trench as one so deep that seven Grand Canyons could be piled on top of each other in it—and so long that it would stretch from New York to Kansas City.

An interesting thing about the trenches is that they run parallel to island chains or nearby continental mountain ranges which make up the Pacific's "ring of fire"—the earthquake and volcanic zones surrounding the ocean.

The reason, or the connection is not known.

BIRDS, SHELLFISH, COASTLINES THE VICTIMS—OIL A VERITABLE BLACK DEATH

The Audubon Society in a "black paper" on worldwide oil pollution estimated that five million tons of petroleum products were spilled on the waters of the world in one year.

The total, it said, was enough to provide 75 million automobiles with 20 gallons of gasoline each.

There is so much spilled oil, one official said, that "oceanographers tell us that they cannot conduct a plankton tow at the surface of the ocean worldwide now, without finding oil.

"While it is still so thin a layer as to be invisible, yet it is sufficiently thick to pose grave implications to the marine biologist."

The society's "black paper" said that "while ocean tanker spills have killed millions of seabirds, soaked thousands of miles of shorelines with oil, and killed or contaminated untold numbers of shellfish, they make up only a fraction of the total oil lost each year—just two per cent."

The biggest pollutant by far, the report said, is used motor oil and industrial oil.

They provided a 1970 total of three million tons—"poured into storm sewers and rivers by factories and service stations."

Oil tanker were the second worst offenders, the black paper said, "not from the big spills, but from so-called 'normal' operations or from pumping out of bilges at sea."

The Audubon report was put together by Mervin Zeldin of Washington, D.C., an environmental consultant who spent months in travel and research on the project.

Here, in summary, are some of Zeldin's findings:

ON TANKERS

The oil industry is ready to build giant tankers with million-ton capacities and the thought of a harbor accident with one of them makes conservationists in areas like Puget Sound and the Maine coast shudder. Ship crews cannot even operate a small 18,000-ton tanker properly—as witness the polluted beaches in Nova Scotia in the winter of 1970 when a tanker of that size ran aground because none of its navigation equipment was in working order, not even its compass. It did not even have the proper maps aboard. Some experts feel the only answer is operating rules as strict as those for airlines.

ON REFINERIES

They have leaky valves, leaky retaining ponds, badly maintained equipment, and unused pollution-control devices. They dump sludge into fields and marshes, wash oil into rivers, load barges until they overthrow, ignore safety measures, and commit other misdeeds after dark or behind a cloud of steam. Plain good housekeeping would reduce pollution by half, and equipment to make refineries totally nonpolluting is available right now.

ON WASTE OIL

This largely ignored problem is worldwide and growing. The one acceptable way of disposing of it—reuse—is a disappearing industry. Rerefining plants in this country can only process half as much oil as they could six years ago. What's more, previous advantages have been wiped out, and most of the reprocessing plants cannot handle today's waste oil because of the many additives it contains. So the old oil goes into sewers, clogs up sewage disposal plants, is dumped onto the ground, or is mysteriously listed as "fate unknown."

ON SEA LIFE

Visible damage is a bad gauge of the toll taken by ocean pollution. The dead birds and blackened beaches are only the beginning of the story. Scientist at Woods Hole Oceanographic Institution in Massachusetts have evidence that even a "small" spill—like one off West Falmouth in the fall of 1969—can cause a kill of bottom plants and animals over a wide acreage offshore and in nearby marshes. Oil from the spill is still around. The taking of shellfish has been banned for two years and the area the ban covers is being extended, not contracted. Once the shellfish are contaminated with oil, they cannot cleanse themselves of it and they are not reproducing.

Lumps of oil can be found in every part of the sea. Fish swallow them, and so oil—with compounds that cause cancer—is entering the food chain. What happens when man eats a tunafish sandwich containing meat of a tuna that has eaten tar? Scientists are worried that this will add to the heavy load of cancer-producing agents we are receiving from other kinds of pollution.

ON OFFSHORE DRILLING

While the Santa Barbara spill alerted the nation to the risks of offshore drilling, events in the Gulf of Mexico a year later revealed that, in long-existing offshore operations, oil companies had been ignoring safety standards. And government agency enforcement policies were practically nonexistent. After an oil fire in the Gulf early in 1970, the Interior Department's Geological Survey inspectors found that companies had removed required safety devices such as storm chokes, installed earlier under survey supervision. There was no routine inspection to reveal these infractions.

The Interior Department did then move to prosecute nine companies working in the Gulf. One company was fined a million dollars and the other companies lesser amounts.

ON BIRD DEATHS

Hundreds of thousands of seabirds, perhaps as high as a million, are drowned in oil each year. The pitiful specimens that conservation groups try to rescue represent only a tiny fraction of the total. Most die at sea and are never counted. Since the turn of the century there has been an appalling loss of seabirds. In some chronically polluted shore areas of Britain and Europe, breeding colonies have disappeared altogether.

SCIENTISTS VERIFY MOVEMENT OF THE OCEAN FLOOR

The ocean floor beneath the central Pacific slowly northward, pushed along by molten material welling up from inside the earth.

Scientists at the Scripps Institution of Oceanography reported the movement had been verified by a deep sea drilling project.

In the past 100 million years, a spot on the ocean floor in the affected area would have moved about 1,800 miles to the north, the scientists said.

At that rate, the movement is less than an inch per year.

Some scientists believe the movements of the ocean floors, especially the movements east and west from the middle Atlantic, are the source of a "continental drift," causing the continents, floating on the earth's crust, to move slowly farther apart.

Cores taken from the Pacific Ocean bed between Hawaii and the Marshall Islands verified the northward movement, said E. L. Winters of Scripps and J. I. Ewing of the Lamont Doherty Geological Observatory.

They tracked past movement of the ocean floor by studying fossil remains deposited in the sediment over millions of years.

The scientists said the "spreading center," the spot at which new material wells to the surface and mushrooms outward, is the East Pacific Rise, an underwater mountain ridge. Stretching northward from Antarctica along the coast of South America and through the Gulf of California, between Baja California and Mexico.

The San Andreas Fault, a major source of earthquake problems in California, is now thought to be associated with the ridge.

The quakes along the fault are attributed to the release of tension built up by the northward movement of the coast.

REPRESENTATIVES ABZUG AND RANGEL CRITIQUE OF WATER POLLUTION BILL IDENTIFIES ITS WEAKNESSES

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. REUSS. Mr. Speaker, on March 11, the House Public Works Committee reported out H.R. 11896—the Federal Water Pollution Control Act Amendments of 1972—which undoes much of the good that the Senate-passed bill—S. 2770—would have done. It constitutes a step backward rather than a step forward.

Two Members of that committee, Congresswoman BELLA S. ABZUG and Congressman CHARLES B. RANGEL, who fought in committee to retain the stronger Senate provisions in the bill, have provided the House, in the form of additional views on the bill in the House Report—H. Rept. 92–911; pp. 393–419—an excellent analysis of the many weaknesses of H.R. 11896.

They state that while voting to report the bill out with a favorable recommendation:

> There are a number of provisions in the bill which are less progressive, and, if enacted, will stop, and even set back, our antipollution effort. They will result in protracted litigation and delays, cause many citizens to further doubt the credibility of Government, and, most important, adversely affect workers whose employers move their operations to States with weak anti-pollution laws.

I insert these views in the RECORD so that they will receive the widespread attention they deserve. I urge all my colleagues to study them carefully and to support the clean water package of amendments which will be offered when the bill comes to the floor. These amendments will strengthen the bill and bring it in line with the already strong Senate-passed bill—S. 2770.

The additional views are as follows:

MARCH 11, 1972.

ADDITIONAL VIEWS OF HON. BELLA S. ABZUG AND CHARLES B. RANGEL

Re House Public Works Committee Report on H.R. 11896—The Federal Water Pollution Control Act Amendments of 1972

A. GENERAL COMMENTS

Our Nation's waters—our most precious natural resource—are rapidly being transformed into a vast, rancid sewer. Scarcely an uncontaminated body of water remains in the United States. A constant torrent of waste, mostly untreated, pours into our waterways from farms, factories, and cities. And despite Administration claims of progress, the situation is getting worse. Present Government programs are hopelessly inadequate.

Most of us assume that the sewage we flush down our plumbing pipes is being properly treated by some unknown, unseen plant at the other end. In fact, however, much of the human, industrial, and other wastes produced by Americans is dumped into our waterways with little or no treatment.

For example, more than 400 million gallons of human waste are dumped into the Hudson River every day after some chlorine has been added to kill the odor. Samples taken there recently showed the intestinal bacteria concentration to be 170 times the "safe" limit set by the Environment Protection Agency (EPA).

Similar horror stories can be told about almost every other major American waterway. One midwestern river is so loaded with industrial wastes and oil that it is actually combustible. EPA has warned that touching or being splashed by water from the Potomac River is a health hazard.

In the case of many lakes, the damage is already almost irreversible. Much of Lake Erie, once the source of a thriving fishing industry, is now considered nearly "dead". Efforts to revive it have been thwarted by the Administration's recent reversal of policy on phosphates in detergents and its failure to budget adequate funds to restore it to health.

In every part of our country, industries and municipalities have used our waterways as cheap dumping grounds in which to unload their wastes. Some 12,000 potentially toxic chemicals are in industrial use today. Little information is available to the public on the dangers posed by these chemicals when they are improperly dispersed.

In a recent survey, one out of every three samples of drinking water taken by the Department of Health, Education, and Welfare's Bureau of Water Hygiene was found to be unsafe.

We do have a choice about all this. We can continue on our reckless way, or we can take steps—and they must be giant steps—to arrest the deterioration and to begin the job of cleaning up. It will not be cheap, because our efforts up to now have been almost completely ineffective. A recent study by the General Accounting Office concluded that the $2 billion spent since 1956 on pollution control have merely slowed the deterioration of water quality.

Wastes discharged into a waterway—albeit with some treatment—are pollutants. Wastes recycled or discharged on land can be a beneficial resource. We must halt the use of our waterways as a waste treatment system. The theory that our waterways can assimilate wastes is archaic and it should be abandoned.

The Federal Water Pollution Control Act, when enacted in 1956 through the efforts of our able and distinguished Chairman, John A. Blatnik of Minnesota, was a significant beginning toward pollution control in the fifties and early sixties. It repealed an earlier ineffective 1948 law. But for the seventies and eighties it is clearly too weak and ineffective.

It has resulted in little or no reduction of water pollution in the late sixties. This has been due in large measure to a lack of adequate funding for the construction of waste treatment works, to various restrictions on the scope of the law and enforcement powers, most of which were carried over from the 1948 law, and inept administration. Even the water quality standards program enacted in 1965 has proven to be of little value. More than half of the States unilaterally extended time-tables for achieving the standards.

In 1969 and 1970, Congress began a slow process of rejuvenating the program to make it an effective anti-pollution tool with enactment of more realistic appropriations for municipal waste treatment grants and of the Water Quality Improvement Act of 1970. In 1970, the executive branch, too, began a more vigorous enforcement program, not under the Federal Water Pollution Control Act, but under the Refuse Act of 1899. In December 1970, EPA was established and the program transferred to it.

For nearly a year, the 92nd Congress has been working on a significant and complete revision of the 1956 law. The Senate, after much deliberation, passed a strong bill last November (S. 2770). Our Committee held twenty-two days of public hearings between July and November of last year. At the urging of the Administration, further hearings were held in December. After three days of executive sessions (December 14–16), the Committee ordered H.R. 11896 reported with amendments.

We voted to report this bill to the House with a favorable recommendation because we believe that, taken as a whole, it represents an improvement over the present Federal Water Pollution Control Act.[1]

It shifts the primary focus of water pollution control from water quality standards to effluent limitations. This significant change is necessary because of the great difficulty in establishing precisely who is responsible for polluting our waterways, and in setting discharge standards which will enable the waterway involved to improve in quality.

It institutes a system of user charges under which industries will pay for their use of water treatment facilities in proportion to the volume and strength of the waste products which they discharge.

It authorizes massive outlays of capital for the construction of new waste treatment plants.

It provides funds to reimburse those progressive States and localities which have been in the forefront of pollution control efforts and have spent billions of dollars in reliance upon Federal promises of financial assistance.

It authorizes, in some circumstances, citizens' lawsuits to compel compliance with pollution standards and requirements.

It repeals the 1948 restrictions on enforcement of the law, and substitutes some better enforcement powers.

But there are also a number of provisions in the bill which are less progressive, and, if enacted, will stop, and even set back, our anti-pollution effort. They will result in protracted litigation and delays, cause many citizens to further doubt the credibility of Government, and, most important, adversely affect workers whose employers move their operations to States with weak anti-pollution laws.

We cannot support those provisions, most of which were identified in a letter from eleven Congressmen, dated February 24, 1972, to our Committee. The eleven Congressmen who signed that letter are:

Representative Henry S. Reuss.
Representative Thomas M. Pelly.
Representative John E. Moss.
Representative Gilbert Gude.
Representative John H. Dent.
Representative Silvio O. Conte.
Representative John D. Dingell.
Representative John P. Saylor.
Representative Lucien N. Nedzi.
Representative Dante Fascell.
Representative Floyd V. Hicks.

The principal provisions of the bill which we object to are discussed and our recommendations thereon are set forth below:

B. H.R. 11896 INITIALLY SETS FORTH WATER QUALITY NATIONAL GOALS AND EFFLUENT LIMITATIONS FOR 1981 AND 1985, BUT THEN DECLARES THEM NULL AND VOID UNTIL CONGRESS PASSES A NEW LAW, SOMETIME IN THE FUTURE, TO REACTIVATE THEM

The opening pages of H.R. 11896 state with great flourish:

"(1) *it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985, and*

"(2) *it is the national goal that whatever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by 1981.*" [Italics supplied.]

These are high sounding phrases. True, they are only "goals" and not a legislative mandate by the Congress. But even an expression of "goals" is a step in the right direction.

Later, in section 301 of the bill, the 1981 effluent goals are transformed from goals into statutory limitations, except as provided in section 315.

But our hopes are short-lived, for when we turn to section 315 of the bill, we find that the above quoted words no longer have even the status of goals.

Simply stated, section 315 of the bill (a) calls for a study by the National Academy of Sciences (NAS) and the National Academy of Engineering (NAE) "of the technological aspects of achieving, and all aspects of the total economic, social, and environmental effects of achieving or not achieving the effluent limitations and goals" for 1981. A report on the study must be sent to Congress within two years after enactment, probably in late 1973 or in 1974.

We support such a study of the "economic, social, and environmental effects" of achieving or not achieving the 1981 goals and effluent limitations under this bill. The more information we have, the better. We need to know as much as we possibly can about all of these matters.

But section 315 does not stop there. It then provides that until and unless (a) the study is completed and reported to Congress, and (b) Congress enacts a new law after receipt of that study and report, the 1981 limitations will never apply to any discharge source.

We take issue with this provision in section 315, because it renders effluent limitations ineffective. Putting off the establishment of these goals and requirements will—

(1) impede our efforts to achieve clear water,

(2) make the clean-up program more costly than it would otherwise be,

(3) inhibit the development of the accurate information that we seek about the costs of pollution control, and

(4) reduce the credibility of the water pollution control program in the public's eyes.

The most obvious effect for industry of not establishing the 1985 "no discharge" goals and the 1981 effluent limitations is that we are still relying on the old water quality standards approach to water pollution control. Under this approach, streams are given different use classifications which are then supposed to be reflected in the amount of pollution that is permitted.

We have seen a great deal of evidence indicating that this water quality standards system of regulation assumes more knowledge about our complex ecosystem than we actually have. The numerical criteria themselves are often largely arbitrary and serve mainly to fool the public into thinking everything is "safe." Also, the history of our water pollution control program suggests that State and Federal governments will continue to founder on the staggering complexity of this control system, which requires working mathematically back from the permitted pollution levels in a waterway to the effluent limitations at the point source needed to achieve them.

Up to now, this task has been difficult at best, impossible at worst. This complexity has the practical effect of shutting out the general public from meaningful involvement in the program. Citizens and citizen groups are too often ill-equipped to field the technical expertise it takes to effectively counter the assertions of pollutors and to monitor the government's performance.

We are not necessarily critical of some retention of water quality standards program as revised in section 303 of the bill. Stream standards can provide a necessary floor to our control requirements and also a check on their effectiveness. But water quality standards should not represent the limit of our aspirations.

As we said earlier, this Nation needs to get away from the archaic notion that our public waterways can and should continue to be used as private sewers, with an "assimilative capacity" to be exploited. The water quality standards program tends to perpetuate that notion. The way to protect our lakes, rivers, streams, and estuaries is to make pollutors return any water they borrow from the public in the same clean condition they found it. This is why we believe the 1985 "no-discharge" goal and the 1981 effluent limitations are such a vital part of this bill.

Criticism of these provisions has focused on the steeply rising marginal cost of conventional waste treatment at high removal percentages. These cost criticisms are unjustified since the 1981 requirements have a built-in safety valve against exorbitant costs. They specifically direct that industries are to eliminate their discharges of pollutants only when it can be done at a "reasonable cost". They also provide that the fallback requirement—best available technology—is to be implemented by "taking into account the cost of such controls".

Section 302's high water quality requirements go into effect only after balancing of costs and benefits. We shouldn't add to the effect of these loopholes, which already look dangerously large, by removing the basic requirements altogether.

In addition, the debate over costs has completely missed the point, because the aim of the "no discharge" goal is to force us to turn away from the expensive conventional treatment systems (to which critics looked in making their cost estimates) wherever possible, and to look instead for ways to recycle our wastes and waste water for beneficial purposes. Available low-cost recycling methodology, such as land disposal and industrial closed-loop systems, were ignored by the Administration and other critics of the "no discharge" goal in making their best estimates.

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[1] We note that these views are being written on the basis of a Committee Print of the bill, dated Mar. 3, 1972. Consequently, they may not reflect with absolute accuracy the exact language of the measure as reported. We understand, however, that all language changes, if any, since that date are purely technical.

Putting off the establishment of the 1981 and 1985 goals and requirements will not save money; rather it will end up costing *more* in the long run. The technology which polluters install to comply with the bill's earlier 1976 requirements may not be compatible with the better methodology they will have to use later, when the more stringent requirements go into effect. Also, research on recycling techniques which could facilitate less costly achievement of the "no discharge" goal will not begin to take place with full vigor until we make those later goals and requirements definite. Industry has a right to know what will be asked of them later on.

By relaxing controls on industry in the post-1976 period, we may also be forcing higher costs on municipalities. Industries, that would normally join with municipalities to form large regional treatment systems if they are faced with having to comply with the 1981 requirements, will, without such requirements, be encouraged to meet the lower control requirements more cheaply on their own. If industries stay out of these regional systems, economies of scale will be lost and the participating municipalities will face higher costs.

Postponing the establishment of the bill's later goals and requirements may, we fear, also make it more difficult to get the kind of accurate information about control costs that we need to make final decisions about where the program should be heading. By putting off their establishment until after the NAS/NAE study, the public will have the burden of proving that polluters can afford to eliminate their pollution before we make them do it. But the polluters have all the information we need to make that judgment. Unless we give them some incentive to produce accurate information about costs, we will get only exaggerated estimates which cannot be verified.

Section 315 should be modeled on a presumption that polluters must install the most pollution-free systems. They, not the public, should bear the burden of demonstrating that the goals or requirements should be modified in some way. In other words, we should establish the goals and requirements now and let the information we get from the study modify them, if necessary.

Finally, by setting goals and requirements in one section of the bill and taking them back in another, we will appear to the public to be talking out of both sides of our mouths. As it stands, section 315 looks too much like the fine print on the classic marine insurance contract. We think we owe the public a forthright statement of what we are doing.

Is Congress so near-sighted that we cannot realize that constantly changing the ground rules for water pollution control leads only to uncertainty and chaos? Let us legislate for longer than three to five years. Certainly, a decade is not today a long period of time.

If the NAS/NEA study should show that the 1981 requirements and the 1985 goals need to be changed in some way, we are certain that Congress will take the necessary steps. Let the public know that we are not simply studying the problem. We are going ahead with our commitment to clean water.

We recommend appropriate amendments to the bill to make effective what we promise in section 102 of the bill.

C. THE BILL WOULD REPEAL PRESIDENT NIXON'S PERMIT PROGRAM AND HAND IT OVER TO STATE CONTROL AFTER ENACTMENT WITH NO GUARANTEED FEDERAL REVIEW OF PERMITS ISSUED BY STATES AND NO NATIONAL MINIMUM EFFLUENT REQUIREMENTS FOR EACH STATE PERMIT. THIS WILL SURELY RESULT IN SOME COMPANIES HAVING A COMPETITIVE ADVANTAGE OVER OTHERS AND LOSS OF JOBS

I.

On December 23, 1970, President Nixon issued Executive Order 11574 establishing, under the Refuse Act of 1899, a mandatory permit system for *all* industries discharging toxic and other wastes into the Nation's waterways. Under the order, the Corps of Engineers manages the program, but EPA is given final authority over whether a permit shall issue from a water quality standpoint.

Since July 1, 1971, when the program began, more than 20,000 permit applications have been received by the Corps of Engineers. 13,543 of these are now being reviewed by the Environmental Protection Agency. The program has already had some excellent results.

It has caused industrial plant officials to learn—some for the first time—about the composition and quantity of wastes poured daily into our waterways in a partially treated or untreated form.

It has led these same officials to take immediate steps to curtail these discharges and to plan and install better treatment, including, in some cases systems that recycle the the wastes.

It has given EPA an opportunity to learn more about what and where wastes are discharged into waterways.

It has identified and is limiting toxic constituents in treated water which were previously uncontrolled.

It has encouraged some industries to connect to municipal treatment systems for treatment of wastes.

Some specific examples of the positive aspects of the permit program are set forth at the conclusion of these views.

Most important, the permit program has created a climate in which local and State agencies can become more stern in their enforcement policies. Industry, to its great credit, has shown a new willingness to cooperate and to get the job done.

In a Wall Street Journal article of November 4, 1971, Kansas City's water pollution control director commented on the effect of the program as follows: *"The Federal permit program helped me do my policing job."* [Italics supplied.]

Mr. John Quarles, EPA's Assistant Administrator and General Counsel, summarized this on November 5, 1971, when he said: (Hearings, House Conservation and Natural Resources Subcommittee, p. 1147):

"There have already been many positive results flowing from the permit program. Industries not previously aware of the exact nature or extent of their discharge have been required to examine and report on the permit application much information not previously known or reported. Many companies have discovered hazardous and toxic materials in their discharges whose presence was previously unsuspected.

"By studying the water quality characteristics of their present installations, some companies have been able to apply their experience in planning new facilities. Also, in reviewing plant processes, companies have turned up pipes and outfalls whose existence was previously unsuspected. Laboratory analyses of discharges have shown in some cases that treatment systems were not operating as effectively as was believed.

"Certain companies, as a result of the permit program, have been induced to take corrective measures to reduce or eliminate discharges on their own initiative prior to any specific permit requirements being imposed—e.g., connecting to municipal treatment systems; installing aeration lagoons; planning for pretreatment, recycling, and/or heavy metals recovery."

But H.R. 11896 would abandon all these successes for a much weaker program.

II

H.R. 11896 would eliminate President Nixon's permit program. In its place, a new EPA permit program would be established which would subsume the Refuse Act permit program, but this new program would be a mere shadow of the current one.

To be sure, EPA will be authorized—on paper to issue permits to discharge wastes, but it will have this power only with regard to States which do not want to issue permits.

The bill provides that the program will not rest at EPA. The musical chairs will continue. It will be dispersed to all 50 States, and be subject to little or no Federal control. In short, the bill dismantles the Federal Refuse Act permit program established by President Nixon and scatters the pieces to the States.

The result will be chaos and delay.

We heard loud laments from those who opposed the Refuse Act permit program. They said there would be from 100,000 to 300,000 applications which would bury EPA in paperwork. But these astronomical figures have not materialized.

In point of fact, there have been about 20,000 applications, a figure which EPA assures us represents 95 percent of the discharges into navigable waterways. EPA has been processing these applications with considerable vigor and is well on the way to completing the task of establishing the Refuse Act permit program.

The bill will delay the issuance of permits to industry, which will in turn delay installing effective treatment systems. The result: continued pollution of our waterways. Indeed, under this bill, it will be at least 1973 *before* the States can begin to handle this permit program. Can we afford to wait that long?

If continued, the Refuse Act permit program can insure a national approach to water quality. It will, as EPA states, avoid "giving some companies an advantage over others, depending on the State in which they are located." It will protect workers whose jobs are threatened by employers who move their production to avoid the strict anti-pollution standards and requirements of certain States.

A typical example of this sort of ecological blackmail is that of the Weyerhaeuser Corporation, which cited strict Washington State pollution standards as the reason for the recent closing of one of its ancient plants in the Puget Sound area. As a result, 300 workers, some of whom had been with the company for many years were laid off, and the plant's production was moved to a newer facility in North Carolina.

This bill will encourage more such job losses, we fear.

III

Under the bill, EPA is merely a conduit. The States, not EPA will run the program.

Section 402(a)(5) of H.R. 11896 lets EPA, for 180 days after the bill becomes law, "authorize a State, which . . . has the capability of administering a permit program" to issue permits. To be sure, EPA must publish "guidelines establishing the minimum procedural and other elements" involved in the transfer of the permit program, but the bill offers only vague and indefinite examples of what is to be included in those guidelines, such as monitoring and reporting requirements and "enforcement provisions".

After this 180 day period, a State wishing to continue to issue permits must provide a better description of its permit program, but once that program has been approved, EPA's control over it and the permits issued under it will be almost non-existent.

EPA will have virtually no control over permits—

On the one hand (section 402(d)(1)) the bill tells the States to "transmit" to EPA a copy of each permit application and to keep EPA apprised of each stage of the application proceedings. But on the other hand (section 402(e)), authorizes EPA "to waive" this requirement, as to "any category of point sources", when the State permit program has been approved.

Even if such a waiver is not given, EPA cannot "object" to the issuance of the permit unless the waters of a second State will be affected by such issuance and such second State "objects in writing" to its issuance (section 402(d)(2)). But even this shadow of Federal authority can be waived by EPA at the time, the State receives approval of its permit program.

EPA's inadequate control over the State program

Once a State permit program is approved by EPA, it can "withdraw approval" of the program only after notice, a public hearing, and a waiting period of at least 90 days. Even then, the bill does not *require* EPA to initiate withdrawal proceedings against a State that fails to comply with its approval conditions. Indeed, it is quite possible that any Administration would find it politically distasteful to compel a State to comply with the law.

Later, we will discuss the citizen suit provisions of this bill. We point out, however, that those provisions give citizens the right to sue EPA's Administrator to require EPA to perform any "duty" other than a "discretionary duty." However, the withdrawal authority of section 402(c)(3) of the bill is "discretionary." Until a public hearing is held, EPA is not required to "determine" that withdrawal is or is not appropriate. EPA's Administrator has total discretion as to whether or not a hearing shall be called.

Thus, under the bill, once EPA approves a State permit program (the EPA Administrator must act on it 90 days after receiving it from the State), all Federal ties to the permit program are severed. The State is not EPA's delegate. Even the policies and requirements of the National Environmental Policy Act of 1969 will not apply to the State permit program and environmental impact statements will therefore not be required.

EPA's powers to act against a discharger who violates the law will also be cut off. The bill, in section 402(*1*), specifically states that "compliance with a permit issued * * * shall be deemed compliance" with all other provisions of the bill, except those relating to toxic pollutants. Thus, once the State issues a permit to a polluter, EPA cannot abate his pollution unless it is toxic pollution. This is true even when EPA fully knows that the permit is hardly worth the paper it is written on.

IV

We cannot support this almost total abdication of Federal responsibility for preventing the solution of the Nation's navigable waterways, many of which cross State boundaries.

A permit program run by 50 different governments without any meaningful Federal control will become an environmental nightmare. It will encourage industries that dislike the tough permit administration of one State to relocate to a less progressive one. The result will be economic hardship for workers in States which effectively enforce their anti-pollution laws.

We recommend that section 402 be eliminated from the bill, and that the present Federal permit program, established by Executive Order 11574, be retained.

If this is not done, and the States are allowed to issue permits, then, at the very least, the bill should give EPA authority.

(a) to review all permit applications; and

(b) to prevent the issuance of any permit to which it objects

Further, the bill should require that EPA withdraw approval of any State permit program which is not being administered in accordance with the law and conditions of approval.

Congress should not be weaker than the President in this regard, but if we pass H.R. 11896 with section 402 as presently drafted, it will be.

D. THE BILL GIVES THE POLLUTER WHO FILES AN APPLICATION FOR A PERMIT IMMUNITY UNTIL 1976 FROM ANY ENFORCEMENT ACTION BY EPA OR A U.S. ATTORNEY UNDER THE BILL OR THE 1899 REFUSE ACT, THIS EFFECTIVELY REPEALS THE REFUSE ACT AS AN ANTI-POLLUTION TOOL AGAINST CONTINUING WASTE DISCHARGES

Section 402(l) of the bill provides that if a polluter files an application for a permit to discharge wastes into a waterway, that discharge "shall not be a violation" of the bill or the Refuse Act of 1899 until January 1, 1976, unless EPA or a State has acted finally on the application.

This may give many polluters *complete immunity* from prosecution, either civilly or criminally, for the next 4 years under the new bill and under the Refuse Act. The polluter can discharge such wastes as metals, salts, acids, cyanides, brines, grease, food product wastes, animal wastes, and textile and pulp and paper mill wastes in violation of the law with impunity.

This is folly.

President Nixon's regulations for enforcement of the Refuse Act permit program (33 CFR sec. 209.131(d)(4)) clearly state:

"All discharges or deposits to which the Refuse Act is applicable * * * are *unlawful unless authorized by an appropriate permit* * * *. Any such discharges or deposits not authorized by an appropriate permit *may result in the institution of legal proceedings* in appropriate cases for violation of the provisions of the Refuse Act.* * * *the mere filing of an application requesting permission to discharge or deposit* [wastes] *into navigable waters or tributaries thereof will not preclude legal action in appropriate cases for violation of the provisions of the Refuse Act.*" [Italics supplied.]

Even with President Nixon's quite proper regulation, EPA or the Corps has not initiated a wholesale program of prosecuting those who filed for permits. There is no reason to expect that EPA will do so in the future. But the mere threat of such civil or criminal action is quite helpful to EPA and the Corps in insuring prompt compliance with the law.

The bill does not expressly repeal the Refuse Act of 1899, but this immunity provision has much the same effect—repeal of the 1899 law as an anti-pollution tool. The Government will be able to prosecute only the accidental, occasional polluter, but the egregious polluter will go scot-free for four years if he applies for a permit and it is not acted upon quickly.

On September 24, 1971, our colleague, Congressman Henry S. Reuss of Wisconsin, testified before our committee and urged that the Refuse Act not be repealed or modified by H.R. 11896. He said (Hearings, pp. 2236–2237):

"I would not be here today but for the fact that in recent days witnesses for both the National Association of Manufacturers and the Administration testified before this committee and recommended amendments to the 1899 Refuse Act.

"The NAM witness, Dr. William Haun, recommended on September 13 that the Refuse Act be amended "so as to limit it to consideration of anchorage and navigation" only.

"If the NAM amendment were to be adopted, the Refuse Act would be "gutted" as an effective anti-pollution tool. Not even an empty shell would be left.

"The NAM amendment would take away an effective tool for citizen participation. The Refuse Act has become widely known, mainly because of its provision that an informer who gives information which 'leads to a conviction' is entitled to one-half the fine. I myself have used this law to inform U.S. Attorneys in Wisconsin of scores of cases of polluting discharges by industry into our waterways. I have collected half the fine in several of the cases prosecuted thus far, and I have donated my share of the fines to help municipalities cure their municipal water pollution.

"Other citizens have also helped U.S. Attorneys throughout the Nation in providing information on polluting discharges. Under the permit program, they will be able to review permit applications and make their views known on them to the Corps and EPA at public hearings. When a discharger fails to file an application, the citizen can inform the U.S. Attorney who, according to a very recent report, is on the Corps' 'backs every day' anxious to file actions against such dischargers. If a permit is issued, the citizen can monitor compliance and inform the Government of any violation.

"Thus, the Refuse Act is a law that has stirred citizen interest and participation. It has also stirred the ire of many polluters. They are feeling the pinch of this simple one-paragraph law. One State witness who complained about its use recently said that 'invoking of the 1899 Refuse Act . . . overnight, placed the Federal Government with boots and helmets in the front office of nearly every waste-discharging industry in the nation'.

"I for one cannot think of a better place for the Federal Government to be if we are to halt the degradation of our waters. It is time—indeed, long overdue—that the industrial polluters of this nation felt the hot breath of the Government's army of enforcers, meek as they are.

"The NAM recommendation would also result in abandoning the 'No Polluting Discharge' standard of the 1899 law. The old 'assimilative' capacity theory under which our waters are simply private sewers of the polluters would then continue to reign supreme.

"Only three days after the NAM urged this gutting amendment, the Administration, following the NAM line, also testified before this Committee. The Administration witness began by extolling the virtues of the 1899 law and ended up by urging that it be emasculated.

* * * * *

"Let's listen, not just to industry-oriented spokesmen, but to the public. I detect no great clamor from the public that the Refuse Act be amended or repealed, or that the Refuse Act permit program be transferred to the States. On the contrary, there is widespread public support for this law as it is because it is effective.

"The League of Women Voters testified before this Committee on September 16 that the 'Refuse Act permit system . . . be used to its fullest to help curb the sources of pollution'.

"The Izaak Walton League of America also testified before this Committee on that same day, urging 'retention of the Refuse Act permit system now in effect'.

"The Friends of the Earth also testified last August that it would 'consider any language in new legislation unacceptable which relinquishes Federal authority for water pollution control under the 1899 Refuse Act to the States', and urged that Congress 'not mitigate in whole or in part' the 1899 permit program.

"Unlike the Federal Water Pollution Control Act, which has never been tested in court, the Refuse Act has been widely reviewed and interpreted by many courts. These judicial interpretations, including those of the Supreme Court, have enhanced its effectiveness as an anti-pollution tool. The courts have upheld injunctions to compel a polluter to stop polluting and to remove the wastes discharged, and judgments compelling the polluter to reimburse the United States for its expenses in removing refuse deposited by the polluter.

"No one urges that the judicial interpretations are wrong. Yes, I have heard it said, by some lawyers representing industrial polluters, that the Refuse Act 'was not intended by Congress to function as a pollution control device', but only to protect navigation because in 1899 'every municipality and industry dumped its raw wastes into the nearest stream'. I marvel at the hindsight of these lawyers and their knowledge of the intent of Congress in 1899.

"Every first year law student knows that legislative history has a bearing on the intent and meaning of a law only when the law itself is ambiguous. But the Refuse Act of 1899 is far from being ambiguous. Certainly, the courts have had no difficulty in this regard. They have uniformly held that the 1899 law applies to the polluting discharges of today.

"Since this is so, I cannot perceive any reason to repeal or amend the law, except to achieve the negative objective of the NAM to cripple the law.

"Instead, Congress should applaud the Administration for adopting, after much prodding, the unanimous recommendations of the House Committee on Government Operations for vigorous enforcement of the 1899 law.

"Without the Refuse Act, the Administration would still be bogged down in lengthy procedures under the FWPC Act trying to stop the 10 mercury polluters from discharging that toxic material into our waterways. Similarly, the Justice Department would not have had an effective enforcement tool to halt the discharge of cyanide by the Armco Company into the Houston Ship Channel, or to control thermal heat discharges planned by a Florida power company into Biscayne Bay. In the latter case, the Government asserted that such discharges would have turned this national monument established by Congress into a 'biological desert'." [Italics supplied.]

Even more recently, the eleven Congressmen, including Mr. Reuss, who on February 24, 1972, wrote to our committee about this bill said:

"On January 29, 1972, an Assistant United States Attorney in New York told the New York State Bar Association that the 1899 law "has emerged as the primary pollution abatement statute for the simple reason that it, alone, has proven enforcible [and] that the Refuse Act has developed into a superior enforcement tool for the betterment of our environment." In grading the Refuse Act, he said (Cong. Record, Feb. 24, 1972, p. 5597):

"It has and is creating a climate in which industry—the potential defendants—now feels a growing certainty that it can no longer pollute with impunity, and:

" 'It has and is creating a climate in which local and state agencies can become more stern in their enforcement policies.

" 'Much remains to be done. But in my opinion, there could not be a more explicit mandate than is now found in the Refuse Act; nor could that be a more workable scheme of enforcement than has evolved under the present statute.' "

We concur with his remarks.

The 1899 law has given concerned citizens and citizen groups an opportunity to participate with their Government in halting the pollution of our waters. If Congress effectively repeals the Refuse Act as an anti-pollution tool, the credibiilty of the Government's anti-pollution effort will be severely strained. [Italics supplied.]

We share our colleagues views.

We recommend (a) that section 402(1) of H.R. 11896 be deleted, and (b) that the Refuse Act not be repealed or modified as an anti-pollution tool.

The Senate-passed bill, S. 2770, does not contain a provision under to section 402(1), nor does it repeal or modify the Refuse Act in this way.

E. THE BILL SEEKS TO WEAKEN THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Both H.R. 11896 and the Senate-passed bill, S. 2770, amend the National Environmental Policy Act of 1969. The language of both (Sec. 511(d)) differs in some measure.

The Senate version—itself far-reaching and the subject of a great debate over its meaning (See National Journal, Feb. 26, 1972, p. 342 *et seq.*)—weakens NEPA only in the cases involving "the construction of any activity which may result in any discharge into" navigable waterways. But H.R. 11896 contains no such limitation. Thus, it applies to dams licensed by the Federal Power Commission, and permits issued to strip coal on Indian and public lands, as well as discharges.

There is no justification for this further weakening of NEPA.

Section 511(d) of H.R. 11896, even without this further expansion, provides that the "requirements" of NEPA "as to water quality considerations shall be deemed to be satisfied" by a certification issued by a State with respect to Federal licenses or permits for the construction of "any activity" (whatever that means). This would include licenses or permits issued by the Corps of Engineers. Environmental Protection Agency, Atomic Energy Commission. Federal Power Commission, and other agencies.

The eleven Congressmen, in their recent letter to our committee, commented on this provision, as follows:

"We are concerned about the meaning and scope of this provision. First, the word "requirements" includes the directives in section 102(1) of NEPA that all "policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies" of NEPA. Second, it includes the directives in section 102(2) of NEPA that all agencies "utilize a systematic, interdisciplinary approach" in planning and decision making "which may have an impact on man's environment." Third, this word includes the directives in section 102(2)(C) that a detailed environmental impact statement be prepared in the case of actions that "significantly" affect the quality of the environment. *Such an amendment would result in a serious weakening of NEPA and be disastrous for our environment.*" (Italics supplied.)

We are in full agreement with their views and recommend that section 511(d) of the bill be deleted.

Secretary of the Interior Morton, at joint hearings before the Senate Interior and Public Works Committee on March 9, 1972, testified that he didn't *think the law* [NEPA] *needs changing. We have got to learn to administrate under it. I think we haven't given it a fair chance.*" (Italics supplied.)

We concur with the Secretary. His comments are sound.

After all, the law is just two years old. Many agencies only recently have established procedures for complying with it.

In the vast majority of agency actions, the agencies have prepared their draft and final environmental impact statements in accord with the law and if the project was environmentally sound then proceed with the projects. In only a relatively few instances, where the agency egregiously violated or failed to comply with the law, have courts found it necessary to require the agencies to defer project action until they complied with the Act.

If there may be a need to clarify some of NEPA's provisions, we urge that this not be done hastily. Certainly, it should not be done in this heavy meat-ax manner.

The House Merchant Marine Committee, which has jurisdiction over NEPA will be holding hearings on it in the near future. Let that Committee consider that need and recommended the proper changes, after full public hearings.

F. H.R. 11896, UNLIKE S. 2770, LETS THE CORPS AND THE BUREAU OF RECLAMATION, NOT EPA, MAKE WATER QUALITY DECISIONS

Section 102(b) of the bill quite properly discourages the "inclusion of storage" water at a Corps or Reclamation Bureau reservoir project to regulate "streamflow for the purpose of water quality control."

The bill, also like present law, lets the Corps and the Bureau determine, with the advice of EPA, wehther there is the "need for and the value of storage" for regulating streamflow for the purpose of water quality control.

But we believe that this determination should be made by EPA, rather than the other agencies. Only EPA is steeped in water quality knowledge.

The Senate bill recognizes this and gives EPA this responsibility.

It is interesting to note also that section 102(b)(5) of the bill specifically precludes the Federal Power Commission from including storage for that purpose in projects licensed by the FPC, *unless* such storage is recommended by EPA. Moreover, the stated purpose of the NEPA amendment referred to above is to let EPA and not other Federal agencies, make *all* water quality decisions.

We generally concur in that philosophy. Certainly, all Federal agencies should be aware of, and should consider, water quality matters, but undoubtedly EPA is best equipped to make final water quality determinations based on a complete record.

We recommend that section 102(b)(2) of H.R. 11896 be amended to require that EPA determine whether a Corps or Reclamation project should include storage of water for regulation of streamflow for the purpose of water quality control.

G. THE BILL UNNECESSARILY LIMITS THE CITIZEN'S ABILITY TO PARTICIPATE IN CIVIL SUITS TO HALT POLLUTION AND TO REQUIRE EPA TO ENFORCE THE LAW

Section 505 of the bill provides that citizens may institute suits against polluters for the purpose of halting that pollution, and against the Administrator of EPA where he fails to perform "any act or duty . . . which is not discretionary." But section 505 (g) of the bill largely curtails this power through the device of defining the term "citizen" so as to affect adversely a citizen's standing to sue.

First, a citizen must be "of the geographic area" *and* must have "a direct interest which is or many be affected" to initiate the suit.

The bill does not, however, define for the citizen or for the courts, what "geographic area" is involved, or what is the "direct interest . . . affected".

Congress should not enact such vague and ambiguous language. Even if the committee's report, or debate on the floor, might be resorted to in order to explain these vague terms, Congress should not enact such ambiguous statutory language. Very few citizens have easy access to legislative history. They should be able to know their rights on the basis of the statutory language. Furthermore, even with the best legislative history, the enactment of vague statutory language is simply an invitation to the courts to disregard the intention of Congress and devise their own interpretations.

Under this definition, a citizen living in Ohio or Alabama, but owning recreational property along the shores of a waterway in another State, which such person uses from time to time, probably would not have standing to sue even though that citizen's property is "affected'. Even if that citizen is "of the geographic area", the right to sue is further curtailed by the additional requirement that the citizen must have a "direct interest which is or may be affected". Such language may be construed as authorizing suits only by persons owning property which is directly affected by the pollution, and as not including those members of the public who use or may use and enjoy a waterway.

Second, another major defect in section 505(g) is that it also defines a "citizen" as including "any group of persons". That normally would be fine. But the definition does not stop there. It goes on to limit the "group of citizens" which may sue to prevent pollution by specifying that the group must have been "actively engaged in the administrative process and has thereby shown a special interest in the geographic area in controversy". Thus, to prove its standing to go into court a group must not only show a "special interest" in the particular "geographic area", but must also prove that special interest by one particular method—namely—by having "actively engaged in the administrative process".

There are at least three grave deficiencies in this requirement:

(a) Suppose a hunting club, or any company for that matter, owns property which is being "directly affected" by the pollution or by EPA's violation of law or regulation. That club, or company, not being a "citizen," would not be included in the first definition, even though the property is directly affected. The only way it could preserve its right to go into court would be to "actively engage in the administrative process".

Such discrimination between the individual property owner and a group which owns property is unjustifiable and probably unconstitutional.

(b) But there is even a greater defect in the requirement of having "actively engaged in the administrative process." The February 24 letter of the eleven members of Congress, pithily pointed out:

"All too often the administrative process is either clothed in secrecy, or affords so little time that citizen groups cannot adequately prepare to challenge a permit, or a polluting discharge, in the hurried administrative procedure. Then, having been edged out of the administrative proceeding, they will, under this bill, find themselves foreclosed from 'standing' for seeking judicial relief."

We are confident that the courts would be alert to invoke the doctrine of laches in the rare case where a group, despite ample notice and opportunity to prepare and participate in adequate administrative proceedings, nevertheless deliberately stayed out of those proceedings and intentionally endeavored to use the judicial process for purposes of delay. The bill need and should not limit the right of all citizens and groups to obtain judicial relief, merely in order to deal with this remote problem, if it, indeed, exists.

(c) The words "actively engaged", "special interest", and "geographic area in controversy" boggle the mind. What do they really mean? What criteria will be applied by the courts to determine (i) how much the group must do in the administrative proceeding to demonstrate that it was "actively engaged" therein; or (ii) whether the group's interest is "special" or not sufficiently "special"; or (iii) what is the extent of the "geographic area in controversy"?

These are all undefined and vague terms which will breed unnecessary and collateral controversy. They will unjustifiably hinder the right of citizen groups to obtain judicial relief from unlawful acts by polluters and by EPA.

Third, section 505(g) is a drastic departure from the pattern and policy which the Congress has already adopted to enable citizens to go to court to protect the environment.

The Clean Air Act amendments of 1970 (Public Law 91-604) provide for citizen suits. Its provisions on citizen suits were virtually copied into the Water Pollution Control bill passed by the Senate (S. 2770) last November. And just this February, the House passed the Noise Control bill (H.R. 11021) which contained virtually identical citizen suit provisions. None of them had the restrictions that would be imposed by section 505(g) of H.R. 11896 which we are now considering. There is no reason or justification for a different rule in this bill.

The fundamental principle which is here relevant was concisely stated in the February 24 letter of the eleven Congressmen, as follows:

"The question of 'standing' is peculiarly a judicial principle. It ought to be left to the courts to determine who has 'standing' sufficient to complain about a substantive violation of law."

We recommend that section 505(g) of H.R. 11896 be deleted and that the entire section follow the pattern already adopted in the Clean Air Act and the noise control bill.

H. THE BILL WOULD EMASCULATE THE FISH AND WILDLIFE COORDINATION ACT

Section 511(b) of the bill with one stroke of the pen broadens the scope of the Fish and Wildlife Coordination Act and with another drastically restricts that law.

The bill specifically establishes that the policies and requirements of the Fish and Wildlife Coordination Act *"shall apply only to the provisions"* of the bill relating to (a) national standards of performance (sec. 306), (b) the publication of information (sec. 304), and (c) the establishment of guidelines (sec. 403). [Italic supplied.] It will not apply to:

(a) permits issued by EPA under section 402 of the bill; or

(b) permits issued by the Corps for dredged or fill material.

With this amendment, the Interior Department's Bureau of Sport Fisheries and Wildlife and the State fish and game agencies will no longer have statutory authority to review and comment on permit applications to discharge wastes or dredge and fill materials into the navigable waterways. There is no justification for eliminating such review and comment by these agencies.

We recommend the deletion of the word "only" in section 511(b). With this change, the Coordination Act will apply, as it does today, to those permits.

I. THE BILL STRANGLES PROGRESSIVE STATES IN REGARD TO SEWAGE DISCHARGE FROM VESSELS

The dumping of human wastes from boats—particularly small and medium-sized pleasure craft—has become an increasingly acute problem in recent years. Individual States have differed as to whether to require merely a certain degree of treatment before such wastes are dumped into the water or to prohibit such dumping altogether and require the installation of onboard holding tanks which are pumped into shoreside facilities. A sizeable number of States, including the State of New York, have taken the latter course.

Section 13 of the Federal Water Pollution Control Act (33 U.S.C. 1163) directs the Secretary of the Interior to promulgate Federal standards of performance for marine sanitation devices. These standards—

"* * * shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States * * *"

But they may permit dumping of such wastes into the water so long as there is some treatment.

The initial standards and regulations under the section are to become effective for new vessels two years after promulgation and for existing vessels five years after promulgation; in addition, the Secretary of the department in which the Coast Guard is operating (presently the Department of Transportation) may waive the applicability of the standards and regulations for individual vessels or classes of vessels.

Subsection (f) of section 13 preempts the existing role of the States in this area once the initial standards and regulations take effect, though it does allow them to seek from EPA prohibitions on discharges for specific waters within their borders.

EPA published proposed regulations pursuant to section 13 in the Federal Register on May 12, 1971, but they have not been officially promulgated. The proposal would not prohibit all discharges, but only those—

* * * containing visible floating or settleable solids; and * * * which * * * without dilution other than that normally used for flushing purposes, [do] not contain:

(1) Total coliform bacteria in excess of 240 per ml.;

(2) Biochemical Oxygen Demand in excess of 100 mg./l; and

(3) Suspended solids in excess of 150 mg./l.

As was mentioned previously, the existing law provides that the initial standards and regulations relating to marine sanitation devices are to take effect two years after promulgation for new vessels and five years after promulgation for existing vessels. Until those effective dates, boats are subject to regulation by the States.

The pending bill, in addition to renumbering section 13 as section 312, would amend subsection (f) to provide that once the initial standards and regulations are promulgated, they will be immediately applicable to any vessel which complies with them. There can be no doubt that this amendment further limits and strangles what little authority the States have in this field.

The preemption feature of section 13 was, in our opinion, a mistake from the beginning. It is most disappointing that a bill which declares it to be—

"* * * the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of the States to prevent and abate pollution * * *" (sec. 101(b)).

further weakens the power of the States relative to marine sanitation devices instead of strengthening it.

The legislation should amend this section of the law to permit any State to prohibit completely the discharge of sewage from vessels where it determines that the protection and enhancement of the quality of some or all of its waters requires such a prohibition. The Federal standards would then represent the minimum, rather than the maximum degree of purity of marine sanitation discharges, and the "States' rights" policy so eloquently expressed in section 101(b) of the bill would also be effectuated as a matter of substance.

J. THE DEFINITION OF POLLUTION GIVES THE OIL INDUSTRY AN UNACCEPTABLE AND IMPROPER EXCEPTION FROM POLLUTION CONTROL

The definition of a "pollutant" in section 502(6) specifically exempts "water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well. . . ." Under this exemption, pollution of ground water by the oil industry will not be deemed pollution, while pollution resulting from poor well disposal practices by any other industry is pollution.

This exemption has the effect of preventing the EPA from even studying or publishing information on, or making plans to control, pollution of ground water from the oil industry's injection wells.

There is no reason why the oil industry should qualify for a special exemption. Since injection well disposals are not covered by the permit system under section 402, the net effect of eliminating this exemption would be to permit the Administrator to conduct planning for the safe handling of well disposal and to gather and publish information on the subject.

We should not shut our eyes to possible contamination of our groundwater resources.

K. THE 2-YEAR EXTENSION IN SECTION 301 OF THE BILL ENCOURAGES DELAY IN INSTALLING THE BEST PRACTICABLE TECHNOLOGY

Section 301(b)(3) of the bill provides that EPA may grant an extention of *up to two years* for polluters who have not installed the best practicable technology (in the case of private sources), or technology providing for secondary treatment (in the case of publicly owned sources) by January 1, 1976.

All that a source need demonstrate to get this two-year free ride is that it "is not possible either physically or legally to complete the necessary construction within the statutory time limit." There is absolutely no requirement that the failure to comply be the fault of a third party, act of God, or like cause.

This provision encourages polluters to delay compliance and in fact places a premium on their doing so. A corporation which can delay for two years the expenditures of capital funds has the use of that money for that length of time and can invest it elsewhere for profit-making purposes.

At the very least, the granting of any extension of time should be contingent upon a strong showing that the applicant made aggressive, good faith efforts to comply and was prevented from doing so through no fault of its own.

L. THE BILL DOES NOT PROVIDE ANY CRIMINAL SANCTIONS AGAINST POLLUTERS WHO WILLFULLY OR NEGLIGENTLY VIOLATE AN EPA ORDER TO ABATE THEIR POLLUTION

Section 301 of the bill provides that "the discharge of any pollutant" is "unlawful", except in compliance with a permit or certain other sections of the bill.

Section 309 of the bill contains the enforcement sections of the bill. However, it is garbled and defective in several respects.

Section 309 provides three types of enforcement action against a violator:

"(1) EPA can issue an administrative order requiring the violator to comply with the law (pars. (a)(1) and (a)(3)). If the violator does not comply, he is subject to a civil penalty up to $10,000 per day (par. (d)).

"(2) EPA can bring a civil action for injunction (par. (b)).

"(3) Any person who willfully or negligently violates certain sections of the act, or the permit conditions implementing those sections, may be punished criminally by fine ($2500–$25,000 per day) or imprisonment (not more than 1 year) or both (par. (c))."

But these apparently good enforcement tools are impaired by what may be drafting defects:

First, both paragraphs (a)(1) and (a)(3) of section 309 say that the Administrator "shall issue an order or shall bring a civil action." Although a violation of an order may lead to the civil penalty of up to $10,000 per day, it is unclear whether the EPA, having elected to issue an order, may then seek civil injunctive relief under paragraph (b).

Second, although section 309(c) provides criminal penalties for willful or negligent violation of the law or permit conditions, it does not impose criminal penalties for violation of the EPA order, no matter how "willfully or negligently" the violation occurs.

Certainly, in these respects, the House bill is weaker than the Senate-passed bill (S. 2770) which does not have these defects.

An order—administrative or judicial—should not be treated lightly. Failure of compliance should be a grave offense. Even more serious, however, is the case where the offender "willfully or negligently" fails to comply with an order. Certainly, such unlawful actions deserve criminal as well as civil sanctions. The Senate bill provides them and the House bill should also.

M. THERE FOLLOWS THE FULL TEXT OF THE LETTER FROM 11 OF OUR COLLEAGUES TO THE PUBLIC WORKS COMMITTEE

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 24, 1972.

Hon. JOHN A. BLATNIK,
Chairman, Committee on Public Works, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We understand that your committee will soon report out H.R. 11896, with amendments, consistent with the policies and goals that your committee announced last December 15. Several features of the legislation, as we understand it, give us some concern. We take this opportunity to indicate which ones they are and to make some suggestions about them.

1. *The Fish and Wildlife Coordination Act.*—Section 511(b) of H.R. 11896 makes the Coordination Act specifically applicable to the sections of the bill on national standards of performance, the publication of information and guidelines regarding water quality, and the establishment of ocean discharge criteria. We support this broadened application of that Act. But, in broadening the Act, the bill also weakens the Coordination Act by making it inapplicable to the new permit program established under section 402 of the bill.

The Senate bill includes this same limitation.

When President Nixon issued Executive Order 11574 establishing the Refuse Act permit program, the then proposed Corps of Engineers regulations also limited the Coordination Act in regard to its applicability to Refuse Act permit applications. After joint hearings by the House Conservation and Natural Resources Subcommittee and the Senate Subcommittee on the Environment in February 1971, at which many of us spoke out against such a limitation, the Corps agreed it was inappropriate and dropped it in promulgating its final regulations last April.

We urge that section 511(b) of H.R. 11896 be amended so that the Coordination Act is applicable to the new permit program. This will insure that State fish and game agencies, N.O.A.A., and the Fish and Wildlife Service will have the same opportunity to review and comment on these permit applications as they now have in the case of *all* permit applications filed under the River and Harbor Act of 1899.

We think that such review and comment by these agencies is essential for the protection of the Nation's fish and wildlife resources.

2. *The Refuse Act of 1889.*—Neither H.R. 11896 nor the Senate bill (S. 2770) repealed the Refuse Act of 1899 or amended it so as to make it ineffective as an anti-pollution tool. Your committee's announcement on the bill stated that "no new permits" would be issued "under the Refuse Act." Presumably that did not mean that the law itself would be affected. However, a number of suggestions recently have been made to repeal, in effect, the 1899 law as an anti-pollution tool.

We think such a step would be disastrous and urge that you not do so.

On January 29, 1972, an Assistant United States Attorney in New York told the New York State Bar Association that the 1899 law "has emerged as the primary pollution abatement statute . . . for the simple reason that it, alone, has proven enforcible . . . (and) that the Refuse Act has developed into a superior enforcement tool for the betterment of our environment." In grading the Refuse Act, he said:

"It has and is creating a climate in which industry—the potential defendants—now feels a growing certainty that it can no longer pollute with impunity; and:

"It has and is creating a climate in which local and state agencies can become more stern in their enforcement policies.

"Much remains to be done. But in my opinion, there could not be a more explicit mandate than is now found in the Refuse Act; nor could that be a more workable scheme of enforcement than has evolved under the present statute."

We concur with his remarks.

The 1899 law has given concerned citizens and citizen groups an opportunity to participate with their Government in halting the pollution of our waters. If Congress effectively repeals the Refuse Act as an anti-pollution tool, the credibility of the Government's anti-pollution effort will be severely strained.

We urge that you retain the 1899 law as a "pollution abatement statute."

3. *The National Environmental Policy Act of 1969.*—Section 511(d) of H.R. 11896 provides that the "requirements" of NEPA "as to water quality considerations shall be deemed to be satisfied" by a certification issued by a State with respect to Federal licenses or permits involving a discharge into navigable waterways. This would include licenses or permits issued by the Corps, Environmental Protection Agency, Atomic Energy Commission, Federal Power Commission, and other agencies.

We are concerned about the meaning and scope of this provision. First, the word "requirements" includes the directives in section 102(1) of NEPA that all "policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies" of NEPA. Second, it includes the directives in section 102 (2) of NEPA that all agencies "utilize a systematic, interdisciplinary approach" in planning and decision making "which may have an impact on man's environment." Third, this word includes the directives in section 102(2)(C) that a detailed environmental impact statement be prepared in the case of actions that "significantly" affect the quality of the environment. Such an amendment would result in a serious weakening of NEPA and be disastrous for our environment.

Since enactment NEPA has caused needed revisions of Federal agency procedures which are enabling the public to have a more substantial input into agency decisions. It has broadened the opportunities of Federal, State and local agencies to express their views on the environmental effects of Government actions. Federal agencies have given greater attention to the environmental effects of their proposed actions.

The requirement that Federal agencies prepare environmental impact statements has given Federal agencies an opportunity to face the problems of pollution early. They look at them while they are still of manageable proportions and while alternative solutions are still available, rather than wait until it may be too late.

We feel certain that your committee does not want to make changes in NEPA that would weaken its effectiveness. At the same time, we recognize your committee's desire to insure that water quality determinations, in the case of discharges, are made only by EPA and not by a multitude of agencies. We could support a provision in the bill that makes that clear, so long as other environmental considerations, not solely in EPA's province or expertise, such as the location of the discharge facility or plant and fish and wildlife considerations, are not circumscribed by such a provision. We think they would be if the current language of H.R. 11896 was adopted.

Some suggestions have recently been made that the environmental impact statements requirement of NEPA be waived in the case of permits issued under section 402 of the bill or the Refuse Act. The fear expressed is that, if such statements are required, the permit program will be bogged down.

The Government, in the *Kalur* case, is

contending that such statements are not required for Refuse Act permits. In that case, the Federal district court held that they are required. The Government has appealed. We think that Congress should await the outcome of that decision and not act hastily by amending NEPA. In the meantime, the House Merchant Marine and Fisheries Committee will hold hearings in a few weeks on NEPA, at which time we are sure that better evidence about the seriousness of the problem will develop.

4. *Employee Protection.*—We are deeply concerned about the problem of industrial plant closings, with the resultant loss of jobs and economic disruption to communities. All too often, the reasons ascribed by industry for such closings are governmental requirements established to protect and enhance our environment. We have seen examples of plant closings in one State and the production of that plant shifted to another State. In some cases, governmental antipollution requirements may result in such closings, but more often than not, other factors, such as age and size of the plant, are the root cause.

This is a serious problem; one that could seriously undermine efforts to improve water quality.

We think that H.R. 11896 must provide the means for resolving this problem and protecting the Nation's work force.

We think this problem could be helped if EPA is given an opportunity to review permit applications, and, where appropriate, reject those not environmentally sound, and if EPA establishes minimum effluent requirements on an industry-wide basis. With these two measures, there would be better assurance that a company would not "shop around" to locate a plant in a State with less strict antipollution requirements.

We also urge the following as a solution to this problem:

First, there should be a continuous detailed Federal investigation, including hearings, of industry to determine potential employment loss from enforcement of the Federal Water Pollution Control Act, particularly where the employer alleges the closure is due to such enforcement.

Second, where a closure does occur, prompt economic assistance should be provided to laid-off workers and, if necessary the community affected.

We note that representatives of labor have furnished your committee with proposals relating to these matters. We urge sympathetic consideration of these.

5. *National Academies Study.*—Section 315 of the bill calls for a study by the National Academy of Science and the National Academy of Engineering "of all aspects of the total social and economic effects of achieving or not achieving" the 1981 requirements and 1985 goals set forth in the bill. We think that such a study will be quite useful. However, we do not think the study should delay implementation of them.

The NAS–NAE study will take two years to complete. Thus, it will be 1974 before Congress could even begin to evaluate the study results and act. We think this is too long a period to wait.

By establishing these requirements and goals now, we will be encouraging long-term planning by industry, and, most importantly, the development of technology to achieve them. On the other hand, by postponing their establishment, we will be increasing the costs of eventually cleaning up. Polluters will install technology to meet the bill's earlier 1976 requirements which may be incompatible with the control methodology needed to meet the later stronger requirements; if industry knew this earlier, it could act responsibly and install the needed technology. Industry deserves to know now what will be expected down the road. Establishment of these requirements and goals will also make industries see that it is to their advantage to join with municipalities in regional treatment systems. If industries see only low control requirements on the horizon, many of them will believe they can do the job more cheaply by themselves, thus forcing our municipalities to go it alone in these systems and sacrificing savings that would come with larger scale operation. The 1981 requirements specifically provide for "taking into account the cost of such controls," direct that the requirements only be implemented when they can be carried out at a "reasonable cost," and, in another section, require a balancing of costs and benefits before imposing high controls.

If the NAS–NAE study shows that the 1981 requirements and 1985 goals are unrealistic, we feel sure that Congress will respond. But we should not, in one part of the bill, tell the public we are establishing goals and then, in another part of the bill, tell the public that the goals are ineffective until Congress passes a new law several years later.

We urge that these goals be established now.

6. *Citizens' Standing to Sue.*—The bill provides for citizen participation through citizen suits, but adds restrictions and limitations. concerning the citizens' standing to sue.

The question of "standing" is peculiarly a judicial principle. It ought to be left to the courts to determine who has "standing" sufficient to complain about a substantive violation of law. But the bill proposes to limit such "standing" by at least two devices:

First, it would allow only those "citizens of the area where the direct interests are affected" to initiate suit. It does not define what "area" is involved, or what is a "direct interest." Presumably, however, a citizen of Texas, no matter how much property he might have around San Francisco Bay, would be ineligible to complain about pollution of the Bay, because he is not "a citizen of the area." Even if he is a citizen of the San Francisco Bay area, the addition of the words "where the direct interests are affected" in conjunction with the matter of the citizen's "standing" seems to imply (or at least may lead to the interpretation) that the interest affected must be that citizen's "direct interest." This, in effect, would allow only owners of property which is "directly affected" to challenge the violation of antipollution controls, and would exclude the citizen concerned over degradation of esthetics, scenic view, and water recreational opportunities.

The second device, by which the bill would limit citizen participation, is that only those groups which have participated in the administrative process will have standing to initiate any litigation. All too often the administrative process is either clothed in secrecy, or affords so little time that citizen groups cannot adequately prepare to challenge a permit, or a polluting discharge, in the hurried administrative procedure. Then, having been edged out of the administrative proceeding, they will, under this bill, find themselves foreclosed from "standing" for seeking judicial relief.

We urge that these limitations be stricken from the bill.

We appreciate this opportunity to present our views and comments to you. We stand ready to provide to you appropriate amendments to carry out our recommendations. We have the support of a broad spectrum of labor, environmental, consumer, professional, and other organizations in regard to all of these matters.

With every good wish,

Sincerely yours,

Henry S. Reuss, Thomas P. Pelly, John E. Moss, Gilbert Gude, John H. Dent, Silvio O. Conte, John D. Dingell, John P. Saylor, Lucien N. Nedzi, Dante Fascell, Floyd V. Hicks.

N. THERE FOLLOWS EPA'S SUMMARY OF NOVEMBER 1, 1971, OF THE "POSITIVE ASPECTS" OF THE REFUSE ACT PERMIT PROGRAM

Positive aspects, Office of Refuse Act programs, environmental protection agency

In recent months we have seen positive action, on the part of industry as a result of the Permit Program. The following are a few positive aspects; more are available on request.

1. The Fairfax Drainage District near Kansas City had a storm sewer that received industrial discharges from 65 companies and dumped them into the Missouri River. The Kansas City Sewage District had agreed to accept this discharge of industrial waste and to treat it, but a connecting valve had not been installed, even though the transmission lines were complete. Because of the Refuse Act Permit Program, and a 180-day notice, the valve has been installed and the waste is being treated.

2. It was agreed upon at the Beet-Sugar Conference held in Denver that the industry should completely recycle process water within two years which will reduce the amount of pollutants entering streams from this industry.

3. CPC, International Corporation, in Kansas City, Missouri became aware of fecal coliform and fecal strep in its discharge as a result of the Refuse Act Permit Program application. The company has agreed to find the source of this discharge.

4. Bancroft Dairy of Marquette, Mich., installed a lagoon in October to completely halt any discharges from its dairy operations.

5. Benton Harbor Malleable Ind., Benton Harbor, Mich., discharged its wastes via a sunken outfall to waters which flowed directly into Lake Michigan. The Company has now connected to a municipal treatment system for treatment of its wastes.

6. Sunstrand, Corp. contacted the EPA Permit Branch in Denver requesting information on effluent guidelines, chromium treatment and new legislation. They indicated that pre-treatment, recycle and chromium recovery will be included in their next capital budget.

7. Crown Prince Pet Foods of North Platte, Nebraska applied for a permit to discharge from holding ponds. A permit review found a discharge to a combined sewer, hence to the North Platte River. The access to the combined sewer had been ineffectively plugged with sandbags. Nebraska directed the city of North Platte to plug the access with concrete, which they did.

8. Midwest Rendering of Belleville, Kansas has been discharging into the Salt Creek, a tributary of the Republic River, without treatment for 15 years. They have now agreed to construct temporary facilities by January 1, 1972 and permanent facilities by January 1, 1973.

9. Instrument companies, such as the Beckman Company, which manufactures laboratory testing equipment, have reported that their sales have increased considerably due to the Refuse Act Permit Program.

10. A New England Power Company applied for a State permit, but the State refused to issue one on the basis that the Company's discharge had high heat content. The company started negotiations with the State and with EPA in order to reach an agreement on the discharge. The Company has now begun to cooperate by gathering data on its waste and, working in its labs, to develop a new means of discharging in order to diminish the heat and its effects.

11. States set overall implementation dates for discharges, whereas EPA may set a schedule for each parameter. For instance EPA met with GAF, a New Jersey Chemical Company, to discuss specific parameters and implementation schedules for mercury and other constituents.

12. GAF also claims that it has benefited from meetings with the Permit staff because,

by studying one installation, it has been able to review plans for future facilities and discharges.

13. Many companies have expressed the problem of contending with the variety of State water quality standards, hence giving some companies an advantage over others, depending on the State in which they are located. The Refuse Act Permit Program can help in creating national water quality standards.

14. The Program has identified and is limiting toxic constituents in process water which were previously uncontrolled by the industry.

O. CONCLUSION

We strongly urge other Members to join with our eleven colleagues in support of strengthening amendments to this very important water pollution bill.

CHARLES B. RANGEL.
BELLA S. ABZUG.

ACTIVITIES OF THE COMMITTEE OF BLACKS AGAINST OPPRESSION ON RHODESIAN CHROME

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. DIGGS. Mr. Speaker, I wish to call the attention of my colleagues to the commendable efforts of a group of concerned persons in New Orleans which has formed The Committee of Blacks Against Oppression. Their primary focus is U.S. policy with respect to Rhodesia, and particularly the implementation into the United States of Rhodesian chrome in violation of U.S. legal obligations under the United Nations Charter.

On March 22, 400 to 450 students, faculty, and administrators from Southern University went to Burnside Terminal Co. Five representatives of the group spoke to the president of the company and with the members of the labor force there, and expressed their grave concern over the issues involved. During these discussions, the students met with a New Orleans Parish legislator who read a statement by State representative Dorothy Mae Taylor.

I insert into the RECORD the text of the committee's statement of March 10, as well as their release on actions planned by the committee in connection with the impending arrival in Burnside, La., of the ship bringing chrome from Rhodesia:

STATEMENT OF THE COMMITTEE OF BLACKS AGAINST OPPRESSION

Men and women throughout the world who still have a decent respect for the principles of democratic majority government are continuing to express strong opposition to the recent turn in American foreign policy towards Africa. By various ways the United States has shown itself to be pursuing a course in foreign affairs which will align it with remaining colonial governments in the world where a small elite of people rule the majority without even minimal political rights. Examples of this policy include the agreement to buy a fixed quota of sugar from South Africa; the special Executive Agreement by Richard Nixon to extend a half-billion dollars worth of loans and other credits to Portugal and, finally, the reopening of the American consulate in Rhodesia and the actual approval of the importing of chrome from that country. Taken together what these policies mean is that American leadership is giving actual support to the countries in which a minority of whites deny, by violent means, political rights to a majority of black people. Our Committee of Blacks Against Oppression is especially concerned about the case of Rhodesia.

Rhodesia is a country in Southern Africa populated by the Zimbabwe people who number about five million. The country is a former British colony and has a population of white settlers of about 250,000. The British had planned to grant independence to Rhodesia back in the middle sixties but had insisted on a constitution which would insure majority control of the government. This means that blacks would have been in control because of their overwhelming numbers. The white settlers in Rhodesia rejected this and declared themselves an "independent" colony and organized a government with all powers in the hands of the white minority. Though this happened in 1965 no government in the world to this time has granted diplomatic recognition to Rhodesia. Some background would include the following key events:

1965—November 11. A clique of whites led by Ian Smith declared themselves independent from Britain in an effort to prevent equal participation by black population in the government.

1965—November 12. The United States voted in support of United Nations resolution to condemn the illegal declaration in Rhodesia.

1965—November 20. The United Nations passed a resolution asking all member states to voluntarily refrain from trading any goods with Rhodesia which would aid the illegal regime.

1966—December 16. The United Nations passed a resolution imposing mandatory restrictions on trade with Rhodesia. The restrictions were selective and covered twelve (12) items one of which was chrome. The United States voted to support this resolution.

1968—May 29. In an effort to develop stronger sanctions the United Nations strengthens earlier resolutions to impose a virtual total embargo on any trade with Rhodesia.

1970—March 17. The United States closed its consulate in Rhodesia in a gesture of disapproval of the Smith government. It was a empty effort, however, because on the same day the U. S. used its veto power for the first time in history to block a United Nations' resolution that would have enabled the organization to actively confront the illegal government in Rhodesia.

1971—October. A coalition of Southern Democrats and Western Republicans added a section to the Military Procurement Act to lift restrictions on importing goods from Rhodesia. The group of Congressmen were strongly supported by the Union Carbide Company and the Foote Mineral Company both of which are now importing chrome to the United States.

1971—November 24. The British and Rhodesian leaders met and the whites decided to legalize the Rhodesian government by agreeing to a new constitution which would insure white minority rule, with token black participation, until the next century.

1972—January. A British Commission to survey opinions in Rhodesia on the November agreement is unable to find more than one (1) black person in over fifty public meetings who will voice approval of the new constitution! Indeed the Africans rebel in several towns to demonstrate their disapproval of the pact made by the white leaders.

1972—January 24. The United States Treasury Department issues an interpretation of the Military Procurement Act which suggests that over seventy (70) items could be imported from Rhodesia. Rhodesia is known to produce at least fourteen (14) of the items.

1972—March 15. It is expected that a ship will arrive at Burnside, Louisiana loaded with chrome illegally transported from Rhodesia. The chrome is being imported by the Foote Mineral Company. A second ship will come to America later in the month with chrome for the Union Carbide Company.

There has been strong opposition to this course in American foreign policy. Professional and community organizations throughout America have expressed absolute disapproval and have tried to show the injustices of such a policy. We are opposed to American trade with Rhodesia for two reasons:

(1) It violates universally accepted principles about political life which hold that government should be based on majority rule with specific protections for minorities. Rhodesia is a political tyranny completely controlled by a minority white population.

(2) Secondly trade with Rhodesia is in violation of international law. The United Nations, with the support of the United States, has imposed mandatory sanctions on trade with Rhodesia and the shipment of chrome coming to Louisiana clearly puts the United States in violation of this international law. It is ironic that those who cry law and order at home should be so callous in their disrespect for the law in this particular circumstance. Finally as black Americans, who have suffered so often the injustices of racism and political corruption, we look with special displeasure on this transaction. Racism abroad, like racism at home, must be resisted with all the power and strength that we have. Black Americans will not tolerate a Vietnam in Africa.

The ultimate danger of the foreign policy of the United States in Southern Africa and specifically in Rhodesia is still more tragic. It is perhaps summed up best in a public information release of the U.S. State Department: "To ignore the Security Council's resolution would constitute a serious violation of U.S. obligations under the United Nations Charter. Also, our failure to comply with the resolution would undermine the authority of the United Nations, whose overall contribution to world stability and peace we value and seek to enhance." Our Committee thinks that this assessment is correct. But after seeing actions by the government we can only conclude that they do not practice what they preach. The importing of chrome from Rhodesia is a serious violation of these principles and actually serves to disrupt international peace.

The Committee of Blacks Against Oppression support the following actions:

(1) We call for an immediate halt to the execution of those sections of the Military Procurement Act of 1971 which authorize the importing of goods from Rhodesia;

(2) We call for practical American support towards strengthening the powers of the United Nations by improving the ability to enforce authorized sanctions;

(3) We call for an immediate congressional investigation to evaluate American Foreign Policy dealings with colonized African peoples. We specifically urge a full scale investigation of the Executive Agreement, of December 9, 1971, with Portugal;

(4) We support the recommendations of U.S. Congressman Diggs as expressed in his memorandum to the President; and

(5) We call upon all citizens to refrain from dealing with those private companies in the United States which import goods from Rhodesia in violation of fundamental human rights.

Right now. Union Carbide and Foote Mineral.

ATTENTION

MARCH 10, 1972.

Sometime during the next week, an Argentine vessel, the *Santos Vegas*, is scheduled to dock for unloading at the Burnside, Louisiana terminal on the Mississippi River. The cargo aboard this vessel is 25,000 tons of chrome from Southern Rhodesia (Zimbabwe, in Southern Africa.)

As you should know, such trade between United States industrialists (namely the Foote Company and Union Carbide) and Rhodesia is in violation of United Nations policy which prohibits commercial exchange between member nations and the apartheid (racist) regime of the minority white Rhodesian government.

The Black community here in Louisiana must register a complaint. Some details of the problem will be aired this afternoon (Tuesday, March 14, 1972) on Radio Station WXOK at 2:00 p.m. in Baton Rouge, Louisiana. In New Orleans state representative Dorothy Taylor has issued a statement on behalf of the Orleans Parish black legislative caucus condemning this illegal act and calling upon black Louisianians to resist this by every legitimate means.

All are encouraged to join with us in a public demonstration at the Burnside, La. docks on the date of the ship's arrival. The Black public will be notified when exact dates are known to us.

For further details: Committee of Black Against Oppression 766-3370, 771-5083.

QUOTAS BY ANY NAME SPELL DISCRIMINATION

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. BRASCO. Mr. Speaker, in recent weeks proposals have been advanced by various interested parties, including Federal representatives, to set aside quotas in educational institutions for minorities. Almost automatically, similar proposals have been offered to extend such reserved quotas to other areas of endeavor as well.

Some of the initiatives for such an undertaking have been coming from the office of Mr. Pottinger, of the Department of Health, Education, and Welfare. They are ill-conceived, impossible to effect in practice and discrimination in reverse. I oppose them and shall do all in my power to see that they never come to fruition as a Government program or action of any kind.

No person in the Nation with a shred of commonsense will deny the reality of our history and the shame our treatment of minorities brings upon us.

Yet it is wise to point out that each and every immigrant group that sought American shores was subjected to a variety of persecutions, discriminatory acts and second-class treatment. Further, these hostile acts and attitudes endured down to and including these days we live in now.

The Jews fled the horrors of Eastern European persecution, flooding into America only to be met with a different kind of bigotry and ghetto. For decades they endured exploitation, hatred, and discrimination, which endures in various forms to this day. Eventually, out of the sweatshops of the garment district emerged one of the finest flowerings of the American dream.

The same has been true of the Italians. They fled a poverty-stricken land dominated by foreign armies. The padrone system exploited them to the ultimate degree upon arrival here. Discrimination and slum living was their lot for decade after decade. Mulberry Street in New York is still there, and no historian alive will deny the actuality of what these people endured.

Jobs were closed to them. Trades were closed to them. Neighborhoods were closed to them. In New Orleans, lynch mobs hanged Italians at one time in our history. Institutions of higher learning were closed to them. Yet an inner fortitude prevailed as these citizens endured, labored, strived, and instilled in their sons and daughters a feeling for the Nation and a desire to overcome all obstacles. My presence on this floor today is living witness to the success of that dream.

The earliest and most classic example of success in this country was the Irish immigrant community. They came seeking religious freedom, political expression, and an end to famine. They were put to work doing America's drudgery for decades, yet the grandson of an Irish saloon-keeper, John F. Kennedy, became President of the United States. The Irish community is outstanding in every avenue of American endeavor today, and they did it without quotas.

I could relate one tale after another, all dealing with one or another immigrant group that shared the dream, sought it, was wounded because of it, and prevailed. Only the geographical locations and the dates may be somewhat different. Perhaps it was the Scandinavians. Or the Greeks. Or the Poles. Religions may differ. States may differ. Persecutors may differ. But the tale is basically the same, and so is the ending of the story.

Take any telephone book. Turn to the yellow pages. Look in any of the professional listings. Glance at the names. It is like a "Who's Who of Ellis Island." The grandchildren of the oppressed are arriving.

Jewish stockbrokers. Italian doctors. Polish engineers. Greek pharmacists. Name a profession and an immigrant group and the barriers are inexorably coming down. Why?

Because these people were allowed to make their own way to success on the basis of merit and ability. In spite of the artificial barriers erected in their paths—in spite of the cumulative hatred of those who despised a particular brand of "greenhorns"—they prevailed. No one set aside any particular place in a university or college or corporation and said, "This is for you only if you are of Irish descent." "This is for you only if you are Jewish." None of this transpired. It was unnecessary. Everyone understood the game and its rules in immigrant America.

Everyone got a fair chance at the starting line. All commenced the race equal, with no lead for anyone. The race went to the swiftest, and if the first ten races resulted in one man or another making it there first, then so be it.

We cannot repeal this set of rules. We cannot seek to impose a set of artificial standards upon modern America and its people in the name of redressing the balance of years ago. No person today should bear the onus of the blame for the crimes of yesterday against any group among us. Yet this is what the setting of quotas seeks in effect to accomplish.

What will this result in, if we yield the point and allow imposition of such quotas in educational institutions, unions, crafts or any other area of endeavor?

The standards of excellence established by so many of our institutions of higher learning will be eroded and replaced with something less. As a direct result, professional people of less than first-class caliber can and will be graduated from these institutions.

Imposition of quotas will also have the effect of shutting the door to equal opportunity in the faces of qualified students of other groups. Are we to turn away a young Italian-American or Jewish boy or girl from a medical school because the school already has its quota from their ethnic group?

Are we to demand and require a pharmacy school to admit and matriculate a student who is not as bright or who has much poorer credentials than another applicant, simply on the basis of the characteristics he emerged with from his mother's womb?

The entire situation is ludicrous, unrealizable and divisive in the extreme. Yet Mr. Pottinger's office at HEW is seeking to impose such quotas in the name of abolishing discrimination. Laudable as the goal may be, if it destroys more than it creates, what good is the effort?

And it is a sad fact that the proposals of this kind have stirred severe apprehension in many areas. In New York, certain public officials have eagerly leaped forward with suggestions on how to implement the HEW plans. It is obvious that such attempts will stir up enormous, even staggering reactions.

Most of all, however, they will create greater evil than they seek to rectify. Setting up a double standard at the expense of those who still seek to realize the American dream of improvement based on ability is to erode the mainstay of our society. The faith masses of people have built up and passed on to their progeny in mobility in our society will be hurt badly. To create and impose quota systems is to insure greater rather than lesser divisiveness in our Nation.

Educational opportunity cannot be limited by use of standards. This Nation is entitled to see her best minds develop as far and as fast as possible. Artificial restrictions are the ultimate injustice to natural ability. It was just such unfairness that the early immigrants sought to avoid when they came here.

History again tells the tale. The Italian peasant could not send his child to school because he was a peasant. The Jewish denizens of the Pale could not send their children to institutions of higher learning because they were Jews. Are we to resurrect the same effective discrimination against the grandchildren of these people in the name of equality today? I discern an ultimate irony here, and do not believe it is going to be successfully imposed upon the people of this country. Mr. Pottinger, take notice.

THE U.N. THREATENS THE UNITED STATES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. RARICK. Mr. Speaker, a recent poll conducted by the Manchester Union Leader revealed that of the more than 2,000 respondents 83 percent favored the United States getting out of the United Nations and 94 percent wanted the U.N. to get out of the United States.

In an informative article on the background of the United Nations Organization appearing in American Opinion of January, 1972; Gary Allen, film writer, author, journalist and lecturer, concludes:

> Certainly the U.N. has not brought peace to the world. During the first twenty-five years of its existence, noted the "Liberal" Houston Chronicle for September 25, 1971, there have been seventy-five wars! Since the inception of the U.N., over one billion people have been enslaved by the Communists. This is a peace organization? The fact is that the existence of the U.N. makes war neither more nor less likely. But our continued participation in it could well guarantee our eventual enslavement. The U.N. is not harmless. It is not a guarantor of peace. It is a Trojan Horse and a death trap. It is a threat to our national security.

Senator William Langer, who voted against adoption of the U.N. Charter, said in 1945:

> I feel from the bottom of my heart that the adoption of the Charter . . . will mean perpetuating war. I feel that it will mean the enslavement of millions of people from Poland to India, from Korea to Java, as well as people in many other places on the earth.

Senator Langer's prophecy was to be confirmed in the succeeding years—with the most terrible consequences for the American people still to unfold unless we extricate ourselves from the atheistic world body.

There can be no United Nations and at the same time a United States. One cannot give dual allegiance to the U.N. and to the United States of America. For the U.N. to advance or grow in effectiveness, the sovereign United States with our constitutional liberties and our traditional living standards and culture must be diminished or destroyed.

The time has come to get the United States out of the U.N. and to get the U.N. out of the United States. I remind our colleagues that my discharge petition No. 10 is at the clerk's desk awaiting signatures to discharge H.R. 2632, a bill by Mr. SCHMITZ of California, "to rescind and revoke membership of the United States in the United Nations and the specialized agencies thereof and for other purposes."

I include a related newsclipping and the text of the article "Get Us Out! The U.N. Threatens the United States" by Gary Allen in the RECORD at this point:

[From the Manchester (N.H.) Union Leader, Nov. 19, 1971]

THE NATION IS CATCHING UP

It is obvious that the nation is catching up.

Last week the Gallup Poll reported the results of its latest survey concerning American opinion about the U.N. It showed 43 per cent of the people feel the UN is doing a poor job.

As a matter of fact, since 1945 when the UN was midwifed by Alger Hiss and there was a 20 to 1 approval by the American public, its popularity quotient has been going steadily down. In 1970, for example, 40 per cent thought it had a poor record. Three years before that only 35 per cent questioned the validity of its efforts.

The recent poll conducted by the Union Leader was much more conclusive. Here the survey, in which more than 2,000 people responded (as opposed to 1,562 in the Gallup Poll), showed 83 per cent of the respondents in favor of the United States getting out of the UN and 94 per cent wanting the UN to get out of the United States.

It is encouraging that Gallup's national sampling indicates a trend toward the down-to-earth common sense for which New Hampshire people in general—and Union Leader readers in particular—have long been noted.

[From the American Opinion, January 1972]

GET US OUT! THE U.N. THREATENS THE UNITED STATES

On October 25, 1971, the United States of America suffered a severe kick in the teeth when the United Nations General Assembly voted 76 to 35 to oust the legal Government of China and replace it with representatives of Mao Tse-tung. The *New York Times* reported that, after the voting, "For long minutes the packed hall rang with applause and cheers for the winners. There was rhythmic clapping." The word "gleeful" was generally used to describe those who had voted to oust the peaceful government of America's staunchest ally, Chiang Kai-shek, and seat in his place the world's premier warmongers. Symbolically and appropriately the delegate from Communist Tanzania danced the Watusi when the results of the vote were announced.

Our Ambassador to the United Nations, George Bush, maintained that we had seen the "hatred" of America as it really exists in the United Nations. "The mood of the General Assembly that night was ugly. It was something harsh," said Bush, noting that he had been roundly hissed as he rose to speak. Walter Trohan of the *Chicago Tribune* observed:

"... the expulsion of Nationalist China demonstrated clearly, if further demonstration were necessary, that we have few, if any friends, anywhere. Those nations we saved in World War II and those nations we helped on their feet after the war voted against the retention of Nationalist China in the U.N."

Even "nations" whose very creation we supported and financed joined in the chorus of anti-Americanism. Four of the six Common Market nations voted against us: Belgium, France, The Netherlands, and Italy. (Of the other two, West Germany is not a U.N. member, and Luxembourg bravely abstained. Also voting against us in this important test were our N.A.T.O. "allies" Britain, Canada, Iceland, Portugal, Turkey, Norway, and Denmark.

As high officials in the Nixon Administration have maneuvered to blame the defeat on assorted Ethiopians in the fuel supply, it has become more and more obvious that the vote was fixed from the start. One remembers that according to *Human Events* for September 25, 1971:

"President Nixon handed Peking a handsome gift last week, making his offering only five days prior to the opening of the General Assembly of the United Nations. In his extemporaneous press conference, the President, announcing a fresh "Sellout Taiwan" doctrine, stressed that the United States would not only welcome Peking into the U.N., but that we also wanted it to sit on the all-important Security Council. He further demonstrated that the U.S. favored the eviction of Taiwan from the Security Council—this without Red China having relinquished a single concession to the U.S."

Mr. Nixon had already greased the skids with his announcement that he would journey to Peking to pay homage to the oriental despot, Mao Tse-tung. But, for the sake of appearances, Ambassador Bush made a clumsy effort to resist the Albanian resolution to oust the Nationalist Government. And while Mr. Bush was pushing one policy for the television cameras, the real Nixon policy was being spelled out privately. As the New York Times reported October 26, 1971, the President was "flashing one political signal while the United States seemed to be pursuing another in the United Nations."

The next day, in the Los Angeles Times, the syndicated "Liberal" columnist Robert Elegant observed:

"The long arm of coincidence can stretch only so far. It was hardly coincidence that placed Dr. Henry Kissinger, the President's guru for foreign affairs, in Peking at the precise moment the United Nations was voting to admit Communist China and expel Taiwan . . . .

"The adroit orchestration of Kissinger's visit, American maneuvering at the United Nations, and Peking's ritual denunciation of that maneuvering, revealed a high level of practical cooperation . . . Such understanding is the necessary basis of joint action to attain common purposes . . . .

"The United States appeared to be striving to save Taiwan's seat in the General Assembly, while admitting Peking to the Security Council. That appearance was almost—but not quite—believable. After all, Washington knew Peking would not accept half a loaf . . . .

"Once the President announced his intentions of visiting China, it was a foregone conclusion that Peking would get in and Taiwan be expelled. The Administration simply could not imperil the visit and the burgeoning Sino-American relationship by excluding Peking . . . .

"Actually, Washington's ostentatiously warmer attitude toward Communist China insured her admission. Wavering nations knew that voting for Peking would not really offend the United States."

Mr. Elegant cheered this sellout of our best ally in favor of our worst enemy, describing it as "creative hypocrisy." He said it was necessary to obtain "the created purpose of gaining the U.N. seats for the People's Republic, which actually administers the vast mainland and some 750 million Chinese."[1] And Robert Elegant assures us, as have so many others, that "Peking's admission will not only strengthen the U.N. peacekeeping capacity, but will, at the least, open the door to U.N. activities like arms-limitation and nuclear-test ban talks." Meanwhile, according to Elegant, Mr. Nixon's "creative hypocrisy" will validate his credentials as a statesman.

The Ambassador from Pakistan, who voted to admit Red China and expel Free China, saluted our President's "creative hypocrisy" by declaring: "I would like to acknowledge that President Nixon's new policy contributed to the victory." Ambassador James Shen of Nationalist China praised Mr. Bush's efforts in behalf of free China, but added sardonically, "there seems to be a lack of coordination with the White House." Columnist Willard Edwards wrote that Shen "hoped it wasn't deliberate."

Anybody has the right to hope.

Part of the charade called for Mr. Nixon to be outraged appropriately with the consequences of his own acts. After all, millions of Americans had watched via television as the U.N. humbled our country and cheered the defeat. But the Presidential press secre-

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Footnotes at end of article.

tary, Ronald Zieglar, assured newsmen that the "defeat" in the General Assembly "will not affect our policy," and that Mr. Nixon has "no intention to retaliate." And Ambassador Bush vouched for the fact that the Nixon Administration, which even refused to use its veto in the Security Council to block the seating of the Maoists, will continue to support the virulently anti-American U.N. no matter what. As Ambassador Bush put it on November 1, 1971:

"We are prepared to face this reality and act in accordance with it . . . even though it may cause us some grief, some arguments, some criticism. . . . Quite obviously it is going to take on what some have said is a bipolar institution and triangulate the power. Certainly with Peking coming into the Security Council seat we are going to have at a minimum a triangulation of power. I think you'll see Peking doing what many have predicted—championing the Third World developing nations or attempting to. . . . President Nixon has always supported the U.N. and will continue. We have no plans to do anything else."

When Ambassador Bush was running for the Senate from Texas in 1964, he took quite a different attitude. At that time he maintained: "If Red China should be admitted to the United Nations, then the United Nations is hopeless, and we should withdraw." And of course, Mr. Nixon built much of his political reputation on his own fervent opposition to the admission of Red China to the U.N. Richard Nixon was even a member of the Committee of One Million, the largest organization devoted exclusively to fighting the admission of the Maoist Government to the United Nations.[2]

During his 1968 quest for the Presidency, on the nineteenth of April, Mr. Nixon proclaimed:

"I would not recognize Red China now, and I would not agree to admitting it to the United Nations, and I wouldn't go along with those well-intentioned people that said, "Trade with them, because that may change them." Because doing it now would only encourage them, the hardliners in Peking and the hardline policy they're following. And it would have an immense effect in discouraging great numbers of non-Communist elements in Free Asia that are now just beginning to develop their own confidence."

Richard Nixon no longer even refers to Communist China as Red China, but by Mao's ludicrous title: The People's Republic of China. After all, only ten days after taking office he had directed Henry Kissinger, his national security assistant, to lay plans for embracing Peking. One result was the orgy of anti-Americanism which accompanied the expulsion of Nationalist China from the United Nations.

In the wake of what has been described as a diplomatic Pearl Harbor, many Americans are for the first time willing to take a second look at the United Nations. In order to understand the U.N. and the threat it poses to American liberty, one must go back to its dusty antecedents and examine the plan and the planners.

A world government under a Parliament of Man has been an ideal of dreamers and schemers since ancient times. The dreamers envision perpetual world peace; a utopia in which the lion will sup with the lamb instead of dining on its carcass. The schemer bedazzles the dreamer with visions of permanently eliminating war, pestilence, famine, and want. He plays the "idealists" as Heifetz plays the violin. The schemer has other, less laudable goals.

Among the most important of such schemers have been powerful international financiers and cartelists. Their goal was described by Mantagu Norman, former head of the Bank of England, who said they seek to assure that "the Hegemony of World Finance should reign supreme over everyone, everywhere, as one whole supernational control mechanism." This hegemony, or domination, can only be established through a world government controlled from behind the scenes by the *Insiders* of international finance.

The leading representatives in America of this worldwide clique were the firms of J. P. Morgan & Company and Kuhn, Loeb & Company. Members of these international banking concerns were primarily responsible for creating the Federal Reserve System in 1913, which gave them hegemony over America's banking system and, thereby, essential control over our economy.[3] Next these same men, largely through their control over key newspapers, and through "Colonel" Edward Mandell House, their front man who was the Henry Kissinger of the Wilson Administration, worked mightily to push America into World War I. From the ashes of the "war to end all wars" the *Insiders* of international finance hoped to create a world government, the League of Nations, which would serve as a conduit for extending their hegemony over all world commerce and finance.

One of the most important agents in this scheme was an operator named Theodore Marburg. Born in Maryland, an ardent scholar and successful businessman, Marburg had gone to Oxford University in 1893 to take a special course in economics and political science. There he had been initiated into the conspiracy as a member of the Fabian Society and, according to Woodrow Wilson's biographer Jennings Wise:

"His studies brought Marburg to the conclusion that the liberalization of the governments of the world through the medium of a league of nations, with power residing in the hands of the international financiers to control its councils and enforce peace, would prove a specific for all the political ills of mankind!"

Returning to America, Marburg was supported by international financiers in a spectacular rise in the Republican leadership, and at the same time he began founding organizations to "preach Fabianism" among American intellectuals. It was Theodore Marburg who founded the American Association for International Conciliation (and later the League to Enforce Peace) around such magnates of finance as Andrew Carnegie, Paul Warburg, Otto Kahn, Bernard Baruch, and Jacob Schiff.

But Marburg was handicapped because of his reputation as a Republican. When it became apparent that only the Democrat Party was likely to promote the Federal Reserve System and assure passage of the Income Tax Amendment, Marburg was assigned the job of finding his own "opposite number" within the ranks of the Democrats. The task proved remarkably simple. Theodore Marburg contacted "Colonel" Edward Mandell House, a behind-the-scenes manipulator in the Democrat Party whose views paralleled Marburg's almost exactly. House was commissioned to find a Democrat candidate for President whom he could control. The man he found was Woodrow Wilson, who later described House as "my alter ego" or second self. It was through Marburg and House, serving as agents for international finance, that Wilson was sold the idea of championing a League of Nations.

At the same time that the *Insiders* of international finance were attempting to create a League of Nations they were also sponsoring and financing the Communist Revolution in Russia. The Bolsheviks were bankrolled by a consortium of bankers, many of them cousins, from Wall Street, London, and Frankfurt. While J. P. Morgan & Company and the Rockefeller interests participated, the chief American sponsor was Jacob Schiff, a senior partner of Kuhn, Loeb & Company and an active sponsor of Fabian agent Theodore Marburg. As the *New York Journal-American* reported on February 3, 1949: "Today it is estimated, even by Jacob's grandson, John Schiff, a prominent member of New York society, that the old man sank about $20 million for the final triumph of Bolshevism in Russia."

Why did *Insiders* of international finance support a movement whose ostensible purpose is to assure their own destruction? The answer is that they needed a geographical base for their revolutionary operations. Soviet Communism would serve as the sword while the Fabian movement promoted Socialism in the West by use of the pen. Here were two arms of the same movement, with the violent arm distracting attention from the ultimately more dangerous nonviolent arm.

Following the Armistice of November 11, 1918, Woodrow Wilson journeyed to Paris, accompanied by House, Thomas Lamont (a partner of J. P. Morgan & Company) and Paul Warburg (a partner of Kuhn, Loeb & Company).[4] A member of the delegation, Professor George Herron, is quoted by the Paris Herald Tribune of May 21, 1919, as observing:

"I have said that certain great forces have steadily and occultly worked for a German Peace. But I mean, in fact, one force—an international finance to which all other forces hostile to the freedom of nations and of the individual soul are contributory. The influence of this finance had permeated the Conference. . . ."

According to Professor Herron, one of the chief goals of the international financiers at Paris was to achieve "a recognition of the Bolshevik power as the *de facto* government of Russia."[5] However, European representatives, living in fear that the Bolshevik match might ignite a revolutionary tinderbox all over the Continent thwarted the Insiders working to achieve this goal.

And, while Wilson and House bargained in Paris, disillusion was rapidly setting in back on Main Street. As the Peace Conference dragged on it became more and more obvious to Americans that the War had not been a moral crusade at all, but had resulted from the machinations of venal politicians whose specialty was secret treaties hidden behind secret treaties—all for the benefit of the Insiders of international finance. The American people quickly became skeptical about any involvement with such intriguers in a League of Nations. Facing a furious electorate the Senate dared not ratify the treaty and the U.S. did not join the League. Without America the League of Nations was like a cotton plantation without cotton.

But the Peace Conference was far from a total disaster for the conspirators. The Versailles Treaty, which betrayed the terms upon which Germany had agreed to an armistice, was so written as to guarantee that within two decades the world would once again face general warfare.

The Insiders, anticipating a second chance, were determined to learn from their mistakes. They quickly established organizations in the major Western countries to propagandize for internationalism and idealize the concept of One World government. At the same time they made every effort to encourage government policies aimed at furthering these objectives. The instrument they created to promote these goals in the United States is called the Council on Foreign Relations,[6] and the man most responsible for its creation was the ubiquitous "Colonel" Edward Mandell House. Joining House in founding the C.F.R. were such international financiers as Schiff, Lamont, Warburg, Kahn, Rockefeller, and Baruch—the very men who had been so anxious to collar the United States into the League of Nations. Stripped of its claptrap, the Charter of the Council on Foreign Relations reveals its purpose to be abolition of the United States in favor of a One World superstate.

Footnotes at end of article.

It is doubtful that one American in a hundred has ever heard of the Council on Foreign Relations, or that one in a thousand can explain anything at all about its goals. Despite the fact that its 1,450 members include some of the most famous men in America from the worlds of high finance, industry, government, the foundations, academe, and the mass media, the C.F.R. operates in almost complete anonymity. Yet nearly half of its members have served in the federal government, and President Nixon has appointed more than one hundred members of the Council on Foreign Relations to key posts in his Administration. Henry Kissinger, for example, came to the Nixon Administration from a staff position at the C.F.R.

The annual report of the Council on Foreign Relations for 1958–1959 discussed an informal talk made on May 21, 1959, by Walter Mallory, then retiring after thirty-two years as Executive Director of the Council. Mallory observed:

"When I cast my mind back to 1927, it seems little short of a miracle that the organization could have taken root in those days. You will remember that the United States had decided not to join the League of Nations. . . . On the domestic front, the budget was extremely small, taxes were light and we didn't even recognize the Russians. There were a few men who did not feel content in the comfortable isolationist climate."

The C.F.R., composed of just such uncomfortable men, worked diligently to change all that. "A Record of Twenty-Five Years," published privately by the Council on Foreign Relations in 1947, reveals how it achieved a hammerlock on American foreign policy:

"[in 1939] Hamilton Fish Armstrong, editor of "Foreign Affairs," and Walter H. Mallory, Executive Director of the Council, paid a visit to the Department of State to offer such aid on the part of the Council as might be useful and appropriate in view of the war."

As a result of this meeting, the State Department authorized the C.F.R. to "form groups of experts to proceed with research under four general heads: Security and Armaments Problems, Economic and Financial Problems, Political Problems, and Territorial Problems. . . ." Then, according to the C.F.R., "the Rockefeller Foundation was approached for a grant of funds to put the plan into operation." However, by February of 1941, the State Department took over the whole operation, absorbing the C.F.R.'s top operators into post-War planning activities. Remember, this was ten months before Pearl Harbor.

During World War II it was increasingly taken for granted that as soon as the fighting was ended a new international organization would be formed, and that it would be called the United Nations. Planning for creation of that organization was taken over by members of the C.F.R.—lock, stock, and barrel of borscht. The man termed "the architect of the United Nations Charter" by *Time* magazine in its issue for May 18, 1953, was Russian-born Leo Pasvolsky (C.F.R.). Chief of the Division of Special Research in the State Department. Born of Communist parents, Pasvolsky was raised a radical and infiltrated into our government in 1934. He rapidly rose to the key position from which he worked to effect the transfer of U.S. sovereign to the United Nations.

Working side by side with Pasvolsky in formulating the U.N. Charter was Alger Hiss, who was at the same time a member of the Communists' Harold Ware cell in Washington, a Soviet espionage agent, and a member of the Council on Foreign Relations. Hiss played key roles at Yalta and Dumbarton Oaks, where agreements were worked out with the Soviets on the content of the U.N. Charter. According to lengthy testimony before the Senate Internal Security Subcommittee, it was Alger Hiss who sat at F.D.R.'s side as his top specialist on international organization.

In 1950, the State Department issued an official report entitled *Postwar Foreign Policy Preparation, 1939–1945*, which named the men who did the planning and shaped the policies that led to the creation of the new World Organization. That list and similar official records revealed these men to have been (in addition to Alger Hiss): Harry Dexter White, Virginius Frank Coe, Dean Acheson, Noel Field, Laurence Duggan, Henry Julian Wadleigh, John Carter Vincent, David Weintraub, Nathan Gregory Silvermaster, Harlod Glasser, Victor Perlo, Irving Kaplan, Solomon Adler, Abraham George Silverman, William Ullman, and William Taylor.

The State Department could hardly have anticipated what a disastrous confession this would prove to be. For since then, with the single exception of Dean Acheson (C.F.R.), who had himself been hired by Joseph Stalin to serve as Soviet Russia's legal counsel in the United States, every one of those seventeen men has been identified in sworn testimony as a Communist agent. It is hardly startling that such men were willing to make every concession to the Soviets at Dumbarton Oaks, Yalta, and at the official founding of the United Nations at San Francisco.

The U.N. Charter was thus a product of both major arms of the International Communist Conspiracy. Our delegation to the San Francisco Conference in April of 1945 was headed by Secretary of State Edward R. Stettinius Jr., a member of the C.F.R. and a former partner in the international banking firm of J. P. Morgan & Company. Serving as Secretary-General of the Conference was Alger Hiss, both a member of the C.F.R. and a Communist. Apologists for the U.N. never mention the key part Hiss played at Dumbarton Oaks and Yalta, where the general format for the U.N. was hammered out with the Soviets, nor his years of work with Pasvolsky in preparing plans for the international organization. And they have done their best to dismiss the role he played at the San Francisco Conference. But a contemporary issue of *Time* magazine noted even in advance of the San Francisco Conference:

"Alger Hiss will be an important figure there. As Secretary-General, managing the agenda, he will have a lot to say behind the screens about who gets the breaks."

He certainly did!

The U.S. Treasury's representative at the San Francisco Conference was Harry Dexter White, who gave special attention to the establishment of U.N.E.S.C.O.—the United Nations Educational, Scientific and Cultural Organization—which has had such an influence on the writing of textbooks for our schools. But White's main duty was establishment of the World Bank, an institution dear to the hearts of the *Insiders* of high finance. Subsequently Harry Dexter White was identified in sworn testimony by both Elizabeth Bentley and Whittaker Chambers as a Soviet agent who gave them stolen government documents for transmittal to the Kremlin. White's lieutenant at San Francisco was William Ullman, also identified by Miss Bentley as a member of the Communist underground.

Yet another key advisor at the San Francisco Conference was Dalton Trumbo, who served as a ghost-writer for Stettinius and others. A wealthy screen writer, Trumbo later was identified as a member of the Communist Party and was one of the infamous Hollywood Ten who were sentenced to jail for contempt of Congress as a result of their behavior before a Congressional Committee investigating Communist activities in the movie industry.

Working in tandem with the seventeen or so Soviet spies at San Francisco were forty-three members of the Council on Foreign Relations.[7] Some of the more interesting C.F.R. members in the delegation had strong international banking ties. They included John Foster Dulles (J. Henry Shroeder Bank, the bank that financed Hitler), Edward R. Stettinius (J. P. Morgan & Company), Nelson Rockefeller (whose family controls Chase Manhattan Bank and First National City Bank), John J. McCloy (Chairman of the Board, Chase Manhattan), and Artemus Gates (New York Trust Company).

At the conclusion of the San Francisco Conference it was Alger Hiss who was entrusted with taking the Charter to Washington. On Page 23 of *Life* magazine for July 16, 1945, was a "picture of the week" showing Hiss arriving in Washington with a large package. The caption read:

"At the conclusion of the San Francisco Conference the Charter of the United Nations was bundled off to a waiting plane and gingerly placed in a 75-pound fireproof safe equipped with a small parachute. Attached to the safe was a stern inscription: 'Finder—do not open! Notify the Department of State—Washington, D.C.' Chief custodian was Conference Secretary-General Alger Hiss, shown here with the Charter at the end of the cross-country trip."

The *Chicago Tribune* of June 11, 1945, described the presentation of the United Nations Charter to the Senate Foreign Affairs Committee:

"The hearings in Washington started, appropriately enough, with a lengthy statement read by Mr. Stettinius, but apparently written by Mr. Pasvolsky. When the time came to ask questions Mr. Stettinius gracefully yielded the center of the stage to the same Mr. Pasvolsky, who knows all the answers.

"This is more than a little odd. Mr. Pasvolsky's expertism is said to result from the fact that he wrote the original draft of the treaty, but that was quite a long time ago and his work meanwhile has undergone considerable modification. Nobody has yet explained why the Department entrusted the drafting of this document to a foreign-born functionary, whose training has been in economics rather than diplomacy. It is even more curious that the natives among our delegates, two of whom are members of the Senate Committee, did not assert for themselves the right of interpretation.

"The diffidence—if that is the word for it—of Mr. Connally and Mr. Vandenberg, to say nothing of Mr. Stettinius and the rest, has given the country the impression that it is really Mr. Pasvolsky's treaty, not theirs; that he understands it and they don't; that men with a good deal of experience in foreign affairs who were themselves participants in the negotiations have only an incomplete grasp of the content and purpose of this intricate and difficult document. They were at San Francisco, it appears, to assist him rather than he to assist them."

Only five days of testimony about the Charter were heard by the Committee. A few raised their voices against this permanent entangling alliance, but their voices were a whisper in the wilderness. So universal was the managed acclaim for the U.N. Charter, sight unseen, that it was ratified by the Senate on July twenty-eighth, virtually without debate, and few had bothered to read the thing. The vote was 89 to 2. The two Senators who voted against the Charter had read it.

The Senators would have done well to inspect the U.N. Charter more carefully. It bears a remarkable resemblance to the Constitution of the Soviet Union. Many of the phrases and clauses employed in both documents are virtually identical.

Cleon Skousen, former assistant to F.B.I.

Footnotes at end of article.

Director J. Edgar Hoover, notes in his book The Naked Capitalist:

"Anyone familiar with the Communist Constitution of Russia will recognize in the United Nations Charter a similar format. It is characterized by a fervent declaration of democratic principles which are sound and desirable; this is then followed by a constitutional restriction or procedural limitation which completely nullifies the principles just announced."

The Charter also gives the U.S.S.R. three votes in the General Assembly under the hypocritical guise that the Soviet states of Ukraine and Byelorussia and "independent" republics. This little ploy was worked out between Stalin and Alger Hiss, but America has yet to hear the first "Liberal" complaint about it, or so much as a suggestion that Byelorussia and the Ukraine receive the sort of treatment just accorded to Nationalist China.

There is also a striking resemblance between the U.N. flag and the Soviet arms banner, highest emblem in Communist heraldry, found on the cover of the Constitution of the U.S.S.R. That this is something other than coincidence is attested to by the fact that the U.N. flag was created and designed by Carl Aldo Marzani, head of the presentation branch of the U.S. Office of Strategic Services, in April of 1945. Marzani was later found to be a member of the Communist Party who operated under the Party name of Tony Whales.

Attempting to explain away the incredible appeasement of the Soviets at Dumbarton Oaks, Yalta, and at the San Francisco Conference, "Liberal" folklore has it that Stalin and Company had to be cajoled into joining the U.N. The truth is that the Bolsheviks couldn't have been kept out unless the door were barred with a steel plank. As Earl Browder, former General Secretary of the Communist Party, U.S.A., and twice its candidate for President of the United States, wrote in his book Victory And After: "The American Communists worked energetically and tirelessly to lay the foundations for the United Nations, which we were sure would come into existence." And a formal preamble to the constitution of the Communist Party, U.S.A., states that the Party believes "the true national interest of our country and the cause of peace and progress require . . . the strengthening of the United Nations as a universal instrument of peace."

Political Affairs is the official theoretical journal of the Communist Party, U.S.A., through which the official "Party Line" is transmitted to Comrades and the much larger body of Party sympathizers. In April 1945, two months before the San Francisco Conference, Political Affairs published the following directive:

"Great popular support and enthusiasm for the United Nations policies should be built up, well organized and fully articulate. . . . The opposition must be rendered so impotent that it will be unable to gather any significant support in the Senate against the United Nations Charter and the treaties which will follow."

A corollary to the "Liberal" myth that the Communists did not really want to be included in the U.N. is that the World Organization has proved a constant thorn in the side of the Soviets and their satellites, producing constant frustration as symbolized by Khrushchev pounding his shoe on the lectern of the General Assembly. It was good show biz, but that is all it was. A former Czecho-Slovakian intelligence officer Colonel Jan Bukar, has testified before the House Committee on Un-American Activities that he heard a General Bondarenko deliver a lecture at the Frunze Military Academy in Moscow in which the Soviet general declared:

"From the rostrum of the United Nations, we shall convince the colonial and semi-colonial people to liberate themselves and to spread the Communist theory over all the world. We recognize the U.N. as no authority over the Soviet Union, but the United Nations serves to deflect the capitalists and warmongers in the Western World."

Dr. Marek Korowicz, a member of Communist Poland's delegation at the U.N. who eluded his guards and sought asylum in the United States, put it well when he said: "The Communist Party regards the U.N. as the most important platform of Soviet propaganda in the world. . . ." On October 7, 1961, the West Coast newspaper of the Communist Party, the People's World, actually carried an editorial entitled "Save The U.N." It declared in part:

"The U.N. commands a great reservoir of support in our country. This support should now be made vocal. People should write President Kennedy, telling him—

"Do not withdraw from U.N. Restore U.N. to the Grand Design of Franklin Roosevelt."

New Times, an official Soviet publication printed in Moscow, reported in its issue for July 8, 1970:

"As stressed by Premier Kosygin . . . on June 19, the Soviet Union attaches much importance to the United Nations. In the future, as in the past, it will spare no effort to steer the Organization's work."

It is equally fictitious to claim, as did the C.F.R.'s James Reston in a recent column, that the Communists want the United States to get out of the United Nations. If the U.S. gets out of the U.N., the U.N. collapses as a springboard for Communist attempts at world domination. And the Comrades know it! On January 21, 1962, the official Communist newspaper, The Worker, carried an article headlined, "Birchers Take Warpath Against UN Peace Hopes." The Communist Worker warned the Comrades:

"The John Birch Society has instructed its members to prepare a hate campaign against the United Nations. In his secret "bulletin" for members, Robert Welch . . . orders his followers to place this anti-United Nations drive at the top of their 1962 political agenda. . . . It was in the spring of last year that the ultra hate campaign to destroy the United Nations actually began."

The Birch Society's education campaign was very effective indeed. Then came the counterattack. In late 1964 and early 1965 the Xerox Corporation sponsored a national prime-time television series to propagandize for the U.N. In commenting on one of these programs in its issue of July 23, 1965, the Communist People's World noted:

"It's not a little horrifying that in our country at this time a pitch is needed for the UN and for peace, but that is the case, and we're all for figuratively hitting people over the head with the message. The [Xerox] *program did that."*

Meanwhile the Communists have continued to solidify their U.N. control. So complete had it become by 1965 that Mikhail Sergeyevich Lvov, an official Soviet spokesman on U.N. affairs, told a *Moscow Radio* audience on June 27, 1965:

"There can be no doubt that with the United Nations constituted as it is at present, the consistent line of the Soviet Union is pressing for the United Nations to face fully up to the problems of strengthening peace and enduring freedom is producing more and more positive results."

Of course the Communists have controlled the U.N. staff from the beginning. The Secretary-General has traditionally been portrayed as the epitome of neutralism, the ideal non-Communist. But Trygve Lie, the first U.N. Secretary-General, was a dedicated Socialist, and a high-ranking member of the Democratic Labor Party of Norway—a spur of the Communist International. After the resignation of Dr. Lie, Dag Hammarskjöld was elected to fill the office. He too was a self-declared Socialist and openly approved the goals of world Communism. Hammarskjöld even refused to support a very timid resolution condemning Red China's invasion and genocide in Tibet.

After Dag Hammarskjöld was killed in a plane crash in 1961, the Soviets pressed demands for leadership to be shared by a three-man "Troika." Then, suddenly, they turned off their "Troika" talk and backed Burmese Marxist U Thant as Hammarskjöld's successor. According to Thant, "socialism ought to be the wave of the future for rich and poor alike." A dedicated apostle of world government, Secretary-General Thant is a consistent supporter of the Communists who deplores America's "suspicion of Communist motives." Thant, both a Marxist and a Leninist, is openly running the U.N. to support Communist purposes. The following is the complete text of an Associated Press report as it appeared in the *Los Angeles Times* for April 7, 1970:

"U.N. Secretary-General U Thant praised Vladimir I. Lenin, founder of the Soviet Union, as a political leader whose ideals were reflected in the U.N. charter.

"Thant released Monday the text of a statement sent to a symposium on Lenin at Tampere, Finland, sponsored by the U.N. Educational, Scientific and Cultural Organization.

"Lenin was a man with a mind of great clarity and incisiveness, and his ideas have had a profound influence on the course of contemporary history," Thant's statement said.

"*(Lenin's) ideals of peace and peaceful coexistence among states have won widespread international acceptance and they are in line with the aims of the U.N. charter . . . .*"

Clearly, the Soviets got their Troika when they got Thant. He has had two primary assistants: one a Soviet national, and the other Dr. Ralph Bunche (C.F.R.). Dr. Bunche, who had been an assistant to Alger Hiss, has been identified under oath as a member of the Communist Party by both Manning Johnson and Leonard Patterson, former top Communists, in closed Hearings before a government Loyalty Board.[8] They had attended cell meetings with Comrade Bunche. Patterson and Johnson, both Negroes, had been trained in Moscow, but defected from the Party when they became aware that the Communists were working to enslave people of all races.

Ultimate control of the United Nations is in the hands of the members of the permanent staff of the Secretariat, where resolutions and edicts of the General Assembly and Security Council are either neutralized or given teeth with which to bite. The United Nations has approximately 6,000 employees in the Secretariat. About one-fourth of these hold supervisory and policy-making positions classified as professional. These "professional" appointments are filled according to the geographic origin of the member nations and in proportion to their contribution to the U.N. Budget. The United States meets approximately one-third of that Budget and is therefore entitled to approximately one-third of the "professional" appointments. The other two-thirds come from the other member nations. Communist as well as non-Communist. And, as *U.S. News & World Report* observed as early as December 12, 1952: "An informed estimate suggests that as many as one-half of the 1,350 administrative executives in the UN are either Communists or people who are willing to do what they want."

The situation is so serious that when a New York federal grand jury stumbled across evidence of Communist penetration into the American staff of the U.N., it so alarmed the grand jury that it conducted a full-scale inquiry into the matter. Enough evidence was presented to enable the grant jury to release the following statement:

Footnotes at the end of article.

"This jury must, as a duty to the people of the United States, advise the court that startling evidence has disclosed infiltration into the UN of an overwhelmingly large group of disloyal U.S. citizens, many of whom are closely associated with the international Communist movement. This group numbers scores of individuals, most of whom have long records of federal employment, and at the same time have been connected with persons and organizations subversive to this country. Their positions at the time we subpoenaed them were ones of trust and responsibility in the UN Secretariat and in its specialized agencies."

The resultant publicity prompted the Senate Committee on the Judiciary to initiate its own invesigation—with the same results. The Chairman of that Senate Committee released the following statement at the conclusion of those Hearings:

"I am appalled at the extensive evidence indicating that there is today in the UN among the American employees there, the greatest concentration of Communists that this Committee has ever encountered. Those American officials who have been called represent a substantial percentage of the people who are representing us in the UN. . . . These people occupy high positions. They have high salaries and almost all of these people have, in the past, been employees in the U.S. Government in high and sensitive positions. I believe that the evidence shows that the security officers of our government knew, or at least had reason to know, that these people have been Communists for many years. In fact, some of these people have been the subject of charges before Congress before and during their employment with the U.N. It is more than strange that such a condition existed in the Government of the U.S., and it is certainly more than strange that these people should be transferred to the U.N. and charged to the American quota."

The point was well summed up by Mr. Joseph Kornfeder, a former top Communist who was trained in Moscow, when he spoke before the Congress of Freedom in 1955:

"How many Communists, fellow travelers and sympathizers there are among the U.N. employees, no one seems to know, but judging by their number among the American personnel, there can be no doubt that the Communists control the U.N. and its staff association, and use it for all it's worth; which means that most of the special agencies at U.N. headquarters are, in fact, operated by them and coordinated through the Communist cell in the U.N. staff association."

Given the complexion of the U.N. staff, the headquarters of the U.N. could hardly be located in a worse place from the standpoint of American security. When the Rockefeller family donated the land on the East River for construction of the "House That Hiss Built," the Soviets were delighted. One of their delegates, Mr. Saskin, even served on the site-selection committee. And the Manhattan-based U.N. has provided the Communists with the best possible center for subversive operations. As F.B.I. Director J. Edgar Hoover has testified:

"Attention is called to the fact that many of the incidents and causes previously cited involved Soviet employees of the United Nations. They are guests of the United States and are supposedly dedicated in the cause of international peace. But they are, in fact, carefully selected envoys of the international Communist conspiracy, trained in trickery and deceit and dedicated to the concept of fully exploiting the freedoms of the countries they seek to destroy. It is too much to expect that they would not subvert the United Nations."

The nationally syndicated columnist Henry J. Taylor adds:

"FBI Director J. Edgar Hoover reports that 865 Soviet-bloc personnel and more than 1,200 dependents, all with diplomatic immunity against arrest, and most of them accredited to the United Nations and not to the United States, are stationed here. His bureau estimates that about 80% of the Soviet-bloc personnel are intelligence officers and not diplomats at all.

"Nothing could be a heavier, easier and quicker blow to Red espionage than to put the U.N. headquarters elsewhere." [9]

In his nationally syndicated column of October 7, 1971, Paul Scott comments on the effect of adding the Red Chinese to the already huge bank of Communist spies in the United Nations:

"Espionage will be an even greater danger now that Red China has been admitted to the U.N. Since the size of each country's U.N. delegation and staff reflects the size of the country's population, and since Red China has between 700 and 800 million people, she might be allowed 3,000 or more diplomats and staff members, each of whom would possess diplomatic immunity. Their suitcases and trunks could not be examined by American Customs officials. Would that suggest wholesale, unimpeded importation of heroin into this country, in addition to countless spying activities? The most obvious and practical solution to the drug and spying dangers to our country is to get the U.S. out of the United Nations and the U.N. out of the United States."

Before the admission of Red China to the U.N., J. Edgar Hoover testified concerning the consequence of such a development:

"Communist China represents one of the gravest longrange security threats and the FBI is continuing to devote its close attention to coverage of possible Chinese Communist agents and sympathizers in the United States. There is every likelihood that Chinese Communist intelligence activities in this country will increase in the next few years, particularly if Communist China is recognized by the United Nations and is thereby able to have a diplomatic mission in this country."

And Red China has wasted no time in moving its spies into the U.N. headquarters. As *Human Events* reported in its issue for November 20, 1971:

"Red China's 22-man United Nations delegation received a tumultuous reception upon its arrival in New York last week, with the press seeming to tumble over itself with compliments for the "high quality" of Mao's diplomatic representatives. But even as the new delegation was being hailed by various groups in this country, evidence is accumulating that Red China intends to employ the U.N. as a major tool for promoting Maoist-style espionage and subversion."

China's Deputy Foreign Minister, Chiao Kuan-hua, head of the first Peking delegation to the U.N., is a top intelligence operative for Peking. Chiao's deputy, Huang Hua, is described by American intelligence sources as "a gifted saboteur and espionage artist."

The radical *Chicago Sun-Times*, displaying typical "Liberal" nonchalance toward the Communists' use of the U.N. as a base for spying, said it was assumed Red China would include spies in its delegation, "but Peking, moving into the international diplomatic spotlight for the first time, had not been expected to get into the game so soon"—especially with men of such flagrant reputations for espionage as Chiao Kuan-hua and Huang Hua.

Never in recorded history has a nation permitted an avowed enemy openly to pursue its policies of conquest, on its home territory, within so vast a diplomatic sanctuary—a sanctuary supposedly dedicated to peace. At least Steuben should be employed to remodel the glass palace on the East River in the shape of a Trojan Horse.

On the surface, however, the U.N. often appears to be ludicrous, a sort of Mad Hatter's dream. More than half of the nations in the U.N. have fewer people than New York City. A fifth of all U.N. members have populations under 2 million. These are the microstates. Their per capita gross national product is as low as $50 annually. Yet each of these nations has a vote equal to ours, with the result that "nations" such as Qatar, Bahrein, Bhutan, and Oman now hold the balance of power in the General Assembly. This has been caused by the fragmentation of the former French and British empires into a veritable plethora of tinhorn nations.

All of which resulted from a deliberate policy of the *Insiders* of international finance, who know that in most cases they can buy the political leaders of the new ministates, each of which has a vote equal to ours. "Liberal" propagandists, however, beg us not to be upset by this. As journalist William Ryan recently put it, "attempts to downgrade the voting status of present smaller members could, in the view of seasoned diplomats, do much damage." Ah, those *seasoned diplomats*!

While America has only 1 of the 168 votes in the General Assembly, it pays approximately one-third of the U.N.'s bills. Periodically the United States also buys U.N. bonds to keep the Trojan Horse from sinking into a quagmire of red ink. These bonds are guaranteed to be repaid the day after the Confederate war debt is amortized in full. The Communist bloc is the major debtor in the World Organization, being a grand total of $118,753,898 in arrears, and accounting for two-thirds of the U.N.'s total debt.

The fact that the U.S. must carry a vastly disproportionate share of the U.N.'s financial load, even as the Reds shirk theirs, quite naturally makes Americans angry. But it is probably the least important complaint about the U.N. The real threat it poses to our nation lies in the fact that so many "responsible" Americans, many of them in high political office, are committed to a program to convert the U.N. into an international superstate—the longtime goal of the *Insiders* who manipulate the Communist Conspiracy.

If the *Insiders* of international finance and industry intend to own and control the resources of the entire planet, then it follows that there must be a government empowered to protect their property and empire. So the Conspirators work to establish their world superstate, both through their eminently respectable fronts like the Council on Foreign Relations (which openly proclaims that its goal is a "new world order") and through the Communists who forthrightly maintain:

"Dictatorship can be established only by a victory of socialism in different countries or groups of countries, after which the proletariat republics would unite on federal lines with those already in existence, and this system of federal unions would expand . . . at length forming the World Union of Socialist Soviet Republics."

This is why Red China had to be admitted to the United Nations. As James Reston, resident savant of the *New York Times* and apparent spokesman for the Establishment *Insiders*, has expressed it:

"The President's forthcoming talks with Chou En-lai are only the beginning of a long process in which disagreements on specific questions are unavoidable, but the clear objective of which is the creation of mutual respect leading to a better world order.

"It is clear that no really effective new world order can be created without the help of the Chinese Communists."

The most vocal organization working to convince Americans to accept such a "new world order" is the United World Federalists, a group whose membership is heavily interlocked with that of the Council on Foreign Relations. The openly expressed purpose of World Federalists is to convert the U.N. into a world government encompassing both Communist and non-Communist states.

Footnotes at end of article.

Speaking for the *Insiders,* financier James Warburg, whose father was primarily responsible for creation of the Federal Reserve System, and whose relatives financed the Communist Revolution in Russia, told a Senate Committee on February 17, 1950: "We shall have world government whether you like it or not, if not by consent by conquest."

According to the United World Federalists, "the United Nations offers the best available basis for world peace if it can be given adequate power to make, interpret and enforce world law. We believe this can be achieved by amendments to the United Nations Charter." The amendments which they recommend include turning over all military weapons to a U.N. army, giving the U.N. authority to tax, removing the veto from the executive branch, requiring universal membership without the right of secession, and empowering a court system with jurisdiction over all nations and individuals.

President Nixon is, of course, far too clever actually to join the World Federalists, but he has actively supported their legislative program since his early days in Congress. In the October 1948 issue of the United World Federalist publication *World Government News,* on Page 14, there appears the following announcement:

"Richard Nixon: Introduced world government resolution (HCR 68) 1947, and ABC (World Government) resolution 1948."

Of special interest to the U.W.F. throughout its history has been its campaign to repeal the Connally Reservation, whereby the United States has reserved to itself the power to decide what matters are essentially within the domestic jurisdiction of the U.S., and therefore may not be brought under the jurisdiction of the World Court. The Federalists want repeal of the Connally Reservation, which would mean that the United States would accept "as binding the ruling of the International Court of Justice [*World Court*] on disarmament, on interpretation of the U.N. Charter and laws, and of international treaties."

The abolition of the Connally Reservation would leave us at the mercy of the Afro-Asian and Iron Curtain blocs that dominate the U.N. It would be tantamount to surrendering American sovereignty to our enemies, and would thus be a gross violation of the Presidential oath to "preserve, protect and defend the Constitution of the United States."

Yet Richard Nixon has for many years advocated the repeal of that Connally Reservation. Incredulous patriots who wrote Nixon about his advocacy of its repeal were "sent a copy of a letter dated April 14, 1960, from Richard Nixon to Eugene Pulliam, publisher of the *Phoenix Republic* and *Gazette,* in which Nixon flatly stated that he favored such repeal, declaring: "I believe . . . that the intervening years have shown that our so-called 'self-judging reservation' is no longer necessary."

President Nixon, whose warm endorsements of their program are widely distributed by the World Federalists, actually goes far beyond seeking repeal of the Connally Reservation, and openly advocates "world rule through world law"—the official slogan of the United World Federalists—in which the World Court is to be made the Supreme Court of the World.[10]

A world government naturally necessitates a world tax system. The U.N. has already requested a worldwide sales tax which would, coincidentally, fall on items purchased in greatest abundance by Americans. But Americans would not now sit still for being taxed directly by the U.N., and such propositions as the global sales tax will have to wait until we are locked into a world superstate from which we have no right of secession. In the meantime, the Nixon Administration is preparing schemes to ship as much tax money out the back door to the U.N. as possible.

The *Department of State Bulletin* for October 5, 1970, contains Mr. Nixon's message entitled "Foreign Assistance For The 'Seventies,'" in which the President states: "The future of American youth is directly related to the future of the United Nations," and recommends that foreign aid be greatly expanded and channeled through the U.N. and its subsidiary organizations, the International Monetary Fund and the World Bank. It has long been a goal of the internationalist *Insiders* to channel American foreign aid through the U.N. The next step will be to have the General Assembly determine the amount of foreign aid that we will be required to pay, and to whom.

On December 17, 1968, President-elect Nixon told reporters following a visit to the U.N.: "[*It is*] our intention in these days ahead to do everything that we can to strengthen this organization. . . ." The ultimate move to strengthen the U.N. is to give it a monopoly on military power. Up until that time, the U.S. can still get out of the U.N., regardless of how anyone may interpret the Charter.[11] The object is to disarm the United States in favor of a U.N. Army.

On June 23, 1961, John J. McCloy, Special Advisor to the President on Disarmament, sent to the White House the draft of a bill to create a U.S. Disarmament Agency. Mr. McCoy was at the time Chairman of the Board of the Council on Foreign Relations. In his letter of transmittal to the President, he revealed that the fundamental purpose of the Disarmament Agency would be to bring about world government. In September 1961, Congress passed the Arms Control and Disarmament Act, conferring on the director of the new Disarmament Agency broad authority, under the general supervision of the President and the Secretary of State, to do just about anything the director might believe to be in the interest of "peace."

Many Congressmen supported creation of this Disarmament Agency because they were afraid of being accused of opposing peace. Not all, however, withered under "Liberal" pressure. Congressman John Ashbrook of Ohio referred to it as "The Surrender Agency," and declared: "The testimony is replete with evidence which indicates this Agency may well be the back door for the one-worlders to accomplish their goal. . . ." The late Congressman James Utt commented that it was "almost word-for-word duplication of a disarmament proposal advanced by Khrushchev in 1959."

This formal disarmament proposal was later published in a nineteen-page report entitled "Freedom From War: The United States Program For General and Complete Disarmament In a Peaceful World" (State Department Publication 7277). It calls for transferring control of U.S. nuclear weapons to the United Nations, restricting the American military to the role of an internal police force, and establishing an all-powerful U.N. Army. This U.S. disarmament plan further provides: The Parties to the Treaty would progressively strengthen the United Nations Peace Force . . . until it had sufficient armed forces and armaments so that no state could challenge it."

The Disarmament Agency's Dr. Lincoln P. Bloomfield (C.F.R.) has written:

"Short of a major catastrophe, the difficulties in obtaining widespread public approval and explicit Senate ratification of a genuine world government are obvious. . . . without disarmament such a system [of world government] is probably unobtainable. . . . If it [world government] came about as a series of unnerving trips to or over the brink, it could come about at any time."

Thus the threat of the Soviets dropping nuclear bombs on us is built up so that we can be blackmailed into accepting world government through national disarmament in favor of a U.N. "peace" force. The Insiders have no intention of destroying that which they intend to own and control. If there truly were a military threat from an independent Russia, the crowd at the C.F.R. would be leading the parade for American independence and arms superiority; they would not be promoting disarmament.

The original plan of the Conspirators for the disarmament of the United States, and the transfer of our weaponry to the U.N. called for its completion by 1972. But American Conservatives, led by The John Birch Society, gave the plan such exposure in the early Sixties that the timetable had to be altered. Conservatives ordered and distributed to their alarmed friends so many copies of the State Department Publication 7277, that the Department was forced to let it go out of print. An article in the Communist "World Marxist Review" emphasized the need for patience, advising the Comrades: "Communists do not adhere to the 'all or nothing' principle. Anything that brings disarmament nearer is a step forward. . . ." It was back to "patient gradualism."

Americans were not yet sufficiently fed up with protracted no-win wars, nor were they sufficiently frightened by nuclear propaganda, to swallow disarmament in favor of a U.N. Army. A Gallup Poll in 1961 determined that eighty-one percent of Americans said they would rather fight an all-out nuclear war than live under Communist rule. More time was needed for anti-military and defeatist propaganda. The Vietnam War has provided the excuse for an enormous escalation of such propaganda. Creation of the mood for acceptance by America of the program outlined by the State Department in 1961 has obviously been a high priority of the International Communist Conspiracy.

Meanwhile, disarmament talks have been going on with the Russians for nearly eight years. During that time we have negotiated with them the Nuclear Test-Ban Treaty (with no inspection, of course), the Outer Space Treaty, the Non-Proliferation Treaty, and the Seabeds Treaty. All of these were steps toward S.A.L.T.—and S.A.L.T. is another step toward complete disarmament and world government. The objectives laid down by the *Insiders* in State Department Document 7277 have not changed. In 1968 an Arms Control and Disarmament Agency publication called *Arms Control and National Security* explained what has been happening.

"Since 1959 the agreed ultimate goal of the negotiations has been general and complete disarmament, i.e., the total elimination of all armed forces and armaments except those needed to maintain internal order within states and to furnish the United Nations with peace forces. U.S. and Soviet plans for general and complete disarmament were proposed in 1962 and they are still "on the table." Some basic differences between the two plans are brought out by the key issue of timing and verification of reduction of nuclear delivery vehicles."

Under the Charter of the U.N., this International Peace Force, with its (our) nuclear weapons, would be under the command of the Under Secretary-General for Political and Security Council Affairs, who has control over all U.N. military affairs. Except for one two-year term, when it was occupied by a Yugoslav Communist, this post has by agreement always been held by a Soviet national. Trygve Lie, Secretary-General of the United Nations from 1946 to 1953, writes in his autobiography *In The Cause of Peace:*

"Mr. Vyshinsky did not delay his approach. He was the first to inform me of an understanding which the Big Five had reached in London on the appointment of a Soviet national as Assistant Secretary-General for Political and Security Council Affairs . . . Mr. Stettinius [under the influence of Alger

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Footnotes at end of article.

Hiss] confirmed to me that he had agreed with the Soviet Delegation in the matter."

Former U.N. Secretary-General Lie then observed:

"The preservation of international peace and security was the Organization's highest responsibility, and it was to entrusting the direction of the Secretariat department most concerned with this to a Soviet national that the Americans had agreed. What did the Americans want for themselves? To my surprise, they did not ask for a department concerned with comparable substantive affairs, like the economic or the social. Rather, Mr. Stettinius proposed that an American citizen be appointed Assistant Secretary-General for Administrative and Financial Services."

Despite the fact that this agreement was to be binding for only five years, a Russian continues to occupy that key U.N. military office today. Mr. Nixon has not been so rude as to suggest that the office be given to anyone other than a Communist.

If everything else concerning the U.N. were favorable to the United States, the very fact that its military affairs are always in the hands of a Communist should be more than sufficient reason to get us out. But "Liberal" apologists for the U.N. are not bothered one iota by Communist control of the Organization's military. They explain, if you can believe this, that while the Soviets hold some posts by custom and tradition, the U.S. holds others. It just happens to be the custom, thanks to Comrade Hiss, that the Communists control the military while an American controls mosquito abatement projects. Fair's fair, you know!

Is that U.N. Army a possibility in the near future? United Press International has reported that, early in October 1971, Communist Poland offered the U.N. a standby force from its army for possible use in "peacekeeping operations." Poland is the second Soviet bloc nation to offer its troops for "peacekeeping," the other offer having been made two years ago by Czecho-Slovakia. Add to this the fact that Richard Nixon has long advocated just such a military force—which, as we have pointed out, would serve under the command of a Russian national at the United Nations. As the *Los Angeles Examiner* reported on October 28, 1950:

"A strong effort to obtain approval of his resolution calling for establishment of a United Nations police force will be made by Congressman Richard Nixon when Congress reconvenes November 27th, the California Senatorial nominee said today. . . . Nixon's resolution suggests that a UN police authority be set up on a permanent basis, to consist of land, sea and air forces. It would swing into action against aggression under decision of a simple majority vote of the police authority."

Establishment spokesman James Reston declared in his *New York Times* column of May 21, 1971: "Nixon would obviously like to preside over the creation of a new world order, and believes he has an opportunity to do so in the last 20 months of his first term." If Mr. Nixon gets what he wants, his "new world order" could well include a nuclear-equipped U.N. Army controlled by a Soviet national.

Given such dangers, why do we retain membership in the United Nations? Certainly the U.N. has not brought peace to the world. During the first twenty-five years of its existence, noted the "Liberal" *Houston Chronicle* for September 25, 1971, there have been seventy-five wars! Since the inception of the U.N., over one billion people have been enslaved by the Communists. This is a *peace* organization? The fact is that the existence of the U.N. makes war neither more nor less likely. But our continued participation in it could well guarantee our eventual enslavement. The U.N. is *not* harmless. It is *not* a guarantor of peace. It is a Trojan Horse and a death trap. It is a threat to our national security.

We are not unaware that the pet propagandists of the Establishment *Insiders* will shriek and scream that this warning is biased and unfair. They will beg you to pay no attention to doomsayers and then predict doom if America abandons the U.N. They will implore you not to pay attention to the growing danger, not to worry about it, not to come to conclusions which favor the national interests of your country. Have faith, they will say. Have faith and Believe!

But more and more Americans are coming out from under the ether of twenty-five years of U.N. propaganda. They are reaching the only possible conclusion that an American can draw when presented with the facts. That conclusion is that it is time to Get US out of the U.N. and the U.N. out of the U.S.

FOOTNOTES

[1] To his credit, Mr. Elegant uses the word "administers" rather than resorting to the creative hypocrisy used by "Liberals" who claim that the Peking Government *represents* 750 million people. The Government of Red China represents only a small clique of top Communists.

[2] The admission of Red China to the U.N. carried such a high priority with the Establishment that three major television networks, and nine Washington and New York stations, refused to *sell* time to the Committee of One Million for screening of a film warning against a U.S. detente with Peking.

[3] For detailed proofs see my articles "The Bankers and The Federal Reserve," American Opinion, 32 pages, two for one dollar.

[4] Paul Warburg was known as the father of the Federal Reserve System and one of its original directors. His brother Max also attended the Peace Conference in Paris . . . but as a representative of Germany. It was Max who headed M. N. Warburg & Company, one of the world's largest international banks, and arranged for Lenin to be transported from Switzerland to Russia to lead the Bolshevik Revolution.

[5] Dr. E. J. Dillon, who attended the Paris Peace Conference, wrote: "Mr. Wilson, who in the depths of his heart seems to have cherished a vague fondness for the Bolshevists there, which he sometimes manifested in utterances that startled the foreigners to whom they were addressed, dispatched through Colonel House some fellow countrymen of his to Moscow to ask for peace proposals which, according to the Moscow government, were drafted by himself and Messrs. House and Lansing."

[6] For details see my article, "The C.F.R.—Conspiracy To Rule The World," American Opinion, five for one dollar.

[7] Out of an American staff of less than 200.

[8] See the *New York Daily News*, May 26, 1954.

[9] New York newspapermen Pierre J. Huss and George Carpozi Jr. have authored a book titled *Red Spies In The U.N.* which details the more dramatic stories of F.B.I. capture of Communist spies. The punishment for a spy who is caught is to be sent back to the Soviet Union. He is immediately replaced with another U.N.-protected spy.

[10] See the *New York Times*, April 14, 1959.

[11] The U.N. Charter is a treaty, and the Supreme Court has ruled that a treaty supersedes the guarantees and safeguards of our Constitution. In 1953, the Bricker Amendment, which provided that no treaty could take precedence over these Constitutional safeguards, was defeated in the Senate by one vote—thanks to behind-the-scenes pressure from Vice President Richard Nixon. It may well be that we are even now technically at the mercy of the U.N., although there is as yet no way for the body to enforce its will. Certainly U.S. foreign policy has slavishly followed U.N. guidelines.

THE PROPERTY TAX COULD BE A PROGRESSIVE TAX

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. ASPIN. Mr. Speaker, the property tax is often described as a regressive tax. And, the way it is administered today, it almost always is. But the property tax is also a widely misunderstood tax. With fair and accurate assessment and with good administration the property tax could be a progressive tax.

I would like to include in the Record today three items which discuss some misconceptions about the property tax and outline specific proposals for property tax reform. The three items are: A property tax newsletter, published by the Tax Reform Research Group; a speech by Mason Gaffney, an economist with Resources for the Future, given at Ralph Nader's conference on property tax reform; and an article by Dr. Gaffney entitled "The Property Tax Is a Progressive Tax."

At least part of the problem of property tax reform is a matter of Federal concern. I am sure that those of my colleagues whose constituents are concerned with the ever-increasing burden of local taxes will find these three items informative and interesting.

They follow:

[From the Property Tax Newsletter, November 1971]

Reforms Listed for Federal, State, and Local Levels

THE PROPERTY TAX IS MISUNDERSTOOD

The property tax is widely misunderstood; and the more that is written about it, the less understanding there seems to be. One hears time and again that the property tax is a "regressive" tax—that is, that it burdens the poor man more than the wealthy, to a greater degree even than do other taxes. And people who should know better write that recent court decisions have held the property tax to be an illegal and unconstitutional way to pay for public education. (These two misunderstandings may prove very costly for the taxpaying public. Politicians, including those in the current administration, have exploited them in packaging and trying to sell the public very questionable forms of "relief"—especially the administration's proposal for a Value-added Consumer tax.)

The first of these notions is off the mark, and the second is simply wrong. First, whatever the *current* impact of the property tax, it does not *have* to be a regressive tax. Like any other tax, the property tax can be *structured* and *applied* to be as progressive or regressive, as fair or unfair, as people want it to be. The current structure and application are bad, not necessarily the tax relief itself. In fact, economist M. Mason Gaffney at Resources for the Future, Washington, D.C., has pointed out that the ownership of real property may be more concentrated in this country than is taxable income; which, among other reasons, supports the view that property tax *could be* a very progressive tax, burdening the poor and middle-income homeowner and renter but lightly, and wealthy land and property owners more heavily.

Secondly, the recent court decisions regarding school financing have not held the property tax to be an illegal and unconstitutional means of paying for public education; these decisions ruled little or nothing about the property tax as such. They held instead that a state cannot set up *any* system of paying for public education that makes the amount of money available in any particular district, or for any particular child, depend upon local wealth. The property tax *currently* has this defect because currently it is a local tax; but the courts might just as readily have ruled down a *local* sales tax, local income, or any other kind of tax that was applied on a local instead of on a uniform statewide basis. In other words, the courts have been ruling down *local* taxes, not property taxes, to the extent they result in unequal ability to provide for public schools. And by the same token, the courts have left the door completely open to a state-wide property tax, or to a system in which the state adequately makes up, through a state property tax or otherwise, for the unequal abilities of school districts to raise revenues through local taxes.

WHY THE PROPERTY TAX IS CURRENTLY UNFAIR

The current property tax is unfair, both in structure and administration, mainly because the states have allowed it to stagnate so long without reform. Studies and reports of property tax inequities, and calls for reforms, date back to the nineteenth century. But although the need for reform has grown steadily more urgent, politics, power, and plain inertia have stood in the way. Gradually, the states have chosen sales, income, and other taxes to meet their own revenue needs, and have abandoned the property tax to local governments. As the states ceased to depend upon the property tax for their own revenues, they became less interested in reform. In addition, powerful groups—owners of large commercial and industrial properties, mineral owners, real estate developers, and wealthy residents in low tax "enclaves"—have had a vested interest in the old, local, inequitable system, and have done their best to preserve it. And some of the worst features of the current property tax, such as its local nature and non-progressive rate structure, have taken root in state laws and constitutions. But they can be changed.

HOW THE PROPERTY TAX SHOULD BE REFORMED

The Tax Reform Research Group proposes that the property tax needs reform along three basic lines. Briefly, these are:

a. *The property tax needs to be levied on larger units of government, preferably the state.*

The local nature of the current property tax is the root cause of some of its worst inequities. As the recent court decisions have noted, a local property tax favors wealthy localities with a large "tax base"—i.e. property values— and penalizes those with less. Thus under a local tax, one community may tax itself more heavily, but raise less revenues, than one right next to it. The local property tax encourages local governments to compete against one another to attract high-value property, such as factories and high rise offices, sometimes sacrificing public revenues by offering legal and illegal tax breaks.

It pressures local governments to ignore conservation, land-use planning, and neighborhood preservation, in order to pack in as much high-valued property as possible. And it prompts them to use zoning and other ploys to keep out low and moderate income housing, for fear of the strain its occupants might put on local services and hence the local tax base. And a local property tax leads directly to incompetent, inequitable and corrupt assessment, because each small local unit which assesses property and levies the tax cannot afford to hire professional, full-time assessors, nor to provide them with the staff, and equipment to do the job correctly. And these small local units cannot resist the pressure of powerful property owners for lower property tax assessments, nor their threats to move elsewhere if not given special treatment.

There are two steps in property taxation: assessing, or reckoning the value of, each parcel of property; and setting the tax rate to be applied to these assessments. It would be possible to have the states perform the technical role of assessing property, while letting smaller units of government continue to set their own tax rates. Such a reform would help eliminate half the problem—unfair assessments and incompetent administration. But it would not remedy the inequities in revenue-raising ability, nor the deplorable competition for high-value property, inherent in the local tax, nor would state-level assessment alter the unfair way a flat rate tax takes as large a percentage from the poor as from the wealthy.

b. *There should be a progressive rate structure to replace the currently flat property tax rates; and states, with the help of the Federal government, should enact methods to relieve low income taxpayers from any oppressive property tax burdens.*

We would not think of imposing the same rate of income tax on a man who makes $10,000 per year as on a man who earns $1,000,000, but that is exactly the case with the property tax.

The nineteenth-century idea of "uniformity"—that is of every property owner paying the same *rate* of tax, regardless how much property he owned or his ability to pay—has been imbedded in our property tax laws for so long that many people think the tax just cannot be any other way. It can. Countries such as Australia levy a progressive property tax, with higher rates for people with much property than for those with little. Such a progressive tax is more fair than a flat-rate because it takes the burden off the small homeowner and businessman and places it on the property owner more able to pay. In addition, by taxing huge property holdings heavily, it discourages the concentration of property ownership in a few hands, and promotes the American ideal that as many citizens as possible should enjoy this right.

While taxing the very wealthy relatively lightly, the current flat-rate property tax has been just as inequitable at the lower end of the scale, putting a sometimes crushing burden on the poor, the elderly and on the genuinely small farmer, who may own considerable property although their current income is small. A progressive rate structure, along with a larger taxing unit and better assessing, would help ease the burden on these groups; but they, and especially the farmers might still need help. There are a host of ways to provide such relief. One is a tax "deferral" which postpones the tax payment until the owner sells the property. Another is a "circuit-breaker," where the state or Federal government steps in to pick up that part of any property tax bill that exceeds a set percentage of the taxpayer's income.

There are variations of these devices, notably ones that lighten the tax burden on conservation lands and small farms, but that "recapture" back taxes that were forgiven should the owner decide to develop. The important point is that the property tax does not *have* to press so severely upon the poor, the elderly, and the small farmer. Only the present *structure* of the tax does; citizens and their elected representatives can model the property tax upon any ideal of fairness and social wisdom that they choose.

c. *The administration of the property tax, and especially the assessing of property, needs to be completely reviewed and reformed.*

Some of the worst inequities of the current property tax result simply from incompetent and corrupt application of existing laws. Throughout the nation—though of course in varying degrees—there is under-assessment of large commercial and industrial properties, vacant land, minerals, political favorites, and whole classes of other taxpayers; there are untrained, parttime, politically-sensitive local assessors; assessments that have not been revised for decades; obscure and secretive record-keeping systems; complex, expensive appeals procedures; non-functioning methods for collecting tax delinquencies; increasing contracting-out of the property tax assessment function to private appraisal firms; and a legion more of infractions and abuses that have made the property tax a major catastrophe in the history of American public administration.

Bringing property tax administration into line with the existing law, and driving out the crooks, would not in itself make the property tax a model of equity; but it would go far to relieve the most crushing burdens, even under existing laws. (A recent study in Chicago disclosed for example, that the U.S. Steel Co. there *alone* was underpaying about 16.5 million dollars in property taxes, a burden that already-pressed small taxpayers have had to pick up; and this pattern repeats itself across the nation.) And apart from in itself introducing greater equity, complete reform of property tax administration would be essential to the other reforms proposed here.

A fourth major type of reform which deserves serious attention would be to stop taxing improvements—buildings and structures—on land, and to tax only the land itself. This measure, called a "site-value tax" stems from the writings of the late 19th century-American Henry George, who argued that with a tax on land values none others would be needed. Advocates of a site value tax (not all of whom adhere to the "single-tax" notion), claim it would hasten urban renewal by encouraging property owners to improve their property (the current tax on buildings *penalizes* the owner who improves his property); encourage denser, more even development and thus reduce "sprawl;" stabilize land values; and that it would tax the property owner only on what society had given him—the value of his land—while leaving to him the fruits of his own labor—the improvements he makes on the land.

In addition, economists have argued that a tax on land value, unlike a tax on structures, cannot be "passed on" to tenants in their rent, because the supply of land is fixed. There have been limited experiments with a site-value tax in such cities as Pittsburgh, Pa. and Southfield, Michigan; there are even "single-tax" colonies in Alabama, Delaware and New Jersey. Other countries have used it more heavily.

The idea has won several notable adherents, including the tentative support of the National Commission on Urban Problems (and the enthusiastic support of Chairman Douglass and three other Commission members who wrote a supplemental statement regarding it.) The Tax Reform Research Group sees much merit in the site-value tax, as an instrument both of tax equity and of desirable patterns of land use. It seems especially fair for the community to take back, in the form of taxes, the value it and it alone bestows on land through the construction of highways, transit lines, sewers, and through the provision of other services. We are concerned, however (as are many site-value tax advocates), that an unmodified site-value tax might force into dense, even highrise development areas perhaps better left in another state—as farmland, open space, or unique urban neighborhood.

We are also concerned that noise, crime, pollution, and the cost of providing public services may well increase with density of population. Recognizing the counter-argument, that by fostering maximal-density development in some areas the site-value tax lets low-density uses flourish in others, we feel some form of land-use and development control should attend experiments with the site value tax.

The Tax Reform Research Group offers here some possible ways to put into practice the basic and essential reforms above. These proposals do not make up a complete reform package. Instead, they merely suggest the range of options available to citizens and their elected representatives at the local, state and federal levels.

Some of the suggestions may require new legislation, or amendments to state constitutions; others may be possible within existing law. As stated above, state and local governments can take great strides towards tax equity, and gain considerable new revenues, simply by honest assessing and enforcing the property tax laws already on the books.

In addition, citizens can use these suggestions as a checklist for rating the current structure and administration of the property tax in their own state.

It is most important that citizens learn as much as possible about the property tax before undertaking reform. There is a tendency to go from crisis to crisis, reacting to immediate hardships with schemes for relief. The tendency is understandable, but reacting to hardships one-by-one just delays the inevitable. In some cases immediate relief may be necessary, but unless the entire structure and method of administration of the property tax gets a complete overhaul, inequities relieved and burdens removed at one point will soon reappear at another. The next Newsletter will contain a Citizen's Bibliography for Property Tax Investigation and Reform to help provide the background for thorough reform efforts. A few items on that list might be mentioned here as a start.

1. Advisory Commission on Intergovernmental Relations, *The Role of the States in Improving the Property Tax, and State and Local Finances and Suggested Legislation*—1971 *ed.* available from the Commission at New Executive Office Building, Washington, D.C. 20006.

2. Rybeck, Walter *ed., Property Taxation, Housing, & Urban Growth* available from the Urban Institute, 2100 M St., N.W., Washington, D.C. 20037, (price $2.50.)

3. Report of the National Commission on Urban Problems, *Building the American City* (91st Congress, 1st session House Document No. 91–34) available at libraries.

4. The reform package drawn up by the Washington Equitable Tax Association, Parkland, Washington, and later enacted in large part by the Washington State Legislature. For information write Mr. C. Melvin McKenney, Washington Equitable Tax Ass'n., Inc., 12146 C St. South, Parkland, Washington 98444.

(The Tax Reform Research Group welcomes comments on the following proposals, and suggestions for additional ones.)

FEDERAL GOVERNMENT

1. The Federal government should make available to state and local governments grants for improvement of property tax administration, including experimental shifts to a partial or full site-value tax.

2. The Federal government should coordinate the vast amounts of appraisal information it gathers through such agencies as the Federal Housing Administration, Tennessee Valley Authority, Census Bureau, the Departments of Interior, Housing and Urban Development, Transportation, Agriculture, Commerce, and Defense, and make this information available for purposes of property tax administration.

3. (Tax-exempt federally-owned properties—See *Exemptions.*)

4. No Federal condemnation award should be higher than the state or local property tax assessment for the property in question.

5. The Federal government should coordinate with its own extensive appraisal activities; conduct research on more accurate and efficient methods of property appraisals; develop its own appraisal capacity; make a team of expert appraisers available to state and local property tax administrators on request; devise training programs for these appraisers and make these programs available to property tax administrators.

6. The Federal government should assist and/or encourage the states in assuming more of the costs of public education.

7. The Federal government should, if possible, give state and local property tax officials the authority to inspect books, records, and property located out of state but belonging to taxpayers in the state; or it could encourage interstate compacts for this purpose.

8. The Federal government should stop, either through grants-in-aid, preconditions to such grants, bonuses, or penalties, the widespread underassessment of vacant land and the land component of real estate generally.

9. The Federal government should conduct a thorough investigation of Federal revenue losses due to the widespread practice of commercial and industrial taxpayers of over-valuing their buildings and improvements, and under-valuing their land with the cooperation of local property tax assessors, so as to inflate the depreciation they can claim for Federal income tax purposes.

10. The Federal government should require that all leasehold and other interests in its property shall be subject to property-taxation.

11. The Federal government could condition shared revenues and/or grants-in-aid on the achievement of certain standards of property tax administration, and/or provide bonuses under such programs for governments meeting these standards.

12. The Federal government could either eliminate the income-tax deductibility of property taxes (& mortgage interest) for homeowners, or else it should extend these deductions to renters.

13. The Federal government could subsidize property-tax abatements for rehabilitation or new construction in decaying areas (conditioned on the achievement of certain levels of property tax administration.); and abatements for conservation purposes.

14. The Federal government could enact a Constitutional amendment to enable it to establish a nationwide progressive-rate property tax such as that used in Australia.

15. The Federal government could assist states in providing property tax relief for farms below a prescribed size, to encourage both the conservation of farm land and of the small family farm.

THE STATE LEGISLATURES

1. The states should revise their constitutions (where necessary) and enact laws to enable property tax jurisdictions to experiment with various forms of site-value taxation and selective abatements; and to permit progressive property tax rates.

2. The states should establish progressive property tax rate structures, with rates increasing in proportion to value of property, amount of property owned, and/or income. (Possibly with special provision for hardship cases such as genuinely small farmers and the elderly.)

3. The states should enlarge the jurisdictions in which property taxes are levied—at best eliminating all local jurisdictions and levying the tax on the state level.

4. The states should assume part or all of the assessment function, even if local areas or counties still set their own rates. It is especially important that states assess large commercial and industrial properties, because local assessors normally lack the ability or resources to assess these properties or to defend their assessments on appeal.

5. The states should eliminate any constitutional provisions and state statutes which impede fair, equitable and progressive property taxes and effective tax administration, and should eliminate any provisions and statutes which they are not willing to enforce effectively and uniformly.

6. The states should establish a system whereby both the legislative and executive branches continually evaluate and review the property tax laws and their administration.

7. The states should review and recodify all laws dealing with property taxes and their administration.

8. The states should eliminate all overlapping assessment and taxing jurisdictions, and all jurisdictions with fewer than 100,000 (50,000) residents.

9. The states should eliminate all special low-tax zones, whether commercial, industrial or any other kind, so as to insure an equitable sharing of tax burdens throughout the state.

10. The states should soften the impact of property taxes on low income persons, through such devices as: a. "circuit breakers," which insure that no homeowner or renter pays more than a set percent (such as 10%) of his income in property taxes. b. a uniform exemption, such as $5,000 of full market value, for each homeowner.

11. The state should provide property tax relief to prevent the forced development of farm land, wood land, or open space. But such relief should be part of a complete program of land-use restrictions and development control; and if a benefitted property owner later sells such land for development, or develops it himself, he should pay back the taxes of which he was relieved, plus interest.

12. The states should allow both homeowners and renters a credit against state income taxes for property taxes paid, directly and indirectly.

13. The states should amend their banking laws to require banks to pay interest on property taxes paid in advance to escrow accounts.

14. If the property tax on residences is not levied on a statewide basis, then the property tax on all commercial and industrial properties, minerals, timber, and on all farms and acreage of over a prescribed size, could be so levied, both to prevent the wealthiest taxpayers from insulating themselves in low-tax rural areas or special low-tax zones from the revenue needs of the state; and to eliminate the self-destructive competition between localities for high valued commercial and industrial property.

At the very least, all additions to the commercial and industrial tax base in SMSA's (Standard Metropolitan Statistical Areas) should be shared among the taxing jurisdictions in those areas on the basis of need, with special bonuses for jurisdictions which admit low-tax-productivity land uses, such as parks and low-income housing.

ASSESSORS AND ASSESSMENT ADMINISTRATION

1. Assessors should be appointed, for indefinite terms; they should not be elected.

2. Assessors should meet prescribed standards of qualification, including passing a state examination, and they should be certified by the state.

3. Assessors should have adequate salaries and career opportunities.

4. Assessors should have the staff, resources, and legal authority to enforce the property tax laws fully and effectively.

5. Assessors should have the legal authority to inspect the property, books and records of all taxpayers within their jurisdiction; and in the case of taxpayers with property in more than one jurisdiction, the right to inspect such property, books, and records located outside their own jurisdiction.

6. The state should provide and/or sponsor pre-entry and in-service training pro-

grams for assessors, and should monitor and evaluate their performance.

7. The state should modernize and make uniform in each jurisdiction the methods of collecting, recording, and analyzing all property-tax and land-record information.

8. Any property owner could be allowed to set his own property tax assessment, provided he agrees to sell his property to anyone willing to pay 10% (20%) more than the value he so sets, and is willing to agree to accept that value for any condemnation award.

9. Property tax assessments should be the basis for all condemnation awards.

10. If assessment-sales ratios are not the same for each assessing and taxing jurisdiction in the state, the state should carefully equalize these ratios for the purpose of state aid and exemptions.

11. All property—and especially land—should be reassessed each year.

12. If the state does not itself perform the assessment function, it should, at least, when necessary:

a. issue rules and regulations;

b. require observance of personnel standards;

c. require correction of clerical mistakes in the classification and exemption of property;

d. order or institute the assessment of omitted property;

e. order or institute the reassessment of:

(1) individual parcels or items of property;

(2) individual classes of property;

(3) all properties in a jurisdiction.

13. There should be no separate local and county boards of review and tax appeals, or county and state boards of equalization, that serve administratively as part-time supervisors.

14. The state should take over, at local expense, the assessment function of any jurisdiction that does not meet prescribed minimum standards of assessment performance.

15. Only public officials should asses or reassess property; and property-tax jurisdictions should contract with private appraisal firms, if at all, only for special consulting on unusual problems. All documents that private appraisal firms prepare under such contracts should be available to the public.

16. No public official with any role in the administration of the property tax should be engaged privately in any way in the business of dealing in or insuring real estate; or in building, repairing, or appraising real estate.

17. The assessor should not raise the assessment on a property that is sold unless he is conducting a general reassessment of the entire jurisdiction.

18. If the State does not itself perform the assessment function entirely, it should at least:

a. assess all commercial and industrial properties of above a prescribed fair market value, such as $150,000;

b. assess all properties, parts of which are located in different juirsdictions within the state, or which are capable of being moved between different jurisdictions;

c. assess all other property of a specialized, unusual or complex nature;

d. make available a staff of trained, certified appraisers and administrators to assist in any aspect of property appraisal or property tax administration;

19. If the state does not perform the assessment function itself, it should at least provide:

a. tax maps and record-keeping systems;

b. assessment and appraisal manuals, handbooks of laws, rules and regulations; cost and price schedules;

c. computer programs and facilities for both property-appraisal and record-keeping functions;

d. professional and technical services.

20. If the state does not itself perform the assessing function, it should establish minimum requirements for:

a. professional staffing;

b. equipment and facilities;

c. frequency of reassessment;

d. methods and specifications for appraisal and reappraisal of property;

e. performance, as measured by average assessment ratio and uniformity of assessments.

21. If the state does not itself perform the assessing function, the state's role in property tax administration should be through a single, prominent agency, headed by a career administrator. This state agency should:

a. perform assessment supervision, assistance and equalization;

b. assess all state-assessed property;

c. conduct valuation research.

ACCESS TO INFORMATION

1. All property-tax assessment records, including work sheets explaining and justifying individual assessments, and records of appeals, should be public information and open to public inspection.

2. The property-tax assessor's office should be open in the evenings, for the benefit of taxpayers who work during the day.

3. The assessor's office should provide citizens with convenient and easy access to property-tax records and should have ample tables and chairs to permit taxpayers to examine and copy these records. It should provide a photo-copy machine to permit taxpayers themselves to photo-copy tax and assessment records at cost.

4. (Publication of records regarding exemptions—see *Exemptions*.)

5. Each taxpayer should be notified, in writing, each year of:

a. the assessed and full market values of his property;

b. the assessment-sales ratio for his own class and all other classes of property in his jurisdiction.

c. the assessment ratio required by state law.

d. precisely how, when and where to appeal his assessment.

6. Property-tax records should be indexed by property-owner, street address, and tax map number, so as to provide taxpayers with the fullest possible access to this information.

7. Whenever a property is sold, the sales price should be both recorded on the deed and reported to the appropriate property tax official, who shall include it on public property tax records.

8. The assessor should publish annually, in a local newspaper, the street address, property owner, and amount outstanding, including interest, of all property-tax delinquencies.

9. The state should conduct studies of assessment-sales ratios and ratios of dispersion for each type of property in each jurisdiction in the state. It should publish meaningful composites of this information annually, and it should make the studies themselves available as public information.

10. The appropriate property tax official should notify, and inform of their rights, all property-owners whose property valuation may be affected by any court decision holding any action of the jurisdiction in valuing property or levying taxes to have been performed illegally or unconstitutionally.

11. The assessor should both determine and record separately the value of the land and improvements on each parcel of property.

12. All property tax records should be recorded and indexed in the name or names of the real party or parties in interest. In the case of corporations, such records should include, and be cross-indexed according to, the names of any persons controlling, controlled by, affiliated with, or under common ownership with them.

13. Each property tax assessment jurisdiction should compile each year lists of the property holdings of all property owners (real parties in interest) within it, such lists to be available as public records.

14. The state property tax agency should compile each year composite lists of the holdings of all property owners (real parties in interest) within it, such lists to be available as public records.

TAXPAYER APPEALS

1. There should be a convenient and inexpensive small-claims type procedure whereby taxpayers can appeal both over-assessment of their own property and under-assessment of the property of another.

2. There should be a clear right of class action for property-owners who contend that as a group they have been over-assessed or that another taxpayer, or group of taxpayers, has been underassessed.

3. Assessment-sales ratio studies and other studies reflecting upon property tax equity, done by the Federal Bureau of the Census or by the State Department of Taxation (or other legally-authorized body) should be admissible as evidence in property-tax appeals.

4. There should be an office designated "Property Tax Advisor"—not an employee of the assessor's office and not associated in any way with the assessment of property—the holder of which, and his staff, would act as advisor to all property taxpayers in the jurisdiction, including explaining to them fully their legal rights and assisting them in preparing for appeals. The property tax advisor should have access to any property tax and other records, public or private, that the assessor himself has access to, including the worksheets of any private appraisal firm which provides services under contract to the jurisdiction.

5. Taxpayers who successfully appeal the underassessment of another could be reimbursed for legal expenses by such party or by the jurisdiction which benefits from the increase.

EXEMPTIONS

1. The assessor should publish annually in a local newspaper, the street address, owner, assessed value, taxes exempted, and the basis of the exemption, for each exempt property.

2. Each property owner claiming an exemption should submit an application and signed affidavit each year justifying and supporting his claim. All such applications should be public documents and should be readily available to the public.

3. Exemptions should be granted or denied on the basis of how a property is used, regardless of who owns it (i.e. a profit-making parking lot or apartment building which competes with other such businesses should not be exempt from property taxes just because a fraternal organization or church owns it. Nor should private businesses be exempt from property taxes just because they lease property from a tax-exempt body such as a government authority.

4. Whenever possible, the legislature should provide an outright appropriation for an activity it wishes to support, instead of granting it a property tax exemption.

5. The state should reimburse local governments for all their property tax losses due to state-required exemptions.

6. Exempt properties should be reassessed as often and as carefully as other properties in the jurisdiction.

7. The Federal government should reimburse state and local governments for all net tax losses due to federally-owned, exempt property. (But such reimbursements should be conditioned on need, revenue-raising effort, and achievement of prescribed minimum standards of property tax administration. Such reimbursements in excess of need could be put into a pool and distributed to needy localities within the state or region.)

8. The state should condition all the prop-

erty tax exemptions, on demonstrated economic need.

9. Leaseholds and other interests in tax-exempt property, should not be exempt unless the holder of the lease or other interest himself qualifies for the exemption.

LOCAL DEBT LIMITS AND STATE GRANTS

1. A property tax jurisdiction should not benefit, whether in the amount of state aid it receives, the contribution it makes to state-supported services, or in any other way, from assessing its property at a lower percent of fair market value than other jurisdictions in the state.

CONFERENCE ON PROPERTY TAX REFORM, DECEMBER 12, 1970, WASHINGTON, D.C.

9 A.M.—Opening. Student Activities Center, 800 21st St. N.W.

9:15—Speech by Ralph Nader.

10 A.M.—Speech by Senator Edmund S. Muskie.

10:45—Speech by Governor-elect Milton Shapp of Pennsylvania.

11:30—Speech by Mason Gaffney, Economist with Resources for the Future, Washington, D.C.

1-3 P.M.—Workshops. George Washington University Law Center, 720 20th St. N.W.

Legal remedies: Professor Ferdinand Schottle, University of Minnesota Law School.

Citizen group participation in reform: Sam Simon, Associate, Public Interest Research Group.

3:30—Speech by Perry I. Prentice, Vice-President (retired), Time-Life, Inc.

4 P.M.—Speech by John B. Rackham, D.C. Department of Finance.

5 P.M.—Conclusion.

WHAT IS PROPERTY TAX REFORM?

(By M. Mason Gaffney)

(Address to Conference on Property Tax Reform sponsored by Public Interest Research Group, Held at George Washington University, December 12, 1970.)

You people are so different, you remind me of the son who worried his dad by becoming a campus militant. The dad tried to pal up to the boy in the old fashioned way by talking sports. It being that season, he opened the sporting news one night and asked "Son, what do you think about Indianapolis 500?" Son: "They're all innocent!"

As I say, you're different. You are in the most hopeful and constructive movement of our times and I salute you. You are becoming, I hope, the answer to Norman Cousins' question "Who Speaks for Man?" While others were losing their heads you kept yours. Now the tumult and the shouting dies, you are center stage. It's your turn. You may not feel ready, but the world is suddenly quiet and listening—for you.

Today the subject is property tax reform. You want to represent the unrepresented. How can property tax reform help them?

The answer is pretty obvious, and it is not property tax relief. Property is owned by people of property—the rich. Ownership of this rich tax base is concentrated in a few hands, much more so than income. The top 10% of income receivers in the U.S. receive something like 30% of the income, and we call that concentrated. But a high share of that 30% is property income, while lower bracket income is more composed of wages. Most property income receives privileged tax treatment of various kinds, so the effective income tax rate applied to property income is much lower than that on labor earnings, and official definitions of income are so sloppy that much property income isn't even included in the data, much less taxed.

As to concentration of property, about half the people own none, they are tenants. So we begin with the top 50% of families owning 100% of the property. They are not an underprivileged class, but some are more equal than others.

Among property owners I estimate the top 10%—that's 5% of all families—own around 60%. I find no overall data relevant to the property tax base, but here are some items.

The top 2.3% of farmers had 43% of the farm land as long ago as 1950. I pulled that figure from my Ph. D. dissertation, which also showed that if the Census measured farm land by value instead of area the concentration would not have been any less, and if you want to check me out, it's available on microfilm from the University of California Library.

Since 1950 the rate of engrossment has not slackened, so today control is even tighter. Federal subsidies lavished on these favored few in proportion to their landholdings are legendary. The effective rate of rural property tax is about 1%.

Urban concentration is less well documented. I analyzed the assessed value of real estate on the west side of the Milwaukee C.B.D. in 1969. The top 10% have 53% of the assessed value there, and more elsewhere. I feel confident that if I knew the names lurking behind the disguised ownerships the top 10% would have a good deal more.

The largest owner in the small study area is the William Plankinton Trust, at $6 million. This is the value of 1200 slum dwelling units at $5,000 each (many in Milwaukee go for less than that). Think about that the next time someone speaks of the poor man's stake in property tax relief.

The Schlitz Company is on the rolls for $3 million in the small study area. This omits the brewery that made Milwaukee famous; it omits the family's (their name is Uihlein) 200 acre "farm" on the choicest residential site in the County, by the lake in posh Bayside where land goes for $20,000 an acre (200 x $20,000 equals $4 million); it omits the Polo grounds on the speculative northwest side, and who knows what else?—the larger the ownership in one area the more likely is the owner to hold land outside it, often around the country and the world.

On the East Side of Milwaukee's C.B.D., I found the top 10% to have 60% of the value.

I ranked Milwaukee's industrial firms by assessed value and found the top 10% to have 89%—yes 89%—of the assessed value of industrial land and buildings. In this study I also found evidence that assessment of industrial *land* (I do not know about buildings) is regressive, indicating the top 10% have a yet higher share of the true value of property—but that's another story. 89% is high enough. You get the point. Taxable property is highly concentrated in the hands of a few, even in Milwaukee which is notable for diversification. Imagine what you find in Seattle, Dearborn, and Gary.

It's also interesting that these big fellows with 89% or more of the property employed only 69% of the workers. It's the small shops that hire more men in proportion to their assets. Next time they dwell on the importance of big employers to fight unemployment you might think on that, too.

Turning to expenditures, much of the tax money raised from this progressive base is used redistributively, to pay for schools and welfare.

The property tax is the traditional means in American law whereby the poor assert their equity as citizens in the property to which the rich hold title. It is as good a claim as the other, the one we call 'property' in fee simple. The public claim in fact is prior in law—taxes are senior to mortgages, for example. The public claim is not limited. The fee holders' right to retain what is left after taxes (and debt service) is not a contract between him and the state, it is a matter of legislation and common law. Like eminent domain, taxation of real estate expresses the ultimate sovereignty of the state. I speak not as a revolutionary but a believer in law and order in a nation whose laws are radical enough to let the poor accomplish more than any revolution, if they only will learn how.

The property tax base is big and strong. The national levy on property now is around $35 billions. There is gnashing of teeth and rending of garments. The pain of the wealthy is loud and they never lack sympathy. And yet the market value of this tax base keeps rising, rising in the teeth of higher tax rates and higher interest rates, the latter at 8% making most tax rates (about 2%) look small. Allen Manvel estimated the value of taxable real estate in 1967 at $1.4 trillions, double the 1957 value; and to that you may add minerals, timber, water rights, and a great variety of miscellaneous forms of property I think escaped his net. The owners of nearly $2 trillions of real estate value are not a collective welfare case. They just sound that way—it's one of their special skills. That is not so funny when you look at the punitive and destructive way we treat many real welfare cases.

"Property tax relief" for the orphaned blind widow in the ivy-covered cottage is a popular theme, but that means sloughing the social obligation of property onto others—how? Sales taxes hit the poor. What we fondly call the income tax has degenerated into a payroll tax primarily, because property has learned to duck it, in a thousand clever ways. "Social security" is a slick name for another payroll tax, the most regressive one going. The corporate income tax can't touch unincorporated property and is full of loopholes that corporations can use by misallocating their resources.

Naturally property owners resist sharing with the propertyless. But the struggle of the poor in America has been fought before, and won. It is a repetitive theme in our history. Each generation of poor must fight the battle anew, must rediscover the levers of power that our system avails them. The Nation survives because the establishment has some give, and is attuned to accommodate—however grudgingly—some of the demands of the poor.

That requires pressure from the poor, and this we have. There are plenty of excitables ready to march, confront, agitate and demonstrate. It also requires know-how, so far not much in evidence. Pressure alone is not enough. If the poor could rout the police and loot at will they would enjoy only a one-shot gain, with nothing to loot tomorrow. But know-how! There is a permanent revolution built right into the system we already have, with the police coming down on the side of the poor.

The method is taxation, which is tempered looting according to rules that can be quite constructive and provide a permanent support for welfare, education, and many other things.

Why don't the poor know how? It's not that no one tells them, and it's not that they never listen. The problem is so many are telling the poor so many and complex and confusing things they don't know whom or what to believe, and their energy is lost charging down blind alleys following delusions. Property's spokesmen ask for tax relief—and the sales tax. They defend regressivity in the rhetoric of progressivity. But ev'rybody talkin' 'bout Heaven ain't gwine dere.

The defense of property is to generate negative information to clog the channels of communication. This is the problem. And you are the solution, because you are dedicated to finding and publicizing positive information—some call it truth.

Negative information on the property tax now circulating makes a long scroll. But high on the list is the refrain that it is regressive. A high powered organized well-oiled campaign has been mounted to persuade us that we can help the poor by shifting taxes off property onto the Federal Payroll Tax—usually called the income tax for P.R. purposes.

To make the property tax look as though it socks the poor when most property is so closely held calls for some fancy sophisms. I have in my security blanket here—this large briefcase—a list of seventeen fallacies in basic studies alleging the property tax to be regressive, and a copy is yours on request. The main argument has to be that the tax is shifted. Indeed some go so far they seem to say that big owners shift it and only widows and orphans really get stuck with it. I exaggerate, but not much.

To the extent there is any truth in the shifting thesis, and there is some, it can be stopped by reforming the property tax. That is my theme this morning.

Reform Priority No. 1 is the assessment of land. That is Step One, and as the day is too short for the next 29, I will dwell only on it. A quarter of what is wrong with the property tax can be remedied by upgrading land assessment, so it is a big Step One, sufficient alone to benefit us greatly and necessary to most other steps.

I have seven reasons why land assessment is Priority No. 1.

2. Taxing land encourages good use; taxing buildings doesn't.

2. Land is more underassessed than buildings.

3. Land is a large share of real estate value.

4. Land ownership is more concentrated.

5. Regressive assesment is more evident with respect to land.

6. Citizen involvement is most feasible with respect to land.

7. Correct land assessment is necessary to close loopholes of the income tax.

1. TAXING BUILDINGS IS OFTEN COUNTER-PRODUCTIVE

A critic of the pork barrel once defined an engineer as a man who tells you the very best way to do something that shouldn't be done at all. The same might be said for the art of assessing buildings. My city of Milwaukee illustrates the tragedy of good assessment applied to the wrong base. For years Tax Commissioner Thomas Byrne was one of the best: honest and true, capable and respected. And did Milwaukee then flourish? The record shows that it did little but grow older under this exemplary regime. A heavy tax on capital is not much more attractive to investors by virtue of being levied accurately.

So when you demand higher taxes on buildings you meet a counter-argument that you may stifle renewal. Newark, Boston, and in lesser measure Milwaukee, each with real tax rates over 4%, serve as cases in point.

Now I don't advise you to cave in before every counter-argument, but this one makes some sense. When buildings are taxed, the tax on a parcel of real estate depends on the use to which the owner puts it. If the tax is high enough to matter it biases owners against the heavier taxed use. It biases them against supplying new floor space and shelter, and in favor of billboards, gas stations, junkyards, open storage, parking lots, baronial estates, obsolescence, speculation, and dilapidation. In general, it favors old over new and ranks high among factors that retard urban renewal. It tends to restrict supply and maintain rents paid by the poor, thus shifting some tax to the poor and putting what regressive element there may be in the property tax.

Taxing buildings raises the spectre of interurban competition and puts a ceiling on feasible property tax rates, limiting the revenues it can raise. Capital has loose feet. Land, on the other hand, has only square feet; you can tax the very all out of land and not one square foot will get up and walk out of town—not one.

So to help the unrepresented, it makes more sense to raise land than building assessments.

2. LAND IS MORE UNDERASSESSED

Every study of assessment discrimination finds land to be the most underassessed class of property. The most comprehensive study is the 1967 Census of Governments, Vol. II. On p. 42 we find a summary for the whole U.S. The Census compared assessed values to sale prices of parcels of real estate sold over a period, and arranged the results by classes of property. For "all types" the assessment to sales ratio is 31%. That is a measure of fractional assessment conventionally practiced. Let's call it "parity." Any class assessed at 31% is assessed at 100% of parity; 15½% is 50% of parity; and so on.

The lowest assessment to sales ratio is for the class called "Acreage and Farms," at 19%. That's 61% of parity. Next is "Vacant Lots" at 24%, which is 77% of parity. "Residential" is at 35%, or 113% of parity; and "Commerce and Industry" at 36%, or 116% of parity. So you see that interclass discrimination of a gross order is the rule nationwide.

Interclass discrimination like that is not reflected in the Census statistic assessors usually cite to evaluate their work. This statistic is the "Coefficient of Dispersion." It is a kind of average of the deviation of assessment ratios from 100% parity. Coefficients under 20% are considered passing—sort of like a D grade in school—and under 10% pretty good. Many assessors flunk.

But those who earn high grades (low coefficients) and wave them around are not necessarily doing a good job. "The" Coefficient of Dispersion is really only "a" Coefficient of Dispersion, a partial score. It is computed from one class of property only—single family residences. An assessor can enter land at zero and still get good marks on his Coefficient.

Let's look at Maryland. It gets the best marks for a low Coefficient of Dispersion, and enjoys the highest reputation for good assessment. Yet its interclass bias is bad. On p. 44 we find that assessment parity in Maryland is 43%. "Acreage and farms" show an assessment to sales ratio of 18%—that's only 42% of parity. Vacant lots are at 29%, 67% of parity. But residential gets soaked for 117% of parity. Comparing classes directly, that means residential is assessed nearly 3 times too high compared to acreage and farms. *Three times* too high! That's not just one deviant; that's a systematic bias between classes. And that's not a chamber of horrors case from Arkansas, Mississippi, or Alabama. That's shining Maryland, a beacon light in the assessment jungle.

The truth is even sadder than the Census shows. Census Table 9 which I have been citing doesn't dig into the worst abuses. The Census omits that class of land most underassessed: unsubdivided acreage inside SMSAs. Its class called "Acreage and Farms" is only outside SMSAs; and "Vacant Lots" means subdivided, improved lots. But a large share of all land inside SMSAs, maybe half or more, is unsubdivided acreage. This is the stuff assessors can't see, and the Census hasn't touched it.

Let's look at Michigan. The Census gives Michigan fair marks on interclass bias; parity is 29%; acreage and farms are at 25%—not bad by Maryland standards. But Professor Dan Fusfeld of the University of Michigan studied Michigan assessments independently in 1969. He zeroed in on the neglected class acreage inside SMSAs. He pronounced it a "scandal" of underassessment. One Michigan city, Southfield, wrought a modern economic miracle by electing itself a mayor in 1962 who had acreage assessed at value. He—James Clarkson—and his assessor, Ted Gwartney, tell me that this meant multiplying previous land assessments severalfold.

This jibes with my findings in Milwaukee. The Census says that parity in Wisconsin is 49%; acreage and farms are at 35%; and vacant lots at 23%; or 47% of parity. That sounds bad, and it is. But I found worse. After extended study and data collection and map analysis I estimated Milwaukee land values to be $2.3 billions. The assessor's values, when equalized, tote up to $700 millions—that's 30% of parity. You'll find the detail in a new book edited by Daniel Holland, *The Assessment of Land Value*, University of Wisconsin Press, 1970.

Don't think it's easy to get such facts publicized. Perry Prentice of Times, Inc. managed to get some press for the Milwaukee findings in the *Nations Cities* Magazine for May, 1970, and you may be interested in what happened next. The Milwaukee *Journal*, which feuds with the Mayor, changed its spots and rallied to his defense. It ran a front page editorial demanding an apology. *Nations Cities* ran a long, rambling screed from Milwaukee's Tax Commissioner. Neither would run my reply, although *Nations Cities* had it in galleys before Editor Pat Healy zapped it. Make of these facts what you will. "Establishment cop-out" is, I believe, the new idiom. I have spare copies of the reply here for you who like facts and figures.

Then we could open the chamber of horrors and look at Edgartown, Massachusetts, where some land was not even on the tax rolls until 1969 when they started finding it on aerial photographs; Sonoma County, California, where the state paid 62 times the assessed value for Salt Point Ranch; Jasper County, Missouri, where an assessor was forced out after using a University soils expert to help reassess farm land; Texas, where Nader's Raiders have documented systematic underassessment of oil and timber lands; but enough! You get the point. Land is No. 1 reform priority because assessors are favoring it scandalously.

3. LAND IS A LARGE SHARE OF REAL ESTATE VALUE

Most people have no notion of how high a share of real estate value is land value. Returning to Milwaukee, the present land assessment is only 23% of the whole. My calculations triple the land figure. That does not triple the land share because it also raises the total, and I don't know by how much because some of the increase represents simply a reallocation of value from building to land while some is a net gain—the detail gets complex. But I'm sure land is over half the total, when land is rigorously assessed by comparison with current sales of adjacent land.

The District of Columbia enjoys superior assessment. Assessor John Rackham worked over land values a few years back and brought them up to 43% of the total. I suspect my approach would put them higher yet, but one new broom can only sweep so clean in a complex institutional setting.

In California, Ron Welch of the State Board of Equalization estimated land values at 43% of real estate. That was a few years back. Ron and I have a friendly disagreement about the use of maps to infer and interpolate land values between sales data points, and if he says 43% my methods would probably yield a higher figure. More recently Bob Gustavson, a whiz-bang young statistician who works with Ron, set the figure at $70 billions. That's as much as anyone would admit the whole U.S. was worth a few decades ago, which gives you an idea.

These figures apply only to land in an orthodox limited definition. They do not include many natural resources held by license or other exotic legal-administrative form. Reform of land assessment should include the project of getting these penumbra properties classified as taxable real estate.

For example, the California figures I cited do not include the value of hydroelectric power drops controlled by PG&E and SCE. There is no market in waterfalls, so they give up and call the value minute, which is nonsense. Big western stockmen graze their herds on our Federal land at nominal rents. These rights are worth millions, maybe billions, but they are not directly taxable. Broadcast licensees enjoy virtual tenure of a nondepreciable frequency band—tax free. And so on. Get these assets in the property tax base and the widow in her ivied cottage could truly find tax relief.

4. LAND OWNERSHIP IS MORE CONCENTRATED

Reforming land assessment is Priority No. 1 because the rich are heavy on land relative to buildings.

Wednesday night I tuned in the Nader Report and heard about the underassessment of Union Camp Corp. in Savannah. I was glad to hear them mention UCC's Savannah landholdings. They might also have mentioned 1,600,000 acres of other land UCC owns in the southeastern states. This is mostly just timberland, but several new interchanges are on UCC land. A recent inventory by UCC disclosed 40,000 acres they held worth *more* than $400 per acre. 40,000 × $400 comes to $16 millions, and that is much less than the total value of this fraction of their land.

Continental Can, another Savannah firm, has 1,300,000 acres of land in 7 southeastern states.

It was not by chance that the Savannah Raiders stumbled on landowning corporations. The corporate form of organization originated as a landholding device, and it still is that above all. For a collection of information on this I again refer you to my chapter in Dan Holland's book *The Assessment of Land Value*.

There is a tendency for larger corporations to go heavier on land. Ranking corporations by value of assets, 6 of the top 11 are mineral-based: U.S. Steel and 5 oil companies. And it's not just minerals. There are 324,000 gas stations in the U.S., mostly in cities on hot corners, the land toting up to $16 billions or more as an educated guess. Professor David Martin of Indiana University has shown that larger mineral corporations tend to hold more land reserves in relation to output.

Turning to residential, the share of land in residential real estate value rises steadily with total value. If you doubt it, check me in the Kaiser Commission Report, Technical Studies, Vol. II, p. 351. Or see the study by Professor Harold Brodsky of the University of Maryland on the District of Columbia. He ranked Washington Census Tracts by median income and found the land share in real estate to rise with income. His method was multiple regression analysis, but all you really have to do is tour Foxhall Drive and use your eyes.

At the bottom of the heap, 23% of the families in Milwaukee cover 3% of the residential area. These are the slums, where you pay a base price for a roof over your head regardless of the neighborhood. The poor use little land area per person, and the land is cheap because of the neighborhood. Several studies show that the poor think shelter while the rich think neighborhood—that is, land value. And the super-rich? 1,000 acres of front yard is nothing in the upper crust, and several such estates scattered around the jet-age world. They have lain field to field until there be no place, that they may be alone in the midst of the land—in the words of Isaiah, a prophet who foretold more than Christmas day.

Turning to commerce, I've told you I ranked the holdings of the Milwaukee C.B.D. by value. Then I figured the share of land in each decile—that is 10% of the holdings. The share rises with size of holding. The trend is less steady than I would like, but I think that is because of the small numbers and some technical data problems I'll be glad to discuss with interested people.

As to industry, I ran a study of 626 industrial firms in Milwaukee. Here my data were better—I had a way of estimating market value of land from my map, rather than relying on assessed values. For the top 10% the land share is 35%; and they reported much additional land held for expansion. For the smallest 10% the land share is very low—under 5%. You must understand that these smallest industrial firms are often little more than old garages converted to tool and die shops.

So I have the data to say that the land share rises with value of real-estate holdings. Theory also predicts this, but we can skip that. Raising land assessments therefore will make the property tax bear heavier on larger owners than it does now, and be more progressive.

5. REGRESSIVE ASSESSMENT OF LAND

It is the custom to assess large industrial tracts at less per acre simply because they are larger. Assessors defend this on the grounds that large tracts sell for less per acre. You'd think no one ever heard of subdivision. Yet at the same time, the City of Milwaukee land bank is stockpiling large industrial tracts as bait for giant industries that allegedly put a premium on large, unsubdivided tracts. Fascinating!

These attitudes obviously lead to regressive assessment of land. I never dreamed how far this went, however, until I ran my study of the 626 industrial firms. Since I had my own estimate of market value of land to compare with assessed values, I could figure assessment to market value ratios for each firm and then compare the treatment given the large and the small. The findings bowled me over. The top 10% had their land assessed at 20% of parity; the bottom 10% had their land assessed at 200% of parity—10 times too high compared to the biggest firms.

I cannot believe it's really that bad. Probably there is some compensatory underassessment of the buildings of the small firms. But I have no way of checking that. All I know for sure is that the assessment of industrial land in Milwaukee is regressive beyond the wildest accusation I ever heard.

A key factor in this pattern is the bias against subdivision. The smaller the parcel, the higher unit value the assessor gives it. That is no secret—assessors actually rationalize and defend the practice. Another angle is that raw acreage is left at farm valuation until subdivided. *Then* they raise the value—not just by the cost of subdivision but by all the pure unearned increment that has accrued over 30 years. So the big owner—no matter whether you call him a farmer, speculator, investor, or orphan—the big owner gets the low assessment, and the 50 small fellows he sells to get high ones. That is not just an industrial pattern, it is universal. The result is regressive land assessment.

Since most residential land is subdivided and most industrial land is not, this is also a bias against homeowners relative to industry.

I know of no comparable pattern leading to regressive building assessment. Land assessment is reform priority No. 1 because that's where assessment is demonstrably regressive, and reform is demonstrably easy: use a map and apply standard unit values regardless of parcel size.

6. CITIZEN INVOLVEMENT

It is more feasible for average citizens to check on land than building assessments. Anyone can read a map, and anyone can use known values to estimate unknown values nearby. That's how I, an amateur, could estimate industrial land values. I inferred them from sales of all land round about. God did not label His product "industrial," or "residential." Land is versatile, and all uses compete for it. So residential land values, which everyone knows, tells a lot about industrial land values. House values on the other hand tell little about overhead cranes, warehouses, pulp mills, and breweries.

The assessor who wants citizens to get involved can publish city land value maps. It doesn't cost that much, and it's been done before. Milwaukee did it in the early thirties, and I have a collection of land value maps from Budapest, Copenhagen, Chicago, Vancouver, Sydney, etc. They make good conversation pieces, along with aerial photographs.

Assessors really don't know much about valuing big industrial complexes, and they say as much. How could they?—the stuff never sells. There's no objective reference point. How can the citizen inquire intelligently into a subjective judgment?

With land there is a foolproof test of good assessment. Theory and common sense tell us that you demolish a building to salvage the land underneath. That means the bare land is worth more than the land with old building together; and this means the old building has no value. In fact it has a minus value—the cost of demolition.

So to test the assessor, check on the eve of demolition. The land share should be 100% or more—the building worth zilch. It is that simple. Most assessors flunk cold on this one, which gives the timid inquiring citizen the confidence he needs to ask more questions—pretty soon he's an expert!

In Milwaukee I checked 2500 demolitions and the assessor was generally alloting half or more of the value to the old junkers, less than half to the land. That gives you an idea of what to expect.

I hasten to add you may generally expect friendly treatment from assessors, even when you're critical. They are pleasant human beings—how else could they survive in that job? They take a lot of flack from the ignorant and neurotic, so give them a chance to discover you're different. Then you'll get through, unless they're crooked, but I've never met that. The problems are philosophical, not motivational.

7. LAND AND THE INCOME TAX

Last, land assessment is Priority No. 1 to close a huge loophole in the income tax. You probably know that landlords can depreciate buildings but not land to reduce their taxable income. When they buy an old building they can depreciate it all over again—outrageous, but true. They can depreciate their cost—what they paid—*less* the value allotted to land. They then allot as little to land as possible. Now what happens if they're audited and challenged? They cite their friendly local assessor's land valuation, that's what. The income tax instructons invite them to—that is virtually conclusive. The result: they depreciate land, not just once but several times. They depreciate it even though it is actually rising. They sell out and pay only capital gains rates on the book profit. They sell for a higher price because the buyer can depreciate the land again—and sell to repeat the cycle again, again, and again. This tax shelter depends entirely on understanding land value.

So your friendly assessor is under great pressure from local influentials to underassess land, even if that means overassessing buildings, so they can pay less income tax so you and I may have more withheld from our paychecks to cover their share. There's more, but that's enough. If we want to make property a taxpayer instead of a tax shelter, we have to reform land assessment.

In conclusion, there are seven reasons why reform of land assessment is Priority No. 1:

1. Taxing land encourages good use; taxing buildings doesn't.

2. Land is more underassessed than buildings.

3. Land is a large share of real estate value.

4. Land ownership is more concentrated.

5. Regressive assessment is most evident with respect to land.

6. Citizen involvement is most feasible with respect to land.

7. Correct land assessment is necessary to close loopholes of the income tax.

Let's get on with it.

THE PROPERTY TAX IS A PROGRESSIVE TAX

(By M. Mason Gaffney)

(Paper presented at 64th Annual Conference, National Tax Association, Kansas City, Sept. 28, 1971)

INTRODUCTION

"The regressive property tax" has become a common block phrase among economists and in the popular press. President Nixon's support for revenue-sharing is increasingly based on the need to protect the poor from heavy property taxes. Some prominent tax economists are favoring even sales taxes to make the tax system more progressive, by lowering the property tax.[1] Even local income taxes, which are mainly payroll taxes, are being advanced to relieve property and the poor.

I find this implausible. To own property is to be rich, in the measure that one owns, and to tax the quality of richness should not be presumed to burden the poor more than the rich. As to the elderly, it is only traditional for interest groups to hide behind selected widows, and one should rarely take such appeals at face value. And so I propose critically to examine the bases for alleging the property tax to be regressive.

The Founding Fathers regarded property taxes as redistributive and equalitarian. James Madison wrote—

> In England, at this day, if elections were open to all classes of people, the property of landed proprietors would be unsure. . . . Landholders ought to have a share in the government, to support these invaluable interests, ... They ought to be so constituted as to protect the minority of the opulent against the majority.[2]

Madison also wrote ". . . the most common and durable source of factions has been the various and unequal distribution of property." He foresaw that the landless majority might use government to redistribute property. "To secure . . . private rights against the danger of such a faction . . . is then the great object . . .".[3]

The constitutional safeguard which the Founders established is the "regulation of apportionment." "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, . . ." [4] It was designed to win the support of property owners by assuring them that the new federal government would be financed mainly by excise taxes rather than property taxes [5] and that when property taxes were used, states above average in property per capita would be spared.[6]

Property qualifications on voting were widespread at this time. ". . . in the opinion of conservative people they barely sufficed to exclude from the suffrage such shiftless persons as had no visible interest in keeping down the taxes." [7] Throughout the 19th century the suffrage was extended (it is not universal even yet), and government functions increased. Public schools became popular, and increasingly tax-financed. E. R. A. Seligman seems to perceive the property tax as redistributive in opposing exclusive reliance on it: ". . . it involves some risk for a small class to pay the taxes and for a large class to vote on them . . .".[8] (Ironically, Seligman is known as a proponent of the ability ethic of taxation.)

A common argument for sales and income taxes over property taxes is their "broad base," discouraging the poor from voting for public extravagance. "Broad-based" seems quite like "regressive."

Property qualifications for the vote are not dead. Special improvement district boards throughout the west are elected by landowners alone (notably excepting California Wright Act Irrigation Districts). The prevailing argument for limited suffrage is that so nicely distilled by Seligman *supra*.[9] In the settlement of the west, the county property tax was traditionally the fiscal means by which small settlers and homesteaders asserted some public equity in the lands of large absentees, ranches, and speculators. In some areas, owners covering whole counties (like Kenedy County, Texas) refused to sell to immigrants, to keep them from voting and raising county taxes—which the big owners evidently perceived as redistributive. Company towns like Arvin, California, have been kept unincorporated to keep migrant laborers from using the property tax on the owners. All of northern Maine is unincorporated, ostensibly because Great Northern and a few other paper companies want to avoid letting immigrant voters tax their property. Similarly, industrial tax enclaves in metropolitan areas keep out resident voters. In the Southeast half the poor have been disenfranchised because of poll taxes and race. The southeast relies less on the property tax than other regions. If the property tax were regressive the dominant minority would seem rationally to have imposed it on the disenfranchised poor. Instead they pioneered the state sales tax.

H. D. Simpson has pointed out how property owners favored the "contract" as opposed to "organic" theory of government. Under the contract theory, property could be charged only for benefits received (rather narrowly construed). Under organic theory, the public asserts its equity for redistributive ends, taxing *ad valorem* without reference to the source of value.

"The opponents of expansion (of public services), representing largely the property classes who would have to carry the cost of these expansions and who would participate least in their benefits, necessarily fell back on the Benefit Theory, . . ." [10] The benefit or contract theory lives today under the saying that property should only pay for services to property, not services to people. The animus is that property taxes to finance schools are redistributive. Services to property are often opposed, too. Property taxes to finance any mass system that favors small over large holdings inspire resistance in the spirit of attorney Maxwell's image of water districts as "Communism and confiscation under guise of law." [11] Such language suggests these taxes were viewed as progressive, and the history of irrigation shows they were indeed the weapon of small farmers against large.[12]

It is quite a wrench to shift from this historical perspective to the modern image of the property tax as regressive. But times have changed, and even the modern examples could be exceptional and atavistic. Also, today we have the income tax as a reference datum. Allegations of property tax regressivity usually imply a contrast with the income tax, lacking in Madison's day and weak in Seligman's. Current and recurrent proposals for property tax relief entail substituting income tax (and other state and federal tax) revenues for property taxes. To meet the argument in its strongest general form, therefore, we must compare property and income.

To define and narrow the issue I am making, I here define the property tax as one levied at a uniform rate on the base of the capital value of property as revealed by the current market. This is a property tax reduced to its essence, stripped of the regressivity that may result from maladministration and Balkanization, which are not the issues I raise here because they are not peculiar to the property tax. Maladministration often entails regressive assessment, a serious problem. But all taxes are applied regressively, and for about the same unhappy reasons related to legal costs and financing politics. The income tax may be the worst administered of the lot, in this respect. It is an unbalanced literature that would compare a badly run property tax with an idealized income tax.

As to Balkanization, this is not inherent in the property tax as such, but in local taxation as such. A local income tax similarly lets tax havens attract the rich by low rates. Wisconsin municipalities, indeed, have a local income tax (state-collected and returned). Since the rates are common, regressivity takes the indirect form of higher services and lower local property taxes in the favored enclaves, but it is nonetheless a feature of local income taxation. Illinois, California, *et al.* return sales taxes to municipalities of origin. California, on the other hand, may move to a statewide property tax in response to the recent state Supreme Court decision, bringing in to finance education not only the property of Emeryville and the Cities of Commerce and Industry, but also rich, undertaxed farm, timber, recreational, and above all, mineral-bearing real estate.

To hang the tax enclave problem on the property tax as such would, therefore, be an example of the fallacy of identification, one which I seek to avoid here by focusing on property value—the idealized tax base—rather than collections.

Today's common concept of regressivity owes much to an early work by Musgrave, Carroll, Cook, and Frane.[13] Their selection of data sources, assumptions, concepts and methods set a pattern followed in many later studies which repeated the general finding, with individual variations.

It is my thesis that the finding is inherent in the sources, assumptions, concepts and methods, not in the subject. To demonstrate this I make four points: property ownership is much more concentrated than income; the property tax is not primarily shifted forward, as assumed; the studies commit basic errors of correlation analysis with systematic biases toward their conclusion; and the studies misdefine both income and property, again with systematic bias toward their finding.

A. Property ownership is more concentrated than income

To begin, a large share of the adult population—half, as a rough measure—are renters and own no meaningful value of taxable property at all. Most of these essentially propertyless adults do earn taxable wage income. (We consider later whether property taxes are shifted onto them.)

Savings rise with income, faster than income. With savings one acquires property, and we would naturally expect therefore higher income groups to own property in proportion to their greater saving, which is a disproportionately high share of their high incomes. And we would also expect a high share of high incomes to come from property.

Musgrave *et al.* support this. They rank 1948 U.S. "Spending Units" by income and group them, using Treasury sources of data. The highest class got 23% of the income, but 78% of dividend income and 45% of rental income, and only 12% of the wage and salary income.[14] Other sources might be cited, too.

Musgrave *et al.* omitted capital gains. These are probably the most concentrated source of income, and of course property-derived. Realized gains swell from virtually nothing at the $10,000 income level to about half of income at the million dollar level.[15] Unrealized accrued gains, which we should include in a proper Haig-Simons income concept, are probably larger yet, and more concentrated. There are no easy data on this, but several *a priori* and indirect reasons to think them concentrated. The rich have a comparative advantage in waiting for deferred cash. They are known to favor growth stocks, undistributed profits, speculative landholdings and unripe minerals, major sources of unrealized accruals.

Among those who do own material amounts of property, concentration is high relative to that of income. The top 10% of income receivers, as income is usually defined and reported, get about 30% of all income. Every

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Footnotes at end of speech.

study of property owners shows figures in another ballpark altogether. Table 1 summarizes what several such studies show about the top group. Note that most of these figures show only concentration among those who own enough property to be counted, thus understating concentration among the whole population.

Wealth is measured by value in all cases except where acreage is specified (rows 4, 5). Here, some will object that the acreage measure overstates concentration, on the premise that large holdings of acreage are below acreage in unit value. But even if they are, to accept that objection from this premise would be a splendid case of regression fallacy. When we move to the value measurement we must rerank the owners on the new basis, and the new top group would consist in part of different individuals. And there is no way to know whether the new top group would have a higher or lower share, short of actually reranking, regrouping, and recounting.

TABLE 1.—SHARE OF WEALTH HELD BY TOP WEALTHHOLDERS

Investigator and kind of wealth	Percent of holders in top group(s)	Percent of wealth in top group(s)
FTC:[1]		
U.S. estates, 1926	0.1	8.5
Do	2.5	46.0
Smith & Calvert,[2] U.S. wealth, 1958	1	24.0
Lampman,[3] U.S. wealth, 1961	1	28.0
U.S. census,[4] U.S. farm acreage, 1949	2.3	43.0
R. Nader el al.,[5] California acreage, 1971	<.01	13.5
M. Gaffney,[6] Milwaukee CBD, east side, assessed value, 1968	10	60.0
M. Gaffney:[7]		
Milwaukee industrial real estate, assessed value	10	89.0
1960	1	59.0
Same, land area	10	75.0
TNEC [8] U.S. corporate shares	3	50.0
Crockett and Friend:[9]		
U.S. corporate	.1	20.0
Shares, 1960	1	50.0
Judiciary Committee, U.S. Senate,[10] shares of General Motors, 1956	<.01	33.0
Lydall & Lansing,[11] U.S. net worth, 1953	10	56.0
U.S.D.I.[12] Federal coal leases, 773,000 acres, 1970	10	49.0

[1] U.S. Federal Trade Commission, National Wealth and Income, S. Doc. No. 126, 1926, p. 59.

[2] James Smith & Staunton Calvert, "Estimating the Wealth of Top Wealthholders from Estate Tax Returns," American Statistical Association, 1965 Proceedings of the Business and Economic Statistical Section, table 5, p. 258.

[3] Robert Lampman, The Share of the Top Wealth Holders in National Wealth (Princeton University Press, 1962), updated to 1961 by Lampman in Business Week, "Rich Get Richer—but not for Long," Jan. 27, 1962, p. 31.

[4] 1950 U.S. Census of Agriculture, vol. 2, ch. 10, p. 775.

[5] Robert Fellmeth (ed.), "Power and Land in California," (Washington: Center for Study of Responsive Law (1971), Preliminary Draft (mimeo), vol. I, p. I–17.

[6] Data taken from city of Milwaukee assessment rolls and ranked by Patricia Bevic, research assistant.

[7] I ranked 626 city of Milwaukee industrial firms by assessed value, using data collected by Norbert Stefaniak.

[8] Temporary National Economic Committee, monograph 29, Distribution of Ownership of the Largest 200 Non-financial Corps. (Washington: GPO, 1940), pp. 37 ff. and monograph 30, Survey of Shareholdings in 1710 Corps., p. 50.

[9] James Crockett and Erwin Friend, "Characteristics of Stock Ownership," American Statistical Association, 1963 proceedings, reported in Milwaukee Sentinel, Sept. 18, 1963.

[10] Bigness and Concentration of Economic Power—a Case Study of General Motors. Staff Report, Subcommittee on Antitrust and Monopoly, Committee on the Judiciary, U.S. Senate, 84th Cong., 1st sess. (Washington: GPO, 1956), p. 7.

[11] Harold Lydall and John Lansing: "A Comparison of the Distribution of Personal Income and Wealth in the U.S. and Gt. Britain," AER 49 (I): 43–67 (March 1959), (using data from University of Michigan Survey of Consumer Finance).

[12] U.S. Department of the Interior, "Working Paper" (unpublished), cited in Milwaukee Journal, Aug. 29, 1971.

Most data sources don't do this for us, but a few such comparisons may be found. A special U.S. Census study of the ownership of rented farms in 1900 measured them both by area and land value. By area, the top 45% had 83%. By value, the top 45% had 85%.[16] In 1951 Danish farming: by area, the top 2% had 14%; by value, the top 1.3% had 14%.[17] For Milwaukee industrial real estate, I ranked firms in 1960 by both land area and land value (my mass appraisal). By area, the top 10% had 75%; by land value, 76%. For the Milwaukee CBD (east side) 1968, I ranked owners by area and land assessment (City Tax Commissioner's appraisal). By area, the top 10% had 48%; by assessed value, 60%. (Preliminary, subject to adjustment.)

These scraps of evidence show there is no presumption that acreage rankings overstate concentration of wealth as a general rule, although they doubtless do in some regions.

Corporate shares are not taxable property, but of course corporate income is mostly derived from taxable property.[18] Some will object that corporations have many owners and should not be treated as single units. That is true, but again, it smacks of regression fallacy. Wealthy owners also have many corporations, and in general corporate shares are the most concentrated kind of asset.

Ownership of large property gives one control of other assets. Property is borrowing power and credit rating: all studies show interest rates to be very regressive with size and quality of collateral, and terms easier. But simple borrowing is only the beginning. With great wealth one goes into banking and exerts multiple leverage. The story has been told many times, if not as well, since Brandels' *Other Peoples' Money:* collateral, leverage, conglomerates, interlocking directorates, mergers, lender suasion, industrial leadership, pyramiding, the Wallenberg Grip, subcontracting market power, control of dealerships, . . . Control is power and status (psychic income), and control is a source of additional income, as revealed by the premium prices of shares during battles for control.

Data in Table I probably understate concentration, for four general reasons: omitting the unpropertied, accepting and reporting regressive assessments, accepting the bias in partial inventories, and accepting and reporting straw owners as separate owners.

1. Omitting the unpropertied. Few families have no income, so income data cover most people. Many have too little property to count, however, so many studies omit them. General asset ownership studies use the estate-multiplier technique. Here the minimum is $60,000. Corporate shareholder data omit most people, because most own no stock. Farm data omit hired labor, treat tenants as owners, and say nothing about former 'croppers now crowded in city ghettos.

My Milwaukee CBD data are in percentage terms relating only to other owners. But the whole east side area studied has only 401 owners of record, while some hundred thousand people work and pay sales taxes there.

2. Accepting regressive assessments as fact. Regressive assessment is not universal, but some kinds of property are systematically assessed regressively and, if not overtly, at least openly enough so assessors under questioning do not deny but explain and defend the practice. Unsubdivided land in large tracts is usually given a lower assessed unit value, specifically because the holding is large. The result may be seen by ranking Milwaukee industries by value of land (estimated from reported area adjusted by mass appraisal technique). The top 10% have 76% of the land value, but only 61% of the *assessed* land value. Thus the Table I datum, based on assessed value (of land and buildings), probably understates concentration.

This factor also affects findings of studies using U.S. Treasury data. For IRS practice gives weight to locally assessed values in appraisals for Federal estate and income taxation. The notion that malassessment only affects local taxes is a myth.

Another factor is the watering of prices charged to the poor in and around ghettos. A speculator often buys cheap and sells for what looks like a huge markup. But the buyer has no cash. The seller takes his profit in an inflated and risky second trust, which he quickly sells at a large discount. The sage assessor knows how to dehydrate watered prices if he wants to, but there is pressure to maintain tax revenues from these areas, often resulting in watered assessments on the poor.

Of course, if property assessments are regressive, property taxes are based on them anyway, not on true values. But I distinguish tax concept from tax administration, as noted. This is important for policy. A regressively conceived tax remains regressive under the best of management. If the property tax is progressive in essential concept, then it needs reform and new life rather than the gas chamber.

Regressive assessment is usually explained by assessors on grounds of regressive use of property. Large holdings are generating less activity per dollar of value. In Oregon, for example, larger timber holdings are overtly assessed lower with the rationale they are worth less because of the owners' slower cutting schedule. But note this says activity-based taxes (sales and income) are then less progressive than property taxes. Thus the very explanation of regressive assessment is a phenomenon that shows the property tax properly administered, to be progressive relative to income and sales taxes.

3. The bias in partial inventories. Any wealth inventory short of universal will usually understate concentration because larger holders are more diversified. The largest owners in one city, region, industry, or other class are most likely to have holdings outside the class.

As to housing, it is the rich who have second homes, hobby farms, summer resorts, tax shelters, ski houses, Caribbean hideaways, lake frontage, and advance sites for future building. Yet studies of income and housing, from which some would damn the property tax, compare a full statement of income (at least wage income) with housing narrowly defined. Walter Morton goes so far as to judge the entire property tax on the basis of housing alone. He not only omitted second homes, but other property comprising half the total: commerce, industry, rental, vacant, farm, forest, mineral, water, and miscellaneous. Again, ownership of these is concentrated among those ranking high in the housing scale.

Studies of foreign-owned farms in America have shown them to be larger than owner-occupied holdings. The 1900 *Census of Agriculture* (a high water mark in good government statistics) reported on farm landlords. In-county landlords averaged 85 acres; out-of-county but in-state landlords, 126 acres; out-of-state but U.S. landlords, 159 acres. Foreign landlords were highest of all. 28% of them held over 2500 acres, while only 10% of U.S. landlords did.[19] I take this to be a universal tendency, deductible *a priori* from the fact that it doesn't pay to range far abroad to invest only a small sum. As U.S. residents change from colonials into the world's absentee owners, this universal tendency is clear.

It is our largest oil firms, the international majors, who cover the entire U.S. with marketing and the world with mineral holdings. The largest holdings in any one jurisdiction, industry, or other narrow class of property, thus are usually owned by those with large holdings outside. With every passing year of mergers and conglomeration this grows more true.

Thus my data on Milwaukee's CBD understate concentration. The third largest holder on the west side there for example is the Schlitz Company, yet the area omits the brewery that made Milwaukee famous, millions of dollars in the controlling family's vast speculative suburban landholdings, and large worldwide interests. Smaller owners have outside interests too, but on the whole are less diversified.

Footnotes at end of speech.

Again, the data on industry take no account that the large firms either have or are branch plants. Increasingly they are merged into conglomerates. In Wisconsin, Udell finds recent conglomeration has resulted in large drops in activity-based income taxes from the merged properties. Conglomeration is partly motivated, indeed, to avoid income taxes. That means the corporate income tax is regressive in practice.[20]

Many popular recent studies omit all property but housing, following Walter Morton. The better studies, as by Musgrave and Netzer, avoid this outright blunder. But wide currency and credibility have gone recently to a study by Daniel Lucas for the D.C. Government, based entirely on housing—first home only—and hypothetical housing at that.[21] The Wisconsin Department of Revenue released a study in May "in defense of Governor Lucey's use of the income tax to provide property tax relief" with the same blunder.[22] This study follows the precedent of a 1959 release by the University of Wisconsin School of Commerce.[23]

Many writers exempt corporate shares from taxable wealth, faulting the property tax for not reaching such "intangibles." Yet most corporate assets are very tangible at a price. In most jurisdictions the largest property taxpayers are corporations.[24] Studies based on individual ownership alone and omitting corporate wealth are simply not relevant.

A large genre of partial inventories is the farm study, of which every Agricultural Experiment Station must have issued one or more. Hardly anyone wealthy enough to own a large farm today lacks nonfarm income. One cannot afford to keep a large farm without using it as an income tax shelter—that is the "highest and best use" under our income tax law. Studies purporting to compare "farm income" with farm property taxes are founded on the obsolete premise that "farmers" are a separate class of people, and have no value.

4. Accepting straw owners as separate owners. Large land assembles are habitually arranged through straw owners. Thus one large owner often appears on records as several small ones. The Milwaukee CBD study, as reported, is premised on one certain block's having several separate owners, as recorded. Some time after the First Wisconsin Bank announced it was building on the assembled site,[25] we did not find it listed as owner.[26] Nor did we find Northwestern Mutual Life listed for more than its home office, although Gordon Davidson, director of real estate, stated the company had been acquiring land in our area "over the years."[27] Small owners, on the other hand, are not likely to appear as large ones. Wealthy families wear several guises: banks, insurance companies, corporations, estates, utilities, etc. Property is assigned to children and relatives to split income. Rarely are these veils pierced by formal quantitative studies. Even the ICC has never found out who owns the railroads. But we can be quite certain ownership is held more closely in fact than on paper.

B. The property tax is not primarily shifted forward

With a base so concentrated, it requires some creative methods to find the property tax regressive. One is to assume general forward shifting. Then the property owner is exempt, except as a homeowner. Tenants do not escape. No one does. The property tax becomes a general consumption tax, and therefore regressive. I submit several reasons why the property tax is not shifted forward.

1. All studies have greatly understated the share of land in real estate value. Some overlook it altogether. The good ones assign it a value, and allow for nonshifting, but the value is much too low. They are all pre-Douglas Commission Report, and rendered obsolete by Manvel's study of how high a share land values are.[28] Manvel's study plus my Milwaukee study plus Gustafson's California data support a land share of 40% and up, much higher than the 15% or so used by Musgave *et al.* At present the assessed value of land is 40–50% of the total in Washington, D.C., California, and some other jurisdictions that have updated assessments.

It is true that in most jurisdictions land is underassessed, and Musgrave's numbers were reasonable in their day as a statement of what assessors were doing. As noted, however, maladministration should be blamed on administrators, not on the property tax *per se*. And Musgrave omitted three important points.

One, the share of land in real estate tends to rise with value of holdings.[29] So nonshiftability of the property tax rises with wealth.

Two, the share of land in real estate is lowest in owner-occupied residences, where the shifting assumption has no effect on progressivity. The land share is highest, normally over half, in commerce, where the assumption is critical.

In Milwaukee, 40% of all retail land space is in gas stations! The property tax on downtown and other retail landowners with wide parking lots in good locations is one of the most progressive imaginable, but Musgravian assumptions convert it into a regressive sales tax.

Three, taxes on land actually have some positive effect on supply. They are not simply neutral, but apply leverage prompting earlier and more intensive use of land. To assume non-shifting understates their impact on landowners. They weaken his market position vis-a-vis non-owners, making them doubly progressive. This is *a fortiori* true of mineral bearing lands. Here, property tax critics often forecast panic liquidation if rates rise. They overdraw the point, but there is a point there, and it is the reverse of forward shifting.

2. Taxes on buildings are not mostly shifted forward. There is no reason to assume forward shifting of taxes on capital, and I find no persuasive rationale in Musgrave *et al.*, or Morton. Netzer magwumps the issue.

To be simply shifted forward, a tax would have to be proportional to output. Taxes on capital are not proportional to output, but to one input. They fall differentially hard on capital intensive firms and industries, which could not recoup from customers without raising prices relative to labor-intensive competitors. Capital-intensity varies over a very wide range—see any issue of *Fortune's* annual analysis of the top 500 corporations. And it is the large firms that own more capital per unit of output. That is, the *use* of property is regressive, so that activity-based taxes are regressive relative to taxes on capital. Even if there be some tendency toward forward shifting it would be very uneven, the more capital-intensive firms being less able to shift.

But of alternative shifting hypotheses, forward shifting seems the least likely. It would only make sense if the tax were levied on one industry, exempting others, thus reducing supply and raising real price. But the property tax is a general tax on capital. It cannot be analyzed with tools of partial equilibrium. It chases capital out of capital-intensive and into labor-intensive uses. The tax on buildings (not on land) encourages land-intensive use, too, i.e. a low capital/land ratio.

Where we go from here depends on what we are analyzing. If it is an open economy like the typical local taxing body, then wage rates and interest rates are fixed exogenously leaving only land to bear any local tax. The local tax on capital thus is largely shifted to land. The shifting is differential, owing to different capital/land ratios; and density is reduced. But the point here is that the tax is not shifted off property and is not made regressive.

If it is federal revenue-sharing we analyze, the rules change. Now the proposal would affect property taxes nationwide. Here we cannot assume that interest and wage rates are fixed exogenously.

In a completely closed economy, capital should bear most of the tax on capital. If it cannot emigrate, its escape routes are limited to dissaving and tax-exempt public works. Supply being fairly inelastic, capital has to accept a lower rate of return after taxes. If capital did not absorb tax, the tax rate added to the pre-tax interest rate would drive capital out of capital-intensive and into labor-intensive uses. In the latter it complements labor, raising demand for labor, preventing a shift of the tax to labor.

But the U.S. economy is not entirely closed. Capital now emigrates, not without cost, but more freely than labor. Thus the position of capital vis-a-vis labor is stronger than in a completely closed economy, and labor does suffer from the tax. But the position vis-a-vis land is strong too. So the capital tax as a national institution is borne by land and capital and labor, all three. Thus property still bears much, and probably most of the capital tax.[30] Remember now, that the other half of the property tax falls directly on land and stays. Putting it all together, it seems most likely that the property tax is indeed largely what it purports to be, a tax on property.

The case for forward shifting is strongest with utilities, and rails, not for analytical but institutional reasons. Here, however, a simple forward shift would only result if we took regulatory piety at face value, as no one does who really looks into the matter. We cannot develop that here. But note that the rate required to attract capital into utilities is lowered by taxes on non-utility property. Thus indirectly, if regulation works at all, utilities bear the property tax too, at least in part.

The case for forward shifting seems weak with timber, livestock, and all appreciating capital in the short run, since it hastens liquidation. But this is only short run, and a partial analysis. In the long run the tax drives capital out of capital-intensive uses. The case is really weak where cartels are engaged in underutilizing capital or land the common condition according to students of industrial organization. These holding actions are extremely vulnerable to the property tax. Far from being shifted forward, the tax forces idle capital and land into use, increasing supply and lowering prices.

All cartels are characterized by excess capacity—that is of the essence. When you consider that half the wells in Texas are surplus—need I go on? In a cartelized society like ours the forward shifting thesis is not just shaky but ludicrous. Untaxing property, as by revenue sharing, would strengthen the hand of every cartel now locking up excess capacity. It is not the property tax but the lack of one that would be shifted forward in higher prices.

C. The need to correct for regression fallacy, or which top 10% do you mean?

Most studies of property tax regressivity stumble squarely into the pratfall of regression fallacy. The problem in brief is this. Income and property are positively related but the scatter of points is loose, with great individual residuals from any fitted curve, and a high error of estimate. We want to know which rises faster as they rise together. The answer depends on which we arbitrarily select as the ranking variable. Let us say we rank by income on the abscissa and find the top 10% have 30% of the income and 25% of the property (a hypothetical number). It looks as though the property tax is regressive. But now rank them by property on the ordinate. The top 10% are now a different group—we have taken a stratum of points at right angles to the original column. Some of the humble have been exalted, and the mighty laid low. This top 10% has say 50% of the property and 25% of the income, and the

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Footnotes at end of speech.

property tax looks progressive (in terms of income).[31]

When the *Census of Housing* ranks families by income, rent payments do not keep up with income.[32] But ranking them by value of dwelling units, value quintuples while income only doubles.[33] That is the difference a technical detail or two can make.

So which top 10% do we mean? Most studies have uncritically chosen income as the proper ranking variable, by assumption, thus practically preordaining the conclusion—and largely invalidating it.

The Chicago school of permanent income hypothesizers have counterattacked sharply on the housing salient. Margaret Reid [34] undertook to narrow the scatter of points by removing random year-to-year income changes. She related housing to a definition of permanent income, and came up with income-elasticity of demand for housing well above unity.

One of Reid's methods of avoiding regression fallacy was the inter-area comparison, where data are grouped by a neutral variable (neighborhood) which is neither housing nor income. Brodsky has repeated this for Census Tracts of the District of Columbia. His findings strike me because he is a geographer who is not concerned with the permanent income or regressivity question and presents his findings just as interesting facts. He finds residential improvement values rise with the 1.3 power of income; land values rise with the 1.8 power.[35]

Muth has refined and expanded Reid's methods. He now suggests 1.2 or 1.3 as correct income-elasticities of demand for housing.[36] Lee has criticized Reid's methods and come up with an elasticity of about .81. However, Lee's data were too small a sample to lean on heavily, and more important they excluded land.[37] We have seen that land is the most progressive share of housing, so this biases Lee's findings downwards.

Another needed correction is the treatment of realized capital gains. Say an asset rises slowly for twenty years and is sold. In the year of sale, reported income is high, but property taxes are normal or fall. In the first 19 years there were property taxes and no reported income. This creates a statistical illusion of regressivity. If accrual of value were treated as current income, the illusion would be dispelled.

Another needed correction is the treatment of normal life-cycles of accumulation and liquidation. It is normal for the retired elderly to draw on savings in years of low income, and get help from children, if needed, to hang onto property the children will inherit. The property tax which has not been regressive in a lifetime sense looks regressive when no correction is made for this statistical illusion.

But these are only glancing blows. The central question is, why rank by income at all—any concept of income? When we do that we accept income-fundamentalism, a kind of philosophical imperialism where Adjusted Gross Income on Form 1040 is the basic reference datum against which to measure and judge everything. "Similar circumstances" mean similar AGI, and similar circumstances deserve similar taxes. In effect this means we judge the property tax on the basis of how closely it resembles the income tax, in every detail. Since nothing resembles the income tax so much as the income tax, the property tax looks inferior.

Again, the concept called "income-elasticity of demand for wealth" contains implicit income—Chauvinism. It implies one-way causation: income causes wealth. But wealth also causes income, and as Klein points out that changes the rules for relating them.[38] No longer can income be the simple ranking variable.

If the property tax had no rationale of its own we would be forced to accept income fundamentalism. But if the property tax has a rationale, then it is legitimate to rank by wealth, and fault the income tax for failing to tax large properties adequately. Here is an outline rationale for the property tax.

1. "Ability-to-pay" derives from wealth as well as current income. James Tobin, Arnold Zellner, Taylor and Houthakker, Harold Somers, and others have stressed this lately. The old cliche that "taxes are paid out of income" is as empty as the one that we consume "out of income." We spend money, and it is not labelled.

2. The property tax asserts a public equity in land which was won and is defended by joint efforts, and whose value derives from public works and spillovers, not from the owner's efforts. It exempts human effort, thus rewarding service to the community and denying the state any equity in the bodies of its citizens whose freedom and dignity is thus enhanced in their capacity as human beings, as distinct from owners of wealth.

3. Property taxes reduce the differential effect of inherited wealth on the current generation. They strike directly at concentration of economics and other power based on wealth, promoting competition and equal opportunity. Property as collateral is a source of invisible income (credit rating). Taxing property reduces the differential advantage of the rich in credit rationing.

4. Property income of a given dollar value places the receiver on a higher welfare plane than labor income, because he needn't work for it. $10,000 a year received by dint of working long hours in a coal mine with black lung disease is not the same as $10,000 plus a life of ease.

5. The property tax is needed to plug loopholes in the income tax, which is inexorably devolving into a payroll tax.

If one finds that rationale compelling, then the proper approach is to rank by wealth. Doing so, one finds that property is used regressively, i.e. the larger holdings generate less taxable sales and income per dollar of wealth. Thus in the Milwaukee industries reported in Table 1, ranking by value, the top 10% who have 89% of the value have only 69% of the employees.

If one likes the property tax rationale partly but not wholly, then he may follow Wallis and Roberts [39] who tell us that to avoid regression fallacy a valid way to compare two populations is to compare their standard deviations *or other measure of variability.* If there is less income than property in the upper groups, the variability of the income distribution will be less. But we have already seen that is so (Table 1). Table 1 only gives the top group, but in each case I have computed Gini (or Lorenz concentration) ratios for the entire distribution, and they are as you would expect much higher than for income. (The Gini ratio is, in my experience, closely correlated with the coefficient of dispersion.)

The more we correct for regression fallacy, then, the more progressive the property tax looks.

D. On defining income and wealth

Dick Netzer, like others, uses AGI as the reference standard against which to match the property tax and find it regressive.[40] A certain citizen in 1970 reported no AGI, but heavy property taxes, which might make the property tax quite regressive were it not Ronald Reagan. Yet he is not alone, and it seems harsh to select a measure that makes the property tax regressive because it is the only tax many rich men pay. General Oppenheimer has written a fine set of manuals on how to reach Zero AGI by losing money farming,[41] and they work so well that taxable farm income is down to about $3 billions while the USDA estimates farm income at $14 billions.[42] I do not think that AGI will do.

It is not just farming. Property is the paramount tax shelter. How does it cover thee? Let me count the ways. There is expensing of intangibles and soil and water conservation, percentage depletion, capital gains rates, deferred realization, non-distribution of profits, non-realization, conversion of interest into cost recovery by watered sales prices, accelerated depreciation, multiple depreciation, de facto expensing of capital improvements, deduction of interest, covert write-off of undepreciated land value, deferral of tax beyond date of sale, and many others.

At the same time, property is a large source of income that is not counted in AGI. Unrealized accruals and imputed income are the most obvious, and each is a huge item.

Thus the ownership of property tends on a large scale to reduce AGI and increase real income. When we rank by AGI, property owners move into lower brackets than they belong; nonowners move into higher brackets. Property tax payments move into the lower brackets, pre-ordaining a finding of regressivity which is totally illusory.

At least two studies have sought to correct for the Reagan Effect. Both corrected only partially, and with spectacular results. The Survey Research Center made the tax progressive simply by including imputed income.[43] Brainin and Germanis do a similar job with California data.[44]

Another common method is to define property tax payments as only the net burden after deducting payments from taxable income. This is to impute a regressive feature of the income tax to the property tax. That would be wrong at best, but more so when one is comparing the property tax with the income tax itself.

If one does choose to evaluate the two taxes jointly, he should note above all that the Federal Government has moved far toward abandoning the taxation of property income. That is the cumulative effect of a hundred loopholes, available to property but not to the poor stiff with his W-2 Form. Equity suggests that state and local treasuries move in on this unpreempted tax base.

Definition of the property tax base is also a source of serious error in a number of studies based on cash rents. Netzer for example assumes that property taxes are proportional to rents.[45] They aren't. The base is not rent but capital value. The poor live in declining neighborhoods and buildings nearing abandonment, where capital value is a very low multiple of rent. Rents include high costs for collection, turnover, damage, loss of status, maintenance and repairs, and general unpleasantness. In Milwaukee's "Inner Core" or slum area the rule of thumb is you pay 30 months' rent to buy a dwelling unit. Tenant incomes are low, but higher than such capital values. The rich live in new buildings of long future life in appreciating neighborhoods. Incomes are high, but normally less than half of lot or acreage plus house values.

It is true that slums are often overassessed, but again, maladministration is the fault of administrators. The property tax in concept is progressive precisely because it is based on capital value. Owners of appreciating property often complain that capital value as a base hits them harder than would current income or service flow as a base, and they are right. That is precisely what makes the property tax, correctly administered, so progressive.

FOOTNOTES

[1] Joseph Pechman, "Fiscal Federalism for the 1970's," *National Tax Journal* 24 (3): 281–90 (September 1971), p. 284.

[2] Louis Hacker, *Triumph of American Capitalism* (New York: Columbia University Press, 1947), p. 187.

[3] *The Federalist* #73, cited in Charles Beard, *An Economic Interpretation of The Constitution* (New York: The Macmillan Co., 1935), pp. 156–58.

[4] Article I, sect. 2, clause 3; and sect. 9, clause 4.

[5] A. Hamilton, *The Federalist* #12.

[6] Charles Beard, *An Economic Interpretation of the Constitution, op. cit.*, p. 169. See also pp. 100–03, on Hamilton's support from speculators in western lands.

[7] John Fiske, *The Critical Period of American History* (Cambridge: The Riverside Press, 1888), p. 70.

[8] *Essays in Taxation* (London: Macmillan and Co. Ltd., 8th ed. 1919), p. 78.

[9] See Wells Hutchins, *Irrigation Districts*, U.S. Department of Agriculture Technical Bulletin #254, 1931, pp. 15–16.

[10] H. D. Simpson, "Historical Development of the Property Tax from the Legal Viewpoint," *American Economic Review* (September, 1939), pp. 457–467, p. 462.

[11] Fallbrook v. Bradley, 1895, 164 U.S. 112.

[12] Albert Henley, "Land Value Taxation by California Irrigation Districts," in A. Becker (ed.), *Land and Building Taxes* (Madison: University of Wisconsin Press, 1969), pp. 137–46.

[13] "Distribution of Tax Payments by Income Groups: A Case Study for 1948," IV, *National Tax Journal* (1): 1–53, March, 1951. For a list of others see Dick Netzer, Economics of the Property Tax (Washington, D.C., Brookings Institution, 1966), p. 247 ff., and the Netzer book itself, Chap. III.

[14] Musgrave, *et al., op. cit.*, Table 1, p. 11.

[15] *Business Week*, March 29, 1969, p. 96, "Making the Burden More Equal," citing the Brookings Institution.

[16] U.S. *Census of Agriculture* 1900, Part I, pp. xc, xcii.

[17] *Danmark's Statistik Arbog*, 1953, p. 50.

[18] For an exegesis on this point, *cf.* the writer's "Adequacy of Land as a Tax Base," in Daniel Holland (ed.), *The Assessment of Land Value* (Madison: University of Wisconsin Press, 1970).

[19] 1900 *Census of Agriculture*, Part I, p xc.

[20] Jon Udell, *Social and Economic Consequences of the Merger Movement in Wisconsin* (Madison: Bureau of Business Research, 1969).

[21] D Lucas, "Major Tax Burdens in Washington Compared with those in the 25 Largest Cities," DC Government, press release, December 1970.

[22] Milwaukee *Journal*, May 25, 1971.

[23] University of Wisconsin Tax Study Commission, *Wisconsin's State and Local Tax Burden* (Madison: University of Wisconsin School of Commerce, 1959).

[24] M. Mason Gaffney, *loc. cit.*

[25] Milwaukee *Sentinel*, February 14, 1969.

[26] Report by Patricia Bevic, Research Assistant, March, 1969.

[27] Milwaukee Sentinel, February 14, 1969.

[28] Allen D. Manvel, "Trends in the Value of Real Estate and Land, 1956–66," in National Committee on Urban Problems, *Three Land Research Studies*, Research Report #12 (Washington: GPO, 1968), pp. 1–17.

[29] President's Commission on Urban Housing, *Report on Urban Housing* (Washington: GPO, 1968), p. 351; M. Gaffney, "Land Speculation," unpublished Ph. D. Dissertation, University of California, 1956, pp. 210–17; 1940 *Census of Agriculture*, Vol. 3, p. 80; R. Hurd, *Principles of City Land Values* (New York; Record and Guide, 1902), p. 102.

[30] Adding the property tax rate to the interest rate affects the allocation of new investments in much the same way as raising interest rates by the amount of the property tax rate. This forces capital into labor-intensive forms, moderating the damage to labor by increasing demand for labor. Saving capital also involves substituting land, but this is tightly limited, because using more private land would require more social overhead capital (like longer streets). And saving capital entails lowering longevity of capital, which substitutes labor for land, as explained by Wicksell in *Value, Capital and Rent*.

[31] Good discussions of regression fallacy are in Allen Wallis and Harry Roberts, *Statistics* (Glencoe: The Free Press, 1956), preceding p. 263; Lawrence Klein, *Introduction to Econometrics* (Englewood Cliffs: Prentice-Hall, 1962) pp. 68–69; George Stigler, "Labor Productivity and Size of Farm: A Statistical Pitfall," *Journal of Farm Economics* 28: 821–25 (1946); and A. E. Waugh, *Elements of* Statistical Method (New York: McGraw-Hill, 1943), pp. 387–89.

[32] *U.S. Census of Housing*, 1960, Table A–3.

[33] *Op. cit.*, Table B–3, p. 14.

[34] M. Reid, *Housing and Income* (Chicago: University of Chicago Press, 1962).

[35] H. Brodsky, "Residential Land and Improvement Values in a Central City," *Land Economics* 46 (3): 229–47 (August 1970), p. 239.

[36] R. Muth, "Permanent Income, Instrumental Variables, and the Income Elasticity of Housing Demand," (MS, n.d., *ca* 1971, pp. 1–40).

[37] Tong Lee, "Housing and Permanent Income," *Review of Economics and Statistics* 50 (4): 480–90 (November 1968), p. 487.

[38] Klein, *op. cit.*, p. 68.

[39] *Op. cit.*, p. 263.

[40] *Op. cit.*, p. 49.

[41] H. L. Oppenheimer, *Cowboy Economics*, 1966; *Cowboy Litigation*, 1968; *Cowboy Arithmetic*, 1964; (Danville, Illinois: Interstate Printers and Publishers).

[42] Hendrik S. Houthakker, "The Great Farm Tax Mystery," *Challenge*, January and February, 1967, pp. 12–13 and 38–39. Edward Reinsel, *Farm and Off-farm Income Reported on Federal Tax Returns*, ERS–383 (Washington: GPO, 1968).

[43] Survey Research Center, *Income and Welfare in the U.S.* (New York: McGraw-Hill, 1962).

[44] David Brainin and John J. Germanis, Comments on "Distribution of Property, Retail Sales and Personal Income Tax Burdens in California: an Empirical Analysis of Inequity in Taxation," *National Tax Journal*, March 1967, pp. 106–112.

NEW TWIST FOR AIRMAIL

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. DULSKI. Mr. Speaker, on several occasions in recent years—prior to enactment of the Postal Reorganization Act of 1970—there have been formal and informal proposals for merger of airmail and first-class postage into a single priority service.

Such a merger never came about. Further, no such merger has been proposed to date by the new U.S. Postal Service in its recommendations for changes to the new Postal Rate Commission.

So, the system of years' standing remains:

First, airmail postage—now 11 cents per ounce—provides priority transportation by air; and

Second, first-class postage—now 8 cents per ounce—provides fastest possible ground transportation of the mail. Further, it may include, at U.S. Postal Service discretion, carriage by air on a space-available basis.

On the manifest of an airline flight, I am told that priorities are in this order: confirmed passengers and their baggage, regular airmail, air cargo, and finally—at a reduced rate—first-class mail as designated by the U.S. Postal Service to the extent space is available on the individual flight.

This is the way it is and has been.

Now, it has come to light that the U.S. Postal Service has a new scheme for handling airmail. You might call it a reverse twist on space-available handling for first class.

The U.S. Postal Service has asked the Civil Aeronautics Board for permission to decide whether airmail—that is, mail carrying an airmail stamp at 11 cents—may be carried either as priority airmail or mixed with space-available first class on which only first-class postage of 8 cents has been paid.

If approved by the CAB, the consumer would have no way of knowing whether the letter he posts with an airmail stamp actually will be routed as airmail or, instead, will be included arbitrarily with first-class mail which may be transported by air on a space-available basis.

To provide air shipment for first-class mail on a space-available basis is a bonus to the individual mailer who pays only first-class postage.

But, for the U.S. Postal Service to dump airmail in with first class awaiting space-available shipment would be to deny the consumer the priority airmail handling for which he has paid a premium.

Indeed, instead of priority service, the airmail letters mixed with first class very possibly could be delayed should the space-available allocation evaporate due to weather or unexpected priority traffic.

It would be nice to hear occassionally of improvements in postal service, instead of constant deterioration. The job of the new corporation—as with its predecessor, the Post Office Department—is to provide efficient and reliable mail service.

THE PARTY'S OVER

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. QUIE. Mr. Speaker, over the last several years, this Nation has seen an endless stream of self-criticism from its politicians, scholars, and artists. A certain amount of such introspection is helpful when it is for the purpose of discovering what can be changed to improve a situation. Much of these writings and statements have been totally negative in character.

Two recent articles do an excellent job of analyzing some of our problems and make some specific recommendations. One, "A Foolish Americanism—Utopianism" appeared in the New York Times Magazine on November 14, 1971, and the second, "The Party's Over" appeared in the March 1972 issue of the Atlantic Monthly. The articles are very provocative and I commend them to my colleagues:

[From the New York Times Magazine, Nov. 14, 1971]

A FOOLISH AMERICANISM—UTOPIANISM

(By Irving Kristol)

Let us suppose that we have provided the President of the United States with two imaginary speeches, both of which he is dutifully prepared to deliver. They deal, in a highly general way, with the goals of American foreign policy. The first speech goes somewhat as follows:

"Our American nation, ever since its foundation, has pursued the ideal of a world without war. This ideal—the abolition of war—has been the ultimate foundation of our foreign policy, despite all circumstantial changes of strategy and tactics. The ideal is as alive today, in our hearts and minds, as it ever was. This Administration is dedicated to pursuing it with the utmost vigor, and with all the patience and skill that is necessary. We seek, by our policies, to create a world in which man's inhumanity to man will become but a horrible memory, in which men will, under the conditions of a just and secure peace, live harmoniously and creatively together. We seek a world without war, without bloodshed, without poverty, without oppression or discrimination. Such a world, I am convinced, is within our reach if only the statesmen of all nations are sufficiently farsighted to seize the opportunity. I am confident, moreover, that they will display such farsightedness, and will not let the opportunity for a universal and enduring peace slip from their grasp. The people of the world—the people of all nations—demand such a peace. We shall betray their aspirations, and shall certainly be held to account, if we fail to resolve our quarrels and conflicts so as to make man's dream of permanent peace a reality in our own time."

What would happen if the President gave this speech (in a considerably lengthier version, of course)? It is fair to predict—it is indeed absolutely certain—that nothing would happen. It is a perfectly conventional speech, of a kind that many Presidents have given many times. The press corps would yawn over the familiar cliches; the citizenry would scan the headline ("President Reaffirms Goal of World Peace") and then turn to the sports or financial pages; the heads of all nations would formally indicate their approval of these noble sentiments; and "informed sources" in Washington would explain that it is too early to tell what significance, if any, the speech had for any particular area of American foreign policy. As I said: nothing would happen.

Now, let us have the President deliver a rather different speech—our second version. And let it proceed somewhat as follows:

"This American nation, ever since its foundation has for the most part pursued its national interests in a moderate and prudent way. This Administration is determined to continue on this path of moderation and prudence. However, we are well aware that there is no guaranteed path to peace with justice. True, men have always dreamed of perpetual peace, and presumably always will. This dream is a noble one, and a man must be deficient in humanity not to have felt its appeal. But let us remember: It is a dream, whereas we live out our lives in a real and material world that is governed, not by dreams, but by limited possibilities. In this real and material world, conflict between men and war between nations appear to be permanent features of the human condition. It has always been so; we must, if we are to be responsible statesmen, assume that it always will be so. I shall minimize our chances of experiencing war; if war is unavoidable, I shall do my best to limit its extent and the mischief it is bound to create; and whether I am able to limit it or not, I shall always do my utmost to ensure that the war we shall be engaged in will be a just war, and will be justly conducted. I cannot promise you a world without war, but such a promise is inherently fraudulent. But I can promise that we shall conduct our foreign affairs in a responsible and honorable fashion, that we shall make every effort to achieve a reasonable compromise of our differences with other nations, and that whatever calamities befall us will be as little as possible of our own making."

What would happen if the President gave this speech? One's imagination is inadequate to the prospect. It is fair to predict, however, that after a shorter or longer period of stunned silence, a storm of censure would gather round the President's head. The press corps would explode with moral indignation, and the headlines this time would be eye-catching ("President Denounces Peace as Impossible Dream"); the citizenry would be alarmed; the heads of all nations would express concern at "the new American belligerency"; only the "informed sources" in Washington would remain steady, explaining that it is too early to tell what significance, if any, the speech had for any particular area of American foreign policy.

And yet—what is wrong with the second speech? I submit that there is nothing wrong with it. It is, in every respect, superior to the meaningless banalities of the first speech. It reads 5,000 years of human experience truthfully and sagaciously, and it announces the results of this reading with a pleasing directness and candor. It is a statesman's speech—whereas the first version was nothing more than a politician's speech. True, it is an American statesman's speech; not everyone would agree that this nation's foreign policy has always displayed such moderation and prudence. But that sort of bias is comprehensible, easily discountable and even justifiable—after all, Presidents of the United States are not supposed to be objective and neutral political philosophers.

So the question arises: If the second speech is so much superior to the first, why is it that no President would ever dare to make it? Why is it that, if the President were to say that no reasonable man can expect enduring peace on earth until the day that our Redeemer cometh, this would be regarded as a terrible, cynical blasphemy—even though it is recognizably one of the most venerable platitudes of the Judaeo-Christian tradition? What is it about our political condition that constrains our leaders to define politics as the pursuit of impossible dreams? Are we the most high-minded people who ever lived, or the most hypocritical?

To that last question, the answer is: If you are extraordinarily high-minded to your political pronouncements, you are bound in the nature of things to be more than ordinarily hypocritical. But it is only in the last half century or so that high-minded hypocrisy has completely driven statesmanlike reasonableness out of the American public forum. The point is important and not at all self-evident to our smog-beclouded eyes, so it is worth a bit of elaboration.

The United States has always had, by historical standards, quite ambitious ideological ends of a timeless and universal nature. George Santayana, echoing the worldly wisdom of Old Europe, could dismiss the Declaration of Independence as "a salad of illusions." But these "illusions" represented a deep emotional commitment by a new national community to the idea that government—all government, everywhere—should be subservient to the citizen's individual life, his personal liberty and his pursuit of happiness. True, and inevitably, this fundamental document of the American credo was involved in hypocrisy from the outset: It carefully refrained from saying anything about "the peculiar institution" of slavery which then flourished in this country. Nevertheless, one cannot begin to understand the American people and its history unless one appreciates the extent to which our literature, our journalism, our philosophy, our politics was shaped by this powerful ideological commitment. One does not exaggerate when one calls it a kind of Messianic commitment to a redemptive mission: The United States was to be "a city . . . set on an hill," "a light unto the nations," exemplifying the blessings of liberty to the common man in less fortunate countries, and encouraging him to establish a liberal and democratic regime like unto ours.

So, in a sense, the United States can be said to be the most ideological of all nations—far more ideological than the Soviet Union, for instance, whose official political orthodoxy has never been able to sink deep roots, has never become a popular civil religion, a consensual orthodoxy, as has happened here. But, in another sense, the United States can also be said to have been one of the least ideological of nations. For, in addition to the philosophy of the Enlightenment, as incarnated in the Declaration of Independence, there was another and, for a long time, equally powerful political tradition that prevailed in the United States. This political tradition, rooted in centuries of British political experience and in British constitutional-juridical thought, found expression in the Constitution—a document that (unlike the contemporary French Revolutionary constitutions) was far more a lawyer's job of work than a social philosopher's. There is nothing particularly grand or visionary or utopian in the language of the Constitution. Its eloquence, where it exists, is the eloquence of British jurists as carried over and preserved in American legal education. And it proceeds to establish a mundane government based on a very prosaic estimate of men's capacities to subordinate passion to reason, prejudice to benevolence, self-interest to the public good.

For more than a century, these two traditions coexisted amiably if uneasily in American life. The exultant prophetic-utopian tradition was always the more popular; it represented, as it were, the vernacular of American political discourse. It was, and is, the natural rhetoric of the journalist and the political candidate, both of whom instinctively seek to touch the deepest springs of American sentiment. In contrast, the constitutional-legal tradition supplied the rhetoric for official occasions and for the official business of government—for Presidential messages, debates in Congress, Supreme Court decisions and the like.

Andrew Jackson, for example, was a radical populist in his time, and when he vetoed the bank bill in 1832, his followers celebrated this as "driving the money changers from the temple." He himself, however, in sending his message to the Senate, began it as follows:

"The bill 'to modify and continue' the act entitled 'An Act to Incorporate the Subscribers to the Bank' was presented to me on the 4th July instant. Having considered it with that solemn regard to the principles of the Constitution which the day was calculated to inspire, and come to the conclusion that it ought not to become a law, I herewith return it to the Senate, in which it originated, with my objections.

"A bank of the United States is in many respects convenient for the Government and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing bank are unauthorized by the Constitution, subversive of the rights of the states, and dangerous to the liberties of the people, I felt it my duty at an early period of my Administration to call the attention of Congress to the practicability of organizing an institution continuing all its advantages and obviating these objections. I sincerely regret that in the act before me I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the Constitution of our country."

This "high" mode of discourse—without cant, without demagogy, without bombast—was then thought to be the normal way in which the American Government should engage in public conversation with its own people or with the world at large. Concurrently, the political vernacular was infused with a declamatory passion. John L. O'Sullivan, a Jacksonian Democrat journalist who subsequently became a leading popular exponent of the United States' "Manifest Destiny" to expand over the entire continent, composed an endless stream of demagogic-prophetic editorials. They are perfect specimens of their type. Thus he wrote in 1839:

"The far-reaching, the boundless future, will be the era of American greatness. In its magnificent domain of space and time, the nation of many nations is destined to manifest to mankind the excellence of divine principles, to establish on earth the noblest temple ever dedicated to the worship of the Most High—the Sacred and the True. Its floor shall be a hemisphere. . . ."

And so on and so forth. The public lapped it up, and the Fourth of July orations continued to serve it up. But if one turns to the official statements of American foreign policy—statements by Presidents and Secretaries of State—one finds almost nothing of this sort. From George Washington to William McKinley, practically all such statements are sober and measured formulations of "sound policy," composed by constitutional lawyers who felt the need to argue the merits of their cases before the bar of rational and informed opinion. It is rare for any kind of breathless utopian or shrill prophetic notes to be sounded. Even at the outbreak of the Spanish-American War, when jingoistic rhetoric was deafening in its persistence and intensity, President McKinley's War Message to Congress was a lawyer's brief, arguing the legality of American actions, emphasizing their moderate and prudent qualities, outlining the material issues involved, and offering only a minimum of that "high-idealism" that has since become obligatory in Presidential prose.

Sometime around the turn of the century, the impact of the Populist and Progressive movements combined to establish the vernacular utopian-prophetic rhetoric as the official rhetoric of American statesmen. It happened gradually, and it was not until the nineteen-thirties that the victory of the vernacular was complete and unchallengeable. But it also happened with a kind of irresistible momentum, as the egalitarian, "democratic" temper of the American people remorselessly destroyed the last vestiges of the neo-Whiggish, "republican" cast of mind. By now, we on longer find it in any way odd that American Presidents should sound like demagogic journalists of yesteryear. Indeed, we would take alarm and regard them as eccentric if they sounded like anything else.

The effects of this transformation have been momentous, though not much noticed or commented upon. High-flown double-talk has become the normal jargon of American Government. This flatters and soothes the citizenry, but at the same time engenders a permanent credibility gap, instead of paying attention to what the Government literally says—a waste of anyone's time—we expend much energy trying to figure out what the Government really means. Official or quasi-official state documents, for the historian of today, have become trivial, superficial and unreliable sources of information. No historian of Abraham Lincoln's period would dare minimize the importance of what he said during his debates wtih Douglas or in his two inaugural addresses; no historian of the nineteen-sixties would bother paying nearly as close attention to the public words of John F. Kennedy, Lyndon B. Johnson or Richard M. Nixon. Our public rhetoric has become largely ritualistic—resounding utopian cliches that obfuscate a presumed "inside story" our reporters are always snuffling after.

The kinds of dangers this situation creates in the area of American foreign policy have been noted by some critics. Hans J. Morgenthau has pointed out that the closer we get to the Founding Fathers, the more sensible, the more forthright, the more realistic are our official statements of foreign policy. Conversely, the more we approach the present, the windier and more meaningless they become. Even our vocabulary becomes corrupted. The countries of Asia and Africa and South America used to be 'poor"; in the course of the past 20 years they became first "underdeveloped," and now "less-developed." Plain language that accords with reality has become positively offensive to our sensibilities.

The corruption of plain language has been accompanied by—one might even say it has resulted in—the corruption of plain speaking. No Secretary of State can today describe the Governments of Greece or Peru or Bolivia or Spain or Argentina or Egypt as what they obviously are: military dictatorships. It would cause a diplomatic row; these nations have become so accustomed to our hypocritical double-talk that they would sense some sinister intentions in any deviation from it. Similarly, no Secretary of State could ever say that a particular regime—for example, the Communist Government of China—is abhorrent to our own political values but that we are nevertheless prepared to have diplomatic relations with it and do business with it, since it suits our national interests at this time to do so. No, he has to announce the dawn of a new diplomatic era, a giant step to world peace, and all the rest of that nonsense. It is nonsense because he has no grounds whatever for believing this, and it is altogether possible that a United States-China rapprochement could heighten the possibility of war in some parts of the world—on the Russian-Chinese border, for instance, or the India-Pakistan frontier.

A particularly striking instance of how impossible it is for simple and incontestable truths to be uttered in high places is provided by the rhetoric in which our foreign aid programs are cocooned. Never mind, for the moment, whether these programs are good or bad, overly generous or terribly niggardly. The one certain fact about these programs is that they cannot even begin to do what they promise: Namely, in our lifetime to bring the standard of living of the "less-developed" countries closer to the American-West European standard. *Nothing* can do that. If we allow that India's economy might grow at an uninterruptedly rapid rate (say, 10 per cent) for the next 29 years, and assume that the American growth rate will sustain itself at the modest level of 5 per cent during that period, then—because of the initial huge disparity—by the magic year 2000 the gap between the Indian and American per capita income will, in absolute terms, be *greater* than it is today. The notion, therefore, that any significant portion of the "third world" can even begin to "catch up" to the West in the next generation is an absurdity. Indeed, given the fact that "less-developed" countries are dependent on fairly high growth rates in the United States and Europe for their own economic growth, the probability is that they will not "catch up" anytime in the next several generations, and there is a good chance they may never "catch up" at all.

Yet, who can say this? No United States Government official can—he would be denounced as a sour pessimist and driven from office. No official or political leader in a "less-developed" country can—he would be denounced as a traitor and driven from office. So, no one says it. Instead we talk grandly about "economic development" in a deceitful and misleading way. The inevitable result is that the economic growth which does take place in poorer lands—and many of them are doing quite well, by historical standards—is universally denounced as "inadequate." A more perfect recipe for permanent political instability in these nations cannot be imagined.

Worst of all, the corruption of language and speech results in the corruption of thought. One has only to observe the hearings before the Senate or House Foreign Relations Committees to realize that, once you surrender the liberty to speak plainly, you lose the capacity to think clearly. Sustained hypocrisy is one of the most intolerable regimens for the mind: In the end, you find yourself believing yourself and taking your own empty rhetoric seriously.

Thus, it is one of the oldest and truest proverbs in international relations that, under certain circumstances, the enemy of your enemy becomes your friend—even if, had you a freer choice, you would never want such a friend at all. All nations operate on this essential principle, and the United States is no exception. Yet one can read the testimony of Government officials and "expert witnesses" for years on end without coming across a clear enunciation of it as the rationale for some aspect of American policy. We have a terrible time explaining to ourselves that, while we have an instinctive, democratic (and healthy) dislike for dictatorships, we have precious little control over the way other peoples govern or misgovern themselves. Our relations with other nations, and theirs with us, are determined for the most part by calculations of mutual advantage. One gets the distinct impression that our Government is not only ashamed to admit it engages in such calculations—it actually is reluctant to engage in them, except under the random pressure of necessity which it then perceives as an "emergency." We have been telling ourselves for so long that our foreign policy proceeds on quite other principles that we have lost the art and skill of coping with the principles that do, in fact, prevail. Our statesmen are always reacting to reality as an "emergency," in an *ad hoc* fashion, and having at the same time to invent a fancy, "idealistic" motive for the most prosaic and practical actions.

Witness the typically American fuss and furor in recent months over whether the elections in South Vietnam were truly democratic—and if they were not, what we should then be doing about it. The assumption seems to be that the original purpose of our intervention in Vietnam was to establish parliamentary government there, and that the absence of such government presents us with a crisis. But this is a childish assumption. We did not intervene for any such purpose. (At least I hope we didn't—I can't bring myself to believe that the men who make our foreign policy were quite that idiotic.) Our intervention was to help establish a friendly, relatively stable regime which could coexist peacefully with the other nations of Southeast Asia. If such a regime prefers corrupt elections to the kind of overt military dictatorship that more usually prevails in that part of the world, this is its own affair. It constitutes no problem for us—any more than does the fact that Communist China prefers to manage with no elections at all. Our relations with both of these Asian nations are based mainly on considerations of international stability and world peace, not on how they go about governing themselves.

To be sure, being an American I am keenly aware of the merits of representative government, and I do hope that the Vietnamese (South and North) will at some time recognize these merits. But I am also aware that these merits do not automatically commend themselves to all nations, at all times, everywhere. Our foreign relations, therefore, must of necessity be more concerned with the external policies of any particular nation than with its internal form of government. This is as true for South Vietnam as it is for China or Russia or Cuba. We are perfectly free, as Americans, to be critical of, or even to have contempt for, their systems of government. But, as Americans, we are also free not to live there, and we are therefore bound to be more interested in their behavior to others than in their behavior to themselves. I think most Americans would subscribe to this commonsense proposition. But it is not a proposition we would permit our spokesman at the United Nations to enunciate. And there do seem to be many eminent Americans—notably, an entire class of liberal journalists—who have been utterly bewitched by our official platitudes. These men and women, after traveling freely throughout South Vietnam, heap scorn upon its "corrupt" democracy. They then make a strictly guided tour of China to return aglow with admiration! One can only assume that such men and women think it natural to judge our allies by quite utopian standards, but are ready to give unfriendly nations the benefit of every possible doubt.

But it is not only in foreign affairs that our Government proceeds by utopian promises of future benefits and hypocritical explanations of actual performance. Our entire domestic policy is suffused with this same self-defeating duality. Thus, as a domestic counterpart to a "war to end all wars," we have in the past decade launched a "war to end poverty." The very title of that crusade reveals a mindless enthusiasm which could only lead to bitter disillusionment.

There are two ways of defining poverty: in absolute terms of relative terms. The absolute definition, involving estimates by Government agencies of an adequate diet, adequate shelter, adequate clothing for an average family, is relatively easy to make. It is also largely meaningless in a context of "the abolition of poverty." To see just how meaningless it is, one has only to report that the majority of welfare families in New York City are now above the officially determined "poverty line." Have we ceased regarding them—have they ceased regarding themselves—as poor? Of course not. If you take a family with an annual income of $3,800 and, one way or another, increase this income to $4,500, you have helped them somewhat—but you certainly have not abolished their poverty, as gradually promised. The consequence is that the modest but real improvement is obliterated by an exacerbated snese of "relative deprivation."

Most people, when they hear talk of "abolishing poverty," inevitably and immediately have in mind a substantial relative improvement, not merely a modest absolute one. They think in terms of elevating all those below the United States median family income—approximately $9,500 a year—to the vicinity of this level. That does not *look* like such an unreasonable goal. After all, families that make $9,500 a year have to watch their nickels and dimes if they are to make ends meet. (Ask them, and they'll tell you—and they'll be telling the truth.) But this is one of those cases where appearances are deceptive, and what looks like a reasonable goal is in fact utopian. To achieve it would require either the creation of new income or the redistribution of existing income to the tune of perhaps $200-billion a year.[1] This is simply impossible; there is no policy, however "radical," that could come close to accomplishing this. We may be an "affluent" society by historical standards, but we are not nearly that affluent. (Total corporate profits last year, after taxes, were a little less than $50-billion). Yet who dares to say so? Instead, our politicians (and our journalists and professors, too) persist in holding up this impossible ideal, with the quite predictable effect of making people intensely dissatisfied with social policies that achieve (though never easily) smaller increments to their income or smaller improvements of their condition.

The upshot of this state of affairs is that any American who, today, passes his working life in moving from $4,000 a year to an ultimate $9,500 is regarded as a pathetic victim of circumstances, a prisoner in a "dead-end job." Yet just about half of all Americans pass their working lives in this way, and are going to do so regardless of anything said or done in Washington. All that our utopian rhetoric can do is to convince them that the normal working-class experience—the *inevitable* working-class experience, which would be as common in a socialist United States as in a capitalist United States—is a fate akin to degradation.

Or take our "welfare problem." Welfare policy in the United States is based on a very simple—and enormously flattering—thesis about American human nature. The thesis consists of the following propositions: (1) all Americans are highly motivated to work as a means of improving their material condition; (2) those Americans who seem not to be so motivated are suffering from temporary "psychological deprivation" as a result of poverty, bad housing, bad health and so on; (3) improve their material environment and the "normal" impulse to self-betterment will automatically assert itself. It is a plausible thesis to our American ears. Moreover, there is enough historical experience behind it to suggest it is not entirely false. Only, when applied indiscriminately, it turns out to be more false than true. Some people, whether in the United States or elsewhere, respond according to this formula. A great many others, however, do not. It turns out there are lots of people in this world, including a great many Americans, who do not fill the American prescription for "human nature."

Once you think about it, this is not really surprising. For what our high expectations and our high-flown rhetoric overlook—are bound to overlook, because they are so high-flying—is that we are for the most part talking about motivation directed toward *small* improvements. You can motivate almost anyone to become a millionaire, if the possibility is offered; but that possibility rarely is. And it is another thing entirely to motivate people to move from a badly paying situation (say, casual laborer) to a slightly better-paying but also more arduous one (say, laundry worker or drill-press operator). That is the kind of grim motivation you need to get "self-sustained" economic growth, whether among nations or among individuals. Not all human beings are born with this kind of grim motivation—which is just as well, I'd say, since the earth would then be a pretty dreary, if industrious, place.

In the absence of such ingrained motivation, the usual way we motivate people—even in America—has been by adding the spur of necessity to the offer of modest opportunity. That small improvement has to make a real difference: the difference between squalor and poverty, or between poverty and minimum comfort. These "little" differences—almost invisible to the middle-class eye, and never taken seriously by middle-class reformers—are absolutely crucial to the self-discipline and self-respect of ordinary working people. They need to be very much aware of the costs of not achieving them, if the achievement is to have any merit or meaning in their eyes.

I suspect that all of this sounds petty, and sordid, and mean-spirited. We are accustomed to thinking about poor people, and about ways of helping poor people, in more elevated terms than these. And so we introduce something like our present welfare policies. The policies, at one swoop, abolish all those important little differences in achievement. They generously offer all poor people more in the way of welfare than they can get for their unskilled labor on the open market—more, often, than they would earn at the legal minimum wage. Naturally, these people, not being fanatics about work, move onto the welfare rolls in very large numbers. To be precise, the wives and children are pushed onto welfare. The men themselves drift away from their homes, demoralized by the knowledge that their function as breadwinner has been pre-empted by welfare. These men then merge into the shadows of street-corner society—superfluous men, subsisting by casual labor or casual crime, men whose families are materially no worse off for their absence and would be no better off for their presence. Has there ever been a more ingenious formula for the destruction of poor families? Indeed, one can fairly speculate how many middle-class families would hang together if the family suffered no financial inconvenience as a result of the husband's vanishing.

Welfare is wreaking devastation on the American poor—making the child fatherless, the wife husbandless, the husband useless. We see this "welfare explosion" happening and disconcerted, turn this calamity of our own creation into an indictment of our social order.

Once you have put people on welfare, it is a nasty business getting them off. You can either (1) cut welfare rates so as to make it distinctly worth their while to go to work, or (2) keep welfare rates high for those truly unable to work—the aged, the sick, the disabled, the unemployed—but have a severe, suspicious welfare bureaucracy that defines its mission as getting as many of the rest off the rolls as is possible. Neither alternative is attractive, though the latter seems to me considerably more humane. (Its social consequences are also likely to be beneficial, since we know that families on welfare tend to develop social pathologies: they produce relatively more criminals, drug addicts, alcoholics, illegitimate children, etc.) But the second option does involve our taking a more realistic view of human nature and of human motivation—and this we are most unlikely to do. So we shall either veer toward the first course, indiscriminately penalizing all welfare recipients in the name of "economy," or, more probably, we shall simply stagger on until some kind of social explosion takes place.

It really is a curious phenomenon we are witnessing: a nation preferring to live under a perpetual, self-inflicted indictment of "social injustice," and amidst an ever-swelling and ever-more-demoralized population on the dole, rather than revise its utterly fanciful and utopian idea of human nature. There cannot have been many instances in history of such high-minded masochism. We may even be the first.

What is true of welfare is even more blatantly true of our other social problems. Our utopian illusions always are preferred to realistic assessments of human beings, and to the world in which real human beings live.

In no area are the ravages of American utopianism more visible than in education.

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[1] One must remember: If you establish a guaranteed minimum family income of, say, $8,000 a year, you are then faced with the problems of those who work to earn $9,000 or $10,000. Are they to labor for a measly $1,000 or $2,000 a year? You cannot ask that, and they would not tolerate it if you did. So you have to make some kind of supplementary payments to these families, too. And *then* you are fared with the problem of those who work to earn $12,000 a year—and so on, and on. It is this "ripple effect" that makes the guaranteed income, at any level above a ludicrously low one, such a fantastically expensive proposition.

Here intellectual fads and fashions reign supreme, all of them exultant in promise, all of them negligible in accomplishment. Our professional educators today are perpetually and enthusiastically engaged in deception and self-deception, in part out of necessity, in part because they actually feel this is their "responsibility." We know a great deal about the relationship between schools and academic achievement. But it is the rare educator who dares to say what we know, to challenge the sovereign platitudes as to what a school can do to the young people who enter it.

We know from the Coleman Report and other studies, for instance, that there is practically no correlation between the physical plant of our schools and the academic achievement of our students. We may desire new, well-equipped schools for all sorts of reasons. They may be good reasons; they may even, in some vague sense, qualify as "educational" reasons; but they are not academic reasons. Students learn as well in old, decrepit school buildings as in new, shiny ones; or they learn as little in the latter as in the former. Middle-class parents who think they are improving their children's academic potential by sending them to a brand-new school with a fine library, a lovely lunchroom a sumptuous gymnasium, are kidding themselves. So are slum parents who think that their children's academic potential is weakened by old buildings, cramped gymnasiums (or gymnasium), shabby lunchrooms, paltry libraries (or no library). What determines a child's academic achievement is his genetic endowment plus the values and motivation he acquires at home. All the rest may have significant consequences for a child's life-style, his appearance, perhaps (and I myself regard this as the utmost important function of schools) what we call his "character." But it will have little to do with his academic achievement.

Even class size turns out to have nothing to do with academic achievement. There are, in my view, good reasons—having to do with the role of the teacher as an "adult model" in the process of "character formation"—for preferring smaller classes to larger ones. But they are not academic reasons. Whether a class has 20 pupils or 30 or even 40 simply doesn't matter. Students who do well in small classes will do well in large ones. Students who do poorly in large classes will do no better in small ones. This subject has been studied to death by generations of educational researchers, and the results are conclusive.

Nevertheless, the educator who dares to utter these truths publicly is instantly classified as, at best, an eccentric. His opinions are marked as "controversial"—though they are not—whereas an educator who stresses the academic importance of new schools and small classes is simply seen as tediously "sound." Every year, in New York City, a furious debate breaks out when the statistics on the reading levels in the city schools are made available. These statistics always show that the average reading levels in New York's schools are lower than the national average—and they usually show that, with each year, they are steadily falling further below the national average. The publication of these figures always shocks, always provokes front-page news stories. But far from being shocking these statistics aren't even newsworthy, since they are perfectly predictable. The reason that reading scores in New York's schools are falling away from the national average is that an ever-increasing percentage of our students come from very low-income families that are also broken, transient and generally problem-ridden families. The children in these families show low academic motivation and low academic aptitude. We insist that our schools "do something" about increasing the academic ability of these youngsters, and our educational leaders furiously institute every gimmick they can think of with the assurance that this time they will turn the trick.

Our insistence is as unreasonable as their assurances are worthless. The schools cannot perform this sociological miracle—which, if it is to take place at all, will happen in the family, at home, over a period of time that is rarely shorter than a couple of generations. As such poor families move up the economic and social ladder, as their home life becomes more stable and the family concern for education becomes more emphatic, the student's academic performance improves. In individual cases, "miracles" do certainly occur. But in the mass, statistical probability reigns supreme—and the schools play no role in the calculations. If you want to estimate the chances of a student doing well or badly in school, give him a physical examination, look at his home, and give him an intelligence test. But don't bother him with questions about his school—it is of no importance for this purpose.

And how do we react to this fact? With furious indignation, usually. So, as the schools' impotence to satisfy our unrealistic demands becomes ever more clear, we shall—it is already beginning to happen—abolish reading scores and reading tests on the grounds that they are irrelevant to eventual academic achievement. This monumental act of self-deception will, of course, fool nobody and change nothing. But it will certainly be hailed by professional educators as a marvelous innovation.

Of late, many educators have waxed enthusiastic over the educational possibilities of small mixed classes, with the older students helping to instruct the younger, and with every student proceeding "at his own pace." This is, of course, exactly what used to happen in the "little red schoolhouse." I have always been fond of the little red schoolhouse and was unhappy that, after a determined campaign over many decades, our professional educators succeeded in outlawing it. If they now wish to reinstitute it, I certainly have no objections. But I find it more than a little nauseating that they should now present it as a brilliant educational innovation which will solve all our educational problems. And I find it unconscionable that these educators can be so easy in mind and spirit about their newest fad when the huge eduactional parks which—only yesterday—they insisted were absolutely necessary, are just now coming into existence.

A good principal can always make a *small* difference in the academic power of a school—and a small difference is surely better than none at all. A dedicated teacher may make a big difference to *a few* students—and this difference is to be treasured. But none of this satisfies us. We insist that our schools fulfill impossible dreams—and so they pretend to be able to do this (given a larger budget, of course). As a result, the world of American education is at the moment suffused with charlatanism, and anyone with a sober word to say is encouraged to go elsewhere.

The consequence of this public insistence on a utopian vision of man, history and society is that our public life is shot through with a permanent streak of hysteria. We are constantly indicting ourselves, denouncing our nation, lamenting our fate. Indeed, an entire profession has emerged—we call it "the media"—which has taken upon itself the responsibility for leading this chorus. Just imagine what our TV commentators and "news analysts" would do with a man who sought elected office with the promise that, during his tenure, he hoped to effect some small improvements in our condition. They would ridicule him into oblivion. In contrast, they are very fond of someone like John Lindsay, who will settle for only the finest and most glowing goals. Public figures in our society get credit for their utopian rhetoric—for their "charisma," as we now say—only demerits if they emphasize their (necessarily modest) achievements.

Every society needs ideas and self-criticism and some prophetic admonition. It needs these to correct its "natural" tendency toward smugness, inertia and parochial self-satisfaction. But when the countertendency toward insistent self-dissatisfaction becomes overwhelming, then such a society is in grave trouble. The capacity for contentment is atrophied. So is the willingness to see things as they really are, and then to improve them in a matter-of-fact way. We certainly do have it in our power to make improvements in the human estate. But to think we have it in our power to change people so as to make the human estate radically better than it is, radically different from what it is, and in very short order, is to assume that this generation of Americans can do what no other generation in all of human history could accomplish. American though I be, I cannot bring myself to accept this arrogant assumption. I think, rather, that by acting upon this assumption we shall surely end up making our world worse than it need have been.

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THE PARTY'S OVER

(By David S. Broder)

The months leading up to an American presidential election are always a testy time. If times are even testier than usual, it is undoubtedly because the government itself is divided, with a Republican finishing a first term in the White House and the Democrats in control of Capitol Hill. The Senate is aswarm with presidential and vice presidential hopefuls, all trying to make partisan points at the expense of the Administration. Richard M. Nixon has lobbied for passage of the Administration's program, cajoling conservative Republicans to stay in line and seeking whatever support he can find on the Democratic side of the aisle. But despite cooperation from the Democratic leadership on some issues, the output of Congress is dwindling as Election Day draws closer and partisan considerations dominate.

The Republicans feel they deserve to be reelected. They were called back into power three years ago by a public impatient to wind up a nasty war in Asia which the Democrats seemed incapable of ending. By and large, the Republicans have done what it was hoped they would do, although there is still a sizable American army in the field and no formal peace treaty is in sight. The war news is off the front page, they note, and mercifully, so is the constant agitation from and about the radical groups who want to turn the country upside down.

The problem is that the war's effects linger. The inflation which the Republicans inherited, though somewhat abated, remains a major preoccupation of Administration economists and average citizens. And the cutback in defense spending has slowed the economy and brought higher unemployment than anyone finds satisfactory. The Democrats argue that these are not problems of transition, as the President maintains, but the results of typical Republican mismanagement of the economy. This case was persuasive enough for them to win the midterm election, despite the President's and Vice President's all-out effort to elect a Republican Congress.

In the coming election, Republicans will run on the slogan of "Peace and Prosperity"—if they can reduce the unemployment figure and bring inflation under control; and if the protracted disarmament talks with the Russians do not end in disagreement; and if the tense Middle East does not explode into war; and if the India-Pakistan situation can be contained.

The latest Supreme Court decision on school desegregation is causing the Republicans some problems and jeopardizing their prospects for further political gains in the South. Despite the President's evident coolness to the ruling, his critics do not let him forget that the decision was written by the Republican whom he appointed as Chief Justice.

Richard Nixon is working as doggedly as ever, trying to keep one step ahead of his problems. Busy as he is with the duties of his office, he manages to take an active hand in Republican Party politics. He has to, for there are threats on every side. In addition to the Senate Democrats, who rarely miss a chance to denounce him, there are restive conservatives in his own party, unhappy about the course of the Administration; a Republican governor in his home state of California whose ambitions must be placated; and a millionaire governor in New York who, instead of resting on the laurels of a long and distinguished career, seems always to be seeking new worlds to conquer.

Since the last presidential race, the Democrats have made a strong comeback in the state capitals. They now control Ohio and Pennsylvania, among other states important to Nixon's re-election. But there is a friendly Republican governor in Illinois to help offset some of Mayor Daley's power. And there are high-level intrigues in Texas, whose top Democrat could not be more helpful to the President if he were a member of the GOP.

All things considered, Richard Nixon feels he can look forward with some confidence to 1956.

That's right—1956. This is history, not current events. Every item just referred to is sixteen years out of date, even if it seems to apply to the autumn of 1971. The President referred to is Dwight D. Eisenhower, not Richard Nixon. The war is in Korea, not Vietnam. The Republican Chief Justice is Earl Warren, not Warren Burger. The school decision that is causing the controversy is the original 1954 ruling that "separate is not equal," not the more recent call for widespread busing to end segregation.

The California governor whose ego needs constant attention is Goodwin J. Knight, not Ronald Reagan. The ambitious millionaire in Albany is Averell Harriman, not Nelson A. Rockefeller. The Administration's Texas friend is Allan Shivers, not John B. Connally. And the Senate Democratic hopefuls are named Kefauver and Gore and Kennedy and Johnson, not Muskie, McGovern, Jackson, and Humphrey.

But if this short catalogue of the similarities of 1955 and 1971 produces a sensation of *déjà vu,* an impression that we are watching a rerun of a not-very-good movie, then you understand what provokes this article. American politics is at an impasse; we have been spinning our wheels for a long, long time, and we are going to dig ourselves ever deeper into trouble unless we find a way to develop some political traction and move again. We can get that traction, we can make government responsible and responsive again, only when we begin to use the political parties as they are meant to be used.

Many of the shortcomings in the American political system today were foreseen by a group of scholars twenty years ago. In its 1951 report, "Toward a More Responsible Two-Party System," the committee on political parties of the American Political Science Association said that there were four dangers to our democracy which "warrant special emphasis," dangers which they prophesied would become more acute unless the forces weakening our party system were combated.

"The first danger," the report said, "is that the inadequacy of the party system in sustaining well-considered programs and providing broad public support for them may lead to grave consequences in an explosive era."

The weakness of our party system has made it very difficult to build and maintain support for the long-term enterprises we need to pursue at home and abroad. The task of supporting international economic development, of constructing a stable world peace, of building a strong domestic economy and equitably distributing its products and wealth, of reforming our governmental structures and finding adequate resources for our urgent national needs cannot be accomplished by a single Congress or a single President. We have paid a high price for the instability and weakness of our governing coalitions. Ambitious programs have been launched, but funds to finance them withheld. Commitments made by a Congress have been vetoed or impounded by a President. No party has been able to move ahead on its own agenda for very long, and the result has been years of government by fits and starts, with a mounting backlog of unkept promises and unmet needs.

"The second danger," the APSA committee said, "is that the American people may go too far for the safety of constitutional government in compensating for this inadequacy by shifting excessive responsibility to the President."

We have seen that happen, too. The weakness and frustration of responsible party government at the state and local level—which are, if anything, even more serious than at the national level—have sent most of our major issues to Washington for resolution. And in Washington, power has increasingly been stripped from Congress and the departments and been centralized in the White House. Bereft of the sustained support that a responsible party system could provide for passage and implementation of a long-term program, each of the last four Presidents has been forced to improvise his governmental policies and tactics on a day-to-day basis, hoping that some temporary alliance would permit him to overcome the inherent immobility of the vast governmental system. As the APSA committee predicted, this situation has produced the type of "President who exploits skillfully the arts of demagoguery, who uses the whole country as his political backyard, and who does not mind turning into the embodiment of personal government." But even the highly personalized presidency of our era has not managed to cope successfully with the problems challenging America.

"The third danger," the APSA committee said in 1951, "is that with growing public cynicism and continuing proof of the ineffectiveness of the party system, the nation may eventually witness the disintegration of the two major parties." That has not yet happened, but we are appreciably closer to that danger than we were twenty years ago.

Popular dissatisfaction with the two-party system is manifested in many ways: by the decline in voting; by the rise in the number of voters who refuse to identify themselves with either party; by the increase in ticket-splitting, a device for denying either party responsibility for government; and by the increased use of third parties or *ad hoc* political coalitions to pressure for change.

"The fourth danger," the APSA committee said, "is that the incapacity of the two parties for consistent action based on meaningful programs may rally support for extremist parties, poles apart, each fanatically bent on imposing on the country its particular panacea."

Regrettably, we have seen altogether too much of this kind of political polarization in the past twenty years. This has been an era of confrontation politics: between whites and blacks, hard hats and student demonstrators and police. The extremist parties are yet small, but the extremist movements are growing.

What must concern us now is the rising level of public frustration with government-and-politics-as-usual. For it is not just a few radical students who say and believe that the political system is not working. Millions of ordinary, hardworking Americans recognize that government is not dealing with the problems that are uppermost in their lives: crime and drugs and war and inflation and unfair tax loads and fear of unemployment.

For most of these last two decades, American liberals, of whom I am, I suppose, one, have been most concerned about the outsiders in our society—the black, the brown, the poor, the uneducated, the young—who are the all-but-inevitable losers in the influence game that we have substituted for responsible party government. But some of these groups have learned to beat the odds by ignoring the rules. If the "big boys" and the "special interests" control City Hall, or the legislature, or the Capitol, the "outsiders" have learned to control the streets. They have "voted with their feet," as the saying goes, and with their throats, and with their threats. And sometimes the government has responded, as it should have responded, to the justice of their cause, if not to the threat of disruption that accompanied it.

But today, it is not just these minority-group "outsiders" who are frustrated by the inequities of our society and the laggard performance of our political-governmental system. Millions of middle-aged, middle-class white working Americans are coming to understand that they have been victimized by the irresponsible politics of the recent era. No one asked them if they wanted their sons to fight in Vietnam; no one asked them if they wanted to gamble their family security on their ability to keep one step ahead of inflation; no one asked them if they wanted to swap token cuts in their income taxes for walloping hikes in the property taxes on their homes.

Yet all these things have been done to them by their government, and they are not going to take it lying down. Failing any means of registering their views through the political system, they will follow the blacks and the students and the other minority groups into the streets. And confrontation politics—with its constant threat of violence and repression—will increase.

Is there not a better way to resolve our differences, to move ahead on our common problems? I believe there is. The instrument available to us is responsible party government. The alternative to making policy in the streets is to make it in the voting booth. But if that proposition is to be more than a chiché, there must be real choices presented at election time—choices involving more than a seleciton between two sincere-sounding, photogenic graduates of some campaign consultant's academy of political and dramatic arts. The candidates must come to the voters with programs that are comprehensive and relevant to our problems; and they must have the kind of backing that makes it possible for them to act on their pledges once in office.

The only instrument I know of that can nominate such candidates, commit them to a program, and give them the leverage and alliances in govenrment that can enable them to keep their promises is the political party. But even as I say this, I recognize that the notion will be greeted with enormous skepticism. The parties, it will be said, have been around for years; if they are the answer, then why do we have the problems we have now?

My reply, of course, is that we have not seen responsible party government in this country—in Washington or in most states and cities—in the sixteen years I have been covering national politics. Instead, we have fractured, irresponsible nonparty government, and we have paid a fearful price for it.

The most serious and costly consequences of the breakdown of responsible party government are not in the domestic field. If one wants to sum up in one word what can happen in the absence of responsible party government, that word is "Vietnam."

For twenty-five years, respectable opinion in this country has held that the great questions of foreign policy should be kept sacred and inviolate, far removed from the sordid considerations of partisan advantage. The notion had a specific historical justification. In 1946, when Democrat Harry Truman was President, the Republicans captured Congress in an election that represented a strong public reaction against the wartime controls associated with the Democratic Administration.

The Republican congressional victory made responsible party government impossible. Faced with the necessity of securing support from a Republican Congress for major postwar international policies—including the Marshall Plan—Truman entrusted his foreign policy to a group of successful lawyers and businessmen, many of them liberal Republicans from the New York Establishment. The prominence given such men as Robert Lovett, Paul Hoffman, John McCloy, Allen and John Foster Dulles facilitated the course of bipartisanship that was necessary under the historical circumstances.

Unfortunately, the notion became permanently enshrined that such nonpolitical men had a natural right to manage the nation's foreign policy. Dwight D. Eisenhower was imbued with the myth of bipartisanship, and he let the Dulles brothers run foreign policy for him. And as John Kenneth Galbraith has noted, even when the Democrats returned to power in 1961, "instead of Adlai Stevenson, W. Averell Harriman or J. W. Fulbright, with their Democratic party associations," John Kennedy gave the key international security jobs to such nonpolitical Establishment men as Dean Rusk, Robert McNamara, Roswell Gilpatrick, and the Bundy brothers, McGeorge and William.

"Foreign policy was thus removed from the influence of party politics . . . from the influence of men who had any personal stake in the future of the Democratic party, the President apart," Galbraith noted. Elections are held and party control of the presidency shifts, but the technicians and "experts"—the Walt Rostows and Henry Kissingers—never seem to lose their grip on the foreign policy machinery.

When protest over foreign policy arises from the ranks of the President's party—as it did from some Democratic senators in the Lyndon Johnson years and has from some Republican legislators since Richard Nixon has been in office—it is the nonpolitical "experts" in the key foreign policy jobs who always rush forward to defend existing policies.

It is these men—with their marvelous self-confidence and their well-developed contempt for politicians and public opinion—who wrote the clever scenarios and the cynical memoranda that make up the history of Vietnam policy under three Administrations contained in the Pentagon Papers. It is they who stand ready to advise a President on how he can dupe the Congress and the public and maneuver the nation into war without disclosing his intentions.

Why have they been able to maintain their control over foreign policy? Because the political parties, at critical junctures, have failed to meet their responsibilities. In none of the national elections during the whole course of the escalation and de-escalation in Vietnam were the American people given a choice of defined, coherent policies toward the struggle in Indochina. The issue was either ignored entirely or smothered in a blanket of bipartisan generalities. For six long years—between 1964 and 1970—the leadership of both parties in Congress failed to try to bring a policy declaration on Vietnam to a vote.

Vietnam is a classic instance of the costliness of isolating a basic foreign policy question from examination in partisan, political debate. It is a terrible measure of the failure of responsible party government in our time.

The habit of partisanship, once lost, may be very difficult to regain. If that proves to be the case, and if the young people entering the electorate remain as independent of the party system as they now appear to be, the major parties may no longer enjoy a monopoly on high office. Three or four or half a dozen serious presidential candidates may run each year, posing a constitutional crisis whether we are operating under the existing electoral-college system or a plan for direct election of the President. More minor-party or independent candidates may find their way into Congress, weakening the existing party structure there.

If the distrust of politicians and parties continues to grow, it may be reflected in the deliberate crippling of responsible leadership, by dividing the branches of government between the parties and by turning officeholders out as soon as they show signs of amassing any significant power. While the masses of alienated voters use these tactics to cripple government, the activists for one cause or another may continue to press their demands through confrontation tactics—lawsuits, demonstrations, strikes, boycotts, and the other weapons in their arsenal. The result would be an increase of domestic turbulence and violence.

I do not think it is inevitable that we go down this road, but I am afraid that there is as yet no widespread understanding that this is what we face, unless we make a deliberate effort to reinvigorate our political party system. There is as yet no broad appreciation of the fact that the aggravations and frustrations each of us feels are part of a single crisis—the malfunctioning of our governmental-political system. We still delude ourselves by thinking we can treat the symptoms and ignore the cause. If we find ourselves stuck in a traffic jam every morning, we start for work fifteen minutes earlier in futile hopes of beating the crowd. If the cities become unsafe, we take our businesses and our families to the suburbs, hoping the problems will not follow us. If we find ourselves as a nation fighting a lengthy, undeclared war, our "solution" is to pull the troops out and hope it will not happen again.

For a long time, we have tried to buy time by this kind of retreat from reality, but we cannot play the game much longer. Unless our basic population patterns are reversed, most of us will find ourselves living in a compact mass of humanity in one of the concentrated metropolitan clusters, where we will have only the choice of trying to solve our problems on a community basis or attempting to survive by the law of the jungle. When the time comes—and it is not that far off—when most Americans live constantly with the threat of breakdowns that have plagued New York City residents in recent years, when teachers and policemen and sanitation workers and subway and bus and taxi operators strike, when taxes rise while municipal services deteriorate, and filth piles up in the streets, when jobs become more scarce and inaccessible and welfare rolls soar while schools turn out more addicts than graduates, when personal security is no greater than one's own strength or weapons provide, then we may recognize that we face a genuine crisis of government.

If we are very fortunate at that moment, we may find leadership in one party or the other that can mobilize the national will through democratic means to confront what may by then be an almost overwhelming challenge. In our desperation, we may by our ballots give that party a mandate for governing commensurate to its task, and we may even be fortunate enough to find its leaders responsible and responsive in office. My guess is that if we find such leadership, it will come, not from the Senate, but from that most scorned of political offices, the governorship. The best hope I can see for the short term is that one of the major states may provide a showcase example of responsible party government in action—with a governor, a legislature, and a party leadership successfully working in tandem to meet the urgent needs of that state. Such a demonstration would not only validate the concept of responsible party government, it might also elevate its practitioner to the presidency.

Out there is a darker possibility that we cannot overlook. When frustration reaches the breaking point, when inflation and economic uncertainty, work stoppages, civil disturbances, crime, drugs, and the breakdown of public services can no longer be tolerated, a different sort of man with a different solution may present himself.

A plausible demagogue may appear and say, "Give me power and I will make things work again. I will restore order to your lives. I will see that there is discipline again. I will make the streets safe, and I will remove those who are disturbing our peace of mind. It may not be pleasant, but I promise you it will be effective. If those demonstrators try to tie up our cities, my police will know how to deal with them so they will not try again. If those unions try to raise wages, my men will see to it that there are no more strikes. We will control prices, even if it means we have to run those big businesses ourselves. Congress will pass the necessary laws, because its members will understand that it will not be wise for them to go home unless they act. And the press will cooperate with us and stop its carping and sniping, if it understands what is good for it. And we will save our country"—but, of course, destroy freedom and democracy in the process.

That possibility sounds like scare talk. Some will dismiss it as apocalyptic nonsense. But things have been happening in this country that I would not have believed when I came to Washington sixteen years ago and four Presidents ago. I have seen a President and his brother, a presidential candidate, murdered by assassins. I have seen the Capitol of the United States blasted by explosives on one occasion, and ringed by arson fires on another. I have circled our national monuments in an airplane carrying the Vice President of the United States and watched the tears in his eyes as he saw the magnificent capital city set to the torch by its black residents, venting their rage and frustration at the murder of Martin Luther King, Jr. Time and again, I have heard from the Capitol, and lately even from the White House, powerful men speak as if they did not understand that unless we obliterate the tragic heritage of slavery, it will obliterate us.

I have seen speakers shouted down and heckled into silence by student mobs at our oldest university, and I have seen police in a dozen cities use their clubs with savage delight on the heads and arms and backs of peaceful demonstrators.

Above all, I have heard the conversations of hundreds of average Americans, who see their world, their plans, their hopes crumbling, and do not know where to turn. I cannot forget a doctor's widow in Richmond whom I interviewed in 1970 saying: "You can't tell from day to day, but if it doesn't do better than it is now, it won't be much of a country. This is the saddest situation I've ever seen. I've seen this country go through four wars and a depression, and this is the worst."

Where do we turn? To ourselves. Obviously, that must be the answer. There is no solution for America except what we Americans devise. I believe that we have the instrument at hand, in the party system, that can break the long and costly impasse in our government. But it is up to us to decide whether to use it.

What would it entail on our part if we determined to attempt responsible party government? First, it would mean giving strong public support to reform efforts, which in the recent past have been carried on entirely by a small group of concerned political insiders, aimed at strengthening the machinery of political parties and government. Here are some of these reforms:

We should seek to strengthen the liaison between the presidency and Congress, on a mutual basis, and between the presidency and the heads of state and local government.

We should elect the President in the same way we elect all other officials, by direct vote of his constituents, with the high man winning.

We should expand the role and responsibilities of the party caucuses and the party leaders in Congress. The caucus should choose the floor leaders and policy committee members, the legislative committee chairmen and committee members, not on the basis of seniority, but on the basis of ability and commitment to the party program. That leadership ought to be held accountable for bringing legislation to which the party is committed to a floor vote in orderly and timely fashion, with adequate opportunity for debate and particularly for consideration of opposition party alternatives. But procedures for due consideration should not justify devices like the filibuster, which prevent the majority party from bringing its measures to a final vote.

In state government, we need to reduce the number of elected officials, to provide governors with adequate tenure and staff to meet their responsibilities, and particularly to strengthen the legislature by limiting its size and my improving its pay, its facilities, and its staffing, and by recognizing that it has a full-time job to do each year.

In local government, too, we need to reduce drastically the number of elected officials and to make sure that the jurisdictions they serve are large enough to provide a base for two-party competition and to bring resources, together with problems, along a broad enough front to give some hope of effective action.

We need to take every possible measure to strengthen the presidential nominating convention as the key device for making the parties responsible. The current effort to open the Democratic delegate-selection process to wider public participation is a promising start, and its emphasis on the congressional district nominating convention offers corollary benefits for integrating congressional and presidential constituencies. Both parties should experiment with devices for putting heavier emphasis on the platform-writing phase of the convention's work, including the possibility of a separate convention following the nomination, where the party's officeholders and candidates debate the program on which they pledge themselves to run and to act if elected.

Most important of all the structural reforms, we need to follow through on the recent congressional effort to discipline the use of money in politics, by setting realistic limits on campaign spending, limiting and publicizing individual and organizational gifts, and channeling much more of the money (including, in my view, all general election spending) through the respective party committees rather than through individual candidates' treasuries.

We need to strengthen the party organizations and their staffs, and recapture for them the campaign management functions that have been parceled out to independent firms, which tend to operate with a fine disdain for the role of party and policy in government. We need to make television—the prime medium of political communications—somewhat more sensitive to the parties' claims to time; we need to protect the vital institution of the nominating convention from being distorted by the demands of the television cameras.

All these reforms would help, I believe, but they would not accomplish the invigoration of responsible party government unless they were accompanied by a genuine increase in the participation by the public in party affairs. The cure for the ills of democracy truly is more democracy; our parties are weak principally because we do not use them. To be strong and responsible, our parties must be representative; and they can be no more representative than our participation allows. Millions more of us need to get into partisan political activity.

We also need to examine some of our habits. It seems to me that we should ask, before splitting a ticket, what it is we hope to accomplish by dividing between the parties the responsibility for government of our country, our state, or our community. Do we think there is no difference between the parties? Do we distrust them both so thoroughly that we wish to set them against each other? Do we think one man so superior in virtue and wisdom that he must be put into office, no matter who accompanies him there?

Why are we splitting our tickets? My guess is that if we asked these questions, we would more often be inclined to give a temporary grant of power to one party at a time rather than dividing responsibility so skillfully between the parties that neither can govern. If we were willing to risk this strategy, knowing that we would be able to throw the rascals out if they failed, we might even discover to our amazement that they are not always rascals.

These are the things we could do if we wanted to attempt responsible party government. But they would not, of course, be an answer to our problems as a nation. There are limits to what parties can do, limits indeed to what politics and government can do.

The party system is essentially a device for making choices between candidates and programs, and for enabling those who prevail at the polls to seek to put their politics into action. It is a way of expressing choice, and choice implies division, which will be ever present in a large and diverse nation like ours.

But for the two-party system to work, there must be not only division but large areas of agreement. There must be agreement on the rules of the game, so that losers accept defeat and winners do not attempt to abuse the advantage of victory. There must also be a high degree of agreement on the values and goals the society cherishes, so that political defeat does not seem to carry intolerable penalties for the losers. A party system must reflect the political community it serves, and when that community loses its sense of identity, the party system cannot fabricate one for it.

Whether we Americans still retain a vision of ourselves as one people, one continent-sized community, is the ultimate question. And that is a question beyond politics. "Epochs sometimes occur in the life of a nation," Tocqueville wrote,

"When the old customs of a people are changed, public morality is destroyed, religious beliefs shaken, and the spell of tradition broken, while the diffusion of knowledge is yet imperfect and the civil rights of the community are ill secured or confined within narrow limits. The country then assumes a dim and dubious shape in the eyes of the citizens; they no longer behold it in the soil which they inhabit, for that soil is to them an inanimate clod; nor in the usages of their forefathers, which they have learned to regard as a debasing yoke; nor in religion, for of that they doubt; nor in the laws, which do not originate in their own authority; nor in the legislator, whom they fear and despise. The country is lost to their senses; they can discover it neither in its own nor under borrowed features, and they retire into a narrow and unenlightened selfishness."

In such a situation as ours, Tocqueville said, it is not enough to call forth the "instinctive patriotism" of the people, "that instinctive, disinterested and undefinable feeling which connects the affections of man with his birthplace."

In a time of turbulence, Tocqueville said, we must turn to the "patriotism of reflection," a sentiment which he acknowledged "is perhaps less generous and less ardent, but . . . more fruitful and more lasting. It springs from knowledge; it is nurtured by the laws; it grows by the exercise of civil rights; and, in the end, it is confounded with the personal interests of the citizen. I maintain," he concluded, "that the most powerful and perhaps the only means that we still possess of interesting men in the welfare of their country is to make them partakers in the government."

To make them partakers in the government. That is the challenge that now faces our political parties. That is ultimately the test of responsible party government—to make all citizens feel they are partakers and participants in the government.

It will not be easy to revitalize our political parties. Even if that is done, our problems remain awesome. We must somehow rediscover our sense of community, of nationhood. We must heal the scars of slavery and generations of discrimination. We must find a way to meet our inescapably heavy responsibilities in the world, while nourishing the debilitated services on which our own welfare, well-being, and peace of mind depend. And to do all this, we must make our government functional again in the great metropolitan areas, in the states, and in Washington. These are tasks that will test our democratic system and each of us as individuals.

But to settle for less is to admit defeat for our ideals and our aspirations. I have called this article "The Party's Over." The pun is intended, but not the prophecy. I do not believe that our political parties are doomed, unless by our neglect of the services they can provide and the vital role they can play in re-energizing our political system.

But in another sense, the party is over, whether or not the political parties are revived. I do not expect to see again in America the kind of smugness, of euphoria that gripped Washington when I came to the capital city sixteen years ago. Since then, we have gone through the New Frontier and the Great Society and the New American Revolution, each briefer in duration and more patently false in its promise than the slogan that preceded it. If there is one thing the long travail of the last four presidencies has taught us, it is to be skeptical of the easy answer.

In the dark June of 1940, when the Nazi Army had captured Paris and was poised for an assault on England, while the United States stood by, seemingly impotent to act, Walter Lippmann told the reunion of his Harvard class that "upon the standard to which the wise and honest will now repair it is written . . . You took the good things for granted. Now you must earn them again. It is written: For every right that you cherish, you have a duty which you must fulfill. For every hope that you entertain, you have a task you must perform. For every good that you wish to preserve, you will have to sacrifice your comfort and your ease. There is nothing for nothing any longer."

The cost of being an American citizen is going up. If this nation is to survive and meet its challenges, many of us will have to sacrifice some of our personal luxuries to help pay for the society's neglected needs. What is more, we will have to give up the idea that we can escape from the consequences of our civil irresponsibility by purchasing private passage for our families to the segregated suburbs, to the private schools, and to the protected professions.

It is going to cost us time and energy and thought, diverted from our private concerns, to make government workable and politics responsible again in America. Our parties, our government will be no more representative than we make them, by our own commitment and participation. If we do nothing, we guarantee that our nation will be nothing. There is nothing for nothing anymore. Our choice is simple: either we become partakers in the government, or we forsake the American future.

THE OUTSTANDING PUBLIC SERVICE OF DOMENIC MASSARI, UNDERSCORED BY LOCAL, STATE, AND FEDERAL OFFICIALS

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. ROUSSELOT. Mr. Speaker, it is so refreshing in these somewhat troubled times to know and hear of an individual who is almost unanimously revered as an outstanding public servant such as the man Domenic Massari. On Friday, March 24, officials from local, State and Federal levels of government, as well as many distinguished citizens, will gather together to pay tribute to retiring City Councilman Domenic Massari for his dynamic and unselfish contribution to the community of Palmdale, California, and surrounding area. Mr. Massari, who was born in Italy in 1893, arrived in Palmdale in 1929 with the most modest possessions and has since devoted himself with unstinting, unquestionable dedication to the service of the Palmdale community and, in fact, the entire Antelope Valley.

On March 24, which has been declared Domenic Massari Day, the entire Massari family, and other thankful citizens including the city council of Palmdale, Mayor Lawrence W. Chimbole, and myself will gather to pay deep gratitude to this truly great American for all that he has done to make Palmdale, and in a larger sense America, a better place to live. Mr. Massari has by deeds, not just words, made a contribution to Palmdale, which was at the time of his arrival in the late 1920's nothing more than a broad place in the road. Mr. Speaker, I know I speak on behalf of the Members of Congress who are always pleased to join in saying thanks to a dedicated and loyal citizen of this country of ours when he has served so contructively and without fanfare to make his community reflect all the high qualities that our Founding Fathers fought so dearly to attain. Domenic Massari is the epitome of that great statement we all know so well that sits on a plaque at the base of the Statue of Liberty:

EMMA LAZARUS, 1849–1887

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these, the homeless, tempest-tossed, to me:
I lift my lamp beside the golden door

The New Colossus: Inscription for the Statue of Liberty, New York Harbor.

Our distinguished State Senator John L. Harmer has encouraged his colleagues in the State legislature to pass a resolution which indeed is a tribute to all the greatness that Domenic Massari reflected in his daily life. I include it in the RECORD:

SENATE RULES COMMITTEE RESOLUTION

(By Senator John L. Harmer)

Relative to the retirement of Domenic Massari.

Whereas, It has come to the attention of the Members of the Senate that Domenic Massari is retiring after 10 years of distinguished service as a member of the Palmdale City Council; and

Whereas, Mr. Massari was selected by the council to serve as Mayor of Palmdale in 1968; and

Whereas, Born in Potenza, Italy, in 1893, Mr. Massari arrived in Palmdale in 1929, bringing all his possessions with him in a covered truck, and from that time has played an indispensable part in the progress that has taken place in Palmdale; and

Whereas, A dynamic community leader, Mr. Massari was instrumental in the organization of the Palmdale Chamber of Commerce in 1933, served for approximately 10 years as a volunteer fireman, was President of the Palmdale Kiwanis Club in 1941, served as co-chairman of a victory bond drive in 1942, and served as President of the Palmdale Chamber of Commerce in 1947; and

Whereas, Until its successful conclusion in 1962, he was a member of the Palmdale Incorporation Committee; and

Whereas, He and his charming wife, Teresa, are the proud parents of a son, Joseph, and a daughter, Lena, and the proud grandparents of four grandchildren and one great-grandchild; now, therefore, be it

Resolved by the Senate Rules Committee, That the Members commend Domenic Massari for his outstanding public service and extend their best wishes to him on the occasion of his retirement from the Palmdale City Council; and be it further

Resolved, That a suitably prepared copy of this resolution be transmitted to Domenic Massari.

In addition, the city of Palmdale has proclaimed March 24, 1972, Domenic Massari Day and I wish my colleagues in the House of Representatives to be apprised of this resolution which has proclaimed to all the citizens of Palmdale the thoughtful recognition of this day to a man who has dedicated his life for 43 years to the betterment of America:

CITY OF PALMDALE, "DOMENIC MASSARI DAY," MARCH 24, 1972

Whereas, Domenic Massari has been a resident of Palmdale since April, 1929, and has taken an active part in civic affairs from that time to this; and

Whereas, in 1933 he was instrumental in organizing the first Chamber of Commerce, serving as president in 1947; and

Whereas, for the ten-year period from 1940 to 1950 he served as a volunteer fireman; and

Whereas, in 1942 Domenic Massari was awarded a citation and a silver medallion from the United States Treasury Department for the selling of victory bonds; and

Whereas, from 1954 to 1962 "Domenic" served as a member of the Palmdale Incorporation Committee; and

Whereas, he was elected to the first City Council in August 1962, serving as Mayor in 1968.

Now, therefore, I Lawrence W. Chimbole, Mayor of the City of Palmdale, do hereby proclaim March 24, 1972, as Domenic Massari Day; and

Be it further proclaimed, that all citizens of the City of Palmdale are urged to recognize this day in honor of a great man who has dedicated forty-three years of his life to Palmdale.

LAWRENCE W. CHIMBOLE,
Mayor, City of Palmdale, Calif.

Mr. Speaker, in this time when we hear so much of what is wrong with America, I think it is only appropriate that we pause today and express our appreciation to Domenic Massari for making Palmdale, and also America, a better place in which to live. We thank you Mr. Massari.

BELOIT, WIS., AN ALL-AMERICAN CITY, TRIES HARDER

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. ASPIN. Mr. Speaker, I would like to call to the attention of my colleagues that following editorials concerning the selection of Beloit, Wis., as one of the All-American Cities for 1972. I share the enthusiasm that these editorials indicate in support of Beloit's accomplishments. Beloit has made an excellent start in dealing with some of the urban problems it faces and I would like to join with these editorials in commending Beloit citizens for all of their activities. It is an honor to represent Beloit in the House of Representatives. The articles follow:

[From the Beloit (Wis.) Daily News, Feb. 28, 1972]

HONOR FOR BELOIT—A JOB ONLY BEGUN

Beloit has earned a place on the highly select list of communities that can lay claim to the title of All-America City.

What does the award mean? Perhaps more important, what does it not mean?

The national recognition accorded Beloit will not, of course, impress or inspire everyone. Human nature being what it is, there will be no magical conversion of the cynics. Nor will harmony suddenly replace all discord. The sweet fragrance of violets cannot be expected to drift across the city now that national acclaim has been visited upon Beloit. And prosperity befitting a favored town will not materialize overnight.

We would prefer to think of the award as calling attention to the potential that exists here for achieving at least some of those community qualities that might be regarded by the idealistis as "All-American."

What do we conceive to be "All-American," anyway? The term obviously means different things to different people.

It means waving flags and blaring trumpets and fidelity to the principles of liberty and freedom and justice.

It means brotherhood and equality of opportunity to pursue happiness in one's own way.

It means government of, by and for the people, with the Constitution, the ballot box and the several freedoms held inviolate.

It means free enterprise, just laws and individual choice as to jobs, political allegiance and residence.

In reality, each of us is at considerable liberty to interpret Americanism as we wish. This freedom to have diverse views and values is good. But understanding of that diversity is necessary in order to accept the reality of the inner conflicts present in today's America. It is toward a better understanding of our differences that we must strive, if we ever expect the term "All-American" to assume a common meaning.

In the absence of this understanding, some Beloiters will not share our jubilation over receipt of an All-America City Award. Hopefully some of the misconceptions can be erased in the days and months ahead.

For a starter, this is the purpose of the contest as explained by former Pennsylvania Gov. William Scranton, president of the cosponsoring National Municipal League:

"To foster and recognize the efforts of people working and reasoning together in the endless struggle for constructive change, creating out of present divisiveness a strong, responsive and more humane nation."

It is quite evident from that explanation that the contest is not a quest for the "ideal" communities of the country—if indeed some do exist. Rather, it was a search for "typical" towns where major problems are being solved by broad-based citizen effort.

Beloit's contest entry acknowledged that this community is ordinary in many respects. Beloit told a jury in Atlanta:

"Town-grown antipathy . . . unequal opportunity in employment . . . rural-urban polarization . . . racial prejudices . . . we've had them all."

And, said the Beloiters:

"People are problem-solvers in Beloit. Working through an interlocking system of action groups, Beloiters have found that no community mission is impossible so long as it is understood that people who are part of the problem, must be a part of the solution."

That pretty much sums up why Beloit entered the contest. This claim of citizen involvement—backed up by specific examples of achievement—convinced the judges that what is happening in Beloit is what the contest is all about.

Beloit should receive the award with proper humility, realizing that the "civic betterment" it recognizes presupposes that there was considerable about Beloit that needed bettering.

As to perspective, the Beloit community would be remiss in celebrating the All-American award as signifying "a job well done." Rather, it is a job only begun.

The award thus is as much a challenge as anything else. Beloit has placed before the contest judges a review of how citizens of the community—usually working in partnership with government—have come to grips with such vexing and complex problems as racial discrimination.

As we see it, the most prideworthy feature of what has been dubbed "the Beloit Experience" is that it has encompassed citizen effort on diverse fronts. While some sought to alleviate misunderstanding about the system of criminal justice, others worked to promote a greater appreciation of cultural endeavor, as exemplified by the Affiliate Artists program and the annual Beloit Festival. Meanwhile, still others were pitching in to carry on a summer recreation program that would have been nonexistent without volunteer help.

The many things Beloiters are doing to build a true All-American image for the community will be reviewed and recognized in the days ahead, as Beloit acknowledges its new honor. It is sufficient to say that when all this is brought together, it creates an impressive array of projects and programs for any town.

So much—so very much—still remains to be done in Beloit. But All-American City laurels are not reserved for those who have reached the summit of achievement. They are given instead to towns where it has been demonstrated that an award and involved citizenry functions as a powerful force for community betterment. Beloit is such a town.

[From the Janesville (Wis.) Gazette,
Mar. 1, 1972]

CONGRATULATIONS, BELOIT

"All America City" is the title recently bestowed upon our neighbor city, Beloit. The city was among nine which received the honor for this year from among 100 entries.

From the criteria set up by the contest committee, which is run by the National Municipal League and Saturday Evening Post magazine, Beloit is deserving of the prize. The purpose is "to foster and recognize the efforts of people working and reasoning together in the endless struggle for constructive change, creating out of present divisiveness a strong, responsive and more humane nation."

It is doubtful few cities have been working as hard on their problems as has been Beloit in recent years, especially in the areas of urban renewal and human relations.

Obviously the award is given not for past accomplishments, but for future expectations and the means to achieve those goals. The machinery is set in Beloit and we wish it well.

[From the Clinton (Wis.) Topper,
Mar. 2, 1972]

CONGRATULATIONS, NEIGHBOR

The announcement that our neighboring city of Beloit has been named an ALL American City is good news. This national recognition comes not because Beloit has "arrived", community leaders say, but because many people there are working to solve their problems constructively.

What any community is, depends upon the people who reside there. Beloit has some very positive-thinking people, who are problem-solvers. It has some very negative-thinking people, who are poor-mouthers. The one group has a constructive attitude, the other a destructive one. This is true of most communities, including Clinton. Whether a community moves ahead, depends upon which of these attitudes gains ascendency with the majority of the population, for no matter how good the intentions of a few are, they need the backing of their fellow citizens in order to accomplish anything.

Hopefully, this award will rekindle civic pride in Beloiters and fire up the apathetic and the constant critics to positive and productive performance.

NO AMNESTY

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. GOLDWATER. Mr. Speaker, earlier this month KNBC television in Los Angeles presented an excellent commentary on amnesty for those men who have refused military service.

The question of amnesty is much greater than elimination of penalties for those who sought to evade the draft. The question, as KNBC notes, involves the very fabric of the enforcement of law and order in America.

I wish to present the KNBC editorial:

NO AMNESTY

Over the past several years, some 35,000 young men left the country rather than risk having to fight in an unpopular war. Now they and the parents of some of them think they should be allowed to return without punishment, or at the most, with some Peace Corps-style service.

The reasoning behind this goes something like this: the American involvement in Southeast Asia is immoral, and those who choose to run rather than fight are morally right. The rest of the nation, especially those who fought, are wrong. That's the rationale.

It's easy to generate sympathy for some of the young men who ran out. Maybe the decision to go to Canada or Sweden wasn't really theirs. Or maybe they were sincere in their dislike of violence in any form.

Our view is that they knew or should have known the draft law and the consequences of breaking it. Each case may have had some extenuating circumstances, however, and every draft dodger should have the opportunity to tell his story in court.

But granting some blanket amnesty to all 35,000 on the basis that the fighting in Indochina has become unpopular makes no sense to us at all. If the war became even more unpopular, our next step might be to jail all those who were drafted and did as their country asked.

We feel that granting amnesty without any penalties would be encouraging people to select which laws they want to support and which they don't. We think that's an impossible way to run a republic.

A HALT TO MORE FEDERAL AGENCIES

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. CLEVELAND. Mr. Speaker, I would like to bring to the attention of my colleagues the following fine editorial from the Concord Monitor, Concord, N.H., of January 24, 1972. The editorial discusses the problem of duplication in Government agencies and asks the very valid question:

> Why create a new agency to fight for the consumer when our present government agencies were originally intended to serve the people?

Throughout my years in public service I have been continually amazed, shocked, and disgusted by the duplication and waste which seem to thrive in Government bureaucracies. In a recent newsletter to my constituents I stated:

> As I look back over my 9 years as your representative, it seems that there has been an increase in the flow of political promises which are decreasingly matched by performance. Countless programs have been launched. The myth continues that any problem can be solved by a new program from Washington, bountifully financed by your taxes. The solution to the failure of an existing program seems too often to launch a new one. The old ones, of course, remain relatively untounched and intact.

Time and time again instead of cleaning house and improving existing programs or agencies, as any good business has to do for economical survival, Government has avoided rocking the boat and just created a new program or agency to make up the deficiencies of the existing one.

Each year, like a pile of junk cars, something new is added to the bureaucracy, while the old continues to rust and rot. The result is a waste of money, time, and energy and an ever-widening run-around when one tries to get something done. A reorganization is desperately needed in order to make Government more efficient and responsive.

Caspar W. Weinberger, Deputy Director, Office of Management and Budget recently appeared before the Joint Committee on Congressional Operations. In his comments he stated:

STATEMENT OF CASPAR W. WEINBERGER

During the past year we have been pilot testing improved methods for assessing how well Federal programs are working and whether they are achieving expected results. One of the chief lessons learned from this project has been that it is very difficult to measure the performance of Federal programs under the fragmentation of responsibility that exists for many social programs.

Initial efforts to implement the Performance Measurement System for Federal narcotic program activities resulted in the identification of 16 separate Federal agencies which had a significant role in our fight against the drug abuse problem. Program responsibility and accountability was fragmented among the participating agencies and no one was responsible for overall coordination of these activities. As you know, the President has taken several very bold and aggressive steps in reorganizing and consolidating responsibility for Federal narcotic and drug abuse activities. He has proposed legislation for the establishment of a Special Action Office for Drug Abuse Prevention which would have overall responsibility for drug abuse treatment and prevention programs. He recently took further steps to consolidate responsibility for narcotic and drug law enforcement efforts under a new office in the Department of Justice.

I do not wish to single out the narcotic area as a particularly bad example—it is not—similar problems exist in most of our social program areas. I have singled it out because the experiences are recent, timely and provide a good example of the extremes to which the Administration has had to go to cope with some of the inadequacies of our current organizational structure. I also wish to stress the urgent need for early enactment of the President's departmental reorganization program to minimize similar problems in other social program areas.

In his weekly news report Congressman Garner E. Shriver observed:

As a member of the House appropriations subcommittee which is concerned with funding for many of the manpower training programs, I know of the desperate need for reform.

There are now at least 25 federal programs which can be described as manpower training. They come under the jurisdiction of the Labor Department, the Department of Health, Education and Welfare and some come under the Office of Economic Opportunity and the Model Cities program of the Department of Housing and Urban Development.

There is duplication and waste under our present system.

Imagine the improvement in efficiency and economy if these programs came under the control and responsibility of any one of the existing programs. The need for reorganization of the bureaucracy and the Congress is recognized. It's time we acted.

The excellent editorial which prompted these observations follows:

A HALT TO MORE FEDERAL AGENCIES

Legislation is pending in Congress to create two new consumer agencies—one that would represent consumer interests before other government agencies and one that would set safety standards for consumer products.

Politicians, particularly in an election year figure they can't go wrong supporting consumer bills because such legislation affects every voter in the nation.

And in the past few years consumer interests have soared on the priority list—justifiably so. This has come about by the flood of shoddy merchandise in the marketplace, by shady practices and by the disdain of industry for reasonable safety standards in their products.

Thus the pending bills are considered to have easy going in the second session of the 92nd Congress.

But we think some of this legislation is unnecessary.

Our government seems to have a penchant for creating new agencies to counteract the deficiencies of existing agencies. Thus it would seem much more reasonable to us to correct the shortcomings than to establish a superstructure to do battle with the boards and commissions we already have.

The bill to establish a Consumer Protection Agency is an example.

Presumably it would speak for the consumer before such agencies as the Federal Power Commission, the Federal Communications Commission, the Interstate Commerce Commission and innumerable other agencies.

But there is no member of the public who is not a consumer, and the already-established agencies are supposed to be representative of the public interest.

If they are carrying out this obligation, why the need for another agency to make sure they are doing what they are supposed to be doing?

The root of the problem is that such government instrumentalities are not public-oriented, but too often pander to the interests of the industries or utilities they are supposed to regulate.

The Federal Power Commission is particularly notorious in this regard. But it is prevalent everywhere in the federal government.

The Federal Communications Commission has a strong leaning toward the interests of the National Association of Broadcasters; several bureaus of the Interior Department kowtow to mining and oil interests, rather than keeping the public interest topmost: the Defense Department, despite the late President Eisenhower's "beware the military-industrial complex" warning of 1960, gives top priority to protecting its suppliers, rather than the public pocketbook.

It is to this condition that the Congress and the President should direct their energies, rather than to the creation of yet another government agency with little ombudsman authority.

To be sure, it is a much more complicated task. It means calling members of these agencies to account for their decisions when the principal beneficiaries are those who are supposed to be regulated.

Authority to regulate product safety well could be given to either the Federal Trade Commission or the Department of Health, Education and Welfare, instead of establishing a new commission.

The Senate has passed a bill that would give the Federal Trade Commission added authority over product warranties and strengthen its powers in prosecuting unfair or deceptive practices. We heartily endorse such consumer-oriented moves.

We also believe that so-called "class action" suits should be authorized by law, allowing groups of citizens to bring legal action jointly against a manufacturer or distributor.

But we think the public, and the entire American system of government, would benefit more by stern executive oversight on the activities of existing departments, boards, commissions, bureaus and councils than adding another building block to the already-quivering bureaucracy.

That bureaucracy should be working for the public.

CHIEF JUSTICE OF THE HIGH COURT OF AMERICAN SAMOA HONORED

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. ANDREWS. Mr. Speaker, the Honorable Donald H. Crothers of North Dakota was honored recently as he completed his turn as the Chief Justice of the High Court of American Samoa. All of us from North Dakota are proud of his distinguished record, and I insert in the Record an article from the Samoa News outlining the honors conferred upon Chief Justice Crothers by the Samoan legislature, as well as the resolution adopted by that body expressing the gratitude of the people of American Samoa:

[From the Samoa News, Feb. 17, 1972]

CHIEF JUSTICE DONALD H. CROTHERS HONORED

The Legislature of American Samoa, through Senate Concurrent Resolution 37, honored retiring Chief Justice of the High Court of American Samoa, Donald H. Crothers, by naming the new law library, "The Donald H. Crothers Law Library".

In ceremonies on February 11, 1972, closing the Twelfth Legislature of the Third Regular Session, Speaker of the American Samoa House read the commendation to Chief Justice Donald H. Crothers.

Chief Justice Crothers had elected to terminate his tenure of office in the High Court of American Samoa at the end of his contract period so as to permit he and Mrs. Crothers to return with their children who have been in North Dakota for the past six months.

The resolution cites Chief Justice Crothers' "in his capacity as the head of our judicial Branch of Government he has served the people of American Samoa with skill, distinction and honor; and "He will always be remembered as the prime organizer of the first Judicial Conference in the South Pacific area."

In accepting the honor Chief Justice Crothers expressed three personal views on the present status of the judiciary in American Samoa. First he recommended the Legislature be receptive to a proposal permitting appeals from the High Court of American Samoa to the United States Circuit Court of Appeals; secondly, that the Village Court System, which has developed under Chief Justice Crothers' tenure, be strengthened for "it is these courts in each village every Saturday morning of the year, that the average Samoan will come to define "justice" in American Samoa."

Judge Crothers continued "That is what the Supreme Court of the United States had intended when they decreed that each defendant, irrespective of how limited the jurisdiction of the criminal court hearing the case, must be fully appraised of the charges against him and advised of his rights in relation thereto".

Lastly, Judge Crothers expressed his opinion that the Matai System, that of chiefly titles as head of families, should be strengthened. "The Matai System is an essential part of the fibre that binds Samoan culture, heritage and custom together and must, at all costs, be preserved and made stronger," concluded Chief Justice Crothers.

Judge and Mrs. Crothers will return to North Dakota shortly after their departure from American Samoa which is anticipated to be about February 24, 1972.

SENATE CONCURRENT RESOLUTION IN HONOR OF DONALD H. CROTHERS

Whereas, the Chief Justice of our High Court, the Honorable Donald H. Crothers, is approaching the end of his term of service in American Samoa; and

Whereas, we are informed that he has chosen to return to his home on the mainland; and

Whereas, we accept this news with much regret but with an understanding of his desire to be with his family and pursue his career; and

Whereas, in his capacity as the head of our Judicial Branch of Government he has served the people of American Samoa with skill, distinction, and honor; and

Whereas, he will always be remembered as the prime organizer of the first Judicial Conference in the South Pacific area; Now, therefore

Be it resolved by the Legislature of American Samoa on behalf of itself and all of its constituents that we hereby express our grateful appreciation for a job well done and a service unselfishly given; and

Be it further resolved, That as a concrete expression of our esteem the new law library in the High Court Building, in an appropriate ceremony, be named the Donald H. Crothers Law Library; and

Be it further resolved, That we hereby extend our sincere wishes for a life of continued service, happiness and success wherever Judge Crothers may locate.

LEAENO T. W. REED,
President of the Senate.
FAINUULELEI S. UTU,
Speaker of the House of Representatives.

ST. PATRICK'S DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. BIAGGI. Mr. Speaker, tomorrow marks once again the glorious celebration of the feast of St. Patrick—a day for reveling by Irishmen and temporary Irishmen throughout the Nation and the world. It is a day for leprechauns and lassies, for shamrocks and songs, for drinks and dances.

There is no place like New York to celebrate this great day. I am proud to say that I am from that city which tomorrow will become for a time a piece of old Eire. The center line of Fifth Avenue will be painted green and all the people, whether Irish or not, will turn out for the famous St. Patrick's Day Parade. I will be privileged to participate in this great event as part of the New York Fire Department Emerald Society contingent.

In all this revelry, however, it will do us well to pause a moment to reflect on the disruption and discord that marks Ireland's Northern Province of Ulster. There is no peace there, no time for joyous celebration, no cause for good cheer. It is a land at war. Its people fighting for civil and humanitarian rights.

St. Patrick would have been disheartened over the fact that people of Ireland are fighting among themselves. He would not have condoned the violence from either side, but most assuredly he would have spoken out strongly against the subjugation of his people and the denial of equal rights.

So today while we express our happiness for being alive and drink good cheer for the freedoms we have in this country, let us remember those in Ireland who go to bed each night without the comforts of happiness and the assurances of freedom. Let us resolve to push even harder for an end to the abuses in Northern Ireland and for reunification of that country. By next St. Patrick's Day I would take great pleasure in being able to raise my cup and sing out about a united and free Ireland and an end to discrimination and denial of rights. Such would bring happiness to the hearts of the Irishmen and joy to people the world over who seek peace in all lands.

TELEPHONE PRIVACY—IV

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. ASPIN. Mr. Speaker, I am presently circulating for cosponsorship the Telephone Privacy Act, H.R. 13267, which would allow individuals to place a "no solicitors" sign on their telephones.

This bill would give to individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option to require the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phonebook who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates and organizations, and opinion poll takers. Also not covered would be debt collection agencies or any other individuals or companies with whom the individual has an existing contract or debt.

As I noted in a statement last Thursday, I have received an enormous amount of correspondence on this legislation from all over the country. Today I am placing a third sampling of these letters in to the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow—the names have been omitted:

MAYOR,
CITY OF UNIVERSITY HEIGHTS, OHIO,
February 23, 1972.

Hon. LES ASPIN,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: I am most interested in your proposed telephone privacy act and would appreciate a copy of the draft legislation. Our community is one of many that has been trying to find a solution to this difficult problem.

I would appreciate your advising me if you have copies of any local or State legislation now in effect or pending which tends to accomplish the same results.

Many thanks for your cooperation.

Sincerely,

——— ———.

MCLEAN, VA.,
February 23, 1972.

DEAR CONGRESSMAN ASPIN: I read today of your bill to limit telephone soliciting. Having been the recipient of many of these bothersome calls, I welcome your action.

Sincerely,

——— ———.

GRINNELL, IOWA,
February 23, 1972.

Hon. LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ASPIN: I was delighted to note in this morning's edition of the Des Moines Register that you are proposing legislation to control the growing nuisance of telephone solicitation.

However, the Associated Press story indicated that your proposed bill would exempt charitable organizations, political organizations, and surveys from any regulation.

I fully support controlling solicitation of *all kinds* in the manner you propose. An unwanted call from a church bazaar, party headquarters, or audience survey is just as annoying as one from a magazine salesman or home repair firm.

Sincerely,

——— ———.

NEW ORLEANS, LA.,
February 20, 1972.

DEAR SIR: I was very pleased to read where you plan to introduce a bill to prevent solicitors from calling us on the telephone.

You don't know how hard it is for aged people to run, or try to run to the phone when it rings to find someone at the other end asking, "Are you the lady of the house?" These people have only your phone number, they do not even know your name. I wish you much success with your bill. Please tell our representatives from Louisiana that we want them to vote favorably for your bill.

Thank you sincerely,

——— ———.

ST. PAUL, MINN.,
February 21, 1972.

Representative LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR MR. ASPIN: Although I am not a resident of your state, I want to express my pleasure and gratitude about your telephone solicitor legislation. This is something which is long overdue, and which probably will have to be done at a federal level, since I doubt that the states would act with any speed.

About two weeks ago we received a communication from our telephone company, informing us that they are adding a substantial surcharge to our phone bill because we have opted for the privilege of an unlisted number. This seems to us highly inflationary, particularly in view of the 18% increase in phone rates which Northwestern Bell has just imposed; and we are especially distressed because of the annoyance of constant phone solicitation. With an unlisted number we are spared that constant intrusion into our privacy. However, rather than pay $6.00 a year for that privilege, we are going to resort to the tactic of having our number listed for most months of the year, and then "unlisted" during the month when the phone book is made up. Obviously this will cause the phone company a lot of difficulty, and will not accomplish what they are trying (for justifiable reasons) to accomplish: namely to reduce the number of people who are deciding to have unlisted phone numbers.

If we were sure that no phone solicitors would call us, we would have no objections at all to having a listing in the phone book. Clearly it would make the job of the telephone operators easier if more people made this decision. I hope, therefore, that the phone companies realize this, and are willing to support your bill fully. It seems to me that there would have to be some kind of substantial penalties for infringement of the rule—probably the mere printing of a "no solicitors" sign would be overlooked by some zealous phone salesmen.

Please let me know if there is any way in this bill. If you have a list of committee which I can be of help in the passage of members who might want to hear opinions on the bill, please forward it to me.

Sincerely yours,

————, ————.

SENATE—*Friday, March 17, 1972*

The Senate met at 10 a.m. and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, as we dedicate this day's labor to Thee, may the memory of Thy servant, Patrick, move us to nobler living and more selfless service. Show us the life that serves Thee in the quiet discharge of each day's duty, that ennobles all our toil, however rewarding or irksome, by doing it as unto Thee. Give us Thy power, that we may become a power for righteousness. Give us Thy love, that our affections be not diverted to lesser things. May we find Thy power, Thy love, and Thy life in all mankind, and thus know Thee as our Father-God.

Through Him who revealed Thy life in man's life. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 17, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. BURDICK thereupon took the chair as Acting President pro tempore.

MESSAGES RECEIVED FROM THE HOUSE DURING ADJOURNMENT

Under authority of the order of the Senate of March 15, 1972, the Secretary of the Senate received the following messages from the House of Representatives:

On March 15, 1972:

That the Speaker had affixed his signature to the following enrolled bill and joint resolution:

H.R. 12910. An act to provide for a temporary increase in the public debt limit; and

H.J. Res. 1097. Joint resolution making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes.

On March 16, 1972:

That the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

The PRESIDENT pro tempore, on March 15, 1972, signed the above-mentioned enrolled bill and joint resolution.

THE JOURNAL

Mr. MOSS. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, March 15, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 3054) to amend the Manpower Development and Training Act of 1962, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mr. DANIELS of New Jersey, Mr. MEEDS, Mr. QUIE, and Mr. ESCH were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 10390) to extend the life of the Indian Claims Commission, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 9615. An act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes;

H.R. 11417. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes;

H.J. Res. 563. Joint resolution to authorize the President to proclaim the last Friday of April 1972, as "National Arbor Day";

H.J. Res. 687. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; and

H.J. Res. 1095. Joint resolution authorizing and requesting the President to proclaim April 1972 as "National Check Your Vehicle Emissions Month."

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 550. Concurrent resolution providing for the installation of security apparatus for the protection of the Capitol complex; and

H. Con. Res. 557. Concurrent resolution authorizing the printing of additional copies of House Report No. 92-911.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 9615. An act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes;

H.J. Res. 563. Joint resolution to authorize the President to proclaim the last Friday of April 1972, as "National Arbor Day";

H.J. Res. 687. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; and

H.J. Res. 1095. Joint resolution authorizing and requesting the President to proclaim April 1972 as "National Check Your Vehicle Emissions Month"; to the Committee on the Judiciary.

H.R. 11417. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes; to the Committee on Commerce.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 550. Concurrent resolution providing for the installation of security apparatus for the protection of the Capitol complex; and

H. Con. Res. 557. Concurrent resolution authorizing the printing of additional copies of House Report 92-911.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MOSS. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MOSS. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the executive calendar, under New Report.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the executive calendar, under New Report, will be stated.

NATIONAL CREDIT UNION BOARD

The second assistant legislative clerk read the nomination of O. Louis Olsson, of Connecticut, to be a member of the National Credit Union Board for a term expiring December 31, 1977.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MOSS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MOSS. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the distinguished Senator from Illinois (Mr. PERCY) is now recognized for not to exceed 15 minutes.

RADIO LIBERTY AND RADIO FREE EUROPE

Mr. PERCY. Mr. President, it is gratifying that the Senate-House conference has now voted to continue the work of Radio Liberty and Radio Free Europe through fiscal 1972 and that the conference committee has reached a clear understanding that further legislation will be considered before the end of the fiscal year. This is in line with a resolution introduced by Mr. HUMPHREY and myself and cosponsored by 63 other Senators. This brings the number of Members of the Senate to 67 that clearly have indicated their support for Radio Free Europe and Radio Liberty.

I would also like to express my appreciation to the distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT), for entering into the CONGRESSIONAL RECORD reports on RL and RFE prepared at his request by the Congessional Research Service. Mr. FULBRIGHT is not entirely satisfied with the report and, as is his privilege, has asked for further study of certain aspects of the operations of those two stations.

The reason for making these further remarks today is prompted by the comments made on separate occasions by two of our colleagues who asked me whether I had seen the report entered by the Senator from Arkansas (Mr. FULBRIGHT) into the RECORD, which they assumed, because of the tremendous volume of the report, and because it had been entered by the chairman of the Committee on Foreign Relations, had raised serious questions about the funding of these two radio outlets. They had simply assumed that the material prepared in the reports was critical. I, therefore, read with great interest and in detail the complete reports; and it is for this reason I feel it to be in order to summarize the reports and that it would be desirable, for the benefit of my colleagues, to pass this summary on to them.

The conclusions of the Congressional Research Service which are available in draft in the Senate Foreign Relations Committee were not entered into the RECORD, presumably because the chairman has asked the Congressional Research Service to do further work on them.

Mr. President, if we need further examination of the radios' role, as Mr. FULBRIGHT suggests, then by all means, we should facilitate it. In the resolution introduced by Mr. HUMPHREY and myself and now cosponsored by nine of the 16 members of the Foreign Relations Committee and by a total of 67 Members of the Senate, we call for continued funding of the stations while, and I quote:

> The methods for future support are carefully examined within the framework of United States foreign policy objectives.

However, as we plan to examine further the role of Radio Liberty and Radio Free Europe, I want to compliment the Congressional Research Service for the thorough job it has done at the behest of the chairman of the Foreign Relations Committee. A careful reading of the versions of the two reports which appeared in the CONGRESSIONAL RECORD of March 6, indicates that the eminently qualified researchers assigned to the project, Dr. Joseph Whelan for RL, and Mr. James Price for RFE, spent weeks interviewing those involved in setting the policies and preparing the programs of the two stations in Munich and New York. They personally examined many hours of broadcasts which were translated at their direction. They spent months of hard work studying everything that has been written about the two radios over the two decades that they have supplied people in the eastern part of Europe with a unique source of information and ideas. If anyone should question this thoroughness, I invite him to examine the sections on methodology on pages 7055 and 7056 of the RECORD for RFE, and 7091 for RL.

RL and RFE came into existence in the early 1950's, at the height of the cold war. However, there is evidence, as Mr. Price writes, that as early as 1952, RFE policymakers had become wary of the "liberation" approach. During the discussion of "containment" versus "liberation" at the time of the 1952 presidential campaign, RFE issued a special guidance for broadcasts on "liberation" which said, and I quote:

> Not one word in these statements (on liberation) can be used to encourage militant anti-communists to go over from passive to active resistance in the expectation that such resistance will be supported by western elements.

Already in 1953, the report says, after the abortive uprising in East Berlin following Stalin's death, RFE switched from being an exponent of "liberation" to "liberalization" instead. During the Poznan riots in Poland in June 1956, the report says:

> RFE conducted its operation in a manner that received virtually no criticism from responsible observers.

There were criticisms of RFE Hungarian broadcasts during the Hungarian uprising later that year. According to the report:

> The Western German Government reviewed all of the tapes of broadcasts from RFE to Hungary during the period in question and concluded that there had been no incitement and no promises of Western aid to the rebels. Adenauer added, however, that some of the broadcasts had contained "remarks subject to misinterpretation."

RFE took the criticism, mild as it was, very seriously, instituting appropriate changes in both policy and personnel. The report documents the evidence that its broadcasts were models of restraint during the Czechoslovak events of 1968 and the workers' riots in the Baltic cities of Poland late in 1970. Mr. Price sums up the current view at RFE as follows:

> Here at Radio Free Europe there are no illusions about sudden changes in governmental forms in Eastern Europe. The Soviet Union has convincingly demonstrated, most recently in 1968 in Czechoslovakia, that there continue to be limits to what will be tolerated. Communist regimes are likely to remain in power for the foreseeable future regardless of the wishes of the East Europeans. But the pace of change in today's world will not bypass East Europe and modifications are taking place. Thus, within the framework of the Communist system, positive evolution can be encouraged, and we try to do this. At the same time, we try to discourage actions which could intensify trends toward greater repression.

Mr. Price describes the quality of RFE's programs as "thorough, objective, and reasonably dispassionate in its coverage of even highly controversial subjects. The personal convictions of individual script writers loom rather small unless they can be validated by RFE's substantial and scholarly expertise in East European affairs." Mr. Price states—

> The people of East Europe are thirsty for news, information and lively discussion and that approximately half of the population over the age of fourteen, despite jamming attempts, regularly listen to RFE broadcasts. Although the communist regimes in the area resent this uncensored information competing with their own controlled media, Mr. Price was unable to find any instances in which the broadcasts had "constituted significant obstacles to meaningful negotiations and agreements.

Mr. Price concludes:

> RFE broadcasts have contributed substantially to preserving the reservoir of good will toward the United States originating from the events of World War II and the fact that many East Europeans have relatives living in the United States. RFE is apparently viewed by many in this audience as tangible evidence of American interest in East European peoples.

Mr. President, I will not dwell at length on Dr. Whelan's report covering Radio Liberty. First of all, Radio Liberty has never been a target of criticism comparable to that leveled at FRE's broadcasts to Hungary during the 1956 revolution. Second, like RFE, it abandoned the "liberation" concept early in favor of "liberalization."

Dr. Whelan gives particular attention to RL's handling of samizdat—uncensored documents, usually circulated in typewritten form, of which some 2,000 have now reached the RL archives. This remarkable phenomenon, which has grown over the past 6 or 7 years, provides evidence of the formation of a liberal public opinion in the Soviet Union, led by such men as the great physicist, Andrey Sakharov, and the Nobel Prize winning novelist, Alexander Solzhenitsyn, Dr. Whelan writes:

> Though it claims no special credit beyond that of being one of the many forces contributing to internal changes toward liberalization within the Soviet Union, still there seems little doubt that RL's role has been most significant. According to (Policy Director) Mr. Van der Rhoer, "samizdat has opened up a new dimension to RL's activity. It represents a welling up of a generation of new ideas from within the country." "RL has always believed," he continued, "that it could not impose views of one country upon another. Now it sees these new ideas coming forth and sees also the need to disseminate them among the Soviet people."

Among other things, samizdat—and Radio Liberty—have helped to publicize the plight of Soviet Jews, one factor leading to increased emigration to Israel.

Radio Liberty, as an important center for the study of current developments in the U.S.S.R., is very widely known among scholars, journalists, and Government experts specializing in Soviet affairs. Dr. Whelan quotes them at length and notes that their praise of RL would sound self-serving were it not for the fact that "many of the scholars making these assessments are leading and respected specialists in Soviet affairs in the Western World; thus their judgments have validity; they carry the weight of authority."

Other evidence upon which to judge RL's general audience impact, Dr. Whelan writes, are the favorable assessments of former Soviet citizens now living in Israel and the West who had been listeners while still in the U.S.S.R.

Whereas the jamming of certain RFE broadcasts has been intermittent, the Soviet regime has attempted to blot out all RL broadcasts nonstop since the station went on the air almost two decades ago. This goes not only for Russian, which is broadcast around the clock, but also for programs beamed in 19 other languages for that half of the population of the U.S.S.R. which is non-Russian. Ukrainian programs, on the air 8 hours a day, now regularly carry Ukrainian samizdat; RL is the only Western station reaching the vast area of Soviet Central Asia, with its population of 33 million, in the languages of the indigenous peoples mostly Muslims speaking Turkic languages.

In view of Dr. Whelan's report, one can only conclude that the Soviet regime dislikes Radio Liberty because its broadcasts allow the peoples of the U.S.S.R. to hear news and thought not covered by the official media.

Mr. President, if the judgments in these reports ordered by the chairman of the Foreign Relations Committee are confirmed by further investigation, as I feel confident that they will be, then there is every reason to expect that the Congress will soon take action to continue the work of Radio Liberty and Radio Free Europe in fiscal 1973 and beyond.

In this connection, I would like to express my strong preference for separate fiscal 1973 legislation which would provide for further study of the Radios' future. Moreover, the prospect for obtaining partial funding from sources other than the U.S. Government will be enhanced if we maintain the independent posture of the Radios. The closer the Radios are tied to the Department of State and the U.S. Information Agency, the more difficult it will be to obtain supplemental funding elsewhere.

I believe that a good start has now been made to save Radio Free Europe and Radio Liberty, and I am pleased that I have been able to play a role in this effort.

I am grateful to the Senator from Minnesota (Mr. HUMPHREY) for joining me in this effort and to the 67 Members of the Senate who have clearly indicated their strong support for these broadcasts which are for millions and millions, an estimated 31 million, of Eastern Europeans, the only objective news and the only truthful news they receive about what is happening in the world. I see no evidence whatsoever that our continued support of these stations has jeopardized our ability to have a negotiating posture rather than a confrontation posture with the Soviet Union.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MOSS. Mr. President, under the previous order, I now request that the Senate proceed to the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to exceed 30 minutes, with a limitation of 3 minutes on each Senator being recognized.

The Senator from Virginia is recognized.

RADIO FREE EUROPE

Mr. BYRD of Virginia. Mr. President, the Baltimore Morning Sun this morning published an excellent editorial on Radio Free Europe and Radio Liberty. The editorial quotation from the Manchester Guardian reinforce the arguments that have been made by the distinguished Senator from Illinois (Mr. PERCY).

Mr. President, I ask unanimous consent that the editorial from today's Baltimore Sun entitled "More on Radio Free Europe" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MORE ON RADIO FREE EUROPE

> "Coexistence, or detente, or whatever it happens to be called at the moment, must not be misunderstood to mean an end to the conflict of ideologies. Communism uses the press and broadcasting to manage public opinion in the interests of the state. One of the fundamentals of a free society is that people should be free to think and say what they want, and should have the communications media open to them to do so. There should be no yielding here."
>
> The lines above are taken from an editorial in the Manchester *Guardian* weekly suggesting that the United States should continue the operation of Radio Free Europe and Radio Liberty, transmitting news and opinion from a free society into the closed society of Eastern Europe and the Soviet Union. Government funding of the stations now is hung up in a conference committee in Congress; the proposal of the Nixon administration and the House of Representatives to appropriate money to maintain the stations is being resisted by the Senate members of the conference committee led by Senator Fulbright.
>
> Mr. Fulbright and the senators who share his position hold that the broadcasts, which in the past were covertly financed by the CIA, are relics of the cold war and irritants in the way of better relations with the Soviet Union. The *Guardian* puts the subject in a truer perspective when it says:
>
> "To silence these stations would indeed remove an irritant, but it would confirm and condone the suppression of free speech in Russia and the rest of the Soviet bloc. No wonder the Soviet leaders are using such diplomatic levers as they have at hand to bring this about."

AFTER THE NIXON VISIT: THE UNITED STATES, CHINA, AND JAPAN

Mr. JAVITS. Mr. President, President Nixon's visit to China was an act of greatness at a time when our Nation and the world were so deeply in need of just such creative statesmanship.

In my judgment, the characterization of the visit by the ultraright as a "disastrous adventure" is completely wrong.

There were many overtones to the President's visit. Perhaps the most important of these was the way in which the visit dramatized the truth that our national greatness lies in peacemaking and reconciliation—rather than in thermonuclear might. In the President's visit to Peking there was a tacit acknowledgment that the United States has on occasion been wrong in its perceptions of and responses to events in Asia over the past 25 years. There was also an expression of determination to seek a future of peace and understanding in Asia. The American people wholeheartedly support both of these essential aspects of the President's visit.

But the great unanswered question in Asia remains Japan. Mainland China and most of Asia have a deep fear of Japan. Yet Japan is the most productive nation of Asia and could redeem all of Asia from poverty—knowing what to do and how to do it. If Japan cannot win trust by declarations, it can win confidence by performance and by fidelity to the U.S. alliance. As a vital first step toward a China-Japan settlement, there is an urgent need for President Nixon to visit Japan.

The new perception of China and the new conception of the U.S. role both, in my judgment, evidence a greater sophistication and maturity on the part of U.S. policymakers. A high price has been paid for our greater sophistication and maturity in Asia. They derive in large measure from the tragedy of our Vietnam experience.

The fundamental shift away from confrontation in the United States-China relationship has enormous implications for the rest of Asia because the basic thrust of U.S. efforts in Asia since 1950 has been to construct and perpetuate a coalition to "contain" Communist China.

During these same 20 years, we have seen a prostrate and devastated Japan arise from the ashes of defeat and destruction. Japan today is an economic superpower, a close trading partner of the United States and, in President Nixon's words, ". . . our most important ally in Asia."

The new orientation in United States-China relations inevitably has had a deep impact on the United States-Japan relationship. Initially, the boldness and the secrecy of the Nixon-Kissinger moves has had an unsettling effect in Tokyo. It would have been better if this could have been avoided, for there is surely no anti-Japanese motivation behind the new United States-China policy—but it obviously could not. The Japanese recognize this, but their sense of uneasiness is unmistakable and also very understandable, in the light of Asia history.

The greatest remaining piece of unfinished business from World War II in Asia is a settlement and reconciliation between Japan and China. It is bound to be a difficult process. And it is likely to be especially painful in a psychological sense to the Japanese, for Japan has much to atone for in China and the legacy of bitterness is still deep in the Chinese mind.

In an interview with James Reston of the New York Times last August, Premier Chou En-lai went out of his way to vent his distrust of Japan and to accuse the United States of rekindling Japanese militarism. Chou, who has a reputation for choosing his words carefully, described Japan in emotional language. He said:

> It was the U.S. Government which after the war strengthened Japanese reactionaries. And when they have developed to the present state they are bound to develop militarism—economic expansion is bound to bring about military expansion.

Nonetheless, in the final analysis China and Japan will have to come to a settlement between themselves despite the propensity of both to view their relationship in a triangular perspective—with the United States as the third party. More than studied detachment will be required on our part. To pay our inescapable role creatively will require a sensitivity to the historical nuances of Asia which we have not shown for the past 20 years.

Triangular nature of United States-Sino-Japanese reconciliation emerges most concretely with respect to the future of Taiwan. Taiwan is the most complex and delicate issue dividing Peking from both Washington and Tokyo. There are some indications, in my judgment, that the Nixon administration may be tempted to seek shortcuts in its efforts to cut that Gordian knot. In the long run quick and simplistic measures could deserve only to complicate and prolong the achievement of a viable solution.

In his joint communique with Chou En-lai, President Nixon has apparently accepted Peking's view that Taiwan is an integral part of China and that the disposition of Taiwan is an internal Chinese affair to be resolved between Mao Tse-tung and Chiang Kai-shek. For more than 20 years previously, the United States' legal position has been that Taiwan's ultimate status was an unsettled, international question.

In shifting to Peking's view of the status of Taiwan in international law, the U.S. statement of position in the communique rather disingenuously argues that Peking's view is shared by Chiang Kai-shek's government. But this argument is disingenuous for three reasons.

First, we never previously agreed with Chiang Kai-shek on this point over the past 20 years despite his best efforts to get us to do so during the height of his influence in this country.

Second, Chiang's government has denounced and repudiated the Nixon-Chou communique in very intemperate language. In this regard, I draw your attention to the February 28 official statement of the Nationalist Chinese Government declaring the Nixon-Chou communique "null and void." Taipei's statement in part says:

> The "joint communique" touched upon the so-called "question of Taiwan." The Government of the Republic of China wishes to declare solemnly that the Chinese Communist regime is the public enemy of all the people of China and it is the source of troubles for Asia and the entire world. . . Our question can be solved when the Government of the Republic of China, the sole legitimate government elected by all people of China, has succeeded in its task of the recovery of the mainland, the unification of China and the deliverance of our compatriots. There is definitely no other alternative.

Third, the new U.S. position on Taiwan's status ignores the rights of the indigenous peoples of Taiwan, who constitute 85 percent of the population of the island and whose right to self-determination has been denied by the mainland "remnant" which escaped there to exile with Chiang in 1949.

Since the President's return, administration spokesmen have emphasized that the United States intends to maintain its diplomatic ties with Taipei and to honor the mutual defense treaty of 1954. In at least a hypothetical way, new complications may have been created respecting the mutual security treaty by the shift in the U.S. position on Taiwan's status contained in the Nixon-Chou communique. This is especially so following Peking's admission to the United Nations as the sole legitimate government of China, and Taiwan's expulsion.

Theoretically, under present circumstances, the mutual defense treaty now commits us to thwart efforts by a member of the United Nations Security Council from establishing its authority in an acknowledged province of that nation's own territory. It could be argued that such interference is contrary to the United Nations charter and in violation of international law. Obviously we will not take any such position.

Clearly, there is no simple solution to the question of Taiwan. And, in addition to the factors I have already cited, there is an inextricable Japanese angle to the question of Taiwan. China ceded the island in perpetuity to Japan by treaty in 1895. In the United States-Japan Peace Treaty of 1951, and later in the Japan-National China Peace Treaty, Japan renounced all claims to and rights in Taiwan. However, as our State Department lawyers used to emphasize, those rights and claims were not ceded to any other government—thus creating an anomalous situation.

Taiwan's geographic contiguity to Japan, and especially Taiwan's location astride the sealanes between Japan and Southeast Asia, inevitably leads to a Japanese strategic concern regarding Taiwan. In recent years, the Japanese Government has asserted the position that Taiwan is an area of "vital security interest" to Japan.

Japan's security anxieties respecting Taiwan can be expected to exacerbate Peking's anxieties respecting a revival of militarism in Japan. I do not believe that the United States can, in effect, wash its hands of Taiwan and walk away from the situation. Such a course could be fraught with grave dangers to the peace.

The initial secrecy and surprise regarding the President's China visit now being over, the followthrough should clearly be on a tripartite basis with Japan—which has to be made to feel a sense of partnership in the results. This is best for all three parties and for Asia and it extends to economics, culture and education and maintenance of peace. The U.S. policy should be designed accordingly.

If the President's visit to China did not convincingly open the way to a settlement of the dispute over Taiwan, the implication of the visit for the war in Vietnam are major and hopeful. Optimism in this respect clearly does not arise from the words of the communique itself—for in the communique there is a ritualistic repetition of the public negotiating demands of the United States and of North Vietnam.

Rather, such hopefulness derives from the broader implications of a reorientation of United States-China relations. In a situation of "peaceful coexistence" and "equality and mutual benefit"—which the two sides pledged to seek—the whole rationale for and significance of the Vietnam war evaporates. The Vietnam struggle may come into focus as a minor war—civil or otherwise—of marginal international consequence.

Once the Vietnam war is deprived of its "ideological" overcoat—as the alleged focal point of a global struggle between monolithic communism and the free world—the residual international significance of the outcome of the struggle between Hanoi and Saigon is diminished to the relatively inconsequential framework of "balance of power" considerations within the Southeast Asia peninsula.

Ironically, in this context it may emerge that the United States and China share an interest in thwarting Hanoi's drive for hegemony throughout Indochina. At some point, China's careful nourishing of the distinct identities of the separate Laotian and Cambodian ethnic communist parties—in the face of Vietnamese Communist domination of the fighting in all three countries of Indochina—might converge with U.S. efforts to sustain anticommunist regimes in Vientienne and Phnom Penh, as well as Saigon. This is a tenuous hope, but a possibility.

The important thing for U.S. policy in Southeast Asia is to reverse the momentum of what I would call the "counterflow" of deepening involvement in Laos and Cambodia which has accompanied the U.S. drawdown in South Vietnam.

Equally important, the United States should reverse its apparently inertial drift of support for reactionary and counter revolutionary regimes in southern Asia.

Taking their cue from U.S. acquiescence in General Thieu's uncontested "reelection," the U.S.-supported regimes in Thailand and Cambodia moved quickly to disband even the semblance of democratic institutions. And our ties with Indonesia seem to have deepened as the military government in Jakarta continued its drift to the right.

The United States has got to get back on the side of social and economic reform in Asia. If we do not, we may soon find ourselves stuck with a half dozen new Chiang Kai-sheks. Regional and international economic development institutions are the best vehicles for long-term U.S. support of modernization and reform in Asia. The alternative to development and reform is bloody and disruptive revolution, with its attendant threats to the broader peace in Asia and the world.

The brilliance and creativity of the President's China policy has been unnecessarily offset by the clumsiness, rigidity, and insensitivity of U.S. policy in the Indian subcontinent. Bangladesh's successful struggle for independence has resulted in a significant new geopolitical equation in the subcontinent that is bound to have important consequences for the future of Asia as a whole. Unfortunately, U.S. diplomacy was not alive to the basic trends in the subcontinent. We now find ourselves needlessly at odds with India, and poorly positioned to influence the working out of the consequences of a war which has revolutionized the power equation in a geographic area containing 700-million people.

Undoubtedly the preoccupation at the highest policy levels of our Government with the China initiative contributed to mistakes of our policy in the subcontinent. There has been some evidence, following the publication of the Anderson papers, of a determination to put things right. Our setback in the subcontinent has been major but not irretrievable.

I have purposely left until last my discussion of the most important byproduct of the new course in United States-China relations: Its effects on United States-Soviet relations. President Nixon has quite rightly emphasized on numerous occasions that there is nothing inherently anti-Soviet in the improvement of United States-China relations, and he has pledged to try to have better relations with Moscow as well as Peking. He has disavowed suggestions that the United States seeks to exploit Sino-Soviet tensions, stating: "We will not do so because it would be self-defeating and dangerous."

It is nonetheless clear that a United States-China rapprochement would have an important impact on the evolution of United States-Soviet relations, as well as on Sino-Soviet relations.

There is a general feeling that, in some undefined way, better United States-China relations will help both countries in their relationship with the Soviet Union. The Kremlin seems to share this expectation—with visible discomfort.

Further discussion of this grand theme of global geopolitics, it seems to me, must await the outcome of President Nixon's upcoming visit to Moscow.

In conclusion, I wish to emphasize my conviction that the President's trip to China was an inspired act of statesmanship which has opened the possibility for many creative developments in Asia and the world. There is reason to believe that beneficial consequences of the China initiative, if properly followed through, can do much to offset the enormous damage inflicted on the U.S. role and prestige in the world by the tragically improvident and miscalculated war in Vietnam.

(The remarks Mr. JAVITS made at this point on the submission of Senate Concurrent Resolution 69 are printed in the RECORD under Submission of a Concurrent Resolution.)

SHOULD THE UNITED STATES DRASTICALLY REDUCE ITS FORCES IN WESTERN EUROPE?

Mr. MANSFIELD. Mr. President for some time now a number of broadcasts have been made on various subjects under the title "The Advocates." In a recent panel discussion on January 14, 1972, on WDR, Munich, Germany, the topic under consideration was "Should the United States Drastically Reduce Its Forces in Western Europe?"

I am in receipt of a communication from Mr. Peter S. McGhee, executive editor of WGBH-KCET, Boston, Mass., which collaborates, I believe, with the German station. His letter reads as follows, and I read it only in part:

> On the first question—should the United States drastically reduce its troop strength in Europe—more than 2600 viewers across the country—

That is, the United States—

> wrote to express their opinion. 2,116 viewers or 80 percent favored troop withdrawal. 524 or 20 percent, were opposed. In only one State did those polled show a majority as opposed to troop reduction and there the count was "0" in favor of reduction and 1 opposed, hardly conclusive.

Mr. President, I ask unanimous consent that this letter, a statement issued by the sponsors of "The Advocates" on February 24, 1972, which indicates the breakdown on the question of a drastic cut of U.S. troops in Europe, by States, along with the panel discussion itself, as well as an article and editorial from the Christian Science Monitor, be incorporated at this point in the RECORD, so that the Senate will have the benefit of the results of this most important discussion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ADVOCATES,
WGBH/KCET,
Boston, Mass., March 7, 1972.

The Honorable MICHAEL J. MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: In January of this year The Advocates devoted two special ninety-minute broadcasts to the subject of the global defense posture of the United States.

On the first question—Should the United States drastically reduce its troop strength in Europe—more than 2600 viewers across the country wrote to express their opinion. 2116 viewers or 80% favored troop withdrawal. 524, or 20%, were opposed.

On the second question—Should the United States terminate its defense treaty with Japan—more than 1500 viewers responded. 788 or 52% were opposed to terminating the treaty; 692 or 46% were in favor.

Although it is not our custom to write to individual Congressmen and Senators about the results of our programs, because these were special programs and because you have long been identified as having a special interest in this subject, I am taking the liberty of writing and forwarding transcripts of these programs for your information.

Sincerely yours,

PETER S. MCGHEE,
Executive Editor.

DRASTIC CUT FOR U.S. TROOPS IN EUROPE VOTED BY VIEWERS OF ADVOCATES

Strong sentiment for drastic cutbacks of U.S. armed forces in Europe was expressed in the 2,657 votes received following a recent debate by The Advocates.

A total of 2,116 viewers voted for massive reductions in American troops stationed in Western Europe. The program which probed the issue was produced from Cologne, Germany with the cooperation of Westdeutscher Rundfunk.

The Advocates is seen each week over most of the 219 stations of the Public Broadcasting Service (PBS).

State breakdown of mail response:

State	Pro	Con	Other
Alabama	2	2	0
Alaska	15	4	0
Arizona	32	7	1
Arkansas	4	3	0
California	389	102	5
Colorado	39	6	0
Connecticut	22	8	0
Delaware	4	0	0
District of Columbia	9	8	0
Florida	110	19	0
Georgia	4	3	0
Hawaii	12	3	0
Idaho	3	2	0
Illinois	93	15	0
Indiana	24	14	0
Iowa	15	3	0
Kansas	7	1	0
Kentucky	3	1	0
Louisiana	9	3	0
Maine	12	3	0
Maryland	18	2	0
Massachusetts	167	49	0
Michigan	35	12	0
Minnesota	46	7	1
Mississippi	7	2	0
Missouri	0	1	0
Montana	6	0	0
Nebraska	11	3	0
Nevada	6	1	0
New Hampshire	21	7	0
New Jersey	66	18	0
New Mexico	11	2	1
New York	210	47	2
North Carolina	39	7	1
North Dakota	1	0	0
Ohio	40	9	1
Oklahoma	26	10	0
Oregon	76	13	0
Pennsylvania	135	31	1
Rhode Island	11	6	0
South Carolina	6	0	0
South Dakota	9	0	0
Tennessee	11	7	0
Texas	63	22	0
Utah	5	0	0
Vermont	3	0	1
Virginia	26	16	0
Washington	90	28	2
West Virginia	12	2	0
Wisconsin	58	6	2
Wyoming	4	1	0
Unknown	88	8	0
Foreign	1	0	0

This is an unofficial public service transcript. The Advocates is not responsible for errors of omission or commission.

Topic: Should the United States drastically reduce its forces in western Europe?

January 14, 1972 on WDR, Germany.

January 25, 1972 at 8:30 p.m. EST on PBS.

Participants: *David Schoenbrun (pro)*:

U.S. Rep. Les Aspin (D.-Wisc.), member of Armed Services Committee and of NATO Subcommittee.

General André Beaufré, retired French general.

Samuel Pisar, international lawyer.

Senator Fred Harris (D.-Okla.).

Howard Miller (con):

Kenneth Nash, Assistant Secretary-General of NATO.

Doctor Hans Wieck, Director of the planning staff of the Ministry of Defense of the Federal Republic of Germany.

Francois Duchene, Director of the Institute of Strategic Studies in London.

Adam Yarmolinsky, Professor of Law at Harvard Law School, former Deputy Assistant Secretary of Defense.

Moderator: *Victor Palmieri*.

For WGBH: Executive Producer: Greg Harney; Executive Editor: Peter McGhee; Producer-Director: Russell Morash.

For WDR: Producer: Jorg Zorer; Editor: Michael Eickhoff; Supervising Director: Hans Scholz; Unit Manager: Erick Nacken.

This Public Broadcasting Service (PBS) program originated at WDR, Cologne, Federal Republic of Germany.

Announcer. (Translated from German) Tonight, from Cologne, West Germany, The Advocates, with David Schoenbrun and Howard Miller. And the moderator, Victor Palmieri. (applause)

Palmieri. Good evening and welcome to The Advocates. Every week at this time, The Advocates looks at an important public issue in terms of a practical choice. Now tonight's broadcast comes to you through the facilities of West German Broadcasting in Cologne, Germany, where it is being carried for German viewers in simultaneous translation. This is the first of two special ninety-minute Advocates programs focusing on the global defense policy of the United States, in Europe tonight and next week in Asia. Now it's fitting that Cologne provide the background for this first program. Devastated in World War II, Cologne today is typical of Western Europe—modern, prosperous and thriving. It is a monument to the successful partnership and reconstruction between the United States and Europe begun a quarter of a century ago. Tonight, approaching the twenty-fifth anniversary of the founding of that partnership, we seek to explore its future and the future role of the United States in Europe. And specifically, our question is this: Should the United States drastically reduce its forces in Western Europe? And our guest advocate, Mr. David Schoenbrun, says "yes."

Schoenbrun. NATO has helped make Europe more secure and prosperous. We think the time has now come to also help make America more secure and prosperous. Now we'll argue the many ramifications of this case with a group panel of very distinguished gentlemen beginning with Congressman Les Aspin of Racine, Wisconsin, French Général d'Armée, Général Beaufré, Paris international attorney Sam Pisar, and the Honorable Fred Harris, United States Senator from Oklahoma. (applause)

Palmieri. But advocate Howard Miller disagrees. He says "no."

Miller. Tonight's proposal for a unilateral withdrawal of over 80% of the American troops in Europe is the surest way to distrust, suspicion and a major confrontation with our best ally. It grows out of a new mythology of self-centeredness, as dangerous in its own way as the old mythology of fear. With me tonight to oppose this proposal are Mr. Kenneth Nash, Assistant Secretary-General of NATO, Doctor Hans Wieck, Director of the planning staff of the Ministry of Defense of the Federal Republic of Germany, Mr. Francois Duchene, Director of the International Institute of Strategic Studies in London and Adam Yarmolinsky, formerly Deputy Assistant Secretary of Defense and today, Professor of Law at the Harvard Law School. (applause)

Palmieri. Gentlemen, thank you very much. We'll be back to both of you for your arguments in a moment. For background on tonight's question, we turn to a distinguished historian, the Chancellor of Brandeis University in Waltham, Massachusetts, Doctor Abram Sachar.

Sachar. (film) The problem of the continued American military presence in Europe and West Germany is a legacy of World War II and the cold war that followed. In World War II, Russia was a valued ally united in blood and fate with Britain, France and the United States. After the war, with the common enemy defeated, the coalition fell apart and Russia, under Stalin, expanded into Europe and made satellites out of the Baltic States and the Balkan States and a large part of Eastern Germany. Winston Churchill gave us that superb phrase that an "Iron Curtain" had fallen which was separating East and West Europe, and the Allies were fearful now that a resurgent Russia would overwhelem what was left of Europe through military takeover and infiltration. So, the United States rushed economic and military assistance in the billions through the Truman Doctrine and the Marshall Plan and of course, NATO. Well, twenty-five years have passed and the diplomatic climate of Europe has completely changed. The western nations, including West Germany have recovered their strength and their capacity to survive. A hundred and seventy million people have created regional partnerships—the Coal and Steel Condominium, Euratom, the Common Market—and yet, to many, in Europe and in the United States, the fear of Russia still remains a factor. For though Russia is now diverted by a nuclear-powered Red China on its eastern flank, it has not slowed down the dynamism of its objectives and it's already a formidable power in the Mediterranean and the Middle East. And so the West Germans want the Americans to remain, not only for their continued military protection, but as a caution to Russia, that isolationism has not again engulfed America and encouraged its flight from responsibility. But, in the United States a rising tide of protest over the cost of the American commitment has come. Three hundred thousand men and almost as many dependents has created a serious problem of the balance of payments. And even more, there's disenchantment with the European nations that seem to have shown so little concern for the American problem. Maybe that should have been expected—no good deed ever goes unpunished. So, the issue hangs on whether Russia is now less dangerous today than it was when it had such a reflexive genius to rush into power vacuums, or can the United States now leave it to Europe to take up its own defense burden if, if the direct interests of the United States are no longer threatened. Senator Mansfield has introduced legislation to cut back the American commitment drastically not only to rectify the balance of payments, but to establish the principle that the American job of serving as the main global policeman is now ended. (end of film)

Palmieri. There are two hundred and seventy-one thousand American troops in Europe and tonight, we consider a proposal to withdraw all of these fifty thousand within twelve months. We'll hear arguments in a moment, but let me introduce first our Guest Advocate tonight, Mr. David Schoenbrun. Mr. Schoenbrun is both a news correspondent and a historian. He was a combat correspondent in the Second World War, he was the first American to reach the Rhine, and for fifteen years he was the Paris Bureau Chief for CBS. He is now Senior Lecturer at Columbia University School of International Affairs. Mr. Schoenbrun, tell us why the United States should drastically reduce its troops in Western Europe.

Schoenbrun. When the architects of the NATO treaty drafted it in the Spring of 1949, they provided for a twenty-year period leading to its full construction. After that, it was subject to annual review and any member could leave with a one-year notice. No one has left NATO, although France has set up a separate national command. We hope that no one will break away for this is a grand alliance of a half a billion diverse peoples with so much to offer each other at every level of civilization. Our commitment to this alliance, to its broadening and to its deepening, is steadfast. However, we recognize that twenty years of crises have frozen this alliance into the rigid mold of the cold war, a mold that is not made of equal parts and that is insensitive to the many changes that have taken place since its inception. For example, at the very height of the worst crisis of NATO, we sent some four hundred thousand troops over here to Europe. Now, after almost a decade of stability, with no clear crisis in sight, we are still maintaining almost three hundred thousand men here in Europe. Indeed, the total personnel that we retain here adds up to five hundred and ninety-three thousand. That includes two hundred and ninety-one thousand troops along with their two hundred and seventeen thousand dependents, plus eighty-five thousand employees. This has created all kinds of problems for the American treasury and problems of morale for the American people. It is also a very costly establishment. Indeed, it represents more than one third of our global defense budget which is seventy-two billion dollars and that more than one third is twenty-five billions—and that goes to Europe alone, the one place where there is no war and really, no imminent danger of war. Perhaps this is due, certainly it is due, in great part to NATO itself, which has been a success. Well, we ought to recognize that success and draw from it its full consequences. We set out to help make our European friends independent. Well, they are. If there's any place in the world where we have good, solid, strong allies who will stand up with us, why it's right here in Europe. We think that it's time that they do stand up with us, and for themselves, and that they stop expecting Uncle Sam to nurse them, exhort them and to lead them. We have too much respect for them to continue to do that. We're going to stand with them, but not ahead of them. Simply we're going to be firmly behind them. The commitment is mutual and equal, but the prime responsibility is Europe's. I would like to ask as my first witness to speak to that question, Congressman Les Aspin. (Applause.)

Palmieri. Congressman, welcome to The Advocates.

Schoenbrun. Congressman Aspin is a member of two very important committees of the House of Representatives—the Armed Services Committee and the Sub-Committee on NATO which refers directly to the problem of tonight. Congressman, could you tell us this: Can we actually reduce our forces in Europe without cutting our commitment to Europe?

Aspin. Yes, I think the answer to that is very clearly yes. We have a commitment to NATO, I think that that's very clear. We have said that an attack on one of our NATO allies is an attack on the United States and I think that that's still maintained. But our commitment is not for a specific number of troops, our commitment is not to dominate the alliance, our commitment is not to be policemen of the world—and I think that's what we want to change—those are the things we want to change.

Schoenbrun. But Congressman, how about those who say that there's a real threat from the Warsaw Pact against NATO. How can we counter that if we are reducing forces?

Aspin. I think that what we want to do is to have the amount of troops that we have in a particular situation, such as Western Europe, reflect the threat that they face, and that when the threat increases we ought to increase the number of troops. When the threat decreases we ought to decrease the number of troops.

Schoenbrun. You don't think the Soviet threat is right now imminent or very credible?

Aspin. I think that clearly the threat has changed an awful lot in the last few years. After all, the Soviets have got a lot of problems with their Chinese border, they've got problems within their own country, with their Eastern European countries, their satellite countries. They've got problems domestically with pressure there for more domestic goods. I think that that's all changed and I think that what has changed is the nature of the threat. You see, threat depends not only upon capability but on intent, and I think intent has changed. There's a lot more places in the world where there could be trouble. There's a lot of trouble spots in the world—the Middle East, the Far East, the Indian Subcontinent, and whatnot. The last place in the world where there is trouble right now, the least likely place for a war is Western Europe. And that's where we have most of our forces committed, that's where we have most of our defense budget aimed toward.

Schoenbrun. Well what do you think will happen with our allies? What will their reaction be? What can they do to replace our troops if we pull most of them out?

Aspin. Well I think that that's not a decision that we can make and I don't know what they would do. It depends really on themselves. That's not a decision that we can make for our allies, nor is it a decision really that we should prevent them from making by keeping our forces there. If our allies are in fact going to withdraw their forces, reduce their forces, then I think it better that we know about it now rather than later.

Schoenbrun. Well now you're talking about their intent. How about their capability? Are our allies capable?

Aspin. Our allies have very definite capabilities to increase their forces. They could easily take up the slack of a departure of two hundred and fifty thousand American troops. There is no question about it. They are spending less of their gross national product on defense than we are for example. They have less conscription than we have. We have twenty-four months of conscription, they have less conscription. They have less percentage of their population in the armed forces than we have. They clearly have the capability to take up the slack if they so desire.

Schoenbrun. And there are just as many of them as there are Americans and Russians.

Aspin. One third more.

Schoenbrun. Thank you, Congressman.

Palmieri. All right, now for cross-examination.

Miller. Congressman Aspin, you say the last place there's a threat is where we have most of our forces. That may be indeed why it's the last place there's a threat, isn't that right?

Aspin. I think that one time the number of troops had something to do with diminishing the threat. But I think that in the long run what we want to do is have a carrot and stick effect. I think that when the threat increases we want to increase the response. But when the threat decreases, we ought to give it a carrot and encourage the decrease, the lessening of tensions, encourage the detente, by actually withdrawing our forces, making a gesture——

Miller. Why not negotiate for a detente? Why not talk about a negotiation in which there would be balanced reductions? Don't we throw away all chance for a balanced reduction by this withdrawal?

Aspin. We've had that red herring thrown up for us, Mr. Miller, every time that subject——

Miller. Red herring! But if the intentions, if the threat of less than the Russians——

Aspin. No way. The problems of a mutual and balanced force reduction, both sides reducing, are so immense and so complicated, and much more complicated than negotiations on strategic forces, much more complicated than anything we've ever done. And it's just complicated and it's just thrown up every time we talk about reducing troops.

Miller. Far more complicated than our unilaterally and by ourselves informing our allies that we are withdrawing 80% of our troops.

Aspin. Exactly.

Miller. Right. Let me ask you about the nature of the American interest in Europe. Let's talk about this business of Europe and America, this difference that's posed. Today, how many Americans beside our troops are in Europe?

Aspin. I don't know.

Miller. About 150,000 including tourists and residents; between the Spring and the Fall on any given day there may be over half a million Americans in Europe. What's the total United States investment in Europe? It's over twenty billion dollars. In fact the United States has greater investment in every European country, every major country, than any of those countries have in the other. In fact, Congressman Aspin, isn't the United States by ties of ethnic bind, by investment, by relationship, just as a country, closer to each major country in Europe than any of those countries are to each other?

Aspin. That could very well be true. We're not giving up our commitment.

Miller. Well what's this talk though about Europe and America. I mean that's a peculiar view of geography. In the twentieth century the Atlantic Ocean is really the English Channel isn't it?

Aspin. All right. I agree——

Miller. And you're——

Aspin. Would you let me finish? What we're trying to do is to make a realistic commitment. We're not abandoning our commitment to Europe, we've already stated that——

Miller. Well why are you——

Aspin. Just let me finish. We're not abandoning our commitment to Europe, we're making our commitment a credible commitment. Our commitment now is not credible, it's not credible to think that in the long run the United States is going to spend more on defense of Europe than Europe is going to spend on her own defense. It's not credible to think that in the long run we're going to commit one third of our defense budget to the defense of a part of the world where crises are not going to occur. What we should do is develop a commitment which is credible and fifty thousand troups is a credible commitment.

Miller. Now, it's your testimony that the commitment is more credible with a unilateral withdrawal of 85% than it is with maintaining our troops. Doesn't the unilateral nature of the decision itself say to every European country, make them ask the question "what are we going to do next?"

Aspin. No, because what we are doing is we are bringing the number of troops down to a level which is a credible level. If we are to take out twenty thousand or thirty thousand they'd say "Oh yes, sure, maybe that's the first step, the thin end of the wedge. Next week it'll be more." But let's make the drop, let's make it to where we can sustain it. Let's put it down to a level of fifty thousand. There's a level that we can sustain and we can make them believe that we are going to sustain it.

Miller. What about the troops in Berlin? Do you want to remove any of those?

Aspin. We have a few troops in Berlin. They should stay there probably.

Miller. They should stay. Well, I don't understand why they should stay in Berlin but not stay in all of Europe.

Aspin. Well we have to have some of our troops in Europe, in some parts of Europe. So why not have those that stay be partly in Berlin?

Miller. Why even leave the fifty thousand behind? Certainly fifty thousand is no credible conventional force. There is no thought that fifty thousand men compose a credible conventional force. Why not remove them all?

Aspin. No, I think that what we want to do is maintain that base because we may want to build upon it in the future. If the threat increases, we may of course want to put troops back. We may want to go back up to four hundred and fifty thousand as we've done before, and if we have that base, if we have that base on which we can build, then we've got something with which to do it. If we don't have any troops then we don't have any base. I think a very important part of our commitment is to keep at least that many there.

Miller. So if you're wrong about Russian intentions, if the threat increases because we remove our troops, then of course we immediately bring them back.

Aspin. We can bring them back, yes.

Palmieri. Congressman, thank you.

Aspin. Thank you very much. (applause)

Palmieri. Mr. Schoenbrun.

Schoenbrun. We'd now like to examine the troop question by a troop commander, Monsieur le Général, André Beaufré. (applause)

Palmieri. General, we're very pleased to have you on our program.

Schoenbrun. General Beaufre has had a very long and distinguished military record for more than thirty years, not only in the service of his country, but in the service of the Alliance. He has served on the policy planning staff of SHAPE and has also served in one of the highest positions of NATO as a member of the permanent NATO standing group in Washington. General, may I ask you to examine with us this question of shall we reduce from three hundred thousand to fifty thousand men. Please tell us your view on this.

Beaufre. Well, I wouldn't take these figures for myself. These are American figures. But I think the reduction, whatever it is, is certainly a logical move. But also I think this is very important.

Palmieri. General, I have to interrupt. We are talking tonight, specifically about a drastic reduction. Are we agreed on that?

Beaufre. I agree, and it's a drastic reduction—I wouldn't take a position on fifty thousand rather than fifty-one thousand.

Palmieri. Well that's just just enough of a difference to bring us together. (laughter)

Schoenburn. Or possibly forty-nine.

Beaufre. Possibly forty-nine. This is theoretical, I am speaking in principle. I think that the problem in Europe is now to take for granted that first we can deal with less American troops because the danger is not what it has been, and second because the problem is not a problem of the number of men, it's a quite different problem.

Schoenbrun. Why do you say it's not a problem of numbers of men, General? Do you mean that the three hundred thousand men do not impress you much more than the fifty thousand men?

Beaufre. Well, in the present set-up, it is considered as being a part of a conventional defense. A conventional defense with the present forces, even with the two hundred and fifty thousand Americans, makes no sense. The problem of the defense of Europe, from my own point of view, as far as I can know, is a nuclear problem.

SCHOENBRUN. Oh, now I see your point General. In other wrods, if we were to fight a conventional war, then you would say to the other side, give me another million troops.

BEAUFRE. If you would deal with a conventional war, you would need about the figures, which have been defined in Lisbon in 1951.

SCHOENBRUN. 1954, yes, 1954. Well, what is the nature of the nuclear problem, General?

BEAUFRE. These figures were fifty-two divisions only for this part of Germany.

PALMIERI. We only have time for one more question and that seems like a very important one.

SCHOENBRUN. Pretty important. Would you explain your view on the nuclear question, General.

BEAUFRE. Well, I think that we are at the end of the twentieth century and I think that the concept of a conventional war makes no sense. The problem is not to fight a conventional war but to avoid it and therefore the problem is a problem of deterrents. This is the present problem in the world, especially in Europe. If we do not manage to keep strong and credible deterrents in Europe, we may face the terrible dilemma of surrender or open a nuclear war.

PALMIERI. General, I'm going to have Mr. Miller explore that with you further—I think he wants to.

MILLER. Does that mean, General, that if there is this withdrawal the European army will have to develop their own tactical nuclear weapons under their own control?

BEAUFRE. Probably.

MILLER. Well then, is it your position that the threat is not great enough to warrant conventional forces—it's small enough simply to warrant a nuclear defense? Is that what you're telling us?

BEAUFRE. Well, you know——

MILLER. I want to understand why we need the tactical nuclear weapons if the threat has diminished.

BEAUFRE. No, we need—I don't say that the threat is diminishing. I think that what we need in Europe is to provide for a balance for the enormous military power of the Russians, which in fact is not aiming at Europe, as you know, but aiming more to the Far East, aiming more for the Middle East, than for Europe. But anyway, a Europe which would not have a military power would certainly be unbalanced and I think that this balance can be restored. It cannot be restored by two hundred and fifty thousand men more or less.

MILLER. But in your assessment of what we call the presence of Russia, Europe needs a defense bolstered by the tactical nuclear weapon?

BEAUFRE. Yes.

MILLER. Now, tell me how that's going to come about—will it come about as part of a united Europe—how are we to know that those nuclear weapons will be developed by a united Europe? Or will they simply be developed individually by each country, France with its own tactical weapons, England with its own.

BEAUFRE. Well, I think that, as you know, Europe doesn't exist today. I think also that Europe is going to exist rather soon, much sooner than we had hoped for. And we have now to think of what will be Europe when it exists, but we mustn't wait for that time to make the first steps.

PALMIERI. Yes, I think it would be good to know what you mean exactly when you say Europe does not exist. What is Europe for the purposes of that statement.

BEAUFRE. Well, the word "Europe" is a confusing word because the Russians pretend that they are in Europe, but in fact I am speaking of Western Europe.

PALMIERI. When you say Europe does not exist, you mean a united, a politically united—

BEAUFRE. A political entity called Europe doesn't exist. Also a European sovereignty doesn't exist which could take the decision of using nuclear weapons or even to go to war.

MILLER. I think you are right, General, and the question in terms of peace and stability is, do you think that it's a safer world with each European country that has the capacity developing its own tactical nuclear weapons, under its own control, or a safer world with the defense balance the way it is today?

BEAUFRE. Your question is a little twisted.

MILLER. The answer can be straight. (Laughter.)

BEAUFRE. Yes, it's your job anyway! (Laughter.) You know, I think that in the present Europe you have France and Great Britain who have nuclear weapons. Well, they can develop what they have in the present set-up. Of course, in the future set-up, this situation may be changed and I think that it's not without interest to have something done in Europe because what we need now is something in Europe. If Europe has no nuclear power, it has no political possibility.

MILLER. Well I want to be sure then of your image of the future of Europe. Your images of what's necessary are independent European armies with their own tactical nuclear weapons, as you say, not as part of a sovereign Europe, and that presents to you a picture of a world more stable than our current alignment with American troops and nuclear weapons in Europe?

BEAUFRE. Yes, my answer is yes.

MILLER. I'm happy to end on that note.

BEAUFRE. We could develop that——

PALMIERI. I'm bound to ask one more question—for that purpose you mean that West Germany should have independent nuclear capability.

BEAUFRE. I think that in a theoretical world it should have, but in a practical world where Russia exists, it's an impossibility for now.

PALMIERI. Thank you very much for your appearance. (applause) Mr. Schoenbrun.

SCHOENBRUN. We have heard two witnesses, a political representative and a military strategist tell us that we have been playing a numbers game here, that the two hundred and fifty thousand men more or less do not matter. What matters is a real world and in that real world we are saying that Europeans and Americans ought to be in a very close partnership. We make no distinction, as Mr. Miller suggested, between Europe and America, we do not make the distinction about the Atlantic Ocean becoming the Channel, that's just playing with words. As a matter of fact, Europeans and Americans are very very different, just as Texans and New Yorkers are very different, but we are bound together with common purposes, common faith, and this alliance is very important. But this alliance cannot endure as the ward of one power and we have sufficient faith and trust in our European allies to think they can carry their weight with us as equals. And we hope to develop that even further with our witnesses later on. Thank you.

PALMIERI. Mr. Schoenbrun, we're going to come back to you and give you every chance to develop it. Now to Mr. Miller and the case against this drastic reduction that we are suggesting in American troop strength in Europe.

MILLER. I'm happy to accept General Beaufre's prediction and analysis of the future and balance the fact that we do need a deterrent, the image of independent nuclear deterrents, tactical as well as strategical by each of the major European countries, against the current situation we have today. Because of course, one of the purposes of NATO is that kind of unified deterrent and preventing the kind of chaos that might develop with independent nuclear tactical capacity. What are we talking about when we ask "can Europe defend herself?" Why the distinction, "can Europe defend herself?" Have we become so angry and felt so much pain over the Vietnam tragedy that we simply want to withdraw from every place? In fact, what this proposal does, it assumes the worst intentions of our friends and the best intentions of those who oppose us. Of course the world has changed, but common decency has not changed so much that we can take this unilateral step against the interest of every one of our allies. And as far as the intention of those who oppose us goes, there is a simple way to test it. If in fact Russian intention has changed, let's negotiate for mutual reduction. If those negotiations succeed, then the assessment of Russian intentions having changed would be correct. If those negotiations fail, then it will test the conditions of the changed Russians' intention. So therefore, why not simply negotiate and find out if the rosy predictions of a lessened threat are true. To talk to us about why this proposal for unilateral American reduction ought to be opposed, I've asked to join us tonight, Mr. Kenneth Nash. (Applause.)

PALMIERI. Good evening, Mr. Nash, and welcome to the Advocates.

MILLER. Mr. Nash is Assistant Secretary-General of NATO. Mr. Nash, is peace, the peace you've seen in Europe the last twenty-five or six years, the natural order of things in Europe?

NASH. No, indeed. I should think there must be very many people, young people around today, if I may be allowed to call anyone under thirty young, there must be millions of people, who think it is. But of course, it isn't, it's well on the way to being an all-time record for Europe, and I think the reason why we've had twenty-five, twenty-six years of peace is not because human nature is changing, nor is it because somebody has invented atomic nuclear weapons, although of course, that was a major factor for a time while America had the monopoly of them, I think it's because we've got an alliance and we've found wtihin it a peace-keeping formula that has been absolutely first-class.

MILLER. Let's talk about the capacity of Russia and the Warsaw Pact for military action. Does it have substantial capacity?

NASH. A very great capacity, certainly, and a constantly increasing capacity, constantly strengthening. Defense expenditure, for example, in the Soviet Union itself has gone up by 5% per year in real terms ever since 1965 right up to 1970 inclusive. Big spending. And if we take a comparison of the conventional forces involved in the present confrontation, because they're the clearest example, the Warsaw Pact has three tanks to NATO's one, three battle tanks, and two combat aircraft to NATO's one, and significantly outguns NATO.

MILLER. Well, let me move from capacity to intention, because there are people who say that it's not simply the capacity but the intention. Have the Russians demonstrated an intention to use military power for political goals?

NASH. Oh yes, indeed. It seems to me that one can detect no recent change in the Russian policies in that regard. It seems to me that in recent years we've seen the backing of foreign policy by military power on the part of Russia in Czechoslovakia, in the Sudan and in Egypt, in the Balkans, in Yugoslavia, not to mention the other satellite countries of Eastern Europe.

MILLER. Tell me about negotiations for balanced force reduction. Is there any hope at all to have a mutual force reduction if the United States simply unilaterally withdraws all these troops?

NASH. I think that would deal a shattering blow to the prospects of having successful negotiations which must, I think, be worked from a basis of solidarity of the alliance, as they have been hitherto.

MILLER. You mention solidarity. Let me ask you about that. Does any government in Europe favor this kind of withdrawal and what would happen to the cohesiveness of the alliance if the United States acted unilaterally in this way?

NASH. Not one government, I think I can firmly say not one government in NATO favors such a withdrawal. And I believe that it would take the heart out of the allies, the European allies if this occurred and would be regarded as a clear indication of a loss of interest by the United States in its role in Europe and in the world.

PALMIERI. Now to Mr. Schoenbrun for cross-examination.

SCHOENBRUN. Mr. Nash, you say that peace is not the natural order of things in Europe. Indeed, that's true. I myself have experiences in three wars that have affected my family. But among whom were these wars fought in Europe?

NASH. I don't think I entirely understand your question.

SCHOENBRUN. Well, you're talking about war and the difficulties of war in Europe. I want to know who these war-like people are in Europe that we must be so worried about.

NASH. Oh, I think there is no doubt of that. People like you and me, and everybody here.

SCHOENBRUN. Not just the Russians. Therefore, you don't conceive of the fact that if the Americans actually lower their forces that the French and Germans might set upon themselves all over again?

NASH. Well, I'm glad to think that the French and the Germans and also thirteen other nations are part of an alliance which is holding together and which is very solid and I believe that a great deal of that solidarity stems from the leading American contribution to it.

SCHOENBRUN. Yes indeed. The United States is one of the strongest among all of the nations of the NATO alliance, but I think you will admit that all of the NATO nations together are as large and just about as strong as the United States of America. Don't you think it's sapping of the self confidence, the initiative, the independence of the European people that they should so badly need the American cover?

NASH. I honestly don't think, Mr. Schoenbrun, that that does justice to the nature and the size of the European contribution to NATO, which is much more substantial, I suggest, than you imply.

SCHOENBRUN. Oh, I'm not implying anything. You're the one who is telling me that NATO would be denuded and weakened and Lord knows what terrible things would happen if we unsubstantial Americans would leave.

NASH. No, it would be weakened. Certainly, it would be weakened by an American withdrawal and I suppose that if one tries to put figures on the American contribution to NATO in Europe at this time, one might say that something like 10% of the armies of NATO is American. One might say that 20% of the navies, of the naval forces in Europe is American. And one might say as much as 25% of the airforces is American.

SCHOENBRUN. Well what is your view of the American nuclear umbrella, sir.

NASH. My view of it, Mr. Schoenbrun?

SCHOENBRUN. A good thing?

NASH. A good thing.

SCHOENBRUN. And you'd agree with the General that American nuclear weapons are necessary for the defense of Europe?

NASH. I do.

SCHOENBRUN. Fine. Would you believe that the British and the French were less to be trusted with a nuclear weapon than the Americans?

NASH. No, I would believe they're far, far less capable for many years of producing an effective deterrent, even between them.

SCHOENBRUN. Well, Mr. Miller referred to the fact that you have created in your NATO organisation a unfied deterrent. I've never heard—I've covered NATO as a reporter since 1949—I've never heard of a unified deterrent. I know there's an American deterrent, but the American finger alone is on that trigger. America alone can decide whether or not to use a nuclear weapon in Europe, and of course, if it does, it can either turn Europe into a nuclear battle ground and destroy it completely as we've destroyed so much of Vietnam, or very possibly, America won't be able to use a nuclear weapon at all because of Russia's ability to reply. What is your view on that?

PALMIERI. Last answer.

NASH. I think Mr. Miller was speaking of the overall deterrent right across the board exerted by the NATO forces, both the nuclear strategic, the nuclear tactical and the conventional. In that sense there is, I think, a unified and overall deterrent which one should not confuse in discussion with the purely nuclear deterrent.

PALMIERI. Mr. Nash, with that, let me thank you very much. (Applause.)

MILLER. It's the confidence in the alliance that would be to use the word denuded literally, confidence stripped bare if the United States took this kind of individual and unilateral action.

Let's talk realistically about the nature of the partnership and the varying contributions. Let's hear from Doctor Hans Wieck. (Applause.)

PALMIERI. Doctor Wieck, welcome to the advocates here in your own country.

MILLER. Doctor Wieck is Director of Planning for the Ministry of Defense for the Federal Republic of Germany. Doctor Wieck, we've heard about the United States defending Europe. What is the kind of contribution that's being made in Europe by the United States?

WIECK. The contribution of the United States to the defense of the alliance, of the alliance partners is very important, it is very important because of the strategic implications and the equation in the balance of forces upon the world-wide scale vis-a-vis the other world power, the Soviet Union, but by no means is the European contribution unimportant. Sometimes people think that it's the United States defending Europe and Europe earning the money in the meantime, which is not true. The truth, however, is the Europeans are contributing to the defense in a very impressive manner, although usually one is not speaking of it because there is no Western European defense institution, but individual contributions as such. There was reference made here to the effect that twenty-five billion dollars were contributed to Europe from the United States. I won't argue too much with it but I refer only to the fact that the U.S. Government says it is fourteen billion.

MILLER. What is the value of the European contribution?

WIECK. The value of the European contribution is thirty billion dollars, or more than two point six or seven men, and it contributes to the present-day forces about three fourths of all the forces in Europe, land air and naval forces.

MILLER. So over three fourths of all the forces in Europe today that's part of this alliance are European?

WIECK. Yes. Now, I would like to make one further remark in this respect. We're talking about Western Europe being within the balance of forces between East and West and we must recognize the fact that the Soviet Union contributes about 60% to 70% of the actual Warsaw Pact military structure in Eastern and Central Europe. Whilst, on the other hand, the Europeans contribute as much as I indicated and the American contribution, as I said also, about 25% or less, which is a very important thing.

PALMIERI. One more quick question.

MILLER. Let me ask you, we've heard a lot in Europe and the United States about German foreign policy, Chancellor Brandt's *Ostpolitik* and other negotiations, what would be the effect of this unilateral withdrawal on the ability of the government of Germany to continue its current foreign policy?

WIECK. I think it would be a harming effect because the basis of the foreign policy of the Federal Republic is the alliance and is the European community, and a blow of the unilateral withdrawal of the kind discussed here would have very uncomfortable reaction.

PALMIERI. Mr. Schoenbrun.

SCHOENBRUN. If you will permit before I go on with the cross-examination Doctor Wieck, I would like to refer to two remarks that have both been made on the same subject, questioning a figure that we used and it may perhaps be puzzling to the audience. We have said the American contribution to NATO is twenty-five billion. Mr. Miller, at one point said it was fourteen billions according to official American figures and our German colleague has just quoted American official figures as saying it is fourteen billion. Let's clear this up. The American official figure given by the Government in 1968 was, in fact, fourteen billion as Mr. Miller and Mr. Wieck said. But let me point out that the fact that the United States said that was the figure does not necessarily mean it is correct. (laughter)

WIECK. I have no doubt in the statement made by the American Government.

SCHOENBRUN. Sir, I am an American and less polite than you. I frequently doubt what my Government says, particularly when it says it was not at war in Laos when it was at war in Laos. But I don't want to pursue that, I merely tell you there are two figures. One was put down in a report by a highly reputable——

PALMIERI. Mr. Schoenbrun, let me interrupt, there's a certain intriguing quality as to whether you will ask a question, if so, what it will be. (laughter)

SCHOENBRUN. Well, fine.

PALMIERI. We have just a little time left and I'm certain you want to ask Doctor Wieck a question.

SCHOENBRUN. Yes I do, but I thought it was very important to clear up the point on which both of them had placed very great stress. Doctor Wieck, do you think that the alliance is in very good shape economically and politically and diplomatically, as well as militarily?

WIECK. You're never in very good shape, but you are in a shape to cope with problems before you and the alliance has shown over the years the most important thing, solidarity on important issues that they had to face. These issues are referring to defense and stability in order to maintain parity or sufficiency in military terms and, to the dialogue with the Soviet Union and other Eastern European countries to find the areas of mutual agreement.

SCHOENBRUN. Inside NATO we have a unified military command and we are proposing to upset it terribly by a unilateral American action. Tell me, did Mr. Brandt ask for and get the permission of the United States of America when he decided to have his opening to the East and go to Moscow and speak to the Russians and submit the foreign policy of Germany to an American decision?

WIECK. I don't think that this is related to the subject we are discussing here, but I would like to say that there is a very very close consultation within the alliance in particular on these questions of detente and understanding and cooperation with the Soviet Union. And so, you can assume that the German government could have consulted their friends in the alliance very closely. And the evidence of this is that the three Western powers who carried special responsibility for Berlin have negotiated in the Berlin Agreement with the Soviet Union. I don't think without consultation you could achieve that.

SCHOENBRUN. And the relations are so good and the German government and America are so confident with one another that Mr. Brandt had to go to Florida, where I had the very great honor of seeing him, in order to have Mr. Nixon assure him that there'd be no deals made behind his back when Mr. Nixon got to Moscow?

WIECK. I don't think that assumption of yours was the desire to go to Florida and to see, like other Western States and the Japanese Prime Minister to see the U.S. President at this angle of time. Apart from that Florida is a nice place to see——

PALMIERI. I'm afraid we only have time for one more question.

SCHOENBRUN. One more question. I would like, perhaps if I could make a statement, for so many have been made here today and I was trying not to, but it's forced upon me. We've been talking about the great contribution that NATO is making of the European component, much greater than the American. According to the information that I have from official government sources, as well as from others, the United States is giving 8.4% of it's gross national product to NATO defense, whereas I find countries here giving 3.9%, countries giving 5%. Let me see, France has 4%—

WIECK. May I just correct one point, 8.4% of your G.N.P. is directed to defense. You imply to NATO defense which is not, by the way, exactly the same. Let us stick with twenty-five billion or fourteen billion and that is about 2.0% or 3.4% The average in NATO is 4.5–6%—(applause)

PALMIERI. Doctor, thanks for being our guest. Sorry to interrupt but we do have to go. (applause) Will you take a very short wrap up.

MILLER. Thank you so much. The figures are difficult. They become essential though when a whole argument on what American policy should be is based on them. We can't say at the one hand that the U.S. contribution is twenty-five billions, which is 8% of the gross national product of the United States because that would make the gross national product about a third of what it really is. In fact, the figures are lower and in terms of the fourteen billion, you may disagree with the American Government, but in a letter to this television show from John Morris, Deputy Assistant Secretary of Defense, the cost for NATO is set at fourteen billion. Have we forgotten so soon the lessons of Czechoslovakia and the Russian investment in Egypt that we are willing to assume this new vision of world defense which presumably means nuclear proliferation of tactical weapons in Britain and France and further development of strategic weapons. Which is the safer world? I think it's the one we live in now.

PALMIERI. All right Mr. Miller. Thank you. We're going to come back to you. Let's go to Mr. Schoenbrun. He has a witness to discuss the non-military aspects of tonight's question. As for any other issues about the dollar investment, let's save that for another program. It might make a good one.

SCHOENBRUN. All right. May I call now on Mr. Sam Pisar. (applause)

PALMIERI. Welcome Mr. Pisar.

SCHOENBRUN. All of our witnesses are very extraordinary, very interesting and very important men. This particular witness is a rather unusual man because his personality relates very much to this program and what we're all worried about. Mr. Pisar is a Doctor of Law from Harvard University and from the Sorbonne, the University of Paris. He is an American citizen, but he wasn't born in America. He was born in Poland and he suffered great agonies in his youth when his family was destroyed in the war and he himself was sent to the slave labor, to Dachau and to Auschwitz. And he was there between the years of twelve and sixteen and managed to survive. He made his way to America and then became an advisor on East-West trade to Dag Hammarskjold in the United Nations and to George Ball in the United States Department of State. A very remarkable career, and one that I believe is symbolic of in fact that we're talking about in Europe. A man who is now an American, who was born and raised a European, certainly a perfect symbol of the alliance and the thing we hold in common together. A man who lived in a death camp and is now a very successful lawyer just as Europe has come out of the ruins. And I'd like to ask a man of this particular calibre to tell we what he thinks is the relationship between the military question of an American presence here in Europe and the opening up of a new vista, a hope, as you wrote about in your book "Co-Existence in Commerce" of peace through new trade relations.

PISAR. Mr. Schoenbrun, there is a definite relationship, we cannot look at this subject in strictly military terms. The economic and the military are intertwined, the relationship is part of the entire package and I would even go as far as to say that the relationship exists both on the Russian side and on the American side.

SCHOENBRUN. Well, that's strange. How can American businessmen be affected by the presence of American soldiers?

PISAR. Very simply Mr. Schoenbrun. Bear in mind that the American businessman who has to decide whether or not to trade with Poland, Russia, Czechoslovakia and so on, has constantly to keep in the back of his mind that there are three hundred thousand American boys in Western Europe facing the communist enemy. Now the American businessman is a very patriotic man. He is a family man. He is concerned about this human issue. Should he go out and do business, should he trade at a time when he is told that American boys are sitting there and waiting to defend the western world against the communist menace. In short, he tightens up, he is confused.

SCHOENBRUN. Do you have any specific case of a businessman who in fact had difficulties with that kind of a problem?

PISAR. The most remarkable case and the best known perhaps, is the case of Henry Ford. You will remember some time ago Mr. Ford was invited to Russia and was asked to build a truck factory. But when he returned home, ready to make plans, he was attacked by the American Secretary of Defense, Melvin Laird, who didn't want any such venture in the Soviet Union. Now if Mr. Ford, the capitalist of capitalists, patriotic American who is wrapped in the flag, will not trade, how will the normal American businessman?

SCHOENBRUN. Well, Mr. Ford can't sell these trucks because he was stopped for defense reasons. How about our German, French and English friends? Are they selling trucks?

PISAR. Well, I have great respect for my European friends and, as you've pointed out, I often feel that I am part-European even though I am an American. The Europeans, Mr. Schoenbrun, have a very good thing going. They have it made. There are three hundred thousand American boys plus the nuclear umbrella defending Western Europe. But while Mr. Ford cannot enter a venture to make a profit for his corporation, European companies are falling over each other for the very same contract. Daimler-Benz of Germany, Leyland Motors of England and Renault of France. I ask you, is this justice, is this competition, is this part of the American tradition? We must release the businessman to enter into ventures of this type and to do his thing.

SCHOENBRUN. Thank you, Mr. Pisar.

PALMIERI. Mr. Miller.

MILLER. Mr. Pisar, let me ask you, do you support this proposal tonight for the unilateral withdrawal down to fifty thousand troops?

PISAR. I do.

MILLER. Tell me, the fact that there would still be an American strategic deterrent aimed at Russia would have no consequences to trading with Russia, is that right?

PISAR. That is right.

MILLER. And if one of the consequences of American withdrawal of two hundred and fifty thousand troops were that the number of men, say, were taken up, as they very well might be, by an additional one hundred thousand men from the army of the Federal Republic of Germany, would that increase or decrease the tensions that might affect trade in Europe?

PISAR. It would help the trade, it would help trade in this sense Mr. Miller. It's a question of climate. When the Americans go to trade with the Poles, the Hungarians, the Russians, and I can tell you this from personal experience because I have gone there and I have seen it happen, they are told "Your army is sitting there and you treat us as enemies." The German, the Dutchman, the Frenchman doesn't have quite the same problem. He can point to the Americans and say "it's them."

MILLER. And you think that if this unilateral withdrawal had been accomplished a year ago Secretary Laird would not have prevented Mr. Ford from building his truck factory?

PISAR. I think that was an entirely different issue because it has to do with Vietnam——

MILLER. What you are really asking for, and it's something that's not necessarily this proposal, is a new attitude in the climate of trade between the United States and Russia. It's quite possible for governments in that position to have major trade without ever touching this issue.

PISAR. I am asking for much more than that, Mr. Miller. I am not only asking for more trade. Consistant with our national security and with the security of the western world of course, I am asking for a change in the climate, for de-emphasis on the military, and for the construction of a piece that is based on human instincts, and business is part of those instincts.

MILLER. And the vision of the world that's been presented to us alternatively by General Beaufre with the development of tactical nuclear weapons by France and Great Britain and further development of strategic weapons, the substitution of further German, French and British troops for the American troops, you think that world would be so different that trade would magically increase?

PISAR. That world must remain this way because it is essential that we remain strong. The question is how are we strongest? Are we strongest by keeping these costly troops in Europe and creating the problems that this arises, or are we strongest by measuring our mobilization and giving ourselves an opportunity to act the way Americans normally act. Trade, business, science, technology, this is our tradition.

MILLER. Why didn't the fact that France and Germany in 1914 had the largest percentage of trade between them of any countries in the world prevent World War I?

PISAR. Because you understand that the Nazi ideology——

MILLER. World War I.

PISAR. In World War I?

MILLER. 1914. Enormous trade between France and Britain.

PISAR. I would give you a very surprising answer on that. I don't think we even knew what the war was at that time. Statesmen were toying at the strange game in 1914 and 1918. Today everyone is aware of the dimensions. A nuclear war you are talking of.

PALMIERI. One more question.

MILLER. Let me ask you—the nuclear deterrent, the nuclear threat, of course, not only remains, but in fact is developed by other countries. Let me ask you in terms of bargaining for troop reduction. You are an international lawyer. A person comes to you for advice and he's part of a partnership. Do you advise him to make a decision without the concurrence of his partners to give away what he wants to sell in the hopes that he'll be treated better?

PISAR. I will tell you how I advise them occasionally. I tell them "don't leave it up to your partners entirely, get together with your partners and give them a little bit of a push also, because it's time that they grew up and acted their age."

MILLER. Get together with your partners?

PISAR. Yes.

MILLER. Make the decision together.

PISAR. Mr. Miller, let us make this point very carefully. The idea is to say to our partners, after twenty-five years, you have become full partners and it is now time for you to take over your responsibility in an area where the problems are reduced.

MILLER. And the way to do that is to unilaterally withdraw these troops?

PISAR. Yes.

PALMIERI. Mr. Pisar, thank you very much. (Applause.) Mr. Schoenbrun, we'll come back to you—you have a final rebuttal witness later as I understand it. Now, Mr. Miller has a chance to complete his presentation of the case against this drastic American troop withdrawal.

MILLER. In fact, Mr. Pisar's assumptions about the alliance being more than political, military, and this having great military significance is correct. The alliance and all relationships are political, military and economic and what we must focus on are the overall consequences for the alliance of this kind of individual action. We can talk about the hope, trade with the Soviet Union. We know the reality of trade between the United States and Europe and the current tensions and difficulties of trade and other negotiations as the recent currency negotiations. Let's see what the overall affect on the alliance would be if we entered into this individual action. I've asked to join us tonight Mr. Francois Duchene. (Applause.)

PALMIERI. Welcome, Mr. Duchene.

MILLER. Francois Duchene is Director of the International Institute of Strategic Studies in London. Mr. Duchene, is the alliance simply military?

DUCHENE. No, indeed not. I think one of the great achievements of the alliance has been to create the beginning of an economic community that is partly in Europe, partly between Europe and America and, what is very important, not just European, not just East and West, but involving Japan and potentially with affects that could be world-wide. And the important thing that we want to do is to extend the area of cooperation.

MILLER. Tell us what the affect of the action that's proposed tonight would have on the United States-European, for example, trade relations.

DUCHENE. Well, I think that a unilateral act could be disastrous. I think Mr. Schoenbrun has quite rightly said how many steps have been taken towards interweaving the United States and Western Europe as part of this larger process I was discussing, but the opposite of that is to take major unilateral actions that provide major shocks to the whole psychological fabric of this common effort. And I think that it wouldn't only have affects, which we could discuss, in security, I think it would also have affects in trade. For instance, in the dollar crisis that we've just had, just like the very difficult negotiations to lower trade barriers earlier in the sixties, we'll call the "Kennedy Round", there was a great deal of ill-tempered bargaining but the final results were very positive and in the latest case, the Europeans have agreed, including France for instance, that there ought to be trade negotiations following up on the monetary agreements. Now, I think there's very little doubt that on the side of the Europeans the fact that the United States is terribly important to them for security reasons has been a very important factor in being prepared to go forward with trade discussions which might seem less necessary from the European point of view than the American.

MILLER. Well that's looking at our relationship with our allies. Now, how about the Soviet Union? Mr. Pisar has told us that if these troops were withdrawn there would be greater trade with the Soviet Union.

DUCHENE. Well, I think that Mr. Stans who's just been, the Secretary of Commerce, who's just been in Moscow, seems to have been doing very well before the troops have been withdrawn. And it seems to me the difficulty is not the confrontation, in which people believe much less now than they did before, the difficulty is partly, in the short run, that the East Europeans haven't got very much to sell. But in the longer run it's much deeper and more political. It's that it would transform Russian society if Russia were to build up lots of consumer goods of the kinds that the Europeans could build plants for.

PALMIERI. All right Mr Duchene, let's hear from Mr. Schoenbrun on cross examination.

SCHOENBRUN. Mr. Duchene, it would of course be something we would all welcome if Russian society were to be transformed in that fashion?

DUCHENE. I think that the aim of our policies together ought to be to transform Russia from a state into a society and for that, the maintenance of the security aspects of our policy along with our cooperation side of our policy is absolutely necessary including the strength of the American-West European relations.

SCHOENBRUN. Well we agree at least on the first part of that. Don't you believe that there are many people in the Soviet Union who, like here in the western world, are concerned about the fact that their own Pentagon budget is too heavy, their own military budget, and that they would like to have more emphasis on civilian and peaceful and useful goods, and that they could perhaps work against their generals if there were an American reduction; so that they could say "Look here, there really isn't an American threat against Russia. It really isn't necessary for us to maintain such a large military budget." Is it conceivable that such an argument could take place in the Soviet Union?

DUCHENE. I think the will to negotiate with the West is a thing on which we can hope that there are people, constituencies in Russia, just as there are very strong feelings in that direction in the West. One sees it in the arms limitations talks for instance at the present moment. But that's not an argument for not negotiating and for acting unilaterally in the western alliance.

SCHOENBRUN. One keeps talking about a unilateral action. Does that assume that America really does not have the power or right to undertake any action in so far as the use of its troops are concerned, and that our sovereign decision must be subject to a NATO consent vote?

DUCHENE. No, I think that it means that there must be a process and an interrelationship between the allies over time and also relationship to negotiations with the East.

SCHOENBRUN. Oh, we agree very much on that, for I think it ought to be made clear that none of us, myself or my witnesses, has been proposing that the United States decide by itself, without consulting its allies and drops a letter in the box and informs them, "We're taking off!" That's never been the proposition and I think it would be unfair to let it be thought as such. You've mentioned the fact that the alliance is much greater than military. I quite agree with you—economic and whatnot—but we've been talking about NATO, and I think you will agree that the emphasis in NATO is military.

DUCHENE. It is on security which is a political balance in Europe as elsewhere, it is not just military. Military is part of the technical side of it. The political aim is security.

SCHOENBRUN. Right. And under that screen of security, you and I have both seen the growth of very exciting movements, such as the Common Market, Euratom, in which we've worked together. Do you think that that movement towards a greater European unity might possibly be encouraged if Europe took greater initiatives for her own defense instead of depending upon an American cover?

DUCHENE. I think that Europe should take greater initiatives for her own defense. The problem is that we are talking of Europe and America as if they are two units. Europe is still a very large number of vigorous countries which have to overcome all sorts of problems that the United States, the Thirteen States, had to overcome initially, and it's going to take time to do this. And you won't be able to do it in great leaps—it's not going to be kangaroo leaps, they are going to be moved forward. If you take moves on the United States side and require of the Europeans to compensate for them that they take kangaroo leaps in their own organization among themselves and they federate straight away, then I think you are likely to put the Europeans in front of a problem they cannot meet in that time scale.

PALMIERI. Would one of those problems be the possibility of West Germans assuming a nuclear capability on their own?

DUCHENE. I think that the West Germans would not want to, for their own policy, to have a nuclear capability, a national nuclear capability on their own. They would have no trust in French and British nuclear capability and that is why for them, there is no alternative for a long time to come to the American nuclear umbrella. This would divide the Europeans among themselves.

SCHOENBRUN. Then probably you're outlining a rather dismal picture, one that saddens me in any case, about a lack of trust of Europeans towards each other with the greater trust of each European towards the United States and that would certainly impede for a very much longer time than I would have thought the growth of a greater European unity.

PALMIERI. Mr. Duchene, I'll have to treat that as a statement rather than as a question. Thank you very much for your appearance. (applause)

MILLER. There's been a play on words here. Every European government opposes this withdrawal and it's the proposal tonight that the United States nevertheless go ahead and withdraw on its own despite that opposition. Let's find out why that would destroy the kind of confidence among every one in the alliance that makes it function. I've asked to join us tonight Mr. Adam Yarmolinsky. (applause)

PALMIERI. Professor, we're glad to have you with us.

MILLER. Adam Yarmolinsky is now a Professor of Law at the Harvard Law School. He was formerly Deputy Assistant Secretary of

Defense and he also was one of the authors of the Poverty Program in the United States and today is the director building a major new town on Welfare Island in the East River in New York. Professor Yarmolinsky, if we want to reduce our defense budget, does it make sense to do it this way by withdrawing our troops from Europe?

Yarmolinsky. No, it really doesn't make sense at all to me, Mr. Miller. I'm not prepared to yield points to anyone on the need to cut back on our defense spending. I've recently written a book that has something to say about it and it's my view that our defense spending is substantially too high. But I can't conceive of a defense budget which has any reasonable possibility of being adopted by an enlightened administration, an enlightened Congress, which would not still be consistent with a force structure that would put substantially the number of men in Europe that we have today. The presence of those men does not, in fact add a penny to the cost of our military establishment, in fact I think it is generally conceded that it would cost a little bit more if those men were based in the United States. Now, you may say why not demobilize them? Well, why not demobilize the people in the United States now?

Miller. Tell me, Professor Yarmolinsky, if one of the reactions to an American withdrawal and lower troop level, for example, were an increase in the troop strength in the Federal Republic of Germany, would that lead to greater stability in Europe and enhance the detente?

Yarmolinsky. Well, Mr. Miller, we're here in the Federal Republic this evening and it does seem to me that our German hosts would be among the last group who would want to increase the size of their military force in proportion to other European forces, despite the fact that they are the closest among all the major nations of Europe to the East-West front.

Miller. Why do we have this proposal for such a drastic withdrawal?

Yarmolinsky. I don't think it's very hard to see the explanation for it. It relates directly to the tragedy in Vietnam. One of the many lessons that we don't seem to have learned quite yet, but that I hope will penetrate our collective intelligence in the United States, is that we cannot help a country which is not able to help itself. But by the same token, it seems to me, that we have an obligation to help countries which, together with us, share a common defense problem.

Palmieri. Well that provides the right setting I think for Mr. Schoenbrun's questions.

Schoenbrun. Well Mr. Yarmolinsky, we certainly have a common defense program with the Europeans.

Yarmolinsky. Yes.

Schoenbrun. Do you think that the Europeans are the outstanding example of people who are able to help themselves among our allies?

Yarmolinsky. I would suppose that the Europeans were as much able or as able to help themselves as others, but I don't believe that that goes to the issue of a unilateral withdrawal of the great bulk of our forces which are sharing in that common defense.

Schoenbrun. Does that mean, if I understand you, that your side believes there ought to be a permanent force of three hundred thousand Americans in Europe.

Yarmolinsky. I suppose nothing is permanent in this world, Mr. Schoenbrun, except death and taxes. My own hope would be that the example that our forces are setting in Europe might provide a kind of rough model for the sort of function I would hope for when we approach the millenium, when military forces are for peacekeeping and not for fighting wars.

Schoenbrun. Would you care to speculate at all on how long the present NATO set-up ought to remain the way it is. I mean should we Americans really be budgeting for three hundred thousand men whether it's twenty-five or fourteen billion a year or——

Yarmolinsky. Mr. Schoenbrun, let me, I really think that conveys a gross misunderstanding. I think that the United States is unlikely to reduce its military budget below either twenty-five billion or fourteen billion for quite a while, and I therefore think that we are going to keep that number of troops somewhere and I think that keeping that proportion in Europe in the absence of mutual and balanced force reductions has zero effect on the cost of our defense. Now, I have high hopes for a mutual and balanced force reduction. I believe that can be accomplished and I think the one way to frustrate that possibility is to pull out now without going through with those negotiations in a vigorous way. We need more vigor, we don't have it, we need it.

Schoenbrun. What do you base your high hopes on for getting through so complicated a process as getting Russians to agree with us on equivalent movements of men?

Yarmolinsky. Well, I suppose I base it in part on a kind of general feeling that if there is a problem that's got to be solved we fellow members of the human race are going to find some way to solve it. I don't see that taking the position you advocate is going to do us any good in that respect.

Schoenbrun. Well I thought it would but I'm not going to repeat my position since I'm cross-examining yours. But your outline seems to me to be telling the American people and the Europeans: "Well, its going to take a long time, things are going to stay pretty much the way they are, there isn't going to be any change."

Yarmolinsky. No, sir. I would not like to have the listeners read that implication into what I am saying. I think things could move very fast once they begin to move on mutual and balanced force reductions. I don't know, none of us have that gift of prophesy. It could happen and I don't see this as a permanent situation, and again I say, the only way to frustrate it, the only way to keep it from happening, it seems to me quite clear, is to pull the troops out now.

Schoenbrun. You won't accept the fact that if the troops are pulled out now and the European force is created that this may create a feeling of security in the eyes of certain Russians and indeed, in effect, on Eastern Europe?

Yarmolinsky. I cannot understand how either the substitution of European troops for American troops in the alliance would have that affect or, what I think more likely, a kind of unravelling in some of the rather cataclysmic possibilities that General Beaufre outlined. If those were to occur, I think we would be in real danger.

Schoenbrun. Could it not lead to an unravelling, not unravelling, but a great pressure of the satellite peoples of Europe upon the Soviet Union to start withdrawing their forces?

Yarmolinsky. I would not suppose so. I believe that, unhappily, is a police problem, not a military problem, and that is one of the tragedies of the situation.

Palmieri. Professor Yarmolinsky, thanks for being on The Advocates. (applause)

Miller. It's a curious proposition that getting the Russians to agree with us on mutual force reductions is so difficult, but if only we act by ourselves we can trust that the doves in Russia will take over and they too will act in our interest. Of course, the way to test this proposition is to negotiate. If Mr. Schoenbrun is right on the Russian intentions, and I hope he is, there will be an agreement. If there is no agreement then he will be wrong in his estimate of the Russian intentions. That's the way to deal with detente and changed conditions in the world. By negotiating, we act in concurrence with our allies and in the interests of our allies, and we test our assumptions about change in Russia.

Palmieri. Mr. Miller, thank you. That completes your case. Mr. Schoenbrun has a final rebuttal witness. Will you proceed, sir.

Schoenbrun. May I call upon Senator Harris. (Applause.)

Palmieri. Welcome, Senator.

Schoenbrun. Senator Harris has been a candidate for the presidency of the United States, a Senator from Oklahoma, and the chairman of the Democratic Party. I don't suppose it's true, is it Senator, that one of the reasons you want to reduce the budget and bring the boys back home is to pay the Democratic Party's telephone bill?

Harris. Not a bad idea (Laughter.)

Schoenbrun. Senator, you've covered many NATO meetings over the year and had Senate briefings on it, you've heard this argument before I presume, where do you feel it stands now?

Harris. I was here in Germany in 1966 and everybody there was saying what everybody here is saying, that Europe must become more self-reliant and there's got to be greater integration militarily and politically in Europe, but not now—we have to wait, we have to wait. Now here we are all these years later, some five or six years later and people are saying the same thing. And the other funny thing to me is that back then it was just after France had pulled its troops out of NATO and we said: "Now is not the time for the United States to move because NATO is too weak." Now they say: "Now is not the time to move because NATO is too strong!" When is the time? I think the time is now.

Schoenbrun. What sort of pressure do you feel upon you as a United States Senator to consider this particular problem in the general context of your responsibilities?

Harris. Well, another thing in regard to that time in 1966 talking about NATO, shortly thereafter, as some here know, I was appointed by President Johnson on the National Advisory Commission on Civil Disorders to look into the tragic riots we had in our cities in 1967. Now all these years later, most of the countries of Europe are in every way stronger and better. Their social problems have improved, their economy has improved, but all these years later, as John Lindsay and I as co-chairmen of the Commission on the Cities in the seventies just reported, in virtually every way the United States three years later is worse off. It's worse off in unemployment, it's worse off in health and taxed to death for the wrong reasons. He is paying more than his fair share of costs, and for the wrong things, and yet he can't pay for health care. Now here in West Germany itself, unemployment is only about a fourth as much as it is in the United States and here in Germany, crime is a third less than it is in the United States. That is a tremendous risk and it is a great risk to our alliance partners not to let us get back to those kind of basic problems at home.

Palmieri. One more question.

Schoenbrun. You feel, sir, then—what you are saying is that if America is weakened, divided and not strong at home, then our three hundred thousand soldiers are not going to do much good over here.

Harris. That's right, and the Russians know that. I think it's very important to notice that just when we were about to pass the Mansfield Amendment to make the President, and a lot of Senators have problems with that even though they are for the resolution, to make him withdraw a bunch of these troops whether he wants to or not, the Russians said: "Let's negotiate." I think that ought to raise the question: do the Russians want us to withdraw? Wouldn't that put some pressure on them in Eastern Europe to withdraw some of their troops from those countries that don't like them very well, but that are nevertheless in their orbit? And wouldn't that raise the spectre of a much more integrated and stronger Europe politically and militarily—and isn't that what the Russians worry about? I think that our credibility now, with our economic problems and all our social problems at home, people in Europe, our own allies know that, and Russia knows it, I think we'd be much more credible to get this down to something we can manage and get on about these terrible problems at home.

Schoenbrun. Thank you, Senator.

Palmieri. All right, Mr. Miller. I sense some disagreement to the Senator's position with you. (laughter)

Miller. I sense the entire presidential platform. (laughter) Senator Harris, the problem isn't the fourteen or whatever billion dollars in Europe, is it really? I mean, we've come to that. The problem is the forty or so billion a year we spend in Vietnam, that's why we couldn't meet those problems.

Harris. No, I disagree with you and Mr. Yarmolinsky who said all this is just a fallout from Vietnam. That's not true. When Senator Mansfield first introduced this amendment in the United States Senate——

Miller. We are not talking about the Mansfield Amendment——

Harris. Oh yes we are! We're talking about a drastic unilateral reduction of troops against the President's will, even. Now that amendment was—Senator Mansfield had that amendment co-sponsored by every single member of the democratic policy committee which included a good many like the late Senator Richard Russell who supported our effort in Vietnam. It's not Vietnam it's trying to get some common sense into our foreign military commitments.

Miller. Well, sir, you don't think, despite the categories of evils in the United States which I take it you think would be changed by another administration, you don't think that if we didn't spend this money in Europe——

Harris. I certainly do think that——

Miller. Whatever I'm going to say—— (laughter)

Harris. All I want is the opportunity to say that I think we have to turn the country around and changing Presidents would help do that.

Miller. And I completely agree with you about that, I completely agree with you about turning the country around and despite the equal time problem now that the President has announced for re-election I agree with you about that too.

Harris. Well you don't have to worry about that because I'm not a candidate——

Miller. But this is not the way to do it. You're not seriously telling us that if we weren't spending this money in Europe we would cure our problems of unemployment and inflation, health care and education, are you?

Harris. Well, we can't do it without it. It's silly to say, as Mr. Yarmolinsky did, that it's going to cost the same if we bring these troops out of Europe. The truth is, we've got to cut down on troops and military budget generally and you cannot do that until you cut out this unnecessary occupation force—I think that's an insult to Europe to continue occupying after all these years.

Miller. Well those who are here where the troops are, do not consider it so.

Harris. Well, I wouldn't either. They can go off to the Soviet Union, talk about widened trade and nice things, and the reason why they can do it is because they have this nuclear umbrella and the American forces. Why would they give that up so long as the American taxpayer would pay for it?

Miller. Now, you don't suggest removing the nuclear umbrella?

Harris. Well, that's not involved here tonight.

Miller. You don't suggest ending our basic commitment to Europe?

Harris. That's not even the problem. I certainly do not suggest that.

Miller. You certainly do not suggest that, and for good reasons. You don't suggest that with Europe itself, as we heard from Doctor Weick, contributing over thirty billion dollars a year, more than the United States is contributing, that that's somehow wrong, that the United States is contributing too much. Is that what you're saying?

Harris. If we're contributing so little then, why would it upset things so much, it won't! (laughter)

Miller. It will upset things so much, Senator Harris, because we will be acting against what our allies would consider to be their interest. Isn't this a decision we should make with our allies? That's why it will upset things.

Harris. Listen, if you were West Germany—I'm a lawyer and I would advise my client, hold out as long as you can. If the other fellow will pay, and keep his troops here while you make your own deals and you sell into Roumania and Poland and Czechoslovakia and the Soviet Union, which the United States is not doing which it should do—I'd just go right ahead——

Miller. If you were a lawyer advising the United States Government of the prospects of balanced force reduction with Russia, you'd suggest to them, sell out immediately too, instead of negotiating for balanced force reduction?

Harris. I would say it is silly, after twenty-five years, with the Russians not really worrying about reducing their troops whether we do or not, but really worrying about what's happening on the Chinese border, what's happening in the Middle East, what's happening in Eastern Europe, those are the things that are going in the Soviet Union's cards.

Miller. Aggressive every place in world——

Harris. Mr. Miller, do you think there is any chance that the Russians are going to try to agree with us on a proportionate reduction of our troops in East and West, so long as they have their problems in Eastern Europe—certainly not.

Miller. I certainly think they will, but the question is shouldn't we find out before we unilaterally withdraw?

Harris. But everybody has been saying that for twenty-five years.

Miller. They haven't been saying it for twenty-five years and you know it.

Harris. They've been saying it for at least the last five or six. (Laughter.)

Miller. Senator Harris, you have to consider the prospects they were right then and they are right now. For example——

Harris. Let me say this, that's wrong Mr. Miller. Because you say what about the spectre of a newly militarized Germany if America withdraws?

Miller. I didn't even ask you that question.

Harris. Ah, yes, but you've been asking it elsewhere. (Laughter.) If the Russians fear that, wouldn't, by your own logic Mr. Miller, they be more willing to negotiate after we withdraw than they are now?

Miller. No, because by negotiating now, they negotiate on block with the entire—all the forces——

Harris. Oh, when have they?

Miller. When have they? They have in SALT, they've just entered into an agreement over Berlin——

Harris. They haven't agreed in SALT.

Miller. We're in the process of negotiation and making significant progress, and you know it—and that's where our major battle is over strategic arms——

Palmieri. Gentlemen, it's now my turn—I knew I had one round here somewhere. (Laughter.) Mr. Miller, I said you had one last question and the Senator asked it. (Laughter.) Thank you very much Senator. (Applause.) Mr. Schoenbrun, you have one minute to summarize your case.

Schoenbrun. I've listened with interest . . . and a little bit of disappointment in the presentation of our distinguished friends and allies on the other side. It seems to me their main point is that Europe really desperately needs Uncle Sam. That's really strange because for years, as a reporter in Europe, I used to hear them say: "Yanks, go home!" And the minute we start to go home, they say: "For God's sakes, don't leave us!" We've been here a long time and the purpose of NATO was really to provide a shield behind which the community of Europe would grow, the economic community Francois Duchene spoke about, all of the communities. We have in fact, succeeded. But we are so fond of the status quo that we're afraid to really shake the boat. Now I have more respect for the Europeans maybe, than my adversaries have. I don't think they'll panic, I don't think they'll run to Moscow, I don't think they'll fall apart, I believe they are quite capable, two hundred and fifty million peoples of Western Europe, of forming their community in a very close alliance with the United States. I hope that will come about.

Palmieri. Mr. Schoenbrun, thank you. Mr. Miller, you also have a minute to summarize.

Miller. Respect for the Europeans means not taking this kind of individual action. You'll notice that nothing has been said about having to withdraw our troops to solve a balance of payments problem. I mention that because it is often raised and in fact it's not any substantial reason for withdrawing. What we've heard here is the rhetoric of the false hope of detente but the act will, in fact, cause chaos. What we have done is assumed the worst intentions of our friends and the best intentions of those who oppose us. We talk of Europe and America, as though they were two. But they are not two, they are one and they are one by the Atlantic Alliance and the contributions of the joint defense today are equitable. They are one. And as Benjamin Franklin, an American whose wisdom revered in Europe, said long ago in a similar kind of situation between Europe and America: "We had better hang together for we shall surely hang separately."

Palmieri. Thank you Mr. Miller. Well, ladies and gentlemen, now it's your turn. Both our viewers at home and here in West Germany, we're going to ask you now to act and to send in your views to us on tonight's question. Now for those of you who are seeing this program here in Europe, our address is this: The Advocates, West Deutcher Fernsehen, Cologne, Germany, P.O. Box 101950. On a letter or a postcard send us your "yes" or "no" vote on this question: "Should the United States drastically reduce its troops in Europe?" And we particularly urge our German viewers to send us their votes. They'll be totalled and reported with the American vote. Write the Advocates, West German Broadcasting, Cologne, Germany, P.O. Box 101950. For our viewers in the United States, our address is the same as usual: The Advocates, Box 1972, Boston 02134. We want the same letter or postcard, the same "yes" or "no" vote. Remember the question: "Should the United States drastically reduce its troops in Europe?" What do you think? We want to hear from every one of you. The address again in Europe: The Advocates, West German Broadcasting, Cologne, Germany, P.O. Box 101950. Will you send us your views and your comments on this program. Every one of your votes is important—it will be counted. Thanks to our advocates, now, to our witnesses, ladies and gentlemen. Thanks to our staff and the management of WDR in Cologne who have been such a help, our hosts for this broadcast. I'm Victor Palmieri. Thanks to you and goodnight. (Applause.)

[From the Christian Science Monitor, Mar. 15, 1972]

BERLIN TREATY APPROVAL KEY TO ACTION: EUROPEAN ARMED FORCES CUTS FACE DELAY

(By George W. Ashworth)

WASHINGTON.—Prospects have dimmed considerably for any immediate move toward balanced East-West reductions of armed forces in Europe.

A ticklish matter to begin with, the concept of mutual and balanced force reductions (MBFR in administration parlance) has been running into further difficulties in recent weeks.

Latest troubles are those over Berlin and the treaties worked out by German Chancellor Willy Brandt with the Soviets in Poland. The Soviets now are pressuring Mr. Brandt to get his political forces in line and get those treaties signed, and the heavy-handed tactics have created some stir in Germany.

Germany is considered the key to an eventual agreement on conventional arms reductions between the Western allies and the Warsaw Pact nations. If Germany goes sour, it is most likely that the other agreements now envisioned on the road to détente in Europe also could go sour.

Germany already has indicated that it may find it necessary to reduce its own NATO commitment if the United States reduces American forces in Europe. There is concern here that other NATO nations may be similarly inclined.

VARIETY OF COMPLICATIONS

As a result, there are many ifs facing the allies as they attempt to thread the path to broad agreements:

The present Russian hard-line attitude could cause Mr. Brandt difficulties. His parliamentary margin is thin enough as it is. And there remains the unpleasant prospect that the German parliament might decide not to go along with the treaties, which would throw the Berlin agreement into limbo.

If Berlin cannot be worked out, there is no telling when the allies might again be able to reach agreement. Although there are notable concessions from the initial allied position in the final agreement as hammered out in general with the Soviet Union and in specific between the two Germanys, by and large it is considered a fair arrangement for the opposing sides.

NIXON FAVORS PULLBACK

Beyond Berlin and the Polish and Soviet treaties is the question of balanced force reduction. The new U.S. defense budget includes money to keep the U.S. commitment in Europe level for yet another year, at least until mid-1973.

But it is no secret that the Nixon administration hopes very much to move toward a pullback from Europe. Sources now are saying there is slim chance that any firm progress could be made before the President's trip to Moscow in May, although something may be worked out then, given favorable developments on the Berlin question and the treaties.

Even then, however, it is unlikely that serious talks on force reductions could begin before next year. Not so many months ago, sources here were hopeful that Western diplomats could get down to business with their Eastern counterparts this year. That hope has about vanished.

CONFERENCE STILL SOUGHT

The final step now envisioned would be the Moscow-sought conference on European security, which could take place next year. However, the United States has made it clear that the Berlin matter must be settled agreeably before the U.S. can support such a conference.

It is possible that the all-European conference could be a forum for working out steps to be taken on the question of balanced force reductions. Earlier they had been thought of separately; now it seems that they may have to go hand in hand.

The U.S. has been busily trying to assure its NATO allies that American reductions in Europe will not be unilateral. And the NATO nations are working together now to figure out a reasonable means to effect the cuts.

Apparently, sources here say, most of the allies are prepared to go along if the cuts seem to them reasonable and not endangering. In addition, however, the allies want to have guarantees that the U.S. would look favorably upon some reductions later by the European nations.

GAPS CALLED POSSIBILITY

There is concern here lest an American departure cause a European collapse, as the Germans have hinted may be possible. The idea of American reductions, as seen from the vantage point of Washington, is that gaps in the line would be filled by America's increasingly prosperous and capable European allies.

Still, there is the continuing possibility, as one source put it, that "What will happen is that we will leave and our allies not only will not fill the gap but will create new gaps of their own."

These problems would be mitigated, if not removed, if the Warsaw Pact has similar reductions. However, it is clear that the two sides are not even close to understanding on what form acceptable cuts might take. The Americans want the Warsaw Pact to pull back more because of their proximity to the potential scene of conflict. The Soviets are adhering to the argument that reductions should be equal. That does not seem balanced to the United States.

[From the Christian Science Monitor, Wednesday, Mar. 15, 1972]

AT THE CROSSROADS FOR EUROPE

The angle which disturbs us about the parliamentary perils of German Chancellor Willy Brandt's *Ostpolitik* is not the what but the who.

The policy itself is in trouble, we think regrettably. Herr Brandt's effective margin is down to 250 for the crucial vote on what has become the keystone of his foreign policies. And he needs 249 votes to slide through a winner. He may or may not make it. We hope he will.

But our concern is not so much for the policy itself as over what defeat would mean in the general political spectrum of Western Europe today.

We are getting close now to the moment when actions taken in Germany, even more importantly in Britain, and in other West European countries will decide whether the countries of Western Europe will move toward a closer union among themselves.

A more closely knit Western Europe has been the goal of Europe's best statesmen for half a century. It has been the central driving purpose of American policy toward and for Europe from World War II. Its achievement would, we think, be to the economic advantage of all; would prevent for all time another civil war in the European heartlands of Western civilization; and bring into being in Western Europe that "third force" in world affairs which would balance off the present power of Russia.

Herr Brandt's *Ostpolitik* is not directly a part of the great project of a unified Western Europe, but it is not incompatible with it. And its opponents are opposing for nationalist, not for European, reasons. A defeat for the Brandt policies would mean a defeat for him and for a German share in the progress toward a unified Europe.

What concerns us is the danger of Europe backsliding into a cockpit of fragmented and quarreling nationalisms. The nationalists in Germany are opposed to the *Ostpolitik* just as the nationalists in Britain are opposed to British entry into the European Common Market.

It is merely one of the oddities of European political life of today that the nationalists in Germany are on the right while in Britain they are on the left. Harold Wilson's anti-common marketeer Socialists in the British Labour Party make strange bedfellows for the last of the German junkers. Yet the two incongruous types are united in resisting the idea of binding Europe more closely together.

The cause of a closer Europe could probably survive a defeat for Herr Brandt's *Ostpolitik* if the matter were to stop there. But he has put so much of his political credit into the policy that his government probably could not survive the defeat of the policy. That would be unfortunate.

Prime Minister Heath may well at this moment be through the worst of his troubles. We profoundly hope so. The great cause of a stronger Europe depends absolutely on his success or failure on the Common Market issue. It will be helped or hurt by what happens to Herr Brandt in his own moment of crucial testing in Germany. The two men are both "good Europeans" in the best sense of the phrase. They need each other and each other's success. We wish it to both of them.

NATIONAL PRESIDENTIAL PREFERENCE PRIMARIES

Mr. MANSFIELD. Mr. President, on December 2, 1913, in his state of the Union address, President Woodrow Wilson had the following to say about a national primary:

> I turn to a subject which I hope can be handled promptly and without serious controversy of any kind. I mean the method of selecting nominees for the Presidency of the United States. I feel confident that I do not misinterpret the wishes or the expectations of the country when I urge the prompt enactment of legislation which will provide for primary elections throughout the country at which the voters of the several parties may choose their nominees for the Presidency without the intervention of nominating conventions. [Applause.] I venture the suggestion that this legislation should provide for the retention of party conventions, but only for the purpose of declaring and accepting the verdict of the primaries and formulating the platforms of the parties; and I suggest that these conventions should consist not of delegates chosen for this single purpose but of the nominees for Congress, the nominees for vacant seats in the Senate of the United States, the Senators whose terms have not yet closed, the national committees, and the candidates for the Presidency themselves, in order that platforms may be framed by those responsible to the people for carrying them into effect.

Mr. President, this is most interesting in the context of going back to 1913, when the need of such a change was already noted in the circumstances of that time, and coming now to 1972, when the situation is rapidly getting out of hand.

Before I close I want to thank the distinguished Senator from Alabama (Mr. ALLEN) for calling this to my attention. While I do not know what his feeling is on this matter, I do appreciate the courtesy, and I am delighted to have it brought to the attention of the Senate.

The ACTING PRESIDENT pro tempore. Is there further morning business?

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 658 and 663.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF DIPLOMATIC PRIVILEGES AND IMMUNITIES

The bill (S. 2700) to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and to members thereof was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, under such terms and conditions as he shall determine and consonant with the purposes of this Act, the President is authorized to extend, or to enter into an agreement extending, to the Mission to the United States of America of the Commission of the European Communities, and to members thereof, the same privileges and immunities subject to corresponding conditions and obligations as are enjoyed by diplomatic missions accredited to the United States and by members thereof.

DISCLAIMING U.S. INTEREST IN CERTAIN LAND IN TAOS COUNTY, N. MEX.

The bill (S. 2674) to remove a cloud on the title to certain lands located in the State of New Mexico was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with the opinion, findings of fact, and conclusions of the trial commissioner of the United States Court of Claims in Congressional Reference Case Numbered 4-69, Richard Grainger and Margaret N. Grainger, his wife; Patrick W. Hurley and Elois A. Hurley, his wife; Robert Kennaugh and Betty W. Kennaugh, his wife; John F. McGill and Phyllis McGill, his wife; Mrs. Mary J. (Leon) Pierce, a widow; and William Turbett and Cynthia A. Turbett, his wife, against the United States, filed September 16, 1971, the United States hereby disclaims any right, title, or interest in or to the following described tract of land situated within the Carson National Forest, New Mexico, such tract of land being more particularly described as follows:

A tract of land containing 67.68 acres, more or less, beginning at corner numbered 1, which is located on the northerly line of the Antoine Leroux grant, as shown on official survey plat approved by the United States Surveyor General on August 25, 1909, whence corner numbered 69 of the Leroux grant survey bears south 79 degrees 45 minutes west, 20.14 chains;

thence north 79 degrees 45 minutes east, 6.06 chains (400 feet) to corner numbered 2, which is identical with the Leroux grant corner numbered 70 and located at the confluence of South Fork Canyon and the Rio Hondo;

thence north 61 degrees 30 minutes east, 4.20 chains (277.20 feet) to corner numbered 3 which is identical with corner numbered 71 and mile corner numbered 13 of the Leroux grant survey;

thence north 61 degrees 30 minutes east, 4.20 chains (1,828.20 feet) continuing along the northerly line of the Leroux grant survey to corner numbered 4;

thence north 09 degree 47 minutes east, 22.73 chains (1,500 feet) to corner numbered 5;

thence south 51 degrees 23 minutes west, 36.36 chains (2,400 feet) to corner numbered 6;

thence north 11 degrees 15 minutes west, 22.73 chains (1,500 feet) to corner numbered 1, the point of beginning.

(b) The Secretary of the Interior is authorized and directed to prepare and execute without consideration such instruments as may be appropriate to carry out the purposes of subsection (a).

AUTHORIZATION FOR FOREIGN SALE OF CERTAIN PASSENGER VESSELS—REFERENCE TO COMMITTEE ON COMMERCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calender No. 543 (H.R. 11589) a bill to authorize the foreign sale of certain passenger vessels, be referred to the Committee on Commerce.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL PRESIDENTIAL PREFERENCE PRIMARIES

Mr. ALLEN. Mr. President, I appreciate the friendly reference by the distinguished majority leader to an excerpt from a state of the Union address by President Woodrow Wilson that I handed to him, having to do with national presidential preference primaries.

I handed it to the distinguished majority leader for his information, not to indicate any support by the junior Senator from Alabama of his national presidential preference primary proposal. The junior Senator from Alabama will have to oppose the proposed presidential preference primary for many reasons.

In the first place, it would be a further federalization of the election process in this country. Already the Federal Government is taking over elections and nationalizing and federalizing the election process in this country. Just the other day the Senate, in its wisdom, killed a further effort by some Senators to nationalize and federalize the voter registration process, for it killed the registration by postcard bill. Certainly, we are hopeful that that bill will not emerge again on the floor of the Senate.

The presidential preference primary would be a primary for the rich. It would be a primary for television personalities. It would make it virtually impossible for a man of modest means to run for the Presidency.

How could any man of modest means, on his own, conduct a national election campaign? It would be impossible for him to do so. In the general election, the expense is not a personal expense, it is an expense of the party, and many millions of dollars can be spent. But how could one man, no matter how able, run for President in a national presidential preference primary?

Also, there would be too much politics in this country. The country would be surfeited with politics in presidential election years.

So the junior Senator from Alabama, when the time comes, will have further remarks to make with regard to this bill providing for a national presidential preference primary, because he feels that it would be ill-advised for us to make provision, by constitutional amendment or otherwise, for a national primary.

It should be noted, Mr. President, that for the very first time there would be injected into the Constitution of the United States the words "political parties." You do not see those words in the Constitution of the United States at all. It would make it possible for dozens of people to get their names on the ballot all over the country. It would be an easy process, by petition, to get your name on the ballot. Then it would put upon the President of the Senate, the Vice President, the duty of ascertaining whether the required percentage of qualified voters appeared on the petition. How in the world would the Vice President of the United States be able to canvass those petitions and see whether electors in sufficient numbers qualified in their respective States were on each petition?

As I say, the junior Senator from Alabama will oppose, at the proper time, this proposal for a national presidential preference primary.

I might say that under the present system, it would seem that primaries in the various States serve more as political graveyards than they do as springboards to the Presidency. I agree with the sentiment expressed by the distinguished majority leader the other day that it might be well for some of the Members of this body to spend more time here in the Senate Chamber, conducting the Nation's business, than conducting campaigns in presidential preference primaries throughout the country.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE PRESIDENT'S STUDENT TRANSPORTATION POLICY

Mr. ALLEN. Mr. President, I wish to commend the President of the United States on his address to the Nation last evening. I am delighted that for the first time he is recommending specific legislative proposals with regard to forced busing of schoolchildren in this country, rather than merely staking out a political position. I commend him for stressing the fact that we should be more concerned with the education of our children than with making provisions for forced mass busing of those children hither and thither throughout the cities and counties, or for that matter a combination of counties as in the Richmond case.

I am delighted, too, Mr. President, that the President seems to contemplate that this policy he is advocating—namely—a moratorium on busing decrees, be a nationwide policy. If so, Mr. President, that will be the very first time in the public policy of this country—that is, since 1954—that we have had a uniform policy in the United States for the desegregation of the public school systems in this country, because at the present time we have one policy in the South and an entirely different policy in other sections of the country—the southern policy requiring immediate forced desegregation of the public schools, and the other policy fostering and encouraging continued segregation in the schools.

Apparently the President plans that the new policy of a moratorium on busing will apply throughout the country. I am anxious to see the actual proposal. I want to see whether the moratorium on busing will apply to past decrees as well as future decrees, because the public school system in the South has been well-nigh ruined by existing busing decrees. Let us give some relief from the busing decrees that have already been entered by the Federal courts, and not just have a moratorium on future decrees.

The ACTING PRESIDENT pro tempore (Mr. BURDICK). The Senator's time has expired, and all time for the transaction of morning business has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for an additional 9 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. And I yield my 3 minutes to the Senator from Alabama.

Mr. ALLEN. I thank the Senator.

Mr. President, it is more than a coincidence, in the judgment of the junior Senator from Alabama, that the President has taken this position at this time, hard on the heels of the Florida primary. I was not in the State of Florida during the campaign, other than at the time that the Governor of Alabama filed as a candidate in that primary, but I am told that Governor Wallace had billboards there in the State saying, "Send them a message."

He was talking about sending a message up here to the Washington crowd on the feeling of the people with regard to forced busing, that the people are opposed to it. I believe that message was received. I believe it was understood. I believe it is being acted upon.

I also recall reading, in news accounts, that Governor Wallace said in the campaign that if the people of Florida named him as their choice for the Democratic nomination, the President would put a stop to busing the next day. Well, he has not put a stop to busing the next day, but he has taken action in that direction.

Mr. President, some reference has been made to the fact that a moratorium on busing would be unconstitutional. It would not. Actually, that was what was provided by the Griffin amendment—the withdrawal of jurisdiction from Federal courts to enter busing decrees; and the President's proposal apparently is to have a moratorium, a stoppage, for a definite, fixed length of time. Since the Federal courts below the Supreme Court are the creatures of Congress and Congress defines their jurisdiction, Congress has the right to limit the jurisdiction of the lower courts and for that matter has the right to limit the appellate jurisdiction of the Supreme Court.

Mr. President, on February 28, 1972, while the Griffin amendment was under discussion in the Senate, I sent the President a telegram calling upon him to announce his support of the Griffin amendment. Had he done so, that amendment would have been adopted in the Senate, in my judgment, because it failed by only one vote. I believe that the President's influence would extend to far more than one vote.

I ask unanimous consent to have the telegram printed at this point in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

FEBRUARY 28, 1972.

The PRESIDENT,
The White House,
Washington, D.C.:

Respectfully urge you to endorse Griffin amendment to higher education bill now pending in the Senate. The amendment withdraws from the courts the jurisdiction to order busing for creating racial balance in our schools. Of all pending amendments this amendment seems most likely to be effective in putting an end to mass forced busing of schoolchildren. I am sure that you share my feelings that education of children, not transportation of children should be our paramount concern. With your help the amendment will probably pass in the Senate. In view of your repeated opposition to busing to create a racial balance. I respectfully submit that your support of the Griffin amendment will translate words into actions.

Respectfully submitted,
JAMES B. ALLEN,
U.S. Senator.

Mr. ALLEN. Mr. President, in effect the President's proposal is the Griffin amendment. If the President had supported the Griffin amendment, it already would have been approved by the Senate, would be in conference, and we could, in just a few days, in all likelihood have had that the law of the land. Now we may have to have an independent bill; and, whereas the Griffin amendment was attached to the higher education bill, which had to pass in the Senate, a new measure will not have that great leverage. Perhaps the conference of the higher education bill might include the President's proposal in their report.

But it will certainly be the purpose of the junior Senator from Alabama to support any bill in the direction of declaring a moratorium on past busing, present busing, or future busing of young children to create a racial balance in our public schools.

I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, as always. I have listened with interest to what the distinguished Senator from Alabama has said about this subject, as I do on any subject about which he speaks.

It appears to me that there is not a great deal more that the courts can do, and it may be true perhaps that in some instances they have gone entirely too far. It appears to me that there is not much more that the President can do, by Executive order or otherwise, than he has done on the basis of his talk to the American people on radio and television last night, what he will say in his message which will be delivered around noon today, and what he said to the leadership of both Houses this morning, along with the ranking members of the Committees on the Judiciary, Education, and Labor of both Houses.

Therefore, something has to be done, and it appears to me that the place to do it is in Congress. We have in conference at the present time a higher education bill which contains differing amendments relative to busing, on the part of both the House and the Senate; but we have at last a Presidential message and some Presidential proposals which will be before the Senate shortly relative to what his recommendations are as President of the United States.

This is the most difficult and the most perplexing issue which has come before the Senate in my years in this body. It is not a black-and-white issue—if I may be pardoned for using that designation. It is an issue with many ramifications, and it is tied not so much to busing as it is to education, quality education, the uplifting of schools which are now poor in content and in faculty and in substance.

It also appears to me that, while I have some grave doubts about certain aspects of the President's proposals, there is a possibility that what he is recommending may be considered by the House and Senate conferees now meeting in conference on the higher education bill.

It appears to me, also, that perhaps there is enough contained substantively within the measures passed by both bodies to give due consideration to the proposals advanced by the President of the United States, having to do not with busing but rather with quality education.

I see the ranking Republican member of the Senate conferees in the Chamber at the present time. He also was at the White House this morning. It would be my hope that the conferees would give consideration to the President's proposals immediately and that as much as could be done on the foundation he has suggested could be built on by the conferees representing both Houses. I think it is time to face up to this issue.

While the President did not indicate that he was against a constitutional amendment, he did bring out the fact—as many in this body have—that a constitutional amendment would take a long time, because of the need for a two-thirds majority in both Houses and because of the need for ratification by three-quarters of the States.

The time for action is now. Regardless of how we feel individually about this subject. I think we should face up to it and reach a decision—and the place to reach a decision, in my opinion, is in the Congress of the United States. Had it not been for what the President said yesterday and what he has proposed today, it is my very strong belief that there would be no education bill this year, because of the divergencies in a related field between the House and the Senate. I think the possibility is good that out of this conference may come something which will bring about an amalgamation of some of the proposals of the President of the United States and some of the proposals which Congress, in its wisdom, has passed in recent months.

So I commend the President for showing leadership, but there are some questions in my mind about certain aspects of his proposal. Nevertheless, he has spoken; he has acted; and now I think it is up to us.

Mr. President, I ask unanimous consent that the time be extended for not to exceed 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I should like to associate myself with the Senator's very fine statement.

I believe that we can act creatively in the conference. I certainly shall do my utmost to see that we do. It is not necessary to endorse the President's proposals in order to make that pledge to the Senate.

I believe that there is enough in the bills in the House and the Senate, respectively, to make them susceptible of positive action respecting all elements of education which are involved in the President's proposals—to wit, more financing, and passage of the emergency school aid authorization which is $1.5 billion, and other matters; so that I believe the bills also are susceptible to resolving the busing issue including a moratorium on new busing where major issues of law remain unsolved for the interim period of time to which the Senate is looking forward—to wit, until July 1, 1973. The President, although he would go further than we have with respect to a moratorium, has also chosen that date.

So, Mr. President, without in any way committing myself to what should be done with respect to my own views, I thoroughly agree with the distinguished majority leader that we have an opportunity to fashion a measure which should go far toward removing the issue from the highly emotional condition in which it is presently cast.

May I say, too, Mr. President, that the emotion involved here is infinitely greater than is deserved by the substance of what is involved. Twenty million young students are being bused now. A substantial majority of our children here have used transportation to get to school and are being bused in the main. The question is, how many will be bused because of desegregation orders. There is far more fear than actuality with respect to the busing issue, but it is a real fear and tends to interfere with the pursuit of educational excellence and a decent opportunity for children of all races and ethnic groups to receive an equal break in education. That interference is most deplorable and unfortunate but is an excellent motivating cause for us to try to dispel the fear by taking positive action now, to assure that desegregation will go forward while legitimate concerns of parents are met.

The greatest contribution the President made was in refusing to endorse a constitutional amendment which would embroil, exacerbate, and materially delay any solution.

Thus, I consider it an honor and a privilege to join the distinguished majority leader. I pledge my utmost efforts to produce from the conference a positive result.

Mr. ERVIN. Mr. President, the deplorable mess in which the schools of the Nation find themselves at this moment is due to the fact that the Supreme Court of the United States has misinterpreted the equal protection clause of the 14th amendment. That clause, Mr. President, contains one of the simplest and soundest principles embodied in the Constitution. It provides that no State shall deny to any person within its jurisdiction the equal protection of the laws. The meaning of that clause has been interpreted by the Supreme Court in hundreds of cases. All that clause means is that a State is forbidden to treat in a different manner persons similarly situated.

It is as clear as the noonday sun in a cloudless sky that the decision of the Supreme Court upholding busing is a violation of the equal protection clause of the Constitution. That is true for two reasons. In the first place, when a Federal court enters a busing decree for integration purposes, it says to a school board, "You cannot treat the children of your school district in like manner as the 14th amendment requires you to do. You must treat them differently. You must say to one group of children that they can attend their neighborhood schools and you must say to the other group of children that they cannot attend their neighborhood schools."

Oceans of judicial sophistry cannot wash out the plain truth that that is treating children similarly situated in a different manner and, hence, is a flagrant violation of the provision in the Constitution which states that a State cannot treat persons similarly situated in a different manner.

A court decree requiring busing for integration purposes violates the equal protection clause in another way. The court says to the school board, "The reason why you cannot permit some of the children residing in your school district to have the same rights as other children residing in the school district to attend their neighborhood schools is that you must bus them to schools in other areas, either to decrease the number of children of their race in the neighborhood schools or to increase the number of children of their race in the schools elsewhere."

Oceans of judicial sophistry cannot wash out the plain truth that that is denying children who are bused admission to their neighborhood schools solely on account of their race. And the Brown case holds that denying a child admission to any school solely on the basis of his race violates the equal protection clause.

Mr. President, I listened to the President's speech last night. Many Southern schools are now operating under drastic busing decrees. Northern schools are not. It seems to me that the proposal is to continue the status quo, that is, to treat the South in one way and the rest of the Nation in another. In other words, the President recommends a moratorium to prevent school busing decrees in the North, where they have not yet been rendered or have not yet been heard on appeal, and to leave the tyrannies that have been practiced on little children under the decrees of Federal courts in Charlotte, N.C., and other places in the South, in full force and effect.

The President asked for a moratorium. If busing children to achieve racial balance is wrong, it should be uprooted forever and thrown upon the scrap heap of history.

Mr. ALLEN. Mr. President, I ask unanimous consent that an additional 10 minutes be allowed for the transaction of routine morning business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, the proposal that we have a moratorium instead of a total end to busing our little children to achieve racial balance reminds me of the story of the man who wanted a short-tailed dog. To that end, he cut off his dog's tail just a little bit at a time for the purpose, as he said, to keep from hurting the dog too much.

Mr. President, if the dog's tail—that is, the busing of children for integration purposes—should be cut off, it should be cut off all at once—we should not leave the question to be debated and argued again in 1973.

If busing to achieve racial balance is wrong—and I say it is not only wrong, it is not only a great tyranny practiced upon helpless little children but a violation of the equal protection clause itself—then I say, that policy should be ended once and for all, and ended now.

From reading the decisions of the Supreme Court in Greene against New Kent County Board of Education, in New Kent County, Va., and Swann against Charlotte-Mecklenberg School Board, it is clear that the Supreme Court Justices have piled so much intellectual rubbish on top of the equal protection clause that they cannot see what the equal protection clause really says and means.

Mr. ALLEN. Mr. President, will the distinguished Senator from North Carolina yield?

Mr. ERVIN. I am happy to yield to the Senator from Alabama.

Mr. ALLEN. The distinguished Senator from North Carolina knows that the junior Senator from Alabama concurs with his views with regard to the moratorium on busing, and he also concurs with his views and has fought shoulder to shoulder with the distinguished Senator from North Carolina to have established a uniform policy for the Federal

Government in the desegregation of the public schools of the country.

The junior Senator from Alabama is curious as to just what the President is going to propose with regard to the moratorium.

Would it merely be a moratorium for future desegregation orders or could it reach back to past orders? The junior Senator from Alabama earlier today stated that he is opposed to the present busing under past decrees and busing under future decrees. I might state that I understand the President's message is coming in at about 12 o'clock. I was informed by a distinguished member of the Judiciary Committee a moment or so ago that a provision in the President's proposal is to the effect that after the enactment of the legislation, any local educational agency covered by a busing decree could apply to have the case reopened in order that the decree be made to conform to the act we are discussing.

It is to be hoped that it is to be the intent of the President to make the legislation—that is, the moratorium—apply not only to the busing at present, but to busing under past decrees as well.

Mr. ERVIN. Mr. President, I say to the Senator from Alabama that I am delighted to hear that. I based my remarks on what I heard the President say. I have not yet had an opportunity to see his written message. However, I would welcome putting an end to evil temporarily, if an end cannot be put to it permanently. However, if the message comes in here with a moratorium provision, I for one expect to offer an amendment to put a perpetual end to the evil practice of busing children, black and white, for integrating purposes and to put an end to the way in which the Constitution is being perverted in these cases.

Mr. ALLEN. Mr. President, is not the President's proposal, the best we can understand it without seeing it, a first cousin to the Griffin amendment which would have withdrawn jurisdiction from the Federal courts with respect to busing orders for the purpose of creating racial balance?

Mr. ERVIN. The President stated in Charlotte, N.C., in 1968, that he was opposed to busing. He reiterated his position in Asheville, N.C., in 1970. It seems to me that the President could have put an end to busing easily if he had asked one or two Republicans to support the Griffin amendment. However, at the time when he should have spoken, he was silent.

Mr. ALLEN. Mr. President, is it not correct that the Griffin amendment lost by one vote?

Mr. ERVIN. The Senator is correct.

Mr. ALLEN. And if the President had spoken, we might have had an entirely different complexion on the legislation at this time.

Mr. ERVIN. I think that if the President had spoken at that time, he could have persuaded one other Republican Senator to do the right thing with respect to the amendment.

Mr. ALLEN. Does the Senator feel that the results of the Florida primary had something to do with the President's announcement last evening?

Mr. ERVIN. I cannot believe that the President was entirely ignorant of what happened in Florida.

Mr. ALLEN. So the Senator feels that there is a causal connection between the two events then?

Mr. ERVIN. I think so.

Mr. ALLEN. I thank the Senator from North Carolina.

The PRESIDING OFFICER. Is there further morning business?

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BURDICK) laid before the Senate the following letters, which were referred as indicated:

REPORT OF FARM CREDIT ADMINISTRATION

A letter from the Governor, Farm Credit Administration, Washington, D.C., transmitting, pursuant to law, a report of that Administration, for the fiscal year 1971 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON PROPERTY, SUPPLIES, AND COMMODITIES PROVIDED BY THE BERLIN MAGISTRAT

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on the value of property, supplies and commodities provided by the Berlin Magistrat, for the first two quarters of fiscal year 1972; to the Committee on Appropriations.

PROPOSED TRANSFER OF SUBMARINE

A letter from the Assistant Secretary of the Navy (Installations and Logistics), reporting, pursuant to law, on the proposed transfer of the submarine U.S.S. *Runner* (IXSS-476) to the Saugatuck Marine Museum, Douglas, Mich.; to the Committee on Armed Services.

REPORT OF NATIONAL INDUSTRIAL RESERVE

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on the National Industrial Reserve, for the calendar year 1971 (with an accompanying report); to the Committee on Armed Services.

REPORT ENTITLED "CIVILIAN HEALTH AND WAR-RELATED CASUALTY PROGRAM IN VIETNAM—1 YEAR LATER"

A letter from the Comptroller General of the United States, transmitting, for the information of the Senate, a report entitled "Civilian Health and War-Related Casualty Program in Vietnam—1 Year Later" (with an accompanying report); to the Committee on Government Operations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Problems in Attaining Integrity in Welfare Programs", Social and Rehabilitation Service, Department of Health, Education, and Welfare, dated March 16, 1972 (with an accompanying report); to the Committee on Government Operations.

REPORT OF AMERICAN REVOLUTION BICENTENNIAL COMMISSION

A letter from the Chairman, American Revolution Bicentennial Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the year 1971 (with an accompanying report); to the Committee on the Judiciary.

FINAL REPORT OF PLYMOUTH-PROVINCETOWN CELEBRATION COMMISSION

A letter from the Chairman, Plymouth-Provincetown Celebration Commission, Plymouth, Mass., transmitting, pursuant to law the final report of that Commission (with an accompanying report); to the Committee on the Judiciary.

THIRD-PREFERENCE AND SIXTH-PREFERENCE CLASSIFICATION FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to the granting of third preference and sixth preference classification to certain aliens (with accompanying papers); to the Committee on the Judiciary.

PART 1 OF NATIONAL HIGHWAY NEEDS REPORT

A letter from the Secretary of Transportation, transmitting, pursuant to law, Part 1 of the National Highway Needs Report, dated March 1972 (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. BURDICK):

A concurrent resolution of the Legislature of the State of Kansas; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION NO. 1034

"A concurrent resolution memorializing the Congress of the United States to continue the federal highway trust fund on a permanent basis for highway development with none of its money diverted to other purposes

"*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the legislature of the state of Kansas respectfully petitions the Congress of the United States to continue the federal highway trust fund on a permanent basis for highway development with none of its money diverted to other purposes.

"*Be it further resolved:* That the Secretary of State be directed to send enrolled copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Kansas delegation in the Congress of the United States."

Resolutions of the Legislature of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTIONS MEMORIALIZING THE UNITED STATES SENATE TO ENACT H.R. 1, THE SO-CALLED SOCIAL SECURITY AMENDMENTS OF 1971

"Whereas, A person becomes a welfare recipient for lack of job opportunities, lack of sufficient education, family breakup or insufficient pensions especially as a senior citizen; and

"Whereas, Until the causes for becoming a welfare recipient are resolved, welfare will be a major government service; and

"Whereas, The Commonwealth of Massachusetts spends four hundred and forty-nine million dollars of its own revenue and three hundred and sixty-eight million dollars of reimbursed federal monies to meet its welfare obligations and meet the needs of approximately six hundred thousand recipients; and

"Whereas, Welfare is not a problem limited to one region nor to one state but involves a national scope of issues and solutions; now, therefore, be it

"*Resolved,* That the Massachusetts House of Representatives respectfully urges the United States Senate to forthwith act on National Welfare Reform and enact H.R. 1, commonly known as the Social Security Amendments of 1971; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of the United States Senate and to the members thereof from the Commonwealth."

Resolutions of the Legislature of the Commonwealth of Massachusetts to the Committee on Labor and Public Welfare:

"RESOLUTIONS URGING THE UNITED STATES SENATE TO ADOPT THE GRIFFIN AMENDMENT, SO-CALLED, RELATIVE TO SCHOOL BUSING

"Whereas, There is pending before the United States Senate the Griffin Amendment, so-called, which would bar federal courts from requiring school busing to end segregation; and

"Whereas, The rights of a parent to send his child to a school of his choice is one of the most cherished rights; and

"Whereas, Federal funds for education should be used for the improvement of education, for better teaching facilities, for better methods and advanced educational materials and for the upgrading of the disadvantaged area of the community rather than buying buses, equipment and gasoline to transport young children from neighborhood schools; now, therefore, be it

"Resolved, That the Massachusetts House of Representatives respectfully urges the United States Senate to adopt forthwith the Griffin Amendment, so-called; and be it further

"Resolved, That copies of these resolutions be sent by the Secretary of the Commonwealth to the presiding officer of the United States Senate and to each member thereof from the Commonwealth."

A joint resolution of the Legislature of the State of Vermont; to the Committee on Veterans' Affairs:

"J.R.S. 47

"Joint resolution relating to the establishment of a national cemetery

"Whereas, President Abraham Lincoln said: 'We must care for him who shall have borne the battle and for his widow and orphan'; and

"Whereas, the national pledge that every veteran has the right to be buried in a national cemetery reasonably close to home has not been fulfilled as far as the needs of Vermont's veterans are concerned; and

"Whereas, there are approximately 60,000 veterans in Vermont who are entitled not as a matter of need, but as a matter of right, to be buried in a national cemetery; and

"Whereas, these veterans served to preserve our country, thereby earning our respect and thanks; and

"Whereas, in spite of this need there is no national cemetery in or near Vermont for the burial of Vermont veterans and their comrades in arms who offered themselves for the protection and defense of this great nation: Now, therefore be it

"*Resolved by the Senate and House of Representatives,* That the General Assembly supports the efforts of Governor Deane C. Davis and Vermont's congressional delegation in seeking to establish a national cemetery in this state and calls upon the federal government to bring about the establishment of an expanded and improved national system which will include finding and dedicating a parcel of land in Vermont to be consecrated as a national cemetery which shall be dedicated to the cause of world peace; and be it further

"*Resolved,* That the Secretary of State is hereby directed to forward copies of this resolution to the President of the United States, to the Vice President of the United States, the Speaker of the U.S. House of Representatives, the Chairmen of the U.S. Senate and House of Representatives Committees on Veterans' Affairs and Vermont's congressional delegation."

A joint resolution of the Legislature of the State of Washington; to the Committee on the Judiciary:

"HOUSE JOINT MEMORIAL NO. 4

"To the Honorable Richard M. Nixon, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress assembled:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, More than one hundred years ago the United States and Great Britain were in bitter disagreement as to the location of the true water boundary between Canada and the United States as it affected the San Juan Islands in the northwest corner of the State of Washington; and

"Whereas, Open conflict between the two great nations became imminent as each gathered troops and vessels of war to enforce its claim to these lovely islands; and

"Whereas, The will of the great leaders of our country of that day wished to avoid senseless bloodshed and, therefore, proposed to establish a joint occupation of the key island of San Juan pending peaceful negotiation; and

"Whereas, October 21, 1972, is the centennial anniversary of the final, peaceful settlement of the dispute through arbitration under Emperor Wilhelm I, which eminent historians have termed 'the greatest triumph of arbitral methods that the world has witnessed' and 'an event of cardinal importance in the history of the relations of the two English speaking powers'; and

"Whereas, This centennial anniversary is now being celebrated by the people of the San Juan Islands and the State of Washington; and

"Whereas, The President and Congress of the United States recognized the significance of this great event by the authorization, September 9, 1966, of the San Juan Island National Historical Park for the preservation and interpretation of the events associated therewith and sometimes referred to as the "Pig War";

"Now, therefore, Your Memorialists respectfully pray that the President and Congress of the United States, by appropriate resolution, commemorate the historic events that occurred from 1853 to 1872 in connection with the final settlement of the Oregon Territory by recognizing the centennial celebration now taking place on this tiny dot of earth in the beautiful waters separating Canada and the United States, which will always be a reminder that senseless wars over insignificant causes do not need to happen.

"And be it further resolved, That copies of this Memorial be immediately transmitted to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Department of Health, Education and Welfare, and to each member of Congress from the State of Washington."

A joint resolution of the Congress of Micronesia; to the Committee on Interior and Insular Affairs:

"HOUSE JOINT RESOLUTION NO. 74, H.D. 1

"A House joint resolution requesting the United States Congress to enact legislation making the Trust Territory eligible for central community facilities for safe water and the elimination or control of water pollution under Section 113 of S. 2770 or any other amendments enacted by the Congress to the Federal Water Pollution Control Act

"Whereas, the problems of providing safe water and eliminating water pollution are becoming increasingly more difficult in the Trust Territory, particularly in the District Centers, which contain heavy concentrations of population; and

"Whereas, present demographic statistics indicate that the problems resulting from such concentrations of population will increase at an accelerating rate; and

"Whereas, with the increased concentration of population in the District Centers, the problems associated with the pollution of our waters and the lack of safe, fresh water threaten to become unmanageable, and represent a serious potential hazard to the lives, health, and well-being of the people of the Trust Territory; and

"Whereas, the Trust Territory is without sufficient resources, either financial or technical, to implement and support a comprehensive program for central community facilities for safe water and the elimination or control of water pollution; and

"Whereas, the United States Government by law has provided support for such programs, but the Trust Territory is not eligible therefor under the terms thereof; now, therefore,

"Be it resolved by the House of Representatives of the Fourth Congress of Micronesia, Second Regular Session, 1972, the Senate concurring, that the United States Congress be and it hereby is respectfully urged and requested to enact legislation making the Trust Territory of the Pacific Islands eligible for assistance in developing central community facilities for safe water and the elimination or control of water pollution under Section 113 of S. 2770 or any other amendments enacted by the Congress to the Federal Water Pollution Control Act; and

"Be it further resolved that certified copies of this House Joint Resolution be transmitted to the President of the United States, to the Speaker of the House of Representatives and President of the Senate of the United States Congress, to the Secretary of the Interior, to the Director of the United States Environmental Protection Agency, to the High Commissioner, to the Director of Health Services, and to the Chairman of the Trust Territory Environmental Early Warning Committee."

A resolution adopted by the Tidewater Veterans Association of Virginia, Inc., Norfolk, Va., expressing opposition to the granting of a general amnesty to draft-dodgers and deserters of the Vietnam war; to the Committee on the Judiciary.

A resolution adopted by the Fairfield Ruritan Club, Sandston, Va., expressing opposition to the forced removal of any school system from local autonomy; to the Committee on Labor and Public Welfare.

Mr. ANDERSON. Mr. President, the second session of the 30th Legislature of the State of New Mexico recently passed a joint memorial requesting the Congress of the United States to enact legislation controlling television advertising of certain drugs and medicine.

I ask unanimous consent that the memorial be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. BURDICK). Without objection, it is so ordered.

The memorial which was referred to the Committee on Commerce, reads as follows:

SENATE JOINT MEMORIAL 1

A joint memorial requesting the Congress of the United States to enact legislation controlling television advertising of certain drugs and medicines

Whereas, drug abuse constitutes one of the nation's major problems; and

Whereas, the attitudes conducive to drug abuse are widespread, as President Richard Nixon noted when he stated that ". . . we have produced an environment in which people come naturally to expect that they can take a pill for every problem—that they can find satisfaction and health and happiness in a handful of tablets or a few grains of powder . . ."; and

Whereas, television "mood" advertising of over-the-counter drugs and medicines having a stimulant, depressant or tranquilizing effect on the central nervous system, including calmatives, sleeping aids and caffeine stimulants, has tended to encourage people in false expectations similar to those castigated by the President, and thus has fostered a climate of drug misuse and abuse;

Now, therefore, be it resolved by the Legislature of the State of New Mexico that the Congress of the United States be respectfully requested to enact legislation controlling or eliminating television "mood" advertising of drugs and medicines having a stimulant, depressant or tranquilizing effect on the central nervous system; and

Be it further resolved that copies of this memorial be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives and to the members of the New Mexico delegation in Congress.

Mr. ANDERSON. Mr. President, the New Mexico Senate at the second session of the 30th legislature passed a memorial urging the Federal Government to take appropriate steps for the preservation of what is known as "Camel Rock" situated on the Tesuque Indian Pueblo on U.S. Highway 285 near Santa Fe, N. Mex.

I ask unanimous consent to have this memorial printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. BURDICK). Without objection, it is so ordered.

The memorial which was referred to the Committee on Interior and Insular Affairs, reads as follows:

SENATE MEMORIAL 18

A memorial relating to the preservation of Camel Rock

Whereas, Camel Rock is situated on Tesuque Pueblo Indian land on U.S. highway 285 and is one of the best known landmarks in New Mexico; and

Whereas, this unique sandstone rock has been eroded by nature into a remarkable resemblance of a camel; and

Whereas, many New Mexicans and visitors to the state have admired and enjoyed viewing this unique natural phenomenon; and

Whereas the sheer number of people, increasing yearly, who visit the rock are causing it to seriously disintegrate; furthermore, a few unprincipled people have vandalized and have even attempted to destroy Camel Rock; and

Whereas, it is imperative that immediate steps be taken so that Camel Rock can be preserved for the future;

Now, therefore, be it resolved by the Senate of the State of New Mexico that it respectfully requests that all possible avenues be explored to effect the preservation, restoration and continuing protection of Camel Rock; and

Be it further resolved that copies of this memorial be sent to the President of the United States, the Secretary of the Department of the Interior, the Commissioner of the Bureau of Indian Affairs, the New Mexico congressional delegation and the New Mexico Economic Development Administration.

Mr. ANDERSON. Mr. President, the second session of the 30th Legislature of the State of New Mexico recently passed a joint memorial requesting the U.S. Postal Service to issue a stamp commemorating the 60th anniversary of New Mexico statehood.

I ask unanimous consent that the memorial be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. BURDICK). Without objection, it is so ordered.

The memorial, which was referred to the Committee on Post Office and Civil Service, reads as follows:

SENATE JOINT MEMORIAL 13

A memorial requesting the President, Congress and the U.S. Postal Service to issue a stamp commemorating the 60th anniversary of New Mexico Statehood

Whereas, 1972 marks the sixtieth anniversary of New Mexico statehood; and

Whereas, a beautiful graphic presentation of an eight cent United States postage stamp has been completed by Keith Albee, graphic art director of the Department of Development and a member of the Statehood Commission; and

Whereas, the graphic presentation of such a stamp is based upon a painting donated by the renowned Vladan Stiha depicting the three cultures of the great state of New Mexico; and

Whereas, efforts to obtain a commemorative stamp were initiated by Governor King;

Now, therefore, be it resolved by the Legislature of the State of New Mexico that the president, Congress and United States postal service are requested to provide for issuance of an eight cent commemorative stamp, commemorating the state of New Mexico's sixtieth anniversary of statehood; and

Be it further resolved that such a commemorative stamp be based upon the graphic presentation of Mr. Keith Albee; and

Be it further resolved that a copy of this memorial be transmitted to the president of the United States, New Mexico's congressional delegation, the director of the United States postal service and Governor Bruce King.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of West Virginia (for Mr. EASTLAND), from the Committee on Agriculture and Forestry, with amendments:

S. 1379. A bill to authorize the Secretary of Agriculture to establish a volunteers in the national forests program, and for other purposes (Rept. No. 92–696).

By Mr. CANNON, from the Committee on Armed Services, without amendment:

S. 764. A bill to authorize the disposal of lead from the national stockpile and the supplemental stockpile (Rept. No. 92–697);

S. 773. A bill to authorize the disposal of metallurgical grade chromite from the national stockpile and the supplemental stockpile (Rept. No. 92–698); and

S. 3086. A bill to authorize the disposal of nickel from the national stockpile (Rept. No. 92–699).

ANNUAL REPORT OF THE SUBCOMMITTEE ON THE NATO STATUS OF FORCES TREATY (SENATE REPT. NO. 92–695)

Mr. ERVIN. Mr. President, the Subcommittee on the NATO Status of Forces Treaty has submitted to the full Committee on Armed Services its annual report covering the operation of article VII of the treaty, together with the other criminal jurisdictional arrangements relating to our Armed Forces abroad. This report, which covers the 1 year between the period December 1, 1969 through November 30, 1970, has been approved by the full committee and I submit this report and ask unanimous consent that it be printed with illustrations.

The ACTING PRESIDENT pro tempore (Mr. BURDICK). Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Michael H. Moskow, of New Jersey, to be an Assistant Secretary of Labor.

Mr. BENTSEN. Mr. President, from the Committee on Armed Services I report favorably the nominations of 15 flag and general officers in the Army and Navy. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations placed on the Executive calendar are as follows:

Col. Charles Van Loan Ella, Veterinary Corps, U.S. Army, for appointment in the Regular Army of the United States, to be brigadier general;

Vice Adm. David C. Richardson, U.S. Navy, for appointment to the grade of vice admiral on the retired list;

Rear Adm. George C. Talley, Jr., U.S. Navy, for commands and other duties of great importance and responsibility determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. Robert L. J. Long, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving; and

Judson L. Smith, and sundry other officers of the Naval Reserve, for temporary promotion to the grade of rear admiral.

Mr. BENTSEN. Mr. President, in addition, I report favorably 158 appointments in the Army in grade of colonel and below; 524 appointments and promotions in the Navy and Naval Reserve in grade of captain and below; 506 appointments in the Marine Corps and Marine Corps Reserve in grade of colonel and below; and 256 appointments in the Air Force and Air Force Reserve in grade of colonel and below. Since these names have already appeared in the CONGRESSIONAL RECORD in order to save the expense of printing on the Executive calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations ordered to lie on the desk are as follows:

Royal E. McShea, and sundry other persons, for reappointment in the active list of the Regular Army of the United States;

Kevin M. Alaspa, and sundry other Naval Reserve Officers' Training Corps candidates, for permanent assignment in the Navy;

John R. Carlson, and sundry other persons, for appointment in the Regular Air Force;

Robert W. Abel, and sundry other officers of the Reserve of the U.S. Navy, for temporary promotion;

Frederick W. Chapman, and sundry other officers, for promotion in the U.S. Navy; and Dorsey J. Bartlett, and sundry other officers of the Marine Corps Reserve, for appointment in the Marine Corps.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TAFT:

S. 3368. A bill to provide for the continuation of programs authorized under the Vocational Rehabilitation Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS:

S. 3369. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the first $500 of interest on savings accounts received each year by individuals who have attained age 65. Referred to the Committee on Finance.

By Mr. SCOTT (for himself and Mr. BURDICK):

S. 3370. A bill to improve judicial machinery by amending title 28, United States Code, to authorize the recall of retired commissioners of the United States Court of Claims for temporary assignments. Referred to the Committee on the Judiciary.

By Mr. JACKSON:

S. 3371. A bill for the relief of Chief Master Sergeant Donald E. Rudy, U.S. Air Force. Refered to the Committee on the Judiciary.

By Mr. BELLMON:

S. 3372. A bill to amend the Internal Revenue Code of 1954 to provide for the recovery of reasonable attorneys' fees, as a part of court costs, in civil cases involving the internal revenue laws. Referred to the Committee on Finance.

By Mr. BROCK (for himself, Mr. BENNETT, Mr. BEALL, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. GURNEY, Mr. PACKWOOD, Mr. TAFT, and Mr. TOWER):

S. 3373. A bill to promote the utilization of improved technology in federally assisted housing projects and to increase productivity in order to meet our national housing goals, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. McGEE (for himself, Mr. COOPER, Mr. JAVITS, Mr. MOSS, Mr. FONG and Mr. MONDALE):

S.J. Res. 217. A joint resolution to create an Atlantic Union delegation. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TAFT:

S. 3368. A bill to provide for the continuation of programs authorized under the Vocational Rehabilitation Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. TAFT. Mr. President, today I introduce the Vocational Rehabilitation Amendments of 1972 to extend and improve assistance to our Nation's handicapped workers. There is no group of people in our Nation more deserving of the opportunity to train and help themselves. Training and employment for the disabled is a good investment in the future of the country as well as in the enrichment of the lives of these people.

Unfortunately, our laws have too frequently failed to recognize the great capacity which people have for self betterment. Our welfare laws have been generally structures simply to feed people and keep them alive, rather than renewing their lives and regenerating their productive abilities. The programs of the Federal Government in assisting handicapped Americans are closely related to the philosophy behind our efforts at welfare reform. We must focus on the rehabilitation of people, enabling them to renew their lives and to give them hope for a better tomorrow.

The bill which I am introducing today would continue and expand the program of general support grants to the States. The State plan requirements are amended in order to emphasize local administrative options and to expand the opportunity for comments and advice from citizens and professional groups, as well as from the disabled people who are the recipients of the services provided. In order to improve local delivery of vocational rehabilitation services, the bill would also provide for more flexibility in joint funding and joint administration at the community level where services are provided to disabled people.

The bill would also increase the amount which the Secretary could set aside for evaluation of programs carried out under the act in order to enable States to better evaluate their programs of services for disabled people.

Equity between States and the outlying areas in qualifying for Federal resources would be achieved under the amendments. Minimum allotment provisions would be extended to the outlying areas and American Samoa and the Trust Territory of the Pacific Islands would be included in the general support program. A reallotment provision, similar to that now in section 3 of the act, would also be added to section 2 in order to achieve better utilization of available Federal resources by the States.

The bill would also add a provision for planning and initiating programs to provide vocational rehabilitation services to those with spinal cord injuries and for low achieving deaf individuals. In addition, the bill would authorize advance funding which would help the States with respect to fiscal planning for their vocational rehabilitation programs.

Finally, Mr. President, the bill would authorize the Secretary to establish regulations limiting the income range in which, and the extent to which, State agencies could require recipients of vocational rehabilitation services to contribute to the cost of these services. The problem with the current situation is that within the States that presently have contributory programs, the standards for determining the ability of the individual to contribute very greatly and therefore result in gross inequities. In some States a disabled person with a family of four must contribute to the cost of his rehabilitation if family income is above $3,500, while in other States an individual is not required to contribute until his income is over $11,000. The proposal in this bill would simply empower the Secretary of the Department of Health, Education, and Welfare to promulgate reasonable and equitable rules based on ability to pay, to guide States in establishing requirements for contribution by individuals to the cost of their vocational rehabilitation.

The authorization levels in this bill for fiscal 1973 are exactly the same as for fiscal 1972. While I have worked very closely with the Department of Health, Education, and Welfare on this bill, I want to make it clear that the administration would prefer authorizing such sums as may be necessary to carry out the provisions of the act.

Mr. President, I am hopeful that this very important legislation will receive prompt action in the Senate. I ask unanimous consent to have printed in the RECORD the text of the bill.

There being no objection, the bill, was ordered to be printed in the RECORD, as follows:

S. 3368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vocational Rehabilitation Amendments of 1972".

EXTENSION OF APPROPRIATIONS AUTHORIZATIONS

SEC. 2. (a) Section 1(b) of the Vocational Rehabilitation Act is amended to read as follows:

"(b)(1) For the purpose of making grants to States under Section 2, there are authorized to be appropriated $710,000,000 for the sums as may be necessary for each of the next two fiscal years.

"(2) For the purpose of carrying out Section 4, there are to be appropriated $140,000,000 for the fiscal year ending June 30, 1973, and such sums as may be necessary for each of the next two fiscal years.

"(3) For the purpose of carrying out Section 12, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1973, and such sums as may be necessary for each of the next two fiscal years.

"(4) For the purpose of making grants under Subsection (a), Subsection (b), and Subsection (c) of Section 13, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1973, and such sums as may be necessary for each of the next two fiscal years.

"(5) For the purpose of carrying out Section 15, there are authorized to be appropriated $100,00,000 for the fiscal year ending June 30, 1973, and such sums as may be necessary for each of the next two fiscal years."

(b) Section 7 of such Act is amended by striking out subsection (d) thereof.

(c) Section 10 of such Act is repealed.

(d) Section 12 of such Act is amended by striking out subsection (i) thereof and redesignating subsection (j) as subsection (i).

(e) Section 13 of such Act is amended by striking out subsection (f) thereof.

(f) Subsection (a) of section 15 of such Act is amended by striking out paragraph (2) thereof and redesignating paragraphs (3) and (4) thereof as paragraphs (2) and (3), respectively.

INCLUSION OF PROGRAMS FOR THE LOW-ACHIEVING DEAF AND SPINAL CORD INJURED IN SPECIAL PROJECTS PROVISION

SEC. 3. Subsection (a) of section 4 of the Vocational Rehabilitation Act is amended by striking out "and" at the end of clause (2)(C) and by inserting before the period at the end of clause (2)(D) the following: ", and (E) make grants to public or nonprofit private agencies for paying part of the cost of planning, preparing for, and initiating programs to provide vocational rehabilitation services to individuals with spinal cord injuries or to low-achieving deaf individuals."

INCLUSION OF SERVICES FOR MIGRATORY AGRICULTURAL WORKERS IN SPECIAL PROJECTS PROVISION

SEC. 4. (a) Subsection (a) of section 4 of the Vocational Rehabilitation Act, as amended by section 3 of this Act, is further amended by striking out "and" at the end of clause (2)(D) and by inserting before the period at the end of clause 2(E) the following: ", and (F) make grants to any State agency designated pursuant to a plan approved under section 5, or to any local agency participating in the administration of such a plan, for paying part of the cost of pilot or demonstration projects for the provision of vocational rehabilitation services to handicapped individuals who, as determined in accordance with regulations prescribed by the Secretary of Labor, are migratory agricultural workers, and to members of their families (whether or not handicapped) who are with them, including maintenance and transportation of any such individual and members of his family where necessary to the rehabilitation of that individual. Maintenance payments under clause (2)(F) of that first sentence of this subsection shall be consistent with any maintenance payments made to other handicapped individuals in the State under a State plan approved under this Act. Grants under such clause shall be conditioned upon satisfactory assurance that in the provision of such services there will be appropriate cooperation between the grantee and other public or nonprofit private agencies having special skills or experience in the provision of services to migratory agricultural workers or their families. In administering the program authorized by clause (2)(F) of the first sentence of this subsection, the Secretary shall, for the purpose of achieving appropriate coordination, periodically consult with other Federal officials who administer programs for migratory agricultural workers under other provisions of law, including title I of the Elementary and Secondary Education Act of 1965, section 311 of the Economic Opportunity Act of 1964, and the Farm Labor Contractor Registration Act of 1963".

(b) The Vocational Rehabilitation Act is further amended by striking out section 17 thereof.

REALLOTMENT OF STATE GRANTS

SEC. 5. Section 2 of the Vocational Rehabilitation Act is amended by adding at the end thereof the following new subsection:

"(d) Whenever the Secretary determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he may make such amount available for carrying out the purposes of this section to one or more other States to the extent he determines such other State will be able to use such additional amount during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this Act, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year."

MODIFICATION OF ALLOTMENT PROVISIONS

SEC. 6. (a) Subsection (a) of section 2 of the Vocational Rehabilitation Act is amended by striking out "authorized to be appropriated by paragraph (1) of section 1(b) for meeting the cost of vocational rehabilitation services" in the first sentence and inserting in lieu thereof "appropriated for grants to States under this section", by striking out the second sentence of such section, and by striking out 'two sentences wherever it appears in the third sentence of such section and inserting in lieu thereof "sentence".

(b) Subsection (a) of section 2 of such Act is further amended by striking out "$1,000,000" and inserting in lieu thereof "an amount equal to one quarter of one per centum of the amount appropriated for such year for grants to States under this section".

(c) Paragraph (1) of section 15(a) of such Act is amended by striking out "authorized to be appropriated by paragraph (2) of this subsection for meeting the costs described in paragraph (3) of this subsection" in the first sentence and inserting in lieu thereof "appropriated for payments under this section".

PROVISIONS FOR OUTLYING AREAS

Extension of Minimum Allotment to Outlying Areas

SEC. 7. (a) Subsection (a) of section 2 of the Vocational Rehabilitation Act is amended by striking out "(other than the Virgin Islands, Puerto Rico, and Guam)".

Inclusion of American Samoa and Trust Territory of the Pacific Islands in State Programs

(b) Subsection (f) of section 11 of such Act is amended by striking out "and Guam; and, for purposes of section 4, 7, 12, and 13 only of this Act, American Samoa and the Trust Territory of the Pacific Islands, and for such purposes" and inserting in lieu thereof "Guam, American Samoa, and the Trust Territory of the Pacific Islands; for American Samoa and the Trust Territory of the Pacific Islands".

Application of Minimum Allotment Percentage

(c) Clause (B) of section 11(g)(1) of such Act is amended by inserting "the Trust Territory of the Pacific Islands, American Samoa," following "Guam,".

PROVISION TO ALLOW SOLE STATE AGENCY TO SHARE FUNDING WITH ANOTHER PUBLIC AGENCY

SEC. 8. Clause (ii) of section 5(a)(1)(A) of the Vocational Rehabilitation Act is amended by inserting "or any other public agency" following "another agency of the State".

TAKING INTO ACCOUNT OUTSIDE VIEWS

SEC. 9. Subsection (a) of section 5 of the Vocational Rehabilitation Act is amended by striking out "and" at the end of clause (13), by striking out the period at the end of clause (14)(C) and inserting in lieu thereof "; and", and by adding at the end of such subsection the following new clause:

"(15) provide satisfactory assurance to the Secretary that the State agency designated pursuant to paragraph (1) (or each State agency if two are so designated) and any sole local agency administering the plan in a political subdivision of the State will take into account, in connection with matters of general policy arising in the administration of the plan, the views of, among others, individuals who are recipients of vocational rehabilitation services, individuals who represent citizen groups; individuals who represent professional groups, and individuals who are providers of vocational rehabilitation services."

INCREASE IN TRAINING ALLOWANCES

SEC. 10. Paragraph (B) of section 13(a)(2) of the Vocational Rehabilitation Act is amended by striking out "$25" and inserting in lieu thereof "$30".

INCREASE IN AMOUNT FOR EVALUATION

SEC. 11. Subsection (e) of section 7 of the Vocational Rehabilitation Act is amended by striking out "$1,000,000" and inserting in lieu thereof "$3,000,000".

PARTICIPATION IN THE COST OF SERVICES

SEC. 12. Subsection (a) of section 5 of the Vocational Rehabilitation Act, as amended by section 9 of this Act, is further amended by striking out "and" at the end of clause (14)(C), by striking out the period at the end of clause (15) and inserting in lieu thereof "; and", and by adding at the end of such subsection the following new clause:

"(16) provide, in any case in which an individual is able to participate in the cost of his rehabilitation under the State plan, for such participation in accordance with regulations prescribed by the Secretary in the light of such ability."

TIME LIMITATION ON WORK EXPERIENCE

SEC. 13. Subsection (a) of section 5 of the Vocational Rehabilitation Act, as amended by sections 9 and 12 of this Act, is further amended by striking out "and" at the end of clause (15), by striking out the period at the end of clause (16) and inserting in lieu thereof "; and", and by adding at the end of such subsection the following new clause:

"(17) provide that where an individual participates in a program of work experience under the State plan, such participation shall not exceed one year in duration."

ALLOWING STATE AGENCY FOR THE BLIND TO ACT AS STATE EVALUATION AND WORK ADJUSTMENT AGENCY

SEC. 14. Paragraph (1) of section 15(c) of the Vocational Rehabilitation Act is amended by striking out "(other than the State blind commission or other agency providing assistance or services to the adult blind)".

INCLUSION OF INNOVATION IN REGULAR STATE PROGRAM

SEC. 15. (a) The Vocational Rehabilitation Act is amended by striking out section 3 thereof and redesignating sections 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, and 18, and all references thereto, as sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 17, respectively.

(b) The Vocational Rehabilitation Act is further amended by striking out—

(1) "(except for expenditures with respect to which the State is entitled to payments under section 3)" in section 2(b);

(2) "and section 3" in section 2(c);

(3) "or 3" wherever it appears in the section redesignated as section 4(c) by subsection (a) of this section;

(4) "or 3" in the first sentence of the section redesignated as section 5 by subsection (a) of this section; and

(5) "and 3" in the section redesignated as section 14(d) by subsection (a) of this section.

(c) Subsection (b) of Section 2 of such Act is amended by inserting, "including the innovation of such services," immediately following Vocational Rehabilitation Services wherever that phrase appears in such subsection.

ADVANCE FUNDING

SEC. 16. The Vocational Rehabilitation Act is amended by inserting after the section redesignated as section 14 by section 15(a) of this Act the following new section:

"ADVANCE FUNDING

"SEC. 15. To the end of affording the responsible State, local, and Federal officers concerned adequate notice of available Federal financial assistance under this Act, appropriations for carrying out this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation. In order to effect a transition to this method of timing appropriation action, the preceding sentence shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of appropriations for each of two consecutive fiscal years."

APPLICATION OF PROVISIONS OF FEDERAL LAW

SEC. 17. The Vocational Rehabilitation Act is amended by inserting after section 15 thereof, as added by section 16 of this Act, the following new section:

"APPLICATION OF PROVISIONS OF FEDERAL LAW

"SEC. 16. An individual who, as a part of his rehabilitation under a State plan approved under section 4 of this Act, participates in a program of work experience in a Federal agency, shall not, by reason thereof, be considered to be a Federal employee or to be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits."

EFFECTIVE DATE

SEC. 18. The amendments made by this Act shall become effective with respect to appropriations for fiscal years beginning after June 30, 1972.

By Mr. MOSS:

S. 3369. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the first $500 of interest on savings accounts received each year by individuals who have attained age 65. Referred to the Committee on Finance.

TAX EXEMPTION FOR ELDERLY

Mr. MOSS. Mr. President, I have taken the Senate floor many times during my tenure in the Senate to focus on the multiple problems which confront our senior citizens. The recent White House Conference on Aging placed many of these problems in perspective and Congress now has the responsibility for carrying out the recommendations of that Conference.

I am sure that it was no surprise to those concerned about the elderly to learn that inadequate retirement income was marked as the principal difficulty facing our older Americans. Older Americans are more than twice as likely to be poor as younger persons; one out of four individuals 65 years of age and older—in contrast to one in nine younger persons—may be classified as poor. But the story cannot be told strictly in terms of statistical poverty. Aged Americans, on the average, live on less than one-half the income of those under age 65. Only about one-third of the aged in 1968 had incomes large enough to provide what the Bureau of Labor Statistics defines as a "moderate" level of living for a retired couple.

Since publication of the 1968 report, a new 10-percent increase in social security benefits has taken effect and the chairman of the House Ways and Means Committee has recently held out the prospect of a dramatic 20-percent increase in social security benefits.

I have announced support for this important increase in social security benefits, particularly since we have been assured that it can be granted without increasing payroll taxes.

Handsome as this increase sounds, it is not the total answer to the income needs of our elderly. We must attack the problem from other directions.

For example, I have proposed increasing the amount of money that individuals can earn without forfeiting social security benefits from $1,680 a year to $2,520 a year, or $210 a month. H.R. 1, now before the Senate Finance Committee, will raise the amount that can be earned above $1,680 but the final amount must ultimately be resolved in House-Senate conference. I hope that my bill fixing the limit at $210 a month will be the minimum that is accepted by the conferees.

I have also suggested a program of rewards and incentives calling for senior citizen discounts on buses, trains, and on the airlines. I hope there will be progress in the near future on my bill, S. 1808, which would provide reduced fares for senior citizens on the airlines.

I believe we should encourage merchants to provide senior citizen discounts in a variety of consumer settings. There is ample evidence that this can be done successfully and even resulting in economic gain for the merchant.

Another approach to providing our senior citizens with more adequate retirement income is to lessen the burden of taxation. My bill, S. 3088, will provide relief against real estate taxes which are becoming confiscatory in many States.

Today I am introducing yet another bill which would amend the Internal Revenue Code to allow the first $500 in interest on savings accounts exempt from gross income for individuals who are 65 and over.

Some critics may suggest that there are not many seniors who have roughly $10,000 in the bank and, therefore, would not receive interest payment of $500 in a single year. Nevertheless, the few dollars which represent interest on savings up to this limit should be exempt from taxation as a matter of basic equity.

I would urge the adoption of this bill and the others that I have enumerated today as part of a larger approach to the devastating problem of indequate retirement income which is the key to so many of the other problems confronting our elderly.

By Mr. SCOTT (for himself and Mr. BURDICK):

S. 3370. A bill to improve judicial machinery by amending title 28, United States Code, to authorize the recall of retired commissioners of the U.S. Court of Claims for temporary assignments. Referred to the Committee on the Judiciary.

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to authorize the recall of retired commissioners of the U.S. Court of Claims for temporary assignments.

Mr. President, I am pleased to be joined in this effort by the distinguished chairman of the Senate Judiciary Subcommittee on Improvements in Judicial Machinery, Senator QUENTIN BURDICK. This bill is identical to legislation already introduced in the House of Representatives by House Judiciary Committee Chairman EMANUEL CELLER. Chairman CELLER held a hearing on his bill, H.R. 12979, on March 1, 1972.

The U.S. Court of Claims is a busy place. It has original jurisdiction to render judgment upon any claim against the United States founded upon the Constitution, any act of Congress, any executive regulation, any Federal contract and for any damages other than tort claims. In the last year alone, the number of plaintiffs on the court's trial division dockets has increased from 7,262 to 9,095. Additionally, the court has been given certain renegotiation cases, congressional reference cases and cases arising pursuant to the Alaska Native Claims Settlement Act.

The bill I am introducing today would help to meet this increased caseload by authorizing the Court of Claims to recall a retired commissioner for continued service for set periods of time. The cost of the proposal is minimal since the commissioners would already be receiving their annuities, and their salaries would reflect the difference. In the interest of an improved judicial system, I urge the enactment of this bill.

Mr. President, I ask unanimous consent to place in the RECORD testimony offered by the Honorable Wilson Cowen, chief judge of the U.S. Court of Claims, during the recent hearings before the House Judiciary Committee on this proposal.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF WILSON COWEN

On behalf of the United States Court of Claims I thank the Committee for this opportunity to appear in support of Chairman Celler's bill, H.R. 12979, introduced on February 7, 1972. If enacted this bill would, simply stated, authorize the court to recall a retired commissioner for continued service, with his acquiescence, for such periods as the court deems necessary.

There is really nothing novel or new about this proposal. It is akin, in principle, to 28 U.S.C. § 294 which authorizes the designation of retired federal judges (senior judges) to perform such judicial duties as they are "willing and able to undertake." All of the reasons which make this a wise provision with respect to judges apply to the commissioners, and there are additional reasons which are peculiar to the Court of Claims. Our court has long recognized this but the idea has not been implemented by law.

After it had first been approved by the Judicial Conference, the proposal now before you was passed by the House on October 1, 1962 (H.R. Rep. No. 2484 on H.R. 11086, 87th Cong., 2d Sess.). The companion measure, S. 3070, was favorably reported by the Senate Judiciary Committee in September 1962 but did not reach the Senate for a vote that year because it came too late in the session. It was reintroduced in the 88th Congress, 1st Session, as S. 102 and passed the Senate on October 16, 1963, but did not reach a vote in the House that year. On those occasions, the proposal was a part of a larger package which also provided improved retirement benefits for the commissioners of the court. In this bill the retirement features have been omitted altogether, leaving only the provisions for recall of commissioners.

I believe that this committee, because of its knowledge of the Court of Claims, is well aware of the importance of the commissioners to the work of the court. The commissioners are our trial judges. They handle all the pretrial and procedural motions, hear the cases, find the facts and write recommended conclusions of law which are appealable to the full bench of seven judges. Since our court has jurisdiction over any claim against the United States for money damages, except under the Federal Tort Claims Act, we are a busy court. Most of our cases are large claims, tax refunds, contract cases, military and civilian pay cases, taking cases, patent and copyright infringement cases, and transportation claims.

In the past 12 months the number of plaintiffs on the docket of the Trial Division has gone up from 7262 to 9095. On July 1, 1971, the Congress transferred the jurisdiction of the Tax Court over renegotiation cases to the Court of Claims. The commissioners now have 110 of these new cases, all large and complex.

From the time the court was created in 1855, and until more than 100 year thereafter, the Court of Claims conducted hearings and rendered advisory opinions to Congress on private bills which were referred by either the House or the Senate. However, as a result of the decision of the Supreme Court in *Glidden Co.* v. *Zdanok,* 370 U.S. 530 (1962), the judges of the court were compelled to discontinue any participation in these congressional reference cases. In order to meet this situation, Congress enacted Public Law 89-681 on October 15, 1966 (28 U.S.C. § 2509) under which all congressional reference cases are now referred to the Chief Commissioner, who assigns another commissioner to hear the case and make findings of fact and conclusions. After a review of his report by a panel of three commissioners, the report is transmitted by the Chief Commissioner to the appropriate House of Congress. The congressional reference cases involve disputed questions of fact and contested issues of law. Normally, as much time is required for the disposition of a congressional reference case as for a regular case in the court.

Also, in December 1971 Congress passed the Alaska Native Claims Settlement Act. In that Act Congress appropriated 2 million dollars to pay the fees and expenses of attorneys and consultants for services rendered in connection with that statute and also appropriated a fund of 600 thousand dollars to pay the expenses incurred by any bona fide association of Alaska natives in connection with the Act. Congress also provided that all of these claims are to be filed with the Chief Commissioner, who is authorized to utilize the services of other commissioners and personnel of the court in determining the amount to be paid the claimants. Like the congressional reference cases, these are not regular court cases. Since there are more than 200 of the Alaska native villages, we anticipate that the commissioners of the court may have to devote a considerable amount of time in hearing and determining the amount due the claimants under that Act.

The court is happy, as it always has been, to assist the Congress with these matters. However, it is now apparent that our trial commissioners cannot carry the increase in the regular caseload, plus the additional work mentioned, without falling behind and building up a backlog which would be unsatisfactory to the judges of the court as well as to the Congress. We therefore urge the approval of the bill before you as an efficient and economical means of assisting our commissioners to keep abreast of their work, believing it to be a desirable alternative to increasing the number of active commissioners.

There are several types of cases which commissioners who would be recalled pursuant to the pending bill would be especially well suited to handle. For example, we have pending now one congressional reference case in which about 6 million dollars is claimed. According to present estimates it will take 5 or 6 weeks just to hear the testimony in that case. The docket of the commissioner who tried it will necessarily suffer during the time he devotes to that case, much of which will be tried outside Washington, D.C. Thus, this would be an ideal case to assign to a recalled commissioner.

Another commissioner has 836 household goods cases, which are transportation claims. Each of these has to be individually processed and the time required for that purpose necessarily reduces the time the commissioner has for handling other cases. I could give several other examples, but I think these illustrate the types of cases in which judicial administration would be improved by assigning them to experienced commissioners recalled for that purpose.

Finally, at a time when every effort is being made to reduce Government expenditures, it appears to me that this bill presents an appealing proposition. Our commissioners receive a salary of $36,000 a year and their retirement is governed by the provisions of the Civil Service Retirement Act. A commissioner recalled under this bill would receive only the difference between his earned retirement annuity and the salary of an active commissioner. Thus, the court would be able to obtain the services of an experienced commissioner at a bargain rate. A commissioner retired on his full annuity of 80 percent of his salary would be working for 20 percent of the salary of the position. I would also emphasize that the total amount of additional cost involved would in any event be insubstantial. It is probable that we would not at any time have more than three or four commissioners working on a recall basis and some of these would work for only 6 months of the year. The court does not contemplate recalling a commissioner under this bill unless he has the physical and mental capacity to perform his duties efficiently and with dispatch. The recall of a retired commissioner would not provide any increase in his annuity, and his supplemental pay would be subject to the income tax.

In summary, Mr. Chairman, we considered that this measure will greatly assist the court in handling the cases within its statutory jurisdiction and is needed at this time in order to enable our trial commissioners to discharge their judicial duties and to perform the additional work which Congress has assigned to them. Measured against the results which we hope will be achieved, the cost of the bill would be minimal. We think that it offers the best vehicle for meeting our present needs as well as those that can be reasonably anticipated in the foreseeable future.

By Mr. BELLMON:

S. 3372. A bill to amend the Internal Revenue Code of 1954 to provide for the recovery of reasonable attorneys' fees, as a part of court costs, in civil cases involving the internal revenue laws. Referred to the Committee on Finance.

Mr. BELLMON. Mr. President, I introduce, for appropriate reference, a bill to permit the recovery of reasonable attorneys' fees, as a part of court costs, in civil cases involving income taxes.

The Internal Revenue Code and the regulations which govern its implementation are complicated and complex. These are rarely understood by the average citizen and as a result taxpayers are compelled to obtain professional legal and accounting services when differences with the Internal Revenue Service arise. Such services required when the Internal Revenue Service makes a determination on an individual's tax return are expensive. Many times taxpayers who are innocent of wrongdoing find it cheaper to pay the amount of the alleged shortage than to contest unfair Internal Revenue rulings in the courts. As a result, there is a great temptation for the IRS to resort to tactics which frequently border on extortion.

During the consideration of the Tax Reform Act of 1969, I offered this legislation as an amendment to that bill. During the preparation of this amendment, I had several discussions with officials of the Internal Revenue Service, which were most revealing.

The present system works to the disadvantage of the taxpayer. When there is disagreement regarding the amount of tax owed, the Internal Revenue Service communicates with the taxpayer and tells him that he has improperly filed his return and that he owes the Government of the United States a certain sum of money. Upon receipt of this communication, the taxpayer has two alternatives.

One, he can pay the IRS the amount which the agency claims is due. Or, he can begin the long and expensive struggle to try to prove that the amount claimed is not due. He may ultimately become involved in extensive and expensive litigation. Even if the citizen does prevail in a legal action, he really has not won because he is still burdened with the attorney's fees and other costs incident to the litigation. It is even possible to have a situation where the expenses involved exceed the actual amount of additional tax claimed by the Internal Revenue Service.

Every citizen of this country must pay the full and fair amount of tax due under the law. With that responsibility, the taxpaying citizen must also have adequate protection against unfair taxation. This bill help assure an innocent citizen that he cannot be coerced by an agency of the Federal Government into paying unfair taxes. By allowing the citizen who successfully contests an IRS ruling in court to recover reasonable attorneys' fees as a part of a judgment of costs entered by the tax court, the taxpayer can then defend his position assured that if he proves his innocence he will not be penalized by high court costs.

Mr. President, I ask that the complete text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part II of subchapter C of chapter 76 of the Internal Revenue Code of 1954 (relating to Tax Court procedure) is amended by adding at the end thereof the following new section:

"Sec. 7465. Recovery of Costs.

"(a) In General.—In any proceeding before the Tax Court for the redetermination of a deficiency, the prevailing party may be awarded a judgment of costs to the same extent as is provided in section 2412 of title 28, United States Code, for civil actions brought against the United States.

"(b) Judgment.—A judgment of costs entered by the Tax Court shall be treated, for purposes of this subtitle, in the same manner—

"(1) as an overpayment of tax, in the case of a judgment of costs in favor of the petitioner, and

"(2) as an underpayment of tax, in the case of a judgment of costs against the petitioner.

No interest or penalty shall be allowed or assessed with respect to any judgment of costs."

(b) Clerical and Conforming Amendments.—

(1) The table of sections for such part II is amended by adding at the end thereof the following new item:

"Sec. 7465. Recovery of costs."

(2) Section 2412 of title 28, United States Code, is amended—

(A) by inserting "(a)" before "Except", and

(B) by adding at the end thereof the following new subsection:

"(b) In any civil action which is brought by or against the United States for the collection or recovery of any internal revenue tax, or of any penalty or other sum under the internal revenue laws, and in which the United States is not the prevailing party, a judgment for costs may include reasonable attorney's fees."

(c) Effective Date.—The amendments made by this Act shall apply only with respect to civil actions and proceedings for the redetermination of deficiencies commenced after the date of the enactment of this Act.

By Mr. BROCK (for himself, Mr. Bennett, Mr. Beall, Mr. Dole, Mr. Dominick, Mr. Fannin, Mr. Gurney, Mr. Packwood, Mr. Taft, and Mr. Tower):

S. 3373. A bill to promote the utilization of improved technology in federally assisted housing projects and to increase productivity in order to meet our national housing goals, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

UTILIZATION OF IMPROVED TECHNOLOGY IN FEDERALLY ASSISTED HOUSING

Mr. BROCK. Mr. President, on behalf of myself and Senators Bennett, Beall, Dole, Dominick, Fannin, Gurney, Packwood, Taft, and Tower, I am today sending to the desk for proper reference proposed legislation which represents an enormous step toward reducing the exorbitant cost of housing construction.

Mr. President, this proposal is identical to the amendment I offered on the floor March 2, during the debate on the 1972 Housing and Urban Development Act. I withdrew the amendment at the request of the distinguished chairman of the Banking, Housing and Urban Affairs Committee (Mr. Sparkman) who offered public hearings during the month of May.

In essence, the bill will provide a civil remedy for individuals adversely affected by the enforcement of restrictive codes or agreements which prevent the use of improved techniques or materials in the construction of federally assisted housing. I honestly believe that only with the utilization of industrialized housing techniques can this Nation overcome a current housing shortage and at the same time bring the costs of homes back within the range of the average American family.

When I cast the lone dissenting vote against the omnibus housing bill, I expressed my deep concern that the average family finds it virtually impossible to own its own home without some sort of public subsidy. The bill this body passed on March 2 recognizes that condition and provides a Federal subsidy for every family whose income is at or below the median income. How paradoxical. The bulk of our Federal revenue comes from this same average family. Yet now we must turn around and support with their own tax dollars those who desire to acquire shelter.

I am dismayed with our own inability to seek alternatives to the many problems in the housing area we have created over the years through our own altruistic endeavors with taxpayers' money. We must focus attention on these problems and begin seeking some solutions. How? First, we must bring the cost of housing construction down. My bill confronts this vexation head on by challenging the validity of the bewildering array of local building codes or work practices, described for years as anachronistic, conflicting, and unnecessary to safe and healthful working conditions. The salient points of the legislation are as follows:

First, the bill provides a remedy for any person, including a builder, contractor or manufacturer, who, in any federally assisted housing program, is adversely affected by restrictive codes or agreements.

Second, through a civil court action, such an aggrieved party may prevent the enforcement of any local code, law, ordinance, or work rule that is unrelated to health or safety and restricts the use of new techniques or materials in construction or rehabilitation.

Third, relief may be obtained by the person suffering the injury. No action by a Government agency is required.

Fourth, the remedy does not apply if the restrictive code or work practice is required to protect the health and safety of working or living conditions. If this defense is raised, a new product or technique will be presumed to meet the required tests by conforming to standards established by any nationally recognized standard setting or testing agency—designated by the Secretary of Housing and Urban Development—and qualified and equipped to perform suitable tests and evaluations. Similar standards are widely used in local building codes.

Fifth, a court may order equitable or preventive relief and damages although damages may not be assessed against a local governmental body.

Sixth, the safety and health issue and all other questions under the statute will be decided by a local, State, or Federal court.

It is important to note that my bill does not provide the means for establishing national building standards since the court action is initiated by a private party and is determined by a local court, all without the involvement of a Federal agency. I believe this point should be emphasized since under my proposal a Federal agency does not prescribe what should or should not be included in local building codes and ordinances.

The Secretary of Housing and Urban Development has set as a goal the construction of 26 million new housing units during the decade ending in 1978. If we are to come close to meeting this goal and insure that a major proportion of the housing units will be available to our lower income citizens, immediate steps must be taken to curtail spiraling construction costs. My bill is a necessary first step.

I refer my colleagues to my remarks on March 2, starting on page 6572 of the Congressional Record and ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) any provision or requirement in any building code or other local law or ordinance, or in any contract or agreement, or any practice or other restraint which interferes with or restricts the use of new or improved techniques, methods, or materials or the use of preassembled products in connection with any development, construction, rehabilitation, or maintenance activity assisted under any program administered by the Secretary of Housing and Urban Development shall be unlawful with respect to such activity except where such provision, requirement, practice, or restraint is determined to be necessary to assure safe and healthful working or living conditions, except that any such technique, method, material, or product that conforms to appropriate standards adopted by any nationally recognized standard setting or testing agency (1) approved by the Secretary of Housing and Urban Development, and (2) qualified and equipped to perform suitable tests or evaluations, shall, in the absence of clear and convincing contrary evidence, be presumed to have no adverse effect on such working or living conditions.

(b) Any person who is aggrieved because of any provision or requirement in any building code or other local law or ordinance, or because of any contract, agreement, practice or other restraint unlawful under subsection (a) of this Act may bring a civil action in any appropriate United States district court notwithstanding any other provision of law and without regard to the amount in controversy, or in any appropriate State or local court of general jurisdiction to obtain equitable or preventive relief for violations of this section, or for appropriate damages, and may request such relief, or enter a claim for such damages, in any court whenever relevant in connection with a defense to, or counterclaim in, any suit or action brought against such person in that court, except that damages shall not be awarded where the person bringing the action under this section is aggrieved by reason of any provision or requirement in any building code or other local law or ordinance.

By Mr. McGEE (for himself, Mr. Cooper, Mr. Javits, Mr. Moss, Mr. Fong, and Mr. Mondale):

S.J. Res. 217. A joint resolution to create an Atlantic Union delegation. Referred to the Committee on Foreign Relations.

Mr. McGEE. Mr. President, today I am introducing a Senate joint resolution calling for a convention of delegates from the United States and the North Atlantic community to explore the possibility of forming an Atlantic Union.

The resolution would create an Atlantic Union delegation from the United States, composed of 18 eminent citizens. Six of the delegates would be appointed by the Speaker of the House, after consultation with the House Committee on Foreign Affairs; six by the President of the Senate, after consultation with the Senate Committee on Foreign Relations; and six by the President of the United States.

The U.S. delegation would be authorized to organize and participate in a convention made up of similar delegations from the North Atlantic parliamentary democracies desiring to join in exploring the feasibility of forming an Atlantic Union. All members of the U.S. delegation would be free from official instructions and free to speak and vote individually at the convention.

The formation of an Atlantic Federal Union is an idea whose time has come.

What this convention would explore is the possibility of applying the genius of our own U.S. federal system to the broader Atlantic community.

It is true that Western European nations are focusing their attention to the strengthening and enlargement of European institutions. However, this process is not one which demands a weakening of our relationship and ties with Europe. This process is a necessary step toward the strengthening of our partnership with Europe.

Western European nations have been successful, to a great degree, in breaking down many age-old psychological barriers to greater unity. They have shown that progress toward political amalgamation can be practical politics. However, our allies are the first to realize that even in unity, Europe is still too small to deal alone with many modern problems.

Another factor in our pursuit of an Atlantic Union is the historical relationship between the United States and Europe. America's destiny has always been tied to that of Europe's. We share a common heritage, ideals, and interests. We are thus in a better position collectively to maintain peace and freedom than any other universal grouping of nations.

Our Founding Fathers realized that, in establishing a Federal Union over the Original Thirteen Colonies, this unity was the source of their strength. The same can be said of our relationship with the North Atlantic community. A federation of the major nations of Western civilization would be formidable indeed and would result in a political institution large enough to deal successfully with the supranational problems now confronting us.

This raises a very critical question for not only the United States but also the Atlantic community. Our social, economic, and political problems are supranational in scope. Scientific and technological development is no respecter of national boundaries. Neither is world economic development as evidenced by our own Nation's recent monetary crisis. Poverty and disease are not confined to national boundaries. The environmental problems associated with air and water pollution can be found in every Western nation.

The choice before the NATO countries is whether we face each of these social, economic, and political problems individually in a piecemeal fashion as limited by the requirements of the nation-state, or if a common approach is much more practical and feasible. Without supranational institutions to deal with these supranational problems, societies cannot expect to continue functioning with any efficiency whatsoever.

The Federal answer to our supranational problems, even as promising and time-tested as it is, has not been explored at all with any other nation to this date. It is strange that we have not yet done so when we look at our own experience with the alliance system—witness the Articles of Confederation—and the great strength found in our own Federal system.

The proposed Atlantic convention is exploratory in nature. Mr. President, this resolution does not commit anyone to forming or entering an Atlantic Union Federation or any type of organization or agreement. It commits us and the other participating nations to only exploring. The only requirement is that the delegates to the convention report the findings of the convention to their respective nations. The Government and the peoples of the participating nations could then approve or reject the findings of the convention.

The resolution would have us explore the Federal answer to the challenges which face us and explore it by the Federal convention approach. It would have us look for solutions in the system of Federal Union which our Founding Fathers developed—a system which has proved effective in the heart of Europe.

The time has come for those of us who live in the North Atlantic community to begin exploring ways in which we may jointly tackle the burgeoning problems which are rapidly becoming too great for any one nation to deal with alone. We are all aware of the regional problems of defense and economics which now face us. These will become even greater unless new and more efficient political institutions are developed.

The world is confronted with ever-increasing numbers of people, ever-increasing depletion of natural resources, and an ever-increasing degradation of a common environment. As no one country is solely responsible for these problems, it is obvious that no one country can make even a major contribution to the solution of this international dilemma.

It is obvious that the North Atlantic countries are interdependent in many ways. The great preponderance of all our international trade is with each other. However, if any one of our NATO allies were to take all of the costly measures required to clean up its own water and air, and its neighbors did not choose to follow suit, that country would find itself at a great competitive disadvantage compared to its neighbors. If the industries in one country are required to assume many additional costs to abate pollution, it might well be that their products would not be competitive with those of another country which still permitted unlimited pollution. If one country is to undertake the expense of ending pollution, its trading partners must be required to do likewise. This is impossible to do under any international arrangements or institutions now existing.

Those of us around the North Atlantic, without question, can do many things together far better than we can do them alone. We can do them cheaper and with increased efficiency if we act with a unity of purpose.

The economic and foreign policies of the United States and Western Europe are so inextricably intertwined that to withdraw from participation in one area would only invite disaster in the other. Yet, we are faced with a growing isolationism in this country. The Atlantic Union resolution counters this strong isolationist tendency.

Economically, our relationship with Western Europe is one of complex interdependence. Witness, for example, the General Agreement on Tariffs and Trade, the Organization for Economic Cooperation and Development, the World Bank, enactment of legislation which led to the International Monetary Fund, the the Kennedy round of drastic tariff reductions.

Yet, the Atlantic community has suffered severe setbacks in recent years. The monetary crisis continues. England is now a member of the Common Market which threatens the loss of valuable U.S. trade markets. NATO is in difficulty with France out of the integrated command of this alliance. Most of Europe is uneasy about the U.S. commitment on the Continent. People are asking: "Where do we go from here?"

Mr. President, the Atlantic Union resolution is forward looking in that it is aimed at developing better institutions for dealing with all of these problems. It provides the only effective way to deal with multinational problems of defense, economics, pollution, and many others.

The Atlantic Union concept has been endorsed in the past by many notable figures who have served, at one time or another, as elected officials of our Government. On April 26, 1951, Gen. Dwight Eisenhower stated in an interview:

> I do not see how anyone can get away from it—in union there is strength—I believe that if we got effective political union in the Atlantic we could cut our defense costs by half.

In 1966, President Nixon, then acting as a private citizen, gave a very articulate endorsement of the Atlantic Union resolution then pending before Congress. The President stated that:

> Although the accomplishment of the ultimate goal of the resolution may well be impossible to attain for many years, recent events of history and numerous scientific and technological advances of the past 20 years point the way in this direction. It would be foolish for us to ignore the fact that science and history are even now fatefully combining to accomplish the same goal. Perhaps by anticipating the further shrinking of the world, the dialogue which this resolution contemplates will provide a resourceful tool for coping with the problems of a world which in 20 years will have undergone even more drastic changes than have occurred since World War II.

Many other public figures have expressed similar support for the Atlantic Union concept. It is also interesting to note that the State Department has no objection to this resolution.

The text of my Atlantic Union resolution is the same as that of House Joint Resolution 900 which has more than 100 cosponsors and which, just yesterday, was reported favorably to the floor of the House by a vote of 22 to 9 in the House Committee on Foreign Affairs.

ORDER FOR STAR PRINT OF S. 3311

Mr. CRANSTON. Mr. President, on March 7, 1972, I introduced S. 3311, the Public Service Employment Act of 1972, for myself and other Senators.

Upon receipt of the printed copy, I noticed an error of substance.

On page 10, line 2, the word "twelve" should appear before the word "months."

I ask unanimous consent that S. 3311 be star printed in the same special quantity as originally printed, in order to rectify this error.

The PRESIDING OFFICER (Mr. Bentsen). Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 687

At the request of Mr. Boggs, the Senator from Michigan (Mr. Griffin) was added as a cosponsor of S. 687, the Opportunities Industrialization Assistance Act.

S. 2219

At the request of Mr. Cranston, the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 2219, the proposed "Veterans' Administration Health Manpower Training Act of 1971."

S. 2245

At the request of Mr. Pearson, the Senator from Michigan (Mr. Griffin) was added as a cosponsor of S. 2245, a bill authorizing the issuance of a special series of savings bonds, the interest on which would be protected against increases in the cost of living, for purchase by individuals who have attained age 65.

S. 2909

At the request of Mr. Percy, the Senator from Tennessee (Mr. Baker), the Senator from Maryland (Mr. Beall), the Senator from New Jersey (Mr. Case), the Senator from Oklahoma (Mr. Harris), the Senator from Oregon (Mr. Hatfield), the Senator from Rhode Island (Mr. Pastore), the Senator from West Virginia (Mr. Randolph), the Senator from Alaska (Mr. Stevens), and the Senator from Ohio (Mr. Taft) were added as cosponsors of S. 2909, the National Blood Bank Act.

S. 2939

At the request of Mr. Brock, the Senator from Washington (Mr. Jackson) was added as a cosponsor of S. 2939, a bill to establish a National Commission on Corrections.

S. 2956

At the request of Mr. Javits, the Senator from Connecticut (Mr. Ribicoff), the Senator from Hawaii (Mr. Inouye), the Senator from Florida (Mr. Chiles), and the Senator from Connecticut (Mr. Weicker) were added as cosponsors of S. 2956, the War Powers Act.

S. 3063

At the request of Mr. Byrd of West Virginia for Mr. Muskie, the Senator from Tennessee (Mr. Baker), the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from Tennessee (Mr. Brock), the Senator from North Dakota (Mr. Burdick), the Senator from Florida (Mr. Chiles), the Senator from Idaho (Mr. Church), the Senator from North Carolina (Mr. Ervin), the Senator from Missouri (Mr. Eagleton), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Jackson), the Senator from New York (Mr. Javits), the Senator from North Carolina (Mr. Jordan), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pastore), the Senator from Kansas (Mr. Pearson), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), the Senator from Connecticut (Mr. Ribicoff), the Senator from Pennsylvania (Mr. Schweiker), the Senator from Illinois (Mr. Stevenson), the Senator from California (Mr. Tunney), and the Senator from North Dakota (Mr. Young), were added as cosponsors of S. 3063), to amend the Internal Revenue Code to permit tax-exempt organizations to engage in communications with legislative bodies.

S. 3067

At the request of Mr. Javits, the Senator from Maryland (Mr. Beall), the Senator from New Jersey (Mr. Case), the Senator from Pennsylvania (Mr. Schweiker), and the Senator from New Jersey (Mr. Williams) were added as cosponsors of S. 3067, a bill to eliminate racketeering in the sale and distribution of cigarettes and for other purposes.

S. 3125

At the request of Mr. Jackson, the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of S. 3125, a bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Columbia-Snake-Palouse program.

S. 3142

At the request of Mr. Muskie, the Senator from Ohio (Mr. Taft) was added as a cosponsor of S. 3142, a bill to provide $85 million for assistance to Soviet Jewish refugees in Israel.

S. 3152

At the request of Mr. Chiles, the Senator from Oregon (Mr. Hatfield) and the Senator from Indiana (Mr. Hartke) were added as cosponsors of S. 3152, a bill to amend the Internal Revenue Code of 1954 to provide that no interest shall be payable by a person to whom an erroneous refund is made if the erroneous refund is made due to error by an officer or employee of the United States.

S. 3156

At the request of Mr. Percy, the Senator from Tennessee (Mr. Brock) was added as a cosponsor of S. 3156, a bill to establish Federal policy concerning the selection of funds and individuals to perform architectural, engineering, and related services for the Federal Government.

S. 3302

At the request of Mr. Pearson, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 3302, a bill to amend the Airport and Airway Development Act of 1970, in order to make certain airports where the landing area is owned by the United States or an agency thereof eligible for assistance under such act.

SENATE JOINT RESOLUTION 215

At the request of Mr. Aiken, the Senator from Vermont (Mr. Stafford) was added as a cosponsor of Senate Joint Resolution 215, proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of President and Vice President of the United States.

SENATE CONCURRENT RESOLUTION 69—SUBMISSION OF A CONCURRENT RESOLUTION TO REVISE THE FORMULA FOR DISTRIBUTING SPECIAL DRAWING RIGHTS

(Referred to the Committee on Foreign Relations.)

Mr. JAVITS. Mr. President, I submit a concurrent resolution to alter the formula for distributing special drawing rights—SDR's—and allocate a larger proportion to developing countries.

This concurrent resolution has been submitted in the other body by Representative Henry S. Reuss, of Wisconsin, the chairman of the Subcommittee on International Exchange and Payments of the Joint Economic Committee, of which I am the ranking Republican member.

As the resolution states:

> The U.S. should favor review and revision of the formula and process for distributing SDR's to insure that they are promoting maximum economic welfare for all IMF member countries by (a) assuring an appropriate supply of international liquidity; (b) facilitating economic growth in low-income countries; and (c) expanding the exports of the United States and other industrial countries, with a beneficial impact on employment.

Under the current distribution formula, industrial countries receive 73 percent of the SDR's and poor nations obtain only 27 percent in the initial allocations. This disparity, the two sponsors emphasized, tends to exacerbate, rather than diminish, the income gap between industrial and developing nations.

The bulk of newly allocated SDR's will eventually find their way into the reserve balances of industrial nations regardless of the distribution formula, Javits and Reuss pointed out. The issue that arises, therefore, relates to the transitional impact on wealth and real incomes of any particular distribution formula. The question is not whether the world needs a special drawing rights mechanism—it does—or even how many SDR's should be distributed during a given period—an overwhelming majority of IMF members must agree on a particular amount. The issue is one of equity.

The present distribution formula, as the resolution explains, constrains low-income countries from increasing imports of capital goods and other items essential to development as much as they would like. Consequently, exports of these products from industrial nations, including the United States, are curtailed. We thereby forgo a strengthening of the U.S. trade balance and additional jobs for Americans that could come from a revised formula for distributing SDR's.

Aside from the objections of developing countries about the current distribution formula, the SDR facility will probably require amendment as the outcome of coming negotiations to diminish the reserve-currency role of the dollar and to immobilize excess outstanding dollar reserves. Thus, the time is appropriate for also revising the SDR distribution formula. Giving a larger proportion of SDR allocations to developing countries and thereby enabling industrial nations to export more would ease a conflict on trade balances that is likely to arise among industrial countries. Each of the latter desires to have a zero trade balance at worst and prefers a surplus. Multilateral agreement on international monetary reform is therefore likely to come more easily and speedily if the wealthy countries are willing to allocate a larger percentage of SDR distributions to the poorer nations of the world.

The text of the concurrent resolution follows:

S. Con. Res. 69

Whereas the International Monetary Fund (IMF) in July 1969 approved a program to create $9.4 billion of Special Drawing Rights (SDRs) over an initial three-year basic period; and

Whereas the distribution of SDRs under the initial schedule has been completed, and the first three-year basic period closes as of December 31, 1972; and

Whereas agreement will therefore be necessary this year to establish the duration of the next basic period and the quantity of special drawing rights to be issued; and

Whereas the purpose of the SDR program is to assure an adequate supply of national liquidity and thereby encourage countries to (a) follow sound economic policies; (b) avoid unnecesary barriers to trade; and (c) stimulate conomic growth; and

Whereas forthcoming negotiations to reform the international monetary system are likely to require amending the Articles of the IMF, including the special drawing rights facility; and

Whereas the current distribution formula—under which special drawing rights are allocated to members in proportion to their IMF quotas—has the chief disadvantage of giving 73 percent of the SDRs to industrial countries and only 27 percent to developing nations so that the latter are constrained in their purchases from industrial countries of capital goods and other imports essential for economic development; and

Whereas a revised mechanism that (a) allocated more of the benefits of SDR creation to developing nations; and (b) enabled industrial countries, including the United States, to earn SDRs by exporting to low-income countries would reduce the above disadvantage. Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the U.S. should favor review and revision of the formula and process for distributing SDRs to insure that they are promoting maximum economic welfare for all IMF member countries by (a) assuring an appropriate supply of international liquidity; (b) facilitating economic growth in low-income countries, and (c) expanding the exports of the United States and other industrial countries, with a beneficial impact on employment, and be it further

Resolved, That in negotiating an agreement to reduce excessive official reserve balances of dollars and sterling—perhaps by exchanging them for a supplementary issue of SDRs—the President should consider favorably an agreement respecting Special Drawing Rights that will also place additional funds at the disposal of developing countries via the International Development Association and/or the regional development banks.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 66

At the request of Mr. Pearson, the Senator from Tennessee (Mr. Brock), the Senator from Hawaii (Mr. Fong), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. Mondale), the Senator from Illinois (Mr. Percy), the Senator from Pennsylvania (Mr. Scott), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of Senate Concurrent Resolution 66, expressing the sense of Congress that the United States should negotiate for the use of foreign currencies to pay Peace Corps expenses to countries where these currencies are held.

SENATE RESOLUTION 281—SUBMISSION OF A RESOLUTION RELATING TO THE USE OF ENVIRONMENTAL OR GEOPHYSICAL MODIFICATION ACTIVITIES AS WEAPONS OF WAR

(Referred to the Committee on Foreign Relations.)

WEATHER MODIFICATION SHOULD NOT BE AN INSTRUMENT OF WARFARE

Mr. PELL. Mr. President, I am today submitting a resolution expressing the sense of the Senate that the United States should seek negotiation of a treaty to prohibit the use of environmental or geophysical modification activities, or research directed thereto, as weapons of war. Joining me in sponsoring this resolution are Senators Case, Cooper, Cranston, Hart, Hughes, Humphrey, Javits, Kennedy, McGovern, Mondale, Nelson, Tunney, and Williams.

Mr. President, the enormous power and capricious behavior of the environment has amazed and terrified man throughout the ages. Its vast and destructive powers have launched him on a relentless search for an effective method to harness its overwhelming forces. Once achieved, this ability to control and manipulate the environment will provide him with a means to wreak untold and indiscriminate damage upon his fellow human beings.

Although our present understanding and development of deliberate environmental change makes it difficult to imagine a world in which geophysical warfare is practiced, substantial progress within the environmental sciences is rapidly overcoming this gap between fact and fiction.

The progress is particularly evident in the field of weather modification.

Beginning in 1921, various scientific proposals were made and numerous experiments were conducted throughout the world in an effort to produce or augment rainfall. In 1930, the first successful experiments were conducted in the Netherlands by seeding clouds from an airplane. Shortly thereafter, in 1931, the Soviet Union established the Artificial Rain Institute at Moscow with branches at Leningrad, Odessa, and Ashkhabad. Also, during this period, field tests were being conducted in the United States under the auspices of the U.S. Army Signal Corps.

In 1946, a research team of the General Electric Co. achieved the first laboratory verification of the process of atmospheric ice crystal formation, and conducted the first scientific field demonstrations of the large-scale modification of supercooled clouds.

It was during this period of 1947–51, that the General Electric Co., under the sponsorship of the Defense Department, initiated Project Cirrus which was to develop the basic technology used in weather modification today.

These techniques have been utilized successfully by the Department of Defense on several occasions.

A dramatic example was the project entitled Gromet II. This operation was the direct result of a severe drought in the Philippine Islands during 1968 and 1969. In an effort to alleviate this situation, the Government of the Philippines requested the Defense Department to conduct an extensive rainmaking project. After only 2 months of actual cloud seeding, it was estimated that the project had produced more than 12 million acre feet of rainfall and increased the value of the sugar crop by approximately $43 million. The project was so successful that the Philippine Government conducted similar operations in 1970 and 1971, and has subsequently taken steps to acquire an independent capability to annually augment its rainfall.

At the present time, the Department of Defense is conducting a climate modification project entitled Nile Blue. Under this project, a large and very powerful computer called the Iliac IV is being developed in order to predict the effects of various modifications that man might make in the environment. The Department has received $1.4 million for this project in fiscal year 1971, $2.587 billion in fiscal year 1972 and is requesting $3.09 million for fiscal year 1973. During the Senate appropriations hearings, Dr. Stephen J. Lukasik, Director of ARPA, submitted the following description of this project:

> Since it now appears highly probable that major world powers have the ability to create modifications of climate that might be seriously detrimental to the security of this country, the Nile Blue subproject was established in FY 70 to achieve a U.S. capability to: (1) evaluate all consequences of a variety of possible actions that might modify the climate, (2) detect trends in the global circulation which foretell changes in the climate either natural or artificial, and (3) determine, if possible, means to counter potentially deleterious climatic changes.

These developments in the field of weather modification indicate the extent and proficiency of the military's ability to modify the environment. In view of these developments, I have been very much concerned about the unofficial and unconfirmed reports that the United States has utilized weather modification techniques in Southeast Asia as a weapon of warfare.

As chairman of the Foreign Relations Subcommittee on Oceans and International Environment, I wrote to the Pentagon on September 23, 1971, requesting specific information about such activities. After 4 months of correspondence—which I made public on the floor of the Senate on January 26, 1972—the Defense Department declined to publicly answer my questions on the basis that such replies would threaten the national security. In effect, this response seems to confirm my fear that some form of weather modification warfare is being conducted or has been conducted in Southeast Asia.

In my own view, any attempt to use environmental modification as an instrument of warfare would be extremely shortsighted. The use of rainmaking as a weapon of war can only lead to the development of vastly more dangerous environmental techniques whose consequences may be unknown and may cause irreparable damage to our global environment. This is why the United States must move quickly to ban weather, climate, and geophysical modfication from the international arms race.

In the past, although the United States has vigorously urged increased international cooperation on basic atmospheric research, we have not been anxious to promote increased international cooperation specifically in weather modification activities. On the few occasions when proposals have been made for some kind of international endeavor, the United States response has generally been cautious. For example, in 1965 Bulgarian Prof. L. Krastanov introduced a proposal before the World Meteorological Organization's Advisory Committee which urged the world community to cooperate in its weather modification research. In response to this proposal, the United States moved that further study be conducted on the procedural questions involved, thereby effectively quashing any progress in that direction.

There have, however, been numerous indications that many U.S. policymakers favor some kind of international agreement in this field.

In June 1965, then Assistant Secretary of State Harlan Cleveland stated that—

> We won't want other nations modifying our weather, and so we will certainly have to accept some restraints on our freedom to modify theirs.

Also in 1965, the late John von Neuman, the noted scientist and member of the Atomic Energy Commission commented that—

> Present awful possibilities of warfare may give way to others even more awful. After global climate control becomes possible, perhaps all our present involvements will seem simple. We should not deceive ourselves; once such possibilities become actual, they will be exploited. It will, therefore, be necessary to develop suitable new political form and procedures.

In 1966, the Committee on Atmospheric Sciences in its final report to the National Academy of Sciences urged that recognition be given to the international implications of weather modification activities. It asserted that the development of political and social control over the power to modify the atmospheric environment would be necessary, both internationally and nationally, in order to limit its use to constructive purposes.

Similarly, Secretary of State William P. Rogers stated on January 26, 1971, that—

> We are anxious to apply weather modification technology, as it becomes operational, to the problems of developing countries. We are also alert to the need to consider international arrangements to deal with the applications of this new phenomenon.

At this point in time, I find myself in agreement with this line of thinking. The United States must make every effort to insure that all environmental techniques will be used only for peaceful purposes. As I stated on the floor of the Senate on December 15, 1971—

> The United States should consider all possible preventive courses of action. As opposed to its official silence, or actions condoning a gradual drift into environmental warfare, the administration should explore both the advantages of a renunciation of such operations and the possible benefits stemming from an initiative for a multilateral "no first use" agreement. Experience in arms control has demonstrated that a distinct barrier is best accomplished by a blanket prohibition of activities likely to lead to the development of a new weapons category. In the absence of such a ban, the way is left open to the planning, development and eventual prosecution of some form of deliberate environmental warfare. It is imperative that restraint be exercised early in the developmental stages before irretrievable precedents are set.

Therefore, I urge, as I did on December 15, that the President make an announcement dedicating all geophysical and environmental research to peaceful purposes. I also hope that the United States, as cochairman of the United Nations Disarmament Committee, will take the initiative in framing and introducing a broad treaty imposing a ban on all forms of geophysical and environmental warfare. By doing so, the United States would enhance world order and stability, and encourage a greater sense of openness in the application of new technologies to the environmental problems of global concern.

In order to further this objective, I am today submitting a resolution setting forth a draft treaty on this subject. I hope that this resolution will generate discussion and action in this area.

I ask unanimous consent, Mr. President, that the text of my resolution be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. The treaty proposed in this resolution is brief and straightforward. Under the agreement, nations would undertake to prohibit and prevent any environmental or geophysical modification activity as a weapon of war, or any research or experimentation relating to development of these activities as weapons of war.

I would add, in conclusion, that I hope the question of environmental modification as a weapon of war will be considered by the United Nations Conference on the Human Environment to be held in Stockholm in June.

EXHIBIT 1

S. RES. 281

Whereas there is vast scientific potential for human betterment through environmental and geophysical controls;

Whereas there is great danger to the world ecological system if environmental and geophysical modification activities are not controlled or if used indiscriminately;

Whereas the development of weapons-oriented environmental and geophysical modification activities will create a threat to peace and world order; and

Whereas the United States Government should seek agreement with other governments on the complete cessation of any research, experimentation, or use of any such activity as a weapon of war: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Government should seek the agreement of other governments to the following treaty providing for the complete cessation of any research, experimentation, and use of any environmental or geophysical modification activity as a weapon of war:

"The Parties to this Treaty,

"Recognizing the vast scientific potential for human betterment through environmental and geophysical controls,

"Aware of the great danger to the world ecological system of uncontrolled and indiscriminate use of environmental and geophysical modification activities,

"Recognizing that the development of weapons-oriented environmental and geophysical modification techniques will create a threat to peace and world order.

"Proclaiming as their principal aim the achievement of an agreement on the complete cessation of research, experimentation, and use of environmental and geophysical modification activities as a weapon of war,

"Have agreed as follows:

"ARTICLE I

"(1) the States Parties to this Treaty undertake to prohibit and prevent, at any place, and environmental or geophysical modification activity as a weapon of war;

"(2) the prohibition in paragraph 1 of this article shall also apply to any research or experimentation relating to the development of any such activity as a weapon of war;

"(3) the States Parties to this Treaty undertake not to assist, encourage or induce any State to carry out activities referred to in paragraph 1 of this article and not to participate in any other way in such actions.

"ARTICLE II

"In this Treaty, the term 'environmental or geophysical modification activity' includes any of the following activities:

"(1) any weather modification activity which has as a purpose, or has as one of its principal effects, a change in the atmospheric conditions over any part of the earth's surface, including, but not limited to, any activity designed to increase or decrease precipitation, increase or suppress hail, lightning, or fog, and direct or divert storm systems;

"(2) any climate modification activity which has as a purpose, or has as one of its principal effects, a change in the long-term atmospheric conditions over any part of the earth's surface;

"(3) any earthquake modification activity which has as a purpose, or has as one of its principal effects, the release of the strain energy instability within the solid rock layers beneath the earth's crust;

"(4) any ocean modification activity which has as a purpose, or has as one of its principal effects, a change in the ocean currents or the creation of a seismic disturbance of the ocean (tidal wave).

"ARTICLE III

"Five years after the entry into force of this Treaty, a conference of Parties shall be held at Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such review shall take into account any relevant technological developments in order to determine whether the definition in Article II should be amended.

"ARTICLE IV

"1. Any Party may propose an amendment to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to this Treaty. Thereafter, if requested to do so by one-third or more of the Parties, the Depositary Governments shall convene a conference to which they shall invite all the Parties, to consider such amendment.

"2. Any amendment to this Treaty shall be approved by a majority of the votes of all the Parties to this Treaty. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties.

"ARTICLE V

"1. This Treaty shall be of unlimited duration.

"2. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty three months in advance.

"ARTICLE VI

"1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

"2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, , and which are hereby designated the Depositary Governments.

"3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty.

"4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

"5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification and of accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.

"6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations."

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 232

At the request of Mr. CHILES, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of Senate Resolution 232, expressing the sense of the Senate that the remainder of the amount appropriated for the rural electrification program for fiscal 1972 be released immediately by the Office of Management and Budget.

SENATE RESOLUTION 272

At the request of Mr. PERCY, the Senator from California (Mr. TUNNEY), the Senator from Washington (Mr. MAGNUSON), the Senators from Alabama (Mr. SPARKMAN and Mr. ALLEN), the Senator from Kansas (Mr. PEARSON), the Senator from Idaho (Mr. JORDAN), and the Senator from Connecticut (Mr. WEICKER) were aded as cosponsors of Senate Resolution 272, relating to the continued funding of Radio Free Europe and Radio Liberty.

EQUAL RIGHTS FOR MEN AND WOMEN—AMENDMENTS

AMENDMENTS NOS. 1052 THROUGH 1058

(Ordered to be printed and to lie on the table.)

Mr. ERVIN submitted seven amendments intended to be proposed by him to the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

AMENDMENT OF THE RAIL PASSENGER SERVICE ACT—AMENDMENT

AMENDMENT NO. 1059

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. BOGGS submitted an amendment intended to be proposed by him to the bill (S. 2760), to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes.

RESCHEDULING OF HEARINGS BEFORE THE SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES ON VICTIMS OF CRIME

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Arkansas (Mr. MCCLELLAN), I wish to announce that the hearings on bills relating to the general subjects of compensation for victims of violent crimes and group life insurance programs for persons engaged in law enforcement and related fields, will be held on Monday, March 27, 1972, in room 2228, New Senate Office Building, beginning at 10 a.m. The bills to be included in the hearings were listed in the RECORD of February 29, 1972, at page 5903.

ADDITIONAL STATEMENTS

IN COMMEMORATION OF THE 25TH ANNIVERSARY OF THE FOREIGN SERVICE INSTITUTE

Mr. MANSFIELD. Mr. President, I think it is in order today to pay tribute to one of the most important, effective, and least well known of schools dedicated to the advancement of foreign affairs training. It is in a high-rise office building in Rosslyn rather than on a rolling campus but the educational job which it does in extraordinary.

Twenty-five years ago, the Foreign Service Act of 1946 established the Foreign Service Institute—

> To furnish training and instruction to officers and employees of the (Foreign) Service and of the (State) Department and to other officers and employes of the Government for whom training and instruction in the field of foreign relations is necessary, and in order to promote and foster programs of study incidental to such training.

The Institute was by no means the first attempt of the U.S. Government, or even the State Department, to organize training in foreign affairs for its Foreign Service employees. Indeed, institutional training in foreign affairs began as long ago as 1826, with selective language training in Turkish, Arabic, and Berber, among others.

The special significance of the present Foreign Service Institute is that in line with the expanded postwar role of the United States in world affairs, the Foreign Service Institute provides training not only for diplomatic personnel but also for the personnel of all U.S. agencies with overseas responsibilities. This broadened student body and a broadened curriculum of study has had an immense valuable impact on the character of the conduct of all of our official relations with other nations.

The Foreign Service Institute is not a constant, unchanging establishment with a rigid program of study and an inflexible organization chart. It has been responsive to the changing positions of the United States in an ever-changing world. It has shifted to meet the ever-changing needs of the Nation's foreign operations.

The basic goals of the Institute, however, remain unchanged. As outlined in 1960, they were: First, to provide a general introduction and orientation to the Service and its operations for all new officers; second, to prepare officers when necessary in the language and culture of their next country of assignment; third, to prepare officers for the next assignment by training them in the particular duty they will perform; fourth, to broaden an awareness of the world around them for mid-career officers; fifth, to deepen the understanding of national security affairs and policy information for selected officers at the senior level; sixth, to enable a person to continue his education throughout his professional career.

One measure of the increasing importance of the Foreign Service Institute has been the enrollment which has risen from a handful in 1946 to several thousand full and part-time students in fiscal 1971. The Institute was once a kind of stepchild of the foreign affairs community to be housed wherever a vacant room could be found. Its present facilities are designed with great specificity to provide the linguistic and other specialized training which is offered. Language studies, with 53 percent of the enrollment, remain the focus of the Institute. It is interesting to note that when the President went to China, he could draw instantly on an ample corps of excellent Chinese linguists and other specialists in

Chinese affairs most of whom had received training at the Institute. That is the kind of alert and anticipatory management which has characterized this institution throughout its history.

The last few years have witnessed a dramatic increase in the area of professional studies, with economics and administration major new fields of importance. Several other attempts to broaden and deepen the background of Foreign Service officers are also noteworthy. For example, speakers from the Nation's major universities constitute over half of the guest lecturers in courses offered in country and area studies, the senior seminar, and the national interdepartmental seminar. The American campuses provide consultants to the Institute and nearly 1,200 Foreign Service Institute students are taking courses or acting as scholars in residence in many of our Nation's leading colleges and universities.

The Foreign Service Institute has also been a forerunner in the development of in-depth training courses for its mid-level officers in several fields. A new technique of total immersion in subjects such as economics enables Foreign Service officers to obtain the equivalent of an undergraduate degree in less than a year. And the methods of applying the new techniques of language study, which have often been pioneered and developed by the Institute have been widely admired and copied both in this country and abroad.

The Foreign Service Institute has provided 25 years of top quality, readily available, and relevant educational services to meet the ever-expanding needs of international intercourse—diplomatic, economic, and cultural. This is a time to commend the directors of the Foreign Service Institute who over these years have wisely directed the course of this outstanding training Institute, as well as the Department of State, for giving it increasing support, and the Congress which has registered a continuing faith in the undertaking.

The Institute is headed during the present period of rapid and unpredictable change by Howard E. Sollenberger. Mr. Sollenberger has been associated with the school since its beginnings. He happens to be both an educator and a foreign affairs specialist. His outstanding experience in both fields, moreover, is associated with China. He is, himself, an exceptional Chinese linguist. It is a most fortuitous coincidence that Mr. Sollenberger is heading the Institute at a time when the President has initiated a new era of contact with the Chinese Government. In meeting the requirements of that situation, as well as in many others, there is every reason to expect that the Foreign Service Institute will continue to serve and to grow as the creative institution which it has been for the last 25 years.

ROLE OF THE PATENT OFFICE IN A CHANGING SOCIETY

Mr. SCOTT. Mr. President, U.S. Patent Commissioner Robert Gottschalk recently addressed the Philadelphia Patent Law Association detailing the Patent Office's role in a changing society. As the ranking Republican member of the Judiciary Subcommittee on Patents, I read Commissioner Gottschalk's remarks with great interest. I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE PATENT OFFICE IN A CHANGING WORLD

(Text of an address by the Honorable Robert Gottschalk, Commissioner of Patents).

INTRODUCTION

I am very pleased to be here this evening and to have the opportunity to share with you my views of the challenges and demands facing the Patent Office and the patent system, now and in the years ahead. I thought this topic would be especially appropriate in a state where a real concern for the future of the patent system has recently been evidenced by positive action.

We know that the founders of this nation, with rare wisdom and foresight, provided in the Constitution for a patent system "to promote the progress of the useful arts."

We know they were right—and that our patent system has made a tremendous contribution to the development of our country—to its industry and economy, its military strength, and the dignity and well-being of all our people.

We know that we face today, at home and abroad, what may be the greatest challenge in a century to our national stature, our industrial strength, our standard of living, and our social progress.

We know that our patent system can and must play a vital role in meeting that challenge.

We know that the very heart and soul of a sound patent system lies in a sound and effective Patent Office—one which understands its mission and performs it well.

Yet we know, too, that the office today is not as sound or effective as it can and must be to meet that challenge.

Where does this leave us?

What do we have to do?

How do we go about it?

Clearly, we must do the very best job we can—all of us, in every way we can.

But still, how do we begin?

By taking a hard look at ourselves—a long and careful look, analytical and free of bias, grounded in the experience of our history but free of its restraints and inhibitions—to see how we measure up—to see where we are falling short and to develop a sense of direction and purpose, of urgency and need.

And we must do this not only as a group, but as individuals who must carry part of the load with a sense of personal commitment, responsibility, and mission.

We in the Patent Office are doing just that. And along with Janus—the ancient Roman God of all new beginnings—we are looking in more than one direction.

We are looking to our past, as an aid to understanding the present, and preparing for the future.

We are looking outside ourselves, to the public we serve, the better to serve their needs; the nation and the world, the better to relate to the context within which we must function; and the fast-moving changes in technology and trade, the better to keep pace with the demands they make upon us and the new opportunities they afford.

And we are looking within, as well, to appraise our competence and performance; identify faults and failures; and ready our staff, our tools, our methods, our attitudes, and our will—for the tasks at hand and those that lie ahead.

Let me share with you the picture that I see, beginning close to home with the Patent Office itself.

Service operations

Most of you know me well enough by now to realize that I have not come here to tell you that the Patent Office is operating smoothly and efficiently, and that all of our problems are behind us. It was in recognition of the many problems the Patent Office faced last fall that I asked a number of leading patent law associations throughout the country to assist the Patent Office in identifying its problems and needs.

In doing this, I stated that our goal was to make every effort to restore Patent Office operations to an acceptable level of efficiency and effectiveness. This applied particularly to matters involving direct contact with and services to the public—such as furnishing filing receipts, patent copies, certified copies, and the printing and mailing of original patents.

The response from the bar was overwhelming; it was factual and to the point. As I stated in an address to the American Patent Law Association last October, they "told it like it was" and provided far more help and guidance than one might have expected.

The facts were enlightening, if not embarrassing: For example, it was often taking as long as 3 months or more to return filing receipts to applicants advising them of the serial numbers of their applications; orders for certified copies of patents and applications were taking at least 3 weeks to fill.

The call to action was clear and loud. And in response, a number of special programs were initiated. For example, we established a Customer Relations Center to assist the public in obtaining copies of patents and other documents previously ordered and not received. Many positive comments—as, "It's the best thing that ever happened at the Patent Office"—have convinced us that the Center is successfully filling a long-felt need. At the present time, the Center is responding to between three and four hundred requests each day.

To reduce the long delays in obtaining certified copies, we established an "on-the-spot" certifying service which enables the public to obtain immediate certification of copies of file wrappers, patent applications, patents, and selected papers from patented application files. Since this service began in October, over 2,000 requests have been filled, and the response time reduced to only a few minutes.

The problem of delay in the processing of new applications presented greater difficulties. Prompt, efficient processing of a new application is important not only from the standpoint of advising you that an application has been accepted as complete and given a serial number, but also because it creates a record for each application as it begins its journey through the office. No shortcuts can be taken; and we were forced to address ourselves to the problem of speeding up an operation that was literally tens of thousands of applications in arrears.

Our first action was to create a Parallel Application Branch to process all applications filed after a cut-off date of October 27, 1971.

Second, we began using the regular Application Branch to eliminate the backlog.

Third, we started planning to bolster the regular Branch so that—with the backlog disposed of (and it almost is)—it could resume, and maintain on a current basis, the regular processing of new applications.

Perhaps one of the most important benefits of these efforts, however, is the way they pointed up the need for better management in the Patent Office.

Professional management

I am speaking here of management not in the general sense, but in the sense of recruiting, and bringing to bear on Patent Office operations, professional administrative talent and experience. As indicative of our needs in this respect, it is worth noting that, although a substantial portion of Patent Office operations are administrative in nature, the Patent Office has not in recent years sent even a single individual to a meeting of a professional association concerned with such matters, such as the Annual Meeting of the American Society for Public Administration coming up later this month.

Fortunately, that day is over. It ended early in January with the hiring of Bill Merkin as our Assistant Commissioner for Administration. Mr. Merkin was formerly associated with the Census Bureau which, like the Patent Office is also in the Department of Commerce. He brings to focus on the clerical and administrative operations within the Patent Office the capabilities of a professional administrator, developed over more than 20 years. We are very proud and pleased to have him as a member of our team.

He has continued earlier initiatives and instituted several additional improvements in our operation. In all of this, I should mention also, we have had full cooperation and assistance from the Department of Commerce, which has in no small measure helped make these efforts successful.

During his 7 weeks with us, Bill Merkin has brought his considerable expertise to bear on our continuing efforts to speed up the operation of our Mail Room, reduce the time it takes to mail filing receipts for new applications, and return the printing of patents to a current schedule. Let me amplify this.

Less than 6 weeks ago, it took 10 to 15 days to deliver papers from the Mail Room to the Examining Groups. At the present time, these papers are arriving at the Examining Groups within 8 hours of receipt in the Mail Room, unless fees are involved; in that case, the finance section requires an additional day or two.

When the Parallel Application Branch was established late last year, the Patent Office was not mailing filing receipts for at least 11 weeks after new applications were received. As of yesterday, the Parallel Branch was mailing filing receipts within 6 weeks of application filing dates, and the regular branch was processing cases in less than 4 weeks. By March 31, 1972, all filing receipts will be mailed within 4 weeks of application filing dates.

I need not tell you that not too long ago, newly issuing patents were not available until some 6 or 7 weeks after the scheduled date of issue. The program to return the printing of newly-issuing patents to a current basis has been given top priority under Mr. Merkin. I can now announce that, as of this past Tuesday, the Patent Office has again achieved a current status with regard to the mailing of grant copies of patents. Moreover, also effective with that issue, copies of patents are also available for sale to the public on the date of issue.

People orientation

Although I have been emphasizing our efforts to improve operations, especially those service operations which are most visible, I remain deeply concerned with the morale and motivation of the employees of the Patent Office. In point of fact, I have perhaps concentrated even more on the "people problems" than on our operations themselves because, as I have said before, morale and operating efficiency are opposite sides of the same coin.

Although we had many problems when I assumed responsibility for the Office last fall, these have probably been most critical in the "paper-handling" operations of the Patent Office.

For that reason, I began an all-out effort to bring our administrative employees back into the mainstream of Patent Office operations, and to impress upon them the importance of what they do. We are doing all we can to improve communications with these employees; to demonstrate a genuine concern for them as well as for their contributions; and to make them aware that opportunities for training and advancement do exist. In addition, I think it fair to say that we now have a more highly sensitized personnel operation in the Patent Office which is more responsive to the needs of these employees and correspondingly more effective.

In short, we are striving to build a Patent Office team—with support and participation from every grade level, and every area of the operations of the Office—which is tightly knit, smoothly operating, and mission-oriented. And these efforts will continue—for, in my judgment, such an organization is essential to the success of our operations.

The patent examining operation

These same considerations apply, with equal force, to our Patent Examining Operation. Certainly I have attempted to make the examiners aware of my conviction that this is our most basic and important activity—and one which we must perform well.

As you are aware, the President has forwarded his budget request for fiscal year 1973 to the Congress. If approved as submitted, we anticipate achieving an overall average pendency of patent applications of 18 months during fiscal year 1975. And this is our goal.

At the present time, examiners are, on the average, reaching cases for first action about 10½ months after their filing date, and overall pendency of applications is only slightly in excess of 28 months. These represent reductions of almost 2 months in the pendency-to-first action, and 3 months in the pendency-to-issuance, over the situations which existed only 15 months earlier. So we seem to be well on our way.

Since the Patent Office is obliged to operate within the constraints of our annual appropriations, it might seem that we are attempting to achieve two mutually incompatible goals: A meaningful examination and the issuance of strong patents on one hand, and on the other, the accomplishment of this process in a short period of time.

I want to emphasize, however, that in our effort to reduce pendency, we do not intend to sacrifice, to expediency, the adequate development and making of record of all important issues, or meaningful examination, or justice and fair treatment for the applicant. On the contrary, I believe we can cut down on pendency time without adverse effect on the examination process.

In this regard, I recently initiated a program to revive the manual classification effort. The emphasis of this thrust is to improve the search of patent examiners, without requiring additional time, by providing them with better tools. Obviously, the more complete, up-to-date, and thorough the classification of the materials with which the examiner has to work, the better and quicker will be his search, and the stronger the issuing patent.

There are also a number of things the Patent Office can do internally to streamline the Patent Examining Operations and speed the processing of patent applications. Several significant steps in this direction have been taken during the past year. For one thing, we have developed and begun utilizing what is now commonly referred to as the "First Action Form." Its use has significantly reduced the time required to prepare and mail first actions. Though perhaps not fully accepted by everyone, I think it fair to say that the form has proved successful, and that—modified in light of suggestions and comments we have received—we do intend to continue its use.

In another area, the time required for the post-examination processing of applications (which involves an operations after allowance, including the actual printing of a patent) has been reduced almost 2 months since the beginning of this fiscal year.

As these examples illustrate, such improvements will permit reduction of pendency time without entailing any sacrifice of professional effort placed on these applications by examiners.

Actions to reduce fraud

As most of you would quickly agree, fraud and inequitable conduct in patent prosecution is today a very live subject. Increasingly, "fraud on the Patent Office" is being alleged as a defense in litigation, and we find many courts holding patents invalid or unenforceable on such grounds. This is a matter of concern to us all, and in the Office we have been giving thought to what can be done which might be helpful.

One type of conduct which causes the courts and patentees a great deal of trouble might be termed "fraud by omission." In a typical situation, the litigant attaching the patent contends that the patentee misled the Patent Office because he failed to call to its attention a prior use or prior art.

Another kind of "omission" occurs when an applicant presents test evidence or other data tending to support patentability, but fails to call attention to additional tests or data which do not help his case and may run counter to it. Even where the omission was without specific intention to deceive, i.e., judgment was exercised, the patent may be held unenforceable on the ground that the patentee's conduct was lacking in candor (as witness the recent Third Circuit decision in *Monsanto* v. *Rohm & Haas*).

Now, this is an area where the Patent Office, we believe, can be of help. Rule 132, as you know, provides for the submission of affidavits and declarations to overcome rejections. We are currently proposing to amend that rule to require the affiant to include, a statement to the effect that no facts, data, or tests results are known which are inconsistent with those in the affidavit or declaration or which would tend to give an impression different from that conveyed by the affidavit. A similar statemnt would also be required in the application cath or declaration in cases in which the specifications refers to test results.

The proposed change would eliminate any misunderstanding by applicants as to their duty with respect to disclosure of test results. The proposal places on the applicant the burden of disclosing all pertinent test results and places on the examiner the burden of determining patentability in light of all of the pertinent facts. The end result, we hope, will be strengthening of the presumption of validity.

Taking another tack, we are also considering some liberalization of our policy regarding examiners testifying in cases where a question of fraud before the Patent Office is an issue in litigation.

The trademark examining operation

We are quite enthusiastic about the changes taking place in the trademark side of the office, but, before I discuss these changes, I would like to make one general observation: We are making progress in eliminating from Patent Office thinking the "rumble seat" attitude toward our trademark functions.

The principal vehicle which has been used to move trademarks back up to share the front seat has been the creation of a Public Advisory Committee on Trademark Affairs to review the trademark problems of the office from the standpoint of the public interest and to come up with recommended solutions. I am sure you will agree with me that the Committee is well managed when I add that its Chairman is a Pennsylvanian, Frank Foote of Mine Safety Appliances. It is this Committee, primarily, which has turned us around to take more direct approach to the diagnosis and solution of trademark problems in the Patent Office. It is my commitment that we will continue this approach.

Now, I want to be a bit more specific, by way of illustrating the kinds of things which are being done in our trademark operations in response to the recommendations of this Committee. The most recent change to be fully implemented was a reorganization and a reordering of priorities in the section of the Trademark Examining Operations in which trademark applications receive their initial processing. Essentially, this involves concentrating our initial work on those functions which were most important from the standpoint of public needs. I will not go into detail about the changes which have been made, but suffice it to say, that, whereas several months ago the trademark search file was more than 3 months deficient in terms of available data concerning newly-filed applications, as of the day I left Washington, this delay had been reduced to 4 weeks. Our eventual goal is to deliver data to the Public Search Room within 10 days of the receipt of new applications.

In another important area, that of communication between the office and the applicant, we are introducing a number of new techniques. At present, our emphasis is on first actions and the techniques now in use, or in active stages of development include the use of form paragraphs, transcribed by mechanically-aided typewriters; the use of check-off forms, where feasible; and the pre-addressing of the forms used in first action letters. In introducing these improvements, our goal is to increase efficiency without, however, sacrificing substance. In order to achieve the best possible results we will, of course, need your cooperation. In this state we very much need your constructive criticism and suggestions, and I hope that you will freely give us the benefit of your views.

These are just two examples of our current activity. The Advisory Committee's original report contained some 64 recommendations, and we have implemented or are actively engaged in implementing more than 75 percent of them. Furthermore, this Committee is continuing to advise us on matters which were not covered in the original report, and will, I hope, continue to do so.

Legislation

As I am sure this Association recognizes, we remain vitally interested in sound patent revision legislation, including the Scott Amendments. And certainly we share your concern over the recent events culminating in the issuance of the Committee Print of S. 643. More than ever, we are convinced that a stabilization and clarification of the licensable nature of the patent grant is as vital to the nation's economy and technological growth as it was when the Department of Commerce supported such amendments before the Senate Subcommittee on Patents, Trademarks and Copyrights last May. Moreover, we share your concern over the amendments to the Committee Print which, among other things, would require an attorney oath, would require a patentability brief without adequate protection for patent applicants, and would permit the importation into the United States of products made abroad by processes patented in this country. I can assure you that we will continue to press for a sound patent law revision, including the substance of the Scott Amendments.

International

As you know, it has been almost 2 years since the negotiation and signing of the Patent Cooperation Treaty. Since that time, we have been working with associations such as your own, to develop the posture this country should take with regard to ratification of the Treaty. We intend to ratify the PCT and have already drafted in preliminary form the necessary legislation. And I should emphasize that our position on the Treaty is fully consistent with that expressed by the patent community.

Overall, however, we are quite optimistic about the advent of the PCT, for both the positive benefits it will afford the U.S. business community and the positive effect it will have in assisting our examiners to perform a more thorough and complete search of applications for patents in the United States.

Equally important to the U.S. businessman is our effort to secure an acceptable Trademark Registration Treaty. On May 2 of this year there will be convened in Geneva, Switzerland, a Committee of Experts to consider a revised draft of this Treaty. This is the third of a series of meetings which were launched as a result of a resolution by the United States to the Executive Committee of the Paris Union in October, 1970, calling for efforts to develop a revised or new international trademark registration system in which countries not now party to the Madrid Agreement might participate.

The upcoming May meeting is most important since the draft Trademark Registration Treaty is now taking shape to an extent that prompt and serious examination of its provisions by interested trademark owners and associations in the United States is essential.

As you are aware, the most recent draft of the Trademark Registration Treaty was released by the World Intellectual Property Organization on January 31, 1972, and was published in the February 22nd issue of the Official Gazette. The main features of the Treaty in its present form are:

1. The securing of an international registration, effective in one or more designated member countries, by the filing of a single international application directly with WIPO.

2. The same legal effect as if applications for the mark had been filed in each of the designated countries, and unless refused within a prescribed time limit, the same legal effect as if the mark had been registered in such countries.

3. Renewal by the filing of a single renewal application with WIPO.

4. Notwithstanding the facilitation of securing and miantaining the recording of trademark rights under the Trademark Registration Treaty, the substantive aspects of those rights would continue to be regulated according to the national law of the designated countries.

5. Owners would be guaranteed that non-use during a specified period (3 or 5 years) could not result in refusal or cancellation of the mark.

While several issues remain to be resolved, we believe that the Trademark Registration Treaty will offer significant advantages to American businessmen. We are continuing to work with a number of interested associations to obtain their comments on the draft Treaty for the May Committee of Experts. The culmination of the present efforts will be a diplomatic conference scheduled to be held in Vienna, Austria, in May and June of 1973.

The patent system and the future

I hope that it has become obvious to you that we have a broadbased concern for improving the patent system. This has its roots in the conviction that the Patent System is of vital importance, and that we will rely more, rather than less, on the incentives of the patent system as we move into the Seventies.

In his recent State of the Union Address, President Nixon, recognizing that American ingenuity has enjoyed a wide international reputation and has been one important reason for both our domestic prosperity and our international strength, stated that we should also be doing more to apply our scientific and technological genius directly to domestic opportunities. In the coming year, an all-out effort will be made to focus our research and development resources on projects where an extra effort is most likely to produce a breakthrough, and where the breakthrough is most likely to make a difference in our lives.

I need hardly remind this audience that the patent system has played a central role in stimulating and making visible the American ingenuity of which the President spoke. It is incumbent upon us to do all within our power, both in Government and the private sector, to strengthen the patent systems in order that it might play its proper role in revitalizing and strengthening the American economy. The President relied upon the patent system when searching for tools to apply American technological genius to the problems of our environment, and I am confident the President also had in mind the incentives of the patent system when discussing the need to transfer technology from the public to the private sector.

We recognize the bridging effect which patent incentives have in stimulating the American economy through technological advances. We have experienced the growth of industry and competition in this country fostered by the patent system. We recognize that our ability to compete internationally rests upon both the strength of the patent incentive in this country and our ability to obtain patents to protect our technology abroad. I pledge to you today my efforts to do all within my power to accomplish the President's goals through the strengthening of our patent system.

THE EQUAL RIGHTS AMENDMENT AND ALIMONY AND CHILD-SUPPORT LAWS

Mr. PERCY. Mr. President, I invite the attention of the Senate to a document published recently by the Citizens' Advisory Council on the Status of Women, whose chairman is Mrs. Jacqueline G. Gutwillig. The memorandum presents some very interesting and pertinent facts about States' alimony and child-support laws. Since one of the arguments being waged against the equal rights amendment is that it will weaken a man's obligation to support his family and deprive women of their rights for support, I feel that the Council's findings and conclusions are effective counter-arguments to that position. In fact, the equal rights amendment may actually promote the strengthening of current State's laws on marriage, divorce, and support.

Mr. President, I ask unanimous consent that the entire memorandum, entitled "The Equal Rights Amendment and Alimony and Child Support Laws," be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

THE EQUAL RIGHTS AMENDMENTS AND ALIMONY AND CHILD SUPPORT LAWS

One of the primary objections to the equal rights amendment cited by opponents is that it would weaken men's obligation to support the family and therefore weaken the family. They state that under present law men are required to support their wives without regard to their wives' ability to support themselves and that such laws would be invalidated under the equal rights amendment. They claim that alimony laws not permitting alimony to men would also be invalidated and that men who were paying alimony under such laws would be able to come into court and seek relief from paying alimony.

These objections are based largely on erroneous assumptions about application and enforcement of support laws and lack of knowledge of the legislative history of the equal rights amendment.

The rights to support of women and children are much more limited than is generally known and enforcement is very inadequate. A married woman living with her husband can in practice get only what he chooses to give her. The legal obligation to supoprt can generally be enforced only through an action for separation or divorce, and the data available, although scant, indicates that in practically all cases the wife's ability to support herself is a factor in determining the amount of alimony; that alimony is granted in only a very small percentage of cases; that fathers, by and large, are contributing less than half the support of the children in divided families; and that alimony and child support awards are very difficult to collect.

Child support is usually not raised as an issue by opponents of the equal rights amendment but is covered here since the equal rights amendment could have an influence on level of payments. Also it is not possible practically to separate alimony and child support. For tax reasons, what are in fact child support payments may be labeled alimony, and in some States alimony and child support are awarded without distinction.

This statement of legal support rights and their enforcement is based on litigated separation and divorce cases. Most settlements are arrived at voluntarily by lawyers for the parties and may be more generous than the courts would allow in contested cases for several reasons. The husband may be willing to make more generous arrangements, or he may want to avoid the publicity of a contested case. He may be induced to make a more generous arrangement than a court would allow by the need for the wife's cooperation in securing a divorce in a State where divorce is granted only for cause; the trend toward amendment of State laws to permit dissolution of marriage when the marriage is irretrievably broken will result in elimination of this leverage for wives.

The opponents are in general not deliberately misleading the Congress and the public. They are providing well for their famies and believe others are and are required to by law. Many are upper middle class and acquainted only with the facts of life of those in such economic circumstances. We have noted in reviewing some of the court cases relating to alimony and child support that very generous property, alimony, and child support settlements are made among the wealthy. However, where the divorce results in economic hardship, greater hardship is visited on the wife and children than on the husband. Cases reviewed and other materials leave the impression that in middle and lower income groups the welfare of the husband and his prospects for remarriage are given much greater weight than the wife's and children's welfare. No weight whatever is given to the adverse effect on the wife's prospects for remarriage when she is left the major responsibility for support of children.

WOMEN LIVING WITH THEIR HUSBANDS

It is true that a married woman legally has a right to be furnished "necessaries" and to charge purchases of "necessaries," but this is for most an empty right since merchants will not give her credit if her husband asks them not to.

Foote, Levy, and Sander's 1966 textbook, *Cases and Materials on Family Law*, p. 303, cites as its leading case on the subject of support *McGuire* v. *McGuire*, 157 Neb. 226, 59 N.W. 2d 336 (1953). This was a Nebraska case involving the wife of a well-to-do farmer. During her marriage of 34 years, the plaintiff testified she had been a "dutiful and obedient wife" who had "worked in the fields, did outside chores, cooked and attended to her household duties . . . raised as high as 300 chickens, sold poultry and eggs, and used the money to buy clothing, things she wanted, and for groceries." Her husband did not tolerate any charge accounts. He would give her only small amounts of money and for the last three or four years had not given her any money nor provided her with clothing except a coat a few years previous. The house had no bathroom, bathing facilities or inside toilet and no kitchen sink. Water was secured from a well. The furnace had not been in good working order for 5 or 6 years. The furniture was old, and the defendant was driving a 1929 Ford equipped with a heater which did not operate.

The District Court had required the husband to pay for certain items in the nature of improvements and repairs to the house and for furniture and appliances for the household in the amount of several thousand dollars. They had ordered the defendant to purchase a new automobile with an effective heater, required that his wife be entitled to pledge the credit of the defendant for "necessaries of life," and awarded a personal allowance in the amount of $50 a month.

The Supreme Court of Nebraska overturned the ruling, stating:

". . . to maintain an action such as the one at bar, the parties must be separated or living part from each other.

"The living standards of a family are a matter of concern to the household, and not for the courts to determine, even though the husband's attitude toward his wife, according to his wealth and circumstances, leaves little to be said in his behalf. As long as the home is maintained and the parties are living as husband and wife it may be said that the husband is legally supporting his wife and the purpose of the marriage relation is being carried out. Public policy requires such a holding. It appears that the plaintiff is not devoid of money in her own right. She has a fair-sized bank account and is entitled to use the rent from the 80 acres of land left by her first husband, if she choses. . . ."

Foote, Levy, and Sander commented on the McGuire case as follows (p. 308):

". . . although factual situations like that depicted in McGuire are probably not uncommon, there is a dearth of reported decisions. Why is this so? This dearth of decisions, coupled with the results of cases like McGuire, helps to explain why it is so difficult to determine the precise scope of a man's legal duty to support his wife and children *while the family is united*. Such support statutes as there are characteristically unhelpful, and *the extent of his obligations is commonly inferred from the results in other types of litigation, such as divorce proceedings*, parents' suits under Dram Shop statutes for a child's death or injury, wrongful death actions, and criminal prosecutions or allied proceedings for nonsupport . . . (emphasis added)."

In a District of Columbia case the court did allow separate maintenance to a wife who was in fact living a separate life although under the same roof with her husband. The court went on to state that such situations should be given careful scrutiny so as to discourage litigation between husbands and wives who are actually living together, although there was no language in the statute that would have precluded granting maintenance to women actually living with their husbands. *Clements* v. *Clements*, D.C. Mun. App. 184 A. 2d 195 (1962).

In a review of cases listed in the annotated California code we found no support cases involving an intact family.

A recent Yale Law Journal article sums it up as follows:

"The reluctance of courts to interfere directly in an ongoing marriage relationship is a standard tenet of American jurisprudence. As a result, legal elaboration of the duties husbands and wives owe one another has taken place almost entirely in the context of the breakdown of the marriage—either voluntary breakdown through separation, desertion, or divorce, or involuntary breakdown through incapacitation or death. Any legal changes required by the equal rights amendment are thus unlikely to have a direct impact on day-to-day relationships within a marriage, because the law does not currently operate as an enforcer of a particular code of relationships between husband and wife. (*The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women*, Brown, Emerson, Falk, and Freedman, 80 Yale L.J. 943, 1971.)"

ALIMONY

The only nationwide study of alimony and child support was made by the Support Committee of the Family Law Section, American Bar Association in 1965, when Mrs. Una Rita Quenstedt, then chairman of the Support Committee, and Col. Carl E. Winkler, former chairman of the Support Committee, made a survey of 575 domestic relations court judges, friends of the court, and commissioners of domestic relations (Monograph No. 1). This study indicates that alimony is awarded in a very small percentage of cases. Three of the judges surveyed made the following comments (p. 3):

A California judge: "In this county permanent alimony is given in less than 2% of all divorces, and then only where the marriage has been of long duration, and the wife is too old to be employable, the wife is ill, particularly if the husband's behavior was a contributing cause, [or] other highly unusual factors exist. Temporary alimony is given, *pendente lite*, or for some portion of the interlocutory period in less than 10% of all divorces, chiefly to give the wife a breathing space to find employment."

A Nevada judge: "A healthy young woman should not be permitted to go on indefinitely living on alimony. Her outlook is more healthy and her life a good deal more full as an active member of the community and not as a kept woman."

A Massachusetts Judge: "The whole problem is one of complete frustration since no middle class person can actually afford divorce. Our only consolidation is that public welfare supplies the balance but this, of course, means that the taxpayer is assuming the parental burdens. Alimony in and of itself is not too great a problem as nearly 90% of the petitioners waive it."

The Foote, Levy, and Sander textbook on family law (referred to above) found alimony "infrequently sought and even less obtained."

Furthermore, alimony is not usually awarded without regard to the wife's ability to support herself. The wife's capacity to earn was taken into account by 98% of the judges in the Quenstedt-Winkler study. Apparently this is the general rule. American Jurisprudence states: "In determining the amount of permanent alimony the court should consider the earning capacity of the wife and the extent of her opportunity to work." 24 Am Jur 2d 633

The precedent cases in the District of Columbia list the following as factors in determining alimony or maintenance: duration of the marriage, ages and health of the parties, respective financial positions, both past and prospective, wife's contribution to family support and property ownership, needs of the wife, husband's ability to contribute, interest of society in preventing her from becoming a public charge, *Butler* v. *Butler*, D.C. App., 239 A. 2d 616 (1968).

The last seems to be a very important criteria. In a 1966 case the District of Columbia Court of Appeals reversed a grant of $50 alimony made by the lower court, solely on finding that the wife was not likely to become a public charge. In this case there were no children and the wife had net earnings of $279.37 a month. Her husband's net earnings were $389 a month, *McEachnie* v. *McEachnie*, D.C. App., 216 A. 2d 169 (1966).

In a separate maintenance case the District of Columbia Court of Appeals said: "We cannot agree that the wife's financial situation is neither a defense nor a limiting factor in defining the husband's duty. The purpose of maintenance is to prevent the wife from becoming a public charge and not to penalize the husband." *Foley* v. *Foley*, D.C. Mun. App., 184 A. 2d 853 (1962).

The California marriage dissolution statute provides with respect to support that:

". . . the court may order a party to pay for the support of the other party any amount, and for such period of time, as the court may deem just and reasonable, having regard for the circumstances of the respective parties, including the duration of the marriage, and the ability of the supported spouse to engage in gainful employment without interfering with the interests of the children of the parties in the custody of such spouse . . . (Annotated California Code—Civil Code Section 4801)."

As early as 1926 a California court gave great weight to a wife's capacity to earn, even though the wife had phlebitis and could not be on her feet. The court said:

". . . where the ex-husband is earning wages by daily labor, a trial court, in awarding alimony, should not do so in a sum inducing idleness on the part of the ex-wife, *Lamborn* v. *Lamborn*, 80 C.A. 494, 251 P. 943 (1926)."

In 1948 the Supreme Court of California denied alimony to a wife married 36 years who had reared 8 children. She had no property or other source of income and no trade. Her husband worked as a laborer and earned from $40 to $47 per week. The judge said:

"Defendant has no ability to earn more than sufficient for his own support and maintenance . . . and has no ability to pay further for the support and maintenance of plaintiff or for her attorney's fees or court costs herein. *Webber* v. *Webber*, 33 C. 2d 153, 199 P. 2d 943 (1948)."

CHILD SUPPORT

With respect to child support, the data available indicates that payments generally are less than enough to furnish half of the support of the children. The following chart of weekly payments was submitted by a Michigan court in 1965 (Quenstedt-Winkler study):

NUMBER OF DEPENDENTS

Weekly net income[1]	1	2	3	4	5	6 or more
$40	$10.00	$16.00	$22.00	$24.00	$24.00	$24.00
$50	12.50	20.00	27.50	30.00	30.00	30.00
$60	15.00	24.00	33.00	36.00	36.00	36.00
$70	17.50	24.00	35.00	42.00	45.50	45.50
$80	$20.00	$24.50	$40.00	$48.00	$52.00	$52.00
$90	21.60	27.00	45.00	54.00	58.50	63.00
$100	22.00	30.00	45.00	60.00	70.00	75.00
$120	24.00	36.00	54.00	72.00	84.00	84.00

[1] After deductions for income tax, F.I.C.A., hospitalization, life insurance, union dues, and retirement plan payments.

Even these small payments are frequently not adhered to. One court commented:

"However we find that in the great number of cases we are unable to adhere to the chart because of excessive amounts of financial obligations and limited earnings; also in many cases the man has more than one family."

A Florida Judge replied to the question re support:

"As a rule of thumb, we in this circuit, allow 15 (sic) per week per child if the husband is able to pay that sum, and increase that amount proportionate to the needs and faculties where husband's take home pay exceeds $5,000 per year. In short, . . . in order for a man to remain employed and produce income he must have for himself something beyond bare necessities."

A Pennsylvania Judge commented: "The Support Court usually sets the amount of a support order at the highest figure the defendant seems capable of paying. Even then the amount is usually not enough to support the wife and children on a minimal basis."

In response to the survey question "What percentage of the father's income is normally allotted for child support?"—27% of the judges allot 25% or less of the father's income; 34% of the judges allot between 26–35% of the father's income; 25% of the judges allot between 34–50% of the father's income.

Adele Weaver, President of the National Association of Women Lawyers, said in her testimony on the equal rights amendment before Subcommittee No. 4 of the House Judiciary Committee in 1971:

". . . But the point is that in actual practice, Mr. Wiggins, you know that most judgments for child support allow such minimal sums of $15 a week, $25 a week, $30 a week, that we know that the mother is giving at least half of or close to half of the support; the mother is actually fulfilling a coextensive duty of support to the child (p. 296 of the report of hearings)."

In a survey referred to in Foote, Levy, and Sander, page 937, made in Maryland and Ohio in the early 30's, in half the cases the weekly alimony and support payments were between $5 and $9 per week (equivalent to $11.65 and $20.97 in today's dollars). The median was $33 per *month* (equivalent to $76.89 today).

A divorced woman in Elyria, Ohio writes that she is a clerk-typist working fulltime with a take home pay of $310 per month. Her former husband is employed fulltime as a carpenter, earning overtime. The court awarded her $15 per week for each of two children. Her husband is $410 behind in payments, which she is unable to collect. The children have not had dental care for two years, and she finds it difficult to buy books, proper food, and clothing for the children. It is obvious her husband is not contributing half the support of the children, let alone supporting his former wife.

The average cost at 1969 prices of rearing a child in a two child urban family with both parents present range, according to Department of Agriculture estimates, from $1,400 per year on a low-cost budget in the north central area of the U.S. to $2,100 per year on a moderate-cost budget in the south.* In a divided family with the mother working food costs would be higher, and there would be added child care costs. With the earnings of women averaging 60 percent those of men, women who work to support their children are contributing by and large more than their proportionate share, even when fathers comply fully with awards.

COLLECTION OF ALIMONY AND CHILD SUPPORT

The only information we could locate on collection of support money are reported by Nagel and Weitzman in "Women as Litigants" (Hastings Law Journal, November 1971). The following table from their article is based on data gathered by Kenneth Eckhardt from a sample of fathers who were ordered to pay some child support in a divorce decree in a metropolitan county in the State of Wisconsin in 1955. Row 1 shows that within one year after the divorce decree, only 38 percent of the fathers were in full compliance with the support order. Twenty percent had only partially complied, and in some cases partial compliance only constituted a single payment. Forty-two percent of the fathers made no payment at all. By the tenth year, the number of open cases had dropped from 163 to 149 as a result of the death of the father, the termination of his parental rights, or the maturity of the children. By that year, only 13 percent of the fathers were fully complying, and 79 percent of the fathers were in total noncompliance. Row 5 shows the percentage of nonpaying fathers against whom legal action was taken, including those taken or instigated by welfare authorities:

	Number of open cases	Full compliance (percent)	Partial compliance (percent)	No compliance (percent)	Nonpaying fathers against whom legal action was taken (percent)
Years since court order:					
1	163	38	20	42	19
2	163	28	20	52	32
3	161	26	14	60	21
4	161	22	11	67	18
5	160	19	14	67	9
6	158	17	12	71	6
7	157	17	12	71	4
8	155	17	8	75	2
9	155	17	8	75	0
10	149	13	8	79	1

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*Information from Agricultural Research Service, Consumer and Food Economics Research Division, U.S. Dept. of Agriculture—excerpt from Family Economics Review, December 1970 and Talk by Jean L. Pennock at the 47th Annual Agricultural Outlook Conference, February 18, 1970.

CRIMINAL NONSUPPORT STATUTES

Although in practically all States husbands can be held criminally liable for non support of wife and children, most States require that the wife or children be in "destitute or necessitous circumstances" or without adequate, sufficient, or reasnable means of support. The Uniform Desertion and Non-Support Act provides that the refusal to support must be without lawful excuse and wilful and that the wife or children under 16 must be in "destitute or necessitous circumstances" (the Uniform Act and most State laws are applicable to mothers who refuse to support children under 16).

As in other criminal proceedings, guilt must be established beyond a reasonable doubt and the burden of proof is on the State. The defendant is entitled to a jury trial. This type of statute is used extensively in welfare cases, mothers often being required to file complaints under criminal non support statutes as a condition of receiving public assistance. In some States the public welfare authorities are authorized to file the complaints. The extent of use or usefulness in other situations is not known. Wisconsin, the scene of the study on collection above, has a criminal non support statute very similar to the Uniform Act.

NEED FOR PUBLIC TO HAVE THE FACTS

The prevalence of mistaken ideas about a husband's responsibility for support of wife and children, which have been reinforced by opponents of the equal rights amendment, are a great disservice to the nation, particularly to its women and young girls. Many young women, relying on the belief that marriage means financial security, do not prepare themselves vocationally. Parents and counselors act on this false assumption in advising girls about their future.

The latest survey indicates that 27% of the women who entered into teenage marriages more than 20 years before the survey are divorced as compared with 14 percent of the women who were older.* Our young women and their parents and teachers should be apprised of the facts about alimony and child support and likelihood of divorce in teenage marriages. Perhaps more of them would prepare themselves vocationally and wait until they are older for marriage.

Far more facts are needed as to awards of alimony and child support, the factors considered by judges in making the awards, and the degree of enforcement of awards made. More information is needed as to why awards are not better enforced and the efficacy of the means available, particularly the criminal non support statutes. The effects of a Wisconsin statute putting restraints on remarriage of persons not meeting their responsibilities to their lawful dependents need to be studied. Even small studies in individual communities that could be made by women's groups or law school students might lead to larger more representative studies by organizations with larger resources.

The lack of reliable information illustrates once again that we will not have a whole society equally concerned with women's and children's welfare until many more women are in positions to influence the spending of research funds and the making and enforcing of laws.

Effects of Equal Rights Amendment on Present Laws and Their Enforcement

Far from resulting in diminution of support rights for women and children, the equal rights amendment could very well result in greater rights. A case could be made under the equal rights amendment that courts must require divorced spouses to contribute in a fashion that would not leave the spouse with the children in a worse financial situation than the other spouse.

The belief that alimony laws permitting alimony to wives would be invalidated by the courts rather than extended to men is not supported by any legal authority or the legislative history. The legislative history clearly indicates the intent of the proponents in Congress to extend alimony to men in those States now limiting alimony to women. Furthermore, in view of judges' preoccupation with keeping women from becoming public charges, it seems almost certain, should a State legislature fail to extend to men a law limiting alimony to women, that a judge would extend the law to men rather than invalidate it. If any judge should invalidate the law, it is clear that legislatures' concern for keeping women from becoming public charges would be sufficient to enact a new law applying equally to men and women.

The drafting of divorce and support laws of those States where it is required by the equal rights amendment could be an opportunity to bring the law into line with reality. Models without distinctions based on sex already exist in the Uniform Marriage and Divorce Act and the Model Penal Code. Copies may be obtained from the National Conference of Commissioners on Uniform State Laws, 1155 E. 60th Street, Chicago, Illinois 60637.

The Uniform Marriage and Divorce Act provides for maintenance to be paid from one spouse to the other if the spouse seeking maintenance lacks sufficient property to provide for reasonable needs and is unable to support himself or herself through appropriate employment or for the custodian of a child whose condition or circumstances make it appropriate that the parent not seek employment outside the home. The amount and duration of payments for maintenance are to be determined after the court considers the financial resources of the party seeking maintenance, the time necessary to acquire sufficient training to enable the party to find appropriate employment, the standard of living established during the marriage, the duration of the marriage, the age and physical and emotional condition of the spouse seeking maintenance, and the ability of the spouse from whom maintenance is sought to meet his or her own needs while making maintenance payments.

In summary, the equal rights amendment would not deprive women of any enforceable rights of support and it would not weaken the father's obligation to support the family. Because it would require complete equality of treatment of the sexes, it might be used to require that the spouses in divided families contribute equally within their means to the support of the children so that the spouse with the children is not bearing a larger share of the responsibility for support than the other spouse.

The Citizens' Advisory Council on the Status of Women was established by Executive Order 11126 in 1963 on the recommendation of the President's Commission on the Status of Women, whose chairman was Mrs. Eleanor Roosevelt. Miss Margaret Hickey was the first chairman, followed by Senator Maurine B. Neuberger. Mrs. Jacqueline G. Gutwillig is its third chairman. Council members are appointed by the President and serve without compensation for an indeterminate period. One of the Council's primary purposes is to suggest, to arouse public awareness and understanding, and to stimulate action with private and public institutions, organizations and individuals working for improvement of conditions of special concern to women.

The views expressed by the Council cannot be attributed to any Federal agency.

AUTOMOBILE REPAIR COSTS

Mr. HART. Mr. President, S. 976, which passed the Senate by a vote of 89 to 4 last November, is now under consideration in the House Committee on Interstate and Foreign Commerce. As I understand it, we may learn next week just what the will of that committee is regarding this proposed legislation.

As one who struggled through the lengthy hearings which produced the bill, it should not be surprising that I have a special fondness for it.

Nor should it be surprising when I am appreciative of the excellent analysis of the bill which Sylvia Porter, the syndicated columnist, made recently. I ask unanimous consent that the article, published in the Washington Evening Star of March 6, be printed at the conclusion of my remarks.

Mr. President, I should like to underline some of the comments Miss Porter made:

For example, she points out that while the bill authorizes the Secretary of Transportation to establish standards which would reduce auto repair costs these standards must meet an economic test.

That is, no standard—in effect, no manufacturing dictate—could be made if the overall cost savings to consumers would not be greater than the possible increased cost of the modification of the auto.

Mr. President, American motorists today spend an estimated $5 billion for repairs which would be needless if cars were not designed to be so fragile. That is the out-of-pocket cost for insurance companies and consumers. It does not include the frustration attendant on loss of worktime, repeated trips to the shop, and general upset when a prized possession is marred.

Another section of the bill which I think will be of great value to consumers is title III, which provides for a pilot program of diagnostic centers. This is aimed at correcting several problems irritating—and costing—consumers.

Such centers would be used to overcome the shortage of skilled mechanics, in that the machinery could make diagnoses of which many mechanics are incapable today.

They would help lessen the out-and-out fraud which has made many consumers spend hundreds of dollars for repairs which simply were not needed.

They would be the "peace-of-mind" centers, as Miss Porter says, which would reassure consumers that work done and paid for was properly done. Thus, they would feel the money was well spent, and that the car was safe to take back on the road.

Mr. President, we are prone, in this body, to proclaiming that one piece of legislation or another is "the most pressing" before Congress. I will restrain myself in light of that knowledge. But I cannot, nonetheless, downgrade this bill.

It is an extremely important measure—which can save consumers billions of dollars with relatively little government outlay. It can alleviate frustration and give peace of mind.

In short, it is a good bill, and I hope the House will conclude, overwhelmingly, that it should pass in a form close to that in which it left the Senate.

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* U.S. Department of Commerce, Bureau of the Census, Social and Economic Variations in Marriage, Divorce, and Remarriage. 1967; P-20, No. 223.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Mar. 6, 1972]

YOUR MONEY'S WORTH—CUTTING AUTO REPAIR COSTS

(By Sylvia Porter)

Among the more than 500 consumer protection bills before Congress is legislation to cut down the high auto repair expenses.

The bill was passed by the Senate in November, is in a House committee awaiting clearance for a full vote by the House—and despite opposition from the White House, the auto manufacturers and others, is believed to have a good chance of becoming law in 1972.

With this law, the Federal government would take a first step into the complex and troubled field of auto repairs. The government already is heavily involved in the safety aspects of automobile design. A runover into auto repair costs is logical and inevitable.

The Motor Vehicle Information and Cost Savings Act, sponsored by Sen. Warren G. Magnuson, D-Wash. and Sen. Philip Hart, D-Mich. would:

1. Authorize the Department of Transportation to set rules to reduce property damage and repair costs resulting from minor—but frequently costly—crashes. The rules would require manufacturers to build sturdier, more crash-resistant cars. By so doing, the standards would sharply reduce your collision insurance premiums, cut the deductible amounts you have to pay, also substantially lessen the time it takes to get your car repaired.

Only design changing costing less than the over-all amount of financial benefits to consumers could be mandatory.

2. Require the DOT to make a comprehensive study of the methods for determining the susceptibility of passenger motor vehicles to damage, their repair costs and the degree of protection provided for occupants of the cars.

The DOT would work out ways to inform the public of its findings and the facts on the susceptibility of the cars to damage, their ability to withstand crashes, on how reliable the cars are, how easy to repair, similar vital aspects—as a guide which we could use when buying cars. This obviously would be a major spur to the manufacturers to turn out sturdier and easier cheaper to repair cars—even before the findings were made public.

3. Provide technical assistance and up to 90 percent of the cost to states to set up a network of automobile "diagnostic inspection demonstration projects" which would use the latest automated diagnostic equipment to inspect cars for safety features and emission control. Again, the goal would be to reduce your costs of automobile maintenance and repair.

A used car owner also would be able to buy the peace of mind of a "clean bill of automotive health"—or have a center of this type confirm that repairs had been properly done. Or a new car buyer could have a car checked out before he made a final decision to buy. A possible future offshoot of this provision could be a system of Federal standards for auto inspection for safety and air pollution problems.

4. Prohibit the widespread practice of setting back odometers (mileage indicators)—a prime way in which gypsters in the used-car field are defrauding buyers today.

While at least 17 states have laws banning odometer tampering, that leaves a lot of states in which the practice is increasing.

To be realistic about it, there is no separating the laws to increase the safety of cars and to reduce repair costs. For instance, as of this Sept 1, under the Federal auto safety law, all new 1973 cars must be equipped with front bumpers which can withstand crashes of 5 m.p.h. and rear bumpers which can take 2½ m.p.h. crashes without damage to the basic safety systems and without injury to passengers.

Even now, one major auto insurer is granting a 15 percent discount on collision insurance for any car which is built to sustain these 5 and 2½ m.p.h. crashes.

By one estimate, if all cars were required to be capable of withstanding a 10 m.p.h. rear end collision with another car or a 5 m.p.h. collision with a stone wall, we would save $1 billion a year in insurance premiums alone.

The money-saving—as well as the safety—aspects in these trends are nothing short of enormous.

FORCED BUSING OF SCHOOLCHILDREN

Mr. TALMADGE. Mr. President, last night President Nixon made a long-awaited announcement of his views on the forced busing of schoolchildren. I found the results extremely disappointing.

During a series of close votes taken recently in the Senate, the President remained silent. When his leadership might have meant the difference, he kept his counsel. I can only say that what he gave the American people last night was too little too late.

He asked Congress to grant a legislative moratorium on all future busing. That is fine and good for the children in the regions outside the South who are threatened by the prospect of future busing. But once again, the national leadership has turned its back on southern children who have been laboring under this affliction for years.

The President's speech does not change the fact that the South is still a social laboratory for the rest of the Nation. I, for one, am tired of seeing the children of Georgia, black and white, being used as guinea pigs by social planners in HEW and the Federal courts. Apparently, however, the President is content to let this practice continue.

President Nixon said that a constitutional amendment deserved "serious consideration," but that he had decided against that route because it would take too long. This indicates to me that the President has not done his homework. The recent amendment extending the right to vote to 18-year-olds in Federal elections was passed by the Congress March 23, 1971. It was ratified June 30, 1971.

If a similar timetable were followed in this case, we could have a constitutional amendment against forced school busing by the end of the summer. If President Nixon would place the full prestige and influence of his Office behind such an effort, I have no doubt that by next fall we could resume a sane and rational search for quality education.

Furthermore, the last several constitutional amendments have taken an average of between 10 and 11 months to be ratified. So when the President says that such an amendment would take, at the very least, a year or 18 months to ratify, I can only conclude that he has been misinformed.

He has elected, instead, to pursue a legislative remedy. In so doing, he is ignoring the fact that the Federal judiciary has overruled or ignored antibusing legislation passed by Congress time and time again. So the remedy which he holds out may very well be no remedy at all.

I want to serve notice here and now that I have not forgotten the children of Georgia who are already under court-enforced busing orders. The only thing that will help them is a constitutional amendment. I intend to keep pressing for that solution.

I applaud the President for at least taking a public stand against busing in principle. I endorse his goal of quality education for all.

But I deplore the fact that, once again, the children of the South are reduced to the status of second-class citizens in this matter.

President Nixon has said, in effect, that now that we can see what a harmful thing busing is, by what it has done in the South, we must make sure that it does not spread.

KOREAN INDEPENDENCE DAY

Mr. PERCY. Mr. President, on March 1, 1972, the Korean community of Chicago, which numbers more than 10,000, celebrated Korean Independence Day. This year marks the 53d anniversary of the Korean Declaration of Independence of March 1, 1919.

The Korean March First Independence Movement proved to be a binding force in the friendship which has long existed between the United States and South Korea.

Most of the Koreans in Chicago emigrated to this country within the last 20 years, and in that short time they have made a significant contribution to the commercial, religious, and cultural life of the city. The Korean Association of Chicago, under the able leadership of Yung Joon Chang, deserves special praise.

Chicago honored the anniversary with a city council resolution designating March 1 as Korean Independence Day in the city. Governor Ogilvie held ceremonies which included the issuance of a proclamation commemorating the day.

I am pleased to have this opportunity to pay tribute from the Nation's Capital to our fine citizens who have been celebrating Korean Independence Day.

WOMEN AND TEENAGERS ARE IMPORTANT, TOO

Mr. HUGHES. Mr. President, administration spokesmen lately have been suggesting that our unemployment rate of nearly 6 percent is not so important because many of the unemployed are women and teenagers. Somehow an unemployed woman is cause for less concern than an unemployed man.

This may be appropriate in choosing the right policies for reducing unemployment. It is disturbing if it means they are trying to confuse the issue. A whole group of idle workers are not included in the unemployment rate, because they no longer maintain their registration at employment offices. Other workers are forced to accept part-time employment because the economy is not vital enough to provide full-time jobs for these willing workers. Women, in fact, are heads of many households. Some 368,000 women household heads were unemployed in December 1971, an unemployment rate of 5.2 percent for this group.

It is clear that the U.S. economy, strong as it is, has a long way to go to recover from the slump we have been in for the past couple of years. In this regard, Alice M. Rivlin developed a useful analysis of administration statements in the Washington Post of March 15. I believe that all Senators will find it helpful. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Some Questions About the Administration's Line—Unemployment as an Issue in the Election

(By Alice M. Rivlin)

One might have expected unemployment to be among the simplest and most comprehensible issues of the election campaign. A high unemployment rate means that the economic machinery is not functioning properly, right? That's bad for the incumbents, because they are in charge of keeping the machine running. What could be simpler than that?

But to no one's surprise the administration does not see it this way and has launched a multi-pronged verbal onslaught designed to diffuse the unemployment issue and make it a lot more complicated. The administration's argument reminds one of the old story about the man who returns a borrowed pot to the owner with the statement: I deny that it is broken; anyway, it is not my fault, because it was already broken when you gave it to me; and furthermore I've done everything I could to fix it. The administration's line on unemployment goes something like this: (1) unemployment is not as serious a problem as it might seem because many of the unemployed are women and young people; (2) anyway, unemployment is not our fault, because it was a necessary consequence of winding down the war; and (3) we are doing everything either we or the Democrats can think of to fix it up.

Administration spokesmen, of course, do not actually say that unemployment is not serious—on the contrary "We recognize that unemployment is a serious problem," Council of Economic Advisers Chairman Herbert Stein told the Press Club last month. "At the same time,"' he continued, "it would be a travesty to call it a disaster or to compare the situation with the Great Depression. This is especially true when it is recognized that in 1971, 48 per cent of all unemployment was accounted for by people aged 16 to 24 and another 23 per cent by females 25 years of age and older." Without saying why, Dr. Stein left the clear implication that unemployment of women and young people is less serious than the unemployment of mature men. He also pointed out that a lot of young people are not in the labor force—as though that eased the plight of those that were—and that some of those counted as looking for work were also in school.

Dr. Stein is right, of course, that a higher proportion of the unemployed are women and young people than, say, a decade or two ago. This is partly because there are proportionately more women and young people in the labor force than there used to be, but it is mostly because unemployment rates for these groups have gone up relative to those of experienced men. Both phenomena—the increase in women and young people in the labor force and the relative rise in their unemployment rates—have been taking place gradually over the years. They are not features of the current recession.

The administration's apparent contention is that unemployment of women and young people does not cause as much pain and suffering as unemployment of mature males because other people do not depend on their incomes. But this is only partly true. Many women, especially black women, head families, and so do many men under 25. The 23-year-old married man with a new baby and no assets to fall back on may feel his unemployment more keenly than his father. There is also psychological damage. The young person who can't find work may end up pretty discouraged with himself and society. Even loss of a part-time job may be serious, if it means dropping out of school.

Wives tend to earn less than their husbands, but that does not mean that no one depends on their incomes. The black family which is finally making it because both husband and wife work may feel just as desperate about the payments on the house or the car when the wife is out of work as when the husband is.

In any case, the unemployment rate is not so much a measure of economic pain and suffering—the poverty rate is a more sensitive indicator of that—as a measure of the health of the economy. It is also probably a pretty accurate proxy for the way people *feel* about the economy, which is why it matters in elections. If jobs are hard to get, people know about it. They worry about their own jobs; they postpone the vacation or the addition on the house or the store. It may not matter much to their state of mind whether the particular person they heard was out of work was Sam's father, or Harry's wife or Aunt Sue's oldest boy.

The second argument—that unemployment is attributable to de-escalation of the war—is a recurrent theme in the President's speeches. "We all know why we have an unemployment problem," he told the Nation on August 15. "Two million workers have been released from the armed forces and defense plants because of our success in winding down the war in Vietnam. Putting those people back to work is one of the challenges of peace . . ." "It is obvious," he repeated in his last economic message, "that the unemployment problem has been intensified by the reduction of over two million defense-related jobs . . ." And in the State of the Union address, he pointed out again "that if the more than two million cause unemployment—vaguely reminiscent of Marxist theories that a capitalist system needs imperialism to maintain prosperity—are not stressed in the Report of the President's Council of Economic Advisers for the single reason that they are not very accurate economics.

The attribution of the unemployment to military cutbacks implies that defense expenditures create employment and that other government expenditures do not. But there is no basis for this. If the administration had fully offset drops in military spending with increases in civilian programs, the de-escalation need not have created any aggregate unemployment at all, although there would have been local difficulties arising from the fact that the defense and civilian employment might have been concentrated in different places.

In fact, however, prior to August 1971, the administration deliberately pursued a policy of *not* offsetting the military cutbacks fully with increases in civilian spending. They were consciously holding down total government spending in order to create slack in the economy and reduce the inflation. It was not an implausible policy, although the human costs were bound to be high. Many economists thought at the time that it would be worth creating some unemployment in order to lower the rate at which prices were rising.

However, the policy did not work. Unemployment rose all right, but the inflation stubbornly refused to subside. Finally, in August 1971, the administration abruptly changed its strategy, began fighting inflation directly with wage and price controls, and started to use the budget to stimulate rather than cool off the economy. In view of this history it would be far more accurate to attribute current unemployment to a well-intentioned but unsuccessful attempt to fight inflation without price controls, than to attribute it to de-escalation of the war.

The third argument—we are doing everything anyone could do about unemployment—was strongly stated by Dr. Stein in his remarkable speech to the Press Club, "This administration has, I believe, the most powerful, comprehensive, coherent program for dealing with unemployment that any administration ever had . . . We are running the biggest budget deficit ever, except for World War II . . . We have the most comprehensive price-wage control system ever except during the Korean War and World War II . . . We have suspended the convertibility of the dollar . . . We are spending this year about $10 billion for manpower programs and unemployment compensation . . ." The message is: you Democrats have a lot of gaul criticizing us; after all, we're playing your song and playing it louder than you ever played it yourselves.

This recital of Republican accomplishments boggles the mind—at least for a moment. If you had offered 100 to 1 odds a year ago that Stein would be standing before the Press Club crowing about deficit spending, devaluation, and comprehensive price controls you would have had no takers. If you had predicted that the Republicans would actually be exaggerating the size of their deficit you would have evoked the sympathetic half-smile that people reserve for harmless nuts.

But look carefully at that whopping $39 billion deficit now predicted for the fiscal year ending June 30, 1972. In the first place, most of that deficit is a result of the sluggish economy, not a response to it. Tax collections are below what they would have been at full employment and some kinds of expenditures (such as unemployment compensation) are higher. The full employment deficit, a much better measure of the stimulative effect of the federal budget on the economy, is much smaller ($8 billion, not $39 billion) and very recent. In the first half of this fiscal year the government actually ran a small full employment surplus. Moreover, the full employment deficit in the second half of the fiscal year (January-June 1972) is at least partly accomplished by pushing expenditures that would normally have occurred later into the current six month period. For example, the administration has indulged in a bit of calendar reform—the most original budget idea since Julius Caesar?—and has at least temporarily abandoned the twelve month year. Thirteen months worth of public assistance payments will be made to the states in the current fiscal year, leaving only eleven payments for next year. This maneuver has the effect of making this year's deficit look bigger (and next year's look smaller), but it has no real economic effect. States are not going to get their money out to poor people any faster than they would have anyway. Some of the other devices used to enlarge the current deficit seem equally unlikely to have any real economic effect. As George Perry put it in testimony before the Joint Economic Commitee recently, the current "deficit looks to be about 10 parts slack-induced . . . 1 part full-employment deficit, representing a noticeable but not excessive fiscal push on the economy; and 1 part hope, representing estimates of expenditures that may never materialize."

That the administration is finally using the budget to stimulate the economy is good news; whether they are pushing hard enough remains to be seen. One could certainly make a case for creating deficits in a more stimulating way—giving consumers a tax break rather than investors and spending more on programs that create jobs directly, such as public service employment.

In the end, of course, it may turn out that the unemployment issue is really very simple after all. The average voter is probably neither interested in nor influenced by the who-struck-John arguments of the economists. If he has the gut feeling—based on personal observation, unemployment rates, or whatever evidence comes to his notice—that the economy is moving forward he will vote for Mr. Nixon; and if he doesn't, he won't.

REELECTION OF PRESIDENT NIXON

Mr. TAFT. Mr. President, the Sunshine State of Florida was the scene of the 1968 Republican Convention, and the hospitality which the Republicans received there was far different from the discord in Chicago. The positive outlook of the people of Florida provided a great spark to ignite the first campaign of Richard Nixon for the Presidency.

They have again provided the campaign momentum by giving President Nixon an impressive 87-percent margin.

President Nixon has been a reform President, and the reforms which he launched are of a most fundamental nature and will be of lasting benefit to the American people.

However, it has become evident that 4 years is not long enough for an administration to bring about the reforms which are needed.

On January 22, President Nixon outlined his "Six Great Goals" for a domestic program. These goals are the goals which we all share and they are indicative of the energy and dedication with which this administration has taken up this Nation's problems. This was an ambitious program. But it is a program which required the understanding and support of the American people, and it is receiving that support.

President Nixon has brought renewed confidence in the Presidency. He has demonstrated that he is a man of his word, a President who shuns the closed door approach and deception of previous administrations. The President has a record of keeping his promises to the American people.

We know that the President cannot accomplish all of his goals in a 4-year period. He has received the overwhelming support of the people of New Hampshire and Florida. I believe this trend will continue. The American people will not replace performance with mere promise, and they will not replace a man who has taken the high road in presidential affairs with those who have become mired in the swamp of the Everglades.

Mr. President, I ask unanimous consent that there be printed in the RECORD an article published in the Sunday, March 5, Cincinnati Enquirer.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CASE FOR REELECTING THE PRESIDENT

Precisely four years ago this week, The Enquirer became perhaps the first metropolitan newspaper in America to give its unqualified endorsement to Richard M. Nixon as the nation's 37th President.

On March 10, 1968, the New Hampshire primary—then, as now, the first official sampling of political opinion of the election year—was still several days away. Gov. Nelson Rockefeller of New York loomed as a presidential aspirant of sizable resources and boundless energy. Michigan's George W. Romney, once regarded as something of a front-runner for the Republican presidential nomination, had removed himself as an active candidate only 10 days earlier. The intentions of Gov. Ronald Reagan of California remained, at the time, still undefined.

As events turned out, our faith in Mr. Nixon's political prowess was justified: He won not only the New Hampshire primary, but also the other significant tests of preconvention opinion. He went to the Republican National Convention with a clear majority committed to his nomination. And he emerged from the fall election with 301 Electoral College votes (to 191 for Hubert H. Humphrey, Democrat, and 46 for George C. Wallace, American Independent).

It is, with similar confidence, therefore, that The Enquirer renews its endorsement of Mr. Nixon for renomination and re-election.

We do so in the conviction that President Nixon has more than measured up to the trust that his nomination and election four years ago represented. More important, we do so in the belief that, to a far greater extent than anyone could have imagined, he has presided over an administration that refuses to be held captive to past policies, past prejudices and past errors.

Out of precisely such a spirit was born the Peking visit from which Mr. Nixon has just returned—unquestionably one of the most audacious initiatives of the postwar era.

The first word that Mr. Nixon intended such a trip struck most of America like a thunderbolt. Yet to reread Mr. Nixon's public pronouncements about China and about his overriding determination to build a generation of peace was to see such a mission as all but inevitable. It was the prudence of statecraft that told Mr. Nixon and his counselors when, exactly, the initiative could and should be undertaken. The magic moment, as it develops, came last summer. It could not, most experts agree, have come earlier; and very possibly, it could have been delayed indefinitely if Mr. Nixon had not recognized the singular opportunity that world events had put into his hands.

Paralleling his new approaches to Peking has been Mr. Nixon's equally audacious initiatives with respect to the Soviet Union.

The best-informed opinion on the subject suggests that the United States and the Russians are on the brink of a significant, far-ranging agreement on the limitation of strategic arms—an agreement that carries the hope of relieving both sides of at least part of the crushing burden of the strategic-arms race.

Both the Nixon foreign-policy initiatives—from beginning to end—underscore, more than anything else, the usefulness of experience in the White House. At critical junctures of history, neither good intentions nor bluster nor even uncommon cleverness is an adequate substitute.

Richard M. Nixon goes before the electorate again this year, accordingly, with the experience he took into the 1968 campaign significantly enhanced. No actual or potential rival can match the expertise that two decades on the world stage have given him.

On the domestic scene, Mr. Nixon has shown himself to be just as unfettered by the rhetoric and the sloganeering of the past.

Hence, he has put before Congress a revolutionary new welfare-reform program that, in his judgment, can bring order out of the disaster that public welfare has become.

He has similarly advanced a far-ranging program of revenue sharing, the goal of which is reversing the inexorable trend toward the amassing of more and more decision-making authority in Washington and depriving the American people of a voice in shaping their own destinies.

Finally, he has challenged every element in the nation's economic life to put personal ambition aside and to work together for the vital national goals of controlling inflation, increasing productivity, curbing unemployment and making American technology once more the envy of the world.

The United States, from its earliest moments of life, has been a nation of free debate, and it has been from the free exchange of ideas that widely supported policies and programs emerge. It is one of the tragedies of the era that Mr. Nixon's opposition in Congress has shrunk from debating the significant initiatives Mr. Nixon has put before the nation and treated them instead to the slow death of inattention, all the while lamenting the problems they were conceived to help solve.

Mr. Nixon's reelection we believe, will be a mandate to the practitioners of politics as usual to end the filibuster of silence and to accord the Nixon administration's bold domestic initiatives the widespread discussion and debate they merit.

Yet another measure of Mr. Nixon's achievements of the last 3½ years has been the continuing deescalation of the Vietnam war—the longest and one of the most divisive in the nation's history.

Every war in human history was instantly endable provided one side or the other was prepared to capitulate. But the U.S. commitment to Southeast Asia is being liquidated without capitulation. And those who lament about the pace, those who suggest that the principles for which the U.S. commitment was undertaken have lost their validity, would do well to ponder the analysis of columnist Stewart Alsop in the February 14 issue of Newsweek:

"For this country to deny (the South Vietnamese) the means (to defend themselves), thus forcing a Communist regime on them, would be an act of crass betrayal, the crowning tragedy of a tragic war, and a long farewell to all our greatness."

No American who ponders that truism, none who looks beyond Election Day to the years in which the United States must continue to live in the world, can fail, we believe, to see the soundness—indeed, the inevitability—of what Mr. Nixon has undertaken in Vietnam.

There is evidence that there is a widespread understanding of Mr. Nixon's goals in the world in the striking circumstance that today's debate about Vietnam proceeds with nothing of the fury that characterized it four short years ago. Public figures—both in and out of the administration—can now speak publicly without being hooted off the platform. And the threats to paralyze entire cities as a means of calling attention to the views of ideological minorities has simply ceased to be an aspect of the American scene.

These, we are convinced, are significant and far-reaching accomplishments—imaginative and productive initiatives for peace and security abroad and innovative answers to the worrisome social and economic issues that plague us at home.

The record is one that not only commends Mr. Nixon's renomination and reelection, but commands them as well.

CAM—THE SECOND-CHANCE ACADEMY

Mr. PERCY. Mr. President, I invite the attention of Senators to CAM Academy, an innovative community-controlled school on Chicago's West Side.

Founded by the Christian Action Ministry in 1967, CAM Academy serves as a high school to approximately 150 students each year, most of whom are dropouts from the public school system. Failures in the public school system, these students found in the CAM Academy an opportunity to begin a new lease on life. In its first 2 years, the academy sent an astounding 65 percent of its graduates to college.

But CAM Academy is not only a high school for dropouts; it is also an innovative educational experience which merits close attention. While providing an invaluable service to its community's young, the Academy is seeking to define and resolve the problems of urban education by developing new educational structures, methods, and curriculum content which would provide an effective and meaningful education for inner-city students.

Since the problems we are facing in urban education today have reached crisis proportions, I feel CAM Academy's story will be of particular interest to my colleagues. I ask unanimous consent that an article describing the academy be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SECOND-CHANCE ACADEMY—CHICAGO SCHOOL FOR DROPOUTS SENDS 65 PERCENT OF ITS GRADS TO COLLEGE

Michael, a 19-year-old West Side Chicagoan, is always running late and there's good reason for it. Since he was 15, he's had a part-time night job to help support his family. He has two younger brothers and four younger sisters and there's no father in the home. He and his mother are the only working members of the family. A year and a half ago he was a high school student, but public schools don't take too kindly to students who are always late for class. In fact, in Michael's high school, a student could be late only three times before he is expelled. Michael was an easy mark for this rule. He was expelled and because his mother could never afford to take time off from work, Michael was out for over a month. By that time, he was so far behind in his studies that he simply never returned.

For six months Michael didn't do much of anything except work and shoot pool with his friends. But he wasn't satisfied with himself, and one day a buddy told him about CAM (Christian Action Ministry) Academy in the West Garfield Park area in which he lives where he could finish school in six months and get a college scholarship. The school was cool, the buddy assured him. People there didn't bug you about being late. In fact, they didn't bug you about much of anything. It was all up to you. You could take any classes you wanted. You could smoke in class and there weren't so many kids in a class that no one had time for you. This sounded like a good idea to Michael. He was no longer a kid. He'd been out there and he sure didn't need a school where he was going to be treated like a kid. He investigated CAM. He compared it to public school and he liked what he saw. "It's not strict here," he says now. "There are fewer kids and classes are not so early." In public school, Michael only had 45 minutes for lunch and three minutes between classes. "That was a drag," he says. "I mean like, 45 minutes is not enough time for lunch and if one of your classes was on the far side of the building, you had to run like everything to make the next class."

The best thing about CAM, according to Michael, is the way everybody takes so much time with you. "Like the classes are small and no matter what you want to ask any teacher they take the time to listen and help you." Another thing he likes is the freedom. "You're free here. You can use your own language, so it's not hard to express yourself to a teacher. In public school, the teachers were so busy correcting your English all the time that you forgot what you wanted to say. So you just didn't say anything after a while." He feels good about himself since he began at CAM. "You can ask teachers about anything here—personal things, jobs, anything, and they understand and they're honest with you so you don't feel like the dirty end of a stick. You can smoke, play cards on your lunch hour, play a radio on free time and you can be in one class and ask to go to another and you can go. They encourage you." Michael wants to go to college and study business accounting and through CAM he is now a member of a cooperative work study program at a downtown business.

Willie Henry, 17, is another CAM student. His story is not so different from Michael's, but Willie is more on his own. His parents are down South and he comes from a family of 13 children. "We didn't have a lot of money," he says, "but we made it. I want to be somebody. I think I want to be a lawyer. In order to get a good job, you got to be experienced." Willie's ailing father hasn't worked in eight years and his mother has rented rooms to feed her large family. Willie's hopes for his future are high but—because of CAM—they are not unrealistic. He likes to write stories and gets extra credit for his writings at CAM. "The teachers here talk your language. They don't just act like they're your elders. You can tell them things."

Michael and Willie live in Chicago's West Garfield Park area, a "desolate wasteland," as one newsman described it, and the scene of several major race riots. Living a meaningful life there isn't easy, even for adults. The pressures of poverty, poor housing and high crime weigh heavily on residents. Dropping out of school is almost a way of life for most of the youth. Unable to find a better life in the streets, a large number of young people turn to crime.

CAM, a black, self-help organization of 13 area churches, was started in 1967 to change this pattern of life. CAM's program has worked and has been the subject of several major research studies and has received funding from more than 20 major foundations in the country.

In the first two years, 65 per cent of CAM Academy graduates went on to college, according to research findings by University of Illinois professor, Dr. Maurice Eash. The students have written two books, *Look What's Happening, Baby* and *I'm An Artist, Baby,* both of which have been published and are for sale across the city. They have also written and produced their own play based on the life of Malcolm X.

The subjects taught at the academy are similar to those taught in public schools, except that CAM offers photography and has plans to offer black drama and dance. The major difference between the academy and public schools is the informality of the class structure. CAM instructors are sure this informality is the reason for their high incidence of success with students. Larry Ross, the math instructor, explains: "We don't use texts, just sheets. One sheet done means a feeling of accomplishment for a student." Each sheet completed means a student has learned an entire mathematical concept. "I first try to find out what they don't know and work from there in a progressive learning method." They also have math tests on which they are allowed to cheat so that no one is afraid of tests. "They are learning and mastering concepts at the same time so that they have something in their control," says Ross.

Students sit in class smoking, wearing hats, slacks or anything else they want. The learning is up to them and most of them meet the challenge. "We have so much personal freedom," says one student, "that the other stuff comes easy."

An English classroom, decorated with wall posters of major black writers, including James Baldwin, provides the setting for informal sessions. The use of texts is minimal and most of the reading material is well-known fiction by leading black writers. Most of the students write fiction and poetry themselves to such provocation, teacher-suggested titles as "I Was A Sucker For Two Years" and "Why Work?" Their stories are typed and mimeographed and distributed among the other students for reading and criticism.

A photography class, which is very popular with the students, was a completely stocked laboratory for film developing and printing. Cameras are issued to students for a $5.00 fee. Said Michael: "You can get a camera right away for a fee—that's to keep us from ripping them off—" he adds with a smile, "and we bring the film back and develop and print it ourselves."

A Social Science class features such things as mock trials supervised by actual lawyers from the community and nearby colleges, who donate their time to instructing students on the way a real court room works. Often they deal with controversial cases that are actually being tried in courts or else they contrive a case. "Having them do it this way," says Portis, "helps them to understand how and why court decisions are made." There is also a science class in which students do experiments that relate to their actual environment. For instance, in one class meeting, they were given some oregano to try to determine from their own experiences what it was. Most of them, naturally, thought it was "grass," but after testing it by smell, taste, and even trying to smoke it, they were able to draw other conclusions. The students reach a high level of achievement and they do it in a short time. "We try to encourage them to reach for the sky," says Portis. "We make college available by getting them a financial package and keeping up with them during their entire stay to make sure they are happy and correctly placed." Rev. David T. Nelson, pastor of the community's Bethel Lutheran Church, and a founding member of CAM, says: "The academy has given a sense of hope to children who have had tragedy. It is a way for them to pick up the pieces of their lives for the second time. The organization has also added a vitality to church life in the community."

CAM is not a do-good organization but a black, self-help *action* group which, in addition to the academy operates two day care centers, and adult education and clerical training programs. A black business project includes the formation of a small business investment corporation. CAM's employment center places more than 100 persons weekly. Its housing plan includes the purchase of 29 sites for building apartments and a youth exchange program assists in sending youths to African and European countries for summer projects. The Rev. Albert Mensah, dynamic convenor of CAM and a native of Ghana, helps with the youth exchange arrangements to Africa. There is a community recreation program and a unique religious plan which will replace some church buildings with apartment houses, day care facilities, ecumenical centers, shops and theaters.

CAM describes itself as a "tuned-in, turned-on, brand-new school for drop-outs 'n push-outs," but a more poignant description comes from former student Josh Fleming Jr., who now attends Columbia College of Communications:

Drop out
Not me, baby
I go to CAM
I do something like nobody can
This is a school where you
Can do what you can do
This is a boss school
Like nobody ever seen
But only one thing
It is the only one
Can you dig it, man?

ARTHUR KRAMER ORGANIZES SENIOR CITIZENS FOR ENVIRONMENTAL CLEANUP

Mr. RANDOLPH. Mr. President, millions of Americans are acutely aware of the need to improve the environment. Throughout the country they are devising new imaginative ways for creating and maintaining a clean environment.

I regularly see fresh examples of the American spirit at work as our citizens take on the task of great importance to all of us.

Earlier this month I read an Associated Press report in the Houston Chronicle about the project of Arthur Kramer, of Dallas, Tex., in mobilizing the senior citizens of his city on behalf of a clean environment. Mr. Kramer's effort is typical of the contributions being made by citizens of all ages to the cause of a cleaner world. His dedication should be an inspiration to all of us.

Mr. President, I ask unanimous consent that the story of Mr. Kramer's work be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HIRE THE ELDERLY—RETIRED MAN HAS "LITTER PATROL" SCHEME

DALLAS.—Arthur Kramer, 67, retired federal employe, has his own idea for keeping the city clean. Let the senior citizens do it.

His plan calls for the organization of litter patrols which would give Dallas a cleaner, more attractive environment while at the same time providing thousands of the elderly retired with meaningful jobs. The patrols would be sponsored by social, charitable, or business organizations or the city itself.

Kramer said he got the idea while walking in his own Northeast Dallas neighborhood and pausing to pick up unsightly scraps of paper, cans, bottles and other debris.

"Too many people retire with no plan for keeping occupied," Kramer says. "A lot of them just walk around aimlessly or sit at home doing nothing. And a large percentage of them really need a small source of additional income to supplement social security or pension checks."

Kramer would recruit his antilitter army from senior citizen clubs, arming each fighter with a large bag bearing some appropriate promotional message.

"Suppose, for instance, a large grocery chain could put three or four elderly persons to work circulating within a radius of a mile or two from their stores to keep the streets, alleys and vacant lots clean," he suggests "It would not only be great for the old people, great for the community. It would also be a great public relations gimmick for the stores."

He doesn't think there would be any difficulty finding recruits.

"Lots of people would be willing to do it, I think, for a small monthly fee, says $30 or so," said Dramer. "There's no reason for people to move off to Florida after they retire because they are bored. There's plenty they can do right here at home."

THE VANISHING FAMILY FARM—THE CONGLOMERATE GREEN GIANT

Mr. STEVENSON. Mr. President, the March 13, 1972, issue of the Nation contains an editorial by Carey McWilliams, author of "Factories in the Field" and other books on farming and farm labor, and a feature story by George Baker and Ronald Taylor. Both columns emphasize that if the traditional family farm, small and large, is to be given a chance to survive, a major reordering of policies, programs, and priorities is in order.

Past efforts to save the family farm have been frustrated, because of our failure to focus on the policies that threaten the economic, social, and political fabric of all rural America. That giant corporations and conglomerates are an increasingly significant economic force in rural America with a vast impact on the lives of farmworkers and farmers alike was explored extensively during Migratory Labor Subcommittee hearings in California in January. Both columns from the Nation discuss the issues raised at those hearings.

In order that all may have an opportunity to read these articles, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items ordered to be printed in the RECORD, as follows:

THE CONGLOMERATE GREEN GIANT

(By George L. Baker
and Ronald B. Taylor)

BAKERSFIELD, CALIF.—Like the Tule fog that clings to the nearby Tehachapi Mountains, the name Tenneco has settled uncomfortably over California's southern San Joaquin Valley, the richest farming area in the world, producer of 100 crops annually and the birthplace of the words "agribusiness" and "corporate farming."

Tenneco is the new kind of farmer, the conglomerate corporation interested in profits and expansion. In ten years it has become the thirty-fourth largest corporation in the United States; its tentacles reach into manufacturing, oil and natural gas, packaging and shipbuilding and now agriculture. Tenneco has assets of $4.3 billion and 1970 gross revenues of $2.5 billion. Farming and land development profits hit $22 million in 1970, not including appreciation on the 1.8 million acres of land it farms or controls in the Western United States.

This giant—just one of the many now moving into agriculture—has come to symbolize a trend that is clearly troubling many farmers (even large farmers), and Corn Belt Congressmen and urban liberals. The trend has been labeled corporate farming, but it is far more than that. Corporate farming has long been a way of life in California, Florida and other states. Corporations such as A. Duda and Sons in Florida, the J. G. Boswell Co. and the Kern County Land Co. of California have been * * * received in farm subsidies. But they were essentially farming outfits, built by men who bet their dollars—and the tax dollars they received in subsidies—and their sweat on the weather and the market.

The conglomerate farmer is another breed which includes Purex, United Brands, Amfac, and Bangor Punta (a Greenwich, Conn. conglomerate that owns Smith and Wesson Co. and operates Producers Cotton Oil Co., a 130,000-acre farm with vast cotton allotments in Arizona and California). The Getty, Superior and Belridge Oil Companies, all recipients of oil depletion allowances, are farming 71,000 acres of fruits and nuts in Fresno and Kern Counties. Tenneco got into farming by gobbling up one of the old-style corporate farms, the Kern County Land Co.

These large enterprises have their principal sources of profits outside agriculture, they are favored by tax laws, and have enormous amounts of capital to invest and to manipulate through the complexities of overall profit-and-loss ledgers. Such conglomerate farmers pose a threat to traditional farming patterns as they accelerate the economic winds that are blowing the family farmer off his land.

In California, where the trend seems to be moving the fastest, some experts feel that the concentration of land ownership has already shifted beyond the point of no return. A Census Bureau study revealed in 1969 that 2,926 farms owned a total of 24,925,220 acres of farmland. That leaves only 30 per cent of the state's farmland divided up among the other 77,875 farms. In Kern County, 196 farms own 3.3 million acres out of the county's total farmland of 3.8 million acres. Just to the north, in Kings County, the pattern of concentration is repeated with thirty-eight of the county's 1,109 farms holding 533,667 acres, or 75 per cent of total.

This concentration of land—i.e., power—in the hands of a few giants was the subject of recent hearings conducted by the Senate Subcommittee on Migratory Labor in California. The subcommittee, chaired by Sen. Adlai E. Stevenson III (D., Ill.), called thirty-five witnesses who painted a picture that is bleak, if viewed from the small farmer *and* operator's perspective. But California's agribusiness spokesmen seemed unconcerned. Stevenson's invitations to California Farm Bureau president, Alan Grant, and to Tenneco's agricultural president, Howard P. Marguleas were snubbed, though Grant presented written testimony and Marguleas talked privately to the committee counsel.

No one at the hearings—including Senator Stevenson—could define a family farm, and the term was used to cover every farm operator from the small immigrant grape grower to the 5,000-acre vineyard operator who ran his own cold storage houses and packing sheds. In the end, the idea of the family farm was held to be sound, as a social idea, but attempts to describe it as an economic fact engendered more heat than light.

The 5,000-acre vineyard owner, Peter J. Divizich, explained in testimony how Tenneco and the Bank of America had shattered his business and forced him into bankruptcy.

In 1965 he turned to Heggblade-Marguleas, Inc, to market his grapes. H–M, the largest marketer of fruits and vegetables, was acquired by Tenneco two years ago. Divizich said that after a year he fired H–M, but the market reverses he suffered started his economic downfall. Within two years the Bank of America stepped in to manage the farm and his debt doubled to $9 million. Later, the bank foreclosed and sold the property to H–M, after H–M gave another grower $500,000 to withdraw his bid. Divizich sued, charging that Tenneco and the Bank of America had mismanaged his properties during the financial downfall. A jury agreed and awarded him $400,000, half to be paid by Tenneco and half by the bank.

When Divizich had finished his testimony, Senator Stevenson remarked, "That was a wonderful story until 1963; it sounded like the American dream fulfilled. But now we're finding that farmers have new names, like Tenneco and Dow Chemical and Del Monte." The irony of the statement, of course, is that Divizich himself was a large operator who was vertically integrated. The land he farmed had been owned by other, presumably less successful farmers who had sold out. While Divizich's tale is graphic evidence that no one is immune to the perssure of the free enterprise system, it also reveals some of the inconsistencies of thinking that surround the words "family farm."

What is a family farm? Is it a 160-acre vineyard owned by a father and son who have both raised their families on the land? Is it 100,000 acres owned by a single operator who has also raised his family close to the land, if not right on it? The federal government, primarily through the Homestead Act and the 1902 Reclamation Act, decreed that 160 acres was an ideal size. The multimillion-dollar reclamation projects built throughout the Western United States put water on the land with the specific understanding that those who benefited would not own more than 160 acres—or 320 acres for man and wife. All lands held in excess of the acreage were to be sold.

In California, such laws were ignored or manipulated. The result was a huge windfall to large landowners who could technically "break up" their land, but still retain control over the operations. The same kind of manipulation goes on today in the controversial crop subsidy programs. The $55,000 limitation has not blocked million-dollar payments to some large growers.

The whole network of government programs and subsidies has become an outrageous perversion of national policy, and only a complete overhaul can put it straight. The job will not be easy in any case, because of the vested power built up over the years, but it will become more difficult as the power shifts from the traditional corporate agribusiness interests to the conglomerates. That shift is essentially from the rural farm giants to the urbanized, multinational corporate power structures.

Tenneco, with its new label, "Sun Giant," maintains farm-to-market control—growing, processing, packaging, promoting and marketing. No Iowa or California family farmer, however large, can compete. Such a conglomerate, bringing millions of dollars into play, can take losses anywhere along its vertical structure and convert them into economically advantageous farms. In Tenneco's case, the conglomerate produces within its various divisions everything needed on the farm, from tractors to fertilizers and packaging materials. (Company spokesmen deny they use any of their own products except tractors.)

With this kind of leverage, conglomerates are about to destroy the traditional farm auction system, the competitive free marketing processes which have prevailed throughout the nation's history. Sheldon L. Greene, California Rural Legal Assistance lawyer and advocate of land reform, said. "The result of conglomerate entry into agriculture is that the single activity farmer must compete against producers who not only corner the market through vertical integration, but who produce at a loss, deriving benefits not from profits on the sale of production but rather from capital gains."

Hollis Roberts, a cigar smoking "country boy" who came to California poor and put together a 130,000-acre farming empire, saw the handwriting on the wall and switched from farming crops to farming money. Roberts sold off great chunks of his rich farmland by splitting it into small parcels and finding doctors, lawyers and other high-income investors who needed to convert income to capital gains. This is tax loss farming, the plowing of money into land improvements and resulting operating losses. Roberts not only received the land value gains when he sold the land; he is now paid handsomely for managing these same acres.

Conglomerate farming of vast acreage and the tax loss investment of distant doctors and lawyers have another effect on the land—it removes people, those who once lived and worked on the land or in the towns which served the land. Thousands of farms have disappeared, either being swallowed into a larger unit or taken over by absentee ownership. And for every six families that leave the land, at least one business in a nearby town must fold.

California was once dotted with small farming towns. Each had its own machine shops, tractor sales agencies, car dealers, service stations, a hotel or two, cafes, courts and residential neighborhoods. Towns like Pixley and Earlimart and Woodville are no longer viable; many of the business houses stand empty, even the relocation of highways has passed them by. This in turn has far-reaching social and political implications for rural areas.

On the west side of Fresno County, where land is talked of in terms of 640-acre sections, only squalor and poverty inhabit such towns as Mendota or Firebaugh or Huron. Contrast this with the east side of the county, an area noted for its small farm ownerships and high-quality fruit. Farmers buy their equipment and supplies from local dealers, take part in civic affairs and lend stability to life.

As this power shifts from the many to the few, the question arises: who will control the markets, and as the result control the price structure of food? When corporations such as Purex or United Brands control a major portion of the lettuce market, as the Federal Trade Commission has alleged, they have an obviously unfair competitive advantage over the smaller growers.

It is argued—with some validity—that in a competitive economic system the most efficient entrepreneurs survive and must continue to grow to remain efficient. That, as said above, is obviously true in the total farm to supermarket context of Purex or United Brands. However, in the traditional definition of farming—the definition that begins with the soil and ends with the harvest—the single farm operator who has total control over his land, finances and labor input can produce a higher quality product at less cost than his giant neighbor.

The key words, of course, are total control. Most farmers have green thumbs, are mechanically skilled, know their farm chemistry and entomology, but too often they have no control over the cost of money, the cost of equipment and other inputs. The one area they have "controlled" is labor and ironically the resulting low wages benefit the big producer more than the smaller grower who can afford no more. These low wages are a direct subsidy of sorts. It would cost farmers $3 billion a year to increase their pay scales to industrial levels.

The small farmer's lack of control over his inputs has caused economic chaos. As several witnesses told Senator Stevenson, they were vulnerable because they were dependent upon the crop hanging on the trees to retire what they considered heavy debts. Two or three bad years in a row could lead to disaster, as Divizich discovered. One grower who specialized in processing potatoes used for French fries and potato chips told the subcommittee that he was approached by Tenneco with a land lease offer. But once he opened his books to their inspection, the offer was withdrawn and Tenneco went into the potato business, selling the produce at a loss.

Basic questions are raised by this situation. First, is there a public interest in farming that goes beyond profit and losses, beyond investments and shifting tax burdens? Is the concentration of farmland ownership, in California and elsewhere, an area of public concern?

Dr. Paul S. Taylor, professor emeritus of economics at the University of California, gave his answers in testimony before Senator Stevenson:

"The decline in access of people to the land, a consequence of unabated farm enlargement and concentration of land ownership, is an important element in shaping the problems not only of farm workers, but also of working farmers, town businessmen and indeed all elements of rural society. The impact of uncontrolled, even assisted, displacement of smaller farmers by larger, even giant farmers, is far more pervasive than simply obstructing farm workers and would-be farmers from the land. The impact is felt throughout the business, social, cultural and political life of the entire community."

In Dr. Taylor's mind, the overriding value is a "social efficiency in the interest of the community as a whole." He feels such social efficiency should be the "proper guide" to policies formulated to counter the move toward bigness.

Another question is economic: who will control the food prices? As thousands of independent farmers are driven out of business, more and more market control is gathered into the lap of conglomerate power. When Tenneco acquired Heggblade-Marguleas, Inc., it got the country's largest fruit and vegetable market machinery, pumped more cash into this machinery, modernized it and developed the brand label, "Sun Giant."

One might relate that development to what occurred several decades ago when the small power companies of California were taken over, one by one, by the "more efficient" Pacific Gas and Electric Co. and Southern California Edison. They developed monopolistic structures that in turn were regulated by governmental public utilities commissions. If the public interest in power was great, the interest in food supplies must be greater. Is it possible that the nation's agricultural industry should be regulated in a similar manner? The question is raised in the knowledge that government regulatory agencies do not have an entirely glorious reputation for protecting the public interest.

Certainly, as the corporate giants gain controlling interest in specific markets, strong enforcement of antitrust laws should be undertaken. In agriculture when a company or conspiring companies enjoy a 20-to-30 per cent corner on the market, they virtually control the prices. If these same companies own the processing and marketing outlets, manipulation of raw product prices downward increases the profit margins throughout the upper portions of the processing and marketing mechanism. That is a powerful lever to force smaller competitors out of business.

Proposals made in Congress would exclude from farming corporations having more than $3 million in assets, thereby eliminating the threat of market dominance and the further social destruction of rural America. The idea may be good, but it also seems naive. However, an agriculture public utilities commission might insure the smaller farmer a profit by establishing retail prices and policing the harvest-to-market processes to see that the farmers receive their fair share of those retail prices. (The same commission should also establish minimum wages that would guarantee farm labor a decent living wage.

Whether or not such a suggestion is practical, Congress should immediately close the tax loopholes which allow corporations to write off land development expenses and then take the appreciated land values as capital gains. Corporations that derive the bulk of their income outside of agriculture—real dirt farming practices—should be barred from setting off their farm losses against that income.

In the Western states, vigorous enforcement of the 160-acre limitation of the reclamation law would go a long way to curb ing the power of corporations. Farmers receiving water on land in excess of 160 acres, who have signed so-called recordable contracts, are required to sell that land within ten years at pre-irrigation prices. But enforcement of such provisions is not likely in the California political climate, especially when the director of the California Department of Agriculture, Jerry Fielder, tells Senators that enforcement of the 160-acre limitation would be disastrous because the entire agriculture economy is built around "nonenforcement."

The breakup of large corporate landholdings could be accomplished by allowing the federal government to buy up the excess lands and redistribute them to homesteaders or small farmers. This idea is proposed in bills sponsored by Sen. Fred Harris (D., Okla.) and a number of other Senators and Representatives. Rep. Jerome Waldie (D., Calif.) said that, without such reform, state and federal water policies "will most likely result in the destruction of the small farmer and the continued prosperity of the corporate farm without any resultant benefits to the customer."

It is apparent that the entire federal crop-subsidy program should be scrapped and a new set of rules drafted to restrict surplus production. The $55,000 limitation did nothing more than test the ingenuity of the large growers. They were not found wanting.

If the agribusiness system is allowed to continue on its present course, if in the name of saving the small farmer the federal government continues to hand pennies out the front door while corporate giants sneak out the back door with bushel baskets full of tax dollars, there can be only one outcome: General Motors or some other super, multinational corporation, will one day own American agriculture and the nation.

If, on the other hand, the traditional family farm, small and large, is to be saved, a complete change in national thinking is required. The first step is to define a family farm; the second is to set laws that would specifically shelter this socioeconomic entity from the caprice and avarice of the free enterprise system.

Campaign 1972—The Vanishing Family Farm

(By Carey McWilliams)

When *Factories in the Field* was first published in 1939 I was accused of exaggerating the extent to which the large-scale corporate farm was making inroads on the traditional family-sized farm. Thirty-three years later it is evident that, on the contrary, I grossly understated the danger. I did not foresee "the tentacles of Tenneco," I did not anticipate the present invasion of "conglomerates" (see article p. 332). It did not occur to me that, within a generation, the large-scale corporate farms of the late 1930s would be threatened by still larger concentrations of power. It was even more difficult then than now to make the point that the real issue in the perennial "small farm, large farm" controversy is one of social efficiency. Apologists for corporate farming interests—numerous, well financed (some of them ensconced in comfortable academic posts), with ready access to the media—insisted that the large corporate farm was more efficient. Besides, it spread economic benefits throughout society, principally in the form of lower prices for food. Therefore let competition take its course; let the economically fittest survive. But economic efficiency is a tricky concept. It is wasteful, not efficient to pay huge subsidies to large corporate farms as a bonus for not raising crops. If one judges agriculture efficiency in terms of yields per acre, the evidence shows that for many crops the family-operated farm has the better record; that, unhappily, does not insure its survival. The truth is the family-sized farm—actually a very flexible concept—could survive if given a chance; it is done in by the fact that the corporate farms, and more recently the conglomerates, command the power (financial, political, organizational) to mock the idea of fair competition.

This central issue of social efficiency, touched on in the recent California hearings conducted by a subcommittee chaired by Senator Stevenson, will engage the attention of the Senate Monopoly Subcommittee which on March 1 resumed hearings into corporate gigantism. Dr. Walter Goldschmidt is scheduled to be a lead-off witness, and once again we shall be reminded of his study of two farming communities in the San Joaquin Valley—of Arvin, surrounded by large-scale corporate farms, and of Dinuba, with its family-sized farms—and of his conclusion that, measured by social and civic criteria, the latter is the better, more stable community. But the Dinubas of rural America, and even the small cities that serve as shopping and service centers for farming communities, cannot survive without the family farm.

A library of books, studies, investigations, and reports has been devoted to the family-sized farm. Over the years, the phrase has acquired almost sacred overtones, in large part because generations of Americans were raised to believe that rural meant virtuous. But today, for perhaps the first time, the problem of how to save the family farm may be shaping up as a live political issue. In the past the standard remedy, of both parties, for rural distress has been a ritualistic increase in farm prices in election years (Secretary of Agriculture Butz is now urging such a boost). That may quiet farm unrest to some extent, but it will not "solve the family farm." More drastic remedies are needed.

Fortunately, the current hearings will focus on comprehensive new legislation sponsored jointly by Sen. Gaylord Nelson (D., Wis.) and Rep. James Abourezk (D., S.D.). Their proposal is not a cure-all, but it points in the right direction. It should be emphasized that today, also for perhaps the first time, the issue of the family farm has broad implications. For one thing, the plight of the cities dramatically underscores the need to achieve a better rural-urban balance. No longer does expression of a concern for the viability of rural communities sound dull, unenterprising, mildly regressive. In much the same way, ecological concerns have stimulated a reconsideration of the importance of rural America. The emergence of Cesar Chavez's pioneering United Farm Workers—it has just signed its first contract in Florida—implies that the interests of farm workers must now be considered. So too, the spreading popularity among small farmers of the idea of "collective bargaining" suggests that a note of realism is entering the endless colloquy about the family farm.

Senator Nelson and Representative Abourezk are concerned with the economic, social and cultural effects on small town and rural America of the activities of large, diversified and integrated farming corporations. But social efficiency as a test of various forms of enterprise has a relevance that extends beyond agriculture. It would substitute for a myopic concern with profits the need to provide a better life for more people, with sound, long-range prospects for social and economic stability and minimal damage to the environment. That is not a bad test of corporate responsibility everywhere in the economy. That it is being applied in agriculture suggests that a New Populism, more sophisticated and relevant than past Populist movements, may be emerging as a real force in American politics. Jack Newfield and Jeff Greenfield detail the underlying assumptions of such a movement and describe a possible program for it in their *A Populist Manifesto: The Making of a New Majority*, published this month by Praeger. The present hearings should initiate an ongoing discussion of the rural and small-town crisis, which is just as severe, in its way, as the much better publicized urban crisis. The basic issues—long neglected—should be flushed out in Campaign '72, for they will remain high on the agenda throughout the decade.

National Future Farmers of America Week has just been observed (February 19–26); the theme this year was "Youth With a Purpose." If the 450,000 young men and women who belong to that organization are to have a future on farms, then the family farm must be given a chance to survive. That involves a radical reordering of policies, programs and priorities.

THE OCEAN MAMMAL PROTECTION ACT

Mr. PERCY. Mr. President, on March 9, the House approved legislation to protect ocean mammals and to establish a Marine Mammal Commission. The vote was 362 to 10, after several strengthening amendments had been accepted. The House is to be commended for passing a more effective proposal than was first reported to that body last December. However, the bill does not go far enough. Amendments that would have extended further protection to porpoises and dolphins were rejected and the moratorium on the taking of ocean mammals would only last for 5 years.

Because I feel that Government management programs have not and will not fully protect whales, seals, sea otters, dolphins, and porpoises I am cosponsoring and strongly supporting the Ocean Mammal Protection Act as it has been proposed in S. 2579, introduced by Senator Harris. The taking of valuable ocean mammals which may lead to their extinction as a species is, in my view, unnecessary. I do not believe that our requirements for sealskins for coats or whales for dog food are such that we can afford this wanton destruction of a very precious natural resource. The worldwide populations of several ocean mammals are decreasing significantly in spite of so-called scientific management programs. Among the most seriously threatened are the whales. The blue whale population has decreased by 99 percent, leaving a total estimated herd of 600 to 3,000. Polar bears face a similar threat of extinction. Only 10,000 to 15,000 remain in the world, and more than 1,500 are being killed each year.

An issue that has created tremendous public interest and concern is the harvesting of seals, particularly baby seals. The Canadian harvests of harp seals have reduced the herd by approximately 80 percent, with an annual take of more than 245,000 seals. Similarly, the Pribilof seal herd has decreased from a population of 4 million in 1948 to 1.3 million today. This is a harvest in which the U.S. Department of Commerce actively participates.

Looking at the Federal Government's record of natural resources management it seems apparent that there are several species of ocean mammals that face a clear threat of extinction and that the only certain method of preventing this is to declare a full or extensive moratorium on the importation of all products from ocean mammals and to prohibit citizens of this country from participating in harvesting, except for Native hunting that is vital to the Aleut communities in Alaska. The Ocean Mammal Protection Act establishes these protections and directs the State Department to negotiate international treaties with foreign governments that will further protect ocean mammals. I intend to fully support this approach.

Mr. President, I ask unanimous consent that several editorials and articles from the Washington Post and Washington Evening Star be printed in the RECORD. I believe that they speak well to the problem of ocean mammal protection and the need for strong legislation.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 8, 1972]

DECISIONS ON THE OCEAN MAMMALS

Both the House and Senate are in the process of making legislative decisions that will affect the fate of large numbers of ocean mammals. Some of these magnificent beasts are close to extinction, such as most species of whales, the polar bear and the manatee. Ocean mammals, while often unseen by land-bound man, are nevertheless unique in their intelligence; moreover, they are essential fulcrums if the balance of nature is to be kept in the seas.

In the House, a vote is expected this week on a bill actively sponsored by Representatives John Dingell and Glenn Anderson. This is the legislation, it will be recalled, that was almost submarined past the House last December but with no chance for strengthening amendments; but the periscope of the bill's weakness was luckily sighted by the House, and it was deferred for action until now. The Dingell-Anderson bill has worthwhile provisions but strengthening in four areas would be useful. These are: a 10-year moratorium on the killing of ocean mammals, except for native hunting and obligations to old treaties; second, a ban on the importing of ocean mammal products into this country, thus removing a major economic incentive for killing the animals; third, a strict prohibition against the incidental killing of dophins or porpoises, both being destroyed when caught in the tuna nets; fourth, the Interior Department, not Commerce, should be given jurisdiction for administering the law once it is passed.

The Senate is not as far along as the House, with the Oceans and Atmosphere Subcommittee concluding hearings this week. But it seems to be aware of the difficulties. Senator Humphrey, for example, has offered a sensible amendment—on saving dolphins and porpoises—which will further strengthen the widely supported bill of Senator Harris. Senator Williams has also made proposals that would be effective in protecting the mammals.

It might be thought that the fate of ocean beasts would be free of debate and lobbying. But economic interests are involved, so whatever gains are made must be won in hard legislative combat. Fortunately, some members of both the House and Senate have been and are willing to make the fight. They realize that for many kinds of ocean mammals this is the last chance for adequate protection by law. The old argument centered on how to "manage" these creatures, but we have seen what this leads to; the Blue Whale, the hump back whale and polar bears were once included in wildlife management programs, and now they are nearly extinct. Clearly, something else is needed in the oceans—protection, not management.

[From the Washington Evening Star,
Mar. 7, 1972]

IMPERILED SEA ANIMALS

Three months ago the House did a noble deed when it refused to rubberstamp a committee's inferior bill for the protection of ocean animals. Actually, the legislation would allow continued depredations on sea mammals that are slaughtered for skins and other products. The bill was stopped at the last minute by a floor vote, so that strengthening amendments could be offered later.

That amending effort is scheduled for this week—probably tomorrow—and a sharp debate is in prospect.

All in all, the committee-approved bill is about what the commercial fishing industry and the hunters wanted. It provides a framework for protection of endangered animals, but is highly elastic and full of loopholes. Stronger legislation, offered by Representative David Pryor of Arkansas and Senator Fred Harris of Oklahoma, was finally scrapped by the House subcommittee which held hearings on the question last year.

The principal amendments deserving approval would set an extended moratorium on the taking of all sea animals, and forbid the importing of their pelts or other products. But the legislation also should be broadened to provide much more protection to dolphins, which are being eliminated in astonishing numbers by the tuna-fishing industry.

The best solution is the simplest: Set a cut-off date after which no dolphin can be killed incidental to the catching of tunafish. The industry would then have to alter its purse-seine operations to that new legal reality or find some other way of catching tuna, for those seines are accidentally wiping out dolphins by the hundreds of thousands annually. These highly valued noncommercial creatures may soon be moving toward extinction simply because they like to swim with tuna, and the country cannot allow that to happen.

[From the Washington Post, Mar. 13, 1972]

THE SLAUGHTER OF THE BABY SEALS

(By Lewis Regenstein)

Each spring, the harp seals return from their yearly migration through the North Atlantic to the eastern coastal areas of Canada. There, in early March, the female seals pull themselves up on the snow-covered ice and give birth to their young. The harp seal pups are among the most appealing of all nature's creatures. Their fur turns pure white about four days after birth and remains that color for some two weeks. These helpless, innocent animals are unafraid of humans and manifest a seeming friendliness toward people who approach them. Last year, one baby seal was seen to respond to cuddling by wrapping its flipper around the finger of an observer.

It is during this period when the seals are giving birth to and nursing their pups that Canadian and Norwegian hunters descend on the herds to kick, club, and beat the baby "whitecoat" seals to death. They are then skinned, some while they are still alive, and witnesses have described hearing the mothers and pups emitting pitiful wails of anguish while this takes place. Many of the mother seals refuse to abandon their pups and try to protect them as best they can. These armless, legless mammals are not very agile on land, however, and most of the mothers are driven off or killed. Those that do get away to the water's edge or to water holes poke their heads up and watch helplessly while their pups are butchered. At the end of each hunting day, the ice floes are again teeming with seals mourning over and nuzzling the bloody, skinned bodies of their young which have been left behind.

The baby seals are not the only victims. Adult seals are also killed, sometimes by shooting. However, the inclement weather conditions allow many of the seals to escape wounded, only to die a lingering, agonizing death under the ice. A common sight is blood bubbling up from the ice holes where wounded seals have taken refuge.

In 1971, 219,000 harp seals (primarily pups) were killed and recovered in the Canadian-Norwegian hunt. There were not enough seals available to fill the quota of 245,000, a strong indication that the herd is rapidly being wiped out. In the last 20 years, its size has been reduced by about two-thirds. Moreover, on January 18, 1972, an official Canadian government report was released warning that the herd was approaching extinction and recommending a phase-out and moratorium on further killing.

This year's announced quota—including 150,000 baby seals—removes any remaining doubts that the Canadians and Norwegians are consciously trying to substantially eliminate the harp seal herd. This has been apparent for some time; and last year's quota was set at almost double the number that Canadian Government biologists had warned the heard could tolerate. The present quota, which will not and cannot be enforced, although a drastic reduction from last year, will effectively wipe out this year's newborn seals. The decision to extirpate the herd seems to result from the greed of Canadian and Norwegian sealing interests combined with pressures from the Canadian fishing industry, which dislikes the seals because they feed on fish and carry an infectious marine parasite.

The disappearance of the harp seal is already being anticipated by those primarily responsible for its decimation: (the Reba fur company of Bergen, Norway, owned by Christensen Reba; and the Karlson shipping company of Halifax, Nova Scotia, ostensibly owned by Karl Karlson.) Plans are underway to begin the large scale killing of seals in Antarctica, the last remaining refuge on earth for marine mammals. (The State and Commerce Departments and the National Science Foundation have for several years been secretly negotiating a Convention to the Antarctic Treaty, completed in London on February 10, 1972, which would organize the annual commercial killing of some 200,000 Antartic seals, primarily baby "whitecoats", with unspecified numbers that can be "taken" for scientific research, food, and specimens for museums and other "cultural and educational institutions.") Despite the agreed-to limitations, enforcement will be impossible; and the unrestrained slaugher is expected to result in the annihilation of the seal herds and the destruction of the delicate and pristine Antarctic eco-system.

Incredibly, U.S. Government officials still defend the Canadian seal kill; and the Nixon administration has been vigorously lobbying against legislation which would halt or reduce the killing. Ambassador Donald McKernan, representing the State Department, testified before Congress that although the harp seal herd had been subjected to "too great a harvest," it could "stand" further harvesting. David Abshire, Assistant Secretary of State for congressional relations, feels that Canada's actions "to conserve seal herds" and to "ensure humane methods of harvesting seals" are preferable to unilateral legislative action the U.S. might take, such as banning the import of harp seal products. John Larsen, Assistant Secretary of Interior, describes the baby harp seals as "a significant renewable resource" which must "be reduced by regulated harvest . . . to prevent overpopulation." Philip Roedel, head of the Commerce Department's National Marine Fisheries Service, in response to inquiries from Congress and the public, sends out form letters describing the Canadian hunt as "efficient and humane". The position of the Commerce Department's General Counsel, Karl Bakke, is that although the harp seal "resource" is "intensively harvested", this year's reduced quota will help encourage "a harvesting rate consistent with proper conservation of the resources." (The Commerce Department's position is undoubtedly influenced by the fact that it carries on its own seal kill in Alaska's Pribilof Islands each July, and because the U.S. is a major market for raw and finished seal products, mainly in the form of sealskin coats, fur trim items, and leather goods. The reasons the other government agencies defend the hunt is unclear.)

The baby seal kill in Canada is also endorsed by several ostensible conservation groups, including the National Wildlife Federation, which favors "sustained-yield type harvests under controlled conditions." The World Wildlife Fund and the International Union for the Conservation of Nature (IUCN), in a pamphlet distributed by the U.S. fur industry, confirm that "the part of the sealing operation that lies within Canadian territorial waters is controlled by the government with a quota fixed on the advice of competent scientists, so that the herds are not unduly depleted."

Attempts by the administration and the above groups to defeat effective congressional action to protect ocean mammals, combined with the efforts of the fur industry and the hunting and firearms lobby, have until recently been quite successful. However, on March 9 the House of Representatives passed a compromise bill banning the import into the U.S. of foreign seal skins and other ocean mammal products for a five year period, although the Fouke Fur Company of Greenville, S.C., was given an exemption to continue importing "weaned" seal pelts for processing. Sen. Ernest Hollings' (D-S.C.) Oceans and Atmosphere Subcommittee is also drawing up similar but hopefully more effective legislation, possibly including a longer and more complete moratorium on imports and a requirement for the State Department to negotiate treaties for the protection of ocean mammals.

The U.S. fur and leather industries have provided a tremendous economic incentive for the killing of the harp seals. Until Congress enacts the above legislation, America will share part of the blame for the perpetuation of the slaughter.

WIDESPREAD SOVIET PURGE OF INTELLECTUALS

Mr. TAFT. Mr. President, it has come to my attention that the Soviet Secret Police—KGB—has instituted a widespread purge among intellectuals within the Soviet Union, especially in Ukraine. The intellectuals against whom this latest program has been perpetrated have been arrested for suspicion of "disseminating anti-Soviet propaganda and agitation." Their list includes Ukrainian writers, literary critics, journalists, professors, artists, students, and scientific workers, as well as laborers and other representatives of a cross section of Ukrainian society.

This latest wave of arrests began after a decision by the Central Committee of the Communist Party of the Soviet Union last December to suppress underground publications—Samvydav. Among these Samvydav publications are the Russian language, "The Chronicle of Current Events," and the Ukrainian language "The Ukrainian Herald." These acts are further proof of what has been apparent for some time: The Soviet Government is pursuing a policy of cultural genocide, with the non-Russian cultures and languages being officially condemned to extinction.

In addition to Vyachleslav Chornovil, Ivan Svitlychny, Ivan Dzyuba, Evehn Sverstiuk, Iryna Stas-Kalynets, and Stefania Shabatura over a dozen young intellectuals were recently arrested in Kiev, Lviv, and Ivano Frankivske. Among them are: Myskhaylo Oaadychy, journalist and an instructor at Lviv University, Vasyl Stus, poet and literary critic from Kiev, Oleksander Serhienko, Leonid Selenenko, Mykola Shumuk, Zinoviy Antoniuk, Leonid Pluishch, Zinovia Franko, Stefania Hulyk, Ivan Hel, Hryhoriy Chubay, Rev. Vasyl Romaniuk, Mykola Plakhotiuk, and Mynaylo. Most of those arrested are said to have been among the 139 Ukrainians who in 1968 protested against trials of intellectuals in a letter to Brezhnev, Kosygin, and Podgorny.

The United States has always stood for fundamental human rights for all peoples throughout the world. The Soviet Government must be condemned for this latest program as being contrary to the Universal Declaration of Human Rights, and the Constitution of the Soviet Union.

I strongly urge the administration to use every means at its disposal, including our United Nations delegation, to arouse public opinion throughout the world against this tyrannical disregard of human rights and human dignity by the Soviet Government. Let us demand that the Soviet Government release these political prisoners immediately, and that the Soviet Government refrain from such activity in the future.

AMERICAN POLICY TOWARD SOUTH ASIA

Mr. PERCY. Mr. President, the distinguished Senator from Ohio (Mr. SAXBE) has played an important role in the debate of American policy toward South Asia over the last year. He was one of the first to recognize the need to cut off U.S. arms shipments to Pakistan, he was one of the first to visit the area, and he was one of the first to call for U.S. diplomatic recognition of Bangladesh.

On March 7, 1972, Senator SAXBE testified before the Committee on Foreign Relations, once again stressing the desirability of early U.S. recognition of Bangladesh, a position that I fully support. I commend his testimony to the attention of the Senate and to all others who read the CONGRESSIONAL RECORD. I ask unanimous consent that Senator SAXBE's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE HONORABLE WILLIAM B. SAXBE BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, ON THE RECOGNITION OF BANGLADESH

Mr. Chairman and Members of the Committee, I wish to thank you for inviting me to testify on the resolution introduced by Senator Hollings and me relating to the recognition of Bangladesh—Senate Concurrent Resolution 55 introduced on January 25—which states: "That it is the sense of the Congress that the President should immediately recognize Bangladesh as an independent foreign country and recognize the government of that country." It has 29 cosponsors in addition to Senator Hollings and myself.

This Resolution was introduced in the House of Representatives by Representative Gallagher and on March 2 was reported out of the Subcommittee on Asian and Pacific Affairs by a 6–1 vote.

Yesterday, Mr. Adrian Fisher, Dean of the Georgetown Law School, testified that Bangladesh met the requisite tests for nationhood. The relevant criteria set forth in Whiteman's *Digest of International Law* (Vol. 2, Page 72–73) published by the Department of State and to which you referred yesterday are:

1. Whether the government is in de facto control of the territory and in possession of the machinery of the state;

2. Whether it is administering the government with the assent or consent of the people, without substantial resistance to its authority, i.e., whether there is public acquiescence in the authority of the government; and

3. Whether the new government has indicated its willingness to comply with its international obligations under treaties and international law.

Mr. Chairman, approximately a year and a half ago on October 14, 1970, we engaged in a colloquy on the floor of the Senate where we predicted grave consequences for the future of South Asia regarding the decision to ship arms to the Pakistan Government. Since that time we have worked together in an unsuccessful attempt to right the course of certain policies that went awry. The Saxbe-Church Amendment to the Foreign Aid Act was insufficient in its attempt to cut off arms and economic aid from this country until the Government of Pakistan changed its repressive policies in the East. We traveled together to India as the gathering clouds of war swept in over the area. We talked to Prime Minister Gandhi and to the Secretaries and Ministers of Defense and Foreign Affairs. We traveled to Calcutta and visited the refugee camps teeming with 10 million refugees in the greatest mass exodus in modern history. Will we ever forget the sights that we saw—the despair, the fear, the hunger, the wounded, and the dying?

I went to Pakistan and tried to dissuade President Yahya from his suicidal policies. He told me he was willing to grant East Pakistan at least a degree of autonomy and that he had no plans for war. Yahya lied to me. Ten hours later Pakistani planes bombed six military airfields inside India. He had planned that bombing mission when he talked to me. I believe the shooting war could have been averted and India could have been kept from launching an invasion if Pakistan had granted autonomy to East Pakistan.

In fact, "To be or not to be," is no longer the question. It is!—It is an existing political reality unfortunately caught in the multipolar realities of world politics.

Mr. Chairman, The United States should recognize the Government of Bangladesh. It is clear that the possibility of reunification of Bangladesh with Pakistan is remote. We believe that our recognition is essential to the survival of Bangladesh as a free, independent and democratic nation—not as a client state of India or any other nation. The United States cannot and should not logically ignore a nation of 75 million people who, through terrible suffering, have emerged as a member of the world community. This nation was baptized in the blood of its own people for committing the unpardonable sin of exercising its right of self determination—the same right that 55,000 Americans have died to give to the people of South Vietnam.

It is in our national interest to recognize a country that shares the same political philosophy that we do. Its leadership is middle class, urban and Western oriented. If we turn our backs on them, they will be overthrown by the Naxalites and Maoists elements in that area. In the alternative if this leadership survives, it will turn elsewhere. This has already begun to happen.

Last week Prime Minister Sehikh Mujibur Rahman visited Moscow for talks with Soviet leaders. It has been reported that the Soviet Union has agreed to release about $45 million in aid to Bangladesh. I hope that this aid is economic and not military. If this is true, it is about time that the Soviets started to pick up their fair share of humanitarian assistance.

Mr. Chairman, it is distressing to see the anti-American feelings which to a certain extent exist in India, Pakistan, and Bangladesh. We have funnelled literally billions of dollars to South Asia since 1947. We have virtually saved entire states within India alone. We have staved off famine in dozens of places. Russia has done none of these things, but the Soviets have given India planes and tanks. Isn't it odd that our humanitarian and economic relief has resulted in very little friendship—in fact in some quarters open hostility—while Russia by supplying arms, is India's bosom friend today. This is why I have said so often that in spite of our honorable intentions we cannot buy friendship.

Mr. Chairman, forty-seven nations have recognized Bangladesh including France, The United Kingdom, The Soviet Union, Canada, and Italy. This amounts to recognition by approximately one-third of the countries in the world. As you pointed out yesterday, the two blocks of countries that have abstained from recognition are the South American countries and the Moslem countries. It would appear that the South American countries are looking to us on this question. Further, United States recognition will hasten Bangladesh's very entry into international organizations such as the Asia Development Bank, the International Bank for Reconstruction and Development, and the United Nations.

The Hollings-Saxbe Concurrent Resolution does not compel the President to do anything. Further, it does not set a time table. It merely expresses the Sense of Congress and, I believe, the American people that the President should recognize Bangladesh. Deputy Assistant Secretary Van Hollen testified yeserday that recognition is under "active review, but no decision has been taken." I would hope that our resolution would encourage the President to recognize Bangladesh. Mr. Van Hollen indicated that the Administration was concerned about the presence of Indian troops in Bangladesh. Mrs. Gandhi has promised that they will be removed on March 12—five days from today. I believe our recognition of Bangladesh as an independent country would hasten their removal. As Dean Fisher pointed out yesterday, we know of more than one instance where governments have proclaimed themselves governments and requested recognition at a time when foreign troops who had occupied them were still in their territory. The two cases which were mentioned were: The Federal Republic of Germany and Japan.

Mr. Chairman, President Nixon's China trip signaled a realistic reevaluation of United States policy in Asia. As part of that policy, the United States should begin anew on the Subcontinent by recognizing Bangladesh.

U.S. RESOURCES ARE NOT UNLIMITED

Mr. FANNIN. Mr. President, in the past decade there has been a tremendous expansion in Government programs and expenditures.

In fiscal 1963 the Government spent $111 billion; our proposed budget for 1973 calls for $246 billion. This $135 billion increase in just 10 years is staggering.

It seems to me that some important questions are in order at this point in our history:

Just what have we accomplished through these huge expenditures?

Is our Government doing 120 percent better in meeting the needs of its citizens today than it was doing a decade ago?

Have the many massive programs launched with such great fanfare and promise in the 1960's alleviated problems or only aggravated them?

More importantly, we should ask just how long Congress can continue to accelerate Federal spending, create useless bureaucracy, and expand the national debt.

Mr. President, this is not a nation of limitless resources. As great and as dynamic as America is, our economy can stand only so much abuse. The over indulgence is beginning to take its toll.

The rush to solve problems in the United States has been disastrous for our economy, as we have seen for the past several years. We cannot spend our way to Utopia.

Congress should have learned a valuable lesson from the economic crisis of the recent years. Congress should have learned that future consequences of new programs must be carefully evaluated before we add new burdens to our taxpayers and our economic system.

Failure to use more caution in fiscal matters will be catastrophic.

Mr. President, the Wall Street Journal carried a very good editorial in Wednesday's editions. It points out, for one thing, that Congress is going to have to stop hiding behind the claim that the budget contains many "uncontrollable items." Congress created the programs that cause so-called "uncontrollable items," so Congress can and should bring them under control.

The editorial cites a new study by the American Enterprise Institute for Public Policy Research. The report, "The Federal Budget for 1973," was prepared by Murray L. Weidenbaum, the former assistant treasury secretary for economic policy, and Dan Larkins, an economist for the institute.

In the report, they say:

> Our inability as a nation to make the hard choices between alternative expenditures or to couple expenditure increases with tax increases is discouraging.

Mr. President, the inability to accept economic reality is more than simply discouraging, it is frightening.

Members of Congress have been elected to make the hard decisions.

Congress can and should regain control of the budget and bring it into balance. We should continually reevaluate programs to determine if they are worth the cost that we are inflicting on the American citizen, both in the form of taxes and inflation.

Recent history demonstrates that Congress has failed to live up to its fiscal responsibilities. Obviously a mechanism is required to force the Congress to make the necessary hard decisions.

Mr. President, I have proposed a constitutional amendment which would accomplish this. Senate Joint Resolution 129 would require the Congress to balance the Federal budget in an aggregate 2-year span.

This would not be easy—hard decisions never are easy.

Congress has been accustomed to taking the easy way out. Congress has voted program-after-program without regard to long-range consequences or economic sanity. Dozens of programs that are now being considered would further endanger our Nation economically if approved.

Senate Joint Resolution 129 would put an end to this kind of irresponsibility.

Mr. President, I invite the attention of Senators to the complete text of the Wall Street Journal editorial which I have been discussing. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A CLOUDY FISCAL FUTURE

Hardly anyone ever talks any more of balancing the federal budget every year. In fact, a look at the latest budget document, as well as present political realities, raises quite another question: Will the budget ever be balanced again?

A new study published by the American Enterprise Institute for Public Policy Research, "The Federal Budget for 1973," is not optimistic on that score. The study was prepared by Murray L. Weidenbaum, Assistant Treasury Secretary for Economic Policy from 1969 to 1971, with the aid of Dan Larkins, an economist on the staff of the institute.

"It would be comforting to be able to say," the authors comment, "that when the economy regains a position of roughly full employment, the future flows of revenues and expenditures will be such that the federal budget will be in approximate balance. On the basis of the forward planning information contained in the budget document for the fiscal year 1973, that is not likely to be the case, unless some fundamental changes are made in budget or tax policy."

Economists and others can quarrel over whether the massive deficits in prospect for this fiscal year or next are "safe," in the sense that they won't touch off a fresh wave of inflation. The economy does have a margin of unused resources of manpower and production facilities, and that margin does provide at least some protection against inflation.

No one, however, can doubt the danger of deficits when the economy's resources are fully employed. If such deficits are financed through an expansion of the money supply, as a large portion of them almost surely would be, they increase the demand for resources faster than the supply can grow—and exert heavy upward pressure on prices.

What makes such deficits seem so inevitable? Well, one reason is that federal spending seems so much like a snowball, growing as the years roll along. The new budget, for example, estimates that fiscal 1973 spending will be increased by $8.5 billion by proposed new legislation. By fiscal 1977, Mr. Weidenbaum and Mr. Larkins note "it is estimated that approximately $33 billion of expenditures will be incured solely because of laws that would be passed to carry out the recommendations in the '73 budget."

In the recent years the administration has assessed the budget "margin," the sum that would be left from the existing tax structure to cover programs over and above existing and currently proposed activities. Last year's budget figured the fiscal 1976 margin would be $30 billion; this year's budget shrinks it to $5 billion. If Congress does not adopt the proposed Social Security tax increases, as it very well may not in this election year, even that slim margin probably will vanish.

That would be true even if there were no new spending initiatives between now and fiscal 1976—an unrealistic assumption at best. If the budget is ever to be balanced again, it's evident that the government must begin going about the task differently.

For one thing, the government must begin making some of those so-called uncontrollable budget items more controllable. Congress can and must insist that it be allowed to see the full scope of a program when it's first presented, not merely the top of the iceberg. Most defense programs already are viewed this way, which may help to explain why the Pentagon's budget fluctuates more than, say, the budget for health, education and welfare.

Mr. Weidenbaum and Mr. Larkins are critical of the highway trust fund and urge that highway spending be handled through the regular budget, so that it would be subject to annual congressional appropriations. They also suggest that Congress take a hard look at all of the subsidy programs in the federal budget to determine whether the programs are achieving their aims and whether costs exceed benefits.

The authors have other useful proposals to offer but, as they recognize, the largest problem is not deciding what to do but mustering the will to do it. "Our inability as a nation to make hard choices between alternative expenditures or to couple expenditure increases with tax increases is discouraging," they say.

Indeed it is. Yet even a country as rich as this one does not have limitless resources. Those who find it hard to be distressed about perpetual deficits may be able to muster a little anger about the waste and misuse of the nation's wealth.

PROBLEMS OF SUMMITRY

Mr. JACKSON. Mr. President, President Nixon's recent trip to China, while generally welcomed as a new initiative for peace, has nonetheless raised many questions about the value of summitry. Some of these doubts were anticipated even before the President's departure. In the New York Times of February 13, our distinguished former Under Secretary of State, Mr. George Ball, pointed out some of the problems and costs of summitry.

Because Mr. Ball brings both diplomatic experience and historical insight to any discussion of American diplomacy, I invite the attention of the Senate to his article entitled "Nixon's Appointment in Peking—Is This Trip Necessary"

I ask unanimous consent that the text of his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times Magazine, Feb. 13, 1972]

NIXON'S APPOINTMENT IN PEKING—IS THIS TRIP NECCESSARY?

(By George W. Ball)

During the palmy days of the European dynasties, kings and emperors, sovereigns of all titles and descriptions, were accustomed to visit one another's courts. Between jousting and feasting, they attended to their family affairs—arranging royal marriages, launching intrigues against rivals, meddling in the management of small neighboring realms and discussing their financial and commercial troubles. Then gradually, beginning in the 15th century, systematic machinery was established to deal with most of this business. Under the leadership of Venice, the Italian city-states established permanent diplomatic missions in one another's capitals, and, with Spanish and French refinements, a modern apparatus for the conduct of intergovernmental business began to emerge, complete not only with permanent diplomatic missions but modern foreign offices, manned by diplomats of professional competence.

Such a system was a logical by-product of political evolution. When countries were little more than the private estates of their absolute rulers, a king could dispose of the affairs of his kingdom as he saw fit but over the centuries—and particularly after 1815—the detailed business of making and executing foreign policy was, as Sir Harold Nicolson has pointed out, shifted "from the Court to the Cabinet." The result was impersonal diplomacy practiced through career ambassadors, acting on instructions from professional foreign offices—a system in keeping with the modern age.

Now, toward the end of the 20th century, the United States is moving back toward the medieval dynastic practice. Today even the day-to-day shaping of foreign policy has been largely transferred from the Department of State (the Cabinet) to the White House and its staff (the Court), while the actual transaction of diplomatic business has been, in increasing measure, pre-empted by the President (the sovereign), acting personally or through his Assistant for National Security Affairs. Meanwhile, the Department of State atrophies while ambassadors become messenger boys.

The summit meetings that occur when the President elects to be his own Ambassador as well as his own foreign office create special problems. Because no head of a major state can pay a visit to the capital of one country with out appearing to snub others, it has become an accepted principle that summitry breeds summitry. Thus, no one was surprised that once the President abruptly announced his intention to go to China, he found it necessary to arrange visits with Prime Minister Trudeau of Canada, President Pompidou of France, Prime Minister Heath of Great Britain, Chancellor Brandt of West Germany and Prime Minister Sato of Japan, primarily to repair the damage—to the extent possible—that resulted from his failure to consult in the first place.

That such a flurry of to-ing and fro-ing seems excessive and somewhat erratic is certainly no reason for deep concern. Yet the fact that it was largely made necessary by the trip to China and the further fact that the Chinese visit—even more than most summitry—reflects a retrogression toward an outworn medieval practice is enough to raise the famous question of the Second World War: "Is this trip necessary?"

Let me make clear at the outset that I welcome our response to the signal from China's leaders suggesting that, for their own reasons, they would be prepared to receive an emissary from the President. Where there are representatives of the United States already in a foreign capital—and that includes our mission to the Vietnamese talks in Paris—the sending of special Presidential envoys is poor diplomatic practice. But in the present instance, there was no practical alternative and Mr. Kissinger was undoubtedly well fitted for the assignment. Not only is he an exceptionally intelligent man, who has thought deeply about world power relationships, but he knows the President's own foreign-policy concepts better than anyone else, and there is no aspect of Sino-American relations he could not explore with complete competence.

Yet the unanswered question is why the President did not leave it at that. If he wanted further exploration, why did he not send Mr. Kissinger back with additional instructions? Why did he insist on seeking an invitation to Peking for himself? For even though it is sound policy to establish communications with China, the President's trip is, in political terms, a costly and hazardous way to go about it. It is diplomatic overkill, distorting the importance of China in the Far Eastern spectrum and upsetting our friends in Asia.

From the famous meeting at the Field of Cloth of Gold in the 16th century to Woodrow Wilson's catastrophic efforts to make the peace by personal diplomacy in Paris in 1919, meetings of heads of state have tended to cause disappointment, mischief and misunderstanding. Certainly, throughout the cold war, conferences between the President and the Communist leaders have been marked by persistent failure. To be sure, President Eisenhower's ventures into summitry evoked momentary spasms of journalistic euphoria, with the "Spirit of Geneva" in 1955 and the "Spirit of Camp David" in 1959, just as a later impromptu Johnson-Kosygin meeting conjured up the "Spirit of Glassboro" in 1967. But like all spirits—whether alcoholic or ectoplasmic—they evaporated in the clear, dry air of reality.

Thus, the sad but significant fact is that there has never been an instance in the entire postwar period where a summit meeting resulted in a diplomatic breakthrough in spite of the President's recent assertion that, in the case of the Soviet Union and China, "which have basically one-man rule," summitry is sometimes a necessity "for major decisions," every significant gain that has been made in the whole area of East-West relations—including the Austrian State Treaty, the Limited Test Ban Treaty, the Nuclear Nonproliferation Treaty and the Berlin Agreement—has resulted from painstaking diplomacy pursued through traditional methods.

That is, of course, an unpalatable conclusion for most Americans, because they like their Presidents to go traveling. It is only natural that people should think of their leaders as their surrogates who solve their problems for them. In fact, in medieval times disputes were often resolved through "ordeal by battle" in which, as a substitute for war, chosen heroes from each side settled international disputes by fighting to the death in full sight of the contending armies.

But underlying the popularity of Presidential travel is a widespread misconception as to what foreign policy is all about. In the soggy mythology of this intellectual rainy season it is too often assumed that nations have no opposing interests or objectives that are fundamental; thus, all the world's peoples could live happily together "if only they could understand one another"—or, through some anthropomorphic transfer, "if only their leaders could talk to one another."

It is a sad comment on human vanity that such a pathetic thought often finds resoance with the leaders as well—particularly those convinced of their own powers to charm or persuade. For, if all that is needed is for chiefs of government to practice "person-to-person" diplomacy and engage in homey "heart-to-heart" talks, one does not have to worry about such squalid matters as maintaining "power balances" or "spheres of influence" or any of the other "outmoded concepts" of the "old diplomacy." It is all very easy and comforting.

Unhappily, this anodyne thesis finds no confirmation in experience. Men and women are not motivated by pure reason and, even if they were, nations do have conflicting interests that cannot be wished away. Thus, there is nothing more dangerous than to rest the relations between states too heavily on the capricious interaction of diverse personalities. No one knows—least of all the experts—why individuals like or dislike one another—or why they have sudden fallings-out over seemingly inconsequential matters. What is clear is that the mysterious chemistry of human relations produces some exotic and unstable mixes.

This has been clearly apparent in our whole experience with summit diplomacy. In my own observation Anglo-American relations were seriously impeded by the fact that President Johnson and Prime Minister Wilson were temperamentally poles apart and did not basically like one another. On the other hand, President Kennedy's willingness to provide Britain with Polaris missiles at the ill-fated Nassau Conference in December, 1962, was due in part to the fact that he did like Prime Minister Macmillan and responded to the problem of a fellow politician in distress.

Besides giving excessive play to the element of personal compatibility in international relations, summitry often tends to create an illusion of understanding that can be quite dangerous. Americans with a common heritage of ideas and national experience are normally able to appraise one another with fair precision, so that understanding can often be advanced by face-to-face discussion. But when leaders have quite different backgrounds, customs and language and, in many cases, ethical attitudes and ideology, summitry is more likely to produce mistaken and misleading impressions than a clear meeting of the minds.

One would do well to recall, for example, how prime minister Neville Chamberlain was tragically taken in by Hitler at their Munich meeting in 1938. No doubt he spoke from conviction when he told the British people on his return to London: "After my visits to Germany I realized vividly how Herr Hitler feels that he must champion other Germans. He told me privately, and last night he repeated publicly, that after the Sudeten German question is settled that is the end of Germany's territorial claims in Europe." Thus Chamberlain had brought back, he said, "peace with honor," "peace for our time."

Why was Chamberlain so easily deceived by such a crude and brutal liar? Not only because he wanted to believe—that, of course was part of the story—but, most important, because he had had a face-to-face encounter with a man whose background and standards he could not possibly understand and had accepted the word of an Austrian rabble-rouser as he would that of an English gentleman. Had Chamberlain stayed in London, dealing impersonally with the crisis through his diplomatic agents, the mystique of personal contact would not have worked its malign spell, the squalid betrayal of Czechoslovakia might never have occurred, and, from what we now know about Germany's incomplete preparedness and the plotting of the German generals, the war would quite possibly have been aborted.

Few myths have done more harm than the sentimental conceit that men of different countries can understand one another better through direct conversation than when their exchange of views and ideas is filtered through experts sensitive to the nuances that derive from different cultures. Such a fanciful belief becomes particularly misleading when cultural differences reflect quite disparate habits of thought—as, for example, between Americans and Orientals. Thus there seems little doubt that recent meetings between President Nixon and Prime Minister Sato of Japan, far from fostering harmony, have led to misunderstanding, irritation and, finally, an awkward measure of distrust on both sides. That, of course, is not the first occasion for the breakdown of Japanese-American communications; anyone who questions the difficulties of achieving an adequate meeting of minds between Washington and Tokyo should be required to study the disastrous series of misunderstandings that resulted from belated exchanges in the month before Pearl Harbor.

Not only does summitry exaggerate the role of personal chemistry and national difference, but the sense of theater it engenders cannot help but color the judgment of the participants. Thus, when the President meets with other heads of state, the occasion takes command, transforming each attending political leader into an actor on the television screens of the world, with a heavy investment in the success—or at least the appearance of success—of the meeting. It is not an atmosphere that makes for cool judgment; in fact, theater and sound policy are rarely compatible, because contrived excitement can only deflect and distort the diplomacy of a democratic state.

This brings us then to the most serious problems so far raised by the President's prospective trip—the critical damage to key relationships resulting from our failure to consult with friendly governments prior to the July 15 announcement. Why did we not consult? The only explanation so far given is that consultation would have increased the chances of a leak. But a leak, though annoying, would not have been disastrous. No leak could have created anything like the breakage caused by our neglect of consultation unless—and this is the heart of the matter—the White House thought it tactically advantageous to heighten the drama by exploiting the maximum shock effect from what the President has proudly described as "the biggest surprise in history."

Yet, what a dubious policy! For is it really to our advantage to shock the world? Is it not, in fact, extremely imprudent for a great nation to spring surprises on its friends?

Without exception, the supreme modern practitioner of the surprise announcement was General de Gaulle, for whom Mr. Nixon had great admiration. But, though the General held the attention of the world for a number of years—and indeed added color and excitement during an otherwise gray time—he was anything but a model for American statesmen. The France of General de Gaulle, in spite of its past centuries of *grandeur*, was not a leading nation in the sense that other nations were relying on it. Thus, the General deliberately chose, as the head of a relatively weak country, to use the tactic of vivid, unexpected and deliberately outrageous actions to attract world attention and thus claim for France a position of importance and authority far beyond the limits of its political resources.

The position of the United States is quite the opposite, for, in spite of our current fondness for self-denigration, we remain not only the most powerful country in the world, but the nation more than any other whose policies are watched and followed by other nations.

Thus, we should neither wish—nor can we afford—to indulge in the practice of astonishing our friends. Our greatest need is to establish confidence by conducting our affairs in a logical and predictable way, avoiding the unexpected and shocking. This means that, if we decide to change a major policy, we should first make sure that the way is carefully prepared and that our friends are not caught off balance. It means that we should assiduously consult with those nations arrayed on our side and not abruptly present them with dramatic *faits accomplis*. For what inspires leadership is not the dramatic erratic action taken in disregard of the interests of other nations but a consistent demonstration of steadiness and steadfastness.

Though the announcement of the China trip without prior consultation has already caused serious damage to our relations with our friends—and particularly our friend in the Far East—there is danger that their feelings of injury and concern will be even further inflamed when the trip takes place. During the entire week of Mr. Nixon's visit, the world's eyes will be focused on China with its mystery and magnitude displayed in living color. It will be, beyond question, a great television show.

Yet the governments and peoples of Asia will not view the trip as a spectacle, but as a political act, and they will read the meaning of that act not merely from the occurrence of the visit but the very special surrounding circumstances. It is here that the distinction between a Kissinger visit (emissary diplomacy) and a Presidential visit (summit diplomacy) stands out most sharply. Had the President chosen to conduct exploratory talks with China solely through a Presidential emissary, it would have been accepted as normal diplomatic practice, evoking worldwide interest without causing astonishment. But the Presidential visit now contemplated is a drastic break with traditional procedures.

First, the President has invited himself to visit a government with which we have no diplomatic relations, with which we have never concluded a treaty of peace ending the Korean war, and which continues to mount propaganda attacks against us in the most strident and virulent terms.

Second, in spite of the fact that there seems no possibility of serious substantive accomplishment, the President is planning to stay in that country as a guest of the Government for at least a week—a longer bilateral visit than any American President has made to the government of any foreign nation in our entire national history. Under the established American practice, visits of heads of state or chiefs of government last two or, at the most, three days.

To the nations of the Far East the President's extraordinary decision to spend a week in China strongly suggests that the President has made, or is about to make, some secret commitments to the Chinese leaders. Thus, President Park Chung Hee of South Korea has expressed "deep concern," since the President's visit leads him to doubt America's willingness to sustain South Korea in its continuing struggle with the North. Other smaller states translate Washington's extraordinary preoccupation with China to mean that America impliedly recognizes China's dominant position throughout the whole of the Far East, that we regard it, in fact, as the wave of Asia's future—all of which strongly stimulates their impulse to climb quickly on the Chinese bandwagon. Certainly the President's travel schedule has prompted a new respect for Peking on the part of the 21 million overseas Chinese who constitute a significant minority in most Far Eastern countries.

For the Chinese leadership, on the other hand, the spectacle and excitement clearly mean a Great Leap Forward in world politics. Already the announcement of the trip has served as a catalyst bringing them into the United Nations earlier than expected, and, in terms of their larger strategy, they can see their new relations with the United States as having a deterrent effect on a possible Soviet strike at their nuclear installations. Almost certainly they hope—and, unhappily, they may be right—that the trip will bring about some loosening in Japanese-American ties. Finally, the vividly demonstrated American interest in China is rapidly releasing other states from their inhibitions regarding Peking.

No doubt for many Chinese the President's visit—on White House initiative—stirs atavistic memories of the old tradition of the Middle Kingdom that peoples of other countries—including rulers and their envoys—were barbarians. Because it was considered an act of grace for the Emperors of China to grant any foreign visitors passage to Peking, it was understood that they came as suppliants bearing tribute.

This traditional Chinese arrogance toward foreigners points up at least a theoretical risk in the President's trip: that the Chinese leadership might, either during the visit or beforehand, deliberately take some action to embarrass the United States. No doubt one should substantially discount this possibility because, in the context of its quarrel with the Soviet Union, China needs the appearance of an amicable relation with America. Yet conditions can rapidly change and one should not ignore the fact that the options are now all in the hands of the Chinese leaders. Since it was the President who solicited the trip, Mao Tse-tung would lose no face if the United States should cancel; yet America would be embarrassed if the cancellation should come from Peking.

It is this possibility that points up one of the costs of summitry, for during the period that a summit meeting is pending—in this case seven months—the President becomes, in effect, a hostage to the situation. To some extent, he loses full freedom of action, since, once such a meeting is announced, he is reluctant to do anything that would provide the host country an excuse for breaking off the visit—a problem that does not arise if diplomatic explorations are limited to emissary diplomacy.

It is possible that this consideration played a subconscious, or even deliberate, part in leading the White House to "tilt" toward Pakistan in the recent conflict on the subcontinent, since not only did the President owe something to Yahya Khan for cooperating in the secret arrangements for the initial Kissinger trip, but the Chinese might have taken offense if the United States gave aid and comfort to an Indian Government that had just signed a friendship treaty with Moscow.

While China's benefits from the President's visit are unambiguous and substantial, it is difficult to see what, if anything, the Chinese might be prepared to offer America in return. In view of the political dynamics of the Communist world, Peking is disabled from bringing pressure on Hanoi to settle the Vietnamese struggle, or even to obtain the release of our prisoners. There is no doubt that if the Chinese leaders were to attempt such a move, Moscow would loudly denounce them as lackeys of American imperialism. Formal recognition is out of the question, nor should one expect agreement on any substantive issue. Not only are China and the United States still separated by America's commitment to defend Taiwan, but there are basic ideological differences that limit the possibility of mutual trust and confidence.

To be sure, Chou En-lai is an astute statesman, a man who views the world through wide-angle lenses, and the prospect of discussing geopolitics, of playing the "big game" in an intricate world chess match, is yeasty stuff. But it is at this very point that the seductions of summitry become most dangerous and the possibilities of misunderstanding most acute.

Today's world is far too complex for two men ever again to sit on a raft in the Nieman River*—or even in a palace in Peking—and dispose of the destinies of other nations, and I would feel apprehensive, indeed, if I thought that, in his talks with Chou or Mao, the President would try to concert a tactical position toward the Soviet Union, or agree on a line of conduct toward Taiwan, or on discouraging the remilitarization of Japan, or promoting the reunification of Korea. These are matters that might be gingerly explored by a skilled and cautious envoy such as Mr. Kissinger, who could take no positions except on carefully formulated instructions, but they affect the interests of too many other nations and strike too near the nerve center of our whole world strategy to be trusted to the unstructured give and take of a summit meeting.

This is not a comment on President Nixon's knowledge or skills as a negotiator, but in such an encounter any President is at a considerable tactical disadvantage. He cannot stall or ponder or delay for instructions. His constant awareness that he is the authority of last resort compels him to respond to questions or proposals with prompt answers that, if filtered through an emissary, could be judiciously studied with the benefit of expert counsel in the context of total policy. Yet, as Dean Acheson used to say, "When the President fumbles, the whole goal line is wide open," so Mr. Nixon is without doubt on a hazardous spot.

Yet even if these disabilities did not exist, it would still be the height of folly to base policy on any long-range and far-reaching agreements with the present Chinese leaders. Not only is it an aging hierarchy whose life expectancy is limited by the actuarial tables (Mao is 79 and Chou 74), but even in the few months since last July's announcement there has apparently been an abortive coup. As a cautionary reminder, the President might do well to recall that only weeks after he toasted General de Gaulle with the most effusive praise, in the spring of 1969, a new leader was in power in France.

That is one of the built-in dangers of summitry—its over-emphasis on the ephemeral understanding with personalities who may have only a limited tenure, but even more important is the fact that China is not the principal power center in Asia, nor is it likely to be. In the new configuration of power in the Far East, Japan looms like Mount Everest above other countries. Commanding a gross national product two and a half to three times that of China, it is the third industrial nation in the world, and, in spite of the recent adjustment in currency parities, it is likely to continue to maintain a rate of growth faster than any major industrial country has ever before achieved. In unhappy contrast, China, with a national income roughly equivalent to that of Italy, is limited by its gargantuan population to a relatively modest growth rate.

It is for this reason that America should take urgent steps to repair the damage to Japanese-American relations that has already resulted from the shock of the July 15 announcement, because Japanese confidence is indispensable to a sound Far Eastern policy. Unhappily, there is evidence that Prime Minister Sato's recent visit to San Clemente failed to achieve this result—another instance where summitry has not lived up to the advance billing.

All during the postwar period the American Government has pressed the Japanese to invest capital in Taiwan and give support to the Chiang Kai-shek Government; at the same time, we have been cautioning them not to build up their trade excessively with mainland China, or to develop close political relations with Peking. In the face of opposition pressure for a closer Sino-Japanese relationship, a series of governments in Tokyo has, at political cost, faithfully followed the American lead.

Thus, when President Nixon announced his proposed trip with no advance consultation and only five minutes' prior notice to Prime Minister Sato, he undermined the Sato Government and shook Japanese confidence in the durability of our friendship. Moreover, that was only the first of a series of abrasive actions that have dangerously eroded relations between Tokyo and Washington since that time.

To the Japanese, the American President's willingness to lose face by asking to be invited to a hostile and far weaker country can be explained only by the inscrutability of the Occidental. Because the Japanese find it hard to believe that the trip is merely to "open communications"—since that scarcely requires a Presidential visit—there is an understandable tendency to suspect that the talks may lead Washington to a cozier relation with Peking, at Tokyo's expense.

No one should underrate the possible cost of the loss of confidence such suspicions may generate, for, as history has shown, Japanese reactions are, by Western standards, brooding and cumulative. So long as Japan remains persuaded of the firmness of America's friendship, it will trust our defense commitment and not be tempted to build a large military establishment of its own. But the persistently insensitive American actions of the past six months have begun to weaken that confidence, so that we should pay careful attention to the unusually sharp warning of the Japanese Ambassador to the United States, Nobuhiko Ushiba—a thoughtful and serious man—that the President's Chinese visit might be "the beginning of a process of unraveling" of the United States-Japanese mutual-security arrangements.

At the moment the Japanese people are being precipitated into one of their periods of national introspection, in which they are rethinking their proper destiny. To what extent should Japan move more closely to China? How should it react to Soviet blandishments which, as Foreign Minister Gromyko's sudden trip has just made clear, are likely to increase at any sign of coolness between Washington and Tokyo. And, finally, should it put aside its inhibitions against remilitarization, which have been nurtured so carefully in the postwar period, and undertake not only to build conventional force commensurate with its industrial might, but even start down the nuclear road?

It is here that recent comments of the President could have harmful repercussions, for Mr. Nixon said in a television interview that the reason he made his decision to go to Peking was the "great danger of the most populous nation in the world becoming a major nuclear power" 15 or 20 years from now. In the questioning mood of Japan today, such a remark could stir echoes far louder than intended, since, if the Japanese people should interpret the President's extraordinary attention to China primarily as a response to China's nuclear potential, the compulsion for Japan to join the nuclear club would gain enormous impetus.

Yet nothing could more upset the stability of the whole Far East than a remilitarized Japan. It would play frightful havoc not only in China but in all the nations of the area that were overrun and occupied by the soldiers of the Rising Sun a quarter century ago.

It was pointed out at the beginning of this article that our present addiction to summitry is merely the outward, visible symptom of a more fundamental problem—the preemption by the White House of the levers that control the daily shaping and administration of foreign policy.

This is, at the same time, both an accomplished fact and a continuing trend. If permitted to continue further, it could lead to a progressive deterioration of our foreign-policy machinery and, perhaps, at the end of the road, a constitutional crisis.

The present Administration did not initiate the move to bring all foreign policy within the sheltering arms of the White House; that trend began two decades ago. Nor is there any doubt that the trend was initiated and maintained, in large part, because of the failure of the State Department to meet the full expectation of impatient Presidents. Yet, though one can sympathize with the pragmatic reasons for expanding the size and authority of the White House staff and even for the President's decision to play the role not only of Secretary of State but even of ambassador, that does not mean that the practice is either sound or wise—or in the long-range interests of the country.

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*On June 25, 1807, Napoleon and Alexander I met on a raft in the Niemen River in what was then East Prussia and between them agreed on general terms of a peace affecting not only France and Russia but Prussia and Sweden as well.—Ed.

For, as the White House becomes more and more its own foreign office, the tone and responsiveness of the State Department will inevitably decrease. Nothing is more demoralizing for an ambassador on the spot than to have his responsibilities as a negotiator suddenly taken from him by a Presidential envoy, as was the case, for example, with our chief representative at the Vietnamese discussions in Paris, William J. Porter. Since Ambassador Porter, like his immediate predecessor, David K. E. Bruce, is fully competent to conduct the most delicate secret negotiations with the North Vietnamese—as Ambassador W. Averell Harriman had done at on earlier time—Mr. Kissinger's 12 hurried trips to Paris would appear quite unnecessary to put forward America's revised position and explore fully all possible chances of settlement.

Able men, with proper pride in their professional skills, will not long tolerate such votes of no confidence, so it should be no surprise that they are leaving the career service, making way for mediocrity, with the result that, as time goes on, it may be hopelessly difficult to restore the Department to the level of effectiveness required by the urgent problems of the day.

Yet the failure to undertake this important task can produce a number of unhappy developments—a falling level of competence in our overseas missions, thus reducing our ability to know and affect what is happening throughout the world; the impairment of our constitutional system of checks and balances as the Senate becomes increasingly restive at the concentration of foreign policy management in White House assistants immune from Congressional accountability; and uneven attention to situations of incipient danger because the White House staff is concentrating on certain active crises, while the State Department—nudged out of the mainstream of policy formulation—has lost its capacity for independent decision.

These are predictable results of the trend now visible. But in essence the most serious consequence is likely to be felt in the quality and coherence of a body of policy that becomes increasingly ingrown—less subjected to the critical scrutiny of specialists in Washington and our missions abroad and more and more the expression of a small, closed circle of people working under conditions of excessive insulation—conditions favorable for the intrusion of personal bias or prejudice that can interfere with objective judgment.

I note these dangers not in an alarmist mood, and certainly with no desire to be captious, for I understand the process which has led to our present predicament and I am sympathetic with the problems faced by any American Government in today's unstable environment. But it is imperative that we move quite deliberately to depersonalize the highly personal processes by which policy is now made and administered. This means enlarging the circle of those now in command of policy, restoring the responsibility and competence of the State Department, and reestablishing the role of our missions abroad as the effective agencies for negotiation. It means, in other words, returning control of the levers of our foreign-policy machinery from the Court to the Cabinet and substituting for summit diplomacy the effective employment of an improved and upgraded ambassadorial corps, capable of firm and skillful negotiations within broad lines of policy set by the President.

It is a formidable agenda, but by no means impossible.

BLOOD: A NATIONAL RESOURCE

Mr. PERCY. Mr. President, I share many of President Nixon's concerns and hopes as expressed in his recent health message to Congress. I am particularly pleased that he had singled out "blood" as one of the major initiatives for a new Federal-private partnership to stimulate research and development.

The need for a nationwide system of blood collection and distribution is all too evident. There is now a multiplicity of systems, not necessarily compatible or interchangeable, used in blood banking. There is, moreover, no nationally accepted system of recordkeeping. No one knows exactly how much blood is used, or needed, or collected, or wasted. No one knows the exact price of blood or the exact profits made from blood. And no one knows exactly how many cases of serum hepatitis are related to blood transfusions or how many deaths are related to serum hepatitis.

What is known is that the need for blood grows every year, that critical shortages of blood exist across the country, that contaminated blood can cause serum hepatitis which has no known cure and can cause death, that many commercial blood banks buy blood from convicts, derelicts, and addicts who dwell in the dirt and squalor of city slums and skid rows where the infectious agents of serum hepatitis flourish, and that many commercial blood banks import blood from medically underdeveloped countries such as Haiti, India, and the Dominican Republic.

To protect the American people from contaminated blood and from unnecessary death, Senator HARTKE and I have introduced the National Blood Bank Act to encourage the establishment of a voluntary system of blood donation, requiring the licensing and inspection of all blood banks. Identical legislation has been introduced in the House by Representative VEYSEY from California.

Recently, Representative ROGERS announced that his Public Health and Environment Subcommittee of the House Commerce Committee will begin hearings on blood bank proposals within the next month. I hope that the Senate will soon hold similar hearings, as, using President Nixon's words, "Blood is a unique national resource," to which I might add, not a commodity to be bought and sold.

Mr. President, I ask unanimous consent that Senators BAKER, BEALL, CASE, HARRIS, HATFIELD, PASTORE, RANDOLPH, STEVENS, and TAFT be added as cosponsors of S. 2909, the National Blood Bank Act.

THE PRESIDENT'S MESSAGE ON BUSING

Mr. BENNETT. Mr. President, in President Nixon's message on busing given last night, he clearly directed the Nation's efforts to where they belong—"on better education for all of our children rather than on more busing for some."

Virtually every expression of public opinion on the question of busing has made it clear that the American people do not believe that busing is the answer to the problem of segregation. The moratorium proposed by the President would allay the fears of parents, both black and white, that their children will not be forced to attend schools that are miles from their homes; and it gives us, as Members of Congress, the chance to create a truly equal opportunity educational system.

The President made it clear that the time has come for us to make a national commitment to see that the schools in central cities are upgraded so the children who go there will have as good a chance to get the quality education as do the children who go to schools in the suburbs.

The proposed Equal Educational Opportunities Act would establish standards for all school districts throughout the Nation, insure against racial discrimination in school assignments, and establish the equal educational rights of all citizens regardless of color, language barriers, or financial status. It would also provide money and incentives to help insure for schools in poor neighborhoods the fair treatment they have too often been denied in the past, and provide the special learning assistance and extra attention that those children so often need.

A part of the national commitment for equal educational opportunities is the need to preserve the tradition of this country to have children attend the schools in their neighborhoods.

Clearly it is wrong when children are forced to spend 2 hours a day on a bus going to school when it would be possible for them to walk to a neighborhood school. For this reason, I believe that it was wise for the President to declare a moratorium on any new busing and make it possible for local school jurisdictions to have the cases that have been settled by the court reopened.

I think that it is also important to realize that in ordering the moratorium on busing to achieve a racial balance the President was in no way attempting to delay desegregation. He made it perfectly clear that being antibusing is not to be antiblack or anti-Mexican-American. It would be an injustice to concerned parents all over this country to label them as prejudiced because they want their children educated in their own neighborhoods. In fact, the growing opposition to busing from all races demonstrates that their reasons have little or nothing to do with the question of race.

Clearly, what the President has proposed is a program that will put an end to the ill-advised practice of busing to achieve racial balance and in its place insert a program that will guarantee to all the children of this country an equal education opportunity. I support him in his efforts and hope that Congress will seize the opportunity given us to demonstrate our commitment to the continued well-being of our Nation's children.

EQUAL RIGHTS AMENDMENT

Mr. MONDALE. Mr. President, as a cosponsor of the equal rights amendment, I wish to spell out the reasons for my support.

We have made great strides in this country in recent decades toward eliminating the legal basis for discrimination against members of minority groups. But we still have a long way to go to provide the same protection to the majority of our population—the 51 percent who are women.

Although in some quarters the women's rights movement prompts only humor and cynicism, the concerns the movement addresses are neither funny nor trivial. Discrimination against women is a documented, proven fact in many aspects of American life and a cruel reality that mars the ambitions of untold numbers of American women.

In its study of the equal rights amendment, the Senate Judiciary Committee uncovered shameful evidence of discrimination against women in the areas of criminal and civil law, business and labor, military service, and education.

According to that report, there is a State in this country where a man can be sentenced to up to 30 days in jail for the crime of "habitual drunkenness." A woman can be sentenced for up to 3 years for the same crime.

In the field of education, the committee found many examples of sex discrimination. One of the most striking concerned the fact that the number of women applying to medical schools increased by more than 300 percent between 1929 and 1966. Applications from men in the same period went up only 29 percent. Yet the percentage of women applicants who were accepted into medical schools actually declined.

Employment statistics demonstrate that women often earn less than their male counterparts in many jobs. And in 1969, the committee found, 35 percent of male, full-time workers earned $10,000 or more per year, while only 5 percent of women earned $10,000 or more.

The Federal, State, and local civil services are among the offenders discriminating against women. In the U.S. Office of Education, here in Washington, men earn an average of twice as much annually as women.

Congress and the Federal Government have taken official note of some of these types of discrimination by passing laws and setting up machinery to deal with complaints. Earlier this month the Senate voted to outlaw sex discrimination in most phases of education. Also in this session of Congress, we have devised legislation that will give the Equal Employment Opportunities Commission the power to follow up its findings of sex discrimination with action.

I was proud to cosponsor these measures and other antidiscrimination and civil rights measures in Congress in other years. But it has become increasingly clear to me that a piecemeal approach to the fundamental question of providing equal rights is not enough. We could go on striking down archaic, discriminatory laws in our courts and State legislatures for years and years and still not complete the job. And as long as one discriminatory law stands, we cannot truly say that all human beings have equal rights in our society.

Passage of the equal rights amendment would ease forever any doubts about the commitment of this country to justice for all of its citizens—women as well as men. Some argue that the "equal protection" clause of the 14th amendment of the Constitution provides all of the legal protection needed by women. Yet in 200 years the Supreme Court has not enunciated the application of the amendment to discrimination against women, except in one narrow case. We cannot expect the majority of our population to wait any longer to secure a basic guarantee of its rights.

Some opponents argue that passage of the amendment will force a merging of the sexes into a "unisex," that it will destroy the traditional relationships between men and women. None of these drastic developments is mandated by the amendment. Its enactment, I believe, will rather encourage us to be more sensitive, human individuals, cognizant of each others' differences but respectful of them.

I agree fully with the conclusions of Virginia Allen, Chairman of the Presidential Task Force on Women's Rights and Responsibilities, who wrote to the President in 1969:

> Equality for women is unalterably linked to many broader questions of social justice . . . (What is needed) is a national commitment to basic changes that will bring women into the mainstream of American life. Such a commitment . . . is necessary to health, psychological, social and economic growth of our society.

THE LEGAL RIGHTS OF THE RETARDED

Mr. PERCY. Mr. President, I invite the attention of Senators to an editorial published recently in the Washington Post on the legal rights of the retarded. The editorial describes a recent Federal court decision in Montgomery, Ala., ruling that the mentally retarded in institutions have a right to proper treatment and care.

I have stated time and again that the mentally and physically handicapped in our Nation are neglected citizens who, for the most part, have been denied the basic rights and privileges that you and I take for granted. Unequal job opportunities, unequal educational opportunities and exclusion from community life have virtually prevented many handicapped persons from achieving the dignity of self-fulfillment and self-support.

I find it highly encouraging that our Federal courts are beginning to define the basic rights of our handicapped. The Senator from Minnesota (Mr. HUMPHREY) and I recognized the need for such action when we introduced legislation, S. 3044, to amend the Civil Rights Act of 1964 to prohibit discrimination against the mentally and physically handicapped in all Federal programs.

I commend the recent Washington Post editorial to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 15, 1972[

The Legal Rights of the Retarded

Accounts of gruesome and pitiful conditions in mental hospitals have been regularly reported in the press in recent months. Few states are without their human warehouses where large numbers of the sick and retarded are allowed to be stacked indefinitely on shelves of despair and deprivation. In many places, perhaps even all, inhumanity to the retarded is not intentional nor the result of designed contempt; instead, the sorry treatment of so many proceeds from lack of money and lack of staff—traditionally the twin causes of institutional neglect.

The situation is grim but not entirely hopeless. A recent order by a federal court in Montgomery, Alabama, may mark the beginning of a new national attitude toward people who are mentally retarded. Judge Frank M. Johnson Jr. ordered state officials to correct conditions at the Partlow State School and Hospital at Tuscaloosa. The evidence seen by Judge Johnson "vividly and undisputably portrayed Partlow as a warehousing institution which, because of its atmosphere of psychological and physical deprivation, is wholly incapable of furnishing treatment to the mentally retarded and is conducive only to the deterioration and debilitation of residents."

In more personal terms, Harold E. Martin, editor and publisher of the Montgomery Advertiser-Journal wrote in his newspaper after a visit to the hospital: "I have covered wars and death in almost every kind of catastrophe during 30 years in the newspaper business but was totally unprepared for the horrors of an institution whose whole concern for the more severe cases is uncivilized and dehumanized custodial care . . ." Judge Johnson entered an interim order to correct immediately such things as fire hazards and unhealthful food, and to begin a disease immunization program. A March 31 deadline was issued for the hiring of 300 staff persons; this deadline has already been met. According to one observer, this is the first time a court has ever held that mentally retarded persons involuntarily confined in an institution have a right to adequate treatment and care.

The importance of this decision lies in the fact that not only has actual help been given to thousands of the retarded in Alabama, but that the decision may have a positive affect nationally. Other suits may be brought involving other hospitals. Already, a proposal has been made by the American Civil Liberties Union, the American Orthopsychiatric Association and the Center for Law and Social Policy—a Washington public interest law firm—to form a national council on the rights of the mentally impaired. Through test case litigation, the council would identify and implement the rights of the mentally ill and retarded. As the group notes, "mental impairment is more than just a health problem for our society. It is also a pressing legal problem. Despite their numbers, the mentally impaired are among our society's most abused minorities . . . The hospitals in which these persons are confined are often worse than prisons and the 'treatment' which is the purported justification for such confinement is often non-existent."

Successful court cases are an important and obviously much-needed way to guarantee the rights of the retarded. Ideally, states should not have to be forced to provide adequate treatment, but since legislative appropriations for mental health are often small, decisions like Judge Johnson's will become more and more crucial. It is also welcome news that mental health lawyers will be active.

POWERPLANTS AT CENTRAL ARIZONA PROJECT

Mr. FANNIN. Mr. President, many articles have been written about the power generating plants being constructed in the Four Corners area as a part of the central Arizona project. Too often these articles have presented only one side of the picture: the comments by the critics of the project.

Today in the Christian Science Monitor there is a brief but informative story which gives prominence to the fact that great efforts are being made to control pollution and prevent serious environmental damage in the Four Corners area. This recognition is long overdue.

This article tells a part of the story of the extensive efforts being made by the power and coal industries to minimize environmental damage.

It also points out that pollution control is an expensive proposition which will mean increased cost for the consumer af electricity and water from the central Arizona project. The electricity, I might point out, is consumed in Nevada and California as well as my own State.

Mr. President, I am most happy to see that the Christian Science Monitor has presented these facts. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Arizona "Clean" Power Costly

(By Ernest Douglas)

PHOENIX, ARIZ.—Arizona citizens are going to pay more for water and for power, for the sake of environmental protection or improvement.

The new Navajo power plant, at Page, is costing $140 million extra for facilities to prevent air and water pollution.

Figures as to what environmental protection will add to the cost of the massive Central Arizona Project are not so definite, but the total will not be insignificant.

The U.S. Bureau of Reclamation has already spent several millions, and will probably spend as much more in the future, to straighten the lower Colorado and for other measures aimed at both water conservation and quality, as well as to enhance recreational opportunities along the river.

According to A. J. Pfister, an electrical engineer who worked on the earlier Salt River Project, the $534 million Navajo plant would cost only $394 million if sulfuric and nitrous oxides did not have to be extracted from coal smoke, and if hot water could be discharged directly into Lake Powell.

Mr. Pfister remarked: "Environmental costs will have a significant impact on the utility customers in Arizona and on the contractors for water from the Central Arizona Project. The annual cost of the Reclamation Bureau's share of these environmental costs of the Navajo project will be recovered in the rates for Central Arizona Project [CAP] water."

Some 24.3 percent of the power generated at the Navajo plant is reserved for the pumping plant that is to lift Colorado water out of Lake Havasu at the head of the CAP aqueduct. The Salt River (power) Project gets 21.7 percent; the city of Los Angeles, 21.2 percent; the Nevada Power Company, 11.3 percent; the Tucson Gas & Electric Company, 7.5 percent. Construction expenses, of course, are divided in the same proportion as power output.

Coal for the Central Arizona Project generators, which will have capacity of 2,310,000 kw., must be hauled from the Black Mesa field over a 79-mile railroad now being built. It would be the natural thing to use locomotives burning part of the coal they transport. Instead, they will be electric locomotives costing $500,000 each and operated with current purchased from the Navajo tribe.

The generators will consume 23,000 tons of coal daily. Although the Black Mesa coal is only 0.5 percent sulfur, 115 tons of sulfur will be converted to gas every 24 hours.

There is no commercially proved system for removing sulfur dioxide from stack gases. So the Salt River Project and its partners felt that there was inadequate information upon which the design a removal system for the Navajo project. Therefore they have joined in a million-dollar experimental program at the Mohave power plant across the Colorado in Nevada.

There a "sophisticated" pilot plant will test four types of scrubbing vessels at one time, and also three types of scrubbing agents. The plant is so thoroughly instrumented that by next March it is expected that there will be enough data to design a reliable sulfur dioxide system for the Navajo generating units.

After sulfur dioxide the other principal atmospheric contaminant is nitrous oxide. It is believed that some reduction of this contaminant can be obtained by modification of the combustion pattern. The test plant at Mohave will also provide information toward nitrous oxide control.

Of the $140 million budgeted for environmental features at the Navajo power plant, $80 million is for making sure that air pollution is held as near to zero as is humanly possible. Various features to control other forms of pollution make up the rest of the total expenditure.

URBAN MASS TRANSIT

Mr. JAVITS. Mr. President, Secretary Volpe must be commended for his bold decision to open up the highway trust fund for urban mass transit purposes. This is a long awaited and hard fought for breakthrough which legislators like myself have been seeking for years, and in concept I strongly support the Secretary's efforts.

It is now up to Congress to seize the initiative and see that it is acted upon. The 70 to 80 percent of the Nation's people who live in urban areas can no longer suffer from the crippled and decaying mass transit and commuter systems and cannot bear a protracted congressional delay over this issue.

It is entirely appropriate and desirable for the Federal Government to draw on the highway user taxes for mass transit and commuter purposes. Transportation needs for all modes of transportation—especially in urban areas—must be viewed as interrelated and dealt with in a comprehensive fashion. It is not rational or wise to isolate highway planning from mass transit planning or mass transit planning from aviation planning. Indeed, with respect to the Secretary's new plan, an improved mass transit system developed and built in concert with our highway system will benefit all—including the highway users. Traffic congestion can be reduced and roads can remain in good condition longer. In large measure the imbalance in funding highways and mass transit and commuter services have resulted from the piecemeal consideration of transportation. We have established different funds for each and by this method, the lobby with the biggest muscle can walk away with the most funds.

The moneys in the proposed single urban fund could offer greater financial assistance to urban areas than under present authorizations, though perhaps it may not be sufficient to meet the expanding needs of our urban highways and mass transit and commuter systems. From the highway trust fund approximately $75 million is authorized for fiscal year 1973 for a variety of urban highway programs—not including those funds authorized for the Interstate System—and the administration is requesting approximately $840 million for fiscal year 1973 to be obligated for urban mass transit capital facility grants pursuant to the Urban Mass Transit Act of 1970—total of $915 million. Secretary Volpe's plan envisions $1,850 million for the single urban fund for the fiscal year 1974—$850 million of that coming from what will be the existing fiscal year 1974 contract obligation authority provided by the Urban Mass Transportation Act of 1970—$1.850 million for fiscal year 1975 and $2.250 million for the fiscal years 1976 through 1979.

The Secretary's proposal would allow State and local officials to have certain discretionary authority to decide whether to apply moneys from the single urban fund to highways or mass transit. This flexibility is a must and the financing coming from the highway trust fund—rather than being subjected to yearly appropriations process—would allow for more orderly planning and development of transit systems. Some of the doubt of the availability of funds could be eliminated. One of the things that may have to be guarded against, however, is the strong local pressures that could force lopsided decisions favoring highways.

An amendment I proposed to the Federal-Aid Highway Act of 1970—which was subsequently withdrawn on the assurance that hearings would be held on it—would also have given the Governors of the States this flexibility by allowing them the discretion to use certain highway trust fund moneys designated for urban areas on mass transportation in those areas.

Congress will have to determine whether the funds authorized by this new plan will be sufficient to meet the expanding needs of urban mass transit. There are now pending $4.2 billion in caiptal grant applications at the Department of Transportation and the Secretary's proposal in no way contemplates expenditures for operating subsidies for mass transportation.

Congress will have to weigh the needs of the urban systems against the revenues raised for the Highway Trust Fund and against those authorized for expenditure under the Single Urban Fund and decide whether sufficient funds have been provided to meet the capital needs.

Congress will have to decide, also, whether this fund or additional funds made available from the general fund of the Treasury should be authorized to cover deficiencies in mass transit and commuter operating expenses.

Our mass transit systems face critical fiscal emergencies today, now, and limited operating subsidies must be forthcoming at least as a stop-gap measure. In that regard I believe the "National Highway Needs Report" is incomplete and it is my belief that Congress should go forward with the Senate's most recently approved amendments to the Urban Mass Transit Act, including my own to subsidize operating expenses up to $800 million over the next 2 years—notwithstanding this most worthwhile plan proposed by the Secretary. The fare box and the State and local governments can no longer support the operating costs. All the additional capital funds that may be provided cannot be helpful if there is no money to keep the system running. The operating subsidies are a must.

Mr. President, I hope that Congress will see fit to act on the Secretary's most laudable proposal promptly.

HIGHWAY NEEDS REPORT BY SECRETARY OF TRANSPORTATION WILL BE GIVEN CAREFUL STUDY IN CONGRESS

Mr. RANDOLPH. Mr. President, I have reviewed with interest the highway needs report released by Secretary Volpe on March 14.

The general thrust of his recommendations for restructuring the Federal-aid highway program closely parallels, in some respects, my own thoughts about the future of the highway program. In particular, I strongly agree that we must begin consolidating the various facets of the program. I also believe that the consolidation should result in less redtape. In recent years, the legal and regulatory requirements of the highway program have proliferated so that they now approach the stage of being counterproductive. State highway departments frequently are unable to initiate projects without long delays resulting from substantial amounts of paperwork and negotiation with the Federal Highway Administration and other agencies.

It is essential that the functioning of the highway program be streamlined and I will examine Secretary Volpe's proposals very carefully to see if they provide for elimination of unnecessary redtape.

The sharpest departure from present practice and the one that will attract the most public attention is the proposed merger of the Urban Highway System with the capital grants program of the Urban Mass Transit Administration.

Congress recognized in 1969 that we had neglected the needs of public transportation in urban areas. We acted to correct this deficiency by passing the Urban Mass Transit Assistance Act which authorized Federal grants of $3.1 billion over a 5-year period to help provide mass transit equipment and facilities.

This program now is financed by general fund appropriations. Secretary Volpe's proposal that it be merged with the Urban Highway System as a single urban fund presumably is intended to accomplish two purposes. First, development of urban transportation on a unified basis, and second, give the mass transit program access to the reliable financing afforded by the highway trust fund.

Reliable funding and total transportation planning are desirable goals, but I will review this recommendation in the context of what it would do to the existing mass transit and urban highway programs. Both of these are essential to better urban transportation, and I would hesitate to do anything that would compromise the effectiveness of either.

The proposed funding level for the Single Urban Fund is inadequate to meet the great urban highway and transit needs of our metropolitan areas. In addition, there is no assurance that the Single Urban Fund would be immune from the impoundment of authorized funds that has disrupted the highway program over the past 5 years.

I also am concerned with the lack of specific attention in the report to urgently needed special highway programs—such as the bridge replacement program and the economic development center highway program. These would lose their separate identities if the Secretary's recommendations are adopted, a situation that I believe would be unwise.

His recommendations indicate that Secretary Volpe is sensitive to the need for the highway program to remain responsive to contemporary transportation requirements. The Committee on Public Works, and I personally, share the belief that we must look for new ways to provide transportation facilities compatible with the wishes and desires of the public.

I eagerly await the translation of the Secretary's proposals into firm legislative recommendations. All of them will be fully considered by the Committee on Public Works as possible elements of the Federal-Aid Highway Act of 1972.

THE DEATH OF TIME

Mr. BROCK. Mr. President, man's search for meaning knows no political boundaries or labels. Each of us must constantly search for true meaning to his life and must, in our own ways, act so as to create something of value in our lives and in our relationships with others. Particularly in this context.

History remains the touchstone for progress. It is the deterrent to past mistakes and the encouragement to forge ahead. If we are to succeed as individuals or as a nation, we must heed the lessons of prior experience and honor the sacrifices made for us by those who have gone before.

I recently read a column by Mr. William V. Shannon which gives fair warning to those who seek to ignore, or even repeal, our tremendous heritage as free men.

In the earnest hope that each of my colleagues will find this statement of value, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DEATH OF TIME

It is not astonishing that so many of today's students regard history as irrelevant. History is the accumulated burden of what men have done in past time. Time has always seemed the enemy of man since each of us is conscious of his own mortality.

With industrialism, the ever-accelerating inhuman pace of technology has invaded every domain of life. Efficiency, speed, total use of available resources have become the values. Since television, there is not even the investment of mental effort and of time which a serious book or a good newspaper requires. Politics is seen as a demonstration, a dramatic confrontation, with no realization of how much time and effort are needed to alter a large, complex society like ours.

Disdain for history is symptomatic of the malaise of today's youth culture and of the larger society which nurtured it. Resenting death, we murdered time. Almost too late we see that what we have slain is not time but our sense of ourselves as humans. To reject the past is to deprive today of its meaning tomorrow. To evade the significance of time is to empty life of its significance. It is that meaninglessness which pervades this age of instant gratification and instant results and permanent dissatisfaction. —WILLIAM V. SHANNON.

ANNIVERSARY OF HUNGARIAN INDEPENDENCE

Mr. PERCY. Mr. President, in 1848 the Hungarian people led the struggle for freedom in Europe. Today we commemorate the anniversary of Hungarian independence and the March Laws of 1848 which called for representative government, religious freedom, the right of public assembly, and the abolition of serfdom.

At that time Hungary's independence was soon destroyed by the Hapsburgs assisted by Russian troops. This tragic drama was to be repeated in 1956 when the Hungarian people again sought their freedom, only to have it crushed by another invasion of troops from Russia.

Yet, despite Hungary's political misfortunes, the Hungarian people have always maintained the affection, the respect, and the concern of the civilized world. When Lajos Kossuth arrived in the United States in 1851, he was hailed in all the cities he visited. Hungarian contributions to literature, music, and science are acknowledged everywhere. The names of Franz Liszt, Bela Bartok, Ferenc Molnar, and Arthur Koestler are known to everyone.

Today we are aware that the Hungarian people—against all odds—have managed to maintain their culture, their traditions, their love for freedom. For this we salute them and assure them of our continuing admiration and respect.

EROSION OF THE WORK ETHIC

Mr. ROTH. Mr. President, earlier this week the very able writer James J. Kilpatrick devoted his column to remarks made by Mr. John E. Healy II, of Wilmington, Del., who had addressed the Associated General Contractors of America, which met recently in Houston, Tex.

I think both Mr. Healy's remarks on the erosion of the work ethic in this country as well as Mr. Kilpatrick's comments on the speech deserve the attention of other Members of this body.

Mr. President, I ask unanimous consent that Mr. Kilpatrick's column, published in the Washington Evening Star of March 14, 1972, be printed in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EROSION OF WORK ETHIC IS LAMENTED BY BUILDER

(By James J. Kilpatrick)

HOUSTON.—John E. Healy II spoke at more than 200 meetings last year—industry meetings, union meetings, committee meetings—and at many of them he told the story of the Empire State Building. The story takes only a few paragraphs, but it packs a wallop.

Healy is the handsome, hefty, third-generation builder from Wilmington, Del., who is the outgoing president of the Associated General Contractors of America. The association met here last week in its fifty-third annual convention. The 5,000 delegates went home with a renewed determination to restore some sense to their deeply troubled industry and they took with them the story of the Empire State.

The world's greatest skyscraper broke ground on Jan. 22, 1930. At peak employment, 3,400 men were working to erect 60,000 tons of steel, to lay 10 million bricks, to install 70 miles of water piping, and to connect 3,500 miles of telephone cable. The 102 stories went up at an average of four-and-a-half stories per week. On May 1, 1931, just one year and 98 days later, President Hoover dedicated the building and tenants moved in.

The same structure today, says Healy, would require three to three-and-a-half years to complete.

Granted, the Empire State Building lacked air conditioning, which a contemporary building would demand, but the man-hours required to install air conditioning have been more than offset by the new tools and new techniques of the past 40 years. The grim truth, in Healy's view, is that productivity in the building industry today is less than half what it was then. And why? "The work ethic has been lost."

It has been lost, he believes, through the power of avaricious trade unions, and through the weakness of contractors willing to buy labor peace at any price. The process has grossly inflated building costs, and it has sadly diminished the dignity of working men.

Members of the AGC are eager to have their troubles known. Day in and day out, their experience confirms the picture painted in a hard-hitting report last month by Engineering News-Record. In 1926, a Chicago mason laid 600 blocks a day; today two masons are required for the same work, and they lay 100 blocks a day. In the days when concrete was finished by hand, a contractor figured on 2,000 square feet of finished concrete per man per day; today, with all kinds of power tools, the rate is 600 square feet.

The magazine cited the sorry example of a power plant job that required several small gasoline-powered generators. The union successfully demanded that each generator be watched by an operating engineer, an electrician, and a pipefitter. The operating engineer got $300 to $400 a week "for starting once or twice a day a gas engine smaller than those on many home lawn mowers."

Each electrician received the same kind of money "for pushing the wire plugs into the sockets of the machines whenever they were moved." The contractor said he never did discover what the pipefitter did.

Such examples are legion. A billion-dollar project in Albany has suffered repeated delays because of a dispute between teamsters and operating engineers: Who is to hold the nozzle of a fuel truck?

On a motel construction job in Philadelphia, electricians and carpenters quarreled over the installation of a chain-hung ceiling lamp.

Many labor leaders privately agree that this nonsense has to stop. Union members themselves are suffering, as many contractors turn to the openshop. Jobs are vanishing.

The contractors who met here in Houston gave Healy an ovation when he insisted that with the unions' help, "or without it," productivity and morale must be restored. If the builders will match their convention zeal with hometown determination, the old concept of a fair day's work for a fair day's pay may yet be revived. It's what the unions have been asking all along.

APPROVAL OF PRESIDENT NIXON BY FLORIDA VOTERS

Mr. GURNEY. Mr. President, the overwhelming expression of approval of President Nixon by Florida voters this Tuesday was most impressive. Eighty-five percent of the registered Republican voters expressed their support for the President. Moreover, a study of Florida voters interviewed at the polls on election day indicated that substantial numbers of Democratic voters were also satisfied with the President.

The reasons for this great support were set out quite well in a pre-primary editorial published in the Orlando Sentinal. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Orlando (Fla.) Sentinel, Mar. 12, 1972]

NIXON'S CREATIVE STATESMANSHIP HAS EARNED HIM A SECOND TERM

Barring an upset by some dark horse at the convention in July, one of the nine professed Democratic primary candidates will be nominated by his party for the presidency of the United States.

The Sentinel could not in good conscience support any of the presently known Democrats in the November general election and therefore we make no recommendation to Florida Democrats who must choose Tuesday.

About Richard M. Nixon, however, we have made up our mind.

We like him.

We think he's good for the country and we believe he should be nominated by the Republican party and reelected by the American people.

We endorse Mr. Nixon's candidacy for precisely the reasons his primary critics oppose it—because the President has remained flexible in a period of great change and because he has emerged as a creative, courageous and innovative statesman.

Not since Dwight D. Eisenhower fulfilled his campaign pledge to stop the Korean war has an American president done more to enhance world peace.

As a candidate four years ago, Richard Nixon promised to wind down the Vietnam War responsibly—and this he has done. There were 515,000 U.S. servicemen in Southeast Asia when he took office 3½ years ago. Now 129,000 remain and nearly half of these will be home May 1.

Vietnamization is working—and so is the start of Mr. Nixon's politically courageous effort to reach a live-and-let-live accommodation with the nearly 800 million people of mainland China.

In fact, the first fruits of the Nixon's China visit came last Monday from North Korea, our Communist antagonist since the 1950s.

Easing two decades of hostility, the Pyongyang government called for a no-war treaty with South Korea and "normalization of relations with the United States." We can be reasonably sure this overture will be followed by gestures from other pro-Peking regimes.

And the forthcoming Moscow trip promises to begin a relaxation of U.S.-Soviet tensions—one that could lead to a meaningful and enforceable arms limitation treaty between the top nuclear powers.

At home, the President has planned and performed remarkably well. His family assistance welfare package, so far only partly implemented because of static from the Democrat Congress, is humane and practical.

Mr. Nixon moved decisively to check inflation and if he didn't score 100 per cent, who among his critics could have done better?

Twice he tried, and twice failed, to live up to his commitment to appoint conservative justices to the U.S. Supreme Court. But he didn't let a hostile Senate frustrate him. A third try succeeded and the court today is well balanced—a contribution that may be the most lasting and important of the first Nixon term.

Faced with an ugly trade imbalance, the President could have gone the perilous route of a trade war but elected to face reality and offer a moderate devaluation of the dollar abroad.

His primary opponents, antiwar Congr. McCloskey and rightwing Congr. Ashbrook, sit in the bleachers making lofty doctrinaire pronouncements while the President is in the arena running the game and playing it.

We don't believe the voters are being fooled by the phony issues of left and right; the 69 per cent Nixon majority in New Hampshire is a strong hint the people know the score.

Florida Republicans have the opportunity Tuesday to give Richard Nixon his first big-state primary victory.

Let it happen.

NEEDED IMPROVEMENTS IN HEALTH CARE PROGRAM

Mr. FANNIN. Mr. President, during the past several years we have heard much discussion about needed improvements in our health care system.

As is usually the case, the attention has been focused on individuals and groups who have shouted that we have a health care crisis in the United States. Much publicity has been given to proposals for radical change in medicine, as well as in other aspects of our society.

Most certainly improvements are needed in our health care system. We need to expand our system to make it more readily available to those who need care. We need to provide catastrophic illness insurance to protect our citizens from financial ruin when they suffer serious afflictions.

It would be a serious mistake, however, to institute a radical new system which is alien to America. Socialized systems which have been highly touted in other nations have serious flaws when examined closely. This is not England, and it is not Sweden—and neither of those systems are so great that they should be transplanted in America.

We need improvement in our medical system, not radical surgery. We should build on the good in our system, for there is much good to build on. We should not try to move quickly to some nationalization which could be a disaster medically and economically.

As a member of the Committee on Finance, which will be discussing health care proposals, I am cosponsoring a bill which will improve our system without nationalization.

Mr. President, the magazine, Medical Economics, on February 14, 1972, published a thoughtful article. This was a reprint of an article which appeared earlier in Saturday Review. I think that it contains some food for thought. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE LAST THING U.S. MEDICINE NEEDS IS RADICAL REFORM!

(By Harry Schwartz)

The conventional practice of medicine and the physicians engaged in it are under attack in the United States as never before. Ranged behind a banner reading HEALTH-CARE CRISIS, a large and vociferous group of critics claims that the nation's medical system is woefully deficient in so many major respects that it must be radically reorganized—and quickly. On this essential diagnosis and prescription, the Nixon Administration stands shoulder to shoulder with Senators Edward Kennedy and Edmund Muskie, among others, as well as with many union leaders.

Many patients are vocally dissatisfied with the high cost of medical care and, increasingly, with the outcome—this latter fact attested to by an epidemic of malpractice suits. The past few years have seen barrages of articles, books, television programs, and other investigations of the weaknesses and inadequacies of the medical system. "Don't get sick in America," the nation has been told, as though there were some place where it was good to have cancer or multiple sclerosis or schizophrenia. Alarmed by this atmosphere, the American Medical Association has begun to run scared, offering programs for improved financing and delivery of health care, and seeking to upgrade its public image by sponsoring advertisements to show that doctors do care about the health of their patients, the quality of the environment, and the like.

In their righteous wrath, many of today's critics seem to feel that limits of truth, balance, or plain good sense just don't apply to their holy cause. Thus, one national magazine recently blazoned its front cover with why you can't get a doctor, though the editors surely know that every week millions of Americans see and are treated by physicians. And in another national magazine, a television critic who signs himself "Cyclops" assured his readers that Medicare had enriched the doctors in much the same fashion that the oil depletion allowance had served the oil industry. One wonders if in an earlier era Cyclops denounced "faceless and nameless accusers" who presented no evidence but simply accused broad categories of people. More generally, the critics have often focused on the worst areas in this field and trumpeted their findings as though they were typical. With that technique, of course, every aspect of American life can be indicted, since all—the same as medicine—have weaknesses and deficiencies.

Even unfair criticism can be useful in keeping an individual, an institution, or a section of society on its toes and helping prevent complacency. Vice President Agnew's attack on the media can be defended from this point of view. But in the case of medical care, many of the critics have "solutions" they want to offer. Having told us what incompetent, greedy monsters dominate the medical profession, the critics assure us that if we will only adopt their pet nostrum, all will be well in the best of all medical worlds.

The fact that for many years to come most of the physicians treating sick Americans will be the same men and women with M.D. degrees who are being denounced now doesn't seem to shake the faith of these true believers in simplistic solutions. Nor does it seem to occur to many of these would-be reformers that there could be heavy costs in the transition to some new health-care mechanism and there could even turn out to be serious new problems with the proposed "solutions." Such complications tend to be ignored as the fighters against medical evil use the undoubted weaknesses of what now exists for their propaganda while assuming that their proposals would introduce a utopia.

A staple argument advanced by those who profess to see a health-care crisis is that the nation's health is well below what it might be because of the inadequacies of the present medical mechanism. To buttress this argument, the critics virtually always trot out international statistics purporting to show that the United States is way down on the list of the world's nations, being so ranked by such indicators as infant mortality and life expectancy.

In part, this argument is based upon simple naivete in statistical matters. It assumes that it is meaningful to compare small, homogeneous nations concentrated on relatively tiny territories—Sweden and Holland, for two examples—with the United States, whose population is roughly 20 times as large incredibly heterogeneous, and spread across a whole continent. Moreover, those who triumphantly cite these statistics usually ignore the problems of statistical definition that make such comparisons even more suspect. And they almost never point out that if comparisons are made between the two most nearly comparable large countries for which data are available—the Soviet Union and the United States—the Soviet Union turns out to have a much higher infant mortality rate than the United States and approximately the same life expectancy level. Why doesn't anyone talk about a Soviet health-care crisis?

But this argument has an even more fundamental fallacy, which is the assumption in a highly developed modern urban society medical care is somehow the decisive element in such matters as infant mortality and life expectancy. This, of course, ignores all the complex social forces at work. Whatever its sins, the American medical establishment is not responsible for hunger in this country, for the automobiles that kill 50,000 or more people here annually, for the drug overdoses that claim thousands of young lives, or for the millions of Americans who court heart disease and lung cancer by overeating, exercising little or not at all, and smoking a pack or more of cigarettes daily. If a person chooses to eat or smoke his way to death despite his doctor's warning, why place the blame on the doctor?

Finally, it is curious that those who rush to use statistics to indict American medicine are so quiet about data that point in the opposite direction. Why is so little said, for example, about the dramatic decline in American infant mortality in recent years—a drop of more than 20 per cent just between 1965 and 1970? Last year, for the first time in American history, the infant mortality rate went below 20 deaths per 1,000 live births. Nor are we often reminded that, when allowance is made for the changing age distribution of the population, the death rate in this country has been dropping significantly. In 1967, the last year for which data are available, the age-adjusted death rate in this country was 7.3 per 1,000 population. Twenty years earlier, the corresponding figure, 9.0 per 1,000, was almost 25 per cent higher.

I do not mean to suggest that there is no room for further improvement. But if critics want to be honest with the American people, they ought to present the whole picture—including the undeniable evidence of substantial and continuing improvement, in some cases very rapid improvement—and not merely carefully selected international comparisons, the relevance or validity of which is dubious. It should be added, moreover, that the gains, i.e., the reductions, in American infant mortality and over-all mortality rates have been shared by whites and nonwhites of both sexes.

A second frequent complaint is about shortages of doctors, sometimes more generally of all health manpower and womanpower. Along with this grievance often goes the more or less explicit charge that the American Medical Association has been choking off the supply of doctors, presumably to increase the monopolistic power of its own members.

Nobody can deny that there are shortages of doctors in some places, and that the worst problems are encountered in urban slums and remote rural communities. But the United States as a whole has one of the highest ratios of physicians to populations in the entire world. Between 1950 and 1970 the number of M.D.s in this country increased almost 50 per cent, or substantially more than the roughly one-third population increase in the some period. Moreover, the country's rate of physician production is mounting rapidly as old medical schools expand enrollments, new medical schools begin operating, and some medical schools cut the period for M.D. training from four to three, or even two, years. In September, 1971, more than 12,000 new medical students began their studies, almost 40 per cent more than the number of freshmen enrolled as recently as 1965.

The net increase of between 35,000 and 40,000 doctors in this country just since 1965 makes a mockery of the charge that the A.M.A. or any other organization is attempting to preserve some sort of monopoly. The real problems are different, and they have at least three roots. One is the trend toward specialist care and away from general practice, a trend born both of the economic advantages of being a specialist and of the increasing volume and complexity of medical knowledge. A second factor is the understandable desire of many physicians to live and practice where it is most advantageous and pleasant for them to do so, rather than in surroundings of poverty or of professional isolation; physicians are abundant on Manhattan's fashionable East Side and in affluent Westchester County, but very scarce in New York City's poorer areas. Finally, there has been a tremendous upsurge in the demand for physicians' services born of the Medicare and Medicaid revolutions of the mid-1960s, which lowered the economic barriers to medical care for millions without immediately doing anything to compensate for the provision of this care.

Nevertheless, there can be little doubt that in recent years more Americans have been receiving more—and usually better—medical care than ever before in the nation's history. But this is hardly the situation that the term "health-care crisis" brings to mind or is intended to bring to mind.

A third complaint is the rapid rise in the nation's total medical bill. Here is the way the Nixon Administration's recent White Paper on medical care put the indictment: "In fiscal year 1970, the nation spent $67 billion on health, nearly three-fifths again as much as had been spent only four years earlier. While undoubtedly there were improvements in the quality of care for at least some of the population, more than 75 per cent of the increase in expenditures for hospital care and nearly 70 per cent of the increase for physician services were the consequence of inflation."

Put this way, of course, there is a strong implication of gouging, of conscienceless profiteering at the expense of the sick. But every American knows that the last four or five years have been a period of rapid general inflation, of substantial rises in prices and wages throughout the economy. Between 1967 and 1970, for example, the Consumer Price Index shows that physicians' fees rose an average of 21.4 per cent, or almost exactly the same percentage by which average hourly earnings of workers on private nonagricultural payrolls increased over the same period. Between 1967 and 1970, the C.P.I. reports, the average price of a semiprivate hospital room rose 45.4 per cent. Hospitals, of course, are very labor-intensive institutions, and before Medicare and Medicaid many of their personnel—interns, residents, and housekeeping workers, many of the last being from minority groups—received very low wages. These last mentioned groups have particularly benefited from above-average wage raises in recent years, a circumstance that hardly makes such formerly disadvantage workers economic criminals.

There should be no illusions in this area. Proper care of the sick—particularly of the elderly, who make up such a disproportionately high percentage of the seriously ill—is and always will be a very expenssive proposition. There are, of course, inefficiencies in the existing medical-care mechanism that add to costs, but it is a delusion to think that the physically ill or the emotionally disturbed can be handled satisfactorily and humanely in ways that will compare in efficiency and cost effectiveness with the assembly-line techniques Detroit uses to build automobiles. Certainly the nation does not want the high percentage of error and neglect in its health care that car buyers find in their new vehicles.

Yet it is essentially assembly-line medicine provided by collectivized physicians that the critics suggest to meet the "health-core crisis." The road to medical utopia, many voices now tell us, is to be found by general acceptance of prepaid group practice arrangements ("health maintenance organizations," in Nixon Administration jargon) on the model of the Kaiser-Permanente groups along the West Coast. Such prescriptions are natural if one believes this country is now in a health-care crisis, which derives from the clichés the critics employ to describe present American medicine. They hold that it is "a cottage industry" consisting of "solo practitioners" working on a "fee-for-service basis" in a "non-system." Simply inverting these terms produces the notion that what is needed is a mass-production medical industry staffed by teams of doctors working independently of payment in a highly organized system.

This description of the present situation is grossly oversimplified. American medicine today is highly pluralistic. Millions of Americans have completely socialized medicine; for example, those in the Armed Forces and in Veterans Administration hospitals. Several million others belong to prepaid group practice organizations, and additional millions look to hospital emergency rooms, outpatient clinics, and the like for their primary medical care. Medicare, Medicaid, and private medical insurance, including the Blue plans, have revolutionized the economics of medical care in recent years. In short, the stereotype of the sick American going to the isolated physician and digging into his pocket for the $10 or $15 fee covers only a portion of the reality. And, except in remote areas, no physician is really isolated.

Patients have a fixed or semi-fixed medical cost, for which they can budget in advance, and a source of medical care available at any hour and on any day. Competing with private physicians, group practices can put economic curbs on private doctors' fees and force the private practitioners to make their own informal or formal arrangements to ensure that patients can get a doctor at 3 a.m. on a Fourth of July and on other occasions when most people are sleeping or on holiday.

But the zealous advocates of revolutionary change in American medical care go far beyond such modest and realistic claims. They see group practice or health maintenance organizations as wonder-working systems that can provide better care for lower costs while simultaneously ensuring that the population enjoys better health than ever before. It is these expectations that explain the intensity of the more extreme propagandists for universal health insurance and compulsory group practice.

However, the evidence presented for these claims is very thin, particularly since group practice in the United States has historically been limited to special groups, while what is advocated by the extremists is extension of this mode of health-care delivery to the entire population of the country.

How, for example, can group practice improve the nation's health if medical science knows so little about the causes of the degenerative and hereditary diseases that cause so much illness? And what is there about group practice that will enable it to stop smoking, overeating, lack of exercise, reckless driving, heroin addiction, alcoholism, poverty, inheritance of genetic defects, and other individual or social causes of sickness and death?

Some people argue that the end of direct financial cost for medical care will encourage people to go to doctors earlier than they might otherwise, and thus catch diseases at a stage where they can be dealt with more effectively. This may be true in some cases, but the change to prepaid medical care has more complex consequences.

The end of fee-for-service removes the individual physician's economic interest in his patient, while, for the group as a whole, it is economically advantageous to do as little as possible for the patient. For the subscriber to such a group, however, the removal of additional out-of-pocket cost for a visit to the doctor creates the temptation to overuse the group's resources. Thus, a tension is automatically set up between the group physicians and their patients.

The possibilities that a national system of prepaid group practice will turn into a bureaucratic monster are enormous. The nation's real problems of medical care can best be met by measures that focus on particular trouble areas, rather than by a violent transformation of the entire complex medical system that would affect equally all parts, those working well and those working poorly.

Of course the ghettos and small towns need more doctors and medical facilities. But the Government already has authority to recruit physicians and other medical personnel to meet these needs. And if young physicians are idealistically anxious to go into these deficient areas, why shouldn't the state help them to do so?

The family of moderate means struck by catastrophic illness can be bankrupted by heavy medical bills. That problem could be solved by Government-organized, compulsory major medical insurance whose cost on a national per capita basis would be relatively small.

The upward rocketing of hospital costs might be slowed down by a variety of measures. One important need is for revision of the formulas used to reimburse hospitals under Medicare, Medicaid, Blue Cross, and other insurance schemes. These formulas—which in the past have often stressed reimbursement for costs without pressures for economy—need to be altered so that hospital administrators will be more economy-minded in the future than in the past. The escalation of medical costs could also be usefully countered by effective action on the malpractice front to curb present excesses and abuses that add significantly to the cost that patients, insurance firms, and the Government have to pay.

In an era of increasing and justified disenchantment with big government, it is astonishing that so many well-meaning and intelligent reformers essentially want to nationalize and bureaucratize American medicine, either explicitly as in Britain or implicitly as in some of the legislation before Congress. One would have thought that the postal and public school systems would have taught them long ago that nationalization does not mean efficiency, and that the telephone system would have taught them that even a private integrated system can develop serious flaws. Based on the record of the past, we have every reason to suspect that if the revolutionary proposals for transforming American medicine are adopted and implemented, medical care in this country will cost more while providing less satisfaction and poorer treatment for millions.

MIGHTY PECULIAR

The patient had been put to sleep with a light anesthetic for coronary angiography. During the injection of the dye, he suffered a ventricular fibrillation and arrest. Fortunately his doctor, a cardiac surgeon, was present for the examination. He immediately began external massage and then mouth-to-mouth resuscitation. After a few moments the patient awoke and made an uneventful recovery. Although the episode had left the rest of us rather shaken, we thought the patient had recalled very little of it. But later that afternoon, when I saw him on my rounds, he said to me, "Confidentially, Doc, what about this Dr. Jones who's my surgeon? At first I liked him, but now I don't think I do." "Is that because of a reaction you had to the dye this afternoon?" I asked. "Oh, no," he said. "I don't recall anything like that. All I remember is that I took a nap and when I woke up, Dr. Jones was kissing me."—Paul W. Elsea, M.D.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ORDER FOR ADJOURNMENT UNTIL MONDAY, MARCH 20, AT 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, instead of convening at 10 a.m. on Monday, the Senate, when it concludes its business today, convene at 11 o'clock on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM MONDAY UNTIL TUESDAY AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the business of the Senate is concluded on Monday next, the Senate stand in adjournment until the hour of 10 a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL RIGHTS FOR MEN AND WOMEN

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, House Joint Resolution 208, which the clerk will report.

The legislative clerk read as follows:

Calendar 662, a joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The Senate continued with the consideration of the joint resolution.

QUORUM CALL

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Time is

controlled. Who yields time, or against whom is such time to be charged?

Mr. ALLEN. Mr. President, I ask unanimous consent that the time be charged equally against the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ERVIN. Mr. President, I ask unanimous consent that Mr. Robert B. Smith be permitted the privilege of the floor for the purpose of assisting me during debate on House Joint Resolution 208.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I ask unanimous consent that inasmuch as the Senate is considering a constitutional amendment, the staff of the Subcommittee on Constitutional Amendments be permitted the privilege of the floor throughout the discussion of this joint resolution, and through the final vote, on this pending order of business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I ask unanimous consent, further, that Mathea Falco be permitted the privilege of the floor for the duration of this debate and through the final vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, the noble principle of "equal justice under law" which has guided this country for almost two centuries has, in fact, never been fully realized. We have, it is true, eliminated some forms of invidious discrimination from our midst. But, despite our past efforts, our system is flawed by shameful, inexcusable, morally reprehensible and socially outmoded discrimination against the women of this country.

Perhaps no single statement more eloquently describes the magnitude of sex discrimination in our country today than the one made by Congresswoman SHIRLEY CHISHOLM when she testified before the Senate Subcommittee on Constitutional Amendments, which I am privileged to serve as chairman. The Congresswoman said:

> I have been far oftener discriminated against because I am a woman than because I am black.

The testimony which was presented to Congress in three very recent sets of hearings confirms what Mrs. CHISHOLM said: persistent patterns of sex discrimination permeate our society today.

The joint resolution now before the Senate proposes an equal rights amendment to the U.S. Constitution. The amendment, after ratification by the States, would provide that all Americans men and women alike, shall be treated equally before the law. The proposed amendment, already approved overwhelmingly by the House of Representatives and reported favorably by a 15 to 1 vote in the Senate Judiciary Committee, is a long overdue and fully appropriate means to establish, at last, the just rights of the 51 percent of Americans who happen to be born women.

The proposed amendment is straightforward. It provides in its operative part that—

> Equality of rights under the law shall not be denied or abridged on account of sex.

The goal is to insure that the Federal Government, the State governments, and local governments treat each person, male, and female, on the basis of his or her individual abilities and characteristics—and not on the basis of arbitrary sexual stereotypes as is now all too often the case. The principle on which the amendment is based is one on which we should all be able to agree: a person's sex should not be a factor in determining one's rights under the law.

• Mr. President, the social and economic cost to our society as well as the individual psychological impact of sex discrimination, are immeasurable. That a majority of our population should be subjected to the indignities and limitations of second class citizenship is a fundamental affront to personal human liberty. In a great country like ours, dedicated to the dignity and freedom of the individual, we cannot allow sex discrimination to persist.

THE NEED FOR THE EQUAL RIGHTS AMENDMENT

Mr. President, one of the questions raised when the equal rights amendment is discussed is whether the amendment is really needed. My unequivocal answer is "yes." A great many very distinguished persons and organizations agree with me.

Both major political parties have repeatedly supported this proposal in their national party platforms. It has received the endorsement of Presidents Eisenhower, Kennedy, Johnson, and Nixon. Both the Citizens' Advisory Council on the Status of Women, created by President Kennedy, and the President's Task Force on Women's Rights and Responsibilities, created by President Nixon, have recommended in strongest terms approval of the amendment. At least 11 States, California, Connecticut, Delaware, Florida, Louisiana, Maryland, Minnesota, Nebraska, New York, North Dakota, and Pennsylvania, have taken official action in support of the amendment. The House of Representatives, on October 12, 1971, approved the amendment 354 to 23. Over half the Members of the Senate sponsor the equal rights amendment. Moreover, an impressive list of organizations have recorded their support of the equal rights amendment. Among them are the following:

American Association of College Deans.
American Association of University Women.
American Association of Women Deans and Counselors.
American Association of Women Ministers.
American Civil Liberties Union.
American Federation of Soroptimist Clubs.
American Home Economics Association.
American Jewish Congress.
American Medical Women's Association.
American Newspaper Guild.
American Nurses Association.
American Society of Microbiology.
American Society of Women Accountants.
American Society of Women Certified Public Accountants.
American Women in Radio and Television.
Association of American Women Dentists.
B'nai B'rith Women.
Church Women United.
Common Cause.
Council for Chistian Social Action, United Church of Christ.
Council for Women's Rights.
Ecumenical Task Force on Women and Religion (Catholic Caucus).
Federally Employed Women.
General Federation of Women's Clubs.
Intercollegiate Association of Women Students.
International Association of Human Rights Agencies.
International Brotherhood of Painters and Allied Trades.
International Brotherhood of Teamsters.
International Union of United Automobile, Aerospace & Agricultural Implement Workers, UAW.
Interstate Association of Commissions on the Status of Women.
Ladies Auxiliary of Veterans of Foreign Wars.
League of American Working Women.
National Association of Colored Women.
National Association of Negro Business and Professional Women's Clubs.
National Association of Railway Business Women.
National Association of Women Lawyers.
National Coalition of American Nuns.
National Education Association.
National Federation of Business and Professional Women's Clubs.
National Organization for Women.
National Welfare Rights Organization.
National Woman's Party.
National Women's Political Caucus.
Professional Women's Conference.
St. Joan's Alliance of Catholic Women.
Unitarian Universalist Women's Federation.
United Automobile Workers.
United Methodist Church—Women's Division.
Women's Christian Temperance Union.
Women's Equity Action League.
Women's International League for Peace and Freedom.
Women's Joint Legislative Committee for Equal Rights.
Women United.

Finally, a number of distinguished constitutional scholars have testified in support of the equal rights amendment, including Prof. Norman Dorsen of New York University, Prof. Thomas I. Emerson, Lines professor of law at Yale Law School, and Leo Kanowitz, professor of law at the University of New Mexico. Moreover, the Association of the Bar of the City of New York, through its Committee on Civil Rights and Special Committee on Sex and Law has urged "Adoption of the equal rights amendment as the best means of establishing equality before the law.

And the American Bar Association recently adopted a resolution which "Supports constitutional equality for women, and urges extension of legal rights, privileges and responsibilities to all persons, regardless of sex."

One cannot help being impressed by the broad base of political, public, and scholarly support for the equal rights amendment. The support would not be so great if the amendment were not greatly needed.

True it is, Mr. President, that some legislative progress has been made toward equal rights but not enough to wipe out all discrimination against women in State and Federal law. Congress approved title VII of the Civil Rights Act of 1964, which prohibits sex discrimination in employment unless sex is a "bona fide occupational qualification." Congress approved the Equal Pay Act which assures that many persons who do equal work receive equal pay regardless of sex. But these laws fail to reach discrimination in many areas, allow for substantial exemptions in some cases, and have often been implemented too slowly.

The Supreme Court has been slow to move, too; recently, for the first time, it did invalidate a State law which discriminated against women, but it did so in a way which left the burden of proof on each woman plaintiff to show that the law is unreasonable. The Court has consistently refused to apply the 14th amendment to discrimination based on sex with the same vigor it applies the amendment to distinctions based on race.

In the States, progress has been mixed. Some States have made diligent efforts to revise outmoded and discriminatory laws, and three States—Illinois, Pennsylvania, and Virginia—have recently approved State constitutional provisions banning sex discrimination. But in other States, there has been no progress whatsoever.

On the whole, sex discrimination is still much more the rule than the exception. Much of this discrimination is directly attributable to governmental action both in maintaining archaic discriminatory laws and in perpetuating discriminatory practices in employment, education, and other areas.

Specific examples of sex discrimination are legion, and have been brought to the attention of Congress many times, through hearings on the equal rights amendment and on other legislation. I would like today to touch on just a few of the most well-known and far-reaching examples of invidious sex discrimination.

Difficult as it is to believe, women are sometimes denied even the basic rights and responsibilities of citizenship in the United States today. Until 1966, for example, three States excluded women from juries altogether. And today there is still at least one State which requires women, but not men, to register specially to be eligible to serve on juries.

There is also invidious discrimination against women in the criminal laws of some States. One State has a statute allowing women to be jailed for 3 years for habitual drunkenness, while a man can receive only 30 days for the same offense. In two States, the defense of "passion killing" is allowed to the wronged husband, but not to the deceived wife. And in another State, female juvenile offenders can be declared "persons in need of supervision" for noncriminal acts until they are 18, while males are covered by the statute only until age 16.

Governmental action also contributes significantly to sex discrimination in education. Approximately 75 percent of the college students in the country attend publicly supported institutions. These colleges and universities have a crucial role in determining employment opportunities for women by providing access to professional training and careers. Yet widespread patterns of sex discrimination are found in the admissions policies and hiring practices of institutions of learning throughout the country. As an independent report prepared for the Department of Health, Education, and Welfare this year stated:

> Discrimination against women, in contrast to that against minorities, is still overt and socially acceptable within the academic community.

Discrimination in admission to college is widespread. In 1968, only 18 percent of the men entering public 4-year colleges had a high school grade average of B+ or better. But 41 percent of the freshmen women had attained such grades. In 1969 one State university published an admissions brochure which stated:

> Admission of women on the freshman level will be restricted to those who are especially well qualified.

Another State university admitted women only for summer school sessions, and never to the regular academic curriculum, unless they are related to employees or students and wish to pursue a course of study otherwise unavailable.

Discrimination in admission to graduate schools is, if anything, even more widespread, despite the fact that women's undergraduate grade point averages are higher than men's. Testimony before the House Special Subcommittee on Education in 1970 revealed, for example, that the number of women applying for admission to U.S. medical schools increased by more than 300 percent between 1929–30 and 1965–66—while male applications increased by only 29 percent. The percentage of women applicants who were accepted actually declined during the same period. And while women received 55 percent of the bachelors degrees awarded in all fields in 1968–69, women received only 37 percent of the masters degrees, only 13 percent of the doctorates, and only 4 percent of the professional degrees.

Discrimination against women does not end with admission; it pervades every level of the teaching profession. While 75 percent of the teachers in public elementary and secondary schools are women, only 22 percent of the elementary school principals and only 4 percent of the high school principals are women. At the college level, statistics show that while almost half of the male teachers become full professors only 10 percent of the female teachers are granted that status.

The business and labor laws of some States discriminate invidiously against women. Some States place special restrictions on the right of married women, but not married men, to contract or to establish independent businesses or to become a guarantor or a surety. Perhaps even more astounding, in 1970, 26 States had laws or regulations which prohibited the employment of adult women in specified occupations or industries which were open to adult men.

Most States have enacted so-called protective labor legislation in one form or another. Many of these laws are not protective at all, but rather are restrictive, and have been shown to have a discriminatory impact when applied only to women. For example, a law which limits the working hours of women but not of men makes it more difficult for women to obtain work they desire and for which they are qualified, or to become supervisors. State laws which limit the amount of weight a woman can lift or carry arbitrarily keep all women from certain desirable or high-paying jobs, although many if not most women are fully capable of performing the tasks required. Speaking of such restrictive laws as a whole, the Equal Employment Opportunities Commission states in its guidelines on sex discrimination:

> The Commission believes that [State laws which restrict or limit the employment or conditions of employment of females] although originally promulgated for the purpose of protecting females, have ceased to be relevant to our technology or to the expanding role of the female worker in our economy. The Commission has found that such laws and regulations do not take into account the capacities, preferences and abilities of individual females and tend to discriminate rather than protect.

Partially because of these laws, and also because of other sorts of sex discrimination, working women are at a great disadvantage in the private sector. The median salary income for women is only 59.5 percent of that earned by men and in recent years the gap between male and female median incomes has been widening.

Sex discrimination is clearly present even in Government employment, which in total accounts for more than 20 percent of the labor force. For example, although women constituted 34 percent of all full-time white collar Federal Civil Service Employees in 1967, they filled more than 62 percent of the four lowest grades and only 2.5 percent or less of the four highest grades. And sex discrimination in Government has an effect even greater than the numbers involved, for private employers often look to Government as a model for employment practices.

It is sometimes argued that all of the discriminatory laws and practices which exist could be eliminated without a constitutional amendment. If the Supreme Court were to hold that discrimination based on sex, like discrimination based on race, is inherently "suspect" and cannot be justified in the absence of a "compelling and overriding state interest," then part of the reason for the amendment would disappear. But the Court has persistently refused so to hold. Indeed, the Court has upheld many laws which plainly discriminate against women.

Its first significant case involving sex discrimination was *Bradwell* v. *Illinois*, 83 U.S. 130 (1872), in which the Court upheld the refusal of the Supreme Court of Illinois to allow women to practice law. The Court relied on the privileges and immunities clause of the 14th amendment and not the equal protection or due process clauses, to uphold the law. Two years later, the Court held that the 14th amendment did not confer on women citizens the right to vote, in *Minor* v. *Happersett*, 88 U.S. 162 (1874), a position which stood until ratification of the Suffrage Amendment in 1920.

Later, the Court began to apply a standard of "reasonableness" to laws which discriminated on the basis of sex. This test was employed to uphold against constitutional attack labor laws which appeared to have little if any reasonable justification. A good example is the case of *Goesart* v. *Cleary*, 335 U.S. 464 (1948), in which the Court upheld a Michigan statute prohibiting all females—other than the wives and daughters of male licensees—from being licensed as bartenders. The Court in Goesart assumed that such patently discriminatory legislation could be sustained if it were "reasonably" related to the State's objective in making such a classification. The Court did not even explore the possibility that a more rigorous constitutional standard should be applied.

Mr. President, the hypocrisy of that law is a good example of the discrimination we are trying to eradicate. What reasonable grounds can a State have for suggesting that those female citizens are more in need of protection from lecherous male customers that are employed behind the bar than if those who serve drinks in front of the bar, and thus be protected? It is ridiculous. The double standard is obviously discriminatory and even more obviously should be swept away.

More recently, in ***Hoyt*** v. ***Florida***, 386 U.S. 57 (1967), the Court upheld a Florida statute providing that no female would be called for jury service unless she had registered to be placed on the jury list. The Court found that such discrimination was permissible under the 14th amendment, since it was reasonable "for a State, acting in pursuit of the general welfare, to conclude that a woman should be relieved from the civic duty of jury service unless she herself determines that such service is consistent with her own special responsibilities."

The Court said nothing at all about the fact that a man who has custody of young children might face the same difficulties as a woman.

Last year the Supreme Court for the first time struck down a law which discriminated against women. In ***Reed*** v. ***Reed***, 40 U.S.L.W. 4013 (1971), the Court invalidated a State law which arbitrarily favored men over women as administrators of estates. But the Court did not overrule such cases as Goesart and Hoyt, and it did not hold that sex discrimination is "suspect" under the 14th amendment. Instead, the Court left the burden on every woman plaintiff to prove that governmental action perpetuating sex discrimination is "unreasonable." And that is a difficult burden to carry, indeed. As the Association of the Bar of the City of New York pointed out in its recent report:

> [t]he 1971 ***Reed*** case indicated no substantial change in judicial attitude.

Passage of the equal rights amendment will make it clear that the burden is not on each woman plaintiff to show sex discrimination is "unreasonable"; the amendment will, instead, assure all men and women the right to be free from discrimination based on sex.

Of course, it would theoretically be possible for Congress and each State to revise their laws and eliminate those which discriminate against women. But without the impetus of the equal rights amendment, that process would be far too haphazard and much too slow to be acceptable. We cannot afford to wait any longer for Congress and each of the 50 State legislatures to find the time to debate and revise their laws. As in other areas where the Constitution has been amended, there is an imperative for immediate action. The Nation has waited too long already—it has been 49 years since the equal rights amendment was first introduced; and it has been over a hundred years since the 14th amendment was ratified; and it has been close to 200 years since our Nation was founded. For all this time, invidious sex discrimination has plagued our society. Only a constitutional amendment can provide the legal and practical basis for the necessary changes.

After 200 years of history, the time has come to sound the death knell and signal the end of discrimination against a class of Americans who happen to constitute a majority of the citizenry of this land.

Finally, we cannot overlook the immense symbolic importance of the equal rights amendment. The women of our country must have tangible evidence of our commitment to guarantee equal treatment under law. An amendment to the Constitution has great moral and persuasive value. Every citizen recognizes the importance of a constitutional amendment, for the Constitution declares the most basic policies of our Nation as well as the supreme law of the land.

For all these reasons, Mr. President, I believe that the need for the equal rights amendment is undeniable.

THE EFFECTS OF THE EQUAL RIGHTS AMENDMENT

Let me turn now to the effect that the equal rights amendment—in its unamended form, as passed by the House—will have. I have already outlined the general principles on which the amendment rests: All levels of government must treat each person, male or female, as an individual, and not on the basis of sex. The amendment affects only governmental action; it does not affect the private action or the social relationships between men and women. And the amendment only requires equal treatment of men and women as individuals; thus, it does not require any level of government to establish quotas for men or women in any of its activities. In short, the amendment simply prohibits discrimination on the basis of sex.

The separate views of Congressman EDWARDS and 13 other members of the House Judiciary Committee in the House report on the equal rights amendment state concisely and accurately the understanding of the proponents of the amendment. I would like to read some excerpts from that report:

> The basic premise of House Joint Resolution 208 in its original form is a simple one. As stated by Professor Thomas Emerson of Yale University, one of the Nation's foremost authorities on constitutional law, the original text is based on the fundamental proposition that sex should not be a factor in determining the legal rights of women or of men.
>
> The existence of a characteristic found more often in one sex than the other does not justify legal treatment of all members of that sex different from all members of the other sex. The same is true of the functions performed by individuals. The circumstance, that in our present society members of one sex are more likely to be engaged in a particular type of activity than members of the other sex, does not authorize the Government to fix legal rights or obligations on the basis of membership in one sex. The law may operate by grouping individuals in terms of existing characteristics or functions, but not through a vast over-classification by sex.
>
> The main reason underlying the basic concept of the original text derives from both theoretical and practical considerations. The Equal Rights Amendment (H.J. Res. 208) embodies a moral value judgment that a legal right or obligation should not depend upon sex but upon other factors—factors which are common to both sexes. This judgment is rooted in the basic concern of society with the individual, and with the right of each individual to develop his own potentiality.
>
> The legal principle underlying the Equal Rights Amendment (H.J. Res. 208) is that the law must deal with the individual attributes of the particular person and not with stereotypes or over-classification based on sex. However, the original resolution does not require that women must be treated in all respects the same as men. "Equality" does not mean "sameness." As a result, the original resolution would not prohibit reasonable classifications based on characteristics that are unique to one sex. For example a law providing for payment of the medical cost of child bearing could only apply to women. In contrast, if a particular characteristic is found among members of both sexes, then under the proposed amendment it is not the sex factor but the individual factor which should be determinative.
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> Just as the principle of equality does not mean that the sexes must be regarded as identical, so too it does not prohibit the States from requiring a reasonable separation of persons of different sexes under some circumstances. In this regard, two collateral legal principles are especially significant. One principle involves the traditional power of the State to regulate cohabitation and sexual activity by unmarried persons. This principle would permit the State to require segregation of the sexes for these regulatory purposes with respect to such facilities as sleeping quarters at coeducational colleges, prison dormitories, and military barracks.
>
> Another collateral legal principle flows from the constitutional right of privacy established by the Supreme Court in *Griswold* v. *Connecticut*, 381 U.S. 479 (1965). This right would likewise permit a separation of the sexes with respect to such places as public toilets, as well as sleeping quarters of public institutions.
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> With respect to other constitutional considerations, it should be noted that (H.J. Res. 208) would apply only to governmental action, and not to private or individual action. In this regard, as well as in some of its other features, (H.J. Res. 208) is similar to those provisions of the 14th Amendment which are directed against racial, ethnic, and religious discrimination. Thus, in interpreting (H.J. Res. 208) the courts would have available a substantial body of case law which would be used as a guide when relevant. At the same time much as the struggle of women for equality is comparable to that of racial, ethnic, and religious minorities, there are some differences which the courts could also take into account in appropriate cases.

Because a great deal of controversy has arisen over the impact of the equal rights amendment in specific areas, I would like to comment briefly on the likely effect of these general principles on such areas.

First let me speak about military service. It seems clear that the equal rights amendment will require that women be allowed to volunteer for military service on the same basis as men; that is, women who are physically and otherwise qualified under neutral standards could not be prohibited from joining the service solely on the basis of sex. This result is highly desirable for today women are often arbitrarily barred from military service and from the benefits which flow from it: For example, educational benefits of the GI bill; medical care in the service and through veterans' hospitals; job preferences in Government and out; and the training, maturity, and leadership provided by service in the military itself.

There could be no question about the fact that women could make and have made substantial contributions in the service of our country. Yet, the hard fact is that today even as a volunteer in our Armed Forces a woman must meet a substantially higher standard than her male counterpart before being permitted to volunteer.

It seems likely as well that the equal rights amendment will require Congress to treat men and women equally with respect to the draft. This means that, if there is a draft at all, both men and women who meet the physical and other requirements, and who are not exempt or deferred by law, will be subject to conscription. Once in the service, women, like men, would be assigned to various duties by their commanders, depending on their qualifications and the service's needs.

Of course, the amendment will not require that all women serve in the military any more than all men are now required to serve. Those women who are physically or mentally unqualified, or who are conscientious objectors, or who are exempt because of their responsibilities—for example, certain public officials; or those with dependents—will not have to serve, just as men who are unqualified or exempt do not serve today. Thus the fear that mothers will be conscripted from their children into military service if the equal rights amendment is ratified is totally and completely unfounded. Congress will retain ample power to create legitimate sex-neutral exemptions from compulsory service. For example, Congress might well decide to exempt all parents of children under 18 from the draft.

The members of the House Judiciary Committee, quoting from the report of the Senate Judiciary Committee on the equal rights amendment in 1964, said the same thing this fall:

> It could be expected that women will be equally subjected to military conscription and they have demonstrated that they can perform admirably in many capacities in the Armed Forces. But the government would not require that women serve where they are not fitted just as men [are not required to serve where not fitted.]

Congresswoman MARTHA GRIFFITHS, the primary sponsor of House Joint Resolution 208, said on the floor:

> The draft is equal. That is the thing that is equal. But once you are in the Army you are put where the Army tells you where you are going to go.

Congressman EDWARDS, who had chaired the House subcommittee hearings on the equal rights amendment, put it this way:

> Women in the military could be assigned to serve wherever their skills or talents were applicable and needed, in the discretion of the command, as men are at present.

This is the same view expressed by witnesses at the hearings and by other interested parties. For example, the National Association of Women Lawyers has stated their view that, under the equal rights amendment, females "would be subject to the draft on the same basis as young men" and "women in the military would receive the same benefits and veteran's preferences, employment, education skills learned in the service."

Second, I would like to discuss State legislation which will be affected by the equal rights amendment. A number of States have laws which restrict or limit the occupations or conditions of employment of females, but not of males. These laws are often called protection, but in practice many of them discriminate against women by making it difficult and sometimes impossible for a fully qualified woman to obtain certain jobs, often highly desirable ones. Because of title VII of the Civil Rights Act of 1964, which prohibits sex discrimination in employment in certain instances where sex is not a "bona fide occupational qualification" these laws are not nearly as great a barrier to fair employment for women as they once were. Nevertheless, some States retain their laws.

Most of the so-called protective laws were passed to protect women from exploitation in another era, and they represented hard won progress. But today, some are merely restrictive, and because they apply only to women confer no real benefit. For example, some States have laws which absolutely prohibit women, whether qualified or not, from certain jobs—jobs which are open to men. The bar-tending prohibition previously referred to is an example of this type of law. Other States have weight lifting laws applicable only to women which effectively deny fully qualified women certain jobs, even though the weight which is prohibited has no relevance to the job. Such laws often do not take into consideration the fact that some women may be able to lift as much weight as some men. Still others have laws limiting the hours women may work—and these sometimes prevent women from gaining promotions to supervisory positions. As the Equal Employment Opportunity Commission has found, such laws "do not take into account the capacities, preferences, and abilities of individual females and tend to discriminate rather than protect."

State laws limiting hours of work have a particularly bad effect on our society. Some suggest that to wipe away all of the discrimination against women in employment and remuneration would cause large numbers of mothers to leave home, thus exposing their children to an unstable family situation. This is not true. The fact is that today millions of women are working; millions of women are working to try to support their families, either independently or in conjunction with their husbands.

No measure we pass is ever going to reverse that. Those who oppose the equal rights amendment too often overlook the fact that 40 percent of all the women who work today are the sole support of their children. To limit them to 8 hours a day and 40 hours of work a week means they are denied time and a half pay and double time for overtime work. It denies them the opportunity to work up the ladder of managerial responsibility because nobody gets into a managerial position if limited to 8 hours a day.

Mr. President, some say these laws are to protect women. I disagree. They discriminate not only against women but also against the children of the hundreds of thousands of women who work and are the sole support of their families.

Ratification of the equal rights amendment will result in equal treatment for men and women with respect to the labor laws of the States, as in other legal matters. This will mean that such restrictive discriminatory labor laws as those which bar women entirely from certain occupations will be invalid. But those laws which confer a real benefit which offer real protection will, it is expected, be extended to protect both men and women. Examples of laws which may be expanded include laws providing for rest periods or minimum wage benefits or health and safety protections. Men are now sometimes denied the very real benefits these laws offer. As Prof. Leo Kanowitz has pointed out—

> The fears of some opponents of the [Equal Rights A]mendment that its adoption would nullify laws that presently protect women only are thus unfounded—since the equality of treatment required by the [A]mendment can be achieved by extending the benefits or those laws to men rather than by removing them for women.

The Association of the Bar of the City of New York pointed out in discussing laws requiring rest periods for women only, that they "may be extended to both sexes without burden or disruption."

A closely related question is whether laws found unconstitutional under the equal rights amendment will be struck down or extended to cover both men and women. This question extends beyond the area of labor legislation. Of course, the legislatures of the several States will have the primary responsibility for revising those laws which conflict with the equal rights amendment. Indeed, the purpose of delaying the effective date of the equal rights amendment for 2 years after ratification is to allow legislatures—particularly those which meet only in alternate years—and agencies an opportunity to review and revise their laws and regulations. As stated above, it is expected that any labor law, or other legislation, which is truly protective will be extended to include both sexes, while laws which are restrictive will become null and void.

In those situations where a court finds a State or Federal law in conflict with the equal rights amendment, the legal infirmity will be cured either by expanding the law to include both sexes or nullifying it entirely. As I have said, it is expected that those laws which are discriminatory and restrictive will be stricken entirely as the court did in *McCrimmon* v. *Daley,* 2 FEP Cases 971 (N.D. Ill. March 31, 1970) which involved a law banning women from a certain occupation. On the other hand, it is expected that those laws which provide a meaningful protection would be expanded to include both men and women, as for example minimum wage laws, see *Potlatch Forests, Inc.* v. *Hays,* 318 F. Supp. 1368 (E.D. Ark. 1970), or laws requiring rest periods—see Equal Employment Opportunities Commission Case No. 6–8–6654 (June 23, 1969), 1 CCH Employ. Prac. Guide 6021.

There can be no question that the courts, upon holding a statute unconstitutional, can expand the scope of the statute if necessary to cure its legal infirmity. As Mr. Justice Harlan said, concurring in *Welsh* v. *United States,* 398 U.S. 333, 361 (1970):

> Where a statute is defective because of underinclusion there exist two remedial alternatives: a court may either declare it a nullity and order that its benefits not extend to the class that the legislature intended to benefit or it may extend the coverage of the statute to include those who are aggrieved by exclusion.

The Supreme Court has applied this principle in many cases. In 1880, for example, the Court extended a State statute limiting jury service to "electors" to include blacks enfranchised by the 14th and 15th amendments rather than striking the law down. *Neal* v. *Delaware,* 103 U.S. 370 (1880). In *Sweat* v. *Painter,* 339 U.S. 637 (1950), and *McLaurin* v. *Oklahoma State Regents,* 339 U.S. 637 (1950) the Court held that State laws restricting access to State institutions of higher education on the basis of race were unconstitutional; it expanded the laws so that black students had equal access. And in *Levy* v. *Louisiana,* 391 U.S. 68 (1968), the Court extended to illegitimate children the right, restricted by a State statute to legitimate children, to recover wrongful death benefits.

Let me touch, finally, on a few other areas where the equal rights amendment may have some impact. The general principles I have discussed will govern in all areas. With respect to criminal law, for example, the amendment will prohibit a State from providing for different punishments for men and women who commit the same crime, see *Commonwealth* v. *Daniel,* 430 Pa. 642, 243A. 2d 400 (1968). But the amendment will not invalidate laws which punish rape, for such laws are designed to protect women in a way that they are uniformly distinct from men.

One of the tragedies is that some of our criminal laws, which are to protect all society, treat and punish women more harshly for committing the same crime that a man might commit. At this moment I recall two or more States which permit self-defense in a crime of passion when a man slays his spouse upon finding her in a compromising situation. In two States, the defense of "passion killing" is allowed to the wronged husband, but not to the deceived wife: Hardly equal treatment under the law. In another State, female juvenile offenders can be declared "persons in need of supervision" for noncriminal acts until they are 18, while males are covered by the statute only until age 16. Hardly equal treatment under the law. One State has a statute allowing women to be jailed for 3 years for habitual drunkenness, while a man can receive only 30 days for the same offense.

With respect to education, the equal rights amendment will require that State supported schools at all levels eliminate laws or regulations or official practices which exclude women or limit their numbers. The amendment would not require quotas for men and women, nor would it require that schools accurately reflect the sex distribution in the population; rather admission would turn on the basis of ability or other relevant characteristics, and not on the basis of sex. A similar result may be expected with respect to the distribution of scholarship funds.

This is certainly not the case today. The total number of scholarships is significantly lower for women. In addition, the per pupil loan or scholarship, on the national average for educational benefits is much lower for women than for men.

Mr. President, State schools and colleges currently limited to one sex would have to allow both sexes to attend. Employment and promotion in public schools would, as in the case of other governmental action, have to be free from sex discrimination.

It should also be noted with respect to education that the amendment would not require that dormitories or bathrooms be shared by men and women.

This is another of the issues that has been raised to try to divert our gaze from the real purpose and effect of this amendment.

As I have explained, the amendment does not prohibit the separation of the sexes where the right of privacy is involved. As the Association of the Bar of the City of New York pointed out in its report—

> [t]he constitutional right of privacy could be used to sanction separate male and female facilities for activities which involve disrobing, sleeping and personal bodily functions.

The equal rights amendment may also have an effect on those State laws affecting domestic relations. In this area, as elsewhere, the amendment will prohibit discrimination based on sex. This will mean that State domestic relations laws will have to be based on individual circumstances and needs, and not on sexual stereotypes.

The report of the Association of the Bar of the City of New York accurately describes the amendment's effect in this area and I would like to read some excerpts from it:

> The Amendment would bar a state from imposing a greater liability on one spouse than on the other merely because of sex. It is clear that the Amendment would not require both a husband and wife to contribute identical amounts of money to a marriage. The support obligation of each spouse would be defined in functional terms based, for example, on each spouse's earning power, current resources and nonmonetary contributions to the family welfare.
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> Thus, if spouses have equal resources and earning capacities, each would be equally liable for the support of the other—or in practical effect, neither would be required to support the other. On the other hand where one spouse is the primary wage earner and the other runs the home, the wage earner would have a duty to support the spouse who stays at home in compensation for the performance of her or his duties.
>
> Although courts still probably would be reluctant to interfere in the allocation of support between husband and wife in an ongoing marriage, upon the dissolution of marriage, both husbands and wives would be entitled to fairer treatment on the basis of individual circumstances rather than sex. Thus alimony laws could be drafted to take into consideration the spouse who had been out of the labor market for a period of years in order to make a non-compensated contribution to the family in the form of domestic tasks and/or child care.

Prof. Norman Dorsen put it this way in his testimony:

> The National Conference of Commissioners on Uniform State Laws recently adopted a Uniform Marriage and Divorce Act which takes an approach similar to that contemplated by the Equal Rights Amendment. It provides for alimony or maintenance for either spouse, and child support by either or both spouses, by defining all duties neutrally in terms of functions and needs of the people involved, rather than in terms of their sex. The action by the Commissioners, a respected and prudent body, deserves special consideration.

In sum, there is no reason to fear that the equal rights amendment will have undesirable effects on the rights of men and women under State domestic relations laws.

CONCLUSION

Mr. President, the measure before us is as important as any which the Senate has considered since I have been privileged to represent the people of Indiana in this body. The equal rights amendment was first introduced in 1923, and it has been studied exhaustively again and again. In the last 2 years, three sets of hearings have been held, and they show the need for the amendment and the desirable effects the amendment will have. The House of Representatives has overwhelmingly approved the amendment, as has the Senate Judiciary Committee. The time has come for the full Senate to act.

There will be, I am sure, attempts to water down the equal rights amendment. I will oppose these efforts. I believe—and I am sure the men and women of America believe—that equality of rights must mean equality of responsibilities, or else it is a charade. We must move now and move forcefully for equality under law regardless of sex.

And we must not, Mr. President, allow fallacious arguments concerning the cost of equality to deter us. For the cost of inequality is truly too high to bear. Not only is there the great personal and social cost, there is also the economic loss which results from underutilization of the talents of women of this country.

Nobel Prize winning economist Paul Samuelson, of MIT, has said:

> Economics suggests that the removal of discrimination will pay its own way, adding to GNP about what it costs.

Mr. President, the magnitude of the evil of sex discrimination is plain. It cannot be denied. Nor can it be denied that the best way to remedy this blight on the American dream is by a constitutional amendment. It is time to resolve that the women of this country shall no longer be subject to second-class citizenship. It is time to resolve that they, like their fathers, husbands, and sons, and every American, are first-class citizens of this great Nation.

Mr. President, I yield such time to the Senator from Kentucky as he may desire.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. COOK. Mr. President, first I ask unanimous consent that Miss Barbara Schuhmann, from my office, be allowed the privilege of the floor during the debate and during the voting on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, 49 years ago a constitutional amendment was first introduced in the Congress of the United States calling for equality of rights for both men and women. Today, in March of 1972, the Constitution of this great democracy gives just one, clearly-stated constitutional right to women—the 19th amendment granting the female population the right to cast a vote. Moreover, that single constitutional right required a fight of 72 years. Let us hope that this final amendment which will provide for sexual equality does not take as long. I am fairly optimistic that this will not be the case. Furthermore, I believe that by taking up the amendment today, we are on the verge of a truly historic occasion—the Senate passage of the Equal Rights Amendment. At this point I wish to commend the distinguished junior Senator from Indiana (Senator BAYH) for his leadership on this amendment.

The Constitution of the United States fails to extend to the female half of our population the fundamental rights to life, liberty, property, and equal protection of the laws. The original Constitution, plus all its amendments still reserve equal rights and protection to the male population. The 92d Congress should unhesitatingly put an end to this illogical and invidious inequality by voting its approval of submitting to the States for ratification the proposed Equal Rights Amendment for men and women. In the simplest and clearest of words, the amendment reads:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

It should be emphasized that this amendment provides for the equality of both men and women. It has been erroneously characterized as the "Women's Equal Rights Amendment." While the major result of the amendment will apply to the long and established discriminatory practices against women, it will also affect statutes which discriminate against men. These discriminations which are also historically rooted in custom and practice include the failure to give a husband courtesy—or dower—rights in property; failure under the social security laws to give survivorship benefits to a husband, and the discrimination and statutory practice in most States of giving automatic preference to the female in child custody actions arising from divorce proceedings.

While it will affect males as well, I would agree that the primary thrust of the amendment is for the benefit of women. That is the area of greatest need.

Our original Constitution of 1787, founded on the English common law, gave no recognition whatever to women. They were wholly outside its protections. The framers can scarcely be charged with having affirmatively and deliberately excluded women since they were beyond the pale of existence under then established law. They were mere property and chattels; they were not legal "persons" nor can it be said that they are such today. In all 183 intervening years the only constitutional recognition extended to them is that of the 19th amendment insuring the right to vote without regard to sex. As to that, the Supreme Court has said:

> The rights and responsibilities of women in our public life—has achieved constitutional compulsion on the States only in the grant of the franchise by the 19th amendment. (*Fay* v. *New York,* 332 U.S. 261, 189 (1947)).

The 14th amendment guarantees privileges and immunities of U.S. citizenship to all "persons," forbids the taking of life, liberty or property without due process of law; and extends the equal protection of laws to every "person." The 14th amendment, like all other provisions of the Constitution means what the Supreme Court says it means. Over the years the Court has extended the perimeter of its provisions to include as persons entitled to legal rights thereunder corporations, juveniles, schoolchildren and criminals. It is an incredible and no longer tolerable fact that the Court has limited these guarantees to male individuals only.

The Supreme Court has never opened the doors of employment opportunity to any individual female despite its zeal in upholding the right of a male citizen and of a male alien to work at any lawful occupation of his choice. In 1884, the Court declared that:

> The right to follow any of the common occupations of life is an inalienable right, formulated as such under the Declaration of Independence; to deny it is to invade one of the fundamental privileges of the citizen, contrary not only to common right, but to the express words of the Constitution. It is what no legislature has the right to do. (*Butchers Union Slaughter House,* etc., 111 U.S. 746, 762).

Later decisions extended the protection of the 14th amendment to strike down a San Francisco ordinance which denied license to operate laundries to Chinese aliens—*Lick Wo* v. *Hopkins,* 118 U.S. 356 (1886). In 1941, the Court outlawed a Texas statute which operated to deny the promotion of a fireman-engineer to become freight train conductor (*Smith* v. *Texas,* 233 U.S. 630) and, in 1915, it invalidated an Arizona statute which restricted an alien Austrian cook from working in a restaurant (*Traux* v. *Raich,* 239 U.S. 33), the Court declared that—

> It requires no argument to show that the right to work for a living in the common occupations of the country is the very essence of the personal freedom and opportunity that it was the purpose of the amendment (14th) to secure.

This, however, was not the view of the Court when in 1872 it upheld Illinois denial to a female attorney of the right to be admitted to the practice of law—*Bradwell* v. *Illinois,* 83 U.S. 130. Also, it was not the view of the Court when in 1894 it reaffirmed such denial by the State of Virginia in the case of Belva Lockwood—*In re Lockwood,* 154 U.S. 1161 (1894).

And, as late as October 1968, the Supreme Court refused to accept direct appeal of the issue of whether an individual woman assembly line worker was denied equal protection of the law under the 14th amendment because of the California 8-hour law limiting employment of females only—*Mengelkoch* v. *Industrial Welfare Commission and North American Aviation Co.,* 393 U.S. 83.

On the other hand, the Supreme Court has applied the 14th amendment to limit, restrain, and restrict employment for women by giving its repeated stamp of approval to statutes applying to female workers but not to males similarly employed, limiting hours of work, applying weight-lifting limitations, and barring certain occupations. In 1908, in the far-reaching landmark decision of Muller against Oregon, the Court resorted to the shibboleth that "sex is a reasonable classification" principle to justify denial of equal protection to assembly line working women and to uphold hours laws which limited them to lower paying jobs.

This Supreme Court principle stands to this day, and has been used to uphold a State university's denial of admission to a woman student for courses not elsewhere obtainable; to justify lesser social security benefits and enforced earlier retirement ages for women; and even to justify heavier criminal sentences upon female offenders.

In the most recent Supreme Court decision of Reed against Reed, decided in November of 1971, the Court struck down a State law which automatically preferred men over women as administrators of estates. It did not provide, however, the sweeping decision that the proponents of the equal rights amendment hoped for. To be sure, it was not the equivalent of Brown against Board of Education in the area of women's rights. It did not hold that sex discrimination is "suspect" under the 14th amendment; it did not place any burden on the State or Federal governments to show that their actions in regard to sex discrimination are "reasonable." The burden of proof is still on each individual woman in each particular case. Prof. Leo Kanowitz of the University of New Mexico School of Law, and one of the attorneys on the amicus curiae brief in the Reed case, said of that case:

> Though the Court held that the equal protection clause of the 14th amendment prevents the states from making irrational distinctions between the sexes, it did not define what it meant by "irrational" nor did it rule, as we had asked, that sex, like race, be considered a suspect classification thus permitting sex classifications in state laws only on the showing of overwhelming or compelling reasons.

Although the Court could have struck down the Idaho statute on the grounds that sex-based discrimination is "suspect" and merits close scrutiny, the Court merely handed down a narrow decision invalidating one State law. It did not give to women the benefit of the same treatment which has been enjoyed for years by racial minorities. In essence, the Reed decision in no way obviates the need for the equal rights amendment. To the contrary, the amendment is now vitally necessary in order to avoid the cumbersome, haphazard, and case-by-case litigation made necessary by the Reed decision. The Supreme Court of the United States needs a new constitutional yardstick upon which to hold that the 54-percent segment of our country which had the misfortune under the law to be born female is, in fact, entitled to equality of treatment under the law.

This amendment is also necessary in order to protect a woman's economic welfare. Present State laws governing the property rights of women neither promote nor protect those rights. A woman is treated differently the moment she reaches adulthood and begins any change in marital status. This treatment continues through the various stages of her married life.

A woman's competence to convey and manage her property is unquestioned under the law so long as she remains single. Upon marriage she is divested of her competency and must have the assent of her husband and submit to his right to take over management of her property. Upon widowhood, she is reinvested, under the law, with competence only to again lose her ability should she marry a second time.

Forty-two States are founded on the common law principles, under which earnings and property acquired therewith are the sole property of the spouse who earns. The homemaker, wife and mother, with no outside earnings, acquires no property. In the eight community property States, however, such wife owns one-half the earnings of her husband, and he has similar rights to hers. In many States the assent of the husband is a prerequisite to the right of a wife to convey even her separate inherited property. In the community property States the husband alone has the right of management of community or of the separate property of his wife.

In 1968, the Supreme Court of Louisiana held that a divorcing wife, though she had a vested right in community property, had no right to more than a partial accounting of property from her husband who concealed his earnings. The U.S. Supreme Court refused certiorari.

However, there are some encouraging signs of change emanating from the States. In 1968 Texas modernized its laws to insure full and equal management rights to married women. In 1968 the new constitution eliminated the distinction between men and women as to disposition of property and necessity of joinder of the other spouse in conveyance of separate property. That same year, Texas revised its laws to give each spouse management and control of that part of the community property which he or she would have owned if single, and removed necessity of joinder or assent in a disposition by the wife of her separate property.

While these are encouraging signs, unequal treatment of women under the law can no longer be tolerated when women are educated and millions work in the business world. The proposed amendment would establish female competency under the law, as well as male, to manage their property and would give impetus to other States to update their laws and eliminate outmoded and inequitable property restrictions.

As I stated earlier, this amendment provides equality for both sexes. Almost all jurisdictions make the husband liable for support of his wife. This duty stems from the common law under which a wife had only a right to "bed and board" while her husband lived, and a right to dower—a lifetime share in income from his property—if he died without a will.

As stated by one State supreme court in 1965, the wife at common law took the degrading position of "a combination vassal, chattel, and household drudge," her services becoming the property of her husband. She, therefore, had no standing in that common law jurisdiction to claim for loss of consortium when her husband was incapacitated when struck by a railway locomotive. In *Baldwin* v. *State* 215 A2d 492 (Vt. 1965), the Vermont Supreme Court stated that with one exception all American courts so hold that the law was not concerned with whether the wife had the ability to support a disabled husband, although a husband can recover for loss of consortium of his wife.

These support laws, carrying civil and criminal penalties, are resorted to in the administration of public assistance and aid to dependent children benefits, to require deserted mothers to file criminal charges against a father, who may be otherwise law abiding, but unable to earn enough for support of his family.

Equal rights advocates maintain that the duty of support should be reciprocal, with each spouse responsible for the other in accordance with need and ability. We believe State laws should reflect this economic partnership principle as a matter of equality under the law and as a recognition of the reality that working wives today number in the millions. A wife who lacked ability to earn support for a husband would be in no better or no worse situation than a low-income husband is today. Each spouse should have liability for support of children. The equal rights amendment would require this kind of equal treatment under the law.

The principle of the equal rights amendment would support alimony running to either spouse, and equitable division of marital property upon dissolution of marriage.

In August of 1970, the prestigious Commissioners on Uniform Law agreed upon the Uniform Marriage and Divorce Act concerning the recodification of State laws respecting age of marriage, grounds for divorce, maintenance instead of alimony, custody of children, definition of marital property, and provision for its division, without regard to marital misconduct in proportions determined by the court on the basis of specified factors set forth in the law. In essence, marital property excludes separate property inherited or gifted, and would divide that acquired during marriage by efforts of the spouses on a 50–50 basis. Eventually, this will be the law in all or most of the 50 States. Again, however, we do not need to wait another 10, 20, or 50 years in order to see sensible and equal laws in these areas. We need such laws now; we need the equal rights amendment now.

In another area, the right to establish a separate domicile, only five States permit a married woman this right. Males are not similarly treated.

Criminal laws providing longer prison sentences for women than men are obvious examples of the urgent need for an equal rights amendment abolishing distinctions based on sex. Only recently the New Jersey and Maine Supreme Courts failed to find laws providing for different sentencing for men and women convicted of the same offense unconstitutional. The defendant in the New Jersey case pleaded guilty to bookmaking, the keeping of a gambling resort, and possession of papers pertaining to the business of lottery or lottery policy. Judge Hall of the New Jersey Supreme Court in *State* v. *Costello,* 59 N.J. 334, 282 A2d 748 (1971), summed up the differences in treatment in the following excerpt from the opinion:

> Defendant could be held on the bookmaking conviction for as long as 5 years—although it is most unlikely that she would be. A first offender male, convicted of the same crime, would likely receive a State prison sentence of not less than 1 nor more than 2 years. He could not be confined for more than 2 years, less good behavior and work credits, and, assuming maximum such credits, would be eligible for parole, and, considering the nature of the offense, quite likely paroled in 4 months and 28 days.

In the Maine case of *Wark* v. *State,* 266 A2d 62 (1970), the defendant had been sentenced to an additional term of from 6 to 12 years for escaping from a Maine prison farm, whereas a woman convicted of escaping from the women's reformatory would have been subject to a maximum sentence of no more than 11 months.

The Supreme Court of Maine concluded "that a classification based on sex under these circumstances is neither arbitrary nor unreasonable but is a proper exercise of legislative discretion which in no way violates the constitutional right to equal protection of the law." It should be noted that the U.S. Supreme Court refused certiorari—certiorari denied, 400 U.S. 952, (1971).

No discussion of the need for the equal rights amendment would be complete without mentioning military service and the draft. There seems to be little doubt that it would require that women be allowed to volunteer for military service on an equal basis with men. But on the other hand any benefits that result from military service would likewise be available to women. These, of course, would include the GI bill, medical care, and most important, job preferences.

While the question of subjecting women to the draft is one of the toughest decisions that the Senate must make, it must be made. Allowing women but not men to be exempt from compulsory military service relegates women to second-class citizenship. As Prof. Norman Dorsen, of New York University Law School, stated to the Senate Judiciary Committee:

> When women are excluded from the draft—the most serious and onerous duty of citizenship—their status is generally reduced. The social stereotype is that women should be less concerned with the affairs of the world of men. Our political choices and our political debate often reflect a belief that men who have fought for their country have a special qualification or right to wield political power and make political decisions.

Marguerite Rawalt, an attorney and former president of the National Association of Women Lawyers and chairman of task forces on family law and civil and political rights of women, in a letter to all Senators of August 28, 1970, indicated her belief that under the equal rights amendment the selective service law would have to be extended to women, subject, of course, to the same exemptions and classifications as men.

Like drafted men, they would not be required to serve where not fitted. Like men, certain occupations and ages would be exempted. The members of the House Judiciary Committee, quoting from the report of the Senate Judiciary Committee on the Equal Rights Amendment in 1964, said in regard to the draft:

> It could be expected that women will be equally subject to military conscription and they have demonstrated that they can perform admirably in many capacities in the Armed Forces. But the Government would not require that women serve where they are not fitted just as men—are not required to serve when not fitted.

Clearly, it seems that the role that women would serve would be a matter for decision by the armed services. The equal rights amendment would only require equality of susceptibility to the draft.

Congresswoman Martha Griffiths, the primary sponsor of House Joint Resolution 208, said on the floor:

> The draft is equal. That is the thing that is equal. But once you are in the Army you are put where the Army tells you where you are going to go.

It should be noted that women have honorably served as volunteers and it is equally expected that they would serve ably if drafted. The Veterans' Administration estimates that in the spring of 1965 there were approximately 414,000 women veterans, 317,000 of which were from World War II.

While I have cited numerous examples today of unequal treatment based upon sex, these are not necessarily all inclusive. However, it is a starting point and I will have more to say on this subject during the forthcoming debate.

In summary, the purpose of this amendment is to end the unequal treatment under the law to which women have been subjected since the Constitution was first adopted. It is important to note that the only kind of sex discrimination which this would forbid is that which exists in law. Interpersonal relationships and customs of chivalry will, of course, remain as they always have been, a matter of individual choice. The passage of this amendment will neither make a man a gentleman nor will it require him to stop being one.

Although there is now little disagreement upon the merits of the goal of equal rights for women, there is quite some difference of opinion as to how it can best be achieved. Opponents argue that the 14th amendment equal protection clause and title VII of the Civil Rights Act of 1964 which prohibited discrimination on account of sex are sufficient safeguards. The problem with this analysis is that the courts have been in some cases slow and in others completely derelict in interpreting either of these provisions as striking down irrational sex discrimination in law.

Another "red herring" which opponents raise is that all State "protective" laws for women will be nullified. This ignores recent court decisions in analogous situations in which the courts have not nullified other types of discriminatory State laws but rather extended the "protection" afforded to one class to the other, thereby providing equality of treatment under the law. The passage of this amendment is important because it will provide a mandate for the courts to strike down irrational sex-based discrimination wherever it is found in law.

The amendment we will be discussing during the next few weeks is House Joint Resolution 208 which passed the House by the overwhelming vote of 354 to 23. Moreover, the House version is identical to Senate Joint Resolutions 8 and 9 introduced by myself and Senator Bayh. All three of these Equal Rights Amendments were reported out favorably by the Senate Judiciary Committee by, again, an overwhelming vote of 15 to 1. For these reasons and in order to avoid a conference with the House, I very strongly urge my colleagues to vote against any amendment which may be offered. This is the best opportunity since 1923 to pass an equal rights amendment. So let us reject any extraneous amendments and go on to our responsibility to provide equality of rights for all, regardless of sex.

Mr. President, in conclusion, I ask unanimous consent that two studies made by the Citizens Advisory Council on the Status of Women be inserted into the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Only Equal Rights Amendment Will Promptly End Prison Sentence Discrimination Because of Sex

Laws providing longer prison sentences for women than men (and vice versa) are very persuasive examples of the urgent need for an equal rights amendment that permits no distinctions based on sex. While relatively few women are affected by discrimination in the criminal law, the nature of the attitudes toward women underlying all forms of discrimination are exposed in these cases. Since women's organizations have not had the resources to research systematically all State laws, we are unable to compile a complete list of all instances of such discriminations.

The most recent examples of cases coming to our attention are New Jersey and Maine cases, in which the courts *failed* to find unconstitutional laws providing disparate sentencing for men and women convicted of the same offense. *State* v. *Costello,* 59 N.J. 334, 282 A. 2d 748 (1971); *Wark* v. *State,* ——— Me. ———, 266 A. 2d 62 (1970), cert. denied 400 U.S. 952, 27 L. Ed. 2d 259 (1970).

Mary A. Costello, the defendant in the New Jersey case, pled guilty to bookmaking, the keeping of a gambling resort, and possession of paper, documents, slips or memoranda pertaining to the business of lottery or lottery policy.

Judge Hall of the New Jersey Supreme Court summed up the differences in treatment in the following excerpt from the opinion:

"Defendant *could* be held on the bookmaking conviction for as long as five years (although it is most unlikely that she would be). A first offender male, convicted of the same crime, would likely receive a state prison sentence of not less than one nor more than two years. He could not be confined for more than two years, less good behavior and work credits, and, assuming maximum such credits, would be eligible for parole. and, considering the nature of the offense, quite likely paroled in 4 months and 28 days."

Judge Hall was unwilling to declare the New Jersey law unconstitutional on its face, as the Pennsylvania Supreme Court and the Federal District Court in Connecticut had done with respect to similar laws in these States, and commented further that: . . . there are decisions in other jurisdictions concluding that disparate legislative sentencing schemes based upon sex are not constitutionally invalid. *State* v. *Heitman,* 105 Kan. 139, 181 P. 630 (1919), 8 A. L. R. 848; *Platt* v. *Commonwealth,* 256 Mass. 539, 152 N.E. 914 (1926); *Ex parte Brady,* 116 Ohio St. 512, 157 N.E. 69 (1927); *Ex parte Gosselin,* 141 Me. 412, 44 A. 2d 882 (1945), appeal dismissed 328 U.S. 817, 90 L.Ed. 1599 (1946). Cf. *Wark* v. *State,* Me. 226 A. 2d 62 (1970), cert. denied, 400 U.S. 952, 27L. Ed. 2d 259 (1970). These cases, generally speaking, reasoned that the legislature could legitimately conclude that female criminals were basically different from male criminals, that they were more amenable and responsive to rehabilitation and reform—which might, however, require a longer period of confinement in a different type of institution—and that therefore the legislature could validly differentiate between sexes with respect to the length of incarceration and the method of the determination thereof.

The following excerpt from Judge Hall's opinion further indicates his reluctance to find the law invalid under the 14th amendment:

However, at oral argument her counsel further stated that defendant was now ready and willing to cooperate with the prosecuting authorities by disclosing information as to those at a higher level with whom she was connected. We understand this offer had not previously been made. *Ivan* (33 N.J. at 199, 203) intimates that, where such information is furnished by a convicted gambling operator at a lower level which is full, truthful and of value in assisting the pursuit of "higher-ups" in organized crime by law enforcement authorities, this fact should be taken into account by a sentencing judge in determining the nature of the punishment. In such a situation the judge might properly decide that a custodial sentence should not be imposed on a first offender. Although such an offer would not ordinarily be considered if first made at the appellate stage, we are of the view, since the case is being remanded for another reason, that defendant should have the right to make a motion to the trial court, within 20 days from the date of this opinion, R. 3:21-10, for reconsideration of the sentence on this ground. If the motion and disclosure are made, the prosecutor should promptly report the nature and result of the disclosure to the trial court, after which the sentence may be reconsidered in the light thereof under the cited rule. We should add that if such reconsideration results in a new sentence other than commitment to the Correctional Institution for Women, the issue of the constitutionality of the statutory female sentencing scheme will thereby become moot and the determination of that question need not be further pursued.

Mrs. Costello has been resentenced under a different statute to a term in the county jail, making this case moot. Her lawyers contend that the new sentence is improper and have filed another appeal in the Appellate Division.

In the Maine case Mr. Wark had been sentenced to an additional term of from six to twelve years for escaping from a Maine prison farm, whereas a woman convicted of escaping from the women's reformatory would have been subject to a maximum sentence of no more than eleven months.

The Supreme Court of Maine concluded "that a classification based on sex under these circumstances is neither arbitrary nor unreasonable but is a proper exercise of legislative discretion which in no way violates the constitutional right to equal protection of the law." The U.S. Supreme Court refused certiorari (citation on p. 1). For a discussion of the Maine court's convoluted reasoning see "Sex Discrimination by Law: A study in Judicial Perspective" by Johnson and Knapp, 46 N.Y.U.L. Rev. 675, 729, (Oct. 1971).

Several instances of sex discrimination in laws relating to juveniles have come to our attention recently. Discrimination under New York's juvenile laws are discussed in a *New York Law Forum* article "Equal Protection for Juvenile Girls in Need of Supervision in New York State" by Sarah Gold. 17 N.Y.L.F. 570 (1971).

Lamb v. *Brown*, pending in the 10th circuit court of appeals, challenges the application of the Oklahoma juvenile law to young men until age 16 while covering young women until age 18. No. 71-1355, U.S. Court of Appeals, 10th Circuit; also see *Lamb* v. *State*, 475 P. 2d 829 (1971).

MEMORANDUM OF CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN

The Citizens' Advisory Council on the Status of Women endorsed the equal rights amendment and published a legal memorandum in March 1970. Since that time hearings have been held in both Houses of the Federal Congress, and the amendment has been debated in both Houses and passed twice by the House of Representatives.

One of the main claims of the opponents is that the equal rights amendment will weaken men's obligation to support the family and, therefore, weaken the family. In gathering facts on this issue, the Council accumulated much surprising and disturbing information, which is not widely recognized.

While present support laws can be readily revised where necessary to conform with the equal rights amendment without weakening present obligations for support, the facts we have accumulated raise questions about the adequacy of present laws and their enforcement, which we hope those concerned with the status of women and children will study and discuss. Are the economic rights of women adequately protected during marriage? Should a woman such as Mrs. McGuire have some redress (p. 2)? When is alimony justified? In setting amount and duration of alimony, how much weight should be given to the loss of earning capacity suffered by a homemaker wife? In dividing property at divorce, should the contribution of a homemaker wife be given greater weight? What will be the effects on women and children of "no fault divorce" in a society that is still largely male oriented?

The Council hopes this paper will stimulate interest in a review and revision of each State's marriage, divorce, and support laws to conform legally with the equal rights amendment. We also hope that teachers, counselors, and parent groups will inform themselves and their daughters of the specific facts through research in their own communities as to amounts of alimony and child support and the likelihood of collecting in cases of divorce.

The Council hopes this will be a contribution to the growing accumulation of information on the status of women.

THE EQUAL RIGHTS AMENDMENT AND ALIMONY AND CHILD SUPPORT LAWS

One of the primary objections to the equal rights amendment cited by opponents is that it would weaken men's obligation to support the family and therefore weaken the family. They state that under present law men are required to support their wives without regard to their wives' ability to support themselves and that such laws would be invalidated under the equal rights amendment. They claim that alimony laws not permitting alimony to men would also be invalidated and that men who were paying alimony under such laws would be able to come into court and seek relief from paying alimony.

These objections are based largely on erroneous assumptions about application and enforcement of support laws and lack of knowledge of the legislative history of the equal rights amendment.

The rights to support of women and children are much more limited than is generally known and enforcement is very inadequate. A married woman living with her husband can in practice get only what he chooses to give her. The legal obligation to support can generally be enforced only through an action for separation or divorce, and the data available, although scant, indicates that in practically all cases the wife's ability to support herself is a factor in determining the amount of alimony; that alimony is granted in only a very small percentage of cases; that fathers, by and large, are contributing less than half the support of the children in divided families; and that alimony and child support awards are very difficult to collect.

Child support is usually not raised as an issue by opponents of the equal rights amendment but is covered here since the equal rights amendment could have an influence on level of payments. Also it is not possible practically to separate alimony and child support. For tax reasons, what are in fact child support payments may be labeled alimony, and in some States alimony and child support are awarded without distinction.

This statement of legal support rights and their enforcement is based on litigated separation and divorce cases. Most settlements are arrived at voluntarily by lawyers for the parties and may be more generous than the courts would allow in contested cases for several reasons. The husband may be willing to make more generous arrangements, or he may want to avoid the publicity of a contested case. He may be induced to make a more generous arrangement than a court would allow by the need for the wife's cooperation in securing a divorce in a State where divorce is granted only for cause; the trend toward amendment of State laws to permit dissolution of marriage when the marriage is irretrievably broken will result in elimination of this leverage for wives.

The opponents are in general not deliberately misleading the Congress and the public. They are providing well for their families and believe others are and are required to by law. Many are upper middle class and acquainted only with the facts of life of those in such economic circumstances. We have noted in reviewing some of the court cases relating to alimony and child support that very generous property, alimony, and child support settlements are made among the wealthy. However, where the divorce results in economic hardship, greater hardship is visited on the wife and children than on the husband. Cases reviewed and other materials leave the impression that in middle and lower income groups the welfare of the husband and his prospects for remarriage are given much greater weight than the wife's and children's welfare. No weight whatever is given to the adverse effect on the wife's prospects for remarriage when she is left the major responsibility for support of children.

WOMEN LIVING WITH THEIR HUSBANDS

It is true that a married woman legally has a right to be furnished "necessaries" and to charge purchases of "necessaries," but this is for most an empty right since merchants will not give her credit if her husband asks them not to.

Foote, Levy, and Sander's 1966 textbook, *Cases and Materials on Family Law*, p. 303, cites as its leading case on the subject of support *McGuire* v. *McGuire*, 157 Neb. 226, 59 N.W. 2d 336 (1953). This was a Nebraska case involving the wife of a well-to-do farmer. During her marriage of 34 years, the plaintiff testified she had been a "dutiful and obedient wife" who had "worked in the fields, did outside chores, cooked and attended to her household duties . . . raised as high as 300 chickens, sold poultry and eggs, and used the money to buy clothing, things she wanted, and for groceries." Her husband did not tolerate any charge accounts. He would give her only small amounts of money and for the last three or four years had not given her any money nor provided her with clothing except a coat a few years previous. The house had no bathroom, bathing facilities or inside toilet and kitchen sink. Water was secured from a well. The furnace had not been in good working order for 5 or 6 years. The furniture was old, and the defendant was driving a 1929 Ford equipped with a heater which did not operate.

The District Court had required the husband to pay for certain items in the nature of improvements and repairs to the house and for furniture and appliances for the household in the amount of several thousand dollars. They had ordered the defendant to purchase a new automobile with an effective heater, required that his wife be entitled to pledge the credit of the defendant for "necessaries of life," and awarded a personal allowance in the amount of $50 a month.

The Supreme Court of Nebraska overturned the ruling, stating:

> . . . to maintain an action such as the one at bar, the parties must be separated or living apart from each other.
>
> The living standards of a family are a matter of concern to the household, and not for the courts to determine, even though the husband's attitude toward his wife, according to his wealth and circumstances, leaves little to be said in his behalf. As long as the home is maintained and the parties are living as husband and wife it may be said that the husband is legally supporting his wife and the purpose of the marriage relation is being carried out. Public policy requires such a holding. It appears that the plaintiff is not devoid of money in her own right. She has a fair-sized bank account and is entitled to

> use the rent from the 80 acres of land left by her first husband, if she chooses . . .

Foote, Levy, and Sander commented on the McGuire case as follows (p. 308):

> Although factual situations like that depicted in McGuire are probably not uncommon, there is a dearth of reported decisions. Why is this so? This dearth of decisions, coupled with the results of cases like McGuire helps to explain why it is so difficult to determine the precise scope of a man's legal duty to support his wife and children *while the family is united.* Such support statutes as there are are characteristically unhelpful, and *the extent of his obligations is commonly inferred from the results in other types of litigation, such as divorce proceedings,* parents' suits under Dram Shop statutes for a child's death or injury, wrongful death actions, and criminal prosecutions or allied proceedings for nonsupport . . . (emphasis supplied).

In a District of Columbia case the court did allow separate maintenance to a wife who was in fact living a separate life although under the same roof with her husband. The court went on to state that such situations should be given careful scrutiny so as to discourage litigation between husbands and wives who are actually living together, although there was no language in the statute that would have precluded granting maintenance to women actually living with their husbands. *Clements* v. *Clements,* D.C. Mun. App. 184 A. 2d 195 (1962).

In a review of cases listed in the annotated California code we found no support cases involving an intact family.

A recent Yale Law Journal article sums it up as follows:

> The reluctance of courts to interfere directly in an ongoing marriage relationship is a standard tenet of American jurisprudence. As a result, legal elaboration of the duties husbands and wives owe one another has taken place almost entirely in the context of the breakdown of the marriage—either voluntary breakdown through separation, desertion, or divorce, or involuntary breakdown through incapacitation or death. Any legal changes required by the equal rights amendment are thus unlikely to have a direct impact on day-to-day relationships within a marriage, because the law does not currently operate as an enforcer of a particular code of relationships between husband and wife. (*The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women,* Brown, Emerson, Falk, and Freedman, 80 Yale L.J. 943, 1971.)

ALIMONY

The only nationwide study of alimony and child support was made by the Support Committee of the Family Law Section, American Bar Association in 1965, when Mrs. Una Rita Quenstedt, then chairman of the Support Committee, and Col. Carl E. Winkler, former chairman of the Support Committee, made a survey of 575 domestic relations court judges, friends of the court, and commissioners of domestic relations (Monograph No. 1). This study indicates that alimony is awarded in a very small percentage of cases. Three of the judges surveyed made the following comments (p. 3):

A California Judge: "In this county permanent alimony is given in less than 2% of all divorces, and then only where the marriage has been of long duration, and the wife is too old to be employable, the wife is ill, particularly if the husband's behavior was a contributing cause, [or] other highly unusual factors exist. Temporary alimony is given, *pendent lite,* or for some portion of the interlocutory period in less than 10% of all divorces, chiefly to give the wife a breathing space to find employment."

A Nevada Judge: "A healthy young woman should not be permitted to go on indefinitely living on alimony. Her outlook is more healthy and her life a good deal more full as an active member of the community and not as a kept woman."

A Massachusetts Judge: "The whole problem is one of complete frustration since no middle class person can actually afford divorce. Our only consolation is that public welfare supplies the balance but this, of course, means that the taxpayer is assuming the parental burdens. Alimony in and of itself is not too great a problem as nearly 90% of the petitioners waive it."

The Foote, Levy, and Sander textbook on family law (referred to above) found alimony "infrequently sought and even less often obtained."

Furthermore, alimony is not usually awarded without regard to the wife's ability to support herself. The wife's capacity to earn was taken into account by 98% of the judges in the Quenstedt-Winkler study. Apparently this is the general rule. American Jurisprudence states: "In determining the amount of permanent alimony the court should consider the earning capacity of the wife and the extent of her opportunity to work." 24 Am Jur 2d 633.

The precedent cases in the District of Columbia list the following as factors in determining alimony or maintenance: duration of the marriage, ages and health of the parties, respective financial positions, both past and prospective, wife's contribution to family support and property ownership, needs of the wife, husband's ability to contribute, interest of society in preventing her from becoming a public charge, *Butler* v. *Butler,* D.C. App., 239 A. 2d 616 (1968).

The last seems to be a very important criteria. In a 1966 case the District of Columbia Court of Appeals reversed a grant of $50 alimony made by the lower court, solely on finding that the wife was not likely to become a public charge. In this case there were no children and the wife had net earnings of $279.37 a month. Her husband's net earnings were $389 a month, *McEachnie* v. *McEachnie,* D.C. App., 216 A. 2d 169 (1966).

In a separate maintenance case the District of Columbia Court of Appeals said: "We cannot agree that the wife's financial situation is neither a defense nor a limiting factor in defining the husband's duty. The purpose of maintenance is to prevent the wife from becoming a public charge and not to penalize the husband." *Foley* v. *Foley,* D.C. Mun. App., 184 A. 2d 853 (1962).

The California marriage dissolution statute provides with respect to support that:

> The court may order a party to pay for the support of the other party any amount, and for such period of time, as the court may deem just and reasonable, having regard for the circumstances of the respective parties, including the duration of the marriage, and the ability of the supported spouse to engage in gainful employment without interfering with the interests of the children of the parties in the custody of such spouse . . . (Annotated California Code—Civil Code Section 4801).

As early as 1926 a California court gave great weight to a wife's capacity to earn, even though the wife had phlebitis and could not be on her feet. The court said:

> Where the ex-husband is earning wages by daily labor, a trial court, in awarding alimony, should not do so in a sum inducing idleness on the part of the ex-wife, *Lamborn* v. *Lamborn,* 80 C.A. 494, 251 P. 943 (1926).

In 1948 the Supreme Court of California denied alimony to a wife married 36 years who had reared 8 children. She had no property or other source of income and no trade. Her husband worked as a laborer and earned from $40 to $47 per week. The judge said:

> Defendant has no ability to earn more than sufficient for his own support and maintenance . . . and has no ability to pay further for the support and maintenance of plaintiff or for her attorney's fees or court costs herein. *Webber* v. *Webber,* 33 C. 2d 153, 199 P. 2d 943 (1948).

CHILD SUPPORT

With respect to child support, the data available indicates that payments generally are less than enough to furnish half of the support of the children. The following chart of weekly payments was submitted by a Michigan court in 1965 (Quenstedt-Winkler study):

NUMBER OF DEPENDENTS

Weekly net income[1]	1	2	3	4	5	6 or more	Weekly net income[1]	1	2	3	4	5	6 or more
$40	$10.00	$16.00	$22.00	$24	$24.00	$24.00	$80	$20.00	$24.50	$40.00	$48	$52.00	$52.00
$50	12.50	20.00	27.50	30	30.00	30.00	$90	21.60	27.00	45.00	54	58.50	63.00
$60	15.00	24.00	33.00	36	36.00	36.00	$100	22.00	30.00	45.00	60	70.00	75.00
$70	17.50	24.00	35.00	42	45.50	45.50	$120	24.00	36.00	54.00	72	84.00	84.00

[1] After deductions for income tax, FICA, hospitalization, life insurance, union dues, and retirement plan payments.

Even these small payments are frequently not adhered to. One court commented:

> However we find that in the great number of cases we are unable to adhere to the chart because of excessive amounts of financial obligations and limited earnings; also in many cases the man has more than one family.

A Florida Judge replied to the question re support:

> As a rule of thumb, we in this circuit, allow 15 (sic) per week per child if the husband is able to pay that sum, and increase that amount proportionate to the needs and faculties where husband's take home pay exceeds $5,000 per year. In short, . . . in order for a man to remain employed and produce income he must have for himself something beyond bare necessities.

A Pennsylvania Judge commented: "The Support Court usually sets the amount of a support order at the highest figure to the defendant seems capable of paying. Even then the amount is usually not enough to support the wife and children on a minimal basis."

In response to the survey question "What percentage of the father's income is normally allotted for child support?"

27% of the judges allot 25% or less of the father's income

34% of the judges allot between 26–35% of the father's income

25% of the judges allot between 34–50% of the father's income

Adele Weaver, President of the National Association of Women Lawyers, said in her testimony on the equal rights amendment before Subcommittee No. 4 of the House Judiciary Committee in 1971:

> But the point is that in actual practice, Mr. Wiggins, you know that most judgments for child support allow such minimal sums of

$15 a week, $25 a week, $30 a week, that we know that the mother is giving at least half of or close to half of the support; the mother is actually fulfilling a coextensive duty of support to the child (p. 296 of the report of the hearings).

In a survey referred to in Foote, Levy, and Sander, page 937, made in Maryland and Ohio in the early 30's, in half the cases the weekly alimony and support payments were between $5 and $9 per week (equivalent to $11.65 and $20.97 in today's dollars). The median was $33 per *month* (equivalent to $76.89 today).

A divorced woman in Elyria, Ohio writes that she is a clerk-typist working full-time with a take home pay of $310 per month. Her former husband is employed full-time as a carpenter, earning overtime. The court awarded her $15 per week for each of two children. Her husband is $410 behind in payments, which she is unable to collect. The children have not had dental care for two years, and she finds it difficult to buy books, proper food, and clothing for the children. It is obvious her husband is not contributing half the support of the children, let alone supporting his former wife.

The average cost at 1969 prices of rearing a child in a two child urban family with both parents present range, according to Department of Agriculture estimates, from $1,400 a year on a low-cost budget in the north central area of the U.S. to $2,100 per year on a moderate-cost budget in the south.[1] In a divided family with the mother working food costs would be higher, and there would be added child care costs. With the earnings of women averaging 60 percent those of men, women who work to support their children are contributing by and large more than their proportionate share, even when fathers comply fully with awards.

COLLECTION OF ALIMONY AND CHILD SUPPORT

The only information we could locate on collection of support money was reported by Nagel and Weitzman in "Women as Litigants" (Hastings Law Journal, November 1971). The following table from their article is based on data gathered by Kenneth Eckhardt from a sample of fathers who were ordered to pay some child support in a divorce decree in a metropolitan county in the State of Wisconsin in 1955. Row 1 shows that within one year after the divorce decree, only 38 percent of the fathers were in full compliance with the support order. Twenty percent had only partially complied, and in some cases partial compliance only constituted a single payment. Forty-two percent of the fathers made no payment at all. By the tenth year, the number of open cases had dropped from 163 to 149 as a result of the death of the father, the termination of his parental rights, or the maturity of the children. By that year, only 13 percent of the fathers were fully complying, and 79 percent of the fathers were in total non-compliance. Row 5 shows the percentage of nonpaying fathers against whom legal action was taken, including those taken or instigated by welfare authorities:

	Number of open cases	Full compliance (percent)	Partial compliance (percent)	No compliance (percent)	Nonpaying fathers against whom legal action was taken (percent)
Years since court order:					
1	163	38	20	42	19
2	163	28	20	52	32
3	161	26	14	60	21
4	161	22	11	67	18
5	160	19	14	67	9
6	158	17	12	71	6
7	157	17	12	71	4
8	155	17	8	75	2
9	155	17	8	75	0
10	149	13	8	79	1

CRIMINAL NONSUPPORT STATUTES

Although in practically all States husbands can be held criminally liable for non support of wife and children, most States require that the wife or children be in "destitute or necessitous circumstances" or without adequate, sufficient, or reasonable means of support. The Uniform Desertion and Non Support Act provides that the refusal to support must be without lawful excuse and willful and that the wife or children under 16 must be in "destitute or necessitous circumstances" (the Uniform Act and most State laws are applicable to mothers who refuse to support children under 16).

As in other criminal proceedings, guilt must be established beyond a reasonable doubt and the burden of proof is on the State. The defendant is entitled to a jury trial. This type of statute is used extensively in welfare cases, mothers often being required to file complaints under criminal non support statutes as a condition of receiving public assistance. It some States the public welfare authorities are authorized to file the complaints. The extent of use or usefulness in other situations is not known. Wisconsin, the scene of the study on collection above, has a criminal non support statute very similar to the Uniform Act.

NEED FOR PUBLIC TO HAVE THE FACTS

The prevalence of mistaken ideas about a husband's responsibility for support of wife and children, which have been reinforced by opponents of the equal rights amendment, are a great disservice to the nation, particularly to its women and young girls. Many young women, relying on the belief that marriage means financial security, do not prepare themselves vocationally. Parents and counselors act on this false assumption in advising girls about their future.

The latest survey indicates that 27% of the women who entered into teenage marriages more than 20 years before the survey are divorced as compared with 14 percent of the women who were older.[2] Our young women and their parents and teachers should be apprized of the facts about alimony and child support and likelihood of divorce in teenage marriages. Perhaps more of them would prepare themselves vocationally and wait until they are older for marriage.

Far more facts are needed as to awards of alimony and child support, the factors considered by judges in making the awards, and the degree of enforcement of awards made. More information is needed as to why awards are not better enforced and the efficacy of the means available, particularly the criminal non support statutes. The effects of a Wisconsin statute putting restraints on remarriage of persons not meeting their responsibilities to their lawful dependents need to be studied. Even small studies in individual communities that could be made by women's groups or law school students might lead to larger more representative studies by organizations with larger resources.

The lack of reliable information illustrates once again that we will not have a whole society equally concerned with women's and children's welfare until many more women are in positions to influence the spending of research funds and the making and enforcing of laws.

EFFECTS OF EQUAL RIGHTS AMENDMENT ON PRESENT LAWS AND THEIR ENFORCEMENT

Far from resulting in diminution of support rights for women and children, the equal rights amendment could very well result in greater rights. A case could be made under the equal rights amendment that courts must require divorced spouses to contribute in a fashion that would not leave the spouse with the children in a worse financial situation than the other spouse.

The belief that alimony laws permitting alimony to wives would be invalidated by the courts rather than extended to men is not supported by any legal authority or the legislative history. The legislative history clearly indicates the intent of the proponents in Congress to extend alimony to men in those States now limiting alimony to women. Furthermore, in view of judges' preoccupation with keeping women from becoming public charges, it seems almost certain, should a State legislature fail to extend to men a law limiting alimony to women, that a judge would extend the law to men rather than invalidate it. If any judge should invalidate the law, it is clear that legislatures' concern for keeping women from becoming public charges would be sufficient to enact a new law applying equally to men and women.

The drafting of divorce and support laws of those States where it is required by the equal rights amendment could be an opportunity to bring the law into line with reality. Models without distinctions based on sex already exist in the Uniform Marriage and Divorce Act and the Model Penal Code. Copies may be obtained from the National Conference of Commissioners on Uniform State Laws, 1155 E. 60th Street, Chicago, Illinois 60637.

The Uniform Marriage and Divorce Act provides for maintenance to be paid from one spouse to the other if the spouse seeking maintenance lacks sufficient property to provide for reasonable needs and is unable to support himself or herself through appropriate employment or for the custodian of a child whose condition or circumstances make it appropriate that the parent not seek employment outside the home. The amount and duration of payments for maintenance are to be determined after the court considers the financial resources of the party seeking maintenance, the time necessary to acquire sufficient training to enable the party to find appropriate employment, the standard of living established during the marriage, the duration of the marriage, the age and physical and emotional condition of the spouse seeking maintenance, and the ability of the spouse from whom maintenance is sought to meet his or her own needs while making maintenance payments.

In summary, the equal rights amendment would not deprive women of any enforceable rights of support and it would not weaken

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[1] Information from Agricultural Research Service, Consumer and Food Economics Research Division, U.S. Dept. of Agriculture—excerpt from Family Economics Review, December 1970 and Talk by Jean L. Pennock at the 47th Annual Agricultural Outlook Conference, February 18, 1970.

[2] U.S. Department of Commerce, Bureau of the Census, Social and Economic Variations in Marriage, Divorce, and Remarriage, 1967; P-20, No. 223.

the father's obligation to support the family. Because it would require complete equality of treatment of the sexes, it might be used to require that the spouses in divided families contribute equally within their means to the support of the children so that the spouse with the children is not bearing a larger share of the responsibility for support than the other spouse.

STATE PROTECTIVE LAWS

Would legislation found unconstitutional under the Equal Rights Amendment be nullified or expanded to include the exempted sex?

One question often raised concerning the Equal Rights Amendment[*] is whether it would abrogate all State and Federal legislation applicable only to one sex—particularly the so-called "protective" labor laws. The simplist answer is this: a number of laws which apply only to one sex would be unconstitutional if the Equal Rights Amendment were ratified; and depending on a court's assessment of the purpose of the law, the law would either be expanded to include the exempted sex or nullified entirely.

Preliminarily, it should be noted that this memorandum deals only with the role courts would play in altering laws in conflict with the Equal Rights Amendment. The judicial role, however, will plainly be secondary to the legislative role. It may be expected that after ratification of the Amendment, each legislature will review its laws to determine which ones must be changed to conform to the Constitution; and each legislature will then decide whether to expand or repeal the laws affected. Indeed, the purpose of delaying the effective date of the Amendment for two years after ratification is to allow legislatures an opportunity to act. Moreover, even after a court expands or nullifies a law because of the Equal Rights Amendment, a legislature has the power to change the result by statute if it wishes, so long as the final result is nondiscriminatory.

There can be little serious question that the courts, upon holding a statute unconstitutional, can expand the scope of the statute to cure its legal infirmity. As Mr. Justice Harlan said, concurring in *Welsh* v. *United States*, 398 U.S. 333, 361 (1970) (footnote omitted):

> Where a statute is defective because of underinclusion there exist two remedial alternatives: a court may either declare it a nullity and order that its benefits not extend to the class that the legislature intended to benefit, or it may extend the coverage by the statute to include those who are aggrieved by exclusion.

See *Skinner v. Oklahoma ex. rel. Williamson*, 316 U.S. 535, 543 (1942); *Iowa Des-Moines Nat'l Bank v. Bennett*, 284 U.S. 239, 247 (1931); *Developments In The Law—Equal Protection*, 82 Harv. L. Rev. 1065, 1136–37 (1969)

The Supreme Court has applied this principle in many cases. In 1880, for example, the Court extended a State statute limiting jury service to "electors" to include blacks enfranchised by the 14th and 15th Amendments rather than striking the law down. *Neal v. Delaware* 103 U.S. 370 (1880). In *Sweat v. Painter*, 339 U.S. 629 (1950), and *McLaurin v. Oklahoma State Regents*, 339 U.S. 637 (1950) the Court held that State laws restricting access to State institutions of higher education on the basis of race were unconstitutional; it expanded the law so that black students had equal access. And in *Levy v. Louisiana*, 391 U.S. 68 (1968), the Court extended to illegitimate children the right restricted by a State statute to legitimate children, to recover wrongful death benefits. See generally Dorsen, *The Necessity of a Constitutional Amendment* in Equal Rights for Women: A Symposium on the Proposed Constitutional Amendment, 6 Harv. Civ. Rts.-Civ. Lib. L Rev. 216 (1971).

When a court is faced with the choice of expanding or nullifying a statute because it conflicts with the Constitution, it will attempt to determine which course would best serve the law's purpose or, put another way, the legislative intent. See, *e.g., Guinn v. United States*, 238 U.S. 347, 366–67 (1915); *Dorchy v. Kansas*, 264 U.S. 286, 289–90 (1924); *National Life Ins. Co. v. United States*, 277 U.S. 508, 522 (1928); *Welsh v. United States, supra* 398 U.S. at 363–67 (Harlan, J., concurring). The court will use a number of guides to determine legislative intent, including the public importance of the subject with which the legislation deals, the practical impact of expanding the law compared to the effect of nullification, and whether the statute involved is criminal in nature and must therefore be strictly construed. *See* Brown, Emerson, Falk and Freedman, *The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women*, 80 Yale L.J. 871, 913–920 (1971), and cases cited.

The courts should have no difficulty applying these principles to cases which arise under the Equal Rights Amendment, if called upon to do so. It may be expected that where the State law at issue extends a real benefit to the sex within its provisions, and where extension will cause no serious industrial disruption, a court would extend the law to both men and women. In such a case—a minimum wage law which applies only to one sex may be an example—the excluded sex (often men) is denied a meaningful protection.

But where the State law is discriminatory in the guise of protection, and where the result of expansion would be disruptive, the law would probably be struck down entirely. An obvious example is a law barring women from a certain occupation—not only is it discriminatory, but also expansion would mean no person could engage in that trade.

It is worth noting in this regard that the courts have had a great deal of experience in dealing with laws which discriminate on the basis of sex, for Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e–15 (1970) prohibits employment discrimination on the basis of sex unless sex is a "bona fide occupational qualification." Under that Federal statute a State overtime wage law was extended to include men, *Potlatch Forests, Inc. v. Hays*, 318 F. Supp. 1368 (E.D. Ark. 1970) as were weight-lifting limitations, *Bowe v. Colgate-Palmolive Co.*, 416 F 2d 711 (7th Cir. 1969). But, on the other hand, State laws banning women from an occupation have been struck down, *McCrimmon v. Daley*, 2 FEP Cases 971 (N.D., Ill. March 31, 1970), *on remand from* 418 F. 2nd 366 (7th Cir. 1969). See generally *Developments In The Law—Employment Discrimination and Title VII of the Civil Rights Act of 1964*, 84 Har. L. Rev. 1109, 1188–1190, 1194–1195. Indeed, the entire question of "protective" labor legislation may already have been resolved by Title VII, for, in addition to the courts, the Equal Employment Opportunity Commission and the Attorney General of at least 13 States have declared certain "protective" laws invalid because they conflict with the Federal law.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate go into executive session.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous agreement, and the hour of 1 o'clock having arrived, the Senate will now proceed to vote on the resolution of ratification on Executive C, 92d Congress, 2d session, relative to the amendment to paragraphs A, B, C, and D of article VI of the statute of the International Atomic Energy Agency, approved by the General Conference of the Agency on September 28, 1970.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. GAMBRELL), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from South Dakota (Mr. MCGOVERN) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. ALLOTT), the Senators from Maryland (Mr. BEALL and Mr. MATHIAS), the Senator from New York (Mr. BUCKLEY), the Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Hampshire (Mr. COTTON) is detained on official business.

If present and voting, the Senators

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[*] S.J. Res. 8, 92nd Cong., 1st Sess. (1971), the operative section of which provides: "Equality of rights under law shall not be denied or abridged by the United States or by any State on account of sex."

from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 66, nays 0, as follows:

[No. 111 Ex.]

YEAS—66

Allen
Anderson
Baker
Bayh
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cook
Cooper
Cranston
Curtis
Dole
Eagleton
Eastland
Ervin
Fannin
Fong
Goldwater
Gurney
Hansen
Hart
Hruska
Hughes
Inouye
Jackson
Javits
Long
Magnuson
Mansfield
McGee
Miller
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Young

NAYS—0

NOT VOTING—34

Aiken
Allott
Beall
Buckley
Case
Cotton
Dominick
Ellender
Fulbright
Gambrell
Gravel
Griffin
Harris
Hartke
Hatfield
Hollings
Humphrey
Jordan, N.C.
Jordan, Idaho
Kennedy
Mathias
McClellan
McGovern
McIntyre
Metcalf
Moss
Mundt
Muskie
Ribicoff
Sparkman
Stevens
Taft
Tower
Williams

The PRESIDING OFFICER (Mr. CHILES). On this vote the yeas are 66 and the nays 0. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMBASSADOR ARTHUR K. WATSON'S QUESTIONED BEHAVIOR

Mr. CHURCH. Mr. President, in yesterday's Washington Post, the nationally syndicated columnist, Mr. Jack Anderson, makes some very serious charges of drunken behavior on the part of our Ambassador to France, Arthur K. Watson, alleged to have taken place on recent transatlantic flights aboard commercial airliners.

If these charges are factual and accurate, the gravest question arises as to Ambassador Watson's fitness to serve in his delicate diplomatic post.

Paris is not only one of the most important capitals in the world, but it is now the venue of Sino-American negotiations put into motion by President Nixon and Chou En-lai only last week. Ambassador Watson has been assigned the high responsibility of carrying on these negotiations. In dealing with the Chinese, nothing could occasion greater loss of face than a reputation for public displays of flagrant drunkenness.

It is in the Ambassador's interest, as well as that of our Government, to have these charges fully investigated. If they are unfounded, the Ambassador is entitled to have his name cleared. If they are substantiated, the President should be asked to reconsider the assignment he has placed in Watson's hands.

Apparently, judging from an article in this morning's Washington Post by Murrey Marder, the administration has chosen to ignore Mr. Anderson's charges.

I think they cannot be ignored. Accordingly, I shall ask the Senate Foreign Relations Committee to investigate the charges in an effort to determine what the facts may be.

I ask unanimous consent that the Anderson column, the Marder article, and another piece which likewise appeared in this morning's edition of the Washing Post, giving a résumé of Ambassador Watson's service in Paris, and crediting him in his efforts to stem the flow of drugs through Marseilles into the United States, be printed here in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 16, 1972]

AMBASSADOR WATSON'S PLAYBOY WAYS

(By Jack Anderson)

Ambassador Arthur K. Watson, who has just been given the delicate assignment of establishing diplomatic contacts with the Chinese in Paris, got gloriously drunk on the flight to Washington for his conferences with President Nixon.

A number of witnesses have told us the slim, gray-haired ambassador, normally the picture of dignity, kept shouting for more Scotch, grabbing the stewardesses and trying to stuff money down the fronts of their blouses.

He finally passed out, his arms and legs sprawled across the first-class lounge, recall the witnesses. They say he appeared to be foaming at the mouth from white tablets he had been chewing.

In Chinese eyes, drunken behavior is considered disgraceful. The Chinese love good liquor and even play drinking games. But the man who gets drunk loses the game and brings shame upon himself.

This raises the possibility that Ambassador Watson could jeopardize the Chinese-American detente and undo the good President Nixon accomplished in Peking.

MERRY MILLIONAIRE

We have discussed Watson's liquor problem with a variety of sources. Insiders say this figures in his departure from International Business Machines, the corporate giant his late father built.

Arthur Watson's playboy ways didn't mix with Big Business, and he lost the runoff for IBM's presidency. Nixon appointed him as Ambassador to France.

His only apparent qualification for the job was his enormous wealth and his willingness to share it with the Republicans. We have traced $44,000 that he contributed to the Nixon-Agnew campaign in 1968, plus another $5,000 to the general Republican cause. Again in 1970, we have found record of $21,000 that he dropped in the GOP hat.

Watson will handle the crucial negotiations to increase trade, travel and cultural exchanges with Communist China. He will deal with China's veteran diplomat, Huang Chen, who has handled a number of sensitive missions for Premier Chou En-lai. Huang is the only Chinese ambassador who belongs to the powerful Central Committee of the Chinese Communist Party.

We have taken testimony from several witnesses who flew with Watson aboard Pan American Airways flight 107 from London to Washington on March 9. The chief stewardess filed a complaint with Pan Am about Watson's conduct.

FLIGHT CREW MUZZLED

Pan Am, however, hushed up the report and ordered the flight crew not to discuss the incident. A company spokesman refused all comment. For the protection of the witnesses, therefore, we have agreed to withhold their identities.

They all agree that Watson was drunk when he boarded the plane at 10:45 a.m., London time. Before the airliner left the runway, he ignored the "No Smoking" sign, propped his feet up on a lounge chair and yelled at a stewardess: "Hey, you! I want a Bloody Mary!"

When she politely declined until the plane was aloft, he shouted at her: "Who do you think you are?" Thereafter, he called her a "bitch" and "stupid" and threatened to get her fired.

He kept up a holler for Scotch and grabbed at passing stewardesses. Then he tried to stuff $40 down the fronts of their blouses. Finally, he passed out and slept for about three hours. He got off the plane unassisted and was met at Dulles airport by two State Department aides, Robert Aylmer and Frank Dempsey.

We spoke to the American embassy in Paris three times, but Watson was unavailable for questioning. Through an aide, he gave us a one-sentence statement that there was "no basis in fact" to the accounts of his misconduct. A State Department spokesman also said no complaints had been made. (FOOTNOTE—From other witnesses, we learned of a similar earlier incident aboard Pan American's flight 52 from Washington to Paris. It was on this occasion that he told a stewardess that he wanted his teenage son to develop sexually and asked her to be his mistress. Afterward, he tossed grapes at her for refusing. He was abusive and foul-mouthed, the witness said.)

FRENCH SEE U.S. AMBASSADOR AS BUSINESSLIKE, "UNINSPIRING"

(By Jonathan C. Randal)

PARIS.—Many a foreign tourist has savored that typically Mediterranean fish dish—bouillabaisse—in the restaurant of Marseilles' old port.

But U.S. Ambassador Arthur K. Watson is doubtless the only diplomat who regularly flies down from Paris in his personal plane to partake of a steaming plate of Marseilles' favorite dish.

It's not that the tall, distinguished-looking former chairman of International Business Machines World Trade Corp. necessarily has a craving for the dish or finds the conversation of his lunch partners particularly witty.

But ever since the 53-year-old millionaire took over as ambassador almost two years ago. Watson has made it his number one priority to lunch regularly with the French customs and police inspectors assigned to smash the traffic which has made Marseilles the major way station for drugs smuggled into the United States.

PATRICIAN BEARING

Watson's almost patrician bearing contrasted with allegations by Jack Anderson that the ambasador was drunk and disorderly on a London-to-Washington airliner bringing him back to Washington last week for White House consultations on his new role as American negotiator with the Chinese in Paris.

The U.S. embassy spokesman officially said the allegations had "no basis in fact" when first approached about the Anderson column on Tuesday but Thursday went no further than "no comment."

Although Watson as a much younger man had a reputation as a heavy drinker, in Paris he has limited himself in public to a Dubonnet aperitif or an occasional champagne cocktail on the rocks. Indeed, a close friend suggested Watson had given up all alcohol for Lent.

Questioned in the past about his crusade against all drugs including marijuana, the ambassador has brushed aside the argument that soft drugs were no more dangerous than alcohol or tobacco. He has reasoned that even marijuana use ran the risk of encouraging more serious drug addiction while social drinking was easily controlled.

UPS AND DOWNS

Since Watson's arrival, Franco-American cooperation on the drug repression front has had its ups and downs and still remains far from perfect.

But seizures of heroin and morphine base in France have more than doubled from 1,015 pounds in 1970 to 2,950 pounds in 1971. Current seizures so far this year are for the first time running at an annual rate roughly equal to estimated heroin consumption in the United States.

When Watson made his maiden speech to a French group—and concentrated on drugs—the reaction was frankly one of horror. American ambassadors were expected to allude to the Lafayette connection in Franco-American relations, not the drug connection.

Yet, thanks to Watson's often heavy handed fascination with drugs, the French government and public have stopped thinking that heroin is a peculiarly American problem and recognized its terrifying, if still limited, inroads on French society.

THREAT TO YOUTH

A steady stream of newspaper and magazine articles and television documentaries—with material helpfully supplied by the embassy in many cases—played a notable role in the results of a poll last year showing that drugs were considered the number one threat to French youth.

Such concentration on drugs—and on Marseilles' key role in harboring clandestine laboratories which refine heroin—is typical of Watson's results-oriented business outlook.

It also raises ticklish question about American interference in French domestic affairs, despite Marseilles' undoubted role in the heroin traffic in the United States.

The White House may indeed attach prime importance to the drug problem in France, but the French, perhaps understandably, are interested in other aspects of their relations with the United States.

INTELLECTUALLY INCAPABLE

Frankly, more than one professional French diplomat here regrets that Watson seems either uninterested in dealing with those problems or intellectually incapable of discussing them and wonder about his ability to negotiate with the Chinese, even if he is surrounded by experts.

For all intents and purposes, they say, it is the French embassy in Washington which handles most of the diplomatic business between the two countries.

This they regret not only because all foreign ministries like to do the wheeling and dealing involved in diplomacy, but because they realize that Watson, as one Frenchman put it, "has the ear of Nixon".

With the single exception of Charles Bohlen who served between 1962 and 1968, all American ambassadors since the mid fifties have been political appointees. But unlike some other political appointees, Watson, who is said to have been one of the biggest contributors to Republican Party coffers in 1968, arrived with accented, but adequate French, an undoubted love of this country and years of international business experience which equipped him with less parochial view of world problems.

"INTELLECTUALLY UNINSPIRING"

"We would rather have a nice, decent, if intellectually uninspiring man like Watson who loves France," one critic noted, "than an anti-French genius like Chip Bohlen, who believed France was washed up as a power in the defeat of 1940."

But if his critics feel that professionally Watson can speak meaningfully about little else than drugs and U.S. claims concerning former American military bases here, they do concede he has made progress.

For most of his first year, Watson concentrated on Interior Minister Raymond Marcellin because of his drug responsibilities and was a disappointingly rare caller on either President Georges Pompidou or Foreign Minister Maurice Schumann. More regular meetings have now been arranged.

Moreover, he is credited with arranging the Azores summit meeting between Mr. Nixon and Pompidou last December which paved the way toward formal dollar devaluation and realignment of most of the non-Communist-world's major currencies.

Also on the plus side, it is thought likely that Watson dealt directly with the Elysee Palace in arranging the secret contacts between Kissinger and the North Vietnamese—and then succeeded in keeping them secret.

FRENCH HUNGRY

But it is Watson's very effectiveness on such practical matters which leave the French hungry for similar and more substantive initiatives on his part.

"It's all the more galling," one French official said, "since we suspect that he can get into the White House faster than any ambassador since the immediate postwar years."

At some point, political appointees, be they the flamboyant Sargent Shrivers or the duller Arthur Watsons of this world, may disappear. But Paris and other major Western European embassies will continue to be occupied by rich non-professionals as long as Congress is niggardly about expenses.

INDEED MINIMUM

By conservative estimate American ambassadors have to spend at least $75,000 out of their own pockets to do more than an indecent minimum of entertaining in Paris. In Watson's case, he has doubtless spent much more on such projects as the new ambassadorial residence and cleaning the embassy proper inside and out for the first time in years.

Like many rich men, Watson gives the impression of being on his guard until he sizes up the person with whom he is dealing. Like many a professional or political ambassador before him, he has used his prerogatives to choose his own staff and some of his choices have caused surprise both inside and outside the embassy.

Although such events are probably unimportant in the long run, his critics noted that this week Pompidou oppressed the usual protocol considerations to spend an evening at the residence of Soviet Ambassador Pyotr Abrassimov. Admittedly, the attraction was Soviet cellist Mstislav Rostropovich.

"But Watson was the first diplomat Pompidou took on the Concorde when they flew it to the Azores meeting," the ambassador's defenders pointed out.

Perhaps the most accurate if devastating remark came from a now retired European diplomat who said: "In this age of flying secretaries of state and Dr. Kissingers, an ambassador's role has been diminished to the point of near invisibility—providing, of course, he keeps his nose clean."

ADMINISTRATION SUPPORTS PARIS ENVOY

(By Murrey Marder)

The State Department expressed the Nixon administration's "confidence" yesterday in U.S. Ambassador Arthur K. Watson and refused to comment on a report that he was "gloriously drunk" on a recent London-to-Washington airliner.

By declining to discuss or dispute the account about the ambassador to France published Thursday by columnist Jack Anderson, the administration hoped to treat it as a fleeting allegation. Whether or not that hope is fulfilled, informed sources indicated, will determine if there will be any further administration action.

Unusual attention was aroused by the report because Watson only last Monday began a series of important conversations in Paris with Chinese Ambassador Huang Chen.

These talks are intended to provide a link in the multiple communications chain for expanding Sino-American relations after President Nixon's mission to China last month. As a result, the Nixon administration's prestige is heavily engaged in the Watson-Huang talks, even though Watson is expected to be backstopped by China experts in any substantive discussions.

Anderson reported that on March 9, Watson, on his way to Washington to receive instructions to start the talks, caused a scene aboard the plane by shouting for liquor, tried to "stuff money" in the blouses of stewardesses, and "finally passed out," according to witnesses aboard Pan American Flight 107.

Both White House and State Department officials refused to discuss that report in any form, or say whether an inquiry is under way. When pressed about the Department's position, however, spokesman Charles W. Bray said:

"If your question to me is whether the Department of State has confidence in Ambassador Watson and whether Ambassador Watson will continue to carry out his ambassadorial functions and other functions with which the President has charged him in connection with discussions with the Ambassador of the People's Republic of China, the answers are: yes."

Officials were placed under special inhibitions against any further discussion of the affair. In Paris, a spokesman at the embassy said: "The ambassador has no statement and will have no statement. There is no comment."

Anderson's report said Watson on March 9 got off a Pan-American flight at Dulles Airport unaided and was met by two State Department officials. Next day, in addition to meeting with President Nixon, Secretary of State William P. Rogers, national security adviser Henry A. Kissinger and other officials, Watson lunched with his brother-in-law, Under Secretary of State John N. Irwin II, spokesmen said yesterday. Irwin's wife is the former Jane Watson of New York.

White House and State Department officials learned about Anderson's report on Watson's behavior on the trans-Atlantic flight before it was published, for Anderson's office and several newspapers who print the column made inquiries about the charges in Paris and in Washington. After their own inquiries which they refused to discuss, administration officials decided, in effect, to try to ride out the controversy created by the allegations, without responding to them directly.

WARMEST CONGRATULATIONS TO THE MAJORITY LEADER ON HIS BIRTHDAY

Mr. SCOTT. Mr. President, the birthday of the distinguished majority leader was yesterday. However, because we were not in session yesterday, we have to observe it today. I hope he will do the same for me when my birthday comes on November 11.

I am sure my noting this happy occasion need not embarrass the senior Senator from Montana since he is my junior. The quiet affable, diligent, hard-working majority leader is a man of many specialties. Mr. President, my colleagues are aware of his expertise on China. We know Premier Chou En-lai wants both of us to visit China. We intend to go later this year.

Now a little about the man who is a former miner and mining engineer in Montana. The majority leader was born in New York. He has served in three branches of the service, joining the Navy during World War I at age 14; then later the Army and Marines. He traveled to China for a tour of duty in 1920 and developed a great interest in that land. He subsequently became a professor of Far Eastern history. The thought-provoking lecture he gave 4 years ago at the Montana State University and read into the Congressional Record when President Nixon announced he was going to China revealed the far-sightedness of this outstanding Senator. He is a distinguished American. He is, indeed, a man whose relationship I cherish and totally enjoy. He is a man for whom we all have the highest respect. On behalf of Mrs. Scott and myself, I extend to the Senator from Montana the warmest congratulations on his day.

Mr. MANSFIELD. Mr. President, the distinguished minority leader has my heartfelt gratification.

Mr. SCOTT. Mr. President, I noticed this morning that the distinguished majority leader has the same birthday as the President's wife. So, the President will know what to do in the future when that day comes around.

Mr. MANSFIELD. Mr. President, I call attention to the fact that we have two Members of the Senate, the Senator from Wyoming (Mr. McGee), and that well known Irishman from Ireland, Senator John O. Pastore, whose birthdays are today. And I am not kidding. I recall John's visit with me to Ireland several years ago when the President spoke concerning the gift to Ireland of a statue commemorating Commodore Perry.

I introduced Senator Pastore to my uncles and aunts. The first thing that I knew, John was looked upon as a long lost relative and I was left in the corner. Since then, he has become a member of the Friendly Sons of St. Patrick, and I have yet to receive an invitation from the Sons of Italy.

Mr. SCOTT. Mr. President, I also am a member of the Friendly Sons of St. Patrick.

PROGRAM

Mr. SCOTT. Mr. President, I ask the majority leader if he would be able to advise us as to the future business of the Senate.

Mr. MANSFIELD. Mr. President, I would be delighted to respond to the minority leader for whom I have nothing but the greatest of respect.

We have the drug bill conference report which will not take too long. There will be a rollcall vote on that matter. Following that, it is the intention of the Senator from Montana to call up a resolution seeking to have Senate representation on the Gravel case.

I anticipate that there will be opposition to that. Therefore, it will go on the Calendar. And if that is the case, it will be taken up sometime next week.

Mr. SCOTT. Mr. President, will the distinguished majority leader make that in the form of a unanimous-consent request now while Senators are present?

Mr. MANSFIELD. Very well.

RESOLUTION AUTHORIZING SENATE TO INTERVENE IN A SUPREME COURT PROCEEDING

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask that it be stated.

The PRESIDING OFFICER (Mr. Chiles). The resolution will be stated.

The assistant legislative clerk read the resolution as follows:

S. Res. 280

Whereas the Supreme Court of the United States on Tuesday, February 22, 1972, issued writs of certiorari in the case of Gravel v. United States; and

Whereas this case involves the legislative activities of the junior Senator from Alaska, Mr. Gravel, and

Whereas in deciding this case the Supreme Court will consider the scope and meaning of the protection provided to Members of Congress by article 1, section 6, of the U.S. Constitution, commonly referred to as the "speech or debate" clause, including the application of this provision to Senators, their aides, assistants, and associates, and the types of legislative activity protected; and

Whereas this case necessarily involves the right of the Senate to govern its own internal affairs and to determine the relevancy and propriety of legislative activity and the scope of a Senator's duties under the rules of the Senate and the Constitution; and

Whereas this case therefore concerns the constitutional separation of powers between legislative branch and executive and judicial branches of government; and

Whereas a decision in this case may impair the constitutional independence and prerogatives of every individual Senator, and of the Senate as a whole; and

Whereas the United States Senate has a responsibility to insure that its interests are properly and completely represented before the Supreme Court: Now, therefore, be it

Resolved, That the President pro tempore of the Senate is hereby authorized to appoint a committee of Senators to seek permission to appear as amicus curiae before the Supreme Court and to file a brief on behalf of the United States Senate; and be it further

Resolved, That any expenses incurred pursuant to these resolutions, including the expenses of the junior Senator from Alaska, as a party in the above mentioned litigation in the Supreme Court, shall be paid from the contingent fund of the Senate on vouchers authorized and signed by the President pro tempore of the Senate and approved by the Committee on Rules and Administration; be it further

Resolved, That these resolutions do not express any judgment of the action that precipitated these proceedings, and be it further

Resolved, That the Secretary of the Senate transmit a copy of these resolution to the Supreme Court.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be allowed to make a brief statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, there is now pending before the Supreme Court a constitutional issue that bears directly on the institution of the Senate and the activities of each and every Member of this body. Specifically at issue is the Constitution's so-called "speech and debate" clause—the provision that protects and preserves both Senators and the integrity of the Senate and the Congress as a coequal branch of Government within our democratic structure. Whenever the immunity and protection granted thereunder are threatened or whenever its interpretation is sought to be narrowed—be it by private citizens, by institutions of Government or by whatever—it becomes a matter of great concern both to me personally and I believe to the entire Senate as an institution.

The case of Senator Gravel is known, I am sure, to all of us here. I will not belabor the members with a summary of the status of the case. I am not a lawyer, and at times, I become most frustrated with the legal procedural thicket that arises around what to me are fundamental issues.

At stake in the case involving Senator Gravel is such an issue, and it concerns me as it does the Senator from North Carolina (Mr. Ervin)—one of the outstanding constitutional experts—and it concerns, I believe, the entire Senate. At the heart of the matter, in my judgment, is the integrity of the Congress to deal independently and exclusively with matters delegated to it as the legislative branch under the Constitution.

No issue could be more fundamental to our system of democracy. It involves the freedom of individual Senators to communicate on questions of national importance with their constituents and with others and the right of Senators to rely on those he employs to assist him in carrying out responsibilities that arise in the course of his constitutional obligations.

These are some of the questions involved in the case. So regardless of how anyone may view the propriety of the specific act that gave rise to this controversy, such questions are simply not germane to the issue here at stake. What is at stake is whether the Senate's viewpoint concerning its constitutional role should be presented fully, adequately and effectively to the Supreme Court. It is my opinion that it should be. But to do it properly, I think the Supreme Court should have the benefit of this viewpoint from the entire Senate based upon the vote of its membership. That this faction or that, or that this party or that is to be represented is not, in my judgment, the appropriate channel through which the Senate as a whole should advocate its position. If it is the Senate that is to be represented, then I submit, the Senate as a whole should express its will as to how it should be represented.

The resolution submitted on behalf of Senator Ervin and myself is based on the custom and precedent that has prevailed in cases of this nature in the past. It should be noted that there is a limited provision for attorney fees—as has been the case in the past.

Mr. ERVIN. Mr. President, by taking the case of United States against Gravel on February 22, 1972, the Supreme Court has decided to consider questions which are intimately related to the continued independence and integrity of the Congress. Of particular interest to the Senate, the Court will decide whether and to what extent the "Speech or Debate" clause of article I, section 6 of the Constitution permits executive or judicial inquiry into the activities of aides to Senators that touch on constitutionally protected rights of a Member.

In light of the critical role that personal aides of Senators play in the legislative process, the court will actually decide the extent to which the Congress will be held accountable by the other two branches of Government in the performance of its legislative duties. Such a determination goes to the very heart of the separation of powers.

In its petition for certiorari before the Supreme Court the Government propounds an exceedingly narrow view of the "Speech or Debate" clause. The Justice Department would limit the protection of the clause to Members only, and it characterizes judicial and executive inquiry of aides as only a "hypothetical hindrance" to the legislative process.

It is both proper and necessary that the Senate appear as amicus curiae before the Court to insure that the Department's narrow view of legislative privilege and separation of powers does not prevail. It is unreasonable to impose upon one Senator the obligation to represent the constitutional rights of every individual Senator and of the Senate, as well as his own interest as a party before the Supreme Court. More importantly, the Senate itself has an independent obligation to defend its constitutional rights and prerogatives, and should not stand idle while they are being determined by the individual parties in the case. Only the Senate speaking as a whole, through delegated agents, can speak with sufficient credibility and persuasion to convince the Supreme Court not to invade the independence and prerogatives of the Congress.

The adoption of a resolution authorizing the appearance of Representatives of the Senate as amicus curiae in this case is in no way a judgment on the propriety of Senator GRAVEL's actions before the Subcommittee on Buildings and Grounds. The brief would make it clear that it is the Senate's own responsibility, not the Supreme Court's or the Justice Department's, to enforce the rules and obligations of the Senate. What is involved is the power of the executive and judicial branches to intrude into a province which under the Constitution belongs exclusively to the Senate.

Ample precedents exist for the appearance of the Senate as amicus curiae in the Supreme Court. In at least four instances in the past 40 years the House of Representatives has appeared in the Supreme Court as amicus curiae.

HISTORY OF THE CASE

This case arises from a series of events originating with a meeting of the Senate Subcommittee on Public Buildings and Grounds on June 29, 1971, when the chairman of the subcommittee, Senator MIKE GRAVEL, read into the subcommittee's record "The Pentagon Papers." Subsequently, Senator GRAVEL arranged for the verbatim publication of the subcommittee's record by the Beacon Press, a nonprofit publishing division of the Unitarian Universalist Association.

DISTRICT COURT

In August of 1971, a Federal grand jury sitting in Boston, Mass., and investigating the release of "The Pentagon Papers" to the press, subpenaed Dr. Leonard Rodberg, an aide of Senator GRAVEL, and several persons associated with the Massachusetts Institute of Technology Press and the Beacon Press.

The district court permitted GRAVEL to intervene to argue that his own privilege under the "Speech or Debate" clause of article I, section 6 of the U.S. Constitution prohibits asking a Senator's personal aide about a Senator's conduct in connection with official legislative duties.

The Department of Justice argued that it could subpena Senator GRAVEL to ask how he got the documents and, therefore, it could just as well subpena the Senator's personal assistant. The Court rejected this argument and prohibited the grand jury from questioning any witness about the Senator's conduct in preparation for the subcommittee meeting. It protected Dr. Rodberg from questioning about his own conduct subsequent to his employment as the Senator's aide to the extent that such conduct was under the Senator's direction and connected with the subcommittee's meeting.

COURT OF APPEALS

Both Senator GRAVEL and the Government appealed this ruling. The court of appeals held that, for what he says or does on the floor of the Senate or before the subcommittee, a Senator is protected by the clause from the grand jury inquiry. It stated that this protection extends to written reports of committee proceedings addressed to Congress. It also determined that the "speech or debate" clause bars a grand jury inquiry into how a Senator obtained information for use in a congressional proceeding.

The court based its decision upon the purpose of the clause which, it said, was designed to protect legislators from intimidation, harassment, and embarrassment with the electorate, all of which may be achieved short of a criminal or civil judgment. However, the court held that the clause does not cover private publication after legislative speeches. It then proceeded to recognize a common law privilege which does protect Members of Congress from questioning about publication.

The court of appeals considered to which other persons, if any, the Senator's constitutional or common law immunity might extend. Concluding that it is not only "accepted practice" but indispensable for a legislator to have personal aides in whom he reposes total confidence, the court held that an aide is protected by the same immunity as the Senator and cannot be subpenaed. However, the court of appeals agreed with the district court's refusal to protect from grand jury inquiry those persons associated with the Beacon Press and the MIT Press as to their conduct, including their dealings with the Senator or his aides.

ISSUES BEFORE THE SUPREME COURT

In its petition to the Supreme Court, the Justice Department has directly challenged the decision by the Court of Appeals that immunity given to a Senator by the "Speech or Debate" clause extends to Senators' aides where those aides are acting in accordance with and under the direction of Senators. Among the issues before the Court are:

First. Does the Speech or Debate Clause bar a grand jury from questioning aides of Members of Congress and other persons about matters that involve activities of Members of Congress which are protected by Speech or Debate?

Second. Does a Member of Congress have a constitutional right not to have his aid testify before a grand jury concerning material which the Senator used in a subcommittee hearing?

Third. Does the constitutional responsibility of a Senator to inform his constituents and colleagues about the workings of Government require that his publishing an official public record of a subcommittee, of which he is chairman, be accorded protection as legislative activity under the Speech or Debate Clause?

The Court's decision is important to the Senate because—

First. A determination of what activity is protected by Speech or Debate will affect the independence and the capacity of the legislative branch to perform its constitutional duties.

Second. A decision as to what extent and under what circumstances a Senator's aides come within the protection of the clause likewise will affect the ability of individual Senators and the body as a whole to discharge its duties.

Third. Finally, and more generally, a definitive ruling on the extent to which the Constitution shields the legislative branch from accountability to the other two branches of Government in the performance of its duties will directly affect the vitality of the Constitution's provisions for separation of powers.

Mr. MANSFIELD. Mr. President, on behalf of Senator ERVIN and myself, I submit a resolution and ask unanimous consent for its immediate consideration.

Mr. SAXBE. I object.

Mr. GOLDWATER. I object.

The PRESIDING OFFICER. The resolution goes over, under the rule.

Mr. SAXBE. Mr. President, reserving the right to object, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SAXBE. Mr. President, I should explain the position——

The PRESIDING OFFICER. The Chair noted the objection was made.

Mr. SAXBE. I am explaining my objection and I believe I reserved the right.

Mr. SCOTT. Mr. President, I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. I object.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Ohio may be allowed to explain his objection.

Mr. ERVIN. I object to this time being charged.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio may proceed.

Mr. SAXBE. Mr. President, the minority is well aware of the challenges to the dignity of the Senate and its necessary immunities, having to do with the freedom of Members of this body, as set out in the Constitution and by court decision as well as by accepted practice of this body.

However, this resolution contains several items which we do not believe should be included. We do not believe that taxpayers' money should be expended for the purpose of perfecting an appeal. We also feel the intent expressed in this resolution goes beyond what would be necessary to set forth a proper brief for the Senate—and I speak specifically in regard to the actions of the Senator from Alaska for alleged misconduct—because what could be involved here would be paying for his legal expenses and possibly the tremendous printing expense which came out of the alleged misconduct.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. SAXBE. I yield.

Mr. MANSFIELD. Any funds appropriated would be used only from here on out and would not have a backward import.

Mr. SAXBE. As I recall, there is serious question involved in both cases as to who is going to pay the printing expense which is alleged to be a charge against the Committee on Public Works of the Senate.

I think our interests are somewhat different, therefore, and we do not want to enter into any kind of a brief which would clothe these questionable acts and possible results with the dignity and the immunities of the Senate.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate so we may hear the Senator from Ohio?

The PRESIDING OFFICER. The Senator will suspend while the Senate comes to order. Senators will refrain from holding conversations on the floor of the Senate.

The Senator may proceed.

Mr. SAXBE. Therefore, Mr. President, we, the minority Members, feel we can properly come in as amicus curiae in this case and present a comprehensive and unprejudiced brief, recognizing, of course, that the majority, with their votes, can make their appeal an action and expense of the entire Senate, if they so choose.

PROGRAM CONTINUED

Mr. MANSFIELD. Mr. President, when we are through with the pending business it is the intention to move to the consideration of S. 2956, a bill to make rules governing use of the Armed Forces of the United States in absence of a declaration of war by Congress. I do this, because I was requested to give 3 days notice.

ORDER OF BUSINESS

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Mr. President, I would like to know to whose time this is being charged?

Mr. MANSFIELD. This will be taken out of the time of neither side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. That applies to all of this colloquy?

Mr. MANSFIELD. Yes.

Mr. BAYH. Mr. President, will the Senator yield for one moment of explanation?

Mr. MANSFIELD. I yield.

Mr. BAYH. Mr. President, I want all to know that some of us who have been pushing for the equal rights amendment for some years now have done all we possibly can to try to see that this debate is continuous and contiguous until finally voted on up and down.

But, because of certain tactics which I think can only be called dilatory, we find ourselves in a position that is going to waste the Senate's time. So we are putting off consideration of this important amendment again until the first of next week. I regret it deeply, but I for one am determined to continue the battle until we get the vote.

I thank my colleague from Iowa for permitting me to interrupt.

DRUG ABUSE OFFICE AND TREATMENT ACT OF 1972—CONFERENCE REPORT

Mr. HUGHES. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of March 15, 1972, at pages 8471–8477.)

Mr. HUGHES. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. HUGHES. Mr. President, the bill was introduced by the Senator from Illinois (Mr. PERCY) and referred to the Committee on Government Operations with the understanding that, upon being reported by that committee, it would be referred to the Committee on Labor and Public Welfare. Thus S. 2097 as passed by the Senate in December was the product of the combined efforts of both committees.

At this point, Mr. President, I wish to express my deep appreciation for the close cooperation and support of the members of Senator MUSKIE's Subcommittee on Intergovernmental Relations, Senator RIBICOFF's Subcommittee on Executive Reorganization, and the Subcommittee on Alcoholism and Narcotics, of which I am chairman. The members of these subcommittees were in close touch throughout, as were their staffs, and I can assure the Senate that the bill before us today reflects their dedication to the battle to overcome this tragic national problem.

In essence, the bill provides a legislative foundation for the Special Action Office on Drug Abuse which is now operating under the President's Executive order of last summer. It provides for the development of a national strategy for all drug abuse programs, creates a National Institute on Drug Abuse within the National Institute of Mental Health to come into existence 6 months before the phaseout of the Special Action Office, and it authorizes substantial Federal financial assistance for drug education, treatment, and rehabilitation programs.

Mr. President, it is my earnest hope that this bill will enable the Nation to begin to meet the challenge of one of the worst epidemics ever to strike a society. I cannot emphasize too strongly that this epidemic is not receding in spite of all our efforts thus far. On the contrary, there is every reason to believe that it is still advancing. Two years ago official estimates placed the number of heroin addicts in this country at approximately 315,000. In testimony before our Subcommittee on Drug Abuse in the Military Services earlier this month, Mr. John Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, reported that a recent study now estimates the number to be at least 560,000. I was convinced that the earlier estimate was too low, and it is likely that the new figure is also too low, even though improved statistical techniques may account for a portion of the increase. There is every reason to assume that the actual number of addicted persons has risen enormously, and no one with any knowledge of the problem believes that we have even begun to win the battle.

During this past year the American people have become justifiably alarmed over the reports of widespread drug abuse among our military personnel. Heroin is cheap and readily available in Vietnam. The pressures and boredom of a miserable war in a strange and hostile environment have tempted all too many of our young men into dangerous experimentation with heroin and other drugs. This has been one of the terrible costs of our prolonged involvement in Vietnam.

Last summer the military services mounted a vigorous program for identifying and then treating drug abusers.

However, the treatment effort has not yet reached significant levels of success, and many young men are being returned to civilian life after treatment which is admittedly too brief to overcome addiction. They are carrying a highly contagious disease into communities throughout the Nation.

The Department of Defense and the Veterans' Administration must be given additional authority and resources to help these young men. But equally important, we must pass this bill in order to provide the strong policy direction and substantial financial help required to make preventive and treatment services available in every community where drug abuse problems exist. Without community-based treatment and rehabilitation services and effective coordination among all the Federal, State, and local governmental agencies concerned, the epidemic will continue to spread. This bill, if fully funded, will demonstrate the concern and the determination of the American people and their Government to end the human despair and degradation, and the social costs in poverty and crime, which are the terrible price of this national tragedy.

Mr. President, I request that there be included at this point in the Record my discussion of some of the major provisions of S. 2097, the provisions of the bill as approved by the conference committee, a table showing the Senate, House, and conference committee action on the funds authorized in the bill, the joint explanatory statement of the committee of conference, and the statements of my colleagues who were unable to be present here today but who have maintained a continuing interest and have made vital contributions to this legislation.

Mr. PERCY. Mr. President, in taking action today on the conference report accompanying S. 2097, which I introduced last June 18 in the Senate, we will have come a long way in a very short time.

The Senate approved S. 2097 on December 2 by a 92-to-0 vote. Nothing could have pleased me more, or the President, who asked that, in view of the epidemic ravages of narcotic use in this country, we in the Congress take every step possible to expedite passage of his proposal for creating a White House office to coordinate the Nation's resources in an all-out effort against the scourge of drug abuse.

The unanimous Senate vote, taken together with a House vote of 380 to 0 on February 3 of this year and yesterday's House action approving the conference report by 366 to 0 margin, confirms that there is not even a scintilla of opposition to the clear need to revamp the Federal drug effort for the purpose of controlling narcotics abuse in this Nation and assisting its victims to lead more meaningful lives outside of the oppression of addiction.

Mr. President, why we need this legislation should, by now, be abundantly clear. The Federal effort to date has gone off helter-skelter on the road to nowhere—almost as if no one cared very much where. That is clearly less the fault of the individuals involved in running the programs, whose dedication is beyond question. But the fault lies in a lack of direction. Too many programs going off every which way without clear purpose. The end result is chaos.

The current disarray of the Federal antidrug effort calls to mind an interchange between Lewis Carroll's memorable Cheshire Cat and an inquisitive Alice:

"Would you tell me please, which way I ought to go from here?"

"That depends a good deal on where you want to get to," said the Cat.

"I don't care much where—" said Alice.

"Then it doesn't matter which way you go," said the Cat.

"So long as I get somewhere," Alice added as an explanation.

"Oh, you're sure to do that," said the Cat, "if you only walk long enough."

Perhaps that is just the trouble. In the face of a perverse and snowballing epidemic resulting in 560,000 heroin addicts in this country, we have been proceeding at a snail-paced gait, and, sad to say, there is a real question in my mind whether we have even been moving in the right direction.

The Federal Government, until recently, has not organized for a concerted drive against the factors which nurture the wholesale demand for drugs that gnaws at our society. Efforts to reduce drug demand have been appended, almost as an afterthought, to programs aimed at mental illness, poverty, and crime. Accordingly, the focus of these efforts has been clouded. We have examined use factors within particularly subcultures or geographic areas, but have not addressed ourselves to the pervasive conditions in our society as a whole which give rise to what has become a nationwide demand—and for that reason a national tragedy.

For example, only residents of specific inner-city areas qualify for model cities-funded drug treatment programs; only individuals with poverty-level incomes are eligible for education and treatment programs conducted by the Office of Economic Opportunity. Middle-class communities or communities which suffer from nonopiate drug abuse problems frequently find themselves without any prospect of Federal assistance.

State and local authorities all too often are at a loss as to which Federal agency to turn to for needed help. Resources for drug control efforts are inefficiently channeled in the absence of central direction. How much of the duplicative projects of the Bureau of Narcotics and Dangerous Drugs and the National Institute of Mental Health might have been avoided? How much needed research has gone unexplored?

Finally, programs of training, rehabilitation, research, education, treatment, and prevention are commonly subordinated to primary agency mandates in terms of management direction, placement of high caliber personnel, and funding.

Establishment of one single office at the highest level of Government, responsible for coordinating the nightmare of Federal programs and approaches to the drug problem will insure that countless Federal agencies are no longer working at cross purposes—that treatment, prevention, and law enforcement efforts will be conducted in the proper balance under a comprehensive program. The genesis of this idea is to be found in President Nixon's June 17, 1971, comprehensive message on drug abuse, in which he said:

> Despite the magnitude of the problem, despite our very limited success in meeting it, and despite the common recognition of both circumstances, we nevertheless have thus far failed to develop a concerted effort to find a better solution to this increasingly grave threat. At present, there are nine Federal agencies involved in one fashion or another with the problem of drug addiction. There are anti-drug abuse efforts in Federal programs ranging from vocational rehabilitation to highway safety. In this manner our efforts have been fragmented through competing priorities, lack of communication, multiple authority, and limited and dispersed resources. The magnitude and the severity of the present threat will no longer permit this piecemeal and bureaucratically-dispersed effort at drug control. If we cannot destroy the drug menace in America, then it will surely in time destroy us.

Accordingly, S. 2097, of which I am the principal sponsor, statutorily authorizes a Special Action Office for Drug Abuse Prevention, presently directed by Dr. Jerome H. Jaffe pursuant to an Executive order, to function through June 30, 1975, to coordinate the national effort against drug abuse and to concentrate the resources of the Nation toward that purpose. The legislation also provides for the development, for the first time, of a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government. Finally, provision is made for a major commitment of new grant-in-aid funds to the States for program planning and to localities as special or emergency circumstances require.

I am particularly gratified that an issue as potentially volatile and critical as drug abuse—an issue which raises sensitive concerns involving the relationship of law enforcement to treatment for dependency—has not been sacrificed to narrow political gain in the face of the upcoming national elections. Principal supporters of the bill include Senator Harold Hughes, Senator Jacob Javits, Senator Abraham Ribicoff, Senator John McClellan, Senator Edmund Muskie, and Senator Edward Gurney. Fifty-one additional Senators from both major parties and from each end of the political spectrum have joined as cosponsors. The measure was worked out in cooperation with the Nixon administration and has the enthusiastic backing of the President.

The measure that was originally approved by the House, while differing from the Senate bill in several respects, provides an excellent basis for conference action. As such, it was a tribute to the expertise and unabated energy of Congressman Paul Rogers of Florida, chairman of the Subcommittee on Public Health and Environment of the House Interstate and Foreign Commerce Committee.

As with the respective Senate committees involved, Chairman Rogers' subcommittee held numerous days of hearings and journeyed far and wide to ascertain the extent of the drug problem and what most needs to be done to counteract it. I think it more than coincidental that in essence our analyses of the problem and the legislative formulas we have arrived at to address the problem were markedly similar.

As many Members of this body have written to me, we are all indebted to the minority counsel of the Government Operation Executive Reorganization Subcommittee, Mr. Stuart Statler, for his great technical skill, remarkable diplomacy, and tenacious determination that helped so greatly in facilitating passage of this vital legislation.

The Special Action Office will provide overall planning and policy, and establish objectives and priorities for Federal drug abuse programs and activities dealing with education, the preparation of educational materials, training, treatment, rehabilitation, and research, including such programs and activities in the Departments of Health, Education, and Welfare, Justice, Labor, Agriculture, Defense, and State, and in the Office of Economic Opportunity, the Veterans' Administration, and the Civil Service Commission.

Examples of legislation and programs that come within the policy and planning purview of the Director include—but are not limited to—the following:

(1) the Narcotic Addict Rehabilitation Act of 1966 including treatment and aftercare programs of the National Institute of Mental Health and the Bureau of Prisons of the Department of Justice;

(2) part D and part E (to the extent such parts pertain to drug abuse) of the Community Mental Health Centers Act including treatment, rehabilitation, and education projects administered by the National Institute of Mental Health;

(3) title I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 including treatment, rehabilitation, and education projects authorized by the Secretary of Health, Education, and Welfare;

(4) section 502(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, to the extent it pertains to public education programs not involving law enforcement within the Bureau of Narcotics and Dangerous Drugs of the Department of Justice;

(5) the Drug Abuse Education Act of 1970 administered by the Office of Education of the Department of Health, Education, and Welfare;

(6) section 222(a)(9) of the Economic Opportunity Act of 1964 and all other provisions of that Act, to the extent they pertain to drug abuse, including community treatment and rehabilitation projects, administered by the Office of Economic Opportunity;

(7) section 306(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968, to the extent that it pertains to drug abuse, including treatment, rehabilitation, and education projects administered by the Law Enforcement Assistance Administration of the Department of Justice;

(8) the Manpower Development and Training Act of 1962, to the extent it pertains to drug abuse, including rehabilitation projects administered by the Department of Labor;

(9) the Public Health Service Act, to the extent it pertains to drug abuse, including service, research, and training programs administered by the Department of Health, Education, and Welfare;

(10) title 38 of the United States Code, to the extent such title pertains to drug abuse, including treatment and rehabilitation services conducted by the Veterans' Administration; and

(11) grant programs authorized by the conference substitute.

With respect to all of these, and other drug abuse programs and activities, the Director may modify budget requests; review program plans and make appropriations available for their implementation; require the submission of information and reports; evaluate program performance and results; assist in the development of, and review regulations, criteria, guidelines, requirements, standards, and procedures; and make recommendations regarding changes in management, organization, personnel, and standards.

The Director may also make recommendations to the President concerning law enforcement and international aspects of Federal drug abuse programs, and he shall consult with and be consulted by all responsible Federal departments and agencies with respect to their policies, priorities, and objectives. Upon determining that the operation of any Federal drug abuse program or activity impairs the effectiveness of any other Federal drug abuse program or activity, the Director may formally notify the President of such a problem for his resolution.

In addition, by the terms of the bill, the Director will—

Develop or support the development of promising new approaches, demonstration projects, techniques, and methods for combating drug abuse through use of a special fund of $40 million yearly;

Conduct on-site management oversight reviews of agency programs and activities; in connection with SAO's funding authority responsibilities;

Consult with the Attorney General on the scheduling of drugs under the Comprehensive Drug Abuse Prevention and Control Act of 1970; other responsible officials on the classification of drugs in connection with international agreements and schedules; and the Secretary of Health, Education, and Welfare on the investigational new drug—IND—and approved new drug authority—NDA—status of drugs which may be beneficial in the treatment of drug abuse;

Advise the Civil Service Commission on policies and procedures for control and treatment of drug abuse among Federal employees—with exceptions noted in listed security areas—treating drug dependent persons the same as other persons with serious health problems; and promote employee programs in State and local governments and in private industry;

Coordinate or assure coordination of Federal drug abuse prevention functions with such functions of State and local governments;

Provide for a central clearinghouse for Federal, State, and local governments, public and private agencies, and individuals seeking drug abuse information and assistance from the Federal Government;

Provide technical assistance—including advice and consultation relating to local programs, technical and professional assistance and, where deemed necessary, use of task forces of public officials or other persons assigned to work with State and local governments—to analyze and identify State and local drug abuse problems and assist in the development of plans and programs to meet the problems so identified;

Convene conferences of State, local, and Federal officials, and other persons;

Draft and make available to State and local governments model legislation with respect to State and local drug abuse programs and activities;

Promote the promulgation of uniform criteria, procedures, and forms of grant or contract applications for drug abuse control and treatment proposals submitted by State and local governments and private organizations, institutions, and individuals;

Supervise the development and conduct of training programs relating to prevention of drug abuse, with the operation of a National Drug Abuse Training Center to be transferred to the National Institute of Mental Health prior to the termination of the Director's powers—appropriation authorizations are set at $1 million for fiscal year 1972, $3 million for fiscal year 1973, $5 million for fiscal year 1974, and $6 million for fiscal year 1975; and

Represent the U.S. Government, at the President's discretion, in drug abuse discussions and negotiations with foreign governments and before international organizations.

As noted, S. 2097, also provides for the development by a Strategy Council and promulgation by the President of an integrated, long-term national strategy for all drug abuse programs and activities of the Federal Government. Members of the Strategy Council will be the Director of the Special Action Office, the Attorney General, the Secretaries of the Departments of Health, Education, and Welfare, State, and Defense, and the Administrator for Veterans' Affairs.

The strategy is to contain an analysis of the nature, character, and extent of the drug abuse problem, including an examination of the interactions of various approaches and modalities in solving the problem. The strategy will include a comprehensive Federal plan specifying objectives, and how all available drug abuse resources, funds, programs, services, and facilities authorized under relevant Federal law should be used. It will also involve an analysis of the programs conducted, results achieved, and problems encountered by all Federal agencies involved.

The Council should prove especially helpful in areas where treatment programs impact upon programs involving the investigation and prosecution of drug offenses and the detection and suppression of illicit drug supplies. Traditionally, each of these areas has been separately dealt with and often considered the private domain of the officials responsible for carrying out congressionally mandated programs. But the time has come for the doctors to start talking to the cops. Issues of mutual interest must be mutually worked out, to the satisfaction of both, if the problem of drug abuse is to be resolved.

I anticipate, therefore, that the Council will concern itself with such critical issues as the use of agents on college campuses; the efficacy of controlled maintenance on addictive drugs in reducing crime, the importance of obtaining epidemiologic data, even at the risk of compromising arrests, relating to user and pusher patterns in copping areas; the relationship between law enforcement efforts aimed at cutting off marihuana supplies and the movement upward to hard drug usage; and whether, in the first instance, our society, through its laws, will continue to regard drug-dependent persons as criminals to be imprisoned, or as individuals suffering an illness who desperately need to be treated.

The council is authorized to engage in the planning necessary to achieve the objectives of the strategy; to require departments and agencies to submit such information and reports as any member of the council may request; and to evaluate the performance and results attained by all Federal drug abuse programs and activities.

The strategy will be reviewed, updated, and its implementation assessed by those participating in its development on an annual basis.

S. 2097 originally provided that veterans would receive treatment and rehabilitation services for drug dependency irrespective of the nature of their discharge, the service connection of their drug dependency, or of any other limitation in title 38, United States Code. Services to veterans would have included inpatient treatment, psychiatric care, counseling, vocational training, or other rehabilitative services, and the funding, setting up, or operation of residential halfway houses. Legislation dealing with this subject has passed the House, and is presently under active consideration by the Senate Veterans' Affairs Committee.

The conferees were of the unanimous and firm conviction that a provision such as was contained in the original Senate bill was imperative if we are to successfully treat the problem of drug abuse among returning veterans. Because of jurisdictional objections raised by the House Veterans' Affairs Committee, however, we very reluctantly agreed to delete this provision on the assumption that separate legislation of a comprehensive nature will shortly be taken up by the Congress. The matter is of the highest priority and Senator HUGHES has assured me and the other conferees that he will be working very closely in the days ahead with Senator CRANSTON whose bill to accomplish these same purposes, S. 2108, is awaiting committee action.

As a result of the outstanding efforts of my distinguished colleagues, Senator HAROLD HUGHES and Senator JACOB JAVITS, S. 2097 provides for a large-scale commitment of new Federal funds totaling about $800 million over 3 years to be administered by the Secretary of the Department of Health, Education, and Welfare pursuant to the policy guidelines of the Director of the Special Action Office for Drug Abuse Prevention. The program has four facets:

First. A formula grant program to aid States in planning, establishing, maintaining, coordinating, and evaluating projects for the development of drug abuse prevention and treatment programs. Appropriated funds would be allotted among the States on the basis of a formula which would take account of the State's population, financial need, and need for prevention and treatment programs. Amounts authorized to be appropriated are: $15 million for fiscal 1972; $30 million for fiscal 1973; $40 million for fiscal 1974; and $45 million for fiscal 1975.

Second. A special emphasis grant program authorizing grants to or contracts with public and private agencies, organizations, institutions, and individuals for projects of special significance. Activities might include training seminars and educational programs for employees in the private and public sectors; vocational rehabilitation counseling, education, and services for persons in treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to analyze drug problems in specific areas and propose and implement solutions to such problems; research grants to discover, develop, or improve substances or techniques for using substances in the prevention and treatment of drug abuse; and model and experimental drug abuse prevention and treatment programs. Amounts authorized to be appropriated are: $25 million for fiscal 1972; $65 million for fiscal 1973; $100 million for fiscal 1974; and $160 million for fiscal 1975.

Third. A program whereby applications for staffing grants for community mental health centers contain assurances satisfactory to the Secretary that the center will provide drug abuse treatment and rehabilitation programs where needed and will assist the Federal Government in the provision of such programs. Appropriations of $60 million for fiscal years 1973, 1974, and 1975 are authorized to enable community mental health centers to meet this requirement.

Fourth. A program providing for the establishment of drug abuse treatment and rehabilitation programs in facilities of the Public Health Service to serve persons residing in the areas served by such facilities; and providing for the use of Public Health Service facilities for drug abuse treatment and rehabilitation programs for servicemen and veterans. Appropriations of $25 million for fiscal year 1973 and $75 million for fiscal year 1974 are authorized.

Lastly, the conferees agreed that the programs above referred to should, where appropriate, be phased into a National Institute for Drug Abuse—within the National Institute of Mental Health of the Department of Health, Education, and Welfare—to be established effective January 1, 1975, or 6 months prior to the termination of the Special Action Office for Drug Abuse Prevention.

In sum, the accelerating rate of drug abuse signals an imminent threat to the Nation's health and welfare, necessitating an immediate and effective Federal response encompassing both effective law enforcement against illicit drug trafficking and effective programs to treat and rehabilitate those who become drug dependent. By providing for a comprehensive strategy and by establishing an office directly under and reporting to the President with direct responsibility for all Federal programs of drug abuse prevention and treatment, S. 2097 will go a long way toward correcting the organizational impediments to an effective approach.

Within that context, we can proceed to quarantine the parasitic dependency on hard drugs that is afflicting our cities and our suburban and rural areas, feeding upon crime, festering on individual and societal well-being, preying upon our youth, ravaging our educational and military institutions, and inflicting irreparable pain and hardship upon families and communities across the country.

The approach the President and Congress have taken through this legislation posits extradordinary authority and resources in a position to do the most good for the great number of our citizens urgently in need of it. As impossible as the task may be, we have made a landmark beginning.

I am hopeful that as a result of the priority attention the Congress and the President now place on the problem through the Drug Abuse Office and Treatment Act of 1972, we will be able to better comprehend the root causes of addiction and successfully deal with them.

Mr. President, while the Drug Abuse Office and Treatment Act of 1972 deals primarily with problems involving the treatment and rehabilitation of drug dependent persons, we should keep clearly in mind the ongoing efforts that are being made to control the problem at its source. I would, therefore, ask unanimous consent to have included in the RECORD at this point, the remarks of our very able Secretary of State William Rogers who appeared before a White House Conference on Drug Abuse, February 3, 1972. The Secretary heads the President's Cabinet Committee on International Narcotics Control created in the fall of 1971. Through the Secretary's excellent efforts, and the efforts of others serving on that committee, we have made important inroads in suppressing illicit drug production and trafficking.

I also request unanimous consent that an "International Narcotics Control Summary" prepared by the Secretary at the end of 1971 be referenced at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIPLOMATIC STRATEGY AND INTERNATIONAL SUPPLY

(Statement of Secretary of State William P. Rogers)

The rapid growth in the use of narcotics and other dangerous drugs is high on the list of world problems with an urgent need for international cooperation. In a special message to the Congress last June 17, President Nixon called for an all-out offensive against the problem of drug abuse. He proposed a full range of efforts to control the traffic and dry up the demand for drugs and narcotics at home. Moreover, recognizing that what is today a serious situation in the United States could well move into other countries unless a total battle is waged, the President appealed not only for more effective measures on the national front, but for a worldwide cooperative effort.

An effective network of controls is required for the full range of illicit drugs and narcotics, and we are working on all fronts with other governments to curtail both their supply and demand. Among the harmful substances, however, the most forceful international effort must be made to eliminate illicit opium, the source of the most damaging drug of all—heroin.

Heroin is processed from morphine base which has been converted from opium gum or produced from poppy straw. It has no legal or medical use in the United States, but is sold here only for drug abuse. Despite our best efforts to stop the illicit traffic and to reduce the demand, heroin has become increasingly available and the demand has spread to new segments of our population. Five years ago, there were probably less than 60,000 heroin addicts in the United States. Today, there are more than 300,000, and the number is increasing.

As an international goal, our government desires an end to all opium production and the growing of poppies. The development of effective substitutes for the opium derivatives, particularly codeine, now used for medical purposes would eliminate any valid reason for opium production. In the interim, because there are still indispensable medical uses for opium, and because production of the opium needed for medical purposes is a legitimate source of income in some countries, we are pressing ahead with programs to develop synthetic substitutes for opium derivatives, to assist countries in their efforts to end illicit production, processing and trafficking, and to make national and international controls more effective.

Before commenting on some of the recent efforts to curb the problem, I should like to deal briefly with the scope and the nature of world opium markets and supplies.

The total number of users and addicts consuming the world's illicit supply of opium and its derivatives is estimated at more than two million persons. The largest single grouping of users consists of overseas Chinese in the Far East and Southeast Asia. Burma, Laos, and Thailand together account for three-quarters of a million, with Burma having the highest share. There are also large populations of opium users in Iran, India, Afghanistan, and Hong Kong.

Most of these users consume opium in its raw form either by smoking or eating. From Iran through India, eating is generally the main form of use, whereas in the Far East and Southeast Asia, smoking is more common. The highly-concentrated No. 4 heroin used by U.S. troops in South Viet-Nam is smoked, whereas the low-heroin-content mixture in the United States is taken primarily by injection.

The problem of heroin addiction is by no means confined to the United States. A major heroin population of some 50,000 exists in Iran, and the number of heroin addicts in Western Europe may be as high as 100,000. Addiction to heroin also accounts for an increasing part of the opium consumed in Thailand, Hong Kong, and other countries in Southeast Asia, including Viet-Nam where the inroads made by heroin among U.S. troops are beginning to extend to the native population.

MAJOR OPIUM PRODUCING AREAS OF THE WORLD

World production of opium is estimated at about 2,700 tons. As shown on the map, the principal opium poppy cultivation and opium-producing areas, looking from west to east, are Turkey, Iran, the USSR, the Afghanistan-Pakistan border area, India, and the so-called Golden Triangle area in the northern reaches of Burma, Thailand and Laos.

Roughly one-half of total opium production serves legitimate medical needs and is under national and international controls. The bulk of this is produced in India, the Soviet Union and Turkey.

The other half of production—about 1,400 tons—is illicit. It originates mainly in the Golden Triangle area of Burma, Thailand, and Laos and the Afghanistan-Pakistan border area.

MOVEMENT OF OPIUM AND MORPHINE BASE FROM TURKEY TO EUROPE

Raw materials for most of the heroin entering the United States in recent years has originated in the opium poppy fields of Turkey. Diverted from otherwise legal production the opium is purchased from Turkish farmers by opium traffickers who convert it into its concentrated morphine base powder form. The conversion ratio of opium to morphine base is ten-to-one. The morphine base is then resold to Turkish exporters who serve as the central connection between the suppliers of the raw materials and importers and processors in France and elsewhere in Europe.

As indicated on the map, the illicit trade moves both by land and sea. Overland transport by cars and trucks through Bulgaria, Greece and Yugoslavia appears to be the dominant means of smuggling. Transport through the Mediterranean, the leading method of moving narcotics into France a decade ago, has become secondary in importance.

HEROIN ROUTES IN THE UNITED STATES

Following the conversion of the morphine base to heroin in clandestine laboratories in France, principally in the Marseilles area, shipments are prepared for delivery to European and North American markets. As the map shows, heroin moves into the United States from all sides. In addition to the traditional east coast and Canadian entry points, heroin is entering our market in increasing volume from Europe through Latin American transfer points.

SOUTHEAST ASIA ILLICIT TRAFFIC IN OPIUM AND OPIATES

A small portion of the U.S. market is supplied from the Far East, but the lion's share of the production of opium and opiates in that area is consumed locally. As the map indicates, supplies move out of the Golden Triangle area to such destinations as Bangkok, Vientiane, Saigon, Macao, Singapore, and Hong Kong.

The most heartening news in the battle against drug abuse in 1971 was the decision announced on June 30 by Turkey to ban the production of opium following the harvesting of the 1971–72 crop. For hundreds of years, thousands of Turkish families have raised the opium poppy as a legitimate cash crop and for its edible oil and seed. Unlike most opium-producing countries, Turkey does not have an addiction problem. Moreover, prior to the ban, the Turkish farmer had little, if any, knowledge of his part in the spread of an addiction epidemic in the United States or elsewhere. A strict opium licensing and control law has been passed in Turkey to enforce the ban. In response to the Turkish decision, the United States Government has assured Turkey of financial assistance to offset foreign exchange losses from legitimate exports of opium gum and poppy products and to help establish development activities in the affected areas.

The agreement with Turkey is particularly significant in that it will remove a major source of opium for heroin marketed in the United States. We are now focusing on plans to cooperate with the governments of countries in Southeast Asia where there is substantial illegal or uncontrolled production of opium. That is the area to which the illegal traffickers will turn increasingly as existing sources of supply in the Middle East are closed to them.

Two major advances can already be cited. On September 28, 1971, the United States and Thailand signed a Memorandum of Understanding by which the two countries pledged mutual action against the supply and trafficking of illicit narcotics and dangerous drugs. Laos has put into effect a law prohibiting the growing, processing, trading and use of opium and the opiates. These actions will form the basis for cooperative efforts between the two countries and the United States to combat the drug traffic in Southeast Asia and reduce the flow of heroin.

Elsewhere, the U.S. Government has been working on a day-to-day basis against the illicit drug traffic and the supplies that feed it. Cooperation has been most close in border controls with Canada and Mexico. An agreement signed with France one year ago provided for French narcotics agents to be stationed in the United States and U.S. agents in France. Recent substantial heroin seizures are evidence of the close cooperation between the French and U.S. enforcement agencies.

Last September the President established the Cabinet Committee on International Narcotics Control to coordinate the policies of all U.S. Government agencies. One of the major projects of the Committee is to develop Narcotics Control Action Plans for more than 50 countries considered to have a current or potential involvement in the production, processing, or transmitting of illicit hard drugs, with the focus being on heroin and cocaine. The program will provide a systematic world-wide approach to our battle against drug abuse. Combined with our efforts for drug control in the United Nations and other international organizations, I feel confident that 1972 will bring further progress toward curbing the illicit flow of narcotics and dangerous drugs into the United States.

INTERNATIONAL NARCOTICS CONTROL SUMMARY

COORDINATION OF U.S. INTERNATIONAL EFFORTS

On September 7, 1971, the President announced the creation of a Cabinet Committee for International Narcotics Control. This Committee is chaired by the Secretary of State. Its other members include the Secretaries of Defense, Agriculture, the Treasury, the Director of the CIA, the Attorney General, and the U.S. Ambassador to the United Nations. The Committee has the responsibility for coordinating and supervising all U.S. Government efforts to interdict the flow of narcotics into the United States.

On August 2, 1971, Nelson Gross joined the staff of the Department of State as Senior Adviser to the Secretary and Coordinator for International Narcotics Matters.

The regional and functional bureaus in the Department of State have appointed drug control coordinators. Interagency narcotics control committees, including representatives of State, Defense, Treasury, AID, BNDD, CIA, and USIA, have been established in all of the regional bureaus of the State Department (e.g., Bureau of European Affairs, Bureau of East Asian and Pacific Affairs, etc.) for the purpose of developing an integrated approach to narcotics control in each geographic area.

Narcotics Control Coordinators have been appointed in all U.S. Embassies in countries affected by the narcotics problem either as producing countries or transit countries.

Throughout the world American Ambassadors have been discussing more effective narcotics control with foreign governments as a matter of the highest priority in our foreign relations. Chiefs of Mission in the countries of East Asia, the principal area of illicit opium production, have met in Bangkok, Thailand with Washington officials to discuss a regional strategy. Chiefs of Mission in the countries of Europe, the principal area of processing and trafficking for the U.S. market, have held discussions for a similar purpose in Paris. Narcotics control action plans are being prepared for those countries considered to have a current or potential involvement in the production, processing, consumption, or transiting of illicit hard drugs. This project focuses on world supplies, trafficking, and smuggling of heroin and cocaine destined for the U.S. market or U.S. personnel abroad.

INTENSIFIED LAW ENFORCEMENT

Intensified Customs examination of passengers, baggage, and cargo entering the United States has resulted in increased seizures of illicit drugs entering the country.

In a two-year period the quantities and the number of narcotic and seizures by the U.S. Bureau of Customs has more than doubled. Seizures of hard drugs in FY 1971 totaled over 12000 pounds, far in excess of the amount seized in the preceding seven-year period.

Preliminary figures for heroin seized in the first nine months of 1971 show more than 1000 pounds compared to 26 pounds seized in the comparable period in calendar 1970. Customs seizures of marihuana increased substantially from 48,000 pounds to 113,000 pounds, while seizures of hashish in fiscal year 1971 totalled more than 3000 pounds, nearly twice the amount seized the preceding year. Over 10 million 5-grain units of dangerous drugs such as amphetamines and barbiturates were seized during FY 1971; though the number of units seized was slightly less than in FY 1970, the number of seizures increased from 1080 to 1553.

The Bureau of Narcotics and Dangerous Drugs (BNDD) has established a new enforcement officer career field. A total of 140 "compliance inspectors" are being hired. They will specialize in curbing the illicit diversion of legitimate drugs.

BNDD is increasing its overseas special agent force to 123 men, more than double the previous strength. The Bureau is opening 21 new overseas offices, bringing its offices abroad to a total of 46.

In August 1971 the Internal Revenue Service of the Treasury Department began to conduct systematic tax investigations of middle and upper echelon narcotics traffickers, smugglers, and financiers. This nationally coordinated effort is designed to disrupt the narcotics distribution system by intensive investigations of those key figures and to reduce drastically the profits derived from the illicit trade in narcotics.

The staff of the Customs Bureau has been increased from 9,200 in 1968 to 14,000 in 1971 in order to enhance the Bureau's capacity to deal with the smuggling of narcotics into the United States. The number of special agents has more than tripled during this period from 300 to 1000. The Bureau has the world's most modern electronic intelligence system and its own fleet of aircraft, boats, helicopters and specially equipped vehicles for interdiction activities.

The Bureau of Customs has developed and is about to implement an intensive enforcement program to interdict smuggling of narcotics by aircraft. This will be accomplished by high-speed aircraft equipped with sophisticated sensor devices and supported by tactical ground operations.

The State Department continued to warn American citizens travelling abroad of the severity of foreign narcotics laws and the inability of American consular officials to aid Americans charged with the possession or smuggling of narcotics. A flyer warning travelers against drug violations abroad was released in June 1970 and revised in April 1971. To date over a million copies have been distributed to travel agencies (all 7000 members of the American Society of Travel Agents), U.S. passport offices, nongovernmental organizations, periodicals with particular interest in youth, and others.

COOPERATION WITH FOREIGN LAW ENFORCEMENT AGENCIES

In September 1971 BNDD together with the narcotic control agencies of France and Canada sponsored in Washington a two-week seminar of top ranking police officials from 13 foreign countries. Participants discussed all aspects of the international drug traffic and the means of combating it.

BNDD will conduct schools for law enforcement organizations in Europe, the Far East and the Caribbean.

Under the auspices of the Office of Public Safety of AID, public safety officers from 26 countries met in Washington, October 11–19, 1971, for extensive briefings and discussions on all aspects of the international narcotics problem.

The Franco-American Intergovernmental Committee on Drug Control meets periodically to coordinate efforts to curb drug trafficking. Since November 1970 representatives of the Royal Canadian Mounted Police have participated in the work of the Committee.

BNDD Director John E. Ingersoll has made official visits to Southeast Asia, Europe, the Middle East, Canada, Mexico and Central and South America to confer with government officials on closer cooperation in narcotics controls.

In June 1971 the Customs Cooperation Council, an international organization composed of 66 member countries, adopted a recommendation on the spontaneous exchange of information concerning illicit traffic in narcotics drugs and psychotropic substances. U.S. Customs representatives participated in its development and, as a member of the Council, the U.S. has adopted the recommendation.

The U.S. Commissioner of Customs Myles J. Ambrose has met with the heads and senior officers of European customs administrations as well as Canadian and Mexican officials in a continuing program of customs-to-customs liaison on narcotics enforcement.

INTERNATIONAL AGREEMENTS AND FOREIGN INITIATIVES

At its 24th Session held in Geneva, Switzerland, between September 28 and October 22, 1971 the United Nations Commission on Narcotic Drugs considered amendments to the Single Convention on Narcotic Drugs proposed by the U.S. and other countries in preparation for the plenipotentiary conference scheduled for March 1972. The amendments are designed to bring about better control of production and distribution of opium and reinforce the powers of the International Narcotics Control Board. The State Department has mounted a worldwide diplomatic effort to gain support for the amendments.

On June 29, 1971, President Nixon sent the Convention on Psychotropic Substances to the Senate for advice and consent to ratification. The U.S. joined with over 70 countries in negotiating this treaty to bring under international control these dangerous drugs which include amphetamines, barbiturates, hallucinogens like LSD, and tranquillizers.

The UN Expanded Plan for Drug Abuse Control has begun operation with the negotiation of projects under a comprehensive program with Thailand. The voluntary UN Fund to finance the Plan has received in addition to the initial U.S. contribution, pledges of substantial sums from Canada, the Federal Republic of Germany and France.

On September 28, 1971, the United States and Thailand signed a Memorandum of Understanding pledging a mutual effort to control and eliminate the flow of narcotics from and through Thailand. Specific programs for the implementation of the agreement are now being negotiated, with a planning group already formed and operating.

The Turkish Government has pledged to eliminate all opium cultivation at the end of the 1971–2 crop year and has passed a strict licensing law to control the production of opium during the fiscal year. A Government decree bans the growing of opium poppies after June 30, 1972.

In connection with the conclusion of the Turkish agreement, President Nixon on September 28 directed then Secretary of Agriculture Hardin to lead a highl-level team of experts on a mission to advise the Turkish Government on the agricultural development of the Western Anatolia region, the country's primary poppy growing area. The team discussed improved techniques, alternative crops, the development of agro-industries, etc. The Hardin mission was a follow-up to the President's pledge of June 30 to put this country's best brains at the disposal of Turkey.

On September 23, 1971, the Government of Laos promulgated a law banning the manufacture, trading and transportation of opium and its derivatives including heroin. The law provides a basis for U.S. cooperation with the Laotian Government in combatting the international drug traffic. In a further move against the illicit traffic the Government of Laos recently issued a decree, directing that the importation and distribution of acetic anhydride be strictly controlled in order to prevent its illegal use as a key ingredient in the production of heroin.

On August 6, 1971, French President Pompidou proposed to the other five members of the European Economic Community and to the United Kingdom that they meet to consider ways in which they could strengthen their national efforts to combat narcotics trafficking and to deal with other major aspects of the narcotics addiction problem. On October 4, 1971, President Nixon sent a letter to President Pompidou congratulating him on this initiative.

In September and October, 1971 Nelson Gross, Senior Adviser on International Narcotics Matters to the Secretary of State, visited a number of countries in Europe and Southeast Asia to confer with local government officials on cooperative efforts to combat the international narcotics traffic. In November, Mr. Gross addressed a meeting of the NATO Committee on the Challenges of Modern Society on the international character of the drug problem. From November 22–25, 1971 the Australian Government sponsored in Canberra a conference of Southeast Asian countries for the purpose of improving narcotics control on a regional basis. The U.S. and U.N. were represented by observers.

President Thieu of the Republic of Viet-Nam has submitted a tough anti-narcotics law to the Lower House of the Vietnamese Legislature. In connection with its crackdown on narcotics, the Government of Viet-Nam, assisted by Thai authorities, seized some 50 kilograms of heroin in Saigon and arrested 20 heroin traffickers.

On August 11, 1971, the Deputy Attorney General of Mexico reported on the results of the Mexican Government's anti-narcotics campaign since Operation Cooperation begin in 1969. His announcement showed that 10,356 fields of opium poppy had been destroyed; 700 pounds of seed had been captured; 176 pounds of crude opium, 116 pounds of heroin, and 319 pounds of cocaine had been seized; and 2,468 fields of marijuana burned.

On October 12, 1971, U.S. Deputy Attorney General Richard G. Kleindienst conferred with his Canadian and Mexican counterparts in Mexico City to discuss the international narcotics traffic as it affects the three countries.

Mr. JAVITS. Mr. President, the approval today of the conference report on S. 2097 finalizes landmark legislation which at last establishes a firm national commitment to attack drug abuse. In this bill Congress has authorized—in addition to existing programs—appropriations of more than $1 billion for a comprehensive effort against the drug abuse and narcotic addiction which so threatens New York City and the Nation.

Of particular significance to the State

of New York, and one of the soundest investments in this bill is the retention of a provision in the original Senate bill, which resulted from a joint effort by me and Senator HUGHES, authorizing $350 million in new funds to launch drug abuse prevention and treatment programs.

This provision will make available—without categorical designation—desperately needed money for training and rehabilitation programs, vocational services, treatment programs within State and local criminal justice systems, multidisciplinary programs to determine and treat drug abuse, and research for improved drug maintenance programs.

New York has the unfortunate distinction of having more than half of the Nation's 560,000 addicts, the most recent approximation by the Department of Justice of the true number of addicts. The authorization—if implemented by full appropriations—could mean $175 million of badly needed new drug abuse treatment, rehabilitation, and prevention money for New York under this provision, if the number of addicts is any measure of Federal funding priorities.

I will fight for no less than that additional level of funding for New York under the new special emphasis grants provision in the bill. New York State and city have already launched several creative and innovative programs contemplated by this provision, including methadone maintenance programs now serving almost 10,000 addicts.

Other significant new avenues of funding provided by this legislation for which New York will be eligible and should have the highest priority include total authorizations of $120 million in the Director's Special Fund for exceptionally effective programs; $75 million in research for nonaddictive narcotic antagonists and detoxification agents; $180 million for drug-abuse treatment programs within community mental health centers; and $130 million in formula grants to States for planning, evaluation, and operation of programs.

Mr. President, in my judgment, this legislation—originally proposed by the President—has the potential to catalyze substantial resources and new leadership to the Federal role in what has been referred to as "the critical domestic crisis of our times."

Our Federal programs in this area have not in the past measured up to our hopes and expectations. We have seen the drug problem grow steadily worse.

This disturbing reality is reflected in narcotics-related crime rates, in the lack of hope among the economically disadvantaged, in the changing value patterns among our youth, and in the disillusionment of our servicemen.

We must at long last have a significantly higher level of success on the treatment and prevention side of this problem.

Likewise, all of the moral and political resources of our Nation must now be directed toward the elimination of illegal narcotics traffic—in the international community, in the military services, and in the streets and schools of communities across America.

This bill gives to Dr. Jerome H. Jaffe, the Director of the new Special Action Office on Drug Abuse Prevention, the mandate and the authority to pull together the Federal effort in the area of drug abuse, to give it new direction, to sharpen its goals and to establish badly needed standards of performance.

Dr. Jaffe will play an active role in establishing budget levels and program priorities. He will also monitor agency performance to find and correct failures, weakness, and delays in policy implementation. He will perform a critical role in reconciling policy differences between Federal agencies.

Dr. Jaffe is well qualified for this responsibility. He pioneered innovative techniques in the planning and programing of a comprehensive, treatment, and rehabilitation effort in the State of Illinois, successfully combining a variety of treatment methods—including methadone maintenance and drug free therapeutic treatment approaches.

I have every confidence that he will do an extraordinary difficult job with great distinction and effectiveness.

The conferees retained a provision in the Senate bill requiring the development of a long-term comprehensive national strategy encompassing all Federal drug abuse programs and activities. This adds an important new dimension to the Federal approach to drug abuse.

The interaction of various approaches—including treatment, prevention education, and law enforcement—will, for the first time, be coordinated at the highest level in the executive branch.

The Director will be fully informed of drug traffic and law enforcement activities, while officials on the law enforcement side will fully be apprised of "demand side" program activities. A critical interface will be developed between policymakers in areas enabling more consistent and coordinated policy execution.

I call the attention of the Senate to a provision in the conference report which was changed somewhat from a similar provision in the Senate bill. The Director is authorized to promote directly research to create, develop, and test nonaddictive, synthetic analgesics to replace opium, long lasting nonaddictive blocking or antagonistic drugs and detoxification agents, for heroin.

There are authorized to be appropriated a total of $75 million over the next 3 fiscal years. I believe that this is one of the singularly important research areas which must and will be energetically pursued by Dr. Jaffe.

Mr. President, we have today in the States and localities throughout our country a wide variety of programs which feature education, prevention, treatment, rehabilitation, and law enforcement in varying combinations. The recordkeeping in many of these programs is minimal, seriously impairing statistical characterization and evaluation. Evaluation data to document the relative costs of various costs are limited.

With funds and policy guidelines now coming from nine different Federal agencies, State and local government agencies and private groups it has been almost impossible for us to get an accurate measurement—particularly in New York—as to how well or how poorly different treatment approaches and individual programs have worked.

We really have no informed basis for determining how well our resources have been allocated at the local level. There are many critically important questions that I hope that Dr. Jaffe will be able to answer in the months ahead:

What is the nature and level of funding among specific program activities?

What data do such programs have available on addict response; for example, retention rate, employment rate, and arrest rate?

Who provides funds and on what basis?

How well are individual Federal agencies performing?

What services are provided by individual programs, in what combination, and at what cost per unit?

How well do different organizations plan, receive, disburse, manage, and control resources?

To what extent do effective, comprehensive treatment, prevention, education, and detoxification programs exist in corrections facilities, schools, and public agencies at the local level?

Is drug abuse primarily viewed as a criminal or a health problem?

What are the requirements for program analysis and evaluation?

Are there clearly defined measures of program performance?

To what extent do ancillary and supportive services exist in methadone maintenance programs now in operation?

Is it possible to develop criteria as to why persons become drug users and which treatment modalities or combination of modalities might be successful with different personalities?

Mr. President, as ranking minority member of both the Executive Reorganization Subcommittee and of the Labor and Public Welfare Committee, I say S. 2097 as a whole is a major and vital landmark to fight the American drug abuse crisis. There are several provisions in the bill which were the product of a joint effort by me and the distinguished Senator from Iowa (Mr. HUGHES) that I would like to comment upon.

SERVICES TO THE ADDICTED VIETNAM VETERANS

I am not convinced that the present VA drug treatment programs are effective or doing enough within their authority to furnish health care. In too many instances, care is not forthcoming because many, insensitive to the plague of addiction, erroneously believe it to be the product of the moral disability or social inferiority of the individual seeking treatment, and therefore think that punishment and not treatment is required.

The city and State of New York continue to struggle with the problem of aiding the 10,000 addicted veterans in New York City, but so far it has been a losing effort.

I am advised that 3,500 veterans are being served by local drug-free and methadone maintenance programs, and only 346 veterans are in treatment in the three VA hospitals as of January 20, 1972. To overcome this sad deficit, I believe the Federal Government must pledge itself, through the VA to a substantial commitment. The VA should contract to purchase services from State and community institutions with expertise in drug rehabilitation. These institutions constitute a reservoir of valuable experience in dealing with narcotics abuse and could prove to be of great benefit to the VA's own efforts to deal with the narcotics problem.

Although the conference report deleted provisions relating to treatment and rehabilitation for drug abusing veterans, the joint explanatory statement of the Committee of Conference states:

> The removal of this section of the bill by the conferees is based upon their assumption that separate legislation will be promptly enacted dealing with the problem of treatment and rehabilitation for veterans, and is done because of jurisdictional objections raised by the Veterans' Affairs Committee of the House. The conferees wish to stress, however, their unanimous firm conviction that dealing with the problem of drug abuse among returning veterans is a matter of the utmost urgency and should be accorded the highest priority by the Congress.

In addition, the conference substitute retains the Senate provision which provides that the Director (Dr. Jaffe) shall coordinate all drug abuse programs and activities which includes the Administrator of Veterans' Affairs relating to drug abuse prevention functions.

Although the conference substitute did not limit the authority of the Administrator of Veterans' Affairs with respect to furnishing health care, it specifically excludes drug abuse provision functions as a facet of health care, and thereby put the drug abuse prevention functions in the Director.

FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS FORMULA GRANTS

In recognition that drug abuse is a national problem which does not recognize regional boundaries, the Senate bill established a formula grant program for assisting States in planning, establishing, maintaining, coordinating, and evaluating projects to deal with drug abuse. Authorizations for appropriation are $15,000,000 for fiscal 1972, $30,000,000 for fiscal 1973, $40,000,000 for fiscal 1974, $45,000,000 for fiscal 1975. A total of $130,000,000.

The urgent need in this regard, I am pleased to point out, is seen in the fact that the conference agreement is the same as the Senate bill with Senate authorization levels, except that the appropriation authorizations for fiscal 1976 are deleted, and the minimum allotment to the States contained in the Senate bill is set at $100,000 with provision for reduction if appropriations are below authorizations.

The formula grant program established in the legislation will make it possible for the States to stimulate programs and share in Federal financial assistance. The program provides for allotments among the States of the funds appropriated on the basis of relative population, financial need, and need for programs of education, training, treatment, and rehabilitation re drug abuse.

It is important to understand that in the Senate Report 92–509, it was specifically stated that:

> The Committee considers that each of these factors should be weighed equally and that the last factor—the need for the various programs—is different from the first—population. While it recognizes that population may be the best measure of the need factor at the present time, it feels that over a period of time data received from the States under administrative guidelines established by the Secretary should yield a better and workable method for measuring the need factor in the formula.

SPECIAL EMPHASIS GRANTS AND CONTRACTS

The Senate provision which funded programs that would enable the carrying out of drug abuse prevention programs of special significance was retained. The program will provide funds for such activities—many of which New York has undertaken—as training seminars and educational programs for employees in the private and public sectors; vocational rehabilitation counseling, education and services for persons in treatment and rehabilitation programs; treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to determine causes of drug abuse in specific areas and prescribe and implement methods for dealing with the drug problems in such areas; research grants for improved drug maintenance techniques; and drug abuse prevention and treatment programs.

I believe the formula grants to States and retention of the Senate special emphasis grant program will mean we can now make a national commitment that will mobilize all of America's resources, brain power and dollar power.

In addition to the $528 million authorized under other provisions in the legislation, there is $130 million available in formula grants and $350 million for these innovative special emphasis drug programs. This commitment under the leadership of Dr. Jaffe hopefully will mobilize all of our resources in a unified program to control this national scourge.

Mr. **HUGHES**. Mr. President, I ask unanimous consent that a statement which would have been given by the Senator from Connecticut (Mr. Ribicoff) be placed in the Record.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Statement by Senator Ribicoff

> I join with the other conferees in urging Senate approval of S. 2097. This bill has traveled a long road. As introduced last June it was deficient in several respects. The scope of the proposed White House office was too narrow and the powers granted it were too broad. There was no provision for a national strategy to control drug abuse and no funds were authorized to strengthen State and local drug treatment programs.
>
> These deficiencies have been corrected by the Congress, and as a result the bill is greatly improved. It now provides an effective response to the national need for better programs to curb drug abuse. The scope and powers of the Special Action Office have been adjusted to fit its purpose. A national strategy will be promulgated within a year and nearly $500 million has been authorized for grant programs to State and local governments.
>
> Mr. President, this is a good bill. Congress has provided the Executive with the authority and funds needed to begin a national effort to halt drug abuse and treat its unfortunate victims. But the success of this legislation will be determined by those who implement it—Dr. Jerome Jaffe, Director-designate of the Special Action Office and officials in HEW, DOD, the VA and other agencies concerned with drug abuse problems. It is their responsibility to carry out these programs in the manner Congress intended. To assure that they do, we should monitor their actions closely.
>
> Mr. President, prevention and treatment of drug abuse is one of the most urgent problems on our national agenda. This legislation is a constructive step toward solving it. I urge approval of the conference report.

Mr. **MANSFIELD**. Mr. President, if the Senator from Iowa will yield, I wish to express my gratitude to the Senator from Iowa, who has been a leader in the fight to bring about legislation which would correct the drug situation which has developed in this country, and also to express my gratitude to him for the efforts he has made in meeting the problems of alcoholism, which is in effect a disease.

Mr. **HUGHES**. I thank the Senator.

Mr. President, I ask unanimous consent that there be included in the Record a discussion of the major provisions of S. 2097, a table showing the fund difference and the conference action on S. 2097, and a joint explanatory statement of the committee of conference.

There being no objection, the material was ordered to be printed in the Record, as follows:

Discussion of Major Provisions of S. 2097

> The first three titles of the bill were reported by the Government Operations Committee. They express the findings of the Congress with respect to the Nation's very severe drug abuse problem, establish the Special Action Office for Drug Abuse Prevention in the Executive Office of the President, set forth the powers and duties of the Office, and provide for the development of a comprehensive, coordinated, long-term Federal strategy for all drug abuse programs and activities.
>
> In defining the functions of the Special Action Office, the bill classifies governmental drug activities as "drug abuse prevention functions" and "drug traffic prevention functions." Drug abuse prevention means any program or activity relating to drug abuse education, training, treatment, rehabilitation, or research, and it includes these activities even when performed by an agency whose primary mission with respect to drug abuse is in the field of drug traffic prevention. For example, the Department of Justice is engaged in controlling the drug traffic, but it also makes funds available for drug abuse education through the Law Enforcement Assistance Act, and for treatment through the Narcotics Addict Rehabilitation Act. These are drug abuse prevention functions as defined in this bill, and they are thus under the policy direction of the Special Action Office.
>
> Although the Director of the Special Action Office will have far-reaching authority over the planning, coordination, and evaluation of all drug abuse prevention functions throughout the Federal Government, his jurisdiction is not unlimited. The conferees have affirmed their understanding that the Special Action Office must concentrate on its role in over-all direction and not dissipate its energies and resources by intervening in the routine daily operation of programs. Moreover, the bill specifically asserts that the Director is not permitted to interfere with the authority of the Department of Defense or the Veterans' Administration with respect to their primary missions, even though he will have policy-making authority over their drug abuse prevention programs.
>
> A further important responsibility of the Director will be to maintain communica-

tions with Federal agencies performing drug traffic prevention functions. In the past there have been inadequate communication and coordination, with the result that drug treatment and rehabilitation agencies and law enforcement agencies seemed at times to be working at cross-purposes. This bill seeks to eliminate such friction without in any way interfering with the law enforcement responsibilities of these agencies.

The bill establishes a National Drug Abuse Training Center to be operated under the supervision of the Director of the Special Action Office. The Center will provide a wide range of training and education programs for Federal, State, and local governmental personnel, education and health professionals, and others working in the fields of drug abuse prevention, treatment, and rehabilitation. By December 31, 1974, when the National Institute on Drug Abuse, also provided in this bill, comes into existence, responsibility for operating the Center will be transferred to the Institute.

In deciding on provisions relating to employees of the Federal Government, the conferees agreed on language which is nearly identical to that contained in the Alcohol and Alcohol Abuse Prevention and Treatment Act of 1970. That Act has helped to create a far more enlightened official attitude toward the problem of alcoholism among Federal employees. By treating alcoholism as a disease and providing prompt and effective help to its victims, the Federal Government is not only acting sensibly and humanely, it is saving many dollars invested in the training and experience of its employees. Although serious drug abuse is far less common than alcohol abuse among Federal employees, it does exist, and this bill expresses the intention that a similarly enlightened policy be adopted.

At the request of the Postal Service, which pointed out that under the Postal Reorganization Act the Civil Service Commission no longer exercises personnel policy authority over postal employees, the conferees agreed to exempt employees of the Postal Service from the requirements of the bill. However, the Postal Service has assured the Congress that it will cooperate fully with the Special Action Office and that it will establish policies and programs modeled on those of Federal departments and agencies.

I am aware that this exclusion is a disappointment to several of the postal employee organizations, and I assure them that our Subcommittee on Alcoholism and Narcotics will be closely observing the progress of the Postal Service in carrying out its commitment to the Congress. The Postal Service has developed an excellent alcoholism program, and I am hopeful that it will do as well with the problem of drug addiction.

The bill does not, of course, require the retention of any employee who cannot function properly in his job. At the same time, it states that no person may be denied or deprived of Federal employment solely on the ground of prior drug abuse. This prohibition does not apply to the intelligence and national security agencies or to positions designated as sensitive by the heads of other departments and agencies. However, with respect to such collateral rights as medical treatment and retirement benefits, employees dismissed from any department or agency are to be treated like all others dismissed or retired because of medical disabilities.

The Senate bill had provided that the Veterans' Administration would furnish comprehensive treatment and rehabilitation services to veterans with drug abuse problems regardless of the character of their discharge from military service. The House conferees strongly objected to this provision on the ground that it created acute jurisdictional problems between committees of the House. Consequently, the Senate conferees agreed to delete the provision and at the same time they expressed their intention to give prompt consideration to legislation for the same purpose which is now before the Senate Committee on Veterans Affairs. There was no disagreement among the conferees on the urgency of the need for effective treatment for all returning veterans who have become the victims of drug dependence of addiction.

S. 2097 greatly expands the role of the Department of Health, Education, and Welfare in support of drug abuse education, treatment, and rehabilitation programs. Through the National Institute of Mental Health, the Department will administer the state formula grants and the very substantial special grant and contract funds authorized in the bill. By December 31, 1974, six months before the expiration of the Special Action Office, there will be created within the National Institute of Mental Health a National Institute on Drug Abuse. At that time the new Institute will assume responsibility for the administration of all drug abuse prevention programs and functions assigned to the Secretary of Health, Education, and Welfare.

Since the Senate had on two prior occasions and again in S. 2097 approved the immediate creation of a National Institute on Drug Abuse, I regretted the necessity of the compromise calling for postponement. However, in view of the continued opposition of the Administration and the substantial opposition in the House, I am gratified that we have finally won agreement that the Institute on Drug Abuse will be established. I am convinced, as I have been for the past two years, that we must have this separate Institute that will concentrate solely on the problem of drug abuse. It will carry out the research, training, grant administration, and program evaluation which will in my opinion be needed for many more years.

In conclusion, I wish to express my strong conviction that one of the most important provisions of the bill is the section requiring that in all drug abuse prevention programs receiving Federal financial support under this Act or any Act amended by this Act, the records of patients must be held in strictest possible confidence.

We know from experience that the drug abuser or addict is likely to be youthful, often socially alienated, and, since his habit has brought him into conflict with the law, reluctant to identify himself to any governmentally sponsored or financed agency. These barriers to the individual who needs and desires treatment must be reduced to a minimum if the fight against drug abuse is to succeed.

I believe that the provision on confidentiality of patients' records strikes the best possible balance between protection of the individual and protection of public and governmental interests. Disclosure is permitted only for the reasons and under the conditions specified. It is especially important to note that court-ordered disclosure is allowed only after a showing of good cause, and the courts are instructed to weigh very carefully the public interest and need for disclosure against injury to the patient, to the physician-patient relationship, and to treatment services. Moreover, when disclosure is ordered, the courts are also directed to limit its extent and to protect against any unauthorized disclosure.

FUND DIFFERENCE AND CONFERENCE ACTION ON S. 2097

[In millions]

	Senate					House			Conference			
	1972	1973	1974	1975	1976	1972	1973	1974	1972	1973	1974	1975
Pharmacological research			(1)				$20	$25		$20	$25	$30
National Drug Abuse Training Center			(2)			$2	3	5	$1	3	5	6
Special Action Office—Operating funds	$5	$10	$12	$15		5	10	10	5	10	11	12
Special Action Office—Special fund	40	40	40	40			40	40		40	40	40
Community mental health centers staffing grants			(2)				60	60		60	60	60
Community Mental Health Centers Act drug abuse treatment funds			(2)				25	75		25	75	
State formula grants	15	30	40	45	$50	5	13	13	15	30	40	45
Grants and contracts for special programs	65	170	260	400	450		(2)		25	65	100	160
Total	125	250	352	500	500	12	171	228	46	253	356	353

[1] Funds not specified.

[2] No provision.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The amendment of the House to the bill is a substitute for the entire text of the Senate bill. The conference substitute is a substitute for the text of both the Senate bill and the House amendment. Except for technical, clerical, clarifying, and conforming changes, the differences between the conference substitute and the Senate bill and House amendment are set out below:

DEFINITIONS

The Senate bill contained a specific listing of programs to which the legislation was applicable; the House amendment included these programs through specifically defining the terms "drug abuse prevention function" and "drug traffic prevention function".

The Senate bill included, but was not limited to, the following:

(1) the Narcotic Addict Rehabilitation Act of 1966 including treatment and aftercare programs of the National Institute of Mental Health and the Bureau of Prisons of the Department of Justice;

(2) part D and part E (to the extent such parts pertain to drug abuse) of the Community Mental Health Centers Act including treatment, rehabilitation, and education projects administered by the National Institute of Mental Health;

(3) title I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 including treatment, rehabilitation, and education projects authorized by the Secretary of Health, Education, and Welfare;

(4) section 502(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, to the extent it pertains to public education programs not involving law enforcement within the Bureau of Narcotics and Dangerous Drugs of the Department of Justice;

(5) the Drug Abuse Education Act of 1970 administered by the Office of Education of the Department of Health, Education, and Welfare;

(6) section 222(a)(9) of the Economic Opportunity Act of 1964 and all other provisions of that Act, to the extent they pertain to drug abuse, including community treatment and rehabilitation projects administered by the Office of Economic Opportunity;

(7) section 306(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968, to the extent that it pertains to drug abuse, including treatment, rehabilitation and education projects administered by the Law Enforcement Assistance Administration of the Department of Justice;

(8) the Manpower Development and Training Act of 1962, to the extent it pertains to drug abuse, including rehabilitation projects administered by the Department of Labor;

(9) the Public Health Service Act, to the extent it pertains to drug abuse, including service, research, and training programs administered by the Department of Health, Education, and Welfare;

(10) title 38 of the United States Code, to the extent such title pertains to drug abuse, including treatment and rehabilitation services conducted by the Veterans' Administration; and

(11) grant programs authorized by the conference substitute.

The conference substitute is the same as the House amendment, and covers the designated programs, as well as any other programs or activities falling within the defined term "drug abuse prevention function", whether or not conducted by an agency to whose primary mission drug abuse prevention functions are incidental.

ACCESS TO PERSONNEL AND INFORMATION

Both the Senate bill and the House amendment provided for establishment of the Special Action Office for Drug Abuse Prevention in the Executive Office of the President. The House amendment provided that the establishment of the Office in the Executive Office shall not affect congressional access to (1) information, documents, and studies in the possession of, or conducted by, the Office or (2) personnel of the Office.

The conference substitute is the same as the House bill.

APPOINTMENTS

The Senate bill authorized the appointment of 25 persons without regard to civil service and compensation laws, with up to 10 persons permitted to be paid at rates up to GS-18, and 15 additional could be paid at rates up to GS-13.

The House amendment contained no comparable provision.

The conference substitute provides that, in addition to the number of positions which may be placed in supergrades under normal Civil Service Commission procedures, not to exceed 10 positions in the Office may be placed in grades GS-16, 17, and 18, in accordance with the procedures prescribed under section 5108 of title 5, United States Code.

This revised authority will permit the Office to employ the personnel they need for top positions, while preserving the jurisdiction of the Civil Service Commission and the congressional committees having an interest in this subject.

Both the Senate bill and the House amendment authorized appointments of experts and consultants, but the House amendment, and the conference substitute, permit such employment without regard to limitations on the length of service.

ADVISORY COUNCIL

The House amendment provided for the establishment of a National Advisory Council for Drug Abuse Prevention consisting of the Secretary of HEW, the Secretary of Defense, the Administrator of Veterans' Affairs, ex officio, or their designees, and 12 members appointed by the President, of whom four must be State or local officials concerned with drug abuse prevention functions. The Director is required, in carrying out his overall planning and policy functions, to consult from time to time with the National Advisory Council.

The Senate bill contained no corresponding provision.

The conference substitute is the same as the House bill.

LIAISON

The House amendment provided for the appointment of an Assistant Director to maintain communication and liaison with Federal agencies performing drug traffic prevention functions.

The Senate bill contained no corresponding provision.

The conference substitute is the same as the House amendment.

CONCENTRATION OF FEDERAL EFFORT

The Senate bill provided that the Director shall coordinate drug abuse programs and activities carried out by the United States, and shall coordinate such programs and activities with other programs and activities of the United States, if it will aid the Federal effort against drug abuse.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill, with the addition of a specific reference to the second sentence of section 213 of the legislation, which provides that the authority of the Director shall not be construed to limit the authority of the Secretary of Defense with respect to the operation of the Armed Forces, or the authority of the Administrator of Veterans' Affairs with respect to furnishing health care to veterans, except with respect to overall policies established by the Director relating to the conduct of drug abuse prevention functions.

The legislation contemplates that the Director and his staff will act as a catalyst to improve the organization and operation of Federal drug abuse programs. The Director is to play an active role in establishing budget levels, program priorities and policies aimed at curbing drug abuse. The conferees also intend that he monitor agency performance to find and correct failures, weaknesses and delays in policy implementation. In addition, the conferees expect that the Director will take the lead in adjusting and reconciling any policy differences between Federal agencies concerning drug abuse.

The conferees reaffirm the intention of this legislation that the Special Action Office concentrate its efforts on interagency coordination and policy development. It must not attempt to manage or intervene in the routine operation of programs conducted by by the departments and agencies. Such action would be contrary to the express purpose of the bill and would waste the resources of the office. The conferees do intend, however, that the Director be fully informed concerning the operation of agency programs affecting drug abuse prevention or traffic functions, to assure that the overall policies he has set are being complied with and implemented. If the Special Action Office is to play a constructive role it must focus its activities on those areas directly related to its mission—assuring cooperation between departments and agenices on policy issues which cut across jurisdictional lines, providing and encouraging rigorous evaluation of existing programs, and fostering new and innovative approaches to the drug abuse problem.

DEVELOPMENT OF METHODS TO DETERMINE EXTENT OF DRUG ABUSE IN UNITED STATES

The House amendment included as one of the duties of the Director the development of improved methods for determining the extent of drug addiction and abuse in the United States.

The Senate bill contained no comparable provision.

The conference substitute is the same as the House amendment.

PRESIDENTIAL ASSIGNMENTS

The Senate bill provided that the Director, in carrying out his overall planning and policy functions, is to perform such other functions as the President may assign.

The House amendment contained no such provision, and the conference substitute is the same as the House amendment. Section 232 authorizes the President to designate the Director to represent the United States in discussions and negotiations relating to drug abuse prevention, drug traffic prevention, or both.

PHARMACOLOGICAL RESEARCH

The House amendment provides that the Director shall encourage and promote research to create, develop, and test nonaddictive synthetic analgesics to replace opium, long lasting nonaddictive blocking or antagonistic drugs, and detoxification agents, for heroin.

The Senate bill did not contain such authority for the Director, but authorized similar authority through grants and contracts entered into by the Secretary of Health, Education, and Welfare.

The conference substitute is the same as the House bill, with authorization of $30,000,000 for fiscal year 1975.

APPROPRIATION AUTHORIZATIONS

The Senate bill authorized appropriations totaling $42,000,000 for functions of the Director, and $160,000,000 for the special fund, with authorizations for fiscal years 1972 through 1975.

The House amendment authorized $25,000,000 for fiscal years 1972 through 1974 for functions of the Director, and $80,000,000 for fiscal years 1973 and 1974 for the special fund.

The conference substitute authorizes, for functions of the Director, $5,000,000 for fiscal year 1972, $10,000,000 for fiscal year 1973, $11,000,000 for fiscal year 1974, and $12,000,000 for fiscal 1975.

With respect to the special fund, $40,000,000 is authorized for each of the fiscal years 1973, 1974, and 1975. Funds appropriated for one fiscal year but not expended therein may be carried over to the next fiscal year.

Under the conference agreement, the Director's authority will extend for three full fiscal years ending June 30, 1975, plus the remainder of the current fiscal year.

NATIONAL DRUG ABUSE TRAINING CENTER

The House amendment authorized $2,000,000 for fiscal year 1972, $3,000,000 for fiscal year 1973, and $5,000,000 for fiscal year 1974, for the Director to develop, conduct, and support training programs relating to prevention of drug abuse, with the operation of the Center to be transferred to the National Institute of Mental Health prior to the termination of the Director's powers.

The Senate bill contained no comparable provision.

The conference substitute is the same as the House amendment except that the Director's role with respect to the training center is to be that of overall supervision; the Center is to be transferred to the National Institute of Drug Abuse (created by other provisions in the bill) as of December 31, 1974. The appropriation authorizations are set at $1,000,000 for fiscal year 1972, $3,000,000 for fiscal year 1973, $5,000,000 for fiscal year 1974, and $6,000,000 for fiscal year 1975.

FEDERAL PERSONNEL POLICIES

The Senate bill provided that the Civil Service Commission would establish policies for control and treatment of drug abuse among Federal civilian employees (including employees of the Postal Service), and that drug dependent employees were not to lose benefits, and where possible to be provided employment, during rehabilitation.

The House amendment provided that the Director should advise the Civil Service Commission and other agencies as to policies and services for control and treatment of drug abuse among Federal civilian employees.

The conference substitute is the same, with respect to drug abuse, as section 201 of the Alcohol and Alcohol Abuse Prevention and Treatment Act of 1970, is with respect to alcoholism and alcohol abuse by Federal employees.

Employees of the Postal Service were removed from this section at the request of the Postal Service as inconsistent with the nongovernmental status of such employees under the Postal Reorganization Act. The Postal Service stated that it was their intention to make every effort to cooperate with the Special Action Office, and to establish a program, modeled on that established for other Federal employees, for the treatment of drug abuse among postal employees.

This section establishes the principle that drug abuse and drug dependence shall be handled by Federal departments and agencies as a medical problem for the employee involved. The provision is almost identical to section 201 of the Alcohol and Alcohol Abuse Prevention and Treatment Act of 1970, and should be administered in a similar manner. Thus, except for certain designated sensitive agencies and sensitive positions, an employee may not be dismissed solely because of prior drug abuse. Except for the designated agencies and positions, Federal employees may have their employment terminated only for failure to perform their jobs. All Federal civilian employees dismissed, including those in the agencies and positions listed in subsection (c)(2) of this section, are to be treated alike with respect to retention of collateral benefits. Accordingly, any dismissed employee's rights to annual and sick leave, medical treatment, rehabilitation services, pension, and other collateral rights should be preserved to the same extent as they would be for employees who have lost their jobs due to other medical disabilities.

REORGANIZATION PLANS

The Senate bill provided that the President may change the functions of the Director by reorganization plans without regard to the cutoff date for the submission of plans and the limits on the number that may be submitted.

A similar provision in the House version was deleted by an amendment on the House floor, so that the House amendment contained no comparable provision.

The conference substitute is the same as the House amendment.

CLASSIFICATION OF DRUGS

The Senate bill provided that the Director should consult with and be consulted by appropriate officials regarding classification of drugs under the Controlled Substances Act, and investigational new drugs with a potential for abuse. The Director had similar responsibilities with respect to international questions of classification of drugs, and with respect to New Drug Applications.

The House amendment contained no corresponding provisions.

The conference substitute provides that whenever the Attorney General determines that there is evidence that a drug which is not a controlled substance may be subject to abuse, or that a controlled substance should be transferred or removed from a schedule under the Controlled Substances Act, he shall, prior to the initiation of a formal proceeding for such transfer, removal, or control, notify the Director. In addition, when information is developed with respect to an investigational new drug indicating that the drug has a potential for abuse, that information which is forwarded to the Attorney General as required by the Controlled Substances Act shall also be forwarded to the Director.

SERVICES FOR VETERANS

The Senate bill provided that veterans would receive treatment and rehabilitation services for drug dependency irrespective of the nature of their discharge, the service connection of their drug dependency, or of any other limitation in title 38, United States Code. Services to veterans would include inpatient treatment and outpatient services irrespective of any prior inpatient treatment, psychiatric care, counseling, vocational training, or other rehabilitative services, and the funding, setting up, or operation of residential halfway houses.

The House amendment contained no corresponding provision.

The conference substitute contains no provision relating to treatment and rehabilitation for veterans. The conferees have noted that legislation dealing with this subject has passed the House, and is presently under active consideration by the Senate Veterans' Affairs Committee.

The removal of this section of the bill by the conferees is based upon their assumption that separate legislation will be promptly enacted dealing with the problem of treatment and rehabilitation for veterans, and is done because of jurisdictional objections raised by the Veterans' Affairs Committee of the House. The conferees wish to stress, however, their unanimous firm conviction that dealing with the problem of drug abuse among returning veterans is a matter of the utmost urgency and should be accorded the highest priority by the Congress.

NATIONAL DRUG ABUSE STRATEGY

The Senate bill provided for the establishment of a comprehensive, coordinated, long-term Federal strategy for all drug abuse programs and activities conducted, sponsored, or supported by the United States.

The House bill contained no comparable provision.

The conference substitute is the same as the Senate bill, with technical changes.

COMMUNITY MENTAL HEALTH CENTERS PROGRAMS

The House amendment required that applications for staffing grants for community mental health centers contain assurances that each such center will provide needed drug abuse treatment and rehabilitation programs to persons in the area to be served, if the Secretary finds that the problem in the area warrants establishment of such a program. Appropriations of $60 million for each of the fiscal years 1973 and 1974 are authorized.

The Senate bill contained no comparable provision, but amended the Community Mental Health Centers Act to authorize grants for the leasing of facilities for drug abuse treatment programs, and authorized assistance for facilities for emergency medical services, intermediate care services, and out-patient services.

The conference substitute combines the provisions of the House amendment and the Senate bill, with authorization of $60,000,000 for fiscal year 1975.

USE OF PHS FACILITIES

The House amendment provided for establishment of drug abuse treatment and rehabilitation programs in facilities of the Public Health Service to provide services for persons residing in the local areas, and for servicemen and veterans in such areas.

The Senate bill contained no comparable provision.

The conference substitute is the same as the House bill.

STATE PLAN REQUIREMENTS

The House amendment requires that State plans for grants for comprehensive public health services include provisions for licensing facilities in which drug abuse treatment and rehabilitation programs are conducted, and for expansion of State mental health programs in the method of drug abuse prevention and treatment.

The conference substitute is the same as the House amendment, with a clarifying change.

DRUG ABUSE PREVENTION APPROPRIATION REQUESTS

The House amendment provided that all requests for appropriations for drug abuse prevention functions must hereafter be submitted on a line item basis.

The Senate bill contained no comparable provision.

The conference substitute is the same as the House amendment, with the addition of the requirement that the appropriation request must also include each specific authorization on the basis of which the request is made.

SPECIAL PROJECTS

The House amendment increased from $35 million to $60 million the authorization for special projects of programs for drug abuse treatment and rehabilitation for fiscal year 1973, together with a new authorization of $75 million for fiscal year 1974.

The conference substitute is the same as the House bill.

NATIONAL INSTITUTE ON DRUG ABUSE

The Senate bill provided for the establishment within the National Institute of Mental Health of a National Institute on Drug Abuse.

The House amendment contained no comparable provision.

The conference substitute is the same as the Senate bill, except that the new National Institute on Drug Abuse is to be created on December 31, 1974. The postponement will give the Department of HEW time to prepare for the establishment of the new Institute. The conferees anticipate that, in the consideration of other legislation in the field of mental health and drug abuse, scheduled for expiration in the future, further consideration will be given to the proper role and function of the new Institute.

REPORTS BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

The Senate bill required that the Secretary of Health, Education, and Welfare submit to Congress a written plan for the administration and coordination of his drug abuse programs, and describe existing model and experimental methods for drug abuse treatment, and make recommendations for future development of treatment techniques.

The House amendment contained no comparable provision.

The conference substitute is the same as the Senate bill.

ADDITIONAL RESPONSIBILITIES OF THE SECRETARY

The Senate bill provides that the Secretary is to (1) operate an information center related to drug abuse information, (2) investigate and publish information concerning methodology and technology for determining the extent and kind of drug abuse, (3) publish statistics, and (4) review and evaluate provisions for drug abuse prevention and treatment programs submitted in State health plans.

The House amendment contained no comparable provision.

The conference substitute is the same as the Senate bill.

FORMULA GRANTS

The Senate bill established a formula grant program for assisting States in planning, establishing, maintaining, coordinating, and evaluating projects to deal with drug abuse, with authorization of appropriation of $15,000,000 for fiscal 1972, $30,000,000 for fiscal 1973, $40,000,000 for fiscal 1974, $45,000,000 for fiscal 1975, and $50,000,000 for fiscal 1976.

The House amendment authorized formula grants to assist States in planning drug abuse prevention functions and in evaluating the conduct of such functions, with appropriation authorization of $5,000,000 for fiscal 1972, $13,000,000 for fiscal 1973, and $13,000,000 for fiscal 1974.

The conference agreement is the same as the Senate bill except that the appropriation authorizations for fiscal 1976 are deleted, and the minimum allotment to the States contained in the Senate bill is set at $100,000, with provisions for reduction if appropriations are below authorizations.

GRANTS AND CONTRACTS FOR SPECIAL PROGRAMS

The Senate bill authorized grants and contracts—

(1) for training programs,

(2) for rehabilitation programs,

(3) for drug abuse treatment programs within State and local criminal justice systems,

(4) to determine the cause of drug abuse,

(5) for research relating to blocking or antagonistic drugs, improved detoxification agents, and improved drug maintenance techniques and programs; and

(6) for drug abuse treatment programs on the local level.

Authorization for appropriations were $65,000,000 for fiscal 1972, $170,000,000 for fiscal 1973, $260,000,000 for fiscal 1974, $400,000,000 for fiscal 1975, and $450,000,000 for fiscal 1976.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill, except that the programs for research related to blocking or antagonistic drugs, and improved detoxification agents are eliminated as covered by the authority of the Director under section 224 of the bill, and the appropriation authorizations are as follows: $25 million for fiscal 1972, $65 million for fiscal 1973; $100 million for fiscal 1974; and $160 million for fiscal 1975.

ADMISSION OF DRUG ABUSERS TO HOSPITALS

The Senate bill provided that drug abusers who are suffering from emergency medical conditions shall not be refused admission to or treatment by any public or private general hospital which receives Federal assistance, with a suspension or revocation of Federal assistance for any hospital violating this provision.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill.

NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

The Senate bill provided for the establishment of a National Advisory Council on Drug Abuse similar to the other advisory councils established under the Public Health Services Act, to advise and consult with the Secretary concerning his functions in the field of drug abuse and to review and approve grants made for narcotic addiction and drug dependent person rehabilitation programs under part (D) of the Community Mental Health Centers Act.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill.

CONFIDENTIALITY OF PATIENT RECORDS

The Senate bill provided for confidentiality of private records prepared or obtained in connection with drug abuse programs, with some limitations.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill, with technical and clarifying changes.

The conferees wish to stress their conviction that the strictest adherence to the provisions of this section is absolutely essential to the success of all drug abuse prevention programs. Every patient and former patient must be assured that his right to privacy will be protected. Without that assurance, fear of public disclosure of drug abuse or of records that will attach for life will discourage thousands from seeking the treatment they must have if this tragic national problem is to be overcome.

Every person having control over or access to patients' records must understand that disclosure is permitted only under the circumstances and conditions set forth in this section. Records are not to be made available to investigators for the purpose of law enforcement or for any other private or public purpose or in any manner not specified in this section.

DESIGNATION OF CERTAIN POSITIONS IN ACTION

The Senate bill contained an amendment to the Economic Opportunity Act of 1964 providing for two associate directors of ACTION, to be compensated at Level IV of the Executive Schedule.

The House amendment contained no corresponding provision.

The conference substitute is the same as the House amendment.

John L. McClellan,
Abraham Ribicoff,
Lee Metcalf,
Lawton Chiles,
Charles H. Percy,
Jacob K. Javits,
Edward J. Gurney,
Harold E. Hughes,
Jennings Randolph,
Harrison A. Williams, Jr.,
Edward M. Kennedy,
Walter F. Mondale,
Alan Cranston,
Bob Packwood,
Peter H. Dominick,
Richard S. Schweiker,
Managers on the Part of the Senate.
Harley O. Staggers,
Paul G. Rogers,
David E. Satterfield, III,
Peter N. Kyros,
Richardson Preyer,
James W. Symington,
William R. Roy,
William L. Springer,
Ancher Nelsen,
Tim Lee Carter,
James F. Hastings,
Managers on the Part of the House.

Mr. CHILES. Mr. President, I would not want the passage of this significant drug bill to go by without mention of the great contribution our distinguished chairman, Senator John L. McClellan, has made in the fight against drug abuse.

John McClellan has long been an advocate of an expanded national commitment to fight drug abuse and it was his efforts, over 6 years ago that made it possible to obtain funds for drug rehabilitation and control. It was Senator McClellan, as chairman of the Permanent Investigation Subcommittee, who focused the national spotlight on drug use and exposed the insidious role of organized crime in narcotics trafficking in 1964. It was Senator McClellan who introduced and secured passage of the Narcotic Addict Rehabilitation Act of 1966, which reoriented the law away from its punitive approach to addiction. It was Senator McClellan who authored the Omnibus Crime Control and Safe Streets Act of 1968 which provided Federal assistance to State and local communities in their battle to eliminate drug abuse.

It was Senator McClellan, as chairman of the Government Operations Committee, who helped us to get this measure through the committee and reported to the Senate. Senator McClellan cosponsored the drug bill we have before us today and he is also a cosponsor of bills to cut off aid to foreign countries failing to eliminate drug trafficking and to liberalize rules of evidence in narcotics cases.

Senator McClellan is necessarily absent today, but I did not want this significant occasion—the passage of legislation to launch the most comprehensive attack ever mounted against the scourge of narcotics—to pass without noting the farsighted and dedicated work of our able chairman, Senator John L. McClellan.

Mr. GURNEY. Mr. President, as one of its original cosponsors, I am here today to ask for unanimous support for the conference report on S. 2097. This measure would establish a Special Action Office for Drug Abuse Prevention and concentrate the resources of our Nation against the problem on drug abuse. The Director of this new office, to be situated in the Executive Office of the President, would have broad powers to conduct overall planning, implement policy, establish objectives and develop priorities for drug abuse research, treatment, rehabilitation, and education.

This legislative package has been the result of a coordinated and truly bipartisan effort in both Houses of Congress. Hopefully, it will provide the impetus needed for a major attack against this insidious menace that is threatening the very fabric of our society.

What is happening in our Nation as a result of this burgeoning problem of drug abuse is a shocking, cruel, and pathetic nightmare. For instance:

Figures recently released by the Bureau of Narcotics and Dangerous Drugs estimate the number of narcotic addicts in the United States at 560,000. This represents an increase of 230,000 over the 1969 Bureau of Narcotics and Dangerous Drugs estimate. Other experts dealing with this problem claim the number may be as high as 700,000.

The cost of maintaining a drug habit can range from $10 to $100 a day, or anywhere from $3,600 to $36,000 a year. Based on the figure of 560,000 addicts, the total cost of addiction to the addicts is at least $8 billion a year.

The cost of crimes committed to sustain a drug habit is believed to run as high as $32 billion per year—and may, in fact, be much higher.

There are over 30,000 addicts in my home State of Florida—addicts whose activities take up 60 percent of all law-enforcement efforts in the State and the number of addicts is rapidly increasing. In Miami alone there are estimated to be at least 4,000-plus addicts as compared to approximately 500 in 1965.

According to expert reports, 50 percent of the property crimes committed in our major cities are drug related.

In the past 2 years, 16,000 American servicemen have been discharged for drug related reasons.

In New York City where over half of the Nation's drug addicts reside, drug addiction is the greatest single cause of death among people between the ages of 15 and 35.

Drug abuse is a plague which crosses all boundaries, infecting all types of people, all over America. Yet, despite the increasing dimensions of this problem and despite our increasing awareness of drug abuse, we have not yet moved effectively to combat it.

I strongly feel that S. 2097 offers us an effective vehicle with which we can organize and utilize our resources in order to best fight this affliction which has grown to epidemic proportions. If we are truly concerned about the human anguish and social deterioration in society today resulting from drug abuse we must act decisively and expeditiously—now.

As President Nixon said in his June 17, 1971, comprehensive message on drug abuse:

> If we do not destroy the drug menace in America, then it will surely in time destroy us.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Louisiana (Mr. Ellender), the Senator from Arkansas (Mr. Fulbright), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from North Carolina (Mr. Jordan), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), and the Senator from Wyoming (Mr. McGee) are necessarily absent.

I further announce that the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Wisconsin (Mr. Nelson), the Senator from Alabama (Mr. Sparkman), the Senator from California (Mr. Tunney), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. Ribicoff) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from New Jersey (Mr. Williams), the Senator from California (Mr. Tunney), the Senator from Maine (Mr. Muskie), the Senator from Arkansas (Mr. McClellan), the Senator from Indiana (Mr. Hartke), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Massachusetts (Mr. Kennedy), the Senator from Minnesota (Mr. Humphrey), the Senator from Connecticut (Mr. Ribicoff), and the Senator from South Dakota (Mr. McGovern) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Vermont (Mr. Aiken), the Senators from Maryland (Mr. Beall and Mr. Mathias), the Senator from Colorado (Mr. Allott), the Senator from New York (Mr. Buckley), the Senator from New Jersey (Mr. Case), the Senator from Colorado (Mr. Dominick), the Senator from Michigan (Mr. Griffin), the Senator from Oregon (Mr. Hatfield), the Senator from Idaho (Mr. Jordan), the Senator from Alaska (Mr. Stevens), the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senators from Colorado (Mr. Allott and Mr. Dominick), the Senator from Oregon (Mr. Hatfield), the Senator from Idaho (Mr. Jordan), the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 63, nays 0, as follows:

[No. 112 Leg.]

YEAS—63

Allen
Anderson
Baker
Bayh
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Ervin
Fannin
Fong
Goldwater
Gurney
Hansen
Hart
Hruska
Hughes
Inouye
Jackson
Javits
Long
Mansfield
Miller
Mondale
Montoya
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevenson
Symington
Talmadge
Thurmond
Weicker
Young

NAYS—0

NOT VOTING—37

Aiken
Allott
Beall
Buckley
Case
Dominick
Ellender
Fulbright
Gambrell
Gravel
Griffin
Harris
Hartke
Hatfield
Hollings
Humphrey
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Moss
Mundt
Muskie
Nelson
Ribicoff
Sparkman
Stevens
Taft
Tower
Tunney
Williams

So the report was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

REFERRAL OF PRESIDENT'S MESSAGE ON SCHOOL BUSING

Mr. BYRD of West Virginia. I ask unanimous consent that the President's message on busing, now at the desk, be referred jointly to the Committee on the Judiciary and the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Congress of the United States:

In this message, I wish to discuss a question which divides many Americans. That is the question of busing.

I want to do so in a way that will enable us to focus our attention on a question which unites all Americans. That is the question of how to ensure a better education for all of our children.

In the furor over busing, it has become all too easy to forget what busing is supposed to be designed to achieve equality of educational opportunity for all Americans.

Conscience and the Constitution both require that no child should be denied equal educational opportunity. That constitutional mandate was laid down by the Supreme Court in *Brown* v. *Board of Education* in 1954. The years since have been ones of dismantling the old dual school system in those areas where it existed—a process that has now been substantially completed.

As we look to the future, it is clear that the efforts to provide equal educational opportunity must now focus much more specifically on education: on assuring that the opportunity is not only equal, but adequate, and that in those remaining cases in which desegregation has not yet been completed it be achieved with a greater sensitivity to educational needs.

Acting within the present framework of constitutional and case law, the lower Federal courts have ordered a wide variety of remedies for the equal protection violations they have found. These remedies have included such plans as redrawing attendance zones, pairing, clustering, and consolidation of school districts. Some of these plans have not required extensive additional transportation of pupils. But some have required that pupils be bused long distances, at great inconvenience. In some cases plans have required that children be bused away from their neighborhoods to schools that are inferior or even unsafe.

The maze of differing and sometimes inconsistent orders by the various lower courts has led to contradiction and uncertainty, and often to vastly unequal treatment among regions, States and local school districts. In the absence of statutory guidelines, many lower court decisions have gone far beyond what most people would consider reasonable, and beyond what the Supreme Court has said is necessary, in the requirements they have imposed for the reorganization of school districts and the transportation of school pupils.

All too often, the result has been a classic case of the remedy for one evil creating another evil. In this case, a remedy for the historic evil of racial discrimination has often created a new evil of disrupting communities and imposing hardship on children—both black and white—who are themselves wholly innocent of the wrongs that the plan seeks to set right.

The 14th Amendment to the Constitution—under which the school desegregation cases have arisen—provides that "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

Until now, enforcement has been left largely to the courts—which have operated within a limited range of available remedies, and in the limited context of case law rather than of statutory law. I propose that the Congress now accept the responsibility and use the authority given to it under the 14th Amendment to clear up the confusion which contradictory court orders have created, and to establish reasonable national standards.

The legislation I propose today would accomplish this.

It would put an immediate stop to further new busing orders by the Federal courts.

It would enlist the wisdom, the resources and the experience of the Congress in the solution of the vexing problems involved in fashioning school desegregation policies that are true to the Constitutional requirements and fair to the people and communities concerned.

It would establish uniform national criteria, to ensure that the Federal courts in all sections and all States would have a common set of standards to guide them.

These measures would protect the right of a community to maintain neighborhood schools—while also establishing a shared local and Federal responsibility to raise the level of education in the neediest neighborhoods, with special programs for those disadvantaged children who need special attention.

At the same time, these measures would not roll back the Constitution, or undo the great advances that have been made in ending school segregation, or undermine the continuing drive for equal rights.

Specifically, I propose that the Congress enact two measures which together would shift the focus from more transportation to better education, and would curb busing while expanding educational opportunity. They are:

1. *The Equal Educational Opportunities Act of 1972.* This would:

—Require that no State or locality could deny equal educational opportunity to any person on account of race, color or national origin.

—Establish criteria for determining what constitutes a denial of equal opportunity.

—Establish priorities of remedies for schools that are required to desegregate, with busing to be required only as a last resort, and then only under strict limitations.

—Provide for the concentration of Federal school-aid funds specifically on the areas of greatest educational need, in a way and in sufficient quantities so they can have a real and substantial impact in terms of improving the education of children from poor families.

2. *The Student Transportation Moratorium Act of 1972.*

—This would provide a period of time during which any further, new busing orders by the courts would not go into effect, while the Congress considered legislative approaches—such as the Equal Educational Opportunities Act—to the questions raised by school desegregation cases. This moratorium on new busing would be effective until July 1, 1973, or until the Congress passed the appropriate legislation, whichever was sooner. Its purpose would not be to contravene rights under the 14th Amendment, but simply to hold in abeyance further busing orders while the Congress investigated and considered alternative methods of securing those rights—methods that could establish a new and broader context in which the courts could decide desegregation cases, and that could render busing orders unnecessary.

Together, these two measures would provide an immediate stop to new busing in the short run, and constructive alternatives to busing in the long run—and they would give the Congress the time it needs to consider fully and fairly one of the most complex and difficult issues to confront the Nation in modern times.

BUSING: THE FEARS AND CONCERNS

Before discussing the specifics of these proposals, let me deal candidly with the controversy surrounding busing itself.

There are some people who fear any curbs on busing because they fear that it would break the momentum of the drive for equal rights for blacks and other minorities. Some fear it would go further, and that it would set in motion a chain of reversals that would undo all the advances so painfully achieved in the past generation.

It is essential that whatever we do to curb busing be done in a way that plainly will not have these other consequences. It is vitally important that the Nation's continued commitment to equal rights and equal opportunities be clear and concrete.

On the other hand, it is equally important that we not allow emotionalism to crowd out reason, or get so lost in symbols that words lose their meaning.

One emotional undercurrent that has done much to make this so difficult an issue is the feeling some people have that to oppose busing is to be anti-black. This is closely related to the arguments often put forward that resistance to any move, no matter what, that may be advanced in the name of desegregation is "racist." This is dangerous nonsense.

There is no escaping the fact that some people oppose busing because of racial prejudice. But to go on from this to conclude that "anti-busing" is simply a code word for prejudice is an exercise in arrant unreason. There are right reasons for opposing busing, and there are wrong reasons—and most people, including large and increasing numbers of blacks and other minorities, oppose it for reasons that have little or nothing to do with race. It would compound an injustice to persist in massive busing simply because some people oppose it for the wrong reasons.

For most Americans, the school bus used to be a symbol of hope—of better education. In too many communities today, it has become a symbol of helplessness, frustration and outrage—of a wrenching of children away from their families, and from the schools their families may have moved to be near, and sending them arbitrarily to others far distant.

It has become a symbol of social engineering on the basis of abstractions, with too little regard for the desires and the feelings of those most directly concerned: the children, and their families.

Schools exist to serve the children, not to bear the burden of social change. As I put it in my policy statement on school desegregation 2 years ago (on March 24, 1970):

> One of the mistakes of past policy has been to demand too much of our schools: They have been expected not only to educate, but also to accomplish a social transformation. Children in many instances have not been served, but used—in what all too often has proved a tragically futile effort to achieve in the schools the kind of multiracial society which the adult community has failed to achieve for itself.
>
> If we are to be realists, we must recognize that in a free society there are limits to the amount of Government coercion that can reasonably be used; that in achieving desegregation we must proceed with the least possible disruption of the education of the Nation's children; and that our children are highly sensitive to conflict, and highly vulnerable to lasting psychic injury.
>
> Failing to recognize these factors, past policies have placed on the schools and the children too great a share of the burden of eliminating racial disparities throughout our society. A major part of this task falls to the schools. But they cannot do it all or even most of it by themselves. Other institutions can share the burden of breaking down racial barriers, but only the schools can perform the task of education itself. If our schools fail to educate, then whatever they may achieve in integrating the races will turn out to be only a Pyrrhic victory.

The Supreme Court has also recognized this problem. Writing for a unanimous Court in the *Swann* case last April, Chief Justice Burger said:

> The constant theme and thrust of every holding from *Brown I* to date is that state-enforced separation of races in public schools is discrimination that violates the Equal Protection Clause. The remedy commanded was to dismantle dual school systems.
>
> We are concerned in these cases with the elimination of the discrimination inherent in the dual school systems, not with myriad factors of human existence which can cause discrimination in a multitude of ways on racial, religious, or ethnic grounds. The target of the cases from *Brown I* to the present was the dual school system. The elimination of racial discrimination in public schools is a large task and one that should not be retarded by efforts to achieve broader purposes lying beyond the jurisdiction of school authorities. One vehicle can carry only a limited amount of baggage. . . .
>
> Our objective in dealing with the issues presented by these cases is to see that school authorities exclude no pupil of a racial minority from any school, directly or indirectly, on account of race; it does not and cannot embrace all the problems of racial prejudice, even when those problems contribute to disproportionate racial concentrations in some schools.

In addressing the busing question, it is important that we do so in historical perspective.

Busing for the purpose of desegregation was begun—mostly on a modest scale—as one of a mix of remedies to meet the requirements laid down by various lower Federal courts for achieving the difficult transition from the old dual school system to a new, unitary system.

At the time, the problems of transition that loomed ahead were massive the old habits deeply entrenched, community resistance often extremely strong. As the years wore on, the courts grew increasingly impatient with what they sometimes saw as delay or evasion, and increasingly insistent that, as the Supreme Court put it in the *Green* decision in 1968, desegregation plans must promise "realistically to work, and to work now."

But in the past 3 years, progress toward eliminating the vestiges of the dual system has been phenomenal—and so too has been the shift in public attitudes in those areas where dual systems were formerly operated. In State after State and community after community, local civic, business and educational leaders of all races have come forward to help make the transition peacefully and successfully. Few voices are now raised urging a return to the old patterns of enforced segregation.

This new climate of acceptance of the basic constitutional doctrine is a new element of great importance: for the greater the elements of basic good faith, of desire to make the system work, the less need or justification there is for extreme remedies rooted in coercion.

At the same time, there has been a marked shift in the focus of concerns by blacks and members of other minorities. Minority parents have long had a deep and special concern with improving the quality of their children's education. For a number of years, the principal emphasis of this concern—and of the Nation's attention—was on desegregating the schools. Now that the dismantling of the old dual system has been substantially completed there is once again a far greater balance of emphasis on improving schools, on convenience, on the chance for parental involvement—in short, on the same concerns that motivate white parents—and, in many communities, on securing a greater measure of control over schools that serve primarily minority-group communities. Moving forward on desegregation is still important—but the principal concern is with preserving the principle, and with ensuring that the great gains made since *Brown*, and particularly in recent years, are not rolled back in a reaction against excessive busing. Many black leaders now express private concern, moreover, that a reckless extension of busing requirements could bring about precisely the results they fear most: a reaction that would undo those gains, and that would begin the unraveling of advances in other areas that also are based on newly expanded interpretations of basic Constitutional rights.

Also, it has not escaped their notice that those who insist on system-wide racial balance insist on a condition in which, in most communities, every school would be run by whites and dominated by whites, with blacks in a permanent minority—and without escape from that minority status. The result would be to deny blacks the right to have schools in which they are the majority.

In short, this is not the simple black-white issue that some simplistically present it as being. There are deep divisions of opinion among people of all races—with recent surveys showing strong opposition to busing among black parents as well as among white parents—not because they are against desegregation but because they are for better education.

In the process of school desegregation, we all have been learning; perceptions have been changing. Those who once said "no" to racial integration have accepted the concept, and believe in equality before the law. Those who once thought massive busing was the answer have also been changing their minds in the light of experience.

As we cut through the clouds of emotionalism that surround the busing question, we can begin to identify the legitimate issues.

Concern for the quality of education a child gets is legitimate.

Concern that there be no retreat from the principle of ending racial discrimination is legitimate.

Concern for the distance a child has to travel to get to school is legitimate.

Concern over requiring that a child attend a more distant school when one is available near his home is legitimate.

Concern for the obligation of government to assure, as nearly as possible, that all the children of a given district have equal educational opportunity is legitimate.

Concern for the way educational resources are allocated among the schools of a district is legitimate.

Concern for the degree of control parents and local school boards should have over their schools is legitimate.

In the long, difficult effort to give life to what is in the law, to desegregate the Nation's schools and enforce the principle of equal opportunity, many experiments have been tried. Some have worked, and some have not. We now have the benefit of a fuller fund of experience than we had 18 years ago, or even 2 years ago. It has also become apparent that community resistance—black as well as white—to plans that massively disrupt education and separate parents from their children's schools, makes those plans unacceptable to communities on which they are imposed.

Against this background, the objectives of the reforms I propose are:

- —To give practical meaning to the concept of equal educational opportunity.
- —To apply the experience gained in the process of desegregation, and also in efforts to give special help to the educationally disadvantaged.
- —To ensure the continuing vitality of the principles laid down in *Brown* v. *Board of Education.*
- —To downgrade busing as a tool for achieving equal educational opportunity.
- —To sustain the rights and responsibilities vested by the States in local school boards.

THE EQUAL EDUCATIONAL OPPORTUNITIES ACT

In the historic effort since 1954 to end the system of State-enforced segregation in the public schools, all three branches of Government have had important functions and responsibilities. Their roles, however, have been unequal.

If some of the Federal courts have lately tended toward extreme remedies in school desegregation cases—and some have—this has been in considerable part because the work has largely gone forward in the courts, case-by-case, and because the courts have carried a heavy share of the burden while having to operate within a limited framework of reference and remedies. The efforts have therefore frequently been disconnected, and the result has been not only great progress but also the creation of problems severe enough to threaten the immense achievement of these 18 difficult years.

If we are to consolidate our gains and move ahead on our problems—both the old and the new—we must undertake now to bring the leaven of experience to the logic of the law.

Drawing on the lessons of experience, we must provide the courts with a new framework of reference and remedies.

The angry debate over busing has at one and the same time both illuminated and obscured a number of broad areas in which realism and shared concern in fact unite most American parents, whatever their race. Knowledge of such shared concerns is the most precious product of experience; it also is the soundest foundation of law. The time is at hand for the legislative, executive and judicial branches of Government to act on this knowledge, and by so doing to lift the sense of crisis that threatens the education of our children and the peace of our people.

The Equal Educational Opportunities Act that I propose today draws on that experience, and is designed to give the courts a new and broader base on which to decide future cases and to place the emphasis where it belongs: on better education for all of our children.

EQUAL OPPORTUNITY: THE CRITERIA

The act I propose undertakes, in the light of experience, both to prohibit and to define the denial of equal educational opportunity. In essence, it provides that:

—No State shall deny equal educational opportunity to any person on account of race, color or national origin.

—Students shall not be deliberately segregated either among or within the public schools.

—Where deliberate segregation was formerly practiced, educational agencies have an affirmative duty to remove the vestiges of the dual system.

—A student may not be assigned to a school other than the one nearest his home, if doing so would result in a greater degree of racial segregation.

—Subject to the other provisions of the act, the assignment of students to their neighborhood schools would not be considered a denial of equal educational opportunity unless the schools were located or the assignment made for the purpose of racial segregation.

—Racial balance is not required.

—There can be no discrimination in the employment and assignment of faculty and staff.

—School authorities may not authorize student transfers that would have the effect of increasing segregation.

—School authorities must take appropriate action to overcome whatever language barriers might exist, in order to enable all students to participate equally in educational programs. This would establish, in effect, an educational bill of rights for Mexican-Americans, Puerto Ricans, Indians and others who start under language handicaps, and ensure at last that they too would have equal opportunity.

—Through Federal financial assistance and incentives, school districts would be strongly encouraged not only to avoid shortchanging the schools that serve their neediest children, but beyond this to establish and maintain special learning programs in those schools that would help children who were behind to catch up. These incentives would also encourage school authorities to provide for voluntary transfers of students that would reduce racial concentrations.

Thus, the act would set standards for all school districts throughout the Nation, as the basic requirements for carrying out, in the field of public education, the Constitutional guarantee that each person shall have equal protection of the laws. It would establish broad-based and specific criteria to ensure against racial discrimination in school assignments, to establish the equal educational rights of Mexican-Americans, Puerto Ricans and others starting with language handicaps, to protect the principle of the neighborhood school. It would also provide money and incentives to help ensure for schools in poor neighborhoods the fair treatment they have too often been denied in the past, and to provide the special learning and extra attention that children in those neighborhoods so often need.

DENIAL OF EQUAL OPPORTUNITY: THE REMEDIES

In the past, the courts have largely been left to their own devices in determining appropriate remedies in school desegregation cases. The results have been sometimes sound, sometimes bizarre—but certainly uneven. The time has come for the Congress, on the basis of experience, to provide guidance. Where a violation exists, the act I propose would provide that:

—The remedies imposed must be limited to those needed to correct the particular violations that have been found.

—School district lines must not be ignored or altered unless they are clearly shown to have been drawn for purposes of segregation.

—Additional busing must not be required unless no other remedy can be found to correct the particular violation that exists.

—A priority of remedies would be established, with the court required to use the first remedy on the list, or the first combination of remedies, that would correct the unlawful condition. The list of authorized remedies—in order—is:

(1) Assigning students to the schools closest to their homes that provide the appropriate level and type of education, taking into account school capacities and natural physical barriers;

(2) Assigning students to the schools closest to their homes that provide the appropriate level and type of education, considering only school capacities;

(3) Permitting students to transfer from a school in which their race is a majority to one in which it is a minority;

(4) Creation or revision of attendance zones or grade structures without necessitating increased student transportation;

(5) Construction of new schools or the closing of inferior schools;

(6) The use of magnet schools or educational parks to promote integration;

(7) Any other plan which is educationally sound and administratively feasible. However, such a plan could not require increased busing of students in the sixth grade or below. If a plan involved additional busing of older children, then: (a) It could not be ordered unless there was clear and convincing evidence that no other method would work; (b) in no case could it be ordered on other than a temporary basis; (c) it could not pose a risk to health, or significantly impinge on the educational process; (d) the school district could be granted a stay until the order had been passed on by the court of appeals.

—Beginning with the effective date of the act, time limits would be placed on desegregation orders. They would be limited to 10 years' duration—or 5 years if they called for student transportation—provided that during that period the school authorities had been in good-faith compliance. New orders could then be entered only if there had been new violations.

These rules would thus clearly define what the Federal courts could and could not require; however, the States and localities would remain free to carry out voluntary school integration plans that might go substantially beyond the Federal requirements.

This is an important distinction. Where busing would provide educational advantages for the community's children, and where the community wants to undertake it, the community should—and will—have that choice. What is objectionable is an arbitrary Federal requirement—whether administrative or judicial—that the community must undertake massive additional busing as a matter of Federal law. The essence of a free society is to restrict the range of what must be done, and broaden the range of what may be done.

EQUAL OPPORTUNITY: BROADENING THE SCOPE

If we were simply to place curbs on busing and do nothing more, then we would not have kept faith with the hopes, the needs—or the rights—of the neediest of our children.

Even adding the many protections built into the rights and remedies sections of the Equal Educational Opportunities Act, we would not by this alone provide what their special needs require.

Busing helps some poor children; it poses a hardship for others; but there are many more, and in many areas the great majority—in the heart of New York, and in South Chicago, for example—whom it could never reach.

If we were to treat busing as some sort of magic panacea, and to concentrate our efforts and resources on that as the principal means of achieving quality education for blacks and other minorities, then in these areas of dense minority concentration a whole generation could be lost.

If we hold massive busing to be, in any event, an unacceptable remedy for the inequalities of educational opportunity that exist, then we must do more to improve the schools where poor families live.

Rather than require the spending of scarce resources on ever-longer bus rides for those who happen to live where busing is possible, we should encourage the putting of those resources directly into education—serving all the disadvantaged children, not merely those on the bus routes.

In order to reach the great majority of the children who most need extra help, I propose a new approach to financing the extra efforts required: one that puts the money where the needs are, drawing on the funds I have requested for this and the next fiscal year under title I of the Elementary and Secondary Education Act of 1965 and under the

Emergency School Aid Act now pending before the Congress.

As part of the Equal Educational Opportunities Act, I propose to broaden the uses of the funds under the Emergency School Aid Act, and to provide the Secretary of Health, Education, and Welfare with additional authority to encourage effective special learning programs in those schools where the needs are greatest.

Detailed program criteria would be spelled out in administrative guidelines—but the intent of this program is to use a major portion of the $1.5 billion Emergency School Aid money as, in effect, incentive grants to encourage eligible districts to design educational programs that would do three things:

—Assure (as a condition of getting the grant) that the district's expenditures on its poorest schools were at least comparable to those on its other schools.

—Provide, above this, a compensatory education grant of approximately $300 per low-income pupil for schools in which substantial numbers of the students are from poor families, if the concentration of poor students exceeds specified limits.

—Require that this compensatory grant be spent entirely on basic instructional programs for language skills and mathematics, and on basic supportive services such as health and nutrition.

—Provide a "bonus" to the receiving school for each pupil transferring from a poor school to a non-poor school where his race is in the minority, without reducing the grant to the transferring school.

Priority would be given to those districts that are desegregating either voluntarily or under court order, and to those that are addressing problems of both racial and economic impaction.

Under this plan, the remaining portion of the $1.5 billion available under the Emergency School Aid Act for this and the next fiscal year would go toward the other kinds of aid originally envisaged under it.

This partial shift of funds is now possible for two reasons: First, in the nearly 2 years since I first proposed the Emergency School Aid Act, much of what it was designed to help with has already been done. Second, to the extent that the standards set forth in the Equal Educational Opportunities Act would relieve desegregating districts of some of the more expensive requirements that might otherwise be laid upon them, a part of the money originally intended to help meet those expenses can logically be diverted to these other, closely related needs. I would stress once again, in this connection, the importance I attach to final passage of the Emergency School Aid Act: those districts that are now desegregating still need its help, and the funds to be made available for these new purposes are an essential element of a balanced equal opportunity package.

I also propose that instead of being terminated at the end of fiscal 1973, as presently scheduled, the Emergency School Aid Act continue to be authorized at a $1 billion annual level—of which I would expect the greatest part to be used for the purposes I have outlined here. At the current level of funding of Title I of the Elementary and Secondary Education Act of 1965, this would provide a total approaching $2.5 billion annually for compensatory education purposes.

For some years now, there has been a running debate about the effectiveness of added spending for programs of compensatory or remedial education. Some have maintained there is virtually no correlation between dollar input and learning output; others have maintained there is a direct correlation; experience has been mixed.

What does now seem clear is that while many Title I experiments have failed, many others have succeeded substantially and even dramatically; and what also is clear is that without the extra efforts such extra funding would make possible, there is little chance of breaking the cycle of deprivation.

A case can be made that Title I has fallen short of expectations, and that in some respects it has failed. In many cases, pupils in the programs funded by it have shown no improvement whatever, and funds have frequently been misused or squandered foolishly. Federal audits of State Title I efforts have found instances where naivete, inexperience, confusion, despair, and even clear violations of the law have thwarted the act's effectiveness. In some instances, Title I funds have been illegally spent on unauthorized materials and facilities, or used to fund local services other than those intended by the act, such as paying salaries not directly related to the act's purposes.

The most prevalent failing has been the spending of Title I funds as general revenue. Out of 40 States audited between 1966 and 1970, 14 were found to have spent Title I funds as general revenue.

Too often, one result has been that instead of actually being concentrated in the areas of critical need, Title I moneys have been diffused throughout the system; and they have not reached the targeted schools—and targeted children—in sufficient amounts to have a real impact.

On the positive side, Title I has effected some important changes of benefit to disadvantaged children.

First, Title I has encouraged some States to expand considerably the contributions from State and local funds for compensatory education. In the 1965–66 school year, the States spent only $2.7 million of their own revenues, but by the 1968–69 school year—largely due to major efforts by California and New York—they were contributing $198 million.

Second, Title I has better focused attention on pupils who previously were too often ignored. About 8 million children are in schools receiving some compensatory funds. In 46 States programs have been established to aid almost a quarter of a million children of migratory workers. As an added dividend, many States have begun to focus educational attention on the early childhood years which are so important to the learning process.

Finally, local schools have been encouraged by Title I to experiment and innovate. Given our highly decentralized national educational system and the relatively minor role one Federal program usually plays, there have been encouraging examples of programs fostered by Title I which have worked.

In designing compensatory programs, it is difficult to know exactly what will work. The circumstances of one locality may differ dramatically from those of other localities. What helps one group of children may not be of particular benefit to others. In these experimental years, local educational agencies and the schools have had to start from scratch, and to learn for themselves how to educate those who in the past had too often simply been left to fall further behind.

In the process, some schools did well and others did not. Some districts benefited by active leadership and community involvement, while others were slow to innovate and to break new ground.

While there is a great deal yet to be learned about the design of successful compensatory programs, the experience so far does point in one crucial direction: to the importance of providing sufficiently concentrated funding to establish the educational equivalent of a "critical mass," or threshold level. Where funds have been spread too thinly, they have been wasted or dissipated with little to show for their expenditure. Where they have been concentrated, the results have been frequently encouraging and sometimes dramatic.

In a sample of some 10,000 disadvantaged pupils in California, 82 percent of those in projects spending less than $150 extra per pupil showed little or no achievement gain. Of those students in projects spending over $250 extra per pupil, 94 percent gained more than one year per year of exposure; 58 percent gained between 1.4 and 1.9 per year of exposure. Throughout the country States as widely separated as Connecticut and Florida have recognized a correlation between a "critical mass" expenditure and marked effectiveness.

Of late, several important studies have supported the idea of a "critical mass" compensatory expenditure to afford disadvantaged pupils equal educational opportunity. The New York State Commission on the Quality, Cost, and Financing of Elementary and Secondary Education, the National Educational Finance Project, and the President's Commission on School Finance have all cited the importance of such a substantial additional per pupil expenditure for disadvantaged pupils.

The program which I propose aims to assure schools with substantial concentrations of poor children of receiving an average $300 compensatory education grant for each child.

In order to encourage voluntary transfers, under circumstances where they would reduce both racial isolation and low-income concentration, any school accepting such transfers would receive the extra $300 allotted for the transferring student plus a bonus payment depending on the proportion of poor children in that school.

One key to the success of this new approach would be the "critical mass" achieved by both increasing and concentrating the funds made available; another would be vigorous administrative follow-through to ensure that the funds are used in the intended schools and for the intended purposes.

THE STUDENT TRANSPORTATION MORATORIUM ACT

In times of rapid and even headlong change, there occasionally is an urgent need for reflection and reassessment. This is especially true when powerful, historic forces are moving the Nation toward a conflict of fundamental principles—a conflict that can be avoided if each of us does his share, and if all branches of Government will join in helping to redefine the questions before us.

Like any comprehensive legislative recommendation, the Equal Educational Opportunities Act that I have proposed today is offered as a framework for Congressional debate and action.

The Congress has both the Constitutional authority and a special capability to debate and define new methods for implementing Constitutional principles. And the educational, financial and social complexities of this issue are not, and are not properly, susceptible of solution by individual courts alone or even by the Supreme Court alone.

This is a moment of considerable conflict and uncertainty; but it is also a moment of great opportunity.

This is not a time for the courts to plunge ahead at full speed.

If we are to set a course that enables us to act together, and not simply to do more but to do better, then we must do all in our power to create an atmosphere that permits a calm and thoughtful assessment of the issues, choices and consequences.

I propose, therefore, that the Congress act to impose a temporary freeze on new busing orders by the Federal courts—to establish a waiting period while the Congress considers alternative means of enforcing 14th Amendment rights. I propose that this freeze be effective immediately on enactment, and that it remain in effect until July 1, 1973, or until passage of the appropriate legislation, whichever is sooner.

This freeze would not put a stop to desegregation cases; it would only bar new orders during its effective period, to the extent that they ordered new busing.

This, I recognize, is an unusual procedure. But I am persuaded that the Congress has the Constitutional power to enact such a stay, and I believe the unusual nature of the conflicts and pressures that confront both the courts and the country at this particular time requires it.

It has become abundantly clear, from the debates in the Congress and from the upwelling of sentiment throughout the country, that some action will be taken to limit the scope of busing orders. It is in the interest of everyone—black and white, children and parents, school administrators and local officials, the courts, the Congress and the executive branch, and not least in the interest of consistency in Federal policy, that while this matter is being considered by the Congress we not speed further along a course that is likely to be changed.

The legislation I have proposed would provide the courts with a new set of standards and criteria that would enable them to enforce the basic Constitutional guarantees in different ways.

A stay would relieve the pressure on the Congress to act on the long-range legislation without full and adequate consideration. By providing immediate relief from a course that increasing millions of Americans are finding intolerable, it would allow the debate on permanent solutions to proceed with less emotion and more reason.

For these reasons—and also for the sake of the additional children faced with busing now—I urge that the Congress quickly give its approval to the Student Transportation Moratorium Act.

No message to the Congress on school desegregation would be complete unless it addressed the question of a Constitutional amendment.

There are now a number of proposals before the Congress, with strong support, to amend the Constitution in ways designed to abolish busing or to bar the courts from ordering it.

These proposals should continue to receive the particularly thoughtful and careful consideration by the Congress that any proposal to amend the Constitution merits.

It is important to recognize, however, that a Constitutional amendment—even if it could secure the necessary two-thirds support in both Houses of the Congress—has a serious flaw: it would have no impact this year; it would not come into effect until after the long process of ratification by three-fourths of the State legislatures. What is needed is action now; a Constitutional amendment fails to meet this immediate need.

Legislation meets the problem now. Therefore, I recommend that as its first priority the Congress go forward immediately on the legislative route. Legislation can also treat the question with far greater precision and detail than could the necessarily generalized language of a Constitutional amendment, while making possible a balanced, comprehensive approach to equal educational opportunity.

CONCLUSION

These measures I have proposed would place firm and effective curbs on busing—and they would do so in a Constitutional way, aiding rather than challenging the courts, respecting the mandate of the 14th Amendment, and exercising the responsibility of the Congress to enforce that Amendment.

Beyond making these proposals, I am directing the Executive departments to follow policies consistent with the principles on which they are based—which will include intervention by the Justice Department in selected cases before the courts, both to implement the stay and to resolve some of those questions on which the lower courts have gone beyond the Supreme Court.

The Equal Educational Opportunities Act I have proposed reflects a serious and wide-ranging process of consultation—drawing upon the knowledge and experience of legislators, Constitutional scholars, educators and government administrators, and of men and women from all races and regions of the country who shared with us the views and feelings of their communities.

Its design is in large measure the product of that collaboration. When enacted it would, for the first time, furnish a framework for collaborative action by the various branches of Federal and local government, enabling courts and communities to shape effective educational solutions which are responsive not only to Constitutional standards but also to the physical and human reality of diverse educational situations.

It will create more local choice and more options to choose from; and it will marshal and target Federal resources more effectively in support of each particular community's effort.

Most importantly, however, these proposals undertake to address the problem that really lies at the heart of the issue at this time: the inherent inability of the courts, acting alone, to deal effectively and acceptably with the new magnitude of educational and social problems generated by the desegregation process.

If these proposals are adopted, those few who want an arbitrary racial balance to be imposed on the schools by Federal fiat will not get their way.

Those few who want a return to segregated schools will not get their way.

Those few who want a rollingback of the basic protections black and other minority Americans have won in recent years will not get their way.

This Administration means what it says about dismantling racial barriers, about opening up jobs and housing and schools and opportunity to all Americans.

It is not merely rhetoric, but our record, that demonstrates our determination.

We have achieved more school desegregation in the last 3 years than was achieved in the previous 15.

We have taken the lead in opening up high-paying jobs to minority workers.

We have taken unprecedented measures to spur business ownership by members of minorities.

We have brought more members of minorities into the middle and upper levels of the Federal service than ever before.

We have provided more support to black colleges than ever before.

We have put more money and muscle into enforcement of the equal opportunity laws than ever before.

These efforts will all go forward—with vigor and with conviction. Making up for the years of past discrimination is not simply something that white Americans owe to black Americans—it is something the entire Nation owes to itself.

I submit these proposals to the Congress, mindful of the profound importance and special complexity of the issues they address. It is in that spirit that I have undertaken to weigh and respect the conflicting interests; to strike a balance which is thoughtful and just; and to search for answers that will best serve all of the Nation's children. I urge the

Congress to consider them in the same spirit.

The great majority of Americans, of all races, want their Government—the Congress, the Judiciary, and the Executive—to follow the course of deliberation, not confrontation. To do this, we must act calmy and creatively, and we must act together.

The great majority of Americans, of all races, want schools that educate and rules that are fair. That is what these proposals attempt to provide.

RICHARD NIXON.

THE WHITE HOUSE, *March 17, 1972.*

REFERRAL OF PRESIDENT'S MESSAGE ON SCIENCE AND TECHNOLOGY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the message from the President of the United States on Science and Technology now at the desk be jointly referred to the following committees: The Joint Committee on Atomic Energy; the Committee on Commerce; the Committee on Labor and Public Welfare; the Committee on Banking, Housing, and Urban Affairs; the Committee on Foreign Relations; and the Committee on Aeronautical and Space Sciences.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Congress of the United States:

The ability of the American people to harness the discoveries of science in the service of man has always been an important element in our national progress. As I noted in my most recent message on the State of the Union, Americans have long been known all over the world for their technological ingenuity—for being able to "build a better mousetrap"—and this capacity has undergirded both our domestic prosperity and our international strength.

We owe a great deal to the researchers and engineers, the managers and entrepreneurs who have made this record possible. Again and again they have met what seemed like impossible challenges. Again and again they have achieved success. They have found a way of preventing polio, placed men on the moon, and sent television pictures across the oceans. They have contributed much to our standard of living and our military strength.

But the accomplishments of the past are not something we can rest on. They are something we must build on. I am therefore calling today for a strong new effort to marshal science and technology in the work of strengthening our economy and improving the quality of our life. And I am outlining ways in which the Federal Government can work as a more effective partner in this great task.

The importance of technological innovation has become dramatically evident in the past few years. For one thing, we have come to recognize that such innovation is essential to improving our economic productivity—to producing more and better goods and services at lower costs. And improved productivity, in turn, is essential if we are to achieve a full and durable prosperity—without inflation and without war. By fostering greater productivity, technological innovation can help us to expand our markets at home and abroad, strengthening old industries, creating new ones, and generally providing more jobs for the millions who will soon be entering the labor market.

This work is particularly important at a time when other countries are rapidly moving upward on the scientific and technological ladder, challenging us both in intellectual and in economic terms. Our international position in fields such as electronics, aircraft, steel, automobiles and shipbuilding is not as strong as it once was. A better performance is essential to both the health of our domestic economy and our leadership position abroad.

At the same time, the impact of new technology can do much to enrich the quality of our lives. The forces which threaten that quality will be growing at a dramatic pace in the years ahead. One of the great questions of our time is whether our capacity to deal with these forces will grow at a similar rate. The answer to that question lies in our scientific and technological progress.

As we face the new challenges of the 1970's, we can draw upon a great reservoir of scientific and technological information and skill—the result of the enormous investments which both the Federal Government and private enterprise made in research and development in recent years. In addition, this Nation's historic commitment to scientific excellence, its determination to take the lead in exploring the unknown, have given us a great tradition, a rich legacy on which to draw. Now it is for us to extend that tradition by applying that legacy in new situations.

In pursuing this goal, it is important to remember several things. In the first place, we must always be aware that the mere act of scientific discovery alone is not enough. Even the most important breakthrough will have little impact on our lives unless it is put to use—and putting an idea to use is a far more complex process than has often been appreciated. To accomplish this transformation, we must combine the genius of invention with the skills of entrepreneurship, management, marketing and finance.

Secondly, we must see that the environment for technological innovation is a favorable one. In some cases, excessive regulation, inadequate incentives and other barriers to innovation have worked to discourage and even to impede the entrepreneurial spirit. We need to do a better job of determining the extent to which such conditions exist, their underlying causes, and the best ways of dealing with them.

Thirdly, we must realize that the mere development of a new idea does not necessarily mean that it can or should be put into immediate use. In some cases, laws or regulations may inhibit its implementation. In other cases, the costs of the process may not be worth the benefits it produces. The introduction of some new technologies may produce undesirable side effects. Patterns of living and human behavior must also be taken into account. By realistically appreciating the limits of technological innovation, we will be in a better position fully to marshal its amazing strengths.

A fourth consideration concerns the need for scientific and technological manpower. Creative, inventive, dedicated scientists and engineers will surely be in demand in the years ahead; young people who believe they would find satisfaction in such careers should not hesitate to undertake them. I am convinced they will find ample opportunity to serve their communities and their country in important and exciting ways.

The fifth basic point I would make concerning our overall approach to science and technology in the 1970's concerns the importance of maintaining that spirit of curiosity and adventure which has always driven us to explore the unknown. This means that we must continue to give an important place to basic research and to exploratory experiments which provide the new ideas on which our edifice of technological accomplishment rests. Basic research in both the public and private sectors today is essential to our continuing progress tomorrow. All departments and agencies of the Federal Government will continue to support basic research which can help provide a broader range of future development options.

Finally, we must appreciate that the progress we seek requires a new partnership in science and technology—one which brings together the Federal Government, private enterprise, State and local governments, and our universities and research centers in a coordinated, cooperative effort to serve the national interest. Each member of that partnership must play the role it can play best; each must respect and reinforce the unique capacities of the other members. Only if this happens, only if our new partnership thrives, can we be sure that our scientific and technological resources will be used as effectively as possible in meeting our priority national needs.

With a new sense of purpose and a new sense of partnership, we can make the 1970's a great new era for American science and technology. Let us look now at some of the specific elements in this process.

STRENGTHENING THE FEDERAL ROLE

The role of the Federal Government in shaping American science and technology is pivotal. Of all our Nation's expenditures on research and development, 55 percent are presently funded by the Federal Government. Directly or indirectly, the Federal Government supports the employment of nearly half of all research and development personnel in the United States.

A good part of our Federal effort in this field has been directed in the past toward our national security needs. Because a strong national defense is essential to the maintenance of world peace, our research and development in support of national security must always be sufficient to our needs. We must ensure our strategic deterrent capability, continue the modernization of our Armed Forces, and strengthen the overall technological base that underlies future military systems. For these reasons, I have proposed a substantial increase for defense research and development for fiscal year 1973.

In this message, however, I would like to focus on how we can better apply our scientific resources in meeting civilian needs. Since the beginning of this Administration, I have felt that we should be doing more to focus our scientific and technological resources on the problems of the environment, health, energy, transportation and other pressing domestic concerns. If my new budget proposals are accepted, Federal funds for research and development concerning domestic problems will be 65 percent greater in the coming fiscal year than they were in 1969.

But increased funding is not the only prerequisite for progress in this field. We also need to spend our scarce resources more effectively. Accordingly, I have moved to develop an overall strategic approach in the allocation of Federal scientific and technological resources. As a part of this effort, I directed the Domestic Council last year to examine new technology opportunities in relation to domestic problems. In all of our planning, we have been concentrating not only on *how much* we spend but also on *how* we spend it.

My recommendations for strengthening the Federal role in science and technology have been presented to the Congress in my State of the Union message, in my budget for fiscal year 1973, and in individual agency presentations. I urge the Congress to support the various elements of this new Federal strategy.

1) We are reorienting our space program to focus on domestic needs—such as communications, weather forecasting and natural resource exploration. One important way of doing this is by designing and developing a reusable space shuttle, a step which would allow us to seize new opportunities in space with higher reliability at lower costs.

2) We are moving to set and meet certain civilian research and development targets. In my State of the Union Message, my Budget Message and in other communications with the Congress, I have identified a number of areas where new efforts are most likely to produce significant progress and help us meet pressing domestic needs. They include:

—Providing new sources of energy without pollution. My proposed budget for fiscal year 1973 would increase energy-related research and development expenditures by 22 percent.

—Developing fast, safe, pollution-free transportation. I have proposed spending 46 percent more in the coming fiscal year on a variety of transportation projects.

—Working to reduce the loss of life and property from natural disasters. I have asked, for example, that our earthquake research program be doubled and that our hurricane research efforts be increased.

—Improving drug abuse rehabilitation programs and efforts to curb drug trafficking. Our budget requests in this critical area are four times the level of 1971.

—Increasing biomedical research efforts, especially those concerning cancer and heart disease, and generally providing more efficient and effective health care, including better emergency health care systems.

3) We will also draw more directly on the capabilities of our high technology agencies—the Atomic Energy Commission, the National Aeronautics and Space Administration and the National Bureau of Standards in the Department of Commerce—in applying research and development to domestic problems.

4) We are making strong efforts to improve the scientific and technological basis for setting Federal standards and regulations. For example, by learning to measure more precisely the level of air pollution and its effects on our health, we can do a more effective job of setting pollution standards and of enforcing those standards once they are established.

5) I am also providing in my 1973 budget for a 12 percent increase for research and development conducted at universities and colleges. This increase reflects the effort of the past 2 years to encourage educational institutions to undertake research related to important national problems.

6) Finally, I believe that the National Science Foundation should draw on all sectors of the scientific and technological community in working to meet significant domestic challenges. To this end, I am taking action to permit the Foundation to support applied research in industry when the use of industrial capabilities would be advantageous in accomplishing the Foundation's objectives.

SUPPORTING RESEARCH AND DEVELOPMENT IN THE PRIVATE SECTOR

The direction of private scientific and technological activities is determined in large measure by thousands of private decisions—and this should always be the case. But we cannot ignore the fact that Federal policy also has a great impact on what happens in the private sector. This influence is exerted in many ways—including direct Federal support for such research and development.

In general, I believe it is appropriate for the Federal Government to encourage private research and development to the extent that the market mechanism is not effective in bringing needed innovations into use. This can happen in a number of circumstances. For example, the sheer size of some developmental projects is beyond the reach of private firms particularly in industries which are fragmented into many small companies. In other cases, the benefits of projects cannot be captured by private institutions, even though they may be very significant for the whole of society. In still other cases, the risks of certain projects, while acceptable to society as a whole, are excessive for individual companies.

In all these cases, Federal support of private research and development is necessary and desirable. We must see that such support is made available—through cost-sharing agreements, procurement policies or other arrangements.

One example of the benefits of such a partnership between the Federal Government and private enterprise is the program I presented last June to meet our growing need for clean energy. As I outlined the Federal role in this effort, I also indicated that industry's response to these initiatives would be crucial. That response has been most encouraging to date. For example, the electric utilities have already pledged some $25 million a year for a period of 10 years for developing a liquid metal fast breeder reactor demonstration plant. These pledges have come through the Edison Electric Institute, the American Public Power Association, and the National Rural Electric Cooperative Association. This effort is one part of a larger effort by the electrical utilities to raise $150 million annually for research and development to meet the growing demand for clean electric power.

At the same time, the gas companies, through the American Gas Association, have raised $10 million to accelerate the effort to convert coal into gas. This sum represents industry's first year share in a pilot plant program which will be financed one-third by industry and two-thirds by the Federal Government. When it proves feasible to proceed to the demonstration stage, industrial contributions to this project will be expected to increase.

APPLYING GOVERNMENT-SPONSORED TECHNOLOGIES

An asset unused is an asset wasted. Federal research and development activities generate a great deal of new technology which could be applied in ways which go well beyond the immediate mission of the supporting agency. In such cases, I believe the Government has a responsibility to transfer the results of its research and development activities to wider use in the private sector.

It was to further this objective that we created in 1970 the new National Technical Information Service in the Department of Commerce. In addition, the new incentives programs of the National Science Foundation and the National Bureau of Standards will seek effective means of improving and accelerating the transfer of research and development results from Federal programs to a wider range of potential users.

One important barrier to the private development and commercial application of Government-sponsored technologies is the lack of incentive which results from the fact that such technologies are generally available to all competitors. To help remedy this situation, I approved last August a change in the Government patent policy which liberalized the private use of Government-owned patents. I directed that such patents may be made available to private firms through exclusive licenses where needed to encourage commercial application.

As a further step in this same direction, I am today directing my Science Adviser and the Secretary of Commerce to develop plans for a new, systematic effort to promote actively the licensing of Government-owned patents and to obtain domestic and foreign patent protection for technology owned by the United

States Government in order to promote its transfer into the civilian economy.

IMPROVING THE CLIMATE FOR INNOVATION

There are many ways in which the Federal Government influences the level and the quality of private research and development. Its direct supportive efforts are important, but other policies—such as tax, patent, procurement, regulation and antitrust policies—also can have a significant effect on the climate for innovation.

We know, for instance, that a strong and reliable patent system is important to technological progress and industrial strength. The process of applying technology to achieve our national goals calls for a tremendous investment of money, energy and talent by our private enterprise system. If we expect industry to support this investment, we must make the most effective possible use of the incentives which are provided by our patent system.

The way we apply our antitrust laws can also do much to shape research and development. Uncertain reward and high risks can be significant barriers to progress when a firm is small in relation to the scale of effort required for successful projects. In such cases, formal or informal combinations of firms provide one means for hurdling these barriers, especially in highly fragmented industries. On the other hand, joint efforts among leading firms in highly concentrated industries would normally be considered undesirable. In general, combinations which lead to an improved allocation of the resources of the nation are normally permissible, but actions which lead to excessive market power for any single group are not. Any joint program for research and development must be approached in a way that does not detract from the normal competitive incentives of our free enterprise economy.

I believe we need to be better informed about the full consequences of all such policies for scientific and technological progress. For this reason, I have included in my budget for the coming fiscal year a program whereby the National Science Foundation would support assessments and studies focused specifically on barriers to technological innovation and on the consequences of adopting alternative Federal policies which would reduce or eliminate these barriers. These studies would be undertaken in close consultation with the Executive Office of the President, the Department of Commerce and other concerned departments and agencies, so that the results can be most expeditiously considered as further Government decisions are made.

There are a number of additional steps which can also do much to enhance the climate for innovation.

1) I shall submit legislation to encourage the development of the small, high technology firms which have had such a distinguished pioneering record. Because the combination of high technology and small size makes such firms exceptionally risky from an investment standpoint, my proposal would provide additional means for the Small Business Investment Companies (SBICs) to improve the availability of venture capital to such firms.

a. I propose that the ratio of Government support to SBICs be increased. This increased assistance would be channeled to small business concerns which are principally engaged in the development or exploitation of inventions or of technological improvements and new products.

b. I propose that the current limit on Small Business Administration loans to each SBIC be increased to $20 million to allow for growth in SBIC funds devoted to technology investments.

c. I propose that federally regulated commercial banks again be permitted to achieve up to 100 percent ownership of an SBIC, rather than the limited 50 percent ownership which is allowed at present.

d. To enhance risk-taking and entrepreneurial ventures, I again urge passage of the small business tax bill, which would provide for extending the eligibility period for the exercise of qualified stock options from 5 to 8 or 10 years, reducing the holding period for nonregistered stock from 3 years to 1 year, and extending the tax-loss carry-forward from 5 to 10 years. These provisions would apply to small firms, as defined in the proposed legislation.

2) I have requested in my proposed budget for fiscal year 1973 that new programs be set up by the National Science Foundation and the National Bureau of Standards to determine effective ways of stimulating non-Federal investment in research and development and of improving the application of research and development results. The experiments to be set up under this program are designed to test a variety of partnership arrangements among the various levels of government, private firms and universities. They would include the exploration of new arrangements for cost-sharing, patent licensing, and research support, as well as the testing of incentives for industrial research associations.

3) To provide a focal point within the executive branch for policies concerning industrial research and development, the Department of Commerce will appraise, on a continuing basis, the technological strengths and weaknesses of American industry. It will propose measures to assure a vigorous state of industrial progress. The Department will work with other agencies in identifying barriers to such progress and will draw on the studies and assessments prepared through the National Science Foundation and the National Bureau of Standards.

4) To foster useful innovation, I also plan to establish a new program of research and development prizes. These prizes will be awarded by the President for outstanding achievements by individuals and institutions and will be used especially to encourage needed innovation in key areas of public concern. I believe these prizes will be an important symbol of the Nation's concern for our scientific and technological challenges.

5) An important step which could be of great significance in fostering technological innovations and enhancing our position in world trade is that of changing to the metric system of measurement. The Secretary of Commerce has submitted to the Congress legislation which would allow us to begin to develop a carefully coordinated national plan to bring about this change. The proposed legislation would bring together a broadly representative board of private citizens who would work with all sectors of our society in planning for such a transition. Should such a change be decided on, it would be implemented on a cooperative, voluntary basis.

STRONGER FEDERAL, STATE AND LOCAL PARTNERSHIPS

A consistent theme which runs throughout my program for making government more responsive to public needs is the idea that each level of government should do what it can do best. This same theme characterizes my approach to the challenges of research and development. The Federal Government, for example, can usually do a good job of massing research and development resources. But State and local governments usually have a much better "feel" for the specific public challenges to which those resources can be applied. If we are to use science and technology effectively in meeting these challenges, then State and local governments should have a central role in the application process. That process is a difficult one at best; it will be even more complex and frustrating if the States and localities are not adequately involved.

To help build a greater sense of partnership among the three levels of the Federal system, I am directing my Science Adviser, in cooperation with the Office of Intergovernmental Relations, to serve as a focal point for discussions among various Federal agencies and the representatives of State and local governments. These discussions should lay the basis for developing a better means for collaboration and consultation on scientific and technological questions in the future. They should focus on the following specific subjects:

1) Systematic ways for communicating to the appropriate Federal agencies the priority needs of State and local governments, along with information concerning locally-generated solutions to such problems. In this way, such information can be incorporated into the Federal research and development planning process.

2) Ways of assuring State and local governments adequate access to the technical resources of major Federal research and development centers, such as those which are concerned with transportation, the environment, and the development of new sources of energy.

3) Methods whereby the Federal Government can encourage the aggregation of State and local markets for certain products so that industries can give government purchasers the benefits of innovation and economies of scale.

The discussions which take place between Federal, State and local representatives can also help to guide the experimental programs I have proposed for the National Science Foundation and the National Bureau of Standards. These programs, in turn, can explore the possibilities for creating better ties between State and local governments on the one hand and local industries and universities on the other, thus stimulating the use of research and development in improving the efficiency and effectiveness of public services at the State and local level.

WORLD PARTNERSHIP IN SCIENCE AND TECHNOLOGY

The laws of nature transcend national boundaries. Increasingly, the peoples of the world are irrevocably linked in a complex web of global interdependence—and increasingly the strands of that web are woven by science and technology.

The cause of scientific and technological progress has always been advanced when men have been able to reach across international boundaries in common pursuits. Toward this end, we must now work to facilitate the flow of people and the exchange of ideas, and to recognize that the basic problems faced in each nation are shared by every nation.

I believe this country can benefit substantially from the experience of other countries, even as we help other countries by sharing our information and facilities and specialists with them. To promote this goal, I am directing the Federal agencies, under the leadership of the Department of State, to identify new opportunities for international cooperation in research and development. At the same time, I am inviting other countries to join in research efforts in the United States, including:

—the effort to conquer cancer at the unique research facilities of our National Institutes of Health and at Fort Detrick, Maryland; and

—the effort to understand the adverse health effects of chemicals, drugs and pollutants at the new National Center for Toxicological Research at Pine Bluff, Arkansas.

These two projects concern priority problems which now challenge the whole world's research community. But they are only a part of the larger fabric of cooperative international efforts in which we are now engaged.

Science and technology can also provide important links with countries which have different political systems from ours. For example, we have recently concluded an agreement with the Soviet Union in the field of health, an agreement which provides for joint research on cancer, heart disease and environmental health problems. We are also cooperating with the Soviet Union in the space field; we will continue to exchange lunar samples and we are exploring prospects for closer cooperation in satellite meteorology, in remote sensing of the environment, and in space medicine. Beyond this, joint working groups have verified the technical feasibility of a docking mission between a SALYUT Station and an Apollo spacecraft.

One result of my recent visit to the People's Republic of China was an agreement to facilitate the development of contacts and exchanges in many fields, including science and technology. I expect to see further progress in this area.

The United Nations and a number of its specialized agencies are also involved in a wide range of scientific and technological activities. The importance of these tasks—and the clear need for an international approach to technical problems with global implications—argues for the most effective possible organization and coordination of various international agencies concerned. As a step in this direction, I proposed in a recent message to the Congress the creation of a United Nations Fund for the Environment to foster an international attack on environmental problems. Also, I believe the American scientific community should participate more fully in the science activities of international agencies.

To further these objectives, I am taking steps to initiate a broad review of United States involvement in the scientific and technological programs of international organizations and of steps that might be taken to make United States participation in these activities more effective, with even stronger ties to our domestic programs.

Finally, I would emphasize that United States science and technology can and must play an important role in the progress of developing nations. We are committed to bring the best of our science and technology to bear on the critical problems of development through our reorganized foreign assistance programs.

A NEW SENSE OF PURPOSE AND A NEW SENSE OF PARTNERSHIP

The years ahead will require a new sense of purpose and a new sense of partnership in science and technology. We must define our goals clearly, so that we know where we are going. And then we must develop careful strategies for pursuing those goals, strategies which bring together the Federal Government, the private sector, the universities, and the States and local communities in a cooperative pursuit of progress. Only then can we be confident that our public and private resources for science and technology will be spent as effectively as possible.

In all these efforts, it will be essential that the American people be better equipped to make wise judgments concerning public issues which involve science and technology. As our national life is increasingly permeated by science and technology, it is important that public understanding grow apace.

The investment we make today in science and technology and in the development of our future scientific and technical talent is an investment in tomorrow—an investment which can have a tremendous impact on the basic quality of our lives. We must be sure that we invest wisely and well.

RICHARD NIXON.

THE WHITE HOUSE, *March 16, 1972.*

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS FOR INQUIRIES AND INVESTIGATIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate now proceed—without the time being charged against either side on the equal rights for women amendment—to the consideration of the resolution (S. Res. 258) providing funds for the Committee on Government Operations; and that there be a time limitation of 20 minutes on the resolution and 20 minutes on any amendment thereto, the time to be equally divided between the Senator from Nevada (Mr. CANNON) and the Senator from Illinois (Mr. PERCY);

Provided further, that if a rollcall vote is ordered on the resolution or on an amendment thereto, such rollcall vote on passage be deferred until such date as the resolution is again laid before the Senate.

The PRESIDING OFFICER (Mr. MANSFIELD). Without objection, it is so ordered. The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 258) authorizing additional expenditures by the Committee on Government Operations for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with amendments on page 2, at the beginning of line 14, to strike out "$1,785,310" and insert "$1,585,300"; in line 23, after the word "exceed", strike out "$970,000" and insert "$830,000"; on page 6, line 9, after the word "exceed", strike out "$195,000" and insert "$173,000"; on page 7, line 4, after the word "exceed", strike out "$297,310" and insert "$297,300"; in line 16, after the word "exceed", strike out "$323,000" and insert "$285,000"; and, on page 8, line 17, after the word "aggregate", strike out "$1,795,310" and insert "$1,595,300"; so as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Government Operations is authorized from March 1, 1972, through February 28, 1973, to expend not to exceed $10,000 for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The Committee on Government Operations, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, to expend not to exceed $1,585,300 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

Sec. 4. (a) Not to exceed $830,000 shall be available for a study or investigation of—

(1) the efficiency and economy of operations of all branches of the Government, including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corrupt or unethical practices, waste, extravagance, conflicts of interests, and the improper expenditures of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government;

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce, and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; and

(5) riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and longstanding causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insuer domestic tranquality within the United States.

(b) Nothing contained in this resolution shall affect or impair the exercise by any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, or its chairman, or any other members of the committee or subcommittee designated by the chairman, from March 1, 1972, through February 28, 1973, is authorized, in its, his, or their discretion, (1) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents; (2) to hold hearings; (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate; (4) to administer oaths; and (5) take testimony, either orally or by sworn statement.

Sec. 5. Not to exceed $173,000 shall be available for a study or investigation of the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(1) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(2) the capacity of present national security staffing methods, and processes to make full use of the Nation's resources of knowledge, talents, and skills;

(3) the adequacy of present intergovernmental relationships between the United States and international organizations of which the United States is a member; and

(4) legislative and other proposals to improve these methods, processes, and relationships;

of which amount not to exceed $25,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

Sec. 6. Not to exceed $297,300 shall be available for a study or investigation of intergovernmental relationships between the United States and the States and municipalities, including an evaluation of studies, reports, and recommendations made thereon and submitted to the Congress by the Advisory Commission on Intergovernmental Relations pursuant to the provisions of Public Law 86–380, approved by the President on September 24, 1959, as amended by Public Law 89–733, approved by the President on November 2, 1966; of which amount not to exceed $10,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

Sec. 7. Not to exceed $285,000 shall be available for a study or investigation of the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(1) the effects of laws enacted to reorganize the executive branch of the Government, and to consider reorganizations proposed therein; and

(2) the operations of research and development programs financed by the departments and agencies of the Federal Government, and the review of those programs now being carried out through contracts with higher educational institutions and private organizations, corporations, and individuals in order to bring about Government-wide coordination and elimination of overlapping and duplication of scientific and research activities; of which amount not to exceed $20,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

Sec. 8. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1973.

Sec. 9. Expenses of the committee under this resolution, which shall not exceed in the aggregate $1,595,300, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Government Operations to expend not to exceed $1,795,310 during the next 12 months for inquiries and investigations.

During the last session of Congress, the committee was authorized during a 13-month period to expend not to exceed $1,582,200 for that purpose. The committee estimates it will return approximately $78,930 of that amount to the Treasury.

The pending request includes an increase of $334,710 over last year's authorization reduced to a 12-month basis.

The Committee on Rules and Administration has amended Senate Resolution 258 by reducing the requested amount from $1,795,310 to $1,595,300, a reduction of $200,010.

Senator McClellan is chairman of the Committee on Government Operations, and Senator Percy is its ranking minority member.

I may say that the difficulty arises here in light of the fact that we have made a substantial reduction in the amount requested, but the amount we have recommended is still considerably above the amount that was authorized last year and the amount that the committee expended. It is more than enough to take care of the increases in pay and other increased expenditures that may be necessary to the subcommittee.

I reserve the remainder of my time.

(At this point Mr. Byrd of West Virginia assumed the Chair.)

Mr. PERCY. Mr. President, I have a great deal of regard for what the Rules Committee is trying to accomplish. I have the deepest respect for the persistent efforts of Senator Ellender, the chairman of the Appropriations Committee, to find ways by which we could reduce the expenses of operating the Senate as much as possible.

If we are going to be in a position to try to pare and cut other expenses that affect the executive branch of Government, we have, to the greatest possible extent, to be as pure as Caesar's wife ourselves. I am thoroughly sympathetic with the attempt of Senator Ellender and the Rules Committee to follow this policy. I have been very supportive of it in many measures I have introduced in the Senate to cut expenses. Certainly we should begin right here, at home, to economize.

In this regard, Senator McClellan—who runs a tight ship, a frugal budget—has made every effort, as have all of us on the committee, to see whether we could accede to the request to cut $200,000 from the committee's budget. After a good deal of pain and frugality and cutting back, $162,000 has been taken out, and this has been done as the result of close cooperation between the majority and the minority. The minority has taken its proportionate share of this cut, and it has been done with the full cooperation of the staff of the Government Operations Committee, who have attempted in every way to work the will of the Rules Committee on this budget. But with respect to one subcommittee budget, the Subcommittee on Executive Reorganization, there seems to be no way in which we can reduce this budget without impairing the quality of our work. The amount of the proposed cut is $38,000. This subcommittee has the heaviest workload of any subcommittee in the Government Operations Committee, from a substantive standpoint.

I have discussed this matter with Senator RIBICOFF and Senator McCLELLAN. Of course, I would have much preferred to have waited until both Senators were able to be on the floor, so that we could have had a full dialog on this. I also have discussed it with the second ranking member on the Government Operations Committee, Senator JAVITS, and with other minority members, and they all feel that the position I am about to take is proper and right. I have discussed the matter with the ranking minority member on the Rules Committee, Senator COOK, and he has authorized me to state that he fully supports the position I am taking.

But we are faced with the problem today that unless this resolution is agreed to, there will be no paychecks for any staff members of the four subcommittees of the Government Operations Committee, both majority and minority. This would be a real injustice.

Senator McCLELLAN's absence is for an absolutely necessary reason. Senator RIBICOFF, of course, simply cannot be here for very grave and regrettable personal reasons. But there is simply no way to resolve this matter other than to present the points and at least, for the record, make the point I am about to make.

The Executive Reorganization Subcommittee cut of $38,000, I have been notified in a letter of February 28 by Senator RIBICOFF, must virtually entirely come from the minority side. He is in a position, apparently, in which he cannot cut the majority side of that subcommittee budget, and I certainly would be sympathetic with that, with the tremendous workload we have. But to try to take the cut out from the minority staff would be simply unfair.

Because of Senator MUNDT's continuation during the first session of this Congress as the ranking minority member of the Government Operations Committee, he has had certain staff personnel assigned to him. I have been fully understanding of this and have therefore used personnel either that I have hired personally out of my Senate salary, or members of my own staff, to do committee work, thus taking it out of services that should be given to Illinois, to see that we carry on the work of this subcommittee.

We have just finished a bill which has taken 6 months, which has involved some of the key Members of the Senate on a highly controversial matter: How do you handle the whole drug abuse problem of this country? Without any question, it has been the top minority staff member, Stuart Statler, who—by letter after letter I have received from minority and majority members—has been doing the staff work on that particular bill.

We had Reorganization Plan No. 1 to handle in that particular subcommittee, which involved a very complex consolidation of a number of different agencies, including VISTA, the Peace Corps, and many others. It was highly controversial, and many people wanted to see the Senators and the staff accomplish this reorganization.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PERCY. I am glad to yield to the ranking minority member of this subcommittee.

Mr. JAVITS. Mr. President, I am the ranking minority member of the subcommittee in question, and I have yielded to Senator PERCY, as is quite wise and proper, in being the ranking member of the full committee. I support him fully in his position.

The minority staffs have done a great job here, and they need this sum, what seems to be a marginal sum; but the marginal sums often become the fulcrum of whether or not the job can be done.

For personal reasons which are deeply distressing to me, Senator RIBICOFF is not here; and I know that were he here, we would work this out with him very congenially and agreeably. In his absence, I nonetheless hope that the Senate will see the high equity in Senator PERCY's position and join him in restoring this modest but important sum.

Mr. PERCY. I thank the distinguished Senator very much.

Certainly, the distinguished senior Senator from New York will be deeply involved in the Consumer Protection Agency legislation which is now being handled by this subcommittee. Here is the establishment of a whole new agency. As one Senator, I have received more than 3,000 letters from businesses in Illinois concerned about the agency that is being set up. It takes staff time to explain it to chambers of commerce and consumer groups. I mentioned Ralph Nader. He is one of those most interested in this legislation. This has helped bring down an avalanche of consumer interest and business interest, which cannot be shunted aside. We have to have staff people assigned to do these jobs. We have been assigning staff people to handle the avalanche of criticism, and the accolades, that we have received on this particular piece of legislation.

We are now at the stage where we must work out a number of differences between the Senate and the House. It is highly complex. It takes technically skilled people to do it. Once again, a very much overburdened and minuscule minority staff is expected to do this work.

We have also now been assigned, in the Government Operations Committee, 60 days within which to review the product safety bill. It will go to this subcommittee. There is no question of the number of objections that will be made by the same concerned groups on both sides, of advocates and opponents, who will be coming in; so that someone must spend time with their concerns. Otherwise, it means that we relegate to the back burner legislation that the President of the United States has said is top priority legislation; namely, the entire executive reorganization of the Government.

This involves four extensive and very complex bills. They are the result of the work of a number of top-level Presidential study commissions, the Heineman Commission, the Hoover Commission, and the Ash Council. This President has had the courage—and it takes political courage—to do this because any time we realined agencies around, someone is offended by it. The President has had the courage to send up legislation to us.

The House Government Operations Committee has been moving with great dispatch. They are way ahead of the Senate Committee Government Operations now. They are fast moving toward reporting the first of four major bills on community development. This would combine the Departments of Transportation, Housing and Urban Affairs, which the Banking Committee now operates, and certain aspects of rural housing which is now under the Department of Agriculture—a highly complex bill.

The Senate Committee is simply unable to get to it because of the overloaded condition. Here we are, this particular subcommittee, handling some of the highest priority legislation we have had before this body. We have just voted on a bill which we have overwhelmingly supported and sent to the President for his signature. This is the committee that we are taking $38,000 out of.

I cannot argue with the distinguished Senator from Connecticut (Mr. RIBICOFF) who says that he cannot reduce the majority side at all. I know the workload, but I would certainly be wrong, indeed, if I did not represent the minority side and say that we cannot work with our bare hands, that we must have some staff assistance to do the work, and that we cannot accept this kind of cut without a strong and vigorous protest.

Mr. GURNEY. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. I am very glad to yield to the Senator from Florida who serves on the Government Operations Committee.

The PRESIDING OFFICER (Mr. BROCK). The Senator from Illinois has no time remaining.

Mr. CANNON. Mr. President, I yield 1 minute to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 1 minute.

Mr. GURNEY. Mr. President, the distinguished ranking minority member of the Government Operations Committee, the distinguished senior Senator from Illinois (Mr. PERCY), has certainly outlined the case extremely well and I could not add anything to that.

I do want to back up the Senator, as the ranking minority member on one of the subcommittees and No. 3 in position on the full committee. I do know that what the Senator said is eminently true and factual, that the workload of the subcommittee is most important and that some of the most important pieces of legislation that Congress has processed in the past 2 years—and will for the remainder of this year—are in that subcommittee.

The amount of money involved is really somewhat minute—$38,000; yet, where it comes from, the minority, as it has in this cut, will certainly be hamstrung and it will hamper the work of the minority. Thus I would hope that the Senate could restore the $38,000.

I thank the Senator from Nevada for yielding me this time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CANNON. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments will be considered en bloc.

Mr. CANNON. Mr. President, may I ask what the time situation is?

The PRESIDING OFFICER. The Senator from Nevada has 6 minutes remaining.

Mr. CANNON. I thank the Presiding Officer.

Mr. President, I want to respond and point out to my colleagues that the Committee on Government Operations has the second highest budget of all the committees of the Senate, amounting to about $1.5 million. They propose to add 16 employees this year, which would bring the total up to 91 persons—that is 91 persons for one committee, Mr. President.

As I said, that is the second highest budget for a Senate committee. In addition, last year they spent $1,381,670. This year, the committee approved for them $1,595,300 which is $213,630 more than was spent last year.

Thus, we have given them quite a leeway and the opportunity to put some additional employees on, to take care of the increased pay that Congress has voted.

I submit that while they are pointing to one subcommittee, the allocation has been made to the entire committee. This was the amount allocated to the particular subcommittee. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments en bloc.

The amendments were agreed to.

The resolution as amended, was agreed to.

PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed without any time being taken out of either side, just for the purpose of recapitulating in some sort of sequence my replies to the distinguished minority leader earlier this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, when the distinguished minority leader inquired about the schedule, may I say that following the conclusion of the pending business, it is the intention of the leadership to call up Calendar No. 577, S. 2956, a bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

It was requested that 3 days' notice be given on this so that I hope the 3 days' notice will have been given on the basis of this statement.

Later next week, it is anticipated that we will take up the Ervin-Mansfield resolution seeking to have the Senate represented at certain hearings before the Supreme Court.

It is anticipated that the House will pass a conference report on Radio Free Europe and Radio Liberty on Monday next. If that is done, and I anticipate that it will be done, the Senate should be on notice that the Senate, if at all possible, will take it up that afternoon. There will be a rollcall vote on the conference report on Radio Free Europe and Radio Liberty.

I believe that takes care of about everything, up to this time, but the pending piece of legislation. The pending legislation is contentious. S. 2956, the War Powers Act is contentious. The Ervin-Mansfield resolution will be contentious. Perhaps the conference report on Radio Free Europe and Radio Liberty may be contentious as well.

Thus, I would hope that the Senate would continue to show its outstanding attendance and be prepared for votes on each day next week.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quroum and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the information of Senators, it is my understanding that there will be no further debate or action on the equal rights for men and women constitutional amendment today.

Mr. ERVIN. Do I understand that means that no time will be charged against either side?

Mr. BYRD of West Virginia. The Senator is correct.

ADDITIONAL PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a renewal of the period for the transaction of routine morning business with statements therein limited to 3 minutes, and that the Senator from Mississippi (Mr. STENNIS) be recognized for such time as he may desire.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CRISIS IN PUBLIC EDUCATION

Mr. STENNIS. Mr. President, it has become apparent in the past week that the turmoil in our public schools will be the No. 1 issue in the upcoming elections. Parents and voters throughout the Nation are more deeply concerned than ever about the future of our public schools and about the quality of education which our children are receiving there. Tampering with our schools by Federal courts and HEW officials is at the heart of the present turmoil. That tampering and experimentation began in the South and has totally disrupted our public school systems for several years now. Only recently has the threat of Federal disruption of public schools spread to the North and West in the form of wholesale transfer of students to different schools far from their own neighborhoods, often by forced busing.

Busing is the immediate subject matter in the press and in conversations. And that is a very highly important and far-reaching subject. However, busing is not the only issue. The overall and fundamental issue is education. While I deplore forced busing and while I shall continue to denounce and to fight it, I wish to stress the fact that a short bus ride to a neighborhood school is one thing, but forced busing of students long distances to change the racial ratios in particular schools is something else again. Of course, parents of all races and from all regions are deeply concerned about the quality of the public school their child will be attending whether he goes there by bus or otherwise.

These are the problems which are troubling American parents. Will the building and neighborhood to which the child is sent be physically safe and secure? Will the teachers be well trained? Will there exist an academic atmosphere where he can receive a good education. Is any useful purpose served by a long bus ride?

As I have said, busing is a real problem which troubles parents today, but it is also a striking symbol of the turmoil in our schools and the irrational methods used in attempting to achieve racial integration in our public schools.

Since we accept the Brown decision as the law, the real problem is unreasonable disruption of the educational process by Federal courts and agencies with their zealous insistence that a certain racial ratio must be created while forgetting all about the education jungle which has been created in all too many instances. Education is the real purpose for having schools.

It becomes increasingly clear that this scandalous situation will be remedied only by a uniform national policy on school desegregation which is reasonable and moderate and insists on quality education for all Americans without wholesale disruption of the public schools just to obtain fixed racial ratios, which have not been shown to be essential to quality education.

The basic proposal now before Congress which would effectively bring about such a uniform national policy on school desegregation is a provision which I introduced, which has already passed the Senate two times, and which is currently in the 1972 higher education bill now being considered by the joint conference committee of the House and Senate. That provision, known as the Stennis amendment, announces that it is a policy of the United States that all school desegregation guidelines and criteria shall apply uniformly throughout the Nation.

I feel very strongly that the need for such a uniform national policy becomes more apparent each day. I have called upon the Members of Congress to support it; I urged the President of the United States to take a positive position on the problem and to take action.

The fact that the President has found it necessary to address the Nation in prime time on television means that we have been able to bring the issue out in the open as a matter of transcending national importance. It will remain one until it is settled.

This is the important aspect—more important than the details of what the President asked for in the way of legislation, for the legislation will, in the last analysis, be formulated in Congress.

I am disappointed in the President's address Thursday evening, in that he did not go as far as I had hoped he would, but the significant thing is that he found it necessary to speak at all.

I have said repeatedly that the only way to do away with the dual standard that now exists in school desegregation is to bring the subject into the national spotlight, and that after this has been done, it will ultimately be possible to obtain a single national policy that will be moderate in nature. In 1969 I began a deliberate effort in which others joined on a continuing basis to bring this subject into the national spotlight. I think there is no question that this is where it is now.

The point I want to emphasize is that the present situation is encouraging for the reason that there is recognition by all that school desegregation is a national problem of prime importance, and that it must be met by adequate legislation on a national basis.

We have a long way to go to obtain relief in the South from the present deplorable situation, but the essential first step has been taken.

This year already, months and months before the election, every candidate for the office of President of the United States has taken a position in varying degrees upon this issue and has made statements expressly pointed to the issue. Even the President of the United States, a candidate for reelection who expects to continue as President, has made a statement on this matter. Today he has sent us a special message with legislative proposals which message was just received in the Senate and which I have obviously not yet had a chance to read and fully examine. However, my initial impression is that these legislative proposals offer a great deal to the North, but virtually no relief to the South.

I am disappointed that the statements and recommendations did not go further. The termination date of the proposed moratorium on new busing of mid-1973 postpones action on the real issue until after the next election. It does not go to the basic fundamentals of a permanent solution and Congress is going to have to go further.

I think it is highly significant, too, that here within the last few months the Senate came within one vote, came within the nearest possible margin of passing an amendment which really had teeth in it, which would have gone to the very heart of this problem.

Also in the last few days we have had the election in Florida and the announcement of all those who are running for President of the United States. That is coming a long, long way on this subject from a month ago. In other words, these are national issues and everyone running for reelection from this body, and candidates who may oppose them, will be called upon by the people to take a position on this issue. Members of the House in most States will be faced with an issue that is a matter of vital concern to the parents. They will be called upon to take a position, as will those who are running against them.

This matter is in the national arena. It is a national political question now and not a sectional matter, where it has been enforced only in the South. I have been asking that it be a national issue so that it may be considered on a national basis, in the national political arena, and be an issue before all the people of a great number of States because thereby we will find a solution and under our system of Government that is the way to find a solution in these serious and perplexing problems.

I know human nature well enough to know this is not something that will go away. There is involved the gnawing agony in the hearts and minds of the mothers of little children, boys and girls who are 5, 6, 7 years of age and up, an agony, anxiety, and uncertainty as to what is the fate of those children for that day. Are they secure, are they physically secure, are they being led and inspired by capable and competent teachers, are they really getting an education that will fit them, prepare them for competitive positions in our society and the world in which we live? Those concerns are not going away. They are human concerns. They strike at parenthood itself.

Mr. President, I point out that we need an expression by the legislative branch of this Government on a national basis and it is very wholesome for this matter to become a national issue.

I do not think that the courts ought to be the sole power to settle these matters. I think it is shown that they do not have the machinery and, with all deference, some of the judicial officers do not seem to grasp the practical side of what the real issue is.

I do not think any one man, as President of the United States, ought to have the responsibility of making the sole decision in this field. It is a legislative matter. It is a national question, and it ought to be decided on a national level and as national policy. Unless that policy has as its main keystone that it shall apply uniformly throughout the Nation, it will fail. It is faulty and should fail.

I believe we are moving further and further from the situation we have had, where this has been largely a sectional problem and enforced on a sectional basis.

I never had any doubt about what the reaction would be from the parents—and this includes a great many black parents as well as white parents—once this matter was started to be enforced in other areas of the country.

I believe that the people of the areas of the country outside the South did not know what it meant. They had never gotten into it enough, and they had not understood that it was something that would or even could apply to them.

The voters of this Nation are demanding action on the problems of our public schools and that if their elected officials are not responsive to their demands, the voters will elect new officials who will heed the voice of the voters on the vital issue of our public schools.

Because turmoil in public schools is the current national issue of preeminent importance, I believe it is very necessary that the people and the Congress are entitled to the best possible information on the ethnic and racial enrollment in the schools. Last fall a new survey of schools was made by HEW, and this data has not yet been released in final form. Accordingly, I have written to Secretary Richardson of HEW calling upon him to release immediately, or at the earliest possible date, the final data on ethnic and racial segregation in the public schools of the Nation.

Mr. President, I ask unanimous consent that there be included in the RECORD at this point a copy of my letter of March 16, 1972, to Secretary Richardson of HEW, which I have already referred to.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., March 16, 1972.

Hon. ELLIOT L. RICHARDSON,
Secretary Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: On November 9, 1971, I wrote to you concerning your Department's third national survey of racial and ethnic enrollment in the public schools, similar to those that were made for the school years 1968–69 and 1970–71. I expressed the hope that you would make the survey figures available to Congress early in this session, as information which would be necessary in legislative considerations.

In your reply, dated November 23, you indicated that because of the need to edit and process all returns you would not be able to issue final survey results until May 1972. You suggested that any requests for specific data be addressed to Mr. J. Stanley Pottinger, Director of the Office for Civil Rights in HEW.

As a result of subsequent correspondence with Mr. Pottinger, I received on January 11 abbreviated survey data, and on the following day it was issued in a press release from your office. I inserted the survey figures in the Congressional Record on January 20, and they have been very useful, even though the data is acknowledged to be incomplete and subject to error because of being unedited.

It is becoming increasingly apparent that throughout this country the most contentious national issue is the turmoil in public schools being caused by desegregation actions taken or contemplated by the Federal government. Under these circumstances it is essential that there be available to the people and to the Congress accurate information on racial and ethnic enrollment in elementary and secondary schools, in a form that will permit evaluation of the trends that have occurred since the 1968–69 and 1970–71 surveys.

I strongly urge that you expedite the compilation and release of the survey data for the current school year, and make it available at the earliest possible date.

Sincerely,

JOHN C. STENNIS,
U.S. Senator.

BERT MORIN—LACONIA'S DEDICATED CITIZEN

Mr. COTTON. Mr. President, at the request of my friend and distinguished colleague from New Hampshire (Mr. MCINTYRE) I ask unanimous consent that a short article and the Senator's comments on it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR MCINTYRE

I was very pleased and proud to read the other day that the New Hampshire Municipal Association honored an old friend of mine, Mr. Bert Morin, from Laconia, New Hampshire in a feature story in its monthly magazine, New Hampshire Town and City.

"Bert", as he is simply known to most Laconians, has been the City's Welfare Director for sixteen years now and his accomplishments and friends are many. In the best sense of true Yankee ingenuity, Bert has run the Laconia Welfare program in such a way that it does truly benefit the recipients while enhancing their pride through the community services that the recipients provide.

It is good to hear about a welfare program that is not characterized primarily by ever-soaring costs, jurisdictional quarrels, and patent abuse. And it is good to know that a well run program can be recognized throughout the State of New Hampshire for its effectiveness.

LACONIA'S WELFARE PROGRAM QUITE EFFECTIVE

(By Earl O. Anderson)

One of the most unique and effective welfare-work programs in the entire state is in Laconia, directed by Bertrand Morin.

Besides saving countless thousands of dollars, in city, county and state welfare costs, it accomplishes many special projects which otherwise would cost far more to do.

But most important of all, it serves to preserve self respect for the participants, who know that they are not given "charity doles."

"Our people never get something for nothing," emphasized Morin. "We always have a job for those able to work, and this keeps the welfare appropriation down."

It is a very "human" program, though, and the director is highly regarded by all of those taking part, for his fairness, consideration and understanding.

If a title might be coined for him it could be that of "architect of humanities."

FOR 16 YEARS

The program has been in effect for the last 16 years, and gradually broadened in scope, for men and women welfare recipients in Laconia and Belknap County.

"This means putting to work all physically able persons, who are temporarily jobless, or working part time," Morin explained, "and in need of financial assistance."

He estimates that 60 per cent of all participants are able to work in this manner.

Other cities in the state, hearing about Morin's program, have begun to inquire as to its operation. Leonello Breton, Manchester commissioner of welfare, came to Laconia a few months ago to learn the "secret" of the Lake City plan. He planned to try to institute a similar one in the Queen City.

The City of Keene has also asked for information. Its director of welfare, Mrs. Jean W. Anderson, wrote Morin, asking several pertinent questions.

Among them were: How jobs are assigned, determining extent of earnings, whether wages paid are budget or welfare funds, length of time employment is continued, and how any legal or personnel "entanglements" are avoided.

Morin's reply to all such queries is simple and to the point, for the program itself is far from a "bureaucracy," and dependent largely upon the fine cooperation of all concerned, and their dedication to the tasks involved.

"Bert," as he is familiarly known, is a modest man, however, and not given to boasting, but very proud of what his department has been able to achieve.

"I love my work," he said simply, "it is a challenge. You never know what is going to happen next."

"Our work is done where there is no appropriation provided," he pointed out.

Jobs include cutting of wood and cleaning operations at the Laconia airport (in Gilford) saving the city an estimated $10,000 last year alone; moving welfare and borderline cases with two department trucks—four families out of the state and about 20 in-state in the past year; and moving municipal departments to the temporary City Hall, saving perhaps $15,000.

Moving furnishings into the new City Hall, early next year, is another task faced by Morin and his men, which will result in more savings of about equal amount. Taking care of 10 abandoned cemeteries and the Belknap county "burying ground" is another responsibility.

REPAIR SHOP

Then there is the repair shop maintained by the department, for stoves, furniture and refrigerators for welfare families.

There is a large clothing room, available to all city, county and state welfare recipients and the borderline ones. The articles are given from leftovers after rummage sales and donated by individuals, effecting a savings of perhaps $5,000 yearly.

Between 800 and 900 articles of clothing are given out each month in this manner.

Miscellaneous jobs are also done around the city for several departments, including the school, police and parks and recreation, to name but a few. Also, there is repair of homes of welfare or borderline families as determined necessary.

As supervisor of six municipal buildings, much of the maintenance and repair work required is done by "Bert's boys." In summer he directs the upkeep of a half dozen flower gardens at municipal square and highway points.

Handling of surplus commodities is still another responsibility.

COUNTY COOPERATION

"We take care of all city, county, and state and borderline cases," he noted, "serving approximately 450–500 persons. "We have the best cooperation with the Belknap county commissioners and the county welfare director, Mrs. Arlene Dodge. She gives me men to work with on welfare jobs."

Gratitude was also voiced over the fine relationship with the Cooperative Extension Service. Cooking recipes are provided by the two economists, Mrs. Merle Kincade and Mrs. Lee McGuire, which enable many of the women to provide nourishing, economical meals for their families.

"I work with the men in the field," the welfare director said, "while Mrs. Laurette Johnson takes care of the office and serves as assistant in my absence. My investigations are made at night."

Mrs. Rita Guyer is the other office secretary, and is associated especially with the surplus commodity program.

About 10 boys from the OEO program, headed by Peter Kling, have been working with Morin on many different projects, which he said has proved beneficial to all parties concerned.

The average direct welfare load consists of only about 20 families, numbering some 60 persons. During the high point of the year, however, it reaches about 27 families, involving * * * persons. The low mark was 16 families and 43 individuals.

The appropriation for direct welfare in the past year was some $20,000, but reimbursements from persons assisted brought the figure down to slightly over $16,000.

"By having a job ready for these people," Morin pointed out, "we saved a lot of money, for it could have cost us $25,000 otherwise."

PROGRESS REPORT ON SENATOR McINTYRE

Mr. COTTON. Mr. President, I do want to pass on to the Senate the latest report I have received on Senator MCINTYRE'S condition. He is doing extremely well in recovery from corrective surgery he had last week. I expect that he will be discharged from the hospital soon and will be able to return to the Senate in full vigor and health before very long.

Mr. STENNIS. Mr. President, I want to join the entire membership of this body in rejoicing at the very good news concerning the rapid recovery of our colleague from New Hampshire, Senator MCINTYRE.

I have kept up with his progress daily since his operation, and have been heartened each time to know of the sustained progress he is making. He is rapidly returning to his usual strength, good health, and vigor.

He has a very active role here in the Senate and has rendered very fine service on our Armed Services Committee, and carries a good part of the load and the work of that committee. We are proud of the progress of his condition and hope to welcome him very soon to the council chambers, the committee rooms, and the floor of the Senate.

ORDER FOR A PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND LAYING BEFORE THE SENATE THE UNFINISHED BUSINESS ON MONDAY, MARCH 20

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, following the remarks of the two leaders under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is House Joint Resolution 208.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

I suggest the absence of a quorum, before making a motion to adjourn.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S PROGRAM ON EQUAL EDUCATIONAL OPPORTUNITIES

Mr. PELL. Mr. President, I have reviewed the President's bill on equal educational opportunities. I believe that all Federal education legislation has as its aim the provision of equal educational opportunity. The President's bill, to my mind, is an extension or perhaps an elaboration on the title I, ESEA program, which provides money to schools educating disadvantaged children. Indeed, I personally think that the aims of the President's bill could probably be achieved through the full funding of title I, ESEA. And here it is interesting to note that in its present budget the administration has requested less than $1.6 billion. The important objective, however, is the provision of equal educational opportunity to our Nation's children. In this regard, as chairman of the Education Subcommittee, I believe that the Senate should give the quickest and fullest possible attention to the President's proposal. Personally, I would propose hearings be held on it within the next week.

(The remarks Mr. PELL made at this point on the submission of a resolution are printed earlier in the RECORD under Submission of a Resolution.)

EXTENSION OF LIFE OF THE INDIAN CLAIMS COMMISSION

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 10390.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 10390) to extend the life of the Indian Claims Commission and for other purposes, which was to strike out the matter proposed in said Senate amendment, and insert:

That section 23 of the Act entitled "An Act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes", approved August 13, 1946 (60 Stat. 1049, 1055), as amended (75 Stat. 92; 25 U.S.C. 70v), is hereby amended by striking said section and inserting in lieu thereof the following:

"DISSOLUTION OF THE COMMISSION AND DISPOSITION OF PENDING CLAIMS

"SEC. 23. The existence of the Commission shall terminate at the end of fifteen years from and after April 10, 1962, or at such earlier time as the Commission shall have made its final report to the Congress on all claims filed with it. Upon its dissolution the records and files of the Commission in all cases in which a final determination has been entered shall be delivered to the Archivist of the United States. The records and files in all other pending cases, if any, including those on appeal shall be transferred to the United States Court of Claims, and jurisdiction is hereby conferred upon the United States Court of Claims to adjudicate all such cases under the provisions of section 2 of the Indian Claims Commission Act: *Provided*, That section 2 of said Act shall not apply to any case filed originally in the Court of Claims under section 1505 of title 28, United States Code."

SEC. 2. Section 27(a) of such Act of August 13, 1946, as amended (25 U.S.C. 70v–1), is amended by striking said section and inserting in lieu thereof the following:

"TRIAL CALENDAR

"SEC. 27. (a) The Commission from time to time shall prepare a trial calendar which shall set a date for the trial of the next phase of each claim as soon as practical after a decision of the Commission or the United States Court of Claims or the Supreme Court of the United States makes such setting possible, but such date shall not be later than one year from the date of such decision except on a clear showing by a party that irreparable harm would result unless longer preparation were allowed."

SEC. 3. Section 27(b) of such Act of August 13, 1946, as amended (25 U.S.C. 70v–1), is amended by striking said section and inserting in lieu thereof the following:

"SEC. 27. (b) If a claimant fails to proceed with the trial of its claim on the date set for that purpose, the Commission may enter an order dismissing the claim with prejudice or it may reset such trial at the end of the calendar."

SEC. 4. The Act of August 13, 1946, as amended, is further amended by adding at the end thereof a new section as follows:

"SEC. 28. The Commission shall, on the first day of each session of Congress, submit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives, a report showing the progress made and the work remaining to be completed by the Commission, as well as the status of each remaining case, along with a projected date for its completion."

SEC. 5. Section 6 of such Act of August 13, 1946 (25 U.S.C. 70e), is amended by adding at the end thereof the following: "There are authorized to be appropriated for the necessary expenses of the Commission not to exceed $1,500,000 for fiscal year 1973, and appropriations for suceeding fiscal years shall be made only to the extent hereafter authorized by Act of Congress."

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday is as follows:

The Senate will convene at 11 a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, the equal rights for women amendment. There is a time agreement thereon, and amendments can be called up on Monday, with a time limitation of 2 hours on any amendment. Rollcall votes could occur on amendments.

Moreover, the distinguished majority leader indicated a little earlier today that it is anticipated that the House will agree to the conference report on the Radio Free Europe and Radio Liberty measure on Monday; and if that is done—the Senate is on notice that the Senate will likely take up that conference report on Monday afternoon, in which event there would be a rollcall vote on the conference report on Radio Free Europe and Radio Liberty.

ADJOURNMENT UNTIL 11 A.M., MONDAY, MARCH 20, 1972

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock on Monday morning.

The motion was agreed to; and at 2:53 p.m. the Senate adjourned until Monday, March 20, 1972, at 11 a.m.

NOMINATION

Executive nomination received by the Senate March 17, 1972:

IN THE AIR FORCE

The following officer to be assigned to a position of importance and responsibility requiring the rank of general, under the provisions of section 8066, title 10, United States Code:

Lt. Gen. John W. Vogt Jr., [redacted] FR (major general, regular Air Force), U.S. Air Force.

CONFIRMATION

Executive nomination confirmed by the Senate March 17, 1972:

NATIONAL CREDIT UNION BOARD

O. Louis Olsson, of Connecticut, to be a member of the National Credit Union Board for a term expiring December 31, 1977.

EXTENSIONS OF REMARKS

ECUMENICAL WORSHIP SERVICE PAVES WAY FOR TRUE CHRISTIAN UNITY

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, March 17, 1972

Mr. RANDOLPH. Mr. President, in a world too widely divided in regional and philosophic dispute, good men seek order through understanding. It is not necessary to adopt another man's beliefs in order to understand him, or to treat him with the dignity and respect which should be accorded all mankind. It has been said that the hardest thing to open is a closed mind.

One of the small but significant steps toward universal brotherhood has been taken in my hometown of Elkins, W. Va. Recently, the First United Methodist Church was host to the second ecumenical worship service to be held in that city. Protestants and Catholics alike met, with the theme "The Service of Mankind" predominant.

The principal speaker for the service was the Most Reverend Joseph H. Hodges, bishop of the Catholic Diocese of Wheeling, W. Va. The pastor of the host church is Dr. Harry C. Mikels. An article published in the Elkins daily newspaper, the Inter-Mountain, gives details of the ecumenical worship service. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"IT IS COMMAND OF CHRIST THAT WE WORK TOWARD CHRISTIAN UNITY"—HODGES

In a Sunday evening message, as modern as Vatican II and as ancient as Biblical history, the modern Protestant and Catholic were inspired to go beyond the rudiments of ecumenical song and dialogue and to "truly put himself at the service of mankind."

The speaker was The Most Rev. Joseph H. Hodges, D.D., Bishop of the Catholic Diocese of Wheeling; the occasion was Elkins' second ecumenical worship service at the First United Methodist Church in Elkins.

The theme of the service, "The Servant Role of the Church," took its message from the Thirteenth Chapter of John in which the Christian heritage of service to mankind is symbolically exemplified by Christ in the washing of the disciples' feet.

"It is a requirement, a command of Christ, himself, that we work toward Christian unity, Bishop Hodges told the congregation.

"Christian service, one to another, goes beyond the washing of feet," he said. "Though it is a very difficult act to follow, it goes deeper than that.

"God put himself at the service of mankind," though, "he had absolutely no need of us; he was complete in himself."

The Bishop reiterated the fact of our present unity in Christ based on "one Lord, one faith, one baptism," and stressed that the foundation of Christian unity, and our progress as Christians through service, rests on whether or not we have learned to love God.

He spoke of the need for Christians to serve both the rich and the poor, the good and the bad, recognizing their fundamental dignity in Christ. He emphasized that it is not the mission of the Christian to "create a master human race like a Hitler," but to help others with their problems in the spirit of selflessness and humility.

Bishop Hodges praised the modern efforts of the faithful to reach new heights of ecumenism through community dialogue, and acts of service and prayer, and challenged them to "seek the help of the Holy Spirit in doing the will of God."

Christian leaders and laymen representing the Christian Churches of the Elkins area participated at the service.

The welcome and call to worship was issued by the Rev. Dr. Harry C. Mikels, pastor of the host church.

Others entering the church in procession were: Fr. Mark Kraus, pastor of St. Brendan's Catholic Church; the Rev. John Ellington, rector of Grace Episcopal Church; Fr. Raymond Radzetta, St. Patrick's Catholic Church, Coalton; Fr. Victor Frobas, pastor of St. John's Chapel, Huttonsville; the Rev. Richard S. Gibson, of the Woodford Memorial Church, and Dr. H. W. Ware of the First United Methodist Church.

Representing the laymen of both faiths were Mrs. S. M. Caldwell, of St. Brendan's Church; and William Wilheim, First United Methodist Church.

An ecumenical choir, under the direction of Jack Basil, with Mrs. Rennie Hall at the organ, also participated.

A public reception followed with the women of St. Brendan's Church and the First United Methodist Church as hostesses.

THE ANCIENT ORDER OF HIBERNIANS

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. COTTER. Mr. Speaker, many citizens of Irish descent celebrate St. Patrick's Day. There are many organizations that include Irish Americans, but none so impressive as the Ancient Order of Hibernians.

Just recently, Mr. Dennis Finn of the Ancient Order of Hibernians Division No. 2 in Hartford, sent me a description of the origins and accomplishments of this fine organization.

For the edification of the membership and the readers of this RECORD I am including this document.

Whereas, The Ancient Order of Hibernians in America, Inc. is celebrating the 136 years of their existence; and

Whereas, Saint Patrick is their patron; Friday, March 17th, "St. Patrick's Day" should be set aside and dignified in recognition of the Ancient Order of Hibernians.

ORIGIN OF THE ORDER

In the dark days of 1565, when to be a Catholic in Ireland meant social ostracism, when to be a priest of the Catholic Church meant to be hunted, when to impart religious education to the young or instill religion into the minds of the people was dealt the same pain and penalties as were prescribed for the most henious crimes, when every effort was being made by the English government to dominate the minds of the native Irish, the Ancient Order of Hibernians was born.

From traditions in the Order it would seem that its aims and objects were mainly the protection of the Priesthood, while in performance of their sacred duties, and the execution of those rites and ceremonies instituted by the Catholic Church for the observance of the faithful throughout the world. Certain it is that to this organization is due, in large measure, the preservation of the Catholic religion in Ireland. By their zeal, energy, watchfulness and assiduity, it became possible for the good "soggartharoon" to offer up the holy sacrifice of the Mass, carry the consolations of religion to the sick and dying, and administer the Sacraments to his benighted and scattered flock. Many are the heroic and chivalrous deeds performed by the members of this Order in executing its work, and undoubtedly many of them suffered severely for their faith.

This, then, was the origin of the grand and noble Order. "Friendship, Unity and Christian Charity" was and is now the motto under which they march. In the minds and lives of these men, this legend is not merely a euphonious and attractive phrase intended to catch the popular ear, but it is the expression of a principle in accordance with which they endeavor to regulate their lives, not only in theory, but in practice, having its roots enlivened around the heart of the very organization from which it draws its nourishment and strength.

When, in 1798 Wolf Tane declared for an independent self-governing people in Ireland, consolidating the religious as well as the political questions under a free government of the Irish people, the members of the Ancient Order of Hibernians supported him and those that followed in their efforts to gain independence.

Irishmen, by birth and descent in the United States, supported their efforts by giving personal services and money to the cause.

Since 1836, when the Ancient Order of Hibernians in America was founded, it has supported all efforts for an independent and free Ireland of 32 counties.

They continue to support the efforts to create a unified Ireland, by the return of the six northeastern counties to the Republic of Ireland.

THE ORDER IN AMERICA

The Ancient Order of Hibernians was organized in America in St. James Church, 23 Oliver Street, New York City on May 4, 1836. Despite the many difficulties it had to contend with during its early existence in this country, it has continued to grow and prosper until it has become the largest and most influential body of men of Irish lineage in the world. It is an American fraternal organization and attempts, by every honorable means, to promote the interests and welfare of those with Irish heritage.

The primary purpose of the organization is briefly set forth:

1. To promote friendship, unity and Christian charity among its members.

2. To uphold and sustain loyalty to the government of the United States of America by the members of the organization living here in America, or whatever government under which its members may be citizens.

3. To aid and advance, by all legitimate means, the aspirations and endeavors of the Irish people to complete and absolute independence.

4. To foster the ideals and cultivate the history and traditions of the Irish race throughout the world.

The Society is striving to unite our aims to perpetuate in America the spirit of our Irish ancestors and to preserve the ideals and make known the history of the race and to guard and defend the principles of civil and religious liberty in our own heaven-blest land.

Our motto "Friendship, Unity and Christian Charity" implies a friendship carrying with it a spirit of helpfulness, a unity of all our people, and a charity not merely for the assistance of our own members, but a charity broad and universal and circumscribed by neither race nor creed.

The Order has distributed ten million dollars for charitable purposes. It contributed forty-four thousand dollars to the San Francisco earthquake suffers, ten thousand dollars to the Boer Ambulance Corps, fifty thousand dollars to the establishment of a Chair of Celtic Languages at the Catholic University in Washington. Thousands of dollars have been contributed to the earthquake suffers in Italy, to destitute of the Charlestown, Johnstown and Galveston disasters and many more thousands to the sufferers in the Ohio and Mississippi floods, and 1955 floods in Connecticut and 1960 earthquake and tidal wave victims in Chile and elsewhere.

Their Eminences Francis Cardinal Spellman, Richard Cardinal Cushing and James Francis Cardinal McIntyre were members of the Order. Both Cardinals Spellman and Cushing served as National Chaplains.

The late John F. Kennedy, 35th President of the United States, was the most distinguished lay member ever to join the Ancient Order of Hibernians in America. He joined in 1947 and remained active an interested until the day of his assassination. From his inaugural address we should always keep in mind: "Ask not what your country can do for you—ask what you can do for your country".

The John F. Kennedy Memorial Committee and Fund were established at the 1964 National Convention in Albany, New York. The first Annual Award of the "John F. Kennedy Medal" was presented to the Honorable James A. Farley, former Postmaster General, and a long-time member of the Ancient Order of Hibernians.

It has been well said that "every nation is today the result of all its accumulated yesterdays; that the roots of its mental and moral life lie in the past". How important then the preservation of the glorious record of our people. The Order has done much to foster the teachings of that record, that it may thus be preserved for generations to come.

PEACE IN THE MIDDLE EAST

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Friday, March 17, 1972

Mr. CRANSTON. Mr. President, I invite attention to recent promising developments in the Middle East. While we may be on the verge of a major breakthrough, we must not forget that a lasting peace depends on a strong and defensible state of Israel.

Although I strongly believe that peace in this troubled area depends on negotiations rather than on an escalating arms race, I applaud the recent decision by the President to continue to sell Phantom jets to Israel. At numerous times in the past, the United States has been quick to assure Israel of its full diplomatic support, but slow to back up its guarantees.

There are those who would say that selling arms to Israel is inconsistent with a dedicated search for peace. The opposite is true. The alleged contradiction between arms for Israel and the reduction of arms spending both at home and in Vietnam is a false issue. In America, the notion that "strength deters aggression" has been stretched and distorted to ludicrous proportions. By means of so-called "worst-case threat analyses," the defense budget is stuffed with escalatory responses to far-fetched threats. Overkill breeds more overkill. In Israel, however, the issue is one of stark physical survival. Should the arms balance tip too heavily against her, she faces the threat of extinction.

Israelis know what they are talking about. They do their own fighting. They pay for what they receive. They carry out impressive intelligence work. Above all, they are seeking military strength to bolster peace, not to ignite war.

I strongly believe that arms alone can never line the paths to a lasting peace. We must continue to explore all the avenues to a negotiated settlement. I fervently hope that the Jarring mission will eventually bear fruit, but in the meantime Israel has nothing to fall back on but her own strength.

This strength springs not simply from weapons, but from defensible borders as well. The Golan Heights, taken from Syria in 1967, must remain in Israeli hands in order to eliminate the threat to Israeli agricultural settlements in the Galilee.

Sinai need not be occupied indefinitely, but neither can it be a wide-open flank inviting invasion. We must not forget that John Foster Dulles persuaded Israel to withdraw from the Sinai after the 1956 war in return for a patchwork arrangement that Nasser later brushed aside. For religious, historical, and symbolic reasons, Jerusalem must remain united. Finally, Israel must maintain a presence at Sharm el Sheik and a connecting corridor to the major oil gateway of Eilat.

Geography is still a vital issue in world conflicts. Slighting Israel's geographical needs can only mean that we fail to understand the nature of Israel's security requirements. Asking the Israelis to commit themselves to a detailed map before peace talks take place is like asking a poker player to deal his cards face up.

Yet even while supporting Israel, we must go further. We can seize the occasion of the Moscow talks in May to press for a mutual limitation on arms deliveries to the Middle East. We can encourage multilateral initiatives and preventive diplomacy.

We speak frequently of America's "national interests" without really understanding what these interests are. In the Middle East, our interests clearly include the survival of a defensible Israeli state. The Israeli people should no longer be asked to shoulder the psychological and economic burdens of festering tensions. There will be rivalry, there will be bitterness, but there must no longer be bloodshed. Let us sell arms as a friend of Israel, but let us also encourage a just, negotiated settlement as a friend of peace.

ST. PATRICK'S DAY SPEECH

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. HALPERN. Mr. Speaker, today all America celebrates St. Patrick's Day. All of us, regardless of our creed or origin, pay our respects by the wearing of emerald green in our hearts and on our clothes.

America has been blessed with many sons of the Emerald Isle. In every walk of life, they have made valuable contributions to the building of America. Among their greatest qualities, the Irish have brought to our land a deep love of God and a firm resolve to oppose all philosophies and forms of government which seek to destroy man's faith and freedom.

While we pause to pay tribute to the Irish who have done so much to help make America what it is today, it would be well also for us to turn our thoughts to the current, tragic situation now plaguing Ireland.

I would like to take the occasion of St. Patrick's Day to lend my support to the proposals that have been made for an end to the violence and terror now wracking Northern Ireland. As friends of both Great Britain and Ireland, we cannot remain indifferent to the tragic events which have taken place in Ulster—and which are still occurring, with seemingly no end in sight. These matters are of great concern to all and merit our attention.

Resolutions have been introduced in the U.S. Congress that call for the withdrawal of British troops from Northern Ireland, an end to internment without trial of suspected terrorists, the dissolution of Stormont—the Northern Ireland Parliament—and the eventual unification of Northern Ireland with the Republic of Ireland. In light of the present situation, these proposals would appear to offer the best hope for a peaceful settlement to the dispute which is tearing apart the Catholic and Protestant communities in Northern Ireland, and should not be seen as contrary to British interests.

When British troops were sent to Northern Ireland in 1969, they were welcomed as protection by the Catholic minority. Indeed, the inhabitants of the Catholic ghettos of Derry and Belfast had been subjected to vicious raids and attacks, not only by Protestant militants, but by members of the police force—the hated B-Specials—whose role should have been to put an end to the fighting. Protestant fury had been aroused by nonviolent, peaceful civil rights groups, who had staged marches to protest widespread discrimination against Catholics in housing and employment, the lack of fair representation in local city councils as well as Stormont, made possible by extensive gerrymandering and the denial of universal franchise at the local level. These well-justified grievances could not find proper hearing in the Northern Ireland parliament, where the Protestant

Unionists have ruled steadily since tne creation of the nation of Northern Ireland in 1920.

Originally, British policy in Northern Ireland was designed to maintain the peace between the two communities, while putting pressure to bear on Stormont to carry out badly needed political reforms. This policy has obviously failed. The British troops, wittingly or unwittingly, have become an instrument of the represessive Stormont government, and have completely alienated the Catholic community. The presence of the British troops, in itself, has become an obstacle to a political solution. Today, Northern Ireland is closer to the brink of civil war than it was 3 years ago, when the British troops first arrived.

The British Government, blinded by fear of a Protestant backlash, has made many concessions to the Northern Ireland Government, which in turn, has only grudgingly granted minor concessions to the Catholics. In the process, it has identified itself with the Protestant cause, and has discredited itself as an impartial force. The authorization to allow British troops to conduct arms searches in Catholic homes and neighborhoods was a capitulation to the demands of the Northern Ireland Government. British troops have conducted raids on Catholic homes, and yet have left undisturbed those groups of Protestant vigilantes who are armed to the teeth.

The Government of Northern Ireland did accept the British demand that the B-Special police be disbanded, but they immediately regrouped in a unit now called the Ulster Defense Regiment. The policy of internment without trial, another request of the Northern Ireland Government, began last August, and was directed almost exclusively against Catholics, while Protestant terrorists were ignored.

The repression of Catholics culminated in the tragic shooting, on January 30, 1972, of 13 unarmed civilians who had gathered peacefully to protest the policy of internment, and to seek an immediate end to it. If the British are so worried about a Protestant backlash, it would seem that they would direct their efforts toward disarming Protestant militants, interning their terrorists, and not shooting into peaceful crowds.

The abolition of Stormont may at first glance appear to be an extreme demand, but given the present situation, it is not. Political reform within the context of Northern Ireland may have been a possibility 3 years ago, but offers little hope of a viable solution today. Only a true reformist government could have redeemed the institution of Protestant rule in Northern Ireland. Three years of chaos and turmoil have revealed Stormont for what it is: an institution bent on preserving the supremacy and privilege of the Protestants.

It no longer has any claim to representing anybody but itself. The Catholic opposition members have boycotted Stormont since the British refusal to conduct an inquiry into the fatal shooting of two young Derry Catholics by British soldiers last July. The Army claimed that the two me were armed, but no weapons were found on either of them. The Catholics have set up an alternative assembly and have refused to take their seats in Stormont until the policy of internment is ended.

They have recently stiffened their demands, and have announced that they refuse to join in any talks until Stormont is itself abolished. Many Catholic government officials have resigned their government posts, finding themselves unable to participate in the Northern Ireland Government in any way. The Catholic community has joined in widespread sit-ins, rent strikes, and disruptions of public utilities to voice their opposition to Stormont.

It would appear that the British themselves recognize the failure of Stormont as a politically representative institution, and that the only viable solution today appears to be within the context of a united Ireland. Former Prime Minister Harold Wilson has put forth a 15-point plan which calls for the creation of a commission—which would represent the major parties from the Parliaments of London, Dublin and Belfast—to draw up a constitution for a united Ireland, to be ratified by those three parliaments and to go into effect in 15 years.

Other proposals for a political solution have been put forth, yet, to date, nothing has been done. No talks have begun, nor have any been scheduled. The sooner efforts are made to find a political solution, the sooner peace will be restored in Northern Ireland. The present policy of military repression can only lead to further tragedy.

The destinies of Ireland and the United States are closely linked especially in their mutual emphasis on democratic and spiritual qualities. Both at one time politically weak, Americans and Irishmen have proved capable of challenging oppression and injustice, and of obtaining through popular resistance, their national independence.

It is, therefore, fitting for us, on this great day, to turn our eyes toward Ireland, and to pray that peace and justice will soon be realized through the creation of a united Irish nation.

POST-AGE—NEWSLETTER ON POSTAL AFFAIRS

HON. GALE W. McGEE

OF WYOMING

IN THE SENATE OF THE UNITED STATES

Friday, March 17, 1972

Mr. McGEE. Mr. President, as chairman of the Committee on Post Office and Civil Service. I invite the attention of Members of Congress and others to the fact that a new and very helpful newsletter on postal affairs, called Post-Age, has recently begun publication.

The newsletter, edited by Art Brandel, conveys inside information on what is going on in the Postal Service. Since the Postal Reorganization Act of 1970, under which Congress relinquished a measure of its control over postal affairs while still maintaining close surveillance of postal operations through the Post Office Committees of the House and Senate, the activities of the Postal Service have become less public in nature.

One of the functions of Post-Age is to let every mail user know what transpires in the day-to-day management of the U.S. Postal Service. The newsletter editor, Art Brandel, is an experienced and able newsman who, for many years, while working for other publications, has demonstrated keen insight into the real meaning for all mail users of management decisions at Postal Service headquarters.

The first three issues of Post-Age demonstrate that Mr. Brandel's new publication is filling a new need. Personally, I wish him success and commend his publication to every mail user and especially to those of us who take particular interest in postal affairs.

MY RESPONSIBILITY TO FREEDOM

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. McCOLLISTER. Mr. Speaker, approxmately 500,000 high school students competed this year in the annual Veterans of Foreign Wars Voice of Democracy Contest. The theme was "My Responsibility to Freedom."

I am pleased to insert in the RECORD a copy of Nebraska's winning entry by Miss Sharla Biggs, a senior at Omaha Westside High School, who plans a career in communications or teaching:

MY RESPONSIBILITY TO FREEDOM

(By Sharla Biggs)

The words ring out from the voice of our youth today, and we can not but shudder: "I pledge defiance to the flag of the imperialistic state of America, and to the materialism for which it stands, one slum built in poverty, indivisible, with liberty and justice for some."

The words—nothing but a distorted, fractured version of the original great words. Yet some look around themselves and at reality and honestly believe that America in her true tradition has died. They believe that the dream of freedom which our ancestors fought for as an ideal has never been anything but that, an ideal which has never been achieved. For this small but unfortunately growing radical faction, the only responsibility to freedom which they can conceive of is to bomb, to destroy and to then set up a new system upon the ashes of the old.

I can't agree with these groups and their radical thoughts, and I don't think you agree with them either. For those of us who believe in democracy, and who believe that our nation does provide us with liberty and justice, and freedom for all, the responsibility we have to protect and continue that freedom runs much deeper.

We as a nation have had to fight to gain our freedom which some so callously discredit. Think for a moment of all the men and women from our history who have fought for our freedom and been considered patriots because of it. John Paul Jones refusing to give up his ship, Teddy Roosevelt leading the charge, John Kennedy lying on the operating table, and hundreds of others who have lived up to their responsibilities to freedom.

But they are not the important ones, as important as each of these individuals may have been in the establishment of freedom, they are not the important ones. It is instead the man who works to support his family instead of depending on others, the teacher in her classroom, the soldier fighting America's wars—we are the important ones, the carriers of democracy.

Our entire governmental system is based upon us, the individuals, the backbone of the nation. Our justice system allows us to reflect the feelings of the community and pass judgment on our peers. Our educational system provides training for all our young, not just the elite. It too is based upon the individual. Even our officials are placed into office by the individuals who cared enough to vote, normal people like you and me.

This is why we as individuals hold freedom on our shoulders. It is our burden and we should gratefully accept it, realizing that it is nothing more than our own rights that we are upholding. Freedom, the right to control yourself, the ability to do what is right by your own standards, the right to liberty. All of these rest upon the American individual.

I believe the late president John Kennedy had this burden in mind when he said, "Ask not what your country can do for you, but what you can do for your country.". Ask what you as an individual can do for your country and your freedom. The individual in America is afforded many possibilities, and it is our duty to achieve the highest levels we are capable of reaching, levels of achievement that we have never yet dreamed of. This is what we must do for our country, in what ever fields we choose, in what ever challenges we meet and overcome we must reach as high as we can, setting goals above the moon, above what we believe to be our own capabilities. And then reaching them. Raising with us our nation, achieving an even greater degree of freedom because of our effort, and achieving for America new dreams and new glory.

America's freedom, it is in many ways like an uncut diamond. Upon first examination it may seem tarnished and covered with loose rocks and dirt which is worthless and could easily be cut away. But underneath this is the real America, an America with freedom for her people, all of her people, and all of the quality and depth and color of a true gemstone. And it is we the people, the people upon whom freedom is based that have the responsibility to make this true America come forth for all to see, in all of her glory and beauty.

RESULTS OF POLL CONDUCTED BY SENATOR YOUNG IN NORTH DAKOTA

HON. MILTON R. YOUNG

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Friday, March 17, 1972

Mr. YOUNG. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks the results of a poll I have just taken in North Dakota.

There being no objection, the results of the poll were ordered to be printed in the RECORD, as follows:

This is the tabulation as of March 14 of the returns from the 70,000 questionnaires I sent out late in Feburary. Returns received after this date will be added to the 11,000 already received. A very high percentage of those returning questionnaires made helpful comments expressing additional views on a wide range of subjects.

Previous similar polls, mailed to every precinct in the state, have quite accurately forecast how North Dakotans voted in the following election.

People identifying themselves as farmers were tabulated separately, as were nonfarmers and students. There was a somewhat higher percentage of returns from farmers than they represent to the total population. Farmers indicated by F; nonfarmers, NF; students, S.

This questionnaire was sent to only 2,000 students, 1,000 each at the University of North Dakota and North Dakota State University. Unfortunately, more were not sent to students and other young people because I didn't have adequate lists. It is interesting to note that the percentage return from students was as high as those from the other groups. This indicates they have an active interest in issues and politics. They were the only group that showed a preference for any of the Democrat candidates for President—favoring Senator Edward Kennedy over President Nixon. Their views on other questions did not vary greatly from the other groups.

Since President Nixon will undoubtedly be the Republican candidate and the Democrats have many candidates at present, it's possible that when they select their candidate, that candidate's strength in North Dakota could be greater than this poll indicates.

In the following summary, where there was less than a three percent difference in the preferences among groups, only the total tabulation is shown:

1. How would you rate President Nixon's general handling of the war in Vietnam?

	Good:	Fair:	Unsatisfactory;
Total	4, 467—41%	4, 252—40%	2, 043—19%
Farmer	2, 221—34%	2, 901—44%	1, 412—22%
Nonfarmer	2, 158—55%	1, 221—31%	552—14%
Student	88—30%	130—44%	79—26%

2. Do you believe we should retain a residual military force in Vietnam until all of our prisoners oj war are released?

	Yes:	No:
Total	7, 976—77%	2, 428—23%
Farmer	4, 853—77%	1, 439—23%
Nonfarmer	2, 959—77%	876—23%
Student	164—59%	113—41%

3. Do you favor the President's welfare reform proposal with its guaranteed annual income?

	Yes:	No:
Total	2, 992—30%	6, 835—70%
Farmer	1, 709—29%	4, 184—71%
Nonfarmer	1, 187—32%	2, 473—68%
Student	96—35%	178—65%

4. If a presidential election were held now and the choice were between the following persons, for which one in each group of two would you vote?

	Total	Farmer	Nonfarmer	Student
Nixon	5, 723—67%	2, 972—60%	2, 596—77%	155—57%
Muskie	2, 835—33%	1, 951—40%	769—23%	115—43%
Humphrey	2, 570—31%	1, 874—40%	624—19%	72—28%
Nixon	5, 643—69%	2, 858—60%	2, 593—81%	192—72%
Nixon	5, 826—72%	2, 987—65%	2, 684—84%	155—60%
McGovern	2, 230—28%	1, 625—35%	499—16%	106—40%
Jackson	1, 584—21%	1, 131—27%	405—13%	48—19%
Nixon	5, 929—79%	3, 090—73%	2, 636—87%	203—81%
Nixon	5, 691—71%	2, 967—65%	2, 595—82%	129—49%
Kennedy	2, 289—29%	1, 573—35%	584—18%	132—51%

5. Which farm price support program do you like best?

	a. The present program (which was in effect last year):	b. The program in effect the previous 5 years:
Total	4, 335—51%	4, 109—49%
Farmer	2, 951—52%	2, 695—48%
Nonfarmer	1, 304—50%	1, 303—50%
Student	80—42%	111—58%

6. Do you believe that price supports under the present program for wheat and feed grains should be increased?

	Yes:	No:
Total	8, 606—84%	1, 589—16%
Farmer	5, 844—90%	665—10%
Nonfarmer	2, 581—75%	867—25%
Student	181—76%	57—24%

7. Do you approve of the Nixon administration's farm policies?

	Yes	No
Total	2,983—32%	6,369—68%
Farmer	1,672—28%	4,330—72%
Nonfarmer	1,262—40%	1,870—60%
Student	49—22%	169—78%

8. Do you favor President Nixon's proposal to abolish the draft and replace it with an all-volunteer armed force?

	Yes	No
Total	7,437—72%	2,844—28%
Farmer	4,598—74%	1,660—26%
Nonfarmer	2,644—70%	1,143—30%
Student	195—82%	41—18%

9. How would you rate President Nixon's foreign policy decisions?

	Good	Fair	Unsatisfactory
Total	3,759—35%	5,432—51%	1,417—13%
Farmer	1,813—28%	3,643—57%	989—15%
Nonfarmer	1,854—48%	1,630—42%	394—10%
Student	92—31%	159—57%	34—12%

10. Do you approve of President Nixon's trip to:

a. Communist China:

	Yes	No
Total	9,117—86%	1,517—14%
Farmer	5,323—83%	1,102—17%
Nonfarmer	3,525—90%	393—10%
Student	269—92%	22— 8%

b. Russia:

	Yes	No
Total	8,414—83%	1,715—17%
Farmer	4,888—80%	1,223—20%
Nonfarmer	3,265—87%	469—13%
Student	261—92%	23— 8%

11. Do you favor trade in both agricultural and industrial goods with Communist China? Yes: 8,871—85% No: 1,540—15%.

12. Do you favor increased trade in industrial and farm goods with Russian and Satellite nations? Yes: 8,604—83%. No: 1,719—17%.

13. How do you believe the President's Phase II wage and price stabilization controls are working?

	Good	Fair	Unsatisfactory
Total	841— 8%	5,307—50%	4,373—42%
F	375— 6%	3,065—48%	2,941—46%
NF	442—11%	2,080—54%	1,333—35%
S	24— 8%	162—57%	99—35%

14. Do you think Congress should enact permanent legislation which would provide compulsory Federal arbitration to end serious transportation strikes, such as the dock strikes, when agreement appears impossible through voluntary arbitration? Yes: 10,013—93%. No: 702—7%.

TELEPHONE PRIVACY—V

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. ASPIN. Mr. Speaker, I am presently circulating for cosponsorship the Telephone Privacy Act, H.R. 13267, which would allow individuals to place a "no solicitors" sign on their telephones.

This bill would give to individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option to require the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phonebook who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates and organizations and opinion poll takers. Also not covered would be debt collection agencies or any other individuals or companies with whom the individual has an existing contract or debt.

As I noted in a statement last Thursday, I have received an enormous amount of correspondence on this legislation from all over the country.

Today I am placing a fourth sampling of these letters into the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow—the names have been omitted:

DOWNINGTOWN, PA.,
March 1, 1972.

HON. LES ASPIN,
House of Representatives,
Washington, D.C.

SIR: I read in our "Daily Local" paper that you planned to introduce a bill to give persons the right to indicate to the telephone company if they do not want to be solicited commercially over the phone.

Congratulations!! I could not agree with you more that it is a tool for invading an individual's "privacy." It is also a darn nuisance. My husband is 65 years old, retired, I am 61 years old and it is most annoying everytime either of us are taking a nap some one is calling to try and sell us something.

The enclosed clipping was in last night's paper—kind of hits the nail on the head as to the "junk" phone calls everyone gets. I also would like someone to introduce a bill forbidding the selling of lists of names and addresses to various firms. Another invasion of one's "privacy." It would stop a great deal of junk and unsolicited mail.

I know that your duties are many and burdensome, you are to be commended for doing your part to help the citizens of this great country.

Wishing you the best of health and success in the passing of the "Aspin Bill." Keep up the good fight.

Sincerely,

———— ————.

[From the Daily Local News, West Chester, Pa., Feb. 29, 1972]

FAR TOO MUCH OF A SOMETIMES GOOD THING

Telephones are pretty much like automobiles. You can't very well get along without them.

But there are times, such as when you are absorbed in a good book, that you wish the telephone bell would just hush up.

Such was the situation at our house one Sunday night when the jangling of the telephone bell disturbed the peace and quiet.

It was more disturbing to discover that as late as nine o'clock on a Sunday night that the caller was anxious to sell us magazine subscriptions.

It is not only the mail service that brings unsolicited offers of being "the selected one to receive this once in a lifetime offer of being eligible to enter this or that big contest and so become independently wealthy for life".

The telephone brings similar unsolicited offers.

Numerous calls have come to our house offering free-of-charge dinner invitations.

Attendance at the dinner gives you the opportunity of hearing about the terrific bargains in purchasing property lots in Bide-a-wee type developments.

There you may construct a home and live happily ever . . .

Such development lots are offered from the Poconos down to the New Jersey shores. I hear the dinners aren't bad. As a matter of fact one guy complained that they talked all through his dinner. He didn't buy a lot either.

Things must be looking up in the sale of cemetery lots. We haven't received a call from one of those salesmen for a long time.

It must be terribly difficult to get people to make collections for various charities. We get many telephone calls soliciting help. The last we received was from Alcoholics Anonymous.

I get the same feeling when I drive smugly by a hitchhiker and fail to stop, as I do when I turn down the salesman making a pitch over the telephone, be it cemetery lots, stocking specials or brooms and mops.

Nevertheless I do consider it an invasion of privacy.

LAKEWOOD, OHIO,
March 6, 1972.

DEAR CONGRESSMAN ASPIN: I totally support your efforts in presenting a bill to Congress to regulate telephone solicitation.

I read of your bill in the Editorial section of the Cleveland Plain Dealer and shall follow through by writing our Congressman, Mr. Minshall.

We hope, also, that you are consistently voting against further military expenditures and not Buying War!!

Most Sincerely,

——— ———.

ARLINGTON, VA.,
March 2, 1972.

DEAR CONGRESSMAN: Hooray for you & your bill to make illegal phoning people at home to sell them things. It is an invasion of privacy, a great annoyance and to my mind no business has the right to use my phone without my permission unless they pay the bill.

I speak for at least 50 ladies who said they would write to you but I'm afraid we are the Silent Majority. I've decided I must applaud you & let you know it, if no one else does.

Sincerely,

——— ———.

MARCH 2, 1972.

Hon. LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR MR. ASPIN: The enclosed clipping prompts me to write an enthusiastic endorsement of your proposed bill. The shameless practice of soliciting by telephone is one of the most annoying of the minor impositions we are subjected to. It is high time something was done to protect subscribers to telephone service (for which we pay enough, God knows) from being exploited by unscrupulous promoters. Junk mail is bad enough, but that can be disposed of without real inconvenience—except to the mailman who has to carry it. But all telephone calls are signaled by the same sound; there is no way to be selective in answering and little satisfaction in cutting off the sales pitch half way through.

I am not sure what legislation would be effective, short of flatly prohibiting the practice, and this is what I would favor.

Sincerely yours,

——— ———.

Enclosure.

NEWSCLIPPING

Rep. Les Aspin (D-Wis.) planned to introduce a bill to give persons the right to indicate to the telephone company if they do not want to be solicited commercially over the phone. "It will significantly reduce the use of the telephone as a tool for invading an individual's privacy," Aspin said.

CHAIRMAN KLAFF SPEAKS ON THE PROGRESS OF THE NATIONAL COMMISSION ON MATERIALS POLICY

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Friday, March 17, 1972

Mr. BOGGS. Mr. President, title II of the Resource Recovery Act of 1970—Public Law 91-512—established the National Commission on Materials Policy. The Commission's task is a most formidable one, to develop the framework for a national materials policy and report these findings to the President and the Congress by June 30, 1973. Such a policy would seek to foster wiser use of our limited supply of materials.

President Nixon last year designated the members of this seven-man Commission and the Senate confirmed the nomination of members.

The Chairman of the Commission, Mr. Jerome L. Klaff of Maryland, will speak today in Los Angeles on the purposes and goals of the Commission to the Air Force Metalworking Conference.

The speech that Mr. Klaff has prepared is both challenging and valuable, I believe. In order to bring it to the attention of Senators, I ask unanimous consent that it be printed in the Extensions of Remarks.

In addition, Mr. President, I ask unanimous consent that a news release issued by the Commission also be included in the Extensions of Remarks. This news release deals with the remarks that James Boyd, the Commission's Executive Director, gave at a meeting earlier this week to the American Paper Institute.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TOWARD A NATIONAL MATERIALS POLICY

(By Jerome L. Klaff)

Materials have always played a dominant role throughout man's history. And yet, because the North American continent seemed to have been blessed with boundless resources, our country has taken natural resources largely for granted. And many of us have assumed that the sources of our materials and energy are infinite. In such an atmosphere, it was easy in the past for the people to fail to recognize the vital part materials play in the country's economic life.

However, the United States is no longer self-sufficient in raw materials. For the first time in history we are actively competing with the rest of the world for the limited easily accessible resources. These resources are scattered in diverse locations throughout the world. At the same time, underdeveloped nations, too, are seeking increasing quantities of raw materials as they industrialize and raise their populations above the levels of mere subsistence.

Thus, the plain and troublesome fact is that if this country is to continue to grow and if the standard of living of the presently underdeveloped areas of the world is to be raised to even a fraction of the level of that enjoyed by the peoples of the industrial nations, then a many-fold increase in supplies of raw materials will be needed in the years ahead.

But our current concern over materials does not end with the question of adequate supplies or reserves for future generations. A new factor, and a complicating one, has been added to the equation. As more and more raw materials are extracted from the earth and processed and then consumed as products, more and more waste products threaten to degrade the environment. And our industrial system still operates largely on a one-time-use-of-materials basis, with large quantities of waste generated in the process. Some of these mastes gradually return to nature, as is the case with over 100 million tons of wood wastes every year. Some wastes, however, become additions to the landscape, as for example, about 150 million tons annually of steel mill slag.

Over the past decade, it has become increasingly evident that we must shift from this use-and-discard approach toward a closed cycle of use, salvage, reprocess, and reuse. This will be necessary not only to halt the degradation of the environment, but also to constantly replenish our supply of raw materials as our high grade reserves of natural resources are depleted.

THE COMMISSION AND ITS MISSION

To formulate and study the problems and issues involved in maintaining both an adequate supply of raw materials and a high quality environment, a national commission on materials policy was established by the Congress last year under the resource recovery act of 1970, and the commissioners were appointed by President Nixon last summer.

This commission has a precedent in an earlier materials policy commission, which issued its report, "resources for freedom," twenty years ago in 1952. The thinking leading to the present materials commission began in 1967 when Senator Boggs, of Delaware, as a member of the committee on public works, requested that the legislative reference service of the Library of Congress undertake a study of the question of materials and their relation to problems of solid waste disposal. This study was followed by a report of an ad hoc committee of materials experts and a week-long conference of the engineering foundation on the subject.

The broad mission of the national commission on materials policy is the determination of national policies needed to assure the adequate supply in future years of the materials and energy required—both in kind and quantity—to meet the needs of the nation while maintaining an acceptable environmental quality level.

REQUIREMENT/SUPPLY PROJECTIONS

As a starting point for the commission's work, forecast data on the supply/demand relationship of various materials are required. These projections, now being developed, are based on statistical data supplied by various federal agencies covering the years 1951 through 1970, and will be published in an interim report to be issued in April.

As we all know, in the rapidly changing world of today, it is difficult to see ahead accurately even one or two years. For planning purposes, however, it is necessary to postulate conditions that could happen at a sufficiently distant point in time in order to create policies. For this purpose, the projections are carried out to the year 2000, even though the commission fully recognizes that what actually will happen in the year 2000 may be a far cry from the projections.

BROAD ISSUES AND PROBLEMS

The number of problems and issues that are pertinent to the stated broad mission are so enormous that it will be impossible for the commission to address them all in its short life span. It has been necessary, therefore, to select the issues raised by the most crucial problems around which to develop a proposed national materials policy for the years ahead.

Although the list of issues has not yet been finally determined, planning is far enough along to be able to give you a broad outline of their nature and scope. In broadest terms, then, the commission's work will encompass these broad areas or tasks.

1. Raw materials supply.
2. Materials salvage and recycling.
3. Materials application and use.
4. The environment factor.

Let's discuss each of these briefly.

MATERIALS SUPPLY

The supply of raw materials, available for use by industry, is always changing and is affected by a great many inter-related factors. With a view to developing national policies that are based on sound knowledge of these factors, and that may include measures to control or influence them, the commission's work will include studies of the following market and supply problems:

1. What should be done to alleviate potential shortages of certain energy materials, particularly natural gas?

2. How can we promote the development of reserves, including the harvesting of seabed minerals? What is the need for developing new exploration, development and mining technology?

3. To what extent should government foster applied research and development programs in materials? Are the present levels of activity and type of programs appropriate?

What types of incentives are needed to increase and redirect R&D programs? What are the relationships between materials technologies here and abroad? Are we falling behind? Where are the problem areas?

4. What role should government play in stimulating domestic investment in new technologies? What are the obstacles to capital investment? What government programs and incentives are needed to overcome these obstacles?

5. To what extent should imports be encouraged? For which materials? How can the need to import raw materials be reconciled with the national concern with the deteriorating balance of trade?

6. What foreign mechanisms are available or can be developed to improve the reliability of our access to necessary foreign supplies? How can the security of United States investments in foreign supply sources be improved?

7. What laws, regulations, antitrust restrictions, and other governmental practices tend to place American firms at competitive disadvantages vis-a-vis their foreign counterparts? How significant are foreign cartels, subsidies, tariffs, non-tariff trade barriers, and other foreign practices? Conversely, what domestic practices exist which tend to give domestic industry comparative advantages?

8. What role should the Federal stockpile of strategic and critical materials play in the materials supply picture? Should the stockpile be used to stabilize or moderate the wide fluctuations in the materials markets? If not, how can disposals and acquisitions be handled with a minimum of market disruption? To what extent is the lack of clearly enunicated disposal plans a disruptive factor?

MATERIALS RECYCLING

We have already mentioned the two reasons for our need to concern ourselves more than we have in the past with the recycling of materials. One reason is to protect the environment and the other is to conserve our raw materials supplies. Because of the attitudes and habits of the past, there are a number of obstacles to the wider use of recycling that will be studied by the commission. These include such questions as:

1. What are the impediments and incentives to an expanded role for recycling in the materials system? How can we facilitate the development of new products and new markets for discarded materials? Would increased economic penalties associated with discarding spent materials induce the search for alternative uses for these items? How can the concept of recyclibility be built into the total system from product design through usage to disposal?

2. What programs are needed to encourage the development of more efficient market, distribution, collection, and sorting systems to facilitate recycling? To what extent are transportation rates structures deterrents to recycling?

3. What can state and local authorities do to encourage the development of recycling? What taxes, zoning, licensing, legislation, and other governmental activities frequently act as impediments to the recycling industry?

4. What conflicting policies and programs of different arms and agencies of government tend to be offsetting or counterproductive to a national materials policy? How can these be more clearly defined and administered?

MATERIALS APPLICATION

Fostering and encouraging the efficient and effective service application of materials is another important part of a national materials policy. There are two important aspects to be considered: one is the conservation of materials, and the other is the development of new materials and improvement of old materials to meet the needs of industry and advanced technologies.

Decisions on what materials should be used in a given product are largely determined by economics and by the performance properties required. Rising prices, reflecting growing scarcities, tend to discourage large use of scarce materials. Yet, as the supply of more and more materials declines, the need for conservation of materials in use will increase.

Materials conservation in use means that in a given application we use the materials that most efficiently meet the service requirements, we process the materials in such a way as to consume the least quantity and produce the least waste, and we select materials for maximum durability and life cycle.

The significance of these conservation principles is easily demonstrated. For example, an unwise materials selection leading to the failure of one part of a product often causes premature scrapping and waste of all the other materials in the product. Also, if by more efficient design-use of a material the amount of that material used is reduced, the nation's total supply of that material, in effect, is increased by the amount saved. If, for example, a steel plate with a 5 percent nickel cladding is used instead of solid nickel, roughly 92 pounds of nickel per 100 pounds of plate used will be saved.

Therefore, the status of our materials application technology will have to be studied in order to see what might be done to develop and take advantage of new materials design concepts and approaches and to make use of advanced materials. Also, there is the question of what can be done to encourage manufacturers to design recyclable materials into products. And finally, we need to take stock of where we are and what needs to be done to develop the types of materials we need to meet the future requirements of our advanced technologies.

THE ENVIRONMENT

The twin problems of meeting the requirements of a growing materials-based economy on the one hand, and maintaining a high quality environment on the other, are intimately related and are presently in conflict in many areas. Therefore, a major thrust of the Commission's work will be to develop the kinds of policies needed to resolve this dilemma and move towards a balanced growth of quantity with quality.

In this regard, a key issue that must be faced is how far we can go in establishing environmentally oriented restrictions and controls on materials production, processing, and use before significant adverse effects are felt by the consuming public and before our economy suffers serious dislocations. Thus, in our future efforts to preserve the environment, it will be necessary to recognize these boundary conditions and to develop policies which allow for reasonable trade-offs between environmental enhancement and continued economic development.

Recycling of materials is another important aspect of the environment question, which we have already covered. We will simply add here that new policies are urgently needed to achieve a higher degree of recycling in order to move more rapidly in the direction of "closed" systems in which used materials are reprocessed for reuse rather than being discarded and added to our solid waste problem.

In search for solutions to our environmental problems, research and education will play a key role. Since, in the past there was limited interest and little incentive to develop new ideas and approaches, there was only limited research and practically no Government support. Now, as national priorities change, ways to encourage and support research and education on the interactions between materials and the environment must be developed.

SPECIALTY MATERIALS

Now, having reviewed broadly the mission and tasks of the National Commission on Materials Policy, let's look briefly at some of the issues specifically related to the future of specialty metals.

Because the Commission has been in existence only a few months, and is just now in the information gathering stage, we obviously have not as yet reached any conclusion As our work progresses, however, we will give our attention to the specialty materials and alloying elments such as nickel, chromium, columbium, tungsten, cobalt, superalloys, titanium and possible composites.

As you know, at present there are no shortages of specialty materials, but this does not allow for complacency, for it is a fact that we depend heavily on foreign sources for some of these commodities. The exponentially rising demand in this country and abroad may create serious supply and price problems in the future. And we must not forget that in the case of some of these materials, we are either solely or largely dependent upon sources outside of North America. We import all of our chromium and manganese raw materials. About 75% of our columbium and 90% of our tantalum comes from abroad. Only a small percentage of our nickel and cobalt requirements are from domestic sources. Therefore, our national materials policies should take into account the possibiltiy of changes in the world that might threaten our overseas sources of these and other materials.

The recent shut-down in the domestic production of titanium sponge illustrated one of the basic problems of the specialty metals field—that of large, sudden shifts in demand from time to time. The decreased demand for titanium used in the aerospace market caused this situation which fortunately seems to have been relieved, as one U.S. producer has restarted its operations and another is expected to restart this year. Wide swings in demand for critical materials such as titanium make it extremely difficult for the producer to calculate his markets and lead to serious economic problems. Among other things, this in turn results in less R&D effort and lack of incentive to upgrade domestic production. The commission, of course, does not have immediate answers to such problems.

For reasons discussed earlier in this paper, the commission will give attention to recycling of specialty materials. Up until recently aerospace specifications required the production of these metals from virgin raw materials. New and better ways of scrap sorting and classifying as well as better melting processes have made possible some changes in the specifications to permit use of scrap. As one of its assigned tasks, the commission will explore ways to further increase the amount of recycling of specialty metals, through more research efforts and incentives.

These, then, are some of the types of problems in the specialty materials area of which the commission is aware. There are others, and we need your input. Several hundred letters have been sent to government agencies, trade associations and companies requesting statements on materials problems and solutions. I would welcome receiving your comments and suggestions. Only with your help and support can we develop a meaningful and viable national policy on materials.

United States Faces "Hard Choices" Says Executive Director Of Materials Commission

New York.—The executive director of the National Commission on Materials Policy cautioned today that "there are some hard choices facing the U.S. and the world because of the rapid increase in rate of population growth, the consumption of raw materials, industrial production and environmental pollution."

Speaking at a meeting of the American Paper Institute here today, James Boyd pointed out that because of these trends, the consumption of materials has been expanding at an ever-increasing rate. "There inevitably comes a time when the availability of resources and capital become unable to support the rate of increase."

He cited the recent highly publicized study by scientists at the Massachusetts Institute of Technology conducted for The Club of Rome.

"We can be grateful to the authors of this study for speaking out and for focusing wide attention on some of the key questions that must be settled.

"It is not necessary to accept their base data, their growth curves, their projections and what may seem to some to be dire conclusions. The fundamental implications for the world are sound, the timing alone is in doubt. We do know there are some hard choices ahead. If we fail to plan and make the right choices, the resulting problems may overwhelm us."

"Our Commission is charged with making recommendations for national policies in just these areas," he said.

The work of the Commission should make it possible for the public to "evaluate the choices" that must be made between population increases, industrial production, living standards and the nature of the environment in which we live, Boyd said.

"Those choices will inevitably involve some 'trade-offs'," he said.

"How far are we willing to accept curtailment in use of energy, which is used to power our factories, heat our homes and move our airplanes, trains and automobiles, to provide the kind of environment which would satisfy the most demanding."

Boyd asked, "What are we willing to pay to assure that we have an adequate supply of energy, and still preserve the environment?" "Those are the types of questions that must be answered. They also suggest the type of 'trade-offs' that may be necessary."

There appears to be growing recognition that man "may not be able to have everything he wants," Boyd noted.

"Can man use all he wants of our natural resources in producing industrial goods, or by preserving the present ecology make those natural resources and their end-products far too expensive for the average person?"

"Or must man make some choices, based on better knowledge of the facts?"

Boyd observed that "in the past our nation has paid little attention to materials. Yet, we live in a world of materials, both natural and man-made. We have been operating as though the supply were endless, the costs ever reasonable. Perhaps this is not so. The time has come to face up to this problem."

The function of the National Commission, Boyd reported, is to develop recommendations for national policies on all industrial materials—metals, minerals, forest products, natural fibers and such energy-providing resources as coal, oil, natural gas and atomic energy.

The Commission is also charged with suggesting ways in which the nation can balance its need for natural resources with growing public concern over environmental quality.

To develop its policy recommendations, the Commission is consulting with various segments of American society—the academic and scientific communities, business and industry, labor, government agencies, environmental and consumer groups.

James Boyd, the executive director, is former chairman of the board of directors of Copper Range Company, one of the nation's largest copper producers.

Chairman of the seven-man Commission is Jerome L. Klaff, of Baltimore, Maryland. The Commission was established by Congress and its members were appointed by the President in June 1971. It is due to report to the President and the Congress by June 30, 1973.

FARMERS HOME ADMINISTRATION

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. RAILSBACK. Mr. Speaker, on a number of occasions I have expressed my concern over the plight of a large part of rural America. In one of my recent statements to this body, I called to your attention that some existing programs of the Government have performed great service to rural people insofar as the resources made available will permit. My major concern, which I expressed at that time, was that the financial and technical assistance being funneled into rural areas through these programs is too limited. More is needed if we are to accomplish the objective of fully revitalizing rural America.

President Nixon, recognizing this need, has presented a major proposal to expand significantly the permanent institutions for rural development, and the House meanwhile has passed legislation that would expand some existing authorities. Both plans call for enlargement of the programs of the Farmers Home Administration. This agency of the Department of Agriculture, ably administered by our former colleague from Oklahoma, Hon. James V. Smith, accounts for a large part of progress made thus far in delivering timely, effective backup support to rural people in their farm, home, and community project financing.

When we look for examples of the kind of action needed to redeem the future of hard-pressed rural communities, we find them most readily among projects brought to reality through the Farmers Home Administration.

One such example is the recent history of Woodhull, Ill., a town of my district in Henry County. While many comparable towns in rural Illinois lost population during the 1960's, Woodhull has grown from a population of 779 in 1960 to approximately 900 today.

A project that opened the door for Woodhull was a sewer system that makes it possible to transform this town into a modernized community. Long years of frustration in trying to solve a bad waste disposal problem were ended when Woodhull received a $306,000 loan and $144,000 grant from the Farmers Home Administration under the rural community facilities program. This was one of the first such community projects in which I took an interest as Representative in Congress, and benefits to the community have fully come up to our expectations.

Woodhull is centrally located between the employment centers of Galesburg and the Quad Cities, at an exit from the newly completed Interstate Highway 74. But only with the installation of a modern sewer system has Woodhull been able to capitalize on these advantages. Many families employed in one of the employment centers mentioned are finding Woodhull a desirable place to live and raise a family within easy commuting distance of work. New, fully modernized homes are being built in Woodhull, and roadside-type business establishments are being developed.

Fifteen such projects have been carried out in rural communities of our district to provide their first modern water or sewer systems. Nationally, this rural community facilities program has been tripled during the present administration, to a level of some $340 million of project financing, about 2,000 projects a year. But we have yet to provide the Farmers Home Administration with resources fully equal to the need and demand.

The challenge of rural development also must be met at the family level. Here again, services of Farmers Home Administration offer the best illustrations of actions that spell the difference between opportunity in a rural environment, and underprivileged existence in the city.

To cite examples—

One young family in my district—parents in their early thirties, two children both under 10 years of age—failed some 5 years ago to find a livelihood in their rural community. They migrated to a large city, but prospects for work in the city also were meager and living conditions bad on the income they could earn. They looked again toward their home area, and the father found a job that would pay him $5,600 a year. But they lacked downpayment money for a conventional housing loan, and all they could buy immediately when they moved back was a plot of land with a one-room cabin.

However, they were recommended to the Farmers Home Administration by their local bank, and on the strength of good personal references they received a 33-year rural housing loan through the Farmers Home Administration for the entire cost of an adequate, modernized three-bedroom home that could be built for $15,000 in the rural community and paid for at a rate they could maintain.

They are now firmly resettled in the home community they once left in despair, and they are one more family removed from the distress rolls of rural outmigration.

In farming, the national average of farmers today is in the middle 50's, but the average of farmers served by the Farmers Home Administration credit is under 40.

A large percentage of young farmers entering this profession in our district are financed in the beginning by the Farmers Home Administration, or a combination of FHA and other lenders under a plan recently introduced under the direction of FHA Administrator James V. Smith. As they prosper, they graduate entirely to non-FHA financing. Thus, for the new generation of young families in farming, Farmers Home Administration is a mainstay of support in getting started. More than $11 million of farm credit outstanding in our district through FHA has enabled more than 1,200 of our farms to survive as family-size operations.

In the rural towns and countryside of our district, the rural housing program of the Farmers Home Administration has accounted for more than 860 modernized homes for families of low and middle income. This service is gaining. Homes financed this fiscal year will total about twice the total of 173 produced in fiscal 1971. Rural housing loans now in effect represent $10 million added to the housing credit available from conventional lenders in our district.

Such FHA programs represent a real beginning for rural America. However, there is a crying need for more to be done. In the past, I have called upon FHA to continue and expand its present programs, and I intend to continue doing so until I am certain all rural residents have the benefits to which they are entitled. State Director Charles W. Shuman has met with me a number of times about the particular needs in Illinois. I commend his efforts, and hope we can continue working closely to improve the benefits that flow to rural families and communities. It is clear our task is to see that resources are provided as they are needed.

THIRTY-TWO YEARS UNDER THE HEEL

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. McCOLLISTER. Mr. Speaker, recently we noted the anniversary of Lithuanian independence and the many commemorative activities and celebrations around the country. I was particularly pleased to find that the Lithuanian-American community of Omaha was participating actively.

Since then an editorial appeared in the Omaha World-Herald which states the case very well for continued awareness by the American people of all captive nations. I would like to insert it in the RECORD at this time:

THIRTY-TWO YEARS UNDER THE HEEL

We are asked by V. P. Volertas, on behalf of the Lithuanian American Community of the United States, to say a few words in recognition of the historical significance the month of February holds for Lithuanians.

It is the 721st anniversary of the formation of the Lithuanian state. Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

And February is the 54th anniversary of the establishment of the modern Republic of Lithuania.

For Volertas and his compatriots, there is pride in these anniversaries. Unhappily, this pride is overshadowed by the fact that Lithuanians also are observing the 32nd year of the domination of their homeland by the Soviet Union.

Not much is said these days about the "captive nations" behind the Iron Curtain.

It is not widely remarked that since June 15, 1940, the Baltic nations of Lithuania, Latvia and Estonia have lost more than one-fourth of their combined populations to the ethnically genocidal deportation and resettlement programs of the Soviet Union.

It is not widely recognized that in the period between 1940 and 1952, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the Soviet conquerors.

Every president since Franklin D. Roosevelt has formally stated the policy of the United States to be nonrecognition of the legitimacy of the Soviet Union's domination of the Baltic states.

However, as Volertas stated with regret, the United States has done very little to help the Baltic peoples get out from under the Communist regimes in their countries.

As a practical matter, there is very little the United States can do, beyond offering regular reminders in the forums of the world that the Soviet Union was and is guilty of the most brutal imperialism in its subjugation of these countries.

The conquest of the Baltic states, first by the Nazis and then by the Communists, took place a long time ago, by the standards of today's telescoping history. Awareness of the inhuman wrongness of it is kept alive today mainly through the efforts of organizations such as Volertas'. It is too bad that more voices are not raised in protest.

AMNESTY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. YOUNG of Florida. Mr. Speaker, the controversial nature of the hearings being held by the Senate Judiciary Committee dealing with the question of amnesty for draft dodgers and deserters has generated a great deal of interest in my Eighth Congressional District of Florida, as well as across the Nation. Every communication I have received thus far expresses unalterable opposition to unconditional or conditional amnesty.

In my mind, anyone who has the opportunity to live in this great country of ours should, when called upon, want to serve his country. Anyone not wishing to do so should not be given special consideration such as several of my colleagues has indicated. Draft evasion and desertion are serious offenses and are, as they should be, punishable under the draft laws and the Uniform Code of Military Justice. The enactment of any amnesty law would crush the morale of those patriotic Americans actively involved in the Vietnam conflict and would seriously jeopardise the safety of our Nation in future conflicts.

The Largo Branch of the Veterans of World War I—an outstanding organization in my district composed of members who honorably and faithfully served their country in times of peril—recently passed a resolution on the question of amnesty. I feel the thoughts depicted in this resolution are representative of most Americans and put the question of amnesty in the proper perspective and I, therefore, feel it merits the attention of each Member of the Congress, especially those Senators involved with the Judiciary Committee's investigation of amnesty.

The resolution follows:

VETERANS OF WORLD WAR I, U.S.A.,
LARGO BARRACKS NO. 136,
DEPARTMENT OF FLORIDA.

RESOLUTION

Whereas, Largo Barracks No. 136 deplores the attitude of many of our Draftees and Servicemen who have found fault with the prosecution of the War in Southeast Asia by the Government of the United States, and

Whereas, because of their attitude many of our Draftees have become Draft Dodgers and have sought refuge in Canada, and

Whereas, others of our regular Servicemen—stationed in Europe and Vietnam—have deliberately deserted to seek refuge in some of the Scandinavian Countries and elsewhere, and

Whereas, there is a movement in this Country to have the Government of the United States grant amnesty to these Draft Dodgers and Deserters and allow them to return to the United States with only a reprimand instead of the applicable punishment they deserve; therefore be it

Resolved, that Largo Barracks No. 136 of the Veterans of World War I go on record and insist that all Draft Dodgers be prosecuted by the U.S. Attorney for dodging their obligations; and that all Deserters from the service be prosecuted to the fullest extent of the Law by Courts-martial and be judged accordingly.

ROBERT H. THOMAS,
Commander.

A LETTER FROM RUSSIA

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. BELL. Mr. Speaker, earlier this year I was a guest of the Soviet Union and toured Russia with my colleagues on the Select Subcommittee on Education.

While there, I also took the opportunity to visit and talk with a number of Jews about their life. The repercussions of our trip—particularly my activities and those of Congressman SCHEUER—received national coverage.

I believe it unnecessary to recount the details of these incidents, but it is still significant to note once more that the publicity our visit elicited clearly illustrates the extreme sensitivity of the Soviet Government to one of their more serious domestic problems, and it is encouraging to witness their awareness of this difficulty.

I made it a point following this trip that a process of "cultural genocide" is being directed against the Jewish people in the Soviet Union, and in support of this view, I offer a letter which was forwarded to me by a group of Soviet Jews, including several of whom I met in Moscow.

Even though emigration policies have become somewhat less rigid in Russia during the last few years, I think the free world has an obligation to keep itself informed about this matter. And since this letter poignantly describes the plight of some Soviet Jews today, I strongly recommend careful consideration of its contents. The letter follows:

APPEAL TO THE MEMBERS OF CONGRESS OF THE UNITED STATES

To you, members of Congress, the highest legislative organ of the United States of America, appeals a group of Jews of the Soviet Union.

In correspondence with the Soviet law and clauses of the General Declaration of Human Rights (art. 13, cl. 2) we submitted to the authorities of the USSR a petition about our departure for Israel. But against the obligations of the USSR Government to fulfill regulations, stipulated by the articles of the General Declaration we are for a long time unlawfully refused in permission to leave.

All of us were compelled to leave our former jobs and most of us don't work anywhere for a long time. Thus neither at present nor in future we are of any value for the Soviet Union as specialists. But nevertheless

Soviet authorities feel, probably, sort of satisfaction, opposing our useful activity for the welfare of the Jewish State, for the good of mankind. We believe that such inhuman policy of the Soviet authorities, aimed at suppression of socially useful activity of a whole category of people just because they have decided to move to their national Motherland, can not but meet censure from the part of international public.

Having in vain used all possibilities of appealing to Soviet authorities, we appeal to you for the first time. We are kept in this country like hostages, like slaves contrary to international law, contrary to common sense, contrary to the interests of human society. But hostagery and slavery are the disgrace to civilized world living in the last quarter of the 20th century. Even two centuries ago your great predecessors Lincoln and Jefferson called to society to put an end to slavery and injustice and we hope that you, members of the Congress of the USA will follow these best traditions and use your vast influence to help us in the name of restoration of human rights, in the name of justice.

Yours respectfully,

Victor Polsky, Moscow, 42 years old, Ph.D., family of 5 persons.

Alexander Lerner, Moscow, 58 years old, D.S., family of 4 persons.

Pavel Abramovitch, Moscow, 35 years old, electronics engineer, family of 3 persons.

Yosef Begun, Moscow, 39 years old, Ph.D.

Yilia Korenfeld, Moscow, 48 years old, mechanical engineer, family of 4 persons.

Vladimir Slepak, Moscow, 44 years old, radio engineer, family of 4 persons.

Vladimir Prestin, Moscow, 37 years old, electronics engineer, family of 3 persons.

Gavriel Shapiro, Moscow, 26 years old, chemical engineer.

Grigory Svechinsky, Moscow, 31 years old, engineer.

Sergey Gurwitz, Moscow, 26 years old, Ph. D., family of 3 persons.

Boris Orlov, Moscow, 41 years old, historian, family of 5 persons.

Petr Lwovsky, Moscow, 34 years old, construction engineer, family of 3 persons.

Vladimir Machlis, Moscow, 27 years old, pilot.

Ada Gershovitch, Moscow, 28 years old, electronics engineer, family of 3 persons.

Boris Kogan, Moscow, 34 years old, lawyer.

Lazar Lubarsky, Moscow, construction engineer, family of 4 persons.

Michail Klyachkin, Moscow, 30 years old, engineer.

David Markish, Moscow, 30 years old, translator, family of 3 persons.

Emmanuil Smelyansky, Moscow, 38 years old, metallurgist, family of 3 persons.

Stella Goldberg, Moscow, pianist, family of 3 persons.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THE COMMUNITY FACILITIES ACT

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. PATMAN. Mr. Speaker, today I am introducing—along with Representatives WILLIAM BARRETT of Pennsylvania and ROBERT STEPHENS of Georgia—the Emergency Community Facilities and Public Investment Act of 1972.

This bill will provide for up to $5 billion in grants to State and local governments in desperate need of basic community facilities such as water and sewer plants.

The financing of basic community facilities has become a nightmare for local communities all over this Nation. Many simply do not have the tax base to finance these huge capital outlays and others are already overburdened with top heavy indebtedness—much of it the result of a prolonged period of high interest rates on municipal bonds.

The situation is nothing short of desperate, and if we continue to approach this problem solely on the ability of the local community to pay, we are going to endanger the health and well-being of every American citizen. •

Local communities have been knocking on the doors of Federal agencies about this problem over the past 3 years and they have been turned away in unbelievable numbers. In an administration that has talked so much about the revenue needs of local communities, there has been a surprising and callous attitude toward the No. 1 need of municipalities—water and sewer facilities.

I sincerely hope that the Washington press corps realizes that we are talking about actual situations and not some pie-in-the-sky scheme. In 1970, when the Congress was battling with the President over funding for water and sewer plants, there was a backlog of more than $5.5 billion in water and sewer applications pending at the Department of Housing and Urban Development. In addition, there had been hundreds of applications which had been turned away and never recorded as an official backlog. The need has grown fantastically and we are now coming up with an emergency measure in hopes of making up for the administration's neglect.

It is simply not possible to develop local communities—to bring in new industries and jobs—when there are no adequate water and sewer facilities. As a result, many of the smaller communities are facing economic strangulation.

In introducing this bill, I have no illusions about the difficulties that we will have with the White House. In 1970, the House of Representatives added $350 million in water and sewer money—$350 million to the piddling sum of $150 million which had been requested by the administration.

What happened? President Nixon vetoed the bill, largely because of the increases in this program. This was a serious blow for local governments and it set back the efforts in this area many years.

We have been able to appropriate $500 million for water and sewer for the current fiscal year. But the administration has continued to drag its feet and appears to be holding down expenditures for water and sewer facilities to about $200 million annually despite congressional appropriations. In fact, the administration did not seek a single dime of new funds for this program in the current budget.

So, it is obvious that if there is going to be relief for local communities, it will have to come from the Congress. That is why we have introduced this legislation.

Actually, there are four basic reasons why we are introducing this legislation:

First. It will help keep local communities alive.

Second. It will give local communities the basic tools with which to develop job-creating enterprises.

Third. It will give this Nation a great push forward in the effort to clean up its waters and put an end to the practice of dumping municipal sewage into fresh running streams. This goal alone would make the entire outlay worth every penny.

Fourth. The construction of needed public facilities will create thousands of new jobs. It is estimated that every million dollars of investment in community facilities creates an additional 100 jobs a year—40 at the construction site and 60 jobs in industry supplies, building materials, equipment and services.

This bill refers to grants, but that is misleading. I do not regard these as grants in the true sense of the word, but as investments. The economic activity generated by this program will return billions of dollars in new taxes to the Federal Treasury, while at the same time meeting a fundamental need of the people. We will have new people—new businesses and industries—on the income tax rolls and these grants will be repaid many times over.

When money goes out to local people and local communities, it generates a tremendous amount of economic activity. Money has velocity—it moves from person to person and from business to business. It has been estimated that a dollar in the hands of local communities and low and moderate income families goes through 50 or 60 different transactions and at each step generates more income and more income tax. So this program will have a great and widespread benefit.

The Democrats in the Congress have faith in the future of these communities and we have no doubt that they can make this program work and develop the economic activity which will make this law one of the best investments the Nation ever entered into.

ST. PATRICK'S DAY

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. BOLAND. Mr. Speaker, tomorrow is St. Patrick's Day—the day the Irish set aside each year to celebrate their rich and varied cultural heritage. Traditionally, the spirit of St. Patrick's Day is as heady and as frothy as a mug of good Irish stout. But this year's celebration, like those of the past few years, is dimmed by the continuing bloodshed in Northern Ireland.

That troubled country's Catholic minority, living for 50 years in conditions most Americans would consider only a little short of bondage, still have not wrested their civil liberties away from the Northern Ireland Government. Religious discrimination—some of it obvious, most of it insidiously subtle—reaches into every corner of life in Northern Ireland: jobs, schooling, housing, even the vote. Political gerrymandering of the most errant kind, for example, has been commonplace for a half century. Its vestiges still linger on in virtually every ward of every Northern Irish community, denying Catholics full exercise of the franchise. Housing is another case in point—one of many that could be cited here. Scorned by the landowning classes, most Catholics live together in bleak and cheerless neighborhoods kindred to ghettos.

The few grudging concessions made by Northern Ireland's Government—a few halting steps in the right direction, I concede—still fall short of social justice.

The most reprehensible policy in Northern Ireland, an affront to civilized men everywhere, is "internment"—a euphemism for arrest without warrant, detention without trial. Even the most tenuous suspicion that a man's political beliefs are unpalatable to the Government is enough to batter down his door, arrest him, then hustle him off to an "internment camp" in a way that is chillingly reminiscent of Germany during the late 1930's. Reports of harassment and brutality in these camps—even of outright torture—are too common to dismiss.

Internment flouts even the most rudimentary principles of justice—the principles that have shaped and informed English law for more than 400 years.

This St. Patrick's Day, Mr. Speaker, is a fitting time to renew our commitment to Northern Ireland's oppressed Catholic minority.

It is a fitting time to call for an end to the discriminatory policies that bred the conflict in Northern Ireland and still nourish it.

It is a fitting time to demand full civil liberties and full social justice.

A PRAYER FOR OUR NATION'S LEADERS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. HOGAN. Mr. Speaker, a constituent of mine, Mrs. Elizabeth B. Delea of Hyattsville, Md., has written a prayer called, "A Prayer for Our Nation's Leaders," and, for the inspiration of my colleagues, I insert the prayer into the RECORD:

A PRAYER FOR OUR NATION'S LEADERS

(By Elizabeth Delea)

God of all creation who sanctified this land
And made of it a haven, forever may it stand;
A refuge for the persecuted, champion of the oppressed.
Strengthen those who now must govern in times of trial and stress!
Take these, Your dedicated servants and with Your wisdom richly endow—
So they may wisely guide us, for our land is troubled now!
Bless the halls and seat of government that Your spirit might prevail,
For our leaders need Your guidance lest they falter and should fail.
Give Your very special blessing to the peoples' represented choice—
Let them speak not only for the people but with the power of Your voice!
May Your spirit daily guide them in this great work they do.
Give them rest and peace and comfort for they surely need this, too.

SUPPORTS LEGISLATION TO RESTORE NAME OF CAPE CANAVERAL

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. YOUNG of Florida. Mr. Speaker, the following are remarks which I submitted to the Senate Committee on Interior and Insular Affairs in support of legislation to restore the name of Cape Canaveral to the area of the State of Florida known as Cape Kennedy:

STATEMENT OF CONGRESSMAN YOUNG

Mr. Chairman, I am pleased to join my colleagues in the Florida Delegation in testifying in favor of S.J. Res. 193, the joint resolution to restore the designation of Cape Canaveral to that area in the State of Florida presently known as Cape Kennedy. This legislation is identical to H.J. Res. 878, of which I am honored to be a co-sponsor.

Cape Canaveral is the oldest landmark on our nation's Atlantic Coast. Ponce de Leon, the first explorer in the new world, made note of Cape Canaveral on his first voyage to Florida in 1513, as he sailed up and down the coast of the peninsula. The cape provided such an excellent landmark that it has appered on maps since the year 1530 as Cape Canaveral—so named because of its primeval overgrowth of reeds and canes. The cape is the only promontory on Florida's east coast and so it was a "beacon" for early explorers—seeing the cape in their horizon meant they had navigated their ships well and were successful in their journey across the vast ocean.

The people of Florida are very aware of the great historical distinction that Cape Canaveral provides them in their state's colorful history. In a poll conducted statewide, it was found that over 93 percent of the people favor this change in names from Cape Kennedy back to Cape Canaveral. The Florida legislature has unanimously passed a resolution endorsing this change. And here in Washington, we find the Florida Congressional delegation introducing legislation to make this redesignation possible.

Certainly, this is no way meant to detract from the memory of the late President and it is not the intention of Floridians that this should. The people of Florida, both themselves and through their elected representatives, have spoken clearly on this subject. They want the Space Center to continue to be named after President Kennedy and they want the cape to have its historic name restored.

The Kennedy Space Center has played a big role in Florida's recent growth and development and it is fitting that this facility should bear the name of the man who so strongly backed the space program. But Cape Canaveral has played a vital role, throughout many centuries, not only in the development of our state, but also, of our nation and I strongly feel it is fitting that the historical name of Canaveral should be restored.

GREAT LAKES AND UPPER MISSISSIPPI RIVER STATES CONCERNED ABOUT SEWAGE FROM BOATS AND SHIPS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. FRASER. Mr. Speaker, Members of the House from upper Mississippi River and Great Lakes States are seeking to prevent dumping sewage from boats and ships into the rivers and lakes of the area. They will be offering an amendment to the water pollution control bill due for House action next Wednesday and Thursday.

We are concerned that the bill (H.R. 11896) will wipe out the regulations and laws of our States—and many other States—which prohibit dumping raw or treated sewage from boats and ships into the lakes and rivers of the States.

The offending language in the bill is section 312(f) which outlaws State or local laws or regulations about "marine sanitation devices" and gives the Administrator of the Environmental Protection Agency sole power to permit or prohibit as he wishes "the discharge from a vessel of any sewage—whether treated or not—into such waters."

Twenty States now have laws and regulations which prohibit dumping raw or treated sewage from boats and ships.

These include the eight Great Lakes States of New York, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota, and the upper Mississippi River States of Missouri, Iowa, Illinois, Minnesota, and Wisconsin.

Last August at a meeting at Mackinac Island, Mich., the Governors of States and Premiers of Canadian Provinces along the Great Lakes recommended "the immediate implementation of the no-discharge concept for sewage from vessels on the Great Lakes."

The Upper Mississippi River Conservation Committee composed of the official State conservation agencies of the five States is supporting the amendment.

The amendment, as well as the language to be eliminated, is as follows:

AMENDMENT TO TITLE III OF H.R. 11896

To preserve the right of States to prohibit discharge of sewage from vessels (Sec. 312(f))

On page 338, amend lines 4 through 25 to read as follows:

"(f) After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge from a vessel of any sewage, whether treated or not, into such waters."

LANGUAGE IN H.R. 11896, THE WATER POLLUTION CONTROL BILL, THAT SHOULD BE DELETED

SEC. 312(f) (1) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section.

(2) If, after promulgation of the initial standards and regulations and prior to their effective date, a vessel is equipped with a marine sanitation device in compliance with such standards and regulations and the installation and operation of such device is in accordance with such standards and regulations, such standards and regulations shall, for the purposes of paragraph (1) of this subsection, become effective with respect to such vessel on the date of such compliance.

(3) If the Administrator determines upon application by a State that the protection and enhancement of the quality of specified waters within such State requires such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into such waters.

HOUSE OF REPRESENTATIVES—*Monday, March 20, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be of one mind, live in peace: And the God of love and peace shall be with you.—II Corinthians 13: 11.

Our Heavenly Father, at the beginning of a new week we come to Thee with grateful hearts, praying that we may prove ourselves worthy of Thy continued and continual blessings. We thank Thee for the love that lifts our lives, lightens our loads, and provides for our needs. Help us to lose ourselves in Thy love and to live in harmony with Thy laws.

We are grateful for strength given us when we were weak, for light when we walked in darkness, for peace when we were tense, for faith when we gave way to fear and for lifting us up when we fell down.

Help us to show our gratitude by pouring goodness and truth into the life about us. Send us out into this day thinking positively and being kind and helpful to each other and to those we meet along life's way.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on March 15, 1972, the President approved and signed a bill of the House of the following title:

H.R. 12910. An act to provide for a temporary increase in the public debt limit.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to a bill of the House of the following title:

H.R. 10390. An act to extend the life of the Indian Claims Commission, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2674. An act to remove a cloud on the title to certain lands located in the State of New Mexico; and

S. 2700. An act to extend diplomatic privileges and immunities to the mission to the United States of America of the Commission of the European Communities and to members thereof.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

AUTHORIZING APPROPRIATIONS FOR PARTICIPATION BY UNITED STATES IN THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW AND THE INTERNATIONAL (ROME) INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

The Clerk called the bill (H.R. 11948) to amend the joint resolution authorizing appropriations for participation by the United States and the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I will ask that the bill be passed over without prejudice, inasmuch as it involves an accelerated cost. After consultation with the proponents, we have listed it under the suspensions, where the case may be made later.

Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

U.S. PARTICIPATION IN INTERNATIONAL BUREAU FOR THE PROTECTION OF INDUSTRIAL PROPERTY

The Clerk called the joint resolution (H.J. Res. 984) to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property.

Mr. HALL. Mr. Speaker, reserving the right to object, this is a similar measure to the prior one, and for exactly the same reasons I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

TRANSPO '72 COMMEMORATIVE MEDALS

The Clerk called the bill (H.R. 13560) to provide for the striking of medals in commemoration of the first U.S. International Transportation Exposition.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if there is anyone interested in this bill on the House floor. If so, I should like to ask whether this medal is to be minted with any portion of it containing what some people describe as "barbarous gold"?

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Texas.

Mr. PATMAN. Mrs. SULLIVAN is the chairman of the subcommittee which has had the bill. I wish the gentleman would withhold his objection until she can get over here. She is on the way over.

Mr. GROSS. Perhaps the gentleman can answer the question. Is this medal to have any "barbaric gold" in it?

Mr. PATMAN. No; it is not.

Mr. GROSS. None at all?

Mr. PATMAN. No, sir.

Mr. GROSS. You would not even think of putting gold in it?

Mr. PATMAN. It would not be legal tender, either.

Mr. GROSS. No one contends it would be legal tender. A medal could scarcely be legal tender. I just want to be sure that "anachronistic" gold is not to be put in this medal.

Mr. PATMAN. I am confident there would not be any gold of any kind in it.

Mr. GROSS. I am a firm believer in gold as a medium of exchange and I would not want to see it used in this fashion. I am sure the gentleman from Texas would not want even to consider putting gold in any kind of a medal.

Mr. PATMAN. I agree with the gentleman, but I hope the gentleman will withhold objection for a few minutes.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 13560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the First United States International Transportation Exposition, to be held at Dulles Airport, May 27 through June 4, 1972, the Secretary of the Treasury (hereinafter referred to as the "Secretary") is authorized and directed to strike medals of suitable sizes and metals, and with suitable emblems, devices, and inscriptions to be determined by the Secretary of Transportation, subject to the approval of the Secretary.

SEC. 2. The Secretary shall furnish the medals to the Secretary of Transportation at a price equal to the cost of the manufacture.

SEC. 3. The Secretary shall also cause such medals to be sold by the mint, as a list medal, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses.

Mrs. **SULLIVAN**. Mr. Speaker, there was absolutely no controversy over this bill in the Committee on Banking and Currency. It was approved by unanimous voice vote. It conforms to the guidelines and standards laid down by the Subcommittee on Consumer Affairs for national medals, in that it would commemorate an event of truly national rather than sectional or local significance.

Transpo '72 will take place in late May and early June. It will be a showcase of American transportation research and development, with a primary purpose, or course, being to try to find new world markets for our transportation equipment.

The medals authorized by the bill will be produced without cost to the Treasury. They will be made available to the general public at prices intended to recover all costs of production. They will be added to the series of Treasury list medals which are very popular with collectors of numismatic materials. The committee report spells this out.

While there has been some controversy here in the House over the legislation which increased the authorization for appropriations of Transpo '72, I do not think there is any controversy, as I said, over having national medals struck to commemorate an event Congress has overwhelmingly approved.

The materials used in the medals will be determined by the respective Secretaries. Most of them will be bronze, I imagine, but it is conceivable that other materials could be used in a few instances for presentation purposes, such as to the President.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. **PATMAN**. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3353) to provide for the striking of medals in commemoration of the First U.S. International Transportation Exposition.

The Clerk read the title of the Senate bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3353

An act to provide for the striking of medals in commemoration of the First United States International Transportation Exposition

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the First United States International Transportation Exposition, to be held at Dulles Airport, May 27 through June 4, 1972, the Secretary of the Treasury (hereinafter referred to as the "Secretary") is authorized and directed to strike medals of suitable sizes and metals, and with suitable emblems, devices, and inscriptions to be determined by the Secretary of Transportation, subject to the approval of the Secretary.

SEC. 2. The Secretary shall furnish the medals to the Secretary of Transportation at a price equal to the cost of the manufacture.

SEC. 3. The Secretary shall also cause such medals to be sold by the mint, as a list medal, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 13560) was laid on the table.

PERSONAL ANNOUNCEMENT AS TO VOTE

Mr. **DANIELSON**. Mr. Speaker, on Wednesday, March 15, I was absent from the floor pursuant to leave of absence of the House, due to official business for the Committee on Veterans' Affairs.

Two record votes and one record teller vote developed during my absence. Had I been present, I would have voted as follows:

Roll No. 76—I would have voted "nay" on the conference report to accompany the bill (H.R. 12910) to provide for a temporary increase in the public debt limit. The conference report was agreed to by a vote of 237 yeas to 150 nays.

Roll No. 77—I would have voted "aye" on the amendment to the committee amendment to H.R. 11417 that provides that all officers of National Railroad Passenger Corporation paid in excess of $60,000 per annum be paid only from net profits of the corporation. This amendment was agreed to by a vote of 235 ayes to 136 noes.

Roll No. 78—I would have voted "yea" on the passage of the bill (H.R. 11417) to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment. The bill was approved by a vote of 312 yeas to 63 nays.

FARMERS HOST MOST WILDLIFE

(Mr. **MAYNE** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **MAYNE**. Mr. Speaker, right now the skies of western Iowa—along the Mississippi-Missouri flyway—are filled with literally millions of wild geese which have arrived to feed and rest on farm fields and ponds during their annual migration north.

And, for the past several years, Iowa has had the largest number of pheasants taken by hunters in any State of the Nation. More than 1.6 million pheasants were bagged by resident hunters last year.

We sometimes hear about the declining quantity of wildlife in America. I am happy to say that in my State of Iowa we currently have the finest wildlife picture we have ever had. Much of the credit for this goes to our conservation farmers, since the majority of wild creatures in the Nation now live on farm or ranchland.

Such proven erosion control measures as terracing, stripcropping, and minimum tillage improve the land both for people and for wild birds and animals. Farm ponds, tree windbreaks, and stream improvement work, undertaken with the technical assistance of the Soil Conservation Service, provide a better habitat for many kinds of fish, waterfowl, and land animals. And, many farmers deliberately leave odd parcels of their land in a natural state to attract and hold wildlife.

It is widely recognized that farmers, through their efficiency and hard work, have contributed a major—perhaps even a disproportionate share—to the American economy. It is not so widely recognized by hunters, nature lovers and other people that these same farmers and ranchers are also the chief caretakers and custodians of America's wildlife.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. **SISK**. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT

Mr. **CASEY** of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged rereport on the legislative branch appropriation bill for fiscal year 1973.

Mr. **CEDERBERG** reserved all points of order on the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON AGRICULTURE

The **SPEAKER** laid before the House the following communication from the chairman of the Committee on Agriculture, which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

WASHINGTON, D.C.,
March 14, 1972.

Hon. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture today considered and unanimously approved the following work plans transferred to you by executive communication and referred to this Committee. The work plans are:

WATERSHED AND EXECUTIVE COMMUNICATION

Avoyelles-St. Landry: Louisiana; 1049, 91st Congress.

Belle Creek: Minnesota; 1229, 91st Congress.

Kahaluu: Hawaii; 1741, 91st Congress.

Mate Creek: West Virginia; 1229, 91st Congress.

Middle River: Georgia; 1741, 91st Congress.

Poplar River: Wisconsin; 2171, 91st Congress.

Upper Howard Creek: Kentucky; 893, 91st Congress.

The Kahaluu: Hawaii; work plan is approved subject to the deletion of the North Waihee Channel and all costs for recreation.

The Middle River, Georgia, work plan is approved provided the cost per acre is reduced to not more than $200.

Yours Sincerely,
W. R. Poage,
Chairman.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Washington, D.C.,
March 17, 1972.

The Honorable the Speaker,
House of Representatives.

Dear Mr. Speaker: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 1:30 p.m. on Friday, March 17, 1972, and said to contain a Message from the President regarding bussing of school children.

With kind regards, I am
Sincerely,
W. Pat Jennings,
Clerk, House of Representatives.

SCHOOLBUSING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–195)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

In this message, I wish to discuss a question which divides many Americans. That is the question of busing.

I want to do so in a way that will enable us to focus our attention on a question which unites all Americans. That is the question of how to ensure a better education for all of our children.

In the furor over busing, it has become all too easy to forget what busing is supposed to be designed to achieve: equality of educational opportunity for all Americans.

Conscience and the Constitution both require that no child should be denied equal educational opportunity. That Constitutional mandate was laid down by the Supreme Court in *Brown* v. *Board of Education* in 1954. The years since have been ones of dismantling the old dual school system in those areas where it existed—a process that has now been substantially completed.

As we look to the future, it is clear that the efforts to provide equal educational opportunity must now focus much more specifically on education: on assuring that the opportunity is not only equal, but adequate, and that in those remaining cases in which desegregation has not yet been completed it be achieved with a greater sensitivity to educational needs.

Acting within the present framework of Constitutional and case law, the lower Federal courts have ordered a wide variety of remedies for the equal protection violations they have found. These remedies have included such plans as redrawing attendance zones, pairing, clustering and consolidation of school districts. Some of these plans have not required extensive additional transportation of pupils. But some have required that pupils be bused long distances, at great inconvenience. In some cases plans have required that children be bused away from their neighborhoods to schools that are inferior or even unsafe.

The maze of differing and sometimes inconsistent orders by the various lower courts has led to contradiction and uncertainty, and often to vastly unequal treatment among regions, States and local school districts. In the absence of statutory guidelines, many lower court decisions have gone far beyond what most people would consider reasonable, and beyond what the Supreme Court has said is necessary, in the requirements they have imposed for the reorganization of school districts and the transportation of school pupils.

All too often, the result has been a classic case of the remedy for one evil creating another evil. In this case, a remedy for the historic evil of racial discrimination has often created a new evil of disrupting communities and imposing hardship on children—both black and white—who are themselves wholly innocent of the wrongs that the plan seeks to set right.

The 14th Amendment to the Constitution—under which the school desegregation cases have arisen—provides that "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

Until now, enforcement has been left largely to the courts—which have operated within a limited range of available remedies, and in the limited context of case law rather than of statutory law. I propose that the Congress now accept the responsibility and use the authority given to it under the 14th Amendment to clear up the confusion which contradictory court orders have created, and to establish reasonable national standards.

The legislation I propose today would accomplish this.

It would put an immediate stop to further new busing orders by the Federal courts.

It would enlist the wisdom, the resources and the experience of the Congress in the solution of the vexing problems involved in fashioning school desegregation policies that are true to the Constitutional requirements and fair to the people and communities concerned.

It would establish uniform national criteria, to ensure that the Federal courts in all sections and all States would have a common set of standards to guide them.

These measures would protect the right of a community to maintain neighborhood schools—while also establishing a shared local and Federal responsibility to raise the level of education in the neediest neighborhoods, with special programs for those disadvantaged children who need special attention.

At the same time, these measures would not roll back the Constitution, or undo the great advances that have been made in ending school segregation, or undermine the continuing drive for equal rights.

Specifically, I propose that the Congress enact two measures which together would shift the focus from more transportation to better education, and would curb busing while expanding educational opportunity. They are:

1. *The Equal Educational Opportunities Act of 1972.* This would:

—Require that no State or locality could deny equal educational opportunity to any person on account of race, color or national origin.

—Establish criteria for determining what constitutes a denial of equal opportunity.

—Establish priorities of remedies for schools that are required to desegregate, with busing to be required only as a last resort, and then only under strict limitations.

—Provide for the concentration of Federal school-aid funds specifically on the areas of greatest educational need, in a way and in sufficient quantities so they can have a real and substantial impact in terms of improving the education of children from poor families.

2. *The Student Transportation Moratorium Act of 1972.*

—This would provide a period of time during which any future, new busing orders by the courts would not go into effect, while the Congress considered legislative approaches—such as the Equal Educational Opportunities Act—to the questions raised by school desegregation cases. This moratorium on new busing would be effective until July 1, 1973, or until the Congress passed the appropriate legislation, whichever was sooner. Its purpose would not be to contravene rights under the 14th Amendment, but simply to hold in abeyance further busing orders while the Congress investigated and considered alternative methods of securing those rights—methods that could establish a new and broader context in which the courts could decide desegregation cases, and that could render busing orders unnecessary.

Together, these two measures would provide an immediate stop to new busing in the short run, and constructive alternatives to busing in the long run—and they would give the Congress the time it needs to consider fully and fairly one of the most complex and difficult issues to confront the Nation in modern times.

BUSING: THE FEARS AND CONCERNS

Before discussing the specifics of these proposals, let me deal candidly with the controversy surrounding busing itself.

There are some people who fear any curbs on busing because they fear that it would break the momentum of the drive for equal rights for blacks and other minorities. Some fear it would go further, and that it would set in motion a chain of reversals that would undo all the advances so painfully achieved in the past generation.

It is essential that whatever we do to curb busing be done in a way that plainly will not have these other consequences. It is vitally important that the Nation's continued commitment to equal rights and equal opportunities be clear and concrete.

On the other hand, it is equally important that we not allow emotionalism to crowd out reason, or get so lost in symbols that words lose their meaning.

One emotional undercurrent that has done much to make this so difficult an issue is the feeling some people have that to oppose busing is to be anti-black. This is closely related to the arguments often put forward that resistance to any move, no matter what, that may be advanced in the name of desegregation is "racist." This is dangerous nonsense.

There is no escaping the fact that some people oppose busing because of racial prejudice. But to go on from this to conclude that "anti-busing" is simply a code word for prejudice is an exercise in arrant unreason. There are right reasons for opposing busing, and there are wrong reasons—and most people, including large and increasing numbers of blacks and other minorities, oppose it for reasons that have little or nothing to do with race. It would compound an injustice to persist in massive busing simply because some people oppose it for the wrong reasons.

For most Americans, the school bus used to be a symbol of hope—of better education. In too many communities today, it has become a symbol of helplessness, frustration and outrage—of a wrenching of children away from their families, and from the schools their families may have moved to be near, and sending them arbitrarily to others far distant.

It has become a symbol of social engineering on the basis of abstractions, with too little regard for the desires and the feelings of those most directly concerned: the children, and their families.

Schools exist to serve the children, not to bear the burden of social change. As I put it in my policy statement on school desegregation 2 years ago (on March 24, 1970):

> One of the mistakes of past policy has been to demand too much of our schools: They have been expected not only to educate, but also to accomplish a social transformation. Children in many instances have not been served, but used—in what all too often has proved a tragically futile effort to achieve in the schools the kind of multiracial society which the adult community has failed to achieve for itself.
>
> If we are to be realists, we must recognize that in a free society there are limits to the amount of Government coercion that can reasonably be used; that in achieving desegregation we must proceed with the least possible disruption of the education of the Nation's children; and that our children are highly sensitive to conflict, and highly vulnerable to lasting psychic injury.
>
> Failing to recognize these factors, past policies have placed on the schools and the children too great a share of the burden of eliminating racial disparities throughout our society. A major part of this task falls to the schools. But they cannot do it all or even most of it by themselves. Other institutions can share the burden of breaking down racial barriers, but only the schools can perform the task of education itself. If our schools fail to educate, then whatever they may achieve in integrating the races will turn out to be only a Pyrrhic victory.

The Supreme Court has also recognized this problem. Writing for a unanimous Court in the *Swann* case last April, Chief Justice Burger said:

> The constant theme and thrust of every holding from *Brown I* to date is that state-enforced separation of races in public schools is discrimination that violates the Equal Protection Clause. The remedy commanded was to dismantle dual school systems.
>
> We are concerned in these cases with the elimination of the discrimination inherent in the dual school systems, not with myriad factors of human existence which can cause discrimination in a multitude of ways on racial, religious, or ethnic grounds. The target of the cases from *Brown I* to the present was the dual school system. The elimination of racial discrimination in public schools is a large task and one that should not be retarded by efforts to achieve broader purposes lying beyond the jurisdiction of school authorities. One vehicle can carry only a limited amount of baggage. . . .
>
> Our objective in dealing with the issues presented by these cases is to see that school authorities exclude no pupil of a racial minority from any school, directly or indirectly, on account of race; it does not and cannot embrace all the problems of racial prejudice, even when those problems contribute to disproportionate racial concentrations in some schools.

In addressing the busing question, it is important that we do so in historical perspective.

Busing for the purpose of desegregation was begun—mostly on a modest scale—as one of a mix of remedies to meet the requirements laid down by various lower Federal courts for achieving the difficult transition from the old dual school system to a new, unitary system.

At the time, the problems of transition that loomed ahead were massive, the old habits deeply entrenched, community resistance often extremely strong. As the years wore on, the courts grew increasingly impatient with what they sometimes saw as delay or evasion, and increasingly insistent that, as the Supreme Court put it in the *Green* decision in 1968, desegregation plans must promise "realistically to work, and . . . to work *now.*"

But in the past 3 years, progress toward eliminating the vestiges of the dual system has been phenomenal—and so too has been the shift in public attitudes in those areas where dual systems were formerly operated. In State after State and community after community, local civic, business and educational leaders of all races have come forward to help make the transition peacefully and successfully. Few voices are now raised urging a return to the old patterns of enforced segregation.

This new climate of acceptance of the basic Constitutional doctrine is a new element of great importance: for the greater the elements of basic good faith, of desire to make the system work, the less need or justification there is for extreme remedies rooted in coercion.

At the same time, there has been a marked shift in the focus of concerns by blacks and members of other minorities. Minority parents have long had a deep and special concern with improving the quality of their children's education. For a number of years, the principal emphasis of this concern—and of the Nation's attention—was on desegregating the schools. Now that the dismantling of the old dual system has been substantially completed there is once again a far greater balance of emphasis on improving schools, on convenience, on the chance for parental involvement—in short, on the same concerns that motivate white parents—and, in many communities, on securing a greater measure of control over schools that serve primarily minority-group communities. Moving forward on desegregation is still important—but the principal concern is with preserving the principle, and with ensuring that the great gains made since *Brown*, and particularly in recent years, are not rolled back in a reaction against excessive busing. Many black leaders now express private concern, moreover, that a reckless extension of busing requirements could bring about precisely the results they fear most: a reaction that would undo those gains, and that would begin the unraveling of advances in other areas that also are based on newly expanded interpretations of basic Constitutional rights.

Also, it has not escaped their notice that those who insist on system-wide racial balance insist on a condition in which, in most communities, every school would be run by whites and dominated by whites, with blacks in a permanent minority—and without escape from that minority status. The result would be to deny blacks the right to have schools in which they are the majority.

In short, this is not the simple black-white issue that some simplistically present it as being. There are deep divisions of opinion among people of all races—with recent surveys showing strong opposition to busing among black parents as well as among white parents—not because they are against desegregation but because they are for better education.

In the process of school desegregation, we all have been learning; perceptions have been changing. Those who once said "no" to racial integration have accepted the concept, and believe in equality before the law. Those who once thought massive busing was the answer have also been changing their minds in the light of experience.

As we cut through the clouds of emotionalism that surround the busing question, we can begin to identify the legitimate issues.

Concern for the quality of education a child gets is legitimate.

Concern that there be no retreat from the principle of ending racial discrimination is legitimate.

Concern for the distance a child has to travel to get to school is legitimate.

Concern over requiring that a child attend a more distant school when one is available near his home is legitimate.

Concern for the obligation of government to assure, as nearly as possible, that all the children of a given district have equal educational opportunity is legitimate.

Concern for the way educational resources are allocated among the schools of a district is legitimate.

Concern for the degree of control parents and local school boards should have over their schools is legitimate.

In the long, difficult effort to give life to what is in the law, to desegregate the Nation's schools and enforce the principle of equal opportunity, many experiments have been tried. Some have worked, and some have not. We now have the benefit of a fuller fund of experience than we had 18 years ago, or even 2 years ago. It has also become apparent that community resistance—black as well as white—to plans that massively disrupt education and separate parents from their children's schools, makes those plans unacceptable to communities on which they are imposed.

Against this background, the objectives of the reforms I propose are:

—To give practical meaning to the concept of equal educational opportunity.

—To apply the experience gained in the process of desegregation, and also in efforts to give special help to the educationally disadvantaged.

—To ensure the continuing vitality of the principles laid down in *Brown* v. *Board of Education*.

—To downgrade busing as a tool for achieving equal educational opportunity.

—To sustain the rights and responsibilities vested by the States in local school boards.

THE EQUAL EDUCATIONAL OPPORTUNITIES ACT

In the historic effort since 1954 to end the system of State-enforced segregation in the public schools, all three branches of Government have had important functions and responsibilities. Their roles however, have been unequal.

If some of the Federal courts have lately tended toward extreme remedies in school desegregation cases—and some have—this has been in considerable part because the work has largely gone forward in the courts, case-by-case, and because the courts have carried a heavy share of the burden while having to operate within a limited framework of reference and remedies. The efforts have therefore frequently been disconnected, and the result has been not only great progress but also the creation of problems severe enough to threaten the immense achievement of these 18 difficult years.

If we are to consolidate our gains and move ahead on our problems—both the old and the new—we must undertake now to bring the leaven of experience to the logic of the law.

Drawing on the lessons of experience, we must provide the courts with a new framework of reference and remedies.

The angry debate over busing has at one and the same time both illuminated and obscured a number of broad areas in which realism and shared concern in fact unite most American parents, whatever their race. Knowledge of such shared concerns is the most precious product of experience; it also is the soundest foundation of law. The time is at hand for the legislative, executive and judicial branches of Government to act on this knowledge, and by so doing to lift the sense of crisis that threatens the education of our children and the peace of our people.

The Equal Educational Opportunities Act that I propose today draws on that experience, and is designed to give the courts a new and broader base on which to decide future cases, and to place the emphasis where it belongs: on better education for all of our children.

EQUAL OPPORTUNITY: THE CRITERIA

The act I propose undertakes, in the light of experience, both to prohibit and to define the denial of equal educational opportunity. In essence, it provides that:

—No State shall deny equal educational opportunity to any person on account of race, color or national origin.

—Students shall not be deliberately segregated either among or within the public schools.

—Where deliberate segregation was formerly practiced, educational agencies have an affirmative duty to remove the vestiges of the dual system.

—A student may not be assigned to a school other than the one nearest his home if doing so would result in a greater degree of racial segregation.

—Subject to the other provisions of the act, the assignment of students to their neighborhood schools would not be considered a denial of equal educational opportunity unless the schools were located or the assignment made for the purpose of racial segregation.

—Racial balance is not required.

—There can be no discrimination in the employment and assignment of faculty and staff.

—School authorities may not authorize student transfers that would have the effect of increasing segregation.

—School authorities must take appropriate action to overcome whatever language barriers might exist, in order to enable all students to participate equally in educational programs. This would establish, in effect, an educational bill of rights for Mexican-Americans, Puerto Ricans, Indians and others who start under language handicaps, and ensure at last that they too would have equal opportunity.

—Through Federal financial assistance and incentives, school districts would be strongly encouraged not only to avoid shortchanging the schools that serve their neediest children, but beyond this to establish and maintain special learning programs in those schools that would help children who were behind to catch up. These incentives would also encourage school authorities to provide for voluntary transfers of students that would reduce racial concentrations.

Thus, the act would set standards for all school districts throughout the Nation, as the basic requirements for carrying out, in the field of public education, the Constitutional guarantee that each person shall have equal protection of the laws. It would establish broad-based and specific criteria to ensure against racial discrimination in school assignments, to establish the equal educational rights of Mexican-Americans, Puerto Ricans and others starting with language handicaps, to protect the principle of the neighborhood school. It would also provide money and incentives to help ensure for schools in poor neighborhoods the fair treatment they have too often been denied in the past, and to provide the special learning and extra attention that children in those neighborhoods so often need.

DENIAL OF EQUAL OPPORTUNITY: THE REMEDIES

In the past, the courts have largely been left to their own devices in determining appropriate remedies in school desegregation cases. The results have been sometimes sound, sometimes bizarre—but certainly uneven. The time has come for the Congress, on the basis of experience, to provide guidance. Where a violation exists, the act I propose would provide that:

—The remedies imposed must be limited to those needed to correct the particular violations that have been found.

—School district lines must not be ignored or altered unless they are clearly shown to have been drawn for purposes of segregation.

—Additional busing must not be required unless no other remedy can be found to correct the particular violation that exists.

—A priority of remedies would be established, with the court required to use the first remedy on the list, or the first combination of remedies, that would correct the unlawful condition. The list of authorized remedies—in order—is:

(1) Assigning students to the schools closest to their homes that provide the appropriate level and type of education, taking into account school capacities and natural physical barriers;

(2) Assigning students to the schools closest to their homes that provide the appropriate level and type of education, considering only school capacities;

(3) Permitting students to transfer from a school in which their race is a majority to one in which it is a minority;

(4) Creation or revision of attendance zones or grade structures without necessitating increased student transportation;

(5) Construction of new schools or the closing of inferior schools;

(6) The use of magnet schools or educational parks to promote integration;

(7) Any other plan which is educationally sound and administratively feasible. However, such a plan could not require increased busing of students in the sixth grade or below. If a plan involved additional busing of older children, then: (a) It could not be ordered unless there was clear and convincing evidence that no other method would work; (b) in no case could it be ordered on other than a temporary basis; (c) it could not pose a risk to health, or significantly impinge on the educational process; (d) the school district could be granted a stay until the order had been passed on by the court of appeals.

—Beginning with the effective date of the act, time limits would be placed on desegregation orders. They would be limited to 10 years' duration—or 5 years if they called for student transportation—provided that during that period the school authorities had been in good-faith compliance. New orders could then be entered only if there had been new violations.

These rules would thus clearly define what the Federal courts could and could not require; however, the States and localities would remain free to carry out voluntary school integration plans that might go substantially beyond the Federal requirements.

This is an important distinction. Where busing would provide educational advantages for the community's children, and where the community wants to undertake it, the community should—and will—have that choice. What is objectionable is an arbitrary Federal requirement—whether administrative or judicial—that the community must undertake massive additional busing as a matter of Federal law. The essence of a free society is to restrict the range of what must be done, and broaden the range of what may be done.

EQUAL OPPORTUNITY: BROADENING THE SCOPE

If we were simply to place curbs on busing and do nothing more, then we would not have kept faith with the hopes, the needs—or the rights—of the neediest of our children.

Even adding the many protections built into the rights and remedies sections of the Equal Educational Opportunities Act, we would not by this alone provide what their special needs require.

Busing helps some poor children; it poses a hardship for others; but there are many more, and in many areas the great majority—in the heart of New York, and in South Chicago, for example—whom it could never reach.

If we were to treat busing as some sort of magic panacea, and to concentrate our efforts and resources on that as the principal means of achieving quality education for blacks and other minorities, then in these areas of dense minority concentration a whole generation could be lost.

If we hold massive busing to be, in any event, an unacceptable remedy for the inequalities of educational opportunity that exist, then we must do more to improve the schools where poor families live.

Rather than require the spending of scarce resources on ever-longer bus rides for those who happen to live where busing is possible, we should encourage the putting of those resources directly into education—serving all the disadvantaged children, not merely those on the bus routes.

In order to reach the great majority of the children who most need extra help, I propose a new approach to financing the extra efforts required: one that puts the money where the needs are, drawing on the funds I have requested for this and the next fiscal year under Title I of the Elementary and Secondary Education Act of 1965 and under the Emergency School Aid Act now pending before the Congress.

As part of the Equal Educational Opportunities Act, I propose to broaden the uses of the funds under the Emergency School Aid Act, and to provide the Secretary of Health, Education, and Welfare with additional authority to encourage effective special learning programs in those schools where the needs are greatest.

Detailed program criteria would be spelled out in administrative guidelines—but the intent of this program is to use a major portion of the $1.5 billion Emergency School Aid money as, in effect, incentive grants to encourage eligible districts to design educational programs that would do three things:

—Assure (as a condition of getting the grant) that the district's expenditures on its poorest schools were at least comparable to those on its other schools.

—Provide, above this, a compensatory education grant of approximately $300 per low-income pupil for schools in which substantial numbers of the students are from poor families, if the concentration of poor students exceeds specified limits.

—Require that this compensatory grant be spent entirely on basic instructional programs for language skills and mathematics, and on basic supportive services such as health and nutrition.

—Provide a "bonus" to the receiving school for each pupil transferring from a poor school to a non-poor school where his race is in the minority, without reducing the grant to the transferring school.

Priority would be given to those districts that are desegregating either voluntarily or under court order, and to those that are addressing problems of both racial and economic impaction.

Under this plan, the remaining portion of the $1.5 billion available under the Emergency School Aid Act for this and the next fiscal year would go toward the other kinds of aid originally envisaged under it.

This partial shift of funds is now possible for two reasons: First, in the nearly 2 years since I first proposed the Emergency School Aid Act, much of what it was designed to help with has already been done. Second, to the extent that the standards set forth in the Equal Educational Opportunities Act would relieve desegregating districts of some of the more expensive requirements that might otherwise be laid upon them, a part of the money originally intended to help meet those expenses can logically be diverted to these other, closely related needs. I would stress once again, in this connection, the importance I attach to final passage of the Emergency School Aid Act: those districts that are now desegregating still need its help, and the funds to be made available for these new purposes are an essential element of a balanced equal opportunity package.

I also propose that instead of being terminated at the end of fiscal 1973, as presently scheduled, the Emergency School Aid Act continue to be authorized at a $1 billion annual level—of which I would expect the greatest part to be used for the purposes I have outlined here. At the current level of funding of Title I of the Elementary and Secondary Education Act of 1965, this would provide a total approaching $2.5 billion annually for compensatory education purposes.

For some years now, there has been a running debate about the effectiveness of added spending for programs of compensatory or remedial education. Some have maintained there is virtually no correlation between dollar input and learning output; others have maintained there is a direct correlation; experience has been mixed.

What does now seem clear is that while many Title I experiments have failed, many others have succeeded substantially and even dramatically; and what also is clear is that without the extra efforts such extra funding would make possible, there is little chance of breaking the cycle of deprivation.

A case can be made that Title I has fallen short of expectations, and that in some respects it has failed. In many cases, pupils in the programs funded by it have shown no improvement whatever, and funds have frequently been misused or squandered foolishly. Federal audits of State Title I efforts have found instances where naivete, inexperience, confusion, despair, and even clear violations of the law have thwarted the act's effectiveness. In some instances, Title I funds have been illegally spent on unauthorized materials and facilities, or used to fund local services other than those intended by the act, such as paying salaries not directly related to the act's purposes.

The most prevalent failing has been the spending of Title I funds as general revenue. Out of 40 States audited between 1966 and 1970, 14 were found to have spent Title I funds as general revenue.

Too often, one result has been that instead of actually being concentrated in the areas of critical need, Title I moneys have been diffused throughout the system; and they have not reached the targeted schools—and targeted children—in sufficient amounts to have a real impact.

On the positive side, Title I has effected some important changes of benefit to disadvantaged children.

First, Title I has encouraged some States to expand considerably the contributions from State and local funds for compensatory education. In the 1965–66 school year, the States spent only $2.7 million of their own revenues, but by the 1968–69 school year—largely due to major efforts by California and New York—they were contributing $198 million.

Second, Title I has better focused attention on pupils who previously were too often ignored. About 8 million children are in schools receiving some compensatory funds. In 46 States programs have been established to aid almost a quarter of a million children of migratory workers. As an added dividend, many States have begun to focus educational attention on the early childhood years which are so important to the learning process.

Finally, local schools have been encouraged by Title I to experiment and innovate. Given our highly decentralized national educational system and the relatively minor role one Federal program usually plays, there have been encouraging examples of programs fostered by Title I which have worked.

In designing compensatory programs, it is difficult to know exactly what will work. The circumstances of one locality may differ dramatically from those of other localities. What helps one group of children may not be of particular benefit to others. In these experimental years local educational agencies and the schools have had to start from scratch, and to learn for themselves how to educate those who in the past had too often simply been left to fall further behind.

In the process, some schools did well and others did not. Some districts benefited by active leadership and community involvement, while others were slow to innovate and to break new ground.

While there is a great deal yet to be learned about the design of successful compensatory programs, the experience so far does point in one crucial direction: to the importance of providing sufficiently concentrated funding to establish the educational equivalent of a "critical mass," or threshold level. Where funds have been spread too thinly, they have been wasted or dissipated with little to show for their expenditure. Where they have been concentrated, the results have been frequently encouraging and sometimes dramatic.

In a sample of some 10,000 disadvantaged pupils in California, 82 percent of those in projects spending less than $150 extra per pupil showed little or no achievement gain. Of those students in projects spending over $250 extra per pupil, 94 percent gained more than 1 year per year of exposure; 58 percent gained between 1.4 and 1.9 years per year of exposure. Throughout the country States as widely separated as Connecticut and Florida have recognized a correlation between a "critical mass' expenditure and marked effectiveness.

Of late, several important studies have supported the idea of a "critical mass" compensatory expenditure to afford disadvantaged pupils equal educational opportunity. The New York State Commission on the Quality, Cost, and Financing of Elementary and Secondary Education, the National Educational Finance Project, and the President's Commission on School Finance have all cited the importance of such a substantial additional per pupil expenditure for disadvantaged pupils.

The program which I propose aims to assure schools with substantial concentrations of poor children of receiving an average $300 compensatory education grant for each child.

In order to encourage voluntary transfers, under circumstances where they would reduce both racial isolation and low-income concentration, any school accepting such transfers would receive the extra $300 allotted for the transferring student plus a bonus payment depending on the proportion of poor children in that school.

One key to the success of this new approach would be the "critical mass" achieved by both increasing and concentrating the funds made available; another would be vigorous administrative follow-through to ensure that the funds are used in the intended schools and for the intended purposes.

THE STUDENT TRANSPORTATION MORATORIUM ACT

In times of rapid and even headlong change, there occasionally is an urgent need for reflection and reassessment. This is especially true when powerful, historic forces are moving the Nation toward a conflict of fundamental principles—a conflict that can be avoided if each of us does his share, and if all branches of Government will join in helping to redefine the questions before us.

Like any comprehensive legislative recommendation, the Equal Educational Opportunities Act that I have proposed today is offered as a framework for Congressional debate and action.

The Congress has both the constitutional authority and a special capability to debate and define new methods for implementing Constitutional principles. And the educational, financial, and social complexities of this issue are not, and are not properly, susceptible of solution by individual courts alone or even by the Supreme Court alone.

This is a moment of considerable conflict and uncertainty; but it is also a moment of great opportunity.

This is not a time for the courts to plunge ahead at full speed.

If we are to set a course that enables us to act together, and not simply to do more but to do better, then we must do all in our power to create an atmosphere that permits a calm and thoughtful assessment of the issues, choices and consequences.

I propose, therefore, that the Congress act to impose a temporary freeze on new busing orders by the Federal courts—to establish a waiting period while the Congress considers alternative means of enforcing 14th Amendment rights. I propose that this freeze be effective immediately on enactment, and that it remain in effect until July 1, 1973, or until passage of the appropriate legislation, whichever is sooner.

This freeze would not put a stop to desegregation cases; it would only bar new orders during its effective period, to the extent that they ordered new busing.

This, I recognize, is an unusual procedure. But I am persuaded that the Congress has the Constitutional power to enact such a stay, and I believe the unusual nature of the conflicts and pressures that confront both the courts and the country at this particular time requires it.

It has become abundantly clear, from the debates in the Congress and from the upwelling of sentiment throughout the country, that some action will be taken to limit the scope of busing orders. It is in the interest of everyone—black and white, children and parents, school administrators and local officials, the courts, the Congress and the executive branch, and not least in the interest of consistency in Federal policy, that while this matter is being considered by the Congress we not speed further along a course that is likely to be changed.

The legislation I have proposed would provide the courts with a new set of standards and criteria that would enable them to enforce the basic Constitutional guarantees in different ways.

A stay would relieve the pressure on the Congress to act on the long-range legislation without full and adequate consideration. By providing immediate relief from a course that increasing millions of Americans are finding intolerable, it would allow the debate on permanent solutions to proceed with less emotion and more reason.

For these reasons—and also for the sake of the additional children faced with busing now—I urge that the Congress quickly give its approval to the Student Transportation Moratorium Act.

No message to the Congress on school desegregation would be complete unless it addressed the question of a Constitutional amendment.

There are now a number of proposals before the Congress, with strong support, to amend the Constitution in ways designed to abolish busing or to bar the courts from ordering it.

These proposals should continue to receive the particularly thoughtful and careful consideration by the Congress that any proposal to amend the Constitution merits.

It is important to recognize, however, that a Constitutional amendment—even if it could secure the necessary two-thirds support in both Houses of the Congress—has a serious flaw: it would have no impact this year; it would not come into effect until after the long process of ratification by three-fourths of the State legislatures. What is needed is action now; a Constitutional amendment fails to meet this immediate need.

Legislation meets the problem now. Therefore, I recommend that as its first priority the Congress go forward immediately on the legislative route. Legislation can also treat the question with far greater precision and detail than could the necessarily generalized language of a Constitutional amendment, while making possible a balanced, comprehensive approach to equal educational opportunity.

CONCLUSION

These measures I have proposed would place firm and effective curbs on busing—and they would do so in a Constitutional way, aiding rather than challenging the courts, respecting the mandate of the 14th Amendment, and exercising the responsibility of the Congress to enforce that Amendment.

Beyond making these proposals, I am directing the Executive departments to follow policies consistent with the principles on which they are based—which will include intervention by the Justice Department in selected cases before the courts, both to implement the stay and to resolve some of those questions on which the lower courts have gone beyond the Supreme Court.

The Equal Educational Opportunities Act I have proposed reflects a serious and wide-ranging process of consultation—drawing upon the knowledge and experience of legislators, Constitutional scholars, educators and government administrators, and of men and women from all races and regions of the country who shared with us the views and feelings of their communities.

Its design is in large measure the product of that collaboration. When enacted it would, for the first time, furnish a framework for collaborative action by the various branches of Federal and local government, enabling courts and communities to shape effective educational solutions which are responsive not only to Constitutional standards but also to the physical and human reality of diverse educational situations.

It will create more local choice and more options to choose from; and it will marshal and target Federal resources more effectively in support of each particular community's effort.

Most importantly, however, these proposals undertake to address the problem that really lies at the heart of the issue at this time: the inherent inability of the courts, acting alone to deal effectively and acceptably with the new magnitude of educational and social problems generated by the desegregation process.

If these proposals are adopted, those few who want an arbitrary racial balance to be imposed on the schools by Federal fiat will not get their way.

Those few who want a return to segregated schools will not get their way.

Those few who want a rolling back of the basic protections black and other minority Americans have won in recent years will not get their way.

This Administration means what it says about dismantling racial barriers, about opening up jobs and housing and schools and opportunity to all Americans.

It is not merely rhetoric, but our record, that demonstrates our determination.

We have achieved more school desegregation in the last 3 years than was achieved in the previous 15.

We have taken the lead in opening up high-paying jobs to minority workers.

We have taken unprecedented measures to spur business ownership by members of minorities.

We have brought more members of minorities into the middle and upper levels of the Federal service than ever before.

We have provided more support to black colleges than ever before.

We have put more money and muscle into enforcement of the equal opportunity laws than ever before.

These efforts will all go forward—with vigor and with conviction. Making up for the years of past discrimination is not simply something that white Americans owe to black Americans—it is something the entire Nation owes to itself.

I submit these proposals to the Congress mindful of the profound importance and special complexity of the issues they address. It is in that spirit that I have undertaken to weigh and respect the conflicting interests; to strike a balance which is thoughtful and just; and to search for answers that will best serve all of the Nation's children. I urge the Congress to consider them in the same spirit.

The great majority of Americans, of all races, want their Government—the Congress, the Judiciary and the Executive—to follow the course of deliberation, not confrontation. To do this we must act calmly and creatively, and we must act together.

The great majority of Americans, of all races, want schools that educate and rules that are fair. That is what these proposals attempt to provide.

RICHARD NIXON.

THE WHITE HOUSE, *March 17, 1972.*

BUSING IN THE SOUTH

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, while the President's speech on busing showed a willingness to begin work on the problem of forced busing, I am disappointed in his failure to tackle the problem where it is the greatest—in the South.

He was right in saying that Congress ought to give serious consideration to a constitutional amendment.

He was right in saying we need action now and that a constitutional amendment will take a long time to accomplish.

He was right when he ordered the Justice Department to intervene in selected cases where courts have exceeded their authority in busing cases. But that is not good enough if Justice does not also urge a reopening of old cases.

He was wrong in calling for a moratorium on new busing—an immediate halt to all new busing—if he did not propose a halt to the busing that is going on now. I said in the House recently, and I say again, I am not willing to let my northern colleagues off the hook quite so easy, because if they are not faced with the problem of busing in their own districts they may not be around to help us solve our busing problem.

There does appear to be some hope in the proposed Equal Education Opportunity Act, but that is a long way off. If passed as the President has drafted it, we may be able to reopen some of our busing cases. Maybe Congress will act on this and maybe not. Maybe the Justice Department will intervene in some of the South's cases and maybe not. There are many "ifs" involved. But in any case, relief for those of us who already have busing will not come at an early date.

Mr. Speaker, we should push forward with legislation to permit us to reopen our cases, but we should not give up our efforts to secure a constitutional amendment.

In the final analysis, it looks as if the constitutional amendment is the only answer.

PEANUT FARMERS NEED ADDITIONAL "REAP" BENEFITS

(Mr. DICKINSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DICKINSON. Mr. Speaker, agricultural experts universally acknowledge the fact that the peanut is one of the most important of our basic crops. The list of uses of the peanut is extensive, and the crop is a vital factor in the agricultural economy of southeast Alabama, the "Peanut Capital of the World," as it is in other States. As a general rule, the peanut farmer is not a large operator; his farm is of limited acreage and his income from peanuts is not great. However, he depends heavily on peanuts as a cash crop.

Mr. Speaker, peanut farmers need to be able to participate to a greater extent under the Department of Agriculture's rural environmental assistance program—REAP. Erosion is a continuing problem for peanut farmers for, after the crop is harvested around mid-August, there is no cover to protect the soil for some 7 months. Even with cotton or corn, there are root systems and grass to protect the topsoil, but not with peanuts.

There has been a considerable effort to reduce erosion by encouraging the planting of a permanent cover such as pine trees, but the peanut farmer's land is too valuable to convert to forest land. Long-range practices qualify others for a payment of 80 percent of the cost under the REAP program, but winter cover crops to protect the peanut farmer's land is funded at only 30 percent. This should be increased to at least 50 percent, I believe, and I have strongly recommended such a change to Secretary of Agriculture Earl Butz. I have also written to the chairman of the Subcommittee on Agriculture of the House Committee on Appropriations and urged that a change in this policy be made. I intend to personally testify on behalf of such a change before the subcommittee later in the year.

Mr. Speaker, short-range conservation practices such as winter cover crops are a vital part of the fight to protect the environment and prevent pollution of our streams by saving the topsoil. I am concerned because funds for temporary cover practices have been reduced. I hope we can reverse this policy.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
March 17, 1972.

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: Pursuant to the authority granted by the House on March 16, 1972, the Clerk received today the following message from the Secretary of the Senate:

That the Senate agreed to the conference report on S. 2907 entitled "An Act to establish a Special Action Office for Drug Abuse Prevention and to concentrate the Resources of the Nation against the problem of drug abuse."

With kind regards, I am,
Sincerely,
W. PAT JENNINGS,
Clerk, House of Representatives.

MINORITY BUSINESS OWNERSHIP—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-194)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Banking and Currency and ordered to be printed:

To the Congress of the United States:

From its start, America has prided itself on being a land of opportunity.

In recent years, we have done much to press open new doors of opportunity for millions of Americans to whom those doors had previously been barred, or only half open. In jobs, housing, education, old obstacles are being removed. But for Blacks, Mexican-Americans, Puerto Ricans, Indians and other minorities who have known discrimination, economic opportunity must also increasingly be made to mean a greater chance to know the satisfactions, the rewards and the responsibilities of business ownership. Such opportunities are not only important in themselves; they also help make possible the economic and social advances that are critical to the development of stable and thriving communities on which the social and economic vitality of the Nation as a whole depend.

Despite a long history of frustration and lost potential, minority Americans want business ownership—and they should. Potential minority entrepreneurs are eager to join the mainstream of the Nation's commerce. Many need help in getting started—and increasing numbers are getting that help. A working coalition of the Government, the private sector and minority communities is moving rapidly to provide disadvantaged Americans with opportunities to own and control their own successful businesses.

The principal need of minority business today is for a greater supply of investment capital. Technical assistance, training, promotion and business opportunities are all fundamentally related to investment capital, that centripetal force which draws together the people, skills, equipment and resources necessary to operate a profitable business.

The coalition of public and private sectors and minority interests supporting disadvantaged business enterprise must be strengthened now, if we are to achieve the goal of generating the additional investment capital needed.

Today, therefore, I am turning to the Congress for its cooperation and help. I urge the approval by the Congress of the following:

—first, the Minority Enterprise Small Business Investment Act of 1972;
—second, a budget request for the Office of Minority Business Enterprise of $63.6 million for fiscal 1973:
—third, a variety of other small business legislation currently pending in Congress which will directly and collaterally aid minority enterprise.

THE PRESSING NEED

The Nation's Black, Spanish-speaking and Indian and other minorities constitute about one-sixth of the American population. Yet in 1967—the last year for which final figures are available—these American minorities accounted for well below one percent of the total business income of the Nation. Gross receipts of almost $1.5 trillion were reported in that year by all American businesses. Of this amount, minority-owned firms received only $10.6 billion, or less than one percent. In the United States today, there are more than 8 million businesses; minority Americans presently own only about 4 percent of these businesses, despite the fact that they constitute almost 17 percent of our population.

These statistics starkly summarize the gross disparity of the minority enterprise imbalance, but they do not adequately outline the broader effects on our society at large. The human cost, in terms of lost potential and lowered horizons, is immeasurable.

RESPONDING TO MINORITY NEEDS

Recognizing the need for Government incentives and leadership, I took steps in my first months in office to awaken the Federal establishment and the private sector to the potential for development of minority business. First, I established the Office of Minority Business Enterprise (OMBE) within the Department of Commerce to plan and coordinate comprehensive minority business development. Secondly, the Small Business Administration (SBA) undertook to increase minority participation in its many business programs. Thirdly, I directed all Federal departments and agencies to respond to the aspirations and needs of minority entrepreneurs, particularly by use of their procurement powers.

PROGRESS REPORT

I am pleased to report to the Congress that our efforts to stimulate the Federal Government and private sector have been highly productive. A comprehensive statement of accomplishments was published in January of this year entitled, "Progress of the Minority Business Enterprise Program." Let me summarize the highlights of that report for you and outline our current status.

Office of Minority Business Enterprise. Only the private sector working with the Government can reverse a century's discouragement of minority enterprise; the Government cannot do it alone. The Nation's established corporations, financial institutions, professional associations, foundations, and religious organizations are indispensable to meet the demand of minority businessmen for seed capital, operating funds, suppliers, markets, expert technical and management assistance and related business essentials.

Three years ago, there were no precedents, no rule books, no methods, no blueprints on how to focus the resources of these groups on a common objective. OMBE's greatest achievement during these past three years has been to forge an alliance of Government, private sector and minority business interests. The Office has succeeded in launching a carefully contoured, integrated set of programs that will work to engage minority entrepreneurs fully in our Nation's economic life.

Gains. Since the establishment of OMBE, American minorities have gained greater access to both Government and private sector contracts and concessions, business loans and loan guarantees, technical and management assistance, and other business aid. This access has been developed without reducing programs available to non-minority small businessmen. Federal assistance, channeled through these vehicles, has been enlarged from less than $200 million in 1969 to some $700 million currently, and the $1 billion threshold for fiscal 1973—five times the 1969 level—is within reach. New markets have been opened as minority suppliers and businessmen have expanded their operations and sales in unprecedented volume.

Funding OMBE and SBA. Our efforts on behalf of minority business secured substantial congressional approval, and OMBE was appropriated a supplemental budget increase of $40 million for the last six months of fiscal 1972, as I requested. I am hopeful that both the House and Senate will give favorable consideration to our present request for a fiscal 1973 OMBE budget of $63.6 million to provide urgently needed technical and management assistance to minority business. Together, these budgets will total more than $100 million. This figure offers a dramatic index of the commitment of this Administration to the purposes of an Office which was originally funded for fiscal year 1972 with less than four million dollars.

OMBE is a coordinating agency of the Federal Government, and as such does not itself engage directly in business financing. Direct loans, loan guarantees, surety bonding, lines of credit, and contract set-asides are supplied by the Small Business Administration (SBA) to small businessmen, including minority businessmen.

THE IMMEDIATE NEED: MESBIC LEGISLATION

Enactment of the Administration's proposed Minority Enterprise Small Business Investment Act of 1972 would give major impetus to the minority enterprise program, and would create a more productive mechanism to achieve its objectives.

Background. When the Congress passed the Small Business Investment Act of 1958, it recognized that small business generally lacks seed money and working capital. To give incentives for small business investment, the act empowered SBA to license "Small Business Investment Companies" (SBICs). Such companies are private investment institutions capitalized at a minimum of $150,000 from private sources. SBICs are eligible to borrow from SBA at an incentive ratio of $2 from SBA for every $1 of its private capital. Thus, a $150,000 SBIC can borrow $300,000 from SBA for investment in its own account. Also, after it raises $1 million in private capital, a SBIC is eligible to borrow $3 from SBA for every $1 of private capital.

Because of these incentives, substantial amounts of private capital have been invested in small business through SBICs. More than 40,000 small business financings have been completed by SBICs from the program's inception, totaling $1.9 billion in risk capital. *But only a small fraction of that amount has gone into minority businesses,* because usually risks and costs are even higher for minority small businesses than for small businesses generally.

MESBICS

To fill the need for minority enterprise high risk capital, the SBA evolved the *Minority Enterprise* Small Business Investment Company (MESBIC). A MESBIC is a specialized SBIC: 1) it limits its investment to minority enterprises; 2) it is supported by financially sturdy institutional sponsors; 3) it is underwritten in large part by its sponsors.

In 1969 OMBE joined with SBA in launching a national network of MESBICs and SBA licensing and regulating MESBICs and OMBE promoting them. Today, 47 MESBICs operate throughout the Nation with private funds totaling in excess of $14 million. Since MESBIC seed capital has the potential of freeing $15 for investment in minority enterprises for every one privately invested dollar, more than $210 million is currently available through this program. All this is achieved at relatively low cost to the Government.

MESBICs have the potential of becoming sophisticated investment companies, knowledgeable in the peculiar problems of minority business investment, and able to bring sound business principles and practices to their tasks. Seeking a fair return on investment, MESBICs can act effectively to raise the success prospects of portfolio companies.

MESBIC Limitations. Despite the proven values of the MESBIC mechanism, it labors under burdens which endanger further development. The cost of administering minority business investments and the risk of early loss are both very high. Moreover, the short term success pattern of minority businesses has not been sufficiently encouraging to enable them to attract equity investment in normal competitive markets. But the recent successes of minority enterprises have shown that they can compete if they are given enough equity assistance to carry them through this early period.

THE MINORITY ENTERPRISE SMALL BUSINESS INVESTMENT ACT OF 1972

The primary object of my message today is to urge that the proposed Minority Enterprise Small Business Investment Act be acted on favorably and with dispatch by the House in its upcoming small business hearings. This act will restructure SBA financing of MESBICs so that they can operate on a fiscally sound basis.

Provisions of the Act. The legislation proposes a statutory definition of a MESBIC and authority to organize it as a nonprofit corporation. This status would facilitate foundation investments and tax-deductible gifts to MESBICs.

Building on our experience with SBICs and MESBICs, the act would reduce the level of private capital required to qualify for $3 to $1 assistance from SBA, from $1 million to $500,000; provide increased equity to MESBICs in the form of preferred stock to be purchased by SBA in place of part of the debt instruments purchased by SBA from MESBICs under current law; and lower the interest rate on SBA loans to MESBICs to three points below the normal rate set by the Treasury during the first five years of the loan.

Restructuring Effects of the Act. The immediate impact of this legislation would be to materially restructure the MESBIC program and stimulate increased private investment and gifts to MESBICs, resulting in greatly increased capital for minority business enterprises, at startlingly small Federal cost.

The legislation would: Lower the high cost of starting the investment program of a MESBIC; allow MESBICs to take advantage of full SBA financing; enable MESBICs to invest more in equity securities and to reduce interest rates to portfolio companies; provide special incentives to existing smaller MESBICs which have pioneered the program.

In the act, I am proposing a fairer partnership between the private and public sectors—a partnership that would yield enabling capital for minority enterprise. The MESBIC program is sound, practical and necessary. It equitably extends our free enterprise system by making it work for all Americans.

CONCLUSION

Opening wider the doors of opportunity for one-sixth of our people is a social necessity, which responds to an imperative claim on our conscience. It also is an economic necessity. By stimulating minority enterprise—by permitting more of our people to be more productive, by creating new businesses and new jobs, by raising the sights and lifting the ambitions of millions who are enabled to see that others who started under handicaps like theirs are writing records of economic success—we help to stimulate the whole economy.

I therefore urge the Congress to give its swift approval to the Minority Enterprise Small Business Investment Act of 1972, to my fiscal year 1973 budget request for $63.6 million for OMBE, and to our other small business proposals currently pending in the Congress.

Hard work, private risk, initiative, and equal chance at success—these are the American way. Helping ensure for all of our people an opportunity to participate fully in the economic system that has made America the world's strongest and richest nation—this too is the American way. And this lies at the heart of our program for minority enterprise.

RICHARD NIXON.

THE WHITE HOUSE, *March 20, 1972.*

A ROLLBACK OF THE CLOCK ON CIVIL RIGHTS

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, the President's message on busing will only serve to further polarize and divide America. It is unfortunate that, instead of calling for compliance with the law of the land as established in a line of Federal court decisions starting with the decision by the Supreme Court in Brown against Board of Education in 1954, he has chosen to thwart the implementation of that historic decision and aline himself with those who would make political capital out racial distrust and discord.

The words of the President on the highly emotional issue of busing are tantamount to a new doctrine of nullification. Instead of offering the moral leadership which the Nation requires at this difficult time, he is catering to those who would roll back the clock on civil rights.

The proposed antibusing legislation which would impose a moratorium on all new or additional busing orders is of doubtful constitutionality. To suggest that Congress legislate a ban on the power of the Federal courts to fashion decrees to carry out the Supreme Court desegregation decision is to provoke a confrontation between the judicial and legislative branches. Rather than create a constitutional crisis, the President should uphold the Supreme Court.

THE PRESIDENT HAS FLUNKED THE TEST

(Mr. CORMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CORMAN. Mr. Speaker, on March 16, the President of the United States, while discussing school integration, told the American people:

> The way we handle this difficult issue is a supreme test of the character, the responsibility and the decency of the American people.

After listening to the entire speech, I fear the President has flunked the test.

REHABILITATION ACT OF 1972

Mr. BRADEMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8395) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services and for vocational evaluation and work adjustment, to authorize grants for rehabilitation services to those with sensory disabilities, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

Act, with the following table of contents, may be cited as the "Rehabilitation Act of 1972".

TABLE OF CONTENTS

Sec. 1. Short title.
Sec. 2. Declaration of purpose.
Sec. 3. Advance funding.
Sec. 4. Joint funding.
Sec. 5. Consolidated rehabilitation plan.
Sec. 6. Definitions.

TITLE I—VOCATIONAL REHABILITATION SERVICES

Sec. 101. Declaration of purpose.
Sec. 102. Authorization of appropriations.
Sec. 103. State allotments.
Sec. 104. Grants to States to initiate or expand services.
Sec. 105. State plans.
Sec. 106. Definitions.

TITLE II—EVALUATION OF REHABILITATION POTENTIAL

Sec. 201. Declaration of purpose.
Sec. 202. Authorization of appropriations.
Sec. 203. State allotments.
Sec. 204. State plans.
Sec. 205. Definitions.

TITLE III—COMPREHENSIVE SERVICES TO THE SEVERELY HANDICAPPED

Sec. 301. Purpose.
Sec. 302. Authorization of appropriations.
Sec. 303. Allotments.
Sec. 304. State plans.
Sec. 305. Payments to States.
Sec. 306. Definitions.
Sec. 307. Special projects.
Sec. 308. Nonduplication.

TITLE IV—SPECIAL FEDERAL RESPONSIBILITIES

Sec. 401. Declaration of purpose.
Sec. 402. Authorization of appropriations.
Sec. 403. Administration.
Sec. 404. Promotion of employment opportunities.
Sec. 405. Grants for construction of rehabilitation facilities.
Sec. 406. Mortgage insurance for multipurpose rehabilitation facilities.
Sec. 407. Annual interest grants.
Sec. 408. Rehabilitation facility improvement.
Sec. 409. Special projects.
Sec. 410. National Information and Resource Center for the Handicapped.
Sec. 411. National Center for Deaf-Blind Youths and Adults.
Sec. 412. Comprehensive rehabilitation centers for deaf youths and adults.
Sec. 413. National Commission on Transportation and Housing for the Handicapped.
Sec. 414. National Centers for Spinal Cord Injuries.
Sec. 415. Grants for services for end stage renal disease.

TITLE V—PROGRAM AND PROJECT EVALUATION

Sec. 501. Purpose.
Sec. 502. Obtaining information from Federal agencies.
Sec. 503. Authorization.
Sec. 504. Reports.

TITLE VI—MISCELLANEOUS

Sec. 601. Effective date.
Sec. 602. Effect on existing laws.
Sec. 603. Rehabilitation services administration.

DECLARATION OF PURPOSE

SEC. 2. The purpose of this Act is to authorize a program to assist in—

(a) developing and implementing a comprehensive and continuing plan for meeting the current and future needs for services to handicapped individuals;

(b) rehabilitating handicapped individuals so that they may prepare for and engage in gainful employment to the extent of their capabilities;

(c) developing new and innovative programs of vocational rehabilitation services; and

(d) initiating and expanding services to groups of handicapped individuals.

ADVANCE FUNDING

SEC. 3. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

JOINT FUNDING

SEC. 4. Pursuant to regulations prescribed by the President, where funds are advanced for a single project by more than one Federal agency to an agency or organization assisted under this Act, any one Federal agency may be designed to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

CONSOLIDATED REHABILITATION PLAN

SEC. 5. (a) In order to secure increased flexibility to respond to the varying needs and local conditions within the State, and in order to permit more effective and interrelated planning and operation of its rehabilitation program, the State may submit a consolidated rehabilitation plan which includes the State's program of vocational rehabilitation services, its program for evaluation of the rehabilitation potential of handicapped and other disadvantaged individuals, and its programs of services to the severely handicapped under this Act, and its program for persons with developmental disabilities under the Developmental Disabilities Services and Facilities Construction Amendments of 1970, except that a separate consolidated rehabilitation plan may be submitted for the blind.

(b) A consolidated rehabilitation plan must comply with all requirements imposed by the applicable individual titles of this Act and the Developmental Disabilities Services and Facilities Construction Amendments of 1970.

(c) If the Secretary finds that the requirements of subsections (a) and (b) are satisfied, he shall approve the plan, which shall serve in all respects as the substitute for the separate plans which would otherwise be requestrd with respect to each of the programs included therein.

(d)(1) If the Secretary finds, after notice and opportunity for a hearing to a State, that a program included in its plan approved under this section no longer complies with all applicable requirements, that program may no longer be included within the plan until the Secretary is satisfied that it meets such requirements.

(2) If the statute authorizing the assistance for the program referred to in paragraph (1) requires notice and opportunity for hearing before suspension or termination of assistance or any other such sanction may be imposed, the notice and opportunity for hearing afforded pursuant to paragraph (1) may, at the option of the Secretary, be deemed to have been provided pursuant to the requirements in the statute under which such assistance is extended.

(e) Notwithstanding any other provision of Federal law—

(1) the Secretary may, upon request of the Governor, establish a single Federal share for expenditures under the plan based on (A) the Federal share or shares applicable to the various programs included in the plan, and (B) the total expenditures which may be claimed for Federal financial participation with respect to each such program, and

(2) the Governor may transfer an amount, not in excess of 10 per centum of the Federal assistance available to the State with respect to any program included in the plan for any fiscal year, for use in carrying out one or more other such programs in the same fiscal year provided that there is no diminution of State effort in the program receiving the transfer.

(f) Any Federal assistance transferred pursuant to subsection (e) shall be subject to the non-Federal share requirements applicable to such assistance prior to such transfer.

DEFINITIONS

SEC. 6. For the purposes of this Act—

(a) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce by October 1 of the year preceding the fiscal year for which funds are appropriated pursuant to statutory authorizations.

(b) The term "Secretary", except when the context otherwise requires, means the Secretary of Health, Education, and Welfare.

(c) The term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands and for such purposes the appropriate State agency designated as provided in section 105(a)(1) shall be the Governor of American Samoa or the High Commissioner of the Trust Territory of the Pacific Islands, as the case may be.

(d)(1) The "allotment percentage" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the allotment percentage shall in no case be more han 75 per centum or less than 33⅓ per centum, and (B) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be 75 per centum.

(2) The allotment percentages shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation.

(3) The term "United States" means (but only for purposes of this subsection) the fifty States and the District of Columbia.

TITLE I—VOCATIONAL REHABILITATION SERVICES

DECLARATION OF PURPOSE

SEC. 101. The purpose of this title is to authorize grants to assist States to meet the current and future needs of handicapped individuals, so that such individuals may prepare for and engage in gainful employment to the extent of their capabilities.

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. (a) In order to make grants to States under section 103 to assist them in meeting costs of vocational rehabilitation services, and in carrying out the State plan under section 105, there is authorized to be appropriated $800,000,000 for the fiscal year ending June 30, 1973, $950,000,000 for the fiscal year ending June 30, 1974, and $1,100,000,000 for the fiscal year ending June 30, 1975.

(b) For the purpose of making grants under section 104, relating to grants to States and public and private nonprofit agencies to assist them in meeting the costs of projects to initiate or expand services to handicapped individuals, there is authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $60,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

STATE ALLOTMENTS

SEC. 103. (a) For each fiscal year State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated by subsection (a) of section 102 for meeting the cost of vocational rehabilitation services, as the product of (1) the population of the State and (2) the square of its allotment percentage (as defined in section 6) bears to the sum of the corresponding products for all States. The allotment to any State (other than Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) under the first sentence of this subsection for any fiscal year which is less than one-quarter of 1 per centum of the amount appropriated under section 102(a) or $2,000,000, whichever is greater, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining such States under the first sentence of this subsection, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(b) For each fiscal year the Secretary shall pay to each State an amount equal to the Federal share (determined as provided in section 106(f) of the cost of vocational rehabilitation services under the plan for such State approved under section 105, including expenditures for the administration of the State plan, except that the total of such payments to such State for such fiscal year may not exceed its allotment under subsection (a) for such year and such payments shall not be made in an amount which would result in a violation of the provisions of the State plan required by section 105(a)(14), and except that the amount otherwise payable to such State for such year under this section shall be reduced by the amount (if any) by which expenditures from non-Federal sources (except for expenditures with respect to which the State is entitled to payments under section 104) during such year are less than such expenditures under such plan for the fiscal year ending June 30, 1969.

(c) For the purpose of determining the amount of payments to States for carrying out this section with respect to expenditures under State plan approved under section 105, and for section 104, State funds shall, subject to such limitations and conditions as may be prescribed in regulations of the Secretary, include contributions of funds made by any private agency, organization, or individual to a State to assist in meeting the costs of construction or establishment of a public or other nonprofit rehabilitation facility, which would be regarded as State funds except for the condition, imposed by the contributor, limiting use of such funds to construction or establishment of such facility.

(d) Whenever the Secretary determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this title, he shall make such amount available for carrying out the purposes of this title to one or more other States to the extent he determines such other State will be able to use such additional amount during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this Act, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

(e) The method of computing and paying amounts pursuant to subsection (a) shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State under the provisions of such section for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation, as the Secretary may find necessary.

(2) The Secretary shall pay, from the allotment available therefor, the amount so estimated by him for such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid the State for any prior period under such section was greater or less than the amount which should have been paid to the State for such prior period under such section. Such payment shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Secretary may determine.

GRANTS TO STATES TO INITIATE OR EXPAND SERVICES

SEC. 104. (a) (1) From the sums available for any fiscal year for grants to States to assist them in meeting the costs described in paragraph (2) of this subsection, each State shall be entitled to an allotment of an amount bearing the same ratio to such terms as the population of the State bears to the population of all the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $50,000 (or such other amount as may be specified as a minimum allotment in the Act appropriating such sums for such year) shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount.

(2) From each State's allotment under this section for any fiscal year, the Secretary shall pay to such State or, at the option of the State agency designated according to section 105(A)(1), to a public or private nonprofit organization or agency a portion of the cost of planning, preparing for, and initiating special programs under the State plan approved pursuant to section 105 to exand vocational rehabilitation services, or of special programs under such State plan to initiate or expand services to classes of handicapped individuals who have unusual and difficult problems in connection with their rehabilitation, and responsibility for whose treatment education, and rehabilitation is shared by the State agency designated in section 105(a)(1) with other agencies. Any grant of funds under this section which will be used for direct services to handicapped individuals or for establishing or maintaining facilities which will render direct services to such individuals must have the prior approval of the appropriate State agency designated in section 105(a)(1).

(b) Payments under this section with respect to any project may be made for a period of not to exceed three years beginning with the commencement of the project as approved, and sums appropriated for grants under this section shall remain available for such grants through the close of June 30, 1976. Payments with respect to any project may not exceed 90 per centum of the cost of such project. The non-Federal share of the cost of a project may be in cash or in kind and may include funds spent for project purposes by a cooperating public or private agency provided that it is not included as a cost in any other federally financed program.

(c) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Secretary; and shall be made on such conditions as the Secretary finds necessary to carry out the purposes of this section.

(d) No payment may be made from an allotment under this section with respect to any cost with respect to which any payment is made under secion 103.

(e) Whenever the Secretary determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States which he determines will be able to use additional amounts during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this Act, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

STATE PLANS

SEC. 105. (a) In order to be approved by the Secretary under this title, a State plan for vocational rehabilitation services shall—

(1) (A) designate a State agency as the sole State agency to administer the plan, or to supervise its administration by a local agency, except that (i) where under the State's law the State blind commission or other agency which provides assistance or services to the adult blind, is authorized to provide them vocational rehabilitation services, such commission or agency may be designated as the sole State agency to administer the part of the plan under which vocational rehabilitation services are provided for the blind (or to supervise the administration of such part by a local agency and a separate State agency may be designated as the sole State agency with respect to the rest of the State plan, and (ii) the Secretary, upon the request of a State, may authorize such agency to share funding and administrative responsibility with another agency of the State or with a local agency in order to permit such agencies to carry out a joint program to provide services to handicapped individuals, and may waive compliance with respect to vocational rehabilitation services furnished under such programs with the requirement of section 105 (a)(4) that the plan be in effect in all political subdivision of the State;

(B) provide that the State agency so designated to administer or supervise the administration of the State plan, or if there are two State agencies designated under subparagraph (A) so much of the State plan as does not relate to services for the blind, shall be (i) a State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of disabled individuals, (ii) the State agency administering or supervising the administration of education or vocational education in the State, or (iii) a State agency which includes at least two other major organizational units each of which administers one or more of the major public education, public health, public welfare, or labor programs of the State;

(2) provide, except in the case of agencies described in paragraph (1)(B)(i)—

(A) that the State agency designated pursuant to paragraph (1) (or each State agency if two are so designated) shall include a vocational rehabilitation bureau, division, or other organizational unit which (i) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of disabled individuals, and is responsible for the vocational rehabilitation program of such State agency, (ii) has a full-time director, and (iii) has a staff employed on such rehabilitation work of such organizational unit all or substantially all of whom are employed full time on such work; and

(B) (i) that such unit shall be located at an organizational level and shall have an organizational status within such State agency comparable to that of other major organizational units of such agency, or (ii) in the case of an agency described in paragraph (1) (B) (ii), either that such unit shall be so located and have such status, or that the director of such unit shall be the executive officer of such State agency; except that, in the case of a State which has designated only one State agency pursuant to paragraph (1), such State may, if it so desires, assign responsibility for the part of the plan under which vocational rehabilitation services are provided for the blind to one organizational unit of such agency and assign responsibility for the rest of the plan to another organizational unit of such agency, with the provisions of this paragraph (2) applying separately to each of such units;

(3) provide for financial participation by the State, or if the State so elects, by the State and its political subdivisions;

(4) provide that the plan shall be in effect in all political subdivisions, except that in the case of any activity which, in the judgment of the Secretary, is likely to assist in promoting the vocational rehabilitation of substantially larger numbers of handicapped individuals or group of handicapped individuals the Secretary may waive compliance with the requirement herein that the plan be in effect in all political subdivisions of the State to the extent and for such period as may be provided in accordance with regulations prescribed by him, but only if the non-Federal share of the cost of such vocational rehabilitation services is met from funds made available by a political subdivision of the State (including, to the extent permitted by such regulations, funds contributed to such subdivision by a private agency, organization, or individual);

(5) show the plan, policies, and methods to be followed in carrying out the work under the State plan and in its administration and supervision, and in case vocational rehabilitation services cannot be provided all eligible handicapped individuals who apply for such services, show the order to be followed in selecting those to whom vocational rehabilitation services will be provided;

(6) provide such methods of administration, other than methods relating to the establishment and maintenance of personnel standards, as are found by the Secretary to be necessary for the proper and efficient administration of the plan;

(7) contain (A) provisions relating to the establishment and maintenance of personnel standards, including provisions relating to the tenure, selection, appointment, and qualifications of personnel, and (B) provisions relating to the establishment and maintenance, of minimum standards governing the facilities and personnel utilized in the provision of vocational rehabilitation services, but the Secretary shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with such provisions;

(8) provide that evaluation of rehabilitation potential, counseling and guidance, personal and vocational adjustment, training, maintenance, physical restoration, placement and follow-up and follow-along services will be provided under the plan;

(9) for subsequent program evaluation, contain a clear statement of the goals of the services to be provided under the plan. These goals shall be listed in order of priority and stated as much as possible in a form amenable to quantification;

(10) provide that the State agency will make such reports in such form and containing such information, as the Secretary may from time to time reasonably require to carry out his functions under this title, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports;

(11) provide for entering into cooperative arrangements with, and the utilization of the services and facilities of, the State agencies administering the State's public assistance programs, services to the severely handicapped programs, manpower programs, public employment offices, the Social Security Administration (Department of Health, Education, and Welfare), and of other Federal, State and local public agencies providing services related to rehabilitation of the handicapped;

(12) provide that vocational rehabilitation services provided under the State plan shall be available to any civil employee of the United States disabled while in the performance of his duty on the same terms and conditions as apply to other persons;

(13) provide that no residence requirement will be imposed which excludes from services under the plan any individual who is present in the State;

(14) provide for continuing statewide studies of the needs of handicapped individuals and how these may be most effectively met (including the State's needs for rehabilitation facilities);

(15) provide that where such State plan includes provisions for the construction of rehabilitation facilities—

(A) the Federal share of the cost of construction thereof for a fiscal year will not exceed an amount equal to 10 per centum of the State's allotment for such year,

(B) the provisions of subsections (b) (1), (2), and (4), and (e) of section 405 shall be applicable to such construction and such provisions shall be deemed to apply to such construction, and

(C) there shall be compliance with regulations of the Secretary designed to assure that no State will reduce its efforts in providing other vocational rehabilitation services (other than for the establishment of rehabilitation facilities) because its plan includes such provisions for construction.

(16) provide satisfactory assurance to the Secretary that the State agency designated pursuant to paragraph (1) (or each State agency if two are so designated) and any sole local agency administering the plan in a political subdivision of the State will take into account, in connection with matters of general policy arising in the administration of the plan, the views of individuals who are recipients of vocational rehabilitation services, professionals working in the field of vocational rehabilitation, and individuals who are providers of vocational rehabilitation services.

(b) The Secretary shall approve any plan which the Secretary finds fulfills the conditions specified in subsection (a) of this section.

(c) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of the State plan approved under this section, finds that—

(1) the plan has been so changed that it no longer complies with the requirements of subsection (a) of this section; or

(2) in the administration of the plan there is a failure to comply substantially with any such provision;

the Secretary shall notify such State agency that no further payments will be made to the State under sections 103 and 104 (or in his discretion, that further payments will not be made to the State for projects under or parts of the State plan affected by such failure), until he is satisfied there is no longer any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State under sections 103 and 104 (or shall limit payments to projects under or parts of the State plan in which there is no such failure).

(d) If any State is dissatisfied with the Secretary's action under subsection (c) of this section, such State may appeal to the United States district court for the district where the capital of such State is located and judicial review of such action shall be on the record in accordance with the provisions of the Administrative Procedure Act.

DEFINITIONS

SEC. 106. For the purposes of this Act—

(a) (1) The term "vocational rehabilitation services" means the following services:

(A) evaluation, including diagnostic and related services, incidental to the determination of eligibility for and the nature and scope of services to be provided;

(B) counseling, guidance, and placement services for handicapped individuals, including follow-up, follow-along, and other post-employment services necessary to assist such individuals to maintain their employment and services designed to help handicapped individuals secure services from other agencies, when needed services are not available under this Act;

(C) training services for handicapped individuals, which shall include personal and vocational adjustment, books, and other training materials;

(D) reader services for the blind and interpreter services for the deaf: And provided further, That in determining whether an individual is blind, there shall be an examination by a physician skilled in the disease of the eye and/or by an optometrist, whichever the individual may select; and

(E) recruitment and training services for handicapped individuals to provide them with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate service employment.

(2) Such term also includes, after full consideration of eligibility for any similar benefit by way of pension, compensation, and insurance, the following services and goods provided to, or for the benefit of, a handicapped individual—

(A) physical restoration services, including but not limited to, (i) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial barrier to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or substantially reduce the handicap within a reasonable length of time, (ii) necessary hospitalization in connection with surgery or treatment, (iii) prosthetic and orthotic devices, (iv) eye glasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist, (v) special services, artificial kidneys, and supplies necessary for the treatment of individuals suffering from end stage rental disease;

(B) maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

(C) occupation licenses, tools, equipment, and initial stocks and supplies;

(D) transportation in connection with the rendering of any other vocational rehabilitation service;

(E) any other goods and services necessary to render a handicapped individual employable; and

(F) services to the families of handicapped individuals when such services will contribute substantially to the rehabilitation of such individuals.

(3) Such term includes the following services and goods provided for the benefit of groups of individuals—

(A) in the case of any type of small business operated by the severely handicapped the operation of which can be improved by management services and supervision provided by the State agency, the provision of such services and supervision, alone or together with the acquisition by the State agency of vending stands or other equipment and initial stocks and supplies; and

(B) the construction or establishment of public or other nonprofit rehabilitation facilities and the provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the rehabilitation plan of any one handicapped individual.

(b) The term "handicapped individual" means any individual who (1) has a physical or mental disability which constitutes a handicap to employment and (2) can reasonably be expected to benefit from rehabilitation services. Nothing in the preceding provisions of this subsection or in subsection (a) shall be construed to exclude from "vocational rehabilitation services" any goods or services provided to an individual who is under a physical or mental disability and who has a substantial handicap to employment, during the period, not in excess of eighteen months in the case of any individual who has a severe handicap, or twelve months in the case of an individual suffering from end stage renal disease, or six months in the case of an individual with any other disability, determined (in accordance with regulations of the Secretary) to be necessary for, and which are provided for the purpose of, ascertaining whether it may reasonably be expected that such individual will be rendered fit to engage in a gainful occupation through the provision of goods and services described in subsection (a), but only if the goods or services provided to him during such period would constitute "vocational rehabilitation services" if his disability were of such a nature that he would be a "handicapped individual" under such preceding provisions of this subsection.

(c) The term "rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to, or gainful employment for, handicapped individuals, or for providing evaluation and work adjustment services for disadvantaged individuals, and which provides singly or in combination one or more of the following services for handicapped individuals: (1) Comprehensive rehabilitation services which shall include, under one management, medical, psychological, social, and vocational services, (2) testing, fitting, or training in the use of prosthetic and orthotic devices, (3) preconventional conditoning or recreational therapy, (4) physical and occupational therapy, (5) speech and hearing therapy, (6) psychological and social services, (7) evaluation, (8) personal and work adjustment, (9) vocational training (in combination with other rehabilitation services), (10) evaluation or control of special disabilities, and (11) extended employment for the severely handicapped who cannot be readily absorbed in the competitive labor market; but all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to practice medicine or surgery in the State.

(d) The term "nonprofit", when used with respect to a rehabilitation facility, means a rehabilitation facility owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(e) Establishment of a rehabilitation facility means (1) the expansion, remodeling, or alteration of existing buildings necessary to adapt them to rehabilitation facility purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Secretary may, my regulation, prescribe in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance in the construction of such facilities), (2) initial equipment of such buildings, and initial staffing thereof (for a period not to exceed four years and three months).

(f) The term "Federal share" means 80 per centum except that with respect to payments pursuant to section 103(b) to any State which are used to meet the costs of construction of rehabilitation facilities (as provided in section 106(a)(3)(B) in such State, the Federal share shall be the percentages determined in accordance with the provisions of section 405(c) applicable with respect to that State).

(g) The term "construction" means the construction of new buildings, the acquisition of existing buildings, initial equipment of such new buildings or newly acquired buildings, and initial staffing thereof (for a period not to exceed four years and three months), and the term "cost of construction" includes architects' fees and acquisition of land in connection with construction but does not include the cost of offsite improvements.

(h) The term "local agency" means an agency of a unit of general local government (or combination of units) which has an agreement with the State agency designated in section 105(a)(1) to conduct a vocational rehabilitation program under the supervision of such State agency in accordance with the State plan approved under section 105. Nothing in the preceding provisions of this subsection or in section 105 shall be construed to prevent the local agency from utilizing another local public or private nonprofit agency to provide vocational rehabilitation services: *Provided,* That such an arrangement is made part of the agreement specified in the first sentence of this subsection.

TITLE II—EVALUATION OF REHABILITATION POTENTIAL

DECLARATION OF PURPOSE

SEC. 201. The purpose of this title is to authorize grants to States to assist them in evaluating the rehabilitation potential of handicapped and other disadvantaged individuals including the vocational evaluation and work adjustment of disadvantaged individuals.

AUTHORIZATION OF APPROPRIATIONS

SEC. 202. In order to make grants to carry out the purposes of section 201, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975.

STATE ALLOTMENTS

SEC. 203. (a) For each fiscal year each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated by section 202 for meeting the costs described in subsection (b) of this section, as the product of (1) the population of the State, and (2) its allotment percentage (as defined in section 6) bears to the sum of the corresponding products for all the States. The allotment to any State under the first sentence of this subsection for any fiscal year which is less than $100,000 (or such amount as may be specified as a minimum allotment in the Act appropriating sums for such year) shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under the first sentence of this subsection but with such adjustments as may be necessary to prevent the allotment of any remaining States from being thereby reduced to less than that amount.

(b) The Secretary shall pay to each State an amount equal to 90 per centum of the cost of carrying out the purposes of this title under a plan of such State approved under section 204, including the cost of evaluation and work adjustment services furnished by the designated State vocational rehabilitation agency or agencies for other agencies providing services to disadvantaged individuals under another evaluation program of the State, except that the total of such payments to such State for such fiscal year may not exceed its allotment under subsection (a) for such year. The cost of evaluation and work adjustment services shall not include any amounts paid by another public or private agency for the provision of such services.

(c) Whenever the State plan approved in accordance with section 204 provides for participation of more than one State agency in administering or supervising the administration of the State plan, the State may apportion its allotment between such agencies.

(d) No payment may be made from an allotment under this title with respect to any cost with respect to which any payment is made under any other title of this Act.

(e) Payments under this section may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

STATE PLANS

SEC. 204. (a) The Secretary shall approve a State evaluation and work adjustment plan which—

(1) designates as the State evaluation and work adjustment agency the same agency or agencies designated under section 105(a)(1) of this Act;

(2) provides for financial participation by the State, which may include non-Federal funds donated to the State;

(3) shows the plan, policies, and methods to be followed in providing services under the State evaluation and work adjustment plan and in its administration and supervision, and, in case evaluation and work adjustment services cannot be provided all disadvantaged individuals who apply for such services, shows the order to be followed in selecting those to whom evaluation and work adjustment services will be provided;

(4) provides such methods of administration, other than methods relating to the establishment and maintenance of personnel standards, as are found by the Secretary to be necessary for the proper and efficient administration of the plan;

(5) contains provisions relating to the establishment and maintenance of personnel standards and the establishment and maintenance of minimum standards governing the facilities and personnel utilized in the provision of evaluation and work adjustment services consistent with the provisions of the State plan for vocational rehabilitation services;

(6) provides that evaluation and work adjustment services will be provided without regard to whether or not the disadvantaged individual is in financial need except to the extent provided for under paragraph (3);

(7) for subsequent program evaluation, contain a clear statement of the goals of the services to be provided under the plan. These goals shall be listed in order of priority and

stated as much as possible in a form amenable to quantification;

(8) provides that the State agency will make such reports, in such form and containing such information as the Secretary may from time to time reasonably require to carry out his functions under this title, and comply with such provisions, as he may from time to time find necessary to assure the correctness and verification of such reports;

(9) provides for cooperation by the State agency with other public and private agencies concerned with disadvantaged individuals and joint undertakings to further the effectiveness of evaluation and work adjustment services for such individuals.

(b) The Secretary shall discontinue payments under this section in the same manner and on the same basis as he is required by Section 105(c) to discontinue payments under title I, and judicial review of such action shall be had in the same manner as is provided in section 105(d) for similar action taken by him under 105(c).

DEFINITIONS

SEC. 205. (a) As used in this title, the term "disadvantaged individuals" means (1) handicapped individual as defined in section 106(b) of this Act, (2) individuals disadvantaged by reason of their youth or advanced age, low educational attainments, ethnic or cultural factors, prison or delinquency records, or other conditions which constitute a barrier to employment, and (3) other members of their families when the provision of vocational rehabilitation services to family members is necessary for the rehabilitation of an individual described in clause (1) or (2).

(b) "Evaluation and work adjustment services" include, as appropriate in each case, such services as—

(1) a preliminary diagnostic study to determine that the individual is disadvantaged, has an employment handicap, and that services are needed;

(2) a thorough diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed;

(3) services to appraise the individual's patterns of work behavior and ability to acquire occupational skill, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment;

(4) any other goods or services provided to a disadvantaged individual, determined (in accordance with regulations of the Secretary) to be necessary for, and which are provided for the purpose of ascertaining the nature of the handicap to employment and whether it may reasonably be expected the individual can benefit from vocational rehabilitation services available to disadvantaged individuals;

(5) outreach, referral, and advocacy; and

(6) the administration of these evaluation and work adjustment services.

TITLE III—COMPREHENSIVE SERVICES TO THE SEVERELY HANDICAPPED

PURPOSE

SEC. 301. The purpose of this title is to authorize grants (supplementary to grants for vocational rehabilitation services under title I) to assist the several States in developing and implementing continuing plans for meeting the current and future needs of severely handicapped individuals, including the assessment of disability and rehabilitation potential and the training of specialized personnel needed for the provision of services to the severely handicapped and research related thereto.

AUTHORIZATION OF APPROPRIATIONS

SEC. 302. In order to make grants to carry out the purposes of section 301, there is authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and $80,000,000 for the fiscal year ending June 30, 1975.

ALLOTMENTS

SEC. 303. (a) From sums appropriated to carry out the provisions of section 301 for each fiscal year, less the amounts reserved by the Secretary for projects under section 308, each State shall be entitled to an allotment of amount bearing the same ratio to such sums as the product of (1) the population of the State, and (2) its allotment percentage (as defined in section 6) bears to the sum of the corresponding products for all of the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $50,000 shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(b) Whenever the Secretary determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more of the States which he determines will be able to use additional amounts during such year for carrying out such purpose. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purpose of this title, be regarded as an increase in the State's allotment (as determined under the preceding provisions of this section) for such year.

STATE PLANS

SEC. 304. As a condition for receiving grants under this title, a State must submit to the Secretary a plan for provision of comprehensive services to severely handicapped individuals. Such plan shall designate the State agency or agencies administering the State plan for vocational rehabilitation as the agency or agencies to administer programs funded under this title. The plan shall describe the quality, scope, and extent of the services being provided and shall conform to such other requirements as may be prescribed by the Secretary in regulations, but in any event shall demonstrate that the State has studied and considered a broad variety of means for providing comprehensive services to severely handicapped individuals, including but not limited to, regional and community centers, half-way houses, and patient-release programs, where such programs are appropriate and beneficial.

PAYMENTS TO STATES

SEC. 305. (a) From each State's allotment for a fiscal year under section 303, the State shall be paid the Federal share of the expenditures incurred during such year under its State plan approved under section 304. Such payments may be made (after necessary adjustments on acount of previously made overpayments or underpayments) in advance or by way of reimbursement and in such installments and on such conditions as the Secretary may determine.

(b) For the purpose of determining the Federal share with respect to any State, expenditures by a political subdivision thereof shall, subject to such limitations and conditions as may be prescribed by regulations, be regarded as expenditures by such State.

(c) The Federal share with respect to any State shall be 90 per centum of the expenditures incurred by the State during such year under its State plan approved under section 304.

DEFINITIONS

SEC. 306. For the purposes of this part—

(a) The term "severely handicapped individual" means any individual who (1) is under a physical or mental disability so serious that it limits substantially his ability to function in his family and community as one without such serious disability may be expected to function, and, (2) who, with the assistance of comprehensive rehabilitation services can reasonably be expected to improve substantially his ability to live independently and function normally in his family and community.

(b) The term "comprehensive rehabilitation services" means any appropriate vocational rehabilitation service as defined in title I of this Act and any other service that will make a substantial contribution in helping the severely handicapped individual improve his ability to live independently or function normally with his family and community. It also includes preventive and restorative sources which will diminish the present or prospective need of a severely handicapped individual for comprehensive rehabilitation services.

SPECIAL PROJECTS

SEC. 307. From sums appropriated under section 302, the Secretary may retain not to exceed 10 per centum or $500,000, whichever is smaller, to enable him to make grants to the States and public and other nonprofit organizations to pay part of the cost of the projects for research and demonstration and training which hold promise of making a substantial contribution to the solution of problems related to the rehabilitation of severely handicapped individuals common to all or several States.

NONDUPLICATION

SEC. 308. In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved in accordance with section 304 there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any provision of law other than this part, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

TITLE IV—SPECIAL FEDERAL RESPONSIBILITIES

DECLARATION OF PURPOSE

SEC. 401. The purpose of this title is to—

(a) provide for the general administration of this Act.

(b) authorize grants to assist in the construction and improvement of rehabilitation facilities;

(c) authorize grants for special projects which hold promise of making a substantial contribution to the solution of rehabilitation problems common to all or several States or which experiment with new services or new patterns of services for the rehabilitation of handicapped individuals (including opportunities for new careers for handicapped individuals, and for other individuals in programs serving handicapped individuals);

(d) establish a National Information and Resource Center for the Handicapped;

(e) establish and operate a National Center for Deaf-Blind Youths and Adults;

(f) establish and operate Comprehensive

Rehabilitation Centers for Deaf Youths and Adults;

(g) establish a National Commission on Transportation and Housing of the Handicapped;

(h) establish National Centers for Spinal Cord Injured;

(i) provide services for the treatment of individuals suffering from end stage renal disease.

AUTHORIZATION OF APPROPRIATIONS

SEC. 402. (a) There are hereby authorized to be included for each fiscal year in the appropriation for the Department of Health, Education, and Welfare such sums as are necessary to administer the provisions of this Act.

(b) For the purpose of making grants and contracts under this title for construction and for rehabilitation facility improvement and related purposes, there is authorized to be appropriated $35,000,000 for the fiscal year ending June 30, 1973, $45,000,000 for the fiscal year ending June 30, 1974, and $55,000,000 for the fiscal year ending June 30, 1975. Sums so appropriated shall remain available for payment with respect to construction projects approved or initial staffing grants made under this title prior to July 1, 1977.

(c) For the purpose of making grants under this title for special projects, there is authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, $125,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975. There is hereby authorized to be appropriated for the purpose of funding the grants authorized in section 408(d) not to exceed $10,000,000 for the fiscal year ending June 30, 1973, and for each fiscal year thereafter.

(d) For the purpose of establishing and operating a National Information and Resource Center for the Handicapped, there is authorized to be appropriated $750,000 for the fiscal year ending June 30, 1973, and for each fiscal year thereafter such sums as may be necessary.

(e) For the purpose of establishing and operating a National Center for Deaf-Blind Youths and Adults, there is authorized to be appropriated such sums as may be necessary for each fiscal year.

(f) For the purpose of establishing and operating Comprehensive Rehabilitation Centers for Deaf Youths and Adults, there is authorized to be appropriated such sums as may be necessary for each fiscal year.

(g) For the purpose of establishing a National Commission on Transportation and Housing for the Handicapped and carrying out its functions there is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years, the sum of $250,000 for each of such fiscal years.

(h) For the purpose of making grants and contracts as set forth in section 412 (National Center for Spinal Cord Injuries) there is authorized to be appropriated such sums as may be necessary.

(i) There is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years, the sum of $25,000,000 for vocational rehabilitation services for handicapped individuals suffering from end stage renal disease.

ADMINISTRATION

SEC. 403. (a) In carrying out his duties under this Act, the Secretary shall—

(1) cooperate with, and render technical assistance (directly or by contract) to States in matters relating to the rehabilitation of handicapped individuals;

(2) provide short-term training and instruction in technical matters relating to vocational rehabilitation services, including the establishment and maintenance of such research fellowships and traineeships, with such stipends and allowances (including travel and subsistence expenses), as he may deem necessary, except that no such training or instruction (or fellowship or scholarship) shall be provided any individual for any one course of study for a period in excess of four years, and such training, instruction, fellowships, and traineeships may be in the fields of physical medicine and rehabilitation, physical therapy, occupational therapy, speech pathology and audiology, rehabilitation nursing, rehabilitation social work, prosthetics and orthotics, rehabilitation psychology, rehabilitation counseling, recreation for the ill and handicapped, and other specialized fields contributing to vocational rehabilitation; and

(3) disseminate information relating to vocational rehabilitation services, and otherwise promote the cause of rehabilitation of handicapped individuals and their greater utilization in gainful and suitable equipment.

(b) The Secretary is authorized to make rules and regulations governing the administration of this Act, and to delegate to any officer or employee of the United States such of his powers and duties, except the making of rules and regulations, as he finds necessary in carrying out the purposes of this Act.

(c) The Secretary is authorized (directly or by grants or contracts) to conduct research, studies, investigations, demonstrations, and evaluation of the programs authorized by this Act, and to make reports, with respect to abilities, aptitudes, and capacities of handicapped individuals, development of their potentialities, their utilization in gainful and suitable employment, and with respect to architectural, transportation and other environmental and attitudinal barriers to their rehabilitation, including the problems of the homebound and the elderly blind.

(d) The Secretary is authorized to make contracts or jointly financed cooperative arrangements with employers and organizations for the establishment of projects designed to prepare handicapped individuals for gainful employment in the competitive labor market under which handicapped individuals are provided training and employment in a realistic work setting and such other services (determined in accordance with regulations of the Secretary) as may be necessary for such individuals to continue to engage in such employment;

(e) (1) The Secretary is authorized, directly or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof to provide technical assistance (A) to rehabilitation facilities, and (B) in the case of removal of architectural barriers to any public or private agency or institution.

(2) Any such experts or consultants shall, while serving pursuant to such contracts, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per diem, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(f) Annual reports shall be made to the Congress by the Secretary as to the administration of this Act.

PROMOTION OF EMPLOYMENT OPPORTUNITIES

SEC. 404. The Secretary of Labor and the Secretary of Health, Education, and Welfare shall cooperate in developing, and in recommending to the appropriate State agencies, policies and procedures which will facilitate the placement in employment of individuals who have received rehabilitation services under State vocational rehabilitation programs, and, together with the chairman of the President's Committee on Employment of the Handicapped, shall develop and recommend methods which will assure maximum utilization of services which that committee, and cooperating State and local organizations, are able to render in promoting job opportunities for such individuals.

GRANTS FOR CONSTRUCTION OF REHABILITATION FACILITIES

SEC. 405. (a) The Secretary is authorized to make grants to assist in meeting the costs of construction of public or other nonprofit rehabilitation facilities. Such grants may be made to States and public and other nonprofit organizations and agencies for projects for which applications are approved by the Secretary under this section.

(b) To be approved, an application for a grant for a construction project under this section must—

(1) contain or be supported by reasonable assurances that (A) for a period of not less than twenty years after completion of construction of the project it will be used as a public or other nonprofit rehabilitation facility, (B) sufficient funds will be available to meet the non-Federal share of the cost of construction of the project, and (C) sufficient funds will be available, when construction of the project is completed, for its effective use as a rehabilitation facility;

(2) be accompanied or supplemented by plans and specifications which comply with regulations of the Secretary relating to minimum standards of construction and equipment, and with regulations of the Secretary of Labor relating to safety standards for rehabilitation facilities;

(3) be approved, in accordance with regulations of the Secretary, by the appropriate State agency designated as provided in section 105(a) (1);

(4) for subsequent program evaluation, contain a clear statement of rehabilitation objectives for the facilities to be constructed under the grant. These objectives shall be listed in order of priority and stated as much as possible in a form amenable to quantification;

(5) contain or be supported by reasonable assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with Davis-Bacon Act, as amended (40 U.S.C. 276a-276a5); and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(c) The amount of a grant under this section with respect to any construction project in any State shall be equal to the same percentage of the cost of such project as the Federal share which is applicable in the case of rehabilitation facilities (as defined in section 645(g) of the Public Health Service Act (42 U.S.C. 291o(g)), in such State, except that if the Federal share with respect to rehabilitation facilities in such State is determined pursuant to section 645(b) (2) of such Act (42 U.S.C. 291o(b) (1)), the percentage of the cost for purposes of this section shall be determined in accordance with regulations of the Secretary designed to achieve as nearly as practicable results comparable to the results obtained under such subparagraph.

(d) Upon approval of any application for a grant for a construction project under this section, the Secretary shall reserve from any appropriation available therefor, the amount of such grant determined under subsection (c); the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Secretary may determine. In case an amendment to an approved application is approved or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the appropriation from which the original reservation was made or the appropriation for the fiscal year in which such amendment or revision is approved.

(e) If, within twenty years after completion of any construction project for which funds have been paid under this section, the rehabilitation facility shall cease to be a public or other nonprofit rehabilitation facility, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

(f) The Secretary is also authorized to make grants to assist in the initial staffing of any public or other nonprofit rehabilitation facility constructed after the date of enactment of this section (whether or not such construction was financed with the aid of a grant under this section) by covering part of the costs (determined in accordance with regulations of the Secretary) of compensation of professional or technical personnel of such facility during the period beginning with the commencement of the operation of such facility and ending with the close of four years and three months after the month in which such operation commenced. Such grants with respect to any facility may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following the month in which such operation commenced, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

(g) The Secretary is also authorized to make grants upon application approved by the appropriate State agency designed under section 105(a)(1), to public or other nonprofit agencies, institutions, or organizations to assist them in meeting the costs of planning rehabilitation facilities and the services to be provided thereby.

(h) Payment of grants under subsection (f) or (g) may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

(i) For purposes of this title—

(1) "construction" includes construction of new buildings, acquisition of existing buildings, and expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such new, newly acquired, expanded, remodeled, altered, or renovated buildings;

(2) the "cost" of construction includes the cost of architects' fees and acquisition of land in connection with construction, but does not include the cost of offsite improvements; and

(3) a project for construction of a rehabilitation facility which is primarily a workshop may include such construction as may be necessary to provide residential accommodations for use in connection with the rehabilitation of individuals with developmental disabilities or such other categories of handicapped individuals as the Secretary may designate.

MORTGAGE INSURANCE FOR MULTIPURPOSE REHABILITATION FACILITIES

SEC. 406. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the handicapped.

(b) For the purpose of this part the terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Secretary is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose rehabilitation facility, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Seceretary, who demonstrates ability successfully to operate one or more programs for the handicapped. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Rehabilitation Facilities Insurance Fund, and shall be redemmed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multipurpose rehabilitation facilities, when the proposed improvements are completed and the equipment is installed.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

(4) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

(5) In the plans for such Multipurpose Rehabilitation Facilities, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Rehabilitation Facilities Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

(g) (1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multipurpose Rehabilitation Facilities Insurance Fund, and all references in such provisions to "Secretary" shall be deemed to refer to the Secretary of Health, Education, and Welfare.

(h) (1) There is hereby created a Multipurpose Rehabilitation Facilities Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Rehabilitation Facilities Insurance Fund.

(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Rehabilitation Facilities Insurance Fund.

(3) Moneys in the Multipurpose Rehabilitation Facilities Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Rehabilitation Facilities Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Rehabilitation Facilities Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection

with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Rehabilitation Facilities Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

ANNUAL INTEREST GRANTS

SEC. 407. (a) To assist States and public and nonprofit private agencies to reduce the cost of borrowing from other sources for the construction of rehabilitation facilities, the Secretary may make annual interest grants to such agencies.

(b) Annual interest grants under this section with respect to any rehabilitation facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the construction of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum: Provided, That the amount on which such grant is based shall be approved by the Secretary.

(c) (1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for the payment of annual interest grants in accordance with this section.

(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants which may be paid to institutions of higher education and higher education building agencies in any year pursuant to contracts entered into under this section shall not exceed $1,000,000 which amount shall be increased by $3,000,000 on July 1, 1974, and by $5,000,000 on July 1, 1975.

(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

REHABILITATION FACILITY IMPROVEMENT

SEC. 408. (a) (1) The Secretary is authorized to make grants to States and public and other nonprofit organizations and agencies to pay 90 per centum of the cost of projects for providing training services to handicapped individuals in public or other nonprofit rehabilitation facilities.

(2) (A) Training services for purposes of this subsection, shall include training in occupational skills; related services, including work evaluation, work testing, provisions of occupational tools and equipment required by the individual to engage in such training, and job tryouts; and payment of weekly allowances to individuals receiving such training and related services.

(B) Such allowances may not be paid to any individual for any period in excess of two years, and such allowances for any week shall not exceed $30 plus $10 for each of the individual's dependents, or $65, whichever is less. In determining the amount of such allowances for any individual, consideration shall be given to the individual's need for such an allowance, including any expenses reasonably attributable to receipt of training services, the extent to which such an allowance will help assure entry into and satisfactory completion of training, and such other factors, specified by the Secretary, as will promote such individual's fitness to engage in a remunerative occupation.

(3) The Secretary may make a grant for a project pursuant to this subsection only on his determination that (A) the purpose of such project is to prepare handicapped individuals for a gainful occupation; (B) the individuals to receive training services under such project will include only individuals who have been determined to be suitable for and in need of such training services by the State agency or agencies designated as provided in section 105(a)(1) of the State in which the rehabilitation facility is located; (C) the full range of training services will be made available to each such individual, to the extent of his need for such services; and (D) the project, including the participating rehabilitation facility and the training services provided, meet such other requirements as he may prescribe for carrying out the purposes of this subsection.

(4) Payments under this subsection may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made on such conditions as he finds necessary to carry out the purposes of this subsection.

Rehabilitation Facility Improvement Grants

(b) (1) The Secretary is authorized to make grants to public or other nonprofit rehabilitation facilities to pay part of the cost of projects to analyze, improve, and increase their professional services to the handicapped, their business management, or any other part of their operations affecting their capacity to provide employment and services for the handicapped.

(2) No part of any grant made pursuant to this subsection may be used to pay costs of acquiring, constructing, expanding, remodeling, or altering any building.

(3) Payments under this subsection may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made on such conditions as he finds necessary to carry out the purposes of this subsection.

National Policy and Performance Council

(c) (1) There is hereby established in the Department of Health, Education, and Welfare a National Policy and Performance Council, consisting of twelve members, not otherwise in the regular full-time employ of the United States appointed by the Secretary without regard to the civil service laws. Three members of such Council shall be handicapped individuals. The Secretary shall from time to time appoint one of the members to serve as Chairman. The appointed members shall be selected from among leaders in the vocational rehabilitation or workshop fields, State or local government, and business and from among representatives of related professions, labor leaders, and the general public. Each appointed member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that, of the twelve members first appointed, three shall hold office for a term of three years, three shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Secretary at the time of appointment. None of such twelve members shall be eligible for reappointment until a year has elapsed after the end of his preceding term.

(2) The Council shall (A) advise the Secretary with respect to the policies and criteria to be used by him in determining whether or not to make grants under subsection (a) for a rehabilitation facility which is a workshop; (B) make recommendations to the Secretary with respect to workshop improvement and the extent to which this section is effective in accomplishing this purpose; and (C) perform such other services with respect to workshops as the Secretary may request.

(3) The Secretary shall make available to the Council such technical, administrative, and other assistance as it may require to carry out its functions.

(4) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

Safety Standards

(d) The Secretary shall make no grant under this section to any rehabilitation facility which does not comply with safety standards which the Secretary of Labor shall prescribe by regulation.

Special Study

(e) The Secretary shall conduct a study of the sources of income and other financial support presently being received by handicapped persons employed in workshops, to include wages earned in the workshops and the manner and extent to which such earned income is augmented from other personal, public, and voluntary sources. A report of such study, together with recommendations, will be furnished to the Congress not later than July 1, 1973.

SPECIAL PROJECTS

SEC. 409. (a). From the sums available therefor for any fiscal year, the Secretary shall make grants to States and public and other nonprofit organizations and agencies for paying part of the cost of (1) projects for research, demonstrations, training, and traineeships including a biomedical engineering research program, international rehabilitation research, training and technical assistance, and projects for the establishment of special facilities and services, which, in the judgment of the Secretary, hold promise of making a substantial contribution to the solution of rehabilitation problems common to all or several States, and problems related to the rehabilitation of individuals with developmental disabilities and other severe handicaps and (2) projects which experiment with new services or new patterns of services (including opportunities for new careers for handicapped individuals, and for other individuals in programs serving handicapped individuals). Grants for training and traineeships under clause (1) of this subsection may include training and traineeships in physical medicine and rehabilitation, physical therapy, occupational therapy, speech pathology and audiology, rehabilitation nursing, rehabilitation social work, prosthetics, and orthotics, rehabilitation psychology, rehabilitation counseling, recreation for the ill and handicapped, and other specialized fields contributing to vocational rehabilitation of the handicapped or to the rehabilitation of individuals with developmental disabilities and other severe handicaps. No grant shall be made under clause (1) or clause (2) of this subsection for furnishing to an individual any one course of study extending for a period in excess of four years. Any grant of funds under this subsection which will be used for direct services to handicapped individuals or for establishing facilities which will render direct services to such individuals must have the prior approval of the appropriate State agency.

(b) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Secretary; and shall be made on such condition as the Secretary finds necessary to carry out the purposes of this section.

(c) (1) There is hereby established in the

Department of Health, Education, and Welfare a National Advisory Council on Vocational Rehabilitation consisting of the Secretary, or his designee, who shall be Chairman and fifteen members appointed without regard to civil service laws by the Secretary. The fifteen appointed members shall be leaders in fields concerned with vocational rehabilitation or in public affairs, including leading medical, educational, or scientific authorities who are outstanding for their work in the vocational rehabilitation of handicapped individuals. At least one-third of the appointed members shall be recipients of rehabilitation services including those who are severely handicapped. Each appointed member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term and except that, of the members first appointed, three shall hold office for a term of three years, three shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Secretary at the time of appointment. None of such fifteen members shall be eligible for reappointment until a year has elapsed after the end of his preceding term.

(2) The Council is authorized to review applications for special projects submitted to the Secretary under this section and recommend to the Secretary for grants thereunder any such projects or any projects initiated by it which it believes show promise of making valuable contributions to the vocational rehabilitation of handicapped individuals. The Secretary is authorized to utilize the services of any member or members of the Council in connection with matters relating to the administration of this section, for such periods, in addition to conference periods, as he may determine.

(3) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council or at the request of the Secretary shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(4) The Secretary shall transmit to the Congress annually a report concerning the special projects initiated under this section, the recommendations of the National Advisory Council on Vocational Rehabilitation, and any action taken with respect to such recommendations.

(d) The Secretary is authorized to make grants to any State agency designated pursuant to a State plan approved under section 105, or to any local agency participating in the administration of such a plan, for not to exceed 90 per centum of the cost of pilot or demonstration projects for the provision of vocational rehabilitation services to handicapped individuals who, as determined in accordance with rules prescribed by the Secretary of Labor, are migratory agricultural workers, and to members of their families (whether or not handicapped) who are with them, including maintenance and transportation of such individuals and members of their families where necessary to the rehabilitation of that individual. Maintenance payments under this section shall be consistent with any maintenance payments made to other handicapped individuals in the State under this Act. Such grants shall be conditioned upon satisfactroy assurance that in the provision of such services there will be appropriate cooperation between the grantee and other public and private nonprofit agencies having special skills and experience in the provision of services to migratory agricultural workers or their families. This section shall be administered in coordination with other provisions of law dealing specifically with migrant agricultural workers, including title I of the Elementary and Secondary Education Act of 1965, section 311 of the Economic Opportunity Act of 1964, and the Farm Labor Contractor Registration Act of 1963.

(e) If the funds appropriated for a fiscal year for making the grants authorized in subsection (d) are not sufficient to pay at least 66⅔ per centum of the total amounts which the Secretary estimates would be needed to fund the applications he has approved (subject to the availability of appropriations) under subsection (d), he shall allocate, for grants under that subsection, funds appropriated for other activities under this Act in the proportion that the amount he estimates to be required for each such other activity bears to the total amount he estimates to be required for all such other activities. In the event that the amount the Secretary allocates for subsection (d) under this provision exceeds the total amount he finds needed to disburse to grant applicants under that subsection, or if additional amounts become available for carrying out that subsection, the Secretary shall reallocate any such excess to the activities for which they were originally allocated, in the same proportions as provided above.

NATIONAL INFORMATION AND RESOURCE CENTER

SEC. 410. (a) (1) There is hereby established, within the Office of the Secretary of the Department of Health, Education, and Welfare, a National Information and Resource Center (hereinafter referred to as the "Center").

(2) The Center shall have a Director and such other personnel as may be necessary to enable the Center to carry out its duties and functions under this section.

(b) (1) It shall be the duty and function of the Center to collect, review, organize, publish, and disseminate (through publications, conferences, workshops, or technical consultation) information and data related to the particular problems caused by handicapping conditions, including information describing measures which are or may be employed for meeting or overcoming such problems, with a view to assisting individuals who are handicapped and organizations and persons interested in the welfare of the handicapped, in meeting problems which are peculiar to, or are made more difficult for, individuals who are handicapped, including the handicapped aged.

(2) The information and data with respect to which the Center shall carry out its duties and functions under paragraph (1) shall include (but not be limited to) information and data with respect to the following—

(A) medical and rehabilitation facilities and services;

(B) day care and other programs for young children;

(C) education;

(D) vocational training;

(E) employment;

(F) transportation;

(G) architecture and housing (including household appliances and equipment);

(H) recreation; and

(I) public or private programs established for, or which may be used in, solving problems of the handicapped.

(c) (1) The Secretary shall make available to the Center all information and data, within the Department of Health, Education, and Welfare, which may be useful in carrying out the duties and functions of the Center.

(2) Each other department or agency of the Federal Government is authorized to make available to the Secretary, for use by the Center, any information or data which the Secretary may request for such use.

(3) The Secretary of Health, Education, and Welfare shall to the maximum extent feasible enter into arrangements whereby State and other public and private agencies and institutions having information or data which is useful to the Center in carrying out its duties and functions will make such information and data available for use by the Center.

NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

SEC. 411. (a) In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, as well as other services, needed to rehabilitate handicapped individuals who are both deaf and blind, and (B) training the professional and allied personnel needed adequately to staff facilities specially designed to provide such services and training such personnel who have been or will be working with the deaf-blind;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating, the deaf-blind; and

(3) to aid in the conduct of related activities which will expand or improve the services for or help improve public understanding of the problems of the deaf-blind; the Secretary is authorized to enter into an agreement with any public or nonprofit private agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment, of a center for vocational rehabilitation of handicapped individuals who are both deaf and blind which shall be known as the National Center for Deaf-Blind Youths and Adults.

(b) Any agency or organization desiring to enter into such an agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed by the Secretary. In considering such proposals the Secretary shall give preference to those proposals which (1) give promise of maximum effectiveness in the organization and operation of the National Center for Deaf-Blind Youths and Adults, and (2) give promise of offering the most substantial skill, experience, and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of the deaf-blind.

(c) The agreement shall—

(1) provide that Federal funds paid to the agency or organization for the Center will be used only for the purposes for which paid and in accordance with the applicable provisions of this section and the agreement made pursuant thereto;

(2) provide that the agency or organization making the agreement will make an annual report to the Secretary, which the Secretary in turn shall transmit to the Congress with such comments and recommendations as he may deem appropriate;

(3) provide that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by Federal funds under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); with the Secretary of Labor having, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c);

(4) for subsequent program evaluation, include a clear statement of the objectives of the Center. These goals shall be listed in order of priority and stated as much as possible in a form amenable to quantification; and

(5) include such other conditions as the Secretary deems necessary to carry out the purposes of this section.

(d) If within twenty years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid pursuant to an agreement under this section the facility constructed ceases to be used for the purposes for which it was constructed or the agreement is terminated, the United States, unless the Secretary determines that there is good cause for releasing the recipient of the funds from its obligation, shall be entitled to recover from the applicant or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

COMPREHENSIVE REHABILITATION CENTERS FOR DEAF YOUTHS AND ADULTS

SEC. 412.(a) In order to—

(1) demonstrate methods of (A) providing the specialized comprehensive in-depth services needed to rehabilitate low (under) achieving deaf persons, and (B) training the professional and allied personnel required adequately to staff facilities designed to provide such services and training personnel who have been or will be working with the low (under) achieving deaf;

(2) conduct research in the nature and prevention of the problems of the low (under) achieving deaf population and the rehabilitation of these individuals; and

(3) improve the understanding of the general public, employers in particular, of both the assets and problems of these severely disabled deaf people;

the Secretary is authorized to enter into agreements with any public or nonprofit private agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment of one or more centers for the vocational rehabilitation of deaf individuals who are low (under) achieving which shall be known as Comprehensive Rehabilitation Centers for Deaf Youths and Adults.

(b) Any agency or organization desiring to enter into such an agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed by the Secretary. In considering such proposals the Secretary shall give preference to those proposals which (1) give promise of maximum effectiveness in the organization and operation of a Comprehensive Rehabilitaton Center for Deaf Youths and Adults, and (2) give promise of offering the most substantial skill, and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of the low (under) achieving deaf.

(c) The agreement shall—

(1) provide that Federal funds paid to any agency or organization for a Center will be used only for the purposes for which paid and in accordance with the applicable provisions of this section and the agreement made pursuant thereto;

(2) provide that an Advisory Board, comprised of qualified professionals and experts, be appointed to assure proper functioning of the Center in accordance with its stated objectives and to provide assistance in professional, technical, and other areas of development. The Advisory Board shall draw at least one-third of its membership from among the deaf population;

(3) provide that the agency or organization making the agreement will, with the advice of the Advisory Board of the Center, make an annual report to the Secretary. The Secretary in turn shall transmit the report to the Congress with such comments and recommendations the Board and he may deem appropriate;

(4) provide that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by Federal funds under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); with the Secretary of Labor having, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276a);

(5) for subsequently program evaluation, include a clear statement of the objectives of the Center. These goals shall be listed in order of priority and stated as much as possible in a form amenable to quantification; and

(6) include such other conditions as the Secretary deems necessary to carry out the purpose of this section.

(d) If within twenty years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid pursuant to an agreement under this section the facility constructed ceases to be used for the purposes for which it was constructed or the agreement is terminated, the United States, unless the Secretary determines that there is good cause for releasing the recipient of the funds from its obligation, shall be entitled to recover from the applicant or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility as situated.

(e) For the purpose of this section, the determination of who are the low (under) achieving deaf shall be made in accordance with regulations of the Secretary.

NATIONAL COMMISSION ON TRANSPORTATION AND HOUSING FOR THE HANDICAPPED

SEC. 413. (a) There is hereby established in the Department of Health, Education, and Welfare a National Commission on Transportation and Housing for the Handicapped, consisting of the Secretary of Health, Education, and Welfare (or his designee), who shall be Chairman, and not more than fifteen members appointed by the Secretary of Health, Education, and Welfare without regard to the civil service laws. The fifteen appointed members shall be representative of the general public, of the disabled, and of private and professional groups having an interest in and able to contribute to the solution of the transportation and housing problems which impede the rehabilitation of the handicapped. In addition, the Secretary of Housing and Urban Development, the Secretary of Transportation and the Secretary of the Treasury (or their respective designees) shall be members of the Commission.

(b) The Commission shall (1)(A) determine how and to what extent transportation barriers impede the mobility of the handicapped and the aged handicapped and consider how travel expenses in connection with transportation to and from work for handicapped individuals can be met or subsidized when such individuals are unable to use mass transit systems or need special equipment in private transportation, and (B) consider the housing needs of the handicapped; (2) determine what is being done, especially by public and other nonprofit agencies and groups having an interest in and a capacity to deal with such problems, (A) to eliminate barriers from public transportation systems (including vehicles used in such systems), and to prevent their incorporation in new or expanded transportation systems and (B) to make housing available and accessible to the handicapped or to meet sheltered housing needs; and (3) prepare plans and proposals for such further action as may be necessary to the goals of adequate transportation and housing for the handicapped, including proposals for bringing together in a cooperative effort, agencies, organizations, and groups already working toward such goals or whose cooperation is essential to effective and comprehensive action.

(c) The Commission is authorized to appoint such special advisory and technical experts and consultants, and to establish such committees, as may be useful in carrying out its functions, to make studies, and to contract for studies or demonstrations to assist it in performing its functions. The Secretary shall make available to the Commission such technical, administrative, and other assistance as it may require to carry out its functions.

(d) Appointed members of the Commission and special advisory and technical experts and consultants appointed pursuant to subsection (c) shall, while attending meetings or conferences thereof or otherwise serving on business of the Commission, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(e) The Commission shall prepare two final reports of its activities. One such report shall be on its activities in the field of transportation carriers of the handicapped, and the other such report shall be on its activities in the field of the housing needs of the handicapped. The Commission shall, prior to January 1, 1975, submit each such report, together with the Commission's recommendations for further carrying out the purposes of this section, to the Secretary for transmission by him together with his recommendations to the President and then to the Congress. The Commission shall also prepare for such submission an interim report of its activities in each such area within eighteen months after the enactment of this Act. It shall also prepare such additional interim reports as the Secretary may request.

NATIONAL CENTERS FOR SPINAL CORD INJURIES

SEC. 413. (a) In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, as well as other services, needed to rehabilitate handicapped individuals who are suffering from spinal cord injuries and (B) training the professional and allied personnel needed adequately to staff facilities specially designed to provide such services and training such personnel who have been or will be working with the persons suffering from spinal cord injuries;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating, persons suffering from spinal cord injuries; and

(3) to aid in the conduct of related activities which will expand or improve the services for or help improve public understanding of the problems of persons suffering from spinal cord injuries;

the Secretary is authorized to enter into an agreement with any public or nonprofit private agency or organization for payment by the United States of all or part of the costs for the establishment and operation, including construction and equipment, of centers for vocational rehabilitation of handicapped individuals who are suffering from spinal cord injuries which shall be known as National Centers for Spinal Cord Injuries.

(b) Any agency or organization desiring to enter into such an agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed by the Secretary. In considering such proposals the Secretary shall give preference to those proposals which (1) give promise of maximum effectiveness in the organization and operation of National Centers for Spinal Cord Injuries, and (2) give promise of offering the most substantial skill, experience, and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of persons suffering from spinal cord injuries.

(c) The agreement shall—

(1) provide that Federal funds paid to the agency or organization for the Centers will be used only for the purposes for which paid and in accordnace with the applicable provisions of this section and the agreement made pursuant thereto;

(2) provide that the agency or organization making the agreement will make an annual report to the Secretary, which the Secretary in turn shall transmit to the Congress with such comments and recommendations as he may deem appropriate;

(3) provide that any laborer or mechanic employed by any contractor or subcontractor in the performance of work or any construction aided by Federal funds under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a-5); with the Secretary of Labor having, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c);

(4) for subsequent program evaluation, contain a clear statement of the goals of the services to be provided under the plan. These goals shall be listed in order of priority and stated as much as possible in a form amenable to quantification; and

(5) include such other conditions as the Secretary deems necessary to carry out the purposes of this section.

(d) If within twenty years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid pursuant to an agreement under this section the facility constructed ceases to be used for the purposes for which it was constructed or the agreement is terminated, the United States, unless the Secretary determines that there is good cause for releasing the recipient of the funds from its obligation, shall be entitled to recover from the applicant or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

GRANTS FOR SERVICES FOR END STAGE RENAL DISEASE

SEC. 415. (a) From sums available therefor for any fiscal year, the Secretary shall make grants to States and public and other nonprofit organizations and agencies for paying part of the cost of projects for providing special services, artificial kidneys, and supplies necessary for the rehabilitation of handicapped individuals suffering from end stage renal disease.

(b) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Secretary, and shall be made on such conditions as the Secretary find necessary to carry out the purposes of this section.

TITLE V—PROGRAM AND PROJECT EVALUATION

SEC. 501. (a) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of service, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated is such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(b) Before releasing funds for the programs and projects covered by this Act, the Secretary shall develop and publish general standards for evaluation of the program and project effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding whether to renew or supplement financial assistance authorized under any section of this Act. Reports submitted pursuant to section 504 shall describe the actions taken as a result of these evaluations.

(c) In carrying out evaluations under this title, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

(d) The Secretary shall publish the results of evaluative research and evaluations of program and project impact and effectiveness no later thas sixty days after the completion thereof.

(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

OBTAINING INFORMATION FROM FEDERAL AGENCIES

SEC. 502. Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this title shall be made available to him, upon request, by the agencies of the executive branch.

SEC. 503. There is hereby authorized such sums as the Secretary may require, but not to exceed 1 per centum of the funds appropriated or $2,000,000 whichever is greater, to be available to conduct program and project evaluations as required by this title.

REPORTS

SEC. 504. Not later than one hundred and twenty days after the close of each fiscal year, the Secretary shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include statistical data reflecting vocational rehabilitation services provided each handicapped individual during the preceding fiscal year and shall specifically distinguish between rehabilitation closures attributable to physical restoration, placement in competitive employment, extended or terminal employment in a sheltered workshop or rehabilitation facility, employment as a homemaker or unpaid family worker, and provision of supplementary services.

TITLE VI—MISCELLANEOUS

EFFECTIVE DATE

SEC. 601. The effective date of this Act shall be July 1, 1972. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

EFFECT ON EXISTING LAWS

SEC. 602. Unexpended appropriations for carrying out the Vocational Rehabilitation Act (29 U.S.C. 31–42b) may be made available to carry out this Act, as directed by the President. Approved State plans for vocational rehabilitation, approved projects, contractual arrangements, and appointments to advisory groups authorized under the Vocational Rehabilitation Act will be recognized under comparable provisions of this Act so that there is no disruption of ongoing activities for which there is continuing authority.

REHABILITATION SERVICES ADMINISTRATION

SEC. 603. (a) There shall be in the Department of Health, Education, and Welfare a Rehabilitation Services Administration which shall be administered by a Commissioner and shall be the principal agency in the Department of Health, Education, and Welfare for carrying out and administering programs and performing services related to the rehabilitation of handicapped individuals as authorized under this Act.

The SPEAKER. Is a second demanded?

Mr. REID. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, I rise in support of H.R. 8395, a bill to amend the Vocational Rehabilitation Act in order to extend and improve vocational and other rehabilitation services for disabled people.

Mr. Speaker, the number of disabled and handicapped persons in the United States is increasing annually. Although we know a great deal about how to save human lives, we have not been equally effective in harnessing our knowledge to prevent disability.

The measure before us today, the Rehabilitation Act of 1972, will enable millions of disabled Americans to lead happier, more productive lives and enjoy a greater sense of dignity and self-worth. Indeed, Mr. Speaker, I consider this bill to represent the most significant advance in assistance to handicapped persons in half a century.

The Select Subcommittee on Education, which I have the privilege to chair, held hearings on legislation to extend and improve the vocational rehabilitation program. During that period we heard from Secretary of Health, Education, and Welfare, Elliot Richardson, numerous organizations, and individuals.

Mr. Speaker, the bill we offer today represents constructive suggestions for improving and enlarging the work of rehabilitation of physically and mentally handicapped persons so that they may return to their rightful place in their families and communities as effective participating members.

On May 13, 1971, I was pleased to join as a sponsor of H.R. 8395, along with the distinguished chairman of the committee, Mr. PERKINS of Kentucky; the distinguished ranking minority member of the committee, Mr. QUIE of Minnesota; Mr. REID of New York, the distinguished ranking minority member of the subcommittee; and other members of the committee. In addition, on July 15, 1971, I introduced H.R. 9847, a bill to improve the capability of the vocational rehabilitation program to serve the most severely disabled among the millions of handicapped individuals who come to these programs for help.

The committee's deliberations on these bills and others have culminated in the bill before us today. I am sure it is the hope of my colleagues on the committee that what we do today in large measure will insure more effective vocational rehabilitation and other services for handicapped individuals as well as improved vocational rehabilitation programs aimed toward prompt return of all who can to employment suited to their particular abilities.

Mr. Speaker, our subcommittee recently made a review of the legislative history of this program and discovered that many of the most significant breakthroughs in new services for disabled people have come from the initiatives of individual members of Congress, the voluntary organizations which help special groups of the handicapped, and professional organizations that work directly with disabled persons. For example, for 20 years, Dr. Howard Rusk of the Institute of Rehabilitation Medicine in New York City has placed his considerable experience in domestic and international rehabilitation work at the disposal of Congress.

Some of the amendments in the bill are immediately responsive to recommendations of such individuals and those of the State rehabilitation agencies and the National Rehabilitation Association. The devoted experience and wisdom of the late Mary E. Switzer is inextricably woven into the many constructive changes that have been made in this rehabilitation legislation over the years.

I must also make reference to the continuing attention which the distinguished chairman of this committee (Mr. PERKINS) has given to oversight of this program. I am especially impressed with his constant sensitivity to the basis upon which the services of this program should be made available as a right to disabled people. He has played a major role in making this bill one of the most significant ever to be reported out for this program.

At this time, Mr. Speaker, I should like to yield to the distinguished chairman of the committee.

Mr. PERKINS. Mr. Speaker, in my judgment, the Congress will not pass a more important piece of legislation this year than the Vocational Rehabilitation Act Amendments of 1972. I am happy to have my name associated with H.R. 8395, which has been reported unanimously by the House Committee on Education and Labor. This act extends appropriation authority for the various titles of the Vocational Rehabilitation Act for 3 years and contains other significant features which I shall refer to in this statement.

The basic purpose of vocational rehabilitation is to assist physically and mentally handicapped individuals achieve the ability to work, to earn, and to live independently in their communities. The program is one of the great success stories in this Nation's effort to serve its people.

In fiscal year 1971, more than 1 million individuals received services from the State vocational rehabilitation agencies. Of this number, 291,272 were rehabilitated. The average cost of each rehabilitation, including professional and administrative staff, was $2,168—a figure considerably lower than that of any other manpower or related program with a similar objectives. The projections are that the number of rehabilitations in fiscal year 1972 will soar considerably above 300,000.

As I have rejoiced in the success of this program nationally, I have also been very pleased with what is happening in my own State of Kentucky. I have every reason to be proud of the progress that is being made. For instance, more than 22,000 handicapped Kentuckians were served by the vocational rehabilitation agency in 1971, of which 9,832 were successfully rehabilitated. It is with pride I report that Kentucky was the fourth State in the Union in the number of individuals rehabilitated in 1971.

Important to me is the fact that the vocational rehabilitation agency in my own State is working so effectively with other programs which are of concern to this body. For instance, the Kentucky rehabilitation agency is providing signal service in the model cities programs in Pikeville, Bowling Green, and Covington. Working with the State welfare agency, the vocational rehabilitation agency was able to complete rehabilitation for 1,866 welfare clients in fiscal year 1971. A comprehensive vocational rehabilitation center has been completed at Paintsville, in my own district, and is expected to be dedicated this summer. This center will provide an opportunity for thousands of handicapped Kentuckians who otherwise might not have had the opportunity to become independent and self-supporting.

The bill before us extends appropriation authority for all titles of the Vocational Rehabilitation Act for 3 years, with increases in authority that will permit an orderly extension of the program. It has been a disappointment to me, as it has been to many of you, that the administration has not been recommending the full amount authorized in the law. On the floor of the House in 1971, an amendment to the appropriation bill was passed by an overwhelming majority, adding over $60 million to the amount recommended by the administration. I was happy to join in that effort.

The bill provides for needed increases in authorizations for the basic Federal-State program of vocational rehabilitation services. For fiscal year 1973, $800 million will be authorized; for fiscal year 1974, $950 million; and for fiscal year 1975, $1,100 million. It is important also that this legislation continue the existing manner in which funds for the basic program are allocated among the States.

Prior to 1955, the Vocational Rehabilitation Act provided that the Federal Government reimburse the States for 100 percent of the cost of administration and guidance and 50 percent of the cost of case services for handicapped people being assisted under the act. The 1954 amendments provided for allotments to the States based upon population and per capita income, with the per capita income factor squared. This formula for allotment is still in the law and will be continued by H.R. 8395. This formula was known as the Hill-Burton formula, first appearing in the Hospital Survey and Construction Act and sponsored by these Senators. It was known at that time and has been confirmed often that the States with the lowest per capita incomes are, generally, less likely to have adequate health, education, and welfare programs, and, of course, less resources with which to develop them, unless they receive substantial Federal assistance.

The formula has been good for vocational rehabilitation. It has helped to equalize opportunity for handicapped people in the poorer States with the opportunities of such individuals in other States. The vocational rehabilitation program has prospered nationally under this method of allotting funds, and programs in most of the poorer States have made phenomenal progress.

This method of allocation is accepted by the rehabilitation movement generally, and there is no organized effort to change it. The two organizations most concerned nationally with the State-Federal vocational rehabilitation program, the National Rehabilitation Association and the Council of State Administrators of Vocational Rehabilitation, are, as I understand, satisfied with it and neither have recommended changes.

The bill before us introduces some new programs which should be of immense value to severely handicapped individuals. Title III provides a program to serve our most severely handicapped individuals. It will not in any way interfere with the vocational rehabilitation program as it is now operated. It will permit the State rehabilitation agencies to provide rehabilitation services to severely handicapped individuals for whom there may not be a reasonable expectation of employability. This program is to be a goal-oriented program such as vocational rehabilitation. The goals do not have to be employment however. For instance, a goal might be to help an individual get to the point that he does not have to be institutionalized but can live at home. Or the goal might be to help the individual get to the point where he can take care of himself at home without an attendant. There can be numerous other goals, of course. I believe that this new program will be a great advance toward serving the more severely handicapped individuals in our country, many of whom are neglected at this time.

Several other new programs I shall refer to briefly. The bill includes the authority to appropriate $25,000,000 a year to make grants to assist in maintaining the work capacity of individuals with end-stage kidney disease. Helping these individuals is one of the great unsolved programs in our country. A survey revealed that practically all vocational rehabilitation agencies now have programs helping in one way or another to serve such individuals. This appropriation will enable them to operate more systematically and with fewer limitations than under the regular Vocational Rehabilitation law.

The bill also includes authority for the Secretary of Health, Education, and Welfare to establish comprehensive centers to serve the low-achieving deaf. We have Gallaudet College which offers liberal arts education to deaf individuals who can profit from the kind of educational experience.

We also have the National Technical School for the Deaf in Rochester, which prepares individuals who are suitable for high level technical positions. The centers to be established under this bill will provide demonstrations of how deaf people whose abilities are not suitable for training in the two institutions referred to above can be most effectively utilized.

The bill also includes the authority to establish special centers for spinal cord injured individuals. Accidents and disease continue to provide a staggering total of spinal cord injured individuals. The centers to be established under this bill are expected to demonstrate methods of providing a total rehabilitation experience for such injured individuals.

We recognize more and more that environmental factors are often most important in preventing severely handicapped individuals from achieving the ability to be independent and self-supporting. A few years ago, under the Vocational Rehabilitation Act, there was set up an Architectural Barriers Commission which studied this subject and made recommendations to Congress, the President, and the State legislatures. As a result of the report of this Commission, a great deal of progress has been made in tearing down the barriers that have denied handicapped and older people access to and use of buildings.

There are equally great problems in the area of transportation and housing. This bill provides for the establishment of a National Commission on Transportation and Housing for Handicapped individuals which will serve in these fields as the Commission on Architectural Barriers served in that field. We believe that the report of such a commission is going to be required to impress upon the public the needs of handicapped people to have houses or apartments suitable for their use and transportation systems that will enable them to get to and from work without prohibitive expense.

Mr. Speaker, I want to express my appreciation to the gentleman from Indiana (Mr. BRADEMAS) chairman of the Select Subcommittee on Education and to the members of the subcommittee on both sides of the aisle who drafted this legislation and cooperated in assuring nonpartisan support for this bill. I urge unanimous passage of this important legislation.

Mr. BRADEMAS. I thank the distinguished chairman.

Mr. Speaker, the authorization of programs under the Vocational Rehabilitation Act is scheduled to expire on June 30, 1972; thus, it is time for us to assure that services to the handicapped are continued.

Mr. Speaker, we still have a long way to go to make sure that every handicapped person, particularly those who have severe handicaps, is assured of adequate services. Too many severely handicapped persons are not served at all. Too many with real potential for competitive employment are still being placed in sheltered workshops when more intensive efforts by rehabilitation workers and citizen helpers in our Governor's and mayors' committee on employment of the handicapped could develop job opportunities for them. Our subcommittee was not satisfied that the most innovative ways of bringing jobs and competent disabled workers were really being used. We hear of imaginative means of developing new jobs and of restructuring jobs so that disabled people can fill them as adequately as before they were injured. These new techniques of job finding and placement should be used throughout the country so that none of our disabled citizens need to stagnate in any poorly paid, unproductive work which is less than they could undertake.

We must expand greatly the total rehabilitation program; and in that expanded program, we need to refocus priorities to make sure that the severely disabled: the blind, the deaf, the deaf-blind, the person with the kidney disease that is life-taking, the mentally retarded, the cerebral palsied, the heart and stroke patient, multiple amputees, paraplegics and others with really severe handicaps are given the services they need for as long as they need them.

Mr. Speaker, the bill before us today is designed to accomplish these objectives.

First, H.R. 8395 would provide authorizations of appropriations of the basic title I programs of grants to the States for vocational rehabilitation of $800 million for fiscal 1973; $950 million for fiscal 1974; and $1,100 million for fiscal 1975.

Second, it would provide authorizations for appropriations for grants to States for supplementary comprehensive services for the severely disabled with amounts at $160 million over the next 3 years.

Third, the Rehabilitation Act of 1972 would provide: for the establishment of a National Information and Resource Center for the Handicapped; for a temporary National Commission on Transportation and Housing for the Handicapped; for comprehensive rehabilitation centers for low-achieving deaf; for national centers for rehabilitation of people with spinal cord injuries; and for centers to provide services for people with end stage renal disease who can be kept alive and rehabilitated with modern methods of transplants and hemodialysis.

In conclusion, Mr. Speaker, I would like to express my appreciation to all members of the committee on both sides of the aisle for their overwhelming support of this legislation.

It is, I think, significant that in the 52-year history of the vocational rehabilitation program there has never been a negative vote cast against it. I hope very much we can continue today this tradition of bipartisan support of a program which has meant so much to so many human beings.

I reserve the balance of my time.

Mr. REID. Mr. Speaker, I yield myself 6 minutes.

The SPEAKER. The gentleman from New York is recognized for 6 minutes.

Mr. REID. Mr. Speaker, I rise to join my distinguished colleague, the gentleman from Indiana (Mr. BRADEMAS) in urging the Members of this body to support H.R. 8395, the Vocational Rehabilitation amendments of 1972. As the ranking minority Member of the Select Subcommitee on Education, I want to emphasize that this bill has the unanimous, bipartisan support of all members of the full Committee on Education and Labor. I would particularly like to thank the distinguished ranking minority Member, the gentleman from Minnesota (Mr. QUIE), and the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS) for their unstinting efforts as this legislation was shaped, as well as the Members on our side of the subcommittee, the gentleman from California (Mr. BELL), the gentleman from Oregon (Mr. DELLENBACK), the gentleman from Idaho (Mr. HANSEN), the gentleman from Pennsylvania (Mr. ESHLEMAN), and the gentleman New York (Mr. PEYSER).

All of us are proud of the tradition which has marked the growth and development of the vocational rehabilitation program since its inception more than 50 years ago. The legislation, we believe, has been improved to make the program more effective in serving the needs of our disabled citizens—to assist all, no matter how severe their handicap, to achieve maximum independence in their daily lives and to restore as many as possible to the work force of the Nation in jobs commensurate with their individual aptitudes and abilities.

In my judgment, this bill before us today holds great promise for making possible a full and productive life for the handicapped. It recognizes that the Federal-State vocational rehabilitation program for the disabled has demonstrated its practical value and has come of age. It authorizes additional funds—several billion dollars over the next 3 fiscal years—for grants to the States for vocational rehabilitation services. With additional matching funds from the States, we expect State vocational rehabilitation agencies to assist thousands of handicapped individuals never before served.

H.R. 8395 is an innovative bill and one to which the committee gave a great deal of thoughtful consideration. After hearing from witnesses and reviewing all of the statistics, we became very much aware that many handicapped individuals were not being served by this program. This has come partly as the result of pressures to serve more and more individuals. The committee recognized that it is not always possible with the limited number of personnel available to expand services and still provide the extensive services which many handicapped individuals often require. It was in this regard the committee directed the Rehabilitation Services Administration to take a look at the programs and services it is now providing and vigorously explore indepth which clients it is now serving and develop strategies which would give more emphasis to serving those individuals who are the most handicapped. I recognize that everyone is handicapped in one sense or another, but, given the limited dollars, the program focus should be on those individuals who have the severest problems.

As the committee refocused its priority, it did not intend that RSA discontinue services to any disability group which it is now serving; but as moneys are being made available through other legislative authorities, the committee envisions that rehabilitation money will be free to serve the original, physical, and mental handicapped population. I am delighted to note that the administration has substantially expanded its commitment in the areas of treating alcoholics and drug addicts by increasing funding from approximately $21 million in 1969 to $129 million in 1973 for the treatment of alcoholics, and by increasing funding from approximately $38 million in 1969 to $162 million in 1973 for the treatment of drug addicts. Most of this money comes from other programs in HEW outside RSA, but I envision that where other Federal programs provide services for the same clientele RSA might serve and where the objectives, such as rehabilitation and training exist, resources form outside RSA will be used to purchase those services which RSA can best provide. Since other agencies have similar goals, it was the committee's feeling that it would be consistent and in the best interests of clients for other agencies to purchase services in this manner and then provide supplemental services after rehabilitation procedures have been completed. In this way it is possible for the Department to integrate services and at the same time be in the best interests of and ultimately benefit the recipients. It was the committee's feeling that RSA money should not be spent in these areas unless the individual's problems are truly severe or that other funds are not available from any other sources.

The committee heard from many outstanding leaders in the field of rehabilitation and was particularly impressed with the soundness and wisdom of their arguments as well as their concerns. The committee has made a special effort to correct program inadequacies where they exist and place special emphasis where serious needs have been found.

Leading professionals such as Dr. Howard Rusk, director of the New York Insitute for Rehabilitation Medicine, expressed great concern about the sharp curtailment of funds in the area of training of rehabilitation personnel in physical therapy, occupational therapy, rehabilitation nursing, prosthetics and orthotics, rehabilitation counseling, speech therapy, and other related fields. He, along with others, contended that the cutbacks have adversely affected schools throughout the country and threatened the entire rehabilitation effort and that, consequently, programs will not expand. He further pointed out his concerns about the size and scope of all research and demonstration programs, both domestic and international.

I would like at this point to insert in the RECORD a letter written to Congressman BRADEMAS from Dr. Rusk which outlines his recommendations to the committee, particularly in the field of research:

NEW YORK UNIVERSITY MEDICAL
CENTER, INSTITUTE OF REHABILITATION MEDICINE,
New York, N.Y., February 3, 1972.

Hon. JOHN BRADEMAS,
Chairman, Select Committee on Education, House Committee on Education and Labor, U.S. House of Representatives, Washington, D.C.

MY DEAR CONGRESSMAN BRADEMAS: I appreciated very much your invitation to testify before your subcommittee during the hearings on legislation to amend the Vocational Rehabilitation Act. Since I am scheduled to be out of the country at the time the hearings will be held, I want to convey to you a few of my views regarding the present functioning of the programs under the Act, and to make a few suggestions in connection with your efforts to write a new law.

As I believe you know, I have been deeply interested in the operation of the many programs under the Vocational Rehabilitation Act. This interest and involvement goes back over a period of many years, during which I was closely associated with Miss Mary E. Switzer, who served with such high distinction as Commissioner of the Vocational Rehabilitation Administration and later as Administrator of the Social and Rehabilitation Service. Along with thousands of people across the United States, in rehabilitation and in dozens of other fields, I shared a profound sense of loss in her death last year. Her passing took from all of us a great sense of inspired leadership and a focal point in the development of rehabilitation programs in this country and throughout the world.

I want to express to you the gratitude I feel to the Congress and to the Committee on Education and Labor in particular, for the outstanding contributions you have made to the development of rehabilitation programs over the last twenty years. It has been my privilege to be a part of that growth and to have participated in many of the programs created by the laws you enacted. The amendments passed in 1954 and those in 1965 were landmarks in the history of rehabilitation work in this country. Now I look forward to another period when you again will provide the nation with legislation which will add new vigor and impetus to the growth of the entire field of work for disabled people.

During the past two decades, there has been a tremendous expansion of medical interest in rehabilitation. Thousands of physicians in many specialties have become actively interested in seeing that their patients not only survive the crisis but have the benefit of a comprehensive and modern rehabilitation program, in order that they may resume useful and active lives again.

Within the medical specialty of physical medicine and rehabilitation, there has been a comparable growth, so that we now have available a much larger supply of highly trained physicians who are devoting their entire professional careers to advancing and expanding the work we do for severely disabled people.

Here at the Institute of Rehabilitation Medicine, we have seen a representative sample of this growth process. Large numbers of physicians have come to our Institute to attend training programs and to observe our programs of research and patient care. Even larger numbers of other rehabilitation professionals in physical therapy, occupational therapy, rehabilitation nursing, prosthetics and orthotics, rehabilitation counseling, speech therapy and many other fields have participated in our basic and advanced teaching programs.

I hope, Mr. Chairman, you are aware of the serious threats to these training programs which were presented during the past year as a result of a sudden and sharp curtailment of funds. This cutback has adversely affected schools all over the country and it theatens the entire rehabilitation effort in this country, for obviously we are not going to expand our programs without personnel to staff them. Since the reduction resulted from decisions in the executive branch regarding appropriations, I am not certain that your committee can resolve it, yet I believe that everyone who feels a deep concern for the future of rehabilitation work in this country should be acutely aware that the nation's training programs are in serious jeopardy.

Our training program at the Institute of Rehabilitation Medicine has included a continuing program in international training of students from many foregin countries. This also has been a two-way street, since we have helped large numbers of United States rehabilitation personnel to study and observe in numerous rehabilitation programs abroad.

This international program, together with our international rehabilitation research work, has been one of the most valuable vehicles this nation has had for achieving better understanding among people throughout the world. In dozens of countries, rehabilitation work for the disabled has been a bridge across which people of many different ideologies could proceed to a common objective. In fact, in several countries where our diplomatic relations are strained today, rehabilitation personnel from the United States are still welcomed.

Yet this valuable illustration of international goodwill has in fact been a byproduct, for the immediate objectives of interchanging experience has produced new information and new procedures for United States personnel and has conveyed to workers in other countries the advances we have been making in our own domestic programs.

With this in mind, I hope the committee will make adequate provision for this international research program when it writes new legislation, both in the amount of dollar funds authorized and in provisions for an adequate support program of foreign currencies.

In fact, I would hope that the entire research and demonstration program under the Vocational Rehabilitation Act, both for domestic and foreign objectives, would be a major part of any rewriting of the law. I would hope that your amendments will make clear the intent of the Congress regarding the size of these programs, by indicating substantial increases in the appropriation authorizations for all forms of research and for training.

I would urge the committee to make provision for a substantial growth in rehabilitation research activities, with specific reference in the law to these programs: 1) An expansion of the program of support for rehabilitation research and training centers, with specific provision for these centers in the act; 2) the introduction of organized support for development of a national program of biomedical engineering research through which the best scientists in the bio-medical field can merge their talents with the engineering field to produce advances in such things as prostheses and orthotic devices, a new approach to the whole field of myoelectric control systems, in which there is tremendous potential with respect to new methods of bladder control in paralyzed patients, improved approaches to new protheses, advanced and simplified methods of wheelchair power systems and controls, and a variety of other potential scientific breakthroughs; 3) an organization to launch an expanded cooperative research program between the rehabilitation agency and the scientific leadership in other government agencies and private industries, so that many of the research findings in other fields may be promptly identified and adapted to work for disabled people; 4) specific authorization for support of the international rehabilitation research program, as previously mentioned, with authorization for both U.S. dollars and U.S.-owned foreign currencies abroad; and 5) provisions for a five-year research program in the field of spinal cord injury, which will make it possible for this country to bring under control the now largely fragmented efforts in the restoration of the victims of this severely disabling condition.

Mr. Chairman, I wish to also add my support for proposals to expand the funds to be available for the support of the Federal-State program of vocational rehabilitation. Here in New York State we work regularly with the state rehabilitation agency and we provide rehabilitation services for many of their severely disabled clients. If this large service program is to continue to grow, obviously they must have additional funds and I hope your committee will make provision for this.

If I can be of further service to the committee during your consideration of legislation, I will be happy to cooperate in any way I can.

Again I thank you for the leadership you have taken and I hope that the result of all our efforts will be a vastly improved system of rehabilitation services for the disabled people of this nation.

With my personal regards and good wishes, I am

Sincerely,

HOWARD A. RUSK, M.D.,
Director.

The committee considered the concerns of the various experts, evaluated some of the problems and concluded that much of the problems result from the fact that research, training, and demonstration dollars are comingled with dollars from other legislative authorities in HEW over which the Commissioner of Rehabilitation has no control. To correct this matter, the committee has directed that all funds in these areas be under the direct control of the Commissioner of Rehabilitation so that he can provide leadership in order to delineate the areas of research, training and demonstration, and see to it that the objectives of this act are carried out. In doing this, the committee hopes that a refocus in these areas will be realized and that some of the concerns expressed by leaders in the field of rehabilitation such as Dr. Rusk, will be eliminated.

Finally, the committee highlighted the catastrophic problems of the spinal cord injured. Section 414 would authorize the establishment and operation of centers for vocational rehabilitation of individuals with spinal cord injuries. The centers to be developed would be directed primarily to intensive services, training of personnel, and research.

The committee has recognized myriad of physical, psychological, and social trauma set off by the catastrophy of spinal cord injury. Twenty-five years ago few survived this injury. Today medical science has given the spinal cord injured life and it is the purpose of this section to give these people equally a chance to participate and serve their community again. The committee has been aware for some time of the potentialities for rehabilitation of the spinal cord injured, but meeting this problem necessitates the coordination of diverse resources. It is the hope of our committee that creation of this Center will provide the truly coordinated effort needed to meet this challenge.

With the suggestion of Dr. Howard Rusk the committee has recommended, as a complement to the Spinal Cord Center, a 5-year research and demonstration program in the field of spinal cord injury, to be developed by the combined resources of the National Institute of Neurological Diseases and Stroke and the Rehabilitation Services Administration in order to achieve close coordination between new medical research findings and improved methods of delivering comprehensive rehabilitation and aftercare services to people with spinal cord injuries.

We have had evidence that there may be as many as 100,000 Americans suffering from spinal cord injury, and that perhaps at best those receiving adequate treatment number only about 1,000—so it is about one in 100 today who receive effective treatment in this area.

I would point out, Mr. Speaker, that some of those in this area are, of course, among our most valiant men who have served in Vietnam, and they of course deserve the very best of treatment.

It is my sincere hope that the Spinal Cord Center, together with the 5-year research program, will make it possible to bring under control the now largely fragmented efforts in the restoration of victims of this severely disabling condition.

Finally, Mr. Speaker, let me say that the Secretary of Health, Education, and Welfare, Mr. Richardson, has been very helpful in the development of this legislation, and that we have incorporated, I believe, about 90 percent of the suggestions of the Department of Health, Education, and Welfare. He has expressed gratitude for the cooperation shown by the chairman, Mr. BRADEMAS, in this effort to work out a bipartisan approach, although there were one or two administrative initiatives he would have preferred incorporated in the bill. In the main, however, this legislation has enjoyed the support and the active coordination of the administration.

The legislation before us today represents a program which is over 50 years old. H.R. 8395 represents a significant and positive step forward in the rehabilitation of our Nation's handicapped citizens. This legislation has never had a negative vote cast against it. This has been Congress way of indicating its desire to help all handicapped individuals and give them the opportunity to live meaningful lives. I urge all of my colleagues to vote for this outstanding bill.

Mr. Speaker, I now yield 5 minutes to the distinguished gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, to say that I rise to this occasion, under a suspension of the rules procedure, with mixed emotions would be the understatement of the year.

For 9½ years immediately prior to coming to the Congress I served as "medical referee" in one of the most active vocational rehabilitation centers in Missouri. I have coordinated with the statewide effort, including the two larger metropolitan areas, so far as the duties of a medical referee in this triple threat rehabilitation program for physical restoration, educational restoration, and mental restoration is concerned. I am a life member of the V–R association of our Nation.

There is no question, Mr. Speaker, but what the work of the vocational rehabilitation commission, headed for so long by my friend of Mr. McNutt's War Manpower Commission during World War II, Miss Mary Switzer—now deceased—is outstanding; but I believe it is time we hoisted a few "flags of warning," if for no other reason than that we are considering a multibillion-dollar bill under a suspension of the rules procedure, without amendments being available except those brought by the committee, with certainly inadequate debate, and with some question about a rollcall vote.

Certainly we are again fostering the idea of the "sacred cow," by saying it has never been opposed. It would take a strong and doughty individual, Mr. Speaker, to oppose the handicapped, but at the same time we should have a flag of warning that we are duplicating programs, especially in the kidney dialysis and other kidney programs, which have a very real place in the physical rehabilitation. One should recall that under the Health Manpower Act and the regional medical programs just this past year we added a crash program of $76 million and added kidney diseases to stroke, cancer, and heart in all the regional programs. So there is duplication and overlapping in the programs.

I have never argued with the question that this is administered in the various States by their departments of education, since we do rehabilitate educationally as well as physically and mentally, but I believe we should also point out, under this suspension of the rules procedure, the report has no departmental views. Oh, yes, it has been stated that they are strongly in favor of it, the Secretary has been quoted; but again I raise the question of a sacred cow, and this great amount of cost, over a billion dollars a year for 3 years, it averages.

I also bring to your attention the fact that we need real time, debate and consideration, because we are running out of people to rehabilitate. Now, one can state all the figures that one wishes about those who can be physically restored and educationally restored, but the fact of the matter is that the vocational rehabilitation councelors are at the present time going into the highways and byways, in order to seek these people out, whether it is the physical restoration or otherwise, and they are given "point credits," and demands are placed upon them to handle so many cases a year.

There is no question about this! Finally, we have the overlapping and duplication of the question of "catastrophic" care.

I have been known as the father of catastrophic care—that is, these rare and infrequent diseases and injuries that get the headlines, such as spinal cord cases, quadraplegics, and the "living vegetables," such as those which are the result of injury, and those as a result of anoxia, and those as a result of any other cause including illnesses and mental disease.

We must take care of them, but is not the proper place to do this in the Nation Health Insurance Standards Act that is under consideration at the present time? Is it not in the proper revision of H.R. 1, which has already passed this House and which is pending action in the other body? Is there a necessity for overlapping and duplicating programs? Can we afford them? Indeed, can we afford not to do so, is the dilemma.

Finally, I want to hoist the petard of warning that simply adding personnel and dollars will not necessarily rehabilitate all of these people any more than adding dollars will employ every person in the United States whether they are handicapped or not.

I think because of the timing and because of the status of the U.S. Federal Treasury, because of the borrowing and the expense that we undertake to pay in order to finance our annual public debt alone (that it is time we looked at this and I feel we should give serious consideration to sending this back to the committee by voting no against the suspension of the rules today.

Mr. REID. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I rise in strong support of the committee's bill. The committee report provides an excellent summary of the bill's content regarding the amendments before us, so I will confine my remarks to specific provisions of the legislation which I feel should be highlighted. I have always had a special personal interest in the handicapped and have been working in their behalf since my days in the Minnesota Legislature. I have always been a strong supporter of all pieces of legislation which provide the means and vehicles for handicapped individuals to achieve those things which most of us take for granted. I have always felt a degree of gratification when I see a child who has been paralyzed learn to walk; when I see a child who was totally deaf learn to speak and understand others; when I see a severely spastic cerebral palsied child feed himself; when I see blind individuals functioning in an independent manner, and when I see a crippled person become employed again. All of these things and more have been made possible in great part because of legislation initiated by the Congress as well as State legislatures.

Legislation for the handicapped has always meant something special to the Congress. Virtually every major piece of legislation that has ever been enacted into law on behalf of the handicapped has been initiated by the Congress. I think that the results of those programs have more than justified our interest, our concern, and our support. The legislation before us today is one of the oldest programs for the handicapped and is one that has been eminently successful. Through its 50 years, millions of handicapped citizens have been helped to become contributors to society.

The highlight of the hearings held by the Select Education Subcommittee for me was the testimony of John Kemp, Jr., a 22-year-old congenital quadruple amputee. Mr. Kemp, living without limbs since birth, is an outstanding example of what rehabilitation services can do to help restore an individual physically. Ultimately of course, it is the individual's personal determination and the degree to which he chooses to overcome his adversaries that are the final determining factors in what he may become.

I described John Kemp as handicapped, and by every definition that we know he is technically severely handicapped. But what we often lose sight of is the fact that the individuals such as John Kemp have good sound minds which are not handicapped. When we can help to overcome the handicapping conditions, the native abilities emerge. The Committee found John Kemp to be most well-adjusted, articulate and intelligent. Now with the aid of prosthetic devices, he is able to walk and function with a substantial degree of independence. In his own words, he is an individual who has experienced the miracles of rehabilitation. He is presently a first-year law student, a member of the President's Committee on Employment of the Handicapped, and a member of the board of directors of the National Easter Seal Society. John Kemp is a man who does and will continue to contribute to society. John Kemp is truly no longer handicapped in the traditional sense.

Mr. Kemp and other public witnesses made strong appeals to the committee to provide more services for the severely handicapped. He defined severely handicapped as "somebody who is not easily rehabilitated, one who requires time, patience, and an awful lot of professional assistance to become a truly productive member of society."

During the course of hearings on the bill, the committee received convincing testimony concerning existing barriers to the delivery of high-quality rehabilitation services to severely handicapped clients. They pointed out that thousands of deaf, blind, mentally retarded, mentally ill, cerebral palsied, epileptic and orthopedically handicapped persons are being turned away or terminated by rehabilitation agencies because of the severity of their disabilities. As a result of this testimony and its own inquiries the committee became deeply concerned about the apparent inability of State and local agencies to deal effectively with the service needs of severely handicapped clients.

I, along with my colleagues on the committee, became convinced that many severely handicapped persons could be placed in jobs if rehabilitation agencies would only provide an increased number of such clients with a comprehensive array of social adjustment and training opportunities. In fact, the intent of Congress in enacting the 1965 amendments to the Vocational Rehabilitation Act was to encourage States to move in this direction by extending the period for evaluating a client's vocational potential to a full 18 months. However, in a large majority of States this extended evaluation authority has never been fully utilized.

One of the major barriers to delivering services to severely disabled persons is the present system of reporting case closures. Because of the additional time, expense and staff effort involved in helping a severely handicapped individual, the rehabilitation counselor is often discouraged from including many such clients in his caseload.

Another barrier has been the emphasis placed on returning welfare recipients, public offenders and other socially disadvantaged persons to remunerative employment in the past few years. This trend has tended to thrust efforts to aid the severely handicapped into the background.

While supporting the expansion of job training services to the socially disadvantaged, the committee was disturbed that these trends have resulted in lower service priorities for clients with the greatest needs—the severely handicapped. For this reason, the committee has included language in its report which directs the Department to develop a comprehensive plan for increasing the number of severely disabled persons receiving rehabilitation services. In addition, the committee expects the Department to issue specific directives to State agencies in order to eliminate existing disincentives to serving the severely disabled and to provide separate information and data on the number and types of severely handicapped clients served.

Providing services to the severely handicapped is difficult and time consuming and presents many new problems for rehabilitation personnel. I can see that a deaf client—to use one example—creates particular problems which are unique among others seeking service from a vocational rehabilitation office. His lack of normal communication skills immediately puts him at a disadvantage in even making his needs known unless there is a well-trained counselor who is proficient in the manual alphabet or the language of signs. All too frequently, there is no such counselor or he is not available because of the work load which promptly accumulates when one is known to have special talents to communicate with the deaf. Appointments are difficult to make because of problems in the use of the telephone, thus the client often has to take his chances when he comes in off the street.

In seeking and benefiting from rehabilitation, the communication difficulty is only one of many problems according to recent studies in the field. Deaf persons are frequently unprepared by their educational programs for the world of work and social living outside of specially organized facilities. Difficulties in obtaining transportation, like obtaining bus schedules, require assistance. Responsibility for filling out application blanks, procedures to follow if one is ill and cannot report to work, tendencies to accept a position under one's capabilities because of fear of not getting any work, and so forth, represent only a small sampling of the kinds of problems that are brought to the only person to whom he feels he can "talk"; namely, his vocational rehabilitation counselor.

Without even bringing up the not infrequent problems of a deaf client's married life, children, and financial concerns, the typical vocational rehabilitation counselor for the deaf finds himself spending an inordinate amount of time with many of his deaf clients. Such clients may have the potential for full employment, but the difficulties in job development as well as job placement make the task of the counselor much more time consuming than for virtually any other kind of client.

I recognize that everyone is handicapped in one sense or another, but I am also aware that defining severity, at best, is difficult to do since each individual has abilities and disabilities which involve his state of health, his body structure, his emotional state, his life experiences, his ability to relate to others, his motivations, his expectations, the role he sees himself playing in life, and the role in life others see him playing.

I am cognizant that it is not reasonable to equate severity on a physical or mental disability basis alone. There are many examples of people with severe physical impairments who are successful in life and who never need the organized help of the State-Federal program. On the other hand, there are probably an equal number of individuals whose physical or mental problems seem minor, at best, but whose ability to cope is so impaired that they could not possibly make it without outside help in organizing their limited ability.

In its deliberations on this bill, the committee recognized that individuals now engaged in delivering rehabilitation services to America's handicapped citizens chose that profession in no small measure because of the personal satisfaction derived from serving a fellow human being. Official justifications, however, tend to stress the dollars and cents returns to the taxpayer, including such measures as the personal taxes paid by the handicapped person subsequent to rehabilitation into gainful employment. Methods of accounting emphasize "cases closed" without reference to ancillary values; annual statistics are tabulated in such a way that every succeeding report is a numerical triumph over the preceding one.

Quotas imposed on counselors have tended to impair the chances of a quality placement for severely handicapped individuals. The quota system as practiced in many vocational rehabilitation offices often does not recognize the wide variations in the expenditure of time and effort needed to satisfy particular client needs. Moreover, with an emphasis on closure, the counselor is discouraged from the long-term followup that is sometimes necessary for successful adjustment to the work situation. The committee has recommended that quotas and case balancing be abandoned and some system developed to encourage counselors to cope with difficult cases.

The needs and difficulties in appropriate job development and placement are generally complicated for a counselor if the client does not demonstrate any reasonable expectation of becoming fully employable. If such a client is accepted and cannot be placed, he cannot qualify as a closure. Thus the quota is not made, and a deficiency is recorded in the counselor's performance.

The committee has taken this action because it is concerned about the cost to the taxpayers of those individuals who are so severely handicapped that they require continuous personal services or supervision. We hope that in the future attention will be given to correcting the plight of those handicapped individuals who have not been accepted for services because of the severity of the case or terminated as "unrehabilitated" after the initial evaluation because of the severity of their handicaps. We would like this new effort directed toward those blind, deaf, mentally retarded, cerebral palsy, and so forth, who are not now being served. This in no way should reduce the services for the blind. It is in this area, I believe, lies the measure of the system that the committee hopes will be emphasized and receive focus. I want to acknowledge once again the great work done by RSA through the years and it is our hope that through the actions we have taken here today that much of the pressure will be relieved and that the need to play the "numbers game" will no longer be necessary. It is my feeling, and I am sure the feeling of all the members of the committee, that given the limited resources available they should be directed toward the many severely handicapped persons who are still unreached and unserved. I view the moves to refocus this program on these individuals as a very positive step. It will, in the years ahead, help the RSA to achieve a degree of greatness and accomplishment which is unparalled in its first 50 years.

Mr. REID. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. VEYSEY).

Mr. VEYSEY. Mr. Speaker, the bill before the House today contains a number of major improvements in existing vocational rehabilitation programs. Not only does this bill merge our efforts in this area into a single coordinated program with increased emphasis on rehabilitating the severely handicapped, it also adds the first comprehensive program evaluation title in the 52-year history of the program.

While the Rehabilitation Administration has made progress through program evaluation in the past, the growing pressure on funding makes it imperative that we get the maximum possible benefit for our dollar.

With this in mind I offered an amendment to strengthen the evaluation authority in the bill and establish specific evaluation guidelines for the first time. Briefly, the new title requires that all State plans and direct grant applications contain a clear statement of the goals of the services to be provided. For subsequent evaluation purposes these goals are to be listed in order of priority and stated as much as possible in a form amendable to quantification.

The Secretary is directed to establish standards for evaluating vocational rehabilitation projects prior to the release of funds. He is then directed to evaluate the impact, effectiveness, delivery structure and cost/benefit ratio of all programs. The results of these evaluations are to be published and taken into consideration in future funding recommendations.

Mr. Speaker, we owe it to the taxpayer and the people programs like this are intended to help to deliver a dollar's worth of value for every tax dollar we invest. Rigorous evaluation is a key step toward that goal.

Mr. REID. Mr. Speaker, I would like to put in the RECORD one fiscal fact, and I would like to call to the attention of the Members of the House the actual appropriation figures for past years.

In 1970 we appropriated $525 million, in 1971 $603 million, and in 1972 $687 million. The budget submission for fiscal 1973 calls for $768 million. The actual appropriations have evidently followed fairly closely the authorizations with the exception of the fact that the authorizations have exceeded the appropriations by about $200 million or $300 million. The level has been going up, however, and we are hopeful that the Committee on Appropriations will take a hard look at this. The administration itself asked for an increase of almost $100 million between 1972 and 1973.

Mr. HALL. Will the gentleman yield?

Mr. REID. I am happy to yield to the gentleman.

Mr. HALL. I appreciate the gentleman yielding in order to make the legislative record which he has done so well.

It is not true that up until now the Federal Government has borne, through a matching-fund program with the various State departments of education or health or welfare handling these vocational rehabilitation cases in the respective States on an 80-to-20 basis and this bill makes it a 90-to-10 basis?

Mr. REID. That is my understanding.

Mr. BRADEMAS. Mr. Speaker, I yield such time as he may use to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. I thank the gentleman for yielding.

I rise in support of this measure.

I particularly want to commend the committee for giving assistance to the end-stage renal, or kidney disease program. This type of assistance is badly needed, and it is a good step forward.

I am proud to support this legislation.

Mr. BRADEMAS. Mr. Speaker, I yield such time as he may use to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I thank the gentleman for yielding.

I want to take this opportunity to congratulate the committee and the subcommittee under the gentleman from Indiana (Mr. BRADEMAS) on bringing out this legislation. I am heartily in support of it.

Mr. Speaker, today's vocational rehabilitation amendments will hopefully continue a program that has accomplished immeasurable good in helping the handicapped of our Nation assimilate into our society.

I will, of course, support this legislation so that these needed programs will be continued and expanded to help our handicapped citizens.

But this is only the first step of a

long, long journey to make "the disabled" a full citizen. Even as we pass this legislation, I cannot be satisfied, knowing that some 4½ million handicapped children are being excluded from the Nation's free public training and educational programs.

Needed programs for the "handicapped" can be and must be developed. I have introduced legislation to amend the Civil Rights Act of 1964 to include the handicapped and make illegal unwarranted discrimination in federally assisted programs.

With a continued effort by legislators and the people of this country, we can eliminate one of the most shameful vestiges of discrimination that still exists in our Nation.

Mr. BRADEMAS. Mr. Speaker, I would like to make an additional observation following the comments of my colleague from Missouri (Mr. HALL) to whose views in these matters one naturally would want to accord particular attention.

I thought I heard my friend from Missouri say that there were no more people in need of rehabilitation services. If I did not understand the gentleman correctly, I hope he will straighten me out at this time.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. Yes, I yield to the gentleman from Missouri.

Mr. HALL. I believe that in reading back the record it will indicate that I said, VR is having difficulty finding more patients to rehabilitate whether it is physical or educational, and the point was that these systems of awarding "Brownie-points" to our counselors for digging them up instead of having them troop to the source of rehabilitation, is not the proper approach.

Mr. BRADEMAS. I thank my colleague for straightening me out. But, I would tell the gentleman, that according to the Social Security Administration during 1966 there were 17,753,000 disabled persons in the United States between the ages of 18 and 64, 34.4 percent of whom, or about 6.1 million, were classified as severely disabled. That is not to say simply disabled, but severely disabled. If one looks at the facts brought to the attention of the subcommittee with reference to the number served in fiscal year 1971 under the vocational rehabilitation program they will see that it totals approximately only 1 million persons. It is quite clear I think, Mr. Speaker, from figures like these, in addition to the testimony before our subcommittee, that we need to expand these services, not to restrict them.

I do think there is one point that the gentleman from Missouri made with which I would—and I hope he will not be distressed to learn this—and that is indicated on page 10 of the committee report in which the committee says:

> The committee is convinced that a significant number of severely disabled persons could be returned to gainful employment if greater emphasis were placed on accepting such clients for services and providing them with a comprehensive array of social adjustment and training opportunities.
>
> In the future, the committee will include in its measure of the performance of the Rehabilitation Services Administration the degree to which it comes to grips with the multiple problems of the handicapped. The committee will not ask solely how many persons were processed served and rehabilitated but also how difficult was the task and how much change was effected in each individual client.

I believe that this section of the report expresses the spirit or concern of Dr. HALL and I am sympathetic with him. Indeed we want to be sure that, as the gentleman suggests, we are simply not racking up points, because the purpose of the program is in the rehabilitation of individual human beings.

Mr. REID. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I am delighted to yield to the gentleman from New York (Mr. REID) who has contributed so much toward the passage of this legislation.

Mr. REID. I thank the gentleman from Indiana for yielding.

I would add further to this helpful dialog between Dr. HALL and Mr. BRADEMAS the fact that it is my understanding that not only is there critical need in the spinal cord area but the renal area, and if the gentleman will look at section 415 of the bill the gentleman will find that it authorizes the Secretary to make grants to States and public and other nonprofit organizations and agencies for paying part of the cost of projects for providing special services, artificial kidneys, and supplies necessary for the rehabilitation of handicapped individuals suffering from end stage renal disease.

Further, I think it might be appropriate to refer to some of the testimony of Dr. Sam Kountz in this matter. He indicated that there has been a lack of progress in the area of kidney transplants and dialysis treatment and that the program that does exist should be expanded.

Our initial request is for $25 million which will provide treatment for 5,000 persons suffering with this particular disease. Yet, it is estimated that there are 55,000 people who need attention in this field. We are making significant progress in the field of dialysis, but we are reaching only about 1 in 10.

I think the point which Dr. HALL has made is extremely valid, but many of these people do not come there for the purpose of rehabilitation. We are hopeful of addressing ourselves to the overall problem.

Mr. BRADEMAS. Mr. Speaker, I would just like to conclude by saying in respect to funding of title I, the basic Federal State rehabilitation program, that it is 80 percent Federal and 20 percent State. The new title III program funding of services for severely handicapped is 90–10 Federal-State participation. I hope that the Members who are concerned with these programs, as indeed I hope all of the Members are, will read with care the committee report which makes clear that title III is not intended as a substitute for title I, but as a supplement to it, so that we can encourage the States to pay much more attention to the problems of the severely disabled.

I will now yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the chairman of the subcommittee yielding again, and I appreciate his remarks and explanation, and for the legislative record, as well as those of my colleague from New York.

I would certainly be the first to agree that we have not rehabilitated all of the catastrophic cases, be they from injury, illness, or otherwise. I am not sure how far we can go, and I think there are two questions involved here besides whether we will give a kidney dialysis machine to every patient who has to have a dialysis twice a week while waiting for a kidney transplant, in which, incidentally, there are massive technological breakthroughs that enable that to be done fairly successfully and regularly, and offer real hope to the future, beyond any peradventure of a doubt.

But the two questions are: First, is this a sufficient Federal responsibility, or even a 90-percent Federal responsibility that we should assume? And, second, Should we continue to make the program grow?

All of us know that after conquering the problem of polio that the infantile paralysis campaign became the crippled children's campaign. After that was fairly well cleaned up by eight different agencies—most of them supported by the Federal Government—it became the crippled children and adults program, and now it has another name that is especially appropriate, of simply "crippling diseases," especially as we approach Easter time, and the season of resurrection. I have suggested before that these are "sacred cows" in the Congress, but I believe that we should also give consideration in the future to perhaps an amendment, which we cannot do under a suspension of the rules, concerning the expansion of these programs once they get started, and also we should consider the statehood responsibility therein.

Mr. BRADEMAS. Mr. Speaker, I appreciate the observations and the opinions of the gentleman from Missouri (Mr. HALL).

I would only conclude, Mr. Speaker, by observing and reiterating that the subcommittee unanimously reported this bill and the full committee unanimously reported the bill, and further that there is nothing so sacred as a human life.

Mr. Speaker, I have no further requests for time.

Mr. LEGGETT. Mr. Speaker, the Vocational Rehabilitation Act Amendment bill is responsible and thoroughly desirable legislation. I do not see how anybody could object to it.

The bill would be desirable if it contained nothing but the section providing for the establishment of national centers for spinal cord injuries. Until recently, rehabilitation of spinal cord injuries was not a serious problem, because the victims almost invariably died. Now many of them survive. But many of these wish they had not. Whether a victim of spinal cord injury faces a living death, or has hope of a useful and satisfying life, depends on the quality of the rehabilitative program available to him. There is no better use for our money.

The bill contains a number of other highly commendable sections. It extends the grants for new and promising experimental programs. It establishes a temporary national commission on transportation and housing for the handicapped. It authorizes grants to help with incurable kidney disease. It establishes comprehensive rehabilitation centers for the deaf.

I believe and hope it will pass unanimously.

Mr. BELL. Mr. Speaker, I strongly support H.R. 8395, the Rehabilitation Act of 1972.

The current vocational rehabilitation authorization will expire in June of this year. Presently, vocational rehabilitation services are helping the physically and mentally handicapped of our country to achieve gainful employment and thereby lead productive lives.

The manner in which vocational rehabilitation is implemented has contributed, to a large degree, to its success in the areas in which it has been applied.

Foremost is the fact that the program has a well established purpose—that of enabling the physically and mentally handicapped to achieve gainful employment, economic independence or function in a normal capacity. This has been accomplished by providing services encompassing the entire scope of each individual's needs. Rehabilitation goes beyond purely medical treatment and addresses itself to the totality of the individual, providing such additional services as job training and educational programs where necessary.

The reason that so many individuals can receive such particularized care is due to the flexible approach provided by the program. Rehabilitation agencies, utilizing the authority they have under the Vocational Rehabilitation Act, have been able to bring to bear the services of a number of professions and agencies into an integrated and systematic method of serving the interests of the individual.

Further, the agencies can make arrangement with numerous community services to insure the most efficient distribution of rehabilitation programs.

Finally, a comprehensive system of accountability has permitted Congress and the administration to know precisely the degree to which the agencies are serving the rehabilitation needs of their clients.

The bill before the House today, H.R. 8395, would provide authorizations necessary for the continuation of existing rehabilitation programs. Equally important, however, are the new provisions of this bill. These new services focus on some unique problems of the handicapped.

The Rehabilitation Act of 1972 would authorize the establishment of comprehensive centers for deaf youths and adults with particular emphasis upon the low achieving deaf. A National Commission on Transportation and Housing for the Handicapped would be established to deal with the special problems encountered by handicapped individuals in these areas. Funding for the operation of vocational rehabilitation centers for persons suffering from spinal cord injuries would also be appropriated under H.R. 8395.

My personal interest in vocational rehabilitation led me to introduce legislation incorporated in the Rehabilitation Act of 1972 that would provide assistance to those suffering from end-stage renal disease. Kidney disease is the fourth leading health problem in the Nation today. It is estimated that over 8 million people suffer from kidney related disease. Approximately 50,000 people die each year of terminal kidney disease.

H.R. 8395 would provide funds for services that would save approximately 20,000 lives. The overwhelming majority of those who currently are not being helped by existing dialysis facilities can be attributed to a lack of financial resources. At present, hospital dialysis costs between $35,000 and $40,000 annually; outpatient charges average about $15,000 per year. Home treatment costs considerably less after the initial investment of $20,000. However, subsequent yearly costs of $4,000 to $6,000 heavily burden the average income family. A $25 million annual appropriation for 3 years would be authorized under H.R. 8395 for grants to States and public and other nonprofit organizations and agencies for special services, artificial kidneys and supplies necessary for the rehabilitation of handicapped persons suffering from serious kidney impairment.

In an era when significant scientific and medical breakthroughs are commonplace, our potential to improve the health and well-being of a substantial number of people sometimes lags behind our awareness of the formidable economic and scientific resources that we, as a nation, have at our disposal. The time has come for us to use these resources and provide the potential for a new life to those less fortunate than ourselves.

The House has before it today the means to do this. It is my strong hope that my colleagues will join me in supporting the passage of H.R. 8395, the Rehabilitation Act of 1972.

Mr. DONOHUE. Mr. Speaker, I most earnestly urge and hope that the House will overwhelmingly approve this bill, H.R. 8395, to amend the Vocational Rehabilitation Act.

The worthwhile and humane intention of this act is to develop and implement a comprehensive and continuing plan for meeting the current and future needs for services to handicapped persons, so they may prepare for and engage in gainful employment to the fullest extent of their capabilities.

Clearly, Mr. Speaker, the provisions of this act in the past have done much to lift the spirits, minds and bodies of those handicapped individuals in the United States, who might not otherwise have had an opportunity to self-sufficiently participate in the fruits and labors of our society. From our past experience with this basic legislation, we have ample proof that the handicapped want to and can become productive members of society. The proposed amendment in the bill before us enhance and strengthen our commitment to achieving this meaningful and humanitarian goal.

The provisions of this legislative measure establish a Rehabilitation Services Administration within the Department of Health, Education, and Welfare. Title III extends new hope and programs to the severely handicapped by providing new supplementary grants for comprehensive services. The amendments also allow for advance funding, which will ease planning efforts; permit consolidated State plans under this act and the Developmental Disabilities and Facilities Construction Act; and provide for joint funding for a single project by more than one Federal Agency.

In summary, Mr. Speaker, the adoption of this bill will give heightened inspiration to the thousands of handicapped men, women and children in this country. It is in full accord with our worthy traditions of American concern for less fortunate fellow citizens and it is obviously in the best overall national interest. I again urge its resounding approval.

Mr. BOLAND. Mr. Speaker, I want to express my support for this legislation to strengthen the Vocational Rehabilitation Act and broaden its reach. Administered through an authentic partnership between the Federal Government and the 50 States, the Vocational Rehabilitation Act has already served more than 3 million of the handicapped. In fiscal 1971 alone, State vocational rehabilitation agencies helped 1,001,660 people disabled by physical or mental handicaps—fully rehabilitating 291,272 to fruitful and meaningful lives, 12.5 percent more than in the year before.

The bill now before us calls for major new funding authorizations: $1.1 billion in fiscal 1973, $1.34 billion in fiscal 1974, $1.6 billion in fiscal 1975. Aside from extending the life of existing vocational rehabilitation programs and improving the services they offer, the bill would establish a clutch of ambitious new programs—especially for the severely handicapped.

This legislation, still further, would allow advance funding to hasten project planning, make possible joint funding for a project by more than one Federal agency, and permit consolidated State plans under the Vocational Rehabilitation Act and the Developmental Disabilities and Facilities Construction Act.

The success of the program so far—a striking success, by anyone's yardstick—fully justifies the renewed commitment sought in this legislation. New knowledge is coming to light each year about rehabilitating the victims of cerebral palsy, epilepsy, asphasia, arthritis, blindness, and many other disabling handicaps. New techniques are being developed for helping people stricken by heart disease, cancer, and cerebral hemorrhage; in the design of artificial limbs and other prostheses; in mobility for the blind, and in the establishment of halfway houses for psychiatric patients.

All available data show that the benefits of these programs far outweigh their cost—by estimated margins ranging up to 35 to 1.

Plainly, Mr. Speaker, this bill deserves prompt passage.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Indiana (Mr. BRADEMAS) that the House suspend the rules and pass the bill (H.R. 8395), as amended.

The question was taken.

Mr. REID. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 327, nays 0, not voting 104, as follows:

[Roll No. 80]

YEAS—327

Abbitt
Abernethy
Abourezk
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews
Archer
Ashbrook
Ashley
Aspin
Aspinall
Baker
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Biester
Blackburn
Bolling
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Tex.
Conable
Conte
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dow
Downing
Dulski
Duncan
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Fuqua
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kemp
King
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mallary
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Pickle
Pike
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Waggonner
Waldie
Wampler
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—104

Abzug
Addabbo
Anderson, Tenn.
Annunzio
Arends
Badillo
Baring
Belcher
Bell
Betts
Bingham
Blanton
Blatnik
Boggs
Boland
Bow
Brasco
Burton
Caffery
Celler
Chappell
Chisholm
Collins, Ill.
Colmer
Conyers
Crane
Curlin
Delaney
Dellenback
Dellums
Derwinski
Diggs
Dorn
Dowdy
Drinan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Evans, Colo.
Fish
Flood
Foley
Frelinghuysen
Frey
Galifianakis
Gallagher
Gaydos
Grasso
Gray
Gude
Hagan
Harrington
Hébert
Holifield
Hull
Jones, Tenn.
Kee
Keith
Kluczynski
Kyl
Long, La.
McCloskey
McClure
McCulloch
Mailliard
Mann
Metcalfe
Michel
Mikva
Mollohan
Monagan
Montgomery
Nix
Obey
Pepper
Peyser
Pirnie
Price, Tex.
Pryor, Ark.
Pucinski
Rangel
Rees
Riegle
Sandman
Sarbanes
Scheuer
Schwengel
Snyder
Staggers
Stanton, James V.
Steed
Stokes
Stubblefield
Stuckey
Symington
Thompson, Ga.
Vigorito
Ware
Wright
Wydler
Yates

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Ware.
Mr. Addabbo with Mr. Michel.
Mr. Holifield with Mr. Mailliard.
Mr. Celler with Mr. Frelinghuysen.
Mr. Curlin with Mr. McClure.
Mr. Hull with Mr. Dellenback.
Mr. James V. Stanton with Mr. Bell.
Mr. Steed with Mr. Belcher.
Mr. Stubblefield with Mr. Frey.
Mr. Stuckey with Mr. Crane.
Mr. Wright with Mr. Price of Texas.
Mr. Yates with Mrs. Chisholm.
Mr. Kluczynski with Mr. Derwinski.
Mr. Burton with Mr. Metcalfe.
Mr. Brasco with Mr. Peyser.
Mr. Boggs with Mr. Arends.
Mr. Boland with Mr. Sandman.
Mr. Annunzio with Mr. Kyl.
Mr. Anderson of Tennessee with Mr. du Pont.
Mr. Jones of Tennessee with Mr. Schwengel.
Mr. Chappell with Mr. Keith.
Mr. Delaney with Mr. Pirnie.
Mr. Edwards of California with Mr. Collins of Illinois.
Mr. Evans of Colorado with Mr. Riegle.
Mrs. Grasso with Mrs. Dwyer.
Mr. Gray with Mr. Snyder.
Mr. Rees with Mr. Flood.
Mr. Pucinski with Mr. Diggs.
Mr. Pepper with Mr. Thompson of Georgia.
Mr. Nix with Mr. Galifianakis.
Mr. Mollohan with Mr. Harrington.
Mr. Monogan with Mr. Wydler.
Mr. Montgomery with Mr. Kee.
Mr. Mikva with Mr. Stokes.
Mr. Vigorito with Mr. Conyers.
Mr. Blanton with Mr. Symington.
Mrs. Abzug with Mr. Long of Lousiana.
Mr. Bingham with Mr. Mann.
Mr. Foley with Mr. Dellums.
Mr. Drinan with Mr. Dowdy.
Mr. Dorn with Mr. Baring.
Mr. Edmondson with Badillo.
Mr. Eckhardt with Mr. Gaydos.
Mr. Rangel with Mr. Sarbanes.
Mr. Scheuer with Mr. Hagan.
Mr. Gallagher with Mr. Caffrey.
Mr. Blatnik with Mr. Staggers.
Mr.Colmer with Mr. McCloskey.
Mr. Betts with Mr. Bow.
Mr. Fish with Mr. Gude.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes."

A motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATIONS FOR PARTICIPATION BY THE UNITED STATES IN THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

Mr. FRASER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11948) to amend the joint resolution authorizing appropriations for participation by the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law.

The Clerk read as follows:

H.R. 11948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of Public Law 88-244, approved December 3, 1963, is amended to read as follows:

"SEC. 2. There is authorized to be appropriated such sums as may be necessary, not to exceed $50,000 annually, for the payment by the United States of its proportionate share of the expenses of the Hague Conference on Private International Law and of the International (Rome) Institute for the Unification of Private Law."

The SPEAKER. Is a second demanded?

Mr. WHALEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FRASER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a bill to raise the ceiling from $25,000 to $50,000 a year for the payment by the United States of its share of expenses of the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law.

Mr. Speaker, this institute and conference deal with private law of interest to the citizens of the United States, and to lawyers who have international practices, or who become involved in international questions.

These two institutions represent a very important effort on the part of the international community to standardize approaches to procedural questions across national boundaries, and in trying to come to some agreement on substantive legal principles.

In the Hague conference we participate through the payment of roughly 6 percent of the total cost of the conference, and in the Rome Institute it is only 4.5 percent.

This participation by the United States in the Hague conference and the Rome Institute is supported by all of the legal organizations of the United States. I think this bill is without any substantial controversy. It was reported unanimously by our committee.

Mr. GROSS. Mr. Speaker, would the gentleman yield?

Mr. FRASER. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would ask the gentleman if I am correct in that this appropriation or, rather, this authorization for an appropriation, has been doubled over what it was previously?

Mr. FRASER. That is right.

Mr. GROSS. And yet it does not provide for the expenses of the delegates. Is that not correct?

Mr. FRASER. That is right. Up until now those expenses have been covered under the $25,000 limitation, but if this bill is adopted then they will be covered under the regular appropriation for international conferences and contingencies, separate from this authorization.

Mr. GROSS. So even though the authorization has been doubled for these two organizations they are going to have to look elsewhere for funds to attend the meetings?

Mr. FRASER. They will be put on the same basis as other international conferences, which come under the regular and general authority in the general appropriations for the Department of State for participation in international conferences.

I would make the further point that while we have raised the authorization the expectation is that it will not be necessary to spend the full $50,000 but will stay fairly close to the previous $25,000 figure for the immediate future. As I stated previously, we are assessed for less than 6 percent of the budget of both of these organizations.

Mr. GROSS. I hope the gentleman is right, but it does not usually work out that way.

Mr. FRASER. It is a very modest amount. We pay a very small portion of the total expense of these conferences, and the conferences are very useful to the lawyers who meet these problems overseas.

Mr. HALL. Mr. Speaker, would the gentleman yield?

Mr. FRASER. I am happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding to me. I also want to say that I appreciate his explanation of this bill. It was because I thought that such an explanation was needed that I asked that it be put over from the Consent Calendar to the Suspension of the Rules Calendar in order that such a statement might be made, and the legislative record entered for future guidance.

Let me ask the gentleman just one question, and that is: How much of this increased cost is based upon a new demand or formula of the Universal Postal Union, and what is the tie-in between our representation at the Hague conference, and these peoples, other than that it affects our mailings?

Mr. FRASER. I am not sure I understand the question asked by the gentleman. The gentleman refers to the Universal Postal Union, and may refer to the other bill which is for the protection of intellectual property.

Mr. HALL. Mr. Speaker, if the gentleman did not understand my question, I will call the attention of the gentleman to page 3 of the report, in the second paragraph, where it says, in part:

> The formula for payment of contributions to these organizations is based upon that followed by the Universal Postal Union in which States are assigned various categories....

My query is, is that simply to say that we pay 6 percent as the Universal Postal Union does for the U.S. allocation thereunto; and just as we pay 30.06 percent to the United Nations? Or are they actually "pulling the string" for the cost of mailing?

That is my only question.

Mr. FRASER. My understanding is that this is apparently the same formula as used in the Universal Postal Union in which they take into account the population and the geographic area and the gross national product which comes out at about 6 percent in one and 4½ percent on the others.

Mr. HALL. I thank the gentleman.

Mr. WHALEN. Mr. Speaker, I yield to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Speaker, I rise in support of H.R. 11948.

This bill would increase the authorization for appropriation of funds for U.S. participation in the Hague Conference on Private International Law and the International Institute for the Unification of Private Law from a maximum of $25,000 per year to $50,000 per year.

U.S. participation in these organizations is helping to lay the foundation for a codification of legal rules in the private area throughout the world.

Through the Hague Conference on Private International Law the United States is able to participate in the shaping of conventions which may protect the rights of U.S. citizens involved in cases requiring application of rules of private international law.

Through the International—Rome—Institute for Unification of Private Law, the United States has the opportunity to influence the development of uniform laws which may affect the rights and interests of American citizens who travel or own property abroad.

The entry of the United States into this field was strongly urged by all the major legal associations in this country. They endorse efforts to bring about some significant results in the unification of private law.

The expenses of the Hague Conference and the Rome Institute are modest. The United States pays just 6 percent of the budget for the Conference and only 4½ percent of the Institute's budget.

Harmonizing the varying legal positions of different countries to achieve a greater degree of certainty in such areas as international judicial assistance and international commercial transactions is a long process. It deserves our continued support.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota (Mr. FRASER) that the House suspend the rules and pass the bill H.R. 11948.

The question was taken.

Mr. RARICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 315, nays 18, not voting 98, as follows:

[Roll No. 81]

YEAS—315

Abbitt
Abernethy
Abourezk
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews
Archer
Ashley
Aspin
Aspinall
Baker
Barrett
Begich
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blatnik
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Tex.
Conable
Conte
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dow
Downing
Dulski
Duncan
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Goldwater

Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kemp
King
Koch
Kuykendall
Kyros
Latta
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mallary
Martin
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Pickle
Pike
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Quie
Quillen
Railsback
Randall
Reid
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Satterfield
Saylor
Schneebeli
Scott
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Spence
Springer
Staggers
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Waggonner
Waldie
Wampler
Whalen
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—18

Ashbrook
Camp
Colmer
Gross
Haley
Hall
Hammerschmidt
Hosmer
Landgrebe
Landrum
Mathis, Ga.
Rarick
Rousselot
Runnels
Scherle
Schmitz
Sebelius
Whitten

NOT VOTING—98

Abzug
Addabbo
Anderson, Tenn.
Annunzio
Arends
Badillo
Baring
Belcher
Bell
Bingham
Blanton
Boggs
Boland
Brasco
Burton
Celler
Chappell
Chisholm
Collins, Ill.
Conyers
Crane
Curlin
Davis, Ga.
Delaney
Dellenback
Dellums
Derwinski
Diggs
Dorn
Dowdy
Drinan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Evans, Colo.
Flood
Foley
Frelinghuysen
Frey
Galifianakis
Gaydos
Grasso
Gray
Harrington
Hébert
Heckler, Mass.
Holifield
Hull
Jones, Tenn.
Kee
Keith
Kluczynski
Kyl
Leggett
Long, La.
McClure
Mailliard
Mann
Metcalfe
Michel
Mikva
Mollohan
Monagan
Montgomery
Morse
Nix
Obey
Pepper
Peyser
Pirnie
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Rangel
Rees
Riegle
Sandman
Sarbanes
Scheuer
Schwengel
Smith, Iowa
Snyder
Stanton, James V.
Steed
Stokes
Stubblefield
Stuckey
Symington
Thompson, Ga.
Vigorito
Ware
Wright
Wydler
Yates

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Ware.
Mr. Addabbo with Mr. Michel.
Mr. Holifield with Mr. Mailliard.
Mr. Celler with Mr. Frelinghuysen.
Mr. Curlin with Mr. McClure.
Mr. Hull with Mr. Dellenback.
Mr. James V. Stanton with Mr. Bell.
Mr. Steed with Mr. Belcher.
Mr. Stubblefield with Mr. Frey.
Mr. Stuckey with Mr. Crane.
Mr. Wright with Mrs. Heckler of Massachusetts.
Mr. Yates with Mrs. Chisholm.
Mr. Kluczynski with Mr. Derwinski.
Mr. Burton with Mr. Metcalfe.
Mr. Brasco with Mr. Peyser.
Mr. Boggs with Mr. Arends.
Mr. Boland with Mr. Sandman.
Mr. Annunzio with Mr. Kyl.
Mr. Anderson of Tennessee with Mr. du Pont.
Mr. Jones of Tennessee with Mr. Schwengel.
Mr. Chappell with Mr. Keith.
Mr. Delaney with Mr. Pirnie.
Mr. Edwards of California with Mr. Collins of Illinois.
Mr. Evans of Colorado with Mr. Riegle.
Mrs. Grasso with Mrs. Dwyer.
Mr. Gray with Mr. Snyder.
Mr. Rees with Mr. Flood.
Mr. Pucinski with Mr. Diggs.
Mr. Pepper with Mr. Thompson of Georgia.
Mr. Nix with Mr. Galifianakis.
Mr. Mollohan with Mr. Harrington.
Mr. Monagan with Mr. Wydler.
Mr. Montgomery with Mr. Kee.
Mr. Mikva with Mr. Stokes.
Mr. Vigorito with Mr. Conyers.
Mr. Blanton with Mr. Symington.
Mrs. Abzug with Mr. Long of Louisiana.
Mr. Bingham with Mr. Mann.
Mr. Foley with Mr. Dellums.
Mr. Drinan with Mr. Dowdy.
Mr. Dorn with Mr. Barring.
Mr. Edmondson with Mr. Badillo.
Mr. Eckhardt with Mr. Gaydos.
Mr. Rangel with Mr. Sarbanes.
Mr. Scheuer with Mr. Morse.
Mr. Davis of Georgia with Mr. Pryor of Arkansas.
Mr. Purcell with Mr. Smith of Iowa.

Mr. O'KONSKI changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

U.S. PARTICIPATION IN THE INTERNATIONAL BUREAU FOR THE PROTECTION OF INDUSTRIAL PROPERTY

Mr. FRASER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 984) to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property, as amended.

The Clerk read as follows:

H.J. Res. 984

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 12, 1960 (74 Stat. 381), as amended by the Act of July 19, 1963 (77 Stat. 82) is hereby further amended by (1) striking out the words "International Bureau for the Protection of Industrial Property" and inserting in lieu thereof the words "International Bureau of Intellectual Property", and (2) in subsection (b) thereof, deleting the phrase ", not to exceed $15,000 annually," and the word "thereafter" and inserting after the word "bureau" the phrase "as determined under article 16(4) of the Paris Convention for the Protection of Industrial Property, as revised".

The SPEAKER pro tempore (Mr. PRICE of Illinois). Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FRASER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill removes the current $15,000 ceiling on the U.S. assessed contribution for participation in the International Bureau for the Protection of Industrial Property. This is the Bureau in Paris that administers to conventions dealing with patents and copyrights. It is important to the United States, because we have more patents and copyrights than any other country in the world and, therefore, we have an interest in seeing that we pay our fair share toward the Bureau's efficient and effective operation.

Our contribution runs 4 percent of the total of all contributions of participating nations. I think it is a very good bill. There was no objection to it in the committee, where it was reported out unanimously.

Mr. BROOMFIELD. Mr. Speaker, I support passage of House Joint Resolution 984.

This resolution has already been discussed in detail by the gentleman from Minnesota (Mr. FRASER).

The United States contributes to the International Bureau as a party to the convention of Paris for the Protection of Industrial Property. This convention is the principal multilateral agreement in the industrial property field and has 78 member states.

The International Bureau is responsible for the administration of two basic conventions, the Paris Industrial Property Convention covering Patents and Trademarks, and the Berne Copyright Convention. This includes preparation for meetings of the assembly of all the member states of the Paris Industrial Property Convention.

One of the Bureau's most important responsibilities is to serve as a clearinghouse for information on and interpretation of patent and trademark laws. This is particularly important to the United States, since Americans have more industrial property abroad than any other nation. The effective administration of the Paris Convention by the International Bureau contributes to the protection of this property.

The international bureau was also involved in the development and successful negotiation at the recent Washington Diplomatic Conference on the Patent Cooperation Treaty of a new treaty that will be of benefit to Americans filing abroad.

In summary this little known organization is providing a vital service that should be continued.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. FRASER) that the House suspend the rules and pass the joint resolution, House Joint Resolution 984, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

UNIFORM TIME ACT AMENDMENT

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4174) to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases, as amended.

The Clerk read as follows:

H.R. 4174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a) is amended by striking out all after the semicolon and inserting the following in place thereof: "however, (1) any State that lies entirely within one time zone may by law exempt itself from the provisions of this subsection providing for the advancement of time, but only if that law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable during that period, and (2) any State with parts thereof in more than one time zone may by law exempt either the entire State as provided in (1) or may exempt the entire area of the State lying within any time zone."

The SPEAKER. Is a second demanded?

Mr. BROYHILL of North Carolina. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from West Virginia (Mr. STAGGERS) is recognized.

Mr. STAGGERS. Mr. Speaker, H.R. 4174 would amend the Uniform Time Act of 1966. Under that act each State must observe advanced or "daylight saving" time from the last Sunday in April until the last Sunday in October, unless the State, by law, exempts the entire State from observance of advanced time.

H.R. 4174 would provide another alternative to the 12 States which are, today, split by time zone boundaries. They are Indiana, Kentucky, Tennessee, Florida, Texas, Kansas, Nebraska, South Dakota, North Dakota, Oregon, Idaho, and Alaska. This new alternative would permit any of those States to exempt all of the State lying within one time zone from observance of advanced time.

The State of Indiana is particularly anxious to have this legislation enacted. Indiana is split by the boundary between the eastern and central time zones. Eighty counties in Indiana are in the eastern time zone. Two pockets of six counties each—one in the Northwest and the other in the Southwest—are in the central time zone. Indiana has enacted a law in compliance with the Uniform Time Act which exempts the entire State from the observance of advanced time. The result is that the 12 counties in the central time zone from the last Sunday in April until the last Sunday in October are "time islands." They are observing the same time that is being observed in Vale, Oreg.

The city of Evansville, Ind., has legislation which places the city on advanced central standard time during the period of its observance. An action to enjoin observance of this legislation and to have it declared invalid has been brought by the Secretary of Transportation.

H.R. 4174 has been recommended by the administration. All of the witnesses at the hearings on the legislation supported its enactment. It was reported by an overwhelming voice vote in our committee. I do not know of any group that opposes its enactment. The Senate has passed a bill (S. 904) which is almost identical. Enactment of this legislation would not cost the Federal Government a penny. It could in fact save some money by avoiding the need for lawsuits such as that which the Secretary of Transportation has brought against the mayor and city of Evansville, Ind.

Mr. Speaker, I trust the House will pass H.R. 4174. It is a good bill.

They were not heard because it was a sort of emergency. The committee does intend to have hearings on that particular question. I have been asked about it. I have said that if we have time during this session of Congress, we will hold hearings. But to be truthful, I do not know that we will have time. If I come back here as chairman, I promise there will be hearings on this particular issue, because I think the will of the people should prevail through their Representatives in Congress. I believe that any question that arises should be heard. That is a promise I have made.

We are trying here to correct only a part of the section which we found to be wrong, and we are trying to make it equitable to the extent that we can.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I take this time to address a question or two to the chairman of the Interstate and Foreign Commerce Committee with respect to daylight time. I am not opposed to the purpose of this bill, because I believe it is a unique case affecting the State of Indiana. But some of us have had bills pending before Congress for a long time with respect to shortening the period of daylight saving time.

While I heard the gentleman say that sometime in the indefinite future we might be able to get a hearing, I do believe the chairman of the committee could be a little more specific and tell us whether we are going to get a hearing this year, next year, or the year following that. I would hope the gentleman could assure us that before this session of Congress ends, in the shortest possible time, we might be given a hearing on the bills to reduce the period of daylight saving time from Memorial Day until Labor Day. Can the gentleman give us more assurance, more definite assurance than he has?

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I recognize the situation. I recognize there are Members of Congress who want a hearing on this subject and, if possible, before the end of this session. To be truthful with the gentleman, I do not believe it is possible to do so, because the committee has a number of bills already under consideration which we are trying to get marked up. The committee is now holding hearings with regard to securities exchanges. But I assure the gentleman, as I said in my statement, during the early part of next session, if I am back and still chairman of the committee, there will be hearings in our committee on the subject the gentleman is speaking about.

Mr. GROSS. If your members are so busy during the regular hours of the day, perhaps we can arrange to pay members of the subcommittee a little overtime.

Mr. STAGGERS. If the gentleman will yield further, they have been working very hard. We attempted without success to have a session this morning, because the committee has worked on Mondays and Fridays when many other committees have not.

Mr. GROSS. I thank the gentleman for his response, which is about what he said before.

I will vote against this bill only because it is not subject to an amendment which would give us an opportunity to try to shorten the period of so-called daylight time.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I would like to ask our distinguished chairman a question along the same line the distinguished gentleman from Iowa mentioned. I, too, am interested in the bill to reduce the daylight saving time period to the period from April 30 to Labor Day, the first Monday in September. I have introduced such a bill each year and I have been told that we would have hearings even last year. You do not think it is possible for us to have hearings, then, this year?

Now before this body is legislation that would make a great move toward removing the rust from the mainspring of our national timepiece, and eliminating much of the confusion now existing in our timekeeping system.

As individuals we are but seconds in a thousand years, and it often seems that time does not know us nor does it desire to make an acquaintance with less than an hour. Indeed, that very difference of 1 hour within the boundaries of the many States, including the Commonwealth of Kentucky, that are divided by time zones creates very little more than broken clocks and frayed nerves.

Man invented the clock. Do not let him

become a slave to it in a greater degree than he is now.

My distinguished colleagues from my neighboring State of Indiana know well the disruption that has taken place in the past. This bill would move to remedy the situation that exists there, as elsewhere.

My State's motto is "United We Stand, Divided We Fall." I ask my colleagues today to refuse to let the issue of time divide my State and the many others that face this problem. I urge passage of this legislation; I have long been aware of the need for this.

Mr. STAGGERS. I have said to the gentleman from Iowa I doubted it very much. If the time does permit, we will have hearings, but I would doubt it will be possible. With all we have to do in our committee and looking at the matter realistically, it would be very difficult to get to the hearings this year. I have said if we do not get to them in this session, we will at the next session if I am here.

Mr. CARTER. People in more than 20 States have written asking that this be considered. In mountainous areas of my State, and I am sure in the distinguished gentleman's State also, many children are waiting for school buses in darkness and in danger, and this is why we would like to see the time period shortened.

Mr. STAGGERS. I assure the gentleman the bill will get hearings as soon as we can. I will say this to the gentleman. If it is so important in his State, all the State has to do is say it is not going on daylight saving time, and that will take care of it, but we will try to take care of it for the gentleman.

Mr. CARTER. I know the gentleman is right, but at least some hearings might be held before some dreadful accident occurs in my State or in the State of the distinguished gentleman.

Mr. Speaker, I thank the gentleman.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Speaker, I must respectfully protest this legislation affecting our time standards being taken up under the suspension procedure. This procedure makes the Members powerless to offer any amendment to try to undo some of the very serious damage being done to the rural areas of America by having daylight saving time run all the way from the last Sunday of April to the last Sunday of October. Many of us have been hearing continuously from our constituents who are saying their children are subjected to serious inconvenience and danger in the dark hours of the early morning when in many rural areas, including the northwestern district of Iowa, the little children have to be herded out, in real danger, onto the busy highways to get on the schoolbuses.

Mr. Speaker, we should at least be able to bring the remedial amendments I and others have proposed to the Uniform Time Act to the floor of the House on a vote, but the committee has for 15 solid months refused even to give our constituents the courtesy of a hearing on a matter which vitally affects the welfare and safety of the children of rural America. The committee has taken no action on my H.R. 897, introduced January 22, 1971, in which I proposed to limit daylight savings time to the period between Memorial Day and Labor Day, or on other proposals in this area. The committee took no action on similar bills in the previous Congress. Under these circumstances I have no choice but to vote against this suspension procedure, which again blocks us from any consideration of appropriate amendments. Even this day on the floor we are given absolutely no assurance that there is going to be any committee hearing this year on the various proposals to shorten the period to which daylight savings time applies.

In other words, this matter does not have enough priority for the majority and the chairman of the House Interstate and Foreign Commerce Committee even to set it down for hearing. I must protest. Unless we have some assurance of getting committee consideration of this matter of particularly vital urgency to our schoolchildren and their parents, I will regretfully vote against the motion. I do not like to go against the wishes of my friends from Indiana, but there is a principle involved here that Members of the House should be able to work their will on legislation which so vitally affects us. I cannot accept more than a 2-year delay as adequate good faith and diligence on the part of this committee.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. MAYNE. I am happy to yield to the gentleman frrom West Virginia, the chairman of the House Interstate and Foreign Commerce Committee.

Mr. STAGGERS. Mr. Speaker, has the gentleman gone to his State legislature and asked them to pass a law exempting the State?

Mr. MAYNE. I am responsible to the people of my district, and I am here on a mandate from the people to see that we are not overlooked on this issue. The Congress enacted the Uniform Time Standards Act, and we cannot avoid our responsibility to correct its defects or shift the responsibility to the State legislatures. I think it is right to come to the gentleman's committee and ask for consideration of remedial legislation. That is what I am doing today. We have not been able to get consideration of the matter off the floor. Maybe we can get it on the floor today.

Mr. STAGGERS. I do not know about that. That remains to be seen. I have said, as a matter of fact, in replying to an earlier question, that we will try to have the hearings this year, but I doubt very much if time will permit and I have said if we do not have the hearings this year, we will get to them next year.

That is as far as I can go, beyond that I would not be telling the truth. But I would say this: The States where this does affect the people they ought to get to the legislature and say, "Exempt this State." It could be done, and has been done in several cases.

Mr. MAYNE. I thank the gentleman. I should like to urge every Member who has heard from his constituents about the unfairness and the arbitrariness of daylight saving time being spread over America for so many months, rather than limited to the 3 summer months when children are generally not going to school, if they want to do something to show their constituents they are concerned about trying to get this matter at least heard by the committee, to vote with me against suspending the rules and passing this bill. We may then have opportunity to offer the needed amendments to the Uniform Time Act on the House floor when this bill comes before the House under the normal rules permitting such amendments. If we do not act now, it is apparent that there can be little hope of changing the law in this Congress so that schoolchildren will not be required to stand in predawn cold in northwest Iowa and elsewhere next October, sometimes in snow or rain, waiting for their schoolbus. That earlier hour in September and October is not only much colder and darker, it is also far more dangerous to drive. Even if only one less schoolbus accident was avoided by reverting to standard time on Labor Day, surely it is worth the effort.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAYNE. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I am not fully conversant with the law, but I do not believe the legislature of the State of Iowa can shorten the period of daylight saving time. I believe it is either voted out altogether or accepted, one or the other.

Mr. MAYNE. I believe the gentleman is right. I am sure the chairman of the committee did not wish to leave the House with any other impression.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield myself 3 minutes.

Prior to enactment of the Uniform Time Act of 1966, there was an extended period of time each spring when airlines and other transportation schedules were in complete and incomprehensible confusion. Throughout the land, States, counties, and individual cities were converting on a ragged schedule to their own versions of daylight savings time. Communications as well as transportation became difficult. Because of this confusion, the main elements of the transportation industry asked for a minimal relief by way of legislation which would merely require uniformity in the duration of advanced time if a community chooses to use it.

After the act became effective, the difficulties started to appear. Some lines were rearranged including the one dividing eastern from central time in the hope of solving the inequities. This has not been completely successful.

The bill before the House today would add one option to what State legislatures may do about advanced time. The need for this legislation is forcefully illustrated in the problems of the State of Indiana, one of four States which has enacted laws exercising the option of exempting themselves from the observance of advanced time. Indiana is one of only 12 States which straddle time zone boundaries. In Indiana, 80 counties are in the eastern time zone and 12 counties, six in the northwest corner of the State and six in the southwest corner, are in the central time zone.

When the Indiana General Assembly voted to exempt the State from the observance of advanced time under the provisions of the Uniform Time Act, it made "time islands" of the six counties in the northwest corner of the State and of the six counties in the southwest corner. Consequently, the legal time in Evansville and Gary is 2 hours behind Cincinnati and Louisville, and 1 hour behind Indianapolis, Detroit, Chicago, and St. Louis. The obvious problems to industry resulting from these different time periods reinforces the need for a uniform policy with regard to States in more than one time zone.

At the present time, a State law must either exempt the whole State or leave it entirely alone. The bill under consideration today would give a State which is split by a time zone line a chance to exempt from using advanced time that part of the State in one of the zones. The result of such a move would keep the two parts of the State on different time for half of the year, but make it possible for the entire State to be on the same time for the other half. More importantly, it avoids the worst situations where small segments of a State which are economically identified with a neighboring State in the next time zone get completely out of harmony and have 2-hour time differences in small areas. This is presently the case in Indiana.

Enactment of H.R. 4174 will not entail any increased costs or expenditures. It could, in fact, reduce such costs by eliminating the need for current litigation resulting from the inequities in the present system.

For these reasons, I recommend that my colleagues approve this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. Zion).

Mr. ZION. I thank the gentleman.

Mr. Speaker, I rise to commend the chairman for helping us solve a very difficult problem in the State of Indiana.

As the gentleman from North Carolina (Mr. Broyhill) said, this has nothing to do with shortening or lengthening the period of daylight saving time. This is an emergency bill which is brought up as a result of pressure from the people in Indiana, particularly southwest and northwest Indiana. We are suffering adverse economic consequences as a result of being 2 hours behind our major centers of commerce.

When we are 2 hours behind the people across the river from us, with whom we do business, it is very harmful to us.

Second, if this is not corrected we will be getting our major television programs from the East 2 hours early, at a time when our people are on the way home from work.

Third, the Department of Transportation has been very kind and have tried not to enforce the provisions of the Uniform Time Act, because they recognize the injustice to those in northwest and southwest Indiana. Friday I spoke with the Secretary of Transportation, who has a suit pending against the city of Evansville. I asked if that suit would be dropped should this bill be passed today. He said it would.

This has nothing to do with whether we lengthen or shorten daylight saving time in other States. It simply helps the people of Indiana solve a major problem.

I thank the chairman very much for accommodating us on that issue, and I ask for support of the bill.

Mr. LANDGREBE. Mr. Speaker, will the gentleman yield?

Mr. ZION. I yield to the gentleman from Indiana.

Mr. LANDGREBE. I should like to associate my comments with those made by the gentleman from Indiana.

The passage of this bill is most important to the people who reside in the northwestern and southwestern areas of Indiana.

It will legalize daylight savings time in those areas of Indiana that are in the central standard time zone during the period of the year that daylight saving time is in effect in the central time zone. Those areas will have uniform time with Illinois to the west and all of Indiana to the east that is permanently on eastern time.

I most sincerely request and urge the affirmative vote of all Members of this Congress.

PARLIAMENTARY INQUIRY

Mr. LANDRUM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANDRUM. Under the rules of suspension, is an amendment in order to change the effective date of this from the last Sunday in April?

The SPEAKER. No amendment is in order under the suspension rule.

Mr. GERALD R. FORD. Will the gentleman yield to me?

Mr. STAGGERS. I am happy to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. The State of Michigan historically has had the Lower Peninsula on one time and a portion of the Upper Peninsula on another time. Does this legislation permit the State of Michigan by its own legislative action to have that condition in the future?

Mr. STAGGERS. I have forgotten the situation.

Mr. GERALD R. FORD. With those facts in mind what is the answer?

Mr. STAGGERS. Unless the time zone is changed they could not correct your situation at all. I do not see why that could not be changed by the Department of Transportation.

Mr. GERALD R. FORD. It is ridiculous, I agree. I have never understood why they were so arbitrary. But the net result is at least the far western part of the Upper Peninsula is not logically in the same time zone as the eastern portion of Michigan.

Mr. STAGGERS. I would agree with the gentleman. If he will make an appeal to the DOT about changing that time zone in that belt, I would certainly try to help him out in every way that I could.

Mr. GERALD R. FORD. Let me ask this: Is it the option of a State to act? It is only if the Department of Transportation makes a modification in the drawing of its own lines. Is that correct?

Mr. BROYHILL of North Carolina. In the case of Michigan I would say that would be correct, because of the line change after the 1966 act was enacted and passed. If you could follow the procedures that are laid down by the Secretary of Transportation, you could have the line changed back in its own way.

Mr. GERALD R. FORD. But the State must take the initiative in order to get a change in the drawing of the lines?

Mr. BROYHILL of North Carolina. That would be correct.

Mr. ROUSH. Mr. Speaker, I rise in support of H.R. 4174, a bill that would allow those States, and only those States, divided into more than one time zone, to have the same option now enjoyed by States residing in a single time zone; namely, to decide for each time zone whether to adopt or reject daylight time.

Indiana is one of a few States, 12 in number, which have suffered from the requirement of the Uniform Time Act that a State adopt or reject daylight time throughout the entire State. Kentucky, Tennessee, Florida, North Dakota, South Dakota, Nebraska, Kansas, Texas, Idaho, Oregon, Alaska are also divided into more than one time zone.

Were Indiana and these other 11 States in a single time zone, as the rest of the Nation, there would be no problem. But these States are unique; they lack the uniformity of a single time zone, and therefore must be treated in a different way. H.R. 4174 would allow just the exception that is needed and nothing more; namely, to allow these States to adopt or reject daylight time for an entire area of a State lying within a time zone.

Let me give you a few of the details about Indiana's time problem, a problem this amendment to the Uniform Time Act could essentially resolve.

Indiana is divided into eastern and central time zones. Although the U.S. Department of Transportation moved the time zone line in 1969 from the middle of the State to the Illinois border, except for 12 counties in the western part of the State economically tied to central time, this did not solve the problem posed by passage of the Uniform Time Act of 1966.

For each year since that time the people of Indiana must make a cruel choice. Either the 80 counties in the eastern time zone must adopt daylight time in the summer months, which because of geographical location means to these people a kind of "double daylight time" and then the 12 counties in the western section of the State, in central standard time, can enjoy daylight time; or those 12 counties are forced to accede to central standard time year round so that the eastern counties are not saddled with daylight time. In this latter instance, the 12 counties in the northwestern and southwestern parts of the State around Gary, East Chicago, Hammond, and Evansville become a "time island" removed by a clock hour from those areas in Kentucky and Illinois which do adopt daylight time 6 months of the year.

Mr. Speaker, it is with the communities in Illinois and Kentucky that the cities in those 12 western counties of Indiana do business, where many people from Indiana work, go to school, enjoy social activities, attend meetings. Ironically the time zone line was changed in 1969 by the Department of Transportation in recognition of the regional ties between these areas, ties radically upset when Illinois and Kentucky go on daylight time for 6 months and Evansville, Gary, and so forth cannot do so.

Nor is it any more agreeable to all the counties of Indiana to adopt daylight time for 6 months of the year. Indeed parents in the eastern time zone are very concerned about that their children going to school in the dark in this situation and farmers find that their animals simply do not respond to clock time when it varies from actual sun time.

At this time the State legislature has no choice but to disappoint and inconvenience one part of the State or the other. The Indiana Legislature has chosen to exempt the entire State from daylight time. But the State Legislature also passed a resolution urging the U.S. Congress to amend the Uniform Time Act to permit Indiana counties within the central time zone to observe daylight time and for good measure memorialized the Department of Transportation to the same effect. Moreover, the Indiana Legislature in passing the ordinance to exempt Indiana from daylight time, included a provision that would allow the 12 western counties to adopt daylight time if and when the Uniform Time Act were amended. So the Indiana Legislature is ahead of the U.S. Congress. The State simply awaits the action of Congress this day on H.R. 4174 and the basic time problem in my State will be resolved.

I might add that the Department of Transportation agrees with the Indiana Legislature on the need for passage of this legislation. But the Department's hands are tied by that same Uniform Time Act, and so they, too, rely on the Congress for this amendment, which would only exempt those States which are in more than one time zone, from the demand for uniformity as to daylight time throughout the State; and the amendment embodied in H.R. 4174 would only allow an option in the adoption of advanced or daylight time for each area of a State lying within a time zone. Nothing else would be changed in the Uniform Time Act.

Ironically, for the State of Indiana such an amendment will not reduce but provide uniformity. Indiana was accustomed to having daylight time in those 12 western counties 6 months of the year while the eastern counties—most of the State in fact—stayed on eastern time. This meant that for 6 months of the year the whole State was on the same clock time. That uniformity has been denied to us since 1966.

I would add, Mr. Speaker that the other body has concurred in the need for this legislation and has passed the same bill already.

Finally, H.R. 4174 would not destroy the uniformity secured by the Uniform Time Act; but simply make an adjustment for those 12 States with a special problem for whom supposed uniformity has meant time chaos.

Nor would this amendment change the option now available to States that are not split into more than one time zone.

H.R. 4174 has the single and simple purpose of providing an option for States that have a special, a unique situation not created by themselves. I earnestly recommend passage.

Mr. MADDEN. Mr. Speaker, I wish to first thank Chairman STAGGERS and subcommittee chairman Moss and members of the House Interstate and Foreign Commerce Committee for reporting favorably on H.R. 4174 and presenting it to the House Chamber under the suspension of rules procedure today.

In my 30 years of service in the House of Representatives very few bills have ever come to the floor of the House when the 11 Hoosier Members of both parties were unanimous in support of legislation as they are in support of H.R. 4174.

Indiana is one of the few States which, unfortunately, is split between eastern and central standard time. All except 12 of our counties which are located on the western border are even in the eastern time zone. The 12 counties in the western time zone are evenly divided—six counties lying immediately across from the Illinois boundary and contiguous to approximately 6 million people in the Chicagoland area. Six other counties are located in southwest Indiana in the Evansville area and immediately adjacent to the highly populated area in southern Illinois and northern Kentucky. The Indiana Legislature has acted to exempt Indiana from daylight saving time.

The pending legislation would properly adjust and right an intolerable situation for the above-named 12 counties. During the last session of the Congress the Senate unanimously passed similar legislation by voice vote.

The administration, the Department of Transportation, and the Indiana General Assembly have endorsed this legislation. Last year the Indiana congressional delegation consulted with Secretary of Transportation Volpe and he is in complete sympathy and agreement that the passage of this legislation would virtually relieve an unfortunate time situation and endorsed the pending amendment. He also was highly considerate in postponing any action last year on account of this legislation pending in the Congress for debate and action.

Passage of this amendment will enable industry, schools, churches, retail stores, professional people, and thousands of wage and salary earners, along with the traveling public, both interstate and intrastate, to completely eliminate this confusing and complex time hazard which would exist in the 12 counties of Indiana who are petitioning for this legislative relief.

The New York Times of June 21, 1971, had a rather interesting and amusing editorial on the time hazard which was inflicted on Switzerland County in the southwest corner of Indiana and I am asking permission to have a few paragraphs of that editorial included with my remarks. The editorial remarks particularly on an incident which occurred in the town of Vevay, Ind.

[From the New York Times, June 21, 1971]

IN INDIANA, TIME EXERTS A SPECIAL TYRANNY

(By George Vecsey)

VEVAY, IND., June 20.—When a popular resident of Switzerland County died last week, many people wanted to attend the funeral.

The problem was, half the people thought the funeral was 2 P.M. "fast time" and the other half thought the funeral was 2 P.M. "slow time." The result was a half-attended funeral.

This seems to happen all the time in Indiana, because time is a haphazard thing in this part of the country.

It is confusing enough that the border between the Eastern and Central time zone runs through the state. But when individual counties, and individual merchants, and anybody with a wrist watch can decide what time is is, the result is madness.

On these long summer evenings, time—whether "fast," (Daylight saving time) or "slow" (standard time)—is particularly noticeable.

Summer will arrive at 1:20 A.M. Tuesday—"fast time"—in Vevay, where it will stay light until 10 P.M. (because it is on the edge of the Eastern time zone). But a few miles to the west, in Maverick, Jefferson County, it will get dark at 9 P.M.—"slow time," that is.

PLEA FOR UNIFORMITY

"I don't care what time they make it," said Capt. Clayton Arney, pilot of the sidewheeler ferry across the Ohio River, "I just wish they'd all be the same."

Technically, the entire state is on Eastern time except for six counties in the northwest and six counties in the southwest, which are on Central time.

But when daylight saving time begins in April, the farmers as well as theater and restaurant owners are unhappy about the long evening hours of daylight. So the Indiana Legislature passed a law last winter exempting the state from daylight time, whether Central or Eastern.

Normally, one could expect the calm, conservative people of Indiana to obey any law, but not this one.

In Vevay's white stone courthouse, the official clocks and the state-supervised employes work on "slow time," even if the rest of the town is on "fast time."

"My husband works at the Rex Chain Belt Factory, which is on fast time," said Mrs. William Frazier, the county's deputy auditor. "He leaves at 5 A.M. by slow time. Then he's back by 3 P.M. while I'm still working. It does get pretty confusing—school kids on one time, their parents are on another."

Mr. Speaker, the time is but a few weeks away so I do hope the House will take unanimous action today on granting much-needed relief to the tens of thousands of people in 12 counties in Indiana by extending to them an option to enjoy time that will not disorganize their daily routine from their business, social and all angles pertaining to their livelihood during the 6 months of the daylight saving time period.

Mr. SPRINGER. Mr. Speaker, there is a very funny song about a community named Morrow and the consternation it causes in discussing transportation schedules. The punch line states that the train that goes to Morrow has already gone today.

For many years the situation lampooned in the song was only too real. When no regulations existed every community set up a local time based on sunup, noon, and sundown. As railroads began to spread out over most of the Nation the users of the service were more than mildly interested in when the train left a given place and might arrive at another. Departure and arrival schedules were a farce until the carriers agreed among themselves on a standard of time which at least they could understand and by which they could operate. It took a world war, however, to get the idea into law and in 1918 the Standard Time Act came into being. It worked quite well for emergency purposes, fell into disuse between wars and then was revived during World War II. When mobilization was no longer the objective, courts tended to rule that despite the existence of a uniform time act, communities could do pretty much as they pleased about observing daylight saving time, or ignoring it. This brought us almost full circle because once more the railroads, joined now by airlines, buses and trucks, needed to have a system of time standards if operations were to be coordinated.

For some years the modes of transportation politely asked Congress for a law which would require communities determined to use daylight saving time during the summer to do so between certain set dates—whatever those dates might be. When Congress finally did act it went considerably further than mandating the beginning and ending times for daylight savings time. The act of 1966 required that the entire United States observe daylight saving time between the last Sunday in April and the last Sunday in October. The only way to avoid it was to legislate at the State level and the only change in the scheme which would be allowed was a statewide exemption from daylight saving time for the entire State.

Now it happens that the lines separating one time zone from another, which are set by the Department of Transportation roughly along longitudinal lines every 15 degrees, also go smack through the center of several States. Worse than that in a few instances a line lops off a small portion from the end of a State. Indiana is a classic example of this situation. At the time the act was passed it seemed that the solution to these peculiar situations lay in rearranging the time zone boundaries but this proved to be more difficult than imagined. As a result there were instances where small areas could be in time harmony neither with the rest of the State of which it was a part nor with the adjoining State with which it was economically identified.

The bill before us today gives States one additional option regarding time. The legislature may exempt the whole State from the act as in the past or it may exempt only that portion lying in one time zone. This results in the State having itself uniform time part of the year and disparate time the remainder of the year but it does allow those tag end or western portions to be consistent with adjacent areas in the next time zone.

In discussing this subject one always ends up wondering just what time it really is so while I still understand it I should stop. The bill does alleviate a few sticky situations concerning daylight savings time and I recommend it to the House.

The **SPEAKER**. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill, H.R. 4174.

The question was taken.

Mr. MAYNE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 333, nays 7, not voting 91, as follows:

[Roll No. 82]

YEAS—333

Abbitt
Abernethy
Abourezk
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews
Archer
Ashbrook
Ashley
Aspin
Aspinall
Baker
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Downing
Dulski
Duncan
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kemp
King
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mallary
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Pickle
Pike
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schmitz
Schneebeli
Scott
Sebelius
Seiberling
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Waggonner
Waldie
Wampler
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wolff
Wyatt
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—7

Betts
Gross
McCulloch
Mayne
Moss
O'Konski
Scherle

NOT VOTING—91

Abzug
Addabbo
Anderson, Tenn.
Annunzio
Arends
Badillo
Baring
Belcher
Bell
Bingham
Bow
Brasco
Burton
Celler
Chappell
Chisholm
Clay
Collins, Ill.
Conyers
Crane
Curlin
Delaney
Dellenback
Dellums
Derwinski
Diggs
Dorn
Dow
Dowdy
Drinan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Evans, Colo.
Flood
Foley
Frelinghuysen
Frey
Galifianakis
Gaydos
Grasso
Hébert
Holifield
Hull
Jones, Tenn.
Kee
Keith
Kluczynski
Kyl
Long, La.
McClure
Mailliard
Mann
Metcalfe
Michel
Mikva
Mills, Ark.
Mollohan
Monagan
Montgomery
Nix
Obey
Pepper
Peyser
Pirnie
Price, Tex.
Pryor, Ark.
Pucinski
Rangel
Rees
Riegle
Sarbanes
Scheuer
Schwengel
Shipley
Snyder
Stanton, James V.
Stokes
Stubblefield
Stuckey
Symington
Thompson, Ga.
Vigorito
Ware
Winn
Wright
Wydler
Yates

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Kyl.
Mr. Hébert with Mr. Arends.
Mr. Holifield with Mr. Frelinguysen.
Mr. Celler with Mr. McClure.
Mr. Curlin with Mr. Dellenback.
Mr. Hull with Mr. Michel.
Mr. James V. Stanton with Mr. Bell.
Mr. Shipley with Mr. Belcher.
Mr. Stubblefield with Mr. Frey.
Mr. Stuckey with Mr. Crane.
Mr. Wright with Mr. Rangel.
Mr. Yates with Mrs. Chisholm.
Mr. Kluczynski with Mr. Derwinski.
Mr. Burton with Mr. Metcalfe.
Mr. Addabbo with Mr. Mailliard.
Mr. Brasco with Mr. Peyser.
Mr. Gaydos with Mr. Bow.
Mr. Anderson of Tennessee with Mr. du Pont.
Mr. Jones of Tennessee with Mr. Schwengel.
Mr. Chappell with Mr. Keith.
Mr. Delaney with Mr. Pirnie.
Mr. Edwards of California with Mr. Collins of Illinois.
Mr. Evans of Colorado with Mr. Riegle.
Mrs. Grasso with Mrs. Dwyer.
Mr. Rees with Mr. Flood.
Mr. Pucinski with Mr. Diggs.
Mr. Pepper with Mr. Thompson of Georgia.
Mr. Nix with Mr. Ware.

Mr. Mollohan with Mr. Price of Texas.
Mr. Monogan with Mr. Winn.
Mr. Montgomery with Mr. Baring.
Mr. Mikva with Mr. Stokes.
Mr. Vigorito with Mr. Wydler.
Mrs. Abzug with Mr. Symington.
Mr. Mann with Mr. Mills of Arkansas.
Mr. Conyers with Mr. Badillo.
Mr. Scheuer with Mr. Galifianakis.
Mr. Dellums with Mr. Sarbanes.
Mr. Bingham with Mr. Clay.
Mr. Kee with Mr. Dorn.
Mr. Drinan with Mr. Dowdy.
Mr. Dow with Mr. Pryor of Arkansas.
Mr. Foley with Mr. Edmondson.
Mr. Long of Louisiana with Mr. Eckhardt.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. **STAGGERS**. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of a similar Senate bill (S. 904) to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The **SPEAKER**. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill as follows:

S. 904

An Act to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a) is amended by striking out all after the semicolon and inserting the following in place thereof: "however, (1) any State that lies entirely within one time zone may by law exempt itself from the provisions of this subsection providing for the advancement of time, but only if that law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable under this Act, during that period and (2) any State with parts thereof in more than one time zone may by law exempt either the entire State as provided in (1) or may exempt the entire area of the State lying within any time zone".

MOTION OFFERED BY MR. STAGGERS

Mr. **STAGGERS**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of the bill S. 904 and to insert in lieu thereof the provisions of H.R. 4174, as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4174) was laid on the table.

GENERAL LEAVE

Mr. **STAGGERS**. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The **SPEAKER**. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

GUNN McKAY DEFENDS CONGRESS

(Mr. **RONCALIO** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **RONCALIO**. Mr. Speaker, while it is imperative for the leaders and the people of this Nation to analyze and understand the motives and actions which have led to the continuing unfortunate engagement of American military forces in Vietnam, the searching questions often take the form of an undisguised hunt for a scapegoat.

In his recently published article, "In Defense of the President's Foreign Policy Powers," which appeared in the Washington Star of February 20, the former Presidential adviser Walt Rostow has set his sights on the Congress.

Extending his defense of Presidential powers, and, by implication, his denouncement of the role of Congress, Mr. Rostow linked the defeat of the League of Nations, World War II, the cold war, the Korean war and the extended presence in Vietnam.

I am pleased to report to my colleagues that our able friend Mr. McKAY of Utah has risen to the challenge. In the Washington Star of March 12, Mr. McKAY answers the criticisms and provides a thoughtful and perceptive analysis of how the best laid foreign policy plans go awry.

I salute his effort and the research and thought it represents and commend it to my colleagues as a guide not only to the errors of the past 50 years, but a warning of the folly of believing that foreign affairs policy is too important a matter to be undertaken by Congress, the directly elected body of spokesmen for the people.

Mr. McKAY's article, which follows, goes a long way to dismissing the oversimplifications which would attribute shortcomings in foreign policy to the misguided efforts of Congress:

THE PRESIDENT AND CONGRESS: A REPLY TO W. W. ROSTOW

(By Representative GUNN McKAY)

W. W. Rostow's article, "In Defense of the President's Foreign Policy Powers," which appeared in these pages on Feb. 20, begins with an acknowledgment of the "complex" executive-congressional relationship in the field of foreign affairs and follows that acknowledgment with one of the most simplistic and misleading analyses yet published on that subject.

After reaffirming the constitutional superiority of the Executive over the Congressional branch, and after condescendingly suggesting no diminution of congressional powers, Mr. Rostow proceeds to blame the defeat of the League of Nations, World War II, the Cold War, the Korean War and the prolongation of the Vietnam conflict on Congress!

Anyone familiar with U.S. diplomatic history will immediately recognize not only serious oversimplification but perhaps even intentional distortion. Each of Mr. Rostow's charges against Congress warrant further exploration.

FAILURE TO CONSULT

While the Senate did play a role in the defeat of the League of Nations at the conclusion of World War I, it is wrong to fault the Senate solely; there were a number of other contributory factors.

First, President Wilson's blatant failure to consult the Senate *in any way* during the drafting of the terms of both the Covenant and Peace Treaty was a monumental failure in human judgment.

How Wilson, and for that matter most of his successors in the Oval Office, can expect to have bipartisan support of foreign policies when Congress not only is denied information but is actually misled about foreign policy is a question which perhaps can be answered only by persons more familiar with psychoanalysis than I.

Mr. Kissinger's recently revealed desire to find some way of getting aid to a foreign country without letting Congress know about it is only the most recent manifestation of this attitude.

Franklin Roosevelt's success in securing virtually unanimous agreement on the U.N. reveals not so much an improvement in the U.N. over the League as it does his skill in involving Congress in the initial planning for the U.N. Wilson's stubbornness prompted him to ignore some early compromises which may have saved the League in America, to ignore Congress in every aspect of U.S. planning for the League, and to disregard advice to take at least one Republican with him to Paris.

Each of these mistakes was serious. Together they virtually guaranteed Senate defeat of the League.

Secondly, the Senate vote on Wilson's League was a reflection of an overwhelming isolationist attitude which captured the mind of America and only awaited another election to be reflected in presidential as well as congressional thinking. To blame the Senate for being responsive to the mood of the country is to confuse symptoms with causes.

This mood was inflamed to astronomical proportions under the rhetoric of the Republican party in 1920. While presidential candidate Harding waffled beautifully on both sides of the League issue, Hughes, Root, Taft and Simpson advocated joining a gutted league while Senator Borah said the Republican party would not join a league of any kind.

Immediately following his election, Harding announced that his victory was a mandate against American participation in the League of Nations in this country. I find it difficult to agree with Rostow that Congress, in this case, the Senate, scuttled the League.

ISOLATIONISM

Rostow also charges that Congress was responsible for the isolationism of the 1930s. This allegation is even further from the truth than is the first.

Whatever moods seized the Senate in the 1930s were, to a considerable degree, merely a reaping of the harvest of 13 years of intense isolationism nurtured by a succession of Republican administrations aided and abetted by a Republic majority in both the Senate and the House.

Secretary of State Charles Evans Hughes, under President Harding, immediately reversed most of Wilson's foreign policies. Hughes' actions included a complete renunciation of the League and all of its activities.

A cropping out of the perennial executive syndrome in this period was the Harding administration's secret preparations for the Washington Naval Disarmament Conference begun in late 1921. Hughes kept all planning for the conference not only a secret from Congress, but also a secret from our major ally in the conference, Great Britain.

And for economic nationalism during the interwar period, we again must point more towards the Executive than Congress. While Wilson had believed that sound economic recovery and expansion of Europe was wholly interwoven with the requirements for global stability, the Harding, Coolidge, and Hoover administrations steadily increased tariffs and pursued policies of economic nationalism at home which were, in turn, used by Germany to justify her failure to pay reparations.

Even the Reciprocal Tariff Act of 1934, which attempted to reverse the trend of economic warfare, was passed by Congress only under pressure from Roosevelt and Hull.

The specific neutrality legislation to which Mr. Rostow refers was begun by Congress in 1935 and reached its apex (or better put, nadir) in 1937. After a decade of encouragement by the Executive, it was difficult for Congress to change direction quickly.

It is important to understand that these laws were enacted with bipartisan support in Congress and with the encouragement of a majority of the American people. This kind of widespread support was not the result of a congressional misuse of power so much as it was a natural consequence of a decade of isolationism preached by the Executive branch and the Republican Party and readily received by a majority of the American people.

The most serious congressional failure during this period was not giving Roosevelt the amendments to the Neutrality Acts of 1936 and 1937 which he wanted.

Even here, however, primary blame must be laid at the feet of Roosevelt and Hull, who failed to provide strong leadership in behalf of the attempt.

If Rostow is blaming World War II on Congress because it failed to lift the arms embargo in 1939, then he has forgotten that the pending war was virtually inevitable at that point. After all, Japan had gone to war in Asia in 1931, Italy attacked Ethiopia in 1934, and Hitler had reoccupied the Rhineland in 1936 and seized Austria and the Sudetenland in 1938.

COLD WAR

Mr. Rostow's charge that "Congressional pressure to pull our forces out of Europe and unilaterally demobilize our military strength helped encourage Stalin, in 1945–47, to make the Cold War inevitable," is even more incredible than his previous charges.

It ignores two basic facts. In the first place, whatever degree of inevitability there was about the Cold War was a consequence of Stalin's desire to seize Eastern European countries in order to provide security for the Soviet Union. It did not exist because of a misuse of congressional power! In fact, whatever happened to U.S. foreign policy from 1945 up through 1947 happened, by and large, because of Executive-Congressional cooperation and a bipartisan approach. Few periods of American diplomatic history have been marked by such a high degree of both inter-branch and inter-party cooperation.

Mr. Rostow's two final accusations can only be called absurd. He blames a congressional misuse of power for "gravely" complicating the conduct of the Korean War.

He admits that this misuse of power amounted to "extra-constitutional communications between a general and a senior member of the Congress," but nevertheless he deduces from the activities of one "senior member of the Congress" that Congress cannot be trusted in the field of foreign affairs.

It is absolutely mind-boggling to read Mr. Rostow as he concludes by attributing the prolongation of the war in Vietnam to the "shifting positions of Congress!"

Rarely in the history of our foreign relations has Congress been found less at fault. While no one has clean hands over Vietnam, Congress has at least had serious second thoughts about its earlier Pavlovian responses to Executive bell-ringing. The errors of Congress in regard to Vietnam are not due to a misuse of its power but to its unwillingness and inability to assert its proper role.

When America finds itself fighting for nearly 10 years at an enormous human, moral and economic expense without a congressional declaration of war, Congress cannot be blamed for a misuse of power! If any single branch of government has misused its foreign policy powers in America's recent history it is the Executive branch.

No one should deny that Congress is cumbersome, somewhat erratic, petulant, and deliberate; it sometimes moves too fast and sometimes too slowly; it remembers some things too long and forgets other things too fast; it can be frugal when it should be lavish and lavish when it should be frugal.

But for all its faults, Congress as a collective unit is the most representative element in our governmental system. It is closer to the people than any other branch of the federal system. Only when our presidents learn that both houses of Congress should be consulted and kept informed about the development of our foreign policies will the confidence and credibility which the Executive so needs in foreign affairs be restored.

No, Mr. Rostow, Congress is less guilty of either arrogance or ignorance than is the Executive. This is the fact we should all face.

CAMPAIGN 1972—THE YEAR OF THE RAT

(Mr. UDALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. UDALL. Mr. Speaker, lacking any real appreciation of Buddhist traditions, many Americans have been amused to learn that throughout the Orient 1972 is known as The Year of the Rat. Two weeks ago, watching what was billed in New Hampshire as a debate among presidential candidates, Americans found out that this year the rat has symbolic meaning in this country as well.

The most startling moments of that debate were provided by a nuisance candidate, Edward Coll, who chose to dramatize his gripes against society by dangling in front of the other candidates and a stunned television audience a black rubber rat. That single act perhaps told more about this year's New Hampshire primary, and the state of the primary system, than the combined analysis of scores of pundits and newsmen who daily trailed the candidates through the winter snows in search of copy.

Admittedly, Mr. Coll is an extreme example of what is wrong with the primary system. Yet he produced the kind of outrage which should spur thoughtful men to ponder the future of the system whose carnival-like atmosphere degrades serious candidates for this country's highest office.

Already the backlash has set in. Proposals either banning the presidential primary outright or forcing the candidates and States to join in one "sudden death" showdown are winning new advocates. I believe there is a middle ground that combines the best features of the existing hodgepodge arrangement and the so-called national primary.

The presidential primary has a long and uneven history. Largely a 20th-century phenomenon, it was born in a populist tradition as a reaction to "King Caucus," the selection of presidential nominees by party or congressional bosses.

Florida claims to have been the first to enact a primary law, in 1901; 4 years later, led by the forces of Robert M. La Follette, Wisconsin adopted the most widely celebrated system for the direct selection of delegates. By 1913, President Woodrow Wilson had called upon the Congress to enact a national presidential primary. Before the euphoria of the progressive movement died out, presidential primaries were passed in 26 States. But inevitably problems arose. Citing high costs and low turnout, eight of the original primary States had dropped the practice by 1935, and until the surprising Harold Stassen campaign of 1948 their influence on the presidential selection process was clearly on the wane.

Stassen and Estes Kefauver, in 1952, brought the primaries back to prominence; it is interesting that while both won a majority of those entered neither was nominated. It can be argued that the primary election had failed to achieve much in the way of nominating candidates.

If it had failed as an effective device to bring public sentiment to bear on the nomination process, the presidential primary had indeed proved a useful public relations tool to advance the cause of a particular candidate. In 1960, John Kennedy sharpened the tool and perfected an approach to primary electioneering that is still with us today.

Making the first really skillful use of television salesmanship in American politics during his West Virginia campaign, he managed in one stroke to deliver a political death blow to a major opponent and gain national acceptance of the heresy that a Catholic could be elected President. In that campaign, television as we know it today made its debut in American politics, and its influence on the electoral process changed the face of the presidential primary.

By 1964 television's investment in the primaries had grown so that one network executive would tell a group of colleagues in California:

> As far as we're concerned, this thing isn't between Goldwater and Rockefeller, it's between CBS and NBC.

That night CBS commentators projected a winner 38 minutes before some of the polls closed. By 1968 the medium had truly become the message: Eugene McCarthy, as everyone knows, "won" the New Hampshire primary even though Lyndon Johnson received more votes. It was said of the New Hampshire campaign that if one more television cable were run in, the State would blow a fuse.

In 1972 the candidates, the American people, and the democratic process will suffer through no fewer than 25 such media extravaganzas at a cost of millions of dollars and man-hours—and at a cost to the stature of the presidency yet unknown. And the likely outcome? It is probable that more ballots than ever before will have been cast for candidates having no chance to win the nomination of either party.

I would like to suggest that the presidential primary system is seriously ill and in need of major surgery. I list the following ailments:

Lacking uniform rules and procedures,

the primaries are not a reasonable yardstick of a candidate's potential support in a general election.

Depending on where he or she chooses to run, the candidate may be a contestant in a beauty contest meeting all others head on; in an election in which delegates pledged to a candidate are selected; or in a primary that blends both approaches. If the rules vary, so do the prizes. A victory in Illinois does not guarantee the candidate one delegate; 51 percent in Florida could theoretically yield little convention support if the candidate does not win a majority in each of the State's congressional districts; a plurality in Indiana will assure him of the backing of that State's delegates for one ballot; a similar showing in Oregon will lock in delegates until victory or the bitter end. A candidate who can do well in New Hampshire or Wisconsin, but is unknown elsewhere, may want to dodge primaries on the west coast. Yet he may be listed on the Oregon ballot anyway, particularly if he is a promising democrat and the controlling State official a Republican, or vice versa.

In short, a candidate's future is in the hands of a hodgepodge of laws, regulations, and faceless officials over whom he has no control or recourse.

As the primaries lack uniformity, their results are frequently undecipherable.

It is difficult to find any two elections where the results are easily compared, and yet, when the votes are tabulated, all are treated more or less equally by the press. And it is not necessarily their fault; after all, the public is interested in quick results and it is the job of the press to report them. I have often wondered how I, as a journalist, would explain the election procedures of each State is just such a way so that the general public could properly weigh the outcome. And would my carefully couched explanation have the desired effect anyway? Probably not, because the winner and his public-relations people would cry "Foul."

But the plain fact remains there is a tremendous difference between a victory in California where a delegate slate is elected; in Nebraska where a candidate has clearly won a preference poll; and in Wisconsin where voters can, and sometimes do, cross over to vote the weakest candidate of the opposition party.

The rewards of victory are small in proportion to the devastating price of defeat.

In 1952, Estes Kefauver entered 15 primaries and lost only three—the kind of won-lost percentage that would claim a professional football championship. Yet three defeats were sufficient to kill his chances for the presidential nomination. In 1948, Harold Stassen, after a sensational showing in the early primaries, took on Robert Taft in Taft's home State. Ohio predictably went for its favorite son and the Republican nomination went to Thomas Dewey. Arguments can be made that neither Kefauver nor Stassen would have won the nomination of their respective parties in any event, but there can be little doubt that each was severely and perhaps unfairly hurt by a single primary defeat. Candidates today, knowledgeable of the pitfalls, seek to enter only those races where they can expect to win or make a showing, thus negating the original purpose of the primary—to allow a broad geographical cross section of the party faithful to directly select the nominee.

Worse, victory apparently no longer depends on who wins the most votes, but rather who is most adept at playing the numbers game. Newspapers and television accounts of the last two New Hampshire primaries left little doubt that the leading vote getters were the big losers. And because the press said so, they were. We are now in the age of the moral or psychological victory—a development further devaluing the presidential primary by assuring it will be a multicandidate affair, each vying not for a majority or a plurality but rather for some fragment of the vote that can be pieced together and sold as a surprising showing. And with the multicandidate trend well underway, the bane of the serious contender—and every broadcaster, I might add—is the so-called equal time requirement. Voters benefit from exposure to candidates through debates; yet debates like tennis, were designed for two. Because of the numbers involved, the recent exchange of views televised in New Hampshire took the form of a quiz show rather than a serious debate, and its net effect was to degrade the candidates and insult the public. Mr. Coll and his rat aside, with no numbers involved, this still would have been the likely result.

The presidential primary process is protracted beyond all reason.

From the snows of New Hampshire to the summer heat of California, candidates are expected to follow the sun, perform acrobatics for television, and panhandle for votes, knowing that their absence in any of the States may be read by the press as an admission of defeat. The candidate is subjected over an intolerable stretch of time to the moods of a fickle public, to temporary emotions on a single controversial issue, or the whims of some local political boss. It is one thing to sustain winning momentum for a period of weeks, but to submit a candidate to reelection in 25 States over a period of 5 months is quite another. The primary trail is too long, too expensive, too unrewarding.

Mr. Speaker, having laid out some of my major criticisms of the presidential primary, I do not want to leave the impression that it is a system without merit. There is something to be said for a process that exposes presidential candidates to the public for early and thorough viewing; it has, as someone remarked, provided Americans a way to separate the men from the boys, those who can take the draining pace and pressures of the presidency from those who cannot. I accept this theory in part. But I believe the rules of the game should be reasonable and fair. In legislation I am introducing today, the following reforms in the presidential primary are recommended.

One, establish reasonable perimeters within which a meaningful battle can take place. My bill says to the States: Have your primaries but only on one of three specified dates in April, May or June. No longer would we have an exhausting series of inconclusive primary bouts, nor would we have one sudden death national primary. Instead I recommend three rounds, leaving the States free to choose the round in which they wish to participate. Thus the single greatest flaw in the primary system would be set right—it would be significantly shortened.

Second, assure that the contest will be held between the major candidates and held in a way that rules out major distortion of the results. I achieve this by requiring a candidate wishing to enter any of the primaries to enter all being held in that round. Prior to the first primary date, selection boards consisting of the chairmen and congressional leaders of each major party—the chairman alone in the case of minor parties—will draw up a list of presidential candidates and place them on the ballots of each State holding a preference primary on the April date. An unrecognized candidate may petition to be included and candidates may withdraw. But the same rule that applies to entrance applies to withdrawals: withdraw from one, withdraw from all. And having withdrawn, it is made more difficult for a candidate to reenter a later round.

The goal in all this is entirely reasonable—to provide the public and the parties with a clear and honest picture of the candidates' relative appeal. My plan would succeed in identifying those candidates who have a broad base as opposed to those whose following is purely sectional. It would minimize the aberrations and distortions inherent in the existing system and place moral victories in their proper perspective.

Third, equalize the risks, and insure that a successful effort will be rewarded with an appropriate prize.

As I mentioned earlier, the prize in a nonbinding preference primary is not commensurate with the risk of defeat. Under my proposal, all States choosing to hold primaries would bind delegates on the basis of the results. They would allot delegates on proportional basis except that in cases where one candidate received a majority of the popular vote, he would win all delegates. At some point a candidate's margin should deprive all others of the spoils, but such a prize is clearly unjustifiable in multi-candidate races where the winner may garner as little as 25 or 30 percent of the vote. In addition, under my plan, crossovers would be banned, but the growing independent bloc could choose to participate in one or the other primary.

These are the basics of the National Primary Act of 1972; details appear in the draft bill following my remarks.

Mr. Speaker, my proposal really attempts to achieve three worthy adjectives: to substantially shorten the primary trail, to make these contests a struggle between main contenders, and granting inevitable inequities make it as fair and as uniform as possible. The proposal may not be perfect in every respect, but it does repair the basic flaws which threaten to bring down a system worth keeping. I ask the appropriate committees of Congress to give this and related proposals early consideration.

THE FAA DICTATES—PART SIX

(Mr. KARTH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KARTH. Mr. Speaker, at this point in my series of reports and warnings to our colleagues on the high-handed habits of the FAA Administrator, Mr. John H. Shaffer, I am reminded of a phrase the Administrator used in his most abrasive letter. Referring to an action taken by the Metropolitan Council, Mr. Shaffer said it was "the straw which burst the dam."

After the Administrator once again thrust his advice upon local officials in the deliberation over a second airport site in the Twin Cities I felt much the same. Once again the Administrator was breaking his pledge of neutrality and handsoff local decisionmakers a year after he had assured me that he would stop trying to bludgeon local officials. Perhaps the Administrator thought he could sneak one by me, or perhaps that I had forgotten his word after a year. I do hope he was not too surprised that I did not forget.

This time the Administrator was at it again by writing the chairman of the Metropolitan Airports Commission—an advisory body to the metro council. In short he once again wanted to have his way on the site selection of a second Twin Cities airport. And once again he endorsed the environmentally disastrous site that had been rejected twice by the Metro Council.

Mr. Speaker, I do not stand alone in asking that the Administrator stop his meddling in Twin Cities affairs. While I believe I have a particular interest in the methods the Administrator has been using since he is constantly going back on pledges made to me, the more important issue is the improper exercise of his influence.

Rather than continue comment myself—in my last five reports my observations concerning the dictatorial methods by the Administrator have been fully outlined—I would like to refer to several respected community leaders for their reactions to the Administrator's new dictates.

The Minneapolis Tribune's editorial reaction was fairly typical of how the Twin Cities felt about Mr. Shaffer's meddling. That paper's editors wrote:

> The position that the chief of the Federal Aviation Administration (FAA), John Shaffer, has stated on a new major Twin Cities airport is hard to take seriously. He said a new airport must not impinge on the airspace of any other field, and that Minneapolis-St. Paul International must remain open as a "major airport" for commercial airline use, even after a new one is built . . . Shaffer's position is hardly credible when applied to this area or when compared to FAA posture in other parts of the country.

The Tribune ended with a fitting conclusion:

> Metropolitan Council member David Graven said last week that Shaffer's position is "arrogant" and "violates everything I know about state-federal relations." It also violates what Shaffer's superiors, Secretary of Transportation Volpe and President Nixon, have been saying for more than three years about returning decision-making authority from Washington to state and local areas.

The Tribune was hardly alone in its assessment of Shaffer's continued interference. In an editorial entitled, "More Airport Nonsense," the St. Paul Pioneer Press said:

> The latest development in the seemingly endless conflict over the future of Minneapolis-St. Paul International Airport is enough to make one wish the Wright Brothers had stuck to repairing bicycles.
>
> As if we have not had enough turmoil over the selection of a new airport and the eventual disposition of the old one, now we have a federal bureaucrat trying to dictate to Twin Cities residents where their airport (or, if the bureaucrat has his way, airports) will be and how it (they) will be used.

The Minneapolis Star also editorialized on the Administrator's actions saying:

> The blunt letter by J. H. Shaffer, administrator of the Federal Aviation Administration (FAA), to Lawrence Hall, chairman of the Metropolitan Airports Commission (MAC), was dismaying even though it was largely a reaffirmation of positions Shaffer previously has taken.
>
> In its baldest interpretation, the letter says this metropolitan area is not really free to decide to concentrate all air carrier activity at a single new major airport.

The Star's editorial concluded:

> The decision on whether to have one or two major airports and where they should be located is, to be sure, at least partly an aviation decision. More than that, however, it is a fundamental social and political choice affecting the shape and substance of this region for some years. And that kind of choice belongs to local general purpose agencies, not to Washington administrators.

I am also particularly proud to report, Mr. Speaker, that the MAC members refused to be intimidated by the Administrator's arrogance. As reported in the St. Paul Pioneer Press, their reaction to the latest Shaffer offensive was:

> E. Peter Gillette Jr., Minneapolis, recalled Shaffer's past endorsement of the Ham Lake site north of the Twin Cities. "Why should we bow before a federal administrator?" he asked.
>
> "For any one of the groups to bow down or genuflect to the other is folly. We have to work it out," said Stanley Kegler, Maplewood.

The most optimistic reaction was given by George Pennock, of Golden Valley, who told the press:

> Mr. Shaffer is a political appointee and may not be around next year. His successor may have a different attitude on two airports.

The respected editor of the St. Paul Dispatch, William Sumner, compared Mr. Shaffer's position to that of a shill, and wrote in the January 28 edition of the Dispatch:

> Those who had hoped that the big push to locate an airport at Ham Lake had finally been laid to rest may now regard themselves as jolted. A federal bureaucrat has entered the lists on the side of the Metropolitan Airports Commission Chairman Lawrence Hall, who has been hot for the Ham Lake site for what seems an eternity.

Mr. Sumner concluded his column saying:

> While mulling these positions though, Shaffer should be invited out of town. The area's destiny should be planned here and determined here and if we don't want two commercial airports then 1) we are sensible folks, and 2) our wishes should be respected.
>
> I think Karth described the Shaffer letter correctly as being a "cute and clever trick" to remove a southern airport site from consideration. Hall gets a lot of help from his friends.

Mr. Speaker, I will conclude my series on the Administrator's conduct in my next report.

DEEP SEABED MINING LEGISLATION

(Mr. DOWNING asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. DOWNING. Mr. Speaker, I am introducing the Deep Seabed Hard Mineral Resources Act, a bill to promote the conservation and orderly development of hard mineral resources of the deep seabed prior to broad ratification of an International Treaty concerning these resources. This interim legislation will permit domestic miners, ship designers, engineers, and chemists to continue to apply their energy, capability, and capital to potentially beneficial marine projects such as the mining of manganese nodules and other oceanic hard minerals.

Such projects, Mr. Speaker, involve application of technology at the very leading edge of the state of the art in a highly hostile natural environment—hundreds of miles from the nearest land and at depth of up to 4 miles. Weather and current conditions, pressure variations some 15 times greater than those encountered on the moon, operation in a highly corrosive fluid, and remoteness from land all add to the natural risks ordinarily encountered by the miner. Volatile conditions in current metal markets introduce additional risks, but all of these risks are of a nature, if not of a size, normally assumed by progressive free enterprise in its role as innovator, efficient creator of human value, and timely satisfier of human need.

The risk ocean miners are not willing to assume is the risk of unreasonable interference with their right to operate upon a particular ore body. Government has traditionally recognized this problem and systems of tenurial security are common to all legal systems—with the notable exception of the law of the sea. It is for this reason that I address you today.

THE RESOURCE

Our domestic technology, followed by that of Europe, Japan, and the Soviet Union, has identified two major sources of deep ocean mineral resources—metalliferous brines and manganese nodules.

Briefly, the metal-rich brines are found in abundance in limited, and disputed, areas of the Red Sea. While the content of copper and zinc in the brines is encouraging in reference to land resources, the technology for recovery is in the embryonic stage and the politics of the area are, at the least, not sufficiently stable to encourage development.

Manganese nodules are of more immediate promise in our Nation's search for an alternative supply of manganese, copper, nickel, and cobalt—metals for which we are now dependent upon politically hostile or unpredictable countries. These nodules may be found on many areas of the ocean floor in varying densities up to several pounds per square foot and in varying assays, the total metal percentage of which may be well above that in land-based ores. The complexity of the ore, its variability according to location, the diversity of bottom conditions, weather, distances, currents, and depths all dictate a high degree of tailoring of the engineering systems to a particular mine site. It is for this reason that the miner requires early security of his expectations as to the ore body—or, as the lawyers label this concept—security of tenure. The miner must be able to depend on a continuing supply of a specific ore before he commits the extensive funds needed to build and put into operation his mining and processing system.

Ocean mining is, according to the industry, a major project. A manganese nodule operation of this sort may cost up to $200 million. Who is willing to supply these funds from which the Nation will benefit by diversifying its sources of vital metals, creating new jobs, and redressing its balance of payments? Government, in these days of deficit budgets, cannot respond with funds. Venture capital will not enter high-risk low-return activities. But private enterprise has indicated its willingness, indeed eagerness, to invest in ocean mining and to assume the natural and market risks, if Government will do two things, neither of which involve the expenditure of Government funds:

First, reduce the political and legal risks by legislative process; and

Second, allow a reward commensurate with the risk by not overburdening the operation with discriminatory economic rents imposed at the beginning of the operation.

CONGRESSIONAL INTEREST

In Congress the Special Subcommittee on Outer Continental Shelf of the Senate Committee on Interior and Insular Affairs has held hearings to evaluate policies and proposals relating to the resources of the Continental Shelf and deep seabeds beyond. The subcommittee concluded that the Senate Committee on Interior and Insular Affairs should in the future provide for:

(1) A continuing extensive review of the working paper introduced by the United States delegation at the August session of the United Nations Seabed Committee, with a view toward seeking modifications of it to conform to our interpretation of the President's intent and with our recommendations in our report;

(2) An investigation of the special problem of an interim policy which would insure continued exploration and exploitation of the natural resources of our continental margin under present law, and would establish appropriate protection for investments related to mineral recovery by United States nationals in areas of the deep seabed beyond the limits of exclusive national jurisdiction.

In 1971, to strengthen its knowledge, the committee sent Mr. Charles F. Cook, Jr., minority counsel, Senate Committee on Interior and Insular Affairs, and Mr. Merrill W. Englund, administrative assistant to Senator LEE METCALF, as observers to the July-August 1971 session of the United Nations Seabed Meetings in Geneva, held in preparation for a proposed 1973 Law of the Sea Conference. The report has cited an urgent need for such interim domestic legislation in the light of the unreasonable demands and threatened delays manifested at those meetings by nations having less direct interest in orderly uses of the oceans.

EXECUTIVE INTEREST

Congress is not alone in recognizing the need for legislation. President Nixon, on May 23, 1970, called for an International Conference on the Law of the Sea, now scheduled for 1973. His motives were to achieve cooperation, equity, and order in ocean use through an international regime. He proposed a limited number of functions for such a regime:

1. The regime should provide for the collection of substantial mineral royalties to be used for international community purposes, particularly economic assistance to developing countries,
2. The regime should establish general rules to prevent unreasonable interference with other uses of the ocean,
3. To protect the ocean from pollution,
4. To assure the integrity of the investment necessary for such exploitation, and
5. To provide for peaceful and compulsory settlement of disputes.

The President also recognized that negotiation and broad ratification of the product of such a convention might take some time, based upon current attitudes and past experience with United Nations sponsored treaties dealing with ocean law. Accordingly, he expressed simultaneously the intent to make domestic policy decisions and legislative changes necessary to protect the security of investments in ocean uses made in the interim period.

NONGOVERNMENTAL INTEREST

In addition to Congress and the executive branch, trade and professional associations have recognized the need for domestic initiatives to accommodate the needs of new uses for seabed mining. At the same time to protect the traditional freedoms of the seas from being eroded in the spirit of economic nationalism and international bloc-politics, reports supporting the traditional concepts have been published or are being drafted, within the American Mining Congress, the American Bar Association, the National Petroleum Council, the National Security Industrial Association, the American Manufacturers Association and many other organizations. The chamber of commerce of my own State of Virginia has passed an important resolution to this effect.

COMMERCIAL INTEREST

Meanwhile, some 19 organizations in some five countries are actively engaged in the preoperational development of technology associated with the recovery, processing, and introduction into practical use of the metals contained in deep ocean manganese nodules.

The accomplishments by private industry as of this date are very impressive. On a pilot level, nodules have been successfully mined at a depth of 2800 feet by one company using a steel conduit and airlift pump. Another company is presently building a $30,000,000 ship to mine nodules. Incidentally, this investment leads ocean mining engineers to believe the ship will be capable of mining as an economic unit as early as mid-1973.

Our domestic success has not been limited to the mining stages. The nodules have been successfully processed to provide for economic recovery of manganese, copper, cobalt and nickel, tons of which are now imported.

Source: *Minerals Yearbook, 1969*.—Bureau of Mines, U.S. Department of the Interior.

Copper	*Short tons*
U.S. Mine production, 1969	1,544,579
U.S. Imports, 1969	414,057

Cobalt	*Pounds*
U.S. Mine production, 1969, no direct primary production.	
U.S. Imports, 1969	11,975,000

Manganese	*Short tons*
U.S. Mine Production, 1969	5,630
U.S. Imports, 1969	1,962,166

Nickel	*Short tons*
U.S. Mine Production, 1969	17,056
U.S. Imports, 1969	129,332

Interest in manganese nodules is not limited only to the United States. The Japanese have been successful in their experimental recovery of nodules through a continuous line and bucket technique. Western European nations are subsidizing their domestic ocean mining industry heavily in order to shorten the U.S. lead in this technology.

The success that has been enjoyed by our domestic industry as of this date has provided the emphasis for the legislation that I am introducing today. It is imperative that we provide for some interim program until an equitable and efficient treaty has been ratified by the United States. Unfortunately, Congress and the Executive have not kept in step with the progress of our domestic industries.

We have witnessed in the past decade the foreign confiscation or nationalization of many of the resources upon which our Nation is dependent. With one exception, the mining of manganese, copper, nickel and cobalt has been virtually absent in the United States—copper is produced domestically, but the United States is increasingly dependent upon Latin America and Africa for much of its copper. Consequently, our own domestic companies have found it necessary to mine elsewhere. One only has to look closely at the copper situation to appreciate the precarious posture of our Nation in reference to this metal. We have witnessed the formation of hostile governmental bargaining cartels—OPEC as to oil and CIPEC as to copper—and yet increasingly, we depend upon these political entities for vital raw materials. Such dependence not only affects our economic posture but is always a major inhibitor in the formulation of vital foreign policy.

The year of 1971 will be recorded in history as the year in which the Soviet Union finally exceeded the United States in the production of basic metal—steel. It was also the year in which our imports exceeded our exports in dollar value. It is a recognized fact that when a nation reaches this point, it assumes a secondary position in international trade. Mr. Speaker, the balance-of-payments problem alone should create the domestic sense of urgency required to implement in a timely manner the investment climate conducive to ocean mineral mining activity.

The year of 1971 will be especially noted by those individuals and communities which have enjoyed prosperity through the aerospace program.

Once again, many of our citizens learned that the government not only gives, but also can take away and today in many cities like Seattle, highly trained engineers and technicians are facing the realities of changing careers. The ocean mining program will offer economically productive opportunities for highly educated individuals such as are now idle in the aerospace industry.

This legislation which I am introducing today will make no demand on our Treasury. It only provides for an interim program under which domestic as well as international corporations may operate beyond territorial jurisdictions without endangering their investments. Just as our fishing industries have enjoyed the freedom of the seas, this legislation will insure the same freedom, with certain restraints, for those persons who desire to mine the seabeds. We seek to obtain the following objectives through this legislation:

1. Diversity of mineral supply for the nation.
2. Security of tenure for the operator.
3. Regulation and taxation measures which encourage expansion of knowledge and human capability, and the acquisition of material value.
4. Flexible administration capable of being modified as experience is gained in ocean use.
5. International cooperation between ocean users.
6. Multiple use of areas under exploitation and noninterference with other ocean users.
7. Stringent work requirements to discourage speculation.
8. Freedom of scientific research and commercial reconnaissance from unreasonable political interference.
9. Protection of the ocean environment.
10. Participation by less-developed countries in a reasonable portion of the tax revenues derived from ocean mineral operations.

Our domestic ocean mining companies find it difficult to marshal required funds from commercial sources because of the lack of a domestic government authority assuring security of investment. Bankers, as well as potential partners, while anxious to participate in the programs, find it impossible to do so because of the lack of safeguards which my legislation will provide. It is incumbent upon government to become a partner in this endeavor by studying not only the legislation but also the industry.

We have before us a creative and potentially productive plan by industry which can benefit the national economy and security in many areas which are critical at this point in the Nation's history. Industry is asking little. It is willing to assume its role as commercial risk-taker; it merely asks government not to default on government's responsibility to mitigate political risk or to bring order to the interaction of its citizens.

I would like at this time to ask all of my colleagues who are interested to join me as a cosponsor of this important legislation, and to participate with me in timely and comprehensive hearings before this body on the subject of oceans diplomacy and domestic marine mineral policy.

Mr. GOODLING. Mr. Speaker, I would like to call attention to the fact that today legislation has been introduced to this House of Representatives that would serve to promote the production of strategic materials from the deep seabed. I am proud to say that I am a cosponsor to this legislation.

The bill concerned is, in effect, "interim" legislation designed to permit American private enterprise to use its genius in recovering valuable mineral resources from the floor of the ocean.

Various U.S. companies have been studying ways and means of recovering these strategic materials, and one of these enterprises, Deepsea Ventures, Inc., has proved particularly active and has developed something that approximates a gigantic vacuum cleaner which operates from a dridge ship and draws the minerals up through a long suction pipe and aboard the vessel.

The most valuable item recovered from the seabed in this fashion is the manganese nodule. These egg-like deposits are presumed to have evolved through an electrochemical process that took place over a vast number of years and are scattered on the ocean floor in considerable abundance. They offer the prospect of being a new and competitive source of manganese which is, of course, an important alloying element in the manufacture of steel. As everyone knows, steel is a vital element in the American industrial complex.

It should be mentioned that samples of the manganese nodules that have been recovered from the floor of the ocean reveal that the manganese content ranges from 25 to 35 percent. This does not compare favorably with the 46- to 50-percent manganese content of land-mined ores. What saves the economic day for manganese recovery from these nodules, however, is the fact that these nodules also contain modest concentrations of other strategic metals like nickel and cobalt, as well as copper.

One thing to be remembered is that these seabed strategic materials are to be found in their greatest concentrations hundreds of miles from the nearest land and at ocean depths up to 4 miles. It is reported that some 19 organizations in five countries are actively engaged in preoperational activities related to mineral recovery from the ocean floor, and this raises the question as to who has jurisdiction over these ocean realms.

Toward the end of bringing order to this jurisdictional wilderness, President Nixon has called for an International Conference on the Law of the Sea, and such a conference is expected to be held sometime in 1973. The ultimate object is a treaty, and as per a release from the White House:

> The treaty should establish an international regime for the exploitation of seabed resources. . . . The regime should provide for the collection of substantial mineral royalties to be used for international community purposes, particularly economic assistance to developing countries. It should also establish general rules to prevent unreasonable interference with other uses of the ocean, to protect the ocean from pollution, to assure the integrity of the investment necessary for such exploitation, and to provide for peaceful and compulsory settlement of disputes.

The "interim" legislation that I have cosponsored today would, in the anticipation of a treaty, set up a program under which both domestic and international corporations could function in their ocean floor operations beyond territorial jurisdictions without endangering their investment. It should be noted that estimates reveal it would take $100 million to $200 million to set up a commercial mining and processing operation for strategic seabed minerals; hence, there is need of some protection for this investment.

This legislation, I would like to stress, requires no Federal money. Instead, it acts to make the Federal Government a noncapital contributing partner in a risk venture which holds the prospect of a benefit for our Nation as well as for private enterprise. It is also designed to provide protection for the ocean environment. The legislation does this by giving Federal backing to domestic operations. At the same time, it recognizes the right of other countries to support their nationals engaged in the recovery of minerals from the seabed.

I sincerely hope the current Congress will act expeditiously and favorably on this legislation.

THE PRESIDENT SUBMITTED PROPOSAL TO STOP BUSING

(Mr. MIZELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIZELL. Mr. Speaker, President Nixon had made two proposals designed to halt temporarily, and ultimately to eliminate completely, the ordering by Federal courts of massive busing of schoolchildren to achieve racial balance in public schools.

With his announcement of last Thursday night, and with the two legislative messages he sent to the Congress on Friday, President Nixon became the first Chief Executive to make any proposal to stop busing, and I salute him for his initiative.

His first proposal is for a moratorium on any new court orders requiring massive busing for racial balance. This moratorium extends to July 1, 1973.

The second, and more comprehensive proposal, is the Equal Educational Opportunities Act, which provides for an increase in funds to provide truly equal education in all of our Nation's schools and lays the groundwork for establishment of a nationwide neighborhood schools policy.

This second measure also provides a means of relief for school districts already suffering under the burden of massive busing, by providing a clause permitting the reopening of proceedings in courts to eliminate currently required cross-busing plans and fashion alternate desegregation plans complying with the neighborhood school provisions of this act.

While I applaud the President's initiative in this issue, I see a danger in extending the moratorium beyond the conclusion of this Congress and through another school year.

I believe the net effect of so long a moratorium would be to lessen the urgency of passing the companion equal opportunities legislation, and thus leave school districts already under court order to bus with no relief for another full school term.

I believe we would do better to extend moratorium only to August 1, 1972. This would give the Congress ample time to consider and act on the President's Equal Educational Opportunities Act, and it would give local school districts sufficient time to prepare desegregation plans for the coming school year along the more reasonable lines set forth in the President's legislation.

It has been speculated that these bills may not stand the test of constitutionality in the courts, and this is all the more reason for immediate action on these proposals. For if the courts rule these measures unconstitutional, then we will see beyond doubt the need for passage of a constitutional amendment, such as the one that I have proposed, to prohibit cross-busing.

A COMMEMORATIVE STAMP IN HONOR OF R. E. OLDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 5 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, this year marks the 75th anniversary of gasoline-powered automobile production. In 1897, the first enterprise ever organized for the purpose of manufacturing automobiles, the Olds Motor Vehicle Co., was founded by R. E. Olds of Lansing, Mich. In view of the tremendous contribution that the automobile has made to the growth of our country, this occasion should not go unnoted and particularly the leading role played by Mr. Olds. For this reason. I believe that it would be altogether fitting and appropriate that a commemorative stamp be issued in his honor.

R. E. Olds' unique accomplishments were many and proved pioneering in the automotive industry. They included the following:

In 1886 he built the first "horseless carriage".

In 1894 he brought out his first automobile with gasoline engine power.

He was the first man to produce automobiles in quantities.

The first automobile builder to produce a car sturdy and dependable enough to make cross-country run.

And he was the first to build a side entrance car.

Ransom Eli Olds was born during the Civil War, and educated at Lansing in the 1870's and 1880's. While still a student, he purchased an interest in his father's machine repair shop at Lansing and, being of an inventive turn of mind, began building small steam engines, boilers, and internal combustion engines. In 1886 he constructed and drove a three-wheeled, steam-powered horseless carriage, which achieved the extraordinary speed of 5 to 10 miles per hour. He next manufactured a four-wheel steamer equipped with a flash boiler of his own design, which became world famous and was purchased abroad—the first recorded sale for export of an American-manufactured self-propelled vehicle.

In 1890, R. E. Olds became president and general manager of P. F. Olds & Son, Inc., and turned his attention to the gasoline engine. In 5 years' time he had constructed the first Oldsmobile, and in 1897 the Olds Motor Vehicle Co. was capitalized at $50,000, with R. E. Olds as president. In 1899 a new company, the Olds Motor Works, was capitalized at $500,000, and the first American factory especially designed for automobile production was established in Detroit, where the first assembly line system of production was installed. The first Oldsmobile to catch the public attention was a one-cylinder gasoline runabout with a "curved dash," weighing 700 pounds. In 1903, 400 Oldsmobiles were retailed at $650 apiece; the following year the output rose to 5,000.

In demonstrating, before any other American car, that automobiles could be made and sold in quantity, the Oldsmobile practically established Michigan as the automobile manufacturing center of the world, and R. E. Olds became known as the "father of the popular-priced car." Selling his interest in the Olds Motor Works in 1904, Mr. Olds attempted to retire, but was urged to return, by friends and associates, as president and general manager of another $500,000 company, the Reo Motor Car Co. The new venture also proved remarkably successful.

R. E. Olds passed away in Lansing in the year 1950, leaving behind an exceptional record of accomplishment. He was a symbol of the intelligence, integrity, and entrepreneurial genius that brought our Nation international acclaim and industrial leadership.

It is entirely fitting that a commemorative stamp should be issued in honor of R. E. Olds. I hope that many will join me in this request and express their interest to the Citizens' Stamp Advisory Committee, U.S. Postal Service, Washington, D.C. 20260.

RESULTS OF FIFTH ANNUAL QUESTIONNAIRE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 15 minutes.

Mrs. HECKLER of Massachusetts. For the past 5 years, Mr. Speaker, I have sent questionnaires to my constituents in the 10th Congressional District of Massachusetts, seeking their opinion on the major issues before the Nation.

Their response has been both gratifying and enormously helpful. Added to the day-to-day contacts I have had with the district through correspondence and conversation, these questionnaire replies have given me an extra dimension of understanding of the concerns and feelings of my constituents.

They have provided me a base on which to build my own judgments in confronting the issues and in making decisions on them. I am, of course, very glad to have the benefit of their thinking and I am grateful that they take time to play their part in making representative government work.

The replies to my fifth annual questionnaire this year have once again been informative and helpful.

And, for the first time, I welcomed replies from the new voters, the 18- 19-, and 20-year-olds and those younger who are no less aware and no less concerned. Their responses are especially interesting.

This year's replies indicate both adult men and women and the youth are principally concerned with the Nation's social problems, such as crime, drugs, and race relations, and with the economy.

All the respondents—men, women, and youth—voted slightly in favor of social problems as the most important problem facing the country today. This was very closely followed by those who considered the inflation and unemployment aspects of the economy as the most pressing issue.

On the question of Vietnam, women and youth prefer an immediate withdrawal while men favor a continuation of the present phaseout schedule. The majority figures are 39.3 percent of the women, 49.3 percent of the youth, and 43.8 percent of the men.

After Vietnam, 41.7 percent of the men want the same level of defense preparedness as we have now. But 40.5 percent of the women and 46.1 percent of the youth expressed a preference for an all-volunteer army and a built-up Navy as an alternative. Of the youth, more than 30 percent said they would rather reduce the Defense Establishment to a minimum.

Approximately half of the people replying approved of wage and price controls and more than half would like to see them continued.

Less than a third of those replying would like to pay higher taxes to combat pollution, but three-quarters think polluting industries should bear the cost burden of any antipollution effort even if it means higher consumer prices.

Only a small percentage, 20 percent at the most, think consumers are adequately protected. Upward of three-quarters favor no-fault automobile insurance.

Mr. Speaker, I submit the complete tabulation of the returns for the information and guidance of my colleagues.

REPRESENTATIVE MARGARET HECKLER'S 5TH ANNUAL QUESTIONNAIRE

	His	Hers	Youth
VIETNAM			
Do you favor:			
Immediate withdrawal of U.S. troops	34.0	39.3	49.3
Phased withdrawal toward a date certain	22.2	25.0	27.0
Continuation of present phaseout	43.8	35.7	23.7

REPRESENTATIVE MARGARET HECKLER'S 5TH ANNUAL QUESTIONNAIRE—Continued

	His	Hers	Youth
REORDERING PRIORITIES			
Defense: After Vietnam, which defense policies should the United States pursue?			
Maintain current level of preparedness	41.7	39.1	23.7
After defense spending to accommodate volunteer army and naval buildup	38.9	40.5	46.1
Reduce defense establishment to a minimum	19.4	20.4	30.2
nomy:			
Check if you favor wage and price controls to fight inflation	53.9	48.9	43.4
Check if you favor their continuation on a temporary basis	58.4	53.7	48.1
Pollution:			
Check if you would pay higher taxes to control pollution	30.4	27.0	28.5
Check if you think industries should be assessed for their pollution (in which case the consumer would pay higher prices)	75.6	71.3	64.5
Consumers:			
Check if you think present consumer protection is adequate	20.4	19.1	12.3
Check if you favor nationwide no-fault car insurance	76.9	71.8	68.3
Crime: Check if you are satisfied with law enforcement in following areas:			
Narcotics control	8.3	6.8	8.8
Safe streets	8.2	6.1	6.4
Organized crime	4 9	3.8	4.3
Prison reform	12.8	9.3	7.2
Individual versus society's rights	19.7	15.0	10.8
Priority: Check what you consider the single most important problem in the Nation today—			
Economy (inflation, unemployment, etc.)	41.3	33.9	20.9
Environment (air and water pollution, etc.)	13.0	14.7	28.6
Foreign relations (Southeast Asia, Middle East, etc.)	8.7	9.6	10.4
Social problems (crime, drugs, race relations, etc.)	42.0	45.0	38.4

A SPECIAL STUDY ON QUALITY OF AMERICA'S POPULAR FOOD PRODUCTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, today I am submitting for the Record the results of a special study I have conducted to determine the quality of one of America's staple and popular food products.

I feel that the Members of this body will find the results of this study quite revealing. I was startled to learn that today's shoppers are paying inflated prices for frankfurters that are only 60 percent as nutritious as they were 40 years ago. Other information which came to light as a result of this study is that modern consumers are getting an alarmingly high bacteria count in each serving.

The U.S. Department of Agriculture in 1971 said that the average frankfurter averaged 28 percent fat and only 11.7 percent protein. One might think that this is an unusually high quantity of fat but this is well within USDA regulations. Also, the average hot dog contains anywhere from 53 percent water to 57 percent water.

Putting this in perspective I discovered that the best and most expensive frankfurters on the market today contain more than 6 times the amount of water and fat as they do protein. This is unconscionable when you consider that many American families use the frankfurter as part of their weekly menu.

Last year the public was shocked to learn that their favorite all-meat frankfurter contained almost 15 percent chicken. Now they discover that the price of the wiener has gone sky high and that, if they were to pay for protein by the pound as it is contained in the best hot dog, they would be paying $11.70 per pound of protein.

Besides these disturbing facts regarding the general low quality of frankfurters there are some very serious deficiencies in the health aspects connected with the manufacturing of hot dogs. Food experts generally agree that putrefaction has set in when a frankfurter's total bacteria count has reached 10 million per gram. Nearly 40 percent of all the frankfurters tested have begun to spoil before they are eaten. Often frankfurter's have as much as 140 million bacteria per gram find their way into the consumer market.

One nutrition expert suggests that 10,000 bacteria per gram be the maximum allowable level and only a few brands meet this standard now. What is more serious, is that New York City has a much less stringent allowable bacteria level and yet one recent study revealed that only four of the 32 brands tested meet that requirement.

Because this situation is so serious, I have asked Secretary of Agriculture Butz to take several steps which would go a long way toward eliminating the unnecessarily high bacteria level found in frankfurters and to improve the quality of food products consumed in the United States.

This study, is a careful examination of the most recent information available. I have called upon the Department of the Army, dieticians, and purchasing agents in both the House and Senate for the expertise in this matter. I have also studied Consumer Reports, Senate Government Operations Committee testimony, U.S. Department of Agriculture publications, New York City Consumer Affairs Department publications, and reports issued by Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs. I believe, therefore, I have examined a broad sepctrum of the information available and I offer for the Record, the full text of this study:

Report on the High Prices and Low Nutritional Value of Frankfurters

Each year American's consume more than 1½ billion pounds of frankfurters. Some eat them as a snack, other as a staple item in their weekly diet. The hotdog has become an American tradition—just as popular as apple pie, fries and a coke.

It goes without saying that all foods should meet a minimum level of quality before they are consumed but in the case of the hotdog, where it is probably the most often ingested product in the country, the present standards as well as how well the individual manufacturers adhere to these regulations should be a matter of close scrutiny.

In January 1970, Mrs. Virginia Kanuer, Special Assistant to the President for Consumer Affairs, testified before a Senate Subcommittee citing her efforts to have the Department of Agriculture reduce the allowable fat content in frankfurters to 30 percent. This was the first such adjustment by the Department of Agriculture in almost 30 years. Clearly our dietary habits and our economic abilities, working in close relation with one another must be carefully examined so that American consumers can shop with a justifiable degree of confidence.

Too frequently we discover how the unsuspecting consumer is short changed at the grocery store due to poor quality foods or blantant mismanagement on the part of manufacturers and owners.

It is in this spirit that I have undertaken this study.

Several decades ago, largely through the efforts of Theodore Roosevelt and Upton Sinclair, Americans became aware of consumer problems. From about 1900 until the 1960's, people, because of government regulations, naively assumed that they were adequately protected against unsafe and unhealthy food products. However, recent studies reveal that certain food products are not as healthful as they were thought to be and in certain instances, they are not as healthful nor as inexpensive as they were 30 years ago. The frankfurther is a typical case in point.

American's eat more than 1½ billion pounds of frankfurters each year. It has also been estimated that the hotdog is Americans most consumed food. Being such a staple item in our everyday diet it seems rather apparent that the standards established to assure minimal nutrition value be examined and tested so that if there are any deficiencies they can be quickly corrected.

WHAT IS A FRANKFURTER

The American consumer can usually buy two kinds of frankfurters; All Beef or All Meat.

All Beef—If the label of a hotdog package say All Beef, the meat content must be just that. The United States Department of Agriculture requiest that a frankfurther labeled, All Beef be free of any type of filler. This means that pork, chicken, cereal or milk solids are prohibited from being included in any All Beef wieners.

All Meat—If a label on a frank package says All Meat the hotdog may contain pork, chicken, beef, lamb or even goat. As a matter of fact, U.S.D.A. regulations permit franks to contain as much as 15 percent chicken. While it is true, that all meat poultry inclusions be noted on the package there is no regulation requiring the manufacture to list the exact proportions of the components.

Because a consumer is buying an All Beef frankfurter as opposed to one labeled All Meat, one should not assume he is getting a higher quality product. For one thing, the quality of the beef might be lower than the quality of the combined amount of meat included in an All Meat wiener.

Sometimes, frankfurters contain such substances as hydrolyzed plant protein or soy-protein concentrate and therefore, are legally precluded from carrying an All Beef or All Meat label. This is the case in *Hebrew National* franks and *Sterling* franks.

NUTRITION VALUE

The nutritional value of the frankfurter varies greatly from manufacture to manufacturer. The most nutritious frankfurter tested in 1972 are nowhere as nutritious as they were in the 1930's. Yet the price per pound of a hotdog has increased substantially.

In 1937, the United States Department of Agriculture said that weiners tested that year contained only 19 percent fat. The protein level was rated at 19.6 percent. During the depression, manfacturers did not add fat or water to any of their products. Today they do.

Consequently, in 1970, the U.S.D.A. reported that the cooked sausage products that they tested averaged 28 percent fat and only 11.7 percent protein.

One reason for this abrupt change in frankfurter content could be that in the 1930's manufacturers did not have the techniques to add extra fat and water. Technology has changed that and now it is easy to add as much extra fat or water as a manufacturer wishes.

The sudden rise in fat content to 28 percent and the simultaneous drop in the protein is acceptable under U.S.D.A. standards. Considering the adjustment in the contents of weiners we see that consumers are paying todays prices for frankfurters which are only 60 percent as nutritious as they were in the 1930's.

This information is most distressing when one considers that most experts believe heart disease is caused by improper diets, especially high fat content in food.

Most recently frankfurters, hamburgers, milk shakes, butter and eggs were put on a restricted diet list for children in high risk families. (High risk refers to a family in which there has been a premature coronary heart disease in a parent or close relation).

Besides the protein and fat content in frankfurters, a large portion of the hotdog is water. Because of its natural quality, any meat product contains a great deal of water but hotdogs as a rule contain more because producers add extra water during manufacturing. They say that this additional water is added to keep the temperature down during the grinding and mixing operation rather than to dilute the quality of the product. Tests show that water content in frankfurters varies from as high as 57.5 percent to as low as 53.9 percent! In any event, more than 50 percent of a frankfurter is water.

Present U.S.D.A. limits permit a manufacturer to add as much as 10 percent more water to cooked sausage products then there is in its natural state.

The U.S.D.A. estimates that in a typical cut of meat, the amount of water should be approximately four times the amount of protein. Therefore, a meat product with 12 percent protein would contain 48 percent water. This particular cut of meat would not be declared by the U.S.D.A. standards "adulterated" unless the water content *exceeded* 58 percent. Current regulations stipulate that water content below this formula need not be printed on the package label but only its presence (not quantity) must be noted.

This standard is generous when we consider the ration of water to lean beef is 3.7:1 or fresh port trimming is 3.6:1. A most disturbing fact which must be included is that in a recent test 12 out of 32 frankfurters sampled revealed more than the 10 percent extra water limit.

As stated in the preface, Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs, recently urged U.S.D.A. to lower the permissible fat content from, an unlimited amount to 30 percent. Statistics reveal that almost without exception all manufacturers are complying. However, one must ask if even these requirements aren't too lenient. As of now there are no requirements as to the limit of protein in the manufacture of hotdogs.

Other ingredients besides meat, fats and water which are included in the manufacturing of weiners are corn-syrup solids and flavoring additives. The legal U.S.D.A. limit in this area is a 2 percent and 3 percent respectively.

NUTRITION-HEALTH NEEDS

Keeping in mind that the frankfurter is a staple item on most American diets one must observe that frankfurters as a meat nutrient is not nutritionally rich enough to meet minimum daily requirements.

The National Academy of Science-National Research Council recommends that a 12 year old boy needs 2500 calories and 45 grams of protein per day. A lunch of two frankfurters on a bun would provide about 450 calories but only 10 grams of protein. Certainly, the weiner does not provide nearly enough protein for a growing child. The parent must be knowledgeable enough to be able to supplement the diet with the proper foods so that the recommended minimum level of protein will be added.

The consumer should know that fish, other meats and poultry would yield more in protein than a frankfurter. In terms of a 7 ounce serving of poultry would yield 52 grams of protein on the average, and fish will yield 50 grams while beef, lamb or pork will yield 48 grams. The frankfurter would yield only 20 grams.

NUTRITION AND MONEY

Not only is the protein content in weiners one of the lowest of all available meats but it is the most expensive per pound. The average cost per pound for All-Meat frankfurters is approximately 81¢ while the average cost per pound of All-Beef hotdogs is 92¢ per pound. If we project these figures to an average cost per pound of protein we see that All Meat frankfurters cost $6.98 and All-Beef cost $7.94.

The packaging of franks may be so deceptive that a consumer may pick up a 12 ounce package of hotdogs and think he is buying the one pound bag. This is especially true if he selects the one pound pack of Armour All-Beef, Super-Right All Meat, and Ruth All Meat. All these manufacturers prepare their 12 and 16 ounce packages to look alike.

WHOLESOMENESS

Like any other meat, frankfurters even if properly refrigerated, will stay their best for only two to four weeks.

Proper packaging, can prolong the freshness of frankfurters by preventing the entry of bacteria as well as keeping the bacteria count down. Some packages that are shipped as "air tight" become punctured sometime prior to retail purchase which then becomes highly susceptible to bacteria. Most distressing is that several brands of frankfurters recently tested by a private organization revealed that 40% of their samples had begun to spoil soon after being purchased.

While the question of what is a reasonable bacteria count is still not settled, the general unsafe level of bacteria count is usually 10 million per gram. One sample had 140 million bacteria per gram.

A leading expert has suggested a maximum allowable count of 10,000 bacteria per gram for any precooked sausage products. Only two brands tested *Kroger All Meat* and *Swift's All Meat* met that standard. Shockingly only *Super-Right Dinner Franks* and *Oscar Mayer All Meat*—met New York city's more lenient 100,000 bacteria per gram regulation.

Mild gastric distress usually sets in between 1 and 5 million per gram. Only 25 percent of a recent test revealed a count less than 1 million bacteria per gram. One study revealed that insect and rodent contamination turned up in almost 19 percent of the samples analyzed for wholesomeness.

The high bacteria counts found in many franks is a clear indication of poor industrial sanitation and are due to the lag in the distribution cycle.

RECOMMENDATIONS

Under the Wholesome Meat Act of 1967, all meat processed in the United States must be inspected either by Federal officers or by state authorities working within guidelines certified as at least equal to Federal standards.

Federal standards, however, do not prohibit the states to impose still higher standards. However, only Michigan has done that.

Clearly, one answer to the declining nutritional value of frankfurters is stricter regulatory action. Therefore, I recommend that the U.S.D.A. impose the following standards:

1) Lower the legal limit of permissable fat content from 30 percent to 20 percent.

2) Establish a minimum level of 25 percent protein.

3) Effective labeling requiring the manufacturer to list in proportion the contents of the frankfurters.

4) All non-meat ingredients be limited to no more than five percent.

5) Stronger in-plant inspection.

6) Strict temperature control in wholesale and retail distribution.

RATING OF FRANKFURTERS

		Protein			
	Price per pound	Percentage	Price per pound	Fat, percent	Water, percent
Hebrew National kosher frankfurters[1]	$1.60	13.7	$11.70	25.4	57.7
Machiaeh pure beef franks	1.00	11.3	8.88	29.8	54.2
Best's kosher beef frankfurters	1.24	13.3	10.18	27.8	55.2
Morrell Pride German brand all meat wieners	.99	14.0	7.07	22.6	56.2
Armours all beef franks[2]	.85	11.1	7.63	28.3	55.1
Swift's premium all beef skinless	.89	11.8	7.62	27.8	55.2
Kahn's pure beef franks	.87	11.0	7.92	29.9	53.2
Kroger all beef wieners	.81	10.6	7.68	27.8	56.7
Rath pure beef wieners	.95	11.9	7.96	27.4	54.0
Safeway all meat franks	.73	12.3	5.95	24.5	58.2
Dubuque German brands all meat[2]	.94	13.3	7.06	26.1	57.3
Super-Right brand dinner franks[1]	.77	11.8	6.55	28.3	55.6
Hygrade's Ball Park brand all meat franks[2]	.94	11.0	8.55	30.0	56.6
Kahn's Our Giant beef franks	.94	11.0	8.55	28.3	55.9
Safeway skinless all beef	.80	13.2	6.06	24.1	56.8
Super-Right brand all meat skinless franks	.71	11.2	6.36	29.6	55.0
Armour all meat hot dogs franks	.81	11.6	6.96	28.4	56.3
Kroger all meat weiners	.72	11.6	6.19	30.6	53.3
Super-Right brand all beef skinless franks	.93	11.5	8.08	29.0	55.0
Morrell all beef dinner franks	.79	10.8	7.35	29.2	53.9
Oscar Mayer pure beef franks	.91	11.1	8.18	29.6	54.7
Hormel all beef wieners	.87	12.1	7.18	27.2	56.4
Corn King all meat franks	.95	10.9	6.79	30.4	54.4
Dubuque all meat wieners	.69	11.6	5.95	28.2	54.9
Hormel all meat wieners	.75	11.5	6.60	28.6	55.3
Wilson's certified skinless all meat franks	.77	11.2	6.89	28.1	57.1
Swift's premium all meat skinless franks	.89	11.2	7.95	29.5	55.2
Rath all meat wieners	.81	12.0	6.77	27.1	55.4
Kahn's all meat wieners	.83	11.4	7.31	29.9	54.2
Cudahy Bar S all meat wieners	.71	10.7	6.64	29.3	54.8
Oscar Mayer all meat wieners	.89	10.4	8.57	30.9	52.9
Sterling brand skinless franks[1]	.65	13.4	4.85	23.0	57.1

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[1] Not designated as either all meat or all beef.

[2] Used by the Department of Defense for supply to all armed services.

A TIME TO STOP MAKING NOISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Rosenthal) is recognized for 20 minutes.

Mr. ROSENTHAL. Mr. Speaker, the problem of excessive noise abuse from jet traffic has dominated citizens' concerns ever since the first jet began swooping and soaring over their homes. The situation has deteriorated for residents as jet traffic has increased to a point of constant bombardment of noise. Studies amply demonstrating the psychological and physical traumatic effects on people have been made on the debilitating effects of jet noise. The noise impact is 10 times more disturbing during the normal sleeping hours, when it is much more difficult to assimilate sounds, than during the day.

Action by airports and airlines to remedy the problem have been inadequate for the most part. The constitutional right to domestic tranquility includes freedom from noise. Unfortunately, this generally has been blatantly ignored by the noisemakers.

One of the few successful attempts at regulation has been the ban on late evening and predawn jet traffic at Washington National Airport. I strongly urge other airports to follow this example. It in morally, socially, and environmentally necessary.

Increasingly, and at a very disturbing rate, the people are furiously complaining about the "sleep-shattering whine and roar" of jet aircraft operating out of nearby airports. The complaints have been present for some time but are even more vociferous today because those responsible have failed to substantially reduce engine noise levels.

The airlines, in fact, privately favor a plan of increasing noise levels to correspondingly increase public tolerance and thereby build a generation of Americans acclimated—albeit slightly deaf—to aircraft noise pollution. The carriers are perhaps the worst offenders; with only the slightest exceptions they have shown themselves unwilling to do anything substantive to reduce noise, especially if it looks like it will cost them money. At the same time, however, they are constantly running to the Civil Aeronautics Board for rate increases. Their greed will get the best of them. They have an obligation to the public, too, not just their stockholders.

Those thousands of my constituents who live near La Guardia Airport and beneath its flight patterns, like those in other cities, suffer the consequences of decades of neglect of the noise pollution problem. Most of them were there before the jets arrived.

They used to live in comfortable, convenient neighborhoods which, while noisier perhaps than rural areas, nonetheless struck a reasonable balance between city hustle and bustle and suburban quietness. But today, that balance is gone. Now those people come home from their jobs and find themselves beneath an intolerable roar as jetliner after jetliner screeches over their roofs. The night does not bring peace to them because LaGuardia and the Port of New York Authority do not understand or recognize the citizen's right to quiet.

These city dwellers have lost that balance of toleration which once existed in their neighborhoods. They find that their homes offer not less, but more noise, more distraction and more simple human discomfort than their jobs in the heart of the city.

Alleviation of this situation is not terribly difficult. A reasonable solution would be to begin curtailment of all but essential military air traffic from scheduling departures and arrivals between 10 p.m. and 7 a.m., the hours normally reserved for sleeping.

The number of flights during those hours is relatively small. At LaGuardia, for example, only 29 of the day's 716 flights arrive or takeoff between 10 p.m. and 7 a.m., or about 4 percent of the total operations for the 24-hour period, according to Federal Aviation Administration figures for March 1972. That's a drop of 1 percent—36 out of 718 operations—from a year ago. In June 1970, 44 of 662 flights, or about 6.6 percent, were during these sleeping hours. I am inserting at the end of my remarks the FAA charts showing an hour-by-hour breakdown of scheduled aircraft operations.

Not all middle-of-the-night flights carry passengers. A great many are all freight at many terminals. Others are what are called "repositioning flights," which are primarily designed to move a plane from one city to another to be on hand for the next day's service. To schedule these at less disturbing times would benefit thousands, if not millions of people, while offering the airlines only minor inconvenience.

The number of flights during normal sleeping hours is relatively small. But it does not seem that way if you happen to live nearby. Then the din of the aircraft becomes almost unbearable. Aircraft noise during these hours has a compounding impact on residents because the noise cannot be assimilated as it is during the day with other noises. One jetliner taking off at midnight has 10 times the effective noise impact of the same plane taking off at noon.

Washington National Airport prohibits scheduled jet commercial traffic between 10 p.m. and 7 a.m. The FAA, which runs National, and the airlines operating out of the airport, have a voluntary agreement on the night flight limitations. The agreement began in 1966 and has worked rather well. Only minor adjustments by the airlines were needed in rescheduling flights to conform. Similar agreements exist in Los Angeles and Fresno, Calif., and Boise, Idaho, as well as London, England, and many major European cities.

The constitutional right of domestic tranquility includes freedom from oppressive noise. Steps must be taken by airport managements, airlines, and public officials, including the Congress, to protect and respect that right and to halt the acoustic abuse heaped mercilessly upon the citizenry.

I have personally written to the Port of New York Authority, LaGuardia Airport management and the airlines using that airport, requesting they voluntarily set noise curfews. For once, those noisemakers are strangely silent. They have turned a deaf ear on the request. Their silence is a demonstration of their contempt for the people bombarded by aircraft noise. It is also further evidence that voluntary self-regulation, which industry in general professes to prefer, is meaningless. The only answer, unfortunately, appears to be stiffer governmental regulation.

Mr. Speaker, I am, therefore, offering today legislation to take the first step toward solving the problem of aircraft noise pollution. What I propose is a thorough study of the possibilities of establishing curfews on non-military flight operations at the Nation's airports.

Joining me in introducing this legislation is Mr. Mikva and 24 of our colleagues; their names are listed following my remarks.

This bill would set up a nine-member commission consisting of the Administrator of the Environmental Protection Agency, the Administrator of the Federal Aviation Administration, two representatives of the aviation industry and five public members. They would report the findings of their investigation and their recommendations to the Congress within 6 months of this act.

This Commission would be a temporary investigative body, not a new governmental agency. It would exist solely for the purpose of informing the Congress and would go out of existence upon submitting its report and recommendations.

A curfew on aircraft operations is a short-term solution to the problem and is not meant to be an alternative to such long-term answers as quieter engines and improved operational procedures. Both approaches are needed; they are complementary. This bill is a valuable and important first step toward solving the vexing problem of aircraft noise pollution.

Following are charts provided by the Federal Aviation Administration showing hourly aircraft movements at LaGuardia Airport during three representative months, June 1970, March 1971 and March 1972.

The bill and a list of cosponsors follows the charts.

SPONSOR OF AIRPORT NOISE CURFEW COMMISSION BILL

Hon. Bella Abzug, Hon. Joseph Addabbo, Hon. Herman Badillo, Hon. Frank Brasco, and Hon. Alphonzo Bell.

Hon. Shirley Chisholm, Hon. George Collins, Hon. John Dow, Hon. Don Edwards, and Hon. Hamilton Fish.

Hon. Donald Fraser, Hon. Gilbert Gude, Hon. Seymour Halpern, Hon. Michael Harrington, and Hon. Henry Helstoski.

Hon. Abner Mikva, Hon. Patsy Mink, Hon. Bradford Morse, Hon. John Moss, and Hon. Bertram Podell.

Hon. Thomas Rees, Hon. Benjamin Rosenthal, Hon. William Ryan, Hon. Charles Wilson, Hon. Lester Wolff, and Hon. John Wydler.

H.R. 13919

A bill to establish the Airport Noise Curfew Commission and to define its functions and duties

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established the Airport Noise Curfew Commission (hereinafter referred to as the "Commission"). The Commission shall study and make recommendations to the Congress regarding the establishment of curfews on nonmilitary aircraft operations over populated areas of the United States during normal sleeping hours. The Commission shall report its findings and recommendations to the Congress no later than six months after the date of the enactment of this Act, at which time the Commission shall cease to exist.

SEC. 2. The Commission shall be composed of nine members, as follows: four appointed by the Speaker of the House, three appointed by the President Pro Tempore of the Senate, the Administrator of the Environmental Protection Agency and the Administrator of the Federal Aviation Administration. One each of those members appointed by the Speaker of the House and the President Pro Tempore of the Senate, respectively, shall represent the aviation industry; the remaining such members so appointed shall be private citizens not involved in the aviation industry. One such private citizen shall be elected chairman. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

SEC. 3. Except as provided in section 4 of this Act, members of the Commission shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

SEC. 4. Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Commission.

SEC. 5. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

SEC. 6. Subject to such rules as may be adopted by the Commission, the Chairman may appoint and fix the pay of such personnel as he deems desirable. The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

SEC. 7. Subject to such rules as may be adopted by the Commission, the Chairman may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grades GS-18 of the General Schedule.

SEC. 8. Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this Act.

SEC. 9. The Commission may for the purpose of carrying out its duties and functions under this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem advisable.

SEC. 10. When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

SEC. 11. The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties and functions. Upon request of the Chairman of the Commission, the head of such department or aegncy shall furnish such information to the Commission.

SEC. 12. The Commission may use the United States mails in the same manner and upon the same conditions as the various departments and agencies of the United States.

SEC. 13. The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 14. The Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter which the Commission is empowered to investigate by this Act. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

SCHEDULED AIR CARRIER MOVEMENTS,[1] LAGUARDIA AIRPORT—AVERAGE DAY,[2] MARCH 1972

Local time	Arrivals			Departures			Movements		
	Jet	Prop	Total	Jet	Prop	Total	Jet	Prop	Total
0000-0059	3	0	3	0	0	0	3	0	3
0100-0159	0	0	0	0	0	0	0	0	0
0200-0259	1	0	1	0	0	0	1	0	1
0300-0359	0	0	0	0	0	0	0	0	0
0400-0459	0	0	0	0	0	0	0	0	0
0500-0559	0	0	0	0	0	0	0	0	0
0600-0659	1	0	1	1	0	1	2	0	2
0700-0759	3	1	4	30	5	35	33	6	39
0800-0859	14	3	17	26	3	29	40	6	46
0900-0959	23	1	24	20	2	22	43	3	46
1000-1059	26	2	28	17	1	18	43	3	46
1100-1159	19	3	22	22	1	23	41	4	45
1200-1259	19	1	20	24	3	27	43	4	47
1300-1359	21	0	21	20	2	22	41	2	43
1400-1459	21	2	23	16	2	18	37	4	41
1500-1559	21	2	23	22	2	24	43	4	47
1600-1659	23	1	24	21	2	23	44	3	47
1700-1759	19	3	22	23	3	26	42	6	48
1800-1859	23	4	27	24	1	25	47	5	52
1900-1959	21	0	21	24	3	27	45	3	48
2000-2059	31	6	37	14	1	15	45	7	52
2100-2159	20	1	21	17	2	19	37	3	40
2200-2259	12	3	15	2	0	2	14	3	17
2300-2359	4	0	4	2	0	2	6	0	6
24-hour total	325	33	358	325	33	358	650	66	716

[1] Does not include helicopter operations.

[2] Lists those flights occurring at least 5 times per week.

Source: Federal Aviation Administration.

NEW YORK-LAGUARDIA—SCHEDULED AIRCRAFT MOVEMENTS, GROSS DAY

Hour	Arrivals		Departures		
	Jets	Prop	Jets	Prop	Total
JUNE 1970					
0000-0059	3			1	4
0100-0159					
0200-0259					
0300-0359					
0400-0459					
0500-0559	2				2
0600-0659	1		1		2
0700-0759	7	1	21	2	31
0800-0859	13	4	26	2	45
0900-0959	15	2	18	4	39
1000-1059	16	3	17	2	38
1100-1159	20	1	16	2	39
1200-1259	16	2	23	1	42
1300-1359	20	1	19	2	42
1400-1459	18	2	23	1	44
1500-1559	16	2	15	3	36
1600-1659	25	1	18	1	45
1700-1759	18	3	21	2	44
1800-1859	21	2	22	3	48
1900-1959	21	5	18	2	46
2000-2059	19	2	17	3	41
2100-2159	18	4	14	2	38
2200-2259	15	1	3	3	22
2300-2359	10	1	2	1	14
Total	294	37	294	37	662
MARCH 1971					
0000-0059	2		1	1	4
0100-0159	1				1
0200-0259	1				1
0300-0359	1				1
0400-0459	1				1
0500-0559					
0600-0659	1		2		3
0700-0759	4	1	27	4	36
0800-0859	15	3	27	1	46
0900-0959	19	3	17	5	44
1000-1059	24	1	22	1	48
1100-1159	25	1	20		46
1200-1259	19	1	24	2	46
1300-1359	22	1	23	1	47
1400-1459	17	3	19	2	41
1500-1559	21	2	20	3	46
1600-1659	22	2	23	1	48
1700-1759	19	3	23	5	50
1800-1859	23	3	22	1	49
1900-1959	20	1	24	2	47
2000-2059	26	4	16	3	49
2100-2159	25	2	12		39
2200-2259	12		3		15
2300-2359	7	1	2		10
Total	327	32	327	32	718

Notes: Does not include air taxi or helicopter. Gross day includes all flights scheduled 5 or more days per week.

Source: Federal Aviation Administration.

PREPAID LEGAL SERVICES PLANS FOR WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON), is recognized for 10 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, I am today introducing a bill which I hope will stimulate the growth of prepaid legal services plans for workers. Senator HARRISON A. WILLIAMS, JR. is introducing an identical bill in the other body.

During the past few years, the American Bar Association's special committee on prepaid legal cost insurance has been participating in a number of experimental plans, and has been studying other independently developed plans.

These plans differ widely in origin, scope of services, and method of delivery.

Some companies have bought into plans as a fringe benefit for their employees; some lawyers have organized plans and have offered subscriptions to the general public; many unions, notably the Laborers' International Union and the International Brotherhood of Teamsters, have negotiated prepaid legal services plans financed through a "cents per hour" wage checkoff.

The plans vary widely in scope; some cover only specific areas, such as workmen's compensation cases; some cover individual legal problems, but may limit the kinds of problems or the amount of legal costs covered; there is a great deal of experimentation going on.

Some plans operate on an insurance principle, where the client picks his own lawyer, and the plan either pays the lawyer directly or reimburses the plan member. Others operate on a group legal services basis, where the plan furnishes the lawyer, law firm, or other group of lawyers to the member. Not enough is known about these plans yet to decide which approach is best.

The bill which Senator WILLIAMS and I are sponsoring would remove a legal obstacle to the negotiation by labor and management of jointly administered legal services plans, by permitting employer contributions to trust funds established to finance legal services plans.

Section 302 of the Labor-Management Relations Act prohibits all payments by employers to employee representatives for purposes other than those specifically excepted in that section. This section was enacted to prevent bribery, extortion and other corrupt practices, and to protect the beneficiaries of lawful employer-supported funds. Section 302(c) contains seven exceptions to this general prohibition, and thus permits employer contributions to trust funds to finance medical care programs, retirement pension plans, apprenticeship programs, and other specific programs.

This bill would add an eighth exception to section 302(c)—jointly administered trust funds for the purpose of defraying the costs of legal services—and thus legalize such jointly administered programs.

PROJECT SANGUINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, I have been informed by the Navy's Office of Legislative Affairs that the Navy plans to file the final environmental impact statement for Project Sanguine on April 7.

As my colleagues know, the National Environmental Policy Act requires that Federal agencies file with the Council of Environmental Quality an environmental impact statement that fully discloses the expected environmental effects of a project.

If built, Project Sanguine will cover 150 miles of Wisconsin woodlands with an enormous underground grid used to provide low frequency communication with submarines in the event of a national emergency.

The Navy for fiscal year 1973 has requested an additional $450,000 for further environmental studies. It is hard to explain how the Navy is able to issue a final impact statement while at the same time requesting an additional $450,000 for more environmental studies.

Certainly the situation is confused and in need of immediate explanation. As a result I have asked Secretary of the Navy Chafee to clarify the status of Project Sanguine.

It is also my fear, Mr. Speaker, that the final environmental impact statement planned for April 7 will be inadequate. While the Navy admits that many of the results will be based on interim data they say that no additional study is planned unless the project is moved outside of Wisconsin.

The Navy should prepare one final environmental impact statement that comprehensively discuss all of the potential dangers and hazards of Project Sanguine rather than issue a so-called final environmental impact statement that is based on incomplete and insufficient information.

MARCH 20, 1972.

Hon. JOHN H. CHAFEE,
Secretary of the Navy, Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: I have been informed by the Office of Legislative Affairs that the Navy plans to issue a final environmental impact statement for Project Sanguine on April 7.

In its budget for fiscal year 1973 the Navy is requesting an additional $450,000 for environmental studies. The present situation is confused and in need of immediate explanation. I believe that is necessary for you to explain why the Navy is filing a final environmental impact statement while at the same time asking the Congress for $450,000 for additional environmental studies.

It is my fear that this so-called final report will be inadequate. Much of the study will be based on interim data and the request for additional funds points to the need for additional study.

The Navy should prepare one final report that will comprehensively review the true impact of Project Sanguine. It is my hope that the Navy will eventually issue such a report.

Sincerely,

LES ASPIN,
Member of Congress.

FORTY-ONE DAYS, AND STILL NO WORD FROM PRESIDENT NIXON ON TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, it has now been 41 days since House Ways and Means Committee Chairman WILBUR MILLS wrote President Nixon asking for the tax reform proposals the President promised in September of last year. Chairman MILLS pointed out in his February letter that such proposals should be submitted by March 15 in order for Congress to have time to act on them in this session. The ides of March has come and gone, and there has been no word from President Nixon on tax reform.

The President's continued silence on this important issue is a serious failure of leadership. It is no easy matter to get meaningful, loophole-closing tax reform legislation through Congress. The special interest groups that benefit from the loopholes and preferences in our tax system will oppose it every inch of the way. Their skillful and highly paid lawyers and lobbyists will devise complex and sophistical justifications for even the most indefensible loopholes. Unless the President and the Treasury Department are prepared to do battle on the side of those in Congress who are seeking real tax reform, the reformers will be swamped by the special interests.

Evidence of the gross unfairness of our present Federal tax system continues to flow in. A report I have just received from the Treasury Department, for example, gives more details on the number of persons in each adjusted gross income bracket who paid no Federal income taxes for 1970.

In addition to the three persons with reported 1970 incomes in excess of $1 million, who paid no tax, there were nearly 400 more with incomes over $100,000 who escaped scot free.

Furthermore, the Treasury figures make clear that one's chances of escaping all taxes get progressively better as income goes up. With one minor exception, the percentage of people who escaped all taxes rose steadily in every income bracket from $15,000 up to $1 million. Only 0.12 percent of those in the $15,000 to $20,000 bracket paid no tax, but the percentage was almost four times as high—0.45 percent—in the $100,000 to $200,000 bracket, and nine times as high—1.07 percent—among people reporting incomes of $500,000 to $1 million.

A total of 1,338 Americans with 1970 adjusted gross incomes in excess of $50,000 escaped all Federal income taxes for the year.

And this is just the tip of the iceberg. First of all, not all kinds of income are included in the "adjusted gross income" covered by the Treasury statistics. Income from the interest on State and local bonds is not included, nor is one-half of all long-term capital gains. If income from these sources was included in the Treasury statistics, the number of wealthy nontaxpayers would skyrocket. Second, for every wealthy person who pays no taxes at all, there are many, many more who pay only a small pittance.

The 1969 Tax Reform Act was supposed to end this grand-scale tax avoidance by the rich once and for all, but it has not done so. Though the number of nontaxpayers with incomes over $50,000 did drop from 2,224 in 1969 to the 1970 level of 1,338, there should not be any of these wealthy tax avoiders around at all.

I was joined by 58 other Democrats last Thursday in introducing a "quick-yield" tax reform bill which would raise $7.25 billion a year in new revenues by closing some of the loopholes that allow wealthy Americans to pay little or nothing in taxes.

I hope President Nixon will get behind our bill. The House Democrat caucus resolved overwhelmingly last week that passage of legislation further increasing the Federal debt ceiling "will be jeopardized" unless President Nixon supports meaningful, revenue-raising tax reform—or at least indicates that he will not veto it. Time is running out. I urge the President to act.

The following table shows the number and percentage of nontaxpayers in each adjusted gross income bracket for the 1970 taxable year:

Adjusted gross income bracket	Number of returns	Number who paid no taxes	Percentage
Under $5,000	28, 302, 078	14, 482, 948	51. 20
$5,000 to $9,999	22, 312, 030	427, 060	1. 91
$10,000 to $14,999	14, 104, 611	24, 701	. 18
$15,000 to $19,999	5, 541, 347	6, 508	. 12
$20,000 to $24,999	1, 909, 637	2, 817	. 15
$25,000 to $29,999	768, 389	1, 766	. 23
$30,000 to $49,999	918, 322	1, 976	. 22
$50,000 to $99,999	351, 669	944	. 27
$100,000 to $199,999	62, 576	282	. 45
$200,000 to $499,999	12, 930	90	. 70
$500,000 to $999,999	1, 769	19	1. 07
$1,000,000	624	3	. 48

OCEAN MAMMAL CORRESPONDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. BEGICH) is recognized for 5 minutes.

Mr. BEGICH. Mr. Speaker, when the Marine Mammal Protection Act was debated last week, I concluded my own remarks by inserting all the correspondence I had received from my constituents on this subject to that time. Some new letters and telegrams have come in, and I would like to bring those also to the attention of my colleagues.

The correspondence follow:

ANCHORAGE, ALASKA,
March 8, 1972.

Representative NICK BEGICH,
Washington, D.C.:

The sea mammal bill being discussed on the House floor today March 8 will seriously affect the livelihood of natives who traditionally have made a living from subsistence hunting in addition to deriving modest incomes from arts and crafts from sea mammals. Amendments eliminating subsistence hunting of sea mammals would amount to cultural genocide. Rural Alaska community action program favors humanitarian sea mammal harvest, but we oppose any attempt to destroy traditional Alaska native livilihood.

We urge the present bill be tabled until hearings can be held in Alaska.

JOHN SHIVELY,
Executive Director, Ruralcap.

ANCHORAGE, ALASKA,
March 8, 1972.

Representative BEGICH,
Washington, D.C.:

Copy of wire sent to Congressman PRYOR.

This is to clarify that Friends of the Earth opposes any provision that would ban native subsistence hunting of marine mammals with the possible exception of an endangered species.

Thank you.

ART DAVIDSON,
Alaska Representative, Friends of the Earth.

COMMISSIONER BENJAMIN MALCOLM MOVES ON PRISON REFORM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, prison reform will require the prison authorities to deal with a multitude of sins. Many of the matters which require changes by the prison authorities do not involve the expenditure of money and are very important and, being costless, easier to effectuate. I would like to report on one small success in this area of prison reform.

On January 26, 1972, I urged Commissioner Benjamin Malcolm of the New York City Department of Corrections to change the regulations which then prohibited children under the age of 16 from visiting members of their family held in the city's prisons. I received a reply on February 25 from the Commissioner, advising that he was then in the process of amending the visitation rules and regulations and that he concurred in my suggestion.

Today he has announced that within the next few days children will be able to visit their mother or father in the city jails. He also published another change in the city's visitation policy—to wit, that friends of prisoners as well as relatives will be permitted to visit. At the present time inmates both in detention and inmates in institutions for the convicted are allowed only visits by close relatives who are more than 16 years old.

I want to commend Commissioner Benjamin Malcolm for having moved so quickly, after his taking office a short time ago, to remove what surely everyone would agree was a ridiculous policy and one that was not helpful either to the prison institution or the prisoners.

We are all quick to assail a Commissioner when we see what we consider to be maladministration. We must be just as quick to commend a Commissioner when he takes a positive and forward step.

The correspondence to which I refer is appended.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., January 26, 1972.

MR. BENJAMIN MALCOLM,
Commissioner, Department of Correction, New York, N.Y.

DEAR BEN: This is the first request that I make to you in your new capacity as Commissioner of Correction. I am advised that City prisoners may not receive visits from those under 16 years of age pursuant to a general order of the Department of Correction. That order I submit to you makes no sense whatsoever. Surely it is in the interest of the prisoner, his family and society at large that as many family contacts as possible be retained. A visit from a son or daughter is, I suggest, the most wholesome of visits and the kind that there should be more of. Since there is no statute mandating this restriction I ask you to rescind it by executive order and that there be no age limitation on those visiting prisoners. Whether a mother or father wishes to bring an infant in arms to prison to visit a close relative is a decision that should be left to the parent to make.

When I first became interested in prison reform as a result of a visit to the Tombs in January, 1970, I learned that New York State prisoners were denied the right of visitation by common law wives. It took a year and much correspondence with the then State Corrections Commissioner to rescind that ban. I know that you will respond immediately.

Sincerely,

EDWARD I. KOCH.

THE COMMISSIONER OF CORRECTION,
New York, N.Y., February 25, 1972.

HON. EDWARD I. KOCH,
Federal Plaza,
New York City, N.Y.

DEAR ED: Thank you for your letter of January 26, 1972, concerning visitation to prisons by persons under 16 years of age. I am happy to advise you that we are in the process of amending our visitation rules and regulations and your suggestions will receive top priority since we concur that this should be happening.

Sincerely,

BENJAMIN J. MALCOLM,
Commissioner.

EQUAL RIGHTS FOR WOMEN NOW

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, one of the major issues that we must give priority to is opening up top management positions in the businesses of this country to women. It is well known that women are not adequately represented in middle management, to say nothing of the very top management of the major businesses conducted in the United States.

I recently had a discussion with the chairman of the board of one of our largest utility companies and asked the question, "How many women are there among the top 30 management personnel in your company?" The chairman thought a moment and said, "I must say that we have none in that category."

As our colleagues may know the Labor Department has recently mandated that companies doing business with the Federal Government must provide equal employment opportunities for women. This requirement is set forth in Revised Order 4 of that Department. However it only applies to those businesses which have contracts or subcontracts with the Federal Government.

To deal with this matter, I am writing today to all of the Federal regulatory agencies asking whether they have taken any steps to mandate similar affirmative action by all the companies under their regulation and if they have not, I propose they do so.

The letter sent to the following agencies is appended:

Atomic Energy Commission;
Civil Aeronautics Board;
Federal Deposit Insurance Corporation;
Federal Maritime Commission;
Interstate Commerce Commission;
Federal Power Commission;
Securities and Exchange Commission;
Federal Communications Commission; and
Federal Home Loan Bank Board.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 20, 1972.

DEAR MR. CHAIRMAN: In informal discussions with corporate heads of companies falling under the purview of federal regulatory agencies, I have found that too often few women hold top positions in the corporate structure.

The Labor Department has recently mandated that companies doing business with the federal government provide equal employment opportunities for women. In Revised Order 4, the Department has required that federal contractors and subcontractors submit to the Office of Federal Contract Compliance by April 4 a review of their present employment practices with regard to both women and members of minority groups and provide "an affirmative action plan" to correct their deficiencies.

Some of the companies that you regulate are necessarily covered by this order. But, there must be some, not doing business with the federal government, who are not.

I would appreciate your advising me whether you are taking any steps to mandate similar affirmative action by all the companies falling under your jurisdiction.

If no such initiative has been taken, may I urge that you move quickly to require similar affirmative steps to ensure equal employment for women and minority group members in all corporations regulated by you.

Surely, equal employment practices should be considered a primary ingredient in sound business practices.

Sincerely,

EDWARD I. KOCH.

NEW DIRECTIONS IN FEDERAL TRANSPORTATION FUNDING

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on Saturday, an excellent editorial appeared in the New York Times on the proposal submitted by Secretary John A. Volpe last week to authorize the use of highway trust fund moneys for mass transportation. Secretary Volpe's proposal for the establishment of a single urban fund represents an important breakthrough in the country's transportation policies and acknowledges the anachronism of today's modal administration of our transportation programs. As one who has introduced the bill, H.R. 4571, to establish a unified national transportation trust fund combining the highway, mass transit, and airport programs, I welcomed Secretary Volpe's initiative in supporting a single urban fund.

I would like at this time to offer for printing in the RECORD the New York Times' editorial of Saturday, March 18, 1972. It follows:

HIGHWAY TRUST-BUSTER

The recommendation of Secretary of Transportation Volpe that politically sacrosanct highway trust funds be spent for mass transit projects is refreshing. He wants to provide a "Single Urban Fund" for rail and highway transportation—plus money for rural roads—out of the swelling surplus now piling up in a fund nourished chiefly by the Federal tax on gasoline. Since highway users have long contributed, however, unwittingly, to the deterioration of the general environment, there is every reason to use at least part of that tax to reclaim the environment rather than damage it still further.

As the interstate highway system nears completion, the Volpe plan would divert an increasing share of the trust fund to metropolitan agencies, states and cities, leaving it to them, for the most part, to decide what form of transit could use the money to the public's best advantage. With the entire highway program now under legal challenge for failure to meet the requirements of the Environmental Policy Act, this new approach may prove not merely desirable but a practical strategy as well.

In the light of the country's vast overindulgence of its highway builders, the Secretary's proposal falls short of the drastic shift that is required. Until the end of the decade, highways would still be getting a disproportionate share of the funds. What is more, localities would have to put up $3 for every $7 of Federal money, whereas the states would continue to put up only 1 per cent for highways to Washington's 90. And, finally, the full sum for mass transit would go to capital outlay; none for operating costs, which in city after city have sent fares skyrocketing.

Such objections, however, are modest compared with the opposition to be expected from those who have up to now fought the slightest effort to use highway trust funds for anything but building more highways—even for safety research. Representative Kluczynski of Illinois, who heads the Public Works Subcommittee on Roads, opposes the Volpe recommendations as "a complete departure from the existing Federal aid-to-highway program," and most of his colleagues appear to share the view.

Of course it is a departure, and that is precisely what is good about it. Mr. Volpe deserves credit and support for rejecting the sacred canon that concrete is the answer to all of America's transportation problems.

PCB'S: A STEP IN THE RIGHT DIRECTION

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, 2 years ago I brought to the attention of the House the fact that our environment, our food supply, and our health were being threatened by a highly persistent, extremely toxic industrial chemical known as PCB—polychlorinated biphenyl.

At that time I called upon the appropriate Federal agencies to undertake a series of specific actions which would have insured that the public was safeguarded from the hazards of this odorless, colorless poison. Unfortunately, in a most regrettable display of indifference to the seriousness of the problem, that action was not forthcoming.

The repercussions of that inaction are all too clear. In recent months we have had to witness incident after incident of massive PCB contamination of our food supply. Hundreds of thousands of food products have had to be destroyed. And no one really knows how much PCB-tainted food has reached the consumer.

The latest example of this disastrous situation was made public earlier this month when it was discovered that thousands of chickens in the State of Maine had been contaminated with high levels of PCB's. When questioned by my office, both the Department of Agriculture and the FDA gave assurances that the situation was well in control and that the contaminated birds numbered around 250,000. Yet, at last count over 1 million birds had to be destroyed—and the FDA still has been unable to verify the source of this contamination.

On Friday, March 17, the Food and Drug Administration announced new regulations designed to help prevent such accidental contamination of food by PCB's through industrial leaks and to set limits on the permissible amounts of PCB's that can be present in certain foods and food packaging materials. These regulations are welcome, although long overdue. If the FDA had implemented these measures when I first urged them to do so 2 years ago, we could have averted the contamination of food products which has taken place over the past months as a result of industrial accidents. It is a most unfortunate situation when it takes such tragic occurences to get the Federal Government to begin to live up to its responsibilities to protect the public from the unfettered use of a dangerous chemical and to insure the integrity of our food.

Regardless of their past failures, however, I believe that the proposed FDA regulations will have a significant effect on reducing the number of instances in which our food supply is contaminated from PCB leaking from industrial equipment. But that is not to say that we no longer have to worry about the perils presented by this DDT-like poison.

Quite the contrary, even with the full implementation of these regulations the gradual contamination of our environment, and in turn our food, will not be prevented.

The only way to insure that this toxic pollutant does not continue to increase in the environment—and thus ultimately plague our health through uncontrollable environmental contamination—is to totally ban the manufacture, sale, and use of PCB's and to insist that those PCB's currently in industrial use are destroyed in such a manner as to insure that they can be no possible threat to us.

Therefore, I have introduced legislation—H.R. 10085—which by legislative action would prohibit the distribution of polychlorinated biphenyls in interstate commerce. And I am pleased to note that 23 Members of Congress have joined with me in cosponsoring this legislation.

At this point in the RECORD, I include the text of the FDA's press release of March 17, 1972, announcing the proposed regulations and the text of the regulations themselves.

I also include in the RECORD an article by Elsie Carper which appeared in the Washington Post on March 18 and an article by Harold Schmeck which appeared in the New York Times on the same day. I commend these materials to the attention of my colleagues:

FOOD AND DRUG ADMINISTRATION,
Rockville, Md., March 18, 1972.

Comprehensive regulations designed to limit human exposure to PCB's (polychlorinated biphenyls) from foods, were proposed today by the Food and Drug Administration.

In announcing the proposed regulations, Charles C. Edwards, M.D., Commissioner of Food and Drugs, pointed out that although it is not possible for FDA to remove PCB's from the environment, the Agency can and is taking all steps within its authority to limit exposure from foods.

"We do not believe that current food levels present a hazard to public health," said Dr. Edwards. "We do believe, however, that the sources of PCB's in foods can and should be significantly reduced to prevent any potential hazard from developing."

FDA's proposal would deal with known problem areas by:

1. Eliminating all sources of direct, accidental PCB contamination during the handling, processing and storage of feed, food and packaging material.

2. Prohibiting from the recycling process, deliberate or avoidable inclusion of pulp that contains any poisonous or deleterious substances which might migrate to food.

3. Setting temporary tolerances for a sufficient period of time for unavoidable PCB residues in food packaging materials and certain foods. Such tolerances are being set because it is not possible at this time to totally eliminate PCB's caused by environmental or industrial contamination.

PCB's have been produced since 1929 and have had a wide range of uses. The substances have or are being used as heat exchange liquids, as dielectrics, in lubricants and hydraulic fluids, and as ingredients in paints, plastics, resins, inks, waxes, adhesives, rubber, asphalt and various building materials. This widespread usage combined with the highly stable and persistent qualities of the substances, have resulted in the occasional appearance of PCB's in the food supply.

FDA's investigation into the incidence of PCB's in foods has shown:

Except for avoidable industrial accidents and practices, PCB contamination of animal feeds is not a significant problem.

PCB's were found in 67% of food packaging tested by FDA. They were found in both recycled paper and virgin stock. However, only 19% of the foods in these packages contained PCB's, with an average concentration of 0.1 parts per million. Subsequent surveys show a continuing and substantial reduction of PCB's in packaging material.

Investigations show the presence of PCB residues in fresh water fish and in some food animals. The source of these residues is attributed in part to environmental contamination, such as discharges of PCB waste effluents into water and air.

Although additional research is needed to determine the effects of low level human exposure to PCB's over a long period of time, today's FDA action is being taken as a precautionary measure to eliminate any unnecessary exposure.

FDA is coordinating its efforts with an interdepartmental task force on PCB's established last September to bring together the combined resources and authorities of affected governmental agencies.

"FDA investigations and the work of the PCB interdepartmental task force support proposed regulations," said Dr. Edwards.

"The regulations are realistic and will adequately protect the public health from the potential dangers of PCB's."

FDA's proposal will be published in the March 18, 1972 Federal Register. Interested persons have 60 days to comment on the proposal by writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Maryland 20852.

POLYCHLORINATED BIPHENYLS

FDA proposes regulations to restrict use of polychlorinated biphenyls (PCB's)—60 days allowed for comment.

Department of Health, Education, and Welfare, Food and Drug Administration—(21 CFR Parts 3, 121, 122, 128).

POLYCHLORINATED BIPHENYLS (PCB'S)

Notice of proposed rule making

The Commissioner of Food and Drugs is concerned about the problems of contamination of food with polychlorinated biphenyls (PCB's) arising indirectly from the use of PCB-contaminated animal feed, from industrial and environmental sources, and from the use of PCB-contaminated paper food-packaging materials. No authorization has been granted under the Federal Food, Drug, and Cosmetic Act for any use of PCB's which results, either directly or indirectly, in PCB's becoming a component or otherwise affecting the characteristics of food for man or other animals.

PCB's have been produced since 1929 and have been employed in a wide range of industrial uses including heat exchange liquids in pasteurization equipment; formulations in lubricants and hydraulic fluids; and ingredients of paints, plastics, resins, inks, waxes, adhesives, rubber, asphalt, and various building materials. PCB's are toxic substances which are very stable and highly persistent in the environment. Because of their widespread use, PCB's have been found in food as a result of avoidable industrial accidents and of environmental or industrial contamination.

Although it is not possible to remove PCB's from the environment, the Commissioner of Food and Drugs is taking all reasonable steps to limit the ways in which PCB's may otherwise contaminate food and to limit the level of PCB's in foods containing unavoidable PCB residues from environmental or industrial sources.

The Food and Drug Administration has been conducting a national survey to determine the extent and levels to which complete animal feeds are contaminated with PCB's. The survey results available to date show that less than 5 percent of the animal feeds sampled contain PCB's. Levels range from no detectable contamination to a maximum PCB level of 0.6 parts per million. It appears that complete animal feeds are not a significant source of PCB's for food-producing animals and that PCB contamination of feeds for food-producing animals can generally be attributed to avoidable industrial accidents and practices. Investigations by FDA have revealed the use of PCB's in heat exchange fluids used in certain pasteurization equipment. Although heat exchange fluids in such equipment are considered to be in "closed systems," accidents have occurred that resulted in direct contamination of animal feed with PCB's and subsequently in contamination of food products such as poultry and eggs intended for human consumption. The use of PCB-containing coatings on the inner walls of silos has resulted in the contamination of silage which has in turn caused PCB residues in the milk of dairy cows. It is suspected that other industrial uses of PCB's have also resulted in the PCB contamination of animal feed and food for human consumption during processing and manufacturing.

Investigations have also revealed PCB migration to food resulting from the use of PCB-containing paper food-packaging material. This problem is being intensively studied by FDA and the paper and food industries. These studies show that paper for food-packaging materials, whether manufactured from recycled paper or virgin stock, may contain PCB's. The source of PCB's in recycled paper is attributed to the use of certain kinds of copying paper and printing ink. While the source of PCB's in virgin stock is not as well defined, it is generally attributed to the presence of PCB's in the equipment, machinery, and water used for the manufacturing of these materials and to environmental contamination.

The level of PCB contamination of foods from packaging materials is dependent upon many factors (e.g., levels of PCB's in food-packaging materials, type of food, length of storage). This is shown by the results of a national survey conducted by FDA, which revealed that even though 67 percent of the complete food packaging tested contained PCB's at levels as high as 338 parts per million, only 19 percent of the foods in these packages contained PCB's. The average PCB concentration in food was 0.1 part per million, and the maximum PCB level found was 5 parts per million. The survey further showed that 75 percent of the food product in packaged infant cereal samples contained PCB's. The average PCB concentration in the cereal was 0.3 part per million, and the maximum PCB level found was 1 part per million.

Other information which became available subsequent to the FDA survey shows a continuing and substantial reduction in the PCB concentrations of paper-packaging materials. For example, data on recycled paperboard currently being produced show that 95 percent of the samples examined contained less than 5 parts per million; data on the same type of material manufactured during 1970 and 1971 show that only 18 percent of the samples examined contained less than 5 parts per million.

Other investigations show the presence of PCB residues in fresh water fish and in some foods of animal origin. The source of these residues is attributed in part to environmental contaminations such as discharges of PCB waste effluents into water and air.

Based on FDA total diet studies, the dietary intake of PCB's appears to be of a low order. The 900 food composites analyzed for PCB's in the total diet market basket samples for the past two and a half years showed 54 of the food composites to contain PCB residues. Calculated on the basis of dietary intake, the average PCB level found in the market baskets was less than 0.0001 milligram per kilogram of body weight per day. The market basket samples represent a high consumption diet which is approximately twice the normal diet.

Knowledge of the toxicological effects of PCB's is limited at this time. Available information indicates that PCB's are classified as being of moderate acute toxicity. As a point of comparison, DDT has a higher acute toxicity than PCB's.

In contrast to the recognized moderate acute toxicity of PCB's, the aspects of PCB-chronic toxicity, including mutagenicity and teratogenicity are at present not well defined and thus are potentially of greater concern. The chronic toxicity of PCB's is being extensively studied by the government, industry, and the scientific community. Preliminary reports and observations indicate that it would be prudent to reduce and, wherever possible, eliminate long-term, low-level human exposure to PCB's.

On the basis of these investigations and other available information, including the report of the Interdepartmental PCB Task Force, the current dietary level of PCB's is not considered an immediate hazard to the public health. However, the Commissioner concludes that the sources and levels of PCB's in animal feeds, feed components, and food for human use can and should be significantly reduced or eliminated so as to minimize the overall long-term human exposure to PCB's. Accordingly, the Commissioner makes the following proposals:

1. Part 3 should be amended to (a) provide special provisions to preclude the direct accidental PCB contamination of animal feed and (b) to provide special provisions to preclude the direct accidental PCB contamination of food-packaging materials.

2. Section 128.4 should be amended by adding special provisions to preclude the direct accidental PCB contamination of food.

3. Section 121.256 should be amended to exclude pulp from reclaimed fibers containing poisonous and deleterious substances which may migrate to food from use in the manufacture of food packaging materials.

4. A temporary tolerance of 5 parts per million in paper food-packaging materials should be established permitting unavoidable PCB residues in these products for a sufficient period of time to provide an opportunity for the orderly elimination of PCB-containing raw materials used in the manufacture of food packaging materials. There are no provisions for permissible uses of PCB's under 21 CFR 121.2526 or 121.2571. This temporary tolerance is not to provide for direct uses under the above regulations. Immediate elimination of all food packages containing PCB's would disrupt the nation's food packaging and distribution system and is not warranted by the hazard to human health.

5. It is recognized that nation-wide controls in the uses of PCB's will reduce the unavoidable contamination of foods. Therefore, although a temporary tolerance cannot be established for all foods, regulations should be promulgated providing the following temporary tolerances permitting unavoidable residues for a sufficient period of time to permit elimination of such residues at the earliest practicable time:

(a) Milk, 2.5 ppm (fat basis).
(b) Dairy Products, 2.5 ppm (at basis).
(c) Poultry, 5.0 ppm (fat basic).
(d) Eggs, 0.5 ppm.
(e) Finished Animal Feed, 0.5 ppm.
(f) Animal Feed Components (including fishmeal), 5.0 ppm.

(g) Fish, 5.0 ppm. (edible portion).

(h) Infant and Junior Foods, 0.1 ppm.

(i) Food-Packaging Material, 5.0 ppm.

Since PCB's are very stable and highly persistent in the environment, any disposal of PCB's should be accomplished by appropriate high temperature degradation or other appropriate means in order to avoid any environmental contamination which could affect food subject to the Federal Food, Drug, and Cosmetic Act or which could otherwise adversely affect the environment.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402(a), 406, 409, 701, 52 Stat. 1046 as amended, 1049, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948, 72 Stat. 1785–88 as amended; 21 U.S.C. 342(a), 346, 348, 371) and under authority delegated to him (21 C.F.R. 2.120), the Commissioner proposes to amend Parts 3, 121, and 128 and to establish a new Part 122, as follows:

1. By adding the following new sections to Part 3:

§ 3. —— Use of polychlorinated biphenyls (PCB's) in the production and storage of animal feed.

(a) Investigations by the Food and Drug Administration have revealed use of PCB's in heat exchange fluids contained in certain pasteurization equipment used in processing animal feed. Although heat exchange fluids in such equipment are considered to be in "closed systems," accidents have occurred that resulted in direct contamination of animal feed with PCB's and subsequently in PCB contamination of human food. The use of PCB-containing coatings on the inner walls of silos has resulted in the contamination of silage which has in turn caused PCB residues in the milk of dairy cows. Other industrial uses of PCB's include, or did include in the past, their use in formulations as lubricants and hydraulic fluids and their use as ingredients of paints, plastics, resins, inks, waxes, adhesives, rubber, asphalt, and various building materials.

(b) The following special provisions are necessary to preclude accidental PCB contamination of animal feed:

(1) Coatings or paints for use on the contact surfaces of feed storage areas may not contain PCB's or any other harmful or deleterious substances likely to contaminate feed.

(2) New equipment or machinery for handling or processing feed in or around an animal feed producing establishment shall not contain PCB's.

(3) Within 30 days following the effective date of this order, the management of establishments producing animal feed shall:

(i) Have the heat exchange fluid used in existing equipment or machinery for handling and processing feed sampled and tested to determine whether it contains PCB's, or verify the absence of PCB's in such formulations by other appropriate means. Within the 30 days specified above, any such fluid formulated with PCB's must be replaced with a heat exchange fluid that does not contain PCB's or any other harmful or deleterious substances.

(ii) Eliminate from the animal feed producing establishment any PCB-containing feed-contact surfaces of equipment and utensils and any PCB-containing lubricants for equipment or machinery that are used for handling or processing animal feed.

(iii) Eliminate from the animal feed producing establishment any other PCB-containing materials, whenever there is a reasonable expectation that such materials could cause animal feed to become contaminated with PCB's either as a result of normal use or as a result of accident, breakage, or other mishap.

(iv) Eliminate the use of any feed-packaging materials that contain in excess of the 5 parts per million temporary tolerance for PCB's established in § 122.10 of this chapter.

(c) For the purpose of this section, the term "animal feed" includes all articles used for food or drink for animals other than man.

§ 3. —— Use of polychlorinated biphenyls (PCB's) in establishments manufacturing food-packaging materials.

(a) PCB contamination has been detected in paper food-packaging materials. Such contamination may have in some cases resulted from the use of PCB's in heat exchange fluids or other PCB-containing materials used in the establishment manufacturing food-packaging materials.

(b) The following special provisions are necessary to preclude the accidental PCB contamination of food-packaging materials:

(1) New equipment or machinery for manufacturing food-packaging materials shall not contain or use PCB's.

(2) Within 30 days following the effective date of this order, the management of establishments manufacturing food-packaging materials shall:

(i) Have the heat exchange fluid used in existing equipment for manufacturing food-packaging materials sampled and tested to determine whether it contains PCB's, or verify the absence of PCB's in such formulations by other appropriate means. Within the 30 days specified above, any such fluid formulated with PCB's must be replaced with a heat exchange fluid that does not contain PCB's or any other harmful or deleterious substance.

(ii) Eliminate from the establishment any other PCB-containing materials wherever there is a reasonable expectation that such materials could cause food-packaging materials to become contaminated with PCB's either as a result of normal use or as a result of accident, breakage, or other mishap.

2. In Part 121 by revising § 121.2456(b) in subparagraphs (1) and (2), as follows:

§ 121.2546 Pulp from reclaimed fiber.

* * * * *

(b) * * *

(1) Industrial waste from the manufacture of paper and paperboard products excluding that which bears or contains any poisonous or deleterious substance which is retained in the recovered pulp and that migrates to the food.

(2) Salvage from used paper and paperboard excluding that which (i) bears or contains any poisonous or deleterious substance which is retained in the recovered pulp and migrates to the food or (ii) has been used for shipping or handling any such substance.

* * * * *

3. By adding a new Part 122 consisting initially of two sections, as follows:

Part 122—Unavoidable natural, environmental, or industrial contaminants in food and food-packaging material

Subpart A—Definitions and procedural and interpretative regulations.

§ 122.1 Definitions and interpretations.

(a) The definitions and interpretations of terms contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in this part.

(b) Unavoidable natural, environmental, or industrial contaminants include any poisonous or deleterious substance added to any food where such substance cannot be avoided by good manufacturing practice.

§ 122.2–122.9 [Reserved]

§ 122.10 Temporary tolerances for polychlorinated biphenyls (PCB's).

(a) Temporary tolerances for residues of PCB's as unavoidable environmental or industrial contaminants are established for a sufficient period of time following the effective date of this paragraph to permit the elimination of such contaminants at the earliest practicable time as follows:

(1) Milk, 2.5 ppm (fat basis).

(2) Dairy products, 2.5 ppm (fat basis).

(3) Poultry, 5.0 ppm (fat basis).

(4) Eggs, 0.5 ppm.

(5) Finished Animal Feeds, 0.5 ppm.

(6) Animal Feed Components (including fishmeal), 5.0 ppm.

(7) Fish, 5.0 ppm (edible portion).

(8) Infant and Junior Food, 0.1 ppm.

(9) Food-Packaging Material, 5.0 ppm.

4. In Part 128, by designating the existing text of § 128.4 as paragraph (a) and by adding a new paragraph (b) as follows:

§ 1284. Equipment and utensils.

(a) *General.* All plant equipment and utensils should be (1) suitable for their intended use, (2) so designed and of such material and workmanship as to be adequately cleanable, and (3) properly maintained. The design, construction, and use of such equipment and utensils shall preclude the adulteration of food with lubricants, fuel, metal fragments, contaminated water, or any other contaminants. All equipment should be so installed and maintained as to facilitate the cleaning of the equipment and of all adjacent spaces.

(b) Use of polychlorinated biphenyls (PCB's) in food plants. Polychlorinated biphenyl (PCB's) contamination has been detected in food and in food-packaging materials. Such contamination may have, in some cases, resulted from the use of PCB-containing equipment and utensils or from the use of PCB-contaminated food-packaging materials. PCB's are toxic substances which are very stable and highly persistent in the environment and have been employed in a wide range of industrial uses including heat exchange liquids in certain pasteurization equipment; additives in lubricants and hydraulic fluids; and ingredients of paints, plastics, resins, inks, waxes, adhesives, rubber, asphalt, and various building materials. The following special provisions are necessary to preclude accidental PCB contamination of food:

(1) New equipment, utensils, and machinery for handling or processing food in or around a food plant shall not contain PCB's.

(2) Within 30 days following the effective date of this paragraph, the management of food plants shall:

(i) Have the heat exchange fluid used in existing equipment or machinery for handling or processing food sampled and tested to determine whether it contains PCB's, or verify the absence of PCB's in such formulations by other appropriate means. Within the 30 days specified above, any such fluid formulated with PCB's must be replaced with a heat exchange fluid that does not contain PCB's or any other harmful or deleterious substances.

(ii) Eliminate from the food plant any PCB-containing food-contact surfaces of equipment or utensils and any PCB-containing lubricants for equipment or machinery that is used for handling or processing food.

(iii) Eliminate from the food plant any other PCB-containing materials wherever there is a reasonable expectation that such materials could cause food to become contaminated with PCB's either as a result of normal use or as a result of accident, breakage, or other mishap.

(iv) Eliminate the use of any food-packaging materials that contain in excess of the 5 parts per million temporary tolerance for PCB's established in § 122.10 of this chapter.

Interested persons may, within 60 days after publication hereof in the Federal Register, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

(Secs. 402(a), 406, 409, 701, 52 Stat. 1046 as amended, 1049, 1055–56 as amended by 70

Stat. 919 and 72 Stat. 948, 72 Stat. 1785–88 as amended; 21 U.S.C. 342(a), 346, 343, 371.)

Dated: Mar. 16, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

Certified to be a true copy of the original: Agnes B. Black.

[From the Washington Post, March 18, 1972]

FDA MOVES TO BAR PCB FROM FOOD

(By Elsie Carper)

The Food and Drug Administration announced new controls yesterday to limit human exposure to the DDT-like family of chemicals known as PCBs.

The agency said that it could not remove the toxic industrial chemicals from the environment, but that it was taking the steps it could to keep them out of food.

The amendment drew immediate criticism from at least one congressman who called the new controls inadequate.

PCBs in high concentrations are a known and serious health hazard. The effect of low-level, long-term human exposure is unknown, but studies on birds and animals raise the possibility of genetic defects.

"We do not believe that current food levels present a hazard to public health," FDA Commissioner Charles C. Edwards said.

"We do believe, however, that the sources of PCB's in food can and should be significantly reduced to prevent any potential hazard from developing," he said.

The controls would:

End the use of PCBs in plants that process food, animal feed or food-packaging materials.

Ban the use of recycled paper products containing PCBs for food packaging.

Set temporary levels of "unavoidable" PCB residues in food packing materials and in dairy and poultry products, fish, infant foods and animal feed.

PCBs are a family of odorless and colorless, manmade industrial chemicals—polychlorinated biphenyls—that have been widely used for the past 40 years as electrical insulating fluids, heat-transfer fluids, and in inks, paints, lubricants, plastics and carbonless carbon paper.

The properties that have made them valuable to industry—they can withstand high heat and are highly stable—have made them an environmental hazard. Like DDT, they are fat-soluble and work their way up the food chain until they reach man.

Within the past year, there have been at least four incidents of PCB contamination of poultry feed. Hundreds of thousands of chickens and turkeys and hundreds of crates of eggs were taken off the market and destroyed. In one of the incidents, PCBs got into the feed from a leaking heat-transfer unit.

FDA said that it is impossible to eliminate totally PCBs from food because of their prevalence in the environment.

Edward's contention that the regulations "will adequately protect the public health from the potential dangers of PCBs" was challenged by Rep. William F. Ryan (D–N.Y.), who has introduced legislation to ban PCBs from interstate commerce, a move that would virtually eliminate their manufacture and sale. Ryan said that this is the only way to keep environmental PCB levels from rising.

Monsanto Chemical Co., the only manufacturer of PCBs in this country, now limits sales to closed circuit systems.

The controls, announced by FDA, will be published in the Federal Register today but will not become final until after a 60-day period for public comment.

[From the New York Times, Mar. 18, 1972]

FDA PROPOSES A CHEMICAL CURB—HUMAN EXPOSURE TO PCB'S WOULD BE CUT BY RULES

(By Harold M. Schmeck Jr.)

WASHINGTON, March 17.—The Food and Drug Administration moved today to reduce human exposure to PCB's, a widely used group of industrial chemicals thought by some scientists to rival DDT as a potential health hazard.

The agency proposed new regulations to help prevent accidental contamination of food by PCB's and to set limits on permissible amounts of the chemicals in some important food classes.

"We do not believe that current food levels present a hazard to public health," said Dr. Charles C. Edwards, Commissioner of Food and Drugs, in announcing the proposal. "We do believe, however, that the sources of PCB's in foods can and should be significantly reduced to prevent any potential hazard from developing."

PCB stands for polychlorinated biphenyl. This is a class of colorless, odorless liquids having a chemical resemblance to DDT and a similar tendency to persist in the environment. PCB's are highly resistant to heat and have many industrial uses related to this fact. They are also used as ingredients in some paints, plastics, resins, inks, waxes, adhesives, rubber, asphalt and various building materials, according to the F.D.A.

FOUND IN PACKAGING

The agency's investigation of PCB's in foods has shown traces of the chemicals in 67 per cent of food packages tested, but in only 19 per cent of the foods in the packages. The chemicals were found not only in recycled paper, but also in virgin stock, but the drug agency announcement said there appeared to be a "continuing and substantial reduction of PCB's in packaging material."

PCB traces were found in fresh-water fish and in some food animals, but the announcement said the sources appear at least partly to be environmental contamination such as discharges of wastes into water and air.

The F.D.A.'s proposed regulations would require processors of food, animal feed and food packaging material to eliminate from use any PCB's that might be the source of accidental contamination of edible products. The new rules would also prohibit from the recycling process any deliberate or avoidable inclusion of pulp that contained "any poisonous or deleterious substance which might migrate to food."

The agency proposes temporary limits on PCB content of several important classes of foods ranging from one-tenth of one part per million in processed baby and junior foods to five parts per million in the edible parts of fish.

Representative William F. Ryan, Democrat of Manhattan, who has urged for at least two years a complete ban on PCB's said today the F.D.A. action was welcome, but long overdue and incomplete as a means of protecting the public.

MEDICREDIT

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, my remaining time in this Chamber is now measured in months and my feelings of regret about leaving the House are mixed with pleasure at some of the developments I have witnessed in recent years. In particular, I have taken great satisfaction in the proliferation of support for the concept of catastrophic insurance, in which the Federal Government helps guarantee that no citizen shall ever again have to face the crushing financial burdens that can result from prolonged illness, injury or extensive surgery.

For several years I have been urging acceptance of this principle in my bill—H.R. 177.

In the early days of my espousal of this program, I felt rather alone, but in the second session of my final Congress I am comforted by the certain knowledge that most of my colleagues are in favor of the principles. Some 40 of my fellow House Members, I am proud to say, have joined with me on my specific approach.

When I finally leave these halls, I will take with me the happy assurance that any national health bill that is finally enacted by the Congress will contain a meaningful catastrophic plan which will erase one of the great fears that have haunted people in our society.

Although I am a physician and have been active in the American Medical Association and supported the association in many of its causes through the years, I have not lent my name to the AMA's national health insurance legislation—"Medicredit"—in the past. In large part, my reluctance to do so was my concern that the program—as basically sound as it appeared to me—did not contain the catastrophic element that I believed was so vital to a national effort.

It has been most heartening to see the AMA revise its bill which now provides a sweeping catastrophic protection plan that merits the support of all of us. I do not know whether my pleadings in recent years may have contributed to this addition, but I do know that "Medicredit" as now constituted is a total, well-rounded program that is superior to many others on the scene.

It is therefore with great pleasure, and pride that I add my name for the first time to the list of 162 sponsors of medicredit—the largest support for any national health bill before the Congress—and urge my uncommitted colleagues to join with me.

As health rises more and more to the forefront as a domestic issue, I detect a growing swing to the broad principles of medicredit as a program that solves the health cost problems of the American people without imposing the heavy burden of an expensive, federally administered and controlled system.

Congressmen GROSS, SKUBITZ, and HUNT have joined me this morning in the introduction of identical legislation to H.R. 14960 "Medicredit."

DAN MITRIONE STREET

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, Dan Mitrione, an American citizen employed as a public safety adviser to assist the people of Brazil was murdered last year in cold blood by a terrorist organization known as the Tuparmaros.

The people of Brazil, obviously repelled by, and remorseful over, this senseless and brutal act, have attempted to bring posthumously honor to Mr. Mitrione by naming a street after him.

The following is the official translation of Mayor Lima's—Belo Horizonte, Brazil—statements at the inauguration of Dan Mitrione Street:

DAN MITRIONE STREET

Dan Mitrione spent less than four years of his life in our city. He was an American, but we saw in him the characteristics of a universal man, that is, of a man that, being born in a particular country, always put himself at the service of the land where he was. Here he was serving the Point IV Program or more appropriately, serving our state, as a result of the correct and opportune decisions of Point IV. A daughter was born to him in Belo Horizonte, and, in contact with our way of life, he knew how to engender admiration, spread bonds of friendship and, above all, to conserve, strengthen and enlarge them.

He was here as a Point IV Public Safety Advisor and soon began offering the contribution of his clear-sighted assistance to our Civil and Military Police. He didn't behave like a pretentious and dominating reformer, but in the manner of those who know how to cultivate the art of modesty, gently, adding to whatever is sound to make it better.

In fact, and judging by objective statements of several officers, the courses organized by him here and the opportunities offered to so many of our policemen to improve themselves in the United States, opened new and satisfying perspectives to improve the security personnel of the state.

He was understandable, humane, fraternal. His relationship with the Civil and Military Police was characterized by his correct and honest ways. For all that, his work was well received, and his presence even ardently welcomed.

I now think that, giving to this street the name of "Dan Mitrione," we are not only testifying of our recognition to somebody who gave us so much that was good, useful, necessary, but also recommending to the esteem and veneration of the present and future generations the example of someone who came out of himself to the benefit of all a beautiful and valid testimony of human solidarity.

We all know of the exceptional circumstances in which he died. His death was not a vulgar one. It was, perhaps, a most befitting one in benefit of the projection, not only of his name, but, above all, of his dedication to the public cause.

There is, in the Bible, a phrase that is not rarely used to describe the passage of certain men through time: "He spent his life doing good." He was a victim of evil persons or, at least, of those who, perhaps nourishing some ideal, have not yet convinced themselves that the fruit of violence is nothing but violence itself. But, paradoxically, there is, sometimes, as it now happens, the magic hand that bring into life, after death, those who were meant to be taken out of our society, from the regard and esteem of all men.

Our Municipal Council acted with sensitive inspiration, passing the law that gives this street the name of Dan Mitrione, and the Executive of the City (and this city is like a synthesis of our state), after sanctioning the legal mandate, as if interpreting the will of the people, says, like in a prayer, a combined and solemn "Amen"—"So be it."

THE PUBLIC'S RIGHT TO KNOW OF PRICE VIOLATIONS

(Mr. VANIK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, during the last few months, a number of my constituents have reported to me that they have made complaints to the Internal Revenue Service concerning cases they consider to be violations of the phase II price guidelines. They have indicated that such knowledge would perhaps influence their shopping habits. In other words, the public might like to avoid patronizing those companies and stores which are not cooperating during the present economic emergency.

Unfortunately, upon checking with the Internal Revenue Service, I was informed by the Service that they will not—absolutely not—reveal to the general public the results of their investigations and the complaints which they are receiving from the public.

Therefore, I have today introduced legislation to amend the Economic Stabilization Act "to direct the posting in all local and regional offices of the Internal Revenue Service of up-to-date lists of violators of orders and regulations issued under this act." I hope that all of my colleagues who are concerned about making phase II a success will help support this effort.

AN END TO PROFITEERING IN UNSAFE BLOOD

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record.)

Mr. PODELL. Mr. Speaker, whenever one of us enters a hospital, most of the risks and dangers are fairly obvious. However, in many of even the simplest operations involving blood tranfusions, there is a hidden danger. That danger is the blood itself.

Recently a number of investigations have found that much commercial blood sold to hospitals is bad blood—it leads to serum hepatitis.

This problem is reaching epidemic proportions. The Federal Government's Center for Disease Control estimates that there are 500,000 hepatitis cases each year. Blood transfusions now kill at least 3,500 Americans a year. They medically injure another 50,000 each year. Current estimates show that one patient of every 150 over the age of 40 dies from bad blood received in transfusions.

Why is the blood bad? The reason is that hospitals purchase over a third of the blood from commercial blood banks. Commercial blood is 70 times as likely to be infected with hepatitis than voluntary donor blood. The hospitals usually pay $40 to $50 per pint of blood. The commercial blood bank turns around and purchases blood the easiest way it can—in the infected skid rows, slums, and needle parks of America. These profiteers in blood pay $5 per pint to the unfortunate and diseased derelicts, addicts, and other inhabitants of squalor. A little subtraction will show you that there is a hefty profit for these commercial blood banks.

It is an almost cost-free profit for the bad blood profiteers. But it sure costs you and hospital patients—it costs your life.

Congress should act to take the profiteers out of the blood banks. In the past I have grappled with various solutions to this problem. This past session of Congress, I introduced H.R. 8339 and House Joint Resolution 723 both of which aimed to increase voluntary donations of blood through various incentives.

I am now sponsoring legislation to set up a national system of regulated blood banks. This legislation will provide for:

The establishment of a national blood bank program in HEW;

The inspection, licensing and regulation of all blood banks;

The clear labelling of the source of blood, with a "high-risk" notice attached to paid blood donations and a "low-risk" notice attached to voluntary blood donations;

Nine million dollars to recruit voluntary donors of blood through advertising, honors, and other means of communication and incentive;

The establishment of two classes of blood banks, Class B for blood most likely to be infected and Class A for blood that is least likely to be infected;

The encouragement and upgrading of Class A blood banks by prohibition of Federal purchase of Class B blood;

The establishment of a national registry of all donors so that blood banks can check for hepatitis carriers;

The exemption from antitrust laws of the national blood bank system so that it can weed out commercial blood bank profiteers.

Mr. Speaker, this is very direct legislation to deal with a simple but grave problem. We should now recognize that a national blood bank system must replace the current widespread system of blood bank profiteers. Nothing less than the life and health of those we represent is at stake.

AN AMENDMENT TO THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, today I am introducing into the House of Representatives an amendment to the Occupational Safety and Health Act of 1970 to delete the provision imposing penalties where violations are corrected within the abatement period prescribed.

In effect, my amendment would allow for on-location first inspections by Department of Labor officials—not to levy fines for violations—but to offer guidance to our small businessmen, farmers, and ranchers on what changes are needed to be in compliance with the new Occupational Safety and Health Act.

As the law now stands, we have thousands of small businessmen, farmers, and ranchers, sectors of our economy who have never before been covered by any type of safety law, faced with some 400 pages of detailed rules and regulations which they must try to wade through and meet to the best of their ability. Should a Department of Labor inspector visit a given facility and find that its owner has failed to meet even one of the hundreds of new regulations, the owner is fined on the spot.

Mr. Speaker, although I was not a Member of the 91st Congress which enacted this law, I cannot believe my colleagues intended to impose such confusion and hardship on members of the agricultural and small business community.

Now is the time for the 92d Congress to remedy some of the glaring mistakes in this law. Senator Carl Curtis and Cliff Hansen have come forward with 12 amendments which also emphasize cooperation and education, rather than harassment and heavy fining.

I am hopeful that hearings on amendments to the Occupational Safety and Health Act can be scheduled in both bodies sometime during this session in order to prevent further crushing fines for small businessmen and further alienation toward the Department of Labor, and, indeed, all in the service of the Federal Government. If hearings were scheduled and the citizens most directly affected were allowed to give testimony on how this law is being administered, I have no doubts, but that Congress would respond with sweeping amendments.

Following is a sampling of the dozens of letters I have received from Wyoming citizens, who earnestly petition Congress to grant relief by approving limiting amendments to this unpopular law:

Bar 13 Ranch,
Big Horn, Wyo., February 21, 1972.
Hon. Teno Roncalio,
U.S. House of Representatives,
Washington, D.C.

Dear Teno: There is quite an uproar here about the Williams-Steiger Safety bill and the town is making a determined effort to write their Congressmen and Senators to ask them to vote for the bills which exempt small businesses.

I have read the law and it is really very difficult to understand and I know that it will likewise be hard to enforce. The exemption of small businesses and the individual employers could well be met and would, I think, avoid imposing a needless burden on those of us who are trying to operate as individuals.

The law as it is written seems to describe no standards but sends inspectors around who then become judge and jury of what is dangerous and what isn't. We are already bearing a very heavy bookkeeping burden and having a hard enough time making out. This will be another deterrent for young people thinking about going into agriculture, and a burden which may well put some of the older agriculturists out of it.

I hope all goes well and that we will see you in Wyoming before too long.

Sincerely,
Allen O. Fordyce.

Sheridan, Wyo.,
March 2, 1972.
Hon. Teno Roncalio,
Longworth House Office Building,
Washington, D.C.

Dear Congressman: I strongly urge you to investigate and see to it that the Williams-Steiger Safety Act in its present form is amended. This bill in its present from is totally unacceptable and will create a great deal of hardship for both small businessmen and employees. I am sure you have had many complaints about the bill and you will receive many more complaints.

I know there are a number of amendments before the House and Senate but I am not certain in my own mind that these bills will cure the problem exactly as it should be cured. Any relief at this time, however, would be greatly appreciated.

The Williams-Steiger Safety Act, as it is being administered and as it is in its present form, will kill many small businessmen. In short, it is a vicious and impractical bill.

Your help in correcting this bill would be greatly appreciated. Please call on me if I can help in this problem.

Yours very truly,
Vincent Paul Johnston.

Lovell, Wyo.,
February 17, 1972.
Teno Roncalio,
U.S. Congressman,
House Office Building, Washington, D.C.

Dear Congressman Roncalio: Recently I listened to a presentation of the Williams-Steiger Act along with a description of the rules, regulations, and enforcement procedures used by the Department of Labor. If the description of the Wyoming Retail Merchants Ass'n. (Gaylord Hansen), which pointed out vast and detailed safety rules and regulations, and high fines and cost of compliance, is true, I feel immediate investigation is called for.

I certainly am not against reasonable rules, regulations, and enforcement proceedures to protect employees health and safety. However, if the description was presented accurately, I feel this is a type of harassment and economic burden totally unfair, to inflict on our nation's commercial and agricultural interests.

Would your office investigate this problem and determine, if an fact this situation exists. If it does, please take whatever action you can to bring about a reasonable solution.

Sincerely,
John T. Nickle,
Manager.

Worland, Wyo,
February 28, 1972.
Hon. Teno Roncalio,
U.S. House of Representatives,
Washington, D.C.

My Dear Mr. Roncalio: To come right to the point one gets quite disgusted and wonders what has happened to the equality of justice from our federal government. How has it happened that such, for lack of better phrasing, I use, petty laws and enforcement are allowed to become laws from our law makers.

We can take for example the Williams and Steiger Occupational Safety and Health Act of 1970. I would not argue the merits of this law but instead the enforcement or frightening and chaotic effect it has had on the people of Wyoming. We of Wyoming, as you know, have pride and as other states like to feel as we are part of things and will comply to laws. It may be difficult, may be impossible, but we will try.

The point is this. We are a small state with many small businesses. By small business I mean mostly employers of from two to five persons. It all starts with announcements on the news—1970 Safety Act—fines to $1,500 for not complying, ignorance of the law will not be an excuse, you can still be fined up to $1500.00. Meetings in different towns of Wyoming to explain the 1970 Safety Act and to answer any questions at this time will be held. These are news items.

I have talked with many businessmen who have attended these meetings and not one knows how or what he can do to comply and scared some federal inspector will at any moment pop in and say you are fined X dollars. In other words if questions are asked at meetings the stock answer is—we don't know in this case, or at this time. It would seem then that if ignorance of the law is not an excuse, if you are ignorant the place to be is working for the government. You need not know all the answers when working for the government. There is no penalty, but to taxpayer outside of government, ignorance is no excuse. You are in trouble. We are just not that smart and could use some compassion. If we are to have a safety act, let it be one that all business can justly live with and readily understand instead of fearing.

Respectfully yours,
Rex L. Hamilton.

Russell's TV Service,
Casper, Wyo., February 29, 1972.
Hon. Teno Roncalio,
U.S. Senate,
Washington, D.C.

Dear Sir: I wish to express my great displeasure with the new OSAHA law. I feel that as a small businessman, I will be unable to comply. The financial expense is more than I am able to afford.

I also feel that I should have been notified of this new law long before now. As of this date, I have not received the necessary forms, registers, and material for compliance with this law.

Sincerely,
J. W. Russell.

March 4, 1972.

Dear Congressman Roncalio: I am writing in regards to the new Federal Health and Safety Act (OSHA).

For the past several weeks, I have read reports of Federal inspectors fining businesses in Wyoming for what I consider some very unfair charges.

I recently attended a seminar in Casper on the OSHA act. What I learned disturbed me greatly. Mr. Beebe (District Director from Denver) made some very definite points; such as *no* business could pass the Federal Inspection, and no appeals had ever overturned their citations.

I run a small independent business which I started from scratch. I know that there is no possible way to ever completely meet their requirements, as I do not believe that any business, large or small can. One of the items in the Federal Register is that ice in employees water cans is unhealthy. I believe this is a personal decision to be made by employees and not a dictate of the goverment. In a factory this may be feasible with water coolers, but working in oil fields under the hot sun all day with no cool water, I feel is unfair.

I have cited just one of the many very unrealistic rules.

I am 100% for safety of all my employees, but how, when human nature is not perfect, can a person run a business that is perfect, which is what these regulations are written for.

I hope that my business and all the rest in the United States can count on your help to bring this bill into more realistic points on safety. If this bill is allowed to remain, I am certain that many small businesses will have to close their doors, and possibly some of the larger businesses. I do not believe the idea is wrong, just that it is too perfect.

Yours truly,
John Campbell.

Midwest Roofing Co.,
Torrington, Wyo., March 1, 1972.
Representative Teno Roncalio,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Roncalio: I am sure you have received many letters pertaining to the Williams-Steiger Act, (OSHA).

I know you are working for the farmers but how about the small business people?

I operate a small roofing business from my home, and like a number of other small businesses worry about having to go out of business because of this law.

If this happens it will put people out of work and on welfare, me included, and it will also stop income tax from all these people to the government.

We try to see to it that our help works as safely as possible and I think our record of no accidents speaks for itself.

Also no one that I know of has received any rules or regulations pertaining to their business, but the inspectors can come in and fine you for something you don't even know is wrong.

I hope you will do what you can to correct this law, as it is very unfair, and please remember, the small businessmen are in about the same position as the farmers.

Sincerely,

J. O. Messer.

Glenrock Wyo., *March 1, 1972.*

Hon. Teno Roncalio,
House of Representatives,
Washington, D.C.

Re: Recent Occupational Health and Safety Laws.

Dear Sir: We are writing to you to call to your attention the *extreme hardships* that are being imposed on small businessmen by the new Occupational Health and Safety Departments under the new Laws and Regulations.

First of all most of us have been unable to secure a copy of these regulations. However, we understand and read of severe fines being imposed upon some Wyoming firms.

Nearly all of the businessmen in Glenrock have to hire some help. To comply with the law, with older buildings especially, would make it impossible to stay in business. An inspection, with fines allowed, would make paupers of otherwise self-supporting citizens, to say nothing of the loss of jobs for people employed by the town and its business owners.

We have been here for many years (Edward since 1908 and Juanita since 1918.) Since 1926 the Clark family have been in business. We ourselves operated a filling station and a bulk gas business. When our health failed we sold the bulk facilities and leased our large brick filling station.

Isn't there some way to lessen the "nit-Picking" regulations??? Or give us more time to complete the changes needed to comply with the disastrous situation?? *If* and *when* we can find out what the regulations are.

Don't misunderstand us. We believe in safety and have always tried to maintain our buildings and equipment in a safe and proper condition.

As far as we know not one serious accident due to unsafe premises has happened within the Town of Glenrock. We do not want to cease to be a town because of National Government regulations which can be near *impossible* to meet.

Businessmen, especially the smaller ones are CRYING for your help—there is real danger that we can all "sink out of sight" and cease to exist either individually or as a town.

Sincerely,

Edward G. Clark,
Juanita D. Clark.

LEAVE OF ABSENCE

By unanimous consent, leaves of absence were granted as follows to:

Mr. Jones of Tennessee (at the request of Mr. O'Neill), for today, on account of official business.

Mrs. Dwyer (at the request of Mr. Gerald R. Ford), from March 13, on account of injury.

Mr. Kee (at the request of Mr. Staggers), for Monday, March 20, 1972, on account of official business.

Mr. Yates (at the request of Mr. O'Neill), for today and the balance of the week, on account of official business.

Mr. Pepper (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Rangel (at the request of Mr. O'Neill), for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Landgrebe) to revise and extend their remarks and include extraneous matter:)

Mr. Chamberlain, for 5 minutes, today.

Mrs. Heckler of Massachusetts, for 15 minutes, today.

Mr. Halpern, for 10 minutes, today.

(The following Members (at the request of Mr. Mazzoli) to revise and extend their remarks and to include extraneous matter:)

Mr. Gonzalez, today, for 10 minutes.

Mr. Rosenthal, today, for 20 minutes.

Mr. Thompson of New Jersey, today, for 10 minutes.

Mr. Aspin, today, for 10 minutes.

Mr. Reuss, today, for 10 minutes.

Mr. Begich, today, for 5 minutes.

Mr. Stokes, on March 22, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Goodling to extend his remarks following those of Mr. Downing, today.

(The following Members (at the request of Mr. Landgrebe) and to include extraneous matter:)

Mr. Rhodes in five instances.
Mr. Harsha.
Mr. Minshall in three instances.
Mr. Conte.
Mr. Anderson of Illinois.
Mr. Harvey.
Mr. Duncan in three instances.
Mr. Bray in two instances.
Mr. Young of Florida in five instances.
Mr. McKinney.
Mr. Spence.
Mr. Wyman in two instances.
Mr. Hosmer in two instances.
Mr. Schwengel in two instances.
Mr. Reid.
Mr. Whitehurst.
Mr. McClory in two instances.
Mr. Halpern.
Mr. Heinz.
Mr. Gubser.
Mr. Broomfield.
Mr. Zwach in two instances.

(The following Members (at the request of Mr. Mazzoli), and to include extraneous matter:)

Mr. Galifianakis.
Mr. Seiberling in 10 instances.
Mr. Giaimo in 10 instances.
Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Long of Maryland.
Mr. Griffin in two instances.
Mr. Bolling in four instances.
Mr. Fraser in five instances.
Mr. Carney.
Mrs. Griffiths in three instances.
Mr. Kluczynski in two instances.
Mr. Fountain.
Mr. Annunzio in two instances.
Mr. Dingell in five instances.
Mr. Fisher in four instances.
Mr. Harrington.
Mr. Kee.
Mr. Rees in two instances.
Mr. Kyros.
Mr. Ryan in three instances.
Mr. Byrne of Pennsylvania.
Mr. St Germain.
Mr. Tiernan in two instances.
Mr. Thompson of New Jersey in two instances.
Mr. Eilberg.
Mr. Pike.
Mr. Stokes in three instances.
Mr. Murphy of Illinois in two instances.
Mr. Anderson of California in two instances.
Mr. Flynt in three instances.
Mr. Waldie in three instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2674. An act to remove a cloud on the title to certain lands located in the State of New Mexico, to the Committee on Interior and Insular Affairs.

S. 2700. An act to extend diplomatic privileges and immunities to the mission to the United States of America of the Commission of the European Communities and to members thereof; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 10390. An act to extend the life of the Indian Claims Commission, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2097. An act to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 21, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1751. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1972 and amendments to the request for appropriations for fiscal year 1973 (H. Doc. No. 92–267); to the Committee on Appropriations and ordered to be printed.

1752. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes; to the Committee on Armed Services.

1753. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize the use of health mantenance organizations in providing health care; to the Committee on Armed Services.

1754. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the proposed transfer of the submarine U.S.S. *Runnner* to the Saugatuck Marine Museum, Douglas, Mich., pursuant to 10 U.S.C. 7208; to the Committee on Armed Services.

1755. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to provide for the continuation of programs authorized under the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

1756. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees; to the Committee on the Judiciary.

1757. A letter from the chairman, Plymouth-Provincetown Celebration Commission, transmitting the final report of the commission, pursuant to Public Law 91-474; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

1758. A letter from the Comptroller General of the United States, transmitting a report on problems in attaining integrity in welfare programs administered by the Social and Rehabilitation Service of the Department of Health, Education, and Welfare; to the Committee on Government Operations.

1759. A letter from the Comptroller General of the United States, transmitting a report of better controls needed in reviewing selection of in-house or contract performance of support activities in the Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. O'NEILL: Committee on Rules. House Resolution 900. A resolution providing for the consideration of H.R. 13120. A bill to provide for a modification in the par value of the dollar, and for other purposes (Rept. No. 92-930). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 9552. A bill to amend the cruise legislation of the Merchant Marine Act, 1936; with an amendment (Rept. No. 92-931). Referred to the Committee of the Whole House on the State of the Union.

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 13150. A bill to provide that the Federal Government shall assume the risks of its fidelity losses, and for other purposes; with amendments (Rept. No. 92-932). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 13188. A bill to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard; with an amendment (Rept. No. 92-933). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 13324. A bill to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce; with an amendment (Rept. No. 92-934). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee on Foreign Affairs. H.R. 13336. A bill to amend the Arms Control and Disarmament Act,; as amended, in order to extend the authorization for appropriations (Rept. No. 92-935). Referred to the Committee of the Whole House on the State of the Union.

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 13753. A bill to provide equitable wage adjustments for certain prevailing rate employees of the Government (Rept. No. 92-936). Referred to the Committee of the Whole House on the State of the Union.

Mr. CASEY of Texas: Committee on Appropriations. H.R. 13955. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92-937). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 13898. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 13899. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGLAND (for himself, Mr. Anderson of Tennessee, Mr. Henderson, Mr. Alexander, and Mr. Hungate):

H.R. 13900. A bill to amend the Agricultural Act of 1949, as amended, to require the Secretary of Agriculture to make advance payments to producers participating in wheat and feed grain programs; to the Committee on Agriculture.

By Mr. BYRNE of Pennsylvania:

H.R. 13901. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. CASEY of Texas:

H.R. 13902. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct expenses incurred in traveling outside the United States to obtain information concerning a member of his immediate family who is missing in action, or who is or may be held a prisoner, in the Vietnam conflict, and for other purposes; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 13903. A bill to provide for meeting the manpower needs of the Armed Forces of the United States through a completely voluntary system of enlistments, and to further improve, upgrade, and strengthen such Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. DOWNING (for himself, Mr. Garmatz, Mr. Pelly, Mrs. Sullivan, Mr. Mailliard, Mr. Mosher, Mr. Lennon, Mr. Ruppe, Mr. Goodling, Mr. Bray, Mr. Stubblefield, Mr. Jones of North Carolina, Mr. Leggett, Mr. Biaggi, Mr. Griffin, Mr. Anderson of California, and Mr. Kyros):

H.R. 13904. A bill to provide the Secretary of the Interior with authority to promote the conservation and orderly development of the hard mineral resources of the deep sea bed, pending adoption of an international regime therefor; to the Committee on Merchant Marine and Fisheries.

By Mr. EDWARDS of Alabama:

H.R. 13905. A bill to amend the Internal Revenue Code of 1954 to exempt tank truck hoses and couplings sold by dealers in industrial equipment and supplies from the manufacturers excise tax on truck parts; to the Committee on Ways and Means.

By Mr. ERLENBORN (for himself and Mr. Brown of Ohio):

H.R. 13906. A bill to amend the Administrative Conference Act; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 13907. A bill to amend section 518 of the National Housing Act to broaden and improve the existing authority of the Secretary of Housing and Urban Development to protect homebuyers by correcting or compensating for substantial defects in mortgaged homes; to the Committee on Banking and Currency.

By Mrs. GREEN of Oregon:

H.R. 13908. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. GUBSER:

H.R. 13909. A bill to amend title 5, United States Code, to provide that Japanese Americans who were placed in internment camps during World War II shall be credited for civil service retirement purposes with the time they spent in such camps; to the Committee on Post Office and Civil Service.

By Mr. HALL (for himself, Mr. Skubitz, Mr. Hunt, and Mr. Gross):

H.R. 13910. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia:

H.R. 13911. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself, Mr. Conyers, Mr. Ryan, Mr. Mikva, Mr. Drinan, Mr. Railsback, Mr. Fish, and Mr. Coughlin):

H.R. 13912. A bill to increase the amount of money which the Attorney General may, in his discretion, furnish a person convicted under the laws of the United States upon discharge from imprisonment or release on parole; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 13913. A bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes; to the Committee on Education and Labor.

H.R. 13914. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

By Mr. McCULLOCH (for himself, Mr. Quie, and Mr. Gerald R. Ford):

H.R. 13915. A bill to further the achievement of equal educational opportunities; to the Committee on Education and Labor.

By Mr. McCULLOCH (for himself and Mr. Gerald R. Ford):

H.R. 13916. A bill to impose a moratorium on new and additional student transportation; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts:

H.R. 13917. A bill to grant a Federal Charter to Malden Veterans of Irish Ancestry, Inc.; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts (for himself, Mr. Van Deerlin, Mr. Rooney of Pennsylvania, Mr. Tiernan, Mr. Keith, Mr. Brown of Ohio, and Mr. Frey):

H.R. 13918. A bill to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MIKVA (for himself, Mr. Rosenthal, Mr. Halpern, Mr. Harrington, Mr. Helstoski, Mrs. Mink, Mr. Morse, Mr. Moss, Mr. Podell, Mr. Rees, Mr. Ryan, Mr. Charles H. Wilson, Mr. Wolff, and Mr. Wydler):

H.R. 13919. A bill to establish the Airport Noise Curfew Commission and to define its functions and duties; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of California:

H.R. 13920. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

By Mr. PODELL:

H.R. 13921. A bill to amend the Economic Stabilization Act Amendments of 1971 with respect to certain comparability adjustments in rates of pay of the Federal statutory pay systems; to the Committee on Banking and Currency.

By Mr. QUIE (for himself, Mr. Bergland, Mr. Fraser, Mr. Frenzel, Mr. Nelsen, and Mr. Zwach):

H.R. 13922. A bill to provide that in the administration of the School Lunch and Child Nutrition Act, the Secretary of Agriculture shall, within limits which he will prescribe, permit the operation of certain food vending machines in participating schools where the proceeds of such operations go to organizations sponsored or approved by the school; to the Committee on Education and Labor.

By Mr. RAILSBACK:

H.R. 13923. A bill to amend the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. RANDALL:

H.R. 13924. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. REID (for himself, Mr. Quie, Mr. Hansen of Idaho, Mr. Kemp, Mr. Erlenborn, Mr. Esch, and Mr. Steiger of Wisconsin):

H.R. 13925. A bill to provide for the continuation of programs authorized under the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. RONCALIO:

H.R. 13926. A bill to amend the Occupational Safety and Health Act of 1970 to delete the provision imposing penalties where violations are corrected within the abatement period prescribed; to the Committee on Education and Labor.

By Mr. ROSENTHAL (for himself, Mr. Mikva, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Brasco, Mr. Bell, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Dow, Mr. Edwards of California, Mr. Fish, Mr. Fraser, and Mr. Gude):

H.R. 13927. A bill to establish the Airport Noise Curfew Commission and to define its functions and duties; to the Committee on Interstate and Foreign Commerce.

By Mr. RUNNELS:

H.R. 13928. A bill to suspend for a 2-year period the duty on crude barium sulfate; to the Committee on Ways and Means.

By Mr. RUTH:

H.R. 13929. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN (for himself and Mr. Tiernan):

H.R. 13930. A bill to establish fishing zones of the United States beyond its territorial seas, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SAYLOR:

H.R. 13931. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. STOKES (for himself Mrs. Abzug, Mr. Anderson of Tennessee, Mr. Aspin, Mr. Badillo, Mr. Bingham, Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. Cleveland, Mr. Collins of Illinois, Mr. Conyers, Mr. Córdova, Mr. Daniels of New Jersey, Mr. Dellums, Mr. Dent, Mr. Diggs, Mr. Dow, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Fauntroy, and Mr. Forsythe):

H.R. 13932. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has enough quarters of coverage to be fully insured for old-age benefit purposes, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. STOKES (for himself, Mr. Fraser, Mr. Gibbons, Mr. Halpern, Mr. Harrington, Mr. Hawkins, Mr. Helstoski, Mr. Hicks of Washington, Mr. Metcalfe, Mr. Mikva, Mrs. Mink, Mr. Mitchell, Mr. Pepper, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Riegle, Mr. Rosenthal, Mr. Ryan, Mr. Sarbanes, Mr. Seiberling, and Mr. White):

H.R. 13933. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has enough quarters of coverage to be fully insured for old-age benefit purposes, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 13934. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas:

H.R. 13935. A bill to further the achievement of equal educational opportunities; to the Committee on Education and Labor.

H.R. 13936. A bill to impose a moratorium on new and additional student transportation; to the Committee on the Judiciary.

By Mr. TERRY:

H.R. 13937. A bill to require the use of U.S. materials and products in the construction, alteration, or repair of water, air, or noise pollution control facilities for which Federal assistance is provided; to the Committee on Public Works.

By Mr. THOMPSON of New Jersey:

H.R. 13938. A bill to amend the Labor Management Relations Act, 1947, to permit employee contributions to jointly administered trust funds established by labor organizations to defray costs of legal services; to the Committee on Education and Labor.

By Mr. THOMSON of Wisconsin:

H.R. 13939. A bill to support the price of milk at 90 percent of the parity price for the period beginning April 1, 1972, and ending March 31, 1973; to the Committee on Agriculture.

H.R. 13940. A bill to withhold compensation from Members of the House of Representatives and Senate under certain circumstances with respect to attendance; to the Committee on the Judiciary.

By Mr. THONE (for himself, Mr. Crane, Mrs. Hicks of Massachusetts, Mr. Sebelius, and Mr. Waggonner):

H.R. 13941. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

By Mr. THONE (for himself, Mr. Alexander, Mr. Andrews, Mr. Archer, Mr. Baker, Mr. Blackburn, Mr. Brinkley, Mr. Broyhill of North Carolina, Mr. Burlison of Missouri, Mr. Cabell, Mr. Camp, Mr. Casey of Texas, Mr. Collier, Mr. Daniel of Virginia, Mr. Dickinson, Mr. Findley, Mr. Hammerschmidt, Mr. Hastings, Mr. Jones of North Carolina, Mr. Landgrebe, Mr. McCollister, Mr. McDonald of Michigan, Mr. Montgomery, Mr. Quillen, and Mr. Rarick):

H.R. 13942. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

By Mr. THONE (for himself, Mr. Rhodes, Mr. Roberts, Mr. Scherle, Mr. Schneebeli, Mr. Shriver, Mr. Sikes, Mr. Snyder, Mr. Spence, Mr. Steiger of Arizona, Mr. Taylor, Mr. Terry, Mr. Thompson of Georgia, and Mr. Vander Jagt):

H.R. 13943. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

By Mr. THONE (for himself, Mr. Denholm, Mr. Edwards of Alabama, Mr. Ichord, Mr. Kemp, and Mr. Mathis of Georgia):

H.R. 13944. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

By Mr. UDALL:

H.R. 13945. A bill to regulate State presidential primary elections; to the Committee on House Administration.

By Mr. VANIK:

H.R. 13946. A bill to amend the Economic Stabilization Act of 1970 to authorize and direct the posting in all local and regional offices of the Internal Revenue Service of the United States of up-to-date lists of violators of orders and regulations issued under this act, and for other purposes; to the Committee on Banking and Currency.

By Mr. VANIK (for himself, Mr. Fauntroy, Mr. Rodino, and Mr. Bell):

H.R. 13947. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs; to the Committee on the Judiciary.

By Mr. VEYSEY (for himself, Mr. Aspin, Mr. Bingham, Mr. Blackburn, Mr. Brasco, Mr. Cleveland, Mr. Coughlin, Mr. Davis of Georgia, Mr. Dingell, Mr. Gubser, Mr. Hanna, Mrs. Hicks of Massachusetts, Mr. Matsunaga, Mr. Minshall, Mr. St Germain, Mr. Sandman, Mr. Yates, and Mr. Yatron):

H.R. 13948. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALLEY:

H.R. 13949. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. WOLFF:

H.R. 13950. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

H.R. 13951. A bill to provide financial and other aid to enable the United States to assist Jewish refugees to emigrate from the Soviet Union to Israel or the country of their choice; to the Committee on Foreign Affairs.

By Mr. CASEY of Texas:

H.R. 13955. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. BRADEMAS:

H.J. Res. 1117. Joint resolution designating the third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. HECHLER of West Virginia:

H.J. Res. 1118. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.J. Res. 1119. Joint resolution proposing an amendment to the Constitution of the United States to require that persons 18 years of age and older be treated as adults for the purposes of all law; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas:

H.J. Res. 1120. Joint resolution proposing an amendment to the Constitution of the United States to modify the method of appointment and terms of office of the Federal judiciary; to the Committee on the Judiciary.

H.J. Res. 1121. Joint resolution proposing an amendment to the Constitution of the United States providing for the reconfirmation by popular vote of certain Federal judges; to the Committee on the Judiciary.

By Mr. BERGLAND (for himself, Mr. ABOUREZK, Mrs. ABZUG, and Mr. HARRINGTON):

H. Res. 901. Resolution expressing the sense of the House that the full amount appropriated for the fiscal year 1972 for the Farmers Home Administration's farm operating loan program and waste facility grant program authorized by the Consolidated Farmers Home Administration Act of 1961, be released and made available by the administration to carry out the objectives of these programs; to the Committee on Appropriations.

By Mr. TEAGUE of Texas:

H. Res. 902. Resolution to instruct the Judiciary Committee to make a continuing study of the fitness of Federal judges for their offices; to the Committee on Rules.

By Mr. WOLFF (for himself, Mr. ANDERSON of Tennessee, and Mr. CHARLES H. WILSON):

H. Res. 903. Resolution expressing the sense of the House of Representatives that the President should suspend, in accordance with section 481 of the Foreign Assistance Act of 1961, economic and military assistance and certain sales to Thailand for its failure to take adequate steps to control the illegal traffic of opium through its borders; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

337. By the SPEAKER: Memorial of the Legislature of the State of New Mexico, relative to the control of television advertising of certain drugs and medicines; to the Committee on Interstate and Foreign Commerce.

338. Also, memorial of the Senate of the State of Arizona, relative to a Federal program for research and cure of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

339. Also, memorial of the House of Representatives of the State of Missouri, relative to the "blacking out" of television coverage of professional sporting events within a 50-mile radius of the city in which events are held; to the Committee on Interstate and Foreign Commerce.

340. Also, memorial of the Legislature of the State of Florida, relative to establishment of the National Academy of Criminal Justice in the State of Florida; to the Committee on the Judiciary.

341. Also, memorial of the Legislature of the State of Idaho, relative to providing for the forwarding of State income tax forms; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARTER:

H.R. 13952. A bill for the relief of Appalachian Regional Hospitals, Inc.; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.R. 13953. A bill to provide for the relief of Sandstrom Products Co., of Port Byron, Ill.; to the Committee on the Judiciary.

By Mr. WAMPLER:

H.R. 13954. A bill for the relief of Appalachian Regional Hospitals, Inc.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

202. The SPEAKER presented a petition of the Congress of Micronesia, Capitol Hill, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to making the trust territory eligible for certain water-pollution-control facilities, which was referred to the Committee on Public Works.

SENATE—*Monday, March 20, 1972*

The Senate met at 11 a.m. and was called to order by Hon. HAROLD E. HUGHES, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, we thank Thee for everything around us which communicates Thy presence and lights our life with eternal splendor. We thank Thee for the greatness and glory of nature, for the history of the race, for the lives of noble men, for thoughts of Thee conveyed in words, in symbols of stone and glass, in architecture and art. We thank Thee for the memory of solemn vows which summon us to renewed striving. We thank Thee for hushed moments of quiet thought and silent prayer, for seasons of communion when the eternal holds our spirits raptured and alone. While we work at temporal tasks, give us grace to bring our labor under the spell of that kingdom which is above all earthly kingdoms whose builder and maker is God.

In His name, who is King of Kings and Lord of Lords. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER.** The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The second assistant legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 20, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. HAROLD E. HUGHES, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. HUGHES thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, March 17, 1972, be dispensed with.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rule VIII, be dispensed with.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, under New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The **ACTING PRESIDENT** pro tempore. The nominations on the Executive Calendar, under New Reports will be stated.

DEPARTMENT OF LABOR

The legislative clerk read the nomination of Michael H. Moskow, of New Jersey, to be an Assistant Secretary of Labor.

The **ACTING PRESIDENT** pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ARMY

The legislative clerk read the nomination of Col. Charles Van Loan Elia, Veterinary Corps, U.S. Army, to be a brigadier general, Veterinary Corps.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. NAVY

The legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read sundry nominations in the Air Force, in the Army, in the Navy, and in the Marine Corps, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TWO MONDAY MORNING THOUGHTS

Mr. SCOTT. Mr. President, I have two Monday morning thoughts, one sacred and one profane.

The sacred one is inspired by the Chaplain's prayer this morning. I would add: We thank Thee, God, for this dear land. Lead us to lend a helping hand, that it may ever better be.

The profane thought is inspired by the Gallup poll yesterday, indicating that Senator HUBERT HUMPHREY is very strongly ahead of Senator MUSKIE in what is laughingly described as a contest for the presidential nomination of the other party.

I want to suggest that perhaps the ticket should be, once more, HUMPHREY and MUSKIE, because I see no reason for breaking up a losing team.

Mr. President, I yield back the remainder of my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore (Mr. HUGHES). Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

WELCOME TO SPRING

Mr. BYRD of West Virginia. Mr. President—

The year's at the spring
And day's at the morn;
Morning's at seven;
The hillside's dew-pearled;
The lark's on the wing;
The snail's on the thorn:
God's in his heaven—
All's right with the world.

QUORUM CALL

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 9:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The above order was subsequently changed to provide for the Senate to convene tomorrow at 9:15 a.m.)

ORDER FOR RECOGNITION OF SENATORS NELSON AND MONDALE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the recognition of the two leaders on tomorrow under the standing order, the distinguished Senator from Wisconsin (Mr. NELSON) be recognized for not to exceed 15 minutes and that he be followed by the distinguished Senator from Minnesota (Mr. MONDALE) for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

ECONOMIC OPPORTUNITY FOR MINORITIES—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-194)

The ACTING PRESIDENT pro tempore (Mr. HUGHES) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

From its start, America has prided itself on being a land of opportunity.

In recent years, we have done much to press open new doors of opportunity for millions of Americans to whom those doors had previously been barred, or only half-open. In jobs, housing, education, old obstacles are being removed. But for Blacks, Mexican-Americans, Puerto Ricans, Indians and other minorities who have known discrimination, economic opportunity must also increasingly be made to mean a greater chance to know the satisfactions, the rewards and the responsibilities of business ownership. Such opportunities are not only important in themselves; they also help make possible the economic and social advances that are critical to the development of stable and thriving communities on which the social and economic vitality of the Nation as a whole depend.

Despite a long history of frustration and lost potential, minority Americans want business ownership—and they should. Potential minority entrepreneurs are eager to join the mainstream of the Nation's commerce. Many need help in getting started—and increasing numbers are getting that help. A working coalition of the Government, the private sector and minority communities is moving rapidly to provide disadvantaged Americans with opportunities to own and control their own successful businesses.

The principal need of minority business today is for a greater supply of investment capital. Technical assistance, training, promotion and business opportunities are all fundamentally related to investment capital, that centripetal force which draws together the people, skills, equipment and resources necessary to operate a profitable business.

The coalition of public and private sectors and minority interests supporting disadvantaged business enterprise must be strengthened now, if we are to achieve the goal of generating the additional investment capital needed.

Today, therefore, I am turning to the Congress for its cooperation and help. I urge the approval by the Congress of the following:

—first, the Minority Enterprise Small Business Investment Act of 1972;

—second, a budget request for the Office of Minority Business Enterprise of $63.6 million for fiscal 1973;

—third, a variety of other small business legislation currently pending in Congress which will directly and collaterally aid minority enterprise.

THE PRESSING NEED

The Nation's black, Spanish-speaking, and Indian and other minorities constitute about one-sixth of the American population. Yet in 1967—the last year for which final figures are available—these American minorities accounted for well below 1 percent of the total business income of the Nation. Gross receipts of almost $1.5 trillion were reported in that year by all American businesses. Of this amount, minority-owned firms received only $10.6 billion, or less than 1 percent. In the United States today, there are more than 8 million businesses; minority Americans presently own only about 4 percent of these businesses, despite the fact that they constitute almost 17 percent of our population.

These statistics starkly summarize the gross disparity of the minority enterprise imbalance, but they do not adequately outline the broader effects on our society at large. The human cost, in terms of lost potential and lowered horizons, is immeasurable.

RESPONDING TO MINORITY NEEDS

Recognizing the need for Government incentives and leadership, I took steps in my first months in office to awaken the Federal Establishment and the private sector to the potential for development of minority business. First, I established the Office of Minority Business Enterprise (OMBE) within the Department of Commerce to plan and coordinate comprehensive minority business development. Secondly, the Small Business Administration (SBA) undertook to increase minority participation in its many business programs. Thirdly, I directed all Federal departments and agencies to respond to the aspirations and needs of minority entrepreneurs, particularly by use of their procurement powers.

PROGRESS REPORT

I am pleased to report to the Congress that our efforts to stimulate the Federal Government and private sector have been highly productive. A comprehensive statement of accomplishments was published in January of this year entitled, "Progress of the Minority Business Enterprise Program." Let me summarize the highlights of that report for you and outline our current status.

Office of Minority Business Enterprise. Only the private sector working with the Government can reverse a century's discouragement of minority enterprise; the Government cannot do it alone. The Nation's established corporations, financial institutions, professional associations, foundations, and religious organizations are indispensable to meet the demand of minority businessmen for seed capital, operating funds, suppliers, markets, expert technical and management assistance and related business essentials.

Three years ago, there were no precedents, no rule books, no methods, no blueprints on how to focus the resources of these groups on a common objective. OMBE's greatest achievement during these past three years has been to forge an alliance of Government, private sector, and minority business interests. The Office has succeeded in launching a carefully contoured, integrated set of programs that will work to engage minority entrepreneurs fully in our Nation's economic life.

Gains. Since the establishment of OMBE, American minorities have gained greater access to both Government and private sector contracts and concessions, business loans and loan guarantees, technical and management assistance, and other business aid. This access has been developed without reducing programs available to nonminority small businessmen. Federal assistance, channeled through these vehicles, has been enlarged from less than $200 million in 1969 to some $700 million currently, and the $1 billion threshold for fiscal 1973—five times the 1969 level—is within reach. New markets have been opened as minority suppliers and businessmen have expanded their operations and sales in unprecedented volume.

Funding OMBE and SBA. Our efforts on behalf of minority business secured substantial congressional approval, and OMBE was appropriated a supplemental budget increase of $40 million for the last six months of fiscal 1972, as I requested. I am hopeful that both the House and Senate will give favorable consideration to our present request for a fiscal 1973 OMBE budget of $63.6 million to provide urgently needed technical and management assistance to minority business. Together, these budgets will total more than $100 million. This figure offers a dramatic index of the commitment of this Administration to the purposes of an Office which was originally funded for fiscal year 1972 with less than four million dollars.

OMBE is a coordinating agency of the Federal Government, and as such does not itself engage directly in business financing. Direct loans, loan guarantees, surety bonding, lines of credit, and contract set-asides are supplied by the Small Business Administration (SBA) to small businessmen, including minority businessmen.

THE IMMEDIATE NEED: MESBIC LEGISLATION

Enactment of the Administration's proposed Minority Enterprise Small Business Investment Act of 1972 would give major impetus to the minority enterprise program, and would create a more productive mechanism to achieve its objectives.

Background. When the Congress passed the Small Business Investment Act of 1958, it recognized that small business generally lacks seed money and working capital. To give incentives for small business investment, the act empowered SBA to license "Small Business Investment Companies" (SBICs). Such companies are private investment institutions capitalized at a minimum of $150,000 from private sources. SBICs are eligible to borrow from SBA at an incentive ratio of $2 from SBA for every $1 of its private capital. Thus, a $150,000 SBIC can borrow $300,000 from SBA for investment in its own account. Also, after it raises $1 million in private capital, an SBIC is eligible to borrow $3 from SBA for every $1 of private capital.

Because of these incentives, substantial amounts of private capital have been invested in small business through SBICs. More than 40,000 small business financings have been completed by SBICs from the program's inception, totaling $1.9 billion in risk capital. *But only a small fraction of that amount has gone into minority businesses,* because usually risks and costs are even higher for minority small businesses than for small businesses generally.

MESBICS

To fill the need for minority enterprise high risk capital, the SBA evolved the *Minority Enterprise* Small Business Investment Company (MESBIC). A MESBIC is a specialized SBIC: 1) it limits its investment to minority enterprises; 2) it is supported by financially sturdy institutional sponsors; 3) it is underwritten in large part by its sponsors.

In 1969 OMBE joined with SBA in launching a national network of MESBICs with SBA licensing and regulating MESBICs and OMBE promoting them. Today, 47 MESBICs operate throughout the Nation with private funds totaling in excess of $14 million. Since MESBIC seed capital has the potential of freeing $15 for investment in minority enterprises for every one privately invested dollar, more than $210 million is currently available through this program. All this is achieved at relatively low cost to the Government.

MESBICs have the potential of becoming sophisticated investment companies, knowledgeable in the peculiar problems of minority business investment, and able to bring sound business principles and practices to their tasks. Seeking a fair return on investment, MESBICs can act effectively to raise the success prospects of portfolio companies.

MESBIC Limitations. Despite the proven values of the MESBIC mechanism, it labors under burdens which endanger further development. The cost of administering minority business investments and the risk of early loss are both very high. Moreover, the short term success pattern of minority businesses has not been sufficiently encouraging to enable them to attract equity investment in normal competitive markets. But the recent successes of minority enterprises have shown that they can compete if they are given enough equity assistance to carry them through this early period.

THE MINORITY ENTERPRISE SMALL BUSINESS INVESTMENT ACT OF 1972

The primary object of my message today is to urge that the proposed Minority Enterprise Small Business Investment Act be acted on favorably and with dispatch by the House in its upcoming small business hearings. This act will restructure SBA financing of MESBICs so that they can operate on a fiscally sound basis.

Provisions of the Act. The legislation proposes a statutory definition of a

MESBIC and authority to organize it as a nonprofit corporation. This status would facilitate foundation investments and tax-deductible gifts to MESBICs.

Building on our experience with SBICs and MESBICs, the act would reduce the level of private capital required to qualify for $3 to $1 assistance from SBA, from $1 million to $500,000; provide increased equity to MESBICs in the form of preferred stock to be purchased by SBA in place of part of the debt instruments purchased by SBA from MESBICs under current law; and lower the interest rate on SBA loans to MESBICs to three points below the normal rate set by the Treasury during the first five years of the loan.

Restructuring Effects of the Act. The immediate impact of this legislation would be to materially restructure the MESBIC program and stimulate increased private investment and gifts to MESBICs, resulting in greatly increased capital for minority business enterprises, at startlingly small Federal cost.

The legislation would: Lower the high cost of starting the investment program of a MESBIC; allow MESBICs to take advantage of full SBA financing; enable MESBICs to invest more in equity securities and to reduce interest rates to portfolio companies; provide special incentives to existing smaller MESBICs which have pioneered the program.

In the act, I am proposing a fairer partnership between the private and public sectors—a partnership that would yield enabling capital for minority enterprise. The MESBIC program is sound, practical and necessary. It equitably extends our free enterprise system by making it work for all Americans.

CONCLUSION

Opening wider the doors of opportunity for one-sixth of our people is a social necessity, which responds to an imperative claim on our conscience. It also is an economic necessity. By stimulating minority enterprise—by permitting more of our people to be more productive, by creating new businesses and new jobs, by raising the sights and lifting the ambitions of millions who are enabled to see that others who started under handicaps like theirs are writing records of economic success—we help to stimulate the whole economy.

I therefore urge the Congress to give its swift approval to the Minority Enterprise Small Business Investment Act of 1972, to my fiscal year 1973 budget request for $63.6 million for OMBE, and to our other small business proposals currently pending in the Congress.

Hard work, private risk, initiative, and equal chance at success—these are the American way. Helping ensure for all of our people an opportunity to participate fully in the economic system that has made America the world's strongest and richest nation—this too is the American way. And this lies at the heart of our program for minority enterprise.

RICHARD NIXON.
THE WHITE HOUSE, *March 20, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HUGHES) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for an additional 6 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Is there further morning business?

PROGRAM

Mr. SCOTT. Mr. President, I yield 3 minutes to ask of the distinguished majority leader what is the program for today and the rest of the week?

Mr. MANSFIELD. Mr. President, in response to the question raised by my distinguished colleague, the minority leader, may I say first, as I indicated to him previously this morning, it is not the intention to call up the Ervin-Mansfield resolution until later in the week.

SENATE RESOLUTION 280 PLACED ON CALENDAR

Therefore, I ask unanimous consent that Senate Resolution 280, which would normally be laid before the Senate under the rule, be placed on the Senate Calendar under "General Orders." This is the disposition of a resolution under the normal procedure if not disposed of prior to the end of the morning hour. I would hope that would meet with the approval of the distinguished minority leader.

Mr. SCOTT. Yes. I have no objection, and it is desirable that we agree on a later date for the discussion.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, to follow the question raised by the distinguished minority leader, on Monday, Tuesday, and Wednesday, at least, of this week, the Senate will be considering the unfinished business, which is the equal rights for men and women constitutional amendment.

If the business is completed on Wednesday—and there is a question as to whether it will be—the order will include the following matters:

On Thursday, Senate Resolution 280, the Supreme Court resolution—the Ervin-Mansfield resolution, so-called.

Following the disposition of that resolution, on Thursday or Friday—I must emphasize that these days are subject to change because the sequence may be changed somewhat—the Senate will consider S. 2956, the war powers bill.

On Monday, S. 9526, the naval vessel loans bill.

On Tuesday, S. 1821, Government traffic on civil air carriers, on which a time limitation has already been entered into.

On Wednesday and Thursday, S. 3178, suspension of section 315 of the equal time provision. With regard to this latter item, it may be necessary to endeavor to get it before the Senate late this week if at all possible; it depends on circumstances.

Again, it should be said that all of these days are subject to change. Other measures that will be disposed of during this period, as they are cleared, will be S. 2895, stabilization of egg prices, and all other legislation which may be available on the calendar.

As the Senate is aware, beginning at the conclusion of business on Thursday next week, we enter on a 2-day Easter recess, I believe; and if we can dispose of all this legislation in the meantime, the Senate will be doing extremely well. But, to the best of my knowledge, that is the schedule as we can see it at this time.

Mr. SCOTT. May I inquire whether the majority leader is aware of the possibility of any conference reports or other privileged matters?

Mr. MANSFIELD. Yes, there are some, but the only one I know of is the Radio Free Europe and Radio Liberty conference report, which I understand will be taken up in the House today. If it is, and it is not too late—and that is a flexible term—we will take it up in the Senate this afternoon, and there will be a yea-and-nay vote on it.

The other conference reports which are extant, but not in being as far as the two Houses are concerned, have to do with ocean dumping, on which the House acts first; the Golden Eagle program, on which the House acts first; the stratified primitive area bill, on which the House acts first; the higher education conference report, which will take some time. But may I say I am in full accord with the statement made by the distinguished Republican leader to the effect that it is our hope that the conference on the higher education bill will not only give consideration to the so-called busing amendment by the House and the so-called busing amendment by the Senate, but also proceed, as much as its language allows, to the consideration of the recommendations of the President of the United States, so that we can face up to this issue on one basis and dispose of it as soon as possible.

Mr. SCOTT. I thank the distinguished majority leader, and I assume in referring to the recommendations of the President, he is referring at this time particularly to the recommendations regarding the moratorium.

Mr. MANSFIELD. Primarily, yes. The distinguished ranking Republican member of the conferees, the Senator from New York (Mr. JAVITS), has indicated that might well be brought within the scope of the conference, as well as other recommendations by the President.

Mr. SCOTT. That is a possibility we ought to bear in mind.

On the Radio Free Europe and Radio Liberty matter, the Senate has acted overwhelmingly in favor of the continuance of those programs, And I believe, also, the House. Therefore, while there is strong opposition, I think it is minimal in numbers, and this measure is extremely important to the continuance of the program. The people in the program can no longer be paid for any length of time.

There is enormous attestation to its value to the American point of view and its dissemination abroad, and I surely hope that we can act on it promptly. I think that newspaper editorial opinion has been almost unanimously in favor of the continuation of these programs.

I thank the distinguished majority leader.

Mr. MANSFIELD. Mr. President, may I say that although I am opposed to Radio Free Europe and Radio Liberty, I agree with the distinguished Republican leader that as soon as it is brought over, action will be taken expeditiously, and the Senate will work its will, which I think will probably be in favor of the conference report.

We have two other measures in conference, one having to do with the healing arts and the other with manpower development and training, on which the conferees have not yet acted. So, in my judgment, the only conference report on which Senate action is likely within the next few days will be the one on Radio Free Europe and Radio Liberty, which hopefully will be over this afternoon.

Mr. BYRD of West Virginia. Mr. President, the majority leader has indicated a very ambitious program which will carry us over until the time for the Easter recess. I want to compliment the Senate on having acted, thus far, on several very thorny issues. Some of the other measures which will be taken up before the Easter recess are somewhat controversial, and I wonder whether the distinguished majority leader can indicate whether rollcall votes are expected daily until the beginning of the Easter recess.

Mr. MANSFIELD. Mr. President, it is the anticipation of the leadership that there will be rollcall votes every day between now and the 2-day Easter recess.

I call to the attention of the Senate that as of today, there have been 100 rollcall votes this year, which indicates that the Senate has been applying itself and that the record up to this moment is quite responsible and I think very good.

Mr. SCOTT. Since the newspapers are often not commendatory in referring to absenteeism, I wish to state that I have answered 94 of those rollcall votes. I have been absent 2½ days during the entire session, and that on business of considerable importance, in attendance at the university board of visitors of which I am a member.

The distinguished majority leader, the assistant minority leader, and the assistant majority leader have all been very assiduous in their attention to their duties; but at times we are plagued by absenteeism, and I hope this notice will help us to get a good representation between now and Easter.

Mr. MANSFIELD. Mr. President, may I say once again in conclusion that while certain days were listed in connection with considering the legislation carried in sequence, if conditions warrant changes, the Senate will be on notice that changes will be made. But to the best of our knowledge at this time, this is the schedule, based on the days and the sequence, as far as legislation is concerned which will be considered between now and the beginning of the Easter recess.

The ACTING PRESIDENT pro tempore. All time for the transaction of morning business has expired.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 2097. An act to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse; and

H.R. 10390. An act to extend the life of the Indian Claims Commission, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. HUGHES).

COMMUNICATIONS FROM EXECUTIVE, DEPARTMENTS, AND SO FORTH

The ACTING PRESIDENT pro tempore (Mr. HUGHES) laid before the Senate the following letters, which were referred as indicated:

Proposed Authorization of Use of Health Maintenance Organizations in Providing Health Care

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care (with an accompanying paper); to the Committee on Armed Services.

Report Relating to Deliveries of Excess Defense Articles

A letter from the Director, Defense Security Assistance Agency, transmitting, pursuant to law, a confidential report relating to deliveries of excess defense articles (with an accompanying report); to the Committee on Foreign Relations.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Better Controls Needed in Reviewing Selection of In-House or Contract Performance of Support Activities," Department of Defense, dated March 17, 1972 (with an accompanying report); to the Committee on Government Operations.

Proposed "Older Americans Amendments of 1972"

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to provide for the continuation of programs authorized under the Older Americans Act of 1965, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HUGHES):

A letter, in the nature of a petition, from the Community Civic Group, Rio Canas, Caguas, Puerto Rico, praying for the enactment of legislation to amend the Workmen's Compensation Act; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

S. 3129. A bill to authorize the establishment of the Longfellow National Historic Site in Cambridge, Massachusetts, and for other purposes (Rept. No. 92–702).

By Mr. MONDALE, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. J. Res. 218. An original joint resolution to extend the authority conferred by the Export Administration Act of 1969 (Rept. No. 92–701).

By Mr. BUCKLEY, from the Committee on Interior and Insular Affairs, with amendments:

S. 1426. A bill to establish the Van Buren-Lindenwald Historic Site at Kinderhook, New York, and for other purposes (Rept. 92–703).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. McGEE:

S. 3374. A bill to amend title 5, United States Code, relating to the permissible activity of governmental employees in political elections, and for other purposes. Referred, by unanimous consent, to the Committee on Post Office and Civil Service.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 3375. A bill to convey to the Battle Mountain Indian Colony the beneficial interest in certain Federal land. Referred to the Committee on Interior and Insular Affairs.

By Mr. BELLMON:

S. 3376. A bill to amend the Natural Gas Act in order to provide, after a 3-year period, for the termination of the Federal Power Commission's authority with respect to the fixing of charges for the production and gathering of natural gas, and to provide for a minimum charge for such production and gathering during such period. Referred to the Committee on Commerce.

By Mr. FANNIN (for himself and Mr. GOLDWATER):

S. 3377. A bill to extend the time for commencing action on behalf of an Indian tribe, band, or group. Referred to the Committee on Interior and Insular Affairs.

By Mr. MONDALE, from the Committee on Banking, Housing and Urban Affairs:

S.J. Res. 218. An original joint resolution to extend the authority conferred by the Export Administration Act of 1969. Ordered to be placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McGEE:

S. 3374. A bill to amend title 5, United States Code, relating to the permissible activity of governmental employees in political elections, and for other purposes. Referred, by unanimous consent, to the Committee on Post Office and Civil Service.

Mr. McGEE. Mr. President, I send to the desk a bill to amend title 5, United States Code, to revise the law relating to political activity of Federal employees and State employees who are engaged in the administration of federally financed programs.

Under existing law, generally known as the Hatch Act, all Federal employees in the competitive service are forbidden to play any role in any political campaign, with certain limited and largely irrelevant exceptions. The constitutionality of the Hatch Act was tested many years ago and sustained by a 5–4 margin of the U.S. Supreme Court. Thus the only avenue of reform for Federal workers is to change the law, if that is what the Congress wishes, and permit some activity.

Always this has been a highly controversial subject. Many claim that political activity by our employees would result in a new spoils system, while others believe that employees would be seriously oppressed by the incumbent political administration to buy fund-raising tickets, work for the party, and perform other acts which are now forbidden. There is no real evidence to substantiate this charge, but it is commonly accepted that Federal employees need this protection by law.

What it is, of course, is not a protection at all, but a deprivation of basic rights of citizenship. Our employees cannot serve in any capacity in the management of any political campaign for Federal, State, and local offices. It is a violation of the Hatch Act to serve on any committee, write letters in support of any candidate, serve on any board of any kind which advocates the election of any candidate in a partisan election.

The legislation I introduce today would change the law to permit some, but not all, political activity. Any employee would hereafter be permitted to play an active part in any campaign for any office, but would not be permitted to be a candidate himself while still employed in the civil service or in certain State agencies. In essence, the rights of full citizenship would be restored to these nearly 3 million American citizens so that they in their own good judgment can decide what role, if any, they wish to play in the American political process.

At the same time, it is necessary to protect the employee from political organizations seeking his support or financial contribution. This is the heart of enforcement. If the Civil Service Commission exercises its authority to investigate fundraising shenanigans or other prohibited activity, and vigorously prosecutes those who are responsible, the employee will be secure. It may be that further legislation in this regard will be required to insure that neither political parties or higher ranking authorities in the Government are able to influence improperly the political activity of any employee.

Mr. President, I ask unanimous consent that the bill be referred to the Committe on Post Office and Civil Service.

The ACTING PRESIDENT pro tempore (Mr. HUGHES). Without objection, it is so ordered.

Mr. McGEE. Mr. President, I also ask unanimous consent that certain correspondence between the Senator from North Carolina (Mr. JORDAN) and me be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MARCH 3, 1972.

Hon. B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR EVERETT: Enclosed is a copy of the bill I mentioned to you the other day to amend the provisions of title 5 regarding political activities of Federal employees.

The bill would relieve any restrictions on Federal employees now subject to the Hatch Act of employees of state or local governments whose occupations principally call for the administration of programs financed by the Federal government to the extent that they may participate but may not be a candidate for any political office.

Under the Hatch Act employees cannot play any active role in the management of any campaign. For instance, an employee in the competitive service cannot serve as a member of a committee to plan the menu for a reception for a Governor, Representative, or Senator who is a candidate for reelection. Although the Hatch Act was upheld by the Supreme Court many years ago, I am convinced that it is an unfair and abhorrent restriction upon the rights of citizenship and should be modified substantially.

The Hatch Act was reported to the Senate in 1939 by a special committee of the Senate. The rules of the Senate do not seem to me to be perfectly clear, but because my bill involves the status and privileges of Federal employees in relation to their government I am inclined to think that it might be appropriate for our Committee. If you do not have objection to the referral of this bill to the Committee on Post Office and Civil Service, I shall ask unanimous consent that it be so referred. If you do have some further question in your mind, I will be happy to discuss it with you.

With kind regards.

Sincerely,

GALE MCGEE, *Chairman.*

Enclosure.

U.S. SENATE, COMMITTEE ON
RULES AND ADMINISTRATION,
Washington, D.C., March 13, 1972.

The Honorable GALE W. MCGEE,
Chairman, Committee on Post Office and Civil Service, U.S. Senate, Washington, D.C.

DEAR GALE: This will acknowledge your letter of March 3, 1972, advising me of a bill you plan to introduce to amend Title 5 of the Hatch Act to relieve some of the restrictions on Federal employees, and specifically asking me if I would have any objection if you were to seek unanimous consent to have the proposed bill referred to the Committee on Post Office and Civil Service of which you are Chairman.

As you know, the Hatch Act was not originally considered nor reported by the Committee on Rules and Administration. It emanated from a specially created Senate committee. Since the Act's provisions do not affect elections per se, but only the activities of Federal employees in elections, I would have no objection to your proposal that the bill in question be referred to your Committee.

In passing, I might advise you that Senator Howard W. Cannon, Chairman of the Subcommittee on Privileges and Elections, does plan to hold hearings sometime later this year on a bill introduced by Senator Moss, S. 2032, to amend the Hatch Act. That bill was referred to the Committee on Rules and Administration but could have been referred to the Committee on Post Office and Civil Service since election laws would not be directly affected by the bill, but only the political activities of Federal employees.

I am taking the liberty of sending a copy of this letter to Senator Cannon for his information.

With all best regards,

Sincerely,

B. EVERETT JORDAN, *Chairman.*

By Mr. BIBLE (for himself and Mr. CANNON):

S. 3375. A bill to convey to the Battle Mountain Indian Colony the beneficial interest in certain Federal land. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, on behalf of myself and my distinguished colleague, Senator CANNON, I introduce, for appropriate referral, a bill to convey to the Battle Mountain Indian Colony the beneficial interest of some 320 acres of land in Lander County, Nev., to be used for the benefit of these Indians.

The selected land is immediately adjacent to the present colony and includes the main cemetery used by the Battle Mountain Indians for the many years that the tribe has used this area as its home.

The enactment of the bill is necessary to provide a base for a viable economic community. In addition, it would permit the tribal members to construct their own homes and provide sanitary facilities and living conditions so necessary to their continued existence.

I trust that early approval will be secured from the administration and the committee will move with dispatch to take care of this situation.

I ask unanimous consent that Resolution No. 71–BM–2 of the Battle Mountain Tribal Council dated December 4, 1971, printed in the RECORD as a part of my statement.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE BATTLE MOUNTAIN COLONY COUNCIL

Whereas, the United States of America holds in trust, lands described as the NW¼. NW¼NE¼ of section 18, T. 32 N., R. 45 E., and the W½, NE¼ of Section 12, T. 32 N., R. 44 E., MDB&M, Nevada, for the Battle Mountain Indian Colony as set forth in Executive Order 2639, dated June 18, 1917, and

Whereas, certain Public Domain lands described as the SE¼ of Section 12 and the NE¼ of Section 13, T. 32 N., R. 44 E., are contiguous to those lands set forth in Executive Order No. 2639, and

Whereas, the addition of the Public Domain lands described as the SE¼ of Section 12 and the NE¼ of Section 13 to adjoining Colony property would consolidate Colony lands, and therefore enhance its potential use and economic development, and

Whereas, the main cemetery of the Battle

Mountain Indian Colony is located in a portion of the NE¼ of Section 13, T. 32 N., R. 44 E., surrounded by Public Domain lands, limiting the best use of the land by all others except the Tribe, and

Now therefore, be it resolved that we request the vacant Public Domain lands adjacent to the Battle Mountain Colony described as the SE¼ Section 12, and NE¼ Section 13, T. 32 N., R. 44 E., MDM, Nevada be withdrawn and added to the Battle Mountain Indian Colony to be held in trust by the United States of America.

Be it further resolved that the Nevada Congressional delegation is requested to introduce appropriate legislation that will convey those Public Domain lands to the Battle Mountain Indian Colony.

Be it further resolved that the Tribal Secretary is authorized to send copies of this resolution to the Superintendent, Nevada Agency; Inter-Tribal Council of Nevada; the Commissioner of Indian Affairs, and the Secretary of the Interior.

By Mr. BELLMON:

S. 3376. A bill to amend the Natural Gas Act in order to provide, after a 3-year period, for the termination of the Federal Power Commission's authority with respect to the fixing of charges for the production and gathering of natural gas, and to provide for a minimum charge for such production and gathering during such period. Referred to the Committee on Commerce.

Mr. BELLMON. Mr. President, on March 2, 1972, the Senate Committee on Interior and Insular Affairs concluded 3 days of hearings pursuant to Senate Resolution 45 regarding the natural gas shortage in the United States. Testimony was received from witnesses representing virtually every part of the natural gas spectrum. The committee heard from representatives of exploration companies, production companies, pipelines, natural gas distribution companies, environmental organizations, public policy, and regulatory agencies, and local, State, and Federal Governments. As a result, one fact was made dramatically clear—a severe gas shortage does exist in the United States.

Opinions expressed regarding the cause of this gas shortage, however, varied a great deal—from unrealistically low wellhead prices imposed by the Federal Power Commission, which preclude expanded exploration and production of natural gas, to inadequate distribution facilities for the transportation of this gas, to unfounded charges of government—industry collusion in restricting natural gas supplies in order to force higher gas prices. The recommended solutions to this present natural gas shortage were equally as varied and complex.

The vast amount of information gathered at these hearings will now be documented and become part of the official hearing record. Hopefully, this will help guide the Interior Committee in the formulation of a national fuels and energy policy. Unfortunately, constructive committee action will come too late to avoid serious gas shortages. They are already upon us.

The natural gas supply shortage is not new to us. It has persisted for several years, particularly during the winter months. It has resulted in temporary shutdowns of schools, commercial establishments, factories and even military bases. It has become more acute with each passing year. In my State of Oklahoma, an exporter of natural gas, we experienced severe regional gas shortages this winter. Concerned individuals continuously have urged action to remedy this critical situation, yet action has failed to materialize. Public awareness of this problem has been isolated to those communities where the gas shortages have been felt. Nationally, awareness has not reached the level needed to stimulate corrective action.

Unfortunately, the natural gas predicament is not an isolated case. This situation is only symptomatic of the far larger national energy crisis that exists today, which could bring grave peril to this Nation in the future. "Energy crisis" can be defined in many ways: it is the detrimental effect upon U.S. citizens brought about by the natural gas shortage; it is the increasing frequency of brownouts and blackouts in our large metropolitan areas that have created grave disruptions in our urban way of life; it is the continued dismantling of our self-sufficiency in the production of fuels that has ominous overtones of a threat to our national security; it is the increased pollution in areas where the supply of desirable fuels is far short of the need.

Our Nation's reserve electrical generating capacity declines year by year, while nuclear powerplants constructed to supply that needed capacity lie dormant, awaiting final court action and lawsuits brought by environmentalists.

Our oil import program, originally designed to provide this Nation petroleum self-sufficiency, has been continuously eroded, while our vast estimated petroleum reserves lie untapped, and pipeline construction projects such as in Alaska and our offshore lease sales are again stopped, subject to litigation in the courts. It is estimated by the National Petroleum Council that if these trends continue, we will, by 1985, import 30 percent of our total energy needs from foreign sources. This will include 57 percent of our needed petroleum products, which by some estimates will cost approximately $28 billion. Natural gas imports are estimated to reach 28 percent by 1985, all from highly insecure sources. I consider these estimates to be conservative unless immediate changes are made in our energy policy.

This is a degree of foreign energy dependency that will basically alter our role in world leadership. A nation that professes to be a world leader cannot afford and must not permit itself to be exposed to the dangers of political power plays fostered by large offshore energy dependence, over which it has little, if any, control.

To many, the solution to our energy shortages would appear to lie in increased imports, such as bringing in liquefied natural gas from potentially insecure sources like Algeria, and possibly even the Soviet Union. On March 9, 1972, the Federal Power Commission authorized, for the first time, long-term imports of large quantities of foreign liquefied natural gas—a precedent that will undoubtedly lead to the authorization of numerous other applications for the importation of LNG. This is in addition to applications pending for the establishment of synthetic natural gas plants that will depend in large measure upon foreign sources for their raw materials, such as crude oil, and naphtha. It will further mean long-term commitments of billions of dollars by U.S. industry, from which a reversal would be difficult indeed, unless industry is immediately given sufficient incentive to be attracted back to our shores.

In the case of petroleum, the export of capital, technology, and producing capabilities has already occurred. In 1970 the investment by American companies in foreign areas exceeded the U.S. domestic investment by 45 per cent. Last year approximately 26 per cent of our petroleum products were imported. The organization of petroleum exporting countries—OPEC—representing the major oil producing nations of the Middle East, Africa, South America, and Asia, which represent 90 percent of the world's non-Communist oil exports have developed ambitious plans for the control and distribution of this American-produced foreign oil to world markets. Just this past weekend on March 11, the American-owned Aramco oil consortium has agreed in principle to Saudi Arabia's demand for a 20-percent share of its operation. Algeria has already taken control of at least 51 percent of French and American interests in that country. Nor are these concessions to be the last. It has been clearly indicated by the OPEC nations that greater control of foreign petroleum firms, located on their soil, will be the goal of the future.

At the same time, we continue to see the mounting presence of the Soviet Union in the Middle East from expansion of its Mediterranean fleet, to its air operations out of the former U.S. Air Force Base in Libra, to establishment of naval service bases in Egypt. In a March 4, 1972, article of "The Economist," its editorial staff stated:

> Russia's and East Europe's future oil requirements may dictate the Soviet Union's present moves in the Middle East.

The article goes on to say:

> There is evidence that even if Russian oil production reached the targets set for 1980, East Europe's consumption needs will still out-pace it; perhaps by a figure as big as 100 million tons a year. With this contingency not so far off, Russia could have an interest, diverting the established pattern for Middle East oil flow.

Mr. President, I ask unanimous consent that a copy of this article be printed in the Congressional Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Economist, March 9, 1972]

We Don't Have To Like You—What Is Mr. Brezhnev Paying So Much Attention to Many Arabs For? Well, Oil, Among Other Things

A treaty, like beauty, is in the eye of the beholder and never more so than when it is between a strong power and a weaker one. A relatively short while ago, "progressive." Arab leaders were denouncing such treaties as crude imperialist tools designed to perpetuate the influence of the stronger power—which, in one or two instances, is just about what they were. Their successors now seem to be discovering that a "treaty of friendship" with the Soviet Union is something that no respectable progressive (whatever that means) Arab state should be without. Egypt already has one; Iraq is about to have one; Syria may be lining up for one. So forget your old-fashioned memories of the western-inspired Baghdad pact and its various connotations; these new-type treaties, if the Russian-Egypt one sets the pattern, are remarkable mainly for how little they mean.

They hardly mean friendship. The Russian-Egyptian treaty—signed last May, immediately after President Sadat's pre-emptive coup against his rivals, who included some of Russia's strongest supporters—was a demonstrative signal that all was not lost between the two countries. But ever since there have been regular reports, as regularly denied, of Egyptian resentment at the inadequacy of the friendship offered; the Russians, while not indulging in public indiscretions, have from time to time allowed their impatience to hit surface.

Friendly or not, February has been a social month for Arabs. Mr. Saddam Hussein, who has various long titles but is indisputably the strong man in the Iraqi government, went to Moscow and came back with a communique promising that the good relations between the two countries would soon be embodied in a treaty. Comrades Brezhnev, Podgorny and Kosygin were all invited to, and accepted, a return visit; presumably this would also be the occasion for signing the treaty. The Syrians operated at a rather lower level: they still did not get Marshal Grechko, the Soviet defense minister, who had skipped them in December because of flu and last month restricted himself to Somalia and to Egypt. But they did get Mr. Kiril Mazurov, the Soviet deputy prime minister, who signed, of all things, a co-operation agreement between the Baath party and the Soviet Communist party.

The most curious visit of all was the trip to Moscow of a strong Libyan delegation led by Major Jalloud, the minister of economy and Colonel Qaddafi's deputy. What made this visit particularly odd was not only Colonel Qaddafi's recent attack on Russia as an imperialist power but the fact that, just while Major Jalloud was chatting in Moscow, back home "authoritative sources" were condemning the proposed Soviet-Israeli treaty as a violation of the Arab League charter and a throwback to the bad old days of the Baghdad pact. So what about the treaty between Russia and Libya's confederate partner, Egypt? It is a mad world for sure, but the dual reign of Qaddafi and Jalloud is one of its more improbable sideshows.

THE LOCAL COMMUNISTS AREN'T THE STAKE

A lot of visits, and what was in them for the Soviet Union? It is unlikely to make serious inroads into the internal political scene of most of the countries whose leaders, or deputy leaders, it has been talking to. The important exception could, just, be Syria. President Assad has already opened up his government to include non-Baathists; there are two communists in his cabinet but with the Baath firmly on top they have had even less influence than the token communists in Egypt's cabinet. Now there are reports of a new deal to provide senior posts for non-Baathists, including communists. The Baath is not famous for sharing power, let alone with its traditional communist enemies, and the armed forces will certainly remain under its sole control. But if that sturdy pro-Moscow Syrian old-timer, Mr. Khalid Bakdash, is in fact brought into the government at a high level the Russians could permit themselves a low-key cheer.

If Syria's communists climb back into influence, it would be a bonus for Russia. But the penetration of local political systems in the Middle East has not been Russia's prime interest: if it works, fine; if it doesn't do business with the national bourgeoise. The main business, so far, is that Russia has invested heavily in the development of Egypt, is now investing in Syria (on the lines of the Aswan dam saga, Russia stepped in when west Germany backed out of Syria's long-planned project for the Euphrates dam), and, among other good works, has helped Iraq develop some of the oil fields expropriated from the western oil consortium. It is also spending a very large, though undisclosed, amount of money equipping and training the armed forces of all three countries, particularly Egypt.

The return is less easy to pin down. One of the few points, obvious to all, is that Egypt's Mediterranean ports and airfields afford Russia immediate strategic advantages against the American Sixth Fleet and the southern flank of Europe. Syria, too, could be geographically useful; from northern Syria, Russia is well placed to survey Nato's southern flank across the border in Turkey. The improvement of relations with Iraq suggests that Russia may be interested in putting a spoke in the Shah of Iran's plans for making the Gulf his private sea. This conjecture, and dangerous at that: the Shah, over the years, has achieved reasonably civil, and economically advantageous, relations with his large neighbour to the north but the Gulf is his obsession. And Russian manoeuvring in Iraq, let alone points south in the oil-producing Gulf, is the move best calculated to create American and British edginess.

This leads to the potential economic return on Russia's investment. Although the Egyptians complain that they are made to pay through the nose, and sometimes in dollars, for Russian assistance, and Russia is both Egypt's and Syria's main trading partner, the Soviet Union is not going to make its fortune through either country. The assumption had been that Russia's economic ambitions were long-term: by establishing itself at the centre of the Arab whirl, it would be sitting pretty if and when the rich plums of the Arabian peninsula, plucked by revolutionary change, dropped into its lap. But the journeys to Moscow last month of Mr. Saddam Hussein and Major Jalloud suggest that the economic return may not, after all, be all that long-term.

The disputed question of Russia's and eastern Europe's future oil requirements is central to his thesis. Speculation is batted around in all directions but there is evidence that, even if Russian oil production reached the targets that have been set for 1980, east Europe's consumption needs will still outpace it, maybe by a figure as big as 100m tons a year. With this contingency not so far off, Russia could have an interest in diverting the established pattern of Middle East oil flow by taking at least some of the "untouchable" oil from the nationalised fields in Iraq and Libya. Iraq, after an unbelievable number of years spent in wrangling with the Iraq Petroleum Company over the fields it commandeered in 1961, is soon going to have to try to find markets for the oil from one of these fields, North Rumailah. Libya is already searching for markets for the oil from the British Petroleum concession that Colonel Quaddafi (to Major Jalloud's dismay) nationalised last December in retribution for Britain's failure to prevent Iran taking over three Arab islets in the Gulf: BP has threatened to sue any customer who buys this oil. Not a bad moment for the Russians to step in, it might seem.

BUT EGYPT'S STILL THE CENTERPIECE

None of his sniffing around points to anything so dramatic as a break between Russia and Egypt. From the beginning Russia has tended to map its Middle East policy by watching what the west does and doing the opposite—and it was hard for the west to run a viable Middle East policy without Egypt. Although Russia may be able to look beyond the Arab-Israeli conflict, the Arabs still will not; this, in effect, means that continued diplomatic and military support for Egypt against Israel is a precondition for good relations with the other Arab countries that may be looking Russia's way—even if they, like the Iraqis, have their not-so-private thoughts about the Egyptians. Egypt may take all that it can get from Russia and give as little back as it can get away with, but it still has a strategic importance for the Soviet Union—in the Russian-American context now, maybe in the Russian-Chinese context sometime in the future. And then, don't forget, Russia and Egypt are bound together by treaty for 15 friendly years.

Mr. BELLMON. Mr. President, whether or not that is an accurate assessment, the fact remains that according to projections, the United States will depend on the Middle East to meet 48 percent of its petroleum consumption by 1985, unless a change in emphasis occurs now. It is disturbing to note this importation will occur from an area that is presently expected to be, in the foreseeable future, a diplomatic domain of an unfriendly power and that our foreign policy has not attempted to ameliorate differences throughout the region in the national interest. Additionally, as developed and developing nations require more oil for their industrial development, competition for petroleum will intensify. This, therefore, makes it all the more ludicrous to permit ourselves to become participants in a very costly world oil price war, and additionally, run the risk of a diplomatic or military confrontation with both friend and foe, while our own vast potential energy reserves lie largely untapped.

On Friday, March 17, 1972, the Wall Street Journal published a report that the Texas Railroad Commission has issued an order ending prorationing of all oil wells in the State. This action was taken because of "the low level of available above-ground inventories of Texas crude and the anticipated increases in demand for oil this year."

The Texas Railroad Commission action follows a report cited in the February 21, 1972, issue of the Oil and Gas Journal that Louisiana oil production is already at a peak and according to Commissioner J. M. Menefee:

> We have reached a point in time when we are no longer able to satisfy the market demand.

Mr. President, I ask unanimous consent that copies of these two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From The Oil and Gas Journal,
Feb. 21, 1972]

TEXAS YES, LOUISIANA NO ON MORE CRUDE

Texas boomed its allowable to 86% last week, an increase of 10.2 factor points. But purchasers were put on notice that problems are approaching.

In Louisiana, the ceiling of 75% remained in effect for producers during March. But by Apr. 1 some fields and wells may be allowed a higher factor to fill part if not all the extra demand, if they're capable of producing it.

Comm. J. M. Menefee, in holding production for March at the 75% level, said the month's expected production will fall short of meeting purchaser demand by 123,847 b/d.

"To satisfy the March market as evidenced by the nominations would require approximately an 18% increase in depth bracket, or bring the depth bracket to approximately 93% of the July 1971 revised depth-bracket allowable," he said. Menefee pointed out that under the old depth-bracket formula, nominations would have to be 105%.

Nominations for Texas crude totaled 3,397,212 b/d, an increase of 96,790 over February.

Under the 86% factor, Texas is expected to produce 3,397,200 b/d.

Texas Railroad Commission Chairman Byron Tunnell noted that Texas crude stocks have dropped to their lowest point since 1966 at 87.9 million bbl for the week ending Feb. 11.

During the hearing, representatives of three companies testified they are having difficulty with crude supply. Coastal States Crude Gathering Co., Clark Oil & Refining Co., and Texas City Refining Inc. all said they sorely need more oil. Texas City's purchasers said short supply has reduced their plant throughput since the last 5 days of January. And spokesmen for Coastal and Clark spoke of rapidly depleting supplies of import tickets as well as oil. Both expect to be out of tickets by mid-year.

Nominations up. Humble Oil & Refining Co. posted the largest increase in nominations for March, up 54,000 b/d to 534,000. "This is true demand for oil," a spokesman said.

Other significant increases included Cities Service Oil Co. up 10,000 to 110,000 b/d; Continental Oil Co. up 11,100 to 38,100 b/d; Mobil Oil Corp. up 10,000 to 310,000 b/d; Shell Oil Co. up 20,000 to 240,000 b/d; Sohio Petroleum Co. up 5,125 to 33,680 b/d; Union Oil Co. of California up 3,600 to 83,000 b/d.

Companies registering demand for spot-market oil during March in addition to Coastal, Clark, and Texas City were Crown Central Petroleum Corp., 15,000 b/d; and Sohio, 50,000 b/d. Sohio's representative offered no statement during the hearing but was questioned privately by commissioners.

For February, Louisiana is producing at the 75% rate an estimated 1,766,123 b/d, or about 51,000 b/d under nominations by purchasers. For March, purchasers nominated 1,884,970 b/d, an increase of 61,829 over February.

"We have reached a point in time when we are no longer able to satisfy the market demand as evidenced by your nominations, and we are in a position worse than we were 30 days ago to accommodate your requests," Menefee told purchasers at the New Orleans meeting.

Menefee told purchasers the department will try to satisfy as much as possible of the market demand without injury to reservoirs or creation of waste "by allowing production at rates which would result, or tend to result, in reducing a quantity of oil or gas ultimately recoverable from reservoirs within the state." The statutes, he pointed out, require prevention of waste.

Increases coming. Louisiana's producing companies have been invited to submit information to the department on reservoirs and fields which they believe could efficiently produce at higher rates.

Menefee said the information would have to be well documented and—if higher allowables are granted—would have to be supported by experience. Otherwise, he said, the higher allowable will be withdrawn.

Still some excess. Another department spokesman says Louisiana still has some excess capacity. "We think some excess is still there, but we don't know where it is. We are going to find out," he said.

As for how much excess, he said he has no better figure than 300,000 b/d. Industry observers, however, put the figure at closer to 100,000 b/d, with some of this coming from offshore fields soon to fall under jurisdiction of the Department of Interior.

He characterized the ban on statewide increases as "a pause to get some compelling evidence that we can officially produce any additional allowable without hurting the reservoir. Most reservoirs apparently are producing all or more than they should be," he added.

As operators present evidence that certain reservoirs and wells can efficiently produce more oil, he said, the allowable will be methodically moved up "as we see we can do it without creating waste."

"We need to be certain that what we do is right," he said.

April target. Assuming that producers promptly supply information on Louisiana's remaining top wells, some additional allowable may be distributed for April production, a department spokesman said.

Plans are to retain the 75 allowable for all fields. The market for oil in excess of what can be produced at this rate will be equally divided among wells which can efficiently produce at higher rates in the form of a supplementary allowable.

Most wells, then, will be producing at 75%—and since they cannot really produce anymore, they are at an effective 100% rate. The top wells will have the 75% rate, plus a supplement which may or may not meet the balance of demand.

The supplementary rates, like the normal allowable, will be studied and set on a month-to-month basis with the change in nominations and as top fields are added or withdrawn.

No Texas lid. Although TRC chairman Tunnell reiterated previous statements that it will be a sad day for the nation when Texas goes to 100%, he said after the hearing that no statewide ceiling will be imposed.

Instead the commission plans to limit individual fields as they reach the maximum rate at which they can produce without damage. Some fields may be reduced below current levels.

"We may go to 100%, or even over 100%," he told the Journal. "But we will have very few fields at that level when we get through."

He said the commission staff has begun studies to determine which fields should be restricted and at what level. No limits have been imposed for this reason as yet, he said.

[From the Wall Street Journal, Mar. 17, 1972]

Texas Interrupts 24-Year Tradition of Oil Output Lid: But Absence of April Quota Isn't Expected To Bring Big Increase in Production—Action May Doom Proration

El Paso.—For the first time since 1948, Texas will permit its 190,000 oil wells to produce at effective capacity next month.

But it doesn't mean a great deal to purchasers of Texas crude oil who are clamoring for more petroleum—perhaps only 150,000 to 200,000 barrels a day more of actual production in the nation's biggest oil-producing state.

The move, however, could signal the beginning of the end of the myths surrounding so-called market demand prorationing of petroleum in Louisiana and Texas, long a favorite target of Eastern politicians. Louisiana, second-largest oil producing state, already has acknowledged officially that its spare oil-producing capacity has all but vanished.

Texas officials conceded as much yesterday in the annual statewide hearing here of the Railroad Commission, the state's oil regulatory agency. The commission established a market demand factor of 100% for regulated wells in the state for April, up from 86% this month.

The commissioners cited rising oil imports, the low level of available above-ground inventories of Texas crude and the anticipated increases in demand for oil this year. But the commissioners didn't bother to announce the amount of permitted production the capacity rate will result in, nor the estimated actual output expected in April. The agency officials suggested, instead, that they won't know what the 100% rate will mean until they've operated under it for some time.

Under the current 86% market demand rate, permitted production in Texas is 4.1 million barrels a day. Estimated actual production, however, is 3.4 million barrels daily.

ACTUAL OUTPUT TRAILS

Actual output usually lags behind allowed production simply because many oil wells can't produce at their originally predicted highest on a statewide basis, the gap between permitted and actual output widens.

Of the 8,700 or so oil fields in Texas, about 8,300 are "prorated," and affected by changes in permitted production rates. Assuming that they would produce all they were allowed to at a 100% rate, these fields would turn out 4.4 million barrels of oil a day. In addition, there are 635,788 barrels daily of production from oil wells, largely marginal producers, that are exempt from prorationing.

This would indicate, at April's capacity rate, more than five million barrels daily of permitted production next month. But Byron Tunnell, chairman of the Railroad Commission, previously has estimated that at a 100% rate actual output would climb by only 150,000 to 200,000 barrels a day from the current level, thus indicating actual production next month of only 3.5 million to 3.6 million barrels a day at the maximum.

Mr. Tunnell yesterday expressed concern over possible premature exhaustion of Texas oilfields at this higher rate. "We're going to watch the reservoirs closely to see that they aren't being overdrawn, and we will cut back first and then call a hearing if we feel they are being drained too rapidly."

ANNUAL INDUSTRY-WIDE MEETING

Moreover, the capacity output will just barely keep up with requests for Texas oil by crude purchasers. The crude buyers had asked for 152,754 barrels a day more in April than they had requested for March, or a total of 3.5 million barrels a day next month.

Because it was an annual industry-wide hearing by the commission, 15 oil companies sent officials to discuss petroleum needs and the oil outlook with the Texas agency. M. A. Wright, chairman of Humble Oil & Refining Co., chief domestic subsidiary of Standard Oil Co. (New Jersey), forecast that total demand for petroleum this year will grow about 5%. This would be significantly higher than the 2.8% increase in 1971 largely because of a greater expansion in economic activity in 1972, he said.

Texas crude oil inventories as of March 10 were 91 million barrels, some of the officials noted. According to Wayne E. Glenn, president of the Western Hemisphere Petroleum division of Continental Oil Co., that is "approximately 20 millions barrels below what we consider to be desirable."

"SAD AND HISTORIC"

Mr. Tunnell called it "a sad and historic day for a decision (to go to the 100% rate) that could have been avoided." He cited, specifically, the need for improved economic incentives for exploration and development of oil reserves in the continental U.S. as well as the expansion of offshore drilling and the full development of Alaska's reserves. Petroleum producers long have argued they must have additional incentives, particularly higher prices, to finance any expanded search for additional oil reserves.

Mr. Tunnell also yesterday took issue with Eastern critics of Southwestern oil prorationing who contend that such regulation by the states is intended only to prop prices of crude and, consequently, petroleum products like gasoline. He suggested that the Texas move to capacity production will prove the untruthfulness of any allegations that market demand proration is a scheme to maintain prices.

Market demand proration is the placing of a total limit on a state's monthly oil output equal to the estimated demand from buyers for that oil, and the proportionate sharing in the total output by all the state's producing wells.

Oklahoma issued the first market demand proration rules in 1914 to control output from the Cushing field, and it extended control statewide in 1928. Texas imposed statewide prorationing in 1931 after discovery of the vast East Texas oil field, where excesses of overproduction threatened to wreck the industry. The field had to be closed by National Guard troops, and then the state had to defend its prorationing authority in the courts.

Mr. BELLMON. Mr. President, these reports from our two largest oil producing States, the only States which theoretically have had shut-in oil producing capacity, should bring Americans face to face with the reality of our energy crisis. For years knowledgeable students of the energy situation have been forecasting these developments without gaining the attention of the energy-consuming public. As a result nothing has been done to remedy the situation. In fact Congress and Government generally have taken actions which have aggravated the situation.

Now the hard realities of the energy crisis are upon us. No longer do we possess shut-in oil and gas reserves or adequate stocks in storage. Instead, we face a rapidly rising dependency on insecure foreign sources.

It is time, therefore, that this Nation and its leaders address the issues. It is time that we concentrate on developing out still abundant coal, oil shale, gas and oil reserves. It is time we commit ourselves to develop these reserves to provide us with self-sufficiency in energy and the assurance that we will not become subject to political or economic coercion by unfriendly powers, which seems to be inevitable, if the present trend continues. It is time for this Nation to adopt a national policy of energy self-sufficiency. We have the resources—financial, human, and natural. All that is lacking is the national will.

Mr. President, as a first step I wish to introduce at this time a bill that would amend the Natural Gas Act of 1938 as amended by establishing a minimum wellhead price for natural gas contracted for on or after the date this bill becomes law.

This bill further provides for the graduated deregulation by the Federal Power Commission of natural gas contracted on or after the date this bill becomes law.

It is my firm belief that this bill will stimulate renewed interest in petroleum exploration and production activities within the United States, and hopefully provide increased supplies.

I urge speedy consideration of this measure and hope that passage will be possible without undue delay.

In the weeks and months to come I intend to pursue this matter and will be prepared to introduce corrective legislation as may be necessary to undo the wrong that has been wrought over the years.

I strongly urge, Mr. President, that all of us in the Congress thoroughly acquaint ourselves with these important energy issues and that we strive to encourage constructive and timely action that will be in the national interest.

By Mr. FANNIN (for himself and Mr. GOLDWATER):

S. 3377. A bill to extend the time for commencing action on behalf of an Indian tribe, band, or group. Referred to the Committee on Interior and Insular Affairs.

Mr. FANNIN. Mr. President, on July 18, 1968, there was added to the United States Code, 28 U.S.C., paragraph 2415, known as Public Law No. 89-505. This placed a statute of limitations which, except in the few circumstances stated in paragraph 2416, will prevent the United States from litigating certain claims on behalf of Indians which arose before July 18, 1966. This places a deadline on many types of actions which the Indians may have or already have, and after July 18, 1972, it will not be possible to litigate claims of certain claims which are 6 years old or older. For example, the 6-year limit will be applicable to the recovery of damages due from parties who have been in wrongful possession of land.

As far as my office has been able to determine, the Interior Department was not asked to comment upon the bill which eventually became the act of July 18, 1966. The legislation was handled in the Judiciary Committee, and also escaped notice by anyone else interested in Indian legal rights—primarily because the titles of the legislation would give no indication that any claims other than those of the United States were involved. Indian Tribes are covered by the statute because the United States has the power to sue on their behalf as trustee on the same basis as it would sue in its own right with respect to public lands.

On August 24, 1971, the Acting Associate Solicitor, sent to the Commissioner of Indian Affairs a memorandum which calls attention to the fact that the statute of limitations had less than a year to run. This information finally filtered down to the field in December of 1971, so that Indian Tribes in reality had less than 7 months left out of a 6-year period to bring suit thereon. I am sure we all realize that this is an impossible deadline, and an extension of the statute is essential if potentially valuable Indian rights are not to be lost through sheer inaction.

Another problem has been that due to the limited staff of the Bureau of Indian Affairs and the Solicitor's Office, it has not been possible to perform the necessary work in order to identify the problems and then put them into order so as to get litigation that might be filed.

In order to alleviate this problem a bill should be promptly acted upon so as to extend the time for filing actions at least for another 5 years. Mr. President, I call upon my fellow Senators to support this measure and bring forth a bill before July of 1972.

ADDITIONAL COSPONSOR OF A BILL

S. 2689

At the request of Mr. CHURCH, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 2689, a bill to promote development and expansion of community schools throughout the United States.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 66

At the request of Mr. PEARSON, the Senator from Massachusetts (Mr. BROOKE), the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. DOMINICK), the Senator from Missouri (Mr. EAGLETON), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of Senate Concurrent Resolution 66, expressing the sense of Congress that the United States should negotiate for the use of foreign currencies to pay Peace Corps expenses to countries where these currencies are held.

EQUAL RIGHTS FOR MEN AND WOMEN—AMENDMENTS

AMENDMENTS NOS. 1060 THROUGH 1073

(Ordered to be printed and to lie on the table.)

Mr. ERVIN submitted 14 amendments intended to be proposed by him to the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973—AMENDMENT

AMENDMENT NO. 1074

(Ordered to be printed and referred to the Committee on Armed Services.)

Mr. CASE submitted an amendment intended to be proposed by him to the bill (S. 3108) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

ARMS CONTROL AND DISARMAMENT AGENCY AUTHORIZATIONS, 1973—AMENDMENT

AMENDMENT NO. 1075

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. CASE. Mr. President, I submit for appropriate reference an amendment to S. 3200, the Arms Control and Disarmament Agency authorization bill.

Together with a related amendment I am today submitting to S. 3108, the defense procurement bill. The purpose of my proposal is to transfer responsibility for seismic research from the Defense Department's Advanced Research Projects Agency to the Arms Control Agency.

I ask unanimous consent that a statement explaining these amendments, prepared for delivery at the Senate Foreign Relations Committee hearings today, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR CASE PROPOSES TRANSFER OF SEISMIC RESEARCH FROM PENTAGON TO ARMS CONTROL AGENCY AS ESSENTIAL TO EFFORTS TO BRING ABOUT AN UNDERGROUND NUCLEAR TEST BAN TREATY

(Text of Statement by Senator Clifford P. Case, Prepared for Delivery at Senate Foreign Relations Committee Hearings on the Arms Control Agency Authorization Bill, March 16, 1972)

My amendment to the Arms Control Agency bill before this committee authorizes an additional sum of $9,995,000 for research and testing in fiscal year 1973.

A related amendment I have submitted to the Defense Procurement bill deletes an equivalent sum requested for the Advanced Projects Agency (ARPA).

The effect of these amendments is to transfer to the U.S. Arms Control and Disarmament Agency the seismic research program now conducted within the Defense Department by the Advanced Research Projects Agency.

The seismic research program is directed towards improving and developing those techniques by which the United States could monitor an underground nuclear test ban treaty.

The Defense Department's responsibility for what is essentially an arms control measure inevitably conflicts with its primary military role.

I do not believe that Congress intended that the Defense Department should be in the position of both controlling the development of the means by which underground testing can be ended and serving as the advocate of the military importance of continued testing.

For almost nine years, the United States and the Soviet Union have been deadlocked in the negotiation of an underground nuclear test ban treaty. One of the principal causes of this deadlock has been U.S. insistence upon, and Soviet resistance to, on-site inspections as a means of verifying compliance with such a treaty.

During this same period there have been great advances in the state of the art is seismic monitoring techniques. The potential of these discoveries is that the United States may be able to rely upon seismic means for verifying compliance and drop its insistence upon on-site inspections.

Has the Defense Department pursued and exploited the opportunities offered by these advances in a manner commensurate with our treaty obligation to do everything in our power to bring about an end to underground nuclear testing?

DOD JURISDICTION—AND ITS CONSEQUENCES

Seismic research was once a high-priority program.

In 1963, when a total nuclear test ban was the focus of widespread public attention, funds available for seismic research totaled $41.4 million.

1963 turned out to be the high point. Since then, the trend in funding has been straight down.

By 1966—$30.2 million.

1968—$20.4 million.

1972—$14 million, or slightly more than one-third the 1963 funding level.

For the coming 1973 fiscal year, the Defense Department's request is below $10 million, and reports are persistent that plans are under way to phase out this research program entirely.

Has this declining effort simply reflected reduced scientific promise of seismic systems to distinguish between underground nuclear explosions and earthquakes in the Soviet Union?

I think not.

Despite the attempts of some individuals in the Defense Department to suppress public knowledge of the potential advances in U.S. capability to monitor without the necessity for on-site inspections. Defense officials admit that significant improvements in our existing capabilities remain unexploited at this late date. Nonetheless, the Department has continued to request less and less funds for seismic research.

The ready availability of these means of improvement, together with the recognition that they as yet remain unrealized, was recently made the subject of specific mention by the Senate Armed Services Committee. Senator Henry M. Jackson, in his capacity as chairman of the subcommittee which maintains oversight over U.S. monitoring capabilities, had this to say about the U.S. seismic network.

> It is in this area of research and development that highly worthwhile advances are still feasible and this work should be continued and enlarged. *Even at this time, a relatively inexpensive improvement of the semismic detection system could markedly reduce the number of events are not unambiguously identified. Such improvements and continuing research on seismic detection methods and systems are particularly desirable and necessary* in view of discussion of a possible comprehensive test ban, especially in view of the possibility that deliberate evasive techniques could be applied in clandestine testing. (Emphasis added.)

For the Defense Department, Dr. Stephen Lukasik, Director of the Advanced Research Projects Agency, said on June 30, 1971:

> Improved seismic instrumentation is clearly needed to attain further advances below magnitude 4.5 and to assess the limits of teleseismic discrimination. . . . We have seen that to translate the greater scientific understanding of the identification problem into improvements in the seismic verification capability requires more sophisticated installations than currently exist.

On July 23, 1971, Dr. Carl Walske, Assistant to the Secretary of Defense for Atomic Energy, subsequently referred to these improvements as being "highly desirable":

> *Many of these improvements would undoubtedly require considerable time and they would represent a substantial capital investment. Much effort* would have to go into determining where these additional facilities should be located in order to achieve maximum performance. (Emphasis added.)

But he also failed to offer any concrete plan of action which would realize these gains. Instead, he dwelled upon the cost and effort which would be required and then dropped the subject.

Defense officials have also referred to relocation of existing seismic stations to quieter locations where monitoring capabilities would be improved. As recently as October 27, 1971, this long-available means of improvement was still being offered as a "good idea": (Dr. Lukasik) "One should note that it is possible to improve some stations by moving them to quieter locations."

But again, this was not followed by any specific recommendation

Indeed, I understand that several years ago the Defense Department *on its own* decided that a project which would have substantially upgraded the performance of our worldwide existing seismic network, in part through relocation, should not be further explored. This decision was based upon the judgment that this task would be "politically difficult" and "might be unacceptable to the host countries involved". But should the Defense Department alone be responsible for policy decisions of this nature?

Should the Defense Department bureaucracy, in a matter bearing upon United States treaty obligations, determine the degree of effort to be put forth, and even decide what diplomatic initiatives are possible or not possible?

Last year, I attempted to track down a report that a Pentagon-sponsored conference of scientists had concluded that we now have the capability to identify explosions as small as one to two kilotons by seismic means alone.

Before I was able to confirm this report—and I finally had to canvass the scientific community myself to do so—I had to deal with censored documents, a series of contradictory statements, and generally a run-around from Defense Department officials.

Certain Pentagon officials even classified the previously unclassified summary of the conference itself. And when I protested this tactic, an unidentified Pentagon official told reporters that the summary represented the views of only one participant at the conference—a statement refuted by six of the seismologists who attended the conference.

It appears to me as one of the original co-sponsors of the legislation establishing the Arms Control Agency that Defense Department jurisdiction over this arms control program was never intended.

THE ORIGINAL INTENT OF THE CONGRESS

Under the terms of Section 31 of the Arms Control and Disarmament Act of 1961, the Director of the Arms Control Agency is authorized and directed to exercise his powers in insuring, arranging for, and coordinating research in the following fields:

> (a) the detection, identification, inspection, monitoring . . . and elimination of . . . armaments . . . including thermonuclear (and) nuclear . . . weapons.
>
> (b) the techniques and systems of detecting, identifying, inspecting, and monitoring of tests of nuclear, thermonuclear and other weapons.

In testifying before the House Foreign Affairs Committee in 1961, former Deputy Secretary of Defense Gilpatric forcefully stated the need for and function of this agency:

> . . . I think that the basic thought behind this legislation is to give this Agency a status, a position where it can build up a staff and can do a job that I don't believe can be done in Defense, with our primary emphasis on security, or State, which isn't equipped to do research work and many facets of this disarmament and controls business that require talents that are not in the State Department.

Later, in stating the Defense Department's support for the assumption of research responsibility by the Arms Control Agency, Secretary Gilpatric underlined the primary role expected of it:

> The Department of Defense expects the new Agency to make its principal, biggest contribution in the area of policy formulation. Such policy formulation will be assisted by the provision in the proposed legislation enabling the new Agency to conduct and coordinate research in the disarmament area. Research in the disarmament field requires the greatest possible efforts and the use of the best minds of the country—foreign policy experts, scientists, and military strategists.

The legislative history is also unmistakably clear that the Arms Control Agency was meant to be fully in charge of developing the means for verifying compliance with such agreements as an underground test ban. In the following colloquy, Senator Humphrey specifically questioned Mr. John J. McCloy, the President's representative on this point:

Senator Humphrey. Is it not a fact that the disarmament agency, as it is suggested in the bill, particularly with responsibilities that the agency would have in its functions under title III, could accelerate research, exploration, and development in this field of detection?

Mr. McCloy. Oh yes.

Senator Humphrey. And control?

Mr. McCloy. Yes.

Senator Humphrey. Now, this agency could have the responsibility, and could be able to center attention upon these fundamental areas of research; is that not correct?

Mr. McCloy. That is right.

Mr. McCloy later referred to the post-World War II experience with disarmament negotiations which made Arms Control Agency reponsibility for this research of such pressing importance. As a general proposition, it remains as valid today as justification for the amendment which I have introduced to transfer jurisdiction over this research to the Arms Control Agency.

The experience in the disarmament negotiations which have been conducted since the termination of World War II shows the importance of research in the field of disarmament. *The problems of disarmament are highly complex, for they encompass not only technical questions concerning the reliability of inspection and control systems and techniques for their implementation, but also basic political questions concerning the maintenance of peace and security under various livels of disarmament. . . . For this reason research and study of the type authorized by S. 2180 must be a primary function of an agency dealing with disarmament*, not simply for the short term with respect to current negotiations, but especially for the long term. (Emphasis added.)

A Departure From Congressional Intent

No doubt it will be contended that the Arms Control Agency has in fact exercised a measure of supervision over the Defense Department's handling of the seismic research program.

Even should this be claimed, the fact is that responsibility has been delegated to the Defense Department to such an extent as to defeat one of the very purposes for which the Agency has been established.

My investigation has led me to believe that the Arms Control Agency has not participated in even the most basic decisions regarding funding or program content. Typically, I am told, the Agency does not even learn how much money will be spent on seismic research until after the decision has been made and the budget information released to the public.

The blunt judgment of one scientist who is intimately aware of the history of this program was expressed to me as follows:

Although there has always been the fiction that the seismic research program was being conducted by the Defense Department in a manner responsive to the Arms Control Agency's wishes, the fact of the matter has been that the Agency has expercised no influence on program formulation or on specific content.

There never have been any discussions between the Arms Control Agency and ARPA (the Defense Department organization in charge of seismic research) as to major research results required or as to fund allocations, either to major program elements or to specific contractors.

Program outlines as regards research planned or contractors were not submitted to the Arms Control Agency either for review or as information.

In fact, the climate has developed whereby ARPA considers the seismic research program as theirs to conform and direct as they choose, with the Arms Control Agency constituting a minor irritant to be ignored.

In exercising real control over this program, the Agency itself would have to set the goals to be achieved and recommend the funding required to achieve them.

Had this been the case, seismic research would have had an obvious visibility which would have made its neglect less likely. And it would have been treated as what it is—an *arms control* measure—not as just another research program in the Department of Defense.

As visualized by John J. McCloy, when he testified in favor of the Arms Control and Disarmament Act of 1961, responsibility for this program would have been very specifically assigned:

. . . with such an organization as this . . . you would then know who was responsible (for this research). You would have an agency with a director that you would know was charged with responsibility, and you would know where the fault lay.

NOBODY'S BUSINESS

Neither the Defense Department nor the Arms Control Agency is solely to blame for what has developed. For it is clear that this state of affairs would not have obtained had the Congress sustained a high degree of interest over the years in doing everything possible to bring about a test ban.

This must be said because simply transferring responsibility for seismic research to the Arms Control Agency will not bring about the kind of major initiative which will be necessary if the prospects for an underground test ban are to be realized.

The U.S. negotiating position on the test ban has remained static since 1963. This has been so, as I have outlined, even though there have been enormous improvements in the past nine years in our ability to monitor compliance with such a treaty by seismic means.

In 1963, U.S. insistence upon on-site inspections was probably justifiable in view of our then-relatively primitive ability to verify compliance solely by seismic monitoring stations on our own soil or on that of countries bordering on the Soviet Union.

As we stated before this committee last year by Doctor Franklin A. Long, formerly Assistant Director of the Arms Control Agency, ". . . it was generally agreed (in 1963) that one could not, in any real sense, 'identify' underground nuclear explosions by national means alone". Earthquakes could not be distinguished from underground nuclear explosions by seismic means, and, in Dr. Long's words, the only way "to get at possible explosions (was by) a process of elimination".

Now the seismic state of the art has advanced so far that the controversy is no longer about whether we can tell the difference between earthquakes and underground explosions. Now the debate is over *how small* an underground explosion can be identified. Now even Defense Department officials admit that *in principle* we will be able to identify tests as small as one or two kilotons (by way of comparison, the yield of the Hiroshima bomb was 14 kilotons).

Contrast these enormous strides with the lack of any alteration whatever in the U. S. position on on-site inspections:

(Acting Director of the Arms Control Agency, Philip J. Farley, on July 22, 1971): ". . . we have not had occasion to review formally the precise number and have not either introduced or determined privately a new number since we last spoke of seven, I think it was in 1963."

But the roots of this stand-pat attitude extend beyond the Arms Control Agency. This was borne out by Mr. Farley's further remarks reflecting the apparent absence of any interest in even exploring the possibility of breaking the impasse in our negotiations with the Soviet Union: ". . . *we have not been required* to formally review our position as to the precise number of inspections we would require (emphasis added)".

GETTING BACK ON THE TRACK

There is presently disagreement among arms control experts as to whether any further improvement in our seismic monitoring capabilities is even necessary. Some contend that the United States can now begin serious negotiations of a test ban without requiring on-site inspections in the Soviet Union to verify compliance.

Others, especially within the Defense Department, argue that our seismic systems will never be sufficiently reliable and sensitive to deter covert underground testing.

The advocates of "negotiation now" are concerned that primary emphasis upon the technical issue—our seismic monitoring capabilities—can lead to interminable bickering among contending scientists and the construction of unnecessarily sophisticated and ever-more refined monitoring systems. They contend that in the final analysis entering into an underground test ban treaty is necessarily a political decision.

Whatever the outcome of that controversy, it presents no argument against the transfer of responsibility for seismic research to the Arms Control Agency.

All avenues must be explored in order that the prospects for an underground nuclear test ban can be realized. Reviving our seismic research effort is surely one step to that end. It by no means excludes a revision of our negotiating position.

There are compelling reasons to pursue this matter. I don't need to remind the committee that:

Since the date of the conclusion of the Limited Nuclear Test Ban Treaty, the rate of nuclear testing has actually increased.

The non-nuclear powers have become increasingly restive at the prolonged delay in ending nuclear testing. The Nuclear Non-Proliferation Treaty itself is further endangered with the passage of every day—and we have been specifically warned by nations who have not yet ratified it that time is running out.

The United States and the Soviet Union continue their inexorable competition to refine their warheads through this testing, with always the potential for a technical breakthrough by either side which would wreck our hopes for arms limitation.

As one step in the effort to resolve the impasse in which we find ourselves, I ask my colleagues on the Senate Foreign Relations Committee to accept this amendment which I have offered.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 999

At the request of Mr. Church, the Senator from Montana (Mr. Mansfield), the Senator from Iowa (Mr. Hughes), and the Senator from Minnesota (Mr. Humphrey) were added as cosponsors of amendment No. 999, intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

ADDITIONAL STATEMENTS

WHAT IS AN AMERICAN?

Mr. ERVIN. Mr. President, each year the Freedoms Foundation of Valley Forge conducts a letter writing program in which Active and Reserve Armed

Forces personnel compete for George Washington Honor Medals and cash prizes.

Marine Gunnery Sergeant Berimer Nelson whose letter "What Is an American?" won an honor medal and $100 in the 1971 contest lives in Wilmington, N.C. He is currently stationed with the 1st Amphibian Tractor Battalion, 3d Marine Division, Okinawa.

It is refreshing to me, at a time when the negative aspects of the military are given a great deal of attention, to discover there still is dedication to the profession and love for America as is exemplified by this 17-year veteran who is a credit not only to North Carolina and the Marine Corps, but to the Nation as well.

I ask unanimous consent that Sgt. Nelson's award-winning letter and a biographical sketch be printed in the RECORD in order that many others may share his views.

There being no objection, the letter and biography were ordered to be printed in the RECORD, as follows:

WHAT IS AN AMERICAN?

(By Gysgt. Berimer Nelson, USMC)

An American is a person who strives to abide by all of the qualities upon which our great nation was founded. The qualities are the respect for human dignity, the respect for political and cultural beliefs of each individual.

An American is a person who enriches his country, community and himself by participating in our democratic system in a responsible and intelligent manner. He has an unwavering faith that its process will not fail him.

An American is unselfish. If called upon to serve his country, he willingly steps forward. He does so to help preserve that which his forefathers worked so hard to build. He is willing to sacrifice his personal freedom and even his life, to make a better nation for his own, and all future generations.

An American has compassion for the people of nations less fortunate than his own. He enjoys the blessings our freedoms provide and is ever ready to lend a helping hand to curb oppression. He will extend his hand to help defend his friends from outside interference and subversion.

An American understands that, in order to preserve the freedom of our nation and others, it is necessary to make sacrifices, some times even the supreme sacrifice, so that others may benefit.

An American is a person who worships his God, in the way of his own choosing. He cherishes this right. He knows that the peoples of many other lands are cruelly persecuted for practicing their religious convictions.

An American is the product of many peoples of many cultures and several races, of various political and religious beliefs. He strives to work in harmony with his fellow man and his willing acceptance of responsibility has been the key factor in achieving the greatness that our nation has gained in almost two hundred years of existence.

America is the greatest nation in recorded history and has become so because of the greatness of each of her citizens.

SUBJECT: BIOGRAPHY; CASE OF GUNNERY SERGEANT BERIMER NELSON 078 30 19 27/1833/3531 USMC

1. "Gunnery Sergeant Nelson, a veteran of seventeen (17) years of Marine Corps service, is presently assigned as a platoon sergeant with Company A, 1st Amphibian Tractor Battalion (—), 3d Marine Division (—) (Rein), FMF. He has served in a variety of billets in both the Amphibian Tractor and Motor Transport field. Born in Brooklyn, New York, Gunnery Sergeant Nelson and his wife, the former Miss Carolyn D. Pompey, presently reside in Wilmington, North Carolina. They have one (1) daughter; Angela Denise.

Sergeant Nelson has served in combat in the Republic of Vietnam, with the 3rd Amphibian Tractor Battalion, 1st Marine Division (Rein), FMF and is the recipient of the following awards: Purple Heart, Combat Action Ribbon, Presidential Unit Citation, Good Conduct Medal five (5) awards, National Defense Service Medal (with one (1) star), Vietnam Service Medal (with two (2) stars), Republic of Vietnam Armed Forces Meritorious Unit Commendation of the Cross of Gallantry and the Republic of Vietnam Campaign Medal. He is presently working towards attaining a college degree, having obtained thirty semester credit hours. He is majoring in sociology with a goal of becoming a social worker upon retirement from the Marine Corps.

R. D. DASCH
By direction.

PEDIATRIC RESIDENCY PROJECT

Mr. MATHIAS. Mr. President, much of the national concern over health care today has been focused not only on the shortage of health manpower, but on the maldistribution of those professionals currently serving the public.

The University of Maryland School of Medicine, with the aid of a Federal Appalachian demonstration health projects grant, has launched a most interesting program designed to bring qualified medical care to two rural Maryland counties. Under the leadership of Dr. Marvin Cornblath, head of the University of Maryland School of Medicine's Department of Pediatrics, the pediatric residency project has established, in only 3 short months, a Headstart program for more than 60 children, a weekly children's clinic, and an acute care clinic. Planning for further projects is underway.

Mr. President, I ask unanimous consent that Dr. Cornblath's letter describing this encouraging program be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF MARYLAND,
Baltimore, Md.

Hon. CHARLES McC. MATHIAS, Jr.
U.S. Senator,
Washington, D.C.

DEAR SENATOR MATHIAS: Thank you for your letter of January 7, 1972 and for your interest in our Department, in the goals of the University of Maryland School of Medicine and the Pediatric residency project in Garrett and Allegany Counties. The latter program has been active since November 15th when our first resident, Dr. John Payne, was assigned to both Garrett and Allegany Counties. His two and a half month stay in those counties has already had an impact on Pediatric care and the health of children as well as relationships between the health personnel in the counties and the School of Medicine.

In a relatively short time, our residents have established sound working relationships with existing service personnel and the community. I am more than pleased with what has been done and would be delighted to describe it to you in detail if an appointment can be arranged.

To list a few of the achievements that have occurred during the past three months may be appropriate: A comprehensive head-start program in Cumberland was begun, giving much needed service to more than 60 children and their families. Arrangements were made for families without private physicians to register and be seen at the Children's Medical Center in Cumberland where the resident has an all-day, weekly clinic. Similar head-start examinations have been initiated and conducted in the Garrett County townships of Grantsville, Kitzmiller, Friendsville and Oakland. An acute care clinic held once weekly at Grantsville has been established through the cooperation of the County Health Officer, the Pediatric resident and the public health nurse. The Pediatric resident, assisted by the public health nurse, sees all sick and well children there. The cooperation of the County Health Office, the public Health staff and the community has indeed been most exciting and gratifying thus far.

In addition to immediate programs, our residents in cooperation with the physicians in Garrett County as well as the County Health Officers and the State Health Department are making plans for future training of public health nurses to provide better care for children as well as adults. The programs will be self-sustaining and continued should this program be terminated. We must always plan for the possibility that federal funds will not be forthcoming or will be drastically reduced without notice. In view of this, we have made plans to transfer as many of the programs as possible to local health officials as well as physicians. In this way, the expectations of the population can be realistically achieved.

I would be delighted to meet with you at your convenience and bring Doctors Payne, our first Appalachia resident, Weaver and Khan, my co-workers in this program to discuss this with you in detail. We have been very fortunate in having Sister Mary Louise from the Sacred Heart Hospital in Cumberland serve as a most able and competent Principal Investigator of this program. We have also had the complete cooperation of Doctors Brodell, Dawson and Fleming of the Children's Medical Center in Cumberland, who have been the on-site supervisors of our resident in Appalachia. I would certainly want their contribution to this overall program acknowledged.

Please excuse the length of this letter, but our enthusiasm is great and the achievements in such a short time have been beyond our expectations. I trust that this is the information you want and would be glad to detail it for you at your convenience.

With all good wishes and personal regards,
Sincerely yours,
MARVIN CORNBLATH, M.D.
Professor and Head, Department of Pediatrics.

PEACE CORPS SAVED

Mr. ALLOTT. Mr. President, an editorial published in the Denver Post of Sunday, March 12, gives praise where praise is due for the President's action in saving the Peace Corps from devastating cutbacks.

The Peace Corps and other vital volunteer programs are tapping the spirit of volunteerism that still runs strong in the Nation. The Post is itself to be praised for its attentiveness in defining these programs. I ask unanimous consent that the Denver Post editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PEACE CORPS' NARROW ESCAPE

The Peace Corps has gotten a welcome, last-moment reprieve from President Nixon.

In signing an absolutely minimal $3.1 billion foreign aid appropriation bill, Mr. Nixon emphasized that money would be found—from other budget sources if need be—to keep the Peace Corps in full operation.

As it now stands, the Peace Corps' modest $82 million budget was chopped by $10 million by Congress. Without the assurance from President Nixon, Joseph H. Blatchford, agency director, might have been forced to reduce the overseas volunteer force of 8,000 by as much as a half.

This could have been disastrous for the Peace Corps, which since its creation in 1961 has been one of the most effective people-to-people ventures in the U.S. foreign aid program.

Ironically, the congressional cutback of Peace Corps funds came at a time when the agency was regaining momentum in attracting volunteers.

Although Louisiana Rep. Otto Passman, perennial critic of foreign aid expenditures, reportedly had a change of heart on reducing the Peace Corps budget, the appropriation measure still went through Congress with a $10 million cut.

Thus it remained for President Nixon to rescue the agency.

His pledge that the Peace Corps will remain in full operation was the shot in the arm that the agency needed.

The President's action was also a well-deserved vote of confidence in Blatchford and the way he has revitalized the Peace Corps.

RHODESIA ORE: HERE'S TO THEE, OH "CLUB 503"

Mr. KENNEDY. Mr. President, I wish to place in the RECORD an account of the events leading up to the arrival of the first shipment of Rhodesian chrome ore since the 1965 United Nations embargo on trade with Rhodesia.

As a result of Senate action last fall, the United States joins Portugal and South Africa as the only nations violating a United Nations resolution that was enacted to support Great Britain's struggles to seek reform of the rebel Rhodesian regime.

However, as Bruce Oudes has expertly described in the Washington Post, on March 19, the debacle over Rhodesian chrome is a shameful event in the administration of our foreign affairs.

Accordingly, I ask unanimous consent to have printed in the RECORD the article entitled "Rhodesian Ore: Here's to Thee, Oh 'Club 503,'" written by Bruce Oudes and published in the Washington Post of March 19, 1972.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RHODESIA ORE: HERE'S TO THEE, OH "CLUB 503"

(By Bruce Oudes)

"We love the people we are with, And raise a glass for Ian Smith . . ."

The words of the song rang out time and again through the holiday season and into the new year, not in Southern Rhodesia where Ian Smith is the prime minister of the white minority government, but here in Washington. Representatives of American industry and Rhodesian diplomats emptied their glasses to mark victory in a 6-year campaign to get the United States to violate the so-called "mandatory" economic sanctions against Rhodesia.

Those sanctions are being violated this week with the arrival in the United States of the first shipload of Rhodesian chrome ore. This makes this country the third U.N. member officially to sidestep the ban; South Africa and Portugal are the other two.

The alliance of Foote Mineral Co. of Exton, Pa., and Union Carbide with Rhodesia's white government extends well beyond the minimum necessary to protect their long-standing investment in that chrome-rich country. The two firms openly acknowledge they have been opposed to the U.N. sanctions from the start. Union Carbide actively worked to undermine it as early as 1966.

The Rhodesia-U.S. corporate clique informally is known as the "503 Club" commemorating the relevant section of the Military Procurement Act of 1971 allowing U.S. firms to import Rhodesian chrome, copper, asbestos, manganese, nickel, and dozen of other commodities, seemingly because of an overriding "national security" requirement. However, as a knowledgeable Union Carbide source privately concedes, the "strategic" label was simply camouflage to get Congress to authorize U.S. firms to break the U.N. regulations.

An excellent description of the alliance linking white Rhodesia, conservative congressmen, Union Carbide and Foote Mineral is in their victory song, "The Absolutely Tentatively Provisional Official Marching Song of 'The 503 Club.'" To the tune of "O Tannenbaum," the song roasts liberal Democrats and the State Department, but not the White House, which has remained silent on the sanctions question.

"MANY FINGERS IN THE PIE"

According to Margaret Cox-Sullivan, a Union Carbide consultant who is "blow(n) a kiss" in the lyrics, "a lot of people got their fingers in the pie" writing it. The song project was a topic of conversation at a party making the sixth anniversary of Rhodesia's unilateral declaration of independence at the International Club given by the Rhodesia Information Service, the Smith government's unofficial embassy here, on Nov. 11.

The ditty made its official debut at a Christmas party given by the RIS at its offices at 2852 McGill Terrace, NW, and since has been aired at numerous private affairs.

The song cites L. G. "Tony" Bliss, Foote's chairman of the board; John Donahey, Foote's public relations specialist; E. F. "Andy" Andrews of Allegheny Ludlum Industries, another warm supporter of "503"; Margaret Cox-Sullivan ("Margaret S."); commentator Fulton Lewis III, who has just visited Rhodesia a second time; and Kenneth Towsey ("Kenneth T."), RIS director, and his associate, John Hooper, among others. Bliss, Donahey and Union Carbide's Washington representative, Jerry Kenney, were among those present for the debut, Mrs. Cox-Sullivan said.

Sen. Howard Cannon (D., Nev.) is "a hit" in the song, presumably because of his support for "503" as well as his blocking a route administration bill that would have released excess chrome from the national stockpile. David Newsom, assistant secretary of state for African affairs, is named among the clique's foes.

The complicated story culminating in the deft use of corporate muscle in Washington started almost half a century ago, Rhodesia, then a British territory, was discovered to have high-grade chrome ore. As American investment flowed in, it turned out that except possibly for the Soviet Union, Rhodesia had the world's largest known reserves of the premium ore.

This, however, had little meaning in political terms until Rhodesia's white-minority government declared its independence of British constitutional harassment in November, 1965, a move designed to stifle the black majority's demands for political power. Rhodesia's 5 million blacks outnumber whites in an ever widening 20-to-1 ratio. Britain's Labor government, fearful that its troops might mutiny if ordered to quell a rebellion by Rhodesia's "kith and kin" government, announced six months before the event that it would not use force to bring down an eventual white Rhodesian "uprising."

A COMPROMISE

Instead, Prime Minister Harold Wilson—under the pressure of world opinion—chose a compromise strategy of asking the United Nations to impose economic sanctions against Rhodesia. The last time a world organization attempted such a step was in 1936, when the League of Nations tried to quarantine Italy for invading Ethiopia. Thus far, the U.N.'s Rhodesia sanctions have been about as seive-like as the League's.

The Johnson administration, rejecting suggestions that it urge Britain to use force to bring down the Smith regime, went along with Wilson. But when it became apparent that the majority of the world's industrial nations were secretly going to continue trading with Rhodesia, the United States decided that it would not vigorously protest, either publicly or privately, the violations.

According to a knowledgeable State Department official, Union Carbide began to undermine the sanctions in 1966 while the sanctions screws were not yet fully tightened. It hastily transferred dollars to its Rhodesian subsidiary to "pay" for 150,000 tons of chrome ore that had not yet left the quarantined country. This later became the basis for its claim that it should be granted an exception to permit import of the 150,000 tons. The Johnson administration, well aware of the ploy, rejected the claim, but the Nixon administration granted it in September, 1970, after extensive Union Carbide lobbying.

POWERFUL ARGUMENT

Meanwhile, Foote, which had not been that astute in 1966, began to think in terms of a permanent, legislated exemption from the sanctions. Rep. James Collins (D-Tex.) and Sen. Harry Byrd Jr. (Ind-Va.) introduced legislation a year ago which said that the President could not ban the importation of a strategic commodity from a "free world" country so long as it was being imported from a Communist country. In 1965, the United States imported about a third of its high-grade chrome from the Soviet Union. Since the sanctions, the Soviets have furnished more than half of U.S. high-grade chrome imports. Given the size of the U.S. stockpile and the relatively modest chrome needed for defense purposes, experts scoff at the thought that the Soviets could bring the United States to its knees by stopping chrome exports. But this was a powerful argument.

Union Carbide quickly associated itself with Foote's effort, and both testified before House Foreign Affairs and Senate Foreign Relations subcommittee hearings last summer in favor of the bill. Although they complained strenuously about sanctions violations by other nations, nowhere in the two firms' testimony did they suggest the United States begin blowing the whistle on violators—a step that would have made life rougher for the white-minority government but more equitable for the world's chrome users in sharing the burden of the loss of Rhodesian ore.

Instead they were foursquare against sanctions. Foote chairman Bliss told the Senate committee July 8: "The position of the Foote Mineral Company, and, I think the rest of the producers in the United States, is this: That it would be total chaos if indeed the sanctions or the embargo would be effective against Rhodesia, because that would eliminate their input into world markets and throw us all into the marketplace in Russia and Turkey, and I am exceedingly doubtful, as the statistics disclose, that those source materials would be adequate to take care of world demand." A Union Carbide spokesman said that accurately reflects his company's position.

Andrews of Allegheny Ludlum, who testified in favor of the legislation as chairman of the critical materials committee of the Iron and Steel Institute, took the same position in a telephone interview. "I opposed the embargo the day it went on for business reasons," he said. "The social and political aspects (of sanctions) have been overemphasized to the detriment of the economic aspects." Andrews said he visited Rhodesia in early 1970 and attended the Nov. 11 Rhodesian victory party. But he denied knowledge of the song, in which he is hailed as being "true blue."

BYRD AMENDMENT

When the Foreign Relations and Foreign Affairs committees blocked the legislation, by now known as the "Byrd Amendment," Sen. Byrd took it to the sympathetic Senate Armed Services Committee, which reported it as section 503 of the Military Procurement Act. When it reached the Senate floor in a series of roll calls Sept. 23, 30 and Oct 6 the White House remained silent—as it had before and has since.

A White House aide maintains that it was preoccupied with other elements of the President's legislative program. But other sources suggest that corporate influence had carried the day in a fluid situation in which Henry Kissinger, the national security adviser, preferred not to focus on something as remote as Rhodesia.

One former White House staff member says that of the President's aides, speech writer Pat Buchanan was particularly receptive to Union Carbide's plight. Last week Buchanan said, "I was sort of involved two or three years ago, but I haven't been involved since."

A former Senate committee staff member said that now-Deputy Defense Secretary Kenneth Rush supported Union Carbide's case in private conversation in 1970 while in Bonn as U.S. ambassador. Rush, a Duke professor when the President was a student there, left the presidency of Union Carbide to join the administration.

In the Senate, Byrd stressed that the measure would effect only chrome. However, the administration more recently has allowed the import of some 72 products from Rhodesia, excluding tobacco, a major Rhodesian export but not a "strategic" one. That dividing line serves the interest of Virginia tobacco growers, who have prospered through the elimination of Rhodesian competition.

The Byrd amendment passed its last Senate test Oct. 6 with the assistance of key switches by Sens. William Roth (R-Del.) and Lee Metcalf (D-Mont.). Metcalf's office said later his switch was due to pressure from unspecified "Montana chrome-mining interests." The measure sailed through the House, 251 to 100, on Nov. 10.

While the corporations involved, the Rhodesians, and apparently the White House seem to share an unusual private coziness that has influenced U.S. Rhodesia policy during the present administration, it is only rarely that a candid remark seeps into the public record.

One such comment was made by John Moxon, who since then had retired as president of Carpenter Technology Corp. of Reading, Pa., before the House subcommittee last June. Moxon followed Andrews to the witness stand to testify as a consumer of chrome. The only thing he said he wanted to add to his carefully worded written statement was, "We also have in the back of our minds the apprehension that the same people that are upset about Rhodesia will become equally upset about South Africa and then we are in a mess . . ." He quickly added that he is "not in sympathy with an apartheid or any of these things." He called U.S. participation in the U.N. sanctions "a short-sighted decision."

One U.S. official who closely follows the influence of Foote and Union Carbide in American Rhodesia policy is philosophical. He notes that their mining subsidiaries in Rhodesia are still producing chrome which in turn is earning vital foreign exchange for the Smith government. "They've got a lot in common," he said thinking of Foote, Carbide, and Rhodesia. "You just don't work that closely together without getting involved."

The Absolutely Tentatively Provisional Official Marching Song of "The 503 Club"

Verse I: (To be sung with great joy).
Oh, 503; oh, 503
We gave our very best for thee.
Oh, 503; oh, 503
We celebrate our victory.
To Harry Byrd, we'll drink a toast
And sing his praise from coast to coast
Jim Collins, too, we'll honor thee
And hang you on our Christmas tree.

Verse II: (To be sung mournfully).
Oh, 503; oh, 503
You nearly were the death of me.
Oh, 503; oh, 503
The roll call votes were agony
We very nearly lost our wits;
Fulbright and Fraser gave us fits.
We frown upon you, Gale McGee
And dimly view Ted Kennedy.

Verse III: (To be sung with great sincerity).
Oh, 503; oh, 503
Rhodesia's future rode with thee.
Oh, Fulton Lewis Number Three,
We honor your tenacity.
We love the people we are with
And raise a glass for Ian Smith
Congratulations, we assume
Are due Lord Goodman, Alec Home.

Verse IV: (To be sung with wistful melancholy).
Oh, 503; oh, 503
We faced a mighty enemy.
Oh, 503; oh, 503
The State Department thwarted thee.
We ran afoul of David Newsom
Culver and Diggs—an awesome two-some.
The U.N. fought you mightily
And Harold Wilson censured thee.

Verse V: (To be sung lovingly).
Oh, 503, we'll blow a kiss
To Margaret S. and Tony Bliss
And Andy Andrews, you're true blue—
John Donahey, we hail you too.
Hey, Howard Cannon, you're a hit;
Sam Ervin—bless you for your wit.
Bill Brock, we greet you gratefully—
Defender of the 503.

Verse VI: (To be sung bravely, if hoarsely).
Oh, noble House, your Members there
Nailed down the victory with a flair.
Let songs of joy ring through the air;
We won the battle fair and square.
And so, tonight let's have some fun;
It's better to have fought and *won!!*
And you'll go down in history,
Our dear, beloved 503.

Verse VII: (To be sung diplomatically).
Oh, Kenneth T.; oh, Kenneth T.
Ambassador one day you'll be.
And may John Hooper follow thee
To posts of great authority.
Next winter may it be your lot
To spend your Christmas where it's hot.
Please raise a toast in Salisbury
In memory of 503.

"SAVE THE PROVO RIVER" CONFERENCE

Mr. MOSS. Mr. President, the Provo River in my State of Utah has always been considered one of our most delightful recreational rivers. It runs through a beautiful canyon, and it has been for years the scene of many picnics and campouts, and the mecca of fishermen from the heavily populated Wasatch Front Counties.

Recently the whole character of the Provo has been changed. Highway construction in the canyon along the river's banks has narrowed the channel, removed vegetation along the banks, covered pools and raised the water temperature by exposing more of it to direct sunlight.

The Corps of Engineers has dredged out the channel and improved it, but in so doing they have changed the character of the river by silting it downstream and by loosening gravel.

A series of upstream dams and irrigation canals diverts so much of the water in certain seasons, that the river runs very low, and in some places the streambed is dry.

All of this has resulted in the deterioration of one of the State's best fishing streams, and in a great recreational downgrading of the entire area.

Not long ago various individuals and groups in the State interested in the ecological welfare of the Provo River gathered at a special meeting in the Governor's board room to discuss what can be done. The problem is basically a local one—how to recognize and reconcile the various uses to which a river and a canyon must be put. Irrigation water is necessary for Utah's farms. A road of a safe width and good engineering is necessary to carry the traffic through the canyon. The stream channel must be improved to prevent floods. But all of these things must somehow be handled in a way which will protect the ecology and assure the continued recreational benefits for which the Provo is famous.

Mr. Hart Wixon, Rocky Mountain editor for Field and Stream, and environmental editor of the Deseret News, discusses the movement to "Save the Provo" in an article in the March 1972 issue of Field and Stream.

The article is based on a 3-year study by Dr. David A. White, an associate professor of zoology at Brigham Young University, as well as the efforts of the Provo River Chapter of Trout Unlimited, of which Dr. White served as chairman.

The article looks at the problems primarily through the eyes of a dedicated environmentalist, but there is recognition in it of the rights of those competing for the use of the water.

In the overall, it is a very eloquent plea for long-range planning in the development of our natural resources so that the ecology can be protected while the people are being served.

I ask unanimous consent that Mr. Wixon's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAVE THE PROVO

(By Hart Wixon)

The room was packed with old professors, young lawyers, county commissioners, TV cameras, engineers, biologists, at least one mayor, several state senators, newsmen, and heads of various Utah governmental agencies, including Gov. Calvin L. Rampton. It could have been a meeting to announce candidacy for the U.S. Senate, or even President of the United States.

It was none of these. Instead, it was a meeting to save a river. The Provo River.

So far as could be determined by oldtimers in the Governor's Board Meeting Room, it was the first time a meeting had ever been held in Utah to discuss the ecological welfare of a river. The entire fate of the Provo River could be determined in this meeting—whether it was of greater public benefit in its streambed or out of it. Whatever happened here now could set a precedent for every other stream in the state. To that extent it was perhaps also a meeting to determine the fate of streams throughout the United States. Several Federal agencies were involved.

Probably in no other state of the Union have laws been set up to more rigidly protect consumptive users, those who leave the streambeds dry, than was done in 1921 in Utah's water law courts. If water could be allocated here in this meeting for nonconsumptive recreational uses, including fishing, wildlife habitat, esthetics, tourism, and increased real estate values because of nearby running water, then it could likely be obtained in any other of the United States. No state could have less protective stream laws than Utah—because Utah has none.

Checking with the state engineer's office in the early part of 1969, I was told that recreation was not even mentioned as a beneficial public use of water in the state law books. Utah does have a fish and game law which requires notification of stream diversion of game fisheries that could be affected. But after notification, for possible fish salvage, nearly anything can legally be done with the stream so long as it does not prevent water from reaching the irrigation canals. The canals themselves are usually constructed in the canyons, eliminating perhaps 50 percent or more of the possible recreational opportunities which might be enjoyed by the general public.

With no laws to prevent environmental destruction, the Provo River had for years been moved around by anyone who wanted to put a bulldozer into it. It was not particularly surprising, then, when the Provo River's lunker brown trout began to disappear.

Highway construction narrowed the channel, removed streamside vegetation, covered pools and banks, raised water temperatures by exposing the water to sunlight. And what they didn't do to destroy it below the canyon was accomplished by the U.S. Army Corps of Engineers. Invited by the Utah County Commission to "improve" the channel, the Corps managed to destroy three miles of trout fishery; so badly silted the downstream river that the walleye run from Utah Lake, a multi-thousand dollar investment of the Utah Fish and Game Division, was nearly annihilated; loosened gravel in the streambed so that it piled up downstream; diked what little of the river was left so you couldn't see it—and made thousands of local citizens vow it would never happen again. It did. The next spring, the third week of March, during the annual walleye run I watched Corps bulldozers in the river again. The Corps somehow missed the next year, but returned the year after that.

During the 1940's and 50's the Provo yielded browns up to 20 pounds in the annual Field & Stream Fishing Contest. Trout of 6 and 8 pounds were so frequent they drew little attention in local contests. Even into the '60's many anglers still caught limits of naturally propogating brown trout from 12 inches to 2 pounds. Rainbows were planted, but they seldom lasted two days beyond any major holiday. Brown trout then carried the load again.

By 1969 it became apparent that frequent diversions for irrigation and power, pollution, "stabilizing banks" with concrete slabs from construction projects, more "flood control," and highway projects would soon completely shut out the general public for most nonconsumptive recreational uses. A new four-lane highway, in addition to the present three-lane road, was under planning in the fore part of 1970. It called for alteration of the channel in one lengthy area heavily used by fishermen. If anything was to be done to safeguard the stream, as Save the Provo River's officers stated, it had to be soon.

For some sections of the Provo it was obviously already too late: the Olmstead Diversion Dam, about one third of the way up the canyon, had already dried the section below. Steven Penrod, president of the STPRA, and others, examined hundreds of dead brown trout up to 18 inches in the dry streambed there. When water was later released into the streambed, hundreds more brown trout were carried into the area. This time STPRA members got there in time to move most of them safely into the water far above the dam.

But water was then wholly diverted from the Murdock Dam downstream where small feeder streams had been maintaining a fishery. Illegally, no notification was given. Hundreds of brown trout there died. The reason? Members of the Provo River Water Users Association had decided to put the entire river out into their fields to make plowing easier. Conservationist groups had been accustomed to late summer drawdowns, but filling irrigation canals in early May had caught them somewhat off guard. There was no fish salvage.

A several-year study by Dr. David A. White, associate professor of zoology at Brigham Young University, turned up some large browns in the few areas where neither streambed nor bank had been altered or de-watered, including one 11-pounder. An interesting aspect of both the studies and STPRA salvage operations was the fact that browns outnumbered rainbows about 1,000 to one. In Penrod's first examination of the dry bed below Olmstead he found one rainbow; in the second, none. Yet rainbows had been planted by the tens of thousands there.

After attempting in vain to get more flow into the streambed, the STPRA called a meeting in downtown Provo for early April 1970. On hand were close to one hundred people: biologists from BYU, government officials, Provo River area home owners, fishermen, recreational users, and others determined to prevent total destruction of the Provo River. As one speaker stated, "Here is a stream that has been pictured in many national publications, attracting tourists from throughout the United States. And it has provided us here in this area with a rich quality-of-life resource right in our own backyard."

At this meeting the Provo River Chapter of Trout Unlimited was organized, with Dr. White as president, the second organization formed within a week to get something done.

More than two dozen people called for specific action to save the Provo River as rapidly as possible. Newspaper reports of the meeting were seen by actor Robert Redford in New York City. Owner of the Sundance Ski Resort near Provo Canyon, Redford had often admired the Provo River while driving to his resort. "I'd always thought of it as being an exceptional tourist attraction, a reason why nonresidents such as myself visited or located in Utah. But with the abuse it began taking, I wondered if people fully realized this river's value," Redford said. "It is human nature to take things close at home for granted. Perhaps this is what happened here.

"I've been many places in the world," Redford continued, "but I have never seen a more beautiful stream. Most of it still is. But we will have to start doing something about it soon, before it is too late."

Redford also indicated clearly that he understands the world of the fisherman. "The Provo is also a particularly fine brown trout stream—one that I think is worth keeping."

As environmental editor of the Salt Lake City Deseret News, I reported this telephone interview the next day. Many people called to say they agreed completely with him, and expressed a desire to help out.

But things were already being done, and on a national scale. As Redford had promised to do, he contacted Utah Sen. Frank E. Moss. Moss studied the situation and through the wire services expressed the opinion that "some sort of guaranteed minimum flow was needed down the Provo in behalf of the public interest."

Earlier, John S. Wood, assistant director of Trout Unlimited, had flown from TU Denver headquarters office to meet with Utah Chapter officers in Salt Lake City. In a tour of the Provo River, Wood and I happened to see several people loading sacks with dead brown trout. This was the result of a complete water diversion from the Olmstead Dam into a large pipe. Wood later wrote a letter to Utah Power and Light Co. officials asking for flows in the natural stream below Olmstead. Power officials returned a letter saying they would look into the matter. Since the power company purchased their water from the Provo River Water Users Association, the latter was contacted to determine if water above and beyond the power needs could be released from upstream Deer Creek Reservoir. The water users ignored this attempt to discuss the matter with them.

According to studies done by Dr. White, the pattern for years had been to hold back all water, except that committed for power, in the spring months. When Deer Creek filled, then excess water would be sent down to Utah Lake.

Why was flood control work also being done in the spring, when fish were dying from lack of water? Because as soon as Deer Creek filled, it had to be quickly shuttled downstream from the bulging banks. Hence what had been a dry stream-bed now needed flood control work from the Army Corps of Engineers. I checked the Olmstead and Murdock dams on June 22, 1970, and both were booming with water.

"Why," suggested Dr. White, "doesn't the water users association begin releasing water gradually from Deer Creek when it is obvious the dam is going to fill, giving a sustained flow of water?" This question was asked through the press in early May. By May 15, public interest in the environment of the entire Provo Canyon became even more evident. Hundreds of persons spent a day in the canyon cleaning up litter along the stream. Many of them were Boy Scouts, students, and people who said they never fished the Provo.

It was apparent that concern for the Provo River was widespread. Some conservation groups in the past had intermittently complained of abuse to the stream. But this was now more than one or two special interest groups. The public had not only become concerned, but determined to make up for previous apathy. Many letters were written, speeches made, meetings held, and pressure put upon those abusing the river to change their public-be-damned attitude.

It was no surprise, then, when Governor Rampton called a meeting for May 27 to determine if something could be done to save the Provo River.

But to understand exactly what happened at the meeting, it is necessary to know some Provo geography. Rising on the western edge of Utah's 13,000-foot-plus Uinta Mountains, the Provo cascades westward through glacial rock into ranch country. Here the stream's brook trout give away to cutthroats and browns. From Woodland to Heber City, the Provo courses through cottonwoods and fertile meadows that once attracted fly fishermen from throughout the West. Browns averaging 13 to 16 inches were caught with such frequency that anglers took them for granted and concentrated on the larger fish. For some fifteen or twenty miles the Provo flowed through countless pools and riffles, spilling into Deer Creek Reservoir constructed west of Heber City in 1937. From there it flowed into what has often been termed the lower Provo River. The entire lower river and much of the upper was considered some of the finest brown trout water to be found anywhere in the U.S. Some six miles of the Provo immediately below Deer Creek still remain in their natural condition, and produce both browns and rainbows in the 5- to 10-pound class.

Among the first called on to speak at the Governor's meeting was Joseph Novak, general counsel for the Provo Water Users Association. Novak recounted the water users' engineering efforts to store up water for the irrigation seasons. Lakes at about 9,000 to 10,000-foot level in the Uinta Mountains had been "stabilized" by building dams. A tunnel was constructed through some seven miles of mountain to divert the North Fork of the Duchesne River into the Provo just before the stream spills from the Uintas. This extra flow meant more water than the streambed could handle, and even more water was added by connecting a canal from the Weber River across Kamas Bench into the Provo. This created a serious overloading of the streambed's natural capacity, so the water users contracted the U.S. Bureau of Reclamation at some $5 million to provide a channel capable of carrying the excess water.

Novak then stated that the "improvements" done to the channel, which consisted of dredging out the streambed and using the material to dike the Provo, giving it the appearance of a uniformly wide and deep canal, had "enhancd the stream for fish and wildlife use"! Later a physician-fisherman in Heber told me: "They may have spent $5 million, but they sure as hell ruined one of this country's most beautiful natural tourist attractions. They obviously cared only about getting water down on their farms. No one else seemed to matter to them." A veteran fish and game employee put it this way: "They gutted it all the way from Woodland to Deer Creek."

Although Novak said specifically that the water users had "taken special care" not to remove the streambed, disturbing it only in two or three places "where it couldn't be diked any other way," he could hardly have been more wrong. It didn't seem likely the statement was made deliberately to buffalo anyone. Even though the dredging took place about twenty years ago, the ripped bed can still be clearly seen. But the reason I knew the streambed was almost entirely removed was that I fished the upper Provo extensively in the early 1950's. After the dredging had all but annihilated the streambed and the fishing, I walked the river and noticed how few natural pools and riffles had been allowed to remain. Entire miles were changed from productive trout stream to gravel-lined sluiceway. I did not fish the upper Provo again for more than fourteen years, nor did any of the other fishermen I knew. What had been a natural fishery costing the state little for stocking, soon became an expensive put-and-take-hatchery rainbow proposition.

But this shift from natural to artificial trout was much more than an esthetic loss. Take 1969 as an example. A total of 48,620 rainbows were planted in the Provo from Deer Creek to a point just above Woodland. Figuring about three fish to the pound average, at 55 cents per pound cost (not counting hatchery houses, buildings, raceways, or any capital improvements) this section of the Provo cost license buyers some $8,924.85 last year. Multiplying that figure (number of fish planted has increased, but pound-cost has decreased) by the twenty years since the natural fishery was removed, and it turns out that heavy planting here has cost the license buyers about $178,497.

Obviously these are rough figures. But they are indicative. Some stocking was done, of course, to supplement brown and cutthroat during the 1950's. But the point is that the recreational losses here were economic as well as esthetic.

The thing that never can be measured is the loss in quality. Government flood control engineers may never understand the difference between browns and pallid, sickly, naive hatchery rainbows that swim toward the sound of human footsteps. When a streambed is removed, the engineers' response, rather than an attempt to prevent this biological depredation, is that the state will replant it with many hatchery rainbows.

This entire situation points up what is perhaps the conservationist's greatest problem: he must present both sides of the question at stake, then let the government officials in charge (and the general public) decide what course of action should be taken. But if those who oppose conservation are allowed to make false statements, presenting an incomplete or erroneous picture, then it becomes difficult indeed for the most conscientious of officials to render a fair decision.

Such was the case here on the upper Provo. It is quite possible the Provo River Water Users Association never did realize the complete fishery destruction wrought in this area. But whatever the problems of fish culture, Novak made it clear his clients hadn't worried much about it: "Water could be released down the Provo to prevent it drying up during the critical periods, if fish culture was a higher use of the water than agriculture. But we don't think it is."

At this point Governor Rampton interrupted to say there were many values inherent in running water: tourism, esthetics, real estate values, recreation of many sorts, and public health. The Governor saw dead fish as an indicator that human ill health might follow. Failure to carry adequate water down the streambed into Utah Lake, where the major portion of the eastern shoreline is already off limits to swimming or wading due to pollution, could only worsen the situation.

But there is here, too, something few fishermen fully understood. The water users had shown considerable financial courage during the early 1930's to contract for construction of Deer Creek Dam. The cost: $25 million, every cent of it to be paid back. To be sure, it was an interest-free loan, but even now at this meeting the water users still owed the Federal government $19 million. The money was being raised by sale of water shares, the majority being purchased in Salt Lake Valley. With this commitment hanging over their heads, the water users had not only appropriated all of the Provo River water, but they had in the words of Novak, "overappropriated it."

So precious was the water considered for farm corps by Utah courts in 1921 that this right to fully appropriate the Provo for agricultural uses was not only granted to the water users, but the entire river system was given over to them. They legally owned the entire Provo River!

Fishermen began using Deer Creek Reservoir—and also littering it. The job to police it fell to the water users. They figured fishermen were a careless, indifferent lot—which many of them were, judging by the shoreline, cans and bottles. The $8,000 annual costs of cleaning the lake were at least partially offset by sale of boat permits and concessions. Most of the Deer Creek water, said PRWUA officials was from the Duchesne and Weber additions. Therefore, both the reservoir and downstream Provo were "enhanced" by the project rather than hurt by it. That statement would be difficult to prove. Certainly the lower Provo would have water in the channel year-round (with one possible drought year perhaps every forty or fifty years) if they had left it alone. Novak's statement that "Utah needs no new legislation to protect recreational streams" was, of course, merely a move to keep absolute control of the Provo River—and to shut out those who might seek any type of multiple use.

Still, the fact that the Utah courts had legally given the entire Provo River system to the PRWUA in 1921 could not be disputed. No one in the meeting attempted to demand that water be taken outright into the streambed, even though that was now clearly in the general public interest. The argument that agricultural lands fed by the canals from the Provo were the "lifeblood economy of the state" could have been pursued in 1921. But not now. Penrod cited studies done in Montana which indicated the Big Hole River was worth twelve times more economically to the state in the streambed than out of it. Such studies done now in Utah have not been as complete as those in Montana, but it is not likely that 1970 agricultural uses could compete with the tourism, travel, and licenses sold to those who fish the Provo almost exclusively, along with cafe, resort, and motel business in this area. And with the case of importing food in this modern era, it cannot be said now that local economy is dependent upon lands irrigated by the Provo. In fact, agricultural income continues to drop drastically in Utah compared to recreational sources of income. A recent University of Utah study showed fishing-hunting-recreation third behind manufacturing and mining. It must also be concluded, to be consistent, that the state is justly concerned with obtaining water for manufacturing and mining. Considerable water is taken from the Provo system for these two major contributions to the state's economy, but they are taken mostly from Utah Lake and the Jordan River. Water is not diverted suddenly in wholesale fashion at any point on the Provo for industrial uses, as it is with agriculture.

Once the streambed is dried up for even two or three minutes, browns and their feed are gone with the finality that would result from a month's dry bed. And the longer the bed is without water, the greater loss in the "seal" which costs live streams and keeps water from seeping into the ground. Thus in their desire to get more water from the streambed into the canals, water users may actually be wasting it. Further water is wasted by using miles of uncemented canals, according to studies done by Dr. White.

Conservation representatives were so numerous at the meeting that many of them, such as the Sierra Club, Wilderness Society, women's conservation groups, Wasatch Mountain Club, Utah Chapter of Trout Unlimited, Audubon Society, did not have an opportunity to testify. However, several speakers stated feelings somewhat representative of the conservation groups. One of them was Dr. Thadis W. Box, Dean, College of Natural Resources, Utah State University, Logan. He emphasized that it is time to begin looking at the needs of today. "It is obvious," he said, "that a natural resource as valuable as a canyon stream should come under the multiple use concept. Such a stream as the Provo must be considered today as also belonging to the general public—and multiple use practices applied to it, taking all possible beneficial uses into consideration."

Dr. White had earlier stated that if the water, or a portion of it, were to be condemned for the public use and the water users reimbursed for it, they would lose no more than did the commercial fishery companies who relied on the river for sustenance far before the PRWUA was organized. The Provo at that time was a pristine cutthroat fishery, almost on a par with Pyramid Lake, Nevada, with spawners from 15 to 25 pounds being taken by the score to commercial markets. As elsewhere in the United States, browns were later introduced and flourished in the Provo. When the water users association took over, the fisheries were granted no legal status.

Nothing said here is meant to be an indictment against any individual or organization. But inasmuch as the water users association made public statements in an open meeting which went out to many sources publishing their side of the story, it seems only fair that the entire matter be known. What is to be done about the Provo River rests largely with statements made by the PRWUA. For example, it was stated that only once in the past seventeen years has the Provo gone dry just below the Murdock Dam. This was refuted by many in the meeting, and was corrected by the PRWUA. But if the many people who had seen the dry streambed there, as I did myself while living in Provo during 1957–59, had not spoken up to correct the record, the impression would have been given that the spring of 1970 was just "one of those bad water years that occur occasionally." As a matter of fact, Gordon Harmston. Director, Department of Natural Resources, reminded the press just a few days before the meeting that the drying of the Provo was an annual matter occurring well before the 1970 fish kills were reported. It was a repititious problem that the water users had ignored in the past, and didn't seem to be planning anything about now.

What then is the fate of the Provo River? Like trout streams of magnificent history elsewhere, such as the low Truckee and the South Platte, the Provo may die. An antiquated water law ruling in 1921 may have killed all chances of applying the multiple use concept to its recreational potentials. Lack of present stream protection law may prevent future attempts to control pollution and all further tampering with the streambed. Anyone with a tractor can still do what he wants with the streambed.

But judging from the concern that has been shown by the people in Utah and their nonresident supporters, it isn't likely the Provo will ever be buried. As Governor Rampton told the May 27 hearing, "we have a serious problem here. We will see if we can get Federal funds from the Four Corners Project or the Dept. of Health, Education and Welfare to obtain a minimum flow of water down this river." The Central Utah Project, slated to construct another dam above Deer Creek, will bring additional water by the late 1970's and solve some low-water problems there. Water is not ear-marked in that project to flow below the Murdock Dam. But a final solution to the total problem on this stream rests with the people: Do they care enough to Save the Provo River?

If they care enough, they can do it. The public has proven that during the entire environmental movement of the past year. It was that concern, realizing finally that there is a limit on available natural resources, which has led the public to demand greater governmental concern for our irreplaceable environment. It has become so sweeping that even the tradition-hardened U.S. Army Corps of Engineers has begun figuring the costs of environmental safeguards in their cost estimates.

It is this kind of honest, intense concern, followed intelligently, which can save the Provo. Just as public concern led to the May 27 meeting, so can public concern get a constant flow of water down the Provo, and safeguard it against channel changes or pollution. The water users, who have committed themselves to an enormous debt, must be fully refunded for any flow put in the streambed taking money from their pocket. However, they might also recognize public benefit and welfare. State economy no longer depends on their getting water into their fields. Their own individual welfare may depend on it, but then the resort operators, fishing tackle stores, motels, cafes, and other concessionaires in the Provo area depend on the water too. Why should the agricultural uses be given priority over other economic and multiple uses? With the latter uses, everyone receives benefits rather than just a few.

It is a fact that if a person purchased water shares from the Provo, then put the water down the river for general public use, that water could be appropriated to someone who would consume it! This is standard operating procedure on the Provo and many other streams throughout the United States. Clearly, this sort of management is unfair and not in the public interest.

Perhaps the water users think the public will soon forget about the Provo and not bother them any longer. This is not the case. Their use of the Provo for their own purposes, and everyone-else-hands-off, cannot long continue coming to the attention of elected officials and legislators. Nor can their false statements about such things "enhancing fish and wildlife values," and "not drying up the streambeds except once in the last seventeen years" be taken seriously any longer by a public that can obtain the facts. Either the PRWUA and water users throughout the country who ignore the public decide to allow or provide water for multiple use, or a concerned public will ask its elected officials to condemn it and take it for the public welfare. This might require leaving some six or eight cubic feet per second flow at critical periods to keep the streambed from going completely dry and avoid killing the entire biological system. A stream can usually come back from a light flow—as the Madison River earthquake proved. Brown trout bounced back there from a mere trickle. But when the bed goes dry, all is lost.

With more and more people, more leisure time, and more resources diminished than ever before, the need for a running stream by the whole community, not just fishermen, increases. A stream is a place of therapeutic value, a place where man in a very real sense emerges clearer, fresher, and better because of his experience.

The next question is obvious. Why should this use of water not be considered fully as valuable—here and now—as that diverted into a field to create more crop surpluses?

THE PRESIDENT'S TRIP TO CHINA

Mr. DOMINICK. Mr. President, I was pleased to note that the Boston Herald-Traveller of March 8, 1972, published what it described as "Two Assessments of the President's Trip to China." One was an article by former Massachusetts Representative Laurence Curtis, with whom I served in the House of Representatives; and the other was the speech which I delivered on the Senate floor on March 3. Both the article and the speech emphasize the positive aspects of the Nixon journey, and, taken together, they provide the reader with what I consider to be a balanced analysis of both U.S. gains from the trip and our treaty commitments to the Republic of China. To afford Senators an opportunity to examine the two points of view, I ask unanimous consent that the article and the speech be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TWO ASSESSMENTS OF TRIP TO CHINA

U.S. COMMITMENTS TO REPUBLIC OF CHINA HAVE NOT CHANGED

(By Senator PETER H. DOMINICK)

Since the release of the joint communique by President Nixon and Premier Chou En-lai on Feb. 27, some news media headlines, some broadcasting instant analysts, some persons in public office and some seeking to occupy the White House have labeled it as a sell-out of Taiwan.

As a long-time admirer of the people of the Republic of China, I have not only reviewed the communique carefully but have also studied our treaty commitments and our defense posture in the area. As a result of that study I can say that I see no sign of any change in our commitments to the Republic of China.

Any contrary view simply does not stand up, and the repetition of that concern simply encourages a feeling among all our allies that they should review their own positions and does no good service to Taiwan, the United States or the cause of the free world.

The communique simply advocates a peaceful solution of the Taiwan question between the Chinese peoples themselves, and we are not throwing up our hands and dismissing long-term commitments to the Republic of China.

Much of the emphasis has centered on that portion of the communique in which the United States states that it reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves. With this prospect in mind, it affirms the ultimate objective of the withdrawal of all U.S. forces and military installations from Taiwan.

"In the meantime, it will progressively reduce its forces and military installations on Taiwan as the tension in that area diminishes."

True, we have agreed to withdraw some of the limited number of U.S. forces stationed on Taiwan as tension decreases. However, we have no sizeable force on the island, and the small increases from 1964 to 1968 were involved in the Vietnam buildup, not as a protective screen against attack on Taiwan. As Vietnam winds down, those forces would be reduced in any event.

Furthermore, we have in no way abrogated our commitment under our Mutual Defense Treaty with that government signed in 1954. There were valid reasons for this country to enter into a formal treaty with the Republic of China in 1954, and the two major tenets which prompted a pact almost 20 years ago have not lost their validity today. In hearings before the Senate Foreign Relations Committee before the treaty was ratified, former Secretary of State, John Foster Dulles, said that it would serve two purposes:

"It would give the Chinese Communists notice, beyond any possibility of misinterpretation, that the United States would regard an armed attack directed against Taiwan and the Pescadores as a danger to its own peace and safety and would act to meet the danger—such an action to be in accordance with our constitutional processes.

"It would provide firm reassurance to the Republic of China and to the world that Taiwan and the Pescadores are not a subject for barter as part of some Far Eastern 'deal' with the Chinese Communists."

Under the Mutual Defense Treaty with the Republic of China, it is clearly stated that "Each party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes." It is significant to note that the treaty remains in force indefinitely, or until one year after either party has given notice to the other to terminate the agreement. And, of course, no such notice has been given or is contemplated.

Although we are embarking on a new and important era in U.S. relations with countries in Asia, it would be against our own interests and those of world peace to forget the economic and political contributions the Republic of China has made in that area of the world. In essence, our military commitments to the Republic of China are but a small part of a long and enduring friendship.

The United States has no intention of ignoring that most valuable, if intangible, commodity. Those who suggest that our initatives toward world peace through expanded communication with traditional adversaries will result in abandonment of our friends are doing no favors to the U.S., to our allies, or to the cause of peace.

We are standing by our treaties and continue to demonstrate to our allies that such mutual agreements and commitments are not taken lightly by our government, will not be tossed aside or invalidated by bettered relations in other areas, and remain the foundation for building a peaceful and prosperous world.

The United States Received Massive Benefits From China Visit

(By Laurence Curtis)

The favorable results of President Nixon's Peking trip cannot be judged from the written words of the communique. To focus primarily on the communique is to miss the forest for the trees. A broader view discloses beneficial results and new directions of enormous importance.

1. The trip marked a starting change in relations between Peking and Washington, a change from 22 years of mutual recrimination to a new era of reasonableness.

To appreciate the immensity of this change, one must recall the vitriolic hostility which had constantly been shown by leading Chinese spokesmen against "the imperialists headed by the United States and their lackeys," their urging of "the oppressed nations and peoples of Asia, Africa and Latin America" to take up revolutionary struggle against the imperialists, and their thesis that "political power grows out of the barrel of a gun."

The new attitude toward America was conveyed to the Chinese people and the world by radio, TV and newspapers. The media showed the representatives of the United States being cordially received in Peking by Chairman Mao Tse-tung and having friendly discussions with other leading Chinese officials. Premier Chou En-lai even made available to President Nixon, as a stage for the TV drama, the Great Hall of the Peoples Palace in Peking and the Great Wall of China.

The effect of such a change can hardly be overemphasized. In China Mao has been almost deified. His "thoughts" are on the peoples' lips; and when he showed a friendly attitude to the American president, he sanctified the new relationship.

Americans are no longer "running dogs," but people who could be received on a friendly basis for reasonable discussions.

2. The trip created and dramatized the Chinese-American rapproachment. It started the process of building a bridge across a gulf of almost 12,000 miles and 22 years of noncommunication and hostility.

3. The trip defused the issue of Taiwan as a barrier against Chinese-American negotiations. The Chinese abandoned their refusal to engage in discussions with the United States so long as there was an embassy of Taiwan in Washington. And the trip ended China's fear that the U.S. was trying to detach Taiwan from China and use it as a military base.

4. The trip may be helpful in ending the war in Vietnam. A connection between the problems of Taiwan and Vietnam emerges from the communique. The U.S. asserts that it will progressively reduce its forces and military installations on Taiwan "as the tension in the area diminishes." The "tension in the area" may well include Vietnam. The U.S. could slacken its pull-out from Taiwan until a settlement in Indo-China approached a reality. This would give the United States leverage to induce Chinese interest in a war settlement.

5. The trip gave a new direction to foreign policy in the Pacific area, one pointed toward Chinese-held image of an aggressive and warlike America, and it blunted the American fear of Chinese Communism with its 750 million people.

6. Together with the entry of mainland China into the United Nations, the trip ended the dangerous isolation of China, and signalled China's emergence on the world scene.

7. The trip marked the end of the sterile and unrealistic American policy which had viewed Taiwan as representing the whole of China. It signalled a further thaw in the cold war and the lessening importance of the containment policy.

8. The trip opened the vista toward a new post-Vietnam balance in Asia between China, Russia, Japan and the U.S., and placed the U.S. in the position of being the only one of those powers which can deal on reasonably cordial terms with the other three.

9. The U.S. rapprochement with China may well improve the prospects of meaningful negotiations with the Soviets.

The conclusion is warranted that the benefits to the U.S. from the Peking trip were massive.

Theodore H. White's words of 1967 were prophetic:

"The most difficult task in the world is to reach the minds of men who hate you. We do not flinch from the immediate tasks: to guard our skies, defend our friends. We cannot flinch from tomorrow's task to reach the mind of China. We race today to reach the moon, to reach that mind is a task of equal difficulty and far greater urgency."

ECONOMIC CONVERSION OF SCIENTISTS AND ENGINEERS

Mr. KENNEDY. Mr. President, on October 26 and 27, 1971, the Special Subcommittee on the National Science Foundation of the Committee on Labor and Public Welfare held hearings on S. 32 and S. 1261, which would authorize the National Science Foundation to conduct economic conversion programs for scientists and engineers. In oral testimony and in statements submitted for the hearings record, officials of 25 scientific, technical, professional, educational, industrial, and labor organizations supported enactment of such legislation and, in a number of cases, offered specific suggestions for revisions to strengthen the bills. One of these organizations was the Scientific Manpower Commission which represents 11 scientific societies; and another was the Council of AFL–CIO Unions for Scientific, Professional, and Cultural Employees which represents 15 unions. Thus, the total number of organizations involved was 49.

One important technical group, the American Society of Mechanical Engineers, was not able to complete its review of the legislation before the hearings record went to press; but this society has since submitted a statement in support of the legislation. In addition, the National Loss Control Service Corp., an urban fire protection engineering firm, has recently submitted a useful statement in support of the legislation. Also since the hearings record went to press, a significant article analyzing scientific and technical unemployment has been published in "Science and Government Report."

I ask unanimous consent that the letters from the American Society of Mechanical Engineers and the National Loss Control Service Corp., and the article from "Science and Government Report" be printed in the Record.

There being no objection, the letters and article were ordered to be printed in the Record, as follows:

The American Society of
Mechanical Engineers,
New York, N.Y., January 19, 1972.

Hon. Edward M. Kennedy,
Chairman, Special Subcommittee on National Science Foundation, U.S. Senate, Washington, D.C.

Dear Sir: We have reviewed Bill S. 32, its Amendment A. 469, and Bill S. 1261 and are submitting our comments herewith in accordance with your invitation of November 5, 1971. Also, as Mr. O. B. Schier, II, expressed in his November 19th letter to you, although we could not meet the November 22nd deadline, we hope that our comments will receive the attention of the Senate subcommittee on the National Science Foundation.

First, I want to say that ASME concurs with the bills generally. There is no doubt that engineering and scientific know-how is one of the Nation's greatest resources, if not the greatest. The Nation would be remiss in wasting or misapplying any part of it. You are to be commended for taking steps to prevent this mistake by the introduction of the Conversion Research, Education and Assistance Act of 1971, S. 32; the New Cities Research and Experimentation Act of 1971, Amendment No. 469; and the Economic Conversion Loan Authorization Act of 1971, S. 1261. These bills not only propose to establish a much needed policy for effective utilization of science and technology in the solution of the Nation's urban problems, but propose means to implement the policy. The legislation should go a long way toward keeping the scientific and engineering know-how intact.

With respect to implementing the policy, Bill S. 32 provides for retraining of scientists, engineers and technicians but not management. However, we think there is a definite need for management retraining; in particular first line science and engineering supervisors. We suggest that provision for retraining such people be added to S. 32.

Bill S. 32, as noted above, provides for retraining of technicians, an important part of our know-how. However, Bill S. 1261, which authorizes loans to sustain scientists and engineers during their training period, does not provide means to sustain technicians during their conversion from defense related to civilian activities. If technicians are to be retrained as provided for in S. 32, and we think they should be, we suggest that S. 1261 be amended to include the technicians.

Finally, for two reasons we are very much in favor of Amendment No. 469. First, it authorizes programs which will develop sorely needed solutions to urban problems; and, second, it provides for utilization of the retrained scientists, engineers, and technicians where they are most needed.

Very truly yours,

Kenneth A. Roe.

National Loss Control Service Corp.,
Long Grove, Ill., March 13, 1972.

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: I understand Executive sessions will be held shortly by the Special Subcommittee on National Science Foundation on S. 32 and Amendment 469.

As President of the National Loss Control Service Corporation and as a professional fire protection engineer, I want to express my support of S. 32 and Amendment 469. I urge your Subcommittee to report S. 32 to the full Committee on Labor and Public Welfare.

Successful passage of this Bill will provide the necessary funding to utilize available scientific and engineering manpower to tackle the critical environmental and urban problems facing our society in the years ahead.

NATLSCO is a loss control and risk management consulting firm with heavy orientation in urban fire protection engineering. In 1971, fire killed 12,000 Americans, injured approximately 250,000 persons and caused an estimated $2.845 billion in recorded property losses. Surely, with increased efforts generated by S. 32 and Amendment 469 this useless waste can be greatly reduced.

We see three principal problem areas in urban fire protection to which solutions must be found:

1. *The State of Our Public Fire Defenses:* Increasing costs, reduced manpower, outmoded firefighting tactics and equipment have caused a continual decline in the capability of most urban departments to control fires that occur in their cities.

2. *Occupant Safety From Fire:* The attention being paid to this area today is most primitive with most building codes strongly emphasizing property protection rather than the effects of combustion products spread which is what endangers occupants.

3. *Significant Knowledge Gaps in Our Basic Understanding of Fire and Its Behavior:* Fire protection is still more of an art than a science due to a complete lack of uniformity and completeness in reporting of fires and more importantly, extremely poor quality in the fire reporting data which is provided.

Your Bill and Amendment will help to provide the initiative, the incentives and the funding necessary to make meaningful inroads in solving at least these three serious problems. And if these problems can be overcome, a reduction in loss of life, in injuries and in property losses can be achieved which will repay many times over the expenditures suggested by the Bill.

Cordially,

GERALD L. MAATMAN, *President*.

SCIENCE & GOVERNMENT REPORT

Unemployment among scientists and engineers is far worse than government figures indicate, and it is getting still worse.

That is the conclusion that emerges from an effort by SGR to pin down the source of the "50,000 to 65,000" that administration officials routinely cite as the range of current professional unemployment in the research and development community. Whatever the realism of the numbers, their durability cannot be faulted, though the period over which they have been stated has been characterized by a continuing deterioration in the employment situation. The debut of 50,000 to 60,000 took place last February when the Department of Labor's Division of Labor Market Information issued a special study. Though the information that went into that study was a bit stale at the time, the Division has not returned to the subject, and officials there still recite the sturdy numbers when asked about unemployment among scientists and engineers.

The next appearance apparently was in March, when Malcolm R. Lovell, Assistant Secretary of Labor for Manpower, addressed a meeting of science advisers to state governments. This time, however, technicians were added and the scope was narrowed to aerospace and defense employment. "Our best estimates," Lovell said, "are that these cutbacks have resulted in unemployment for 50,000 to 65,000 engineers, scientists and technicians who formerly worked in defense and aerospace jobs."

Then, on October 27, NSF Director William D. McElroy, apparently talking about scientists and engineers everywhere, but not technicians, told a Congressional committee, "Our current estimates are based on a variety of information which includes Bureau of Labor Statistics (BLS) information and our own just completed surveys. We estimate that there are now about 50,000 to 65,000 unemployed scientists and engineers . . ."

In response to an inquiry, a BLS official said the Bureau does not compile figures on scientists and engineers. "We just cover professional, technical, and kindred personnel in our monthly surveys," he said. "The only detail we have is on engineers, but that's only for administration use. We never publish it." It was learned, however, that the BLS figure for unemployment among engineers is approximately 3 percent, as compared with the 3.4 percent that NSF found in the survey referred to by McElroy. Based on a study conducted for NSF by the Engineers Joint Council, the survey drew a 65 percent response last June and July from 100,000 engineers, which constitutes a 20 percent sampling of a mailing list of members of major engineering societies. Into the figure of 3.4 percent unemployed went only those who were out of work and who wanted work. Not included were the 6.9 percent employed in non-engineering work; of this percentage, it is significant to note, about one-third had accepted non-engineering employment since March 1970. In any case, the engineer driving a taxi does not show up in the figures as an unemployed engineer. Nor do the figures cited in October by McElroy reflect the difficulties that recent graduates have encountered in finding employment. According to the November Engineering Manpower Bulletin, published by the Engineers Joint Council, 9 percent of engineers at the bachelor's level were without job offers or "firm plans" at the time of graduation last June. "Although this may not appear high in absolute terms," the publication observes, "it is about double the figure for 1970 and in sharp contrast to the boom years of 1965–1969 when practically every graduate was employed." It also noted that bachelor degree graduates entering military service totaled 14 percent of the group—the highest figure since placement surveys began, in 1958. "If this number of graduates had not gone into the armed forces," the Bulletin states, "they would probably have had to join the group with no job offers."

A far grimmer picture is found in the results of a survey conducted by the American Chemical Society following last June's graduations. "Unemployment among new graduates was the highest reported by the Society in the last twenty years," according to the ACS analysis. "In chemistry, unemployment doubled—from 5.1 percent in 1970 to 10.3 percent this year. Among new chemical engineers, an alarming 12.8 percent were unemployed in 1971. This situation may be one reason why the largest number of chemical engineering students in ACS history (10 percent) reported that they had entered military service."

NSF's study of scientists, drawing on an 85 percent response to questionnaires sent to the 300,000 scientists listed in the 1970 National Register of Scientific and Technical Personnel, was tabulated May 25, and therefore misses out on the fate of last June's graduating class. In addition, the figure that it cites of 2.6 percent unemployment among scientists does not reflect any of the 5.6 percent holding down non-science related jobs. Of these, 1.6 percent had accepted their positions since March 1970, which may fall within the normal order of things, but in science as in engineering, the Ph. D. cabbie doesn't show up in the tabulations of unemployment.

Where, then, does the 50,000 to 65,000 come from? The suggestion of one White House aide is that "it comes out of people's heads"—which may be the case. Working with figures derived from NSF's studies of unemployment among scientists and engineers, one finds the following: NSF put the scientist population at 500,000, and found that 2.6 percent, or 13,000 were out of work; the engineers were estimated at 750,000, which means that with a 3.4 percent unemployment rate, 25,500 were jobless. Grand total: 38,500.

The most realistic estimate of the situation was provided October 26 by Betty M. Vetter, executive director of the Scientific Manpower Commission, in testimony before the Senate Labor and Public Welfare Committee. Mrs. Vetter's numbers and forecasts were indeed grim:

"As nearly as I can determine," she testified, "there are about 60,000 scientists and engineers, including 1971 graduates at all degree levels, who are literally unemployed. Using the generally accepted ratio of seven technicians for each 10 scientists, an additional 40,000 technicians may be jobless.

"There are perhaps half again as many who are employed part-time, temporarily or permanently, at some activity totally unrelated to their scientific training. The majority of these are seeking employment in their fields, or would be seeking such employment if they thought there was any chance of finding it.

"A third group of unknown magnitude are under-employed, in the sense that they are performing work in some way related to their training, but which could be done by persons with lesser training."

Mrs. Vetter concluded that the groups she had described had almost doubled in a year "and there seems little indication that we have yet reached the peak unemployment level in this population."

SCORECARD ON JOB PROGRAM

Last spring, President Nixon called a press conference at San Clemente to announce that the Department of Labor was establishing a $42-million Technical Mobilization and Re-employment Program (TMRP) to assist unemployed scientists and engineers. What has happened since then? Not much.

As of November 26, a total of 24,013 persons had registered with the program. Of these, 2713 later found employment, presumably with the assistance of TMRP. "Job search grants," providing a maximum of $500 each, have been given to 1670 persons, and "relocation grants," up to $1200 each, have been given to 438.

Little is now heard of the once-touted computerized "Job Bank," in Sacramento, Calif., which was intended to match up the jobless and jobs. As of September 10, the Bank had registered 12,500 applicants and had notifications of 2200 job openings. Referrals to jobs totaled 9700. Placements: 22.

POW'S AND MIA'S IN SOUTHEAST ASIA

Mr. ALLOTT. Mr. President, I have just received a moving and intelligent letter from Miss Ann E. Dickenson, of Colorado Springs, a student at Mitchell High School there.

She speaks from the heart, and she speaks for all Americans on the subject of our men—POW's and MIA's in Southeast Asia.

No one who reads this letter can fail to be persuaded by Miss Dickenson's conviction. In addition, no one who reads this letter can fail to feel a surge of pride and confidence in the rising generation of American citizens.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 1, 1972.

DEAR SENATOR ALLOTT: As our troops withdraw from Vietnam, and as all America looks forward to the end of this tragic war, the plight of our missing men becomes increasingly more urgent.

We must never again repeat the shocking tragedy of having not demanded a full accounting of our men prior to the cessation of hostilities as we did in North Korea. To this date our government is still attempting to secure information on the 389 men whom they had evidence were prisoners from that conflict. For 18 years the Communists have steadfastly refused to discuss the fate of these men.

This time we must have a full accounting of our men, via a neutral international inspection team such as the International Red Cross, to determine which men are prisoners. In the event of death the next of kin must receive full official information on the circumstances, cause, burial and grave identification.

Although we as Americans may hold many varied personal views on the purpose, morality and terms of settlement of the war in Southeast Asia, we are strongly united in our mutual concern for the men we have sent overseas.

To this end we would like to make clear that whatever course a settlement of the war may take we will not be able to accept any final ending that does not include neutral and acceptable methods which will account for those men whose fate is otherwise unknown.

Sincerely,

ANN E. DICKENSON.

WISCONSIN POLL FAVORS MASSIVE REDUCTION IN U.S. TROOPS IN EUROPE, EXCEEDS U.S. TOTAL

Mr. PROXMIRE. Mr. President, recently the Public Broadcasting Service program "The Advocates" debated the issue "Should the United States Reduce Its Troops in Europe? The program originated in Cologne, West Germany, and was seen over the 219 public broadcasting stations in the United States.

Of the 2,657 votes received on the issue, 2,116 or 79 percent favored drastic cutbacks. The sentiment, as PBS points out, was very strong.

WISCONSIN SENTIMENT OVERWHELMING

In Wisconsin, the viewers who expressed an opinion favored reducing our European troop strength by an overwhelming 88-percent margin.

I think it is time that Congress woke up to the fact that the American people are overwhelmingly opposed to our present strength in Western Europe. It is excessively costly, estimated by the military itself at $14 billion a year.

But the main problem is that Western Europe, which is now as strong as we are economically, which is much stronger than the Russians economically, and which has a larger population than either the United States or the Soviet Union, has failed to do its share. Why should the United States shoulder an excessive proportion of the load for the defense of Europe, in both money and manpower, if the Europeans, whose security is most at stake, are unwilling to make a major sacrifice?

It does not make sense, and the Amercan people know it.

EUROPEANIZE DEFENSE OF EUROPE

We should continue to provide the strategic umbrella and the naval defense for Western Europe. But the time has come for the Europeans to provide the bulk of the manpower and for the United States to cut back its strength from about 300,000 troops to 150,000 troops.

The American people agree with that view overwhelmingly. The citizens of Wisconsin agree with it even more. The time to act has arrived. We should Europeanize the defense of Europe just as we have Vietnamized the defense of Vietnam.

Mr. President, I ask unanimous consent that a breakdown of the respondents to the Public Broadcasting Service poll and the Public Broadcasting Service release on this subject be printed in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

DRASTIC CUT FOR U.S. TROOPS IN EUROPE VOTED BY VIEWERS OF ADVOCATES

Strong sentiment for drastic cutbacks of U.S. armed forces in Europe was expressed in the 2,657 votes received following a recent debate by the Advocates.

A total of 2,116 viewers voted for massive reductions in American troops stationed in Western Europe. The program which probed the issue was produced from Cologne, Germany with the cooperation of Westdeutscher Rundfunk.

The Advocates is seen each week over most of the 219 stations of the Public Broadcasting Service. (PBS).

State breakdown of mail response:

State	Pro	Con	Other
Alabama	2	2	0
Alaska	15	4	0
Arizona	32	7	1
Arkansas	4	3	0
California	389	102	5
Colorado	39	6	0
Connecticut	22	8	0
Delaware	4	0	0
District of Columbia	9	8	0
Florida	110	19	0
Georgia	4	3	0
Hawaii	12	3	0
Idaho	3	2	0
Illinois	93	15	0
Indiana	24	14	0
Iowa	15	3	0
Kansas	7	1	0
Kentucky	3	1	0
Louisiana	9	3	0
Maine	12	3	0
Maryland	18	2	0
Massachusetts	167	49	0
Michigan	35	12	0
Minnesota	46	7	1
Mississippi	7	2	0
Missiouri	0	1	0
Montana	6	0	0
Nebraska	11	3	0
Nevada	6	1	0
New Hampshire	21	7	0
New Jersey	66	18	0
New Mexico	11	2	1
New York	210	47	2
North Carolina	39	7	1
North Dakota	1	0	0
Ohio	40	9	1
Oklahoma	26	10	0
Oregon	76	13	0
Pennsylvania	135	31	1
Rhode Island	11	6	0
South Carolina	6	0	0
South Dakota	9	0	0
Tennessee	11	7	0
Texas	63	22	0
Utah	5	0	0
Vermont	3	0	1
Virginia	26	16	0
Washington	90	28	2
West Virginia	12	2	0
Wisconsin	58	6	2
Wyoming	4	1	0
Unknown	88	8	0
Foreign	1	0	0

THE VIRGINIA OUTDOOR PLAN

Mr. BYRD of Virginia. Mr. President, as Congress considers a number of pieces of legislation dealing with open spaces, historic preservation, and land-use planning, I should like to call attention to one of the programs being engaged in by the Commonwealth of Virginia.

In an article published in the Richmond Times-Dispatch, of March 12, 1972, Marian Marsh Sales describes the implementation of the Virginia outdoor plan of 1966. This program, which has been administered in part by the Virginia Historic Landmarks Commission, has been responsible for preserving much of the scenic and historic environment of Virginia, without the expenditure of Government funds.

The scenic easement program has much to commend itself to every Member of the Senate.

I ask unanimous consent that Miss Sales' article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCENIC EASEMENT PACT PRESERVES VISTAS, LANDMARKS FOR POSTERITY

(By Marian Marsh Sale)

Without cost to the public for acquisition, protection or maintenance the Commonwealth of Virginia is laying up land treasures for the future through an environmental protection law known as the "open space easement."

By its adoption of the Virginia Outdoors Plan in 1966, the Virginia General Assembly officially recognized change as big business where land use was concerned. Every year change was known to be eating away roughly a million American acres of farms and fields and woodlands, as well as historic sites and buildings not separable from the landscape.

To the blitzes of change Virginia was losing its proportionate share as the greenness was turning to asphalt and concrete. Landmark properties were overnight framed by visual pollution.

A year earlier, the report of the Virginia Outdoor Recreation Study Commission had told the story of the dwindling Virginia outdoors, and the story had been a catalyst to action in the form of the sweeping package legislation of 1966.

Part of the package was the Open Space Land Act, directed at encouraging local governing bodies to plan and acquire open space. Out of the package too came the open space easement. Created either by purchaser or gift, it is proving to be a persuasive device for voluntary open space and landmark conservation. Soon after the plan became law, the Commonwealth and other public bodies began accepting and administering open space easements on assorted parcels of the Virginia countryside.

The "open space easement in gross" is the technical name of the device, sometimes referred to as a conservation or scenic easement. Actually, it is a legal agreement between a public body, such as a state agency, and the owner of the property qualifying for the easement. Under the agreement the property owner promises to protect the essential character of the property, and the agency assumes guardianship of it. The agreement is perpetual, becomes part of the title to the property and remains in effect throughout all future transactions.

The donor retains title to the property and continues to use and enjoy it, according to the standards set up by the agreement. Except in special instances, the land cannot be used for industrial or commercial purposes, and it is further restricted concerning development for residential uses. Subdivision restrictions may be altogether forbidden or determined on the basis of preserving the senic or historic integrity of the particular property.

Since the values worth saving vary from property to property, so do the terms of the easements vary. Once they are worked out in discussions between donor and agency, however, only an act of the legislature can change them.

The first grant of easement under the act was made in 1968 to the Virginia Outdoors Foundation by the owners of two properties bordering historic Oatlands estate in Loudon County. It was a gift involving tracts of 54 and 184 acres adjacent to Oatland and a nearby 15-acre tract. More importantly, it carried perpetual rights of perservation of the natural setting and atmosphere of the prestigious National Trust property.

The most recent transaction of easement, completed in late January after two years of negotiating, made permanent what might easily have become a white elephant for the developer—Richmond's Kent-Valentine House. Located on the northwest corner of First and Franklin Streets across First Street from Linden Row, the landmark property has been bought subject to easement to the Virginia Historic Landmarks Commission by the Garden Club of Virginia for use as the club's headquarters and reception center.

Years away, when properties equally significant but less protected have been sold or otherwise lost to change, the three-story stuccoed brick mansion with the porticoed, columned front and the towering magnolias will still be there in its quarter-block, park-like setting. And the whole—mansion and setting and magnolias—will be like a time capsule lending visual appeal in an area reflecting little of its former historic character.

Under terms of the easement, the exterior of the house and the four rooms on the first floor may never be changed. The rooms are part of the original house, which represents the only identified standing residential structure designed by Isaiah Rogers. Rogers, a Greek Revival designer, also planned Richmond's now demolished Exchange Hotel and Exchange Bank. What if the magnolias die? Others are guaranteed to replace them.

Owners taking the open space easement route to preservation chose it for two reasons: to perpetuate what they have loved and to give the future something to love, according to J. R. Fishburne, assistant director of the Virginia Historic Landmarks Commission.

"Those without heirs decide quickly," he said. "Those with heirs take longer, since tying up property is a major step involving others besides the donors. It takes an unselfish person—unselfish and imaginative too—to give an open space easement."

There is always the double return, he added, of personal satisfaction and the tangible benefit of stabilized or lowered real estate taxes. Since property under open space easement can no longer be "developed," the Virginia law requires that the owner's assessment be based "on the fair market value of his land."

The tax benefits go further. The gift of an open space easement to the Commission of Outdoor Recreation, the Virginia Historic Landmarks Commission or—when it is funded—the Virginia Outdoors Foundation will qualify as a "charitable deduction for federal and state income tax purposes." The value of the gift is measured by the drop in the estimated fair market value of the property before and after the gift of the easement. Finally, open space easements can effect substantial decreases in federal estate taxes and state inheritance taxes.

Proof of landowner imagination gets easier to find as the concept spreads. Intent on preserving the natural beauty of the land along the shores of the Potomac, below the river bend, owners of properties in the area gave open space easements to 13 separate tracks in Fairfax County. The easements, given to the Northern Virginia Regional Park Authority last year after four years of negotiating, provided a 235-acre scenic defense against environmental assault.

Last year, through easements by the owners, the Virginia Historic Landmarks Commission became custodian to two historic natural-resource properties. One is historic Lowland Cottage in a 79.96-acre natural setting on the bank of the Ware River. On largely unspoiled Ware Neck in Gloucester County, it survives as one of a handful of Virginia frame structures dating with certainty to the 17th century. It was built in its earliest portion by a prosperous merchant planter whose opposition to Nathaniel Bacon's rebellion brought some of the rebels to his door for "stock, Provision, Armes, Ammunition, Mrchts Goods & considerable Quantityes of Strong Liquors."

The other property, Brooke's Bank, is a classic Tidewater plantation setting of 52.4 acres with a Mid-Georgian house in the Loretto vicinity in Essex County. Protected from hurtful modification, the house stands like a sophisticated monument to the woman who supervised its construction and to others responsible for restoring it after the Union gunboat USS PAWNEE shelled it. The riverfront looks out on greenery terraced down to the Rappahannock and, across the river, to a broad marsh backed with hills of the south side of the Northern Neck.

Earlier, the Virginia Historic Landmarks Commission had accepted an easement on an Italian Revival house and its 50-acre wooded setting in Henrico County. During the Civil War the property was visited by a squad of Dahlgren's calvary, who emptied the smokehouse but left everything else undisturbed.

Before 1966, the "scenic easement" was used to protect the open land adjoining Virginia highways, a case in point being the Blue Ridge Parkway. None was employed, however, to protect historic structures or sites or open spaces generally, especially those privately owned.

Since the signing of the Oatlands easements, open space easements have been placed on entire estates, portions of estates, flood plain lands, historic sites and structures, land adjacent to existing and proposed public parks, national forests, scenic highways, trails and rivers. Properties under easement sometimes cover hundreds of acres, sometimes less than a city block.

Because of the high cost of land for recreation and the need for increased acquisition and development, R. R. Blackmore, new director of the Commission of Outdoor Recreation, sees the open space easement as an important means of protecting open land. "Even land that doesn't qualify now but that may qualify for recreational use in the future," he said.

Certain of its future after a long period of doubt, imposing Lansdowne, in the center of Urbanna, is in itself justification for use of the easement. Said to have been built about 1700, Lansdowne in 1701 became the home of Arthur Lee. Lee was the uncle of Robert E. Lee and a controversial Revolutionary politician. Now privately owned, the estate, which includes the home and approximately three acres of land—all that is left of the one-time 1,000-acre estate—is under easement to the Ralph Wormley Chapter of the Association for the Preservation of Virginia Antiquities. The APVA would have to approve any changes made.

In the space-shy future, it may not be easy to find a 104-acre tract of land left in its natural state in a metropolitan area, but there is sure to be one, with a creek running through to boot. Located roughly half a mile from the University of Richmond, it was given to the university subject to easement protecting it from all use not related to the study of biology or ecology.

Already, those properties pledged to the future make a wide and irreplaceable assortment. Under perpetual easement to the Virginia Historic Landmarks Commission is 128-acre Old Mansion in Bowling Green in Caroline County. Notable as one of Virginia's best preserved 17th century dwellings, the estate is also famous as the site of America's first race track and as a social center.

It took only 40 acres under easement to the Landmarks Commission to permanently insure a blufftop house setting and a view at Rock Castle Estate in Goochland County. The protected area includes a historic 18th century cottage and a Normandy manor house adaptation separated by a walled garden and, in addition, a view of the James River bottom lands.

A developer could hardly pass by the half-acre house setting on South Lee Street in Alexandria without wishfully subdividing it into 13 house-building lots of 20 x 60 feet each. But he would only be wasting his time. A hundred years from now and after the handsome Vowell-Snowden-Justice Black House (now up for sale) will still sit in its pleasant green garden opposite the row houses common to the area. The property is under easement to the Landmarks Commission.

Since 1969 the Historic Alexandria Foundation, in conjunction with the Association for the Preservation of Antiquities, of which the foundation is a chapter, accepted easements to two prized historic properties. One, known as 711 Prince St., began as a flounder but grew in architectural grace to become one of seaport Alexandria's great houses. The other—the La Fayette-Lawrason-Cazenove House at 301 S. Asaph St.—is a three-story brick federal home that kept adding names and eclat as time moved along. The future may know it best as the house procured in 1864 for the accommodation of the much feted marquis during an official visit in which Alexandria outdid itself for celebration and show.

Because of the grant of an easement on 59.327 acres of land adjacent to Gunston Hall in Fairfax County, the unmatchable view of George Mason's boxwood, gardens, sloping pastures and the Potomac River beyond will never be lost to the tourist. Meanwhile the donors continue to live on the land they have protected against subdivision.

And so, by one bold, new legal thrust—the open space easement—the state looks to those citizen-owners of properties worth perpetuating to help win the tug of war with the future shock of overdevelopment.

BILINGUAL EDUCATION

Mr. MONTOYA. Mr. President, on February 28, 1972, the distinguished Senator from California (Mr. CRANSTON) offered an amendment to S. 659, the Higher Education Act. Joining me as cosponsors of the amendment were Senators TUNNEY, WILLIAMS, and KENNEDY. I am glad to say that the amendment was accepted unanimously by the Senate. Among other things, the amendment gave increased status to the bilingual education program in order to preserve its integrity. The U.S. Commission on Civil Rights has told us that bilingual-bicultural education must have a higher priority not only in the Southwest but also across the Nation. Bilingual education needs increased visibility rather than subversion under the education renewal program that the Office of Education recently has undertaken.

As I stated in the RECORD our concern is that there is apprehension that funds allocated by Congress for bilingual-bicultural education are not being used for purposes for which they were designed. The amendment attempts to guarantee that no diversion of these funds is made.

On the day before the Senate adopted the amendment unanimously, the distinguished Senator from California (Mr. TUNNEY) addressed the opening general session of the 1972 Convention of Teachers of English to Speakers of Other Languages. I ask unanimous consent that his timely remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR JOHN V. TUNNEY

I am pleased to be with you this evening. When I see so many educators who are dedicated—as I know you are—I have a renewed sense of hope. America is beginning to care about the very special problems of its non-English speaking citizens.

For years, those needing bilingual-bicultural education were among the most neglected people in this country.

Although the English and Spanish speaking signers of the California constitution originally provided that California was to be a bilingual state, the second constitution was changed to make English the only official language. It was not until the 90th Congress that our country, as a whole, recognized and accepted its responsibility of providing bilingual education.

In 1968, when the Senate and the House passed the Bilingual Education Act, we began to move forward. Since then community support and involvement have grown tremendously. Expertise in methods and quality of materials has significantly improved. And your efforts have contributed to this improvement.

In short, the concept has been accepted and it is now time we expand and develop its scope.

As teachers of English to speakers of other languages, you are a vital and key part of our commitment to non-English speaking Americans. Your role is a great one. One which has, and will continue to contribute to equality of educational opportunity in America. With your help and knowledge, our education system will become more relevant and responsive to this country's diverse educational needs.

With the overwhelming crisis today facing the quality of American education, no other endeavor by our Government is voiced with more rhetoric—nor challenged with more concern—than Federal aid to education. But let us examine carefully our performance. Does that performance and commitment correspond to the pledges and promises we so often hear being made to compensatory education? Especially those promises and pledges around election time?

In 1967, I voted for the original Bilingual Education Act and I have continued to support that legislation.

I find it a real tragedy that while we spend literally millions for the SST's and ABM's of defense, we have spent, on the average, only several dollars a year for the ABC's of bilingual education.

Obviously, this will not do. The need is clear. In the Southwest it is estimated that over 80 percent of the Spanish speaking children enrolled in elementary and secondary schools would benefit from the bilingual and ESL education experience.

It is indeed deplorable that appropriations for Title VII, the Bilingual Education Act, have never come near to the authorizations envisioned by the sponsors of the original legislation. In fact, in the first year of the program, while enthusiastic proponents of the Bilingual Education Act were still celebrating their victory not one cent was appropriated for 1968—even though 15 million had been authorized.

The next year, Congress appropriated $7½ million—enough money to fund adequate programs for less than one percent of the three million children estimated to be in need of special bilingual programs.

To this day, a dismal and appalling 22 percent of the 400 million that was authorized for bilingual education has been signed into appropriations.

The present Administration tells us we should look to what it does and not to what it says. But that Administration has asked Congress to appropriate only 30 percent—less than one third—of the 135 million that is authorized for 1973 for bilingual education.

Even if Congress were to appropriate the entire 135 million this year, the average appropriation for the 5½ years would still be less than 56 percent.

I share the hope of Yeshiva University's Professor Fishman and others like him, that language scholars and teachers will rise to more active lobbying efforts on behalf of not only bilingual education, but all education legislation. You must educate yourselves on how to influence and strengthen education acts and on how to put their funds to better use. You must make consistent efforts to make your views known to chairmen and members of appropriations committees so that funds mentioned in the initial authorization legislation will be granted in the following years.

As activists, you can help hasten the day when bilingual education is to come.

As realists, you can see that it should be made available to all those who want it, regardless of income.

As educational planners, you can help make bilingual education become an integral part of the variegated picture of American education.

Bilingual education needs—and deserves—more than the crumbs it has been getting. It cannot be a mere promissory note to the poor nor a sectional matter.

Until this program is adequately funded—until the United States Congress and this Administration show that they intend to manifest their commitment to the non-English speaking children and adults in this country, this tragedy of the American school system will remain.

In the five Southwestern states alone there are at least 1.75 million children with Spanish surnames. I simply cannot understand how some political leaders cannot see—or in some instances choose not to see—the correlation between appallingly inadequate program funds and a dropout rate of those children three times higher than their Anglo counterparts. Constant underfunding has not only thwarted the purposes of Title VII, but it also represents the worst form of economics. Millions of school age children speak a first language other than English. Millions of others, at the time they start school, have a knowledge of English which is minimal or non-existent. Yet these non-English speaking children are expected to understand and respond to academic instruction in English. For these children, little or no learning results and the potential value of knowing a language other than English remains instead a terrible handicap. It is no accident that for years children of limited English speaking ability have been plagued with frustration, low achievement, personal shame, and high drop-out rates.

For years, Congress has heard that inadequate education in the early years of life has a high correlation with underemployment, unemployment, and poverty later in life. Perhaps less well recognized is how costly it becomes to try and recitify an inadequate education in later life. Los Angeles, California, is one of the cities with the largest population of Spanish speaking Americans in the country. A recent survey of the L.A. Unified School District revealed a total adult education budget for 1971 in excess of 30 million dollars. According to a School District spokesman, the adult education budget is so extraordinarily high because over 50 percent of the age 18 and over population is without a high school diploma or salable job skill. Failure to educate a person in his youth is not cheaper to society when one city spends over 5 million dollars more than the entire 1971 bilingual appropriation in order to cope with the problem of inadequate education among its adults. It seems that we have not yet learned that the problem with cheap education is that we never stop paying for it.

Underfunding of the Bilingual Education Act might be justified if it were proving of dubious value, but all evidence indicates that the exact opposite is true. According to the Office of Education, the majority of education programs employing the non-English language in instruction have improved academic achievement, prevented retardation, and decreased the drop-out rate. In addition, many bilingual evaluations report that native English speakers have also educationally benefitted from the bilingual experience. Unfortunately, because of limited funds, only 54,000 of the estimated 5 million children in need of bilingual services received such assistance in 1971. Approximately 80 percent of all bilingual project requests in 1971 were turned down by the Office of Education due to insufficient funds. And of the 20 percent of the projects that were funded, the districts received only 50 percent of the actual cost of the project, again due to insufficient funds.

But because Congress couched its innovative legislation in support of dual language schooling in terms that permit both the ethnocentrists and the cultural pluralists to see what they want in Title VII, we must keep in mind that ESL programs, though unquestionably essential, constitute only one part and one kind of dual language education. In referring to ESL programs, many of the Spanish speaking in the Southwest say that:

"In the past, Chicanos dropped out of school speaking some Spanish . . . now they are dropping out of school, but speaking some English."

Thus, it must be made clear that ESL is a vital phase of the bilingual program, but it is not bilingual education as such. Bilingual education also means that programs are designed to impart to students a knowledge of the history and culture associated with their language.

The ideal bilingual education program would include instruction in all subjects and is conducted both in English, and in the mother tongue—whether it is Japanese, Spanish, French, Chinese, or Navajo. Since an important objective is the development of the child's self-esteem and cultural pride, study of the history and culture associated with the mother tongue should become an integral part of the program.

On a more general level, American schools will have to move further away from their traditional monocultural attitude that sometimes prevents objective, unbiased IQ testing.

When I found out that Chicano children in California, largely as a result of the inability to speak English, were being assigned to classrooms for the educably mentally retarded, or EMR classes, I realized that the experience my wife and I had with the nursery and elementary schools in Washington, D.C., was not confined to the East coast.

I had recently been elected to the House of Representatives and was in the process of moving from California to Washington, when my wife, Mieke, and I attempted to enroll my son, Teddy, in a nursery school. We took Teddy to a school for a series of IQ and other admission tests.

He failed the tests.

I don't think I'll ever forget the afternoon when Mieke told me. The teacher had tried to be kind, but what she had to say could not be said kindly. "I'm afraid your son isn't up to our standards," she said. "He's weak in vocabulary, and he's slow to respond to questions."

My son? I was shocked, incredulous. This is the kind of news no father can accept easily even if it is true, but I was certain that it was not true. I knew this bright and happy little boy. And I knew he was not slow.

Then why weren't his IQ test results better? I tried to analyze the problem as he and I walked around Washington that afternoon, but wasn't getting anywhere. Then, abruptly, Teddy solved the puzzle for me.

He suddenly grasped my hand and said, "Papa, kijk! De Brug!" He was speaking Dutch. ("Daddy, look! The bridge!") This was not surprising. Mieke is Dutch, and she had recently taken Teddy on a six-week trip to the Netherlands to visit his grandparents. For a long while before the trip, to prepare him, she had spoken Dutch with him.

Now I began to see what the problem was. Mieke and I had assumed he was learning English as well as Dutch: learning it from me, from playmates, from our friends. We were wrong. His three-year-old brain was apparently doing much or most of its thinking in Dutch. Confronted with an intelligence test in which all the symbols of thought were expressed in English, he had been defeated.

Mieke and I started a crash program of teaching Teddy to talk, read, and write in English. We worked with him at home. We got him into another nursery school, which had less demanding admission standards, but which stressed language skills as part of its curriculum. Today, this boy who was once called slow brings home report cards of which his parents can be proud.

Partly as a result of that personal experience, I feel that our schools must open themselves to an acceptance of racial and cultural pluralism. This change in curriculum and testing methods will not be an easy one—but it must be done.

Many of us—in government as well as in education—fail to recognize what our society has done to the cultural identity of our minorities. From the beginning of the educational process in this country, it has been the goal of our school system to homogenize its pupils, to serve the tradition of America as the great melting pot. It has been long thought that given enough time and pressure, all students would emerge from our schools with similar goals. At least, this is what was supposed to have happened. In fact, it has not. Many of America's students leave the schools totally unacculturated to life in America. And because the schools totally have failed to meet their specific learning needs, these students have not been able to survive either socially or economically in this country.

With our preoccupation with the melting pot, we have forgotten the value of cultural pluralism—to *all* Americans, whether Indian, Puerto Rican, Oriental, Chicano, Black, or eighth generation Anglo Saxon.

In New York City, very few of the Puerto Rican children go on to receive academic degrees. Fifty percent of American Indian students never complete elementary school. We cannot ignore the judgings of Silberman, Palomares, and others that in many instances the public schools are damaging rather than encouraging the intellectual growth of even our most privileged children.

Findings of the U.S. Commission on Civil Rights indicate that minority students in the Southwest—Chicanos, Blacks, and American Indians—do not obtain the benefit of public education on par to their Anglo classmates. This is true regardless of the measure of school achievement used. Without exception, minority students achieve a lower rate than Anglos:

At the time of high school graduation, only 60 percent of Chicanos are still in high school in the Southwest.

The reading achievement of minority students is lower than Anglo students.

Their repetition of grades is more frequent.

Their participation in extra-curricular activities is even less encouraging . . .

Obviously, the non-English speaking student is one who has failed to blend into the American mainstream. He has instead been an exile in his own land. America has punished him for cherishing his language and his culture. And because he is different, because he speaks little or no English, he has been excluded from participating in the advantages of American life.

But, as you are all aware, he has not been the only loser. America, too, has lost. She has lost because she has failed to recognize the potential of her ethnic and racial minorities. As a country, we have much to gain from our non-English speaking people. Obviously, we can grow through an exposure to the culture and the language of the people with whom we live. For too long we have secluded ourselves in our own ethnocentric world. With the help of dedicated teachers like yourselves, and with the continued growth of your commitment, we will develop a more diverse, relevant, and responsive system of education.

As language scholars, you have told us that language is one of the most important manifestations of the human personality. Therefore, when the school rejects a child's mother tongue, the consequences are profound. The child's concept of his parents, his home, his way of life, and his self may all be tragically affected.

I believe that one of the primary responsibilities of our schools is to deal with the language problems of the Chicano and the American Indian. For as we know, no one can progress far in this country without a working knowledge of English. Bilingual education offers a resolution of those problems, and the child of the barrio or of the reservation stands only to gain through his knowledge of English and his native language. Some studies have shown, for example, that children who are equally educated in both languages are superior in both verbal and non-verbal intelligence to monolingual children. The bilingual do have a special gift.

But language is only one problem that confronts the non-English speaking student. He is also plagued by a confusion about his own identity—the traditions of his family and his friends contrast glaringly with the Anglo culture that surrounds him. He feels tied to a foreign country, but because the heritage of Chicanos, Boricuas, and Indians has often been denigrated, the child may also wish to reject his non-Anglo aspects. Because society, for so long, has not accepted him as an equal human being, it is inevitable that a child begins to doubt eventually his own worth.

The schools are faced with a formidable job. Teaching a child a foreign language is not difficult provided there are the educational expertise and a sincere commitment on the part of the staff. But changing attitudes and building positive self images is a far less tangible, more arduous task. It is the goal of bilingual education to fulfill both of these needs of the Chicano student. First to simultaneously teach him English and improve his native language. And second, to inculcate in him a respect for his unique heritage. And as a school teaches the non-English speaking youngster self-respect, it must also teach his Anglo contemporaries to accept and appreciate non-English speaking people with their own individual culture.

I have faith in the ability of America's schools to accomplish these goals. I look at all of you and I feel certain that we can change. We are changing. We can undo the wrongs that have in the past been perpetrated against the non-English speaking people. With your help, this country can meet its responsibility of safegarding and augmenting the cultural and linguistic resources that our government has so often ignored.

Increasing and developing the linguistic abilities of our non-English speaking students will certainly contribute to a decrease in ethnic isolation enrollment . . . a goal well worth realizing.

If America is to become a society of true educational opportunity for all of its people, if truly innovative bilingual schooling in American education is to succeed, it must have a close and encouraging attention from all sides. Only then will it be available to my children and to yours. Let us hope this is not the impossible dream.

BUSING AND EQUAL EDUCATIONAL OPPORTUNITY

Mr. KENNEDY. Mr. President, I am opposed to any busing which risks the health or significantly impinges on the educational experience of school children. That statement places me on the same side of this explosive issue as the Supreme Court, school superintendents of a thousand school districts and President Nixon.

But, Mr. President, I also see nothing inherently wrong with the fact that since 1960, the increase in the busing of children has barely matched the increase in total student enrollment, despite the addition of court-ordered desegregation.

Nor, Mr. President, do I consider the yellow school bus that carried most of those children to be the agent of evil social planners. In seeking quality integrated education, I presume I stand on the side of the Supreme Court, and the superintendents of a thousand school districts; but I apparently do not stand with the President.

For in a wholly emotional and transparently political television address, the President sought to identify himself with the thousands of Americans who are frightened by the changes accompanying an end to school segregation in this land.

He chose neither to educate nor to encourage them; he chose; instead, to exploit their fears.

It is that aspect of the speech beyond all others which represents a belittling of the Presidency.

And there is little in the specific proposals which would justify the passion of that address—whether the listener was one who opposes busing or one who wants to see more money pumped into inner city schools.

Unless one expects the Supreme Court to void every decision since Brown against Board of Education, then the proposals offered by the President cannot take effect. For in their ultimate form, they would combine to perpetuate segregated educational systems where they may continue to exist and to permit to those districts who have tried to desegregate the forlorn hope that they too might return to the separate but equal system of the past—a system, which while separate, had never been equal.

The President, despite the rhetorical nod toward equal educational opportunity for all children, offered nothing beyond what already is being done to accomplish that goal.

In a real sense, he duped the American public. Most viewers thought the President was proposing to add $2½ billion in new money to the funds now being spent to improve the education of disadvantaged children.

For the President said:

> The act I propose would concentrate Federal school aid funds on the areas of greatest educational need. That means directing over two and a half billion dollars in the next year mainly toward improving the education from poor facilities.
>
> This proposal deals directly with the problem that has been too often overlooked. We all know that within the central cities of our nation there are schools so inferior that it is hypocrisy even to suggest that the poor children who go there are getting a decent education, let alone an eduction comparable to that of children who go to school in the suburbs.

But when he sent his message to the Congress on the very next day, it became obvious he was shucking the disadvantaged of this country. The $2½ billion turned out to be $1½ billion already being spent to add disadvantaged students under title I of the Elementary and Secondary Education Act and another billion dollars that is contained within a bill that already has passed both the Senate and the House and is now in conference.

Let me repeat, the President is requesting money the Congress already has given him. Congress appropriated $1.56 billion in fiscal year 1972 for title I. I also should mention that we have authorized close to $6 billion for that same program but the President never has requested more than a small portion of that sum. And also, he has vetoed two education appropriation bills that contained more than his requests.

Thus, the President was not recommending the expenditure of one thin dime more than the Congress already has indicated a determination to spend.

If the President truly were convinced that gilding ghetto schools would provide equal education, then he should have been talking in terms of massive new Federal funding each year, and he should have outlined his plans to end housing discrimination which continues to deny the poor and the black and the Spanish-speaking Americans the opportunity to live near a decent neighborhood school.

But surely, it is very close to Presidential deception to state that $2½ billion will be made available to disadvantaged children and then to do nothing more than juggle funds already being spent or already scheduled to be spent.

In another assertion, the President said:

> For the first time, the cherished American ideal of equality of educational opportunity would be affirmed in the law of the land by the elected representatives of the people in Congress.

Yet we did just that 8 years ago, in the Civil Rights Act of 1964.

And again, in the Emergency School Aid and Quality Integrated Education Act passed by the Senate and now in conference, we have reaffirmed the national commitment to equal education.

Both of those measures contradict the President's assertion that Congress would be setting the goal of equality of educational opportunity for the first time.

If there is one purpose apparent in the President's proposed legislation, it is neither to insure equal educational opportunity nor to end segregated schools. But it is to sharply restrict the Supreme Court of the United States.

The President's proposal conflicts with his own past praise of the role of the Supreme Court. He said on announcing the names of his new Supreme Court nominees last year:

> We have had many historic, and even sometimes violent, debates throughout our history about the role of the Supreme Court in our Government. But let us never forget that respect for the Court, as the final interpreter of the law, is indispensable if America is to remain a free society.

Yet now he has precipitated a potentially serious challenge to the authority of the Supreme Court. He has carefully crafted legislation that, if passed, would not avoid presenting the Court with the choice of accepting a severe limitation on its authority to endorse the 14th amendment or of declaring a law unconstitutional in the face of a highly emotional electorate.

The challenge to the Court's authority is contained in both bills presented by the President.

First, he proposed that Congress legislate a moratorium on all new busing orders for up to 15 months. This means regardless how flagrant the act of discrimination, or how clear the effort to pursue a policy of segregation, the Court could not issue an order to desist such activities, if it meant a single student would be bused. Presumably, even if a school district had been busing to maintain segregated school systems, as many districts did in the past, the Court would be prohibited from acting to remedy that evil if it required any busing at all. This section, by affecting only new Court orders, represents mainly further delays to an end to segregation in the North.

Second, a corollary piece of legislation would establish a 5-year time period on desegregation Court orders that now exist if they require busing. Once again, if the Court has determined that a district has unconstitutionally denied equality of education in the past, then the decision will be automatically voided 5 years from now if it includes busing.

At the least, it would mean a wholesale renewal of litigation in communities which finally had accepted the judgment that dual school systems violated the Constitution of the United States.

Third, these districts, most of whom are in the South, would be offered still another fragile hope that they might go back on the plans they have agreed to by seeking a reopening of their cases. Thus, a district which has come to terms with its responsibilities and slowly is trying to understand the complexity of providing quality education to both black and white students or Anglo and Chicano students, now will be rocked with anxiety again. The extremists could point to the Presidential edict and to his legislation and demand that local districts break previous agreements to desegregate. They could point to the busing of a single sixth grader as a reason why they should reopen their cases and seek through litigation to once more delay the compelling mandate of the Constitution to abolish segregation root and branch.

Clearly, these are the gifts the President is bearing to the South. First, the tenuous hope that their cases could be reopened and, second, the promise that existing requirements to desegregate will be voided in 5 years, if they have required busing.

Both fall short of what he is willing to promise the North, where the largest number of segregated school districts remain. The moratorium means a delay until after the election for northern districts faced with orders to end de jure segregation.

And the President also has promised that the Departments of Health, Education, and Welfare and Justice will not be entering the courts on the side of the citizen who has been discriminated against. Instead, their role will be to operate on the side of the discriminator.

These are the major elements of the President's message to the Nation. And they are confused and contradictory. The President speaks of equal educational opportunity and an end to discrimination and then orders a moratorium on all court decision to enforce integration where any busing is required. Not only busing which is excessive and unreasonable but any busing. And he also does not even make the slightest gesture of providing the necessary funds to racially isolated schools when he does not produce a single new dollar of Federal spending beyond what was spent last year and is on the way to being spent next year.

What is perhaps lost sight of is that parents and students and teachers and administrators in a thousand towns have gone through a painful and difficult process of debate, deliberation, and decision to prepare plans for an end to segregation.

In Jackson, Miss., a biracial committee has adopted a unique plan that groups elementary schools in educational parks, a plan that has met the requirements of the court, a plan that has met the demands of the community.

Although the plan includes some busing, there was no uproar until the city was told of the President's decision last August not to permit any Federal funds to be available for the costs of busing.

But they went ahead and were committed to making the system work, despite the added financial burden.

In Hoke County, N.C., where there had been triple systems for black, Indian, and white students, the administrators talked with parents and reassured them and established a single system for all children. It is a system that worked. They knew what the law said and they were ready to obey the law. The result is an integrated system that is working. Other communities can be cited like Baldwin, Mich., Hillsboro County, Fla., and

Berkeley, Calif., where men and women decided that it would take patient efforts by parents, teachers, students, school administrators, and community organizations to give life to the constitutional requirement for equal educational opportunity. And they have set their goal as quality integrated education for all students.

Now in these cities in both the North and the South, all of that heart rending and difficult work by conscientious men and women could unravel into the hysteria of the past, because of this latest action by the President.

As I indicated at the outset, in no sense can it be said that I am in favor of massive or indiscriminate busing that risks the health of children or significantly impinges on the educational process. I recognize that in particular cases, a number of which are now awaiting appellate review, particular lower courts in particular communities may well have ordered excessive busing.

But I also recognize that in many situations, busing has been, and still is, the only possible device to end outright segregation and discrimination in the public schools of certain communities.

I reject entirely the President's suggestion that, because some busing is excessive, the answer to the problem is to end all busing. In effect, the President has diagnosed the illness, but his remedy would kill the patient.

It is clear to me that Congress has a legitimate role to play in the present controversy. Congress has its own responsibility to act, but the Congress must act responsibly. The Supreme Court has already attempted to distinguish the legitimate busing that may be required by the courts to end segregation, from the illegitimate busing that would endanger the health or safety of children, or interfere with the educational process. The Mansfield-Scott proposals, which I supported and which passed the Senate 3 weeks ago, were a reasonable attempt by Congress to define the proper limits of busing orders. But now we face a starker threat—the threat that Congress will now respond to the insidious new pressure generated by the President, and will take the extreme and unfair and probably unconstitutional step of banning all busing, good and bad alike.

I believe that Congress must set its face firmly against that pernicious view. To do less is to abandon the noble cause of racial justice for which a generation of brave men and women have fought, to say that those who gave their lives for that cause have now died in vain, to kill the dream of Martin Luther King.

Not for a hundred years, not since the era of Reconstruction, not since the fraudulent election of 1876, not since Rutherford B. Hayes, the Republican candidate of the biggest business interests, made a deal with a handful of regional leaders and won the Presidency by promising that the North would ignore the rights of blacks—not since then has a President of the United States so seriously abdicated his responsibility to be the President of all the people. We betrayed the dream once before in 1876, and now, a century later, another Republican President, a 20th century Rutherford Hayes, is betraying the dream again.

Perhaps there is one last thought that should be expressed. The President did not use the word "integration" once during his address to the Nation nor once during his 8,000-word message to Congress.

In fact, he referred to it only in the most distorted way, citing:

> Some social planners concept of what is considered to be the correct racial balance—or what is called "progressive" social policy.

I believe that this Nation finds it difficult enough to permit the groups and religions which comprise its citizenry to live in harmony without this snide reference to the efforts of those seeking to prevent the Kerner Commission's dire predictions from coming true.

Is it wrong to want black and white Americans to be able to live in integrated neighborhoods and go to integrated schools? I do not believe so. But I am no longer sure how the President would answer that question, and the answer relates to whether this Nation can find ways to promote a society where the different races and ethnic groups can add their talents together to help build this country, instead of permitting the erection of two rival camps, one black, one white, both hostile and afraid.

To all those who value equal justice under our laws, it is their responsibility to urge the President to examine more closely the path he has chosen for otherwise their silence suggests consent to a policy which may lead this Nation toward the abyss.

PROPOSED EXTENSION OF THE WEST FRONT OF THE CAPITOL

Mr. PROXMIRE. Mr. President, I am greatly concerned about the unfortunate decision of the Commission for the Extension of the Capitol to begin planning extension of the west front. Not only does such a decision treat with indifference the wishes of Congress, but, more important, it represents a great waste of the taxpayers' money.

On December 12, 1969, Congress passed a legislative branch appropriation providing $2,275,000 for planning an extension of the west front but prohibiting the expenditure of these funds until a restoration study had been made. The bill provided that extension planning would then be undertaken unless certain conditions having to do with cost, permanence of repairs, and the like, were fulfilled.

Well, the study was performed. In the words of a letter accompanying the report of the study team:

> Based upon a detailed investigation of the west front walls, we conclude that under conditions indicated in the report, restoration of the west central front of the Capitol is feasible. Further, the restoration can be accomplished within the general guidelines set forth by the Congress as a directive to the Commission for Extension of the Capitol.

Mr. President, I ask unanimous consent to have printed in the Record at the end of my remarks the entire report on the feasibility and cost of restoration, as prepared by the firm of Praeger, Kavanagh, Waterbury, consulting engineers and architects, in January 1971. Their comprehensive study easily satisfies the five prime conditions the Commission has required for restoration.

Briefly, restoration of the west front would fulfill esthetic and safety standards. It need not take longer nor require more vacation of Capitol space than the extension plan. The methods for restoration can be designed for regular fixed-price construction bids, and eventual costs in 1968 prices are anticipated not to exceed $15 million.

These are the conditions which Congress itself has set, and they have all been met. The Praeger study, after thorough examination of the Capitol building stated that—

> The many cracks and surface flaws do not significantly impair the ability of the west central front to continue to support the loads imposed on it.

This conclusion, complemented by the recommendations of the American Institute of Architects, seems quite explicit.

Our Nation's Capitol is more than the seat of Government and more than a national monument. It represents the great heritage of our Nation. The indiscriminate alteration of its facade would be a violation of history. We are not creating another mammoth, nondescript, Federal office building; we are preserving an edifice of magnificent design. Once the extension began, there would be no second chance for restoration. The great work of William Thornton, Benjamin Latrobe, and Frederick Law Olmstead would be lost forever.

Therefore, I submit this restoration report for study by Senators. I urge that hearings be held to consider its recommendations and to reconsider and reverse the Commission's decision in favor of extending the west front of the Capitol.

There being no objection, the report was ordered to be printed in the Record, as follows:

INTRODUCTION

A. BACKGROUND OF REPORT

The United States Capitol (Frontispiece and Figure 1) is a unique structure with strong and direct ties to the foundation of our Republic. Throughout its long history it has been the subject of continued interest and concern. It has been changed extensively and enlarged as new conditions and usages required. It has been the subject of numerous inspections, reports and discussions. Most recent of the reports are those of Moran, Proctor, Mueser & Rutledge published in 1957, made in anticipation of "extension, reconstruction, and replacement of the central portion of the United States Capitol", and the Thompson & Lichtner report of 1964 with a critique by Locraft in 1966.

The Moran, Proctor, Mueser & Rutledge report was primarily a soils investigation, but it included a survey of the physical construction of the walls and an opinion on the lack of evidence of settlement. The Thompson & Lichtner report was a detailed examination of the West Central Front, including test cores of the walls, test pits and soil borings, as well as laboratory tests of materials. The Thompson & Lichtner study resulted in the general conclusion that the "exterior walls of the west central portion of the Capitol are distorted and cracked, and require corrective action for safety and durability." The report recommended that the west central exterior wall be retained "as an interior wall of an extended building" which would provide it with lateral support. Shoring of the west portico and the old terrace screen walls followed publication of that report.

As a result of the deliberations of the Congress concerning the extension of the west central portion of the Capitol, an additional study and report was authorized under Public Law 91–145.

B. OBJECTIVES OF REPORT

Praeger Kavanagh Waterbury was retained to provide data, estimates, schedules, findings, and evaluations as necessary to enable the Commission for Extension of the Capitol to make a special determination with respect to its directive under Public Law 91–145:

"* * * That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

"(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

"(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;

"(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids;

"(4) That the cost of restoration would not exceed $15,000,000; and

"(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further*, That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol."

In order to develop the information necessary to evaluate the feasibility of meeting these conditions a detailed study was made of the recorded history of the construction of the Capitol, structural analyses were prepared and site inspections and tests were made.

THE REPORT

A. Description of Structure

1. Structural System

The Capitol is a vaulted masonry structure with each of the three sections forming the west central front having a different structural arrangement, as indicated in Figures 2 through 6. The North Wing (Senate Side) consists of barrel and groined brick vaults supported on brick and sandstone walls (Figure 7). The Central Wing consists almost entirely of groined vaults supported on brick pilasters, which are presumed to be bonded into rubble-and-sandstone walls (Figure 8). The second and third floors of this wing, which are of brick groined vaulting, were not constructed until 1902 when the Library of Congress moved into its own building. The South Wing (House Side) consists of vaulted construction only at the basement and first floor levels (Figure 9). The upper stories, contiguous to Statuary Hall, are supported on steel beams, except at the corners where there is brick vaulting. A steel trussed arch spans over the "Liberty" statue in Statuary Hall supporting the dome above, and springs from a location about 25 ft. inside the face of the west wall.

A fundamental characteristic of an arch or vault is that it imposes a lateral thrust on the supporting structure. A groined vault is an intersection of barrel thrust at its four corners (Figure 10). Most of the floor construction along the west front wall involves vaulting, but since the thrust from a barrel vault acts away from the curve of the vault, not all adjacent walls are subjected to a lateral force. Along Wall 6(1) there is no lateral thrust applied to the wall because of the orientation and width of the barrel vaults which are adjacent to it, and which keep interior vault thrusts from reaching it. This is also true of the two floors below the Portico on Wall 4. Wall 2 has no thrust applied to it at the upper stories where floors are supported by steel beams or at the basement and attic where barrel vaults are oriented normal to the wall. The pattern is not the same at each floor level, as can be seen by comparing the plans in Figures 2 to 6, where the directions and relative magnitudes of the maximum horizontal thrust forces are indicated. The critical points occur at the corners.

The foundations are rubble masonry walls with rubble infilling. In some cases they have been given a degree of continuity through the use of inverted arches. To a significant degree, the interior foundation walls adjoining and normal to the exterior walls, participate with the exterior walls in carrying load to the soil below. Walls 1, 2, 6 and 7, and sections of Walls 3 and 5, have been underpinned in the past.

2. Physical condition

A survey record of the major cracks and deterioration in the West Central Front is presented in Figures 12 through 17. Similar surveys by others, made in 1957 and 1960, and on a regular basis since then, are generally confirmed. All indicate the same cracking pattern with minor changes since 1957.

A review of reports published over the years indicates that evidence of deterioration was observed early in the life of the structure. The walls were painted in 1817 to arrest weathering. A report of dropped keystones was made in 1826, and reference to settlement, fractures and displacements was made in both the Mudd Report (1849) and Meig's Report (1856).

Exterior wall cracks occur typically within a vertical swath roughly located between the window jambs, in every bay. The preponderance of the open cracks is vertical, most of the horizontal cracks being hairline fractures connecting vertical ones. Substantial portions of the entablature, balustrade and second floor band course are spalled or eroded.

The areas most severely flawed are the presently shored screen wall sections at the two old terraces. These walls are a nonstructural veneer over the rubble foundation wall that would otherwise be exposed.

Elements of the portico entablature have failed structurally and are presently shored.

Many of the keystones over first floor windows have dropped, a condition which tends to grow over the years because of thermal expansion combined with wedging action.

B. Investigation

To analyze the structural problems an investigation has been made of the loads imposed on the structure by use and construction as well as the many environmental phenomena to which it is exposed.

1. Loads

Under the terms "loads" all external forces and environmental influences on the behavior and safety of the structure are considered. These include static loads, such as the dead load of the structure itself and the relatively stationary applied load, as well as dynamic loads such as wind, moving occupancy, earthquake and sonic boom. Environmental loads include temperature effects that cause relative movements of structural elements which, if restrained, produce stresses. Environmental loads also include the effects of volume changes due to moisture absorption as well as the consequences of foundation settlements.

(a) Static (Live plus Dead)—Critical bays have been analyzed for dead and live loading through the full height of the building. The results indicate that the walls, as originally built, are stable and the masonry is subjected to compressive stresses of the order of 100 pounds per square inch with a maximum of 236 pounds per square inch. These stresses are relatively low for the materials involved. Horizontal and vertical shear stresses are in the 10 pounds per square inch range. Since the strength of the sandstone averages about 6,000 pounds per square inch and the fieldstone about 14,000 pounds per square inch, compression failure of the stone should not occur. The lime mortar has a compressive strength varying from 100 pounds per square inch to 2000 pounds per square inch and is therefore the critical material. Under the maximum stress indicated it is possible that there has been local failure of the mortar with subsequent redistribution of stress to the stronger materials.

A reasonable criterion for the design of masonry construction is that the section be proportioned so the resultant of the loads remains within the kern of the section so that tensile stresses do not occur. As can be seen in Figure 11, analysis indicates that the resultant is within the kern, but in some cases is close to the boundary.

(b) Wind—The Uniform Building Code[2] prescribes a design wind pressure of 15 pounds per square foot for the height zone from 0 to 30 feet above ground, 20 pounds per square foot for 30 to 49 feet, and 25 pounds per square foot above 50 feet. The Building Officials Conference of America Basic Building Code[2] prescribes 15 pounds per square foot for the height zone from 0 to 50 feet above ground and 20 pounds per square foot above 50 feet. These are generally accepted building codes, and the Uniform Building Code criterion, which is slightly more severe, was adopted as the basis for analysis.

The wind analysis indicates that stresses in the walls are negligible, generally less than 1 pound per square inch.

(c) Earthquake—Earthquakes produce impulse loads which can cause structural damage. Buildings, whose dynamic characteristics produce resonant response to the disturbance are particularly vulnerable.

Washington is in a geographic area which experiences infrequent seismic events of low intensity. The U.S. Coast and Geodetic Survey Seismic Probability Map of the United States places Washington in Zone 1, which is associated with minor damage.

The Earthquake History of the United States, Part I, prepared by the U.S. Coast and Geodetic Survey (1958), shows no major earthquakes in the Washington area, but records minor shocks on: February 4, 1828, March 9, 1828, April 29, 1852, August 31, 1861, January 2, 1885, and April 9, 1918. The only record of shock intensity observed in Washington was measured as 5M.M.[3] in 1918. The Earthquake History summarizes the seismic record as follows: "Although no earthquakes are listed as definitely occurring within the District of Columbia, several shocks of uncertain origin have been felt there."

For the analysis of earthquake effects on buildings in areas where seismographic records are not complete, the lateral force provisions of the Uniform Building Code,[4] which are based on the recommendations of the Structural Engineers Association of California, are widely accepted. These determine separate values of the lateral force for the building itself, and for elements of the building, such as an exterior wall. As applied to the Capitol these values are computed as follows:

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(a) For the building:

Total lateral force at the base is 1.25%W, where W is the total dead load.

(b) For the west front bearing wall the lateral force is 5.0% Wp, where Wp is the weight of the wall element.

Criterion (b) controls the magnitude of force to be used on the walls, and an analysis was made of the stresses induced by this lateral force at the exterior and interior faces of a typical bay of the west wall. Earthquake forces are reversible and therefore additive, acting to augment lateral thrusts from the vaults.

The analysis demonstrates that earthquake stresses are relatively small as compared to dead and live load stresses to the structural integrity of the west wall.

(d) Sonic Boom—Sonic booms is a pressure differential resulting from a shock wave induced, among other things, by aircraft flying at supersonic speeds. It is affected by controllable factors, such as speed, altitude and maneuvers of the aircraft, as well as by non-controllable factors, such as meteorological conditions, topography and ground level air turbulence.

The sonic boom curve is often called an N-wave and its peak pressure intensity, or "overpressure", is the pressure above normal ambient atmospheric pressure. The push-pull characteristics of the N-wave have been related to secondary structural damage to buildings on the flight path, and regulation of flight operations is necessary to limit overpressures from aircraft operating too close to the ground. The intensity of sonic booms at ground level resulting from aircraft at normal operating altitudes is seldom above 1 millibar (2.0 pounds per square foot), and rarely as high as 2.5 millibars (5.0 pounds per square foot). Structural damage caused by sonic booms of these intensities is usually limited to non-structural elements of buildings, and results from the interaction of the impulse-type loading and the resonant frequencies of the affected element. When the duration of loading exceeds the natural period of the structural element, amplification of the static effect of the overpressure result. When the duration time is less than the natural period, smaller amplification may occur.

A simplified approach to the analysis of a structure under dynamic loading utilizes the concept of an equivalent static load which produces the same stresses and strains as would be caused by the dynamic loads. The ratio of the equivalent static load to the dynamic load is called the dynamic amplification factor and depends on the element's stiffness, natural frequency and damping, as well as the type and duration of applied loading. The dynamic amplification factor can be measured by experimental tests, such as those which are part of the National Sonic Boom Evaluation Project undertaken at Edwards Air Force Base. These tests furnish plots of amplification factor versus natural frequency, for each type of loading as related to types of planes at various Mach numbers and altitudes. Characteristic values lie between 2.0 and 3.0.

The fundamental natural frequency of the Capitol is in the order of 1 to 2 cycles per second, while that of the individual wall elements considered as plates is about 48 cycles per second. Though the building as a whole is little affected by dynamic amplification, an amplification factor of 2.0 is assumed. Wall elements are assumed to have a factor of 3.0. Even with these conservative values, and the rare occurrence of a free-field sonic boom intensity of 2.5 millibars (5.0 pounds per square foot), the corresponding lateral pressures of 10 or 15 pounds per square foot are lower than those associated with wind.

The effects of sonic boom associated with planes flying at supersonic speeds and present altitude restrictions will not adversely affect the west central front walls.

2. Foundations analysis

Consideration has been given to the possibility that the observed cracking and displacements of the walls constituting the west front of the Capitol might be due to some foundation inadequacy.

For this purpose borings were made to confirm soils information previously obtained along the west front and to recover soil samples for laboratory test. The soil profile, inferred from the new borings and from those made in 1957, and the laboratory test data, are presented in Appendix A, Section 3.

Failure of a foundation generally may occur in two ways. One is a shear failure of the supporting soil, in which the soil under and around the foundation is ruptured and a relatively sudden collapse ensues.

The second mode of foundation failure is by excessive settlement as the soil supporting the foundation is deformed by the imposed loads. As long as deformations are not excessive, the building accommodates itself to the deformation without serious damage, though some cracking may occur. If the deformations are excessive, wide and long cracks result and the building tends to separate into pieces. The definition of "excessive" settlement is a function of the type of building, the rate of deformation, the degree of uniformity of settlement and other factors. Fixed numeric values are not applicable. For example, there are buildings in Mexico City which have settled upwards of five feet and remain in sound condition and continue in use. As a rule, designers endeavor to proportion foundations for a building of heavy masonry construction, not occupied by sensitive equipment, so as to limit the settlement to about 2 to 4 inches.[5]

(a) Shear Failure of Soil—The ultimate bearing capacity of the several soil strata supporting the foundations for the west front have been calculated. The principal soil strata are:

(1) A layer of sand and gravel directly underlying the footings, extending about 20 ft. below the lowest footing level and underlain by

(2) a layer of stiff to very stiff red-brown clay, averaging about 40 feet in depth and, in turn, underlain by

(3) a layer of compact sand, approximately 25 feet thick which is underlain by

(4) a hard gray clay, averaging about 30 feet in depth. This stratum is underlain by

(5) a compact sand and silty clay of undetermined depth.

The calculated ultimate bearing capacities of these strata are indicated in the following table, together with the calculated pressures imposed by the foundations. The ratio of the two is the safety factor.

Designers normally proportion a foundation to achieve a factor of safety of from 1.5 to 3 against a bearing capacity failure. Table 1 indicates that a minimum factor of safety of about 2 exists under the present circumstances. The corresponding soil pressure is relatively high, but far less than that required to produce a bearing failure. Further, the computed pressure is conservative since the calculated value represents a maximum condition, occurs only locally and is based on the assumption that there is no contributing support from adjacent interior foundation walls.

TABLE 1.—BEARING CAPACITY VERSUS IMPOSED PRESSURES

Soil stratum	Ultimate bearing capacity (tons per square foot)	Imposed pressure (tons per square foot)	Factor of of safety
Sand and gravel	9.7	4.8	2.04
Red-brown clay	17.2	2.5	7
Sand	>10.0	.3	>10
Gray clay	>10.0	.2	>10
Sand	>10.0	.1	>10

Loss of strength of the clay soil due to long term strains is a secondary phenomenon occasionally encountered. However, calculations indicate that the shear stress intensity in the clay soil is too low to produce this effect.

Clearly, the wall has stood for the past 150 years. The computed factors of safety indicate that, barring some grossly changed condition, there is no danger of a bearing failure.

(b) Settlement Failure of Soil—For the soil profile which occurs beneath the foundations of the walls of the west front, settlement would occur in three stages. The first would consist of an almost immediate compression of the sand and gravel strata, followed by a somewhat longer-term (about 20 years), slow, progressive consolidation of the clay strata, conventionally known as primary consolidation. This would be followed by a longer term consolidation of the clay strata, known as secondary consolidation.

An empirical estimate of the compression of the sand and gravel, based upon the resistance to penetration of the sampling device, is in the order of one to two inches. Except for minor additional displacements due to alterations in the building which may have added more load, this displacement took place over one hundred fifty years ago.

The primary consolidation of the clay strata has been calculated from the data provided by laboratory tests. These computations indicate a total settlement of about one and one-half inches and this, too, occurred over one hundred years ago.

Secondary consolidation continues today at a very slow rate and is of limited magnitude: Calculations indicate that a total of about one-half inch has occurred in the past, and that a somewhat smaller amount will occur over the next one hundred fifty years.

It is estimated that the total settlement of the walls of the west front, to date has been about 3 to 4 inches. These settlements are on the high side of normal but they are not unreasonable or alarming. Future movements due to settlement will be very minor.

(c) Field Observations—Because of the complexities of the construction of the Capitol's foundations and the heterogeneity of the soil profile, the application of the theoretical analysis described above has been checked against field conditions, with the following results:

(1) There is no indication that a bearing capacity failure has occurred. This is in consonance with the computations which indicate that there is a substantial margin of safety against such a failure.

(2) It appears that the observed cracks in the walls of the West front are not due to excessive settlement. Evaluation confirms the report by Moran, Proctor, Mueser & Rutledge, dated May 1957, Volume 1, page 81, which indicates that a thorough inspection of the walls of the west front led to the conclusion that cracking did not relate to foundation settlement. The pattern of cracking and the general conditions and deformations are not indicative of a foundation problem. This confirms the computations, which indicate that the existing walls should not have suffered seriously from settlement of the foundation.

(3) Prior to this study a level survey was made which indicated that about ¼-inch of settlement occurred over a period of about 2½ years. This is inconsistent with the calculations, which indicate that whatever settlement of the foundation continues to occur is inconsequentially small. Accordingly, an independent check of the level points utilized by the previous survey was made. This most recent survey indicates that there has been no detectable settlement over the past two years.

3. Causes of damage

(a) Environmental Changes—The structural integrity of a building may be affected

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each time there is a change in the original structural arrangement or an environmental condition change. The extent to which past changes have caused a present threat to the safety of the structure must be evaluated. Table 4 is a list of such events which deserve special consideration.

The history of the Capitol is one of continuous change. Before it was occupied, faulty construction in the North Wing foundations had to be repaired by Dr. William Thorton, the designer of the Capitol. Parts of the South Wing foundations were torn down and rebuilt under Latrobe's direction. As soon as the South Wing was completed, the North Wing was practically dismantled and reconstructed to accommodate the Supreme Court and Library of Congress, in addition to the Senate. Roof leaks were reported in the North Wing before it was ten years old. A number of arch failures occurred, with subsequent reconstruction.

The British burned the Capitol in 1814, subjecting its materials to severe extremes of temperature. The construction which followed involved a complete structural change from timber to masonry vaulting for all floors, except the roof.

Around 1830, the Bullfinch Terraces were built and the North and South Wings were underpinned. More underpinning was done when the "new" Senate and House Extensions were built in the 1850's. Parts of the Central Wing walls were underpinned to make room for construction of heating furnaces. Underpinning may have resulted in some loss of vertical support with accompanying strain in materials which produces cracks.

The floor of Statuary Hall was once used as a mixing chamber for a hot air heating system, which caused volumetric expansion and contraction of an unusual nature. Hot air heating was replaced by steam, gas was installed, followed by electricity and, finally, the building was air-conditioned. In 1874 the first elevator was installed. Each change required new cuts into the structure and consequent readjustment of structural elements; see Plate 3.

In 1851 there was a fire in the Library of Congress, which had been moved from the North Wing to the Central Wing, and in 1898 another fire occurred, following a gas explosion in the North Wing.

When the Library of Congress moved into its own building, two new floors were installed in that Central Wing. About the same time, the timber Lantern Domes over both wings were removed and replaced by steel construction.

The sequence of construction is a significant determinant of differential settlement. The North and South Wings were built about 30 years before the Central Section was completed and the present cast iron dome replaced a wooden dome in 1863, thirty-three years later. As a result, the supporting soil strata under the three parts of the building were subjected to different loading intensities, hence different soil consolidation and settlement patterns. Evidence of articulation at the intersections of the three wings is probably in part due to differential settlement.

The building has adjusted itself to these changes or has been repaired to accommodate them as they occurred. This study indicates there is no observable threat to the structure due to past changes.

(b) Quality of Construction and Materials—In 1795, Dr. Thornton reported poor masonry work on the North Wing. A remedy was applied, but the suspicion has persisted that the Capitol foundations are of inferior quality. The notion was reininforced in 1804 when work on the South Wing had to be reconstructed. Assertions that these walls are merely two minor walls with the area between filled with loose rubble and mortar were contradicted by Dr. Thornton who referred to good bond stones intermingled throughout.[6]

Arch failures during construction were fairly common in those days and Thornton took occasion to remarks on Latrobe's poor luck in this field.[7] Several failures were reported in the history of the Capitol's construction, and in each case repairs were made. One may wonder if, based on this history, other arches might be on the verge of failure. This study indicates that such fears are unfounded.

The Capitol in its present form is over 100 years old and most of the vaulting is over 150 years old. During that period the building has been subjected to high winds, shocks of seismic origin, an explosion, and numerous structural incursions to accommodate new facilities.

Wherever it can be seen, the brick valuting is solid and firm with good mortar bond. There are many examples where vaulting has been cut and remains firm. Bricks exposed at the edge of openings in vaulting made for air-conditioning ducts, are supported solely by mortar bond and are not easily removed (Plate 3). Observed arches and vaulting have adjusted to change or were properly repaired to form a safe and strong structural element.

Interior damage to exterior walls is shown on Figures 16–17 but the evidence of damage is inconclusive because of the high standard of maintenance. Nevertheless, there are signs of water intrusion. Except for rooms H227 and S231, all interior wall cracks are minor, probably limited to the plaster.

In Room H227 a series of vertical cracks appear at a point corresponding to the junction between the South Wing and the Central Wing. Since the Central Wing was abutted to the South Wing, some 20 years after the latter was built, these cracks may be the result of an imperfectly bonded joint.

Some plans of the building in this area suggest that there are flues in the walls and these could be responsible for the damage.

In Room S231 the concentration of expansion and contraction activity which is typical at the corners of a building is evidenced by vertical cracks on the interior surface.

Cores of the upper walls show voided areas which may have resulted from the reported construction technique of infilling the walls with loose batches of stone and mortar. Condensation may keep lime mortar soft and some may leach out, causing voids or enlarging existing ones (see Figure 22). Grouting done under the Exploratory Work conducted as part of this report indicates that the foundation wall cores have an overall void ratio of about 5% and as high as 20% locally. The void ratio of the upper wall varies from 5% to 10%.

It is suspected that a serious error in construction occurred because masons at the time did not cut and lay exterior sandstone with careful observance to the orientation of the bedding plans of the stone. Sandstone, though porous, will weather well if permitted to drain properly. If the stone is laid without regard to grain, there will be stones in which water will be trapped long enough to freeze and cause surface deterioration. The pattern of deterioration observed is consistent with this possibility since many stones are in good condition. Full confirmation of this theory cannot be obtained unless the entire surfaces of the walls are cleaned of paint and the sandstone is examined.

Painting the surface of stone is a reasonable method of preventing the intrusion of water, but there is a danger that it can become a cause of deterioration by permitting intrusion of water at some points and causing entrapment at others. Painting records are not available, but this aspect of building maintenance apparently was neglected between the years 1830 and 1850, according to Mudd,[8] who states his understanding that the Capitol had not been painted for 17 years.

Painting can have other deleterious effects. Components of the paint may penetrate the pores of the stone and react chemically with it. It will generally stain the stone, and attempts to remove the paint can cause further unsightliness as well as inadvertent removal of stone particles.

While painting has discolored the stone it appears to have provided protection more often than it has caused damage. Sandstone which has been painted has weathered better than much of the nearby marble which is not as old.

(c) Temperature—Most of the cracking and deterioration of the west wall can be explained by the effects of weathering and temperature. Structures adjust to temperature change through volumetric expansion and contraction. This process can be complex, taking account of building configurations, inside-outside temperature differential, the ability of the materials to transmit the imposed forces and the effects of water intrusion followed by expansion when it freezes.

The ways in which a masonry wall can be cracked by temperature changes are depicted in Figure 18, which demonstrates the fundamental action of expansion and contraction. With a rise in temperature, the wall lengthens. When the temperature drops, it tends to shorten. Because masonry is weak in tension it does not recover its original length if there is any restraint to this shortening. Instead, it fails at the section where the least amount of material is available—at door and window openings.

The manner in which this is compounded by structural configuration is demonstrated by Figure 18(b). When two parallel walls are linked by a third wall, the movements just described tend to distort the linking wall and cracks form at the locations shown.

These effects are compounded because of the restraint provided by floors and walls, shown in Figures 18(c) and (d). If the inside temperature is different from the outside, a warping effect results and the structure assumes the shapes indicated in the sketch. Since expansion and contraction occur vertically, as well as horizontally, the actual pattern is complex, but cracks tend to form as shown.

Generally, this effect would not be large enough to cause cracks, but it is continually reversible and becomes a determining factor when additive to one or more of the previously described forces. Once the stone has cracked, the wall does not return to its original position and a natural process of growth sets in. If the crack is filled with dirt, or patching mortar, or if a dropped keystone closes the gap, the wall becomes still longer upon expansion and the crack opens again when contraction occurs.

In the case of the Capitol walls, the described action is compounded by the great thickness of the wall and its 3-layer construction. The inner part of the wall is thermally stable while the exterior is exposed to the temperature extremes. The existence of a void behind the sandstone suggests that the sandstone may have some behavior independent of its backup wall. To the degree, that its internal geometry will permit, the exterior wall responds to temperature, and forms its own expansion joints by cracking in the manner shown in Figures 12–15.

(d) Settlement—Differential settlement of the foundations of a structure produces a characteristic cracking pattern in the supported masonry walls. These usually take one of the forms illustrated in Figure 19:

(1) If settlement acts to tilt or rotate one portion of the wall with respect to another,

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cracks will develop, as indicated in Figure 19(a), and the size of opening increases as it travels up the wall in vertical cracks or joints.

(2) More commonly, one portion of the wall drops with respect to an adjacent part and the openings occur in horizontal joints (Figure 19(b)).

Close inspection discloses relatively few crack patterns that could be related to foundation behavior. By themselves cracks are not evidence of settlement, and in the case at hand are explainable by weathering and temperature phenomena.

4. Exploratory Program[9]

As part of this study, plans and specifications were prepared for "Exploratory Work In and Adjacent to the West Central Portion of the United States Capitol", and a contract to carry out the work was awarded to Layne-New York Co., Inc. The purpose of the work was to determine the practicality and limitations of some of the restoration methods under consideration and their costs, as well as confirmation of data developed in earlier studies and reports. Determinations were sought for the following specific items:

(a) Drilling and Grouting—The primary purpose of the exploratory program was to determine the practicality and effectiveness of grouting the walls, using different techniques and materials. Underlying this work was the unknown degree to which the walls actually are voided, so an effort was made to determine the void ratio as well as the degree to which voids can be filled.

In 1964 some 63 cores were drilled in the west front wall. These were well distributed, were described and photographed in the Thompson & Lichtner report, and the cores are presently stored in the basement of the Rayburn Building. For the exploratory program, Layne-New York Co., Inc. drilled an additional 45 cores in much greater concentration in two test areas of wall. Because dry drilling tends to pulverize the core and wet drilling tends to wash out lime mortar and sand, good clean cores are seldom obtained and judgment is required to establish a void ratio. Additional information provided by the drilling process is obtained when there is a sudden change in the drilling pressure or the drill "falls through" a void.

When the wall was grouted, a careful record of the volume injected was kept as another indication of the existence and extent of voids. This record does not detect voids that are not filled, nor is there any way to determine exactly how far the grout traveled in the channels it found. Therefore, the indication is limited. It proves that voids exist, but it cannot prove that they do not exist or the degree to which they are filled.

At Wall A[10] there were 4 inclined grout holes and 14 test holes which were drilled after the grout was injected. In the test holes, a determination of the extent of voids, as compared to the extent of grout in the cores, was made to evaluate both the void ratio and the effectiveness of grouting. Logs of all drilling and grouting were kept, and a profile was recorded for the test cores.[11]

Of the 14 test cores taken in Wall A, 12 contained evidence of grout filled voids. The other 2 contained none, but also showed few voids. If a core contains a void not filled by grout, some conclusion can be drawn about the effectiveness of grouting. However, if there are no voids which might have been filled, no conclusion can be drawn except as to the degree to which it tends to indicate a solid wall.

In Wall B, one vertical grout hole and 8 horizontal grout holes were drilled. The holes were grouted and 18 test cores were taken.

Wall B turned out to be not typical[12] of the rest of the west wall since it did not have the extent of loose rubble in filling discovered in other areas in the 1964 investigation. The masonry units were large and the proportion of joints was, therefore, small. Out of the 18 test cores, 9 contained evidence of grout.

Wall A was grouted with Monomer, Epoxy, Neat Cement and Sand Cement in four different grout holes spaced about 7 feet apart. Altogether over 420 gallons, or 56 cubic feet of material was placed in the wall. This indicated that a considerable volume of voids existed and was filled; and it implied a void ratio of about 10%, if a normal distribution of voids existed around the grout holes. A normal distribution apparently does not exist, however, since over 50% of the total grout was placed in one of 4 holes and it traveled as far as 6 ft. in one direction and 12 ft. in another. Test holes also pierced many areas in which no grout was found and few voids were observed. The inference is that there are large voids, several inches in diameter, located in clusters, rather than a general distribution of fine voids. There are channels or seams through which grout can travel a great distance but these do not necessarily interconnect the larger voids.

The void ratio in the foundation wall, based on examination of the cores, is estimated to be 5% generally and 20% locally.

In Wall B, only cement grouts were used, and about 315 gallons of grout material were placed in the pier. Apparently, the only void in this wall was detected by the driller when the drill "fell through" consistently at about a depth of 2 to 3 feet from the face of the wall. The indicated volume would be equivalent to about a 5% void ratio. A 2½ inch continuous seam would also produce a 5% void ratio. What appeared to be this seam was observed as a ¼ inch crack when the wood paneling was removed to exposure the wall near the window jambs.

In Wall B, 1 inch diameter horizontal grout holes, using about 20 pounds per square inch pressure, were as effective as was the larger vertical hole. With both grouting procedures, the conclusion was reached that the wall at this location is very solid. From examination of the 1964 cores, it is estimated that the void ratio for the upper walls is generally less than 10% and most of it is in the vertical plane, immediately behind the sandstone face. These can be best filled by grouting through horizontal or slightly titled grout holes drilled through the face.

Of the four grouts tested, three proved superior: neat cement, sand cement and epoxy.

Monomer, an acrylic plastic, is a promising material with good laboratory test results, but the test program indicated a lack of field experience with the material, which restricts its applicability in a major structure. While the material soaks into the grouted wall quite effectively, its rate of cure was indeterminate. It also gave off an objectionable penetrating odor that cannot be tolerated in a building which is to be occupied during construction. It also is flammable and has a low flash point in the liquid state.

Sand cement grout was used with two different gradations of sand, and was pumped both with and without pressure through 1 inch diameter holes and 3 inch diameter holes. With 3 inch diameter holes and well graded sand, it proved adequate. Since its prime virtue over neat cement grout is economy, it is not suggested for use in the foundation walls, where it would be less likely to seek out and flow through small channels which interconnect the voids. In the upper walls, it is recommended for use in conjunction with epoxy. To avoid damage to pumps and obtain good flow characteristics, the sand gradation must be rigidly adhered to.[13] The best mix for neat cement grout was 1.5:1[14] and for sand cement grout 1.5:1:2.[15]

Grouts of the suggested mix ratios did not generally bleed through the wall joints. When they did, a self-sealing characteristic was evident. Bleeding quickly stopped and is easily retained by slight obstructions to flow.

Epoxy is very strong in tension, compression and bond. It is also effective in permeating a finely voided material, but relatively expensive. It should be used as an adjunct to sand cement for grouting the upper walls, where good bond is a desirable characteristic. After the wall has been grouted with sand cement to fill the large void behind the sandstone, a second stage grouting of the same areas with epoxy would result in a strong wall.

Solidification of the wall will affect its thermal properties. Air spaces at voids in the rubble core offer practically no resistance to the transmission of water vapor but are effective insulation against transmission of heat. When the voids are filled with grout the transmission rate of water vapor is decreased and that of heat is increased. The result is a 10% net increase in heat loss or gain for a solidified wall.

Condensation in the wall will not occur during the summer. During the winter there are conditions under which condensation occurs for both the existing wall and a solidified wall. Grouting will not produce much change in this effect (see Figure 22).

(b) Soils and Settlement—Three soil borings were made and one-dimensional consolidation tests were performed on three undisturbed samples. In addition, three unconfined compression tests, and three sets of liquid and plastic limit determinations were made by Woodward-Moorhouse & Associates, Inc. Laboratory results are given in Appendix A, Section 2, and a general discussion is included in Part B2 of this report.

(c) Paint and Paint Removal—Efforts to remove old paint, which has a thickness of 90 to 115 mils, from the surface of the west central front wall were not encouraging. The methylene chloride base remover specified, was at least as effective as other removers which were tried, but none succeeded in producing a completely clean stone surface. Application of a hydro-silica jet, using 600 to 700 pounds per square inch pressure, did remove the remaining paint but it also removed a portion of the stone surface. The jet treatment was too harsh for use on carved stone. On flat areas, it would be effective but would require a follow-up rubbing and sanding to restore the surface to a reasonable plane. The removal of soft decomposed stone forms a sound base for bonding of applied protective costs, so plain water jetting should not be rejected as a removal technique unless extreme erosion occurs.

Several manufacturers and paint consultants were contacted and the consulting service of Mr. Arnold J. Eickhoff was retained. There was general agreement that chemical removal would have limited success. Other techniques suggested include flame, hydro-silica jet followed by sand blast using walnut shells, and mechanical removal using pneumatic tools.

Paint removal resulting in a perfectly clean exposed sandstone does not appear to be practical. Removal to permit inspection of sandstone and effective use of stone preservative can be obtained using conventional hand labor and chemical remover.

Present painting practice requires the use of paint meeting Federal Specification TT–P–102a. This is a paint particularly adapted to exterior use on wood. Use of a stone preservative or conditioner as a base coat for a latex binder paint should be considered. Laboratory tests of paint samples indicate that latex binder paints were used in recent paint applications on the west front wall (see Appendix A, Section 5).

(d) Stone Preservative.—The existing stone is soft and porous. Its life could be effectively extended if it could be hardened and/or waterproofed. Two commercially available products were applied to test por-

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tions of the wall and smaller specimens which were sent to the National Bureau of Standards for testing. Their report is included as Section 3 of Appendix A. Complete protection of the stone surfaces should combine caulking of cracks and joints with the plastic material, followed by application of stone preservative and two coats of paint.

(e) Source of Sandstone—As an adjunct to the exploratory work, two field trips were made to the Aquia Creek area in Stafford County, Virginia, from which the original sandstone reportedly had been obtained. One of these trips is documented by Mr. Thomas W. Fluhr, Engineering Geologist, in Appendix B. Old quarries were discovered, but the findings were no more successful than similar efforts undertaken by Latrobe between 1805 and 1819. If good stone is there, it is well beneath the surface and expensive exploratory work would be required to discover it, with no guarantee of results. An even more expensive quarrying operations would then be required to uncover it. That would also be a gamble because it has been stated that blasting has been used in the area for the extraction of gravel. Such blasting may have shattered what otherwise might be acceptable sandstone.

What stone was visible on the surface during these inspections at the quarries had considerable quartz pebbles or was badly decomposed. An area visited on the second trip to the Aquia Creek area was possibly quarried in the 1930's, judging by the vegetation over the cut; see Plate 4. Here the volume cut was relatively small and the quality apparently ran out.

C. Conclusions

The many cracks and surface flaws do not significantly impair the ability of the west central front wall to continue to support the loads imposed on it. There are voids in the walls which do affect its strength.

Materials are of a quality and strength in excess of that required for safety, with the exception of the lime mortar cementing agent which ranges from fair to poor. The poor material is generally in the central core of the wall, which can be assumed 50% efficient without causing overstress in the remaining portions of the wall.

Because there have been so many environmental changes during the course of the Capitol's history, there is no way of being certain that the building has all the characteristics of the original structure or those assumed in the computed structural analysis. Therefore a structural restoration program is required. Also, maintenance policy should require that all future installations of mechanical equipment, devices, chases, etc., be preceded by a structural analysis of affected elements.

If the wall voids were filled, exterior cracking would be inhibited by transfer of stress to interior portions of the wall. Generally, however, cracking will continue to occur as the wall adjusts to temperature change. A series of control joints must be provided to insure that these cracks occur at preselected points. Control joints must be caulked with plastic materials, which will stop the intrusion of water. With these measures future cracking should occur at a much reduced rate.

The following are specific conclusions and restoration procedures which apply to the different parts of the building, considered from the standpoints first of structural restoration, and then of architectural restoration and preservation.

1. Structural

(a) Soils [16]—Laboratory tests of soils beneath the Capitol indicate that the imposed loads are carried safely with a very small amount of anticipated future settlement.

In the past, settlement has occurred and since the three wings of the Old Capitol were built at different periods of time, there undoubtedly was differential settlement. The cracked vertical joints at the intersections of the three wings may be the results of this effect. Present settlement is negligible.

Neither underpinning of foundation walls nor chemical injection of soils is necessary.

(b) Foundation Walls—Foundation wall masonry is laid in lime mortar bedding of varying strength in a low range. The interiors of the walls were reportedly not laid in regular courses but filled with mortar dropped on the stones. Drilling conducted in the field test program indicates that this condition might exist locally rather than generally.

It is desirable to solidify the interior of the foundation walls to remove discontinuities and provide a relatively monolithic condition. The walls should be pointed. Then grouting can be accomplished with cement grout followed by epoxy. Use of epoxy grout would provide cohesive strength to existing mortar.

Experience in the exploratory program indicates that for foundation walls a first stage cement grout should be injected under pressure. Holes should be 2 to 3 inches in diameter, slightly off vertical, and spaced at about 3 feet on centers. Second stage grouting with epoxy should be in 2 to 3 inch round holes located between the first stage holes. To obtain a positive tie, steel rods would be inserted in the holes immediately upon completion of each grouting operation.

(c) Screen Walls—The screen walls at the lower old terraces are out of line and at some points could buckle despite present shoring. Although this veneer is non-structural it does provide protection against the weather for the rubble foundation wall behind it. Because this protection is important, and because the wall is unsightly, the screen wall should be rebuilt.

Earlier investigations showed that the veneer is generally six inches thick, with a three to four inch air space behind it. Rusted remains of ties were found, indicating that some attempt to bond the veneer to the wall behind it had been made.

To restore the screen wall it should be removed and the stones cleaned and trimmed. Broken stones should be repaired or replaced. Before replacing the screen wall, the rubble wall should be grouted (see Figure 20). Using the original stones, the wall should then be replaced plumb and true with bonding ties located at each course and doweled into the rubble wall and the space between veneer and rubble wall should be filled with cement mortar as each course is laid. The wall should be treated with preservative and painted, in consonance with the main walls.

(d) Terrace Walls—The old terrace walls, located about 20 feet forward of the screen walls, are gravity retaining walls founded on stone bases about two feet below the adjacent ground. Cracks in the terrace floor slab indicate that these walls have moved an inch or two forward of their original position.

To restore the walls, they should be dismantled and rebuilt on a concrete footing founded below the frost line. The stones should be repaired, cleaned and treated with preservative.

(e) Upper Wall Repairs [17]—Cracks in the walls are generally due to thermal effects. This has been aggravated by the freezing of intruded water and other environmental effects.

Unless expansion joints are provided, cracking will continue. Studies made to develop an expansion joint detail did not succeed in eliminating the possibility that difficulties would be increased rather than relieved. However, cracks can be minimized and progressive growth can be inhibited by solidifying the walls with grout and providing caulked control joints between window heads and sills as indicated on Figure 21, at the locations shown on Figure 3.

To strengthen the wall it should be grouted. This should be done in two stages; an injection of sand cement grout under pressure through 2 inch diameter horizontal holes to fill the largest voids, followed by an injection of epoxy grout through 2 inch diameter inclined holes. Holes would be spaced at about 3 feet, on a grid, but would be located after paint removal to arrange, to the extent possible, that they occur in stones scheduled for repair.

To tie the wall together and to add strength, ½-inch diameter steel reinforcing rods should be inserted in grout holes immediately upon completion of the grouting operation in each hole. When interior walls abut the west wall at pilaster lines, ties should be extended into them (Figure 20).

The building corners are the location of the most severe stone damage. Corners can be stabilized by cross ties, as shown on Figure 20. An alternate method for accomplishing this would require the vacation of corner office space during construction. Under this alternate, existing flooring and sand fill would be removed and a structural slab, tied into the walls, would be poured. This would stiffen the corners to make them strong buttressing elements.

Surface deterioration is due to weathering and freeze-thaw of entrapped moisture. Though unsightly it is of minor structural importance. Some stones are so far eroded that they should be replaced but others, less seriously deteriorated, may be tolerated as an expected sign of age. Future damage by intrusion of moisture or paint can be controlled by the application of a stone preservative and joint sealant, a procedure which should be applied at regular intervals.

Faulty face stone can be removed by saw cutting, line drilling and chipping, then replaced with new stone. Carved stone, unless basically faulty, can be repaired in place. Entablature elements can be removed by cutting and chipping, as shown on Figure 20. To avoid removal of elements above it, and subsequent dangers to vaulting below, entablature pieces should only be removed back to the approximate facestone line and replacement pieces installed using reinforcing anchors with epoxy cement.

(f) Portico Repairs—Spanning members in the Portico have failed and must be repaired. The entire balustrade and entablature over the Portico should be removed down to the column capitals.[18] Broken lintels may be pieced together and made strong by using post-tensioning techniques. All members should be cleaned, treated with preservative and replaced with a new reinforced concrete backup wall (Figure 21).

Columns and their bases can be replaced by sister elements from the East Face stored stone. East Face members are monolithic and are in better condition than the West Portico columns which are made up of varying length drums. East Face column bases are also in better condition and should replace those in the West Portico.

(g) Window Lintel Repairs—Broken lintels should be removed, repaired using post-tensioning methods, cleaned, treated with preservative and replaced (see Figure 21). Where eroded edges make this impractical, new stone must be used.

(h) Window Keystone Repairs—Many window keystones have dropped. Old mortar repair material at the top of the stone should be removed by saw cutting and chipping. Adjacent stones should be removed to the extent necessary to gain access to the sides of the keystone (Figure 21). Then the keystone should be jacked into its original position and supported there on steel stubs inserted in the sides. Access holes would then be closed with new stones.

Footnotes at end of article.

2. Architectural

"Restoration, used architecturally, means putting back as nearly as possible into the form it (a building) held at a particular date or period in time." [19]

The initial construction of the North Wing was completed in 1800, the South Wing in 1808 and both had an exposed sandstone finish until the structure was damaged by fire in 1814. During repairs subsequent to the fire all exposed stonework was painted. The Central (Portico) Wing was not completed until 1829 and it is assumed that the stonework was painted as part of the construction process to match the adjacent wings. The entire west central front has remained painted ever since and has been repainted many times. There may be some question whether true restoration in this case should result in an exposed sandstone surface or a painted surface. Both approaches are treated in the following discussion and are included in the cost estimate as Schemes 1 and 2, for painted sandstone, and exposed sandstone, respectively.

As a practical matter, Scheme 1 seems most attractive. Those portions of stone which were uncovered during the exploratory work proved to be badly stained and a good portion of it was of relatively poor quality. There is the possibility that a greater portion of stone will need replacement than survey of the painted surfaces would indicate, in which case the supply of East Face stone could be insufficient. Scheme 1 is preferable for these reasons and because, in this case, a painted finish seems to most faithfully fulfill accepted standards for restoration.

(a) Scheme 1—Painted Sandstone—If a painted stone surface finish were elected, the color quality of stone used for repairs would not be important. Repair methods would follow procedures outlined below for exposed stone finish, but replacement stone would not have to be Aquia Creek standstone.[20] Equivalent surface texture could be achieved by prefabricating stones to the required dimensions. Carved stonework elements could be replaced in part by doweling in new parts when deterioration was limited, or a whole block would be used in more severe cases. Details of Figure 20 would apply.

Upon completion of repairs the joints would be sealed and the whole wall surface would be treated with preservative and painted.[21]

(b) Scheme 2—Exposed Sandstone—Paint would be removed from the existing surfaces by chemical and/or mechanical means.

A detailed inspection would then determine what stones are visually and structurally unacceptable. These would be removed by sawing, line drilling, and chipping to a depth of about 6 inches. A "new" stone [22] would then be cut to precise dimensions and inserted in the space on an epoxy mortar base and anchored with ties into the backup wall against epoxy mortar backing. The process would be repeated stone by stone, avoiding the removal of adjacent stones at the same time, or a quantity that would imperil the structural integrity of the wall.

When all faulty stone was replaced, joints would be struck flush and treated with plastic sealant. The entire surface would then be treated with preservative, a treatment which would have to be repeated at about ten-year intervals as standard maintenance.

The stored stone from the East Face (Plate 2) is generally 12" to 24" in depth. Its back portions could, therefore, be cut for face stone inserts, leaving the carved forward portion with ample depth to be used as replacement for deteriorated West Face carved work. That supply would, therefore, provide 3 to 4 times the square footage of wall that its cubage would imply.

Deteriorated balusters would be replaced in whole. Broken cornice elements would be replaced in whole. Broken cornice elements would be tire top surface of the entablature would be replaced as shown in Figure 20, and the encapped with flashing in fashion similar to that used on the Senate and House Buildings.

It is not suggested that stone elements, such as cornice members or column caps, should be replaced simply because a leading edge or some of the decorative carving has eroded. The Capitol is 150 years old and should give an impression of venerable age, not a crisp newness that denies its historical background.

Effective grouting will require relatively close spacing of drill holes vertically and horizontally in the upper walls. This would increase the need for the replacement stone required to obtain an unflawed surface, possibly in excess of that available in the East Face storage piles. For Scheme 2 this would mean either some proportion of artificial replacement stone, or toleration of a pockmarked appearance on a fairly regular grid. Under Scheme 1 this would be of no concern, since patch marks would be painted over.

3. Other restoration methods

Other approaches to restoring the West Wall were considered and abandoned upon evaluation. In particular, the following deserve mention:

(a) Marble Facestone—Thomas U. Walter, Architect of the United States Capitol Extension and designer of the Capitol Dome, described this proposal in 1850: "I may venture further to suggest that it would by no means be impracticable to remove all the facing of the present building and substitute marble, without interfering at all with the stability of the structure. If, therefore, the work is commenced by facing the new part with marble, the day will no doubt come when we shall have a marble Capitol upon which time can work but little change." [23] Procedures would follow a pattern similar to that for Scheme 2, except that replacement would be marble and replacement would be entire. This would be accomplished by using a checkerboard pattern of removal and replacement stone by stone. Upon completion, the building would look exactly like the existing building, except that it would have a marble surface and would look new. Details would be similar to those in Figure 20.

The concept is considered to be reconstruction rather than restoration and, it is estimated that it would cost $31,053,000.

(b) Marble Veneer—To reduce the cost of the preceding scheme an extremely placed marble veneer was evaluated. This concept would involve application directly to the existing surface of the wall following removal of projecting elements. Dimensional problems are produced which violate the principles of restoration, and the additional weight of 5,000 lbs. per foot of wall creates foundation problems. This procedure is judged a poor bargain at a high cost.

(c) Buttress Wall—In this concept a new wall would be constructed in front of and bonded to the existing wall to reinforce it. It would rest on its own foundation and be constructed of reinforced concrete faced with sandstone or marble to replicate the wall behind it.

The technique was set aside because it imposes dimensional changes to the architectural elevations which would not be simple to conceal, because it is neither "restoration" of the structure nor preservation of an historical monument, and because, structurally, an adequate, less expensive solution is available.

(d) Replacement Wall—The existing wall could be dismantled and replaced by a new wall incorporating reinforced concrete construction faced with sandstone or marble to the exact dimensions of the existing building. Again, this would mean the obliteration of the historical monument and replacement by a replica. It would also necessitate abandonment of offices along the wall for an extended period of time.

The most telling objection to this concept, however, is the complicated construction methods and tight control that would be necessary to accomplish the actual construction. A complex shoring system put in place as dismantling proceeded would require an intricate sequence of operations to prevent collapse of the work immediately involved and damage to interior spaces. Complicated construction means expensive construction. This and the hazard justify setting aside the technique.

D. Implementation

1. Structural repairs

If structural repairs are made, they should be carried out as a continuous operation proceeding from Wall 1 to Wall 7,[24] as indicated on the Projected Progress Schedule, Table 2. Walls 1 and 2 would be completed before proceeding to Wall 3, etc., so that the architectural restoration work could follow as soon as structural repair was accomplished, and a regular sequence of progress maintained. Walls 1 and 2 are chosen for initial work because fewer offices are in the South Wing adjacent to the west front wall. This would permit practical methods and procedures to be developed by the contractors and would achieve a smooth running operation before the work proceeded to the busy areas.

It is not anticipated that any rooms would have to be vacated, unless it was decided to adopt the poured slab technique for corner offices as previously described. This technique is unacceptable because its use disqualifies restoration.[25] Economy and certain structurally desirable characteristics accrue to the poured slab method of tying in the corners, but a structurally adequate alternative is available.

Working access to the walls would be via temporary ramps and bridges from a work and storage area in the southwest Capitol lawn (see Figure 1). The public would thus have unobstructed access to the Capitol and its terraces at all times.

2. Architectural restoration

Concurrent with structural repair operations a careful inspection must be conducted to establish the extent of necessary restoration and the proper sequence of operations. All dimensions necessary for shop drawings and models would be made and when structural repairs were finished the stonework operation would begin.

The experience gained by the test removal of paint, performed as part of this study, indicates that it will not be possible to completely remove the paint and paint stain without some damage to the stone. If, however, a degree of removal which results in an acceptable surface can be accomplished, restoration Scheme 2 could be adopted. Contractual agreements for the work could be written to permit a change to Scheme 2 if in the judgment of the responsible authorities the results of cleaning provide an acceptable finish.

3. Work scheduling

It is estimated that, with proper timing and phasing, the work can be accomplished in about three years with no single wall section being scaffolded for more than one year. The Projected Work Schedule, Table 2, indicates the general sequence and timing for the various operations.

The schedule shown is only one of many possible variations. Separate work operations can proceed concurrently and more than one wall can be operated upon at one time. This would be a matter of manpower and coordination; the final contract should include a network schedule. The schedule shown is presented as a reasonable approach.

A lead time of at least 6 months would be required for the preparation of plans and specifications, advertisements, and awarding of contract.

Footnotes at end of article.

E. COST ESTIMATE

Table 3 is a tabulation of estimated quantities and costs for Schemes 1 and 2, summarized as follows:

Scheme 1—Painted Sandstone $13,700,000.

Scheme 2—Exposed Sandstone $14,500,000.

Included are amounts for replacement of all windows, repair of existing roof slabs and old terrace walls, bird proofing, delays, funds for emergency repairs, and a contingency of 15%. Unit costs include an escalation factor. A liberal amount is included to cover full-sized trial method experiments which will be necessary to establish the best procedures during the early stages of the work, as well as retention of stone artists and experts to measure and make models for special carving and repair work.

The third Commission condition stipulates that "restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids". A cost plus contract with an "upset price" seems more realistic and could be obtained on a competitive basis.

FOOTNOTES

[1] **Figures are not reproduced in Record.**

[2] **1967 Ed., Sec. 7140.**

[3] **The M.M.=Modified Mercali Scale, is a measure of ground shaking, a value of 5 representing a shock felt by most people, with breakage of dishes, windows and plaster.**

[4] **Ibid., Sec. 2314.**

[5] **See *"Design of Foundations for Buildings"*, by S. M. Johnson and T. C. Kavanagh, pages 135 and 136.**

[6] Glenn Brown, *"History of the Capitol,"* page 37.

[7] **Ibid., pages 42–43.**

[8] **Mudd Report, (1849), *"Documentary History of the Capitol."***

[9] **See Appendix A for field reports, and data developed from this work.**

[10] A rubble foundation wall. See Appendix A, Section 6 for contract plans which show exact locations of grout holes and test cores.

[11] Ibid., Section 1.

[12] Including the fact that one of the face stones was granite rather than sandstone.

[13] See Specification, Appendix A, Section 6.

[14] Water: Cement, by volume.

[15] Water: Cement: Sand, by volume.

[16] See Appendix A for computations and soils data.

[17] Damaged areas are shown on Figs. 12–15, and repair details are shown on Figs. 20–21.

[18] In this case, removal of upper elements will not endanger vaulting below.

[19] Orin M. Bullock, Jr., A.I.A., *"The Restoration Manual"*, (1966)

[20] The use of East Face stone is not prevented by the fact that a painted finish is used. Its limited supply is simply removed as a factor.

[21] Painting restores the surface to a condition it enjoyed for 150 years as did the White House, recently restored in similar fashion.

[22] This material can be cut from East Front stone presently stored at two sites: The Capitol Power Plant Yard and Rock Creek Park.

[23] *Documentary History of the Capitol.*

[24] For wall designations see Figures 2 to 6.

[25] See page 1 of this report-Commission condition No. 2.

THE PRESIDENT'S ANTIBUSING PROPOSALS

Mr. SPONG. Mr. President, last Friday I issued a statement regarding the antibusing proposals which the President announced on Thursday night and sent to Congress on Friday.

As I noted in that statement, I believe that the proposals contain some commendable recommendations, but I regret that consolidation cases are not specifically included in the requested moratorium legislation, and I am not satisfied that the bills, as proposed, eliminate the hyprocritical distinction between de facto and de jure segregation. Consequently, I shall explore these two facets of the recommendations as they are considered in Congress.

In the meantime, I ask unanimous consent that my statement of Friday, March 17, be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Spong

I am pleased that the President has sent to Congress a message on the busing of public school children. For almost two years, I have been calling upon all levels of the federal government to join together in an effort to clarify the existing confusion over busing—over what is and is not required by the Constitution, over what is and what is not educationally sound. And, I have been calling for a policy which will be applied uniformly throughout our nation, which will eliminate the superficial distinction between *de facto* and *de jure* segregation and which will mean the same thing in Boston and Chicago that it means in Richmond or Norfolk or Charlotte or Atlanta.

The legislation which was sent to Congress today did not specifically include a moratorium on implementation of consolidation cases. I am aware that the "Student Transportation Moratorium Act of 1972" which the Administration proposed, can be interpreted as precluding consolidation orders because of the anti-busing provisions it carries. It is, however, significent that legislation adopted by the Senate earlier this month contained a specific provision staying consolidation cases. If the conference report on that legislation does not include provision for staying consolidation cases, I will offer such a provision as an amendment to the proposals made by the President.

This morning, I attended a briefing conducted by the Secretary of Health, Education, and Welfare. I appreciate the thrust of much of what he was proposing and the fact that the Secretary, in response to a question I asked, replied that the Richmond case was "one of the more obvious possible situations" where the Justice Department might intervene as the President indicated last night and as I had urged in a February 22 letter to him. I am, however, distressed that there is apparently no immediate relief in this legislation for Richmond, for Norfolk, for Charlotte, for Nashville, for those many cities of the South where there is massive busing of public school students, where school districts with great education needs are being forced to divert funds from educational endeavors to transportation, where there are burdens of finance and inconvenience and where there is more desegregation than in many areas of the North and West. I am distressed that there is no imminent relief for those cities because there is immediate relief for the cities of the North, where there would be, under this legislation, little busing despite the fact that there is more racial isolation than in the Southern cities I have mentioned.

This is not to say that the legislation is without positive features. There are, as a matter of fact, a number of provisions which I believe are long overdue.

First, the legislation recognizes that massive enforced busing to achieve racial balance is counterproductive and generally fails to accomplish its stated purpose of providing equal educational opportunity for all children.

Secondly, it recognizes that the neighborhood school, on the elementary level, is the appropriate basis for the assignment of school children.

Thirdly, it recognizes that the courts have not clearly and consistently determined exactly what steps must be taken in order to dismantle a dual school system and what constitutes a unitary school system.

Fourthly, this legislation seeks to remove a number of inequities among our schools and school systems, and it permits funds to follow a disadvantaged child wherever he may be attending school.

On the other hand, the legislation could be improved. While I am opposed to the massive enforced busing of public school children to achieve a racial balance, I believe we should make every effort to see that every child in this nation has an assured right to education in a good school. For this reason, I have long felt that use of a majority to minority transfer provision was desirable. Under that, any child in a school in which his race was in a majority could transfer to one in which his race was in a minority. While this procedure is mentioned in the legislation, I wish more emphasis had been placed upon it and more encouragement given to it.

Secondly, there is the continuing matter of the superficial distinction between *de facto* and *de jure* segregation. On February 22 I wrote a letter to the President. That letter and his messages and proposals seem to have much in accord. But an analysis of the language of the legislation which has been sent to Congress fails to assure me that the legislation will insure that the same requirements are placed upon Boston, New York, Detroit, and Chicago as are placed upon Richmond and Norfolk and other cities in my State and throughout the South. And, until the same requirements are placed upon all, I believe that desegregation policies continue to discriminate against one section of our nation, that they continue to place upon the citizens of that area burdens of finance and inconvenience that are not placed upon citizens in other sections, where there is more racial isolation. Furthermore, I believe that the dual desegregation policies approach a denial of the equal protection of the laws for the residents of that section of the country, whether they be black or white, rich or poor, advantaged or disadvantaged. And, until there is legislation to rectify that situation, legislation to treat all areas of the nation alike, there can be no final resolution to this pressing domestic issue. There are, in my mind, serious questions as to whether or not this proposed legislation would, in fact, treat all sections of our country the same. I am confident this matter will be pursued in Senate hearings.

SCALPING THE FIRST AMENDMENT: PART THREE "MONEY TALKS OR WHAT'S FAIR IS FAIR"

Mr. MOSS. Mr. President, why is it that whenever a breath of fresh air emerges from a regulatory agency the White House reacts instinctively as if it had been assaulted by a stink-bomb?

And why is it that the administration's sole apparent concern with protecting the first amendment lies in its solicitude for the sellers of soap suds?

The Federal Trade Commission has proffered a modest and, in my judgment, sound proposal urging its sister agency, the FCC to provide limited access to the broadcast media for counter-advertising, including some free time.

Let us be clear about what the FTC has and has not proposed. The FTC has not asked for an "equal time" right of consumer and environment groups to counter the express or implicit claims of all advertising. It has proposed a limited responsibility on broadcasters to provide, for example, a brief segment of prime time on occasion, during which the broadcaster will provide access for paid, as well as unpaid, responsible counter ads.

The FTC's premises are hardly remarkable: Advertisers pay $3.6 billion a year to tell the public what they want us to hear about their products. Because of its unique position, both as a publicly licensed medium of communication and as the most powerful medium of communication, it has never been our national policy to limit the broadcast channels to the highest bidder.

We have come increasingly to recognize that advertisements are much more than simple adjuncts to the commercial marketplace. Television advertising, to succeed, must sell ideas as well as products or services. They must convince us of the need for the product, of its safety, of its social utility. It must convince us that consumption or use of the product will not bring more harm to our society and our environment than good, and they must convince us in general that an upward spiral of increased consumption serves the ultimate good of society.

Maybe; maybe not. In any event there is an increasing number of careful and informed critics who are prepared to argue both generally and specifically that the ideas explicit and implicit in many ads are unsound, unsupported by scientific evidence, or counterbalanced by significant facts, including enormous hidden social and environmental costs.

Curiously, the FTC proposal arises from an admirable sense of constitutional conservatism on the part of the Trade Commission. Chairman Kirkpatrick is plainly reluctant to pursue a course of regulatory censorship of advertising, beyond traditional areas of perception and misrepresentation. The Commission could seek to restrain the public airing of commercials which contain claims of disputed scientific certitude. But the Commission believes that it is far more in keeping with our traditions of free speech, as embodied in the first amendment, to enrich the marketplace of ideas by providing the public with access to differing points of view.

Predictably the White House, speaking for its monied constituents, once again proceeded to jump down the Commission's throat. Mr. Clay T. Whitehead, Director of the Office of Tele-communications Policy, readily attacked the FTC's proposal as irresponsible and unworkable and an effort by the FTC to pass the buck of effective regulation to the FCC. The White House, thereby, echoed the predictable outcrys emanating from advertisers and broadcasters.

Mr. Whitehead told the Colorado Broadcasters Association that the job of guarding abuses and excesses of broadcast advertising should be left to self-regulation by broadcasters and advertisers. One wonders just how far self-regulation would succeed when a broadcaster is faced with the choice of an irresponsible paid ad for a polluting widget and a scientifically solid unpaid counter-ad prepared by a public interest scientists' group, calling attention to the dangers of widget pollution?

I would think that advertisers, confident of the value of their products, would welcome the interest and excitement which could be generated by counter advertising. We might even generate a renaissance of competition for quality and price and maybe instead of imaginary consumers, more often than not put to sleep by commercials, buyers may be stimulated to pay attention to ads. Counter ads might bear such intriguing openers as: "Nice points to watch for in detergent ads." Or, "What do you pay for in a brand name?" Or, "Is buffering worth a plugged nickel in a headache remedy?" Or, "Is there any medical need for a feminine hygiene deodorant?" Or, "What, if any, are the differences between gasoline brands?" Or, "Will sugar rot your teeth?" Or, "Will reliance on headache powders and tension relievers lead to indiscriminate pill-popping?" Or, "The ecological costs of whiter than white wash."

Who knows, despite the fears of the White House, the public might become more informed and alert to the choices which citizens are going to have to make, if their society and their environment is going to be preserved.

But meanwhile the White House continues to redefine the first amendment. As I read Mr. Whitehead and his colleagues, the first amendment now reads as follows:

> The public is entitled to access only to the best opinions money can buy. Paid advertisements must not be "cluttered up" with contrary facts. As for the first amendment in television, soap suds spiels are vigorously protected from contradiction. Indeed they are fully entitled to be as free from criticism as the utterances of the President.

What is Office of Telecommunications policy? Did the Congress create it? Does the Constitution provide for it? Then, what is its role? For whom does it speak? Mr. President, these are very disturbing questions which have arisen of late.

It appears that although the Congress created the Federal Communications Commission to regulate the airwaves, and we gave the President the power to appoint, with advice and consent, the Commissioners, and to set budgetary priorities of the agency, the President has now seen fit unilaterally to preempt the intent and will of the Congress.

I welcome the President's speaking out on matters affecting the American people. But to institutionalize a "Monday morning quarterback" for a legislatively created independent regulatory agency, is to toll the death bells for all regulatory agencies.

Although the Congress, through the Commerce Committee has prodded the FCC to act on cable television, for instance, the Office of Telecommunications Policy has stepped in and preempted the FCC. Now, the Federal Trade Commission has offered an interesting and positive contribution to the Federal Communications Commission, but even before as much as an acknowledgment from the FCC, the Office of Telecommunications Policy has issued its negative decree.

Mr. President, I intend to offer an amendment at the appropriate time during Senate consideration of the Executive budget, to preclude the expenditure of funds for the institutionalization of White House super agencies which interfere with the functions of the independent regulatory agencies.

Independent regulatory agencies need independence. The Commissioners are appointed by the President. They are approved by the Senate. Congress supervises the functions of the agencies through oversight hearings. The judiciary reviews the decisions of the independent regulatory agencies. A White House office meddling in the affairs of the independent regulatory agencies is tantamount to the destruction of our system of checks and balances.

Mr. President, I ask unanimous consent that several documents on the subject be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[Before the Federal Communications Commission, Washington, D.C.]

STATEMENT OF THE FEDERAL TRADE COMMISSION

In the Matter of The Handling of Public Issues Under the Fairness Doctrine and the Public Interest Standards of the Communications Act—Docket No. 19260.

(Part III: Access to the Broadcast Media as a Result of Carriage of Product Commercials.)

A. INTRODUCTION

The Federal Trade Commission submits this statement to the Federal Communications Commission as an expression of its views with regard to Part III of the FCC's Notice of Inquiry concerning the Fairness Doctrine, *i.e.*, that part of the inquiry entitled "Access to the Broadcast Media as a Result of Carriage of Product Commercials".

As an agency with substantial responsibility for and experience with the regulation of advertising practices and the development and enforcement of official policy respecting the impact of advertising upon the economy, the Federal Trade Commission believes that it has information and views that are relevant to this proceeding, specifically with regard to the economic nature and market impact of broadcast advertising and with regard to appropriate governmental responses to these aspects of advertising. The following comments express the Commission's support for the developing concept of "counter-advertising", or the right of access, in certain defined circumstances, to the broadcast media for the purpose of expressing views and positions on issues that are raised by such advertising. Although the Commission recognizes the potential complications and various difficult problems with regard to implementation and possible ultimate effects, the Commission is of the view that some form of access for counter-advertising would be in the public interest.

None of the comments contained in this statement should be construed to indicate the Commission's views or position with regard to any issue involved in any adjudicative matter. Indeed, this presentation is based on policy considerations, and avoids specific examples of the general points conveyed in order to prevent any possible prejudgment of cases before the Commission in an adjudicatory posture.

B. MAGNITUDE OF THE PROBLEM

While much has been said in submissions by other parties concerning the social and cultural impact of broadcast advertising upon the national character, relatively little attention has been paid to the economic role of advertising and its proper place as a pro-competitive and pro-consumer force in a free enterprise economy. It is, however, from this latter perspective that the Federal Trade Commission approaches the question of determining a responsible, effective governmental posture vis-a-vis broadcast advertising. While others have sought additional or different access rights premised upon a social or cultural view of advertising, such considerations are beyond the scope of this statement.

It would be difficult to overstate the significance of the advertising mechanism in the modern free enterprise economy. To a society that values highly individual choice, the maximization of consumer welfare, and technological progress, fair and effective advertising must be of critical importance. The technique of advertising permits producers to speak directly to purchasers concerning these major economic decisions. This opportunity enables the consuming public to be sufficiently informed of the range of available options to be in a position, without external aid, to define and protect their own interests through marketplace decision-making. Advertising further provides sellers both a vehicle and an incentive for the introduction of new products and new product improvements.

It is beyond dispute that for a host of consumer goods, broadcast advertising plays a predominant role in the marketing process. In 1970, advertising expenditures in this country totaled almost $7 billion, or approximately $115.00 per family in the United States. $3.6 billion of this sum, or about $60.00 per household, was devoted to broadcast advertising. The vast bulk of all broadcast advertising—$3.2 billion, or $52.00 per family—was television advertising.

Broadcast advertising is dominated by a relatively few major companies. In 1970, fewer than 100 firms accounted for 75% of all broadcast advertising expenditures. Ten firms were responsible for over 22% of all broadcast advertising expenditures, and the comparable figure for television advertising is even higher.

The top ten television advertisers spent almost one-quarter of the money spent for television advertising; the top five alone accounted for over 15%. Moreover, more than half of all TV broadcast advertising expenditures were accounted for by five product categories—food, toiletries, automotive products, drugs, and soaps and detergents—and the figure would have been even higher had cigarette advertising been included. Significantly, sales presentations for these products often raise issues, directly or implicitly, that relate to some of the nation's most serious social problems—drug abuse, pollution, nutrition and highway safety.

Much of advertising is truthful, relevant, tasteful and—taken as a whole—a valuable and constructive element in this nation's free competitive economy. On the other hand, it is widely asserted that advertising is capable of being utilized to exploit and mislead consumers, to destroy honest competitors, to raise barriers to entry and establish market power, and that there is a need for government intrusion to prevent such abuses.

It is plain that television is particularly effective in developing brand loyalties and building market shares. The careful combination of visual and sound effects, special camera techniques, the creation of overall moods, and massive repetition can result in a major impact upon the views and habits of millions of consumers. Thus, television has done more for advertising than simply providing animation to the radio voice; it has added a new dimension to the marketing process."[1]

Finally, advertising today is largely a one-way street. Its usual technique is to provide only one carefully selected and presented aspect out of a multitude of relevant product characteristics. Advertising may well be the only important form of public discussion where there presently exists no concomitant public debate. At times, this way produce deception and distortion where the self-interest of sellers in disclosure does not coincide with the consumer's interest in information.

All of these elements of the modern-day advertising mechanism combine to endow broadcast advertising with an enormous power to affect consumer welfare.

C. THE ROLE OF THE FEDERAL TRADE COMMISSION IN ADVERTISING REGULATION

As a matter of first priority, the FTC is committed to a program designed to remedy the dissemination of false advertising. Ads that are false or misleading clearly possess the potential of conveying misinformation, distorting resource allocations, and causing competitive injury. The FTC is empowered to proceed against such advertising and constantly strives to do so, primarily by means of administrative litigation, seeking various remedies that will vitiate the effects of the challenged deception.

It is important, however, to recognize two limitations upon litigation as a tool in the regulation of deceptive advertising. First, litigation is generally a lengthy and very costly device for the resolution of conflicts and in many instances cannot be successfully concluded until the damage has been done. Further, the Commission's resources are far too small to permit a formal challenge to every case of deception coming to its attention, and we may select priorities that result in our neglect of some important instances of advertising abuse. Second, the litigation process may be a relatively unsatisfactory mechanism for determination of the truth or accuracy of certain kinds of advertising claims. As suggested below, some advertising is based on "controversial" factual claims and opinions, and litigation may fail to resolve the controversies involved.

The FTC has recently undertaken to utilize a supplementary tool for the encouragement of truth-in-advertising. This technique is the systematic use of information-gathering and public-reporting authority under Section 6 of the FTC Act, in the form of a program of submission, by all advertisers in selected major industries, of substantiation for advertising claims, for evaluation and use by the general public. While this program alleviates some of the shortcomings of litigation, it is nevertheless subject to two major limitations. First, this particular program can deal effectively with only those claims that purport or appear to be "objectively verifiable", *i.e.*, claims which, if set forth carefully, must be based on and supported by laboratory tests, clinical studies, or other fully "adequate" substantiating data. Second, this program also is limited by the extent of available resources. Even if the program succeeds in its expressed goal of seeking and then screening substantiating data with respect to a different product line each month, it will not reach most of the broadcasting advertising that appears each broadcast season.

In addition to being truthful, it would be desirable for advertising to be "complete" in the sense that it makes available all essential pieces of information concerning the advertised product, *i.e.*, all of the information which consumers need in order to make rational choices among competing brands of desired products. Where the advertising for a particular product fails to disclose the existence of a health or safety hazard involved in the use of the product, or where it fails to provide some other "material" informational element in a circumstance in which such nondisclosure results in a misleading impression concerning the advertised product, the FTC is empowered to require clear and conspicuous disclosure of the relevant warning or other information, through litigation and/or rulemaking procedures. Moreover, failure to disclose performance or quality data in a manner that would facilitate comparison of the value of all competing brands is also within the power of the FTC to correct, at least in those circumstances in which the nondisclosure denies to consumers the kind of information which is found essential to the proper use of the advertised product.

The FTC's efforts to foster "completeness" by means of such disclosures is subject to two impediments. First, required disclosures must compete for consumer attention with the advertiser's own theme and message. Given the limitations of short commercials, it is usually impossible to require inclusion of the entire range of material information which consumers need and should have for intelligent shopping.[2] Second, the FTC's efforts are necessarily aimed at imposing disclosure requirements upon advertisers who may believe their self-interest is hindered by the dissemination of the information in question. In such cases, one cannot expect the disclosures to be presented as clearly or effectively as would be the case of presentations by advocates who believe in the information and want it to be used by viewers and consumers.

D. THE ROLE OF COUNTERADVERTISING

The Commission believes that counter-advertising would be an appropriate means of overcoming some of the shortcomings of the FTC's tools, and a suitable approach to some of the failings of advertising which are now beyond the FTC's capacity. While counter-advertising is not the only conceivable technique, regulatory or otherwise, for ameliorating these problems, it may the least intrusive, avoiding as it does the creation of additional governmental agencies or further direct inhibitions on what advertisers can say. Counter-advertising would be fully consistent with, and should effectively complement, the enforcement policies and regulatory approaches of the FTC, to foster an overall scheme of regulation and policy which would deal comprehensively with many important aspects of advertising, to insure with greater certainty that advertising serves the public interest.

Any attempt to implement a general right of access to respond to product commercials must allow licensees a substantial degree of discretion in deciding which commercials warrant or require access for a response. Certainly, it is implicit in the foregoing discussion that not all product commercials raise the kinds of issues or involve the kinds of problems which make counter-ads an appropriate or useful regulatory device. It is equally clear, however, that the licensee's discretion should be exercised on the basis of general rules and guidelines which should, *inter alia*, specify the general categories of commercials which require recognition of access rights.

The FTC believes that certain identifiable kinds of advertising are particularly susceptible to, and particularly appropriate for, recognition and allowance of counter-advertising, because of characteristics that warrant some opportunity for challenge and debate. Such an opportunity has not been afforded sufficiently by means of broadcast news or other parts of programming, and it is unlikely that it will or can be so afforded by such means at any time in the future. Hence, it is believed that challenge and debate through counter-advertising would be in the public interest with respect to the following categories of advertising:

1. *Advertising asserting claims of product performance or characteristics that explicitly raise controversial issues of current public importance*

Many advertisers have responded to the public's growing concern with environmental decay by claiming that their products contribute to the solution of ecological prob-

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Footnotes at end of article.

lems, or that their companies are making special efforts to improve the environment generally. Similar efforts appear with respect to the public's concern with nutrition, automobile safety, and a host of other controversial issues of current public importance. While other approaches could, of course, be devised, the most effective means of assuring full public awareness of opposing points of view with regard to such issues, and to assure that opposing views have a significant chance to persuade the public, is counter-advertising, subjecting such issues to "free and robust debate" in the marketplace of ideas.

The FCC has apparently already recognized the existence of Fairness Doctrine obligations with regard to this category of advertising.[3] Hence, there is no need for further discussion at this point.

2. Advertising stressing broad recurrent themes, affecting the purchase decision in a manner that implicitly raises controversial issues of current public importance

Advertising for some product categories implicitly raises issues of current importance and controversy, such as food ads which may be viewed as encouraging poor nutritional habits,[4] or detergent ads which may be viewed as contributing to water pollution. Similarly, some central themes associated by advertising with various product categories convey general viewpoints and contribute to general attitudes which some persons or groups may consider to be contributing factors to social and economic problems of our times. For example, ads that encourage reliance upon drugs for the resolution of personal problems may be considered by some groups to be a contributing cause of the problem of drug misuse. Counter-advertising would be an appropriate means of providing the public with access to full discussion of all of the issues raised by the above types of advertising, thus shedding light upon the perceived effects of advertising upon societal problems.[5]

3. Advertising claims that rest upon or rely upon scientific premises which are currently subject to controversy within the scientific community

Some products are advertised as being beneficial for the prevention or cure of various common problems, or as being useful for particular purposes because of special properties with regard to performance, safety and efficacy. For example, a drug may be advertised as effective in curing or preventing various problems and ailments. A food may be advertised as being of value to various aspects of nutritional health or diet. A detergent or household cleanser may be advertised as capable of handling difficult kinds of cleaning problems.

Such claims may be based on the opinions of some members of the scientific community, often with tests or studies to support the opinions. The problem with such claims is that the opinions on which they are based are often disputed by other members of the scientific community, whose opposing views are based on different theories, different tests or studies, or doubts as to the validity of the tests and studies used to support the opinions involved in the ad claims.

If an advertiser makes such a claim in a manner that implies that the claim is well-established and beyond dispute, when in fact the claim is currently subject to scientific controversy, the advertiser probably would be guilty of deceptive advertising, and the FTC is empowered to take formal action to eliminate the deception. However, counter-advertising could be a more effective means of dealing with such cases. For example, formal government action against such claims might, on occasion, unfortunately create the misimpression of official preference for one side of the controversy involved in the advertising. Counter-advertising would permit continued dissemination of such claims while subjecting them to debate and vigorous refutation, providing the general public with both sides of the story on the applicable issues. Such debate and discussion would be a useful supplement to a continued FTC concern with other forms of abuse of advertising in this general category.

4. Advertising that is silent about negative aspects of the advertised product

We have noted some shortcomings of the FTC's efforts to foster "completeness" by imposing disclosure requirements. In these and other circumstances, the FTC believes that counter-advertising would be a more effective means of exposing the public to the negative aspects of advertised products. This is especially true for situations in which there is an open question as to the existence or significance of particular negative aspects.

For example, in response to advertising for small automobiles, emphasizing the factor of low cost and economy, the public could be informed of the views of some people that such cars are considerably less safe than larger cars. On the other hand, ads for big cars, emphasizing the factors of safety and comfort, could be answered by counter-ads concerning the greater pollution arguably generated by such cars. In response to advertising for some foods, emphasizing various nutritional values and benefits, the public might be informed of the views of some people that consumption of some other food may be a superior source of the same nutritional values and benefits. In response to advertising for whole life insurance, emphasizing the factor of being a sound "investment," the public could be informed of the views of some people that whole life insurance is an unwise expenditure. In response to advertising for some drug products, emphasizing efficacy in curing various ailments, the public could be informed of the views of some people that competing drug products with equivalent efficacy are available in the market at substantially lower prices.

This list of examples could go on indefinitely, for the existence of undisclosed negative aspects, or "trade-offs" of one sort or another, is inherent in all commercial products and thus in all advertising. Rather than forcing all advertisers to disclose all such aspects in all of their own ads, it is more efficient and more effective to provide for such disclosures, to the maximum extent possible, through counter-advertising.

E. IMPLEMENTATION OF THESE PROPOSALS

While adoption of these suggestions may impose additional economic and social costs, the extent of such costs will largely depend on the mode of implementation. The FTC does not possess the expertise to speak definitely on this point, but it would appear that adoption of a variety of procedures and limitations could minimize the costs involved in these proposals, to a point where the countervailing public benefit far exceeds any loss.

For example, the Commission recognizes that it may be desirable to impose strict limits upon access rights within each category. In addition to limitations on the frequency and duration of replies in each category, it might be appropriate to prohibit replies to particular ads (as opposed to all advertising for certain product categories), at least for some types of advertising problems.

For example, with respect to the problems and issues raised by general ad themes, it might be appropriate to require replies to apply to all advertising involving the theme or product in question, rather than being aimed at one particular ad or one particular brand. Such a limitation, however, would be inappropriate with regard to some other categories, such as "public issue" ads, that explicitly raise controversial issues of current public importance in connection with the marketing of particular brands.

Further, it is not essential that counter-advertising be presented in the 30 or 60 second spot format so frequently utilized for commercial advertisements. In fact, that procedure might unacceptably increase either the cost of commercial advertising, thereby possibly raising barriers to entry into some consumer goods industries, or the percentage of broadcast time devoted to disconnected spots, thereby increasing the proportion of broadcast time devoted to selling and decreasing the proportion devoted to programing and entertainment. While there is reason to doubt that regular news or public service programs can effectively serve the counter-advertising function, short spots are not necessarily the only alternative. For instance, licensees might make available on a regular basis five minute blocks of prime time for counter-advertisements directed at broad general issues raised by all advertising involving certain products, as a way of fulfilling this aspect of their public service responsibilities.

Beyond these general considerations, it is only appropriate that the Federal Trade Commission defer to the Federal Communications Commission on questions that relate to the more precise mechanics of implementing the concept of counter-advertising. That these proposals are workable does, however, seem clear both from a review of prior FCC experience with application of the Fairness Doctrine to cigarette ads and from the submissions in this proceeding by those versed in the mechanics of implementing access rules. We do, however, urge that the following points be embodied in any final plan:

1. Adoption of rules that incorporate the guidelines expressed above, permiting effective access to the broadcast media for counter-advertisements. These rules should impose upon licensees an affirmative obligation to promote effective use of this expanded right of access.

2. Open availability of one hundred percent of commercial time for anyone willing to pay the specified rates, regardless of whether the party seeking to buy the time wishes to advertise or "counter" advertise. Given the great importance of product information, product sellers should not possess monopolistic control by licensees over the dissemination of such information, and licensees should not be permitted to discriminate against counter-advertisers willing to pay, solely on account of the content of their ideas.

3. Provision by licensees of a substantial amount of time, at no charge, for persons and groups that wish to respond to advertising like that described above but lack the funds to purchase available time slots. In light of the above discussion, it seems manifest that licensees should not limit access, for discussions of issues raised by product commercials, to those capable of meeting a price determined by the profitability of presenting one side of the issues involved. Providing such free access would greatly enhance the probability that advertising, a process largely made possible by licensees themselves, would fully and fairly contribute to a healthy American marketplace.

FOOTNOTES

[1] Television is now "an intimate part of most people's lives and is a major factor in affecting their attitudes, in bringing them information, and in setting their life styles." White House Conference Report on Food, Nutrition and Health, p. 2. See *Banzhaf* v. *F.C.C.*, 405 F.2d 1082 (D.C. Cir. 1968), *cert. denied*, 396 U.S. 842 (1969):

"Written messages are not communicated unless they are read, and reading requires an affirmative act. Broadcast messages, in contrast, are 'in the air' . . . It is difficult to calculate the subliminal impact of this pervasive propaganda, which may be heard even if not listened to, but it may reasonably be thought greater than the impact of the written word." 405 F.2d at 1100–01.

See also *Capital Broadcasting Co.* v. *Mitch-*

ell, Civ. Action No. 3495–70 (D.C. Cir., Oct. 14, 1971), upholding the constitutionality of the Congressional ban on broadcast advertising of cigarettes.

[2] The average 30 second spot contains only one major selling point. Yet the consumer may wish to make his or her choice with regard to many products on the basis of a potential multitude of relevant characteristics. See Testimony of Thomas C. Dillon, Hearings on Modern Advertising Practices Before the Federal Trade Commission, October 22, 1971, p. 322, 343. (All citations from the Hearings on Modern Advertising Practices are from the uncorrected transcript, and may be supplemented or contradicted by other testimony appearing elsewhere in the transcript.)

[3] See *In re Complaint of Wilderness Society, Friends of the Earth, et al.* (Esso), 31 F.C.C. 2d 729 (September 23, 1971); see also Letter to National Broadcasting Co., et al. (Chevron), 29 F.C.C. 2d 807, p. 7, n. 6 (May 12, 1971).

[4] The White House Conference Report on Food, Nutrition and Health, page 179: "The gaps in our public knowledge, along with actual misinformation, carried by some media are "contributing seriously to the problem of hunger and malnutrition in the United States." The Conference Report noted that some commercial messages in food advertising which purport to be educational are in fact counter-educational: "No other area of the national health probably is as abused by deception or misinformation as nutrition." The report urged that action be taken to require corrective information to the public concerning any prior deceptive advertising. "This action is necessary to counteract the tremendous counter-education of our children by false and misleading advertising of the nutritional value of foods, particularly on television."

[5] Support for the application of Fairness Doctrine rights to this general category of advertising can be found in *Friends of the Earth* v. *FCC*, Dkt. 24,566 (D.C. Cir., Aug. 16, 1971): "Commercials which continue to insinuate that the human personality finds greater fiulfillment in the large car with the quick getaway do, it seems to us, ventilate a point of view which not only has become controversial but involves an issue of public importance. When there is undisputed evidence, as there is here, that the hazards to health implicit in air pollution are enlarged and aggravated by such products, then the parallel with cigarette advertising is exact and the relevance of Banzhaf incapable."

NEW DEVELOPMENTS IN ADVERTISING AND MARKETING LAW

(Remarks of Miles W. Kirkpatrick, Chairman, Federal Trade Commission, February 28, 29, 1972)

Over 100 years ago John Stuart Mill observed that "Not the violent conflict between parts of the truth but the quiet suppression of half of it, is the formidable evil; there is always hope when people listen to both sides; it is when they attend only to one that errors harden into prejudices, and truth itself ceases to have the effect of truth by being exaggerated into falsehood."

Mill's observation contains the essence of the Federal Trade Commission's recent counter-advertising Statement. It is to that Statement that I would like to address my remarks today.

The Statement was filed on January 6, 1972, in response to the Federal Communications Commission's notice of inquiry titled: In the Matter of the Handling of Public Issues Under the Fairness Doctrine and the Public Interest Standards of the Communications Act,[1] Part III: Access to the Broadcast Media as a Result of Carriage of Product Commercials. In its Statement, the Commission set out the four basic economic facts which undergird our indorsement of the concept which has become known as "counter-advertising." First, advertising plays a significant role in the maintenance of our free economy. Second, broadcast advertising—some $3.6 billion a year—represents a large quantum of economic power. Third, broadcast advertising—especially television advertising—is a uniquely effective method of getting across the advertiser's message. Fourth, television is a one-way street; despite broadcast advertising's enormous impact, no one but the advertisers gets to talk.

Having thus delineated the dimensions of the general economic situation, the Statement next discussed several limitations on the FTC's ability to deal effectively with all economic problems of broadcast advertising which may affect competition in consumer products. We cannot regulate it all because we lack the resources to do so. Even if we had unlimited resources, we should not regulate it all for the simple reason that not all of it—indeed relatively little of it—directly violates any laws enforced by the FTC.

Each advertiser is free to pick and choose among the many things he *could* say about his product to select the things he actually *does* say. Unless the advertiser by his selectiveness materially misleads the consumer, the Commission cannot second-guess the advertiser's emphasis. That leaves the consumer with an incomplete set of facts when he may wish to know more, or, indeed, needs to know more if he is to make a "rational" purchase decision.

In the heart of its Statement, the Commission said:

"The Commission believes that counter-advertising would be an appropriate means of overcoming some of the shortcomings of the FTC's tools, and a suitable approach to some of the failings of advertising which are now beyond the FTC's capacity. While counter-advertising is not the only conceivable technique, regulatory or otherwise, for ameliorating these problems, it may be the least intrusive, avoiding as it does the creation of additional governmental agencies or further direct inhibitions on what advertisers can say. Counter-advertising would be fully consistent with, and should effectively complement, the enforcement policies and regulatory approaches of the FTC, to foster an overall scheme of regulation and policy which would deal comprehensively with many important aspects of advertising, to insure with greater certainty that advertising serves the public interest.

"Any attempt to implement a general right of access to respond to product commercials must allow licensees a substantial degree of discretion in deciding which commercials warrant or require access for a response. Certainly, it is implicit in the foregoing discussion that not all product commercials raise the kinds of issues or involve the kinds of problems which make counter-ads an appropriate or useful regulatory device. It is equally clear, however, that the licensee's discretion should be exercised on the basis of general rules and guidelines which would, *inter alia*, specifiy the general categories of commercials which require recognition of access rights.

"The FTC believes that certain identifiable kinds of advertising are particularly susceptible to, and particularly appropriate for, recognition and allowance of counter-advertising, because of characteristics that warrant some opportunity for challenge and debate. Such an opportunity has not been afforded sufficiently by means of broadcast news or other parts of programming, and it is unlikely that it will or can be so afforded by such means at any time in the future. Hence, it is believed that challenge and debate through counter-advertising would be in the public interest with respect to [certain] categories of advertising."

The first category we proposed is *advertising asserting claims of product performance or characteristics that explicitly raise controversial issues of public importance*. This category, which, since 1967, has been treated by the courts and the FCC as requiring fairness doctrine treatment in certain cases,[2] comprehends ads raising explicitly such controversial issues of public importance as pollution and auto safety.

The second category is advertising stressing broad recurrent themes, which affect the purchase decision in a manner that implicitly raises controversial issues of current public importance. Here we mentioned, for example, food ads which may be viewed by some as encouraging poor nutrition habits. This category, too, has received at least implicit court approval.

A third category is advertising claims which rest upon or rely upon scientific premises which are currently subject to controversy within the scientific community. While the FTC is empowered to take formal action to eliminate deception resting on scientific claims, such action might create the unfortunate misimpression that the government has an official preference for one side of the controversy. Counter-advertising would avoid that governmental intrusion.

The fourth category is advertising which is silent about negative aspects of the advertised product. This category is self-explanatory.

That, then, is in summary our rather modest counter-advertising Statement. Today, I would like to add some perspective by discussing, and I hope, answering some of the comments which have been made about counter-advertising. In effect, I will attempt to demonstrate the utility of counter-advertising by engaging in some myself.

I would like to take up first the charge that the FTC is shirking its regulatory responsibilities by passing the buck to the FCC, and that one of the reasons we prefer conuter-advertising to our own regulation is because we feel ourselves unduly constrained by our procedures. Neither point is correct.

The FTC is empowered by law to put an end to unfair or deceptive advertising if it would be in the public interest to do so. We intend to continue to use this power to enforce the law as vigorously, rapidly, and effectively as we can. The purpose of counter-advertising is not to end false claims but to permit private groups and individuals in appropriate cases to dispute claims with which they disagree. Obviously, of course, there may be some situations in which a claim is susceptible of both FTC regulation and counter-advertising.

In a sense, that is the case now. Anyone can write a letter to the editor or print a leaflet or testify before a Congressional committee about advertising which he believes raises issues of explicit or implicit public controversy, rests on unresolved scientific premises, or fails to discuss negative aspects of a product. None of this activity is a substitute for FTC action in a proper case; rather, it complements FTC action. All that counter-advertising would do is permit one who wishes to comment on broadcast advertising to do so over the same airwaves which carried the ad in the first place.

The charge that we seek to abridge advertisers' procedural rights surprises me. Subjecting a respondent to a cease and desist order is of significant legal force; a cease and desist order carries serious penalties for violation and the FTC will continue to afford full procedural and substantive rights to all subject to its procedures. But to argue that no advertiser should be criticized, or commented upon, or discussed, or praised, for that matter, without due process of law, trivializes due process. Advertisers frequently comment on each other's products. That is called competition. Magazines and newspapers often praise or criticize ad campaigns. These are called editorials. But when we propose that the public be allowed to comment on TV about TV ads, we are charged with attempting to bypass our responsibilities. There may be some criticisms of substance of counter-advertising, but that certainly is not among them.

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[1] Docket No. 19260.

[2] *Television Station WCBS–TV*, 8 F.C.C. 2d 381 (1967), *aff'd Banzhaf* v. *FCC*, 405 F.2d 1082 (D.C. Cir. 1968), *cert. denied* 396 U.S. 842 (1969). *Friends of the Earth* v. *FCC, U.S.* App. D.C. —, — F.2d — (No. 24,566, August 16, 1971).

Let me emphasize, too, that we have *not* proposed an equal time doctrine. We did not suggest that each broadcast commercial should trigger a right to a free reply. We specifically and quite willingly, I might add, deferred to the FCC with respect to the mechanics and implementation of counter-advertising. We suggested that it might be appropriate for the FCC to prohibit in some categories replies to particular ads, allowing only general replies to all advertising for broad product categories. We recognized the necessity of strictly limiting the frequency, number, and duration of reply ads.

We did recommend that the FCC require that anyone who was willing to pay for time be permitted to buy it, and we recommended that the FCC require licensees to provide some free time to those unable to pay for it.

It has been said that, if implemented, counter-advertising would drive advertisers off the air because they would not wish to run their messages in the same medium which permits attacks upon them. This, our critics say, would bankrupt broadcasters and ultimately deprive the public of free TV. If this were truly so, I suppose Ford would never advertise on the same network as Chevrolet. But, more seriously, I am deeply concerned by the notion that the majority of advertisers are able or willing to play the game only if the rules free them from any disagreement. In the first place, all advertising involves at least the implication that a competitor's product is less desirable than one's own. Some ads expressly criticize the much maligned "Brand X" or even name the competing product. I see no reason why counter-advertising should be any more deleterious to Product X than ads by the maker of Product Y. Why, in any event, should an advertiser have the right to monopolize the consumer's attention by trumpeting the virtues of his product when a consumer who learned of an aspect undesirable to him might not buy it if the attention monopoly were ended?

Then it is said that the presence of counter-ads will create a Tower of Babel, a multiplicity of ads so great that no one will be able to sort out anything. As I have already mentioned, the FTC did not propose that the FCC require limitless counter-ads. On the contrary, we explicitly recognized the desirability of limits as to frequency, duration and number. For example, we made the modest suggestion that it might be appropriate to cluster the free time in one prime five minute block per week. Nor did our proposal contemplate that all individuals or groups be granted access. Rather, we were concerned with increasing the points of view to be accommodated. Not all licensees will grant free time to all counter-advertisers. It is enough that each licensee accommodate a few counter-advertisers.

But how, it is asked, will licensees, without risking the wrath of the FCC, sort out those who wish to counter-advertise and arrange them? How, I ask, do licensees select among the variety of public interest spots now available to them? Obviously, they exercise their best judgment, consistent with their obligation to further the public interest, convenience, and necessity. Since there has never been a license denial for failure to select wisely, I believe the broadcasters' continued best judgment will be quite adequate to the task of selecting counter-ads.

And, if the broadcasters select, how is the consumer to make any sense of the welter of ads and counter-ads? The answer depends on what a consumer is supposed to learn from counter-advertising. If a consumer is supposed to receive a flash of absolute revealed truth complete with breadth and depth of understanding, from an ad or a counter-ad, then one minute ads or counter-ads are clearly inadequate. Just as an ad for a product tries to catch a consumer's interest, give him a piece of information, and induce him to consider the advantages of a product, so a counter-ad should catch his interest, give him a piece of information, and induce him to consider other aspects of a product. The key is the word "consider." No product ad is a dissertation with footnotes. It is a prod to thought, a spur to action. Neither must a counter-ad answer all the consumer's questions. If it encourages him to reflect, to think twice, to weigh for himself, to seek more information, a counter-ad will have done quite enough.

Without belaboring the point, I think those who would protect the consumer from too much information do him a real disservice. No consumer can know everything about all products any more than any voter can know everything about all issues. With respect to the electorate, Thomas Jefferson said:

"I know no safe depositary of the ultimate powers of the society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion."

The analogy to counter-advertising is apt.

It has also been claimed that counter-advertising in broadcast advertising violates the first Amendment, because the First Amendment no more permits the government's requiring that material be broadcast than it permits the government's banning or censoring of broadcast material. Some broadcasters are saying that their right of free speech will be unconstitutionally burdened by requiring them to run counter-advertising. The trouble with this argument is that it ignores the question of whose First Amendment rights are at issue. As the Supreme Court held in *Red Lion:*

"It is the right of the viewers and listeners, not the right of the Broadcasters which is paramount. . . . It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolisation of that market, whether it be by the Government itself, or a private licensee. It is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here. That right may not constitutionally be abridged either by Congress or by the FCC." [3]

But it is further argued that requiring access to television unfairly discriminates against broadcasters as compared to other media which carry advertising. This argument, of course, ignores the differences between television and other media.[4] A consumer who watches television must take evasive action which would do credit to Snoopy as the Red Baron if he is to avoid all television commercials and still watch TV. As a practical matter, most people will agree that the television viewer is a member of the advertiser's captive audience.

We trade regulation lawyers are not often dealers in the First Amendment, but the concepts behind the antitrust laws and the First Amendment do seem to converge at counter-advertising. If I were a potential monopolist—of ideas or of goods—I would revel in a system which lets me speak and sell at will but barred all those who would speak with ideas rather than with competing products. It is against just such monopolization that counter-advertising is aimed.

Another criticism is that no one will be able to regulate the counter-advertisements because their ads will be protected by the First Amendment. Thus, it is argued, advertisers who are held by the FTC to ever more rigorous standards of veracity will be subjected to attack which may be totally untruthful and totally unregulated. While this argument has surface appeal, I believe it is misplaced. I think *New York Times Co.* v. *Sullivan* is authority for the proposition that the First Amendment will not protect those counter-advertisers whose falsehoods are delivered with "actual malice"—that is, when the counter-advertiser knows his statement is false or he acts with reckless disregard of whether his statement is false or not.

That leaves those who, through their innocent mistakes, deceive. In some instances such innocent misstatements would be constitutionally protected, although clearly this would not be the case for those counter ads that constitute purely commercial speech.[5] I believe that we should risk the possibility of a few such distortions in order to achieve the balancing benefits that an effective counter-advertising mechanism would create for the American consumer. While our case for counter-advertising does not rest upon First Amendment considerations, it is perhaps noteworthy that chancing the possibility of some innocent distortion by counter-advertisers is fully consistent with the First Amendment's purposes.

I do not find at all persuasive the arguments leveled at our Statement. Perhaps what is even more striking is that very critic has in effect said "Yes, but . . ." Actually, our fundamental proposition, *i.e.*, that broadened access rights for counter-ads may make sense as a matter of national economic regulatory policy, has gone virtually unchallenged. Instead, detractors have concentrated on alleged adverse side effects that would overwhelm the conceded good our proposal would accomplish.

For the reasons expressed in the original Statement, I continue to believe that Counter-Advertising would materially contribute to the goal of a healthy and informed marketplace. In short, I do not fear that our proposal would burn the barn to roast a pig. I am confident that, whatever the niceties of unsettled or disputed questions of law that bear on our proposal, the FCC and the Courts will fashion procedures in accordance with the public interest.

I had thought our counter-advertising Statement a small contribution to the FCC's inquiry about the fairness doctrine, and I still think so. The ensuing outcry has surprised me. Perhaps now that you have heard me out you will agree that the proposal is a reasonable one and one that deserves consideration.

In closing, let me say that reasonable men may, I suppose, differ as to the merits of the Federal Trade Commission's proposal. I would hope, therefore, that the matter will be made the subject of national discourse and reasoned examination. To quote from the remarks of a third learned gentleman of over one hundred years ago—"Men are never so likely to settle a question rightly as when they discuss it freely." Those are the words of Thomas Babington Macauley in 1830, equally descriptive, I suggest, of the purposes of counter-advertising as of the kind of discussion that should surround the consideration of that proposal.

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[3] *Red Lion Broadcasting Co.* v. *FCC,* 395 U.C. 367, 389 (1969).

[4] *Television Station WCBS–TV*, 8 F.C.C. 2d 381 (1967), *aff'd Banzhaf* v. *FCC,* 405 F. 2d 1082 (D.C. Cir. 1968), *cert. denied* 396 U.S. 842 (1969).

[5] *New York Times* v. *Sullivan,* 376 U.S. 254, 265–6 (1963).

Thank you.

FTC STATEMENT ON COUNTER-ADVERTISING

Last June, the F.C.C. issued a general "Notice of Inquiry" concerning "The Handling of Public Issues Under the Fairness Doctrine and the Public Interest Standards of the Communication Act," inviting all interested parties to submit their views concerning a number of changes being proposed in the principles governing access to broadcast media for discussion of public issues. the Broadcast Media as a Result of Carriage Part III of the inquiry concerns "Access to of Product Commercials." The Notice for this part invited comments concerning recent proposals for recognition and allowance of "counter-advertising," or the right of access to the broadcast media for the purpose of expressing views and positions on issues that are raised by commercial advertising.

In August, the United States Court of Appeals for the District of Columbia handed down a decision that has an important impact upon the issues involved in Part III of the F.C.C.'s inquiry. In *Friends of the Earth* v. *F.C.C.*[1], the court reversed the F.C.C.'s denial of a request for access to the broadcast media to respond to issues raised by commercials for automobiles and gasoline. In remanding the case for reconsideration by the FCC, the Court rejected the FCC's distinction between cigarettes on the one hand, for which counter-advertising was previously allowed, and automobiles and gasoline on the other, for which counter-advertising has not heretofore been permitted. This decision greatly increases the urgency and importance of this part of the F.C.C.'s general inquiry.

The F.T.C. considered itself to be an "interested party" in this part of the inquiry, in view of its central role in advertising regulation. The Commission believed that it had information and views of relevance to the inquiry, specifically with regard to the economic nature and market impact of broadcast advertising. Hence, it was deemed appropriate for the F.T.C. to submit a statement of its position concerning the general concept of counter-advertising.

Although the Commission recognizes the complications and problems with regard to implementation, the Commission is of the view that some form of access for counter-advertising would be in the public interest. This is so when broadcast advertising is viewed in the context of the contemporary marketing economy.

For a host of consumer goods, broadcast advertising plays a predominant role in the marketing process. Although it is, for the most part, truthful and useful, it is capable of being utilized to exploit and mislead consumers, to harm honest competitors, to raise entry barriers and establish market power. These are traditional concerns of the F.T.C., and the F.T.C. is committed to the control of these practices. However, the Commission's ability to meet these objectives is subject to three limitations: (1) litigation is generally a lengthy and costly device for resolving factual conflicts involved in advertising; (2) the Commission's limited resources preclude formal action against all significant advertising abuses; and (3) formal adjudication is an unsatisfactory mechanism for determining the truth or accuracy of some of the issues and controversies raised by advertising.

Counter-advertising may be an appropriate means of overcoming these limitations upon the F.T.C., and its feasibility as a suitable approach to some of the present failings of advertising which are now beyond the F.T.C.'s capacity should be explored. While it is not the only conceivable supplementary mechanism, it may be the least intrusive, avoiding any further direct inhibitions on what advertisers can say.

As indicated in its statement, the F.T.C. believes that certain identifiable kinds of advertising are particularly appropriate for recognition and allowance of counter-advertising, because of characteristics that warrant some opportunity for challenge and debate. Such advertising would include the following:

1. Advertising asserting claims of product performance or characteristics that *explicitly* raise controversial issues of current public importance.
2. Advertising stressing broad recurrent themes, affecting the purchase decision in a manner that *implicitly* raises controversial issues of current public importance.
3. Advertising claims that rest upon or rely on scientific premises which are currently subject to controversy within the scientific community.
4. Advertising that is silent about negative aspects of the advertised product.

The Commission is aware that any recognition of a general right of access to respond to product commercials will involve major complications with regard to implementation. It would appear so with respect to any new approach to the solution of this problem. The F.T.C. does not feel, however, that these complications should preclude exploration of this approach. The F.T.C. must naturally defer to the F.C.C. on all aspects of implementation. We do, however, offer a few general comments and suggestions. First, it is clear that the right of access must, of necessity, be substantially limited in scope and duration in order to be consistent with the continuation of a commercial broadcasting system. It is quite apparent that not all advertisements raise the kinds of issues or involve the kinds of problems that make counter-ads an appropriate or useful regulatory device. One way or another, licensees must be given some degree of discretion in deciding which commercials warrant a right of response.

In addition to limitations on the frequency and duration of counter-ads, it might be appropriate to prohibit replies to particular ads (as opposed to all advertising for certain product categories), at least for some types of advertising problems. Further, it is not essential that counter-advertising be presented in the 30 or 60 second spot format so frequently utilized for commercial advertisements. One possible alternative would be for licensees to make available, on a regular basis, five minute blocks of prime time for appropriate spokesmen of opposing points of view with regard to the issues raised by current advertising, as a way of fulfilling this aspect of their public service responsibilities.

Finally, the Commission urges that the following points be considered for adoption in any final plan for counter-advertising:

1. Adoption of rules and guidelines for determining which commercials warrant a right of response.
2. Open availability of 100% of commercial time for anyone willing to pay the specified rates, regardless of whether the party seeking to buy the time wishes to advertise or to "counter" advertise.
3. Provision by licensees of a substantial amount of time, at no charge, for persons and groups that wish to respond to advertising like that described above but lack the funds to purchase available time slots.

[From the Washington Post, Feb. 20, 1972]

ADMINISTRATION HITS FTC COUNTER-ADVERTISING PLAN

(By Carole Shifrin)

Clay T. Whitehead, one of President Nixon's top advisers on communications, last week turned his wrath on the Federal Trade Commission.

The target of Whitehead's criticism was an FTC proposal to the Federal Communications Commission that broadcasters be required to grant free air time to those who want to challenge commercial advertising claims.

In a speech to the Colorado Broadcasters Association, Whitehead, director of the White House Office of Telecommunications Policy, charged the FTC with shirking its responsibility of monitoring false advertising and, instead, passing the buck to the FCC.

Atlhough it has adequate regulatory tools to do what it is supposed to do, Whitehead charged, "the Trade Commission would like to bring the FCC into the process and bypass the difficult job of making factual determinations concerning advertising deception.

"The FTC is constrained by all sorts of procedures which safeguard the rights of advertisers accused of deception," he said. "It is much easier to subject the suspect advertiser to a verbal stoning in the public square, but is it responsible for a government agency to urge this type of approach? This administration thinks not."

Whitehead also called the proposal unworkable—one which could produce "a bewildering clutter of personal opinions thrust before consumers every time they turn on their radios and TVs."

Whitehead's attack is only the latest in the growing controversy over the FTC proposal.

The agency says advertising has largely been a "one-way street" with all the air time and money in the hands of major corporate advertisers. The public would be served if broadcasters were required to make available "a substantial amount of time" free to those who want to "counter" advertising claims involving controversial issues such as pollution, the FTC contends. Thus, a public-interest group might challenge a company's claim that its product helps clean the environment.

The FTC also recommended that stations be required to sell broadcast time to anyone willing to pay the going price. Licensees currently can accept or reject advertising.

The FTC just doesn't have the financial and human resources to go after every ad it suspects is deceptive, it told the FCC. And many of the cases it does bring take years to resolve, with an order to cease the advertising in question often coming years after the ad campaign was ended.

The FCC is reviewing the "fairness" doctrine, which generally requires broadcasters to air both sides of controversial issues. This standard has been applied primarily to political issues but the FCC has been under increasing pressure from public interest groups to apply it to commercial advertising.

The FCC hopes to hold oral presentations in late March, and to announce its conclusions as soon as possible.

Broadcasters and advertisers, not surprisingly, oppose the FTC proposals. National Association of Broadcasters president Vincent T. Wasilewski argues that, because the broadcast industry depends solely on advertising for revenue, forcing it to provide free time could seriously damage its economic base.

The American Association of Advertising Agencies says counter-advertising would be "counter-productive" because customers might choose not to run advertising if it might be subject to counter-ads.

Robert Pitofsky, director of the FTC Bureau of Consumer Protection, said some criticism of the FTC plan sounds like "a response to some other proposal, not the one we put forward."

The agency is not out to destroy the broadcast industry financially or to burden it unduly, he indicated. A counter-ad in response to every paid ad is not envisioned by the commission; a five-minute block of time made available on a regular basis, for example, may be sufficient, he noted. "It's not an equal-time proposal as some people have characterized it.

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[1] Dkt. No. 24,556 (D.C. Cir., Aug. 16, 1971).

"I don't see how a five-minute block of time once a week could undermine the economic base of the broadcast industry or could result in dreadful clutter on TV," he said.

Support for counter-advertising has come from consumer and public interest groups, some of whom have petitioned the FCC in the past for access to the airways.

A citizen advisory group to Virginia Knauer, the president's assistant for consumer affairs, has suggested that an outright "equal time" plan might be in order. The informal group of representatives from 36 national voluntary organizations urged that free broadcast time be allotted to consumer education to aid "an audience drowning in a sea of commercials."

Noting that the question of how much free time requires some study, the report contended it was "not entirely unfair" to suggest that a time equal to that spent on paid commercials be set aside.

American consumers do not presently get "a fair deal" from the broadcast industry, the FCC, or the advertising industry, the group said.

[From Broadcasting, Feb. 21, 1972]

MOUNTING ATTACK ON COUNTERADS—FTC-TO-FCC PROPOSAL GOES LESS THAN NOWHERE WITH INDUSTRY; A FOR-THE-ADMINISTRATION WHITEHEAD PUBLICLY DENOUNCES PLAN

The Federal Trade Commission's proposal for "counterads" was under mounting attack last week from members of the advertising and broadcasting fraternities alike. But the sharpest and most significant attack came from neither group but from the Nixon administration itself, represented by Clay T. Whitehead, director of the Office of Telecommunications Policy.

Mr. Whitehead, making it clear he was speaking for the administration, denounced the proposal as an ill-conceived effort to solve a philosophical problem that advertising in general poses for some consumer advocates."

He went even further—to express the administration's support of the existing system of advertiser-supported broadcasting. "This administration does not believe that advertising is inherently evil," he said. "We do not believe that advertiser support of the commercial broadcasting system is polluting the minds of America.

"This administration believes in a strong and free private-enterprise system of broadcasting for our country and in the effective but responsible government. We intend to work to keep it that way."

Mr. Whitehead, who spoke at the Colorado Broadcasters Association's legislative dinner in Denver, which was attended by members of the state's congressional delegation, was elaborating on criticisms he had voiced of the FTC proposal at a congressional hearing two weeks ago (BROADCASTING, Feb. 14).

The proposal, filed in the FCC's overall inquiry into the fairness doctrine, has been denounced by advertisers and their agencies, as well as by broadcasters, as a mechanism for driving advertisers from broadcasting.

The point was made again last week, by Mr. Whitehead as well as by two major advertising associations—the American Association of Advertising Agencies and the American Advertising Federation—in comments filed with the FCC.

The filings came against a background of reports from sources close to the leadership of the advertising fraternity that a solid front has been formed by advertisers and broadcasters in opposition to the proposal.

The Television Bureau of Advertising, in an unusual move, is expected to file an opposition to the counterad proposal with the FCC this week. A news conference has been called for tomorrow (Feb. 22) in New York to be attended by Theodore Sorenson, attorney and former special counsel to President Kennedy; Normal E. (Pete) Cash, and Albert J. Gillen (Poole Broadcasting), TVB's president and chairman, respectively.

It was indicated that Mr. Sorenson, who bluntly attacked Washington's posture on TV advertising in a speech in Chicago last fall during TVB's annual meeting (BROADCASTING, Nov. 15, 1971), has been retained recently to be its Washington "spokesman."

The FTC proposal would require broadcasters to make time available for responses to four kinds of commercials: those that explicitly raise controversial issues, those that raise them implicitly, those that rest on scientific premises that are in dispute in the scientific community and those that are silent about negative aspects of the products.

It is the last two categories that are the cause of most concern; the others are already covered by the fairness doctrine. In addition, the broadcaster would be required to make free time available to those wishing to rebut an ad, but lacking the money.

Mr. Whitehead was critical of the proposal that free time be made available. He said it would result in a "hidden subsidy," with the public ultimately paying for both the advertising and the counteradvertising messages.

But it was the entire philosophy behind the proposal he appeared to find distasteful. He said the FTC seems to be motivated by concerns shared by some who feel that the American people are being sold "a consumption-oriented way of life." He said this is "a fit subject for government redress—a remedy in addition to the traditional controls on false and misleading advertising—but presumably not by the FTC.

And like the AAF and the AAAA, Mr. Whitehead was critical of the FTC for attempting to shift some of its responsibilities to the FCC—but his criticism was harsher. The associations said simply that the FCC was not equipped to handle those responsibilities.

Mr. Whitehead's view: "Of course, the trade commission would like to bring the FCC into the process and bypass the difficult job of making factual determinations concerning advertising deception. The FTC is constrained by all sorts of procedures which safeguard the rights of advertisers accused of deception.

"It is much easier to subject the suspect advertiser to a verbal stoning in the public square, but is it responsible for a government agency to urge this type of approach? This administration thinks not."

Mr. Whitehead was scornful of the FTC's contention that the proposal was workable. He said that although the proposal is intended to aid consumers, "the public would be done a disservice if all that counteradvertising achieves is a bewildering clutter of personal opinions thrust before consumers every time they turn on their radios and TV's."

And what of the responsibility for protecting the public from false material in the counterads? Mr. Whitehead noted that, when asked that question, the FTC's director of consumer protection, Robert Pitofsky, said the agency would face a "ticklish" First Amendment problem if it attempted to monitor the counterads. "Ticklish indeed!" Mr. Whitehead said. "One would have hoped that a federal agency would have been more sensitive to this problem before proposing a requirement of counteradvertising."

Mr. Whitehead said that the job of guarding against abuses and excesses of broadcast advertising should be left to self-regulation by the two industries concerned, with the FTC and FCC playing their "proper roles" in assuring 'public vigilance."

He said he strongly supports the FCC's frequently stated position that advertising should be regulated as a business practice by the FTC. "But product ads should not be regulated, TV or not, as expressions of ideological, philosophical or political viewpoints," he said.

The AAF and the AAAA, in their filings, said the FTC is attempting to stretch the fairness doctrine beyond its legal limit in seeking to apply it to all product advertising. And Mr. Whitehead, who has proposed scrapping the doctrine in favor of enforcing case-by-case fairness in the discussion of controversial issues, said the FTC would "expand the doctrine's already chaotic enforcement mechanism far beyond what was originally intended and what is now appropriate."

The AAAA, whose comments were prepared by Mahlon F. Perkins, its general counsel, saw the FTC proposal as antiadvertising in intent. It charged that the FTC's "real objective is to transform broadcast advertising into a detailed specification guide" and that the proposal is "designed to dilute brand loyalties and whittle down market shares."

The AAF comment, which was signed by Howard H. Bell, the federation's president, saw another possible danger in the proposal. If an advertiser could prove he has lost business as a result of counterads, Mr. Bell said, he could sue for trade libel—with the broadcast licensee involved named a defendant. Mr. Bell said the advertiser could cite "traditional notions of licensee responsibility" as a basis for assuming that the licensee "knowingly participated" in the presentation of the counterads.

Behind the formal filings, there were the privately expressed concerns of New York advertising executives, who spoke candidly, although not for attribution. One said the FTC proposal could affect almost any company in almost any situation but would most likely impact first on such vulnerable advertiser groups as manufacturers of breakfast cereals, drugs and remedies and gasolines.

A check of leading cereal makers—General Foods, Kellogg, General Mills, Quaker Oats, Ralston Purina and Nabisco—failed to elicit comment for the record. But one spokesman said flatly the FTC proposal could have a potential restraint on advertising—"it could encompass many advertising situations and in many fields." He also said that "Pete Allport [president of the Association of National Advertisers] has said it for us. We think it best to continue to have him speak for us." Mr. Allport warned two weeks ago that FCC adoption of the FTC proposal would be followed by advertisers' "exodus" from broadcasting.

Talks with advertising officials also disclosed the purported existence of what was described as a "chilling" factor. The mere threat of the FTC proposals, as well as the court rulings on counterclaims, have instilled caution among some advertisers, one source said.

It was noted that one company had dropped its TV-advertising plans when network continuity acceptance sources indicated the prepared commercials might subject the advertiser to fairness and the right of reply. (Network verification of this report was not available.)

There also was speculation that the issue of lead-free gasoline had left a gash in the ad plans of petroleum companies. It is not known whether monies pulled out of advertising as a result were "put back in or diverted into something else."

These two statements, made by advertising executives, would appear to sum up opinion on FTC's proposals: (1) "It is hard to find any advertisers that couldn't be vulnerable if the FTC's proposals were adopted," and (2) "It is possible to make advertising messages so innocuous that they don't even sell." And the question was then asked: "Is this what the FTC really wants?"

And Mark Smith, general manager of KLAS-TV Las Vegas, who filed a comment with the FCC last week, may have reflected the views of many broadcasters when he said: "Without a doubt, this is the most frightening proposal I have ever heard in my entire 16 years of broadcast management . . . I would think that the FCC has the proper judgment to dispose of this request by telling the FTC to do its own job."

FCC ASKS NBC TO GET MOVING ON FAIRNESS COMPLAINT

NBC has been requested to inform the FCC of the company's plans for balancing views contained in commercials for large-engine automobiles and leaded gasoline that are broadcast on NBC-owned WNBC-TV New York.

The order is one of the after-effects of the decision of the U.S. Court of Appeals which held that carriage of such commercials imposes a fairness-doctrine obligation on a broadcaster. The decision overturned a commission order on a complaint against WNBC-TV brought by the Friends of the Earth, an environmentalist group.

NBC is currently making a complete review of the station's programing from Oct. 1, 1970, through Sept. 30, 1971, to see if it satisfied the fairness obligation with respect to the FOE's complaint. It says it will take four months to complete the study.

The commission last week said the one-year review, to which FOE has agreed, is "reasonable." But it noted that the material giving rise to the complaint was being aired on a continuing basis. Accordingly, it said, there is no reason why "consideration of the treatment now being given the issue" should have to "await the completion of NBC's prolonged study of the past."

CAUTION: TELEVISION MAY BE HAZARDOUS TO YOUR HEALTH

Remarks of Commissioner Nicholas Johnson, Federal Communications Commission, Mar. 4, 1972)

There are a number of reasons why consumers ought to be concerned with communications policy.

The Bell Telephone System takes from the American people more than twice as much as all the income taxes collected by all the 50 states combined. And yet most citizens probably worry far more about their state income taxes, and state governments' financing and expenditures, than they do those of AT&T.

Cable television shows signs of becoming a new multi-billion-dollar industry, perhaps even larger than AT&T, with a potential future social impact comparable to that wrought by the automobile or the telephone.

Even before cable arrives, today's conventional, over-the-air television has to be counted as America's number one consumer product. The American people have $34 billion invested in radio and television receivers. Counting the added product costs to pay for the programs, they are paying about $9 billion a year to receive this "free" programming. And, as a demand on time, television watching has no peer. After working and sleeping, Americans spend more time watching television than at any other activity.

Television is also, however, the largest purveyor of information and attitudes diametrically opposed to the best interests of consumers. The one I want to talk about specifically today is health.

I would like to think of myself as one of the strongest supporters presently in the federal government for what has come to be called "the consumer movement." And it is in that friendly spirit that I would like to suggest that television—by baptizing us with the name "consumer"—has created at least a half of the consumers' problem. Once you call yourself a "consumer" you're hooked. You simply assume you're going to consume the stuff they're pushing, and you then try merely to buy it as intelligently and economically as possible.

The alternative, of course, is to think of ourselves as a part of a movement for life, or for people, rather than for consumers. When you view your mission in those terms you very quickly discover that the choice that may best serve your true interests is not to buy any product at all.

The sad fact, of course, is that all too many Americans are spared the burdens of abundance because they are still subject to the scourge of poverty. We can disagree about the minimum levels of decency in food, housing, clothing, transportation, education, and so forth and the income it takes to achieve them. Could you get by on $3,500 a year as a family of four in New York City? $5,000? $7,500? Whether we are talking about one-tenth of the nation, or one-third, the fact is that many consumers cannot even acquire the mere necessities of life. We had a year of "poverty" on the mass media. Now it's the China season. But the poor are still with us. And they are first entitled to basic decency, and then the opportunity to squander a little income as foolishly as the rest of us, before they can be expected to understand that the tinsel bell of opulence has a hollow, lonesome ring.

Fortunately, for those of you here, few of you confront such stark choices. You *are* consumers. Television does not tell you that you are devoid of values and satisfactions because the materialistic life has passed you by—as TV taunts the poor—you *can* choose the value system it preaches and make it your own. They cannot. You can surround yourself with all the toys, breakfast cereals, automobiles, beer, toothpaste, shampoo and various aerosol cans its says are the path to personal fulfillment.

The question I pose to you, and others of the affluent middle class, goes to the heart of television's most basic assumption. After necessities are met, do life philosophies based upon materialism and conspicuous consumption really contribute to human happiness?

The option of cutting back on our unnecessary purchases has a number of advantages.

It's more economical. Or, stated otherwise, it gives us more discretionary income to spend on travel, cultural exposure, or other services and expanding experiences—or to contribute to sustaining public interest reform groups or other charities. Often leasing or renting (whether an automobile, as sail boat or a summer cottage) can provide a comparable satisfaction at a much lower cost than owning.

It's less restraining. "Things" must be cared for: dusted, oiled, picked up and neatly arranged, taken in for repairs, stored, moved, painted, replaced when broken. To rent, or do without, may give you much more real freedom, and release from pressure and tension, than ownership of the thing you originally acquired to give you pleasure.

It's ecologically sound. If it makes you feel good to know you're doing your bit to contribute to human compatability with a whole earth, you'll feel better knowing you're only using your share of the world's resources. (The United States, with 5 percent of the world's population, consumes 40 percent of the world's resources. In other words, your *share* is about one-eighth what you're using now.) "Consuming" less, you'll create less trash, and generate less pollution.

It's more consistent with basic principles of almost all of the world's great religions. Poets, philosophers, many psychiatrists, psychologists and other social scientists agree: the only meaningful and lasting sense of wellbeing must come from within not from externals. The more we look outside ourselves for our "status" in the eyes of others the less we find it in the mirror. The path to inner peace must be walked, alone, in simplicity.

Finally, and the subject I'd like to emphasize today, consumption is often destructive of your health—even the consumption of products ostensibly designed to improve it. The nation's number one pusher of the drug life is television. And it's not at all clear that the drugs it pushes—say, the tranquilizers for tension and the sleeping pills for restlessness—are any better for you than the less respectable drugs pushed by others to deal with comparable problems. One need not even reach the questions of chemical additives involved in the "organic food" movement to acknowledge that most of us are impeding, rather than aiding, our health by the sheer quantity of food and drink we consume. And aside from the 60,000 Americans who are simply killed every year by automobiles, it is fairly obvious that almost all of us would better serve our health by walking (bicycling or jogging) more and consuming automobiles less.

In order to fully understand the adverse impact of television upon our health, however, it is necessary to see the problem in context. And in order to see the context there are a lot of misconceptions and myths that must first be eradicated. The most widely prevalent myth about the television business is that it has to do with programming. It does not. Its product is not programming; its product is you. You are not the consumer; the advertiser is the consumer. The advertiser is buying audience, audience to watch his commercial; he buys that audience from the broadcaster (network or local station); you are sold to him like cattle—at a "cost per thousand." You are the product. No one buys the program. The program is the attention-getting device, the flypaper, the flashing neon, the carnival barker, the medicine show, the topless dancer.

Once you begin to perceive the television business in this light it is easier to understand the reasons why television programming has been such a social disaster area in our country. The Dodd Committee found it implicated in what was called, in the 1950's, "juvenile delinquency." The Kerner Commission found it had contributed to a worsening state of race relations in America: "the communications media, ironically, have failed to communicate." After the assassinations of Dr. King and Senator Kennedy the Eisenhower Commission devoted two full volumes of staff reports to the relationship of violence in the media to violence in our society. The Surgeon General will soon be releasing more studies on the impact upon our young children of violence in programs specially directed at them. The women's liberation movement finds television one of the most demeaning forces in our society. The list goes on and on until one almost yearns for the day when the worst one could say of television was that it was just "a vast wasteland." Today the seeds of our society's discord find the vast wasteland has been well fertilized indeed.

The point, you see, is that there is absolutely no incentive whatsoever within the institution of modern day American commercial television to encourage socially constructive programming. There is not even the economic mechanism for pandering to mass taste that is available in the record, magazine and book business. In any line of commerce where the product is sold to the audience there is at least a market place mechanism for consumer choice—however manipulated by advertising that choice may be. TV certainly has no incentive to do anything more than pander to mass taste. There are no longer even "sponsored" programs that might give viewers the economic boycott as a weapon to influence programming. As long as the programming is attention-getting it serves its purpose. If some network executive could get higher ratings by showing babies being run over on the Los Angeles freeways—"live from Hollywood"—I suppose he would do it. Ratings are the measure. The only measure. If our cities go up in flames, if our political leaders are assassinated, if minorities and women are slandered—who is there to alter his prime time entertainment programming as a result? No one. And if investigations are conducted by Presidential Commissions or Congress the industry is up in arms that its First Amendment right to unlimited profit is being curtailed.

The point of all this is that the problem is not just that network executives care not at all about your health. They care not at all about any aspect of your life, or the society we share. This realization makes the impact of television upon health both easier to understand and harder to remedy.

Doctor shows have, in recent years, virtually flooded our television screens. If we could find as many doctors in rural America as there are in prime time the problems of small town health care would virtually disappear. "Dr. Kildare," "Ben Casey," "Marcus Welby, M.D.," "Medical Center," "The Doctors" segment of "The Bold Ones," all prime forums to help stimulate a national debate on problems of health and health care. Yet what have we learned from those shows?

There is no shortage of hospital rooms. No patient is ever denied a bed or required to wait until one is available.

Apparently we already have free medical care, for no doctor ever charges for his services; no hospital ever bills a patient; no one has to go without needed treatment; no one has problems with inadequate coverage by Medicare, requiring discontinuation of treatment; doctors are always dedicated professionals, unconcerned with monetary gain.

County hospitals have no problem attracting highly competent professionals; there are no "crises in sanitation," or strikes by doctors demanding better conditions.

Almost every doctor cures almost every patient; and if one dies it is always the result of some strange complication that even the finest doctor could not have anticipated; no one ever dies as a result of incompetence—malpractice suits are unknown.

There is no American Medical Association, or any other group which lobbies against or otherwise delays development of more and better hospitals and medical schools, low-cost health care, national health insurance, health care delivery systems or preventative medicine.

In short, after watching doctors programs on television, there is absolutely no way that anyone could realize there is a crisis in American medicine and health care—a crisis of major proportions.

We recently learned about two specific examples from testimony before the Senate Subcommittee on Constitutional Rights free press hearings. During the successful run of Dr. Kildare, the production unit wanted to do a program on veneral disease. They had the backing of the AMA, National Educational Association and the Surgeon General. It was to be done with scrupulous attention to good taste. Everyone agreed that it would be a great benefit to the American people, since more people watched Dr. Kildare than documentaries. The network killed it; it was afraid of "offending."

On another occasion, the producers wanted to do an episode entitled "Holiday Weekend," based on a doctor's statement that those were the worst times in hospitals because of the increase in automobile accidents. Again, the network killed it; what, after all, was entertaining—or commercially encouraging—about auto crashes?

In one area of health, television has been most lax, not only failing to educate us, but affirmatively increasing the likelihood that we will become afflicted. That area is heart related diseases.

Over 50 percent of the deaths of men over 40 are a result of heart attacks and other cardiovascular diseases. This has more than doubled in percentage from 1900. The estimated incidence of coronary heart disease is 3.1 million Americans between 18 and 79, and an additional 2.4 million with suspected heart disease. This constitutes 5 percent of the population. Last year alone, it was estimated that such diseases cost the American people as a nation over $20 billion. And, of course, there is no way to value the loss of human life. Heart diseases are relatively unsymptomatic—at least until they have advanced beyond the point of control. More often than not, death is sudden, unexpected. Of those who live, the prognosis is bleak: they are five times as likely to die within the next five years as those without a prior history of heart disease. Many doctors believe that prevention, rather than treatment, is the only effective way to deal with it. And prevention can only come after education.

Although unable to agree that any single factor has a universal impact—either leading to or preventing heart conditions—most doctors can accept the position that certain factors do have at least some effect on the hearts of many people. These factors include cigarette smoking, exercise, proper diet, cholesterol content of the foods we eat, overweight, tension and anxiety.

Notice how, at every turn, televison feeds us with information which seems designed to create, rather than alleviate heart problems.

Let's start with cigarettes. We know that cigarette smoking contributed significantly to over 300,000 deaths a year—many the result of heart conditions. We have known that for quite a long time—since at least 1964 and the Surgeon General's report—and had good reason to suspect it long before that. Yet television went right on selling cigarettes—and not just selling them, but equating them with youth, vigor, freshness, outdoors and health; the very elements smoking destroyed.

"But," you say, "Look at all those wonderful anti-smoking public service announcements television put on. And, after all, cigarette commercials are no longer on the air." How true, how true. But neither of these momentous events took place without a major struggle—the industry kicking and screaming all the way. It took John Banzhaf and an FCC decision to get any significant number of "counter-commercials" on the air, and the passage of sweeping legislation to get cigarette ads off. Even now, the industry has not given up the fight. It has cut back on the anti-smoking commercials on the theory that the absence of cigarette ads signals the end of its responsibility to inform the public, even though cigarettes and smoking had a 20 year monopoly on peoples' minds through television. And in the courts, broadcasters are challenging the legislation prohibiting cigarette advertising on radio and television. After losing in the Court of Appeals, they have taken their case to the Supreme Court. Licensees, obligated to act in the "public interest" are anxious to begin again their crusade against life.

Proper exercise is never preached on television. Indeed, television is the very antithesis of exercise. The entire theory of television is that it is your spare time companion, not exercise. Better to while away the hours in front of the screen than walk or jog or garden or engage in any sports. And how much encouragement do you see on television for bicycles? Next to cigarettes (before they went off the air) automobile companies sponsored more prime time television than any other product. Never mind the 60,000 deaths caused by automobiles annually; consider how many heart attacks were at least partially caused by the exercise we didn't get because we drove rather than walked.

What about proper diet, a factor in all health matters, not just those related to the heart? Aside from selling you products that are overpriced (after all, Shake-n-Bake is just high-priced bread crumbs and Hamburger Helper is nothing more than glamorized rice, noodles or potatoes with spices added), television promotes unhealthy eating habits. With its exploding cereal and its tasty but nutritionally deficient treats, Saturday morning television is a veritable disaster area for parents trying to encourage sound eating habits for children. But then, with prime time television touting frozen vegetables in butter sauce, fried foods and TV dinners, it is unlikely that there are many parents left who even know good eating habits.

Our diet is and has been changing over the past few years. Even a casual look at your neighbors' grocery carts will verify that. But it has been changing in other ways as well. Not only have we increased our purchase and consumption of snack and convenience foods, we have in the process increased our consumption of meat, eggs, dairy products, starches and simple sugars. As a result, there has been a gradual but significant increase in the proportion of calories we derive from fat, particularly the saturated fats. This has produced an increase in the cholesterol level in the average American. As a result, over 30 percent of all American men between 40 and 60 have a cholesterol level that exceeds that associated with a high risk of coronary heart disease. Aside from ads for polyunsaturated cooking oils (which, incidentally, resaturate when heated, thereby negating any benefit they might have had), how often has television in any way addressed this issue, either in programming or advertising? Some reports suggest that a a simple adjustment in our diet would go a long way to reduce the incidence of heart disease. But have you learned that from television? Since it requires moderating, an outlook inconsistent with the materialism preached by television, it is most unlikely.

Aside from good eating habits, overweight itself is a major factor in heart conditions. Yet eat we do, prompted by television. We may have "caught" Profile Bread (interestingly enough, it was the FTC not the FCC that put a stop to their phony claims of effective reducing), but we'll never catch the thousands of other ads shoved at us daily by television, telling us, like good mothers to "Eat, darling, eat." The very same products that are the staple of television advertising are nutritionally unsound, and have the highest calorie count.

Finally, television delivers a less than enlightened approach to tension and anxiety. Recently, doctors have suggested that tension alone may be the single most important cause of heart attacks. When we are tense, our bodies and heads are trying to tell us something about our surroundings. Yet, through television, we have learned that the solution to tension is Compoz, rather than an examination of the reasons for the tension and an effort to eliminate those reasons.

These are the commercials, but programming is not much better. Needless to say, television doesn't treat heart disease or its prevention in serious dramas—after all, what's entertaining about heart disease? But it goes beyond that, beyond even a benign neutrality.

I am reminded of the television producer who was told he had to remove the line "She eats too much" from a script, because it ran counter to the philosophy of consumption touted by the sponsors. How many of our television heroes can be seen walking or biking anyplace? How many cigarettes does Dean Martin smoke—and sell—weekly? How much tension and anxiety does television foster by doing its share to keep us in the rat race prompted by the middle class settings and conspicuous consumption "sold" through allegedly entertaining programs? The list goes on forever.

Doctors may not agree on the importance of any of these factors. But each is supported by at least some reputable authority. I hope that we learned our lesson from the history of Vitamin C. It took over 200 years from the time scientists began to conclude that it prevented scurvy until it was widely enough supported by the medical establishment to require its use in the British Navy, where the incidence of scurvy was at its highest. The question that each of us must answer for ourselves in this age of establishment specialists is whether it is worth the risk to deny the effectiveness of something because there is less than complete agreement about it. Television's role in this process should be to provide us with the information to help us make our own decisions, and to bring to light the debate that lies behind the disagreement. To the extent it fails to contribute to the debate or provide information, television has failed us. To the extent it provides harmful information, television is killing us.

Television's approach to heart problems and health in general is really symptomatic of a broader problem. In every phase of modern social life—from problems of youth to problems of age, from racial discrimination to sex discrimination—television has abdicated its responsibility to contribute, in a meaningful way, to a broad, national debate. For a medium that is so powerful to abuse its power is sad. For a medium that is statutorily required to operate in the public interest, it is close to criminal.

Television affects you, as consumers, because it is the foremost enemy of intelligent consumerism. It affects you, as people, because you can only act when you are informed. And by and large, television is not informing you.

There is a lot television could do—if it wanted to. Fifteen second spots telling you to "Help your Heart Association help your heart—with a check-up and a check," isn't enough. In the face of all of television's misinformation and noninformation, announcements like that are almost fraudulent.

We deserve more. We deserve some real information and some social conscience. It can be done—without losing money. It can be done within the context of present shows. It can be entertaining and interesting.

In Washington, Giant Food Stores have started nutritional labeling of some of their own products. On the labels, they tell the purchaser how many "units" of basic vitamins and nutrients they need daily. They then tell how many units of each a serving of the product will provide, and how many calories that equals. This may have resulted in fewer sales of pork and beans, or orange drinks, but it hasn't hurt Giant's overall profits—which have only gone straight up since it started this radical experiment with truth. President Danzansky and Esther Peterson's leadership is pushing other canners and grocery chains to institute similar labeling programs.

Television could learn from Giant's example. To Giant you are also both consumer and product. You are consumer when you buy something, but product when you are "delivered" to the store. In the same way that intelligent consumers are responding to Giant's concern, so, too, would audiences respond to a little intelligent programming. I'm not suggesting that television stop accepting advertising from those products which do not serve the health needs of everybody. I am simply saying that television could do all of us—itself included—a service by providing us with more information that affects whether we live or die. When we get that information, we respond—witness the decline in cigarette smoking with the coming of anti-smoking messages.

The networks cannot continue to fight the responsibilities that are thrust upon them by reason of their power. They ultimately are bound to lose. The question is, how will they be judged by history? Will they be remembered for their social leadership or their intransigence? If the history books are written now, there is no question as to how they would fare.

People such as yourselves have come together increasingly recently to form groups devoted to improving television as it affects them. In Boston, Action for Children's Television has prodded the FCC into examining children's programming. In Washington, John Banzhaf has helped organize groups of law students to press for consumer protection through the FCC. Across the nation, local groups are demanding that stations in their cities respond to the needs of the citizens, and challenging their licenses at renewal time if they are not. There have been setbacks, but these groups persist.

You, as an organized group of consumers, should join those who are working to improve the quality of American life through television. You have already shown your dedication to that general goal by joining together to promote your common interests. But now, take a broader look. You have interests in common with those you don't even know. You share the common bonds of concern and hope: concern for humanity and hope for its future. Pledge that concern and that hope to changing the sense of responsibility of our mass media and there is no way you can be stopped.

UNDERGROUND NUCLEAR TEST BAN TREATY

Mr. KENNEDY. Mr. President, I invite the attention of Senators to a nuclear trial balloon that leading administration spokesmen appear to be floating.

As much as I would wish it otherwise, it seems the administration is testing public reaction to the idea that the United States should not pursue a comprehensive nuclear weapons test ban treaty, regardless of whether or not we have mastered the problem of verification.

No longer is there the assertion that we are firmly committed to achieving a halt to all testing so long as the test ban treaty can be adequately verified. Instead, the highest officials in the Atomic Energy Commission and in the Defense Department now suggest that a test ban treaty "is not necessarily desirable."

Such a shift would mark a break not only with the policies of the past three Presidents but it also would reflect an ominous reversal in the policy of President Nixon.

AEC Chairman James Schlesinger's statement in an interview published February 14, 1972, in the U.S. News & World Report, which I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, is the most disturbing comment. Mr. Schlesinger states:

> The real question is, given the changed nature of the opposed forces in this era of negotiations, whether it is desirable to cease nuclear testing.

His reasons are as follows: First, that, because there are ABM's, then we should continue to test new missiles and warheads to assure penetration; and, second, that we should not stop testing because that would foreclose the development of nuclear weapons for the general-purpose forces—sort of every-day-use nuclear weapons.

Both arguments are spurious. First, the Soviet Union, for the past several years, has had a stable total of 64 ABM launchers around Moscow. They are considered by most authorities to be even less effective than the ABM system this Nation unfortunately has begun to deploy, a system which many of our leading scientists do not believe will work. Also, Dr. Schlesinger well knows that our ICBM's, our submarine missiles, and our bombers, assure our capacity to overwhelm the Soviet ABM system, not only today but well into the foreseeable future.

Finally, he apparently has disregarded the strong indications that a SALT agreement will be concluded shortly covering ABM systems. Such an agreement removes all merit from this argument against pursuing a comprehensive test ban treaty.

Dr. Schlesinger's second argument is that we should not end our own testing because it would mean not being able "to modernize our tactical nuclear weapons stockpile." This argument seems to be even more devoid of justification than the first. Dr. Schlesinger is referring here to the adaptation of antisubmarine warfare, artillery, antiaircraft weapons, and other weapons for our general purpose forces.

The assertion that this reason is sufficient to justify abandoning an underground nuclear weapons test ban treaty is simply not understandable. There is an almost Dr. Strangelove element involved in the assumption that as long as we can build better bombs then we should not seek a treaty banning all further nuclear weapons testing which can have far-reaching effect in lowering the threat of nuclear destruction and moving the nations of the world along the path of arms control. It would seem that Dr. Schlesinger is suggesting that we should throw this goal away in favor of building a better nuclear artillery shell.

Once Dr. Schlesinger's statement is read, then other more subtle shifts in language by other leading administration officials also become suspect.

In an interview early in February, which I aks unanimous consent to print in the RECORD at the conclusion of my remarks, Secretary Laird indicated the Pentagon was not in favor of an underground nuclear weapons test ban treaty at this time. He not only reiterated the timeworn refrain that verification techniques were not yet adequate to justify a change from the demand for numerous on-site inspections. He went further, adding, the United States, "learns new things every time we have a test."

It would appear that a question that presumably had been settled is being reopened. The United States, as national policy and through its treaty obligations, had determined that a nuclear weapons test ban treaty was in our interest, regardless whether or not new nuclear frills could be discovered by further testing. We had concluded that a test ban treaty was in the interest of the Nation with the only caveat being adequate verification. Now there is the question raised anew as to whether the test ban is desirable.

A similar shift appears even in the opening statement of the U.S. representative to the Geneva Conference on the Committee on Disarmament less than 2 weeks ago. He said:

> Further progress toward restraints on testing is tied in closely with understanding and resolving the complex problem of verification.

That is far different from asserting that we will sign a comprehensive nuclear weapons test ban treaty if we are satisfied with the provisions for verification.

Taken alone, the statement of the

delegate to the disarmament conference would not be disturbing. But following upon the truly regressive comment of AEC Chairman Schlesinger, the commitment of this administration to our past treaty obligations appears to be wavering.

In that regard, let me quote from the preamble to the limited test ban treaty to emphasize what must be our policy. The preamble reads that the signatories will endeavor "to achieve the discontinuance of all test explosions of nuclear weapons for all time."

Again, in the Treaty on the Nonproliferation of Nuclear Weapons, ratified in 1968, this position is repeated:

> Each of the parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date.

Nor have we been alone in the pursuit of an end to nuclear weapons testing. The United Nations General Assembly adopted three resolutions only last December urging:

> The Governments of nuclear-weapon states to bring to a halt all nuclear weapons tests at the earliest possible date and, in any case, not later than 5 August 1973, and urging the nuclear powers to reach an agreement without delay on the cessation of all nuclear and thermonuclear tests.

And finally:

> Requests particularly Governments that have been carrying out nuclear tests to take an active and constructive part in developing in the Conference of the Committee on Disarmament, or in any successor body, specific proposals for an underground test ban treaty.

I asked unanimous consent to have the resolutions printed in full at the conclusion of my remarks.

The resolutions have been reinforced by the eloquent statement of U.N. Secretary General Kurt Waldheim at Geneva only last week in which he urged that the test ban treaty be the priority item on the agenda. I ask unanimous consent to have his statement introduced into the RECORD at the conclusion of my remarks.

He emphasized as well that the remaining obstacle to such a treaty no longer was the technology of verification but the political will of the parties.

Now the political will of the United States has been seriously called into question by the recent statements of administration spokesmen.

Therefore, I would urge the President to issue a forthright declaration asserting our commitment under past treaties and our continuing national policy of achieving a comprehensive test ban treaty. And I would urge him to follow such a declaration with specific proposals in Geneva as called for by the United Nations resolutions.

Now is the time for the President to demonstrate his allegiance to the goal of halting the arms race by taking affirmative action to reach a comprehensive nuclear weapons test ban treaty.

Hopefully, here in the Senate, we also can take steps to support such a policy by emphasizing the Congress' commitment to such a treaty by passing a resolution to that effect.

I have introduced Senate Resolution 230, which now has bipartisan support among its 12 cosponsors. Senate Resolution 230 calls on the President to announce a moratorium on our testing so long as the Soviet Union abstains and recognizing the progress in the technology of verification urges him to undertake prompt new negotiations with the Soviet Union on this subject.

I ask unanimous consent to have Senate Resolution 230 reprinted at the conclusion of my remarks.

A similar resolution introduced by Senators HART and MATHIAS also urges the President to propose the extension of the limited test ban treaty to include testing underground.

We have asked that hearings before the Foreign Relations Committee be conducted on these resolutions and hopefully a resolution on this subject will be reported out and adopted by the Senate before the President leaves for Moscow.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NUCLEAR ENERGY—ITS PEACETIME USE

Atomic power, despite growing problems, is the best hope to meet soaring U.S. energy needs, says Dr. Schlesinger. He came to the conference room of "U.S. News & World Report" for this interview on the nuclear future.

Q. Dr. Schlesinger, how do you assess public acceptance of the atom today as compared with 25 years ago when the atomic age was just getting under way?

A. I think that it is improving in some respects, but in others it is deteriorating.

At the end of World War II, there were great expectations—probably too great. People got the notion that you could drive ships across the ocean with an atomic engine about the size of a pea. There was a romanticizing of nuclear possibilities with little appreciation of the technical difficulties that would ultimately be encountered.

Now these difficulties are staring us in the face, and this has led to concern and disenchantment on the part of many serious-minded citizens. I don't think that this is widely shared by the general public, but there is at the present time some degree of public disenchantment with things in general. At the extreme, there's an antieverything movement.

Q. Does this revolt center on material things?

A. It's really not limited to material things. There is a feeling that nothing is working: Government is bad. Industry is bad. The press is bad.

In the energy area, one hears slogans: "Let's stop building nuclear plants," and "Let's stop strip mining," and "Let's stop exploring for oil," and "Let's stop providing port facilities for tankers."

But that would lead quickly to something else. What it really means is: "Let's stop air conditioning," and "Let's stop the dishwashers," and "Let's stop the dryers." I think that a number of vocal people have missed that connection. But as far as members of the general public are concerned, they understand that cutting off sources of energy, which are the base for this country's standard of living, would change our way of life.

Q. Is the average citizen ready to accept an atomic power plant in his neighborhood?

A. I think there is widespread public acceptance of nuclear generation of electrical energy. I don't foresee at this point in time that there is any real alternative. Without nuclear plants we would be faced with massive use of fossil fuels—coal, oil, natural gas—and the impact on the environment would be much greater.

In his energy message last June, President Nixon described the safety record of civilian power reactors in this country as "extraordinary in the history of technological advances."

I personally would very much prefer to live next door to a nuclear plant. It is clean and attractive. The risk of an accident that would in any way threaten the safety of my family is exceedingly remote.

Q. Has the problem of disposing of radioactive wastes from atomic power plants been solved?

A. Disposal of these high-level radioactive wastes in salt formations appears at this time to be the most promising way of handling them. The National Academy of Sciences has recommended this as the safest method to use. Legislation adopted by Congress in 1971 provides that the President will appoint an advisory council to investigate the safety of using salt mines, with particular attention to those in the vicinity of Lyons, Kans. Until we get the report of this advisory council, we cannot go ahead.

Some specific problems at the Lyons site have been identified as a result of our investigations in recent months. There are 30 boreholes down through the salt formations from previous drilling operations. Our consultants indicate that 27 of these holes can be safely plugged, but three of them cannot. Secondly, American Salt Company, which has a solution mining operation in the neighborhood, plans to double the capacity of its operations. Unless these two problems can be resolved, we would not go ahead at the Lyons site.

Q. If this site at Lyons, Kans., can't be used, what will be the answer?

A. We will have to explore the possibility of storing the radioactive wastes in salt formations at some other location. The Kansas Geological Survey has identified some possible alternative areas for study.

Q. In the meantime, what is being done with the wastes from atomic plants now in operation?

A. They are being stored underground in metal tanks. This is what other countries that have developed nuclear reactors are doing with radioactive wastes, and they have been kept safely for many years.

We want to do better than that in the United States. We hope to remove these wastes permanently from the environment of man, and that means for tens of thousands of years, because, for example, some traces of plutonium—which has a half life of 24,000 years—remain in the waste.

We are confident that the salt mines provide a safe storage place—even in this kind of geological time frame. In addition to that, we are exploring other methods of disposal, including encouraging the National Aeronautics and Space Administration to look into the cost of shooting these high-level radioactive wastes into the sun—taking them right out of the world. Now, this would depend on development of the space shuttle [approved by President Nixon on Jan. 5, 1972], and that is a decade away.

Q. What is your answer to the environmentalists who say the building of nuclear generating plants should be halted until there is a sure-fire method of disposing of radioactive wastes?

A. My answer is that we are confident that one of the possibiliites—salt mines, other deep underground formations, or conceivably shooting the wastes into the sun—is going to solve this problem. There are still questions of implementation. I think that this has been an area of appropriate concern on the part of environmentalists.

Q. Has there been any leakage from the wastes that have been stored underground?

A. There have been a number of very small leaks in some of the storage sites, but no detrimental effects.

Q. Another concern frequently expressed is the possibility that radiation will escape from atomic power plants—

A. That's an argument that I think is passe. The amount of ionizing radiation that you get, even in the vicinity of a nuclear plant, is exceedingly small relative to the radiation you get from other sources.

For example, the average American is now getting 90 millirems a year from medical X-rays. From nuclear plants the average American will get only 1/9000 of the amount of radiation that he gets from medical X-rays. On a coast-to-coast flight, from the cosmic rays at high altitude you'll receive 500 times as much radiation as the average American will get from a nuclear plant. So there are other sources of radiation that we should perhaps be more concerned about.

Q. Why has the Atomic Energy Commission imposed new and stricter environmental controls on nuclear power plants?

A. The immediate cause was a court decision in the case involving construction of a nuclear plant at Calvert Cliffs on Chesapeake Bay by the Baltimore Gas & Electric Company. That decision said that the Commission was not properly enforcing provisions of the National Environmental Policy Act of 1969. We accepted the court's judgment and issued the new environmental regulations in September.

Q. Are these new regulations delaying completion of nuclear power plants?

A. The regulations themselves should not set back development of nuclear power, except in the cases of a few plants that have special environmental problems. We have allowed sufficient flexibility in the regulations so that construction of most plants can continue while an environmental review is under way and recommendations are made to bring the facility into compliance.

Construction is going ahead on most plants. We have indicated to five utilities that construction of specific portions of eight plants should cease until such time as there is a complete environmental review. But on the other 44 plants under construction, work is continuing, and this includes the Calvert Cliffs unit of Baltimore Gas & Electric Company.

Q. Will added costs of environmental protection change the competitive economic position of atomic power?

A. No. At the present time, the driving forces behind the improved competitive position of nuclear energy are rising costs and depletion of fossil fuels. Nuclear power has very clear advantages, environmentally speaking, particularly with regard to air pollution.

You've seen the advertisements, for example, which state that there's more air pollution contained in a lighted match than there is in a nuclear plant. That's probably something of an overstatement, but it is correct that air pollution is minimal with nuclear facilities, whereas fossil-fuel plants contribute the bulk of sulphur oxides in the atmosphere and a very substantial proportion of the nitrogen oxides—to say nothing of the particulates. And to the extent that the new standards elaborated by the Environmental Protection Agency with regard to reducing pollutants in the atmosphere are rigorously enforced, that would tend to increase the attractiveness of nuclear power.

The environmental disadvantage of nuclear power is that the present generation of plants has a lower level of thermal efficiency than fossil-fuel plants, and as a result there is about 50 per cent more by-product heat. This has led to thermal pollution from these plants.

Q. What is thermal pollution? What would happen to the Chesapeake Bay, or any body of water near which an atomic power plant is located, if no steps are taken to eliminate this kind of pollution?

A. In a nuclear generator, it is necessary to use cooling water which is taken from a river or lake or sometimes the ocean. When this is discharged from the plant it has picked up heat, and if put directly back into the body of water from which it was taken, it will increase the temperature of that water. This is called thermal pollution.

A substantial body of water, such as Chesapeake Bay, can absorb a considerable amount of heat. A more limited body of water may be heated up 4 or 5 degrees, and that could have some impact on the biological environment. In the immediate vicinity of the plant, unless considerable care is taken through the use of cooling towers or other devices, the increased temperature of the water could have severe effects on fish and plankton and other aquatic life.

Now, it is easier to deal with these problems if the plant is near a sufficiently large body of water, and that is why coastal sites with the ocean close at hand are often selected.

Q. Why are there continuing complaints about the safety of atomic power plants?

A. One area of concern has been that the Commission requires every light-water reactor—which is the type now in general use—to have an emergency core-cooling system. This provides assurance that in the very unlikely event that the primary cooling system failed catastrophically, there would be enough coolant available to prevent meltdown of the core.

We have had more than a hundred light-water reactors operating, and we've never had any major problems with them. Even so, there has been concern expressed by environmental groups and others about the adequacy of these emergency cooling-systems. But I fear that this may have diverted attention from other areas that I regard as more serious with respect to safety.

There are, for example, problems of quality assurance, codes and manuals for the utilities that operate the plants—and of assured compliance with those codes and standards.

I am more concerned about small accidents—spills or leaks in pipes that can interrupt power production but would pose little public hazard—than about the possibility of drastic breakdowns. So I think that we should devote a major part of our attention to making sure that there is quality assurance and appropriate maintenance.

NEXT: A FAR MORE EFFICIENT REACTOR

Q. Atomic scientists say that the liquid-metal fast-breeder reactor is the next step in development of nuclear power. How will it differ from today's atomic generating plants?

A. It will differ in a number of respects:

First and foremost, it will utilize about 70 per cent of the energy content of uranium, as opposed to about 1 per cent in today's light-water reactors. It will achieve this by "breeding," that is, it will produce more nuclear fuel than it consumes in the course of generating electric power. It will do this by irradiating the fertile uranium isotope U-238 and converting it to fissionable plutonium 239.

Second, it will use liquid sodium as its coolant. Sodium is a tricky substance to handle, but it has been used as coolant in the Fermi reactor as well as the nuclear submarine *Seawolf*.

Third, because it uses liquid sodium as opposed to water, the breeder reactor can operate at a much higher temperature, and we will have much higher thermal efficiencies. This reduces the amount of waste heat, so that thermal pollution would be less than in existing fossil plants.

Q. When do you expect the fast-breeder reactor to be operating commercially?

A. President Nixon committed the Government in his energy message on June 4, 1971, to have a demonstration plant in operation before 1980. This plant will not be commercially competitive, but I believe that by the mid-1980s there will be fast-breeder reactors producing electricity at competitive rates.

As you know, we announced on January 14 that a proposal by Commonwealth Edison of Chicago and the Tennessee Valley Authority has been accepted by the Commission as the basis for negotiation leading to a contract for the construction and operation of our first plant. We are especially pleased by this joint venture and by the fact that the nation's utilities have pledged 240 million dollars toward the total cost of this half-billion-dollar facility. This represents an unprecedented effort by industry. We hope to start construction within a year or so.

Q. What has held up development of the fast-breeder? Some scientists were saying early in the 1960s that it would be available by the end of that decade—

A. Of course, we do have a small commercial breeder at the present time—the Fermi plant, a uranium-fueled plant which is operated by Detroit Edison—but there has been too much optimism. I think technical people tend to be unduly optimistic about the time required to get to particular goals.

Q. In recent days, there has been a report that the Russians have completed a fast-breeder reactor that will produce electricity and desalt water, too. Are they ahead of the U.S. in this field?

A. We believe that, in terms of technology, we are still ahead of them—and, as has happened on frequent occasions, when we reach the ultimate goal the U.S. will be first.

LOOKING AHEAD TO THE YEAR 2000

Q. When will fusion power—harnessing of the H-Bomb process—come into use? Keeve M. Siegel, who heads KMS Industries, Inc., has said that this could be done within the next five years—

A. We believe we can demonstrate the scientific feasibility of controlled fusion by 1980, but we don't expect to have a demonstration fusion reactor until about 2000.

We are working on both magnetic-containment and laser-fusion approaches concurrently. KMS is working in the laser-fusion area exclusively. We can't discount the possibility that there might be an earlier demonstration of a break-even point in sustaining the fusion reaction. However, our experience in the AEC weapons laboratories with laser-fusion research and related problems leads us to believe the probability of it is quite small. Of course, we would welcome an early breakthrough, either by our own laboratories or by private industry.

Q. A problem of the atomic age that is worrying people in Western States is that of some 3,000 homes in Grand Junction, Colo., that were built on radioactive fill dirt from uranium-mine tailings. Are the people living in these houses in danger?

A. There is no immediate threat to the health of the people living in those homes, and only a very limited long-run danger. We have done gamma-radiation maps for something like 1,400 of the houses, and only two exceed the U.S. Surgeon General's guidelines to the extent that remedial action is mandatory. Something like 33 have enough gamma radiation to indicate that corrective steps may be advisable.

The other problem is radiation from "radon daughters," which are isotopes of radium and appear to have caused lung cancer in some uranium miners. We don't know how many homes have this type of radiation at the level where action would be required under the Surgeon General's guidelines.

Q. If action is required, what will be done?

A. The problem of radon daughters could conceivably be handled by ventilation. It would not necessarily involve removal of tailings, as would the gamma radiation.

The legal responsibility is not the Atomic Energy Commission's, but we have taken the attitude that we have a shared moral responsibility with the State of Colorado, which was the regulatory authority in this case, and with the contractors who removed the tailings and with the mining companies themselves.

The question is: Who has the deepest pocket? I think the answer may be that it is the Federal Government. In 1961, the AEC had indicated in a letter that, although these tailings were not under its regulatory control, there was concern about their use. But before that, all through the '50s, tailings were used for various types of construction all through the West.

Q. Does that mean some fill dirt used in highway construction in the West, for example, could be radioactive?

A. That's right, but there is no problem about the roads, because they are out in the open. To the best of our knowledge, there is no situation comparable to that of the homes in Grand Junction.

Q. Dr. Schlesinger, there is another side of the Atomic Energy Commission's business—the development of nuclear weapons. Is that responsibility growing or diminishing?

A. I would prefer to describe this as the national-security side of our agency. It is a continuing responsibility. I believe that the United States must do what is required to maintain its military posture.

We are developing weapons, but we are performing other functions for the Department of Defense. There is, importantly, the development of nuclear propulsion units for naval vessels—aircraft carriers and submarines—which plays a very large role in our national security.

Q. Why does the U.S. continue to develop nuclear weapons when, according to some scientists, there now are enough atomic warheads stockpiled in this country and the Soviet Union to destroy the world?

A. There is a premise in your question which I must reject. The objective of our weapons program is not "to destroy the world"; in large measure, it is to design weapons that will go after very discrete military targets and to avoid generalized destruction.

For example, antiaircraft weapons are designed to destroy an aircraft in flight. The anti-ballistic-missile system is a defensive weapon designed not to go after population centers but to intercept incoming nuclear warheads.

In addition, the United States Government pursues research into nuclear-weapons technology in order to keep up with the changes in the potential opponent's force structure. At the present time, the Soviets are deploying ABM defenses. We must be assured that we can penetrate those defenses. We must be assured of the reliability of the over-all weapons systems. We must be assured that the weapons and the means of delivery will survive, and will be available at the place and time they may be needed.

For these reasons, we maintain a substantial stockpile of weapons—much larger than required to destroy cities. We are attempting to upgrade that stockpile in a number of respects. The growth in the stockpile reflects the decision to develop MIRV—multiple, independently targeted re-entry vehicles. But, by and large, the trend has been to reduce the size and yield of weapons. We now have relatively low-yield warheads on board the Minuteman III and the Poseidon missiles, in contrast to the very-high-yield nuclear weapons which some of our B-52 bombers carried in the 1950s.

Q. Is this policy being followed by the Soviet Union?

A. We can only speculate on that at the present time. But you've read, I'm sure, reports about Soviet multiple re-entry vehicles. To the extent that they're beginning to move in that direction, that would suggest that they are following a similar policy.

MANKIND'S CHANCES IN ALL-OUT WAR

Q. Even with these more selective weapons, would an all-out nuclear war mean the end of life on the planet?

A. No, sir. Most of the world's population would live in untargeted areas. Even in the areas that are targeted, a very significant fraction would survive.

Q. How dangerous would radioactive fallout be in an all-out nuclear war?

A. That would require cleanup on the part of both targeted and untargeted countries. There would be a fair amount of radioactivity on the ground and in the atmosphere for a period of time, and this would probably induce a somewhat higher rate of cancer and leukemia and possibly raise the death rate.

Q. Could the U.S. survive an all-out nuclear war if it developed a civil-defense program?

A. I think that the U. S. would survive, but not in the form that we know it today. The estimates are that something on the order of 100 or 110 million of our people would die in an all-out nuclear war, and it might go even higher than that. That is assuming the most fragmentary kind of civil-defense program.

Civil defense, even so simple a scheme as evacuation of the public from major metropolitan centers, would save on the order of 40 or 50 million lives if there were strategic warning.

The Soviets have had a more ambitious civil-defense program than has the United States.

The point is that we are not going to have all-out nuclear war. All-out nuclear war would be a catastrophe for the nations involved. But the end of life on the planet—or even the end of life in the countries targeted—represents a vast overstatement.

Q. Does the U.S. have a plan for evacuation of major urban areas?

A. No.

Q. Should there be such a plan?

A. In my personal judgment, yes.

Q. You have been talking about the possibility of nuclear war between the U.S. and the Soviet Union. But aren't there other countries that now have—or will have—atomic weapons?

A. There are at the present time five nuclear powers: U.S., Russia, Britain, France, and Red China. I doubt that either Britain or France is likely to initiate nuclear warfare. The U.S. and Russia are deterred, I think, from attacking each other at the present time. And I believe that the Red Chinese would recognize full well the consequences to themselves of initiating nuclear war—although perhaps we understand less about the Chinese attitude on this question than we do the other nations.

IF MORE JOIN THE "NUCLEAR CLUB"

Q. There are recurring reports that countries such as India and Japan and Israel are on the verge of joining the "nuclear club." Do you think that will happen?

A. It is our hope that all nations which are not presently nuclear-weapon states will observe the objectives of the nuclear nonproliferation treaty.

The Indian Government has emphasized in the past that further spread of nuclear weapons is not in the interest of any nation. Israel has supported the United Nations General Assembly resolution in favor of the nonproliferation treaty. Both countries may have taken some preliminary steps which would permit them to acquire nuclear weapons on a compressed schedule if they embarked on a crash program, but as yet they do not—to our knowledge—have them. The Japanese have been exceedingly meticulous, so far as we know, to avoid any effort to develop nuclear weapons.

Q. Since the 1963 treaty banning atomic tests in the atmosphere, the U.S. has reported some 210 underground nuclear explosions. What has been the purpose of these tests?

A. In broad terms, the purpose has been to improve our nuclear-weapons technology. This has been necessary with the decision to deploy ABM defenses, which require a special type of warhead. Another reason was the decision to MIRV our offensive forces.

Q. Would you explain MIRV more fully?

A. That is providing each missile with a number of independently targeted re-entry vehicles—so that Poseidon carries a sizable number of re-entry vehicles; the Minuteman III has a lesser number. It required extensive testing to engineer a warhead which could in fact be carried by our missiles.

I'm not sure that it is generally recognized that the development of improved nuclear weapons has been a cheap way of maintaining our force structure while the Soviets were quadrupling the size of theirs. If we had not MIRVed our missile forces, it probably would have cost the United States between 15 and 20 billion dollars to expand its force structure by adding 30 or 40 Polaris submarines and 800 to 1,000 Minutemen missiles. Not only are procurement costs considerably lower but, in addition, operations and maintenance costs will be even more reduced because we have not expanded the force structure, with all that that implies with regard to crews and maintenance personnel.

Q. Does this imply that you are not particularly concerned about the numbers of Soviet missiles versus the number of U.S. missiles?

A. I think that the expansion of the Soviet force structure has been matched by the modernization of the U.S. force structure to date. If the Soviets were to go on increasing the number of missiles in their inventory it would become an increasing source of concern.

WHY "CANNIKIN" WAS "ESSENTIAL"

Q. Why was the Amchitka underground nuclear test so important that the President decided, in spite of all the emotion generated in opposition, to go ahead with it?

A. I think that the President has the responsibility as Commander in Chief to do what is essential for national security, even when there is some public opposition.

The reason for the "Cannikin" test in Amchitka Island was to minimize the risk of putting into stockpile a defective device. There was a decision in 1969 to deploy the Spartan missile. This was the warhead for that missile. It would not have been wise to deploy it without making sure it was effective.

Q. What do the latest reports show as to the effectiveness of the weapon and as to environmental damage from the blast?

A. All indications that we have from the test show that the weapon performed up to expectations, and therefore that it can be introduced into the stockpile.

At this point in time we do not anticipate any further high-yield tests at Amchitka.

With regard to the environmental effects—they were localized, relatively small, and well within the range of predication. The one possible exception is the immediate impact on the sea-otter population around Amchitka. We will not have a good count to compare with our base number until next September or October, and then we can tell what the effect of the test was on the otters.

Q. Is it possible that there has been irreversible damage done to the sea otters?

A. No, sir. There's no possibility of that. The maximum damage to the sea-otter population that anyone has estimated is less than the State has taken in its periodic harvests for the pelts, as well as our transplanting otters to other areas.

A problem with the sea otters at Amchitka is that the growth of the herd encroaches on the available food supply.

Q. The U.S. and the Soviet Union signed the atmospheric test-ban treaty in 1963. Since then, both nations have been testing underground, and the Red Chinese have been exploding nuclear devices in the atmosphere. Do you see any end to this atomic arms race?

A. I think the major nuclear powers will continue to test—provided there's no complete test-ban agreement—until such time as the benefits to themselves in terms of improved weapons technology no longer are equal to the costs that they are paying, financial and otherwise. At that point their interest testing will diminish.

Q. Do you have any idea when that might happen?

A. I would think that improvements in the force postures of both sides, with particular reference to weaponry, are likely to go on into the '80s, in any event.

AT THE HEART OF TEST-BAN DEBATE

Q. Would it be feasible, as some scientists are suggesting, to discontinue all testing—underground as well as atmospheric?

A. It may be feasible, but it's not necessarily desirable.

Much of the discussion of a possible treaty banning all atomic testing has focused on the issues of whether the U.S. can effectively monitor what the Soviets are doing. The issue of feasibility has hung on that.

We have very much improved our capability to monitor events in the Soviet Union. But the question of the desirability of the test ban goes far beyond the question of monitoring what the Soviets are doing.

The real question is, given the changed nature of the opposed forces in this era of negotiations whether it is desirable to cease nuclear testing.

Now, there are two points that ought to be kept in mind:

When President Kennedy talked about a complete test ban, he believed that it was impossible to develop ABM systems. Now we are in a period of time in which ABM systems are being deployed, and it may be necessary to continue testing to insure penetration of defensive systems.

A second difference is the present discussion of the modernization of our tactical-nuclear-weapons stockpile. By "tactical nuclear weapons" I mean those weapons which might be used in support of our general-purpose forces. These include antisubmarine and antiair weapons, artillery projectiles, short-range missiles and the like.

If there were a comprehensive test ban, it would be impossible to develop an improved array of tactical nuclear weapons. That is a price that must be paid, along with maintenance of our strategic deterrent. And it's an over-all political judgment whether the price that you have to pay is worth the benefits, environmental or political, in a comprehensive test ban.

To return to the question about how well the U.S. can monitor events of the Soviet Union: We have made very substantial improvements in the period since 1963. At the present time we are able to monitor nuclear explosions in the Soviet Union with fair competence down to a range of 10 to 20 kilotons, assuming that the Soviets do not take extraordinary measures to achieve concealment.

Now, at 10 to 20 kilotons, there are possibilities of testing weapons effects and the like which have considerable impact with regard to nuclear-weapons technology, although it would, of course, be impossible to do a proof test of the Cannikin type at such low yields.

Q. Do you know, then, approximately how many underground tests the Soviet Union has made in recent years?

A. Unlike the United States, the Soviets do not announce tests. They are not exactly forthcoming with regard to public information. But we have detected 43 seismic signals in the past four years which we feel have been tests. Whether there have been others of lower yield that we may have missed we do not know.

Q. How would that compare with the number of U.S. tests in the same period?

A. We have had a signficantly larger number of tests in the same period than that number. To whatever extent we may have missed some Russian tests, that would reduce the ratio.

Q. Is the U.S. able to detect nuclear tests in Red China?

A. Yes—we have the same capability as we do in detecting Russian tests. But since the Red Chinese have dealt in the atmosphere, it's even easier in their case.

Q. Has the 1963 treaty between the U.S. and the Soviet Union banning atmospheric tests reduced radioactive fallout in this country and around the world?

A. We usually use strontium 90 as our indicator of radioactivity in the atmosphere. When the partial test-ban treaty was signed in '63, something on the order of 20 million curies of strontium 90 had been released up to that point, of which 16 million curies were still in the atmosphere. Between '63 and '68 the number of curies in the atmosphere diminished from 16 million to 250,000. Since '68 it has stabilized.

So what the Chinese tests and those by the French in the South Pacific have done is to prevent further reduction of the amount of strontium 90 in the atmosphere.

Q. Does the level that now exists pose any threat to human health?

A. We would prefer not to have it in the atmosphere. Strontium 90 is a particularly undesirable radioisotope because it substitutes for calcium and it goes into the bones of human beings—and most rapidly into the bones of growing children. So the less we have of strontium 90 around in the environment the better off we are.

THE FUTURE'S "IMAGINATIVE OPTIONS"

Q. Dr. Schlesinger, looking into the future, do you see uses of the atom that the ordinary person hasn't even dreamed of? What about atom-powered space travel, for example?

A. I do not consider myself visionary or a nuclear prophet. Some people in the past have—and many have had notoriously bad batting averages in their predictions.

Obviously there are areas of research and development where, with the necessary public approval and funds, certain nuclear technologies could be developed and made to pay off eventually: for example, nuclear rockets for deep-space missions and, at some point in the future, nuclear-powered merchant shipping.

In the years ahead we probably will see a number of interesting and valuable developments in the use of radioisotopes—the isotope-powered artificial heart, for example. Also, we may well see radiation used for improved sterilization procedures in hospitals, to convert wastes into useful materials, and for the preservation of food.

These are not new ideas, and more imaginative nuclear technologies may be in prospect, but to what extent will always depend on national goals and priorities. That is why I refer to them as "technical options."

Ultimately, it is up to the public to decide what they want and what they are willing to pay for. This will have the greatest bearing on the future of nuclear energy.

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

(On the report of the First Committee (A/8575 and Corr. 1))

2828 (XXVI). Urgent need for suspension of nuclear and thermonuclear tests.

A

The General Assembly,

Viewing with the utmost apprehension the harmful consequences of nuclear weapon tests for the acceleration of the arms race and for the health of present and future generations of mankind.

Fully conscious that world opinion has, over the years, demanded the immediate and complete cessation of all nuclear weapon tests in all environments,

Recalling that the item on the question of a comprehensive test ban has been included in the agenda of the General Assembly every year since 1957,

Deploring the fact that the General Assembly has not yet succeeded in its aim of achieving a comprehensive test ban, despite eighteen successive resolutions on the subject,

Noting with regret that all States have not yet adhered to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, signed in Moscow on 5 August 1963,[1]

Deploring the fact that the determination expressed by the original parties to that Treaty to continue negotiations to achieve the discontinuance of all test explosions of nuclear weapons for all time has not so far produced the desired results,

Noting with special concern that the continuation of nuclear weapon tests in the atmosphere is a source of growing pollution and that the number and magnitude of underground tests has increased at an alarming rate since 1963,

Having considered the special report submitted by the Conference of the Committee on Disarmament[2] in response to General Assembly resolution 2663 (XXV) of 7 December 1970,

Recalling its resolution of 1762 A (XVII) of 6 November 1962, whereby all nuclear weapon tests, without exception, were condemned,

Convinced that, whatever may be the differences on the question of verification, there is no valid reason for delaying the conclusion of a comprehensive test ban of the nature contemplated in the preamble to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water.

1. *Reiterates solemnly and most emphatically* its condemnation of all nuclear weapon tests;

2. *Urges* the Governments of nuclear-weapon States to bring to a halt all nuclear weapon tests at the earliest possible date and, in any case, not later than 5 August 1973;

3. *Requests* the Secretary-General to transmit the present resolution to the nuclear-weapon States and to inform the General Assembly at its twenty-seventh session of any measures they have taken to implement it.

B

The General Assembly,

Noting that one of the first steps in the strengthening of international security is to dissipate world-wide fears that nuclear, thermo-nuclear and other weapons of mass destruction may be used by miscalculation in what could appear to be a desperate situation,

Considering that for the last few years the United Nations has been preoccupied with finding ways and means of diminishing the pollution of the earth's atmosphere,

Noting that scientists have been unanimous in the conclusion that the fall-out from nuclear tests is injurious to human and animal life and that such fall-out may poison the earth's atmosphere for many decades to come,

Taking into account that underground nuclear and thermonuclear tests may not only create serious health hazards but may also cause as yet undetermined injury to humans and animals of the region where such tests are conducted,

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[1] United Nations, *Treaty Series,* vol. 480 (1963), No. 6964. 72-01593

[2] A/8457, sect. III.

Recognizing that there already exist sufficient nuclear, thermonuclear and other lethal weapons of mass destruction in the arsenals of certain Powers to decimate the world's population and possibly render the earth uninhabitable,

1. *Appeals* to the nuclear Powers to desist from carrying out further nuclear and thermonuclear tests, whether underground, under water or in the earth's atmosphere;

2. *Urges* the nuclear Powers to reach an agreement without delay on the cessation of all nuclear and thermonuclear tests;

3. *Reassures* the peoples of the world that the United Nations will continue to raise its voice against nuclear and thermonuclear tests of any kind and earnestly requests the nuclear Powers not to deploy such weapons of mass destruction.

C

The General Assembly,

Recognizing the urgent need for the cessation of nuclear and thermonuclear weapons tests, including those carried out underground,

Recalling that this subject has been included in the agenda of the General Assembly every year since 1957,

Recalling in particular its resolutions 914 (X) of 16 December 1955, 1762 (XVII) of 6 November 1962, 1910 (XVIII) of 27 November 1963, 2032 (XX) of 3 December 1965, 2163 (XXII) of 19 December 1967, 2455 (XXIII) of December 1968, 2604 (XXIV) of 16 December 1969 and 2663 (XXV) of 7 December 1970,

Expressing serious concern that the objectives of those resolutions have not been fulfilled,

Noting with regret that all States have not yet adhered to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, signed in Moscow on 5 August 1963,[3] and that some continue to test in the atmosphere,

Taking into account the determination expressed by the parties to that Treaty to continue negotiations to achieve the discontinuance of all test explosions of nuclear weapons for all times,

Noting the appeal for progress on this issue, made by the Secretary-General in the introduction to his report on the work of the Organization,[4]

Noting with special concern that nuclear weapon tests in the atmosphere and underground are continuing,

Having considered the special report submitted by the Conference of the Committee on Disarmament[5] in response to General Assembly resolution 2663 B (XXV),

1. *Stresses anew* the urgency of bringing to a halt all nuclear weapon testing in all environments by all States;

2. *Urges* all States that have not yet done so to adhere without further delay to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water and meanwhile to refrain from testing in the environments covered by that Treaty;

3. *Calls upon* all Governments that have been conducting nuclear weapon tests, particularly those of parties to the Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and under Water, immediately to undertake unilateral or negotiated measures of restraint that would suspend nuclear weapon testing or limit or reduce the size and number of nuclear weapon tests, pending the early entry into force of a comprehensive ban on all nuclear weapon tests in all environments by all States;

4. *Urges* Governments to take all possible measures to develop further, and to use more effectively, existing capabilities for the seismological identification of underground nuclear tests, in order to facilitate the monitoring of a comprehensive test ban;

5. *Requests* the Conference of the Committee on Disarmament to continue as a matter of highest priority its deliberations on a treaty banning underground nuclear weapon tests, taking into account the suggestions already made in the Conference, as well as the views expressed at the current session of the General Assembly;

6. *Requests particularly* Governments that have been carrying out nuclear tests to take an active and constructive part in developing in the Conference of the Committee on Disarmament, or in any successor body, specific proposals for an underground test ban treaty;

7. *Expresses the hope* that these efforts will enable all States to sign, in the near future, a treaty banning underground nuclear weapon tests.

NIXON TO REVIEW STANCE ON UNDERGROUND TESTS

(By George C. Wilson)

The Nixon administration, spurred by an initiative by Sen. Edward M. Kennedy (D-Mass.), is taking a new look at the idea of expanding the nuclear test ban treaty to encompass underground blasts.

The Defense Department has put together an extensive analysis of the proposition for White House discussions, with Secretary Melvin R. Laird opposing a comprehensive ban.

"From our standpoint," Laird said in an interview yesterday, "the best scientific information is that we are not in the position to advocate such a program in the Department of Defense."

He said his opposition was based on the belief that detection of Soviet tests without on-site inspection was not yet foolproof and that the United States "learns new things every time we have a test."

Laird stressed that the Pentagon's position may not be the one President Nixon adopts after studying the various government position papers.

The Defense Department view collides with that of Kennedy and several other senators as well as a group of scientists who claim the Nixon administration has shifted the basis of its opposition from worries about Soviet cheating to the desire to continue U.S. testing of warheads.

Kennedy's strategy is to force President Nixon to take a stand on a comprehensive test ban treaty this election year. Kennedy already has Sen. George McGovern (D-S.D.), a declared presidential candidate, as a co-sponsor on his sense of the Senate resolution to open "prompt negotiations" with the Soviet Union to end all underground nuclear weapons tests.

His resolution also calls for "an immediate moratorium on all U.S. testing to remain in effect so long as the Soviet Union also abstains from testing."

Besides Kennedy and McGovern, Democratic presidential challengers Edmund S. Muskie (D-Maine) and Hubert H. Humphrey (D-Minn.) have advocated moving toward a comprehensive test ban.

Muskie has said the preamble to the limited test ban treaty of 1963 and the nonproliferation treaty commits the United States to achieve a ban on all test explosions of nuclear weapons.

President Nixon on March 18, 1969, said "the United States supports the conclusion of a comprehensive test ban adequately verified," adding that "efforts must be made toward greater understanding of the verification issue."

Seven arms control specialists, in a telegram sent to Kennedy on Jan. 24, endorsed his resolution and said that "national means of certification" of underground nuclear tests "are now adequate even for a permanent comprehensive test ban treaty."

The seven included Marvin L. Goldberger, chairman of the Federation of American Scientists and former chairman of the Strategic Weapons Panel of the President's Science Advisory Committee; Herbert York, former director of the Pentagon's research and engineering office; and Herbert Scoville Jr., former deputy director for science and technology at the Arms Control and Disarmament Agency.

Thus, Mr. Nixon's reservations about being able to verify Soviet tests are being disputed by one body of scientific opinion.

The Federation of American Scientists argued in a policy paper that "recent improvements in seismology and other means of detection" would enable the United States to "detect Soviet violations of a test ban treaty long before the Soviets could carry out enough tests to score a breakthrough that would threaten the stability of the nuclear balance."

The FAS said that "much of the opposition" to a comprehensive test ban springs not from fear of Soviet cheating but "from the desire to continue American nuclear testing in order to develop new weapons to retest existing weapons and to keep our laboratories vigorous."

Jeremy J. Stone, director of the Federation of American Scientists, said yesterday that administration opposition to a comprehensive test ban represents a shift from insistence on onsite inspection of Soviet nuclear tests to the U.S. desire to conduct more tests of its own.

John S. Foster Jr., director of the Pentagon's research and engineering office, told the Joint Atomic Energy Committee in October that experience with detection over the last 10 years had established the need for on-site inspection to "clarify the nature of seismic events" large enough to detect but too small to identify positively; "establish the nuclear or non-nuclear nature of low-yield explosions; restore international confidence in any cases where earthquakes are misidentified as explosions, and deter violations by increasing the chance of being caught."

Kennedy said he will take the floor of the Senate the week of Feb. 13 to argue the case for a moratorium on testing. By then, he hopes to have some Republicans as well as Democrats as sponsors of his resolution.

His next step will be to ask Chairman J. W. Fulbright (D-Ark.) of the Senate Foreign Relations Committee to hold hearings on the comprehensive test ban resolution.

At such hearings, if not before, the administration would be forced to take a stand on the proposal for a wider test ban.

The White House reportedly had scheduled a strategy meeting today on the question, but White House press officials said they did not know of such a meeting.

Formal meeting or not, the whole question of building on the test ban treaty negotiated by President Kennedy is receiving fresh attention from President Nixon.

COMMUNIQUÉ OF THE MEETING

The Conference of the Committee on Disarmament today held its 545th plenary meeting in the Palais des Nations, Geneva, under the Chairmanship of Mr. Mohamed Al Arbi Khattabi, Representative of Morocco.

The Chairman made a statement.

The Secretary-General of the United Nations made a statement.

The SECRETARY-GENERAL. It is a great privilege and pleasure for me to be present in person, as one of my first duties as Secretary-General, to welcome the distinguished members of the Conference of the Committee on Disarmament to the Palais des Nations. The meeting also provides me with the opportunity to reaffirm my strong conviction of the fundamental importance of disarmament in any effective system for the establishment and maintenance of international peace and security.

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[3] United Nations, *Treaty Series*, vol. 480 (1963), No. 6964.

[4] A/8401/add.1 and Add.1/Corr.1.

[5] A/8457, sect. III.

It is to state the obvious to emphasize at this time—as indeed always—the close interaction between progress in disarmament and the general political situation. In this respect one can see a number of positive developments, in particular the meetings between leading statesmen of the world with their declared aim of improvement of relations and relaxation of tensions to strengthen the foundations of a more rational and peaceful world. There is also movement towards reduction of tensions and strengthening of *détente* in Europe. There is hope that this will accelerate the process towards a conference on European security and talks on force reductions. Indeed the need for progress towards regional arms control and disarmament is urgent in Europe, which is still burdened with a most deadly concentration of modern weapons.

The disarmament scene also shows a number of encouraging signs. One of them is the promise of progress at the Strategic Arms Limitation Talks, known as SALT. This continuing strategic dialogue between the Union of Soviet Socialist Republics and the United States of America has already produced two agreements which serve to some extent the purpose of limiting the threat posed by the very existence of nuclear arsenals and of improving methods of communication for crisis management in the nuclear age. All of us hope that spring may bring the first more substantive SALT agreement. Despite its probable limited scope, such an agreement, if achieved, could become a first harbinger of a real effort to put a stop to the development of ever more deadly and sophisticated nuclear arms both in quantitative and qualitative terms. It is high time that the household words which the vocabulary of nuclear weaponry has become—expressions such as MIRVs, ABMs, ICBMs etc.—be relegated back to the world of science fiction where they more properly belong.

The Conference of the Committee on Disarmament has proved to be the most effective and productive organ for multilateral arms control and disarmament negotiations available to the international community. This Conference first met in Geneva as the Eighteen Nation Committee on Disarmament on 14 March 1962. On the eve of its tenth anniversary I should like to pay special tribute to the members of the Conference for their valuable contributions to the successful conclusion during the past decade of a series of six international treaties all dealing with important aspects of disarmament, arms control and limitation of armaments.

At no previous time in recorded history have so many agreements been achieved in the field of disarmament. In addition, the 1925 Geneva Protocol banning the use in war of chemical and biological weapons has been strengthened and given new stimulus. Moreover, for the first time in history the international community has designated a decade—the 1970s—a Disarmament Decade.

In one way or another, what is familiarly known as the Geneva Disarmament Conference has played a significant role in these achievements. Despite these important successes, however, the nations of the world have so far failed to halt or even perceptibly slow down the armaments race, in particular the nuclear arms race. In fact, during this period the armaments race has spiralled to a higher level than ever before. World military expenditures have escalated from some 120 billion dollars to over 200 billion dollars per year. Two leading nuclear powers have emerged with such overwhelming nuclear capacity that a mere fraction of the weapons possessed by each can destroy the other and the world with it. Yet, as a result of recent developments in the qualitative nuclear arms race, the number of deliverable nuclear warheads is being multiplied by a factor of 3 to 14. While the world thus survives on the knife-edge of nuclear terror, vast material and human resources which could be used for productive peaceful purposes to enrich the standards of living and the quality of life of the people of the world have been wasted in a futile and harmful arms race.

For more than two years the Soviet Union and the United States have been engaged in bilateral negotiations at SALT. All of us, I am sure, are greatly encouraged by the reports reaching us concerning the possibility of an early treaty on the limitation of anti-ballistic missile systems and an interim agreement on certain measures with respect to the limitation of strategic offensive arms. Any agreement between the two Powers to limit the production of these strategic weapons would have great political significance, particularly if it represented an initial step in a further disarmament process. Increasingly, however, concern is being voiced that SALT might achieve some quantitative limitation of nuclear weaponry but permit a qualitative nuclear arms race to continue.

In my view, an indispensable step to halt the qualitative nuclear arms race is a comprehensive test-ban treaty. It is now more than eight years since the Partial Test Ban Treaty was signed on 5 August 1963, banning all tests in the atmosphere, in outer space and under water. Despite the moral obligation contained in that Treaty to stop all weapon tests and the legal obligation in the Non-Proliferation Treaty to halt the nuclear arms race, underground testing has been continued at an even greater rate than previously in the other three environments. In addition, testing also continues in the atmosphere, though at a slower pace.

No other question in the field of disarmament has been the subject of so much study and discussion as the question of stopping nuclear-weapon tests. I believe that all the technical and scientific aspects of the problem have been so fully explored that only a political decision is now necessary in order to achieve final agreement. There is an increasing conviction among the nations of the world that an underground test ban is the single most important measure, and perhaps the only feasible one in the near future, to halt the nuclear arms race, at least with regard to its qualitative aspects. There is a growing belief that an agreement to halt all underground testing would facilitate the achievement of agreements at SALT and might also have a beneficial effect on the possibilities of halting all tests in all environments by everyone. It is my firm belief that the sorry tale of lost opportunities that have existed in the past should not be repeated and that the question can and should be solved now.

While I recognize that differences of views still remain concerning the effectiveness of seismic methods of detection and identification of underground nuclear tests, experts of the highest standing believe that it is possible to identify all such explosions down to the level of a few kilotons. Even if a few such tests could be conducted clandestinely, it is most unlikely that a series of such tests could escape detection. Moreover, it may be questioned whether there are any important strategic reasons for continuing such tests or, indeed, whether there would be much military significance to tests of such small magnitude.

When one takes into account the existing means of verification by seismic and other methods, and the possibilities provided by international procedures of verification such as consultation, inquiry and what has become to be known as "verification by challenge" or "inspection by invitation," it is difficult to understand further delay in achieving agreement on an underground test ban.

In the light of all these considerations, I share the inescapable conclusion that the potential risks of continuing underground nuclear weapon tests would far outweigh any possible risks from ending such tests.

The widespread impatience and dissatisfaction of the non-nuclear-weapon States with the failure of the nuclear Powers to stop nuclear-weapon tests was clearly demonstrated at the recent 26th session of the General Assembly. Three resolutions were adopted, in stronger and more specific language than ever before, calling for a halt to all nuclear-weapon tests at the earliest possible date.

The General Assembly condemned all nuclear-weapon tests and called on the nuclear Powers to desist from further tests without delay; it called for immediate unilateral or negotiated "measures of restraint" to reduce the number and size of such tests pending an early ban; and finally the Assembly called upon this Conference to give "highest priority" to banning underground nuclear tests, and appealed to the nuclear Powers to take an active and constructive part in developing in the CCD specific proposals for such a ban.

A comprehensive test-ban treaty would strengthen the Treaty on the Non-Proliferation of Nuclear Weapons, which remains the foremost achievement thus far of the disarmament negotiations. It would be a major step towards halting what has been called "vertical proliferation," that is, the further sophistication and deployment of nuclear weapons, and would also strengthen the resolve of potential nuclear-weapon States not to acquire nuclear weapons and thereby help to prevent the "horizontal proliferation" of such weapons. On the other hand, if nuclear-weapon tests by the nuclear Powers continue, the future credibility and perhaps even the viability of the Non-Proliferation Treaty achieved after such painstaking effort may be jeopardized. I need not describe the greatly increased dangers that would confront the world in such event.

In the field of chemical and biological weapons, an encouraging first step has been taken during the past year. The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction has the distinction of being the first international agreement on a measure of actual disarmament; it will result in the destruction of a small but not negligible part of the world's stockpile of weapons of mass destruction, bearing the stigma of particular horror. Its significance will be vastly increased when it is complemented, as the General Assembly has urged, and as indeed the treaty itself prescribes, by a similar ban on the development, production and stockpiling of chemical weapons. The Assembly has also called for an immediate halt in the development, production and stockpiling of the most lethal chemical weapons pending agreement on the complete prohibition of all chemical weapons. I am confident that the Conference will put forward the most strenuous efforts in order to fulfill the specific mandates of the General Assembly concerning chemical weapons.

The recent General Assembly has demonstrated its keen interest in the many facets of the disarmament problem by adopting a greater number of resolutions than ever before in this field. All these resolutions are now before you. On the questions of general and complete disarmament, which remains the ultimate goal of all disarmament efforts, they include a call to this Conference to resume its work on this subject, taking into account the comprehensive programme of disarmament originally proposed by some nonaligned members of the Conference, as well as other documents presented, as recommended by the previous General Assembly. The comprehensiveness of the CCD's agenda and the flexibility of its practices and procedures make it possible for all of these disarmament items to be discussed at any time.

Among the important resolutions adopted by the General Assembly is one concerning the convening of a World Disarmament Conference. The discussions revealed a broad interest in the holding of such a conference and led to a decision by acclamation to take immediate steps in order that careful consideration be given to convening, following adequate preparation, of a world disarmament conference open to all States. It would in my opinion be most fitting that a World Disarmament Conference be held at some early date, also in order to advance the common objectives of both the Disarmament Decade and the Second Development Decade. It is, of course, of prime importance, as the resolution itself indicates, that such a conference be the subject of the most careful preparation in order to ensure its success.

Mr. Chairman, while disarmament is of vital interest to all peoples and to every member of the United Nations, I share the oft-repeated view of my distinguished predecessor underlining the importance of the participation in disarmament negotiations of all the militarily most important States which as permanent members of the Security Council have—according to the Charter of the United Nations—primary responsibility for the maintenance of international peace and security in which progress in disarmament is such a vital element.

As far as the participation of China in disarmament negotiations is concerned, a new situation has been created by the restoration of the lawful rights of the People's Republic of China in the United Nations, its subsequent entry in the organization and participation in its various activities.

This new situation was reflected in the disarmament debates during the 26th session of the General Assembly during which a practically unanimous wish was expressed by those delegations which spoke on the subject underlining the desirability of the participation of China and France in disarmament negotiations.

I have thought it appropriate to bring these facts to the knowledge of the representatives of the Governments concerned.

Mr. Chairman, it is my firm conviction that it is of paramount importance that China and France be associated with the disarmament negotiations. I hope that serious consideration would be given to this matter in order to ensure the participation of these two Powers in the disarmament negotiations.

During the Disarmament Decade all existing international treaties in the field of disarmament should be strengthened and fully implemented. I have already referred to the growing adherence to and support of the 1925 Geneva Protocol.

Today we are only a few days away from the second anniversary of the entry into force of the Non-Proliferation Treaty. In those two years, progress has been made in working out a Safeguards Agreement as required by Article III of the Treaty. As the previous chairman of the Safeguards Committee that succeeded in working out the Safeguards Agreement, I can share with you my satisfaction and appreciation of the good will and universal co-operation that was displayed by all involved in its deliberations. The efficient help and guidance given by the International Atomic Energy Agency was invaluable in reaching this agreement. It is essential that this spirit of international co-operation remain and be reinforced so as to facilitate the speedy and successful conclusion of negotiations on the Safeguards Agreement.

The report of the Secretary-General on the Economic and Social Consequences of the Arms Race and of Military Expenditures was welcomed with satisfaction by the General Assembly, which recommended that the conclusions of the report should be taken into account in future disarmament negotiations. The report underlined that the growing arms race not only puts human survival in jeopardy but, granted that humanity does manage to survive, it is also a cancerous threat to human welfare.

The report comes at a most opportune time. There is increasing evidence of a trend towards détente in international relations. The current political climate presents greater opportunities than ever before for additional agreements in the disarmament field. In these circumstances it would seem that nations can now at long last make a beginning in reordering their national and international priorities, so that their wealth and energy can be concentrated on the betterment rather than the possible destruction of life and society on this planet. The delegations present at this Conference have a most important function to perform in the fulfillment of this noble task.

I feel sure that all participants in this Conference will, in the year of its tenth anniversary, put forward their utmost efforts to deal with the full range of problems referred to the Conference by the General Assembly. I extend to all participants my most cordial wishes for the fullest success in their common endeavour.

The Chairman (Morocco) (*translation from French*). I think I am interpreting your feelings in expressing to the Secretary-General, Mr. Waldheim, our most sincere thanks for the interesting statement he has just made to us. We have listened attentively, Sir, to your clear and carefully thought-out remarks and to your words of encouragement. They will remain in our memories throughout the effort we shall be making to work out concrete and substantial measures of disarmament.

On behalf of us all, I should like to express our deep gratitude for this demonstration of sympathy and interest which you have made by your presence and by your statement.

Now I declare that we have finished the open part of this meeting. After a suspension of five minutes, the Committee will resume its work in closed meeting.

U.S. CUSTODY OF MARINE RESOURCES ON THE CONTINENTAL SHELF

Mrs. SMITH. Mr. President, for myself and on behalf of the distinguished junior Senator from Maine (Mr. Muskie), I ask unanimous consent to have printed in the Record a joint resolution of the Legislature of Maine relating to U.S. custody of marine resources on the Continental Shelf.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

Joint Resolution Petitioning the Honorable William P. Rogers, Secretary of State, and the Maine Congressional Delegation for U.S. Custody of Marine Resources on the Continental Shelf

Whereas, the living resources found in the waters adjacent to the State of Maine and associated with the continental shelf and slope of the United States are essential to the seafood needs of the State of Maine and the nation; and

Whereas, these living marine resources are gravely endangered from unrestrained harvesting and fishing; and

Whereas, the United States, because it lacks adequate jurisdiction over all domestic and foreign fishing in the area in which these resources are found, is unable to provide proper protection and management for the conservation of these living marine resources; and

Whereas, the State of Maine has traditionally depended upon its commercial fishing industry for a major portion of its coastal income; and

Whereas, the State of Maine believes that, because of a further decline in the fish stocks in this area as a result of continued heavy fishing pressures by foreign distant waters fleets, the living marine resources are in danger of critical depletion; and

Whereas, the State of Maine is convinced that the harvesting of these living marine resources on a sustained basis can be continued only if a greater measure of jurisdiction is given to coastal authorities; now, therefore, be it.

Resolved: That we, the Members of the 105th Legislature of the State of Maine now assembled in special session, go on record as petitioning the Honorable William P. Rogers, Secretary of State for the United States, and members of the Maine Congressional Delegation to use every effort at their command to establish a legal basis so that the United States shall become the custodian of all living marine resources on the continental shelf and its slope, including all such living resources in the water column above the continental shelf and its slope, so that these resources may be harvested in a manner which would provide proper conservation and wise utilization; and that in addition to such management, the United States would have the rights to the preferential control and use of such living marine resources on the bottom and in the water column above the continental shelf and its slope as is now provided for the nonliving resources of this area; and that such fishery jurisdiction be qualified to permit controlled harvesting inside said United States fishery zone of species not fully utilized by United States vessels; and be it further

Resolved: That a copy of this Resolution, duly authenticated by the Secretary of State of the State of Maine, be transmitted forthwith by him to said Secretary of State of the United States and to each member of the Maine Congressional Delegation with our thanks for their prompt attention to this vitally important matter.

CIVIL RIGHTS AND EXECUTIVE COMMITMENT

Mr. MONDALE. Mr. President, an incisive review of the long history of the civil rights struggle in America, written by Senator Hubert H. Humphrey, was published in the New Leader, of February 21, 1972.

Senator Humphrey correctly identifies the crucial role of the President in advancing or delaying the Nation's movement toward the establishment of genuine equal opportunity for all Americans. In his article, entitled "Civil Rights and Executive Commitment," Senator Humphrey concludes that the present administration has yet to demonstrate a genuine commitment to the quest for civil rights and full opportunity.

Senator Humphrey suggests a social action program to get America back on the road to equal opportunity where every possible effort is made by the Federal Government. It is a program that would assure affirmative compliance with our civil rights laws, provide effective assistance for self-help community economic development programs, rebuild our cities, and develop new growth centers in rural America—all designed to give every American genuine equality of opportunity.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

THINKING ALOUD: CIVIL RIGHTS AND EXECUTIVE COMMITMENT

(By HUBERT H. HUMPHREY)

Is President Nixon trying to create a new climate for civil rights, a second post-Reconstructionist era in which the pains of the past decades will be cast aside? Judging from the political ebb and flow of the past three years, one would have to say Yes. The Administration has unflinchingly straddled civil rights issues; even the most liberal Republicans have found their zeal chilled by Presidential memoranda warning that their heads will roll if they seek to enforce existing statutes. "Watch what we do, not what we say" has been the official password, and in some instances the admonition has proven not without merit. Yet on the whole, little has been said and less done.

Although the Declaration of Independence held it to be a self-evident truth that all men are created equal, Richard Nixon is not our first national leader to compromise that ideal for political considerations. Some historians argue that Thomas Jefferson, for example, wanted the Declaration to censure George III for emasculating the "most sacred rights of life and liberty of a distant people, who never offended him, captivating and carrying them into slavery in another hemisphere." As Jefferson succintly pointed out, however, this provision was not inserted because it might have offended the North, where "people had very few slaves themselves, yet . . . had been pretty considerable carriers of them to others." Throughout the history of our quest for civil rights, progress has been blocked by the tacit agreement that only he who is without sin may cast a stone.

Immediately following the Civil War, radical Reconstructionism was imposed on the South; but in a decade it gave way to a general weariness about the rights of black Americans, and once again reality fell short of ideal. President Grant finally complained that "the whole public are tired out with these annual autumnal outbreaks in the South, and the great majority are ready now to condemn any interference on the part of the Government." When Northern liberalism acceded to the Compromise of 1877, we began the long retreat during which, as C. Vann Woodward observed, "at no time were the sections very far apart on race policy." Education, voting, public transportation, decent housing, employment—all became legally the exclusive preserve of whites. William Graham Sumner and the Darwinian sociological tribe soon confirmed American prejudices by "proving" that "legislation cannot make mores" nor "stateways change folkways." No one, we were informed in Congress, can legislate morality.

Not until the time Franklin Delano Roosevelt did the mass of Negroes begin to move out of the backwaters and slowly into the mainstream of national life. Under Harry Truman, who told his Committee on Civil Rights that "I want our Bill of Rights implemented in fact," the Presidential commitment to equal opportunity matched that of the Declaration. Except for military desegregation, unfortunately, Truman did not see his dreams carried out in his tenure. Yet his stand was so firm that four deep South states defected from the Democratic camp in 1948.

During the Eisenhower era straddling on civil rights became the Executive norm, despite the leadership exercised by the Supreme Court from the 1954 Brown decision onward. The lesson we all learned was that if decisions of the courts are not actively supported by appropriate administrative agencies, the sores of racial injustice are inevitably rubbed raw.

Fortunately, in the '50s several developments were conspiring to put Jim Crow behind us. The modern civil rights movement, inspired by the courage of Dr. Martin Luther King Jr., was helping Americans to accept the Negro not simply as a Negro but as a fellow human being. His nonviolent vision captured all of us when, echoing St. Paul, he cried out to his followers: "You may even give your body to be burned, and die the death of a martyr, and your spilled blood may be a symbol of honor for generations yet unborn, and thousands may praise you as one of history's supreme heroes; but even so, if you have no love, your blood is spilled in vain."

At the same time, America was increasingly realizing that it had a "white problem" too. Once this recognition took hold, pressure mounted on Congress to enact needed changes. After 1956, a great part of the legislative leadership in the area of civil rights and social welfare came from a generally unnoticed source—the Democratic Study Group. Formalized out of Minnesota Representative Eugene "McCarthy's Mavericks," this ad hoc body developed a broad social and economic platform, much of which became the law of the land under Presidents Kennedy and Johnson. And over in the Senate a strong corps of Republicans and Democrats was also coalescing around key issues, leading in 1957 and 1960 to the first of the modern civil rights bills. Their limitations notwithstanding, these measures helped create the lawmaking momentum of the '60s.

With John Kennedy's leadership on civil rights, America could no longer turn back. True, his Administration offered few legislative initiatives at first and sometimes was also compelled to straddle in order to ease its programs through Congress. But when the crunch came and the nation had to know just where he stood, President Kennedy left no doubt. Responding to the racial violence in Birmingham and elsewhere in the South, he said: "Let it be clear, in our own hearts and minds, that it is not merely because of the cold war, and not merely because of the economic waste of discrimination, that we are committed to achieving true equality of opportunity. The basic reason is because it is right."

President Kennedy's death triggered the flood of civil rights and social legislation worked through Congress by President Johnson; ambivalence on equality became a historical and political anachronism. While black, brown and red Americans still trail white in most economic and social measures of success, and free social relations among the races remains a goal envisioned but unachieved, minority progress since 1960 has been truly revolutionary. Legal barriers to integration have generally fallen and housing, jobs, income, and education have improved dramatically. The country has good cause for hope—provided we recognize that America's problem, to cite Archibald MacLeish's formulation, is "not to discover our national purpose but to exercise it."

A President out of tune with history, as Richard M. Nixon has been, might attempt to return us to the social complacency of the past, and in limited ways he might succeed. But history does not stand still, even for Presidents. Our nation simply will not long support attempts to sidetract the quest for civil rights and full opportunity.

The two essential ingredients of the Nixon recipe for civil rights seem to be (1) code words such as "strict constructionism" and "forced integration" to slow down Federal efforts against racial discrimination, and (2) reliance on welfare reform and revenue sharing to improve the lives of the urban poor. These have been mixed into a political stew called the "Southern strategy."

Some uses of the first integredient are well known—e.g., Attorney General John Mitchell's 1969 confrontation with the Supreme Court over desegregating Mississippi's schools. Even legal novices realized this ploy would merely transfer responsibility for Federal civil rights leadership from the Executive Branch, where Congress had placed it in 1964, to the Court, which has few instruments to integrate urban schools, higher education, the nation's 25,000 nursing homes, and so forth. The President subsequently produced his 8,000-word legal brief on school desegregation, promising no busing, and his June 1971 message on equal housing. Whatever their intentions, these statements were interpreted as a pledge to keep blacks in their place. Of course, neither statement reflected "strict constructionism" or "law and order," but rather a defiance of the affirmative compliance provisions of Title VI of the Civil Rights Act of 1964 and the 1968 Act. The public should not have been surprised when Nixon Supreme Court nominees were marked by inadequate judicial qualifications or actions connoting bigotry.

Meanwhile, the President has allowed the second ingredient, his plans for revenue sharing and welfare reform, to be consigned to the limbo of neglect. In his eloquent farewell to the Administration, Daniel P. Moynihan forecast precisely this result, pointing to the persistent inability of the White House to develop a second- and third-order advocacy of its priorities. Although Moynihan did not mean for his remarks to be so construed, they leave a distinct impression of the Executive's gross mismanagement of its own initiatives. And when this mismanagement of programs was extended to a massive mismanagement of the economy, the cause of legal and social justice suffered a sizable setback.

Lyndon Johnson used to remind us that we have only one President at a time and that he deserves at least our sympathy and respect for trying. Richard Nixon, for all his failures, did try to achieve progress in employment, welfare reform and revenue sharing. Unfortunately, these efforts seem to be headed nowhere. In his dramatic August 1971 address to the nation on economic reforms, the harsh reality became clear: The President's bungling of the economy for three years forced him to ask Congress "to amend my proposals to postpone the implementation of revenue sharing for three months and welfare reform for one year."

Several years ago Harry Golden observed that "noble Southerners have raised their voices against immorality and injustice but have remained mute about racial segregation because to condemn it made them traitors." But in today's South economic and social questions—which cannot be answered by rhetoric—are evidently larger than racial ones. Moreover, as John S. Nettles, Vice Chairman of the Alabama NAACP, told the Washington *Post*, the South is "dealing with a new nigger now—a black man who is no longer afraid."

President Nixon's Southern strategy might have succeeded in the South of 10 years ago, when only 1.5 million black citizens were registered to vote. Now the number has reached 3.6 million, and the white community is turning its back on the past. (In this new South, the Republican Governor of Virginia—once the home of "massive resistance"—"respectfully" disagrees with the President and urges Virginians not to resist court-ordered busing!) Indeed, the new South is increasingly facing the same problems as the rest of the country.

Should his new economic course pay off, Nixon may still check inflation and create more jobs, goals that eluded him during his first three years in office. But even if he achieves these goals, he will surely have done little to improve the quality of life for the poor—black, Spanish-speaking, Indian, or white.

What, then, must the Democrats do to get America back on the road to equal opportunity? We must develop a social action program that can be implemented if our candidate gains the Presidency.

First, we must pledge to enforce the statutes already on the books. As the U.S. Civil Rights Commission conclusively demonstrated in 1970, there has been a massive breakdown in Federal execution of existing legislation, a situation that is continuing to grow worse. Similarly, we must promise that affirmative compliance with existing civil rights laws by state and local governments will be a routine condition for receiving all Federal financial assistance, including funds returned in any revenue-sharing plan.

Second, Democrats ought to promote the cause of equal opportunity by expanding Federal monetary and technical assistance to minority enterprises and to financing institutions, as well as to community self-help programs. Federal projects like "Model Cities," now tottering after three years of the Nixon Administration, must be strengthened. In addition, renewal and development plans for our metropolitan centers must be made to include lower- and moderate-income housing with good public facilities and services. Since housing opportunities and public transportation in suburban locations are limited, jobs in these areas are effectively denied to underemployed and unemployed residents of the inner city. Principal HUD officials have stressed that income discrimination in housing affects more whites than blacks, but one would never guess this to be true from the President's pronouncements on the matter. Furthermore, we should create a National Domestic Development Bank (as proposed in legislation I recently introduced) to provide the funds to restore our decaying cities.

Third, although our urban problems remain the most serious obstacle to equal opportunity, the Congress has committed this nation to promoting a "sound balance between rural and urban America." To fulfill this mandate, we need to encourage rural capital development that would create new regionalized growth centers in the American economy. These will ease the pressures—economic, environmental, social, and fiscal—generated by the concentration of 70 per cent of our people on 2 per cent of the land.

Raymond Aron has argued that America's civil rights problem is "tragic, because Negroes and whites, despite their theoretical loyalty to Americanism and its values, have remained socially so alien they may perhaps be tempted to formalize their separation at the very moment they achieve the right and ability to become united." Rigid separation would certainly be a tragic outcome to our historical quest for civil rights and full opportunity. No doubt there will always be significant cultural and social differences among us. But that does not excuse us from the struggle to achieve the right to life, liberty, and the pursuit of happiness for all. To accept anything less would be a violation of the ideals that gave birth to our country.

CANCELLATION OF U.S. AID TO BANGLADESH

Mr. KENNEDY. Mr. President, after telling Congress and the American people that "all of us can be proud of the administration's record" in committing $158 million in aid to the Bengali people, the administration has relunctantly revealed that $97 million of those commitments were canceled. These statistics confirm earlier findings of the Judiciary Subcommittee on Refugees.

But what pride can there be in a record of nondeliveries, bureaucratic delays, and inefficiency in allocating humanitarian assistance for the Bengali people, whose needs were—and remain—great?

Mr. President, the administration has a sorry record in responding to human needs in Bangladesh. They have oversold and overannounced their program. A look at the record reveals a clear contrast between rhetoric and performance. Whether this is double talk, incompetence, or both, the administration has seriously misled the Congress and the American people on the release of humanitarian aid to the people of Bangladesh.

The record is clear that there remain today massive humanitarian needs in Bangladesh, and that three international appeals for relief assistance have not been answered in any meaningful way by this administration. The Congress has appropriated $200 million for Bangladesh relief needs, yet we read dispatches from the field that tell us that relief programs of the United Nations have been canceled and stymied because of the lack of American contribution. And so in desperation, the Bangladesh Government is turning instead to the Soviet Union. Should we be proud of the fact that the Russians are proving themselves to be more responsive and efficient in humanitarian assistance than the United States?

It becomes clearer every day that America's failure to recognize Bangladesh is standing in the way of America's ability to respond to the human needs of the Bengali people. The Congress recognized these needs months ago, and has provided funds that this administration must use now.

Mr. President, I ask unanimous consent to have printed in the Record recent press and academic articles on the crisis in Bangladesh and America's response to it.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 16, 1972]

West Hesitates, Dacca Gives Port Job to Soviets

(By William J. Drummond)

Dacca.—The Soviet navy has taken a major step toward extending its influence in the waters surrounding the Indian subcontinent, taking advantage of the inability of Western countries to come up with $6 million to finance salvage operations.

After waiting for more than two months for the West, acting through the United Nations, to clear sunken vessels from the ports of Chalna and Chittagong, Bangladesh Prime Minister Sheikh Mujibur Rahman gave the Russians permission to do the work.

Thirty hours later, United Nations headquarters in New York came through with approval for its representatives here to accept bids for the work. By then, it was too late.

The Soviet vessels were already under sail, and although it is understood that the Sheikh would like to cancel the invitation, he cannot, for diplomatic reasons.

Some neutral diplomatic sources here think that the Russian salvage fleet is the precursor of an extensive Russian naval presence in the Bay of Bengal.

The Russians will be able to chart every mile of the vast waterways of Bangladesh and will gain an important supply foothold to complement the growing Soviet naval presence in the Indian Ocean, according to these sources.

Other sources dispute this contention, pointing out that the larger of the two ports, Chittagong, cannot accommodate a vessel larger than a destroyer and would require extensive work before it could become a useful facility for ships of the line of the Soviet fleet.

Furthermore, these sources say, it seems unlikely that Mujib would tolerate full-fledged Soviet bases since the prime minister has proclaimed his country to be "The Switzerland of Asia."

In addition, India, the Soviet Union's major ally in the region, is committed to keeping the area free of the navies of the big powers.

Whether or not the Soviet Union gains a base, diplomatic sources of all persuasions say, its undertaking of the salvage operation is a significant step that will further heighten its political influence in Bangladesh.

The granting of the salvage job to the Soviet Union was a natural outgrowth of the delays characterizing Western relief operations in Bangladesh, most of which are channeled through the United Nations Relief Operations Dacca (UNROD).

In early January, UNROD informed headquarters in New York that clearing the ports of vessels sunk during the December war was an item of the highest priority. Even in the best of times Bangladesh imports more than a million tons of foodgrains a year, and with the ports blocked to normal shipping, a food shortage in the hinterland was bound to develop, UNROD said.

A Singapore firm was asked to provide a cost estimate for the work and the figure came to $6 million, which UNROD asked New York to supply.

Each day the food shortage upcountry became more severe. Rahman went to Moscow for an official visit, during which the Russians offered to clear the ports. Mujib did not give an answer immediately.

Mujib returned to Dacca on March 6, inquiring immediately whether the ports would be cleared by the U.N.

No approval had come. He waited until March 9 before accepting the Soviet offer to do the salvage job.

[From the Baltimore Sun, Mar. 17, 1972]

Food Crisis Grows in Bangladesh

Dacca, Bangladesh.—The head of the United Nations relief program in Bangladesh said yesterday that the country is "heading for disaster" because of a food shortage and lack of response to a U.N. money appeal. He forecast food riots "a few weeks from now,"

"Bangladesh has been a playground for charitable hobbies," said Toni Hagen, the Swiss director for U.N. relief operations in Dacca.

"You can't build bridges with baby food and you can't transport food with blankets," he told a news conference.

Bottlenecks in Bangladesh ports receiving rice and wheat shipments from abroad are so great that the shipments have virtually halted. The distribution delay stems from congestion in port warehouses, according to U.N. officials.

Erna Seilver, Austria's ambassador to India and head of a special U.N. team surveying relief, said she had cabled the U.N.'s secretary-general, Kurt Waldheim, requesting $100 million worth of Red Cross goods to combat supply bottlenecks.

United Nations officials report that 229,000 tons of food grain—a six-week supply—is backed up in the ports, unable to move inland because of disrupted communications and lack of transport. Another 66,000 tons of grain is in government warehouses in the interior, where the bulk of the new nation's 75 million people live.

The relief officials say 11,143 tons of wheat from Switzerland and the United States, and 18,300 tons of rice from the U.S. is all that is scheduled to arrive in the ports of Chittagong and Chalna in the next 90 days. With the officials hoping to keep at least 150,000 tons of grain moving each month, this 29,443 tons will amount to only a 10 days' supply. There has been slow response to a worldwide appeal three weeks ago for $626 million in aid for Bangladesh.

Mr. Hagen has met Prime Minister Mujibur

Rahman twice this week to discuss the faltering program.

A week ago, Mr. Hagen said the U.N. program and the two-dozen voluntary relief organizations operating under its umbrella would pull out unless the government started unloading and moving more grain. He says he has noted some improvement. But the prime minister's coordinator of external relief assistance, Abdul Ran Choudhury, criticized the relief agencies and charged that they were taking up too much time making surveys.

Relief sources say the government has rejected a U.N. plan to spend $6 million clearing sunken ships from the harbors of Chittagong and Chalna, and apparently agreed instead to accept a Soviet salvage proposal outside U.N. auspices. The ships were sunk during the war between India and Pakistan last December.

The sources also say that rice in private stocks has been depleted by widespread smuggling across the border to India, where prices are higher. Sheikh Mujib has called for the formation of citizens' committees in the northern border areas to combat the smuggling.

The Indian government has started to ship the first 80,000 tons of 500,000 tons of wheat that it has promised into north Bengal. This is coming overland across the northern border.

U.S. Aid to Bangladesh Being Reprogramed

Washington (Reuter).—About 60 per cent of United States relief aid for Bangladesh, formerly East Pakistan, is being reprogramed or canceled, the State Department disclosed yesterday.

The disclosure came following claims by Senator Edward M. Kennedy (D., Mass.) that the Nixon administration had misled the American people on the extent of U.S. aid actually reaching the war-torn nation.

A department spokesman, Charles Bray, said that of the total U.S. commitment to East Pakistan relief of $158 million between November, 1970, and November, 1971, $97 million was being reprogramed or deobligated.

No one knows how much of this latter amount will go to Bangladesh. The U.S. officials said that of the $97 million, $91 million represented food-for-peace dollar sale agreements with the government of Pakistan.

In order to deliver this food to Bangladesh, it would require renegotiation of the agreements with the new government in Dacca, which the U.S. has not yet recognized.

[From Worldview, January 1972]

Taking Bangladesh in Stride: Selective Indignation in America

(By Martin E. Marty)

The world community does not seem to care. This judgment appears in almost every analysis of the situation in Bangla Desh, formerly East Pakistan. North Americans know little about the politics of Pakistan, the geography of suffering, the moral issues involved. What is more, "compassion fatigue" has set in and our capacity for moral outrage is dormant, at least where the agonies of remote millions are concerned. Still we can, as Hugh McCullum, for example, does in the September, 1971, *Canadian Churchman,* make an effort to personalize the plea to help save the life of a Bengali refugee. ("One of the almost eight million driven from their homeland by soldiers of West Pakistan . . . the people . . . are systematically being destroyed culturally, politically and, in many cases physically by a repressive military regime from West Pakistan.")

McCullum knows that readers "don't want to be harangued again. You've seen it all. The old familiar scene from Biafra and the Middle East and South America and Vietnam. The naked child, the bloated belly, the wizened grandfather, the hopeless eyes." This tragedy is worse than Biafra, an earlier situation to which readers had eventually responded until compassion fatigue set in. "But this tragedy is a little worse." And it has political complications that were unrealized in Biafra. President Nixon is "playing with people's lives" in his leadership and in his encouragement of continued support of West Pakistan military ventures. On page after page, McCullum balances international political concerns with personal appeals. On a smaller scale, so have other editors. Their tone reveals one thing in common: They expect readers either to page rapidly past the articles on Bangla Desh or to have such a high threshold of resistance that very little will ever come of their reading.

Those who try to stave off the effects of that current version of "selective indigation" which overlooks Bangla Desh regularly ask: Why does one crisis reach a nation while others do not? The answer is not to be found in statistics. More Americans were roused to passionate support of one Lieutenant William Calley, declared by military courts to be a Mylai murderer, than were moved to indignation over the hundreds of deaths at Mylai—a fact demonstrable to any one who observed the actions of the President after Calley's guilt was announced. Mr. Nixon had obviously been reading the public opinion polls. That larger numbers of people are involved in one crisis than in another makes little difference. Similarly, distance is not the critical factor; Bangla Desh is not much farther away than Vietnam, a nation which was eventually brought into the scope of American concern.

"The world community does not seem to care." Understanding why at least one part of that community, the United States, does not seem to care may not resolve the crisis, but it could be the first step. According to a *New York Times* editorial, the events in East Pakistan are "crimes against humanity unequalled since Hitler's time." It is hard to measure the accuracy of such a statement, but the editorial goes on to cite numerous now-eclipsed tragedies, some of which attracted American attention and others which did not. The butchery that followed partition of the Indian subcontinent, for example, probably registers not at all. When was that? Who were the parties, who the personalities? What was the loss of life, what was the reason given, what were the means? Public recognition is close to zero.

A second cited "crime against humanity" was Stalin's postwar crimes. 'Selective indignation" in America picked that one up. America and Russia had been wary and uncertain allies during World War II; memories of earlier Red Scares in America and consistent reportage of Stalinist atrocities had prepared the climate for outrage. Rejection of pro-Stalinist domestic Communists during the 1930's had built up public predispositions against Soviet leadership. Now a "cold war" had begun, most Americans had taken sides and were looking for confirmatory evidence. When news began to trickle out of Russia, the American public had no difficulty filling out its stereotype of Communist evil. Little could be done, of course, about an internal situation "behind the Iron Curtain," but people on this side could at least employ their indignation to shore up American defenses.

Then there was "the massacre of Communists in Indonesia"; an event that hardly blipped across the psychic radar screen of Americans. The same people who had justified the U.S. presence in Vietnam as an alternative to a potential "bloodbath" of anti-Communists should America withdraw, overlooked the anti-Communist bloodbath—worse than the Vietnamese one would appear to be in prospect—that had already occurred in Indonesia. Estimates of the dead vary from 250,000 to 500,000, yet the event received no more than a few paragraphs of newspaper space and was ignored by "prime time" television. After all, it was "our side" that was doing the killing, and anyway, Indonesia is far, far away.

Finally, suffering in Africa during two freedom decades must be listed in the catalog of comparative crises. Through the years, in part because of American blacks' identification with African causes and in part because of white America's fears the African situations—including the morally and politically confusing Biafran scene—did begin to draw signs of recognition on the part of Americans.

We cannot say, then, that Bangla Desh is more overlooked than any of the other post-Hitler tragedies. It is safe to say that it is far down on the scale of neglect, rarely a subject of outrage, and clear evidence that "selective indignation" is operative. Selective indignation suggests that people respond to crises, threats, or events in no way proportionate to the quantity or quality of human misery involved. Other factors are determinative.

To begin to understand comparative crises and responses, a framework of inquiry designed by phenomenologist Alfred Schutz may be useful. Much of this framework is stated in formal philosophical terms and its detail does not concern us here; I shall freely pirate and translate his ideas as a background to understanding selective indignation in the case of Bangla Desh.

In his book *On Phenomenology and Social Relations,* Schutz speaks of "zones of relevance," describing four regions of decreasing relevance. First, "there is that part of the world within our reach which can be immediately observed by us and also at least partially dominated by us—that is changed and rearranged by our actions. It is that sector of the world within which our projects can be materialized and brought forth." Cancer in my family is a matter of "primary relevance" as disease in Bangla Desh is not. Vandalism in my neighbor's house is so close to home that I respond out of fear for my own property or care for his in ways different from my response to property-destroyers far away. The burning of Watts, Detroit, Newark, are matters of primary relevance to citizens of those metropolitan areas as the burning of villages in Bangla Desh is not. The first rule of comprehension, then, would be that we expect less response to problems outside the zone of primary relevance.

Schutz speaks next of "fields not open to our domination but mediately connected with the zone of primary relevance because, for instance, they furnish ready-made tools to be used for attaining the projected goal or they establish the conditions upon which our planning itself or its execution depends." One becomes familiar with these "zones of minor relevance," becoming aware of possibilities, chances, or risks contained in them "with reference to our chief interests."

The election of a Socialist premier in a Western Hemispheric nation, Chile, draws intermediate-range "selective indignation" responses. Our chief interests may be threatened and we begin to be alert. The Cuban revolution, "ninety miles away," was perceived as an immediate and direct threat—hence, the Bay of Pigs. It has been more difficult to dramatize the Chilean situation because of distance and the way in which the threat became present—the approved method of the ballot box as opposed to violent revolution. Bangla Desh has not fallen into this mediate zone.

Third, says Schutz, there are "other zones which, *for the time being,* have no such connection wtih the interest at hand." We call them "relatively irrelevant, indicating thereby that we may continue to take them for granted as long as no changes occur within them which might influence the relevant sectors by novel and unexpected chances of risks." Even though Bangla Desh might lead to war between populous India and Pakistan—over what, by the way, would become the eighth most populous nation in the world if it were granted independence—the situation remains "relatively irrelevant." We can picture the conflict moving from the third to the first zone were Americans suddenly able to see China, Russia, and the United States being drawn into war in that area, however.

Finally, there are "zones which we suggest calling absolutely irrelevant because no possible change occurring within them would—or so we believe—influence our objective in hand." Jacques Ellul, in his book called *Violence*, scorned Western radicals for their "selective indignation." They expressed rage at the U.S. presence in Vietnam because in embarrassing America they might further their own interests. They did not seem intrinsically interested in human suffering as such; they could conveniently overlook comparable misery in the Sudan. Why? Because says Ellul, the outcomes there seemed "absolutely irrelevant" to those radicals' political objectives.

While Bangla Desh is not being dismissed as "absolutely irrelevant," it hardly represents anything closer than the third zone.

Schutz reminds us that "interest at hand" does not represent an integral, static, closed system of phenomena. There are pluralities of interests, neither constant nor homogeneous. Further, these are imprecise and intermingled. Last, and most important, there are "intrinsic" and there are "imposed" relevances.

Intrinsic relevances "are the outcome of our chosen interests, established by our spontaneous decision to solve a problem by our thinking, to attain a goal by our action, to bring forth a projected state of affairs." We are free to choose what we are interested in, but an established interest determines the system of relevances. We then have to put up with this system as established. Thus, Americans have come to regard the racial crisis as established and thus fit new responses within an intrinsic and almost automatic framework. Most have taken sides for black or white, for militant or moderate, for backlasher or reconciler. Stereotypes can then then readily be filled. Not so with a situation such as Bangla Desh, where neither West nor East Pakistan is yet part of a national mind-set here.

Schutz speaks also of "imposed relevances." We are not centers of spontaneity, "gearing into the world and creating changes within it." Imposed upon us as relevant are situations and events which are not connected with interests chosen by us, which do not originate in acts of our discretion, and which we have to take just as they are, without any power to modify them by our spontaneous activities except by transforming the relevances thus imposed into intransic relevances." While that remains unachieved, says Schutz, "we do not consider the imposed relevances as being connected with our spontaneously chosen goals. Because they are imposed upon us they remain unclarified and rather incomprehensible."

In those few words, Schutz has written an abstract history of the Vietnamese war and American consciousness. During the early 1960's, the "man on the street" could not have located Vietnam on the map. From his youthful stamp-collecting days he may have known about French Indochina; but Vietnam partitioning, Geneva accords, and the profiles of Southeast Asia remained unclarified and incomprehensible. Some Pentagon and State Department people who, no doubt sincerely, believed that Vietnamese destinies were closely connected with our national self-interest ("domino theories," "cold war enemy expansiveness," "fight them there or on the shores of California") tried to bring Vietnam from imposed to intrinsic relevance. Nothing like that has happened in the case of India or Pakistan. Surely the situation is now being brought to our attention but, as editors and media managers know, their audiences do not connect the issues "with our spontaneously chosen goals." The Schutzian framework can be tested on numerous events in American life and reveals something less than a rational pattern of national action and reaction.

"Remember Pearl Harbor" and "Remember the *Maine*" are two slogans which helped motivate American involvement in wars. The wars were on different scales, as were the threats implied, yet both slogans were sufficient to achieve their purpose. In the case of the *Maine*, the American public mind had been shaped by nearly a century's promotion of the ideas of Manifest Destiny and redeemership. The Spaniard stood in the way of an expanding Protestant empire, in the way of America's fulfillment of its divine mandate to world service. While the military details may have been meagerly perceived before the *Maine* went down, the nation's "spontaneously chosen goals" were being frustrated. The slogan enjoining remembrance of the *Maine* reinforced preconceptions and belonged to the already existing pattern of intrinsic relevance.

Pearl Harbor also belonged. As enemies of Franklin D. Roosevelt have contended for a quarter century and more, the American public was on the verge of intervening in war and only needed a dramatic act. The conspiratorial theory argues that Roosevelt, a master of cosmic stage-managing and the use of media, lured Japan into catching America off guard. Thus he discovered a new congruence between his goals and the nation's "spontaneously chosen goals," which in this case included national survival. The scale of stimuli, then, may differ so long as the new incidents fit into the existing goal pattern.

The threats to security involved in the Mexican War of 1847 and the firing on Fort Sumter in 1861 are hardly comparable, yet both fit the intrinsic relevance scheme. In both wars, leaders on both sides faced internal opponents, foot-draggers and reluctant participants, but they were able to prosecute the wars because triggering incidents had fulfilled certain expectations. Similarly, American Presidents know they can gain support for economic actions if they can rouse the nation to "selective indignation" about economic patterns (e.g., inflation) which remind the people of the Great Depression of the 1930's. People bear a bundle of memories and received traditions; they fear another depression and will find immediately relevant any step that seems plausibly related to avoiding such a development.

In all of this, some analogy to the individual human organism is appropriate. A knife at my throat, for example, or an open prison gate will, to say the least, be perceived as immediately relevant by me or by a prisoner. Bangla Desh offers neither threat nor opportunity in that same sense. Vietnam eventually did come to be seen—by perhaps a slight majority of Americans—as an actual threat to American survival in a world of falling dominoes; "victory" there was portrayed by coonskin-nailers-on-the-wall and the John Waynes among us as promising a generation of peace and the beginning of the end of Sino-Soviet expansion. But what do Americans gain from one side or the other in Bangla Desh?

One may compare a relatively trivial entity in our national history, the "Red Scare" following the Russian Revolution, with the "Red Coats" of the American Revolution. The Red Scare provoked the nation to hostility toward communism, even though, as it turned out, few citizens of the United States were active agents of Soviet communism. Yet, after World War I, the nation was so uncertain of its power and purpose that it could not tolerate internal dissent. Something similar occurred in the McCarthy era following World War II. Through that bitter time, many thoughtful citizens knew that the actual internal Communist threat was small, but enough of their contemporaries believed that national survival was at stake, and McCarthyism became a matter of intense concern.

In the American Revolution, many of the slogans warned of a threat to survival, but careful study shows that it was more a time of promise and opportunity. By any objective standard, the colonists were not oppressed as most of the revolutionary peoples of the world are. But there had been just enough taxation, non-representation and delay in the enlargement of liberties to permit leaders to rally the troops against England. The conflict had more to do with seizing the possibility of full self-government than with resisting tyranny. "Selective indignation" against relatively trivial events (the Boston Massacre) or selective support of ambiguous acts (the Boston Tea Party) came easily because they were positive reinforcements of "spontaneously chosen goals." Whether chosen goals were expressed in terms of resistance to tyranny, Manifest Destiny or, as more recently, Defending the Free World, crises must first be related to the goal pattern before they are popularly recognized as critical.

A number of other factors should at least be explored as possibly enhancing the "zones of relevance" explanation. For example, it seems that scale and scope have *something* to do with response to crisis. "The death of one person is a tragedy; the death of a million people is a statistic" (Stalin). Americans cannot hear enough about the suffering of one American prisoner of war in Vietnam or one imprisoned bishop anywhere in "the Communist World." They may even be able to respond positively to one Southeast Asian child flown to the U.S. for heart surgery. But the forced flight of 9 million people from Bangla Desh, who become a festering presence among hundreds of millions of Indians, is unimaginably gross and has to be reduced to abstraction and mere statistics. Perhaps Biafra was just enough smaller. Perhaps it represented a "conceivable" situation, one where American voluntary aid might make a difference. It is easier for American churches to raise funds for one graphic need—as when a local high school student needs kidney surgery—than it is to gather funds to keep alive hundreds of children in India's refugee areas.

Next, there must be some base in an already approved moral community. Richard L. Merritt shows in *Symbols of American Community 1735–1775* how American colonists in the middle of the eighteenth century began to see a common destiny and to be able to communicate with one another. During that period, events such as the Stamp Act or the almost inconceivably trivial threat that Anglicans might establish a bishop in the American colonies served to reinforce the resolve to work for independence. Americans have no network which picks up signals from Bangla Desh or many other parts of the world. Little "moral community" exists in a nation which supports the very regime that is the agent of most of the misery.

The timing of a tragedy also affects the response to it. "When" matters. Sebastian DeGrazia's *The Political Community: A Study of Anomie* suggests that there are moments when the leadership of a community projects such competing and confusing symbols that the followers, the masses, are lost and lapse into anomie. (For example, should one compete *or* cooperate, since the American system enjoins both? Yet they are logical opposites.) The government supports the regime that causes the suffering (in Bangla Desh, Spain, Greece, etc.) yet calls for a compassionate response to the victims. The resulting anomie dissipates any public sense of obligation.

A decade of war in Indochina, racial turmoil at home, confusion over student dissent, hippie counterculture, and many "cry wolf" crises mixed in among authentic threats have led people to lapse into nostalgia, amnesia, apathy and dulled consciousness. In a different decade and a different context, Bangla Desh might have aroused more sympathy and support. Unfortunately for the starving, they did not get to choose their moment in the world community's psychic history. They are hungry now.

A local embodiment of distant realities helps international incidents become part of the scheme of intrinsic relevances. The movement of American blacks from marginal status to a zone of immediate relevance in national consciousness makes it easier for African incidents to be seen as vital to American blacks have stressed their ties to African roots, and more, no doubt, because they are a local embodiment of "black" threat and promise. Bangla Desh has no such embodiment in most of the world community.

The Arab-Israeli situation is seen as threatening because it may draw Russia and the United States into confrontation. It may be no more volatile than the Asian situation, which could similarly involve Russia with China and thus, inevitably, the United States. But the Middle East has American Jews as effective communicators of emergencies. The suffering of relatively smaller numbers of people there is more vivid to Americans than is the suffering of Pakistan's millions.

Selective indignation is obviously most operative where the line between "good guys" and "bad guys" is clearest. The difficult task of the U.S. government regarding the war in Vietnam is to convince Americans that they really are backing a more free, enlightened and promising regime than that of Hanoi. It is clear that our government has failed. The *Green Berets* on film attracted the already convinced, but few slogans, songs, heroes or legends emerged to support this war. The United States government was thrown back to depend upon the sheer authority of government itself, and it is only on this basis that it has been able to claim the cooperation of most of its citizens. In the case of Bangla Desh, however, the authority of the U.S. government is on the side of the "bad guys," of West Pakistan, and there is little reason or possibility for citizens to sort out the signals received from that part of the world.

The scheme I have mapped out does not preclude the role of the agitator or of mass media in stimulating response. Unfortunately, Bangla Desh has no agitators in most of the world community. The agitator can take a dormant issue and make it live, can discern factors at the edge of one zone of relevance and use them to bring the issue home. Colonists expressed "selective indignation" against potential Anglican bishops in the eighteenth century not because the bishops would have threatened American lives but because their presence collided with certain existing interests, particularly those of Congregationalists and other free churchmen.

Throughout the nineteenth century, spokesmen for a "Protestant Crusade" against a "Catholic Conspiracy" could agitate and draw response out of all proportion to Catholic presence and threat—because they were able to persuade others that the Crusade was defending the American fabric of government from internal and external foes. Of course there were few occasions when such a threat might conceivably have existed, and of course the crusaders were merely defending Protestant churches and interests. But the genius of the agitator is in creatively exploiting one set of interests to force a redefinition of the whole society's interests.

Repressive governments struck back at "anarchists" at the nineteenth-century Haymarket Square "riot" in Chicago and more recently, also in Chicago, at the "Hippy-Yippie" revolutionists of 1968, knowing in both cases that they could depend on positive public responses. After the "Cambodia-Kent State" incidents and the resulting widespread but largely non-violent campus demonstrations, polls showed the American people locating "campus unrest" and youth rebellion as more critical public issues that either the Vietnam war or racial unrest. Vice-President Agnew and Attorney-General Mitchell demonstrated their skill as agitators by overdramatizing these "anarchist" moments, by appealing to the tastes, interests and fears of the American people.

To convince Americans that their national survival relates to the choices they make in Bangla Desh is incomparably more difficult. Not until a further move is made, not until some Communist power makes gestures of apparent threat, will most Americans even know which side to choose.

While the role of the media could be an important factor, so far as is known the media reinforce existing opinion more than they convert to new opinion. Scores of empirical studies show that media have to rely, "all things being equal," on the predispositions of audiences or parts of audiences. Those who favor Ronald Reagan or George Wallace or Spiro Agnew find themselves more drawn to their heroes after televised performances; those who are repelled find these people even more repulsive after media exposure. So far, the Bangla Desh situation is so blurred, remote and confusing that portrayals of misery there fall into no pattern of reinforcement. McCullum is correct: We've seen all the bloated bellies before. We have to get closer to people's ego than mass media can, to predispose citizens to take seriously the signs of human exploitation and despair.

Although people's ego-formation goes on in the intimate circles of home, school, church and conversation groups, a symbolic national leadership is necessary to shape even these exchanges. Without such national leadership it is difficult to picture the nation coming alive to the problems of India and Pakistan. The name-giver, the eponym-fashioner, the locater of issues and symbol-creator. is essential "Charismatic" is the term usually applied to such leadership. Pope John XXIII took unnamed, ill-defined yearnings for human concord and in five years enforced the themes of ecumenism as other people had not in fifty years. With meagre political programs, the Kennedy brothers brought hitherto-buried issues to public life. A Martin Luther King with very little power based on bus-rides, demonstrations and non-violent action sensitized a nation to the struggle for racial injustice.

A leadership that offers no clear path or clean imagery can hardly bring about the conversions which can then be reinforced by the media. Arms for West Pakistan and concern for Bangla Desh will strike most citizens as incompatible interests; one or the other might make sense, but compassionate response is crushed between the two.

Religious institutions are using their residual power in a minor way to change the situation. The appeals in religious publications, the fund drives of various denominational and ecumenical agencies, the occasional reports of visitors to the scene—all this may be of some modest help. While "crash programs" and "crisis responses" from small corners of the private sector strive to fill the void, agencies involved must also war against apathy. The dulling of human sensitivity is the greatest threat at the moment. Those who deal with religious symbols and theological interpretations are poised to effect some change, at least. Not much is likely to happen if they support the very governmental policies that contribute to the misery against which they profess to be contending. Nor is much likely to happen if they fall into apathy or cynicism themselves.

THE DISTINCTION BETWEEN MODERN WARFARE AND GENOCIDE

Mr. PROXMIRE. Mr. President, in testimony before the Foreign Relations Subcommittee on the Genocide Convention, Bruno V. Bitker, a Milwaukee lawyer and expert on the convention, clarified the treaty's distinction between the acts of modern warfare and acts of genocide. Since the war in Vietnam persists, that testimony is worth recalling.

At that time, the distinguished Senator from Idaho (Mr. CHURCH) asked Mr. Bitker whether there was any difference between genocide and the mass killings and bombings of villages which we are inevitably engaged in in Southeast Asia. Mr. Bitker noted the convention's judgment that the intent to commit genocide must be proven in all cases in question. If our intention was solely to destroy a national and racial population, then genocide could be charged. However, our intervention in Vietnam was based on political necessity, in protection of American national security, and such an involvement would not provoke accusations under the articles of the Genocide Treaty.

Although the war in Vietnam tragically continues, and although lives on both sides continue to be lost, the U.S. Government is not guilty of genocide. The distinction which Mr. Bitker made in 1970 points out the critical difference of intent. We are there to halt the Communist invasion from the north and not to destroy an national group. The horror of war is hardly diminished thereby, but Mr. Bitker's testimony does thwart the arguments of those who oppose the treaty for fear of American violations.

Mr. President, I urge Senators to ratify this humanitarian treaty to outlaw genocide.

FLORIDA COUNCIL OF FARMER COOPERATIVE OPPOSES ADMINISTRATION RURAL REVENUE SHARING PROPOSAL

Mr. HUMPHREY. Mr. President, the Committee on Agriculture and Forestry is now in the process of marking up several of the rural development bills now before it. Included among the bills is the administration's special rural community development revenue sharing proposal, S. 1612.

In the hearings that were held last year before the Rural Development Subcommittee of which I serve as chairman, many witnesses appeared before us on this measure. With the exception of the administration witnesses, no one favored the enactment of this particular proposal. Yet despite this opposition, President Nixon again this year, in his Rural Development message to Congress, called for enactement of this legislation.

Most Senators know that the administration's proposal calls for the termination of several rural development programs and activities by turning them over to the States to do with as they wish. Included in these programs are the Cooperative Extension Service, the Rural Environmental Assistance program, the Economic Development Administration, the Appalachian Regional Commission, and others.

I believe it is fair to say that most members of the Committee on Agriculture and Forestry including myself are opposed to this legislation.

The House Committee on Agriculture recently rejected both this proposal and the administration's latest proposal relating to credit sharing involving the turning over of Farmers Home Administration loan funds to the States.

Mr. President, I am not only confident that the Senate Committee on Agriculture and Forestry will join the House Committee on Agriculture in voting down these proposals, but will report a rural development bill which will strengthen the rural development program efforts the administration now wants to weaken or eliminate.

As an example of the many communications I continue to receive in opposition to these proposals of the administration, I ask unanimous consent to have printed in the Record a resolution I received recently from the Florida Council of Farmer Cooperatives, stating their opposition to the administration's Rural Revenue Sharing bill, S. 1612.

There being no objection, the items were ordered to be printed in the Record, as follows:

Florida Council of
Farmer Cooperatives,
January 19, 1972.

Hon. Hubert Humphrey,
U.S. Senate,
Washington, D.C.

Dear Senator Humphrey: The Florida Council of Farmer Cooperatives passed the enclosed Resolution at its recent annual meeting. It is our hope that you will give this matter serious consideration and your support.

Please advise us if the Florida Council of Farmer Cooperatives can be of assistance to you in obtaining additional information on this or other agricultural related subjects.

Sincerely,
Bobby R. Bennett, *Secretary.*

Enclosure.

Resolution

Whereas, since the 1930's funds from the United States Department of Agriculture have been used to encourage farmers to actively practice soil and water conservation, and

Whereas, these programs have been eminently effective, and

Whereas, it is now desirable that funds dispensed through Rural Environmental Assistance Programs be used not only for soil conservation, but for the preservation of water and air by preventing activities which pollute the air or the water by farmers, and

Whereas, H.R. 9447 and S. 1560 provide authorization for presently appropriated funds to be used for cost sharing by farmers who take active measures to reduce air and/or water pollution, and

Whereas, hearings on these bills are anticipated in early 1972;

Be it hereby resolved by the Florida Council of Farmer Cooperatives meeting November 8, 1971, that full support for this legislation be given by the Association, and that this resolution be forwarded by the Secretary to all members of the Agriculture Committee of the House of Representatives and of the Senate, assuring them of the need for such legislation.

Florida Council
of Farmer Cooperatives,
Jack Nelson, *President.*

Mr. KENNEDY. Mr. President, I wish to express my concern about the implications of the arrival of Rhodesian chrome ore in an American port. For the first time since 1965, the United States will receive chrome ore from Rhodesia. This country banned trade with Rhodesia in 1965 when the United Nations Security Council imposed mandatory sanctions on trade with the Rhodesian Government. Last September, the Senate voted to violate our United Nations obligation by accepting an amendment offered by the senior Senator from Virginia, permitting the United States to ignore its United Nations agreement to ban trade with Rhodesia. Thus, the United States joins Portugal and South Africa as the only nations officially breaking the Security Council ban on trade with the minority-ruled regime of Rhodesia.

South Africa and Portugal never indulged in the pretense of observing sanctions. Their interests, in one way or another, have long been alined with each other in national policies on race. Both of those governments maintain racist policies that impose the strictures of minority rule on masses of African citizens.

But the United States, on the one hand, has managed to support a public posture that claims abhorrence of the repressive and inhuman doctrines of minority rule, while on the other hand we actively support countries that officially maintain racist policies:

The Congress last year approved continuation of the bonus paid to South Africa sugar growers—the administration signed a half billion dollar loan agreement with Portugal for the use of an airbase in the Azores—a deal that may ultimately provide support for the Portuguese wars in Mozambique, Angola, and Guinea Bissau—and, 5 days after Mrs. Nixon returned from a visit to Liberia, the administration announced a loan guarantee of $48.6 million for South Africa to purchase locomotives from General Motors.

No official voice of concern has been expressed by our Government in response to the violence in the Southwest Africa dispute that has shut down an American-owned mining operation.

Rhodesia is a nation where 250,000 whites dominate the lives of 5 million blacks. In 1965, we voted to support the United Nations sanctions because of Rhodesia's split with Great Britain and because we believed in the need to nudge the Rhodesian regime toward a settlement with Great Britain.

Presumably, our Government felt at the time that England would most likely succeed in urging the rebellious Rhodesians to adopt reforms. Over the years, other countries have maintained the ban on trade with Rhodesia, while the United States, claiming a strategic need for Rhodesian chrome, has abandoned its United Nations obligation and succumbed to an unjustified plea for materials we do not need.

Both the State Department and the Office of Emergency Preparedness—OEP—have denounced the existence of a national chrome "crisis." Last year the administration supported legislation to reduce our current stockpile of chrome ore from 5.3 million tons to 3.1 million tons. Why then have we ignored OEP assurances that chrome stockpiles are more than sufficient to meet our so-called strategic needs?

In the Senate debate on Rhodesian chrome last September a principal concern was the matter of price and the matter of dependence on the U.S.S.R. for chrome ore. Presumably, because of the United Nations resolution, U.S. consumers have had to purchase chrome ore from Soviet sources, at inflated prices. But I feel that the price argument is not a satisfactory reason to refute America's pledge to support the struggle for human decency, wherever it is made. To those who support the need for Rhodesian chrome to satisfy U.S. defense demands, how can it be explained that Foote Mineral's Steubenville, Ohio, plant will probably process the incoming shipment into stainless steel for kitchen utensils and other consumer goods?

Many people have insisted that the sanctions against Rhodesia deny the United States access to a vital defense materiel. But what could be the possible strategic requirement for goose down—one of the newly acceptable Rhodesian imports the Treasury Department included in its list of 72 acceptable commodities.

Thus, when the Argentine ship, the *Santos Vega*, docks in Louisiana it will unload a tremendous cargo of American discredit along with 25,000 tons of Rhodesian chrome ore.

Mr. President, I am concerned about the arrival of the shipment of Rhodesian chrome because the implications are so terribly linked to what has evolved as a national policy of "benign neglect" for the concerns of disadvantaged people, both here and in other countries.

The Pearce commission went to Rhodesia with a view toward extracting expressions of compliance from black Rhodesians for a proposal to adopt majority rule in 30 years or more. Because that proposal so blatantly violates the standards of human justice, the Pearce commission was met with violent erruptions of denunciations because black Rhodesians, like other citizens in the world, refuse to be shackled with the anchors of repression. Yet, the actions of the United States have shown no outward support for the struggle for equality by Rhodesian Africans.

Africans want self-determination. They want to benefit from the satisfaction of selecting their own government, and determining their own destiny. But Rhodesian Africans face the degradation of living in a society controlled by a white minority that believes it is racially superior to them and they show it.

The arrival of the shipment of Rhodesian chrome ore serves to symbolize this country's lack of concern for those policies.

It must be explained to the American public that we are not faced with the issue of whether trade with Rhodesia is economically desirable.

The critical issue at this point simply

stated is that the United States has violated a United Nations sanction that we voted to adopt more than 6 years ago. Moreover, our actions tend to indicate that the world's industrial powers are still more interested in profits than in the right of African peoples to rule themselves.

When the United States broke the sanctions resolution we also undermined the potential for a successful solution to Britain's problems with Rhodesia. Indeed, the white Rhodesian government declared last October that the moves on Rhodesian matters in the U.S. Congress are "symptomatic—they show increasing sympathy for us."

This move of the United States against the interests of black Africans not only erodes our credibility with other African nations but jeopardizes the validity of our United Nations commitments in other spheres of the world.

Bishop Abel Muzorewa, head of the Methodist Church in Rhodesia, told the Security Council that the United States should be brought before the World Court for violating the terms of the United Nations resolution.

I strongly denounce the action that has allowed the United States to begin trading with the Rhodesian Government. I believe that our Government must make a thorough review of the plans permitting the *Santos Vega* to dock at a Louisiana port. Moreover, I will support legitimate efforts to prohibit further shipments of goods from Rhodesia, until after that regime has clearly demonstrated its intentions to halt its inhuman policies.

CHILD HEALTH

Mr. MONDALE. Mr. President, the March 1 newsletter of the American Academy of Pediatrics states that the academy has signed a new contract with the Department of Health, Education, and Welfare which would greatly expand and improve the Headstart medical consultation services.

The contract, which extends the program through July 1973, contains two new provisions which I think are of interest to all Members of Congress: First, the academy will hire and train 12 regional health specialists who will develop and coordinate health services to fit the needs of local program personnel and will participate in policy development with the regional Headstart consultants and the Regional Office of Child Development; and, second, the contract calls for a self-evaluation of Headstart at the local level.

Mr. President, we are all aware of the efforts of the academy to improve conditions for our Nation's children; therefore, I ask unanimous consent that the article describing the contract in more detail be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Academy Signs New Contract With HEW Expanding Head Start Medical Consultation Services to 1973

The American Academy of Pediatrics has signed a $1,134,600 contract with the Office of Child Development, Department of Health, Education, and Welfare, renewing and expanding the AAP Head Start medical consultation program originally initiated in 1967. The contract will extend the program through July, 1973.

The new Head Start contract was initiated and developed by the Academy's Department of Community Services and represents a major step forward by the Academy to insure that health services provided Head Start children throughout the country adequately meet the health needs of these children, their families and their communities.

The Head Start contract features two new provisions which were not included in the original program.

REGIONAL HEALTH SPECIALISTS

One provision will enable the Academy to hire and train twelve regional health specialists to develop and coordinate health services training and technical assistance systems to serve the needs of local program personnel. The regional health specialists will participate in general policy making and program development with the regional Head Start consultant and the regional Office of Child Development.

They will assist local program personnel in obtaining and using medical assistance funds; train personnel in the use of planning and budgeting guides, and train program staff in self-evaluation techniques, program budgeting and planning of training and technical assistance needs. Besides training Head Start program personnel, the regional Health specialist will monitor local Head Start programs to ensure their smooth and effective operation.

SELF-EVALUATION

The other new provision calls for individual self-evaluation of Head Start programs at the community level. Through this mechanism, Head Start medical consultants and program staff will review and critically assess the program's operation in detail. This procedure will enable Head Start consultants, regional health specialists and program staff to effectively develop and implement new techniques as needed to ensure better quality child health care.

These two new provisions in the Head Start contract will further enable consultants to pinpoint and resolve administrative and other types of problems more quickly and efficiently. Thus the consultant will have additional time to provide extensive medical services to Head Start children through a more economic and efficient overall program.

CONSULTANTS' DUTIES

Under the provisions of the renewed contract, the Head Start medical consultant will be able to more effectively: assist in the development of applications submitted by the community; meet with local planning committees to map out Head Start programs; maintain contact with program medical directors; follow-up and evaluate programs, and maintain liaison with OCD regional and national offices.

Consultants will work with the Office of Child Development representatives responsible for funding and evaluating Head Start health programs, helping them interpret the needs of the children, the resources of the community, and the success of Head Start programs. The consultant will supplement rather than replace the medical and administrative skills available in each community.

FURTHER INFORMATION AVAILABLE

Anyone wishing further information about the Head Start medical consultation service program or desiring to serve as a consultant should contact: Mr. Edmund N. Epstein, administrative director, Head Start Medical Consultation Service, American Academy of Pediatrics, P.O. Box 1034, Evanston, Ill. 60204.

CLEARCUTTING IN THE MONANGAHELA NATIONAL FOREST

Mr. CHURCH. Mr. President, one of the problems that has arisen in the management of our national timberlands is that of clearcutting—a logging practice in which all timber is removed from a particular area. Last April, the Public Lands Subcommittee of the Senate Committee on Interior and Insular Affairs began a series of hearings on the management of our national timber lands.

The subcommittee has taken extensive testimony on clearcutting as it is practiced in the eastern hardwood forests, as it is practiced in the southern pulp forests, as it is practiced in the Douglas-fir stands in the Northwest, and as it is practiced in national forests on steep slopes at high altitudes in the West. Although there are different views as to the conclusions that the subcommittee should reach, there is no question that clearcutting is being practiced in areas where it should not be. On the steep slopes of the Bitterroot National Forest in Montana and Idaho, slow-growing timber stands at high altitudes have been clearcut and have not been adequately reseeded. The result, an economically and esthetically unsatisfactory management of the Bitterroot Forest, contradicts our national policy of forest management-multiple use for perpetual yield.

One of the first to call attention to our problems with clearcutting was the distingushed Senators from West Virginia (Mr. Randolph). He pointed to the destructive effects of clearcutting, particularly in his home State of West Virginia. He has sought better management of the Monongahela National Forest, 820,000 acres of forest land accessible to the 55 percent of the American public living east of the Mississippi.

Unfortunately, there is some indication that the Forest Service continues to practice clearcutting in the Monongahela National Forest. Senator Randolph, in a letter to the New York Times editor on February 29, 1972, stated that even-aged timber management—or clearcutting—continues to be a major thrust of the Forest Service's program for the Monongahela National Forest. I join Senator Randolph in supporting the recommendation of the West Virginia Forest Management Practices Commission in calling for uneven-aged management of the Monongahela.

I ask unanimous consent that Senator Randolph's letter to the New York Times, published on February 29, 1972, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Forest Service Practices

To the Editor:

Edward Cliff, Chief of the U.S. Forest Service, took exception to your recent articles on forest management which stated, "Bulldozers and tractors are boring into some of the last remnant of pristine wilderness." He responded, saying the Forest Service now administers 9.9 million acres in the wilderness preservation system—"hardly a last remnant."

What Chief Cliff failed to point out was that over 97 per cent of this land is west of the Mississippi River and legislation for another 1.2 million acres in the West has been introduced in Congress. Apparently there is a problem in defining where and what is a last remnant of wilderness.

The 26,477 acres east of the Mississippi must serve as wilderness for 66 per cent of our country's population. Consequently, the 17,993,022 acres of eastern forests are being subjected to the timber demands through even-aged harvest practices which are dominating the multiple-use, sustained-yield concept.

The 820,000-acre Monongahela National Forest, located in eastern West Virginia, is within 500 miles of 55 per cent of the nation's population. Many citizens are looking for a "remnant of wilderness" to shed urban wearies and relax. There is not one acre in this forest set aside under the Wilderness Preservation Act and many portions of this ecological paradise have given way to an indiscriminate timber harvesting practice—clearcutting.

The Cranberry Back Country, located in the southern portion of the Monongahela National Forest, must be preserved in its unique and primitive state. The Forest Service, since 1964, awarded timber contracts despite pleas from the public that such cutting would destroy its chance for wilderness recognition.

Earlier, clearcutting in the Gauley Ranger District near Richwood nearly destroyed the local wildlife habitat, recreational potential, drainage systems and the land. This tragic mistake prompted Chief Cliff, in testimony before the Senate Subcommittee on Public Lands, to state:

"In 1964 and until recently, we stated that even-aged management would be the basic system of management in the so-called general forest zone. This has been changed. Our policy now is to use a variety of methods, with no one method as primary."

Actually, little has changed. Contracts awarded since Chief Cliff's testimony are significantly weighted toward even-aged management and uneven-aged management continues to be ignored on the general forest zone, which constitutes over 80 per cent of the forest. This is diametrically opposed to the recommendations of the West Virginia Forest Management Practices Commission, established by the West Virginia Legislature, which urged uneven-aged management be used as the primary harvest method on the Monongahela.

JENNINGS RANDOLPH.

PLIGHT OF THE MENTALLY RETARDED

Mr. KENNEDY. Mr. President, the Willowbrook State School on Staten Island in New York is the world's largest institution for the mentally retarded. In recent months there has been considerable concern with conditions at this institution. Time magazine, for example, stated:

> Actually, Willowbrook, the world's largest institution for the mentally retarded, is a school in name only. It is instead a grim repository for those whom society has abandoned.

Miss Constance Bedson, of Bayside, N.Y., wrote me about Willowbrook, enclosing a poem she composed after watching a TV program about the institution. I believe her poem is edifying to all of us concerned with the plight of the mentally retarded, and I ask unanimous consent that her letter and poem be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BAYSIDE, N.Y.,
February 3, 1972.

Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Last night on ABC–TV I saw a program about Willowbrook and Letchworth institutions for Retarded Children.

It led me to write "Willowbrook." I am enclosing a copy. I hope very much you will please kindly read it.

Senator Kennedy, could you Please do Something to help?

Sincerely,

MISS CONSTANCE BEDSON.

WILLOWBROOK

(By Constance Bedson)

I saw him there. The Child.
Retarded. Huddled he was.
And naked. On the bare floor he was.
Hiding his face. From the World did he hide it.
O we must reach the Moon.
And the Stars.
I saw him there. The Child Retarded.
O where were the Arms to embrace him?
And kind words in his ear?
Does he ever hear Laughter?
Or Music?
It takes Money.
It takes Money.
And we must journey to the Stars.
I see him there on the bare floor.
Huddled. Neglected. Alone.
I hear him wailing.
The Moaning.
They say the smell is terrible.
Is terrible.
And we must journey to the Moon.
The cold barren land.
At Willowbrook, New York.
There is a child. Huddled.
Hiding his face from the World.
O where are the Arms to Embrace him?
I hear the Wailing.

WILLIAM H. LAWRENCE—IN MEMORIAM

Mr. DOMINICK. Mr. President, all of us who knew him were saddened to learn of the death of William H. Lawrence on March 2. There is little one can add to what has been written and spoken about Bill Lawrence since his passing, but I want to express my sincere admiration for his intense dedication to a truly outstanding career in journalism which covered four decades. His endless pursuit of facts and close association with newsmakers in this country and abroad earned him a reputation as a most authoritative observer of the political scene. With his passing, we have lost an excellent reporter and a superb human being.

I extend my condolences to the members of the Lawrence family.

EVALUATION OF ORGANIZATION OF EXECUTIVE BRANCH

Mr. PEARSON. Mr. President, on the eighth of March, I introduced S. 3312, a bill to establish a commission to study and evaluate the organization of the executive branch of the Federal Government. I speak today to urge prompt consideration of that measure by the Government Operations Committee.

As I stated while introducing the bill, one of the most legitimate and serious criticisms of Americans is that their Government does not respond promptly and adequately to their needs. In the conduct of their personal business with Government agencies, individual Americans are often overwhelmed at the complexity of accomplishing such simple objectives as obtaining social security benefits, applying for veteran's educational or disability payments. Small cities or school districts are inundated with paper if they should be so audacious as to request Federal assistance for a local program. The Federal agencies themselves often become hopelessly snarled in their own red tape if one of their number should be so bold as to have an original, imaginative idea.

Seventeen years have passed since the second Hoover Commission completed its comprehensive examination of our Federal Government. In those 17 years, the personnel and agencies of the Government have expanded dramatically and, often, unnecessarily. Each of us knows that there is too much waste and mismanagement of money and human resources in our great bureaucracies. We know that too often they fail to carry out the programs under their jurisdiction. Unfortunately, we do not now have the information on hand to develop comprehensive proposals to reorganize the Government.

It has become regrettably apparent that the President's reorganization proposals will languish in committee due to partisan and substantive objections. We must search for other alternatives to accomplish the task. The proposals contained in S. 3312 provide that alternative.

The success of the Hoover Commissions is well known. Seventy-two percent of the recommendations of the first Hoover Commission were adopted as were 64 percent of the second. This is a time-tested method for undertaking a comprehensive evaluation of the Federal Government. It has worked twice in the past and it will work once again.

The need for Government reorganization is urgent. The President knows it. Congress knows it, and the American people know it best of all. The time to undertake the reorganization is now.

ADDRESS BY VERNON E. JORDAN, JR.

Mr. KENNEDY. Mr. President, I am pleased to bring to the attention of the Senate an excellent appraisal of the current plight of our Nation's urban residential communities and the need to reform our national approach to these problems.

Since he became executive director of the National Urban League, Mr. Vernon Jordan has consistently acted to resolve the Nation's most pressing human problems.

The principal thrust of Mr. Jordan's message addresses the problems of housing, welfare, jobs, and the many other urban ills in our contemporary society. He presents a clear and exacting description of the need to revise most of the policies that directly affect America's poor. And he sadly laments the failures in current executive leadership that have denied the benefits of adequate directives to the American public.

Mr. President, I ask unanimous consent to have printed in the RECORD the address by Vernon Jordan, executive director of the National Urban League, delivered to the United Neighborhood Houses Annual Conference on March 2, 1972.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY VERNON E. JORDAN, JR.

The struggle to revitalize urban neighborhoods has been accompanied, as must any changes of substance be, by an upswell of grass-roots creativity, along with bureaucratic resistance and polarization. To a degree, the social stresses and strains are inevitable. "If there is no struggle," said Frederick Douglass, "there is no progress."

The problem of transforming urban neighborhoods from their present state of physical deterioration and social alienation is, above all, a political process. To be sure, there are facets that can be identified as economic, educational, social, and even philosophical, but insofar as concerns the conditions for change and the means to effectuate change, we are speaking about a profoundly political process.

The issues of the 1970s are complex and difficult ones, and their answers are to be found at the end of the long trail of the political process. In the 1960s, a burning civil rights issue was the right of black people to sit anywhere on a bus in the south. Today the equivalent of that relatively simple moral issue is where that bus route will go, whether blacks will have all manner of jobs in the bus company, from repairman to president and member of the board of directors, and what the fare will be. What once was an issuue that demanded a strategy of inciting public revulsion to blatant Jim Crow in one region of the country is now an issue that demands a strategy national in scope and political in character, insofar as its resolution involves a complex web of private companies, public companies, regulatory agencies, local, state, and national governments, local planning boards, and a host of other private and public agencies whose decisions are based on one phase or another of the political process.

The same holds true for the burning economic issues of our day, for the educational issues and for housing, criminal justice, and other major problems that are at once national in scope and local in impact. Such issues are political not only in the sense of electoral politics, but also in the sense of resolving the claims of conflicting interests. There are always two or more sides to every question and it has been the great failing of liberals and liberal thinkers that they seem to be overly prone to see all sides of the question and to be willing to compromise among them.

I would argue today that this is wrong. That when we address ourselves to questions of justice, to questions of redressing the wrongs of the past and present, and when we deal with moral issues such as housing for the poor, education for the deprived, work and welfare for the impoverished, and justice for the disinherited urban minorities, there can be no compromise.

I would suggest to you that this nation is in the grips of a profound time of testing whose central issue is whether the uncompleted social and moral revolution of the 1960s will be continued on a higher plateau, or whether the progress of the past decade will be rolled back and nullified. I would further suggest that any compromise on these basic issues not only will result in the death of this "Second Reconstruction", but will erode the faith of people in the political process itself. If the political institutions of this nation fail its minorities so completely, then democracy itself must wither away. If liberals choose short-term expediency and compromise of their most cherished beliefs, they will not only lose the support and faith of their constituents, but they will also undermine the validity of a political process that depends upon clear-cut choices and philosophical integrity.

And I must sadly suggest to you that there is every sign that this erosion of public confidence is taking place; that the white flag of surrender has been hoisted by yesterday's defenders of civil rights, and that the voices of those who could complete the revolution of the '70s are notoriously silent.

Let me just indicate four recent events that lead us to this conclusion. All deal with major issues crucial to the revitalization of our cities.

Recently a major civil rights bill came before the Senate. It would have armed the Equal Employment Opportunity Commission with the power to issue cease-and-desist orders to employers the Commission found to be engaged in discriminatory practices. Such a course would have been an enormous improvement upon the Commission's present lack of any enforcement powers and over the proposed alternatives, the long, involved, and costly process of action in the federal courts. The issue was clear cut, just as the old civil rights issues were. And just as in the past, the measure faced a filibuster. "Cease-and-desist" was cut from the bill, the filibuster was defeated, and a weaker bill passed.

Now let us turn the clock back several years and assume that the same bill reached the Senate floor five or six years ago, and was faced by a similar filibuster. I suggest to you that the supporters of civil rights would not have been so prone to compromise; I suggest to you that they would have stuck to their guns and put together the number of votes needed to end the filibuster, and I suggest to you that enough public opinion would have been mustered to support that course of action and to pressure wavering legislators not to yield their ground.

But in 1972, compromise was the order of the day and those to whom black people, other minorities, and women were looking to for support of their interests, meekly accepted the compromise route. It is my belief that they would not have done so in the past and should not have done so today. It is my belief that such a compromise of conscience amounts to a betrayal of those whose advancement is dependent upon progressive legislation and to the extent that the political process has failed them, their faith in it has withered.

Another issue that illustrates the surrender-prone nature of present-day liberals is that of welfare reform. There is today before the nation a broad plan for changing the present catastrophic system of welfare that is so largely responsible for de-vitalizing neighborhoods and brutalizing poor people. Yet, bad as the present system is, the proposed Family Assistance Plan amounts to a Family Destruction Plan, through its combination of inadequate benefits and repressive stipulations.

The failures of the so-called reform are rooted in the philosophy behind it: that poverty is caused not by the dislocations of our economic system and the inadequacy of public education, but by the moral flaws of the poor themselves. From this central assumption flow the major elements of the plan—that benefit levels be kept at punitively low amounts; that recipients are not capable of making rational choices and of managing their own lives and so must submit to bureaucratic direction of their actions; that poor people do not want to work and so must be forced to accept employment regardless of the nature and wages of such employment or of the disruption to the family that would result from it, and that recipients must waive their rights and liberties enjoyed by others because they are deemed untrustworthy.

It is clear to me that the plan before the nation is a bad one. It is no substitute for federal responsibility for an adequate minimum guarantee to all people, federally administered and financed, and it is no substitute for the kind of humane legislation and concern for ending poverty that must inform social legislation that will so deeply affect the lives of millions of people in every county, city and neighborhood in the nation.

For those of us concerned with the possible passage of such a disastrous welfare proposal, a logical course of action seems obvious—kill the present Family Assistant Plan, provide for emergency federal assumption of all or part of present welfare costs to provide needed fiscal relief to states and localities, and take the time to draft the kind of broad reform that is needed. But here again, the response of those who presume to speak for the voiceless has been feeble. About the only points of contention amount to quibbling over the plan's income floor, raising it a few hundred dollars, and perhaps softening some of the more objectionable restrictive features of the plan. Once again, compromise wins out and we are asked to settle for the best we can get. Once again, the crusading spirit and humane concerns take a back seat to expedience and short-term strategy. And the losers include poor people and the self-proclaimed principles of the compromisers, as well as the political process itself.

The controversy over busing is yet another major issue marking a retreat from this nation's struggle to free itself from the bonds of racial isolation. It is not a transportation issue. It may not even be an educational issue any more. It is clearly a racial issue, a civil rights issue. It is an issue that has been politicized with the result that parents and children are used as pawns in an effort to nullify the 1954 Supreme Court decision that held dual schools systems unconstitutional and inherently unequal.

The courts have ordered busing when, after 18 years of illegal segregation, school districts still have not broken down the dual system that still leaves segregation intact. The proposed Constitutional amendments are there, not to trivialize the Constitution, as many have charged, but to offer liberal legislators a way to vote for anti-busing legislation that's sugar-coated to obscure its effect of maintaining racial isolation, leaving them the option of declaring themselves against the Constitutional amendments. By appointing a top-level group to study ways to circumvent recent court decisions ordering integration and busing as one of the means to achieve it, the President has lent the weight of his office and the dignity of his position to those who have been defying the law of the land. And by refusing to stand on their principles and fight any legislation that would weaken the process of integration, liberal legislators have performed a hypocritical game with their constituents and with black people, whose faith in the democratic political process becomes endangered. While liberals, including some who would lead the nation were silent or absent, the Senate last week passed by only three votes a bill that would end busing and insure the revival and perpetuation of school segregation. And this week, that bill was defeated, but at the cost of a compromise that weakens desegregation efforts.

I say if we could use busing as a means to implement segregation and to defy the law, we can now use it to implement desegregation and obey the law of the land and the higher law of morality as well. The hysteria over busing is a phony issue. The real issue is whether this nation has the moral backbone to create a pluralistic, open society in which equality is not bargained away. In this issue, as in the great civil rights issues of the 1960s, the very soul of the nation is at stake.

Finally, there is another current issue that marks a retreat from the battle to create that pluralistic, open society for which we strive. The issue involved in the proposed public housing project in Forest Hills transcends the narrow issue of a single project in a single neighborhood. It cuts to the very heart of the struggle to revitalize all of our neighborhoods by providing access to decent housing for those who now share their slum dwellings with vermin and with fear. Here, again, an issue which should seem clear-cut becomes veiled in self-induced complexities and compromises.

Let us forget the will of the particular neighborhood in question. Living on a city block does not give anyone the right to determine who shall live on the next block. Enjoyment of decent housing does not give anyone the right to determine whether or not someone else shall have access to decent housing. I don't recall anyone becoming overly concerned with the feelings and opinions of black people who were "urban-renewed" out of their homes to make way for luxury housing and office buildings. I see no reason, then, to become overly concerned that some people object to decent housing for the poor going up in their neighborhood.

And let us forget the various disagreements about the particulars of this specific project. I do not believe that it is concern for construction methods or the federal budget that is behind the long arguments about how marshy the project's land is or how expensive the building costs will be. Nor do I find any virtue in the sudden concern with building esthetics on the part of neighborhood critics who cheerfully accept the bland, plastic high-risers designed to rent at luxury prices in their neighborhoods.

The issue in Forest Hills is not whether the buildings are too high or the subways too crowded. The issue is access to decent housing for poor people and black people. The issue is whether an urban neighborhood shall be open only to white people or to people who make higher incomes. The issue is whether poor people will be allowed to live in all neighborhoods of the city or whether they will be confined to slums or to ghetto-locked projects.

I am aware of possible elements of the project that might have been improved. I am aware of the very real and rational concern about crime, although concern about crime must be separated from irrational fear and from the prejudged stigma that people, many of whom are fleeing crime-infested slums, will commit crimes sometime in the future. That must be labelled a myth that is used to create fear and bigotry instead of the openness and understanding that can revitalize our urban life.

There should be no compromise on Forest Hills. I say this because the desperate housing needs of 840 families must be met. I say this because compromise on Forest Hills will result in compromise elsewhere, with the result that black people and poor people will be further denied access to new housing. I say this because there is abroad in the land a spirit of compromise on the basic rights of black people and poor people, a spirit of withdrawal and retreat from the dreams and commitments of the 1960s. I say this because revitalization of the city and of urban neighborhoods is dependent on the fearless forging of a pluralistic society in which all can participate equally and in which all have access to the basic essentials of life. And I say this because I do not want to see this city and this nation retreat into a long dark night of fear, hypocrisy and injustice when we have within our grasp the resources and the moral imperative to do right by our fellow Americans.

Last week the President stood at the Great Wall of China, and he expressed the hope that "walls erected, whether like this physical wall or whether other walls, ideological and philosophical—will not divide the peoples of the world, that peoples regardless of differences in philosophy and background will have an opportunity to communicate with each other and to know each other. As we look at this wall," he said, "what is most important is that we have an open world."

To which I believe we can all say: Amen. And we should add that we must have not only an open world but an open society here at home; that communication between white and black must take place; that the poor must not be chained off into slums and ghettos but must be given access to the benefits of the society they've fought and died for, and that those who say they are our friends, those who stood by us in the past, must continue to fight for the right and maintain the integrity of their convictions in the face of temptations to expediency and desertion.

Compromise on the basic issues affecting black people, poor people, and the deprived in our system is equivalent to traitorous retreat in battle. Compromise does not mean accepting the inevitable; it means insuring that the worst will happen. It means encouraging those who would build Great Walls of the mind and physical Great Walls that separate and divide. It means a betrayal of the democratic political process by depriving a substantial segment of the population of access to satisfaction of their interests. And compromise on issues like "cease-and-desist," welfare reform, busing and scattered-site housing means that moral issues can be bargained away, that the moral fervor of the 60s has given way to moral cowardice in the 70s, and that the faith and dreams of black people will be sabotaged once more.

And this will take place in the face of the fact that to the extent that there is among the citizenry hope and faith in the American ideals they are held by those who suffered most and benefited least. Black people today, for all our righteous anger and forceful dissent, still believe in the American dream. We believe today as we once believed in the dungeons of slavery; we believe today as we once believed in the struggles of Reconstruction, we believe today as we held our faith through the dismal days of separation and segregation.

We believe because this is our land, too. And we must, in this year of doubt and confusion, remind a forgetting nation that this land is ours; that we have lived here since before the Pilgrims landed, and we are here to stay. This nation too often forgets that this land, this America, is sprinkled with our sweat, watered with our tears, and fertilized with our blood. It too often forgets that we helped to build America's power and glory, that we dug taters, toted cotton, lifted bales, sank the canals and lay the railroad tracks that linked ocean to ocean. It too often forgets we too, sing "God Bless America;" we too sing: "O beautiful for spacious skies, for amber waves of grain." We too, pledge allegiance to the flag and for what that flag is supposed to represent. We've died in America's every war and black men are dying tonight in disproportionate numbers in the rice paddies in Indo-China.

Yes, this land is our land and America will work for black people too, or it will not work for anyone!

And so it is black people, who, by our belief in the ideals of American democracy, can help this nation to overcome its crisis of spirit and enter a new era of hope and fulfillment.

Like the tree planteth by the rivers of water, we shall not be moved from our sacred mission to make this a land of freedom, justice and complete equality.

FOREIGN POLICY AND THE 1972 PRESIDENTIAL CAMPAIGN

Mrs. SMITH. Mr. President, a deeply thought-provoking statement on "Foreign Policy and the 1972 Presidential Campaign" has been made by Robert A. Scalapino and Paul Seabury, professors of political science at the University of California, Berkeley. They have authored this most serious and important paper in their capacities as members of the board of trustees of Freedom House, which it is my honor and privilege to chair.

I invite the serious study of this paper by every Senator as well as by all presidential candidates. I ask unanimous consent that the paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

FOREIGN POLICY AND THE 1972 PRESIDENTIAL CAMPAIGN

(By Robert A. Scalapino and Paul Seabury)

ORIGIN OF THIS PAPER

Senator Smith convened a Freedom House meeting in Washington last October to discuss American foreign policy in light of the forthcoming Presidential election campaign. The Board of Trustees had invited two of its members, Profs. Scalapino and Seabury, to prepare a working paper for the Senators. Titled "A Plea for Rational and Measured Dialogue," the paper warned that "miscalculation of our intentions by [America's] opponents has played a major role in bringing on the conflicts in which we have been engaged since World War II." The authors asked: "Must we run this risk again? Signs, unfortunately, point in that direction. Great chasms of disagreement over our role in world politics have been opened at home."

They continued, "A moratorium on foreign policy debate is neither possible nor desirable." But a moratorium is needed "upon the type of campaign that impugns the motives and character of others, or presents basic issues in drastically over-simplified, highly unrealistic terms. In stressful times it is tempting to charge one's opponents not merely with error, but also with criminality; to castigate them not merely as mistaken, but also as immoral." They added, "The capacity of an open society to contain its political differences within the realm of rational debate may well represent the most serious test posed to democracy in the late twentieth century." What will it avail, they asked "if the Presidency is won through the route of having destroyed confidence in one's competitors and thus an office is inherited demanding awesome decisions, but now shorn of public trust?" Americans need not be treated as retarded children—they can stand complexity, wrote the authors: "We must elevate the substantive, intellectual content of public dialogue on American foreign policy."

After the October meeting, the authors prepared the following paper, subscribed to by the above-named Senators. It is intended to provide a guide to fundamental American foreign policy issues. Freedom House hopes the Presidential candidates and their supporters will address themselves to this agenda as the campaign progresses.

INTRODUCTION

The image, influence and policies of America in the world of the late 20th Century can all be significantly affected by the 1972 Presidential campaign. The world habitually takes careful note of an American election. Abroad, many impressions of our political capacities and intentions will be shaped by the events surrounding the coming contest. Moreover, the impact of these events upon the American people themselves can scarcely be exaggerated. Few would deny some increased cynicism and hostility at home toward politics. There has been a disturbing trend in some quarters toward disinterest in active political participation; some evidence of a contempt for democratic procedures; and an increase in violence.

Can we arrest these disturbing trends? In part, the responsibility now lies with our major political parties, and the individuals within them who seek our highest office. Will they raise the issues of truly critical importance to our future? Will they discuss these issues in a rational, informed and honest fashion? Can this election be made an educational process, and a cause for rededication to democracy, or will it be remembered as essentially a circus, featuring sleight-of-hand artists?

If the coming election is to elevate and strengthen democratic procedures, the most important issues must be treated with the seriousness, attention to fact, and recognition of complexity which they deserve.

Regardless of how one evaluates past and present American foreign policies, we currently stand at an important cross-roads. For nearly three decades, the United States, with bipartisan support, has assumed major international responsibilities on behalf of two overriding objectives: first, the creation of a basic political-military equilibrium between the non-Communist and the Communist forces—this has applied especially to those regions of signal importance to any international order, namely, Europe and East Asia—the regions out of which World War II had emerged; second, a program of aid and technical assistance, varying considerably in scope and content, to many late-developing countries, to improve their chances for political stability and economic growth.

The recent debate concerning American foreign policy stems at least as much from the successes as from the failures of these endeavors. It is now argued that the nations of West Europe and Japan, at present internally strong and prosperous, can bear a large share of responsibility for international order and development. Furthermore, the internal unity, and the international tactics of the Communist movement are said to be dramatically altered by events of the past two decades, thereby requiring new American approaches. Finally, internal developments now necessitate major shifts in American priorities, with greatly increased attention being given to the needs born out of the greatest on-going revolution of the 20th Century—the American revolution, and the advent of the world's first so-called "post-modern" society.

These assertions deserve serious, in-depth discussion. Most thoughtful individuals would agree that some element of "truth" is contained within each of them. The critical questions are the extent and the implications of that "truth." A more comprehensive balance-sheet should include those factors which countervail, or limit, or even negate these broadly conventional themes. If American interests are to be well served, our future foreign policies, and priorities between foreign and domestic arenas require realistic and comprehensive assessment of the total scene.

Our foreign policy debate, to date, falls far short of these requirements. Several straw-men are now hoisted up before the American public. Some of them have powerful emotional appeal. But they falsely represent the current issues of foreign policy.

The most impressive fabricated straw-man recently has been that of the United States, after 1945, as the world's policeman. Its repeated depiction does not make it real.

Under Democratic and Republican administrations, the United States has continuously made major distinctions with respect to the degree and type of commitment abroad. Rightly or wrongly, our central concern has been West Europe and East Asia. Long ago, we made it clear (unhappily, for many people in the area), that America could undertake no commitment to East European self-determination. Our role in Africa has essentially been minor. Our commitments to the Middle East and to Latin America have been important, but limited, and special in character. Even without regions deemed important to our own national interests, and to world peace, our commitments have been partial—with an acceptance of the neutrality and hostility of certain states within the region. A debate over the nature and extent of our foreign commitments has always been legitimate, but it will not be forwarded by starting from a false premise.

Another frequently advanced assertion is that the United States has been guilty of an arrogance of power, with an uncontrollable urge to shape the lives of other people to our own values and institutions, and to damn those who will not follow our political, social, or economic way of life. There is a quotient of ethnocentrism in any society or individual. Undoubtedly, the United States has projected its own values into the setting of other states. Yet on balance, America's dilemma has not arisen from an arrogance of power, but from our great indecision as to how to use the massive power at our disposal. Rarely in history has a nation dominant in power and wealth been so restrained in the use of that power, so limited in its basic objectives, so internationalist in its goal.

Have we really insisted that nations receiving our assistance pattern their institutions and values after ours? Some of the critics who see American foreign policy as based upon arrogance and egocentrism ironically also charge that we have confined aid to "dictatorships and reactionary regimes," implying that we should only traffic with those governments which can be styled as Western-styled democracies. Were such a severely moralistic standard applied, fruitful interaction between the United States and much of the non-Western world would indeed be inhibited, as would constructive relations between ourselves and the now diverse Communist states.

A more grave objection to this particular straw-man exists. Those who allege that American aid goes primarily to dictatorship often are unable to distinguish between quasi-open political systems characteristic of many of the emerging states, and the closed, highly structured, rigorously authoritarian systems characteristic of those fully mobilized societies that we call Communist or Fascist. They are silent about the sharp differences between North and South Vietnam; North and South Korea. They frequently apply a double standard whereby efficient totalitarian regimes silencing all opposition, permitting only one political party to operate, allowing only one ideology to prevail, mysteriously appear more democratic than their struggling counterparts—where opposition, even if frequently abused or muted, can be clearly heard and seen. A quite-silent Rumania or a North Vietnam is spared their attack; a Taiwan or a South Vietnam, scenes of open ferment, are abused. They consistently employ a double standard, one favorable to those regimes least free and least open, seemingly on the premise that what one cannot see or hear won't hurt one.

One final straw-man should be revealed. Recently, the thesis has been widely disseminated that American foreign policy since 1945 has been continuously dominated by a "cold war paranoia," and hence, has rested upon fundamentally irrational and extremist premises. One does not need to defend all American policies of the post-1945 era, or indeed, all of the uses to which anti-Communism has been put, to label this assertion as both false and dangerous. Stalin existed. He was not invented by cold warriors. The documentation upon Soviet and Cominform policies of the immediate postwar era is now extensive. On balance, it conclusively negates the thesis that American policies were primarily responsible for the breakdown in American-Soviet relations, the need for NATO, the concern over the type of aggression reflected in the Korean War, and subsequently in Hungary and Czechoslovakia.

Every American hopes that we are moving into a better era, one holding the prospect for peaceful coexistence and the substitution of cooperation for militancy. Who does not want major progress on disarmament? Who opposes a broad agreement among nations, irrespective of their socio-political systems, to eschew aggression, to cease interference in the internal affairs of other nations, and to tackle mutually the great social and economic problems of our times? Progress in these directions, however, will not be advanced by those who shout *mea culpa,* and urge America to negotiate from weakness and a sense of guilt over past misdeeds. Nor can they successfully rewrite the history of the last three decades, oblivious to the essential facts of that era, in an effort to vindicate their current political views.

The qualifications of any individual running for the Presidency who relies heavily upon one or more of these straw-men should be seriously questioned. Such a person will be evading the real issues, and cheating the American people by refusing to come to grips with the complex nature of our times.

II. EUROPE

The basic success of our postwar European policies can be seen from two vitally important, but often overlooked facts. First, we have avoided a nuclear war for nearly three decades. And we have accomplished this despite the persistence of a number of unsolved, highly volatile problems focusing upon Europe, and continued differences of major proportions in the political systems now operating on this continent. Second, the nations with which we have been most closely aligned since 1945 have shown remarkable vitality and growth. Surviving two "civil wars" in the 20th Century, each of which ended in a global holocaust, the states of West Europe have shown impressive signs in recent years of abandoning war as a means of settling continental disputes, moving away from the cycle of recurrent political crisis at home, developing a greater sense of European community, and showing an encouraging capacity for economic and social growth.

The condition of the "developed" states is of critical importance to the health of the entire world. Peace and prosperity hinge in considerable measure upon the values, strength, and will of the United States, the nations of Western Europe, and Japan. Broadly speaking, we have thus far sustained a climate of peace through the achievement of a political-military equilibrium with potential opponents, and through a shared prosperity extending outward to all nations.

We have also reinforced each other's political values. The West European states are open societies, committed to constitutional and democratic procedures. They are also the repositories of technological and industrial skills devoted principally to the internal betterment of their people. Most of them, indeed, could be classified as welfare states. Unlike certain states in the totalitarian world, moreover, they have repudiated both the doctrine and the practice of political/military expansion at this point.

The progress achieved in Europe has been closely connected with the American commitment there, first in economic terms, subsequently, in a political-strategic sense. Naturally, the substantial American presence has posed its own problems, especially in the economic realm. Continuous consultations and adjustments are in order.

The major issues to be discussed in the coming Presidential campaign, however, relate not to our economic relations with Europe, vital though these are, but to our strategic relations. Let us pose the central issue directly. Shall American contributions to European defense be drastically cut in the name of détente, reduced defense spending, and domestic needs? Shall there be a substantial and unilateral American military withdrawal from Europe, and an abandonment of the historic policy of seeking to maintain a political-military equilibrium there?

Those who advocate such a policy generally advance two lines of argument. First, they insist that in the current climate of detente, the risks are limited. Are there not numerous signs that the Soviet Union wants an accommodation with West Europe? Has not Brandt's *Ostpolitik* been brilliantly successful? Indeed, some of the more strident voices in the American political arena are now prepared to write off current policies as a typical example of "cold war paranoia," proclaiming that there is no need for the United States to be concerned about the defense of 250 million Europeans against 240 million Russians who have much to fear from 750 million Chinese.

Second, it is argued that if they regard their security as threatened, the West Europeans now have the resources, and the political instruments to bolster their defenses. It is asserted, indeed, that an American withdrawal might abet European unity, and the willingness to make greater mutual commitments to the defense of the West. Has not the United States carried too great a share of the responsibility for too long, thereby blunting West European initiatives?

On the surface, these arguments seem highly persuasive. When the total picture is revealed, however, their merits become debatable.

Despite major internal gains noted earlier, the states of West Europe have less control over broad international events than at any time in modern history, including events that impinge directly upon their economic well-being, political stability, and military security. The age of European domination of the world is over, but Europe is still heavily dependent upon that world. For example, some 75% of its energy imports come from the Middle East at present, but its leverage upon Arabs or Israelis is exceedingly slight. Similarly, any major upheaval on the Eurasian continent within the now badly fractured Communist bloc would be likely to have immediate repercussions, especially in central Europe; yet the capacity of the West European nations to influence the course of such events is probably very limited. In certain respects, West Europe has become hostage to events in the broader non-European arena, with corresponding limits upon its true independence, or capacity for a totally self-sustained security policy.

It is of at least equal importance, however, to note the paradoxical nature of recent trends within Europe itself. Hand in hand with increasing political détente has gone growing strategic imbalance. From 1962 to 1968, U.S. forces in the European theater shrank from 462,000 to 300,000 with no appreciable change in the military strength of West European forces. Meanwhile, in the past four years, Soviet forces in Europe have grown from 26 to 31 divisions. And while the number of American ICBM's in Europe has remained static since 1967, the number of Soviet missiles has nearly doubled during that same period, with Soviet-European theater missiles currently 50% greater in number than those of NATO.

Nor does this complete the picture. The Russians have made it clear that in so far as they are concerned, political détente itself is likely to be dependent upon the willingness of each West European state to deal with them as an individual entity. Any move toward the increased integrated defense of Europe by Europeans will be regarded by the Soviet Union as an unfriendly act, and one detrimental to the prospects of détente. The Soviet Union, in sum, naturally wants a West Europe as divided as possible, and with suitably limited military power, and this appears to be the current Russian price for any broader accommodation.

Thus, a precipitate American withdrawal from Europe will pose a painful dilemma upon our allies, and one that is likely to produce greater political polarization. Should West Europe accept the position of hostage to Soviet good intentions, and opt for "neutralism," accepting the fact that the strategic equilibrium of recent decades has been broken in favor of the Russians? Or should it take the risks of a substantial rearmament program, cognizant of the likelihood of Soviet displeasure and the uncertainty of the American commitment?

On balance, the complete evidence strongly suggests that if a meaningful, negotiated détente in Europe is to be achieved—namely, one that preserves the independence and security of the Western democracies—serious consideration must be given to mutual, balanced force reductions by West and East. This is not to argue that the European states should make no additional military commitments, nor that the US commitments should remain constant for all times. It is to assert that those who advocate a rapid, unilateral American force reduction in Europe, with a resulting serious imbalance there, must consider the following problem: would not such an action force upon our West European allies the harsh choice between accepting accommodation with the Soviet Union essentially on the latter's terms, or at least on terms making Europe dependent upon Soviet goodwill; or taking the risks of a more thorough military integration of West Europe, a step almost certain to be resisted strenuously by the Russians, and hence likely to create a series of crises from which the United States would not be able to remain aloof?

Our candidates should speak to these basic and complex issues.

III.—AMERICAN-SOVIET RELATIONS

Relations with the Soviet Union, being of such vital importance, deserve special attention. Here, it is crucial that we not substitute our wishes for the current realities. It is now commonplace to assert that the cold war is over, and in addition, that bipolarism has been replaced by the greater importance of triangular or quadrilateral relations.

Once again, such statements are not without a significant element of truth, but the actual situation is considerably more complicated. We *are* in a period of major transition. The near-universal conflict between America and Russia characteristic of our earlier relations is fortunately giving way to a more differentiated picture. Relations between the US and the USSR today cannot be drawn in a lineal manner. Rather, they must be depicted as circles of accord and discord, areas of agreement or near-agreement, and regions of total or near-total disagreement.

In recent years, the areas of agreement or near-agreement have grown. Such a development is most pronounced in the European theater, but its manifestations are to be seen elsewhere, including in the field of disarmament. However, it should scarcely be necessary to point out that in most instances, it is we who have thus far made the bulk of the basic concessions leading to American-Soviet accommodation. In Europe, our willingness to abandon the principle of self determination, and move toward acceptance of the post-World War II status quo has paved the way for such détente as has occurred. In the disarmament discussions, our acceptance of strategic parity rather than strategic superiority has raised the chances for limited agreements. As yet, it is difficult to find corresponding concessions from the Soviet side, although these, we can hope, will be forthcoming.

Meanwhile, there remain many explosive issues upon which American and Soviet views and policies sharply diverge. As is well known, the Soviet Union is the principal military supplier for the North Koreans, the North Vietnamese, and the Arab states, and while the Russians have exhibited some caution in escalating the conflicts in which these states are involved, they have done very little to help settle the disputes. On the contrary, they have generally lent their weight to the cause of a full Communist (or Arab) victory. Czechoslovakia and the so-called Brehznev Doctrine proclaiming that no state has a right to leave Socialism are further instances of the chasms that separates us and the Russians on certain issues.

Nor is the situation eased by Soviet rhetoric. It is ironic that while exhortations issue from American sources to avoid at all costs anti-Soviet or anti-Communist rhetorical attacks, the Soviet media continue unabatedly to feature the highly ideological, utterly simplistic anti-American propaganda of the past. Here too, the concessions have thus far been largely one-sided. Perhaps this is true in part because the Communist world is seeking desperately to cling to the myth of a monolithic ideology, even while being forced to acknowledge pluralistic national interests and socio-political institutions within its bloc. Hence, ideology—and propaganda—remain a deep reservoir of conservatism, a relic of the past.

If the cold war is not completely dead, at least from the Soviet perspective, neither is it correct to pronounce bipolarism totally superseded by new political constellations. Broadly speaking, it is true that the international influence of both the United States and the Soviet Union has declined within the decade, as the result of a variety of factors: the growing strength and self-confidence of other states; serious policy cleavages in the case of the Communist bloc; and a decline in American commitment, will and credibility. It is thus appropriate for certain purposes to see relations among the United States, the USSR, Japan, West Europe and China as taking on new importance; in other instances, some partial combination of these forces is of the greatest significance.

Nevertheless, in so far as military power is concerned, we still live essentially in a bipolar world, and even with respect to political power or influence, this remains more true than is currently realized. In these respects, moreover, there are some oft-slighted, disturbing facts. First, of all the major states, the Soviet Union alone today is rapidly expanding its international commitments. Whether one looks to East Europe, the Middle East, Asia or Africa, old linkages have been tightened and new ones fashioned. Necessarily, this expansion of commitments or assumption of new risks will affect Soviet definitions of her security interests, and quite possibly, the role of professional military men in her decision-making processes.

Thus, while we have accepted the concept of equality in security weapons with the Russians, have they accepted that principle? And what is the meaning of the very rapid expansion of conventional arms on the part of the Russians, an expansion that has brought some respected Americans to assert that we are on the verge of being out-distanced by Soviet power? When to these facts one adds the further fact that most of the political concessions—and *all* of the big ones—involving American-Soviet accommodations have come from the U.S., certain hard issues can no longer be avoided.

The age ahead will almost certainly be an era of continuous, intense negotiations, with negotiations between ourselves and the Russians of central importance. Two broad issues are likely to dominate the horizon: "peaceful coexistence" and disarmament. While desperately needed, approval still appears distant for mutually acceptable rules for the peaceful coexistence of states having different socio-political systems and holding to different basic political values. Such rules would include a definition of concepts like aggression and interference in the internal affairs of other states. In the absence of these rules, we shall continue to face the reality that external pressures on existing states are defined by us as aggression and by the Communists as national liberation. At the same time, we shall be engaged in a step-by-step effort to reach agreement on weapons control including, ultimately, research and development in the military field. These issues, to be sure, clearly involve many states, but American-Russian discussions are likely to be the determining factor.

Under what conditions are promising results most likely to be attained? Already, voices are heard advocating that we commence the age of negotiations by making a wide range of additional concessions. It is proposed that the American defense budget be slashed drastically, that all American ground forces be removed from Asia, and that forces in Europe be reduced by one-half; that priorities be directed almost wholly toward our purely domestic concerns, with space as well as international commitments cut drastically.

Is it conceivable that such a course of action would yield the results which its proponents claim? Would a weaker, withdrawing, neo-isolationist America be able to reach meaningful agreements with an expanding, militarily superior Soviet Union? The answers to questions such as this will determine whether the negotiations of the 1970's will produce measured, equal concessions or unilateral losses; peace or war. Everything we have learned from modern history tells us that peace in our time will not be gained through the isolationist route, and that negotiating from weakness with a nation like the Soviet Union can only be nonproductive. Our hopes, our very survival ride with the successful outcome of the great negotiations that lie ahead. Proponents of unilateral American disarmament could become the unwitting progenitors of the next great global crisis.

Here are other issues that warrant the most intensive discussion as our Presidential campaign gets under way.

IV. ASIA

Today, with all eyes focused upon the great China adventure, it is easy to lose sight of old ties of transcendent importance. Our relations with Japan are vital, whether measured in terms of economic, political or security concerns. It cannot be denied, however, that these relations have deteriorated in recent years, with distrust and recriminations growing. The serious fissures in American-Japanese relations that have lately developed can be attributed to errors on both sides. In the economic realm, the Japanese were too slow to undertake trade and capital liberalization measures long overdue. On the political side, the United States has damaged its credibility severely by refusing to take the Japanese government fully into its confidence on matters relating to China policy, and by the fact that some of its highest officials are prone to make anti-Japanese statements in private, statements reaching the Japanese quickly.

Thus, a basic issue is posed. Is there any conceivable advantage to us in the breakdown of the American-Japanese alliance, and if not, how can that alliance be strengthened? Peking has made it clear that one of its goals is indeed the dismantling of the American-Japanese ties, and strangely, there are some Americans who appear to think that the time is ripe to replace close cooperation between the US and Japan with a looser set of multilateral relations in the Pacific, involving the Soviet Union and the People's Republic of China. As was noted earlier, many critical issues must ultimately be handled multilaterally. It is entirely possible, indeed essential, that to bilateral ties be added a network of broader multilateral relations. At a time, however, when we are at odds with the two Communist giants on almost every critical issue relating to the Asian-Pacific area, and when our interests and those of Japan generally coincide, we must seriously question the abandoning of the American-Japanese alliance for a will-o'-the-wisp.

Let us then set aside the recent past, and look to the future. At some point, if our economic interests are to be more satisfactorily coordinated, should not we and the Japanese take the lead in establishing a Pacific Community: an association of the more advanced Pacific-Asian states, so that issues relating to trade, investment, and foreign aid can be thoroughly discussed and long-range approaches undertaken? The present ad-hoc "solutions," reached in the midst of crisis, are politically damaging and economically superficial.

It is appropriate to expect Japan to take a larger role in the defense of her own territory, and those areas immediately adjacent to Japan critically affecting Japanese security. It is also reasonable to assume that Japan will show an ever greater interest in providing technical assistance to select areas of the late developing world, especially in Asia. The economic and political health of such states has a direct bearing upon Japan's hopes for continued economic growth. Japan, however, should not be expected to play the American role in Asia. Only a greatly increased perceived threat from such a state as China, or the drastic decline in American credibility could move Japan toward nuclear power, and the urge to play an independent political-military role in Asia in the near future. One cannot rule out such possibilities, but the more likely product of current trends is the addition of modest political-military increments to a foreign policy based fundamentally upon economic relations: *or* a more dangerous development, namely, a period of mounting confusion and indecision, marked by greatly increased polarization of opinion internally, as doubts about American credibility grow and uncertainties concerning Communist intentions increase. Such a development, in effect, would mean no policy, and amount to a major contribution to a political-military disequilibrium in Asia.

In all probability, Japan will continue to explore a more complex set of international relations as supplement to, rather than substitution for, her present alliance with the United States. The China issue will continue to be both painful and crucial. If Peking continues her present rigid policy, demanding that Japan concede the incorporation of Taiwan into China prior to any state-to-state negotiations, normalization of relations will be difficult. Perhaps Chinese terms will be softened with the advent of a new government in Tokyo. In any case, in her dealings with China, Japan has only two cards in her hands of significance: the possibility of some rapprochement with the Soviet Union, and the capacity to review her current military commitments.

The time may be ripe for Russo-Japanese accord, limited but important, whereby political relations would be normalized, old territorial issues resolved, and new economic ties pertaining to Siberia created. Much will hinge upon Russian decisions, for the keys to such an accord are in their hands. Given the current Russian interest in the containment of China, however, such a development would not seem improbable.

Meanwhile, relations between the United States and Japan remain the single most vital relation which we have in the Pacific-Asian area, of supreme importance both to prosperity and to peace. Surely the issue of how to sustain and improve those relations should figure in the coming campaign. Any serious examination of American policies should weigh these and other complex factors.

Our relations with Japan, however, do not constitute the only issue of significance in Asia. At great sacrifice, the United States sought to protect two small Asian states against aggression, and undertook pledges to other states, both through its Southeast Asia Treaty Organization ties and through bilateral agreements. The political-military equilibrium that has emerged in East Asia in considerable measure is the product of American policies over the past twenty-five years. When these policies have been clear, moreover, and American credibility has been high, they have served to deter aggressors and prevent war. The two wars in which we have been involved in Asia since 1945 have both been the products of an initial miscalculation on the part of aggressors as to American intentions.

It would be ironic indeed if the United States were to abandon the efforts to achieve a balance of power in Asia at the very time when that goal is in sight and when both the major Communist states, the Soviet Union and the People's Republic of China, have accepted the basic importance of such a balance. If there is to be peace in this critical region of the world, it must come through power equilibrium, as both Moscow and Peking by their recent actions tacitly acknowledge. Thus, the Russians via their alliance with India and their overtures to Japan, as well as to many of the small non-Communist states of Asia, have finally accepted the validity of American policies now more than two decades old. And China, through her ties with Pakistan and her acceptance of American overtures, as well as the dramatic reversal of her highly ideological stance during the so-called Cultural Revolution, has moved down the same path.

Compare further the political situation within East Asia of the early 1960's and that of today. Note the shift in the foreign policies of the Chinese People's Republic from the exclusive concentration upon the Afro-Asian-Latin American world and the effort to set up a "non-white" substitute for the United Nations to an acceptance of more complex relations involving us among others and direct participation in the U.N. This is but one example among many which could be drawn from the great arc stretching from India to Japan. In these terms, American policies in Asia since 1945 should be accounted a success in the broadest sense, notwithstanding the errors and the costs.

Naturally, these changes warrant alterations in American policy itself. However, the theme of neo-isolationists that we do not and cannot understand Asia is, first, untrue and, second, a rather curious manifestation of Western ethnocentrism.

Now, American policy toward Asia has been formulated anew. The central themes of our present policy are as follows: We shall continue to maintain our treaty commitments with our allies, and play the role of a concerned Pacific-Asian nation. Each of our allies shall be expected to be responsible for its own basic defense; our primary responsibility will relate to the prevention of massive, external aggression, relying upon our nuclear deterrent, and our air and naval power. The United States will not involve itself in the internal affairs of other states, including civil wars.

Is this doctrine servicable for the 1970's, and what are its precise implications? On the one hand, there are those in the United States who favor a sweeping American withdrawal from Asia, one that would in effect abandon our treaty commitments and return our position to that of the 1920's and 1930's. On the other hand, among other allies, without exception, there has been a mounting concern either of a sell-out, namely, an accommodation with China or Russia at the expense of their interests, without their involvement or consent, or the steady erosion of the American will to remain in the international arena, and hence the inability to live up to treaty commitments irrespective of formal pledges.

It should be clear that this situation is fraught with danger, because it could produce the same type of miscalculations on the part of either opponent or ally that have led to such bloodshed and agony in the past. The costs of an absence of trust in the American commitment, moreover, range over a wide field. We have recently seen two small allies, the Republic of Korea and Thailand, undergo internal political changes which amounted to a tightening of central controls and a movement away from parliamentarism. One of the seldom appreciated aspects of a credible America in Asia was the fact that we enabled small states to experiment with quasi-openness even while they felt threatened externally. To take such risks when the United States seems less reliable is infinitely more difficult.

Our commitments to the Republic of Korea will surely be one test of our credibility. To remove all American forces from South Korea without any international agreements guaranteeing the integrity of the Republic would be widely interpreted as an act of abandonment. It would have repercussions throughout Asia adverse to the non-Communist states. The current evidence suggests that Kim Il-song intends to pursue the strategy of Vietnam with respect to the South, seeking to establish there a Communist movement, using such indigenous forces as can be garnered together with southern returnees, and then proceeding to provide organizational, financial, and ultimately military aid from the North. Thus, the defense of South Korea will hinge upon both internal and external developments. At this point, however, an American presence is as psychologically crucial for Korea as is the American presence to West Germany.

The situation with respect to Taiwan is more complicated. Our position is that the ultimate disposition of the Taiwan issue should be determined by the Chinese people themselves, but that this issue should not be settled by force. To insure the latter provision, we have a military defense agreement with the present government, the Republic of China on Taiwan. It can be expected that Peking will apply maximum pressure upon the United States in an effort to force us to acquiesce in the incorporation of Taiwan into the mainland by whatever means is required. As noted earlier, the pressure upon Japan in this respect is already intense.

But there is an alternative. It is widely agreed that if the people on Taiwan could have a choice, they would opt overwhelmingly for independence. Few of them have strong ties with the mainland, and in the past two decades, Taiwan has been moving away from, not toward the People's Republic of China, whether the measurement be economic system, political values, or cultural attachments. Nor have the Chinese Communists always failed to recognize the distinction between China and Taiwan. As late as 1944, from Yenan, they sponsored a League for the Independence of the Korean and Formosan Peoples.

No one can foresee the precise evolution of events on Taiwan. However, if, in the aftermath of the Chiang Kai-shek era, the fifteen million people of this island are given the opportunity to move toward independence by internal developments, the United States must not be placed in the position of opposing this movement. It would be ironic indeed if, after expending so much blood and treasure in an effort to enable the peoples of South Korea and South Vietnam to have some role in determining their own future, we were, by our actions, to deny that right to the people of Taiwan.

Throughout Asia, and in certain quarters in this country, there is a persistent rumor that we ultimately intend to sell out the Taiwanese in the interests of an accommodation with the Chinese Communists. No single issue at present contributes more to the credibility gap between our Asian allies and ourselves. Our values as well as our word are at stake in this instance, making it imperative that we know where the candidates for the Presidency stand on this matter.

Meanwhile, Southeast Asia continues to be our gravest immediate problem. A major American initiative has just been made public, a proposal proffered to the Communists in October 1971 in the course of months of secret negotiations. That proposal—a checklist of the fundamental Vietnam issues—encompassed the following basic points: a specific date for the withdrawal of all American forces from Vietnam contingent upon an agreement that would include provisions for the release of all prisoners of war and the initiation of an immediate ceasefire throughout Indochina; the holding of new presidential elections in South Vietnam, under international supervision, with all South Vietnamese including the Communists permitted to participate; an agreement that the political future of South Vietnam will be determined by the South Vietnamese people themselves, free from external interference, and that all parties would respect the 1954 Geneva agreements on Indochina, and those of 1962 on Laos; finally, the international supervision of the military aspects of the agreement, and the application of the principles of peaceful coexistence to the various Indochina states, with the armed forces of each state remaining within their own national frontier.

A settlement broadly based upon those terms would insure the legitimate rights of Communists and non-Communists alike. Obviously, some of its provisions would be extremely difficult to implement or enforce. Its execution would require an element of trust or, more accurately, mutual interest on all sides in seeing the Indochina conflict ended. Does such an interest exist?

It has become tragically clear that Hanoi insists upon coupling political and military conditions in such a fashion as to require the unconditional surrender of the United States and its allies. The Communists have finally stated to the world what they have long proclaimed to their own people: no compromise, no concessions, no substitute for total victory. Thus, once again, American credibility as well as American values and policies are at stake. Some of our political leaders, aware of the deep weariness of our people and the unpopularity of this war, are now prepared to accept Communist terms, and surrender the basic principles which have previously underlaid our position. They should be required to spell out in detail what they believe to be the consequences of such a surrender upon our future relations with our allies; with the Communists, Russian, Chinese and other; and with the so-called "neutrals." They should be asked to assess the probable impact of such a course of action upon the American people themselves, as well as the likely results within Indochina. This is not merely a desirable action for candidates; it is a duty.

The current American proposals proffering conditions for an internationally supervised free choice in South Vietnam in conditions of peace warrant bipartisan support on their merits. They are, indeed, close to the terms which the Communists themselves once proclaimed as desirable. Moreover, if such support were forthcoming, it might disabuse Hanoi of its illusions concerning American views and bring us closer to the goal of an authentic peace in Southeast Asia. To support Hanoi's demands for surrender, on the other hand, is to prolong this war and make more difficult the task of any future President. Thus every candidate should candidly spell out his position on this issue, its likely benefits, and its implicit risks and costs.

South Asia has represented another zone of trouble in recent months. Here, we have witnessed the tragic proof of the fact that few "civil wars" of major consequences can remain civil, given the stake of the neighboring powers. The brutal and unsuccessful efforts of the Pakistan government to smash the Bangladesh movement failed, and in the failure presented both huge problems and certain opportunities to India. The Indian government, therefore, invaded East Pakistan on behalf of the Bangladesh "rebels" and in a brief period of time, with what appears to be massive public support from the indigenous people, defeated the military forces of Pakistan. While the Indian invasion was overwhelmingly criticized by the UN, no effective action to produce a ceasefire could be taken, in part because of staunch Soviet support for the Indian position, and also because India had no intention of stopping short of military victory, once the action had been determined.

Whatever one's position, the South Asia crisis makes clear certain facts of international life today. We have no effective international peace-keeping mechanism. Despite the many useful functions which it performs, the United Nations does not and cannot play that role, at least in its present form. Hence, the prevention of conflict, or the containment of conflict once it breaks out remains essentially dependent upon the type of deterrents involved in a military-political equilibrium first in the region, then in the world. This is the most basic lesson to be drawn from the South Asia conflict of 1971, and it should be taken to heart as seriously by every American as it is by every Russian and Chinese leader.

Thus, the Soviet-Indian alliance more than counterbalanced the Pakistan-China alliance under the circumstances that prevailed, even when the United States sought to provide a certain political tilt toward Pakistan, regarding Indian action as aggression irrespective of its rationale. As the Russians have carefully noted in the aftermath, the Chinese had neither the desire nor the capacity to raise a credible deterrent to Indian actions, nor did we. Consequently, a clear-cut Soviet-Indian victory ensued, although the long-range results of that victory remain obscure.

The India-Pakistan war of 1971 was another limited war for limited objectives, with all of the parties involved directly or indirectly having little or no interest in seeing that war escalate into a broader conflict. Moreover, that war again raised all of the issues that will be crucial in the decades ahead if we are to move toward an era of peace. Once again, the necessity of defining the rules for peaceful coexistence, and seeking some means of enforcing these rules is underscored. What constitutes interference in the internal affairs of another state? What is an appropriate definition of aggression? How does one define "civil war?" What are the means by which respect for the sovereignty and integrity of another state are to be judged?

Either we shall address ourselves to these issues in concert with other Pacific-Asian states, or we shall face the prospect of recurrent crises, and bloodshed of the type which we recently have witnessed. It would be of great service not merely to the American people, but also to the international community, if our Presidential candidates could address themselves to this major and supremely important task.

Perhaps the South Asia crisis is a convenient vehicle to raise another far-reaching issue difficult to define, and even more difficult to resolve. Throughout American history, it is probable that the differences among us with respect to foreign policies have stemmed less from cleavages over ideology or basic principles and more from a set of emotional commitments (or antagonisms) toward various countries derived from personal experience or perceptions. The battles between the Old China Hands and the Old Japan Hands at certain points were classic, nor is this necessarily all in the past. Similarly, India has had its American brides of Gandhi (both Mahatma and Indira). It has also had its American antagonists who have an emotional set against India. (In this respect, certain Indian leaders—with their own deep prejudices against America—have been far from helpful.)

There is no easy way of separating one's private emotional convictions from the task of determining what foreign policies stand the test of adherence to broad principles, a correct assessment of the facts, and service to our national interests. It is equally difficult for the academician, the policy adviser, and the President—but an airing of this issue, as we prepare to move into intense, multilateral negotiations on many fronts would not be amiss. We cannot afford to have our leadership labelled either pro- or anti-Indian, Chinese, Japanese or Russian.

As noted earlier, the United States has never been policeman to the world. There is no automatic reason why we should become involved in a partisan role, or in a major sense in certain areas, or in certain disputes. Neutrality in some instances is not only a viable policy but the best policy. There are a number of reasons for believing that this would constitute the best policy for the United States in South Asia today. In any case, another set of specific issues, and the principles that underlie them, await exposition before the American people.

V.—AMERICAN-CHINESE RELATIONS

Our relations with the People's Republic of China warrants some separate attention, despite the earlier references to it. First, our policies toward China must always be regarded as part of, not apart from our broader Asian policies. Obviously, we cannot be successful if our China policy conflicts sharply with our interests and goals with respect to other parts of Asia. It was entirely proper for us to offer China more normalized relations, and to cooperate in permitting China's involvement in the United Nations. It can be argued that the price paid was too high, with the ouster of Taiwan from the UN setting a very unhealthy precedent. However, the gamble was worth taking that with greater involvement, the Chinese People's Republic will gradually find a greater stake in being a member of the international community, and increasingly develop policies of a pragmatic, flexible character.

There appear to be few issues of substance at present upon which the United States and the Chinese People's Republic can reach agreement. Peking has stated flatly that it intends to support the North Vietnamese and North Koreans fully, and to demand the settlement of the Taiwan issue on its terms. Moreover, its high density rhetoric has not abated. Chief targets continue to be "American imperialism" and "Japanese militarism," with the language used being completely intemperate. Thus, on the eve of his trip as a state guest, the President was accused of "deceitful lies" and "disgraceful opportunism," scarcely a promising beginning to our bilateral relations. Much has been said concerning Asian "face," and the importance of being careful not to cause embarrassment or loss of prestige, the need for proper manners. It might not be amiss early in our new relationship to suggest that there is such a thing as American "face" as well.

Perhaps it is also time to discuss in depth the advantages and disadvantages of summitry. Understandably, every President in recent years has coveted at least one foreign policy "moon shot," a dramatic meeting with some counterpart, fully covered by the world's media and transmitted to history books. The advantages of such meetings are presumably the establishment of some personal tie between top decision-makers, a "feel" for the other side's mood and temperament, as well as for the issues of greatest significance, and most importantly, a focusing of public attention upon the issues at hand. The most successful summit meetings are no doubt those that have served as catalytic agents affecting the timing of accords, by activating in advance the total decision-making processes of the parties involved. In sum, summitry, when it is most successful, stimulates a process.

The hazards of summitry, however, are substantial. In point of fact, few, if any, of the summit meetings during the past decade or more have been fruitful. Some have been fiascoes. Public expectations are raised, only to have disillusionment follow. Both sides seek to obtain the maximum political advantage out of the meeting for themselves, with one eye on the world community, and the other on their domestic constituency. Misperceptions are fostered, as in the Vienna Kennedy-Khrushchev meeting of 1961, requiring a lengthy "reconstruction" process. Finally, such meetings may sow grave doubts in the minds of other nations that secret deals are being made affecting them without consultation. Thus, on balance, the case for summitry is a mixed one at best, and it would be appropriate to bring the full balance-sheet before the American people in a dispassionate, rational manner.

Possibly, relations with China will parallel in some measure the history of relations with the USSR. Initially, the areas of possible agreement and accommodation will be small, those of disagreement and conflict large. Gradually and in the course of a changing world and domestic environment, more areas of accommodation hopefully can be found. The process will be slow, uneven, and in some degree, unpredictable. Nor will progress be inevitable. Indeed, recurrent crises in relations might be expected, serious deteriorations entirely possible.

To appreciate these likelihoods will make possible the patience—and the firmness—that are going to be essential in our relations with the People's Republic of China. The Chinese Communists have responded to American overtures for a variety of reasons: their deep antagonism and fear of the Soviet Union, and the near-equal concern over Japan—probably the primary reasons; the decision to abandon isolation and to participate in the international community so as to have greater leverage, especially with the non-Western world; and possibly, the belief that advantage can be taken of "the crisis" in American foreign policy, that by applying maximum pressure upon the United States now, certain developments can be prevented: the independence of Taiwan, a rising role for Japan in Asia, and the stabilization of certain non-Communist states in Indochina.

It can be assumed that the Chinese People's Republic will continue to pursue its diplomacy at three levels: state to state, people to people, and comrade to comrade. Already, its intensive efforts to woo the overseas Chinese community in the United States, together with the use it is making of select "friends" who are accorded early visiting privileges—along with a few "straights," signal some of the complications of the immediate future. Cultural and economic interactions are likely to be heavily impregnated with politics—especially in the cultural sphere—for the foreseeable future.

Meanwhile, the political future of China itself will remain clouded in uncertainty. It is extraordinary that at this point, we do not know precisely what caused the most recent political crisis at the top, resulting in the ouster of Lin Piao, Mao's heir-apparent. Nor do we currently know which other top leaders have been removed, and the nature of the present top power structure. We can only assume that the future of China hinges upon the unity of the army, still playing a crucial role in governance despite Mao's efforts to curb its independent power, and upon the alliances that can be fashioned among key political-military personnel in the aftermath of Mao's demise. Dramatic developments, however, some of which might affect China's basic foreign policies, cannot be ruled out. The Soviet Union, it might be noted, continues to hope that such events will occur, and result in a rapprochement with Moscow.

It is by no means clear that we as a people are prepared for the new era in American-Chinese relations. Myth and romanticism have always surrounded the subject of China—and an excess of emotions, pro and con. It would be unfortunate if we were now to move from a position of rigid hostility to one of naive infatuation—only to suffer deep disillusionment once again. In no sphere of our foreign policy is it of greater importance to seek out and present the hard data pertaining to values, attitudes on both sides, and policies, thereby preparing ourselves for a long, tortuous road, and forestalling any dream that a broad American-Chinese accord settling the problems of Asia lies immediately ahead.

Where are the points at which we might hope for concrete progress first in our relations with China, and what are the broad goals toward which we should aim? Clearly, the realm of cultural relations—of having contact at a variety of levels—is one feasible point of departure, and upon the fairness governing cultural relations may hinge other developments. Economic intercourse is another possible opening, although US-China trade is likely to be very limited for the foreseeable future. Cooperation in certain specialized fields, such as health, weather prediction, and scientific agriculture may strike a common interest. From the beginning, however, a common definition and acceptance of the principles of peaceful coexistence in Asia, and Chinese participation in disarmament discussions should constitute our broad goals. These objectives must be central to our China policy now, and in the future.

VI.—THE MIDDLE EAST

Yet another crisis seems both persistent and dangerous in our times, namely the cold/hot war between Israel and the Arab nations. The Middle East represents a very special problem. It is deeply involved in our domestic politics. Israel enjoys the active financial and political support of a number of our Jewish citizens who retain religious or cultural ties with it. Pro-Israel forces are well organized, articulate, and influential. Arab spokesmen have therefore persistently charged before the world that the United States has always succumbed to "Zionist" pressures, and is incapable of seeing the issues fairly. Most Arab leaders, indeed, believe that Israel is a creature of the United States, and that we must be considered the implacable foe of Arab nationalism and Arab interests.

The internal pressures that have operated in this field, however, have not been wholly one-sided. Major American oil interests existed within the Arab world, counselling "a balanced approach" to the Israel-Arab issue, or one that favors Arab interpretations. Since the 1940's, furthermore, American administrations have sought friendship in the Arab world, among moderate forces, those anxious to establish firm bases for regional peace, economic progress, and independence from Soviet domination. In recent years, the role of such moderates has been weakened by the "leftist" and "anti-American" trend within the Arab world, and reduced scope for private American entrepreneurs. Certain countervailing forces here still exist. There can be little doubt, however, that in American domestic politics, the advantage goes to the Israeli side.

Nevertheless, recurrent crises between the United States and Israel on critical policy issues have occurred in the administrations of both major parties. One need recall only the deep resentment of the Johnson administration over Israeli actions at the time of the Six Day War, and the subsequent tension that has periodically marked the intensive negotiations taking place.

Any American President taking office on January 1, 1973, can expect to find the Middle East problems as thorny and, quite possibly, as dangerous to world peace as any which he will confront. Consequently, every candidate should make clear his views on policy in this area. Again, the facts are at once critical and complicated. The present situation is ominous, with the drift toward war once again taking place—prevented only by the endemic weaknesses and divisions that mark the Arab world, hence the knowledge of the Arab leaders that they could not win a war at this point. Even so, as recent events have shown, the current situation helps to build up the extremists in such countries as Egypt, and Anwar Sadat comes under seige from young enthusiasts who want revenge. An atmosphere of neither peace nor war might continue indefinitely. Yet an explosion could take place at any point, one involving not merely Israel and the Arab states, but also the United States and the Soviet Union.

Up to date, our policy essentially has been one of seeking to guarantee Israel military sufficiency, so as to prevent an Arab attack, while at the same time, counseling Israeli acceptance of a comprehensive peace settlement that would look toward Arab recognition of the existence of Israel and international guarantees of Israeli security in exchange for the return of most, if not all of the territory taken from the Arabs during the Six Day War, and some resolution of the refugee problem.

Thus far, however, this approach has been stoutly resisted both by Israel and by portions of the Arab world. The Israel government insists upon direct negotiations with the Arab states, and declines to rest its security upon international guarantees. The thorny refugee and territorial questions remain further down the road but totally unresolved. Meanwhile, the Palestine guerrilla movement, and its not insignificant support throughout the Arab world, demand the liquidation of Israel and the liberation of Palestine. They oppose any negotiated settlement. As recent events in Egypt have shown, moreover, this position may well gain popular support throughout the Arab world if a settlement is delayed, irrespective of the hazards of another war for the Arabs.

The United States is too deeply involved in this controversy and too likely to be adversely affected by the current drift of events to allow developments to go unheeded until we are forced into another major crisis. The following basic principles, many of which have constituted our past policies, warrant a full airing and discussion at this point. Any final peace settlement must involve the acceptance by Israel in the course of the Six-Day War, eignty, but the negotiations formula itself should be flexible, taking into account the political realities of the area and providing for simultaneous agreement on the other major issues: (1) return of territories taken by Israel in the course of the Six Day War, with such adjustments as seem warranted in the light of Israel's essential security requirements; (2) a major refugee resettlement and rehabilitation program with international sponsorship and financial support; (3) if regarded as desirable and necessary by Israel and Arab governments, deployment of international forces to patrol and maintain the sanctity of the borders established; (4) a general armaments limitation agreement for the area, involving guarantees by the major arms suppliers, namely, the United States and the Soviet Union; and (5) a broadly gauged technical assistance program for the Arab States, through international aegis, with American participation.

It is not sufficient at this point to dismiss the Middle East in a few well-chosen sentences, blandly promising support in varying degrees for the state of Israel. This crisis will not go away of its own accord, and it could threaten the whole of US–USSR relations, despite the clear indication that neither we nor the Russians want a major confrontation over this issue. Our candidates owe it to the American people to discuss the specifics of an American position in this arena.

VII.—CREDIBILITY, SECRECY AND THE MEDIA

To raise the above issues is by no means to exhaust the range of specific and general foreign policy issues that warrant discussion in this campaign. Clearly, our policies toward Latin America deserve reexamination. A number of issues confront us in Africa, some of them involving very basic questions of principle. Our attention has been directed only at those regions and problems which presently are of crucial importance.

One final issue, however, must not be omitted. It is an issue encompassing both the foreign and domestic policy fields, and of as much consequence to our survival as any issue currently on the horizon. We can no longer relegate the problem of media-government relations to a position of secondary concern, or to the realm of polemics.

Intensive competition and periodic antagonism in media-government relations are inevitable in a free society. A government, any government, will seek to protect itself and its decision-making processes by selective secrecy and news management. Sometimes, this will be essential to our national interests; sometimes, it will be primarily in the interests of those holding power. In any case, the official dissemination of information can be expected to have a bias toward the "positive." The bias of the media is equally clear. By defining news as essentially the most sensational or spectacular event of the moment, and not infrequently regarding news as in competition with other forms of entertainment for a mass audience, major distortions are perpetrated. Evolutionary developments are given short shrift. Crisis is featured and bad news drives out good.

With the advent of television, action and counteraction between media and government have steadily mounted. We have finally reached a point where in an effort to prove that the government has deceived the public, certain newspapers and journalists have decided that they, not the government, have the right to determine what documents should be classified and what should become public property. In effect, portions of the media have now taken it into their own hands to determine what serves or damages our national security, and our international reputation.

What are the likely consequences of such action? First, the unauthorized publication of stolen classified documents constitutes an open invitation for the breakdown of the decision-making process of the American government. If those within government dissatisfied with the decisions reached are encouraged to purloin documents in violation of the law, release them to sympathetic or opportunistic sources, and take their case in this highly irregular manner not merely to the American public but to every government in the world, friendly or otherwise, we are in grave danger. Yesterday, it was Vietnam. Today, it is India. Tomorrow, it may be Canada, Israel, the United Arab Republic, or the USSR. Under such circumstances, how can any government trust us, and more importantly, how can we trust ourselves?

If no foreign leader can be certain that words uttered privately to our officials, and subsequently encased in a confidential document will not suddenly be published, will we not see a drastic decline in frankness at this crucial level? And will this not also happen within the American government itself? If the minutes of any given confidential conference may shortly be revealed to the world, can we expect communications and ideas to flow freely between senior and junior officials? Will not the President himself become more and more isolated from the very levels of government which he should hear?

Thus, it is nonsense to assert that the test of whether a classified document should be published ought to rest merely with whether it overtly damages our national security. The issue goes far beyond this.

None of this is to argue that the fault lies wholly with the media. Of course there are too many classified documents, and there has always been a tendency for overclassification. Pressure can and should be continuously applied here, but not in the form of vesting in purely random hands, decisions pertaining to our security and national interest. As noted earlier government conceals and dissimulates on occasion, sometimes for *bona fide* security reasons and sometimes to protect its own political interests. Policies can be challenged, however, and errors exposed without destroying the right of the government to protect its decision-making processes and make the final decisions on what should remain confidential.

No candidate for the Presidency in these critical times can evade a position on this critical issue. It affects his own potential authority as office holder. Media-government relations cannot continue down the path of recent years without increasing hazards to all of us. There are no simple answers to this problem, but quotations of the First Amendment on the one hand, and assertion of persist anti-administration bias on the other will simply not suffice. We are in a new era of communications, one posing some of the most difficult problems ever faced by a society that is at once probing the frontiers of freedom and seeking to play a major and responsible role in a dangerous and deeply divided world.

If America is to act responsibly on the world stage, our Presidential candidates must lead the way.

THE FREEDOM HOUSE PUBLIC AFFAIRS INSTITUTE

A research and publication center to help clarify our democratic goals. It studies the weaknesses and vices of our society and suggests correctives to strengthen our democracy.

The Institute was inaugurated in the fall of 1967 with the calling of a conference of Asian specialists who produced a report on policy alternatives, "The United States and Eastern Asia." It was widely publicized and has been republished many times by academic institutions and public agencies.

Current Institute programs include a major analysis of the performance of the mass news media.

The PAI is also helping to develop an international committee of scholars to meet the university emergency in the U.S. and abroad.

Freedom House has been supported for more than 30 years by its contributing members and by grants for special projects from individuals and foundations. For tax purposes, all contributions are deductible from up to 50% of a donor's adjusted gross income. Members and supporters receive reports and other publications useful as guides to individual and group action on public affairs.

EISENHOWER CONSORTIUM FOR WESTERN ENVIRONMENTAL FORESTRY RESEARCH

Mr. ALLOTT. Mr. President, the U.S. Forest Service and nine Rocky Mountain and Great Plain universities have joined forces to fight environmental problems through a new cooperative program called the Eisenhower Consortium for Western Environmental Forestry Research. The president of the consortium is Dr. Robert Dils, dean of the College of Forestry and Natural Resources at Colorado State University in Fort Collins. Dean Dils and his colleagues have high hopes that this new organization will provide some answers and land management guidance to some of the environmental and land use problems we face in the West. In order that Senators may know the details of this cooperative venture between Government and education, I ask unanimous consent that the Department of Agriculture announcement of this consortium be printed in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

FOREST SERVICE, UNIVERSITIES JOIN FORCES TO FIGHT ENVIRONMENTAL PROBLEMS

WASHINGTON, Feb. 28.—The Forest Service, U.S. Department of Agriculture, today announced it has established a cooperative forestry research program for the West designed to combine activities of the agency and a number of Western educational institutions in solution of environmental problems.

Forest Service Chief Edward P. Cliff said the cooperative program will be called the Eisenhower Consortium for Western Environmental Forestry Research. It will involve the Forest Service's Rocky Mountain Forest and Range Experiment Station, headquartered at Fort Collins, Colo., and nine Rocky Mountain and Great Plains universities. They are: Northern Arizona University at Flagstaff, Arizona State University at Tempe, University of Arizona at Tucson, Colorado State University at Fort Collins, University of Colorado at Boulder, New Mexico State University at Las Cruces, University of New Mexico at Albuquerque, Texas Tech University at Lubbock, and University of Wyoming at Laramie.

A similar Forest Service program has been developed in the eastern United States at the Northeastern Forest Experiment Station. It is designated the Pinchot Institute of Environmental Forestry Research.

Dr. Robert E. Dils, Dean of Colorado State University's College of Forestry and Natural Resources has been named first president of the new western Consortium.

Chief Cliff said the Consortium will combine and coordinate research efforts of the interested colleges and universities and the Forest Service "to solve the problems of man and his interactions with the environment." He said these problems are most urgent in the central and southern Rocky Mountains and the adjacent high plains.

Examples of planned research include:

Determination of social, economic, and ecological consequences of industrialization, residential development, and recreation-related activities in wild land environments.

Development of methods for monitoring and controlling changes in environmental characteristics of forests and related lands that occur as a result of man's activities.

Evaluation of probable future demand for wild-land-related recreation and associated activities, and development of appropriate management techniques.

Development of methods of achieving broad public understanding of man's relationships with and needs for products or experiences from forests and associated wild lands.

A part of the Consortium program will involve grants for research to participating universities for studies selected by an executive committee made up of one Forest Service representative and four from the participating universities.

EQUAL RIGHTS FOR MEN AND WOMEN

The ACTING PRESIDENT pro tempore (Mr. HUGHES). Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ERVIN. Mr. President, I yield myself such time as I may use out of the amount allotted to those who oppose this proposed amendment.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. ERVIN. I think it would not be amiss for me to read to the Senate an editorial which appeared in the Winston-Salem Sentinel on August 19, 1970, a few days after the House of Representatives passed the amendment which its supporters call the Equal Rights amendment, and which one of its wise opponents has called the Unisex amendment.

The editorial reads as follows:

> Sen. Sam Ervin wants to rescue the nation from the worst results of a proposed "woman's rights" amendment which the House of Representatives passed last week with precious little investigation and only superficial debate.
>
> The amendment has powerful support in the Senate, and Ervin apparently is reconciled to its passage in some form. Rather than try to defeat it, which in the name of common sense is what should be done, he is attempting to qualify it in a way that would prevent the invalidation of laws that discriminate in favor of women.
>
> Every state has a considerable number of such laws on the books—laws pertaining, for example, to divorce proceedings and alimony payments. Passage of the amendment likewise would bring into question the federal prohibition against drafting women into the armed services.
>
> There is no indication that the House did much probing into the nature of the existing statutes before acting on the amendment. But it is a fair guess that many such laws would, on the ratification of the amendment, become a matter for adjudication in the courts.
>
> Why this proposal should have such overwhelming support may long remain one of the mysteries of the 91st Congress. This Congress has done a number of foolish things, but not usually with so little thought for the consequences.
>
> Sen. Ervin's is an old-fashioned sentimentalist about many things—certainly about the Constitution and probably about women—but if he will stick to his guns maybe he can persuade the Senate to repair the damage wrought by the House.
>
> Don't bet on it, however. Earth knows no fury like a woman scorned—except a woman with the cry of "liberation" on her lips.

Mr. President, I have had a number of conversations with militants of the extreme wing of women's lib. They have been unable to convince me that God made a mistake when He created two sexes instead of one, and that the most effective way to repair this mistake of God is to adopt a constitutional amendment under which the daughters of America could be drafted for compulsory military service or enlisted for combat service and sent into battle to have their fair forms blasted into fragments by the bombs and shells of the enemy. That is precisely what this amendment, if submitted to the States and ratified by the States, would do, as I shall demonstrate, according to the very words of some of the most ardent advocates of the amendment.

Mr. President, I am somewhat at a loss to understand why there should be so much support for the equal rights, or unisex, amendment. I am sure it is not created by the kind of threat which I received from a good lady in New Jersey in the form of a press release. She issued a press release to the effect that she had formerly resided in North Carolina and that if I dared to continue my opposition to this amendment, she would go down to North Carolina the next time I sought reelection to the office of Senator and defeat me.

She also stated in her press release that I was wasting my time, anyway, in opposing the amendment, because Senators—other than myself—did not dare to oppose the amendment or to support any amendments to the amendment.

I am sure that the good lady expressed a very low estimate of the moral and political courage of Senators and that that is not the reason why the amendment finds so much support in the Senate.

I must confess, however, that I cannot understand several things about the movement for this amendment. One of the things I cannot understand is why the business and professional women wish to deprive their sisters who perform labor other than intellectual labor and their sisters who elect to become wives and mothers—and who unfortunately become widows—of the legal protections which the laws of 50 States throw around them. I am somewhat at a loss to understand why men are so unchivalrous as to join them in their effort to rob their sisters of these rights and these protections and these exemptions which the experience of the human race has shown are necessary to promote the existence of mankind on this earth and the development of children who come into being in the most helpless state of any creatures.

I think I could demonstrate to anyone who would listen with an unbiased mind that this amendment would destroy the social structure on which America rests. Despite the strong support which the amendment enjoys, I remain adamant in my opposition to it. I was brought up on the King James version of the Bible. The King James version of the Bible states in one place that it enjoins parents to bring up a child in the way it shall go and states that when the child is old, it will not depart from it. As my father used to say, the child will depart from it often until he becomes old.

But since I have acquired a certain amount of antiquity, I am reminded on this occasion of something that appears in the King James version of the Bible. I refer to verse 2 of chapter 23 of Exodus, where it states:

> Thou shalt not follow a multitude to do evil.

For that reason, I cannot support the equal rights, or the unisex amendment, because I think it would have a most serious impact upon the social structure of America and for that reason, in my opinion, would constitute evil.

THE EQUAL RIGHTS AMENDMENT: A POTENTIALLY DESTRUCTIVE AND SELF-DEFEATING BLUNDERBUSS

Mr. President, the Senate is asked to join the House in submitting to the States the proposed equal rights amendment, which specifies:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

The professed objective of most of the advocates of the amendment is a worthy one. It is to abolish unfair or unreasonable discriminations which the law makes against women.

No one believes more strongly than I that discriminations of this character ought to be abolished.

Any rational consideration of the proposed equal rights amendment raises these questions:

First. What unfair or unreasonable discriminations does the law make against women?

Second. Is it necessary to amend the Constitution to abolish these unfair or unreasonable legal discriminations?

Third. Is it desirable to add the equal rights amendment to the Constitution?

I will discuss these questions in their numerical order.

UNFAIR DISCRIMINATIONS

The accepted traditional customs and usages of society undoubtedly subject women to many discriminations.

If it should be added to the Constitution, the equal rights amendment would have no effect whatever upon discriminations of this character. Inasumch as they are not created by law, they cannot be abolished by law. They can be altered only by changed attitudes in the society which imposes them.

When I have sought to ascertain from them the specific laws of which they complain, the advocates of the equal rights amendment have cited some outmoded State statutes which constitute legislatively forgotten relics of a bygone age.

Among these laws are State statutes which forbid a wife to become a surety for third persons without her husband's consent, or which prefer the father over the mother in the granting of letters of administration on a child's estate, or which impose weightlifting restrictions on working women, or which bar women from operating saloons, or acting as bartenders, or engaging in professional wrestling.

Legislatures would undoubtedly repeal statutes of this character if any demand were made upon them to do so. Moreover, statutes of this character would certainly be adjudged invalid by the courts under the unanimous decision handed down by the Supreme Court in *Reed* v. *Reed*, 404 U.S. 71, on November 22, 1971. In that case, the Supreme Court held in express terms that State legislation violates the equal protection clause of the 14th amendment if it treats differently men and women who are similarly situated.

I respectfully submit that resorting to an amendment to the Constitution to nullify State laws of this character would be about as wise as using an atomic bomb to exterminate a few mice.

If it should be added to the Constitution, the equal rights amendment would apply to the admission policies of public institutions of higher learning, but not to those of private institutions of that nature.

With the exception of a few State-supported military colleges, virtually all State institutions of higher learning are coeducational. Despite this, some militant proponents of the equal rights amendment complain that State institutions of higher learning discriminate against women by denying them enrollment.

In the final analysis, this complaint rests upon decisions of Federal courts that the equal protection clause of the 14th amendment does not nullify a South Carolina law which restricts admission to the State military college known as The Citadel to men, and a Texas statute which restricts admission to one of the State's 18 institutions of higher learning only; that is, a military school known as Texas Agricultural and Mechanical College, to men.

It is extremely doubtful whether any substantial number of women believe that these decisions and these State laws enslave them, or impair their educational opportunities in any unfair or unreasonable way, or justify adding the equal rights amendment to the Constitution to eliminate these laws and decisions and destroy the reasonable protections the equal protection clause of the 14th amendment permits the States to accord to women.

I submit that it would be a far easier task for the militants who raise a hue and cry about these laws to persuade South Carolina and Texas to alter them to their liking than it is going to be for them to induce South Carolina, Texas and 36 other States to ratify a constitutional amendment, which is designed to convert men and women into identical legal beings, and to rob their sisters who become wives, mothers, and widows, of the reasonable protections which the fifth and the 14th amendments permit Congress and the States to give them.

From my study of the subject, I am convinced that most of the unfair or unreasonable discriminations against women arise out of the different treatment given men and women in the employment sphere.

No one can gainsay the fact that women suffer many discriminations in this sphere, both in respect to the compensation they receive and the promotional opportunities available to them.

REMOVAL OF LEGAL DISCRIMINATION BY STATUTES

While many of these discriminations are based on the mores of society and can be removed only by changed attitudes of people, some of them arise out of law or an absence of law, and can be eliminated by acts of Congress and acts of State legislatures if such acts are enforced after they are enacted.

The overwhelming majority of the most profound lawyers in America advocate the elimination of discriminations against women by the statutory method. This method, they say, is wise because it will enable legislative bodies to proceed in an orderly way, and thus avoid the constitutional and legal chaos which the adoption of the equal rights amendment would visit upon the Nation.

Let me point out that Congress has done much in recent years to abolish discriminations of this character insofar as they can be abolished at the Federal level. It has amended the Fair Labor Standards Act to make it obligatory for employers to pay men and women engaged in interstate commerce or in the production of goods for interstate commerce equal pay for equal work, irrespective of the number of persons they employ.

I add at this point that under present-day interpretations of the interstate commerce clause, Congress has jurisdiction to legislate with respect to virtually every business or commercial undertaking anywhere within the borders of the 50 States.

Congress has also decreed by the equal employment provisions of the Civil Rights Act of 1964 as amended that there can be no discrimination whatever against women in employment in industries employing 15 or more persons, whose business affects interstate commerce, except in those instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the enterprise. Furthermore, it is to be noted that the President and virtually all of the departments and agencies of the Federal Government have issued orders prohibiting discrimination against women in Federal employment.

Moreover, State legislatures have adopted many enlightened statutes in recent years prohibiting discrimination against women in employment.

If women are not enjoying the full benefit of this Federal and State legislation and these executive orders of the Federal Government, it is due to a defect in enforcement rather than a want of fair laws and regulations.

The validity of what I have just said is emphasized by the fact that during the immediate past Federal courts have invoked the supremacy clause of article VI of the Constitution to invalidate a number of State laws because of their inconsistency with the provisions of the Fair Labor Standards Act and the Civil Rights Act of 1964 prohibiting discrimination in employment on account of sex.

NO AMENDMENT IS NECESSARY

This brings me to the second question; that is, whether a constitutional amendment is required to abolish unfair or unreasonable legal distinctions between the rights and responsibilities of men and women. I submit the answer is an emphatic "No."

The due process clause of the fifth amendment forbids the Federal Government to deprive any person of life, liberty, or property without due process of law. The due process and equal protection clauses of the 14th amendment forbid a State to "deprive any person of life, liberty, or property without due process of law," or to "deny to any person within its jurisdiction the equal protection of the laws."

Properly interpreted these constitutional provisions nullify any Federal or State laws which make unfair or unreasonable distinctions between the legal rights and the legal responsibilities of men and women. For this reason, no constitutional amendment is necessary.

The equal protection clause became a

part of the Constitution in 1868. Candor compels the confession that for some time thereafter the Supreme Court put some unenlightened interpretations upon the effect of the equal protection clause. For example, it held in *Bradwell* v. *Illinois*, 16 Wall. 130 (1873), that the equal protection clause did not deny to a State the power to refuse to license women to practice law; and it held in *Minor* v. *Happersett*, 21 Wall. 162 (1875), that the equal protection clause did not invalidate a State law which granted the right to vote to men and denied it to women.

Mr. President, I add at that point that these enlightened opinions based upon the equal protection clause of the 14th amendment by the Supreme Court shortly after the equal protection clause became part of the Constitution are as dead today in their practical effect as a dodo bird.

As Bernard Schwartz makes manifest in his recent commentary upon the Constitution, these and similar decisions are now outmoded and would not constitute controlling precedents in any cases involving the validity of State laws under the equal protection clause.

I ask unanimous consent that statements made by Mr. SCHWARTZ in his commentary in respect to the use of sex as a classification in legislation be printed after my remarks in the body of the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. The equal protection clause embodies a simple and sound principle. It requires a State to treat in like manner all persons similarly situated regardless of their race or their sex or any other considerations. The clause does not require identity of treatment. It permits a State to make distinctions between persons subject to its jurisdiction if the distinctions are based on some fair or reasonable classification, and all persons embraced within the classification are treated alike. It merely outlaws unfair or unreasonable discrimination.

Mr. President, I reiterate my assertion that the equal protection clause of the 14th amendment invalidates every State law which makes any distinction between the legal rights and the legal responsibilities of men and women unless that distinction is based upon fair or reasonable grounds.

The Supreme Court of the United States has held in *Bolling* v. *Sharp*, 347 U.S. 497, and other cases that the due process clause of the fifth amendment imposes the same obligations on the Federal Government that the equal protection clause imposes on the States.

As a consequence, I assert without fear of successful contradiction that the due process clause of the fifth amendment invalidates every act of the Congress and every action of a Federal department or agency which makes a legal distinction between the rights and responsibilities of men and women unless that distinction is based on fair or reasonable grounds. And in the statement which I have asked unanimous consent to have printed in the RECORD from the commentary of Bernard Schwartz, it is quite clearly stated that the equal protection clause of the 14th amendment and the due process clause of the fifth amendment invalidates every Federal and every State law which makes a legal distinction between the rights and responsibilities of men and women unless that legal distinction is designed for the purpose of offering protection to women.

My conviction that the fifth and 14th amendments outlaw every unfair and unreasonable legal distinction between the rights and responsibilities of women is shared by the overwhelming majority of the lawyers of America. Moreover, it is fully sustained by the unanimous opinion of the Supreme Court of the United States in *Reed* v. *Reed*, 404 U.S. 71, which was handed down on November 22, 1971.

Prior to the Reed case, many of the most knowledgeable legal authorities in the Nation expressed the opinion that the fifth and 14th amendments nullify all laws either Federal or State which discriminate unfairly or unreasonably against women.

Let me quote only a few of them.

The late Dean Roscoe Pound of the Harvard Law School, who was one of the greatest legal luminaries America has ever known, made this statement with respect to the fifth and 14th amendments, and the proposed equal rights amendment:

> With respect to the proposed constitutional amendment I feel very strongly that it is a mistake to pile up specific prohibitions in addition to the general guaranties of the Bill of Rights. The guaranty of due process in the Fifth and Fourteenth Amendments secures against arbitrary and unreasonable legislation of every sort, whether on the part of Congress or of State Legislatures. With this protection against arbitrary and unreasonable legislation it certainly ought not to be necessary to add specific prohibitions. If the things aimed at are arbitrary and unreasonable there is already protection against them; if they are reasonable they ought not to be inhibited.

That is the end of the quotation from the statement made by Dean Roscoe Pound in opposition to this very amendment which confronts the Senate at this moment. According to Dean Pound's statement, the effect of the adoption of the so-called equal rights amendment would be to nullify the beneficient provisions of the due process clause of the fifth amendment and the 14th amendment, which extend fair and reasonable protections to women, and would make irrational, unfair, and unreasonable laws constitutional.

The Senator from North Carolina finds himself in complete agreement with one of his former teachers, Dean Roscoe Pound, in the thought that this Nation does not need a constitutional amendment which would make irrational, unfair, and arbitrary laws constitutional.

Bernard Schwartz stated in his recent Commentary on the Constitution of the United States:

> That a law based on sexual classification will normally be deemed inherently unreasonable unless it is intended for the protection of the female sex.

Leo Kanowitz, author of the book "Women and the Law, and the Unfinished Revolution" who formerly opposed and now advocates the adoption of the Equal Rights Amendment on psychological rather than legal grounds, testified before the Senate Judiciary Committee on September 11, 1970. On that occasion, I put to him the following question, and received from him the following answer:

> "Senator ERVIN. Professor, I have enjoyed my discussion with you on the intellectual plane and I don't think you made any change in your position except you now urge the ratification, whereas you opposed ratification before. I think your positions on the law as expressed here today and as expressed in these other writings is perfectly consistent. In other words, I think you have made it plain that you think, just like I believe, that if the due process clause of the Fifth Amendment and the equal protection clause of the Fourteenth Amendment were properly interpreted they would outlaw every arbitrary and every invidious discrimination made by law against women in our society."
>
> "Mr. KANOWITZ. That is correct, sir."

As will hereinafter appear, Mr. Kanowitz entertains the opinion that virtually all of the legal distinctions made between the legal rights and responsibilities of men and women are based upon the functions they perform and not upon sex, and for that reason the equal rights amendment would have little effect on existing legal distinctions.

The decision in the Reed Case was presaged by the decision of the Supreme Court in *Hoyt* v. *Florida*, 363 U.S. 57 (1961), which declares:

> We address ourselves first to appellant's challenge to the statute on its face.
>
> Several observations should initially be made. We of course recognize that the Fourteenth Amendment reaches not only arbitrary class exclusions from jury service based on race or color, but also all other exclusions which "single out" any class of persons "for different treatment not based on some reasonable classification."

To be sure, some militant advocates of the equal rights amendment condemn the decision in the Hoyt Case. In the ultimate analysis, they are displeased with it because the Florida statute, which the Court sustained, did not compel wives to desert their housekeeping duties and mothers to forsake their children in order to serve on juries in State courts.

The Reed Case involved the validity under the equal protection clause of an Idaho statute which gave the father preference over the mother in the granting of letters of administration to administer upon the estate of a deceased child. By an unanimous decision, the Supreme Court adjudged that the Idaho statute violated the equal protection clause because it provided "dissimilar treatment for men and women" who were "similarly situated."

In reaching this sound conclusion, the Supreme Court declared:

> In applying that clause, this Court has consistently recognized that the Fourteenth Amendment does not deny to States the power to treat different classes of persons in different ways. The Equal Protection Clause of that amendment does, however, deny to States the power to legislate that different treatment be accorded to persons placed by a statute into different classes on the basis of criteria wholly unrelated to the objective of that statute. A classification "must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the leg-

> islation, so that all persons similarly circumstanced shall be treated alike."

The Reed case constitutes a final decision of the Supreme Court on this point, and it makes as clear as the noonday sun in a cloudless sky that the equal protection clause of the 14th Amendment makes unconstitutional every State law which makes any legal distinction between men and women, unless that law is fair and reasonable.

The Reed case makes it indisputable that the equal protection clause invalidates any State law making any unfair or unreasonable distinction between the legal rights and responsibilities of men and women, and thus sets the matter at rest.

On last Friday a very distinguished lawyer stated his dissatisfaction with the Reed case because the judges in the Reed case did just what all judges do—they confined that ultimate ruling to the case presented to them. This distinguished lawyer said they ought to have stricken down in this one decision all of the State laws making arbitrary or invidious discrimination against women, even though those State laws were not called to the court's attention and were not in issue in the case.

Manifestly, courts cannot engage in the exercise of such widespread powers until they acquire legislative as distinguished from judicial powers and functions. But I do assert, without fear of successful contradiction, that under the ruling in the Reed case, every State law which makes an arbitrary or an unreasonable or an unfair distinction between legal rights and responsibilities of men and women will be stricken down as unconstitutional.

I ask unanimous consent that a copy of the Reed case be printed in the body of the RECORD after the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ERVIN. What has been said makes it indisputable that the fifth and 14th amendments will nullify every Federal and State law which makes unfair or unreasonable discriminations against women.

Many legal scholars predict, I think quite rightly, that the Reed case will ultimately result in the elimination of all State laws making unfair or unreasonable discriminations against women.

Since its rendition, I have received a letter from one of America's foremost legal scholars, Philip B. Kurland of the Law School of the University of Chicago, which makes the following statement:

> I am still of the opinion that a constitutional amendment to afford equal rights for women is both unnecessary and undesirable. * * * I am also of the view that a sound program of legislative reforms would be more, especially under the mandate now received from the Supreme Court in *Reed* v. *Reed*, to eliminate more of the grievances that women have against their roles frequently imposed on them in our society. Legislation can get at specific problems in a way that no constitutional provision can.

I have also received a letter from another most knowledgeable person, Paul A. Freund of the Law School of Harvard University, which makes the following declaration:

> In view of the Reed decision, however, I believe more strongly than ever that the subject should be left to be worked out under the equal protection clause, as are other questions of group classification. The equal protection guarantee, together with the ample legislative powers of Congress, is the best avenue to achieve meaningful equality of the sexes under law. This approach is greatly to be preferred to one that would force all the manifold legal relationships of men and women, from coverage under selective service to the obligation of family support, into a mold of mechanical unity.

OBJECTIVES OF MILITANT SUPPORTERS OF THE EQUAL RIGHTS AMENDMENT

While undoubtedly the objective of most of the supporters of the equal rights amendment is merely to abolish unfair or unreasonable legal discriminations against women, this is not the objective of its most militant advocates.

Their objective is clearly revealed by an article which appeared in the Yale Law Journal for April 1971. This article was written by Prof. Thomas I. Emerson and three recent graduates of the Yale Law School, Barbara A. Brown, Gail Falk, and Ann E. Freedman.

I deem it appropriate to note at this time that the four authors of this article are strong advocates of the equal rights amendment and are fully competent, from a professional standpoint, to inform the Senate of the United States exactly what the equal rights amendment will do to our constitutional and legal and social structures.

The distinguished Congresswoman from Michigan (Mrs. GRIFFITHS) and the distinguished Senator from Indiana (Senator BAYH) have heaped praise upon this article, which is hereinafter referred to by me as the Yale Law Journal. In sending a copy of the article to all Members of the House of Representatives, Congresswoman GRIFFITHS states that:

> It will help you understand the purposes and effects of the Equal Rights Amendment. * * * The article explains how the ERA will work in most areas of the law.

Senator BAYH inserted a copy of the article in the CONGRESSIONAL RECORD, and commended its reading by Members of the Senate in a statement which declared it to be "a masterly piece of scholarship."

Mr. BAYH. Mr. President, will the Senator yield?

Mr. ERVIN. Yes; I yield to my distinguished friend from Indiana.

Mr. BAYH. I do not want to interrupt the thorough, scholarly, and noteworthy discussion of this issue by my friend from North Carolina. Just as I described his presentation as noteworthy and scholarly, I do not agree with all its aspects. If the Senator will read the full context of the RECORD at the time I introduced the discussion to which he refers, he will see that I said that I did not agree with all the aspects discussed, or all the points and positions taken in the article.

Mr. ERVIN. Well, I will admit that my good friend did make a small disclaimer, but Mrs. GRIFFITHS, the leader of the ERA in the House, made no such disclaimer at all, and I will read exactly what was said by my good friend from Indiana:

> Mr. President, for 48 years the equal rights amendment has been pending before Congress. We all know that the history of this proposal has been one of inaction and delay on the part of Congress. Finally, however, we have at long last begun to see some action.
>
> The House will soon vote on the amendment, and I am assured that they will be able to cast off the crippling amendments added by the House Judiciary Committee. Thus, this measure will soon be before the Senate once again.
>
> In order to help Senators in studying this proposal, I ask unanimous consent to have printed in the RECORD an article entitled "The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women," published in the Yale Law Journal. This piece, written by Barbara A. Brown, Thomas I. Emerson, Gail Falk, and Ann E. Freedman, presents a well-documented case in support of the proposed amendment. While I do not necessarily agree with every opinion expressed therein, I found it to be a masterly piece of scholarship which deserves to be brought to the attention of every Senator and the public.

That is the end of the quotation from the statement of my distinguished friend.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. BAYH. I appreciate the fact that the Senator accurately rephrased what I said in the RECORD. The article particularly appealed to me as an articulate discussion of the history of equal rights legislation during the past 49 years. I feel it is important for all of us to know what has gone on in the past. In addition, this is a detailed analysis of the theory of nullification and expansion as it relates to the impact of the amendment on existing laws.

Mr. ERVIN. Mr. President, I hesitate to disagree in small measure with my friend from Indiana, as he says he disagrees in small measure with this article. The Senators speaks of it as a discussion of legislative history. I say it is rather a prediction and interpretation of what constitutional and legal chaos will be done to our constitutional, legal, and social structures by this amendment which my good friend from Indiana advocates and these four authors advocate.

Mr. BAYH. If the Senator will permit me one final interruption, I ask that he and any of our other colleagues who might be interested in the legislative history look at the CONGRESSIONAL RECORD, volume 117, part 27, pages 35040–35041. I think everyone will see the legislative history to which the Senator from Indiana was referring.

Mr. ERVIN. I trust that my good friend will explain wherein he disagrees with this article which he inserted in the CONGRESSIONAL RECORD and stated, in substance, that it would help Senators to understand what this amendment would do to our country.

The Yale Law Journal article clearly reveals that the objective of the militant supporters of the Equal Rights Amendment is to nullify every existing Federal and State law making any distinction whatever between men and women, no matter how reasonable the distinction may be, and to rob Congress and the legislatures of the 50 States of the legislative power to enact any future laws making any distinction between men and women, no matter how reasonable the distinction may be.

This is made clear by the following three quotations from the Yale Law Journal:

First:

> The basic principle of the Equal Rights Amendment is that sex is not a permissible factor in determining the legal rights of women, or of men. This means that the treatment of *any* person by the law may not be based upon the circumstance that such person is of one sex or the other. (p. 889) . . . the principle of the Amendment must be applied comprehensively and *without* exceptions. (p. 890)

Second, quoting another passage:

> Only an *unequivocal ban* against taking sex into account supplies a rule adequate to achieve the objectives of the Amendment. (p. 892) . . . prohibition against the use of sex as a basis for different treatment applies to *all* areas of legal rights. (p. 891) . . . From this anaylsis it follows that the constitutional mandate must be absolute. (p. 892)

The third quotation is as follows:

> Our legal structure will continue to support and command an inferior status for women so long as it permits any differentiation in legal treatment on the basis of sex. (p. 873) . . . Equality of rights means that sex is not a factor. (p. 892)

These quotations show the objective of the equal rights or the unisex amendment, and that the basis of that objective is to deny to Congress and to the legislatures of the 50 States the power to even recognize that men and women have physiological or functional differences, when they undertake to pass laws.

We often hear the old adage that justice is blind, as applied to courts of justice; but I say this means that all the legislative bodies in the United States, including Congress and the 50 State legislatures, must be totally blind and not see that there is any such thing on this earth as sex when they legislate, and that they must treat men and women exactly alike even though the good Lord made them different in some respects.

This analysis of the objective of the militant proponents of the equal rights amendment is confirmed by their demand that the Senate pass the amendment without altering one jot or title of it and their threat to visit political retribution upon any Senators who dare vote for any amendment which would permit Congress to exempt women from compulsory military service or from service in combat units of the Armed Forces, or any amendment which would authorize Congress or State legislatures to extend economic or social protection to women in general or wives, mothers, or widows in particular, or any amendment which would authorize Congress or State legislatures to safeguard the privacy of women or girls, or any amendment which would permit Congress and the States to continue in force laws punishing men for committing sex crimes on women or girls.

FUNCTIONAL DIFFERENCES BETWEEN MEN AND WOMEN

In appraising the objective of the militants, we are confronted by the question whether there is any rational basis for reasonable distinction between men and women in any of the relationships or undertakings of life.

We find in chapter 1, verse 27 of the book of Genesis this statement which all of us know to be true:

> God created man in his own image, in the image of God created he him; male and female created he them.

For this reason, I share completely this recent observation of a legal scholar:

> Use of the law in an attempt to conjure away all the differences which do exist between the sexes is both an insult to the law itself and a complete disregard of fact.

While I believe that any laws making unfair or unreasonable distinctions against women should be repealed by legislative bodies or judicially annulled by the courts under the provisions of the fifth and 14th amendments, I have the abiding conviction that the law should make such distinctions between men and women as are fairly or reasonably necessary for the protection of women and the existence and the development of the race.

When He created them, God made physiological and functional differences between men and women. These differences confer upon men a greater capacity to perform arduous and hazardous physical tasks. Some wise people even profess the belief that there may be psychological differences between men and women. To justify their belief, they assert that women possess an intuitive power to distinguish between wisdom and folly, good and evil.

To say these things is not to imply that either sex is superior to the other. It is simply to state the all-important truth that men and women complement each other in the relationships and undertakings on which the existence and development of the race depend.

The physiological and functional differences between men and women empower men to beget and women to bear children, who enter life in a state of utter helplessness and ignorance and who must receive nurture, care, and training at the hands of adults throughout their early years if they and the race are to survive, and if they are to grow mentally and spiritually. From time whereof the memory of mankind runneth not to the contrary, custom and law have imposed upon men the primary responsibility for providing a habitation and a livelihood for their wives and children, to enable their wives to make the habitations homes, and to furnish nurture, care, and training to their children during their early years.

In this respect, custom and law reflect the wisdom embodied in the ancient Yiddish proverb that God could not be everywhere, so he made mothers. The physiological and functional differences between men and women constitute life's most important reality. Without them human life could not exist.

For this reason, any country which ignores these differences when it fashions its institutions and makes its laws is woefully lacking in rationality. Yet, this amendment is based upon the theory that our country must be compelled to ignore these differences when it fashions our institutions and our laws by the equal rights, or the unisex, amendment.

Our country has not thus far committed this grievous error. As a consequence, it has established by law the institutions of marriage, the home, and the family, and has adopted some laws making rational distinctions between the respective rights and responsibilities of men and women to make these institutions contribute to the existence and advancement of the race.

OBSCURITY OF THE EQUAL RIGHTS AMENDMENT

In the nature of things, lawmakers use words to express their purposes. Courts must ascertain from their words the purposes of the lawmakers. In his famous opinion in *Towne* v. *Eisner,* 245 U.S. 418, 425, Justice Oliver Wendell Holmes made this trenchant observation:

> A word is not a crystal, transparent and unchanged; it is the skin of a living thought and may vary greatly in color and content according to the circumstances and the time in which it is used.

During my many years as a lawyer, a judge, and a legislator, I have discovered that many words have many meanings, and that the purpose they are intended to express must be gathered from the context in which they are used. I have also learned that the most difficult task which ever confronts a court is determining the meaning of imprecise words used in a scrimpy context.

The word "sex" is imprecise in exact meaning, and no proposed constitutional amendment ever drafted exceeds the equal rights amendment in scrimpiness of context. The amendment contains no language to elucidate its meaning to legislators or to guide courts in interpreting it. When all is said, the equal rights amendment, if adopted, will place upon the Supreme Court the obligation to sail upon most tumultuous constitutional seas without chart or compass in quest of an undefined and unknown port.

The imprecision of the word "sex" as used in the proposed amendment is clearly revealed by these definitions set forth in the recently published "American Heritage Dictionary of the English Language":

> 1.a. The property or quality by which organisms are classified according to their reproductive functions. b. Either of two divisions, designated male and female, of this classification. 2. Males or females collectively. 3. The condition or character of being male or female; the physiological, functional, and psychological differences that distinguish the male and the female. 4. The sexual urge or instinct as it manifests itself in behavior. 5. Sexual intercourse.

When one undertakes to ascertain the obscure meaning of the ambiguous equal rights amendment in an impartial, intellectual, and unemotional manner, he is inevitably impelled to the conclusion that it is susceptible of several different and discordant interpretations.

If it should accept the fourth and fifth definitions of the term "sex" as set forth in the dictionary, the Supreme Court could reach the conclusion that the equal rights amendment merely annuls existing and future laws visiting upon the adulterous acts of women different legal consequences from those it visits upon such acts of men.

If it should accept the first, fourth, and fifth definitions of "sex" as set forth in the dictionary, the Supreme Court could reach the conclusion that the amendment is only concerned with sex per se, and has no application whatever to legal distinctions made between men and women on the basis of their respective functions in the relationships and undertakings on which the existence and development of the race depend.

A learned student of the constitutional aspects of sex-based discrimination in American law, Prof. Leo Kanowitz, accepts this interpretation. He had this to say in his book on "Women and the Law, and the Unfinished Revolution":

> It is submitted that the adoption of the Equal Rights Amendment would not fundamentally change the picture. While the proposed amendment states that equality of rights shall not be abridged on account of sex, sex classifications could continue if it can be demonstrated that though they are expressed in terms of sex, they are in reality based upon function.

If it should accept the third definition of "sex" as set out in the dictionary, the Supreme Court could reach the conclusion that the equal rights amendment annuls every existing Federal and State law making any distinction between men and women, however reasonable such distinction might be in particular cases, and forever robs the Congress and the legislatures of the 50 States of the constitutional power to enact any such laws at any time in the future.

This is the interpretation which I fear the Supreme Court may feel itself obliged to place upon the House-passed equal rights amendment.

When he testified before the Senate Committee on the Judiciary in opposition to the equal rights amendment on September 10, 1970, Prof. Philip B. Kurland pointed out that the equal rights amendment merely provides that "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." He stated that the language of the proposed amendment is too barren to elucidate its meaning; that he thought the difficulty of its construction did not arise out of the use of the word "sex," but rather from the use of the word "equality"; that almost a century ago Sir James Fitzjames Stephen asserted in his book "Liberty, Equality, and Paternity" that the word equality is a word so wide and vague as to be by itself almost unmeaning; and that nothing that has happened in the intervening years has done anything to make the word specific.

I am not alone in my fear that the Supreme Court may reach the conclusion that the equal rights amendment annuls every existing Federal and State law making any distinction between men and women, however fair or reasonable such distinction might be in particular cases, and forever robs the Congress and the legislatures of the 50 States of the constitutional power to enact any such laws at any time in the future.

When the equal rights amendment was under consideration in 1953, Roscoe Pound of the Harvard Law School; Albert J. Harno of the University of Illinois Law School; Charles Warren, noted constitutional lawyer and author of "The Supreme Court in U.S. History"; Leon Green of the University of Texas Law School; Dorothy Kenyon, distinguished lawyer and one-time judge of Municipal Court of New York City; Monte M. Leman, noted constitutional lawyer; E. Blythe Stason of the University of Michigan Law School; Harry Shulman of the Yale University Law School; William H. Holly, U.S. district judge; Everett Frazer of the University of Minnesota Law School; Walter Gellhorn of the Columbia University Law School; Glenn A. McCleary of the University of Missouri Law School; and Douglas B. Maggs of the Duke University Law School, joined one of America's greatest legal scholars, Paul A. Freund of the Harvard Law School, in a statement opposing the equal rights amendment upon the ground that they feared that this devastating interpretation might be placed upon it if it should be adopted. This statement made these indisputable observations:

> If anything about this proposed amendment is clear, it is that it would transform every provision of the law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court of the United States. Every statutory and common law provision dealing with the manifold relation of women in society would be forced to run the gauntlet of attack on constitutional grounds. The range of such potential litigation is too great to be readily foreseen, but it would certainly embrace such diverse legal provisions as those relating to a widow's allowance, the obligation of family support and grounds for divorce, the age of majority and the right of annulment of marriages, and the maximum hours of labor for women in protected industries.
>
> Not only is the range of the amendment of indefinite extent, but, even more important, the fate of all this varied legislation would be left highly uncertain in the face of judicial review. Presumably, the amendment would set up a constitutional yardstick of absolute equality between men and women in all legal relationships. A more flexible view, permitting reasonable differentiation, can hardly be regarded as the object of the proposal, since the Fourteenth Amendment has long provided that no state shall deny to any person the equal protection of the laws, and that Amendment permits reasonable classifications while prohibiting arbitrary legal discrimination. If it were intended to give the courts the authority to pass upon the propriety of distinctions, benefits and duties as between men and women, no new guidance is given to the courts, and this entire subject, one of unusual complexity, would be left to the unpredictable judgments of courts in the form of constitutional decisions.
>
> Such decisions could not be changed by act of the legislature. Such a responsibility upon the courts would be doubtless as unwelcome to them as it would be inappropriate. As has been stated, however, the proposal evidently contemplates no flexibility in construction but rather a rule of rigid equality. This branch of the dilemma is as repelling as the other.

After analyzing in some detail the laws whose validity might be jeopardized by the equal rights amendment, the statement concluded with these observations:

> The basic fallacy in the proposed Amendment is that it attempts to deal with complicated and highly concrete problems arising out of a diversity of human relationships in terms of a single and simple abstraction. This abstraction is undoubtedly a worthy ideal for mobilizing legislative forces in order to remedy particular deficiencies in the law. But as a constitutional standard, it is hopelessly inept. That the proposed equal rights amendment would open up an era of regrettable consequences for the legal status of women in this country is highly probable. That it would open up a period of extreme confusion in constitutional law is a certainty.

Mr. President, I ask unanimous consent that a copy of the statement be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. MONDALE). Without objection, it is so ordered.

(See exhibit 3.)

Mr. ERVIN. When the equal rights amendment was first proposed by the Woman's Party way back in 1924, Justice Felix Frankfurter, who was then a member of the faculty of the Harvard Law School, made some remarks concerning it which merit the attention of the Senate. I quote his words:

> Miss Crystal Eastman challenges the gallantry of men by offering as a poser in connection with the "equal rights" amendment of the Woman's Party, the question: "How would you feel about it if you were a woman?" Her question assumes a power of imagination which, alas, has been denied to mere men just because he can only think within his own skin. Therefore, I can't tell her how I would feel about it as a woman. It may be more relevant for me to tell her how I feel about it as one who cares, I suspect, as deeply as a man can care for the elimination of unjustifiable differentiations in law between men and women, but one who also happens to be a lawyer and perhaps familiar with what law can do and what law cannot do, in the significant details that matter.
>
> The legal position of woman cannot be stated in a single simple formula, especially under our constitutional system because her life cannot be expressed in a single simple relation. Woman's legal status necessarily involves complicated formulation, because a woman occupies many relations.
>
> The law must have regard for woman in her manifold relations as an individual, as a wage-earner, as a wife, as a mother, as a citizen. Only those who are ignorant of the nature of law and of its enforcement and regardless of the intricacies of American constitutional law, or indifferent to the exacting aspects of woman's industrial life, will have the naivete or the recklessness to sum up woman's whole position in a meaningless and mischievous phrase about "equal rights." Nature made man and woman different; the Woman's Party cannot make them the same. Law must accommodate itself to the immutable differences of nature. For some purposes men and women are persons and for these purposes the law should treat them as persons, subjecting them to the same duties and conferring upon them the same rights. But for other vital purposes men and women are men and women—and the law must treat them as men and women, and, therefore, subject them to different and not the same rules of legal conduct.
>
> The unjustifiable legal differentiations as to women still existing in different States vary greatly from State to State. Now that women have the vote, these discriminations will readily yield to correction by appropriate State action, provided the attempts at reform are preceded by an effective analysis of the legal situation in each State, an understanding formulation and remedies and an adequate educational exposition of the evils and remedies as a preliminary to legislation. But in a binding effort to remove remaining differences in the law, in the treatment of women as compared with men which do not rest on necessary policy based on inherent differences of sex, the Woman's Party would do away with all differences

> which arise from the stern fact that male and female created He them. The Woman's Party cannot amend nature. But it can add considerably to the burdens already weighing too heavily upon the backs of women, the industrial workers, who are least able to bear them.

This was a wise statement. It is based on reality. Justice Frankfurther rightly said that most laws should treat men and women as persons having no sex and for that reason should operate upon them in like manner. However, I believe in many of the relations of life the only intelligent course to pursue is to recognize that mankind was created male and female and no law and no constitutional amendment can obviate that truth.

Today in relationships in life wherein sex does matter, men and women should be treated by law in rational manner and in a reasonable manner, and in a different manner where nature and reality required different treatment.

THE DESTRUCTIVE POTENTIALITY OF THE EQUAL RIGHTS AMENDMENT

Time and space preclude me from an attempt to picture in detail the constitutional and legal chaos which would prevail in our country if the Supreme Court should find itself compelled to place upon the equal rights amendment the devastating interpretation feared by these legal scholars, whose statements I have quoted at some length.

Frankly, I do not see how the Supreme Court can do otherwise. The equal rights amendment contains no exceptions or limitations, and applies in absolute terms to every situation falling within its scope.

The Congress and the legislatures of the various States have enacted certain laws based upon the conviction that the physiological and functional differences between men and women make it advisable to exempt or exclude women from certain arduous and hazardous activities in order to protect their health and safety.

Among Federal laws of this nature are the Selective Service Act, which confines compulsory military service to men; the acts of Congress governing voluntary enlistments in the Armed Forces of the nation which restrict the right to enlist for combat service to men; and the acts establishing and governing the various service academies which provide for the admission and training of men only.

Among the State laws of this kind are laws which limit hours during which women can work, and bar them from engaging in occupations particularly arduous and hazardous such as mining.

If the equal rights amendments should be interpreted by the Supreme Court to forbid any legal distinctions between men and women, all existing and future laws of this nature would be nullified, even though the courts might find them to be fair or reasonable.

The Yale Law Journal makes it clear that one of the primary purposes of the Equal Rights Amendment is to deprive Congress of the legislative power to draft men for compulsory military service unless it drafts women for compulsory military service on exactly the same terms, or to sanction the voluntary enlistment of men for service in combat units of the armed service unless it authorizes the enlistment of women in such units on precisely the same terms. Moreover, the Journal makes it obvious that another of the objectives of the amendment is to convert Annapolis, West Point, and the other service academies into coeducational war colleges.

The Journal further asserts, in substance, that if the equal rights amendment is added to the Constitution substantial numbers of women will be enrolled in the Armed Forces to serve in combat and all other roles on exactly the same terms and under exactly the same circumstances as men; that these women will suffer the loss of their privacy and sometimes become pregnant and bear illegitimate children; and that the equal rights amendment will prohibit the discharge from the armed services of any single woman for pregnancy or childbearing, no matter how often she becomes pregnant or how many bastards she bears.

I am satisfied that the veterans who waded in the icy water in the trenches until their feet bled during the First World War, the veterans who endured the heat of North Africa and the Anzio beachhead and the cold of the Battle of the Bulge during the Second World War, and the veterans who fought in the mountains of the steaming swamps of Southeast Asia during the conflicts in Korea and Vietnam are implacably opposed to having the equal rights amendment subject American girls to similar experiences. And I am sure that the fathers and mothers of the daughters of America agree with them.

At the present time Congress has the discretionary power to draft or refuse to draft women and the discretionary power to enlist or refuse to enlist women for combat service. Congress should retain this discretionary power.

America faces a precarious world. Powerful nations indicate their desire to extinguish the lights of liberty throughout the earth. As a consequence, America must maintain military might throughout the foreseeable future.

There has never been a more inopportune time in the history of our country for a constitutional amendment which will put Congress in a straitjacket and compel it to make a choice between having no Armed Forces at all or mingling men and women in our Armed Forces on exactly the same terms for exactly the same service.

In a moment of truth or a moment of pessimism more than a hundred years ago a British politician, T. B. Macaulay, made this statement about the members of the House of Commons:

> The members are more concerned about the security of their seats than about the security of their country.

I hope that no truthful or pessimistic person will be prompted by any votes on the equal rights amendment to make a similar remark about Members of the Congress.

Sometimes I question the soundness of my conviction that women should not be converted into combat soldiers. If the militant women who demand that Congress submit the equal rights amendment to the States without changing a dot over an *i* or a cross over a *t* have the capacity to frighten the enemy like they frighten male politicians, the enemy might hoist the white flag without firing a shot.

The common law and statutory law of the various States recognize the reality that many women are homemakers and mothers, and by reason of the duties imposed upon them in these capacities, are largely precluded from pursuing gainful occupations or making any provision for their financial security during their declining years. To enable women to do these things and thereby make the existence and development of the race possible, these State laws impose upon husbands the primary responsibility to provide homes and livelihoods for their wives if they fail to perform this primary responsibility. Moreover, these State laws secure to wives dower and other rights in the property left by their husbands in the event their husbands predecease them in order that they may have some means of support in their declining years.

If the equal rights amendment should be interpreted by the Supreme Court to forbid any legal distinctions between men and women, it would nullify all existing and all future laws of this kind.

As appears from pages 936 to 954 of the Yale Law Journal, the equal rights amendment is expressly designed to nullify the State laws which give these economic and social protections to wives, mothers, and widows, and to provide in their stead that the rights and responsibilities of men and women in the areas covered by the nullified laws shall be absolutely coequal.

There are laws in many States which undertake to better the economic position of women. I shall cite only one class of them; namely, the laws which secure to women minimum wages in many employments in many States which have no minimum wage laws for men, and no other laws relating to the earnings of women.

If the equal rights amendment should be interpreted by the Supreme Court to prohibit any legal distinctions between men and women, it would nullify all existing and future laws of this kind.

In addition there are Federal and State laws and regulations which are designed to protect the privacy of males and females. Among these laws are laws requiring separate rest rooms for men and women in public buildings, laws requiring separate restrooms for boys and girls in public schools, and laws requiring the segregation of male and female prisoners in jails and penal institutions, and I might add, institutions for the mentally ill.

If the equal rights amendment should be interpreted by the Supreme Court to forbid legal distinctions between men and women, it would annul all existing laws of this nature, and rob Congress and the States of the constitutional power to enact any similar laws at any time in the future.

Moreover, there are laws which make it punishable as crimes for men to seduce innocent and virtuous women under promises of marriage, to have carnal knowledge of girls under the age of consent, and to transport women in interstate or foreign commerce for immoral purposes. The militant advocates of the equal rights amendment assure us that women and girls do not stand in need of the protection offered by laws of this nature, and that the amendment, if adopted, will invalidate them.

With one exception, everything I have said concerning what the equal rights amendment will do to existing Federal and State laws is fully supported by the article entitled "The Equal Rights Amendment—A Constitutional Basis for Equal Rights for Women," which appears in the April 1971, issue of the Yale Law Journal.

I wish the time at my disposal made it possible for me to read this 114-page article to the Senate. I must content myself, however, with calling to the attention of Senators some excerpts from the article relevant to what I have said.

Mr. President, I ask unanimous consent that these excerpts be printed in the body of the RECORD after the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. LONG. Mr. President, will the Senator yield?

Mr. ERVIN. Yes, I am glad to yield to the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, I appreciate the information the Senator has made available to us. Like the Senator, not only do I wish to accord women equal treatment wherever they are being denied equal treatment or being denied rights which could properly be claimed for them, but I do not find any appeal whatever to the suggestion that we should deny women the protection of the laws which were passed with their problems in mind. I have in mind laws which protect separate property of women, such as we have in Louisiana under our community property system, which was derived from the French law, the old Napoleonic Code, laws that would limit the number of hours a woman might be required to work in certain capacities.

I think it ridiculous to place in doubt the draft laws or to infer that a woman is subject to being drafted into the military equally with men. I do not believe a majority of women are, and I know a majority of men are not, in favor of requiring that a woman pay alimony to her husband if she might be able to earn more money than he.

There are just many situations in which the equal rights amendment would deny women rights that they have now and would impose burdens that I believe a majority of us here in Congress do not want to impose on women.

That being the case, why do we have to vote for something that denies women rights they presently have, such as this measure would propose to do? Why can we not vote for something that provides that equal pay for equal work is what we are seeking to implement? Why could we not vote for something that would help free women from the house and make it more practicable for them to engage in a profession, if they want to do it, and help provide child care, which the Senator from Louisiana has tried to do, rather than pass something that has all sorts of unintended consequences?

Mr. ERVIN. The only reason why we cannot sit down and rationally discuss this matter and pass a measure which would insure absolute freedom to women without bringing about harm to those women who need the protections is that extreme advocates of this measure refuse to have any other amendment considered.

As a matter of fact, I read an article in the New York Times Magazine section yesterday, written by a professor in the University of Michigan, which stated that his research convinced him that not more than 3 percent of the women in the United States want this amendment passed. I shall put in the RECORD later the results of a poll by one of the foremost polling organizations in the United States, the Elmo Roper organization, which shows that the overwhelming majority of women in the United States are opposed to the amendment.

This amendment is advocated by a national organization of business and professional women. I belong to several national organizations, and I imagine that that organization is similar to the organizations I belong to, and that a handful of members or delegates to the national convention adopt national policies with little or no concern of the desires of the entire membership of the organization. I have seen, for example, a couple of hundred delegates to the American Bar Association adopt as programs of the American Bar Association programs which I knew the overwhelming majority of the members and lawyers in the American Bar Association were opposed to.

I stated in my opening remarks that I cannot understand why these business and professional women should demand the passage of this amendment, because the business and professional women who do not elect to become wives and mothers have complete freedom, under present law, to compete on an absolute equality with men in any of the undertakings of life. Why these women, who have such complete freedom for themselves, want to rob their sisters of the protections which the law gives those whose work is not entirely intellectual in nature, or those who elect to become mothers and wives, or who unfortunately become widows, is something that is not intellectually comprehensible to me.

Mr. BAYH. Mr. President, will the Senator permit me to join in this colloquy?

Mr. ERVIN. Mr. President, I would hate to have my time exhausted by the Senator, but I shall yield to him provided he shows a disposition not to trespass upon eternity.

Mr. BAYH. The Senator from Indiana is not seeking to interfere with eternity. I do not think any constitutional amendment would be able to do that.

Mr. ERVIN. This amendment is intended to rob Congress and all of the States of their powers to protect women through eternity.

Mr. BAYH. I see that some women could come to the conclusion that we have been laboring in vain for an eternity in order to provide equality. I want to suggest that the well-taken questions directed at my friend from North Carolina are based on information that at least the Senator from Indiana feels may not be accurate.

Mr. ERVIN. I would have to say that the Senator from North Carolina bases most of the allegations he has made upon the article from the Yale Law Journal which the Senator from Indiana placed in the RECORD to assist the Senator from North Carolina and other Senators to reach correct conclusions on this particular amendment.

Mr. BAYH. I would like to think that the Senator from North Carolina would have to rely on the Senator from Indiana on this issue, but, quite the contrary, he can come to conclusions on his own. This whole matter was discussed a short time ago on "The Advocates" program. There is always a call-in period of a week and then the popular opinion is reported the next week. That poll showed that 73.3 percent of the viewers did indeed favor the equal rights amendment. In the State of Louisiana in particular there was a large percentage in favor of the equal rights amendment.

I do not want to suggest that my dear friend from North Carolina is trying to distort the proven facts. Like the blind man trying to describe an elephant from only one small part, the Senator is not conveying the total picture. But I do believe that what he is trying to convey here is his sincere belief.

The whole question of professional women having complete freedom is not borne out by the facts. A recent poll showed that a vast majority of teachers favor this amendment. Why is that? It is because a large majority of the teachers in this country are women. Yet, a shockingly small percentage of them obtain positions as principals. That is because they are denied equal access to the top of the ladder of the teaching and managerial professions.

Mr. ERVIN. I would say that all such a woman would have to do is bring a suit in court and show that she is equally qualified and it would be held that the exclusion from that principle would be in violation of the 14th amendment.

Mr. BAYH. Discrimination starts much earlier than that. It begins in the course of education when women are denied the opportunity of getting advanced degrees.

Mr. ERVIN. I thought the Senator was going to ask some questions instead of undertaking to enlighten me. I received so much enlightenment from the article that Senator put in the CONGRESSIONAL RECORD that I do not need any further enlightenment as to what this amendment would do.

Mr. BAYH. I was just trying to be helpful. It seemed to me that the Senator from Louisiana was asking questions of the wrong Senator.

Mr. ERVIN. I had a man down in North Carolina who protested my statement. He said he wanted an equal rights amendment passed so his wife would have to pay alimony to him and support him.

Here is what the women said in the

Elmo Roper poll. This Yale Law Review article said the amendment provides that women should be treated in all respects on equal terms with men. That question was submitted to the women by the Elmo Roper poll, and 83 percent of all of the women polled voted against it.

They were also asked whether a divorced woman should pay alimony to her husband if she has money and he has none, and 68 percent of all the women voted against that proposition.

I think the members of the organization which is backing this amendment, if they have husbands, must want to pay alimony to their husbands instead of having their husbands pay alimony to them. I think that must be the substance of it.

Mr. BAYH. I do not want to interrupt the colloquy between the Senator from North Carolina and the Senator from Louisiana, but I think careful examination of the Elmo Roper poll would show that the question was asked about women's liberation. Women's liberation in the minds of many people has a much different connotation from equal rights. There have been some extremists who do things in the name of women's liberation that offend both women and men, but we cannot help that.

Mr. ERVIN. Mr. President, I would have to take issue with my friend, because the questions were not asked about women's liberation, they were asked about the equal rights amendment.

I suggest it is a strange thing, in the light of the contention that women want to make men and women equal, that that poll would show that 84 percent of all the women thought that men should still hold doors open for women and give up their seats to women; and we are bound to have some members of women's liberation taking that position, because they must be stronger than 16 percent.

Mr. BAYH. If I may ask unanimous consent to put in the Record at this time——

Mr. ERVIN. No, I am not going to have the Senator's things put in the Record at this time. He can put them in on his time.

Mr. BAYH. Very well. I thought perhaps the Senator might want to put in the Record the questions that were asked on the Elmo Roper poll.

Mr. ERVIN. I will let the Senator from Indiana put in the Record whatever he wants to on his time, and I am going to put in the Record the things that I want to, including the questions asked in the Yale Law Journal.

Mr. BAYH. The Senator from Indiana will be honored to have his comments placed in the Record, even on the time of the Senator from North Carolina.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. LONG. This section that says that "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex," is that the same section we have been voting on for the last 20 years?

Mr. ERVIN. That proposal has been before Congress for approximately the last 50 years, and up until approximately the last year or so, they could not find any people who were unintelligent enough to buy it.

Mr. LONG. Is that the same section I have been voting on for these many years?

Mr. ERVIN. No, we have been voting for the Hayden amendment, which protects and preserves the rights and benefits given by law to women.

Mr. LONG. If I am correct—and I ask the Senator if this is true—we have had smething of this same sort before us for more than 20 years. I have been here for 23 years, and I have been hearing about it for at least 20 years. The same problem has been brought up time and again. Here is a myriad of laws passed to protect women, for their advantage as the weaker sex. It was not to hurt them but to help them. That is the way it ought to be. We have a lot of such laws in Louisiana, some of which we inherited from the French with the Code Napoleon. All those laws would be placed in doubt or stricken down by this amendment.

Is this the same thing we have been talking about for 20 years?

Mr. ERVIN. Yes; the Senator has been talking about it for 20 years, but Congress has been talking about it for 50 years. The Senator from Louisiana is a young man.

Mr. LONG. I have voted for the Hayden amendments when offered, and I have voted for the Ervin amendments, and I have never found even one-quarter of 1 percent of the women in my State who expressed any disappointment at my votes on such matters when I have had the opportunity to discuss it with them. Sometimes you do find someone in some corner of the State who is concerned with the fact that you did not want to buy the things just exactly as they were proposed, but I have yet to find anyone—not anyone—who was angry about the concern of some of us to protect certain rights which women have, which I believe ought to be preserved. I, for one, do not want to have women made to pay alimony to men. I know that the majority of men do not favor it, and the majority of women do not favor it. Can the Senator tell me why, in the name of all that is sensible, under the nice attractive language here, we could agree to say women must be required to pay alimony to men when the majority of men and the majority of women do not want it? Can the Senator tell me how that could come about?

Mr. ERVIN. It beats me. I say to the Senator, I cannot understand why anyone would think the Lord God Almighty made a serious mistake when he created two sexes instead of one, and that the most effective way to correct that mistake of the Lord God Almighty is to adopt an equal rights amendment which would compel the drafting of the daughters of America and sending them into battle, where their fair forms would be blasted into fragments by the bombs and shells of the enemy.

That is exactly what the advocates of this amendment say will happen if it is passed.

Mr. LONG. That brings up one more point that occurs to me: Do we not have the right to draft women now, if we want to draft them?

Mr. ERVIN. Surely, right now. All the women who want to be drafted would have to do is persuade one legislative body, the Congress of the United States, to draft them. Under this amendment, they are going to have to persuade Congress and 50 legislatures that they ought to be drafted. But they could just have one.

Mr. LONG. Let me ask the Senator, as a member of the Armed Services Committee, is he of the opinion that we have a need for obtaining any more women for the armed services than we have been able to obtain?

Mr. ERVIN. I do not think so. We have many women in the armed services in noncombatant units, but if this amendment were passed, they would have to go into combat and sleep in the same shelter halves with the men, and would have to sacrifice their privacy.

Mr. BAYH. Mr. President, would the Senator please read the section of the amendment to which he refers? I do not see all those things.

Mr. ERVIN. Mr. President, the Senator does not have to read the amendment. He wrote a letter to the Department of Defense, in which he asked them what the effect of this amendment would be, and the Defense Department told him that if this amendment were passed, women would have to be drafted and they would have to be enlisted for combat service, and they told him further in response to that letter that while they might be able to protect some of the privacy of women while they were in a permanent installation, when the women and the men went to the front together, there would be no way in the world to protect their privacy. If the Senator has forgotten the letter, I ask unanimous consent that the whole letter be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

General Counsel of the
Department of Defense,
Washington, D.C., February 24, 1972.

Hon. Birch Bayh,
U.S. Senate,
Washington, D.C.

Dear Senator Bayh: This refers to your letter of February 2, 1972, with respect to H.J. Res. 208 "Proposing an amendment to the Constitution of the United States relative to equal rights for men and women."

With respect to your first question, Mr. Rehnquist stated in his testimony before Subcommitee No. 4 of the House Judiciary Committee on April 1, 1971, that the President in 1968 endorsed the Equal Rights Amendment which is presently embodied in H.J. Res. 208 now pending before the Senate Judiciary Committee. The President and this Administration continue to wholeheartedly support the goal of establishing equal rights for women.

With respect to your second question, we, like the Department of Justice, believe it important that full consideration be given to the complications and litigation that might result should the amendment be adopted.

Depending on how the amendment was interpreted, the Department of Defense feels that two basic types of problems might arise—(1) those related to a requirement for assigning women to all types of duty, including combat duty, and (2) those related to whether or not separate facilities would be allowable and/or feasible to protect the privacy of both men and women.

At the request of the House Subcommittee

Chairman, Mr. Rehnquist sent a letter dated May 7, 1971 to the Subcommittee detailing the effect of the enactment of the Equal Rights Amendment on several areas of law including the military draft. With respect to the draft, the letter stated:

"The question here is whether Congress would be required either to draft both men and women or to draft no one. A closely related question is whether Congress must permit women to volunteer on an equal basis for all sorts of military service, including combat duty. We believe that the likely result of passage of the equal rights amendment is to require both of those results. As has been pointed out by many of the amendment's supporters that would not require or permit women any more than men to undertake duties for which they are physically unqualified under some generally applied standard.

"To what extent such integration of the services would extend to living conditions and training and working units is uncertain. Proponents have indicated that some segregation would be permissible."

Further, there is the possibility that assigning men and women together in the field in direct combat roles might adversely affect the efficiency and discipline of our forces.

On the other hand, if women were not assigned to duty in the field, overseas, or on board ships, but were entering the armed forces in large numbers, this might result in an disproportionate number of men serving more time in the field and on board ship because of a reduced number of positions available for their reassignment.

If this amendment allowed no discrimination on the basis of sex even for the sake of privacy, we believe that the resulting sharing of facilities and living quarters would be contrary to prevailing American standards.

Even if segregation of living quarters and facilities were allowed under the amendment, during combat duty in the field there are often, in effect, no facilities at all, and privacy for both sexes might be impossible to provide or enforce.

We appreciate the opportunity to share our concerns with you and state what the implications might be for the Department of Defense should the equal rights amendment be adopted.

Sincerely yours,

J. FRED BUZHARDT.

Mr. BAYH. Although the Senator from North Carolina is a member of the Armed Services Committee, he is also a very distinguished lawyer. I am sure he would be the first to suggest that J. Fred Buzhardt, general counsel at the Department of Defense, is not necessarily the final authority in this matter.

Mr. LONG. May I ask the Senator, if we do not want to draft women, why can we not amend this fool thing to say we will not draft women?

Mr. ERVIN. Because women who are above the draft age tell Senators they cannot dare to vote like that.

I had a group of them come to my office after I spoke on the Senate floor against this proposal; some members of their committee asked for an audience, which I granted, and they asked me why I spoke against this amendment.

I pointed out that women would be drafted and sent into combat, and these ladies, who were not quite as ancient as I am, though some of them were approximating that, said that that was exactly what they wanted, that they wanted to be drafted, they wanted to serve in combat.

I said:

> Ladies, I have always tried to be a gallant gentleman. I have made a practice all my life never to refer to a lady's age. But looking at you ladies, I am compelled to conclude that, despite your very youthful appearances, you are at least a month above the draft age. If you want to persuade me that women want to be drafted and sent out like the men to face the bullets of the enemy and to have their fair forms blasted into fragments by the enemy's bombs, you are going to have to send some of the sweet young things within the draft age up here to persuade me on that point.

Yet, we have all these women who are above the draft age—some of them with a legal education, some of them so far above the draft age that they have finished medical school. But business and professional women want their little sisters drafted. They know that they themselves are exempt.

Mr. LONG. Can we agree that this amendment would have the effect of either striking down the laws that require men to pay alimony or, in the alternative, that it would then require that women pay alimony to men?

Mr. ERVIN. On exactly the same terms, the advocates of the amendment say. In other words, this amendment is based on the theory that the Lord God Almighty made a mistake when he made two sexes and that the two sexes must be converted into one, so far as they can be converted by law. That is exactly what the amendment proposes to do.

I am glad the Lord did create two sexes. I think it is one of the wisest things He has done. But, if He had the benefit of some of the Women's Lib at the time of the creation, He would not have arranged things that way. We would have a unisex. [Laughter.]

Mr. LONG. It seems to me that, if we want to respect the will of the majority of men and the majority of women in this country—and why else we are here, I cannot figure out—we would amend this thing to say that this shall not be construed to require a woman to pay alimony to a man.

I am confident that the majority of men and women do not want that in Louisiana and that the majority do not want that in North Carolina and that the majority do not want that in the United States. I would be surprised to find such a State in the Union, although there may be one where that is the case.

Mr. ERVIN. They have the absolute right.

Congress now has the power to draft women or to enlist women for combat service, without any constitutional amendment. All these good women who want to be drafted—if there are any—have to do is come to Congress and persuade Congress that they be drafted. I would vote against it.

Mr. LONG. Let us consider one additional matter—the matter of women paying alimony to men. If my understanding is correct, the legislature of my State has had the power to require that women pay alimony to men as long as I have been on this planet, and so has every other State legislature. Is that correct?

Mr. ERVIN. They have had it ever since Louisiana became a member of the United States, and I believe they had it before that even under the Spaniards and French.

Mr. LONG. It was my good fortune to have a woman law teacher, Harriet Daggett. She was the one who suggested that it might be a good idea to require by law that women pay alimony to men. That suggestion had been kicking around, I am sure, for a long time. It was 30 years ago that she was suggesting that to our law school class.

So far as I can determine, that is a legislative proposal that would not get enough votes to wad a shotgun in the United States at any time in the last hundred years, notwithstanding which we are asked to put that into the fundamental laws of the United States by a constitutional amendment. Can the Senator tell me what sense that makes?

Mr. ERVIN. It does not make any sense to me, and it does not make any sense to the finest woman lawyer in the United States, Susan Marshall Sharp, who is now serving as Associate Justice of the North Carolina Supreme Court. Justice Sharp wrote me a letter in which she told me that she agrees with me fully on this point. She said that women who advocate the equal rights amendment are doing nothing in the world but ambushing themselves.

Mr. LONG. The Senator has done the Nation a service in bringing out the points he is making now.

It seems to me that during the past 20 years those who fought unsuccessfully to pass section 1 have been confronted with the frustration of finding that logic and commonsense would require that it be amended to specify what it did and did not mean. They have been so intellectually arrogant that they would not accept any amendment to make clear what this amendment means. At some point they should drop this matter or be willing enough to unbend to admit that if they want this to pass they should specify what it means and what it does not mean. They say:

> No amendment. It must be passed this way, and nothing must be done to eliminate all the doubts and qualms you have about this matter.

I must say that it absolutely defies me how this matter comes in under one set of sponsors, and when they pass from the scene there is another sponsor—all saying the same thing: There must be no wrongful interplay of brain power; it must be voted for exactly the way it comes in here—notwithstanding the fact that they never have been able to get it through without some kind of amendments.

If they say that their amendment would not do that, why do they fear and why will they not accept an amendment that would clarify the question.

Mr. ERVIN. I think I can answer the Senator.

The answer is twofold. Some of the proponents of this amendment are very sincere people who think that all the amendment will do is to abolish unfair, unreasonable, and arbitrary legal discriminations against women. But the group that is really backing it, the ones who are demanding that all Senators, on pain of political penalty, vote for this amendment just as it is, without any amendment, say that when Congress makes a law relating to people or when a State legislature makes a law relating to people, defining their rights and responsibilities, Congress and the State legislatures must blindfold their members so that they cannot see that the Lord created the human race, male and female. They say that every law must ignore the fact that there are two sexes and that there can be no discrimination or no distinction of any kind, no matter how reasonable, if they take into consideration the fact that the Lord God Almighty did create mankind male and female.

Mr. BAYH. I honestly believe—and I hope that the Senator from Louisiana believes—that describing those in the Senate who are supporting the equal rights amendment as being so intellectually arrogant as not to want any amendments is an exaggeration. If the Senator from Louisiana is really concerned about hearing the rationale on the other side of the argument, on the Senator from Indiana would be glad to deal with that.

I get the impression that this colloquy is a sort of pattycake-pattycake situation, in which we are really not trying to find the answers to the question being posed.

Mr. ERVIN. I would say that the colloquy going on between the Senator from Louisiana and the Senator from North Carolina is designed to shed light on everybody who is not blind.

Mr. LONG. May I say, in response to the point raised by the Senator from Indiana, that I was not referring to him when I was talking about intellectual arrogance. I was talking about the people who keep bringing this thing in, who were bringing this in before they heard of BAYH, of Indiana, or LONG, of Louisiana, those who insist that it be passed exactly this way, without changing a word or a punctuation mark, without even changing a comma to a semicolon. So that even though those are the latest dictates, I hasten to say I do not now see the comma or the semicolon being used in that section 1. That is the point I have in mind, without even making a technical change in it, to correct something that we would find could be improved.

Mr. BAYH. I will be glad to explain that to the Senator from Louisiana and why I feel strongly such changes should not be made——

Mr. ERVIN. I can tell the Senator from Louisiana why.

Mr. BAYH. Let the Senator tell him on his own time.

Mr. ERVIN. The Senator from Indiana is speaking on my time.

Mr. BAYH. Then I will take 30 seconds of my time to explain. I cannot speak for those who share my opinion outside this body, but I will tell the Senator from Louisiana why I do not believe the amendment should be changed later when I have more time.

Mr. LONG. Would the Senator explain why?

Mr. ERVIN. Listen to the arguments in support of the bill, and listen to some of these ladies who so strongly advocate its passage without the crossing of a single "t" or the dotting of a single "i." They will tell us that there is a State in the Union which has a law that prohibits women from engaging in professional wrestling and they want this amendment to wipe out that law. I do not know why they do not go into that State and have them repeal that law. But they cite several laws like that. Some of the women who back this amendment who do intellectual work solely, they want to fix it so that their sisters who do work which is physical as well as intellectual shall not be allowed to work overtime. They want to require a mother who is drawn upon to serve on a jury, to forsake her children to serve on the jury, or when a woman is asked to serve on a jury who is a housewife they want her to forsake her home in order to be able to serve on the jury.

Mr. BAYH. May I have 2 minutes on my own time to say this at this point——

Mr. ERVIN. I know that this is on the time of the Senator from Indiana.

Mr. BAYH. Yes. I do not want to interrupt the steady flow of this enlightened colloquy——

Mr. ERVIN. Why do you do it then? [Laughter.]

Mr. BAYH. Because it has ceased to be steady or enlightening.

Mr. ERVIN. The Senator from Indiana is opposed to our enlightened statements?

Mr. BAYH. I do not want to interrupt my good friend from North Carolina. I know that he is sincere in his convictions, but he certainly is not qualified, despite his great expertise and his great intelligence, adequately to describe why the position of those who support this amendment differs from his own. I suppose that would also apply to the Senator from Indiana if he were asked to try to support the position of the Senator from North Carolina.

The facts are that those who support this amendment are not trying to do any of the things that have just been described, such as the business of alimony, overtime, taking mothers away from young children for jury service, and encouraging lady wrestlers.

[Laughter.]

For heaven's sake, that is a lightweight argument. What we are suggesting is that every woman should have an equal chance to serve or not serve on a jury. If she has children, she can go to a judge and explain the situation to him and be relieved of jury duty. She should have a chance to be treated equally.

Mr. ERVIN. The Senator from Indiana puts a different interpretation on the law.

Mr. BAYH. I want to say to my good friend, the Senator from North Carolina, and I yield myself 1 minute to say so, that——

Mr. ERVIN. If the distinguished Senator from Indiana wants to make a speech, I will temporarily retire from the floor and let him make his speech; otherwise, I would like to resume my own.

Mr. BAYH. I do not wish to interrupt the Senator——

Mr. ERVIN. The Senator is interrupting me so much that I cannot make my speech.

Mr. BAYH. I have been sitting here patiently and will continue to sit here patiently.

Mr. ERVIN. I have not noticed much patience on the part of the Senator from Indiana.

Mr. BAYH. Considering the wisdom of the arguments of the Senator from North Carolina, the Senator from Indiana really has been very patient. The only reason I am interrupting is that the answers of my good friend from North Carolina to the questions of the Senator from Louisiana have been so far short of their mark that I hope he will address them later to the Senator from Indiana, if it is not too inconvenient to either Senator.

Mr. ERVIN. The Senator from North Carolina is in possession of 114 pages of the Yale Law Journal which appeared in April of 1971 which the Senator from Indiana put in the RECORD and commended to other Senators as a means for their enlightenment as to the meaning of this amendment; and all of the 114 pages, except one little point, are in complete agreement with the interpretation I have been placing on this amendment.

Mr. LONG. Mr. President, will the Senator from North Carolina yield for a question?

Mr. ERVIN. I yield.

Mr. LONG. In view of the fact that the Senate has for more than 20 years now been consistently voting to say in effect that it found some danger in the amendment from which it wants to protect women; and that that being the case, it insisted on amending the amendment to protect women from the very danger that we are discussing here, how can anyone say it is not reasonable to argue that there are dangers inherent in this This is more true in view of the fact that the Senate has, for 20 years, been voting for amendments implicit in which was the fact that the Senate recognized the danger that the Senator from North Carolina is discussing here. The Senate recognized the very problems and the statutes that protect women that would be placed in danger in construction of the laws that would be required, if this amendment becomes law or passing amendments some of which were sponsored by the Senator from North Carolina to protect women. That being the case, how can anyone argue that the problem does not exist when the Senate has been recognizing it for 20 years, that it does exist?

Mr. ERVIN. That follows from the editorial I started to read which said that, "Hell hath no fury like a woman scorned except a woman with the cry of liberation on her lips."

The extreme advocates of women's lib demand two things: They demand that Congress in general, and the Senate in particular, take absolute orders from them, and that in considering this amendment they decline to vote for any amendment, that they take the amendment just as it is. Then they demand, after the amendment is adopted, that the court will hold under the amendment that no legislative body in the United States can even take into consideration such things as two sexes on this earth or in the United States when it passes any kind of law covering alimony, divorce, support of a family, custody of children, support of children. That is how extreme these women are with the cry of liberation on their lips.

Mr. LONG. I thank the Senator from North Carolina very much.

Mr. ERVIN. Thank the Lord that most

women are not like them, according to the Elmo Roper poll.

Mr. LONG. I thank the Senator from North Carolina and I shall continue to vote to guarantee rights for women wherever I feel that a case can be made for these rights. I must say, as one who tried to do all I could to help women in everything that seemed to be a problem, that I do not want to undo the things that have been done with their interest at heart. If we can agree on something and some language that would say that is the effect of this amendment, I would be willing to vote for it; but I am not willing to vote for something that would say there is no wisdom in the State legislatures of the entire United States, either now, or in the past, or in the future.

Mr. ERVIN. Mr. President, I would like to say that my amendment is not altogether perfect, but it is my recollection that when the ERA was before the Senate at a prior time, the Senator from Indiana said its effect would not be to draft women. He has now changed his opinion and said that it will require Congress to treat men and women equally with respect to the draft.

I come back to the only difference between the views I have been expressing and the views expressed in the 114-page Yale Law Journal article which my good friend, the Senator from Indiana, has printed in the Record——

Mr. BAYH. Mr. President, I did not hear the Senator from North Carolina.

Mr. ERVIN. Mr. President, I said that according to my recollection when I first heard the Senator from Indiana express his opinion on the amendment, he expressed the opinion that it would not necessarily require women to be drafted.

Mr. BAYH. Mr. President, at the time I first discussed this a year or so ago, that was my opinion. However, after studying the matter and after studying the debate on the floor of the Senate and House, I came to the opposite conclusion.

I think the Senator from North Carolina very eloquently expressed the fact that as far as he is concerned he hopes that he has more wisdom today than yesterday. I hope that is true as well in the case of the Senator from Indiana.

Mr. ERVIN. Mr. President, that reminds me of the story of the man or woman, one or the other——

Mr. BAYH. It does not make any difference.

Mr. ERVIN. It is a unisex amendment. It will not make a particle of difference. However, the story relates that a man applied for a job to teach geography in school. There was an argument at that time as to whether the world was flat or round. The school board was divided on that proposition. The man came before the school board and was asked what position he held. He said, "I leave that up to the school board, I teach either theory."

My good friend, the Senator from Indiana, said on December 16, 1969, that the ERA would require that women could be drafted. Then my good friend, Senator Bayh, changed his mind on this amendment and on October 13, 1970, he wrote a letter to all Senators of the United States to the effect that the draft laws do not apply to the amendment.

Now, this year, again Senator Bayh comes back, after having said that the world is flat and then round, and in March 1972, said the draft will apply to women.

That is the reason that I am hesitant to accept the interpretation put on the amendment by my good friend, because his interpretations sort of vary and perambulate from one point of view to another point of view. Mine never changes.

Mr. BAYH. Would the Senator care to interpret the question of whether women would be drafted under this amendment or not?

Mr. ERVIN. Sure.

Mr. BAYH. I accept that.

Mr. ERVIN. She would not only be drafted, but this article says that she would lose her right to privacy under the amendment.

Mr. BAYH. The Senator from Indiana does not accept that. Nor does the letter from the Department of Defense say that.

Mr. ERVIN. I would read into the Record the letter.

Mr. BAYH. Why does the Senator from North Carolina not put it in the Record now?

Mr. ERVIN. Because I want to finish this speech before I start another.

I will give the Senator a whole lot of information and I hope he will be willing—I know that he is able—to absorb it.

The Yale Law Journal disagrees with my analysis of the effects of the equal rights amendment in one particular only. It contends that the amendment will not nullify laws requiring segregated rest rooms for the sexes.

I submit there is no basis for this position. The amendment contains no exception or limitation, and is absolute in its terms. It must be remembered that constitutional amendments are interpreted according to the words in which they are couched, and not according to the assertions or wishes of their advocates.

My contention on this score is supported by a statement which wise women joined in submitting to the 91st Congress to express their opposition to the equal rights amendment. This statement expressly declares that the amendment will destroy "laws that require separate rest rooms and dressing rooms for women workers."

Mr. President, I ask unanimous consent that the entire statement presented to the 91st Congress by those wise women be printed in the Record after the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. ERVIN. Mr. President, moreover, my contention finds support in the letter which J. Fred Buzhardt, General Counsel of the Department of Defense, wrote to the Senator from Indiana (Mr. Bayh) on February 24, 1972. I have already had it printed in the Record. However, for the purpose of emphasizing this point, I would like to call attention to specific statements made by Mr. Buzhardt in response to an inquiry from my distinguished friend, the Senator from Indiana.

Manifestly the Department of Defense is much concerned about whether it will have to draft women or enlist women for combat service. So, Mr. Buzhardt said this in response to an inquiry from my good friend, the Senator from Indiana:

> The question here is whether Congress would be required either to draft both men and women or to draft no one. A closely related question is whether Congress must permit women to volunteer on an equal basis for all sorts of military service, including combat duty. We believe that the likely result of passage of the equal rights amendment is to require both of those results. . . .
>
> If this amendment allowed no discrimination on the basis of sex even for the sake of privacy, we believe that the resulting sharing of facilities and living quarters would be contrary to prevailing American standards.
>
> Even if segregation of living quarters and facilities were allowed under the amendment, during combat duty in the field there are often, in effect, no facilities at all, and privacy for both sexes might be impossible to provide or enforce.

MISGUIDED FAITH

Its advocates profess implicit faith in the potency of the equal rights amendment. They assert that it will usher in a new heaven and a new earth for American women. They are doomed to disappointment.

If I may borrow the words of Omar Khayyam, I will say that the equal rights amendment will undoubtedly shatter to bits what militant women deem "this sorry scheme of things entire," but will not "re-mold it nearer to the heart's desire."

The problems which life presents to women will remain and the effect of the amendment would be to diminish substantially the legislative power of the Congress and the legislatures of the 50 States to find solutions for such problems.

I am informed that the National Organization of Business and Professional Women has adopted the submission and ratification of the equal rights amendment as its project. I suspect that this organization is like some organizations to which I belong in which a handful of delegates to conventions adopt projects for the organization with little or no concern for the wishes of the membership of the organization as a whole.

Be this as it may, the equal rights amendment will not better a whit the position of the business and professional women who advocate its adoption. The reason for this is extremely simple.

The amendment will not remove any disabilities imposed upon women by the mores of society because these disabilities can be removed only by changing the attitudes of the people. Insofar as the law itself is concerned, business and professional women now have complete legal freedom to compete on terms of equality with men in all the relationships and undertakings of life.

MAJORITY OF WOMEN OPPOSE THE AMENDMENT

I am somewhat puzzled by the insistence of some of the supporters of the amendment that their sisters who become wives, mothers, and widows should be robbed of the legal protections which life and law have placed around them.

The overwhelming majority of American women oppose the equal rights amendment. This is made manifest by national polls conducted by experienced national pollsters.

Mr. President, I ask unanimous consent that the results of such polls and comments upon them to be printed in the RECORD after the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 6.)

Mr. ERVIN. Mr. President, there are 74,690,000 women of the age of 16 and upward in the United States. As a result of choice or necessity, 32,975,000—44.1 percent—of them are either working or seeking work outside of their homes. The remaining 41,715,000—55.9 percent—devote themselves exclusively to the keeping of their homes.

Millions of women in both of these groups find their deepest satisfaction and their highest fulfillment in enacting the roles of wives and mothers.

These women undoubtedly understand my love for the poem entitled "The Bride," which was composed by a gifted North Carolina poet, John Charles McNeill, whose beautiful poetry has not yet found its way into anthologies of verse; and a poem entitled "John Anderson My Jo," which was written by the Scottish bard, Robert Burns, who had such an uncanny capacity to describe the simple things which enrich life.

"The Bride" pictures a bride and groom standing at the threshold of their married life, and "John Anderson My Jo" portrays a long-married husband and wife nearing the end of their joint journey.

I deem it not amiss to quote these poems in full:

THE BRIDE

(By John Charles McNeill)

The little white bride is left alone
With him, her lord; the guests have gone;
The festal hall is dim.
No jesting now, nor answering mirth.
The hush of sleep falls on the earth
And leaves her here with him.

Why should there be, O little white bride,
When the world has left you by his side,
A tear to brim your eyes?
Some old love-face that comes again,
Some old love-moment sweet with pain
Of passionate memories?

Does your heart yearn back with last regret
For the maiden meads of mignonette
And the fairy-haunted wood,
That you had not withheld from love,
A little while, the freedom of
Your happy maidenhood?

Or is it but a nameless fear,
A wordless joy, that calls the tear
In dumb appeal to rise,
When, looking on him where he stands,
You yield up all into his hands,
Pleading into his eyes?

For days that laugh or nights that weep
You two strike oars across the deep
With life's tide at the brim;
And all time's beauty, all love's grace
Beams, little bride, upon your face
Here, looking up at him.

JOHN ANDERSON MY JO

(By Robert Burns)

John Anderson my jo, John,
When we were first acquent,
Your locks were like the raven,
Your bonie brow was brent;
But now your brow is beld, John,
Your locks are like the snaw,
But blessings on your frosty pow,
John Anderson my jo!

John Anderson my jo, John,
We clamb the hill thegither,
And monie a cantie day, John,
We've had wi' ane anither;
Now we maun totter down, John,
And hand in hand we'll go,
And sleep thegither at the foot,
John Anderson my jo!

Mr. President, I think these two poems depict in a beautiful fashion the association between bride and groom which the good Lord intended to be, and it is certain to warm the heart far more than the notion that men and women shall be divided into contending groups, each insisting on his or her legal rights.

CONCLUSION

Congress and the States should amend the Constitution advisedly and soberly, and not emotionally.

Constitutional amendments are for keeps. Unlike a statute, they cannot be easily repealed. Once adopted, they can be removed from the Constitution only by the amending process. Consequently, they are likely to remain in the Constitution, and either bless or curse the American people until the last lingering echo of Gabriel's horn trembles into ultimate silence.

After reading the article in the Yale Law Journal, Dr. Jonathan H. Pincus, associate professor of neurology at the Yale University School of Medicine, posed the question which now confronts the Senate:

> Is the equal rights amendment to be the Tonkin Gulf resolution of the American social structure?

It is manifest that Dr. Pincus described the equal rights amendment correctly. Its probable effect is correctly summarized in a question I put to Prof. Philip B. Kurland and an answer he made to such question during the hearings of the Senate Committee on the Judiciary on the amendment. The question and answer were as follows:

> Senator ERVIN. I take it from your statement that you are of the opinion that the most probable construction of the House-passed Equal Rights Amendment is that it would do these two things if ratified by the requisite number of States after submission by the Congress. First, it would nullify existing congressional and State laws which make distinctions between men and women which the legislative bodies considered to be reasonably justified by the physiological and functional differences between men and women, and second, that it would disable Congress and the legislatures of the 50 States ever to pass any such laws in the future unless the Constitution was amended to eliminate the House-passed amendment from the Constitution.
>
> Professor KURLAND. I am afraid that is the way I read the meaning of the words that are set out in the House Joint Resolution.

I entreat Senators to take pause before they approve the "the Tonkin Gulf resolution of the American social structure."

I entreat them to remember:

The moving finger writes; and having writ,
Moves on: nor all your piety nor wit
Shall lure it back to cancel half a line,
Nor all your tears wash out a word of it.

EXHIBIT 1

BERNARD SCHWARTZ: A COMMENTARY ON THE CONSTITUTION OF THE UNITED STATES

(Part III, Rights of the Person, pages 527–538)

480—SEX

The very first case in the highest Court after the adoption of the Fourteenth Amendment in which a challenge of unconstitutional discrimination against an important class in the community was raised involved a claim on behalf of the equality of women. The case referred to—*Bradwell v. Illinois* (1873)—was decided the day after the already-discussed *Slaughterhouse Cases*. At issue in it was the refusal of the Supreme Court of Illinois to grant plaintiff's application for a license to practice law on the ground that it was a woman who made it. The high tribunal ruled that the Fourteenth Amendment had no restrictive effect upon the power of the states to limit the practice of law to members of the male sex. Two years later, the supreme bench reached the same result with regard to a state statute confining the suffrage to males.

These early decisions under the Fourteenth Amendment confirmed the fact that the men who drafted the Equal-Protection Clause never intended to place women upon a political and economic plane with men. The men of the post-Civil War period, as had been true of the Jacksonians before them, scarcely included women in their concept of equality. Instead, they were firm believers in what de Tocqueville termed "that great inequality of man and woman which has seemed . . . to be eternally based in human nature." In the law, their view was that expressed by Justice Bradley in the *Bradwell* case: "The civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood."

Merely to state the Bradley view is to indicate how far out of line it is from present-day conceptions. To the jurist today, the restricted intention of the men who wrote the Equal-Protection Clause into organic law is much less important than the fact that (as emphasized in section 469) they used language of general, rather than particular, applicability. At the present time, at least, it is contrary to all the canons of constitutional construction to interpret a provision like the Equal-Protection Clause, which, by its own terms, is applicable "to any person," as one which covers only members of the male sex. At the very least, the language of the Equal-Protection Clause must include every human being in the community—and that irrespective of sex.

We must start, then, with the proposition that (whatever may have been the situation under the early cases) a woman must be considered a "person" within the meaning of the Fourteenth Amendment and hence fully encompassed within the constitutional guaranty of equality. More than that, we may say that (as seen in section 475) a classification grounded upon sex must now be considered inherently unreasonable when it is used as the basis for denying personal or property rights. A law which seeks to make rights and obligations turn upon sex must normally be deemed lacking in rational basis.

What this means is that, in accordance with present-day conceptions, no person may be denied equality before the law because of sex. That such interpretation of the Equal-Protection Clause makes for a drastic change in the law cannot be denied. For the case law has consistently ruled that, even though women are "persons" within the scope of the Equal-Protection Clause, the protection which that provision affords them must be interpreted in the light of the disabilities imposed upon women at common law. Thus, as recently as 1966, a state court ruled that, until the common-law disqualification of sex is removed, women are not eligible to serve on juries—and that regardless of the Equal-Protection Clause.

Such ruling, continuing as it does the grossly unequal position of women at common law, can scarcely be considered consistent with the view which now prevails of the inherent value of the individual and the right to be dealt with on the basis of personal worth without the intrusion of extraneous characteristics such as sex. So far as property and personal rights (including political rights) are concerned, a law which discriminates against women solely because of their sex must normally be deemed one that is based upon an inherently unreasonable classification and hence violative of the Equal-Protection Clause.

The judges may not as yet go entirely as far as the view taken in this section. But it cannot be doubted that the exertion of governmental authority to maintain the supposedly inferior status of women in the law would now be stricken down in most cases. This would be true, for example, of statutory restrictions upon women's political rights (as by denying them the right to hold public office), or comparable limitations upon their economic rights (as by laws prohibiting them from engaging in ordinary businesses, professions, and occupations), or their right to share in the services and benefactions dispensed by the modern State (as by denying them the right to enroll in public educational institutions or to participate in a scheme of social insurance open to males).

Among the cases supporting the principles just stated is an important opinion of the Massachusetts court ruling invalid a statute prohibiting the employment in the public service of married women. Women, said the court, married or unmarried, are, like other persons, entitled to the benefit of the constitutional guaranty against arbitrary discrimination. For a statute to exclude from public employment of every nature all married women—irrespective of age, character, and capabilities—is for it plainly to work an arbitrary discrimination against such women. Such discrimination lacks a reasonable basis, for it cannot be said that sex and marital status are factors upon which the ability to perform the functions connected with any and all public employment does depend.

As far-reaching as any decision on the matter under discussion is one rendered in New York in 1962. It held that the refusal of the New York City Civil Service Commission to permit a policewoman to take an examination to qualify for promotion to the rank of sergeant, solely because of her sex, was illegal. The denial of eligibility solely because of sex was declared to be arbitrary and an abuse of discretion, "in light of present day conditions." To exclude women from a promotional job opportunity in the Police Department is to deny them the equality of privilege and opportunity that is required under the present-day interpretation of equal protection of the laws. Thus, even in a field such as police work (which, until recently, would have been considered exclusively the preserve of the male), classification based upon sex alone may be ruled violative of the constitutional command of equality.

481—SAME: PROTECTIVE SEXUAL CLASSIFICATIONS

Despite what has been said in the previous section, it is not completely correct to conclude that all governmental classifications based upon sex are automatically invalid. Instead, we must follow the analysis already suggested in section 475. We saw there that, though a classification based upon sex will normally be deemed inherently unreasonable and hence contrary to the equal protection guaranty, there is still one recognized purpose for which the sexual classification may be constitutionally employed.

The purpose referred to (as was indicated in section 475) is that of protection of the female sex in areas where women are inherently or traditionally a proper subject of governmental solicitude. Where the legislature acts to protect the weaker sex and there is a rational basis for the legislative judgment that such protection is necessary, there is no contravention of the Equal-Protection Clause. In the words of the supreme tribunal, in upholding a law fixing minimum wages for women, "This familiar principle has repeatedly been applied to legislation which singles out women, and particular classes of women, in the exercise of the state's protective power."

We must assume, to quote the high bench again, that "the protection of women is a legitimate end of the exercise of state power" and that the community may direct its lawmaking to attain such end. This means, of course, that, as already indicated, a sexual classification may be valid if its purpose is the protection of women.

The most obvious type of law falling within the principle just stated is one which takes account of the relative physical weakness of the female sex: "However confident a great number of people may be that in many spheres of activity, including that of the administration of government, woman is the full equal of man, no one doubts that as regards bodily strength and endurance she is inferior and that her health in the field of physical labor must be specially guarded by the state if it is to be preserved and if she is to continue successfully and healthfully to discharge her duties which nature has imposed upon her."

The common kind of statute which seeks to protect woman from the consequences of her relative physical weakness is the law which limits the hours during which she may work or prohibits her from engaging in occupations deemed particularly arduous or hazardous, such as mining. The validity of such laws has been beyond question since the landmark 1908 decision of the Supreme Court in *Muller* v. *Oregon* (already discussed, in connection with the governmental power to regulate the hours of labor, in section 304). The reasoning of the *Muller* opinion is essentially that urged in the analysis thus far in the present section. Emphasis is placed by the Court upon the fact that "woman's physical structure and the performance of maternal functions place her at a disadvantage in the struggle for subsistence." The need to protect women from undue physical effort and danger fully justifies legislative action of the type under discussion: "Differentiated by these matters from the other sex, she is properly placed in a class by herself, and legislation designed for her protection may be sustained, even when like legislation is not necessary for men, and could not be sustained."

In addition to protective measures of the type just dealt with, which shield the female from the consequences of her relative physical weakness, the sexual classification may also be justified in comparable laws which seek to protect woman because of her traditionally weaker economic position: "It is impossible to close one's eyes to the fact that she still looks to her brother and depends upon him."

Foremost among protective statutes which seek to redress woman's unequal position in the struggle for subsistence—a position that, in the high bench's phrase, justifies "legislation to protect her from the greed as well as the passion of man"—have been laws guaranteeing minimum wages for women. Such laws (we saw in section 305) were upheld by the Supreme Court in *West Coast Hotel Co. v. Parrish* (1937). According to Chief Justice Hughes, who delivered the opinion there, "What can be closer to the public interest than the health of women and their protection from unscrupulous and overreaching employers?" And, if such protection is a legitimate end of the police power, the requirement of payment of a minimum wage in order to meet the very necessities of existence is plainly an admissible means to that end: "The Legislature of the state was clearly entitled to consider the situation of women in employment, the fact that they are in the class receiving the least pay, that their bargaining power is relatively weak, and that they are the ready victims of those who would take advantage of their necessitous circumstances."

A more recent type of protective statute, which goes even further than the minimum-wage law, is one which prohibits discrimination in the payment of wages to women, as by making it illegal to pay any woman a lesser wage than is paid to males similarly employed. The reasoning of the *West Coast Hotel* opinion should also apply to sustain such laws and they have, in fact, been upheld by the courts. Even more far-reaching are statutes which forbid any discrimination in employment because of sex. Such laws, designed to place women upon a place of economic equality (at least so far as employment is concerned) will be dealt with separately at the end of the next section.

If we follow the traditional police-power approach (fully discussed in Chapters 12 and 13), we may say that the protective statutes dealt with thus far may be justified as legislative attempts to protect the health, safety, and welfare (primarily the economic welfare) of women. The same approach should also sustain comparable legislative efforts to protect the morals of women. This means that, in all the areas discussed in section 282 where action by the legislator as guardian of public morals may be taken, measures protecting the morals of women may be enacted.

The principle just stated has been applied most frequently in laws relating to intoxicating liquors, with regard to which (we saw in section 282) there is a well-nigh plenary governmental power, because of the universally recognized impact of liquor upon public morals. The Equal-Protection Clause, the highest Court has affirmed, "did not tear history up by the roots, and the regulation of the liquor traffic is one of the oldest and most untrammeled of legislative powers." In laws regulating the sale of liquor, sexual classifications will be upheld where their purpose is to protect the morals of women. And that is true despite the changing conception of the place of the female which has all but eliminated the obloquy once attached to the consumption of intoxicants by women. "The fact that women may now have achieved the virtues that men have long claimed as their prerogatives and now indulge in vices that men have long practiced, does not preclude the States from drawing a sharp line between the sexes, certainly, in such matters as the regulation of the liquor traffic."

Under what has been said, laws have been upheld which forbid the sale of liquor to women, or prohibit such sale except under stated conditions. In addition, the denial to females of licenses to sell liquors has been ruled consistent with the equal protection guaranty; and the same result has been reached in cases involving laws prohibiting women from working as bartenders or in any employment in establishments which sell liquor. As the supreme bench put it in one of the cases referred to "bartending by women may, in the allowable legislative judgment, give rise to moral and social problems against which it may devise preventive measures."

In the case in which the statement just quoted was made, the high tribunal went so far as to uphold a state law which provided for the licensing of bartenders but forbade the licensing of any female bartender unless she be "the wife or daughter of the male owner" of a licensed liquor establishment. Such law was sustained on the ground that it was based upon the legislative belief "that the oversight assured through ownership of a bar by a barmaid's husband or father minimizes hazards that may confront a barmaid without such protecting oversight." The Court declared that it was not in a position to gainsay such belief. The challenged law, which on its face involved an extreme discrimination against women, was thus also justified as a protection of the female sex.

Almost all of the cases concerning the legislative power to protect the morals of women involve regulation of the liquor traffic. Yet, as already intimated, there can be no doubt that the same authority exists in all the areas dealt with in section 282. where action under the police power to protect public morals may be taken. In a 1956 state case, for example, a statutory ban against female wrestling was sustained, as against the claim that it constituted an unreasonable discrimination against women in violation of the equal protection guaranty. Public amusements subject to the police power because of their effect upon the public morals (within the principles discussed in section 282) may be regulated on the basis of the sexual classification, with women excluded from participating in them—particularly where they involve an element of brutality or immorality.

In addition to direct protective statutes of the kind dealt with thus far, there are other laws which seek to accomplish a comparable purpose by exempting women from duties imposed by the community upon members of the male sex. The most common statute of this type is that relating to jury service. The relevant laws in many states provide an exemption—either absolute or qualified—for women from jury service. The highest Court has expressly upheld the constitutionality of such exemption, declaring that it is justified by woman's position as the center of home and family life. "We cannot say that it is constitutionally impermissible for a State acting in pursuit of the general welfare, to conclude that a woman should be relieved from the civic duty of jury service unless she herself determines that such service is consistent with her own special responsibilities." The same reasoning sustains similar exemptions in the law, such as the traditional exemption of women from the coverage of statutes providing for compulsory military service.

In the cases covered in this section, laws based upon sexual classifications have been upheld because their purpose is the protection of the female sex. With regard to all of the ends that may be promoted under the modern conception of the police power—the furtherance of health, safety, morals, and welfare, under the all-embracing manner in which those social interests were seen to be conceived in Chapters 12 and 13—the legislator may act to protect that sex that is properly the legitimate object of governmental solicitude.

It should, however, be pointed out that the true justification of the cases discussed in this section is the fact that the social purpose behind the laws upheld is broader than the protection of the female sex alone. As the high bench expressed it in *Muller* v. *Oregon,* "the physical well-being of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race." The object sought by the protective laws discussed is quite as much for the benefit of the entire community as for the protection of the women covered. The wrong done to the female is more frequently done to the whole social order. Hence, the Supreme Court could say, the limitations imposed by laws of the type under consideration "are not imposed solely for her benefit, but also largely for the benefit of all."

482—SAME: OTHER SEXUAL CLASSIFICATIONS

The analysis in the last two sections indicates that a law based upon sexual classification will normally be deemed inherently unreasonable unless it is intended for the protection of the female sex. The view thus stated, it must be admitted, goes further than the jurisprudence under the Equal-Protection Clause. Yet it seems to be the only position consonant with the expanding notion of Equality of the Person that is a dominant theme of the contemporary society.

Many observers will, however, feel that the analysis in the last two sections does not take sufficient account of the differences which do exist between the sexes. As one judge puts it, "The plain testimony of the senses, a well-known French proverb, as well as numerous judicial decisions all vouch for the fact that a woman is different from a man."

Some will go even further and ask whether, in the words of a state court, the legislature may not provide "that there should be at least one island on the sea of life reserved for man that would be impregnable to the assault of woman. It had watched her emerge from long tresses and demure ways to bobbed hair and almost complete sophistication; from a creature needing and depending upon the protection and chivalry of man to one asserting complete independence. She had already invaded practically every activity formerly considered suitable and appropriate for men only. . . . In these circumstances, is it any wonder that the legislative assembly took advantage of the police power of the state in its decision to halt this ever-increasing feminine encroachment upon what for ages had been considered strictly as manly arts and privileges?"

Though the view thus expressed will doubtless strike a responsive chord in many mere males, it may scarcely be considered consistent with the notion of equality before the law. To exclude women by law from a field simply because it has traditionally been the preserve of the male sex is to reject the very concept of personal worth upon which the Equal-Protection Clause is grounded. Such an approach would really nullify all that has been said thus far on equality and sex, for it could be applied to bar women (regardless of their personal capabilities) from every line of endeavor.

At the same time, we must recognize that there is a possible area of sexual classification in the law which has not been touched upon in the previous discussion. It is illustrated by a 1958 Texas case. It arose out of an action to compel the enrollment of otherwise qualified female students at Texas Agricultural and Mechanical College, a state institution of higher learning operated as an all-male school. The record showed that there were then sixteen coeducational institutions of higher learning operated by the state, as well as Texas A. & M., operated for men, and Texas Women's University, an all-female school. In these circumstances, said the court, the state system of higher education does not discriminate between the sexes, but instead makes ample and substantially equal provision for the education of both men and women.

It cannot be gainsaid that a state system of education which excludes members of one sex must today be considered contrary to the Equal-Protection Clause. In the instant case, such complete exclusion was not at issue. The controlling question was rather "whether the State, as a matter of public policy, may as a part of its total system of higher education, maintain, for the choice and service of its citizens, one all-male and one all-female institution, along with sixteen institutions which are co-educational. We think undoubtedly the answer is Yes."

The differences between the sexes and the consequences of indiscriminate intermingling of the sexes, particularly at an early age, justify the separation of men and women for educational purposes: enforced coeducation is not compelled by the Equal-Protection Clause. Provided that provision be made for substantially equal educational facilities, there is no constitutional violation.

What is particularly interesting about the principle just stated is that it permits segregation of the sexes under a "separate but equal" approach of the precise type which (we will see in section 495) has been prohibited by the Supreme Court where segregation of the races is concerned. Separation of the sexes in educational institutions may be based upon rational considerations (such as pedagogical needs) which are absent where racial segregation is involved. In addition, separation of the sexes in schools and colleges does not have the discriminatory connotations which (we shall see in section 496) are inevitably connected with racial segregation.

The type of sexual separation that is permitted in educational institutions may also be allowed in other public institutions as well. Thus, it may not be doubted that there may be separation of the sexes in correctional and penal institutions, as well as in those operated by the military, including military educational institutions. One of the factors which influenced the Texas court in the case already discussed was the fact that the institution involved there was a state-supported military college, with students participating in a program of compulsory military training and subject to military discipline.

In all that has been said till now on the subject of sexual classification one must not assume that the law makes the error of those referred to by de Tocqueville, "who, confounding together the different characteristics of the sexes, would make man and woman into beings not only equal but alike. They would give to both the same functions, impose on both the same duties . . . ; they would mix them in all things—their occupations, their pleasures, their business."

As already seen, the law does allow sexual classifications to be made by government where that may be necessary to protect one sex in relation to all the broad social ends that may be attained under the police power, as well as to permit separation of the sexes in appropriate public institutions, such as those devoted to education. In addition, it must be recognized that there are certain situations controlled by law in which sexual classifications must play a part. In the New York case dealt with at the end of section 480, in which the absolute refusal on the basis of sex to permit a policewoman to participate in an examination for promotion to sergeant was stricken down, the court declared that, while the absolute female bar was invalid, "a distinction based on sex is permitted when the duties of the position or nature of the work involves or requires sex selection."

The principle stated by the New York court may be made more specific by reference to the provision of the civil service statute of that state which empowers the relevant agency to limit eligibility to civil service positions "to one sex when the duties of the position involved relate to the institutional or other custody or care of persons of the same sex, or visitation, inspection or work of any kind the nature of which requires sex selection."

Even if, on a strictly logical basis, it may be difficult to justify such provision in the light of the constitutional guaranty of Equality of the Person, common sense itself tells us that it is necessary to avoid an egregiously "preposterous . . . medley of the works of nature." Certainly, if, as already indicated, there may be sexual separation in appropriate public institutions, there may also be sexual classifications for employment in such institutions, particularly so far as those having custody and control over the students, inmates, and others in the institutions are concerned. More than that, it must be acknowledged that there are other occupations which, by their very nature, may legitimately involve sexual qualifications. With regard to such occupations, it may not be enough to lay down objective qualifications, which do not include sex. It may be necessary to provide expressly that only those of the appropriate sex may be eligible. For example, while women may not reasonably be wholly excluded from police work, it is surely legitimate for the relevant authority to be given discretion to hire men to compose the bulk of a police force; and the same is true in the military field, where the command authorities must plainly be able to choose only men for most positions in the armed forces, especially those involving combat and particularly arduous duties.

The point just made must be applicable even in private employment that is affected by public authority, for example, through laws forbidding sexual discriminations in employment. In the already-discussed 1873 *Bradwell* case, Justice Bradley declared. "The paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator." A century later, the law of the Creator is differently construed. In fact, we are now coming to assume exactly the opposite of the Bradley approach and to assert public power to ensure against sexual discriminations. The Equal-Protection Clause (as we have interpreted it in this and the previous two sections) bars such discriminations by governmental agencies, in legislation or other acts. In addition the legislator may seek to bar private discriminations, as by laws requiring that women not be paid less than men for comparable work or, more recently, by statutes prohibiting any sexual discriminations in employment.

The most important statute of the type referred to is the section of the Federal Civil Rights Act of 1964, which provides that "It shall be an unlawful employment practice for an employer . . . to fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's . . . sex."

The general authority of the legislator to proscribe economic discriminations based upon sex cannot, it is believed, at present be doubted. Such authority at the federal level may be sustained upon the same basis as (we shall see in section 506) that upon which the courts uphold the Civil Rights Act of 1964 as a whole. The basis referred to (we shall see in section 506) is both the power of the Congress to regulate commerce and that to enact legislation enforcing the Fourteenth Amendment, including its Equal-Protection Clause. In addition, insofar as the state power to enact such laws is concerned, such prohibitions of economic discriminations may be justified upon the same basis of protection of the weaker sex as the statutes discussed in the previous section.

It should, however, be pointed out that the prohibition laid down in anti-sexual-discrimination statutes of the type under discussion must be subject to an exception such as that already stated. Thus, the Civil Rights Act provision which, as stated, bars sexual discrimination in employment states expressly, "it shall not be an unlawful employment practice for an employer to hire and employ employees on the basis of . . . sex . . . in those certain instances where . . . sex . . is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."

Such an exception for employment which may legitimately be based upon sex selection appears necessary if the statutory prohibition is not to hamstring employers in a manner that does violence to the sensible carrying on of business activities. No objective criterion other than sex can be used by the employer who chooses to hire only male truck drivers or to employ only women in a lingerie department. A statute which went so far as to take away such employer choice for work which, by its nature, requires sex selection can scarcely be required by the constitutional command of equality. Use of the law in an attempt to conjure away all the differences which do exist between the sexes is both an insult to the law itself and a complete disregard of fact.

EXHIBIT 2

[Supreme Court of the United States—
No. 70-4]

ON APPEAL FROM THE SUPREME COURT OF IDAHO

Sally M. Reed, Appellant, *v.* Cecil R. Reed,
Administrator, Etc.

November 22, 1971

Mr. Chief Justice Burger delivered the opinion of the Court.

Richard Lynn Reed, a minor, died intestate in Ada County, Idaho, on March 29, 1967. His adoptive parents, who had separated sometime prior to his death, are the parties to this appeal. Approximately seven months after Richard's death, his mother, appellant Sally Reed, filed a petition in the Probate Court of Ada County, seeking appointment as administratrix of her son's estate.[1] Prior to the date set for a hearing on the mother's petition, appellee Cecil Reed, the father of the decedent, filed a competing petition seeking to have himself appointed administrator of the son's estate. The probate court held a joint hearing on the two petitions and thereafter ordered that letters of administration be issued to appellee Cecil Reed upon his taking the oath and filing the bond required by law. The court treated §§ 15-312 and 15-314 of the Idaho Code as the controlling statutes and read those sections as compelling a preference for Cecil Reed because he was a male.

Section 15-312[2] designates the persons who are entitled to administer the estate of one who dies intestate. In making these designations, that section lists 11 classes of persons who are so entitled and provides, in substance, that the order in which those classes are listed in the section shall be determinative of the relative rights of competing applicants for letters of administration. One of the 11 classes so enumerated is "[t]he father or mother" of the person dying intestate. Under this section, then, appellant and appellee, being members of the same entitlement class, would seem to have been equally entitled to administer their son's estate. Section 15-314 provides, however, that "[o]f several persons claiming and equally entitled [under § 15-312] to administer, males must be preferred to females, and relatives of the whole to those of the half blood."

In issuing its order, the probate court implicitly recognized the equality of entitlement of the two applicants under § 15-312 and noted that neither of the applicants was under any legal disability; the court ruled, however, that appellee, being a male, was to be preferred to the female appellant "by reason of Section 15-314 of the Idaho Code." In stating this conclusion, the probate judge gave no indication that he had attempted to determine the relative capabilities of the competing applicants to perform the functions incident to the administration of an estate. It seems clear the probate judge considered himself bound by statute to give preference to the male candidate over the female, each being otherwise "equally entitled."

Sally Reed appealed from the probate court order, and her appeal was treated by the District Court of the Fourth Judicial District of Idaho as a constitutional attack on § 15-314. In dealing with the attack, that court held that the challenged section violated the Equal Protection Clause of the Fourteenth Amendment[3] and was, therefore, void; the matter was ordered "returned to the Probate Court for its determination of which of the two parties" was better qualified to administer the estate.

This order was never carried out, however, for Cecil Reed took a further appeal to the Idaho Supreme Court, which reversed the District Court and reinstated the original order naming the father administrator of the estate. In reaching this result, the Idaho Supreme Court first dealt with the governing statutory law and held that under § 15-312 "a father and mother are 'equally entitled' to letters of administration," but the preference given to males by § 15-314 is "mandatory" and leaves no room for the exercise of a probate court's discretion in the appointment of administrators. Having thus definitively and authoritatively interpreted the statutory provisions involved, the Idaho Supreme Court then proceeded to examine, and reject, Sally Reed's contention that § 15-314 violates the Equal Protection Clause by giving a mandatory preference to males over females, without regard to their individual qualifications as potential estate administrators. 93 Idaho 551. 465 P. 2d 635.

Sally Reed thereupon appealed for review by this Court pursuant to 28 U.S.C. § 1257 (2), and we noted probable jurisdiction. 401 U.S. 934. Having examined the record and considered the briefs and oral arguments of the parties, we have concluded that the arbitrary preference established in favor of males by § 15-314 of the Idaho Code cannot stand in the face of the Fourteenth Amendment's command that no State deny the equal protection of the laws to any person within its jurisdiction.[4]

Idaho does not, of course, deny letters of administration to women altogether. Indeed, under § 15-312, a woman whose spouse dies intestate has a preference over a son, father, brother, or any other male relative of the decedent. Moreover, we can judicially notice that in this country, presumably due to the greater longevity of women, a large proportion of estates, both intestate and under wills of decedents, are administered by surviving widows.

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[1] In her petition, Sally Reed alleged that her son's estate, consisting of a few items of personal property and a small savings account, had an aggregate value of less than $1,000.

[2] Section 15-312 provides as follows:

"Administration of the estate of a person dying intestate must be granted to some one or more of the persons hereinafter mentioned, and they are respectively entitled thereto in the following order:

"1. The surviving husband or wife or some competent person whom he or she may request to have appointed.

"2. The children.

"3. The father or mother.

"4. The brothers.

"5. The sisters.

"6. The grandchildren.

"7. The next of kin entitled to share in the distribution of the estate.

"8. Any of the kindred.

"9. The public administrator.

"10. The creditors of such person at the time of death.

"11. Any person legally competent.

"If the decedent was a member of a partnership at the time of his decease, the surviving partner must in no case be appointed administrator of his estate."

[3] The court also held that the statute violates Art. I, § 1 of the Idaho Constitution.

[4] We note that § 15-312, set out in n. 2, *supra*, appears to give a superior entitlement to brothers of an intestate (class 4) than is given to sisters (class 5). The parties now before the Court are not affected by the operation of § 15-312 in this respect, however, and appellant has made no challenge to that section.

We further note that on March 12, 1971, the Idaho Legislature adopted the Uniform Probate Code, effective July 1, 1972. CH. 111 (1971) Idaho Session Laws 233. On that date, §§ 15-312 and 15-314 of the present code will, then, be effectively repealed, and there is in the new legislation no mandatory preference for males over females as administrators of estates.

Section 15-314 is restricted in its operation to those situations where competing applications for letters of administration have been filed by both male and female members of the same entitlement class established by § 15-312. In such situations, § 15-314 provides that different treatment be accorded to the applicants on the basis of their sex; it thus establishes a classification subject to scrutiny under the Equal Protection Clause.

In applying that clause, this Court has consistently recognized that the Fourteenth Amendment does not deny to States the power to treat different classes of persons in different ways. *Barbier* v. *Connally*, 113 U.S. 27 (1885); *Lindsley* v. *Natural Carbonic Gas Co.*, 220 U.S. 61 (1911); *Railway Express Agency, Inc.* v. *New York*, 336 U.S. 106 (1949); *McDonald* v. *Board of Election Commissioners*, 394 U.S. 802 (1968). The Equal Protection Clause of that Amendment does, however, deny to States the power to legislate that different treatment be accorded to persons placed by a statute into different classes on the basis of criteria wholly unrelated to the objective of that statute. A classification "must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike." *Royster Guano Co.* v. *Virginia*, 153 U.S. 412, 415 (1920). The question presented by this case, then, is whether a difference in the sex of competing applicants for letters of administration bears a national relationship to a state objective that is sought to be advanced by the operation of §§ 15-312 and 15-314.

In upholding the latter section, the Idaho Supreme Court concluded that its objective was to eliminate one area of controversy when two or more persons, equally entitled under § 15-312, seek letters of administration and thereby present the probate court "with the issue of which one should be named." The court also concluded that where such persons are not of the same sex, the elimination of females from consideration "is neither an illogical nor arbitrary method devised by the legislature to resolve an issue that would otherwise require a hearing as to the relative merits . . . of the two or more petitioning relatives. . . ." 93 Idaho, at 514, 465 P. 2d, at 638.

Clearly the objective of reducing the workload on probate courts by eliminating one class of contests is not without some legitimacy. The crucial question, however, is whether § 15-314 advances that objective in a manner consistent with the command of the Equal Protection Clause. We hold that it does not. To give a mandatory preference to members of either sex over members of the other, merely to accomplish the elimination of hearings on the merits, is to make the very kind of arbitrary legislative choice forbidden by the Equal Protection Clause of the Fourteenth Amendment; and whatever may be said as to the positive values of avoiding intrafamily controversy, the choice in this context may not lawfully be mandated solely on the basis of sex.

We note finally that if § 15-314 is viewed merely as a modifying appendage to § 15-312 and as aimed at the same objective, its constitutionality is not thereby saved. The objective of § 15-312 clearly is to establish degrees of entitlement of various classes of persons in accordance with their varying degrees and kinds of relationship to the intestate. Regardless of their sex, persons within any one of the numerated classes of that section are similarly situated with respect to that objective. By providing dissimilar treatment for men and women who are thus similarly situated, the challenged section violates the Equal Protection Clause. *Royster Guano Co.* v. *Virginia*, *supra*.

The judgment of the Idaho Supreme Court is reversed and the case remanded for further proceedings not inconsistent with this opinion.

Reversed and remanded.

EXHIBIT 3

(Statement of Paul Freund, Dean Pound, and other lawyers and legal scholars in opposition to the equal rights amendment)

These lawyers and legal scholars—regardless of party, and regardless of political or economic views—oppose the so-called equal rights amendment, and endorse the statement set forth herein, on the legal implications of the proposed amendment, prepared by Professor Paul Freund, of the Harvard Law School:

Roscoe Pound, School of Law, University of California, Former Dean, Harvard Law School.

Clarence Manion, Former Dean of the College of Law, University of Notre Dame, Indiana.

Albert J. Harno, Dean of the College of Law, University of Illinois.

Charles Warren, Constitutional Lawyer and Author of "The Supreme Court in United States History", Washington, D.C.

Walter Frank, Lawyer, New York City.

Leon Green, Professor of Law, University of Texas. Former Dean, School of Law, Northwestern University.

Dorothy Kenyon, Lawyer and former Judge of Municipal Court, New York City.

Prof. M. R. Kirkwood, Palo Alto, California.

Monte M. Lemann, Lawyer and former President, Louisiana State Bar Association, New Orleans.

E. Blythe Stason, Dean of the Law School, University of Michigan.

Harry Shulman, Sterling Professor of Law, Yale University Law School.

William H. Holly, United States District Judge, Chicago.

Everett Fraser, Emeritus Dean of Law School, University of Minnesota. Professor of Law, Hastings College of Law, University of California.

Walter Gellhorn, Professor of Law, Columbia University Law School.

Glenn A. McCleary, Dean of the Law School, University of Missouri.

Douglas B. Maggs, Professor of Law, Duke University Law School and Former Solicitor, U.S. Department of Labor.

The following statement on legal implications of proposed Federal equal rights amendment has been endorsed by the Deans and Professors of leading Law Schools and by the eminent attorneys, jurists, and constitutional lawyers listed above.

The proposed amendment to the Constitution reads as follows:

"Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

"This amendment shall take effect three years after the date of ratification."

If anything about this proposed amendment is clear, it is that it would transform every provision of law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court of the United States. Every statutory and common law provision dealing with the manifold relation of women in society would be forced to run the gauntlet of attack on constitutional grounds. The range of such potential litigation is too great to be readily foreseen, but it would certainly embrace such diverse legal provisions as those relating to a widow's allowance, the obligation of family support and grounds for divorce, the age of majority and the right of annulment of marriages, and the maximum hours of labor for women in protected industries.

Not only is the range of the amendment of indefinite extent, but, even more important, the fate of all this varied legislation would be left highly uncertain in the face of judicial review. Presumably, the amendment would set up a constitutional yardstick of absolute equality between men and women in all legal relationships. A more flexible view, permitting reasonable differentiation, can hardly be regarded as the object of the proposal, since the Fourteenth Amendment has long provided that no state shall deny to any person the equal protection of the laws, and that Amendment permits reasonable classifications while prohibiting arbitrary legal discrimination. If it were intended to give the courts the authority to pass upon the propriety of distinctions, benefits and duties as between men and women, no new guidance is given to the courts, and this entire subject, one of unusual complexity, would be left to the unpredictable judgments of courts in the form of constitution decisions.

Such decisions could not be changed by act of the legislature. Such a responsibility upon the courts would be doubtless as unwelcome to them as it would be inappropriate. As has been stated, however, the proposal evidently contemplates no flexibility in construction but rather a rule of rigid equality. This branch of the dilemma is as repelling as the other. It appears to be accepted by what is currently the most authoritative statement on this Amendment—the Report of the House Judiciary Committee, H. Rep. 907, 79th Cong. 1st sess., on H. J. Res. 49 dated July 12, 1945. The majority of the Committee appears to recognize that under the Amendment the many laws protecting the safety and welfare of women in industry would necessarily fall. The Committee states: "To say the least of the matter, many of the large organizations of women represented in hearings before the committee have expressed a sincere desire to waive the so-called preferential benefits now accorded to women by various laws so as to permit them to follow economic activities from which they are now excluded."

It would not be feasible to attempt to enumerate the wide variety of laws and rules of the common law which would fall under the impact of the Amendment. Some conception of their scope may, however, be given by recalling the variety of relationships in which women stand in the community. These relationships may be summarized as (a) wage earner; (b) member of a family; (c) citizen; (d) individual. The law has recognized and attempted to deal with these relationships in a concrete way. Doubtless there are difficulties and anachronisms in the law which should be remedied. But the method adopted by the Amendment is to ignore the basis for all that has been at the foundation of these measures, and to substitute an abstract rule of thumb. The practical effect of such a course can be suggested by referring briefly to each of the four categories mentioned above.

(*a*) *As wage earners.* One of the most familiar forms of legislation is that which confers special protection on women in industry, through the prohibition of employment in hazardous occupations and through regulation of night work and maximum hours of labor. Presumably the long struggle to place these protective measures on the statute books would be set at nought by the adoption of the Amendment. Specifically, such statutes would apparently have to be held invalid as denying to women the equal "right" to work or as denying to men the equal right of protection under the law, for, it is to be noted, the amendment requires equality of rights under the law, permitting either men or women to claim exact equality. How the problem would be met can only be left to conjecture. If a state legislature failed to revise the laws giving special protection to women in certain industries, it is left uncertain whether the entire pattern of industrial legislation would be torn apart by judicial decision or whether a court would undertake to legislate by raising the same protection for men. Surely the work of generations ought not to be left to this blind hazard.

(*b*) *As members of the family.* Legislation in the latter part of the nineteenth and early part of the twentieth century, commonly known as married women's acts, fairly universally, in this country removed the disabilities which the common law had placed upon married women with respect to the right to sue and be sued, the right to own separate property and the right to engage in commercial transactions. It is true that in some states certain remnants of these disabilities have persisted. In a few states, for example, a married woman may not become a surety for her husband's debts, on the theory that she might otherwise be imposed upon; if the reason which has led some states to retain this disability is not a sufficient one, the disability should of course be removed by further legislation.

Similarly, in a few states a married woman's earnings, while belonging to her if they result from work outside the home, are held to enure to the husband if they are produced by working inside the home. Whether this is a fair adjustment in view of the husband's primary duty to support the family may be a fairly debatable question, which again can be resolved by further legislation if further reform is thought desirable. The proposed Amendment would leave no room for legislative experiment along these lines, but would impose a requirement of absolute equality in the property rights of husband and wife.

More seriously, it would presumably abolish the common rule whereby a husband has the primary duty of support toward his family, and whereby in many jurisdictions failure to render such support is a ground for separation or divorce. Precisely how the law of support is to be transformed as a result of the Amendment is by no means clear. The concept of a primary duty does not lend itself to a rule of equality.

The very least that can be said is that the complex and delicate field of marital relationships and divorce, into which Congress has sedulously declined to enter in the past, would now be gravely affected by the tangential force of a constitutional amendment, which would not even rest on a study of the manifold problems involved.

It is worthy of note that the community property system of eight western states, which have evolved differently from the common law systems and which, in general, have recognized for a longer period the coordinate status of husband and wife, nevertheless contains inequalities which would doubtless be rendered invalid under the amendment. Thus the husband is generally regarded as a kind of managing partner with special powers not possessed by the wife in respect of community property. Legislation would doubtless be required to produce conformity with the dictates of the Amendment, and the ramifications of such legislation, particularly with respect to the special tax status of persons owning community property, cannot be predicted with certainty.

(*c*) *As citizens.* While the suffrage amendment and other legislation have generally guaranteed to women an equality of civil and political rights, there remain some gaps which it is undoubtedly one purpose of the Amendment to close. One of these is the distinction drawn in some states between the obligation of men and that of women for jury service. But whether the Amendment would in fact require a change in this field is itself uncertain, since it is fairly arguable that jury service is not a right but a duty and hence not within the scope of the Amendment. Indeed, the Amendment opens up a whole field of potential controversy turning on distinction between rights and duties.

(*d*) *As individuals.* A common legislative difference in the treatment of men and women concerns the age of majority, which is generally lower for the latter. This difference has long been accepted as reflecting physical realities. Presumably the distinction would no longer be valid. But if a legislature failed to change the law, the outcome would present something of a legal puzzle. If the age of majority for men is eighteen and women sixteen, it can hardly be foretold whether equality would require a lowering of the former or a raising of the latter. If the standard be that of the greater right, it could be asserted that the lower age for women provides a greater right to marry but at the same time a more restricted right to annul on the ground of minority. How a court would solve the conundrum is, like most problems created by the proposed Amendment, a matter purely of speculation.

The basic fallacy in the proposed Amendment is that it attempts to deal with complicated and highly concrete problems arising out of a diversity of human relationships in terms of a single and simple abstraction. This abstraction is undoubtedly a worthy ideal for mobilizing legislative forces in order to remedy particular deficiencies in the law. But as a constitutional standard, it is hopelessly inept. That the proposed equal rights amendment would open up an era of regrettable consequences for the legal status of women in this country is highly probable. That it would open up a period of extreme confusion in constitutional law is a certainty.

PAUL FREUND,
Professor of Law, Harvard Law School.

EXHIBIT 4

(What the Yale Law Journal for April 1971, says about the Constitutional and Legal Consequences of the Equal Rights Amendment)

Senators Birch Bayh and Marlow Cook, Congresswoman Martha Griffiths and Congressman Don Edwards, the leaders for the Equal Rights for Women Amendment, have all relied very heavily on the statements of Professor Thomas Emerson of the Yale Law School in explaining the Equal Rights for Women Amendment.

Representative Griffiths stated in a letter to all Senators that the *Yale Law Journal* of April 1971 which was written in part by Professor Emerson, "will help you understand the purposes and effects of the Equal Rights Amendment . . . the article explains how the ERA will work in most areas of the law."

Senator Birch Bayh has called Professor Emerson's *Yale Law Journal* article "a masterly piece of scholarship."

The leader of the House Judiciary proponents of the ERA and the author of the House Majority Report, Congressman Don Edwards, has called Professor Emerson "one of the outstanding constitutional lawyers in the United States" and has termed Professor Emerson's comments as "entering a new level of understanding about what the enactment of a constitutional amendment would in effect do to the quality of life in America."

Congressman Edwards is right. Professor Emerson does bring us to "a new level of understanding." I have excerpted some of Professor Emerson's remarks from the *Yale Law Journal* which have been praised by the sponsors of the Equal Rights Amendment and would constitute primary evidence of what they think the amendment will accomplish in American society and will constitute, because of Mrs. Griffiths' whole-hearted support of the article, primary legislative history of the ERA.

The following quotes are not Senator Sam Ervin's but are actual quotes from the Yale Law Journal article which has been approved and hailed by the supporters of the ERA. In other words, the supporters of the ERA say the Amendment will have the following effect. *I agree with them! This language is important legislative history!*

80 YALE LAW JOURNAL 871

General interpretation of the amendment

"The basic principle of the Equal Rights Amendment is that sex is not a permissible factor in determining the legal rights of women, or of men. This means that the treatment of *any* person by the law may not be based upon the circumstance that such person is of one sex or the other." (p. 889) " . . . the principle of the Amendment must be applied comprehensively and *without* exceptions." (p. 890)

2. "Only an *unequivocal ban* against taking sex into account supplies a rule adequate to achieve the objectives of the Amendment." (p. 892) ". . . prohibition against the use of sex as a basis for differential treatment applies to *all* areas of legal rights." (p. 891) ". . . From this analysis it follows that the constitutional mandate must be *absolute.*" (p. 892)

3. "Our legal structure will continue to support and command an inferior status for women so long as it permits *any* differentiation in legal treatment on the basis of sex." (p. 873) ". . . Equality of rights means that sex is not a factor." (p. 892)

Military

1. "The Equal Rights Amendment will have a substantial and pervasive impact upon military practices and institutions. As now formulated, the Amendment permits no exceptions for the military." (p. 969)

2. "Women will serve in all kinds of units, and *they will be eligible for combat duty.* The double standard for treatment of sexual activity of men and women will be prohibited." (p. 978)

3. "Neither the right to privacy nor any unique physical characteristic justifies different treatment of the sexes with respect to voluntary or involuntary service and pregnancy justifies only slightly different conditions of service for women." (p. 969)

4. "Such obvious differential treatment for women as exemption from the draft, exclusion from the service academies, and more restrictive standards for enlistment will have to be brought into conformity with the Amendment's basic prohibition of sex discrimination." (p. 969)

5. "These changes will require a *radical* restructuring of the military's views of women. (p. 969)

6. "The Equal Rights Amendment will greatly hasten this process and will require the military to see women as it sees men." (p. 970)

7. "A woman will register for the draft at the age of eighteen, as a man now does." (p. 971)

8. "Under the Equal Rights Amendment, all standards applied through (intelligence tests and physical examinations) will have to be neutral as between the sexes." (p. 971)

9. "The military will clearly have sufficient time during the period after ratification to make the minor adaptations, such as the expansion of gynecological services, necessary to comply with the statute." (p. 971)

10. "First, height standards will have to be revised from the dual system which now exists." (p. 971)

11. "The height-weight correlations for the sexes will also have to be modified." (p. 972)

12. Deferment policy "could provide that one, but not both, of the parents would be deferred. For example, whichever parent was called first might be eligible for service; the remaining parent, male or female would be deferred." (p. 973)

13. "If the rules continue to require discharge of women with dependent children, then men in a similar situation will also have to be discharged . . . The nondiscriminatory alternative is to allow both men and women with children to remain in the service and to take their dependents on assignments in noncombat zones, as men are now permitted to do." (p. 975)

14. "Distinctions between single and married women who become pregnant will be permissible only if the same distinction is drawn between single and married men who father children." (p. 975)

15. "Thus, if unmarried women are discharged for pregnancy, men shown to be fathers of children born out of wedlock would also be discharged. Even in this form such a rule would be suspect under the Amendment, because it would probably be enforced more frequently against women. A court will therefore be likely to strike down the rule despite the neutrality in its terms, because of its differential impact." (p. 975)

16. "Under the Equal Rights Amendment the WAC would be abolished." (p. 976)

17. "Women are physically as able as men to perform many jobs classified as combat duty, such as piloting an airplane or engaging in naval operations . . . there is no reason to prevent women from doing these jobs in combat zones." (p. 977)

18. "No one would suggest that . . . women who serve can avoid the possibility of physical harm and assault. But it is important to remember that all combat is dangerous, degrading and dehumanizing." (p. 977)

19. "Male officers are provided a dependents' allowance based on their grade and the number of dependents . . ." The Equal Rights Amendment will recognize "the husband of a female officer . . . as a dependent." (p. 978)

20. "Athletic facilities will also have to be made available to women personnel." (p. 978)

Criminal Law

1. "Courts faced with criminal laws which do not apply equally to men and women would be likely to invalidate the laws rather than extending or rewriting them to apply to women and men alike." (p. 966)

2. "courts will most likely invalidate sodomy or adultery laws that contain sex discriminatory provisions, instead of solving the constitutional problems by extending them to cover men and women alike." (p. 962)

3. "seduction laws, statutory rape laws, laws prohibiting obscene language in the presence of women, prostitution and 'manifest danger' laws . . . The Equal Rights Amendment would not permit such laws, which base their sex discriminatory classification on social stereotypes." (p. 954)

4. "the statutory rape laws, which punish men for having sexual intercourse with any woman under an age specified by law . . . suffer from a double defect under the Equal Rights Amendment." (p. 957)

5. "To be sure, the singling out of women probably reflects sociological reality . . . Likewise, in this society, the bad reputation and illegitimate child which can result from an improvident sexual liaison may be far more ruinous to a young woman's psychological health than similar conduct is to a young man's. *But the Equal Rights Amendment forbids finding legislative justification in the sexual double standard* . . ." (p. 958)

6. "adultery laws also contain sex discriminatory provisions which would be impermissible under the Equal Rights Amendment." (p. 961)

7. "Courts may be expected to hold that laws which confine liability for prostitution to women only are invalid under the Equal Rights Amendment." (p. 963)

8. "Just as the Equal Rights Amendment would invalidate prostitution laws which apply to women only, so the ERA would require invalidation of laws specially designed to protect women from being forced into prostitution." (p. 964)

9. "a court would probably resolve doubts about congressional intent by striking down the (Federal White Slave Traffic—Mann Act)." (p. 965)

Domestic Relations

1. "The Equal Rights Amendment, continuing this trend, would prohibit dictating different roles for men and women within the family on the basis of their sex." (p. 953)

2. "Thus, common law and statutory rules requiring name change for the married woman would become legal nullities." (p. 940)

3. "These states could conform to the Equal Rights Amendment by requiring couples to pick the same last name, but allowing selection of the name of either spouse, or of a third name satisfactory to both." (p. 940)

4. "The Amendment would also prohibit the states from requring that a child's last name be the same as his or her father's, or from requiring that a child's last name be the same as his or her mother's." (p. 941)

5. "In ninety per cent of custody cases the mother is awarded the custody. The Equal Rights Amendment would prohibit both statutory and common law presumptions about which parent was the proper guardian based on the sex of the parent." (p. 953)

6. "physical capacity to bear children can no longer justify a different statutory marriage age for men and women." (p. 939)

7. "mere estimates of emotional preparedness founded on impressions about the 'normal' adolescent boy and girl are based on the kind of averaging which the Equal Rights Amendment forbids." (p. 939)

8. "The Equal Rights Amendment would not permit a legal requirement, or even a legal presumption, that a woman takes her husband's name at the time of marriage." (p. 940)

9. "a court would do away with the rule that refusal to accompany or follow a husband to a new domicile amounts to desertion or abandonment." (p. 942)

10. "A husband would no longer have grounds for divorce in a wife's unjustifiable refusal to follow him to a new home." (p. 942)

11. "the traditional rule is that the domicile of legitimate children is the same as their father's . . . The Equal Rights Amendment would not permit this result." (p. 942)

12. "In all states husbands are primarily liable for the support of their wives and children . . . the child support sections of the criminal nonsupport laws . . . could not be sustained where only the male is liable for support." (p. 944 and 945)

13. "The Equal Rights Amendment would bar a state from imposing greater liability for support on a husband than on a wife merely because of his sex." (p. 945)

14. "Two different systems have been adopted in the United States for distributing property rights within a family—the community property system and the common law system . . . As both systems currently operate, they contain sex discriminatory aspects which would be changed under the Equal Rights Amendment." (p. 946)

15. "Under the Equal Rights Amendment, laws which . . . favor the husband as manager (of community property) in any way, would not be valid." (p. 947)

16. "All states except North Dakota and South Dakota give women a nonbarrable share in her husband's estate, but a number of states fail to give the husband a corresponding legal claim in his wife's estate . . . the discriminatory laws would either be invalidated or extended." (p. 948)

17. "a court could invalidate (many grounds for divorce) without doing any serious harm to the overall structure of the states' divorce laws . . . These are pregnancy by a man other than husband at time of marriage, nonsupport, alcoholism of husband, wife's unchaste behavior, husband's vagrancy, wife's refusal to move with husband without reasonable cause, wife a prostitute before marriage, indignities by husband to wife's person, and willful neglect by husband." (p. 950)

18. "Like the duty of support during marriage and the obligation to pay alimony in the case of separation or divorce, nonsupport would have to be eliminated as a ground for divorce against husbands only . . ." (p. 951)

19. "The laws that grant a husband a divorce because at the time of marriage he did not know his wife was pregnant by another man would be subject to strict scrutiny under the unique physical characteristics tests." (p. 951)

20. "The Equal Rights Amendment would not require that alimony be abolished but only that it be available equally to husbands and wives." (p. 952)

21. 'the laws could provide support payments for a parent with custody of a young child who stays at home to care for that child so long as there was no legal presumption that the parent granted custody should be the mother." (p. 952)

22. The ERA could require "for maintenance to be paid from one spouse to the other if the spouse seeking maintenance lacks sufficient property to provide for *his* reasonable needs and is unable to support *himself* through appropriate employment." (p. 952)

Protective labor legislation

1. "Under the Equal Rights Amendment, courts are thus not likely to find *any* justification for the continuance of laws which exclude women from certain occupations." (p. 929)

2. "Laws which require employers to impose leave on pregnant employees for a specified period before and after childbirth, without providing job security or retention of accrued benefits, such as seniority credits . . . would fall" (p. 929) The article cites as an example which will be struck down in every state, "a school board regulation imposing maternity leave at least four months prior to the expected birth of her child." (p. 931)

3. "There is little reason to doubt, therefore, that courts will invalidate weightlifting regulations for women under the Equal Rights Amendment." (p. 935)

4. "This result (to invalidate maximum hours which apply only to women) would also be predicted from principles of statutory construction under the Equal Rights Amendment." (p. 936)

5. "the courts are likely to . . . equalizing both sexes under the Equal Rights Amendment by invalidating (a law protecting women from coerced overtime)." (p. 936)

6. "Laws which restrict or regulate working conditions would probably be invalidated" (p. 936)

Miscellaneous

1. "the government cannot rely upon the administrative technique of grouping or averaging where the classification is by sex . . . whatever the price in efficiency, the classification must be made on some other basis." (p. 891)

2. "It is obvious that the marginal relationship of the unique physical characteristics of pregnancy to the problem of absenteeism

would require invalidation . . . of a government regulation to reduce absenteeism by barring women from certain jobs.

3. Men will get extensive leave for child rearing because "if only women can get extensive leave for child rearing it becomes economically impossible for men to stay at home to care for children while their wives work." (p. 897)

4. "A rule allowing sick leave only to mothers when a member of their household is sick is a prohibited sex classification." (p. 898)

5. "a law might prohibit adults with primary responsibility for child care from working in managerial jobs, on the grounds that the function of caring for children was inconsistent with substantial occupational responsibility. Such a law or government regulation would constitute a serious evasion of the Equal Rights Amendment." (p. 898)

6. "Protection against indirect, covert or unconscious sex discrimination is essential to supplement the absolute ban on explicit sex classification of the Equal Rights Amendment." (p. 900)

7. "Thus the courts have power to grant affirmative relief in framing decrees in particular cases . . . such decrees could provide remedies for past denial of equal rights which take into account sex factors and give special treatment to the group discriminated against." (p. 904)

8. "affirmative action may appear, paradoxically, to conflict with the absolute nature of the Equal Rights Amendment. But where damage has been done by a violator who acts on the basis of a forbidden characteristic, the enforcing authorities may also be compelled to take the same characteristic into account in order to undo what has been done." (p. 904)

9. "There is no doubt that the Equal Rights Amendment would eliminate differentiation on account of sex in the public schools and public university systems." (p. 906)

10. "It would seem clear that the basic principles of state action would, as a general proposition, require that the state eliminate male domination from the educational system." (p. 907)

11. "states which grant jury service exemptions to women with children will either extend the exemption to men with children or abolish the exemption altogether." (p. 920)

Exhibit 5

The "Equal Rights" Amendment: An Attractive Slogan But Is It Good Law?

(Statement presented to the 91st Congress by groups of women opposing the Equal Rights Amendment)

(What Does Equality Mean Under the Equal Rights Amendment: A few thoughtful questions.)

Question 1. Does the Equal Rights Amendment create new rights for women?

No, it does not. In fact, the Amendment—

Does not require equal pay for equal work.

Does not require promotion of women to better or "decision-making" jobs.

Does not provide free 24-hour community-controlled children's day care centers for working mothers.

Does not elect more women to public office.

Does not abolish abortion laws or make available safe birth control devices.

Does not convince men they should help with the housework.

And, furthermore, does not put a woman astronaut into space!

Question 2. Could the Equal Rights Amendment destroy some important women's rights?

Yes, it could destroy rights and cause new problems . . . by—

Creating new obligations for women to support their husbands and children.

Weakening men's duty to support their wives and children.

Wiping out laws fixing such benefits as minimum wages, maximum hours, and safety standards for women, simply because many of these laws don't apply to men.

Drafting women into military service.

Weakening the legal presumption that a woman should keep custody of her children and should receive financial support in the event of a divorce.

Endangering the tax-exempt status of non-profit "women only" institutions, such as the YWCA and Girl Scouts.

Destroying laws that require separate rest rooms and dressing rooms for women workers.

Question 3. Is this Constitutional Amendment really needed to achieve women's rights?

No. Because—

The Constitution already protects the rights of women, particularly under the 5th and 14th Amendments.

Unfair or discriminatory laws can be repealed by legislatures or challenged in the courts under these Amendments. That has already been done successfully in many cases.

New rights and freedoms for women will come from enactment of new laws and the effective enforcement of existing ones—not from a new Constitutional Amendment.

SOME REAL WORRIES

Nobody knows for sure what results the Equal Rights Amendment would bring. But here are some "real worries" you ought to think about:

Many state laws enacted to prevent harsh industrial or commercial exploitation of working women are likely to go out the window—whether women want them to or not. The "equality" arguments can be turned right around by powerful employer interests who don't want any of their workers protected by labor laws—either men or women. If the courts don't throw out the women's labor laws right away, the legislatures can be pressured into quick repeal.

Divorced, separated, and deserted wives struggling to support themselves and their children through whatever work they can get may find their claims to support from the father even harder to enforce than they do right now.

For many American women, particularly those in the lower income brackets, that's a heavy price to pay for a theory of equality.

Wives and mothers who are not in the labor force—and they are a substantial majority—may find they can no longer choose to stay at home to care for their families.

Under the Equal Rights Amendment, they may become obligated for furnishing half the family support. The right of choice for these women should be protected.

DON'T BUY A GOLD BRICK!

America's women are increasingly expert consumers.

They've learned the hard way that you can't always trust the language on the label . . . or extravagant advertising claims.

That's true for legislation, too.

The Equal Rights Amendment to the Constitution, for instance, sounds great . . . like the end of sex discrimination.

Sounds easy. . . . But most sex discrimination is a matter of private practice, not of public law, and will not be affected by the Amendment.

And laws that treat women differently are not necessarily "discriminatory" or unfair.

That's why many women's organizations, trade unions and individuals with long experience in human and industrial relations problems, urge rejection of the Equal Rights Amendment.

Let's keep the good laws we've won and see that they're enforced. Let's repeal or amend the bad laws. . . . and go on from there to achieve real equality for every American.

Exhibit 6

[From the Congressional Record, Feb. 8, 1972]

Elmo Roper Poll Shows Women Against Equal Rights Amendment

Mr. **Ervin**. Mr. President, one of the recurring myths that surround the equal rights amendment, or unisex amendment, is the allegation that all women are for the amendment. I know that this is not true, particularly among laboring women, because most labor unions, including the AFL–CIO, would not be so strongly opposed to the amendment if their constituency were for it.

Elmo Roper, a well-known pollster, took a sample opinion last year on women's views of women's liberation. I think the results of this poll should be very interesting to Members of the Senate because legislators sometimes fail to consider what the people want when they are constantly confronted by a highly vocal and publicity conscious pressure group, such as many of the women's organizations supporting the equal rights for women amendment.

The Roper poll shows that:

First, 69 percent of American women disagree that, "women are discriminated against and treated as second-class citizens."

Second, 83 percent of American women disagree that "wife should be breadwinner if better wage earner than husband."

Third, 69 percent of American women disagree that, "a divorced woman should pay alimony if she has money and he has not."

Fourth, 77 percent of American women disagree that, "women should have equal treatment regarding the draft."

In interpreting these figures, it is important to recognize that these large majorities of Americans do not want the very things the ERA proposes. The primary sponsors of the ERA, including Congresswoman Griffiths, maintain that: A wife should have the legal responsibility for family support if she is the better wage earner; the alimony laws should apply equally to men and women with the result that a divorced woman should pay if she has the money; the draft laws should apply equally to men and women with the result that women will serve in combat.

So what we have with the equal rights amendment is a proposition that will destroy all legal distinctions between men and women and the majority of men do not want this and the majority of women do not want this.

I hope that every Senator will have a chance to review Elmo Roper's Poll which appeared in the September 26, 1971, issue of Parade magazine. I ask unanimous consent that it be printed in the Record.

A Special Roper Poll on Women's Rights

The Women's Liberation movement is making headlines, but seven out of ten American women feel they are not being discriminated against. What's more—seven out of ten men agree with them.

These are the findings of a special Roper Poll to determine the effects of Women's Liberation on the thinking of Americans.

Perhaps the most startling result uncovered by the poll is the close agreement of men and women on many key issues

The survey put various questions to a large equal sampling of men and women, with this introduction:

"A lot has been said about the rights of women—in fact, there is a movement called 'Women's Liberation,' as you probably know. I'm going to read you several different statements and for each one I'd like to know whether you agree or disagree."

The results follow:

	Everyone	Men	Women
Men's clubs and lodges should be required to admit women:			
Agree	19	25	13
Disagree	72	67	76
Don't know	9	8	11
Women employees should not emphasize their feminiinty:			
Agree	34	34	34
Disagree	59	61	58
Don't know	7	5	8
Wife should be breadwinner if better wage earner than husband:			
Agree	16	22	10
Disagree	76	69	83
Don't know	8	9	7
Men should stop appraising women on basis of beauty and sex appeal:			
Agree	43	38	48
Disagree	50	56	44
Don't know	7	6	8
If a woman can play football as well as a man she should be on team:			
Agree	38	42	33
Disagree	57	54	61
Don't know	5	4	6
A divorced woman should pay alimony if she has money and he hasn't:			
Agree	36	52	20
Disagree	53	38	68
Don't know	11	10	12
Should have free low-cost child care centers for working women:			
Agree	65	61	68
Disagree	27	30	25
Don't know	8	9	7
Women should get equal pay with men for doing the same jobs:			
Agree	88	86	89
Disagree	9	12	7
Don't know	3	2	4
Pretty women should not get better jobs/pay than others:			
Agree	74	73	75
Disagree	21	22	20
Don't know	5	5	5
Men should not hold doors or give up seats to women:			
Agree	14	15	12
Disagree	82	80	84
Don't know	4	5	4
Women should have equal job opportunity with men:			
Agree	73	71	74
Disagree	23	25	21
Don't know	4	4	5
Women should have equal treatment regarding the draft:			
Agree	24	31	17
Disagree	71	64	77
Don't know	5	5	6
Women are discriminated against and treated as 2d-class citizens (opinions by percentages):			
Agree	24	24	24
Disagree	70	71	69
Don't know	6	5	7

Mr. ERVIN. Mr. President, I ask how much time still remains for those in opposition to the amendment.

The PRESIDING OFFICER. The Senator has 290 minutes left.

Mr. ERVIN. Would the clerk translate that into hours and minutes?

The PRESIDING OFFICER. The Senator has slightly under 5 hours.

Mr. ERVIN. Mr. President, I sent forward to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment as follows:

On page 2, line 3, strike out "two" and insert in lieu thereof "six".

Mr. ERVIN. Mr. President, I do not know whether the Senator from Indiana feels impelled to make a statement at this time to correct any misapprehensions that the Senator from North Carolina may have expressed in respect to the proposed amendment.

Mr. President, I pointed out at the beginning of my remarks that the equal rights amendment is based on the theory that God made a serious mistake when he created two sexes instead of one, and that the most effective way to cure this mistake of God's is to adopt the equal rights amendment.

I also pointed out that, while the purpose of most of the advocates of the equal rights amendment is merely to outlaw unfair, unreasonable, and arbitrary discriminations made against women by Federal or State laws, the most extreme advocates of the amendment have a different objective, and that objective is to deny Congress and the legislative bodies of the 50 States the power to take into consideration that there are physiological and functional differences between men and women when they enact legislation.

I also pointed out that, under the equal rights amendment, women would be subjected to the draft, and in addition to being subjected to the draft, would be subjected to voluntary enlistments in the combat units of the Armed Forces.

I also stated as emphatically as the Senator from North Carolina can that the Senator from North Carolina knows that it is unnecessary and believes it is unwise and is convinced that it is unjust for the United States to draft or enlist the daughters of Americans and send them into combat with an enemy under circumstances which make it obvious that their fair bodies will be shattered into fragments by the bombs and shells of the enemy.

Some persons may have believed that the Senator from North Carolina was exaggerating these matters, notwithstanding the fact that the equal rights amendment merely declares, without exceptions or limitation, that equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. These words are absolute and rigid in their nature and without exceptions or limitations. They clearly undertake to convert men and women into identical legal beings, having identical legal rights and having identical legal responsibilities under all circumstances.

Since one of the obligations that our society imposes upon men is to serve in the Armed Forces, even if one is unwilling to volunteer and to serve in combat, this amendment would require that men and women be drafted on exactly the same conditions and serve in combat units and all other units of the Armed Forces under exactly the same conditions.

I have mentioned the fact that Professor Emerson, of Yale University, and three graduates of that institution joined in an article which was published in the Yale Law Journal for April, 1971. This article is entitled "The Equal Rights Amendment—the Constitutional Basis for Equal Rights for Women," and it explains the considered legal opinions of this distinguished professor and these three gifted women lawyers as to exactly what the consequences of the adoption of the equal rights amendment will be to our country.

The equal rights amendment provides that it is to take effect 2 years after its ratification. A moment ago I offered a particular amendment on this point.

I now withdraw that amendment, and offer another amendment in its stead, and ask that the amendment I now offer be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read the amendment, as follows:

On page 2, line 3, strike out "two" and insert in lieu thereof "three".

Mr. ERVIN. Mr. President, the effect of this amendment would be to provide that the equal rights amendment, if adopted, shall take effect 3 years after its ratification, instead of 2 years after its ratification.

I offer this amendment because, after reading what the proponents of the equal rights amendment say it would do to the Army and Air Force and Marine Corps and Navy and National Guard, I do not believe 2 years is enough time for those units of the Armed Forces to adjust themselves to the changes which would be required by the amendment.

I wish to read to the Senate what the article in the Yale Law Journal has to say as to the effect which the equal rights amendment will have upon the Armed Forces of the United States. I start on page 967:

> The Armed Forces have always been one of the most male-dominated institutions in our society. Only men are subject to involuntary conscription. Various regulations of the Armed Forces restrict the access of women to the military, and indeed place an absolute limit on the number permitted to serve. Women with dependent children may not enlist, while men in the same situation may do so. Certain grounds for discharge apply only to women. Numerous other forms of differential treatment pervade the military services.
>
> It is not difficult to explain why the military is structured in this way. In the past, physical strength was essential to military success. Weapons were heavy, long marches on foot were frequent, and hand to hand fighting was common. Women were considered in most respects to be weaker than men. Women were also handicapped by pregnancy. Lack of effective contraceptive methods meant that they were frequently, if not constantly pregnant, and disease and death were not uncommon accompaniments to childbirth. Men were therefore a more reliable and mobile group. Sociological factors reinforced this "division of labor." Women were considered too delicate to be exposed to battle and its attendant pain and discomfort. They were trained to be passive, dependent and without initiative. For men, on the other hand, armed struggle was seen as a catalyst of maturity, a symbol of aggressive masculinity, a test which would "separate the men from the boys." Women who wished to fight had to disguise themselves as men.
>
> In this country women have served in the Armed Forces with full military status only since World War II. when the need for personnel and the existence of many civilian-type jobs in the military made the utilization of women appear feasible to the Armed Forces. A Women's Auxiliary Army Corps with civilian status was created in 1942. It proved administratively unworkable, and in 1943 the Army took women under its direct command. After World War II, Congress decided to keep the women's arm of the services at reduced size. The Women's Army Corps is

now permitted to total only two per cent of the full strength of the services.

While many people look upon such restrictions on women's military service as relieving them of an unadulterated burden or evil, others feel that it would be advantageous for women to receive the training and benefits that accompany military service in this country. No one can doubt that military service has tremendous disadvantages, chief among them the danger of loss of life and the requirement of learning to kill others. Yet there are also benefits afforded the individuals who serve. The Armed Forces furnish in-service vocational and specialist training, medical care, and benefits for dependents. Veterans receive educational scholarships and loans, preference in government employment, pensions, insurance, and medical treatment.

More subtle factors involve the effect of military service on one's self-image and on the way he or she is viewed by others. For large segments of the population, service is taken to prove that an individual has sacrificed for his or her country. He or she deserves to be taken seriously in return. As Professor Norman Dorsen has said:

"[W]hen women are excluded from the draft—the most serious and onerous duty of citizenship—their status is generally reduced. The social stereotype is that women should be less concerned with the affairs of the world than men. Our political choices and our political debate often reflect a belief that men who have fought for their country have a special qualification or right to wield political power and make political decisions. Women are in no position to meet this qualification."

Having served or being liable to serve also tends to make an individual sensitive to and concerned about the country's foreign policy. Those who must carry out the decisions made in the upper echelons of the government will be interested in participating in the political process and trying to prevent the formulation of policies which involve unjustified killing and destruction, and unnecessary risk of injury and death.

Under the present system few women enter the military and receive these benefits and lessons. Partly as a result, the social stigma and ridicule evoked by the idea of a woman in the military persist. Until women are required to serve in substantial numbers, stereotypes about their inability to do so will be perpetuated.

The Equal Rights Amendment will have a substantial and pervasive impact upon military practices and institutions. As now formulated, the Amendment permits no exceptions for the military. Neither the right to privacy nor any unique physical characteristic justifies different treatment of the sexes with respect to voluntary or involuntary service, and pregnancy justifies only slightly different conditions of service for women. Such obvious differential treatment for women as exemption from the draft, exclusion from the service academies, and more restrictive standards for enlistment will have to be brought into conformity with the Amendment's basic prohibition of sex discrimination.

Mr. President, for the purpose of emphasis, I repeat what I have just read:

As now formulated, the Amendment permits no exceptions for the military. Neither the right to privacy nor any unique physical characteristic justifies different treatment of the sexes with respect to voluntary or involuntary service, and pregnancy justifies only slightly different conditions of service for women. Such obvious differential treatment for women as exemption from the draft, exclusion from the service academies, and more restrictive standards for enlistment will have to be brought into conformity with the Amendment's basic prohibition of sex discrimination.

The article continues as follows:

These changes will require a radical restructuring of the military's view of women, which until now has been a narrow and stereotypical one. Until recently, only unmarried women were generally allowed to serve, and when married women were permitted, the dependents received none of the benefits that men's families receive. A woman was presumed to be the second worker in her family rather than the one responsible for its support, and benefits were therefore assumed to be unnecessary. Any woman who became pregnant or adopted a child was discharged. Women, being excluded from many benefits, were thus a particularly economical source of labor. These rules also effectively prevented women from rising in the ranks and becoming officers, for they would have to be willing to forego marriage and children in order to do so. They were therefore denied the exercise of leadership skills and were viewed as inferior, deserving the subordinate tasks to which the military's discriminatory rules consigned them. Women were also seen as less flexible and less valuable workers than men, incapable of serving in many positions. They were assigned to "women's work" as clerks and secretaries, nurses, or technicians. Many interested in training in fields such as photography were denied access to the programs.

This view of women has begun to change. But it is happening slowly in some services and not at all in others. The Equal Rights Amendment will greatly hasten this process and will require the military to see women as it sees men—as a diverse group of individuals, married and unmarried, with and without children, possessing or desiring to acquire many different skills, and performing many varied kinds of jobs. The impact of the Amendment will now be examined in detail with regard to four important areas: the draft, grounds for discharge, assignment and training, and in-service conditions.

1. THE DRAFT

The Military Selective Service Act of 1967 govern the conscription of citizens into the Armed Forces. The Act explicitly applies only to men in requiring registration and induction for training and service in the Army, Navy, Marines, Coast Guard, and Air Force. Men have several times challenged the Act, claiming that it violates constitutional rights of due process and equal protection by discrimination on the basis of sex. The courts have consistently rejected this contention.

Under the Equal Rights Amendment the draft law will not be invalidated. Recognizing the concern of Congress with maintaining the Armed Forces, courts would construe the Amendment to excise the word "male" from the two main sections of the Act, dealing with registration and induction, thereby subjecting all citizens to these duties. A woman will register for the draft at the age of eighteen, as a man now does. She will then be classified as to availability for induction and training. If she meets the physical and mental standards, and is not eligible for any exemptions or deferments, she will join men in susceptibility to induction. The statute declares that no one may be inducted until shelter, water, heating and lighting, and medical care are available. The military will clearly have sufficient time during the period after ratification to make the minor adaptations, such as the expansion of gynecological services, necessary to comply with the statute. This is particularly true since the eligibility of women will not necessarily entail an increase in the number of persons inducted.

I digress from the reading of this article to take issue with the statement of the authors that while the equal rights amendment will invalidate the draft law as now restricted to men, the courts will amend the draft law by excising the word male wherever it appears and inserting in its place female. Courts can declare laws invalid, but courts are not permitted to amend laws so as to make them valid. So if the equal rights amendment has the effect—which in my judgment is undoubted—of invalidating the Selective Service Act, the country will be left for a time without any draft law, pending the time that Congress can revamp the draft law so as to comply with the equal rights amendment.

The Secretary of Defense has the power to set the standards of physical and mental fitness which all inductees must meet. A general intelligence test is used to determine mental qualification, and a physical examination is given to check the general state of health of the individual. Under the Equal Rights Amendment, all the standards applied through these tests will have to be neutral as between the sexes. Moreover, even after the mental and physical standards have been made uniform for both sexes, they will have to be scrutinized carefully to assure that they are related to the appropriate jobs and functions and do not operate so as to disqualify more women than men. Such a result would raise the possibility that the test, though neutral on its face, was in fact being used to discriminate against women. Achieving this goal of uniform, nondiscriminatory standards will require some changes.

I digress from the reading to say that I think it is going to be a matter of great difficulty for the Army, the Navy, the Marine Corps, or the Air Force to make the physical standards for men and women uniform for both sexes. I do not think they have any more power to do that than the equal rights amendment has.

First height standards will have to be revised from the dual system which now exists. At present, men from 5'0" to 6'8" tall are permitted to serve as enlisted personnel in the Army and Air Force; the range in the Navy and Marine Corps is from 5'0" to 6'6". For male officers, the range of permissible height is from 5'0" to 6'8" in all services except the Army, where the minimum is 5'6". Women in all services and in all ranks may be from 4'10" to 6'0" tall. Under the Equal Rights Amendment, the same minimum and maximum will have to be applied to both sexes. Persons, male and female, up to 6'8" (or 6'6") would be accepted, if these remain the maximum limits. For enlisted personnel, the services could retain their current minimum for men of 5'0" as the uniform standard, or adopt the lower 4'10" minimum for both sexes. But if the Army retains its 5'6" minimum for officers, it would effectively exclude many women, and the minimum would therefore have to be shown to be closely job-related in order to stand.

The height-weight correlations for the sexes will also have to be modified. At most heights there is a large area of overlap between the normal weight for men and women. For persons above or below this range, an evaluation based on the health of the individual will be made. Since every inductee receives a comprehensive physical examination, this will entail little extra burden.

The same principles will have to be applied to the intelligence test. At present men and women take different tests for enlistment; under the Amendment, both will take the same test. Similarly, the required minimum score will be the same for both sexes. If the test currently used for men is administered to women, and it is shown that women on the whole score lower on it, it will have to be demonstrated that the ques-

> tions do test general intelligence and are not taken solely from areas of factual knowledge with which most men and few women in this society are trained to be familiar.
>
> Most of the deferments and exemptions from military service could easily be adapted to a sex-neutral system. Women ministers, conscientious objectors, and state legislators will be treated as the men in those categories now are. Women doctors and dentists will be subject to call under the conditions governing medical and dental specialists. However, some provisions will have to be extended or stricken. The dependency deferment now provides that "persons in a status with respect to persons (other than wives alone, except in cases of extreme hardship) dependent upon them for support which renders their deferment advisable" may be deferred. It also states that the President may provide for the deferment of persons who have children, or wives and children, with whom they maintain a bona fide family relationship in their homes. This has been interpreted to mean that a married person with a child will generally be deferred.
>
> There are several permissible alternatives to these deferment provisions under the Equal Rights Amendment. Deferment might be extended to women, so that neither parent in a family with children would be drafted. Alternatively, the section could provide that one, but not both, of the parents would be deferred. For example, whichever parent was called first might be eligible for service; the remaining parent, male or female, would be deferred. A third possibility would be to grant a deferment to the individual in the couple who is responsible for child care. The couple could decide which one was going to perform this function, and the other member would be liable for service. In a one-parent household Congress would probably defer the parent.

I digress to observe that the authors of this opinion make the interesting observation that a husband and a wife can decide which one of them is going to stay at home to look after the children and that in that case the one who elects not to stay at home and care for the children will be subject to the draft, and the other will be deferred.

Mr. BAYH. Mr. President, will the Senator yield?

For the Record, I wish the Senator from North Carolina would expand on his reasoning as to why he feels that the point he has just made is so unjust, and contrary to the national interest of the country.

Mr. ERVIN. I am not commenting on that. I am pointing out that the equal rights amendment would provide, which the authors of this article say, that if there is a husband and wife and children, that the wife would go out to battle and the husband would stay home to look after the children, or that both would have to go out and bare themselves to the bullets of the enemy which, under the equal rights amendment, it would require.

Mr. BAYH. That is not in the wording of the equal rights amendment. The Senator knows that very well.

Mr. ERVIN. It says that men and women are identical and equal legal human beings. It gives consideration for many foolish things like that. I think it is foolish. It is absolutely ridiculous to talk about taking a mother away from her children so that she may go out to fight the enemy and leave the father at home to nurse the children. The Senator from Indiana may think that is wise, but I do not. I think it is foolish.

Mr. BAYH. Let me say to my good friend from North Carolina once again that there is nothing in the amendment to require that. Of course the Senator knows, that exempting both mothers and fathers with children from conscription is not foreign to the laws of this land. It happens now.

Mr. ERVIN. The Senator from Indiana may think there is nothing in the amendment which requires that, but the amendment requires that the lawmakers ignore the fact that men are fathers and that women are mothers. It requires them to be treated exactly alike, as if they both belonged to a unisex.

Mr. BAYH. Quite the contrary. I cannot speak for my other colleagues, but I hope that the Senator will realize that none of us can be responsible for the various interpretations that may be placed on lengthy articles, even if the Senator from North Carolina feels they are good enough to be placed in the Record.

Mr. ERVIN. I think that my good friend from Indiana is an intellectually honest man. When he puts an article in the Record and urges Senators to study it to find out what the amendment would do, I think he feels the article has great validity.

Mr. BAYH. I think the Senator has already been so kind to me that he has quoted in full what I said when I put it in the Record. The Senator said I did not agree with everything in the article.

Mr. ERVIN. Will the Senator from Indiana tell me what the amendment would require, if Congress did not exempt parents from the draft, whether it would require them to draft both parents and leave the children to take care of themselves, or take the man and leave the woman, or take the woman and leave the man?

Mr. BAYH. I suggest that the hypothesis posed by the Senator from North Carolina is so remote that it is ridiculous. It is ridiculous to suggest that Congress would require parents to leave children, to be taken care of by others or to be left to fend for themselves. That is a straw man which, with all due respect, diverts our vision and deters consideration of the real merits of the amendment.

Mr. ERVIN. I would say that the Senator from Indiana is fleeing in his answers from my questions, just as the amendment is fleeing from reality.

The ERA states that men and women will be treated exactly alike, that they will be sent into combat, exactly alike, and no amount of sophistication or sophistry can wipe out that plain truth.

Mr. BAYH. Perhaps not sophisticated sophistry but plain old-fashioned horse sense would be more useful in reaching valid conclusions.

Mr. ERVIN. One objection is that the amendment would prohibit those in Congress and the legislatures in the 50 States from using any horse sense in all. It would require them to act like donkeys. [Laughter.]

Mr. BAYH. So we are going to treat all donkeys alike.

Mr. ERVIN. Whether male or female—just exactly alike. That is what the amendment would do.

Mr. BAYH. I cannot differ with that.

Mr. ERVIN. I have only 1 hour to speak on this amendment. I am on restricted time.

Mr. BAYH. I would not want to restrict the Senator's time any further.

Mr. ERVIN. It says here—

> Each of these alternative carries very different and significant policy implications for family structure and population growth. Given current draft calls, and the belief that having both parents present is beneficial for the children, it is likely that both parents will be deferred.

Mr. BAYH. But now the Senator——

Mr. ERVIN. I wish the Senator would not interrupt on my time.

Mr. BAYH. Permit me to make an observation, for which I yield myself 30 seconds——

Mr. ERVIN. I offered to yield the floor if the Senator from Indiana wanted to make a speech——

Mr. BAYH. I was so interested to hear what the Senator from North Carolina had to say that I did not want to take advantage of his courtesy——

Mr. ERVIN. But the Senator will not listen. He keeps interrupting me.

Mr. BAYH. I will stop interrupting if the Senator wants to continue his speech. He certainly has that right.

Mr. ERVIN. I would like to read the article and then I do not mind interruptions.

Mr. BAYH. I say to my friend, the only reason I bother to interrupt is that he makes assertion which are not true and attributes them to me. I do not think he wants to do that intentionally.

Mr. ERVIN. I do not think the Senator from Indiana meant to deceive the Senator from North Carolina when he put this article in the Record and told the Senator from North Carolina and other Members of the Senate that they could find out from reading the article that it was a masterly presentation of what the amendment would provide. I do not think the Senator from Indiana attempted to deceive anyone. I think he wanted to give me some light.

Mr. BAYH. The Senator from Indiana did say that the Senator from North Carolina very thoughtfully read the entire statement into the Record. In presenting the article for everyone's consideration I said that I did not agree with everything that was in the article. I stand by what I said the Senator from North Carolina said I said.

Mr. ERVIN. The Senator from Indiana is like the man who says he does not believe everything he reads in the Bible, that he does not believe Jonah swallowed the whale. I am reading a part in the article what someone thinks it is, but I do respectfully submit that I would like to make my argument.

I would like to read to the Senate an article which the distinguished Congresswoman from Michigan (Mrs. Griffiths), sent to every Member of the House with the statement that it would explain how the amendment would work, and which the Senator from Indiana stated would expand the intellectual horizons of the Senate as to what the amendment would do.

Now the Senator from Indiana did note that he dissented in some unspecified ways but he did not tell us in which ways the article was wrong so as to guide us.

Mr. BAYH. The Senator from North Carolina knows the feelings and the position of the Senator from Indiana. He knows which is fish and which is fowl.

Mr. ERVIN. As far as I am concerned, the amendment is foul.

Now the article states:

> Each of these alternatives carries very different and significant policy implications for family structure and population growth. Given current draft calls, and the belief that having both parents present is beneficial for the children, it is likely that both parents will be deferred.

I do not think we will quarrel about that.

Continuing reading:

> However, Congress can choose any of the above policies, for they do not discriminate between men and women.
>
> The Selective Service Act exempts from the draft the sole surviving son of a family which has lost a member, male or female, in the service of the country. Under the Equal Rights Amendment this exemption for men only cannot stand, for it will mean drafting women when men in identical circumstances are excused. The reasons for the exemption are twofold. One is the feeling that once a family has lost a member, or several members, it cannot be asked to bear a final loss. The other concern is that the family name and line be preserved.

In another part of the article, however, it says that the family name shall be abolished, that the right to have the family name that one inherits shall be abolished.

That means that even the children could select their own names if the children wanted to take their own names.

Mr. BAYH. Will the Senator read on further?

Mr. ERVIN. I will, if the Senator will refrain from interrupting me so much. I will read the whole of the 114 pages, provided the time at my disposal will permit it. I am reading about men and women being sent into combat, which means that women will have their forms devastated by the bombs and shells of the enemy.

Mr. BAYH. Mr. President, I hope that the Senator will have time to read all of that because it is too enlightening to miss.

Mr. ERVIN. I have read it myself. And I commend that the Senator from Indiana read it. I think he will agree with me that this amendment is pretty unwise if he does read it.

Mr. BAYH. Mr. President, may I ask one question? The Senator from North Carolina recommends that I read it. Does that mean that the Senator agrees with it?

Mr. ERVIN. I agree that the Yale Law Journal article shows, at a very minimum, what the ERA will accomplish.

Mr. BAYH. The logic of the Senator from Indiana is the same as the logic of the Senator from North Carolina. We agree with the part that proves our point and disagree with the part that does not.

Mr. ERVIN. No. The entire article proves the point of the Senator. The entire article proves that the amendment will disable the Congress and the legislatures in the 50 States so that they cannot even consider the fact that God created men as male and female whether they adopt the legisltaion. That is what the amendment does. That is the provision of the amendment, and this proves that is exactly what will happen.

Mr. President, the second reason for the exemption will no longer be permissible, because it results in discrimination against women. That is, the one about the family name, the discrimination against women is a discrimination against perpetuating the family name.

> But the first reason does justify extending the exemption to women, for the purpose is to spare a family its last child subject to induction. Thus the sole surviving child will be exempt.
>
> The computation of the draft quota for a given area is based on the actual number of men in the area liable for training but not deferred after classification. When the Equal Rights Amendment becomes operative the number of women available will be included in the pool of available registrants.
>
> The Selective Service Act provides for the administration of the draft system by local and appeal draft boards. The Act explicitly states that no citizen shall be denied membership on any board on account of sex. However, women are now only a small percentage of total draft board membership. Black registrants have challenged their induction on similar facts, claiming that they cannot be legally inducted by a board which is disproportionately white or which has no black members. None of these claims has met with success. The chances that women will be excused from induction because of the sexual imbalance on the boards is therefore small. Adoption of the Equal Rights Amendment, however, will undoubtedly stimulate the appointment of greater numbers of women to draft boards.
>
> It is possible that an all volunteer army will be established in the United States in the foreseeable future. In that event, equalization of the draft becomes of academic interest only. Even if the volunteer system were approved, however, the draft would probably remain in effect for some years. More important, under either system of recruitment the Equal Rights Amendment will require a change in the status of women in the military and the conditions under which they serve.
>
> 2. GROUNDS FOR DISCHARGE
>
> In addition to the grounds for discharge applicable to both sexes, several grounds apply only to women. One such rule requires that a married or unmarried woman who becomes pregnant must be discharged. Another requires that a woman with dependent children cannot serve. Men, married or single, who father children or have dependent children are not discharged for such reasons.
>
> Several women have recently brought suits challenging these and similar military regulations on equal protection grounds. Under the pressure of litigation the Air Force has modified some of its rules. Whatever the outcome of this litigation, however, these policies will have to be reexamined and reformulated when the Amendment is passed. If the rules continue to require discharge of women with dependent children, then men in a similar situation will also have to be discharged. Since this will make it almost impossible to have any career officers, such a rule is unlikely to be adopted. The nondiscriminatory alternative is to allow both men and women with children to remain in the service and to take their dependents on assignments in non-combat zones, as men are now permitted to do.
>
> Rules requiring discharge because of pregnancy will also change. The Army has recently provided that married women who plan to remain in the service with their children may receive a three and a half month leave to bear the child. Such a leave is related to a unique physical characteristic of women, and if shown to be directly related to the physical condition of pregnancy, can be applied to women only.

That is the only distinction I found that this shows between men and women.

> Distinctions between single and married women who become pregnant will be permissible only if the same distinction is drawn between single and married men who father children. This is required because once the Army has allowed married women to continue to serve when they have children, it is clear that pregnancy and childbearing alone are not incompatible with military service.

The Senator from North Carolina is distressed to say that is to him a rather strange thought, that pregnancies and childbearing are not incompatible with military service. In other words, if a woman in the military is going to have to leave a little infant child to fight the enemy, even if pregnant with another, it might mean that she would give birth to another child when she is up there fighting.

> A rule excluding single women who become pregnant would thus not be based on physical characteristics, but rather would rest on disapproval of extramarital pregnancy.

It says that the Army should not in effect disapprove of extramarital pregnancies.

> Such standards must be applied equally to both sexes. Thus, if unmarried women are discharged for pregnancy, men shown to be fathers of children born out of wedlock would also be discharged. Even if this form such a rule would be suspect under the Amendment, because it would probably be enforced more frequently against women.

I have to agree with that. One can tell whether a woman is pregnant much easier than he can tell if a man has begotten a woman with child.

> Even in this form such a rule would be suspect under the amendment, because it would probably be enforced more frequently against women. A court will therefore be likely to strike down the rule despite the neutrality in its terms, because of its differential impact. To avoid these problems, the Armed Forces can treat both sexes similarly by permitting single people to father or bear children, and by regulating only the unique physical characteristic of pregnancy.
>
> All people who have children will be treated equally by the Armed Forces in terms of child care. The military may want to provide day care; if it does not, it may allow a parent to be discharged to take care of his or her child if he or she cannot provide for adequate care while on active duty.
>
> 3. ASSIGNMENT AND TRAINING
>
> All men who are drafted receive four to six months of basic training. All draftees are eligible for combat duty. The men are assigned to one of five broad areas of duty—administration, intelligence, training and tactics, supply, or combat. They are assigned and organized along two different but overlapping systems of classification. One is a numerical system, and the other is a functional one. "Corps" is the general name for the functional unit, such as the Army En-

gineer Corps or the Army Nurse Corps, though the term "corps" is also used to designate a numerical grouping of two to five divisions. Although the members of a functional corps are physically dispersed in job assignments, the corps keeps separate records, and promotions and assignments are routed through its office.

Almost all of the women in the Army are members of the Army Nurse Corps or the Women's Army Corps. Although the Army Nurse Corps is organized along job lines, the WAC has no unifying principle except that its members are women. It thus stands as a symbol of the unwillingness of the Army to abandon distinctions based on Sex. Under the Equal Rights Amendment the WAC would be abolished and women assigned to other corps on the basis of their skills.

Women are only partially integrated into the training and assignment procedures applicable to men. They receive some basic training but it does not equip them for combat duty. They serve mainly in administrative and clerical jobs or as medical technicians.

Whether women ought to serve in combat units has provoked lengthy debate.

I digress from reading to say that the militant advocates of this amendment say women should be compelled to serve in combat. The Senator from North Carolina respectfully begs leave to disagree with that conclusion. I think all mothers and fathers in America disagree with it. I do not think any of the fathers and mothers in America want their daughters drafted for military service and assigned to duty in combat.

I repeat the last sentence I read from the text:

Whether women ought to serve in combat units has provoked lengthy debate. Before discussing the arguments raised against it, it is important to place the problem in perspective. Some public debate has implied that hundreds of thousands of women will be affected by such a requirement. This is not true. Combat soldiers make up only a small percentage of military personnel. Even in combat zones many jobs of logistic and administrative support are no different or more difficult than the work done in non-combat zones. Thirty years ago, women were found capable of filling over three-quarters of all Army job classifications, and there is no reason to prevent them from doing these jobs in combat zones. The issue of assigning women to actual combat duty, therefore, involves a relatively small segment of total military assignments.

Opponents of the Amendment claim that women are physically incapable of performing combat duty. The facts do not support this conclusion. The effectiveness of the modern soldier is due more to equipment and training than to individual strength. Training and combat may require the carrying of loads weighing 40 to 50 pounds, but many, if not most, women in this country are fully able to do that.

I digress to say that the Senator from North Carolina recalls many long marches with 60 pounds on his back and a 9-pound rifle on his shoulder. Frankly, I do not commend exercise of that character to women, even the ones who want to serve in the Army or in combat outfits.

And women are physically as able as men to perform many jobs classified as combat duty, such as piloting an airplane or engaging in naval operations. In order to screen out those of both sexes incapable of combat service, it will be permissible to administer a test to measure ability to do the requisite physical tasks. Those who pass, or who will foreseeably be able to do so after training, will receive combat training. The test will have to be closely related to the actual requirements of combat duty. There will be many women able to pass such a test.

The Senator from North Carolina digresses to say that he does recall reading at one time that the female of the species is more deadly than the male, and there may be more than a modicum of truth in the assertion, as well as in form, but nevertheless, the Senator from North Carolina does not think there is a high percentage of women who should be sent into combat service. In fact, the Senator from North Carolina does not think any of them should be sent as this amendment would require they be sent.

Another frequent objection to women in combat service is based on speculation about the problems that will arise in terms of discipline and sexual activity. No evidence has been found that participation by women will cause difficult problems. Women in other countries, including Israel and North Vietnam, have served effectively in their armed forces. There is no reason to assume that in a dangerous situation women will not be as serious and well disciplined as men.

The Senator from North Carolina would digress from the reading to say that he had a member of his staff make inquiry concerning the oft-repeated assertion by supporters of the amendment with respect to service by women in the armed forces in Israel. He has been informed as a result of that inquiry by members of the staff of the Israeli Embassy that while women serve in the Israeli forces, they are not used for combat duties. But if the ERA were the law in Israel, there would be women serving in combat.

Finally, as to the concern over women engaging in the actual process of killing, no one would suggest that combat service is pleasant or that the women who serve can avoid the possibility of physical harm and assault. But it is important to remember that all combat is dangerous, degrading and dehumanizing. That is true for all participants. As between brutalizing our young men and brutalizing our young women there is little to choose.

I digress to say that is a view expressed by these four strong supporters of the equal rights amendment.

4. IN-SERVICE CONDITIONS

Women in the Armed Forces receive the same pay and are ranked the same as men. Most service and veterans' benefits are the same for both sexes. On the other hand the rules on dependents' allowances, in-service housing and medical benefits discriminate against women. Male officers are provided quarters on base, or a basic quarters allowance for their dependents if they live off base; male officers also receive a dependents' allowance based on their grade and the number of dependents, regardless of any money the officer's wife may earn. The husband of a female officer, however, is not recognized as a dependent unless he is physically or mentally incapable of supporting himself and is dependent on his wife for more than half of his support. These discriminations are now under attack in a suit against the Air Force. Should they not be stricken down, the Equal Rights Amendment will require that result.

The Senator from North Carolina digresses to observe that under this interpretation of the equal rights amendment, all that a lazy husband has to do is to put his wife in the armed services and then he could be rated as one of her dependents and not only escape military service himself but also enjoy the emoluments of her military service.

Women will receive housing, allowances, and medical benefits on the same basis as men.

Living conditions in the service will be changed by adoption of the Equal Rights Amendment to the extent that they separate men and women for functions in which privacy is not a factor. Officers' clubs, enlisted mens' clubs, and other social organizations and activities on military bases will be open to women as well as men. Athletic facilities will also have to be made available to women personnel. Eating facilities will likewise be integrated by sex. Sleeping quarters could remain separate under the privacy exception to the Amendment.

The Senator from North Carolina digresses to observe that that is a remarkable statement because the amendment has no privacy protection whatever. The amendment states that State laws making any distinction between men and women shall be unconstitutional and that would include any provision of the Constitution that could be construed to give anybody a right of privacy. That is true because the proposed amendment is expressly rigid in its terms: It brooks of no exception, it brooks of no limitation whatever, so it would abolish any right of privacy that exists.

5. SUMMARY

The Equal Rights Amendment will result in substantial changes in our military institutions. The number of women serving, and the positions they occupy, will be far greater than at present. Women will be subject to the draft, and the requirements for enlistment will be the same for both sexes. In-service and veterans' benefits will be identical. Women will serve in all kinds of units, and they will be eligible for combat duty. The doube standard for treatment of sexual activity of men and women will be prohibited.

Changes in the law, where necessary to bring the military into compliance with the Amendment, will not be difficult to effect. The statutes governing the military will be amended by Congress, and the services can revise their own regulations. If these changes are made promptly, no disruption in the functioning of the military need result.

The drafting of women into the military will expose them to tasks and experiences from which many of them have until now been sheltered. The requirement of serving will be as unattractive and painful for them as it now is for many men. On the other hand, their participation will cure one of the great inequities of the current system. As long as anyone has to perform military functions, all members of the community should be susceptible to call. When women take part in the military system, they more truly become full participants in the rights and obligations of citizenship.

I would like to digress from the reading to emphasize the statement that the participation of women in the Armed Forces and in combat units of the Armed Forces and in combat will cure one of the great inequities of the system. It is not to be wondered that Dr. Pincus, professor of neurology in the Yale Medical School of Yale University, after reading this article, said that this equal rights amendment or the resolution for equal rights could properly be called the Gulf of Tonkin resolution for the American social system.

I continue to read:

> VI. Conclusion

The word "Conclusion" does not mean it is the conclusion of this 114-page document; it is merely the conclusion of the part which discusses the effect of the amendment on men and women in the military forces which will be encompassed by the amendment. The article makes it very clear that men and women will be drafted into the compulsory military services on exactly the same terms, that men and women will be enlisted for combat service on exactly the same terms, that men and women will be sent into combat on exactly the same terms.

It makes clear that if the amendment should be adopted, Congress will be powerless to change any of the things which the amendment would require.

I respectfully submit that Congress now has the power either to draft or refuse to draft women, the power to permit or refuse to permit women to enlist in the combat units of the Armed Forces and the power to permit or refuse to permit women to be sent into combat. Why should Congress not keep this power? It is a discretionary power. Why should Congress be put in a straitjacket by this amendment and, in the words of the Chief Counsel for the Department of Defense, be required to choose between drafting nobody and sending nobody into combat service or drafting and sending into combat services men and women on exactly the same terms and for exactly the same purposes?

I understand the amendment, but there are many things which I cannot understand about those who advocate this amendment. Why do they want to put Congress and the legislatures of the 50 States into a straitjacket which requires them to be blind to the fact that God created mankind male and female, and require them, in every law they enact, to treat men and women exactly as if they belonged to a unisex, instead of two sexes?

I continue to read:

> VI. CONCLUSION
>
> The transformation of our legal system to one which establishes equal rights for women under the law is long overdue. Our present dual system of legal rights has resulted, and can only result, in relegating half of the population to second class status in our society. What was begun in the Nineteenth Amendment, extending to women the right of franchise, should now be completed by guaranteeing equal treatment to women in all areas of legal rights and responsibilities.
>
> We believe that the necessary changes in our legal structure can be accomplished effectively only by a constitutional amendment. The process of piecemeal change is long and uncertain; the prospect of judicial change through interpretation of the Fourteenth Amendment is remote and the results are likely to be inadequate. The Equal Rights Amendment provides a sound constitutional basis for carrying out the alterations which must be put into effect. It embodies a consistent theory that guarantees equal rights for both sexes while taking into account unique physical differences between the sexes. In the tradition of other great constitutional mandates, such as equal protection for all races, the right to freedom of expression, and the guarantee of due process, it supplies the fundamental legal framework upon which to build a coherent body of law and practice designed to achieve the specific goal of equal rights.

I digress from the reading to note that this is a rather surprising statement—to have the advocates of this amendment praise due process and praise equal protection. I say that because this amendment is intended and designed to destroy the capacity of Congress and the State legislatures, under the due process and the equal protection clause of the Constitution, to provide for women the protections which life and experience and history show are necessary to facilitate the existence and development of the race.

I resume reading:

> The call for this constitutional revision is taking place in the midst of other significant developments in the movement for women's liberation in this country. The movement as a whole is in a stage of ferment and growth, seeking a new political analysis based upon greater understanding of women's subordination and of the need for new directions. The resulting political discussion has brought forth many possibilities, including changes in work patterns, new family structures, alternative forms of political organization, and redistribution of occupations between sexes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN. Mr. President, my argument has convinced me that even 3 years is not sufficient time to bring about conditions necessary for this amendment. So I withdraw the amendment which I have been discussing and send forward another amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment is withdrawn.

The clerk will state the amendment.

The legislative clerk reads as follows:

> On page 2, line 3, strike out "two" and insert in leiu thereof "five".

Mr. ERVIN. Mr. President, I resume:

> A number of feminists have argued for increased separation of women from men in some spheres of activity or stages of life. Dialogue and experimentation with many forms of social, political and economic organization will undoubtedly go on as long as the women's movement continues to grow.
>
> Underlying this wide-ranging debate, however, there is a broad consensus in the women's movement that, within the sphere of governmental power, change must involve equal treatment of women with men.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. MANSFIELD. Instead of offering amendments and then withdrawing them, would the Senator consider the possibility of allowing the Senate to vote on at least one amendment? Any one?

Mr. ERVIN. Yes. I would not mind having a rollcall on this last one.

Mr. MANSFIELD. The one that has been withdrawn?

Mr. ERVIN. No, I have offered another one to take the place of the one that was withdrawn.

But I suggest to the majority leader that there are 20 Senators absent; according to my information, there are 20 Members of this body who are not here today.

Mr. MANSFIELD. All the more reason to vote.

Mr. ERVIN. Including at least one or two who will vote with me on this issue. I am perfectly willing, after I read another paragraph and a half, to withdraw the last amendment I have offered and agree to adjourn, and when we meet in the morning, I will offer first an amendment which contains these words:

> This article shall not impair, however, the validity of any laws for the United States or any State which exempt women from compulsory military service or from service in combat units of the armed forces.

I assure the Senator that I will be ready to vote on that at least within the time limitation we agreed on, which would be not more than 1 hour to the side.

Mr. BAYH. I think it would be helpful to the whole Senate if, in addition to that one amendment, the Senator from North Carolina might enumerate some of the other amendments that he intends to propose, so that those who are absent might be prepared to consider them tomorrow.

Mr. ERVIN. I shall be delighted to do that.

I propose to offer an amendment which would exempt women from compulsory military service and enlistment in the combat units of the Armed Forces.

I propose to offer an amendment which would preserve the laws which now extend to women in general and to wives, mothers, and widows in particular exemptions and protections which I say that the experience of the race shows is necessary for the development and education of the race.

Third, I propose to offer an amendment which will make it plain that the primary responsibility for supporting children will continue to rest upon the fathers, and that this amendment will not invalidate any laws which now require husbands to pay alimony to their wives.

Next, I propose to offer an amendment which will preserve the laws which now extend the right of privacy for men and women and boys and girls in public restrooms, in public schools, and in public correctional institutions.

Finally, I propose to offer an amendment which will make it certain that the laws which make it a crime for a mature man to seduce an innocent and virtuous woman under a promise of marriage, the laws which now make it a crime for a mature man to have carnal knowledge of an immature girl under the age of consent, and the White Slavery Act, or the Mann Act, which prohibits the transportation of women in interstate and foreign commerce for purposes of prostitution and debauchery, will continue to be the law of the land, instead of being outlawed, as this article from the Yale Law Journal says they will be under this amendment.

That is all the amendments I have.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. MANSFIELD. Mr. President, the

Senator has mentioned that one of the reasons why he is somewhat averse to having a vote this afternoon is that there are 20 Members absent. That really should be one of the reasons why the distinguished Senator should want a vote this afternoon, to help make certain that the Senate would not be turning into a Tuesday-to-Thursday club. But I recognize the realities of the situation.

I, of course, take the Senator at his word that the amendment now pending will be voted on at a reasonable time tomorrow, in line with the time limitation on amendments, that others will follow that, and if the distinguished chairman of the committee, the manager of the bill, would allow me, I would like to suggest the absence of a quorum, subject to making a motion to adjourn.

Mr. BAYH. Mr. President, I concur in the judgment of the leadership. I want to say to my friend from North Carolina that I think the issues have been clearly drawn by his enumeration. He and I have discussed these; I think they are legitimate points for discussion, and they are legitimate points for differences of opinion. As strongly as I feel that the Senator from North Carolina is wrong, I can see his reasoning. I know there are some who will share it. But now the Senate as a whole, and the country because of the presence of our friends in the news gallery, will be aware of the issues which will be decided tomorrow. There is no excuse for anyone not being here.

Mr. ERVIN. Mr. President, I hope the news media will carry something about what is involved in this amendment, and I hope the absent Senators will either read that in the news media or will read the CONGRESSIONAL RECORD, and therefore be able to vote with a certain degree of light instead of voting in darkness. I am sure many of them have studied this problem and are ready to vote anyway.

Mr. MANSFIELD. Mr. President, if the Senator will yield, the Senator was quite explicit in indicating the type of amendments he intends to offer, and if the members of the fourth estate were listening, I too would hope that they would give a degree of publicity to the distinguished Senator, who has been on his feet all afternoon explaining his views, and doing so, I think, intelligently and with a degree of understanding.

Mr. ERVIN. I thank the Senator.

I ask unanimous consent that the remainder of the article from which I have been reading be printed in the RECORD at this point.

There being no objection, the remainder of the article was ordered to be printed in the RECORD, as follows:

EQUAL RIGHTS AMENDMENT

Moreover, the increasing nationwide pressure for passage of an Equal Rights Amendment, among women both in and out of the active women's movement, makes it clear that most women do not believe their interests are serve by sexual differentiation before the law. Legal distinctions based upon sex have become politically and morally unacceptable.

In this context the Equal Rights Amendment provides a necessary and a particularly valuable political change. It will establish complete legal equality without compelling conformity to any one pattern within private relationships. Persons will remain free to structure their private activity and association without governmental interference. Yet within the sphere of state activity, the Amendment will establish fully, emphatically, and unambiguously the proposition that before the law women and men are to be treated without difference.

Mr. MANSFIELD. Mr President, I suggest the absence of a quorum, with the time for the quorum call being taken from neither side.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I withdraw the last amendment submitted by me.

The PRESIDING OFFICER. The amendment is withdrawn.

EQUAL RIGHTS

Mr. PEARSON. Mr. President, in 1923, Senator Charles Curtis and Representative Dan Anthony, both of Kansas, introduced an amendment to the Constitution denying discrimination on account of sex. At that time, the women of this Nation were on the verge of voting in their first election, having 3 years earlier been granted this privilege through ratification of the 19th amendment.

Now, nearly 50 years later, the Senate has taken up consideration of a new equal rights amendment, and never have the chances for approval and ultimate ratification appeared more favorable.

I think it is clear that such an amendment is needed. In all areas of our society, including citizen responsibilities, education, business, and family life, there is more than sufficient evidence to document the unnecessary restrictions which have been placed on women. Numerous organizations, including the two major political parties, have recognized this fact, and have endorsed adoption of the equal rights amendment.

Mr. President, history advises us that the role of women throughout our civilization has been one of subordination. This tenet can also be traced throughout our legal history, as discrimination on account of sex has been prescribed not only by statutory law, but by common law as well.

No one denies that anything other than good faith was intended in the development and practice of such discrimination. Yet the guiding light of our society has always been equal opportunity for all citizens in all areas, and it is time we recognize that women have been denied the opportunities rightly due them.

Mr. President, I shall support approval of the equal rights measure in the Senate, and I shall support it without the amendments which I am aware will cripple or totally negate its intended effect. The great majority of women want to share fully the burdens and responsibilities of society. Let us not deny them this measure of respect and confidence.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 20, 1972, he presented to the President of the United States the enrolled bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3353) to provide for the striking of medals in commemoration of the first U.S. International Transportation Exposition.

ORDER FOR ADJOURNMENT UNTIL 9:15 TOMORROW

Mr. BYRD of West Virgina. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m. tomorrow

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARRIS TOMORROW

Mr. BYRD of West Virginia. Mr. President I ask unanimous consent that immediately following the recognition of the two leaders on tomorrow under the standing order, the distinguished Senator from Oklahoma (Mr. HARRIS) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR CHAIR TO LAY BEFORE THE SENATE THE UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of the 15-minute unanimous-consent orders on tomorrow, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR KENNEDY ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the distinguished Senator from Minnesota (Mr. MONDALE), the distinguished Senator from Massachusetts (Mr. KENNEDY) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9:15 a.m.

After the two leaders have been recognized under the standing order. the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Senator HARRIS, Senator NELSON, Senator MONDALE, and Senator KENNEDY.

There will then ensue a period for the transaction of routine morning business. for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate will resume consideration of the unfinished business, House Joint Resolution 208, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women. There is a time limitation thereon, and there is also a limitation of 2 hours on any amendment. Amendments will be called up and voted on tomorrow. There will be rollcall votes tomorrow.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:15 a.m. tomorrow.

The motion was agreed to; and at 3:56 p.m. the Senate adjourned until tomorrow, Tuesday, March 21, 1972, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate March 20, 1972:

U.S. COAST GUARD

The following named officers of the U.S. Coast Guard for promotion to the grade of rear admiral:

William H. Brinkmeyer.

Ricardo A. Ratti.

IN THE AIR FORCE

The following named officers for Reserve of the Air Force promotion in the Air National Guard, under the appropriate provision of section 8374, title 10, United States Code, as amended.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Ronald B. Appel. Jr., [redacted].
Duane M. Benton, [redacted].
Luther J. Braswell, [redacted].
Robert L. Campbell, [redacted].
Darrel D. Cline, [redacted].
Jerry W. Cochrane, [redacted].
James E. Daniel, [redacted].
John L. Dean, [redacted].
Cecil B. Doss, Jr., [redacted].
Albert G. Dyer, [redacted].
Norman Evans, [redacted].
Edward J. Face, [redacted].
Joseph N. Florio, [redacted].
Herman C. Ford, [redacted].
John C. Hawthorne, [redacted].
Charles W. Jarrett, [redacted].
Walter A. Jarrett, [redacted].
Francis J. Kirk, [redacted].
Richard A. Laidley, [redacted].
Galen M. Lambert, [redacted].
Dean T. Landon, [redacted].
William P. Lemmond Jr., [redacted].
Hall, T. Martin, [redacted].
Alvah S. Mattox, Jr., [redacted].
Hillary B. Meeks, [redacted].
Jack H. Mesner, [redacted].
Charles L. Milton, [redacted].
David C. Montgomery, [redacted].
Richard E. Moore, [redacted].
Gary C. Morrison, [redacted].
Earl F. Pardy, Jr., [redacted].
Leroy H. Schneider, [redacted].
James E. Snight, [redacted].
William E. Sprague, [redacted].
Albert J. Tagg, [redacted].
Leroy Thompson, [redacted].
Keith H. Wolfe, [redacted].

IN THE NAVY

Robert R. Groom (civilian college graduate) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

William T. Bell
Donald J. Clausen
Daniel M. Harrigan
Frederick L. Hecht
Robert M. Rohen
John F. Suber
Jerry D. Thomley
William T. Wilson

Glenn C. Parrish (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve Officers' Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualification therefor as provided by law:

Steven M. Abelman
Krist T. Ackerbauer
Charles N. Adams III
James V. Ahearn, Jr.
Robert R. Ainslie
David E. Albin
John L. Alexander
James M. Allen
Kristin L. Allen
John S. Allison, Jr.
Lorin E. Andersen
John H. Anderson, Jr.
John N. Anderson
Larry E. Anderson
Stephen F. Anderson III
Kenton G. Andrews
Gary T. Archibald
Robert E. Ansley, Jr.
Richard L. Arfman
Brian S. Armstrong
Charles B. Askey
Jeromye L. Avery
Jack N. Bailey
Robert K. Baird
Neil D. Baker
Wilfred Baltazar, Jr.
David H. Barber
Timothy J. Barnes
Ralph C. Bartlett
Garrick W. R. Bauer
Anthony J. Bechem
Paul R. Becker
Kenneth R. Beeunas
Raymond B. Beimel
Vincent J. Beirne
John B. Bell
Frederick C. Bensch
James E. Benson
Paul R. Bernander
Michael S. Bertin
Robert E. Besal
Daryl L. Bever
Norman S. Biehler
Edward S. Bishop
David F. Blake
James M. Blakely
Jonathan H. Blanding
Edward H. Blohm, Jr.
Mark A. Bloom
Anthony K. Bollen
Robert M. Bond
William D. Bondy
William T. Boone
William G. Borden
Joseph E. Bottomley
Jon T. Boyd
Pelham G. Boyer
Joseph B. Brady
Philip E. Bray
Jonathan J. Bridge
Edward T. Brill
Michael A. Brogan
David A. Brown
Frank H. Brown
Franz K. Brown
Jesse H. Brown
Kelly A. Brown
Richard M. Bruns
Gary E. Buker
Thomas A. Bunker
Richard J. Burdge, Jr.
Michael E. Burke
Larry W. Burkhart
Timothy D. Caldwell
James R. Cambre
Christopher S. Canetti
Katsumi O. Cannell
Leonard W. Capello
Donald L. Capron
Dale R. Carlson
Orin O. Carman
William A. Caroli
Christopher E. Case
Anthony J. Cassano, Jr.
Douglas W. Charlton
Benjamin L. Chastain
Richard A. Chiasson
Peter C. Chisholm
Paul E. Cincotta
Irving B. Clayton III
Kevin R. Collins
Kevin E. Condon
Thomas P. Connair
Paul M. Connolly
Thomas I. Converse
Howard D. Coogler
Wilbur O. Cooke, Jr.
Michael R. Cooper
Kenneth E. Corkum
Mark E. Costello
Stephen T. Cox
John T. Crawford
Dennis P. Crimmins II
Douglas L. Crinklaw, Jr.
Raymond S. Cross
James R. Crossen
Indy C. Crowley
Terry S. Crozier
John F. Cullinan
James P. Cunningham
Samuel R. Curcio, Jr.
Bruce J. Currivan
John F. Dalby
Joseph T. Daly III
David M. Dankert
Wayne C. Darnell
Mark C. Davis
Robert E. Davis
Terry L. Daugherty
Rocklun A. Deal
Thomas C. Deas, Jr.
William D. Degolian
Michael J. Deibler
Christopher P. Depoix
John P. Deregt
Norman E. Derouin, Jr.
William M. Desgalier
Ted E. Dewalt
Craig R. Dolan
Robert E. Dolan
John R. Donahue
John P. Donnell
Richard H. Donohue
Donald R. Dreyer
Daniel E. Dubina
Neale A. Duffett
John S. Earwaker III
Justin D. Edmonds
John S. Elliker, Jr.
Mark E. Ellis
John D. Epley
David S. Epstein
Douglas J. Erbele
Hobart R. Everett, Jr.
James Everett IV
Uson Y. Ewart
Bruce K. Farwell
William A. Faust
David A. Fenci
Donald B. Fennessey
Richard W. Fife
David J. Firth
Alan D. Fisher
Steven S. Fitzgerald
Raymond M. Flamm
Gary J. Flor
Clifford W. Folland
Steven V. Fondren
Van Y. Fong
Larry A. Foster
Robert B. Frazier
James M. Frederickson
Curtis M. French
Brian D. Frenzel
Thomas A. Fulham, Jr.
Edward F. Gallagher, Jr.
Bruce T. Garrett
Patrick M. Garrett
Alan C. Gault, Jr.
James F. Gay
Gregory W. Gebhardt
Paul S. Giarra
Ronald M. Gibbs
David H. Gibbons
Steven M. Glover
Douglas T. Gordon
Leonard A. Goreham
Michael P. Gracey
David G. Grau
Kerry D. Greene
Daniel E. Griffin
Hines N. Griffin
Jan W. Gripp
Edmund S. Gross
Austin B. Gunsel
William F. Hackett
Karl A. Hadley
Donald L. Hafer
Dennis K. Hakin
Peter G. Hanson
John T. Hardin
Joseph A. Harland
Raymond M. Harris, Jr.
Donald D. Harvey III
Franz Hatfield
Frederick R. Hearty
Michael C. Heck
Frederick G. Heppner
John M. Herzog
James R. Hess
Ronald C. Hessdoerfer
Gordon Heyworth
James A. Higbie
Peter L. Hilbig
Gordon R. Hill
Larkin D. Hipp
Henry R. Hitpas II
Robert N. Hobbs
Louis A. Hoffman, Jr.
Paul Edward Holley, Jr.
Robert C. Holmes, Jr.
Ronald D. Honey
Dennis D. Horsell
Nathan A. Horowitz
John M. House
Mark A. Housel
Kevin M. Huban
Leonard W. Huck, Jr.
William A. Hudson
William G. Hudson III
Anthony L. Impellitteri
Eric B. Jackson
John E. Jackson
Jack W. Jahn
Christopher P. Jamison
Thomas M. Jaskunas
Garrison W. Jaquess
William V. Jenkins
William E. Jennings III
Andrew A. Jensen
Martin W. Johnsen
Kenneth R. Johnson
David B. Jolly
Thomas H. Jones
William B. Jones
Peter L. Kallin
George J. Karlsven, Jr.
Walter J. Kasianchuk
Michael E. Kassner
Roger L. Kave
John M. Kearney
James F. Keim
Douglas W. Keith
Christopher J. Kemper
James B. Kendall
Kristopher M. Kennedy
Jared T. Kieling
Mark D. Kilmartin
Murray O. King, Jr.
Robert F. Kissling, Jr.
Patrick J. Klinker
Carl T. Knos
Richard F. Kodzis
Lawrence R. Krahe, Jr
Victor E. Kratzer
Richard F. Krochalis
Richard E. Kuhn
Terence P. Labrecque
William P. Larsen III
Michael P. Lazar
Daniel V. Leclair
David M. Laffoon
Milton D. Lane
Leopold H. Lemmelin II
John M. Lemmon
Raymond E. Leonard III
William H. Lewis III
Richard J. Liebl
George P. Lillard III
Stuart C. Lilly

Peter R. Lindsay
Jerry D. Lindstrom
David J. Llewellyn
Andrew F. Loomis
John B. Love
Rawlins Lowndes
George W. Lynn
Edward F. McClave
Daniel R. McCort
Harry J. McDevitt
Randal S. McDonald
Daniel McGrath
Daniel B. McGrath
James B. McKinney
William J. McKenney
Charles R. McLean
William D. McLean
James A. McCrae
John M. McCutchen
Brian L. McElmurry
Michael K. McEvoy
John M. McGrail
Gibson E. McMillan, Jr.
Scott J. N. McNabb
Breathitt R. McVay, Jr.
Robert C. Macdermid
William M. Machovina
Bruce K. MacLean
Steven M. Macpherson
Larry G. Madison
Gregory A. Major
John P. Makin
Nicholas A. Malarchik
Patrick J. Mallon
Paul F. Malloy
Michael W. Mann
Bruce D. Mason
Lee C. Mason II
William T. Matthews
Michael T. Meagher
Frank B. Mease
James Meetze
Charles F. Mello
Peter N. Mikhalevsky
Francis R. Miller
Michael W. Monkhouse
Leland R. Montgomery
Mark S. Moranville
James W. Morgan
John B. Morgan
Donald S. Morrison
Martin L. Morrissey
Lawrence J. Morse
David R. Mortensen
Robert G. Morton
Sammy Lee Moser
James N. Mullican
Timothy R. Murphy
Groege W. Myers, Jr.
Fred H. Naeve, Jr.
William M. Naylor
William D. Needham
William R. Netro
Russell S. Noble
Lynn W. Norden
Timothy J. Norrbom
John W. Norris
Stefan A. Nyarady
Philip J. O'Brien
John T. Oconnell
Arthur J. Ogrady
Clifford M. Olson
Ernest G. Ovitz III
Steven W. Palmer
Richard S. G. Park
Timothy A. Patton
Douglas T. Peart
Andrew J. Peck
Kenneth A. Pedone
Kenneth W. Peters
Mark A. Pickett
Russell A. Pickett
Edward W. Pinion
Rand R. Pixa
Richard P. Pope
Francis J. Popek
Carl R. Porterfield
William O. Poston
Jeffrey P. Powell
George L. Powers
Michael K. Price
William R. Price III
Larry R. Prill
Jeffrey D. Pulis
Michael N. Quarles
Donald R. Quartel, Jr.
Paul F. Quinn
Thomas L. Reeder III
Michael C. Rees
Jerry D. Reeves
James R. Reisdorfer
Jeffrey A. Reise
David P. Reistetter
Donald L. Reppert
Robert T. Rich
Howard V. Richardson III
Richard P. Riley
Thomas E. Ritchie
James A. Robb
Steven N. Robinson
Dennis E. Rocklein
Jeffrey L. Roddahl
Willard P. Roderick
Steven L. Romine
Christian Rondestvedt
Thomas W. Rossley
John H. Rothwell
Peter S. Rothwell
Siguard K. Rottingen
James S. Rountree
James W. Roush
Gerald M. Rowe
Glenn H. Russell
Wililam D. Russell
Jeffrey B. Ryan
William P. Ryan, Jr.
Jack G. Salyer
Thomas B. Salzer
Gregory L. Sample
Robert J. Sanders, Jr.
John B. Santino
Michael Sarraino
Marc Schaefer
Frederick J. Scheibl
George S. Scherer
Gregory J. Schlass
James M. Scholz
John M. Schooley
William Schopflin II
Donald E. Schrade
Randall C. Schultz
Murray J. Scott
Dean G. Sedivy
Robert N. Seebeck
Michael J. Seeley
William A. Seiss
William W. Selman
David M. Sevier
Siegfried L. Shalles
James T. Shaw III
John D. Shaw
Jon V. Shay
Richard W. Shriver
William H. Shurtleff IV
Philip W. Signor III
Irving Silver
Terrence C. Silverberg
Charles C. Simpson III
William M. Simpson, Jr.
Michael J. Sise
Donald E. Sliwinski
Joseph W. Sloan, Jr.
John A. Slusser
Charles E. Smith
Glenn R. Smith
Leigh R. Smith
Loren W. Smith
Robert E. Smith
Scott M. Smith
Dale O. Snodgrass
Richard E. Snook
Michael G. Somadelis
George F. Sparks
George E. Spaulding
Scott L. Speicher
Charles W. Spradlin, Jr.
Donald C. Stanton
Richard D. Stark, Jr.
John A. Stauter, Jr.
Howard L. Steele III
John E. Steele
Peter W. Steele
Rodney C. Steffens
Kenneth M. Stein
Clyde E. Sterling
Don T. Stevens
John R. Stewart, Jr.
Jeffrey L. Stine
Jeffrey M. Stone
Bradley D. Storm
Kevin S. Stotmeister
Michael Strong
Lawrence W. Strunk
Joseph Stusnick III
David B. Sutton
Jhan C. Swanson
Anthony G. Tamaccio
Bradley S. Tammes
Daniel F. Tandy
Terry A. Tarantino
Dennis L. Teitsworth
Richard C. Tennant
Nicholas J. Tennyson
Timothy L. Thickstun
Thomas W. Thiesse
Michael R. Thomas
John A. Thomson
Charles L. Threet, Jr.
Terran J. Tidewell
Frank A. Titus II
Michael R. Tofalo
James M. Tompkins
David M. Torbenson
Joseph E. Torgesen
John R. Traughber
Michael D. Trudeau
Anthony J. Twardziak, Jr.
Paul E. Tyre, Jr.
Jay P. Unwin
Peter M. Vandyk
Jerome J. Vanparys
Thomas G. Vetter
Dennis A. Vidmar
Kenneth A. Vincent
Michael P. Vincent
James C. Voter
Paul J. Vuchetich
Wayne L. Wagoner III
John G. Waldmann
James R. Wallace
James A. Walters
Charels R. Waters
Michael A. Wathen
Ralph S. Watts
Stephen F. Waylett
Gregg C. Weatherly
Walter L. Weber
James A. Werner
Paul D. Wesley
Lynn G. Wessman
Robert A. Wesolowski
James R. Wheeler
David G. White
George W. White
Millar J. C. White
William S. White
William T. White
Norman R. Wright
William J. Willkie
Herlis A. Williams, Jr.
John P. Wilmeth
Dallas G. Wilfong III
Paul S. Winberry
Neil S. Wingert
John S. Woodward
James R. Worth
James L. Wright
Richard C. Wright II
Robert J. Wright
William D. Wright, Jr.
Joseph C. Yancy, Jr.
Michael E. Yates
Robert W. Yerkes
William A. Young
Petter C. Zackrison
Ralph C. Zagrabbe
Philip L. Zeeck
Howell C. Ziegler
William R. Zeird

The following named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Jonathan F. Davies
Julius W. Eickenhorst
Richard I. Glasgow

Stephen A. Grzenda (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Michael W. Law (civilian college graduate) to be a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Bruce D. Noonan (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 20, 1972:

DEPARTMENT OF LABOR

Michael H. Moskow, of New Jersey, to be an Assistant Secretary of Labor.

U.S. ARMY

The following-named officer for appointment in the Regular Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general, Veterinary Corps

Col. Charles Van Loan Elia, [redacted], Veterinary Corps, U.S. Army.

U.S. NAVY

Vice Adm. David C. Richardson, U.S. Navy, for appointment to the grade of vice admiral on the retired list, pursuant to title 10, United States Code, section 5233.

Rear Adm. George C. Talley, Jr., U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Robert L. J. Long, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

The following-named officers of the Naval Reserve for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

LINE

Judson L. Smith
Anthony A. Braccia
John D. Gavan
Robert A. Hobbs
Burnett H. Crawford, Jr.
Hugh R. Smith, Jr.

MEDICAL CORPS

David B. Carmichael, Jr.

SUPPLY CORPS

Raymond Hemming
Bernard S. Browning

CHAPLAIN CORPS

Mark R. Thompson

DENTAL CORPS

Roman G. Ziolkowski

IN THE AIR FORCE

The nominations beginning John R. Carlson, to be major, and ending Ralph Zimmerman, to be major, which nominations were received by the Senate and appeared in the Congressional Record of Mar. 2, 1972.

IN THE ARMY

The nominations beginning Royal E. McShea, to be colonel, and ending Glenn M. Melton, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Mar. 2, 1972.

IN THE NAVY

The nominations beginning Kevin M. Alaspa, to be ensign, and ending Michael W. Patterson, to be permanent lieutenant (junior grade) and temporary lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Mar. 2, 1972;

The nominations beginning Robert W. Abel, to be captain, and ending Johanna L. H. Young, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on Mar. 2, 1972; and

The nominations beginning Frederick W. Chapman, to be commander, and ending Richard S. Geary, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on Mar. 2, 1972.

IN THE MARINE CORPS

The nominations beginning Dorsey J. Bartlett, to be colonel, and ending Albert Pitt, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on Mar. 2, 1972.

EXTENSIONS OF REMARKS

DIRECTOR OF BICYCLE INSTITUTE OF AMERICA TESTIFIES BEFORE HOUSE PUBLIC WORKS SUBCOMMITTEE IN SUPPORT OF H.R. 9369

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. KOCH. Mr. Speaker, last year the country was swept by a tidal wave of enthusiasm for bicycling and I predict that with the arrival of spring we will find millions of adults riding their bikes daily to and from work. Bicycling sales are climbing dramatically with an estimated 10 million bikes to be sold this year, up 2 million over last year and almost triple the sales of 10 years ago. There are now an estimated 73 million Americans who ride bikes, and the percentage of bike riders who are adults is climbing.

The bicycle, mechanically very simple, is a remarkable vehicle: it emits no pollution, makes no noise, takes up little room, and even has physical and mental benefits for the rider. And when provided their own bicycle lanes, bikes have a very low accident rate.

There is a danger, however, for cyclists when they are forced to compete with cars and buses in heavily congested streets. And thus, if bicycle transportation is to be encouraged, we need to develop exclusive bike lanes and paths.

Last week John Auerbach, director of the Bicycle Institute of America, appeared before the House Public Works Roads Subcommittee now considering highway legislation. He spoke in support of my bill, H.R. 9369, to permit States and localities to use highway trust fund moneys for the development of bicycle lanes and paths, the construction of bicycle shelters, and the installation of bicycle traffic control equipment.

I should like to place in the CONGRESSIONAL RECORD his excellent statement that examines the need for Federal assistance to help maximize the potential of bicycle transportation, the initiative taken by States to construct bicycle paths and facilities, and the benefits that will accure to all Americans, including the automobile drivers, from better cycling opportunities. Indeed, Mr. Auerbach notes that such auto-oriented groups as the American Automobile Association are supporting bike facilities programs.

I recommend Mr. Auerbach's statement to our colleagues and I hope that the Congress can approve H.R. 9369, which would benefit our Nation's transportation system, the environment, and most of all, the public.

John Auerbach's statement of March 15 before the Roads Subcommittee follows:

TESTIMONY OF JOHN AUERBACH, EXECUTIVE DIRECTOR, BICYCLE INSTITUTE OF AMERICA, INC., BEFORE THE COMMITTEE ON PUBLIC WORKS IN THE MATTER OF H.R. 9369

Mr. Chairman, honorable members of this committee:

My name is John Auerbach. For the past 26 years I have been Executive Director of the Bicycle Institute of America, a trade association representing the domestic bicycle industry. During that quarter of a century I have seen bicycle popularity grow enormously in both dimension and character.

In 1949, total bike sales in America were about 1.5 million and almost all of them were thought of as toys for children. By 1971, sales had jumped to more than 8.8 million, with nearly half that number being rightfully regarded as recreational and transportation vehicles for young adults and adults from 16 to 65. This year sales are expected to exceed 10 million. There are over 73 million cyclists in America today. They are legitimate road users and road sharers.

History has a way of repeating itself, and we in the bicycle industry have come full circle. Back at the turn of the century it was a bicycle man, Col. Albert Pope, founder of the Columbia Manufacturing Company, who pioneered in the movement for a better network of roads for bicycles and automobiles Naturally, if there were more highways, more people would drive cars. And bicycle enthusiasts know today, as did their forebears almost 100 years ago, that riding space is the basic essential for bicycle expansion.

This basic essential has never been more obvious and more pressing than it is today. The bicycle has come of age, and millions of American cyclists from all walks of life and from all age groups, are once again pressing state, federal and local legislators . . . not for more roads for cars, but for more bikeways, paths and trails for bikes.

This has become one of the most powerful grass roots movements that has ever been associated with any industry. It is truly an amazing phenomenon.

Times are changing, and our industry is now selling bikes to whole new classes of riders . . . adults and youngsters alike . . . who are no longer content with a simple ride around the block. They want to go places and do things, and since cars have preempted the use of many highways, riders are demanding equal access to the roadspace . . . they are demanding recreational bikeways, scenic trails and commuter bike routes.

And why not? Why shouldn't they have them? There are probably more cyclists in America today than their are motorists; why shouldn't they have the facilities they need to ride in safety and pleasure, and those which satisfy their aesthetic and recreational needs as well. This national attitude prepresents a major breakthrough in American thinking.

People are saying "Yes" to bikes . . . yes for health and fitness, yes for recreation, yes for transportation, yes for ecology, and a resounding yes for all those seeking a better and happier way of life.

This national approval is manifest in the thousands of requests we have received for help in establishing new bike facilities, and through the Bicycle Institute we *have* helped thousands of people—educators, recreation specialists, traffic experts and just plain citizens—we have helped them with booklets, proposals, bikeways plans and a hundred other self-help materials, as well as with our advice and counsel by mail, on the phone and in person.

Did I say there is national approval for bikes? It is more like a national love affair. It shows up in the countless bills, proposals, resolutions and directives that have funded and established bikeways, paths, trails and other facilities all over the country, by the thousands of people who have sought our help and were willing to be guided by us in their efforts.

This grass roots movement has produced remarkable results. Oregon adopted House Bill 1700, which provides 1% of highway tax money to be made available to communities for the construction and maintenance of bike and pedestrian paths. The State of Washington had adopted Senate Bill 33, which appropriates 1% of highway fuel tax money for the same purpose. Similar bills have been introduced in the state legislatures of California, Nebraska, Massachusetts, Maryland, Michigan and Arizona. All of them have excellent chances of becoming law, and all of them call for providing additional cycling and walking facilities in programs funded by highway fuel tax funds.

Highway trust funds are no longer conceived to have the narrow purpose of satisfying automotive traffic needs alone. They are no longer so conceived by the various states and by the people, and I respectfully submit that they should not be so considered by this august committee, because, as I have already mentioned, bicycles *are* legitimate users of the roads provided for individual transportation.

Cycling for health and fitness, cycling for family recreation, cycling for pollution-free transportation is a burgeoning American Phenomenon. It will not simply go away if it is ignored. It will continue to grow.

Our industry estimates sales of nearly 10 million units in 1972. Even a modest 5% annual increase in sales, compounded yearly will bring a staggering 15 million-plus sales in 1980, perhaps involving over one hundred million Americans by that time.

These millions of cyclists must have adequate riding facilities. Increasing numbers of them are and will continue to use the bicycle as a fast, convenient, economical means of short-haul transportation in and around our great urban centers. Facilities must be provided for them so that this popular form of transportation will remain as safe as it is convenient.

Federal funds must be made available for separate paths where that is practical, for separate lanes on existing roads, where that is practical, for marking and signing devices, for feasibility studies of various routes, for traffic and safety education, for parking facilities and for massive bicycle registration programs to help prevent theft.

The argument has been presented that bicyclists don't pay any highway use taxes, so why should they share in highway trust fund revenues. I respectfully submit that this argument is fallacious. Bicyclists and their families already own at least one and in many cases two automobiles that more than pay their own way. The bicycle is not supplanting the automobile . . . increased bike sales are not cutting down automobile sales. Rather, motorists are also buying bikes to be used along with, not instead of their cars. Indeed, even such auto-oriented groups as the American Automobile Association are supporting bike facilities programs.

But even if this were not true, the argument would still be invalid. If it were not, the childless family should not be taxed to support a school system it does not use; the man who has neither committed a crime nor been the victim of one should not have to support the police department. There is no need to continue the argument any further.

Obviously, the betterment of society as a whole is the issue; the promotion of the general welfare, if you will, and no group of citizens is exempt from either the benefits or responsibilities of that time-honored doctrine.

Mr. Chairman, there is no escaping the fact that bicycles belong. Bicycles are inextricably woven into the fabric of daily life in America. Indeed, they are a fact of life across the length and breadth of this great country.

Coming directly to the matter of the bicycle industry's support of H.R. 9369, we commend the Honorable Mr. Koch for his far-sightedness in seeing the growing need for federal assistance in the bike facilities program. We commend the vigor with which he defines the right of the cyclist to share the roads of America with automobiles, and we wholeheartedly endorse his oft-stated concept that providing separate facilities for bicycles on and near our roads will not only decrease the risks of accidents, but indeed, speed up, rather than slow down motorized traffic by separating it from the slower-moving bicycle traffic. This will be a boon not only to the cyclist, but to the motorist as well.

Mr. Chairman, I would like to list the following as just a few of the reasons why our industry supports the bill this important committee of the congress is studying today:

1. According to the Bureau of Outdoor Recreation of the U.S. Dept. of Interior, bicycle riding is one of America's fastest growing outdoor recreation activity. The Athletic Institute lists cycling as the nation's leading outdoor recreation activity, with nearly 73 million participants of all ages.

2. With American bicycles sales almost matching Detroit's output of automobiles, more and more bikes are competing with more and more cars for what seems like less and less riding room.

3. Increasingly, bicycle riding has become a strong family recreation activity. These cycling families need specially marked bike lanes, bike paths and trails, bikeways, bike parking racks and other facilities to help make their cycling experience safe, as well as pleasant and healthy.

4. The bicycle is the only known form of transportation that doesn't pollute the atmosphere. More commuter and recreational cyling should be encouraged—by providing more cycling facilities.

5. More cycling by Americans, which would be encouraged by the addition of more cycling facilities, would be in keeping with the health and physical fitness advice of the President's Council on Physical Fitness and Lifetime Sports, the American Medical Association, the American Heart Association, the American Association for Health, Physical Education and Recreation and many other such groups.

6. Experience in cities like New York, Chicago and Washington, D.C., and on Bikeways in almost all states, shows that where cycling facilities exist, they get used. Nearly 18,000 people of a total population of 24,000 in Davis, California, use that city's bikeway system every year. Over 728,000 cyclists were reported to have ridden the 320 mile statewide Wisconsin Bikeway in 1970, by the Wisconsin Department of Natural Resources. Scenic and historic Bikeways in Ohio, New Hampshire, Indiana, Kentucky, Illinois and Florida are considered among those states' most popular tourist attractions.

7. Bicyclists have always been independent souls, solving their own problems and going their own way, gathering support as best he could on the local level. He has not come often to Washington seeking federal aid. But as I have said, the times are changing, and with 73 million cyclists on the road today, and the probability that there will be at least 100 million of them by 1980, federal planning and federal assistance are now an absolute necessity.

8. Finally, Mr. Chairman, no new money is being asked for by this bill. No new taxes are proposed under its terms. The nation's bicyclists are merely asking for equal rights . . . for their share as legitimate users of the road, in the monies already provided for road development.

The Bicycle Institute of America most earnestly urges your favorable consideration of H.R. 9369.

Mr. Chairman, members of the Committee, thank you for your courtesy in allowing me the privilege of testifying this morning.

A NEW APPROACH TO THE PROBLEM OF WASTE OIL DISPOSAL

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Monday, March 20, 1972

Mr. BOGGS. Mr. President, our Nation faces a serious challenge in finding ways to dispose of waste lubricating oils without environmental damage. The Senate's water pollution control bill, S. 2770, includes a requirement that the Environmental Protection Agency undertake an analysis of the waste oil disposal problem and make a report of its findings to the Nation. The bill just reported in the House, H.R. 11896, contains similar language.

In addition, I am happy to note that EPA has initiated some research of its own, emphasizing the utilization of waste oil as a fuel. I applaud this initiative.

The problem of waste oil is not a minor one. To give my colleagues a better idea of the extent of this persistent problem, I quote a paragraph from the Senate report—92-414)—that accompanied S. 2770:

> The American people were greatly concerned at the damage created when a well discharged 60,000 barrels of oil into the ocean off Santa Barbara, California, in early 1969. According to calculations made earlier this year by EPA, that much used engine, machine, and similar oil is presently dumped into our environment every 36 hours.

Mr. President, a very interesting article has come to my attention on this subject. It appeared in the summer 1971 issue of the Ecology Law Quarterly. It is entitled "A Model Waste Oil Disposal Program in the Federal Republic of Germany." Because I believe this article is valuable for the further consideration of problems associated with waste oil disposal, I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A MODEL WASTE OIL DISPOSAL PROGRAM IN THE FEDERAL REPUBLIC OF GERMANY

(By William A. Irwin* and Wolfgang E. Burhenne**)

Industrial societies cannot easily eliminate dependency on oil as an energy source, but they can mitigate the harmful results of fossil fuel addiction. Besides air pollution and major oil spills, a prime environmental cost of oil consumption is improper disposal of waste oil. Slow acting bureaucracies and red tape contribute to the problem and provide little incentive for proper regulation. In this article, the authors note some hazards of improper disposal of waste oil and describe Germany's attempt to alleviate the problem. The Federal Republic of Germany has developed a fairly efficient system of waste oil regulation which includes government financial support for proper disposal of used oil and tax incentives to use regenerated oil. They also note some of the law's defects and suggest improvements. Although the idea of such regulation is known to other industrial nations, to date few have acted on it.

In 1968, with the passage of the Waste Oil Law, the Federal Republic of Germany established a program to assure safe disposal of waste lubricating oils. Private firms contract with a federal office to collect waste oils from anyone having more than 200 liters (about 53 gallons) who requests this service. The contractors' costs are covered by payments from the federal office based on the amount of waste oil disposed of without contributing to pollution of the environment. More is paid for reprocessing the waste oil than for burning it. The payments are made from a fund which is supported by a special assessment collected from oil producers and importers. These suppliers pass this added cost along to users of oil at the rate of about one and a half cents per liter. The Waste Oil Law also provides for keeping records of oil disposal and for supervision of disposal methods. This Article describes the provisions of this law and the experience during its first two years in operation. The Article then offers suggestions for improving the German program and recommends adapting it in other industrialized nations.

I. THE ENVIRONMENTAL THREAT OF IMPROPER DISPOSAL OF WASTE OIL

Oil tanker collisions and oil drilling blowouts[1] are spectacular events which introduce large quantities of petroleum into the environment. Such events are well recognized for their serious adverse environmental effects. A more insidious source of oil pollution exists in the daily discharges of oil which has been used but not consumed.[2] These discharges multiply with the increasing use of oil.

The improper disposal of waste oils is a serious environmental and public health problem for several reasons. First, it places excessive demands on the level of dissolved oxygen in the water supply. The oxidation of one liter of oil dispersed in a water mass would deplete the oxygen dissolved in 400,000 liters of sea water.[3] To emphasize this point, it is worth noting that shipping on the Rhine and its tributaries generates an estimated 10,000 tons of waste oil annually.[4] Until recently, a large portion of this oil was discharged into these waters.

A second reason for concern about improper disposal of waste oil is that oil discharges into surface water restrict the ability of natural organisms to break down wastes and impair the water's natural re-aeration processes by covering it with films. These effects hinder the water's self-purification capacity.[5] Fish suffocate from the resulting lack of oxygen, and the oil films themselves often cause the death of birds and plants along the water's edge.

A third reason for concern is that the breakdown of carbon compounds contained in oil is a very slow process.[6] Since oil tends to spread out over a large surface area when discharged into waterways, the resulting disadvantages for public water supply are often profound. One milligram of waste oil in a quart of water makes it unpotable, and most people can smell and taste concentrations of less than .01 mg./quart.[7] These concentrations cannot be removed by normal waste-water treatment facilities and are extremely costly to eliminate in public water supply plants.[8] Furthermore, larger concentrations

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Footnotes at end of article.

may severely impair the efficiency of waste-water treatment facilities so that oil pollution can be indirectly responsible for the introduction of other contaminants into the water supply. Both municipalities and industries which depend on public water supplies suffer the external social costs of improper waste oil disposal.

Even more significant than the potential economic loss is a fourth reason for concern: waste oil discharges into surface waters tend to introduce into the human diet lead and other poisonous substances, some of which may be carcinogenic.[9] Phenols[10] are themselves poisonous and during oxidation they may form peroxides.[11] Other reactions in the water may produce naphtha acids which attack the nervous system.[12] The polyatomic aromatics naturally occurring in raw petroleum have carcinogenic characteristics, but these are eliminated by refining processes so that waste oils usually would not contain them.[13] However, such aromatics can be formed during combustion—they have been discovered in automobile exhausts, for example,[14] and could thus appear in waste oils. Like radioactive materials, such poisonous substances can concentrate in aquatic organisms which constitute an important link in the food chain.[15] Just as small concentrations of oil will often make water undrinkable, oil's characteristic taste and smell can make fish inedible.[16] Fortunately, in many cases, the unpleasant taste resulting from small concentrations of oil deters people from consuming many of these substances.

Improper disposal of waste oil causes additional environmental problems for land,[17] water, and air. If waste oil is spread on land, the soil becomes unsuited for cultivation.[18] Micro-organisms in the soil have a limited ability to decompose many types of oils.[19] Furthermore, the oil frequently filters into ground water aquifiers,[20] for example, from dumps, often spoiling them permanently.[21] Finally, evaporation from waste oils deposited on land, or from films on the surface of water, contributes hydrocarbons to atmospheric pollution. The environmental and public health hazards enumerated above can be avoided by a comprehensive program of waste oil collection and disposal utilizing proper incineration or regeneration processes.

II. WASTE OIL DISPOSAL PRACTICES IN GERMANY AND OTHER EUROPEAN ECONOMIC COMMUNITY NATIONS PRIOR TO 1968

Thirty-five years ago Germany began encouraging the regeneration of waste oil by using governmental subsidies.[22] The initial reason for this policy was to reduce national expenditures for importing raw materials and to assure the existence of the regenerating business.[23] By 1953 Germany had switched from a direct subsidy to a tax preference, reducing the oil production tax by 15 Deutsche Mark (DM) ($3.75) for each 100 kilograms of regenerated oil.[24]

In 1964 the Council of the European Economic Community (EEC) directed the member nations to unify their import duties on oil and harmonize their provisions governing the collection and harmless disposal of waste oil.[25] In order not to violate Articles 92 and 95 of the Treaty of Rome[26] in the process of revising its laws, the German federal government abandoned its tax preferences to regenerating businesses and offered financial assistance instead at the rate of 22.90 DM ($5.70) per 100 kilograms reprocessed.

The Netherlands objected to this measure, claiming it would distort competition and hinder commerce among the member nations.[27] In investigating the objection, the EEC discovered that France and Italy gave tax preferences, as Germany had done until 1964. France's policy was to protect regenerating firms, partly to alleviate shortages of oil resulting from crises in the Middle East.[28] Italy based its preferences on the principle that since oil production is taxed in the first instance, it is unfair to tax the regeneration of waste oil.[29] The EEC also learned that the Netherlands did not collect a tax on regenerated oil products and that neither Belgium nor Luxembourg gave any kind of financial support to the reprocessing industry.[30] These countries' provisions governing regeneration have remained essentially the same since 1964.[31]

Meanwhile, in 1967 the Federal Parliament of Germany realized how expensive the pre-1964 tax preferences had been: in approving the budget committee's allocations to cover the new financial aid requirements, it was able to reduce the subsidy rate from 22.90 DM to 19.50 DM per 100 kilograms of regenerated products. It rejected the budget committee's suggested sharper reduction on the grounds that it would jeopardize the intended objective of environmental protection.[32] Later, the annual increases in the amount of waste oil which seemingly disappeared caused the parliament to reconsider its environment policy.[33]

The Parliament learned that the subsidy was effective only in heavily industrialized areas where the collectors' transportation costs were relatively low. The less densely populated areas were inadequately serviced by waste oil collecting firms because, under the subsidy system, the collectors could refuse wastes which were unprofitable to reprocess or to collect. The financial assistance was likewise insufficient to encourage private enterprises to invest in the expensive equipment necessary for either burning or regenerating.[34] In addition, the public depositories and waste-incinerating facilities were inadequate. Local and state regulations prohibiting the dumping of oil-containing wastes into sewer systems were difficult to enforce, as were federal and state water law provisions prohibiting discharges of bilge waters and other harmful substances.[35]

These circumstances indicated the need for a new approach. The result was the *Altoelgesetz*, the Waste Oil Law, of December 23, 1968,[36] which repealed the federal financial assistance provisions and established a comprehensive collection and disposal system based on the principle that those responsible for a threat to the environment should bear the cost of resolving the problem.

III. THE 1968 WASTE OIL LAW

A. Special reserve fund for free collection of waste oil

The new Waste Oil Law creates a special federal reserve fund[37] to absorb the cost of waste oil reprocessing. This fund is supported by a compensation tax of 7.50 DM ($2.10) per 100 kilograms, to be paid by all those who produce or import designated kinds of lubricating oils.[38] Most of these suppliers pass this assessment along in higher prices to their customers at the rate of about one and a half cents per liter, thus bringing the financial burden of waste oil disposal to rest on those who are ultimately responsible for it. A few producers have so far absorbed the additional expense themselves in order not to jeopardize their competitive standing.

The Federal Office for Trade and Industry, an executive office of the Federal Ministry for Economic Affairs, administers the fund and deducts its administrative expenses from it.[39] The rest of the fund is reserved for payments to collectors who obligate themselves in contracts with the federal office.[40] Payments from the reserve fund cover collection, transportation, and disposal costs.[41] The federal executive office pays 12 DM ($3.33) per 100 kilograms for reprocessing into lubricating oil, 10.20 DM ($2.83) per 100 kilograms for reprocessing into other substances, such as heating oils, and 10 DM ($2.78) per 100 kilograms for incineration. The law authorizes payments in addition to these normal rates for unusually difficult collection or disposal situations or for extra equipment made necessary by the law.[42]

The collecting contractors can be private enterprises or public corporations. They must dispose of the waste oil without harming waters or soil and without contributing to air pollution—either by reprocessing the oil or burning it.[43] They must collect all waste lubricating oils, including sludges and emulsions, from anyone within the districts for which they have contracted. Hence, anyone in West Germany, including West Berlin, is entitled to have any amount of waste lubricating oil over two hundred liters collected free of charge provided it contains less than ten percent foreign matter. This right is enforceable directly against the federal executive office.[44] If a customer does not yet have two hundred liters, the contractor must prepare for later collection, for example, by leaving him a container.[45] If the customer's oil contains more than fifteen percent foreign matter—such as water, lead, rust, combustion particles, additives, or metal rubbings—he must either pay the collector's charge for extracting the foreign materials or separate the pure oil from the dirty oil in order to reduce this charge. In either case the contractor is obligated to collect the oil.[46] Failure to warn the collector that waste oil contains substances which may be dangerous to destroy creates liability for any accident which may result.[47] The significant point, of course, is that the collection of used oil with ten percent or less foreign matter is free of charge.

B. The supervisory system and the penalties

The Waste Oil Law contains several provisions designed to assure thorough supervision and enforcement. In order to assure accurate measurement of the total amount of fresh oil, the importers and producers who are obligated to pay the 7.50 DM per 100 kilograms compensation tax[48] are required to permit customs and other federal officials to examine all information pertaining to the implementation of the law.[49] If a producer or importer refuses to provide the necessary information, the federal office may estimate the total compensation tax he owes.[50]

In addition, the law authorizes government officials to examine inventories and to enter business facilities, offices, or other property. In the extraordinary case, where it is necessary to "prevent imminent danger to public safety and order," the authorized government official may inspect the living quarters of persons required to give information in order to examine business records and make inspections or tests.[51] A producer or importer is not required to answer self-incriminating questions, however.[52]

Both importers and producers must pay either oil duties or taxes to the Finance Ministry under other laws, thus providing a means of double-checking the accuracy of reported information. The Waste Oil Law directs the customs officials, who inspect all oil imports, to assist the federal office in determining the proper compensation tax for the Reserve Fund.[53]

All collection contractors must keep a continuous record of the kind, amount, and means of disposal of all oils.[54] This rule also applies to any other establishment which may or will in fact generate over 500 kilograms of oil which, due to excessive impurities or for other reasons, is not eligible for free collection.[55] Any establishment responsible for keeping these records must show them to state government supervisory officials and give them any other information requested pertaining to disposal.[56] The same provisions exist for investigating un-

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cooperative collectors as exist for producers and importers.[57] If a business can be adequately supervised by other means, however, such as by examination of its oil tax payment records, it may apply for an exemption from the record-keeping requirement.[58] If a person has no waste oil other than that which must be picked up free by a collection contractor, he need not keep such records since it is assumed that he would have no reason to dispose of his oil illegally. Those who do not maintain the required records, who refuse to produce requested information or records, or who do not permit tests, oil samples, or inspection of business records by authorized officials may be fined up to 10,000 DM ($2,778) per violation.[59]

In addition, to protect against unwarranted probing expeditions, the Waste Oil Law provides penalties for breach of professional secrecy. Information gained from waste oil disposal supervision cannot be used in a tax collection proceeding.[60] Furthermore, anyone who divulges trade secrets which he discovered during the process of supervision is subject to fine and up to two years' imprisonment.[61]

C. The waste oils covered by the law

The waste oils covered by the law are defined as "used mineral oils and used liquid mineral oil products as well as mineral oil-containing wastes from storage, business and transportation receptacles." [62] Liquid mineral oil products include diesel or internal combustion fuels and heating oils. Technically, gasoline is not included, but some is unavoidably collected. Oil-containing wastes are produced, for example, by motors, engines, compressors, transmissions, cylinders, axles, transformers, and cable or circuit breaker insulations. The law's definition of oil wastes encompasses deposits which result from cleaning heating and fuel oil tanks or oil separators.[63] Although oily bilge water from river boats must be collected free of charge,[64] the discharge of bilge water at sea remains an unsolved problem.

IV. TWO YEARS' EXPERIENCE UNDER THE LAW

The experience under two provisions of the Waste Oil Law provides a good foundation for a brief discussion of the first two years of the law's operation. These two provisions are that the Minister for Economic Affairs may alter both the payment rates and the compensation tax rate.[65]

Both the regenerating and incinerating industries argued strongly for an increase in payment rates, commencing in 1971, which was the first opportunity for an increase allowed under the law. The Ministry responded by requesting an examination of the complete records of the enterprises involved. The incinerators' records indicated that those which burned liquid- and solid-containing wastes separately made a profit while those which burned the wastes together did not. On balance, the Ministry decided that no change in the payment rate for incineration was necessary. Meanwhile, the regenerating refineries have not yet presented their books, but have ceased their demands for higher payment: one can reasonably conclude that their profits are sufficient to create a fear that the Ministry might reduce the payment rates rather than increase them. Refineries, after all, can sell their reprocessed end products to help cover their costs.

At the beginning of 1969, it was generally thought that the compensation tax rate of 7.50 DM per 100 kilograms would be insufficient to support the Reserve Fund. In fact, that rate has proved ample. So strong was the fear among producers and importers that the rate would be increased by amending the law that some of them purposely reported and paid for more oil in 1969 than they actually had produced [66] in order to avoid the expected rate increase in 1970. The Ministry had no legal basis for investigating what the producers' end-of-1968 inventories actually were, because the law did not become effective until January 1, 1969, and thus could not verify these exaggerations. Ultimately, since the tax rate did not increase, only the firms involved in the over-reporting scheme lost.

When the law took effect, there were eighteen refineries equipped to regenerate waste oil and three or four incinerating enterprises. Although the number of incinerating plants increased to eight by the end of 1969, most of that year's total payments went for reprocessing. In 1970 the ratio of reprocessing to burning was five to one,[67] but the incinerators had gained in their share of total payments received. No one requested payments for leaving waste oil at approved depositories, although a small amount was so deposited. By December 1, 1970, there were seventeen contracting refineries and ten incinerating businesses with total yearly disposal capacities of about 350,000 and 100,000 tons respectively. More than three-quarters of these are private enterprises.

The federal office has arranged for more than one collector to be responsible for an area, with the result that collectors have been forced for competitive reasons to lower the charges they initially announced for collection of oil containing more than ten percent foreign substances. Indeed, competition for collecting clean waste oil is so intense that one hears reports of collectors paying to take it away, rather than merely collecting it without charge.

The incinerators are equipped to burn solvents, acids, lacquers and other substances which present disposal problems; however, harmless disposal of the oil has been more difficult for the incinerating plants than for the refineries, which can regenerate the oil by chemical processes that do not emit air pollutants.[68] Initially, it was thought that burning the waste oil at temperatures of 1,200 degrees Centigrade would melt all combustion particles and cause them to run harmlessly down the side of the incinerator. Tests have shown, however, that some of the incinerating plants' emissions regularly exceed applicable emission limits. Since air-pollution control authorities carefully observe such plants, incinerating firms whose waste oils frequently cause such excursions will either have to install expensive electrostatic precipitators or face fines and possible shutdown for violating the air pollution laws. The federal office has promised to increase the payment rates to firms which have encountered this difficulty in order to ameliorate a high investment in control devices.

Some incinerating enterprises attempted to increase the subsidies paid to them by more devious means. Clean heating oil is normally used to start and warm up the incinerators to their effective temperatures. Instead of piping the clean heating oil through the special, unmetered pipe, the enterprises pumped this heating oil through the metered pipe which recorded total tons of waste oil burned. Had the federal office not discovered this practice, these incinerating firms would have received unwarranted payments for counting the heating oil as waste oil and would have thereby reduced their operating expenses. Since there was no way of distinguishing meter records of waste oil from meter records of clean oil, the Ministry for Economic Affairs instituted proceedings to recover all 1969 payments made to the firms involved.

The federal administration of the Reserve Fund is inexpensive. Where, in the Federal Republic of Germany, federal laws are administered by state officials in the various states, the need for extensive federal supervision is eliminated. After two years of operation, only 1.7 percent of the fund's total income of 81,200,000 DM (about $22,555,500) had been used for administrative costs. Only nineteen persons—three officials and sixteen chemists, technicians, drivers, and laborers—are directly involved with administering the Waste Oil Law. However, this administrative system has its disadvantages. Nearly two and one-half years after the law became effective, some states had not yet named their supervisory personnel. Because of this, and because the Ministry for Economic Affairs first wished to observe the operation of oil collection and subsidy payments, it failed to provide the necessary blank record books,[69] which are crucial to state supervision of waste oil disposal. It is expected that this impasse will be broken in 1971.[70]

Representatives of industry have complained that the Waste Oil Law does not provide for payments to individual plants for the disposal of their own oil.[71] The possibility of including such provisions was discussed and rejected by those who drafted the law. They reasoned that the money and supervisory personnel were inadequate to police effectively the many disposals and that greater efficiency and safety could be achieved by concentrating disposal in a few installations.[72] An industry can dispose of its own oil if it agrees to be responsible for a collection district and maintain complete disposal records—an operation which, so far, only one company has been willing to undertake. Because no insurance company will insure the risks involved, the consequent liability for any damage the firm causes in disposing of the oil has deterred many firms from assuming such a contract for a district.

V. A PRELIMINARY ASSESSMENT AND SOME SUGGESTIONS

Before 1963 much waste oil remained unaccounted for in West Germany.[73] The impact of the Waste Oil Law and its record-keeping system is not yet fully evident, although it is known that 30,000 more tons of waste oil were disposed of properly in 1970 than in 1969.[74] It is still too early to determine precisely the effect it has had on the environment—Germany's surface and ground waters and soil. Hopefully, as the supervision system is implemented, the degree of reduced damage to the environment should become clearer. Meanwhile, progress is needed toward reducing loopholes in the system through which oil wastes can escape unchecked.

Even with complete supervision under the Waste Oil Law, the law cannot assure complete and accurate reporting for a certain amount of waste oil, such as that which is reused or illegally dumped. Two-cycle boat engines burn a quantity of waste oil; some industries reuse oil for heating or lubricating purposes. Dumping oil from boats on inland lakes [75] and rivers is prohibited by Germany's federal and state water laws, but enforcement is difficult. Moreover, it is nearly impossible to prevent the private citizen from dumping the oil he drains from his car motor into a ditch under cover of night.[76]

Two of the four loopholes mentioned—industrial reuse and burning in two-cycle engines—pose little threat to the environment except to the degree that they cause air pollution or contribute to oil in bilge water. To render bilge water disposal harmless requires more organizations to finance collection boats and other facilities,[77] more effective patrolling by water protection police, and increased efforts to dissuade boat captains from taking the convenient course of simply pumping bilge overboard.

Preventing the private citizen from discarding his used motor lubricating oil into

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a ditch is a more difficult problem. Public exhortations to his civic conscience and closer police surveillance may help, but in themselves are probably insufficient. The federal office might publicize more widely that anyone who calls a collector is entitled under the Waste Oil Law to receive a receptacle. Perhaps it would be advisable to require oil companies to permit the sale of regenerated oil by their franchisers. This would enable the private citizen who wishes to buy the cheaper reprocessed oil to have his oil changed at a gas station, with proper collection facilities, rather than having to do it himself at home.[78]

In order to achieve the reduction of improper disposal of waste oil to near zero, it may be necessary to amend the Waste Oil Law's provision which now permits anyone to dispose of up to 500 kilograms of oil annually without having to account for it.[79] Similarly, it may prove realistic to spot-check those for whom collection would be free to determine their actual disposition of waste oil.

At first other EEC member nations expressed little interest in Germany's new waste oil disposal system. Recently, however, representatives from both France and the Netherlands have asked about it in sufficient detail to indicate they are considering the adoption of similar programs in their countries.[80]

The principles of the system need not be restricted to Europe's crowded circumstances. Experience in the United States indicates several unsound practices.[81] About forty percent of the 1.2 billion gallons of lubricating oil drained from American autos annually is reprocessed. Twenty percent is unaccounted for. The remainder is disposed of in ways harmful to the environment: use as road oil to kill weeds and control dust,[82] use by farmers to oil hogs as a pest control or skin curative measure,[83] dumping into sewers,[84] dumping onto the ground,[85] or burning. Since a small amount of waste oil will easily create a costly slick, it is unfortunate that the United States has not yet found the available means to support an adequate collection and disposal system.[86] The cost ratio of environmentally safe disposal to unacceptable disposal is one to two hundred.[87]

In 1970, Maine's legislature adopted a partial cure, the Maine Coastal Protection Fund, a "nonlapsing, revolving fund" available for use by Maine's Environmental Improvement Commission in supervising the transfer of oil from tankers and in inspecting the facilities used in the transfer and subsequent storage of the oil.[88]. The commission is authorized to license annually all "oil terminal facilities" for operation; [89] the license fees, as well as fines and other charges collected under the law, are credited to the fund.[90] The license fee is one-half cent per barrel of oil or petroleum products transferred, to be "paid monthly on the basis of records certified to the commission." [91] The fund covers the commission's administrative and personnel expenses and equipment costs, as well as the costs of oil spill clean-up, third-party damage claims, and state insurance.[92]

Although Maine's law is primarily an example of a response to the threat of oil spills,[93] it admirably implements the principle that those responsible for a threat to the environment should bear the expenses for disposing of the threat. Unfortunately, although the law's definitions encompass the problem of waste oil disposal,[94] facilities not engaged in the transfer of oil to or from the State's tidal waters are not covered by the law.[95] This means there is no comprehensive supervision to enforce the law's outright prohibition of discharging oil or petroleum products into coastal waters or lands or inland streams.[96]

Similar ineffective blanket prohibitions caused Germany to create its present system of contracting with waste oil collectors, assigning them districts where they must pick up normal waste oil without charge, and paying them for its safe disposal from a fund supported ultimately by the users of oil. These principles of self-financing, comprehensive and mandatory collection, payments for harmless disposal, and thorough supervision are workable in solving Germany's waste oil disposal problem, and appear well-suited for application to the waste disposal problems of the American states as well.

APPENDIX I

INCOME, ADMINISTRATIVE COSTS, AND DISPOSAL PAYMENTS OF THE WASTE OIL RESERVE FUND OF THE FEDERAL REPUBLIC OF GERMANY

[January 1969 to December 1970]

Year	Income (Deutsche marks[1])	Percent of income spent for administration[2]	Payments for safe disposal[3]	
			Deutsche marks	Tons
1969	39,200,000	1.2	[4] 23,000,000	[4] 191,000
			[5] 625,000	[5] 6,625
			[6] 150,000	----------
1970	42,000,000	1.7	[4] 22,800,000	[4] 189,000
			[7] 3,800,000	[7] 37,800
			[8] 370,000	----------

[1] From assessments paid by approximately 2,000 producers or importers of oil. $1 equals 3.6 Deutsche marks.

[2] This percentage represents the aggregate expenses, salaries, supplies, etc. of the total income of the fund to date.

[3] Excluding 11 percent turnover tax (Umsatzsteuer), which under German law must also be paid to the disposers from the reserve fund because the payments are made for services rendered.

[4] For reprocessing.

[5] For incinerating.

[6] For extra costs. Extra costs include, in addition to increased payments for especially difficult collection and disposal situations, contributions to disposers toward the price of installing specially developed devices which collect samples of the waste oil disposed of. These samples form the basis, after laboratory testing, for the payments they receive.

[7] For incinerating. As explained in the text, incinerating waste oil did not get under way until late 1969, thus the large increase in 1970 tonnage.

[8] For extra costs.

APPENDIX II

(Law Concerning Measures to Assure the Disposal of Waste Oil (Waste Oil Law) of 23 December 1968 (I Bundesgesetizbatt 1419) (translated by Author))

The Federal Parliament has passed the following law:

Part One: The economical assurance of waste oil disposal

§ 1 Reserve Fund.

(1) To assure the economical disposal of waste oil, a special federal fund is created with the name "Reserve Fund for Assuring Disposal of Waste Oil" (Reserve Fund).

(2) The Federal Office for Trade and Industry (Federal Office) is responsible for administering the Reserve Fund. The costs of administration are to be paid from the fund.

(3) The funds may otherwise only be used for payments according to §2(1) of this law.

§ 2 Purpose.

(1) Trade and other economic enterprises as well as public-law juristic persons located within the jurisdiction of the law which dispose of waste oils collected from others according to § 3(3) may receive payments for those costs not otherwise covered, if the waste oils are disposed of without harm to waters or soil and if air pollution, from which the general public and the neighborhood should be protected, does not arise. The Federal Minister for Economic Affairs, with the agreement of the Federal Minister for Health Affairs and in consideration of economic factors, shall determine by regulations what disposal methods, including regeneration, and what minimum level of continual payments may be used.

(2) The payments will be made by the Federal Office according to guidelines established by the Federal Minister for Economic Affairs. These guidelines should especially insure that:

1. the recipients of the payments obligate themselves to collect the waste oils according to §3 in districts determined by the Federal Office or to prepare for later pick-up;

2. collection and transportation costs are part of the disposal costs;

3. in the payment rates for the individual disposal methods, the costs caused by collection conditions of above-average difficulty shall be specially compensated;

4. the payments at most correspond to the unincluded costs which on the average arise for an enterprise of the same kind;

5. payments for regenerated oil products made from waste oils (re-refined products) are to be paid back insofar as the products are exported to other member nations of the European Economic Community;

6. the requirements of the Reserve Fund are to be kept as low as possible under the previous principles.

(3) The payment rates established by the guidelines shall remain unchanged for the first two years after this law becomes effective; thereafter they may be changed yearly at the beginning of a calendar month after six months prior notice.

(4) The Federal Government shall report to the Federal Parliament on the activity of the Reserve Fund by the 31st of March of every third year, for the first time on March 31, 1972, especially on the possibilities of a reduction of the continued payments (§ 2(1)) and the compensation tax (§ 4(2)).

§ 3 Collection of Waste Oil.

(1) Those within the area of validity of this law who possess waste oils may require of the Federal Office that:

1. their waste oils be collected in quantities over 200 liters, insofar as the necessary facilities for the collection and harmless disposal of waste oil exist;

2. for amounts less than 200 liters, later collection will be provided for.

(2) Waste oils within the meaning of § 3(1) are used mineral oils and used liquid mineral oil products as well as wastes from storage, business and transportation receptacles containing mineral oil.

(3) Waste oils shall be collected free of charge according to § 3(1). The Federal Minister for Economic Affairs is empowered to issue regulations concerning:

1. the identification and measurement of the collected materials;

2. the permissible proportion of foreign substances, which may not exceed fifteen percent.

(4) Quantities of foreign substances in excess of the permissible proportion (§ 13(3) Number 2) shall be picked up for a fee. The fee shall correspond to the price list filed with the Federal Office by enterprises obligated to collect waste oils.

(5) Those possessing waste oils remain liable for harm caused by failure to notify others of foreign substances in the waste oils.

§ 4 The Compensation Tax.

(1) The Reserve Fund shall be supported by a compensation tax.

(2) The following dutiable goods:

1. Lubricating oils from Number 27.10–C–III of the customs tariff schedule;

2. gas oils from Number 27.10–C–I of the customs tariff schedule, to the extent they are used as lubricating oils;

3. greases with their heavy oil components; are all subject to the compensation tax insofar as they are subject to the compensation tax insofar as they are subject to the oil tax according to the Oil Tax Law of 1964 as published on 20 December 1963 (I *Bundesgesetzblatt* 1003) and last amended by the Law Amending Penal Provisions of the Federal Tax Law and other Laws of 10 August 1967 (I *Bundesgesetzblatt* 877). The compensation tax amounts to 7.50 Deutsche

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Footnotes at end of article.

marks per 100 kilograms of dutiable goods. The Federal Minister for Economic Affairs is empowered to reduce the compensation tax rate by regulation to the extent that the requirements of the Reserve Fund allow.

(3) The liability for the compensation tax arises when the oil tax liability for the dutiable goods becomes unconditional.

(4) The compensation tax is payable by the person liable for the oil tax.

(5) If dutiable goods are withheld or withdrawn from customs supervision the compensation tax is due immediately. Otherwise the person liable for the compensation tax must pay the amount which has accrued during the course of a calendar month no later than the 10th of the second month following without being requested to do so.

(6) The compensation tax is collected by the Federal Office. The Federal Minister for Economic Affairs is empowered to issue by regulation the required provisions concerning the levying and collection of the compensation tax. Customs officials shall provide the Federal Office with the information necessary for the administration of the compensation tax and shall make the required documents available to the Federal Office.

§ 5 Information.

(1) The person liable for the compensation tax must furnish the Federal Office the information and documents needed for the implementation of this law and the regulations issued under it.

(2) Employees and agents of the Federal Office and employees of the customs administration are authorized within the scope of § 5(1) to check dutiable goods, to enter property, business installations and offices, and, for the prevention of imminent danger to public safety and order, also the living quarters of the person required to furnish information, to make inspections and tests there and examine business records of the person required to furnish information. The basic right of Article 13 of the Constitution concerning the inviolability of a residence is to this extent limited.

(3) The person required to furnish information may refuse to do so for questions whose answers would expose himself or one of the relatives listed in § 383(1) Numbers 1–3 of the Civil Procedure Law to the danger of criminal prosecution or a proceeding under the Law Concerning Violations of Regulations.

(4) If a person required to provide information refuses to furnish information or relevant documents according to § 5(1), the Federal Office may establish the conclusions necessary for determining the compensation tax by way of estimates.

Part Two: Supervising the location of waste oil

§ 6 The Duty to Keep Records.

(1) Trade and other economic enterprises must keep a record book for each business in which at least 500 kilograms of waste oils within the meaning of § 6 (2) accumulate or in which a yearly accumulation of waste oils of this amount may be reckoned with. The same applies to trade and other economic enterprises which accept at least this amount yearly of waste oils of this kind. The official responsible under state law may upon application

1. approve centralized maintenance of records in a main office if the supervision of the whereabouts of the waste oils will not be thereby disadvantaged;

2. relieve one of the duty to keep a record book if, because of its nature and management, the enterprise can be adequately supervised without a record book.

(2) Waste oils within the meaning of this provision are those substances named in § 3 (2), insofar as

1. their collection is not required under § 3 (1);

2. they are mixed with foreign substances whose amounts exceed the permissible proportion under § 3 (3) Number 2.

(3) The kind, amount and whereabouts of the waste oils are to be continually entered in the record books. The details concerning the set-up and keeping of the record book, the retaining of receipts and the periods of safekeeping of the records shall be governed by regulations issued by the Federal Minister for Health Affairs in cooperation with the Federal Minister of Economic Affairs.

§ 7 Supervision.

(1) Trade and other economic enterprises as well as public law juristic persons which accumulate waste oils within the meaning of § 3 (2) or accept waste oils of this kind must upon request furnish the official responsible under state law the information required to supervise the whereabouts of the waste oils. § 5 (3) applies accordingly.

(2) The persons commissioned by the responsible official with gathering information are authorized within the scope of § 7 (1) to enter property, installations, and business offices and, for the prevention of imminent danger to public safety and order, also the living quarters of the person required to furnish information, to make tests and inspections there, to take samples, and to examine the business records of the person required to furnish information. The basic right of Article 13 of the Constitution concerning the inviolability of a residence is to this extent limited.

(3) Record books and receipts under § 6 must be presented or delivered upon request to responsible officials for examination.

(4) The information and documents obtained under § 7 (1), (2), and (3) may not be used in a tax proceeding, a criminal proceeding involving a tax offense or a fine proceeding involving a tax violation. The provisions of §§ 175, 179, 188(1) and 189 of the Federal Tax Law concerning the duties to assist and give notice to the financial authorities do not apply to this extent.

§ 8 Exception.

(1) §§ 6 and 7 of this law do not apply.

1. to lake and river transport businesses;

2. to the Federal Railways and the Federal Post Office;

3. to federal installations which serve sovereign purposes and do not fall within § 28(1) Number 2.

(2) The Federal Minister for Traffic is empowered, in agreement with the Federal Minister for Health Affairs, to issue regulations with provisions for lake and river transport concerning the collection of the waste oils named in § 3 (2) from watercraft and floating installations, in particular concerning

(1) the duty to deliver waste oils at specific intervals to an enterprise obligated to collect (§ 3) or to a collection place approved by a responsible official;

2. the record of delivery and the safekeeping of these records; and

3. the supervision of the collection and delivery of the waste oils.

(3) The International Treaty on the Prevention of the Pollution of the Sea by Oil of 1954 as well as the legal provisions promulgated in accordance with the Law Concerning the International Treaty on the Prevention of the Pollution of the Sea by Oil of 1954 of 21 March 1954 (II *Bundesgesetzblatt* 379) remain undisturbed.

Part Three: Penalty and fine provisions

§ 9 Breach of Professional Secrecy.

(1) Anyone who reveals without authorization another's secret, especially a trade or business secret, which became known to him in his capacity as employee or agent of one of the officials assigned a duty on the basis of this law will be punished by imprisonment up to one year or a fine or both.

(2) If the perpetrator acts for money or with the intention to enrich himself or another or to injure another, the penalty may be up to two years' imprisonment; in addition a fine may be imposed. These punishments also apply to one who converts another's secret, especially a trade or business secret, which became known to him under the conditions of § 9 (1), into money without authorization.

(3) The crime will only be prosecuted upon application of the party injured.

§ 10 Imposition of Fines.

(1) It is a violation of a regulation intentionally or negligently to

1. fail to keep a record book, contrary to § 6(1);

2. fail to furnish information or fail to furnish it correctly, completely or timely, contrary to § 7(1);

3. refuse to permit tests, inspections, the examination of business records or the taking of samples, contrary to § 7(2);

4. fail to present or deliver record books or receipts, contrary to § 7(3); or

5. contravene a regulation issued on the basis of § 6(3) or § 8(2), if it imposes a fine governed by this section on particular acts or omissions.

(2) A violation of regulations may be punished with a fine of up to 10,000 Deutsche marks.

Part Four: Transition and concluding provisions

§ 11 Transition Provisions.

(1) Dutiable goods (§ 4(2)) for which the oil tax became unconditional before this law became effective are subject to the compensation tax, with the exception of those which are in the hands of consumers, service stations or auto repair shops. The tax liability arises when the law becomes effective. The person who is liable for the tax is the possessor of the goods. For goods en route the liability transfers to the recipient with the transfer of ownership.

(2) The person liable for the tax must declare the dutiable goods to the Federal Office in writing within four weeks after this law becomes effective. Payment of the tax is due without request four weeks after the declaration; for goods not properly declared it is due at the expiration of the declaration period.

§ 12 Validity in the State of Berlin.

This law is valid according to § 13(1) of the Third Transition Law of 4 January 1952 (I *Bundesgesetzblatt* 1) in the State of Berlin also. Regulations issued on the basis of this law are valid in the State of Berlin according to § 14 of the Third Transition Law.

§ 13 Effectiveness of the Law.

(1) § 3 (1), (2), (3) Sentence 1, and (4) become effective 1 July 1969. § 6(1) becomes effective on the first day of the calendar year following the publication of the regulations based on § 6(3).

(2) Otherwise this law becomes effective on 1 January 1969.

FOOTNOTES

[*] A.B., J.D., University of Michigan. Mr. Irwin is presently completing a study on the law and administration of effluent charges in several European countries on a grant from the Council on Law-Related Studies, Cambridge, Massachusetts.

[**] Secretary General-elect, Interparliamentarische Arbeitsgemeinschaft (Interparliamentary Working Center), Bonn, Germany; Chairman, Committee on Environmental Law, International Union for the Conservation of Nature and Natural Resources.

[1] *See* Baldwin, *The Santa Barbara Oil Spill*, in LAW AND THE ENVIRONMENT 5–47 (M. Baldwin & J. Page, Jr. eds. 1970).

[2] The Environmental Protection Agency has released figures indicating that sixty-seven percent of all oil pollution in the waters of the world is caused by used motor and industrial oil, while tanker accidents and normal

offshore drilling operations contribute a combined total of only four percent of all the water pollution caused by oil. Zeldin, *Oil Pollution (Audubon Black Paper No. 1)*, Audubon, May, 1971, at 99.

[3] ZoBell, *The Occurrence, Effects and the Fate of Oil Polluting the Sea,* 7 Air and Water Pollution 173, 185 (1963).

[4] J. Hopmans, Das Problem der Aufarbeitung von Altoel in den Mitgliedstaaten der europaeischen Wirtschaftsgemeinschaft (The Problem of the Disposal of Waste Oil in the Member Nations of the European Economic Community) app. III (unpublished report contracted for by the EEC, 1968).

Continuing this calculation to its conclusion, one reaches the staggering figure of 114 billion gallons of water depleted of dissolved oxygen. *See* ZoBell, *supra* note 3.

[5] *See* E. Phelps, Stream Sanitation (1944).

[6] Knorr, *Ueber Mineraloel und seine Produkte im Grundwasser (Mineral Oil and its Products in Ground Water)*, 1957 Water 41.

[7] W. Zimmermann, Pollution of Water and Soil by Miscellaneous Petroleum Products, at B60–B61 (General Report No. 2, International Water Supply Congress & Exhibition, Stockholm, June 15 to 19, 1964, published by the International Water Supply Association, 34, Park Street, London W.1., England).

[8] J. Hopmans, *supra* note 4, at 9–11.

[9] *Id.* at 12.

[10] A phenol is defined as "a caustic, poisonous, white, crystalline compound, C_6H_5OH, derived from benzene and used in various resins, plastics, disinfectants and pharmaceuticals. Also called 'carbolic acid'." The American Heritage Dictionary of the English Language 983 (1969).

[11] J. Hopmans, *supra* note 4, at 12.

[12] K. Reimann, Die Schaedlichkeit von Oel- und Teerprodukten fuer niedere Wasserorganismen (The Danger of Oil and Tar Products for Lower Water Organisms), Oele and Detergentien im Wasser und Abwasser (Oils and Detergents in Water and Wastewater), 1962 (Volume 9 of the reports of the Muenchener Beitraege zur Abwasser-, Fischerei- und Flussbiologie (Munich Conference on the Biology of Wastewater, Fisheries and Rivers)).

[13] J. Hopmans, *supra* note 4, at 12.

[14] Hettche, *Hygienische Fragen zum gesteigerten Mineraloelverbrauch (Health Issues in the Increased Use of Oil)*, 1960 Gesundheits-Ingenieur 81.

[15] J. Hopmans, *supra* note 4, at 13. Cf., W. Zimmermann, *supra* note 7, at B53–B54:

"The presence of carcinogens in water has been proved by Borneff in a series of excellent experiments. Borneff's research on surface waters (middle-Rhine, Lake of Constance and other areas) involved the contents of benzypyrene, benzethrazene and dibenzanthrazene. These substances were found in water as well as in top-soil cultures and in dust collected from city streets. Statistical data show that adults drinking purified surface water take with the drinking water between 0.1 and 1 mg. carcinogene hydrocarbons per year, which, obviously to the most part, originate from oil-containing industrial waste waters. In tests on mice the carcinogenic result of benzypyrenes added to the drinking water was strengthened by detergents.

See Borneff, *Maeusefuetterungsversuche mit 3, 4-Benzypren, Mineraloel und Tensiden (Mouse-feeding Experiments with 3, 4 Benzpyrene, Mineral Oil and Tensiden)*, 147 Archiv fuer Hygiene 28 (1963).

[16] Mann, *Geschmacksbeeninflussung bei Fischen aus dem Hamburger Hafengebiet (The influence on the Taste of Fish from the Area of the Hamburg Harbor)*, 1951 Staedtehygiene 123.

[17] For a good brief technical survey, see W. Zimmermann, *supra* note 7, at B38–B54.

[18] Knickmann, *Pflanzenschaeden durch Oelverschmutzung von Boden und Wasser (Damage to Plants by Oil Pollution of Soil and Water)*, 1960 Umschau 118.

[19] See Foster, *Hydrocarbons as Substrates for Micro-organisms*, 28 Antonie Van Leeuwenhoek 241 (1962).

[20] Gratschewa, *Zur Verunreinigung von Grundwaessern mit festen Abfallstoffen aus der industriellen Produktion (Pollution of Ground Waters with Solid Wastes from Industrial Production)*, 35 Gigiena i Sanitarja 101 (1970).

[21] *See* A. Kneese & B. Bower, Managing Water Quality: Economics, Technology, Institutions 86 (1968).

[22] Kruse, *Die Sicherung der Altoelbeseitigung (Insuring the Disposal of Waste Oil)*, 1970 Korrespondenz Abwasser 9.

[23] Interview with Mr. F. Kruse of the Federal Ministry for Economic Affairs, in Bonn, Apr. 8, 1971.

[24] J. Hopmans, *supra* note 4, at 1. The conversion rates employed in this article are $1=4 DM before 1969 and $1=3.6 DM thereafter. After the May 1971 monetary crisis the Deutsche Mark was allowed to "float" and $1 became worth slightly less than 3.6 DM.

[25] Interview with Mr. Kruse, *supra* note 23.

[26] These articles proscribe subsidies and tariffs whose effect is to hinder competition among the member nations of the EEC. Article 92 provides in part:

"[A]ny aid . . . which distorts or threatens to distort competition by favouring certain enterprises or certain products shall, to the extent to which it adversely affects trade between Member States, be deemed incompatible with the Common Market."

Treaty Establishing the European Economic Community (Treaty of Rome), Mar. 25, 1957, art. 92, § 1, 298 U.N.T.S. 1, 51. Article 95 states in part:

"A Member State shall not impose on the products of other Member States any internal charges of such a nature as to afford indirect protection to other products."

Id. art. 95, 298, U.N.T.S. at 53.

[27] J. Hopmans, *supra* note 4, at 1.

[28] *Id.* at 14. France experienced a severe oil shortage during the 1956 Suez crisis. N.Y. Times, Nov. 17, 1958, at 6, col. 4; *id.*, Dec. 1, 1956, at col. 4; *id.*, Dec. 18, 1956, at 10, col. 3.

[29] J. Hopmans, *supra* note 4, at 2. Italy asserts the applicability of the legal principle of *non bis in idem*, (literally, *not twice for the same*), a civil law principle corresponding to the common law's proscription of double jeopardy. Tax lawyers in some other EEC countries argue that the principle is not applicable in this situation. *Id.*

[30] *Id.* at 1.

[31] In October 1970, a written inquiry, No. 33/70, was sent to the Council of the EEC asking when the harmonization announced in 1964 would be implemented. No answer had been received by mid-April 1971.

[32] J. Hopmans, *supra* note 4, at 3.

[33] In 1963, 35,000 tons of waste oil were disposed of by unaccounted-for means, most likely in sand and gravel pits, garbage dumps, or into sewer systems. In 1965, the amount was 51,000 tons. Czychowski & Häringer, *Directions for Indemnified Disposal of Waste Oil*, 1969 Wasser und Boden 120. *Cf.*, W. Zimmerman, *supra* note 7, at B30:

"The disposal of oily wastes by throwing them into drainage inlets, dustbins, on waste ground, on refuse-tips or directly into a nearby stretch of water is still thought to be the simplest and cheapest way of getting rid of them. The increasing amount of oil traces found in urban sewage water can only be explained by the fact that used oil is discharged into the sewer by households, industrial plant, garages, etc. In Baden-Baden (Germany) for instance, it has been ascertained that frequently up to 1 ton of oil flows from the sewer system in a 12-hour period."

[34] *Cf.*, recent articles arguing that tax incentives are also inadequate, *e.g.*, Reitze & Reitze, *Tax Incentives Don't Stop Pollution,* 57 A.B.A.J. 127 (1971); Roberts, *River Basin Authorities: A National Solution to Water Pollution,* 83 Harv. L. Rev. 1527, 1530–37 (1970).

[35] Czychowski & Häringer, *supra* note 33, at 120.

[36] Gesetz ueber Massnahmen zur Sicherung der Altoelbeseitigung (Law Concerning Measures to Assure the Disposal of Waste Oil), [1968] BGBl, I 1419. An unofficial translation of the law is provided in Appendix II, which may be referred to for the sections cited in subsequent footnotes.

[37] *Id.*, § 1(1).

[38] *Id.*, § 4.

[39] *Id.*, § 1(2).

[40] *Id.*, § 2(1).

[41] *Id.* § 2(2)–2.

[42] *Id.* § 2(3)–3.

[43] *Id.* § 2(1). Depositing waste oil at approved places was allowed as a transition measure until December 31, 1970. For a discussion of the incinerating firms' difficulties in meeting air pollution emission limits, see text at note 68, *infra*.

[44] *Id.* § 3.

[45] *Id.* § 3(1)–2.

[46] *Id.* § 3(4). The law allows the Minister for Economic Affairs to set the percentage of foreign matter at up to fifteen percent. *Id.* § 3(3)–2. He fixed it at ten percent.

[47] *Id.* § 3(5).

[48] See note 38 and accompanying text *supra*.

[49] Law Concerning Measures to Assure the Disposal of Waste Oil, § 5(1), [1968] BGBl. I 1419. *Cf. id* § 4(2).

[50] *Id.* § 5(4).

[51] *Id.* § 5(2).

[52] *Id.* § 5(3).

[53] *Id.* §§ 4(2), 4(6).

[54] *Id.* § 6.

[55] The federal post office and railways, as well as military installations, are exempted from the duty to keep records. *Id.* § 8(1)–2.

[56] *Id.* §§ 7(1), 7(3).

[57] *Id.* § 7(2).

[58] *Id.* § 6(1)–2.

[59] *Id.* § 10.

[60] *Id.* § 7(4). The constitutionality of such provisions is currently being debated within governmental circles in Germany. The Minister of Finance has recently recommended that all such provisions be repealed. Interview with Mr. Kruse, *supra* note 23.

[61] *Id.* § 9.

[62] *Id.* § 3(2).

[63] Czychowski & Häringer, *supra* note 33, at 121.

[64] Law Concerning Measures to Assure the Disposal of Waste Oil, § 5(1), [1968] BGBl. I 1419.

[65] *Id.* §§ 2(3), 2(4).

[66] The information in this section was largely provided by Dr. Jochen Krüger of the Ministry for Economic Affairs in an interview, in Bonn, Dec. 28, 1970.

[67] See Appendix I, *infra.* The information was obtained in the interview with Dr. Krüger. *supra,* note 66. The table comprising Appendix I, *infra,* was compiled by the authors.

[68] These processes, however, do produce wastewaters which must be treated. So far, the refineries have been relatively successful in meeting the effluent standards imposed by state water officials.

[69] Law Concerning Measures to Assure the Disposal of Waste Oils, § 6(3), [1968] BGBl. I 1419.

[70] The states have excused their tardiness by arguing that it is pointless to select supervisory officials before the industry record books that they are to inspect become available.

[71] Oil industry representatives (from the *Mineraloelwirtschaftsverband*) made several attempts to persuade representatives of the Interparilamentary Working Center, the Fed-

eral Ministry for Economic Affairs and the Federal Parliament itself that the collection system embodied in the draft Waste Oil Law should be changed.

At the outset the oil representatives argued that regenerating waste oil should not be encouraged as a matter of public policy at all because the availability of reprocessed products would reduce the demand for the importation and production of fresh oil. Only a few countries, however, are still reluctant to prefer protection of public health and the environment over insuring the health of the oil industry or the build-up of raw material stores, and Germany is not one of them.

Oil representatives next argued that the people who have waste oil should pay to leave it at service stations or have it collected. The proposed system was unfair, they said, because it would make the oil producers and importers bear the costs of collection and disposal rather than those who actually use the oil. The response to this argument was that nothing would prevent the oil companies from passing along the expense of the compensation tax in the form of higher prices for their products, and that experience had indicated that a system that relies solely on people consciously bearing the effort and expense of disposing of their waste oil is inadequate. Furthermore, it would be administratively impossible to collect the users' payments for the Reserve Fund from thousands of service stations and collectors. *See* File No. II/642 at the offices of the Interparliamentary Working Center, Adenauerallee 214, 53 Bonn, Federal Republic of Germany.

[72] Kruse, *supra* note 22, at 11.

[73] Czychowski & Häringer, *supra* note 33, at 120. *Cf.* Häringer, *Gefaehrliche Verunreinigung der Gewaesser durch Mineraloelabfaelle und aehnliche Stoffe* (*Dangerous Pollution of Waters by Oil Wastes and Similar Substances*) 1968 Korrespondenz Abwasser 1.

[74] Not all of this increase can be attributed to an increase in consumption. In 1970, payments for safe disposal of waste oil were made for nearly 30,000 more tons than in 1969. By no means can all of the increase be attributed to expanded use of oil. See Appendix I, *infra*.

[75] Of particular concern is Lake Constance, which is the major source of water supply for cities as far away as Stuttgart.

[76] As an inadvertent defect in a system which promotes the regeneration of waste oil, service stations are prevented by their contracts with the large oil companies from selling regenerated oil. A consumer, however, can save up to half the price of his new motor oil by buying reprocessed oil in a department store rather than paying for fresh name-brand oil at a service station.

[77] A special cooperative association collects bilge water from the 8,000 boats on the Rhine by transferring the bilge water to a refinery for reprocessing and shares with the refinery the payments it receives from the federal office. Similar arrangements are being made for other rivers. *See* J. Hopmans, *supra* note 4, at 25–26, app. IV.

[78] *Cf.* note 76 *supra*.

[79] Law Concerning Measures to Assure the Disposal of Waste Oils, § 6(1), [1968] BGBl. I 1419.

[80] Interview with Mr. Kruse, *supra* note 23.

[81] *See generally* Environment Action Bulletin, Apr. 17, 1971, at 2–3.

[82] Rainwater runoff washes some of this into the nation's surface waters. *Id.*

[83] Given the porous nature of skin, it is reasonable to assume that the toxic metals found in oil will eventually find their way into the food supply. The Food and Drug Administration *should* be concerned.

[84] Dumping into sewers creates problems, such as fires and fouling of the operation at sewage treatment facilities. Environment Action Bulletin, Apr. 17, 1971, at 2.

[85] Oil dumped onto the ground, as in city dumps or open areas, eventually makes its way to streams, lakes, and fields.

[86] The U.S. federal government has exacerbated the problem: its red tape in labeling procedures has forced some refineries out of business. Also, free pickup service has declined. Environment Action Bulletin, Apr. 17, 1971, at 2. Besides federal failure to act, few states have initiated control programs. Maryland is one of the few states that has begun to move toward regulation. The Maryland public health engineers have issued a report recommending the establishment of a system for collection, transportation, refining or reprocessing, and reuse of waste oils. 2 BNA Environment Rep.—Current 295 (1971).

[87] The ratio stated is offered by Harold Bernard, a section chief of the Federal Water Quality Office of the Environmental Protection Agency.

"One-hundred gallons of oil can easily form a slick in a river that will require significant efforts to clean up, . . . [C]leaning up such a slick may cost $1,000. That's $10 per gallon for a waste product that costs about five cents a gallon to dispose of in an acceptable manner [picked up by a used-oil truck.]"

Environment Action Bulletin, Apr. 17, 1971, at 2.

[88] Me. Rev. Ann. tit. 38, § 551 (1970).

[89] *Id.* § 545. An oil terminal facility is defined as "any facility of any kind and related appurtenances, located in, on or under the surface of any land or water, including submerged lands, which is used or capable of being used for the purpose of transferring, processing or refining oil, petroleum products and their by-products, or for the purpose of storing the same, but does not include any facility used or capable of being used to store no more than 500 barrels, nor any facility not engaged in the transfer of oil, petroleum products or their by-products to or from tidal waters of the State." *Id.* § 542.7.

[90] *Id.* § 551.

[91] *Id.* § 551.4.

[92] *Id.* § 551.5.

[93] *Id.* § 541.

[94] Oil, petroleum products and their by-products, discharges of which are absolutely prohibited, are defined as "oil of any kind and in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other wastes, crude oils and all other liquid hydrocarbons regardless of specific gravity." *Id.* § 542.6. "Discharge" means "any spilling, leaking, pumping, pouring, emitting, emptying or dumping." *Id.* § 542.4.

[95] Such facilities do not fall within the definition of "oil terminal facility." See note 89, *supra*.

[96] The discharge of oil, petroleum products or their by-products into or upon any coastal waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the State, or into any river, stream, sewer, surface water drain or other waters that drain into the coastal waters of the State is prohibited. Me. Rev. Stat. Ann. tit. 38, § 543 (1970).

SOVIETS FIGHTING WATER POLLUTION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. DINGELL. Mr. Speaker, some years back the Soviet Union lofted its first Sputnik into space and Americans were sorely embarrassed to find that their country was lagging behind the U.S.S.R. in space exploration. Under the leadership of President Kennedy, the United States reacted and in due course we overcame the Soviet's lead and went on to our highly successful program of Moon landings.

I cite this bit of history only to make the point that the United States apparently is in another race with the Soviet Union—and that is a race to clean up our waterways. Surely we do not want to allow the Soviet Union to move ahead of us in this all-important environmental effort.

The New York Times of March 18, 1972, carried a report from Moscow outlining a new Russian effort to combat river pollution. I would like to share this information with my colleagues and, therefore, I insert the text of the New York Times article to appear at this point in the Congressional Record:

ONE BILLION DOLLAR SOVIET PROGRAM TO COMBAT RIVER POLLUTION

(By Theodore Shabad)

Moscow, March 17.—The Soviet leadership, evidently concerned over growing pollution of the nation's waters, today unveiled a billion-dollar pollution-control program expected to affect a third of the population.

A combined decree of the ruling Communist party's Central Committee and the Soviet Government called for construction of waste-treatment plants and strict enforcement of control measures in the entire drainage basins of the Volga and Ural Rivers.

The Volga is to Russia what the Mississippi is to the United States, draining the nation's heartland, with much of its industrial and farm potential and population. The Ural River, to the southeast, carries water from the heavily industrialized Urals region.

MAJOR DRAINAGE SYSTEMS

The two drainage systems cover roughly a third of the area of the European part of the Soviet Union with a population of about 80 million out of a national total of 245 million.

The latest decree, the most wide-ranging pollution-control program made public here, appears to reflect a quickened pace of control measures designed to save the nation's water supply in the most heavily populated areas from depletion.

Public attention in the past has focused mainly on the problem of Lake Baikal, a huge lake in southern Siberia whose unusually pure water and rare plant and animal life were threatened by waste discharges from a wood-pulp complex on its shore.

There has not been much public discussion in the controlled Soviet press about the more serious pollution problem in the industrial regions of European Russia. The decree today, coming to grips with that problem, was apparently decided upon without broad public participation.

Soviet water-resources experts, writing in technical journals, have been warning that the continued heavy withdrawals of water for industrial and municipal uses, combined with the discharge of untreated wastes, would soon endanger the clean water supply of the economic heartland.

The adoption of the pollution-control directive suggested that policymakers tend to be responsive to the counsel of scientists on key domestic issues.

The program aims basically at the construction of 421 industrial-waste treatment plants at a combined cost of 700 million rubles, or $850-million, and 15 municipal plants at a cost of 300 million rubles, or $360-million, over the four-year period 1972–75.

By 1980, according to the directive, the discharge of all untreated wastes into the

Volga and Ural river basins is to be prohibited.

STRICT ENFORCEMENT ORDERED

The Committee of People's Control, watchdog agency, has been charged with enforcing the measures and holding violators "strictly responsible." There has been some question about the efficacy of polution-control measures in the Soviet Union, where all industry is Government-run and one Government agency in effect would be penalizing another.

According to the announcement, 670 waste-treatment installations with a combined capacity of 800 million gallons a day were built in the Volga and Ural drainage basins over the last five years. The total capacity of water-recycling systems, which significantly reduce the amount of water drawn from streams, has risen to 20 billion gallons a day, the decree said.

As a result, the discharge of untreated industrial wastes, including oil products, chemicals, copper and zinc compounds, was said to have declined. However, the statement added, "A substantial amount of untreated and inadequately treated wastes" continues to pollute the drainage basins.

The Volga and the Ural Rivers empty into the Caspian Sea, a vast inland lake whose water level has been dropping recently, partly because of increasing withdrawals from tributary rivers. By ordering a reduction in consumption, the decree also sought to alleviate the Caspian problem indirectly.

Specific measures ordered in the announcement included the collection of bilge water and ballast water from river vessels instead of the discharge of such wastes into streams and the construction of riverside plants for their treatment.

The Government is to establish specialized construction agencies in areas that require the building of large numbers of treatment plants. The Materials Supply Agency, which controls distribution of equipment, was ordered to provide construction projects with all essential supplies. Design agencies were given the task of improving waste-treatment techniques to reduce the discharge of pollutants into receiving waters to a minimum.

HAPPY COMPROMISE?

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. WALDIE. Mr. Speaker, there is an urgent need in our country for more and better trained medical personnel. They are needed in order to raise the quality of medical care in our country. Yet, we have an example, in my State of California, of funds for improved medical training facilities at the University of California being cut by the State Board of Regents in a more political than practical or responsible fashion.

The regents are supposed to be an independent body, free from political pressure. But here we see them yielding to Governor Reagan's wishes.

The following editorial in the Fresno Bee of March 2, 1972, expresses my thoughts on this matter of concern to students of medicine in California and to the general population who want better and more widespread medical care in the future. I would like to share it with my colleagues by reprinting it herein.

The editorial follows:

FOR UNIVERSITY, "HAPPY COMPROMISE" IS PLEASING GOV. RONALD REAGAN

In an Orwellian statement UC President Charles J. Hitch called it a "happy compromise" when the UC Regents trimmed a proposed $294 million bond issue for medical buildings and equipment nearly in half to tailor it to Gov. Ronald Reagan's specifications.

What is so happy about a compromise which means the University of California will be graduating 30 per cent fewer doctors annually than the proposed bond issue would have provided for?

For the University of California at Davis the "happy compromise" means a third medical building—needed before there can be a substantial increase in the number of medical students at Davis—will have to wait until at least 1976 and probably longer.

For the San Joaquin Valley pleasing the governor dims even further the hope for a badly needed UC medical center in that part of the state. The $294 million bond issue would have included planning money for a new campus, either in the San Joaquin Valley or in Berkeley.

The regents presented the splitting of the bond issue into two parts to obtain the governor's endorsement as a great victory for the university and the people of California in their effort to train more doctors.

It was the sour victory a school boy with two cookies in his lunch box achieves when the big kid in the school yard lets him keep one of them.

The regents' action, taken with the full approval of the university officials, illustrates once again the hold the governor has on what once was an independent Board of Regents governing what once was an independent university.

For the most part the regents are more than willing to do what the governor wants, while the university officials appear afraid of the governor's power to destroy the institution. This attitude indicates they have decided unless they get the governor's blessing on any significant public action, no matter how necessary or beneficial for the students or the people of California, the action is doomed from the start.

The part of the regents' agreement with Reagan to offer a second medical bond issue for $138 million to the voters in 1976, two years after the governor's term expires, indicates they think Reagan's power to help or hurt the university will remain long after he leaves office.

Instead of knuckling under to the governor, the regents, set up in the state constitution as an independent body, free from political pressure, should think of what is best for the university and steadfastly pursue that goal.

THE LATE HONORABLE JAMES W. TRIMBLE

SPEECH OF

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. FISHER. Mr. Speaker, the death of our former colleague, Jim Trimble, is mourned by all who knew him. He served many years in the Congress. A hard worker, he was devoted to his own district, its economy and the development of its resources. In a broader sense Jim always supported a strong national defense. Always honest and sincere, he voted his own convictions, in the light of what be believed was best for the country.

Jim Trimble was an honorable man in every sense of the word. Always affable and agreeable, he was universally respected by those with whom he served. To many of us he was a personal friend.

To his surviving family I extend my profound sympathy in their bereavement.

RICHARD J. WEBB, A VOICE OF FREEDOM

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. ST GERMAIN. Mr. Speaker, Rhode Island's winning entry in the Veterans of Foreign Wars' annual Voice of Democracy contest was a speech of unusual insight and imagination.

Mr. Richard J. Webb, 16, of Barrington, R.I., has grasped the real meaning of this year's contest theme, "My Responsibility to Freedom." An outstanding student at Barrington High School, he has used his literary and debate skills to full advantage.

I am honored to place this speech in the CONGRESSIONAL RECORD.

SPEECH OF RICHARD J. WEBB

Mom! Hey, Mom—Where does our freedom stop? No, I've got to do this essay for history and the question was, "Where does an American's freedom end?" When he breaks a law and gets put in jail? Yeah, okay, thanks Mom. Hmmm—that's true, I guess, but I've got a feeling I can come up with something better! I don't exactly have to break a law to have freedom taken away from me. I mean, look at Roger Williams. He wasn't breaking a law when he wanted religious freedom, but the Puritans kicked him right out of Massachusetts for it, so he had to go start Rhode Island. And in the news, when those kids were demonstrating. They didn't break a law, but the policemen told them to go somewhere else. Hey, wait a minute! They didn't break a law, but what about those other kids who weren't demonstrating? They couldn't get to classes, some of them, and it was too noisy to study. I bet that's the reason they got kicked out. Yeah, and "majority rules . . ." I know about that! There was only a couple of hundred guys demonstrating, I think, but there were lots and lots more who weren't, so it wasn't fair to the majority.

Now, back to this paper. Where did I hear it, "one man's freedom ends where another man's freedom begins"? Oh, I don't remember, but it's still a good way to start. One man's freedom ends where another man's freedom begins. Mmm . . . we've got a responsibility to the other people in our country, and each one of them has a responsibility to try and preserve the freedom that our fathers fought for as best they can. Each one of us has that responsibility to freedom. The thing is, however, no one can be taught responsibility to anything, let alone to freedom. How could anyone get all upset if I decided tomorrow that an intangible ideal like freedom just wasn't worth the worry—wasn't worth that responsibility. How can I understand that I'm responsible for the freedom I supposedly have if I can't even conceptualize freedom. The Constitution says I've got lots of freedoms, that they're guaranteed to me because I'm a citizen of the United States. What would it be like without my guaranteed freedoms? I don't know! That's even more difficult to visualize than the freedoms themselves. Maybe I can't really see the freedoms I've got, but I know they're there, and I know everybody tells me what a good thing it is to have them. When I'm older, they say, I'll understand. *I hope so.*

Good job, Dave. I liked the way you questioned freedom by pointing out that it's intangible. I think you could have drawn a better conclusion, a better reason for that responsibility to freedom, however, other than that older people tell you it's important. Your decision that freedom relies on individual and collective responsibility was a very good point. Your ideas were all there, though I think you could have developed them more, continuing to say, perhaps, that this responsibility to freedom is why we're not supposed to infringe upon the rights of others. If each person tries to fulfill his responsibility and is careful not to abuse the rights of others and the rights that are given to him in addition, I think we'll be that much closer to a peaceful existence.

THE ROLES OF WOMEN

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mrs. GRIFFITHS. Mr. Speaker, the busy life of today's American housewife is exemplified in the following article written by Detroit Free Press staff writer, David Wilkening. Mrs. Grace Deitemyer, mother of six boys, is daily cast in the roles of wife, mother, wage-earner, economist, and student. Her struggle to clothe and feed her children, lend moral encouragement to her out-of-work-but-looking husband, even down to elbowing her way to the half-priced food cans at the supermarket, is typical of mothers of thousands of middle-class families trying to make ends meet. It is the cumulative hopes of all these women for a better life for their families that enables all Americans to look forward to brighter tomorrows.

The article follows:

ONE AMERICAN MOM'S DAY-AFTER-DAY MAGIC

(By David Wilkening)

The food store opens at 9 a.m. Strolling through the glass doors a few seconds later is this mild-mannered, quick-stepping housewife: Mrs. Grace Deitemyer.

With determination in her eyes, she immediately walks toward the shopping cart with the half price cans.

"I'm getting real good at elbowing my way up there," she says, smiling, amused at this image of herself. "I've also learned to spot the big juice cans at the bottom of the cart. Of course, I'm careful to select only the cans that are absolutely safe—no bulging or rusty ones ever."

With what might be called the "half-price-can philosophy" of buying food, Mrs. Deitemyer serves well-balanced meals to a family of eight for a surprisingly small sum: $25 to $30 a week.

It's not only her determination to eat cheaply, however, that makes Mrs. Deitemyer a "model" suburban housewife. It's also the way she organizes her large family, and her pace of activity.

For much of the past four years, she has combined the two roles of running a large household with a full-time secretarial job. The job was necessary to help send her husband through college.

Even now, with Dale graduated but unable to find a full-time job, Mrs. Deitemyer takes care of six sons. Babysits for three other children in the morning. Supervises a lunchroom at the school on the corner. Works as a secretary from 12:45 to 6:15 p.m. And takes a shorthand course at night.

She does it with a certain amount of humor.

Around 10 a.m. one weekday, with three children playing in the living room floor of her Ann Arbor home, she breezily observed: "No, they're not mine. But what's left here at this time is what we're stuck with."

HERE'S HER ADVICE

A small woman who wears glasses, aged somewhere in her 30s, Mrs. Deitemyer seldom has a moment like the one she is now enjoying.

The children have left for school, and she is sitting at the kitchen table of her home at 3425 Fernwood, urging a listener not to take her words as bragging.

"I don't have all the answers," she admits, breaking off pieces of peanut butter cookies and sipping coffee from a nearby pot that is kept hot all day.

"Our system works for us, yes. What we do is not magic or anything, and I guess almost anyone can do it, though it does take planning."

Mrs. Deitemyer's system of food buying was pieced together over the past four frugal years. Some of her advice:

Mix a gallon of regular milk with a portion of powdered. Put it in regular carton. Savings for her: $3 or more a week. A word of caution: don't tell the kids. They probably won't know the difference.

Buy in quantity. Mrs. Deitemyer buys a lot, if something is cheap. "A freezer is one of the first things we got when we were first married," she says. "And it's more than paid for itself many times."

Buy cheaper cuts of meat and utilize leftovers. Mrs. Deitemyer buys chuck steak (five pounds for $3), and put tenderizer on it. She uses a blender to mix up soup from leftover ham and other meats.

Always have enough money when you go to the store. Once she found bread on sale at 10 cents a loaf. She only had a dollar. Collecting change from the kids, she managed to scrape up enough for 30 loaves. The moral: don't be caught short of money.

DON'T DO THESE

A list of Mrs. Deitemyer's don'ts:

Don't be forced to shop more than once a week. "You can always find stuff you think you need, if you shop more often."

Don't be in a position where you have to buy something. Plan ahead. When you have to buy, says Mrs. Deitemyer, you're at the mercy of the store, paying whatever price they want.

Don't buy snacks. "Why should I knock myself out making well-balanced meals and then have the kids eat snacks?" reasons Mrs. Deitemyer.

Don't make rigid grocery lists. You don't know the bargains until you go to the store, she argues. Plan your meals after you've bought the groceries.

Another suggestion is to train your husband to like foods sometimes regarded as less desirable. Casseroles, for example.

"Dale is very good at eating foods like that," says Mrs. Deitemyer. "He sets a good example for the kids."

The Deitemyer family moved to Michigan four years ago after selling their small farm near Toledo. The reason, says Dale: it was too small an operation to make a sufficient profit.

Then 33-years-old, Dale decided to study engineering at the University of Michigan. The family "scraped together enough money" for a down payment on their three bedroom home in a middle-class area of Ann Arbor.

THE BOYS COOK

With a small income, and at that time five children aged six to 15 living in a three bedroom house, the Deitemyers not only had to economize. They also had to organize.

Chores were a way of life on the farm. The pattern continued in Ann Arbor.

The children who used to follow Dale around to help feed the hogs now assisted him in expanding the basement. They built two bedrooms, a family room, and a bathroom.

The boys were made responsible for keeping their rooms clean. They were also assigned to take care of one other room in the house.

Mrs. Deitemyer says she seldom has to nag them. "Group pressure" usually works on a delinquent.

The children have also learned to cook. They make their own breakfast and lunch. The entire family washes the dishes after supper.

"Mom bosses and washes," says Mrs. Deitemyer.

The Deitemyer family's schedule was abruptly changed last August when "surprise boy number six" arrived. The following December, Dale graduated from the University of Michigan, and Mrs. Deitemyer expected to stay home with the family.

It didn't turn out that way. Dale, a quietly competent man with a black beard, has been unable to find a fulltime job in his field: meteorology and oceangraphy. He works part-time at the Ann Arbor YMCA.

On the afternoon he is not home, the other children help babysit for the youngest boy, Donnie. Mrs. Deitemyer says she tries to give her children as much responsibility as possible.

"I think that it's good for kids to feel they're part of the whole family. What makes the family work, what makes it possible, is that every member contributes to it."

The children seem to agree. Danny, 14, who delivers a paper route for spending money and is adept at making bread pudding from cast-off heels of bread, says:

"Most of the kids at school, their parents do the work for them. Some of them say 'What else are parents for but to pick up the house?' "

"No, I don't agree. Everybody messes up a house. Why shouldn't everyone clean it up, too?"

Mrs. Deitemyer, explaining her system of running a house between nervous sips of coffee and bites of peanut butter cookies, readily admits her organization is far from perfect.

Sometimes, the chores don't get done. The beds remain unmade. The pace tires her. She gets irritable.

Still, she says, there is challenge in what she does. She would not trade it for more glamour.

"I don't feel sorry for us," she maintains. "I think this is fun, a challenge. I'd hate to think of the day when Dale would say, 'All right, spend all you want at the store.' "

"I'll probably be trying to pull cans out of the half price cart when I'm being wheeled into the store in a wheelchair."

The only regret that Mrs. Deitemyer admits to is that she seldom gets a few minutes to herself. When things get too hectic, however, Dale single-handedly, takes the children to the Church of the Good Shepherd on Sunday morning.

She stays home, resting, feeling very guilty at her "love of luxury."

REMARKS OF JUDGE EDWARD HEALEY AT ANNUAL MEETING OF THE SONS OF IRISH KINGS

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. TIERNAN. Mr. Speaker, on March 4, I had the pleasure of attending the annual St. Patrick's Dinner Meeting of the Sons of Irish Kings. The main speaker at this event was Judge Edward Healey, associate justice of the Family Court of Rhode Island.

At this point in the RECORD I would like to insert a copy of Judge Healey's remarks, and I urge all of my colleagues to take a few moments and read them:

SPEECH BY JUDGE EDWARD V. HEALEY, JR.

Almost 1500 years have passed since our Beloved Patrick placed his mark upon Ireland forever to remain. One writer has said: "The Irish made of St. Patrick the very embodiment of the National soul, its surety and defender."

I think tonight of the pride that must be in his heart as he gazes down upon "his very own".

Perhaps he might, just for this day, step down and wander, once again, over the green fields, drink hearty from the bubbling brooks, commune with his fellow priests as they offer the Holy Sacrifice, and listen with a faint twinkle in his eyes as the speech makers orate about past glories.

How his heart must glow when young voices supplicate St. Columba, St. Killian, Educators of Europe, St. Brigit, St. Bricin, St. Brendan the Navigator, St. Malachy, St. Lawrence O'Toole, the Soldier Saint, Blessed Oliver Plunkett. His soul must be filled to overflowing as he notes the thousands of Bishops and Priests given to the service of God by this tiny island.

These men have gone forth to spread the Gospel to every nation on the earth. This surely is our greatest heritage, because the faith instilled by Patrick remains as strong now as it did in the fifth century.

Then sadness grips him; his eyes lose their sparkle as tears well up; for these achievements have not been won without battle. The Romans, Celts, Gaels, Danes, Normans, English all invaded Ireland and took their bloody toll. But this truly said that these invaders became more Irish than the Irish.

The twinkle of his eyes is miraculously restored as suddenly he hears a loud almost boisterous roar from across the ocean, the bombast of the orators telling the story of the American Irish that was so long withheld. Their contributions, once suppressed by historians, now stand out in brilliancy. Constant repetition by St. Patrick day speakers has proven to a once "Know-Nothing" American public that the Irish were among the major architects of this great republic. From Washington's "Line of Ireland" up to this day, men of Irish blood have untiringly, unstintingly given of their talents, creativeness, courage—yes, even their blood—to make us the *first* country of the world.

Men named Sullivan, O'Brien, Barry, Carroll, Jackson, Kearney, Corby, Meagher, Duffy, Murphy, Kelly, Kennedy, McCormick, O'Connell, Cushing have left their imprint never to be removed, nor forgotten.

There were, each mother's son, Irishmen sired by Irish fathers, suckled by Irish mothers, dedicated to church and country—men of compassion and empathy—dynamic and forceful when the occasion demanded it—kind and understanding—cool under fire—diligent in their duties—executing them for the good of all—and willing to put their lives on the line so that all peoples might have liberty and justice. Liberty—that's the key.

Daniel Webster said:

"The spirit of liberty is indeed a bold spirit—it demands checks; it seeks for guards; it insists on securities; it entrenches itself behind strong defences and fortifies itself with all possible care against the assaults of ambition and passion. This is the nature of constituted liberty, and this is our liberty if we rightly understand and preserve it."

And Dr. Ssaz in his book "Law, Liberty and Psychiatry" stated:

"Our founding fathers declared liberty an unalienable human right second only to the right to life. Unfortunately emotionally powerful symbols tend to have intellectually imprecise meanings. Although we cannot easily define liberty, we can, with a little effort, understand what people mean by it.

"In an elementary sense, to be at liberty, or to be free, means to be unfettered. Hence the exact content of liberty will depend on the impediments a person or group wishes to overcome. When the impediment is political oppression, liberty is political freedom; when the impediment is feudalism, liberty is Socialism or Communism; when the impediment is theological tyranny, liberty is religious freedom; when it is starvation, liberty is adequate nutrition."

It means different things to different people.

And that, my friends, in simplistic terms is the root of our national and international problems.

Liberty means different things to different people.

To Bernadette Devlin it means freedom from oppression, from bigotry, from debasement, so she becomes a Fabian Socialist.

To Ian Pashley it means law and order under present rules, so he becomes a demagogue.

To Martin Luther King it meant freedom from bondage, so he became a martyr.

To Angela Davis it meant a totally black power structure, so she became a Marxist.

Because all peoples have not achieved liberty, the world is in turmoil.

Asians kill Asians.
Semites kill Semites.
Irish kill Irish.
Blacks kill blacks.

Two thousand years ago a God man exhorted us to "Love Thy Neighbor". His apostles and disciples have spread His word throughout the world—*but alas*, it has fallen on many deaf ears.

It is up to us, Catholics of Irish Ancestry, sons and daughters of Patrick, to lead the way, to open the ears, to still the guns, to heal up the wounds, to make each man his brother's keeper.

We can do it if we learn the lessons of history, if we shed our own inborn prejudices, reject ancient myths, substitute reason for fear.

If Patrick has his way, it will be done.

Irish leaders at home and abroad will bring our peoples together,—for surely of all peoples the Irish know prejudice—bigotry—tyranny—thus giving example to the world.

Irish priests will lead the way in strengthening our church and protect it from attack from within and without.

Irish policemen will establish a rule of law and order with justice, thus giving truth to our pledge of liberty and justice for all.

Irish businessmen and labor leaders will bring to all a fair share of their labors.

Irish educators will instill in our young a sense of dedication to liberty that will guarantee our heritage.

To have Irish lineage will be the Hallmark of a Man. There'll be no hyphenated Americans.

Just as the invaders of Ireland were assimilated, becoming more Irish than the Irish, so too, in this country of ours, there will soon come a day when all will be Americans. And what will this American be?

He will have the—
Strength of a John L. Sullivan.
Wit of a Fred Allen.
Eloquence of a Bishop Sheen.
Rascality of a James Michael Curley.
Political savvy of a James A. Farley.
Courage of a Gen. Phil Kearney.
Loyalty of a Commodore Barry.
Individuality of a John McGraw.
Sympathy of a Father Duffy.
Genius of a Eugene O'Neil.
Beauty of a Maureen O'Hara.
Vigor of a John F. Kennedy.
Simplicity of a James Whitcomb Riley.
Emotions of a Margaret Sullivan.
Cockiness of a James Cagney.
Sadness of an Edgar Allan Poe.
Sensitivity of a Joyce Kilmer.
Business Acumen of a Msgr. Carey.
Versatility of a George M. Cohan.
Brilliance of a Charles Carroll.
Stubbornness of a Mike Quill.
Pugnacity of a Terry McGovern.
Humbleness of a Father Patrick Peyton.
Saintliness of a Matt Talbot.
Capacity of a Brendan Brehan.
Sobriety of a Judge Fred Murphy.

In truth he won't be an American; He will still be an Irishman.

So let not this be just a day of past glories; let it be a day of great expectations.

Armed with Patrick's religion, an unquenchable yearning for liberty, a passionate desire for justice, let us move forward.

Our history—great, noble and mighty; our future—greater, nobler and mightier.

Let the cry be heard loud and clear—
The Irish are coming!

TOLL INCREASES ON THE BENJAMIN FRANKLIN AND WALT WHITMAN BRIDGES

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. BYRNE of Pennsylvania. Mr. Speaker, the Honorable George X. Schwartz, president of the City Council in Philadelphia, has advised me the Council of the City of Philadelphia adopted on March 2, 1972, a resolution to suspend and delay the effective date of the proposed increase in tolls on the Benjamin Franklin Bridge and the Walt Whitman Bridge. This increase in tolls is to take effect April 1 and will place a great hardship on commuters. The Delaware River Port Authority plans to issue commuter tickets in blocks of 50; they must be used within 1 month. This new plan is unfair because the average commuter will not be able to dispose of his 50 tickets in 1 month. Using April as an example, there are 20 working days; therefore, if the commuter crosses the Delaware River twice daily, he will use only 40 tickets. And if he is unable to use the additional 10 tickets, he will lose $3.50. The individual toll is also going up from 50 to 60 cents, and the commuter toll will be 35 cents per crossing. I believe it is very unjust to ask the commuter to buy more tickets than he can use in 1 month at a higher rate. Therefore, I am calling to the attention of my colleagues the resolution passed by the members of the city council, whose views I share in this important matter.

RESOLUTION

Urging the Honorable John Volpe, Secretary of Transportation of the United States, to suspend and delay the effective date of the proposed increase in the tolls on the Benjamin Franklin Bridge and the Walt Whitman Bridge.

Whereas, The Delaware River Port Authority on February 16th, 1972, voted that the tolls on the Benjamin Franklin Bridge and the Walt Whitman Bridge be increased, effective April 1st, 1972; and

Whereas, The haste with which these proposed increases were adopted did not afford the opportunity to ascertain and verify the need for the proposed increases, if any, nor permit interested and affected parties to be heard; and

Whereas, It is vital to the citizens of the City of Philadelphia, and to others who are compelled to use the Bridges in their daily businesses, to keep the costs down to a reasonable minimum; therefore

Resolved, By the Council of the City of Philadelphia, To urge the Honorable John Volpe, Secretary of Transportation of the United States, to suspend and delay the effective date of the proposed increases, for the purpose of holding public hearings, in order that the Delaware River Port Authority be required to justify and substantiate the alleged need for the increases.

Resolved, That certified copies of this Resolution be sent to the Honorable John Volpe, Secretary of Transportation of the United States, and to the Members of Congress from the Delaware Valley area.

RESPONSIBLE PROGRESS

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. HARVEY. Mr. Speaker, I want to bring to the attention of my colleagues two recent articles which have appeared in the Christian Science Monitor—March 9 and 17 of this year—relative to progressive efforts by both the General Motors Corp. and the Ford Motor Co. to substantially improve wage and working conditions in their plants in South Africa.

In the past, there has been strong criticism of American companies' policies in South Africa. Perhaps some of it is well founded. But, there is no denying, as you will discover in the two articles which follow, that at least General Motors and Ford are taking positive and constructive steps to provide equal employment opportunities and benefits and, in some cases, extra consideration in special educational programs and labor relations.

The newspaper articles follow:

[From The Christian Science Monitor, Mar. 17 1972]

PRESSURE ON SOUTH AFRICA—BLACK AUTO WORKERS GAIN

(By Paul Dold)

U.S. motor companies in South Africa—under increasing pressure from overseas—have substantially improved black wages and working conditions.

Ford is the second U.S. motor company to release details of its black wages and labor conditions, announcing that the company last year formed a six-man council representing black workers to negotiate labor grievances with the white management.

In response to a survey by this correspondent, General Motors disclosed that:

Its first nonwhite group leaders had been appointed in 1971.

A "works committee" to negotiate with management for black workers had been set up late last year.

Since January, 1970, black and Coloured average wages had increased by 20 percent.

Significantly, these developments have all taken place since strong pressure was exerted on U.S. companies and since black U.S. congressman Charles C. Diggs Jr. (D) of Michigan, criticized Ford and GM for their South African policies.

VEIL PARTIALLY LIFTED

The most detailed replies on black wages and working conditions have thus far come from GM. But Ford has to a degree lifted the veil of secrecy over its operations.

Ford refused to give any breakdown of the highest, lowest, and average monthly wages paid to blacks, Coloureds, and whites. It replied that to do so would unfairly distort the pictures since averages are made up of wage scales in 11 grades.

"You would be averaging apples and oranges since there are no nonwhites in labor grades 10 and 11, which encompass the skilled trades and are still restricted to whites by job reservations, laws, and union practice. Historically, Ford employed more whites than nonwhites and the nonwhites were employed in the lower grades," the firm noted.

Ford did disclose the lowest black wage is 75.83 rands a month—R5.83 above the poverty line in Port Elizabeth, where the plant is situated.

SOME BLACKS PAID MORE

The wage, based on 40 South African cents (56 cents) an hour is paid to a laborer, and Ford said the fringe benefits for this category of employee are R17.50 a month.

GM also has a minimum hourly rate of 40 cents but GM's 45-hour workweek brings its monthly pay packet to R78.

Ford made the startling announcement that some blacks at the plant are paid more than whites. Two grade levels—six and seven—were described as "representative" by the Ford spokesman.

In grade seven there are 7 black, 38 Coloured, and 36 white employees. Five of the blacks earn more than 13 of the whites, while only 10 of the whites are paid more than the blacks. Three of the 7 blacks earn more than or as much as 32 of the Coloureds.

TRADE UNIONS DISALLOWED

In grade six there are 17 blacks, 34 Coloureds, and 7 white employees. Eleven of the blacks earn more than 2 of the whites, and only 3 of the whites earn more than the black employees in the grade.

Ford says the annual increase for workers of all races is 8 percent.

Blacks in South Africa are not allowed to form trade unions, but Ford says the terms of the collective-bargaining agreements negotiated by whites apply also to blacks as well as Coloureds.

Last year Ford formed a six-man council representing black employees on an "unofficial basis." The council presents complaints and grievances to management.

BLACK SKILLS USED

Ford has adopted the pay rate assigned to a job irrespective of race and says blacks are being progressively upgraded into the semiskilled jobs. Ten years ago blacks worked only in grades one and two. Now there are blacks in eight of the first nine labor grades.

There are medical-aid and pension plans for all races.

Ford also gave some details of its education plans but declined to give the total spent on blacks and Coloureds last year. The company's answer was that all employees are eligible irrespective of race.

Ford has set up a tuition-refund program that applies to any approved high school, technical school, or college course successfully completed.

University scholarships worth from R250 to R500 and high-school scholarships worth R10 to R25 are available. In addition, there are a number of in-plant training programs.

[From the Christian Science Monitor, Mar. 9, 1972]

SOUTH AFRICA GM BARES BLACK, COLORED WAGES

(By Paul Dold)

General Motors' South Africa subsidiary has lifted its veil of secrecy surrounding wages paid to black and Coloured (mixed race) workers—claiming that its pay scales are among the highest in South Africa's motor industry.

General Motors is the first American motor company to disclose details of its black wages in response to a survey being made by this correspondent.

Answers should be valuable evidence in the continuing debate about whether American companies, in fact, help better the black African's lot or, contrariwise, help the government's apartheid policy.

A GM spokesman disclosed that the lowest starting rate for any employee at the Port Elizabeth plant is 40 South African cents (56 U.S. cents) an hour. Based on a 45-hour week (the current workweek), this means a minimum wage of 78 rands ($109.20) per month.

The spokesman claimed that the rate was above the poverty datum line (PDL) for Port Elizabeth, when the full sphere of company benefits is also included.

A Port Elizabeth Chamber of Commerce official says that the University of Port Elizabeth is currently conducting a research program to establish the area's PDL. But the chamber estimates the PDL will probably be about R70 a month—slightly lower than Johannesburg's R76.

BUSINESSMEN SURPRISED

Port Elizabeth businessmen were surprised at GM's high minimum-wage figure. They said if the figures were accurate, General Motors had definitely taken the lead in industry. Many nonwhite workers in other industries are being paid R12 a week compared with GM's R18.

General Motors' claim to be among the top wage payers in the motor industry is based on a GM survey of the majority of motor companies in the country. The survey included 15 of the 18 motor companies.

GM said it is striving to pay the rate for the job and that there are already a number of grades in which blacks and Coloureds as well as whites are employed. In such grades, the rate for the job is paid irrespective of race. Pay is subject only to length of service and ability.

RACIAL DISTINCTION DENIED

GM refused to disclose its average and maximum rates of pay for blacks, whites, and Coloureds as it was "competitive information" but stressed that pay was not fixed on a racial basis.

Since January, 1970, GM reports, the average basic rates of pay for nonwhite workers have jumped by 20 percent. GM employs 2,500 nonwhites. Only 10 percent are blacks—the vast majority being Coloureds. About 245 of these nonwhite workers have received pay hikes as high as 33 percent since 1970.

This raise in basic pay prompted other increased benefits such as higher overtime pay, year-end gratuity, and pension-fund accruals.

Replying to a question on black-white labor relations, GM noted it had been one of the leaders in establishing an industrial council for the motor industry in the eastern Cape. And both white and Coloured employees are represented through their trade unions which have appointed shop stewards to smooth labor relations.

COMMITTEE FOR BLACKS

Since blacks are prohibited by law from being represented by unions, recently GM set up a "works committee" for black employees. This committee negotiates with management on behalf of the blacks.

Job reservation (reserving skilled jobs for whites) was abandoned in the industry in 1968, and GM now negotiates with the white union on what jobs can be Africanized. GM claims the union has been "very cooperative" resulting in opening many jobs, previously occupied by whites, to nonwhites.

GM is one of the few companies to have medical aid for blacks and Coloureds. It also provides its staff, irrespective of race, with a pension plan, group life insurance, and benefits following disability, injury, and sickness.

RESPONSIBILITY TO FREEDOM

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. PIKE. Mr. Speaker, we are often moved by a magnificent landscape, a beautiful symphony, a stirring march, or the smile of a child, but less often by words alone. Words, after all, are our stock in trade. I was, however, most moved when I first heard the words I am about to quote to you, spoken by a young lady in my district, Miss Barbara A. Brady, a student at Newfield High School in Centereach, N.Y. She had won an essay and oratorical contest sponsored by the Tordik-Diederich-Duffield Post No. 4927 of the Veterans of Foreign Wars on the subject of "My Responsibility to Freedom."

After winning the contest within her own school against tough competition she went on to win the contest on a county-wide basis, then on a district basis, and finally, was declared the top winner by the Veterans of Foreign Wars for the Department of New York.

She came to Washington this month for the national finals, and while she did not win the national championship, the fact that she placed as high as she did in a contest in which 500,000 secondary school students throughout the Nation participated is a source of great pride to all of her family, teachers, friends, the members of the Veterans of Foreign Wars in our area, and to me. While a reading of her composition is not nearly so moving as hearing Barbara Brady deliver it herself, it is still sufficiently powerful that I take great pleasure in sharing it with you and our colleagues:

MY RESPONSIBILITY TO FREEDOM

(By Barbara Brady)

Have you looked at the sky lately? I have. When was the last time you threw your head back and felt the wind rushing around you? Felt it rushing through your hair, burning at your cheeks, singing in your ears and making you feel free? As free as the birds soaring about you; the animals in the trees and on the land? Have you got the feeling? Can you feel your heart beating harder and harder? Does it feel like it's going to burst? Look in your mind. Take your dreams and let them go. Let them soar, higher and faster than the birds until they reach your star. Now, take a deep breath and laugh! Yes, laugh, hard and loud! Laugh, because you're free.

I have just described to you the most valuable gift life can give. Freedom. Freedom of the mind, body, spirit. It makes me feel good just to think of it. It's mine. No one can take it from me. And I'll fight with all of my strength to keep it.

Yet, like all gifts it must be taken care of. It is my responsibility to take care of freedom. No, not just mine, everyone's. The whole world should be allowed to experience this beautiful gift.

Now, you smile. Here I am a seventeen-year-old girl trying to free the oppressed people. Idealistic? Yes, very. But don't you see? I've got to be. It is my responsibility to freedom to spread it. To instill hope. A hope that will lead those people to dream. A dream so strong and beautiful that they will want to fight for it. They don't have to kill for it. In killing they are not taking care of freedom. They are betraying it by denying it to someone else. If everyone has the same dream and lives it and spreads it, the hope will become the truth!

It is my responsibility to freedom to help others in their quest for it. To use it, not abuse it. For if I abuse it I will most likely be infringing upon someone else's freedom.

But I have not yet mentioned my greatest responsibility to freedom. This is to be thankful for it. To be thankful for all that I have. When I look at my home, friends, family, it's easy to be thankful. But when I realize that in the United States I have the opportunity to do or be anything I want I am breathless. I'm free; to do anything I can. My gratitude makes me want to fulfill my great responsibilities to freedom.

Now as I stand before you I begin to wonder what it would be like to be a seventeen-year-old girl in a country where there is no freedom. Life would be much different.

But these thoughts only make me more aware of my great responsibilities to freedom. And as I grow older they will grow also. It will be time to pass them on to my children as they have been passed on to me. To instill in my children hope. The hope of a better world and the determination to shape it.

BUSINESS COMMUNITY AND THE CONSUMERS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. SCHWENGEL. Mr. Speaker, recently I attended a meeting in the Capitol hosted by the American Collectors Association, Inc. At that time I had the privilege, along with many others, of listening to the president of the organization, Mr. Richard M. Smith, of San Jose, Calif., and because he had so much interesting and pertinent information that could be of value to all who are interested in the business community and the consumer, I take this opportunity to insert his remarks in the RECORD for perusal by all who may care to read it and I highly recommend that every Member of Congress read these remarks:

CONGRESSIONAL LUNCHEON ADDRESS BY THE PRESIDENT OF AMERICAN COLLECTORS ASSOCIATION, RICHARD M. SMITH, SAN JOSE, CALIF., MARCH 8, 1972

Brevity seems to be in order today. With the two-dollar lunch, I guess it's only right that you should get the two-dollar speech, too. I'll keep my eye on the time, but I do want to seize this opportunity to just briefly acquaint our Congressional guests with our organization.

As concerned and vitally interested citizens, we have come here to Washington to meet and to visit with you and to learn more about the Legislative processes. In turn, it seems only appropriate that you should know a little something about us, too, and the important and responsible role we play in the economic picture of our Country.

Our American Collectors Association is a National Federation of State Associations. We are composed of businesses providing accounts receivable collection service and other related credit services to credit grantors and to consumers alike. Our organization was founded in 1939—which means we are celebrating our 33rd birthday this year. Our International headquarters, called the ACA Center, is in Minneapolis, Minnesota.

And our own 20,000 square ft. building there houses some 45 employees, a computer operation, library, and printing plant, among other things. It is from there that our many industry programs are directed—and this includes a very vital program of continuing education for the collector, as well as the consumer and the credit grantor.

Our ACA has approximately 2,500 member offices which are staffed with some 23,000 employees throughout North America and a growing number of countries overseas. Our members serve more than 800,000 retail, professional, and wholesale credit grantors. And from our daily contact with tens of thousands of individual consumers and businesses with financial problems, we have acquired a vast knowledge and the status of experts in finding solutions to these problems.

Every year, millions of dollars, otherwise lost or stifled in unpaid accounts receivable, are collected and returned to the economic cash flow of our country through the services of our ACA member offices. This feat is professionally accomplished by thousands of highly trained and dedicated men and women. The result for many of the businesses we serve, is the return to them of much needed operating or expansion capital. In other instances, it actually represents the margin that enables a credit grantor to carry on his enterprise and to continue to be of service to the consumer.

Perhaps you may have never thought of it in this way, but being of significant assistance to the business and professional community *and* to the consumer, alike, is the compatible role of the professional collection agency. For the consumer, faced with delinquency in his obligations, it means a helpful return to dignity through the process of honoring his commitment to his creditors. For all other consumers who pay as agreed, it means an appreciable benefit reflected in lower costs for merchandise and services, that would otherwise need to be increased in price to cover a greater degree of accounts receivable losses.

So that this luncheon will be remembered as more than a passing pleasantry, I would respectfully ask our Honored Legislators, who are here present, to please make note of three things that are of importance: one is a person, one is an entity, and one is a word of caution.

First, the person sitting next to you, who is your ACA Host for this luncheon, is an expert in the highly specialized field of consumer outlook and behavior toward consumer debt. He or she is available to you for consultation in any Legislative matter, but particularly in that area effecting consumer debt collection. He or she is a respected constituent of yours and I know I speak for each of them when I say that they would, indeed, be pleased and honored to share their views with you at any time.

Second, please remember the entity American Collectors Association. Our member, who comprise the largest organization of Bonded Collection Agencies in the world, are all interested in good, sound, and equitable consumer Legislation. Our Code of Ethics, under which we operate, is a litany of fairness, in itself, that could well be used in guidelining the relationships between the credit granting community and the consumer public. Our capable ACA Staff in Minneapolis, headed by our Executive Vice President John W. Johnson, who is likewise a Legislator in the State of Minnesota, would be only too happy to make available to you any of the research and library facilities of our organization.

And finally, at the risk of shocking you a bit, please remember, if you will, the term Legislative "overkill". I don't even like to use it. In fact, I couldn't even find that word—"overkill"—in Webster's Dictionary. I think maybe it needs no defining. But it does need, and deserves, your grave consideration when applied in connection with the processes that govern the lives and effect the credit dealings of our citizens.

There is a growing philosophy of permissiveness abroad in our land and an excellerating Legislative trend toward the re-deployment of risk and responsibility in the field of consumer credit. Bear in mind that our Country has been made great, in part at least, by the marvelous credit economy we enjoy. Yet, there is a growing pressure being applied presently, to go to extremes, to overdo, to "overkill" with so-called corrective Legislation in the area of consumer credit problems, real or imagined.

In this regard, I would leave with you this cautioning word for your consideration: anticipate well the adverse aftermath of any proposed Legislation that would lessen, absolve, or aid in the evasion of fiscal responsibility in the individual. For the dictates behind the history of human behavior sound the warning that you cannot lessen, by Laws, the moral and fiscal responsibility of the individual without creating chaos in the market place and fostering an eventual crisis in the basic honesty and the moral stability of the consumer public.

To our Congressional guests, on behalf of everyone here, I thank you for sharing your valuable time with us. This has been a rewarding experience and we are grateful to you.

To our members, who have come here from all over this great County of ours, thank you for your attendance, and I wish you Godspeed and a safe return to your homes.

AIR FORCE SUPPORTS SPACE SHUTTLE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. TEAGUE of Texas. Mr. Speaker, on Thursday, March 16, 1972, the Honorable Robert C. Seamans, Jr., Secretary of the Air Force, appeared before the Subcommittee on Manned Space Flight of the Committee on Science and Astronautics. Secretary Seamans reviewed in depth the importance of the development of the space shuttle to this Nation not only for peacetime applications, but also as a future contributor to our national security. The distinguished Secretary of the Air Force outlined the significant cooperation between the Department of Defense and NASA which has led to the design of a space shuttle useful not only in the NASA missions, but also to the Department of Defense. Because of the significance of this statement I am including it in the RECORD and commend its reading to my colleagues and the general public:

SPACE SHUTTLE

Mr. Chairman, I am very pleased to have this opportunity to express the Air Force views on the Space Shuttle program. As you know, the Department of Defense and the Air Force have an extensive space program, designed to help us accomplish existing military missions. As part of our national policy, defense operations in space do not pose a threat to the security of other nations, but are limited to assisting our forces in maintaining an effective deterrent.

Toward this end the Air Force has been launching DOD satellites into orbit since 1958. Through these efforts we are now able to provide our forces with better communications, improved navigation, more precise maps, and better early warning. We are continuously assessing our military mission requirements against available technology and fiscal considerations. When space systems can best help us accomplish our military tasks, and are competitive in terms of cost and performance, we would expect to pursue their development. And in the future, I anticipate that space systems will allow even further improvements in our defense posture.

We are not alone in recognizing the potential of space. Foreign countries have made notable scientific achievements in space. And in the case of the Soviet Union their efforts include a major defense space program. The best information available indicates that they plan to spend more on space this year than both the DOD and NASA combined. I believe that the priority given to our space efforts should reflect the fact that our national security could be seriously jeopardized if another nation should move very far ahead of us in space technology.

To make better use of space systems, we must find ways to reduce the cost of operating in space and to improve our operational flexibility. Toward this goal, both NASA and the Air Force have conducted studies which show that cost reductions could be realized if boosters and spacecraft were reused, rather than discarded after a single use. From these studies we have also concluded that a properly designed Space Shuttle could permit the DOD and NASA to pursue promising space applications which are presently not feasible.

I would like to enumerate some of the ways a Shuttle could enhance our defense space operations. The Shuttle could be used as an on-orbit test bed to conduct development and qualification testing of new space systems and subsystems. On-orbit tests could allow our engineers to define potential technical problems and improve designs while in the prototype stage by testing under realistic operating conditions rather than in ground facilities built to stimulate the space environment. This could offer significant savings by allowing us to prove the capability of a proposed system prior to undertaking the expense of developing an entire satellite.

Retrieval of payloads from orbit also offers the potential for refurbishment and reuse which could lead to more effective use of our space hardware. Similarly, operational risks associated with the deployment of complex new systems could be reduced. If a satellite should fail, it could be recovered by the shuttle, returned to earth for diagnosis and repair, and operationally redeployed in a minimum of time with better confidence that the problem was resolved. Also, by being able to better diagnose the causes of malfunctions that occur in space, we should be able to improve the design of future spacecraft.

From an operational standpoint, the Shuttle will be designed to significantly reduce pre-launch checkout time with improved reliability and less dependence on ground support. This would allow a rapid response capability which could be invaluable during certain crisis situations.

While we foresee many advantages from the Space Shuttle program, it is questionable that either NASA or the DOD alone could justify the cost of such a development. However, when the needs of the two agencies are jointly considered, the Shuttle appears to be an effective way to satisfy the needs of most of our national space systems.

For the past two years, the Air Force has worked very closely with NASA in an effort to define a Space Transportation System which could meet both the DOD and NASA requirements. We recognize that NASA has primary responsibility for developing a system with national utility. We have conducted complementary efforts to identify DOD mission aplications and operational requirements and to assess the concepts being evolved by NASA to assure that they meet DOD needs.

To identify DOD requirements for the Shuttle, we first had to predict what our space program might be like 10 to 20 years from now. As you can well imagine, such forecasts are most difficult and must be continually updated and refined. We envision a need to perform essentially all the same functions as today, but in an improved manner and probably with expanded capability. In addition, there could be new functions performed by space systems.

After extensive analyses, we have developed a mission model which we feel will meet the DOD needs in the 1980's and 1990's. The number of DOD Shuttle launches reflected in this model averages about twenty per year, which represents about the same level of effort we have today. The model includes direct projection of today's systems and some new ones which are now in the advanced planning stage. Our planning does not, however, reflect any radical change in the role of military space programs as we know them today.

We will continue to use satellites to provide communications in support of our forces and for the command and control of these forces. Communications between major defense centers will be accomplished through systems similar to our present Defense Satellite Communications System but with added capability. Our mobile forces will be able to communicate with each other and their commanders through improved tactical communications satellites. Satellites also will provide us early warning against ICBM and SLBM launches.

Typical of the new space systems we expect to deploy is the Defense Navigation Satellite System. This system would enable ground, sea, air and space users to quickly and accurately determine their exact position anywhere in the world. Feasibility of such a system has been shown, and tests to refine the concepts and demonstrate the technology are underway. When these are concluded three to four years from now, we could begin full-scale system development and have an operational system deployed in the early 1980's. This system would replace many existing systems which are all special purpose and unable to satisfy the needs of all our forces.

These are the types of space programs included in the DOD mission model and are representative of the satellites we would expect to orbit even if the Shuttle was not developed. We have recommended that NASA use this model for planning purposes, and it is the basis for the DOD design requirements.

In assessing the DOD payload requirements for the Shuttle, we divided them into two categories. First, we considered those that can be placed directly into final orbit by the Shuttle orbiter and second, we studied those that require a high energy upper stage to boost them from low earth orbit to their final operating orbit. Over 50% of the planned DOD payloads will have to be delivered to high energy orbits. In the latter cases, an upper stage plus the mission satellite would constitute the Shuttle payload.

The heaviest satellite presently projected in the model for high energy or synchronous orbit is 5,000 pounds. An upper stage is needed to transfer such a satellite into synchronous orbit. This requires that the Shuttle be capable of delivering approximately 65,000 pounds equivalent payload weight into a 100 nautical mile easterly orbit. The 60,000 additional pounds is the weight of the upper stage and the propellants required to boost the payload to the higher orbit and return the upper stage to the orbiter. Of course, a shuttle with this capability also would be able to meet payload requirements for low altitude satellites.

In addition to assessing weight requirements, we also examined the minimum payload size capability suitable for the DOD missions. Based on our studies, the dimensions of a reusable high energy upper stage with the capability to transfer a satellite into synchronous orbit would have to be approximately 34 feet long and 15 feet in diameter. And when the size of this upper stage is combined with the payload satellite size, a shuttle payload bay of 15 feet by 60 feet is required. Even if we used an existing expendable upper stage, the payload bay length would have to be 60 feet because these stages are similar in length to the proposed reusable upper stage.

I would like to now say just a few words about the upper stage required for high-energy orbit missions. The Centaur or Agena stages are the current analog to a Shuttle upper stage, known as the Orbit-to-Orbit Shuttle or Space Tug. Preliminary studies have shown that a reusable upper stage can be developed which is compatible with the 15 x 60 foot payload bay size and the 65,000 pound weight capability I previously referred to. We have also considered an expendable upper stage involving either a new development or a modification of an existing stage. However, studies show that approximately $5 million per launch could be saved on a high altitude mission if the upper stage was reused rather than expended. This does not include savings from recovering the satellite itself which also may offer a potential advantage.

Moving on to other operational requirements for the Shuttle, there is both a DOD and NASA need to be able to maneuver 1,100 nautical miles cross-range during re-entry of the orbiter. This will allow the orbiter to return to the point of departure after a single orbit of the earth. The requirement is based on safety considerations in case it should become necessary to return the crew after a single orbit and also on the possible need to conduct single orbit operational missions.

We have also identified Shuttle operational requirements in the areas of survivability, reliability, security, vehicle turn-around time, payload retrieval, vehicle autonomy and on-board checkout.

With regard to vehicle autonomy and on-board checkout, our concern is the degree the vehicle and crew can perform exclusive of external control and assistance. In our view the Shuttle should be as autonomous as possible, with the ultimate objective of having space operations more like those associated with aircraft rather than like past space launches. If we can minimize the ground support facilities and control complexes required, we should be able to reduce the operational costs and increase system flexibility.

I would like now to turn to the results of our assessment of the ability of the current Shuttle concept to meet DOD needs. Based on our present data, the Shuttle configuration and design characteristics as proposed by NASA can meet the DOD mission needs forecast for the 1980–1990 time period. The present design concept includes a reusable orbiter having a 1,100 nautical mile cross-range capability with a 15 ft by 60 ft payload bay, and a 65,000 pound payload bay capability for launch into a 100 nautical mile east orbit.

Our cost analysis has shown potential savings in the payload area from use of the Shuttle. This would be possible because of the capability to recover payloads and refurbish them for reuse, or to repair malfuntioning satellites. However, we would not anticipate significant initial reductions in overall cost of DOD space operations. The potential payload savings are offset by the costs of ground facilities, operations, and Shuttle procurement associated with the posposed vehicle configuration. But the Shuttle should be cost competitive with present expendable systems even in the short run; in the long run we believe the Shuttle could result in considerable savings. And the system does offer the potential for improving our mission flexibility and capability.

After the Preliminary Design Review in December 1973, better data on costs, capabilities and operation concepts will be available. Final cost and performance assessments will not be possible until after development testing has been conducted and the prototype vehicles flown.

In accordance with a Presidential decision, NASA is requesting funds to begin development of the space shuttle. The Air Force will continue to support analyses and planning efforts with the aim of delineating DOD's use of the shuttle. And if the shuttle meets its performance and economic targets, the Air Force intends to procure shuttle equipment.

I would like to commend NASA for the excellent work they have done in the Shuttle program. They have been very receptive to our suggestions and our working relationship is outstanding. We will continue to work closely with NASA to assure that the Shuttle system that is developed will meet our needs and have utility to the DOD.

In this effort, representatives from both agencies are co-chairmen of the Joint Space Transportation System Committee which was established in February of 1970. Also, we have assigned liaison engineers to work with NASA centers and have personnel from our Air Force laboratories working with NASA on various working groups.

Currently we are working together on a program to develop experimental flight data in hypersonic, supersonic and subsonic flight ranges. This test program, which uses the X–24B vehicle, should provide valuable technical information which can be applied to the Shuttle development.

In conclusion, we have reached a stage in our space program development where we are increasingly able to define promising opportunities. And, with the available technology, I believe the next logical step is to move toward development of the Space Shuttle. If we proceed, step-by-step, we should be able to develop a Shuttle that will offer significant advantages in the way we operate and perform our missions in space. Also, if we are successful in our development efforts, we could open new avenues for a greater range of applications of space which would benefit all of mankind.

LOCAL CONTROL

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. ZWACH. Mr. Speaker, recent court decisions have raised questions in regard to future financing of our local schools.

If property taxes are not to be used for local financing of our schools, we must, because of a lack of any other revenue source, turn to the Federal Government. Will that, then, result in complete Federal domination of our school systems?

Margery Burns, a weekly newspaper columnist in our Minnesota Sixth Congressional District, deals with this problem in one of her recent newspaper articles, which for the information of my colleagues and all of the other readers, I insert into the CONGRESSIONAL RECORD.

LOCAL CONTROL

(By Margery Burns)

The other day a friend of mine asked how I could go along with the state taking over the schools' finances when I had been so concerned about local control of the schools.

And that is the big problem coming up for all of us. Because of the court cases about school financing around the country, everyone is getting into this problem. There will be many different answers to this question of how the schools will be financed and how to preserve local control of the schools if the state or Federal government take over the finances.

In the book, Private Wealth and Public Education, the writers, John Coons and W. H. Clune III, have some interesting things to say. They believe that there should be local control of schools at the same time as there is equal opportunity for the children. Today, the richer school districts can tax themselves at a lower rate than the poor school districts and still have better schools. And . . . "in the purchase of education it should 'hurt' as much for a poor district to raise an extra dollar as a rich one, but it should hurt no more."

One big question is what is "quality" education? Since it is almost impossible to define . . . "are two hours of folk singing equal to one of history, or four teachers with B.A.'s equal to three with M.A.'s" . . . these authors say that we'll have to use money as the criterion of quality in education.

However, as Phyllis Myers says in the Washington Star, "The pall left by the so-called 1965 Coleman study, which concluded that nothing the schools did made a significant difference in student achievement, save what he brought from his family upbringing and whom he met in schools, still confounds all discussions about dollars and equality."

But Coons and Clune still say that the only method so far of evaluating schools is by using money. "If money is inadequate to improve education, the residents of poor districts should at least have an equal opportunity to be disappointed by its failure."

"Power equalizing" is the solution these authors come up with to equal school financing and still keep local control. For instance, every school district would have equal tax rates. A 10% tax in one district would bring in $10 per pupil and in another $90 per pupil. So the state pays the first district $80 to help the school. Then a flat state tax of, say 8% brings in $8 from the first district and $72 from the second. The extra money from the richer districts is used to give every district the ability to buy equally good schools. And . . . "as a percentage of local wealth each total tax is exactly the same, which redistribution of wealth has produced equal expenditures . . . from each according to his ability, to each according to his effort."

That is one solution. What do you think of it? I believe that everyone of us should start thinking about this problem because it's going to hit us fast. The President mentioned the terrible burden of property taxes and the possibility that the Federal government might have to take over the financing of the schools while still keeping local control in the districts.

So what do we do? How do we keep local control if the state and the Federal government hands out the money? Do we put farmers out of business and put people out of their homes because their property taxes are too high, or do we find a way to keep local control while we get state and Federal money?

To quote Coons and Clune again: ". . . in our experience persons seeking better schools through centralized 'quality' often overlook the fact that the achievement of such an equality guarantees not better but only similar schools.

HON. H. JOHN HEINZ III SENDS FIRST QUESTIONNAIRE

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. HEINZ. Mr. Speaker, because I have a deep interest in the views and concerns of my constituents, I am mailing a questionnaire to every family in the 18th District of Pennsylvania, which I represent. This is my first questionnaire, and I have asked my constituents to inform me of other areas of concern not discussed in the mailing.

The text of the questionnaire follows:

QUESTIONNAIRE

DEAR FRIEND: In order to represent you and your views, it is important that I have the benefit of your thinking on the important issues facing all of us today.

Please take a few minutes and fill out the attached questionnaire. The questions are designed to help me vote responsibly on the complex legislation that comes before the House of Representatives.

Note that the questionnaire has been designed for use by both husband and wife. When you have completed the questions, simply detach this portion and return the answered portion. I will report to you on the results as soon as they are tallied.

Thank you. Your views are always welcome.

Sincerely,

H. JOHN HEINZ III,
Your Congressman.

(NOTE.—Each question provided boxes marked "his" and "hers" and "yes" and "no."

1. Would you support a "value added" (national sales) tax if revenue would cut property taxes dollar for dollar?

2. In principle, do you favor some form of national health insurance?

3. Are you willing to spend as much as $20 billion, as proposed, to improve the quality of our nation's water?

4. Do you favor limiting imports even if it results in higher prices for some American-made goods?

5. Do you favor my proposal to extend medicare coverage to include federal payment for most of the cost of prescription drugs?

6. The defense budget for the coming year is $79 billion. Which of the following would you prefer (please check your choice in appropriate box:

Increase.
Leave the same.
Cut 2%.
Cut 5%.
Cut substantially more than 5%.

7. Do you feel federal aid to higher education ($6 billion this year) should be:

Increased.
Stay the same.
Reduced.
Eliminated.

8. Which policy do you believe we should follow in Vietnam:

Escalation.
Continue to withdraw troops but not all unless S. Vietnam can defend itself.
Set withdrawal date based on guarantee of return of American POWs.
Pullout immediately without conditions.

9. A 5% increase in Social Security benefits plus automatic cost-of-living increases is under consideration. Which do you favor.

The above proposal.
Greater benefits than above.
Do not favor benefit increases in above proposal.

10. How would you rate President Nixon's performance in the following areas? Use A. Excellent; B. Good; C. Fair; D. Poor.

Reducing inflation.
Combating unemployment.
War in Vietnam.
Crime Control.
Environment.
Foreign policy other than Vietnam.
Holding line on government spending.
Combating drug abuse.

THE SOVIETS AND THE MOSCOW WARSAW TREATIES

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. SPENCE. Mr. Speaker, a very significant article from Bonn, under the byline of John M. Goshko, regarding the proposed Warsaw and Moscow treaties being debated in the West German Bundestag appeared in Friday's Washington Post. It notes that the Soviet Union, "fearful that Chancellor Brandt may lose" the treaty fight, has moved to bolster his position with "potentially important concessions."

In a report from Moscow just a week ago, Robert G. Kaiser appeared in the same paper quoting Pravda as saying, "Either the treaties are ratified and further progress toward detente can be made or they are defeated and West Germany returns to the policy of cold war—and hostility to neighboring states," and outlining other evidence of strong intervention by the Soviets to insure ratification of the treaties.

These two articles make it very clear that the Soviet Union will do whatever is necesary to gain ratification. It will threaten and if its threats backfire it will put on a conciliatory face. But it is obvious that Moscow desperately wants these treaties. And they want them because they expect to gain from them.

Failure of the treaties is viewed as a threat to Brezhnev's policy. Their ratification is the first step toward a European Security Conference to unify Europe under a Soviet orientation.

Any concessions they offer are designed to insure ratification. In fact, they will not be worth the paper they are written on—if, indeed, they are ever reduced to writing.

Mr. Speaker, I insert the aforementioned news article in the RECORD.

The articles follow:

BONN GETS SOVIET AID ON TREATY

(By John M. Goshko)

BONN, March 16.—The Soviet Union, fearful that Chancellor Willy Brandt may lose the fight to ratify the Bonn-Moscow goodwill treaty, tried today to bolster Brandt's position with some potentially important concessions.

Brandt revealed to the Foreign Affairs Committee of the West German Bundestag that the Kremlin leadership will bring the controversial "letter on German unity" to the "official attention" of the Supreme Soviet, when it is called upon to ratify the treaty from the Soviet side.

The letter, also known as the "German option," is a device to counter charges that ratification of the treaty will cement the permanent division of Germany. This is the main argument made against the treaty by the opposition Christian Democrats.

The letter says it is the Brandt government's understanding that the treaty does not rule out the possibility of peaceful reunification. Now, Brandt can contend that the proposed Soviet action gives the letter Moscow's open stamp of approval and signifies Soviet agreement with Bonn's interpretation of the reunification question.

However, the Soviet gesture was immediately rejected by the Christian Democrats' parliamentary spokesman on foreign policy, Werner Marx, who said his party's opposition would remain unchanged. This had been expected since the Christian Democrats say they will accept nothing less than inclusion of a statement on reunification within the treaty text.

Where the Soviet move could be important is in overcoming the doubts of those government deputies known to be wavering in their support of the treaty. At least three have expressed fears over the reunification question, and their defection would almost certainly deprive the government of the majority necessary for ratification.

Brandt also revealed that Moscow had put an additional sweetener in the pot. He said the Kremlin is prepared to sign a new Soviet-West German trade agreement that would recognize Bonn's right to act for West Berlin in trade matters. Negotiations on such an agreement have been bogged down for years because of Moscow's past insistence on excluding West Berlin from its provisions.

Announcement of these concessions indicated that the Soviets apparently are moving away from their campaign of threatening dire consequences for West Germany if the treaty is defeated. These threats had prompted several complaints here about interference in Bonn's internal affairs.

The reunification issue has been the single biggest sticking point throughout the two-year effort to bring a Bonn-Moscow treaty into effect. Because East Germany insists that its separation from West Germany is irrevocable, the Soviets have been constrained from giving Bonn a clear-cut commitment about reunification.

Originally, the two sides hoped to get around the issue through the "German option" letter, which Brandt handed to the Soviets when he signed the treaty in Moscow on Aug. 12, 1970. The Soviets accepted the letter without comment, and the Bonn government contends that under international law it then became a valid part of the treaty.

However, the Christian Democrats have never accepted this as sufficient. They contend that the treaty's provisions binding the signatory governments to respect existing borders in Europe could be interpreted by Moscow as barring reunification forever.

Previously, Moscow had tried to help Brandt refute this charge by giving him a statement from Foreign Minister Andrei Gromyko indicating that the West German and Soviet interpretations of the treaty are identical. Yesterday, the Soviet ambassador here, Valentin Falin, reaffirmed this in a letter to Foreign Minister Walter Scheel.

Now, Moscow has gone yet another step with its promise to bring "the reality" of the letter on reunification to the notice of the

Supreme Soviet. But, diplomatic sources here seem to agree that the Soviet Union's need to keep peace with its East German client probably stamps this latest move as the maximum concession it will make.

SOVIETS FEAR REJECTION OF BONN TREATIES

(By Robert G. Kaiser)

MOSCOW, March 9.—The possibility that the West German Bundestag may not ratify Bonn's treaties with the Soviet Union and Poland appears to be causing extreme discomfort in Moscow.

Soviet concern is clearly evident in the pages of the official press. Several articles in recent days have implied ominous consequences if the treaties are not ratified—a possibility that has suddenly been taken seriously in Bonn.

"This is a threat to Brezhnev's entire foreign policy," one European diplomat observed. "They are very worried," said another

The newspaper articles have been cautiously worded, and in the opinion of several experienced diplomats here they have understated the strength of Moscow's feelings.

COLD WAR

A middle-ranking Soviet official, speaking last week in West Berlin, may have been more frank when he was asked what would happen if Chancellor Willy Brandt lost his fight for ratification of the treaties, and an anti-treaty Christian Democratic government took power in Bonn:

"Then everything would be destroyed," this official said, "everything we've accomplished so far. Then a new Cold War would break out, and a hot war might be possible."

Though Moscow has never seemed to take ratification of the treaties for granted, it has shown no signs of seriously fearing their rejections. The real possibility of parliamentary defeat of the basic element in Brandt's policy of improving relations with Eastern Europe has probably been as much a surprise here as in the West.

Soviet party leader Leonid I. Brezhnev has constructed a Western policy of his own, and the treaty he signed with Brandt in August, 1970, was also its basic and crucial element. Many Western Kremlinologists have argued that Brezhnev had to overcome substantial opposition from conservative colleagues in his Politburo to pursue his opening to the West.

POWER ALINEMENT

One diplomat here who enjoys friendly relations with the Kremlin speculated this week that the alignment of power inside the Politburo which has supported Brezhnev thus far, might be strained to the breaking point if Brandt fails to win ratification.

If the treaties were defeated, the Brezhnev's enemies would soon emerge from the woodwork, this observer speculated, and might well force him out, or force a very abrupt change in the Soviet line.

Other diplomats view the situation with less alarm, contending that Brezhnev's policy probably represents a strong and durable consensus in the Politburo.

In any event, a "no" vote in the Bundestag in early June, probably forcing a general election in West Germany, would put the Kremlin in a delicate dilemma. Would the Soviets sit out an electoral campaign, hoping that "their side" would win?

The problem is compounded by the "linkage" which the Soviets themselves established between Bonn's treaties with Moscow and Warsaw and the four-power agreement on Berlin. Moscow has said that without West German ratification of the treaties, the Berlin agreement cannot come into force.

For the Western nations, final ratification of the Berlin agreement is a prerequisite to holding a European security conference, the ultimate goal of Brezhnev's European policy.

Thus if the treaties fail in the Bundestag, the Soviet Union's entire European policy—nurtured carefully for two years—could unravel rapidly.

The Kremlin's difficulties are further increased by the timing of President Nixon's visit to Moscow. Mr. Nixon may be here in late May just as the parliamentary maneuvering in Bonn is entering its most critical stages, discussing issues which could become irrelevant if the treaties are defeated.

To convey their concern, the Soviets have relied primarily on their press. An authoritative article in Pravda signed "Observer" stated the case most clearly.

"OBSERVER" ARTICLE

"Observer" argued that Bonn's treaties with Poland and the Soviet Union—both renouncing force and accepting existing boundaries—are the crucial factors in the recent improvement of the political climate in Europe. Either the treaties are ratified and further progress toward detente can be made, Pravda said, or they are defeated and West Germany "returns to the policy of 'Cold War' . . . and hostility to neighboring states . . ."

The article ruled out any middle ground, and said the opposition Christian Democrats' argument that good relations could be achieved with Moscow without the treaty are either "a conscious deception of the Bundestag . . . or an actual display of losing touch with reality."

Any return to past West German policies "would damage the Federal Republic of Germany seriously," Pravda said.

Vikenty Matveev, a senior commentator for Izvestia, the government newspaper, wrote that "there is no alternative in existence" to Brandt's policy. Matveev also suggested that any further agreements in Europe depend on ratification.

In a lead editorial today, Pravda wrote that leaders of the Christian Democratic party in Bonn who oppose ratification " . . . are particularly aggressive."

BONN GOVERNMENT OPTIMISTIC ON TREATIES

BONN, March 9 (AP).—Chancellor Willy Brandt's government rejected today speculation that it will fail in a crucial parliamentary showdown on its Eastern detente policy.

At the same time, it warned the Soviet Union and other foreign governments to stay out of the West German internal controversy on Bonn's nonaggression treaties with Moscow and Warsaw.

Government spokesman Conrad Ahlers told a news conference that the ruling coalition is convinced it can muster enough votes in the Bundestag (the lower parliamentary house) to ratify the treaties.

"The federal chancellor is not even considering retiring," Ahlers said, rejecting demands by the opposition Christian Democratic Party which has maintained Brandt no longer has enough votes to support his foreign policy.

THE NUMBERS GAME

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mrs. GRIFFITHS. Mr. Speaker, at this time, I would like to insert in the RECORD an article which appeared recently in the Detroit Free Press, written by staff writer, Tom Ricke, on the numbers racket. It is a revealing description of what the numbers game means to the people who risk their money to take the chance of winning and those persons who exploit them and their dream.

The article follows:

NUMBERS RUNNERS SELL DREAMS

(By Tom Ricke)

"Paint—To dream of paint denotes that you will soon move to better quarters—417."

To dream of paint? To dream of the numbers, that's the important thing. The dream of paint is only the beginning, the clue, the hunch that today is the day, that the Lucky Star Dreambook is right, and that a quarter bet will come back 500-fold on number 417.

Maybe 100,000 Detroiters—one of every 15 people in the city—play the numbers every day, as far as the police can tell.

There is no scientific way to decide what number from 001 to 999 will fall, especially when the fix is on, so the clues come from everywhere: Phone numbers, addresses, birthdays, license plates, gospel passages, hymn numbers, the weight of a new baby, or from the dreambooks, venerable collections of subjects and numbers—paint, 417, Food, 989, at least according to Lucky Star.

The Red Devil Dreambook and the Three Wise Men Dreambook might say differently. You pay your money . . . and dream, for that is what the numbers are all about.

Since the early 1900s, numbers men have been making billions of dollars selling people the chance to dream of having money.

Most of the people who play numbers are black. It's always been that way. It started in the ghetto and is still there. It is the only way for many to get a sum of money and it is a habit for many others that started when they bought dreams to help them through empty days.

The price? Whatever a person can scrape together each day. For that money, he buys a thousand to one chance of getting 500 times the amount he bet.

But it's more than that. He has purchased a thought—the right to think all day long about what he is going to do with the money if he wins. And that makes it easier to get through each day. Just the thought of it.

So everything in life becomes a clue, a tip, a whisper in your ear of what number will come in the next day.

"In the old days when we could stop someone on the street we thought was taking numbers and question them right there, we would stop these guys and ask them what was going on," says a Detroit policeman who has been investigating numbers since the 1940's. "Often we didn't have enough evidence to arrest them, and they would tell us what we wanted to know. Then they would ask for our badge number. They would bet our badge numbers because they figured that was their lucky number because they didn't get arrested."

Pat Theodore has bet the numbers every day for 25 years. He's a middle-aged black man who used to be a number runner with his sister about 10 years ago when the business was more open than today.

Now he works in a hospital. "I put more money into the numbers than I got out of it," he said, "but I used to hit once in a while. The people who collect numbers are the heaviest players themselves because they have the money and they see people hitting every day.

"The two most common numbers we used to play were the (dream book) numbers for white women and black women.

"Whenever the number for black women hit, people from all over town would call me because they knew I played it every day and we'd have a party. The time I hit the most came after a dream.

"I dreamed I was hungry and I went to the icebox and it was full of nothing but eggs. Eggs falling out all over the place. I looked up the number for eggs in the Three Wise Men and put $15 on it and it hit. I couldn't believe it. I had $7,500.

"I went out and bought a new Pontiac car for cash. It had everything on it. Then I just kept the rest at home. A big stack of $100 bills. Every time I wanted to party I'd take one or two of them and take off. I partied it away and lost my job while doing it, but I sure had a good time.

"The number was straight in those days. Once a preacher came through town and gave out a number and it hit. Our house paid off $67,000 that night. I remember all those $100 bills stacked up on the dining room table. But the house still made a profit that month."

There are two ways to play the numbers:

Conventionally, by betting, say 25 cents, that a specific, three-digit number, say 357, will come in.

Or by "boxing," betting a quarter, or $1.50 altogether, on every combination of those three digits—357, 375, 735, 537, 573, 753.

The return is 500 times the bet on the winning number. On a quarter bet, the win is worth $125.

In Detroit, the numbers men give out four winning combinations a day and most Detroit players bet on all four chances. To box a 25-cent bet on 357 on all four chances costs $6.

The numbers currently being played in Detroit are supposed to be based upon a complicated mathematical formula from racetrack results. Of the four numbers a player can bet on each day, two are fixed by the syndicate. They are called the Detroit numbers. The other two, called the Pantiac numbers, are actually taken from the racetrack results.

Playing the numbers each day means thinking about numbers all the time. The number on a dry cleaning slip. A bill from a restaurant. The number of pages in a book. Things that people who don't play the number take for granted are very important to people who play.

On a warm summer night in an inner city bar, a woman sat and cursed and slowly ripped a piece of paper she got when she left her shoes at a shoe repair store.

It said 576 on it, and it was the number that had come in that day.

"I've been looking for that number for three days," she yelled. "I knew I would have played it."

Ted Thomas, who works at Metro Airport, did play that number that day and when it came in, he had $6,000.

He came into the same bar later that evening and bought the house drinks all night long. He went out the next day and bought three new suits.

But that's all he got for his big win. He threw a big poker party the next weekend. All of his life he had wanted to play in a big stakes game. "I spent years with $30 or $50 on me while they bought pot after pot from me. It was my chance to play big," Thomas said.

Thomas got drunk the weekend of his party and the pros who heard he had money came and took it from him in a two-day long poker game.

After it was all over, Thomas sat down and figured out how much money he had bet on the numbers over the years. It came out to about $11,000 and he got $6,000 back and lost it all within a week.

"I still play 'em," he said recently. "If I hit again, I'm going to spend that money right."

Not everyone who wins money from the numbers blows it in a poker game or on a series of good time drunks.

Sam Morgan grew up in a numbers house. His parents collected numbers from a factory and from neighbors for years, and every day his mother put a dollar or two on 356.

Then one day while shopping, she asked a parking lot attendant what number had hit, and he said 356. She nearly bowled him over with a joyful embrace.

"She always had wanted expensive deep blue carpet with matching drapes," Morgan said, "and that's what she bought."

For some people, playing the numbers takes on the trappings, and to a degree the feelings of religion, a mercenary kind of faith that breeds an odd kind of ritual.

Every dream book is advertised as best used in tandem with its own special incense, to be burned before bed and upon rising, to insure dreams that produce numbers.

LaMaar McQueen had made his living selling lucky incense and lucky oils and candles and all kinds of dream books for 43 years.

He currently owns a store at 5040 Brush called McQueen's Novelties. He started in 1929, just a few years after numbers became organized in Detroit. His first store was on Hastings, in the heart of Detroit's first black ghetto. He moved to Brush street in 1934 and had been on one corner or another there ever since.

His store is full of 30 kinds of special candles that are supposed to bring luck in playing numbers. He stocks more than 35 kinds of special lucky skin oils. And he sells about 45 kinds of incense. He has just about every dream book ever published.

"Sure people still buy them," he said. "People been buying these for 40 years and they never change 'em. They just put a new date on the cover."

One day last week, there were seven people in his little shop, waiting to be served. One lady bought a lucky candle. Two bought dreambooks. And another bought a "green sheet," put out weekly by local numbers houses and listing all the numbers that have hit it the past two years.

But there are many more places to find help in picking a number, and one of the most important is church.

Whenever a minister selects a Bible verse to contemplate or read aloud, he is also inadvertently providing a number—Matthew, Chapter 5, Verse 17 . . . 517.

Whenever he hangs a hymn number on the wall, he is doing the same thing.

A Detroit Baptist minister spoke from the pulpit years ago about all that, and his words are now folklore:

"I know some of you are taking the numbers of our hymns and betting on them," he intoned. "I'm not saying whether I approve or not, but if you play them . . . be sure and box 'em."

Now deceased, once legendary Profit Jones was famous for the numbers he gave out. People used the number from the passage of the Bible he gave out each week as the number to play. Once that number hit four weeks in a row, according to police, and broke four medium-sized Detroit numbers houses.

"Once he was waiting for a train in New York," said Jones' PR man, who lived with him for 20 years, "and a lady walked up and handed him an envelope with $800 in it. She hit the numbers for a big amount."

There are also other so-called preachers not in organized religion who make their living selling "special blessings," which are numbers. These preachers give each person a special blessing (for a fee), working under the theory that if they give out enough numbers some are bound to hit.

"I remember one church," said a black police officer who has investigated numbers for the past 14 years, "where they had four lines for those blessings—a $25 line, a $15 line, a $10 line and a $5 line."

Other preachers sell blessed candles. The blessing is a small piece of paper wrapped around the candle with a number printed on it.

There are still advertisements for these special blessings on Sunday night radio. They give an address or a phone number to call to make arrangements for the service.

For a lot of people playing the number isn't all sweet, incense-filled dreams. It can be a nightmare.

The woman Pat Theodore worked for when he picked up numbers went broke betting them. "I remember one day," he said, "she hit for $5,000 and I congratulated her. She told me that wouldn't begin to cover her losses for the past six weeks. The operation finally closed down, because she bet away all of the profits."

Sam Morgan recalled a school teacher in Oak Park who called his parents twice a day to place bets.

"She would call with a whole string of numbers and just after we'd get them all down, she'd call with another bunch. Even if she hit once or twice a week, it didn't cover what she bet that week. She borrowed all she could from her credit union and was still in debt.

"When I was growing up, I just couldn't understand why that lady did that. All she bet was dimes, but they added up to more than her weekly salary. And if she hit one, all she got was $50. She would bet that in two or three days.

James has been collecting numbers for 30 years. He's been downtown to police headquarters, he says, 200 times since he started. "The worst player I ever had," he recalled, worked in a Chrysler plant and bet $130 to $150 a week himself.

"I prayed for that man to hit," James said. But he seldom did and he started drinking about a year ago, and I haven't seen him since. Numbers is a terrible thing for a lot of people. The more they bet and lose, the longer they bet. They think each day is the day they will hit. My son told me the other day: 'A numbers player is a fool.' I told him he was right."

LOUIS B. SELTZER AND HEALTHY HEARTS

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. MINSHALL. Mr. Speaker, the fame of Louis B. Seltzer long ago spread beyond the bounds of the city of Cleveland he loves and serves so well, just as the affection felt for this great Clevelander and American is shared by his countless friends across the Nation.

Louie Seltzer continues to be a joy and pride to our community, who demonstrates his devotion to our city through continued good works. When he said, "I love Cleveland and my whole being is intertwined with it," he meant every word, and Cleveland is the finer for his endeavors.

His latest project, and a highly successful one as are all the civic ventures he undertakes, was as chairman of Heart Sunday recently during the residential fundraising campaign in Cuyahoga County. Bob Seltzer, a splendid writer in the family tradition, dedicated one of his splendid columns to this most worthwhile cause. In doing so he had some heartwarming words to say not only on behalf of the American Heart Association, but, with justifiable pride, about his remarkable dynamo of a brother.

The article follows:

[From the Cleveland Press, Feb. 21, 1972]

L.B.S. AND HEALTHY HEARTS

(By Bob Seltzer)

The busiest retired executive in Cleveland is a dapper dynamo whose most recent voluntarism is as Heart Sunday chairman Feb. 27

in the residential fund-raising campaign in Cuyahoga County.

Louis B. Seltzer, 74, editor of The Press from 1928 to 1966, will lead 20,000 volunteers in the quest for funds for research, community service and education in the fight against America's No. 1 killer and disabler.

He has personal motivation because of the death of his only son, Chester E., a magazine writer and editor, from a heart attack at 56 last Oct. 5 in El Paso, Tex. The son had no history of heart trouble.

Louis Seltzer, dedicated to this city, as he was for 53 years to his profession, is a member, director or officer of 61 organizations. He is the city's ambassador without portfolio, and for years has been known as "Mr. Cleveland."

Said he: "Every time I walk on Euclid Ave. or the main street of any city, I see men and women who owe their lives to heart surgery made possible by many years of research. Goal of the eight-county campaign of the Northeast Ohio Chapter, American Heart Assn., is $1,227,000."

Seltzer, a White House guest of five Presidents, vowed when he retired to remain in his native Cleveland and work voluntarily in its behalf, despite glowing offers elsewhere.

"I am busy because I believe you should turn back to your community what the community has done for you," he said. "I love Cleveland, and my whole being is intertwined with it."

Seltzer, slight in stature and a rigid self-disciplinarian, is a man of boundless energy and enthusiasm. He is intuitive and outgoing and an impeccable dresser.

At 13 he was office boy and cub reporter for the old Leader. He became city editor of The Press at 19, then politics editor, chief editorial writer, associate editor and editor. In 1937, he was named editor-in-chief of the Scripps-Howard Newspaper of Ohio. As editor of The Press, he arrived at his desk daily at 6 a.m.

Seltzer stayed close to the people and shared their problems. His articles on the editorial page signed LBS mirrored the joys and sorrows of readers, but he never pontificated.

His wife, the former Marion E. Champlin, a foremost civic and welfare leader and his constant companion, died of cancer in 1965. They had celebrated their golden wedding anniversary on Jan. 9, 1965, at The Press Golden Wedding Party. A new school on the site of old Landon School, which she attended, is named for her.

Seltzer, chairman of Cleveland's Sesqui Centennial last year, also is chairman of the Bicentennial commission appointed by Mayor Perk. Seltzer is a board member of the Cleveland Convention & Visitors Bureau, which he served three times as president; a director and four-time president of the Cleveland Safety Council, and a trustee and three-time president of the Welfare Federation.

He lives with his daughter and son-in-law, Shirley and Arthur E. Cooper, at 480 Parklawn Dr., Rocky River, and has five grandchildren and two great-grandchildren.

If you sense an element of pride in the subject of this column, you are right. He is my brother.

THE METRIC SYSTEM

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. MILLER of California. Mr. Speaker, the metric system of measurement has been a legal system of measurement in this country since 1866, and there has been a slow but steady adoption of the system on the part of both industry and Government. Today we find the system used to varying degrees in such industries as the electric power, chemical, photographic, optometric, and pharmaceutical industries, and in the Government by a number of agencies, including the U.S. Coast and Geodetic Survey, the Department of Defense, and the National Aeronautics and Space Administration.

In September 1970, NASA announced a policy that in the future, measurement values used in their scientific and technical publications would be expressed in the metric or updated and internationally agreed upon SI units. Further than this, a start has been made in using metric engineering standards in product development. The report of the Secretary of Commerce to the Congress last August, entitled "A Metric America," called for a coordinated plan toward a more universal use of the metric system in the United States over a 10-year period. Following this report, I have introduced in the Congress, for myself and several other Members, a joint resolution to implement this report and establish a board to adopt a plan to carry out the recommendations of the report. You no doubt are aware that I have been an ardent supporter of the metric system for many years and I look forward to the adoption of the joint resolution.

A recent issue of Reader's Digest has in it a very interesting article on the metric system entitled "Here Comes the Meter!" and I recommend it to my colleagues. I insert it at this point:

[From Reader's Digest, April 1972]

HERE COMES THE METER!

(By Harland Manchester)

(NOTE.—Like it or not, the United States is finally joining the rest of the world on the metric-system bandwagon. The only remaining question: Will the changeover result from costly drift—or efficient design?)

One of the greatest inventions of man, comparable to the wheel in simplicity and universal application, is the metric system of weights and measures. Since its introduction in France in 1790, it has swept most of the civilized world, and is now the common language of commerce, industry, science and everyday living among more than 90 percent of the world's people. Even Great Britain, the once-proud parent of the so-called imperial, or English system, is now changing to the meter, with a goal of completing her conversion plan by 1975.

Alone among the great nations, the United States is still entangled in an antiquated, bewildering web of feet, rods, miles, acres, pounds, ounces, tons, grains, quarts, bushels, pecks, gills, barrels and other vaguely related units, many of which change from region to region. This sloppy, jerry-built structure has driven generations of schoolchildren up the walls, tripled the work of engineers and draftsmen, abetted fraud in the marketplace and confused shoppers. Ever since the country's birth, practical statesmen, scientists, industrialists and educators—from Benjamin Franklin to the astronauts—have time and again urged adoption of the simple, time-saving international metric system. And always they have been defeated by lethargy and man's built-in dislike of change.

Now the United States has yet another chance to emerge from its inch-pound chaos. The National Bureau of Standards, ending a three-year study that cost $1.3 million, has published a 13-volume survey which contains the results of thousands of interviews and reports from companies, trade associations and other groups representing every sector of society. This monumental document is summarized in the final volume, titled *A Metric America: A Decision Whose Time Has Come.* The outstanding fact emerging from this report is that a switch to the meter is inevitable—the only questions are when and how.

Consumer experts pointed out that processed foods are packaged in such a wide variety of sizes that they make quick price comparison for the housewife in the supermarket next to impossible. Going metric would help solve this problem, and lead to a reduction of confusing practices in information about products. Curiously enough, big business, which has the greatest investment in conventionally measured machines and equipment, led in promoting the meter. Of more than 2000 manufacturing firms responding to the Bureau's questions, 93 percent were in favor of a coordinated national program of "metrication," either voluntary or mandatory.

A leading industrial advocate is the Ford Motor Company, which for years has been involved in metric usage in many of its foreign plants. Ford's Lima, Ohio, plant is now manufacturing the new Pinto engine with metric parts which will match those made in European plants. Ford has also published several pamphlets acquainting industry with the virtues of the metric system.

"We are going metric anyway," says Daniel V. De Simone, of the Bureau of Standards, who headed the study. "The choice is whether the country continues its haphazard and piecemeal drift toward joining the rest of the world in the use of the metric system—a process which may continue into the next century—or adopts a well-planned schedule." Ever since Congress made the metric system legal in 1866, it has been sporadically supplanting the foot-pound jumble. The entire pharmaceutical industry went metric about 15 years ago, and doctors now prescribe doses in cc's (cubic centimeters). Last year, the National Aeronautics and Space Administration announced its metrication, and TV viewers heard moon travel defined in kilometers. Increasingly, items like photographic film, chemicals, ball bearings and spark plugs are measured metrically.

The Bureau now proposes that a central board of private citizens be appointed to coordinate and supply technical assistance during a ten-year changeover period, similar to the conversion period that Great Britain is now passing through. Bills calling for such a program have been introduced in both Senate and House, and it may be that we shall at last take the metric hurdle.

Often called SI, for Systême International, the metric system has three commonly used units that differ from ours: the meter (39.37 inches) for length, the liter (roughly our quart) for capacity, and the gram (.035 ounce) for mass or weight. Prefix this simple troika—meter, liter, gram—with terms like kilo-, centi- and milli-, and you can measure almost anything. The metric system also supplants the Fahrenheit scale thermometer with the more logical Centigrade scale, in which 0° C, stands for the freezing point of water, and 100° C. for its boiling point. (There are further refinements of the system that are important mainly to scientists and engineers.)

Foot-pound victims who have dipped into the metric system are amazed at the drudgery that can be avoided. For example, if you have a few thousand meters, simply move the decimal point two places to the left and you have kilometers, while to change feet into miles you have to divide by 5280—*if*, that is, you remember that figure. Last fall, a suburban couple wanted to compute the volume and weight of the water needed to fill a pond they were planning to build. Using feet, gallons and pounds, the job took

21 minutes. They had to consult a reference book, and use 168 digits. With metric measurements (to which they were not accustomed), they got answers in only three minutes, using only 19 digits.

In general, the more people know about the meter the better they like it; college graduates and professional people are among its leading advocates. Young people are much more receptive than their elders to the metric system, the Bureau survey shows. And a study sponsored by the American Association for the Advancement of Science found that lower children learn metric more readily than they do the present system.

Given a ten-year conversion schedule, the Bureau of Standards report proposes that, after two years of research and preparation, SI be taught from kindergarten through the sixth grade as a "first language," with the present system as a "second language"; that during the next four years SI be used exclusively in grades 7 to 12. After the eighth year of the conversion program, SI would be used exclusively in all elementary and secondary schools.

Despite its clear advantages, a vigorous campaign of public education is imperative if SI is to have a chance of genuine popular acceptance. Great Britain has created a lively model for such a campaign, with television, radio, films, the press and billboards combining to proclaim the message of the meter. Already, the American Association of Museums has volunteered to display popular exhibits of SI in its member institutions, and the Advertising Council, which has helped greatly in publicizing such programs as the campaign against cancer, has offered its help in a national metrication drive.

An estimate of the total cost of conversion is impossible to compute, but the costs and inconveniences involved would be temporary—they would stop at the end of the transition period. The benefits would continue indefinitely. With the haphazard adoption now in progress, moreover, it might take 50 years to get things straightened out—with the delay increasing annual conversion costs by as much as seven percent. During the conversion period, no pressure would be brought upon firms and individuals who prefer the old measures. (In some European countries that went metric long ago there are still rural areas that stick to Grandfather's ways, and no one cares very much.) Football plays will still be measured in yards, and the mile, quart and pound will remain in the dictionary for a long time.

A leading Congressional campaigner for metrication is Rep. George P. Miller of California. For many years he has been preaching its gospel—his enthusiasm dating from his trouble with fractions in grade school—and he is the author of a comprehensive metric conversion bill which he plans to bring before the House. Of late, he reports, converts have been many, including a machinery manufacturer "who once asked me why I wanted to upset the applecart with all those foreign meters. Since then he has got a lot of foreign orders and has to use two standards in his factory. The last time I saw him he demanded, "When are we going to switch to the metric system? That's what the country needs!' "

WATER POLLUTION BILL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. DINGELL. Mr. Speaker, I am in receipt of a communication from the Northern Environmental Council, Duluth, Minn., urging support for the clean water package of amendments to the pending water pollution bill, H.R. 11896.

So that all of my colleagues will have an opportunity to be aware of the council's views and its membership, I include the text of its communication and the list of the council's member organizations at this point in the RECORD:

FLOOR AMENDMENT OF BLATNIK WATER POLLUTION BILL, H.R. 11896

This letter speaks for 40 regional environmentally concerned groups affiliated with the Northern Environmental Council, including several in your district. We wired you on March 15 urging your support on the floor of the Congress for the "Clean Water Package" sponsored by Representative Saylor-Dingell-Reuss.

There is no use passing another weak water pollution bill. We have many bills and little clean water. Now or never is the chance for you to support the following demands:

(1) Establish 1981 requirements and 1985 zero discharge goals now.

(2) Grant EPA authority to reject individual permits.

(3) Establish employee protection programs.

(4) Give any citizen the right to sue to enforce the law.

(5) Do not weaken the National Environmental Policy Act.

(6) Retain the 1899 Refuse Act as a pollution abatement statute.

(7) Prevent weakening of the Fish and Wildlife Coordination Act.

MARY ALICE BOOKHART RECEIVES AWARD

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. GRIFFIN. Mr. Speaker, on March 17, 1972, one of Mississippi's most distinguished and honored journalists, Mrs. Mary Alice Bookhart was awarded the Woman of Achievement Award of the Mississippi Press Women's Club. Mrs. Bookhart is women's editor of the Clarion Ledger of Jackson, Miss. I can think of no more deserving recipient of this award than Mrs. Bookhart.

It gives me pleasure to include an article from the Clarion Ledger of March 12, 1972, which covers Mrs. Bookhart's long and noteworthy career:

PRESS WOMEN'S AWARD TO MRS. BOOKHART

Mary Alice Bookhart, women's editor of The Clarion-Ledger and one of Mississippi's most honored journalists, will receive the Mississippi Press Women's award of Woman of Achievement at a banquet here Friday March 17.

Presentation of the award at a banquet at the Heidelberg Roof will be like saying: "She's at it again."

Mrs. Bookhart has been winning awards for years; among them last year's Golden Deeds Award of the Jackson Exchange Club. Before that there was the Media Awards from the Hinds County chapter of the American Cancer Society; National Foundation (March of Dimes); National Federation of Music Clubs, Mississippi Federation of Music Clubs, Mississippi Society, Daughters of the American Revolution, and South Jackson Civic League awards.

In 1970, too, she was the first woman to receive the Silver Inky award from Mississippi State College for Women, for contributions to the community through excellence in journalism. That citation read:

"To Mary Alice Bookhart: For 28 years she has directed with dedication the women's pages of Mississippi's largest daily. She has been a communications counselor for statewide women's groups and for civic cultural projects within her area. To these activities, she has brought understanding, wisdom and a high sense of helpfulness. For these ever ready services to journalism and for her newspaper, Mississippi College for Women presents its Silver Inky for 1970 to Mary Alice Bookhart of The Clarion Ledger."

That was only one of 100 awards won up to that time in Mississippi Federation of Press Women competition, and among 18 received from the National Federation of Press Women, including six for first place.

In addition, she has been named "Honorary Recruiter" for the U.S. Air Force, and received a "Flying Orchid" from Delta Air Line.

Her Golden Deeds Award last year was for long and continued service to her community and her adopted state.

When Mrs. Bookhart, wife of John Bookhart, a retired industrial executive, did adopt Mississippi, the act was mutual. Mississippi took her quickly to heart.

A native of Little Rock, Ark., she attended school at Pine Bluff with another woman who has made her mark in public works. Mrs. Martha Mitchell, wife of the just-resigned Attorney General of the United States.

She moved to Jackson with her husband in 1937, and five years later joined the staff of the state's leading newspaper.

Active in a variety of civic affairs, she helped organize and is a past president of the Jackson Symphony League, the Goodwill Auxiliary and the Casual Luncheon Club. She also was one of the organizing forces of of the Jackson Music Association, and the Hinds County Kidney Foundation.

She has served as memorial gifts chairman of the Hinds County Health Association, and is a member of the Mississippi Arts Commission, the Altrusa Club and the National Society of the Colonial Dames of America in Mississippi.

Mrs. Bookhart also was originator of the widely-acclaimed Jackson Symphony "pops" concert and an originator of the now highly-successful Mississippi Arts Festival. During her year as president of the Symphony League she inaugurated the string instruction program, which today assures a continuing flow of musicians for the orchestra.

Listed among the nation's outstanding women in the Who's Who Among American Women since the first edition, she has also won listing among the Foremost Women in Communications and Outstanding Civic Leaders of America.

She is a member of the Gallery Guild of Jackson and a former member of the Pine Bluff, Incorporated, Junior Auxiliary.

Mrs. Bookhart was the recipient of one of five honorable mentions in a poll conducted by The Memphis Commercial-Appeal in December, 1969. That poll was conducted to name the ten top women of the Mid-South Area who helped to shape the '60s and laid the groundwork for the '70s in civic, social and cultural endeavors.

Always, in addition to her routine duties as women's editor of The Clarion-Ledger, Mrs. Bookhart has sought to promote the cultural advancement of Jackson and all Mississippi through her writings and work in other fields.

She served as co-chairman of the Symphony League Cook Book, one of the organization's major projects that has become an annual highlight of fund raising efforts.

Although not a member of the organization, Mrs. Bookhart won the Riverside Business and Professional Women's Club "Woman of Achievement" citation in 1970. And in 1971, she was named "Volunteer of the Year" by the Women's Auxiliary to Goodwill Industries of Mississippi, Inc.

The mother of two children and three grandchildren, Mrs. Bookhart is a life member of the Mississippi Congress of Parents and Teachers, and is third vice president of the National League of American Pen Women.

SMITHSONIAN HOSTS LECTURE BY DISTINGUISHED SWEDISH STATESMAN, GOV. ROLF EDBERG

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. DINGELL. Mr. Speaker, on March 3 the distinguished Swedish statesman and humanist, Gov. Rolf Edberg, gave a most inspiring lecture on the subject of "Mankind's Relation to the Environment," at the Smithsonian Institution. Governor Edberg is the author of the book, "On the Shred of a Cloud" which was a major factor in causing the Swedish Government to propose a world-wide conference on the environment which will take place in Stockholm in June of this year. In his lecture, Governor Edberg described in eloquent terms the environmental crisis which man's uncontrolled technology has created. The Smithsonian Institution, whose Office of Seminars and Office of Environmental Sciences jointly sponsored the lecture, is to be complimented for providing a forum for this articulate spokesman for the sane use of our environment and for giving his compelling ideas a wider audience in this country. My colleagues will be interested to know that the text of the lecture and other writings by Governor Edberg will shortly be published in book form by the University of Alabama Press. I insert Governor Edberg's lecture at the Smithsonian, "Man in a Shrinking World," in the RECORD at the conclusion of my remarks:

MAN IN A SHRINKING WORLD

(Lecture given by Governor Rolf Edberg, at the Smithsonian Institution, March 3, 1972)

Ladies and Gentlemen: Let me first of all express my gratitude for the honor of being granted the privilege to address this audience at the Smithsonian Institution.

The title of my speech—Man in a Shrinking World—is a pretentious one. My own approach to the subject will, however, be very humble—I know too well that I am a layman in the real sense of that word.

A layman fascinated and frightened—as more and more of my contemporaries—by the glimpses which we believe we catch of Man in his cosmic framework.

There are turning points in history of human thinking when suddenly a conception can assume an immense power. Such a conception is evolution.

Even if a few visionaries earlier had imagined the continuity of existence, man had, while searching for himself, mostly groped in the dark along gulfs of fear and mystery, before, in the middle of last century, he got on the track of the driving forces of evolution. Evolutionism has cleared up the thickest mists surrounding our being. It is no longer possible to try to answer questions about man's nature, creations and destiny without regarding him as part of the course of evolution.

When Darwin tore the veils from the past, he showed us how it is supposed that biological evolution had developed on the planet Tellus. The great adventure of our time—the greatest since Darwin—has been the voyage of discovery to the interior of the living cells and the charting of the molecules which are supposed to control life-process itself. The DNA of the primordial cell seems to have issued the message that has created all species. The message has become more varied and complicated as its path has grown longer. But some of the original message remains immortal and calls out through the ages.

The tree, whose branches wave in the wind, the bird in its crown, the man at its foot—they all are of the same material and within them resound variations on a theme whose tone-sequence was already composed in the primordial cell. Together they form a web, composed of many tiny units where nobody can lead an isolated life. What we can observe in nature are links and bonds between different organizations of living matter and ultimately between life and non-life. Everywhere dependencies and incitements. Everywhere new combinations which evolution produces out of old elements.

Behind biological evolution on our own small planet, we imagine a cosmic evolution of inconceivable dimensions.

The whirling clouds of dust and gases, out of which our planetary system was formed perhaps five billion years ago, must have been composed of particles from exploded stars, which once lit some other sky than ours. The whole cosmos reveals itself as a never-ceasing creation. We can see whole galaxies budding and fading like leaves on an earthly tree. The earth and everything on it must contain elements that were once parts of other planetary systems. We, the children of the earth, are made of such stuff as stars are made of.

Since the entire universe seems to be composed of the same elements, we are obliged to believe that matter is transformed into what we call life on billions and billions of dark points in the universe. We have to believe that life is simply part of the structure of the universe, that biological evolution is a fragment of the cosmic evolution.

If life is the realization of a cosmic principle we can imagine another cosmic principle, according to which evolution must lead to more and more complicated molecular organisms.

But the elementary particles have proved to be able to create not only seas and mountains, stars and brains but also consciousness. How matter can be transformed into thinking we do not understand, maybe we will never understand. But it is quite comprehensible when we ask if there is not a tendency to consciousness even in the smallest particles in the same way as there is a trend to create more and more complex substances.

On our own planet we believe that we are able to observe how consciousness has been developed from the hardly perceptible excitability of an amoeba to a level where man has become a being who not only knows but also knows that he knows.

The almost cogent conclusion is that, on several other planets with some form of life, evolution must have produced creatures of intelligence who are able to forge the metals of their planet, to think and to create a philosophy of life.

That evolution had to lead up to more complex forms, did not, however, mean that it had to lead just to our species. We are as species the result of coincidences in the same way as the individual.

Long has our journey been. On our devious path from the primordial sea to the present time the trees were only one station. But a station so filled with changes and events that it can for the human race be regarded as a beginning. From wood thou art.

We had to climb the trees in order to return as human beings. Constitution and senses of the early primate were adapted by the natural selection to a life in the trees. Feet and hands were developed into prehensible organs, suitable for climbing along trunks and for swinging from branch to branch. But there was also a question of calculating distance and possibilities. During the tree period the sense of sight became as important for survival as the sense of smell is for the animal on the ground. The eyeing of distance and goal, the gripping hand having to close in the exact moment, this whole complicated act demanded in the end a co-ordination of the central nervous system. The tree existence began to develop the brain. At the same time the intensive concept of space was developed which is the ground for all civilization.

Development could, however, in the protected tree existence only advance to a certain limit. In order to develop the possibilities created by the tree existence, there had to be another change of environment.

One can imagine that the primate with the human seed was, almost in the sense of the Old Testament, exiled from the garden of pleasure by the drought of the pliocene-period and by the glacial periods passing to and fro over the northern hemisphere and also decimating the tropical forests. In a new existence in the open he had to take up the struggle with other beasts of prey which millions of years had adapted for hunting on the ground.

In order to survive in this new and unsafe environment with all its formidable risks, the emigrant had to develop the multifarious inheritance he had brought from the tree life. A tendency to stand erect had been developed already during the tree existence. Out on the savanna it had to be further developed. The primate with the human seed became the only vertical type in the animal kingdom—a mammal with the stature of a tree. The erect walk freed the fore extremities to produce tools and weapons. This formed the technical ground for human civilization.

The intellectual ground was formed by the cerebrum which was the answer of the primate to the horns and tusks of the other beasts. At a certain point brain must have gained an advantage of the mere strength in the selection of the fittest. But in an existence of permanent threat also boldness, combativeness, what we today call instinct of aggression, must have been highly rewarded in selection within the species.

The combination of intelligence and aggressiveness may ultimately explain the success of a species which seemed to have most of the odds against it after the expulsion from the pleasure-garden. But it was at the same time one of the most dangerous combinations that evolution ever has produced.

The tree life left, however, another inheritance too. The primate up in the branches lived in intimate harmony with the trees. The rustle of the wind in the leaves sank into him. This marked him for ever.

Even after descending to the ground he still was a part of the wood-life. Gradually the primate with the human possibilities was transformed into a human being. But the environment remained the same.

For 30,000 generations or more, from the time mankind first took form, man remained a free ranging hunter. For only 300 generations he has tilled the soil and lived in towns. Even 30 generations ago, our forbears in Western Europe were what we today call barbarians.

The wilds have been man's obvious habitat for all but the last one-hundredth part of his existence. It is from these points of references we must try to fix our present situation.

We cannot get away from our origins, however firmly we ensconce ourselves behind glass and concrete of our skyscrapers. Having retained the hunter's biological constitution, we carry deep within us, even if unconsciously, much of his reaction pattern and emotions. Some of our deepest biological needs are still based on nature. Perhaps it is the tension between these needs and the way of life we have developed which underlies our rootlessness and restlessness, our neuroses and our stress.

Throughout his primitive existence, man lived like other animals in a state of balance with his environment. He had a strong intuition for the interplay between the various parts of the nature. The landscape in which the hunter sought his prey was changed less by his efforts than by those of the beaver and the worm. Only during the last one-hundredth part of his existence has mankind interfered with nature's order.

From the stone-axe to the space rocket man has been an innovator of technical improvements. For his own needs he has in progressive scale altered his physical environment and modified the conditions of this planet. Misled by the belief that man can—indeed has a God-inspired mission to—dominate everything else in creation he has developed a technological way of life which steadily has removed him from the fundamental laws of nature.

Our own generation is now beginning to be shocked into the realization that this development has brought us face to face with a mortal threat to our environment and hence to man himself as a biological creature.

Our dilemma has two aspects, both equally serious. One aspect concerns the plundering of natural resources, which have slowly been built up through billions of years, the other concerns the poisoning of elements which are the primary support of life.

The first to be excessively exploited was the thin layer of top-soil, from whose salts and fluids we ourselves have been created as are worms and sponges. It started when man, less than ten thousand years ago, changed from hunter into a herdsman and farmer and began to sow grain-bearing grass and breed domesticated animals for food. When man began to clear the forests in order to extend the grazing grounds for his goats and the farmland for his grain, the soil was laid bare to wind and water erosion. The forces of soil dispersal were turned loose.

Mismanagement of the fertile earth made early cultures fade away. Already five centuries B.C., Plato ominously described how in his own country of Greece "the rich and soft soil had washed away and has left only the stripped skeleton of the land behind". It has been estimated that today only about two per cent of the country's original top-soil is left. The causes of the decline and fall of Greek culture are clearly written in the naked mounds of Attica.

In our own times, the plundering of the globe's resources has attained sensational dimensions. It is estimated that in two centries one-third of America's soil has vanished in silty rivers and whirling storms. It is estimated that during the last generation one-seventh of the planet's surface has been transformed by mans' own action into desert and wasteland. Our technological shortsightedness is also depriving future generations of numerous other important natural resources. In a couple of generations the oil and coal which bygone geological eras have stored in the earth's crest will have been consumed.

Equally serious is our misuse of water. Water is of especial significance among our natural resources. Water is the dominating substance of the planet. Water surrounds life and is embodied in life. A small drop of water can contain thousands of individual lives. Man himself is a travelling bottle filled to seven-eighths parts—with water matter which he has carried with him all the way from the primordial sea.

In man's technological development water has innumerable industrial and houeshold applications. This has created heavy demands which have been met without any thought for the future. Europe is currently consuming three times as much water as is returned by hydrological circulation, certain parts of America many times that quantity. The consequence of this excessive exploitation is that many lakes have vanished from the map in the course of this century.

Even more serious, however, is the depletion of the globes slowly developed ground water reservoirs—an underground world of lakes, rivers and rivulets of which we know far less than we do about the surface of the moon. The situation is already now desperate in many places. It is estimated that in ten years time, the world's population will require 265 trillion liters more water than is now being consumed—with the present over-consumption. Compare this with the prediction that by the end of the century the population of the globe will have doubled.

Besides plundering the resources of his planet, man has upset nature's own processes. To keep alive, the earth must secure the salts and minerals which serve the vital needs of humans, animals and plants. This organic circle has been interrupted over large parts of the globe. Each year we deprive the earth of hecatombs of mineral nutrients, which after serving the needs of our own economy are cast into the water.

This entire process runs counter to nature, and its effects will be fatal. The technician is no demiurge, who can create out of nothing. What he puts in one pocket he must take from another pocket. When man's economy has replaced that of nature the result has been that elements necessary for the life process have been tapped from their natural environment and thrown in to environments, to which they do not belong.

This is on the point of affecting the whole biosphere. Within this sphere sea and rocks and air and life are integrated and exchange components with each other. The elements which are essential for life are engaged in a perpetual circulation between water and earth and atmosphere and welter of varying organisms.

If the pace and the path of the circulation is disturbed the balance-wheel of the life process won't work. If an element becomes too scanty in its natural milieu the foundation of life is threatened. If it becomes too abundant or is thrown into surroundings, to which it doesn't belong, its effect can be poisoning.

It is this delicate balance, shaped during billions of years, that the technical man upsets.

We know too well what happens all around. Human and industrial effluents, nutrient salts and toxic substances, which are poured into lakes and rivers, lead to unnatural fermentation, upset the biological balance and accelerate the stagnation which accompanies the geological ageing of lakes. A good number of the world's fresh water reservoirs are now so polluted that they could not be purified within the foreseeable future by any of the methods known so far.

In many places we are rapidly fertilizing lakes to death. Even the salt seawater has a sensitive balance—sensitive to harsh interference with its natural processes. Recent reports tell us that in the deeps of the Baltic the oxygen is almost expended and is being replaced by sulphurous hydrogen, which has a deadly effect on all forms of life and transforms the deeps into barren wildernesses. The North Sea, used up to now by the countries along the shores as dumping ground, has become severely contaminated.

Scientists have found that the oceans are far more vulnerable than has hitherto been assumed and that perhaps they are the most immediately threatened parts of the biosphere. They fear that the chemical pollution of the seven seas might be disastrous for the oxygen production of the oceans, for the breathing of the small, merely invisible phyplankton, which are responsible for seven-tenths of the oxygen production of our planet. Increasing amounts of radioactive waste are deposited in concrete or steel containers which often are submerged in the oceans. Strontium 90 and cesium 137 need to be kept six hundred years in their containers before they are released in the environment. The most modest one can be about this is to say that we place an awful tutelage on future generations to guard our remaining threats to life. There is not even any guarantee that the containers will remain where we have dropped them; they may be carried by currents to distant coasts. And the U.S. atomic energy commission has established leaks on containers already after twenty years.

Just as we mismanage our water, so do we also make increasing use of the atmosphere as dumping ground. We have reached a point where the degree of pollution in the atmosphere and in the water has become the surest yardstick by which to measure what we call civilization.

Today practically all our towns are malodorous. Even on clear summer days our big cities are shrouded in a haze full of carbon monoxide and sulphur dioxide belched forth by our central heating systems, factory chimneys and cars. One effect of this haze is that the biologically active part of the ultra-violet rays has difficulty in penetrating it—sunlight is impoverished, dawn comes later, twilight earlier.

The impure air also has direct decaying effects. The air we breathe has often become the poison we breathe. In Tokio, where there may be 180 smog warnings a single year, the police in particularly exposed districts have to return to their stations at half-hour intervals to inhale pure oxygen. In New York a couple of years ago, a report was published saying that carbon monoxide contamination has reached such heights that it could represent a threat to the brain functions of man. In Germany the special adviser to the Reichskanzler recently warned that ten years from now old people might not be able to stay out of doors without gas-masks. From post mortems carried out doctors can tell us that while the lungs of the rare species which is called country people still have a fresh, red colouring, those of city dwellers have a grey tone.

We know very little about the cumulative effect on climate of the increasing amount of carbon monoxide which is thrown up in the atmosphere. But we must presume that the balance between incoming and outgoing radiation is very fragile and that only slight shifts in a system, which we like all other living beings on this planet are adapted to, can have catastrophic effects.

Pollution requires no passport to cross the national borders. It is spread by winds and currents, by migratory birds and wandering schools of fish, all over the world. Our air in Europe just now will be yours in a few hours, your coastal waters today will be ours some weeks hence. Politically it is extremely difficult to unite our shrinking world—but everything living does at least live in a unity of pollution.

An American meteorologist Morris Neiburger has warned that the day may come when pollution surpasses the self-clearing ability of the atmosphere and that the earth will then be enveloped in a smog which will cause human civilization slowly to wither away. The mere fact that such a theory can be conceived gives our technical civilization an ironic relief.

There stands man. It was man that technology was to serve, even if it didn't take anything else into consideration.

As we now walk around with strontium in our bones, DDT in our body tissues, lead in our kidneys and anxiety in our hearts, we are making the terrible discovery that the price of progress has been unreasonably high.

Even worse perhaps than the poisons which penetrate our bodies is the poison which is eating its way into our minds. A change is taking place in our relationship to our environment. The waves which lap the shore may be contaminated; the rain which washes over the meadows, the wind which blows over fields may carry with them invisible poisons. We have not yet realized the full horror of the fact that we can no longer meet nature, which created us, without suspicion.

Was the primate who came down from the trees the greatest natural catastrophe which has befallen Tellus? We are continually persecuted by this question. In any case it cannot be doubted that our present course is taking us nearer and nearer an ecological collapse.

There are two factors which impede the radical change of direction which is so necessary.

Misled by his own technology, technical man is driven to an accelerated race in pursuit of material growth. If all countries acquired the material standard of living of the United States, a tidal wave of affluence would sweep around the world and soon make it uninhabitable. It is, however, the stated intention of the Soviet Union, China and Europe to attain the material standard of the United States. Japan, the most effective environmental destroyer of all, is trying to outdo the United States and will no doubt be successful. It is the ambition of the Americans themselves to treble their standard before the end of the century.

The greatest threat to the environment lies, however, in the final analysis in man's uncontrolled superiority. It is becoming crowded on the spaceship Tellus, living resources are limited. By his disproportionate abundance, man is pushing aside more and more creatures in the great interplay of life. Links which are broken—animals which are being exterminated, plans which are disappearing—can never be replaced. This may have just as serious consequences for the global interplay as the irresponsible manipulation of nature's various elements.

The balance of life rests in multiplicity. A creature which wins too great a triumph in the struggle for survival puts itself in danger. When there is no prey any longer, then there is no place for the hunter.

At the same time we are filling our environment with various stress factors. The world is being turned into a place from where silence and tranquillity have been banished and where man can no longer find the space, the seclusion, the distances which his deeply rooted biological instincts demand. All this has given the descendants of the hunter a terrible feeling of homelessness.

In a little book "At the Foot of the Tree", to be published later this year by Alabama University Press, I have made an attempt to put this situation into its cosmic context.

Perhaps our crises was quite simply unavoidable. Perhaps it was a result of cosmic logic.

It must lie in the nature of intelligence to research, to experiment, to test, to use the resources of its planet for its own species. Before mature insight into the whole situation is obtained—and insight is usually only won through dearly-bought experience—increased technological skill must almost automatically lead to a rearrangement in nature which upsets the original balance and in the long run even threatens life itself.

This is perhaps something which has taken place over and over again in the cosmos in the eternities which lie behind us and something which is taking place in this relative present in innumerable places in an endless universe.

It may be assumed that innumerable planetary civilisations have perished because the intelligent beings have not mastered the crisis in their own development. But there must also be many worlds where intelligence has crossed the critical threshold. Tremendous possibilities for future development must have become available in worlds where this has taken place.

If this is the planetary situation which we are confronted with after millions of years of development, then space, indeed, towers far above our destiny.

It is during the last generation that our civilisation has reached the critical point; and there is perhaps only one generation left for us to gain the control over our collective behaviour that can save our planet from being one of the worlds where evolution tested the possibilities of consciousness and failed.

If our species is to have a chance of surviving this challenge then we must change this chain of stormy conflicts, homelessness and anxiety into what Glenn Seaborg has called "a period of unprecedented maturity." We must gather our anxiety and our intelligence, our will and our efforts to form an emergency program.

I have tried in my book to give suggestions about the environmental imperatives that such an emergency program should include.

Its first commandment sould be: prevent by abstaining. There is knowledge which we have acquired that it would be best not to exploit at all or at least only with the greatest caution, in some cases because we now know what the ecological results would be and in other cases because we cannot yet survey them.

The next commandment ought to be to check the uncontrolled race in pursuit of growth which stresses our minds, destroys our environment and in many cases means that we are plundering the inheritance of coming generations. Perhaps this pursuit of growth with its desire for things is the result of a mechanism which was developed during the periods when the primitive man lived a hard and threatened existence, continually on the edge of starvation. Carried over into the affluent society it works against its original function which was to serve survival. In our present predicament our desire for growth must be subordinated to the over-shadowing need for balance.

The third commandment must be to restore as far as possible the balance we have disturbed so much. We cannot continue to have a self-devouring economy on the buy-and-discard system. Substances which we need and use for our purpose must be recovered and used again and again; the recovery industry should become one of the major branches of industry tomorrow.

This is a minimum program for guaranteeing the continued existence of the race. However, it is probably not possible to carry out even such a minimum program without radical chanegs in our attitudes and institutions.

All attempts to stop the destruction of the environment and the plundering of the world's resources are doomed to failure if our species cannot be persuaded to check its own growth. It is not just a question of the world's material resources even if the pressure on them is obviously too great already; a complete human existence must be an existence without crowding—and space cannot be created.

We need to work out certain criteria for a standard of life which allows mankind to live, not just exist, during the cosmic seconds which are allotted to our race. These criteria should not only include freedom from starvation and deprivation but also preservation of the air, water, land and preservation of silence and space. Starting from this point an attempt should be made to define a population optimum and all our resources, technical and medicinal, laws and information, should be used in the difficult task of altering fixed habits.

The same thing must be done with our institutions. From the primitive bands of hunters via the first city states to the superpowers of our time man's attempt at social organization have been imperfect experiments. Our own pattern for the organization of a state is only an enlarged edition of the flock pattern that was formed in a hard and primitive existence.

Today, with increasingly populous continents drawn closer and closer together, the world has become too narrow for the patterns of the flock. Our national states can be regarded as fossils from earlier ages, their boundaries, once drawn by strength and accident to mark off what was unconditionally "mine" and conditionally "yours" have in a shrinking world become obsolete. From an ecological point of view national states are artificial constructions.

To solve the problem we now face, our "community" must be nothing less than mankind. Without a world government of some kind it might not be possible to secure peaceful co-existence within the species, nor to achieve a global plan for the proper utilization of the earth's resources so that man and his environment may be balanced.

Utopia or possibility? It all depends on our values and our visions.

Oscar Wilde once wrote:

"A map of the world that does not include Utopia is not worth even glancing at, for it leaves out the one country at which Humanity is always landing . . . And when Humanity lands there it looks out and seeing a better country sets sail."

A map that includes Utopia, our Utopia, places us in the cosmic perspective. In order to grasp our local situation we must be able to see ourselves from the outside, at a distance in both time and space.

It is possible that man, as a biological phenomenon, has reached his ultimate phase of evolution—provided he does not destroy, by carelessness or in despair, the genetic heritage that has been gathered within him over the eons. During the last millenia technological evolution has more and more overshadowed biological evolution. This has led to a difference in man's development compared with that of other creatures on earth . . . Technological evolution has left its mark on man and all his works—on his apperception which we call civilization, on the integration of minds which we call society.

But at the same time, it is technological development with its onesidedness and its wild acceleration that has led us to the edge of self-destruction. If man is to be given a future then the emphasis must obviously be placed on another line of development.

My speculations, as a layman, have led me to a point where there is a question waiting to be asked: Is it in the continued evolution of our consciousness that our future lies?

The planet has only so recently become a place for thinking Consciousness, evolved out of the amoeba's scarcely perceptible suggestions of nervous excitability, has only so recently begun to delve into himself and out into the cosmos from which it stems that we should be at the beginning of a line of development. From the material of the planet, through the medium of man, it should be possible to continually evolve more consciousness which will widen our self-knowledge and give us a deeper view of the great context to which we belong.

It would be presumptuous to speculate to what new worlds a continued voyage of discovery would take us if we set sail on such a course. Just as Columbus found another world than the one he was looking for, an evolving consciousness can take mankind to vast expanses far beyond our present ability to imagine. In the continued evolution of consciousness may lie an emotional and intellectual adventure which will make the ideals of the technological age appear extremely primitive and brutal. Man may on a new level, where consciousness and intuition meet, again come close to the nature, from which he during some thousands of years has removed himself.

Round about us we see trends that seem to point to the end of the world. But at the same time it feels so completely unreal that this race, descendants of supernovas and endless eons, should now be preparing its own destruction, when it is within the bounds of man's own free will to choose the path of continued development.

At all earlier crossroads in human history men have come forward who have been able to articulate the unspoken and scarcely conscious desires, dreams, and needs of their contemporaries. Those who changed man's way of thinking changed human history.

What we need today is a new way of thinking, an aim which we can gather round globally.

I myself belong to a generation with merely wasted possibilities, a generation which has little else than its many failures as its legacy. I am listening eagerly for voices, which can only come from a new generation, preachers who can formulate the electrifying calls, men who can passionately exhort us to come to our senses.

My generation has no possibility of formulating this message. But I believe I can divine something of the meaning of the message. I believe I can visualize that the road to true Humanity goes through humility, that ours must be the humble insight that earth does not belong to us but that we belong to the earth.

VICE PRESIDENT AGNEW TELLS IT LIKE IT IS

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. SCHERLE. Mr. Speaker, virtually unnoticed by the national news media was Vice President Spiro T. Agnew's recent trip to Drake University to talk with students. Had things gone badly and had a handful of students stood up and chanted barnyard expletives at the Vice President, it no doubt would have been covered as a major news event. CBS would have done a 12-part series; the New York Times Magazine would now be preparing a cover story; the offending students would be writing their memoirs; and the Washington Post's Herblock would be working on a wall-sized mural to fully capture the Vice President's embarassment.

But the trip did not go badly. It was highly successful from the standpoint of both the Vice President and the students.

The Republican National Committee's weekly publication Monday was on hand for the Vice President's talk and interviewed students for their reactions. For my colleagues, and any of the media curious to know what the students thought of Mr. Agnew, I insert the Monday story into the Record:

Vice President Agnew Tells It Like It Is and Drake Students Love It

Des Moines.—Vice President Spiro T. Agnew's trip to Drake University last week—the first in a series of campus tours he plans to make to "listen and learn"—was a smashing success for both the Vice President and the students.

Following the Vice President's hour-long question and answer session, in which he discussed the dollar in Europe, the government of Greece, the ITT and the GOP, the Florida primary, equal rights for women, day care, the national debt, the President's China trip, the 18-year-old vote, Vietnam, amnesty, wage-price controls and drugs and marijuana, *Monday* spoke with students and asked their reaction:

OPEN-MINDED AND COOL

Barbara Boose, a freshman interested in science said: "I'm glad he came. It gave me an opportunity to understand his position because I never knew that much about him. I thought he was open-minded and kept his cool."

Jeffrey Dungan, a junior from Des Moines studying sociology, felt the Vice President's appearance was "good for the student body" and "possibly will enable us to develop a closer rapport between the Administration and students." The Vice President's answers "helped enable the students to get a better idea of what the Administration is doing," Dungan declared.

Charles Cockerell from Independence, Mo., a senior medical student, said: "I'm glad he came. I've always had negative feelings about Agnew. The press has not exactly done wonders for his image. Seeing him, however, has changed my mind. He's really a very intelligent man."

ANSWERED QUESTIONS STRAIGHT FORWARDLY

Karen Krejci, a senior music major from Cedar Rapids, observed: "I was impressed that he really hit on the questions that were asked and did not run from them. He was a lot more open and a lot more honest than I have been led to believe . . . by the newspapers and current public opinion."

Ron Watson, a pre-law student from Northbrook, Illinois, was "really impressed" by the Vice President's "intelligence." Admitting that he had negative feelings (again, media-inspired) about the Vice President before seeing him, Watson said: "I'll probably wind up voting for him."

Jean Golden, a sophomore English major, didn't care for the Vice President's political views "but I think he did an impressive job of making them clear and appealing."

John Hale of Collins, Iowa, a sophomore studying social studies, said that considering the atmosphere the Vice President was in, "he really did a good job." Hale said the trip to the Drake campus was "good for Des Moines and the whole campus."

HANDBOOK FOR THE FUTURE

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. HARSHA. Mr. Speaker, it is my privilege to introduce today into the Record an article that appeared recently in the Chillicothe Gazette.

Mr. Eldridge's article is an excellent one, recognizing one of the many services of the Department of Agriculture, the Agriculture Yearbook:

Handbook for the Future

(By James A. Eldridge)

There is a persistent myth that all government publications are dull reading and that they are unattractively packaged. A notable exception to this rule has just reached the Reading Room. It is "People: A Good Life for More" published by the U. S. Government Printing Office for the Department of Agriculture and it sells for $3.50.

As a matter of fact, the Agriculture Department has maintained a high standard in these yearbooks but "The Yearbook of Agriculture: 1971", as this volume is subtitled, is a first-rate editorial and printing production.

The editors of "People" have addressed themselves directly to the public theme that concerns many citizens today: the quality of American life. As the editors point out, "The Agriculture Department's program for the future is geared to the policy of taking some pressure off the metropolitan centers and create growth centers around the smaller cities and towns of rural America. . . . Part of the answer is to make new uses of land, build new communities and rejuvenate old rural communities. . . The first priority is to provide productive work opportunity to the people who choose the new trend. It can be done. For example, in 1970 about 50 per cent of the capital expenditures by manufacturing industries was devoted to modern plants in rural areas."

If we are to rejuvenate the small towns and the rural areas we must also deal with the challenge of better housing, better communications, adequate sources of water and electric power, mass transportation and quality education. Each of these topics is covered in "People" by men and women who know what they are writing about.

The editors devote more than 100 pages to the future of farming in America and they break with the pessimists. As they point out, "By the year 2000 we will need as much as 50 per cent more agricultural production than we have today."

If you think all of this sounds familiar it does. The city fathers of Chillicothe, the Ross County Commissioners, the Chamber of Commerce, the Restoration Foundation and many others are discussing, debating and dealing with the questions covered in "People". It seems to this reporter this book is a gift from Uncle Sam. It ought to be widely read throughout Ross County by all who are concerned with what happens to this old town and famous county.

It may well have a second use as a textbook for social studies in high school or ecology courses at the college level.

We too face the urban crisis. A small city that has Columbus, Dayton and Cincinnati must ask itself where will we be in the year 2000 when the U. S. has added another 100 million people to the population.

The Department of Agriculture has performed a notable public service in bringing into focus the challenge to the quality of our life and providing some guidelines to elevate that quality.

TAR HEELS—GREAT BASKETBALL TEAM

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. GALIFIANAKIS. Mr. Speaker, as the Representative of North Carolina's Fourth Congressional District, I would like to share with my colleagues in this body the exuberant pride felt by Tar Heels from Manteo to Murphy at the resounding success of Coach Dean Smith and his great University of North Carolina basketball team.

Later this week, Coach Smith and his Tar Heels will complete another remarkably successful season at the very pinnacle of success—the NCAA Basketball Tournament in Los Angeles.

In the past 6 years, Coach Smith's teams have won 153 games and five major tournament championships, five Atlantic Coast Conference championships and a host of holiday tournaments and special tournaments. In 1967, 1968, and 1969, they became the first team in history to win three consecutive NCAA eastern regional championships. Saturday afternoon they defeated the University of Pennsylvania to win that title for the fourth time in 6 years. During this period, seven Tar Heel players have been named to All-American teams and three have represented the United States in international competition.

It is interesting to note that Dean Smith's coaching record in the past 6 years is surpassed by that of only one other coach, and that the Tar Heels have consistently been rated by both national polls as the No. 2 team in America.

The Tar Heels are determined to prove to the rest of the Nation that because they have been considered No. 2, they have indeed been trying harder, and this week they are shooting for No. 1.

I would like to invite all my colleagues—and good sportsmanship compels me to include even the Florida, Kentucky, and California delegations—to join in the spirit of great expectation that pervades all of the Tar Heel State this week as Dean Smith and his Tar Heels stake their claim to the undisputed championship of all college basketball.

In behalf of all my constituents, and those of North Carolina's other 10 congressional districts, I ask my colleagues to share in my wholehearted congratulations to a great coach and a great basketball team, and wish them the best of luck in Thursday night's semifinals and Saturday's championship game.

MY RESPONSIBILITY TO FREEDOM

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. FLYNT. Mr. Speaker, Miss Virginia Brooks Jackson, a constituent of the Sixth District of Georgia who is temporarily residing in the Panama Canal Zone, was recently selected as winner of the Voice of Democracy Contest there. Her speech, "My Responsibility to Freedom," is an excellent reminder of individual responsibilities in making freedom not simply a principle but a fundamental ingredient of American life.

Conscientious citizens will profit from her very intelligent treatment of this subject, and I insert her fine address at this point in the RECORD:

MY RESPONSIBILITY TO FREEDOM

(By Miss Virginia Brooks Jackson)

My Responsibility to Freedom is a meaningless phrase. One cannot be responsible to freedom. Freedom is a relative condition or state of atmosphere, not an absolute. One can indeed be responsible for the maintaining of freedom, and one's duties in maintaining freedom can be outlined.

There are two kinds of freedom: the kind that exists for an isolated being and consists in doing anything one wishes; and the kind of freedom that exists successfully within a society. Within a society freedom is limited by laws for practicality, thereby guaranteeing the most freedom for the majority of people. Which does one take as a definition of freedom as it exists in the United States of America? Obviously we must choose the second.

Our American system of government is not perfect. But it surpasses all other known or imagined forms of government because of its system of checks and balances. It states that all men are created equal under the law. And one responsibility of a dedicated citizen consists in seeing that the system of law enforcement treats all fairly; that judges and other officials are incorruptible; that juries are representative so that trial by one's peers does not become a vacant expression.

Our founding fathers wrote a remarkable document called the Constitution and made it so flexible that it could respond to needed changes and still preserve the basic rights. With a responsible citizenry, one keeps a responsive government. A responsible citizen votes from an informed and educated basis. And this establishes education as a requirement. One must study history and its patterns of repeating itself. One must read widely. One must know local, national and world situations and have some idea of effective handling of these situations. One must recognize that under our system of government we can peaceably change the laws if they are wrong and add laws if they are needed "to ensure the common good."

One of our responsibilities is the recognition of true progress. True progress doesn't harm nature. Man must be seen as he is. To insure there will be right progress, we must exercise previously defined responsibilities and choose leaders aware of mans tendencies to destroy for his own immediate gain. Freedom will be impossible unless population is voluntarily curbed and natural resources are not plundered. Pollution of air, water, and our own minds must be voluntarily eliminated.

The allegory in the Bible states that Eve, the first woman, gave Adam, the first man, an apple. When he ate the apple, Adam suddenly acquired the knowledge of good and evil. Let us compare freedom with this apple, for freedom involves the knowledge of good and evil. It is the fruit from the twisted tree of history.

The apple is covered with a protective skin to ward off rain and passing insects. It is brilliantly colored so that it is easily visible to those who would enjoy it. The apple does not force itself upon anyone. It merely waits. It matures, and, when neglected, dies, dropping to the ground, possibly feeding only the worms. But the one who picks the fruit must cherish it. He must consume it before it is past ripeness, thus making it a part of himself. So, each of us, by our own action, must assure that this fruit of history survives.

LET US SHOW OUR UNITY AND DETERMINATION IN THIS WEEK OF CONCERN FOR OUR POW'S/MIA'S

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. YOUNG of Florida. Mr. Speaker, it was during this week 8 years ago that the first American became "missing in action" in the Vietnamese conflict. Since that time, many, many more soldiers have fallen prey to this merciless enemy, an enemy which has blatantly violated every aspect of international treaties stating that POW's would be treated humanely according to the standards of the civilized world.

The mere fact that the North Vietnamese refuse to allow impartial inspection of their prison facilities can only lead one to believe that their camps are terribly substandard. Not only have the prisoners received terrible treatment at the hands of the Vietcong—this treatment has been brazenly televised worldwide for propaganda purposes—but their families, too, have been suffering mercilessly.

I doubt that we can begin to feel the agonizing grief which must grip a family who—for many years—has not received confirmed reports as to the condition or whereabouts of their loved ones. It is unbelievable to me that any country, no matter what their political philosophy, can allow this type of suffering to go on.

Because of the sad historical significance of this week, it is appropriate that it should be chosen as a "National Week of Concern for POW's and MIA's." As a cosponsor of the resolution designating the week of concern, I strongly feel that it offers our Nation a great opportunity to spotlight the plight of these men and their families in the center arena of world opinion. There is no other issue on which the American people are more united and more determined and we must take this time to show our unity and determination to the world. We must show Hanoi that America has not and will not forget these men who have fought so valiantly for the preservation of freedom, and that the civilized world will not condone the actions of this despotic enemy.

ARIZONA STATE RETAINS MOLD

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. RHODES. Mr. Speaker, just a few short months ago one of the truly great college coaches left his position at Arizona State University to accept a position with the California Angels.

Bobby Winkles' 13 years at ASU are legendary in Arizona, the Western Athletic Conference, and throughout baseball. His Sun Devil teams set records and won championships, but even more impressive was the way they played the game.

At Arizona State Bobby Winkles demanded discipline and dedication; he preached hustle. His teams gave him all this and more, they honored him with respect and that respect was shared by the citizens of Arizona.

Yesterday's Washington Post carried an excellent article about Coach Winkles, the baseball program he left Arizona State and the Sun Devil's new Coach, Jim Brock whose current team is 15–1. I include that article in the RECORD:

ARIZONA STATE RETAINS MOLD

(By Leonard Shapiro)

TEMPE Ariz., March 18.—Jim Brock was in his office a few minutes past 8 a.m. Friday, less than nine hours after his Arizona State University baseball team had defeated the California Angels, 6–5, in a wildly exciting and highly emotional exhibition game.

The contest marked the major-league managerial debut of Bobby Winkles, almost a legendary local figure who left Arizona State this winter after a remarkable career to become first-base coach for the California Angels. Angels manager Del Rice took Thursday night off and allowed Winkles to run the team.

"It was quite an emotional victory for us," Brock said of the 11-inning game. "But if there's one thing Bobby Winkles left behind, it's the philosophy that you take every victory, every loss, the same way. You can't ever think about the day before.

"We play again this afternoon, and Saturday, 29 games in the month of March alone, and we don't play on Sundays. Winkles always taught these kids there's no time to celebrate until it's all over."

Celebrations were numerous in the 13 years since Winkles took charge of what had previously been only a club sport. His teams won NCAA championships in 1965, 1967, and 1969, and compiled a 524–173 record. More than 70 of his players, including Sal Bando, Reggie Jackson and Rick Monday, moved into professional baseball.

Although Winkles is gone, this year's Sun Devils are molded in his image. They wear the double-knit uniforms and white shoes Winkles ordered before he left, and they play the game he taught, running at breakneck speed to their positions and streaking to first base after a walk, or back to the dugout after a strikeout. Even pitchers run.

"This is his team. I'll never deny that," said Brock, 36, previously a very successful coach at nearby Mesa Community College. Brock's teams won unprecedented back-to-back national junior college championships the last two years.

"These kids hustle all over the place, they look great in the field, and they've got grand pride," said assistant coach Fred Nelson, who played for Winkles for three years. "We were always taught to hide our emotions pretty much, and they still play that way. You'll never see this team go out and mob a guy after he hits a home run. It's not our style."

Arizona State simply thrashes the opposition with hustle and, most important, talent. Maury Wills' son, Bump, has a .334 batting average and cannot start. Eleven of ASU's 23 players, including All-America shortstop Alan Bannister, the Angels' first choice in 1969, were major-league draftees out of high school.

Bannister, now a junior, set NCAA records with 170 total bases and 13 triples last year. He hit .414 this spring, third best on the club, and the Sun Devils won 15 of their first 16 games.

Bannister will not be able to sign a pro contract until next year, when he turns 21, though another season with Arizona State is virtually equivalent, Brock insists, to spending a full season in the minor league.

"Bannister turned down $50- or $60,000 out of high school," Brock said. "If he signs, the first year he'll probably spend in a rookie league, then maybe a year in A, and another in AA. Three years out of high school, and he's still probably not going to be in the bigs.

"Going to college is just a matter of a kid protecting his bet. The odds of any high school kid making it to the majors are not very good. If he goes to a school with our kind of program, he'll play 60 or 70 games, get his education and, if he plays in a good summer league, have 50 more games, almost the same as a full year of minor league baseball."

More than 3,000 players around the country have written Brock to ask consideration for one of seven full scholarships available next season. Major-league scouts will help Brock evaluate prospects before he takes a 10-day recruiting trip this summer to "tie up all the loose ends."

"We never had to convince anyone to come here," Winkles said later, a few miles away at Scottsdale, where the Angels played the Chicago Cubs later Friday.

"If a kid was in the marginal area, say if a team offered him $20- or $30,000 a year, I'd usually advise him to go to college. Anything over that he'd have to decide for himself. So much depended on the status of his family, rich or poor, things like that."

Winkles did advise many of his players to sign before their eligibility was used. Included were Jackson and Monday, who joined the Oakland A's after their sophomore seasons.

"I'm for the kid, always have been, always will be," said Winkles, a charming fellow with bright twinkling eyes and, at 43, still young enough to spend several years preparing for his life-long ambition—managing a major-league team.

"I'm very happy with the Angels, even though I miss the kids at Arizona State. I love them all. I still have paternal feelings for them. I was even a little bit happy they beat us."

AGAINST AMNESTY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. HOGAN. Mr. Speaker, the problem of draft evaders and how they should be treated by the Government is an issue which presents itself more and more frequently these days. There are those who would grant draft dodgers complete amnesty with no strings attached; there are those who would allow them to return to the country with the condition that they perform some alternate service such as the Peace Corps, VISTA and the like; and there are those who would prosecute draft evaders to the full extent of the present law.

Mr. Speaker, I fall into the third category. I feel very strongly that draft dodgers must take the consequences of their act and that it would be unfair and unjust to the men who did serve in our military services to grant amnesty to those who refused to serve.

My opinion is shared bv Sean Fitzpatrick, a staff member of the Diamondback, the University of Maryland student newspaper, and he has written a thoughtful piece on the issue of amnesty which will continue to press more heavily upon us. I now insert the piece into the RECORD:

AMNESTY BAD DEAL FOR COUNTRY

(By Sean Fitzpatrick)

Probably the last thing to be decided after the Vietnam war is whether to grant amnesty to the deserters and draft evaders.

It would seem that amnesty for illegally evading the military service can be properly judged only when the results of that evasion are fully available and after the results and implications of giving amnesty have been balanced against the results of not giving amnesty.

Unfortunately, immediate amnesty is being considered, and even demanded, while American soldiers are still engaged in hostilities and Americans are still in prisoner-of-war camps.

The unseemly haste of some amnesty proponents (such as Amnesty Now) is an attempt to evade these decisions by oversimplifying to the "moral point that our government was wrong and these men were right."

It is not a matter of a single moral choice between doing what is right and doing what is wrong. The deserters and draft dodgers are not "guilty" of what a Jules Feiffer cartoon called "premature morality." They had to choose between failing their moral obligation to obey the law and their moral obligation to heed their conscience that what the law requires is wrong. It is a choice of the lesser of two evils.

Unfortunately, at this point I must justify the asseration that citizens have a moral duty to obey the law, for it is the main point of confusion, so allow me a too brief explication.

Men are social creatures and societies need laws to referee the collisions between free individuals: My liberty to assault my neighbor is restricted as is his liberty to assault me. Secure in the order produced by law and custom, we are freed to proceed about our personal affairs.

But for this to work everyone must obey the law. Otherwise, the law is merely advisory, a circumstance indistinguishable from anarchy, which is not long tolerated in human groups even if the remedy be tyranny.

Thus, the maintenance of the orderly society necessary for men depends upon adherence to the law.

Likewise, it is the duty of government to require, by coercion or its threat, that the laws be obeyed. The several individual responsibilities to uphold the law become collectively the responsibility of society to enforce it. This is the first, indispensible, function of government, which consequently cannot lightly tolerate deliberate lawbreaking. For, indeed, it is a principle of jurisprudence that a law which is not enforced loses validity.

At this point there is a great outcry that I am advocating mindless submission to the state. Not at all.

When one's conscience tells him that obeying the law would lead to a greater evil than not obeying the law, he must certainly break the law, but his conscience does not constitute a legal defense.

I am saying, however, that whim or personal inconvenience do not justify breaking a law, no matter how trivial or silly the particular law may be. (Someone else may find the murder laws unduly restrictive.) The results of obeying the law must be worse than the results of not obeying.

It is my intent to examine draft evasion and amnesty in view of the responsibilities which the individual has toward society and the responsibilities which government has toward society's members. I do so in the context of America's democratic form of government which is subject to moral persuasion.

There are several classes of offenders who might be covered by amnesty: Military deserters; draft resisters, who refused induction and went to jail; and draft evaders, who left the country or went underground.

The military has its own system for handling deserters and probably should not be interfered with. The deserter, whether draftee or enlistee, has broken a specific contract. However, if some form of amnesty is offered to deserters, it would be good to distinguish between those who deserted and those who deserted after receiving orders for Vietnam. The latter have, technically, deserted in the face of the enemy.

Draft resisters and draft evaders may be considered together although ultimately there are distinctions to be made. What are the consequences of their act?

First, they have to varying degrees set themselves outside (or above) the law. The more remote implications of this have been mentioned.

Second, the particular law which they have broken is an important one. No society, until all men be perfect, can allow individual whim to weaken its ability to defend itself. To do so would endanger its members and be unjust to those who did go to war. To argue that

Vietnam was a war of imperialism and not of defense is to argue simply that. The general will of the country was that it was a proper war (if you know what I mean by "proper war"): Congress supported it; the two Senators who voted against the Tonkin Gulf resolution were voted out of office; a poll of McCarthy voters, taken in New Hampshire after the 1968 primary, showed that 62% of those polled voted against Johnson because they thought his war policy was not hawkish enough.

Anyway, to allow the individual to decide whether it's his kind of war is the same as allowing him to decide which law he is going to obey.

Third, the men who evaded military service (whether legally or not) share some of the responsibility for the effect that had on the military, especially the army.

By the accounts of some of the proponents of amnesty, the exiles are the cream of American youth. Certainly opposition to service was stronger among the more favored of our youth, who also had the cultural and economic resources for legal fights, doctors certificates and leaving the country. The poorer draftees lacked these means of avoiding service and would have been further inhibited by the value system of his class. We may assume that the assessment of many draft counseling services is correct: No one goes who wants not to go.

So the Army, its manpower needs increasing, is denied many of the more intelligent, better educated—and, even, more morally sensitive—young men, who make the best soldiers and officers.

Instead, it had to scrape the bottom of the barrel with officers like Lt. William Calley (fortunately even so an exception), and "McNamara's 100,000," men who couldn't pass the army's I.Q. test but were accepted with the idea of preparing them for civilian life with army training. Charlie company had a whole bunch of them.

The blame for sending them with only infantry training into a war which would confuse a sociology major and where they would have to act as "ambassadors and diplomats" (CPT Ernest Medina's words) to "win the hearts and minds of the people" (as Ronald Ridenhour put it) must be the army's. The blame for putting the army in that position lies elsewhere. The sociology majors were in Canada.

Would it have made that much difference at My Lai? It's hard to say. Just one lieutenant, almost any besides Calley, might have made the difference. It is a fact that most of the better educated and better trained members of Charlie company were among the 40% casualties which the company suffered in the three weeks prior to the My Lai massacre.

Fourth, by refusing to go, a draft evader requires someone to go in his stead. "Why me?" is a question anyone can ask, no matter how socially ill-favored he might be. It makes a difference whether the answer is "Because it's your turn" or "Because someone ran and left you holding the fort and the bag."

Those are some of the consequences to be considered before evading military service.

Next we consider the anticipated benefits of amnesty.

In the past, amnesty has been granted by a victorious nation which could afford such beneficence or by a ravaged one which could not afford not to grant amnesty. The U.S. after WWII, when 10% of draft violators were pardoned, is an example of the first sort: an example of the second is South Vietnam. There, the Chieu Hoi program offers complete amnesty, political reindoctrination and a grub stake to any Viet Cong or North Vietnamese Army soldier who defects to the Saigon government.

The U.S. today, however, is not in either of these positions. We will leave Vietnam neither as victors who can afford magnanimity nor in such bad shape that we need all the help we can get.

At this point we can make a distinction between the draft evader in exile and the draft resister who went to jail. It was made well by Mrs. Mildred Youland of Pensacola, Florida, who, according to Newsweek magazine, "has not seen her son John for over three years and (who) finds it very painful to talk about him, but even so she is not sure she would favor amnesty. 'If there is any chance at all,' she says, 'that any of these boys want to return and they show the willingness to be good citizens, they should be given a chance. There should be some test of loyalty, though. Physical punishment does not do that much good; it's their frame of mind that is so important . . .'"

The distinction is one of attitude, between, "I don't owe my country anything" and "If I can't do this I do owe my country enough to stay within the law."

It is a slim difference, but it becomes huge when you consider the implications of amnesty for those who did serve. It seems to me to be eminently unjust to change the rules in the middle of the game. At best the vets would seem like fools; at worst they would seem to be moral idiots and war criminals. After all, if the draft evaders were right in deciding that it was wrong to go to Vietnam, then the GIs were wrong in deciding it was right.

What would be the results of not granting amnesty?

Only that those who left the country to avoid military service would be out of the country and would face a prison sentence if they returned, but even that seems easy in comparison with what they have escaped. And one can assume that those who were smart enough to avoid the "mistake" of Vietnam were smart enough to know what they were doing by going into exile. Either that or they were just skipping out until the heat was off.

As an aside, I'd like to point out that leaving the country when the things get unbearable is an old American tradition. This country was first settled in large part by men fleeing intolerance, poverty, the army and the law. It's a good tradition, and no effort should be expended trying to "bring the exiles to justice" by extradition or after they have formally changed their citizenship. Ultimately, a free society is one that lets you leave.

Finally, will it hurt the country not to grant amnesty to the exiles and deserters? I don't think so.

The country doesn't owe them anything. It does owe itself not to set what Selective Service Director Curtis Tarr called Monday "a precedent for permiting the evasion of Selective Service that might some day be an unwelcome tradition." It does owe its veterans the courtesy of not making them fools for doing what they were told was their duty.

Amnesty is still posible, but it must be offered truly as an amnesty, a gift of forgiveness to transgressors.

AMENDMENTS TO OCCUPATIONAL HEALTH AND SAFETY ACT OF 1970

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. MIZELL. Mr. Speaker, I rise at this time to join with the distinguished gentleman from Nebraska (Mr. THONE) in introducing an amendment to the Occupational Safety and Health Act of 1970, to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry.

The legislation we are introducing is intended to make more realistic and equitable the safeguards we have established to protect the workingman, by making those safeguards more adaptable to different circumstances.

It is a weakness of the original legislation that these differing circumstances, particularly as they relate to the construction industry, are not adequately recognized, and it is the purpose of this amendment to strengthen the legislation in this regard.

The generally less hazardous working conditions and the smaller number of workers employed in light residential construction projects naturally call for less stringent safety requirements than those established for much more dangerous work, and it is the simple and plain intent of this legislation to instruct the Secretary of Labor to take into account those major differences in promulgating work safety standards.

This Congress is committed to promoting occupational health and safety for the American worker, because we recognize that adequate and effective safeguards are good for both business and labor.

I hope my colleagues will maintain that commitment by joining Mr. THONE and me in seeking to secure the most reasonable and realistic safeguards possible for workers in every industry. The amendment we offer will further strengthen that commitment, and I urge the Members of this House to support its passage.

AMENDMENTS TO THE FEDERAL WATER POLLUTION CONTROL ACT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. FRASER. Mr. Speaker, support for a number of floor amendments to the Federal Water Pollution Control Act has been expressed by the Minnesota Pollution Control Agency.

In a resolution passed March 13, 1972, our official State pollution control agency urged Congress to adopt amendments on marine sanitation devices and on a number of the other items in the Dingell-Reuss clean water package.

I urge the House to consider the very important recommendations listed below:

RESOLUTION OF THE MINNESOTA POLLUTION CONTROL AGENCY TO THE PRESIDENT, SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, PASSED MONDAY, MARCH 13, 1972

Be it resolved by the Minnesota Pollution Control Agency that any major legislation to amend the Federal Water Quality Act should contain the following provisions:

(1) A provision that gives the federal government the right to veto state permits issued to individuals who discharge effluent in intrastate waters;

(2) A provision that allows individual states to set stronger pollution control standards than the minimum standards set by the

federal government, especially in the areas of pollution from marine sanitation devices and pollution emanating from radioactive sources including atomic power plants;

(3) A provision that sets 1985 as the deadline for achieving no-discharge of pollutants to our nations waters. This should be more than a goal to be studied, it should be national policy;

(4) A provision that gives any citizen or group standing to sue to abate any pollution or to challenge any arbitrary and unfounded action of a pollution control agency;

(5) A provision requiring that the spirit and letter of the National Environmental Policy Act be followed and that all of the information required in environmental impact statements be obtained before the granting of any permit to discharge effluent into our waters.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting into the RECORD the March 20 edition of the Bicentennial Bulletin. The bulletin is compiled and written by the staff of the American Revolution Bicentennial Commission communication committee. The bulletin follows:

MARCH 20, 1972.

The ARBC Executive Committee is scheduled to meet next in Washington on Tuesday, March 21, and the Communications Committee will hold a meeting following on Wednesday, March 22, also in Washington.

Following the recent press conference announcing NBC's plans to produce 10 specials entitled "The American Experience" sponsored by American Airlines and running through 1976, the show's announcer and spokesman, Chet Huntley, was quoted by the New York Times (3/6) on his reason for coming out of retirement and back to network television. "I wanted to get something going on behalf of the Bicentennial," Huntley concluded.

A project to involve Texas colleges and universities in a coordinated program to observe the Bicentennial has been set in motion with the appointment of a central planning staff and a statewide 17-member executive committee. Dr. Edgar L. Roy, Jr., former president of St. Edward's University in Austin, has been named director of planning for the Texas College and University Bicentennial Program.

Plans for a World Food Expo in Iowa for the Bicentennial were given an initial, tentative go-ahead by the Iowa House recently in a 57–32 vote to create a state board to plan for such an exposition in connection with the American Bicentennial Celebration. The bill calls for an eleven-member Authority to accept grants, acquire land and construct buildings. Separate legislation is needed for appropriations.

Mr. Gene Sleevi, Department of Defense Deputy Director for Community Relations and DOD Bicentennial Project Officer, briefed major Air Force Command directors of information, world-wide, on national and DOD Bicentennial planning and developments. The two-day meeting, March 13–14, at Randolph Air Force Base, Texas, featured visuals on specific DOD planning which will affect Air Force commands during the Bicentennial observance. Mr. Sleevi also reports that Department of Army information officers were also briefed recently, in a similar session. The Defense Department has issued its Bicentennial Memorandum Number Two in a numbered series of instructions to Defense commands and agencies designed to keep all components abreast of planning.

In a Saint Patrick's Day message from the American Irish Foundation John P. Cosgrove, Foundation president, has announced that they have prepared capsuled biographies of a group of Irish who were close to George Washington during the Revolution. The announcement points out that the password of the Continental Army in Boston on March 17, 1776 was a well-chosen "Saint Patrick." Mr. Cosgrove also said, "The Foundation hopes to stimulate additional research along these lines so that obscure heroes may be suitably recognized during the 1976 Bicentennial of the United States." For additional information write American Irish Foundation, 943 National Press Building, Washington, D.C. 20004.

The Florida State Interamercian Center Authority last week unanimously approved the latest plan for development of a multi-million dollar commercial, educational and cultural complex on the Graves Tract in North Dade (Interama). The authority stated in a resolution endorsing the specific projects that the whole project would be completed on or before January, 1976, in time to use Interama as a site for Florida's Bicentennial celebration. Specific projects endorsed include the Garden of the Sun, the Tower of the Sun, sites for national, institutional and commercial pavilions, an Interamerican trade show building and a regional interamerican park to be located along the shore of Biscayne Bay.

A Bicentennial symphony, titled "In the Name of These States," composed by nineteen year old Paul Hofreiter, premiered on March 18th by the Delaware Valley Philharmonic Orchestra, Maestro Joseph Primavera conducting, Levittown-Fairless Hills, Pa. In his own words, "The ideal was to join the people of this country, both spiritually and emotionally, into "one perfect union." The work, Symphony #2, Opus 33, is requiring 300 voices to perform. The Delaware Valley Philharmonic Orchestra of Bucks County is not new to premiering Bicentennial or other works. They were first with a "Bicentennial Ball and Season." Paul Hofreiter played a role also, he arranged the orchestrated Ann Hawkes Hutton's *Bicentennial Suite* which was premiered last season.

The Philadelphia Bicentennial Corporation will present its plan for an international exposition on March 21 at the Department of Commerce. In attendance will be representatives from the ARBC, the Department of Commerce, Office of Management and Budget and the State Department. A news conference has been scheduled immediately following the Philadelphia presentation.

Following are further comments on Bicentennial Parks:

"Gov. Russell W. Peterson said yesterday he hopes to get federal funds to buy and develop land in the Iron Hill area as a park to tie in with the Bicentennial celebration. Peterson said the land near Cooch's Bridge, south of Newark, would be developed as a permanent tourist attraction. He said he supports efforts of the American Revolution Bicentennial Commission to get federal support for bicentennial celebration parks. 'This fits in well with the plans we have been considering' for the Iron Hill area, Peterson said."—Wilmington (Dela.) Journal, February 25.

"The idea is a good one, particularly because it would not force the states into any rigid pattern. Each would select its own architects to play variations on the central theme. The expected result would be fundamental similarity, but without conformity. The proposal would provide means whereby the several states could, if they chose, have a part in the nation's concerted celebration of 200 years of independence."—Editorial entitled "Anniversary Parks" Shenandoah (Pa.) Herald, March 4.

"The fact is that our national parks are too few and too far apart . . . So it is that the announcement that the American Revolution Bicentennial Commission plans to set up 50 parks honoring the occasion is cause for rejoicing . . . It's a lasting way to celebrate a Bicentennial."—Editorial entitled "The Park Proposal" Bethlehem (Pa.) Globe-Times, February 26.

"I have the pleasure to inform you that, at its meeting on March 3, 1972, the Hawaii Bicentennial Commission unanimously approved in principle the concept of the Bicentennial Parks project and Hawaii's full participation in this program. We look forward to working with you on these Parks project in the years ahead. The concept is exciting indeed."—Henry S. Richmond, Liaison Officer, Hawaii Bicentennial Commission in letter to ARBC, March 7.

[From the Washington Post, Mar. 10, 1972]

A STRING OF URBAN PARKS

Our National Parks with their untouched nature and outdoor recreation for millions are among the country's proudest assets and the envy of the world. But we are woefully short of urban parks, the kind of place at the end of a short subway, bus or car ride where families can find recreation, diversion and inspiration on a nice summer evening or holiday. One of the few such cultural, recreation and amusement parks in the United States—and surely the best designed—is the Seattle Center, right in the center of Seattle. It is a happy remnant of the 1962 Century 21 exposition and any visitor from another city who has found time to see the exhibits, enjoy a concert or performance, eat in one of the restaurants or just stroll, would want to have such a park close to home.

Well, that's what the American Revolution Bicentennial Commission would have the nation give itself for its 200th anniversary in 1976. It proposes a chain of such parks, to be sponsored by the states and financed by the federal government, which would also donate the 100 to 500 acres of land, most of it in or close to our major population centers. Each park would cost from $15 million to $25 million and the commission estimates that the total program might run to $1.2 billion.

As the commission sees it, each of these Bicentennial Parks would reflect the unique natural and architectural characteristics of its region. Each would have a central pavilion for historic displays and regional craft bazaars and workshops as well as an outdoor amphitheater for symphony concerts and theater, dance, folk music and jazz performances. These amphitheaters would have standardized stages so that national and international touring groups could simply plug in their sets and perform without costly adjustments and rehearsals. In addition, the commission suggests, the parks would include a wide range of outdoor activities, children's playgrounds, picnic areas, marinas, restaurants and food kiosks and perhaps a botanical garden and ecology center devoted to increasing our environmental awareness.

While each state would select its own architects, planners and designers, the commission hopes to inspire and assure design excellence by issuing detailed guidelines and establishing a national design review board to coordinate the design of all parks. Such coordination would give manufacturers a large enough market to introduce innovative new designs for the structures and furnishings.

To complete these parks by the spring of 1976, the commission estimates, site selection and preliminary planning should start right now. This is a good idea and we hope the commission and the administration will lose no time proposing it to Congress.

ASIANS EXPRESS MISGIVINGS OVER PEKING TRIP

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. CRANE. Mr. Speaker, President Nixon's visit to Communist China has resulted in natural misgivings and fears on the part of our Asian allies, and most particularly among the Free Chinese in Taiwan.

These people understand that the domination of Taiwan by the Communist regime in Peking is one of the priority items on Mao Tse-tung's agenda, and they are apprehensive about whether the President will affirm the commitment of the United States to their own security.

President Nixon, in his state of the world message, reaffirmed that commitment to Taiwan. Nevertheless, to many free Chinese his trip appears to be a serious mistake.

Recently Anne Crutcher, the woman's editor of the Washington Daily News, traveled to Taipei, Manila, and Tokyo. In an important article she notes that:

> To the millions of Chinese living outside the People's Republic . . . President Nixon's trip to Peking looks more like a blunder and prelude to betrayal than a master-stroke of diplomacy.

Mrs. Crutcher reports that:

> The government officials, university professors, journalists and students I talked to were virtually unanimous in believing the move would tighten India's ties with the Soviet Union, and rouse second thoughts in Thailand, Indonesia, Malaysia, and Singapore.

In Taiwan, Mrs. Crutcher spoke to political leaders who urged that President Nixon visit the Republic of China after his trip to Peking in order to allay the anxieties of the people. Morale, however, she found to be high.

She reports that:

> There is also a mood in which concern is blended with philosophical calm. The United Nations defeat was a harder blow than the President's decision to go to Peking and it appears to have heightened patriotic morale among the people of Taiwan.

While we all hope that the President's Peking visit proves to be successful, it is important that we understand the valid concerns felt by our traditional allies.

Mrs. Crutcher's reports of this concern, and I wish to share with my colleagues her article as it appeared in the Washington Daily News of February 17, 1972, and insert it into the RECORD at this time.

DIFFERENT VIEW OF NIXON TRIP

(By Anne Crutcher)

To the millions of Chinese living outside the People's Republic presided over by Mao Tse-tung and Chou En-lai, President Nixon's trip to Peking looks more like a blunder and the prelude to betrayal than a master-stroke of diplomacy. While the official view in Taipei is one of judicious confidence in the President's assurances that the United States will stand by commitments to the Republic of China, there is a good deal of private cynicism, both in Taiwan and in Chinese enclaves from Manila and Hong Kong to San Francisco.

Most non-Communist Chinese see the President's trip as an election-year maneuver which may win the Administration a measure of immediate popularity at home but which, in the long run, threatens both their security and that of the United States position in Asia. It can only strengthen the Peking regime, both at home and in international prestige.

The oriental concern for "face" being what it is, much is made of the fact that overtures for the visit began on our side. Reports from Hong Kong are that Red Chinese radio broadcasts currently intersperse routine denunciations of American imperialism with gloatings over the idea that President Nixon asked to come to Peking and is coming "to surrender."

Red Chinese willingness to receive him is attributed to the need for bolstering the central authority at a time when factional strife has left it tottering. After the suppression of Lin Piao and the Red Guards in the wake of the cultural revolution, individual military commanders, sometimes recalling the warlords of the 1920's are said to have become the real power in many parts of mainland China.

Their conflicts with each other, as well as their unruliness in relation to the central government have become a critical problem for Peking. Some China-watchers say the Kissinger mission came at a time of so much internal stress that the regime needed the prestige boost of the President's visit to survive.

Whether or not the situation was that acute, leaders of overseas Chinese communities agree that the American visit cannot help but strengthen Mao Tse-tung and Chou En-lai. Estimates of consequences vary, but most are unfavorable to United States interests.

The government officials, university professors, journalists, and students I talked to were virtually unanimous in believing the move would tighten India's ties with the Soviet Union and rouse second thoughts in Thailand, Indonesia, Malaysia, and Singapore. As for the hope that President Nixon can lay the groundwork for international understandings that could help bring peace in Vietnam, the consensus is that Peking may not be as eager for American withdrawal from that part of southeast Asia as its propaganda posture would suggest. The theory is that Peking cannot but fear that America's loss in Vietnam would be Russia's gain, with the power vacuum left by our departure filled from Moscow.

In Taiwan, there is some feeling, semiofficially expressed by Professor Wang-Yun-wu, senior political advisor to President Chiang Kai-shek that President Nixon could allay some anti-Red Chinese anxieties by following his Peking trip with a visit to the Republic of China. There is also a mood in which concern is blended with philosophical calm. The United Nations defeat was a harder blow than the President's decision to go to Peking and it appears to have heightened patriotic morale among the people of Taiwan.

In San Francisco, too, where there has been comment to the effect that the main result of the trip is likely to be greater celebrity for Henry Kissinger, the long perspective of Chinese culture sets the tone of reactions. "We have a different view of time," Consul-General C. C. Tuan reminded me, "when you look back over as long a history as ours, you have confidence in the long-range prospects."

Meanwhile, in San Francisco's Chinatown as in other centers of Chinese life, firecrackers had began to pop for the celebration of yesterday's Lunar New Year, and preparations were under way for the dragon parade to be held this weekend in affirmation of good luck and the continuing allegiance of today's Chinese people to at least some of the ways of their ancestors.

BUSING—CHANGES SUPERINTENDENT FROM EDUCATOR TO FIREMAN

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. COLLINS of Texas. Mr. Speaker, this past week the Judiciary Committee gave a full and fair hearing on busing to a group of Dallas leaders. Dallas is the eighth largest school system in this country.

The Judiciary Committee continued hearings through Wednesday afternoon to give these men a 2½-hour special hearing. We, in Dallas, appreciate this consideration because busing is a roadblock to the future of our progressive educational system.

When the testimony is typed I want to share it with you in the CONGRESSIONAL RECORD. Our superintendent, Nolan Estes, was formerly Associate Commissioner in the Department of Education of Health, Education, and Welfare. He understands HEW. He is innovative. He helped write the 1964 Civil Rights Act. He is a scholar and a top administrator. He has tried to make busing work.

Felix R. McKnight always hits the key issue in his editorial. Busing is key in Dallas. Before Estes came up to the Washington hearing, McKnight highlighted the trip. Here is a thoughtful analysis in the March 12 Dallas Times Herald by McKnight:

On next Wednesday Nolan Estes will fly to Washington to tell a House subcommittee that he is reluctantly switching from educator to fireman.

And the rangy superintendent of the Dallas Independent School District will be his own living proof as he reads a reasoned statement on why the District opposes forced busing of students.

No longer can Estes devote his many talents to the development of a better educational system for the nation's eighth largest district. He doesn't have time—he is running from fire to fire dousing tragic flames of tension created by court-ordered busing designed to achieve a heavier racial mix.

He could be at his desk working on blueprints for the educational future of 180,000 students of all colors, rather than testifying before Rep. Emanuel Celler's committee on a proposed constitutional amendment to limit forced busing.

He could be huddling with his administrative staff, broadening the exciting concept of the unique $21 million Skyline school that will offer innovative vocational opportunities for all races.

Except—Estes and his staff must grab their coats, rush to the same Skyline and their schools to smooth out disruptive happenings in these busing days.

Nolan Estes has no intention of going to Washington for the purpose of getting into the emotional offshoots of busing. He will not be there to speak solely of violence, or threatened violence in Dallas schools.

He will speak, in his brief 15 minutes, to the critical wounding of the educational program; to fractured opportunities for young students of both races.

He will tell the Congressmen of accelerated absenteeism that is cheating the student of educational opportunity and the school district of state funds based on attendance.

He must tell the sad story of the quickening rise in expulsions, brought about by students in strange environments who flaunt disciplinary codes and jolt teachers from relaxed teaching postures to the binding rigidity of fear.

He must refer to the increasing number of actual physical attacks and threats between students and teachers.

In short, Nolan Estes must enumerate the positive results of a negative situation. It is that nagging result of the court-ordered mixing that troubles him as he goes to Washington to argue for reason and modification of a system that just isn't working.

He is no racist. He is a very concerned educator.

The Dallas Independent School District has faithfully complied with court orders. It has implemented systems of compliance at a high dollar cost and within prescribed time schedules. All of this has been done—and not without penalties that accompany dislocation and disruption.

It is to be hoped that the Congressional committee will listen intently to a Southwestern educator who will be telling them the concerns that also give daily worry to parents.

One of the presidential candidates concisely summarized the dilemma in a statement to a national magazine:

"Forced busing just hasn't brought about quality education, it hasn't solved our racial problems. Quality education is the issue, not busing. Quality education means more schools and classrooms, not more buses. It means more and better teaching, not more bus drivers . . ."

George Wallace speaking? No, Hubert Humphrey.

F-111 TESTS TO 2½ TIMES ITS REQUIRED LIFE CYCLE

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. FISHER. Mr. Speaker, in further reflection of my deep interest in America's greatest deep penetration fighter-bomber, I ask for unanimous consent to insert in the RECORD a United Press International news item of March 14, 1972.

Although only a life of 10 years is required from a standpoint of wing fatigue for the F-111, recent tests have established that a real life of more than 25 years of operational service is to be expected.

The story from UPI is as follows:

WASHINGTON.—The Defense Department said today its fighter-bomber versions of the swing-wing F-111 have withstood wing fatigue tests equivalent to more than 25 years of operational service.

A Department spokesman said that 10 years is the required service life. Hairline faults in wing castings in the early stages of the F-111's development led to intensive efforts to correct the trouble.

The spokesman said today that after the 25-year milestone had been reached, the wing was subjected to further fatigue tests with load applications equivalent to six times the force of gravity to ascertain the breaking point.

The wing, which moved two and a half feet at the tips with each application, did not break until it had been subjected to the load more than 10,000 times, he said.

He added that a four to one safety factor is employed in fatigue testing of F-111 components. This meant that to reach the equivalent of 25 years of operational service, the plane wing has to withstand all the maneuver loadings that would be incurred in 100 years of service operation.

Fighter-bomber versions of the aircraft are assigned to service in the United States and Europe. Australia is to take delivery of 24 starting next year.

THE GREEK REVOLUTION AND AMERICAN PHILANTHROPY: 1827

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. KYROS. Mr. Speaker, as the time approaches for the annual celebration of Greek Independence Day, I know that my colleagues will be interested in the following article. Entitled "The Greek Revolution and American Philanthropy: 1827," it details the tremendous amount of humanitarian aid provided by Americans to the Greek people during their struggle for independence. I commend this excellent paper to the attention of my colleagues:

THE GREEK REVOLUTION AND AMERICAN PHILANTHROPY: 1827*

(By John N. Sfondouris)

In March, 1821, the heroic Greeks, known as *Yeshirs* in the Turkish politics, had revolted against the prolonged Turkish tyranny.[1] The revolutionary activity of the Greeks reached New York City on May 20, 1821, brought by the brigantines "Manhattan" and "Importer," and described by American philhellenes among the Greek insurgents.[2] The Greek struggle for civil and religious liberty[3] was publicized by newspaper and magazine editors throughout the United States and Canada.[4]

To relief the non-combatants of Greece, the Great Executive Committee (GEC) met at the New York City Hotel on January 6, 1827. With Stephen Allen as chairman and Isaac Carew as secretary, the GEC was attended by more than 50 prominent New Yorkers, such as Lyndie Catlin, George Griswold, James I. Jones, Preserved Fish, Peter Sharpe, Hiram Ketchum, F. Vandenburgh, and Frederick Sheldon. The Committee discussed the depressed conditions in Greece as reported by Samuel G. Howe, George Jarvis, and by other American philhellenes.[5]

Without delay, the New York Greek Executive Committee issued its first report to the American people. In this report dated January 10, 1827, the GEC described revolutionary Greece with these words:

You are . . . aware of the information received some weeks since in this country, from the most authentic sources, that the barbarous foe of the Greece has left her *no agriculture, no commerce, no arts*. That while her able-bodied men are keeping at bay an enemy, the fruits of whose final success will be brutal violence and indiscriminate massacre: her women, and children, and old men are feeding on acorns in the mountains, and unless promptly relieved by their Christian brethren of other nations, will be driven to experience the horrors of famine.[6]

In the same report, the GEC urged Americans to help the naked and hungry Greeks with clothes and provisions:

. . . the inhabitants of Greece appeal to all Christian nations, not for arms, nor munitions of war, but for a grant of the bare necessaries of life. They who make this appeal are Christians, who have been subjected to the most arbitrary and capricious tyranny for [four] centuries, because they would not abandon their own religious faith, and adopt that of their masters. They are contending for civil and religious liberty. The exertions they have made, the sufferings and sacrifices to which they have submitted in a war, nearly as long already as our own revolutionary struggle, prove them the object for which they contend; and, above all, they are hungry and naked.[7]

The appeals by the GEC had an immediate and sensible effect. The GEC despatched six vessels laden with flour, bread, shoes, clothes, hats, provisions, sundries, and medicines. Because of the official American neutral policy in the European affairs, the Committee selected three private individuals to distribute clothes and provisions to the suffering women, children, old men, war orphans, and noncombatants in Greece. For this philantropic mission, the GEC appointed Colonel Jonathan P. Miller (Vermont) as the Principal Agent with John R. Stuyvesant (New York) and Henry A. V. Post (New York) as Miller's Assistant Agents in Greece.[8]

While distributing provisions to the Greeks in Morea and Aegean islands, Colonel Miller, the veteran of the Greek Revolution, noted in his *Journal* (June 21, 1827), the horrible Turkish barbarity committed against the innocent Greek children:

There arrived at this place [Poros] last evening six females, who had just escaped from the Arabs. Early this morning they were brought to my quarters. On going out, O, God of mercy! what a sight was presented to my view!! A girl of eleven or twelve years of age stood before me, with her nose cut off close to her face, and her lips all cut off, so that the gums and jaws were left entirely naked. All this had been done more than a year ago, and the poor creature was yet alive. Her refusal to yield to the *embraces* of an Arab was the cause of this horrid and shocking barbarity.[9]

With his mission accomplished for the martyrs of Christ,[10] Colonel Miller returned to the New York City on May 27, 1828. By July 14, 1828, the GEC headed by George Griswold decided to publish Miller's *Journal*, an exposition of the poverty and distress caused by a merciless Turkish foe.[11]

Colonel Jonathan P. Miller, while summarizing the American donations in provisions and while reviewing the Greek history and culture, praised the Hellenes for their bravery, determination, and devotion to be liberated from the Turkish slavery:

The people of Greece have shown their determination to be freed from Turkish bondage, by rising against their oppressors, and they have contended for seven years against a cruel and vindictive foe, and at fearful odds. Their bravery and devotion to the cause of their country has not been surpassed in *ancient or modern times*. Many good and brave men have fallen in the struggle, and many bad men have risen to posts of honor and command. There are, however, redeeming spirits among the survivors, and determination among the suffering inhabitants never more to submit to the Turks, which will cause Greece to be regenerated, and to become an independent nation.[12]

Through systematic newspaper publicity and organized public meetings,[13] the Greek cause for liberty and independence was welcomed with open arms in the entire Union. The so-called "Greek fever" had numerous roots, particularly Christian Orthodoxy. The Christian Greeks were imitating America's revolutionary blow for civil and religious liberty; they were Christians battling against

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* Footnotes at end of article.

Moslem infidels; and they were the classical creditors of the Western civilization.[14] Above all, the pro-Greek enthusiasm was motivated by American charity, humanitarianism, sympathy, magnanimity, generosity, compassion, philanthropy, benevolence, mercy, and pity for the afflicted, naked, starved, distressed, and destitute Greeks.[15]

By December 20, 1827, more than $139,500 were raised by the New York Greek Executive Committee,[16] a sum equivalent to about $1.4 million in current purchasing power. By state contribution, New York contributed the largest amount with $90,066.59, followed by Connecticut with $3,264.71, and by New Jersey with $3,067.66. Donations from the other states in the Union ranged from $333.28 to $5.00 in money and provisions. Canadian citizens, statesmen, and scholars donated $192.24 for the heroic Greeks who fought the enemy of God and man.[17]

Through their generous philanthropic assistance, Americans helped the Greeks who lived in holes and caves; clothed their naked bodies; shod their bare feet; dressed their wounds; and fed their hungry stomaches. Above all, American philhellenes, assisted by the U.S. naval squadron in the Mediterranean Sea, prevented the collapse of the Greek Revolution through material and moral support.

RECORD OF AMERICAN PHILANTHROPY: A SUMMARY

Cargo

Ship "Chancellor" (New York)	$17,500.00
Brig "Six Brothers" (New York)	16,614.00
Brig "Jane" (New York and Albany)	8,900,00
Brig "Tontine" (Philadelphia)	13,856.40
Brig "Levant" (Philadelphia)	8,547.18
Brig "Statesman" (Boston)	11,555.00
Total	76,973.08

Donation in money by state

New York	$7,856.67
Connecticut	3,264.71
New Jersey	3,067.66
Massachusetts	333.28
Ohio	286.38
Georgia	180.00
Vermont	136.70
Maryland	20.00
Virginia	20.00
South Carolina	5.00
From other states	739.60
Canada	192.24
Total	16,102.24
Collections in Churches, Schools, and Other Institutions	$3,291.34

Donations in goods collected in New York City

Shoes	$274.25
Hats	215.00
Provisions (beef, ham, pork, etc.)	183.25
Clothes	172.50
Flour	168.75
Medicines	151.75
Sundries	72.50
Bread	5.00
Total	1,043.00

FOOTNOTES

*Materials for this article were obtained by Harry R. Skallerup, Science Librarian, United States Naval Academy, Annapolis, Maryland.

[1] Anonymous, "The Jews of Constantinople and Its Environs," *American Monthly Magazine*, 2 (October 1, 1833), p. 96.

[2] Charilaos G. Lagoudakis, "New York State and The War of Greek Independence: 1821 to 1830," *Orthodox Observer*, XXXVII (April, 1971), p. 9.

[3] Jonathan P. Miller, *The Condition of Greece in 1827 and 1828* (New York: J. and J. Harper, 1828), pp. 199–265.

[4] Miller, pp. 282–290.

[5] *Ibid.*, p. 271.

[6] *Ibid.*, p. 267.

[7] *Ibid.*

[8] *Ibid.*, p. 269.

[9] *Ibid.*, pp. 71–72.

[10] *Ibid.*, p. 40.

[11] *Ibid.*, pp. 1, 195.

[12] *Ibid.*, p. 197.

[13] *Ibid.*, p. 268.

[14] *Ibid.*, pp. 291–300.

[15] *Ibid.*, pp. 290, 300.

[16] *Ibid.*, pp. 272–290.

[17] *Ibid.*, p. 290.

CLEAN WATER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. DINGELL. Mr. Speaker, the Michigan Student Environmental Confederation's newspaper, Michigan Earth Beat, of March 16, 1972, carried an item under the heading, "Clean Water—Action Needed Now!" which demonstrates that the youth of America have not lost their interest in a clean environment. So that my colleagues may have an opportunity to be aware of the views of our youth, I ask unanimous consent that the text of the news item appear at this point in the CONGRESSIONAL RECORD:

CLEAN WATER—ACTION NEEDED NOW

The U.S. House of Representatives will be voting in their weak version of the Muskie Clean Water Bill, which passed the Senate last fall by 86–0. Though far from perfect, it is the most comprehensive piece of federal legislation ever to deal with water pollution problems.

After the Senate bill passed, a massive attack on the bill in the House Committee was launched by the Nixon Administration, industry and several state governments. This attack succeeded in emasculating the stronger Senate provisions. Congressmen John Dingell (D–Mich.), and Henry Reuss (D–Wisc.), and John Saylor (R–Penn.), with the support of major citizen, labor, environmental and professional groups, are leading an effort by concerned members of the House in an effort to attach strengthening amendments to the bill on the House floor.

Write your congressman *today* and ask him to support the following amendments:

(1) Zero discharge goals and effluent requirements of the Senate bill for 1981 and 1985 do not take effect in the House version. The House merely orders a study (in section 315) by the National Academy of Sciences to determine the feasibility of implementing these 1981/1985 requirements.

(2) The power of the federal Environmental Protection Agency (EPA) to review, and, when appropriate, to veto individual discharge permits for industries issues by the states (who may be unduly influenced by local and powerful industry groups) was removed in the House bill.

(3) Protection for workers must be instituted by requiring national effluent standards to prevent industries from "shopping" for less strict state pollution requirements, and by establishing an equitable system of economic assistance to those workers and communities affected by plant closures due to environmental regulations.

(4) Citizen suits against polluters or against the EPA Administrator have been seriously restricted. Any person may sue under the Senate Bill; only parties suffering direct damage will be granted standing to sue under the House bill.

(5) The National Environmental Policy Act of 1969 may be weakened in two ways. "The Baker Amendment," introduced by Senator Howard Baker (R-Tenn.) in both current Senate and House versions, seriously limits the public's procedural rights and consideration of water quality problems by agencies granting federal licenses and permits. The Administration has proposed language to restrict the necessity of a "102 statement" (describes the environmental impact of any federal project); if not contained in the Committee bill, it will be offered as an amendment on the floor.

(6) The Administration has made proposals which would, in effect, repeal the Refuse Act of 1899 and an anti-pollution tool. This Act has given concerned citizens an opportunity to participate in halting pollution.

(7) Under the Fish and Wildlife Coordination Act state fish and game agencies and the Fish and Wildlife Service of the Interior Dept. may comment on all discharge permits to insure fish and wildlife resources protection. The Senate and House bill would eliminate this comment procedure.

PASS THE WORD

In our community, contact the local editor of your newspapers and/or reporters. Follow up with letters to the editor. Notify other individuals and groups who might help.

It is not enough to have the House pass a water pollution bill. Time is too short; the problems too widespread. The House must pass a strong water pollution bill. The clean water package must be supported if the rights of citizens and workers are to be protected and if the long-term goals of zero discharge are to be realized.

YOUTH FOR UNDERSTANDING

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. REES. Mr. Speaker, I would like to join many of my colleagues in paying tribute to the outstanding Student Exchange Service known as Youth for Understanding.

This program was inaugurated in 1951 under the auspices of the Ann Arbor, Mich., Council of Churches. I am pleased to add that the president of the council at that time, the Reverend Henry Kuizenga, is the pastor at the Beverly Hills Community Presbyterian Church, and presently resides in my congressional district. He is still instrumental in the promotion of YFU activities.

YFU is now the largest and faster-growing organization of its kind, and I note that over 600 California students are privileged participants this year.

The program enables a student to spend either 6 months or a year as a member of an overseas family with a totally different life-style from his own. As a part of such a family living experience, the mutual appreciation of foreign cultures and values, so fundamental to international peace and understanding, is reinforced. In the process, trust among tomorrow's leaders is fostered, often despite considerable basic ideological differences.

Organizations such as YFU transcend racial, religious, geographical, and economic biases. They expose students to man's inherent communality, and in so doing seek to bridge the social and cultural chams that hinder effective diplomacy. We must make every effort to relate to people of diverse cultures and backgrounds. Youth for Understanding is a significant vehicle for such accord, and as such deserves every American's continued praise and support.

NIXON POLICY ON U.S.S.R. JEWRY, ISRAEL CLARIFIED

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. BROOMFIELD. Mr. Speaker, last week the editors of 89 American Jewish newspapers gathered at the White House for a special briefing on American foreign policy. The meeting covered the American position in regard to Israel, the plight of Soviet Jewry and other related topics of special significance to Jews.

As a result of this conference, Philip Slomovitz has written two penetrating articles that point out that final settlement of the Middle East dispute is contingent upon an agreement with Egypt and that the U.S. still stands firm behind its committment to Israel.

Mr. Slomovitz, as editor of the Detroit Jewish News of Southfield, Mich., has gained a well-earned reputation as one of the leading American journalists in Jewish affairs. These two articles serve to further illustrate the extent of his expertise and the depth of his insight into this crucial area of American foreign affairs.

Mr. Speaker, I insert these articles in the CONGRESSIONAL RECORD for the benefit of all my colleagues:

NIXON EMISSARIES ASSURE CONCERN FOR U.S.S.R. JEWRY, PLEDGE ISRAEL SECURITY THROUGH JEWISH EDITORS

(By Philip Slomovitz)

WASHINGTON, D.C.—With 89 American Jewish periodicals serving as vehicles for an understanding of issues in which their readers are primarily interested, the White House on Monday defined positions on major issues, such as the plight of Russian Jewry, the security of Israel, housing and the needs of the impoverished.

President Nixon's closest associates, including several important members of his official family who are Jews, passed on the important views at a specially arranged briefing for Jewish editors. Represented in the participating gathering were editors of nearly all the weekly English-Jewish newspapers; the editor of the only surviving Yiddish daily in this country, the Forward; editors of Hebrew and Yiddish periodicals, of monthly publications, quarterlies, youth periodicals, even some house organs.

With Herbert Klein, the chief public relations personality in the White House, presiding at the several sessions, the participants heard the views of Joseph Sisco, major intermediary between Israel and the Arab states; Richard Davies, deputy assistant secretary of state for foreign affairs; Leonard Garment, Prof. Ronald Berman, Herbert Stein, John Erlichman and other White House and other State Department spokesmen.

On two questions there were positive declarations on policies to which there are commitments by the Nixon administration: in relation to Soviet Jewry and Israel.

Mr. Sisco made it clear that the U.S. had never supported complete withdrawal by Israel from occupied territories. He analyzed the Security Council November 1967 resolution to point out that linked with the statement on withdrawal were the conditional points on negotiations for secure borders. He described American aims to assure "a contractural binding peace" and he stated "the interests of the United States are parallel to Israel's but they are not synonymous."

While exposing "Soviet opportunism," Mr. Sisco expressed the view that it is not in the Soviets' best interests that there should be an outbreak of war.

There was emphasis in Mr. Sisco's speech on the assistance given to Israel by the U.S. His contention was that more assistance will have been given from 1969 through 1972 than in the years 1948 to 1969, both in military and economic aid.

Reiterating that the situation in Cairo has become much more complicated, quoting Sadat's frequent threats to Israel and his attacks on the U.S., Mr. Sisco nevertheless said that "no doors have been closed," that "if there is a give on key points the issues can be resolved."

Why hasn't the United States counteracted the "outrageously prejudicial positions taken against Israel at the Security Council?" Mr. Sisco was asked. He welcomed the question as a very valid one and explained that the U.S. delegation tries but fails to secure sufficient support in the Council, in Israel's defense, that the majority could not be overruled and that it is considered "in the best interests" of existing situations not to resort to the veto.

Although Russia jointly with Egypt has broken the ceasefire agreement shortly after it was instituted, Mr. Sisco believes that the Soviet position on the cease fire parallels the American because the Soviet Union "sees a danger of a confrontation with the United States in the event the cease fire is terminated."

Military aid for Israel continues, Mr. Sisco said, although announcements are always withheld—for the same reason that Russia never announces its plans to give military aid to Egypt and the Arab states. But aid to assure Israel's security was reaffirmed as an established American policy.

Mr. Sisco rejected the possibility of an Israel-Jordan peace agreement, stating that peace can only begin with a Cairo agreement.

An impressive statement on American policy in behalf of Soviet Jewry was made by Richard Davies, who reviewed the activities in support of Russian Jewry's appeals for emigration, their quest for cultural rights within the USSR and the extent of reunion of USSR Jews with relatives in this country.

Mr. Davies touched upon all aspects of the situation—the preference of Soviet Jews for settlement in Israel, the areas whence they have emigrated, the fact that visas have been issued to Jews from Soviet Georgia and the Baltic states but not those from the Leningrad areas, Moscow and the Ukraine.

Mr. Davies emphasized that Russian Jews have many allies, that the United States exerts great effort to assist the emigrants and to strive for attainment of their just rights.

He maintained that the Soviets are not indifferent to the American attitude, and he recalled the exchange of communications between President Nixon and Detroiter Max M. Fisher in which the American position in support of just rights for Russian Jewry was affirmed.

Mr. Davies said that "public opinion as expressed in the declarations in support of Russian Jewry's demands in Western countries have been an effective means of getting results."

The effectiveness of Voice of America and the need to continue Radio Liberty whose status is endangered by Senator William Fulbright's opposition were emphasized, and an appeal was made for assistance in securing Congressional action in support of these broadcasts which are said to bring desired results in broadcasting news and information to Russian Jews.

While only 50 Russian families have been united with relatives in this country—the first such family settled in Detroit—U.S. assistance in settling more Russian Jews will continue, dependent upon application from American Jews who request reunions thereby validating visas. But most Russian Jews prefer to settle in Israel, Mr. Davies emphasized.

Participants in the briefing advocated Jewish press representation in the correspondents' ranks when President Nixon goes to Russia in May. Jack Siegel, executive vice president of the Jewish Telegraphic Agency, and Joseph Polakoff, JTA Washington correspondent, indicated that application for such a berth already is being made with the White House.

The agenda for the Nixon visit in Russia is not being publicized in advance, and the question of his raising the Jewish issue at the Kremlin was left in that category. But there was emphasis that "Soviet Jewry's needs will not be ignored."

Herbert Stein, chairman of the President's Economic Council, a native Detroiter, gave an important analysis of the manner in which the Nixon administration deals with the poverty program. The problem of increased poverty among New York's Jews, especially the elderly, was raised, and an assurance of consideration was given to the over-all problem.

A report that attracted special interest was the outline given by Stanley Baruch, director of housing development, on the $50,000,000 loan that has been extended for housing in Israel. Mr. Baruch said the current loan advanced for assistance in solving the Israeli housing problem is being speeded, because of plans for a new loan in the amount of $100,000,000.

The current $50,000,000 Israel housing loan will finance the construction of 11,000 homes for middle- and lower middle-income families. The loan agreement was recently signed by Israel Finance Minister Pinhas Sapir and Dr. John A. Hannah (former president of Michigan State University) administrator of Agency for industrial Development.

The loan was made to Tefahot Israel Mortgage Bank. Selling price of the houses thus financed will not exceed the equivalent of $16,000.

Mr. Baruch pointed out that Mr. Sisco, Robert Finch, Dr. Hannah and other government leaders were deeply interested in the advancement of the loan and are very sympathetic to Israel needs. "Robert Finch is a deeply devoted friend of Israel," Mr. Baruch said. He added that Mr. Nixon is kept informed on the plans for assistance to Israel and "nothing will be permitted to stand in the way of its consummation."

The sessions were marked by frankness and direct questions involving the Nixon policies. There were intimate evaluations of the President, especially in the opening address of William Safire, one of the President's speech writers, who explained how the President himself finalizes texts and makes them his own. Mr. Safire, a noted etimologist, whose "The New Language of Politics" will be published soon, spoke of President Nixon as "a man of will." He described the manner in which those who dislike him fail to understand that "he is a considerate man . . . he explains matters in the simplest, clearest, every-day terms . . . more than his predecessors he has a distinctive style which might be emulated by future Presidents."

Mr. Safire made reference to the large number of Jews in the Nixon official family—Henry Kissinger, Leonard Garment, Herbert Stein, Prof. Ronald Berman, Arthur Burns.

The expected visit with the editors by President Nixon did not materialize: he was occupied framing a statement on his position on school busing.

Max M. Fisher was referred to by nearly all of the speakers as one who has been helpful in framing policies relating to aid to Israel and the housing loan, in being an able adviser. Mr. Fisher was in the background during the briefings, but he had his own party for the press—a cocktail reception at the Madison Hotel as a wind-up to the briefings. That's where he fraternized with friends from all over the country who came for the White House briefings.

The visiting editors were White House guests at a luncheon at which the guests had a choice of a regular buffet or a boxed kosher lunch, and about 20 per cent expressed gratitude for the kashrut provisions.

HUSSEIN PLAN: REALITY OR DUD?—SISCO SEES PEACE POSSIBILITY ONLY THROUGH CAIRO ACCORD

(By Philip Slomovitz)

WASHINGTON, D.C.—Joseph Sisco, who has played the major role in negotiations for agreements between Israel and Egypt, expressed a firm view, at the press briefing for Jewish editors at the White House, Monday afternoon, that the only hope for peace in the Middle East is through an agreement with Cairo.

Asked about the anticipated Hussein statement and the reports of secret agreements purportedly leading to acceptance of Israel's retaining sovereignty over all of Jerusalem and a "nominal" return of West Bank territory to Jordan, Sisco gave the emphatic opinion that all hopes for peace must come from agreements with the Egyptian leaders.

He went into details in giving an analysis of the situation, emphasizing that "peace pointed out that if West Bankers are asked for their views, some would wish to align themselves with Hussein, in a Hashemite kingdom, others, those of Palestinian stock, would ask for a Palestinian independent state, while a third element still prefers to continue the terrorism.

Sisco was specific. "Possibility of peace with Jordan is distant," he said, "because such steps must be taken with Cairo."

The first reports which were said to stem from "reliable sources" cited occasions when King Hussein was said to have met, in September 1969 and February 1971, with Abba Eban, Yigal Allon, Moshe Dayan and even with Golda Meir. Supposedly, an accord, reached "unofficially," provided for a return of West Bank control to Jordan, but the only military semblance it was to have would be the presence not of military but of Jordanian police. Israeli paramilitary forces supposedly were to remain on the West Bank. Jerusalem, under the reported agreement, would be under Israeli rule but Jordanian flags would fly from Moslem holy places.

But there remains the conditional point in the report from "reliable sources"—that the speculated agreement between Hussein and Israel would be predicated upon an accord, even if interim, on the reopening of the Suez Canal.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SPONSORSHIP OF LEGISLATION IN THE HOUSE OF REPRESENTATIVES

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. CHARLES H. WILSON. Mr. Speaker, we can expect a colorful show during this election year. It can be a year of education for all of us—those holding office and the public alike—or it can be a year of unproductive and confusing charges and countercharges for hopefuls and incumbent public servants. While it is an activity-packed and exciting time, it is also a time to be wary because in this day and age too many candidates for public office seem to concentrate on image making instead of substance. No one here denies that how a Member of Congress presents his case is essential to explaining it to his constituents. Our whole job is one of listening and leading—communicating with our constituencies on a full-time basis. But if there is an element of showmanship in politics, there is no reason to make it vaudeville. There is no reason to follow the tactics of the late P. T. Barnum saying that "a sucker is born every minute" making the campaign on a three-ring circus of irresponsible and irrelevant charges. When false issues are raised, the public is done a disservice.

The public must be alert to certain "done nothing" candidates substituting irresponsibility for accountability and distortion for honesty. I am, of course, speaking of those would-be elected officials who insist on making political campaigns a matter of mud, threats, and smears. We have all witnessed their campaign techniques of looking for trouble, finding it everywhere, diagnosing it incorrectly, and applying the wrong remedies.

One of the favorite of these false devices of would-be office holders is the dishonest tactic of the smear and the big lie. "Make a charge," they say, "and no matter how irresponsible or wrong, doubt in the public mind will stick." "Tell a falsehood," they urge, "the bigger the better. And the less true, the less substantiated, the more difficult it is to rebut."

A favorite nonissue of this type often raised by inexperienced "done nothing" candidates is the one that insists that the incumbent legislator has not had his name on a single piece of legislation and that, therefore, he is not doing his job. This issue, when applied to an incumbent U.S. Congressman is, of course, nonsense. Anyone who has had the privilege of serving in the U.S. Congress knows that legislation is designated by number and explained according to its subject matter. Any schoolboy knows that most of the work of the Congress is hard and anonymous. The fact of the matter is that only very senior Members of Congress—and very few of them—have any chance of having their names associated with any bill. Most often, it is those who serve as committee chairmen who by virtue of pure position have their name on a bill when it comes before the House. When it passes, it becomes a public law with a number. Any association as to authorship, we all know, is made by the press and not by the rules of the House.

We all know that in the field of legislation a man must specialize, do his homework, and become an expert in his field. A jack of all legislative trades is a master of none. There are freshmen Members of Congress who have felt that introducing a flood of legislation is the way to express their views on a wide range of public issues, and I have seen these men spread themselves too thin and become increasingly ineffective with their colleagues. I also know that it is easy to make a promise, but it is hard to deliver.

How false the issue of legislative name identification is! Try to recall specific names on important bills. Was last year's military authorization bill known as the Hébert act? Were any of last year's appropriation bills named the Mahon act after that honorable committee chairman? With all due respect to our President, Richard M. Nixon who served in this Congress for 6 years, where is the Nixon bill? What of our other notable political leaders. Have we a Kennedy bill, a Johnson bill, or maybe a McCormack bill, a Dirkson bill, a Ford bill?

Of course the great majority of all our work is in cooperation with others. It is tedious and anonymous work but essential in hammering out reasonable legislation which can and should be passed. We all cosponsor important pieces of legislation without bragging of authorship. The Congress is a cooperaitve body. We have to learn to work together. Our common goal is that of common interest. The Nation must come first.

Mr. Speaker, it is easy for a candidate to make a promise or raise a charge but as an incumbent I must stand by my record. It is a record which is solid and I am proud of it. But, for the sake of public education, I believe the voters ought to be made aware that the tired and hollow issue of legislative name calling is hypocritical and unrealistic. I have asked the Library of Congress to research the subject of cosponsorship of bills in the House of Representatives for the benefit of those candidates running for office who are ignorant of the procedures of the House. I am placing this Library of Congress report in the CONGRESSIONAL RECORD as a public service as an adjunct to these remarks. However, in closing, I would like to quote from the letter of transmittal which accompanied the report from the Library of Congress. The Library researcher stated:

> There is no procedure by which legislation is referred to after the Member who introduced it, e.g., the Ford bill or the Boggs bill. That sometimes occurs for several possible reasons: (1) a Member has long been associated with a particular piece of legislation, (2) the mass media publicize a measure as the Ford bill or the Boggs bill, or (3) the title of a measure is so long and complex that journalists refer to it after the Member who introduced it.

There are meaningful issues which can be raised in this campaign and, as the incumbent, it is my duty and my privilege to stand on my record. It is the responsibility of the opposition to cross-examine. An honest, straight-forward debate will be of public benefit. As far as I am concerned, the more the public knows about the facts of how the Congress operates, the importance of seniority, the realities of legislative specialization and expertise, the better off we will all be. I commend the research paper of the Congressional Research Service of the Library of Congress to all of you as a point of reference for the sake of clearing the air on this issue:

COSPONSORSHIP OF BILLS AND RESOLUTIONS IN THE HOUSE OF REPRESENTATIVES

A major departure from the custom of the United States House of Representatives was approved in 1967 when the House approved a resolution, H. Res. 42, introduced by William Colmer of Mississippi, to allow more than one Member's name to appear on a bill, resolution, or memorial. The resolution, which was in the form of an amendment to paragraph 4 of rule XXII of the Rules of the House, was favorably reported from the House Judiciary Committee on April 16, 1967. As introduced and reported to the House, it would have allowed up to ten Members to introduce a bill or resolution jointly. As amended on the floor and approved by the House on April 25, the resolution provided that up to 25 Members could put their names on the same bill, resolution, or memorial.

There was virtually no opposition to H. Res. 42 when it was debated on the floor of the House. Mr. Colmer emphasized that there could be substantial savings in the costs of printing the required number of bills once joint sponsorship was permitted. He noted that 2,800 copies of each bill (and 1,900 copies of each resolution) introduced were automatically printed, and that when identical bills were introduced by other Members, 250 copies of each identical maesure were also printed. He cited as an example the printing of a housing bill, 36 pages long, that had recently been introduced in identical form by more than 90 Members of the House, at a cost of $8,292. Under joint sponsorship with a total of nine prints, assuming ten sponsors of each, the printing costs would have come to $2,897, a saving of $5,395.

Discussion among several Members of the House about how the co-sponsorship of bills would work in practice served to illustrate the legislative intent behind the resolution. In response to questions from Majority Leader Carl Albert of Oklahoma, Mr. Colmer made it clear that bills would not be held for additional sponsors as they are in the Senate; that measures would be numbered and referred to committees in the same manner as they were under the rules at that time; and that the order of names on the bill would probably be determined by the principal sponsor of the bill. Mr. Colmer also stated his objection to removing the limitation on the number of co-sponsors allowed on a given piece of legislation as is the case in the Senate, for the reason that there might be so many co-sponsors as to "approve" the bill before it ever came to a vote on the floor. Paul Jones of Missouri pointed out that the resolution was permissive rather than mandatory, and that Members who still wanted to introduce separate and identical bills would be free to do so. Finally, H. Allen Smith of California, who covered much of the same ground as Mr. Colmer, noted that if the language of a bill were changed, it would be up to the principal sponsor, "out of friendship and courtesy," to advise the other sponsors of the new language and ask whether they wanted their names to remain on the bill. The resolution was approved by a voice vote.

Resolutions to allow joint sponsorship of legislation in the House had been introduced in each Congress since 1957. Although the House Rules did not specifically prohibit joint sponsorship, a select committee studying the matter reported in 1909 (see Volume VII of Cannon's Precedents, § 1029) that:

"The House . . . in the conduct of its business is not controlled, nor is the business conducted, merely in accordance with the express rules of the House. There are many situations not specifically covered by the written rules which are nevertheless regulated definitely by the procedure which has come down from time immemorial and which procedure is essential to the orderly conduct of the business of the House."

And further:

"A casual examination of Rule XXII does not disclose any inhibition against the attachment of more than a single name to a bill or resolution. Examined in the light of the evolution of the rules and practice relating to the presentation of bills, however, and bearing in mind the purpose sought to be accomplished by the changes made from time to time resulting finally in the introduction of all bills without the formality of recognition, it seems clear to the committee that the underlying principle of individual recognition still prevails and that the presentation of a bill involves such recognition . . .

"The information obtained indicated that while the practice [of single sponsorship] has not been so prevalent and long continued as to justify the assertion that it has become a custom and part of the unwritten regulations controlling the procedure and business of the House, it has undoubtedly been sufficiently indulged to vindicate those who, in the absence of a controlling ruling or some action by the House, contend for the practice.

". . . The committee is unanimously of the opinion that under the true and proper construction of the rule the attaching of the name of more than one member to a bill or resolution is unauthorized."

Under the precedents of the House, it was clear that some action had to be taken if Members were to be allowed to sponsor legislation jointly.

The first measure introduced jointly under the rules change was H.R. 9316, sponsored by Spark Matsunaga and Patsy Mink of Hawaii, to reclassify certain positions in the Postal Field Service. It was put in on April 26. A rough survey of bills introduced with more than one sponsor during three different months of 1967 (May, August, and November) and 1968 (March, April and June) gives some idea of how many bills actually have been introduced in this way. In 1967 the average number of measures introduced jointly per month was 37, or 2.9% of the total number of public and private bills introduced in the House during that year. In 1968 the average number of such bills introduced per month was 40, but because there were many fewer bills introduced overall during 1968 than 1967, the percentage rose from 2.9 to 6.3%. And in at least two cases, a concerted effort to obtain co-sponsors was made because several prints of the same bill were necessary to accommodate all the co-sponsors. On one there were a total of 109 sponsors, and on the other, 62. In both instances, the name of the principal sponsor appeared on each print of the bill, followed by 24 (or, on the last print, fewer) co-sponsors. At the same time, it should be noted that many Members continued to put in separate bills identical to others already introduced.

It would appear from the sampling noted above that the device of co-sponsorship will be used by certain Members in particular instances. It might be particularly useful when Members from one State or region want to join together in sponsoring a measure that would benefit them all, or when certain Members of one party want to display a sense of common purpose by co-sponsoring the same proposal. At this point, however, it is much too early to judge just how prevalent the practice of joint introduction of bills and resolutions will become in the House of Representatives.

CONGRESSMAN FRANK ANNUNZIO SUPPORTS H.R. 8395, THE REHABILITATION ACT OF 1972

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. ANNUNZIO. Mr. Speaker, I want to express my wholehearted support for H.R. 8395, the Rehabilitation Act of 1972. Recently, I introduced legislation similar to H.R. 8395 and appeared before the Select Subcommittee on Education to testify in behalf of early enactment of this much-needed measure.

H.R. 8395, the most significant amendment to the Vocational Rehabilitation Act in the more than 50 years of its history, is one of the most important bills we will consider in this Congress. The Vocational Rehabilitation Act has been an immensely successful program for the past half century, and the passage of this bill today will assure its continued effectiveness in the future.

I commend the Committee on Education and Labor for the high quality of the bill it has reported to us. It contains many creative and worthwhile provisions that can serve only to strengthen the Federal-State vocational rehabilitation program. In the 50 years of its existence, the program has brought valuable, even lifesaving, services to nearly 3 million handicapped persons. In fiscal year 1971, nearly 300,000 persons completed rehabilitation services and were returned to the labor market. Despite these large numbers of handicapped individuals served by the program, however, there are still many thousands who are not as yet able to profit from the rehabilitation services that could mean the difference for them between despair and hope.

For many years, as director of the Illinois Department of Labor, I worked diligently to improve programs for employing the physically handicapped. In my capacity as the top administrator of the labor department, I urged the commissioner of the Illinois Employment Service—which was under my jurisdiction—to participate in all worthwhile programs aimed at increasing employment of the physically handicapped. In order to insure the success of these programs, we worked closely with the disabled veterans organizations and created many new incentives to encourage employers throughout the entire State of Illinois to hire the physically handicapped. Having had this experience with the employers in the State of Illinois and with the outstanding Illinois veterans organizations, I want to say that I have a profound understanding of what it means to the dignity of handicapped people to have access to adequate rehabilitative assistance in order to enable them to lead useful and productive lives.

The bill before us today has provisions for new programs to help fill some of the gaps, enabling vital rehabilitation services to be brought to those who have been unable to receive them as the program presently exists.

One provision of H.R. 8395 that is particularly close to my own heart is the provision establishing a special program for the severely handicapped. It is these severely handicapped who, because of the severity of their handicaps and the limitations of the program itself, have been unable to benefit from the many services that have been so helpful over the years to other less severely handicapped persons. The provisions of H.R. 8395 will guarantee that there will be specific and sustained attention paid to the special needs and problems of the severely handicapped as they undergo rehabilitation.

Another important provision of the bill will provide special services to those suffering from serious kidney disease. In recent years we have begun to realize the desperate problems involved with kidney disease and the untold suffering of those afflicted with this disease. Rehabilitation of persons with kidney disease can be a complex and expensive process, and the enactment of H.R. 8395 will help to provide some of the assistance that is needed to bring rehabilitation services to increased numbers of those suffering from this disease.

Another disability group with special rehabilitation problems that will receive special services through the provisions of H.R. 8395 is the group of persons suffering from paralyzing spinal cord injuries. The bill will establish and maintain a national center to treat persons suffering from such spinal cord injuries. This center will contain a variety of services necessary to rehabilitate the spinal cord injured and to bring to them a degree of independence.

A National Information Center created by H.R. 8395 will help to coordinate information concerning Federal programs for the handicapped and make knowledge concerning such programs more easily accessible to handicapped persons, their families and friends, and to any others who are interested in such programs.

Other sections of the bill authorize a National Center for Deaf-Blind Youth and Adults and comprehensive rehabilitation centers for underachieving deaf youth and adults. The legislation establishes a National Commission on Transportation and Housing for the Handicapped to study and make recommendations concerning the problems the handicapped face as they live and travel in this country. Another new program authorized by H.R. 8395 is that which provides new sources of financing for multipurpose rehabilitation facilities through mortgage insurance. In addition the bill provides annual interest grants to assist rehabilitation agencies in reducing the cost of borrowing from other sources for the construction of rehabilitation facilities.

These are some of the new programs that will be established with the passage of H.R. 8395. Other provisions amend existing programs under the Vocational Rehabilitation Act, so that these existing programs will be better able to meet the changing needs of rehabilitation for handicapped persons. The greatness of the vocational rehabilitation program over the past half century has been based to a large extent on its ability to change, to adjust to changing needs. This bill provides many of the answers to the problems facing handicapped persons in this country today as they work to change their futures for the better. I urge this body to move rapidly and unanimously to pass the bill so that more handicapped persons can be rehabilitated to productive lives.

OLDER AMERICANS ACT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. REID. Mr. Speaker, I am today introducing, along with my distinguished colleagues on the Education and Labor Committee, Mr. QUIE, Mr. HANSEN of Idaho, Mr. KEMP, Mr. ERLENBORN, and Mr. STEIGER of Wisconsin, a bill to revise and extend the Older Americans Act of 1965, as amended. This bill embodies the administration's proposals. Similar proposals are pending before the Select Subcommittee on Education of the Committee on Education and Labor. Out of these various proposals should flow legislation which will be a major step forward in improving the lives and increasing the independence of the Nation's 20 million elderly. Consideration of the original act in 1965, and of the amendments enacted in 1967 and 1969 have been characterized by bipartisan cooperation, and cooperation between the legislative and executive branches. We hope today with these proposed amendments to the Older Americans Act to contribute to this spirit of cooperation.

Year 1971 was a great progress in the Nation's effort to meet the challenge of aging. The long anticipated White House Conference on Aging was held in November, with representatives from throughout the Nation taking part. The recommendations produced by that conference have already had an impact on both the executive and legislative branches. Further, it was at the White House conference that the President called for a fivefold increase in the budget of the Administration on Aging, and Congress immediately responded to that request by providing substantial increases in appropriations for the Older Americans Act.

Year 1972 will also be an important year for older Americans. H.R. 1, which has passed the House, should be reported from the Senate Finance Committee and considered on the Senate floor. The bill has numerous provisions which would benefit the elderly, including an increase in social security benefits, an automatic cost-of-living increase, and a minimum income base for the aged, blind, and disabled.

The Federal Government has many opportunities to fulfill its commitments to the aged: The Older Americans Act of 1965, as amended, will expire June 30, and must be extended if the activities authorized by the act are to be continued. It is my privilege to introduce this bill, which would not only extend, but expand, revise, and improve the Older Americans Act.

America's 20 million elderly are frequently discussed as if they were a typical older person, as if the problems of some were the problems of all. The Nation's citizens over 65 are, of course, not homogeneous. In a sense—because they have lived longer than the rest of us—their life histories are the most individualized. In attempting to classify the older population, these kinds of distinctions appear:

Half are below the age of 74, half above.

A few are well off; one-quarter are poor.

Some are quite healthy, but about 5 percent are so impaired that they require institutional care.

Many live independently; some live with children or other relatives.

Some have college degrees; many did not complete elementary school.

A few still work full time; some had been out of work for a long time when they finally decided to retire.

Faced with this diverse population, the bill I am introducing is structured to meet the varying needs of the Nation's elderly. This proposal to extend the Older Americans Act is focused on the development of a system of comprehensive services for the elderly, in order to assist older persons to live independent, meaningful, and dignified lives. Funds would be allotted to states to support the development of State and local capacity to plan and coordinate programs for the elderly. This bill includes authorization for a nutritional program for the elderly, along the lines already approved by the Congress in S. 1163.

While the bill would provide a substantial commitment of resources to deal with the problem of hunger among the older persons, it would also encourage the development of other services to create a comprehensive nutrition and social service program. These social services could include health, recreation, education, transportation, homemaker services, housing assistance and information and referral services, if the State and local planning agencies determined these services were needed as part of an areas comprehensive service plan.

The strategy expressed in the bill would foster the development of area plans. These plans would define the needs of older persons for services and set forth arrangements made with service providers to establish a program of coordinated services to meet the needs identified in the plan. Funds for services would be provided to initiate services that were not available in the local area under present programs. Only in this way can an effective program of services to meet the needs of older persons be assured.

In his initial budget request the President more than doubled the budget for the Administration on Aging, to $100 million. He has now added an additional $100 million, for a total of $200 million. This means quite clearly that we can now be sure of a substantial beginning of the realization of the nutrition legislation that has already passed Congress.

In sum, I believe that there is much in this bill that would mean a major step forward in the delivery of services to older people, and urge its prompt and thorough consideration.

A CAREFUL LOOK AT GROWTH AS SUICIDE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. BOLLING. Mr. Speaker, David A. Anderson, writing in the Wall Street Journal, points up the human tendency to ultimate commonsense when the big issues are involved. His comments which appear on the editorial pages of March 17 follow:

A CAREFUL LOOK AT GROWTH AS SUICIDE

(By David C. Anderson)

"Limits to Growth" is a recently published environmental study currently attracting much passionate attention. Its major conclusion, certainly, would seem to warrant the heavy response: A rapid halt to population and economic growth is the only way to forestall the collapse of human society within a century's time.

The study (Universe Books, 205 pages, $6.50 hardcover, $2.75 paperback) was sponsored by Potomac Associates, a nonprofit Washington research firm, and conducted by a group of analysts headed by Professor Dennis L. Meadows of the Massachusetts Institute of Technology. The book is also part of a project undertaken by the Club of Rome, an international group of businessmen, scientists and others, and financed by the Volkswagen Foundation.

The club betrays a certain smugness. "The majority of the world's people are concerned with matters that affect only family or friends over a short period of time," the study says beneath a graph purporting to reflect the range of human perspectives. "Others look farther ahead in time or over a larger area—a city or nation. Only a very few people have a global perspective that extends far into the future."

And many readers seem willing to grant their claim to special vision. New York Times columnist Anthony Lewis, for example, wrote of the study:

"Merely to state such problems is to make one thing evident: The complete irrelevance of most of today's political concerns to the most important problem facing the world in the long run. And not very long at that. There are men in government who understand that . . . but the leaders they advise are too busy trying to win this year's election to be interrupted with such disturbing thoughts."

CAUTIOUS APPRAISAL NEEDED

Perhaps the study merits its claim to special insight, or perhaps it doesn't. The weight of its implication, though, requires that it be appraised in a more cautious light than many now seem prepared to give it, especially since Potomac Associates has chosen to give "Limits to Growth" something of a hype. Advance proofs were sent to selected journalists, and the book was introduced with a day-long symposium and press conference at the Smithsonian Institution.

"Limits to Growth" actually does not differ in any substantial way from a book called "World Dynamics" by management expert Jay Forrester (Wright-Allen Press). "World Dynamics" was published last year and discussed at length on this page for the moral and social problems it implied. Mr. Forrester, it turns, out, is an associate of Mr. Meadows and is also known to the Club of Rome. In an interview Mr. Meadows acknowledged that "Limits to Growth" is something of a rewrite job and explained that two instalments of the study scheduled for publication later this year will advance the project more substantially.

In any event, the Forrester-Meadows research amounts to this:

Various trends affect life on earth; population growth, pollution generation, depletion of natural resources, food production and industrial output. Each of these may be expressed in mathematical terms, as may the relationships between them. A computer may be used to calculate the behavior of the trends as they relate to each other.

Now it is important to note that some of the trends—population growth and pollution generation, for example—tend to be exponential rather than arithmetic: They increase by multiplying rather than by adding increments. Exponential growth starts slowly but soon may reach a staggering rate.

Thus the computer forecasts dramatic events for the world if current trends continue. Some time before the end of the next century, the computer printouts show, the world system will reach a point where population can no longer be supported by existing resources. Population decline is the result.

If one adjusts any one of the trend formulas to reflect possible attempts to delay the catastrophe—a new discovery of minerals, a technical advance or a sharp increase in agricultural output, for example—it still occurs, since other destructive or wasteful trends in the world system are intensified.

Only in one case is the catastrophe averted; if population growth and the growth of industrial capital are halted in the near future, the world enters a state of equilibrium and long-term stability.

Both "Limits to Growth" and "World Dynamics" carefully hedge their reporting of these findings: the mathematical formulas, of course, oversimplify reality, they acknowledge, and Mr. Meadows in his interview explained that the major purpose of the study is to establish the problem of growth—heretofore accepted as beneficial without question—as a new area of study.

Yet predictably enough, many lay readers of the study have chosen to ignore the cautionary context and seize upon the implied conclusion that growth is suicidal.

"If man wants an extended future, in short if he wants to avoid the pattern of boom and collapse, he will have to give up the philosophy of growth," said Mr. Lewis in one of the three columns he wrote on the study. "To pretend that growth can go on forever is like arguing that the earth is flat. Only the consequences are more serious," he wrote in another.

THE SKEPTICS' VIEW

And to one who has considered "World Dynamics" once and finds "Limits to Growth more repetitious than striking, this apocalyptic response becomes as much a source of interest as the substance of the two studies. With it in mind, one approaches those who are skeptical.

Some of these, of course, are as passionate in their defensiveness as the apocalyptics are in the Jeremiahism which only adds to the confusion. Economist Henry Wallich dismisses "Limits to Growth" as "a piece of irresponsible nonsense," though he then goes on to make more substantial points.

And Columbia professors Peter Passell and Leonard Ross, authors of a forthcoming book arguing for growth, suggest that those who oppose growth are members of the upper-middle class who resent the rising affluence of the lower classes as a threat to their status. Rising affluence is a chief result of economic growth.

Anthony Weiner of the Hudson Institute, though, provides a response that permits some more profound thoughts both on "Limits to Growth" itself and on the apocalypticism it has generated.

Mr. Weiner emphasizes that the subject of growth is very much worthy of study, and that the Forrest-Meadows research amounts to a valuable contribution. In fact, he reveals, the Hudson Institute plans to develop its own growth scenarios, not directly refuting "Limits to Growth" but showing that non-catastrophic futures are as plausible.

Mr. Weiner acknowledges the standard responses of other skeptics: The world model as explained in "Limits to Growth" does not seem to account well for the economic fact that as resources become scarce their price goes up and people are motivated to find substitutes or to do without.

Nor does it properly reflect the continuing trend of technological innovation. Though the study does try to adjust some of its figures for new discoveries, Mr. Weiner contends, it does not account for the conceivably tremendous impact of technology, a factor that may be hard to guess at with any accuracy at all, but which should not therefore be ignored.

More important, though, are two other ideas. First, some economic growth need not waste resources or generate a lot of pollution. For example, increases in computer capacity or communications capacity might result in dramatic increases in economic growth with only negligible pollution or resource drain.

Second, human beings are capable of making value judgments that alter their behavior. This human factor is hard to quantify and is bound to be ignored by a computer study. But it has crucial relevance to the problem.

For it means that though the computer can only prescribe an absolute halt to growth as a remedy to the catastrophe it foresees, another approach is possible: selective growth that permits human survival and the continued functioning of economic life as it now is known, but leads eventually to less waste and pollution and perhaps ultimately to an equilibrium state.

Such an equilibrium state, though, Mr. Weiner believes and the Hudson Institute hopes to demonstrate, could involve much higher levels of affluence, population and technology than the world knows at present, much higher than would remain if humanity somehow made some drastic attempt to halt growth now.

Is a shift to such selective growth feasible? Mr. Weiner suggests it may already be under way. "We've never done business as usual for very long," he says. "Growth has never proceeded in simple-minded exponential fashion. And it's no help at all to say we have to stop growing. What we have to do is to ask how much of our growth is worthwhile to our happiness. It's already becoming clear that much of it hasn't been worth it." To be concrete, one may cite as evidence of the trend the rapid emergence of the environment as a major issue and the plunging U.S. birth rate.

To be fair, of course, one must await the actual scenarios and mathematics of the Hudson Institute before judging if their contentions are as plausible as those of the Forrester-Meadows group. But in the meantime, at least, one may reflect on the subtler point implied by Mr. Weiner's particular form of skepticism.

Growth may be suicidal, but the human race, collectively, is not, however, foolishly and destructively it may behave at times. And there is a certain snobbishness to the idea that only certain visionaries, computer equipped or not, can understand what threatens us and so presumably, can claim a right to dictate remedies.

For one thing, the future is apparent in the present to a certain extent; one doesn't have to be a visionary to watch the garbage piling up in the street. For another, if certain kinds of industrial technology can waste our environment, other kinds of electronic technology may cause us to be aware of our problems.

In fact, if the issue is as big as "Limits to Growth" would have us believe then the likelihood is great that a significant enough number of men will understand. For this reason the Times' Mr. Lewis rather crucially distorts the situation when he writes that most of today's political problems are irrelevant to the long-range danger.

For the man who is worried about winning the election this year or next year or the year after that will more and more have to worry about winning the votes of men who are more and more worried about the garbage piling up in the street, or the increasing scarcity of basic resources, or whatever.

Could such a homely wisdom actually be proof against the apocalypse? Many will remain unpersuaded, for it is true that the human awareness necessary to prove Mr. Meadows' computer wrong and Mr. Weiner right would necessarily result in some great and strange adjustments in our thought and our behavior.

But that only reflects the final, most easily overlooked point: The strange, these days may be much more normal and predictable than the familiar.

Let those who doubt remember the first round of postwar apocalypticism, which had to do with nuclear diplomacy. The stockpiling of thermonuclear weapons, the advances in delivery systems, the widening divergence of national ideologies—all of these, we were told, made of the earth a hideously dangerous place; civilization-destroying war seemed not only possible but inevitable one day, by design, accident or the combination of both. or change to reduce it. Politicians were too

For surely men could not see the danger or change to reduce it. Politicians were too shortsighted; arms manufacturers too greedy; people in general too concerned with everyday affairs to worry about the huge and horribly complicated problems, the drift toward holocaust.

IN THE END . . .

But in the end the strange won out. Though its costs were terrible enough, Vietnam was acknowledged as a mistake and a fiasco before it could escalate into the apocalypse. The staggering price of preparedness forced the Americans and the Russians to come together in Vienna in serious pursuit of arms limitations; President Nixon made his improbable trip to China in an effort to reduce the hideous danger over the long term.

It is true that visionaries of one sort or another called for these changes long before they occurred, but it is equally important that they were forced, in the end, by millions of people who began to feel that Vietnam was wrong, preparedness expensive and detente desirable, and often for personally compelling reasons.

A once hawkish President Nixon did not de-escalate the Vietnam war and seek arms limitation and detente because of the words of visionaries he had once passionately debated, but because of the votes of Americans worried about their draftable sons and rising taxes, and markedly unenthusiastic about superpower diplomacy. And though the visionaries may still talk, their case for nuclear apocalypse is no longer so persuasive.

Such a look to the earlier apocalypticism is not conclusive of all that much, perhaps, but it does leave one with a comforting hint; there seems to be a human tendency to ultimate common sense when the big issues of security and survival come into play; such a tendency, whatever one's mathematics, looks real enough to trust for a while yet, and real enough, perhaps, to make all the difference.

ONE DAY I AM GOING TO KICK

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. HALPERN. Mr. Speaker, little progress has been made over the past several years in the desperate fight against narcotics abuse. In fact, our addict population—the largest in the world—now exceeds 400,000.

We have never committed ourselves to fighting an all-out campaign for addict rehabilitation on the local level, even though there is much evidence that there are thousands of nonprofit treatment centers which have experienced success both in preventing and curing addiction—centers which exist from day to day in a precarious financial situation.

An excellent example of a pioneering local program designed to fight drug abuse is the Alpha School in Brooklyn, which has been in operation since March 1971. The New York Sunday News recently carried an article which gives a detailed report on what this school means to adolescents addicted to drugs and the impact that it has had on their attitude toward the narcotic syndrome.

I insert this timely and poignant article in the RECORD, so that my colleagues might have the benefit of these views and, hopefully, see the need to take the necessary steps to control the ever-spreading plague of drug addiction:

ONE DAY I AM GOING TO KICK

(By May Okon)

A dozen years ago, East New York, which occupies about nine square miles in the northeast corner of Brooklyn, was a lower middle-class, predominantly Jewish-Italian ghetto. By 1966, the population (about 165,000) had shifted from 85 percent white to 80 percent black and Puerto Rican. The change took place, ironically, when slum buildings of adjacent Brownsville and other Brooklyn ghettos were torn down to make way for public housing projects. Unprepared for the influx of thousands of displaced families, East New York smoldered with tensions created by inadequate housing, a scarcity of jobs which made almost half the community dependent on welfare, and a lack of recreational facilities that led to youth gangs fighting for their own bit of "turf." In the summer of 1966, the community exploded into riots that reduced some sections to rubble.

Today, East New York is one of the city's most troubled neighborhoods, and not the least of its troubles is an epidemic of drug abuse that is all the more heartbreaking because it is rife among the young, particularly in the area's four high schools. Inevitably, many of the drug-addicted youngsters drop out of school and turn to crime—the girls frequently to prostitution—to support their habits.

Ring the bell, identify yourself over the intercom, and the buzzer unlocks the plain, handlettered blue door at 60 Hinsdale St., East New York, a few blocks from the border of Brownsville, where not too long ago the Amboy Dukes and Murder, Inc. reigned. The two-story building, a former milk factory, is now the home of Alpha School, which since March 15, 1971, has been trying a new approach in the rehabilitation of adolescent drug addicts. Alpha is at once a secondary school and a therapeutic community, and it is the first institution in the city devoted to the needs of teenagers who want to continue their education while learning to live without drugs.

The heart of Alpha's program is the encounter group, an uninhibited confessional in which each member is forced to examine the honesty of his behavior and attitudes under the hammering appraisal of the others in the group. At a recent session a 15-year-old boy tried to explain the pleasure he got from shooting dope and was immediately set upon by a girl who shouted, "But you lived rotten when you were on drugs!" Other voices yelled in turn:

"You got sick!"

"You were dirty all the time!"

"You didn't care if you lived or died!"

"You stole from your mother!"

The boy tried to answer each accusation, but finally he admitted resentfully, "I was evil when I was high—when you're high you don't care about anything . . . you don't care if you live or die."

When another boy, about 12, said that he had once tried to OD (overdose) because he was "mad at my mother," the others pounded away at him, trying to get him to admit that he had almost ODed not because of his mother but because he was trying to get a bigger high. Profanity was used casually by both girls and boys during the session—there is a ban on it elsewhere in the house—but the group leader ignored it, putting in a word only when the discussion seemed to be generating more heat than honesty. When the session was over, one of the girls stayed behind and talked about her experience in the encounter group.

"It helps you find out what's really inside you," she said, "and it helps you live with it. At first you break down, you cry and you tell only part of the story. Then you tell more, and even if you've told it a thousand times, it suddenly gets real and you relive it. At first I couldn't tell how I used to steal money from my mother's pocketbook, sell things from the house and snatch pocketbooks. I couldn't tell how I used to sell my body to get money to get high, or how two men raped me. It scared me to go to encounter because of what they might say about me. The shouting scared me . . . at first I hated all of them. But now I can tell almost everything that's inside me, and I know that whatever they say about me is for my own good."

Annie is a tall, attractive 18-year-old black girl who has been at Alpha School since last March. When she was asked, "How did you get on drugs?" she told this story:

I first started using drugs when I was 13½. I wasn't doing well in classes and I was having trouble at home. When I got to Erasmus Hall High School, the kids I hung around with were smoking reefers and I always wanted to see what it was like, so I started that. The fellow I was going with sold reefers and I used to get smokes from him. Then I found out about pills, ups and downs, and one day I cut out of school and bought pills for a quarter apiece. I used reefers and pills—amphetamines and barbiturates—for about a year. Then I started taking acid. There were kids in school who sold it to you.

After I was taking acid for a while, we moved to the Bronx and I started sniffing dope. I was doing well in school—I had gotten my first term report card and I had about an 85, 90 average. Everything seemed to be fine. Then my girl friend said to me, "We're sniffing dope, and it's really outasight. Why don't you try some?" I had $2 in my pocket so I told her to buy me a bag. What happened was that I was afraid to do it in school because I didn't want my other friends to know that I was sniffing, so I took it home. I sniffed the bag up one night and then I got scared because I started feeling a little drowsy and I thought I was dying. So I called another girl friend and told her about it and she said she gets high all the time. So I had somebody to get high with and we got high every single day.

When I first got high I was sick. I threw up for an hour or so and then I went to sleep for about three hours. Finally I felt real drowsy and really nice like there was nothing that could bother me. I was aware of only what I wanted to be aware of. Then after that we used to get high all the time. At first we used to get high and go to school and nod in classes. The teachers noticed, but nobody said anything except one teacher who approached me and asked if I wanted to go into a drug program. I said I didn't use any drugs and she said, "Oh, I must have made a mistake—you're probably just tired."

Then I just didn't want to go to school. The school cafeteria was divided into sections, according to what drugs you used. At a couple of tables were the people who drank, at other tables everybody was sniffing. I didn't consider what I was doing being bad because I wasn't at the table where they were getting off—mainlining heroin.

About that time I got pregnant. We moved back to Brooklyn because my mother got ill and she went back with my father. He was constantly telling me that I was no good. I had gotten pregnant and that was the worst thing in the world to him. I was only 16. I started going to a school where I couldn't get drugs as easily as before because I didn't know anybody there. Everybody told me I should have an abortion, so I went to the hospital for it and in the month I was there the boy I was going with only came to see me once. I was really messed up, and as soon as I got out of the hospital I started sniffing all over again. Then I started skin popping and mainlining heroin and in a few months I was strung out. I got drugs by writing checks on my mother's checking account and pawning my father's rings and his coin collection. I could have gotten a job but I didn't want to go to work. I liked it the way it was—I stayed up until 5 or 6 in the morning and slept all day.

I have an older brother, 27, an older sister, 32, and a younger brother, 14. They knew I was on drugs but they never confronted me directly. They'd say, "You know, it's terrible when kids get strung out on drugs, they start stealing from home," but they never said, "Annie, why don't you get it together?"

I was strung out bad. I had a $24-a-day habit. I started to lose weight—I went down to 105 pounds and I looked terrible. My mother took me to court to try to get me into a state drug program, but they said they were taking only hard-core addicts and I didn't have a strong enough habit. So my mother gave up on the courts. Then my sister, who is a court officer, started putting pressure on me and she got these legal people to tell me that if I didn't go into a program they were going to press charges against me for stealing from my mother and I'd be faced with federal charges for forgery and grand larceny. I was afraid of that more than of going to the Bernstein Institute (drug program at Beth Israel Medical Center in Manhattan).

I figured I'd go to Bernstein and stay for the 21 days and then I'd come out and get high again. The first seven days I was in Bernstein were beautiful because I was on methadone. The first thing everybody hips you to in Bernstein is to tell the man you have a bigger habit than you do so that they give you enough methadone for you to be high the whole time you're in there. But after the first seven days they take you off it and you get no highs at all. All everybody talked about was how when they got out they were going to get high, how many bags they were going to throw into the cooker. They had people sending them money so they could have a nice party when they left. I had arranged for my mother to send me $10 and my sister to send me $10, and the first thing I did when I got out was get high.

I was staying with my sister and going to a day-care drug center. I was doing all right for about a month—I didn't get high once. I just drank a little wine every once in a while. Then I started meeting people at the day-care program and one girl began hanging around me. I was kind of naive and didn't know that she was gay. She started bringing me dope and I started getting high all over again. We started going together.

Then my sister and my mother and everybody just about gave up hope for me and they took me back to court because I had messed up at the program. The director knew that I was coming in high, and he had threatened me. He said I was messing up his program and threatened to beat me up physically because I was going to make him lose his job.

The judge said I was a nice girl and he didn't want to send me upstate (to a prison) or into a state program. He said, "I'm going to give you another chance," and he sent me to Daytop. I stayed there one day, and that evening I went across the street, copped some dope, got high and came home late. A few days later I was back in court in front of the same judge. He said he was going to send me to a state program for a minimum of seven months, a maximum of three years. But the Legal Aid didn't want that for me. They referred me to Alpha School, and I came here.

When I first started getting high, I didn't think I was ever going to be strung out. I thought as long as you didn't get strung out you could stop any time you wanted. That's how everybody feels. You feel that as long as you're sniffing you can't get a habit, but you can get a sniffing habit—your nose runs and you get cramps when you stop. I didn't realize it was a habit.

Then, when I really got strung out, there was one time when I could have kicked it, but I was scared because the pains started getting bad and I was cold . . . and I was afraid that my parents would know definitely then. Anyway, I had never met anybody who had been strung out, kicked and was clean for the rest of his or her life. Everybody I knew who had been strung out and went to Bernstein—maybe as many as 15 times—the first thing they did when they left was get high.

I'd say to myself, one day I'm going to kick but I don't want to right now. A lot of times I'd say I'm not going to get high but I'd go to a friend's house who was dealing and I'd say, damn it, if I didn't come here I wouldn't start all over again . . . but I'd go there.

When I first got to Alpha I didn't want to be here. I was 17 and I knew when I was 18 the family court had no more jurisdiction over me. So I said I'd stay around until my 18th birthday. Then when my birthday came there was a fellow here that I really dug and I didn't want to leave. I didn't want to go home and I didn't want to be with all the friends I had on the outside. Something clicked with me and I said, this is how I want to be the rest of my life—I decided I was never going to use drugs for the rest of my life, no matter what.

Among the first impressions a visitor gets at Alpha is that the students are inordinately clean. David Margulis, the 38-year-old director of the school, nodded when it was mentioned.

"They come in filthy, smelly, stinking, with absolutely no respect for their bodies," he said. "Cleanliness is the first point you can make easily, it is the first thing the boy or girl can feel good about. These kids don't know anything about feeling good when they walk in, and it's a good place to start. After a while, they become fanatics about cleanliness.

"You should see them getting free here, free of their suicidal tendencies, free of their ignorance, free of their uncontrollable urges—and it's all a result of discipline. But not mindless discipline . . . it's sensitive, sane disicpline. Not discipline for the sake of discipline, not walking down corridors in lines, not wearing a suit jacket and tie. Always discipline for a good, sound, human reason."

Margulis is a former English teacher from nearby Thomas Jefferson High School. He became interested in the drug problem when it surfaced at Jefferson early in 1969, and was one of a dozen teachers who took a six-month training course offered by the city's Addiction Services Agency, qualifying them to participate in encounter groups. "But," he said, "when we began meeting with some of the kids, they couldn't or wouldn't identify with us.

"I began to feel that the only way drugs would ever be turned around would be by preparing peers who wouldn't be afraid to stand up and say, 'Drugs stink! You're killing yourselves . . . you're destroying yourselves!' This led me to the brainstorm proposal that a group of teachers qualified by ASA could cover major academic subjects in a community drug program away from the school, doing for adolescents what Phoenix House and Daytop Village do for adults. After getting Board of Education approval, funding was the problem. We finally got a $400,000 first-year-allocation from ASA and the State's Narcotics Control Commission."

There are at present 48 students at Alpha, ranging in age from 12 to 19; 28 live in, 11 who live out come to classes and take part in the other activities, and nine are in the orientation program which precedes moving in. Almost all were heroin addicts and most had records of juvenile delinquency. Seventy-five percent were involved with courts, which offered them the alternative of jail or the therapeutic community; the others are school dropouts or referrals from hospitals and neighborhood organizations.

Students at Alpha move through a grading system of five levels. On admission, they are automatically on the first level. On the first and second levels, students are not permitted to leave the premises. Students reach level three when in the staff's opinion they can resist drugs, and then they are allowed to leave the building and move about outside on their own. Besides classes in English, biology, math, social studies, art and reading, which lead to a high school equivalency certificate, students are required to attend encounter groups three afternoons a week, do kitchen, laundry and cleaning chores and fulfill other responsibilities to help keep the house functioning.

There are 21 staff members, including six teachers, six group leaders, others involved in the therapeutic programs (all former addicts who have participated in drug programs at Phoenix House, Synanon and other such communities) and office and maintenance workers.

"I wish you could get to know Nilsa Rivera, who is in charge of our therapeutic program," said Margulis. "She grew up in East New York and once was part of a tough girl gang here. She got off drugs at Phoenix House, and now, at 28, she is one of the most totally integrated human beings I know. When I asked her to join our program, she was very excited about coming home to help these kids whose problems she knows so well."

Besides the ban on profanity, there are several other definite rules at Alpha: no use of drugs or chemicals, including alcohol, and no physical violence. Anyone who raises a hand in anger leaves. There is also a ban on kids falling in love, which most of them seem to do in their first two weeks at the school. Such attachments are quickly quashed with the explanation, "Right now, you can't handle this."

Respect for others is a cardinal rule, but there is an air of easy comradeship between students and staff. Any boy or girl can take a problem to a group leader and get one-to-one attention. If members of the staff act as surrogate parents, it's just as well: the weekly parents' meetings are sparsely attended. Some of the parents look upon their children's drug addiction with the shame once associated with mental illness.

"I don't understand why parents don't form vigilante groups to kill dealers and pushers," said Margulis, "because drugs are so suicidal for the black and Puerto Rican communities."

Margulis, trying to explain Alpha to people unfamiliar with drug programs, makes what he admits is a superficial comparison between Alpha and Weight Watchers; both involve sharing of a problem, peer identification, demanding that you take responsibility for yourself and that you stop indulging yourself. "Not everyone is going to lose weight on Weight Watchers," he said, "but for those who are ready to start controlling their uncontrolled urges and can get help from other people, it's going to help.

Therapeutic communities are not going to help every drug addict, but when it works it's a beautiful thing."

DAVY

Davy is a white boy who had his long hair shaved off completely shortly after he came to Alpha 10 months ago. Here's his story:

I'm 16. I started smoking marijuana when I was about 13. I never really got along with people. The times I was best off was when I was by myself. Then I started taking pills—opium and other stuff. I'm not sure why I ever started. I could always get along in school, but I never really dug school too much—I dug learning things but not around people. I was always lonely and got messed up behind that. I used to read a lot. I was always dreaming I was somewhere else and doing something else, that I was someone else. I didn't like anything about myself. When I did come down from a dream it was like the whole world fell apart. When I was about 15. I figured the best thing was to get out of school in a hurry. I went bumming around the state and I met up with this bunch of freaks in the woods around Buffalo. They turned me on to acid and dope and I started tripping a lot. I was going to move to a community—my whole life I was looking for something perfect. I was going to become a farmer or something.

But it didn't work out and I went home. My mother knew I was smoking and she found some of my pills—but I could cover it up real nice. I used to feel bad that my parents were messed up about me. Maybe it was my way of getting back at them. I always wanted something from my parents that I never got . . . some attention . . . I never got that. I still want some kind of parents' love.

I started getting into drugs more and more. I have a pretty good mind, but for some reasons I didn't finish things. Whenever I did get into anything, I just gave up after a while. I was just feeling sorry for myself and there was nothing really to feel sorry for.

When my mother found out I was using acid last May, my parents got in touch with some friends who knew about Alpha, and I came here out of curiosity. I was going to stay a couple of weeks . . . but I began to see some things clearly. I didn't want to go back to certain people. I didn't want to use drugs any more. I started changing. It's only been the past month or so that I've really been looking at myself and feeling good about myself and being happy about things I can do. I started seeing that everybody had the same kind of problems I had, and that everybody here levels with everybody else and that makes it easy for you to level with them.

I've been working with carpentry. I'm finding a lot of things I like to do lately. I write. I used to think I was a pretty good poet. I still have this thing that I don't like to get hurt. But when you've been here for a while it's easy to get along with everybody, and you don't feel they're going to laugh at you.

Ask Margulis what the weakest part of the program is and he'll tell you: "Not knowing what things might tip a kid who's ready to go into staying, not being able to get through to a kid that if he leaves he's going back to the old crap, and that there's real hope for him here.

"We have about a 40 percent dropout rate, although it's hard to say exactly when a kid is a dropout—when he or she has been here a day, a week, a month? We're beginning to do research on ourselves to try to find out what causes a kid to leave, what kind of kids leave. Most boys or girls who came here at the age of 13 or 14 have left. Those who've used drugs for a short time (less than six months) are apt to leave. Those who have been on heroin for two or three years stay. Most of the kids who've had contact with many agencies—courts, welfare, truant officers—and Alpha is their first time in a drug program, stay. Maybe when we have more experience . . ."

JOHN

John is a dynamic black boy with a neat Afro who came to Alpha last May. This is his story:

I'm 14. I started using heroin when I was 13. My cousin brought some around and I wanted to try it. I got dizzy and I threw up—I got real sick. You always throw up the first time because your stomach's not used to drugs. I began by sniffing it, but after about two months I got in deeper and began skin popping. When I first stuck the needle in, it hurt, but I got a better high. My parents didn't know about it till I started mainlining . . . then I got an even better high. I used to turn on with my uncle, too. He used to turn me on and I used to turn him on. Me and my cousin used to let him cop for us. One time we got off up in a hallway and my grandmother caught us. She caught my cousin with the spike in his arm. She almost had a fit. A next-door neighbor took the spike out of my cousin's arm. The dope was so heavy he almost went out. My grandmother told my mother and my mother told the cops, but they didn't do anything. To get the money for dope, I used to work but I used to steal, too—break into stores, snatch pocketbooks. When I did it on my own, I didn't get caught as much as I did when I did it with other guys—I made less noise (he grinned).

I mainlined for a couple of months, then I got into two bags a day. I played hooky from school and stole money from my mother to get high. There are seven kids in my family and I'm the oldest. They didn't know I was shooting drugs till my mother told them. They started crying and I felt bad that they knew it. They'd go out on the street and say, my brother is a junkie. I just kept on doing it till I got caught stealing. I went into the house of a next-door neighbor who had just gotten paid and he was drunk with another guy. His pants were hanging up and I took them and went to the roof. I took his wallet with all the money—$100—and threw the pants in the backyard. My cousin and I each copped five bags—my uncle told us where to get it. I shot two bags, my cousin shot two bags. I went home at 5 in the morning and climbed in the window. I took the money I had left and put it in the closet and locked the door. Then I went to sleep. In the morning the next-door neighbor came to my house and told my mother that his house was broken into. He knew that I used to steal a lot and he figured I did it. My mother and my sister searched the house and my sister had a key to the closet and found the money.

My mother started hitting me and so did her boy friend—him and me didn't get along because he tried to take over my family. My father never liked him. We all lived together. My father got high and drunk sometimes and my mother's boy friend picked on him. I love my father a lot, more than I love my mother. I help my father every time they pick on him. One time I caught my mother's boy friend in my father's pocket. He kicked my ass, but I got a few punches off. My mother got the broom and she started hitting me, too. I felt bad that they were ganging up on me and my father. Now my mother and father are separated and I'm glad.

When my sister found the money the next-door neighbor called the cops and they came and busted in the door. They put the handcuffs on me, took me down to the precinct, put me in the paddy wagon and took me up to Youth House in the Bronx. The court found out I was using drugs and asked me if I wanted to go on a program upstate for three years or Alpha School for six months. I took the six months.

When I first came here I thought of it as a prison. I saw the bars on the windows and I couldn't get out and I couldn't get dope. But after two or three weeks I started feeling good. I used to fool around a lot, run around screaming and making noise. It made me feel good. Now I don't have to do that to feel good. Now I just swing from things (he grinned).

I haven't decided what I want to be when I grow up. I had trouble with reading . . . schools out there don't teach you much because they spend all the time calming the kids down. Now I like reading and I'm doing better at it. The kids here help each other. Sometimes the kid who's helping you doesn't know one of the words and you both take it to the teacher. My six months here is over, but I want to stay.

(NOTE.—Since this was written, John walked out of Alpha one day and hasn't come back.)

Margulis is a gentle, softspoken man by nature. "The hardest thing to take," he concluded, "is watching a kid walk out the door, especially a kid we all believe in."

IN SUPPORT FOR FUNDS FOR HELICOPTER GUNSHIPS

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. GIAIMO. Mr. Speaker, for many years I have been interested in helicopter production in the United States and its usefulness to our armed services. This is a natural interest to a Congressman from Connecticut, a State which has always played a leading and successful role in the production of helicopters. Consequently, I follow with great interest trends and decisions of the Armed Forces and the Congress concerning present and proposed plans for helicopter usage and procurement.

Presently I am somewhat concerned that Congress might fail to support the U.S. Army's request for funds to procure a helicopter gunship.

The Army has an urgent need for a full-time organic weapon which complements the basic AX or other Air Force close-air support systems. This type of Army weapon has unique capabilities, proven repeatedly in Vietnam, to operate in direct consort with ground commanders in the marginal weather.

I agree that the Army needs this system and am pleased that the Army is reevaluating system costs. The Army should have the helicopter which best meets its mission requirements at a reasonable price. I commend the Army in pursuing this analysis in view of current budgeting pressures. It seems only fitting that the Congress allow this difficult reassessment to continue before we take any further congressional action.

The U.S. Army's request for funds to procure a helicopter gunship should be supported.

GARY JOB CORPS CENTER, AS SEEN BY LOCAL LEADERS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. PICKLE. Mr. Speaker, in proving a point, too often we bring forth an impressive ream of facts and figures that tell the story—but leave out the human element.

Today, I would like to hold up a mirror to the Gary Job Corps Center and let it reflect back the human reactions from the leaders of San Marcos; past Mayor Ellis Serur, present Mayor Herbert Yarbrough, and Chief of San Marcos Police Department Rodney Nelson. These men have seen the effect the Job Corps on San Marcos over the years and because of their positions in the community have been involved with the center regarding local matters.

These leaders reflect the impact the Gary Center has had on San Marcos since it was first announced by President Lyndon B. Johnson 7 years ago. Through Mr. Serur, Mayor Yarbrough, and Chief of Police Nelson, we see how the people of San Marcos, originally apprehensive over an increase of 3,000 men to the community, found that the problems were few and the advantages many.

The following article from the San Marcos Record shows best the feelings of these people about Gary Job Corps Center over the years. The record speaks well by itself:

IMPACT OF GARY ON SAN MARCOS

(By Chancy Lewis)

When seven years ago President Lyndon B. Johnson announced his plans for making San Marcos the site of one of the Texas units of the newly formed Job Corps program, many San Marcos individuals received the news with some apprehension. Mostly they feared the possible bad effects of having an extra 3,000 young men added to the community.

But since its opening in 1965, the Gary Job Corps Center has had an impact that many city officials have acclaimed as definitely good.

"We owe a lot of our city's growth to the Job Corps Center has had an impact that Ellis Serur.

Serur, in reviewing his first impressions of the corps program, said that he was not one of the program's critics, but rather was very enthused that a center would be located here. Serur said that he has seen where practically every business in San Marcos has benefited from the revenue the center has brought.

Serur also reassured that from the beginnings, the corpsmen and center personnel have had generally good relations with the rest of the community. In fact, he said they have developed as "a responsible unit of our city in a big way."

Serur added that during his administration, the corps worked with the city willingly every time they were asked.

As though to back up this statement, present City Mayor Herbert Yarbrough, said that Gary has always made available their facilities and personnel for civic functions.

Although the economic advantage the Gary Center has presented to San Marcos cannot be denied, Yarbrough said, "The money, in my estimation, is one part of it. The base in general has contributed a great deal to the overall community."

PROBLEMS SPAWNED

When asked if they saw any out-of-proportion problems arising from the program at all, both assured that they felt most problems which occasionally come along, stem from the individuals and not from the program as a whole.

Serur commented on this area of consideration by saying that in Gary's beginning, some corpsmen had not been screened during recruiting well enough. As a result some undesirables did arrive in San Marcos. However, Serur said, when Gary officials realized this problem they worked to improve screening procedures and that now that conflict is held to a bare minimum.

Backing this up, Yarbrough pointed out that only individual problems are harmful to the community. He did say, though, that the center sometimes causes limited anxiety among some citizen segments, but this he attributed to their imagining that the center might close down.

On this last point, Yarbrough said that although San Marcos has already lived through Gary's closing twice he feels that because of the value of the Job Corps program in this area, any danger of closing now would be remote.

"There's nothing I can see but good that has come from the overall operations," Yarbrough said.

While both Serur and Yarbrough have administratively looked at those few problems Gary has caused in San Marcos, the man who is closest to them holds an opinion equally as important.

THE LAWMAN'S VIEW

Chief of the San Marcos Police Department Rodney Nelson comes closely in contact to Gary's biggest problems contributed crime But even Nelson says that the problems are no more than could normally be expected and may even be better than average.

Nelson estimates that about 30 percent of the crime in San Marcos can be attributed to corpsmen from the Gary center. Of this percentage, Nelson said, the majority is in the area of misdemeanor crimes, especially the offense of minor in possession of alcohol.

"I feel that this is fairly normal percentage for a group that large with their background," Nelson said.

The background Nelson pointed to is that of almost all Gary corpsmen. These young men, for the most part, were raised in underprivileged environments without the benefit of an adequate education. This is the group which sociologists have traditionally accredited with greater potential for law infringement.

Nelson said that the liason between San Marcos law officials and Gary administrators is excellent. Upon arresting a corpsman, Nelson said that he is processed then released into Gary official custody. All bonds are posted by Gary and the assurance of court appearance is guaranteed.

Nelson expressed his feelings that the problem really is not too bad. He said that anytime 3,000 young men get together, problems will come inevitably.

"For the number they have out there, the problem isn't so bad," Nelson assured.

ALCOHOL SPARKS TROUBLE

For actual statistics showing the crime rate of corpsmen in San Marcos, Gary Job Corps Center's Community Law Enforcement Liason Carroll T. Cole said that actually only about one tenth of one percent of the corpsmen get into trouble in San Marcos.

Cole pointed out that about 1,000 corpsmen visit town each week. When compared this ratio is very good, Cole said.

Like Nelson, Cole emphasized that of the corpsmen arrested, better than 99 percent were charged with liquor connected offenses.

For factual examples of this, Gary figures show that in 1970, 140 corpsmen arrests were made. Then in 1971, the figure almost doubled to 261.

In spite of this seeming double, Cole pointed out that the number of charges for felony offenses has remained about the same throughout. Cole said that his personal speculation was that the doubling began with modifications in the Texas liquor laws which took effect in '71.

Of all who have voiced opinions as to the damage indirectly caused by the Gary center and its corpsmen, those in positions such as Serur, Yarbrough and Nelson have expressed sentiments that the benefits of having the Gary Job Corps Center in San Marcos make the inconveniences worthwhile. All have separated these benefits into two areas—economically and civically.

ECONOMIC IMPACT

Economically the Gary center drops a large portion of its close to $8-million staff payroll and its over $1-million in corpsman allowances in San Marcos businesses and stores. Gary staff families have also moved into San Marcos, buying homes and land to not only indicate their faith in Gary's permanency but also to boost the city's real estate potentials.

As an offshoot to the economic benefits of Gary, San Marcos receives a great deal of publicity nationally as the home of an outstanding center. This, according to a spokesman for the San Marcos Chamber of Commerce, is a very large asset given by the Job corps.

CIVIC IMPACT

Civically, the people who work at the Gary Center are there because of their achievements in vocational, educational and administrative areas. Their abilities and talents are often employed by civic and religious organizations.

The corpsmen have also contributed as they voluntarily work with San Marcos citizens in civic projects such as the remodeling of the Southside Community Center, and the biological clean-up of San Marcos last Spring.

In the overall look, it appears that San Marcos has benefited more than lost from its association with the Gary Job Corps Center.

It also would appear that most people are of the same opinion as that expressed by Mayor Yarbrough, "The main point of emphasis is that when a person sees the welfare roles growing, and then he sees a very positive program such as the Job Corps . . . he can see that this is taxpayers' money well spent."

ENFORCEMENT OF THE ANTI-DUMPING ACT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. CONTE. Mr. Speaker, on March 2, the Honorable Eugene T. Rossides, Assistant Secretary of the Treasury—Enforcement, Tariff and Trade Affairs, and Operations—addressed the All Directors' Congress of the American Footwear Industries Association.

In his address, Secretary Rossides details the steps that have been taken to rejuvenate the Treasury Department's program for enforcement of the Antidumping Act. Because of my deep interest in the suit involving dumping of large power transformers—a suit which has resulted in a finding of dumping against five of the six countries involved—I closely followed each step of those proceedings. For this reason, I know that the Department of the Treasury has taken great strides to speed up the processing of these cases.

Prior to the actions described by Secretary Rossides, our antidumping statute was largely ignored. When suits were processed, the final decision in them was delayed for years. As a result, the adverse effects of the dumping had increased to such a proportion that effective remedy was precluded.

I would like to commend Secretary Rossides and his staff for the excellent progress they have made. I am enclosing a copy of the address for the benefit of my colleagues.

THE ANTIDUMPING ACT, 1921—3 YEARS OF REJUVENATION

INTRODUCTION

In his Report to the Congress of February 9, 1972, on U.S. Foreign Policy for the 1970's, President Nixon stated:

"The year 1971 marked a turning point in the world economy. We undertook a series of far-reaching measures which revitalized our foreign economic policy and set the stage for fundamental and long term reforms in the international economic system."

What the President was referring to, of course, was his New Economic Policy which established a milestone in the financial and trade fields.

The Policy served notice on our principal trading partners that:

"No longer will the American people permit their government to engage in international actions in which the true long-run interests of the U.S. are not just as clearly recognized as those of the nations with which we deal."

Although this last quotation was extracted from a speech made by Secretary Connally in Munich last May—several months before the New Economic Policy was announced—it nevertheless is as true now as it was at the time it was delivered.

Nowhere can this be better illustrated than by the actions taken by this Administration over the last three years to rejuvenate the Antidumping Act.

ANTIDUMPING ACT—ITS OBJECTIVE

The Antidumping Act, 1921, as amended, is intended to nullify the impact on domestic industry of international price discrimination which injures United States producers. From an affirmative standpoint, the statute fosters international trade on a fair and equitable basis.

In the view of the Treasury, the aim of the Act is clear—to defend American industry against unfair international pricing practices. It is not designed as a prop for American industry to assist it in meeting fair and open competition from abroad.

In the context of the Antidumping Act, an "unfair" sale or, if you will, international price discrimination, occurs when a foreign company sells a product for less in the United States than in its home market, thereby causing injury to U.S. industry.

IMPACT OF ANTIDUMPING ACT AS OF JANUARY 1969

There may be disagreement as to the interpretation of some of the finer points of the Antidumping Act and its administration in the past. There appears, however, to have been general agreement at the time this Administration took office that the Act had a relatively minor impact not only on international trade matters generally, but more importantly, in defending American industry from injurious international price discrimination.

The reason for this was rather obvious. Important antidumping investigations were taking two years and even longer to complete. Investigations that take that long tend to be devoid of economic significance to the domestic industry. Many American concerns suffering from unfair international trade practices were compelled to bear their lot patiently until the Treasury had completed an exhaustive investigation ferreting out all of the underlying facts.

Moreover, import trade suffers too when the spectre of a dumping investigation hovers for an overlong period even if the investigation ends with a determination that the goods have not been sold below fair value. Delays can cause unfair and inequitable treatment to everyone concerned regardless of the ultimate outcome of the investigation.

Accordingly, acceleration of our dumping investigations, without sacrificing reasonable thoroughness, introduced a specific element of fairness of its own, which benefited all.

STEPS TAKEN BY TREASURY TO REJUVENATE ADMINISTRATION OF ANTIDUMPING ACT

Procedural and Manpower Changes

Treasury Management Survey

In April, 1969, we initiated a Treasury management survey of the administration of the Antidumping Act to determine why it was taking so long to decide these cases and what could be done to improve the situation. It seemed to us that it had to be possible to reduce the investigation period without derogating from the essential fairness of the Treasury's investigation procedures.

This study revealed that there was inadequate staff assigned to the processing of antidumping cases; that the limited staff was inadequately supervised; and that the investigation process was handicapped by cumbersome procedures inherited from the distant past. These factors, taken together, were delaying inordinately decisions on cases of vital concern to American industry.

Decisions Following Management Survey

Increase in Manpower

The Commissioner of Customs was directed to increase the manpower assigned to this area. Treasury stressed to him and his senior staff the importance it attached to this field and that antidumping work was now to be upgraded so that Customs officers assigned to antidumping would realize that it offered broad, future opportunities for promotion in the career service.

By November, 1970, the headquarters professionals had been increased from 5 to 21. The additional personnel were transferred to which the Bureau of Customs had agreed to give a lower priority pending Treasury's request for supplemental funds.

The President submitted to the Congress his request for supplemental funds for this program. Treasury's Appropriations Committees in the House and Senate (together with the members of the Senate Finance and House Ways and Means Committees) gave full bipartisan support to the request. In December, 1970, the Congress enacted the President's antidumping supplemental appropriation bill which provided funds for 41 professionals for antidumping and related matters. This gave us the means to continue the advancement already made and to institute additional procedural and policy reforms. The 41 positions were filled by the middle of 1971, and the new personnel have now been trained to administer the Antidumping Act effectively. We are also in the process of increasing and improving the training of our manpower abroad so that Customs representatives responsible for carrying out antidumping investigations overseas will be thoroughly knowledgeable in the intricacies of the law and its administration.

Establishment of Office of Tariff and Trade Affairs

At the Treasury level, I confined the responsibilities of my deputy for Customs to administration of the Treasury laws concerned with unfair international trade practices and other related tariff matters. Three professional staff officers were assigned to him and he was made the Director of a newly established Office of Tariff and Trade Affairs. The Secretary has recently approved the expansion of this office with still more personnel.

We have thus institutionalized the changes that had been made and established a more permanent mechanism for adequate Treasury supervision in this area. We now have the basis for insuring that the Treasury Department will have an ongoing operation for proper supervision and administration of the international price administration statutes.

Timetable for Collection and Collation of Information

Another decision made was to establish firm timetables for each step in the collection and collation of information by Customs. In the past, it has taken as long as six months to decide whether a "complaint" was sufficiently meritorious to justify the formal initiation of an antidumping investigation. Such decisions are now being made in approximately one month.

Questionnaires to foreign exporters and letters replying to typical inquiries have been standardized. Firm time periods are being established for replying to such questionnaires. Much of the clerical work involved in the processing of letters and questionnaires is being simplified by the use of modern tape typewriters and calculators with memory capabilities.

Conferences with attorneys are being restricted to set periods when the antidumping case handler is fully prepared to discuss particular aspects of an investigation with interested attorneys. The day when attorneys could drop in on case handlers without prior appointment is a practice of the past.

Most important of all, the case handlers and Customs representatives abroad have been given a renewed sense of the urgency and the importance of their work and impressed by the need for completing their investigations as rapidly as possible.

Results in Processing Cases

Treasury has now reached its first goal of completing antidumping cases on the average within one year from the date the case is presented. Our next objective is to reduce the time required for the handling of normal cases still further, to approximately 270 days. I have announced this new timetable to the Bureau of Customs which is already initiating steps to see that it is carried out.

I would like to add one word of caution. Because of the Treasury's continued emphasis on the essentiality of fairness in rendering decisions in antidumping cases, it may occasionally be necessary to allow a somewhat longer time for particularly complicated cases. The normal cases, on the other hand, will be completed in accordance with the schedule that I have outlined.

This achievement in speeding up our investigations is due in large part to the foresightedness of a number of officials. It stems in the first instance from the desire of the President to redress the United States' adverse competitive situation. Its accomplishment is owing in large part to Secretary of the Treasury Kennedy, and later Secretary Connally, without whose active support the result outlined above would have been impossible. Moreover, the improved procedures could not have become a reality if it had not been for the bipartisan cooperation of the Congress which approved the additional appropriations for supplementing Treasury's manpower requirements in this field.

No matter how effective a policy may be, its implementation, in the final analysis, depends on the dedicated men and women in the career service who devoted long hours and hard work to our common objective.

Policy Changes

The efforts to improve the administration of the Antidumping Act were accompanied by a thorough review of policy. This review, which is continuing, has already resulted in significant changes.

Price assurance policy

In May, 1970, Treasury formally announced a change in the policy with respect to price assurances in antidumping investigations. We took this action after concluding that the previous policy of readily accepting price assurances was actually encouraging sales at less than fair value in the United States. Under that policy, foreign firms seeking to sell their merchandise in the U.S. market had no need to give even a passing consideration to the antidumping implications of the step they were about to take. There was no reason why they should do so under the old rules. Let us discuss for a moment what happened under the earlier price assurance policy.

A foreign concern would price its merchandise in the U.S. market at whatever level it considered necessary to compete effectively. Since its product was normally unknown to the American consumer, it would generally price its merchandise below the level of its American competitors in order to attract customers. If the foreign competition started to make itself felt and resulted in an antidumping complaint being filed with the Treasury Department, the foreign firm still had no cause for undue concern. Treasury's antidumping investigations would, under the former procedures, often take over two years, and even longer to complete.

Moreover, if the Treasury Department tentatively concluded that the merchandise was being sold at dumping margins, price assurances could be offered and would almost invariably be accepted by the Department. By this time, with the firm's product well known to American consumers, the foreign concern could afford to raise its prices to the level of its American competitors without fear of a drastic drop in sales.

Better yet from the standpoint of the foreign manufacturers, when the Treasury Department accepted price assurances, it would issue a formal determination of No Sales at Less Than Fair Value. To say the least, this determination was misleading, since there had in fact been sales at dumping margins.

Under the new policy, price assurances are accepted only when the dumping margins are minimal in relation to the volume of sales involved. Moreover, in those cases where price assurances are accepted, the case is no longer terminated with a determination of No Sales at Less Than Fair Value as it was under the old price assurance policy. We felt that such a determination after the acceptance of price assurances was a misnomer. Accordingly, the Treasury Department revised its regulations in cases where price assurances are accepted so as to provide for discontinuance of investigations. This procedure, I feel, realistically expresses exactly what takes place in a price assurance case.

Under the new policy, if price assurances are rejected, the case is then referred to the Tariff Commission for, as you know, before a finding of dumping may be issued and dumping duties assessed, it is necessary under the Antidumping Act that there be a determination of sales at less than fair value by the Treasury Department and a determination of injury by the Tariff Commission.

The objective of the new policy is to induce foreign concerns to take the Antidumping Act into account before they engage in sales to the United States.

The 25 percent rule

The Antidumping Act provides that in normal situations fair value shall be determined by comparing the ex factory home market price of the merchandise under investigation with the ex factory price at which the merchandise is sold in the United States. If the price in the United States is less than the home market price, then there are "sales at less than fair value" within the meaning of the statute.

The Act also states that in situations where the quantity of merchandise sold in the home market is so small in relation to the quantity sold for exportation to countries other than the United States as to form an inadequate basis for comparison, then third country price should be used as the basis for comparison.

The Antidumping Regulations originally provided that generally for purposes of determining what constituted an "inadequate basis of comparison" for fair value purposes, home market sales would be considered to be inadequate if less than 25 percent of the non-U.S. sales of the merchandise were sold in the home market.

The selection of home market or third country price for fair value comparison can easily be crucial to the results of antidumping investigations, for frequently home market price tends to be higher than third country price. This is particularly true where merchandise is sold in a protected home market and, when sold in third countries, is exposed to the vagaries of world comptition.

It has been Treasury's experience that cases arise where sales in the home market are adequate as a basis for fair value comparison, even though less than 25 percent of the non-U.S. sales are sold in the home market.

Accordingly, on May 22, 1970, the Treasury Department revised its Antidumping Regulations to eliminate the 25 percent rule. All that is required under the Regulations, as now revised, is that the sales in the home market be adequate for purpose of fair value comparison.

GENERAL REVISION OF ANTIDUMPING REGULATIONS

The Antidumping Regulations have been in effect in substantially their present form since July 1, 1968, when they were amended to conform with the provisions of the International Anti-Dumping Code. We felt that with all the changes in the administration of the law that had taken place, it was now time to take another broad look at the Regulations and the administration of the law. Accordingly, the Treasury Department announced last year that it was reviewing its Regulations and invited suggestions from the public as to how they might best be improved. I am happy to state that the Treasury Department will be announcing within the next few days proposed changes in the present Antidumping Regulations.

Since the Notice of Proposed Rule Making has not yet been published, I do not feel that it would be proper for me to say at this time what the specific proposals are designed to accomplish. I can assure you, however, that all the individual changes in the Regulations are aimed at one broad objective—strict administration of the Antidumping Act so as to make it an even more effective instrument in defending the United States against unfair international trade practices, consistent however with fairness to all parties concerned.

RESULTS TO DATE

As a result of the Administration's rejuvenation of the Antidumping Act, the American public's interest in this law has increased noticeably. Complaints filed during the past three years have been 50 percent greater than during 1966–1968. And the number of final decisions published by the Treasury over the same time periods has increased by 80 percent.

These figures are particularly noteworthy when account is taken of the fact that accomplishments such as these over a three-year time span are, of necessity, gradual. They cannot be achieved overnight or even in one year. Thus, our record during calendar year 1971 must overcome the start-up inertia which is inevitable before a new approach and policy can be put into motion.

In closing, I want to emphasize that the Administartion strongly supports a freer trade policy. Our rejuvenation of the Antidumping Act, so as to defend American industry from unfair international trade practices, is part and parcel of this policy. Despite what some of our foreign trading partners may have said on this subject, the increase in the Treasury and Customs staff for the purpose of administering the Antidumping Act more effectively is fully consistent with a liberal trade policy.

The President has made it clear that he intends to meet the challenge of the future by stimulating our economy to ensure our continued efficient and competitive position in the world. This means that inflation and unemployment in the United States will be reduced while investment in new plants and equipment by the private sector are stimulated.

While building this stronger economy at home, we must remain outward looking and international in our initiatives overseas. This Administrator is committed to such a course.

As Secretary Connally said when he addressed the Economic Club last fall:

"We do not intend to become provincial. We shall not resort to protectionism. We shall carry our burdens on the international scene. But to do so it is essentail to attain an equilibrium in our overall financial balance with the rest of the world. We seek no advantage of others. We propose to suffer no disadvantage. We seek a balance which will be to the benefit of all the nations."

"At stake are not narrow or selfish economic goals; beyond a fair balance of opportunity, we seek none. The basic issue is much broader. It is nothing less than rebuilding the economic foundation for promoting economic development, military security, and the free flow of commerce.

"To fail in our effort would be to fail not only as an Administration, nor even as a Nation. At stake is nothing less than the foundation for the freedom and security of this generation, and those that follow."

THE PRICE OF BEEF AND THE STATE OF AMERICAN AGRICULTURE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. RARICK. Mr. Speaker, the recently announced Presidential proclamation establishing meat import quotas at a level about 7 percent higher than the 1971 restraint level was issued on the basis that this action would further the economic interests of the United States as well as the economic well-being of the domestic livestock industry.

It was explained in a U.S. Department of Agriculture news release of March 9, 1972, that the import quotas on foreign meat were increased because of consumer concern regarding the level of meat prices. The increasing price of meat at retail stores has brought pressures for price controls. Since there are presently no price ceilings on agricultural products and the Secretary of Agriculture vigorously opposes any price controls on agricultural products including meat, it would appear that the reason for the increase in meat import quotas allowed is to bring supply more in line with demand for beef and other meat products, thereby in theory, reducing meat prices.

Considering the available land resources of this Nation and the millions of citizens unemployed and on welfare, it would seem that instead of increasing foreign imports, making this country more dependent on other countries for our meat supply, the farm policies of this Government should include a halt to the practice of paying farmers not to produce as well as the lifting of other restrictions placed on the freedom of the farmers so that they might operate their farms using American labor and with a minimum of Government interference. In the economic interests of the United States as well as the economic well-being of the domestic livestock industry, we should encourage an increase in the number of small farms and in the production of foods, meats, and forestry products.

I asked Dr. Dan P. Van Gorder, a patriotic scholar, who is exceptionally knowledgeable in agricultural matters, understands the problems of farmers, and possesses a high degree of down-to-earth commonsense, to give me the benefit of his views on the President's recent action to increase allowable meat imports. In a letter to me in which he comments on this farm problem, Dr. Van Gorder concludes:

> To produce the basic farm products and indispensable commodities of the forest which we now import annually would necessitate the return of between 25,000,000 and 28,000,000 persons from crowded, idle-motivated urban life to the land. What a magnificent opportunity lies at the doors of Congress, not only to end once and for all the bankrupting charade of welfarism, but at the same time to render this nation self-sufficient in food, fiber and forestry products in a war-torn and hate-filled world!

I insert at this point in the RECORD the text of Dr. Van Gorder's letter which I urge our colleagues to seriously consider as a basic for a solution not only to our inadequate farm production and to unstable food prices but to the welfare muddle as well.

The text follows:

MARCH 17, 1972.

Hon. JOHN R. RARICK,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: The U.S. Department of Agriculture news release of March 9, 1972, about beef imports is a typical and pertinent example of how public concern and fears over price and supply trends of a major food item are needlessly aroused mainly for the sake of the propaganda value it generates for continued bureaucratical domination over American farmers. Pursuit of the truth in these matters usually finds channels blocked dead-end with Keynesian camouflage. For example:

1. According to polls I had taken among supermarket customers in California, Indiana, South Carolina, North Dakota and New Hampshire in 1969, fewer than one per cent of those interviewed had ever heard that the United States leads the world in beef imports.

2. Government reports and our entire informational media have never mentioned the fact that for the five years, 1966 to 1970, our beef imports exceeded a total of more than *4 million tons*.

3. Over 1.3 *billion* pounds of this total entered the United States as live cattle, from Canada and Mexico, but was NOT included in beef imports but listed as domestic beef production. Why this deception?

4. Even as early as 1933, evasion by responsible government officials was practiced to conceal from the people the truth about our beef industry. During the ten years before farm control was enacted, our farms failed by more than 600,000 tons to produce enough beef to meet meager exports and satisfy domestic demands. Yet, Chester Davis, administrator of the Agricultural Adjustment Act, wrote in his 1935 annual report: *"It was indicated that the elimination of from 6,000,000 to 7,000,000 cows and heifers would be necessary to bring the cattle situation back into balance."* Note the words "cows" and "heifers." Birth control is by no means a new idea!

There is, however, an important key to the entire over-production ruse in the March 9 news release: *". . . the Secretary of State is negotiating with the governments of the principal supplying countries."* The demand almost screams from these 14 words—*"Why the Secretary of State?"*

My particular copy of the United States Constitution states in Section 8 of Article 1 among the powers (and duties) of Congress—*To regulate commerce with foreign nations.*

If the farm control concept is considered objectively and frankly from its origin it will be found inextricably linked with international diplomacy. And, like many other deceptions, it is foisted on the public in the name of world peace. As early as 1933 Secretary of State Hull and his assistant Francis B. Sayre were voicing over and over their favorite cliche—*Tariffs forge the thunderbolts of war.*

Today American farm products enter world trade channels with less tariff protection than do similar commodities of any other major nations. Why does not some Casper Milquetoast rise to ask—Where is the peace?

What a dangerously high price we have paid and are continuing to pay for this calculated duplicity! For example:

1. Millions of American workers have been thrown out of factory and mill jobs and most of them onto relief by mounting imports of shoes, pottery, glass products, steel, automobiles and other manufactures. And on this point it is important to remember that a steadily employed domestic worker is the only customer of the American farm worth considering.

2. It would take 2,000,000 acres of sugar beets or their equivalent of sugarcane to produce the sugar we now import annually from foreign farms. And here it is pertinent to note that the American housewife pays 13 cents a pound for her sugar while the English consumer pays 8 cents, the Swedish 7 cents, and the Mexican 5 cents.

3. To produce the wool we now import raw and in textiles would require approximately 90,000,000 sheep. We have fewer than 19,000,000 on our farms as of January 1, 1972. To feed these animals would require 70,000,000 acres of pasture, 7 million acres of hay, and 1,000,000 acres of corn.

4. We lead the world in the importation of forestry products—lumber, paper base stocks, paper, etc.

5. To graze the cattle we now import live and as dressed beef would take millions of acres of hill and rolling land out of cultivated and other erosion-inviting crops and turn these endangered fields into permanent pastureage.

6. Our cotton imports, raw and in textiles, represent approximately 2,000,000 acres of cotton, not to reckon the thousands of textile jobs lost and mills closed.

These are but the major examples of the hazardous price we are paying for continuing the hoax of federal farm control. To produce the basic farm products and indispensable commodities of the forest which we now import annually would necessitate the return of between 25,000,000 and 28,000,000 persons from crowded, idle-motivated urban life to the land. What a magnificent opportunity lies at the doors of Congress, not only to end once and for all the bankrupting charade of welfarism, but at the same time to render this nation self-sufficient in food, fiber and forestry products in a war-torn and hate-filled world!

These are but a few of the facts the Department of Agriculture does not and will not consider or discuss in its tweedledee-tweedledum evasions about beef prices and supplies. Again, beef is but one of the several items of farm production now used as a football by those who plan to push this God-favored Republic into a One-World government via the threat of famine and bankruptcy.

It is needless to add that Congress holds the power as well as the responsibility to bring sanity, honesty, safety and strength out of this Keynesian chaos. Instead of wasting more billions of tax dollars cleaning up slums and building model cities to sap further our debilitated rural vigor, why not invest the common sense needed to promote a nation-saving back-to-the-land program?

Sincerely,

DAN P. VAN GORDER.

DISCRIMINATION AND FEDERAL CERTIFICATION

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. THOMPSON of New Jersey. Mr. Speaker, some years ago, in holding that a union could not discriminate against blacks because it was certified by a Federal agency under Federal law, Mr. Chief Justice Fred Vincent remarked that "When the Government's thumb is on the scale" there must be justice.

It seems to me that this same rationale should carry over to utility companies licensed by the Federal Power Commission under Federal law. The Commission does not think so, however, and I include in the Record at this point a commentary from the editorial page of the Washington Post dated March 11, 1972:

A Question of Zeal

Testifying the other day before the House Civil Rights Oversight Subcommittee, Chairman John N. Nassikas of the Federal Power Commission expressed reluctance to withhold the privilege of a license from a regulated utility company engaged in discriminatory employment practices. "In my judgment," he said, "the regulation of employment practices should not, as a matter of policy, be delegated to an economic regulatory agency. . . . The commission does not have authority to enforce the provisions of the Civil Rights Act of 1964."

Without presuming to challenge Mr. Nassikas' legal judgment, which has the support of the FPC's general counsel, we invite attention to two contrary judgments. David Norman, the assistant attorney general in charge of the Justice Department's Civil Rights Division, informed the FPC that "In our opinion, under relevant statutes, the commission has ample authority to issue regulations barring discrimination by natural gas companies regulated by the commission and by electric companies holding hydroelectric licenses." And three years ago the FPC's own deputy general counsel recommended that the commission "issue a policy statement that it will be commission policy not to issue (a) hydroelectric licenses, particularly in relicensing cases, or (b) certificates of public convenience and necessity to firms having discriminatory employment practices or to facilities to be built or operated by contractors or subcontractors who discriminate."

It seems to us that what is involved here is one of those forced options in which the weight and authority of the federal government is necessarily thrown on one side or the other, on the side of discriminatory employment practices or against them. When the government licenses a utility engaging in discriminatory employment practices, it supports, or at the very least condones, those practices. It seems to us that that puts the United States in an intolerable position.

The weight of every government agency ought to be to the fullest extent possible on the side of civil rights and in favor of enforcement of acts of Congress as a matter of simple morality. The FPC cannot be indifferent to employment practices which violate laws of the United States. Racial discrimination in employment is a rank form of injustice. The United States ought not to countenance, or be a party to, any manifestation of it. Here at last, where choice is inescapable, a touch of zeal would be more becoming than a yawn of apathy.

IMMIGRATION INEQUITIES

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1972

Mr. ROONEY of New York. Mr. Speaker, I would like to take this opportunity to join my colleagues in commending the chairman of the Subcommittee on Immigration and Nationality, my good friend the gentleman from New Jersey (Mr. Rodino), for his leadership in bringing this legislation to the floor. As usual, the gentleman and the members of his distinguished subcommittee have done an excellent job in bringing forth legislation which would remove some inequities caused by revision of the immigration laws in 1965. I am particularly pleased that the subcommittee saw fit to incorporate in H.R. 9615 a provision which I first introduced on October 10, 1969, and which was reintroduced in subsequent sessions and was introduced in this session as H.R. 438. This provision eases the visa backlog for the fifth preference category, that is brothers and sisters of U.S. citizens. This backlog had worked particularly against Italians and Poles who had brothers and sisters here and wished to join them. Mr. Speaker, as we all know, the revision of the immigration laws in 1965 was aimed at eliminating the cruel national quota system; it was not meant to place unfair restrictions on anyone, such as the fifth category applicants or would be immigrants from Northern Europe who had problems with the labor certification provisions of the new act. I believe that these problems are now taken care of and I once again commend the gentleman from New Jersey and his subcommittee for the fine work they have done.

SAN JOSE'S EXPERIENCE WITH CHIEF EXECUTIVE REVIEW AND COMMENT

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. GUBSER. Mr. Speaker, the city of San Jose, which I represent along with my colleague, the Honorable Don Edwards, is privileged to have a most intelligent and articulate mayor, Mr. Norman Y. Mineta.

Recently Mr. Mineta delivered a speech on the planned variation program at a Tucson, Ariz., meeting of city and Housing and Urban Development officials.

I believe this speech is worthy of notice by all readers of the Congressional Record and I, therefore, submit it for the attention of my colleagues. The charts referred to in the speech have been omitted to eliminate printing difficulty but are explained in the text.

The speech follows:

Talk by Mayor Mineta

To talk about San Jose Planned Variation experience with Chief Executive Review and Comment we need to talk of a KEY urban concern—how do we employ limited resources in the most effective way to solve urban problems and to realize opportunities? To explore this concern I will cover several areas: our citizens' feelings, the credibility gap between citizens and elected representatives, the lack of coordinated city policy guiding representatives, relations to Federal programs, and San Jose's Intergovernmental Affairs Program. The latter was developed to handle CERC for San Jose.

CITIZENS FEEL THE PROBLEMS

Families living in our urban areas today experience one problem—the Urban Problem. They know their cities are congested, sprawling and polluted. They know they have unemployment, crime, poverty, racial strife, high property taxes and incomplete public services. They know they have opportunities to preserve streams, lakes, hills and other open areas; opportunities to develop rich and urban centers to their cities where culture housing, trade and entertainment can flourish; opportunities to join with other people to improve their communities and their way of life. And they know that they are frustrated in realizing their opportunities.

Much of the frustration in improving our cities is caused by the complicated, involved and fragmented programs and approaches that we have developed to help urban areas. People can't understand what's happening. They're not sure where to start. Since they can't know what's happening, they lack trust and faith in what's happening.

We need to eliminate the confusion and put our houses back in order. A vast array of problems and opportunities exists. An equally complicated array of local, state and federal programs also exists. Today we are really not organized to plan adequately for the full range of human needs at the local level, i.e, at the level of cities and counties. We have become familiar with City Planning, Capital Improvement Programming and City Budgeting. But City Planning and Capital Improvement Programming focus on physical aspects of the City and the annual budget has a very short term view (one year).

What is needed is a new mechanism for planning to integrate, to mesh the existing service delivery systems with each other and to coordinate their impact on problem areas. This is the task of CERC. Causes of problems, objectives, programs and projects need to be related and integrated in new ways. The challenge we face is to plan better. Reorganization is not necessarily the answer. Actually, we could reorganize forever without helping our problem solving abilities. We need to be able to work with existing organizations in better ways. Normal, existing programs can be made more effective if each operating agency asks: "How can my program support the programs of other agencies." With this view in mind, health, welfare, education, manpower, transportation, physical improvement and other programs can be designed for mutual support and community improvement.

ELECTED REPRESENTATIVES WANT INFORMATION, CHOICES, RESULTS

Elected local representatives (City Councilmen, County Supervisors) are in a far better position to delegate resources than are either the officials of the many autonomous local special agencies or the fractionated and non-local state and federal agencies seeking to solve local urban problems. Local political leaders have an overview that other officials lack. All public services flow in some way through the local municipal and county governmental structure or to the residents of municipalities and counties. Cities and counties don't administer all the programs serving their residents. The administration of programs does not have to be vested solely in cities or counties, although there are many areas where administrative control should be rethought. What local city and county officials do need is policy to guide the provision of services to residents.

Today local officials have the desire to improve their communities but they usually lack the basic information that tells them what the state of their communities is and what they have to do to achieve real improvements. The public lacks this information too. Thus, the same lack of information frequently produces a credibility gap. Neither citizen nor politician knows what's going on or what to do, and both have feelings that things could be much better.

The public and the politician want to know what is needed, what resources are available or obtainable to satisfy needs, and when these resources can be committed. They are not particularly interested in how to run individual programs.

In an improved service delivery system the public would be able to clearly state what it wants. Program alternatives could then be proposed along with an analysis of the "trade offs" involved, i.e. a statement of the new good things that can be achieved and a statement of the good things that can't be achieved since resources are proposed to go elsewhere. These statements would be based on an analysis of total community needs, resources and program priorities. Once a choice is made, the new program would be monitored and evaluated and the community could determine if the new advantages are worthwhile. If not, the program can be altered or a new program can be initiated and carried out.

Let's look at an example. Assume that the people in a part of the City plagued with traffic problems come to the City Council and say that improving circulation is their main goal. A report is prepared for Council and citizen review stating the recommended way of solving the congestion problem—widening three streets with a federally assisted TOPICS program. The report also notes that the City has an active program in the area to purchase needed park and recreation space through the federally assisted Legacy of Parks Program. The report outlines the cost of widening the streets, compares it to the cost of providing adequate recreation space and to the availability of financial resources. The report concludes that there is not enough money to improve both the circulation and the recreation situations.

The people and the Council decide to widen the streets. After one street is widened, the monitoring and evaluation process reports the degree of circulation improvement. The citizens are satisfied that they can now move more quickly on the streets but now they are more unhappy about their continuing recreation deficiencies. Priorities are changed and recreation space is purchased instead of widening the second street. Through this kind of continuing process where needs and specific objectives are stated, programs to meet needs in terms of realistic options and program costs are proposed, program priorities are set and choices made, and program results, community needs and resources are monitored and evaluated, the community and the Council can make decisions based on a knowledge of what they are buying and what they are bypassing. Thus, the results of the chosen program can be compared to anticipated results and to other needs. In the example above, if all the effort were spent on planning and perfecting the chosen street improvement program, the community would still he unhappy. *The key to the new mechanism for planning is to be concerned with the mix of programs that is desired given the limited resources available.* This key concern needs to be applied to the full range of urban programs from streets and parks, to criminal justice, to job training. Reviewing and commenting on programs in order to achieve the desired mix of programs is what CERC is all about.

WHO REPRESENTS US AND HOW

So far we've been talking about citizens and families in the City. The City itself can be considered a family living in the larger community of governments and agencies that provide services to the City but that are not administered by the City. Any city has many representatives on committees, commissions, agencies and boards for other governmental entities. A familiar and valid concern is whether or not the representation is adequate on these bodies. A different concern, and one frequently overlooked, is whether or not there is any city policy to guide the actions of these representatives on other bodies. Usually there is no such policy. Instead ad hoc decisions are made in a disjointed manner.

The Mayor and Council should be a central policy-making resource allocating entity for the city. The Mayor and Council should determine areas of priority and then establish city policy to guide city action and interest in those areas. The city's representatives on community and metropolitan agencies need to be involved in the creation of city policy, for, after all, these should be the city's experts in their area of service.

There should be a continuing review and comment of the planning and program development being done by non-city agencies that affects the city. This is a CERC activity and involves the same kind of community management and planning process outlined above for city administered programs.

A key point to stress again is that policy planning for service delivery systems at the city level does not imply or require that the city run and administer all the delivery systems for which policy is being determined. The city has a valid concern for health, welfare, education, job development and other programs even though the city may not administer these programs. Policy direction for city representatives to these non-city agencies will help assure the city of obtaining the kinds of programs and services it desires.

HOW IS ALL THIS RELATED TO FEDERAL AGENCIES

Local revenue collected by cities today is all pre-spent. That is, it is committed to provide minimum services. The only "flexible" dollars coming to cities are Federal dollars. During the last three years in San Jose from 1969 to 1971, total city revenue increased from approximately $70 million to approximately $110 millon, an increase of about 60%. In the same time, Federal grants to the City went from approximately $5 million to approximately $20 million, an increase of 300%. The Federal share of the total City budget increased from 5% to over 15% during the same three years.

The conclusion is that Federal resources are essential for meeting urban needs. However, the categorical grant system, through which most Federal dollars flow, comes to cities with several constraints and in a way that complicates the fractionated service delivery systems at the local level. Frequently the Federal money is for new programs that focus on parts of the City in an overlapping and inconsistent manner. Also, each categorical grant system increases fragmentation by dealing directly with the already fragmented local institutions. Finally, planning within program areas is required but no planning among program areas is required. Thus, the same dilemmas that plague the City in running its own programs are imposed on the city by Federal programs.

The same review and comment system that is needed to sort out local needs, priorities, policies and programs is also essential for effectively blending Federal resources into city improvement activities. This is true for the categorical grant system and for potential forms of revenue sharing. The city and the Federal agencies need to know what kind of impact programs are having on the City. Are there significant positive improvements? Are these missing links in the range of programs? Are programs mutually supportive, neutral, or conflicting? Data and staff analysis is needed to answer these questions and to prepare strategies for planning and managing the mix and supporting content of future programs.

Federal funds are needed to develop CERC activities in cities, that is, to do the local executive planning and management work needed to coordinate the use of Federal funds from agencies such as HEW, OEO, DOT, and DOL and to make sure that revenue sharing works in an effective way.

SAN JOSE'S INTERGOVERNMENTAL AFFAIRS PROGRAM

In San Jose the Office of Intergovernmental Affairs (IGA) has been established to do the work necessary for the Chief Executive Review and Comment Program. This work includes the kind of community and local executive planning I have outlined and the functioning as a clearinghouse for Federal funding. The charts attached to this paper help define the function and role of IGA.

Chart I shows the kinds of input received by the IGA staff. There are two general sources of information: external and internal.

The external sources and areas of information are the following:

1. Information on Federal and State fiscal resources that can be sought to help solve local problems will be gathered and analyzed by the IGA staff to determine the nature and extent of potentially available dollars.

2. Special studies and evaluations of urban issues and problems in the area will be reviewed by the IGA unit to understand better the City's potentials for improvement.

3. The Federal Regional Council provides a mechanism for exploring possible legislative and administrative changes needed to develop a better fit between federal programs and local strategies for improving the City.

4. Information on City related plans and programs that are funded by Federal, State, Regional, County or special district agencies will be analyzed to understand objectives, plans and evolving programs of these agencies.

5. The established policies of Federal, State, Regional, County and special districts will be assessed to provide a framework for relating city and non-city policies and programs.

The internal sources and areas of information are the following:

1. Data on public and private revenue sources will be collected and analyzed to determine the availability of local resources.

2. The IGA staff will work with citizen groups to continually define and refine statements of City needs and goals.

3. Current and proposed Federal, State, Regional, County and special district programs and plans will be inventoried and analyzed to understand the current mix of programs and to provide a framework for reviewing new program poposals.

4. The implementation systems in the City wil be explored to understand the City's decision making and organization ability to integrate programs and to develop meaningful new programs for urban improvement.

5. Established Mayor/Council policies will be employed in reviewing current and new programs. Where policies exist, new program proposals can be processed quickly. Thus, a major effort will be made to assure the existence of adequate policy in important areas.

Chart 2 explains the kinds of things that the Office of Intergovernmental Affairs does. The many elements outlined in Chart 1 can interact in a variety of ways. IGA is concerned with the dynamic interaction of these elements. The major concern is to develop supportive planning and programming to obtain the most effective program mix and the most effective use of limited resources. Chart 2 outlines three examples of the IGA interaction process.

1. Interaction among external inputs. IGA will analyze information on the availability of Federal/State resources and will also analyze the special studies and evaluations of urban issues and problems produced by public and private groups. Viewing these fiscal resources and problems statements can reveal opportunities for better integration of Federal/State funds and funding programs. These opportunities can be discussed with the Federal Regional Council for Implementation.

2. Interaction between external and internal inputs. IGA will analyze city needs and goals and the current mix of city programs. These needs, goals and programs can be

viewed in terms of available and potential Federal/State resources. Program gaps that become evident can now be realistically appraised for potential funding and appropriate new program proposals can be generated.

3. Interaction among internal inputs. IGA will analyze local fiscal resources in light of established Mayor/Council policies and the current mix of city programs. A strategy can now be developed for eliminating overlap and conflict from programs and for matching programs more closely to city policies and priorities within fiscal constraints.

Chart 3 shows how the CERC works through the Office of Intergovernmental Affairs. First IGA receives applications and pre-applications for Federal/State funds from City agencies and from regional and State A-95 Clearinghouses (1). Next IGA analyzes these applications for their relation to existing programs and program proposals and for their relation to the City's strategy for using Federal/State funds (2). Also IGA refers the applications to potentially involved and affected agencies and groups (3). If the IGA and other agency review (4) reveals that the proposal is within established policy areas and that no conflict exists (5), then IGA so notifies the applicant, Mayor, Council, Clearinghouses and the Federal/State funding agency (6).

If the IGA and other agency analysis results in unresolved questions, then IGA will meet with the applicant and affected agencies to seek additional information (7). This meeting will frequently clear up the confusion so that the application will fall within established policy areas and will have no conflict (5). We expect that the majority of applications will follow the routes described thus far.

Should the meeting with the applicant and affected agencies (7) uncover continuing problems with the application, then IGA will work with the applicant to explore development of joint supportive programs (8). In some instances the problem will be that there is a lack of established policy to cover the content of the program (9). This lack will exist in many areas during the early stages of CERC, since the development of comprehensive policies and program strategies is just now evolving.

When policy is lacking, IGA will make policy recommendations to the Executive Policy Group (10). This group is a new policy evolving and recommending group that could be called the Mayor's Cabinet. It is composed of the Mayor, City Manager, Assistant City Manager, Deputy City Manager, Director of Intergovernmental Affairs, and key department heads. The IGA staff serves as the staff to the Executive Policy Group. This group recommends policy to the Council (11). Once Council policy is established (12), the IGA staff can meet with the applicant and affected agencies to refine the program (13).

In some cases the initial working sessions with the applicant and affected agencies (8) may not resolve conflict (14). We hope that this situation will not exist. If it does, we expect that it will not occur frequently. If it does occur, the IGA will make recommendations to the Council (11). After Council action (11), the IGA staff will meet with the applicant and affected agencies to negotiate differences (13). If unresolved conflict still exists, IGA will notify the Federal Regional Council and request that the Council call a meeting to seek a resolution to the problem (15). We hope that this last step is never necessary. We feel that conflicts can be negotiated to desirable solutions before this step has to be taken.

SUMMARY

In San Jose we view CERC as a dynamic process for developing a better, more integrated, more effective match among fiscal resources, needs and opportunities, policies and programs. We in San Jose are responding to the opportunities presented for local leadership and initiative by new federal programs such as Planned Variation. We believe that local governments can be responsible. Further we believe that local governments need the responsibility and the resources to be responsive and responsible in order for the residents of our cities to develop the kind of respect and pride they need and want in their communities.

MARYLAND STATE LEGISLATOR URGES END TO U.S. INVOLVEMENT IN SOUTHEAST ASIA

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. LONG of Maryland. Mr. Speaker, Maryland State Senator Melvin Steinberg has introduced a resolution in the State senate urging an immediate end to U.S. involvement in Southeast Asia, acceptance of the North Vietnamese proposal to release our prisoners of war when a U.S. withdrawal date is set, and an end to appropriations for U.S. military presence in Southeast Asia.

I commend Senator Steinberg for his initiative and leadership in introducing this resolution. We need more people who have the courage to demand change in the Government's policies. The latest public opinion polls show that 80 percent of the American people favor withdrawal of all U.S. troops within 6 months of an agreement on prisoner release with North Vietnam. Almost 100 Congressmen, myself included, have introduced legislation calling for U.S. disengagement from Southeast Asia.

Senator Steinberg's resolution recognizes the need for increasing the budgets for our domestic needs such as pollution control, medical care, and education. These priorities are suffering because U.S. revenues are being used to carry on the war. Senator Steinberg brings credit to himself by introducing this resolution, and I hope that the Maryland Senate will also bring credit to itself by acting quickly and favorably on the legislation. At this point, I insert Senator Steinberg's resolution:

SENATE OF MARYLAND—JOINT RESOLUTION No. 53

Senate Joint Resolution urging the President and Congress of the United States to bring am immediate end to all U.S. involvement in the Southeast Asia War and requesting that money now being used in the war be spent to aid recovery in the devastated areas and to meet pressing needs in the United States

Whereas, the involvement of the United States military forces in Southeast Asia has brought great suffering to the people of that area without achieving any benefits for the people of Southeast Asia or the United States; and

Whereas, the United States military budget is costing the 3,922,000 residents of Maryland $1,961,000,000 ($500 per person) a year and the Maryland net operating expenditures are $1,608,000,000 ($410. per M person) a year; and

Whereas, more than one hundred billion dollars has already been spent on the Indochina War alone at a time when Federal money is desperately needed for urban renewal, public education, medical care, welfare services, mass transit, pollution control, and other pressing needs in the United States; now, therefore, be it

Resolved, That the General Assembly of Maryland records itself as urging the President and the Congress of the United States to end at once all United States involvement in the Southeast Asia War; to accept the North Vietnam proposal to release our prisoners of war when the time for such withdrawal is set; to cease to appropriate any additional funds which would contribute to the support of United States military presence in Southeast Asia; to appropriate money now being used in the war to: (1) aid generously in the recovery of the areas we have damaged and devastated, and (2) substantially increase budgets for programs at home in urban renewal, public education, medical care, welfare services, mass transit, pollution control and other pressing needs in the United States; and, be it further

Resolved, That copies of this Resolution be sent to the President of the United States, to the majority leader of the United States Senate, to the Speaker of the United States House of Representatives, and to the United States Senators and Congressmen from Maryland.

A SPECIAL TRIBUTE TO BILL AND MAIRE TUDOR

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. BRAY. Mr. Speaker, the following letter from a constituent, Paul Robert Shuler, speaks for itself. I am happy to add that Mr. and Mrs. Tudor are to get special recognition from the American Red Cross for their actions, and I am proud and pleased to put their story in the CONGRESSIONAL RECORD:

DEAR CONGRESSMAN BRAY: I would like to take this time to tell you a true story and ask for your help. We pray in some way that you will know what can be done.

On April 15, 1971 I was spreading ammonia nitrate on my father's farm ½ mile north of Crown Center, Indiana, Morgan County, while turning into a field through a gateway, from a blacktop road, the connecting hose slipped loose, letting the deadly fumes escape from the ammonia tank.

My first thought was to escape from these fumes and while trying to jump off my tractor and away from the equipment, I was thrown and pinned by the tractor wheels against the corner post and fence. This all happened in a matter of seconds, there I would remain for an hour before being found by Bill and Maire Tudor.

In this hour I could see many people come up, stop, turn around and leave. The ammonia made a large cloud and because of the escaping ammonia gases made a loud sizzling noise. No one could see me or hear me yelling for help.

Then I saw Bill and Maire and their son came up and tried to get past in their pickup. Bill then backed up and parked his truck got out and walked up the road, but because the wind was blowing the fumes travelled toward him he had to turn back. He couldn't hear me yelling and yelling at him. They turned around and left.

He told me later he went back home and on out to his tool shed, to go about his day's work, and then his wife Maire came out and the two of them got to talking and both of them felt sure I had to be there someplace, Maire said, she just knew Paul Robert wouldn't go off and leave his equipment out in the road with it's leaking ammonia fumes that way. They returned, coming back around a gravel road some 5 miles out of their way to come in from the north of the scene of the accident and coming down wind. Maire then got out and walked down the fence row as close as she could. By this time the school bus had come by, couldn't get past and several cars and people had stopped from the north side. Maire then heard me faintly crying for help, yelling at Bill, who went over in the field and walking with the way the wind was blowing, got close enough to see me, yelling at me "to hang on Paul Robert we'll get you out", that is all I remember till I awoke in the Methodist Hospital some two days later.

Bill sent Maire for help and he made several attempts himself before he could get on the tractor, start it and back it away, getting very sick himself at breathing the fumes, and dragging me out into fresh air.

The Eminence Volunteer Fire Department, was called, where 4 of the men came and got oxygen to me. Stilesville Volunteer Rescue Unit rushed me to Indianapolis and all the firemen risked their lives and becoming very sick, breathing the fumes themselves.

No one to this day understands how I stayed alive for one hour, I don't know myself. But I do know if it hadn't been for Bill and Maire, and the fact that they got involved, their concern and their heroic act, I wouldn't be alive today.

So its the reason I tell you my story, asking you, if in some way, the State of Indiana or Morgan County can make the public aware of these people, Bill and Maire. Does the state of Indiana present awards for outstanding citizen of the year? Can you yourself reward them in some way? Just a certificate of some kind or a letter to them would let them know how very proud we are to have citizens like them?

I do know that their name has been turned into the Red Cross Hall of Fame in Indiana, but they then are noted out of several hundred.

If there is anything at all you could do Mr. Bray, I would be grateful.

Sincerely yours,

PAUL ROBERT SHULER.

HON. JAMES TRIMBLE

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. MILLER of California. Mr. Speaker, former Congressman James Trimble and I came to Congress in the 79th Congress and soon became close friends. I was very hard hit when I learned of his untimely passing.

I got to know him very well and our friendship developed and deepened over the years. Jim Trimble was a humanist; he respected and believed in his fellow man and he worked for his betterment. He had a keen sense of humor that made him very easy to know and to get along with.

Some years ago, the Trimbles moved into the Methodist Building, their apartment being next door to the Millers'. I, therefore, saw him quite frequently after he retired from the Congress until he moved back to Arkansas.

I shall miss him, his friendship, and our association, but I am the better for having had the privilege of knowing him. Mrs. Miller and I extend our sympathy to lovely Mrs. Trimble, whom he so affectionately referred to as "the redhead."

PORTAL PROGRAM GETS NATIONAL AWARD

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. EILBERG. Mr. Speaker, one of the benefits of the "unrest" on our Nation's campuses was a questioning and a reevaluation of the commitment of our urban universities to the communities surrounding them.

At Temple University in Philadelphia this reevaluation began earlier than at most schools. In 1963 a program was started to bring the University's College of Education into direct contact with schools in the surrounding neighborhood.

The result was the Portal Schools Concept which recently received the 1972 Distinguished Achievement Award of the American Association of Colleges for Teacher Education.

I enter into the RECORD a history and an unusually frank evaluation of that program which was printed in the Temple Times, a university newspaper.

PORTAL PROGRAM GETS NATIONAL AWARD

Temple has won the 1972 Distinguished Achievement Award of the American Association of Colleges for Teacher Education (AACTE) for its application of the Portal Schools Concept in four Philadelphia inner-city schools. The award, given last Thursday at the Association's annual meeting in Chicago, recognizes an outstandng program by the teacher preparation sector of higher education.

Colleges and universities comprising AACTE membership prepare 90 percent of the nation's teachers and administrative personnel.

Instrumental in developing the Temple-Philadelphia Portal Schools Concept have been the College of Education Dean Paul W. Eberman, Curriculum and Instruction Division Chairman Roderick A. Hilsinger, and University-Public School Liaison Betty B. Schantz. The story behind the program reflects nine years of continuous building and implementation in the education of disadvantaged children, as Temple has sought to meet inner-city needs.

In November 1963—two months after Paul Eberman became dean of the Temple College of Education—*The Philadelphia Magazine* ran an article which tore apart the city schools, piece-by-piece style. Dr. Eberman recalls that many of his staff stopped him in the hall to ask, "Do these things *really* go on in the public schools?" Temple is located in the middle of the Model Cities Area. "We had better go out there and find out," he answered.

Like most colleges in those expansive, booming early '60's, Temple's College of Education sent most of its student teachers into the fringe areas or even the suburbs; at the time, there was not *a single organized practice teaching situation in the inner city.*

"We began," Dr. Eberman explains, "on the assumption that a college of education in the kind of urban setting like ours has a strong obligation to relate to and improve nearby schools." But, he candidly admits, if he'd put such a commitment up to a vote by the 110 faculty members at the time, "I'd probably have received a resounding 'no'."

Temple used the years between 1963 and 1970 to lay the groundwork for serving the inner-city schools. A nucleus of the College of Education faculty began a program in the inner-city area, and eventually a College Department of Urban Education was established. When prospective staff members were interviewed in those growth years during which the College of Education faculty tripled, they were specifically queried about what urban education experience they had had and what degree of commitment they held.

In 1970, the sacred cows were finally sent to pasture when Temple initiated its version of the Portal Schools Concept: *by mutual agreement, the university, the public schools, the teachers' union, and the community began to operate four portal schools.*

The portal schools concept is a reallocation of existing resources through *concentration* of programs such as tutorial, student teaching, graduate internship, and special projects like EPICT, Teacher Corps, the Triple T, and veterans programs. Reallocation is a cooperative affair. The university in effect says to the public school system that rather than each segment maintaining separate and distinct cadres of coordinators, lead teachers, supervisors, and curriculum experts, *why not join forces and make joint appointments?* The goal is to create a total educational program that will meet the individual needs of each portal school.

Such an arrangement gnaws away at the traditional barriers of discrete educational authority; the university, school system, union, and community must each surrender a small portion of its sanctuary in order to achieve a greater total.

The four Temple-Philadelphia portal schools were located in predominantly black neighborhoods; one school had a large concentration of Puerto Ricans. They were low on the socioeconomic scale.

All four schools—G. W. Carver, George Washington, James G. Blaine, and John Welsh—were near the university: the closest was two blocks away and the farthest was 15 minutes. The size varied: the smallest of the four schools had 900 students; the largest had 1,200.

Dr. Betty Schantz, the university link with each portal school, believes that "by getting together with the union and explaining the program and benefits possible for teachers under the concept, we have avoided many problems which we might have faced in the future."

She admits regret over some things not possible. "I am not as starry-eyed as I once was, feeling that I might like to hold teachers accountable and wanting the union to support this." Dr. Schantz recalls the negotiations and the union decisions not to have its members on the advisory board vote and not to allow program evaluation by union teachers. Only teachers from Temple could participate in evaluation. "I would have liked an agreement that the university program would be evaluated by *every* participant, not just the university-trained ones . . . . I lost that."

But the union gave a little, too. Its most significant concession was a willingness to hold five to 10 percent of the open teaching positions for teacher education purposes. The way was cleared for a principal to hire student teachers after graduation if he was impressed with their competencies.

The second most serious problem has rested with the community side of the quadrilateral arrangement. "We have had difficulty," Dr. Schanz points out, "in getting parents on the advisory boards who really speak for the community." The qualification is clear: a parent must have a child currently attending the school. "So far," she says, "our parent representation comes from a very small group who feel welcome in the school, who are there for other purposes, and who are known to most of the school personnel. It is one of the program's weak points."

The concept is now in its second year. Four more schools will be added next year for a total of eight. While assessment would be premature, the question of accomplishment is inevitable. Dr. Hilsinger feels the program has meant a new institutional direction in teacher education. It has made, he contends, a difference in Temple's own backyard by establishing an institutional commitment which deals with most of the college's programs, by altering the university reward system so that demonstration of superior teaching in the public schools pays off on the level of research and publishing, and by trying to teach teachers through experience with real and poor children. But, above all, he points out, *"It has tried to make a beginning on a broad enough base to be sustained,* rather than vanish like the multitude of 'innovative symbolic crusades' which have emerged over the past 15 years."

Temple hopes to keep the Portal Schools Concept flexible and open wherever it is applied. The staff estimates that a portal school will operate from two to five years. Once a school is running under its own steam and the advisory board is working effectively, the portal approach will no longer be needed there; it can then move on to another school. Hopefully what will remain is the fundamental and sound philosophy that educators and laymen, heretofore laboring in "separate but equal" bailiwicks, can work together by mutual consent in their common interest—*children.*

SOVIET JEWRY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. HARRINGTON. Mr. Speaker, the plight of Soviet Jewry has been discussed before in this Chamber. Unfortunately, the situation has not improved much. Visas are slightly easier to obtain. But persecution, both overt and covert, continues. Religious items are difficult to obtain. And while other religions have relative freedom, Jews must congregate under the danger of being punished for their prayers. The great and General Court of Massachusetts, both the State senate and house of representatives, passed a resolution recently which I am inserting into the RECORD for my colleagues. It outlines the seriousness of the situation and directs the United States to take some action to help. The help is needed and overdue. The resolution follows:

RESOLUTION OF THE COMMONWEALTH OF MASSACHUSETTS

(Resolutions urgently requesting the President of the United States to call upon the Soviet Government to extend to Soviet Jewry such basic rights of religious freedom, emigration and cultural activities as are granted by the United Nations Declaration of Human Rights)

Whereas, In the Soviet Union men and women are denied freedoms recognized as basic by all civilized countries of the world and indeed by the Soviet Constitution; and

Whereas, Jews and other religious minorities in the Soviet Union are being denied the means to exercise their religion and sustain their identity; and

Whereas, the Government of the Soviet Union is persecuting Jewish citizens by denying them the same rights and privileges accorded other recognized religions in the Soviet Union and by discriminating against Jews in cultural activities and access to higher education; and

Whereas, The right freely to emigrate, which is denied Soviet Jews who seek to maintain their identity by moving elsewhere, is a right affirmed by the United Nations Declaration of Human Rights adopted unanimously by the General Assembly of the United Nations; and

Whereas, These infringements of human rights are an obstacle to the development of better understanding and better relations between the people of the United States and the people of the Soviet Union; now, therefore, be it

Resolved, That the General Court of Massachusetts urgently requests the President of the United States to call upon the Soviet Government to permit the free exercise of religion by all of its citizens in accordance with the Soviet Constitution, to end discrimination against religious minorities and to permit its citizens to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

Senate, adopted, February 9, 1972.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, February 17, 1972.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

GUN CONTROL

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. MURPHY of Illinois. Mr. Speaker, in the Chicago Tribune's Speak Out! column March 7, C. E. Gerwig expressed his opposition to the registration of firearms and argued the need for citizen ownership of the same. Francis P. Kane, special assistant to the mayor for gun registration, offered a rebuttal to Mr. Gerwig's article in the March 20 edition of the Tribune.

Charging generalizations, erroneous assumptions, and oversimplification by Gerwig, Mr. Kane notes the tragic price we as a nation must pay for uncontrolled guns. I commend Mr. Kane's presentation of the facts to my colleagues in the House. The article is as follows:

LIFE AND DEATH ISSUE OUTWEIGHS RHETORIC OF GUN CONTROL FOES

(By Francis P. Kane)

C. E. Gerwig's Speak Out! column, "It's Time to Arm Citizens" [March 7], is fantastic, irrational, and replete with inaccuracies.

Gerwig's fallacious arguments become more ridiculous as his column progresses. Chicago has not outlawed guns as he implies. Mayor Daley's request for gun control, which was adopted by the City Council after lengthy hearings, requires that every gun in Chicago be registered, at no cost to the gun owner.

It was essential that such a law be adopted in Chicago because the state legislature, in five different sessions, refused to adopt meaningful gun control laws.

IT IS EFFECTIVE

The Chicago ordinance is effective. It does not confiscate guns except from those persons who are prohibited from gun ownership: juveniles, mentally defective persons, criminals who have not shown evidence of rehabilitation within the previous five years, and narcotics addicts.

Would Gerwig also permit these citizens to own and carry weapons?

So far, 4,142 law-abiding citizens who registered guns have had their guns taken away because they became involved in crimes or unlawfully used weapons they had registered.

Several hundred stolen guns have been recovered from "law-abiding" citizens who registered guns they purchased from persons known or unknown. Recovery of these guns has helped the Chicago Police Department clear up murders, robberies, and burglaries.

Homicide by guns in Chicago has dropped each year as a result of the city's ordinance.

A MODEL FOR OTHERS

Nearly every state and major city has investigated our ordinance, and many have modeled their ordinances on it because it can be—and is—enforced.

Gerwig mentions that 8,000 deaths are attributed each year to handguns. The number of gun deaths in the United States each year exceeds 25,000. And the number will continue to grow as more and more guns are placed into circulation without adequate controls.

Over half of the gun deaths are suicides. Ten per cent are killings committed during felonious assaults, sex offenses, and in gangland killings by persons with known homicidal backgrounds.

Thirty per cent are killings in crimes of passion. The remainder are accidental deaths in which "unloaded" guns were used, or in such shootings as a hunter killing another hunter or a farmer in a hunting mishap.

Our feeling is that registration of every gun and licensing of every gun owner will make a gun owner realize that he is responsible for his weapons.

National regulations would reduce the number of persons wounded by guns annually, a number which now exceeds 200,000.

MORE GENERALIZATIONS

Gerwig continues to generalize by assuming that all shootings are the results of criminal acts. He also erroneously assumes that every person who has a gun will use it only in the best interests of good government and personal and property protection.

He would better provide the safety he seeks by supporting local police and county, state, and federal law enforcement officials, from prosecutors to judges.

Gerwig should know that more than 25 Illinois communities have gun control ordinances. Two states, Hawaii and Mississippi, require registration of all guns, as does the District of Columbia. All states have some gun control laws, altho they vary widely. Most state statutes apply only to gun dealers.

Forty-eight states have not yet passed statutes requiring registration and licensing of gun owners. Eighty per cent of the people in the United States, according to surveys, favor such controls.

We do not advocate confiscation of guns except from those singled out in the law. We do not advocate controls as a revenue-producing agent. We do feel that a national law should be adopted requiring registration of all guns, licensing of all gun owners, and voluntary turn-in to the government of all unwanted guns.

PRICE IS TOO HIGH

We also advocate the destruction of all guns voluntarily turned in if they cannot be restored for defense stores or cannot be classified as legitimate antiques.

We urge that Congress pass such laws without delay, without pressure from opponents, and with the best interests of all of our people as the primary motive.

Such legislation should be enacted now for estimates have been made that there are 90 million to 300 million guns in our country. If we don't act now that number will grow until we all know the tragic price of uncontrolled guns.

BRITISH CONVERSION TO METRIC SYSTEM REVEALS FOOT-DRAGGING

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. McCLORY. Mr. Speaker, as we approach the consideration of legislation to implement the findings and recommendations of the metric study report prepared by the National Bureau of Standards, it is well to review the experience of Great Britain, which has undertaken a program of conversion of the metric system of weights and measures.

The largely voluntary program initiated in 1967 in Great Britain without the compulsion of legislation by Parliament—appears to have produced a great deal of industrial foot-dragging which is impeding the British changeover.

Mr. Speaker, a most serious consequence to the British economy is the need for adopting metric standards in conjunction with Britain's entry into the European Common Market. In my view, the failure to establish a definite target date is a major reason why many segments of the British industrial community continue to procrastinate, to seek and secure exemption from conversion requirements—and, indeed, to endeavor to capitalize on a retention of the British imperial measurement system.

Mr. Speaker, the Secretary of State for Trade and Industry has presented to the Parliament very recently—February 1972—a report on "Metrication." Without including this entire 42-page report I feel it would be most helpful, in connection with the legislation pending in the House Committee on Science and Astronautics, and the Senate Committee on Commerce, for the Members of this House and of the other body to review the summary and conclusions presented to the British Parliament last month. Accordingly, for our own edification, I am presenting at this time the first 18 paragraphs of this metrication report, which follows:

REPORT ON METRICATION

I. SUMMARY AND CONCLUSIONS

International trade and metrication

1. The adoption of the metric system of weights and measurements is spreading rapidly throughout the world. Nearly every country either has already changed or is about to change to it. The continent of Europe uses it exclusively; all the chief Commonwealth countries and South Africa have changed or are at the moment moving over to it. And in the United States of America the Government has recently recommended the change. If we kept to the imperial system we could soon become the only major trading country using it.

2. Between them, the countries which have gone or are shortly to go metric are already taking more than 80 per cent of our exports. To preserve imperial specifications for home orders while an increasing proportion of our exports must be made to metric standards, would add to the cost of manufacture and make more difficult our penetration of overseas markets.

3. It is their recognition of the fact and extent of metrication in countries to which they must sell that has led wide areas of British industry voluntarily to adopt it for the home market as well. The competitive advantages of doing so were appreciated in Europe many years ago. The member countries of the European Economic Community have now decided to regularise and complete the process and for this purpose have recently ratified a directive setting a target date (1 January 1978) after which only a prescribed system of metric units may be used throughout the Communities.

4. In due course, as a member of the enlarged Communities, the terms of the directive will come to be applied here as well. But we shall naturally need a longer period in which to complete the changeover. Arrangements negotiated with the Community will ensure that units used in our legislation are retained until 31 December 1979. Where there are special reasons they may be retained for even longer.

Industry and metrication

5. For the reasons already mentioned, British industry voluntarily has gone a long way towards adopting metric specifications for home production as well as for exports. It was expected that in the main the broad programme for the process would be completed by the end of 1975. This still seems a reasonable aim and it is one which has the support of the Government, but it is recognised that detailed examination of particular industries' problems may make an earlier or later date preferable.

6. Progress to metrication cannot be a haphazard affair, left to individual whim and decision. If that were to happen it could cause confusion throughout industry and would present untold difficulties to the consumer. It is in everybody's interests therefore to ensure that it takes place in a well-ordered and properly-regulated manner. To see to this is the job of the Metrication Board. The Board acts under the authority of Government and will continue to do so, concentrating on its dual role of coordinating the process of changeover in particular sectors of industry and giving general publicity to it.

7. In recent years special programmes have been prepared for the building, engineering and other industries. There is no doubt that these industries consider that the changeover is contributing significantly to their greater efficiency and competitiveness. Discussions with the transport industry and its users, for example, have shown that they would welcome a changeover to metric tariffs for overseas freights, because British goods are increasingly being carried to countries using or changing to the metric system.

8. The present system for showing speed limits and other road signs is unlikely to be changed for a long time to come.

9. The Government acknowledges and supports the progress that has already been made. They will not, however, use public purchasing power deliberately to hasten the changeover from imperial to metric units. In their own purchasing they will use metric and international standards only when their discussions with suppliers show that there will be general benefit from doing so.

10. Meanwhile the more industry adopts metric units, the more will the general public become involved in the whole process. The range of products covered will grow and there will be no clear boundary between metric and non-metric parts of the economy. In these circumstances to attempt to keep imperial units for the individual shopper while industry was on metric would be both confusing and costly. It would also deny us the very real savings which stand to be gained when turning over completely to metric.

The general public and metrication

11. There is nothing new about using the metric system in the United Kingdom; it is not some sudden innovation or recent discovery. It has been lawful here for all but a few purposes, at least since the Weights and Measures (Metric System) Act of 1897. So there can be absolutely no question of "metrication by stealth"; nor is there any lack of parliamentary authority for the way it has been becoming more generally adopted. This has been a gradual process proceeding item by item, and that is the way it will continue.

12. There will be no "M-Day" for metrication. But people will become much more aware of it—and more familiar with it—as foodstuffs and household goods measured in metric sizes and quantities come into our shops from our own manufacturers as well as from the continent and from other metric countries.

13. Some goods, like vegetables, that are sold loose by weight may even now lawfully be sold by the kilogramme. But under the Weights and Measures Act 1963 many items of foodstuff may only be sold here in imperial measures. Steps will have to be taken to allow the wider use of the metric system. The Government will therefore propose legislation to permit the sale of metric packs in addition to the existing imperial sizes.

14. There will also need to be some consequential legislation since our laws include many references to imperial units alone. Exact conversions to metric equivalents may sometimes be impracticable, but in those cases the Government have no doubt that a satisfactory solution can be found.

15. The Government have no wish to discourage the sale of draught beer by the pint, but equally if anyone wants to buy it by the litre or half-litre that too should be lawful. The Government have at present no plans for changing from imperial units for the sale of milk.

The changeover to metrication

16. No matter how carefully-prepared and well-regulated, the changeover to a new system must inevitably cause some difficulties, especially for older people who have throughout their lives known only imperial units of measurement: the younger generation will find it less difficult. The education authorities already give guidance and provide facilities to teachers and others concerned, so that those parts of the curriculum likely to be affected are modified in step with the increasing spread of the metric system.

17. The Government recognise that the period during which some foodstuffs are sold in imperial quantities and some in metric will present problems for many shoppers. The Government intend to take action to ensure that the marking of sizes and quantities is absolutely clear and will consider how best the housewife can be given information to enable her to continue to judge value for money.

18. The move to metrication has been taking place over many years, but the Government believe that the time has now come when they must act to ensure the orderly completion of the process. In doing so they

will not hesitate to take whatever steps are necessary to protect the consumer during the period of changeover and to reduce to a minimum any difficulties which the introduction of the new system may cause.

NIXON, RED CROSS SUPPORT NATIONAL BLOOD PROGRAM

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. VEYSEY. Mr. Speaker, I am pleased to report two recent developments in the search for a solution to the blood crisis in the United States. Both President Nixon and the American National Red Cross have come out in favor of a national blood program patterned along the lines advocated in H.R. 11828, the National Blood Bank Act.

There follows an article from the National Observer describing these new announcements, the text of the Red Cross statement, the text of the President's statement as it related to blood, and the March 3 New York Times article on the Nixon announcement:

NIXON, RED CROSS SUPPORT NATIONAL BLOOD PROGRAM

Some medical reformers have been insisting that sullied transfusion blood will continue to kill an estimated 3,500 persons and to injure 50,000 others each year unless a nationwide research and blood-collection system is implemented [The National Observer, Jan. 29, 1972]. Last week President Nixon agreed. He disclosed he had ordered the Department of Health, Education, and Welfare "to make an intensive study and to recommend" such a program "as soon as possible."

The Presidential announcement came days after the American Red Cross, which has been criticized for not supporting and, at times, for opposing a national program, reversed its stand. The Red Cross also called for "elimination of all profit in blood handling," for licensing of blood-collection facilities, and for elimination of blood-donor programs that entitle only members to receive "volunteer blood." "Commercial blood" is that bought from paid "donors."

THE AMERICAN NATIONAL RED CROSS,
Washington, D.C. February 22, 1972.

To: Chapter Chairmen
From: E. Roland Harriman, George M. Elsey
Subject: Board of Governors' Statement—Future National Blood Service

In the 23 years since the American National Red Cross Board of Governors approved the inauguration of a national blood program as a Red Cross activity, the Red Cross Blood Program has developed into a system of 59 regional centers serving 1,646 chapters. It has collected a cumulative total of more than 58,000,000 units of blood—all from voluntary donors. In the fiscal year 1971, Regional Blood Programs collected 3,405,192 units of volunteer blood and produced a total of 4,043,322 transfusable units (whole blood, red cells, cryoprecipitates, fresh frozen plasma, platelet rich plasma, platelets). Today, 2,319,000 blood donors provide the total blood supply in 1,262 chapters, and are an important supply source in 384 chapters. 115,000,000 people and 4,300 hospitals are being served. In addition, on February 15, 1971, the Red Cross offered to cooperate with nonprofit community blood banks outside the Red Cross system by helping to recruit voluntary donors and by offering certain technical assistance.

The Red Cross Blood Program is the nation's largest single blood service operating under one license and one set of medical and administrative guidelines. It provides about half of the blood needs of the nation. The remaining 50 percent of the nation's blood supply comes from some 50 licensed community blood banks, hundreds of hospital blood banks, and an unknown number of commercial sources. Growing awareness of health hazards and concerns about the moral aspects of selling human tissue have created widespread recognition of the need to increase the number of voluntary donors.

Legislation has been introduced in the current session of Congress calling for the establishment of a "National Blood Bank Program to be under the supervision of a Director appointed by the Secretary of Health, Education, and Welfare". In view of this development and broad concern, and with our long experience in this field, the Board of Governors of the American National Red Cross on February 14, 1972, adopted the following basic statement setting forth essential features of future blood service to the nation which the Red Cross believes to be in the public interest.

ESSENTIAL FEATURES OF A NATIONAL BLOOD SERVICE

"Blood is a living tissue and its transfer from one to another is a gift of life. The transfusion of blood or its components can be a life-saving medicine or a hazardous injection depending on the suitability of the donor and the care with which the blood is handled before becoming a part of the recipient's life stream. Humanitarian considerations call for safe, high quality blood to be available when and where needed for every patient regardless of previous donations or ability to replace. The people who need blood and those who voluntarily give it should be assured that every precaution is taken to protect both the giver and the receiver.

"In the light of these precepts, the American National Red Cross believes that the following features are among those essential to a national blood service:

1. Whole blood and components for transfusion should be available to all who need them and preferably should come from voluntary donors.
2. The only charge made for blood or its components should be related to the cost of collection, processing and distribution.
3. There should be a voluntary, nationwide, nonprofit blood service with uniform standards of operation—medical, technical and administrative.
4. Collection facilities should be licensed by the Federal Government and operated under Federal standards and inspection.
5. Pre-established eligibility requirements through individual or group credits, and penalty replacement fees, should be eliminated.
6. There should be established and maintained a high level effort in research, both basic and applied, and in development. These activities should focus on all aspects of a blood service—scientific, technical, administrative and socio-economic.
7. There should be national plan for developing efficient, economical management methods for: donor surveillance, blood and blood product inventories, balancing of supply, plasma fractionation, public education and information, reporting and accounting.
8. A broad cross section of public interest should be involved in all phases of the blood service system.

"The Red Cross is prepared to join with government and with voluntary organizations to work for the future attainment of these essential features."

ACTION SUGGESTED

Whether or not your chapter is now participating in a Red Cross blood region, I urge that this letter be thoroughly studied by members of the chapter board. Although we will disseminate this information from headquarters on a wide scale, please share this letter with any individuals or groups within your jurisdiction who are concerned with the provision of blood service and the use of blood and blood products. It is vital that the position of the Red Cross be widely understood throughout the country.

In the months ahead your active support will be essential to help do our share in achieving the goals implicit in the Board's statement; goals which, if attained, will save lives and benefit the health of the American people in a very important way.

GEORGE M. ELSEY, *President.*
E. ROLAND HARRIMAN, *Chairman.*

APPLYING SCIENCE AND TECHNOLOGY

In my State of the Union message, I proposed a new Federal partnership with the private sector to stimulate civilian technological research and development. One of the most vital areas where we can focus this partnership—perhaps utilizing engineers and scientists displaceed from other jobs—is in improving human health. Opportunities in this field include:

BLOOD

Blood is a unique national resource. An adequate system for collecting and delivering blood at its time and place of need can save many lives. Yet we do not have a nationwide system to meet this need and we need to draw upon the skills of modern management and technology to develop one. I have therefore directed the Department of Health, Education, and Welfare to make an intensive study and to recommend to me as soon as possible a plan for developing a safe, fast and efficient nationwide blood collection and distribution system.

BLOOD BANK STUDY ORDERED BY NIXON—HEW TOLD TO DEVELOP PLAN FOR NATIONAL COLLECTION AND DISTRIBUTION SYSTEM

(By Richard D. Lyons)

WASHINGTON, March 2.–President Nixon announced in a message to Congress today that he had directed the Department of Health, Education and Welfare "to recommend to me as soon as possible a plan for developing a safe, fast and efficient nationwide blood collection and distribution system."

Federal health officials indicated that studies were under way on options that would range from complete Federal control of blood banking to maintaining the present patchwork system that has come under increasing criticism as being unresponsive to the ever-increasing national demand for blood.

The rise in the national demand for health services coupled with the increasing sophistication of medical techniques, such as open heart surgery, has doubled the demand for blood in the last decade. This, in turn, has strained traditional methods of collection and forced many hospitals to rely on commercial sources.

As a result, prices have been driven up, to as much as $25 a pint in some areas, but more importantly it has led to the increasing donation of blood by drug addicts and derelicts who may be harboring disease, and a dramatic rise in the spread of hepatitis through blood transfusions.

"The problem has been that there is no national system," Elliot L. Richardson, Secretary of H.E.W., told a news briefing.

He said that there was a national need for "developing a reporting system to identify supplies and needs" that would be "integrated with a computer data bank."

How the system would cooperate has not been decided, but Dr. Iam A. Mitchell, a special assistant at H.E.W. who heads the blood bank project, said, "We are leaving no option unconsidered."

Dr. Mitchell said that the project was having problems "because of the great collection of nonsystems" operating in the blood banking area, but that the final proposal would be made this spring.

Included in the measures under consideration is a bill calling for the creation within the Department of Health, Education and Welfare of a new organization that would oversee and regulate all blood banks in the country. At present 18 states have no laws governing blood banks, while only seven states license blood banks and only five inspect them.

The bill was introduced last year by Representative Victor V. Veysey, Republican of California, who has attracted 55 co-sponsors of the bipartisan measure.

CRITICS OF PRESENT SYSTEM

In the last several years Mr. Veysey has been a relentless critic of the national blood banking system and has sought to drive commercial collection systems out of business.

Commercial blood banks have been the targets of repeated investigations because they often accept blood from such donors as derelicts who may be the transmitters of such diseases as hepatitis, syphilis and malaria.

"I want to eliminate the paid donors and develop a public relations program to encourage unpaid donors," Mr. Veysey said. His bill would allocate $9-million in the first year to H.E.W. to set up a structure for the supervision of blood collection, inspection services and testing.

Mr. Veysey said that the nation should "rely on a system of volunteer, private blood banks." He noted that the Red Cross, the nation's largest blood collector, now accounted for only 40 per cent of noncommercial donations.

HEARINGS PLANNED

Representative Paul G. Rogers, Democrat of Florida, one of the leading spokesmen for health affairs in Congress, said that he would hold hearings on Mr. Veysey's bill and other proposals "within a month."

Mr. Rogers, chairman of the Health and Environmental Subcommittee of the House Commerce Committee, said that "the hearings will be going into all aspects of the blood problem."

The Administration's involvement with the problems of blood banking was initiated last year by the White House Office of Science and Technology, which is seeking to exploit existing technology to improve deficiencies in the national health care system.

About eight million pints of blood were collected in the United States last year, with roughly 7.5 million of them being used for transfusions. A national survey in 1970 estimated that 30,000 Americans contract hepatitis each year through transfusions of contaminated blood, with 1,500 of them dying from the effects of the disease.

Various medical authorities have estimated that a person receiving a transfusion with a pint of commercially obtained blood runs 10 to 70 times the risk of developing hepatitis as the risk from a pint of blood that had not been donated for profit.

CORPS OF 100,000 COMMERCIAL DONORS

The increase in the demand for blood has created a corps of 100,000 people who sell blood for money, an unknown percentage of whom are carriers of hepatitis, syphilis or malaria. The problem is compounded by the relative difficulty of detecting in the donated blood either the bacteria or protozoa that causes the diseases.

As Mr. Nixon said in his message: "Blood is a unique national resource" that is vitally needed to save lives. "Yet we do not have a nationwide system to meet this need and we need to draw upon the skills of modern management and technology to develop one," he went on.

In other areas of the message, which was made public at the Florida White House in Key Biscayne, the President said that he had directed Mr. Richardson "to plan a series of projects to demonstrate the feasibility of developing an integrated and uniform system of health information."

Most of the 14-page message was a reiteration of health proposals made last year by the President. These include legislation for national health insurance, health maintenance organizations and reforms in Medicare and Medicaid.

As Mr. Richardson put it: "The Message was a plea to Congress to get on with it and enact the proposals."

RACIAL IMBALANCE AT HEW

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. RARICK. Mr. Speaker, the HEW statistics on its employees by race indicate that HEW is grossly out of racial balance.

While the Negro population of the United States according to the 1970 census was 11 percent, the HEW employment records show that of 108,639 HEW employees, 24,461 or 22.6 percent are Negroes. And according to the report, this does not include statistics on HEW employees in Hawaii, Guam, and Puerto Rico.

Further, while section 703(a) of the Civil Rights Act of 1964 includes the expression "race, color, religion, sex, or national origin," Secretary Richardson's letter states that HEW does "not collect information from employees on religious affiliations."

I include a letter from Secretary Richardson and the report showing HEW discrimination against the assimilated majority of American people who are simply identified as "none of the above," as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., March 15, 1972.

Hon. JOHN R. RARICK,
House of Representatives,
Washington, D.C.

DEAR MR. RARICK: Please accept my apology for the delay in responding to your letter of January 19 requesting data on the distribution of employees by organization, race and religion. The delay was caused by our desire to give you the most current information.

The distribution of DHEW employees by ethnic origin and organization is enclosed. As explained on January 31, we do not collect information from employees on religious affiliations.

With kindest regards,

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

HEW-WIDE FULL-TIME EMPLOYEES WORLDWIDE MINORITY REPORT [1]—AGENCY, MINORITY AND SEX AS OF NOVEMBER 31, 1971

	OS		OE		HSMHA		SSA		SRS		FDA		NIH		Total	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Negroes	496	850	281	707	2,224	2,964	2,337	10,970	73	413	428	438	1,278	1,012	7,117	17,344
Spanish surnamed	63	43	35	19	189	146	380	777	54	92	36	12	70	31	827	1,120
American Indian	12	11	2	7	1,093	2,421	34	110	4	3	3	2	6	10	1,154	2,564
Orientals	23	22	10	8	126	97	128	252	10	7	38	20	95	43	430	449
None of the above	2,107	1,415	1,201	951	9,130	7,977	15,676	24,851	719	610	2,706	1,266	4,845	4,180	36,384	41,250
Total	2,701	2,331	1,529	1,692	12,762	13,605	18,555	36,960	860	1,125	3,211	1,738	6,294	5,276	45,912	62,727

[1] Excludes Hawaii, Guam, and Puerto Rico.

UNIT PRICING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. ROSENTHAL. Mr. Speaker, one of the most valuable tools for helping the consumer determine the best buy is unit pricing. This is the posting of a product's price on the basis of a standard measurement, such as per pound, per quart, or per serving.

A recent study of unit pricing by students in the College of Business Administration at Boston University concludes:

> Unit pricing provides valuable, objective price data which were not always available to consumers in the past without some effort on their part.

A survey in the Boston area by the study's researchers showed nearly half the persons contacted used unit pricing to some extent. Unit pricing is by no means the sole criterion for determining the "best buy," but it is a significant factor and should not be denied consumers.

Some jurisdictions and some retailers have recognized the importance of unit pricing and are making it available to the public. These efforts are commendable but they suffer from inconsistency and other shortcomings.

The Boston University study recommends unit pricing be extended by Federal legislation and cover not only food but drugs, hardware, and variety items. It calls for a consistent system of markings and requirements to help better inform the consumer.

I have introduced unit-pricing legislation in the past two Congresses. My current bill, H.R. 4425, has been pending before the Committee on Interstate and Foreign Commerce for more than 13 months. Support in the House, unfortunately, has lagged behind that of the public, and I am hopeful studies like this one will prod my colleagues to move to close that gap.

I am inserting it in the RECORD at this point:

UNIT PRICING: DOES IT SERVE CONSUMERS?

(By Ronald Savitt, Associate Professor, College of Business Administration, Boston University, March 20, 1972)

INTRODUCTION

The consumer in the research for information about price/quantity relationships of products and services offered in the market seemingly thwarted at every step. It has often been thought that manufacturers, distributors, and retailers, if anything, have gone out of their way to hinder the buyer in his attempt to analyze which product of an assortment is the "best buy". This problem has been especially acute in the food industry where manufacturers and retailers through differences in package sizes and weights, through differences in multiple item versus single item pricing practices, and through promotional activities have added to the consumer's confusion. For example, it is almost impossible, except for the individual who makes split-second calculations or who is armed with a "pocket slide rule" to determine whether a seven ounce can of peas at 19¢ is less expensive than a six ounce can which is sold "3 for 59¢."[1]

In an attempt to help consumers solve this problem "unit pricing" has been suggested. What is it? Does it solve consumer problems? Can it be made to work more effectively? are questions to be answered in the following sections of this paper. The basis for the analysis and the conclusions reached in this paper stem from a review of the major studies completed in the United States and Canada [2] and from a study executed in the Boston area by the members of the Economics of Consumerism Seminar, College of Business Administration, Boston University.[3]

What is "Unit Pricing?"[4]

Unit pricing is the practice by which retailers indicate the price of each item on the basis of some acceptable quantity standard of measurement which then allows the consumer to compare the cost per unit between different brands.[5] Its purpose is to enable the customer to tell at a glance what brand is the best value for the money. Unit pricing is implemented usually through some combination of the following instruments; a color tag placed on the shell molding under the products with (1) the name of the brand, (2) the price of the brand, and of course, (3) the *price per unit* of measure of the product.

DOES UNIT PRICING SOLVE CONSUMER PROBLEMS?

In order to answer this question it is necessary to recognize that unit pricing is not required by law in all states.

Often, where it is required, the policy has not been operational long enough to give substantial indication of its merit to consumers. And, also, where it is required by legislation, enforcement agencies have been derelict in enforcing the statutes. In part, this stems from the already high enforcement loads of consumer protection agencies, most of which have neither the resources nor power to adequately enforce current statutes. Further, not all products are included in the statutes nor are all retailers obligated to use it. In the first case, for example, in the City of New York "corn meal, rice, maize, . . . prepared pre-flavored convenience pasta foods" are not included.[6] The Connecticut statute, for example includes "any food, drug, device, cosmetic or other article, product, or commodity of any other kind or class, except drugs sold only by prescription . . .; and, in Massachusetts, single unit sellers are not required to exhibit unit prices.[7]

There is no doubt about the fact that unit pricing offers the consumer a better and more systematic method for evaluating the price quantity problem in shopping. What needs to be asked is: "Do people use unit pricing?" The answer is yes; however, the number of people using it is relatively low. In general, studies indicate, that when available, only between 5 to 25 percent of the shoppers studied used any form of unit pricing.[8] It should be clearly noted that the various studies examined showed no similarity in research methodology nor gave a clear indication of the following factors: (1) The length of operation of unit pricing; and (2) The nature of implementation, public or competitive policy. In the latter case, when a store introduces a policy such as unit pricing substantial promotion is given to its existence and hence consumers may be more well informed than if it were public policy.

Because of the substantial variation in these data the Seminar conducted a study in the Boston Metropolitan area to ascertain the extent to which consumers used unit pricing.[9] The study conducted eleven months after the institution of the legislation discovered that 48.7% of 117 respondents used unit pricing for some items and that only 20% used it for most of their food purchases. The first figure can be explained in terms of the question asked which allowed respondents a range from "don't use at all" to "for all food purchases" rather than a dichotomy. While the second figure fits within the range of the other studies, it, as the former figure conceivably, might be high in so far as the present study included a sampling problem arising from the coverage of the law in Massachusetts. Because this law excludes single unit, sole proprietor operations, many areas within the Boston area were not included in the field survey.

Among these are low income areas where the chainstores do not have branches. Hence, a more extended survey which included low income areas might clearly show fewer people using unit pricing than the present study. And. of course, to the extent that people in low income areas do not have access to stores with unit pricing one of the major goals of the legislation is clearly thwarted. In the present study, except for the student category the lowest income level of any respondent was $6,000.[10] Even if the 20% figure is a true measure of the Boston population in general, it might be high in so far as Boston is an area in which people are very conscious of "consumerism."

In any event, the use of unit pricing is relatively limited and we would expect it to remain so. Its limited use can be attributed to some rather obvious reasons as well as some more subtle ones. First, the concept of unit pricing to a number of shoppers is complex especially to those individuals who are already confused by the methods used to indicate exhibit prices. The interpretation of shelf labels, even for the most sophisticated shopper, is sometimes quite difficult. Labels are often hard to read since, more times than not, they are computer print-outs, which do not have clear images. Also, the shelf tags include inventory stock numbers which, while necessary for the operation of the system, are confusing. Second, it is appropriate to suggest that consumers with low income or low educational levels have never used price/quantity comparison techniques and when presented with unit pricing have not used it because they were not given the proper understanding for its use.

Third, even when consumers understand unit pricing many do not use it because of historic brand loyalty to certain products. Even in light of measurable price differences this loyalty prevails. It is important to recognize that brand loyalty is built up over a number of purchases and experiences with differing offerings within a product assortment. Indeed, sellers operate on the premise which encourages consumers to repeat pur chasing a single brand over time and in fact sellers through advertising, and other promotional schemes attempt to continually reinforce the consumer's preference toward one brand.[11] Even with "cents-off deals," substantial advertising and other promotional efforts by competitors to switch consumers to their brands, the probability that this will take place diminishes over time in most instances.[12]

It is not reasonable to argue that an absolute price difference, as exposed by unit pricing, is sufficient to change brand loyalty. Even if the difference were as high as 10%, for example, it is believed that this would have minor impact because of at least two other very important factors. The first of these is the risk involved in brand switching; this might range in magnitude from simple product failure to peer group disapproval.[13] No matter the type or importance of risk, what we are saying is that price is only one of several variables which the consumer uses in his decision making process. For the most part, it might not always be the most important one.[14] The second point is, that, in general, those brands which have the lowest price per unit in a specific category are often those which carry the store label or a private distributor's label. For example, the National Commission on Food Marketing stated that "on the average, the advertised brand price was about 20 percent higher than the private label product with which it competed."[15] And, it is a general belief on the part of buyers that private label merchandise is of lower quality insofar as they make distinctions about quality related to the presence of some kind of intensive promotional efforts and to the extent they tend to judge quality on the basis of price.[16] Whether a private label item is of lower, equal or higher quality than the more heavily promoted is usually not known. This is so simply because consumers are not fully aware of producers' quality standards nor those standards established private label distributors. Often, a retailer's top line of private brands is intended to be of a quality equal to or better than the quality contained in the national brands, secondary lines are purchased frequently to fill a competitive need for low-priced merchandise.[17] What unit pricing fails to do is to make quality comparisons easier for shoppers. While it was not intended to do this, the absence of such provisions deters its use and also its potential benefits. We have more to say about how to include the quality variable into the present system later in this presentation.

Besides the above reasons for not using unit pricing, others have been discovered. Among these are included lack of awareness of the system,[18] hurried shopping, and general belief that its use would not result in significant savings in relation to the extra time required to make price comparisons for the large number of products purchased.[19]

Further, it is necessary to recognize that stores establish certain policies which while not interfering with the operation of unit pricing often do tend to negate its effective-

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Footnotes at end of article.

ness. It should be clearly noted that such policies *have proceeded* the introduction of unit pricing. Their existence is based on other factors there is no reason to expect they will be or should be changed.

First is the practice of promoting particular brands of products groupings away from the traditional display shelves. This takes the form of check-out dump bins, island display units, and product combination promotions. The net impact of such activities is to reduce the opportunity to make unit price comparison. For example, the buyer is confronted with grapefruit juice as part of a total breakfast promotion, made by a single supplier. And although the required unit price data does appear, the shopper does not have the opportunity to make use of it unless he is willing to search out the aisle and shelf area where other brands of grapefruit juice are displayed and then make the comparison. Comparisons are also thwarted in those situations where the store only offers two brands one of which is a private label. To the extent that a store is unable to maintain stock of the private brand at all times the shopper is left only with the immediate choice of a single brand. This often arises when stores are not full knowledgeable in the handling of private label operations. Further, there are times because of strikes, shortages, and other events when the advertised brand(s) may be out of stock and in those situations the comparison of unit prices not available. Both in the promotional case and the stock-out case, the effect is short lived and, at least in the former, the serious shopper, it would seem reasonable to argue, should make the additional effort to search out the other brands for the price comparison. This is the consumer's responsibility to consumer protection. To ask more of the store in this situation would appear to be somewhat unreasonable.

In conclusion of this discussion, three points need to be made. One, even though there appears to be a trend for the increase in use of unit pricing, it seems reasonable to conclude that some maximum number will be reached.[20] Whether it is within the current range, discussed earlier, or at a higher level is related to how quickly unit pricing is adopted as public policy and is also related to how rapidly retail stores adopt such a pricing system for purely competitive reasons. While there is reason to believe unit pricing will spread through legislation, there is some reason to suggest that least in retail food sales it might be adopted by supermarkets as part of their attempt to promote a "low-price" or discount image.

This latter phenomenon will take place in spite of the allegations that implementation and operation of the system is expensive.[21] This will occur insofar as the existence of unit pricing in one store gives it a competitive edge over others in the same market. And, the costs involved may well be then considered a "promotional" expenditure to the extent they serve as a means of attracting new consumers and keeping old who believe, whether it is true in fact or not, that stores using unit pricing have lower prices.

Two, it should be noted that the present evaluation of unit pricing is made at a time when, at least in the Boston area, it is new and has been promoted by a number of the supermarket chains as part of the pricing policy. Consumers may be aware of its existence at the present. However, this does not mean it will be used. Consumers who presently use it may not continue to use unit pricing. Once a purchase pattern is established with unit pricing there is no certainty that changes will be made as a reflection of future use. What we are saying is that consumers might establish new brand loyalty to what once was "the lowest per unit brand;" but, with changes in price over time they might choose to ignore the new differences. In this regard it simply becomes one of many variables to be used.

The third point is that unit pricing as it now exists does not answer all of the consumer needs, although it does provide more information, more easily obtained than previously. There is no doubt of its potential impact on the price/quantity part of the decision process but it fails elsewhere. This is more fully discussed in the following section.

Can unit pricing be made to work more effectively?

The major problem with unit pricing is that it only provides information for a part of the consumer's decision process. Although it allows price/quantity comparisons, it does not allow for price/quantity/quality analysis. As indicated earlier in this discussion consumers make brand choice on the basis of past experience which is intrinsically built on some belief as to the implicit quality of the brand. The only way in which consumers would fully benefit from unit pricing is if a uniform standards system is established to cover a group of products. Then a consumer could determine the unit price for all brands and for all qualities. For example, the consumer would then be able to evaluate on a cross sectional basis whether brand A, B, or C of peas was less expensive in relation to the quality and quantity contained in each can. The establishment of quality standards goes one step beyond the current packaging and labeling act requirements.

The creation of standards and the execution of grading food products into such categories is not an impossible task since a great number of food items are already graded. What would be needed is a national policy requiring that standards be established for the great variety of food and/or other products which are thought necessary and that then the means for the enforcement of grading be implemented.[22] This system would mean that the consumer could compare price, quantity, and quality across brands. For example, this would mean for canned apricots a consumer could select grade 1, 2, or 3 from the brands available and then make the necessary price comparison. While not all consumers would necessarily choose the highest quality at the lowest price per unit, there is no reason to force them to do so. The purpose of the addition of standardization and grading and its important complement better packaging and labeling[23] is to provide more information to the consumer. It is up to the consumer then to decide if indeed other factors about a specific brand are more important, that is, other subjective qualities. The consumer, however, cannot exercise his own responsibility unless his interests in such matters are protected.[24]

To be certain there will be many arguments raised to suggest that this type of plan is not workable. First, it will be alleged that the number of brands will disappear and that consumers instead of having greater choice will indeed have less. This would not take place since no producer would be required to produce all qualities within any brand format and further there would be no control over the number of private brands any produce could offer. Second, it will be alleged that this system will be expensive and will ultimately result in higher prices for consumers. There is no doubt that such costs will develop and that they will have to be borne by someone. However, to suggest that there are not already substantial social costs being borne by consumers who are unable to make adequate comparisons is unrealistic. What we are suggesting is that costs have been accruing for a good number of years. The only difference is now that the costs will be traceable and responsibility set. It is clear that price is reasonable.

Summary and recommendations

Based on our evaluation of unit pricing, as it now exists, several significant changes should be made in its form. These changes should be made in light of the fact not all consumers nor any significant majority are now using the system and in light of the assumption that no one may ever choose to use it. Unit pricing provides valuable, objective price data which were not always available to consumers in the past without some effort on their part. Whether they choose to use it or not is not the key criterion. What is, is its availability. If they choose not to use it and as a result are dissatisfied with their expenditures, they need only blame themselves. To expect more from consumer protection is unreasonable.

The recommendations for the improvement of unit pricing are:

1. Unit pricing should be extended by federal legislation to cover all states and territories. Such legislation should extend its coverage also to all drug, food, hardware, and variety items sold in any retail context.

2. A system of standards should be developed to cover the products mentioned above and quality designations should be part of the packaging and labeling requirements.

3. A formal education program should be developed by the Office of Consumer Affairs to inform people of the existence and the benefits from the system.

4. A strong but fair enforcement system should be established to oversee the manufacturers, resellers, and retailers of the products included. Responsibility should be placed in the hands of the Federal Trade Commission.

FOOTNOTES

[1] A good experiment is to time people as they attempt to make the correct calculation. What is the answer? We think the reader should discover it for himself!

[2] Included were: McCann-Erickson Advertising of Canada, Ltd., "Unit Pricing and The Consumer," July 28, 1971; Jewel Food Stores, "Jewel Compar-A-Buy Pricing Study," October 11, 1970; Monroe Peter Friedman, "Dual-Price Labels: Usage Patterns and Potential Benefits for Inner-City and Suburban Supermarkets (a Summary Report)," Center for the Study of Contemporary Issues, Eastern Michigan University, Ypsilanti, Michigan, July, 1970.

[3] James J. Brinkerhoff, Mark Burger, Eric Dingle, Mark Kaplan, Alan Rosenblum.

[4] Unit pricing as a concept and in legislative form varies from political unit to political unit. For example in Connecticut it is known as "unit pricing" while in the City of New York it is known as "Truth-in-Pricing, see: Connecticut Public Act No. 856 *An Act Concerning Unit Pricing of Consumer Commodities,* July 15, 1971; "Truth-in-Pricing Regulations 1, 2, 3, and 4," *The City Record,* City of New York (May 1, 1971), 383–84.

[5] Usually prices are stated on a per pound or per pint basis, for example, see: *The Commonwealth of Massachusetts,* Chap. 885. "An Act Establishing Unit Pricing Law for Certain Retail Stores," September 1, 1970.

[6] *The City Record, op. cit.,* Section 4, paragraphs *m* and *o*, 384.

[7] *Connecticut Public Act No. 856, op. cit;* and, The Commonwealth of Massachusetts, *op. cit.*

[8] "Dual Pricing: Only 5.4% Use Even Though 62.9% Aware," *Canadian Grocer* (November, 1970), 10; McCann-Erickson Advertising of Canada Ltd., *Unit Pricing and The Consumer* (July 28, 1971), 6; Friedman, *op. cit.,* provides similar results." A substantial minority of the suburban-store respondents (38% of a sample of 878), and a somewhat smaller minority of the inner-city-store respondents (25% of a sample of 798) reported that they had used the dual-price labels while shopping in the test stores."

[9] For brevity, the Seminar Study is not included. Copies of the questionnaires and numerical response data can be obtained from Professor R. Stavitt, College of Business Administration, Boston University, 212 Bay State Road, Boston, Mass. 02215.

[10] "Dual Pricing . . .," *op. cit., The Jewel Food Study* suggests by income groups that about 99% of upper income shoppers, about 67% of middle income shoppers, and about 29% of lower income shoppers are familiar with the "Compar-A-Buy" system. This of course does not mean use. Considering the fact that these respondents shopped at stores where unit pricing is a policy and well promoted, it would not be incorrect to assume that these figures would be significantly lower for the general population except, perhaps, in the states or municipalities where unit pricing is required by law.

[11] John C. Narver and Ronald Savitt, *The Marketing Economy: An Analytical Approach* (New York: Holt, 1971), 211.

[12] John Howard, Marketing Management: Analysis and Planning (Homewood, Ill.: Irwin, 1963), 36.

[13] For example, see: Raymond A. Bauer, "Risk Handling in Drug Adoption: The Role of Company Preference," *Public Opinion Quarterly* xxv (Winter 1961), 546–559; and, Donald F. Cox and Stewart Rich, "Perceived Risk and Consumer Decision Making—A Case of Telephone Shopping," *Journal of Marketing Research* (November 1964), 32–39.

[14] Absolute price differences are not always important to non-ultimate consumers. For example, retail pharmacists have been shown to not to purchase at the lowest price but at higher ones. This is an indication of the value of marketing functions which they could not provide themselves from the price difference. See: Ronald Savitt, *Market Competition and Dual Distribution: The Ethical Drug Industry*. (Unpublished Ph.D Dissertation, University of Pennsylvania, 1967), 142–160.

[15] National Commission on Food Marketing, *Organization and Competition in Food Retailing: Technical Study No. 7*. (Washington D.C.: U.S. Government Printing Office, 1966), 137. Emphasis added.

[16] The controversy of price/quality relations is too extensive to be developed here. The following articles are suggested for further analysis: Andre Gabor and C. W. J. Granger. "Price as an Indication of Quality." *Economica* New Series, February 1966; Stanley Hollander, "Customary Prices," *Business Topics*, Summer 1966; Harold J. Leavitt, "A Note on Some Experimental Findings about the Meaning of Price," *Journal of Business*, July, 1954; J. Douglas McConnell, "The Price—Quality Relationship in an experimental Setting," *Journal of Marketing Research*, August, 1968, Tibor Scitovsky, "Some Consequences of the Habit of Judging by Price," *Review of Economic Studies* (2), 1944–45.

[17] National Food Marketing . . . , *op cit.*

[18] Boston University Seminar Study 25% of respondents shopping in stores with unit pricing did not know what it was.

[19] It is argued that unit pricing can save as much as 10 percent in the customer's annual food bill. There is little evidence to support this allegation and of course such a reduction in expenditures does not include changes in quality which might arise because of qualitative differences. See: Joseph S. Coyle, "What Cost Dual Pricing?" *Progressive Grocer* (November 1970), 78;

[20] "Progress Report on Unit Pricing," *Consumers Report* (February 1971), 84. Estimates vary but under present conditions only about 40 percent will use unit pricing. Also, see: "Consumers lukewarm to Unit Pricing Policies," *Chainstone Age* (December 1970), 35–36.

[21] Coyle, *op cit.*, 79. There is no doubt that there are costs involved in establishing and operating a "unit price" system. A study by Consumer Research Institute, Inc., entitled *Cost of Unit Pricing in Grocery Stores* (July 1971) alleged costs for maintenance depending on type and size of store would run from between $1,919 to $213 a year.

[22] Ronald Savitt, "Comments: Uniform Tire Grading," National Highway Traffic Safety Administration, December 20, 1971. Standards can be created for every product; the more complex the product the greater the need for standards. See: "The 324 Ways to Grade a Tire," *Business Week* (February 19, 1972), 22–23.

[23] There is substantial need to review the major inadequacies of "truth-in-packaging" legislation as it now stands. This, however, is beyond the scope of the present discussion, See: *Hearings: Economic Prospects and Policies* Joint Economic Committee, Congress of the United States, 92nd. Cong., 1st sess., January 27, 1971, Testimony of Esther Peterson, 270. The Seminar Study showed respondents, 60%, would like to see standard package (content) size for all food products.

[24] *Hearings: Consumer Protection Legislation*, Government Operations Committee, House, 92nd. Cong., 1st sess., July 12, 1971, Statement by Hon. Chet Holifield, 542. Boston University Seminar Study data indicate that 72% of the respondents would desire to see standardized quality labels on all food items.

NIXON'S POLICY MISSES THE BUS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. STOKES. Mr. Speaker, anyone who takes even a marginal interest in American history has discovered that some American Presidents stand out while others' contributions, and even their names, are difficult to recall.

I firmly predict that, once he is consigned to the history texts, President Richard M. Nixon will recede rapidly to the latter category. If remembered at all, it will be for his failure to provide leadership when Americans needed it most.

The Presidents whom we recall easily and with fondness are men who were a short jump ahead of their national constituency. They were aware of the ingredients required to make America a strong, healthy, and democratic land. Sometimes they had to listen to the whisper of their own hearts, rather than to the national clamor, and take a step which was unpopular in the short range, but necessary in the long. The Presidents who live on in our memories were individuals who were as large as their office; they resisted the temptation of pettiness and personal political gain.

Mr. Nixon is not such a President. His recently televised statement on schoolbusing revealed his lack of leadership ability and his resort to immorality.

As our national leader, instead of as a man with the mentality and vision of a ward boss, Mr. Nixon could have led us out of our national dilemma over schoolbusing. He could have condemned the proponents of a constitutional amendment as men and women who would like to return black people to a separate and unequal status. He could have told the American public that, while busing is not a tool to everyone's taste, it is one of the only ones we have. He could have stressed the importance of the 1954 Brown against Board of Education Supreme Court decision, the 14th amendment, and the 1964 Civil Rights Act. Most importantly, he could have reaffirmed the inviolability of the Supreme Court and the implementation of its decisions.

Mr. Nixon did none of these things, having chosen instead to go his old route of appealing to the public's fears and insecurities to save his own political hide.

To his credit, he recognized the importance of quality education and community control of the schools. But, even here, he was a step behind the American people. The Congress has already authorized more than the amount he suggested to upgrade schools in poor neighborhoods.

On March 18, 1972, the Cleveland Plain Dealer featured an editorial on President Nixon's mistaken reading of the schoolbusing issue. The editors deserve our full commendation for their rational and humanitarian position. I urge my colleagues to consider the points they raised.

The article follows:

[From the Plain Dealer, Mar. 19, 1972]

NIXON'S POLICY MISSES THE BUS

President Nixon's plea to Congress to enact legislation blocking any new lower federal court orders for busing of schoolchildren to achieve racial integration was unfortunate for several reasons.

The timing, for political purposes in a presidential election year, was too pat. Gov. George C. Wallace, the segregationist, had just won a resounding victory in the Democratic party primary in Florida. Mr. Nixon's abrupt decision to go on national television at prime time, to appeal in some measure to persons who are as antibusing as is Gov. Wallace, hardly was accidental.

The President yesterday asked Congress for a moratorium on new or additional court busing orders until July 1, 1973—or sooner should Congress act on broader legislation at some earlier date. The President, in so doing, is asking the legislative branch of government to nullify or restrict the actions of the judicial branch.

Is such a request good policy, let alone constitutional even under Article III of the Constitution limiting judicial powers?

Does President Nixon's bill solve the problems of providing quality education and furthering healthy integration? We think not, despite the President's request for many millions of dollars for "equal educational opportunity," which includes funds already requested in other education measures.

Mr. Nixon has set up, and has asked the Justice Department to carry out, an antibusing campaign aimed at those federal judges who, he believes, have gone far beyond the Constitution and the rulings of the U.S. Supreme Court.

But if Congress enacts the President's program, its constitutionality undoubtedly will be questioned and will wind up in the Supreme Court. The latter has been unanimous and firm in its command that racial separation be eliminated.

It would be disastrous for the United States to reverse its goal of desegregation. As for busing itself, more than 20 million school children in this country are bused to schools but only 3% for integration purposes. Busing for such a purpose has not shown itself to be a sure-fire solution but it has been successful as an integration tool in certain areas.

Wisely, the President stopped short of espousing a constitutional amendment to stop busing, as Gov. Wallace and others have proposed. But he did tell Democratic and Republican leaders of Congress yesterday that he did not want to discourage completely the consideration of an amendment. We oppose the amendment plan.

Senate Democratic Leader Mike Mansfield of Montana said school busing is the most perplexing issue he ever has seen before the Senate. Undoubtedly he is correct. But the President was not constructive by declaring guerrilla warfare on lower federal courts while dangling equal education opportunity money as a carrot-on-a-stick and using the weight of his office to make a national television appearance that had to be rated 99% political.

ST. PATRICK'S DAY, 1972

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. McKINNEY. Mr. Speaker, March 17, 1972 was not a very happy St. Patrick's Day. The troubles in Northern Ireland have reached such a pitch that the legendary mirth and merriment to which we have grown accustomed on March 17 has been sadly blunted.

Last week, Jo Brosius, the editor of Fairpress, a Westport, Conn., newspaper, wrote a very poignant piece which speaks directly to this issue. I would like to share that commentary with my colleagues today:

COMMENTARY

(By Jo Brosius)

What ever happened to that zany McNamara's Band?

And what ever happened to the amusing "Irishman," Paddy, who jigged to the music? A funny fellow, he was, part philosopher, part dupe, part drunk and forever belching "begorrahs".

With a leprechaun's lack of realness, pixilated Paddy was set apart from other men. His world was one of poetic magic, lilting language, a kind of misty-whiskey melancholy and dreams as evanescent as Finnian's Rainbow.

One could hardly take seriously a green-garbed caricature who appears yearly on St. Patrick's Day greeting cards. Certainly no one could view him as a threat.

So what did happen to Paddy? As far as Americans know he vanished somewhere in the acrid smoke of Belfast and Londonderry bombings.

What most Americans don't know is that Paddy never existed.

He was created by that systematic process of emasculation applied to each new wave of immigrants or upward-strivers by those who either got here first or have started up the social ladder.

And maybe because of his charm, the Paddy-man fared better than some other ethnics. After all, does it hurt as much to be characterized as a quaint comic as to be made a "Step-n-fetchit?" Both "characters," however, are non-threatening to people busy protecting their bastions of prosperity . . . and that's what it's all about.

During the last half of the 19th Century, those who had gotten here first needed more than "No Irish need apply" signs to spare them from the competitive potential of hordes of poor, aggressive newcomers, escaping the famine and oppression resulting from British rule of their homeland. So desirous of freedom were they that hundreds of thousands sailed, half-starving, often shirtless and shoeless, in the stinking steerage of ships bound for America. The Irish immigrant was a sad creature and only American "magic" and Tin Pan Alley could make him into funny, lovable Paddy.

Recent news from Northern Ireland tends to make most Americans think that fervent religious antagonisms, have turned Paddy's kith into kilfiers and bombers. It is always easiest to categorize things and a "religious war" seems a nice pat explanation, not requiring any depth of understanding of the situation.

The Troubles of the 1970's are a direct, inevitable outgrowth of the religious politics played by Great Britain in her administration of the six northern counties which she clung onto following the formation of the Free Republic of Ireland.

These politics closely resemble the racial politics of the American South with the usual components of deprivation. For the Catholics: limited civil rights, inadequate housing, no representation, no government jobs. The Protestant poor, although also ghetto-ized, had it just a little better. Their fears and hatred of the Catholics came from the same source as the southern "Redneck" fears of blacks.

Even the "majority" status of Protestants in Eire was achieved through British inducement of immigration to the six counties from England and Scotland.

Of all the so-called civilian nations, Britain's treatment of Eire ranks as the ugliest in the annals of oppression. Even in recent years, the British have frequently invoked the dread "special powers" act which permits arrest and internment without charges.

Irish Catholics living in the north have disappeared, many have been imprisoned for years without being brought to trial, sometimes with no charges, on the suspicion that they are associated with the IRA or other rebel units.

When such things happen in Greece or Spain or Vietnam, Americans are outraged.

A capsule review of the crushing of Eire, may explain the depth of the Irish hatred of England.

In recent history, it stems from the intervention of Henry II in Irish affairs. Henry VII, Henry VIII and Elizabeth I completed the destruction. During these reigns, Irish villages were plundered and burned, nine-tenths of the land was awarded to British nobles, the Anglican Church was pronounced the Church of Eire, Irish trade was destroyed, Irish men were denied the right to hold land or office or to attend school. These were sad times for what was known as the "Land of Saints and Scholars" because it was the citadel of learning for Western Europe during the Dark Ages. The situation gave rise to a priest-oriented society for the parish priests secretly taught parishioners. The church became refuge and school and later, a rallying place for revolutionaries against British rule.

Yet for all its organized Catholicism, Eire is remarkably free of religious prejudice. It's capital has a large population of Irish Protestants and Irish Jews and recently had a Jewish mayor.

Even the "potato famine," so called for the failure of the potato crop in the 1860's was the result of British rule. The grain harvest had to be paid to British landlords. Ireland is a fertile land able to grow more than potatoes.

Do the Irish remember too much of the past? Perhaps. But it was only 1916, as Great Britain was about to wage a "War to free the World for Democracy" (WWI) when British troops fired into an assembly in Dublin petitioning for independence. Many leaders were executed summarily and Eamon DeValera was spared only because he was an American citizen.

"Sinn Fein", the name of the Irish freedom party, means "we ourselves." It is long past time that the British remove themselves from Irish soil. Such removal is the only way The Troubles can begin to end.

In the same spirit, Mr. Speaker, an Old Greenwich, Conn., resident, Michael McKenna, recently shared his reflections on Ireland with the readers of the Greenwich Time. In my view, this piece is also worthy of review by the Members of this House. At this point, I would like to include it in the RECORD:

THE IRISH LIKE TO FEEL "GORGEOUS," ESPECIALLY AROUND ST. PATRICK'S DAY

(By Michael McKenna)

Her greatest poet, William Butler Yeats, celebrates her as the "traditional penurious Old Woman who becomes, as soon as she has found the willing sacrifice she sees, a beautiful young girl with the walk of a queen."

Ireland is the home of contradictions. A country hovering in truth between material facts and unknown mysteries. The last outpost of Europe, with no country on her right hand but her ancient conqueror and nothing on her left but the wide Atlantic. And the centuries of isolation continue, sustaining the world's misinformation and lack of knowledge about her.

I got to thinking about this one misty September afternoon in Dublin while hunkered in an oak-paneled corner of O'Donahue's musical pub, enjoying one of our superior national vices: procrastination. Americans, especially, tend to think of Ireland as an honest-to-goodness fairy tale brimming over with leprechauns, whiskey, knee-breeches, shillelagh, gilt harps, Guinness, much feuding, and a facetious form of flattery called Blarney.

Some have the impression that the entire nation consists of a collection of high-spirited half wits who, when not fighting, praying, drinking, or paying strangers compliments, spend their time dancing the Irish jig or rollicking through four-leaf-clovered meadows seeking out leprechauns.

As an Irish-American, I'll admit that the country has been rather uninventive, but Ireland has given the world more than whiskey. Ireland has bestowed upon the world a long neglected mythology, said by some scholars to be unsurpassed by any but that of Greece; a literature in two languages; various schools of religious thought; saints; musical folk forms; and any number of writers, poets and dramatists—Jonathan Swift, Oscar Wilde, George Bernard Shaw, James Joyce, Brendan Behan and Yeats, to name a few.

Nor is this land that bore these men the monotonous "emerald green" some would have you believe. Mother Nature "freaked out" during the Ice Age with unparalleled creations of riotous color and unique geographical variations shaping purplish-blue mountain ranges, glittering lakes and streams, swampy glens, brownish bogs, and vast central plains which often radiate a silvery-grey or gold lighting, depending on the refractive whims of the gold Irish sun. Frequently, while trespassing her magical topography, one is exposed to a vision of nature so intense and profoundly beautiful that he almost feels he could hold it in his arms.

In order to understand Ireland one must consider her volatile past, the key to her numerable faces and present contortions.

The Iberian Celts were the first known race to have appeared in Ireland, around 200 B.C., followed by the Picts, a tall, fair-skinned people with red hair and greenish eyes. These, in turn, were tyrannized by yet another invader, the Gaels. They arrived about 254 A.D. and promptly installed a logical system of government. They also installed a tireless gift of gab and a passion for story telling, drinking, fighting and feasting. In time the three races merged. The Gaels, being the most powerful, provided the names for the people of Ireland.

Christianity began in 432 A.D. with St. Patrick. Brought to Ireland as a child slave, many think from France, he developed a compassion for its people and realized the necessity for social change. Escaping to the Continent, he became a theology student, was ordained in Rome, and returned, with a handful of strong-willed monks, to the island that had enslaved him. The conversion rate of "pagans" to Christians was so rapid that, during St. Patrick's own lifetime, more than three quarters of the population were baptized Christians. Although St. Patrick is credited with any number of supernatural feats, driving the snakes into the sea was not one of them. Since the Ice Age molded Ireland before the European Continent, isolated Ireland had no snakes.

English domination began in 1170 A.D. when Henry II delivered the Norman knight Strongbow to marry Aoife, daughter of an Irish king. That marriage opened the longest chapter of resisted occupation that European history has known, occupation that continues to this day. For in that year the Norman invasion and eventual overthrow of Ireland was spearheaded by Richard de Clare—Strongbow.

Beginning with the reign of Elizabeth I, the English experimented with plantations throughout Ireland in an attempt to mix Irish and English blood and make English rule more acceptable. The plan failed. The Irish would have little to do with the English socially, and the English preferred to marry each other's cousins, therefore holding themselves aloof. In time the government cleverly decided on a new strategy: Englishmen were not to be used; instead, granite-rock, oat-cake-eating Scots Presbyterians. In effect, Celt met Celt. The result of this plantation system remains today a trail of mutual animosity stretching from London, which finances the North, to the rest of the world, which remains indifferent to the problem.

From my endless conversations with people on both sides of the political "green curtain," I can only conclude that the civil disorder in Northern Ireland will not be resolved until the Irish are gazing upon the withdrawing backs of the English.

For Ireland is, of course, its people. That special breed who possess the indescribable magic of relaxed self-assurance they call being "restful." A people who do not feel superior, pompous, nor, on the other hand, humble or inferior. The Irish simply feel good. In their words, "gorgeous." And therein lies the secret to what strangers call Irish charm. And the best hope for the future of Ireland.

Last, in this St. Patrick's Day remembrance, I would like to comment briefly on the activities and membership of the Ancient Order of Hibernians in America. As you know, Mr. Speaker, the AOH is not simply an ethnic organization. One of its main functions is best stated in the organization's Constitution:

> Our motto, "Friendship, Unity and Christian Charity" implies a friendship carrying with it a spirit of helpfulness, a unity of all our people, and a charity not merely for the assistance of our own members but a charity broad and universal and circumscribed by neither race nor creed.

The AOH has a proud heritage for over this century, its members have generously lived up to those principles. During this past week, two AOH divisions in Connecticut honored four of their own; four men who have exemplified the motto of "Friendship, Unity, and Christian Charity." These men are Patrick McBennett and William Anderson, both of the Malachy F. Lynam Division of Norwalk; and Anthony Walsh and Frank Daley of the Phillip Sheridan Division in Stamford. As you will note from the following two articles, the first from the Norwalk Hour, the second from the Stamford Advocate; these gentlemen merit congratulations:

AOH HONORS TWO PAST HEADS WITH LIFE MEMBERSHIPS

William R. Anderson of 9 Maplewood terrace and Patrick McBennett of 10 Delaware avenue, former presidents of Norwalk Division, Ancient Order of Hibernians, were presented with life membership certificates in appreciation of distinguished service at the St. Patrick's dance recently at Artom Manor. Raymond Cullen, president of the order, made the presentations.

Mr. Anderson, a two-term president, headed the AOH when it met in K of C quarters, then in River street, with a membership of more than 100. He had served as Connectciut delegation to the national committee of Anti-Partition of Ireland.

Mr. McBennett is a past president of the Norwalk and County AOH. He was a state chairman of Catholic Action for the AOH. Mr. McBennett has long been a member of the Zoning Board of Appeals. He is a retired supervisor for Charles of the Ritz. He is a member of the Holy Name Society of St. Mary's Church and Msgr. Finn Council, K of C. Mr. McBennett was an intelligent officer of the Irish Republican Army prior to coming to the United States.

SPECIAL HONOR FOR TWO ON ST. PATRICK'S DAY

The green, white and gold Irish flag will be raised at a ceremony in Central Park at ten a.m. on Friday, St. Patrick's Day.

Mayor Julius Wilensky will be present as will many Irishmen and their friends from the area.

A highlight of the occasion will be the honoring of two Stamford men with the longest, continuous membership in the Ancient Order of Hibernians, Anthony Walsh, 11 Boxwood Dr., and Frank Daley, of 27 Webb Ave.

Anthony Walsh, born in Newport, County Mayo, Ireland, was a dispatch rider for the Irish Volunteers during the "Black and Tan" regime. Over the years, he has taken active part in the fight for freedom of all Ireland.

Mr. Walsh joined the Hibernians in 1930 and is a past president of the division and of the association. He has held most of the offices in the Order and has been a member of the degree team.

Mr. Walsh, an active Democrat, has served five years in the town and city committees. He also represented Stamford in the State Central Committee and served on Stamford's Zoning Board of Appeals during Mayor Quigley's administration.

He and his wife, Ann, who is from County Tryone, have two daughters, Patricia and Jeannie, and a son, Peter, who is in the contracting business with Mr. Walsh and three grandchildren.

Mr. Walsh, a member of the State Street Debating Society, has been honored as "Man of the Year," is a Fourth Degree Knight in the Knights of Columbus and a member of the "All-Stamford" Club.

Mr. Daley was born in Stamford on May 2, 1896. He was a naval aviator during World War I and is one of the few living aviators from that war. He is a retired refinery and chemical engineer, associated with U.S. Synthetic Rubber during World War II.

Mr. Daley joined the Ancient Order of Hibernians in 1913 at the age of 17. He became interested through a friend, Tom Stracy, a policeman from New Haven, involved in athletic programs.

Mr. Daley competed as a member of the order's team at 17 and won the 100-yard dash at Lighthouse Point in New Haven. He was secretary of the local division in Stamford at 18, during the Bartley Fahey and Martin Ryan regime. In 1916, he won the hammer throwing event for the State. Mr. Daley competed in the national pentathlon and the decathlon.

Mr. Daley ran for election to the post of mayor of Stamford and has served as a member of the Board of Finance. He has also taken part in various community activities.

He and his wife, Nan, have two daughters, Betty and Nancy, and eight grandchildren. He has a living room set that was once owned by the late John McCormack, famous Irish singer. Mr. Daley has visited Ireland on two occasions and writes feature stories on Ireland.

FOUR BASIC FACTS ON RETAIL MEAT PRICES

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. ZWACH. Mr. Speaker, there is a lot of discussion these days in regard to the price of meat. Consumer advocates urge the Government to impose a price freeze.

Secretary of Agriculture Butz, on the other hand, supports the producers and says he would like to see their operation get into the black for a change.

Mr. Speaker, with your permission, I would like to insert into the CONGRESSIONAL RECORD at this point another opinion, that of Minnesota Agriculture Commissioner, Jon Wefald, who cites some facts and figures which I would like my colleagues to see.

WEFALD: FOUR BASIC FACTS ON RETAIL MEAT PRICES

Consumers should understand five basic facts about present retail meat prices, Minnesota Agriculture Commissioner, Jon Wefald, says.

"First, the prices for livestock are just getting up to where they were in 1950; second, the farmers' total debt has increased by over 500 per cent since 1950; third, the farmer has been in a wage-price freeze for over 20 years; fourth, meat prices now are actually only about 20 cents a pound higher than they were 21 years ago when livestock prices hit the previous record high; and fifth, farmers have families to feed and protect, too."

Wefald said, "Moreover, as many consumers as farmers in Minnesota depend upon the meat industry for their jobs and income." He warns that any throttling of the domestic meat industry will have a damaging effect on that important segment of the economy, and estimated that 19,000 Minnesotans are employed in meat and poultry processing, 30,000 more in retail grocery and meat markets, another 35,000 in the food service industry.

Wefald suggests that consumers review the official federal government statistics that show the combined processing and marketing operations account for more than two thirds of the total retail cost of food in the United States.

"In 1970, the last year for which statistics have just been released, Americans spent $101.6-billion for groceries. Processing-marketing claimed $68.5-billion and the farmers' share was only $33.1-billion.

"Since 1951, while the farmers' share of the U.S. consumer food bill has increased by 61.5 per cent, the processing-marketing cost has increased by 140 per cent," Wefald said.

"Analysis of the marketing costs for that same period reveals that labor costs have increased by 146 per cent, transportation costs by 80 per cent, processing-packaging-advertising-distribution costs by 115 per cent and corporate profits after taxes by 217 per cent.

"Emphasizing that food continues to take a lesser share of disposable consumer income, only 16.3 per cent in 1971, meat represents only 5 per cent of that income," he said.

B. B. KING

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. TIERNAN. Mr. Speaker, while many concerned individuals speak of working to change conditions and the atmosphere of hopelessness pervading the Nation's penal institutions, it is especially praiseworthy when someone actually is able to make things a little less horrible.

One man in particular who is doing something is B. B. King, King of the Blues. B. B. King is making it a mission to ease, if only momentarily, the terrible, debilitating burden of boredom and routine faced daily by those inside our prison walls.

B. B. King has been giving generously of his time and talent to play prison concerts throughout the United States in our Federal and State prisons. With 14 concerts to his credit already, including a most recent one in my district at the Adult Correctional Institutions, Howard, R.I., he is well on his way to setting an unparalleled personal example for thousands of other public figures who could be instrumental in helping to reshape our correctional institutions, and in easing the despair of inmates. Teamed with criminal lawyer F. Lee Bailey as cochairman of the Foundation for the Advancement of Inmate Rehabilitation and Recreation (FAIRR), Mr. King hopes to expand prison programs by arranging appearances by other entertainers, lawyers, sports personalities, writers, musicians, and a wide range of public figures, in a series of concerts, discussion groups, and training programs.

The King has played every kind of gig imaginable over the years, from the roadside dancehalls of the rural South to sessions with the top names in the business here and abroad. His legacy is that of bluesmen Elmo James, T-Bone Walker, Blind Lemon Jefferson, and jazzmen like Charlie Christian and the fabulous Django Reinhardt. His heritage and that of the majority of inmates has been the blues, and it is doubtful if any listeners have ever been more attuned to the message than his prison audiences—that what life is all about is not conquering the blues, but coming to terms with them.

B. B. King was born on a plantation and before he became a musician he was a welder at a time when this country was not hiring black welders. After he became a musician he traveled the width and breadth of this Nation with one-nighters, including 342 of them in 1956, surely a show business record. B. B. King paid his dues traveling to sing to people and bring them a message. His hope for the inmates in society's custody is that while each individual is paying his dues, he be allowed the basic human dignity vital to forming a foundation for success when that second chance rolls around. Unfortunately, the record shows that society has failed to recognize and honor its commitment to that human dignity, and too many second chances have become second nightmares.

The test of a man is not in "making it," but in what he does when he has. What B. B. King does is remember what so many forget—to count their blessings and to reach out to others who need a hand or a little hope.

I would like to at this point commend those who were instrumental in presenting B. B. King at the Adult Correctional Institutions in my district: Jerry Del Monte and WBRU, the Brown University radio station in Providence which sponsored and broadcast the concert, and Mr. Julio Costa, director of recreation at the facility.

DOLLAR DEVALUATION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. SCHWENGEL. Mr. Speaker, a few months ago I received a letter from Dr. George Braunlich, a constituent, containing some thoughts of his on dollar devaluation. Dr. Braunlich has had considerable background in economics and international relations. Because we will soon be considering H.R. 13120—modification of the par value of the dollar—I thought his comments might be of interest:

DAVENPORT, IOWA,
January 3, 1972.

Hon. FRED SCHWENGEL,
Rayburn House Office Building,
Washington, D.C.

MY DEAR MR. CONGRESSMAN: Congratulations for your religious liberty citation from Americans United for Separation of Church and State. This ought to convince the Orthodox Christians that you are a sincere believer in the power of prayer.

Before I studied medicine, I was enrolled in the Consular School of the University of Chicago. Here I studied International Law with Harry Pratt Judson, Money with James Lawrence Laughlin, Cities with George Edgar Vincent, Trade Unionism and *Das Kapital* with Hoxie (a Marxian Communist who took us to I.W.W. meetings), Economics, Political Science, and languages—all by eminent teachers.

When Nixon became President in 1969, he proposed reversing the Keynesian philosophy of devaluing the dollar by about 5% a year to revaluing the dollar upward so as to reward the thrifty instead of the spenders. This hit right into my philosophy and I recommended pegging the price of gold at $32 an ounce instead of the present $35 and making it legal for Americans to trade in gold. We would resume specie payments of $32 an ounce and gradually get the dollar back to $20 an ounce.

Our gross national product is such that this is entirely feasible. Gross National Product is the increase in total value of the assets of a State in any given time. In 1970, the Gross National Product of the U.S. was just under one trillion dollars. In 1971, it was just over one trillion and in 1972, it will be still higher. The balance of payments is a minute part of this whole picture and means no more than any other part. Our gross national product is larger than that of England, France, Germany, Italy, Austria and Russia combined. So we can afford to import whatever we want and have a high standard of living while at the same time inflation will be stopped by the higher value of the dollar. What Keynes (pronounced Cains) and the Fabian Socialists started in England over sixty years ago we can reverse by increasing the value of our dollar.

Could you insert this letter in the Congressional Record so that we can start this movement at once instead of waiting until just before election?

Happy New Year.
Sincerely yours,
GEORGE BRAUNLICH.

DIABOLICAL U.S.S.R. GOVERNMENT THROUGH DIABOLICAL METHOD SEEKS DIABOLICAL ENDS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. RARICK. Mr. Speaker, we as a people have long been recognized as generous but naive and overcredulous. Not desirous of corrupting the officials of other countries for malevolent purposes we find it difficult to believe that any country could be guilty of diabolical practices. Taking advantage of this fact, the USSR engages in scientifically organized corruptive processes to compromise and then enlist for their own purposes the persons compromised.

It has long been evident that the Soviets have without the least hesitation sought to obtain recruits in other lands of highly placed persons in government. Nations not practicing such corruptive methods are at a distinct disadvantage in dealing with those that do. Thus, communism has come to be the greatest evil that the world has ever known; and those who think otherwise will soon come to know to their sorrow the truth of this statement.

One of the present problems of the free world is that it seems too eager to recognize and establish diplomatic and economic ties with Communist-dominated nations. This danger has been repeatedly illustrated, for example, in the series of no-win wars since the end of World War II.

Years ago when communism was in process of acquiring power, there was a sentiment among the governments of free nations to withhold recognition of Communist governments as illustrated by the refusal of the United States to recognize the USSR until 1933. Now the reverse is the case; and free nations are recognizing Communist governments with the result that the international Communist movement is becoming stronger.

As Communist governments do not change their methods of conquest through corruption processes in the least, free nations associated with Communist nations are bound to suffer. Thus the USSR and Red China are becoming more powerful through the recent trends of free nations in dealing with Communist powers.

Today, we see the thief, the assassin, the mass murderer, and the most diabolical creatures that the world has ever known welcomed by free world leaders. How can the intrinsic evil of communism be destroyed by such naive practices?

Fortunately, the United States does have publications with perceptive editors and courageous publishers, among them the Herald of Freedom of Zarephath, N.J. In a recent issue, it sets forth a most revealing summary in great detail showing the corruptive operations of the GRU—Chief Intelligence Directorate of the General Staff—and the KGB—Committee for State Security—of the Soviet Union, citing specific examples of our own officials who were compromised.

Because the information presented in the issue should be of the greatest interest to all members of the legislative and executive branches of our Government, both State and Federal, especially police and intelligence agencies, and the Nation at large, I quote it as part of my remarks:

[From the Herald of Freedom, Mar. 17, 1972]

The Soviet Secret Police

Recent reports about England's expulsion of over 100 Soviet espionage agents, operating under cover of diplomatic personnel, focused public attention on one phase of the activities of the Soviet Secret Police and espionage apparatus but did not tell the complete story. What is referred to as Soviet Secret Police is actually two separate organizations.

The first, the G.R.U., Chief Intelligence Directorate of the General Staff (its correct name—Glavnoye Razvedyvatelnoye Upravlenie) operates from the Soviet Ministry of Defense, 34 Maurice Thorez Quay, Moscow. At the G.R.U. are both military and naval intelligence with worldwide operations. The second, the more important and much larger of the two, is the K.G.B., the Committee for State Security of the Council of Ministers of the Soviet Union (correct name—Komitet Gosudarstvennoi Bezopasnosti) which operates from its headquarters at 2 Dzerzshinsky St., Moscow. Known as "The Lubianka," this is divided into two separate buildings; one, the Secret Police Headquarters and the other, the K.G.B. prison. Heading the K.G.B. is Yuri V. Andropov who was appointed in 1967.

Within the K.G.B. are various directorates or divisions and sub-sections, each with its own number and name which are changed from time to time. In substance they are as follows:

The Foreign Division supervises all espionage worldwide.

The Operations Division handles personnel assignments.

The Information Division conducts research analysis, makes evaluations, and prepares intelligence reports and estimates.

The Secret Division prepares forged passports, birth records, identities, various records and histories of persons whose identities are being assumed; provides foreign currency and arranges emergency contacts.

The Recruiting and Training Division trains personnel for K.G.B. service and maintains a record of every Communist in the world, as well as every fellow traveler, sympathizer and individual who has been compromised, and also important people who are susceptible to compromise.

The Communications Division prepares and arranges for the use of code cyphers, code systems and radios. This division has a worldwide network of communications between headquarters (known as "the center") and agents in the field.

The Finance Division handles disbursements of foreign currencies of every nation in the world, arranges payments for purchasing information and for bribery, supplies funds to agents and finances Communist Parties, fronts and others.

Within the second Directorate there is a section for Agit Prop which supervises the preparation, production and distribution of Communist propaganda. A separate section supervises and executes terroristic activities, bombings, and sabotage. The Cadre or Personnel Section maintains agent personnel histories, assignment records, progress of agents, qualifications of all personnel throughout the world, specialists, etc. The Allied Section maintains secret agents in satellite countries (including sleepers) to report every activity and all information of any use. This section coordinates the intelligence services of the satellite Communist countries. The Mobile Section is responsible for the activities of agents "in place" acting as sleepers and is responsible for the assignment of assassins, kidnapper, infiltration specialists, and agents for special sabotage work.

The K.G.B. has a fully trained staff of approximately 25,000 agents with officer status. In the field these agents may act as section chiefs or residents and have their own group of operatives who may have been recruited through compromise or who may be local Communist party members. It is estimated the K.G.B. has over 200,000 persons in its employ, either as regular agents or co-opted operatives. Both the K.G.B. and G.R.U. have many uniformed and civilian personnel who function as border and security guards, who supervise prisons and forced labor camps, and who are utilized in other areas.

One group utilizes female agents for compromising purposes or for securing information. Girls are recruited at an early age (14–15 years old) and are trained from 3–4 years with an intensive course in a foreign language. They are taught the art of seduction, how to avoid pregnancy, and at least one other specialty such as ballet dancing, singing, playing a musical instrument, secretarial work or theatricals. They are instructed in poise, grace, and conversation. Older females are used to pose as wives of diplomats and military attaches and these women are given long pleasant assignments.

A former K.G.B. agent stated that at all times the service uses at least 10,000 trained female personnel for various purposes. Informed sources state that school for training in espionage and sex are maintained in Moscow, East Germany, Czechoslovakia and Cuba. There is a similar set-up for using males to compromise females.

Many important people, particularly in public life, education, arts, sciences, etc., whose leftist activities are suspect, are not actually members of the Communist Party but rather have been co-opted earlier into the K.G.B. network. Connections as such would be known only in K.G.B. headquarters in Moscow and to the particular case officer or staff chief for whom they may work or from whom they may receive instructions.

The success of the K.G.B. operations have been far greater than is generally known, particularly in the field of compromising important persons. A prime example is the "Profumo Case" in England, with tentacles reaching into the United States.

On March 27, 1960 Captain Eugene Ivanov was assigned to the Soviet Embassy in London, England. Ivanov was a K.G.B. officer who operated under the cover of assistant naval attache. He was the case officer for Soviet agent Dr. Stephen Ward, an osteopath physician, and portrait artist, who was born in 1913 the son of a British clergyman, Rev. Canon Arthur E. Ward of the Church of England. Dr. Ward maintained consulting rooms at 38 Devonshire St., W–1, London and a residence house at 17 Wimpole Mews W–1, London, as well as a country cottage on Lord Astor's Cliveden Estate. Dr. Ward's patients included such notables as Sir Winston Churchill, Elizabeth Taylor, Paul Getty, Lord Astor, several members of the royal family, and a number of high officials in the British Government. Among the individuals whose portraits he painted were the Duke of Edinburgh, Princess Margaret, and her husband, the Earl of Snowden.

Dr. Ward's modus operandi was to pick up young girls between the ages of 16 and 17 (he found them in cheap night clubs in the London area) and induce them to come and stay with him in his house in London. He seduced many of these girls himself and, after they were thoroughly indoctrinated, he procured them for many influential persons. He catered to the perverted tastes of his friends, which included whipping and other sadistic performances, kept a collection of pornographic photographs and utilized hidden mirrors, tape recorders and special cameras.

Dr. Ward made his first contact with K.G.B. agent Capt. Ivanov on January 20, 1961 and the relationship (having to do with the compromising of important persons) continued until Ivanov suddenly left London in January of 1963 and returned to Moscow, after having been warned by Dr. Ward. Ivanov had also acted as a "go-between" for the Castro Government and the Western powers during the Cuban crisis during this period.

One of the assignments Dr. Ward received from his case officer, Ivanov, was to obtain atomic secrets, if possible, through War Minister John Profumo and other officials of the British Government. Mr. Profumo was Secretary of State and War from July 1960 until he resigned in June 1963. He had a fine war record, has risen to the rank of Brigadier, and had held numerous government posts.

Among the numerous females utilized by Dr. Ward were Marilyin (Mandy) Rice-Davies, Christine Keeler, Maria Novotny, Suzie Chang, and Vickie Barrett. One of the most successful of the girls used by Dr. Ward for compromising purposes was Christine Keeler who originally came from Wraysburg, England. She left home at the age of sixteen, went to London and was employed by the Murray Cabaret Club as a show girl, a job which consisted of simply walking around in the nude. After meeting her, Dr. Ward took her to his house to live with him, and introduced her to some of his friends for sex purposes.

Christine was the female used to compromise Profumo, a meeting having been maneuvered while she was staying at the cottage on Lord Astor's estate. There was a swimming party and Mr. Profumo was one of Lord Astor's guests. It was arranged for Christine to slip off her bathing suit just as Mr. Profumo approached the pool, thereby attracting his attention. Nature having taken its course, Dr. Ward arranged for the information that Mr. Profumo was having a sex affair with Christine Keeler to leak out. Profumo denied the rumors in Parliament but Dr. Ward was able to present proof of the sex affair to the British Security Service. Having lied publicly, Profumo was forced to resign from his post. Subsequently the conservative government fell and the Labor Socialist Government took control of Great Britain.

During the resulting investigation there was testimony that Lord Astor was also involved in sex activities with one of Dr. Ward's girls and that at least four other cabinet ministers had been guests at Dr. Ward's sex parties. Lord Astor died of a heart attack in the Bahamas in 1966.

One of Dr. Ward's girls, Susie Chang, extended operations into the United States and compromised President John F. Kennedy when he made a trip to England. The thinly veiled story of JFK's involvement appeared in an article printed in one edition of the N.Y. Journal American of June 26, 1963. Attorney General Robert F. Kennedy immediately demanded that the story be killed and reportedly threatened an anti-trust suit against the Hearst Corporation, owners of the newspaper.

The authoritative British Intelligence Digest (Religious News Edition) took note of Kennedy's affair with Suzie Chang and others in its July 19, 1963 issue, stating:

"President Kennedy's private domestic life is not one of marital bliss. In fact, it is said, he is interested in women other than his wife and this is leaked all over the world. . . . This is bad and hurtful to America. Indeed, there was even a cartoon published in England during his recent visit showing Miss Keeler tied up with a dog-chain until the President and his entourage should leave. It is time that this was said. . . ."

Suzie Chang was also involved in compromising VIPS in the Henry Allen Towers group in New York in 1961. Towers, a British television producer, was arrested in New York City allegedly as a procurer for Maria Novotny, whose uncle was then president of Czechoslovakia. Miss Novotny, a K.G.B. agent on assignment with Towers, had been compromising high officials and diplomats from the United Nations. After their arrest, Miss Novotny and Towers were conveniently allowed to slip out of the country. Forfeiting $10,000 bail, Towers fled to Czechoslovakia and then returned to England, as did Miss Novotny.

On June 25, 1963 the N.Y. Times reported that the U.S. Attorney's Office had reopened the case of Towers and Novotny in connection with espionage but apparently nothing further developed. At the time of the Towers-Novotny arrest it was learned that there were other individuals reportedly involved in the compromising operation. One was Evelyn David, a 32-year-old "journalist," who arranged dates for call girls, working out of the U.N. lounge. Also mentioned were Delia Merino-Bartet, also known as Yvonne Landot, a young Peruvian girl who worked at the U.N. as a translation secretary, and Ilona Bata, a blonde Hungarian model who was living at 440 East 46th Street in New York.

K.G.B. compromising operations around the world are aimed at persons of influence or potential influence. Some they destroy, others they control. There was the case of Maurice Ernest Napoleon DeJean who was a close friend of the late President DeGaulle in France. When he was the French Ambassador to Moscow he became involved with a Miss Kronsberg whose apartment on Ananevsky Lane was actually a K.G.B. flat. Thereafter under control, DeJean continued in the French Diplomatic Services, was named Administrator of the French Shell Oil Co. in 1965 and later was made Administrator of the Association of Seaside Resorts. He became President of the Communist-front, the Franco-Soviet Society for Industrial Cooperation.

The late President Sukarno of Indonesia was compromised by K.G.B. agent Valentina Reschetnyk during a visit to Moscow. As a result of the affair Sukarno fell in love with the girl, made her his mistress and took her back to Indonesia with him. She was able to influence his decisions over a period of years and reported to the K.G.B. regularly. Earlier in her career this same girl had compromised a number of Americans.

Mrs. Vijayalakshmi Pandit was the Indian Ambassador to Moscow from 1947 to 1949, Ambassador to the U.S. from 1949 to 1951 and President of the U.N. General Assembly in 1954. The K.G.B. learned that, while in Moscow, Mrs. Pandit was having an illicit affair with the First Secretary of the Indian Embassy (Triloki Nath Kaul.) Since she was very important and influential in the Indian Government the K.G.B. became very interested in Mr. Kaul. Through the K.G.B. efforts he became involved in a sex and love affair with Miss Okunevskay, a K.G.B. agent, to such an extent that he was ready to give up his Indian citizenship, marry her and become a Soviet citizen. Because of his important connections, however, this was discouraged. In 1949 he showed up as First Secretary of the Indian Embassy in Washington, D.C., was Chairman of the International Committee of Supervision and Control in Vietnam in 1957–58 and from 1962 to 1966 was Indian Ambassador in Moscow. Although completely compromised by the K.G.B., he rose in position until in 1968 he became Secretary General of the Ministry for Foreign Affairs of the Government of India.

Jacob Beam, now U.S. Ambassador to the Soviet Union, was our Ambassador in Warsaw, Poland, at the time of the sex and spy scandals there. He had been compromised by a Polish K.G.B. agent, now Mrs. Jerzy Michalowski (the wife of the Polish Ambassador to the U.S.), nee Myra Zandel, formerly Mrs. Ignace Zlotowski, alias Mrs. Stefan Arski.

Through a double agent, a high ranking member of Polish Intelligence who defected to the West, we learned the details of some of the activities at the U.S. Embassy in Warsaw. One diplomat after another had been compromised, including the security officer, the code clerk and most of the Marine Guard. It was also learned that a high ranking American diplomat had been a K.G.B. agent for 18 years. After the facts became known, the diplomat, Edward Symans, was retired (with a full pension).

The Senate Internal Security Sub-committee learned, while questioning a K.G.B. officer who had defected, that the wife of (the late) Ambassador Llewellyn Thompson, long time Ambassador to the U.S.S.R. (1955–62, 1967–69) and more recently a Nixon-appointed delegate to the Strategic Arms Limitation Talks (SALT), was having a "love affair" with a diplomat from the Finnish Embassy in Moscow. The hearings disclosed other cases of compromise by K.G.B. operatives which placed diplomats under K.G.B. control. Anabel Bucar (American), a code clerk in the American Embassy in Moscow, was seduced by an agent named Lapschin and subsequently defected to the Soviet Union. Undoubtedly she took with her the considerable confidential information available to a code clerk.

The K.G.B., operating on a far-sighted and long-range policy, compromises as many diplomats as possible in iron curtain countries but often does not demand cooperation until after they have been transferred to other posts where they can be more useful. In embassies where the K.G.B. has already penetrated, staff members newly placed under K.G.B. control are "kept on ice" until they are assigned to an embassy or consulate where there has not been K.G.B. penetration. Not all compromised individuals are required to commit specific acts of espionage or theft of documents; some are used for other purposes such as merely arranging introductions at social gatherings or dinner parties. Through these introductions the K.G.B. agents are able to follow up on individuals in whom they have an interest.

Presumably any derogatory information in personnel files of U.S. government employees would certainly be known to the special section of the K.G.B. which maintains data on Communists, front members, sympathizers, and prospective co-opted personnel. This information is made available to resident agents or operatives. It has been well documented that in less than 20 years over 1000 homosexuals have been uncovered and eased out of the State Department. How many remained or how many new ones have been brought in is unknown but new ones are being uncovered (usually through arrests made as a result of their homosexual activities or by having acted disgracefully in public). Each one of these individuals is of interest to the K.G.B. as a prospective victim of compromise to be co-opted.

There have been cases where the compromised individual would not yield to Soviet pressure. A French general who was a military attache in the French Embassy in Moscow, upon learning that his wife had been promiscuous with a K.G.B. agent, committed suicide to avoid K.G.B. pressure and family disgrace. Five generals in Germany committed suicide at a time when it was believed the German security forces were closing in on them for their alleged cooperation with Soviet Intelligence.

Very little is done to counteract the K.G.B. program in this country. State Department security officers who endeavor to adhere to strict standards are removed from their jobs (Otto Otepka for example). The long promised house cleaning of the State Department has never materialized. When the F.B.I. submits cases of espionage to the Department of Justice, in more cases than not, the espionage agent is permitted to leave the country without prosecution because of "pending sensitive negotiations with the Soviet Union." Somehow defectors from the K.G.B. seem to have names and information concerning agents in other countries but not in the U.S. When Anatoly V. Kuznetsov, a popular Soviet writer who had maintained close contact with Soviet leaders, defected, he revealed that the K.G.B. has agents in the highest levels of most Western governments, including Great Britain and the U.S. A former high ranking intelligence officer who defected to the West advised Col. Guy Richards, former editor of the N.Y. Journal American, that Communist intelligence agents had penetrated every U.S. government agency except the F.B.I. and that diplomats have been compromised in embassies of every non-Communist country.

Unless and until strict security policies are put into effect, security risks removed and individuals with character defects or leftist sympathies are kept out of government service, the K.G.B. will be able to continue its worldwide operations with little interference. Regardless of statements made by Communist leaders, the Communist Parties of the entire world (including all members) are required to cooperate with the K.G.B., and most of their planning and activities are supervised by agents of the K.G.B.

WHAT FREEDOM MEANS TO ELMO CONEY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. BRAY. Mr. Speaker, Mr. Elmo Coney, of Indianapolis, Ind., has written a brief but eloquent tribute to what freedom means to him, and what he would like to see it mean to others. Freedom is not free—something we often forget. His article follows as it appeared in the North Side Topics, of Indianapolis, on February 16, 1972:

FREEDOM IS MANY THINGS, BUT NOT FREE: ELMO CONEY

(By Elmo G. Coney)

(EDITOR'S NOTE: Born in Mississippi, graduated from high school in Magnolia, Mississippi, and from college in Alcorn, back in 1938 when the country was struggling out of a depression, Elmo Coney's personal struggles probably were many, but he used them as stepping stones toward a positive attitude and a life devoted to service, helping others to help themselves. He is Projects Coordinator of Citizens Forum, Inc., a "Better Neighbor Program" founded by his wife, Mattie. Here he has written his own impressions of what freedom is to him, what he would like to see it mean to others.)

Freedom is: Being born in a Country, with a Constitution and a Bill of Rights, that proposes that it be ruled by law rather than by man.

A Constitution that guarantees everyone the pursuit of happiness.

A Bill of Rights that says, we are all equal before the law.

We have the opportunity to choose the best and leave the worst; we can choose knowledge or ignorance; we can be a productive citizen or a parasite; religious or atheistic; optimistic or pessimistic; patriot or traitor.

Freedom is: exercised when citizens pray enough, work enough, learn enough and share enough to make this country a better place to live and a better place because of our having been here.

I have been busy doing and developing myself so intently that I have always thought of myself as being free.

In America everyone who is willing to pay the price and accept their Individual Responsibility as a good citizen is free. There is no such thing as something for nothing.

Wishing for freedom and wanting freedom, like success, are two different things. People who wish don't put forth as much effort as those who want. Those who want, work. Those who wish wait on luck.

All citizens are free to accept the available opportunities or create their own opportunities. If you can't get a job working for someone else work for yourself.

You are Free to find a Need and Serve it.

Our positive thinking citizens are free to compete with our negative thinking citizens to inspire our children to accept their individual Responsibility as productive American citizens in order to eliminate poverty, laziness and self-pity.

Crime, filth, or poverty cannot continue unless the community condones it. Freedom is when citizens act positively individually or collectively to solve their problems.

Citizens may become involved in different activities, of their own choosing, for pay or for life fulfillment.

All citizens may develop, use, and control his or her own mind. Freedom is not free. You have to work at it from the day you are born until the day you die.

Freedom is: Choosing to accept the responsibility of living an exemplary life or just doing what comes naturally.

Choosing to use ones youthful years to prepare oneself for a respectful future or an embarrassing future.

Choosing to develop health habits that will prolong good health or destroy it.

Choosing to develop an attractive personality or a repelling personality (to make friends or enemies).

Choosing to adopt high risk employment (high compensation); Moderate risk employment (controlled compensation): low risk employment (low pay).

Choosing to adopt employment or unemployment as way of life.

Choosing to be a skilled employee or an unskilled employee.

Choosing to be an employer or an employee.

Choosing to make things happen or let things happen.

Choosing to change the things I can change, accept the things I can't change, and know the difference between the two.

Freedom is: Being able to attend school and measure up or fail.

Being able to participate in extracurricular activities of my choice.

Being able to work before and after school, at home and for others.

Being able to participate in religious activities at home and at church.

Being able to participate in patriotic activities by choice.

Being able to make your contribution toward the perpetuation of Civilization.

Being able to develop my inate talents and personal initiative.

Being able to compare my life with others so that I may know the value of my experiences in a country such as ours.

Thank God for the laws of God and the laws of man that made all this possible.

PARMA'S FOUNDING FATHER OF ADULT EDUCATION, J. HERBERT DETRICK, RETIRES

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. MINSHALL. Mr. Speaker, in June the Parma school system will be losing to retirement a truly remarkable educator, J. Herbert Detrick, who will be completing 37 years in education.

It is impossible to estimate the impact for good this distinguished man has had on the lives of the many men and women who acquired new skills and new learning under his guidance. The Parma community is far richer for his selfless devotion.

A very fine article outlining Mr. Detrick's career appeared in the March 9 Parma Sun Post:

FOUNDING FATHER OF ADULT EDUCATION IN PARMA, J. HERBERT DETRICK, RETIRES

(By Frank Sopuch)

The founding father of adult education in the Parma School System will be leaving his desk in June after watching his program grow from one class with 15 students to 277 courses with more than 7,000 pupils.

J. Herbert Detrick, who came to the Parma schools in 1945 to direct an infant curriculum in industrial education, will retire after compiling 37 innovative years in the field of education.

Detrick began teaching school in DeGraff, Ohio, his hometown in Logan County, 11 years before he came to Parma to make his mark in the field of adult education.

After he had created a nationally-recognized industrial vocational program in the Parma Schools, Detrick was called upon in 1948 to teach a course in industrial arts to parents of Parma students.

That course, which included a unique variety of electronic, welding and machine shop skills, was the start of the Continuing Education Program in the Parma Schools.

"I like to describe our evening program as 'continuing education' instead of 'adult education' because the latter term tends to limit its scope," explained Detrick.

Enrollment certainly is not limited to adults as one glance at the curriculum will tell. Among the courses offered in the spring session, which began four weeks ago, are organ and guitar lessons, tie-dyeing and leather and vinyl crafts.

Other unique features of the evening school are the business and industrial career programs and the high school continuation curriculum, which enables students to achieve the equivalent of a high school degree.

Special certificates are awarded to persons who complete a sequence of courses designed to meet employment standards in the major subject areas of the business-commercial and technical-industrial divisions of the program.

Certifications are awarded for clerical typing, secretarial service, medical secretary, geriatric technician, office machines. PBX receptionist, key punch data processing, bookkeeping, machine shop, welding, offset printing, auto mechanics, electronics, refrigeration and air-conditioning and food services.

A new addition to the spring curriculum was a basic radio-television production workshop for persons interested in dramatics, broadcasting and audio-visual communications in business, industry and education.

A division for graduate study offers accredited courses from Kent State University for educators working on advanced degrees.

Vocational guidance and career counseling studies are also available.

Other divisions of the program provide "how-to-do-it" subjects for homemakers, craftsmen and artists.

A community service is provided by the Parma Board of Education for enrollment of senior citizens residing in the Parma School District for selected courses in the Continuing Education program at half the normal enrollment fee.

Looking to the future, Detrick has begun to lay the groundwork for educational and recreational programs that concentrate on family involvement such as camping, roller skating and party games. "People today have more spare time to invest in leisure activities," said Detrick.

Detrick observed that women's liberation movement has also had a tremendous effect on the need for more adult education. "Women are coming into the job market today after having raised a family," he explained. "They are unsure of their skills in today's complex world and need retraining, which we can provide for them through our career certificate programs."

But the development of the Continuing Education Program in the Parma School System will be left to Detrick's able successor Al Ferian, the current coordinator of apprenticeship training under vocational education.

Ferian will have a hard act to follow. Besides teaching, coordinating and directing educational programs over the past 37 years, Herb Detrick served as president of the Parma Education Association for the 1948–49 school year and initiated plans for the first single-salary schedule for the professional teaching staff in the Parma schools.

Detrick has also held numerous offices in local, state and national education associations. He founded the North Central Industrial Education Association serving the schools in the Greater Cleveland area.

When asked what he intended to do with his leisure time after retiring in June, Detrick replied with a smile, "I think I will take some night courses in real estate and small business management. I've spent more than 20 years creating and directing an adult education program but I've never utilized the program myself."

Detrick also plans an extensive auto tour of the United States with his wife.

THE LATE HOUSTON HARTE—A MAN OF GREAT TALENT AND ACHIEVEMENT

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. FISHER. Mr. Speaker, thousands of Texans, and many throughout the Nation, mourn the loss of Houston Harte of San Angelo, Tex., one of the country's top newspaper publishers. Beginning with a modest investment 52 years ago, his vision and enterprise enabled him to expand his investments into a network of daily publications in Texas. His purpose was to always give the public a high quality of responsible news coverage to which he felt they were entitled.

Newspaper business was only a part of Houston Harte's busy life. His influence for community progress was noteworthy, and his involvement in a variety of local projects and the imprint of his achievements will be felt by generations yet to come. At considerable personal cost he did much to preserve the history of the area where he lived—the Fort Concho country. He sponsored and underwrote "The History of Fort Concho," written by J. Evetts Haley.

In addition, he was author of "In Our Image," which included richly illustrated character studies from the Old Testament, published in 1949 by Oxford University Press. This unique publication was widely acclaimed throughout the Nation.

Above all, Houston Harte was a patriot, fiercely devoted to the preservation of our heritage and our institutions. Whether dealing with the poorest man in town or the most affluent, he inspired and encouraged every citizen to make the best use of his talents and opportunities in the struggle for a better life and a more stable society.

In the field of philanthropy he left his mark. Among many contributions for worthy projects, 4 years ago he and Mrs. Harte made a $350,000 gift to Angelo State University, and Houston Harte University Center has been named in his memory.

These are but a few of the many good things that could be said about the late Houston Harte. His ideals will live on and on, in the decades yet to come.

Mr. Speaker, under leave to extend my remarks I include an editorial which appeared in the March 14 issue of the San Angelo Standard-Times, and an article which appeared in the March 15 issue of the same paper:

HOUSTON HARTE: HIS DEATH A LOSS TO ALL

The loss is incalculable.

There is no need to exaggerate the role Houston Harte played in Texas journalism, in the growth of San Angelo, in the prosperity of West Texas, in the progress of the state. He was a titan, a mover and shaker, the man on whom thousands relied to get things done with confidence that was never misplaced. He touched the lives of virtually everyone in the state during his 50 years in Texas journalism; the legacy he leaves will long survive him.

But it is as a journalist that Houston Harte should be best remembered, for he was a rarity—a man who founded an empire on newspapering, not one who bought into the profession as an outsider. Houston Harte was a newspaperman all his adult life, and a superb one. That he was also extraordinarily successful in business only complimented that central role.

It is rare, too, that a boss can win and hold the affection of his employes; rarer still that he can continually merit their complete respect. But that was true of Houston Harte; every Standard-Times employe feels a personal loss, a deep personal loss. And every journalist in the state, most in the nation, share in the sense of deprivation.

When Houston Harte came to San Angelo 52 years ago as the new editor and publisher of the Standard, he brought with him certain ideas about journalism—that a newspaper should lead, that it should report everything in its area of coverage without fear or favor, that it should relate all events to its own readers, that a newspaper must be truthful and fair to merit the public's support. He never lost sight of those ideals; he never allowed any Harte-Hanks staffer to lose sight of them, either.

Houston Harte insisted his newspaper be used as an instrument for the public good, for the advancement of the community and for protection of the people's right to know. He never allowed it to become a vehicle for self-aggrandizement. Many were the embryo Standard-Times staffers who thought to please the boss by inserting his name or his picture into print, only to find out to their pain Houston Harte didn't play the game that way. His carpet was well-worn with the shufflings of those who at times had to attend a dressing-down—but never for reporting the truth, whoever it hurt, only for failing his own high standards of journalism.

San Angeloans of course know their debts to Houston Harte—although they'll never know all of them, because he preferred it that way. Suffice it to say San Angelo could never have become the city it is today without Houston Harte's enthusiastic and incredibly successful efforts. If a city can be any man's monument, this one is his.

His family and his religion occupied the first places in Mr. Harte's heart and mind but his next loves, and ones to which he devoted a major part of his time, were San Angelo and The Standard-Times. No local problem, individual or collective, was too small for his personal attention and he was a tireless civic leader, with many great accomplishments remaining as a tribute to his efforts.

Although he had a large interest in many fine newspapers. The Standard-Times was "his" and closest to his heart. The quality of the product of this newspaper was his main concern, and he left no stone unturned nor spared any expense to make it the outstanding prestige newspaper in West Texas. It had to be the best because it figuratively belongs to San Angelo and West Texas.

To his employes, Houston Harte will be remembered as their ideal of a newspaperman. He had had his fingers stained with ink, he had faced the irate citizen on the street corner, he had wrestled with the responsibilities of objective journalism at first-hand. He knew the problems; he knew the answers. And for five decades he trained by example thousands of other Texas journalists who now have extended his influence into virtually every newsroom in the state.

Mr. Harte is gone and we mourn for him. But his ideals and high standards will live for many years to come in Texas and Southwestern journalism.

SERVICE TODAY—FELLOW NEWSMEN TO HONOR HARTE

A large delegation of fellow newspapermen will be among those in San Angelo today for the 2 p.m. services for Houston Harte, 79, who died Monday in Shannon West Texas Memorial Hospital.

Harte, who came to San Angelo from Missouri in 1920 to purchase the San Angelo Standard, gained national prominence as a newspaperman. His organization grew from one small daily into Harte-Hanks Newspapers, Inc., which currently includes 19 newspapers in six states with a total circulation of more than 600,000. The firm also owns a television station.

Services will be in First Presbyterian Church and burial in Fairmont Cemetery, directed by Robert Massie Funeral Home. Officiants will be the Rev. Harold Odum, pastor, and Dr. B. O. Wood, pastor emeritus, of First Presbyterian Church.

U.S. Rep. O. C. Fisher will attend the services. Others whose names were available late Tuesday include Dorrance Roderick, publisher of the El Paso Times; Charlie Guy, editor and publisher of the Lubbock Avalanche-Journal; Wes Gallagher of New York, general manager of Associated Press; Jim Mangan, chief of the Dallas AP bureau; Bob Williams of First National Bank in Dallas, Mrs. Oveta Culp Hobby, publisher of the Houston Post; Bill Hobby, executive editor of the Post, and Ed Hunter, managing editor of the Post and former managing editor of the San Angelo Standard-Times.

Also, Richard W. Wortham, president of Southland Paper Mills in Lufkin and Geoffrey Hutchings, executive vice president of Bowater Paper Co. in Atlanta, Ga.

Harte-Hanks Newspapers, Inc., officials planning to attend are Robert G. Marbut, president; Charles A. Wahlheim, vice president, and Bruce B. Meadow, member of the board of directors and of the executive committee.

Publishers of Harte-Hanks newspapers attending will be Matte Sheley of the Greenville Herald-Banner, Paul Bailey of the Commerce Journal, Cleo Crittenden of the Denison Herald and Walter Bassano of the Paris News. Also, Robert Whipkey, retired published of the Big Spring Herald, and Mrs. A. G. "Pat" Mayse, widow of former publisher of the Paris News.

According to a spokesman for Robert Massie Funeral Home, a public address system has been set up in Wood Fellowship Hall at First Presbyterian Church and those who cannot find seats in the church sanctuary will be able to hear the services there.

Tuesday afternoon a San Angelo banker reported he had reecived telephone calls from people across the state wanting to do something in memory of Harte. He advised each to make contributions to the Angelo State University Foundation, which Mr. and Mrs. Harte established in 1968 with an arrangement to make gifts totaling $250,000 to the university over a five-year period.

Pallbearers for today's services include John S. Cargile, Dr. Ralph Chase, Joe M. Mertz, Oron Lee Schuch, Dale L. Bates and Hunter Strain Jr.

The Standard-Times offices will be closed from 1:30–3:30 p.m. today and there will be only one edition of the Evening Standard-Times.

FULL CITIZENSHIP RIGHTS FOR GOVERNMENT EMPLOYEES

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. KOCH. Mr. Speaker, I think it is especially appropriate, in this election year, that Congress act to insure that every American's right to free expression of his political opinions is adequately protected. We have been requesting concerned American citizens to work through the political system; but at the same time, one anachronistic piece of legislation, the Hatch Act, has the effect of excluding millions of U.S. citizens from active political participation. Today I am cosponsoring legislation which would correct those provisions in the Hatch Act that infringe on the political freedom of Government employees.

The Hatch Act was originally intended, when it was first enacted back in 1939, to protect public employees from involuntary political activity, coercion, and abuse of office, and its provisions in these areas remain valuable. However, the effect of the act's blanket prohibition against active political participation has been to deny these workers their political rights. What my bill would do would be to eliminate from the present law this sweeping prohibition against political activity by Government employees. The only restriction on political activity to remain would be a prohibition on holding a salaried office in a partisan political club. Furthermore, this bill would empower the Civil Service Commission to take action against officials, including these appointed by the President—who are not currently subject to Civil Service Commission jurisdiction—that it finds guilty of unlawful coercion. Most important, however, for civil service employees, the prohibition against soliciting political financial contributions is retained, so that these employees may not be made the subject of political extortion.

When the Hatch Act was first enacted, the extent of its coverage was by modern standards only minimal. Even when the Hatch Act was amended in 1940, to include State and local government employees working in programs receiving Federal funds, less than one-half million workers were subject to it. Now, after three decades of growing government responsibility, that number has expanded to more than 5 million employees. There are very few areas of modern society that are not affected or involved in some way with Federal programs or programs using Federal funds. And there seems every assurance that more and more Americans will come under the restrictive provisions of the Hatch Act simply by choosing to work for the Federal Government or a federally funded local project. In fact, Congress recently expanded the act even further to cover employees of private groups administering community action programs funded by the Federal Government through grants under the Economic Opportunity Act. Certainly it is ironic that those persons who are concerned enough about public affairs to choose to work for Federal and State programs are the ones that are excluded by this act from political activity.

In 1966, Congress created a Commission, known as the Hatch Act Commission, to study all Federal laws restricting political participation by Government employees. In its final report, in December 1967, the Commission noted the need for substantial reform of the present act, particularly in the areas of clarifying its vagueness and reducing its application to the fewest employees. As the Commission noted, most Government employees are so confused by the more than 3,000 specific prohibitions issued over the years by the executive branch and have so little idea what they are permitted to do that they tend to avoid taking part in any political activity at all. Congress has taken the initiative in recent years in expanding the opportunities for political activity through its civil rights legislation and the 18-year-old vote. Is it not about time that Congress restores to Government employees their right to free political expression and to act on the recommendations made by the Commission that it created?

The city of New York has more than 300,000 municipal employees. A great number receive some Federal contribution toward their salaries and are, under the existing law, "Hatched." This bill, if enacted, would restore full citizenship to them.

THE LATE HON. JAMES WILLIAM TRIMBLE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. BOLLING. Mr. Speaker, Jim Trimble was a rare man—honest, intelligent, hard working, kind, and generous. Those qualities in any man are enough to set him apart and make his passing from life to death more significant than that of most. With his going, human kind has lost a rare civilized presence. Jim Trimble's presence added an intangible in every room he entered. He was a good man and his presence had a meaning of its own.

But the judge was more than a good man; rare as they are. He was an extraordinary public servant. For his beloved people in the Third District of Arkansas, he was a fine Representative in Congress—surely a better one than they knew—because he was always a leader of opinion. In a gentle, quiet, and very restrained way Jim Trimble was not only ahead of his people and his State, he was ahead of the majority in his country. Time and time again he would vote in the Rules Committee, where I sat beside him, for what he believed was good for his country's welfare, no matter how bad that vote was for his political future.

Few outside of Arkansas and the U.S. House of Representatives ever heard of Jim Trimble but I have served with only two or three Members in my time who have as wisely and courageously performed the duties of a U.S. Congressman; a Representative of all the people of the United States.

RESOLUTION OF MINNESOTA POLLUTION CONTROL AGENCY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. DINGELL. Mr. Speaker, I have received a letter from Grant J. Merritt, executive director, Minnesota Pollution Control Agency, forwarding a copy of that agency's resolution relating to pending water pollution control legislation which I would like to share with my colleagues. Therefore, I insert the text of the letter and the text of the resolution at this point in the CONGRESSIONAL RECORD:

MINNESOTA POLLUTION
CONTROL AGENCY,
Minneapolis, Minn., March 16, 1972.

DEAR CONGRESSMAN: The enclosed resolution supports the major points in the Dingell-Reuss-Saylor Clean Water Package which will be urged as an amendment to the Blatnik Bill.

I hope you will study the resolution carefully and support the Clean Water Package. Thank you very much.

Sincerely,

GRANT J. MERRITT,
Executive Director.

Enclosure.

RESOLUTION OF THE MINNESOTA POLLUTION CONTROL AGENCY TO THE PRESIDENT, SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA—PASSED MONDAY MARCH 13, 1972

Be it resolved by the Minnesota Pollution Control Agency that any major legislation to amend the Federal Water Quality Act should contain the following provisions:

(1) A provision that gives the federal government the right to veto state permits issued to individuals who discharge effluent in intrastate waters;

(2) A provision that allows individual states to set stronger pollution control standards than the minimum standards set by the federal government, especially in the areas of pollution from marine sanitation devices and pollution emanating from radioactive sources including atomic power plants;

(3) A provision that sets 1985 as the deadline for achieving no-discharge of pollutants to our nations waters. This should be more than a goal to be studied, it should be national policy;

(4) A provision that gives any citizen or group standing to sue to abate any pollution or to challenge any arbitrary and unfounded action of a pollution control agency;

(5) A provision requiring that the spirit and letter of the National Environmental Policy Act be followed and that all of the information required in environmental impact statements be obtained before the granting of any permit to discharge effluent into our waters.

PRESIDENT NIXON'S CURE IS WORSE THAN THE DISEASE

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mrs. GRIFFITHS. Mr. Speaker, President Nixon has proposed legislation which will funnel billions of dollars into health insurance companies, ostensibly for the goal of providing improved health care for Americans. As Congress considers national health care legislation, it should be noted that the performances of health insurance companies under the medicare program have been erratic, inefficient, costly, and inconsistent with congressional intent. I cannot see how the health insurance legislation proposed by the President will be any different.

An article on the abuses of medicare appeared in the Detroit News of March 7, 1972. The article states that an audit presently being conducted by the Social Security Administration has uncovered evidence that "hundreds of millions" of medicare dollars have been misspent because of business inefficiencies and excess payments to doctors. No one really knows how high the final bill for these abuses will be, but we all know that the American taxpayer will have to pay it. With this point in mind, I urge my colleagues to read the following description of these abuses:

ABUSES OF MEDICARE CHARGED—UNITED STATES SAYS HEALTH INSURANCE FIRMS MISSPENT MILLIONS

WASHINGTON.—Health insurance companies, including Michigan Blue Shield, have misspent "hundreds of millions" of medicare dollars, federal auditors have found, because of business inefficiencies and excess payments to doctors.

Previously undisclosed audits by the Department of Health, Education and Welfare (HEW) questioned practices ranging from the purchase of 2,100 monogrammed golf balls to payment of $320 million to Florida doctors without assurance that the fees were reasonable.

Spokesmen for HEW's Social Security Administration and the insurance companies said many of the deficiencies disclosed by the audits have been remedied. Some insurers also challenge portions of the findings, objecting to the HEW auditors' statistical projections of misspending from an analysis of sample payments.

John C. McCabe, president of Michigan Blue Shield, said there was no foundation to the HEW charges concerning medicare payments in Michigan.

"The only outstanding dispute between us and HEW is a disagreement on judgment on what constitutes reasonable charges concerning fees of physicians in connection with Medicare charges," McCabe said.

"Studies show that physician payments in Michigan are among the lowest in the nation with respect to Medicare.

"About a year and a half ago, Michigan Blue Shield and HEW exchanged views on this matter and we sent them a letter pointing out our position. We received no response to that letter and therefore assumed they did not contest it.

"To have agreed to the government position would have meant that medicare patients would have had to pay money out of their own pockets."

The claims of corrective action could not be verified. The audits run two years late, and the Social Security Administration won't open current files to newsmen.

A staff report of the Senate Finance Committee on the 33 Blue Shield plans, 15 commercial companies, and two independent insurors acting as medicare payment agents for doctor bills had this to say:

"Carrier performance under medicare has in the majority of instances been erratic, inefficient, costly and inconsistent with congressional intent . . . Unquestionably millions of dollars of public funds have gone to subsidize carrier inefficiency."

Thomas M. Tierney, who runs the medicare program for the government, had a different assessment.

"I think in the overall, the carriers and intermediaries have done an effective job in administering a very complex program," he said. "This is not to say there are not problems."

Insurance companies and Blue Cross and Blue Shield plans funnel government money to health institutions and doctors who treat medicare patients. They assume no risk, administrative expenses are paid in full and no profit is allowed.

The HEW audit findings, which will be aired this month at hearings by the Senate Anti-trust and Monopoly Subcommittee, are serving as ammunition for proponents of government-run health insurance.

President Nixon, among others, proposes to funnel billions of dollars into the carriers and an expanded, government-required and subsidized health insurance.

The federal auditors' most common complaint involved overcharges—failure by companies to limit physicians' payments to "reasonable, customary and usual fees," as defined by doctors themselves.

"Weaknesses in financial management" of Michigan Medical Service (Blue Shield, for example) resulted in $1.2 million overpayments between March, 1969 and March, 1970, the audit said.

Misspending by Blue Shield plans in Arkansas, Florida and Iowa also was mentioned.

"No one can say for certain how much money has been overpaid as a result of the failure to apply statutory limitation on 'reasonable charges,' " the Senate Finance Committee staff report said. But it estimated the amount at "many hundreds of millions of dollars."

The Social Security Administration, under prodding from Congress, has recently removed some companies from the program or cut their medicare business.

Cleveland Blue Shield lost its contract. Thirteen counties in southern California were taken away from California Blue Shield. Chicago Blue Shield lost six counties.

The auditors also spotted some expenses they said were charged improperly to medicare.

They included those golf balls, country club and social memberships, liquor, and leased cars at Virginia Blue Cross.

TIM LEE CARTER, CONGRESSMAN FROM KENTUCKY

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. DUNCAN. Mr. Speaker, I have read with great interest the following article from U.S. Medicine, March 15, 1972, by Reginald W. Rhem about my good friend and able colleague, the distinguished gentleman from the Commonwealth of Kentucky, TIM LEE CARTER.

Representing the people of Kentucky's Fifth Congressional District, Dr. CARTER has always been deeply concerned with the issues and problems that confront his constituents. Indeed, he is a true friend of the common people, and his years of service in this body have been characterized by devotion to his State and Nation.

Principle and honesty are TIM LEE CARTER's hallmark. His counsel is always precise and insightful and his leadership in the area of health and environmental legislation is well known here in Congress. The people of the Fifth District of Kentucky and those of us who are privileged to be his colleagues are, indeed, fortunate to have him serving in the U.S. House of Representatives.

It is with pleasure that I submit this article for your attention:

DR. CARTER TRUSTS COMMON PEOPLE

(By Reginald W. Rhein)

TOMPKINSVILLE, KY.—In July 1966, Dr. Tim Lee Carter made his second trip to South Vietnam. The Republican representative from Kentucky's fifth district had been chosen by Speaker of the House John W. McCormack—along with 13 other congressmen—to visit that country and report the progress of the war effort.

When they returned to Washington, the Speaker's committee was ushered into the White House. President Johnson asked each member if he thought U.S. forces should continue to fight there.

"They all said yes until he got to me," Dr. Carter recalls. "I told him, 'No—I'm against it.' I was the only one on the committee who felt we were losing the war."

The President talked for 30 minutes trying to convince him to change his position, Dr. Carter says. "But he didn't."

By August 28, 1967, the Kentucky Congressman could no longer hold his tongue. In an emotional speech before the House, he demanded "a drastic change of direction" in the Vietnam war. "Let us now, while we are yet strong, bring our men home, every man jack of them," he said.

Thus, Dr. Carter became the first member of the House to publicly declare his opposition to the war.

FORMER BULWARKS POSITION

Flying back to Kentucky after the speech, Dr. Carter was asked by an accompanying reporter if his stand wouldn't hurt him in his district. The congressman looked across the aisle, saw a man he didn't know who appeared likely to be a constituent ("probably a farmer," he says) and suggested the newsman ask him if the U.S. ought to stay in Vietnam. "The farmer told him, "we've got no business being there,' " Dr. Carter recalls.

Coming out strongly against the war was "the most popular thing I ever did," he now says. "It was one time I learned I could trust the common people."

Trust in the "common people" of his district translates roughly into finding out how they stand on the issues and championing that stand. At least once a year, Dr. Carter's office sends out questionnaires to each voter in his district to poll their views on major issues. He rarely crosses them without good reason.

His constituents are highly patriotic in an old-fashioned sense, and Dr. Carter himself is described as "a flag waver." They are disturbed by "crime in the streets" and campus violence—although they see little of it here—and Dr. Carter has come out strongly as a "law and order" congressman.

To keep the pulse of his constituents, Dr. Carter also spends a great deal of time traveling the back roads of his widespread Kentucky territory. His field representative here, Doyle Ray Hammer, who runs a local print shop, says he himself drives 30,000 miles a year running over the district, and probably drives Dr. Carter's car an equal number of miles when the congressman comes down from Washington.

POLITICKING PAYS OFF

It pays off. Dr. Hammer says that a poll taken by a newsmagazine recently put Dr. Carter's recognition by the electorate "way high" compared to other congressmen. And in the last election, he adds, Dr. Carter's percentage was "the highest of any congressman in the United States."

Dr. Carter tries to keep to a minimum any views he may personally have that greatly differ from the majority of his constituents. One of the toughest issues he has had to face, in this tobacco state, is the health hazards of smoking. As a physician, and a congressman, he concedes the issue puts him "between a rock and a hard place."

"I've never said it was not harmful to smoke cigarettes," he will tell you, although he smokes himself. As a physician he cannot encourage his patients to smoke. "But I'm going to support my people's right to grow tobacco. They've got to live!"

QUESTIONS CANCER LINK

Anyway, he says he is not convinced anyone has "proved" cigarettes cause cancer. "At NIH, they've had rabbits, hamsters smoking tobacco for years. None have ever developed lung cancer. But rabbits and hamsters who have breathed in automobile fumes and were given virus, they got it right away."

Another issue he's uncomfortable discussing is Medicare. In 1965, Dr. Carter voted against Medicare. He ran for office originally with the pledge that he would "support conservation measures and increases in medical aid to aged and disabled under the Kerr-Mills bill." (That was a different program.)

Asked about his previous opposition to Medicare, he tells you: "Well, let's just say I supported Eldercare" (the American Medical Association's alternative to Medicare). "I still believe Eldercare was a better bill."

INFLUENCES LEGISLATION

As a member of the subcommittee on public health and environment of the House Interstate and Foreign Commerce Committee, Dr. Carter has had many opportunities to influence medical legislation passing Congress. He has been a major supporter of the President's Special Action Office for Drug Abuse Prevention, of the Cancer Attack Program (originally as recommended by the Nixon administration, then the compromise version worked out by his subcommittee), a

Sudden Infant Death Syndrome bill, and—most recently—a Noise Control Act.

Now, he says, he believes that Medicare "works fairly well" as far as supplying medical benefits to the aged. "But it's made it hard for hospitals to get along," he says. This is because Medicare pays hospitals only for the exact cost of the patient's treatment, and does not help meet other hospital expenses—such as expansion—that formerly were added to patients' bills.

SEEKS LARGER PAYMENTS

"Medicare should pay hospitals more," Dr. Carter says. The Medicare fund has the money to do it now, he says. 'They're lending their excess to the federal treasury." At the same time, he adds, we should "keep hospital costs down."

Dr. Carter likes to talk about medical—and educational—bills he has supported over the last eight years, particularly those that helped his district. He is especially proud of his role in getting 17 vocational schools constructed in 24 counties of his district, as well as "several new hospitals" and water purification systems.

"I don't think it's an accident Kentucky's mental retardation center was built at Somerset" (the largest town in his district), he says.

People in his district are aware of his efforts. Roscoe Kelly, PhD, president of Somerset Community College, say he is grateful to the congressman for his help in trying to get the National Institute of the National Commission on Marijuana and Drug Abuse, so is in good position to make his views felt. This stand, too, is widely supported by his constituents, who have consistently opposed legalizing even alcohol in his district.

On national health insurance, Dr. Carter says he wants to see that "those unable to pay" are helped by the federal government. Kentuckians interviewed in his district seem to back this position, but adamantly insist that able-bodied men should support their own families and pay their own bills. Dr. Carter, too, wants Americans to pay a good portion of their own.

Nor does he want "industry to fail" because of too heavy a load created by programs like the Nixon administration plan. "Marginal ones might fail," he says. "I'd like to see the government pay something in these cases." Otherwise, he likes the administration's proposal.

Dr. Carter also likes the AMA's Medi-credit plan, but thinks it ought to "consider adding regional health maintenance organizations." HMOs are "something that's coming in medicine," he adds. "I'd like to see these privately owned and privately financed, where possible."

LAW AND ORDER ADVOCATE

He is for strong "law and order" legislation. In 1969, he introduced a bill providing for investigative detention and search of persons suspected of involvement in federal crimes. (Lately, he has deleted provisions calling for "preventive detention" of suspected offenders.) Yet "crime in the streets" is not a problem in his rural Kentucky district, he says.

(It's more of a problem where he works. He recently was called out of a Washington restaurant—where he was attending a function with Sen. Hugh Scott (R., Pa.). "A man was shot out in front," Dr. Carter says. He didn't think anything of it at the time, since he's seen a lot of it as a general practitioner.)

And he is against foreign aid. In a House speech two years ago, he said: "I submit that the foreign aid policy during the past 15 years has not only been an abysmal failure, it has kept in power dictatorial potentates and has not served the common people of the area for which it is intended."

Yet he is in favor of President Nixon's trip to China. "We mishandled the Chinese problem for many, many years," he says. "They've continually tried to contact us diplomatically—to become friends."

MIDDLE-OF-THE ROAD

His views on international affairs are based on a firm conviction that "we shouldn't be sticking our noses in other people's business," a conviction repeatedly echoed in his district.

Ideologically, Dr. Carter describes himself as "right in the middle of the road." He says he believes "the government's budget should be financially sound" and asks: "That's not a conservative position, is it?"

Dr. Carver is "very patriotic, a real flag waver," says a fellow Republican who has known him for many years, C. Homer Neikirk, a judge on the Kentucky Court of Appeals in Frankfort.

The 62-year-old physician-congressman is not ashamed to show his patriotism. In a recent House speech, he resurrected a half-mythical organization of American patriots, believed active between 1774 and 1784, called the "Order of the Rose."

Members swore: "I am determined to sacrifice estate, ease, health, applause, and even life itself to the sacred calls of my country." Their motto was: "Where Liberty is, there is my Country." Their symbol was an embroidered rose.

Dr. Carter himself wears a small embroidered rose on his lapel, and genially swears in—as members—friends and fellow congressmen "who stood up for the United States of America, and were willing to risk our lives in defense of the United States." (It's not difficult to join, or exclusive. He even presented a lapel badge to this reporter.)

Another congressman probably would be ridiculed for such ostentatious displays of patriotism, attacked for such strong stands against the war, or criticized for taking an ambivalent position on a major industry (tobacco). Another congressman running for his fifth term might be attacked merely for being in office eight years. Minority members of Congress usually have trouble pointing to solid achievements, since the opposition party has control of the legislative apparatus.

But Dr. Carter has never had difficulty getting reelected. Each year the margins get wider, in fact. Championing issues is only half the story; people here genuinely seem to know and like him.

"He's the milk of human kindness," says Judge Neikirk, who ran unsuccessfully against Dr. Carter's predecessor in the 1962 primary race. And Dr. Carter is known because "he works at it." Judge Neikirk explains that much of the incumbent's political strength stems from the fact that he "keeps personal contact with his constituents."

For example, in the recent redistricting of Kentucky's congressional districts, the fifth district got Madison County—the Richmond area. "He's not well known there," Judge Neikirk says. "But you can bet he'll be there personally before long, visiting the different clubs. He'll get known."

Ors Gowens, the manager of a Somerset radio station (WTLO), expressed what many who know Dr. Carter often mention about him: "He has the ability for recognizing and giving attention to you as a person." A Somerset physician, Dr. Morris R. Holzclaw, confirms that "Dr. Carter's personality is the most striking thing about him."

Even his political opponents like him. Alonzo Carter (no relation to Dr. Carter), chairman of the Pulaski County Democratic Executive Committee, calls him "a grand person." He adds: "There's no chance of beating him this year."

Dr. Carter has been practically invulnerable since he first won his seat in 1964. Yet the congressman himself will tell you he ran only when he failed to convince his brother, James, and "some of my cousins" to run for the vacant congressional seat. Dr. Carter won the primary election—against 14 other candidates—by a "handsome majority," his brother recalls.

"He was elected by less than 10,000 votes in the general election," says his brother, a Circuit Judge of the 29th Judicial District here in Tompkinsville. "But that was because of Johnson's landslide that year." Dr. Carter won each election since then handily, and ran with only "token opposition" last term, he says.

To no small degree, most people who know Dr. Carter say, his medical practice has been a big help in getting—and staying—in office. Doyle Ray Hammer, his field representative here, says "that's a great asset to a congressman, to be a doctor. So many things they do involve emotions." People listen when their physician tells them something, Mr. Hammer says. "Reassuring people is half the work."

"People come here with all sorts of problems—you get every problem in the world. Many are personal problems, and you've got to be sympathetic." Dr. Carter spends much of his time helping his constituents see the right federal agency, Mr. Hammer says.

Another plus is being a member of an old and respected Kentucky family. A press release by Dr. Carter's office when he ran in 1964 stressed the position of the Carters in the state's past.

"He and his family have long been prominent in Republican politics in Kentucky," it said. "There is a history of faithfulness to the Republican principles that the Carter family has always shown that is unsurpassed."

In fact, the Carter family has been active in this area for many years. Dr. Carter's great grandfather, Joseph Abcock Carter, was a member of the Old Mulkey Church, originally formed outside Tompkinsville by Philip Mulkey and other settlers from the Carolinas in 1773. (The Old Mulkey Meeting House is now a State Shrine.)

Dr. Carter's father, the late James C. Carter, Sr., served 36 years in the position James, Jr., now holds.

AN "A" STUDENT

His sister, Mrs. Stanley C. Pace of Burkesville, was Republican National Committeewoman from Kentucky for many years. President Eisenhower made her the first woman appointee to the U.S. Foreign Claims Commission; she served as chairman before she retired.

Another brother, Abe Carter, was sheriff, then county judge, and now the County attorney of Monroe County.

Judge Carter says his brother as a boy was "unlike me and Abe. Tim was an A student. He applied himself."

The future congressman at one point thought of making the Navy a career, and won an appointment to the U.S. Naval Academy in 1929. But, he says, "I decided I'd much rather save lives than take them."

Also, he says, "I couldn't stand being away from the green hills of Kentucky" for a life at sea. He left Annapolis after completing the first year. (One of Dr. Carter's nephews, however, is a graduate of Annapolis. Another nephew graduated from the U.S. Military Academy.)

He returned to Tompkinsville to teach school. While basketball coach at the high school here, his teams went to the state tournament all three years—in 1932, 1933, and 1934.

WAS COMBAT MEDIC

He received his A.B. degree from Western Kentucky State College in 1934, and earned his M.D. from the University of Tennessee College of Medicine in 1937. Dr. Carter then interned at the U.S. Marine Hospital and Chicago Maternity Center.

With the coming of World War II, Dr. Carter volunteered for military service and served 42 months as a combat medic, with the 38th Infantry Division. He received the

Combat Medical Badge and Bronze Star Medal.

Back in Tompkinsville after the war, Dr. Carter set out his shingle as a country doctor. "When I interned," he says "I had opportunities to work in Chicago. But I chose to be a country doctor. I went to Chicago Maternity Center to learn how to deliver babies."

It was a hectic practice, recollects his nephew, Dr. James E. Carter, who joined him in 1958 and now runs the clinic here that Dr. Carter operated for years with his late partner, Dr. Wendell F. Hurt. "He wouldn't refuse to see any patient any time. When he was here, Dr. Tim made house calls galore. If he couldn't see them then, he'd make sure he could see them later."

"My uncle was a perfectionist in the practice of medicine," Dr. Carter continues. "He hated to miss a diagnosis or make an error in treatment about as bad as any fellow I've seen. He's meticulous. He seldom erred in judgment." Dr. Carter pauses a moment. "I learned a lot from him."

In fact, the physician-congressman still sees some of his "old time patients" when he returns to Tompkinsville on weekends. "He feels he can do something for them," says his nephew. "He enjoys it because it keeps him in touch with medical practice. He's never home but he doesn't spend a little time in this office."

Except for fees from the patients he sees himself, the elder Dr. Carter takes no profits from the clinic.

Actually, one of the reasons Dr. Carter left his practice to run for Congress in 1964, according to his nephew, is because his practice as a country doctor was "killing him."

The younger Dr. Carter explains that his uncle "lost one of his kidneys—probably as a result of riding around in a bouncing jeep and not drinking enough water. He used a jeep to make house calls. He'd go as high as two days without taking his clothes off."

The congressman himself will concede that "I have no doubt I'd be dead if I kept in practice. In Washington, I can sleep at night." Then he says, "You know, it would be a great experiment to get into a health maintenance organization. . . ."

NEED FOR NATIONAL INSTITUTE OF AGING

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. MINSHALL. Mr. Speaker, one of my distinguished constituents, Dr. Thaddeus Samorajski of Parma, Ohio, presented some most fascinating and compelling testimony last week when he appeared before the Subcommittee on Public Health and Environment during its hearings on aging research.

Dr. Samorajski, who is director of the laboratory of neurochemistry, department of mental hygiene and correction, State of Ohio, and an assistant professor of experimental neuropathology at Case Western Reserve University, spoke in support of the establishment of a National Institute of Aging. His remarks point up the fact that as Americans now lead longer lives, it is essential to anticipate and meet the problems and challenges inherent in an age group of 60 and over that will have grown from 5 million in 1900 to more than 35 million by 1980.

What this noted expert, who lectures widely both in this country and abroad, has to say on the subject of aging should have interest for a much wider audience than the subcommittee and I am pleased to share his testimony with readers of the CONGRESSIONAL RECORD:

STATEMENT BY DR. T. SAMORAJSKI (VIEWS IN SUPPORT OF H.R. 12308, ESTABLISHMENT OF NATIONAL INSTITUTE OF AGING, AND ALSO H.R. 188, ESTABLISHMENT OF NATIONAL INSTITUTE OF GERONTOLOGY)

NATIONAL INSTITUTE OF AGING

The topic of human aging includes vast and complex principles and practical social issues that are of vital importance not only to science but also to each individual and to society. There are a number of scientists with different interests and skills that are conducting basic and applied research on human aging. In view of this diversity and complexity, the aims of this report are to present some current views that are shared by many scientists concerning the great urgency of social support to insure future progress in the field of Gerontology. The 3 main issues that confront gerontology as a socially responsive scientific enterprise can be stated most briefly as follows:

A. Discover basic principles of human aging that may also serve as useful guides for the solution of personal and social problems.

B. Justify the support requested and received from the public for basic and applied research on human aging.

C. Outline the needs expressed by many scientists for a separate Institute of Aging responsible for coordinated planning of research and for the allocation of scientific manpower and resources.

Although scientists from different disciplines may not agree about all details of implementation, there is considerable agreement concerning fundamental social and scientific objectives. These can be listed as specific points under each of the 3 main issues.

A. Basic principles of human aging

1. Universality of aging. All scientists agree that aging represents one of the most universal and inevitable problems of man. To date, aging represents one of the major unsolved scientific enigmas or riddles. With advancing age, memory dims, the senses become less acute, motor skills decrease, the hair turns gray, the skin wrinkles, bones become brittle and vigor and vitality decline and ebb away with age. What specific changes in molecules, cells and the body occur during aging? What causes these changes? Can these changes be modified or significantly delayed?

2. Definitions of aging. Two of the most prominent long term changes of aging include the progressive decline in many body functions and the increasing probability of death. Since these two features occur in everyone, aging has been defined by scientists as a "universal, progressive, instrinsic and deleterious decline which occurs with the passage of time after reproductive maturity".

3. Increasing size of the aging population in the U.S.A. The increasing scientific and medical knowledge on the causes of many diseases and their prevention or control have resulted in a continuously increasing proportion of people over 60 years of age. In the U.S., the number of people 60 years old and over will have increased from 5 million in 1900 to 35 million by 1980. This increasing number generates many as yet unsolved psychological, social, economic, political and medical problems.

4. Role of heredity, nutrition, physical fitness and social factors in aging. Although the "maximum" life span of man is determined by heredity, such factors as nutrition, physical fitness, occupation, social roles, population density, climate and many other controlable factors can influence the rate of aging and the psychological and physical fitness during senescence.

5. Personal and social consequences of aging. Depending upon many factors that remain to be discovered, individuals can age "gracefully" or pose many problems to themselves, the family and to society. As yet, little is known about personal and social factors that result in normal aging and fulfillment of personal goals in some individuals, and in frustration, maladjustment and increasing withdrawal and social isolation in others.

6. Aging and the onset, incidence, and distribution of different types of diseases. At the present time, most scientists do not consider aging to be a disease but an orderly extension of an overall developmental life span program. But many older individuals must ultimately face the prospects of death due to complications produced by many diseases that have only minor consequences for younger members of the population. This has led some members of society to believe that aging represents the 100 percent fatal disease that ultimately overtakes everyone.

B. Justification of support requested from society for basic and applied research on aging

1. Scientific progress on causes of aging. How much do scientists know about the causes of aging? Quite frankly, so far, relative to early growth and development, very little. The sources of knowledge on aging are still mostly common sense, intuition, and a great deal of speculation. Scientific research on the causes of human aging is still in a very primitive state.

2. Improvement in life span and in mental and physical health of senior citizens due to scientific progress. Despite the great advancements made in recent years by science and medicine in the reduction of infant mortality and the diseases of youth and middle age, relatively little has been done for the population 60 years or greater. In 1900, people 65 years of age could expect to live, on the average about 12 more years. Now in 1972, they can expect to live another 14 years, a very modest increase of only 2 years. This figure represents not only the complexity of the human aging problem, but also a lack of effort on the part of the scientific community and the need for a new initiative if major changes are to be achieved in facilitating man's effort to add "life to years and years to life".

3. Urgent need for life span studies of human aging. Due to the long life span of man, there has been a separation of aging from development in scientific research. Development in man takes many years and requires public education as preparation for a productive and useful life. Due to lack of information, there are at the present time no comparable training, public education or counseling programs to help individuals adjust to retirement and other aspects of aging. Public opinions, attitudes and many laws are based on tradition, convenience, economy and other untested assumptions rather than on substantiated scientific principles of aging.

4. Individual and social responsibility for support of research on aging. At the present time, support for life span longitudinal studies of man is urgently needed since development and aging are only two different aspects of the total life span of man. Many of the changes that occur with advancing age have their causes in antecedent conditions that occurred much earlier in life.

C. Role of a separate Institute of Aging in the future progress of Gerontology

1. Gerontology as a social and biological science. As an interdisciplinary science, Gerontology includes biology, biochemistry, physiology, psychology, sociology and ecology. Basic research in these areas is focused on fundamental principles of human aging. Ap-

plied research deals with the application of these principles to the solution of personal and social problems of senior citizens. Both types of research need urgent support since they are major sources of more reliable knowledge about aging.

2. Scope of personal, social, medical and geriatric problems of senior citizens in the U.S. Numerous surveys conducted in various cities around the country have indicated the disturbing fact that the services for older persons are fragmented into many conflicting or overlapping agencies and institutions. Most researchers agree that there should be in each community and level of government a more unified and coordinated approach to the problems of senior citizens. But the assignment of priorities requires a better understanding of the needs and problems of older persons.

3. Diversity of basic and applied research on human aging. Today, studies of aging are being conducted in some universities, medical schools, hospitals, government laboratories and some research institutions across the country. However, while many of these basic research studies on nutrition, cell metabolism, biochemistry, physiology, psychology all touch on some aspects of aging, they do not directly attack the questions of the fundamental causes of aging and their modification or improvement based on scientific knowledge. This could best be accomplished through a separate Institute of Aging with responsibility for the coordinated planning of research and the allocation of resources to fundamental problems of aging that may be ignored for various reasons by many scientists.

4. Advantages to society and science of coordinated planning within a National Institute of Aging. Gradually, the public is recognizing the importance of the problems of aging. With increasing public interest, more support may be allocated to research on human aging and more of the nation's scientists will take up the research challenge. A separate Institute of Aging can provide the leadership for the great scientific and social challenges that must be met in the field of Gerontology. By its very existence, identity, and visibility it can help focus social and scientific problems and their most effective solutions.

5. Public attitudes, interest and support. Until recently, the public and most scientists considered problems of aging as a pursuit of the mystic elixir or fountain of perpetual youth. In the past decade, interest and support have changed. Research on cancer and on aging have not only become acceptable but vital since they appear as inevitable consequences in a population with increasing proportions of older individuals.

6. Scientific attitudes, interest and support for a separate Institute of Aging. In contrast to many scientific problems in other areas, the study of human aging is much more complex since it represents the summation of long term psychological, physiological, biochemical and morphological changes which are subject to considerable environmental and social modification. A separate Institute of Aging can participate in the identification of major problem areas that make many investigations in a particular area particularly difficult or challenging. All scientists agree that the application of the highest professional and scientific talents and major resources are required for the solution of problems in human aging and that the commitment of these talents and resources would ultimately be fully justified by the future progress.

7. *Summary*. There are many theories about the causes of human aging. They focus either on genetic or environmental factors as determinants of aging. Scientists are currently studying the effects of genetics, radiation, nutrition, hormones, exercise and many other factors on the aging process. Scientists working on these problems agree that the establishment of a National Institute of Aging can provide the critical momentum for the stepped-up attack on the important personal and social problems of human aging. Such an institute can lead not only in providing understanding of the causes of aging but also help solve consequences of aging which now constitute one of the most important public health problems in modern societies.

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 5,900 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 108,600 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

HOUSE OF REPRESENTATIVES—*Tuesday, March 21, 1972*

The House met at 12 o'clock noon.

The Reverend A. Dickerson Salmon, Jr., rector of All Saints' Episcopal Church, Frederick, Md., offered the following prayer:

O God our ever-present Father, help us to recognize that Your purposes stretch beyond the horizon of our vision; that Your demands confront our selfish desires and our limited wills; that Your compassion overflows the utmost love in all our hearts.

Help us to know only what is Your will, and to ask only for Your strength to obey it. Keep us from all ignorance, prejudice, bitterness, strife, and fear.

Fill us with faith and hope in Your promises, with courage and compassion for the needs of Your people, our constituents.

Enable us both to pursue faithfully the work we have been given to do this day, and to experience Your peace which passes all understanding. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

REV. A. DICKERSON SALMON, JR.

(Mr. BYRON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BYRON. Mr. Speaker, on behalf of the membership of this House, I would like to express my deep appreciation to the Reverend A. Dickerson Salmon of the All Saints' Parish in Frederick, for offering the prayer today in the House of Representatives.

Reverend Salmon began his career in the ministry in New York and in 1963 he came to Brunswick, Md., to serve with the Grace Episcopal Church. He also served on the board of Claggett Diocesan Center. In 1970 he assumed his present position and is also currently serving on the diocesan committee.

In addition to his religious activities, he is involved in other public and community services and is a member of the Rotary Club and the board of directors of Goodwill Industries.

Mr. Speaker, I am pleased that Reverend Salmon consented to be with us today, and I am sure that all who heard him were most impressed with his sincerity, and I only hope that he will be able to visit us again sometime in the near future.

CHANGE IN LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I take this time to announce a change in the legislative program for this week.

We are postponing consideration of the Federal Water Pollution Control Act (H.R. 11896), originally scheduled for tomorrow, until next week. In its place on tomorrow we will consider H.R. 13592, the National Sickle Cell Anemia Act which received a rule today.

As previously announced, we will consider the conference report on S. 18, Radio Free Europe, tomorrow, and we will consider the legislative appropriation bill on Thursday.

RECORD JUMP FOUND IN HOUSING STARTS

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, economic indicators are improving on a wide front and one of the most encouraging is the record jump found in housing starts during the past 3 months.

The latest Department of Commerce report on housing starts indicates an increase of 8.4 percent for February. This figure when added to a January increase of 0.6 percent and a December increase of 10.3 percent indicates the tremendous strength displayed in this sector of the economy. More specifically, housing starts climbed to a seasonally adjusted annual rate of 2,678,000. All 3 months have been well ahead of the 1,793,000 rate a year earlier. The sharpest increases in last month's starts came in structures with two to four units as well as those with five units or more.

Even more encouraging are the factors explaining the jump in housing starts—declining mortgage rates and the continuing availability of money for housing. These record highs in housing starts are making improved housing a reality for increasing numbers of Americans and indicate that in this key indicator the economic stabilization program is having a beneficial impact on the lives of a great number of people.

PERMISSION FOR COMMITTEE ON RULES TO FILE A PRIVILEGED REPORT

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi.

There was no objection.

THE RETIREMENT OF DR. HALL

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, I was surprised and disappointed to learn of the prospective retirement of our colleague from Missouri, the Honorable Durward G. Hall.

I will miss Dr. Hall. We are all aware of his diligence, attention to floor proceedings, and his determination to fight vigorously for what he believes is right.

But, Mr. Speaker, my disappointment also stems from another source. I have served with the doctor on two joint committees concerned with the improvement of the operations of the U.S. Congress and it is in this connection that I desire to make a few observations.

In March of 1965, we were both appointed to the Joint Committee on the Organization of Congress, a 12-member bipartisan bicameral study committee aimed at improving the structure and procedures of the Congress.

In our work on this committee I found the gentleman from Missouri diligent and determined but also reasonable and cooperative in arriving at a consensus to which all of the members of the committee could subscribe.

"Doc" Hall maintained his interest in congressional reorganization. In House consideration of the Legislative Reorganization Act of 1970, he offered the amendment creating the Joint Committee on Congressional Operations, of which I have the honor to be the chairman, and on which "Doc" Hall is one of the most valued members.

The committee will miss his contributions and also his genial presence, but we know he has earned his retirement by yeoman service to his constituents and to the Congress of the United States, and we wish him and his wife, Betty, enjoyment, happiness, and success in their years to come.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I am happy to yield to the distinguished minority leader, if I still have sufficient time to do so.

Mr. GERALD R. FORD. Mr. Speaker, let me say that I also fully share all of the compliments the gentleman from Texas (Mr. Brooks) has given to our colleague, Dr. Durward Hall. I was naturally very disappointed when I learned of the news of Dr. Hall's retirement. Regrettably I have been unsuccessful in trying to revise that decision he has made.

The net result of Dr. Hall's retirement is that we will miss him very badly for very many reasons, as the gentleman from Texas has indicated. I hope and trust that despite his retirement he will help and assist us in any way and in any capacity that we ask him to—and I know that he will.

Again, Mr. Speaker, let me say in conclusion that I share entirely the views expressed by the gentleman from Texas (Mr. Brooks).

Mr. BROOKS. And he may in some instances when you do not ask him.

Mr. Speaker, I yield back the balance of my time.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FRANK J. McCABE

The Clerk called the bill (H.R. 1862) for the relief of Frank J. McCabe.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342) for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

ANTONIO BENAVIDES

The Clerk called the bill (H.R. 2394) for the relief of Antonio Benavides.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no obejction.

MRS. CONCEPCION GARCIA BALAURO

The Clerk called the bill (H.R. 2703) for the relief of Mrs. Concepcion Garcia Balauro.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ALBINA LUCIO Z. MANLUCU

The Clerk called the bill (S. 559) for the relief of Albina Lucio Z. Manlucu.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

VLADIMIR RODRIGUEZ LA HERA

The Clerk called the bill (H.R. 2076) for the relief of Vladimir Rodriguez La Hera.

There being no objection, the Clerk read the bill as follows:

H.R. 2076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Vladimir Rodriguez LaHera, who was lawfully admitted to the United States for permanent residence on July 2, 1964, shall be held and considered not to be within the classes of persons whose naturalization is prohibited by the provisions of section 313 of the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMPARO CORONADO VIEUDA DE PENA AND HER THREE MINOR CHILDREN: YOLANDA PENA, MARISELA PENA, AND LORENZO PENA

The Clerk called the bill (H.R. 4679) for the relief of Ampara Coronado Vieuda de Pena and her three minor children: Yolanda Pena, Marisela Pena, and Lorenzo Pena.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARGARIDA ALDORA CORREIA DOS REIS

The Clerk called the bill (H.R. 6504) for the relief of Margarida Aldora Correia dos Reis.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

EMILIA RUFFOLO

The Clerk called the bill (H.R. 10142) for the relief of Emilia Ruffolo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ALBERT W. REISER, JR.

The Clerk called the bill (H.R. 3751) for the relief of Albert W. Reiser, Jr.

There being no objection, the Clerk read the bill as follows:

H.R. 3751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to Albert W. Reiser, Junior, of Lima, Ohio, the sum of $1,458.80 in full settlement of all his claims against the United States for reimbursement of expenses arising in connection with the sale of his Oakwood, Ohio, residence and purchase of a residence in Lima, Ohio, pursuant to his 1968 transfer of official station as an employee of the Department of Labor.

SEC. 2. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 2, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JERRY L. CHANCELLOR

The Clerk called the bill (H.R. 7946) for the relief of Jerry L. Chancellor.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

DONALD P. LARIVIERE

The Clerk called the bill (H.R. 8952) for the relief of Donald P. Lariviere.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

MRS. ROSANNA THOMAS

The Clerk called the bill (H.R. 9473) for the relief of Mrs. Rosanna Thomas.

There being no objection, the Clerk read the bill as follows:

H.R. 9473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury, not otherwise appropriated, to Mrs. Rosanna Thomas, of Rome, Italy, wife of the late First Sergeant James E. Thomas, 1275369 United States Marine Corps, the sum of $391 in full settlement of all her claims against the United States for reimbursement for travel from Los Angeles, California, to Rome, Italy, for herself and her three children in July 1968. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, lines 11 and 12, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11045) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 341) for the relief of Arline Loader and Maurice Loader.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. This ends the call of the Private Calendar.

CALL OF THE HOUSE

Mr. CEDERBERG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 83]

Abourezk
Abzug
Annunzio
Arends
Badillo
Baring
Belcher
Brown, Ohio
Burton
Cabell
Carey, N.Y.
Carter
Celler
Chisholm
Clark
Clay
Collins, Ill.
Conyers
Derwinski
Diggs
Dowdy
Dwyer
Edwards, La.
Foley
Frey
Galifianakis
Gallagher
Gaydos
Gray
Halpern
Hastings
Hébert
Hicks, Mass.
Hull
Jacobs
Kluczynski
Kyros
Mathias, Calif.
Mayne
Metcalfe
Michel
Mikva
Miller, Calif.
Mitchell
Murphy, Ill.
Nelsen
Nix
Obey
O'Hara
Pelly
Pepper
Preyer, N.C.
Pryor, Ark.
Pucinski
Purcell
Rangel
Rees
Reid
Riegle
Rogers
Rosenthal
Rostenkowski
Roy
Scheuer
Shipley
Sisk
Springer
Staggers
Stanton, James V.
Steele
Stubblefield
Symington
Taylor
Teague, Calif.
Teague, Tex.
Wiggins
Yates

The SPEAKER. On this rollcall 354 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PAR VALUE MODIFICATION ACT

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 900 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 900

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13120) to provide for a modification in the par value of the dollar, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 13120, the Committee on Banking and Currency shall be discharged from the further consideration of the bill S. 3160, and it shall then be in order to consider the said Senate bill in the House.

Mr. O'NEILL. Mr. Speaker, at the conclusion of my remarks I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 900 provides an open rule with 1 hour of general debate for consideration of H.R. 13120, the Par Value Modification Act. After passage of the bill, the Committee on Banking and Currency shall be discharged from further consideration of S. 3160 and it shall be in order to consider the Senate bill in the House.

The purpose of H.R. 13120 is to establish a new par value of the dollar.

The Secretary of the Treasury would be directed to establish a new par value of the dollar making it equal to one thirty-eighth of a fine troy ounce of gold. He would maintain the value in terms of gold of the U.S. dollars of the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association, and the Asian Development Bank.

Appropriations are authorized, to remain available until expended, of sums necessary for the maintenance of value obligations.

The increase in the value of gold held by the United States resulting from the change in the par value of the dollar will be covered into the Treasury as a miscellaneous receipt.

No budgetary expense is anticipated in fiscal years 1972 and 1973. The budgetary impact from fiscal years 1974 through 1976 is estimated at $343 million. The budgetary impact from fiscal years 1977 to 1986 is estimated at $63 million.

Mr. Speaker, I urge the adoption of the rule in order that the bill may be considered.

Mr. QUILLEN. Mr. Speaker, House Resolution 900 provides an open rule with 1 hour of debate on the bill, H.R. 13120. After passage of the bill, the rule makes it in order to consider S. 3160, the comparable Senate bill.

The purpose of H.R. 13120 is to devalue the dollar and deal with the increases in assets and liabilities directly resulting from that change.

More specifically, the bill would—

First, authorize and direct the Secretary of the Treasury to take the steps necessary to establish a new par value of the dollar of $38 per fine troy ounce of gold;

Second, authorize and direct the Secretary of the Treasury to maintain the value in terms of gold of the holdings of the U.S. dollars of the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the International Development Association and Asian Development Bank to the extent provided for and required by the article of agreement of these institutions;

Third, authorize the appropriation, to remain available until expended, of such amounts as may be necessary to satisfy these maintenance of value obligations; and

Fourth, direct that the increase in the value of the gold held by the United States resulting from the change in the par value of the dollar be covered into the Treasury as a miscellaneous receipt.

With regard to cost, no budgetary expenditures are anticipated as a result of this legislation in fiscal years 1972 and 1973. The budgetary impact from fiscal years 1974 to 1976 will be $343 million, which represents maintenance of value obligations on capital now paid in and held by the multilateral development lending institutions, or to be paid in under authorizations now in progress. The budgetary impact from fiscal year 1977 to fiscal year 1986 will be $63 million which represents maintenance of value obligations on paid-in capital now out on loan by the institutions for which letters of credit will be issued and payment made as loans are repaid and new disbursements made.

Mr. Speaker, at this time I yield 10 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I hope that no one will be deluded into believing that approval of this bill, increasing the official price of gold to $38 an ounce, will provide a magical cure for the financial crisis that is bearing down more heavily each day on this Government and its citizens.

I hope Members of the House understand this move for what it is—simply another expedient in a long list of expedients that have been tried and failed to bring order out of the internal and external financial distress that borders on chaos.

Mr. Speaker, this bill would not be here if previous administrations had not embarked on insane—utterly insane—deficit spending orgies, and if this administration had not continued on those orgies.

The world monetary crisis would not have come about had not this Government, including a subservient Congress, piled deficit on top of deficit, year after year after year, until the debt of the United States is far in excess of the combined debts of all the other governments of the earth.

It is this fact that has led foreign bankers and governments to become increasingly wary of the once almighty American dollar, and if anyone believes the enactment of this bill is going to cure that wariness, he and she is sadly mistaken.

It was only 2 weeks ago that Arthur F. Burns, Chairman of the Federal Reserve

Board, quietly made his way to Switzerland for a semisecret meeting with representatives of the central banks and bankers of Europe who hold the bulk of some 60 billion American dollars—the New York Times says this morning that that has been increased to $70 billion—that are now floating around the world. It is significant that it was Burns, not Treasury Secretary Connally, who went there to offer assurance that interest rates in the United States will be permitted to rise again, thus giving foreign bankers hope that they will have the opportunity to put at least some of their vast dollar holdings to work in this country at higher rates.

Meantime, American borrowers, big and little, continue to be played like the spool on a yo-yo string—up and down, down and up—because there is no longer the stability that the gold standard once gave the money markets.

When Congress foolishly stripped the gold backing from bank deposits in this country, the gentleman from Wisconsin (Mr. Reuss) was, by his own words, an enthusiastic supporter of that measure although he said it did not go far enough. He said it would "remove the pressure we are now under." The pressure, of course, was caused by foreign governments cashing in dollars for gold because they knew what the Johnson administration was doing to the value of the dollar.

The gentleman from Wisconsin was wrong, because the pressure did not slacken. The dollar continued to deteriorate, and it will be knocked down still further with the passage of this bill.

At that time the gentleman from Wisconsin and the gentleman from Texas (Mr. Patman) as well as others, were operating on the side of the angels. They stood shoulder to shoulder with William McChesney Martin, then Chairman of the Federal Reserve Board, who repeatedly denounced gold as "that barbarous metal." Gold was to Martin, Patman, Reuss, and company an anachronistic anachronism.

The position of the gentleman from Wisconsin with respect to gold is indeed intriguing. Through the years he has been a professor in the school of those who degraded gold. And he has reiterated on the House floor—and I quote him:

> Congress is never going to increase the price of gold . . . Congress will never do so.

Yes, I remember a day in December 1967, when he stood in this chamber to proclaim just that, and I remember how the gentleman from Arkansas (Mr. Mills) the gentleman from Louisiana (Mr. Boggs) and the gentleman from Oklahoma (Mr. Albert) almost fell over themselves in their haste to agree with his proclamation.

That was the pledge, Mr. Speaker, that Congress would never—no, sir, never—reward the gold speculators by increasing the official price of gold. That would be too dastardly an act to even contemplate.

Well, the day of reward has arrived and I will wager a scrap-metal dollar, also a product of the Banking and Currency Committee, to the hole in a doughnut, that I know how those distinguished Members will vote on this bill which will do what they solemnly promised would never be done.

Of course, Mr. Speaker, the rewards to the citizens of this country could have been great had the price of our gold been increased some time ago, even before the free market price went to $50 an ounce, which it is bumping today. At that price we could have used our gold to retire billions of those American dollars that are now floating around the world and causing so much trouble.

Great Britain abandoned the gold sovereign in 1914. That act contributed to the suicide of the once mighty British Empire. At that time Lenin's campaign for world revolution was underway. Abolition of the use of gold as a medium of exchange in the hands of the people, not the physical destruction of it, was one of Lenin's objectives for communism which depends upon effective control of people.

The Government of this country outlawed the use of gold as a medium of common exchange in 1933–34, yet it went on to build up, in 1949, the greatest single gold hoard known to mankind—almost $25 billion of the precious metal, coveted by millions of people around the world.

Why did this Government outlaw and make it a criminal offense for all Americans to transact business in gold? Because gold in common usage impeded the issuance of fiat money, the willful depreciation of the dollar, and the glorified embezzlement of savings. There are laws to protect our citizens against medical quackery; apparently there is nothing to protect against monetary quackery.

If this Nation's financial situation at home and abroad was not so desperate it would be downright amusing to listen to those assembled here who degrade gold as a throwback to the Dark Ages, yet who will vote today to increase the price of it. If it is worthy of this consideration then why do you not restore it to public use or abandon it completely—lock, stock, bar, and ingot? Why do you not do that? You cannot have it both ways and make even the pretense of consistency.

Or did you join in removing the gold backing from our money, the gold cover restraints on the Government's fiscal behavior, so that the mindless spending binge could continue unfettered and unchecked on its runaway course?

Mr. Speaker, there are three main ingredients of trade and commerce, whether at home or abroad, and those three ingredients are men, integrity, and confidence. Archeologists tell us that the earliest gold bar of record dates back to 4,326 years before Christ. Coined gold money has served industry, trade, and commerce for more than 2,500 years. To institutions and individuals through all those centuries it has represented a storehouse of value and integrity. And there never has been a valid reason given for the highhanded action by which citizens of the United States were prohibited from the free use and exchange of legally minted gold coins.

This is a good day to restore the right of every American to own gold, and unless some member of the committee offers an amendment to that end I will do so.

Furthermore, it should be abundantly clear after nearly 40 years that those who have manipulated the financial and monetary affairs of this Nation were failures. They have given us a national debt of nearly $450 billion.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. QUILLEN. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. GROSS. Mr. Speaker, they have given us a national debt of nearly $450 billion and no one is offering the slightest hint as to how and when, if ever, it will be paid. They have given us a $40 billion deficit in this fiscal year. They gave us last year a $10 billion deficit in the balance of payments. They have flooded foreign countries with $70 billion of American dollars, and neither they nor the foreigners know how to extricate themselves from that situation.

This country had a storehouse containing about $25 billion of gold. That has been dissipated to less than $10 billion, so they started out recently to plaster the world with paper gold, only to find that the rest of the world found the paper too thin and too transparent.

Mr. Speaker, Secretary of the Treasury Connally testifying before this committee on March 1 this year said this country is broke—b-r-o-k-e, broke. I believe him. And I also believe that it is time to stop the financial and monetary shenanigans and turn this Government and all its works back to the citizens of this country.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time and I yield back the remainder of my time.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13120) to provide for a modification in the par value of the dollar, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13120, with Mr. Vanik in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Patman) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. Widnall) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from

Iowa made a very interesting speech. As I understand him, he did not see any good in the Democrats, but he could see a lot of good in the Republican policies of the past and present. I want to invite his attention to some facts that he overlooked.

First, he talked about the cost of Government and the national debt. I just want to remind the gentleman that I think the Democrats have had the best record in the interests of the people of this country at least over the period of the last 44 years in either one of the parties, Democrat or Republican.

In 1939 the then President was Franklin D. Roosevelt. He could see the war clouds over this country as well as over Europe, and he decided we would soon be into a war, a devastating war, such as we had never had before. So he and the Federal Reserve Board agreed that they would keep the interest rates down so that if we won the war, we could really win the war instead of winning the war and losing it at the same time because of its costs. So for the first time in history interest rates were fixed, and for 14 years those interest rates remained low for the sole and only purpose of keeping down the cost of the war and making it possible for the Congress to have the money to take care of the 15 million or more servicemen on the different battlefronts of the world. So during those 14 years, up to the end of Mr. Truman's administration, these rates were kept low.

Incidentally, Mr. Truman, by reason of this policy of low cost of money, paid $29 billion on the national debt before he went out of office. Then, when he went out and the great man General Eisenhower came on the scene, things changed.

General Eisenhower did not claim to know anything about monetary matters or things like that, but he was one of the greatest generals on earth. He received the largest vote that any President on earth had ever received up until that time. However, he did not keep those rates the same as they had been for 14 years during World War II, the Korean war, and during inflations and depressions and price controls and everything else, when those rates remained the same, just the same, a very low interest rate, which is considered the wholesale rate for money.

In 1944, I well remember here on the floor of the House, Members were expressing concern and alarm about the progress of the war and many were saying it was even doubtful we would win the war. That was in 1944. Some said we had better do other things than what we had been doing. They did not look with favor on any sentiment which was optimistic in nature and in favor of the people coming out of this war in a satisfactory fashion. They would give this example: They would say, "Name me one large country on earth, just one major country, that has had a major war and which did not have a major depression after that war was over." No one spoke up because you could not do it. Before that time every country that was involved in a major war had experienced a devastating and destructive policy of deflation after the war was over. In other words, a depression. So nobody could answer that.

Members of Congress, about 100 of them, got busy on both sides, both Republicans and Democrats, and they presented the G.I. Bill of Rights and other laws to take care of the servicemen. The argument was made that 15 million men were coming back to the United States without jobs and with nothing to do.

We are bound to have a devastating depression. Well, the GI's, when they came back, did not have to sell apples on the street. They were not in want or need. They went to college. The Government paid not only the expenses of their education but also paid their families.

We had more people going to college then than ever before and we had the best educated citizenship after the war was over than we had ever had in the history of the country.

If a veteran wanted to go into business, he could borrow the money with which to do so at a good rate of interest. If they wanted to buy a home, they could borrow money and become home owners. They became professional men. They became doctors and lawyers and architects and engineers and every profession represented because the Government paid their way.

Mr. Chairman, why did the Government pay their way? Because it had the money. It had the money because it kept down the cost of the war. That is the reason we had the money. That took care of all of these expenses. This had never happened before in the history of the civilized world where a major country had experienced a major war and did not have a major depression after it was over.

We broke all records by keeping down the cost of the war.

Now, when Mr. Truman went out and Mr. Eisenhower came in, if the same rate rates of interest had been charged as had been charged during those 14 years up until now we would have saved $497.2 billion, but which we have had to pay because of the increase in interest rates starting in the Eisenhower administration. We have had to pay $497.5 billion as excessive, exorbitant and in some cases usurious rates of interest.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I cannot yield to the gentleman right now, but I shall yield to him later.

But, Mr. Chairman, that is the difference, $497.2 billion. That is more than the national debt. Therefore, it is all caused by the excessive increase in interest rates since the Republicans came into power in 1952. That is what has caused it.

The full impact of abandoning the Federal Reserve low-interest rate policy of 1939–52 is only partially reflected in excess interest paid on the national debt since that time. The purchase and sale of Federal securities occupies so large a position in the money market that the interest rates applying to these securities strongly influence virtually all other interest rates in the Nation, up or down—for good or bad. There is in fact a strong relationship between rates applying to the Federal debt and those applying to the private debt. It therefore is possible to compute not only the excess interest paid on the Federal debt from the Eisenhower administration to date, but the excess interest paid on the private debt as well. Using the average interest applied to both the public and private debt in 1952 and comparing that with actual interest paid on the combined public and private debt since then, discloses that the American people paid $497.2 billion more than would have been paid under the low-interest rate policies that prevalied during previous years. The total savings equals an amount large enough to wipe out the Federal debt entirely and leave the Federal Government with a surplus:

TABLE IV.—EXCESSIVE INTEREST CHARGES ON THE PUBLIC AND PRIVATE DEBT, 1953 THROUGH 1971

[In billions of dollars]

Year	Net public and private debt	Interest paid	Interest costs figured at 1952 average	Excess interest paid
1953	$581.6	$21.7	$20.5	$1.2
1954	605.9	23.5	21.4	2.1
1955	664.9	25.8	23.5	2.3
1956	698.3	29.5	24.7	4.8
1957	728.3	33.6	25.8	7.8
1958	769.1	35.5	27.2	8.3
1959	831.4	40.3	29.4	10.9
1960	872.4	44.2	30.9	13.3
1961	929.8	46.8	32.9	13.9
1962	997.1	52.5	35.3	17.2
1963	1,071.7	58.7	37.9	20.8
1964	1,153.7	65.2	39.8	25.4
1965	1,245.6	72.4	44.1	28.3
1966	1,341.4	81.9	47.2	34.7
1967	1,442.7	89.9	50.8	39.1
1968	1,534.5	104.9	55.8	49.1
1969	1,722.7	120.6	60.6	60.0
1970	1,839.7	135.6	64.8	70.8
1971	[1] 1,950.0	[1] 156.0	68.8	87.2
Total				497.2

[1] Estimated.

During the last 44 years the people of this country have exercised good judgment. They are not ignorant about what has been going on. They know who their friends are. They know that the Democratic Party has always been the friend of the poor people and the small business people and has looked after those who really built our country in time of peace and who saved in time of war. They know this and they express themselves every time they have an opportunity at the polls, and they express themselves right.

Mr. Chairman, for the last 44 years, starting with Mr. Hoover's coming in with a great majority in 1928, well, he was only in charge of the Government for a period of 2 years.

You know, in order to be in charge of the Government you must have the Executive and you must have both Houses of Congress. Mr. Hoover had them for a period of 2 years and then after that Mr. Eisenhower when he came in, he had charge of the Government 2 years. But for the other 6 years, of course, the Democrats had charge of the House and the Senate because the people had more in the Democratic Party.

So, for the last 44 years the Republicans have been in power 4 years. That is all, 2 years under Mr. Hoover and 2 years under Mr. Eisenhower. Why? Because the people did not trust them enough. Every chance they had, they voted against them. That is why. So, it is not even close. The people want their friends in office. They get confused sometimes on emotional issues and carried away by smoke screens and do not vote their real convictions and desires. But, generally, they are for the party that has been their friend all these many years—the Democratic Party.

Of course, the Republicans are sincere in their belief, I am sure, but they invariably vote for higher and higher interest rates.

Have you ever heard a Member of the opposite party make a speech on the floor of this House in favor of low interest rates? I have been around here about as long as anybody else except my good friend MANNY CELLER, 44 years, and I have never known one of them to make a speech for low interest rates.

This is a major reason that the Republicans have not been in power except 4 years in the last 44 years.

Mr. Chairman, H.R. 13120 is necessary in order to permit the United States to officially comply with the Smithsonian agreement of December 18, 1971, which provided for realinement of currency exchange rates between the United States and its major foreign trading partners.

Before I explain in some detail the provisions of the bill, let me give some brief background relating to the need for dollar devaluation and currency realinement.

A crisis in the international payments system developed rapidly in 1971. During the latter part of the 20-year period preceding 1971 there was a severe acceleration on the part of the United States of the long-term deterioration of underlying international payments imbalances.

These imbalances were not new, but were, in the past, manageable. In the early years, these deficits had been welcomed by other nations whose payments and reserve positions had been severely weakened as a consequence of World War II. But the productive and competitive strength of these countries rebounded quickly. They became effective competitors of the United States, both here and in world markets, and with this came a continuous weakening of the U.S. position and a progressive strengthening of the external positions of our competitors.

Throughout the period, international financial and trading relationships remained much the same as they had been in the early postwar years, when the United States was dominant in all areas of the international economy. The system as a whole failed to change to reflect the changing relative positions of the major nations. The failure to make these needed adjustments, and the failure at times of the United States to maintain satisfactory noninflationary growth at home, led to continuing U.S. deficits which, in turn, reflected international payment surpluses abroad. By early 1971, a steep deterioration in the underlying U.S. accounts had appeared. In contrast to the basic balance deficit of about $3 billion in all of 1970, the deficit jumped to an annual rate of more than $9 billion in the first half of 1971.

Compounding the severe and protracted deterioration in the basic accounts, liquid capital flows had begun, as early as 1970, to move very heavily against the United States, primarily in response to higher interest rates in Europe. In early 1971, speculative factors became an additional stimulus to liquid capital outflows from the United States, as investors began to anticipate exchange rate appreciations by some of the countries which were the major recipients of funds from the United States. These forces resulted in the initiation of exchange rate changes and limited currency "floats" by a few countries in May 1971, but these actions were not enough to restore stability.

Foreign official dollar claims on the United States soared dramatically, from $24.5 billion at the beginning of 1971 to approximately $38.2 billion at mid-year, while U.S. reserves to meet these claims dropped from $14.5 billion to $12.2 billion. The U.S. net reserve position had become intolerably weak, and the outlook was for further, serious deterioration.

Internal U.S. Government estimates foresaw that a massive adjustment in the U.S. basic accounts would be necessary to achieve even a balanced position, to say nothing of a small surplus. Such an adjustment would require equal and difficult adjustments by others in the opposite direction.

Consequently, on August 15, 1971, the President took action to halt the deterioration in U.S. accounts, and particularly in the trade account. He suspended the convertibility of the dollar into reserve assets and imposed a 10-percent surcharge on dutiable imports.

The President's announcements on August 15 began a process of international negotiations aimed at extensive currency realignment and reform of the international monetary system.

The international monetary negotiations culminated in a meeting of the Group of Ten on December 17 and 18, 1971, at the Smithsonian Institution in Washington, D.C. This meeting of the finance ministers and central bank governors of the major industrial trading nations established a new pattern of exchange rate relationships among the currencies of the countries represented at the Smithsonian.

In the weeks following the Smithsonian agreement, the vast majority of Fund members altered their exchange rates in terms of the dollar. Many Fund members decided to have their currencies appreciate substantially against the dollar. In consideration of the agreed immediate realignment of exchange rates, the United States removed the 10-percent import surcharge and agreed to propose to Congress a suitable means for devaluing the dollar in terms of gold to $38 per ounce as soon as agreements on related short term measures relating to trade and other international financial matters were available for congressional scrutiny.

Corrective trade arrangements were recognized by the major trading nations as relevant factors in assuring a new and lasting equilibrium in the international economy. Following the Smithsonian agreement, therefore, urgent negotiations were conducted between the United States and separately, the Commission of the European Communities, Japan and Canada to resolve the pending issues. The talks resulted in a series of immediate steps to remove trade obstacles that had become an irritant in trade relations. All issues have by no means been fully resolved, but a beginning has been made. The Japanese Goverment decided to undertake a series of trade liberalization steps of immediate value to the United States. An agreement in substance with the European Communities subject to approval by its Council covered similar issues. Also, both Japan and the European Communities agreed to join in efforts during 1972 within GATT toward the removal of some trade barriers leading to comprehensive trade negotiations in 1973.

Mr. Chairman, the passage of H.R. 13120 is needed because the par value of the dollar in the International Monetary Fund cannot be changed without the prior approval of Congress. Section 5 of the Bretton Woods Agreements Act requires that the President may not propose or agree to a change in the par value of the dollar in the Fund unless Congress has given its consent.

H.R. 13120 gives this formal consent. The consent, though formal, is still of vital importance. This is so even though the exchange rate changes agreed upon by the Group of Ten countries at the Smithsonian Institution on December 18 have already become operative in market transactions. In other words, other countries have already implemented the Smithsonian exchange rate agreements. Formal consent to the par value of the dollar is necessary to keep our part of the Smithsonian Agreement.

The Smithsonian agreements were negotiated over a period of several months, and the question of devaluation of the dollar as the U.S. contribution to the success of the agreement was widely discussed. A modest change in the price of gold, as part of the overall realignment which included substantial revaluations of other currencies, was widely supported by the people of this country, including business, labor and the leaders of Congress.

The benefits of realignment can be wasted if Congress delays or defeats the formal action providing for the change in the par value of the dollar. Delay may well result in speculation and exchange market instability and erode confidence in our ability to use the opportunity of realignment to correct our payments imbalance. Defeat would be a repudiation of the agreements reached in good faith with our trading partners. They would surely feel absolved from carrying out their exchange rate commitments and would undoubtedly resort to various kinds of restrictions to protect their positions. No one would gain and everyone would lose.

H.R. 13120 is a simple bill to do no more than what is necessary to devalue the dollar and deal with the increases in assets and liabilities directly resulting from that change. Let me explain the bill briefly.

Section 2 would authorize and direct the Secretary of the Treasury to take the steps necessary to establish a new par value for the dollar of 1 dollar equals one thirty-eighth of 1 fine troy ounce of gold or $38 per fine troy ounce of gold. As I already indicated, the need for congressional authorization for this step is specified in the Bretton Woods Agreements Act of 1945, which in section 5(b) provides that the par value of the dollar may not be changed without prior approval by Congress. Once the congressional approval is obtained, the Secretary will establish a new par value by communicating it to the International Monetary Fund. This new par value in the Fund will establish the relationship of the dollar to gold for international purposes.

The only domestic purpose for which it is necessary to define a fixed relationship between the dollar and gold is the issuance of gold certificates. Section 14(c) of the Gold Reserve Act of 1934 (31 U.S.C. 405b) provides that the amount of gold certificates issued and outstanding shall at no time exceed the value, at the legal standard, of the gold so held against gold certificates. In order to set a legal standard for the issuance of gold certificates, section 2 provides that the new par value defines the relationship of the dollar to gold for the purpose of issuing gold certificates. Thus, after the new par value is established, gold certificates may be issued on the basis of $38 per fine troy ounce of gold instead of on the basis of the old par value of the dollar of $35 per fine troy ounce of gold.

Mr. Chairman, section 3 would authorize and direct the Secretary of the Treasury to maintain the value in terms of gold of the United States dollar holdings of the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association, and the Asian Development Bank to the extent provided in the articles of agreements of these institutions. Each of the articles of agreement which establish these institutions contains a provision for maintaining the value in terms of gold of a member's currency when there is a reduction in any member's par value. The United States, having accepted this obligation as have all other members, is legally bound to meet its obligation in this respect when the par value of the dollar is changed. Since appropriations will be necessary to issue letters of credit to fulfill the maintenance of value obligations, section 3 would authorize the appropriation of such sums as may be necessary for this purpose, to remain available until expended. The exact sums cannot be specified since the total obligations of the U.S. Government can only be accurately determined, in most cases, on the basis of dollar holdings of the institutions as of the day on which the par value of the dollar changed.

Finally, Mr. Chairman, section 4 would direct that the increase in the par value of gold held by the United States, including gold held at security for gold certificates, resulting from the change in the par value authorized by the bill be covered into the Treasury as a miscellaneous receipt. Section 7 of the Gold Reserve Act of 1934 (31 U.S.C. 408(b)) also provides that in the case of any decrease in the weight of the gold dollar, the resulting increase in value of gold would be covered into the Treasury as a miscellaneous receipt. This statute is inapplicable since as a technical matter there would be no reduction in the weight of the gold dollar but, instead, this concept would be superseded by the creation of a new par value for the dollar. Thus, to make explicit the disposition of the increment in value of gold, section 4 provides for payment of this increment of approximately $828 million to miscellaneous receipts of the Treasury.

Mr. Chairman, I support this legislation and recommend that all Members do so.

Mr. Chairman, when we get back in the House, I will ask unanimous consent to extend my remarks and include extraneous matter because I want to put a table in the RECORD that will show exactly what I have said, that if the interest rates had been kept that Mr. Truman left here and that Mr. Eisenhower put up, and if we had not increased them, we would have been saved $497.2 billion, which is more than our present national debt.

So look at it in the RECORD tomorrow morning.

The CHAIRMAN. The gentleman from Texas has consumed 17 minutes.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I would like to discuss some of the things that are in this bill. I want to make the point that it is very important for the United States to act promptly and as expeditiously as we can.

Our chairman's discussion of previous history was something that is most interesting to listen to, but frankly it has nothing to do with the bill that is now before us.

Mr. Chairman, the Smithsonian agreement was more than a short-term cure for ills that threatened the health of the international monetary system. It was an unprecedented step in world monetary affairs—for it was the first attempt to negotiate a realinement of major currencies to seek a better equilibrium. Most importantly, it was a much needed step toward a long reform of the international monetary system.

Although international money markets now reflect the basic terms of the Smithsonian agreement, H.R. 13120 will permit the United States to take the formal steps necessary to implement the Smithsonian agreement. It must be passed for us to keep our part of the bargain.

The Smithsonian agreement is the product of intensive negotiations aimed at resolving the recent monetary crisis. In early 1971, U.S. balance-of-payments deficits promised further deterioration. Our trade balance was weakening, and capital began to flow abroad in increased amounts, attracted by both higher interest rates and speculators' profits. The limited currency floats of May 1971 were not enough to correct the situation. If the deterioration in our balance of payments continued throughout the year, our total deficit would have been over $20 billion. Prompt action was mandatory; and the President's decisions of August 15 were the result. The President's actions began a process of negotiations which culminated in the Smithsonian agreement.

The Smithsonian agreement will have immeasurable advantages for the United States. It has done more than restore faith in the international monetary system, demonstrating that the major nations have the capacity to negotiate and agree on measures to end a major monetary crisis. It has forced countries with undervalued currencies to revalue their currencies; the currencies of our major competitors have appreciated about 12 percent vis-a-vis the dollar.

Currency realinement itself will have a highly beneficial effect on trade, because imports from our major competitors will become more costly, and exports to these countries will become less expensive. When existing contracts to import goods from these countries are fulfilled, American buyers will look to domestic industry for alternative sources of supply. Conversely, when European and Japanese companies have completed their purchase commitments from their domestic industries, they will look abroad, and may purchase exports from the United States. In the medium and long range, U.S. exports to our major competitors should increase; and related economies even promise increased exports to countries with currencies which have followed the dollar in the realinement process. Conversely, U.S. imports should decrease. In both cases domestic production will be stimulated. The benefits of the Smithsonian agreement thus do not involve merely a correction of our balance-of-payments deficit, but will be reflected in increased employment, higher wages, and improved economic performance in general. It is true that the effects of the currency realinement may not be felt for several years, but one need compare England in 1967—before devaluation—and present-day England to be certain that the currency realinement will have major beneficial effects.

The Smithsonian agreement will also work to the advantage of the United States in the trade field. The agreement recorded the ongoing negotiations with our competitors about the reduction of trade barriers, and made it clear that the administration would propose the bill now before us only if our major competitors agreed to settle several outstanding short-term issues in the trade field. Thereafter, the European Community and Japan have recognized the need for a comprehensive review of international economic relations with a view to negotiating improvements in it in the light of structural changes which have taken place in recent years. The European Community has agreed to stockpile additional amounts of wheat, so as not to create an additional supply which might cause lower international prices. The Community has promised to manage its export rebate system on grain products so as to avoid a major diversion of trade in its favor; it will also work out its tax policy on tobacco products so as not to unreasonably affect U.S. exports; and it will reduce the common external tariff on oranges, and, in 1973, on grapefruit.

Major trade concessions from Japan have also flowed from the Smithsonian Agreement. Duties are reduced or eliminated on almost 100 items. Quota restrictions on numerous goods have been removed. On April 1, Japan will reduce its internal excise tax on large-size and medium-sized cars, a tax which the auto industry has consistently complained of. And Japan has liberalized its administrative controls over consignment contracts and the establishment of sales subsidiaries and branch offices.

H.R. 13120 will formalize the Smithsonian agreement. Congressional approval of the agreement is required, because the Bretton Woods Agreements Act provides that the President may not propose or agree to change the par value of the dollar in the International Monetary Fund unless Congress gives its consent. The bill gives this formal consent. Without the consent, the whole structure of the Smithsonian agreement would be imperiled, with enormous costs to the United States.

The bill also authorizes and directs the Secretary of the Treasury to fulfill the maintenance of value obligations which the United States has as a participant in the international financial institutions. The articles of agreement of all these institutions require each member to make maintenance of value payments should its currency depreciate. These provisions assure that contributions of all members are maintained in value in relation to each other despite changes in exchange rates.

These maintenance of value obligations flow directly from the Smithsonian agreement, the decision to change the par value of the dollar, and provisions of international agreements which Congress has approved. At stake is an international obligation which every country has honored when it has changed its par value. Failure to fill this obligation could seriously impair the functioning of the international financial institutions.

Our unemployment problem makes it particularly important to bear in the mind the tangible employment benefits of the exchange rate realinement which the par value modification bill is designed to consolidate. I have seen several estimates of this favorable impact, but I would like to draw attention to one supplied by the Treasury Department to the Committee on Banking and Currency.

This particular estimate utilizes a rule of thumb that every $1 billion improvement in the trade balance should produce about 60,000 jobs. Thus, if as observers have forecast, the improvement in our trade balance as a result of the realinement should be some $8 billion, over time and when fully effective, the number of new jobs created would be on the order of 500,000.

There are some 5 million unemployed in this country. We are talking therefore about an amount of job creation of real significance compared to the size of the problem.

If we had those jobs now, the unemployment rate would be more than one-half percent lower.

The boost to employment from the strengthening of our trade balance means that we will be able to make faster progress toward high employment levels than would otherwise have been possible. It also means that our fiscal and monetary policies will not have to be as expansive as would otherwise have been necessary.

Some of the benefits will go to industries producing for export and some to industries which will be in a better position to compete with imported goods in the domestic market. While the benefits will probably be widely scattered throughout the economy, manufacturing and associated industries are likely to gain the most. Lower prices because of the realinement will help our manufacturers particularly. Some concentration of benefits in heavy industry, machinery, and perhaps automobiles, can also be expected, simply because trade in these products is important in our total international trade in manufactured goods.

At this juncture in time, with slack in our economy, the stimulus to employment which will accompany the improvement in our trade balance provides us with another strong reason for supporting the par value modification bill. We have an opportunity here to reverse the adverse effects on employment implied by the deterioration in earlier years in our foreign trade position.

I strongly urge support of this bill.

Mr. SCHMITZ. Mr. Chairman, will the gentleman yield

Mr. WIDNALL. I yield to the gentleman from California.

Mr. SCHMITZ. Mr. Chairman, the gentleman from New Jersey's remarks included the phrase "maintenance of value obligation" several times. The publicity on this legislation has billed it as raising the price of gold. In my understanding of the bill, there is no reversion to the policy of paying anyone in gold for dollars. Back in the Roosevelt era U.S. citizens were disallowed from owning gold, and the President just last year—applied the same restriction to foreigners.

How can we talk about raising the price of gold when no one can receive gold for dollars? It reminds me of the story of the butcher who had a certain price on veal cutlets and someone said, "The butcher down the street charges 10 cents less a pound for the veal cutlets." The butcher replied, "Well, why don't you go down there and buy them?" The customer said, "Because he does not have any." The butcher said, "If I did not have any, I could charge 10 cents a pound less too."

Price would seem to be meaningless when the product is unpurchasable.

Mr. WIDNALL. This has been a matter of negotiation between the United States and the other nations, and they insisted that we not raise it more than the amount involved, to $38, and they felt this would have a very adverse effect on their own currencies, their own systems, and they were unwilling to go along in any kind of agreement with us if the raise was more than to $38.

Mr. SCHMITZ. My point is that we are not really raising the price of gold, are we? We are just adjusting the dollar in relation to other currencies, because we cannot raise the price of gold if we are not paying anyone in gold. There is no price at all. It is silly to talk about the price of gold when we are not paying anyone in gold.

Mr. WIDNALL. No. This all involves the relationship of one country with another.

Mr. SCHMITZ. That is right, but not the relationshp of the dollar to gold.

Mr. WIDNALL. Based on $38, the figure in this bill, we have been able to assure an agreement with the other countries where we will not run into a scramble back and forth by the other countries to revalue their own currencies.

Mr. SCHMITZ. So what we really are doing is revaluing the dollar in relation to other currencies, rather than in relation to gold; is that not correct?

Mr. WIDNALL. Yes.

Mr. SCHMITZ. I thank the gentleman.

Mr. PATMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, as you may be aware the Second Congressional District of California includes the fabled Mother Lode gold area and the other mining regions which have been of significance to the Nation since the gold rush of 1849.

We, of course, are interested in the price of gold and welcome any increase. I, therefore, support the legislation we have before us now.

From a practical standpoint, however, while the legislation may well be essential for our economic situation and therefore healthy for all industries, including the gold mining industry, the gold price increase truly is not sufficient to breathe any life into a practically dead American gold mining industry.

The sickness of this industry in the United States, which has proven fatal to many sgements of it, is not because of a lack of demand for the precious metal. Free-world production is at record highs, standing at some 1,200 metric tons a year.

Industrial consumption has increased by as much as 17 percent per year during recent years because gold, whose uses can be traced to 2700 B.C. when the Queen Shub-ad of Ur used it for her trappings, has some remarkable properties to offer the 20th century industrialist.

You may have seen the recent report of Peter Tonge of the Christian Science Monitor when he outlined some of the reasons why gold is in demand throughout the world. He told how a single grain can be beaten into a sheet one three hundred sixty-thousandth of an inch thick which would cover much of a newspaper page; an ounce of the metal could be drawn into a fine gold thread that would stretch for 50 miles. At the same time it is so dense that all the gold mined in the last 10,000 years could be stored in a modern oil tanker.

The metal does not tarnish and is impervious to the strongest alkaline solutions and to all acids except a mixture of nitric and hydrochloric acid. Gold coins recovered from sunken galleons after more than two centuries in the sea remained as bright as when newly minted. So did the gold ornaments entombed for 4,600 years with Queen Shub.

This durability makes the metal ideal for connector parts in undersea communications cables and for innumerable uses in the electronics industry. The modern aircraft is a whole lot safer because of the use of gold in the jet engine.

Its ability to reflect heat more efficiently than any other metal makes it of prime importance in the space industry. A coating of gold covered the umbilical cord which linked astronaut Edward H. White to his Gemini spacecraft during his historic 1965 space walk.

Gold leaf covers the helmets of all astronauts, and a translucent sheet of the metal is sandwiched between layers of glass in the windshields of high-flying aircraft—to reflect back harmful radiation and, because of its ability to conduct heat, to assist in defrosting. Indeed, gold plating on U.S. spacecraft is said to reflect back all but 10 percent of the sun's heat.

I think we should take a brief look at the mining situation, pointing out that in this country we produce about 1,800,000 ounces of gold annually. We are consuming 5,900,000 ounces of gold annually, which means that we are dependent upon foreign lands for better than 4 of every 5 ounces of gold we use for our arts, science, industry, including our defense and space industries which are demanding constantly increasing supplies of gold. About half of these imports come from Canada. The rest come from other distant lands far overseas, whose sources of supply could at any time be cut off. I feel we must recognize this and start the action necessary to treat gold as any other mineral commodity and the first step could be accomplished here today by granting the right of the individual citizen to own this mineral.

Frankly when the President took the U.S. dollar out of the gold picture several months ago by letting American-mined gold enter the market at whatever the world price might be, he, in effect, did demonetize the gold industry but until the people of this Nation are able to own gold this action will not be completed.

Citizens of other lands can own and hold gold. Citizens of this country cannot. I would hope that in the consideration of this legislation before us today this Congress would grant the right of the U.S. citizens to own gold and put them on an equal footing with other peoples of the world. I think this would be an initial step to rebuild in this Nation a gold mining industry which I feel we need desperately.

It is high time that this Nation starts considering gold as a commodity.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, onescore and 7 years ago our fathers brought forth at Bretton Woods a new charter, conceived in inflexibility, and dedicated to the proposition that all currencies are equally convertible into dollars, and the dollar into gold.

Now we are engaged in a great monetary crisis, testing whether that charter, or any charter so conceived and so dedicated, can long endure.

By supporting H.R. 13120—by indicating that the dollar shall be inconvertible at $38 an ounce rather than at $35 an ounce—we allow the Bretton Woods Charter to endure a little longer.

There remains the great task before us—that we phase out the dollar as the major reserve currency—that we enable this country to enjoy an exchange flexibility similar to all others—and that we make of the international monetary order for the developing peoples the last best hope of earth.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. JOHNSON).

Mr. JOHNSON of Pennsylvania. Mr. Chairman, H.R. 13120 is an important measure designed to improve our economy. This act will increase the value of gold in terms of the dollar. It is part of a total agreement which will put us on the road toward a stronger position in the international monetary arena, and in addition, will begin a needed stimulation of our domestic economy.

The bill is part of a program which will improve our balance-of-payments position. In December, when the Group of Ten met here in Washington, one result of that meeting was an agreement to realine each member's currency in order to stabilize the world monetary system. We agreed to raise the price of gold in relation to the dollar. The impact of that move will be to make American manufacturers and agricultural products more attractive to foreign purchasers.

The competitive position of the United States will be improved by reducing the purchase cost of our goods in relation to foreign currency. For example, our high quality American products—our commercial airliners, our manufacturing equipment, our computer equipment, and our farm produce—will be more attractively priced in terms of marks and francs and other currencies.

In conclusion, this bill represents a major and significant move to signal the return of our domestic economy to the road along which we will progress with long-term adequate growth and price stability. H.R. 13120 will be the catalyst in the creation of a healthy domestic and world economy.

Mr. PATMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I am opposed to this bill which would provide for the modification in the par value of the dollar. It calls for a revaluation of the dollar amounting to an increase in the price of gold by over 8 percent.

This type of action, however, does not strike at the more fundamental problems underlying our economic difficulties. Alterations in the monetary system will not solve our balance-of-payments problems without effective domestic economic performance. As long as the economy does not recover sufficiently and continues to perform unsatisfactorally, we will not have world economic stability and we will have continued assaults upon the value of the dollar.

The Treasury predicted a great tide of dollars to flow back into this country as a result of the "new economic policy" announced in August of last year. This lofty prediction did not come true, however. Indeed, when the world monetary markets closed earlier this month, the dollar was under attack in virtually every major capital. The Dutch Government, for example, was forced to buy more than $300 million in U.S. currency to prevent the dollar from plunging under the permissible floor. As a result, the Dutch Government had to impose controls to prevent further flooding of that country with speculative dollars. The central banks of Germany and Japan have intervened in the exchange market to support the dollar. Both of these countries are considering currency exchange restrictions.

Another prediction of the administration was that unemployment figures would drop. This has not been the case. We are still experiencing a high unemployment rate and as a result, the American people are no more confident in the new economic policy than the speculators overseas. In addition, the adminstration's trade-monetary package is incomplete. Thus far, very little in the way of successful trade agreements—other than the wheat and citrus arrangement with the Common Market—have been completed. As a result the balance of trade will not be affected as much by devaluation as it should be.

In other words, the problems which initiated the new economic policy last August are still with us. Our trade deficit is extremely high and continues to escalate, economic situation at home is far from satisfactory.

The speculation against the dollar overseas continues to gain momentum. When will we see some concrete evidence that the new economic game plan is working? Indeed, if we do not see a marked improvement in our domestic outlook, we will be facing another devaluation in the near future. In short, the Par Value Modification Act is only a stop-gap measure which does nothing to avoid future crises.

Mr. Chairman, if we examine the postwar history of the United States and its Western European Allies, we see an extensive period of massive foreign aid to help reconstruct Europe. This factor, and the other conditions I have already mentioned, are the primary reasons for the poor economic posture of the United States. These countries which we helped bring out of a depression, have virtually closed their markets to U.S. products. This has happened at a time when our country has maintained a virtual open door to imports. If steps were taken in Europe to readjust their currencies to reflect postwar reconstruction dollar flows, and to remove the numerous barriers to U.S. products the frequent monetary crises would be nonexistent.

I hope, therefore, that my colleagues will join with me in voting against this measure. Until the administration gets our domestic economy moving again and our foreign friends open their doors to U.S. imports, we will not see our economic posture improved.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HANNA).

Mr. HANNA. Mr. Chairman, I rise to support the legislation we are here today considering and hope it will receive the strong backing of this House in passage, not because it is a great or good measure;

not because I consider the happy circumstance under which we have to face this legislation but rather because I know that the legislation is necessary.

I think one of the places where confusion can run rampant is in the misunderstanding between those who see the gold standard as just that, a standard and a point at which you can project the value of other things against it, an established standard, and those who look upon gold as a commodity or a depositary of value, that is, a commodity of the open marketplace, if you will.

I think it is well to recognize this very solid fact, that is, whatever market value gold has it is a distorted market value and, as the chairman said, there are $40 billion of gold that have been set aside to act as a standard. The rest of what is done with gold is distorted by that $40 billion which is set aside, static and with an artificial price. In the free market there is maybe well over $40 billion worth of gold, very little in commercial use and most of it hoarded as a resource of last resort.

I suggest to you that if you took the cost of the production of gold, the price of gold then would be around $16. If you took the utilization value of gold as a commercial item being used for commercial purposes, you could not justify much more than $23 an ounce for gold. So if you really want to talk about it being a commodity and if we freed it, as the gentleman from Iowa has said, from all attachment to other currencies, then I suggest to you that the price of it would be way below even the $35 an ounce where we had it pegged because there would not be that much really useful application of gold under today's existing circumstances as against the cost of production of it. This is the way most things are priced.

However, we have this distortion here. Why do we have to have this standard? It is because there is no alternative acceptable in the world. There is a requirement that there be at least one standard everyone adheres to. Without that we have to be looking at each other's real value of gross national product, because, after all, dollars or any other currency are utilized to exchange goods and services. If you knew you had a real firm standard in every country where you could immediately tell the value of their production, then you would not need gold. However, you do not have that, so gold stands as that standard. It is artificial and it has to be flexible.

Why should it be? Because in this country, if you are going to do $7 trillion worth of transactions, including $1.7 trillion worth of debt, you cannot do it with $10 billion worth of gold. Certainly you cannot handle the over $400 billion to $500 billion worth of trade in the world relying upon the $40 billion worth of gold that is in the hands of various countries.

So you see currency necessarily must be utilized so that we can have the maximum exchange of the greatest amount of productivity that we can get out of all the people of all of the nations.

So here we are simply adjusting ourselves to the reality of the system, poor as it is, but which is the only one devised yet by man by which we can encourage the interchange of goods and the productive capabilities of all the people of the world wherever they might be.

I have this word for you to keep in mind, because otherwise we will get into a morass of arguments in which people take two separate tenets, one in which they are looking at gold as the most solid indication of wealth and the most static and the least likely to grow with the hopes of the people for growth and betterment and, second, those who look upon it as a standard, the best which we have been able to devise up to this time, and try to make it as flexible as the times demand, doing justice to everybody who wants to exchange goods so that one country does not have so much of its currency out that it beggars the opportunities of the others.

Revaluation is pressured upon one country by the other countries trading with them. First upward, when the value of the currency as related to gold is far below the true value of its production so that the price is artificially low and the flow of goods is artificially higher.

Second downward, when the value of the currency as related to gold is artificially above the true and competitive value of its production so that the price of goods and devices are high and the flow of goods reduced.

Reducing the value of currency requires a service consideration to existing obligations referred to as maintenance of value. Here are the salient facts considering this problem.

Mr. HANNA. Mr. Chairman, the change in par value of the dollar more or less automatically entails some changes in the asset and liability position of the U.S. Government, expressed in dollars. One effect is to maintain the relative share of U.S. participation in international financial institutions and, thus, our share of the ownership and voting power. The adjustments in assets and liabilities can be condensed into four categories:

First. The dollar value of our gold holdings will increase by some $828 million, or 8.57 percent, resulting in an equivalent cash gain for the Treasury and reduction in our borrowing need.

Second. Our International Monetary Fund subscription will be increased in terms of dollars by 8.57 percent. This increases our rights to draw foreign currencies from the Fund by $575 million. Our obligation to provide additional dollars to the Fund will increase by only $525 million, since that part of past subscriptions paid in gold will be revalued without additional dollar payments. These monetary transactions have no budgetary or cash impact.

Third. Maintenance of value of the paid-in subscriptions to the international development institutions will require as much as $406 million. Initially, these subscriptions will be paid in letters of credit, but as drawn upon, this will entail both a cash and budgetary drain. The impact, however, will be spread over a period of 10 years or more, and not begin until fiscal year 1974.

Fourth. Our subscriptions to the callable capital of the international development institutions will increase by some $663 million. These subscriptions provide ultimate security for the private market borrowings of these institutions; they have never been called in the past, and it is highly unlikely they would be called in future. Thus, this obligation represents a remote contingent liability, without budgetary or cash impact.

It is contemplated that the various obligations incurred by maintenance of value requirements, however remote, will need to be covered by appropriations in an approximate amount of $1.5 to $1.6 billion. These appropriations, of course, only deal with the liability side of the equation and do not reflect the offsetting gains.

Overall, the net result of the series of transactions will be—

In terms of its effects on Treasury cash, to increase our resources, through the writeup of our gold holdings.

In terms of budgetary expenditures, a probably rough balance between savings on interest expense—as a result of the added cash resources of the Treasury—and the additional paid-in capital subscription to the international development institutions.

In terms of our overall asset and liability position, an approximate offset between added contingent and deferred liabilities and the increased value of our gold and capital subscriptions.

I wish to emphasize that maintenance of value is an obligation flowing directly from the change in the par value of the dollar. I support the Smithsonian agreements, and the change in the par value of the dollar that was a substantial factor in reaching those agreements. Consequently, I also support maintaining the gold value of our dollar subscriptions to the international financial institutions which is a direct consequence of the change in the par value of the dollar. Every other country that has changed its par value—and there have been 200 such occasions in the IMF—has fulfilled its maintenance of value obligations in the international financial institutions. The United States must also meet its obligations.

Mr. PATMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. Dow).

Mr. DOW. Mr. Chairman, I wanted to address myself to some of the excesses that seem to have occurred in the past and have led to the devaluation of the dollar.

There have been practices, I would say, stemming from financial institutions in this country that have been contributed to the decline of the dollar. One of them is the extensive purchase by American conglomerates of shares in industries overseas.

There has been a great deal said about raiding these industries and buying them up into American financial groupings. The expenditure of dollars here has certainly contributed to the imbalance in our payments position.

Now, I am wondering, Mr. Chairman, whether or not, looking to the future, any of the committees of Congress have taken steps to prevent in the future the abuses that have occurred in the past.

It seems to me—and we have talked a lot about what happened at Bretton Woods and what happened in the past—that we should act in the future to assure that these troubles will not come upon us again and to assure that the same practices will not occur after devaluation that occurred before and led to this situation.

I understand that the Judiciary Committee is looking into this matter of the excessive activities of American conglomerates overseas, and I wonder, Mr. Chairman, if you would have any comment on that prospect.

Mr. PATMAN. I shall call it to the attention of the chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER), and ask him to answer your question for the RECORD.

Mr. DOW. The gentleman from New York (Mr. CELLER) is not here, but I thank the gentleman for his response.

Mr. PATMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I am opposed to this bill. I refer my colleagues to page 14 of the committee report where there is set forth my dissenting views.

I am opposed to this bill, because I believe that we have the responsibility to assure that this act of devaluation settles the world monetary situation. If there is no settlement by virtue of this enactment, then we can only expect further international instability in the future. Indeed, the world monetary markets in recent weeks have been full of trembling, and disastrous speculative runs against the dollar have only barely been warded off.

The speculation, the uncertainty and the fears of world monetary markets will only continue and increase unless the U.S. economy begins to perform reasonably well. This has not happened, and there is little reason to believe now that it will happen in the near future.

Continued U.S. economic problems will only add to world instability, and fuel attacks on the dollar.

Moreover, the United States has not even made a start at the vital international negotiations that are essential to restoring stability in the world monetary markets. The Treasury has just finished off the Group of Ten, which was the principal negotiating body, and made it clear that we would not be ready to talk for a long time to come.

Added to that, we have done nothing to control the flows of hot money that have fueled spectacular runs on the dollar, and indeed, we have contributed to the hot money market by making it clear that the United States is simply not interested in the problems caused by the billions of Eurodollars sloshing around in the vaults of international banks. It is these very dollars that add to instability, these very dollars that are contributing most to the drives of national banks all over the world to set up hedges against further invasions of unwanted dollar currency.

Mr. Chairman, this bill should represent the culmination of a reform effort. This bill should represent a new day. This bill should be telling the world that we have set our house in order and that we are ready, able, and willing to resume a normal relationship with the rest of the economic and trading world. But in fact, Mr. Chairman, this bill is only a piece of fiction. We have not reformed our economic position, we have not even begun to negotiate essential economic reform, and we do not even offer the prospect of it.

In view of the dismal scene we see on the homefront, and the clear threat of renewed speculation against the dollar, I see no reason to believe that the crisis is ended. We have, on the contrary, every reason to believe that a new devaluation may be forced upon us.

If we had some assurances that this would settle the crisis, I would be for the bill. In the absense of any such assurance, this bill is a meaningless and futile gesture, and I am opposed to making any such gestures.

Mr. WIDNALL. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. J. WILLIAM STANTON).

Mr. J. WILLIAM STANTON. Mr. Chairman and members of the Committee, I rise in strong support of the legislation now pending before us this afternoon, H.R. 13120.

I might point out to the Committee that this legislation passed out of our full committee, I think, with only one dissenting vote. It passed in its present form in the other body by a vote of 64 to 1.

I urge that we take prompt and favorable action to approve H.R. 13120 to modify the par value of the dollar. It has now been nearly 3 months since the Smithsonian agreement and more than 1 month since this straight-forward proposal was submitted for our consideration.

There has been much speculation during this time that the administration would not submit a bill; or that it would request authority for changes in par value at its discretion; or that it would ask for a move to more than $38 per ounce; or that the Congress would load the bill up with protectionist amendments that would make the whole effort worthless.

What we have, in fact, is a clean bill that does precisely what was agreed to on December 18 at the Smithsonian Institution. It consolidates and confirms what in my opinion was an extremely favorable settlement for the people of the United States. It is time now to get this legislation behind us—to still any lingering doubts about our intentions and to clear the way for action on the far more difficult problems ahead.

President Nixon, in his address to the Ministers of the Group of Ten on the conclusion of their agreement, said that it should not be considered a victory for one country or the other but a victory for the system as a whole. I agree with that sentiment, but I also consider it a victory, after a very hard-fought battle, for the United States in one very important sense: that is that after years of assuming that the United States could be expected to carry any financial or economic burden, that we would always be there to take up any slack in the system, the world has now begun to accept the facts that we are going to insist on our own fair share and that we are going to demand recognition and respect of our own legitimate economic interests.

There is no doubt in my mind that this is a shocking experience for some of our foreign colleagues. In a very real sense, they are going to have to make some adjustments to accommodate our interest. They are going to have to rely more on domestic measures to sustain economic growth and employment and reduce their dependence on the foreign sector as an economic stimulus. And some particular industries in foreign countries —export industries and industries that compete with imports—are going to feel the unfamiliar pinch of greater competition from the United States.

We should make no mistake about it. The negotiations on this exchange rate realinement were difficult, complex, protracted, because the root issues were those of real economic fundamentals—trade adjustment and the implications for production and jobs. The negotiators were not chasing illusions about the price or role of gold. Gold was only incidental to the important issue of currency realinement, because the value of currencies in the IMF happen to be expressed in terms of gold at this time. So real economic sacrifices were made by our trading partners. We should recognize and appreciate that fact.

But this is only the beginning of the effort that our Government has launched. The more difficult negotiations, on monetary reform and on reform of international trading arrangements, loom before us. We need to move forcefully to these tasks and we need to move now. Prompt action on this legislation will assure our foreign partners of the sincerity of our intentions and commitments and clear the way for future negotiations.

Mr. PATMAN. Mr. Chairman, I have no further requests for time.

Mr. WIDNALL. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I rise also in strong support of H.R. 13120. I believe it is an essential part of the foreign trade provisions of our new economic policy.

Mr. Chairman, H.R. 13120, the modification of the par value of the dollar, is a bill that should be passed now. This bill comes to us as the result of negotiations following the new economic policies first announced by President Nixon in August of last year.

Specifically, this bill backs up agreements made by Secretary Connally for the administration and for this country in both the Rome and Smithsonian meetings.

We agreed to devaluate our dollar by 8.57 percent. To devalue—that is, to raise the cost of our gold base—requires this act of Congress. When we pass H.R. 13120, not only will we be backing up our international agreements, but we will also be making American exports cheaper abroad, and we will be increasing the price of imports into this country.

Although the devaluation amounts to 8.57 percent, the net change in our currency compared to currencies of our trading partners on a weighted trading basis will be 12 percent.

The passage of this bill will be a congressional endorsement of this country's desire to reduce its balance-of-trade deficits and to restore a positive balance. Unfortunately, the full effects of this devaluation will not be felt immediately. It may take as long as 2 years to get the full value from this reduction.

Devaluation of our gold will not do the entire job for us. Chairman Burns and Secretary Connally were very emphatic in their statements that the United States must devote more attention to increasing its productivity so that we may compete more effectively in international markets. In addition, a greater emphasis on new technology is necessary. However, these are long-term goals, while devaluation is an immediate need.

I also urge the defeat of the Crane amendment to permit U.S. citizens to own and trade gold without restriction. It is always offensive in a free country to live with restrictions of any kind. Nevertheless, as long as gold is even a limited base for our monetary unit, it is unwise to allow unlimited trading by our citizens, and especially unwise at this time when our trading partners are looking for signs of confidence rather than acts which might tend to unsettle the world's finance centers.

I urge an affirmative vote on H.R. 13120 and a negative vote on the Crane amendment thereto.

Mr. SCHERLE. Mr. Chairman, in our consideration of this proposed legislation and its effects on the international monetary situation, we should be mindful of changing perspectives on the Common Market.

In the years following World War II, the United States, eager to restore the economy of Europe to healthy independence, enthusiastically encouraged all efforts toward economic cooperation among our allies and former enemies alike on that continent. Thus the European Economic Community, also called the Common Market, grew to its present preeminence with the blessing of the United States. Official American policy continues to endorse the growth of the EEC, including the recent entry of Great Britain and the planned membership of Denmark, Ireland, and Norway.

With the addition of these countries, what began as a weak union of the occupied and the defeated will soon be one of the most powerful trading entities in the free world, rivaled only by the United States and Japan. This community of 10 nations shares a population exceeding 250 million and boasts a combined gross national product of more than $600 million. Together they will control over 40 percent of the world's trading volume.

The formidable economic clout wielded by the enlarged EEC has become a source of grave concern to us because its member nations, prodded by influential farm blocs in France, Germany, and the Netherlands, insist upon restrictive, protectionist policies on agricultural matters. The EEC subsidizes its farmers by artificially maintaining high prices. This overstimulates production and creates large surpluses which, in turn, are used to justify export subsidies. In order to prevent cheaper imports, like American corn, for example, from underselling Common Market products, these nations impose a "variable levy" which adds on the difference between the world market price and their own higher, self-imposed price floor. Then, in order to insure the disposal of their self-induced surpluses, they subsidize exports outside the ECC, creating preferential relationships with other countries which further reduce the market for U.S. products.

The United States has been negotiating on this issue, among others, with the EEC for some time. While the final outcome of these talks remains secret, I learned that we have failed to persuade the Europeans to lower their corn levies. In fact, they are planning an increase in the near future which could be disastrous for the midwestern feed grain producer. By January 1973 the levy on corn will reach $1.49 per bushel, or 38 percent more than the $1.08 charged in January 1972. The Common Market is America's No. 1 agricultural customer, buying a full 40 percent of our corn exports. The advent of the new members is expected to change all that. The EEC will be 97 percent self-sufficient in grain production within the next decade, and we will have to search elsewhere in increasingly competitive and shrinking markets for buyers of the 20 million tons of grain now purchased annually by the Common Market. Some experts estimate that we will lose as much as $1 billion a year as a result of its expanded membership.

Despite the imminent threat to the agricultural sector of our economy, our balance of trade—to which farm exports contributed $7.8 billion last year—and balance of payments, the American negotiators in Brussels are apparently more concerned about preserving global harmony than about defending U. S. interests. Their attitude reflects the historical pattern of American diplomacy: we tend to lose at the conference table what victory on the battlefield or, in the present case, simple justice would normally accord us. America has already made its share of concessions. At the urging of our allies, we consented to devalue the dollar, but we have gained little in the way of reciprocal concessions. The much publicized agreement permitting U. S. citrus producers to compete equally for Common Market sales was no real sacrifice, since no member of the EEC grows citrus fruits anyway. The Europeans even hastened to nullify any advantage we might have gained from our cheaper products by imposing a surtax on corn after the dollar was devalued.

The Market's common agricultural policy is not only damaging to the United States which has loyally supported the economic renaissance of Europe. It is also short-sighted and self-defeating, and imposes a tremendous burden on the member nations themselves. Total agricultural policy costs in the Common Market exceeded $8 billion a year at the end of the last decade and will soar much higher with the inclusion of the new members. By way of comparison, the U. S. agricultural budget cost about $6 billion in the same period, and our total farm output is far greater. More than one expert has predicted that the system will eventually collapse of its own weight under pressure from EEC consumers. When that happens, they hope that Britain, with her more liberal trade traditions, will be able to swing the Common Market towards a less exclusionary policy. At present, however, Britain is still the new boy in the club and must observe the rules established by its senior members. And they show no sign of willingness to abandon their protectionist practices in the near future.

On both sides, the problem is basically one of changing perspective. The Europeans are accustomed to thinking only in terms of their own individual interests. Their long history of wars and fierce commercial competition among themselves has made them unfamiliar with the responsibilities of world leadership. They are, as our ambassador to the EEC said frankly, "insensitive" to the international repercussions of their policies. So great is the power of their combined commercial capacity that they can no longer formulate policy solely in order to please their own constituents, but must learn to calculate its impact on the rest of the world. If they do not, they may find that they have killed the goose that laid the golden egg.

The United States also needs to readjust its sights. We have been internally prosperous and preeminent in world trade for so long that we have developed the dangerous self-delusion of invulnerability It has fallen to us to aid our allies from a position of superior strength so often that we seem incapable of realizing how drastically our relative positions have altered. We can no longer afford to play Santa Claus to Western Europe at the expense of our own economy—nor do we have to. United in a single economic community, the Common Market countries are fully capable of sharing with us the responsibilities and burdens of world leadership in commerce, in mutual defense and in aid to underdeveloped nations. It is time we both abandoned the old roles we have outgrown and recognized the new realities.

Mr. BURKE of Massachusetts. Mr. Chairman, today this House is about to take a most significant step. It is about to take a final action on a bill which will devalue the once mighty U.S. dollar. All that will remain to complete the action after today's vote will be the President's signing of the bill. I doubt that it will be signed with too much fanfare. That still, however, in no way should mislead anyone into thinking that today's action is not one of the most significant we have taken as a body in 35 years, ever since this country went off the gold standard. On the other hand I do not want to play on emotions today, or to the galleries which is the same thing, in underlining the importance of the action we are about to take. By pursuing a path somewhere down the middle, it seems to me it should be possible to strike the right balance between emotional excess and cavalier treatment of this most important matter.

Whether view the action of devaluation—something which in more senses than one is already a fait accompli—as an important action in and of itself or as possessing more symbolic signifiance than anything else, its significance is undeniable. Even as a symbol, we can ill-afford to take devaluation lightly. The rest of the world certainly will not. The announcement of August 15 to suspend convertability was one of those historical earth-shaking announcements that catches the world by surprise. Since so much of what makes a money market tick, particularly the international monetary market, is more psychological than factual, the question of impact and imprecisions and interpretation becomes probably the most important aspect of the action of devaluation.

If other nations remain unconvinced that this country is about to tackle its serious economic problems which made devaluation necessary in the first place then in a real sense devaluation will have been performed in vain. Similarly if the American public, its confidence necessarily shaken by the President's announcement that it was actually necessary to devalue the one mighty U.S. dollar—if the great American public suspects that the underlying causes of devaluation remain as they were before and further devaluations will be necessary then it will be difficult to avoid a psychology similar to that prevailing in most so-called weak countries where the people automatically expect and anticipate and in a real sense help bring about devaluations at regular intervals.

Unfortunately, for good or for bad, this Nation and its currency are far too important to far too many people around the world, not only in this country, but overseas as well, for any person in a position of responsibility to take such a prospect lightly. Therefore, it is absolutely essential that in acting on the President's request to devalue the dollar that we the elected representatives of the people pledge ourselves today to follow through and do those things which are necessary to make today's action a once in a lifetime thing. Something which will not be necessary to repeat again and again in the future. We must as a Congress insist on something that goes deeper than a devaluation— to insist upon a plan of action that will address itself to the underlying problems which made devaluation necessary. Let's not kid ourselves. Let's face facts as they are. Unless and until we improve this Nation's balance of trade performance then the pressure will be there to devalue. When that pressure becomes irresistable, further devaluation will become as necessary and as inevitable as any mathematical equation. Continued dismal performance in foreign trade reflected in continuously dismal balance of trade figures will inevitably lead to some adjustment in the value of the rest of the world places on the U.S. dollar.

Make no mistake about it. The total amount of foreign claims on the U.S. dollar as the direct result of continued deterioration in our balance-of-payments position is something which we lose sight of at our own peril. Foreign governments and central banks just cannot be expected to sit on piles of these claims and not take action to redeem these claims, if they conclude that the dollar has no where to go in the future but down and down.

I know there is always the danger that loose talk about devaluations can set off what the speaker fears the most, but facts must be faced and I do not feel I am talking loosely in saying what I am saying here today. It will be far worse if this country continues to put its head in the sand, make more speeches about improving our export performance, with a few more "e" for export performance flags awarded to a few companies in the months ahead and for the leadership to resign itself to the closing down of one more firm after another. The attitude which seems to characterize one administration after another in this country is that it is powerless to do anything to stop the deterioration in this country's balance-of-trade figures and that foreign trade is something which is too sacred for the U.S. Government to interfere with. I know that I have been described by no less august publication than the New York Times as a mercantilist, someone who is supposed to be out of place in the 20th century because I have advocated consideration of domestic priorities and national goals as something which should be a major determinant in this nation's trade policies. I certainly hope that the New York Times is aware that there is plenty of historic precedent to demonstrate that their attitude could be described as hopelessly out of date. The label of laissez faire it seems to me is an even more archaic philosophy than that of mercantilism. I suspect that once again the middle road between pure mercantilism and pure laissez faire is the only philosophy that deserves attention today and that until this Nation abandons its slavish devotion to laissez faire in foreign trade and understands that we will never achieve a policy of full employment to which every elected official in this Government is officially at least committed, then at least one significant economic arm of this Government will be tied behind our backs as we attempt to tackle the economic deterioration which we find ourselves in.

If anyone here today thinks I speak idly or am exaggerating too much let them refresh their memories and review the headlines in the financial pages of last week's papers—the New York Times included—and see for themselves that before this House has even had the opportunity to grant final passage to the President's request for devaluation, the dollar is already in danger of going through the floor of the level we are being requested to approve today. Already foreign financial circles are abuzz with the prospect that a bigger and larger devaluation was what was needed. Today's action is already being viewed as inadequate by those in a position to understand such matters.

If this Nation is going to rely on devaluation and nothing more to put its trade balance in order and get its goods priced cheaply enough to compete with foreign goods and raise the prices of imports sufficiently so that they are no longer competitive with U.S. made products then I say that we are putting entirely too much stress and reliance on one policy. There will be inevitable distortions and crises to follow. Devaluation cannot be the only tool in a nation's economic arsenal. It must be accompanied by other bold steps if the rest of the world is to retain the slightest shred of confidence in the economy behind the dollar.

Mr. LEGGETT. Mr. Chairman, I support the Par Value Modification Act, but I do so with the attitude of a man about to submit to cancer surgery.

Devaluation is a necessary concession to reality; given that things are as they are, it is better that we do it than not do it. But reality is grim, indeed, and there is little reason for confidence that the procedure will give us a permanent cure.

This bill will formally ratify the devaluation of the dollar by 8.57 percent relative to gold and by 12 percent relative to the average major foreign currency. We must do this because the strength of our economy has not been sufficient to maintain the value of the dollar. We are paying the price for years of unproductive expenditures, of which our military involvement in Southeast Asia is the most conspicuous. Now we must devalue in order to prevent further deterioration in our balance of payments.

But this devaluation will be only the first of a series if we do not put our economic house in order. President Nixon's economic program is good in its basic concept; I have supported it and I urged him to institute it a year and a half earlier than he did. But it has been compromised to favor big business to such an extent that it has lost much of its effectiveness.

Inflation has decreased, but remains around 3½ percent. The much-heralded employment trickle-down has not trickled down at all: Unemployment remains just under 6 percent and lost man-hours remain at 6.4 percent; both figures unchanged over the past year.

The regressive value-added tax, if instituted, will further compound our problems. Robin-Hood-in-reverse tactics doubtless are good for the coffers of the Republican Party but they are not good for the economy.

I hope we will move to tighten our income-tax loopholes, release impounded funds for needed domestic programs, and redirect our domestic priorities. Otherwise we will find our grim economic outlook becoming progressively grimmer.

In addition, we are going to need cooperation from the nongovernmental sectors of the economy. Business investment timidity has contributed to the crisis.

Labor has negotiated spectacular wage increase after spectacular wage increase, only to find that we have now priced ourselves out of the market. When labor costs make competitive market prices impossible, a company must either cut back or go out of business. So many of our craftsmen would now be earning excellent wages except for the fact that they cannot find jobs.

Finally, it says a great deal about our national values that the combined accumulated par value of our five largest aerospace companies is less than the accumulated par value of the cosmetics industry.

Mr. VANIK. Mr. Chairman, it is with great reluctance that I support this legislation. We have been pushed too far on this course by the administration to back away.

This legislation will develop a temporary advantage for American exports.

However, as the price of imports is increased to the American domestic consumer, it will set the stage for increased prices for American goods which will face lesser competition. The result could be adverse to the American consumer.

However, these prospects are offset by the hope that this legislation will stimulate exports and employment in those industries which produce for export.

The Price Commission and the consumers of America must carefully monitor price levels to insure that the price line is maintained on all consumer goods.

Mr. RARICK. Mr. Chairman, I was sorely disappointed that a point of order was raised and sustained against the amendment to allow the American people to buy, sell, or own gold. I had intended to support the amendment and, if it was adopted, support the bill. Without the amendment, I can see that nothing is accomplished except yielding the constitutional prerogatives of this body to compromised schemes made between the international bankers and administration's representatives.

Ostensibly, this body, which many times has been referred to as the House of the people, has today proven itself as the "House of the International Bankers," when a small amendment which would allow Americans to own gold is no longer germane.

To me the rights of Americans are fundamental and take far higher priority than the rights of foreigners and international monetary manipulators. Rights of the American people should always be germane where legislation is for Americans.

I do not understand the great fear of allowing a debate or even the vote on the Americans' right to own gold. Surely, even if we had been able to muster sufficient support to demand a vote, those who believe in the preferential rights of Americans would have been defeated by our internationalist-minded colleagues. So, the fear must have been at even allowing the pro-American bloc to express their ideas because they might leak through to the American people and remind them that in our country the American people come last.

Adoption of the amendment to allow our people to own gold would have permitted them to realize the intrinsic evidence of their labor—stable gold.

The right of the American citizens to buy, sell, or hold gold is an essential freedom, a freedom that continues to be denied our people since the Gold Reserve Act of 1934. Unfortunately, the American Government has not seen fit to deny this freedom to foreigners and, up to August 15, 1971, continued to meet this country's commitments to stabilize foreign interests through convertibility of American obligations into gold, a practice that has depleted our gold reserves, threatened our economy, and has forced the administration to propose the legislation presently before the House.

The simple truth is that the American Government discriminates against its own people by denying them a right that it, until recently, guaranteed to foreigners.

The administration has taken the position that this question of the right of American citizens to own gold "should be considered and resolved at a later date, when the monetary role of gold has been definitely settled as a part of the overall monetary reform." As suggested by my colleagues, both in the letter addressed to all Members and in debate here on the House floor, in such an eventual settlement, gold can play only one of the following three roles: First, we demonetize gold; second, we retain fractional gold backing, but not enough to permit convertibility; or third, we restore convertibility.

Evidence taken from the committee print accompanying this legislation, indicates that the administration favors a diminishing role of gold. I quote:

> Furthermore, the United States believes that the monetary role of gold should continue to diminish. With the advent of Special Drawing Rights in the Fund, the world now has a basic reserve asset which is not held in private hands and hence is free from hoarding and speculation which have arisen in connection with gold. There is no need to raise the official gold price merely to increase world reserves.

* * * * *

> It is the view of the U.S. Administration that this modest change in the official gold price should not be allowed to disturb the trend toward de-emphasis of gold in the international monetary system. . . . *As gold is becoming more widely used as a nonmonetary commodity, it becomes less satisfactory as a monetary reserve.*

It is, therefore, evident that the administration position favors either the first or second possibility: That is, first, we demonetize gold, in which instance there can obviously be no objection to the restoration of this basic right; or, second, we retain fractional backing, in which case the restoration of this right would have no connection whatsoever between the official price of gold and the world price. Of course, should the administration choose the latter instance, convertibility would be impossible.

Adoption of the amendment to permit Americans to own gold would, therefore, have had no real effect on the administration's position. It would have restored a basic freedom to the American people to realize the tangible rewards of their labor and would have created a boom in the mining industry, provided thousands of jobs, making the United States a major gold exporter once again, thus helping to reduce our balance-of-payments deficit.

I am convinced that Americans should have the right to own gold.

This would have been a true monetary reform. Since the committee has seen fit to deny even consideration of any rights to the American people in the ownership of gold, I must oppose the bill.

Mr. WIDNALL. Mr. Chairman, I have no further requests for time.

Mr. PATMAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Par Value Modification Act".

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to take the steps necessary to establish a new par value of the dollar of $1 equals one thirty-eighth of a fine troy ounce of gold. When established such par value shall be the legal standard for defining the relationship of the dollar to gold for the purpose of issuing gold certificates pursuant to section 14(c) of the Gold Reserve Act of 1934 (31 U.S.C. 405b).

SEC. 3. The Secretary of the Treasury is authorized and directed to maintain the value in terms of gold of the holdings of United States dollars of the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association, and the Asian Development Bank to the extent provided in the articles of agreement of such institutions. There is hereby authorized to be appropriated, to remain available until expended, such amounts as may be necessary to provide for such maintenance of value.

SEC. 4. The increase in the value of the gold held by the United States (including the gold held as security for gold certificates) resulting from the change in the par value of the dollar authorized by section 2 of this Act shall be covered into the Treasury as a miscellaneous receipt.

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. CRANE

Mr. CRANE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRANE: Page 2, insert immediately after line 17 the following:

"SEC. 5. (a) Sections 3 and 4 of the Gold Reserve Act of 1934 (31 U.S.C. 442 and 443) are repealed.

"(b) No provision of any law in effect on the date of enactment of this Act, and no rule, regulation or order under authority of any such law, may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing in gold."

Mr. PATMAN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. CRANE. Mr. Chairman, it is important that in considering the question of whether or not American citizens should have the right to own gold that we examine not only the arguments on behalf of this right, but also the criticisms presented by those who have expressed the view that this right should continue to be denied to Americans.

In this entire discussion, the historical background is often forgotten. It must be remembered if we are to proceed in a meaningful way to consider the merits of this proposal.

Professor Milton Friedman, writing in Newsweek, August 16, 1971, declared that—

> There never was and there is not now, any valid reason to prohibit individuals from owning, buying or selling gold. Individuals should have the same right to trade in gold as they have to trade in silver, copper, aluminum or other commodities.

The initial nationalization of gold by President Roosevelt has been characterized by Professor Friedman as—

> An act of expropriation of private property in no way different in principle from Castro's nationalization of U.S.-owned factories and other properties without compensation or from Allende's nationalization of U.S.-owned copper mines in Chile at a price well below market value. As a nation we do not have a leg to stand on when we object to these acts of expropriation. We did precisely the same thing to residents of the United States.

At the same time that our own Government prohibits Americans from owning gold, it is interesting indeed that the other countries in the world which have adopted a similar policy of prohibition are primarily totalitarian dictatorships, such as Albania, Bulgaria, Cuba, East Germany, Hungary, Rumania and the U.S.S.R. The only non-Communist states with such a prohibition are Ceylon, India, Libya, Mali and Rhodesia. Even Great Britain, which followed our own policy for years, restored the right to ownership of gold coins last year.

When the Bretton Woods International Monetary Fund was set up, foreign central banks were allowed to convert their paper dollars into gold at $35 an ounce, but the prohibitions against American citizens' doing so, or even holding gold, was continued.

Economist Henry Hazlitt notes that—

> The excuse continued to be that if American citizens were allowed this right, they might drain the Treasury of so much gold that it could not fulfill its solemn obligation to convert into gold for foreign central banks. But now the United States government has repudiated and defaulted even on this pledge, the last excuse for depriving private citizens of the right to own gold or hold gold has been wiped out.

Yet, while the last excuse for such a policy has been eliminated, the policy continues, and continues to be supported. In addition, faced with a government policy of inflation, deficit spending, and currency devaluation, citizens have no safeguard. With the right to own gold, states Mr. Hazlitt:

> American citizens would have a major way, prohibited to them now, of protecting their savings against the further erosion in value of an irredeemable dollar.

The basic question involved, it seems to me, is that of the freedom of the individual American citizen. The Milwaukee Sentinel for June 24, 1971, notes that—

> Americans are just as free and surely have as many rights as Canadian, West German, or Mexican citizens. Right? Not quite. The citizens of those other countries can own gold. Americans can't.

One reason which seems to motivate those who urge the continuation of the prohibition against private holding of gold is that they wish none to be free to escape the inflationary management of money which has become a preserve of government administrators.

Discussing this point, Henry Hazlitt points out that—

> If individuals all over the world were legally free to hold, buy or sell gold they would be able to protect themselves against being ruined by their monetary managers. Under such conditions gold, whether "monetized" or not, would soon become the de facto international currency, in terms of which international transactions would increasingly be made.

It is important at this time that we examine the objections which have been raised to the idea of American citizens having the right to own gold.

It has been stated that providing citizens with such a right would be damaging to the governmental policy of "reducing the monetary role of gold."

The fact is that the reduction of the monetary role of gold, begun in the New Deal has now been completed. Gold reserve requirements for Federal Reserve notes and deposits have been abolished. Even the attempt to maintain the world market price of gold at $35 an ounce has been abandoned. Today, there is a free market in London where, in August, the price of gold was $40 an ounce.

Since that time the price has risen dramatically. From a year-end price of $42 an ounce, gold by February had risen to over $49, one of the sharpest rises on record and a 20-year high.

In addition, all indications are that irrespective of a change by the United States in its policy of denying American citizens the right to buy, sell, or hold gold, the world price of gold will continue to climb owing to significant increases in industrial demand for the metal. The Washington Post, February 14, 1972, had an article dealing with the industrial demands on the world's gold supply:

> Free-world production, now thought to be at its peak, stands at 1,262 metric tons a year—a figure which some estimates suggest will barely meet industrial demands within a year or two. Purely industrial consumption (excluding jewelry) of the gleaming metal has increased by as much as 17% a year in the past and is expected to level off at around 6% in the future.

It has been said by critics of the right of citizens to own gold that this matter should be considered at a later date, when the monetary role of gold has been settled as part of an overall monetary reform.

In such an eventual settlement, gold can play only one of three roles: First, we demonetize gold; second, we retain fractional gold backing, but not enough to again permit convertibility; or third, we restore convertibility.

Let us consider briefly each of these situations.

If all gold backing is removed, there can obviously be no objection to immediate restoration of the lost right to own it.

If we retain fractional backing, there can be no objection to immediate restoration of the right to buy, sell or hold gold since—as at present—there is no connection whatsoever between the official price of gold, $38 per ounce, and the world price, $49 per ounce, and convertibility is impossible.

Convertibility is only feasible when the world market price and the official price are in harmony. Since soaring industrial demand keeps pushing the market price higher, annual devaluations would be required to achieve this end and it would require a current devaluation of 37 percent which has been called totally unacceptable to foreign bankers and contrary to U.S. determination to diminish the role of gold, and which trigger reciprocal devaluations throughout the world.

If private ownership were immediately restored and the market price of gold doubled, it would have no impact upon an ultimate settlement of the role of gold restoring convertibility because: First, governments will arbitrarily decree the official price of gold; and second, the percentage of devaluation—even at the present market rate, $49 an ounce—will trigger reciprocal devaluations throughout the free world, a consequence that is unavoidable.

Another objection raised in opposition to private ownership, sale or purchase of gold is that it would benefit speculators. On the basis of the recent Washington Post article, it seems that unless the United States reopens the rich gold mines in our Western States and Alaska and adds to the world's gold supply, we can anticipate that the rising industrial demand for gold will produce just such a windfall for speculators because, as the Post article observes:

> The nonmonetary demand for the metal proved far higher than any one in industry had thought possible. Industrial uses (all forms of fabrication) consumed 1,050 tons in 1968. This combined with the 570 tons taken up by speculators, exceeded the free-world production that year by 360 tons.

The article continues:

> By 1973–74, say some estimates, industrial uses for gold alone could equal the non-Communist world's annual production figures. All this suggests a dramatic rise in the price of free-market gold during the next decade, unless the Soviets choose to release some of their holdings . . .

What this also suggests is that investment in gold in the world market is going to secure handsome profits for speculators, regardless of what nations or central banks do about the role of gold in the international monetary system, because of the growing industrial demand with rather constant production. Further, the Soviet Union, which for years has engaged in gold mining activities, will benefit enormously from these market conditions. Why should the Soviet Union enjoy this kind of privileged position when the United States possesses enormous quantities of gold in the ground, which at the present time cannot be mined because of the U.S. efforts to hold down the market price of gold?

Prior to 1934, thousands of Americans were employed in the mining industry. There are still thousands of potential jobs available in the mining industry if the price of gold reaches a level profitable enough for the mining companies to go back into production. There are a number of benefits to the American economy if we do so.

First, it would contribute positively toward remedying unemployment. Second, the United States has sufficient gold reserves underground to make this country one of the foremost exporters of gold in the world. Since it is our policy to seek to remedy our balance-of-payments deficit, surely becoming a major exporter of gold would help to meet this objective.

It seems to me that if our policy is to diminish the role of gold in the international monetary system, the basis upon which a number of spokesmen have opposed the right of citizens to own gold, then exactly the opposite conclusion would logically be in order. If American citizens once again had the right to buy, sell, or hold gold as they do any other commodity—be it pork bellies, or soybeans—then the goals of those who oppose this right would actually have a better chance of taking place. As long as there is a continued denial of this right, people will continue to put a special premium on the role of gold—for this reason, if for no other.

I urge the adoption of this proposal because it should be the fundamental right of every American to invest in gold, just as every American has the right to invest in precious gems. The United States is almost unique among free world countries in prohibiting this right. Gold reserve requirements for Federal Reserve notes and deposits have been abolished and the reduction in the monetary role of gold that President Roosevelt began has now completed. The adoption of this proposal, in addition to restoring a fundamental right to all of our citizens, would also create a boom in the mining industry, providing thousands of jobs and once again making the United States a major gold exporter, thereby reducing our balance-of-payments deficit,

It is an old legal maxim that when the reason for a law ceases to exist that the law itself should be eliminated. If there ever was a valid reason to prohibit American citizens from holding gold, that reason does not exist at this time. Since that is the case, the prohibition should also be eliminated.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. CRANE) has expired.

(On request of Mr. PELLY, and by unanimous consent, Mr. CRANE was allowed to proceed for 1 additional minute.)

Mr. CRANE. Mr. Chairman, I thank the gentleman from Washington.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I yield to the gentleman.

Mr. PELLY. Mr. Chairman, I rise to compliment the gentleman from Illinois for offering his amendment which would permit the citizens of the United States to hold, buy, or sell gold.

Frankly I am not aware of the ultimate effect of the amendment nor do I pretend to understand if there is enough gold to carry it out, but I have long resented the fact that foreigners could turn in their American dollars for gold as they could for years when American citizens could not. The every morality of the issue together with my high regard for those who support this Crane amendment impel me to say I will vote for it if the point of order is not upheld.

Mr. Chairman, the intricacies of the monetary system are not always clear, but the integrity of fiscal policy is clear, and when the Federal Government has a monopoly on gold and a citizen cannot buy or sell it, the situation calls for public debate so I hope the committee can consider the amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Texas (Mr. PATMAN) insist on the point of order?

Mr. PATMAN. Yes, Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. PATMAN. Mr. Chairman, this amendment is not germane to this bill. The amendment does not in any way affect the 1934 Gold Reserve Act and it is on a different subject matter entirely. Therefore, it is not germane to this bill.

Mr. Chairman, I would like to yield to the gentleman from Michigan (Mr. BROWN) to speak on the point of order.

The CHAIRMAN. Does the gentleman from Illinois (Mr. CRANE) wish to speak on the point of order?

Mr. CRANE. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois is recognized to speak to the point of order.

Mr. CRANE. Mr. Chairman, Cannon's Precedents—VIII, 2938, 42—indicate that the Crane amendment to sections 3 and 4 of the Gold Reserve Act of 1934 (31 U.S.C. 442–443) is germane as an amendment to H.R. 13120 which would amend section 14(c) of the same act (31 U.S.C. 405(b)). In the ruling on 2942 above the Chair stated:

> A number of cases have occurred in the consideration of this bill where amendments have been offered which were not germane to any section included in the present bill but were clearly germane to sections in the original law. It seems clear to the Chair that this amendment is germane to a section of the original law, which under the Precedents may be repealed or amended in this bill.

The amendment was, therefore, entertained.

The pending bill (H.R. 13120) is not limited to 31 U.S.C. 405(b). In fact, section 3 of H.R. 13120 gives the Secretary of the Treasury broad authority to maintain the value in terms of gold of the holdings of U.S. dollars of the International Monetary Fund, IBRD, IDB, IDA, ADB. Each of these refers to a separate section of existing law. For example, 22 U.S.C. 286(c) regulates the changes in the par value of the U.S. dollar for the IMF. Other citations are available for the other banks.

Cannon's Precedents—VIII, 2944—is not relevant because the amendment for repeal applied to the whole general law.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. BROWN of Michigan. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. BROWN of Michigan. Mr. Chairman, the gentleman's amendment is not germane to the legislation before the House for two reasons, one specific and one general.

First, the amendment offered by the gentleman goes far beyond the language of H.R. 13120, which modifies the par value of the dollar with respect to gold. The gentleman proposes to amend the Gold Reserve Act of 1934, which is not contemplated to be changed by the bill we have before us. Of course, both propositions are related to gold, but it is well established that two subjects are not necessarily germane because they are related. As is recorded in Cannon's Precedents of the House, volume VIII, section 2965, where an amendment is more than an amplification, and brings in additional subject matter, it is not germane. Most recently, on February 23, 1972, the Chair ruled an amendment was not germane on the basis that there was no reference in the pending legislation to the provisions of the act to which the amendment referred.

Second, on more general grounds, this proposal is nongermane because it is not related to the fundamental purpose of the bill before us. The scope of this bill is quite narrow: it modifies the par value of the dollar from one thirty-fifth of a fine troy ounce of gold to one thirty-eighth of a fine troy ounce of gold.

The purpose of the legislation is simply for the Congress to give its formal consent to the President's action taken to change the par value of the dollar, as required by section 5 of the Bretton Woods Agreements Act. The gentleman's proposed amendment would clearly depart from this purpose and embark upon a new pursuit—that of the rights of U.S. citizens to own, buy, or sell gold. In the gentleman's individual views in the committee report, he has characterized his objective as a question of individual rights and freedoms rather than one of monetary policy and operations. Indeed, he has implied that the restoration of this right would not alter our economic situation.

I shall not speak to the substantive merits of the amendment, but only insist that the purpose and content of the gentleman's proposal differs so substantially from that of the legislation before the House as to make it nongermane. To permit its introduction would violate clause 7 of rule XVI and the precedents of the House of Representatives.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. COLLIER. Yes; I would address myself to the point of order.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. COLLIER. Mr. Chairman, I would like to make certain that I understand the gentleman from Michigan correctly when he said that H.R. 13120 in no manner affects the Gold Reserve Act of 1934. There is specific reference in this bill to section 14(c) of the Gold Reserve Act. Therefore, since this is applicable to the Gold Reserve Act, it would seem to me that by that precedent it is germane.

The CHAIRMAN (Mr. VANIK). The Chair is ready to rule. The Chair has before it the amendment offered by the gentleman from Illinois (Mr. CRANE). The Chair has very carefully examined the amendment. The Chair has also examined the bill. The bill under consideration has one purpose: to establish a new par value of the dollar in relation to gold. It does not amend existing law. The proposed amendment would amend the Gold

Reserve Act of 1934 to permit U.S. citizens to purchase and hold gold. The amendment is not germane to the bill and the Chair sustains the point of order.

Are there further amendments?

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the point of order, ruling out consideration of the excellent amendment by the gentleman from Illinois (Mr. CRANE) to restore the right of every American to own and use gold, ought to be of serious concern to every Member of the House of Representatives. It is easy to delegate power to the executive branch of Government only to see that power used as the basis for Executive orders issued by a President with those orders having the full force and effect of law. We have just seen an example of how hard it is to recapture those delegated powers—in other words to again vest in Mr. and Mrs. Average American Citizen the right to own gold.

But I obtained this time to call attention to an article in the Wall Street Journal of this morning.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I gather, and I just came in from the phone, that the gentleman is opposed to this legislation.

Mr. GROSS. Yes, I am opposed to it.

Mr. HAYS. I join the gentleman. I have never been more right in my life than on the Postal Corporation bill, and I am going to support the gentleman's position on this, because the only thing this is going to do is stick John Q. Public right where it hurts. It is going to raise the price of everything that is imported. If Members think domestic manufacturers are not going to raise their prices right after this to just cover the price of the imports, they are wrong. That is what the manufacturers are going to do and John Q. Public is going to get it right in the pocketbook. It will be about a 10-percent increase in the cost of living, and every one of the Members who votes for it can go home and explain it to his constituents.

As far as Mr. Connally is concerned, he is about in kindergarten as far as international economics are concerned.

Mr. GROSS. I commend the gentleman for his statement on all counts. Now, I would like to have the attention of the gentleman from Texas (Mr. PATMAN), the great printing press money advocate. I would like to read from the Wall Street Journal of this morning.

> U.S. officials are hinting at the possibility of a further delay in formal devaluation of the U.S. dollar, causing concern among foreign authorities about fresh speculative surges.
>
> Instead of notifying the International Monetary Fund of the dollar's new value as soon as Congress passes the devaluation bill itself—probably today—the Treasury is expected to wait until Congress also enacts a related appropriations bill.

I want the Members to especially hear this:

> The appropriations bill would permit the U.S. to contribute an additional $1 billion to the World Bank and other development-aid institutions to make up for the approximate 8% cut in the dollar's international value. The Treasury also is seeking an appropriation of about $525 million to allow it to honor its similar "maintenance of value" pledge to the 120-country IMF itself.

Now what does this mean? It means that good old Uncle Sucker is preparing to bankroll the foreign aiders to the tune of and additional $1.525 billion just as soon as you pass this bill—I am not going to vote for it.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I appreciate the gentleman yielding.

Mr. Chairman, the gentleman from Ohio, a few moments ago, made an observation concerning the Secretary of the Treasury, an observation which I under no circumstances share. I think the President's Secretary of the Treasury is one of the most able men I have ever known in government, period. I think he has done a fine job in every respect. He has tackled some of the toughest problems any Secretary of the Treasury has ever tackled, and I think in the face of those difficulties he has done a masterful job in trying to find the right answer for the United States and the world as a whole.

Mr. GROSS. I want to say this to the gentleman from Michigan, that I noted it was Mr. Arthur F. Burns, Chairman of the Federal Reserve Board, which is scarcely a Government-controlled institution—it is an independent financial institution—who went over very quietly to Switzerland 2 weeks ago to attend the semisecret meeting of the central bankers of Europe and assure them that interest rates in the United States were going to be raised. It was not Treasury Secretary Connally who gave them that assurance. It was Burns.

But I will give Connally credit for one thing, one statement he has made, and that was on March 1 when he stated to the Banking and Currency Committee of the House that this country is broke.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman, it is my understanding that Dr. Arthur Burns is the head of our central bank in the United States. Assuming that is true, and I believe it is accurate, then it was perfectly proper for Dr. Burns to attend this meeting with the other central bankers.

Mr. GROSS. I did not know we had a central bank in this country but if we have gone so far as to turn the control of all the banks over to Arthur F. Burns, relegating the Secretary of the Treasury to a second-rate role, the Federal Reserve Board being an independent agency, drawing no support and very little direction from the Congress of the United States, then we have reached a sorry stage in the history of this country.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I would like to make two more observations about the minority leader's statement. I note he did not dispute what I said about the general public getting it in the pocketbook. I hope he does dispute it, because I think I am right, and I will talk to him about that in September and October.

The other thing, I did not say anything about Connally's character. I just said that as far as international economics, he is still in kindergarten, and I stand on that statement.

Mr. GROSS. Mr. Chairman, I would like to yield to the gentleman from Wisconsin or the gentleman from Texas to tell the House here and now if it is proposed through the process of this legislation, and its 8 percent forced devaluation of the dollar, to bankroll the World Bank for an additional $1 billion, and, of course, many more billions to all the international agencies to which we contribute? Is that what is going to result from the passage of this bill?

I yield to the gentleman.

Mr. REUSS. I thank the gentleman for yielding.

Mr. Chairman, how much times does the gentleman from Iowa have remaining?

Mr. GROSS. Quite a bit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa.

Mr. REUSS. I object, Mr. Chairman.

PREFERENTIAL MOTION OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer a preferential motion.

Mr. REUSS. Mr. Chairman, will the gentleman yield to me?

Mr. HAYS. Will the gentleman yield to me first?

Mr. GROSS. Do you want to withdraw your objection, Mr. REUSS?

Mr. REUSS. No.

Mr. GROSS. Wait a minute. Do you want to withdraw it?

Mr. REUSS. No.

Mr. HAYS. Will the gentleman yield to me first?

Mr. GROSS. I do not have the floor, but I will in a minute and I will yield to you.

The Clerk read the motion as follows:

> Mr. GROSS moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes on his preferential motion.

Mr. HAYS. Will the gentleman yield to me for just 10 seconds?

Mr. GROSS. I would like to get an answer from the gentleman from Wisconsin, but I will yield to the gentleman.

Mr. HAYS. I have to go down to complete the hearings on the State Department budget. I am late now.

I want to tell the gentleman that they have a nice little clause in there that says if anything like this happens, it is automatic; we agree that we can go to the Committee on Appropriations and make up the difference caused by the devaluation.

I want to tell the gentleman I am going down right now to straighten that out, and if this passes, they will be 8 percent short.

Mr. GROSS. Has the gentleman from Wisconsin had time to cogitate on the question I asked him so that he can now give me an answer?

Mr. REUSS. I will be much obliged. In fact, I was going to get 5 minutes on my own and try to make a reply to the gentleman. I did not want to intrude on what seemed to be a peculiarly intramural discussion on the minority side.

Mr. GROSS. What is an intramural discussion?

Mr. REUSS. That the Treasury Secretary belongs in the kindergarten, grade school, high school, college, or graduate school, or whatever. Although I found the interchange and the by-play edifying, let me address myself to the precise question raised by the gentleman from Iowa, namely, the story in the Wall Street Journal today that there are those in the Treasury who, although this bill be passed today and sent to the White House, would nonetheless drag their feet until sometime in May or June, when we get a hypothetical appropriation through, before notifying the International Monetary Fund of the fact that the Congress has authorized the Secretary of the Treasury and directed him—and I am quoting from the bill before us "to take the steps necessary to establish a new par value of the dollar of $1 equals one thirty-eighth of a fine troy ounce of gold."

Whatever that is.

Now, this bill does not give the slightest discretion to the Treasury, or to any assistant general counsel thereof, to dillydally, take his time, or otherwise dilute the will of the Congress.

Therefore, let me answer the gentleman's question just as clearly as I know how. If the Treasury refuses to carry out the will of the Congress, if it asserts the need to get some kind of an appropriation before communicating the will of the Congress to the International Monetary Fund, it will be in contempt of the Congress, and in contempt of the very simple language in H.R. 13120.

I say that because we have already fooled around for far too long with a simple mechanical bookkeeping measure which will, if passed, go some part of the way to still the fever in the international monetary markets, a fever which only last week threatened to erupt into another major crisis. So we are dealing here with some very serious matters affecting the jobs and well-being of the people in Iowa, the people in Wisconsin, the people in Michigan, and the people in all the other States of the Union.

Mr. GROSS. Does the gentleman want my whole 5 minutes?

Mr. REUSS. I hate to intrude on the gentleman's time.

Mr. GROSS. I know how badly the gentleman must feel about that.

The gentleman is saying "Yes," it is true that if this bill is passed today and the dollar devalued, depreciated and deteriorated by another 8 percent, this means the Government is going to reach down into the poor old taxpayer's pocket and dig out more billions to put into these international grabbags of one kind or another.

Mr. REUSS. Yes. And happily at the moment——

Mr. GROSS. The answer is "Yes."

Mr. REUSS. After Mr. Connally reaches down into the poor overburdened taxpayer's pocket to accomplish the task which the gentleman has mentioned, he will lift him up again and give him eternal life by telling him he has made almost a billion dollars on the bookkeeping value of gold, so the poor old fellow—the taxpayer, not Mr. Connally—will be in about the same position as before.

Mr. GROSS. The gentleman tried to paraphrase Lincoln once. I would rather he did not do it again.

Mr. Chairman, those who vote for this bill should understand that they are not simply voting to increase the price of gold by $3 an ounce. They are voting for further raids on the taxpayers that will unquestionably run into several billions of dollars. I want no part of it.

Mr. PATMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Iowa—I hope he will listen to this, because I wanted to comment on his statement—spoke about the independent Federal Reserve. Now, there is no independent Federal Reserve. The Federal Reserve is not independent of the Government. It is under the President of the United States. The President is elected by all the people. Even the board members of the Federal Reserve are selected and appointed. Not one of them has ever been elected.

There is no question about the independent Federal Reserve being absolutely a fake. It is not independent. Read the act. The word "independent" is never mentioned. It was never intended to be independent.

I will admit that the gentleman from Iowa is correct in this, that they have been acting independently of the Government.

In fact, I want to call to the attention of every Member of this House who wants to do something that is worthwhile, that is going to save a lot of money. The Federal Reserve has been buying through the Open Market Committee in New York—the Federal Reserve Bank of New York—Government bonds that are interest-bearing Government bonds, using our printed currency and credit over here that the gentleman from Iowa says is no good.

Wait just a moment. I have my own time.

Mr. GROSS. All right. The gentleman wanted me to listen and wanted me to respond.

Mr. PATMAN. However, they take this money that the gentleman says is no good, printed money and credit and they buy Federal Reserve Government bonds with this money. For awhile it amounted to only $1 or $2 billion. They were doing it so they would not have to come to Congress for money. But after awhile, it got to be $25 billion and they wanted the power to let the banks have these bonds, because the banks needed the revenue from these bonds. The Federal Reserve did not want to do it. There was testimony before our committee. But, anyway, they did not get by with it.

The amount of money in that portfolio—and this will really shake you—now amounted to $70 billion. And that was bought by the Federal Reserve bank, an agent of the U.S. Government. By using printed money and Government credit that is also a Government obligation that did not cost them a penny. They traded this for these Government bonds to the extent of $70 billion. The interest on that amounted to $4 billion last year and will amount to $4 billion this year. They spent it for any purpose. They want no restriction or limitation authorized by Congress although the Constitution says that our money should only be spent by an appropriation of the Congress. There is no appropriation bill. Yet they collect $4 billion from the Treasury who collects it from the taxpayers of the country and they spend it for what they want to, for any purpose. They spend about $300 million a year, and the rest of it goes into the Treasury.

So, the point is that unless those bonds are canceled, we owe two debts—$70 billion of money outstanding and the bonds that the money were to pay for. That is not a very satisfactory way to run a railroad or to run a government. We will never get this corrected until we cancel those bonds. There is where the gentleman can make a fight where it will be worthy of consideration and where it will be in the public interest and everyone will praise the gentleman for joining forces with those who believe that when you pay a debt, the debt should be canceled and that the taxpayers should not be required to pay those bonds twice. That is what they will have to do unless you cancel these bonds.

Now, of course some Members claim that they do not have enough to do in Congress; that they need to get positions of chairmanship and seniority so that they can do something in Congress that is worthwhile. That is something, I will say to the gentleman from Iowa, that is worthwhile, and I make this statement today and no one can contradict it.

Mr. GROSS. Well, will the gentleman yield?

Mr. PATMAN. No; I am not yielding now.

Mr. GROSS. Will the gentleman yield in order to give me an opportunity to contradict it?

Mr. PATMAN. I am using my own time, and I hope that the Chairman of the Committee of the Whole House on the State of the Union is not taking this time out of my time.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I cannot yield at the present.

So, there is $70 billion that has been handled in this fashion and this should be corrected.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Iowa (Mr. GROSS).

The preferential motion was rejected.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hesitate to participate in this debate. I do not consider myself an expert in international affairs, particularly as it pertains to devaluation, but I do think some observations ought to be made.

When it was announced that we were going to devalue our dollar, some of the administration leaders claimed that this was a great victory and we would have 500,000 new jobs. Another administration leader said it would be as many as 750,000 new jobs. That was misleading if not false political claim. They hailed it as a great victory.

I do not consider what happened a victory. I think it was an embarrassment to the United States. When we devalue that is an admission that our financial matters are in trouble. We ought to admit that it is not a happy situation for us, but it is a fact.

For years, off and on, we endured a deficit in the balance of payments, 1 2, 3 billion dollars, and we rolled with that punch. But when about a year ago we also had a huge deficit in trade, those two factors combined made it necessary, as I see it, that we take some action, and the natural evolvement was that we would devalue. But that does not mean automatically that we will have a victory, and we will have all these 750,000 new jobs. It does mean that we can have a better situation as they claim if we sell them more goods, if we export more goods than we bring into the country. I think that could be true. But just devaluation itself does not mean that. Devaluation can work only if we have increased productivity at a lessened cost. That we will have a great victory that they claim just does not hold up, as I see it. We must have increased productivity, and at a lessened cost, hopefully.

It means a very important thing. That means that we must be able to sell more goods than we buy. That means, conversely, the people who are in Europe and in Japan must necessarily be willing to buy more than they are going to sell. Well, if I know anything about my good German friends and French friends, or our NATO friends, they like to sell a lot more than they like to buy. And that is going to apply the same way with the Japanese.

If that is true, then how can we pass judgment that must automatically endorse this bill?

I rather think that devaluation is something that we should do. However, I do not think it means that it is necessary to talk in personality terms with reference to the Secretary of the Treasury. The Secretary of the Treasury is probably the strongest man in the U.S. Government today, and I do not think he needs any defense by us, or by the Government. I would invite anybody who wants to take him on to come before the proper committee to do so because I think he will take care of his work just as well as he takes care of the U.S. business, and in a very able fashion.

But what the Congress does need to know is what are these trade agreements. I do not know what we have really worked out with NATO. What insurance do we have that NATO is going to buy more than before the big deficit to make up the $13 billion deficit? Also, what assurance do we have that Japan will accept a strong trade agreement? And what about Canada?

Do we know what the trade agreements are? Have any of you seen it?

I do not propose that Congress ought to preempt the field of trade negotiations or agreements, that should be left with the executive branch of the Government, but there ought to be a better coordination, there ought to be some kind of a directing force in the Congress.

It needs a broad spectrum of all of the Members in which we can actually examine these trade agreements because then, if we know what is in the agreements, then we can bring them to the floor and vote more intelligently on whether we ought to devalue or not; at least, I certainly hope that the Congress can set up such a task force. I guess that devaluation is probably a necessary step. It may give us a little advantage right now in this 8 percent increase, but it looks like we are going to have 2 percent or 3 percent or 5 percent of inflation, and that inflationary degree of increase is automatically going to eat up any advantage we will have with respect to the devaluation.

I believe that we must set our own fiscal house in order if we are going to hope that devaluation will have the meaningful degree of sucess that we hope and pray it might have.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I just want to comment that this is precisely the thrust of my dissenting views as they are found on page 14 of the committee report. I was the one Member who voted against this, and who raised the questions which the gentleman has raised, and to which I had no satisfactory answers.

I thank the gentleman for yielding.

Mr. PICKLE. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Texas (Mr. PICKLE) has expired.

(Mr. PICKLE, at the request of Mr. PATMAN, was granted permission to proceed for 2 additional minutes.)

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the chairman.

Mr. PATMAN. May I suggest to my friend that the trade agreements are mentioned throughout the hearings. I wish the gentleman would get a copy of the hearings. Not only does the Secretary of the Treasury discuss them fully and insert the excerpts that he should, but also Mr. Eberle, who is the Special Representative to the President for Trade Negotiations testified and also discussed the agreements and what they were.

I hope the gentleman will read the hearings please.

Mr. PICKLE. In mentioning the trade agreements, did he mention them with reference to commodities?

Mr. PATMAN. Yes, he does.

Mr. PICKLE. Does he go into a full discussion of commodities?

Mr. PATMAN. I think that is full and complete, I believe.

Mr. PICKLE. I am surprised to hear that. I have talked with other members of the committee who have said they did not know really what was in it—the agreements.

But if there is a full discussion of it, I have not seen it.

Mr. PATMAN. They put out a separate report in which they discussed it fully, about all the trade agreements. They are fully discussed in the hearings, I will say to my friend.

Mr. PICKLE. Is the gentleman saying to me because we have these strong trade agreements that this ratio will reverse itself and that we will correct this $13 billion deficit?

Mr. PATMAN. No—I do not claim that, but I do say it will be a forward step and a giant step in that direction.

Mr. PICKLE. I do not challenge the gentleman's reference about what is in the report. I have not seen it—or found it yet—but I will read it with a great deal of interest. All I have seen so far is a lot of generalities.

Mr. PATMAN. It is in both the committee report and in the hearings.

Mr. BROWN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I shall not use my 5 minutes, but I would like to direct the attention of the gentleman from Texas to pages 110 and 111 of the hearings because the issue of farm commodities and what we have accomplished in our trade negotiations with the Europeans is the subject discussed.

I think you will find progress has been made in this area. Nevertheless, frankly, I am not satisfied with the progress made with respect to farm commodities. I think we could have been somewhat tougher with our Common Market friends because, after all, our favorable consideration of their insistence on our devaluation of the dollar was conditioned on their agreement to participate in serious trade negotiations and progress in eliminating trade restrictions on American products.

The Common Market countries presently have pulled a double whammy on us when it comes to farm products. They not only have maintained prices, but also they provide export subsidies which even compound the problems, and as a consequence American farm commodities do not have a real opportunity to compete in other markets.

Mr. Chairman, I would say progress has been made. And, that progress in trade negotiations contemplated our action here today and ultimate devaluation of the dollar. I think the administration should be commended on its program in this regard and for the progress it has made.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan, I yield to the gentleman.

Mr. DOW. Mr. Chairman, I think a great deal of attention has been focused here today on the trade agreements and our ability to hold our own in the foreign field and to sell our goods as effectively as others sell to us.

But I do feel we have overlooked some of the abnormalities that have led to this devaluation. I mentioned before the excessive investment by American corporations in industries overseas. I would like to quote from the committee report on this bill on page 6 which says:

To some degree—

And that is an understatement—

the persistent U.S. payments problems—particularly the imbalances with Europe—have been caused by the high level of U.S. defense expenditures abroad.

Instead of worrying and fussing about whether we can keep up in our trade with these other countries—and we certainly can—we should think about the past abuses of our trade balance, and particularly the appalling expenditures overseas for Vietnam and places like that where we are wasting not only blood, but treasure.

If we do not correct these past failures, what is going to happen to us in the future? Let us use the experience of the past to take care of the difficulties that will arise in the future.

Mr. BROWN of Michigan. I hope the gentleman will give me an opportunity to answer. The gentleman, I think, would have to agree that we have reduced our expenditures overseas in Vietnam. He would have to agree that progress has been made in the European area, as far as NATO and other countries are concerned, with respect to those nations picking up local troop costs. The gentleman in all fairness would have to agree that progress has been made; though it may not be as much as he would like it to be, it is much better than it was before.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. GONZALEZ. Mr. Chairman, I believe that in this discussion we should be very serious because this is a very serious matter. A while ago the gentleman from Iowa brought up what I considered to be a proper question. On page 9 of the committee report we have a paragraph that reflects one of the reasons why I was a member who voted against this bill in the committee. That is double talk. I do not think it is fair to any one of us to try to use double talk in espousing any particular cause or bill, whether I am for it or whether I am against it.

The gentleman from Iowa raised the question about the budgetary outlays which would result. I do not think he received a serious answer, and I think it is a proper question. The fourth paragraph on page 9 of the report states—

Thus, in the Fund, as a result of the change in the par value of the dollar, the total increase in assets equals $575 million and the increase in liabilities amounts to $525 million. The $525 million in letters of credit that are to be issued to the Fund will not result in budgetary expenditures even when drawn upon, since transactions with the Fund represent exchanges of assets that are outside the budget.

That sounds good, but then comes the clincher:

However, in order to issue these letters of credit an appropriation of approximately $525 million will be requested.

I consider this double talk, because the first sentence, the prior sentence, talks about no budgetary outlay, and then the very last sentence says, "Oh, yes, but we will have to come and ask for, request $525 million in appropriations."

I am not saying that that is right or wrong. I am saying it is not right to have this kind of double talk in trying to present the true impact of what the Congress, particularly the House, will be voting upon today. This has reference only to the impact with respect to our participation in one fund. Naturally, in every other one of our assets, our commitment, or whatever way you want to describe it, we will have a corresponding increase of 8 percent that we will have to ante up.

The basic reasons I voted against this bill, I repeat, are outlined on page 14 and it is not my intention at this time to raise this kind of issue because I was the only member of the committee to vote against it, and quite obviously that makes me a small and minute minority. It would not be fair now to raise the issue on the House floor when I know the circumstances are not proper. I believe that nothing would be hurt at all if the Congress would wait a little bit longer and look into this matter a little bit more thoroughly, because the way we are doing it assures we will have a repetition of consideration of this very same issue within the near future.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. I am pleased the gentleman from Texas has taken the floor to make these remarks. May I inquire whether the gentleman from Texas was on the floor when the gentleman from Ohio (Mr. HAYS) made his remarks as to the effect of this bill?

Mr. GONZALEZ. I was here and heard part of it.

Mr. ABERNETHY. Here is what he said. And up until that point I had intended to vote for the measure, but I am a little bit shaken up now. I do not know now what I will do. I do not think I will support the bill—not that I would influence anyone.

The gentleman from Ohio said that the bill would result in the importation of foreign goods at higher prices, and it would be a natural thing for the American producer to allow prices to go a little higher. But the consumer of the Nation will be the one who will have it taken out of his pocketbook. Does the gentleman agree with that?

Mr. GONZALEZ. I believe the gentleman from Ohio stated the question substantially correctly when he said that imported goods will naturally cost us more. But the advocates of the proposed change use that argument in favor of the change because it would mean that we would import less goods, and it might provide an opportunity to sell American-made goods more cheaply abroad.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. ABERNETHY, and by unanimous consent, Mr. GONZALEZ was allowed to proceed for 2 additional minutes.)

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield further?

Mr. GONZALEZ. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. If the prices of imported goods go up—which, of course, they will—that would make a broader spread between imported goods and domestically produced goods; is that not correct?

Mr. GONZALEZ. I would think so.

Mr. ABERNETHY. And, therefore, that affords the domestically produced goods an opportunity to go up in price and still maintain the same competitive position; does it not?

Mr. GONZALEZ. I would agree with that, except that the argument advanced by the advocates of this, which is in favor of the change, is because it would stimulate our exports because foreigners could buy them cheaper. I do not know exactly how it works.

Mr. ABERNETHY. I do not see how it could make it good at both ends of the line.

Mr. GONZALEZ. That is true, we cannot have it both ways.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I commend the distinguished gentleman from Texas (Mr. GONZALEZ) for throwing more light upon that part of the iceberg that cannot be seen in this bill. In other words, he has already revealed the huge additional cost to just one international fund. The Members of the House ought to realize, and I am sure the gentleman will agree that this is going to cost much, much more money in other areas of our contributions to foreign institutions.

Mr. GONZALEZ. There is no question of that. Of course, the gentleman knows I have taken this floor in behalf of some of the other institutions to which our country contributes, but I think the truth is necessary, and no matter how unpleasant we ought to face it, and no matter what the cost is that should be faced. I see nothing wrong with that.

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BARRETT. Mr. Chairman, I urge prompt passage of the par value modification bill. The most important feature of this bill is the authorization given to the Secretary of the Treasury to communicate a new par value for the dollar to the International Monetary Fund. The new value would be one thirty-eighth of a fine troy ounce of gold instead of the current par value of one thirty-fifth of an ounce.

The relationship of the dollar to gold is not what this bill is all about however. Gold only serves as the common international measuring device for expressing the values of currencies. What this bill really accomplishes is the implementation of the domestic legal steps which the United States must take in order to ratify the agreement for a realinement of exchange rates reached by the major Western trading nations on December 18. This realinement, so beneficial to the United States, was not easily won. Understandably, countries with undervalued currencies, which were earning large payments' surpluses, could see little reason why they should adjust. But the United States was at a substanial competitive disadvantage because of this artificial rate structure and change was absolutely necessary. In addition, our balance-of-payments difficulties also stemmed in part from trade barriers to our exports and inequitable burden sharing in the defense area.

August 15 demonstrated that the United States had come to the full realization that our major trading partners had reached economic maturity. In this new era the United States recognized that it would have to pursue its own economic self-interest in the context of continuing to pursue the goal of world prosperity.

The exchange rate realinement which this bill would ratify has had the strong endorsement of individual Congressmen since the agreement was arrived at. This strong interest in the international economic position of the United States is not new. Numerous committees of the Congress have held extensive hearings on the balance-of-payments position of the United States. Many but not all of these examinations have focused on our exports. The loss of our traditionally large trade surplus has been the subject of intensive inquiry. Remedial actions have been taken. The most recent action that Congress has taken is the provision of a new corporate form, the Domestic International Sales Corporation, which is a tax measure for restoring equity to our tax treatment of U.S. exporters, putting them in a tax-neutral position to compete abroad, both against U.S. overseas manufacturing operations and foreign exporters. The DISC, as it is called, is now being studied for use both by existing exporters and by firms who have not had experience in foreign trade. Removal of a tax barrier to exporting, which the DISC accomplishes, is one of the elements that will help restore our trade account surplus.

Another trade-related measure passed by the Congress last year was the Export Expansion Finance Act of 1971. This act is designed to assure that Export-Import Bank financing is sufficiently available to be competitive with foreign financing. Sales are not to be lost because of better export financing being made available by our foreign competitors.

Other measures also work toward improving our trade account. The job development credit will be used to modernize plant and equipment. This will tend to make U.S. products more competitive due to plant efficiency. Also very important is the Economic Stabilization Act, which is being used to curb U.S. inflation. A lower relative rate of inflation to that of our trading partners will automatically be felt in our trade account. As the prices of our exports rise more slowly than those of foreign products, our goods will sell better in foreign markets.

The exchange rate realignment gives the United States the opportunity to allow these other measures which we have taken to take hold. Controlling domestic inflation, modernizing our plants, removing tax inequities on exporting, and assuring competitive export financing could only have halted the deterioration in our trade balance. In the absence of a change in exchange rates, we would not have been able to improve our trade picture dramatically. We now have that chance due to the Smithsonian Agreement. Prompt enactment of this bill ratifying the December 18 agreement will protect and formalize the new highly beneficial rate structure which was achieved at the Smithsonian.

Mr. WILLIAMS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to point out to my distinguished colleague, the gentleman from Mississippi (the Honorable Tom Abernethy) that our problem today is the fact that American products have been priced out of the world market and many areas of the domestic market. That is what is leading to our present problem, to our present unemployment. So, by devaluing the dollar, while at the same time other nations upgrade the value of their currencies, all we are going to do is to put ourselves back in the ball game so that we can be competitive with foreign products. It is not going to bring any windfall to any company, because the profits of almost every major employer in this country, with one or two exceptions, have been dropping steadily.

The gentleman from Texas in his dissenting views quotes the Treasury Department as saying:

> Changes in the monetary system alone will not solve problems of balance of payments adjustment . . .

There is no question about it. That is one of the truest statements that has ever been made. The gentleman concludes his dissenting views by saying he is afraid of another devaluation of the dollar. What I say is this. This bill before us today will put us once again in a competitive position in the domestic market and in the world marketplace.

That is not going to be the entire answer. We do not have to have productivity at a cheaper cost. We have to have increased productivity at our present cost.

What has actually priced us out of the world market has been national unions negotiating national settlements anywhere from 10 to 12 to 15 percent a year. That has been added on to our domestic and world prices, and we have actually priced ourselves out of the markets.

If we can increase productivity and retain present costs while inflation is occurring in other countries, as it is doing and has been doing, then what we will be able to do is regain our leadership in world trade and our leadership in our domestic markets.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the distinguished gentleman from Mississippi.

Mr. ABERNETHY. As I understand the gentleman he is saying, in answer to the point made by Mr. Hays, and in regard to the question I discussed with the gentleman from Texas, this will enable us to move more goods into these markets, to ship more goods abroad.

Mr. WILLIAMS. And also into our domestic markets.

Mr. ABERNETHY. If it be true that we are going to move more goods abroad, more goods into Germany, more goods into Japan, more goods into France, and so on, why is it that those countries receive this devaluation with such enthusiasm? It looks to me like they would reject it.

Mr. WILLIAMS. Somebody has deceived the gentleman, if they have told him that this devaluation of the American dollar and the upgrading of the value of other currency was received with any enthusiasm at all. We eventually managed to settle for something like a little over 8 percent, and the other countries accepted this with the greatest reluctance.

Mr. ABERNETHY. Do they not feel this will enable them to move more merchandise into the United States?

Mr. WILLIAMS. The foreign countries?

Mr. ABERNETHY. Yes.

Mr. WILLIAMS. No. Just the opposite is true, because right now, just to use one example, there is not a company in the United States making radios. We can go back just a decade and a half ago, or perhaps slightly longer, to when the United States was making most of the radios produced in the world. Today we are not producing a radio. The bill will enable American companies to start getting back into the domestic market, and will make it more difficult for the foreign countries to sell products in this country.

Mr. ABERNETHY. Is the gentleman making the point that the foreigners will move their merchandise here at higher prices, and therefore move less?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. Williams was allowed to proceed for an additional 30 seconds.)

Mr. WILLIAMS. What I am saying is that the bill we have before us today, plus the other steps we must take, which I have already described, will enable the foreign producers to move less products into the United States, and will enable the American products to become competitive, therefore helping the American economy.

Mr. ABERNETHY. But they will move them at a higher price?

Mr. WILLIAMS. If it costs a few more pennies to buy something domestically, so long as it is made in America and means jobs for Americans, then I say the gentleman may be right.

Mr. ABERNETHY. I thought the Japanese received this with considerable enthusiasm.

Mr. WILLIAMS. That is not true.

Mr. CRANE. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. GROSS. Mr. Chairman, will the gentleman yield

Mr. CRANE. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Could it possibly be true

that the amendment which the gentleman offered on the floor of the House a short time ago was offered in the committee and that the chairman of the committee (Mr. PATMAN) ruled that amendment was not subject to a point of order in the committee

Mr. CRANE. That is indeed correct, and is a point I wanted to touch upon.

Mr. GROSS. Is it possible that he could then have made a point of order against the amendment on the House floor?

Mr. CRANE. The gentleman is correct in recognizing that there seems to be an inconsistency and a contradiction there.

At this time, Mr. Chairman, I want to explain my vote in support of the devaluation bill in the committee, because I did not anticipate that a point of order would be made here on the floor of the House when I endeavored to submit an amendment I had submitted in committee and which was defeated at that time. I had submitted the same amendment that was submitted here on the floor. A point of order was made. The chairman of the committee (Mr. PATMAN) overruled the point of order on the grounds that my amendment was in fact germane. So I anticipated, as I notified the committee at that time, coming before the Committee of the Whole House on the State of the Union and resubmitting the amendment. There was forewarning, and I made the assumption on the basis of the chairman's ruling that we would have the opportunity for a free discussion of the amendment on its own merits and we would have the opportunity to vote on it.

That opportunity has now been denied. As a result, I would like to register my objections to the devaluation bill on the ground that I think it is meaningless legislation.

If you turn to the report, for example, under the statement "Need for Legislation" it indicates that it is necessary because the par value of the dollar in the International Monetary Fund cannot be changed without prior approval of the Congress. To be sure it cannot, but to me that is no explanation of the need for the legislation.

The "need for the legislation" is because of certain agreements that have been negotiated by the Secretary of the Treasury, amongst others, with international bankers from abroad—specifically the Group of Ten.

But what conceivable difference can it make whether one cannot convert short-term claims on American gold reserves at $35 an ounce or at $38 an ounce?

There were objections raised by both the Secretary of the Treasury, Mr. Connally, and Dr. Arthur Burns in the committee to my amendment on the grounds that it would have a destabilizing effect until we got some international monetary settlement. Yet any such international monetary settlement can only involve one of three possible options:

First of all, we demonetize gold; secondly, we maintain some official price for gold that does not correspond in any way to the market price; or, thirdly, we go to full convertibility.

If you will examine each one of the possible options on its own merits, there can be no logical, supportable argument against immediate restoration to American citizens of their right to buy, sell, or hold gold. In the event of demonetization in the final monetary reform it is apparent that private ownership will not have any effect.

If you maintain the official price of gold at $38 an ounce with the world price at $48 an ounce or higher—and I can assure you that the world price will continue to climb—then quite obviously it does not make any difference whether Americans are restored their basic right.

And under that third condition—namely, full convertibility—it would require devaluation in the magnitude of 37 percent now, and yet we are discussing only an 8.5-percent devaluation.

As Secretary of the Treasury Connally testified before our committee, such a massive devaluation would trigger reciprocal devaluations on the part of all of our major trading partners. That is an unavoidable consequence if you are talking in terms of full convertibility, which we are not.

They both indicated—Secretary Connally and Dr. Burns—that we are not talking in terms of a long-range settlement involving either full convertibility or demonetization, with due respect to the gentleman from Wisconsin (Mr. REUSS) who I know is a supporter of demonetization. Dr. Arthur Burns says our trading partners would not go along with that.

But I will say in support of the view of the gentleman from Wisconsin, whom I know favors demonetization, as does Dr. Milton Friedman, the noted economist from the University of Chicago, that it seems to me that the opportunity extended again to American citizens to enjoy the right to buy, sell, or hold gold would have hastened the day that their objectives might have been realized.

Finally, there are those present today who urge consideration of the question of private ownership of gold on its own merits. When I first submitted my own bill on this subject—which is identical in language to this amendment—that was my wish. But that was January 22, 1971. I requested a report on the bill from the Treasury Department in the spring of 1971 and yet had failed to receive such a report at the time we held hearings on H.R. 13120. Further, I asked the chairman of the committee for hearings on the bill last summer. After exhausting this avenue, I had no alternative for giving Members of this House the opportunity to decide the issue on its merits except by attaching it to a piece of germane legislation coming out of the Banking and Currency Committee—and the chairman ruled it germane even though I was defeated in that effort—or bringing it in amendment form before the Committee of the Whole House, which I did.

Perhaps I erred in notifying the Chairman and the Banking and Currency Committee of my intention, but I considered it the honorable thing to do. Yet, after what happened on the floor this afternoon it is apparent that I would have had a better chance to permit the democratic process to work its will had I stealthily sprung the amendment on the committee by surprise.

Under the circumstances, I will accept at face value the expressions by Secretary of the Treasury Connolly, Dr. Arthur Burns, and my colleagues on the Banking and Currency Committee of support for separate hearings this year on H.R. 1258, which would restore to American citizens the lost right to buy, sell, or hold gold.

Mr. PATMAN. Mr. Chairman, I wonder if we can terminate the time for debate as of now. I ask unanimous consent that we close all debate at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. ROUSSELOT. Mr. Chairman, I object.

Mr. PATMAN. I wonder if we can have an understanding on how many will want to speak. Mr. Chairman, I ask unanimous consent that all debate close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. SCHMITZ).

Mr. SCHMITZ. Mr. Chairman, I come before the House today to urge most solemnly that we lift one of the most arbitrary, tyrannical, and indefensible restrictions of individual liberty ever imposed on the American people: the denial of their right to own and trade in monetary gold—a right respected by nearly every other free country in the world. Whatever reason or excuse might once have been given for denying this right at the height of a worldwide financial panic nearly 40 years ago, there can be no possible justification for maintaining the prohibition, now that our Federal Government itself will no longer trade in gold. The bill before you presents a natural vehicle for removing this prohibition. Proposals to remove it have gained widespread support.

Throughout history, the most dependable intrinsic economic value has been found in precious metal—gold and silver. Nearly all advanced civilizations have used gold as their basic monetary standard. Its attributes of durability and beauty have given it a character apart from that of any other metal, a character that has remained untarnished throughout the ages. Gold commands respect in all quarters for its beauty and imperishability. You may throw it into the ocean, you may hide it in the earth, or you may subject it to the heat of the furnace, but it remains essentially unchanged and unmistakable in its appearance.

And, as long as gold may be freely owned and traded, the very qualities which give it so much intrinsic value also act as a check on the inflation of other media of exchange, whose value will inevitably be measures in terms of gold. When gold is in circulation, the people cannot long be fooled about what is happening as the value of their paper money is diluted.

The prohibition on owning and trading in monetary gold by American citizens dates back to the depths of the Great

Depression, to an Executive order by President Franklin Roosevelt in 1933, followed up by implementing legislation and upheld by a 5-4 Supreme Court decision in 1935—over a magnificent dissent by Mr. Justice McReynolds now unfortunately almost forgotten—invalidating the "gold clauses" in private contracts. The time has come to remove this extraordinary restriction on private ownership by citizens of what is supposed to be, and ought to be a free country.

Writing in the June 2, 1969 issue of Monetary Notes—a publication of the Economists' National Committee on Monetary Policy—Dr. Walter E. Spahr surveyed the causes and consequences of the attack on our money and predicted exactly the crisis which has now arrived. Here is Dr. Spahr's analysis:

> When our national government confiscated our people's gold in 1933–1934, and forced them to accept irredeemable bills of credit in exchange, the purpose was to provide the government with liberty to do as it pleased with other men, and the product of other men's labor, while depriving the people of the liberty to convert the products of their labor into gold if they so desired. This revolutionary act by our government opened wide the door to government tyranny which has shown itself in wild government spending, heavy taxation, a radically depreciated currency, a huge national debt, much socialization, and a high degree of government management of our economy.
>
> It may not be long now until an important day of reckoning is at hand. Its arrival is being invited; and an ominous consideration is whether, when it arrives, we shall have officials who can be counted on to understand why it arrived and where the proper solution lies.

Writing in The Freeman in August 1971 just as the international money crisis which led to the present bill was breaking out into the open, distinguished economist Henry Hazlitt said:

> There appears to be no alternative now to our government doing frankly and de jure what for the last three years it has been doing without acknowledgement but de facto: it should openly announce that it can no longer undertake to convert dollars into gold at $35 an ounce. . . . The government should also announce that until further notice it will neither buy nor sell gold.

These things have already been done, and the bill before us formalizes them. But Mr. Hazlitt went on to say:

> Simultaneously, however, the United States should repeal all prohibitions against its citizens owning, buying, selling, or making contracts in gold. This would mean the restoration of a really free gold market here.

Professor Hans Sennholz, chairman of the department of economics at Grove City College in Pennsylvania and a leading disciple of the world-famous economist Ludwig von Mises, agrees. Declaring that:

> Every friend of freedom is dedicated to the restoration of free money which is also sound money.

Professor Sennholz has said:

> The first objective must be the freedom to trade and hold gold . . . There must be no government interference with the gold markets, no regulation or controls, no taxation or dictation that would sabotage the gold markets. The next objective must be the individual freedom to use gold in all economic exchanges. . . . The legal tender law which decrees that government money must be accepted in payment of all debt, public and private, must exempt "gold contracts" and "gold clauses" that specifically call for payment of certain measures of gold.

The amendment offered by the gentleman from Illinois (Mr. CRANE) would remove all present restrictions on the ownership, buying and selling of gold by American citizens, and could be interpreted so as to allow payment of contractual obligations in gold if both parties to a contract agree to it. Its effect is thus similar to or identical with legislation I introduced—H.R. 6790—to give effect to these two excellent suggestions of Professor Sennholz. Therefore I most strongly support the gentleman's amendment and hope it will be adopted by the House, or at the very least that it may be voted on without avoiding the issue through any procedural technicalities.

(By unanimous consent, Mr. SCHMITZ yielded the remainder of his time to Mr. CRANE.)

Mr. CRANE. I thank the gentleman for yielding.

Mr. Chairman, I would simply like to add one additional point which I know my colleague from Idaho (Mr. MCCLURE) can amplify upon dealing with a further aspect of this bill and the amendment we attempted to attach to it. That aspect has to do with the resurrection of a vital American industry that has been largely dormant since the Gold Reserve Act of 1934, namely, gold mining.

As I understand it, the Bureau of Mines has indicated that there are gold reserves in the United States equal to that of the Republic of South Africa. That was an industry that formerly employed thousands of Americans. With this kind of gold reserve, quite obviously the United States could be an exporter of gold and, first, we would thus provide the opportunity to provide jobs which is one of the economic objectives of this administration; and second, help redress the imbalance in our foreign balance of payments situation by becoming a major exporter again in this vital field.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I am glad to yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Chairman. I rise in support of the intent of the Crane amendment and associate myself with the remarks of the gentleman from Illinois (Mr. CRANE) to restore the right to buy, sell, or hold gold to American citizens.

The policy of the United States has been directed toward diminishing the monetary role of gold. Moreover, the formal change in the par value does not terminate the suspension of the convertibility of the dollar into gold.

Since the role of this commodity is diminishing and since the suspension of convertibility remains, this is an excellent time to restore this right to deal in gold for American citizens.

When an eventual over-all monetary settlement is reached, the role of gold would be one of the following:

First, if gold is demonetized there cannot be any objection to immediate restoration of this right;

Second, if fractional backing is retained, there should be no objection to this proposal, since there is no link between the official price of gold which is $38 per ounce, and the world price, $49 per ounce, and convertibility is impossible.

Therefore, there should be no objection to allow American citizens the right to buy, sell or hold gold.

Finally, I support this measure because the people of this country should have the right to invest in this commodity just as they invest in anything else. Moreover, other free world countries provide this right.

In addition, the trend toward a reduction in the monetary role of gold was started with President Roosevelt and is now completed.

Finally, this proposal would create an increase in the number of jobs in the mining industry and enable the United States to once again be a major exporter of gold. These increases in the amount of exported gold would have the effect of reducing our balance of payments deficit.

I, therefore, would urge my colleagues to join with me in support of this amendment so that the right to invest in gold will be rightfully returned to American citizens.

Mr. CRANE. I thank the gentleman from New York and I simply, in conclusion, express great dismay that other Members were not given the opportunity under our democratic process to have the chance this afternoon to have gone on record in support of or in opposition to the restoration of this vital right.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. MCCLURE).

Mr. McCLURE. Mr. Chairman, I was shocked earlier today to find that a point of order would be raised against the amendment offered by the gentleman from Illinois (Mr. CRANE) with respect to the right of individual citizens of our country to own and hold gold. I was shocked for two reasons.

First, that the point of order had been raised in the committee and had been overruled by the chairman of that committee; and second, there was no expectation that this would be approached differently on the floor of the Committee of the Whole House on the State of the Union.

I want to underscore the statement made by the gentleman from Illinois (Mr. CRANE) concerning the ability of the mining industry of this country to respond to a demand for gold. The evidence is in. The evidence is clear. The facts are indisputable that a very large gold mining industry would be stimulated by any increase in the price of gold which would be matched in the marketplace for this commodity.

Certainly, we are not going back on the gold standard at this time. Certainly, there is no one here today advocating that that be done without exception or qualification. But, to argue as has been done today, that gold is absolutely essential to the international monetary system—and, therefore, we cannot go to private ownership of gold—and then to make the point of order that that very point is nongermane to the subject matter of this bill is absolutely inconceivable to me.

I was shocked also because it seems to me that this is a matter of fundamental importance and that the proponents of this legislation should have welcomed free and open discussion of the very serious matters that are involved rather than seeking refuge behind an arbitrary ruling of the Chair on the question of the germaneness of this amendment.

There can be absolutely no question that there will be no convertibility of the gold at any time that the official price of gold is below the world price of gold. It is, as a matter of fact, nonconvertible and we know that will be the case so long as the price increase is no larger than proposed here—and I do not think anyone could really dispute that there can be no opening of the gold window so long as the official price is below the world price and that is exactly what you are asking us to do in this legislation.

I recognize that today we are in a very serious international monetary crisis. If it were not so, I would have asked for an amendment to increase the price of gold in a much different way. I have legislation pending before this Congress, and have had it pending for the last 3 years, which would have accomplished just exactly that. But we cannot get a hearing on that legislation. We are not given an opportunity for open discussion on that kind of legislation, and we are throttled and hamstrung by rulings on the floor of the House that forbid us from bringing this to the attention of the country.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I do not want my colleagues in the House to accept as the full and unmitigated truth the allegations of those who have recently spoken regarding their opportunity to be heard on the gold ownership proposition.

That amendment was offered in the committee. It was at that time permitted to be voted upon in the committee, and of the 37 on the committee there were only three votes for it.

I think that many of us would be willing to consider the merits of their proposal as separate legislation. It was our objection to the inclusion of that proposal in what was purely and distinctly a devaluation bill that led us to oppose their amendment in the committee and to object to its consideration here on the floor of the House.

The committee chairman indicated by the very fact that he permitted their amendment to be discussed in the committee that he is willing to consider legislation of this nature, and if such legislation is proposed properly, then I am sure that such an opportunity will be given to them.

But there is no reason to clutter up the discussion of this devaluation legislation with gold ownership legislation. It is a separate issue, deserving separate relief, separate discussion, and certainly deserving a separate vote.

Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

Mr. PATMAN. Mr. Chairman, the gentleman from Michigan (Mr. BROWN) has correctly stated the facts. We wanted everyone to have an opportunity in committee. Why sustain a point of order, even if the question was close? We did not know exactly what the amendment was; we wanted to find out. We would rather vote on it, and give the proponents an opportunity, and it was voted on. And as the gentleman from Michigan stated, out of the 37 members on the committee, only three voted in favor of the amendment. We felt that that was giving them a fair chance. The decision was a close one, and having had time to study the matter, I now feel the amendment was not germane, which is how the Chair rules.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. VANIK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13120) to provide for a modification in the par value of the dollar, and for other purposes, pursuant to House Resolution 900, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CRANE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 343, nays 43, answered "present" 1, not voting 44, as follows:

[Roll No. 84]

YEAS—343

Abbitt
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews
Archer
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bell
Bennett
Bergland
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Lent
Link
Lloyd
Long, La.
Long, Md.
Lujan
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quie
Railsback
Randall
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, N.Y.
Rooney, Pa.
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Scheuer
Schneebeli
Schwengel
Sebelius
Seiberling
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—43

Abernethy
Alexander
Ashbrook
Baker
Biaggi
Brinkley
Byron
Cabell
Caffery
Camp
Collier
Crane
Davis, S.C.
Denholm
Gonzalez
Griffiths
Gross
Hagan
Haley
Hall
Hammerschmidt
Hays
Hicks, Wash.

Ichord
Jones, Tenn.
Landgrebe
Lennon
McClory
Nichols
O'Konski
Quillen
Rarick
Roncalio
Rousselot
Runnels
Satterfield
Saylor
Scherle
Schmitz
Scott
Terry
Thompson, Ga.
Whitten

ANSWERED "PRESENT"—1

Collins, Tex.

NOT VOTING—44

Annunzio
Arends
Baring
Belcher
Burton
Clay
Collins, Ill.
Conyers
Derwinski
Diggs
Dowdy
Dwyer
Edwards, La.
Eshleman
Evins, Tenn.
Galifianakis
Gaydos
Hawkins
Hébert
Hull
Jacobs
King
Kluczynski
Leggett
Metcalfe
Michel
Mikva
Murphy, Ill.
Nix
Obey
O'Hara
Pryor, Ark.
Pucinski
Rangel
Rees
Reid
Riegle
Rosenthal
Rostenkowski
Shipley
Stanton, James V.
Stokes
Stubblefield
Yates

So the bill was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Arends.
Mr. Rostenkowski with Mr. Riegle.
Mr. Burton with Mr. Clay.
Mr. Stubblefield with Mr. Belcher.
Mr. Hébert with Mr. King.
Mr. Shipley with Mr. Derwinski.
Mr. Kluczynski with Mr. Eshleman.
Mr. Evins of Tennessee with Mrs. Dwyer.
Mr. Rooney of New York with Mr. Galifianakis.
Mr. O'Hara with Mr. Reid.
Mr. Murphy of Illinois with Mr. Michel.
Mr. Mikva with Mr. Stokes.
Mr. James V. Stanton with Mr. Jacobs.
Mr. Hull with Mr. Baring.
Mr. Rosenthal with Mr. Conyers.
Mr. Rees with Mr. Rangel.
Mr. Nix with Mr. Dowdy.
Mr. Diggs with Mr. Pucinski.
Mr. Gaydos with Mr. Collins of Illinois.
Mr. Yates with Mr. Hawkins.
Mr. Leggett with Mr. Metcalfe.

Mr. LANDGREBE changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 900, the Committee on Banking and Currency is discharged from the further consideration of the bill S. 3160.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 3160

An act to provide for a modification in the par value of the dollar, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Par Value Modification Act".

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to take the steps necessary to establish a new par value of the dollar of $1 equals one thirty-eighth of a fine troy ounce of gold. When established such par value shall be the legal standard for defining the relationship of the dollar to gold for the purpose of issuing gold certificates pursuant to section 14(c) of the Gold Reserve Act of 1934 (31 U.S.C. 405b).

SEC. 3. The Secretary of the Treasury is authorized and directed to maintain the value in term of gold of the holdings of United States dollars of the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association, and the Asian Development Bank to the extent provided in the articles of agreement of such institutions. There is hereby authorized to be appropriated, to remain available until expended, such amounts as may be necessary to provide for such maintenance of value.

SEC. 4. The increase in the value of the gold held by the United States (including the gold held as security for gold certificates) resulting from the change in the par value of the dollar authorized by section 2 of this Act shall be covered into the Treasury as a miscellaneous receipt.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 13120) was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

SOCIAL SECURITY BENEFITS

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, just recently our colleague Chairman MILLS, of the Ways and Means Committee, sponsored legislation to increase social security benefits by 20 percent. While this is commendable, and with all due respect, I do not feel that it does enough for our oft forgotten and too frequently neglected senior citizens. We need, I believe, a broader approach, one which both recognizes the unique status of our elderly in our society and will provide for a utilization of some equally unique talents and abilities presently untapped.

I am, therefore, proposing that the Congress consider two actions in addition to the good chairman's suggestion: An immediate increase to $4,000 the limit on extra earnings and a lowering to age 70 the time at which such a limit would be removed. While I am aware that the major social security amendments have already been acted on by the Ways and Means Committee and the House, I am hopeful Chairman MILLS will be making an effort to have his proposal acted on this year and that the bill I am introducing today will be considered at that time.

Many concerned with this country's critical unemployment will argue against my proposals, viewing such an increase in the extra earnings limitation as placing more pressures on the employment market. For two major reasons, I see no merit in such an argument, the most obvious being that this segment of our society is not large enough that those who would seek to avail themselves of this increase would add measurably to the labor supply. Second, I believe that the great majority of those who would become active would be providing skills and services which have always and will continue to be in strong demand, skills which, in fact by my own experience, are not readily available in today's labor market.

I have, to this point, been speaking mainly to the benefits we as consumers of services would receive by my amendment. Far more important, to my mind, is the very real and immediate benefits to be realized by those affected by this proposal. Our past efforts in this field have fallen far behind the realities of today's living standards and costs which confront those living on fixed retirement incomes. My proposal will permit these people to help themselves better their position, will permit them a competitive position and role in life. We must do more—and this is, at least, a step in that direction.

SOCIAL INSECURITY

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSH. Mr. Speaker, age has always had poets to sing its praises, to applaud the virtues associated with maturity of years. A hundred years ago Robert Browning described growing old as "the best yet to be" and the time of life for which the rest was a preparation.

It is a good thing that his poem was devised in the 19th century and in a nation other than our own, for the fact is that we have not as a nation accorded to our senior citizens the recognition they deserve or the opportunity they merit to enjoy their later years as the best years of their lives.

Mr. Speaker, I rise today to speak for this group of citizens whose needs are little recognized and inadequately met. Yet our retired citizens have devoted many years to developing this Nation; they have supported this country in several major wars; they have suffered through a serious depression. Now when they are retired they find themselves impoverished, their self-reliance destroyed by rising prices, fixed social security benefits, and unrealistic real estate taxes.

Our revered elder citizens are required to beg from their children, unless, as is frequently the case, they are too proud to resort to begging. If that is the case they may be forced out of the homes they have spent years paying for simply because property taxes have no respect for age and these taxes increase faster than social security benefits.

We are asking our senior citizens today to subsist on pension benefits which are below what the Government has announced as a poverty level. Senior Americans, not just the people in India or Southeast Asia or Latin America, suffer malnutrition because they cannot pay the price for nutritious food. They may often feel unwanted, unappreciated, denied the respect and dignity merited by their contribution to society over the years.

What are we to do about this? Many

things are necessary. The House has passed a bill in H.R. 1 which would somewhat improve their condition, but it is not enough. Fortunately the chairman of the House Ways and Means Committee, Mr. WILBUR MILLS, has realized this and has introduced a bill to grant social security-beneficiaries a 20-percent across-the-board benefit increase effective for June of this year. I offer my enthusiastic support for this increase which, along with H.R. 1, would increase the average benefits of retired workers from $133 to $162 a month; those of aged widows from $114 to $153, and aged couples from $222 to $269.

It is my hope that the Senate, which is still considering social security legislation, will reflect upon the conditions confronting our senior citizens and will embody this 20-percent increase in any social security legislation they pass.

I am ashamed of our record of neglect for older Americans. It is time we amend that record now.

DISTRICT OF COLUMBIA INSTITUTING "OPERATION ID"

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELSON. Mr. Speaker, I was pleased to read in the Washington Daily News of Tuesday, March 14, that the District of Columbia is instituting Operation ID, a program to help police combat burglary by making stolen property easy to identify. Above the caption was a picture of District Police Chief Jerry Wilson showing how people should etch their social security numbers onto valuables with electric pens. Ralph Hubert, president of the Associated Builders and Contractors, sat by with a look of approval. The newsstory credited him with having "dreamed up Operation ID."

As I say, I was very pleased to hear that this project is being started here in Washington, and I believe that it will be instrumental in recovering stolen goods if people will cooperate and give their support to the programs. I am confident in regard to the potential of this program because as I reported nearly a year ago, on May 4, 1971, at page 13381 in the CONGRESSIONAL RECORD, the city of Monterey Park, Calif., originated Project Operation Identification several years ago and has found it valuable both in deterring crime and in assisting law-enforcement officers after items have been stolen.

At that time I included in my remarks an article which had been published in the Washington Post on April 25, 1971, written by Jack Harrison Pollack. His article was entitled: "Could a California Program Help Reduce D.C. Burglaries" and told in some detail of the development of this program in Monterey Park by Police Chief Everett F. Holladay, and of the adoption of the project by more than 30 other communities in southern California. In addition, this splendid crime prevention program, which was conceived and implemented in Monterey Park, Calif., became the subject of a feature article in the FBI Law Enforcement Bulletin, published many months ago. It appears that we may, in the near future, begin to answer reporter Pollack's question with the initiation of Operation ID last week here in Washington.

I cannot resist one further comparison: the Daily News item indicates there are plans to ask Congress for funds to buy and distribute inscribing pens. I would like to mention, as I did last May, that the cost of the project in Monterey Park was underwritten by a local civic organization, the Exchange Club. The expenditure over the first few years of operation was only about $300 and the civic-minded response of this group of business and professional men has worked very well for the protection of a whole community. I would suggest that instead of asking the taxpayers, through the Congress, to pick up this small cost, perhaps among the sponsors or other interested business leaders some might be found who would make such a civic contribution to this worthwhile effort right here in Washington.

TWELFTH LARGEST U.S. CORPORATION PAID NO FEDERAL TAXES IN 1971

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, in reviewing the 1971 annual report of the United States Steel Corp., I was shocked to learn that this corporation—the largest dollar value steel manufacturing company in the world—carried on a total business of almost $5 billion, had a net income of $154,515,754, and paid absolutely not one penny of Federal income tax in 1971.

United States Steel is an example of a corporation engaged in operations which contribute substantially to the pollution problems of America and in the course of its business activities, demands considerable Federal support in a variety of programs. Yet, United States Steel makes absolutely no contribution to the Federal Treasury. If an operation of this dimension pays no Federal taxes—pray tell, who should?

There are no alibis, the are no justifications for us to suffer the continuance of laws and administrative policy which permit United States Steel and others to throw the Federal tax burden on the individual taxpayers of America. Following is the full statement of United States Steel Corp's. explanation of its "no tax" status, as explained on page 26 of its 1971 report:

> No provision for taxes on income is required for 1971 due principally to statutory deductions associated with mineral production and investment credits and since deferred taxes provided in prior years on foreign subsidiary earnings exceeded the taxes on such earnings repatriated in December 1971 because of credits for foreign taxes paid. Estimated United States and foreign taxes on income payable for the year 1971 of $57.9 million are offset by deferred tax credits of a like amount.
>
> The investment credits for 1971 and amortization of the pre-1968 investment credits, which are reflected in deferred taxes reduced the provision by $23.5 million. In addition, the net effect of all timing differences served to reduce the provision for income taxes by $34.4 million. Such timing differences represent taxes applicable to items reported for tax purposes in a period different from the period in which they are included in the determination of net income for financial accounting purposes. Amounts charged for wear and exhaustion of facilities and amounts of earnings of certain foreign subsidiaries are typical examples of such reporting differences.
>
> The provision for esimated taxes on income in 1970 reflects tax deductions associated with mineral production payments completed in that year and investment credits of $31.1 million.

I have just examined the 1971 annual report of Westvaco, a timber and paper corporation which reports a $4,016,000 net income but paid no income taxes in 1971 and received a tax refund of $7,695,000.

Today I requested the Joint Economic Committee to determine how many of the 500 largest corporations of America paid no income taxes last year because of the Revenue Act of 1971, the administration's accelerated depreciation range and the galaxy of recent tax rulings flowing out of the Treasury Department. I have also requested a tabulation of 1971 tax refunds on these corporations.

Through these new devices, corporate taxation is rapidly vanishing as they become freeloaders on the American scene.

I feel very sorry for the average taxpayer of America who earns $10,000 per year, has three dependents, and pays a heavy share of the tax load of this country. The cruelty of our tax system is the shame of America. The comprehensive reform of this tax system must be our first legislative priority.

FUTURE OF TRANSPORTATION VITAL TO URBAN-RURAL PROBLEM SOLUTION

(Mr. EVANS of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EVANS of Colorado. Mr. Speaker, today I am introducing a bill which calls for a major, new, and total approach to research, development, and operation of transportation in the United States. It has become increasingly obvious our transportation problems are growing apace with the population and changes in our style of living and doing business.

Somehow a concept has developed that national transportation problems are involved only with the mechanical means of getting an individual and his goods from one major city to another from coast to coast and that the national scope of these problems stop at the limits of the standard metropolitan statistical areas.

I believe nothing could be further from the fact. According to the Bureau of the Census, 31.4 percent of our people live outside the SMSA's.

During preparation of this bill, I sent out more than 50 preliminary drafts to various companies, associations, State offices, and individuals directly involved with one phase of transportation or another. Many had suggestions, some of which I was able to incorporate in the bill to make it more workable and even to expand it in scope. None indicated they felt the goals of this bill to be faulty.

I would like to quote from a 1971 research study prepared jointly by Colorado State University and the American Society of Civil Engineers and sponsored by the National Science Foundation.

> Past studies of transportation have emphasized a search for practical changes in individual modes or combinations of modes. Such an approach is desirable and necessary to achieve continued efficiency and to develop the responsiveness of the several modes. But new concepts for transportation must be developed—concepts that will produce transportation systems that meet the unique desires and goals of people and programs. These concepts should include the use of quality of service to specify changes that will produce specific improvements in the quality of life rather than specifying modes or hardware systems.
>
> The development of policy goals of this type is quite different from the conventional technique that requires more (or less) highways, faster (or more) trains, quieter (or larger) aircraft, more extensive and less costly public transit systems. The primary advantage to focusing on social or economic goals is that the real issues are faced directly rather than indirectly. Furthermore, transportation becomes much more obviously a means to some end rather than an end in itself; i.e., a better public transit system is needed only if a specific social or economic goal is achieved.

Most of our major cities of today and a very substantial number of the smaller communities were established as a result of transportation shortcomings, or capabilities, depending on how you look at it.

Usually cities were started at the ready source of fresh water which could not be transported in quantities. Some cities began at resting places before a perilous and exhausting journey over mountains or deserts. Sometimes cities began at railheads or at central points where food and other commodities could be gathered for shipment to mass markets.

Along the coastal areas, cities grew up where port facilities could be developed and some, in the mountains, sprang up where trails crossed or wagon roads could be built.

I believe transportation has historically determined where our population was to be located and there is no reason why, if properly and broadly assisted and used, transportation cannot today and tomorrow be utilized to solve many of the population and economic problems confronting us.

We do have staggering population problems because, once started we permitted, even encouraged centralization of people. There are few cities which have not mounted major efforts to attract more people and business, believing that the more they have, the better their city would be, at least in comparison with others.

Today the most successful of these cities, in the race for size, are reaping bitter rewards in unanswerable poverty, water, sewage, crime, and transportation problems. However, most of these cities, even today, continue seeking to grow even larger although they are unable to solve their present population-related problems.

To quote Lyle C. Fitch, president of the Institute of Public Administration, New York, from his article in "The Future of American Transportation" a book published in 1971:

> Large new urban mass transit systems now under construction, or on the drawing boards, have the specific design objective of preserving and expanding the role of already existing large central cities in metropolitan regions. Thus the San Francisco Bay Area's rapid transit (BART) system, which will begin operating in 1972, represents an attempt to obtain as much regional growth as possible for the central city. This objective of San Francisco's businessmen was not supported by their counterparts in San Mateo County to the south, who had aspirations of capturing for their own area the development which, given the transit system, might locate in the central city. On the other hand, communities on the east side of the Bay, in Contra Costa and Alameda Counties, opted for the system in expectation that it would promote their own area development.
>
> Since decision was taken, a number of construction projects, mainly office buildings, have gone forward in San Francisco, transforming the famed skyline. We do not know how much of this development would have been initiated in the absence of the decision to build the rail system, but even assuming that BART did promote the new skyline, we still have no basis for judging whether the region will be a better place than it would have been if some of the employment centers had located elsewhere. The office-building boom may be choked off by rising protests from those who believe that the skyscrapers are desecrating the San Francisco urbanscape and overcongesting the downtown area. The power of such a movement should not be taken lightly in a city which forced the abandonment of freeway construction, leaving several freeway extensions virtually hanging in mid-air, because of the aesthetic damage that (it was felt) freeways were doing to the city.

Unfortunately, too many city, county, State, and Federal planners still believe we should continue a massive development of transportation only within or directed to the big cities, and that all people wish to live there, work there, or can be directed to so wish. It is this fallacy in thinking that has led to the decline of true national transportation; that has seen transportation dwindle and disappear from areas outside the large cities, and that has contributed heavily to the decline of living in the big city itself.

Our greatest national transportation problem is, in fact, to make it possible for people to live, do business, work and find recreation where they want to under reasonable circumstances. In this era of possible 300- to 350-miles-per-hour transportation on the ground and thousands of miles per hour in space, we continue trying to jam people into our big cities.

Individuals by the millions have recognized and taken advantage of the advances in speed for the automobile. Few of these vehicles today are designed or constructed for the rural dweller. They are built for the high speeds and smooth riding of the major highways and city streets. The people who own these have moved to the suburbs to escape the problem, the way of life and the cost of big city life, only to have the city move out and engulf them within a few years, even months. Why? Because they moved out only 10 or 15 miles. They could not go too far from their place of employment.

It might also be pointed out that less fortunate people from rural areas were moving into the cities and the less fortunate who could not move were trapped. The tax load grew greater in the city while the tax base dwindled. What we consider ghettos expanded and services declined. The inner city in almost all instances began to rot. The exodus quickened and the engulfment of former suburbs hastened apace.

Where did the people come from who were moving into the city while others fled?

The concentration of our manufacturing in the city, as a result primarily of transportation availability, and the almost total concentration of our economy and government on the problems of city life, resulted in a critical decay of rural life and economy.

Modernization of farming techniques resulted in a glutting of markets and reduction in farm employment. Factories were located in the big cities where giant labor pools were developing and where transportation was available for the mass markets. The farm economy, dwindling, was unable to sustain any but the smaller rural community. People departed, migrating to cities where factories employed thousands and where, at worst, welfare help was greater.

The results: The small cities began dying for lack of people and business while the larger cities were dying because they had too many people to be properly serviced.

How can we turn all this around? How do we substract from the masses of people that choke the cities and require services they cannot pay for and that the cities cannot deliver?

We do this by leaping hundreds of miles from the big cities with our new developments, our factories and by expanding transportation capabilities into rural areas to handle this, or more properly, to induce it. We do all this by recognizing that today we can, with high-speed transportation, deliver people and goods to and from places of employment far removed from big cities. We can do this by no longer emphasizing development and construction of transportation aimed at getting people into the big city and from place to place within the big city. I by no means advocate cutting off assistance to big cities. Nor do I advocate simply making a few rural cities or areas larger in population. Rather, I propose that we encourage doing business and living over wide areas of this Nation by conscious transportation policies rather than simply patching up the system we have in large metropolitan areas that now exist.

A factory today is financially penalized when it operates in a rural area and must transport its finished products long distances, at high costs, on limited transportation means to reach mass markets. There are relatively few transportation systems available on a timely basis to rural America today.

We must change this. We must make it possible for the lower rural taxes, combined with timely transportation to market at reasonable rates to make it economically feasible to locate business, not a few miles out, but hundreds of miles away from big cities. If rural areas cannot initially supply labor, I am sure that labor will move, or travel there at timely speeds from their homes near the big city.

This can all be done. I recognize that to some, the philosophy of making the large smaller and the small larger, may even seem heretical. The goal is essential and I believe the time has come when this approach must be recognized. I hope the time is not too late.

It is a start toward this goal that I believe can be made with the very broad transportation bill I have introduced.

To quote again from the study recently completed by CSU and the American Society of Civil Engineers:

> Historical records reveal strong indications that the economic advance of a society is dominated or controlled by its transport system. The same records will indicate the strong influence of transportation on society's way of life, apart from the economic effects. There is no reason to believe the importance of transport on the social and economic well-being of society will not continue in the future. Therefore, how transport evolves will dramatically influence the character of tomorrow's society.

This bill provides specific means for compiling and using comprehensive information not now available on transportation. It provides for extensive input and self determination of needs and priorities at the State level. Finally, it provides equality of consideration and concern for all modes of transportation without subtracting from any existing programs.

I believe this to be a most comprehensive and fair treatment of our transportation modes and problems, and while I recognize the concept and approach is sizable and new, I introduce it in the hope it will be of value in the arrival at solutions we must have soon.

The text of the bill follows:

H.R. 13967

A bill to establish and implement a national transportation policy for the next 50 years, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Transportation Act of 1972".

TITLE I—NATIONAL TRANSPORTATION POLICY AND PLAN

NATIONAL TRANSPORTATION POLICY

SEC. 101. It is the policy of the United States to provide for coordinated research, planning, and development of a national transportation system within and between the States and at the Federal level which will meet the Nation's needs, both current and for the future, for the safe and timely transportation of people and goods. Such a transportation system shall be planned and developed so as to ensure that the growth patterns of the population, including the sites of its housing, employment, government, and recreation, are orderly and thereby assist in the solution, with the highest degree of public safety, of economic problems in rural areas and of overcrowding in urban areas. The transportation system shall also be compatible with the national goals of promoting social values and restoring and maintaining environmental quality and ecological values, and shall encourage, to the extent possible, a diversified approach to the solution of local, State, national, and international transportation problems.

NATIONAL TRANSPORTATION MASTER PLAN

SEC. 102. (a) For purposes of carrying out the national transportation policy set forth in section 101, the Secretary of Transportation (hereinafter in this Act referred to as the "Secretary"), within two years after the date of the enactment of this Act, shall develop a National Transportation Master Plan (hereinafter in this Act referred to as the "National Plan"), which shall set forth national transportation goals and means for their implementation for the 50 years following the day on which the National Plan takes effect, and which shall include specific goals and implementation to be achieved by the end of each 5-year period within such 50 years. The National Plan shall apply to all known transportation modes, including subsurface, surface, air, space, and water, and may be amended, in accordance with the provisions of section 104, at any time the Secretary deems advisable, in order to take into account advances in technology, and changes in national needs. In developing the National Plan, the Secretary shall consult State and local governments and appropriate Federal agencies, and authorities on the solution of transportation problems in other nations, and may consult such other sources and make such studies as he considers to be pertinent to such plan.

(b) In developing the National Plan, the Secretary shall utilize—

(1) United States population growth projections,

(2) studies of the scope of current and projected transportation problems which are nationwide in impact, and

(3) studies of the impact which the utilization of any one existing mode of transportation has upon the presence of or alleviation of congestion in the transportation of persons and goods.

(c) The National Plan shall include, but not be limited to, the following means of implementation of national transportation goals:

(1) research and development to improve existing modes of transportation and the operating procedures thereof,

(2) research and development, and construction, to provide new modes of transportation,

(3) the establishment of new cities and the revitalization of existing rural communities in order to relieve the overcrowding of population in existing standard metropolitan statistical areas, and

(4) the establishment of an appropriate transportation balance of transportation systems and their schedules through the development of intermodal transportation points.

REVIEW OF NATIONAL PLAN BY CONGRESS

SEC. 103. (a) The Secretary, within 2 years after the date of the enactment of this Act, shall transmit the National Plan to Congress, together with a comprehensive explanation thereof. The Secretary shall have the National Plan delivered to both Houses on the same day and to each House while it is in session. Except as otherwise provided under subsection (b), the National Plan shall take effect on the first day after the close of the first period of 90 calendar days of continuous session of Congress after the date on which the National Plan is transmitted to it.

(b) If, between the date of transmittal to Congress of the National Plan and the end of the 90-day period, an Act is enacted amending such plan, the National Plan shall be effective, as amended thereby, on the date of the enactment of such Act.

SUBSEQUENT AMENDMENT OF NATIONAL PLAN

SEC. 104. At any time after the National Plan takes effect as determined under section 103, the Secretary may propose amendments to the National Plan. Such amendments shall be effective after transmittal to Congress and approval by such committees of the House and Senate as are determined to be appropriate under the rules of each House. The Secretary shall have any such amendment to the National Plan delivered to both Houses on the same day and to each House while it is in session. For the purpose of this section, approval shall be deemed to have been given by a committee at the end of the first period of 30 calendar days of continuous session of Congress after the date on which any such amendment is transmitted to it, if such committee has not disapproved of the amendment within such period.

COMPUTATION OF CONTINUOUS SESSION

SEC. 105. For purposes of sections 103 and 104 of this Act—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the 90-day period or the 30-day period, as the case may be.

TITLE II—STATE TRANSPORTATION PLANS AND PROJECTS

PURPOSES

SEC. 201. The purposes of this title are to provide aid to the States to enable them to undertake, in conformity with the national transportation policy set forth in section 101, such surveys, demonstration projects, planning and development programs, acquisition, construction, improvement, and operation of facilities as are necessary to meet their transportation needs for the next 50 years, and to enable the States to make such recommendations regarding the operation of existing transportation systems and to provide such assistance by loan to existing transportation systems as will improve transportation capabilities within and between such States.

STATE TRANSPORTATION BOARD

SEC. 202. (a) Any State desiring to avail itself of the provisions of this title shall have a State transportation board, which shall have such powers, and be equipped and organized in such a manner, as the Secretary shall determine to be satisfactory in order for such board to discharge the duties required of it by this title, and shall notify the Secretary of the existence or establishment of such board.

(b) Any State desiring to avail itself of the provisions of this title—

(1) may appoint an executive director, who shall be responsible for the day-to-day management of the operations conducted by the State transportation board, and who shall receive compensation at a rate not to exceed the maximum rate for GS–16 of title 5 of the General Schedule under section 5332 of title 5, United States Code,

(2) shall compensate the members of the State transportation board at a rate not to exceed the maximum rate for GS–18 of such General Schedule, and

(3) may employ, in addition to an executive director, such technical, clerical, or other personnel, on a regular, part-time, or consulting basis, and at such rates of compensation, at it may deem necessary for the discharge of the functions of the State transportation board, with the approval of the Secretary.

PERSONAL FINANCIAL INTERESTS

SEC. 203. Any State transportation board desiring to avail itself of the provisions of this title shall establish rules which the Secretary determines to be adequate to insure that any member or employee of such board shall not receive compensation for services he performs, for which funds are provided under this title, from sources other than his employer, and shall not otherwise maintain any private interest in conflict with his public responsibility.

STATE TRANSPORTATION MASTER PLAN

SEC. 204. (a) Any State transportation board desiring to avail itself of the provisions of this title shall establish, within 2 years after the date of the enactment of this Act (or at such other time as the Secretary may permit), a State Transportation Master Plan (hereinafter in this Act referred to as a "State Plan"), which shall set forth such State's needs, goals, and priorities, and means for implementation, for the transportation of people and goods, for the 50 years following the day on which the National Plan takes effect. A State Plan established under this section shall be reviewed every two years and brought up to date in such manner as the Secretary shall require.

(b) A State Plan shall apply to all known transportation modes, and to all geographical areas within the State. In developing a State Plan, a State transportation board shall study—

(1) existing State transportation systems of all modes, their interrelationships, benefits, and deficiencies,

(2) population patterns in the State and projections thereof,

(3) patterns of commercial development in the State and projections thereof,

(4) land use patterns in the State, and natural resources and environmental qualities in the State in need of protection,

(5) the extent of and need for coordinated transportation systems and planning with other States,

(6) the need for the development, construction and operation of new systems of transportation, including new modes thereof, and

(7) the development of an appropriate transportation balance of transportation systems and their schedules by the use of intermodal transportation points.

(c) A State department of transportation may apply to the Secretary, for a period of one year at a time, for a grant of funds for total administrative costs incurred in the development of its State Plan, in the proportion and under the conditions provided in section 210(c).

REVIEW OF STATE TRANSPORTATION MASTER PLAN BY THE SECRETARY

SEC. 205. (a) Any State transportation board desiring to avail itself of the provisions of this Act shall submit, within 2 years after the date of the enactment of this Act (or at such other time as the Secretary may permit), its State Plan to the Secretary for his approval. Such approval shall be given if the Secretary determines that the State Plan is not inconsistent with the national transportation policy set forth in section 101, nor with the National Plan, and that the State Plan was developed in accordance with the provisions of subsections (a) and (b) of section 204.

(b) The Secretary shall assist the States in coordinating any State Plan with the National Plan. Copies of the National Plan, and such changes to it as may be necessary to provide complete information as to national transportation goals and policies, shall be made readily available to State transportation boards.

(c) The Secretary shall cause conferences to be held with State transportation board members and employees, on a quarterly basis during the first 2 years following the date of the enactment of this Act, and annually thereafter, for the purpose of fully informing the State transportation boards of the National Plan and the State Plans, and of achieving full coordination of activities undertaken pursuant to this Act.

FEDERAL FUNDING OF STATE TRANSPORTATION PROJECTS

SEC. 206. (a) After the Secretary has approved its State Plan, a State transportation board may submit to the Secretary for his approval plans for proposed transportation projects, including preliminary engineering studies and such other material and information as the Secretary may require. The Secretary shall act upon such proposed projects as soon as practicable after their submission. After a specific project has been approved, the Secretary shall enter into a formal agreement with the State transportation board for the payment of funds, in the proportion provided in section 210(a), to carry out the project. Such agreement shall make provision for State funds required for the State's proportionate share of the cost of such project as provided in section 210(d). After approval of a project, the Secretary shall also initiate such research as is necessary for the development of such project.

(b) No project of a State shall be approved for payment of funds unless the Secretary determines that such project is compatible with the State Plan, is not inconsistent with the national transportation policy set forth in section 101, and is not inconsistent with the National Plan.

(c) No project shall be approved for payment of funds unless it meets criteria which the Secretary shall establish, which shall be based on (but not limited to) one or more of the following transportation goals:

(1) redirection of population away from standard metropolitan statistical areas of high density,

(2) safety in operation,

(3) maintenance of high environmental quality and protection of natural resources,

(4) efficiency in moving people and things in a timely manner,

(5) satisfaction of future as well as present transportation needs,

(6) practicality of the project as a means of attaining the stated objectives of the State Plan,

(7) compatibility with existing and planned transportation systems,

(8) provision for the relief of transportation emergencies, and

(9) economic feasibility of the project, either immediate or future, as a means of attaining the economic purposes of the national transportation policy set forth in section 101.

PROJECTS INVOLVING OPERATION

SEC. 207. No transportation systems or modes developed and constructed under this title shall be operated by a State, or leased or sold for operation, and no assistance loan to any existing transportation system for operation shall be made under this title, unless the Secretary determines that the terms of such operation, lease, sale, or loan provide that—

(1) any profits of such operation, lease, sale, or loan shall be returned to the State and the United States Treasury in the same proportion as the amount invested in the project by the State and the Federal Government, respectively,

(2) in the case of a lease for operation, the lessee shall be required to pay annually an amount not less than 2 percent of the total project cost,

(3) in the case of a sale or assistance loan for operation, payment by the purchaser or borrower shall be made over any period up to 50 years, together with interest at the rate of not less than 2 percent annually on the unpaid balance,

(4) all lessees, purchasers, and borrowers shall maintain an adequate state of repair for safe and efficient operation of such systems or modes of transportation, and

(5) such other requirements as the Secretary may determine to be necessary to protect and maintain the public investment have been met.

In the case of a default in payment, the Secretary shall take such steps as he considers necessary to redeem and protect the public investment and, if the Secretary determines it to be feasible in carrying out the national transportation policy set forth in section 101, such steps as he may deem necessary to maintain the capacity for operation of the transportation systems or modes involved.

CONFORMITY WITH COMMON CARRIER REGULATION

SEC. 208. All transportation systems or modes developed and constructed under this title shall be operated in conformity with the laws and regulations of the State and of the Federal Government which pertain to transportation by common carrier.

REPORTS TO THE SECRETARY AND ACCOUNTING PROCEDURES

SEC. 209. In approving projects for payment of funds, the Secretary shall require that any State transportation board make such reports, in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports, provide for such fiscal control and fund accounting procedures as the Secretary may find necessary to assure proper disbursement of and accounting for funds paid to a State transportation board under this title, and provide for such other supervision as the Secretary considers necessary to carry out the purposes of this title.

PROPORTIONAL CONTRIBUTION OF THE FEDERAL GOVERNMENT

SEC. 210. (a) The Secretary may make grants (or in the case of a transportation emergency may grant or lend), from the sums appropriated for purposes of this title, to a State transportation board funds to assist in financing the total costs of transportation projects approved by the Secretary as provided in this title, in the following proportions:

(1) 90 percent of such total costs of any project which is part of an intrastate or interstate transportation system, or which is part of the development of an intermodal transportation point, whether or not such point is part of a standard metropolitan statistical area transportation system.

(2) 70 percent of such total costs of any project which is part of a standard metropolitan statistical area transportation system only.

Notwithstanding the above proportions, no more than 60 percent of the total funds apportioned to any one State under section 211 for a given fiscal year may be allocated by the Secretary to any single project within such State during such fiscal year.

(b) The Secretary shall pay the proportional contribution of the Federal Government to the total cost of an approved project in such increments, based on the time estimated for completion of the project, as he considers to be appropriate.

(c) The Secretary may pay, under such conditions as he considers to be appropriate, from the sums appropriated for purposes of this title, to a State transportation board, funds to assist in financing the administrative costs of such board incurred in—

(1) the development of its State plan, or

(2) in carrying out projects approved by the Secretary as provided in this title,

in an amount no greater than 90 percent of the total administrative costs therefor.

(d) No funds shall be paid by the Secretary under this section unless the State provides the portion of the total project or administrative costs indicated in its application for such funds which remains after the application of the appropriate proportional contribution of the Federal Government.

APPORTIONMENT AMONG THE STATES

SEC. 211. (a) Sums appropriated by the Congress for expenditure by the Secretary under this title in any fiscal year shall be apportioned among the several States in the following manner:

(1) 50 percent in the ratio which the population of each participating State bears to the total population of all the States as shown by the latest available Federal census, and

(2) 30 percent in the ratio which the area of each participating State bears to the total area of all the States.

Of such sums appropriated, 6 percent may be used by the Secretary as he deems appropriate for the relief of transportation emergencies, and 14 percent may be used by him as he deems appropriate to administer the provisions of this Act, and to carry out transportation research not directly connected to specific State projects.

(b) Funds apportioned to participating States under this section, but not paid or contracted to be paid to a State transportation board under the provisions of this Act in any fiscal year may be added to the funds apportioned to all the States in the following fiscal year, on the basis of the formula provided in this section.

NON-ELIGIBILITY FOR FEDERAL FUNDS

SEC. 212. The Secretary may make grants or loans under this title only for State transportation projects (including projects for the relief of transportation emergencies) or portions of such projects which he has determined are not eligible for the receipt of Federal grants, or for the receipt of Federal loans, as the case may be, for transportation projects under any other provision of Federal law existing at the date of the enactment of this Act.

TITLE III—NATIONAL TRANSPORTATION COUNCIL AND DATA BANK

ESTABLISHMENT OF NATIONAL TRANSPORTATION POLICY COUNCIL

SEC. 301. (a) There is established in the Department the National Transportation Policy Council (hereinafter in this title referred to as the "Policy Council"), which shall consist of the Secretary, who shall be the chairman thereof, and the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Chairman of the Civil Aeronautics Board, the Administrator of the Environmental Protection Agency, the Chairman of the Federal Maritime Commission, the Chairman of the Interstate Commerce Commission, and the Administrator of the National Aeronautics and Space Administration.

(b) The Policy Council shall establish such specific and regular times for meeting as the Policy Council considers appropriate, and shall coordinate such of the activities of the several departments and agencies which are headed by its members as pertain to the purposes and goals of this Act. The coordination of such activities shall include the development of specific agreements for cooperation among the members of the Policy Council in pursuit of the purposes and goals of this Act.

(c) The members of the Policy Council shall provide the Chairman thereof with such assistance, information, research findings, and other data and materials as are essential to attaining the purposes and goals of this Act.

(d) The Policy Council shall make recommendations from time to time to the Congress for such legislation as the Policy Council considers essential to the attainment of the purposes and goals of this Act.

NATIONAL TRANSPORTATION AND DEVELOPMENT DATA BANK

SEC. 302. (a) The Secretary, in cooperation with the Policy Council, shall develop, establish, and maintain, for his own use and for the use of the Policy Council, the State transportation boards of participating States, and the Congress, a National Transportation and Development Data Bank (hereinafter in this title referred to as the "Data Bank").

(b) The Secretary shall establish standard terminology and classifications of data for use on a nationwide basis, and shall develop a system for the acquisition of information, in order to facilitate fast and efficient storage, retrieval, and communication of information in the Data Bank. The Secretary may make use of electronic data processing systems and such other equipment and facilities as he considers necessary for such storage, retrieval, and communication.

PURPOSES AND CONTENTS OF THE DATA BANK

SEC. 303. (a) The Data Bank shall contain information on the location, size, capability, and safety of public and private carriers in all transportation modes, and such other information as the Secretary considers to be necessary in order to carry out the provisions of this Act.

(b) The Data Bank shall contain information relevant to transportation planning for the future, including such changes in transportation needs, technology, and policy, on an annually updated basis, as will enable the National Plan to reflect constantly a projection of existing transportation modes, and those in various stages of research, planning, and development, for a period of time 50 years into the future.

TITLE IV—MISCELLANEOUS PROVISIONS

ANNUAL REPORT TO CONGRESS

SEC. 401. The Secretary shall report annually, on the anniversary of the date of the enactment of this Act, to the Congress in writing with respect to activities carried out under this Act during the preceding year, and with respect to the progress made in accomplishing the purposes of this Act.

AUTHORIZATION

SEC. 402. For the purpose of carrying out the provisions of this Act, there is hereby authorized to be appropriated—

(1) for the fiscal year ending June 30, 1973, an amount not to exceed $———,

(2) for the fiscal year ending June 30, 1974, an amount not to exceed $———,

(3) for the fiscal year ending June 30, 1975, an amount not to exceed $———, and

(4) for the period of three fiscal years ending June 30, 1978, and for each period of three fiscal years thereafter, such amounts as shall hereafter be authorized by Congress for such period.

INTERSTATE COMPACTS

SEC. 403. The consent and encouragement of the Congress is hereby given to any two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for cooperative effort and mutual assistance in coordinating their State Plans and in developing and operating State transportation projects which have been approved by the Secretary under section 206.

DEFINITIONS

SEC. 404. For purposes of this Act—

(1) The term "Secretary" means the Secretary of Transportation, except where otherwise provided in this Act.

(2) The term "Department" means the Department of Transportation.

(3) The term "appropriate transportation balance" means that condition where each transportation system and mode contributes from its potential for the safe and timely transportation of people and goods to the greatest degree possible under prevailing circumstances.

(4) The term "intermodal transportation point" means a compact area which contains such facilities as will make possible the efficient and timely transfer of people and goods from one mode of transportation to other such modes.

(5) The term "State transportation board" means a board specifically designated by State law to deal with all modes of transportation and which is composed of five or more persons, politically nonpartisan, who have diversified knowledge of transportation modes, and who are selected in such a manner and for such terms as the State determines.

(6) The term "standard metropolitan statistical area" means that term as defined by the Office of Management and Budget.

(7) The term "State" means any one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(8) The term "participating State" means any State which has notified the Secretary of the existence or establishment of its State transportation board.

(9) The term "transportation emergency" means economic or physical damage to a transportation system which is so severe that, in the opinion of the Secretary, there is no means other than Federal financial assistance for returning such system to normal operating procedures within such time as the Secretary deems essential to avoid serious harm to the economy and the welfare of the nation.

(10) The term "single project" means a transportation proposal, which may include one or more modes of transportation, determined by the Secretary to contain elements which are essential to each other.

VOLUNTEER PHYSICIANS FOR VIETNAM PROGRAM

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, under the Volunteer Physicians for Vietnam program, some 700 American doctors have voluntarily ministered to the medical needs of the people of that beleaguered, war-torn country over the course of the past 6 years. Under the auspices of the American Medical Association, these highly skilled professionals have selflessly served in a great humanitarian effort at great personal sacrifice and often in the face of considerable personal danger. I am proud of the fact that one of these, Peter A. Nathan, M.D., is a constituent of mine.

Recently Dr. Nathan has shared with me his enthusiastic appraisal of the worth of the Volunteer Physicians for Vietnam program. It is a privilege for me, in turn, to share his letter with Members of the House. In a personal postscript, Dr. Nathan informs me that volunteers get "only airfare and $10 per diem—plus the satisfaction that money cannot buy." I am sure that you will agree with me that that is a very big plus and that, while few of us possess the skills to earn the rewards of a job well done by volunteer doctors, we may all rejoice in the motivation which impels them to keep this most humane effort going.

It is ironic that in a time of continued high unemployment, skilled medical manpower remains in short supply and is, therefore, a commodity we can ill afford to export. This does not suggest to me that we ought to discourage dedicated professionals like Dr. Nathan from participating in a volunteer program which takes them away from these shores even though, admittedly, there remain some communities without a resident doctor. Their contribution in Vietnam is unique, literally helping to bind up the wounds left by this pitiless war. Whatever good will remains after our exit from the most protracted conflict in our national history will doubtless owe much to the efforts of this small band of dedicated doctors. It is a sad commentary on a civilization as advanced as our own that too much of our technological know-how for export takes the form of weapons for destroying rather than healing mankind. If American leadership is truly to be a force for good in this suffering world, we should seize every opportunity to reverse this situation.

For as I see it, the greatness of the United States does not rest in our ability to do research for more and more destructive weapons—to manufacture military armaments—but the greatness of the United States is its ability to export doctors, technicians, agricultural experts, Peace Corps volunteers who are extending a hand to help—not weapons to destroy. This export of technical know-how could be a power more potent and majestic in a hungry world than all the nuclear bombs ever manufactured. Viewed in this light, the Volunteer Physicians for Vietnam is worth all the support we can give it, notwithstanding the shortage of doctors we continue to experience here at home.

The answer to the medical manpower dilemma, of course, lies in the increase of the supply, not only to meet our own needs but to be able to share the highest quality of medical skills available anywhere in the world today with nations far less fortunate. In 1971, there were 332,000 physicians in active practice in the United States. The fact that only 9 percent of these were women suggests to me that we have not begun to tap the available reservoir in meeting these needs. The Comprehensive Health Manpower Training Act overwhelmingly passed by this Chamber last July has as a prime objective the increase of practicing physicians in the United States to 436,000 by 1977–78.

Those in the Volunteer Physicians for Vietnam program have accomplished much but would be the first to admit that much more needs to be done. It is my fondest hope that as our own resources increase, more and more medical men and women will heed the following call from Dr. Nathan:

FEBRUARY 10, 1972.

Hon. EDITH GREEN,
Rayburn House Office Building,
Washington, D.C.

DEAR MRS. GREEN: I have just returned from Vietnam where I had the privilege of participating in the Volunteer Physicians for Vietnam Program. I feel it most important that you be aware of the tremendous medical needs of the Vietnamese people secondary to the consequences of this war as well as from endemic disease.

It is particularly important at this time, as we withdraw our military forces, that we do not forget we have a humanitarian responsibility to help these people medically and this must not be confused with what is or is not our military obligation. These medical needs will exist for many years to come and it is important that we continue to provide care in this area. This however need not be in costly medical supplies, but can be provided most effectively and quite inexpensively by supporting the Volunteer Physicians for Vietnam Program of the American Medical Association and encouraging particularly younger physicians and surgeons to donate two months of their time in this endeavor. A more active Oregonian participation would be ideal.

I hope your awareness of this program will be helpful.

Very truly yours,

PETER A. NATHAN, M.D.

ELECTRICITY AND THE ENVIRONMENT

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ECKHARDT. Mr. Speaker, for the past decades, electric utilities have provided this Nation with an adequate supply of energy to meet the needs of a burgeoning population and economy. However, the toll exacted by the generation of electricity upon the quality and safety of our environment is very great, perhaps greater than the economic benefits provided by the electricity generated. By itself, the electric power industry has been unable to achieve a proper balance between this Nation's power needs and the safety of its environment. Obviously, we cannot afford to continue to rely on the traditional mechanisms that the electric utilities have provided for the planning, construction, and operation of electric power facilities. Rational Federal action must be taken if our Nation is to enjoy the benefits of both an adequate supply of electric power and a safe environment.

The widespread congressional response to this pressing national need has narrowed to two proposals, H.R. 5277, introduced for the administration by Mr. SPRINGER, and H.R. 11066, introduced by Mr. MACDONALD. Unfortunately, the provisions these two bills make for long-range planning and certification of power generation facilities and judicial review of relevant siting decisions perpetuate virtually the same planning, construction, and operating practices that experience has proven totally inadequate. The alternative powerplant siting bill I am introducing today addresses itself specifically to these inadequate practices and truly assures protection of environmental values while facilitating construction of needed power supply facilities.

All too often, the ecological effects of a powerplant are not adequately considered by electric utilities in the process of planning for new power generation facilities. Only after a facility has been in operation for a long time does the public realize the tremendous adverse impact that the powerplant has upon the surrounding environment. Obviously, by that time it is impractical to resite or substantially modify the facility to reduce environmental damage.

The logical solution to this dilemma is to establish a long-range planning mechanism that effectively represents all parties affected by power generation, ranging from the interests of the public, Government, and environment to those of the utilities. Unlike H.R. 5277 and H.R. 11066, which essentially delegate sole responsibility and authority to the electric utilities to develop long-range plans concerning the size and site of powerplants, the bill I introduce today provides for the establishment of a Regional Planning Council in each power region designated by the Federal Power Commission. Each council is composed of a representative from the Federal Power Commission, the Department of the Interior, the Environmental Protection Agency, and the Council on Environmental Quality. Such representation insures that a broad range of technical expertise will be brought to bear on the complicated problem of sound regional planning. Each council has the responsibility of reviewing the site recommendations of the electric utilities, establishing an independent inventory of optimal sites, and developing a coordinated plan designed to meet the region's immediate and long-term power needs with minimum environmental damage. This provision for long-range regional planning represents a positive step forward that insures a broad and comprehensive accounting of all aspects of bulk electric power generation.

At present, most electric utilities are required to conform to a myriad of State and local regulations in order to be certified to build and operate a powerplant. It is important to remember that these certification procedures were never designed to guarantee a region an environmentally safe supply of electric power. This fact becomes more apparent in light of present threats of power brownouts and massive air pollution problems which can be attributed to the burning of fossil fuels in power generation. The obvious solution to this problem lies in the establishment of strict programs and regulations for certifying powerplants in accordance with long-range plans promulgated at the regional council level. Unfortunately, the Macdonald bill, H.R. 11066, essentially retains the clearly inadequate existing system, modifying it to the extent that utilities are required to disclose construction plans 2 years prior to construction. The administration measure, H.R. 5277, provides only that a State or States designate a certifying body to be operated in accordance with federally promulgated guidelines. Neither bill provides for the representation of either industry or environmental interests in the certification process.

On the other hand, the bill I introduce today specifically provides for the inclusion of environmental and utility interests on the State and regional certifying bodies. Additionally, the bill requires that these bodies be established within 12 months from the date of enactment, and that the Federal certifying agency assume the functions of a State or regional body in lieu of proper certification of such bodies. Under my bill, the Federal certifying agency would be composed much like its counterpart on the State and regional level. The agency would include representatives of the interests of the environment and electric power industry, the Federal Power Commission, the Department of the Interior, the Environmental Protection Agency, and the Council on Environmental Quality. This representative composition of the State, regional, and Federal certifying, a vital point and distinguishing characteristic of the legislation I propose here today, guarantees a fuller accounting of the manifold costs of, and the public need for, electric power.

The final point on which my bill significantly differs from other power plant siting bills is on that of legal safeguards. The Macdonald bill commissions a three-man Federal review panel that has the power to override all State and local certifying laws in the event that a power "emergency" is declared by the Federal Power Commission. This precedent is very dangerous because it creates an incentive for the electric power industry, in concert with the FPC, to declare power emergencies to avoid proper environmental considerations in the generation of a bulk supply of electric energy. The danger exists that this limited review proceeding will result in dangerously narrow and prejudiced decisions. The bill I introduce today establishes rational mechanisms for planning, certification, and judicial review, not emergency mechanisms that would only serve the interests of the utilities.

While the Macdonald bill establishes a dangerous emergency mechanism, the administration bill provides for an equally dangerous exemption from the National Environmental Policy Act. NEPA has evolved into one of the most important pieces of environmental legislation, and any attempt to cripple it by exempting the utilities from preparing environmental impact statements would set a very dangerous precedent. These impact statements have enabled Federal agencies to pinpoint serious environmental problems before major Federal actions have been undertaken. To eliminate this requirement would seriously limit the capability of the State and Federal certifying bodies to guarantee a complete review of environmental hazards before construction was approved.

In summary, neither the administration bill nor the bill reported out by the subcommittee provides adequate guarantees that important environmental values will be carefully considered before construction of new generating facilities is approved. Such guarantees can only be provided by ensuring that both environmental and utility interests are represented in both the long-range planning and certification process. Mere participation is not enough. In addition, it is essential that adequate judicial review be provided to allow all affected parties a role in the decisionmaking process. Only in this way can we achieve the necessary confidence in the administrative process. In short, the bill I am introducing today provides for a rational siting and certification process by guaranteeing sound long-range planning and the representation of all interested parties in the decisionmaking process. For these reasons, I urge your support of this measure.

WORLDWIDE BROTHERHOOD DAY

The SPEAKER pro tempore (Mr. Mazzoli). Under a previous order of the House, the gentleman from Michigan (Mr. Esch) is recognized for 60 minutes.

Mr. ESCH. Mr. Speaker, music has long been the international language. Music speaks to all of us and we understand its message: whether it be modern, classical, or folk, human creativity is recognized and we reach across a room, a city, or the world with our understanding. Appreciation for musical talent knows no national or ideological boundaries.

Music brought about one of the first major breakthroughs in relations between the United States and Russia. Van Cliburn's magnificent performance at the Tschaikovsky festival brought the attention and recognition of all of the Soviet Union to his enormous talent playing the music of their most distinguished composer. This single concert performance built bridges between our two peoples that no official conference could ever have accomplished. The haunting strains of Marlena Dietrich's "Lilly Marlene" spoke to the men of World War II whether they were German or American and caught them in the longing and hoping which invariably accompany those who must face the uncertainty of war. More recently, the President's historic trip to Nationalist China witnessed a significant lessening of tensions when the Chinese band struck up "America the Beautiful" for the first time.

Music is universal. It is therefore appropriate that we in the House of Representatives take this time to recognize the musical efforts of the Howell, Mich., Jaycees to promote brotherhood. They have received national and international support for their program for a "Brotherhood Break" at 3 p.m. Greenwich meridian time, March 21. At this moment during the Spring Equinox the hope of springtime and the brotherhood of music will combine as everyone will stop in his daily round of work, meetings, and thought to sing a song for peace.

This program planned and sponsored by the Jaycees is symbolic of the many efforts which we have all taken to bring peace to the world and to recognize more fully than ever before that all men are truly brothers. All of us here in the House join with the Jaycees in praying that these 2 minutes of musical harmony around the world will presage a more permanent harmony in the relations of men.

Mr. GERALD R. FORD. Mr. Speaker, all of us who have seen and heard the Hill Top Singers on television have been filled with a warm feeling generated by the atmosphere of love and brotherhood conveyed by those young people.

Today I am pleased to join with my colleague, Representative Marvin Esch, and others in saluting the Jaycees for taking a cue from the Hill Top Singers and promoting a worldwide brotherhood sing on this day, March 21.

Gov. William Milliken of Michigan has declared March 21 as Brotherhood Sing Along Day in Michigan, and I feel sure it is being so observed throughout the world whether officially or not.

Music is the language of love, and so it is most appropriate that the Jaycees have chosen a "sing along" as the medium for promoting world brotherhood. I join with them in this worthy mission.

Mr. RUPPE. Mr. Speaker, I am pleased to participate in this special order to recognize "Worldwide Brotherhood Day."

To be sure, all is not well with the world this day; it would be wishful thinking to forget devastated Bangladesh, the tense Middle East, war-weary Southeast Asia, and the hatred and prejudice which exists in other areas of the world.

However, I think that we in the United States have become bogged down in a psychology of despair. The news that makes headlines is often bad news, and in the past decade of American involvement in Vietnam, urban and campus riots, and assassinations, the news has been especially bad. However, it is time that we look beyond the tragic events and start to recognize the acts of kindness and brotherhood which take place each day. Every age is "the worst of times and the best of times," and our Nation needs to regain a more balanced view of the world.

"Worldwide Brotherhood Day" is an especially fitting time to restore our perspective on life. We should be reminded today of the great potential for world peace, recently symbolized by the handshake between Chou En-lai and President Nixon. Not only was this face-to-face meeting of two former antagonists a reason for new hope, but I think that equally important has been the reaction of the American and Chinese peoples to the new relationship between our countries. The immediate positive response to the President's China initiative indicates to me the desire of the American people for peace, and I strongly believe that this wish for peace holds true for the vast majority of the human race.

Why then do we have wars and hatred? While many partial answers could be given, I would like to share just one thought. That is, violence, prejudice, and the evil in man are largely taught, just as goodness and brotherhood are taught. Each one of us is a teacher, and the lessons we pass on to our children will add or detract from the harmony of our world. Therefore, when we recognize this "Worldwide Brotherhood Day," we should remember that love for our fellow man begins at home. Indeed, our world will never see true brotherhood if, while decrying the violence of wars overseas, we fail to show love for our families, friends, and all those whom we meet each day.

On this "Worldwide Brotherhood Day," let us renew our commitment to the well-being of the whole human family. Let us recognize the spirit of good in this world, and may we actively contribute to this spirit of peace and love by being living examples of those ideals in everything that we do.

GENERAL LEAVE

Mr. HEINZ. Mr. Speaker, I ask unanimous consent that all Members have permission to revise and extend their remarks on the subject of Mr. Esch's special order today, and to include therein extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

TAX REFORM AND THE DECLINE OF CORPORATE TAXATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Vanik) is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, today as we consider alternative recommendations for increasing Federal revenues to bring our Federal accounts into balance and reduce the national deficit, the question is how should Government revenues be increased and restored—and by whom?

The average American taxpayer has never shirked his responsibility in supporting his Government. If we apply the contributions test, the average taxpayer shoulders the heaviest tax burden. He has no tax shelters, he has no depreciation gimmicks, no tax-free bonds, no capital gains. He pays on every dollar of income.

DISMEMBERMENT OF CORPORATE TAX SYSTEM

It is my strong fear that the administration and the Congress are moving toward the dismemberment of the corporate tax system.

The Revenue Act of 1971 has failed to provide an economic recovery and stimulus, reasonably related to its cost in lost revenues. As I predicted, it has turned out to be a gigantic tax give-away to a few special interests. To add insult to injury in this same year, the Federal deficit may amount to $44.7 billion while the Federal debt has skyrocketed out of sight.

In the next 10 years $120 billion will be lost to the Treasury as a result of the 1971 Revenue Act—$90 billion of that figure will go to business.

In 1971 corporate profits increased by $10 billion to $85.5 billion before taxes. The tax liability on corporate profits in the fourth quarter was almost $1 billion below the third quarter rate, primarily because of the Revenue Act of 1971.

One of the most revealing sources of information as to the cause of reduced Federal tax receipts and the skyrocketing Federal deficits can be found in the various corporate annual reports for 1971.

In reviewing the 1971 Annual Report of the United States Steel Corp., I was shocked to learn that this corporation, the 12th largest American corporation—the largest dollar value steel manufacturing company in the world—carried on a total business of almost $5 billion, had a net income of $154,515,754, and paid absolutely not one penny of Federal income tax in 1971.

United States Steel is an example of a corporation engaged in operations which contribute substantially to the pollution problems of America and in the course of its business activities, demands considerable Federal support in a variety of programs. Yet United States Steel makes absolutely no contribution to the Federal Treasury. If an operation of this dimension pays no Federal taxes—pray tell, who should?

There are no alibis, there are no justifications for us to suffer the continuance of laws and administrative policy which permit United States Steel and others to throw the Federal tax burden on the individual taxpayers of America. Following is the full statement of United States Steel Corp.'s explanation of its "no tax" status, as explained on page 26 of its 1971 report:

> No provision for taxes on income is required for 1971 due principally to statutory deductions associated with mineral production and investment credits and since deferred taxes provided in prior years on foreign subsidiary earnings exceeded the taxes on such earnings repatriated in December 1971 because of credits for foreign taxes paid. Estimated United States and foreign taxes on income payable for the year 1971 of $57.9 million are offset by deferred tax credits of a like amount.
>
> The investment credits for 1971 and amortization of the pre-1968 investment credits, which are reflected in deferred taxes, reduced the provision by $23.5 million. In addition, the net effect of all timing differences served to reduce the provision for income taxes by $34.4 million. Such timing differences represent taxes applicable to items reported for tax purposes in a period different from the period in which they are included in the determination of net income for financial accounting purposes. Amounts charged for wear and exhaustion of facilities and amounts of earnings of certain foreign subsidiaries are typical examples of such reporting differences.
>
> The provision for estimated taxes on income in 1970 reflects tax deductions associated with mineral production payments completed in that year and investment credits of $31.1 million.

As one report of a typical major corporation, Atlantic City Electric, doing an annual $100,000,000 business, says in the first three paragraphs of its annual report for 1971:

> The words and pictures of this Annual Report record the results of 1971 operations of the Company, and give evidence of the sustained steady growth and development.
>
> Sales in 1971 increased 5.9% over 1970. Operating revenues were $95.4 million, 17.2% higher than in 1970.
>
> Earnings for Common Stock amounted to $1.89 per average share outstanding in 1971, compared to $1.83 per share in 1970 on fewer shares then outstanding. Cash dividends of $1.36 were paid in 1971. The quarterly dividend rate was increased from 34c to 35c effective with the January 15, 1972, payment. Dividends have been increased in each of the past 19 years and have been paid for 58 consecutive years.

The report further states that Federal income taxes in 1971 were $156,730, compared with $2,400,608 for 1970, a tax reduction of $2,243,868. Thus, a corporation with glowing prospects has been able to achieve a tax reduction in 1971 of almost 1,600 percent.

As far as the Federal Treasury is concerned, this corporation, conducting a business of almost $100,000,000 pays less Federal income tax than a professional golfer.

In note 3 to the corporation's report it is stated:

> Tax reductions resulting from the use of liberalized depreciation methods are reflected in Federal income tax expense currently in accordance with the rate-making policy of Utility Commissioners of the State of New Jersey. As a result of adopting Class Life (ADR) Depreciation System under the Revenue Act of 1971, Federal income tax expense was reduced in 1971 by approximately $111,000. Also, the Company has elected the percentage repair allowance rule under ADR, and Federal income tax expense under this provision, was reduced in 1971 by approximately $514,000.
>
> As a result of investment tax credits, including $110,000 under the new investment tax credit in the Revenue Act of 1971, Federal income taxes in 1971 and 1970 have been reduced by amounts of $367,000 and $433,000 respectively. The Investment tax credit for 1971 principally represents a carryback to be applied against taxes paid in a prior year. Amounts equal to the tax reductions have been charged to income and credited to Deferred Credits for amortization by credits to income over five-year periods, or over the life of the property in the case of the investment tax credit earned under the new Revenue Act.

Mr. Speaker, the Joint Economic Committee's recent study of subsidies pointed out some of the abuses in the field of tax supports to the timber industry.

I have just examined the 1971 annual report of Westvaco, a timber and paper corporation which had $430 million in sales last year, reported a net income of $4,016,000, paid no income taxes in 1971, and received a tax refund of $7,695,000.

As the corporate report states:

> Primarily as a result of these timing differences for the year 1971, the Company is entitled to a *refund* of $7,695,000 of United States income taxes paid in prior years. During 1971, the Company received the income tax refund of $3,160,000 recorded in 1970 resulting from the carryback of a portion of its 1970 investment credit.
>
> In 1970, the Company's effective income tax rate was reduced to 16% because of the significant investment tax credit claimed in that year and the inclusion in consolidated net income of foreign and other income taxed at lower than ordinary U.S. rates. In 1971 the Company's provision for income taxes resulted in a credit to income principally because taxes on foreign source income were more than offset by the U.S. investment tax credit.

All this despite the fact that the company paid out more in dividends in 1971 than it did in 1970. The 1971 dividends amounted to $11.2 million.

Thus we can begin to measure what we have done in last year's tax give-away. We are very near to completely eliminating taxes on business. This goal of the administration is being substantially achieved.

The Federal income tax on corporation net income is officially 48 percent. The Revenue Act of 1971 is estimated to reduce that tax level by up to 20 percent.

The question is, What percentage of Federal income tax are corporations actually paying now, before the Revenue Act of 1971 becomes fully effective?

For the last several days, members of my staff have been attempting to determine the effective corporate tax rate on 1969 income.

It is almost impossible to make an accurate determination of the tax paid. A careful check of corporation filings with the Securities and Exchange Commission shows that there is no standard format for submitting tax information. In short, there are so many qualifications and exceptions in the information submitted to the SEC that it is impossible to determine Federal tax payments.

A check of the financial information books, Moody's and Standard & Poor, is a little more helpful. In most cases, taxes paid to the Federal Government, State and local governments, and foreign governments are lumped together. In some cases, however, the amount of Federal tax is listed separately.

Checking through the top 60 American corporations as listed by Fortune magazine's listing of the top 500 corporations, the following samples of Federal tax payments are found:

CORPORATE RANK, CORPORATION AND 1969 U.S. TAXES PAID

(Percentage)

1. General Motors, 41.8.
4. General Electric, 37.
6. Chrysler, 30.
15. DuPont, 46.
17. Westinghouse Electric, 41.
20. Goodyear Tire and Rubber, 30.
21. RCA, 47.
22. Swift and Company, 28.
24. Union Carbide, 31.
25. Bethlehem Steel Company, 17.
27. Eastman Kodak, 31.
28. Proctor and Gamble, 39.
31. International Harvester, 18.
40. American Meat Company, 40.
51. Continental Can, 40.
52. International Paper, 26.
56. American Can, 34.

As one can see, some corporations pay approximately the established rate of 48 percent. Others, however, pay as little as 18 percent. When the Revenue Act of 1971 becomes fully effective, these effective rates will drop even further.

I have not included the major oil and gas companies in the above list, because the percentage of Federal tax which they pay on enormous net incomes has always been notoriously low. For example, in 1970, Standard Oil of New Jersey paid 10.8 percent of Federal tax on net income before tax of almost $2.5 billion. Texaco paid 6.4 percent on $1.1 billion. Gulf paid 1.2 percent on taxable income of about one billion—and these examples are the rule—not the exception.

Through these tax escape devices, corporate taxation is rapidly vanishing, as they become freeloaders on the American scene.

Today I requested the Joint Economic Committee to determine how many of the 500 largest corporations of America paid no income taxes last year because of the Revenue Act of 1971, the administration's accelerated depreciation range and the galaxy of recent tax rulings flowing out of the Treasury Department. I have also requested a tabulation of 1971 tax refunds to these corporations.

VAT—ANOTHER TAX ON THE SMALL TAXPAYER

After all these giveaways the administration suddenly realizes we may need some revenue raising tax policies.

Out of the corner of their eyes, the administration may view the value added tax as the panacea to support the inequitably financed school systems in our country.

I am strongly opposed to VAT. In the past, advocates of the value added tax saw it as a substitute for a part of—or perhaps ultimately for all of—the corporate income tax or the property tax. That connection made the value added tax very popular with the business community, but was another savage kick at the breaking back of the working man.

VAT provides no reform or aid to the hard pressed middle income taxpayer. This national sales tax is unfair—it is a regressive tax, as is the property tax—both hit the poor harder than they do the rich. The tax is paid entirely by the consumer and is not likely to take into account the ability to pay, and thus falls heavily upon low-income families, for they would pay a higher percentage of their income than would the wealthy.

The argument for believing that our trade will benefit from a VAT has been shown to be a murky illusion.

VAT is inflationary. In Holland, when they introduced VAT several years ago, they expected an increase in prices of 1.5 percent; actually, prices increased 5 percent in the first 3 months.

In Denmark, which introduced VAT in 1967, the cost of living rose by 7.9 percent in the first 6 months.

Belgium was to have introduced VAT on January 1, 1970, but on September 10, 1969, decided to postpone this by 1 year. This was for short-term economic reasons. The Belgium economy at the time was in a period of rapid expansion and of briskly rising prices.

VAT is a penalty tax on family life. It multiplies for each dependent supported by a taxpayer. It is designed for some other kind of social order in which dependents are supported by the State rather than the individual. For these reasons, it is un-American—it is alien to American principles of open taxation.

TAX REFORM

Comprehensive tax reform is the answer to our revenue needs. Additional revenues for consumer tax relief, for needed Federal programs, and for lessening the deficit, can be and should be obtained by a thorough tax reform bill which will close the innumerable tax loopholes that favor the very few.

In 1969, the last year before the Tax Reform Act of 1969 went into effect, 300 persons with incomes over $200,000 paid absolutely no Federal taxes.

As a result of the 1969 Reform Act, the number of very wealthy persons paying no taxes remained at 300—including three with incomes in 1970 of over $1 million.

It is obvious that there are still gaping tax loopholes that must be plugged to provide tax equity and raise needed revenues.

The size of the tax loopholes is absolutely staggering. The Joint Economic Committee has led the way by providing the first significant study of expenditure and tax subsidies—over $60 billion worth—in our society.

Typical of the tax loopholes has been an ineffective minimum tax established in 1969 on certain tax preferences. A minimum tax of 10 percent on income over $30,000 was enacted on certain tax preferences such as the untaxed portion of longterm capital gains or deductions for fast writeoffs in real estate. While this has reduced the numbers of people paying no tax at all, it has caused only small damage to large sheltered incomes.

For example, a taxpayer who earned $2 million and paid no tax previously, would now be taxed in the neighborhood of $140,000 or at a rate of 6.7 percent of his income. One of his office boys, with an income of $3,500 would pay a higher percentage rate. In addition, if one has a tax credit carryover, he can apply it to his minimum tax.

We must develop a belt-tightening policy on giveaways through preferences. For example, if the tax rate on the certain tax preferences included in the 1969 tax reform legislation on the minimum tax on wealth were doubled to 20 percent—and isolated from writeoffs—the revenues received by Treasury would amount to $16 billion.

Other loopholes lower the effective tax rate—generally to the benefit of the very wealthy. For example, the avoidance of capital gains at death costs the Treasury $3.5 billion per year. It has been estimated that $22 billion worth of appreciation in stocks, real estate, and other property passed on to heirs at death or given away as lifetime gifts avoids the capital gains tax.

Thus, a well-to-do investor who holds 5,000 IBM shares worth around $1.5 million now, but which cost him only a few thousand originally can avoid any taxes on his gains if he leaves the stock to his children—even if the children sell the investor's stocks immediately after his death.

I have introduced legislation to close this loophole.

Despite the reduction of depletion allowances on oil and gas from 27.5 to 22 percent—the major tax shelters are still intact. The reason is that depletion allowances simply provided a low tax rate if oil or gas were found, while the real shelter is the deduction of intangible drilling expenses regardless of the expedition's success—and intangible drilling expense has not been affected. To these oil taxpayers in high brackets, the deductions can still be used to shelter income, 70 percent of which might otherwise go to the Government.

Moreover, the intangible drilling expenses which include labor and materials with no salvage value can now be deducted before the well is drilled. Presently, the Government allows a taxpayer to deduct prepaid 1972 drilling expenses on December 31, 1971. This law allows a taxpayer to figure his taxes at the end of the year, determine how large a deduction he needs and then prepay the drilling expenses necessary to create it.

I have introduced legislation which would close a number of these loopholes and provide an additional $6 billion per year to the Treasury. These provisions would, first, eliminate percentage depletion after the cost of drilling for oil or gas has been recovered; second, eliminate all depletion allowances on foreign mineral explorations; third, repeal intangible drilling and development costs;

and fourth, increase the holding period for capital assets from 6 months to 1 year before applying the lower capital gains rate to them.

In addition, if the oil import quotas were replaced by a 50 cent tariff per barrel on oil the Treasury would receive $255,500,000 per year and a major, unjustified tax subsidy would be eliminated.

FORTY-TWO DAYS AND STILL NO WORD FROM PRESIDENT NIXON ON TAX REFORM

Forty-two days ago, when the House of Representatives was considering the debt ceiling increase, the chairman of the House Ways and Means Committee wrote to President Nixon asking for the tax reform proposals which the President had promised last September. There has still been no reply to the chairman of the tax-writing committee. It is important that the administration assist the Congress in the complex task of tax reform. At a minimum, it is important to know which provisions the President would consider as subject to a veto. For this reason, I successfully sponsored the passage of a resolution by the House Democratic caucus advising the President that future increases in the debt ceiling would be in definite jeopardy unless the administration provides assistance in the development of a revenue-raising tax reform package.

If meaningful tax reform does not close these gaping cracks in our tax structure, I fear we are headed for a dreadful day of reckoning.

I go to my Ways and Means Committee every day filled with fears and frustration. I see the tax system of the Nation riddled with ambiguous injustice. We tax too many too much. We tax too many too little. We miss taxing entirely too many.

I am frightened by our insolvency. The administration's accelerated depreciation range, the investment tax credit adopted by Congress last year, the foreign tax credit—all of these things have made a sieve of the Treasury. In addition, we spend in disregard of our dilemma. For example, in revenue sharing, the Federal Government stands like a beggar dividing alms. We give away $5 or $9 billion to do what could be done with $2 billion in the first years. The administration says that the full amount has been budgeted and should be given away.

There is a tremendous infectious drive within the Federal Government and without—to drain off the strength of the Nation and disintegrate the capacity of the Federal Government to solve the staggering social and economic problems which face our Nation in future years.

I see grave trouble ahead.

AGRICULTURAL LABOR RELATIONS ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Quie) is recognized for 10 minutes.

Mr. QUIE. Mr. Speaker, one of the few industries in which labor disputes remain unregulated is in agriculture. Today, we are witnessing increased organizational activity among farm employees and unions representing farm employees with a resultant increase in strikes, boycotts, and disputes over wages and working conditions.

There is, therefore, a demonstrated need for an orderly procedure for settling disputes between farmers and farmworkers and their representatives. Representative Leggett, Representative Ullman, and Representative Charles Teague and I have joined in introducing today a bill entitled the "Agricultural Labor Relations Act of 1972," which has a threefold objective. These objectives are equally important in achieving a necessary balance to any proposed regulation of such industry. Certainly, it is in the public interest to have an orderly procedure to resolve labor disputes in agriculture so that agricultural products will be readily available for the people of this country. Equally important, however, is that farm employees have the opportunity to organize and be represented in collective bargaining by representatives of their own choosing and that farm employers who will be required to recognize and bargain with labor organizations representing their employees, be protected from certain unfair labor practices. Hopefully, this bill, by establishing an orderly procedure for agriculture, will achieve that threefold objective of protecting the legitimate interests of the public, the farm employee, and the farm employer.

Without going into a detailed analysis of the bill at this time, I would like to review some of its major features and characteristics.

This bill establishes an independent Agricultural Labor Relations Board composed of three members, and a general counsel, all of whom would be appointed by the President subject to confirmation by the Senate. Because of the unique nature of agriculture and the necessity for timely resolution of labor disputes, it was concluded that the National Labor Relations Board, whose heavy caseload has resulted in substantial delays in the handling of cases and which lacks agricultural expertise would be totally inappropriate for the handling of agricultural labor disputes.

The Board would determine the appropriate unit for bargaining. The bill provides that except where an employer engages in flagrant unfair labor practices which makes the holding of a fair election impossible, an election would be the method for determining the bargaining representative. This protects both the farm employee and the farm employer from unlawful coercive tactics in that an employee can determine by a secret ballot, his choice as to a bargaining representative. With respect to an employer, such a process would lay to rest any doubts as to whether a labor organization's claims to represent his employees were legitimate.

With respect to jurisdiction, the Board would be authorized to assert jurisdiction over farm employers who employ more than 500 man-days of agricultural labor during any calendar quarter of the preceding calendar year, the same standard now utilized for coverage of agricultural employers under the Fair Labor Standards Act.

The bill contains essentially the same list of unfair labor practices as presently provided in the National Labor Relations Act and essentially the same procedures. It does add an unfair labor practice for both employers and unions who lockout or strike without fulfilling all the requirements set forth in section 13 of the bill. Section 13 requires a 20-day notice of intent to strike or lockout and also authorizes either party to invoke a 40-day period of mediation during which time the Federal Mediation Service would assist in resolving the dispute. Where the dispute is unresolved after 20 days, the parties are required to select a special referee who shall recommend a collective bargaining agreement to the parties. The party who did not invoke the mediation period may accept or reject the recommended contract. In essence, it provides for more direct involvement of the Mediation Service but is comparable in many respects to the 60-day notice period required prior to striking under the National Labor Relations Act.

In sum, the major thrust of this proposed bill is to set up a separate Board for handling labor disputes in the agricultural industry. It incorporates much of the language and procedures setting up the National Labor Relations Board but directs the Agricultural Board to give due regard to the special characteristics of agriculture. It will give to both employees and employers, protections not now afforded to either. For the farm employee, it will mean the opportunity to organize and be represented in bargaining for wages, hours, and working conditions and be protected from discharge or discrimination because he is engaging in such activities. For the employer, the orderly election procedures will enable him to ascertain and resolve an often hotly disputed question of whether his employees have in fact designated a labor organization to bargain on their behalf. Organizational strife and strikes have been a persistent problem in the agricultural industry which hopefully can be resolved by the passage of this bill.

ILLEGAL ALIEN HEARINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Rodino) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I wish to announce that Subcommittee No. 1 of the Committee on the Judiciary has scheduled 3 days of Washington hearings on the problems presented by illegal aliens and by nonimmigrants who overstay their visas and obtain unauthorized employment.

On Wednesday, March 22 and Thursday, March 23, these public hearings will begin at 10 a.m. and will be held in room 2212, Rayburn House Office Building. On Friday, March 24, the hearing will also begin at 10 a.m., but will be conducted in room 2237, Rayburn House Office Building.

These hearings will conclude the detailed investigation into the illegal alien problem which was commenced by the Subcommittee on Immigration and Nationality in May of last year. Since that time the subcommittee has held field hearings in Los Angeles, Calif.; El Paso, Tex.; Denver, Colo.; Chicago, Ill.; Detroit, Mich.; and New York City.

On Wednesday, March 22, the subcommittee will hear from congressional witnesses and from officials of the Immigration and Naturalization Service.

Testimony from officials of the Department of Health, Education, and Welfare and the Department of Labor will be received on March 23.

On the last day of hearings, March 24, officials from the Department of State and various representatives of organized labor will be heard.

NATURE DESCRIBED AS MASSIVE POLLUTER OF THE ENVIRONMENT—GREATER THAN MAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. Evins) is recognized for 10 minutes.

Mr. EVINS of Tennessee. Mr. Speaker, Lt. Gen. F. J. Clark, Army Chief of Engineers has provided me with a copy of an address by Dr. W. T. Pecora, Under Secretary of the Department of the Interior, which provides some very fascinating comments and observations concerning "Geologic Base Line for Conservation Philosophy"—the environment—nature versus man.

The basic thesis of Dr. Pecora's address is that, viewed globally, man's pollution of his environment is minuscule compared to pollution by nature—geologic science demonstrates that nature is a massive polluter of the environment.

In comparison, he adds:

> Man's activity is of little consequence on a planetary scale.

Dr. Pecora is a recognized authority on this subject and his perceptive and analysis put the overall picture of pollution in perspective.

Because of the interest of my colleagues and the American people in this important matter I place the remarks by Secretary Pecora in the Record:

Geologic Base Line for Conservation Philosophy

(By W. T. Pecora)

INTRODUCTION

To one who has spent his professional career in geologic science, conservation always has had special meaning. In the measurements so necessary to his work the geologist develops an integrity in the use of numbers and in the qualifications attending the validity of numbers. Scientific analysis of geologic events and sequence develops a keen sense of what is coincidental, correlative, and consequential. The geologist applies his science in evaluating hazards to man such as natural catastrophes and/or benefits to man such as earth materials that form the resource base of his society. But more than these the geologist has acquired a deep appreciation for the planet as a whole, its inner structure, its landscape, and the living things that abound.

By his training and avocation the geologist is an earth scientist and conservationist—therefore closer to nature in its entirety than any other scientist. There are many kinds of conservation in today's world. The classical stance showed its full face at the turn of the century with the voices of John Wesley Powell, W. J. McGee, and F. H. Newell, all leaders of the U.S. Geological Survey speaking to multiple and prudent use of the land and all of its resources. Gifford Pinchot, the first head of the U.S. Forest Service, adopted the McGee concept of "greatest good for the greatest number for the longest period of time" as the theme for the new conservation movement. He so impressed President Theodore Roosevelt, our first Conservation President, that it became the theme of the Governors' Conference in 1908.

Largely because of World War I and the post-War recovery period, the New Conservation movement suffered severely from the New Economics and GNP. Industry and development became prevalent themes and minimum cost econometrics superseded total cost in practice. Social and environmental issues were essentially put aside.

CONCEPT OF UNIQUENESS

One basic concept of a classical conservation philosophy is identity of uniqueness in the natural environment. Proper application of this concept includes biological and geological resources—both renewable and nonrenewable.

The establishment of Yellowstone Park a century ago was the first national step implementing the concept. Here, a major land area was set aside by Act of Congress in order to preserve unique natural features for the education and enjoyment of all people. The park has been protected in spite of great resource values known to exist within its boundaries such as gold, hydro power, and geo-thermal energy. The Everglades National Park is a similar preserve where visitors can enjoy a rare and delicate ecosystem peculiar to a sub-tropical water-based ecology in its natural state. Other areas, such as the Alaska Wildlife Refuge, are protected and exempted even from the kind of access permitted in National Parks. As of recent count the Federal Government has set aside 38 National Parks, 82 National Monuments, and 329 wildlife refuges. A wilderness system is currently in progress.

In like fashion mineral resource areas can be truly unique in their character and in their occurrence in the accessible part of the earth's crust. Famous mineral districts like Butte, Montana; Bingham Canyon, Utah; Lead, South Dakota, are rare occurrences on a planetary basis. Unlike the unique vistas and wildlife domains, unusual mineral deposits serve the public good if they are recovered in a systematic way. In the long history of man, exploration and development of mineral resources at specific sites have been temporary operations. With proper planning before extraction is begun and proper restoration of the terrain after extraction, there need be little adverse environmental impact in acceptable trade off of resource values and multiuple use of the total resource base.

The concept of multiple use and sustained yield were two guiding principles of the classical conservation philosophy expressed at the turn of the century. Conflicting uses and permanent damage to other potential resource values have been elements of recent debate and will remain as important subjects in a pluralistic society which requires both renewable and nonrenewable resources to maintain its health, welfare, and vigor. It is understandable now that economic values received highest priority during the developmental stage of our society. Today the American society is mature in an economic sense. Understandable pressures are increasing to preserve our dwindling acreage of the natural terrain, particularly on the Public Lands.

The National Environmental Policy Act of 1969 represents the expression of a national conscience. This together with other bills before the Congress will eventually determine the course of our National Conservation policy. Hopefully, the voice of reason will be heard throughout the land and prudent judgments will be made on the basis of factual information and thoughtful assessments. Only by examining man's effects in the light of natural processes can we reach long term decisions that will stand the test of time. For this reason any philosophy on conservation developed by an individual or a Nation must recognize geologic processes as a base line for reference.

CHANGING ECOSYSTEMS

The primitive indigenous American exercised minimal impact on his environment and rarely did things that degraded or altered his environment irreparably. This was not so much a matter of choice as a matter of capability. Modern man, however, through the sheer force of numbers and through spiralling science and technology has made major changes, some of them necessary for his existence and others merely to suit his fancy.

Transformation of large areas of woodland, bottomland and prairies into farms created an agricultural ecosystem that is now an essential element in our society, although the initial modification of land was in sharp conflict with the religious belief of the indigent Indian people. Cities have arisen which concentrate millions of people within a few hundreds of square miles. Natural shorelines of rivers and coasts have been modified for livelihood, industry, and recreation. The highway system of the United States aggregates the area of the States of Vermont, Rhode Island, Massachusetts, Connecticut, and Delaware (Ellsaesser, 1971). Many rivers have been dammed to created reservoirs to provide water resources for irrigation, industry, and municipal use. The environmental changes brought about by these activities have been relatively rapid in comparison to most which occur in the natural state.

By contrast massive changes in earth features that have occurred slowly in geologic time are relatively inconspicuous. But for research in the field no awareness would have evolved in the validity of the Geologic Law of Uniformitarianism—that the present is key to the past (and the future). Seas exist where land masses once prevailed, and vice versa. Lakes formed and disappeared. Mountains became plains and gorges became broad valleys.

Only those catastrophic events of nature like earthquakes, volcanoes, landslides, floods, and hurricanes rival man's ability to wreak sudden change.

In small areas man's activity in grazing, agriculture, and settlement can increase sediment load 10-fold to 100-fold. Total sediment production in major drainage basins, however, is not significantly altered by man's activity (Leopold, et al., 1966). Annual average transport per square mile for U.S. rivers has essentially been the same since 1909 and an indication that nature dominates stream loads.

THE IMPURE ATMOSPHERE

Much concern has arisen over man's alteration of the earth's atmosphere and the potential effect on climate and health. On a planetary basis the pollution of man has been miniscule in comparison to the natural baseline. On a local basis, however, concentrated emissions into the air by man are unacceptably high for reasons of aesthetics, nuisance, or potential damage to the environment, however temporary.

Rain is looked upon as a purifying phenomenon. The residence time of particulate matter or chemicals in the lower atmosphere is indeed a function of the frequency of rainfall. This important role of rain and snow has been a boon in populous areas where industry exists in high concentration and the air needs clearing.

Rain itself, however, is not pure. In the hydrologic cycle the moisture that eventually falls as rain or snow carries with it chemical compounds derived from the ocean and from atmospheric processes. These include such compounds as ammonia, chlorides, sulfates, bicarbonates, nitrates, and hydrocarbons. All are essential to the natural environment in which they serve as fertilizer to the plant kingdom that sustains all life.

From data of Robinson and Robbins (1968) one can calculate that about 95 percent of the estimated nine billion tons of chemical compounds annually entering earth's atmosphere are derived from natural sources. Of this amount less than one percent of the nearly 1.7 billion tons of hydrocarbons are derived from human activity; about one third of the more than 200 million tons of sulfur compounds are contributed by man, but only one percent of nearly seven billion tons of nitrogen compounds. These data exclude natural emanations from volcanic regions. Kimble (1966) estimated that 100 million tons of fixed nitrogen alone are annually brought from the atmosphere to the earth.

For the land area of the United States Junge and Werby (1958) estimate that 44 million tons of natural chemical compounds are carried down to the earth each year. In a local drainage basin covering 44,000 square miles of Virginia and North Carolina, Gambell and Fisher (1966) calculate that the 107 thousand tons of mixed solids (calcium, magnesium, sodium, sulfate, carbonate, nitrate) dropped from the air per year is equal to about one half the annual load carried by the local streams in the drainage basin. The airborne salts, moreover, are enough to account essentially for all the sulfate and nitrate in those streams.

Hundreds of volcanic eruptions during historical time have contributed vast amounts of particulate matter and gases into the atmosphere, in addition to devastation of land areas and damage to large biosystems. Recorded eruptions for example in the Mediterranean Region, Caribbean Islands, Central America, East Indies, and other places have accounted for many thousands of human fatalities, as well as damage to soil and plant and animal life. From my own calculations three eruptions alone—Krakatoa in 1883, Mt. Katmai in 1912, and Mt. Hekla in 1947—have contributed more particulate matter and may have contributed more combined natural gases to the atmosphere than all of man's activity. The force of these volcanic eruptions carries fine ash higher into the atmosphere than man's pollution and therefore results in residence times measurable in months or years (instead of days) and in fallout range in hundreds or thousands of miles (instead of miles).

Smoke stacks emitting products of the combustion of coal produce a continuing environmental harassment in populous areas and are also looked upon as aesthetic intrusion in pristine areas. If these smoke stacks are judged to be necessary, then heightening of the vertical column and technologic dust and gas collectors must be introduced in order to reduce the aggravation of emissions. Also, waste disposal systems for the ash and liquids thus collected, must be devised.

It has been said in many places that man's combustion of energy fuels will seriously deplete the oxygen component of the atmosphere. Measurements show that oxygen makes up about 21% of the atmosphere and that no meaningful change has taken place in the past century. One group (MIT, 1970) calculated that if the World's reserves of coal, oil, and natural gas were all burned the amount of oxygen thus used up would be less than 1/10 of one percent of the existing reservoir of oxygen in the atmosphere.

Since the beginning of the Industrial Revolution it has been calculated that a significant increase in carbon dioxide has been generated over that normally generated by nature. For example, carbon dioxide now makes up about 320 parts per million (by volume) of the atmosphere and by the year 2000 about 60 parts per million increase could be generated. Volcanoes also add CO_2. Because of the three massive planetary reservoirs for gasses—the biosphere, the atmosphere, and the hydrosphere—one cannot readily conclude that man's generation of CO_2 will be significant in climatic effect. Unexplained climatic changes in geologic time have resulted in periodic glacial episodes (ice ages) on the planet. Less spectacular climatic changes have occurred over centuries and millenia without influence of man. I frankly doubt that man's effect on the atmosphere is significant enough to change or speed up the massive natural trends.

It is apparent that natural atmospheric processes can have both beneficial and harmful effects locally. It is also apparent that a conservation philosophy should require better control of man's pollution of the air in response to his desire for an aesthetic environment and his requirement for reduction of aggravation from particulate matter or abusive gases. Prevention of adverse climatic effects appear to be less significant but more research is needed to confirm this.

IMPURE OCEAN

As the major sink for waste products of earth processes the oceans have developed their present character over a few billion years. Rubey (1951) assessed these chemical changes over geologic time. My own analysis leads me to a conclusion that man's activities have significantly altered the natural state in some estuaries and near-shore zones; but the mass effect of man on the chemical and physical character of the ocean has been negligible.

It has been estimated by Nace (1967) that 97.3 percent of all the earth's water is contaminated by natural salt and the ocean contains 317 million cubic miles of salt water. Durum, et al. (1960) calculates that 225 million tons of salt are carried to the ocean by U.S. rivers each year. More than 50 percent of this total is from natural sources by the Mississippi River alone and most of that is from natural sources. In geologic time salts are recycled in earth processes and many ancient geologic formations that were developed under marine conditions are characterized by beds of mixed salt compounds.

Marine fish kills reported offshore are frequently cited as a consequence of man's pollution. Discolored waters ("Red Tides") and related fish kills are mentioned in the Bible, in the Iliad, by Tacitus, and in logs of navigators of the 16th Century. Brongersma-Sanders (1957) and Rounsefell and Nelson (1966) have summarized historical references that document many past events of worldwide occurrence. Geologists have long been interested in the causes of mass mortality and attempts to explain some of the remarkable examples of catastrophic deaths of marine animals, the records of which are preserved in geologic formations. For example at Lompoc, California, Jordan (1920) reports that a Miocene (10 million years ago) catastrophe resulted in death of more than a billion herring, 6 to 8 inches long, over an area of 4 square miles. Similar massive deaths and burial are found in many horizons in the geologic record, far back into Paleozoic time, where the record of the past one-half billion years shows extinction of many millions of species from earth.

Red Tides are caused by a variety of organisms and apparently represent an unusual coincidence of circumstances involving water temperature, natural nutrients, and hydrodynamic conditions. In some circumstances the oxygen concentration exceeds saturation and hence becomes a natural poison. Some organisms, for example, dinoflagellates like Gynnodinium are toxic to fish and cause widespread devastation.

Other agents, inorganic in origin that have likewise caused catastrophic death in the sea include volcanic eruptions, earthquake shock, and sudden changes in salinity or temperature. Increasing research and better observations in recent years have brought the mortality phenomenon to our attention more frequently and is probably responsible for the widely held but erroneous conclusion that man's pollution is the prime agent.

In the area of the Mississippi delta according to St. Amant (1972) ditches dug into natural marshes have resulted in an increase of salinity which, coupled with increase in temperature induced by pipelines, has resulted in an epidemic increase in a fungus known to have a deleterious effect on oysters. In other areas of the U.S. coastal zone waste plumes carrying chemicals can be damaging to marine life and certain waste waters with wide ranging temperature can locally effect marine biota. In the Santa Barbara Channel, off Coal Oil Point, natural tarry substances escaping from the seafloor have been known certainly for at least hundreds of years but appear to permit a healthy and rich marine biota nevertheless. On the other hand, massive catastrophic spills of crude petroleum or its derivatives are known to have severe immediate effects on some sea life, particularly seabirds.

Because man's activities can in effect cause severe local damage to marine life, research should be speeded up to increase our understanding of causes and effect. In some places harvesting by man would appear to have even greater effect on certain species than natural or human pollution. Proper assessment of research and systematic observational data can certainly lead to regulatory controls that would prevent irreparable damage. A conservation philosophy demands this information in order to exercise proper controls.

TOXIC HEAVY METALS

The so-called toxic metals like mercury, lead, cadmium, zinc, selenium, arsenic, nickel, chromium, etc. are widely distributed in nature. They occur as chemical components of minerals, ores, soils, rocks, and waters and are natural trace components of the biosystem. Among them mercury is probably the most mobile (Pecora, et al., 1970).

The mercury content of the atmosphere and the ocean apparently is derived primarily from degassing the earth's crust (Weiss, et al., 1971). This process probably injects 10 to 100 times as much mercury into the planetary atmosphere as all man's industry combined, including chloralkail plants, fossil fuel combustion plants, cement plants, smelters, etc. The rate of escape of mercury from such geological arenas as the geothermal area of Yellowstone National Park, volcanic centers, and mineralized provinces is measurable and noteworthy. The ocean and sea bed is the long term sink for much of the mercury involved in successive exhalations and fallout.

In seawater the mercury content ranges widely but is estimated to average 0.15 to 0.25 parts per billion, exclusive of the amount held in sea bed sediments. In recent decades annual world production of newly mined mercury falls in the range of 5,000 to 10,000 metric tons. All the mercury mined by man throughout history would total less than 0.001 percent of that contained in ocean water. It is clear that mercury in the natural environment has been a persistent trace element throughout geologic time. Its toxicity, however, is a function of its chemical state and ingestion history.

Organic mercury compounds are much more troublesome than inorganic compounds, because they are more readily absorbed in the life chain. At Minamata Bay, Japan, human mercury poisoning developed from eating of fish and shellfish contaiminated by effluent from a chemical plant that used mercury as a catalyst. Use of mercury compounds as agricultural pesticides has enlarged the sphere of toxic influence in the biosphere.

Recent press reports on the discovery of mercury in many parts of the environment have created great apprehension and resulted in decrease in the public market for certain commercial fish. New information discloses comparable mercury contents in preserved fish caught many decades and centuries ago, lending credence to the conclusion that mercury ingestion by fish is not primarily from recent marine contamination.

Inasmuch as trace metals in toxic amounts place life and health in jeopardy, Government controls in use and disposal of wastes containing them are warranted. However, conservative attitudes should prevail until present quality standards are carefully evaluated against experience and records of the past. In the light of knowledge of the ocean's mercury balance, I am impelled to state that the occasional practice of eating tuna fish sandwiches or fish steaks need not be modified and that apprehension is not justified.

CHANGES IN THE LANDSCAPE

Nature has made many billions of scars on the surface of the land through normal geologic processes. Dry gulches, badlands, landfalls, alluvial washes, terraces are among many landforms so common to the geologist.

Meteor Crater in Arizona is a natural circular feature attractive to many tourists, as is a large open pit near Bingham Canyon, Utah, created by man to recover billions of pounds of copper for industry. Natural terrain underlain by limestone or salt formations display sinks and cave-ins, as do terrains underlain by underground mines. Roads and highways lace the country as do stream courses in drainage basins. Lands are necessarily cleared for airports, transmission lines, railroads, and pipelines.

Some look upon any intrusion of the pristine wilderness by man's construction to be a desecration of nature. The technical development that has set man's development on earth apart from the rest of the animal world has indeed made a profound impact on the surface of this planet in many places. In order to sustain man on earth landscape tradeoffs have been a necessary consequence. A burgeoning population requires more natural resources each decade. Even if zero population growth is attainable mankind's demand for resources is staggering. Some estimate that cumulative demand will triple or more by the year 2000.

The mature technical society of the United States has provided 50 to 100 times the worldly goods of its frontier counterpart. Today one penny's worth of gasoline provides the work of 25 men. Three people now provide the basic food for 100. Like it or not, this has been the accepted and preferred path of affluent consumers and skillful technology.

Appalachia is studded with remnants of poorly practiced open-pit coal mines that operated without regulatory controls. For less than two percent of the value of the coal marketed, most of these abandoned sites might have been acceptably restored. Today the cost would reach hundreds of millions of dollars. On public lands in the western states the Department of the Interior imposes restorations and reclamation requirements as part of the resource recovery mining system and part of the cost of operation. All leasing of public lands carry this contractural requirement.

A mature nation like the USA so dependent upon its natural resources cannot turn off its economic pattern of development without a major impact on its welfare and way of life. Nor can this nation continue its economic development without more regard for the environmental impact of its industry. The public interest is a multi-faceted structure requiring the full attention and prudence of Government.

Under consideration in Congress is a major reorganization plan whereby a proposed Department of Natural Resources can serve as a focal point for national policy in this area. Along with management responsibilities for land, water, wildlife, and energy the new Department would combine research capability in total science of the earth. How better to develop management judgments about nature than with science and technology as handmaidens.

CONCLUSION

Over the past decade, increasing public concern over alteration and degradation of the human environment has focused serious attention on indiscriminate industrial development. Recognizing that alteration of the environment is not necessarily hazardous to man and his associates in the biosystem, environmental change, nevertheless, is being subjected to intensive review and critical analysis. Some vocal and active extremists demand full halt to all further economic development. Others require stipulations that all industrial activity, present and future, absorb substantial costs to avoid any further pollutants to air, land, and water and to initiate specific and costly recovery technology to enhance the environment or to offset unacceptable practice. These concerns and demands are generating new laws and regulations aimed at curbs and controls that have significant impact on our national resource base.

Inadequate data persist in the arena of assessment and decision making. Consumers demand a continuing supply of energy and resource products on one hand and demand maximum pollution protection on the other. Scientists and engineers are now victims of their own success. They have provided what the people wanted in a frame of lowest cost requiring great innovations in a maturing society and they now must respond in a short time frame to continue productivity without adding wastes to the environment.

Geologic science demonstrates that nature is a massive polluter of the environment. In comparison, man's activity is of little consequence on a planetary scale in some issues, but may be of serious consequence in a local context. Conservation ethic requires a better understanding of the natural base line before rigorous actions are taken out of apprehension and ignorance. Science and research are needed more than ever to provide guidance to courses of national action aimed at fulfilling human needs. As the most intelligent species on earth, man can certainly provide for himself and yet prudently protect the total ecosystem from unnecessary and unacceptable degradation.

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THE PRESIDENT AND BUSING

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, for many long months now the administration has given verbal assurances that it stands opposed to school busing for the purpose of achieving racial balance in our schools. The President has said on many occasions that he opposes such an instrument, busing, for this purpose.

For as many months, many communities such as my own Nashville, Tenn., which are currently under court order to bus have looked to and anxiously awaited encouraging words of hope and action from the administration.

For such communities the President's address of March 16 and subsequent detailed report to the Congress was at best a disappointment. For when all the rhetoric was stripped from the President's package, there was little left for communities under court order to bus other than disappointment.

With the exception of a pledge made by the President that the Justice Department would intervene in some cases where appeals are pending, Mr. Nixon offered school systems suffering under the burden of excessive court-ordered busing little, if any, prospect for relief. Rather, the future for them would appear to be one of continued busing.

In other respects, perhaps all respects, the administration's antibusing proposals offer no positive guarantee of any lasting relief from present or future busing.

He has called for legislation of questionable constitutionality which, in the main, would rely upon the Supreme Court itself to approve limitations on powers which it now may exercise.

I refer specifically to the President's proposal that the Congress legislate a temporary "moratorium" on new busing orders by the courts and that the Congress direct the courts to consider specific remedies for segregation according to a list of prescribed priorities.

Both suggestions are based on constitutional theories which heretofore, have not been tested in the courts.

The constitutional basis for the moratorium is the theory cited by HEW Secretary Richardson in his news conference of this past Saturday that the Congress has "implicit" power to prevent courts temporarily from using a judicial remedy while Congress considers legislation to alter or limit that remedy. A portion of the basis of this theory is that Congress has the basic power to establish Federal courts. A second portion of the theory is not in the Constitution but was described by Mr. Richardson as "inherent reasonableness."

The theory relating to congressional establishment of remedial priorities holds the Congress may direct courts to consider specific remedies only according to a priority ranking from the most to least desirable. The Supreme Court has never been asked to rule upon the authority of the Congress to restrict the options available to the Federal courts in this respect.

Elsewhere the President has asked for more Federal funds to help provide quality classroom education for poverty students. This is a request which all can applaud and most fully endorse. However, one of the major elements required for improving classroom opportunity is the tremendous need nationwide for better classrooms, equipment and, in general, public school facilities.

To this great need the President hardly gave a glance other than to suggest that the construction and/or renovation of facilities might be one of the steps in his list of priorities which the courts could consider.

Overall, the President's message, at best can be viewed as little more than a possible holding action. It does nothing for those school districts already under court order and, at best, promises only a moratorium on new busing for 15 months at the most. It seeks to place restrictions on the courts which would be subject to the approval of these very same courts. Finally, it offers some new Federal funds to improve education, but it completely ignores one of the major financially deprived areas of education which contributes as much if not more than any other single factor to busing today, and this is the nagging need for moneys to construct new and renovate existing public school facilities which will enable local school districts to implement the innovations necessary to alleviate the need for execessive school busing.

Mr. Speaker, I welcomed the President's message and the pledge that the administration is today prepared to give this grave problem more than lipservice opposition.

What has been proposed may be some help for some communities in the future. But for those who think it is the answer to the busing problem, I would advise caution and a reconsideration of what is being offered through and asked of the Congress.

Mr. Speaker, some very incisive comment on the President's proposals was provided in editorials by the Nashville Banner, "The President Missed His Bus" and the Nashville Tennessean, "Mr. Nixon Looks North, West With a Busing Plan." The Nashville Banner editorial appeared on Friday, March 17 and the Nashville Tennessean's was published on Saturday, March 18, 1972. I place these comments in the Record at this point and commend them to the attention of our colleagues.

[From the Nashville Banner, Mar. 17, 1972]

The President Missed His Bus

For the thousands of Nashvillians who have looked to Washington for a meaningful solution to the disruptive and arbitrary court-ordered school busing here, President Nixon's long-awaited statement is a disappointment.

The President's so-called busing moratorium provides no relief for Nashville schools and falls far short of the mark. The only glimmer of hope in Mr. Nixon's message comes from the possibility of Justice Department intervention in Nashville's appeal of the oppressive busing order. That has been a possibility all along.

In calling on Congress to order a moratorium on "more new busing," the President overlooked the worst part of the busing problem, school systems already hit by capricious busing orders.

Considering the stiff anti-busing legislation passed overwhelmingly by the House of Representatives recently and the surprisingly strong showing of antibusing strength in the Senate, the President's proposals are a virtual retreat from a realistic solution to hardships imposed by busing.

By a 2-1 margin, the House has passed legislation that would stay all court busing orders (Nashville's included) until appeals are exhausted, forbid use of federal funds for busing and prohibit federal agencies from ordering busing as a condition of receiving aid. That legislation—pending in conference committee—already is a good deal more potent than the President's message and offers at least some relief to school systems like Nashville's.

President Nixon voiced concern over the ill effects of recent busing orders: "The decisions have left in their wake confusion and contradiction in the law—anger, fear and turmoil in local communities and worst of all agonized concern among hundreds of thousands of parents for the education and the safety of their children who have been forced by court order to be bused miles away from their neighborhood schools."

With his proposed moratorium on future busing orders, however, the President is departing from his own diagnosis, prescribing no cure for the already existing cancer.

If ever there were a school system suffering from a malignancy, it is Nashville's. Court-imposed busing has produced all the ills President Nixon described and more. It has turned a progressive educational system into little more than a fief of the federal court; it has produced chaos and disorder that boggle the mind; it has ripped apart family habits and neighborhood pride; it has very nearly broken the spirit of a proud community.

If more busing is bad, and should be stopped, certainly existing busing is as bad and must be stopped. What is needed and what the President has not given us is a national policy on busing, applicable to all.

The President rightly recognized that opposition to busing cannot be equated with a call for segregation. He said:

"To conclude that 'anti-busing' is simply a code word for prejudice is a vicious libel on millions of concerned parents who oppose busing not because they are against desegregation but because they are for better education for their children. They want their children educated in their own neighborhoods." No one will quarrel with his urgent suggestion to upgrade quality education North, East, West, South."

The President also left the way open to a Constitutional amendment to prohibit busing. Although he deplores the time-consuming process that such an amendment would require, he said: "The constitutional amendment proposal deserves a thorough consideration by the Congress on its merits."

The door to the Constitutional amendment must be left open. If nothing else brings relief, the people will demand its adoption. Millions already are demanding it. More than a million demanded it in Florida this week.

The President said the key to the busing solution rests with Congress. He is right. Congress should accept the President's proposals but not stop there. Congress should pass whatever device is necessary to halt busing everywhere—past, present and future busing.

The people assuredly concur in his urging for "action now." But the "action now" needed requires far more, all circumstances considered, than the formula laid down. The expenditure of even $50 billion for construction, etc., would not relieve the school situation this year—or next year, toward which confusion and conflict are disastrously pointing.

Terminating the busing where it is—not just where it otherwise might spread—is the action needed now.

The President missed his bus.

[From the Nashville Tennessean,
Mar. 18, 1972]

Mr. Nixon Looks North, West With a Busing Plan

Nobody has ever accused President Nixon of great moral suasion where votes are to be harvested, and from his message on busing, he apparently believes the harvest lies in the North and West.

Mr. Nixon called for a moratorium "on new busing" until July of 1973 and past election time, but "old busing," which includes the whole South, will stand. The Justice Department will be asked to intervene in "selected" cases where lower courts are deemed to have gone too far.

What effect such intervention would have is debatable and in any case Mr. Nixon has had the power to ask such intervention all along. In the few places the Justice Department has intervened, it has been to try to stiffen the rules.

The President has cleverly placed the busing saddle on Congress and invited the public to ride it until it acts. If Congress fails to act, Mr. Nixon can say that he tried and put the blame on Congress. If Congress does act, whatever laws it approves will come before the Supreme Court which, jealous of its prerogatives in interpreting the Constitution, can simply knock them down. But the process of appeal would take quite a time and Mr. Nixon evidently believes he could be safely re-elected by that time.

Mr. Nixon can read the results of the polls as fast as Mr. George Wallace and he intends to undercut any surge of strength in the North and West for Mr. Wallace with his proposal to halt "new busing." As for the South, Mr. Nixon feels he has it safely in hand simply by his repeated assertions that he is against busing for purposes of achieving racial balance.

The President spoke Thursday night at some length on the problems of busing, and there are problems. Some lower court rulings have been arbitrary and inflexible. But the chief cause of some of the worst problems has been Mr. Nixon's own Department of Health, Education and Welfare. It has been rigid, bureaucratic, and indifferent to problems its advisers helped created in communities they know nothing about.

The HEW is still interfering in the affairs of the Metro school system. The latest publicized incident was its illogical refusal to permit a teacher transfer delay until the end of the term—a transfer unnecessarily disruptive.

If Mr. Nixon had been interested in alleviating the worst hardships and problems of busing, he could have done it easily. He could have ordered HEW to keep hands off and let local people work out their problems. He could have asked the Justice Department to intervene to plead for more flexibility where hardship existed.

He still has that power. Instead, he has lambasted and undercut the lower courts, proposed a plan that is more shadow than substance and more political than helpful, increased the polarization on the issue, raised false hopes and defaulted on his own role of leadership in a thorny, bitterly divisive problem in this country.

FREEDOMS FOUNDATION AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN) is recognized for 5 minutes.

Mr. MORGAN. Mr. Speaker, Mr. Norman Monack of Fallowfield Township, Charleroi, Pa., has been selected by the Freedoms Foundation, Valley Forge, Pa., to receive the National Freedoms Foundation Teacher's Medal.

Mr. Monack is a teacher of economics and problems of Democracy at the California Area High School, California, Pa. He has instituted in his teaching plans, a program relative to teaching the provisions of Public Law 77–829, which is known as the "Flag Code of the United States." In his teaching of this program, Mr. Monack explains to the students in his classes, the law and regulations pertaining to the U.S. flag, how it should be displayed, and flag etiquette. In his lesson plans, Mr. Monack utilizes the available resources of government from all levels—Federal, State, county, and local. This is done by inviting speakers, who are well experienced in their respective fields so that they can give the students firsthand knowledge of their work.

The California Area High School has been cited by the Pennsylvania Department of Education for the teaching of the Flag Code of the United States. Through the efforts of Mr. Monack, there is now pending before the General Assembly of the Commonwealth of Pennsylvania, legislation which would make the teaching of the U.S. flag mandatory in all high schools in Pennsylvania.

Mr. Monack, with the assistance of four students of the California Area High School, has also designed a congressional flag for the Congress of the United States. His proposal is now pending before the Committee on House Administration. It has received wide support from civic, service, and local organizations in my congressional district.

The Freedoms Foundation Award will be presented to Mr. Monack in a special assembly program at the California Area High School, California, Pa., in the near future. I want to take this opportunity to extend my congratulations to Mr. Monack for being selected as the recipient of this award.

ANNIVERSARY SALUTE TO KFI BY SOUTHERN CALIFORNIA AREA DELEGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, radio station KFI will on April 16, 1972, celebrate 50 years of broadcasting service to Los Angeles and a large portion of southern California. Today the Members of Congress representing the area served by KFI join in extending congratulations and in saluting KFI on this golden anniversary of commendable service to the people of southern California.

The founder of KFI, the late Earle C. Anthony, first put the station on the air with an initial broadcast over a 5-watt homemade transmitter on April 16, 1922. KFI's growth was rapid. Within its first year the wattage was increased to 100 watts and again to 500 watts. By the end of 1924 its power had been increased to 5,000 watts. By mid-1931 KFI had grown in size to become the Nation's most powerful AM commercial broadcasting station, with a 50,000-watt transmitter and a class 1-A clear channel signal.

Perhaps the most significant factor in the growth and business success of KFI has been the continuation of the broadcasting standards and practices inaugurated by Earle C. Anthony 50 years ago. With a constant eye toward public service, KFI established in 1943 a continuing competition for young concert artists which won the Peabody Award.

Few people outside its boundaries realize that Los Angeles County is one of the leading agricultural counties in the entire United States and for many years it led the field in dairy products. For this reason KFI maintained a full-time farm director to supervise the broadcast of agricultural news, weather reports and the mighty frost warning broadcasts to the citrus industry.

Because of KFI's frequency and 24-hour power, the station was requested by the U.S. Government to return to its all-night programing which had been canceled at the conclusion of World War II. This request was made so that conelrad might utilize the station's frequency at any time in the event of a civil defense emergency.

One of the early milestones of the station's career was the first live symphony concert heard in the West in 1924. Quick to realize the cultural possibilities of radio, Earle C. Anthony followed this broadcast in the next year with the presentation of a Wagner opera in its entirety from the stage of the Los Angeles Opera House. That opera broadcast was such an important step in programing that General Electric made it the subject of a special booklet illustrating radio's strides and possibilities.

In its early years, KFI was instrumental in establishing west coast network broadcasting by establishing a hookup with KPO in San Francisco. KFI brought the West its first presidential inaugural broadcast and hundreds of people thereby heard President Calvin Coolidge repeat the oath of office.

KFI was the first radio station to broadcast a program to England in 1924, and to launch test broadcasts to Australia in 1925. Favorable reception of KFI was recorded in these broadcasts despite adverse weather conditions. KFI also pioneered in remote control broadcasting.

In addition to KFI's proud achievements of the past, it has future plans which will continue to distinguish it as a leader among radio broadcast stations. KFI's present location at 141 North Vermont Avenue in Los Angeles is soon to be enhanced by a proposed station-developed museum of broadcasting memorabilia.

KFI has, through its quality programing, served the public interest well, and the Members of Congress in the KFI listening area are pleased to make special note of the celebration of its golden anniversary.

It is my pleasure to set forth a list of some of the achievements of special note by KFI during the past 50 years:

"FIRST" IN KFI HISTORY

First remote broadcast on the Pacific Coast, origination of network broadcasting on Pacific Coast. First rebroadcast to England. First pickup of a complete grand opera from a stage. First football and general sports broadcast in the west. Origination of the First West-to-East network broadcast, the 1927 Rose Bowl contest.

The great names of the early Twentieth Century—Calvin Coolidge, Will Rogers, Thomas A. Edison, General John Pershing, Admiral Richard Byrd—made some of the First radio appearances over KFI.

First Southern California station to apply for a television license.

CHRONOLOGICAL HISTORY OF KFI

April 16, 1922—KFI goes on the air as 5-watt station.

October, 1922—Increase power to 100 watts.

December 15, 1922—Power increased to 500 watts.

November, 1924—Power increased to 5000 watts.

April, 1927—National Broadcasting Company established on Pacific Coast, KFI becomes part of network.

1927—KFI broadcasts first Hollywood Bowl Concert.

January, 1928—KFI begins 16 hour per day program schedule.

July, 1931—Power increased to 50,000 watts.

March 20, 1939—Date of filing of first application for TV experimental construction permit by Earle C. Anthony, Inc.

1941—KFI employs full time Farm Director.

1941—Inauguration of nightly frost warning service on KFI.

1944—KFI establishes Young Artists Competition, now known as Hollywood Bowl Auditions.

October 20, 1947—KFI–FM begins program operations.

October 6, 1948—KFI–TV begins commercial program schedule.

IS ANYONE LISTENING? DOES ANYONE GIVE A DAMN? JAY BRAND SAYS "YES"

(Mr. TALCOTT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, some young persons are concerned about the affairs of man and the challenges which confront our society.

Some listen and learn; some come and participate; some work and contribute; some do all three. One of these is Jay Brand, a young student who lives in Atascadero in the congressional district which I have the honor to represent. He has actively contributed to the improvement of his school and community. He is attempting to tell his fellow citizens what he thinks. He recently won a speech contest in which I believe he captures the feelings of the high school student today.

I believe his speech is worth listening to by students and adults. I commend him for his views and especially for the actual contributions he makes to his school and community. I include Jay's speech at this point in the RECORD:

"IS ANYONE LISTENING? DOES ANYONE GIVE A DAMN?"

Ladies and Gentlemen:

I'm new at making speeches, but I haven't run across a subject that has compelled me to speak as much as does tonights'. I'm listening, and I definitely give a damn.

But, in our country, how can anyone help but listen? We live in a time when people are more involved in what is going on in the world than at anytime in history. Today we have television, radio, and papers. Today we don't just read about events of the day, but we see every gory detail in living color. It seems that we hear and see every horrible act that a human being is capable of committing, because that's news.

When I think of news, I think of one man. This man was perhaps one of the most interesting newspaper men in history; because with him, if there wasn't any news, he'd just go out and make some. For this very reason many historians attribute him with the Spanish-American War.

My point? In our society of supply and demand, the news media must continually have a new supply of news to peddle. All of the networks and papers are forever fighting with each other to grab the most horrifying, startling, dramatic scenes and stories simply to sell another copy or gain an even higher rating. But then, can I, can we blame the news media completely? After all, we are the ones that are buying.

Yes, America is very informed, but our people are becoming tired of opening the paper and seeing Vietnam, turning on the TV and watching riots, or listening to the radio and hearing about starvation. They are tired of always feeling responsible for the world's ills. They are bombarded day and night and they are becoming frustrated. We as a country are rapidly leaning towards isolationism, and with as much as we take from the world, and with as much as we have to offer, this would truly be a crime.

But what of the new generation? What of us?

Well, as much as we continually hear about the younger generation, with their long hair and drugs, all is not lost. Here again we must go back to the media; they are forever telling us about the hippies, because a good-clean-cut kid just isn't news.

But the younger generation is different. It is? For our age we are more educated and aware than were our parents at the same age. True, we haven't had the responsibilities that our parents endured, but we do have a different type of responsibility; a nuclear one. And it is just as heavy. We have grown up in a world with weapons capable of destroying the world not just once, but hundreds of times over; weapons which we seek to rid the world of. Albert Einstein once said, ". . . against nuclear destruction science can offer no defense. The answer is in the minds and hearts of mankind."

And we are a social generation. We care what happens to our world. We are an involved generation who is listening and certainly gives a damn. We will not let you down, we will make you proud. I would like to share something with you that I heard on a Los Angeles radio station. I feel it reflects the thinking of todays youth.

I have died in Vietnam,
But I have walked on the face of the moon.
I have befouled the waters and tainted the air of a magnificent land,
But I have made it safe from disease.
I have flown through the sky faster than the sun,
But I have idled in streets made ugly with traffic.
I have littered the land with garbage,
But I have built upon it a hundred million homes.
I have divided schools with my prejudice,
But I have sent armies to unite them.
I have beat down my enemies with clubs,
But I have built courtrooms to keep them free.
I have built a bomb to destroy the world,
But I have used it to light a light.
I have outraged my brothers in the alleys of the ghettos,
But I have transplanted a human heart.
I have scribled out filth and pornography,
But I have elevated the philosophy of man.
I have watched children starve from my golden towers,
But I have fed half of the earth.
I was raised in a grotesque slum,
But I am surfeited by the silver spoon of opulence.
I live in the greatest country in the world in the greatest time in history,
But I scorn the ground I stand on.
I am ashamed. But I am proud.
I am an American.

Thank You.

COMMEMORATING BYELORUSSIAN INDEPENDENCE DAY

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, 54 years ago today the Byelorussian people made a commitment to free and democratic government by proclaiming their national independence. Today, that commitment still lives, despite decades of invasion and attempted subjugation. The spirit of a free nationalistic society remains despite the systematic social and economic pressures put upon it by the Communist leadership in Moscow.

The present relationship with Moscow is colonial in nature. The Soviet Union exploits the rich Byelorussian resources, while attempting to eradicate Byelorussian nationalism. Only Russians are permitted to occupy key position in Byelorussian society and government. Industrial development has not been for the benefit of those who produced it in Byelorussia, but rather for Soviet empires in Central Asia. The native tongue of Byelorussia has been removed from all public use. Still, the Byelorussian people cling to their heritage of freedom. Nationalism thrives in the hearts of these tenacious people.

Those of us blessed with freedom often take it for granted. It is not fashionable these days to enunciate the attribute of America. But I think it is wise to look at the oppressive situations other freedom loving people must endure in order to fully appreciate the liberty we enjoy. The peoples of the Captive Nations, by their vigilance and devotion to individual rights, make a contribution that can't be measured.

Just as the Czarist Russian oppression failed to break the free will of the Byelorussian people, so the Soviet rule will likewise fail. I salute those Byelorussian people who serve on the front lines of this ideological war, on this the 54th anniversary of their independence.

Only when all men are given the right to choose the government they live under will world peace be within our grasp. Until then, we must do all we can to morally and spiritually support the valiant freedom fighters in all the captive nations.

REPRESENTATIVE DANIEL J. FLOOD ADDRESSES THE SYRACUSE UNIVERSITY ALUMNI LUNCHEON

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, on March 15, I was privileged to attend the Syracuse University Alumni Luncheon here in Washington. On that occasion one of that great university's truly illustrious alumni was the principal speaker, he also enjoys membership in the U.S. House of Representatives. I say "he enjoys" but I should qualify that by saying that the American people, by his presence in the Congress enjoy his extraordinary competence and dedication; America is indeed a better nation through his day by day contribution.

I refer to the esteemed Chairman of the HEW Appropriation Committee, my friend and neighbor, the gentleman from Pennsylvania, Congressman DANIEL J. FLOOD.

On that occasion Chairman FLOOD delivered an excellent message on the future of higher education, I commend its reading to my colleagues:

THE FUTURE OF HIGHER EDUCATION, AND THE ROLE OF PRIVATE AND PUBLIC UNIVERSITIES

(Address given by Congressman
Daniel J. Flood)

It is a great pleasure for me to be here today, and to share with you some of my reflections on higher education in America and the respective roles of private and public universities. I think there can be little doubt that education in America is confronting a great and continuing crisis, a crisis whose ramifications touch upon every area of our National life. The impact of mass education (too new in history to be evaluated adequately), the tensions between liberal arts on the one hand and vocational or technical training on the other, the growing financial crisis facing education at every level—these are problems which, heightened for the private university competing with the more ample funding of State schools, affect both public and private schools. Moreover, at a deeper level, there is the recurrent issue of the university's role in society: transmitter of learning, or active agent for social change.

I think it is fair to say that the future of higher education in America—if, indeed, it has one (and we who are here believe that it *has*)—is inextricably bound up with the future of our society, its character and quality of life. In that future, whose shaping we are able to determine, if we will, there must be a place for *both* the public and the private university.

The conclusion of the Jellema Report, studying the financial status of private institutions of higher learning and sponsored by the Association of American Colleges, has become almost too well-known: "Private colleges and universities are apprehensive and they have reason to be. Most colleges in the red are staying in the red and many are getting redder, while colleges in the black are generally growing grayer. Taken collectively, they will not long be able to serve higher education and the Nation with strength unless significant aid is soon forthcoming."

Stated thus baldly, the nature of the problem facing our private schools seems very clear. However, the financial issue in higher education is multi-faceted and complex, defying any simplistic or across-the-board solution. Different categories of institutions experience the pinch, as it were, for different reasons: research-oriented universities must adjust to a slower rate of Federal grants; State schools are faced with cut-backs in legislative appropriations; community colleges confront huge capital demands; financially able students are too few for certain private schools to break even, and so on.

Many of the difficulties which beset our public institutions are due to an increasing competition for tax dollars and such other temporary situations as political reaction to student or faculty behavior. It is also true that the "politicization" of the university—as advocated by a minority of educators and students—may invite punitive legislation in the vital area of funding.

Private institutions, on the other hand, are affected by the obvious challenge of having to compete with subsidized public institutions increasingly able to match them both in quality and in the broad spectrum of educational offerings.

While we as a people are deeply committed to the expansion of our public institutions of higher learning, the fact remains that a full quarter of the college population—over 2 million students—are currently enrolled in close to 1500 private institutions, institutions whose students continue to win more than half of all Rhodes Scholarships, whose graduates win Nobel Prizes and other high-level research and scholarship awards out of all proportion to their number, and who serve in high positions in local, National, and international affairs in striking disproportion to the percentage of total college graduates they represent. In fine, our private colleges and universities have every reason to take pride in their role of leadership.

Moreover, not only in terms of faculty and programs but also in terms of costs, some private schools may be best-suited for the growing numbers of students who do not fit into the traditional mold. As the Carnegie Commission on Higher Education has pointed out, these schools already have both staff and program "geared specifically to the needs of the less academically able". In truth, our private colleges and universities are a precious and valued National resource, worthy of continuing and expanding support and encouragement by the Federal Government at every level. Unhampered by the necessity of coping with State legislatures, they are and have been and must continue to be at the cutting edge of reform, renewal, and creative experimentation. Further, they ensure cultural and social vitality.

For years the private sector in American secondary education has produced only about 11% of the total graduates of secondary schools. The rate at which private higher education is approaching a similar situation gives cause for serious reflection by all who are genuinely concerned in this matter. A recent study of the changing ratios of enrollment, degrees, and number of institutions in public and private higher education concludes that "education at a privately controlled institution . . . will, by the end of the century, be experienced by only a small minority".*

We in the Congress—as throughout the Government—are committed to quality education for all Americans and to the preservation and continual improvement of *all* our educational institutions, *both* private and public. Legislative proposals now before the Congress embody four fundamental concepts of aid to higher education: under these proposals, private institutions would be equally eligible for assistance. The guiding concepts reflect our awareness of the different kind of problems facing different schools. They are:

1. equality of opportunity
2. institutional aid compatible with a National purpose
3. support for research
4. encouragement of innovation and reform.

These principles are translated into realistic financial aid—a process which must be continued and expanded in years to come. It has been well said that the true nature of the educational crisis we face is (in the words of the President of the University of Connecticut) "a crisis in confidence", in credibility and relevance. A noted sociologist (Daniel Bell) has lately spoken of "a great loss of nerve. The . . . moral legitimacy of the system (has been) called into action". Expanding on this, Professor Martin Rein of the Massachusetts Institute of Technology has declared that "doubt is now stronger than commitment for action" among an increasing number of students and faculty, but he adds, significantly, "doubt leads to the desire to know."

If we will, the crisis to which I have alluded can become the ground of opportunity for a creative turn in this Nation. To a very large extent, you who are engaged in the process of higher education today are faced with a challenge at once awesome, even depressing, and exhilarating, summoning all our initiative, idealism, and faith. Under God, we cannot fail.

HOMAGE TO ISABEL WILLIAMS

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I would like to take this time to bring to the attention of my colleagues a most talented and distinguished citizen of Syracuse, N.Y. Mrs. Isabel Williams, who was born in Auburn, N.Y., is a well known and most respected black artist in the Syracuse area. Mrs. Williams captures in her paintings the soul of "Negritude" and the very spirit and condition of black people. Mrs. Williams can well depict the feelings of black people, for her own paternal grandmother was a slave. As a child Isabel Williams knew the heroic leader of the underground railroad, Harriet Tubman. She attended the same church as Harriet Tubman and referred to her as Aunt Harriet. From her frequent discussions with Harriet Tubman, Mrs. Williams gained valuable insight into the emotional and physical struggles of the underground railroad.

Mrs. Williams has often been referred to as the local "Grandma Moses" because of her remarkable talent in her advanced years. Isabel Williams has said that she paints because of her nervousness and her desire to capture the anxiety of black peope on canvas. She has filled the Syracuse area and many parts of the country with a great appreciation for the struggle of all black people.

At this time I would like to share with my colleagues the homage paid to Isabel Williams by Robert Pritchard of the Panamerican Association:

HOMAGE TO ISABEL WILLIAMS

(By Robert Pritchard)

Gandhi defines history as the perennial condition of war interrupted by occasional respites called Peace. Since Genesis, it seems that this Peace has gestated in the soul of man. It has lain dormant during the ages of the First and Second Worlds; and its stirrings have been felt in the age of the Third World. There comes to mind Beethoven's and Schiller's concepts of "the brotherhood of man," Tolstoy's utopian concepts, Neruda's and Senghor's Third World concepts of the "hombre neuvo" and "negritude" respectively, Martin Luther King's philosophy of "non-violent confrontation," Gandhi's "passive resistance" bridging the various Eastern humanistic rites to the West, destined by Kipling never to meet. Now the Fourth World rises like a Phoenix out of the flames of history's spurious promises to offer hope in our time of common humanity for survival with dignity.

The Fourth World *derives* its spiritual integrity from the ethos of the ancient and modern slave, Greek, Jew, African, Untouchable, *nurtured* from peonage to an awareness of the right to self-determination by the precedents of the French, American, Irish, Russian and Algerian Revolutions, *refined* through the fires of the struggle for sovereignty of "les Negres du Monde" and the Vietnamese people. The world, having miraculously survived the mercantile and industrial revolutions of England, America, Japan and Western Europe, is now *inspired* by the cultural revolutions based on ethnicity of the peoples of China, Bengal, Cuba, French-speaking Canada, of the indigenous Latin American peoples, and the Black, Chicano, Indian and Puerto Rican people of the United States. The role of the artist is to offer living testimony to the elevation of the Human in Man, not as an ethnic or chauvinistic elite—but as the medium of the collective human conscience, a role locally fulfilled by Syracuse's indigenous painter of the Black Presence, *Isabel Williams*, and internationally by such visionaries as the self-taught Brazilian diarist of the favelados, Carolina Maria de Jesus, or the Nicaraguan Revolutionary Poet-Priest Ernesto Cardenal, or the Elder Statesmen-Prophets and High Priests of International Black Letters, the late Dr. W. E. B. Dubois and Dr. Jean Price-Mars (who passed the mantle of Negritude on his 90th birthday to the New World Negritude concept of Dr. Robert Pritchard), or the Puerto Rican revolutionary and visionary respectively, Don Pedro Albizu Campos and Luis Pales Matos, etc.

Tonight's performing artists, Pianists Robert Pritchard and Henri-Georges Polgar, and Soprano Mary Gauthier, present with a high sense of purpose and obligation ancient and modern genre-masterpieces and experiments which reflect the genius of the New World's oppressed peoples, the sound of God in Man in his full Panamerican Multi-Ethnicity. In the words of Dr. Emile Saint-Lot (Haiti's Charter signer of the United Nations Charter, philosopher-founder of the Societe Africaine de Culture and the distinguished organ of "le monde noir," *Presence Africaine*) "in the purple mantle of Negritude" do they offer this musical sacrament to the concentric presence of the Third and Fourth Worlds.

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* Elmer West and C. J. Anderson, "Changing Public/Private Ratios in Higher Education", *Educational Record*, Fall, 1970.

NATIONAL MICROFILM WEEK

(Mr. CONABLE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CONABLE. Mr. Speaker, I am introducing today a resolution calling upon the President to proclaim the week of September 11 as National Microfilm Week. In proposing this solution I am hopeful that such a proclamation will appropriately recognize the accomplishments of an industry and technological system which has revolutionized information gathering and dissemination in a way that has affected everyone's life.

Government, industry, commerce, schools and universities, and many other institutions utilize microfilm extensively. It has made possible economical and convenient preservation of our history and opened the portals of knowledge for all who desire it. The resolution takes note of all these facts, as well as the role of microfilm in preserving the Nation's historical records at the National Archives and of its use to provide V-mail to servicemen in war zones. Congressman Frank Horton, who also represents the Rochester, N.Y., area, is a cosponsor of this resolution. The Rochester area is one of the major centers of the microfilm industry.

Government is the largest single user of microfilm. Every social security record is microfilmed, kept up to date, and made accessible at over 800 locations to facilitate the handling of individual files. Technical reports of the Nation's defense agencies account for a large part of the Federal Government's involvement in this medium. The National Archives and Records Services, and the Library of Congress preserve the Nation's history and provide basic documentation for research in many fields by microfilming.

Microfilm's commercial applications began with checks in a bank, and today financial institutions account for a substantial percentage of microfilm's use. Most larger department stores and the Nation's credit card companies use microfilm to record purchase records before returning them to customers with monthly statements. Hospitals microfilm patient records, radiographs, and other vital records that make up their permanent files. Newspapers are on microfilm, as are most periodicals, books, and even unpublished manuscripts. In wartime, it was used for the V-mail program and in peace, it has made possible the miniaturization of messages left on the moon.

Mr. Speaker, microfilm has played a significant role in American society and its importance continues to expand as demands for information continue to grow. In recognition of these applications, Congressman Horton and I are introducing this resolution and we are hopeful that it will receive congressional approval in the near future.

A 30-DAY LIMIT ON PRIMARIES

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the procedure for the nomination of our candidates for President cries for revision. The brutal hodge podge of 25 primaries, including the one in Illinois today, which extends over a tortuous 4-month period, must be changed.

The primary proliferation this year has been disastrous. Originally designed as a reform, it has led to numerous regrettable results.

The Democratic Party has been fragmented in spite of the fact that unity is essential for success in this vital election for the Presidency of the United States.

The fantastic cost of campaigning in these primaries is a national waste of financial resources which could well be used in many other ways, including utilization by the ultimate nominee of the party at this time when the Democratic Party is financially pressed at the national level.

The extending of the primaries over a 4-month period exhausts the candidates physically and emotionally and has resulted in errors in tactics and an unbalanced list of priorities in the issues discussed. Significant has been the lack of discussion of issues upon which the fate of our country depends.

The participation of the voters in these elections has been extremely light and far out of proportion to the importance of the task of selecting a presidential candidate.

Moreover, it is evident that primaries can often be dominated by substantial expenditures of money. We have seen this in the past, and it is also present in the current campaign where some candidates have campaigned solely through the news media with massive purchases of time and space.

The present nomination procedure is no reform at all. The primary campaign is getting longer and longer, more and more expensive, and more confusing.

On May 20, 1971, I introduced H.R. 8606, to limit presidential campaigns to 60 days. As a companion to that proposed legislation, I am today introducing a bill to require that every primary election held for the expression of a preference for the nomination of persons for election to the office of President of the United States, be held not more than 30 days before the day established by such political party for the opening of such nominating convention. This will limit our overall presidential election process to 90 days.

I urge my colleagues to support this proposed legislation in an effort to bring some sanity to a situation which is getting totally out of hand.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Mr. Saylor (at the request of Mr. Gerald R. Ford), on account of personal reasons.

Mr. Eshleman (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Vanik, for 15 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. Heinz) to revise and extend their remarks and include extraneous material:)

Mr. Halpern, for 5 minutes, today.

Mr. Robison of New York, for 10 minutes, today.

Mr. Quie, for 10 minutes, today.

(The following Members (at the request of Mr. Denholm) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Rodino, for 5 minutes, today.

Mr. Evins of Tennessee, for 10 minutes, today.

Mr. Fulton, for 5 minutes, today.

Mr. Morgan, for 5 minutes, today.

Mr. Danielson, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hanna, and to include extraneous material.

Mr. Mahon in two instances, and to include extraneous material.

Mr. Mills of Arkansas, and to include extraneous material.

Mr. Schmitz following the remarks of Mr. Crane on the Crane amendment and the remarks of Mr. Pelly.

Mr. Holifield, and to include extraneous material.

Mr. Gross and to include certain pertinent material.

(The following Members (at the request of Mr. Heinz) and to include extraneous matter:)

Mr. Crane in five instances.

Mr. Halpern.

Mr. Quillen.

Mr. Gerald R. Ford.

Mr. Frenzel.

Mr. Mallary.

Mr. Wyman in two instances.

Mr. Price of Texas.

Mr. Bob Wilson in four instances.

Mr. Thompson of Georgia.

Mr. Sandman.

Mr. Duncan.

Mr. Zwach.

Mr. Morse.

Mr. McKinney.

Mr. Schmitz in three instances.

Mr. Steiger of Wisconsin.

Mr. Hosmer in two instances.

Mr. Snyder.

Mr. Hansen of Idaho.

(The following Members (at the request of Mr. Denholm) and to include extraneous matter:)

Mr. Albert.

Mr. Carney in two instances.

Mr. Dent.

Mr. Rodino in two instances.

Mr. Hagan in three instances.

Mr. Rarick in three instances.

Mr. Dingell in two instances.

Mr. KLUCZYNSKI in three instances.
Mr. FOUNTAIN in two instances.
Mr. REUSS.
Mr. EDWARDS of California in two instances.
Mr. ASHLEY.
Mr. MOORHEAD in two instances.
Mr. HAWKINS.
Mr. STEED.
Mr. MILLS of Arkansas.
Mr. RANGEL.
Mr. HICKS of Washington.
Mr. FUQUA.
Mr. DANIEL of Virginia.
Mr. O'HARA in six instances.
Mr. HÉBERT in two instances.
Mr. GIAIMO in five instances.
Mr. HUNGATE in three instances.
Mr. WALDIE in six instances.
Mrs. GRIFFITHS in two instances.
Mr. ICHORD.
Mr. DONOHUE.
Mr. ROONEY of Pennsylvania.
Mr. GONZALEZ in three instances.
Mr. HATHAWAY.
Mr. DANIELSON.
Mr. PIKE.
Mr. PERKINS in two instances.
Mr. DENHOLM.
Mr. MINISH.
Mr. BRASCO.
Mr. ASPIN.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3353. An act to provide for the striking of medals in commemoration of the first U.S. International Transportation Exposition.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on March 20, 1972, present to the President, for his approval, a bill of the House of the following title:

H.R. 10390. An act to extend the life of the Indian Claims Commission, and for other purposes.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 41 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 22, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1760. A letter from the Assistant Secretary of Defense (Comptroller) transmitting a report for the second quarter of fiscal year 1972 of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products, pursuant to section 712 of Public Law 92–204; to the Committee on Appropriations.

1761. A letter from the Assistant Secretary of Defense (Comptroller) transmitting a listing of contract award dates for the period March 15–June 15, 1972, pursuant to section 506 of Public Law 92–156; to the Committee on Armed Services.

1762. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President transmitting the statistical supplement to the stockpile report for the 6 months ended December 31, 1971, pursuant to section 4 of the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

1763. A letter from the Acting Administrator of General Services transmitting a prospectus for alterations at the Agriculture Administration Building in Washington, D.C., pursuant to section 7 of the Public Building Act of 1959, as amended; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

1764. A letter from the Comptroller General of the United States transmitting a report on the extensive use of military personnel by the Department of Defense in civilian-type positions; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEPPER: Committee on Rules. House Resolution 904. A resolution providing for the consideration of H.R. 13592. A bill to amend the Public Health Service Act to provide for the prevention of sickle cell anemia. (Report No. 92–938). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 13956. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail; to the Committee on House Administration.

H.R. 13957. A bill to amend the Social Security Act to assure that whenever there is a general increase in social security benefits there will be a corresponding increase in the standard of need used to determine eligibility for aid or assistance under State plans approved under titles I, X, XIV, or XVI of such act; to the Committee on Ways and Means.

By Mr. ASHLEY:

H.R. 13958. A bill to raise needed revenues by gearing the income tax more closely to an individual's ability to pay, by broadening the income tax base of individuals and corporations, by integrating the gift and estate taxes, and by otherwise reforming the income, estate, and gift tax provisions; to the Committee on Ways and Means.

By Mr. BARING:

H.R. 13959. A bill to convey certain public domain to the Battle Mountain Colony; Nevada; to the Committee on Interior and Insular Affairs.

By Mr. BYRNE of Pennsylvania:

H.R. 13960. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLANCY:

H.R. 13961. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the income tax of individuals for certain amounts of tuition paid for private elementary or secondary education or for college education; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 13962. A bill to authorize the Secretary of Agriculture to establish a volunteers in the national forests program, and for other purposes; to the Committee on Agriculture.

By Mr. DELANEY:

H.R. 13963. A bill to amend section 902 of the Federal Aviation Act of 1958 to increase the penalties for certain offenses relating to aircraft, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DONOHUE:

H.R. 13964. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 13965. A bill to amend title 10 of the United States Code to permit hospitalized members of the armed forces to accumulate 90 days of leave, and for other purposes; to the Committee on Armed Services.

By Mr. ECKHARDT (for himself and Mr. HELSTOSKI):

H.R. 13966. A bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS of Colorado:

H.R. 13967. A bill to establish and implement a national transportation policy for the next 50 years, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS of Colorado (for himself, Mr. ROYBAL, Mr. DANIELSON, Mr. BARRETT, Mr. COLLINS of Illinois, Mr. PRICE of Illinois, Mr. LEGGETT, Mr. TIERNAN, Mr. ROSENTHAL, Mrs. GREEN of Oregon, and Mr. RUPPE):

H.R. 13968. A bill to amend the Federal Food, Drug, and Cosmetic Act in order to provide for the registration of manufacturers of cosmetics, the testing of cosmetics, and the labeling of cosmetics, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FORSYTHE:

H.R. 13969. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing their duties in a civilian status; to the Committee on Armed Services.

H.R. 13970. A bill to amend section 709(g)(1) of title 32 of the United States Code to permit certain National Guard technicians to be absent from work on legal holidays; to the Committee on Armed Services.

H.R. 13971. A bill to provide for the crediting of certain past employment by certain persons subject to the National Guard Technicians Act of 1968; to the Committee on Armed Services.

H.R. 13972. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 13973. A bill to adjust the pay of the police forces at Washington and Dulles Airports; to the Committee on Post Office and Civil Service.

By Mr. FULTON:

H.R. 13974. A bill to amend the Internal Revenue Code of 1954 with respect to lobbying by certain types of exempt organizations; to the Committee on Ways and Means.

By Mr. **GALLAGHER**:

H.R. 13975. A bill to assure the fair selection of jurors and enforce the equal right to jury service, and for other purposes; to the Committee on the Judiciary.

By Mr. **HATHAWAY**:

H.R. 13976. A bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods; to the Committee on Interstate and Foreign Commerce.

By Mr. **HANNA**:

H.R. 13977. A bill to amend title II of the Social Security Act to increase to $4,000 the amount of outside earnings permitted each year without any deductions from benefits thereunder, and to reduce from 72 to 70 the age at which deductions from an individual's benefits on account of outside earnings will cease to be made; to the Committee on Ways and Means.

By Mrs. **HECKLER** of Massachusetts:

H.R. 13978. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. **HORTON**:

H.R. 13979. A bill to require the payment of interest on escrow accounts held in connection with residential real estate mortgage loans; to the Committee on Banking and Currency.

By Mr. **KOCH** (for himself, Mr. Dulski, Mr. Fauntroy, and Mr. Murphy of New York):

H.R. 13980. A bill to amend the Urban Mass Transportation Act of 1964 to provide emergency grants for operating subsidies to urban mass transportation systems on the basis of passengers serviced; to the Committee on Banking and Currency.

By Mr. **LEGGETT** (for himself, Mr. Quie, Mr. Ullman, and Mr. Teague of California):

H.R. 13981. A bill to provide for the establishment of an Agricultural Labor Relations Board for the purpose of regulating the agricultural industry and agricultural labor and for other purposes; to the Committee on Education and Labor.

By Mr. **LONG** of Louisiana:

H.R. 13982. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. **McCULLOCH** (for himself, and Mr. Gerald R. Ford):

H.R. 13983. A bill to further the achievement of equal educational opportunities; to the Committee on Education and Labor.

By Mr. **MAZZOLI**:

H.R. 13984. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. **MONAGAN**:

H.R. 13985. A bill to regulate the time for holding presidential primaries; to the Committee on House Administration.

By Mr. **QUILLEN**:

H.R. 13986. A bill to provide financial assistance for the construction and operation of senior citizens' community centers, and for other purposes; to the Committee on Education and Labor.

By Mr. **RAILSBACK**:

H.R. 13987. A bill to amend the Administrative Conference Act; to the Committee on the Judiciary.

By Mr. **ROY**:

H.R. 13988. A bill to authorize the payment of a death gratuity to the survivors of certain members of the Armed Forces who have been in a missing-in-action status and subsequently determined to have died during a period when no Government life insurance program was in effect for active duty personnel; to the Committee on Armed Services.

H.R. 13989. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

H.R. 13990. A bill to amend title 38 of the United States Code to insure that beneficiaries under the Servicemen's Group Life Insurance Program of certain members of the Armed Forces in missing status are not denied the benefits of such program; to the Committee on Veterans' Affairs.

By Mr. **ROYBAL**:

H.R. 13991. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board increase in benefits thereunder, to increase the amount of earnings counted for benefit and tax purposes, and to make appropriate adjustments in social security tax rates; to the Committee on Ways and Means.

By Mr. **SPRINGER**:

H.R. 13992. A bill to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes; to the Committee on District of Columbia.

H.R. 13993. A bill to amend the Public Health Service Act to provide for the prevention of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. **J. WILLIAM STANTON**:

H.R. 13994. A bill to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970; to the Committee on District of Columbia.

By Mr. **ULLMAN** (for himself, Mr. Carey of New York, Mr. Córdova, Mr. Danielson, Mr. Dingell, Mr. Leggett, Mr. Miller of California, Mr. Sisk, Mr. Vanik, Mr. Charles H. Wilson, and Mr. Yatron):

H.R. 13995. A bill to provide for the selection of candidates for President of the United States in a national presidential primary election, and for the election of a President and a Vice President by direct vote of the people, and for other purposes; to the Committee on House Administration.

By Mr. **WOLFF**:

H.R. 13996. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology and production, and for other purposes; to the Committee on Ways and Means.

By Mr. **ABBITT**:

H.J. Res. 1122. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations shall not exceed revenues of the United States, except in time of war or national emergency; to the Committee on the Judiciary.

By Mr. **BETTS**:

H.J. Res. 1123. Joint resolution to authorize the President to proclaim annually the last Friday of April as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. **CONABLE** (for himself and Mr. Horton):

H.J. Res. 1124. Joint resolution to provide for the designation of the week which begins on September 10, 1972 as "National Microfilm Week"; to the Committee on the Judiciary.

By Mr. **ULLMAN** (for himself, Mr. Carey of New York, Mr. Córdova, Mr. Danielson, Mr. Leggett, Mr. Miller of California, Mr. Sisk, Mr. Vanik, Mr. Charles H. Wilson, and Mr. Yatron):

H.J. Res. 1125. Joint resolution proposing an amendment to the Constitution of the United States regarding the election of the President and Vice President and the nomination of candidates for the Presidency; to the Committee on the Judiciary.

By Mr. **ROE**:

H. Con. Res. 568. Concurrent resolution providing for the recognition of Bangladesh; to the Committee on Foreign Affairs.

H. Con. Res. 569. Concurrent resolution expressing the support of the Congress for the U.S. delegation to the United Nations Conference on the Human Environment; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS,

Under clause 1 of rule XXII,

Mr. **HENDERSON** introduced a bill (H.R. 13997) for the relief of James K. Lewis, which was referred to the Committee on the Judiciary.

SENATE—*Tuesday, March 21, 1972*

The Senate met at 9:15 a.m. and was called to order by Hon. Robert C. Byrd, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, as daily we pause to acknowledge Thy sovereignty, may we open our hearts and minds to the reality of Thy abiding presence at all times and in all places. Emancipate us from all the petty evils which erode character, the cynicism which negates Thy reality, and the barriers of temperament which close the door to Thee. Open our minds and hearts that they may be large enough to comprehend the love that redeems us from our littleness and the grace that endues us with power for all our tasks. Make us partners with Thee and with one another in striving for a better nation, of better people for the making of a better world.

We pray in the Redeemer's name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 21, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, March 20, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order Nos. 665, 666, 667, 668, and 669.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF BANGLADESH

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 55) providing for the recognition of Bangladesh, which had been reported from the Committee on Foreign Relations with an amendment in line 3, after the word "should", strike out "immediately"; so as to make the concurrent resolution read:

> *Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that the President should recognize Bangladesh as an independent foreign country and recognize the Government of that country.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CHURCH. Mr. President, the resolution now before the Senate, Senate Concurrent Resolution 55, is very simple. Its brief text fully states its purpose, and that is to express the sense of the Congress that the President should recognize Bangladesh as an independent country and should recognize its government.

By approving this resolution the Senate would be doing two things: It would be saying to the President that the American people would approve of and support a decision to recognize Bangladesh and it would be indicating to the people of Bangladesh that they enjoy the respect and admiration of the American people.

There is ample evidence in the wide, bipartisan support for this resolution that both of these propositions are true. Since Senator SAXBE and Senator HOLLINGS introduced Senate Concurrent Resolution 55 on January 25 they have been joined by 29 other cosponsors from both sides of the aisle. Furthermore, the Committee on Foreign Relations, following 3 days of hearings, unanimously recommended the adoption of this resolution by the Senate.

I know of no opposition to the basic proposition that the United States should recognize Bangladesh. Even the executive branch witnesses who testified before the committee, while obviously not enthusiastic about the prospect of receiving the Senate's advice, did not argue against the recognition of Bangladesh.

Their only specific objection, if it could be called that, took the form of an implied expression of concern over the advisability of recognition prior to the withdrawal of Indian troops from Bangladesh.

Today, however, even that theoretical obstacle no longer exists. On December 12 all Indian troops were withdrawn from Bangladesh as the Indian Government had promised they would be.

In every respect the new nation of Bangladesh now clearly meets the criteria for recognition which our Government has followed in recent years. These criteria, as set forth in the State Department Digest of International Law are:

> (1) Whether the Government is in *de facto* control of the territory and in possession of the machinery of the State;
>
> (2) Whether it is administering the government with the assent or consent of the people, without substantial resistance to its authority, i.e., whether there is public acquiescence in the authority of the government; and
>
> (3) Whether the new Government has indicated its willingness to comply with its international obligations under treaties and international law.

In addition the Digest cites certain other factors bearing on recognition which, it notes, are "increasingly borne in mind." These are:

> . . . the existence or nonexistence of evidence of foreign intervention in the establishment of the new regime; the political orientation of the Government and its leaders; evidence of intention to observe democratic principles, particularly the holding of elections, the attitude of the new Government toward private investment and economic improvement. Importantly, also, the interest of peoples, as distinguished from governments, is of concern.

I should point out that even before the Indian withdrawal we had been assured by the representatives of the executive branch that all of these criteria had been affirmatively met.

In connection with these criteria, the report accompanying the present resolution contains the following comments by the Committee on Foreign Relations:

> The committee notes that the new Government in Dacca does indeed control the territory of Bangladesh and, that despite the enormous task of rebuilding which it faces, is administering the country with the consent of the Bengali people in accordance with the provisions of a democratic constitution. Bangladesh's acceptance of and ability to discharge the functions and obligations of independent status is attested to by the fact of its recognition by nearly 50 nations.

In my view the time has come for the U.S. Government to recognize the Government of Bangladesh. I regret that our Government did not do so long ago. We should have been the first. As it is, some 48 nations have already recognized Bangladesh. They include all major powers except the United States and China; many of the Commonwealth nations, including the United Kingdom, Australia, New Zealand, and Canada; all SEATO members except the United States and Pakistan; and many Southern Asian nations.

Mr. President, I ask unanimous consent that a list of those countries which have already recognized Bangladesh be inserted in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHURCH. Mr. President, in its comments to the Committee on Foreign Relations about the Bangladesh resolution executive branch representatives referred to the need to develop "a new set of relationships" with the countries in South Asia and asserted that the question of the recognition of Bangladesh was but one issue involved in an overall policy review. I would certainly be the first to agree on the basis of recent sad experience that our policy toward South Asia is in need of review. I also believe, however, that the recognition of Bangladesh is one step in the direction of a new policy which can and should be taken immediately.

Those like myself who have visited the subcontinent recently have recognized how deep the feeling in that area runs against the Government of the United States. At the same time, there is a belief in Bangladesh, and in India, that regardless of the past position of the American Government that the American people are sympathetic to the cause of Bangladesh. For that reason I believe it is extremely important to demonstrate the vitality of the democratic process in this country.

Affirmative action on this resolution would do much to reassure our friends in Bangladesh and in India. It would tend to confirm their faith in us and to remind them that we are a democratic country and that we share common values.

In considering the recognition of Bangladesh, our Government has an opportunity to uphold the right of self-determination of a new nation whose struggle for independence so closely parallels our own. It is, after all, the right of self-determination which we say we are seeking to uphold in the protracted war in Vietnam. Indeed the President himself in the recent Shanghai communique took the position that "the United States supports the right of the peoples of South Asia to shape their own future."

The people of Bangladesh have acted courageously to shape their own destiny. In the process they have suffered hideously and an end to their travail is not yet in sight. I hope that our Government will do all within its power to assist them in the days ahead as they undertake the task of reconstruction. Meanwhile, it would seem the very least we could do to extend to the people of Bangladesh our sympathy and our understanding by welcoming them to the world community as an independent, democratic nation. We can do this by approving the resolution which we have before us today.

EXHIBIT 1

COUNTRIES WHICH HAVE RECOGNIZED THE PEOPLE'S REPUBLIC OF BANGLADESH (1)

India, December 6, 1971.
Bhutan, December 7, 1971.
East Germany (GDR), January 11, 1972.
Bulgaria, January 11, 1972.
Poland, January 12, 1972.
Mongolia, January 12, 1972.
Burma, January 13, 1972.
Nepal, January 16, 1972.
Central African Republic, February 16, 1972.
Barbados, January 12, 1972.
Yugoslavia, January 22, 1972.
U.S.S.R., January 24, 1972.
Czechoslovakia, January 25, 1972.
Hungary, January 26, 1972.
Cyprus, January 27, 1972.
Tonga, January 29, 1972.
Cambodia, January 30, 1972.
Fiji, January 31, 1972.
Australia, January 31, 1972.
New Zealand, January 31, 1972.
Senegal, February 1, 1972.
United Kingdom, February 4, 1972.
West Germany, February 4, 1972.
Norway, February 4, 1972.
Finland, February 4, 1972.
Denmark, February 4, 1972.
Sweden, February 4, 1972.
Iceland, February 4, 1972.
Israel, February 4, 1972.
Austria, February 4, 1972.
West Samoa, February 8, 1972.
Cuba, February 9, 1972.
Japan, February 10, 1972.
Belgium, February 11, 1972.
Netherlands, February 11, 1972.
Luxembourg, February 11, 1972.
Ireland, February 11, 1972.
France, February 12, 1972.
Italy, February 12, 1972.
Canada, February 14, 1972.
Singapore, February 16, 1972.
Thailand, February 16, 1972.
Mauritius, February 21, 1972.
Philippines, February 24, 1972.
Indonesia, February 25, 1972.
Malaysia, February 26, 1972.
Malawi, February 29, 1972.
Ceylon, March 5, 1972.
Greece, March 11, 1972.
Switzerland, March 13, 1972.

(1) List compiled from information provided by the Department of State as of March 21, 1972.

Mr. HOLLINGS. Mr. President, I speak today on behalf of immediate U.S. recognition of the new nation of Bangladesh. It is long past time that we took this important step. And it is long past time that we cast aside the disastrous and losing policy we have been following in South Asia since this crisis first began.

It has been a year and a quarter now since the people of East Pakistan won the right to carve their own destiny. They won that right at the polls—in a free and open election. As we all recall, the Awami League—campaigning on a platform of provincial autonomy, won an overwhelming mandate at the polls. The league captured 167 of the 169 East Pakistani seats to the National Assembly. At last they had won sufficient voice to determine their own future.

But that initial victory, rather than sealing the triumph, was but a prolog to tragedy. President Yahya Khan reacted in rage and canceled the scheduled meeting of the new Assembly. Far more grievously, he launched a deliberate policy of suppression and brutality seldom—if ever—surpassed in the annals of history. For month after sickening month, the world watched in shock as pillage, rape and murder swept over the territory of East Pakistan. No horror was too brutal to commit, no inhumanity too vile. Nine million refugees sought survival in India. But hundreds of thousands of others were denied even that. They fell dead before the policy of genocide approved by the authorities of the West. For its sheer intensity, this mass murder surpassed even the carnage of the Nazis during the Second World War.

Freedom-loving people the world over looked to the United States to use its influence on the side of freedom. Yet during all those months, the administration threw its weight on the side of tyranny. The Land of the Free and the Home of the Brave refused to stand four square against the barbarism and butchery of the West Pakistani authorities. It refused to endorse the results of the free election, and endorsed instead the brutal dictatorship of a small clique of sick generals.

And this, Mr. President, is a large part of the tragedy. For over a decade now, the United States has been fighting a grueling and agonizingly expensive war in South Vietnam. Over 55,000 young Americans have lost their lives as a result of our involvement in Indochina. We have been told year in and year out that the reason we are there is to give the people of South Vietnam the chance to choose their own way of life—the chance to hold a free and open election. In the case of Pakistan, the free election was held. Nobody can deny that. The results were clear. Yet the Nixon administration callously and foolishly closed its eyes to the results. It cemented its ties to the sick regime of the discredited Yahya Khan. It gave him moral support. It gave him full diplomatic support. Not a murmur was heard to suggest that the administration was in any way dismayed at the policy of terror which was engulfing the poor people of East Pakistan. And—until exposed in late 1971—the administration furnished Yahya with military equipment.

Our friends in India, of course, could not believe it. For nearly 25 years—ever since the Indians achieved their own nationhood—we had made every effort to help this largest of all the democracies. We invested over $8 billion of aid in India's future. And although our two countries did not always see eye to eye, there was mutual respect and genuine friendship. President Nixon's policy ruined it all. When 9 million Pakistani refugees poured over the border into India—causing more hardship to a land whose history is one long tale of hardship—the Indians were bound to react. I think our own country would react very strenuously if such a migration occurred on our northern or southern border. But the Nixon administration showed no sympathy. It shut its eyes and closed its ears. The only thing left open was its mouth, and that was only used to accuse the Indians of aggression. So today our relationship with India has been severely strained. We have sacrificed 25 years of labor and money in India in a futile and stupid effort to prop up a would-be dictator in Pakistan. Yahya's regime did not deserve to survive. We have made a major and a tragic mistake.

The people of Bangladesh made good their claim to freedom in spite of American opposition.

Now they are struggling with the awesome tasks of reconstruction. Their future is by no means assured. Gigantic problems are ahead. The road is filled with many obstacles. But they have their own government. They have a leader who the vast majority of people obviously support. And they have the great spirit which comes from a good cause won—a worthy ideal made good.

They have earned the right to try to carve their own destiny. They have earned the right to at least be recognized by the other nations of the world.

As of today, Mr. President, 52 nations—including all the major powers except the United States and Mainland China—have recognized the new nation of Bangladesh. I read just the other day that one reason the administration was holding back in recognizing Bangladesh was not to give offense to the Peking regime. Since when have we begun taking our diplomatic cue from the Red Chinese? Since when have they started determining American policy toward the recognition of other nations? And since when have we begun withholding recognition from a new democracy in order to appease the aged leaders of the Chinese dictatorship?

The list of 52 grows larger every day. Peoples the world over are dealing with the reality of Bangladesh. Yet the administration stands back, the slave of some arcane and twisted illogic. The world's greatest democracy fails even to recognize the existence of the world's newest democracy.

Now that Bangladesh exists, it should be the policy of the United States to exert every possible effort toward the continued independence of that land. We should want it to be no nation's client—be it India's or Russia's or anyone else's.

The best way to do this, Mr. Chairman, is to accord it American recognition. If we stubbornly continue holding back, other nations with different motives will fill the vacuum. And the leaders of Bangladesh will find their options limited. With American recognition, the people of Bangladesh would have another friend to turn to. They would have another card to play in their own diplomacy. As things now stand, we are pushing Bangladesh entirely the wrong way.

On January 25, the distinguished senior Senator from Ohio (Mr. SAXBE) and I introduced Concurrent Resolution 55 calling upon the President to grant immediate recognition to Bangladesh. It is a brief and simple resolution—

Resolved by the Senate (the House of Representative concurring), That it is the sense of the Congress that the President should immediately recognize Bangladesh as an independent foreign country and recognize the government of that country.

Our resolution does not go into further and more detailed policy considerations because that might mean prolonging the debate and postponing the act of recognition. Right now it is the recognition which is most important. Without recognition, nothing will be done to help the struggling people of Bangladesh. Once recognition is achieved, however, the way will be open to the determination of a new policy. That is why I urge the merits of Concurrent Resolution 55. It is unencumbered by involved and complex problems. And it goes to the heart of the matter. It deals with the only logical point of beginning—the simple recognition that a new country exists and that it merits the diplomatic recognition we accord to almost all nations.

As of today, 29 Senators have joined Senator SAXBE and myself in supporting passage of Concurrent Resolution 55. They come, I am pleased to say, from both sides of the aisle. It is not a partisan issue, and it must not be allowed to become a partisan issue. Republicans and Democrats I have talked to are equally surprised by the reckless policy we have been following in South Asia.

Mr. President, over the past year I have followed these events closely. And I have been consulting with many experts—both in and out of the Government. I have consulted the State Department. I have consulted the CIA. I have talked with the diplomats involved. I have not talked to a single individual, Mr. President, who can give me a legitimate reason why we should not grant recognition and grant it now. The reason I have uncovered no such reason is simple—there is none.

Mr. President, I come here today to urge the speediest possible action on this important measure. I am encouraged by the swift action of the Foreign Relations Committee in reporting this resolution out. We must recognize Bangladesh.

It is right that we do so. And it is in our own self-interest that we do so. This is no fuzzy debate between the realists and the moralists, between those who would make foreign policy with their head and those who would make it with their heart. On this question, realist and moralist are on the same side. And I hope that, as a result of the overwhelming response of the American people through their elected representatives in Congress, the Nixon administration will soon be on the same side. We cannot right the wrongs of the past, Mr. President. But we can try to build a better future by learning from the mistakes of the past. The administration can only do itself credit by granting immediate recognition to the brave people of Bangladesh.

I ask unanimous consent that a list of nations recognizing Bangladesh and a list of cosponsors of the concurrent resolution be printed in the RECORD.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

NATIONS RECOGNIZING BANGLADESH

Australia, Austria, Barbados, Belgium, Bhutan, Bulgaria, Burma, Cambodia, Canada, Central African Republic, Ceylon, Cuba.

Cyprus, Czechoslovakia, Denmark, Federal Republic of Germany, Finland, Fiji, France, Gambia, German Democratic Republic, Greece, Hungary, Iceland.

India, Indonesia, Ireland, Israel, Italy, Japan, Luxembourg, Malawi, Malaysia, Mauritius, Mongolia, Nepal.

Netherlands, New Zealand, Norway, Philippines, Poland, Samoa, Senegal, Singapore, Sweden, Swaziland, Switzerland, Thailand, Tonga, United Kingdom, U.S.S.R., Yugoslavia.

Total—52.

CONCURRENT RESOLUTION 55—COSPONSORSHIPS

Introduced by Senators Saxbe and Hollings.

Allott, Bayh, Bentsen, Case, Chiles, Church, Cranston, Fulbright, Gravel, Harris.

Hart, Hartke, Hughes, Inouye, Javits, Kennedy, Magnuson, Moss, Muskie, Nelson.

Pell, Percy, Ribicoff, Schweiker, Stevens, Stevenson, Tunney, Weicker, Williams.

Total: 31 Senators support Concurrent Res. 55.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the concurrent resolution, as amended.

The concurrent resolution, as amended, was agreed to.

VOLUNTEERS IN THE NATIONAL FORESTS ACT OF 1971

The Senate proceeded to consider the bill (S. 1379) to authorize the Secretary of Agriculture to establish a volunteers in the national forests program, and for other purposes which had been reported from the Committee on Agriculture and Forestry with amendments on page 2, line 2, after the word "Service.", insert "In carrying out this section, the Secretary shall consider referrals of prospective volunteers made by ACTION."; and, on page 3, line 1, after the word "than", strike out "$500,000" and insert "$200,000"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized to recruit, train, and accept without regard to the civil service classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of interpretive functions, visitor services, conservation measures and development, or other activities in and related to areas administered by the Secretary through the Forest Service. In carrying out this section, the Secretary shall consider referrals of prospective volunteers made by ACTION.

SEC. 2. The Secretary is authorized to provide for incidental expenses such as transportation, uniforms, lodging, and subsistence.

SEC. 3. (a) Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) For the purpose of the tort claim provision of title 28 of the United States Code, a volunteer under this Act shall be considered a Federal employee.

(c) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, volunteers under this Act shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than $200,000 shall be appropriated in any one year.

SEC. 5. This Act may be cited as the "Volunteers in the National Forests Act of 1971".

Mr. JORDAN of Idaho. Mr. President, I am pleased that we have before us today S. 1379, a bill which I introduced to establish a volunteers in the national forest program. This bill has attracted widespread support as well as the cosponsorship of 26 of my Senate colleagues, as follows: Senators BAKER, BAYH, BENNETT, BIBLE, CHURCH. CURTIS, DOMINICK, FANNIN, GRAVEL, GURNEY, HANSEN, HART, HATFIELD, HOLLINGS, HRUSKA, HUMPHREY, McGOVERN, McINTYRE, MONTOYA, MOSS, MUSKIE, PACKWOOD, PELL, STEVENS, THURMOND, and TOWER.

Mr. President, this legislation will authorize the Secretary of Agriculture to establish a volunteers in the national forest program similar to the volunteers in the parks program which we approved 2 years ago. These volunteers will be employed to work without compensation in areas administered by the Forest Service, just as the Park volunteers work in the national parks under Park Service supervision.

National forests are found in 40 of the United States covering 186.9 million acres, a quarter of all Federal lands. Forests are an integral part of the country's woodlot, grazing and watershed resources, providing for the needs of industry, agriculture and public recreation, and for ecological balance. Administered by a competent Career Corps, the Forest Service has initiated numerous public services to assist the vast throngs of visitors attracted for activities ranging from rock hunting to skiing or just observing nature. The forests are heavily used now on a year-round basis and a further increase can be expected as more people take advantage of expanded leisure time to seek a temporary escape from urban life among the towering mountains, tall trees and sparkling waterways of the forest domain.

Among the millions of people who go into the forests each year are many who would like to spend more than a brief visit. There are many who would like to participate as volunteers in Forest Service programs but who cannot qualify under Federal employee standards. Others are engaged in unrelated professions and cannot be utilized because of the lack of disability insurance coverage, transportation, and identifying uniforms. The contributions of such people through the volunteers program established in this bill could greatly supplement the work force of the forest rangers who already have heavy responsibilities and tremendous acreage to cover.

The volunteer assistants would not interfere with nor compete with the jobs of career workers and regular seasonal employees. The forest volunteers would be dedicated men and women who are willing to contribute some of their knowledge, experience, and interest to help others derive a greater benefit from the forests and to supplement the outstanding performance of the Career Corps.

Volunteers could assist with tree planting programs, maintaining and refurbishing campgrounds, planting forage for wildlife, and other forest programs. As environmental study assistants they could help acquaint children and adults with an on-the-scene appreciation of nature and the local environment, help build and supervise nature trails for the handicapped, and aid in various educational activities.

As research assistants in history, archeology and natural science they could help staff members develop information which will contribute to man's knowledge and understanding of the forest. They also could help visitors obtain the maximum enjoyment and understanding of the history and the natural and recreational resources of their home forest area.

While they would not receive a salary, the volunteers would be reimbursed for meals, transportation, uniforms, and medical examinations and they would be covered under the Federal Employees' Compensation Act and the Federal Tort Claims Act.

Since the volunteers would be involved in conservation and environmental education and in providing special services to forest visitors without compensation, the public benefit would far exceed the Federal investment. The Forest Service would benefit greatly from such a program and so would the volunteers and visitors to the national forest.

The letters I have received in support of this legislation have come from a wide cross section of the American public—not only from interested persons and conservation groups in the West but also from easterners who want the chance to get out of doors and breathe clear forest air while being of service to their country at the same time.

S. 1379 is a worthwhile bill designed to encourage individual participation in the struggle to improve the Nation's environment, and I strongly urge favorable consideration of it by this Chamber. I note that the House Agriculture Committee has begun action on a companion bill so it appears that there is a good chance that the program can be operational this coming summer.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–696), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION

This bill authorizes the employment of volunteers to work without compensation in areas administered by the Forest Service. The Secretary of Agriculture could provide for incidental expenses, such as transportation, uniforms, lodging, and subsistence. The volunteers would not be considered Federal employees, except for purposes of tort claims and compensation for work injuries.

Volunteers would be used in interpretive activities as needed along the historic trails such as the Lewis and Clark National Historic Trail. They would provide their skills for the development and presentation of visitor programs in connection with interpretive trails, visitation centers, information stations, and amphitheaters. In some cases they may construct or refurbish special projects, for example part of the National Trail System. Volunteers would provide a valuable extension of the environmental education program of the agency on the National Forests and National Grasslands as well as in nearby schools. They would assist in the youth programs operated by the Forest Service such as the Youth Conservation Corps, Job Corps, and Neighborhood Youth Corps.

The duties of the volunteers would include providing special information services to visitors, assisting at historical and special events, increasing the availability of interpretive programs, providing special skills, training volunteers in specialized cases, assisting in special research projects such as historical research of a ghost town, writing brochures on trees, plants, birds, and mammals or other features of interest, working on special projects, and teaching special subjects.

In the past, the Forest Service has accepted the volunteer services of private citizens on a nonappointed basis. These volunteers were not covered under the Federal Employees' Compensation Act nor the Federal Tort Claims Act. This legislation would extend such coverage, plus authorization of such things as meals, transportation, uniforms, awards, and medical examinations as appropriate.

AMENDMENTS

The Department of Agriculture suggested two amendments. The first provided on page 2, line 2, that "The Secretary shall consider referrals of prospective volunteers made by ACTION for the volunteers in the National Forests Program." This amendment, with technical changes only, was adopted by the committee. However, the committee feels that while the Secretary of Agriculture must consider referrals of volunteers made by ACTION, he is under no compulsion to accept such volunteers.

ACTION was established as an independent agency in the executive branch by Reorganization Plan 1 of 1971, effective July 1, 1971.

The purpose of the agency is to bring together within a single agency a number of voluntary action programs from throughout the Federal Government.

These include SCORE; ACE; VISTA; auxiliary and special volunteer programs, including the National Student Volunteer program; Foster Grandparents program; RSVP; Peace Corps; and Office of Voluntary Action.

The second amendment suggested by the Department was a maximum authorization of $100,000 in lieu of the $500,000 provided by the bill. The committee felt that $100,000 might be inadequate to finance the type program envisioned. Therefore, the committee recommended a maximum annual appropriation authorization of $200,000. Many volunteers, with technical knowledge, as well as others, could be used to perform a variety of services leading to the enrichment of visits by the people of this Nation to the National Forest System and to help build a meaningful association between these visitors and the environment of rural America.

COST ESTIMATE

In accordance with section 252 of the Legislative Reorganization Act of 1970 the committee concurs with the estimates of cost of the Department that no operations or expenditures are anticipated in the current fiscal year. The committee estimates costs of about $200,000 for each of the 5 succeeding fiscal years. In such succeeding years costs would vary depending upon the size of the program. Estimates are that costs could vary from $150 to $200 per volunteer. The authorization in the bill would permit a maximum of about 1,333 volunteers at the lower level and 1,000 at the higher level.

DEPARTMENTAL REPORT

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., February 4, 1972.

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 1379, a bill to authorize the Secretary of Agriculture to establish a volunteers in the national forests program, and for other purposes.

This Department recommends that S. 1379 be enacted if amended as suggested.

S. 1379 would authorize the Secretary of Agriculture to accept services of volunteers for or in aid of interpretive functions, visitor services, conservation measures and development, or other activities in and related to areas administered by the Secretary of Agriculture through the Forest Service. The volunteers would be considered as Federal employees in relation to tort claims and compensation for work injuries but not otherwise. Sums as may be necessary to carry out the provisions of the bill but not more than $500,000 in any 1 year, would be authorized to be appropriated.

Enthusiastic volunteers are available to do a variety of things which enrich visits to the National Forest System lands and help build a meaningful association between the visitor and the environment of rural America.

Such volunteers would perform services which complement, but not replace, the efforts of regular career staff.

Volunteers would be used in interpretive activities as needed along the historic trails such as the Lewis and Clark National Historic Trail. They would provide their skills for the development and presentation of visitor programs in connection with interpretive trails, visitation centers, information stations, and amphitheaters. In some cases they may construct or refurbish special projects, for example parts of the National Trail System. Volunteers would provide a valuable extension of the environmental education program of the agency on the National Forests and National Grasslands as well as in nearby schools. They would assist in the youth programs operated by the Forest Service such as the Youth Conservation Corps, Job Corps, and Neighborhood Youth Corps.

The duties of the volunteers would include providing special information services to visitors, assisting at historical and special events, increasing the availability of interpretive programs, providing specialized skills, training volunteers in specialized cases, assisting in special research projects such as historical research of a ghost town, writing brochures on trees, plants, birds, and mammals or other features of interest, working on special projects, and teaching special subjects.

In the past, the Forest Service has accepted the volunteer services of private citizens on a nonappointed basis. These volunteers were not covered under the Federal Employees' Compensation Act nor the Federal Tort Claims Act. This legislation would extend such coverage, plus authorization of such things as meals, transportation, uniforms, awards, and medical examinations as appropriate.

We support enactment of S. 1379 subject to a maximum authorization of $100,000 which would be adequate once the program is fully underway. We do not anticipate any operations or expenditures for the current fiscal year. We also suggest the following sentence be added after "Service," on line 2, page 2: "The Secretary shall consider referrals of prospective volunteers made by ACTION for the volunteers in the National Forests Program."

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSAL OF LEAD

The bill (S. 764) to authorize the disposal of lead from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four hundred ninety-eight thousand short tons of lead now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Providing,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-697), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This bill would authorize the disposal of approximately 498,000 short tons of lead from the national stockpile and the supplemental stockpile. The Director of Emergency Preparedness has determined that this quantity of lead is excess to stockpile needs. The proposal is a part of the legislative program of the General Services Administration for 1971.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of the quantity of lead covered by this bill is based on a determination that it is excess to stockpile requirements and not because it is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

The bill would also authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The total inventory of lead in the national and supplemental stockpiles uncommitted as of October 31, 1971, was 1,136,706 short tons. The stockpile objective as of December 3, 1969, is 530,000 short tons, leaving an excess of 606,706 short tons. In addition to the amount of lead authorized for disposal by this bill, 31,317 short tons remain available for direct Government use under Public Law 89-9 and 77,389 short tons remain available for disposal under Public Law 91-46.

Information on lead

Some of the many uses of lead are in storage batteries, as cable coverings, in ammunition, solder, babbitt and bearing metals, type metals castings, die castings; in construction (piping, sheet, and caulking), in foil and in certain brasses and bronzes. It is also used in tetraethyl lead for gasoline, and in paints and pigments.

Lead is found the world over. Principal sources of mine production are Canada, Mexico, Peru, U.S.S.R., Australia, and the United States.

Method of disposal

The General Services Administration proposes to make the lead covered by this bill available for commercial sale over a period of years. The quantities and timing of disposals will be determined upon evaluation of previous sales and current market conditions. The method of disposal is set forth in section 2 of the bill which provides that, unless otherwise authorized by law, disposals may be made only after publicly advertising for bids, except when (1) the material is transferred to a Federal agency, (2) the Administrator of General Services determines that other methods of disposition are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets, or (3) sales are made pursuant to requests received from other Federal agencies in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the lead in the national and supplemental stockpiles was $288 per short ton. The present market value is about $290 per short ton of metal or 14½ cents per pound.

DISPOSAL OF METALLURGICAL GRADE CHROMITE

The bill (S. 773) to authorize the disposal of metallurgical grade chromite from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one million three hundred and thirteen thousand six hundred short dry tons of metallurgical grade chromite (chromite ore equivalent) now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the materials covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-698), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 1,313,600 short dry tons of metallurgical grade chromite from the national stockpile and the supplemental stockpile and would waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of metallurgical grade chromite is based on a determination that the quantity of this material in the national and supplemental stockpiles is excess to requirements and not because the metallurgical grade chromite is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of the material in the national and supplemental stockpiles as of October 31, 1970, was 5,390,373 short dry tons. The stockpile objective established March 4, 1970, is 3,100,000 short dry tons, leaving an excess of 2,290,323 short dry tons, of which 978,000 short dry tons were previously authorized for disposal.

Information on metallurgical grade chromite

The primary use of metallurgical grade chromite is in the production of ferrochromium for addition to steel and to make other alloying agents. The addition of chrome to steel imparts qualities of hardness, tensile strength and resistance to heat and corrosion. The United States has no domestic supply of this material and the important sources of U.S. supply are the U.S.S.R., Turkey, and South Africa. Domestic consumption of metallurgical grade chromite ore by the metallurgical industry amounted to 898,230 short tons in 1969.

RHODESIAN ORE

At the time this measure was originally considered by the committee in April 1971, sanctions against Rhodesia precluded the importation of Rhodesian ore, formerly one of the principal sources. With the enactment of section 503, Public Law 92–156, the Treasury Department has granted a general license under the Rhodesian sanctions regulations authorizing imports of strategic and critical materials of Southern Rhodesian origin. In light of this, the committee believes that the release of metallurgical grade chromite from the Government stockpiles will not be detrimental to the interests of national defense.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

Sec. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (2) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of metallurgical grade chromite in the national and supplemental stockpiles was $46.82 per short dry ton for ore, $365.24 per short ton for high carbon ferrochromium, $453.52 per short ton for low carbon ferrochromium, and $324.21 per short ton for silicon ferrochromium. The current estimated market price for standard, commercial type metallurgical grade chromite ranges is $55 to $60 per short dry ton (chromium content) for ore, $500 per short ton (chromium content) for high carbon ferrochromium, $760 per short ton (chromium content) for low carbon ferrochromium, and $320 to $360 per short ton (chromium content) for silicon ferrochromium.

DISPOSAL OF NICKEL

The bill (S. 3086) to authorize the disposal of nickel from the national stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

S. 3086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately thirty eight thousand eight hundred and seventy-six short tons of nickel now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Sec. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–699), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The proposed bill is part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 38,876 short tons of nickel from the national stockpile and waive the 6-month waiting period normally required before such disposal could be started. The nickel covered by this bill is excess to stockpile requirements.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of nickel is based on a determination that the quantity of the material in the national stockpile is excess to requirements and not because the material is obsolescent for use in time of war. A determination was made February 9, 1971, that nickel is no longer a stockpile requirement. Express congressional approval for the disposal is required.

The bill would also authorize an immediate start on the disposal of the nickel by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Nickel is one of the most versatile of the alloying materials and its predominating use is as an alloy in the steel industry. Its principal applications are in making stainless steels, high temperature alloys, and monel metal. It is essential in war production for jet engines, aircraft frames, armor plate, electronics, and many other applications; also in magnets, electrical core alloys, and many electronic alloys. Electroplating usage is substantial.

There is no complete substitute for nickel. The nickel supply can be extended by using leaner alloys, reducing plating thicknesses, substituting chromium stainless or other steel when possible, and other such measures. Some interchange between alloys can be made in high temperature alloys, but only to a limited extent and generally at increased cost. Electrolytic manganese metal can be substituted for a part of the nickel content in certain stainless steels.

U.S. mine production of nickel in 1968 amounted to 17,294 short tons, nickel content of ore. In 1969, U.S. mine production was 17,056 tons and an estimated 18,000 tons in 1970. U.S. consumption of nickel was 159,306 tons in 1968, 141,737 tons in 1969, and estimated at 160,000 tons in 1970. Imports of nickel were 147,950 tons in 1968, 129,332 tons in 1969, and estimated at 150,000 tons in 1970. Principal import sources for metal are Canada, 87 percent; Norway, 11 percent; U.S.S.R., 1 percent, and others 1 percent.

Method of disposal

The method of disposal is set forth in section 2 of the bill and provides that, unless otherwise authorized by law, disposals may be made only after publicly advertising for bids, except when (1) the material is transferred to a Federal agency, (2) the Administrator of General Services determines that other methods of disposition are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets, or (3) sales are made pursuant to requests received from other Federal agencies in furtherance of authorized program objectives of such agencies.

In this instance, the General Services Administration has advised that the entire amount of nickel to be disposed of will be turned over to the U.S. Treasury.

FISCAL DATA

The average acquisition cost of nickel in the national stockpile was $1,162.28 per short ton. The current estimated market price for standard, commercial type nickel is $2,660 per short ton. Stockpile nickel may or may not be the same quality or grade as the material quoted above.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the acting minority leader seek recognition?

Mr. PACKWOOD. I do not.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma (Mr. Harris) is recognized for 15 minutes.

(The remarks Mr. Harris made at this point on the submission of Senate Resolution 282, dealing with the plight of minorities in Pakistan and Bangladesh, are printed in the Record under Submission of a Resolution.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Wisconsin is recognized for not to exceed 15 minutes.

(The remarks of Senator Nelson on the introduction of S. 3378, dealing with tax reform, and the ensuing discussion by Senators Tunney, Mondale, Kennedy, and Mansfield are printed in the section of the Record devoted to the transaction of routine morning business under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 30 minutes with a limitation of 3 minutes on each Senator being recognized.

SOUTHEAST ASIA

Mr. MANSFIELD. Mr. President, there has been a good deal of talk about certain issues of paramount importance at the present time, not the least of which has been the issue discussed this morning, the need for tax reform.

There are other issues, such as pollution, busing, the condition of the ghettos, crime, justice, drug control, and the like, all important. However, in my opinion, Mr. President, the most important issue now—and it has been for some years past—is the issue of our involvement in Southeast Asia.

It is brought to our attention because of recent events in Laos and Cambodia. According to the latest reports the Pathet Lao and the North Vietnamese are very close to Long Cheng, the CIA-sponsored base in southern Laos.

According to the latest reports the constitution of the Khmer Republic formerly known as Cambodia, in effect has been overthrown and the position of first responsibility has been taken by Lon Nol.

In Cambodia we are witnessing the folly of the American desire to export its political, economic, and social institutions to foreign lands where they do not need them, do not want them, and should not have them forced upon them.

Two years have elapsed since the overthrow of Prince Norodom Sihanouk and the result has been chaos. Two years later seven-tenths of Cambodia is under the control of hostile forces; and 2 years later, out of an estimated population of 7 million, one-third has become homeless. The net result has been nothing but destruction and ruin.

There is, of course, the makings of a constitutional republic, but when the constitution supposedly was to have been put into effect Lon Nol threw it to one side and said he would not recognize it. So now the constitution and the republic, except in name, have gone down the drain. Marshal Lon Nol dismissed the constitution as unacceptable. He dissolved the assembly and he has taken over complete control as a dictator in his pitiful country.

The South Vietnamese Army, the traditional enemy of Cambodians, is once again penetrating into Cambodia, to the extent of approximately 30,000 or 40,000 troops. Does anyone remember the invasion of Cambodia just about 2 years ago? Does anyone know what has happened since? Well, the North Vietnamese are back where they used to be, in the area of the Parrot's Beak. More of Cambodia is under the control of the North Vietnamese and their allies and more of Cambodia has been destroyed in the meantime.

So I would hope that those who are advocating continued aid to this small country, made up of kindly people—those in the Pentagon, those in the administration, those in the State Department, and those in the aid program—will think and think again, because this is not a prime example of the Nixon doctrine; it is anything but. It proves just how bankrupt the policy of our country has been allowed become, not only in Cambodia, but also in the rest of that part of the world.

Then there is Laos, another small country with a very kindly, peaceful people. What happened there? Hundreds of thousands of Laotians have been made homeless refugees and much of their country has been destroyed. A clandestine army under the control of the CIA has been operating; the overall commander is the proconsul, the U.S. Ambassador to Laos. He is the one who directs operations, tells where the strikes will be, whether they will be on the Plain of Jars or in the region of Long Cheng, the CIA subsidized base which is now under siege.

Much could be said about what happened in these two countries in addition to what happened and what is happening in Vietnam. But it is all a tragedy as far as this republic is concerned. It is the worst tragedy in our entire history.

I think if anything is going to be done it is going to be up to King Savang Vatthana in Laos, SRI, and Prince Norodom Sihanouk, now in exile in Peking, to put their talents and their efforts to use, so that a degree of stability and peace can be returned to their respective countries.

Let us take a look at the statistics. These are not the latest statistics but they are up to February 19, 1972. Combat wounded, Americans, 302,651; combat dead, Americans, 45,650; dead from other purposes, American, 10,077, for a total of 55,727 Americans dead as of February 19, 1972, and total American casualties as of the same date of 358,378.

As far as others are concerned, we find that the South Vietnamese have suffered death losses of 145,414 and other free world forces have suffered deaths of 4,838. It is estimated that the other side has suffered deaths of 796,458.

I ask unanimous consent to insert in the RECORD a table supplied by the Department of Defense, which details these casualties.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SOUTHEAST ASIA CASUALTIES STATISTICAL SUMMARY

The Department of Defense released today the cumulative casualties reported in connection with the conflict in Southeast Asia as of 19 February 1972.

Total U.S. deaths from action by hostile forces is the sum of the following categories: Killed in Action, Died of Wounds, Died While Missing, and Died While Captured. Lines 1 through 4 subdivide casualties by cause or category. Line 5 provides an additional breakdown of the same totals by environment (air or ground). Totals are cumulative from January 1, 1961 through February 19, 1972.

U.S. CASUALTIES RESULTING FROM ACTION BY HOSTILE FORCES

	Army	Navy[1]	Marine Corps	Air Force	Total
1. Killed	25,268	1,057	11,468	462	38,255
2. Wounded or injured:					
a. Died of wounds	3,504	141	1,449	44	5,138
b. Nonfatal wounds:					
Hospital care required	96,588	4,099	51,360	824	152,871
Hospital care not required	104,425	5,861	37,166	2,328	149,780
3. Missing:					
a. Died while missing	1,650	182	5	400	2,237
b. Returned to control	48	7	6	28	89
c. Current missing	245	114	78	575	1,012
4. Captured or interned:					
a. Died while captured or interned	15		3	2	20
b. Returned to control	57	3	5	6	71
c. Current captured or interned	73	146	25	245	489
5. Deaths:					
a. From aircraft accidents/incidents:					
Fixed wing	90	157	140	704	1,091
Helicopter	2,287	66	429	63	2,845
b. From ground action	28,060	1,157	12,356	141	41,714
Total deaths[2]	30,437	1,380	12,925	908	45,650

[1] Navy figures include Coast Guard.

[2] Sum of lines 1, 2a, 3a, and 4a.

COMBAT DEATHS FOR OTHER FORCES IN VIETNAM, SINCE JAN. 1, 1961

	RVNAF[3,4]	Other free world forces	Enemy[4]
6. Total deaths	145,414	4,838	796,458

U.S. CASUALTIES NOT THE RESULT OF HOSTILE ACTION, SINCE JAN. 1, 1961

	Army	Navy[1]	Marine Corps	Air Force	Total
7. Current missing	117		12		129
8. Deaths:					
a. From aircraft accidents/incidents:					
Fixed wing	254	176	45	281	756
Helicopter	1,803	52	242	18	2,115
b. From other causes	4,924	617	1,391	274	7,206
Total deaths	6,981	845	1,678	573	10,077

[3] Does not include paramilitary losses.

[4] Included in adjustments from previous periods and is subject to later adjustment in turn.

Mr. MANSFIELD. Mr. President, if we add all these deaths together, on our side and on the other side, the figure is in excess of 1 million. Furthermore, we have expended in Southeast Asia at least 2½ times the bomb tonnage used in the Second World War in both the Pacific and European theaters, as well as in the Korean war, and the end is not in sight. The bombings are continuing and the number of POW's is increasing, as well as the number missing in action.

I want to give the President credit for drawing down the number of U.S. troops in Vietnam, and for that matter in Thailand, as well.

The number at the moment, I understand, is 108,000, roughly, but by the first of May that is supposed to go down to 69,000. I have no doubt but that it will and around that time the President will very likely announce a further reduction.

But the war is continuing. No progress is being made in Paris, and no end to the war is in sight. I would hope that despite these draw-downs in troop personnel in the Far East, in South Vietnam, in Thailand, in the South China Sea, as well as in the Pacific and the Far East and elsewhere, we would reach the stage shortly when we would be able to withdraw lock, stock, and barrel every American from Vietnam, from Laos, from Cambodia, and from Thailand.

Mr. President, I would hope, in view of the impasse which has been reached in the negotiations in Paris, that the President would consider most seriously setting a date certain, an actual date tied only to the release of the U.S. prisoners of war and the recoverable missing in action.

I would hope that at that time, and on the basis of that date, if this proposal is advanced, we would recognize the fact that the future of Vietnam will be determined not by us, but by the Vietnamese, North and South, themselves. It is their country, whether it is divided into two or three parts or is whole in one. It is their future. It is they who must determine under what conditions they will live, and it is not our responsibility.

South Vietnam has an army of 1,100,000 men at the present time, and reserve forces—paramilitary, militia, and the like—of about 550,000. It has one of the largest armies in the world. It has one of the best equipped navies in the world. It has been subsidized and supported and armed by this country for the last 17 years.

I would hope that we would not forget what is going on in South Vietnam, what is happening to our sons, our brothers, our POW's, who are increasing in number, and not be sidetracked by these other issues, which, while important, are not of the immediacy of the problem which confronts this Nation in South Vietnam, in Laos, in Cambodia, and in Thailand.

This is a real American tragedy, and it has lasted too long. It should be brought to an end, and I hope the suggestion I have made will be given some consideration downtown.

I want to repeat that I recognize and approve of what the President has done in drawing down the numbers from about 550,000 to 108,000 today, down to 69,000 by May 1, and very likely a further reduction beyond that time; but we cannot put our heads in the sand. We cannot be satisfied with just a drawing down in U.S. troops. We cannot be satisfied with a diminution in the numbers of casualties, dead and wounded. And we cannot be satisfied with the fact that, instead of the POW's being reduced in number, and recoverable missing in actions being reduced in number, they are, contrariwise, being increased in number.

Therefore, I hope the proposal I have made will receive consideration. I do not intend to forget that we are involved in a misbegotten, tragic war in Southeast Asia, an area in which we never have had, and do not now have, any vital interest. And the sooner we liquidate it, on a lock, stock, and barrel basis, the better off this Nation will be, and the more possible it will be for us to pay less attention to overseas and to face up to our own difficulties here at home.

We have only so many people, probably 208 million at the present time. We have only so much in the way of resources. Times have changed, and while there may—and I emphasize the word "may"—have been a need, following the Second World War, for this country to be a world policeman, that need has long ago vanished.

So let us live in today and look to tomorrow, and let us divest ourselves of policies and mistakes of the past, which bring nothing but ruin, nothing but death and destruction, and nothing but huge outlays to this Republic.

Mr. President, I ask unanimous consent that an article by Mr. David Brinkley, published in the Boston Globe of the 7th of this month, entitled "Vietnam * * * Biggest Blunder in U.S. History * * * the Biggest," an article in U.S. News & World Report under date of January 3, 1972; and an editorial carried in the Philadelphia Inquirer of March 21, 1972, be incorporated in the Record at this point; but before the Chair rules, may I say that those who study the figures in the U.S. News & World Report article should keep in mind that considerable changes have occurred in the drawdown of U.S. troops, a further decline in Southeast Asia, in Latin America, and in other areas, except for Western Europe.

So with that proviso, Mr. President, I renew my request.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Boston Globe, Mar. 7, 1972]

Vietnam . . . Biggest Blunder in U.S. History . . . the Biggest

(By David Brinkley)

(David Brinkley made the following commentary March 2 (David Brinkley's Journal) during John Chancellor's NBC news program (Ch. 4)).

The Senate voted to raise the price of gold—to make official what had happened already—the devaluation of the dollar. Meaning that in relation to other currencies the dollar is worth less.

To a great extent it's one more side effect of the Vietnam War. One of many. The others are familiar:

An inflation that already made the dollar worth less, even before it was devalued.

The loss of about 50,000 young Americans and the wounding of a quarter of a million more.

The killing of hundreds of thousands of Vietnamese women and children and the physical devastation of their country.

The waste of far more than $100 billion of the American taxpayers' money that would have been spent on something useful. Plus another $100 billion added to the Federal debt.

Serious damage to the morale and discipline of the American armed forces themselves, not to speak of young soldiers hooked on Vietnamese heroin.

Severe disorders in the United States, riots and killing, anger and alienation of a generation of young Americans, more hostility in a country already having too much.

A reduced public confidence in their political system.

Plus My Lai, draft evaders, profiteering and a great deal more.

All of it taken together, make the Vietnam War the biggest blunder in American history. The biggest.

We build monuments to our successors. As a reminder in the future, we might build a monument to this, a historic blunder.

They might also put a speaker's platform on it and require that any future political leader anxious to join other countries warmongers make his speeches from this platform. To persuade anybody, a speech from that platform would have to be pretty good.

[From the U.S. News & World Report, Jan. 3, 1972]

U.S. Forces Abroad—Biggest Drop in 16 Years

At the turn of a new year for U.S. servicemen stationed overseas, this fact stands out: Continuing massive withdrawals have cut, nearly by half, the number of Americans based abroad at the height of the Vietnam war—from 1.3 million in 1968 to 781,000 now.

In 1971 alone, the number of GI's abroad was reduced more than 220,000—the sharpest one-year drop in 16 years.

As a result, there are fewer American troops abroad than at any time in the past six years.

These sharp cutbacks reflect not only the winding down of the U.S. ground role in Vietnam, but also the closing of overseas bases in line with the "Nixon Doctrine" of emphasizing material aid rather than troops for U.S. allies.

Even so, about a third of America's 2.6 million men in uniform still are stationed in foreign lands or on ships patrolling foreign waters as 1972 gets under way.

As the map and tables on these pages show, the bulk of American servicemen overseas are based either in Europe or Southeast Asia. The tables also indicate the changing pattern of U.S. strength abroad. Area by area, these are the main shifts that have occurred in the past year:

(Maps and tables not reproduced in the Record.)

In South Vietnam, U.S. military manpower was cut by half during the year, down 172,700 from a year ago to 171,000 today. The total is 363,000 below what it was when the reductions began. It is to go down to 139,000 by February 1 and could be down to 45,000 by next autumn, depending upon the level of enemy activity.

In nearby Thailand, where much of the war's air support is based, U.S. withdrawals totaled 6,400 men in '71.

At sea off the Vietnamese coast, one U.S. aircraft carrier has been moved out, leaving only one still on station at all times in the war zone. Along with the transfer of other U.S. naval vessels to the Vietnamese, this shift has resulted in pulling back about 6,000 American sailors, with 13,000 remaining in the Vietnam area.

LONE DIVISION LEFT IN KOREA

All told, winding down of the war accounts for pulling back about 185,000 servicemen during the year. But thousands more have been withdrawn from other parts of the world, for other reasons.

In South Korea, for instance, increased strength of that U.S. ally has resulted in a pullback of 9,000 troops from the American forces based there, including one of the two Army divisions long stationed in Korea. This cuts U.S. strength there from a high of 64,000 men at the time of the *Pueblo* crisis in early 1968 to 43,000 now.

In the Philippines, American strength dropped during the year by about 2,000 men, to a current level of 18,000.

In Japan, where the need for U.S. military aid also has declined, about 9,000 American servicemen were pulled out during the year, leaving 30,000 U.S. airmen and sailors based in that country.

On the two big Pacific islands bases, there have been other major pullbacks.

U.S. troop strength declined by 7,500 on Okinawa during the year, to a level of 45,000, principally because of cuts in the Marine and Air Force units stationed there. And another 4,000 servicemen were withdrawn from Guam, a U.S. possession, leaving about 10,000 men still assigned, mainly to the Air Force bomber base or the Navy Polaris submarine base there.

Elsewhere in the Pacific, the Seventh Fleet has kept at about the same strength level, roughly 52,000 men.

SOME TOKEN REDUCTIONS

In Europe and the Mediterranean, meanwhile, token cuts were made and major cuts discussed during the year. Biggest withdrawal thus far has been from West Germany, with 5,000 GI's returned to the United States. But this still leaves 215,000 servicemen in Germany—the largest body of U.S. troops in one country overseas.

U.S. troop strength, officially reported, has remained constant in Britain, Spain, Italy and Greece. It has actually increased by 1,000 in Belgium, as a result of a beefing up at North Atlantic Treaty Organization headquarters near Brussels.

Despite strong budgetary pressures, the U.S. Sixth Fleet, stationed in the Mediterranean, has remained at a strength of 21,000 men, operating a force of between 35 and 45 warships over the past year.

In India, a small American "listening post" was disclosed during the year, apparently established to monitor the activities in Communist China and possibly to replace the communications bases that the United States once maintained in Pakistan.

Defense Department officials will say only that the number of American servicemen now manning this installation is "well under 1,000 men."

In other places overseas, smaller troop withdrawals have taken place during the year for a variety of reasons. U.S. forces stationed in the Panama Canal Zone, for instance, were pared down from 12,000 to 11,000 men. American troops based on Guantánamo, in Castro's Cuba, were reduced in strength from 4,000 to 3,000, those in Puerto Rico from 8,000 to 6,000.

In addition, troops manning a U.S. communications base in Ethiopia were trimmed from 1,600 to 1,500. And U.S. airmen stationed in Morocco have been reduced in number from 2,000 to 1,700.

There have been some small increases in troop strength at a few U.S. bases overseas during the year—principally the new American naval bases under construction in Australia and on the tiny island of Diego Garcia in the Indian Ocean.

Despite the massive net withdrawal of U.S. troops from overseas stations in 1971, American military force abroad remains stronger by about 200,000 men than it was before the Vietnam-war build-up.

Compared with the 781,000 GI's overseas now, the United States in mid-1964 maintained 583,000 servicemen abroad—of whom 440,000 were shore-based and 143,000 were aboard naval ships at sea.

FOR THE FUTURE

The outlook now, defense officials say, is for U.S. strength overseas to level off and remain fairly constant for the next few years.

Troop withdrawals from Vietnam are expected to continue at about their present pace in coming months, arriving at a residual force of 45,000 men—possibly fewer. U.S. strength in Thailand, nearly all of it devoted to air support, is expected to hold at about 25,000 to 30,000 men over the two years just ahead.

Massive cutbacks could be in the cards for Okinawa and Japan, however, when the former reverts to Japanese rule and Tokyo takes on an increased role in its own defense.

In the Middle East area, the Sixth Fleet is expected to remain at close to current strength, despite some congressional pressure to beef it up to offset the growing Russian presence in the Eastern Mediterranean.

Cutbacks in U.S. forces based in Europe will continue to be urged in Congress. But defense officials expect little or no change in the present American strength assigned to NATO, barring agreement with the Russians on mutual and balanced force reductions in Europe.

INDIAN OCEAN PLANS

An increased U.S. presence in the Indian Ocean area will be evident, in turn, when the planned bases in Australia and Diego Garcia are fully manned. The Navy also has been studying a shift in part of the Seventh Fleet to patrol off the East African coast.

Some Pentagon authorities, in fact, say that the U.S. naval force in the Indian Ocean area could number as many as 10,000 men over the next five years—depending upon a go-ahead from the White House.

Over all, military sources report that the prospect over the next two years is for a very gradual further reduction in U.S. military strength overseas. Withdrawals could be stepped up only if a major agreement on force levels is reached with the Soviet Union—or quickly reversed if the President responds to a new emergency in the Middle East or elsewhere.

[The Philadelphia Inquirer, Mar. 21, 1972]

AGAIN, THE LESSON IS CLEAR: UNITED STATES CAN'T REMAKE THE WORLD

Once again, this time in Cambodia, we are witnessing the folly of the American urge to export its political, economic and social institutions to foreign lands.

Two years have now passed since Marshal Lon Nol took control of Cambodia in the name of progress and with the material and moral support of the United States. In those two years, he appealed for military aid against Communist insurgence, received it in the form of more than 30,000 American and 40,000 South Vietnamese troops, later withdrawn, and renamed Cambodia the Khmer Republic.

In that time also, work has been going on in the delicate business of fashioning a constitution. With the work almost complete, the Constituent Assembly announced that the new basic document they proposed would make the Khmer Republic a republic indeed—with a National Assembly holding real power, along with a president and premier.

Marshal Lon Nol promptly dismissed the constitution as unacceptable, disssolved the Assembly, and put out enough armed guards to assure compliance. He declared himself president, commander in chief of the armed forces and premier.

Thus any hint of democracy—the rationalization for United States intervention and endless tinkering with Khmer's domestic affairs—disappeared.

And soon after that, a new offensive against the Communist menace the world has been hearing about for a generation mobilized 40,000 South Vietnamese troops at the Khmer border. Thousands invaded U.S. B–52s bombed day after day. "We are saturating the area," a senior South Vietnamese officer said of the new incursion. "It is our purpose to destroy everything we can."

They would do well to work quickly while there is something left to destroy in what once was a slow-paced, peaceful and majestically beautiful country. In the last two years, the effect of American, and American-sponsored, policy has been to make homeless an estimated one third of the Khmer population of 7 million and to provide rampant corruption by a handful of the ruling and military elite—many of whom are fleeing now to safer bases with their pelf.

For all our dismay with Communism or other totalitarian forms of government, it is hard to argue that any indigenous administration could come close to producing the misery and slaughter which is the daily life in most of Indochina today.

But small chance, in Vietnam or in the Khmer non-republic, so long as the present U.S. Asian policy continues. For U.S. aid to the Lon Nol regime is flowing in at a rate of more than $300 million a year, and the Nixon Administration in its latest military aid requesting to Congress, shows no sign of reversing that policy.

To the contrary. The powerful voices in the Pentagon and other bureacracies and in Congress—which sponsored America's Vietnamese intervention are still being heard. Their bankrupt argument that U.S. armed might and economic force can refashion an Asian nation into a mini-America holds sway today. As a matter of fact, in a view at least not publicly recanted, President Nixon said last fall that "Cambodia is the Nixon doctrine in its purest form."

The results suggest, however, that all to be found in pure form there is the folly of a fundamentally false premise.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BYRD of West Virginia) laid before the Senate the following letters, which were referred as indicated:

LIST OF CONTRACT AWARD DATES

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a list of contract award dates, for the period March 15–June 15, 1972 (with an accompanying paper); to the Committee on Armed Services.

STATISTICAL SUPPLEMENT, STOCKPILE REPORT

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, the Statistical Supplement, Stockpile Report to the Congress, for the period ended December 31, 1971 (with an accompanying document); to the Committee on Armed Services.

PROPOSED AMENDMENT OF FEDERAL CIVIL DEFENSE ACT OF 1950

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Extensive Use of Military Personnel in Civilian-Type Positions", Department of Defense, dated March 20, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improvements Needed in Manpower Training at The Boston Skills Center", Department of Labor, Department of Health, Education, and Welfare, dated March 21, 1972 (with an accompanying report); to the Committee on Governemnt Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "More Effective Use Could be Made of Program Resources to Alleviate Unemployment", Economic Development Administration, Department of Commerce (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improved Use of Cargo Space on Ammunition Ships by Better Planning", Department of Defense, dated March 21, 1972 (with an accompanying report); to the Committee on Government Operations.

Proposed Amendment of the Trademark Act

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees (with accompanying papers); to the Committee on the Judiciary.

Correction of Report Relating to GS–16, GS–17, and GS–18 Positions

A letter from the Chairman, U.S. Civil Service Commission, transmitting, for the information of the Senate, a correction of the report relating to GS–16, GS–17, and GS–18 positions, submitted under date of January 31, 1972 (with an accompanying paper); to the Committee on Post Office and Civil Service.

Prospectus for Alterations at the Agriculture Administration Building

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at the Agriculture Administration Building in Washington, D.C. (with accompanying papers); to the Committee on Public Works.

PROPOSED ACTION ACT OF 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a communication from ACTION relative to the Peace Corps, Volunteers in Service to America, and National Older Americans Volunteer program be jointly referred to the Committees on Foreign Relations and Labor and Public Welfare for their consideration of the legislative matters falling within their respective jurisdictions.

The PRESIDING OFFICER (Mr. Bentsen). Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MANSFIELD (for Mr. Jackson), from the Committee on Interior and Insular Affairs, without amendment:

S.J. Res. 193. Joint resolution to redesignate the area in the State of Florida known as Cape Kennedy as Cape Canaveral (Rept. No. 92–704).

By Mr. BYRD of West Virginia (for Mr. Bible), from the Committee on Interior and Insular Affairs, with an amendment:

S. 3153. A bill to amend the act of January 8, 1971 (Public Law 91–660; Stat. 1967), an act to provide for the establishment of the Gulf Islands National Seashore in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes (Rept. No. 92–705).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. NELSON (for himself, Mr. Hart, Mr. Kennedy, Mr. Mondale, Mr. Church, Mr. Eagleton, Mr. Harris, Mr. Hughes, Mr. Humphrey, Mr. McGovern, Mr. Metcalf, and Mr. Tunney):

S. 3378. A bill to raise needed revenues by gearing the income tax more closely to an individual's ability to pay, by broadening the income tax base of individuals and corporations, by integrating the gift and estate taxes, and by otherwise reforming the income, estate, and gift tax provisions. Referred to the Committee on Finance.

By Mr. SPONG (for himself and Mr. Byrd of Virginia):

S. 3379. A bill to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system." Referred to the Committee on the District of Columbia.

By Mr. MOSS:

S. 3380. A bill to permit immediate retirement of certain Federal employees. Referred to the Committee on Post Office and Civil Service.

By Mr. MONTOYA (for himself, Mr. Randolph, and Mr. Cooper):

S. 3381. A bill to establish a national development program through public works investment. Referred to the Committee on Public Works.

By Mr. JAVITS (for himself and Mr. Williams, Mr. Beall, Mr. Cranston, Mr. Pearson, Mr. Pell, Mr. Ribicoff, Mr. Schweiker, Mr. Stevens, Mr. Stevenson, and Mr. Tunney):

S. 3382. A bill to amend the Elementary and Secondary Education Act of 1965. Referred to the Committee on Labor and Public Welfare.

By Mr. THURMOND:

S. 3383. A bill to amend the Internal Revenue Code of 1954 to encourage the use of recycled oil. Referred to the Committee on Finance.

By Mr. MANSFIELD (for Mr. Jackson) (for himself and Mr. Allott) (by request):

S. 3384. A bill to amend the Water Resources Planning Act to authorize increased appropriations. Referred to the Committee on Interior and Insular Affairs.

By Mr. NELSON:

S. 3385. A bill to provide for the free entry of five carillon bells for the use of the University of Wisconsin, Madison, Wis. Referred to the Committee on Finance.

By Mr. WILLIAMS (for himself and Mr. Javits):

S. 3386. A bill to amend the Labor Management Relations Act, 1947, to permit employee contributions to jointly administered trust funds established by labor organizations to defray costs of legal services. Referred to the Committee on Labor and Public Welfare.

By Mr. BEALL:

S. 3387. A bill for the relief of Lt. Comdr. Ralph Wayne Tobias, U.S. Navy (retired). Referred to the Committee on the Judiciary.

By Mr. HRUSKA:

S. 3388. A bill to impose a moratorium on new and additional student transportation. Referred to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 3389. A bill to amend section 304, title III of the International Claims Settlement Act of 1949, as amended, to provide for additional claims for payment out of the Italian Claims Fund. Referred to the Committee on Foreign Relations.

S. 3390. A bill to amend the Foreign Assistance Act of 1961, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. BEALL (for himself, Mr. Javits, Mr. Taft, Mr. Packwood, and Mr. Schweiker):

S. 3391. A bill to provide for the continuation of programs authorized under the Older Americans Act of 1965, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON (for himself, Mr. Dominick, Mr. Eagleton, Mr. Williams, Mr. Gravel, Mr. Mansfield, Mr. Stevens, and Mr. Tunney):

S. 3392. A bill to amend the National Science Foundation Act of 1950 so as to provide for a program relating to earthquakes. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON (for himself, Mr. Hart, Mr. Kennedy, Mr. Mondale, Mr. Church, Mr. Eagleton, Mr. Harris, Mr. Hughes, Mr. Humphrey, Mr. McGovern, Mr. Metcalf, and Mr. Tunney):

S. 3378. A bill to raise needed revenues by gearing the income tax more closely to an individual's ability to pay, by broadening the income tax base of individuals and corporations, by integrating the gift and estate taxes, and by otherwise reforming the income, estate, and gift tax provisions. Referred to the Committee on Finance.

TAX REFORM ACT OF 1972

Mr. NELSON. Mr. President, on behalf of Senators Church, Eagleton, Harris, Hart, Hughes, Humphrey, Kennedy, McGovern, Metcalf, Mondale, Tunney, and myself I am introducing comprehensive legislation to reform the Federal tax system. I send to the desk for appropriate reference this tax reform bill.

Mr. President, tax reform is an urgent national priority. Our system for raising Government revenues contains grave inequities; and the average taxpayer knows it.

The rich frequently pay less than the poor; many of the very rich pay nothing at all. And the average wage-earner carries a disproportionate share of the burden.

Nowhere in our society is there a greater gap between promise and reality.

The 16th amendment to the Constitution empowered Congress to levy taxes on "incomes, from whatever source derived." In fact, some income is taxed at preferential rates, some is not taxed at all, and some does not even have to be reported to the Government.

Our tax system is supposed to be progressive—to tax people according to their ability to pay. But the opposite is the case. Figures reported by the chief of the Census Bureau's Population Division show that in 1968, the middle-income worker making $8,000 to $10,000 paid Federal, State, and local taxes at the same rate as the worker earning $25,000 to $50,000. And the man with less than $2,000 is taxed at about the same rate as the man making over $50,000.

This result is unfair, discriminatory, and totally indefensible as a tax policy.

And it has been getting worse.

On three separate occasions over the last 8 years, we have reduced one or the other of our two progressive taxes—the personal income tax and the corporate profits tax. The Revenue Act of 1971 alone reduced corporate tax rates by 15 percent—the largest tax cut for the corporations in American history. Meanwhile, there have been dramatic increases in such regressive levies as the social security tax.

One of the more oppressive taxes—the local property tax—has now risen about as far as it can go. Increasing local government costs have forced it up so that now it places an excessive burden on millions of Americans—many of whom live on fixed incomes.

The overall result is a tax system which takes more from those who can least afford it, and less from those who can.

Most people now agree that something must be done about taxes. In a recent Harris poll, 69 percent said they could sympathize with a "taxpayers' revolt." Eighty-two percent felt that "the big tax burden falls on the little man in this country today." Sixty-four percent agreed that taxes have reached the breaking point.

Reform is long overdue.

Over the years privileged financial sanctuaries, tax preferences, and loopholes have been written into the tax structure under various guises. Sometimes they have been justified as serving some important social purpose or promoting the general economic welfare. More often than not they simply reflect the general tendency of the political and economic power structure within any society to design laws that best serve the interests of that privileged group.

Anyone who has ever given serious thought to reforming the tax system is well aware that it is a knotty, difficult political exercise precisely because the most powerful economic interest groups are the beneficiaries of the great bounty that flows from the inequities. They represent a potent, organized, cohesive political force which has not been counter balanced in the past by any significant political pressure from the vast, unorganized silent majority. These privileged classes of taxpayers and the various associated groups of peripheral beneficiaries represent, in fact, the very heart of the political power structure in our society.

There is nothing unusual or mysterious about it. The establishment in every society has always legislated to protect and enhance the interests and welfare of the power structure. This is true regardless of the ideological nature of the political system.

Now, however, a great change is rapidly taking place all across the country. Powerful forces for tax reform are coalescing into a potent constituency for the first time.

It is happening, as most things seem to happen in this country, because of a crisis. States and local governments are in serious fiscal trouble. Governors and mayors are pleading for financial assistance. The burdens of the property tax and financial support of the school system have become a major topic of discussion at the national level for the first time. And, finally, tax sharing has become an important part of the political dialog of the country.

The President, presidential candidates, and political leaders of both parties have brought the issue up front for discussion with reform proposals of various kinds. In a message to the Congress in September of last year, the President said he would send a tax reform proposal to the Congress this year. The President and his Cabinet members have made it clear that the tax reform they are talking about is in the form of a national sales tax—called a value-added tax—to be used to relieve the property tax. Secretaries Connally and Richardson both defended the value-added tax in recent testimony before the Finance Committee. Secretary Richardson argued that a value added tax would not be an additional tax because it would be used only as a replacement for the property tax which is simply another regressive tax.

The value-added tax would add substantially to the already onerous tax burden on lower- and middle-income people. It would be inflationary since the new tax would be added to the price of the product.

But whatever its merits or shortcomings, this is not the kind of tax reform that tax experts, Members of Congress, the press, and the public have been talking about. Certainly, as suggested by the President, property tax relief on some equitable basis is one of many plausible methods of revenue sharing. However, it is hardly defensible to levy a sales tax to relieve property taxes while leaving massive amounts of privileged income undertaxed or not taxed at all. A value-added tax may be a defensible proposal at some time for some purpose, but it is not a defensible proposal at this time for this purpose.

Two years ago, the Congress enacted the Tax Reform Act of 1969. This was a beginning, but it was no more than that. Many of the worst tax loopholes were left untouched. Today, our tax system is widely regarded as a national disgrace.

As a substantial step toward reform, I am proposing the Tax Reform Act of 1972, a comprehensive program to close tax loopholes.

This proposal will give dramatic and critically needed financial assistance to State and local governments. The total amount in tax sharing would be $17 billion—$16 billion for education and/or property tax relief plus $1 billion additional aid to States and municipalities by providing that the Federal Government will pay 50 percent of the interest cost for State and municipal bonds.

First. This legislation would raise about $16 billion a year in new revenue, to be distributed to State and local governments. This does not include the above-mentioned $1 billion. This money could be distributed by a number of different formulas. This proposal is that the money be used directly to reduce property taxes, or in the alternative, to pay part of the costs of local education. This method of distribution follows the lines of the proposal under consideration by the President, although the revenue source is different.

Second. The new funds should be distributed to the States based on a formula which gives each State an amount proportional to its share of the population of the Nation. A breakdown of this distribution by States is attached. Under this formula, Wisconsin would receive $347 million annually.

Third. Distribution of these funds for education would pay almost 40 percent of the total State and local costs of primary and secondary education nationwide, and about 34 percent of these costs in Wisconsin. These percentages are based on figures for the current school year. This would result in substantial property tax relief.

Fourth. Or, if these funds were used directly for property tax relief, it would have paid for 44 percent of total property taxes on all homes, farms, and businesses, nationwide in 1971. In Wisconsin, property taxes could have been reduced 30 to 34 percent across the board—the percentage reduction is less because Wisconsin relies more heavily on this tax than the average State.

Fifth. Finally, if we consider only that portion of the property tax that goes to finance the local schools, the $16 billion of new revenues would have paid for 87 percent of that cost nationwide, and 50 percent in Wisconsin.

Note: figures for 1971 are used since that is the most recent year for which they are available.

The tax changes proposed here would constitute significant reform. They would translate the tax sharing rhetoric of the administration into meaningful reality. Any amount of tax sharing significantly less than $16 billion is merely a temporizing ritual rather than a fundamental attack on the problem.

Obviously some of the provisions of this bill will prove controversial. Supporters of reform and cosponsors of this bill are not equally committed to every detail of each provision, but it is recognized that substantial reform accompanied by massive financial assistance to State and local governments is an important national priority.

The test question is whether when considered as a whole, the reforms proposed are a substantial improvement over the present situation. By that test, the answer is overwhelmingly in the affirmative.

Although it will be strongly attacked by those with a vested interest in the present tax structure, this is not a radical program. It represents a compromise between what would be an ideal tax reform and what it may be possible to accomplish at this stage in history.

It does not close every loophole. Rather, it concentrates on those provisions which are most unfair, and on which there is widest agreement among the experts. It incorporates a number of the recommendations made by the Treasury Department in its comprehensive "Tax Reform Studies and Proposals of December 1968." It has benefited from the assistance and advice of some of our most eminent tax lawyers and economists.

One area that most of the tax experts agree is badly in need of reform is capital gains.

Under present law, the Federal Government taxes only 50 percent of any increase in the value of property—such as real estate or corporate stock—held over 6 months. The other 50 percent is tax-free.

This one provision removes about $16 billion from Federal taxation. It costs the Federal Treasury almost $8 billion a year in lost revenue.

Nothing could be more unfair. The average worker who must live off his hard-earned wages is taxed at regular income tax rates. But the rich man can invest his wealth, and then simply wait—without lifting a finger—until it has increased in value. At that point, 50 percent of his gain goes tax-free.

Defenders of capital gains like to invoke the myth of the small investor who supposedly would be hard hit if this tax preference were to end.

In fact, only one taxpayer in 12 receives any capital gains. Only 5 percent of those earning under $10,000 receive any; and this group receives only a little over 1 percent of the total tax giveaway. Meanwhile, 88 percent goes to families earning over $25,000. Over half goes to people earning over $100,000.

But that is not the end of it. Many capital gains beneficiaries pay no tax at all. This is because no capital gains tax is due on property held until death.

Suppose a taxpayer bought $5 million of stock in 1950. The company has flourished, and the stock is now worth $15 million. If he sells the stock, the taxpayer pays the capital gains tax on the $10 million increase in value. But if he holds the stock until he dies, neither he nor his heirs ever pays any capital gains tax on the $10 million.

The best long-term solution to the capital gains loophole is to treat these gains like other income. Indeed, I will shortly introduce legislation to do just this. The investor would pay tax on 50 percent of the first $10,000 of gains in any one year, but above that he would pay tax on the whole gain. This proposal will be introduced and considered separately from the tax reform package because it is a much more dramatic reform and is not as widely supported as the other provisions of this bill.

But the proposal here is not so broad. It closes the major loophole in the transfer of property at death. It provides that capital gains shall be taxed at death as proposed both by President Kennedy and by the Treasury Department in its comprehensive study of 1968. This alone would add $2 billion to Federal revenues.

Another serious loophole is the oil depletion allowance. This allows oil men to receive 22 percent of their income tax free.

In theory, the oil man gets the depletion allowance because his well is being "used up," in the same way that a businessman receives depreciation as his plant and machinery are wearing out.

There is one big difference, however. A businessman can claim depreciation on a machine up to the amount that it cost him. But the oil man can receive the depletion allowance year after year as long as the well is producing.

The result is hardly surprising. According to Treasury estimates, the cost of the average oil well was recovered 19 times in 1966. Meanwhile, the 20 top oil companies were making profits of $4¾ billion and paying taxes at the rate of only 8½ percent.

There is no good reason why the oil industry should receive this special treatment. Indeed, the Consad study prepared for the Treasury in 1968 concluded that total elimination of percentage depletion would have a minimal effect on our oil reserves.

However, the Tax Reform Act of 1972 follows the more modest proposal made by President Truman in 1950: it would simply reduce percentage depletion to 15 percent, thus saving the Treasury over $400 million a year.

But not all the tax loopholes are as simple as capital gains and oil depletion. Some of them actually serve a socially useful purpose.

Consider, for instance, the tax exemptions for State and local government bonds.

Because the interest from these bonds is tax free, investors are willing to buy them at lower interest rates. As a result, hard-pressed local governments can raise funds at a relatively low cost with a saving to the local taxpayer.

This is one loophole that appears to make sense.

But the appearance is misleading. In fact, this is an extremely wasteful way of helping State and local governments. And the beneficiaries of this waste—as usual—are the very rich.

Here is how it works. Suppose corporate bonds are paying 7 percent, while tax-free local government bonds pay 4 percent.

For the average wage-earner, his $100 corporate bond yields him $7. He pays $1.30 in Federal taxes, but the remainder—$5.70—is still more than the $4 he could get from tax-exempt bonds. However, for the millionaire—in the 70 percent tax bracket—the $7 corporate bond dividend really means $2.10 in income, because $4.90 goes to the Federal Government in taxes. Obviously, he will prefer the $4 dividend, tax-free.

In short, here is another tax give-away that benefits only the rich.

True, this provision saves local governments about $1 billion in interest costs. But the Federal Treasury loses about $2 billion in tax income. The difference is about $1 billion, of which over 80 percent goes to the richest one percent of the population.

The proposal in this bill allows local authorities the choice of continuing to issue tax-exempt bonds, or of issuing taxable bonds and having the Federal Government pay 50 percent of the interest cost. Since the 50 percent interest subsidy is worth much more than the lower interest cost resulting from the tax exemption, State and local governments will have a strong incentive to issue taxable bonds. At the same time, the new provision in no way violates their freedom of choice.

A similar proposal was passed by the House in 1969.

The effect of this change is to give an additional $1 billion of Federal funds—now benefitting investors—to State and local governments. Indeed, combined with the $16 billion that would be returned directly to State and local governments under my proposal, this in effect makes a total of $17 billion that could be used to finance the local schools, or pay for property tax relief.

Numerous other tax changes are also needed.

We should substitute a $150 credit for the $750 personal exemption. At present every taxpayer gets a $750 deduction for each member of his family.

The problem is that this deduction is worth $105 to the low-income taxpayer and $525 to the man in the 70-percent bracket. A $150 credit would put everyone on the same footing, give a sizable tax cut to most lower- and middle-income families, and raise $1.9 billion for the Federal Treasury.

We should repeal the accelerated depreciation system—ADR. Originally, we were told that this depreciation speed-up would help the economy because it would encourage businessmen to invest more, and this, in turn, would create jobs. But the ADR system has now been in effect over a year, and it is hard to find an economist who believes it has helped anyone but corporate stockholders. Meanwhile, it is costing the rest of us about $3 billion a year.

We should close the real estate loophole. A rich investor can put up an apartment building, take accelerated depreciation on it, and use the depreciation to shelter from tax his other ordinary income, such as salary and dividends. Moreover, if he then sells the building at a profit, he can frequently receive favorable capital gains treatment on part of it. Changing these provisions will increase Federal revenues by up to $1 billion annually.

We should beef up the minimum tax adopted in the 1969 Tax Reform Act. This provision was supposed to end tax avoidance by the rich, by making even loophole income subject to a small tax. Unfortunately, the minimum tax has turned out to be a gentle "love tap" to the rich. This is because some income is not subject to the minimum tax; there are overgenerous exemptions; and the tax is only 10 percent—about the average rate paid by the taxpayer earning $12,000 a year. Changing these features will raise $3 billion a year.

These eight proposals described so far will raise over $11 billion a year in new Federal revenues. There are 47 other proposed changes in the Tax Reform Act of 1972. Together, these would raise well over $5 billion a year, to bring the annual total for the whole bill to over $16 billion.

The exact formula for distributing

these funds within a State has yet to be worked out. Certainly, it should give relatively greater assistance to areas of major need. Recently, at President Nixon's request, a comprehensive study of this question was started by the Advisory Commission on Intergovernmental Relations, an organization of Federal. State, and local government officials plus representatives of the public. This study is now in progress.

In the attached charts, it has been assumed—for illustrative purposes—that all the new Federal revenues are distributed to the States on the basis of population, and that the States use the funds to cut property taxes.

These charts suggest the tremendous impact that the $16 billion of tax reform revenues could have nationwide in reducing property taxes directly or in paying local education costs.

In the charts, column 1 gives the present property tax rates in every Wisconsin community; column 2 gives the rates that would result from a 30-percent reduction. For instance, Milwaukee would go from $45 per thousand to $31.5 per thousand.

Alternatively, if the new funds were used to cut only that portion of the property tax going to education in Wisconsin these taxes could be cut in half. In the charts, column 3 shows the property tax rates for education, and column 4 shows the results of a 50-percent reduction in these rates.

Although the formula for distributing the new Federal funds must await the report of the Advisory Commission on Intergovernmental Relations, one change can—and should—be made now: property tax relief for the low-income elderly.

Property taxes place a particularly onerous burden on retired people. According to the Senate Special Committee on Aging, hundreds of thousands of older Americans are being driven from their homes because of prohibitive property taxes and maintenance costs.

Under this proposal, in addition to the property tax relief resulting from the tax sharing program already described, the Federal Government would rebate part of the property taxes paid by homeowners over 65 with less than $6,000 in income. The portion of the property tax rebated would depend on the individual's income. For instance, if household income is $1,000, 75 percent of the property tax—up to $270—would be rebated. If household income is $3,000, the homeowner would have to pay the first $60 in property taxes, and 75 percent of the remainder—up to $225—would be rebated. Finally, at $6,000, the rebate would be phased out.

This proposal would cost an estimated $600 million. Similar programs exist in Wisconsin and several other States but the eligibility levels are usually far below $6,000.

Of course, property tax relief for the elderly is only a small part of a much larger problem. The State supreme court decisions undermining the use of local property taxes in financing education have made some form of general property tax reform inevitable.

But to finance this reform, a comprehensive program to plug tax loopholes is far preferable to a new, national sales tax.

A major tax reform effort of this kind would make our tax system much more equitable. And it would allow taxes to be reduced for overburdened middle- and lower-income taxpayers.

Finally, it should be noted that the President's Commission on School Finance filed its report a few days ago. Its most important recommendation was that the States take over from the local districts the major burden of financing the schools. In view of the recent court decisions on the inequities of the locally levied property tax for school purposes, it is inevitable that some such alternative method will necessarily be adopted. The Commission boldly described the problem. It stated that the system of public schools "is, today, in serious trouble, and if we fail to recognize it, our country's chance to survive will all but disappear." While their description of the crisis was bold, their solution was not. In view of their own conclusion one would think they might suggest a solution commensurate with the gravity of the problem they described. But no. They could describe a calamity but not how to cope with it. Somehow they dream that with a $1 billion annual inducement from the Federal Treasury, State governments will magically find a way to assume major responsibility for financing local schools. It is far too little and much too late for this kind of palliative to be considered as a serious response to a challenge of "survival."

Mr. President, I ask unanimous consent to have printed in the RECORD a brief description of the major provisions of this bill, a section-by-section analysis, a table showing the State shares of the $16 billion tax reform savings, a brief description of the proposal to provide property tax relief for the low-income elderly, and a table showing the property tax relief that could be provided under this proposal: in every town, village, and city in Wisconsin with over 1,000 population.

I do this for the purpose of demonstrating specifically and dramatically the nature of the property tax relief that could be given to individual municipalities all across the Nation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAJOR PROVISIONS OF TAX REFORM PROPOSAL

I. AMENDMENTS AFFECTING INDIVIDUALS

(1) Substitute a $150 tax credit for the $750 personal exemption. At present, a personal exemption of $750 is worth $525 to the top bracket taxpayer and only $107 to the taxpayer in the lowest bracket. This change would reduce taxes for approximately 30 million taxpayers below $10,000. Savings in federal revenues: $1.9 billion a year.

(2) Disallow the exclusion from income of $100 of dividends. Present law gives no similar exclusion in the case of interest on a savings account—a much more common form of income for poor and middle income people. Savings: $280 million.

(3) Eliminate the deduction for state gasoline taxes where the item is a personal and not a business expense. Like the nondeductible federal gasoline tax, the state gasoline tax is essentially a charge for the use of highway facilities and, therefore, should not be deductible. Savings: $300 million.

(4) Tax capital gains at death. Suppose a taxpayer bought $5 million worth of stock in 1950, and the stock is now worth $15 million. If he sells the stock, he will have to pay a capital gains tax on the $10 million increase in value. But if he holds the stock and passes it on to his heirs, neither he nor his heirs will ever have to pay tax on the amount that the stock increased in value while he held it. The heirs only pay taxes on any increase in value after they inherited the stock. This avoidance of the (lower) capital gains tax rates has no economic justification. Both President Kennedy in 1963 and President Johnson's Treasury Department in 1969 recommended its repeal. Savings: $2.0 billion.

(5) Place a 15% ceiling on all mineral depletion allowances. In 1966, the 20 top American oil companies made $4¾ billion in profits, yet they paid federal income taxes at the rate of only 8½%. The Treasury estimated that the cost of the average well was recovered 19 times. Since then the oil depletion allowance has been reduced to 22%, but further reduction is badly needed. President Truman recommended a reduction to 15% in 1950. Savings: $400 million.

(6) Require capitalization of mineral exploration and drilling costs, with these costs to be recovered over the life of the property through depletion allowances. At present, oil drilling costs are deducted from income as current expenses, even though they are in effect capital investments whose costs should be spread over the life of the property. This provision would require that these costs be treated as investments. Savings: $750 million the first year, and $300 million a year on a long-term basis.

II. AMENDMENTS AFFECTING CORPORATIONS

(7) Repeal the ADR system of depreciation. Before 1971, the rules governing depreciation maintained a direct link between the depreciation claimed by taxpayers and the actual "wearing out" of equipment. Taxpayers were not allowed to depreciate for tax purposes more rapidly than they were actually replacing the equipment. The Asset Depreciation Range (ADR) system broke this link, and allowed taxpayers a 20% speed-up of depreciation schedules. This provision would return us to the earlier rules. Savings: $2.4 billion in 1972; $3.0 billion annually thereafter.

(8) Tax the income of foreign subsidiaries of U.S. corporations on a current basis. At the present time, the earnings of these subsidiaries are not taxed by the U.S. until they are brought home. This creates an incentive for U.S. corporations to invest abroad. Savings: $170 million.

(9) Repeal DISC. Under a provision of the Revenue Act of 1971, a U.S. export firm can set up a paper corporation (known as "DISC"), channel its exports through its DISC, and thus escape 50% of the corporation income tax on its export earnings. This provision would close this new loop-hole and subject export earnings to the same tax rates as exist for other kinds of income. Savings: $170 million the first year and increasing amounts thereafter.

III. AMENDMENTS AFFECTING INDIVIDUALS AND CORPORATIONS

(10) Provide a federal interest subsidy to encourage states and municipalities to issue taxable bonds. At present, interest from these bonds is tax-free. This allows local governments to raise badly needed funds at relatively low interest rates. Unfortunately, it also provides an easy vehicle for the wealthy to avoid taxes. Under this provision, local governments could continue to issue tax-exempt bonds; alternatively, they could issue taxable bonds and receive a federal subsidy of 50% of the interest cost. This would raise little or no money for the federal govern-

ment, but it would save considerable amounts for local governments electing to use the new system. (A similar provision was adopted by the House in 1969.)

(11) Provide that a capital asset must be held for at least 12 months to qualify as a long-term gain. At present, the holding period is 6 months. Any realized increase in value resulting from the sale of an asset held over 6 months is taxed at the (reduced) capital gains rates. This provision would lengthen the holding period to 12 months. (Adopted by the House in 1969.) Savings: $150 million.

(12) Alter the charitable deduction in the case of appreciated capital assets. As a result of the 1969 Tax Reform Act, if capital assets which have appreciated in value are given to a private foundation, the charitable deduction is reduced by one-half of the capital gain the individual would have had if he had sold the property at fair market value. This provision extends this rule to gifts of appreciated property to any charity.

(13) Limit the allowable depreciation on rental real estate to straight-line. Thus, if a building has a "life" of 50 years, the taxpayer would be limited to depreciation of 2% of its cost in any one year. The use of accelerated depreciation methods has been a major feature of the rental real estate tax shelter. Savings: $300 million.

(14) Provide that if depreciable real estate is sold at a gain, the gain shall be treated as ordinary income to the extent of the depreciation taken. Thus, suppose an invester purchases a piece of real estate for $1 million, takes $200,000 in depreciation in the first five years, and then sells the property for $1.3 million. Since the property was sold at a gain, he would pay taxes at regular income tax rates on the $200,000. This provides for real estate essentially the same rules that are applied under existing law for recapture of depreciation on personal property sold at a gain. Savings: $100 million.

IV. MINIMUM TAX

(15) Add to the list of tax preferences subject to the minimum tax: (1) credit allowed for the investment credit; and (2) tax-exempt interest on state and local bonds.

This section would also reduce the $30,000 exemption for tax preferences to $12,000, and repeal the provision allowing regular income taxes to be deducted from the preference income.

(16) Increase the minimum tax rates to 50% of the regular income tax rates. The minimum tax was set at 10% in the Tax Reform Act of 1969. This provision would make this tax progressive.

V. ESTATE AND GIFT TAXES

(17) Integrate estate and gift taxes. Present law discriminates heavily in favor of those who give away their wealth partly through life-time gifts and partly at death, as against those who pass on all their wealth at death. In part, this is because both the gift tax and estate tax schedules are progressive. Thus, the man who transfers property both by gift and at death gets to start at the bottom of two separate, progressive rate structures. This section would integrate the estate and gift taxes so that the tax brackets for property transferred at death are determined by the amount of taxable gifts. The wealth transferred at death is taxed as if it were "stacked" on top of the lifetime gifts.

(18) Impose a tax on property passed on through generation-skipping trusts. Under present law, it is possible to partially avoid the estate tax by transferring property to grandchildren or great grandchildren without a transfer tax being paid by the intervening generation or generations. This provision would close this loop-hole.

(19) Limit the charitable deduction for estate tax purposes, similar to that in existence for income tax purposes. Under present law, a decedent can give his entire estate to a private foundation created by his will, and pay no federal estate tax. This provision limits the charitable deduction to 50% of the gross estate.

STATE SHARES OF $16 BILLION TAX REFORM SAVINGS

[Based on 1970 population]

State	Percentage of U.S. population	State shares (millions)
Alabama	1.67	$267
Alaska	.15	24
Arizona	.86	138
Arkansas	.93	149
California	9.69	1,550
Colorado	1.07	171
Connecticut	1.47	235
Delaware	.27	43
Florida	3.30	528
Georgia	2.23	357
Hawaii	.37	59
Idaho	.35	56
Illinois	5.40	864
Indiana	2.52	403
Iowa	1.37	219
Kansas	1.09	174
Kentucky	1.28	205
Louisiana	1.77	283
Maine	.48	77
Maryland	1.94	310
Massachusetts	2.76	442
Michigan	4.31	690
Minnesota	1.85	296
Mississippi	1.08	173
Missouri	2.27	363
Montana	.34	54
Nebraska	.72	115
Nevada	.24	38
New Hampshire	.36	58
New Jersey	3.48	557
New Mexico	.49	78
New York	8.84	1,414
North Carolina	2.47	395
North Dakota	.30	48
Ohio	5.17	827
Oklahoma	1.24	198
Oregon	1.24	198
Pennsylvania	5.73	917
Rhode Island	.46	74
South Carolina	1.26	202
South Dakota	.32	51
Tennessee	1.91	306
Texas	5.44	870
Utah	.51	82
Vermont	.22	35
Virginia	2.26	362
Washington	1.66	266
West Virginia	.85	136
Wisconsin	2.15	344
Wyoming	.16	26

Note: If the $16,000,000,000 raised through tax reform were distributed to the States on the basis of population, this table shows how much each State would receive.

PROPERTY TAX RELIEF FOR LOW-INCOME PEOPLE OVER 65

This proposal would provide a tax credit against federal income taxes for unusually high property taxes on a personal residence. It is modeled after the Wisconsin law. Property taxes are considered unusually high if they exceed a certain percentage of household income. After determining the amount of the tax which is excessive, 75 percent of the excessive part is relieved.

According to the formula, the cutoff point is $6,000—an elderly person earning over this amount would get no help. Moreover, the taxpayer could only use up to $360 of his property tax in computing his credit. (Otherwise very large credits would be available to people living on large estates.)

To preserve equity between owners and renters, it is assumed that 25 percent of the rent payment is in effect payment for property taxes, and thus eligible for the credit.

Since many of those eligible for this assistance do not earn enough to pay federal income taxes, the property tax relief for them would be in the form of a direct federal cash refund rather than a tax credit.

The following table shows how the proposal would work. The table gives the tax credit (or cash refund) that would be available to poor homeowners over 65 paying property taxes of $300:

Household income	*Credit or refund*
$1,000	$225
2,000	210
3,000	180
4,000	120
5,000	45
6,000	0

Thus, for an elderly homeowner with income of $3,000, the credit (or refund) would be $180. He would have to pay the other $120 himself.[1]

PROPERTY TAX RATES IN WISCONSIN

Under the Nelson program, property taxes nationwide could be reduced by 30 percent. Alternatively, if this proposal were applied to school taxes alone, it would allow a 50 percent reduction of these taxes.

This table shows how much local property taxes could be reduced in each town, village and city in Wisconsin with over 1,000 population. Column 1 shows the present total property tax rate in each Wisconsin tax district, in dollars of tax per thousand dollars of property. Column 2 shows the results of a 30 percent reduction in these rates. Column 3 shows the present property tax rates used to finance the local schools. Column 4 shows the results of a 50 percent reduction in these rates.

The tax rates presented here are based on "full value". Each year, the Wisconsin Department of Revenue determines the actual market value of general property throughout the state. The "full value" tax rate is simply the total property tax paid divided by the actual market value of the property. These tax rates have been computed for every tax district in the state, and are comparable. The Department of Revenue also lists property tax rates based on local assessment. Since different tax districts are at differing percentages of full value, these tax rates are not comparable, and therefore have not been reproduced here:

TOWNS, VILLAGES AND CITIES OVER 1,000 POPULATION

[Rates in dollars per thousand]

Tax district	Total property tax rate (percent)	Total property tax rate (30 percent reduction)	Property tax rate for education (percent)	Property tax rate for education (50 percent reduction)
ADAMS COUNTY				
Cities: Adams	32.36	22.56	17.27	8.635
ASHLAND COUNTY				
Cities:				
Ashland	34.43	24.10	19.72	9.86
Mellen	37.37	26.159	25.57	12.785
BARRON COUNTY				
Towns:				
Rice Lake	28.02	19.614	19.25	9.625
Stanley	29.96	20.972	20.43	10.215
Cities:				
Barron	34.39	24.073	20.99	10.495
Chetek	33.29	23.303	20.80	10.40
Cumberland	36.28	25.396	22.56	11.28
Rice Lake	33.57	23.499	21.91	10.955
BAYFIELD COUNTY				
Cities: Washburn	39.30	27.51	22.80	11.40
BROWN COUNTY				
Towns:				
Allouez	28.69	20.053	18.79	9.395
Ashwaubenon	27.22	19.054	18.77	9.385
Bellevue	26.03	18.221	17.80	8.90
De Pere	24.78	17.346	17.75	8.875
Eaton	26.68	18.676	17.67	8.835

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[1] The formula itself is as follows: the credit (or refund) is equal to 75 percent of the property tax paid by the elderly homeowner, minus 3 percent of any income above $1,500 and up to $3,000; 6 percent of any income above $3,000 and up to $4,500; and 9 percent of any income above $4,500 and up to $6,000.

TOWNS, VILLAGES & CITIES OVER 1,000—Continued

[Rates in dollars per thousand]

Tax district	Total property tax rate (percent)	Total property tax rate (30 percent reduction)	Property tax rate for education (percent)	Property tax rate for education (50 percent reduction)
Glenmore	25.02	17.514	16.91	8.455
Hobart	26.22	18.354	16.50	8.25
Holland	23.86	16.702	18.13	9.065
Humboldt	26.54	18.578	18.44	9.22
Lawrence	24.44	17.108	17.21	8.605
Morrison	25.72	18.004	17.47	8.735
New Denmark	26.92	18.844	17.76	8.88
Pittsfield	22.63	15.981	15.85	7.975
Scott	22.04	15.428	17.83	8.91
Suamico	23.14	16.198	15.91	7.955
Wrightstown	24.25	16.975	16.95	8.475
Villages:				
Denmark	28.30	19.810	20.21	10.105
Howard	21.97	15.379	16.29	8.145
Pulaski	32.21	22.547	19.31	9.655
Wrightstown	28.85	20.195	18.35	9.175
Cities:				
De Pere	31.72	22.204	18.03	9.015
Green Bay	32.70	22.890	19.53	9.765
BUFFALO COUNTY				
Cities:				
Fountain City	40.59	28.413	22.39	11.195
Mondovi	33.76	26.432	20.45	10.225
CALUMET COUNTY				
Towns:				
Brillion	24.63	17.241	16.82	8.41
Brothertown	30.82	21.574	20.51	10.255
Charlestown	32.50	22.75	20.51	10.255
Chilton	32.85	22.995	20.66	10.33
Harrison	23.98	16.786	19.72	9.86
New Holstein	31.49	22.043	20.57	10.285
Rantoul	25.06	17.542	18.50	9.45
Stockbridge	28.59	20.013	20.43	10.215
Woodville	25.97	18.179	18.40	9.20
Cities:				
Appleton	28.98	20.286	18.65	9.325
Brillion	24.46	17.122	16.61	8.305
Chilton	27.24	19.068	23.96	11.98
New Holstein	30.13	21.091	20.71	10.355
CHIPPEWA COUNTY				
Towns:				
Anson	20.40	14.280	15.88	7.94
Delmar	25.57	17.899	17.31	8.655
Eagle Point	19.30	13.510	16.08	8.04
Edson	24.21	16.947	17.66	8.83
Hallie	18.10	12.67	13.42	6.71
Lafayette	19.01	13.307	15.94	7.97
Wheaton	22.06	15.442	16.36	8.18
Cities:				
Bloomer	36.52	25.564	22.09	11.045
Chippewa Falls	28.77	20.139	13.60	6.80
Cornell	31.60	22.12	22.63	11.315
Stanley	28.42	19.894	17.96	8.98
CLARK COUNTY				
Cities:				
Abbotsford	39.60	27.72	23.24	11.62
Greenwood	40.96	28.672	27.84	13.92
Loyal	39.98	27.986	33.85	16.925
Neillsville	38.84	27.188	19.84	9.92
Owen	34.76	24.332	25.42	12.71
Thorp	36.77	25.739	23.14	11.57
COLUMBIA COUNTY				
Towns:				
Dekorra	23.88	16.716	19.92	9.96
Lodi	19.76	13.832	17.63	8.815
Wyocena	20.87	14.609	18.83	9.415
Villages:				
Pardeeville	29.07	20.349	22.35	11.175
Poynette	30.79	21.553	20.65	10.325
Cities:				
Columbus	32.03	22.414	19.62	9.81
Lodi	30.92	21.644	18.43	9.215
Portage	27.44	19.208	18.59	9.295
Wisconsin Dells	31.94	22.358	17.93	8.965
CRAWFORD COUNTY				
Cities: Prairie du Chien	32.13	22.491	18.67	9.335
DANE COUNTY				
Towns:				
Albion	23.73	16.611	19.65	9.825
Blooming Grove	23.80	16.66	19.24	9.62
Bristol	24.19	16.933	18.71	9.355
Burke	21.83	15.281	18.34	9.17
Christiana	25.76	17.932	21.91	10.955
Cottage Grove	24.68	17.276	20.79	10.395
Dunkirk	24.16	16.912	19.34	9.67
Dunn	24.90	17.430	21.39	10.695
Fitchburg	24.37	17.059	20.37	10.185
Madison	26.51	18.557	22.56	11.28
Middleton	30.46	21.322	25.45	12.725
Oregon	26.69	18.683	20.22	10.11
Pleasant Springs	24.91	17.437	20.52	10.26
Roxbury	23.75	16.625	19.76	9.88
Rutland	23.61	16.527	18.59	9.295
Springdale	21.81	15.267	17.58	8.79
Springfield	23.24	16.268	19.05	9.525
Sun Prairie	23.03	16.121	18.70	9.35
Verona	23.99	16.793	19.89	9.945
Vienna	23.07	16.149	17.05	8.525
Westport	23.30	16.310	19.36	9.68
Windsor	21.73	15.211	18.59	9.295
Villages:				
Black Earth	31.32	21.924	24.15	12.075
Cross Plains	30.24	21.168	22.86	11.43
Deerfield	27.92	19.544	21.40	10.70
Deforest	21.16	15.127	18.02	9.01
Maple Bluff	22.74	15.918	21.03	10.515
Marshall	28.55	19.985	20.57	10.285
Mazomanie	31.43	22.001	22.08	11.04
McFarland	30.46	21.322	24.02	12.01
Mount Horeb	27.27	19.089	17.36	8.68
Oregon	31.80	22.26	22.76	11.38
Shorewood Hills	25.56	17.892	19.98	9.99
Verona	30.12	21.084	22.52	11.26
Waunakee	28.51	19.957	19.97	9.985
Cities:				
Madison	32.56	22.792	20.29	10.145
Middleton	28.97	20.279	21.40	10.70
Monona	28.25	19.775	23.08	11.54
Stoughton	29.58	20.706	19.89	9.995
Sun Prairie	26.26	18.382	22.98	11.49
DODGE COUNTY				
Towns:				
Ashippun	28.34	19.838	21.89	10.945
Beaver Dam	20.86	14.602	15.45	7.725
Chester	19.06	13.342	16.94	8.47
Emmet	27.16	19.012	19.88	9.94
Fox Lake	22.92	16.044	15.63	7.815
Herman	30.57	21.399	22.86	11.43
Hubbard	26.33	18.431	17.76	8.88
Hustisford	27.20	19.040	18.10	9.05
Lebanon	31.05	21.735	21.03	10.515
Leroy	28.06	19.642	20.97	10.495
Lomira	21.20	14.840	15.09	7.545
Lowell	25.61	17.927	17.89	8.945
Oak Grove	27.25	19.075	20.88	10.44
Rubicon	31.62	22.134	23.76	11.88
Theresa	27.03	18.921	19.78	9.89
Trenton	22.51	15.757	16.97	8.485
Westford	23.69	16.583	16.62	8.31
Villages:				
Lomira	29.94	20.958	16.88	8.44
Randolph	29.66	20.762	19.90	9.95
Cities:				
Beaver Dam	.89	21.623	18.61	9.305
Fox Lake	33.76	23.632	18.97	9.485
Horicon	32.40	22.680	20.38	10.19
Juneau	30.60	21.420	19.95	9.975
Mayville	29.73	20.811	22.36	11.18
Watertown	33.57	23.499	20.68	10.34
Waupun	28.97	20.279	18.42	9.21
DOOR COUNTY				
Towns:				
Brussels	23.14	16.198	17.55	8.775
Liberty Grove	19.37	13.559	13.47	6.735
Nasewaupee	22.19	15.533	17.33	8.665
Sevastopol	22.15	15.505	17.56	8.78
Cities: Sturgeon Bay	31.36	21.952	17.89	8.945
DOUGLAS COUNTY				
Towns:				
Parkland	20.05	14.035	13.37	8.945
Superior	22.19	15.533	14.79	7.395
Cities: Superior	35.66	24.973	20.31	10.155
DUNN COUNTY				
Towns:				
Menomonie	23.51	16.457	17.15	8.575
Spr'ng Brook	24.49	17.143	17.78	8.89
Tainter	23.23	16.261	16.60	8.30
Villages: Colfax	34.09	23.963	20.83	10.415
Cities: Menomonie	35.73	25.011	20.82	10.41
EAU CLAIRE COUNTY				
Towns:				
Brunswick	22.09	15.463	17.99	8.99
Pleasant Valley	24.21	16.947	18.11	9.05
Seymour	19.85	13.895	20.78	10.395
Union	24.51	17.157	20.34	10.175
Washington	21.68	15.175	18.30	9.15
Cities:				
Altoona	30.61	21.427	21.04	10.52
Augusta	34.47	24.129	21.82	10.91
Eau Claire	29.40	20.580	21.12	10.56
FLORENCE COUNTY				
Towns: Florence	27.26	19.082	17.21	8.605
FOND DU LAC COUNTY				
Towns:				
Alto	25.56	17.892	17.49	8.745
Ashford	24.30	17.010	16.97	8.485
Auburn	23.40	16.380	18.12	9.06
Byron	24.90	17.430	19.39	9.695
Calumet	24.93	17.451	19.13	9.565
Eden	20.44	14.308	17.37	8.685
Eldorado	24.66	17.262	18.73	9.365
Empire	20.23	14.161	19.55	9.775
Fond du Lac	22.20	15.540	18.13	9.065
Forest	22.59	15.813	17.12	8.56
Friendship	21.44	15.008	18.82	9.41
Lamartine	26.29	18.403	21.16	10.58
Marshfield	25.02	17.514	17.75	8.875
Osceola	24.56	17.192	18.55	9.275
Ripon	25.38	17.766	19.87	9.935
Taycheedah	23.68	16.576	19.10	9.55
Waupun	21.68	15.176	17.63	8.815
Villages:				
Campbellsport	28.66	20.062	18.13	9.065
North Fond du Lac	27.10	18.970	20.13	10.065
Cities:				
Fond du Lac	37.70	26.390	22.29	11.145
Ripon	34.04	23.828	22.63	11.315
Waupun	31.54	22.078	20.28	10.14
FOREST COUNTY				
Towns:				
Laona	29.62	20.735	20.79	10.395
Wabeno	30.57	21.399	16.10	8.05
Cities: Crandon	32.51	22.757	17.37	8.685
GRANT COUNTY				
Towns:				
Hazel Green	26.07	18.245	10.39	9.695
Jamestown	24.46	17.122	19.30	9.65
Platteville	27.70	19.390	22.72	11.36
Potosi	30.62	21.434	22.26	11.13
South Lancaster	27.72	19.404	20.00	10.00
Villages:				
Cassville	10.17	7.497	10.71	5.355
Dickeyville	26.06	18.242	20.24	10.12
Muscoda	24.14	23.898	23.13	11.565
Cities:				
Boscobel	34.79	24.353	21.38	10.69
Cuba City	31.05	21.735	20.19	10.095
Fennimore	36.02	25.214	22.00	11.00
Lancaster	33.30	23.310	21.37	10.685
Platteville	34.61	24.227	22.97	11.485
GREEN COUNTY				
Towns:				
Clarno	25.34	17.738	19.69	9.345
Jefferson	25.36	17.752	19.00	9.50
Monroe	23.50	16.450	17.66	8.83
Villages: New Glarus	30.62	21.434	23.43	11.715
Cities:				
Brodhead	34.53	24.171	22.48	11.24
Monroe	27.57	19.299	19.23	9.615
GREEN LAKE COUNTY				
Towns:				
Brooklyn	21.94	15.358	17.18	8.59
Green Lake	23.44	16.408	18.47	9.235
Cities:				
Berlin	26.14	18.298	17.99	8.995
Green Lake	26.16	18.312	16.86	8.43
Markesan	28.52	19.964	20.38	10.19
Princeton	26.72	18.704	18.84	9.42
IOWA COUNTY				
Towns:				
Arena	28.06	19.642	19.23	9.615
Dodgeville	28.35	19.845	19.78	9.89
Cities:				
Dodgeville	35.14	24.598	20.64	10.955
Mineral Point	39.87	27.909	21.91	10.955
IRON COUNTRY				
Towns: Mercer	27.14	18.998	18.11	9.055
Cities: Hurley	43.17	30.219	22.55	11.275
JACKSON COUNTY				
Cities: Black River Falls	37.79	26.453	22.97	11.485

Tax district	Total property tax rate (percent)	Total property tax rate (30 percent reduction)	Property tax rate for education (percent)	Property tax rate for education (50 percent reduction)
JEFFERSON COUNTY				
Towns:				
Aztalan	21.48	15.036	19.00	9.50
Cold Spring	24.55	17.185	21.13	10.565
Concord	24.40	17.080	19.60	9.80
Farminton	24.93	17.451	20.13	10.065
Ixonia	27.22	19.054	21.15	10.575
Jefferson	19.34	13.538	18.03	9.015
Koshkonong	23.34	16.338	20.68	10.34
Lake Mills	22.44	15.708	19.22	9.61
Milford	21.24	14.868	18.16	9.08
Oakland	25.06	17.542	22.73	11.365
Sullivan	23.20	16.240	18.73	9.365
Watertown	26.74	18.718	20.02	10.01
Villages: Palmyra	31.42	21.994	22.43	11.215
Cities:				
Fort Atkinson	30.03	21.021	20.37	10.185
Jefferson	29.10	20.370	18.67	9.335
Lake Mills	26.67	18.669	18.21	9.105
Waterloo	29.25	20.475	23.16	11.58
Watertown	33.26	23.282	20.39	10.195
Whitewater	37.29	26.103	23.21	11.605
JUNEAU COUNTY				
Cities:				
Elroy	35.21	24.647	21.10	10.55
Mauston	38.56	26.992	23.28	11.64
New Lisbon	39.96	27.972	23.68	11.85
KENOSHA COUNTY				
Towns:				
Brighton	26.67	18.669	20.64	10.32
Bristol	29.13	20.391	23.28	11.64
Paris	26.78	18.746	25.06	12.53
Pleasant Prairie	27.08	18.956	21.25	10.625
Randall	28.83	20.181	23.20	11.60
Salem	31.47	22.029	25.80	12.90
Somers	25.81	18.067	21.51	10.955
Wheatland	29.53	29.671	23.76	11.88
Villages:				
Paddock Lake	36.35	25.445	25.67	12.835
Silver Lake	39.17	27.419	28.67	14.335
Twin Lakes	34.11	23.877	25.75	12.875
Cities: Kenosha	36.30	25.41	20.66	10.33
KEWAUNEE COUNTY				
Towns:				
Carlton	21.26	14.882	16.86	8.43
Luxemburg	26.47	18.529	18.47	9.235
Montpelier	24.47	17.129	16.78	8.39
Red River	22.96	16.072	16.01	8.005
W. Kewaunee	25.91	18.137	18.62	9.31
Cities:				
Algoma	32.54	22.778	21.49	10.745
Kewaunee	28.88	20.216	18.20	9.10
LA CROSSE COUNTY				
Towns:				
Campbell	18.90	13.230	14.50	7.25
Farmington	30.26	21.182	21.99	10.995
Greenfield	24.96	17.472	17.68	8.84
Hamilton	26.61	18.627	21.43	10.715
Medary	19.47	13.629	18.63	9.315
Onalaska	24.75	17.325	20.45	10.225
Shelby	19.41	13.587	13.53	6.765
Villages:				
Holmen	29.91	20.937	23.62	11.81
West Salem	30.07	21.049	19.99	9.995
Cities:				
La Crosse	25.30	17.710	15.14	7.570
Onalaska	28.20	19.740	21.04	10.52
LAFAYETTE COUNTY				
Cities:				
Darlington	39.03	27.351	21.49	10.745
Shullsburg	29.45	20.615	17.98	8.990
LANGLADE COUNTY				
Towns: Antigo	27.23	19.061	18.52	9.260
Cities: Antigo	38.26	26.782	19.47	9.735
LINCOLN COUNTY				
Towns:				
Bradley	22.32	15.624	14.34	7.17
Merrill	26.03	18.221	17.70	8.850
Pine River	27.37	19.159	18.06	9.03
Scott	28.10	19.670	19.10	9.55
Cities:				
Merrill	37.43	26.101	18.27	9.135
Tomahawk	30.77	21.539	23.75	11.875
MANITOWOC COUNTY				
Towns:				
Cato	27.85	19.495	18.20	9.10
Cooperstown	26.77	18.739	18.09	9.045
Franklin	28.44	19.908	18.77	9.385
Gibson	29.31	20.517	17.81	8.905
Kossuth	25.59	17.913	16.82	8.410
Liberty	29.84	20.888	18.51	9.255
Manitowoc	22.28	15.596	16.48	8.24
Manitowoc Rapids	24.73	17.311	16.37	8.185
Meeme	30.39	21.273	22.69	11.345
Mishicot	25.42	17.794	17.90	8.950
Newton	25.27	17.689	16.96	8.480
Schleswig	30.29	21.203	22.80	11.400
Two Rivers	24.09	16.863	17.90	8.950
Cities:				
Kiel	35.20	24.640	32.84	16.42
Manitowoc	30.85	21.595	18.26	9.130
Two Rivers	31.68	22.176	19.20	9.60
MARATHON COUNTY				
Towns:				
Hull	29.99	20.993	22.00	11.00
Kronenwetter	26.37	18.459	20.08	10.04
Maine	24.50	19.150	20.02	10.01
McMillan	26.30	18,410	19.80	9.900
Rib Mountain	23,51	16.457	18.40	9.20
Rietbrock	31.89	22.323	22.58	11.29
Stettin	23.25	16.275	20.02	10.01
Texas	28.43	19.901	19.96	9.980
Wausau	26.13	18.291	20.37	10.185
Weston	21.50	15.050	15.99	7.995
Villages:				
Marathon	32.89	23.023	23.00	11.50
Rothschild	29.90	20.930	21.84	10.92
Spencer	34.47	24.129	22.20	11.10
Stratford	31.02	21.714	20.25	10.125
Cities:				
Mosinee	26.17	18.319	19.73	9.865
Schofield	30.91	21.637	20.03	10.015
Wausau	34.61	24.227	21.30	10.65
MARINETTE COUNTY				
Towns:				
Grover	24.89	17.423	17.34	8.67
Peshtigo	24.11	16.877	19.91	9.955
Porterfield	23.30	16.310	16.52	8.26
Pound	22.22	15.554	15.59	7.795
Stephenson	26.16	18.312	17.45	8.725
Villages: Niagara	33.09	23.163	19.27	9.635
Cities:				
Marinette	34.36	24.052	21.68	10.84
Peshtigo	30.24	21.168	20.86	10.43
MARQUETTE COUNTY				
Villages: Montello	30.77	21.539	20.42	10.21
MILWAUKEE COUNTY				
Villages:				
Bayside	35.02	24.514	23.30	11.65
Brown Deer	36.75	25.725	24.04	12.02
Fox Point	35.77	25.039	24.65	12.325
Greendale	34.85	24.395	22.77	11.385
Hales Corners	36.22	25.354	23.86	11.93
River Hills	33.56	23.492	21.27	10.635
Shorewood	38.08	26.656	21.91	10.955
West Milwaukee	33.39	23.373	15.89	7.945
Whitefish Bay	36.93	25.851	24.53	12.265
Cities:				
Cudahy	38.50	26.950	22.21	11.105
Franklin	36.15	25.305	23.98	11.99
Glendale	29.35	20.545	16.95	8.475
Greenfield	32.87	23.009	21.36	10.68
Milwaukee	44.97	31.479	20.81	10.405
Oak Creek	28.81	20.167	21.60	10.80
Saint Francis	38.68	27.076	22.40	11.20
S. Milwaukee	36.54	25.578	21.44	10.72
Wauwatosa	30.43	21.301	16.64	8.320
West Allis	33.84	23.688	14.97	7.485
MONROE COUNTY				
Towns:				
La Grange	27.21	19.047	20.08	10.04
Little Falls	29.50	20.650	20.03	10.015
Sparta	27.66	19.362	19.41	9.705
Cities:				
Sparta	31.35	21.945	20.21	10.015
Tomah	35.91	25.139	20.41	10.205
OCONTO COUNTY				
Towns:				
Chase	27.11	18.977	18.26	9.130
Little Suamico	29.79	20.853	19.98	9.990
Cities:				
Gillett	30.28	21.196	18.24	9.12
Oconto	40.23	28.161	20.73	10.365
Oconto Falls	34.82	24.374	22.54	11.270
ONEIDA COUNTY				
Towns:				
Crescent	19.83	13.881	16.04	8.020
Minocqua	22.06	15.442	12.04	6.020
Newbold	19.12	13.384	14.78	7.390
Pelican	20.38	14.266	16.38	8.190
Pine Lake	22.49	15.743	17.52	8.76
Three Lakes	21.82	15.274	14.93	7.465
Woodruff	20.57	14.399	13.90	6.95
Cities: Rhinelander	31.71	22.197	18.50	9.25
OUTAGAMIE COUNTY				
Towns:				
Buchanan	23.87	16.709	19.03	9.515
Center	23.73	16.611	17.58	8.79
Cicero	26.72	18.704	20.68	10.34
Dale	24.37	17.059	20.68	10.04
Ellington	22.25	15.575	18.13	9.065
Freedom	21.89	15.323	17.45	8.725
Grand Chute	22.62	15.834	18.20	9.100
Greenville	23.81	16.667	19.49	9.745
Oneida	25.40	17.780	19.04	9.520
Seymour	26.72	18.704	20.46	10.23
Vandenbroek	25.04	17.528	19.84	9.920
Villages:				
Combined Locks	27.90	19.530	19.51	9.755
Hortonville	25.90	18.130	19.12	9.56
Kimberly	28.49	19.943	18.90	9.45
Little Chute	29.10	20.370	18.22	9.11
Cities:				
Appleton	28.81	20.167	17.86	8.93
Kaukauna	29.79	20.853	19.00	9.50
New London	31.52	22.064	19.95	9.975
Seymour	35.73	25.011	22.26	11.13
OZAUKEE COUNTY				
Towns:				
Belgium	25.44	17.808	21.57	10.785
Cedarburg	20.83	14.581	19.65	9.825
Fredonia	23.65	16.555	20.10	10.05
Grafton	22.49	15.743	22.62	11.37
Port Washington	20.64	14.448	17.48	8.92
Saukville	20.71	14.497	17.77	8.885
Villages:				
Fredonia	30.61	21.427	23.17	11.585
Grafton	26.75	18.725	22.52	11.26
Saukville	24.99	17.493	19.07	9.353
Thiensville	28.72	20.104	25.74	12.87
Cities:				
Cedarburg	26.30	18.410	20.30	10.15
Mequon	28.24	19.768	24.22	12.11
Port Washington	22.11	15.477	19.92	9.96
PEPIN COUNTY				
Towns: Waterville	29.29	20.503	18.36	9.18
Cities: Durand	37.06	25.942	20.75	10.375
PIERCE COUNTY				
Towns:				
Ellsworth	29.39	20.573	20.44	10.22
River Falls	27.57	19.299	19.47	9.735
Trenton	28.48	19.936	20.38	10.19
Trimbelle	28.93	20.251	20.29	10.145
Villages: Ellsworth	32.53	22.771	21.25	10.625
Cities:				
Prescott	32.91	23.037	21.32	10.66
River Falls	30.80	21.56	20.58	10.29
POLK COUNTY				
Towns:				
Alden	26.71	18.697	20.05	10.025
Eureka	30.57	21.399	21.40	10.70
Farmington	25.95	18.165	19.62	9.81
Lincoln	26.42	18.494	18.16	9.08
Villages: Osceola	32.52	22.764	20.61	10.305
Cities:				
Amery	30.57	21.399	20.55	10.275
St. Croix Falls	35.75	25.025	23.17	11.585
PORTAGE COUNTY				
Towns:				
Carson	25.72	18.004	19.85	9.925
Grant	25.81	18.067	19.38	9.69
Hull	23.60	16.520	20.40	10.20
Plover	25.38	17.766	19.10	9.55
Sharon	29.20	20.44	21.96	10.98
Stockton	24.96	19.472	21.17	10.585
Villages: Whiting	26.52	18.564	20.65	10.325
Cities: Stevens Point	34.90	24.430	22.26	11.13

TOWNS, VILLAGES & CITIES OVER 1,000—Continued

[Rates in dollars per thousand]

Tax district	Total property tax rate (percent)	Total property tax rate (30 percent reduction)	Property tax rate for education (percent)	Property tax rate for education (50 percent reduction)
PRICE COUNTY				
Towns:				
Lake	25.07	17.549	18.61	9.305
Worcester	21.65	15.155	14.37	7.185
Cities:				
Park Falls	29.45	20.615	17.84	8.92
Phillips	31.12	21.784	16.46	8.23
RACINE COUNTY				
Towns:				
Burlington	25.27	17.689	17.21	8.605
Caledonia	28.23	19.961	20.39	10.195
Dover	29.18	20.426	22.20	11.10
Mt. Pleasant	27.45	19.215	20.81	10.405
Norway	29.75	20.825	23.70	11.85
Raymond	33.22	23.254	24.63	12.315
Rochester	23.29	19.803	21.34	10.67
Waterford	34.62	24.234	27.58	13.79
Yorkville	37.79	26.453	29.53	14.765
Villages:				
Sturtevant	37.44	26.208	21.24	10.62
Union Grove	45.93	32.151	322.84	16.42
Waterford	40.28	28.196	26.02	13.01
Wind Point	22.95	16.065	22.92	11.46
Cities:				
Burlington	33.29	23.303	27.02	13.51
Racine	37.71	26.397	21.02	10.51
RICHLAND COUNTY				
Towns:				
Buena Vista	30.69	21.483	19.08	9.54
Richland	29.86	20.902	18.56	9.28
Cities: Richland Center	38.52	26.964	20.01	10.005
ROCK COUNTY				
Towns:				
Beloit	23.13	16.191	22.55	11.275
Bradford	21.74	15.218	17.91	8.955
Clinton	20.50	14.350	17.28	8.64
Fulton	21.32	14.924	19.42	9.91
Harmony	21.03	14.721	18.34	9.17
Janesville	20.23	14.161	18.85	9.425
Laprairie	22.70	15.890	19.16	9.58
Lima	23.18	16.226	21.11	10.555
Milton	22.79	15.953	19.92	9.96
Newark	23.26	16.282	17.45	8.725
Plymouth	22.48	15.736	17.21	8.605
Rock	24.82	17.374	21.33	10.665
Turtle	21.98	15.386	19.60	9.80
Union	22.48	15.736	17.27	8.635
Villages: Clinton	27.75	19.425	17.99	8.995
Cities:				
Beloit	30.54	21.378	19.46	9.73
Edgerton	31.98	22.386	20.24	10.12
Evansville	32.04	22.428	18.84	9.42
Janesville	30.74	21.518	21.92	10.96
Milton	27.77	19.439	19.92	9.96
RUSK COUNTY				
Cities: Ladysmith	39.19	27.433	25.83	12.91
ST. CROIX COUNTY				
Towns:				
Richmond	26.75	18.725	19.37	9.685
St. Joseph	25.36	17.752	19.42	9.70
Somerset	30.58	21.406	22.49	11.245
Star Prairie	26.45	18.515	19.80	9.90
Troy	26.73	18.711	20.42	10.21
Villages:				
Baldwin	31.40	21.980	21.70	10.85
North Hudson	24.16	16.912	19.76	9.88
Cities: Hudson	29.47	20.629	19.32	9.66
SAUK COUNTY				
Towns:				
Baraboo	27.43	19.201	19.61	9.805
Reedsburg	30.31	21.217	21.63	10.815
Villages:				
Lake Delton	28.32	19.824	17.48	8.74
Prairie du Sac	32.86	23.002	21.15	10.575
Sauk City	32.69	22.883	22.81	11.405
Spring Green	32.69	22.883	20.19	10.095
Cities:				
Baraboo	30.78	21.546	18.79	9.395
Reedsburg	32.73	22.911	21.38	10.69
SAWYER COUNTY				
Towns: Hayward	24.71	17.297	17.04	8.52
Cities: Hayward	27.16	19.012	17.68	8.84
SHAWANO COUNTY				
Towns:				
Angelica	23.94	16.758	18.66	9.33
Belle Plaine	25.21	17.647	18.31	9.155
Maple Grove	23.99	16.793	18.51	9.255
Richmond	22.86	16.002	17.59	8.759
Wescott	24.11	16.887	17.95	8.975
Cities: Shawano	28.58	20.006	18.44	9.22
SHEBOYGAN COUNTY				
Towns:				
Greenbush	23.54	16.478	19.30	9.65
Herman	27.78	19.446	21.13	10.565
Holland	27.17	19.019	21.59	10.795
Lima	26.45	18.515	20.98	10.49
Lyndon	24.93	17.451	18.71	9.355
Mosel	27.39	19.173	20.99	10.495
Plymouth	22.32	15.624	17.60	8.800
Rhine	28.64	20.048	21.82	10.91
Scott	24.53	17.171	18.63	9.315
Sheboygan	23.57	16.499	21.29	10.645
Sheboygan Falls	27.40	19.180	22.16	11.08
Sherman	25.31	17.717	20.11	10.055
Wilson	23.78	16.646	18.99	9.495
Villages:				
Cedar Grove	33.95	23.765	24.96	12.48
Kohler	18.82	13.174	11.16	5.58
Oostburg	32.49	22.743	22.21	11.105
Rancom Lake	31.61	22.127	23.41	11.705
Cities:				
Plymouth	31.55	22.085	20.81	10.405
Sheboygan	35.31	24.717	26.35	13.175
Sheboygan Falls	34.16	23.412	25.69	12.845
TAYLOR COUNTY				
Towns:				
Little Black	32.61	22.827	19.40	9.70
Medford	29.65	20.755	17.75	8.875
Cities: Medord	34.93	24.451	20.50	10.25
TREMPEALEAU COUNTY				
Towns:				
Arcadia	29.92	20.944	17.56	8.78
Ettick	31.56	22.092	19.44	9.72
Gale	28.84	20.188	19.56	9.78
Hale	35.83	25.081	20.00	10.00
Preston	33.74	23.618	21.59	10.795
Trempealeau	29.35	20.545	19.85	9.925
Cities:				
Arcadia	36.78	25.746	29.64	14.82
Blair	40.19	28.133	23.15	11.575
Galesville	38.57	26.999	19.73	9.865
Independence	42.34	29.638	25.88	12.94
Osseo	37.69	26.383	21.46	10.73
Whitehall	38.74	27.118	22.97	11.485
VERNON COUNTY				
Towns:				
Bergen	26.96	18.872	18.29	9.145
Viroqua	29.90	20.930	20.80	10.40
Cities:				
Hillsboro	40.12	28.084	22.62	11.31
Viroqua	35.06	24.542	23.49	11.745
Westby	34.58	24.206	20.07	10.03
VILAS COUNTY				
Towns:				
Lac du Flambeau	17.21	12.047	10.70	5.35
Lincoln	13.96	9.772	10.25	5.125
City: Eagle River	21.99	15.393	10.90	5.45
WALWORTH COUNTY				
Towns:				
Bloomfield	25.11	17.577	20.33	10.165
Darien	28.60	20.020	24.74	12.37
Delevan	25.59	17.913	21.76	10.88
East Troy	25.70	17.990	19.91	9.955
Geneva	24.42	17.094	18.99	9.495
La Grange	25.44	17.808	20.21	10.105
Linn	21.94	15.358	15.51	7.755
Lyons	24.61	17.227	19.48	9.74
Richmond	26.66	18.662	12.35	10.675
Sharon	29.50	20.650	24.50	12.25
Spring Prairie	23.20	16.240	18.03	9.015
Sugar Creek	24.27	16.989	20.04	10.02
Troy	25.38	17.766	19.73	9.865
Walworth	24.04	16.828	20.08	10.04
Whitewater	28.31	19.817	23.08	11.54
WALWORTH COUNTY—Con.				
Villages:				
East Troy	30.11	21.077	22.25	11.12
Fontana	25.73	18.011	17.24	8.62
Genoa City	34.95	24.465	24.69	12.345
Sharon	35.14	24.598	26.80	13.405
Walworth	29.14	20.398	23.07	11.53
Williams Bay	28.09	19.633	29.35	9.675
Cities:				
Delavan	29.03	20.321	21.31	10.655
Elkhorn	29.23	20.461	20.19	10.095
Lake Geneva	27.87	19.509	18.70	9.35
Whitewater	35.95	25.165	22.90	11.45
WASHBURN COUNTY				
Cities:				
Spooner	32.42	22.694	23.89	11.945
WASHINGTON COUNTY				
Towns:				
Addison	23.26	16.282	18.56	9.28
Barton	28.10	19.670	24.52	12.26
Erin	29.64	20.748	26.09	13.045
Farmington	23.81	16.667	19.10	9.55
Hartford	30.42	21.294	26.02	13.01
Jackson	27.97	19.579	24.22	12.11
Kewaskum	21.02	14.714	19.77	9.885
Polk	19.82	13.874	16.91	8.455
Richfield	25.89	18.123	22.42	11.21
Trenton	27.72	17.404	25.92	12.96
Wayne	25.93	18.151	19.01	9.505
West Bend	25.88	18.116	24.55	12.275
Villages:				
Germantown	30.93	21.651	22.68	11.34
Kewaskum	27.69	19.383	20.75	10.375
Slinger	28.65	20.055	17.40	8.70
Cities:				
Hartford	34.43	24.101	26.25	13.125
Milwaukee	42.60	29.820	22.63	11.315
West Bend	35.39	24.773	27.23	13.615
WAUKESHA COUNTY				
Towns:				
Brookfield	22.54	15.778	20.03	10.015
Delafield	27.03	18.921	25.99	12.995
Eagle	27.30	19.110	24.80	12.40
Genesee	23.80	16.660	22.33	11.165
Lisbon	30.18	21.126	26.67	13.335
Merton	29.43	20.601	26.95	13.475
Mukwonago	26.14	18.298	25.48	12.74
Oconomowoc	25.19	17.633	22.20	11.10
Ottawa	25.36	17.752	23.65	11.825
Pewaukee	21.07	14.749	20.60	10.30
Summit	27.01	18.907	22.65	11.325
Vernon	29.09	20.363	26.92	13.46
Waukesha	18.60	13.020	19.13	9.565
Villages:				
Big Bend	33.45	23.415	30.06	15.03
Butler	30.04	21.028	24.15	12.075
Elm Grove	24.86	17.402	23.34	11.67
Hartland	36.56	25.592	30.02	15.01
Lannon	28.87	20.209	25.06	12.53
Menomonee Falls	29.93	20.951	22.98	11.49
Mukwonago	36.04	25.228	27.36	13.68
Pewaukee	32.75	22.925	25.60	12.80
Sussex	32.17	22.519	25.04	12.52
Cities:				
Brookfield	30.00	21.00	23.03	11.515
Delafield	29.08	20.356	24.83	12.415
Muskego	26.56	18.592	24.95	12.475
New Berlin	27.68	19.376	23.61	11.805
Oconomowoc	33.64	23.548	22.31	11.155
Waukesha	28.98	20.286	19.35	9.675
WAUPACA COUNTY				
Towns:				
Farmington	20.84	14.588	15.09	7.545
Larrabee	25.05	17.535	18.02	9.01
Little Wolf	27.20	19.040	20.46	10.23
Mukwa	26.35	18.445	18.98	9.49
Royalton	26.50	18.550	20.38	10.19
Cities:				
Clintonville	32.17	22.519	20.17	10.085
Manawa	31.74	22.218	23.77	11.885
Marion	30.40	21.280	19.23	9.615
New London	34.48	24.136	20.89	10.445
Waupaca	33.98	23.786	16.53	8.265
Weyauwega	32.66	22.862	23.82	11.91
WAUSHARA COUNTY				
Cities: Wautoma	31.53	22.071	20.05	10.025

Tax district	Total property tax rate (percent)	Total property tax rate (30 percent reduction)	Property tax rate for education (percent)	Property tax rate for education (50 percent reduction)
WINNEBAGO COUNTY				
Towns:				
Algoma	19.64	13.748	15.71	7.855
Black Wolf	23.25	16.275	19.35	9.675
Clayton	20.77	14.539	17.14	8.57
Menasha	22.29	15.603	16.79	8.395
Neenah	18.66	13.062	19.16	9.58
Nekimi	22.25	15.575	18.20	9.10
Omro	20.98	14.686	16.80	8.40
Oshkosh	20.18	14.126	19.18	9.59
Ruishford	21.40	14.980	16.53	8.265
Utica	25.34	17.738	18.89	9.445
Vinland	19.37	13.559	17.54	8.77
Winchester	22.74	15.918	17.47	8.735
Villages: Winneconne	20.81	14.567	17.07	8.535
Cities:				
Menasha	31.61	22.127	15.69	7.845
Neenah	30.46	21.322	19.51	9.755
Omro	26.10	18.270	17.57	8.785
Oshkosh	31.35	21.945	19.82	9.91
WOOD COUNTY				
Towns:				
Arpin	28.60	20.020	22.96	11.48
Grand Rapids	23.53	16.471	18.66	9.33
Lincoln	27.32	19.124	20.55	10.275
Marshfield	25.62	17.934	20.61	10.305
Port Edwards	21.67	15.169	22.74	11.37
Richfield	25.38	17.766	20.70	10.35
Rudolph	24.81	17.367	18.50	9.25
Saratoga	24.32	17.024	20.55	10.275
Seneca	20.02	14.014	17.88	8.94
Sigel	26.40	18.480	18.50	9.25
Villages: Port Edwards	24.09	16.863	18.70	9.35
Cities:				
Marshfield	31.12	21.784	17.93	8.965
Nekoosa	40.48	28.336	25.27	12.635
Wisconsin Rapids	33.38	23.366	20.58	10.29
MENOMINEE COUNTY				
Towns: Menominee	31.95	22.365	14.48	7.24

Summary of Contents of Tax Reform Bill

Section 1—Short title

This section provides that the Act may be cited as the Tax Reform Act of 1972.

Section 2—Technical and conforming changes

This section provides that the Secretary of the Treasury shall, within 90 days after the date of the enactment of the Act, submit to the Committee on Ways and Means a draft of any technical and conforming changes in the Internal Revenue Code which should be made to reflect the substantive amendments made by the bill. The bill, for example, does not attempt to make all conforming amendments to the cross references provisions within the Code or to the various tables of contents in the Code.

TITLE I—AMENDMENTS PRIMARILY AFFECTING INDIVIDUALS

Section 101—Credit against tax for personal exemptions

This section provides a credit against tax for personal exemptions in lieu of the existing deduction from gross income for personal exemptions. The credit provided is $150 for each exemption.

Under present law, a deduction of $750 against gross income for a personal exemption is worth $525 to the taxpayer in the highest bracket, but only $107 to a taxpayer in the lowest bracket. Approximately 30 million taxpayers with adjusted gross incomes below $10,000 will receive a tax reduction under this amendment. At the same time, this section of the bill would increase tax revenues by approximately $1.9 billion a year.

This section also provides that if the taxpayer is claiming a child as a dependent (and thereby receiving a credit of $150 against tax), the parent shall include in his gross income any income received by the child during the taxable year from a trust created by the parent, and also any dividends, interest, or royalties received by the child from any property given to him by the parent. Income which is so taxed to the parent would not be taxable to the child. This provision will not apply if the parent does not choose to claim the child as a dependent.

Section 102—Repeal of $100 dividends exclusion

This section repeals the provision in present law that allows a taxpayer to exclude from gross income $100 of dividends received on corporate stocks. Present law gives no similar exclusion in the case of interest received on savings accounts, a much more common form of investment by individuals in the lower brackets.

Section 103—Repeal of deduction for gasoline taxes

State gasoline taxes paid as personal expenses are deductible in determining an individual's Federal income tax. Like the nondeductible Federal gasoline tax, the State gasoline tax is essentially a direct charge by the State for the highway facilities it provides to those on whom the charge is imposed. Its deductibility is inconsistent with the user charge character of the tax in that it serves to shift part of the cost from the highway user to the general taxpayer. Under this section, gasoline taxes paid as a business expense would continue to be deductible, but gasoline taxes paid as personal expenses would not.

This change was recommended by the Treasury in 1969, and would increase federal revenues by $350 million.

Section 104—Elimination of vacation resort houses as tax shelter

This section eliminates as tax shelters such items as beach cottages, condominiums at ski resorts, mountain cabins, and the like, which the taxpayer uses for pleasure and rents when he can in order to obtain tax deductions greater than the rentals. The amendment would also apply to the rental of a house which is used by the taxpayer as his principal place of residence.

Under the amendment deductions for depreciation, repair, insurance, agent fees in handling rentals, etc., would be allowed as deductions only up to the amount of interest and taxes paid (and deducted) on rentals received during the year reduced by the rental property. The rentals would not be taxed (except in the unusual cases where they exceed all expenses) because they would be offset by allowable deductions; but the excess costs for repairs, depreciation, insurance, etc., could not be used to shelter income from other sources.

Section 105—Disallowance of expenses attending conventions outside the United States

This section disallows expenses of travel (including meals and lodging) of an individual in connection with attending a convention held outside the United States. As a general rule, such expenses are incurred primarily for pleasure rather than business. Thus, expenses of lawyers attending the American Bar Convention in London in 1971 would have been disallowed if the amendment had been in effect. The amendment applies to expenses incurred after the date of the enactment of the bill.

Section 106—Farm losses:

The Tax Reform Act of 1969 provided for an excess deductions account in the case of farm losses in order to eliminate some of the tax shelter afforded by the use of the cash method of accounting in the case of farming. The Senate version of the Tax Reform Act of 1969 had provided for the disallowance of one-half of the farm loss as a deduction against nonfarm income, in lieu of the milder House provision for an excess deductions account. In order to deal more effectively with the problem of farm losses as a tax shelter, this section of the bill adopts, with some tightening modifications, the 1969 Senate provision on farm losses and eliminates the existing provision for the excess deductions account.

Section 107—Computation of earnings and profit on a consolidated basis

Some conglomerate companies have been paying dividends which are not fully taxable because the parent company does not have sufficient earnings and profits to cover the distribution although the consolidated group had earnings and profits during the year greater than the amount distributed. This section of the bill provides that the earnings and profits of a parent corporation for a year shall not be less for dividend purposes than the earnings and profits of the consolidated group for the year.

Section 108—Dividend on certain sales of stock

The Tax Court held that if a transaction is described in section 304 of the Code (which can produce dividend income of stock of one controlled corporation is sold to another controlled corporation) and is also described in section 351 (dealing with tax-free exchanges), then section 351 applies and not section 304. This section of the bill changes the rule of the Tax Court case and provides that the tax-free provisions of section 351 do not apply to the extent the application of section 304 produces an amount taxable as a dividend.

Section 109—Termination of stock option provisions

Under present law, an officer of a corporation is not taxed at the time he exercises a qualified stock option granted him for performance of services. If he sells the stock after 3 years, the compensation is taxed only as a capital gain. If he holds the stock until he dies, the compensation is never taxed. This section of the bill provides, in the case of options, options granted after 1971, that the compensation realized on exercise of a stock option will be taxed at the time of exercise as ordinary income.

The enactment of this amendment will be welcomed by many corporate shareholders. The liberal granting in the past of stock options has diluted, in some cases seriously, the equity ownership of shareholders of the companies who grant stock options. With the demise of tax free stock options, management will no longer have to explain or contend to shareholders that authority to grant stock options is necessary to attract or keep "key employees".

Section 110—Limitation on deduction for percentage depletion on royalties

The percentage depletion allowance is intended to provide an incentive for the discovery and development of oil and gas and other minerals. In the case of royalty income this incentive is generally meaningless. As one commentator asked with respect to the passive owner of an oil royalty: "What perils has he overcome in the quest for oil? To what extent has he been gambling with fate like a tenacious wildcatter?"

This section of the bill provides that the owner of a royalty cannot deduct percentage depletion after he has received depletion deductions in an amount equal to 4 times the amount he expended for exploration and development of the deposit from which he is drawing his royalty. In the usual case of a landowner who receives royalties from a lessee who did the exploration and development work, this would mean that no percentage depletion would be allowed. But the owner of an overriding royalty may have sub-leased the property after having first made expenditures for exploration and development and he would be allowed percentage depletion of his royalty income until he has recovered 4 times his expenditures for exploration and development. This multiple of 4 times would apply even though the drilling or development expenditures were deducted when incurred.

Section 111.—Disallowance of certain double deductions

Present law provides that the expenses of administering an estate can be deducted by the executor on either the income tax return or the estate tax return, but not on both. The courts have held that expenses of the executor in selling property can be deducted on the estate tax return and can also be used on the income tax return as an offset against the selling price of the property. This section of the bill provides that such selling expenses cannot be used in the income tax return as an offset to the selling price if they are deducted as an expense of administration on the estate tax return.

Section 112.—Treatment of trust income payable to children of grantor

Under present law, a father can, in effect, deduct on his income tax return gifts to his children if he makes a gift out of income from stocks and agrees to do so for at least 10 years. To get that result, the parent need merely transfer stock to himself as trustee and agree to pay out to his children the income from that stock for 10 years, at which time the stock will be returned to him free of the trust. Use of short-term trusts in this manner is commonplace with affluent taxpayers who can afford to give some of their dividend income to their children.

This section of the bill provides that the income of such a trust will be taxed to the grantor (if he has a reversionary interest) so long as the income is payable to a child who is under the age of 21 years or who is attending college and is a dependent of the taxpayer for purposes of the credit for personal exemptions.

Section 113—Tax on capital gains at death

At the present time, when a taxpayer sells a capital asset which has appreciated, the gain is subject to income tax. But if he holds an appreciated asset until he dies, the appreciation is not subject to the income tax. Thus, suppose a taxpayer bought $5 million worth of stock in 1958, and the stock is now worth $15 million. If he sells the stock, he will have to pay a capital gains tax on the $10 million increase in value. But if he holds the stock and passes it on to his heirs, neither he nor his heirs will ever have to pay income tax on the amount that the stock increased in value while he held it. The heirs only pay income taxes on any increase in value after they inherited the stock.

This discriminates heavily in favor of rich people who pass large amounts of wealth on to their heirs. $15 billion a year falls completely outside the income tax in this way. Moreover, investors become "locked in" by the prospect of avoiding income tax completely if they hold appreciated assets until death rather than selling them. This freezing of investment positions curtails the essential mobility of capital, and prevents its flow toward areas of enterprise promising the greatest rewards. For these reasons, President Kennedy in 1963 and President Johnson's Treasury Department in 1969 recommended taxation of capital gains at death.

This provision would only tax the gains at death if the value of the estate was above $60,000.

(As a transition rule, any gain that occurred prior to January 1, 1960 would not be subject to tax). The whole tax would not be paid in the year of death, since the taxpayer would have the benefit of income averaging. Finally, it should be noted that taxing capital gains at death and then imposing the estate tax on the decedent's estate does not result in double taxation. This is because the estate tax is imposed on the estate net of the income tax that would be paid on the capital gains under this proposal.

Section 114—Repeal of exemption for earned income from foreign source

Under present law, citizens of the United States can exclude from gross income certain amounts of income they earn in foreign countries if they are present in the foreign country for 17 out of 18 months or if they become a bona fide resident of the foreign country. The exclusion is $20,000 a year if the taxpayer meets the 17 out of 18 month test and is $25,000 a year if he is a bona fide resident of the foreign country. This section of the bill denies such exclusion from gross income in the case of taxable years beginning after the date of enactment. The foreign tax credit will prevent double taxation of the income if the foreign country also taxes the earned income.

Section 115—Repeal of alternative capital gains tax for individuals

This section repeals the alternative capital gains tax for individuals. The tax was partially repealed by the Tax Reform Act of 1969. With this amendment one-half of all long-term capital gains (not offset by capital losses) would be taxed to the individual as ordinary income.

Section 116—Capital loss carryback for individuals

This provision grants relief to an individual who has an unused capital loss of at least $10,000 by allowing him to carry it back (as can a corporation) to the 3 preceding taxable years. Cases have arisen where a large capital gain in one taxable year is followed by a large capital loss in the following year which may never be utilized even with the unlimited carry forward.

The carryback is elective with the taxpayer. This will make the provision less of an administrative burden on the Internal Revenue Service, for in many cases the taxpayer would rather not file a claim for refund (and audit) of tax paid in a prior year if the loss can be used on a carryforward. Moreover, if the taxpayer elects to treat a net capital loss as a carryback, the amendment as a long-term capital loss even though it is made up completely or in part from short term losses.

The carryback cannot be used to offset ordinary income, although a carryforward can offset ordinary income up to $1,000 a year, and the carryback cannot produce or increase a net operating loss for a preceding taxable year. In the case of the death of the taxpayer a net capital loss for the year of his death can be carried back even though the loss is less than $10,000.

Section 117—Repeal of capital gain treatment for patents

Under the provisions of existing law, capital gain treatment is granted on the sale by an individual of a patent even though he is a professional inventor. This section of the bill repeals these provisions, so that the outright sale of a patent for a lump-sum by the person whose personal efforts created the property will produce ordinary income, just as the sale of a copyright does under existing law. In addition, this section provides that capital gain treatment will not be granted in any case where the owner (whether a corporation or an individual) of a patent enters into an agreement (whether or not it constitutes a sale, license, or assignment) under which the seller or assignor of the patent receives payments measured by a percentage of the selling price of articles produced by the buyer or transferee of the patent or where the amounts received by the seller or transferor are measured by production, sale, or use of the assignee or licensee. Periodic receipts of this kind with respect to the sale or transfer of a patent are properly treated as royalty income rather than capital gain income.

Section 118—Income tax treatment of certain gifts to members of family

It has become fairly common for an individual who has produced a copyright or a literary or musical composition which is producing royalty income to give it to his children or to a trust so that the income will be taxed less heavily. This section provides that where there is a gift of such property by the taxpayer to a member of his family, to a trust for the benefit of any member of his family, or to a corporation more than 50 percent owned by the taxpayer or his family, the taxpayer will be treated as having received ordinary income at the time of the gift in an amount equal to the fair market value of the property at that time.

Section 119—Repeal of 50-percent maximum rate on earned income

The Tax Reform Act of 1969 set a maximum tax rate of 50 percent on earned income (wages and salaries, professional fees, and self-employment income). The effect of this provision is to give significant tax reductions to business managers, highly paid lawyers, physicians, and other professionals, and successful businessmen who prefer to operate as sole proprietors rather than through the corporate form. A recent study concluded that in 1972, this 50 percent maximum tax would benefit an estimated 63,000 wealthy individuals at a cost to the Treasury of $103 million.

Section 120—Underpayments of estimated tax

This section provides that an individual cannot base his estimated tax payments on the prior year's tax (or at the current year's rates applied to the prior year's facts) if in any one of the 3 preceding taxable years the tax shown on his return was in excess of $100,000.

TITLE II—AMENDMENTS PRIMARILY AFFECTING CORPORATIONS

Section 201—Repeal of asset depreciation range system

In 1962, the Treasury issued guidelines specifying the number of years over which different kinds of assets could be depreciated. Through the "reserve ratio test", a direct link was maintained between the depreciation claimed by taxpayers and the actual "wearing out" of equipment. Taxpayers were not allowed to depreciate for tax purposes more rapidly than they were actually replacing the equipment.

In January, 1971, the Treasury announced some major changes. Businessmen were allowed to take guideline lives 20 percent shorter than previously. Thus, an asset which previously had a guideline life of 10 years could now be depreciated over 8 years. In addition, the reserve ratio test was repealed. These changes were given legislative approval in the Revenue Act of 1971.

The Asset Depreciation System (ADR) will reduce federal revenues $1.7 billion in 1972, $2.4 billion in 1973, and $3.5 billion by 1975. Over the 1970's, it will cost the Treasury a total of $27.5 billion.

This section would repeal the ADR system, and reinstate the reserve ratio test.

Section 202—Limitations on dividends received deduction

Subsection (a) of this section of the bill provides that the dividends received deduction cannot exceed 85 percent of taxable income (computed without regard to the net operating loss deduction or to any capital loss carryback). The chief effect of this is to change present law which allows a full deduction for 85 percent of dividends received if this deduction will produce or increase a net operating loss for the taxable year. The amendment also provides that any amount disallowed for the taxable year because of the net income limitation shall be allowed as a deduction for the following taxable year if there is sufficient taxable income in that year. This gives the taxpayer a carryover which he does not have under present law.

Subsection (b) provides that dividends received from an unaffiliated corporation shall be reduced (for purposes of the dividends received deduction) by the amount of any interest on indebtedness incurred or continued to purchase or carry the stock of the unaffiliated corporation. An unaffiliated corporation is any corporation except one that is a competent member of a controlled group of corporations which includes the taxpayer.

This section of the bill also provides that if the aggregate amount of dividends received during the year from unaffiliated corporations (after first being reduced by any interest paid as provided in the preceding paragraph) exceeds the amount of dividends paid by the corporation during the taxable year, no dividends received deduction shall be allowed with respect to the excess. Thus, if no dividends are paid by the taxpayer, no dividends received deduction can be claimed for dividends received from unaffiliated corporations. However, the amount which is so disallowed shall be treated as a dividend received in the following year for purposes of the dividends received deduction. Moreover, if dividends paid during a taxable year exceed the dividends received during the year from unaffiliated corporations, the amount of the excess will be treated as a dividend paid in the following year for purposes of the dividends received deduction.

Section 203—Use of appreciated property to redeem stock

Under present law, if a corporation redeems stock with appreciated property, gain is recognized except in certain cases. One of the exceptions is where stock or securities are distributed pursuant to a court proceeding under the antitrust laws. This section provides that the stock or securities must have been acquired before January 1, 1970, in order for the exception to apply. It is not believed corporations which have violated the antitrust laws should have a tax benefit not available to other corporations who distribute appreciated securities.

Section 204—Denial of tax-free exchanges in case of investment companies

In 1966 tax-free exchanges of appreciated stock for shares of mutual funds (so-called swap funds) was brought to an end by an amendment which provided that section 351 of the Code would not apply to transfers to an investment company. This amendment did not complete the job. For years the Massachusetts Investment Trust, and other mutual funds, have been issuing their shares to acquire all of the stock or assets of family held personal holding companies, and these exchanges are treated under section 368 as tax-free reorganizations. This is nothing but swap funding to obtain diversification plus a readily marketable security. The amendment would make such exchanges taxable and it would also make mergers of two investment companies taxable.

Section 205—Recognition of gain on sales in connection with certain liquidations

If a corporation adopts a plan of complete liquidation and the liquidation is completed within 12 months, under existing law (section 337 of the Internal Revenue Code) the corporation is not taxed on gains realized on the sale of property during the period of liquidation. Gains on sale of inventory, however, are exempt from tax only if the inventory is sold in bulk to one purchaser. This exemption from tax in the case of a bulk sale of inventory has proved to be the main factor in some cases for deciding that a healthy corporation should go out of business in order to escape income tax profits to be realized on the sale of the inventory. Such profits constitute ordinary income taxable at the corporate rate of 48 percent. This section of the bill removes the tax exemption on the sale of inventory in a section 337 liquidation.

This section of the bill makes another amendment to section 337. A number of cases have been presented where the shareholders of the liquidating corporation have transferred, just before the corporation distributes its tax-free gains in liquidation, some or all of their stock to tax-exempt charities. As a result, no tax is imposed on the corporation and no tax is imposed on the gain which the shareholders would have had but for the transfer to tax-exempt charities. In addition, the shareholders take a charitable deduction for the full value of the shares which includes the untaxed gains. This section of the bill insures that one tax will be imposed in such cases by providing that if tax-exempt organizations receive X percent of the amounts distributed in liquidation, then the same percent of the gains realized by the corporation during the course of the liquidation will be subject to tax at the corporate level.

Section 206—Certain transactions disqualified as reorganizations

This section of the bill provides that there cannot be a tax-free reorganization if the shareholders of the smaller company involved in the transaction end up with less than 20 percent of the voting stock of the surviving corporation in a merger of the acquiring corporation in the case of a so-called B reorganization (stock-for-stock) or a so-called C reorganization (stock-for-assets). If a conglomerate company whose stock is listed on the New York Stock Exchange issues less 20 percent of its voting stock to acquire the stock or assets of a company whose stock is not listed, it is more realistic to treat the shareholders of the unlisted company as having sold out for a marketable security rather than having taken a part in a reorganization of their company. A similiar provision was contained in the House version of the Internal Revenue Code of 1954.

Section 207—Repeal of special treatment of bad debt reserves of financial institutions

This section of the bill provides that banks and other financial institutions who now are allowed to take special deductions for reserves for bad debts will, in the case of taxable years beginning after 1971, compute any addition to a reserve for bad debts on the basis of the actual experience of the taxpayers, the rule which is applied to all other corporations.

Section 208—Exploration and development expenditures in the case of mines

Under present law, exploration expenditures in the case of a mine are chargeable to capital account, unless the taxpayer elects to deduct such expenditures subject to recapture (through reduction of the depletion allowances) if and when the mine reaches the producing stage. Expenditures in developing a mine, however, are deductible without being subject to any recapture rule. This section of the bill treats development expenditures in the case of a mine in the same manner as exploration expenditures. Exploration and development expenditures for deposits outside the United States are not deductible under these provisions, and must be charged to capital account.

Section 209—Repeal of deduction for western hemisphere trade corporations

This section of the bill repeals the special deduction now allowed domestic corporations who obtain most of their income from foreign countries in the Western Hemisphere.

Section 210—Taxation of undistributed profits of foreign corporations

At the present time, American corporations do not have to pay taxes on the earnings of their controlled foreign subsidiaries until these earnings are brought home. In 1961, President Kennedy proposed the repeal of this tax deferral, but his proposal did not pass Congress.

The tax deferral for the earnings of foreign subsidiaries creates an incentive for U.S. corporations to set up plants abroad, since they can defer taxes on the earnings of these plants. This provision would tax these earnings on a current basis, at a savings to the Treasury of $170 million a year.

Section 211—Repeal of the tax exemption for a DISC

Under a provision of the Revenue Act of 1971, a U.S. export firm can set up a paper corporation (known as "DISC"), channel its exports through its DISC, and thus escape 50% of the corporation income tax on its export earnings. This provision would close this new loop-hole and subject export earnings to the same tax rates as exist for other kinds of income. Savings: $170 million the first year and increasing amounts thereafter.

Section 212—Involuntary conversions

This section provides that if gain on an involuntary conversion of property is not recognized because the taxpayer purchases stock of a corporation owning property of the kind which was converted, the basis of that property in the hands of the corporation shall be reduced by the amount of gain not recognized on account of the purchase of the stock.

Section 213—Computation of underpayments of estimated tax

This section of the bill provides that a corporation cannot compute its estimated income tax payments on the basis of the prior year's tax (or on the basis of the prior year's facts and the current year's rates) if in any one of the 3 preceding taxable years the tax shown on its return was in excess of $300,000.

TITLE III—AMENDMENTS AFFECTING INDIVIDUALS AND CORPORATIONS

Section 301—Rental real property

This provision would limit the allowable depreciation on rental real estate to straight-line. Thus, if a building has a "life" of 50 years, the taxpayer would be limited to depreciation of 2 percent of its cost in any one year. The use of accelerated depreciation methods has been a major feature of the rental real estate tax shelter.

In addition, this section would treat interest and property taxes paid during construction as capital expenses to be recovered over the life of the property. This would prevent investors from using large tax "losses" during the construction period from sheltering income from other sources. After construction, interest and property taxes would be deductible only to the extent of rents received, reduced by the other expenses and depreciation of the building.

Section 302—Charitable gifts of appreciated property

Under an amendment made by the Tax Reform Act of 1969, if capital assets which have appreciated in value are given to a private foundation, the charitable deduction is reduced by one-half of the capital gain the individual would have had if he had sold the property at fair market value. This section of the bill extends this rule to gifts of appreciated property to any charity.

Section 303—Computation of net operating loss deduction

This section of the bill overrules a decision of the Tax Court which held that a net operating loss which is carried back or forward does not have to be reduced by long-term capital gains in an intervening year if the alternative tax was paid on the capital gains. This amendment provides that capital gains are taken into account, for this purpose, in the same manner as other gains. Prior to the Court decision, capital gains have never received preferential treatment for net operating loss purposes. The amendment applies only in computing deductions for taxable years ending after the date of the enactment of the bill, but it is provided that in the case of earlier taxable years no inferences shall be drawn from the fact that the amendment does not apply retroactively.

Section 304—Intangible drilling and development costs in the case of oil and gas wells

At present, intangible drilling and development costs may be deducted as current expenses in calculating taxable income rather than spread over the useful life of the well. This section requires that these costs be capitalized except in the case of a dry hole. It would save the Treasury $750 million in the first year, and $300 million a year on a long term basis.

Section 305—Capital expenditures in planting and developing fruit and nut groves

Present law requires the capitalization of expenditures incurred in planting citrus or almond groves. This section of the bill would extend the rule of capitalization to any fruit or nut grove planted after June 30, 1971.

Section 306—Reduction of percentage depletion rates on oil and gas and certain other minerals

At present, the oil depletion allowance allows oil producers to receive 22 percent of the gross income from their oil wells tax free—so long as it does not exceed 50 percent of net income. In theory, this is to compensate the oil man for the fact that the oil in his well is being used up, or depleted, by production, in the same way that other businessmen are allowed to take deductions for the depreciation of their plant and machinery. Unlike other industries, however, the oil depletion allowances continues year after year as long as the well keeps producing—it does not stop when the cost of the well is recovered.

As a result of this provision, the Treasury estimated in 1966 that the cost of the average well was being recovered 19 times. At that time, the 20 top American oil companies made $4¾ billion in profits, yet they paid federal income taxes at the rate of only 8½ percent. In 1970, these same companies earned $8.9 billion, and paid 8.7 percent of it in taxes.

In 1969, the Treasury made available a study—the CONSAD study—that it had commissioned to determine the effectiveness of the present tax treatment for oil and gas. The major conclusion of that study was that the present tax mechanism for assistance to these activities, if assistance was needed, was quite wasteful.

This provision would place a 15 percent ceiling on all mineral depletion allowances. This is similar to the recommendation made by President Truman in 1950. It would save the Treasury about $400 million a year.

Section 307—Limitation on aggregate deductions for percentage depletion

This section of the bill provides that the aggregate deductions of a taxpayer for percentage depletion on oil and gas and other minerals cannot exceed one-half of the taxpayer's taxable income from all mineral properties, computed without regard to percentage depletion and as if all the properties (whether or not in production) were a single property. By comparison, Canada grants a percentage depletion deduction of ⅓ of the aggregate net income from all mineral properties, without a limitation based on separate properties. This amendment does not disturb the existing limitation that percentage depletion in the case of a mineral property cannot exceed 50 percent of the taxable income from that property. The amendment is a limitation on the aggregate of the percentage depletion deductions, first computed separately for each property.

Section 308—Repeal of capital gain treatment for timber and for coal and iron ore royalties

This section of the bill repeals the provision of existing law which grants capital gain treatment on the cutting of timber and for coal and iron ore royalties.

Section 309—Repeal of tax exemption for ships under foreign flag

This section of the bill repeals the provisions of existing law which state that a non resident alien of a foreign corporation (even though 100 percent owned by a U.S. corporation or an American citizen) is not taxable on income derived within the United States from the operation of ships documented under the laws of a foreign country which grants an equivalent exemption to United States citizens or corporations.

Section 310—Limitations on foreign tax credit

The first amendment made by this section of the bill provides that a foreign tax credit shall not be allowed for any foreign tax on income which is excluded from the taxpayer's gross income so far as the Federal income tax is concerned. In addition, any foreign income tax paid on a gain realized by an individual or domestic corporation which is not recognized under the Internal Revenue Code would likewise be a non-creditable tax. The basic rationale for this amendment is that the foreign tax credit is supposed to eliminate double taxation on income. If the United States does not tax the income, there is no reason to give credit for the foreign tax paid on that income by the taxpayer.

The second amendment made by this section provides that the foreign tax credit shall be subject to both the per country limitation and the overall limitation. This was the applicable rule from 1932 to 1954.

The third amendment made by this section provides three new rules with respect to the treatment of capital gains for foreign tax credit purposes. The first rule is that in computing taxable income for purposes of the per country and overall limitations, there shall be excluded any capital gain which is treated as income from sources outside the United States unless the gain is taxed by a foreign country. Most capital gains are not taxed by foreign countries and treating such capital gains as foreign income for purposes of the limitations can result in a reduction of the tax which the Federal Government receives on income of the taxpayer from United States sources.

The second new rule is that there shall be excluded, in computing taxable income for purposes of the limitations, any long-term capital gain which is from sources within the United States. This change operates only in favor of the taxpayer. Under present law, if a corporation pays a foreign tax of 48 percent on the income earned abroad, the per country limitation will not allow a full credit for that tax if there are long-term capital gains in the United States, since such gains are taxed at less than the 48-percent rate.

The third rule added by the amendment is that for purposes of the limitations the United States tax (against which credit can be taken) shall be reduced by the United States tax on any capital gain excluded from taxable income under the two rules described above.

Section 311—Holding period of capital assets

This section provides that a capital asset must be held for more than 12 months, rather than 6 months, to qualify as a long-term gain. This provision was in the Tax Reform Act of 1969 as it passed the House.

Section 312—Gain from the sale of certain property between related persons

This section expands the scope of section 1239 of the Code which now treats as ordinary income any gain on the sale of depreciable property between a husband or wife or between one individual and a corporation which is more than 80-percent owned by that individual (or by his spouse and minor children and grandchildren). Section 1239 was designed to prevent a step-up in basis of property subject to depreciation by paying only a capital gains tax on the amount of the step-up.

This amendment expands section 1239 so that it applies to sales between a trust and the grantor or beneficiary of the trust, and to sales between corporations which are component members of the same controlled group of corporations. It also covers a sale where several individuals as co-owners sell property to a corporation which they control.

The amendment also extends the scope of section 1239 to sales of land, if the land is held by the purchaser for sale to customers in the ordinary course of a trade or business. At the present time a taxpayer can sell land which he holds for investment to a wholly owned corporation for subdivision and sale to customers, and the corporation receives a step-up in basis (for purpose of computing ordinary income on sales) at a cost to the seller of only a capital gains tax. This amendment would treat the seller's gain as ordinary income.

Section 313—Recapture on sale of purchase price previously deducted

Section 1245 now provides for recapture of depreciation previously deducted (after 1961) on personal property if the property is sold at a gain. That is the gain to the extent of the prior depreciation deductions since 1961 is treated as ordinary income rather than capital gain.

This amendment provides the same rule of recapture if the taxpayer deducted the purchase price of the property as an expense when he acquired it. Thus, if a lawyer deducts the purchase price of periodicals and other books as he acquires them, any gain on the subsequent sale (to the extent of the amount previously deducted) would be ordinary income. Likewise, if the lawyer gave the books to a charity, the charitable deduction would be reduced by the amount of ordinary income he would have had if he had sold the books. This reduction would occur under the existing provisions of section 170(e) of the Code, taking into account the amendment of section 1245 by this section.

Section 314—Recapture of depreciation on sale of real property

This section of the bill provides that if depreciable real property is sold at a gain, the gain shall be treated as ordinary income to the extent of depreciation taken on the real estate for periods after June 30, 1963. This provides for real estate the same rules that are applied under existing law for recapture of depreciation on personal property which is sold at a gain, except that all depreciation deducted after 1961, instead of June 30, 1963, is taken into account in the case of personal property.

TILE IV—AMENDMENTS OF MINIMUM TAX ON TAX PREFERENCES

Section 401—Minimum tax

Although the Tax Reform Act of 1969 adopted a minimum tax on tax preferences, it remains possible for individuals with very high economic incomes to pay, literally, no federal income tax. This is possible primarily because state and municipal bond interest and intangible drilling costs are not treated as tax preferences under existing law for purposes of the minimum tax. The amendments made by this section of the bill, together with section 304 of the bill pertaining to intangible drilling and development costs, and sections 601 and 602, pertaining to the interest on state and municipal bonds, will insure that almost no one with a high income can continue to avoid payment of federal income taxes.

This section makes a number of amendments to the existing provisions of the minimum tax. First, it repeals the provision of existing law that allows regular income taxes to be deducted from the items of tax preferences.

Second, the $30,000 exemption for tax preferences is reduced by the bill to $12,000.

Third, it increases the minimum tax rates to 50 percent of the regular income tax rates.

Fourth, the following items are added to the list of items which constitute tax preferences:

(1) tax-exempt interest on state and local bonds;

(2) credit allowed for the investment credit on depreciable property;

(3) deduction of charitable contributions to the extent attributable to appreciated property; and

(4) the amount of amortization for coal mine safety equipment.

Another provision is added to avoid a tax on an item of preference if the taxpayer obtained no tax benefit from the item. This provision will permit a taxpayer to elect to waive the deduction of an item of tax preference, or to treat a capital gain as ordinary income, in which case the item would not be taken into account for the minimum tax. However, such waiver can be made only at such time, and subject to such terms and conditions, as may be set forth in regulations promulgated by the Secretary or his delegate.

Finally, this section of the bill strikes from existing law the provisions which treat tax preferences attributable to foreign sources more favorably than preferences attributable to sources within the United States.

TITLE V—ESTATE AND GIFT TAX AMENDMENTS

Section 501. Integration of estate tax rate with inter vivos gifts

The main defect of the present estate and gift tax system is that it discriminates in favor of those who give away their wealth partly through life-time gifts and partly at death, as against those who pass on all their wealth at death. In part, this is because both the gift tax and estate tax schedules are progressive. Thus, the man who transfers property both by gift and at death gets to start at the bottom of two separate, progressive rate structures. In practice, as pointed out in the 1968 Treasury *Studies and Proposals,* this is primarily of benefit to the very rich.

Thus, if a decedent made gifts of $2 million during his lifetime and leaves $3 million at his death, the rate of tax on the $3 million starts with the bottom tax brackets and produces a much smaller tax than would be produced if the $3 million were "stacked" on top of the $2 million lifetime gifts. The result is that wealthy individuals can substantially reduce the tax on transfers of property by making substantial gifts during lifetime.

This section of the bill would integrate the estate tax rate with *inter vivos* gifts so that the tax brackets for property transferred at death are determined by the amount of taxable gifts made during the decedent's lifetime (and after 1971). Under this amendment, a tentative tax is first computed on the amount of the taxable estate at death increased by the amount of the taxable life term gifts (made after 1971) plus the gift tax paid by the decedent on those gifts. Then, a second tentative estate tax is computed on an amount equal to such gifts plus the gift taxes paid. The difference between the two tentative taxes constitutes the estate tax payable on the property transferred at the time of death.

Section 502—Transfers taking effect at death

Before the enactment of the 1954 Code, if a taxpayer transfererd property to a trust which provided that the income should be accumulated during the grantor's life and upon his death the trustee should pay the corpus and accumulated income to his children, such a transfer was included in the decedent's gross estate as a transfer taking effect at death. The 1954 Code provided that such a transfer will be included in the gross estate only if the decedent retained a reversionary interest equal to 5 percent of the value of the property. This section of the bill strikes out the 5-percent reversionary interest test since it is completely a non sequitur in a statute which imposes an estate tax on a lifetime transfer of an interest which can be possessed or enjoyed only by surviving the transferor. This amendment would apply to transfers made after December 31, 1971.

Section 503—Life insurance included in gross estate

Prior to the 1954 Code, life insurance on a decedent's life was includible in his gross estate to the extent he paid the premiums on the policy. In such case it was immaterial whether he had given the policy to members of his family before his death. This section of the bill restores the premium payment test in the case of life insurance, so that the insurance will be included in the insured's gross estate in the ratio that the premiums paid by the decedent on the insurance policy bears to all premiums paid on that policy. In applying this rule the premiums paid by the decedent before July 1, 1971, shall not be included in the numerator of the fraction but would be included in the denominator.

Section 504—Charitable deductions in the case of estate tax

The first amendment made by this section of the bill provides that a charitable bequest will be deductible for estate tax purposes only if it is to be used predominantly within the United States or its possessions. Under present law, a citizen of the United States can give his entire estate to a church located in Germany or to an orphanage in Israel and no Federal estate tax will be imposed on his estate.

The second amendment places a limitation on the charitable deduction for estate tax purposes, similar to what we have for the income tax. Under present law, a decedent can give his entire estate to a private foundation created by his will, and no Federal estate tax will be imposed. This amendment states that the aggregate charitable deduction shall not exceed 50 percent of the gross estate reduced by the debts of the decedent and the expenses of administration.

The third amendment deals with the interplay of the charitable deduction and the marital deduction for estate tax purposes. The marital deduction cannot excede 50 percent of the adjusted gross estate (gross estate less debts, losses, and expenses of administration). Cases have arisen where executors have claimed, in order to raise the amount of the adjusted gross estate for purposes of the marital deduction, that transfers made to charities during the decedent's lifetime were includible in the gross estate. Increasing the gross estate for such lifetime transfers produced no estate tax for the charitable deduction was increased by the same amount, but a larger maximum deduction was allowed for bequests to the surviving spouse. This amendment provides that in computing the adjusted gross estate there shall be excluded any transfer made by the decedent during his lifetime if an estate tax charitable deduction is allowed for that transfer.

Section 505—Generation-skipping transfers

This section would impose a special tax on property passed on through generation-skipping trusts.

Under present law, it is possible to partially avoid the estate tax by transferring property to grandchildren or great grandchildren without a transfer tax being paid by the intervening generation or generations. The wealthier the family, the greater the opportunity for arrangements of this kind. This provision—similar to one recommended by the Treasury in 1969—would close this loophole.

TITLE VI—STATE AND LOCAL OBLIGATIONS

Section 601—Interest on certain governmental obligations

At present, interest from state and municipal bonds is tax-free. This allows local governments to raise badly needed funds at relatively low interest rates. Unfortunately, it also provides an easy vehicle for the wealthy to avoid taxes. Under the Tax Reform Act of 1972, local governments can continue to issue tax-exempt bonds; alternatively, they can issue taxable bonds and receive a federal subsidy of 50 percent of the interest cost. This would raise little or no money for the federal government, but it would save considerable amounts for local governments electing to use the new system. A similar provision was adopted by the House in 1969.

Section 602—United States to pay 50 percent of interest yield on taxable issues

This section provides that the Federal Government will pay 50 percent of the interest cost of taxable bonds issued by state and municipal governments.

Mr. NELSON. Mr. President, I also ask unanimous consent that the following statement in support of my Tax Reform Act of 1972 by Senator HUMPHREY be printed in the RECORD. I also ask unanimous consent that an address on the subject of taxes given by Senator HUMPHREY in Fond du Lac, Wis., be printed in the RECORD at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR HUMPHREY

I am pleased to join with the junior Senator from Wisconsin in sponsoring one of the most comprehensive tax reform proposals presented in this session of Congress.

Our tax structure needs fundamental and wide-scale reform. We need equity and fairness in a tax system that is presently rigged against the working man, against the average family, against the average citizen.

The time has come for a new tax system, a system that says to the wealthy, to the super-rich, to big business, to the large banks—you must pay your fair share.

The legislation I am cosponsoring with Senator Nelson takes us a large step towards meaningful tax reform.

No longer will it be possible for giant oil companies to make over $8 billion a year and still pay less than ten percent of their total income in taxes.

No longer will the wealthy have tax free sources of income.

No longer will big business get a special deal through dummy export corporations and fast depreciation write-offs.

No longer will less than ten percent of our people be able to use all sorts of tax dodges and tax shelters to avoid paying taxes.

And, no longer will millionaires be able to escape paying taxes.

The legislation being introduced today would raise about $16 billion a year in new revenue. This money could be and should be used to directly reduce the burden of property taxes on American homeowners.

We have estimated that if all this additional revenue is returned to states and localities, property taxes could be reduced by about one-half for all the homes, farms, and businesses in the nation.

Mr. President, this is a step we must take. We simply must reduce the burden of taxes on our people. Right now, the average man works about 15 hours of every forty hour week to pay for his taxes. There are Federal and state taxes on his income, propery taxes, telephone taxes, cigarette taxes, gasoline taxes, sales taxes, occupational privilege taxes, amusement taxes, gift taxes, inheritance taxes . . . the list is almost endless.

Our citizens have been taxed almost to the breaking point. Yet, some citizens are not taxed at all, for they can hire high priced tax lawyers to figure out loopholes that allow them to escape paying taxes.

This is unfair. And, the loopholes must be closed.

The bill being introduced today is specific. It would make frontal attack on the following loopholes:

Exclusion from dividends.

Deduction for state gasoline taxes.

Tax capital gains at death.

Oil depletion allowance.

Capitalization of mineral exploration and drilling cost.

Repeal the asset Depreciation Range.

Tax income of foreign subsidiaries of U. S. Corporations.

Repeal the Domestic International Sales Corporation.

Federal interest subsidy for municipal bonds.

Extend the holding period for capital assets.

Alter the charitable deductions in case of appreciated caiptal.

Depreciation on rental real estate to be straight-line.

Strengthening the minimum tax.

Increase the minimum tax.

Integrate estate and gift taxes into one tax.

Tax generation skipping trusts.

Limit charitable deduction for estate purposes.

Mr. President, closing these loopholes is a downpayment on the kind of tax system we ought to have. I support this legislation I intend to do what I can to have it enacted. I know that enactment will not come easy. But, I believe that the voice of the people has been heard. They want action and they want it now.

On February 26, 1972, I spoke on the subject of tax return at Fond du Lac, Wisconsin. In that speech, I outlined the kind of tax program I thought necessary to restore the confidence and credibility of our people to government.

I am especially pleased to cosponsor this legislation because I feel it embodies the thrust and direction of that speech.

REMARKS BY SENATOR HUBERT H. HUMPHREY, FOND DU LAC COUNTY DEMOCRATIC DINNER

It is two and a half months before April 15—tax day for the American people.

On that day the Internal Revenue Service will process 92 million tax forms and our Treasury will collect $125 billion.

If all Americans paid their fair share the Treasury could collect $18 billion more and your tax burden would be less.

But some few Americans don't pay their fair share and because they are allowed to do this, you pay higher taxes.

Today I want to talk to you about the inequities of our tax system and outline my action program to change this system.

Federal, state, and local governments collect more than $275 billion a year in taxes.

Less than two percent of the people receive 22 percent of the income and pay less than 10 percent of the taxes.

But the working man making between $8,000 and $15,000—that's 26 percent of the people—make 20 percent of the total national income but pay 36 percent of the taxes.

I believe this system is unfair.

The federal tax system is rigged against you—the working man.

It is rigged against the wage earner.

It is rigged against the average family.

And, it is rigged in favor of unearned income.

Our tax system penalizes the little man who works and rewards wealthy investors who get checks from stocks, bonds and large dividends.

The time has come for tax reform.

The time has come for tax justice—tax justice for the American working family.

The time has come for a tax system that says to the wealthy, to the super-rich, to big business, to the banker—you must pay your fair share.

All of us have a stake in the growth of this nation.

All of us want to get ahead—to save money, buy a home and perhaps some land, to send our children to college and have a decent income and security when we're older.

Some may say these things are part of the American dream. But I say they're not just dreams, they're rights—they belong to you.

But what has happened?

It is getting more and more difficult to have these good things in America today.

It is more difficult to earn, more difficult to save because the American tax system takes a bigger and bigger bite out of your pockets every year.

We have a tax system that few can understand. But those few who do often use it to their own advantage.

It is the responsibility of government to see that taxes are just and that no one gets a special deal.

But under Nixon Republicanism, the Treasury Department of the United States government—the Treasury Department which belongs to you and to me—has become a lobbyist and advocate for special interest.

The Treasury Department is now the blocking back for big business Republicanism, and the little guy has no one running interference for him in Washington.

I want to tell you what the Nixon Treasury has done.

It proposed legislation which allows a few big businesses to set up tax-free dummy corporations to sell their goods overseas. I fought against such legislation.

It has sponsored legislation to permit corporate giants a super-fast write-off on their machinery saving them over 5 billion a year.

It fought against increasing the amount of money you can deduct for yourself, your wife, and your kids.

Who was fighting for you? Not the Nixon Administration.

And my friends, in the dark marble halls of the Treasury, faceless political appointees quietly shoved aside a 1969 provision of the tax law that says everyone must pay at least some minimum tax.

And what has been the result?

Two weeks ago we found out that in 1969 and in 1970 over 300 Americans making better than $200,000 a year paid no income tax at all.

Could this happen to you? When was the last time you didn't pay any taxes on the income you earned?

The working man doesn't have any friends in the Nixon Administration. He doesn't have a special line on his tax form. But he pays more taxes than some millionaires.

Now, I'm not out to damage American corporate interests. I'm for a thriving free enterprise system. I'm for economic expansion. But that goal is best served by equity and justice in the tax system.

My legislation performance on tax and fiscal policy is clear—it's a matter of public record. The American tax system must stand for fairness—not special privilege.

Regrettably that tax system is now riddled with what we commonly call tax loopholes.

Here are just a few that must be closed:

Loophole No. 1: Is it fair that one giant oil company earning over $2.8 billion a year is permitted to pay less than 10 percent of its total net income in taxes? While at the same time a working man who makes only $8,000 a year pays exactly the same percentage rate?

Is it fair? I say no.

Loophole No. 2: Is it fair that big business got a $9 billion tax break from Richard Nixon in the Revenue Act of 1971 through super-fast machinery write-offs and phoney export devices?

I say no.

Loophole No. 3: Is it fair to the family farmer who struggles to make a living and pays high taxes while doing it, that doctors and lawyers with big incomes play weekend farmer by buying farm property and growing tax deductions?

I say no. If you want to deduct your farm losses, then give up the courtroom, the panneled office and go drive a tractor.

Loophole No. 4: Is it fair and was it necessary for the Nixon Administration to permit and force working families to pay the highest interest rates since the Civil War?

I say it's not fair and it wasn't necessary.

Loophole No. 5: Is it fair for 10 percent of our people to use all sorts of tax dodges and tax shelters to avoid doing what you must do—pay taxes?

I say no. The tax avoidance game is over.

There are many more.

And I want to ask you now: Is it fair knowing that we can raise over $18 billion a year by closing loopholes for the Nixon Administration to propose a new tax burden on the American consumer in the form of a giant sized national sales tax?

I say no. No matter what the Republicans call it, the new value added tax will add to the cost of living, will be regressive on all of us, will erode community tax bases and ultimately it will be used to reduce the taxes of the wealthy.

Today America is privately wealthy and publicly poor. We see public poverty all around us. Our streets need fixing, our hospitals are inadequate, our transit system is 50 years out of date, our airports are congested and unsafe, and we have too few ships carrying our flag.

We need to modernize our docks. We need jobs for our people. And too many Americans live in the fear of crime.

Let's not kid ourselves. Correcting our problems is going to take money.

But closing the loopholes I have suggested today will bring over $18 billion to the treasury.

That's a start. That's a down-payment on clean and safe neighborhoods, better schools, more good housing and lower property taxes.

Our country can survive only if its institutions and values are supported by the people.

When three million of our elderly are forced to overpay their taxes because of complex tax forms, when the wealthy can hire high-priced tax advisors to cut their taxes, and when billions are made from investments and taxed at half the regular rate, then the people have a right to believe our tax system is unfair. That some are benefitting at the expense of others. That the tax system is rigged against the working man.

Any reform on the American tax system will require the courageous and persistent leadership of a President.

Over 30 years ago Franklin Roosevelt said: "The test of progress is not whether we add to the abundance of those who have much; it is whether we provide enough for those who have too little."

The test of progress is much the same today.

We can only begin to meet that test if our tax system is fair and if government fights again for the little guy—for you and me and for our families.

Mr. NELSON. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Minnesota (Mr. MONDALE) is recognized for 15 minutes.

Mr. MONDALE. Mr. President, I yield to the Senator from California (Mr. TUNNEY).

Mr. TUNNEY. Mr. President, beyond the area of fundamental individual rights, there is nothing of more crucial importance to the justice and equity of government than fair taxation.

In a nation born out of a revolution that was sparked by a sense of outrage at unjust taxation, it is sadly ironic that our present system of taxation has been diverted so far from the path of justice and equity. Instead of spreading the burden of the cost of government fairly through society, its structure has been so warped with special exemptions and distorted with hidden subsidies that it serves to counteract many of the social policies which positive programs seek to implement.

Instead of taxing "incomes, from whatever source"—as our Constitution says—it excludes many forms of unearned income and thereby commits itself to placing far heavier imposts on the average wage earner than would otherwise be necessary.

Instead of sharing the cost of Government among the people according to their ability to pay, it contains numerous loopholes which only the wealthy or the powerful are able to exploit, or through which the wealthy and powerful win disproportionate benefit.

Instead of embodying the rightful sharing of costs, it has become the vehicle by which those who can afford to pay, and who should pay heavily, are able to avoid their fair share, and the bottom line is always the same—those with low or moderate income have to pay far more than they rightfully should.

The worker's pay packet is made thinner so the bank balances of the wealthy can grow fat.

It is time that the special tax subsidies for the privileged were swept away in the interests of tax justice for all.

Not only does this discrimination at the Federal tax level take place too great a burden on those least able to bear it, it also throws far too much responsibility on the taxing resources of State and local governments. In particular, it has forced the property tax into undesirable and unnecessary prominence. With such a weight of responsibility placed on it in the field of education alone, it bears down with special inequity on those with moderate resources.

The property tax is simply not structured to service such a demanding area of expenditure. Any meaningful tax reform must address itself to the relief and replacement of this burden. It is no substitute to resort to yet another tax, whether it is a national sales tax, a value-added tax, or anything else. The answer does not lie in yet another layer of overlapping taxes. It lies in setting the present house in order.

The Tax Reform Act of 1972 which we are introducing today does not by any means provide the whole answer to our tax problems, but it does represent a very significant and urgently necessary first step. Apart from moving toward a more just distribution of the cost of government among those able to pay, it would immediately provide urgently needed fiscal relief to State and local governments. It would make available an additional $16 billion to $17 billion for tax sharing.

This would be enough to pay almost 40 percent of all State and local costs of primary and secondary education throughout the Nation. In 1971 figures, it would make it possible to cut all property taxes on homes, farms, and businesses by 44 percent.

It would provide $1.55 billion or more to California alone.

The great problem with any tax preferences or loopholes which are worked into the structure of government finance is that they hold in themselves the seeds of multiple inequities.

To begin with, because of the progressive character of the tax rates, they generally benefit the rich many times more than the poor. The $750 personal tax exemption, for example, is worth only $107 in actual tax savings to the taxpayer in the lowest tax bracket. But it is worth $525—nearly five times as much—to someone in the highest bracket.

Converting this to a tax credit of $150 for all, as this reform bill provides, would not only reduce taxes for about 30 million taxpayers with incomes below $10,000, it would also bring in an extra $1.9 billion a year from those who can afford to pay it.

At the same time, tax preferences are generally more available to those who have great financial resources than to those with few. Take the capital gains tax. Every year the Federal Treasury loses about $8 billion in revenue because 50 percent of all capital gains on invested wealth are free from tax.

The loophole is available to anyone—provided they have the resources to take advantage of it. The actual result is that only one taxpayer in 20 with income under $10,000 has the chance of using it at all. And because his capital gains are so small, and his tax rates are so low anyway, he and the rest of his income group end up with only a meager 1 percent of the tax concession. But over half of it goes to those with income of more than $100,000 a year.

This is one of the major reasons why in 1970 some 112 persons with incomes of more than $200,000 a year—including three millionaires—paid no tax at all.

The legislation being introduced today would make the first move against this imbalance in the tax structure, first, by requiring that assets should be held for 12 months before capital gains on them qualify for preferential tax treatment. But it would also save about $2 billion in revenue by taxing all gains when the property is transferred at death. At present very wealthy families are able to avoid even the low capital gains tax by holding the assets within the family from generation to generation. Not only does this result in a great loss of revenue, it also injects an undesirable element of rigidity into investment decisions.

Loopholes are also used as a means of providing unjustifiable subsidies to particular sections of the economy. The oil depletion allowance is a prime example of this fact. With the aid of this ultra-generous measure, the biggest oil companies have been paying taxes at a final rate of less than 10 percent on incomes amounting to several billions of dollars. For the allowance not only permits the oil people to depreciate their wells 22 percent a year, it does not require them to stop when they have accounted for the total value of the well. As a result, the Treasury has reported that the oil industry on average recouped the cost of each oil well not once, but 19 times.

This represents a huge continuing subsidy, whose practical effect in terms of guaranteeing sufficient national oil reserves is extremely doubtful. In the tax reform bill which I introduced in 1969 while still a Member of the House of Representatives, I provided for the depletion allowance to be reduced to 15 percent. A similar provision is included in the present bill, with an approximate saving to the Treasury of $400 million a year.

An enormous tax loss is now built in to the system as a direct result of last year's introduction of the 20 percent acceleration of depreciation schedules for companies under the asset depreciation range.

This speed-up not only broke the logical connection between the rate of depreciation for tax purposes and the actual rate of replacement of equipment. It was at the same time economically inappropriate in the way in which it sought to encourage by subsidy further investment at a time when there was excess capacity lying idle because of lagging demand.

Returning the rules to their former status will realize a net gain to the tax system of $2.4 billion in 1972, and about $3 billion a year thereafter.

Further help can be afforded to State and local governments to the tune of $1 billion a year if they choose to take advantage of a 50-percent Federal subsidy for interest rates on their bonds in the place of their present tax-exempt bonds.

With the existing provision of tax-exemption on these bonds, the State and local authorities benefit to the tune of about $1 billion annually. However, because tax-exempt income is so attractive to the very wealthy who would normally have to pay taxes at the highest rates, the net cost to the Federal Treasury is about $2 billion, with $4 in every $5 of that extra cost being pocketed by the very wealthiest 1 percent of the population.

When all the pieces of this jigsaw of special provisions are put together, the result is an open invitation to the rich and the financially powerful to channel considerable energies toward the support of a tax avoidance industry, the sole aim of which is to produce income not by adding to the goods and services of the Nation, but simply by avoiding their fair share of the basic costs of Government.

It is an industry which is not available—let alone useful—to the average wage earner. It is an industry which should not exist at all. Any meaningful tax reform must seek to remove its reason for existence.

Mr. President, with my distinguished colleagues here today, I join in the introduction of the Tax Reform Act of 1972, in the conviction that a very definite start must be made on reforming the whole tax structure if the principles of equity and justice in Government are to be paid more than lipservice.

It is only a beginning, but I believe that it is a very important and necessary beginning which can bring significant relief and reform.

Mr. MONDALE. I thank the Senator from California.

Mr. President, I rise to support and cosponsor a vital and long overdue tax reform proposal, introduced today in the Senate by the distinguished Senator from Wisconsin (Mr. Nelson).

The Tax Reform Act of 1972 is one of the most important proposals I have seen in a long time. I am hopeful that the Senate will move swiftly to hold hearings on it, to mark up the bill, and to pass it, hopefully in this Congress.

As I go around my State of Minnesota and talk with the people, the issue which concerns them more than any other is what they rightly perceive to be the indefensible unfairness of the present Federal tax system.

The other morning, I was having breakfast in a Minneapolis hotel. A mother of five, who is working in the restaurant for very low pay, having lost her husband, told me how she had been trying to establish the fact that one of her sons who goes to a State college still continued to be one of her dependents. For more than a year she had been arguing with the local Internal Revenue Service officer about taking a deduction for that son as a dependent. It was clear to me, that she probably was correct. Here was a decent American, working hard, who desperately needed a few dollars more that would come from establishing that deduction. My heart went out to her.

The evening before, I had seen a corporate jet worth millions of dollars standing outside the Minneapolis airport. A long, black limousine pulled up to it. Three couples got out of the car, obviously having been to a party. They were returning in that multimillion dollar jet. I would guess that most of the cost of that jet—most of the cost of the evening—was being deducted as an ordinary and necessary business expense under the income tax laws of this country. Taxpayers like the hard-working mother in the restaurant probably paid a couple of thousand dollars for that ordinary and necessary business expense, as defined under the tax laws of this country.

I could not help being struck by the unfairness with which those two problems were treated: A decent working mother, trying to keep a family together, trying to help her children through college, fighting for nickels and dimes and with no tax loopholes for her, and on the other hand, thousands of dollars slipping away one evening, without any kind of review, simply because a corporation can write off a private plane and a big party as an ordinary and necessary business expense.

Mr. President, this situation has become an offense to all of us. I think it is almost immoral. We are overtaxing those who work and undertaxing those with capital.

There are many examples of outrageous indefensible tax loopholes which permit the wealth, the large corporations, with the help of their tax consultants and lawyers, to escape taxes entirely and in almost every case to pay taxes at rates which make a mockery of the Federal tax structure.

Mr. President, the American people are beginning to recognize these abuses. They do not like it. They know it is indefensible, and they want something to happen.

In the Tax Reform Act of 1972, the distinguished Senator from Wisconsin seeks to close only some of the tax loopholes. He has identified the tax loopholes that are least defensible, those which never should have been granted, and those which can be taken away now without hurting anybody. In closing some 50 tax loopholes, we will be able to raise $16 billion without increasing the taxes of the average American—indeed, while reducing taxes for most. Senator Nelson proposes to take this $16 billion and send most of it home, to permit us to reduce local real estate taxes.

He points out that the money which Wisconsin would receive as its share from this loophole closing tax bill would permit that State to reduce real estate taxes approximately 30 to 35 percent. Similar relief would come to the real estate taxpayers of Minnesota and throughout this country. Minnesota's share of this $16 billion tax reform would be $296 million—enough to lower property taxes by 40–50 percent if we choose to use the money in this way.

Thus our proposal is to tax inexcusable loopholes, taking the revenues and sending them home, to bring long overdue relief to the real estate taxpayers of our local communities. These funds then can be used for necessary local expenditures.

How much better it is to get funds this way than by the proposed value-added tax. It is significant that the amount of money that this loophole closing proposal would raise is almost the same as would be raised by the President's proposed Value-Added Tax.

That tax is nothing other than a 3-percent sales tax in disguise. It hits a family that is poor, a family that is large, a family that is old and on a fixed income, just as hard as it hits the richest family in the United States—indeed, much harder, because a higher percentage of the income of the poor will be hit by such a sales tax. More than that, the value added tax is a tax on labor. It creates an incentive to hire fewer people than are being hired now. At a time of substantial unemployment, why on earth should we be establishing a tax which encourages businesses not to hire or to lay off people who desperately need work?

So here we have a responsible, well-studied alternative to a 3-percent sales tax. It is what we might call the loophole tax plan of 1972. We will tax loopholes, and not only get the revenue we need, but also give the American public long overdue justice in the Federal tax system.

I do not think anything demoralizes Americans more than to work hard all year, at a reasonably paying job, pay their taxes, and then read, a week or two later, that one of the large oil companies paid practically nothing in taxes, that every 20th millionaire pays not a dime in taxes, and that the rich are escaping tax free or are paying taxes that make a mockery of the Federal tax laws.

Americans everywhere are disillusioned with our tax system—and they want changes. I agree with those who say our tax system is a national disgrace. I agree with those who say tax reform is needed now. That is why I have joined with other Senators in introducing this tax reform package at this time.

A study entitled "Who Paid Taxes in 1968," compiled by U.S. Census Bureau economists, shows just how bad the present tax situation is. A worker earning $9,000 a year pays about 30 percent of his total income in taxes. An executive with income of $25,000 to $50,000 pays at about the same 30 percent rate. Supporting this finding, tax experts at the Brookings Institution have shown that the special tax treatment of capital gains brings the tax rates paid by our wealthiest taxpayers down by almost 50 percent from what they would be if they paid established income tax rates.

Still a third study shows that taxes on corporations have gone down significantly since 1961 as a percentage of Government revenues, while payroll taxes on wage earners have gone up 50 percent.

Almost one man in 20 who earned a million dollars in 1970 paid no taxes.

One hundred and twelve people with incomes over $200,000 in 1970 also paid no tax at all.

The 19 largest oil companies paid taxes at a rate of only about 8 percent in 1970.

The wealthy write off summer houses and overseas trips to conventions against their taxes.

Corporate executives get millions in no-risk stock options.

If an investor holds stock until he dies instead of selling it, his heirs pay no capital gains tax on the increase in the stock's value at all.

If a wealthy man puts his money into oil wells, he can deduct 22 percent of his oil profits from his taxable income. This oil depletion loophole is not available to salaried workingmen.

Last year's tax bill allows big corporations to use an asset depreciation range (ADR) system to write off their investments in a way which will cost the rest of us $3 billion in taxes this year. This is another privilege that benefits only the wealthy.

Even our present system of tax deductions for dependents is unfair. Each $750 deduction is worth only $105 to the poor man, but $525 to the man in the highest tax bracket.

We can eliminate these and other tax

abuses by the kind of comprehensive tax reform which we are proposing today.

Our proposal will tax capital gains at death, and reduce the oil depletion allowance from 22 to 15 percent. It will end the accelerated depreciation range system and improve on the present system of deductions, giving most people a tax reduction. It will close dozens of other loopholes.

Of course, I want to consider one or two provisions in this bill more thoroughly before I adopt them as my own. The way we tax income from State and local bonds is a particular issue I will want to review. But these are details.

The reforms we propose will raise about $16 billion.

What should we do with the $16 billion we get from closing loopholes? The answer is that there will be enough money to do many things that should have been done a long time ago.

Last August, for example, I introduced legislation to give a Federal tax credit to the low-income elderly for State and local property taxes which they pay. Lifting this tax burden from our elderly citizens would cost only $400 million to $600 million—a small part of the money tax reform will make available.

With the rest of the money we could give property tax relief to more low and middle income families.

Tax reform, by easing the property tax burden will remove any excuse that there may be for proposing a regressive national sales tax called a value added tax.

Reform will allow us to greatly increase aid to the States for education and other pressing needs. This also will reduce the pressure on the States to raise sales and property taxes as they have been forced to do so often recently.

Tax reform will open many new possibilities—and it will restore a sense of social justice in America. It is what we need and what the people of America want. I intend to fight to see that they get it.

So I am proud and feel privileged to join the Senator from Wisconsin in cosponsoring the Tax Reform Act of 1972. I hope this will be a central issue in this campaign, because we no longer can have a tax structure such as this and deserve the respect of the people we represent. It is a long overdue measure. I think it represents a very intelligent and creative analysis of the present tax law. It brings this issue to the front.

Senator NELSON serves as a member of the Committee on Finance, which hopefully will be considering this proposal shortly, and I hope we will have it on the floor to vote on it. I know that it has the support of the American people.

Mr. President, I yield my remaining time to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am pleased to join with Senator GAYLORD NELSON, Senator PHILIP HART, Senator WALTER MONDALE, and other Senators in introducing the Tax Reform Act of 1972. The bill is similar to legislation introduced in the House of Representatives earlier in this Congress by Representatives JAMES CORMAN of California, and HENRY REUSS, of Wisconsin.

We estimate that, if enacted, this bill will raise approximately $16 billion in new revenues in 1973, and increasing amounts each year thereafter. Clearly, when we talk about tax reform, we are not talking about insignificant amounts. We are talking about billions of dollars in urgently needed new funds—dollars that can be used in a variety of ways to help meet all the great challenges we face at home and overseas.

Tax reform can provide dollars for homes and health and education, dollars for crime prevention and drug control, dollars for transportation and the environment, dollars to reduce the soaring burden of property taxes, dollars to reduce the enormous Federal budget deficits we now endure, dollars for revenue sharing with State and local governments—in short, dollars to meet many of the most urgent priorities that have already been set in the past, and will be set in the future by Congress, the administration, and the American people.

It is no accident that tax reform is now erupting as one of the most important issues in the Nation this year. It is a powerful mass movement that can no longer be denied. We have a tax crisis in America today because, for years, we have allowed taxes at all levels of government—Federal, State, and local—to become vehicles of special privilege for the few, instead of the fair and reasonable income-raising measures they ought to be. Wherever we look, we find the tax base being eroded by deductions and exemptions, by windfall subsidies and questionable incentives for various industries, by benefits that have long since outlived whatever justification they might have had when they were first enacted, and even by loopholes quietly written into the law for the benefit of particular individuals or corporations—"tax fingerprints" that dot the revenue code and pay silent tribute to the political muscle of the wealthy and the powerful in the Nation.

And always, it is the ordinary citizen who bears the heaviest burden. In other days, when the role of government and public spending for social programs were much more modest than they are today, the weight of our unfair tax structure. may not have been as onerous. But today, the burden is immense, and taxpayers across the country are raising their voices in loud opposition to the rising taxes they have to pay.

And perhaps the worst offender is Congress and the way we write the Internal Revenue Code, the Federal income tax law. For generations, we have allowed the code to multiply its subsidies and deductions and exemptitons, oblivious to the mounting inequities of the system. We boast to the world that our income tax system is the fairest and most progressive revenue code ever devised in the history of taxation, yet we ignore the mushrooming proliferation of loopholes that make it so increasingly unjust. More often than not, efforts for genuine tax reform turn into a tax-cutting spree on the Senate floor, rather than the comprehensive reform they started out to be.

The responsibility for our present plight cannot be placed solely on a particular Congress, or on any single administration. In many cases, the inequities of the Internal Revenue Code have been accumulating for decades. Some are fossils from the earliest laws enacted after the 16th amendment to the Constitution conferred the power on Congress to enact an income tax.

At the same time, however, the present administration must bear a major share of the blame, because of the way in which it has opposed the meaningful efforts for reform in recent years. Twice in the past 3 years—in the Tax Reform Act of 1969 and the Revenue Act of 1971—we have seen that the only thing the administration calls reform is a plum for business and a crumb for everyone else, a program that benefits the superrich and the big campaign contributors and the big corporations, but that does nothing to ease the back-breaking burden of taxes the ordinary citizen has to bear.

And now, at the very moment when the problem ought to be clear to all, the administration simply ignores the issue and abdicates its responsibility again. It follows the path of least resistance. It caters to the special interests. It announces a search for a novel new approach like the value added tax to ease the burden.

To me, the value added tax would be the wrong tax in the wrong country at the wrong time. It would be nothing more nor less than a national sales tax, piled on top of the countless State and local sales tax that now exist—another regressive gimmick to divert the Nation from the job of real reform. And so I hope the administration will set its tax priorities right this year, and recognize that a sound tax policy for America demands prompt changes in the income tax laws, not a search for a new and different tax.

It is fair to say that, as a modern popular movement, the taxpayer's revolt began in earnest in the closing months of the Johnson administration. Its rallying cry was the disclosure by Secretary of the Treasury Joseph Barr that in 1967, the most recent year for which figures were available, 155 wealthy Americans, with incomes of $200,000 each or more, had paid no tax at all.

By 1970, thanks in part to the Tax Reform Act of 1969, the number had declined—but only slightly—to 112. We know, however, that these 112 are only the beginning of the problem. According to figures released this weekend by Congressman REUSS, there were another 282 wealthy nontaxpayers in the $100,000 to $200,000 annual income category and an additional 944 wealthy nontaxpayers in the $50,000 to $100,000 category—a grand total of 1,338 nontaxpayers whose reported incomes were $50,000 or more in 1970.

Clearly, we are only just beginning to understand the dimensions of the problem. The figures do not include those who derive all their income from tax-free interest on State and local government bonds. And for every wealthy taxpayer who escapes his taxes altogether, there are countless more who use the loopholes to reduce their taxes drastically, even though they were not able to play the loopholes well enough to reach the zero tax level.

In addition, the 10-percent income surtax enacted in 1968 to fight inflation had also helped to fuel a powerful grassroots movement for tax reform. Millions of ordinary taxpayers realized that the surtax itself was unfair. It applied only to those who already paid taxes on their incomes. It required no contribution at all from the wealthy few who could use the loopholes well enough to escape their taxes altogether. And it required too small a contribution from millions more who used the loopholes to escape the fair share of taxes they ought to pay.

Congress recognized the urgent need for tax reform when it passed the income surtax law in June 1968. It accepted a brief but highly important amendment requiring President Johnson to submit proposals for comprehensive tax reform to Congress before the year was over.

The Johnson administration carried out that requirement in good faith. By December, a series of comprehensive tax reform proposals was transmitted to Congress—perhaps the broadest and most far-reaching tax reforms ever proposed. In large part, those reforms were the result of the brilliant work of Stanley S. Surrey, who is one of the most renowned tax experts in the Nation and who was then completing 8 years of service as Assistant Secretary of the Treasury for Tax Policy.

But the promise of these reforms was never fulfilled. Early in the debate in Congress, the new administration made clear that its real priority was tax reduction, not tax reform. The centerpiece of the administration's tax program was a phase-out of the surtax. The message was clear, and overnight, the momentum for tax reform was channeled into legislation to cut taxes, with Congress and the administration vying to see who could cut the most.

In addition, at virtually every step of the legislative process, the tax reforms actually proposed by the Administration were weaker than those already widely supported in the House and Senate. The signal was clear—the administration was not serious about reform, and the momentum of the movement began to die. As a result, the Tax Reform Act of 1969 was only the beginning of reform, not the full reform it should have been.

Fortunately, the people of the Nation are beginning to recognize the extent of the failure in 1969. The momentum has begun to build again. And this time, let us hope that it will be too strong for either Congress or the administration to ignore.

We know the enormous inequality in the distribution of income within our country. The bottom 20 percent of families in the Nation receive only 3.4 percent of the Nation's income, while the top 20 percent receive 45.1 percent. The top 5 percent of families receive 19.1 percent of the income, and the top 1 percent receive 6.8 percent.

This is the season when millions of taxpayers across the country are calculating the amounts they owe the Federal Government in income tax for 1971. Most taxpayers have the notion, derived from the tax rate schedules at the end of their instruction forms and booklet, that the Federal income tax is set at steeply progressive rates, ranging from a minimum of 14 percent on the lowest incomes to a maximum of 70 percent on the highest incomes.

But that notion gives only a distorted view of the real effect of the tax laws. Those rates are not applied to anything that could meaningfully be called a taxpayer's real economic income. The thousands of pages of tax provisions in the Revenue Code are full of deductions, exemptions, and qualifying provisions, so that by the time the calculations are over and the rates are ready to be applied, the significance of the progressive rate schedule has entirely disappeared.

In reality, as Philip Stern, the author of "The Great Treasury Raid," has recently put it, the variety of loopholes and other special tax provisions represent a form of welfare for the taxpayer—a subsidy to relieve the burden of taxes he would otherwise have to pay. In effect, the Internal Revenue Code is the biggest welfare bill of all, dwarfing H.R. 1 by comparison. Yet the Revenue Code stands the concept of welfare on its head, because the largest amounts of welfare go entirely to the rich.

To paraphrase a famous aphorism, our tax laws in their majestic equality allow the poor as well as the rich to invest in State and local bonds, to reap long-term capital gains, to search for oil, and to hire tax lawyers and accountants to navigate their way effectively through the revenue laws.

But we know that only the rich are able to play the loopholes well. Middle and lower income Americans simply cannot afford the substantial sums that are necessary if they are to take advantage of the many different tax shelters that exist. According to some estimates, the threshold income level for effective use of tax shelters is in the neighborhood of $50,000 a year, far beyond the reach of ordinary citizens.

The excellent current computer study by Joseph A. Pechman and Benjamin A. Okner of the Brookings Institution tells the story. According to their findings, which were presented earlier this year in hearings before the Joint Economic Committee, the income tax rates paid today are extremely modest when calculated on the basis of effective tax rates—the percentage of a taxpayer's total income that actually goes for income taxes. The difference between the stated rate and the effective rate gives rise to what Philip Stern calls the amount of tax welfare—the annual subsidy a taxpayer receives because of the loopholes in the tax laws:

Overall income	Effective tax rate (percent)	Annual tax welfare payment
Under $3,000	0.5	$16
$3,000 to $5,000	1.7	148
$5,000 to $10,000	5.3	340
$10,000 to $15,000	8.7	651
$15,000 to $20,000	10.7	1,181
$20,000 to $25,000	12.1	1,931
$25,000 to $50,000	14.5	3,897
$50,000 to $100,000	23.5	11,911
$100,000 to $500,000	29.5	41,480
$500,000 to $1,000,000	30.4	202,752
Over $1,000,000	32.1	720,448

The effective tax rates are still progressive, to be sure, but instead of ranging from 14 percent to 70 percent as the schedules say, they range instead from only 1 percent to 32 percent.

Moreover, the savings are enormous for upper income taxpayers. There are six million families in the under $3,000 category, yet they receive a total of only $92 million in tax welfare. The 3,000 families with income over $1 million get $2.2 billion in tax welfare. Put another way, 70 percent of the Nation's families have incomes less than $15,000 a year, but they get only 25 percent of the tax welfare. And the 0.3 percent of the families with incomes over $100,000 get 15 percent of the tax welfare.

Nor do these tables reveal the large differences in tax rates paid by persons with different types of income at the same overall income level. For example, according to the Brookings study, the tax rate on earned income is substantially higher than the rate on income from property, such as interest, dividends, and capital gains. Thus in the $25,000 to $50,000 class, those whose income is derived from earnings pay nearly 50 percent more tax than those whose income is derived from property.

According to the calculations in the Brookings study, the application of 1972 tax rates to real economic income would raise a total of $77 billion in additional tax revenues this year. More than $67 billion of that amount, however, would be raised in the following five areas: eliminating the rate advantages of income splitting; full taxation of capital gains; eliminating tax preferences for the homeowner; taxing social security and other transfer payments; and eliminating personal exemptions and deductions. Thus, the $77 billion figure may be a yardstick in any discussion of comprehensive tax reform, but it can hardly be a current goal, since it would require immense changes in public social policy that in all probability cannot be enacted, at least in the immediate future.

The bill we are introducing today is a far more modest step. It is not the whole answer to our current tax crisis, but it is a major step in the right direction, an important followup to the foundation we laid in 1969. Obviously, we do not expect this legislation to pass Congress in 1972. We do expect, however, that it will be debated and discussed throughout the remainder of the year, and that its principal provisions will be debated in the primaries and general election of 1972. And, if we succeed, when a new administration takes office in January 1973, the cause of tax reform will be one of its first and most important goals.

Thus, the most significant decision by those who support this legislation is the commitment to basic tax reform. Of course, at this time, we seek only to blaze the trail. Inevitably, in the course of public debate, some of the reforms we have proposed will be modified or dropped, and additional reforms will be included. What we have assembled here is more an outline than a blueprint, a statement of principle that we believe in tax reform as one of America's first priorities, and that we intend to urge Congress to act as rapidly as possible.

We know that the road to reform is not an easy one. We know that we shall have the strong opposition of many special interest groups. We know that, as Professor Surrey stated in testifying on the 1969 reforms,

> There is no one so pessimistic about the future of the country as an industry or taxpayer faced with losing a tax preference.

But we also know that the people of America are aroused. We in Congress have an obligation to represent them, and this time we cannot let the momentum die.

The major provisions of the legislation we propose are as follows:

1. TAX CREDIT INSTEAD OF PERSONAL EXEMPTION

The bill would replace the existing $750 personal exemption with a tax credit of $150. Because of the progressive rate structure of the tax laws, the personal exemption is worth far more to high-income taxpayers than to those in the lower brackets. Each exemption saves $375 in taxes for a person in the 50 percent tax bracket, but only $150 for a person in the 20 percent bracket. The substitution of a tax credit for the exemption would redress the balance, and make the tax rate structure more truly progressive. It would reduce taxes for 30 million taxpayers below $10,000 and yet produce a revenue saving of nearly $2 billion in the bargain.

2. ELIMINATE THE DIVIDEND EXCLUSION

The bill would eliminate the provision of present law allowing the exclusion of $100 in dividends from income. Since the Revenue Code does not grant a similar exclusion for interest income, which is the most common form of saving for poor and middle income groups, fairness requires that the privileged position of dividends be eliminated.

3. ELIMINATE THE STATE GASOLINE TAX DEDUCTION

The bill would eliminate the deduction currently available for this tax, to the extent that it is a personal expense and not a business expense. As the Treasury Tax Reform Studies of 1968 stated, 95 percent of the funds collected through the tax are used for highway construction and maintenance. Thus, the gasoline tax is a tax in name only, not in substance. In essence, it is a "user" charge, a price paid for a consumer item. As such, it should be treated like other user charges, such as highway tolls, auto registration fees, driver's license fees, State park fees, and fees for hunting and fishing licenses—all of which are not deductible expenses under current law. At the same time, however, the bill would not affect the deduction now available for State and local property taxes, sales taxes, and income taxes, on which State and local governments rely today for the bulk of their general revenues.

4. TAX CAPITAL GAINS AT DEATH

The bill would require a capital gains tax to be paid at death on the increase in value of stock held by the taxpayer during his life. Under present law, such profits escape the capital gains tax altogether. The provision granting this exemption is responsible for freezing vast amounts of our Nation's wealth, since it encourages taxpayers to retain their assets solely to avoid the tax, long after any economic justification for the retention of the stock is gone.

5. PERCENTAGE DEPLETION FOR OIL AND OTHER MINERALS

The bill would place a ceiling of 15 percent on the depletion allowance for oil and other minerals. The oil depletion allowance is the single most notorious loophole in the revenue code. Congress made a start in 1969 by reducing the allowance from 27½ to 22 percent, and it is long past time to complete the job. Windfall profits for oil executives and corporations are a sorry chapter in American tax history, a continuing source of extreme injustice in our present laws.

6. CAPITALIZATION OF OIL EXPLORATION AND DRILLING COSTS

The bill would end another notorious oil loophole by requiring these expenses by mineral industries to be treated as capital expenditures, like similar expenses of other corporations. Their value would be recovered over the life of the property through depreciation, amortization or other business deduction procedures.

7. REPEAL ADR (ASSET DEPRECIATION RANGE)

The ADR loophole was a centerpiece of the administration's tax proposals in the Revenue Act of 1971, a bonus for big business that was widely criticized by economists and tax experts. Traditionally, the expenses of depreciation may be taken as a business deduction, but the annual deduction must bear a reasonable relation to the life of the property. Under ADR, business taxpayers were given a 20-percent acceleration in these deductions. The bill would simply restore the earlier depreciation rules.

8. FOREIGN TAXES

The bill would apply a current tax to income of foreign subsidiaries of U.S. corporations. Present law allows the tax to be deferred until the profits are returned to the United States, thereby creating an unjustifiable subsidy to U.S. multinational corporations.

9. REPEAL DISC (DOMESTIC INTERNATIONAL SALES CORPORATIONS)

As in the case of ADR, the DISC provision of the Revenue Act of 1971 was an unjustifiable tax loophole for exporters. It enables them to avoid up to 50 percent of their taxes on export profits by establishing dummy subsidiaries for international sales. The bill would tax export earnings at the rates applicable to other business income.

10. FEDERAL INTEREST SUBSIDY FOR STATE AND LOCAL BONDS

The bill would provide a 50-percent Federal interest subsidy to State and local governments issuing taxable bonds. Under present law, State and local bonds are tax free. Such bonds are a major source of revenue for such governments, but they are also a major tax shelter for the rich, who receive millions of dollars in tax-free interest each year. This provision of the bill is similar to a provision in the tax reform bill approved in 1969 by the House Ways and Means Committee and the full House, but not accepted by the Senate. It would not repeal the tax exemption for existing State and local bonds. Instead, it would simply offer an alternative method of financing to State and local governments, without the element of tax injustice.

11. HOLDING PERIOD FOR CAPITAL GAINS

The bill would require an asset to be held for at least 12 months before it qualifies for the lower and more favorable capital gains treatment. This reform was approved by the House of Representatives in 1969 but failed to pass the Senate.

12. GIFTS OF APPRECIATED PROPERTY TO CHARITY

The bill would close the current loophole that allows a full deduction for the fair market value of capital assets given to charity, even though the donor pays no capital gains tax on the appreciation in value of the asset while he held it. The Tax Reform Act of 1969 closed this loophole partially by eliminating it for gifts to private foundations. The bill would make these provisions applicable to gifts to other charities. The bill does not eliminate the deduction for gifts to charity. All it does is prevent the capital gains tax avoidance windfall that now results to donors of stock and other property.

13. DEPRECIATION ON RENTAL REAL ESTATE

The bill would eliminate one of the major tax shelters by limiting depreciation for rental real estate to the so-called straight line method. Thus, for a building with a life of 50 years, the annual deduction for depreciation is limited to 2 percent.

14. CAPITAL GAINS ON SALE OF REAL ESTATE

The bill would require gains on the sale of real estate to be taxed at rates applicable to ordinary income, to the extent that the gain resulted from prior deductions for depreciation. Present law is a standing invitation to taxpayers to turn ordinary income into capital gains. Since deductions are taken from ordinary income, gains resulting from such deductions should also be taxed as ordinary income. In general, this rule applies already to sales of personal property, and the bill would simply extend it to sales of real estate.

15. ELEMENTS OF MINIMUM TAX

The bill would add two new categories to the list of so-called tax preference items subject to the minimum tax—the credit allowed under the new 7 percent investment credit, and tax-exempt interest on State and local government bonds. The bill would also reduce the exemption currently available under the minimum tax from $30,000 to $12,000 and would repeal the provision allowing current income taxes to be deducted from preference income.

The minimum tax is essentially a "bucket under a sieve"—it is designed to apply lower tax rates to income that is derived from the various preferences and subsidies in the tax laws, so that such income does not escape tax altogether. To fulfill its purpose, the base for the minimum tax should be as broad as possible, including all the tax preferences and tax shelters. The bill would move toward this goal in four ways—by including two of the most important items of tax preference not currently subject to the minimum tax, by reducing the excessive exemption now allowed, and by ending the current arbitrary deduction for taxes paid.

16. INCREASED RATE FOR THE MINIMUM TAX

The bill would set the rate applicable to the minimum tax at one-half the rate applicable to ordinary income. Under present law, the rate of the minimum tax is a flat 10 percent, regardless of the amount of preference income subject to the tax. For those with large amounts of preference income, the minimum tax is hardly more than a slap on the wrist, a minor toll for the promiscuous use of tax loopholes. By keying the rate to the ordinary income tax rate, the bill would turn the minimum tax into a progressive tax, and thereby insure that those with tax preference incomes will pay their fair share of taxes.

17. EQUALIZATION OF ESTATES TAXES AND GIFT TAXES

The bill would end the distortions and inequities that now exist between estate and gift taxes, by equalizing both the rates and exemptions applicable under the two taxes. Under present law, gift tax rates are substantially lower than estate tax rates, and the gift tax contains substantially more liberal exemptions.

18. GENERATION—SKIPPING TRUSTS

The bill would end the loophole by which certain wealthy citizens are able to establish this type of tax-free trust for the benefit of future generations.

19. ESTATE TAX CHARITABLE DEDUCTION

The bill would limit the estate tax deduction available for gifts of property to charity to 50 percent of the value of the estate. Under present law, there is no limit on the deduction. For example, a decedent can give his entire estate to a private family foundation created by his will, and escape the estate tax altogether. The deduction as limited under the bill would be similar to the deduction currently available for gifts to charity under the income tax laws.

20. TAX STOCK OPTIONS

The bill would tax profits resulting from the exercise of stock options at rates applicable to ordinary income. Under present law, such profits are taxed at capital gains rates, even though they represent a form of executive compensation. Thus, if an officer of a corporation receives an option to buy stock at $50 and then exercises the option when the stock has doubled in value, his gain will be taxed like the additional compensation it is.

21. RETIREMENT INCOME CREDIT FOR THE ELDERLY

The retirement income credit available to the elderly under the existing tax laws does not fulfill its purpose. It has failed to keep pace with the increasing burden of inflation in recent years or with the changes in social security payments over the years. It is also so complex in application and computation that millions of senior citizens fail to take full advantage of it, or even to take advantage of it at all. The provisions of H.R. 1, as passed by the House of Representatives and now pending before the Senate Finance Committee, contain important reforms and simplifications in the retirement income credit. Since they are already before the Senate, these measures are not included in the proposed legislation we are introducing. They are significant changes, however. They can be enacted now, and I hope that the Senate will act promptly to approve them. More broadly, above and beyond the retirement income credit, I believe that additional reforms and simplifications are needed to provide full tax justice to the elderly. The comprehensive Treasury Tax Reform Studies of 1968 outlined the direction in which we ought to move, and such changes must be a part of any comprehensive tax reform legislation enacted by Congress.

Major revenue savings from particular tax reforms

	Million
Tax credit instead of personal exemption	$1,900
Eliminate dividend exclusion	280
Eliminate State gasoline tax deduction	300
Tax capital gains at death	2,000
Percentage depletion for oil and other minerals	400
Capitalization of oil exploration and drilling costs	750
Repeal ADR	2,400
Foreign taxes	170
Repeal DISC	170
Holding period for capital gains	150
Depreciation in rental real estate	300
Capital gain on sale of real estate	100

Mr. President, as I stated earlier, I commend the Senator from Wisconsin (Mr. NELSON) for the leadership he has provided in this area, and for the role he is playing in the Finance Committee in trying to bring about so many of these reforms. All of us are looking to him for leadership in this area. I, for one, share the belief that tax reform is certainly one of the most basic and fundamental pieces of business that this country faces in 1972 and on into the future.

Also, Mr. President, I want to point out that our distinguished majority leader, the Senator from Montana (Mr. MANSFIELD) was one of the most important architects of the Tax Reform Act of 1969. It was because of his leadership that the Senate and the Senate Democratic policy committee insisted that there should be no action on the extension of the surtax without a commitment for tax reform. His action started the Senate moving in the right direction.

As a member of the policy committee at that time, I remember his strong leadership in this area. I know that he was under a great deal of criticism at that time. I think his action was completely justified. It is another example of the statesmanship and vision for which he is held in respect by every Member of the Senate.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. MANSFIELD. Mr. President, first I thank the Senator from Massachusetts for his kind words and assure him that I appreciate them more than I can say.

I take this occasion to commend the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. NELSON), the Senator from Michigan (Mr. HART), and the Senator from Minnesota (Mr. MONDALE), for their efforts in attempting to change the tax structure. So much is needed to be done.

I hope to offer in the near future a proposal that hopefully will contribute in making the tax code more equitable. I believe that the notion of unfairness about the tax code is justified. Some millionaires still pay no taxes because of "loopholes," the preferences and exclusions in the present tax laws.

My proposal will put a termination date on every preference and exclusion in the tax code, so that Congress must renew every preference or loophole each Congress. If a preference has current validity, then Congress will renew it.

What might have been a desirable or justifiable tax incentive years ago might have long since lost its desirability. If it has lost its validity, it should be permitted to expire. But most importantly, each Congress should be permitted to validate the currency of tax preferences and each Congress should be willing to assume the burden to prove their validity as a proper means to stimulate private economic activity or exempt certain activity from full taxation.

Mr. President, I am delighted that the Senators have taken the floor this morning to call attention to this most important issue and to indicate that the loopholes are there and that attempts will be made to close them and that a more favorable and fair and equitable tax system will be derived.

Again, I thank the distinguished senior Senator from Massachusetts (Mr. KENNEDY) and his colleagues, including the Senator from Wisconsin (Mr. NELSON), who started off the debate today and is now Presiding Officer of the Senate, for the remarks they made today and for the initiative they have undertaken to launch this effort at this time.

Mr. McGOVERN. I am pleased to join today with the Senator from Wisconsin (Mr. NELSON) and other Senators in the introduction of the Tax Reform Act of 1972.

The American people are angry with a tax system which has become increasingly unjust and which places an enormous burden on property owners.

It is no exaggeration to say that we now face a full-fledged tax revolt. Already in Wisconsin, some people are refusing to pay their property taxes.

Several months ago, I outlined a fundamental tax reform proposal that would close $28 billion in tax loopholes which now benefit the rich and the big corporations.

If that amount of money were returned to the States for property tax reductions, it would cut property taxes in half. The Nelson-McGovern bill introduced today takes a major step toward this goal.

The need for reform of our tax system is beyond debate. A generally sound tax system has been so distorted and riddled with loopholes in recent years that it is now blatantly unfair to the great majority of Americans.

At the time of the American revolution, the cry was "no taxation without representation." Today our motto must be "no taxation without justice."

While the individual income and inheritance taxes for the rich and the corporate profits tax have gradually disintegrated, the burden of the property taxpayer has grown steadily to the point where it is no longer bearable.

What we must do is simple, make those who can pay their share of taxes do so—without the benefit of all the loopholes tht only the right and powerful can use. At the same time, those who bear too heavy a burden—in the form of property taxes—should get some relief.

The Nelson-McGovern bill represents a comprehensive program to bring about tax reform, collect $16 billion in new revenues, and then to distribute these funds to State and local governments so that property taxes can be lowered.

This bill is patterned on the McGovern tax reform proposals, which call for:

The enactment of a realistic minimum income tax on those with revenues of $50,000 a year or more, which would bring in almost $6 billion;

The elimination of all corporate tax loopholes initiated since 1960, which would raise $17 billion.

A tax on recipients for all gifts and inheritances received with an overall lifetime ceiling, which would add $5 billion or more in new revenues.

The principal features of the Tax Reform Act of 1972 are:

Repeal of the accelerated depreciation range system, which would bring in $3 billion;

Taxation of capital gains at death, saving $2 billion;

Reduction of the oil depletion allowance from 22 percent of tax-free income to 15 percent, worth $400 million (the McGovern program calls for a complete phaseout of this allowance);

Increasing the rates and reducing the exemption in the minimum tax adopted in the Tax Reform Act of 1969, which would raise $3 billion.

Just as important as the tax reform itself is the plan for using the revenues for reducing property taxes. In Wisconsin, property taxes could be reduced by 30 percent under the terms of the Tax Reform Act, or as much as 50 percent under the McGovern proposals.

I have proposed that the Federal Government assume one-third of the cost of education. The Nelson-McGovern bill shows exactly how this would be done in practice. While the President and the Congress would have to decide on the use of revenues resulting from tax reform, I believe that we must place a high priority on their allocation for the purpose of reducing the property tax. That is the only kind of revenue sharing that makes sense.

Mr. HART. Mr. President, I am pleased to join the Senator from Wisconsin (Mr. Nelson), the Senator from Minnesota (Mr. Mondale), and the Senator from Massachusetts (Mr. Kennedy) this morning, in presenting a proposed Tax Reform Act of 1972 for ourselves and eight other Senators.

All of us in Washington are well aware of the rising resentment about unfair taxation at every level of government—Federal, State, and local. We took a small step toward tax fairness in 1969. Yet, our Federal tax code is still too riddled with loopholes and special privileges for the ordinary taxpayer to be convinced that he is getting a fair share.

In 1969, we enacted a minimum tax on income which otherwise was sheltered from taxation. But that provision was aptly named, for it was about as minimum as could be. Among other steps, our bill would make that commitment meaningful by imposing a substantial, progressive rate of minimum taxation. The bill will also close other loopholes and eliminate some of the most unjustified preferential treatment in the code.

Many pleas for real reform have focused on the efforts of so-called "special interests" to maintain their advantages under the present tax law. But the blame for failure to enact reform cannot be laid at any other doorstep than our own. A man of some familiarity with finance, Mr. J. Pierpont Morgan, put it well, 15 years ago, when he stated:

> Anybody has a right to evade taxes if he can get away with it. No citizen has a moral obligation to assist in maintaining the government. If Congress insists on making stupid mistakes and passing foolish laws, millionaires should not be condemned if they take advantage of them.

On an earlier occasion, Mr. Morgan observed:

> Congress should know how to levy taxes, and if it doesn't know how to collect them, a man is a fool to pay the taxes.

That states our responsibility well, Mr. President. The ball is in our court to proceed with meaningful tax reform, and to do it now.

We know that we need more money to combat pollution, to improve education, to feed the hungry, to care for the sick, and to build adequate housing.

Tax reform, not a value-added tax, is the fair way to raise those needed funds.

I salute the Senator from Wisconsin for his initiative and leadership in this measure. Neither he, nor those of us who worked with him on it, are committed to every provision of this rather lengthy and complex bill. But we think it is a fair and responsible effort at comprehensive reform. It deserves a constructive and specific response from the administration before they ask the American people to accept a regressive sales tax, under any label.

Mr. President, I hope that Congress will act promptly on this measure, which I consider one of the most urgent areas for our attention.

Mr. HUGHES. Mr. President, as a cosponsor of the tax reform bill introduced in the Senate today, I want to commend the Senator from Wisconsin for his analysis of the bill and his clear and compelling explanation of why it is necessary.

Tax reform is necessary if we are to reverse the trend toward more and more regressive taxation.

Tax reform is necessary if we are going to be able to make any real progress in solving our problems of health, education, poverty, crime, pollution, mass transportation, housing, and decay of our cities.

Tax reform is a necessary part of any effort to provide tax relief to our States and localities.

And most important, tax reform is necessary if we are to restore the faith of the American people in the justness and fairness of their Government.

Every item the Federal Government purchases—from paper clip to super carrier, and every service the Federal Government provides—from information on soils and fertilizers to national security—is dependent upon the taxes levied on our citizens. Our tax system must be fair; it must not favor one group of citizens over another. We all know that this is not the case under our present tax laws, and public awareness of the many inequities is growing.

As the Senator from Wisconsin has indicated, this proposed tax reform bill is not a radical measure; it is a reasonable, important first step toward tax justice.

By Mr. MOSS:

S. 3380. A bill to permit immediate retirement of certain Federal employees. Referred to the Committee on Post Office and Civil Service.

EARLY RETIREMENT BONUSES: AN ALTERNATIVE TO MORE "RIF'S"

Mr. MOSS. Mr. President, today I introduce legislation to provide voluntary retirement incentives to qualified Federal employees whose agencies are undergoing major reductions-in-force.

The purpose of this bill is to permit senior Government workers—"those with 25 years of service or after becoming 50 years of age and completing 20 years of service"—to retire voluntarily, thus reducing the number of younger employees who have to be "riffed".

To encourage greater participation in such a program, the legislation also provides for the institution of a temporary early retirement bonus system for those agencies affected by these manpower reductions.

The implementation of such a bonus system would present few difficulties administratively. Under present law an early retiree must take a 2-percent reduction in his annuity for each year that he retires prior to age 55. The legislation which I propose today would reduce this penalty to 1 percent a year—with the maximum limited to 5 percent.

The advantages of such a program are obvious and greatly exceed the costs, which the Civil Service Commission estimates at less than $1,200 per retiree. In addition to facilitating the senior Government employee's readjustment to a second career, the measure would permit younger men to move ahead in the Federal service with a far greater degree of job security.

I believe this legislation serves the best interests of current national policy. Last August the President announced that all Federal agencies must reduce their manpower levels 5 percent by the end of the current fiscal year. The President's directive is already having a serious economic impact in those parts of the country affected by these reductions-in-force. Last Friday, Hill Air Force Base, the largest single employer in Utah, was one of many Federal installations which was instructed to reduce manpower levels substantially between now and May 1. This legislation to encourage voluntary early retirement would alleviate the economic dislocations and personal hardship which would otherwise attend these substantial manpower reductions.

By Mr. MONTOYA (for himself, Mr. RANDOLPH, and Mr. COOPER):

S. 3381. A bill to establish a national development program through public works investment. Referred to the Committee on Public Works.

PUBLIC WORKS DEVELOPMENT ACT OF 1972

Mr. MONTOYA. Mr. President, I introduce for myself, Senator RANDOLPH, and Senator COOPER for appropriate reference the Public Works Development Act of 1972.

I view the introduction of this bill and the forthcoming hearings as the launching of a new and creative approach to economic development. This bill contains new approaches to making government at all levels more effective in working for the best interests of all our people. It is intended to draw on the strength of the American system and to utilize a substantial input from the people this program is designed to benefit.

In this legislation, we present to the Senate concepts generated during many days and weeks of general economic development hearings last year. We have drawn on consultations with and testimony from people with wide experience in the field of economic development, as well as public officials, including the Governors of a dozen States.

If there was one thing we learned last year, it was that the people today expect their Government to produce results as never before. They no longer accept without question the idea that hardship and deprivation are a necesary part of life in the richest country on earth. They do not accept economic theories as excuses for unemployment or underemployment. The American people today see the great accomplishments of their Government in other areas, and they demand that we do something to stabilize the boom and bust approach that has characterized so much of our history.

The citizens of this country wonder why their Government can marshall the resources to put men on the Moon, but cannot arrange it so that men on Earth have regular jobs. These are valid questions, to which we must not only listen, but which we must answer.

National, State and local governments, I am convinced, have the capability to develop the basic facilities and services that communities need on which to build stable economies. This cannot be accomplished, however, without a coordinated effort—and this bill is intended to provide the framework and the direction for such an effort.

In 1965, the Congress initiated a bold new experiment in government with passage of the Appalachian Regional Development Act and title V of the Public Works and Economic Development Act. The Appalachian Act was the congressional response to the particularly severe needs of a large and important segment of our Nation. Dependent upon a largely one-industry economy and hampered by a shortage of adequate transportation in a rugged terrain, Appalachia over the years, had consistently lagged behind the rest of the Nation. The result was a retarded social and economic development. The gap between Appalachia and the rest of the country was widening.

The Appalachian Act sought to overcome these deficiencies by marshaling the resources of the local, State, and Federal Governments and directing them in a manner to provide the greatest results.

The most innovative features of the Appalachian Commission and of the regional commissions created under title V is the nature of their composition as partnerships of the States and Federal Government. Equally important is the reliance on comprehensive planning on a State and regional basis intended to encourage orderly development based on soundly planned programs of public works investments.

In the 7 years since these programs were enacted, significant changes have taken place in the Appalachian area. While our original goals have not been fully achieved, there has been progress to the extent that we are convinced of the validity of this approach.

The Congress concurred in this judgment last year by extending the Appalachian title V programs. As the Subcommittee on Economic Development considered extension of the existing programs last year, it was impossible not to evaluate them in the context of what had taken place in other parts of the country.

We were aware of situations in all parts of the United States that required attention. In a series of hearings that took the subcommittee from North Carolina to the northern reaches of Alaska, we examined in detail the development problem of all sizes and types of communities. We became convinced that a nationwide program to establish a policy of balanced and rational development was essential.

Rapid urbanization and technological changes, particularly since World War II, have contributed to the disruption of traditional patterns of growth and development. Consequently, the United States today is influenced by forces with which it has had little historic experience and which renders many existing economic and governmental institutions obsolete.

No single level of Government is adequately equipped to implement effective programs for achieving balanced physical growth and improvement of the environment.

The Federal Government is often fragmented and internally competitive. States and local governments are often unable to command the legal tools and financial resources to meet anticipated problems.

A comprehensive policy for development is urgently required to facilitate the provision of public services and the balance of physical and human resources through the proper management and control of physical development.

The critical questions raised by persistent unemployment, violent economic fluctuations, and uneven stages of development, demand new answers.

It is, therefore, the purpose of the bill I introduced today to provide for the formulation and implementation of a national policy for development in which Federal, State, and local governments function as partners. It is intended to generate orderly, economical, and socially desirable development through a sound public works investment policy and to provide a firm economic, social, and cultural base for sustained growth through the improvement of essential public services.

The administrative structure provided is intended to place initiative at the local level and to help State and local governments adapt the resources of diverse national programs to local requirements. It is a structure designed to solve problems as they occur and are defined. Such an approach recognizes the contemporary complexity of an American society in which neither problems nor solutions can be categorized without consideration of their wider implications. It is anticipated that the programs of coordinated public decisionmaking provided in this bill will result in responsive patterns of development and greater opportunity for all Americans to share in the abundance their country offers.

The conditions which precipitated the introduction of this bill are widely recognized and their impact on the social, political and economic life of our country is felt throughout our society.

In his state of the Union message on January 20, President Nixon took note of the frustrations faced by State and local governments. He said:

> The financial crisis of State and local governments is deepening. The pattern of breakdown in State and municipal services grows more threatening. Inequitable tax pressures are mounting. The demand for more flexible and more responsive government—at levels closer to the problems and closer to the people—is building.

The President was speaking in terms of his proposed revenue-sharing program as a response to these problems. The legislation I introduce today is a necessary addition to this response. It is an ingredient in the establishment of a new Federalism: a structure that maintains active Federal participation in the development process, a structure that guarantees adherence to national priorities, a structure that assures the appropriate utilization of redistributed resources.

The administrative structure provided in this bill closely corresponds to that which has been successful in the Appalachian program. A series of development commissions would be established to include every State and territory. These commissions, as in Appalachia, also would be a partnership of Federal, State and local governments. To give the States a strong voice from the beginning, the Governors would determine the composition of the commissions with the concurrence of the President.

The regional commissions established under title V of the Public Works and Economic Development Act would continue to function until the participating States were included in the new commissions.

Each commission would be composed of a Federal cochairman appointed by the President, and a member from each participating State, either the Governor or his designated representative. The function of the commissions would be to promote proper social, economic, and environmental development by sound and coordinated public works investment programs. All of these public works programs would be developed through a planning process that includes participation by all levels of Government.

Reasoned and coordinated public decisionmaking is critical to a successful national development program. The public works investments authorized by this bill, therefore, would be made through a coordinated planning process in conformity to the priorities and goals established by the States and local governments.

I do not envision a static process in which a single plan is developed and then stamped as the permanent guide for the future. Instead, the planning procedure must be dynamic, a continuous process, emanating from the grassroots and taking into account all local needs and features of community life—with a flexibility that allows periodic revision to meet changing needs and adjusted priorities.

The planning process would be aimed at utilizing public works investments to stimulate and direct development; to improve economic opportunities and choices of individuals; to support sound landuse; and enhance and protect the environment.

At every step of the way there would be full participation by the public and private sectors in the establishment of goals, objectives, and priorities.

The regional commissions would make grants to the States and local development districts to assist with administrative expenses, planning, research, and technical assistance. These grants would be 100 percent for the first year, and up to 75 percent subsequently.

This legislation also permits the President, at his discretion, to establish an Office of Development. The Director of this Office, together with the Federal cochairman of the various regional commissions, would assist and advise the President on programs and policies relating to development.

Essential to the execution of development programs, is the authority granted to regional commissions to make direct and supplemental development grants, demonstration grants, and operating grants for projects resulting from their other assistance.

No grant would be for more than 50 percent of the cost of the project. Supplemental grants, however, could, combined with those from other Federal programs, raise the Federal portion to a maximum of 80 percent. Operational grants would be authorized at 100 percent for the first 2 years, and 75 percent for the next 3 years. Demonstration grants would be at a level of 100 percent.

The regional commissions established under this bill would assume the grant programs now being carried out by the Economic Development Administration.

In 1962 the Congress passed the Public Works Acceleration Act to provide an immediate response to abnormally high increases in unemployment through the immediate institution of public works construction programs. Last year the Committee on Public Works developed, and the Senate passed, the Economic Disaster Relief Act to alleviate the hardships caused by sudden or threatened rises in unemployment of significant propositions.

These situations are provided for in the bill I introduce today by requiring that at least 10 percent of the grant funds be allocated to short term employment-producing projects in special impact areas. These areas are those in which there are large numbers of low-income persons, rural areas with substantial out-migration, areas with high unemployment or areas with actual or threatened unemployment increases.

Applications for all grants would be made through the States to the regional commissions. The States would also have to consider the environmental consequences of projects and issue guidelines to protect the environment.

A program such as this bill envisions is an ambitious and far-reaching endeavor. To be effective in meeting the needs of our communities and people, it must have adequate financial support. For the grant programs which are the keystone of this proposal, the bill provides authorizations of $2 billion for fiscal year 1974, $2.5 billion for fiscal year 1975, and $3 billion for fiscal year 1976.

I referred earlier to the changes that have taken place in our country during the past quarter-century. A vital characteristic of the American system of government is its ability to adapt to changing conditions. Approximately 40 years ago, under the impetus of a severe economic depression, we entered a period of increased authority for the Federal Government. This was a proper and necessary development, for the Federal Government was the only entity nationwide in scope and possessing the financial and political resources needed to stimulate recovery. Several years later, as recovery from the depression was taking effect, we found ourselves involved in World War II. Again, and for obvious reasons, it was necessary for the Federal Government to retain strong authority to successfully prosecute the war.

Now we are witnessing a swing of the pendulum in another direction. States and local governments are demanding a return of much of the authority that they once enjoyed. Even in Washington there is a growing recognition that all decisions cannot be made here, and that we must relinquish some of the power we have exercised for the past four decades. The President's revenue-sharing proposals are but one manifestation of the current mood. While revenue sharing recognizes the problem, this bill is an additional response and one that I believe can find acceptance by the administration and the State and local governments.

In an address to the National Governors' Conference in Washington, D.C., on February 23, Vice President AGNEW noted to a responsive audience the frustrations faced by Governors who must deal on a day-to-day basis with the Federal bureaucracy. He recognized the need to give State and local authorities an increased voice in the decisions that affect their constituencies. Mr. AGNEW also stressed the necessity of bringing order to the administration of some 530 Federal grant-in-aid programs.

Mr. President, we can no longer continue to operate within the framework of the past. The legislation I propose today would not impose a new level of government—instead it would bring together existing governments at all levels in a new form where they could determine and carry out their own priorities for the general welfare of their citizens.

I do not accept the notion that the persistent unemployment we have witnessed in recent years must be a permanent way of life in a modern economy. Nor do I believe that some areas must perpetually lag behind others in the quality of life and the opportunities they offer their citizens.

The problems of the last third of the 20th century are great, but the promises are equally great, and I believe that all the people of our country should have the opportunity to share its abundance.

The legislation I introduce today is intended to provide the mechanism for effectively delivering this abundance to all Americans. The Subcommittee on Economic Development will conduct hearings on this bill on April 18 through 20 and April 25 through 27, 1972.

Mr. President, I have discussed the key features of the bill I introduce today, and I ask unanimous consent that a detailed outline of this legislation be printed in the RECORD.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE BILL

The national public works development program contained in the bill provides that—

(1) A Development-Commission structure would be established to include every state and territory of the United States, with a separate Commission for Indiana.

(2) The Development-Commission structure would be a partnership of Federal, State, and local governments.

(3) The purpose of the Commission would be to promote proper social, economic, and environmental development through sound and coordinated public-works investment programs.

(4) The public works programs would be established through a planning process that would include input from all levels of government.

(5) Governors, with the concurrence of the President, would determine the composition of the development commissions.

(6) The commissions would consist of whole states or parts thereof.

(7) Each commission would be composed of a "Federal Cochairman" appointed by the President, with the advice and consent of the Senate, and a State member—to be the Governor or his designated representative. The Federal Cochairman would have an alternate, and each State member would have at least one alternate.

(8) The State members would elect a State Cochairman and *could* establish an Office of States Regional Representative.

(9) Commission decisions would require the affirmative vote of the Federal Cochairman and of a majority of the State members.

(10) The Federal Cochairman would consult with Federal departments and agencies having interest in the subject matter.

(11) The Federal Cochairman would be compensated by the Federal Government level IV. The State member would be compensated by his states.

(12) Commissions would:

(a) foster comprehensive programs implementing a policy for public works development which through the management and control of physical development will provide necessary public services, stimulate and channel physical and economic growth, optimize economic opportunities and choices for individuals, support sound land use, and protect and enhance the environment;

(b) develop, on a continuing basis, comprehensive plans and establish policies for the development of projects, giving due consideration of Federal, State, and local planning in the region;

(c) Conduct and sponsor studies and demonstration projects;

(d) review programs of the agencies;

(e) recommend interstate compacts and other forms of interstate cooperation;

(f) encourage the formation of development districts; and

(g) encourage private investment.

(13) Commission expenses would be paid by the Federal Government during the first year, with the states paying 50 per cent thereafter. The Federal Cochairman would be paid by the Federal Government. States would determine their individual shares.

(14) The Commissions would have the necessary administrative powers to carry out their functions;

(15) In order to obtain information, the Commissions could hold hearings, obtain data from Federal, State and local agencies, and keep records of its doings and transactions.

(16) Development Districts would be multijurisdictional entities certified to a Development Commission by the Governor of the appropriate State.

(17) Development Districts would have to be one of the following:

(a) a nonprofit incorporated body organized or chartered under the law of the State in which it is located;

(b) a nonprofit agency or instrumentality of a State or local government;

(c) a nonprofit agency or instrumentality created through an interstate compact; or

(d) a nonprofit association or combination of such bodies, agencies, and instrumentalities.

(18) A majority of the District's governing board would be elected local officials and the remainder would represent areawide interests, including low-income and minority groups.

(19) The Districts would have to have the resources to conduct comprehensive planning and development programs.

(20) Pursuant to Commission policies, each State would carry out a continuous, coordinated, and comprehensive process for planning public works development investments; establish overall state goals, objectives, and priorities to guide District planning; and develop at least annually an inventory of specific project recommendations to be presented to the Commission. Such a planning process would be addressed to utilizing public works to stimulate, control, and channel development, to optimize economic opportunities and choices for individuals; and to support sound land use and enhance and protect the environment.

(21) Pursuant to State policies, each district would also carry out a planning process, establish goals and priorities, and submit to the State, at least annually, specific project recommendations.

(22) All planning processes would be interrelated and would consider private investments. In carrying out their planning process, States would have to consult with Development Districts and take full account of District goals, objectives, priorities, and recommendations.

(23) Commissions and States would publish guidelines to assure full public participation in the establishment of goals, objectives, and priorities.

(24) Federal departments and agencies would take into account the goals and objectives established by the Commissions, States and Districts.

(25) Commissions would make grants to Districts for administrative expenses and to States and Districts for planning activities. They would also make grants for research and technical assistance. Grants would be 100 percent for the first year and no more than 75 percent thereafter.

(26) The President would be authorized funds for Commission and District administrative expenses; State and District planning activities; and Commission research and technical assistance activities in an amount not to exceed $125 million for fiscal year 1974, $150 million for fiscal year 1975, and $175 million for fiscal year 1976.

(27) The President could also make grants for State and Commission start-up expenses;

(28) The President *may* establish in the Executive Office of the President an "Office of Development," composed of a Director and other necessary personnel. The Director, together with the Federal Cochairmen, would assist and advise the President on development programs and policies. The Director would assist the Federal Cochairmen in determining the cause of underdevelopment and methods of stimulating development; help initiate Development Commissions; help coordinate Commission and Federal-agency programs; and investigate the effects of Federal policies upon regional and area development.

(29) Authorizations for start-ups and the Office of Development would be $10 million for a four-year period.

(30) Each Commission would make direct development grants, supplementary development grants, grants for the operation of projects resulting from the above grants, and demonstration grants.

(31) No grant would exceed 50 per cent of the cost of a project, except that supplementary grants could raise the Federal portion to 80 per cent; operational grants could be made for 100 per cent for the first two years and 75 per cent for the next three years; and demonstration grants could be made for 100 per cent.

(32) No less than 10 per cent or more than 20 per cent of grant funds would go to special impact areas having large numbers of low-income persons; rural areas having substantial outmigration; areas with substantial unemployment; or areas with actual or threatened abrupt rise in unemployment.

(33) Impact-area grants could be 100 per cent if the area's effective taxing and borrowing power has been exhausted.

(34) Grants for projects for Indians or grants made by the Indian Commission would be 100 per cent.

(35) Projects would be carried out through departments, or agencies of the Federal, State, or local governments.

(36) Grants would be made to States or political subdivisions thereof, nonprofit organizations, or development districts. Grants by the Indian Commission could also be made to Indian tribes or organizations, organization of natives, and intertribal councils.

(37) Application for grants would be made through the State, and the State would evaluate the application for approval. Commissions would also have to approve all projects.

(38) Commissions would have to consider the environmental consequences of proposed projects and issue guidelines aimed at protecting the environment.

(39) In allocating funds, Commissions would consider the potential for increasing income levels; the potential for reducing the rate of unemployment; the relative need for public works; and the relative value of projects vis-a-vis projects in competition for the same funds.

(40 Grants could not be used to private business from other areas of the country.

(41) Authorizations would be $2 billion for fiscal 1974; $2.5 billion for fiscal 1975; and $3 billion for fiscal 1976.

(42) No more than 10 percent of appropriated funds could be used for operational grants.

(43) Funds would be apportioned to the Commissions as follows:

(a) 10 per cent according to land area;

(b) 10 per cent according to revenue effort;

(c) 40 per cent according to population; and

(d) 40 per cent according to per capita income, weighted inversely.

(44) Funds appropriated to a Commission by reason of inclusion of a definable Indian tribal population or land area within the region would be apportioned to the Indian Development Commission. In no event would funds apportioned to the Indian Commission be less than one per cent of all funds appropriated.

(45) Federal Cochairmen and Development Commission would have to insure participation by local contractors and labor.

(46) Commissions would maintain a permanent list of applications approved for financial assistance to be available for public inspection.

(47) Current Title V Commissions would continue to operate until the participating States were included in Commissions established by this Act.

PUBLIC WORKS DEVELOPMENT VITAL TO NATIONAL STABILITY

Mr. RANDOLPH. Mr. President, I join the Senator from New Mexico (Mr. MONTOYA) in sponsorship of the Public Works Development Act of 1972. I am fully familiar with the considerable amount of background work that has preceded its introduction by the chairman of our Subcommittee on Economic Development. For some time he has been disturbed by the uneven development in various parts of the United States, and this bill represents his thinking on how to establish stable communities with the opportunities for employment and a good life for all citizens.

The inspiration for the approach taken in this bill is the Appalachian Regional Development Act, which was developed in the Committee on Public Works in 1965. The Public Works Development Act builds on one of the most successful features of the Appalachian program, the strengthening of State and local governments and making them an integral part of the decisionmaking process on public works investments.

This legislation considers State and local governments as equal partners with the Federal Government in the implementation of the national program it authorizes.

The bill introduced today will not in any way disrupt the operation of the Appalachian program. We have made great strides in alleviating the problems peculiar to Appalachia, and we are well on the way to removing even more of the barriers to a full and prosperous life that exist for the people of that important part of our country.

Mr. President, I view the legislation introduced by the Senator from New Mexico as the rightful heir to our earlier efforts in this field—the Appalachian Act and the Public Works and Economic Development Act. They charted new courses in governmental relations and in the refinement of the American system. What we propose today is built on what we have learned in 7 years of experience and what we perceive to be an urgent need in the desire to provide equal opportunity for all Americans.

By Mr. JAVITS (for himself and Mr. Williams, Mr. Beall, Mr. Cranston, Mr. Pearson, Mr. Pell, Mr. Ribicoff, Mr. Schweiker, Mr. Stevens, Mr. Stevenson, and Mr. Tunney):

S. 3382. A bill to amend the Elementary and Secondary Education Act of 1965. Referred to the Committee on Labor and Public Welfare.

GIFTED AND TALENTED CHILDREN'S EDUCATION ASSISTANCE ACT

Mr. JAVITS. Mr. President, I introduce for myself and for Mr. Williams, Mr. Beall, Mr. Cranston, Mr. Ribicoff, Mr. Pearson, Mr. Pell, Mr. Schweiker, Mr. Stevens, Mr. Stevenson, and Mr. Tunney the Gifted and Talented Children's Education Assistance Act of 1972. This measure seeks to meet the needs set out in the report submitted to the Congress early this year on "Education of the Gifted and Talented" by the Commissioner of Education. The bill would—

First. Establish a National Clearinghouse on Gifted and Talented Children to obtain and disseminate information on identification, counseling, and education of gifted and talented children, authorizing $1 million for fiscal years 1973 and 1974 for this purpose.

Second. Authorize grants to the States for education programs for gifted and talented children through high school—$50 million is authorized for fiscal year 1973 and $60 million for fiscal year 1974 for this purpose.

Third. Provide for training of personnel for the education of gifted and talented children, authorizing $15 million for fiscal year 1973 and $20 million for fiscal year 1974.

Fourth. Establish research and demonstration projects for the education of gifted and talented children, authorizing $14 million for fiscal year 1973 and $16 million for fiscal year 1974.

Should the National Institute of Education—provided for in both the Senate and House versions of S. 659, the higher education bill now in conference—be enacted into law, then the provisions for research and demonstration projects and for the clearinghouse would be either dropped or revised, as necessary.

Present law now defines gifted and talented children as those "who have outstanding intellectual ability or creative talent, the development of which requires special activities or services not ordinarily provided by local educational agencies." The Office of Education estimates, conservatively, that there are between 1.5 million and 2.5 million of these gifted and talented children in our schools today.

Developing our gifted and talented young people to their fullest is a task of concern to the whole Nation—they comprise a most valuable national resource. Educators have noted that the great reservoir of undiscovered and undeveloped intellectual talent is not confined to upper or middle-class neighborhoods but is as great a potential in low-income neighborhoods and among the poor.

In addition, as the Commissioner's report points out, gifted and talented children are, in fact, "deprived and can suffer psychological damage and permanent impairment of their abilities to function well which is equal to or greater than the similar deprivation suffered by any other population with special needs served by the Office of Education."

The Commissioner's report also underlined the need for this legislation when it pointed out that, although 21 States have laws to provide resources for services to gifted and talented children, such legislation in many cases merely represents intent and little or nothing is being done to implement it. The report went on to note that the "Federal role in delivery of services to the gifted and talented is presently all but nonexistent."

In a recent article, Commissioner of Education Marland declared:

> This particular group of versatile and complex young people suffers the neglect that is typical of most groups with special educational needs.

He added that—

> Appropriate attention to the unusually gifted is needed to bring a better level of equity to our educational program.

He further indicated that—

> The relatively small number of gifted students who have had the advantage of special programs have shown remarkable improvements in self-understanding and in ability to relate to others, as well as in academic and creative performance.

I wish to repeat the Commissioner's findings and his conclusion:

> The importance to the public of properly educating the gifted has never been greater than at present.

This bill seeks to meet that challenge, for in addition to society's obligation to provide every individual with access to self-fulfillment, a society has a very real obligation to itself to assure its own healthy survival and the continuing development of its greatest resource—the capabilities of its people—by encouraging the talented and gifted as well as seeking to lift up the depressed and oppressed.

In 1958, with the launching of the sputnik by the U.S.S.R., the people of this land were shocked and dismayed at the failure of our education system to develop its scientifically talented students and better direct their energies for the benefit of mankind. In response, Congress enacted the National Defense Education Act. A similar response was made at the State and local levels.

But the effort to develop to the fullest potential the abilities of our youth has lagged. It is clear that now, more than ever before, systematic efforts must be made at National, State, and local levels to identify, nurture, and cultivate the demonstrated and potential talents that exist in every walk of American life.

To provide what our Nation's gifted and talented children and youth need, when they need it, and in the manner they need it, is an investment in human resources that will benefit not only the gifted but our entire society for decades to come.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Elementary and Secondary Education Act of 1965 is amended by redesignating title VIII and references thereto as title IX, and by renumbering sections 801, 803, 805, 807, 808, and 809, and references thereto, as sections 901 through 906, respectively, and by inserting after title VII thereof the following new title:

"TITLE VIII—GIFTED AND TALENTED EDUCATION ASSISTANCE

"Part A—General Provisions

"SHORT TITLE

"Sec. 801. This title may be cited as the "Gifted and Talented Children's Educational Assistance Act".

"PURPOSE

"Sec. 802. It is the purpose of this Act to assist State and local educational agencies to develop special educational programs for gifted and talented children and youth.

"Part B—Administration and Information

"ADMINISTRATION

"Sec. 811. The Commissioner shall designate an administrative unit within the Office of Education to administer the programs and projects authorized by this Act and to coordinate all Federal programs for gifted and talented children and youth.

"NATIONAL CLEARINGHOUSE ON GIFTED AND TALENTED CHILDREN AND YOUTH

"Sec. 812. (a) The Commission shall establish independently or locate in an existing clearinghouse the National Clearinghouse on Gifted and Talented Children and Youth (hereinafter referred to as the 'clearinghouse'). The clearinghouse shall obtain and disseminate to the public information pertaining to the education of gifted and talented children and youth. The Commissioner is authorized to contract with public or private agencies or organizations to establish and operate the clearinghouse.

"(b) There is authorized to be appropriated for the establishment and operation of the clearinghouse $1,000,000 for the fiscal year ending June 30, 1973, and $1,000,000 for the fiscal year ending June 30, 1974.

"Part C—Assistance to States for Education of Gifted and Talented Children and Youth

"GRANTS AUTHORIZED

"Sec. 821. (a) The Commissioner is authorized to make grants pursuant to the provisions of this part for the purpose of assisting the States in the initiation, expansion, and improvement of programs and projects (including the acquisition of equipment) for the education of gifted and talented children and youth at the preschool, elementary, and secondary school levels.

"(b) For the purpose of making grants under this part there is authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, and $60,000,000 for the fiscal year ending June 30, 1974.

"ALLOTMENT

"Sec. 822. (a) (1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for payments to States under section 821. The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs.

"(2) From 82 per centum of the amount appropriated pursuant to section 821 for any fiscal year the Commissioner shall allot to each State an amount which bears the same ratio to such amount as the number of children aged three to eighteen, inclusive, in the State bears to the number of such children in all the States, except that no State shall be allotted less than $50,000. For purposes of this subsection, the term 'State' shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"(b) The number of children aged three to eighteen, inclusive, in any State and in all the States shall be determined, for purposes of this section, by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for that year shall be available for reallotment, from time to time and on such dates during such year as the Commissioner may fix to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

"STATE PLAN

"SEC. 823. (a) Any State which desires to receive grants under this part shall submit to the Commissioner through its State educational agency a State plan in such detail as the Commissioner deems necessary. Each such plan shall—

"(1) provide satisfactory assurance that funds paid to the State under this part will be expended, either directly or through local educational agencies, solely to initiate, expand, or improve programs and projects, including preschool programs and projects, (A) which are designed to meet the special educational and related needs of gifted and talented children and youth throughout the State, (B) which are of sufficient size, scope, and quality (taking into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs, and (C) which may include the acquisition of equipment. Nothing in this part shall be deemed to preclude two or more local educational agencies from entering into agreements, at their option, for carrying out jointly operated programs and projects under this part;

"(2) provide for proper and efficient State administration (including State leadership activities and consultive services), and for planning on the State and local level, and provide evidence that a person knowledgeable about the education needs of gifted and talented children and youth is employed in a full-time capacity to administer and coordinate the programs and activities authorized by this part;

"(3) provide satisfactory assurance that the control of funds provided under this part, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property;

"(4) set forth policies and procedures which provide satisfactory assurance that Federal funds made available under this part will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of gifted and talented children and youth, and in no case supplant such State, local, and private funds;

"(5) provide that effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of, and providing services for, gifted and talented children;

"(6) provide that the State educational agency will be the sole agency for administering or supervising the administration of the plan;

"(7) provide for making such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this part, including reports of the objective measurements required by paragraph (5) of this subsection, and provide for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"(8) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the State, including any such funds paid by the State to local educational agencies;

"(9) provide satisfactory assurance that effective procedures will be adopted for acquiring and disseminating to teachers and administrators of gifted and talented children and youth significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects; and

"(10) provide satisfactory assurance that, to the extent consistent with the number and location of gifted and talented children and youth in the State who are enrolled in private elementary and secondary schools, provision will be made for participation of such children in programs assisted or carried out under this part.

"(b) The Commissioner shall not approve a State plan or a modification of a State plan under this part unless the plan meets the requirements of subsection (a) of this section.

"PAYMENTS

"SEC. 824. From the amounts allotted to each State under section 822 the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrying out its State plan. Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"SPECIAL PROJECT GRANTS

"SEC. 825. Fifteen per centum of the sums appropriated pursuant to section 821 for each fiscal year shall be used by the Commissioner to make grants to or contracts with public or private agencies or organizations for the establishment and operation of model projects for the identification and education of gifted and talented children and youth, including career education, bilingual programs, programs for the handicapped, programs for the disadvantaged, and development of community resources.

"ADMINISTRATION OF STATE PLANS

"SEC. 826. (a) The Commissioner shall not finally disapprove any State plan submitted under this part, or any modification thereof, without first affording the State agency administering the plan reasonable notice and opportunity for a hearing.

"(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to such State agency, finds—

"(1) that the State plan has been so changed that it no longer complies with the provisions of section 824; or

"(2) that in the administration of the plan there is a failure to comply substantially with any provisions, the Commissioner shall notify such State agency that the State will not be regarded as eligible to participate in the program under this part until he is satisfied that there is no longer any such failure to comply.

"JUDICIAL REVIEW

"SEC. 827. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 823(b) or with his final action under section 826(b), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(b) The findings of fact by the Commissioner if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"PART D—TRAINING OF PERSONNEL FOR THE EDUCATION OF GIFTED AND TALENTED CHILDREN AND YOUTH

"TRAINING GRANTS

"SEC. 831. The Commissioner is authorized to make grants to State educational agencies to assist them in establishing and maintaining, directly or through grants to public or other nonprofit institutions of higher learning, a program for training personnel engaged or preparing to engage in educating gifted and talented children and youth or as supervisors of such personnel.

"LEADERSHIP PERSONNEL TRAINING

"SEC. 832. The Commissioner is authorized to make grants to public or other nonprofit institutions of higher learning and other appropriate nonprofit institutions or agencies to provide training to leadership personnel for the education of gifted and talented children and youth. Such leadership personnel may include, but is not limited to, teacher trainers, school administrators, supervisors, researchers, and State consultants. Grants under this section may be used for internships, with local, State, or Federal agencies or other public or private agencies or institutions.

"APPROPRIATIONS AUTHORIZED

"SEC. 833. For the purposes of this part there is authorized to be appropriated for the fiscal year ending June 30, 1973, $15,000,000 and for the fiscal year ending June 30, 1974, $20,000,000. At least 50 per centum but no more than seventy-five per centum of the annual appropriation for this part shall be expended for section 831 in each fiscal year.

"PART E—RESEARCH AND DEMONSTRATION PROJECTS FOR THE EDUCATION OF GIFTED AND TALENTED CHILDREN AND YOUTH

"PROGRAM AUTHORIZED

"SEC. 841. (a) The Commissioner is authorized (1) to conduct, (2) make grants to States, State or local educational agencies, public and nonprofit private institutions of higher learning and other public or nonprofit private educational or research agencies, and (3) enter into contracts with States, State or local educational agencies, public and private institutions of higher learning and other public or private educational or research agencies and organizations, for research and related purposes, relating to the education of gifted and talented children and youth.

"(b) As used in this section, the term 'research and related purposes' means research, research training, surveys, or demonstrations in the field of education of gifted and talented children and youth, or the dissemination of information derived therefrom, or all of such activities, including (but without limitation) experimental and model schools.

"APPROPRIATIONS AUTHORIZED

"SEC. 842. For the purposes of this part there is authorized to be appropriated for the fiscal year ending June 30, 1973, $14,000,000 and for the fiscal year ending June 30, 1974, $16,000,000."

Mr. CRANSTON. Mr. President, I am today cosponsoring, with Senator WILLIAMS, JAVITS, and other Senators, the Gifted and Talented Children's Education Assistance Act of 1972. It will bring Federal funds and services to the 111,700 Californians now enrolled in the State's mentally gifted minor program. It will also help identify children with unusual abilities who are not presently being served.

The bill creates a national clearinghouse on gifted and talented children, with $1 million authorized for fiscal year 1973 and another $1 million for fiscal 1974; it authorizes $50 million for fiscal year 1973, and $60 million for fiscal year 1974 for grants to States; it authorizes $14 million for fiscal year 1973 and $20 million for fiscal year 1974 for the training of personnel for the education of gifted and talented children and youth; and it establishes research and demonstration projects with an authorization of $14 million for fiscal year 1973 and $16 million for fiscal year 1974.

California's share of these authorized funds would amount to about $17,700,000.

National estimates of the number of gifted and talented children we should be serving range from 1.5 to 2.5 million.

California's mentally gifted minor program is one of the best in the country. The legislation I am cosponsoring will enable California to move further and faster in meeting the needs of the gifted and talented child and will encourage other States to follow California's lead.

We must not continue to neglect, at the Federal level, one of the most important resources we possess. As pointed out in a recent report to the Congress, our gifted and talented children and youth are possibly the most ignored of all groups with special educational needs. They are versatile and complex human beings, and they seldom excel without assistance.

The bill I am cosponsoring can go a long way toward developing the intellectual and creative skills of our Nation's children. It can bring to fruition human potentials to build a greater America and protect our society from stagnation and decay

GIFTED AND TALENTED CHILDREN'S EDUCATION ASSISTANCE ACT OF 1972

Mr. WILLIAMS. Mr. President, I am pleased to join with my colleague, the distinguished Senator from New York (Mr. JAVITS) in introducing the Gifted and Talented Children's Education Assistance Act of 1972. This bill will translate many of the recommendations of the Commissioner of Education's report to the Congress on the education cf the gifted and talented into a meaningful basis of aid to the States to develop educational programs for this unique and highly talented population.

The findings and recommendations of the Commissioner's report argue most compellingly for the need for attention to this neglected population. Those findings are worth repeating here.

A conservative estimate of the gifted and talented population ranges between 1.5 and 2.5 million children out of a total elementary and secondary school population—1970 estimate—of 51.6 million.

Existing services to the gifted and talented do not reach large and significant subpopulations—for example, minorities and disadvantaged—and serve only a very small percentage of the gifted and talented population generally.

Differentiated education for the gifted and talented is presently perceived as a very low priority at Federal, State, and most local levels of government and educational administration.

Although 21 States have legislation to provide resources to school districts for services to the gifted and talented, such legislation in many cases merely represents intent.

Even where there is a legal or administrative basis for provision of services, funding priorities, crisis concerns, and lack of personnel cause programs for the gifted to be minuscule or theoretical.

There is an enormous individual and social cost when talent among the Nation's children and youth goes undiscovered and undeveloped. These students cannot ordinarily excel without assistance.

Identification of the gifted is hampered not only by costs of appropriate testing—when these methods are known and adopted—but also by apathy and even hostility among teachers, administrators, guidance counselors, and psychologists.

Gifted and talented children are, in fact, deprived and can suffer psychological damage and permanent impairment of their abilities to function well which is equal to or greater than the similar deprivation suffered by any other population with special needs served by the Office of Education.

Special services for the gifted—such as the disadvantaged—and talented will also serve other target populations singled out for attention and support.

Services provided to gifted and talented children can and do produce significant and measurable outcomes.

States and local communities look to the Federal Government for leadership in this area of education, with or without massive funding.

The Federal role in delivery of services to the gifted and talented is presently all but nonexistent.

Probably the most important single finding of the report is that these children cannot be ignored and be expected to achieve to their potential without special programs. Overlooking the special needs of those with great intellectual capacity results in boredom for the child, overwhelming underachievement, and loss of important resources for society.

These are outcomes that we cannot afford.

It is clear that programing and a greater commitment is needed for the gifted and talented. I believe that is is also reasonable to expect that this programing will have important results for all areas of education. Special programing for individual needs will be an important tenet of education in the future. It is time for us to begin planning for that time, and this legislation offers an excellent first step.

Mr. TUNNEY. Mr. President, it gives me great pleasure to cosponsor with the Senator from New York (Mr. JAVITS) a bill which could amend the Elementary and Secondary Education Act to establish for the first time a program to design and develop Federal programs for gifted and talented children.

This program would be designed to serve those children who have outstanding intellectual ability or creative talent, the development of which requires special activities or services not ordinarily provided by local educational agencies.

First, a national clearinghouse on gifted and talented children would be established to obtain and disseminate information on identification, counseling, and education of gifted and talented children.

Second, funds are authorized for grants to States for education programs for gifted and talented children preschool through high school. These funds would be allocated to the States on the basis of population between the ages of 3 and 18. Fifteen percent of these appropriations would be reserved for special project grants outside State allocation formula.

Third, funds are authorized for the training of personnel for the education of gifted and talented children and youth. One of the most important and complex areas involves the training of personnel who can spot and train the gifted child.

Fourth, funds are authorized for research and demonstration projects for the education of gifted and talented children.

Today educational programs develop and support curriculum designed to meet the needs of what is commonly referred to as "the majority." What is overlooked in this philosophy of educating children is that "the majority" describes a statistical group and neglects to define each individual child that makes up this group. In reality by designing a system to meet the needs of a statistically defined group, "the majority," we may indeed be failing each and every member of the group—each and every one of our children.

As a country we provide education for all of our children because we feel it is a necessity for the future of our country and our world. Every child has the right to develop to his full potential and our educational system and philosophy should guarantee this. The gifted child in society today holds a position of limited status—he is respected by the public at large, he is envied by the parents of his peers, and he is neglected by our educational system. Society and educators alike expect him to be able to cope with his environment, because of his special abilities; he is expected to succeed in spite of us rather than because of us.

The gifted child is just like any other child in our society today—he is a human being. Just because he is different from other children, different from "the majority," doesn't entitle him to any more than any other child in our educational system, but conversely it does not entitle him to any less.

Today an equal philosophy of education means that both teaching and learning should be directed toward meeting the needs of the individual child. We must strive to strengthen each child in the areas each needs most. In meeting the needs of the gifted child in this country we must create new programs that cut across cultural, language and economic barriers, programs that bridge the gap between the rich and the poor, between urban and rural, and between slum and suburb: programs that are directed toward meeting the individual needs special to these children.

It is to these needs that this legislation is directed. Funds have before been appropriated to meet these recognized existing needs under exceptional children legislation, but too often the gifted child is defined as the lowest priority and such funds are nonexistent long before his level of priority is ever reached for help. The gifted child is considered an exceptional child not because of his giftedness alone, but also because of the special problems he has as an individual. The gifted child suffers social and emotional problems that are real and grave, not only to his mental health as a human being but also to his ability to function as a part of the social system we all live within. There exists in society as a whole an overstress on the academic ability of the gifted child. Stress on the academic ability of the gifted child is out of proportion also in most existing educational programs. His brightness is easy to identify and teach to; it is, however, his social and emotional makeup that contribute to his low self-value, his personal self-esteem that must be taken into account by society and educators alike. This legislation concentrates on the gifted child as he is—a whole person with his own special problems that must be recognized and solved.

The term "gifted" has come to have a loaded meaning in our society and whenever a term causes as much reaction as this one does it is bound to result in some bias. It is, therefore, very easy to forget that being gifted alone is not the only important fact about this exceptional child; it is just one isolated fact more that can be used to describe this child. And, just as an isolated fact may or may not fully explain a particular individual, so a general term, such as gifted, may or may not fully represent a unique individual. The whole may well be the sum of its parts but, conversely, knowing one part—that is, a child is gifted—does not explain the whole.

The gifted child is not a miniature adult, and we must not treat him as one either in our society or in our educational system; rather we must provide the best possible environment both socially and educationally in which he can grow and develop—learning from as well as enjoying his childhood. Every child must be allowed to be a child—a luxury we now give our children and must never remove. Today in this age of science we seem to want to relate every child to a hypothetical group that forms a normal curve; but it is the child himself; the why and the how of his behavior, that makes him an individual who can never be adequately or completely described by a test or a number. A child is not a symbol but a real person interacting with his environment; he has real needs and real problems; the goals of educations and legislators alike must be to help the individual child to be understood for his uniqueness rather than categorized for his sameness.

Let us not be found wanting in providing the best possible education for each individual child in our society. If we do not do it then who will? If we do not do it now then when will we? Why does it always seem to be that those who in life are in need of so much are so often in truth cut short?

In addition to this legislation there is also a need for funds to restandardize the Stanford-Binet to take into account cultural factors not now covered by this widely used test. Present measures fail to locate half of the gifted and talented in our population.

A new individual test should be developed to take into account more cultural factors and language difficulties, such as when English is not the native or spoken language in the home of the child.

An individual test such as the Stanford-Binet costs about $60 per student to administer. The State of California provides $40 per student tested. Because of the cost it is many times impractical to test individually a large number of students. Additional Federal funds should be made available for such testing since many States have no such provision for testing funds.

New funds are also needed to redevelop existing paper and pencil IQ tests which are now given to the majority of children in the country. Since this type of test would be the original and in some cases the only device used to identify gifted children, it also needs to be greatly improved.

Both its reliability and validity have been questioned widely by educators for some time. Funds should be made available to develop a new test which would provide a profile rather than just a score on a child. Such a profile would contain constructive information that could be used by teachers and other interested parties for more than mere labeling of a child and his so-called intellectual potential. Rather a new test should seek a more individualized approach to cognitive understanding and development of the child. This would give all children a better chance as well as make identification of the gifted in all areas easier.

Additional provision and funds should be made available to allow the exchange of residency of administrators and teachers in parts of the country where gifted children's programs need to be developed or in parts of the country where existing programs can be studied. Such a program would accelerate the development of individualized quality educational personnel.

Finally funds should be provided to hire classroom aids to reduce the student teacher ratio—a prerequisite to individualized instruction. At this time a new 2-year AA degree is being introduced into the California junior college vocational program that could be used to train people to aid classroom teachers.

A similar program also exists at the junior college level in other parts of the country. This would keep program costs down as well as being able to provide excellent teachers in all areas backed up by aides that are also trained to help both the teachers and the children.

If we were to attempt to meet the national needs of gifted children there would be a serious shortage of teachers having specific training to meet the needs of gifted children. Teacher training and teacher selection is probably the single most important factor in gifted children programs.

By Mr. THURMOND:

S. 3383. A bill to amend the Internal Revenue Code of 1954 to encourage the use of recycled oil. Referred to the Committee on Finance.

THE NEED FOR THE RECYCLING OF OIL

Mr. THURMOND. Mr. President, I have recently become aware of an issue facing this country which would have disastrous effects on our environment if appropriate congressional and administrative action is not taken immediately. This issue involves not only the prevention of a major form of air and water pollution, but also the conservation of a critical natural resource. The problem involves the dumping of used lubricating oil into our water supply and indiscriminate burning of other used petroleum products.

The used-oil problem is staggering. About three-quarters of 1 billion gallons of this precious commodity are wasted every year. However, wastage could be significantly reduced and the environment preserved by recycling.

For over 40 years, small businessmen have been dealing with recycling oil, and the Association of Petroleum Rerefiners has been trying since 1950 to draw attention to discriminatory Federal actions and rulings that threaten the very existence of the entire industry.

Mr. President, there are many individuals who are unaware of this situation and of the fact that lubricating oils can be cleaned up and literally refined over and over again to their original quality. I feel that the least we can do at this late date is to listen to the rerefiners' story with a sympathetic ear, and act to redress their very real grievances.

Let me explain the situation briefly. Only about half of the estimated 2½ billion gallons of lubricating oils sold for industrial and automotive use in the United States every year is actually used up. This means that the other half is drained at service stations, garages, airfields, railroad yards, bus and truck terminals, auto fleet headquarters, and industrial plants. More than 1 billion gallons of valuable oil could be recycled back into lubricating form and quality, yet 75 percent of it, according to recent studies, is wasted.

Mr. President, used oil is not just wasted, but it becomes a powerful pollutant of air and water. Whatever portion of those 750 million gallons that is dumped on purpose, or just allowed to drain down into the water supply, remains a health hazard almost indefinitely. Just as lube oil will not break down under the extreme temperatures and pressures of the automobile engine, so it will not break down for years when left in lakes and streams. On the other hand, whatever portion of those 750 million gallons that is burned, even when blended in small ratios with bunker fuel under carefully controlled burning conditions, may still contribute millions of pounds of metallic oxides that never break down.

Mr. President, even in view of this problem, very little of this valuable and potentially dangerous oil is rerefined and recycled. The reason is that the Federal Government has imposed obstacles and restrictions that actually prevent the petroleum rerefiners from marketing their products in competition with the major oil companies. GSA will not buy it for use in Government vehicles; IRS makes off-highway users pay extra for it; FTC insists that every can be labeled so that very few motorists will buy it; and no one will set oil quality standards and performance requirements that will give the rerefiners a chance to prove that their product can be just as good as the original. This is an incredible series of discriminatory practices which came into existence through a series of unfortunate circumstances.

Mr. President, in 1965 the Excise Tax Reduction Act leveled a double-barreled blast at the rerefiners. Before that time there had been a 6-cent-per-gallon tax levied on the manufacturer of lubricating oil which was paid by the first user of this oil. Since rerefiners were exempt from paying this tax—the tax on the original oil had already been paid—the net result was a 6-cent-per-gallon competitive edge. In 1965, the Internal Revenue Service ruled that because these tax funds were to go into the Highway Trust Fund, off-highway users, notably railroads, could be refunded their full tax payments at the end of the tax year when they purchased 100 percent new lubricating oil. IRS also refused to allow tax refunds on any new oils that were to be blended with rerefined oil, as is often the case when the rerefiner wants to meet the viscosity requirements of the ultimate user. Thus, the rerefiners lost their 6-cents-per-gallon margin among off-highway users, and are penalized for manufacturing blended oils for off-highway users.

Also in 1965, the Federal Trade Commission ruled that all containers of rerefined oil produced for sale to the public had to be prominently labeled "previously used." While a true description as far as it goes, the obvious connotation of inferiority quickly plummeted retail sales of rerefined oil to half the previous level, and the industry never recovered its share of this massive consumer market.

Obviously, what is desperately needed is some scientific and impartial way to determine the quality of lubricating oil in terms of performance rather than source. One set of requirements should be established by which one can evaluate used and new oils. Until we have performance requirements for rerefined oils, the rerefiners and those who use their products will be stymied.

As a result of these handicaps, more than half of the rerefiners have been forced out of business in the past 7 years. It seems that the U.S. Government has weighted the scales against the small businessman. Unless something is done soon, the rest of the rerefiners must also close down. If this happens, what do we do with these 750 million gallons of waste oils?

The January 1971 issue of Fortune magazine featured an article entitled "Metallic Menaces in the Environment." It quotes Dr. Henry A. Schroeder, of the Dartmouth Medical School, as saying:

> Pollution by toxic metals is a much more serious and much more insidious problem than is pollution by organic substances. Most organic substances are degradable by nature; no metal is degradable.

Walter C. McCrone Associates of Chicago was asked to analyze the combustion products present in waste oils before they are rerefined. This report pointed out that more than 1,000 pounds of metal oxides—mostly lead, but with lesser amounts of calcium, phosphorous, barium, and others—are released when 10,000 gallons of waste oils are burned. If we assume that only 260 million gallons were burned last year, generally regarded as a conservative figure, we come to the frightening conclusion that at least 26 million pounds of metallic oxides were released through burning last year.

Mr. President, this brings us to the realization that waste lubricating oil has to be treated somehow prior to disposal. Whether recycled back into lubricating form or blended with bunker oils as the American Petroleum Institute recommends, there must be some process to remove the metal additives. It has become almost a technological race—the demands of the auto engines for more powerful additives to improve performance versus the ability of the rerefiners to identify and remove these additives. It is time we threw our strength behind the continuing efforts of the rerefiners to win this race, not only to claim the oils, but also to find some economic use for the sludge that contains these unrerefinable additives.

Last year, the petroleum rerefiners managed to recycle only 150 million gallons. Given an improvement in the labeling rules, the same excise tax refund now given off-highway users of new oil and legislation that will result in performance requirements being substituted for meaningless source specifications, the rerefiners will be able to take care of substantially more of the 750 million gallons to be drained in 1972. In years past, their performance has approached this level and it can again.

Mr. President, I am introducing a bill which would amend the Internal Revenue Code of 1954 to encourage the use of recycled oil. It is my opinion that we must take steps to clean up our environment and also take steps to preserve our dwindling natural resources. This bill is just one step in this direction, but it is a necessary one. Not only will this bill help to control pollution and preserve a natural resource, but it would also help to revitalize a faltering industry.

Mr. President, I ask unanimous consent that this bill be printed in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4091 of the Internal Revenue Code of 1954 (imposing a 6 cents a gallon tax on lubricating oil) is amended—

(1) by inserting "and other than re-refined oil" after "other than cutting oils", and

(2) by adding at the end thereof the following new sentence: "For purposes of this section and section 6424, the term 'refined oil' means oil produced from used oil or from a blend of used oil and virgin oil."

(b) Section 6424 (a) of such Code (relating to payments for lubricating oil not used in highway motor vehicles) is amended by adding at the end thereof the following new sentence: "For purposes of this section, the use of virgin oil in re-refined oil (as defined in section 4091) shall be treated as use otherwise than in a highway motor vehicle."

Sec. 2. The amendments made by the first section of this Act shall apply to re-refined oil produced on or after the first day of the first calendar month which begins after the date of the enactment of this Act.

By Mr. MANSFIELD (for Mr. Jackson) (for himself and Mr. Allott) (by request):

S. 3384. A bill to amend the Water Resources Planning Act to authorize increased appropriations. Referred to the Committee on Interior and Insular Affairs.

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. Jackson), I introduce a bill and I ask unanimous consent that a statement prepared by him in connection with the bill be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

STATEMENT BY SENATOR JACKSON

Mr. President, by request, and on behalf of myself and the senior Senator from Colorado (Mr. Allott), I send to the desk for appropriate reference a bill to amend the Water Resources Planning Act to authorize increased appropriations.

Mr. President, this draft legislation was submitted and recommended by the U.S. Water Resources Council, and I ask unanimous consent that the executive communication and explanation accompanying the proposal from the Chairman of the Water Resources Council be printed in the Record at this point in my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Water Resources Council,
Washington, D.C., March 8, 1972.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft bill "To amend the Water Resources Planning Act to authorize increased appropriations."

This bill would establish explicitly a separate and additional category for funding the national water and related land resources assessment and the management and coordination of regional and river basin plans through the Council. It would also provide explicitly for the transfer of funds for these purposes to river basin commissions and to Federal and State agencies.

At present, Section 401 of the Water Resources Planning Act (79 Stat. 244, 42 USC 1962 *et seq.* as amended by P.L. 92–27) imposes annual ceilings of (a) $6,000,000 for administration and operation of river basin commissions, with no more than $750,000 for any single commission; and (b) $1.5 million for the expenses of the Water Resources Council in administering the Act. These ceilings would not be changed by the bill.

The need for the bill is twofold. First, an increase in the total of the ceilings presently in the Act is necessary to accommodate the Administration's proposed FY 1973 budget for the Council. Second, the creation of a funding category for the national assessment and for planning study direction and coordination will more accurately reflect the current responsibilities and operations of the Council.

The increase is due wholly to proposed increases in FY 1973 funding of direction and coordination of the preparation of planning studies, and to anticipated future increases in funding the national assessment. Because of the importance of these closely interrelated activities, we believe that they clearly warrant a distinct identification in the Council's funding authorization, as proposed in the bill.

It is important to note that the bill does not propose central funding by the Council of regional and river basin planning studies. Transfers of funds for these studies would be limited solely to facilitating the Council's directing and coordinating role. Preparation of planning studies would continue to be funded by individual participating agencies on a coordinated budget basis, rather than centrally by the Council.

The proposed bill will provide an explicit identification and specific ceiling on these functions without changing the other ceilings in the Act.

The Office of Management and Budget advises that the enactment of this bill would be consistent with the Administration's objectives.

Sincerely yours,
Rogers C. B. Morton, *Chairman.*

Enclosure.

PROPOSED CHANGES IN AUTHORIZATION

The attached draft bill proposes amendments to the Water Resources Planning Act to provide specific funding through the Council for the preparation of assessments and the direction and coordination of the preparation of regional and river basin plans. No change is proposed in the present ceilings for the separate categories of WRC administration. Title II river basin commissions, and Title III grants.

SECTION-BY-SECTION ANALYSIS

Subsection (a) retains the present ceilings for river basin commissions but adds a clause that clarifies that the direction and coordination of the preparation of certain Federally sponsored planning studies undertaken by river basin commissions apart from their annual operating activities would be funded under subsection (c) below rather than under this subsection.

A similar clause added to subsection (b) would make clear that funds for the Council's direction and coordination of the preparation of planning studies, including the costs of study managers, would be excluded from this ceiling and placed in a separate category under subsection (c) below.

Subsection (c) would provide a specific ceiling as well as a means for funding assessments by transfer of funds from the Council. It would also make explicit the Council's authority to direct and coordinate the preparation of comprehensive planning studies (excluding implementation studies) by direct expenditure and by transfer of funds to river basin commissions and to Federal and State agencies. It would also remove any possible legal impediment to such transfers of funds to Federal agencies or river basin commissions. Actual preparation of the studies would continue to be funded by individual participating agencies on a coordinated budget basis, rather than centrally by the Council.

By Mr. WILLIAMS (for himself and Mr. Javits):

S. 3386. A bill to amend the Labor Management Relations Act, 1947, to permit employee contributions to jointly administered trust funds established by labor organizations to defray costs of legal services. Referred to the Committee on Labor and Public Welfare.

Mr. WILLIAMS. Mr. President, I send to the desk legislation, today, which would amend the Taft-Hartley Act to allow the creation of joint labor-management trust funds for providing prepaid legal services to employees covered by collective-bargaining agreements.

The bill is a proposed amendment to section 302 (c) of the Labor-Management Relations Act of 1947, which presently sets out the fringe benefits which may be established through joint labor-management administration. These fringe benefits are presently limited to such subjects as pensions, health and welfare plans, life and accident insurance and such matters as education, training, and child day care centers. This bill would add legal service programs to this list.

The legislation has been made necessary because of the growing recognition that existing methods of delivery of legal services to middle and working class citizens are inadequate, and that the establishment of legal service programs through collective-bargaining, in a manner similar to the way health benefits were established, would be an important step forward toward alleviating this problem.

Several State bar associations, including New Jersey and California, are already studying the feasibility of establishing a Blue Cross type of statewide system for legal service delivery and a few such programs are already in operation elsewhere. Therefore, remedial legislation of a technical nature will be necessary to encourage this development and an amendment to section 302 would be an important step in this direction.

The bill would merely make legal services a permissible jointly administered fringe benefit, but would not require the establishment of such program if labor and management did not agree.

I am introducing this legislation, as is Congressman Frank Thompson, my colleague from New Jersey, in the other body.

I hope that both Houses will be able to reach agreement on this important legislation.

Mr. President, I ask unanimous consent that the text of the bill as well as some news reports on the efforts being made in my State be printed in the Record.

There being no objection, the bill and articles were ordered to be printed in the Record, as follows:

S. 3386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302(c) of the Labor Management Relations Act, 1947, is amended by striking out "or (7)" and inserting in lieu thereof "(7)" and by adding immediately before the period at the end thereof the following "; or (8) with respect to money or any other thing of value paid by any employer to a trust fund established by such representative for the purpose of defraying the costs of legal services: *Provided,* That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds."

State Bar Backs Insurance Plan For Legal Costs

(By Herb Jaffe)

A plan to establish prepaid insurance for legal services was approved by the New Jersey State Bar Association's Board of Trustees yesterday, paving the way for the nation's first program of this kind.

State Bar President Joseph T. Grause said the only remaining hurdle for such a plan would be approval by the State Supreme Court Committee on Ethics.

"I expect the plan to be in force in New Jersey before the end of this year," Grause said.

He explained that the plan, still in the concept stage, would be designed to make legal services available to middle income and lower middle income people in particular.

Persons who earn less than $3,500 a year already are entitled to free legal assistance under the Office of Economic Opportunities.

The board of trustees, in a statement, said the plan would be financed on a basis similar to Blue Cross and Blue Shield coverages, where periodic premiums would entitle subscribers to a schedule of services.

The State Bar will appoint a special subcommittee shortly to devise a model plan and to evaluate bids from several insurance companies which have expressed interest in operating the plan, Grause explained.

Among the interested insurers are Blue Cross and Motor Club of America, he added.

The board said the plan would be available to groups and private individuals.

Emanuel Honig, a member of the State Bar's Availability of Legal Services Committee, pioneered the plan and recommended its adoption after consulting extensively with American Bar Association officials two weeks ago.

Honig said the State Supreme Court will be urged to adopt a rule requiring lawyers to register and disclose associations with the program.

He said the model plan that will be devised by the subcommittee which will be appointed will be submitted for review to the Supreme Court Ethics Committee.

[From the Sunday Star Ledger (N.J.), Feb. 13, 1972]

BLUE CROSS LEGAL FEE PLAN AWAITS STATE BAR ACTION

(By Herb Jaffe)

A statewide prepaid insurance plan for legal services could be made available to New Jersey residents before the end of the year if the concept gets the first-stage approval of the State Bar Association's Board of Trustees.

Officials of both the State Bar Association and New Jersey Blue Cross, who spent three days at an American Bar Association conference in New Orleans last week reviewing the subject, said yesterday they want to make New Jersey the first state to adopt the innovative plan.

The ABA has been studying the concept for several years and has helped sponsor experimental studies in Los Angeles and Shreveport, La. The Ford Foundation is a cosponsor in the Shreveport study.

The advantage of employing the plan statewide, based on New Jersey actuarial data, will be discussed Friday at a meeting of the State Bar Board of Trustees.

However, State Bar officials have quietly expressed optimism over the concept, and Blue Cross is confident it can obtain approval to allow the non-profit organization to serve as coordinator of the coverage.

In effect, the plan would operate in the same manner as Blue Cross, where subscribers would pay periodic premiums to Blue Cross in return for the insurance that would entitle them to go to any member lawyer for any service.

The details of the extent of services have not yet been determined, but just as hospital insurance under Blue Cross has its limits, the plan is expected to provide maximum limits of coverage.

Group legal service insurance is also under consideration by the State Bar, and according to Seton Hall Law School Professor Theodore Meth, "I could see group coverage being available even before a plan for the general public."

Meth, who also attended the ABA conference last week, said the data required to establish group premiums would be easier to compile, "and in all probability, the premiums for groups would be even lower because of certain built-in cost savings devices."

Meth said that administration has a significant effect on the cost of any insurance. "But a labor group, for example, already has its checkoffs as a result of pension funds, hospitalization and other group benefits that now exist.

"The machinery for administration is already there, and there would be a further savings in the manner of collection of premiums," he added, citing the same checkoff system that already exists.

Meth added that labor groups also could provide much of the necessary actuarial data right at the start.

Raymond Fairty, a Blue Cross vice president, also attended the ABA meeting and came away equally impressed. "We don't know what the cost would be at this point only because we would need a thorough actuarial determination," Fairty explained.

He said, however, that Blue Cross is exploring all the regulation by the State Insurance Department and any legislation that might be required.

State Bar president Joseph T. Grause, president-elect Martin L. Haines, and executive Director Francis J. Bolduc also attended the ABA meeting and are expected to report optimistically to the board of trustees.

Emanuel A. Honig, who also attended as a representative of the State Bar's Availability of Legal Service Committee, said that ABA committee chairman William McAlpin called the New Jersey proposal for a possible statewide plan to begin as soon as possible "fascinating and exciting."

Honig said the ABA committee encouraged the New Jersey Bar "to proceed as expeditiously as possible."

Honig added, in a report to the board of trustees, that "probably the single most difficult issue to resolve will be acceptance by the Bar of the limitation respecting the fees which lawyers will receive under the plan."

He said the ABA, from its experience in the two studies, suggested that a ceiling for coverage be fixed so that if a lawyer's bill exceeds such a limit, he would first be asked if he is prepared to resumit a bill that would reduce the amount.

"If an attorney refuses to accept the limitation, he will be severed from the panel of participating attorneys," the state report says.

In proposing an alternative for the board of trustees on lawyer conformance to the plan, Honig's report adds:

"It is also possible to offer an optional program under which the plan will pay up to the maximum fee fixed by the ceiling, permitting the attorney to bill the client for any excess."

The report also says that a symbol and a trade name, such as that which accompanies Blue Cross is also being studied by the ABA.

It adds that of immediate concern is a structure of premiums and benefits that would have to be established.

One source at the New Orleans meeting told the New Jersey delegation that a figure of $10 per month has been discussed as a possible premium for the coverage from non-group subscribers.

The only solid indication thus far of cost and other factors involved comes from Shreveport and is based on three months of experimentation involving some 700 construction workers in a group plan.

The ABA and the Ford Foundation were prepared to pay the legal fees during the first year of the pilot study of up to $103,000. The most conservative expectation of the two organizations was that 30 per cent of the workers would use the plan, and that it would cost $34,500.

But during the first three months, there was no evidence of abuse in the plan by subscribers. In fact, only 25 of the insured consulted lawyers, which if projected for a 12-month period would involve less than $20,000, considerably under the conservative projections of the ABA and the Ford Foundation.

ABA officials and actuaries had little to go by in setting up the plan, which accounted for the over-projection. However, it was estimated that two cents an hour per worker would cover the premiums based on early returns. This would amount to about $3.50 a month based on a worker's 40-hour week.

[From the New Jersey Law Journal, Feb. 17, 1972]

STATE BAR AND BLUE CROSS STUDYING LEGAL SERVICE INSURANCE

Officials of both the New Jersey State Bar Association and the New Jersey Blue Cross, after spending several days at a conference held in New Orleans last week as part of the ABA midyear meeting, reported they were interested in setting up a statewide prepaid legal service insurance plan for New Jersey to be operated by the Blue Cross with the endorsement and possible regulative participation to some extent of the State Bar. In effect the plan would operate in the same manner as the Blue Cross, with subscribers paying premiums to Blue Cross in return for insurance entitling them to go to any participating lawyer for legal services on a fixed fee schedule arrangement. The schedule may or may not provide for payments by the insured over the amount of the insurance fee allowed and may or may not provide for a deductible amount before the insurance comes into play, just as with the deductible hospitalization policy. It would in all probability be similar to the Blue Shield arrangement.

The details of the extent of services which would be covered have not yet been determined nor the exact manner of operation but both the State Bar and the Blue Cross are studying the matter and hope to make New Jersey the first state to adopt such a plan. The feasibility of adoption of such a plan, based on New Jersey actuarial data and on the data available from the experimental studies in Shreveport, La. and Los Angeles, will be discussed by the State Bar Board of Trustees at their meeting tomorrow.

Emanuel A. Honig, who also attended the ABA meeting as a representative of the State Bar's Availability of Legal Services Committee, has submitted a report to the Trustees on the proposal and on alternative remuneration plans which could be adopted. His report will be studied by the Trustees.

PRELIMINARY REPORT OF EMANUEL HONIG ON PREPAID GROUP LEGAL SERVICES

FRANCIS J. BOLDUE,
Executive Director, New Jersey State Bar Association.

I write this letter as a report to the trustees of my conference with representatives of the A.B.A. Committee on Prepaid Legal Services and my attendance at the conference on this matter at the New Orleans convention. I met with William McAlpin, chairman of the committee, and Philip Murphy, staff administrator, and Wesley M. Sokol on Saturday and Mr. Fairty of Hospital Service Plan of New Jersey, and I met again with Mr. McAlpin on Sunday.

We discussed all phases of the proposal in full detail. The reaction of Mr. McAlpin was identical with mine as I was first approached by Blue Cross, namely that the proposal was fascinating and exciting. Mr. McAlpin discussed the entire subject with his executive committee which feels the same way and wants to encourage us to proceed as expeditiously as possible.

The A.B.A. has been unsuccessful in all of its previous efforts to obtain participation by a non-profit insurer. The committee has made overtures to numerous other Blue Cross organizations in various states throughout the nation without success to date. In some instances the cause of this reluctance on the part of such organizations to consider the matter was apparently due to the format of their organizations and the law applicable in their jurisdictions. In other instances there was insufficient interest shown by the bar association of the state.

Mr. McAlpin indicated that the A.B.A. would feel much more comfortable with a Blue Cross organization than with a conventional insurance carrier and he has asked me to keep in close contact with him respecting our progress and has offered to make his staff available to us in any manner we desire for technical assistance.

I have asked Dickinson R. Debevoise to call an immediate meeting of the Committee on Availability of Legal Services so that this committee may officially consider the proposal as well as other related matters which were brought to my attention at the conference. I further recommend that the trustees now consider whether the New Jersey State Bar Association will officially sponsor the project.

I must, however, call your attention to a number of problems and issues which require study and consideration. While the Committee on Availability of Legal Services may be the appropriate standing committee to administer further consideration of the program, the trustees will have to supervise all aspects of the studies and may find it desirable to appoint a special committee or committees with respect to various phases of the matter. These problems include the following:

1. It may be necessary to secure enabling legislation to authorize Hospital Service Plan of New Jersey or such separate corporation as it may desire to organize, to administer the plan. Blue Cross heretofore conferred with Commissioner Robert Clifford and obtained an informal opinion from him that legislation may not be requisite. Mr. Fairty and I feel that, if it is at all possible, an attempt should be made to initiate a plan without special legislation, even though a voluntary effort to procure such legislation may be justified at a later date. We share this view because any attempt to secure legislation may be protracted and may delay our program. Thus, for example, the recently established dental program was delayed for a number of years because of difficulty in securing approval of an enabling statute. I suggest that we confer with Commissioner Clifford for his advice in the matter.

2. Probably the single most difficult issue to resolve will be acceptance by the Bar of the limitation respecting the fees which they will receive under the plan. It is contemplated that Blue Cross (this name will be used throughout to designate the proposed carrier) will pay "usual and customary fees" so that lawyers can bill on the basis of normal charges. However, there will be a ceiling which the governing body of the organization will fix so that when a bill exceeds this amount the attorney in question will be informed that his bill exceeds limitations and he will be asked to consider whether or not he is prepared to resubmit a bill in a lower amount. The precise amount of the fee fixed by the ceiling will not be disclosed, for obvious reasons. If an attorney refuses to accept the limitation, he will be severed from the panel of participating attorneys. Obviously, great care must be exercised in obtaining acceptance of this concept within the Bar.

It is also possible to offer an optional program under which the plan will pay up to the maximum fee fixed by the ceiling, permitting the attorney to bill the client for any excess. A decision will have to be made respecting the advisability of such a policy. In my view, the Bar would be well advised to avoid such an alternative.

3. In order to qualify the plan, it appears that Blue Cross will have to provide the necessary reserves required by the Department of Insurance. There is some question concerning the nature of the plan as insurance coverage because it is contemplated that benefits will be paid directly to lawyers rather than to members. However, if a separate corporation is to be organized, reserves would be required. This is a problem for Hospital Service Plan of New Jersey to resolve but I am informed that they feel they have the authority to invest in other corporations and subsidiaries. We must merely understand that the resolution of this problem will be prerequisite to the establishment of a plan.

4. Hospital Service Plan of New Jersey contemplates that it will be advisable to establish a new corporation to operate the plan. This may be a subsidiary of Hospital Service Plan of New Jersey or other corporate structuring may be undertaken, the details of which need not be discussed at this time. However, a name must be developed for the plan and it is our feeling that a symbol such as "Blue Cross" must be devised. We discussed this with Mr. McAlpin because we all feel that some uniform nationally recognized symbol or trademark should be used to give the program national scope. Since no one else is working on a plan, no decision has been made in the matter, although a number of names have been suggested. It will also be necessary to work out details respecting the composition of the board of the corporation. We must resolve the question whether the Bar Association desires to designate lawyer representatives or whether it would be preferable to have lawyers individually named. We do feel that the president of the State Bar Association should automatically be a member of the governing body. Obviously, also, careful consideration must be given to the selection of representatives from other sectors of the public and it seems apparent that organized labor will want to participate actively. We have also discussed the desirability of having the State Bar Association act as an advisory committee or board to the governing body of the corporation.

5. The immediate problem will be to devise a return structure and a schedule of benefits. There is little actuarial experience available as a guideline at the present moment, and to a large extent Blue Cross will have to pioneer the field. Considerable help is available from the pilot projects now under way and this will be made available to us if we desire. However, it is in the field of schedule of benefits that Blue Cross will most need our services and advice. Immediate consideration should be given to the enlistment of a group of experienced lawyers to assist in this phase of the project.

6. Mr. Fairty cannot presently give any indication as to the time which would be required to implement the program so that the legal service plan can be put into operation.

7. Edward B. McConnell, the Administrative Director of the Courts, has reviewed my original report and has advised me by letter that we should seek a formal opinion from the Advisory Ethics Committee of the Supreme Court respecting the validity of a prepaid legal service project. I suggest that such an opinion be solicited officially by the Committee on Availability of Legal Services at the same time as it seeks reconsideration of a prior opinion declaring that a system for financing legal services through promissory notes discounted by banks is impermissible.

8. Apart from this plan, there are implications in the prepaid legal services movement which will have serious consequences for the practice of law in our state. It appears that in many other states private programs are being organized either by bar associations on the same pattern as the Shreveport and Los Angeles programs or along differing avenues as diverse as the imagination of their sponsors can conceive. It also appears that private insurance carriers are getting into the field and we discussed with representatives of some states the probability that at least one or two insurance companies would file a plan within the next sitxy days. Likewise group legal service concepts are surfacing which contemplate providing prepaid legal services to groups, particularly to labor unions, teachers associations, etc. Theodore Meth was at the conference on behalf of a Carpenters Union, which he represents in New Jersey, and he indicates that he is about to organize a group legal service program for such a union in New Jersey. The decision of the United States Supreme Court in United Transportation Union v. The State Bar of Michigan, 401 U.S. 576 (1971) makes it clear that group legal services will no longer be limited to a format under which the services are incidental and directly related to the employment of the member. This poses serious problems with respect to the practice of law which the trustees must now consider.

I strongly recommend that we urge the Supreme Court to adopt a rule requiring all lawyers who are engaged in group legal service representation to register with the court, similar to Rule 20 adopted by California, where the group legal service projects may create serious problems with respect to the Code of Professional Responsibility.

Because Mr. Meth is directly interested in the program, I am taking the liberty of sending a copy of this report to him and I will suggest to Mr. Debevoise that he invite Mr. Meth to the next meeting of the Committee on Availability of Legal Services.

9. The Trustees should also give consideration as to how further publicity should be given to the project in the future.

Sincerely,

EMANUEL A. HONIG.

RECOMMENDATIONS OF THE COMMITTEE ON AVAILABILITY OF LEGAL SERVICES

The following are the recommendations of the State Bar Committee On Availability of Legal Services, concerning prepaid group legal services, which were submitted to and adopted by the Board of Trustees at their meeting on February 18:

To: All Members of the Board of Trustees of the New Jersey Bar Association

Gentlemen:

The purpose of these recommendations is to further the objective of making quality legal services readily available to middle income and low-middle income persons.

The specific recommendations are as follows:

1. The concept of pre-paid group legal services should be endorsed.

2. Groups considering specific plans should be requested to submit their plans to this Committee for its information.

3. The State Bar Association, acting through this Committee, should offer its cooperation to groups preparing plans for prepaid legal services, such cooperation to take the form of advising generally as to such plans and in particular as to matters which affect the legal profession such as benefit payments.

4. The New Jersey Supreme Court should be urged to adopt a new rule which would require registration for disclosure purposes of all plans for pre-paid group legal services and send a listing of all attorneys who were associated with any closed plans.

5. The State Bar Association should appoint a special committee which would be a sub-committee of this committee to devise a model plan for pre-paid legal services insurance. The committee's function would be to propose the substantive provisions of such a plan and to make recommendation as to what agency should administer such a plan. There should be included on the committee from the outset representatives of the public which would benefit from such a plan.

6. After a model plan has been proposed, it should be submitted to the Supreme Court Committee on Professional Ethics for review and, hopefully, approval.

7. When the concept of pre-paid group legal services is implemented, there will have to be very close coordinating and planning in the areas covered by the Committee for the Availability of Legal Specialization, and by the Committee of Law Referral.

Respectfully submitted,

DICKINSON R. DEBEVOISE, *Chairman*.

By Mr. HRUSKA:

S. 3388. A bill to impose a moratorium on new and additional student transportation. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I send to the desk a bill to impose a moratorium on new and additional student transportation, and ask that it be appropriately referred.

In his message to the Congress of last Friday on the subject of school busing, the President proposed two measures:

One is designed to shift the focus from more transportation to better education.

The other would curb busing while educational opportunity would be expanded by means of the first.

The first of these would be known as the "Equal Education Opportunities Act of 1972. It would—

Require that no State or locality could deny equal educational opportunity to any person on account of race, color or national origin.

Establish criteria for determining what constitutes a denial of equal opportunity.

Establish priorities of remedies for schools that are required to desegregate, with busing to be required only as a last resort, and then only under strict limitations.

Provide for the concentration of Federal school-aid funds specifically on the areas of greatest educational need, in a way and in sufficient quantities so they can have a real and substantial impact in terms of improving the education of children from poor families.

The second measure would be known as the "Student Transportation Moratorium Act of 1972."

It is this bill which the Senator introduces at this time.

It would provide a period of time during which any future, new busing orders by the courts would not go into effect, while the Congress considered legislative approaches—such as the Equal Education Opportunities Act—to the questions raised by school desegregation cases.

This moratorium on new busing would be effective until July 1, 1973, or until the Congress passed the appropriate legislation, whichever was sooner.

Its purpose would not be to contravene rights under the 14th amendment, but simply to hold in abeyance further busing orders while the Congress investigated and considered alternative methods of securing those rights—methods that could establish a new and broader context in which the courts could decide desegregation cases, and that could render busing orders unnecessary.

Together, these two measures would provide an immediate stop to new busing in the short run, and constructive alternatives to busing in the long run—and they would give the Congress the time it needs to consider fully and fairly one of the most complex and difficult issues to confront the Nation in modern times.

It is my hope, Mr. President, that the second of these bills—the one hereby introduced—will have early hearings and action by the committee to which it is referred.

Unanimous consent is asked that its text be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Student Transportation Moratorium Act of 1972."

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that:

(1) For the purpose of desegregation, many local educational agencies have been required to reorganize their school systems, to reassign students, and to engage in the extensive transportation of students.

(2) In many cases these reorganizations, with attendant increases in student transportation, have caused substantial hardship to the children thereby affected, have impinged on the educational process in which they are involved, and have required increases in student transportation often in excess of that necessary to accomplish desegregation.

(3) There is a need to establish a clear, rational, and uniform standard for determining the extent to which a local educational agency is required to reassign and transport its students in discharging its obligation under the fourteenth amendment to the United States Constitution to desegregate its schools.

(4) The Congress is presently considering legislation to establish such a standard and define that obligation.

(5) There is a substantial likelihood that, pending enactment of such legislation, many local educational agencies will be required to implement desegregation plans that impose a greater obligation than required by the fourteenth amendment and permitted by such pending legislation and that these plans will require modification in light of the legislation's requirements.

(6) Implementation of desegregation plans will in many cases require local educational agencies to expend large amounts of funds for transportation equipment, which may be utilized only temporarily, and for its operation, thus diverting those funds from improvements in educational facilities and instruction which otherwise would be provided.

(7) The modification of school schedules and student assignments resulting from implementation of desegregation plans and any subsequent modification in light of the legislation's requirements would place substantial unnecessary administrative burdens on local educational agencies and unduly disrupt the educational process.

(b) It is, therefore, the purpose of this Act to impose a moratorium on the implementation of Federal court orders that require local educational agencies to transport students and on the implementation of certain desegregation plans under Title VI of the Civil Rights Act of 1964, in order to provide Congress time to fashion such a standard, and to define such an obligation.

MORATORIUM ON ORDERS AND PLANS

SEC. 3. (a) During the period beginning with the day after the date of enactment of this Act and ending with July 1, 1973, or the date of enactment of legislation which the Congress declares to be that contemplated by Sec. 2(a)(4), whichever is earlier, the implementation of any order of a court of the United States entered during such period shall be stayed to the extent it requires, directly or indirectly, a local educational agency—

(1) to transport a student who was not being transported by such local educational agency immediately prior to the entry of such order; or

(2) to transport a student to or from a school to which or from which such student was not being transported by such local educational agency immediately prior to the entry of such order.

(b) During the period described in subsection (a) of this section, a local educational agency shall not be required to implement a desegregation plan submitted to a department or agency of the United States during such period pursuant to Title VI of the Civil Rights Act of 1964 to the extent that such plan provides for such local educational agency to carry out any action described in clauses (1) or (2) of subsection (a) of this section.

(c) Nothing in this Act shall prohibit an educational agency from proposing, adopting, requiring, or implementing any desegregation plan, otherwise lawful, that exceeds the limitations specified in subsection (a) of this section, nor shall any court of the United States or department or agency of the Federal Government be prohibited from approving implementation of a plan that exceeds the limitations specified in subsection (a) of this section if the plan is voluntarily proposed by the appropriate educational agency.

SEC. 4. For purposes of this Act—

(a) The term "desegregation" means desegregation as defined by Section 401(b) of the Civil Rights Act of 1964.

(b) The term "local educational agency" means a local educational agency as defined by Section 801(f) of the Elementary and Secondary Education Act of 1965.

(c) A local educational agency shall be deemed to transport a student if it pays any part of the cost of such student's transportation, or otherwise provides such transportation.

By Mr. FULBRIGHT (by request):

S. 3389. A bill to amend section 304, title III of the International Claims Settlement Act of 1949, as amended, to provide for additional claims for payment out of the Italian Claims Fund. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend section 304, title III of the International Claims Settlement Act of 1949, as amended, to provide for additional claims for payment out of the Italian Claims Fund.

The bill has been requested by the chairman of the Foreign Claims Settlement Commission and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Chairman of the Commission dated March 9, 1972, to the Vice President.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 3389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 304, title III of the International Claims Settlement Act of 1949, as amended, is further amended by adding at the end thereof the following subsection:

(g)(1) Notwithstanding any other provisions of this section and upon payment of all claims in full as authorized under subsections (a), (b) and (c) of this section, the Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amount of claims owned by persons who were nationals of the United States on August 9, 1955, which arose out of the war in which Italy was engaged from June 10, 1940, to September 15, 1947, and with respect to which provision was not made in the treaty of peace with Italy: *Provided*, That no awards shall be made to persons who have received compensation in any amount pursuant to subsections (a), (b) and (c) of this section or under section 202 of the War Claims Act of 1948, as amended, or to persons whose claims have been denied by the Commission for reasons other than that they were not filed within the time prescribed by section (a) of section 306.

(2) Within thirty days after enactment of the subsection the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed with the Commission, which limit shall not be more than six months after such publication.

(3) The Commission shall certify awards on claims determined pursuant to this subsection to the Secretary of the Treasury for payment out of remaining balances in the Italian Claims Fund in accordance with the provisions of section 310 of this title, after payment in full and all awards certified pursuant to subsections (a), (b) and (c) of this section.

(4) The Commission shall complete its affairs in connection with the settlement of claims under this subsection not later than one year following the time limit for filing these claims as provided under paragraph (2) of this subsection.

FOREIGN CLAIMS SETTLEMENT
COMMISSION OF THE UNITED STATES,
Washington, D.C., March 9, 1972.

The PRESIDENT of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Transmitted herewith in behalf of the Executive Branch for the consideration of the 92d Congress is a draft of a proposed bill entitled "A Bill To amend section 304, Title III of the International Claims Settlement Act of 1949, as amended, to provide for additional claims for payment out of the Italian Claims Fund.

The purpose of the bill is to provide for the settlement of additional claims against the Government of Italy by so-called late nationals of the United States who were precluded from filing claims under the amendment to section 304 of the Act as added by Public Law 85–604.

To accomplish this purpose the draft bill is designed to further amend section 304 by providing for the receipt, adjudication, and payment of these claims out of unobligated balances in the Italian Claims Fund.

The amendment, which is identical to those proposals by the Commission in the 89th and 90th Congresses, would permit the payment of the residual amount remaining in the Italian Claims Fund to pay additional claims under section 304 of the Act to persons who were covered under the provisions of Public Law 85–604 but who did not formalize their claims before the Commission. In this connection, there are approximately 175 informal claims which may qualify under the late-nationals amendment to the act which claims were authorized under Public Law 85–604 but were not processed for failure to file formal claims within the period prescribed under the Act.

The Commission is in the process of completing the Italian Claims Program as authorized under Public Law 90–421. Under this program 89 awards totaling $439,488.58 have been certified to the Secretary of Treasury for payment leaving approximately $616,000 remaining in the Italian Claims Fund. One claim in the asserted amount of $216,000, is still pending settlement. Thus, a minimum of approximately $400,000 remains available for transfer into the War Claims Fund. However, under an amendment to the International Claims Settlement Act of 1949, the Secretary of the Treasury, after payment in full of all awards made pursuant to the Italian Claims Program which was reopened and extended by Public Law 90–421, (82 Stat. 420) is directed to transfer the unobligated balance in the Italian Claims Fund into the War Claims Fund, created by Section 13 of the War Claims Act of 1948, as amended.

A review of the claim situation at present time, however, would suggest that better use of the remaining Italian money could be made by processing and paying those claims which were not formalized under the original provisions of the Public Law 85–604 amendment to Title III of the Act.

This conclusion is based upon the fact that all available claimants under the previous Italian programs have been paid in the full amount of their awards. Moreover, claimants under the General War Damage Program under Title II of the War Claims Act of 1948, as amended whose claims arose in the same general area of Italian military activities during World War II received payment in full on awards up to $10,000. Awards, if any, which exceeded such amount were paid $10,000 plus 61.3% of the balance in excess of that amount. The Commission understands that a further prorated payment on these awards will be made within the near future by the Treasury Department.

On the overall picture, this leaves uncompensated only those claims which were provided for under the Public Law 85–604 amendment but were never determined for the reason that formal claims were not filed. The Commission exercised its equitable jurisdiction and accepted claims for formal adjudication which had been informally filed on or before May 31, 1960, the completion date of the Italian Program under the amendment provided such claims were otherwise qualified under section 304 of Title III of the International Claims Settlement Act of 1949, as amended by Section 2 of Public Law 85–604, approved August 8, 1958. Those claims which were not filed prior to May 31, 1960, would be provided for under the proposed amendment.

Under the provisions of section 304 of Title III of the International Claims Settlement Act of 1949 (Public Law 84–285, approved August 9, 1955), the Commission was required to receive and determine claims of nationals of the United States against the Government of Italy for certain losses arising out of the war in which Italy was engaged from June 10, 1940, to September 15, 1947, in accordance with applicable substantive law, including international law.

In deciding claims under Section 304 of the Act prior to the 1958 amendment, the Commission held that under applicable principles of international law, the property which was the basis of claim must have been owned by a national of the United States on the date that the loss of damage occurred and that claims arising therefrom must have been continuously owned by a national or nationals of the United States. The deadline for filing these claims was October 1, 1956, and the claims program was completed on August 9, 1959, in accordance with time limitations under the statute.

Section 2 of Public Law 85–604, approved August 8, 1958, amended section 304 of the Act by authorizing and directing the Commission to determine, after all awards in the principal amounts had been paid in full from the Italian Claims Fund, the validity and amount of any claim by any person who was a citizen of the United States on the date of enactment of Title III (August 9, 1955), and to certify any award granted to the Secretary of Treasury for payment out of any remaining balance in the Italian Claims Fund in accordance with the provision of section 310 of the Act, notwithstanding that the period of time prescribed in section 316 for the settlement of all claims under the section may have expired. In other words the amendment did not provide for the new filing period for these claims but the Commission's jurisdiction with respect to the processing of the claims under the amendment was unlimited since there is no time limitation. Accordingly, these claims which had been filed formally on or before October 1, 1956 and had been denied on nationality grounds were considered by the Commission. Informal claims filed by persons who may have been eligible for compensation under the amendment were not accepted in the absence of language permitting the filing of new claims.

As indicated above, legislation was introduced in the 89th and 90th Congresses, authorizing the formal receipt and consideration of these claims under the Public Law 85–604 amendment. Such an amendment was in each instance recommended by the Commission with the approval of the Bureau of the Budget. However, the House Committee on Foreign Affairs in its final consideration of the measure in the 90th Congress as contained in H.R. 9063, reported the legislation without making provisions for the late national claims. The Senate restored these claims upon its consideration of the bill but the amendment covering the claims was again eliminated from the bill by the conferees. Subsequently, H.R. 9063 was approved as Public Law 90–421 by including only the late claims of persons who had the status of nationals of the United States as of the date of loss or damage. This is the program which is presently being completed by the Commission as indicated above.

It is believed that the proposed amendment would provide a more equitable distribution of the residual amount in the Italian Claims Fund after the completion of the present program in December 1971, than a transfer of the entire amount into the War Claims Fund.

In view of the reasons outlined above, the Commission recommends that favorable consideration be given to the proposed bill.

There is no objection from the standpoint of the Administration's program to the submission of this draft legislation to the 92d Congress.

Sincerely yours,

LYLE S. GARLOCK, *Chairman.*

By Mr. FULBRIGHT (by request):

S. 3390. A bill to amend the Foreign Assistance Act of 1961, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduced for appropriate reference a bill to amend the Foreign Assistance Act of 1961.

The bill has been requested by the President of the United States and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Assistance Act of 1972."

SEC. 2. Chapter 8 of part I of the Foreign Assistance Act of 1961, relating to international narcotics control, is amended by striking out section 481 and inserting in lieu thereof the following new sections:

"SEC. 481. International Narcotics Control—It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, smuggling, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of narcotic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics, and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513). Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, processing of, smuggling of, and traffic in, narcotic and psychotropic drugs. The President shall suspend economic and military assistance furnished under this or any other Act, and shall suspend sales under the Foreign Military Sales Act and under title I of the Agricultural Trade Development and Assistance Act of 1954, with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken adequate steps to carry out the purposes of this chapter.

"SEC. 482. Authorization. To carry out the purposes of section 481, there is authorized to be appropriated to the President $42,500,000 for the fiscal year 1973, which amount is authorized to remain available until expended."

SEC. 3. Section 491 of chapter 9 of part I of the Foreign Assistance Act of 1961, relating to refugee relief assistance, is amended by striking out "1972" and inserting in lieu thereof "1973" and striking out the figure "$250,000,000" and inserting in lieu thereof "$100,000,000".

SEC. 4. Chapter 2 of part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(a) In section 504(a), relating to authorization, strike out "$500,000,000 for the fiscal year 1972" and insert in lieu thereof "$780,000,000 for the fiscal year 1973".

(b) In section 506(a), relating to special authority, strike out "1972" each place it appears and insert in lieu thereof "1973".

(c) Section 514 is hereby repealed.

SEC. 5. Section 532 of chapter 4 of part II of the Foreign Assistance Act of 1961, relating to authorization for security supporting assistance, is amended by striking out "for the fiscal year 1972 not to exceed $618,000,000, of which not less than $50,000,000 shall be available solely for Israel" and inserting in lieu thereof "for the fiscal year 1973 not to exceed $844,000,000".

SEC. 6. The Foreign Military Sales Act is amended as follows:

(a) In section 23 of chapter 2, relating to credit sales, strike out "ten" and insert in lieu thereof "twenty".

(b) In section 31(a) of chapter 3, relating to authorization, strike out "$400,000,000 for the fiscal year 1972" and insert in lieu thereof "$527,000,000 for the fiscal year 1973".

(c) In section 31(b) of chapter 3, relating to aggregate ceiling of foreign military sales credits, strike out "$550,000,000 for the fiscal year 1972, of which amount not less than $300,000,000 shall be made available to Israel only" and inserting in lieu thereof "$629,000,000 for the fiscal year 1973".

(d) In section 33(a) of chapter 3, relating to aggregate regional ceilings, strike out "$100,000,000" and insert in lieu thereof "$150,000,000".

(e) Section 33(c) of chapter 3, relating to aggregate regional ceilings, is amended to read as follows:

"(c) The President may waive the limitations of this section if he finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such findings. In any case in which the limitations of this section are waived under the preceding sentence, the report required under such sentence shall set forth, in detail, the amounts of assistance, sales, credits, guarantees, and ship loans proposed to be made in excess of the geographical limitation applicable under this section."

SEC. 7. Section 8(b) of the Act of January 12, 1971, entitled "An Act to amend the Foreign Military Sales Act, and for other purposes" (84 Stat. 2053), is amended by striking out "$185,000,000" and inserting in lieu thereof "$245,000,000".

By Mr. BEALL (for himself, Mr. JAVITS, Mr. TAFT, Mr. PACKWOOD, and Mr. SCHWEIKER):

S. 3391. A bill to provide for the continuation of programs authorized under the Older Americans Act of 1965, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. BEALL. Mr. President, today it is my pleasure to introduce legislation designed to extend and expand the programs provided for in the Older Americans Act of 1965.

I believe that America's elderly citizens deserve a great deal more attention than they have previously received. They have, through their working years, earned the right to live their retirement years in security, independence, and dignity. We owe these people a debt of gratitude for they are primarily responsible for the prosperity and the greatness that our Nation enjoys today. We have neglected them far too long and I believe that the time has come for us to take a truly meaningful step forward as we shape the legislation that will serve to extend and expand the Older Americans Act of 1965.

This legislation gives the Congress a unique opportunity to cooperate with the President, who is dedicated to the cause of helping improve the quality of life for our retired citizens, as well as a chance to overcome devisive partisanship and regional differences that so often plague the Senate. The problems of the aging are not related solely to income, race, or geographic location. Loneliness, despair, isolation, inadequate income, and alienation are to be found among the poor, the middle class, the wealthy; among the black and the white; as well as among those who reside in our cities, suburbia, or our rural areas. There are today, approximately 20 million Americans age 65 and over and it is estimated that between 2 and 3 million of these people are severely threatened with a loss of their independence. Many of these people will be destined to premature or unnecessary institutionalization and I believe that it should be one of the major objectives of this Congress to see that this is avoided.

Recent studies have tended to document this situation and I would like to cite if I may just two examples:

First. A recent survey, funded by the Administration on Aging, in Nebraska concluded that elderly patients, in two out of three cases, first entered a hospital and were subsequently transferred to a nursing home. Lack of basic in-home services was determined to be the cause of 228 nursing home admissions out of 317 cases studied. It is estimated that almost 50 percent of the persons admitted to nursing homes could get by with but occasional or very limited professional attention, thus indicating that home health care and other supportive services could provide meaningful alternatives to institutionalization among the elderly.

Second. The Department of Mental Health in Erie County, N.Y., discovered that the county could save up to $10 million per year by screening and proper placement, at the appropriate levels of care, of the senior citizens in need of institutional care. In a similar study conducted in Florida, it was determined that a well structured and diversified program of community care, in-home services, et cetera, significantly contributed to the well-being of its patients, differed or nullified the need for institutionalization, as well as reducing overall cost to the public.

Mr. President, I might add, as an aside, that I recently introduced S. 3329, a bill to establish a National Institute of Health Care Delivery which would, if enacted:

> . . . be assigned the mandate to develop a policy with respect to long-term care, particularly for mentally and physically handicapped individuals and senior citizens, with special emphasis on alternatives to institutionalization, including the use of home health aids.
>
> Long term care was one of the areas of concern at the recent White House Conference on the Aging. I believe that society's experience in other areas such as mentally and physically handicapped individuals and senior citizens, with special emphasis on alternatives to institutionalization, including the use of home health aides.

The Older Americans Act of 1972 should strengthen the State agencies as well as the community institutions so as to make them more effective and more responsive to the unique and growing problems of our senior citizens. The Areawide Planning Agencies would seek to assess the need for the elderly in each community and to formulate a plan to meet these needs through a coordinated, comprehensive service delivery system. I believe that it is through the provision of additional comprehensive services that the goal of continued independence and well-being for our Nation's elderly can be met. If this bill will permit a person who otherwise would be institutionalized because of inability to perform some relatively simple functions, thus enabling him to remain in his home as an active contributing member of his family and his community, then we can truly say that this has been a successful and worthwhile program.

Mr. President, President Nixon has made a truly significant commitment to solving the problems confronting our Nation's senior citizens. In fiscal year 1971, approximately $15 million was spent on title III of the Older Americans Act. This had risen in fiscal year 1972 to $44.7 million and I am delighted to note that the President's budget requests a total of $200 million for fiscal year 1973. One hundred million dollars of this would go to social services and the remaining $100 million, which is being requested in a budget amendment, would go to the nutritional services program which would be incorporated in title III in this bill.

In closing, Mr. President, I would like to note, however, one area of the administration's proposal about which I have considerable concern. I believe that it was the intention of Congress upon the enactment of the original legislation that the Administration on Aging would be a strong and separate entity directly answerable to the Secretary of Health, Education, and Welfare. I find it somewhat ironic that the Commissioner on Aging, who was appointed by the President of the United States and confirmed by this body should be answerable to HEW's administrator of Social and Rehabilitation Services who was appointed by the Secretary of Health, Education, and Welfare without the need of Senate confirmation. I even understand the Secretary's reluctance to reorganize his Department at a time when a sweeping overhaul may be mandated by the enactment of welfare reform legislation. But, at the same time, I do not believe that we should ask our senior citizens to "wait in line" before their advocates within the Department of Health, Education, and Welfare are given the authority, the status, and the stature needed to effectively coordinate and implement the many programs needed to come to grips with the problems confronting our senior citizens. I believe, however, that this type of structural change can be made so that we can move ahead in this vital area.

Mr. President, it is my pleasure, as the ranking Republican on the Subcommittee on Aging, to send to the desk the administration's proposal for extending and expanding the Older Americans Act and I ask unanimous consent that the text of this bill and a summary of this proposal be printed in the RECORD at this point in my remarks.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 3391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Amendments of 1972".

REVISION OF TITLE III

SEC. 2. Title III of the Older Americans Act of 1965 is amended to read as follows:

"TITLE III—GRANTS FOR STATE AND AREA PROGRAMS

"SEC. 301. It is the purpose of this title to encourage and assist State or local agencies to develop greater capacity and foster the development of coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social or nutritional services for planning for the provision of, and providing, social or nutritional services and, where necessary, to reorganize or reassign functions, in order to—

"(1) secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services and for whom economic independence is not feasible; and

"(2) remove individual and social barriers to economic and personal independence for older persons capable of self-support.

"DEFINITIONS

"SEC. 302. For purposes of this title—

"(1) The term "social services" means any of the following services which meet such standards as the Secretary may prescribe:

"(A) health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services;

"(B) transportation services where necessary to facilitate access to social or nutritional services;

"(C) services designed to encourage and assist older persons to use the facilities and services available to them;

"(D) services designed to assist older persons to obtain adequate housing; or

"(E) any other services;

if such services are necessary for the general welfare of older persons.

"(2) The term 'nutritional services' means any of the following services which meet such standards as the Secretary may prescribe:

"(A) Provision of nutritionally balanced meals for older persons served in group settings;

"(B) provision of home delivered meals fo rolder persons requiring such service because they are disabled or for other health reasons;

"(C) nutrition education services for older persons; or

"(D) any other services;

if such services are designed to meet the dietary needs of older persons.

"(3) The term 'unit of general-purpose local government' means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.

"(4) The term 'coordinated system' means a system for providing social services and nutritional services in a manner designed to—

"(A) facilitate accessibility to and utilization of all social services and nutritional services provided within the geographic area served by such system by any public or private agency or organization;

"(B) make the most efficient use of social services and nutritional services in meeting the needs of older persons; and

"(c) use available resources efficiently and with a minimum of duplication.

"(5) The term 'Governor' means the Governor of the State, in the case of any of the fifty States, and, in the case of the other States, the chief executive officer thereof.

"ALLOTMENTS

"SEC. 303. (a) (1) From the sum appropriated for a fiscal year for allotments to States, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands each shall be allotted an amount equal to one-half of one per centum of such sum and each other State shall be allotted an amount equal to one per centum of such sum.

"(2) From the remainder of the sum appropriated for a fiscal year for allotments to States, each State shall be allotted an additional amount which bears the same ratio to such remainder as the number of individuals in such State who have attained age sixty-five years to the total number of individuals in all the States who have attained such age, as determined by the Secretary on the basis of the most recent satisfactory data available to him.

"(b) Whenever the Secretary determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he may make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

"(c) The allotment of a State under this section for a fiscal year shall remain available until the close of the following fiscal year for grants to pay part of the cost (pursuant to section 306) of (1) administration of the State plan by the State agency designated pursuant to section 304(a) (1), including the preparation of State plans submitted to the Secretary under section 305, the evaluation of activities carried out under such plan, the collection of data and the carrying out of research related to the need for social or nutritional services within the State, the dissemination of information so obtained, the provision of technical assistance to public or nonprofit private agencies and organizations engaged in activities related to the problems of older persons, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social or nutritional services; (2) administration of area plans by area agencies on aging designated pursuant to section 304(a) (3), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans; (3) social services provided under the State plan; and (4) nutritional services provided under the State plan.

"ORGANIZATION

"State Organization

"SEC. 304. (a) In order for a State to be eligible to participate in the program of grants to States from allotments under section 303, the Governor of the State shall, in accordance with regulations of the Secretary—

"(1) designate a State agency (hereinafter in this title referred to as "the State agency") to (A) develop the State plan to be submitted to the Secretary for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, and (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons;

"(2) divide the entire State into distinct areas (hereinafter in this title referred to as "planning and service areas"), after considering the incidence of the need for social or nutritional services, the distribution of resources available to provide such services, the boundaries of existing areas within the State which were drawn for the planning or administration of social services programs, the location of units of general purpose local government within the State, and any other relevant factors;

"(3) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area a public or nonprofit private agency or organization as the area agency on aging for such area; and

"(4) provide assurances satisfactory to the Secretary that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social or nutritional services provided under such plan.

"Area Organization

"(b) In order to be eligible for designation under subsection (a), an area agency on aging—

"(1) must be—

"(A) an agency of a unit of general purpose local government,

"(B) an agency designated to act on behalf of a combination of such units, or

"(C) a public or nonprofit private agency or organization which can engage in the planning or provision of a broad range of social or nutritional services within a planning and service area, and

"(2) must provide assurance, found adequate by the Governor, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to that plan within the planning and service area.

In designating an area agency on aging, the Governor shall give preference to an agency of a unit of general purpose local government, unless he finds that no such agency within the planning and service area will have the capacity to carry out the area plan.

"Area Plans

"(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

"(1) provide for the establishment of a coordinated system for the delivery of social services and nutritional services within the planning and service area covered by the plan, including determining the need for social services and nutritional services in such area, evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social or nutritional services in such area for the provision of such services to meet such need;

"(2) in accordance with criteria, established by the Secretary by regulation, relating to priorities, provide for the initiation, expansion, or improvement of social or nutritional services in the planning and service area covered by the area plan, including planning on a continuing basis with providers of social or nutritional services in such area to insure the provision, when financial assistance therefor under this title is no longer available, of such services without such assistance; and

"(3) provide that the area agency on aging will—

"(A) conduct periodic evaluations of activities carried out pursuant to the area plan;

"(B) render appropriate technical assistance to providers of social or nutritional services in the planning and service area covered by the area plan; and

"(C) take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan.

"STATE PLANS

"SEC. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotment under section 303, it shall submit to the Secretary a State plan for such year which meets such criteria as the Secretary may prescribe by regulation and which—

"(1) provides that the State agency will evaluate the need for social services and nutritional services within the State and determine the extent to which existing public or private programs meet such need;

"(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personal standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

"(3) provides that the State agency will make such reports, in such form, and containing such information, as the Secretary may from time to time require, and comply with such requirements as the Secretary may impose to assure the correctness of such reports;

"(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

"(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

"(6) provides, in any case in which an individual is able to participate in the cost of social or nutritional services provided to him under the State plan, for such participation (in accordance with regulations prescribed by the Secretary in the light of such ability);

"(7) provides that no social or nutritional service will be provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, (A) provision of such service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service and (B) payment for such service is not available from other sources;

"(8) provides that each area agency on aging designated pursuant to section 304(a) (3) will develop and submit to the State agency for approval an area plan which complies with section 304(c).

"(b) The Secretary shall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

"(c) The Secretary shall not finally disapprove any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

"(d) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency, finds that—

"(1) the State is no longer eligible under section 304,

"(2) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

"(3) in the administration of the plan there is a failure to comply substantially with any such provision,

the Secretary shall notify such State agency that no further payments from its allotment under section 303 will be made to the State (or, in his decretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotment under this title (or payments shall be limited to projects under or portions of the State plan not affected by such failure).

"(e) A State which is dissatisfied with a final action of the Secretary under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

"PAYMENTS

"SEC. 306. (a) From a State's allotment under section 303 for a fiscal year—

"(1) an amount equal to 8 per centum thereof (but not less than $50,000 in the case of the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, or $100,000 in the case of any other State) shall be available only for paying such percentage as the State agency determines, but not more than 75 per centum, of the cost of administration of the State plan; and

"(2) such amount as the State agency determines, but not more than 8 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of administration of area plans.

The remainder of such allotment shall be available to such State only for paying

"(3) such percentage as the Secretary determines, but not more than 90 per centum, of the cost of social or nutritional services provided under a program or project approved by the area agency on aging in a planning and service area for which there is an area plan approved by the State agency, and

"(4) in the case of social or nutritional services provided under a program or project approved by the State agency under the State plan in a planning and service area for which there is no area plan approved by the State agency, such percentage as such agency determines, but not more than 75 per centum of the cost of such services for the first year they are so provided, not more than 60 per centum of such cost for the second year they are so provided, and not more than 50 per centum of the cost of such services for the third year they are so provided,

except that not more than 10 per centum of an allotment to a State under section 303 for a fiscal year shall be available for payments for social or nutritional services provided in a planning and service area for which there is no area plan approved by the State agency, and except that not more than 65 per centum nor less than 35 per centum of such an allotment shall be available for payments for nutritional services provided under the State plan.

"(b) Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

From the portion of a State's allotment for a fiscal year which is available pursuant to subsection (a) (1) the Secretary may advance to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan.

"(c) No allotment to a State under this title shall be available for making payments with respect to any program or project for providing nutritional or social services under a State plan approved under section 305 after payments have been made from such allotments with respect to such program or project for a period of time equal to three calendar years. No allotment to a State under this title shall be available for making payments with respect to the administration of an area plan approved under section 305(a) (8) after payments have been made from such allotments with respect to the administration of such plan for a period of time equal to three calendar years.

"(d) Not less than 25 per centum of the non-Federal share (pursuant to subsection (a) of this section) of the total expenditures under the State plan shall be met from funds from State or local public sources.

"(e) A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.

"MODEL PROJECTS

"Sec. 307. The Secretary may, after consultation with the State agency, or the Governor of the State where there is no State agency, make grants to or contracts with any public or nonprofit private agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city or community model projects which will expand or improve social or nutritional services or otherwise promote the well being of older persons.

"AVAILABILITY OF SURPLUS COMMODITIES

"Sec. 308. (a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to public or nonprofit private agencies or organizations to be used for providing nutritional services in accordance with the provisions of this title.

"(b) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to public or nonprofit private agencies or organizations to be used for providing nutritional services in accordance with the provisions of this title.

"(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a–1) may be used to meet the requirements of programs providing nutritional services in accordance with the provisions of this title."

REPEAL OF LIMITATION ON APPROPRIATIONS AUTHORIZATION

Sec. 3. Title VII of the Older Americans Act of 1965 is amended by striking out section 703 thereof and redesignating sections 704 and 705 as sections 703 and 704, respectively.

EVALUATION

Sec. 4. The section redesignated as section 703 of the Older Americans Act of 1965 by section 3 of this Act is amended by striking out "or VI or section 703" and inserting in lieu thereof ", IV, or V".

REPEAL OF STUDY AUTHORIZATION

Sec. 5. Title V of the Older Americans Act of 1965 is amended by striking out section 503 thereof.

CONFORMING AMENDMENTS

Sec. 6. The Older Americans Act of 1965 is further amended by striking out—

(1) "303" in section 402(c) and inserting in lieu thereof "304";

(2) "303" in section 502(c) and inserting in lieu thereof "304";

(3) "303" in the first sentence of section 601(a) and inserting in lieu thereof "304";

(4) "303" in section 601(c) and inserting in lieu thereof "304";

(5) "303" in section 612(a) (2) (A) and inserting in lieu thereof "304"; and

(6) "303" in section 612(a) (3) (C) and inserting in lieu thereof "304".

EFFECTIVE DATE

Sec. 7. The amendments made by this Act shall become effective with respect to appropriations for fiscal years beginning after June 30, 1972.

SUMMARY OF THE PROPOSED "OLDER AMERICANS AMENDMENTS OF 1972"

Section 1 provides the short title of the bill: the "Older Americans Amendments of 1972".

Section 2 of the bill would substitute a revised title III of the Older Americans Act of 1965 for the existing title.

The revised section 301 of the Older Americans Act of 1965 would contain the statement of purpose for title III. The program authorized by the title would encourage and assist State or local agencies to develop greater capacity to serve older persons by entering into new cooperative arrangements with each other and with providers of social or nutritional services for planning for, and providing, services to older persons in order to enable them to maintain their independence and dignity. In administering this program, the Department would take such steps as may be necessary to avoid duplication between the assistance provided under this title and assistance provided under title VI of the Older Americans Act (administered by Action).

The revised section 302 of the Older Americans Act of 1965 would define several key terms, such as "social services" and "nutritional services".

The revised section 303(a) of the Older Americans Act of 1965 would provide the formula for allotting the funds appropriated under section 301 for grants to States which is currently provided by section 302 of the Older Americans Act.

The revised section 303(b) of the Older Americans Act of 1965 would provide for the reallotment of funds not used by a State for carrying out the purpose for which allocated.

The revised section 303(c) of the Older Americans Act of 1965 specifies the purposes for which an allotment may be used.

The revised section 304 of the Older Americans Act of 1965 would describe the administrative organization which a State must develop in order to be eligible to receive funds under title III. Subsection (a) would provide that it is the responsibility of the Governor to designate a State agency to develop a State plan, to divide the State into distinct areas for planning and providing social and nutritional services, to determine for which areas an area plan will be developed, to designate area agencies on aging for those areas, and to provide assurances that the State agency will take into account, in matters of general policy, the views of recipients of services under the State plan.

The revised section 304(b) of the Older Americans Act of 1965 would specify the entities eligible to be designated area agencies on aging.

The revised section 304(c) of the Older Americans Act of 1965 would specify the provisions which must be included in an area plan to be approved by the State agency. Among other things, the plan must provide for the establishment of a coordinated system for the delivery of social or nutritional services and for the initiation, expansion, or improvement of social or nutritional services.

The revised section 305(a) of the Older Americans Act of 1965 would prescribe the requirements applicable to a State plan. Among other things, an approvable plan must (1) provide that the State agency will determine the need for social and nutritional services within the State, (2) provide that the State agency will make reports required by the Secretary, (3) provide that the State agency will conduct periodic evaluations of the activities carried out under the State plan, (4) establish objectives toward which such activities will be directed, identify obstacles to the attainment of those objectives, and indicate how it proposes to overcome those obstacles, (5) provide that where an individual is able to participate in the cost of services provided him under the State plan, such participation will be in accordance with regulations of the Secretary, and (6) provide that the State agency will review and approve area plans which meet the criteria of section 304(c).

Subsections (b), (c), (d), and (e) of section 305 of the Older Americans Act of 1965, as it would be amended by section 2 of this bill, would provide the procedures to be followed by the Secretary when approving or disapproving a State plan, and the appeal procedures to be followed when a State plan has been disapproved.

The revised section 306(a) of the Older Americans Act of 1965 specifies the portion of a State's allotment which must be used for the various activities under the State plan, and the matching rate for each of those activities. The Federal matching rate for social and nutritional services provided under an area plan would be not more than 90 percent of the cost, while in areas without an area plan the rate would decline from 75 percent for the first year of a project to not more than 50 percent the third year. Between 35 percent and 65 percent of a State's allotment must be used to provide nutritional services. The Federal matching rate for all planning and administrative activities would be not more than 75 percent of the cost, and each State would have available 8 percent of its allotment, but not less than $100,000 (or $50,000 in the case of the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands) to be used only for State planning and administration. Finally, not more than 10 percent of a State's allotment may be spent for services in areas without an area plan, and not more than 8 percent of its allotment could be spent for area administrative activities.

The revised section 306(b) of the Older Americans Act of 1965 provides for payments to the State and allows the Secretary to advance funds for State planning to States without an approved State plan.

The revised section 306(c) of the Older Americans Act of 1965 would limit to three years the period of time during which the cost of a project or program for providing a social or nutritional service or the cost of administration of an area plan may be met in part from a State's allotment under section 303.

The revised section 306(d) of the Older Americans Act of 1965 would require that not less than 25 percent of the non-Federal share of expenditures under the State plan must be met from public sources.

The revised section 306(e) of the Older Americans Act of 1965 would provide that if for any fiscal year a State reduces its expenditures from State sources under the State plan from the preceding fiscal year its allotment under section 303 would be reduced by a percent equal to the percent of the State reduction.

The revised section 307 of the Older Americans Act of 1965 would give the Secretary authority to make grants to or contracts with any public or nonprofit private agency or organization for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will promote the well being of older persons.

The revised section 308 of the Older Americans Act authorizes surplus food commodities to be donated to public or nonprofit private agencies or organizations to be used for providing nutritional services under title III.

Section 3 of the bill would amend title VII of the Older Americans Act of 1965 by deleting section 703, which had imposed a limitation on the authorization of appropriations for titles IV and V.

Section 4 of the bill would amend section 704 of the Older Americans Act of 1965 (relating to funds for evaluation) to make a conforming change.

Section 5 of the bill would amend title V of the Older Americans Act of 1965 by deleting section 503. The study authorized by that section has been completed.

Section 6 of the bill would amend the various sections of the Act to conform to the restructuring of title III.

Section 7 of the bill would make the provisions of the bill effective with respect to appropriations for fiscal year 1973.

By Mr. CRANSTON (for himself, Mr. DOMINICK, Mr. EAGLETON, Mr. WILLIAMS, Mr. GRAVEL, Mr. MANSFIELD, Mr. STEVENS, and Mr. TUNNEY):

S. 3392. A bill to amend the National Science Foundation Act of 1950 so as to provide for a program relating to earthquakes. Referred to the Committee on Commerce.

EARTHQUAKE ENGINEERING BILL

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to establish a comprehensive earthquake engineering research program, to be administered by the National Science Foundation. I am joined in bipartisan cosponsorship of this bill by the chairman of the Labor and Public Welfare Committee (Mr. WILLIAMS), the ranking minority member of the Special NSF Subcommittee (Mr. DOMINICK) and another subcommittee member (Mr. EAGLETON), as well as the Senators from Alaska (Mr. GRAVEL and Mr. STEVENS), the distinguished majority leader (Mr. MANSFIELD) and my colleague from California (Mr. TUNNEY).

Earthquakes are not a regional problem. Every State in the Union has at some time suffered earthquake damage. Twenty States have suffered major damage, and, according to scientific projections, are likely to suffer major earthquake damage again. Besides California and Alaska, which everyone is aware of, these States are South Carolina, Nevada, Kentucky, Washington, Illinois, New York, Idaho, Massachusetts, New Hampshire, Tennessee, Mississippi, Montana, Wyoming, Utah, Maine, Indiana, Missouri, and Arkansas.

The most severe earthquake to occur in the United States was centered in New Madrid, Mo., in 1812. No loss of life or damage to structures occurred because the area was unsettled at the time. However, more recent earthquakes have struck populated areas leaving death, injury, and property damage in their wake. The 1906 San Francisco earthquake resulted in devastating fires which destroyed much of the city. An estimated 700 persons died in the earthquake and fire. The 1964 Alaska earthquake caused extensive damage, virtually destroying the port area of Seward, Alaska. Docks and warehouse facilities disappeared, transportation facilities were destroyed, and oil tanks were set afire.

In 1971, a medium-sized earthquake hit the San Fernando Valley in California. Due to the dense population and extensive development of that area, the earthquake reached catastrophic proportions. Sixty-four persons lost their lives, many more were injured, and between $500 million and $1 billion in property damage occurred. Most of the lives were lost because of collapsing structures.

The San Fernando earthquake registered only 6.6 on the Richter Scale—the 1906 San Francisco earthquake registered 8.2; the 1964 Alaska earthquake, 8.4. An earthquake measuring 8.0 on the Richter scale releases almost 1,000 times the amount of energy as an earthquake registering 6.0.

If another earthquake of the magnitude of the 1906 San Francisco quake were to strike California, 500 times the energy of the San Fernando quake would be released. A 1968 report prepared by a group of the Nation's top earthquake experts for the President's Office of Science and Technology, estimates that an earthquake registering 8.2 in California today could cause up to $50 billion damage and take thousands of lives. There is a 75 percent chance that an earthquake of that magnitude will occur along the San Andreas fault in California within the next 30 years, according to testimony by the former director of the California Earthquake Office before the Senate Public Works Committee last year. An earthquake of magnitude 7.0 or greater is likely to occur at least once a decade, according to an earthquake engineering report prepared for the National Science Foundation in 1969.

During an earthquake, every structure or object in contact with the earth, every piece of equipment in contact with a structure, even the ground that supports the structure, all experience stresses and strains. Whether the structure collapses will depend largely on the original engineering design.

It is the objective of earthquake engineering to develop structural designs and code standards to avert massive death and destruction during an earthquake. The advantages of such construction designs were demonstrated during the 1923 Tokyo earthquake. Some 74,000 persons died, 54 percent of all brick buildings collapsed, and 10 percent of the few reinforced concrete structures collapsed. Frank Lloyd Wright's Imperial Hotel was the only large building that offered safety because of its revolutionary, floating cantilever construction.

Current minimum construction standards are determined throughout the United States by city and county building codes. The Uniform Building Code published by the International Conference of Building Officials and based on testing done by the Structural Engineers Association of California, is preeminent in the field. However, the San Fernando earthquake has raised serious questions about the adequacy of the code provisions. Earthquake engineers call the San Fernando earthquake the first comprehensive practical test of American earthquake codes. That earthquake tragically demonstrated the inadequacy of existing building codes.

The $24 million Olive View Medical Center was dedicated in November 1970. Three months later, the second floor of the psychiatric center collapsed to the ground in the earthquake; the facility is a total loss. The San Fernando earthquake caused the collapse of a freeway interchange under construction at the time of the quake. It was designed in late 1968.

Many other buildings, bridges, and utility structures which sustained serious damage under the earthquake stress had been built to meet current code requirements. Clearly, we must reevaluate the assumption on which the codes are based. A critical and comprehensive review is needed. Earthquake engineering research, which will use new methods, such as computer analysis of structural reaction to earthquakes, will enable earthquake resistant structures to be built. The new knowledge gained from a program in earthquake engineering research will be translated into revised building codes.

Several major Government studies over the past decade have called for a greater investment in earthquake engineering research. The National Academy of Engineering issued an "Earthquake Engineering Research" report in 1969 calling for a program of safe and economical seismic design criteria, new methods of design, and guidelines for decreasing potential earthquake disaster. The National Academy recommended a 10- to 20-year research effort in earthquake engineering to compensate for past under-investment in the field.

One major earthquake in the Los Angeles area could cause $50 billion in damage, according to the National Academy of Engineering. Dr. George Housner, a professor at California Institute of Technology and chairman of the Committee on Earthquake Engineering Research of the National Academy of Engineering, states that the Academy's proposed 10-year research program would produce data that could reduce losses to 10 percent in an earthquake of the magnitude of the San Fernando earthquake. Dr. Ray Clough, professor of structural engineering at Berkeley, estimates that the cost of building multistory office buildings to withstand a quake of the San Fernando magnitude would be only 1.5 to 2 percent higher. The increase would be less for hospitals whose structural cost is a smaller portion of the total cost of the building.

The program in earthquake engineering which my bill will launch provides for research along the lines of that proposed by the National Academy of Engineering. The research will be funded for the first 3 years at a level of $10 million each year. After 3 years, the program will be reevaluated to determine at what level the program should be further funded, if at all.

The proposed program is similar to one recommended by the National Science Foundation. In preparing the bill, I have worked closely with the National Science Foundation and with Dr. George Housner.

The bill seeks to improve earthquake engineering knowledge using known and new techniques. By amending the National Science Foundation Act of 1950, the bill directs the National Science Foundation to support a program to advance earthquake engineering research; to develop accurate and reliable methods of structural analysis of a building's resistance to ground shaking during earthquakes; to develop improved minimum construction standards for resistance of structures to the ground shaking during quakes; and to develop improved methods of making maps to indicate the degree of earthquake hazard to be expected for a variety of locations with a variety of soil conditions.

The National Science Foundation would administer the earthquake engineering research program. The NSF has directed most earthquake engineering research in the past, and has done an excellent job. Earthquake engineers I spoke with feel the National Science Foundation should continue to administer earthquake engineering research.

The ability to build structures capable of withstanding major earthquakes will greatly reduce loss of life, injury, and property damage which earthquakes are now able to cause. To alleviate these disastrous losses, I am now introducing this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the National Science Foundation Act of 1950 is amended (1) by deleting the word "and" at the end of paragraph (6); (2) by deleting the period at the end of paragraph (7) thereof and inserting in lieu thereof a semicolon and the word "and"; and (3) by adding immediately after paragraph (7) thereof the following new paragraph:

"(8)(A) to establish and support a program which shall—

"(i) advance earthquake engineering research;

"(ii) develop more accurate and reliable methods of earthquake resistant analysis and design for all types of structures and for a variety of ground conditions;

"(iii) develop improved minimum criteria of earthquake resistant construction, measuring the cost of protection against the benefit of damage and loss of life prevented, for all types of structures and for a variety of ground conditions, with priority given to dams, hospitals, schools, public utility and public safety structures, high-occupancy buildings, buildings necessary to emergency operations, and other structures especially needed in time of disaster; and

"(iv) develop improved methods, based upon the seismological characteristics of the area, of assessing the earthquake risk at all types of locations in populated areas of high seismic risk, and of establishing land use priorities designed to reduce the hazards from earthquake.

"(B) Such program established pursuant to subparagraph (A) shall include—

"(i) measurement and analysis of ground motion during earthquakes;

"(ii) analysis of soil behavior and influence of local geologic features during earthquakes;

"(iii) measurement and analysis of dynamic properties and behavior of structures during earthquakes;

"(iv) development of instruments useful in such program;

"(v) laboratory and field experiments, analytical techniques and mathematical and computerized methods of analysis which support such program;

"(vi) analysis of tidal wave action and development of appropriate counter measures;

"(vii) development of a sufficient number of trained personnel to support such program;

"(viii) development of effective means to disseminate the methods of structural analysis and design, criteria of construction, and methods of assessing earthquake risk maps developed pursuant to such program to public and private groups engaged in engineering construction, architecture, construction planning and land use planning; and

"(ix) post-earthquake studies and investigations of the effects of earthquakes which are relevant to engineering design, earthquakes which are relevant to engineering design, earthquake engineering research or any other purposes consistent with such program.

"(C) The Foundation is directed to report annually to the President and the Congress on the implementation of the program provided for in this paragraph. The Foundation is directed to make the methods of structural analysis and design, the criteria of construction, and the methods of assessing earthquake risk maps developed pursuant to such program available to the Governors in States in seismic risk areas, the General Services Administration, the Department of Housing and Urban Development, the National Bureau of Standards, the Department of Defense, the Bureau of Reclamation, the Atomic Energy Commission, the National Oceanic and Atmospheric Administration, the Forest Products Laboratory, Geological Survey, and other government and private organizations which have an interest in construction and land use planning."

SEC. 2. Section 16 of the National Science Foundation Act of 1950 is amended by adding at the end thereof the following:

"(c) To enable the Foundation to carry out its powers and duties under section 3(a)(8) of this Act, there is authorized to be appropriated to the Foundation for the fiscal year ending June 30, 1973, the sum of $10,000,000; for the fiscal year ending June 30, 1974, the sum of $10,000,000; and for the fiscal year ending June 30, 1975, the sum of $10,000,000."

Mr. STEVENS. Mr. President, I am pleased to be able to cosponsor the bill introduced by the distinguished Senator from California (Mr. CRANSTON), which would amend the National Foundation Act of 1950 to provide for a program relating to earthquake engineering.

Mr. President, this subject of earthquakes and other natural disasters is of great importance to my home State of Alaska. On Good Friday, March 27, 1964, Alaska suffered the most severe earthquake ever recorded in North America. The earthquake epicenter was near the head of Prince William Sound, only about 90 miles southeast of Anchorage, the largest city in the State. It was of great magnitude—between 8.3 and 8.6 on the Richter scale. Its duration was between 3 and 4 minutes. All in all, the quake was an extraordinary event felt over 500,000 square miles. More importantly, the quake caused great human loss. Amidst the havoc of the quake, 130 human beings lost their lives and the damage to manmade structures was over $3 billion. Indeed, the devastation to Anchorage was so great that a large section of the downtown area was virtually leveled.

Mr. President, the magazine News Report published by the National Academy of Sciences only recently had an article termed "Lessons of the Alaska Quake Biology Sudden Change in Land Use." The article discusses the biological and ecological changes which occurred from the great Alaska earthquake of 1964. It is clear from the article that the effects of any earthquake go far beyond the physical changes which are visable soon after the disaster. Changes in land forms and geography have great effects on the ecological systems and interrelationships of an area. Consequently, transformations occur in the life systems of fish and wildlife, both important sources of economic livelihood for Alaskans and the citizens of many other States.

In addition, an article in the Weekly News Letter from the National Oceanic and Atmospheric Administration summarizes its program of earthquake research.

I ask unanimous consent that the articles be printed in their entirety in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Mr. President, unfortunately, the natural disasters that plague Alaska are not restricted to earthquakes. Floods are also the source of much human and property loss. In 1967 floodwaters inundated the city of Fairbanks, causing a loss of seven lives and millions of dollars of property. Floods periodically occur in the Tanana River Basin where the towns of Minto and Tanana lie and in the Yukon Flat area near the towns of Stevens Village and Beaver.

Because of the devastating effects that these natural disasters have upon Alaska and other States, I enthusiastically support legislation which will alleviate these hardships. I recently cosponsored S. 2358, introduced by the distinguished Senator from Indiana (Mr. BAYH) which would amend the Disaster Relief Act of 1970 to extend the act and provide increased compensation for the victims of great natural disasters. I have also cosponsored S. 3173, introduced by the distinguished Senator from California (Mr. CRANSTON) which would provide for a 5-year seismic pilot project along the San Andreas fault in California. S. 3173 is a most worthy bill, which, if enacted, could provide scientists with the information and knowledge to predict earthquakes anywhere in the country. In addition, the program will include research on an early warning system to alert the public to safety precautions long before an earthquake occurs.

Mr. President, I recently received a letter from the Geophysical Institute of the

University of Alaska. The director of the institute, Mr. Keith B. Mather, has clearly and ably pointed out the need for other earthquake studies similar to the one in the San Andreas fault authorized by S. 3173. It is my hope as a cosponor of S. 3173 that if the pilot project study of the San Andreas fault reveals the kinds of data that will lead to the prediction of earthquakes, that other studies will be authorized in other areas of the country, including Alaska.

Mr. President, I ask unanimous consent that Mr. Mather's letter be printed in its entirety in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. STEVENS. Mr. President, today, I am also extremely pleased to cosponsor this bill amending the National Science Foundation Act of 1950. The bill would provide for a research program conducted by the National Science Foundation relating to earthquake engineering. More accurate methods for analyzing earthquake resistance and construction design would be developed. In addition, improved minimum criteria for earthquake resistance construction would be established for all types of structures, with priority given to public and high occupancy buildings. Research would also be conducted in developing appropriate countermeasures to the threat posed by tsunamis, ocean tidal waves.

Mr. President, more reliable methods in structural analysis are definitely needed for all types of structures. As a result of the disastrous 1964 Alaska earthquake, many of the buildings in the very heart of downtown Anchorage slid down an incline. Because of ground instability, it has only recently been possible to once again build upon this area. Consequently, the economic growth of Anchorage has been stunted for 6 to 7 years. At present, there is insufficient technology for the design of buildings in such slide areas to insure that newly constructed buildings will be able to withstand another earthquake. Thus, I believe that this bill is particularly important, because it will help to develop the methods which will allow Anchorage, Alaska's largest city, to rebuild much of its center core. On a national scale, this bill should develop the technology for the prevention of any such large-scale destruction again.

Mr. President, it is my specific desire, as a cosponsor of this legislation, that it would encourage the Federal Government to provide for the minimum criteria for the structural engineering of housing and buildings financed in whole or in part by Federal funds. In addition, I would hope that this legislation would encourage the Federal Government to work closely with State and local governments to develop buildings and housing codes with minimum structural criteria for all buildings in earthquake-prone areas.

Exhibit 1

Lessons of the Alaska Quake: Biology and Sudden Change in Land Use

Shortly after the Alaska earthquake of March 27, 1964, the White House sought the aid of the National Academy of Sciences in bringing together and distilling as much as could be learned from that event. The earthquake was of great magnitude (between 8.3 and 8.6 on the Richter Scale); it was of long duration (between 3 and 4 minutes); its measured crustal deformation exceeded that from any previously known earthquake. It was an extraordinary event, whose shock was felt over 500,000 square miles.

The Alaska earthquake study—being carried out in the National Research Council Division of Earth Sciences—was charted as a long one, an effort to appraise scientific research on the earthquake, to encourage filling of the gaps, and to establish a comprehensive record of what happened. The result has been the unfolding of a regional environmental portrait. For of a sudden, the Alaskan geography changed and bits of the relationships of earth and ecosystems were exposed. When the landforms change, life changes.

"Awareness of ecological interrelationships becomes clearer and more acute after any cataclysmic disturbance in nature, especially when attempts are made to measure and evaluate effects of the disturbance." Gerald W. Prescott of the University of Montana observes in the newest volume of the published series by the NRC Committee on the Alaska Earthquake. "When whole populations of many species of organisms, including man, are dislocated, many effects may engender conditions that can contribute to the elimination of certain species.

"In nature, ecological adjustments and niches are developed over great reaches of time, which explains the intricate involvement of ecological factors. When one factor in this balance is disturbed or removed, a ramifying and progressive series of interactions is set in motion. When several or many factors are simultaneously disturbed or rearranged, as they are in an earthquake, fire, flood, or volcanic eruption, the effects are so far-reaching that they can scarcely be evaluated."

This latest report, *The Great Alaska Earthquake of 1964: Biology* (see "New Publications," p. 11), follows a preliminary summary report and two more detailed volumes, on hydrology and on human ecology. Additional volumes in the series are expected to be completed within the next 12 months.

Ecology, despite its currency as political terminology, remains one of the more perplexing areas of scientific study. The relationships among life forms and environment are not clear and are difficult to identify, save perhaps under stress. The 1964 Alaska earthquake—in a region where there had been a good deal of prior science although far from enough to establish fully satisfactory benchmarks for measuring change—was stress on a grand scale; this point underlies the research papers and observations of the state of research that comprise the *Biology* volume.

CHANGES IN LAND AND WATER

The earthquake epicenter was on the north side of Prince William Sound, southeast of Anchorage. Along much of Alaska's south-central coast there were vertical and horizontal land displacements. Tsunamis generated by the earthquake and by local landslides into the sea swept ashore. Within four minutes, nature's allocation of land and water changed in major ways, and the effects continue to be felt.

George W. Harry, Jr., chairman of the NBC committee's Panel on Biology, points out in the volume's summary chapter:

"Intertidal areas that had been covered with the salt water of incoming tides for many centuries were suddenly raised far above the reach of the highest tides, and the exposed complex communities of marine plants and animals were almost completely obliterated. In areas of subsidence, terrestrial zones abruptly became intertidal zones. Walls of water that surged into estuaries scoured out beds of clams and other organisms or deposited layers of mud and debris that suffocated the life below. Tsunamis washed into low-lying lakes, changing fresh water to brackish water. Estuarine areas that had been ideal nesting grounds for ducks and geese were uplifted enough to make them unsuitable for waterfowl production or were submerged beneath the sea. Ocean agitation and underwater mud slides probably caused extensive damage to life in deeper waters, although such changes have been difficult to evaluate.

"The Alaska earthquake caused sudden and widespread changes in the environment and in its living creatures. Such dramatic ecological changes occur only rarely, and their study was important in understanding the effects of this particular earthquake. Research in the biological effects of the earthquake could contribute even more to an understanding of the principles of ecological relationships under circumstances that would be impossible to simulate in any controlled experiment."

DIVERSE KINDS OF IMPACT

Studies of the earthquake's biological effects understandably have been episodic, permitting few generalizations of principles. However, from these studies emerges a partial but remarkably diverse catalogue of kinds of results that can ensue from changes of land and water.

The Panel on Biology found these studies particularly noteworthy on two counts. First, they are contributions to a subject area in which there is, in the panel's view, inadequate field experience. Second, because ecological changes that otherwise might have occurred in small increments over long periods of time occurred quickly, these studies are unusually valuable clues to selected aspects of gross ecological change. It was possible, for example, to observe successions of species that established themselves on newly exposed shores of Prince William Sound.

Some more significant effects have been second-order and third order as John H. Crow notes in summarizing his report on nesting grounds of the dusky Canada goose:

"The dusky Canada goose nests in a remarkably restricted area, a part of the Copper River Delta occupied by a plant community characterized by *Hedysarum alpinum americanum* and *Deschampsia beringensis*. This vegetation flourishes in the slightly saline soils at the tops of channel banks, where before the earthquake it was inundated by diluted seawater during occasional storm tides. As a result of uplift during the earthquake, however, the pre-earthquake channel-bank vegetation and the interchannel areas are no longer reached even by the highest tides, and the soil is being rapidly desalinized. Drier conditions and the removal of salt permit invasion of the *Hedysarum-Deschampsia* belt by plants characteristic of other belts, and hence the favored nesting habitat of the goose is deteriorating. Presumably the *Hedysarum-Deschampsia* community will eventually re-establish itself at a lower level on the tidal flats, but the area available is expected to be much smaller than the area occupied at present. Over the years the dusky Canada goose will find progressively more restricted nesting grounds, which will lead to a reduction in its numbers unless it can adapt to other kinds of vegetation."

Alaskan fisheries suffered heavily from the 1964 earthquake. In Prince William Sound, where pre-earthquake intertidal spawning zones for pink salmon were productive and of high quality, post-earthquake zones were found to be of questionable quality, worsened by pools formed by trees that fell victim to salt-water intrusion.

Many of the newly formed intertidal areas no longer were of smooth, constant-gradient gravel bottom. Disruptions of steam-bed stability destroyed eggs and fry and altered spawning and migrational habits of the pink salmon, and salmon production dropped drastically.

In some instances, there was great land change but adverse effects were difficult to identify. The Klutina River, blocked by an earthquake-caused landslide, changed course about 9 miles downstream from Klutina Lake. The river cut a new channel for itself, and it did not appear that salmon movement was affected.

On Kodiak Island, Mayflower Lake—previously a fresh-water lake—received saline water from the onslaught of tsunamis. It has become unsuitable as a fish habitat except for a few very small populations.

CHANGING POPULATIONS

On rocky shores in Prince William Sound, four instances were found where post-earthquake communities of intertidal invertebrates were different from inferred pre-earthquake communities. Stoner B. Haven of Simon Fraser University reported:

"In areas of maximum uplift, the post-earthquake communities had to develop entirely anew. The fauna was greatly reduced—many species were absent, many others rare—compared to the time before the earthquake, except in the *Laminaria* zone, which supported a near-normal fauna. Much of the midlittoral zone was dominated by the alga *Porphyra*, whereas the normally dominant *Fucus* was uncommon; this distribution may have been related to a scarcity of grazing gastropods. The *Verrucaria* zone supported an algal film, no *Verrucaria*, and a strongly reduced gastropod fauna. In samples from a level bottom habitat, only one post-earthquake clam was found."

THE NEED FOR INVENTORY

Although Alaska has been the subject of much environmental study, the Panel on Biology found a serious "lack of fundamental information on plant and animal communities." The report makes the case for more extensive studies and for an inventory of "living resources." "Several mission-oriented state and federal agencies" are collecting such information, the report says, "but these studies are usually not well coordinated, and no agency is primarily concerned with understanding the general biology and ecology of land and water areas." The report recommends:

"It is not feasible to collect base data for all the biological environments where a disaster might occur, but it is possible to make ecological studies of representative types of aquatic and terrestrial natural environments. Such studies are needed to understand our changing environment and to provide the basis for research after a natural disaster. No single federal or state agency is capable of carrying out major research on representative plant and animal communities, but a good beginning would be to make one of the federal agencies responsible for coordinating such studies."

ELECTRONIC EQUIPMENT DETERMINES EARTHQUAKE EPICENTERS IN SECONDS

As a first step toward making its 1972 move from NOAA headquarters in Rockville, Md., to its new home with the Environmental Research Laboratories in Boulder, Colo., the National Earthquake Information Center has installed a terminal connected to a computer at the Boulder facility.

From now on, preliminary surface locations (epicenters) of earthquakes and a host of associated information will be determined, in seconds, electronically—and the 18-year-old world globe formerly used for this purpose will go into retirement, ending an era in seismology.

Since the 1930's, seismologists have determined earthquake epicenters by measuring the angular distance from reporting seismograph stations to the tremor, and then swinging arcs from several station locations on a large world globe. These arcs intersect at the surface area above the subterranean source, or hypocenter, of the earthquake. (Distance from station to epicenter is estimated by comparing arrival times at the station of different types of seismic waves.)

In compensation for ending an era, the computer offers speed, a higher order of accuracy, and more types of information.

For the time being seismic data will be received by NOAA's Communication Center in Suitland, Md., and transmitted to the NEIC in Rockville, Md., which will input the data into the Boulder computer via the newly installed telephone terminal. The earthquake program in the computer's memory will play back epicenter location (latitude and longitude), hypocenter depth, time of occurrence, and indications of how well each seismograph station's data fits.

According to James F. Lander, chief of the NEIC, this is only the beginning.

"The next step," he says, "will be to add magnitude determinations to the computer program, and to automate the system so that incoming seismic data go directly into the computer. Eventually we want to have historical data on memory discs that can be used with this program. Then we can ask the computer questions like, 'How many earthquakes above magnitude 7 occurred last year, and where?' Or, 'When and where did the last earthquake above such-and-such a magnitude occur within 100 miles of this earthquake?' The possibilities are many and exciting."

EXHIBIT 2

GEOPHYSICAL INSTITUTE,
UNIVERSITY OF ALASKA,
College, Alaska, March 10, 1972.

Hon. TED F. STEVENS,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR STEVENS: I understand that Senator Cranston of California has introduced a bill to the Senate requesting funds to initiate and finance a five-year program aimed at earthquake prediction. The Senator recommends that this program be carried out on the San Andreas Fault by the U.S. Geological Survey's National Center for Earthquake Research in California. Such a program in the United States is long overdue. Several nations (Japan, for example) have made earthquake prediction a national goal for many years. However, it is my opinion and that of my staff in the seismology laboratory that such a commendable program as that suggested by Senator Cranston should not be restricted to a single laboratory and to a single fault.

While the San Andreas Fault is one of the world's most striking natural features, it is by no means in a class by itself. The Anatolia Fault in Turkey, for example, and the Denali Fault in Alaska are only two of the seismically active faults which rank with the San Andreas in size and earthquake productivity. It is the high population density of California and consequent publicity that has emphasized the seismicity of that area.

Please let me emphasize that it is not our intent to minimize the earthquake hazard in California, nor to belittle the Geological Survey. The latter has made many significant contributions to earthquake research and no doubt will continue to do so. But so have many other institutions, including the University of Alaska, and it would be a serious oversight to exclude them from the proposed program.

In Alaska, the Geophysical Institute routinely locates some two thousand earthquakes a year, not including those occurring in the highly active Aleutian Islands. The enclosed map relating earthquake epicenters to known faults in a portion of the interior clearly points out the level of activity in a part of the State which is not even generally regarded as being particularly active. In the Fairbanks area alone, some 40 to 60 microearthquakes occur daily. Comparable rates in California are rare indeed.

The techniques which will eventually provide the means to predict earthquakes have been reasonably well established by now. In one way or another, they all involve measuring minute changes in the configuration of the earth's crust which occur prior to an earthquake. One such manifestation is a premonitory tilting of the earth's surface surrounding an impending earthquake. The Geophysical Institute presently operates the only tiltmeters in Alaska, near McKinley Park Headquarters, Paxson Lake, and Gilmore Creek near Fairbanks. However, these three instruments are widely separated and provide less than optimal means for recording tilts in specific seismically active areas such as Cook Inlet. Clearly, further instrumentation is needed.

The National Research Council Panel on Seismology recommended in 1969: "Support should be provided . . . for seismological station coverage in Alaska, the most active area in North America." (*Toward Reduction of Losses from Earthquakes,* Conclusions from the Great Alaska Earthquake of 1964, prepared by the Committee on the Alaska Earthquake, Division of Earth Sciences, National Research Council/National Academy of Sciences, 1969, page 16), and we heartily concur, because such coverage will ultimately provide the missing information.

We strongly support the concept of a national program of research into the prediction and possible modification of earthquakes but feel that such a study should not be the responsibility of any one laboratory.

The National Science Foundation has been supporting projects aimed at earthquake prediction for many years, although the work is being carried out piecemeal and not as an integrated program. The expertise of NSF should surely be of value in the administration of any national program of earthquake prediction. Limited funds for partial support of such an undertaking are already available through NSF's program "Research Applied to National Needs", but the level of funding is not nearly enough to implement a national program.

We do urge the Alaskan Congressional delegation to give full support to Senator Cranston's bill for a national program of earthquake prediction and prevention, but advise that the bill be amended to provide for other qualified laboratories in the United States to participate, and for other earthquake-prone areas besides California to be investigated.

It is vital that Alaska be included in any such consideration of earthquake risk, prediction or prevention.

Very sincerely,
KEITH B. MATHER,
Director.

MARINE MAMMAL PROTECTION ACT—ORDER FOR STAR PRINT

Mr. STEVENS. Mr. President, I request unanimous consent that a star print be made of S. 3161, a bill concerning the management of marine mammals, which I introduced by request. I ask that this star print incorporate the amendment, No. 1048, introduced Wednesday, exempting certain handmade native arts crafts and clothing from the provisions of the act.

The PRESIDING OFFICER (Mr. TAFT). Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 305

At the request of Mr. KENNEDY, the Senator from Michigan (Mr. HART) and the Senator from Connecticut (Mr. Ribicoff) were added as cosponsors of S. 305, the "National Digestive Diseases and Nutrition Act."

S. 855

At the request of Mr. Cotton, the Senator from New Jersey (Mr. Case) was added as a cosponsor of S. 855, a bill to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement.

S. 1566

At the request of Mr. Cranston, the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 1566, a bill to amend the Federal Aviation Act of 1958 in order to provide for more effective control of aircraft noise.

S. 1775

At the request of Mr. Tunney, the Senator from Michigan (Mr. Griffin) was added as a cosponsor of S. 1775, a bill to credit a National Agricultural Bargaining Board, to provide standards for the qualification of association of producers, and to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products.

S. 1969

At the request of Mr. Hart, the Senator from California (Mr. Cranston) was added as a cosponsor of S. 1969, a bill to suspend for a period of 2 years the execution of prisoners under sentence of death in the States.

S. 2163

At the request of Mr. Mathias, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S. 2163, the Vietnam Veterans Act of 1971.

S. 2360

At the request of Mr. Williams, the Senator from Indiana (Mr. Hartke) was added as a cosponsor of S. 2360, the Automobile Driver Education Act.

S. 2612

At the request of Mr. Randolph, the Senator from Florida (Mr. Gurney) was added as a cosponsor of S. 2612, a bill to establish policy and principles for planning the use of the water and related land resources of the United States.

S. 2734

At the request of Mr. Schweiker, the Senator from Minnesota (Mr. Mondale) was added as a cosponsor of S. 2734, a bill to amend the Fair Packaging and Labeling Act to provide for the establishment of national standards for nutritional labeling of food commodities.

S. 2956

At the request of Mr. Javits, the Senator from Massachusetts (Mr. Brooke), the Senator from South Dakota (Mr. McGovern), and the Senator from Rhode Island (Mr. Pell) were added as cosponsors of S. 2956, the War Powers Act.

S. 3010

At the request of Mr. Nelson, the Senator from Indiana (Mr. Bayh) and the Senator from Minnesota (Mr. Humphrey) were added as cosponsors of S. 3010, a bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

S. 3136

At the request of Mr. Schweiker, the Senator from Minnesota (Mr. Humphrey), the Senator from New York (Mr. Javits), the Senator from Massachusetts (Mr. Kennedy), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pastore), and the Senator from Pennsylvania (Mr. Scott), were added as cosponsors of S. 3136, a bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the amount of lead and cadmium which may be released from glazed, ceramic, or enamel dinnerware.

S. 3163

At the request of Mr. Nelson, the Senator from Minnesota (Mr. Mondale), was added as a cosponsor of S. 3163, a bill to amend the Federal Food, Drug, and Cosmetic Act, relating to food additives.

S. 3193

At the request of Mr. Nelson, the Senator from Maine (Mr. Muskie) was added as a cosponsor of S. 3193, a bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

S. 3201

At the request of Mr. Packwood for Mr. Schweiker, the Senator from Indiana (Mr. Hartke) and the Senator from Tennessee (Mr. Baker) were added as cosponsors of S. 3201, the Heart Disease Prevention Act of 1972.

S. 3204

At the request of Mr. Fannin, the Senator from Arizona (Mr. Goldwater) was added as a cosponsor of S. 3204, a bill to amend title IV of the Social Security Act to permit greater flexibility in State plans for aid and services to needy families with children.

S. 3309

At the request of Mr. Burdick, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 3309, a bill to reduce recidivism by providing community-centered programs of supervision and services for persons charged with offenses against the United States, and for other purposes.

S. 3323

At the request of Mr. Kennedy, the Senator from South Dakota (Mr. McGovern), the Senator from Colorado (Mr. Dominick), and the Senator from Illinois (Mr. Stevenson) were added as cosponsors of S. 3323, the National Heart, Blood Vessel, Lung and Blood Act of 1972.

SENATE JOINT RESOLUTION 180

At the request of Mr. Roth, the Senator from Vermont (Mr. Stafford) was added as a cosponsor of Senate Joint Resolution 180, authorizing the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

SENATE JOINT RESOLUTION 191

At the request of Mr. Cranston, the Senator from Minnesota (Mr. Mondale) was added as cosponsor of Senate Joint Resolution 191, designating the week of May 1–7, 1972, as "National Bike-cology Week."

SENATE JOINT RESOLUTION 217

At the request of Mr. McGee, the Senators from Montana (Mr. Mansfield and Mr. Metcalf), and the Senator from Pennsylvania (Mr. Scott) were added as cosponsors of Senate Joint Resolution 217, to create an Atlantic Union delegation.

SENATE CONCURRENT RESOLUTION 70—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF SENATE HEARINGS ON CONSUMER PRODUCT SAFETY ACT OF 1971

(Referred to the Committee on Rules and Administration.)

Mr. MANSFIELD, for Mr. Magnuson (for himself and Mr. Cotton), submitted the following concurrent resolution:

S. Con. Res. 70

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Commerce two thousand additionals copies each of parts 1 and 2 of its hearings during the first session, Ninety-second Congress, on the Consumer Product Safety Act of 1971.

SENATE RESOLUTION 282—SUBMISSION OF A RESOLUTION RELATING TO ASSISTANCE FOR MINORITY POPULATIONS IN BANGLADESH AND PAKISTAN

(Referred to the Committee on Foreign Relations.)

Mr. HARRIS. Mr. President, earlier today the Senate agreed to a resolution favoring the recognition of the new nation of Bangladesh. I think the action is highly justified and appropriate. I want to talk about that area of the world in my remarks this morning.

Mr. President, the story in South Asia the past 12 months has been the story of forgotten people. The people of the region are poor. They have little power, so the world paid little attention as one of the worst massacres of this century or any other took place in East Bengal, now the new nation of Bangladesh.

Today the same wretched tale is beginning again. Once again the world is turning its attention elsewhere while helpless people are in danger of starvation or violent death. I am speaking of the Bengali minority in Pakistan and the Bihari minority in Bangladesh.

Mr. President, apparently there is some law of international relations that the world can be concerned only with yesterday's misfortunes, never tomorrow's problems.

Last year, the world turned its back as millions of refugees poured into India, overtaxed its economy and social structure and finally strained tensions between India and Pakistan to the point of open war. Then, when the damage was done, the governments of the world began to show some concern for the plight of miserable and unfortunate people. And aid, still in outrageously small and inhumane amounts, began to flow.

Today we are in the process of repeating another cycle of neglect. Once the war was over, it was evident to anyone familiar with South Asia that the new nations of Bangladesh and Pakistan would encounter difficulties in integrating certain minorities into their new nations.

In Bangladesh, the Urdu-speaking Bihari community since the creation of Pakistan in 1947 has tended to remain a distinct group with a separate language and culture. During the civil war, it was felt to have favored the West Pakistani repression so that today, despite the moderate and tolerant course of the Bangladesh leaders, Biharis are fearful that at some point the majority population of Bangladesh may demand retribution.

The number of Biharis in Bangladesh is unclear. The 1961 Pakistani census listed only 310,000 Urdu-speaking people in East Pakistan plus another 100,000 who did not speak Bengali. Assuming a normal population increase of 3 percent a year, the Biharis or non-Bengalis might number more than 500,000. Newspaper reports from Bangladesh, however, repeatedly talk of 1.5 to 2 million Biharis.

In Pakistan itself, there is uncertainty about the ultimate fate of Bengalis living there. Like the Biharis in Bangladesh, the Bengalis in Pakistan live in an alien culture. Many of them went to Pakistan because of better job opportunities there. Many are skilled civil servants or businessmen who are needed in their new motherland, Bangladesh.

Their numbers also are uncertain. Estimates range from 100,000 to 500,000.

In recent weeks the position of both the Bengali community in Pakistan and the Bihari community in Bangladesh has been undermined. For several months the Biharis in Bangladesh have chosen to live in fear in camps cut off from the rest of the population. Senator Kennedy visited one of these camps recently and reported that while conditions were poor, the Biharis he saw were being fed, sheltered and protected. Clearly, however, the Bihari community was and is fearful for the future.

Then, in early March open violence broke out between Biharis and Bengalis in the city of Khulna. Reports of the number of Biharis killed vary from 30 to 1,000 but it is evident that popular passions exploded and a number of innocent people perished.

We now await the next stage in this tragedy. Perhaps it came this week. President Bhutto stated before a rally in Lahore that unless alleged massacres of Biharis in Bangladesh ceased, he could not guarantee the security of Bengalis in Pakistan. This is the first time that the specter of retribution against the Bengali population in Pakistan has been raised.

Before everyone's mind is the dimension which communal violence can take in South Asia once popular passions are unleashed. During the 1947 partition of India, literally millions of innocent people were slaughtered in the streets or in their homes.

Complicating the human drama facing Bangladesh and Pakistan is the fate of the Pakistani prisoners of war. Captured by India during the Indo-Pakistani war last year, these men number some 90,000. Recently, India and Bangladesh announced that they would not be released until Pakistan agreed to recognize the new nation of Bangladesh.

Mr. President, it is clear that the war in South Asia last year raised a host of new political and military problems. The whole region must adjust to the enhanced military position of India. It must cope with the reality of a new and impoverished nation in Bangladesh. And it must find a future role for truncated Pakistan. With the best of wills and circumstances, these awesome problems would test the skill of the best diplomats and statesmen in the world.

But the question is whether there can ever be any rational consideration of these problems so long as popular passions in the area focus on the plight of the minorities in Bangladesh and Pakistan. I believe the answer is a clear "No."

So long as the lives of the Bengalis in Pakistan and the Biharis in Bangladesh seem to be in danger, the possibility of solving other problems remains bleak. We will continue to see the process of one nation pushing the other into the corner until compromise on other problems becomes impossible.

It is, therefore, in the interest of both Bangladesh and Pakistan and in the interests of the international community to take appropriate steps to protect the two communities in danger. It is in the interests of all nations that the people of Bangladesh and Pakistan be assured that their brothers currently living in danger will either be protected or resettled.

It is with this thought in mind that the Senator from Minnesota (Mr. Humphrey) and I today are submitting a resolution which states that the United States should offer its cooperation and assistance to the United Nations and other organizations involved in the protection of the minority populations in Pakistan and Bangladesh and in the protection of the Pakistani prisoners of war.

The resolution also calls upon the Secretary of State to submit a report to the Congress within 30 days of enactment of this resolution regarding: first, steps to be taken for the protection of these minority populations; second, the possibility for population exchanges between Pakistan and Bangladesh as well as an estimate of the cost for resettlement; and third, the possibility for the release of the Pakistani prisoners of war.

The executive branch already has a congressional mandate to provide assistance to the refugees who fled into India and who are now returning to Bangladesh. To the degree that it is now failing to carry out this mandate, it will be rightly exposed to sharp congressional attack. This resolution would now make it clear that the administration also has a mandate to provide assistance to international programs designed to protect endangered minority communities in Bangladesh and Pakistan.

The resolution would also force the administration to begin thinking of steps which the international community could take in the event that further measures, including resettlement, become necessary to protect these communities. The world should not wait until the disaster is upon us. Careful thought should be given to such problems now while there is still time to consider alternatives.

I hope that other Senators will join with us in cosponsoring this resolution. No power gains by the unnecessary suffering of minority populations in either Bangladesh or Pakistan. Moreover, while the plight of these minorities continues, the prospect of better relations between Bangladesh and Pakistan remains dim.

Last year it took the Congress months to respond to the appalling human tragedy which took place in East Bengal. Today the Congress has an opportunity to make clear beforehand that it wishes to assist in efforts leading to a peaceful settlement.

The Congress often complains that its role in foreign policy is being neglected. So it has. But if the Congress wishes to have a role, then it must stop waiting until catastrophe is at its door. It must take action while there is still time.

Mr. President, I ask unanimous consent that the text of the resolution by Senator Humphrey and myself be printed at this point in the Record. I also ask unanimous consent that several newspaper articles on the plight of minority populations in South Asia be printed at this point in the Record.

There being no objection, the resolution and material were ordered to be printed in the Record, as follows:

S. Res. 282

Whereas the new state of Bangladesh has been established and fully recognized as a sovereign country according to the principles of international law;

Whereas the countries of Bangladesh, Pakistan, and India have all been involved in a war whose total settlement has not yet been concluded by all the parties;

Whereas there are substantial numbers of minority populations in Bangladesh and Pakistan whose lives and welfare may now be threatened;

Whereas Pakistani prisoners of war have not yet been repatriated;

Whereas Indian troops have been withdrawn from Bangladesh: Now, therefore, be it

Resolved, That the United States offer its cooperation and assistance to the United Nations, the International Committee of the Red Cross, and any other organization involved in the protection of minority populations in Pakistan and Bangladesh and the Pakistani prisoners of war; and That

The Secretary of State undertake a study of the situation as it affects these groups and report to Congress within thirty days upon enactment of this resolution. The report should contain a review of the measures to be taken for the protection of these minority populations, the possibility for population exchanges between Pakistan and Bangladesh, as well as an estimate of the cost for resettlement, and for the release of Pakistani prisoners of war.

[From the New York Times, Mar. 20, 1972]

Bhutto Dampens Peace Pact Hope—Back From Soviets, Pakistani Bars Another 'Tashkent'

(By Malcolm W. Browne)

Lahore, Pakistan, March 19.—President Zulfikar Ali Bhutto, who returned here last night from Moscow, indicated today that a peace settlement on the subcontinent was as distant as ever.

Addressing a frequently riotous crowd of about 200,000 of his party workers and supporters here, Mr. Bhutto drew laughter when he asked if he looked like a man who would sign "a Tashkent agreement."

The war of 1965 between Pakistan and India formally ended with an agreement signed at Tashkent in the Soviet Union. There had been general speculation that Mr. Bhutto's visit to Moscow might have involved a similar peacemaking mission.

Mr. Bhutto, dressed in the new Chinese-style uniform decreed for all leading officials in his Pakistan Peoples' party, took particular note of Pakistan's friendship with China and the crowd roared approval.

Lahore Stadium, packed to capacity, was decorated with an enormous sign reading, "East Is Red," a Chinese slogan.

SOVIET VISIT DESCRIBED

Implying that his talks in Moscow had fallen short of friendly warmth, President Bhutto said he had told the Russians he was willing to cooperate, but not against any third country, presumably meaning China.

He said the Americans also were welcome to improve their relations with Pakistan if they chose to do so.

But Mr. Bhutto reserved special praise for the Arab nations "which have stood with us," and for Libya in particular.

Turning toward the diplomatic corps, he announced that he was renaming Lahore Stadium in honor of Col. Muammar el-Quaddafi, the Libyan chief of government, who is scheduled to visit here next month. The Libyan Ambassador rose to an ovation from the crowd.

In regard to India, Mr. Bhutto noted that Prime Minister Indira Gandhi had said she wished Pakistanis to be the brothers of Indians. "If Indira Gandhi wants to be a sister to us, she will first have to release our brothers, the Pakistani prisoners of war," he said.

The President demanded that Bangladesh immediately halt the reported persecution of non-Bengali residents. Otherwise, he said, Pakistan will not permit Bengalis living in Pakistan to leave for Dacca.

HOSTAGE-HOLDING SUGGESTED

This marked the first time Pakistan has openly suggested that the bengalis here may be held as hostages for trading purposes.

Mr. Bhutto's hard language did not reflect any progress toward settlement of the major issues confronting the subcontinent. There had been rumors among diplomats that his trip to the Soviet Union might at least produce some negotiating basis on the key issue of Kashmir, which is divided between India and Pakistan.

"We Pakistanis might be able to forget about Kashmir, but the people of Kashmir cannot forget," he said.

Mr. Bhutto noted that the British Foreign Secretary, Sir Alec Douglas-Home, was arriving in Pakistan later tonight and asked the people to make him welcome. Pakistan's relationship with Britain has been chilly during the last year and the Islamabad Government recently withdrew from the Commonwealth after Britain recognized Bangladesh.

"We have good relations with the British," Mr. Bhutto said. "We are going to give them a good welcome; we are not enemies."

RIOTING WAS THREATENED

The long speech was frequently interrupted by a noisy crowd and riots nearly developed many times. Loudspeakers in the stadium were defective and only half the people could hear. Those who could not surged and roared about the stadium and even the hundreds of policemen and the president's uniformed "People's guards" were unable to quell the disorder. Eventually the loudspeakers were partly repaired. Mr. Bhutto's Finance Minister, Dr. Mubashir Hasan, repeatedly walked into the crowd, trying to restore order.

At one point, the president, whose voice had become shrill, threw a pitcher of water at the throng. A German who tried to photograph the forays between the club-swinging policemen and the crowds was seized by the provincial vice president of Mr. Bhutto's party and ordered not to take pictures of the disorder.

Mr. Bhutto, who spoke in Urdu laced with frequent vulgarities, pointedly told the policemen present that he intended to improve their lot.

The president faced a police mutiny here two weeks ago, in which he called on the army to intervene. The army commander, Lieut. Gen. Abdul Gul Hassan, refused, and was immediately dismissed. However, the police mutiny died out.

[From the Washington Post, Mar. 20, 1972]

INDIA, BANGLADESH SIGN DEFENSE PACT

India has signed a mutual defense treaty with Bangladesh in which the two countries pledge immediate consultations and assistance if either is attacked.

The agreement was contained in a pact signed yesterday by Indian Prime Minister Indira Gandhi and Bangladesh Prime Minister Sheikh Mujibur Rahman as Mrs. Gandhi wound up a two-day visit to Bangladesh.

The treaty is the first signed by Bangladesh, the former East Pakistan, since it won its independence with the help of India's armies last December. The Pakistani government has not recognized Bangladesh's independence, but most major countries of the world have. The exceptions are the United States and China.

India and Bangladesh also signed agreements to revive trade between the two countries and take joint action on flood control and hydroelectric power.

The treaty's language on mutual defense strongly resembles that in the pact India signed with the Soviet Union last August.

It says that "in case either party is attacked or threatened with attack," leaders of the two countries "shall immediately enter into mutual consultations in order to take effective measures to eliminate the threat."

India has an army of about 800,000, while Bangladesh fewer than 3,000 professional soldiers, so it is clear which party is the protector and which the protected.

Bangladesh faces no immediate threat of hostile action from its neighbors, since it touches only India and a small piece of Burma. But observers in Dacca said the treaty has psychological advantages for Bangladesh, assuring it of protection without denting its dignity.

Sheikh Mujib and Mrs. Gandhi also signed a joint declaration that India will cooperate with Bangladesh in trying "those guilty persons . . . responsible for the worst genocide in recent times." This was a reference to Bangladesh's intention to try Pakistani soldiers and government workers it considers responsible for the slaughter of thousands of Bengalis before independence was achieved.

The Pakistani government of Zulfikar Ali Bhutto is seeking the repatriation of an estimated 90,000 prisoners of war held in the east.

Bhutto, himself just back from a fence-mending visit to Moscow, countered at a rally in Lahore calling on Mujib to halt the alleged massacres of non-Bengalis in the new state.

It would otherwise "not be possible to guarantee the safety of Bengalis in West Pakistan," he warned. "If excesses have been committed on Bengalis previously, then the people of West Pakistan are ready to apologize," he said.

"But cruelty should not be perpetuated . . . for God's sake let's stop this massacre."

INDIA BLOCKS FLIGHTS BY U.S. ENVOY'S PLANE

NEW DELHI, March 19 (AP)—The Indian government has turned down two requests for permission for U.S. Ambassador Kenneth Keating to use the embassy plane to fly to the dedication of a hospital in the south that was built mostly with American money.

The plane, a twin-engine Convair, has been used by American ambassadors for the past decade to travel around the country.

An embassy spokesman said he could not "ascribe any reasons" for the refusals.

[From the New York Times, Feb. 21, 1972]

MUJIB SAYS HE WOULD LET BIHARIS LEAVE FOR PAKISTAN

(By C. L. Sulzberger)

DACCA, BANGLADESH, February 15.—Sheik Mujibur Rahman, Prime Minister of the enormous new state of Bangladesh, said in an interview today that he would welcome an internationally arranged population exchange with Pakistan, enabling non-Bengalis now living in this fledgling country to depart.

Such a step, he said, would facilitate the return here of Bengalis now in the Islamic nation that, as West Pakistan, controlled this country until the independence struggle and the Indian invasion in December.

Sheik Mujib estimated that the minority of non-Bengalis who would wish to be transferred out of Bangladesh amounted to 750,000 people.

The general belief is that there are perhaps two million Biharis in Bangladesh in a population of 75 million. The Biharis—Bihari is the general term to denote non-Bengali Moslems—are widely detested. They contributed much active support for, and collaborated, with the Pakistani military and civilian authorities in the bloody campaign against the Bengalis' autonomy movement.

The Prime Minister said that he thought the United Nations was the proper authority to administer such a population exchange and that he would enthusiastically welcome it. Nevertheless, he took pains to insist that the minority here was being treated tolerantly by the majority despite recent horrors.

Notwithstanding Sheik Mujib's assurances, it is known that the Biharis live in great fear and that some have been badly treated since independence.

Sheik Mujib is an unusual man. The word "sheik," an honorific similar to "esquire," denotes his middle-class, land-owning antecedents. Mujib, the diminutive of his first name, expresses the universal affection felt for the national leader.

He is an emotional man of 55 years with gleaming black eyes, graying hair and mustache and a vigorous demeanor. Tall for Bengalis, he stands almost 6 feet. He smiles readily and likes to talk, waving the pipe he always clutches. During the interview, in English, he showed friendship for the American people but none for the American Government.

He seems to have survived 11 years of imprisonment for his political opinions without a scar. Nine years were in solitary confinement, often without books; when he had them, he said, they were his only friends.

He said he always slept easily and well, even falling off to a full night's rest an hour after he was seized last March 25 by the Pakistani authorities, who were believed ready to kill him. "I was at ease," he observed. "If a man is ready to die, how can you kill him?"

The Bengali leader is not given to intellectual enthusiasms or, as in the case of Pakistan or the Nixon Administration, passionate dislikes.

The "I's" flash through his sentences like telephone poles beside a speeding train, but he gives the impression that, rather than being conceited, he simply associates himself with his nation.

Thus Sheik Mujib may say, when discussing economic prospects: "I have jute, I have tea, I have hides and skins. I have forest products. I have natural gas. I have fish."

He insists that he is a pragmatist, saying: "I am not a philosopher, I am a practical man. First I am a nationalist. Second I am a democrat. Third I am for secularism. And fourth I am a socialist. But it is my own socialism and not imported from abroad."

But questions about his practical plans draw a blank. He says the economy is fundamentally good although Bangladesh needs emergency aid to recover from the recent holocaust. If the American people—not the Government—wish to help, he would want food, medicine, transport equipment and emergency housing materials to erect huts replacing the millions of houses destroyed. He wants it all if possible before the rainy season begins in May.

He is vague about finances and administration. Seventy per cent of Pakistan's small stock of gold and hard money belongs to Bangladesh, he insisted, and he spoke about drawing up an indemnity bill to be charged to Pakistan both for Bangladesh property and for the immense damage caused.

He said the civil service and the brand-new diplomatic service were functioning well, but others are less optimistic. He expects Bangladesh to have a "modest" defense force.

In foreign policy, the Prime Minister insisted, Bangladesh will remain nonaligned, and he wants to be friendly with all nations, including China and the United States, once they recognize his regime. But he is clearly wedded to a close attachment to India and to the Soviet Union.

Sheik Mujib sternly recalls that while Moscow was protesting Pakistani repression and using its veto in the United Nations to defend the Indian-Bangladesh cause in the war, President Nixon was "not protesting but sending arms to the Pakistanis who were murdering us."

"Yet he knew what was going on," the Prime Minister continued. "He had his consulate and his C.I.A. here reporting to him. But when his Consul General told the truth, he was taken away and sent somewhere else."

According to the Prime Minister, law and order prevail and there is no abnormally high crime rate. No guerrilla bands exist as such any more, he added, except for "a few hooligans armed by the Pakistanis." His authorities control all districts, he maintained.

He said Bangladesh was satisfied with her borders and had no territorial claims.

Discussing the Pakistani military action here, he used figures that are questioned by neutral authorities.

"A minimum of three million people died here," he said. "Just today in one town a thousand skulls from decapitated bodies were found. Two hundred thousand girls were raped."

He said several thousand "collaborators," all civilians, would be tried under civil law in open court. There will also be trials of what he appeared to estimate as several hundred "war criminals," all Pakistani military men who are thought to be in Indian prisoner-of-war camps. Sheik Mujib said they would be tried in special courts under a law not yet drafted.

Summing up his views, Sheik Mujib said he intended to create "a society without exploitation."

"I don't want any cartels or capitalistic controls," he added. "I love humanity."

[From the New York Times, Mar. 17, 1972]

BENGALIS SHAMED BY KILLING OF BIHARIS

(By Sydney H. Schanberg)

KHULNA, BANGLADESH.—Nearly everywhere in this Bengali city people are nervously trying to hide their shame.

No Bengali resident can be found who will talk of the details, and many pretend the incident never happened. But facts are emerging that make it clear that last Friday, in a dark burst of revenge against an ethnic minority many of whose members had collaborated with the Pakistani Army, the Bengalis attacked the Bihari colony here, setting fire to homes and killing indiscriminately. The killing was done mostly with knives, some of them large machete-like blades.

It is impossible to get an exact casualty count. Some people say many Bihari bodies were thrown into the Bhairab River and have been washed away. Trustworthy sources, including ashamed Bengalis, report that the toll of dead and wounded is at least several hundred.

This correspondent saw 100 wounded alone at the main hospital, and an extensive area of several blocks in the Bihari colony, known as Khalishpur, is gutted by fire and looting. The survivors have fled.

"Some say a thousand were killed," said a defected leading Bengali citizen, who asked not to be named. "Some say more, some say less. It is not something we are proud of."

Virtually every city and large town in Bangladesh has been sitting on a similar powder keg ever since India's military victory over Pakistan last December created this new Bengali nation of 75 million out of what was East Pakistan. The non-Bengali population of over a million, who are known collectively as Biharis and who are now living in anxiety or outright fear, provided many of the collaborators who helped the Pakistan Army kill at least hundreds of thousands of Bengalis during the army's nine-month occupation aimed at crushing the Bengali autonomy movement.

Despite appeals by the three-month-old Bangladesh Government for restraint and tolerance, there have been sporadic revenge executions in several cities, including some that have touched off clashes in which Bengalis have been killed, but none of these had been on the scale of the Khulna incident.

WOUNDED FILL CORRIDORS

At Sadar Hospital here, the corridors and aisles and even office rooms are filled with the wounded, men, women and a few children with blood-stained bandages on heads and limbs. The overcrowded hospital has no beds for them, so they lie on blankets and thin straw mats on the hard stone floor, eating their supper of sugared bread and milk.

Most are still wearing the blood-stained clothes in which they arrived at the hospital. Some are too weak to speak and a few are dazed and incoherent.

"I am alone, I am alone," Sharfuddin Ahmed, 50, kept mumbling. "My family is all killed. There's no one to look after me. I am ill. Will someone come and help me?"

A few miles away, in the jute mill area where the Bihari colony is located, one section of the colony is bleak and completely abandoned. Some areas where thatch huts once stood, possibly market areas, have been burned to the ground, leaving empty fields marked only by small clumps of ashes and a few scraps of clothing.

The sturdier houses of brick and concrete are blackened by the fires set inside, which put ablaze the wooden furniture and shutters. The front of one of these one-story dwellings is pocked with bullet holes. Some of the goods of a looted grocery store are still lying strewn in the dust.

Not a light can be seen in the eerie area and no sound can be heard except the occasional clomp of the boots of the Bengali soldiers who have been posted to keep the peace and enforce the curfew imposed after the killing.

"The people are worried and panicky," said one of the young soldiers of the Biharis. "We will stay and the curfew will stay until there is calm."

The soldier, who had fought in the independence struggle against the Pakistanis, said that his entire battalion of 800 men had been brought here from Jessore, about 40 miles away, on the day after the incident.

In the Bengali areas around the Bihari colony, life appears normal. The movie house is doing its usual business, the market is busy and on the dirt sidewalks young men are playing caromboard, a game of the pool family played on a wooden table with plastic discs instead of balls and flicking fingers instead of cues.

"I saw nothing," said one Bengali merchant whose shop is right next to the gutted Bihari area. "The Biharis left this neighborhood two months before independence. Only Bengalis live here now." Bengali soldiers sidled up to monitor the conversation.

The Biharis who fled the ruined area are now living in refugee camps in another part of the Bihari section. The camps were set up by the Bangladesh Government, which is also providing food and medical clinics. These tent camps are cordoned off and closed to all but doctors and relief workers.

Many Bengalis in Khulna talk euphemistically of the indigent as "a clash between two groups." "It was no clash," said a foreign relief worker here. "It was a slaughter."

With Bengalis understating the casualties and the Biharis exaggerating them (one wounded Bihari said more than 20,000 of his people had been killed), it is difficult to piece together an accurate picture of what happened.

For example, Dr. Sirajul Islam, director of Sadar Hospital, said that only seven of the wounded had died in the hospital and that three of them were Bengalis. However, reliable sources said that about 30 had died in the hospital and nearly all of them were Biharis.

[From the New York Times, Mar. 4, 1972]

PLIGHT OF BIHARIS AN ISSUE IN INDIA—MRS. GANDHI'S OPPONENTS ACCUSE HER OF NEGLECT

NEW DELHI.—Opposition parties in India are making the plight of the Bihari minority in Bangladesh a campaign issue in an attempt to dent the formidable popularity of Prime Minister Gandhi before the state elections scheduled for next week.

Sixteen of the 21 Indian states are to vote. In the campaign Mrs. Gandhi's New Congress party has been stressing India's military victory over Pakistan in the war last December that resulted in the creation of the independent nation of Bangladesh out of East Pakistan.

The four opposition groups—the rightwing Hindu Jan Sangh Old Congress, Socialist and Left Communist parties—have accused Mrs. Gandhi of neglecting the non-Bengali Moslems in Bangladesh, who originally migrated from India and who are known collectively as Biharis.

At a recent conference in Patna, the capital of Bihar State, the parties demanded the the Biharis be allowed to return to India to save them from what they call "persecution by the Bengalis."

OPPOSITION IS ACCUSED

Mrs. Gandhi has retorted that the Biharis are being protected, by the Bangladesh Government and by India's armed forces and has accused the opposition of a "deliberate attempt to exploit the sentiments of Moslem voters in India."

She says she would never agree to the return of the Biharis because they would be a source of religious tension between Hindus and Moslems.

There are over 65 million Moslems in this predominantly Hindu nation of 550 million people and their votes are thought to have helped Mrs. Gandhi sweep the parliamentary elections last year.

Moslem attitudes, however, appear to have changed. Although most Indian Moslems condemned the Pakistani repression of Bengalis in what is now Bangladesh, they are unhappy over the dismemberment of Pakistan, a Moslem nation. Reports that Bengali guerrillas have killed Biharis in reprisal for their collaboration with the Pakistan Army have drawn critical comment in Moslem newspaper here.

MOSLEM VOTES A BIG FACTOR

Moslem voters account for nearly a third of the electorate in several states in northern India and there are areas throughout the country where they are in a majority.

But it is doubtful whether the opposition's bid to placate the minority Moslem community will reverse the swing to Mrs. Gandhi's party, which is riding the crest of the victory over Pakistan and seems certain to emerge a big winner. Her promise of a stable government is an alluring prospect to people in states such as Bihar and West Bengal where political instability and violence have long been commonplace.

In barnstorming across the country, Mrs. Gandhi has maintained that unity and stability can be attained only if the states have the same party government as that at the center. She has also been saying that India's security is still being threatened by Pakistan and her supporters.

During President Nixon's visit to China Mrs. Gandhi told Indian voters that the two powers who supported Pakistan on the Bangladesh issue were probably working on "a new strategy" in Asia that would be harmful to India. She asked her people to be "alert and vigilant."

At a public rally last week in New Delhi Mrs. Gandhi said that only the Soviet Union had backed India in her "hour of crisis" during the December war. "Where would we have been if we had followed the suggestion of the Jan Sangh to look to the United States at that time?" she asked.

[From the New York Times, Feb. 13, 1972]

BANGLADESH: BIHARIS—THE PEOPLE NOBODY WANTS

(By James P. Sterba)

RAWALPINDI, PAKISTAN.—The Bihari Moslems of Bangladesh are the latest victims on the Indian subcontinent, where hate, racism and religious intolerance have enjoyed triumphant pasts and in all probability share bright futures.

An estimated 1.5 million Biharis are trapped in East Bengal, and by the weekend it was beginning to appear as though no one really wanted them—not even Pakistan.

For despite a rising public furor in the West over Bengali violence against Biharis, the general attitude here was perhaps summed up best by a young Foreign Ministry official who said: "What are we supposed to do with them? We have enough problems already. Besides, you must remember, they are really Indian refugees."

Driven out of their native state, Bihar in India, by religious savagery when the subcontinent was partitioned by the British in 1947 into Moslem Pakistan and Hindu India, hundreds of thousands of Biharis sought refuge among fellow Moslems—the Bengalis in East Pakistan.

But as Urdu speakers and with a sense of ethnic superiority over the Bengalis, the Biharis never integrated. Instead they remained one step above the Bengalis. If Bengalis pedaled trishaws, Biharis drove taxis. If Bengalis owned stalls, Biharis owned hardware stores.

When the West Pakistan Government postponed convening the National Assembly in early March to thwart the overwhelming election victory of Sheik Mujibur Rahman's party, the Awami League, Biharis were natural targets of Bengali mobs, though the foreign press was not around to report much of that early wave of killing and destruction.

When the West Pakistan military cracked down on March 25 with its own well-publicized campaign of brutality against the secessionist Bengalis, it was natural for the Biharis to join them. On the morning of Dec. 16, many Biharis were solidly in the ranks of the oppressors, collaborating with the West Pakistan military forces. By afternoon that same day, even before the Pakistani army in Dacca formally surrendered to India, the Biharis had become the oppressed.

Now they grope in fear, surrounded by revengeful Bengalis in the sealed-off towns of Mirpur and Mohammadpur near Dacca, where their plight has been publicized, and in dozens of other towns, where their fate is largely unknown.

Both politicians and the press in Pakistan have filled the air with stories of Bengali brutality against Biharis: They are supposedly being tortured and killed by the thousands, they are being starved to death, their property has been seized and their homes looted, and when the Indian Army vacates Bangladesh on March 25 they will all be killed.

There is a good deal of thinly disguised delight in Pakistan in the opportunity to accuse someone else of brutality. The Government last week unleashed a propaganda barrage with an official spokesman terming the Bihari plight "genocide of the first order." Protest notes were sent around the world, and Premier Zulfikar Ali Bhutto sent a message to Sheik Mujibur urging mercy for Biharis in Bangladesh.

At the same time, however, the Government said those countries that recognized Bangladesh as an independent nation before full order had been restored shared responsibility for the fate of Biharis there. It went on to suggest these countries take the Biharis into their own lands as immigrants.

Public rage, meanwhile, has been allowed to boil up along with suggestions that the safety of more than 200,000 Bengalis trapped in Pakistan is being insured only by the good will of President Bhutto's Government.

His Government would obviously like to arrange a swap, but not necessarily for the Biharis. Its first priority is getting about 93,000 West Pakistani troops and civil servants out of Indian prisoner-of-war camps and back with their families. But for barter, it has only about 600 Indian troops as prisoners—and 200,000 or more Bengalis whose precarious position has been brought to attention by the Bihari issue.

But what of the Biharis themselves? Most would surely choose to leave Bangladesh. But where would they go?

Several thousand of them escaped to West Pakistan from the East during the violence in early March. They were consigned to a refugee camp outside Karachi where, hungry and dirty and jobless, most still dwell—existing on local charity as unwelcome strangers in their own country.

[From the Washington Post, Feb. 11, 1972]

TWO INDIAN OFFICERS DEFY ORDERS TO DELIVER FOOD TO BIHARIS

(By Lee Lescaze)

DACCA.—As soon as the people realized there was food in the jeep they pressed around it, reaching their hands through the windows and slits in the canvas roofing, pleading for a bag of grain.

"Please, sir," they begged and the weight of their pressing bodies rocked the jeep. Plastic bags of rice and wheat were snatched by the hands and the lucky recipients disappeared in the crowd. Some bags broke as men grabbed them and the rice spilled on the jeep floor, on the ground and in men's hair.

Whether the Bangladesh government is keeping its promise to send food into the non-Bengali community of Mirpur or not is impossible to determine. But if it is sending some food, it is not sending enough.

The jeep was a private and illegal relief effort by two Indian army majors. They bought the grain and entered Mirpur yesterday afternoon despite Bangladesh government orders that all foreigners are to be kept out of the colony.

The majors, anxious not to be reported to their army superiors, became alarmed as (Biharis) ran toward their jeep, threatening to start a riot for the food or at least form a crowd so large and noisy that it would draw the attention of nearby Bangladesh government soldiers.

But the majors, who are Moslems like the majority of Bangladesh's people and all its Biharis, also knew the people of Mirpur are desperately hungry.

"Please save me," one Bihari, who knew the majors, said "I must leave this place. I am ready to go now." He broke down and wept as he begged the majors to help him.

One of the Indian officers had gone to a Chinese friend of the Bihari's. He had asked whether the Chinese would shelter the Bihari in his home outside Mirpur.

But the Chinese was afraid. "He told me that he cannot help you. He says that because China did not help Bangladesh, he is afraid of the Bengalis and cannot risk hiding a Bihari," the major said.

The weeping man was lost in the gathering crowd. The majors finally managed to drive the jeep out of the crowd and started to leave. At a Bangladesh army checkpost which had been unmanned when they entered, the majors were stopped and questioned.

They lied that the food belonged to two reporters riding with them and it was the reporters who wanted to give it to the Biharis. The Bangladesh sentry told them government food supplies would begin Thursday. "But the people are hungry today," one major remarked.

The sentry ordered the jeep to leave.

Government officials have been saying since Sunday that food supplies are going to be given to Mirpur. But each day, little or no food has been provided.

Some high-ranking men in the government appear to realize now that the Biharis are not armed to the teeth and have no intention of starting a pitched battle with government forces. But that realization has not brought the needed aid for the Biharis.

Prime Minister Sheikh Mujibur Rahman insists that no Bihari is suffering hardship in this country. But almost all the roughly 1.5 million Biharis have collected in camps or communities like mirpur, where they have been living cut off from normal life since Bangladesh was liberated Dec. 16.

Until Tuesday, the government had imposed censorship on cabled news dispatches dealing with the plight of the Biharis and international telephone calls were monitored.

High government officials said the censorship was intended to prevent Bengalis from learning that Biharis were killing Bengalis at Mirpur. However, stories about Bengalis who were killed or have disappeared have filled local newspapers. Stories dealing with the hunger and misery of the Bihari community have been suppressed.

"Why are you so interested in Mirpur?" a high government official asked a group of newsmen last week. He suggested that reporters should also write about the large Bengali minority remaining in Pakistan and unable to come to Bangladesh.

Rather than preventing news of the Biharis from circulating in Dacca, the censorship caused rumors to circulate. Some residents of the capital believe thousands of Bengalis have been killed and others say that unbelievably large numbers of Pakistani army soldiers—up to 10,000—are in Mirpur, armed to the teeth.

The Biharis, Moslems who emigrated to this country between 1947, when Pakistan was created, and the present, from various parts of India, have maintained their separateness in this Benglai land. Many have not learned the Bengali language and there has been almost no intermarriage with Bengalis.

When the Pakistani army began its slaughter of Bengalis last March, the Biharis were not attacked. Instead, many of them collaborated actively with the Pakistani troops and many willingly looted Bengali homes and participated in murders of Bengalis.

Every day, the newspapers and radio here report new details of atrocities committed against Bengalis before liberation. Sheikh Mujib dwelled on the atrocities in his speech at Calcutta last Sunday and often has said that no nation paid as high a price in blood for its freedom as Bangladesh.

The constant recital of Bengalis' sufferings does nothing to lessen Bengali resentment of the Biharis and almost every observer—Bengali, Bihari or foreigner—believes the Biharis will never be able to live peacefully here. Most Biharis want to live in Pakistan, but Pakistan will have to have its arm twisted before it takes them. When negotiations between India and Pakistan to adjust boundaries and repatriate prisoners of war finally begin, India will be in position to twist arms. However, India has not said that the Bihari problem will be on its agenda.

Unless some foreign powers take an interest in the Biharis, however, they are likely to remain in camps, afraid and hungry for a long time. For they believe they will be killed one by one if they attempt to take up their old jobs and enough have died in the past six weeks to justify their fears.

BHUTTO ANNOUNCES NEW LABOR POLICY

Pakistan President Zulfiqar Ali Bhutto announced a new national labor policy last night, intended to improve the lot of workers.

In a nationally broadcast speech, Bhutto also warned that tough action would be taken against persons stirring up industrial unrest. Pakistan has been beset by a week of troubles including a police strike in Hyderabad and a dockworkers strike in Karachi. A clash between workers at a Karachi strike is called for today to protest alleged mass killings of non-Bengalis in Bangladesh.

Outlining the details of his new labor policy, Bhutto said it would include giving workers effective participation in management; increase their share in profits; introduce a system of shop stewards; streamline the procedure for airing grievances and help workers find housing.

Meanwhile, the vice president of Pakistan, Nuri Amin, was accused in Bangladesh along with 14 other persons of collaborating against the Bengali people and has been directed to appear before a magistrate before Feb. 22.

Amin, who quit then-East Pakistan before the outbreak of the Indo-Pakistani war, would forfeit all his property in Bangladesh by not appearing, an official directive stated.

In New Delhi, the heads of the Japanese and Cuban diplomatic delegations there informed the chief of the Bangladesh mission that their countries had decided to recognize the new nation.

And in Dacca, a DC–3, the only aircraft of Bangladesh Biman, the country's commercial airline, crashed at the airport, killing all five members of the crew.

[From the Washington Post, Jan. 11, 1972]

BIHARIS FEAR BENGALI REPRISAL AFTER INDIAN TROOPS GO HOME

(By Lewis M. Simons)

MOHAMMADPUR, BANGLADESH.—"What will happen to us when the Indian army leaves?—We will die. We cannot become Bengalis."

The frightened Bihari businessman who made this fatalistic assessment of his people's chances for survival in Bangladesh succinctly expressed the fears of more than 1 million people who have become prisoners in their own homeland. As supporters of a United Pakistan during the nine bitter months of the Bengali fight for independence, the Biharis have been branded collaborators. They believe they are all marked for death.

For three weeks, since the surrender of Pakistani forces to the Indian army in Dacca, the Biharis have been blockaded by terror—real and imagined—in effectively sealed-off ghettos.

Companies of Indian troops patrol the ghettos, holding back vengeful Bengalis seeking reprisals for Bihari crimes—real and imagined.

Bt the Indians will not stay in Bangladesh indefinitely. And this realization strikes chillingly and deep among the occupants of Mohammadpur, Mirpur and the Adamjee jute mill, the three Bihari enclaves.

LACK OF MONEY

For the moment, their deprivations are principally economic. A foreign visitor to the three colonies is immediately besieged by inhabitants complaining bitterly about their lack of money.

"We cannot go to our offices to get our back pay," said a middle-aged man who had been a chief clerk in an East Pakistani government bureau. "We cannot go to our banks to withdraw our money," protested another, the owner of a clothing shop in Dacca.

If East Pakistan had a semblance of a middle class, the Biharis undoubtedly formed its backbone. They were the shopkeepers, the managers, the engineers, the school teachers.

As they see it, they worked hard for their positions and for the better clothing, the neat suburban houses and occasional automobiles they were able to buy.

"We are not a lazy people," said a 23-year-old student, Rezaur Rahman Faiyaz. "We are not beggars. And they hate us for that."

But as many Bengalis see it, including a number of the educated class, they came by their riches through opportunistic switching of allegiances. "During the Raj they played up to the British said a young Bengali college professor. "Then it was the Indians and after partition the Pakistanis. Now it is Bangladesh. But it is too late."

The Biharis, too, sense that it is too late. When their plight was first discovered by Western newsmen in the days immediately after the Pakistani surrender, they emphatically declared their allegiance to Bangladesh and ran up flags of the new nation over their homes. But the pretense has ended.

"None of us wants to stay," said Dr. Mohamed Khalid, a physician who has lived in Mohammadpur since the partition of India in 1947. Khalid said at least 75 per cent of the nearly 1.5 million Biharis in Bangladesh would go to West Pakistan if the government here would release them. The rest would return to Bihar, the Indian state of their origin.

But their chances of getting out of Bangladesh, in the first place, and being admitted to either Pakistan or India, in the second, are slim. Bangladesh leaders have proclaimed that the new state would be a secular one, unlike Pakistan which was based on the Islamic religion. Although the Biharis are Moslems, they differ from the Bengalis in that they speak a different language, Urdu instead of Bengali, and have different cultural strains in their religion. "Our Islam is pure," said M. A. Latif, a resident of Mirpur. "The Islam of the Bengalis has been influenced by the Hindus."

Latif, 24, is employed by the U.S. Aid Mission in Dacca. He has appealed to the mission to help get him and the rest of the Biharis into Pakistan. "But my boss told me it involves the governments of the United States, India, Pakistan and Bangladesh," he said, "And the chances are not good."

The Biharis present the Bangladesh government with an embarrassing dilemma. If they remain in the country after the Indian army pulls out, the chances of reprisals against them are high. The publicity from further atrocities in this blood-soaked land could do only harm.

On the other hand, if they were to be expelled, assuming either India or Pakistan would accept them, this would make the claim of a free and open society a joke.

The Biharis and the Indian commanders assigned to protect them are banking on Sheikh Mujibur Rahman to resolve the problem. Mujibur is believed to be the only person who could order the Bengalis to back down, and have any chance of being obeyed. "I believe the sheikh will put it all right," said Maj. Ajit Singh Mahal, the Indian Guards officer in charge of security at Mohammadpur.

Mahal, a tough, spit and polish Sikh, complained that he is constantly harassed by Mohammadpur residents worried about their financial affairs. At one point during a prolonged appeal in his field office by a prosperous looking businessman dressed in gray pinstripes, Mahal rose to his feet and without a word strode into the lavatory, locking the door behind him.

"It's the only way to get rid of them sometimes," he said with a sheepish grin upon emerging a few minutes later. "They are great whiners."

But the major is not entirely without sympathy for the Biharis. He conceded that occasional killing and looting still went on inside Mohammadpur, despite vigilence of his troops. "They are certainly in an undesirable position," he said. "Most of them are used to a high standard of living and conditions here are difficult."

Yet, compared with the wretched conditions of the 10 million Bengali refugees who fled to India under the guns of the West Pakistani army and the 20 million refugees within Bangladesh who have been escaping from one village to another in fear and desperation, the plight of the Biharis loses much of its significance.

The regular residents of Mohammadpur and Mirpur still live in their own homes. Many say they have taken in friends and relatives who have poured into the two principal Bihari colonies from outlying districts. The majority of outsiders, however, are housed in refugee camps set up in school buildings, town halls and other public buildings. The government has provided basic food supplies and a small amount of packet money, and the Indian army and the International Red Cross are providing medical attention to the 12,000 refugees at Mohammadpur and the 15,000 at Mirpur.

Similar programs are being carried out at the Adamjee jute mill, a huge walled-in factory town now housing some 30,000 Biharis and other non-Bengalis.

About half of the occupants are mill employees and their families. The rest moved in when Bengali workers fled from the Pakistani army. Once the mill reopens, the government will be faced with the difficult task of reinstating the legitimate workers and getting them to work in peace with the non-Bengalis who belong there. Maj. R. Kanwar, the Indian officer in charge of the mill's security, said the government has supplied "subsistence level" food and the army is helping "the desperate cases."

Despite frequent and loud complaints that they are starving to death, a thorough tour of all the camps disclosed no visible signs of starvation. The chief physical ailment at the camps, according to an Indian army doctor at Mohammadpur, is malnutrition, resulting from lack of protein. "But you must bear in mind that many of these people suffer from malnutrition all the time," the doctor said. "They have no idea what a proper diet is".

Cholera, which flared briefly at several of the installations, has apparently been halted and Red Cross-supplied innoculations are being administered daily. Questioning revealed that fewer than a dozen persons have died of cholera.

So far, the most widespread ailment is not physical at all, but mental. "Most of these people are suffering from deep depression," said the army doctor at Mohammadpur. They need some assurances that all is not lost.

Maj. Mahal, the Mohammadpur commandant, said the responsibility for this lay with the Bangladesh government. "I have appealed to them repeatedly to let high officials here assure them. But they do not come."

INDIA SAYS SHE IS WEIGHING TRIALS OF PAKISTANI TROOPS

(By Sydney H. Schanberg)

NEW DELHI.—The Indian Government said tonight that it would consider the holding of war-crimes trials of Pakistani military personnel charged with "heinous crimes" in East Pakistan.

The Indians—to whom the Pakistani forces in East Pakistan surrendered Dec. 16 after the two-week war there—had indicated earlier that they would go along with war-crimes trials of civilians who had collaborated with the Pakistani Army forces in the East. But this is the first time she has talked about such trials for members of the Pakistani forces themselves.

Foreign Secretary T. N. Kaul was quoted as having said this evening, at a briefing that was not open to foreign newsmen, that New Delhi would consider any request by the Bengali secessionist government to try military personnel "for any heinous crimes" committed outside the performance of their duty.

Mr. Kaul's remarks were reported by The Press Trust of India, a Government-controlled news agency, whose representative was present.

Under the usual rules for Mr. Kaul's briefings, his remarks cannot be attributed to him, but must instead be identified as having come from "official sources" or "official circles." The Press Trust of India said that the usual rules applied at tonight's briefing, and its report cited "official sources." Independent Indian sources disclosed however, that it was Mr. Kaul who had given the briefing.

GENEVA CONVENTION CITED

According to the news agency's report, Mr. Kaul said that while India took responsibility under the Geneva Convention for the protection and repatriation of the approximately 100,000 surrendered Pakistani regulars and paramilitary personnel, in his view the convention did not provide soldiers with immunity from prosecution for atrocities and other such crimes, unless they were committed under orders, in the performance of duty.

The Foreign Secretary said, according to the agency's report, that it was up to the Bangladesh government to do the investigating and to turn over any evidence of such crimes to the Indian Army.

The news agency report did not make clear who might try the accused Pakistani soldiers, but the implication was that it would be the Bengali administration.

Mr. Kaul said it was expected that the Bangladesh government would bring its charges against the Pakstani troops expeditiously, so that repatriation would not be held up.

Mr. Kaul's briefing today was arranged by invitation—several Indian newsmen were called by telephone and asked to attend. No representatives of foreign news organizations were informed.

The Foreign Secretary's remarks seemed to run counter to the spirit of the promises given by India's army commander, Gen. S. H. F. J. Manekshaw, in his call Dec. 15 to the Pakistani troops to surrender.

In that message, addressed to Lieut. Gen. A. A. K. Niazi, the Pakistani commander in East Pakistan, General Manekshaw repeated a pledge "that I would guarantee safety of all your military and paramilitary forces who surrender to me in Bangladesh and complete protection to foreign nationals, ethnic minorities and personnel of West Pakistan origin, no matter who they may be."

"DIGNITY AND RESPECT" PLEDGED

"I give you my solemn assurance," he said, "that personnel who surrender shall be treated with dignity and respect that soldiers are entitled to and I will abide by the provisions of the Geneva conventions."

There was no hint in General Manekshaw's surrender call that the Indian Army might hand over either civilian collaborators or Pakistani military personnel to the secessionist regime for war-crimes prosecution.

However, evidence of wide-scale atrocities and massacres by Pakistani troops and collaborators against the Bengali population has been confirmed by foreign diplomats and other independent observers in East Pakistan. Diplomats generally agree that hundreds of thousands of Bengalis were killed during the nine months of military repression, which began last March in an attempt to end the Bengali autonomy movement.

The Bengali desire for revenge is running extremely high, and the Indian authorities may view the holding of some war-crimes trials as a way of satisfying the public passion for retribution.

SENATE RESOLUTION 283—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF THE ANNUAL REPORT OF THE JOINT ECONOMIC COMMITTEE

(Referred to the Committee on Rules and Administration.)

Mr. PROXMIRE submitted the following resolution:

S. RES. 283

Resolved, That there be printed for the use of the Joint Economic Committee three thousand additional copies of its report on the January 1972 Economic Report of the President.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 275

At the request of Mr. STEVENS, the Senator from Oklahoma (Mr. BELLMON) and the Senator from Washington (Mr. MAGNUSON) were added as cosponsors of Senate Resolution 275, authorizing Senators to hire interns.

SENATE RESOLUTION 281

At the request of Mr. PELL, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of Senate Resolution 281, expressing the sense of the Senate that the U.S. Government should seek the agreement of other governments to a proposed treaty prohibiting the use of any environmental or geophysical modification activity as a weapon of war, or the carrying out of any research or experimentation with respect thereto.

CONTINUATION OF AUTHORITY FOR REGULATION OF EXPORTS—AMENDMENT

AMENDMENT NO. 1076

(Ordered to be printed and to lie on the table.)

Mr. TAFT submitted an amendment intended to be proposed to the joint resolution (S.J. Res. 218) to extend the authority conferred by the Export Administration Act of 1969.

ADDITIONAL COSPONSOR OF AMENDMENTS

AMENDMENT NO. 955

At the request of Mr. STEVENSON, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of amendment No. 955 intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

AMENDMENT NO. 1048

At the request of Mr. STEVENS, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of amendment No. 1048 intended to be proposed to the bill (S. 3161) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes.

ADDITIONAL STATEMENTS

FOREIGN "DUMPING"

Mr. TAFT. Mr. President, I recently had the opportunity of examining material prepared by the American Chain Association, regarding the adverse effects that foreign "dumping" is having on their industry.

The "dumping" that has taken place in this country comes primarily from Japan. The Japanese Government encourages export shipments to the United States by permitting formation of export cartels through the Ministry of International Trade and Industry. Further, various tax shelters are given to Japanese firms involved in export business and special reduced ocean freight rates are provided for shipments to the United States.

The American chain industry has not been placed in an unfavorable position by unproductive work rules or lack of modern equipment and technology. In fact, just the opposite is true in the industry. During the last 5 years, the seven U.S. roller chain manufacturers have spent over $19 million on plant and machinery alone. This figure represents 4 percent of the total sales for this 5-year period and amounts to approximately all of the after-tax profits of these firms. The industry has, in addition, spent millions of dollars on tooling, manufacturing engineering, systems engineering, operator training, working condition improvements, and safety. Yet already the American chain industry has lost approximately 30 percent of the U.S. market and projections are for even greater losses in the future. Additionally, 1,500 industry jobs have been lost directly as a result of "dumping" from foreign competition. Thousands of jobs may be lost if corrective action is not taken by the Congress.

I am not advocating protectionist trade policies, or legislative action such as the Hartke-Burke bill; but I do believe that reasonable and equitable policies must be developed to insure fairness in international trade. Antidumping procedures are complex, time-consuming, and costly. The Treasury Department requires at least 12 months to process a complaint and the Tariff Commission needs a minimum of 3 months. Our "dumping" laws quite often fail to discourage the offshore manufacturer from taking his chances, as violation does not result in penalties being levied.

I believe that Congress should review our antidumping laws and our trade policies specifically with the Japanese. Free trade certainly should prevail, but this trade must be fair and equitable to both parties.

PROPOSED STANDARDS AND PROCEDURES FOR WATER RESOURCE PROJECTS

Mr. STENNIS. Mr. President, on Wednesday, March 15, the senior Senator from West Virginia (Mr. RANDOLPH), chairman of the Committee on Public Works, discussed the Water Resource Council's proposed standards and procedures. Following his remarks, the senior Senator from Louisiana (Mr. ELLENDER), chairman of the Committee on Appropriations, also discussed the proposed standards and procedures.

I believe these discussions are very timely. They have performed a real service to the Senate in focusing attention on the problem of the future development of our water resources.

The standards and procedures as proposed will have a very serious impact on future planning by the Corps of Engineers, the Bureau of Reclamation, and the Soil Conservation Service. Not only that, but on projects of these agencies which have been authorized for 5 or more years and on which construction or other similar activity has not commenced. A preliminary review indicates that better than 50 percent of the projects in this category would not show economic justification under the proposed opportunity cost of money theory for determining the discount rate for economic evaluation.

Congress has delegated to the Water Resources Council the responsibility of establishing standards and procedures for evaluation of water resource projects. Such standards and procedures would be implemented upon approval by the President.

The Council established a task force to develop and test the new procedures. After several years' study the task force report was released. That report appears to be a step in the right direction and deserves to be implemented.

The Office of Management and Budget, although not a member of the Council, has insisted on a number of changes which are inconsistent with existing statutes.

I am certain that Congress, in delegating authority to the Council, intended that the Council would develop the standards with the framework of existing law. The original task force recommendations, as far as I can determine, do comply with the existing statutes.

I expect to submit a statement to the Water Resources Council urging adoption of the task force report as originally prepared. I urge other Senators to communicate their views on this important matter to the Council.

THE CONSUMER PRODUCT SAFETY BILL

Mr. COTTON. Mr. President, pending in the Committee on Commerce is S. 983, the bill to establish a Consumer Safety Agency. One important issue in the bill, which is a subject of considerable controversy, is its proposed administration by a new independent agency and whether it should include the present Food and Drug Administration which is now in the Department of Health, Education, and Welfare. The bill would create a separate Consumer Safety Agency. The administration, and more particularly the Secretary of Health, Education, and Welfare, is opposed to this feature of the bill.

As of now, I am not at liberty to disclose the action of the committee or to indicate the position of any member except myself. I am opposed to creating another independent agency and believe that consumer safety legislation should remain as a part of the health programs of HEW.

Health, Education, and Welfare Secretary Elliot L. Richardson recently released a statement setting forth his reasons for opposing the independent agency. His observations are brief, clear, and, to my way of thinking, logical. I believe it would profit the Senate to read his statement. Therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SECRETARY ELLIOT L. RICHARDSON, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The Consumer Product Safety Bill, S. 983, which would establish a separate consumer safety agency, would actually sell the American consumer a phony bill of goods by moving away from, rather than toward, greater product safety for the consumer.

This bill for a separate agency is regressive. It would deal the cause of consumer safety a crushing setback.

It would abandon the field to exploiters of the consumer by destroying existing mechanisms for regulation. It would create a serious vacuum—one lasting as long as three years—into which the exploiters could move while the new agency is being set into motion. It would have an adverse impact on the public health and the public purse.

This Administration has submitted its own strong product safety legislation to the Congress along with a letter from the President committing HEW to establishing within the Department a new consumer safety administration which would have an upgraded Food and Drug Administration as its core.

Yet, to my complete disbelief, the Senate Commerce Committee seems to have chosen to counter this strong proposal by adding to it a disruptive reorganization which threatens to harm the health concerns of consumers.

Instead of helping consumers, the regressive bill now before the Senate Commerce Committee moves counter to this with its load of fatal flaws:

It would slow down the increasing momentum the FDA and HEW have been building in consumer safety.

It would destroy vital relationships between the FDA's food, drug, cosmetic, and product safety regulatory processes and the other health responsibilities of HEW.

It would require duplication of health accident and injury data collection which is now centralized in HEW.

It would inevitably follow the path of other so-called independent regulatory agencies which have not fared as well in budget terms as those within Departments of the Executive Branch.

It runs counter to the recommendations of numerous bipartisan national commission studying Federal executive organization in recent years, all of which have recommended consolidation, not further fragmentation, of Federal agencies and departments.

Public health is a prime responsibility of HEW and this will not change. FDA, as part of the Public Health Service, now draws on the total health resources of HEW. A separate agency would find such wide ranging support impossible to acquire.

HEW is seeking a 70 percent increase in the FDA budget for the coming fiscal year—the largest increase for this agency in its history. For the first time, the FDA will have the people and the money it needs to do its job.

FALSE ECONOMY

Mr. CHURCH. Mr. President, I am disturbed by the evidence of false economy that I have recently come across in connection with next year's Federal budget beginning on July 1. I have been informed that personnel funds for the U.S. Forest Service will require that the Forest Service decrease the number of people now employed, and will prevent the hiring of temporary help during the summer season when much of the work is done on our National Forests. It has been estimated that the budget for the Forest Service in fiscal year 1973 will require the reduction in the work force of close to a thousand employees.

I find this economy both strange and disturbing. At a time when the public is calling for better management of our forest resources, when the public considers the environment to be a most important problem with which we have to deal, this administration chooses to cut back on the number of foresters available to estimate timber sales and the number of temporary forest employees available to perform thinning, reforestation, and other forest improvement tasks.

I, for one, believe that we can do a better job in managing Federal timber lands. Yet, constructive and environmentally sound forestry, practiced by professional foresters, can only be obtained when there are enough U.S. Forest Service personnel to do the job.

I call on Secretary of Agriculture Butz to revise his budget estimates for fiscal year 1973 and request enough money to give the United States a quality timber management program. Failure to replant unused forest land, inadequately prepared timber sales, and tardy timber sales can often be traced to the lack of personnel. Let is not continue this shortsighted practice.

I ask unanimous consent that an article written by A. Robert Smith, referring to the Forest Service's personnel problem, and published in the Lewiston Morning Tribune on February 7, 1972, be printed in the RECORD.

I also ask unanimous consent that a letter on this subject from Mr. Carl Moore, president of the Clearwater Economic Development Association, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE SMITH REPORT: FEWER TIMBER SALES

(By Robert A. Smith)

WASHINGTON.—The Forest Service estimates that it will be compelled to reduce production of timber from the national forests by about 10 per cent during the coming fiscal year because of an order issued by President Nixon.

The order, issued last August, requires all federal agencies to reduce their manpower by at least 5 per cent by July 1, 1972.

As a consequence, the Forest Service will be forced to operate with some 3,000 fewer employes during the fiscal year that begins next July 1, according to Paul Neff, head of the agency's timber management division.

The impact of the Nixon order could be even more severe on timber production in future years, Neff indicated, but he declined to estimate how great the reduction might be.

Neff met with regional foresters from all regions and Alaska at Portland recently to "study the problem of doing a quality job with reduced numbers of people," he reported.

"We are going to have a very difficult job of meeting our commitments with reduced personnel," he added.

Neff noted that the Forest Service office at San Francisco had invited its lumber company customers to meet with Forest Service officials to see what could be done in a cooperative manner to keep production from lagging, but with a forecast similar to his that manpower cutbacks will inevitably impair future timber sales.

LOWER CEILING

The Forest Service, due to Nixon's order, has been given a manpower ceiling of 20,575 full timber permanent employes to which it must adjust by July 1, a reduction of 869 from its June 30, 1971, complement of 21,444.

In addition, 2,100 temporary and part-time employes must be dropped or not hired this coming year. Neff said this would include timber cruisers, scalers, surveys crews, summer fire crews and men hired for slash disposal, thinning, reforestation and other timber stand improvement work.

To achieve these reductions, the Forest Service simply won't replace men who retire or quit or transfer to other agencies, Neff said, in hopes that attrition will fulfill the objective of the president's order and not require layoffs on July 1.

"This will affect Forest Service programs across the board," he said. "The big impact is in the regions where most of the employes are and where most of the work is done. We are losing people of great experience."

TIME LAG

The reason the impact of the cutbacks may be more severe than a 10 per cent production cut in future years is that there is a time lag of from three to five years between the decision to offer a certain stand of timber and the actual sale.

'We take aerial photographs, survey the area, design the * * * "Troads, the timber has to be marked and cruised, then the sale must be reviewed from an environmental standpoint, and for its effect on wildlife, etc.," Neff explained. "On a big sale this could take five years."

The cutback in manpower will simply slow down the process by which new timber sales can be prepared, unless manpower is shifted from other Forest Service programs into timber management.

"We could short other programs and put people into timber but this gives us a black eye," said Neff, indicating he doubted this was likely.

"We want to be able to put our timber on the market but we can't do it and protect the environment without sufficient personnel," he added.

The proposed budget for the Forest Service starting July 1, as outlined by Nixon for Congress last month, showed a modest increase of $5 million for forest land management—but apparently this will be more than eaten up by pay raises for those employes who survive the manpower reduction order.

CLEARWATER ECONOMIC DEVELOPMENT
ASSOCIATION, INC.,
Moscow, Idaho, March 3, 1972.
Senator FRANK CHURCH,
Senator Office Building,
Washington, D.C.

DEAR SENATOR CHURCH: I have been instructed by the Board of Directors of Clearwater Economic Development Association to write you regarding the relationship between economic development in our District, the increased environmental protection needs requirements, and reductions in personnel for harvesting timber on Forest Service lands.

We are in agreement with those supporting greater efforts to protect our environment. It is one of our most treasured assets and we must continue to keep it and improve it in northern Idaho.

We also believe it is important to harvest the extensive and valuable forest resources when their time comes due in the forests managed by the U.S. Forest Service. The Timber Resources Review report of a few years ago stating approximately 40% of the timber grown in Idaho each year is lost to insect and disease is of major concern to us since we know a large part of this loss occurs on the U.S. Forest Service land within the Clearwater Economic Development District. The vast areas of mature, overmature, and damage prone forest stands needs a harvesting treatment to avoid major loss of this vital resource both now and in the future.

In the face of these conditions the recently announced cuts in staffing of the local National Forests which are already being reflected in disastrous reductions in timber available for our forest industries is highly distressing. It is apparent that the mandates of Congress to implement environmental quality legislation and at the same time maintain a program of sound forest management are diametrically in opposition if staffing is not maintained for their accomplishment. This conflict is resulting in tremendous loss to both the United States in dollars and our region in economic and environmental health. From the viewpoint of an organization whose purpose, supported by Federal policy and financing, is to support the development of this rural area it appears a requisite that adequate staffing of the local National Forests is a necessity.

Sound investment of public money, protection of public resources and welfare, and maintaining necessary industry, tax base, and communities all seem to dictate that proper staffing of our National Forests be given first priority consideration.

It is our sincere hope that you might be able to successfully work to accomplish the changes which are so seriously needed to protect the people of our District and its very valuable resources and the great financial loss occurring to the United States.

Very truly yours,
CARL C. MOORE,
President.

HON. KENNETH RUSH, FORMER AMBASSADOR TO GERMANY

Mr. ALLOTT. Mr. President, the Washington Post of Sunday, March 19, contains a fine article reviewing the distinguished service of Kenneth Rush while Ambassador to Germany.

According to the Post headline, Mr. Rush, who is now Deputy Secretary of Defense, "registered surprising success" while Ambassador. I would only comment that his success was not surprising to those of us who know him.

Mr. Rush has now stepped into the spot recently vacated by another good friend of mine, David Packard. One can only marvel at the Nation's good fortune in being served so well by such dedicated men.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EX-U.S. AMBASSADOR TO BONN REGISTERED SURPRISING SUCCESS

(By John M. Goshko)

BONN, March 18.—The ambassador's suite in the U.S. embassy sprawling alongside the Rhine has been empty for three weeks, and the Bonn cocktail circuit is now trying to guess the name of the next occupant.

Amid all the speculation, there is one point on which everyone seems agreed: Whoever does come is going to be measured for a long time against the man who sat in the ambassador's office for the preceding two and a half years.

He is Kenneth Rush, a former president of New York's Union Carbide Corp., who left corporate life in 1969 to begin a new career in government service. Now, Washington is about to get its first good look at him as he takes on the job of deputy secretary of defense.

Rush came to Bonn under circumstances that had this capital prepared to be unimpressed by "der Amerikansche manager." But, by the time of his departure, he had earned a prominent niche in the galaxy of high-powered diplomatic talent that Washington has had here during the post-war period.

The landmark of his tenure was the four-power Berlin agreement, cited by Secretary of State William P. Rogers as one of the Nixon administration's major achievements. Rush was the principal ball-carrier for the Western allies during the 17 months of arduous negotiation leading to the agreement.

French Ambassador Jean Sauyagnargues, one of the other Berlin negotiators, summed up Rush's performance by remarking: "He's a big-league talent." And another diplomat added: "The Berlin agreement is Rush's monument. More than anyone else, he's the man who did it."

Outwardly, the white-haired, 61-year-old Rush does not seem the sort of man to inspire such accolades. Soft-spoken and courteous almost to the point of diffidence, he frequently gives people expecting to encounter a hard-charging businessman an impression of country-boy innocence.

NAIVE BUT INFLUENTIAL

The Germans, who seemed to like him immensely, were never really able to figure him out. More than one Bonn official has come away from an encounter with Rush asking, "Can a man who seems too naive really be so influential?"

The answer, as the Berlin agreement demonstrates, apparently is yes. Indeed, Chancellor Willy Brandt's government was so delighted with the result that West German diplomats lately have taken to asking American correspondents wistfully whether Rush might some day become secretary of state.

It was not always that way. At the same time, Rush was named to the Bonn embassy, the West Germans, accustomed to such heavy-hitting predecessors as Lucius Clay, John D. McCloy, David Bruce and George McGhee, tended to dismiss him as simply not in the same league.

None of the omens looked very good. Rush's immediate predecessor, Henry Cabot Lodge, had spent only a year in Bonn and had acquired a reputation for using the embassy as a place to hang his hat between visits to Europe's leading golf courses. Then, President Nixon compounded the trouble by leaving the ambassadorship open for six months before coming up with the unknown Rush.

To top things off, Rush, in his Senate confirmation hearing, airily dismissed his lack of German with the remark that most of the people he would be dealing with spoke English. Summing up the prevailing German view, the influential weekly, Die Zeit, sniffed: "The only qualification he lacks as a diplomat is diplomatic experience."

The one person not bothered by his apparent lack of credentials was Rush himself. As he would later remark: "I managed to become president of Union Carbide, and I hadn't studied any chemistry either."

"Besides," he added, "I've been a lawyer all my adult life, and a lawyer is always involved in negotiation, always being thrust into entirely new situations where you have to acquire an instant expertise."

TAUGHT NIXON

He also had another qualification that would prove very important. Back in the 1930's, when he had served briefly as an assistant law professor at Duke University, one of his students had been a young fellow named Richard M. Nixon.

The relationship had endured. Rush, it soon became apparent, had the "special access" coveted by every ambassador. This, coupled with his obvious inner drive and his negotiating skill, quickly made Bonn forget his inability to speak German.

The way in which he put it all together became evident during the Berlin talks. Those familiar with the secret bargaining say that Rush quickly emerged as unofficial captain of the Western team by demonstrating that he could spar across a conference table with a skill fully equal to that of the Soviet Union's old pro, Ambassador Pytor A. Abrasimov.

And, when the talks seemed in danger of foundering, Rush went directly to Mr. Nixon and convinced him to have a talk with Soviet Foreign Minister Andrei Gromyko. The result, it later became known, was to put the negotiations on the track to an agreement where the West won more concessions than anyone originally thought possible.

While the Berlin accord was Rush's most obvious success, many people here attach even greater importance to his work in helping to guide the German-American relationship through a potentially difficult transition.

EYEBROWS RAISED

Shortly after Rush's arrival, Brandt led his Social Democrats to power for the first time in the history of the West Germany. The new chancellor immediately embarked on a bold policy with overtures of friendship to Eastern Europe that raised eyebrows about whether Bonn was moving away from its traditional dependence on Washington.

To complicate matters, a lot of people in the Social Democratic Party had the feeling that the United States had slighted them by favoring the Christian Democrats in power the preceding 20 years. (To this day, many rank-and-file Social Democratic deputies in the Bundestag will not accept an invitation to the American embassy.

The situation was fraught with potential for friction between the two allies. And many predicted that Rush, a dyed-in-the-wool Republican representing conservative government, would never be able to establish a rapport capable of bridging the gap with the Socialist Brandt.

Yet, the two men confounded all the predictions. After satisfying himself that Brandt's allegiance to the Western alliance was constant, Rush became the individual most responsible for turning Washington's initial suspicion of Brandt's Eastern policy into solid support for the chancellor's initiatives.

The gratitude that this earned him from Brandt and the Social Democratic leadership was underscored only a few days ago. To the surpise of almost everyone, Herbert Wehner, the terrible-tempered parliamentary leader of the Social Democrats and a man regarded by many as anti-American, rose in the Bundestag to deliever an emotional tribute to Rush for "his services to Germany."

One American foreign service officer who worked under Rush puts it this way: "It could very well be that the Brandt government will someday be remembered as the one that cut the cord of America's post-war tutelage of the West Germans and moved them toward reasserting their independence in foreign policy. In a situation like that, the old proconsul types like Clay and McCloy could not have functioned without kicking up a lot of trouble and resentment.

"Rush was precisely the right guy for the time—a low-key type who doesn't throw his weight around, but able to identify the duality of German-American interests and keep them from running off the track."

"I don't want to overestimate his role," he concluded, "but if Ken Rush hadn't been here things could well have moved in a way where you would never have seen that picture in the newspapers last December of Willy Brandt and Richard Nixon glad-handing each other in Key Biscayne."

RENEGOTIATION OF AIR RIGHTS TREATY WITH IRISH GOVERNMENT

Mr. PELL. Mr. President, I ask unanimous consent to have printed in the Record a communication which I have sent to the Chairman of the Civil Aeronautics Board concerning the desire of this administration to force the Irish Government to renegotiate its treaty with us regarding air rights.

The communication is self-explanatory, but I should like to point out what should be obvious: That this is not the time for our Government to take such unilateral action against the sadly troubled Irish Republic. We are all aware of the tragedies which have taken place in Londonderry. It would seem that the British Government has not been able to resolve the many injustices which have been visited upon the oppressed Catholic minority in the North.

History should be clear in this regard, for after the Easter Uprising of 1916, when the seven signatories of the Proclamation for the Provisional Government of the Irish Republic, who were Thomas Clarke, Sean MacDarmanda, P. H. Pearse, James Connolly, Thomas MacDonagh, Eamonn Ceannt, and Joseph Plunkett, were all shot in Dublin by a British firing squad, Roger Casement, who was also sentenced to death, stated:

> If English authority be omnipotent, Irish hope exceeds the dimensions of that power, excels its authority and renews with each generation the claims of the last. The cause that begets this indomitable persistency, the faculty of preserving through centuries of misery the remembrance of lost liberty, this surely is the noblest cause that men ever strove for, ever lived for, ever died for.

Nothing could be said more succinctly and eloquently than these words. Therefore, at this time, I make a plea that these people, both in the North and South, be given an opportunity to resolve their differences and that this Government of ours should not add to their misery in the matter of economic pressures concerning air rights.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., March 17, 1972.

Hon. Secor D. Browne,
Chairman, Civil Aeronautics Board,
Washington, D.C.

Dear Mr. Chairman: I am writing to you pursuant to Rule 14 of the Rules of Practice of the Civil Aeronautics Board regarding Docket No. 23976.

It is my understanding that on August 18, 1971, the Department of State notified the Government of Ireland that, effective August 18, 1972, the right of Aerlinte (Irish Airlines) to serve New York would be terminated. I find this action by the State Department to be most unpalatable and have told them so. First of all, it seems to me to constitute the pursuit of a policy of confrontation in the conduct of our foreign affairs. Such a policy, I think, is particularly inappropriate for a large and powerful nation to follow, vis-a-vis a comparatively small and weak nation, moreover, which is suffering from particularly troubled times.

This unilateral action of the State Department cannot be effective. however, without action by the Civil Aeronautics Board in this proceeding. I respectfully urge the Examiner and the Board to take no such action.

Before the Board can amend the foreign air carrier permit held by Irish Airlines, it must find—pursuant to Section 402 of the Federal Aviation Act—that such action is "in the public interest". In my view such action would be *adverse* to the public interest for the following reasons:

First, as for centuries now Ireland and the United States have enjoyed extremely warm and amicable relations. Literally millions of Americans look to Ireland as their ancestral homeland, and many other millions have been enriched by the culture and traditions brought from Ireland by her sons and daughters who have migrated here. The termination of the right of Irish Airlines to serve New York can only be viewed by the Government and people of Ireland as a stunningly unfriendly act, which is bound to embitter our international relations. Moreover, it is a particularly ill-timed act. All of us are fully aware of the severe problems faced by Ireland at the moment, and it is thus a particularly inappropriate time for the United States to add to those problems by depriving Ireland's airline of its principal source of traffic and revenue.

Secondly, the State Department proposed to amend the permit of Irish Airlines because (according to Board Order 71–11–39) of a failure to obtain an "equitable balance" in the Agreement between Ireland and the United States. I am fully behind the proposition that our United States carriers must receive equitable treatment from foreign nations, but I think such equity must be viewed in proper perspective. It must be remembered that our carriers simply could not have begun to operate transatlantic service with land-based aircraft after the second war if they had not been permitted by Ireland to fly into Shannon. This factor must be given very great weight when "equity" is judged.

Furthermore, it must be remembered that for many years—from 1945 until 1958—our United States carriers did not have any competition from an Irish carrier between the United States and Ireland. This factor, too, must be given great weight in judging "equity".

Finally, it must be remembered that three United States carriers serve Ireland while only one Irish carrier serves the U.S. The American carriers have full rights to fly beyond Ireland, moreover, while the Irish carrier has no right to fly beyond the United

States. Taking these factors into account, I see no inequity sufficient to justify what could well be the destruction of the airline of a small and friendly nation.

I urge the Board not to amend the permit now held by Irish Airlines. Failing such a decision, I urge the Board to defer action on this matter until the problem can be solved through further diplomatic negotiation.

Warm regards.

Sincerely,

CLAIBORNE PELL.

THE GENOCIDE CONVENTION: A CASE IN SUDAN

Mr. PROXMIRE. Mr. President, a few short years ago the attention of the world was focused on the country of Nigeria and the bloody civil war for Biafran independence. The atrocities of mass tribal slaughter, hunger, and starvation invoked the horror and condemnation of the civilized world. Nations, service organizations, and private citizens alike poured thousands of dollars and volunteer hours into the relief efforts for victims of the African armageddon. As the communications media and Red Cross arrived, the Biafran civil war became an international cause celebre.

But the incidents of violence, war, and atrocity are far greater than the media coverage can adequately cover. While one incident holds public attention thousands of souls perish in other conflicts throughout the world. One striking example was the long and brutal conflict in the Sudan. For 16 years tribe fought tribe, and whole groups were annihilated in the process. The sensation of Biafra caught the news and world sympathy, but the nightmare of Sudan was no less real. The genocide was no less obnoxious and abhorrent than the genocide of Nigeria.

The time has arrrived when genocide must be outlawed by internationally accepted treaties; when all nations should register their determination to prevent and punish such crimes against humanity. We cannot continue to excitedly decry one case of wholesale slaughter while five more go unobserved and uncontrolled. Outrage is not enough! I urge Senators to ratify the Genocide Convention swiftly and place America on record in opposition to such atrocities.

ANNOUNCEMENT OF POSITION ON VOTE ON CONFERENCE REPORT ON S. 2097

Mr. RIBICOFF. Mr. President, because of illness in my family, I was unable to be present to vote for final passage of the Conference Report on S. 2097, the Drug Abuse Office and Treatment Act of 1972. If I had been present, I would have voted for the adoption of the conference report.

IMPORTANCE OF EXPEDITING BOEING 747 COMMAND POST PROGRAM

Mr. THURMOND. Mr. President, I invite the attention of the Senate to statements made in a press interview Monday, March 20, 1972, by former Deputy Secretary of Defense David Packard.

Secretary Packard made a strong plea for an accelerated program to obtain 747 aircraft command posts as an important aspect of this Nation's nuclear command and the deterrent it projects.

As a supporter of the 747 command post program in the 1972 Defense Department supplemental bill, I believe the Senate and the Congress should weigh carefully the words and warnings by this great American who served his country so well as Deputy Secretary of Defense.

Secretary Packard made it clear that the President's flexibility to respond to an enemy nuclear attack is limited without the advantages these new airborne command posts would offer.

Mr. President, so often I have heard Members of Congress chide the Defense Department for not coming in with a supplemental when conditions required this means of expediting a program.

The Defense Department has presented a 1972 supplemental calling for the 747's, an earlier start on the undersea long-range missile system, and other needed programs. If this supplemental is ignored, then it will be late this year before these programs can get moving. There is no question that the supplemental could be passed early enough to give these programs an important push forward ahead of the regular authorization and appropriation bills.

Mr. President, Secretary Packard's statements on the 747's and other defense matters were reported in the Washington Star of Monday, March 20, 1972, under the headline "Nuclear Command Weak, Packard Warns." I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NUCLEAR COMMAND WEAK, PACKARD WARNS

(By Orr Kelly)

The United States might not be able to respond at all to a surprise attack from the Soviet Union because of weaknesses in control over the nation's strategic nuclear forces, according to former Deputy Defense Secretary David Packard.

Packard, who resigned in December after three years as the No. 2 man at the Pentagon, said in an interview here that he had concluded the weakest link in the nation's strategic force was in command and control.

Shortly before he left the Pentagon, he signed an order giving the chairman of the Joint Chiefs of Staff direct personal responsibility over the missiles and bombers of the Strategic Air Command and the missile submarines of the Navy.

He also strongly supported a proposal, now pending before Congress to buy a fleet of large Boeing 747 airplanes to serve as flying command posts for the top military leaders and, possibly, for the President.

"I concluded," he said, "that we really had to move ahead on this on a crash basis."

He was asked if the danger was that the nation might not be able to respond to an attack or that the President might not have sufficient flexibility in response.

"It's the danger that we might not be able to respond at all," he said. "I think we're in good enough shape so that wouldn't happen. But I thought this was such an important aspect of the whole nuclear deterrent that we would be irresponsible if we didn't do everything we could."

Inter-service rivalry "is one reason sometimes the joint chiefs have difficulty making a good decision," he said. "If one of the chiefs feels very strongly about an issue there's no mechanism to override it or the other chiefs simply won't override it."

In one case, he said, the elimination of the Southern Command in Panama was proposed and the chiefs were agreeable—except for the Army.

"There was no reason we shouldn't stand down the SouthCom," he said. "That's an Army Command and the Army held tight on this. And this one went right up to the President. The Army felt it had been cut back too much."

In this case, Packard reported ruefully, the Army won and the command is still in operation.

In another instance, he said "cooperation between the Navy and the Air Force isn't as good as it should be," he said.

The two services have had difficulty agreeing on a proposal that Air Force land-based planes be used to help defend the 6th Fleet in the Mediterranean so the carrier planes can go off on attack missions.

Packard said he was impressed by how well the National Security Council operation under Presidential Adviser Henry A. Kissinger worked to present a wide range of options to the President.

"I'm a great admirer of Henry," he said. "I get along well with him. I like the guy. I don't have any comments about his style of operating. It isn't my style but I consider Henry to be a good friend. I don't go along with all this criticism of him."

But Packard was less complimentary about the State Department's role in decision making.

"As I look back on it," he said, "I think one of the problems in the State Department is that they're not organized as well as they should be to address some of these issues.

"They had teams working on each country. They didn't have, in my view, an organization in which you could see the over-all problem."

At the time of the India-Pakistan war in December, there were complaints that the views of the experts in the State Department did not reach the decision making level.

"We know where the State Department people stood on it," he said. "There wasn't any problem knowing what they thought. But they were looking at this thing in a very narrow context."

Packard revealed that, before the decision to send troops into Cambodia in the spring of 1970, he had come to the conclusion that such a move was necessary if the administration's Vietnamization program was to succeed.

"When I heard the President had made the decision to go all out," he said, "my reaction was, 'Thank God we've got somebody that's willing to stand up to what needs to be done.' "

One of Packard's major jobs in the Pentagon was to try to improve the procurement process. In recent speeches, he has told of his unhappiness when he was told by one company that it had deliberately bid too low to get a contract and of his reaction when another company tried to put pressure on him to make a bad decision by contacting members of Congress.

He refused to name the two companies, but he did criticize the performance of both the Navy and the Grumman Co. in the contract for production of the F-14 fighter plane.

"They bid low on that," he said. "It just kind of gripes me when I come in here and the Navy and Grumman make a big pitch about how they've got this contract right . . . about how you don't have to worry about this contract. And two years later they come in bitching about it."

The company informed the Defense Department it cannot accept any further orders under the contract because it will lose money.

In addition to his duties as board chairman of Hewlett Packard, an electronics firm, Packard now is serving as a board member for Standard Oil of Calif., the Catepillar Corp. and Trans-World Airlines and will head the Citizens Committee for the Reelection of the President in the San Francisco Bay area.

ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE

Mr. TAFT. Mr. President, March 25 marks the 54th anniversary of the declaration of independence of the Byelorussian people.

Byelorussia was overrun and annexed to the Muscovite Russian Empire in the 16th century. The Byelorussians lived under Russian czarist rule for more than 300 years. In 1917 as the Red army became disruptively involved with its own revolutions, the Byelorussian patriots seized upon the opportunity to break away from the Soviet forces and declared their independence.

On February 19, 1918, the Byelorussian Congress, aided by the military, gained complete control of the government, and on March 25, the people of this brave nation declared Byelorussia a free and sovereign country.

Only a year later their long-awaited liberty was ended by the military takeover of the Soviet Russian state. The Byelorussian Democratic Republic was incorporated as an oppressed non-Russian colony of Soviet Russia.

Today, March 25 is the symbol of the once-fulfilled quest for national recognition and liberty for all Byelorussians. The Americans of Byelorussian descent deplore the autocratic regime in control of their ancestral land. As a free people of a democratic nation, we recognize Byelorussia's deprivation of independence and join her in fervent hope for its eventual restoration.

THE ENERGY CRISIS

Mr. COOK. Mr. President, we have all heard and read much about the energy crisis. On several occasions I have made known to the Senate, both in committees and on the Senate floor, that I was very much concerned over the impact that an energy shortage would have on the Nation. I have urged that sufficient funds and effort be made available to seek out methods for the commercial manufacture of both high and low British thermal unit gas from coal. To insure that ample coal will be available when the manufacturing process is perfected, I have just recently urged the appropriations subcommittee for the Department of the Interior appropriations to make available funds to provide adequate research for the development of technology for the reclamation of surface mined areas. Such research is essential if we are to continue to disturb the land of this Nation by surface mining.

We are all familiar with other programs to provide more gas for the Nation. I cite the importation of liquid natural gas as well as the importation of liquid hydrocarbons for the manufacture of high British thermal unit gas as being two of the most promising. But, Mr. President, I hasten to add that both of these methods as well as the gasification of coal are all several years away and are considerably more expensive than natural gas.

The urgency of the problem is brought home to me when I receive letters from my State which inform me that industry and public interest are suffering because of a shortage of gas. This suffering is note a "next year problem." In many instances small and large industry is being denied expansion because of the lack of an adequate gas supply. Every curtailment means less construction now and less opportunity for new jobs now and will have even more serious impact on the Nation in the future.

The Nation has some 290.7 trillion cubic feet of natural gas in its proven reserve and over 1 quadtrillion cubic feet in its potential reserves. The usage rate last year was about 22 trillion cubic feet. It is evident from these figures that there is plenty of gas in the ground to meet our needs for some years to come. I recognize that a very high percentage of this gas reserve has been committed by the producer to the transporter and in turn to the distributor. These commitments cover a period of 20 to 30 years and although the gas exists, its availability to the consumer cannot be accelerated unless new gas is produced or at least ample assurance given that production will be made to reconstitute the reserve and guarantee sufficient supply to fulfill valid contracts. I believe that the release of reserves and the increase of production could do much to increase the gas supply within a relatively short time range. I submit that new gas is not being found because the producer is unwilling to risk his capital until he can be assured of a reasonable return on his investment.

To this end I have sent a letter with enclosures to the Chairman of the Federal Power Commission which I request be printed in the Record. I have requested that the FPC inform me of any action being taken to provide incentive to encourage this producer to explore for new gas fields. I have informed the Chairman that I will be pleased to consider lending my support to any reasonable solution he may offer.

I ask unanimous consent that letters on this subject be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., March 17, 1972.

Hon. John N. Nassikas,
Chairman, Federal Power Commission,
Washington, D.C.

Dear Mr. Nassikas: The consumption of natural gas in quantities exceeding production has given us all reason to seek ways and means of increasing production. I have followed with great interest the testimony you have given to the Congress as well as your statements in the new media concerning this critical shortage.

As you are aware, I have been most active in urging that ample funds and efforts be made available to develop methods for the commercial manufacturing of both high and low BTU gas from coal. I believe that substantial progress is being made in this area. Unfortunately, even with the most optimistic projection, we cannot expect to have coal gas "on line" before 1978. I am also aware of the various schemes to import liquid natural gas and liquid hydrocarbons to be used to manufacture natural gas. The lead time on these programs is also several years.

The urgency of the problem is brought home to me when I receive letters from my state, such as the two I have enclosed, which highlight to me that the problem is now. We cannot wait several years for the solution. Unless something is done in the very near future to make gas available to the consumer, industry throughout the land will suffer and growth will cease.

I recognize that a very high percentage of the known gas reserves has been committed by the producer to the transporter and in turn to the distributor. These contracts cover a period of 20 to 30 years and although ample gas exists to meet our growing needs, it cannot be made available unless new gas is found to reconstitute the reserve to ensure that at some future date, there will be sufficient gas to fulfill valid contracts. I submit that new gas is not being found because the producer is unwilling to risk his capital until he can be assured of a reasonable return for his investment.

As the well head price determines this return to the producer and since this price is fixed by the Federal Power Commission of which you are Chairman, I should like to know what action is being taken to provide the incentive necessary to encourage the producer to explore for new gas fields. I should also like to be informed of any programs, other than those mentioned in this letter, which are being pursued to increase the amount of gas available to the consumer.

I realize this is a two way street and I assure you that I will be pleased to consider lending my full support to any reasonable solution you may have to offer.

Sincerely yours,

Marlow W. Cook,
U.S. Senator.

Glasgow-Barren County
Chamber of Commerce, Inc.,
Glasgow, Ky., March 13, 1972.

Hon. Marlow Cook,
U.S. Senate,
Washington, D.C.

Dear Senator Cook: The old adage "you don't miss the water until the well runs dry" is applicable to the gas situation in Glasgow and south central Kentucky.

This area is supplied with natural gas by the Western Kentucky Gas Company. They have just announced that they are unable to supply gas in any amount to new industry or for expansion of existing industries. This has delivered a severe blow to Glasgow.

One new industry looking favorably at Glasgow for a new plant location has been refused gas. Three of our largest industries are planning expansions; they are Tyson Bearing Company, subsidiary of SKF Industries, makers of tapered rolling bearings, with a 4½ million dollar expansion program ready to go; R. R. Donnelley & Sons, largest commercial printer in the world, opened a new plant in Glasgow in 1970, and will probably double their plant in the near future, and Gulf-Western, who operates three divisions in Glasgow—P. Sorensen Mfg. Company, Glasgow Industries, and MB Corporation. These three expansions could mean up to 1000 new jobs for Glasgow and surrounding communities—but unless they can get assurance of gas supply, their plans will have to be shelved!

There seems to be two factors that have caused this shortage:

No. 1, the price of gas at the well head.

No. 2, the blocking of off-shore drilling and the pipe line to the north slope of Alaska.

Both of these factors are controlled by the Federal Power Commission and the Department of the Interior, and, as the situation has become critical, not only locally but nationally, some action should be taken immediately to relieve this situation.

Any assistance you can give will be greatly appreciated.

Yours truly,

Leslie Moran,
Executive Vice President.

NEW FARMERS NATIONAL BANK,
Glasgow, Ky., March 13, 1972.
Hon. MARLOW COOK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: The Western Kentucky Gas Company supplies natural gas to Glasgow and Barren County. They presently are unable to make any additional gas for industrial consumption. They state that the reason for this restriction on the use of gas is that the Federal Power Commission will not, or can not, make any additional gas available for the use of the industrial consumers in this area.

We need your assistance to see that every possible effort is made to lift the above restriction to enable the industries in Barren County to continue their normal expansions. Among those industries that are presently located in Glasgow that have had to postpone expansion plans are:

1. R. R. Donnelley & Co., a leading commercial printer, have immediate future plans to double the size of their present plant.
2. Tyson Bearing Company, a subsidiary of SKF, which manufactures tapered roller bearings, has been planning a major expansion for the near future.
3. Glasgow Industries, Inc., P. Sorenson Mfg. Co., and M. B. Manufacturing Co., which manufactures new and repairment automotive parts and accessories, desire to add another manufacturing division in the near future.

These industries are the major employers in Glasgow and Barren County. All of them will be required to postpone their needed expansions until an adequate and continuous supply of natural gas can be made available to them.

You are most familiar with the urgent need to continue expansion of the industrial base throughout the Commonwealth to take care of the normal additions to our work force and to provide jobs for them.

Thank you for all of the efforts that you can expend on our behalf to help Glasgow and Barren County continue to add to the number of jobs in our area. We will be glad to continue other efforts in this regard if you will indicate what we need to do.

Yours very truly,
L. FELIX MURRAY, *President.*

S. C. BARNES
INSURANCE AGENCY, INC.,
Elizabethtown, Ky., March 15, 1972.
Re: Natural Gas Shortage in Kentucky.
Senator MARLOW W. COOK,
Senate Office Building,
Washington, D.C.

DEAR SENATOR COOK: **Apparently a natural gas shortage exists in Kentucky. At least in central and west Kentucky. The Firestone Plant at Bowling Green, Kentucky is planning an expansion. Their gas requirement will be 125,000 cubic feet.**

If Western Kentucky Gas Company cannot supply this, then, the expansion will go elsewhere. Thus causing the Bowling Green area to lose approximately 300 jobs.

Any assistance or suggestions you might have for either the Firestone people or Western Kentucky Gas will be appreciated.

Sincerely yours,
S. C. BARNES INS. AGENCY, INC.
ALVA O. INMAN, *Vice President.*

THE VIETNAM WAR SPREADS AS OLD DELUSIONS CONTINUE

Mr. SYMINGTON. Mr. President, noting the latest news from Cambodia, on March 1, I released a letter to the chairman of the Committee on Foreign Relations summarizing the findings of a still-classified report by the staff of the Subcommittee on U.S. Security Agreements and Commitments Abroad with respect to the current situation in Thailand, Laos, and Cambodia.

On March 5, the Charlotte Observer published a thought-provoking editorial which I believe captured well the import of those findings and therefore ask unanimous consent that it be printed in the RECORD at the conclusion of these remarks.

Further regarding the report itself, we are currently negotiating with representatives of the executive branch in effort to declassify as much of it as possible and to release the report to the public in the near future.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE VIETNAM WAR SPREADS AS OLD DELUSIONS CONTINUE

Is the war in Southeast Asia "winding down" and is our position there growing stronger? The public has been led to believe so. But a Senate committee staff report, still secret though partially disclosed during the past week, asserts the opposite. Reports of our secret military involvements in Thailand, Laos and Cambodia—secret to the American people, though of course not to the Communists—lead us to the same conclusion.

The fighting in Laos and Cambodia is increasing in intensity and we are continuing to make Thailand a bigger base for our military operations, says a summary of the staff report, compiled for a Senate Foreign Relations subcommittee headed by Sen. Stuart Symington (D-Mo.). The summary also says:

"The military situation is currently worse in Laos than at any time since 1962, and worse than ever in Cambodia. This is true despite the vast expenditures, despite the U.S. and South Vietnamese incursions into Cambodia and despite the South Vietnamese invasion of Laos (last year)."

What are our plans? The investigators said they could find none other than intentions "to continue to pursue the policies which thus far have served to intensify the destructive impact of the war, while failing to arrest the deteriorating military, political and economic situations in those two countries."

In other words, we are increasingly applying measures that have failed in the past. And, further, we are stepping up the "destructive impact" we are having on those countries.

As for Thailand: The staff report says we are paying "a heavy indirect price" for making it a principal base in Southeast Asia. We apparently are financing the use of 6,000 to 8,000 Thai mercenaries in Laos. This appears to be the Nixon administration's means of circumventing Congress prohibition against our use of "third country" forces in Laos. The administration is calling these troops "local forces."

The report also suggests that the administration may be defying Congress' limitation of U.S. aid to Laos and Cambodia, though it says it is too soon to draw that conclusion for certain.

Meanwhile, what about the use of American forces? In Vietnam itself our forces number 133,000, and Mr. Nixon has promised to bring the figure down to 69,000 by May 1. But large numbers of U.S. forces that are involved in Vietnam are not included in that count because they are not based on Vietnamese soil; their number has been increasing for the first time in three years. They are in bases in other countries or on U.S. aircraft carriers in the Gulf of Tonkin. The recent increases push their number to more than 41,000—a figure which we will not hear about when the administration next boasts of troop reductions.

The tragedy in all these is of multiple proportions.

First, the American public knows little about it and even Congress often cannot learn the truth. Sen. Symington, directing the staff that produced the latest report, said: "It has been very difficult to wring out the truth about just what we are doing there."

Second, we are continuing the old assumptions and errors that have led the past two administrations into disaster in Indochina. It is true that President Nixon seems less deluded than did President Johnson, but how much less deluded? If he is reelected, will we see the same kind of policies continue in Southeast Asia but furtively, as of late?

And third, the tragedy is not mitigated simply by the fact that American casualties have been decreasing. Our bombing and other uses of massive firepower continue to create hundreds of thousands of new refugees, all potentially susceptible to Communist overtures. We apparently still have not learned that a political struggle is to be won, not principally a military war. And, of course, that same increasing use of what the committee report calls "destructive impact" is killing women and children with no substantial gain for anyone.

It is all a somber story, one attesting to Washington's continuing delusions about what we can and should do in Southeast Asia.

PROBLEMS OF THE NATIONAL TRANSPORTATION SYSTEM

Mr. PASTORE. Mr. President, the Committee on Commerce currently is wrestling with the problems of our national transportation system. Indeed, there are critics who claim that we have no such system—only "an historical accident compounded by shortsightedness and that the main means of transportation—because we do not have a public system—is the private car."

A very sound presentation of the matter has been made before the Committee on Commerce by my colleague from Rhode Island (Mr. PELL). A dedicated student and legislator in the field of transportation, I feel there is a treasury of thought in his prescription to bring coordination out of chaos.

Senator PELL's thinking deserves wider circulation than in a committee hearing room. Millions and millions of people—our constituents—feel that a nation that can get to the moon can provide a transportation system to replace what has been termed "a completely haphazard, and accidental method of transporting the majority of our people."

To the end that more minds may be stimulated and action precipitated, I ask unanimous consent that Senator PELL's transportation statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CLAIBORNE PELL

Mr. Chairman, Members of the Committee on Commerce: I appreciate the opportunity to testify before you in support of bills to establish one transportation trust fund and a number of regional transportation planning and development commissions.

These bills, introduced by Senator Magnuson and Senator Kennedy, represent a major attempt to restructure our nation's system of transportation finance and development. They are bills deserving of careful consideration by the Committee on Commerce.

To understand the need for action on those bills, it is only necessary to examine our present **system.**

THE PRESENT SYSTEM

It is a monstrous, chaotic system of transportation which indiscriminately consumes more than twenty percent of our gross national product, spews tons of pollution over our countryside, and causes unceasing frustration in our every day lives.

And, it is a monster over which we seem to have little control.

Despite at least two major laws calling for a national policy of balanced transportation services, despite a near national consensus that more emphasis should be placed on urban transit and intercity rail service, and despite increasing popular support for pollution-free alternatives to the automobile, our present system continues to spread miles of concrete ribbon over our limited land areas; and it continues to contribute to the shriveling up of our rail transportation system.

TRANSPORTATION: FINANCE IS THE KEY

We can talk about balanced transportation policy until we are blue in the face. We can plan for a balanced transportation policy until we have plans sufficient to fill every shelf in the Library of Congress. We can call for the reduction in the levels of pollution related to the automobile until our eyes begin to water from air pollution. But, nothing is going to happen until we change our present system of transportation finance.

In transportation, dollars do the talking.

There will never be real coordination between the different modes of transportation until there is coordination of the devices that are used to finance each individual mode of transportation.

Many distinguished economists in study after study have told us that it would be cheaper to the consumer and taxpayer in terms of overall economic and environmental costs and benefits if greater emphasis were given to rail transportation in congested urban areas. But what has happened? Very little. The Highway Trust Fund continues to throw out new highways. The Department of Transportation does another study of the Northeast Corridor. And, a new trust fund is created to build better airports.

ANTI-DEMOCRATIC NATURE OF PRESENT SYSTEM

Citizens concerned about pollution complain about the construction of new highways. What happens? They are given a token hearing, a pat on the head, and highway construction moves ahead.

Senior citizens in our crowded cities complain about the lack of public transportation. What happens? They are given a token fare reduction for off-hour travel, the total number of buses serving their city continues to be reduced for lack of sufficient revenue to support them, and private automobiles continue to tie up the city.

THE POOR ECONOMICS OF THE PRESENT SYSTEM

Our present system of transportation finance fits no rational model. It is neither a laissez-faire system nor a nationalized system. But, it has the disadvantages of both approaches and the virtues of neither. There is insufficient private investment and there is no comprehensive planning.

Consumer choice has little influence on the supply of services. Fares and routes are regulated. Highway travel is made available to you whether or not you ever wanted to buy an automobile. Bus service is usually lacking where you want it, and trains are usually not running to where you want to go when you want to go.

The accessibility of the proper mode of transportation to the consumer is many times the one most inappropriate for the distance to be traveled. Sometimes it is easier to fly on a jet to San Francisco than it is to get a bus to Silver Spring.

The supply of transportation services is not responsive to the demand for transportation services. The highway trust fund goes forward regardless of whether people want more roads. Short haul air passenger services receive subsidies from the government while urban corridor rail passenger services, which can provide the same service at less cost, receives nothing in direct federal assistance.

I believe the time is long overdue for us to restructure our disorganized, fragmented, and uncontrollable system of providing transportation services. We must put an end to the non-system we have created by legislation establishing different means of finance for different modes of transportation.

A SYSTEM OF TRANSPORTATION FINANCE

We need a unitary system of transportation finance that is responsive to the transportation requirements of our entire population.

We need a system of transportation finance that discriminates on the basis of a democratic selection of transportation priorities rather than on the basis of the weight of the financial resources exclusively available to one mode and not to another.

We need a system which allows trade-offs to be made among alternative modes of transportation and which permits elected representatives to choose the transportation services meeting the needs of their constituencies.

I believe those goals could be accomplished by the establishment of a national transportation fund for the financing of all modes of transportation in coordination with plans developed by regional transportation commissions.

The combination of Senator Kennedy's national transportation trust fund bill with Senator Magnuson's regional transportation bill could serve as the legislative vehicle for moving the reform of our transportation system down the right road.

I do not believe that we should abandon the concept of the user tax in transportation finance, but I do think we should consider the expenditures of the revenues from user taxes in a different context.

REVENUES FOR ANY TRANSPORTATION FACILITY

We should look at our transportation system in terms of giving our citizens the greatest freedom of mobility possible at the least cost to the consumer and the taxpayer.

This means we can no longer expect that user taxes from highways can only be used for highway construction; or that taxes on air passengers can only be used for airport development.

We must allow for cross subsidies between modes of transportation.

Moreover, we should take the widest possible view of the types of transportation services that could be assisted by the transportation trust fund.

Sidewalks, elevators, and escalators are part of our transportation system just as are highways, railroads, and airways.

Revenues from the transportation fund should be used to pay for whatever fixed facility is used to provide transportation services. Tunnels and roadbeds for rail and mass transit service should be provided free to the user just as a sidewalk and a highway are provided. The funds from the transportation trust fund should be available to the financing of escalators as well as runways and highways.

We should not allow, to the extent possible, any impingement on transportation planning by the earmarking of transportation revenues to particular modes. For example, it would be absurd to attempt separate commuter rail service in the Northeast Corridor from intercity rail service. Both are intermingled, and the financial needs of each are nearly impossible to separate.

DIFFERENTIAL USER TAXES

We should allow, on the other hand, for certain differences among the sources of taxes for the transportation trust fund.

For example, to relieve urban congestion and pollution we may want to provide for higher gasoline taxes and automobile excise taxes in urban areas, and for only negligible taxes on urban mass transportation fares.

I would suggest we look upon differential user taxes as a long but temporary expedient. In the long run the user fee for each mode of transportation should be equalized according to the benefits derived from each particular mode and according to the requirements of the national transportation fund.

Since the growth of our highway system has been out of proportion to the growth of the other elements of our transportation system, I think it might be reasonable to allow highway taxes to be used for the financing of capital improvements in our mass transit and urban corridor rail systems. Once the development of the elements of our transportation system are brought back into proportion with each other, then a less differential taxing policy might be in order.

IMPROVEMENTS IN THE PLANNING PROCESS

Planning without financial support is like daydreaming. It accomplishes little. For this reason, it is essential that the regional transportation commissions suggested in S. 2279 be given a veto over transportation expenditures not in conformance with the transportation plans of a region.

The development of a regional transportation plan should not be only an exercise for bureaucrats and professors. The planning process should include appropriate participation by citizens at the grass roots and by their elected officials.

In the planning process the Regional Commissions and the States should be given responsibility for providing citizens with complete and accurate details about the long-range costs and benefits of particular transportation plans. This data should include also information on the environmental costs.

Citizens, to the extent possible, should be given the opportunity to comment on proposed transportation construction projects. If, for example, the construction of a new road means for some citizens a hard choice of either jobs for their unemployed neighbors or an increase in pollution, they should be given the opportunity to make a choice.

LESS NEED FOR OPERATIONAL SUBSIDIES AND FARE REGULATION

Earlier in my statement I suggested that funds from the transportation trust fund be made available for the financing of any type of fixed facilities approved as part of a regional transportation plan.

If that suggestion is followed, I think it is possible that we will find there will be no need to provide operational subsidies to any mode of transportation and that there will be less need to regulate tariff prices.

For example, if we would support urban mass transit and urban corridor rail passenger service like we support bus service through the highway trust fund—that is, we provide for the financing of the highways but not for the support of the operation of the buses—I think we would find that subways and urban corridor rail passenger service would be able to pay for their costs of operation from their revenues.

By putting highways, runways, railroads, and transit roadbeds on the same financial footing, I think we can then permit the carriers who operate over those facilities to have more freedom in setting tariffs. We could then allow for more price competition and perhaps encourage some improved economic efficiencies in the operation of passenger and freight services.

For example, in the case of competition where the service of competing modes are basically equal, as it is between New York and Washington for bus, train, and air service, we might allow for a range of tariffs within which ticket prices could fluctuate according to the efficiency and demand for the service.

It seems to me that if the public and private carriers did not have to carry unequal amortization burdens for fixed facilities and if the major burden of those costs were assumed by the national transportation trust fund, there is no reason why the forces of the marketplace should not be allowed to weed out costly and inefficient carriers.

As for the possibility of the investments of funds from the national transportation fund being put into fixed facilities for transportation services which could not break even solely on an operational basis, I do not think it would be likely if there was a proper use of a systems approach in calculating cost and benefits.

I realize the overall approach that I have suggested today is tremendously wide-ranging and would cause large-scale changes in the transportation industry. I realize it is probably easier to advocate the sweeping changes I have proposed than it is to obtain the votes to pass such a series of measures.

However, I believe the chaotic condition of our transportation system requires basic changes. A patch up job will not do. More is needed than incremental improvements in our transportation system if we wish to implement a balanced transportation policy ensuring maximum freedom of mobility to all citizens.

We must restructure our present system of transportation finance on the basis of one national transportation fund providing revenues to support the implementation of transportation plans put together by regional transportation commissions.

I believe the bills of Senators Magnuson and Kennedy represent a step in that direction, and I would hope that the Committee on Commerce would favorably consider those bills and the additions to their scope which I have suggested.

DEATH OF HOUSTON HARTE

Mr. TOWER. Mr. President, I wish to take a moment of the Senate's time to pay proper respect and due tribute to a nationally respected figure in the newspaper publishing business. He was Houston Harte, a widely respected Texan, who passed away on Monday of last week.

Houston Harte was a tremendously public-spirited man and a great leader.

He began his publishing career while still studying journalism at the University of Missouri by purchasing a small newspaper in Knobnoster, Mo., his boyhood home. He made that purchase with $2,000 which he had obtained by selling a building left to him by his stepmother when she died.

In 1920, at the age of 27, he risked his career and his future on a west Texas town known as San Angelo by purchasing the small afternoon newspaper there. He grew with San Angelo and with Texas. When he died, the newspaper chain he had founded extended into six States and is comprised of 19 newspapers with a combined circulation of more than 500,000.

Harte owned the San Angelo Standard-Times for 50 years. In 1923, he formed a partnership with the late Bernard Hanks of the Abilene Reporter-News. Hanks, until his death in 1948, owned nine newspapers. After Hanks' death, the partnership was incorporated as Harte-Hanks Newspapers, Inc., with Harte as president. In 1971, the corporation became public and Harte served as chairman of the corporation's executive committee, a member of its board of directors, and board chairman of the Standard Times.

During his career, Harte received many honors, but the two which meant the most to him were the medal of merit he received from the University of Missouri School of Journalism, and his election to the board of directors of the Associated Press on which he served a number of years.

Mr. President, I am among those fortunate enough to have known Houston Harte as a friend. I very much appreciate the fact that I had the privilege to enjoy a personal friendship with him. I benefited from his sage personal counsel. I am deeply saddened by his death, as I know are many Texans.

CHROME ORE IMPORTS FROM RHODESIA

Mr. McGEE. Mr. President, the Senate's vote last year to violate a United Nations ban on chrome ore imports from Rhodesia will have international ramifications that will haunt us for some time to come.

The New York Times of March 17 contains an editorial which points out that it is likely the Pearce Commission will report to British Prime Minster Edward Heath that their projected settlement with Rhodesia is not acceptable to Rhodesia's black majority.

As the Times editorial writer noted:

> If that happens, Mr. Heath will have no honorable choice except to persevere with the mandatory sanctions invoked against Rhodesia in 1968 at Britain's request by the United Nations Security Council.

It is worthwhile noting that the United States was instrumental in obtaining Security Council approval of the sanctions.

What all this means is that the United States is faced with the prospect that a Rhodesian settlement appears to be a long way off and that our country will have to bear the stigma of being an overt international law breaker for some time to come.

What has been called into question is the integrity of the United States and its trustworthiness in living up to treaty commitments. The Rhodesian chrome ore incident is reprehensible. And if our international reputation has been tarnished over this incident, it is indeed very much deserved.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

U.S. as Law-Breaker

Even the British Government now anticipates that the Pearce Commission will report to Prime Minister Heath that the projected settlement with Rhodesia is not acceptable to that country's black majority. If that happens, Mr. Heath will have no honorable choice except to persevere with the mandatory sanctions invoked against Rhodesia in 1968 at Britain's request by the United Nations Security Council.

And, if Britain continues enforcing these sanctions in support of the United Nations, attacks on the United States for deliberately breaching them by act of Congress are certain to increase spectacularly. Other governments have unquestionably winked at violations of the sanctions, but only the United States, Portugal and South Africa have openly flouted the Security Council.

Senators ought to be having pangs of conscience about their votes last fall for the Byrd amendment that put the United States in this indefensible position. The amendment in effect ordered the President to lift the ban on Rhodesian chrome and other "strategic" materials so long as these were also imported from the Soviet Union.

The argument that this country could not be dependent on Russia for materials needed for defense purposes always was spurious. The chrome stockpile is now so far in excess of any possible strategic requirement that the Administration has sought legislation to dispose of 1.2 million tons. It was in a climate of ignorance, cynicism and anger at the U.N. for ousting Taiwan that the Byrd amendment became law.

Even so, some Senators undoubtedly voted for it because they believed the sanctions would soon be lifted in any event after a British settlement with Rhodesia. Now, however, a Rhodesian settlement seems a long way off and the United States faces the prospect of an indefinite period in the dock as an international law-breaker and an underminer of the United Nations.

An Argentine ship is about to unload the first shipment of 25,000 tons of Rhodesian chrome at a Louisiana port and another 125,000 tons will soon be en route. It is symptomatic of a time of cynicism and indifference that few Americans seem to know or care.

J. WOODROW WILSON

Mr. THURMOND. Mr. President, I wish to pay tribute to Mr. J. Woodrow Wilson, a dedicated lifelong employee of our Government and a respected citizen of Aiken, S.C.

Mr. Wilson devoted his entire life to the U.S. Postal Service, rising through the ranks of the Aiken Post Office and attaining the rank of postmaster in 1968. His career spanned a period of remarkable growth in his post office including recent construction of new facilities doubling the size of the Aiken Post Office.

An extremely genial man, Mr. Wilson had many friends and was extremely active in community life. His death is a tremendous loss both to our Government and his community.

Mr. President, I ask unanimous consent that an editorial published in Mr. Wilson's hometown newspaper, the Aiken Standard, on March 9, 1972, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

J. Woodrow Wilson

J. Woodrow Wilson had devoted most of his adult life to the Postal Service. In the Aiken Post Office, he rose through the ranks to become postmaster in 1968.

His years of service coincided with a period of phenomenal growth for the local post office. The construction of a new post office twice the size of the old one pointed up this growth, and Mr. Wilson was in charge of postal operations during the relocation last year.

A native of Aiken, he was a veteran of World War II. He was active in community life as a member of the First Baptist Church, the American Legion and the Aiken Lions Club. He had served in positions of leadership in United Fund.

He was a genial, mild-mannered man with a winning smile and many friends.

His death last week leaves a void in our community. We extend our deep sympathies to his family.

ADVANCES FORECAST IN AIRPORT SAFETY AND EFFICIENCY

Mr. DOMINICK. Mr. President, an announcement was made recently by the Department of Transportation/Federal Aviation Administration which received little public attention, but I do believe it merits note by my colleagues in the Senate.

The FAA, under the administration of Mr. John H. Shaffer, is proceeding with development of a system of wake-turbulence detection that will effect greater airport and aircraft utilization while maintaining the high level of safety we have now. The problem being studied here has not received widespread attention because the FAA has always imposed strict precautions in airport use to prevent wake-turbulence from becoming a safety hazard.

A system of acoustical detection of intense turbulence areas that trail aircraft—particularly large planes—is being developed by Xonics, Inc., of Van Nuys, Calif. under a $414,226 contract from the Department of Transportation. The system ultimately could eliminate the hazards created when airplanes of significant weight differences utilize the same traffic pattern, and at the same time allow more efficient use of airports during times of heavy traffic.

Some people may assume this is a problem just for small, general aviation aircraft, but that is far from true. It affects all of the flying public.

The turbulence generated in the wake of an aircraft is proportionate to its weight, and with the advent of larger and larger planes, more space must be left in the landing pattern following these planes to allow an adequate safety factor. Presently, even medium-to-light weight commercial airliners must sometimes have as much as 10 miles or more between them and preceding wide body jets to allow time for any wake-turbulence to dissipate. As the number of jumbo jets in operation increases, the spacing problem will become more acute in the effort to get maximum airport utilization at peak periods.

With the development of the Xonics system, these areas of turbulence can be identified and avoided.

Each year there are a few accidents when a light plane, such as the kind I like to fly, gets caught in a vortex of high turbulence that has either failed to dissipate or strayed extremely far out of its normal pattern. When a system can be installed such as the one being developed by the FAA and Xonics, the possibility of this kind of accident at airports so equipped will be practially eliminated.

Perhaps the most important potential benefits of this developmental work, however, will be for those who fly on the airlines. The advent of this system at high density airports would mean more efficient handling of traffic at peak times—and greater likelihood of airlines operating on schedule. It is estimated that aircraft operators lose between $200 and $300 million each year in fuel costs alone because of delays at peak traffic periods necessitated by spacing incoming aircraft to eliminate the possibility of any wake-turbulence type of accidents. This figure does not take into account the increased labor costs for aircraft and airport personnel resulting from these delays. And there is no way to measure the costs of delays to the passengers who must sit and wait up there while aircraft traffic is processed at this slower, but safe, rate.

Mr. President, as a private pilot, and as one who is greatly concerned with aircraft and airport safety, I would like to commend Secretary Volpe, FAA Administrator Shaffer, and Xonics Corp. for their interest and work in this area. It seems to me that a relatively small amount of money is involved here for a tremendous increase in the benefits to the flying public.

I hope that the present study and following developmental work on this advanced system will go forward quickly and smoothly so that our airways can continue to be operated with the high standards of safety presently being maintained, but with even greater efficiency and savings for those who fly.

I ask unanimous consent that the announcement from the Department of Transportation and the Federal Aviation Administration be printed in the RECORD.

There being no objection the announcement was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
Washington, D.C.

The Federal Aviation Administration of the Department of Transportation has awarded a $414,226 contract to Xonics, Inc. of Van Nuys, Calif., for additional wake turbulence studies leading to the design of a ground-based acoustic wake turbulence detection system, FAA Administrator John H. Shaffer announced today.

The Xonics effort will be conducted as part of the total FAA/DOT program to seek solutions to the wake turbulence problems as it affects aircraft capacity at airports. Wake turbulence comprises the two rotating tubes (or spirals) of air trailing from each wing tip when an aircraft is in flight.

First, Xonics will conduct a detailed analysis of the results of previous wake turbulence studies, completed last year by the company and FAA's National Aviation Facilities Experimental Center, to validate the concept of acoustic techniques for the detection and measurement of turbulence vortices.

The wake turbulence flow fields generated by several classes of aircraft, including widebody jets, will be measured. The contractor also will examine the capability of locating and tracking the movement of wake turbulence vortices at altitudes up to 1,700 feet.

Finally, Xonics will recommend a design of a ground-based acoustic wake turbulence detection system capable of providing wake vortex surveillance along an airport ILS (instrument landing system) approach path.

Work on the study will be completed in approximately five months.

FEDERAL WOMEN'S AWARD BANQUET

Mr. FONG. Mr. President, last week, an annual event took place in our Nation's Capital to which I would like to call the attention of the entire Senate. The 12th annual Federal Women's Award Banquet was held on March 14 to honor this year's six winners.

I feel that President Nixon has made it very clear that equality for women is a top priority item for his administration. In April 1971, he set a goal of doubling the number of women in top-level, policymaking positions before the end of calendar year 1971. Not only has that goal been met, it has also been exceeded. At this time more women have been appointed to full-time, policymaking positions in the Federal Government under the Nixon administration than ever before in our Nation's history. Now, the goal is to continue to place as many women in top positions as we can.

Most of these top women are, of course, appointees from many different walks of life. Few of them are career civil servants. What I emphasize today—as ranking Republican member of the Post Office and Civil Service Committee—is the high caliber of women holding high level positions within the Civil Service.

The Federal Women's Award was established to provide special recognition to women who have made outstanding contributions to the efficiency and quality of the career service of the Federal Government, and to dramatize and make more widely known to the public the wide variety of challenging careers for women in the Federal Government.

The Federal Women's Award was established 12 years ago at the suggestion of Barbara Bates Gunderson who was a member of the Civil Service Commission. The award is administered by a board of trustees made up of members from Government and the private sector. The board is incorporated as a nonprofit, non-Federal organization, and receives no Federal money. Since its inception, the award has been sponsored by Woodward and Lothrop which underwrites all the expenses.

Each Government agency or department within the executive branch of the District of Columbia government is invited to nominate no more than six women each year. These nominees are screened first by the Civil Service Commission; screened again by the executive committee of the board which chooses about 25 nominees; and these 25 are sent to a panel of judges chosen each year from prominent private citizens representing the arts, the news media, science, and business. The panel of judges selects the six winners each year.

I would also call to the attention of the Senate that the chairman of the board of trustees is the Honorable Patricia Reilly Hitt, Assistant Secretary, Department of Health, Education, and Welfare, and one of the top women appointees in the Nixon administration; and that the vice chairman is the Honorable Robert E. Hampton, Chairman, U.S. Civil Service Commission.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point in my remarks the following items: A list of the board of trustees; a list of this year's judges; Chairman Hitts' introductory remarks at last week's banquet; and, most importantly, a list of this year's winners together with a résumé of their accomplishments over the years.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE BOARD OF TRUSTEES—FEDERAL WOMEN'S AWARD

Chairman: Hon. Patricia Reilly Hitt, Assistant Secretary, Department of Health, Education, and Welfare.

Vice Chairman: Hon. Robert E. Hampton, Chairman, U.S. Civil Service Commission.

Members: Dr. Allen V. Astin, Director Emeritus, National Bureau of Standards.

Hon. Helen Delich Bentley, Chairman, Federal Maritime Commission.

Benjamin C. Bradlee, Executive Editor, The Washington Post.

Joseph B. Danzansky, President, Giant Foods, Inc.

Miss Miriam Ottenberg, Investigative Reporter, The Evening Star.

Hon. Charlotte T. Reid, Commissioner, Federal Communications Commission.

Hon. Rocco C. Siciliano, President, T.I. Corporation of California.

Dr. Bennetta B. Washington, Associate Director for Women's Programs and Education, Department of Labor.

Hon. Barbara M. Watson, Administrator, Bureau of Security and Consular Affairs, Department of State.

Mrs. H. Douglas Weaver, Immediate Past President, District of Columbia Federation of Republican Women.

Honorary Member and Founder: Hon. Barbara Bates Gunderson, Rapid City, South Dakota.

PANEL OF JUDGES—FEDERAL WOMEN'S AWARD, 1972

Hon. Sylvia Bacon, Judge of the Superior Court of the District of Columbia.

Miss Joan Crawford, Director, Pepsi-Cola Co.

Mr. Malcolm Forbes, President and Editor-in-Chief, Forbes Magazine, Inc.

Dr. Milton Harris, Former Vice President of the Gillette Co. and Chairman of the Board of the American Chemical Society.

Mrs. Jeannette Eddris Rockefeller, Member, The President's Committee on Mental Retardation.

INTRODUCTORY REMARKS—BY (MRS.) PATRICIA REILLY HITT, CHAIRMAN, BOARD OF TRUSTEES, FEDERAL WOMEN'S AWARD

It is a great pleasure to join with you this evening in paying tribute to six outstanding women in the Federal service.

This is the twelfth year since the Federal Women's Award was launched by Barbara Bates Gunderson of the Civil Service Commission—and—with each passing year—the selection process has grown increasingly more difficult.

In my opinion, this is a tribute not only to the six being honored tonight—and the almost 70 who have been honored in past years—but also it is a tribute to ALL women in government.

This celebration tonight brings to public attention the fact that women in Federal service are capable of a wide range of accomplishment—possess the skills to plan or direct important programs—and have the imagination to bring forward valuable ideas.

I heartily subscribe to a statement by Count Alexis de Tocqueville who said: "If I were asked to what the singular prosperity and growing strength of the American people ought mainly to be attributed, I should reply: To the superiority of their women."

The living proof of this statement is here before you tonight.

If I had to name one common characteristic that these six women share, I would say this: Each of them has shown a clear understanding of her own ambitions and capabilities—and each has been uncompromising in her determination to handle every assignment to the best of her individual ability.

But while their backgrounds and aims have been diverse, they also share other characteristics which have made them successes as women—a sense of humor, a wide range of interests over and above their professional fields, and a genuine regard for other people.

The achievements of this group—and other groups which preceded them—have gone a long way toward focusing attention both on the satisfactions of Federal service and on the contributions which women are able to make. We owe them an enormous debt of gratitude—for they prove to us that, "Talent knows no sex."

DR. LOIS ALBRO CHATHAM, CHIEF, NARCOTIC ADDICT REHABILITATION BRANCH, NATIONAL INSTITUTE OF MENTAL HEALTH, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Lois Albro Chatham, Ph.D., is a clinical psychologist who administers the major Federal program in the treatment of narcotic addiction and drug abuse, a field of great national concern which has been given high governmental priority. She joined the Department of Health, Education, and Welfare in 1963 as a psychological advisor in the National Center for Health Statistics. In 1968 she became director of research in the Division of Narcotic Addiction and Drug Abuse of the National Institute of Mental Health, and early in 1969 was appointed Chief of the Narcotic Addict Rehabilitation Branch, grade 15. In this position she has built up the Branch and devised the programs to implement many new laws, establishing the Federal Government's policy and leadership in this field.

Under Dr. Chatham's direction, the program of the Narcotic Addict Rehabilitation Act, which gives her Branch direct responsibility for the care of patients committed to the Surgeon General, has been expanded to a national network of 166 agencies caring for over 2,000 patients. She has also developed community-based treatment facilities to which over 15,000 patients were admitted in fiscal 1971, and initiated an on-going program of research on treatment of the narcotic addict and drug abuser. Her policies, such as strict standards for the use of chemotherapies, insistence on continuity of care, centralized evaluation of the program, and research as an integral component to treatment, among others, have had national and international impact on the Federal role in the treatment of the narcotic addict and drug abuser.

From 1958 to 1963 Dr. Chatham was Chief Psychologist for the Austin, Tex., Community Guidance Center. She was born in Groveland, Ill., and lived in Fort Wayne, Ind.; she received her BA degree from Houghton College in 1951, her MA from Southern Methodist University in 1954, and her PhD from the University of Houston in 1960. Her husband, George N. Chatham, is Aerospace Specialist in Science Policy Research, Library of Congress, and they live in Washington. She fills frequent consultant and lecturer engagements in the field of clinical psychology; for relaxation she flies her own airplane.

MRS. PHYLLIS DIXON CLEMMONS, DIRECTOR, SUICIDE PREVENTION AND EMERGENCY MENTAL HEALTH CONSULTATION SERVICE, DEPARTMENT OF HUMAN RESOURCES, GOVERNMENT OF THE DISTRICT OF COLUMBIA

Phyllis Dixon Clemmons, R.N., is a nurse specializing in the field of mental health and psychotherapy who planned, established, and directs the first Suicide Prevention and Crisis Intervention Program in this part of the country. With responsibility for executing the D.C. Mental Health Laws, she has developed several training programs for both professional and nonprofessional health workers and clerical staff. Both the suicide prevention program and the training programs have become models for similar activities in the United States and in foreign countries.

Mrs. Clemmons obtained her graduate nursing degree from Philadelphia's Mercy Hospital in 1948 and began her Government career in 1949 at Saint Elizabeths Hospital, the Federal mental hospital in Washington, D.C. During her 13 years there she introduced several innovations in the care of the mentally ill that are now widely accepted. She came to the D.C. Government in 1962 with the new Psychiatric Convalescent and Rehabilitation Center at D.C. General Hospital, and in 1965 set up the area's first 24-hour emergency telephone service. She also originated a walk-in service, a mobile emergency mental health service, and a follow-up program for all individuals utilizing the services. She was appointed Community Mental Health Officer at grade 12 in 1969. Over the past 6 years she has provided direct service to more than 11,000 persons in suicidal or other psychosocial crises; during that time the number of suicide-oriented calls has increased while the number of suicides has greatly decreased.

A member of several professional associations, Mrs. Clemmons lectures at various universities and has published a number of articles and monographs. Awards and honors she has received include national recognition by the American Psychiatric Association for her outstanding accomplishment in the training and supervision of paraprofessionals in remotivation group therapy techniques. She was presented in a nationwide television documentary, "Who Answers the Cry for Help?" Mrs. Clemmons was born in Apollo, Pa., where her parents, Mr. and Mrs. Fred Dixon, still live. She has a son 14 and a daughter 9, and lives in Suitland, Md.

DR. RUTH MARGARET DAVIS, DIRECTOR, CENTER FOR COMPUTER SCIENCES AND TECHNOLOGY, NATIONAL BUREAU OF STANDARDS, DEPARTMENT OF COMMERCE

Ruth Margaret Davis, Ph.D., is a mathematician and physicist who is one of the country's leading pioneers in the young field of computer technology. She directs the Center for Computer Sciences and Technology, which is responsible for providing advisory services to the Office of Management and Budget and the General Services Administration to support the formulation of ADP management and procurement policies, and to other Federal agencies to assist in the solution of specific automation problems. Since her appointment in 1970 she has developed the Government's ability to make effective use of computer technology in such fields as health care, protection of environmental quality, education, law enforcement, and Government operations.

Dr. Davis began her Federal career in 1955 as a research mathematician in the Department of the Navy and progressed through positions there and in the Office of the Secretary of Defense, where she was Staff Assistant for Intelligence and Reconnaissance from 1961 to 1967. She went to the National Library of Medicine, National Institutes of Health, in 1967 as Associate Director for Research and Development, and also directed the Lister Hill National Center for Biomedical Communications there. In the latter position she brought together the Federal Government and the health care community to apply computer networking and systems technology to the problem of improving biomedical communications and making computers more readily accessible to physicians in the delivery of health care services. In her present position with the National Bureau of Standards she has initiated research in computer sciences and technology which not only can save millions of dollars in Government operations but also improve the health and safety of people. She has received numerous national commendations and citations; among many other honors are medals for accomplishments in information sciences from universities in Finland and Sweden, both awarded in 1969.

Dr. Davis was born in Sharpsville, Pa., and graduated from American University in 1950. She earned her MA in 1952 and her PhD in 1955, both from the University of Maryland. She is married to Benjamin F. Lohr, Comdr. USN(Ret.), who is Vice President, Kelly Scientific Corporation, and they live in Silver Spring, Md.

Mrs. Mary Harrover Ferguson, Comptroller, Office of Naval Research, and Special Assistant (Financial Management) to the Assistant Secretary for Research and Development, Department of the Navy

Mary Harrover Ferguson is a financial management expert who during the past 16 years has developed and administered a financial system which has provided resources vital to the Navy's research and development program. With a dual responsibility as Comptroller, Office of Naval Research, and Special Assistant (Financial Management) to the Assistant Secretary of the Navy for Research and Development, she deals not only with complex financial issues but also with high-level scientific, military, and political personnel who regularly ask for her counsel on those issues.

Mrs. Ferguson provides the perfect—and rare—example of a complete career in the Federal civil service, having started at grade 1 in 1933 with the Depression-born Farm Credit Administration and progressed steadily upward, through several different agencies, to her present grade 17. In 1947 she came to the newly created Office of Naval Research as a budget analyst, advanced to Budget Officer and then to Assistant Comptroller for Budget and Reports, was appointed Deputy ONR Comptroller in 1968, and Comptroller in May 1971. She is involved in all aspects of financial management of the Navy-wide Research, Development, Test and Evaluation Program, with authority for commitment in the decision-making process at all levels. Under her direction a staff of 67 analysts, accountants, ADP systems analysts and programmers, and support personnel, administer an appropriation of well over $2 billion annually, distributed among 13 administering offices, to support RDT&E efforts performed by contract with colleges and industrial organizations and by 45 RDT&E Navy laboratories, test ranges, and installations.

Mrs. Ferguson has received repeated awards and commendations from the Navy Department, and last year was named "Woman of the Year" by the American Society of Military Comptrollers. She is constantly engaged in a wide variety of professional and community activities. A native of Manassas, Va., she has an AA degree in business administration from George Washington University (1961), and lives in Alexandria, Va. Her husband, John A. Ferguson, Capt. USN (Ret.), is branch manager of Investors Financial Services at Landmark Shopping Center, Alexandria, Va. She has two sons (by her first marriage) and five grandchildren.

Dr. Ruth Mandeville Leverton, Science Advisor (Nutrition), Office of the Administrator, Agricultural Research Service, Department of Agriculture

Ruth Mandeville Leverton, Ph.D., is a scientist in the field of nutrition whose research and appraisals of research have contributed significantly to adequate diets and a more satisfying standard of living in this country and worldwide. She has been instrumental in providing information for planning consumer education programs, for analyzing the demand for agricultural products, and for determining the food policies of the Department of Agriculture.

Before entering the Federal service, Dr. Leverton spent 20 years in teaching nutrition, at the University of Nebraska and later at Oklahoma State University. She joined the Agricultural Research Service in 1957 as Assistant Director of the Human Nutrition Research Division, and progressed rapidly through positions of increasing responsibility in the Service. In 1970 she was appointed Science Advisor for Nutrition in the Office of the Administrator, at the equivalent of grade 17. Here she occupies a key position in the mobilization of the Department's scientific resources for the worldwide War on Hunger. She directs the expansion of research to provide nutritional knowledge urgently needed in developing countries, and advises on nutritional requirements for foods for distribution in such countries and in domestic programs for needy families and the school lunch program. She was involved in the most extensive survey of food consumption and dietary levels ever attempted in this country, and first one to yield data on both individual and family eating habits.

Dr. Leverton is internationally known, not only as a scientist, but as an author, lecturer, and educator. She has represented the United States at four Biennial Conferences of the United Nations Food and Agriculture Organization, and at a great many international nutrition conferences. She serves on numerous national committees, and has published more than 70 reports of original scientific research and two widely used books on nutrition. Her many honors include the Borden Award, which she received twice, and an honorary D.Sc. degree from the University of Nebraska. She was born in Minneapolis, Minn., and received her B.S degree in 1928 from the University of Nebraska, her MS in 1932 from the University of Arizona, and her PhD in 1937 from the University of Chicago. She lives in Washington, D.C.

Dr. Patricia Ann McCreedy, Public Health Physician, Project Manager of Village Health Program, Vientiane, Laos, Agency for International Development

Patricia Ann McCreedy, M.D., is a public health physician who has major responsibility for the Village Health Program of the Agency for International Development, at Vientiane, Laos. In this program, which assists the Royal Lao Government by extending medical and clinical services to remote rural areas, Dr. McCreedy has been directly and indirectly responsible for operational aspects of keeping an average of 176 rural dispensaries staffed and supplied with medicines; for operation and staffing of eight hospitals with a total capacity of 614 in-patients and operating at a level of 343,686 patient-visits per year; and for the training of nurses, sanitarians, and other paramedical personnel, many of whom are illiterate at the outset, to staff these installations. She makes all necessary personal inspections, including installations surrounded by North Vietnamese armed forces. Since many of these areas are accessible only by air, she travels for hours daily in single-engine aircraft, often in dangerous weather, over mountain ranges and across jungles, and shares the life and homes of simple villagers in remote, enemy-encircled, malarial areas. Because of her detailed knowledge of these places and people, she has made valuable contributions to the Government's knowledge and understanding of the refugee problems in Laos, and also of the narcotics problem.

Dr. McCreedy was born in St. Louis, Mo., graduated from Loyola University in 1947, and earned her M.D. degree at the Louisiana State University School of Medicine in 1951. Following several years in private practice in Maringouin, La., she served two years as Public Health Officer in American Samoa, and in 1964 went to Laos as Project Manager of the Village Health Program. She is also manager of the Population and Family Planning Project there, and Contract Representative for the Operation Brotherhood Activity. Dr. McCreedy and her husband, Dr. Charles L. Weldon, senior officer at the A.I.D. Vientiane mission, often work as a team. They have three children, a daughter 19 and two sons 17 and 15. Their home when in this country is in Biloxi, Miss.

DAY CARE—CHILD DEVELOPMENT

Mr. MONDALE. Mr. President, two very perceptive articles on day care—child development recently appeared in local papers. Several weeks ago the Washington Post had a very insightful column by Alice Rivlin entitled "Day Care: Policy Questions for an Expensive Program." In this article Dr. Rivlin looks behind the "spurious" arguments that have unfortunately characterized a good bit of the debate over this issue and focuses on the real policy questions involved. She concludes for example:

> The principal effect of a large-scale day care program would probably not be to increase the proportion of mothers who are working; rather it would be to broaden the range of child care arrangement available to mothers who have already decided to work.

The second article to which I refer is a column entitled "Need for Day Care Bill Is Urgent," written by Marquis Childs, and published in yesterday's Baltimore Sun.

Mr. Childs summarizes concisely the needs for developmental day care, the tremendous opportunity a program like this could provide to millions of families and children, and the purposes of the child care bill I have introduced with Senator Nelson.

Both articles ignore the heated rhetoric and scare tactics which regrettably surround the passage and the veto of last year's child development bill and help us to focus on the real issues involved.

I ask unanimous consent that these two perceptive columns appear at the close of my remarks and commend them to the attention of the Senate.

Mr. President I would also like to have printed at the close of my remarks a copy of a Minnesota poll concerning day care which appeared in the Minneapolis Tribune on Sunday, February 27, 1972. The poll, entitled "63 Percent Say Day Care Centers Good for Children," reflects the opinion of a majority of a cross section of Minnesotans and I suspect a majority of a cross section of Americans as well, that quality day care centers for children whose mothers are working involves far more advantages than disadvantages.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Minneapolis Tribune, Feb. 27, 1972]

Minnesota Poll: 63 Percent Say Day-Care Centers Good for Children

"Day-care centers give a child a chance to become involved with other children," said a 27-year-old Glencoe woman. "They also offer learning experience, especially for children that wouldn't get this at home."

But, on the other hand, she also feels they have the disadvantage of "not having a one-to-one relationship that a mother and child might have at home."

After weighing both the advantages and disadvantages, she says that day-care centers do more good than harm for a child.

Her responses were typical of the 600 men and women interviewed in a statewide Minneapolis Tribune Minnesota Poll survey in mid-January.

Socialization, supervision and education are the advantages cited most often while the feeling that day-care centers can't replace a mother is a disadvantage mentioned often.

Over-all, 63 percent of all people interviewed believe day-care centers do more good for a child while 19 percent feel they do more harm. Three percent qualified their answers and 15 percent were undecided.

More women (69 percent) than men (56 percent) said day-care centers do more good than harm for a child.

Interviewers led off the series of questions on day-care centers with:

"Day-care centers are places where mothers can leave their children for care and supervision while they work away from home. What advantages, if any, do you think day care centers offer for a child?"

Thirty-nine percent said a child would benefit by being with, and learning from, other children.

Twenty-two percent said children receive good care or are well-supervised and 17 percent feel there are educational values, including access to facilities they would not have at home.

Thirteen percent said the centers provide consistent surroundings for children, must meet standards, or are better than "just any babysitter" if it is necessary for a mother to work.

Seventeen percent said there are no advantages to day-care centers or that mothers should be at home with the child.

To get at the other side, interviewers asked:

"What disadvantages, if any, do you think day-care centers have for a child?

The disadvantage given most often (by 27 percent) is that day-care centers can't replace a mother, the child misses out on a one-to-one relationship, or that the mother's love is replaced by impersonal care.

The results of the Minneapolis Tribune's Minnesota Poll are based on personal in-the-home interviews with 600 men and women 18 years of age or older. Respondents are selected by probability sampling procedures and interviewed by a staff of 110 trained interviewers. The Minnesota Poll was established in 1944 as a public service.

NEED FOR DAY-CARE BILL IS URGENT

(By Marquis Childs)

WASHINGTON.—With the thousands of words spilled in the Florida primary about busing, not a single word was uttered about the only frontal attack on the tragic deficiencies in American education. Having advertised earlier his opposition to busing, President Nixon's newest proposal comes with ill grace against the background of what he did in December.

Last year the Congress passed by sizable majorities a measure meant to enlarge the opportunities for children living below the poverty line in ghettos, in Appalachia, and in the Southwest, with "condemned for life" written across their condition.

Head Start, the program designed to try to correct the balance for those of the very young who are deprived of a fair chance to begin on the mark at school age, was to be greatly expanded.

But, most important, the bill provided for a great increase in day-care centers for children from homes where both parents go out to work or where the mother is the sole provider.

Extensive hearings held by Senator Walter Mondale, the sponsor of the bill, showed that there were perhaps 700,000 places in day-care centers that could be considered adequate while the need was for at least 5,000,000.

Toward the end of the last session of Congress, President Nixon vetoed the bill with a message that, as a presidential state paper, reads like a demagogic campaign speech. This, said the President, was an effort to impose the commune system and break up the family pattern. He conveniently ignored the fact that his own welfare reform measure would force many mothers to go into the labor market even though they may have preschool children.

What especially dismayed the sponsors was that they believed they had the sanction of the Secretary of Health, Education and Welfare, Elliot L. Richardson. As they reconstruct it, Mr. Richardson was overruled by John D. Ehrlichman, who performs somewhat the same function for domestic affairs as does Henry Kissinger for foreign policy.

Belatedly, Mr. Richardson wrote a letter protesting the failure to clue the states into the program.

By seven votes the Senate failed of the two-thirds necessary to override the veto. Now, Senator Mondale with Senator Gaylord Nelson has a new child care-Head Start proposal modified to meet some of the objections. More authority is given the states, and the authorization is cut from $2 billion to $1.5 billion. The hope is not only that it will be passed but that with these changes the President will sign it.

A recent survey by the National Council of Jewish Women found existing day-care services woefully deficient in both quality and quantity. Many centers were described as hardly better than concentration camps for helpless children. In one center children were strapped into high chairs apparently in a stupor.

About this mass neglect, this callous indifference, there can be no illusions. It is the seedbed in the rising generation for crime, violence, disease, unemployment, the whole roster of ills that so sorely beset this affluent nation.

Those who today work with the young who are crippled in mind or body by the terrible distortions of contemporary life can appreciate what this heritage must mean. They function often under severe handicaps with little money or public support.

Of the many institutions around the country working with deeply disturbed children, one here in Washington, the Groome Child Guidance Center, is outstanding. The slow, painful rebuilding of young lives, helping to overcome what is the reward of doctors and teachers. So great is the demand that not surprisingly they feel they are dipping out the ocean with a teaspoon.

They know so well the consequences of mass neglect; shunting the very young from squalid and empty homes onto the streets, where they will be educated in violence and the escapism of drugs. Short of a frontal attack, such as the Mondale-Nelson bill proposes, the harvest of broken lives will grow in the years to come.

"SPURIOUS" ARGUMENT OVER WHETHER MOTHERS SHOULD WORK—DAY CARE: POLICY QUESTIONS FOR AN EXPENSIVE PROGRAM

(By Alice M. Rivlin)

If you want to start an argument at a boring party—and you are tired of busing and Vietnam—try day care. Just ask a few people whether they think the federal government should provide day care for children of working mothers, and in no time your friends will be on the verge of heaving ash trays at each other.

Unfortunately, they will probably be arguing about a spurious issue—the issue of whether or not mothers should work. The argument may sound as though: (1) mothers don't work now, (2) the reason they don't is that the government does not provide day care, (3) if there were a government day care program, many more mothers would leave home, drop their kids in day care centers and go to work, (4) the gut issue is whether this would be good or not.

But out in the real world mothers have not been sitting around waiting for public officials to make up their minds about day care programs. Millions of mothers are working now—even those with very small children.

According to a Labor Department study by Elizabeth Waldman and Katherine Gover, about half the mothers of school-age children were in the labor force in March 1970, as were about a third of those with preschool children. Some worked part-time, but the majority had full-time jobs. Moreover, since many mothers work only part of the year, the proportion with some work history during the previous year was even higher than the proportion in the labor force at a given moment. Among wives living with their husbands, 44 per cent of those with children under 6 and 58 per cent of those with children of school age worked some time during the year. The percentages would be even higher if they included the increasing number of separated or divorced women bringing up children on their own.

Among black mothers, working outside the home is even more usual—and this is not just because a larger proportion of black women are family heads. Among black mothers living with their husbands, 64 percent of those with preschool children and 73 per cent of those with school-age children worked some time during the year.

Clearly we are dealing with a cultural phenomenon—not just oddball behavior. More than 26 million children have mothers in the labor force (up 10 million in a decade) and 6 million of them are under 6 years old. That's a lot of kids.

There are many theories about why mothers are entering the job market, although most of the explanations seem as likely to be manifestations of the phenomenon as causes of it. First, with a falling birth rate, increasing numbers of mothers have two or three children rather than four or more. A mother of two not only has less housework to do than a mother of six, she finds it easier and less expensive to arrange for someone else to care for her children while she works. Moreover, a mother of two knows there are likely to be many years ahead when her children no longer need her. She may decide to keep working when her children are young, so she will not have to start at the bottom of the job ladder when the kids grow up. Second, convenience foods, wash and wear fabrics and labor-saving appliances have made it less necessary for mothers to stay home for reasons other than child care and at the same time have increased the family's need for cash income to pay for all these wondrous things. Third, with the mechanization of industry and the growth of services, fewer jobs require physical strength and more are open to women. Fourth, notions of "women's place" are shifting. Although attitudes may not be changing fast enough to suit the leaders of women's lib, the belief that women should be individuals with lives of their own, not just wives and mothers, is clearly gaining ground fast, especially among the young. And finally, kindergarten and nursery school are increasingly seen as desirable experiences for children even if their mothers do not work. The suburban mother whose 4-year-old is home all day may even feel guilty about it.

Since all these forces seem likely to continue operating in the same direction, there will probably be an increasing proportion of mothers in the labor force whether the federal government embarks on a large-scale day care program or not. By the end of the decade, the non-working mother could find herself odd-woman-out.

More government-financed day care would doubtless accelerate the movement of mothers into the labor force, and enable some women to shift from part-time to full-time work. It might help some mothers now on welfare to move into the labor force, although it should be remembered that many of these mothers need more than day care to help them get steady work at good wages. They need education, training, work experience, and job opportunities.

Nevertheless, "the principal effect of a large-scale day care program would probably not be to increase the proportion of mothers who are working; rather it would be to broaden the range of child care arrangement available to mothers who have already decided to work."

To many people the word "day care" necessarily suggests a day care center—an institution taking care of a large number of children at once. But most working mothers do not use day care centers. They drop the kid at mother's, or maybe mother lives with them. They use relatives, neighbors, sitters, borders. They give the child a key and leave him on his own. Or they find another mother who is staying home anyway and is willing to look after two or three more children besides her own for a relatively modest fee. Some of these arrangements are good for children and some are dreadful—but that is also true for mothers.

A recent survey showed that day care centers (defined as facilities for more than six children) enrolled only a little over a half a million children in 1970—less than 10 per cent of the preschoolers with working mothers. Some of these centers are run for profit and others by nonprofit groups that often receive a government subsidy for caring for low-income children. The profit-seeking centers charge $10 to 20 a week per child and vary from good to abysmal.

The nonprofit centers usually have more staff and offer a rich educational program and, sometimes, health services and other benefits. The nonprofits spend about three times as much per child, on the average, but only a small part comes from parents. They usually restrict enrollment to children from poor or very poor families and have long waiting lists.

The result is a rather erratic two-class system in which *some* poor children (those fortunate enough to get into the subsidized centers) get better quality care than is available to families with somewhat higher incomes. The working mother with income slightly above the poverty line has the worst deal of all—unless she has a competent relative to turn to for free care. She earns too much to get her child into a subsidized center, but not enough to pay much for care. She does not even benefit appreciably from the newly liberalized income tax deductions for child care expenses. These benefits go mainly to people in higher tax brackets.

The important policy issue is not whether mothers should work—if they want to they will—but whether the public should take on new responsibilities for the well-being of children. Traditionally there has been little public concern for children until they reach school age and even then public responsibility has been limited to school hours. What happens to the preschool child or the school-age child after school hours has been considered a family responsibility, unless the child was badly abused or ran afoul of the law. But this *laissez-faire* attitude is now under attack, not only from women's lib spokesmen who believe that the public should provide day care so that mothers can make an easier choice between staying home and going to work, but by those who believe the public has a responsibility to enhance the development and capabilities of children as much as possible and that this can best be done by reaching them at a very early age.

The last argument combines fairly well established facts with an attractive but still unimproved hypothesis. The widely acknowledged facts are that children develop intellectual skills and capacities at a rapid rate in the first five years of life (especially the first three); that children from deprived homes get less stimulation and early education and start school with smaller vocabularies, fewer learning skills, lower IQ's than middle-class children; and that some experimental programs have succeeded in narrowing these disparities significantly—at least for a while. Unfortunately, the gains made by children even in the most successful early childhood education programs appear to fade out when the special programs end and the children are plunged back into the stultifying atmosphere of regular poverty area schools. The unproved hypothesis is that more comprehensive and sustained efforts to reach children earlier and longer—through parent-education, improved nutrition, early treatment of health handicaps, and a variety of part-day and full-day education programs—could make a permanent difference in their lives and build up a momentum that would carry on into the public schools.

The reason it is such a hard policy problem is that the potential cost could be very high. A really excellent full-day school program that provides enough staff to give children individual attention, plenty of space, play equipment, educational activities and routine medical attention costs at least $1,800 a year per child. Part-day activities cost less, but not a lot less. There are about three million preschoolers in poor families so a comprehensive preschool program for poverty children could cost $3–4 billion even if they did not all participate. But the real rub is that it would be politically impossible—and certainly unconscionable—to restrict such a program to the poor. Children from families with incomes of $8,000 or even $12,000 are not getting that kind of care now and their families could not afford to pay for it. A substantial subsidy, say $1,000 per child, to this group could cost several more billions.

A lot of us would rather have good preschools than a new nuclear-powered aircraft carrier, but that is not likely to be the choice we get. In the real world of politics the choice is more likely to be between spending substantial sums in early childhood programs and spending them on improving junior high schools, providing college scholarships or easing the plight of the aged poor. If you can get your friends arguing about these hard choices—rather than about whether mothers should work—you will at least have moved them off a spurious issue and onto a really serious and difficult one.

THREATENED DOCK STRIKE

Mr. FANNIN. Mr. President, once again we are being threatened by a dock strike on both coasts of our Nation.

Such a strike would be disastrous not only for the shippers or for business in general, but it would be a severe blow to the average American.

Union leaders are threatening to be their dictatorial worst because they have failed to win the full amount of the inflationary wage increase they exacted on the west coast.

These threats are causing concern even among legislators and journalists who in the past have contended with great consistency that labor can do no wrong.

Mr. President, one of the journalists in Milton Viorst, whose column appeared Monday in the Evening Star. I ask unanimous consent that the column be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Mar. 20, 1972]

RIGHT TO STRIKE HAS ITS LIMITS

(By Milton Viorst)

The prospect of resumption of the West Coast dock strike—the consequence of the Pay Board's compromise finding on a labor-management wage settlement—raises important questions about the future of union power in American society.

First, it poses the problem of whether the labor movement is to be allowed to destroy the effectiveness of the administration's program of wage-price restraints, which on the whole has been working rather well.

Harry Bridges, president of the West Coast International Longshoremen's and Warehousemen's Union, had threatened to strike if "as much as one cent" was lopped off the settlement which the union negotiated independently with the shippers. George Meany, president of the AFL–CIO, has said he would support Bridges right down the picket line.

In fact, the Pay Board reduced the original settlement from 21 percent to 15 percent, which is a far cry from the 5.5 percent target it had established for wage raises. Obviously, the Pay Board was not indifferent to the longshoremen's threats, even if it did not capitulate completely.

Yet it is clear that if the longshoremen, by going on strike, force a larger settlement, then none of the Pay Board's decisions will be worth the press releases they're written on—and President Nixon's wage-price program will be shattered.

Because of the impact on overall economic policy at a critical time, then, the prospect of a walkout raises a second, even more fundamental question: Whether unions have an inherent right to strike whenever it might suit their fancy.

There certainly was a time when I would have answered with an unequivocal '"yes." Those were the days when unions were fighting for their existence—against the hostility not only of employers, but usually of government and the courts. The left never doubted that the union was always right.

But the great labor struggles of the past—the Homestead strike, the United Auto Workers against Ford, John L. Lewis and the coal miners—represent a purer day of the union movement. As often as not these days, labor disputes are waged not so much against employers, but against the public and, often, against nonunion labor.

The current dock dispute is a good example. Both sides are going through a charade of who should benefit most from a reduction of some 30 percent—thanks to new technology—in the handling costs of cargo.

Obviously, it occurs to neither side to reduce prices.

Instead, the two sides make angry faces at each other and wind up with a sweetheart contract in which labor gets the wages it wants and management sets the prices it chooses. In such circumstances, it's hard to get emotional over labor's cause.

Yet Meany insists that labor has a constitutional right to go out on strike, nowithstanding economic policy and the Pay Board It is curious how the Constitution becomes the last refuge of the economic royalists, no less so because the barons today are from labor as much as from management

For myself, I have looked in vain through the Constitution for the right to strike. It seems clear that workers have the right to seek to coerce employers by a common refusal to work.

But I find nothing which says unions have the right to create economic paralysis or to deprive others of their living. In short, my own freedom reaches its limit when I hurt someone else. I have the right to free speech, but not to cry "fire" in a crowded theater.

And so the third question: Should the Administration and Congress enact legislation requiring compulsory arbitration, for instance, when the well-being of society is involved?

Meany says such legislation would mean the destruction of free enterprise and would be the "antithesis of freedom." That's what the drugmakers said when told they had to make safe drugs, and what the steelmakers said when told they couldn't fix prices.

I say the right to strike has limits, like the right to threaten panic in a theater. Labor and management can fight their battles out to their hearts' content, but only so long as much or all of society isn't made to suffer for them.

ADDITIONAL INFORMATION ON PROPOSED AMENDMENT TO THE AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES AND JAPAN CONCERNING CIVIL USES OF ATOMIC ENERGY

Mr. PASTORE. Mr. President, on March 15, 1972, the chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy placed in the CONGRESSIONAL RECORD, at page 8543, a proposed amendment to the agreement for cooperation between the United States and Japan for the civil uses of atomic energy. On March 7, 1972, the Chairman of the Atomic Energy Commission testified before the Joint Committee relative to the AEC budget request for fiscal year 1973. At that time, he presented a supplemental statement relative to the proposed amendment to the agreement for cooperation.

For the further enlightenment of Senators, I ask unanimous consent to have printed in the RECORD the supplemental statement of AEC Chairman James R. Schlesinger relative to the amendment to the United States-Japan agreement for cooperation.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL AEC STATEMENT, AMENDMENT TO JAPANESE AGREEMENT FOR COOPERATION, FISCAL YEAR 1973 AUTHORIZATION HEARINGS, MARCH 7, 1972, BEFORE THE JOINT COMMITTEE ON ATOMIC ENERGY

Mr. Chairman and Members of the Committee:

It is a pleasure to have the opportunity to testify today on an agreement amending the existing 1968 Agreement for Cooperation between the United States and Japan.

Before going into details of this agreement, I should like to review briefly some of the international trade benefits which accrue to the United States as a result of our cooperation in the field of nuclear power with other nations of the Free World.

Insofar as the sale abroad of reactors and reactor hardware is concerned, U.S. industry's contracts to date covering such sales are estimated at $1.5–2.0 billion. Although these sales will decline relative to the total value of U.S.-type reactors constructed abroad in the future, they will continue to be large in absolute terms—through direct sales in the less industrialized nations and through licensing and equity ownership arrangements in the highly industrialized ones. We expect that the total value of all such U.S. contracts for reactors and reactor hardware through 1980 will be in the order of $20 billion, with an annual flow to the U.S. at that time of about $3 billion.

Not only are U.S.-supplied enrichment services vital to the sale of U.S. reactors and hardware, but they themselves also make a major contribution to the U.S. balance of trade. As of February, revenues received from abroad for enrichment services totaled approximately $150 million and the long-term value of executed AEC contracts for such services amounted to some $1.8 billion, at today's separate work charges. Further, by 1980, we expect that the value of AEC's enrichment contracts with foreign customers will amount to about $27 billion, and that annual revenues at that time will be approximately $400 million. By 1985, the cumulative value of life-time enrichment services needed for reactors abroad utilizing enriched fuel will be some $42 billion. We expect that much of this market will be available to U.S. enrichment supply if a positive attitude is continued toward the provision of these services to the foreign market.

In total, then, foreign sales of reactors and reactor hardware together with related enrichment services currently are contributing some $700 million a year to the U.S. balance of trade and this is expected to rise to a level approaching $3.5 billion by 1980.

In the field of enrichment services, Japan is today our largest individual customer and is expected to be so for the foreseeable future. Our present agreement with Japan has a ceiling of 161,000 kilograms of U-235, which when reduced to an equivalent value of separative work, is about $880 million at current charges; about 70% of this total already has been placed under firm enrichment contracts by Japanese utilities. The proposed amendment would increase this ceiling by 174,000 kilograms, with a comparable separative work value of $960 million. The amended ceiling thus totals 335,000 kilograms of U-235. It will be available to Japan over the life of the current agreement, which expires in 1998, and will support a Japanese nuclear power program of about 17,500 MWe in some 26 projects. The separative work necessary to sustain this latter quantity of enriched uranium fuel has been factored into our plans for enrichment services and we are confident—as pointed out in the companion opening statement on Nuclear Fuel Supply—that adequate enrichment capacity will be available.

Regarding the 26 projects I have just mentioned, these are identified in a revision of the appendix to the 1968 Agreement. The revised appendix is included in the diplomatic notes before the Committee, which we have used to effectuate the amendment of the U-235 ceiling. The new appendix reflects the addition of 13 projects to the 13 listed in the current appendix. All are scheduled to be under construction by the end of 1973.

I should like to note at this point that—with the exception of a few agreements which involve relatively small amounts of enrichment services and which are in an advanced stage of negotiation—future Agreements for Cooperation will reflect a revised approach to enriched uranium supply. The principal revision concerns the point in time at which the AEC will consider an assurance to supply enrichment services to have been made. This change was referred to in the AEC's public announcement of June 8, 1971, on uranium enrichment services.

In the past, we have considered that our long-term agreements constituted an undertaking to supply the quantity of enriched uranium reflected in the U-235 ceiling provision of an agreement. Such an undertaking has been subject to the negotiation of appropriate supply contracts and has been carried out by direct supply of the enriched uranium product or through the provision of toll enrichment services. The quantity of U-235 covered by an undertaking was established on the basis of a specific reactor program reflected in an appendix to a long-term agreement.

Thus, at the time such an Agreement for Cooperation came into force, we in effect, set aside a portion of our enrichment capacity corresponding to the agreement's ceiling quantity. This approach, of course, had the inherent possibility that enrichment capacity might be encumbered which would not subsequently be taken up by firm contracts.

Such possibility was part of the reason for our extensive review last year of the AEC's overseas supply policies. The result of this review was the June 8 announcement stating that the AEC will continue to enter into long-term enrichment contracts with domestic and foreign customers but indicating that any commitment for supply of foreign reactor fuel—like those for the supply for domestic reactors—will occur only with the execution of specific supply contracts.

Except for those few agreements in the advanced negotiating stage, future agreements will provide that the AEC is prepared to enter into contracts for enriching services, subject to the availability of enrichment capacity, when a reactor operator has a requirement for such services.

Although, for purposes of control, the new type of agreement will continue to have a specified ceiling, this ceiling will merely place an upper limit on the amount of enriching services to be supplied for power programs and will not, as in the past, be an undertaking on the part of the AEC to supply. We expect to base such ceiling on the megawatts of nuclear power which the cooperating country plans to place under construction within five years from the time of the negotiation of the agreement.

While current agreements permit plutonium transfers for research, only a few permit such transfers for fueling purposes. We therefore propose in future agreements routinely to include provision for plutonium fuel transfers. This will accommodate the future market for plutonium recycle and, ultimately, fast reactor fuel. Any plutonium transferred by the AEC itself would be subject to a ceiling limitation, which we would expect to be relatively small since we do not consider ourselves as a supplier for this purpose. Privately arranged transfers would not be subject to the ceiling, but they would, of course, be subject to the same safeguards as AEC-supplied material.

This concludes my prepared statement. I will be pleased to answer any questions you may have. Thank you.

FEDERAL SUPPORT OF CANCER RESEARCH

Mr. NELSON. Mr. President, J. D. Watson, professor of biology at Harvard University and director of Cold Spring Harbor Laboratory, Nobel Laureate in medicine and physiology, and author of the book, "The Double Helix," has written some interesting observations about the increased Federal support of cancer research.

He is concerned that large sums of the $1.6 billion authorized by Congress in the Conquest of Cancer Act will be spent on research that produces short-term results and on construction, at the expense of important long-term basic research that is critical to cancer discoveries.

In fact, the administration budget proposal for fiscal 1973 contains $60 million for construction of cancer treatment centers, including $49 million for 15 new clinical centers authorized by the law.

The public is encouraged by the sudden input of vast sums of money for cancer research, and clamors for early success in curbing this dread disease. Watson warns that, if accomplishments are to be achieved, the money must be spent in an orderly, planned way, which maintains a perspective on the necessity to support basic research.

He also encourages young scientists to group together and participate in the planning and research.

Watson states:

> The recent Congressional verdict to keep cancer research decentralized within the NIH framework strikes me as a wise decision.

However, Watson notes:

> The NCI (National Cancer Institute) administrators can opt primarily for long-term results by allocating a significant portion of the money to learning the precise chemical details of human cells. Or they can blanket much more cancer therapy under the umbrella of "clinical research" and use virtually all the new money to construct a series of brand new hospitals, with emphasis on regions now lacking the hospital resources of major medical centers like those existing in Boston, New York and Houston.

Watson warns:

> Most likely the NCI (as would have the super-agency if it had been created) will put its money largely on the short-term option.

He fears that—

> Barring the emergence of radically new ways to cure the major cancers, the chief effect of a massive new round of hospital-building will be to provide more cheerful places to die.

An editorial in Biomedical News, March 1972, by Robert H. Grant, public affairs director for the Federation of American Societies for Experimental Biology—FASEB—suggests that—

> The scientific community—each and every scientist—must play a role in the support of scientific research. If this does not occur, the dismemberment of NIH is not far off.

Mr. President, I ask unanimous consent that the article by Dr. Watson in the New Republic, February 26, 1972, and the editorial by Mr. Grant from Biomedical News be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New Republic, Feb. 26, 1972]

WHO SHOULD GET ALL THAT NEW MONEY?— THE CANCER CONQUERORS

(By J. D. Watson)

The distinction between pure and applied science is more often made by politicians than by practicing scientists. We seize upon a phenomenon because some aspect of it intrigues us, not the least being the possibility that it is not as messy as most people in the past have thought, and that some insight on our part will make it readily explainable in terms of laws of nature that already have wide acceptance. We, of course, worry whether an explanation has wide generality or whether its consequences are so specific as to interest only its discoverer. And we do not relish the thought that we may have tackled a problem so easy that many others will jump in, and credit for the discovery will be synonymous with victory at bingo.

Outsiders now witnessing the current dash to enshrine work in cancer research with the fearless computers and chrome-plated environment that marked our past devotion to the moon's surface must wonder what motivates this new breed of public figure. Are they the same people who a few years ago flourished in immaculate Houston suburbs, but now know that our nation is fed up with the military and space and that Congress is more than uneasy for being a willing partner in the Vietnam that we masked with the platitudes of national esteem and parochial self-righteousness? We must wonder to what extent the current American hysteria to conquer cancer within the next decade arises from the feeling that an infirmity which strikes without respect for social, racial, or economic class must be an easier objective than a moral cancer which grows out of a nation's incapacity to acknowledge the conveniently remote victims of its surgical bombing strikes.

For now, our people are fed up with the catastrophic misuse of their resources by a succession of Presidents that their congressional representatives have been unable to control. They would like to strike back and actually see some public good. The question thus becomes, have they seized upon a suitable goal or have they again been sold a bill of unattainable goods, this time by a brand new set of lobbyists who, despite their noble outpourings, are all too easily matched up with a constituency afraid of their future and worrying whether Congress' support of health research will last until their kids are out of college?

For an honest answer, we must examine the current state of cancer research and, in particular, look at the origins of the various scientists who have settled for this career. Are they in cancer institutes primarily because of humanitarian feelings, working tirelessly to bring a halt to this most vicious form of human suffering? Or were their career choices the result of the widespread knowledge that cancer money is both the easiest to obtain and the most difficult to choke off and that it is better to do dull science than no science at all? Or are they motivated primarily because cancer is a phenomenon filled with countless intellectual puzzles that must inevitably attract some of the best of our scientific minds?

Without difficulty we can pinpoint individuals who fit each of these pigeonholes, as well as others whose motivations are more complex. The vast majority, however, are in cancer research from a personal desire to alleviate suffering, being supported by various personal and governmental monetary funds specifically created to provide the wherewithal to somehow check cancer. Today most cancer research is carried out by medically trained people who, after becoming frustrated by their inability to alter the course of most cancer cases, have decided that a career in clinical research would be much more satisfying than a lifetime of effectively impotent ward rounds. To be sure, there also exist many individuals who have chosen cancer research because they smell easy money, and no doubt there will be even more if cancer money explodes in the fashion now predicted. But up until now, this latter group has not been a significant factor in the organization of cancer research, and to a very large degree the people who direct the course of cancer research laboratories are also deeply involved in the life and death aspects of the clinical wards associated with their research institutes.

They are more than aware of their dual constituency composed of the wretchedly sick and their anxious relatives, and so, at times, quietly despair for the emergence of even minor clues that will allow them occasionally to seem optimistic and expectant of real progress. Hampering any rationalization of their effort, however, has been the fact that there has existed no solid intellectual framework around which they could organize any rational attacks on the disease. No possibility existed of a meaningful interaction between the worlds of contemporary biology and clinical cancer research as long as there existed no comprehensive understanding of the fundamental principles that govern the existence of living cells. That is, as long as biology remained a disconnected set of unorganized observations, its knowledge could not be brought to bear on the cancer problem.

This was the dominant fact that led, early in the 1950s, to the creation of the National Institutes of Health (NIH). Largely on the advice of perceptive cancer clinicians like Sidney Farber of the Children's Hospital of Harvard Medical School and C. P. Rhoads of Memorial Hospital, New York, Congress was convinced that the rational way to ensure the emergence of new medical advances was a broad expansion of federal support for all aspects of biology. The stage would then be set for a spectacular growth in the basic biological principles, similar to that which occurred in physics and chemistry in the interval between the two world wars. Within a short time after the founding of NIH, increasingly large sums of money began to pour out in support of biology, not only from NIH itself but, also, from the National Science Foundation and the Atomic Energy Commission. Most pleasingly, this new infusion of cash was followed soon after by a series of signal advances in the understanding of how cells operate that greatly exceeded the prognostications of even the most rabid promoters of the new biology.

Given the 1953 elucidation of the double helical structure of DNA, the way had become open to work out how DNA functioned as the genetic material and by 1965 the genetic code was completely solved. Equally striking was the way we learned how viruses were constructed as well as the precise biochemical mechanisms which underlie their ability to multiply within cells to form thousands of exact copies. And the biochemists, who in the 1930s first began to learn how cells generate energy, went on to show how this energy was used in the synthesis of the cellular macromolecules, the carbohydrates, the proteins, and the nucleic acids.

Most of these new insights by themselves, however, have had little direct application to the problem of the clinicians in cancer hospitals. During the past two decades the vast majority of our biochemically inclined biologists focused their efforts on the bacterial cell. They did not want to risk almost certain failure by attacking the much more complicated cells of human beings before they thoroughly understood the fundamental chemical rules that make possible the existence of the bacterial cell.

This was most certainly the right decision. A massive movement of the biological community into the cancer research of the 1950s and early 1960s would have led to almost no clinical consequences nor have produced much, if any, worthwhile science. By concentrating instead on problems that they could solve, not only have biologists elicited how heredity operates at the molecular level, but they also have acquired, for the first time, a solid professional status long the trademark of the chemist and physicist. No longer is a biologist arbitrarily thought to be an intellectually inferior breed of scientist. And because of the innumerable remaining major intellectual challenges still facing biology, it attracts, for the first time, many of the best students who wish to do science. On the whole, most opt for work with the higher cells of vertebrates, not because they know this is where the money lies, but because animal cells now seem intriguingly tractable, in much the same way that bacteria looked to me twenty-five years ago when I first began to work in a university laboratory.

For fields of science have their own momentum or nonmomentum, depending on whether the current experimental techniques are capable of moving them forward. Often it is all too obvious that a given key question cannot be answered with the current instrumentation and that, barring some unexpected insight, it is best left for another generation of scientists to take up. This may very well be the case today in the fields of human perception and memory where the frightful anatomical complexity of the vertebrate brain poses a virtually impenetrable jungle for even the most talented experimentalists.

In contrast, there exists a firm basis for the belief that the essential biochemistry of human cells can be worked out within the next decade or two. Even though today we still are completely in the dark about how vertebrate chromosomes function and have no good ideas about the detailed architecture of the outside surfaces of normal cells, much less those of cancer cells, there already exist the experimental techniques and machines which, when correctly applied, should quickly lead to important new concepts. This is not to say that further advances will be straightforward. Future progress with mammalian cells will be strongly influenced by the organizational setup within which the individual scientist works.

The most effective labs are likely to be those in which large numbers of people with closely related interests work simultaneously. While no doubt many key findings will come from solitary individuals working with total indifference to their neighbors down the hall, in general I do not believe this approach will be productive. This is because the inherent complexity of the mammalian cell may be several orders of magnitude greater than that of the now familiar bacterial cell. A given experiment with a mammalian cell usually takes some ten times longer and requires a correspondingly greater sum of financial support. Conceivably, someone will come up with a really cheap way to experiment on human cells, but the odds now are much against it. Common sense argues that many more people must be involved in establishing a given point than where bacteria are the object of investigation.

We thus must create the organizational framework which not only makes possible, but strongly encourages, the development of research groups of some 10–50 scientists, all of whose research focusses on the fundamental molecular biology of higher cells. Numbers this size will allow each lab to possess the variety of complex instrumentation often necessary to carry out key experiments. Today it no longer makes sense to regard experimental biology as a cheap science, with high-energy nuclear physics the only big consumer of scientific money. Setting up a minimal lab for higher cell work can easily take more than $150,000, an amount of money far greater than that now usually given to single investigators. But sums this great are likely to be allocated only when the granting agency knows that the equipment it provides is to be used by a number of different people, not when its use is solely the privilege of one person.

I am not, however, advocating the creation of huge establishments with all the power closely controlled by superstars who daily direct their Ph.D. minions to do this or that particular experiment. Such enterprises, which still characterize much of European and Russian science, occasionally are sensationally effective, but on the whole, they are dull factories with the only inspiration coming from the quality of the furniture and rugs in the director's office. Instead, I am thinking of institutes like the McArdle Laboratory at the University of Wisconsin. There within one bright new building are some ten totally independent investigators, each a professor in the university and free to choose his own research objectives. All have research which focuses on a problem in cell or molecular biology that relates to some important aspect of cancer research. They received most of their research support from a large block grant ($1 million a year) from the National Cancer Institute. Unfortunately, this lab is still an exception on the American scene—and the average scientist who might possibly do something very relevant to the cancer question works by himself helped by a few students in an atmosphere too often characterized by grossly inadequate instrumentation.

Hopefully, those institutions which will be the recipients of much of the largesse coming from the newly voted cancer research funds will be those which make staff and space commitments that will quickly permit the creation of large labs with a critical personnel mass. Such decisions, however, will not be taken lightly by intelligent university presidents or medical school deans. Already most schools have staffs larger than their real financial resources warrant, and another round of expansion of research facilities should necessarily unsettle the equilibrium of any sensible administrator. For he knows that not only is money from a federal pipeline subject to highly unpredictable fluctuations, but even in the best years, the way federal money is given almost always ensures the need to raise additional funds to cover the true overhead.

Our nation's medical schools and universities thus cannot afford to increase their commitments to fundamental cancer research unless they receive assurance that Congress appreciates the difficulties that may lie ahead. Serious doubts whether Congress will continue to hold interest in cancer research unless solid new clinical successes are soon forthcoming will certainly scare off the sensible and leave the field to a combination of charlatans and fools. Even if the coming decade is marked by virtually unlimited money, observations with real therapeutic consequences may not occur and might only appear after still another decade or two of massive federal aid.

Knowledge of these harsh facts was certainly a key component in the creation two years ago of Senator Yarborough's Citizens Committee to assess the current status of cancer research and treatment within the United States. When it came into existence, the aura of financial stagnation that prevailed throughout the scientific community, together with the attendant corollary that we have more scientists than we can feed, argued strongly against further expansion of cancer research. Had the Yarborough Committee not materialized, the pace of fundamental cancer research within the United States would soon be far less than our national capability.

Instead our country took most seriously the message that the time had now arrived to make use of the "new biology" and directly apply it to cure (prevent) most cancers. Backed by the testimony of some one hundred expert witnesses, the Yarborough report urged expanded programs of pure cancer research as well as the politically more palatable goal of increasing the number of medical centers that can provide modern cancer therapy. Though many of us take issue with one or more of its arguments that we feel are overly optimistic, it is difficult to quarrel with the general conclusion that more good cancer research is needed. Its congressional proponents knew they were backing a sure thing and that to oppose it was equivalent to voting for another Vietnam. Passage of some legislative program to provide more money for cancer research was thus in the cards the moment the Yarborough report came out. It was to no one's surprise that strong executive as well as congressional support immediately coalesced around the program and the "Conquest of Cancer" legislation quickly became law.

We must not assume, however, that the battle is over. Unless the money is well spent, vast sums will be passed out without visible long-term influence on the treatment of most cancers. This disquieting thought was behind most of the controversy in Congress as to whether a brand new cancer agency, under some superczar, should be set up independent of the National Institutes of Health, the federal body now responsible for most health-oriented research. Proponents of this scheme argued that the current bureaucratic setup within NIH was ossified, and that much forward momentum could be generated by giving more real power to the true cancer researcher, whose freedom for action was often unnecessary restricted by administrative hurdles.

Against this, opponents of the superagency argued strongly for keeping cancer research within the domain of NIH. Behind this seemingly conservative approach was the argument that most fundamental cancer research is so interconnected with other forms of medical research that to separate it might so confuse the purpose of NIH as to lead to its essential dismemberment. Also making many scientists and clinicians leery of abandoning the NIH framework was the fear that the creation of a powerful czar would lead toward a monolithic research effort disproportionately influenced by the prejudices of a small number of opinionated operators. One of the greatest virtues of the NIH has been its capacity to give support to all sorts of different ideas. Given the unpredictable nature of research, this approach maximizes the probability that something really new and pertinent will pop up. Putting all our eggs into only a few baskets would make sense only if the cancer problem were much more highly defined than is now possible. Conceivably there exists some individual whose ideas about the cancer cell are worth five million or so dollars to test, but I have yet to meet him.

Moreover, the National Cancer Institute (NCI), the component within NIH primarily responsible for cancer research, now utilizes either as direct employees or as active consultants virtually all of the frighteningly small number of Americans capable of giving intelligent direction to the cancer area. There is no group of unused talents today that could be brought into the government to supplement the preexisting advisors. A super cancer agency, if it were voted into being, would in essence be the National Cancer Institute renamed, not a brand new entity with its own new ideas.

Cancer research already is, and will become even more, a highly trained discipline requiring many years of professional training in biochemistry, cell biology, immunology, and molecular biology. Thus, newly created cancer programs cannot use the highly trained professional now underemployed because of cutbacks in the aerospace industry. Such people could be utilized only if they were to begin their education anew and acquire new professional degrees. Recruitment of the many new professionals who will be needed for the cancer research of the next decade most likely will occur from students already, or soon to be, enrolled in conventional M.D. and Ph.D. programs that are now supported by one or more of the various branches of NIH. At least for some years we must substantially enlarge these NIH-backed training programs, so as to ensure that research on cancer uniformly acquires the high professional standards long associated with the physical sciences.

The recent congressional verdict to keep cancer research decentralized within the NIH framework strikes me as a wise decision. The administrative ball game thus is back where it started, with the National Cancer Institute still the dominant agency controlling how cancer money is dispensed. And as before, the existence of scores of different advisory bodies will ensure that many fingers are in the pie. The NCI administrators can opt primarily for long-term results by allocating a significant portion of the money to learning the precise chemical details of human cells.

Or they can blanket much more cancer therapy under the umbrella of "clinical research" and use virtually all the new money to construct a series of brand new hospitals, with emphasis on regions now lacking the hospital resources of major medical centers like those existing in Boston, New York, and Houston.

Most likely the NCI (as would have the superagency if it had been created) will put its money largely on the short-term option. In doing so, they will optimistically argue that preexisting methods of therapy might have to be only slightly modified to produce real dividends, and that the best way to ensure that the right new protocols for treatment are devised is to create new hospital centers specifically designed to decide between alternate methods of therapy. But from cruel experience, the leaders of NCI must inwardly fear that, barring the emergence of radically new ways to cure the major cancers, the chief effect of a massive new round of hospital-building will be to provide more cheerful places to die. The main dilemma the clinician lives with is not his failure to keep abreast of new discoveries which could cure his patients but the essential absence, in even the newest cancer hospitals, of effective ways to check virulent cancers like those of the breast and the lung. Setting up speedy all-inclusive information exchanges to reshuffle current knowledge is likely to enrich only the stockholders of computer companies. But the average citizen, as well as his congressmen, will badly want some short-term result to show for his money and so will be reassured by the sight of a fine new edifice, equating glitter with more effective therapy. We must expect that much, if not most, of the new cancer money will buy patient care, not true research.

Fortunately, however, the massive funds just voted by Congress mean that even a small share of the pie is a lot of money and most likely sufficient to create a large number of first-rate new research groups whose existence would be impossible without the new money. The real question thus becomes will this happen or will the NCI leadership just pour out the money without any real plan of action?

My suspicion is that the answer will largely depend upon the action of the younger scientists just entering cancer research. Even if the NCI bureaucracy upon the advice of its advisory committees decides to back the formation of exciting new labs for fundamental animal cell biology, they are unlikely to know how to move. We must remember that until very recently most creative scientists avoided "cancer research" as if it were the plague. They smelled an impossible task and did not want to enter an intellectual graveyard. Now there does not exist a confident body of senior cancer workers who armed by past success have much feeling for what the future may bring. The scientists who probably have the best ideas as to which experiments make sense and how they should be accomplished are individuals in their late twenties or early thirties. But on the whole, they have been brought up to face a world not only where the real power is held by their elders, but where common sense says to stick closely to the lab bench and grind out enough real science so that tenure will come; then they can stop worrying whether they can do science. At their age it is all to easy to equate committee membership with premature stuffiness and a secret desire to let one's students and postdocs do all the night work.

They must realize, however, that at this critical moment, there is no organized or even disorganized group of wise decisionmakers who will map out their science. The only predictable object above them is the bag of free money that our nation's people want well spent. It is much too big to sit unused for any period and very likely will fall upon those who ask for it first. So if our better younger biologists get together and quickly ask to set up flexible and nonauthoritarian new departments (institutes) the financial wherewithal can be found within the NCI and eventually the universities to let such bodies come into existence. But if they timorously sit back, the current superstars on the cancer scene will get even more money to bolster their egos. Then we will have to wait until still another Yarborough type lobby materializes before cancer research can be established in the United States as a serious academic discipline.

Some may argue that this decision is far too important to be left in the hands of the young. But we have no other choice. No other group can do the job, and it is they or nothing. We will be remiss, however, not to warn them if they act individually, leaving the important administrative if not scientific decisions to good intentions in Washington, they may very well have lost their only opportunity to face a wide open frontier.

And the American Public will once again wonder where their money has gone.

[From the Biomedical News, March 1972]

NIH: Challenge to Its Future

(By Robert H. Grant)

Gone are the days when John E. Fogarty, chairman of the House Appropriations Subcommittee on the Departments of Labor and Health, Education, and Welfare, asked the directors of the National Institutes of Health how they would invest $5-, $10-, $15- or $20 million more in research at the various Institutes. Fogarty, a former bricklayer who became a distinguished member of Congress, laid the foundation for the nation's greatest research enterprise—the National Institutes of Health.

A review of the Administration's FY 1973 budget for NIH reveals a not-too-bright future. The increases appearing in public documents on the NIH budget are, for the most part, eliminated by the deletion of $142,385,000 for construction grants, $700 million in construction grant applications has been returned by NIH to various universities and medical schools. This indicates a cessation in the construction of health facilities for education, research, and the health sciences. This deletion is not understandable in view of the Administration's stated desire to increase the physician population by an estimated 50,000. The overall NIH budget, in reality, has less than inflationary increases. There will be fewer grants and contractors for FY 1973.

Have we entered a new era? Last year an all-out effort was directed toward the "thrust on cancer" with power exerted to separate the National Cancer Institute from the NIH. NCI received a considerable increase in funds, but final legislation kept that Institute within NIH. This year steam is being developed to do the same for the National Heart and Lung Institute, while back in the smoke-filled rooms efforts are being whipped up for the National Institute of Neurological Diseases and Stroke.

Is science support becoming dependent on strange, new efforts by syndicated columnists, such as Ann Landers, with members of Congress being besieged by letters from individuals who read these columns? Let us get back on the track. The scientific community— each and every scientist—must play a role in the support of scientific research. If this does not occur, the dismemberment of NIH is not far off.

The strong man in the House of Representatives now is Congressman Paul G. Rogers, chairman of the Subcommittee on Public Health and Environment. From everything we hear and see, Congressman Rogers plans and intends to keep NIH intact. He needs your help and so does the White House and the Office of Management and Budget!

IN DEFENSE OF THE LOWLY SHEEP

Mr. HANSEN. Mr. President, those of us from the West who are aware of the conditions under which sheep are raised, and the contributions which the sheep industry makes to the economy of the West, have tried to explain these things to others less familiar with this industry.

But I have never seen the facts more eloquently and forthrightly stated than in a recent edition of the Bulletin, the weekly newspaper of Buffalo, Wyo. In an article entitled "A Word About the Sheep Industry," the point is well made that the terrain and climate of the West is uniquely suited to the production of sheep, and that sheep do not harm the environment, but survive in areas where no other animal providing food and fiber for man could survive.

About sheep, the article notes:

> He is a unique animal in his ability to produce food and fiber for man, then return to the earth to regenerate himself. All of his products and by-products are fully biodegradable and his life functions require nothing more than what mother nature can provide in an un-ending cycle.

The article points out that sheep can live and reproduce in the arid areas of the West in complete compatibility with nature, with a single exception—the coyote.

In connection with the controversy over predator control, understanding is needed on both sides of the issue. This fine article very eloquently and accurately sets forth some important facts on the side of the producer. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A World About the Sheep Industry

(Note.—The Sheep Industry has, in recent times, come under much criticism by a variety of different ecology minded interest groups. These pressure groups feel they have a just cause in getting sheep off federal lands, stopping of predator controls and restoring nature to what is called "a natural balance.")

Our environment, whether public or private, must be preserved for future generations and it cannot be argued that man has been less than careful with his environment. It also cannot be argued that man has a right to be here.

Man must have food, fibre and shelter to survive. He obtains these three items in one of two ways. By growing the raw products and manufacturing the finished product, or by mining the raw products and manufacturing the finished product.

It should be evident that mined raw products will in time become more and more depleted. Because of this fact it seems logical that in man's long term look at his environment, he should start to concentrate his search for food, fibre and shelter on products that will in time degrade themselves and regenerate themselves.

The lowly sheep fits this need well.

He is a unique animal in his ability to produce food and fibre for man, then return to the earth to regenerate himself. All of his products and by-products are fully biodegradable and his life functions require nothing more than what mother nature can provide in an unending cycle.

To sustain life and produce meat and fibre he requires no additional sources of protein than those found in his natural food stuffs.

This is in contrast to other meat producing animals such as pigs, cows, chickens and turkeys. Thereby, the sheep does not have to compete for tilled protein sources in our increasingly protein short world.

The sheep can live on low grade forage areas of the world that will not sustain other forms of forage eating livestock. He can survive and produce on low rainfall areas of the world, even in areas where snow provides the only moisture.

No other domestic food and fibre producing animal has this unique ability. In short the maligned sheep produces for man's benefit on areas of the earth that have little economic value to man or to meat species of wild game. Those species of wild game that do inhabit sheep range do so in complete compatability.

This is with the exception of the coyote, a predator not only to the sheep, but to other wild forms of forage utilizers.

The coyote is now the center of a national controversy. It is argued that to use control measures of any kind against him is to upset the balance of nature. These same environmentalists that advocate no predator control see no conflict with rat and mouse control within the confines of their home or city.

Some unreasoning environmentalists do not take into consideration that wool, cotton and linen are the only biodegradable fabrics in large use today. The synthetic fabrics require mining of the earth's crust for their basic raw material and energy from the earth's crust to refine the raw products into cloth.

This process requires vast amounts of energy in a world with dwindling energy supplies. The sheep requires no energy other than the sun and soil to produce the versatile wool.

These are facts about an industry that is the economic support of many small towns in Wyoming. The fortunes of the sheep industry will directly affect the jobs of many people in these communities. It is up to us as citizens under a free government to stand up and be heard about the injustices being done to the sheep industry. Not only for our own economic good, but for the good of the environment for future generations. The sheep industry is a clean industry serving a definite need. It is compatible with many other recreational and natural uses of the land.

Write your Representatives in Washington, D.C., and tell them of your feelings. In addition, buy and wear wool and eat lamb. It is your pocket book and your environment.

PROBLEMS OF THE WELFARE SYSTEM

Mr. FANNIN. Mr. President, the Committee on Finance is struggling to unravel some of the perplexing problems in our welfare system.

The deeper we wade into this quagmire of welfare, the more it becomes evident that money alone will not cure the problem. It seems evident that increased welfare payments without meaningful reforms will multiply the problems rather than cure them.

Increased payments would simply encourage more persons to go on welfare.

Two articles in this morning's New York Times give evidence as to the complexity of the welfare problem and the mess we currently have in the system.

One article points out that 32,000 drug addicts are on the welfare rolls in New York City, and the number is growing by 1,400 per month. In other words, taxpayer money is being channeled through welfare recipients into the hands of traffickers in illegal narcotics. We are supporting the drug habit of thousands of persons.

The other article reports that more than 70 percent of the births to mothers on welfare last year were out of wedlock.

This fortifies the argument that a means must be found to require the fathers of illegitimate children to provide money for the support of their children. In New York City 16,622 illegitimate children were born and added to the welfare burden in 1971.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ADDICT A GROWING WELFARE PROBLEM

(By Paul Montgomery)

The addicts arrived in the smoky morning at the Bergen-Willis Welfare Center in the South Bronx and waited through the junk-sick afternoon for the checks to come out.

On the main floor of the Willis Center, where employes walked out last week to dramatize their demand for better police protection, the addicts took up half the room. Like the other clients who jammed the rest of the grim area, they were there because they had not received the biweekly check of March 15, or said they had not received it.

In the addicts' corner, the clients, most of them young, sat unsmiling. A few glared out at the crowd and commotion; most looked listless and blank. One was doubled over, writhing with withdrawal cramps. A pretty teen-aged girl sat sideways on a chair, gripping her sides. Her eyes were swollen to slits. "I don't know what's happening. I don't know what's happening," she kept saying.

The scene is common at most welfare centers on the few days after "check day"—the first and 15th of the month. Losses of checks in the mail and thefts from mailboxes, are frequent in the South Bronx. It is also not uncommon for clients to temporarily double their biweekly income by cashing the check, claiming its loss, and getting another. In the normal course of events, it is a month or two before the accounting department catches up (the excess payment is then deducted in equal installments from six succeeding checks).

For addicts, however, the difficulties are trebeled. Since their caseworkers generally have much more work than those for nonaddicts—addicts make up 2.5 per cent of welfare recipients, but 12.5 per cent of welfare transactions—they must wait two or three times as long for attention. Also, their stories merit the maximum of suspicion.

For an addict on methadone maintenance, there is an additional burden. If he wants his check, he will usually have to wait most of the day at the center. That means he must forgo his daily maintenance dose, and suffer the attendant pain of withdrawal.

Last week, Human Resources Administrator Jule M. Sugarman said that the addicts on the rolls—32,000 at present, and growing by 1,400 a month—had brought public assistance to "the verge of serious breakdown." Caseworkers who deal with addicts at the Bergen-Willis Center, at 414 East 147th Street, do not agree. They see the roots of the crisis in what they regard as the bottomless inefficiency of the welfare system, ranging from senseless filing procedures to a grave shortage of caseworkers.

"He's trying to blame the people on welfare instead of the system," said Malcolm Slaughter, a caseworker, of Mr. Sugarman's statement. "The real point is that the system doesn't work. It's hard to say what should be done, but what's happening is inhuman."

The trouble at the Bergen-Willis center began March 6, when an addict threw lye in the face of a supervisor there. According to his caseworker, the addict had just been released from Rikers Island and was in his third day of waiting for attention at the welfare center when the attack occurred.

The attack was one of a series of violent incidents at the center, and last Wednesday 400 employes walked out to demand increased protection. At the Bergen center, a few changes were made—the addicts, previously kept in a separate caseload group, were dispersed among regular clients, and waist-high plywood corrals were erected to control crowds. Additional policemen were stationed in the building, though yesterday only three of the promised 10 patrolmen showed up when the doors opened at 8:30 A.M.

Mr. Slaughter and his colleagues, however, regard the security issue as merely a sidelight on the basic issue of reform. "We can have 100 patrolmen, but if we don't get more caseworkers it will just get worse," said one. According to the group, the average case load has gone from 90 to more than 200 a caseworker in the last few years.

In some ways, the center shares the neglect of the area. The building is virtually the only one on the block which has not been burned out or emptied by vandals; in the early morning, smoke from garbage fires and fires in the buildings hangs in the air.

City services in the area are at a minimum. Yesterday, at the center, a sanitationman stuck his head in the door and inquired "Is there a demonstration here today?" A welfare worker said there wasn't. "Then why the hell did my boss want this stuff picked up?" the sanitationman asked, motioning at the garbage in the street. Then he left. The worker explained that when the citizens of the South Bronx schedule demonstrations, the Sanitation Department cleans the street first for the benefit of the television cameras.

ILLEGITIMACY RISE ON WELFARE CITED—ASSEMBLYMAN'S STUDY FINDS 70 PERCENT OUT-OF-WEDLOCK BIRTHS

(By Peter Kihss)

More than 70 per cent—16,622—of births to mothers on welfare last year were outside of wedlock, according to a study made public yesterday by Assemblyman Andrew Stein. The figure represents a continuous rise in the proportion of out-of-wedlock births to welfare mothers since 1960, when the rate was 57 per cent.

Mr. Stein, a Manhattan Democrat, decried delay by the State Department of Social Services in seeking Federal funds available since 1969 that would pay for 75 per cent of the cost of family planning services for current, former and potential welfare recipients.

He called for state programs for "mobile vans, sound trucks, mailings, advertisements in newspapers widely circulated in poverty areas" to spread word of available methods of birth control. He also urged the City Human Resources Administration to deploy caseworkers into areas with greatest needs for information.

State officials reserved comment. But a spokesman for City Human Resources Administrator Jule M. Sugarman said he had repeatedly submitted formal requests since his appointment in July, 1970, for required state amendments to a Federal aid plan to cover this and other services.

Mr. Sugarman's office said the state sent letters last Sept. 9 to localities on availability of the Federal financing, and had since Given "partial approval" to a family planning proposal for the city's Community Development Agency. The City Department of Social Services was said to have had 95,210 contacts on family planning last year, resulting in 17,854 referrals for services.

The Federal Department of Health, Education and Welfare said last April that only 12 states had taken advantage of a 1967 Federal law and subsequent implementing rules requiring states to offer family planning to all "appropriate" welfare recipients and to establish "programs aimed at preventing illegitimacy."

The study made for Assemblyman Stein is by Nicholas Kisburg, his consultant on a series of welfare analyses, gave the following data on births among welfare recipients in New York City:

Year	Outside wedlock	Total birth on welfare	Percent out of wedlock
1960	5,231	9,154	57.1
1961	5,922	10,277	57.6
1962	6,070	10,368	58.5
1963	7,392	11,994	61.6
1964	9,079	14,325	63.4
1965	9,836	15,112	65.1
1966	10,160	14,988	67.8
1967	12,208	17,770	68.7
1968	16,226	23,423	69.3
1969	17,192	24,965	68.8
1970	17,622	25,481	69.2
1971	16,622	23,643	70.3

Mr. Stein said last year's decrease of 1,000 might reflect wider availability to the poor of more effective contraceptives and reform of the abortion law.

The total out-of-wedlock births, he said, still represented 30 per cent of the year's increase in Aid to Dependent Children recipients. Absence of a father, he went on, would mean the children would lack family stability and discipline.

UNEMPLOYMENT IN URBAN GHETTOS

Mr. CRANSTON. Mr. President, unemployment in our urban ghettos long has been one of this Nation's most serious problems.

Today we have new evidence of the critical nature of joblessness in these minority population areas.

A study by the Manpower Research Center of the University of California's Institute of Industrial Relations reports that unemployment in Watts and East Los Angeles has reached "disastrous proportions."

The study revealed—

Unemployment has increased 10 to 15 percent in the last 2 years.

Over a 10-year period, in the face of all kinds of training and job programs, unemployment in the ghetto areas has worsened.

Total unemployment rates for all men aged 16 to 24 was 46 percent in the Watts area and 30 percent in East Los Angeles.

For teenagers alone the rate in Watts is 62 percent and in East Los Angeles 34 percent.

And what did the research team discover in its study of this problem? Exactly what you would expect. These unemployed young people are turning to crime—the so-called "street economy" that deals in drugs, gambling, prostitution, pimping, and similar activities.

Mr. President, I ask unanimous consent to have printed in the RECORD a Los Angeles Times story of Tuesday, March 21, 1972, which describes the report.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MANY REPORTEDLY ENTER "JOB MARKET" VIA CRIME

ILLEGAL ACTIVITIES ARE MAIN SOURCE OF INCOME FOR EAST LOS ANGELES, WATTS YOUTHS, SURVEY FINDS

(By Harry Bernstein)

Marijuana selling and other illegal activities are the biggest source of income for young workers in the Watts and East Los Angeles areas where unemployment has reached "disastrous proportions," according to a major study released Monday at UCLA.

"After a full decade of national effort (to lessen the problem), there is now every evidence that the youth unemployment problem has worsened," the 257-page report said, adding that two-thirds of Watts teen-agers in the job market cannot find work.

Prepared with funds from the U.S. Department of Labor, it was written by Paul Bullock, research economist for the Manpower Research Center of UCLA's Institute of Industrial Relations, which released the report.

PURPOSE OF STUDY

The basic aim of the study was to determine the process by which young men in low-income black and Chicano ghettos enter the labor market.

For a great many, their earliest contact with the labor market is through the "subeconomy" or "street economy," the report said.

The report defined the street economy as "a market for the distribution of goods and services which are in demand, but have been outlawed for social or moral reasons."

This includes the production, sale and consumption of both "hard" and "soft" drugs, gambling, prostitution, pimping, and similar activities . . . but not theft or the sale of stolen property.

Neither present manpower programs nor a general growth in the economy has been effective in "controlling the growing unemployment problems in the ghetto communities," the study said.

Also, the study concluded that there is no evidence to show that a lower minimum wage for the minority community young people will increase their job opportunities.

Those studied in the UCLA staff project were young men from the ages of 16 to 24 who answered formal survey questions. Some of them took part in lengthy interviews to get data which Bullock said was "a great deal franker than usually comes from the formal questionnaires."

The total unemployment rates for all men aged 16 to 24 was 46% in the Watts area and 30% in East Los Angeles, but for teen-agers alone, 62% were without jobs in Watts and 34% in East Los Angeles.

Bullock estimated that the new figures represented an increase in unemployment of 10% to 15% within the last two years.

More than 50% of the teen-agers in Watts and a third of the Chicago teen-agers surveyed in East Los Angeles have dropped out of high school.

LACK OF GUIDANCE REPORTED

The report said that neither group "receives much useful vocational or career information from their schools, and although the schools have a required 10th grade guidance class, the overwhelming majority could not even recall taking it."

Despite a wide variety of government training and manpower programs, the majority surveyed "were not even aware of the existence of such programs, and unemployment seems to be as high among those with such training as it is among the untrained."

Job-seeking methods used generally in the poverty areas are similar to those used in nonpoverty areas, which means using parents and friends already located in permanent jobs to help the newcomers.

But the study showed the circular effect of unemployment in the poverty areas, where many young men come from homes where there is no male head of household or where the father has too much trouble getting his own job to be of help to the son.

The study said that the "relative lack of attention paid to the economic significance of illegal markets in the ghetto and barrio is a measure of the distance of many academicians from social reality."

"Rather than being of marginal or of uncertain importance, the (illegal activities are) probably the greatest single source of income for young men in the Central City.

"The consumption of marijuana is virtually universal among young men in the low-income ghetto," the report said, and then quoted one teen-ager as estimating that "you double your money mostly.

"If you pay $130, $140—you'll double that. Right on . . . but that's not including the risk, like you going to jail."

The study also contended that in addition to the middlemen who bring in the drugs to the community "there are political, legal and law enforcement representatives who provide protection in return for a direct or indirect share of the profits."

But in an interview, Bullock, researcher Jacobo Rodrigues and others who prepared the report declined to be more specific on the allegation, saying they did not insist that the young men give details of the allegations.

"But the point is of considerable importance because it illustrates the consistent historical relationship between the subeconomy and the larger society which has always tolerated criminal enterprises . . . in the ghetto subeconomies where such activities partly provide an income to poverty groups requiring no direct cost to the taxpayer . . ."

The report concluded by recommending among other things greater concentration on career development starting in junior high schools, new programs for getting young people jobs as aides in professional fields and government help to develop interests of the young people even when there is no immediate market demand, such as in the arts.

AMNESTY

Mr. CANNON. Mr. President, the subject of amnesty for those who have evaded induction into our Armed Forces has been proposed in the past, but the issue of amnesty for our POW's has never been mentioned.

In this connection, I ask unanimous consent to have printed in the RECORD an editorial on the POW–MIA issue, published recently in the Las Vegas Review Journal.

I feel it sums up in cogent manner the entire subject of prisoners of war and men missing in action.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOW ABOUT SOME POW AMNESTY?

The question of amnesty for America's draft dodgers and Army deserters was given an airing in Washington the other day as numerous concerned persons presented both pro and con opinions before a subcommittee headed by Sen. Edward M. Kennedy, D-Mass.

It would be encouraging if somebody, somebody, somewhere, opened a forum on the question of amnesty for America's prisoners of war held by North Vietnam, some of whom have been in captivity for as long as six years.

Not one of this country's noble allies has brought the slightest pressure to bear on Hanoi. Not one statesman has spoken a word of criticism about Hanoi's treatment of these men. The voice of so-called world opinion remains mute—except when it comes to condemnation of the United States.

If this country held hundreds of North

Vietnamese prisoners virtually incommunicado for years, permitting only sporadic delivery of letters to or from them and their families, denying visits by Geneva Convention representatives and refusing to discuss the possibility of an exchange of prisoners, why, America's outraged students would be impaling themselves on the White House fence, their counterparts would be rioting in London and Paris and Berlin and bombs would be exploding at U.S. embassies and consulates in every capital of the world.

(We do, in fact, hold tens of thousands of North Vietnamese prisoners. Or rather, South Vietnam does, and has made repeated attempts to repatriate some of them to a North Vietnam that does not even acknowledge their existence.)

But then, why should foreigners care about American prisoners of war when Americans themselves don't seem to care?

Just as it is obvious that Hanoi intends to hold these men until the last measure of blackmail value is squeezed out of them, the conclusion becomes inescapable that Americans are perfectly willing to let them do so.

In no other war this country has ever been engaged in has the question of prisoners of war hinged upon capitulation to enemy demands amounting to virtual surrender. In no other war would public opinion have stood for it.

But today we are so guilt-ridden, so full of self-doubt, so war-weary, so disillusioned that we seem ready to write these men off as scapegoats for our national sin of intervening in North Vietnam's conquest of South Vietnam. Each day they remain in captivity is, in effect, one more payment on our bill of atonement.

In the meantime, wives are growing old without husbands, children are growing up without fathers.

The moralist (who applies morality only to the United States) may counter that the prisoners, most of them fliers, are responsible for the creation of uncounted numbers of widows and orphans in Vietnam, who have no hope at all of ever seeking their husbands or fathers again.

Very well. If American servicemen are to be held accountable for carrying out the military policies of their government, then let the soldiers of every country, including North Vietnam, be held similarly accountable.

But until that happens, let American prisoners of war be treated in accordance with international standards which even the Nazis abided by.

This would mean, at the very least, regular inspections of prison camps by neutral-nation observers. It would forbid the exploitation of prisoners of war for political purposes.

There is nothing we can do to force North Vietnam to release or exchange or ameliorate the living conditions of her American prisoners of war.

But we can speak out.

PROJECT HOPE BEGINS MEDICAL TEACHING PROGRAMS IN BRAZIL

Mr. TUNNEY. Mr. President, at sunrise on Ash Wednesday, the S.S. *Hope*—largest ship ever to enter the harbor of Natal—settled into the dock area at Potengi. The rigors of 3 days of Carnival did not deter some 10,000 Brazilians from crowding the pier at 5:00 a.m. They danced and shouted their welcome greetings to the American medical personnel, as the music of Carnival was played over a dockside loudspeaker. In the skies above, planes of the Brazilian Air Force performed an aerial salute. An official welcoming ceremony followed with speeches by Dr. Jose Cortez Pereira de Araujo, Governor of Rio Grande do Norte; Dean Genario Alves da Fonseca; The Honorable Kenneth Curtis, Governor of Maine; Stanley M. Cleveland, Charge d'Affaires, Embassy of the United States; and Dr. William B. Walsh, Project Hope's founder and President. Also present were other government and military officials, as well as Dr. Stephen Drachi, Director of the Peace Corps in Brazil and former Hope physician. Dr. Cortez said:

> We have a custom of standing by the door of a house and knocking; but for you the doors and our hearts are already open. You are welcome here. Feel at home!

Four days of preparation followed, readying the equipment which had been lashed down at sea. Tours were held for the thousands of people of Brazil who wanted to view the hospital ship. The first rotation of volunteer American doctors arrived on Friday, February 17. They had 2 days of concentrated orientation. Despite the plan to open the hospital ship and officially begin work on Monday, February 21, many of the Hope physicians were already working in local Brazilian hospitals by Saturday afternoon. This included not only ward rounds, but actual major surgical procedures performed with their counterparts and medical students. The advance team, headed by Dr. Harold H. Royaltey of Cucamonga, Calif., and Brazilian professionals, had prepared patients for selection. The first group arrived on schedule on Monday morning, an overture to the steady stream throughout the rest of the week. Each patient selected was an ideal teaching case, and almost the entire spectrum of medical illness was covered. There were brain tumors, arthritic problems, premature births, children with a variety of kidney and chest diseases, and adults with everything from coronary disease, schistosomiasis, deafness, and parotid gland tumors.

The morale of the ship's staff was exceptionally high, as a result of both the reception afforded them by the Brazilians and the case selection. Medical students, nursing and allied health students all arrived on schedule. Seldom has there been a more auspicious beginning for a hope teaching program in a developing nation.

Dr. Walsh, Hope's founder and President, explained the two-fold meaning of Hope to the staff:

> First, an exchange of medical education in all disciplines is paramount. This interchange includes knowledge, skills and techniques for all members of the health team. Although our efforts will be focused in one location, the scope of influence will be felt throughout the whole northeast section of Brazil. Hope believes in the team approach to medical care, believing that the patient benefits most by personal involvement of every member of that medical team.
>
> Such a process means a coordination of both teaching and service. The two can rarely be separated. Obviously, service is an integral part of teaching. We know that the Brazilians will remember the benefit from Hope, and the impact of many people working hard every day for ten months as a strong, coordinated team will leave a legacy of medical knowledge that will endure and grow.
>
> The other major benefit of Hope is derived from peoples of different nations learning to know one another. Understanding and trust between nations are built upon sympathetic comprehension of cultures between one individual and his counterpart.
>
> Better health for everyone and understanding between people says it all. It will take hard work by the entire ship's medical staff, but I know you and Hope can do it.

Mr. President, I ask unanimous consent to have printed in the RECORD, a list of the Californians who are participating in the most commendable work being done by Project Hope.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PERMANENT STAFF ON S.S. HOPE—X VOYAGE

Name, permanent address, position, and Hope service

Geraldann M. Baesemann; 18944 Vickie Avenue, No. 92, Cerritos, California 90701; Staff Nurse; Brazil.

Joseph A. Bowen; 300 Tammy Way, Mobile Court, Napa Valley, Napa Valley, California 94558; Assistant Executive Housekeeper; Brazil.

Andrea Marie Fama, 1241 Golden Way, Los Altos, California 94022; Intensive Care Nurse; Brazil.

Mary Louise Guy, 249 Acalanes, Apt. 1, Sunnyvale, California 94086; Staff Nurse; Brazil.

Anna Marie Hanlon, 3140 Sixteenth Street, Sacramento, California 95818; Health Educator; Brazil, Equador.

Thomas H. Hayes, M.D., P.O. Box 6097, Santa Barbara, California 93111; Deputy Chief of Staff.

Gail P. Hurley, c/o Woodruf, 250 C Street, San Raphael, California 94901; Operating Room Nurse; Brazil.

Susan M. Kibbe, 1835 Vallejo, Apt. 305, San Francisco, California 94123; Secretary; Brazil.

Ruth E. Kietzman; 669 South Oak Knoll Avenue, Pasadena, California 91106; Pediatric Nurse; Brazil.

Alice B. Mild; 2383 Edgewater Drive, Napa, California 94558; Executive Hospital Housekeeper; Brazil, Jamaica.

Nancy Cody Miller; 101 Cervantes Boulevard, San Francisco, California; Dietitian; Brazil.

Harold H. Royaltey, M.D., M.P.H.; 7897 Valle Vista, Cucamonga, California; Chief of Staff; Brazil, Jamaica.

Miyeko Teranishi; 225 West Central Avenue, Madera, California 93637; Medical Technologist; Brazil.

Val Vebber; P.O. Box 222, Carmel, California 93921; Medical Record Technician; Brazil.

H. Linda Warren, c/o Markariaus, 1426 Echo Avenue, Fresno, California 93728; Dental Hygienist; Brazil.

Susan Elizabeth Willson; 891 Harbor View Place, San Diego, California 92106; Medical Technologist; Brazil.

First rotation—February 15—April 15

Roger Goodfriend, M.D.; Suite 10–B, 5150 Graves Avenue, San Jose, California 95129; Urologist; Brazil.

Jean Kohn, M.D.; 1230 Vancouver Avenue, Burlingame, California 94010; Public Health—Pediatrics; Brazil, Peru, Nicaragua, Ceylon, Ganado, Arizona.

Martin M. Kohn, M.D.; 1230 Vancouver Avenue, Burlingame, California 94010; Internist; Brazil, Peru, Nicaragua, Ceylon, Indonesia/S. Viet Nam, Ganado, Arizona.

Alfred L. Schmitz, M.D.; 3701 Stocker Street, Los Angeles, California 9008; Radiologist; Brazil.

Stephen G. Schonfield, D.D.S.; 8158 Beverly Boulevard; Los Angeles, California 90048; Dentist; Brazil.

Second rotation—April 15—June 15

Robert L. Mills, M.D.; 1300 South Eliseo Drive, Greenbrae, California 94904; Plastic Surgeon; Brazil.

Michael F. Saviano, M.D.; 384 Post Street, San Francisco, California 94108; Otolaryngologist; Brazil.

Frank E. Watkins, D.D.S.; 3920 Williams Road, San Jose, California; Dentist; Brazil.

Donald E. Walker, D.D.S.; 2522 Dana Street, Berkeley, California 94704; Oral Surgeon; Brazil.

Laurens P. White, M.D.; Suite 607, 350 Parnassus Avenue, San Francisco, California 94117; Internist, May 15–July 15; Brazil.

Newell A. Johnson, M.D.; Magan Medical Clinic, 155 West College, Covina, California 91722; Pediatrician; Brazil, Ecuador.

Third rotation—June 15–August 15

Paul Altrocchi, M.D.; Palo Alto Medical Clinic, 300 Homer Avenue, Palo Alto, California 94301; Neurologist; Brazil, Ceylon, Nicaragua.

Michael Bluhm, M.D.; 311 South First Street, San Jose, California 95113; Orthopedic Surgeon; Brazil, Ceylon.

James C. Campbell, D.D.S.; 1043 Village Lane, Chico, California 95926; Oral Surgeon; Brazil, Jamaica.

Edward Falces; 2300 California Street, San Francisco, California 94115; Plastic Surgeon; Brazil, Ceylon, Ganado, Arizona.

Frances Falces, 2300 California Street, San Francisco, California 94115; General Medicine and Public Health; Brazil, Ceylon, Ganado, Arizona.

Charles L. Johnston; 311 South First Street, San Jose, California 95113; Orthopedic Surgeon; Brazil.

Harold P. Tompkins, M.D.; 1336 Inverness Drive, Pasadena, California 91103; Radiologist; Brazil.

Fourth rotation—August 15–October 15

Richard L. Dakin, M.D.; 1300 South Eliseo Drive, Greenbrae, California 94904; Plastic Surgeon; Brazil.

Maxwell Ibsen, M.D.; 1548 Lincoln Avenue, San Jose, California 95125; Pediatrician; Brazil.

Russell W. Ludwick, M.D.; Chief Radiologist, Garden Park General Hospital, 9922 Gilbert Street, Anaheim, California 92080; Radiologist; Brazil.

Herbert J. Dodd, M.D.; 40 Dormody Court, Monterey, California 93940; Otolaryngologist; Brazil.

Fifth rotation—October 15–December 15

Harry J. Brown, General Hospital Ventura County, 3291 Loma Vista Road, Ventura, California 93003; Radiologist; Brazil.

Vernon R. Gee, M.D.; Redding Radiologic Associates, 2020 Court Street, Redding, California 96001; Radiologist; Brazil.

Miguel A. Llanos, M.D.; Suite 610 2010 Wilshire Boulevard, Los Angeles, California 9007; Urologist; Brazil.

Otto B. Munchow, M.D.; Apartment 1705, 1900 East Ocean Boulevard, Long Beach, California 90802; Anesthesiologist; Brazil. Columbia, Ceylon.

SENATOR JOHN SHERMAN COOPER OF KENTUCKY

Mr. COOK. Mr. President, it is a distinct honor for me to ask unanimous consent to have printed in the RECORD an article by John Ed Pearce, published in the Louisville Courier Journal and Times magazine of March 5 about one of the most well-loved and respected Kentuckians of all time, the senior Senator from Kentucky, JOHN SHERMAN COOPER.

Mr. Pearce traces the remarkable political career of the man from Somerset, Ky., who has given the people of his home State and the Nation more than 40 years of dedicated public service. I know that all Senators share the sentiments of one of my fellow Kentuckians who in the article described JOHN COOPER as a man "who has traveled the spectrum of social and political life and left only dignity, honor, and respect wherever he walked."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MR. COOPER SAYS FAREWELL

(By John Ed Pearce)

Let philosophers argue whether the end of a brilliant career is less painful than the end of a dismal one. There is hurt in either case. Nothing is done for the last time but is done with regret, and when on Jan. 21, 1972, John Sherman Cooper came home to Kentucky to announce that he would not seek re-election to the United States Senate, his voice was choked and there were tears in his eyes and on the cheeks of his wife beside him.

He spoke, at a Lexington meeting of the Kentucky Press Association, for less than three minutes, in the halting, half-mumbled manner that has become, over the past 25 years, a Cooper characteristic, and what he said was: thank you. This is what I set out to do, and now it is done. And it has been a privilege.

Then, before returning to Washington for the final months of his Senate career, John Sherman Cooper went back to Somerset, back to Pulaski County where he was born 70 years ago, and the welcome by the people who gave him his start was touching, moving. He spoke in the Courthouse where once he sat as county judge, and later was guest of honor at a noisy, hollering, old-time rally at the Cumberland Falls State Park Lodge for Republicans of the mountain counties of the 5th District, and sat, smiling, embarrassed, as judges, U.S. representatives and senators compared him with Lincoln. The meeting was long, and at 70 a man gets tired. But there were hands to shake and politics to talk before he could drive back to Somerset for a night's rest in his brother's home, just seven houses down North Main Street from the white frame home in which John Cooper was born on Aug. 23, 1901.

The drive from Somerset to Cumberland Falls takes only a few minutes, but the way there for John Cooper wound through a life that reads like a testimony to the value of virtue. It would have been a repudiation of the American ethic had John Cooper, first son and fourth of seven children of John Sherman and Gertrude Tartar Cooper, not risen from the mountain town to walk, as one orator at the rally declaimed, with kings.

His was a boyhood remindful of things gone by—the tight-knit family, the father a farmer-lawyer-judge of limited means but distinguished family ("he was good to all of us, but believed in discipline"), the mother ("she was a strong woman") directing a home of books and good cooking, and leading the family on Sunday to the Baptist Church.

John had his chores—keeping the lawn mowed, milking the cow, tending the garden. As he grew older, he delivered newspapers, worked in the local railroad yards, drove a coal truck, worked in his father's Harlan County coal mines. He spent his first four years of schooling in private schools, and had to fight his way out of the resulting reputation as a sissy when he transferred to public school. Tall, athletic, a hungry reader ("Our home was full of books. Everybody read. I read 'Vanity Fair' when I was 12") he started in football and basketball, was graduated second in his class at Somerset High School and earned a yearbook notation for his tendency to be tardy for everything, a trait aides say still clings.

He played football and basketball for Centre College's famed Praying Colonels for a year, transferred to Yale where he played three years of basketball (and was team captain for two years) and was tapped for Skull and Bones before graduating and entering Harvard Law School. He did not make Phi Beta Kappa, a source of regret in later years, or the Harvard Law Review, but his grades were always respectably high.

Then, suddenly, his father died, at the end of John's first year at Harvard, leaving little but land, and it had no immediate sale value. A family conference was held at which it was decided that John would return to Harvard, but at the end of his second year he came home, passed the Kentucky bar exams and hung out his shingle in Somerset, intent on paying off family debts and helping to support his brothers and sisters.

He ran for the state House of Representatives, and was elected for the two-year term without opposition ("largely because of my father, who had died only two years before, and who was greatly respected") and served creditably if without distinction.

"John didn't make much of an impression on the House floor," recalls veteran Frankfort newsman Clay Wade Bailey, "but he did on the dance floor. He was tall and handsome, and an elegant dresser. Very courtly, you know, gallant. He and Mac Swinford and Si Eversole were the social trio. He was always popular with the women."

Back home, he ran for and was elected county judge in 1930, serving two four-year terms through the hard days of the Depression. His father and grandfather had been county judges, and his great-grandfather had held a similar post before the Civil War. It was an emotional moment when he entered the courthouse to be sworn, and the eight years in the office left a deep impression on him, as he saw the suffering of a rural people caught in the collapse of a nation's economy. But with his hard work, his obvious compassion for people and the slow repayment of the debts for which he was neither legally nor morally responsible, John Cooper was building a foundation of grassroots regard from which he could reach for higher things.

His start for higher things was not impressive. He ran in the Republican primary for governor, and was defeated by King Swope of Lexington. The campaign, though, whetted his appetite for another try, but before he could make it World War II erupted and he enlisted in the Army, where he served from 1942 to 1945, rising from private to captain.

He returned home to become circuit judge, a post to which he had been elected in absentia, but served only a few months before filing in 1946 for the unexpired Senate term of A. B. "Happy" Chandler, who had resigned to become baseball commissioner. Running against the popular Democrat John Young Brown in a normally Democratic state, he was an obvious dark horse, and most newsmen watching his early efforts predicted that he would remain one.

"I remember," says Allan Trout, long-time Courier-Journal Frankford bureau chief and state political authority, "when John opened his campaign in a tent at Lancaster. My first impression was of his incredibly bad delivery. No polish, no flourish whatever. He searched for words, he mumbled, he seemed always to be preparing to apologize. But then I began noticing that he was having an almost hypnotic effect on the crowd. I couldn't figure it out.

"Then, in the courthouse in Richmond, I noticed these little old ladies, the kind who wear black velvet bands at their throats, sitting straight on the edge of their chairs as though they were at tea, and they were gazing at him with rapt faces. They weren't the type to turn out for a political rally, but they turned out for John Cooper. And then it dawned on me that his pained expression as he stumbled along, groping for words, seemed to say, 'I know I'm not much of a politician, but I'm sincere. If you can't vote for me, at least feel sorry for me.' He was everything a politician is not, and they loved and trusted him for it. It's been his trademark. And his fortune."

He won. He had dreamed of the U.S. Senate since boyhood, and now he had made it. He was 45 and "felt that I had gotten started a little late. But I was on my way."

But his newly launched career would not prove an uninterrupted victory march. The unexpired term to which he had been elected was for only two years, and in 1948 he was defeated for re-election by Democratic Rep. Virgil Chapman. He might have sunk into political obscurity had not President Harry Truman, in 1949, named him U.S. delegate to the United Nations General Assembly. The prestigious post kept him in the limelight, and his prestige grew when, in 1950, Secretary of State Dean Acheson made him adviser to the original North Atlantic Treaty Organization (NATO) Council of Ministers, and the following year sent him on a diplomatic mission to the NATO nations. When Virgil Chapman died in 1952, Cooper returned to Kentucky and was elected to another two-year unexpired term, defeating Democrat Tom Underwood. But two years later, running for a full term, he lost a grueling race to the redoubtable Alben Barkley.

Again, it seemed his career was finished, and again he was rescued when President Dwight D. Eisenhower appointed him ambassador to India and Nepal in January 1955. But when on April 30, 1956, Barkley dropped dead while addressing the students of Washington and Lee University, Cooper resigned his post, returned to Kentucky, filed for the unexpired term and won the election, defeating former governor Lawrence Wetherby. He was back in the Senate, and he would stay there for the next 16 years.

And for John Cooper, the past would indeed prove to be a prologue. It was as though his whole life had been spent preparing for the position. And his record throughout his 19 years in the Senate (second in duration for Kentucky only to that of Alben Barkley) showed the unmistakable imprint of his years in the Pulaski County Courthouse. It was his Depression-born compassion for people caught in the clutch of circumstance that led him, during the years from 1948 to 1972, to become the leader of the liberal wing of the Republican Party, a force in world politics as a Senate power and the confidant of presidents, and the Senate's "voice of conscience," as one newspaper described him, in the search for world peace.

Cooper's Kentucky constituency was not always happy with his consistent support for foreign aid, arms control, civil rights, welfare legislation and federal aid to education. Conservative Republicans often grumped that "John Cooper is getting too left-wing for my taste." But they weren't about to dump him; his voting record, as well as his personal appeal, won for him a bipartisan base whose values could not be ignored. And he mollified many of his rural detractors by championing bills guaranteeing tobacco farmers parity-price support, and efforts to develop Kentucky rivers.

"I had seen how hard it was for the small farmer to make ends meet, and I am convinced that he wasn't going to be able to compete in an uncontrolled, competitive tobacco market. If we could limit tobacco production to actual demand, and keep prices high, everyone could survive. Otherwise, the little boys would be squeezed out.

"It was the same with rivers. When I went to the Senate not one Kentucky river, with the exception of Kentucky Lake on the Tennessee, and a few floodwalls, had any development. Farmers, small-town residents, not just in East Kentucky but there particularly, were being ruined."

It was the same with welfare legislation and such volatile issues as Medicare.

"I know there are abuses in the welfare program. I know it hasn't worked exactly as we hoped it would," he says. "But we had to try, and I'm glad we did. The same with medical care. When the Medicare bill was up, I got thousands of letters from back home, most of them against me. The doctors and hospital people were against it. But I noticed that the old country doctors and the county officials—people who had been out in the country and seen the plight of the people who live in the hollows and down the dirt roads—they were for it. And I remembered my experiences as county judge in Pulaski County, when I'd go out in the county and see these people—desperate, hungry, sick and nowhere to turn, and no one with any money to help them. You just can't let people go hungry. You can't just let them lie there sick and die. Not in this country. Not with all we've got."

His small-town, rural background also influenced his stands on such matters as the TVA and the Rural Electrification Administration. Both aimed at bringing not just electricity, but a better life in general to the people "who lived in the hollows and down the dirt roads," and Cooper fought for their appropriations, often against the majority of his own party, and in one instance against his party's President. During the Eisenhower years (and to some extent during the recent Justice Department regime of John Mitchell) he found himself consistently critical of administration and congressional efforts to legalize wire-tapping, electronic bugging and security searches without warrants.

"After the Supreme Court decision in the Mallory case, restricting the right of police to detain suspects without informing them of the charge against them, there were several efforts in the Congress to limit the effects of that decision, to limit the constitutional right against self-incrimination, and later efforts to permit search and seizure on suspicion, and I opposed them as hard as I could. From my father, and from law school, I got a respect for the Constitution and the Bill of Rights. When I was county judge I had lots of moonshine cases, moonshine stills, and I found that though these people had obviously violated the law, the evidence against them had been gathered by illegal search and seizure, without warrant, and I turned them loose, and was criticized for it."

In a sense, Cooper's entire career has involved a basic effort to compromise his basic belief in the stern Republican virtues of his youth with the policies he felt impelled to follow as a result of his early experiences. As a result, his convictions have led him into frequent conflict with presidents of his own party, something of an embarrassment in view of his close relations with, particularly, John F. Kennedy. The years of his greatest frustration, he admits, came during the Eisenhower years when he found himself in opposition to the administration's Dixon-Yates scheme to cut the heart out of the TVA, and its efforts to expand police authority at the expense of what Cooper regarded as sacrosanct individual rights. He also felt that the party of Lincoln was lagging in the fight for minority rights.

His friendship with John Kennedy was, of course, a natural. "We just seemed to get along," he says. Not all of it was idealogical. There was personal warmth between them, plus the fact that their wives liked each other, one more instance showing the soundness of his marriage, on March 17, 1955, to Lorraine Rowan Shevlin, the beautiful, wealthy Washington socialite. The marriage might have not occurred earlier had it not been for the imposing home at Georgetown's 29th and N streets where they now live. It was her home, and Cooper did not want to move in a house he did not own ("hill pride, I guess"), and she did not want to give it up.

Strangely, Alben Barkley solved their dilemma by beating Cooper in 1954, after which President Eisenhower appointed Cooper ambassador to India. "So we didn't have to move into her house or my house, but into the embassy," Cooper recalls, "and by the time we came home that sort of thing had solved itself."

(When Cooper appeared before the Senate Foreign Relations Committee for confirmation, Barkley, with whom he had always enjoyed pleasant personal relations, endorsed him warmly. "I'm glad to say that I did John a good turn," he said, "though he may not appreciate it. I beat him, and now he is going to have a very interesting position. And second, he is going to marry that nice girl I've been trying to get him to marry for the past two years.")

It was an ideal marriage. Both had been married before (She to Robert McAdoo of California and to Thomas Shevlin, wealthy New Yorker, he in 1944 to Army nurse Evelyn Pfaff, from whom he was divorced in 1948). They complemented each other: She had wealth and social grace; he had international stature and political prominence. Except for the brief Kennedy years, an invitation to dinner with the John Coopers has been more prized than a bid from the White House.

(A loyal and hard-working campaigner for her husband, Lorraine Cooper charmed the people of Somerset when she and John returned home—or nearly all of them. One courthouse hanger-on, seeing her walking past Somerset's Fountain Square [which she and Cooper donated to the town] under a white parasol, exclaimed, "Godamighty! She pranced down there under that white umbrella and it wasn't even rainin'.")

Cooper's last term in the Senate has been clouded, characteristically, by his conflicts with the White House over the ABM and the Vietnam war, both of which he has long opposed. Again, his stand on these issues, like his tireless work for the Strategic Arms Limitation Talks (SALT), can be traced back to his Army service in World War II. "I became convinced it was no longer a solution to anything. Ever since the war I have abhorred violence. In any form, from any quarter. It can't be excused, in Vietnam or on campuses or in the ghettoes. It's not the way."

His criticism of defense spending, his fight for arms control and his joint efforts with Democratic Sen. Frank Church to prevent the use of U.S. troops in Cambodia, Laos and Thailand have led to charges from conservative quarters that Cooper is soft on security and naive about the threat of communism, as did his earlier defense of individual rights against those of society and security. The charges both amuse and irritate him.

"I knew about the Communists at first-hand long before these people," he says. "I was legal adviser to the commanding officer of Allied Zone Three in Germany after the war, when we were trying to repatriate displaced persons brought from Russia by the Germans as slave labor. And I found out how ruthless and cruel the Russians could be, when they demanded that their nationals be sent home, but be forced to leave behind the foreign wives they had married and their children." Cooper, though only a captain, managed to block this, save thousands of families from being separated and was cited for his work. As U.N. delegate, he introduced the only two resolutions of censure ever levied against the U.S.S.R., and after a diplomatic mission to Moscow for President Kennedy warned the President that dealing with the Russians would require toughness. He was also a strong, early supporter of NATO, and backed foreign aid as a means of curbing the expansion of communism, though he later critized the waste and lack of coordination in the whole foreign-aid program.

Perhaps the most gratifying development of his final term was the iniation of the SALT talks, which he has attended three times at the request of the President, and to which he plans to return this spring. "I believe this year is going to produce something really substantial in the way of an arms agreement between the U.S. and Russia," he says. He sees, on the other hand, a continuing danger in conflicts between small nations that could embroil the giant powers, and he worries about the desire in some Washington quarters for a continued U.S. presence in Southeast Asia after the war in Vietnam is wound down.

"There is no need for us to remain there, not in a military sense," he says. "In fact, we might only prolong a conflict that might otherwise be settled. I believe that, increasingly, the people of this country want to see us involved, militarily, only where our security is actually at stake."

Though he apparently decided some months ago to step down, Cooper has continued to do his "homework" as any successful politician must, attending homestate receptions, seeing hundreds of back-home visitors to the capital, speaking for party candidates and handling a steady flood of mail. For a man approaching 70, this has not been easy. His health has long been the subject of political rumor, and his seeming lassitude feeds speculation, which seems always to surface at election time, that he is not well.

Yet the fact seems to be that, except for a blood clot in his leg, Cooper is in good physical shape. He carriers his 177 pounds easily and gracefully on his erect, 6-foot-1 frame, only 10 pounds heavier than his college weight. He drinks sparingly, an occasional Scotch and water, doesn't care for wines, tends to "eat what is put before him," and tries to get eight hours of sleep a night. His one vice is cigarettes, which he smokes rapidly and nervously, and every now and then a cigar after dinner. His gray hair is still fairly heavy, and though his hearing is getting bad, he does not consider it bad enough to warrant a hearing aid.

"He's still the best-looking man in Kentucky," warbled a portly matron at the Cumberland Falls rally. "I just love him."

With so much going for him, his decision not to run again came as a surprise to many people. Few men who can have a Senate seat for the asking turn it down, and John Cooper, in the opinion of seasoned political observers, has become unbeatable in Kentucky.

"It doesn't make any difference what John says," declares Allan Trout. "People believe him. He's unique in our history, more so than Alben Barkley. Barkley was fierce partisan, Mr. Democrat. John is above party. You couldn't beat him. To tell the truth, the Democrats have never really gone after him. They never had a good issue, but that shouldn't stop them. In Kentucky, if you don't have an issue, you manufacture one and then blow it up. But they were afraid to attack John, afraid it would backfire. Attacking him would be almost poor taste."

As Clay Wade Bailey said: "John has perfected his Jesus image."

But in the end it was neither age nor the prospect of another campaign that persuaded John Cooper to retire.

"I felt," he says, "that it was a new day, a new era; this is almost a new world. The things we fought for have changed nature, direction, emphasis. Civil rights has shifted from constitutionality to practicality. Equal education is involved in busing. TVA, flood-control dams, soil conservation—all the things once sought by conservationists—are now suspect. There are the problems of the cities, next to arms control probably the toughest we face, and I know, really, very little about urban problems. There are whole new sets of problems, and they are not as distinct and clear as they used to seem. I decided that maybe a younger man, not tied to the old problems and their solutions, could do as well or better."

His announcement poses a stickler for Kentucky Republicans, who now face the problem they faced 25 years ago, before Cooper started the trend toward Kennedy Republicans in the Senate.

"He's earned his rest," said Sen. Marlow W. Cook. "I'm glad. No one wants to see him kill himself."

"He has achieved greatness," write his old friend, Judge Homer Neikirk of Somerset, "through devotion to the betterment of others. But we can't lean on him forever."

State Senate Minority Leader Harold DeMarcus echoed this sentiment. "John Sherman Cooper is the only man I have known who has traveled the spectrum of social and political life and left only dignity, honor and respect wherever he walked."

Cooper is not unaware of this esteem, or unaffected by it. He is not without his vanity, about his looks, about his record.

"I have worked hard," he says. "I have done the best that I could. You always hope that, along the way, you may do something of value, and in a few instances I think I have tried. My only limitations were my own abilities, which are not the greatest. But not the worst, either."

He will not leave without some regret.

"Actually, I wish that my term could have expired two years from now. There are so many things that I'm interested in, that I would like to work on. But I've always given the job here my full energies and capacities, physical and mental. I'm not sure I could do it for another six years. There comes a time to step down. The decision was traumatic for a while, but I've known all along that I would quit."

What are his plans now?

"Well, I'll be looking for a job. I've worked all my life; I can't just sit down now. And I'll need a job. Aside from a share of some land my father left us, a little plot I bought while working for a Washington law firm between terms, and a part interest in my brother's stone quarry, I have no money. I want a job I can go to every day. And I think I have something to offer.

"I'd like to travel some, but for a purpose, not just to travel. And I think I'd like to go back to school for a while, go to some outstanding university and hear lectures on history, literature, philosophy. I've always regretted that I didn't study harder, read more in college, and since then I haven't had the time to do the reading I'd like. Oh, I've read Kant, Spinoza—but sporadically, not systematically. I hope now to have time, read.

"But mainly, looking toward leaving, I'm grateful. And not dissatisfied. Looking back, I find that there's not much to be sad about. I've been fortunate through all my life."

Out of gratitude for the good fortune, and in salute to the country he has served, he concluded his announcement of retirement with words of Lincoln:

"Thanks to all. To the great Republic; for the principles it lives by and keeps alive; for man's vast future. Thanks to all!"

ONE HUNDREDTH BIRTHDAY OF YELLOWSTONE NATIONAL PARK

Mr. HANSEN. Mr. President, this year in Wyoming we are celebrating the 100th birthday of Yellowstone National Park, and this year across the country, we are marking the centennial of the beginning of the national park system, which was started with the designation of Yellowstone as our first national park.

The centennial has provided occasion for Wyoming people to dust off many collections of pictures, stories, historical writings and other memorabilia about the early days of Yellowstone. A great treasure of fascinating and wonderful history about the park will be available, and many new publications are being prepared which compare conditions today at Yellowstone with the way they were so many years ago when Lewis and Clark first wrote about this most magnificent of nature's creations.

Among the most prized photographs of the wonders of Yellowstone Park are those taken in the early 1900's by Joseph E. Stimson, who exhibited his work at the 1903 St. Louis Exposition. Later to become the official photographer for the U.S. Bureau of Reclamation, Mr. Stimson's pictures capture not only the unparalleled beauty of Yellowstone's natural phenomenon, but also a way of life that is as much a part of Wyoming and the West as is Yellowstone. His work tells us how things were in the days before trails, campgrounds, and other mantrappings became a part of Yellowstone.

Dr. T. A. Larson, a published historian and American studies professor at the University of Wyoming, wrote in the March 19 Sunday Supplement of the "Casper Star" about Mr. Stimson's photographs, each of which was inscribed with the comment: "It is given to few to create: to enjoy should be the inalienable birthright of all."

Mr. President, I ask unanimous consent that Dr. Larson's article entitled "Some Work, Mostly Play," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Some Work, Mostly Play

(By T. A. Larson)

Cheyenne's pioneer photographer, Joseph E. Stimson, did not believe in all work and no play. He took time off whenever possible to go fishing with his friend Lem Ellis. Both know when, where, and how to cast the fly.

Stimson and Ellis, expert candy makers, had shops side by side on 17th Street in Cheyenne. When they visited the Big Laramie or North Platte in search of trout, they were, as Bill Nye once put it, "in shape to enjoy the wild grandeur of the eternal hills without fear from the poisonous reptile of the rugged gulches and alkali bottoms of this picturesque western country."

Of course, Stimson took along his reliable 6X8 view camera just in case he saw something worth an exposure.

PROLIFIC PHOTOGRAPHER

His pictures are prints from a few of the more than 6,000 glass-plate negatives of the Stimson Collection which is preserved in the Wyoming State Archives and Historical Department, Cheyenne.

Joseph Elam Stimson (1870-1952) was born in Virginia, lived for several years in South Carolina, and then moved to southeastern Nebraska, where his father, a medical doctor, died prematurely of typhoid fever.

Joseph, who was then 16, was apprenticed to a cousin who was a photographer in Wisconsin. After three years of apprenticeship, young Stimson was ready to set up shop for himself, and did so in Cheyenne in 1889. He specialized in portrait work for a few years, prospering sufficiently to make marriage possible in 1894.

In that same year Elwood Mead, state engineer, triggered his conversion from portraiture to scenic photography. Mead brought in to be developed some plates which had been exposed in the Jackson Hole country. Captivated by the spectacular views, Stimson got permission to accompany Mead on his next trip north, which was to the Big Horns in 1895.

JACKSON HOLE RECORDED

Four years later, Game Warden Albert Nelson invited Stimson to be his guest in Jackson Hole, an area that he had been dreaming about. He returned with many exposures from which he made prints for sale.

Impressed by Stimson's pictures, a Union Pacific public relations agent commissioned him to photograph scenery along the railroad between Omaha and San Francisco. The company provided Stimson with a private car and a Fairbanks-Morse inspection car. He continued as U.P. photographer until World War I.

COMMISSIONED BY STATE

Since his work for the Union Pacific was only part-time, Stimson obtained a commission from the state of Wyoming to prepare an exhibit for the St. Louis Exposition of 1903. His award-winning exhibit consisted of a picture from each of the state's thirteen counties and one from Yellowstone Park, all of them being enlarged to 30 x 40 inches and colored in water colors. He won another award for the same exhibit at the Lewis and Clark Exposition in Portland in 1905.

In the summer of 1925 he packed into the Wind River Mountains and Jackson Hole. By this time he was called "artist Stimson" and "America's leading photochromatist." He used both oil and water color in illuminating his enlargements of Wyoming scenes.

1925 PRODUCTION

Among the popular prints which resulted from his 1925 pack trip are "Solitude" (Gannett Peak), "Aspen Tracery" (Mount Moran), and "Rising Mists" (Grand Teton across Jackson Lake). His pictures were offered for sale in many places, especially in towns along the highways leading to Jackson Hole and Yellowstone Park.

In 1929 Elwood Mead, who was by this time U.S. Commissioner of Reclamation, named Stimson official photographer for all federal reclamation projects. This gave the artist opportunity to travel all over the West.

Stimson's daughter, Mrs. H. Paul Hallowell of Cheyenne, recalls that her father "took such beautiful trips" and "was always the story-teller—always the entertainer in our family." Another daughter, Mrs. Henry Love, lives in Sheridan.

Mrs. Hallowell remembers with pride the quotation which her father regularly printed on the protective tissues which he used to cover his pictures.

"It is given to few to create: to enjoy should be the inalienable birthright of all."

SOVIET OPPRESSION OF THE UKRAINIANS

Mr. TUNNEY. Mr. President, the Ukraine is the largest area with an historical identity in Eastern Europe, and the Ukrainians are by far the most numerous of all national groups in that region, numbering close to 50 million. These hardworking people have always tilled their bountiful land diligently, not only for their own well-being but also for the good of their neighbors, and in recent years for the Soviet Union. The very fact that the Ukraine is rich in natural resources seems to have brought misery and misfortune to its people. The wealth of the land has aroused the envy and jealousy of its powerful neighbors, thus resulting in conquest by outside powers.

For more than 300 years the Ukraine has been submerged in the huge Russian state, and during all that time both czars and Communists have endeavored to suppress and eradicate what we in the West regard as the inalienable rights of peoples everywhere: desire for freedom, love for their homeland, yearning for political independence, and readiness to sacrifice their all for the attainment of their national goals. Only once in the course of their subjection to alien rule have they had the chance of attaining their freedom and independence; that was in 1918. When the czar's autocracy in Russia was overthrown in 1917, and Austria no longer ruled over the western Ukraine, Ukrainian leaders proclaimed an independent state. That was done on January 22, 1918.

That day is a landmark in the modern history of the Ukraine, and remains a significant date in the struggle of the Ukrainian people for their freedom. Unfortunately, however, they were able to maintain their hard-won freedom only for a short time. Early in 1920 the new Communist rulers of Russia attacked the country and incorporated it into the Soviet Union. The independent Ukrainian state thus became a mere memory.

Since that time the Ukraine has been a province of the Soviet Union. For more than 50 years the oppressed Ukrainians have been living an abridged existence in their homeland, surrounded by Soviet secret agents and separated from the free world by the Iron Curtain. They endured the horrors of the Stalinist era, and also the hardships of the last war; and today they are held down by the Kremlin's agents.

In recent years, especially since 1965, the Kremlin has stepped up the persecution of Ukrainian intellectual leaders. Many teachers, scientists, writers, actors, musicians, and literary critics have been warned, and then placed under arrest, and some have even been confined to psychiatric institutions for the purpose of discrediting and silencing them.

These acts of repression continue today. Most recently—January 1972—the Ukrainian KGB carried out a massive wave of arrests and house searches involving prominent Ukrainian intellectuals and civil rights advocates. On January 17, 1972, seven people were arrested in Lvov; among them was Vyacheslav Chornovil, the author of "The Chornovil Papers." On the following day the action spread to Kiev, where more arrests were made, including that of another prominent literary critic, Ivan Svitlichny. Still more action ensured on January 14 when the flat of civil rights leader Pyotr Yakir was raided.

Thus today untold numbers of people in the Ukraine and elsewhere in the Soviet Union are reportedly being harrassed and arrested only because they have the courage to stand up for freedom and human rights and are demanding justice in their homelands.

Under such trying circumstances Ukrainians are not allowed to enjoy a desirable measure of freedom. Still they are hoping that some day they will attain this freedom and live as free people in their historic homeland. We all hope that that day is not far off.

THE STOCK EXCHANGE AND THE PUBLIC

Mr. WILLIAMS. Mr. President, there is a growing recognition, within the securities industry as well as elsewhere, that an orderly transition from fixed to competitive commission rates on stock exchange transactions is both desirable and inevitable if the securities industry is to have a healthy and productive future. The leaders of the industry have come out strongly for competitive rates, and the Securities and Exchange Commission is moving steadily, if somewhat uncertainly, toward a fully competitive system.

There are, however, people in the industry who, having lived so long under the restrictions and protections of a fixed rate system, are fearful of the effects of competition. I recently received a letter from a partner in a brokage firm, setting forth his concerns about the bill which I have introduced to eliminate fixed commissions on orders in excess of $100,000 and to permit "unbundling" of charges on smaller transactions. The author of the letter sent a copy to the Wall Street Journal, our leading financial newspaper. In its lead editorial last Monday, entitled "The Stock Exchange and the Public," the Journal answered the points made in the letter, reaffirming its belief that competition will be a far better guarantor of adequate service to public investors than the present restrictive system.

Because that editorial expresses so well the considerations that led me to support the reestablishment of free competition in the securities industry, and because it may serve to allay the concerns of others about the effects of competition, I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Stock Exchange and the Public

Under occasional prodding from the federal government, the New York Stock Exchange vowed to get rid of its private-club principles and procedures, and it has been making some progress in that direction. Unfortunately, however, some of the clubby ideas linger on.

Some of the smaller member firms, for instance, are distressed by the Securities and Exchange Commission's gradual movement toward competitive commission rates. Brokers and customers now must negotiate rates on transactions involving more than $500,000 and the figure is supposed to drop to $300,000 next month; last week, SEC Commissioner James J. Needham said that "$100,000 is the target on the horizon."

Not surprisingly, competition has lowered brokers' charges. Though it directly affects only large financial institutions so far, these institutions manage a great deal of the public's money.

In the view of some of the smaller firms, though, competition actually will not serve the public's interest. The reasoning isn't easy to follow.

One objector is Frederick M. Stern, general partner of Gruntal & Co., a relatively small but well regarded member firm. In a letter to Senator Harrison A. Williams Jr., chairman of the Senate Banking subcommittee that endorsed negotiated rates on trades above $100,000, Mr. Stern sought to explain his opposition.

"The recommendation of your committee to lower the negotiated commission rate to $100,000," he wrote, "indicates a total disregard to the problems of the small brokerage firm. . . . What is totally ludicrous about the proposed $100,000 rate is that it will result in the demise of the small research firm, thus creating a massive monopoly in the industry; probably no more than 50 firms may exist in several years."

How would this affect the public? Well, Mr. Stern and others argue that the surviving firms, if such a massive dropout of brokers did occur, would lose interest in serving the general public.

Smaller investors, they contend, would be forced into mutual funds and other areas of investment.

There are several things to be said about this argument. In the first place, fixed commission rates and extra charges have already pushed many smaller investors into mutual funds or out of the market entirely.

Fixed rates were supposed to protect all member firms, or as many as possible, but they obviously haven't made it possible for all firms to do an effective job of serving the public. In other industries it has been known that eliminating competition is not the best way to increase industry efficiency.

In the second place, competition is not really a numbers game. With negotiated rates the industry probably could expect the sternest sort of competition even if only 50 of the present 600 or so firms survived.

The idea of drawing small investors into the market, moreover, is one that the industry itself is oversold. A good many Americans, after all, would be much better off putting any extra cash into banks or savings and loan associations instead of trying to make a fast buck in the market.

Despite Mr. Stern's worries, we're convinced that even under total competition, securities firms will continue to offer their services to anyone they feel they can serve profitably. If the resulting rates are too high for some small investors, they can hunt other forms of investment.

The industry plainly is in a period of transition and change can often be painful. The record of the past few years, however, has made it evident that change is essential, and the industry's more thoughtful leaders know that the wisest course is to help plan the changes and make them work.

Eventually everyone must recognize that the New York Stock Exchange is no longer a private club dedicated to its members' preservation but a group of businessmen selling their services to the public.

SUPREME COURT JUSTICES' WIDOWS

Mr. BURDICK. Mr. President, the Committee on the Judiciary is currently considering S. 2854 relating to the annuities payable to widows of Justices of the Supreme Court. The bill which was sponsored by Senator Hruska, Senator Hartke, and myself, would, for the first time, bring Supreme Court Justices into the Judicial Survivors Annuity Plan which Congress enacted in 1956. Justices would contribute to the annuities payable to their survivors as do most Federal employees. This, then, would permit the phasing out of the noncontributory annuity now payable to the widows of Supreme Court Justices. The bill would also increase from $5,000 to $10,000 the statutory annuity now being paid to seven widows of deceased justices.

Some of the reasons why the legislation should be favorably considered have been mentioned in editorial comment in some of the leading newspapers of the country. I ask unanimous consent that editorials published in the New Orleans Times-Picayune of February 14, 1972, and the Washington Post of March 11, 1972, be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the New Orleans (La.) Times-Picayune, Feb. 14, 1972]

Widow's Pensions Lag Behind

It sounds so low, the figure seems a mistake, but it's correct. Widows of United States Supreme Court justices get a $5,000 pension from the government.

Columnist Leonard Lyons pointed out the figure recently and told of the tragic case of Mrs. Felix Frankfurter. She is institutionalized and her $5,000 doesn't even permit a radio, according to Mr. Lyons.

In these days of rising costs and enlightened personnel management, somehow the matter of such pensions has remained neglected in the shadows.

Compare Louisiana's provision for widows of its Supreme Court jurists. Law says they are entitled to one-third of their spouse's salary at the time of death or retirement, or one-half of their spouses' retirement salary, whichever is the greater.

Salaries for the state's high court were fixed at $37,500 in 1970, so the minimum pension for a widow—disregarding the retirement pay aspect—is $12,500 annually.

Surely, Congress can do better by widows of U.S. Supreme Court justices than $5,000 a year. It is no less than a matter of conscience, as we see it.

[From the Washington Post, Mar. 11, 1972]

Pensions for Supreme Court Widows

In 1937, during the depth of the depression, the Congress of the United States woke up to the fact that our laws provided no pension for widows of Presidents and passed a law, popularly known as the Grace Coolidge Act, providing for a then adequate pension of $5,000 per year. Seventeen years later, Congress discovered widows of Supreme Court Justices and provided a pension for them pegged at the 1937 rate. Although pensions for Presidents' widows have been raised twice since then—to $20,000 per year—pensions for widows of members of the Supreme Court remain at the same depression level.

There are now living seven widows of Supreme Court Justices—among them, some poignant and compelling human stories. The wives of retired and currently active justices, under present law, can look forward to the meager pensions if their husbands die before they do.

Much more equitable widows' pension laws have been passed by the Congress for the lower federal judiciary and by most state legislatures for their highest courts. By and large, these acts call for pensions based upon contributions made by the judges during their working lives and are paid out on formulas based upon the judge's salary and his length of service. Last November, Senator Burdick introduced a bill on behalf of himself and Senators Hartke and Hruska which would raise the widows of Supreme Court justices to a rough parity with those of judges in the other judicial systems.

Under the Burdick bill, now pending in the Senate Judiciary Committee, the pensions for the seven widows would be raised to $10,000. Active and retired justices would be given the option to make a deposit equivalent to contributions they would have made during their tenure on the bench and to join a new contributory system or have their widows face the prospect of receiving the old $5,000 pension. All future justices would be required to join the new contributory plan similar to those now existing or the lower Federal judiciary and or the supreme courts of most states.

The existing pension plan is a minor, but very real shame on the nation. In an era where frivolity, waste and greed abound, it would be refreshing to see the Congress act with equity and generosity. Other remedial bills have been offered in the past, but they have died. The Burdick bill should not. Pensions at the 1937 level are not good enough for the widows of some of the nation's most distinguished public men.

EXPERTS DOUBT NUCLEAR SAFETY MARGINS

Mr. GRAVEL. Mr. President, yesterday in the Record I referred to the important information about nuclear power safety, or nonsafety, which is gradually being elicited at the AEC's Emergency Core Cooling hearing in Bethesda.

On February 23, I placed in the Record, on pages 5137–5141, an extensive summary of several documents which are central to the hearing; the summary came from Nucleonics Week, February 17.

Today, Mr. President, I ask consent to place the full text of one of those documents, made public and designated No. 715 at the hearing, into the Record at the end of my remarks. It is a memo to the members of the AEC's Task Force on Emergency Core Cooling from Morris Bacon, the AEC's own Chief of the Systems Performance Branch in the Division of Reactor Standards, and his deputy, Robert J. Colmar. The date is June 1, 1971.

COMPARING EXPERTS AND COMMISSIONERS

They speak in detail about the "serious questions regarding the basis for reasonable assurance" that crucial parts of "these complicated systems" will function adequately when needed. What they say is very different from the sweet assurances we are given about reactor safety from the AEC Commissioners.

Excerpts from this memo, and from several subsequent ones by Colmar and others, dated as recently as January 13, 1972, are provided in the Nucleonics Week report.

However, it is common to feel ill at ease with excerpts selected by someone else until one inspects the complete source and context oneself.

That is why it is particularly distressing that so few of the documents surfacing in Bethesda are available to Members of Congress, to the press, and to others, as they would be if the inquiry were before Congress instead of before the AEC.

SHOULD WE LEGISLATE AGAIN WITHOUT SAFETY HEARINGS?

It is deplorable that nuclear safety hearings are not held by some committee of Congress, and on a regular basis, and especially before Congress is asked to accelerate the operation of nuclear powerplants under brandnew legislation like H.R. 13731 or 13732.

Although I cannot remedy such a gross deficiency by placing just occasional documents in the Record, I do this in the hope that, if enough Members of Congress read them thoughtfully, they will recognize the urgency of learning more. Perhaps they will even understand why a nuclear power moratorium, as proposed in S. 3223, is a very reasonable and overdue measure.

The technical nature of some documents I place in the Record should not intimidate anyone. Most of their meaning is clear independent of technical terms.

Nevertheless, it is better to know than not to know that ECCS means a crucial powerplant safety system called the emergency core cooling system; LOCA means a loss of coolant accident; BWR means a boiling water reactor; PWR means a pressurized water reactor; and a "code" is a computer program.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

COMMENTS AND RECOMMENDATIONS TO THE REG ECCS TASK FORCE

The current REG task force investigation into the adequacy of the ECCS has brought forward, in an unparalleled way, considerable insights into the methods of representing and assessing the performance of these systems by the reactor vendors and REG. These insights have served to clarify and underscore the complex detailed nature of the present analytical procedures and model codes.

By the same token they have also revealed the considerable complications and reservations involved in properly formulating a clearly acceptable basis for Regulatory use in judging ECCS performance for licensing. The multiplicity of computer coding techniques, of various reactor system designs, of assumptions regarding the fundamental physical events, the general interpretation of the limited available experimental information, and the extraordinary results from the hydraulic codes, have all served to raise serious questions regarding the basis for reasonable assurance concerning the operation of these complicated systems, as well as regarding the uniformity of application of the regulatory process.

The REG task force has undertaken to resolve the current regulatory difficulties, centered in the application of a variety of computer codes to the LOCA, by attempting to formulate a "prescription" to be applied to each reactor vendor's codes and to be used as a basis for licensing reactors on a plant-by-plant basis.

This approach is predicated on the notion that the codes in their present state of development are definitive in term of describing the course of the accident to a substantive degree, that system distinctions can be made meaningfully, and that the application of the prescription can be identified in its final results.

We take exception to this current approach. We have consistently pointed out that this approach is too limited for the task at hand. We are concerned with this approach because we believe that such a limited formulation will have unforeseen pitfalls inasmuch as it cannot be tested sufficiently in advance. That this approach will not be technically defensible in the final analysis as a basis for selectively de-rating multi-million dollar power plants on a plant-by-plant basis should code-generated numbers indicate such a course, and we are further concerned because the task force is not adequately emphasizing the need to identify the current urgency of new system development and the need for experimentation to justify the adequacy of present designs, in a timely way. We believe that the consummate message in the accumulated code outputs is that the system performance cannot be defined with sufficient assurance to provide a clear basis for licensing.

We would therefore propose that the task force relegate the code work to generic parametric studies and the development of insights into system performance and at the same time clearly delineate a separate, consistent and unambiguous basis for the licensing process. The establishment of this basis should be the first order of concern of the task force; a possible basis has already been suggested in terms of limiting peak kw/ft.

The formulation of such a limit by the task force need not be restricted solely to considerations of ECCS but could be extended to include broader considerations that might evolve from a concerted task force effort in this direction; i.e., based on a moratorium to establish sufficient reactor operating experience.

This memo is not intended to serve the purpose of presenting specific detailed recommendations but rather is intended to indicate the nature of our concern and to suggest the nature of the forum to which the task force should direct itself. These points will be further amplified below.

BASIS FOR CONCERN

The basis for our concern about the present course of action being pursued by the task force in adopting a "prescription-plus-code" approach for the near-term licensing process, lies in the indeterminacy of the adequacy of the present code formulations. This indeterminacy has been amply demonstrated to the task force members who have witnessed the continuing evolution and substantial changes of the code models during the very review process itself being conducted by the REG ECCS task force (i.e., plugging, new head pressure drop, modelling of the break, etc.).

We have no assurance that this process is anywhere near complete and that substantial future developments are not forthcoming, nor do we believe that model development should occupy the efforts of the task force. Under the circumstance of continuing model transition, it is not clear that the systems and the analytical tools are or will be adequately understood in the near future.

These views are supported substantively by the critique of the reactor vendor codes by A. Nahavandi (originator of SATAN) as expressed recently to the REG staff as well as by G. Lawson of Oak Ridge National Lab who has indicated, as an experimentalist, that a clear demonstration of coolability by wide margins is necessary to satisfy his uncertainties regarding the ECCS capability; that is, cooling by narrow margins would have to be regarded by him as an essentially uncoolable situation. Similar reservations are shared by W. Carbiener of Battelle Memorial Institute as well as by members of Idaho Nuclear Corp. both in the conclusions to the Indian Point and Oconee analysis interim report as well as in recent conservations in relation to the task force effort and at the recent meeting in Chicago.

We are impressed by these viewpoints from knowledgeable individuals involved in the analytical and experimental aspects of the ECCS problem on a first-hand basis.

Some of the essential areas of uncertainty in predicting ECCS performance are the following:

1. Core flow and heat transfer

Quantitative treatment of core flow and heat transfer before any engineered safeguards can be invoked (during the early portion of the blowdown, approximately the first 10 seconds of blowdown for a DE cold-leg break) involving flow oscillations and flow directions are not meaningful now, nor will they be in the near future, in terms of predicting realistic or conservative results. The distinctions between code numerical instabilities and realistic flow phenomena have not been adequately clarified. The associated heat transfer is treated essentially arbitrarily within the hydraulics codes, as well as within the artificially separated heat-up codes.

At the very best, good engineering judgment would lead us to the conclusion that only certain qualitative aspects of the codes may be valid; namely, that the core experiences relatively low flow for substantial periods during the blowdown and that a dry-out or very high quality condition develops early in the blowdown. The quantification of this observation may require a grossly conservative formulation as the only justifiable approach at this point in the development of the technology.

2. Accumulator bypass

Injection of cold accumulator water into a system high velocity steam has system implications which are not understood or, more importantly, have not been thoroughly investigated by analysis or experiment.

The message of recent semi-scale tests may be that system pressure fluctuations result from injecting and mixing cold water into a steam system. We have limited our efforts to predicting how much accumulator water gets into the vessel during blowdown (a prediction based on an assumption that one really knows when blowdown is over and ignoring the possible system effects of cold water injection), while neglecting what may be the more important and least understood aspect of the problem.

3. Reflooding and steam binding

Although arguments are being made that we can conservatively predict performance during the reflooding period, recent experience indicates that problems in this area are first coming to light; e.g., plugging of lines and location of safety injection systems. Notwithstanding all the assurances that one can obtain upper bounds on two-phase and superheated steam pressure drops, very little is known about these types of flow at high velocity through turning pipes, steam generators, and pumps.

Of paramount concern in this area, however, is the possible effect of steam generator tube failures on the ECCS. It seems clear that the area of steam generator integrity during blowdown requires an immediate and thorough evaluation.

Considering the above, the systematic generation of performance numbers on a plant-by-plant basis leads to an apparent understanding of the realities of the safety systems which is not justified, and erroneously leads to the belief that reasonable assurance has been established on an absolute numerical basis, namely calculated peak clad temperatures.

This process does not lead to increased understanding; but on the contrary, leads to a glut of calculations requiring large expenditures of financial and personnel resources, as has been recently experienced by the Babcock and Wilcox Company. The recent studies required of B&W by the REG task force represented 230 computer hours involving single runs for the double-ended break cases of 20-hour duration. The cost was in the order of $100,000 and did not include studies of small breaks which are known to be long in computer running time. These are estimated to require an additional 1,000 hours of computer time, for a total approximate cost of $500,000 without including the cost of tying up engineering personnel. This is unconscionable.

We regard these studies when tied into plant-by-plant licensing procedures as counter-productive. In addition to tying up vendor personnel, the effect is to also inundate the regulatory staff with great quantities of computer output whose significance cannot be clearly and readily comprehended. The net effect is to retard the necessary reviews, slow down the licensing process, and perpetuate a regulatory review system which is not leading to an adequate understanding of system performance.

RECOMMENDATIONS

On the basis of these observations and the indicated views of many experts in the field, we take exception to the simplistic argument of doing business in the best way we know how within the framework of the current state of the art as embodied in the present codes, imperfect as they may be.

We feel that the task force should realize that this may not be good enough for present safety evaluations and may be, in fact, detrimental to an orderly and comprehensible licensing process.

We make the following recommendations:

The task force should make a clear distinction between a study effort directed towards the continued use and development of the LOCA codes leading to greater insights and understanding of the system performance, and an effort directed towards the development of a clearly separated, consistent, and unambiguous basis for the assignment of acceptable absolute performance of the reactor systems for licensing. The former effort would be considered a mandatory long-term industry-AEC effort. The latter would be a short-term REG operational formulation.

Some specific aspects of these separate approaches are as follows:

LONG-TERM RECOMMENDATIONS

1. Cooperative AEC-industry parametric studies

A determination must be made between the AEC regulatory staff and representatives of the nuclear industry on how to best channel the available talent, the present tools, and the funds being allocated for plant-by-plant computer studies, into more productive analyses and parametric studies that will lead to improved and more reliable understanding of the appropriate systems for emergency core cooling.

2. Model standardization

Development and standardization of models and calculational methods necessary for review of the safety systems for licensing. Consistent inputs should be established along with uniform assumptions regarding the physical phenomena involved. This is a necessary preliminary in order to begin identifying the fundamental system differences among the various plant designs.

3. New system studies

There is an immediate need to investigate possible ECCS design modifications, including changes in the basic system concept as well as alterations to present systems. Consideration must be given to the feasibility of a new concept which incorporates a system delivering water directly into the core region. For present systems, the volume, pressure, and location of accumulators, and the location of low and high head systems must be thoroughly reinvestigated. The latter investigation requires a better understanding of small break performance.

4. Steam generator evaluation

There is a need to investigate the probable performance and structural integrity that may be anticipated for the steam generator when, after years of continuous operation, it is subjected to transient behavior of the LOCA blowdown. Corrosion and pressure fluctuations clearly contribute to fatigue and diminish the strength of structural members. Under the added stress of hydrodynamic loading, due to high velocity fluid flow within the tube and load reversal during the loss-of-coolant accident (which may be postulated to occur well into the lifetime of the steam generator tubes) sufficient tubes may fail to adversely affect the ECCS performance.

5. Experimental programs

It is essential to recognize the urgent need for experimental verification of various aspects of the current and possible future ECCS designs.

In view of the usual lead time required in even the simplest experimental programs, the task force should assign an urgent priority to establishing immediate discussions with the reactor vendors to formulate test objectives and programs as well as to establish a method for cooperative funding for these programs.

These should include relatively simple tests such as may be conducted on the LOFT semiscale as well as in the available SPERT vessel for the purpose of verifying the existing code formulations against simpler systems with some of the features of a reactor blowdown.

Future acceptability of the codes for licensing should be predicated also on some minimum experimental verification which should include the effects of cold water injection into steam-filled pipes or systems, and possibly other conditions which may be formulated by the task force.

SHORT-TERM RECOMMENDATION

For the immediate and interim period during which the above programs are being implemented, we would recommend the consideration of a moratorium on reactor power increases based on a maximum allowable kw/ft rating. Such a peak kw/ft limit would be technically justified on the basis of semi-quantitative arguments related to, but not necessarily limited to, considerations of the ECCS performance as indicated by the present codes.

The overall judgment should be, however, more broadly based, and we would recommend further that consideration be given to an overall moratorium on reactor design changes as well as on power increases (inclusive of both PWR and BWR plants) until adequate reactor operating experience is obtained.

The choice of a limiting value on kw/ft will necessarily have an arbitrary aspect, as does the present prescription followed in the licensing process, and we urge the task force to acknowledge these facts forthrightly and proceed to formulate a more reasonable basis for the establishment of the maximum allowable value of kw/ft.

For example, a value might be established on the basis that the stored energy in the core plus an arbitrary increment of metal-water energy and decay heat will result in a peak clad temperature of less than 2300° F. The calculation of core energy should be based on an allowable ratio of peak average power which clearly excludes unusual rod patterns, fuel loading schemes, or operating conditions (such as, say, 2.7).

Adoption of a licensing procedure along the line of the recommendation above will provide a breathing spell to allow time for a more acceptable understanding of the code limits and capabilities and the significance of the predictions of the ECCS performance. In this regard, we do not distinguish between BWR's and PWR's until the independently developed technology on BWR's is advanced significantly.

The recommended programs will require an estimated 6 to 12 months before any substantial output is available to materially influence our evaluation of the ECCS.

Requirements

Implementation of the above recommendations requires at least:

(1) the immediate assignment of 8 to 10 people at Idaho Nuclear Corp. to:

(a) develop standard calculational models and tools to perform calculations on the different reactor systems

(b) investigate new system concepts

(c) design and perform new experimental programs

(d) continue investigation of specific ECCS problems

(2) an urgent meeting of high-level industry and regulatory personnel to:

(a) obtain funding for industry participation in experiment and system design.

(b) streamline review procedures for ECCS.

TREATMENT OF THE HANDICAPPED

Mr. WILLIAMS. Mr. President, in the past few weeks I have asked for a reordering of priorities in our treatment of the handicapped. It is clear to me that we must examine closely our national policy and programing toward millions of handicapped Americans.

The urgent need for a strong national commitment to help the handicapped was emphasized in two recent newspaper articles. The first article, published in the Newark Star-Ledger, describes the Essex County Unit of the New Jersey Association for Retarded Children. Dr. Joseph Pikus, executive director of the unit, says that most of the mentally retarded, if reached with professional help at an early age, need not remain in the depressing environment of an institution for all or most of their lives. But to prevent this requires the awareness of those outside the health professions and outside the political milieu. The second article, published in the New York Times, relates the efforts of a group of students called the Brightstone Volunteers, Inc., who have been working to improve the living conditions in New Jersey State hospitals by doing the job themselves. They have painted dingy walls, cleaned rooms, and brought rare moments of laughter and companionship to the normally tedious lives of the mentally ill. This is the kind of awareness and commitment we need throughout the United States to relieve the plight of the physically and mentally handicapped. For too long they have been denied their right to equal educational and economic opportunity and for a fighting chance to lead a life of basic human dignity.

Mr. President, I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MOST RETARDED DON'T NEED INSTITUTION CARE

(By Joan Osterhoudt)

Public attention has recently been focused on the plight of the mentally retarded who often are forced to live in institutions which provide inadequate care, staff attention and training.

The Essex County Unit of the New Jersey Association for Retarded Children, however, has noted that only one out of every 30 retarded children needs to be institutionalized.

Dr. Joseph Pikus, executive director of the unit, said that if proper facilities are provided to care for and train the retarded, 24 out of 30 could become independent and five of the 30 could progress to a semi-independent level.

The level to which the retarded can progress differs with each individual, he said. Some borderline cases are able to lead normal lives; others can become independent and work in the mainstream of industry, in jobs which require limited skills but are in the competitive labor market, he explained.

For others, sheltered workshops may be required where they can perform simple jobs and be paid for their efforts, he added.

In any case, proper training can help make many of the retarded full members of society rather than just placing them on the receiving end, Dr. Pikus said.

A full range of services is needed to accomplish this, Dr. Pikus said. He noted that providing such services in the local community is less expensive than keeping the individual in an institution.

In 1968, the Essex unit compiled a report which showed that keeping a person in a state or county institution for one year costs $2,722. Providing a community-based program, however, would only cost $1,650 per person per year during the most expensive phase of training.

Dr. Pikus said care for the retarded requires organizing a lifetime program. He said such a program may begin with seeing the newborn in the home, to help counsel parents.

It is important, he said, that parents and other children in the family understand what is involved in caring for a retarded child. Help may be needed in teaching the youngster to walk and talk, and with toilet training.

"The earlier you get to the child, the more you can do," he said. Most public schools provide special education facilities for the retarded when they reach school age, but preschool programs are needed to insure the child has the skills to function in such classes.

In some cases, children enter school programs at age five, and are terminated because they don't have the necessary skills to remain. This does not necessarily mean they will never be able to function in that setting, Dr. Pikus said. In many cases such children are referred back to a preschool program for additional training.

There are children who cannot fit into a preschool or public school program, but they need not be institutionalized if the proper facilities can be provided, Dr. Pikus said.

In 1961, the Essex unit started the first day-care program in New Jersey. It is geared to those four-and-a-half years old to 21 years old and is designed to help give them the skills needed to live independently.

While those entering the day-care program have been diagnosed as unable to function in a school setting, after day-care training many can move into special education classes. Since the unit began its program, it has placed 150 day-care students into special education programs.

This pilot program led to a state commitment to build similar day-care centers throughout New Jersey, and there are 18 such programs now operating in the state.

Dr. Pikus said if the retarded are to be helped, employment is essential. He pointed out that the retarded perform better than normal people in jobs which require performing the same task over and over again.

Sheltered workshops help train the retarded in simple jobs, and give them experience in coming to work on time and working with others. Those who are able are placed in outside industry, others remain at the sheltered workshop where they can do some jobs and receive pay without having to enter the competitive job market.

For those who cannot be placed in a job or a sheltered workshop, the unit sponsors an activities center. This program helps teach the retarded self-care habits and other skills needed for independent living, such as money management. The group may shop for food, go bowling or to a library.

Without such a program, many of those in the activities center might have been placed in an institution, or would have remained in the home with nothing to look forward to except a day of watching television, Dr. Pikus said.

It is estimated that three per cent of the U.S. population is retarded, and in urban areas that figure can rise as high as 18 per cent. While community services and programs may be more beneficial and less costly than institutions, there are not enough to serve all who need them, Dr. Pikus said.

At the Essex unit's daycare program there are 33 persons enrolled and 35 others are on a waiting list. If enough staff were available, 45 could be helped by the program, but the unit would be unable to provide transportation to get all of the students to the center, Dr. Pikus said.

The transportation problem also affects attempts to provide the retarded with social activities. The National Council of Jewish Women, Essex County Section, operates two canteens for the retarded in Bloomfield and Maplewood. This program is designed to offer games and other social activities for young adults. However, there has been difficulty arranging transportation for the evening programs.

Dr. Pikus said another major problem, which only recently has been focused upon, is that of the retarded adult.

"As the child grows older, so do the parents. The parental support won't always be there," he said. What happens to the retarded adult if his parents become severely ill or die, he asked. Unless facilities are provided, the only alternative may be an institution, he explained.

This could be especially traumatic for an individual who has been maintained in community programs all his life, and has progressed to the point where he can function in a job or sheltered workshop and be independent, the doctor said.

"There must be something to allow them to live semi-independently away from home, but not in an institution," Dr. Pikus said. "These people have adjusted to living on the outside," he said, adding that a lifetime's work could be negated by this lack of a follow-up.

Publicity about institution's for the mentally retarded has caused the public and public officials to respond to the needs of the retarded, the doctor said. "But those of us who have been in this work for a long time know that the best planning is done on a continuing basis, not on a crisis basis," Dr. Pikus said.

TEEN-AGE "PAINT-IN" BRIGHTENS SOME LIVES IN MENTAL WARDS

(By David C. Berliner)

SECAUCUS.—It looked like rush hour in a beehive—hectic, buzzing, seemingly chaotic and yet marvelously disciplined. And in a special way it was beautiful.

"Let's get a ladder over to that corner . . . this shade of pink is quite nice, Peter . . . will some of you kids bring a ventilating fan into the shower room, please?"

The speaker: John Lydon, major-domo of an adventure that took more than 400 teenagers into a hospital for the mentally disturbed last Sunday to conduct a massive "paint-in."

"When we first entered this place, it smelled like a urine tank," Mr. Lydon told an onlooker as they wended their way through Ward 12 at Meadowview County Hospital here. "But these boys and girls ignored all of that and went to work. You can see for yourself."

All around the trim, prematurely gray 38-year-old college instructor, members of his organization, The Brightstone Volunteers, Inc., worked, sang or mingled with the patients.

Less than two years ago, Mr. Lydon, who teaches constitutional law at Fairleigh Dickinson University, brought together the first small group of volunteers. That nucleus has grown to more than 1,000, all dedicated to improving conditions in New Jersey's state hospitals and to "fostering enlightened treatment of the mentally ill."

A CHANGE BEGINS

The volunteers, most of them 14 to 21 years old, have thus far come primarily from Bergen, Passaic and Hudson counties. Mr. Lydon who can be reached at (201) 337-5523, hopes to expand throughout the state, picking up adult supporters and contributions of money and equipment along the way.

Until recently, the Brightstones had concentrated on paint-ins and parties at Greystone State Hospital in Morris County (their group name is a play-on-words with the name of that institution). In December, they paid their first work visit to Meadowview, and last Sunday completed their repairs on two floors of the sprawling hospital.

Charter members recall the "early days" in the fall of 1970, when their initial attempts to enter Greystone were met by a stiff wall of official resistance.

"We were told we couldn't even enter the hospital," said Joe Cicchelli, 19, a student at Bergen Community College. "We wound up painting the fences outside."

Then things began to change, even if more slowly than the supercharged volunteers would have liked. Says Mr. Lydon: "You can't just give these kids a dream—You've got to show them it can be implemented."

A step toward implementation was taken late last year, when the State Senate passed a bill proposed by Senator Garrett Hagedorn of Midland Park that would reorganize the New Jersey Department of Institutions and Agencies. Gov. William T. Cahill has since promised to appoint two of the Brightstones to the Board of Trustees at Greystone.

"We're not really trying to put the blame on the politicians," Mr. Lyndon explained as he signaled the end of a rest period for one of the work crews. "We'd often like to, though. We just tell them we'll paint the walls, but that we won't do a whitewash."

It would be difficult to hide the sad reality of conditions within the wards, despite Sunday's almost Mardi Gras atmosphere. On the two floors brightened by the volunteers, scores of elderly women sat in the hallways or dayrooms, mumbling incoherently or staring silently into the past.

WORDS OF PRAISE

A minority of them, drifting in and out of their private worlds in mid-thought, praised the youngsters. Emily, who insisted she was 67 and would be 72 in October, giggled and said "life here is dead when these beautiful boys and girls are not around."

Against a far wall in the dayroom stood a television set, mute testimony to the only form of entertainment available on "ordinary" days.

"If you saw the pictures of Willowbrook or those other hospitals in New York," a ward attendant whispered to a reporter, "you'd know what goes on in here. These poor people hardly ever have any control over their own functions, much less their minds. You can see that some of them are strapped in their chairs because we just don't have enough help. A number of the worst cases were moved to other wards today so the kids wouldn't get too upset.

As she spoke, crews of Brightstones could be found scraping peeling paint off walls in one room, scrubbing dirt-coated tile in another, disinfecting sanitary facilities in a third, and brushing on pink, beige, or green paint in a fourth.

For Jolie Zielinski, 17, a senior at North Bergen High School, Sunday's paint-in was her first experience within a mental hospital.

As she waited restlessly in the bustling staging area, Mr. Lydon told a gaggle of volunteers that each would be given a bar of soap to offer a patient as a parting gift later in the day. Then, while a newly arrived contingent of youngsters eased their way into the room, Jolie scurried over and gently tugged at his wrinkled shirtsleeve.

"What else can we do?" she prodded. "We just can't paint and leave. The people will sit here without doing anything after we're gone, whether the walls are pink or green or brown. What else can we do?"

LOSS OF U.S. FISH RESOURCES TO FOREIGN FLEETS

Mr. STEVENS. Mr. President, during the past weeks I have informed this body of the continuing loss of our fish resources to foreign fleets.

Last week a total of 268 vessels were in waters just off Alaska. But this exploitation is not confined to the North Pacific. We are all aware that New England's traditional fishing grounds have been depleted to a point where the stocks of haddock, yellowtail flounder and herring are barely in commercial supply.

In the mid-Atlantic States, the problem is becoming more serve. I ask unanimous consent to have printed in the RECORD an article from the April issue of National Fisherman which vividly describes the losses of fish to Virginians by foreign fleets.

It tells of violations of restricted areas by Russian fleets. Bulgarian and East German trawlers were fishing in closed spawning areas in February. And a Japanese trawler was reported by Government sources 2 years ago to have half-a-million pounds of lobster tails aboard.

Mr. President, as the pressure of this foreign exploitation of our resources builds up on the Atlantic coast, it is becoming more threatening off the shores of my home State of Alaska.

Today 140 Russian and 195 Japanese are there, some within sight of our shores; 138 Japanese and 72 Russian ships are taking groundfish in the area between the mainland and the Pribilofs in the Bering Sea; 8 Japanese are fishing herring in the area of St. George and St. Paul Islands; 32 Japanese crabbers are midway between the Pribilofs and Unimak; 17 Russians trawl for shrimp just off the Shamagin Islands; 6 Japanese and 3 Russians near Kodiak, and 11 Japanese between Dixon Entrance and Cape Fairweather, fish for black cod and perch.

Mr. President, the violation of treaties is an old story with many fishing nations, but we do not even have treaties to protect us with some nations who are taking our fish. Before it is too late, we must take quick, drastic steps to see that all foreign vessels, fishing off the shores of the United States, comply with at least the same laws that we impose on our own fishermen.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIRGINIAN BITTER ABOUT LOSS OF FISH TO FOREIGN FLEETS

(By Burton T. Coffey)

We all feel for the New England fishermen whose traditional fishing grounds have been overexploited by foreign fleets, leaving the stocks of haddock, yellowtail flounder and sea herring depleted to a point where they are barely of commercial abundance.

But, although the International Commission for the Northwest Atlantic Fisheries (ICNAF) failed to stem the depletion until the damage was done, it has been able to regulate the fisheries on the international level and hopefully the resource will be returned to its former productivity.

On the other hand, the mid-Atlantic states are in another kettle of soup with no formal international board to kick the problems of their hard-hit offshore resources around, and outcries from the fishermen there have not received the public attention that those of the New Englanders have.

Virginia is in particularly bad shape, and the blame has been laid on the foreign fishing fleets that pass her coast while following the migrations of fish north and south.

Bill Hunt Jr. of Hampton, Va., whose family is deeply involved in the Virginia fishing industry including ownership of draggers, says New Englanders may have been badly hurt by foreign fishing fleets, but the Virginia fishermen have been nearly wiped out by the efficient Soviet Bloc contingents.

LANDINGS PLUMMET

Fishing out of Virginia has been very bad for the last three years, he says, and the number of deepwater draggers is down to a third of its original size. Landings have dropped off 65 percent.

His biggest complaint is the federal government's failure to listen to Virginian or other mid-Atlantic states fishermen. The result has been that the foreign fleets have overfished the resources with little objection from the U.S. despite warnings from local fishermen. "The bureaucrats are satisfied to believe the Russians," he said.

Unlike the international regulatory procedures taken for fishing grounds off New England, the U.S. deals individually with each country fishing off the mid-Atlantic states.

There are treaties with the Russians and other Communist countries for "no fishing zones" and suspension of fishing during certain spawning periods, but with countries like East Germany, no agreement is possible because the U.S. has no diplomatic relations with it.

A government source reported that only recently (February) there was trouble with Bulgarian and East German trawlers fishing in "closed" spawning areas, but he said that the trawlers left after a short fishing period.

However, other foreign fleets including the Russians were off Long Island, N.Y., in February and were moving south towards the mid-Atlantic waters, the federal government reported.

While off Long Island in waters regulated by ICNAF, U.S. surveillance flights reported 92 vessels in a 30-mile area 45–55 miles south between Shinnecock Inlet and Montauk Point, Long Island, and heavy fish landings were reported just outside the no fishing zones.

However, slightly to the south, six East German vessels were actively fishing inside the zone and heavy deck loads of fish and several bulging trawl nets containing 50,000 to 75,000 lbs appeared to be herring and mackerel.

With this armada heading south, "the pressure is off the New England grounds," a government source said.

But, the pressure on the mid-Atlantic stocks was about to begin, and it was doubtful whether there would be many Virginian boats out to vie for their share.

There are only about 26 draggers still fishing out of Virginia, and the last new one to be built was launched six years ago, Hunt said. "We've fished next to Russian boats after butterfish, and one time a large Soviet trawler had settled a foot after one day's fishing."

"If we find fish," he said, "the Russians beat us to it. They don't obey quotas or zones. They've run us off the grounds and we can't help it because of their large size."

Hunt said that while aboard one of his fishing boats, a 110′ ex-subchaser, they hooked onto what he believed was a lost Russian trawl net. "It was so large we couldn't even bring it aboard."

The Hunt boat did salvage the cod end, and the mesh was a little more than an inch square. "We pull 2½″ to 3″ mesh for large porgies because that size is easy to market and the small ones are just trash. A large porgie has nice flesh. But, the Russians use everything, including the small ones, for fish meal."

In one incident, Hunt said, 96 Russian boats were ordered to leave a "no fishing zone" by the U.S., but the official report said only two boats were in violation.

It isn't only the Soviet Bloc vessels plaguing the Virginians. The Japanese, Hunt said, are landing lobster tails in Bermuda. Government sources say that such landings are incidental, but Hunt points out that two years ago a Japanese trawler had 500,000 lbs of lobster tails aboard.

Lobstering out of Virginia is only beginning to be developed as a major industry, but Virginia draggers have always taken incidental amounts to their usual catch. The state has no restrictions on size, and Hunt is against any being made. "Why should we throw short lobsters back when the Japs won't?" he asks.

"It's my opinion that since there are no restrictions on some fishing nations, there should be no regulations at all," he said.

Losing offshore fisheries is nothing new to Virginians, it's just that they are down to about their last one. Many boats, however, are converting to surf clamming which is being developed.

GIVE CREDIT WHERE CREDIT IS DUE

Mr. HANSEN. Mr. President, in these ecology-conscious times, it is easy to criticize industry for giving too little consideration to our environment. It is our responsibility to continue to point out instances where inadequate steps are taken to preserve the environment.

It is also our responsibility to give credit where credit is due, and with this in mind, I want to call attention to efforts by industry members of the Wyoming Oil Industry Committee, which had special groups working on environmental matters in 1961—before being concerned about the ecology became the "in" thing to do.

Mr. President, the Casper Tribune of March 19 contains an article about steps taken by the Oil Industry Committee to bring about clean water laws in Wyoming, and to meet the problems of protecting our environment. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ECOLOGY IS WOIC CONCERN

The Wyoming Oil Industry Committee, in its 14th year of operation in Casper, counts among its members representatives from every phase of the oil industry, from exploration and production, transportation and refining, to marketing including jobbers and service station dealers.

Officers include: Harold Simpson, Union Oil Co.; Lloyd D. Traupe, Marathon Oil Co., vice president; School Program; Harry Roberts, True Oil Co., vice president—Governmental Affairs; Pendleton Beall, Jr., Texaco, Inc.—vice president,—Know Your Industry Program; W. C. Blackburn, Continental Oil Co., vice president—Special Events; and W. A. Van Hook, Amoco Production Co., Treasurer.

TWO SPECIAL

Two special committees were established in 1961 to deal with environmental affairs.

In 1961, very few people were concerned with environmental affairs, and the word "ecology" was totally unknown to a majority of people.

In more recent years this committee has been one of the Wyoming Oil Industry Committee's most active committees, and they have tackled many problems and worked toward keeping Wyoming air and water up to the highest possible standards.

The committee was one of the leaders in securing passage of the 1967 legislative act that established the present Air Resources Council, and their efforts to control pollution of the atmosphere has continued at a high level throughout the ensuing years.

CLEAN WATER

The committee's activities on clean water goes back even further, and a survey made in 1959 revealed that the Oil Industry in the state of Wyoming had spent $2.25 million in keeping the waters of our state clean at that time. Expenditures for keeping the water clean have accelerated since that time, particularly in relation to water produced along with the oil production.

In 1957, the three refineries in Casper realized that a problem was developing in the North Platte river as a result of oil activities, and each of the three refineries voluntarily took steps to eliminate any pollution that they might be causing.

DIRECT CONTRAST

This, in direct contrast to experiences in other parts of the country, and with other industries who did not take the initiative and voluntarily eliminate water pollution problems.

As a result, many of the rivers and streams in other parts of the country experienced a continuous degradation of their water quality. These other areas are now playing the game of "catch-up" while Wyoming citizens have enjoyed the high quality water throughout the years.

The effluent ponds into which Casper's three refineries channel all refinery wastes, including water, were constructed and all waters from the refineries are given special treatment in settling ponds and skimming ponds prior to going into the final pond.

The effectiveness of the treatment given the water before it reaches the ponds is clearly demonstrated by the ducks which swim in the water.

SMOKELESS TIPS

The installation, in the past two years, of smokeless tips on refinery flares is another evidence of the oil industry's efforts to control air pollution, and the results of these efforts are graphically illustrated by the accompanying photo showing a flare during an unusual condition at a refinery such as during the starting up of a new unit and comparing it under similar conditions with the smokeless tip in operation.

The Committees on clean air and clean water established an Oil Spill Contingency Plan to detect and control accidental oil spills, and this plan has been accepted and endorsed by the State of Wyoming Health Dept., and is in effect state-wide.

CIVIL RESERVE AIR FLEET

Mr. STEVENS. Mr. President, on October 27, 1971, the Subcommittee on Aviation of the Committee on Commerce voted its approval of S. 1821, a bill introduced by the Senator from Washington (Mr. Magnuson).

The legislation is needed to prevent the use of Government owned and operated aircraft for the movement of traffic that should move on civil carriers and which is in violation of the policy established and supported by Congress and the President over the past decade.

These policies were instrumental in creating a strong Civil Reserve Air Fleet—CRAF—in partnership with the Military Airlift Command—MAC—in order to provide a national defense airlift capability.

To acquire this capability, the Government has encouraged the carriers to participate in CRAF and stimulated them to modernize their equipment by offering as an incentive substantial peacetime passenger and cargo traffic.

There are many congressional and executive statements to the effect that in the interest of a free enterprise economy, Government operation of its own airlift resources should be limited to hard-core military activities leaving to the civil carriers the passenger traffic and more conventional kinds of military cargo airlift.

> That as commercial carriers make available modern, economical long-range cargo aircraft and as further orientation of MATS to the hard-core function is effected, increased use should be made of the services of such commercial carriers. *Presidentially Approved Courses of Action, 1960.*

The Civil Reserve Air Fleet—CRAF—was established in 1951 to provide a ready means of mobilizing the commercial airlines in order to augment the military aircraft capability in times of national emergency. This concept has saved the taxpayers much in terms of the cost of buying and maintaining a much larger military capability than would otherwise be needed except to meet emergency peak requirements.

In order for a commercial airline to participate in the CRAF program, and thus become eligible for military peacetime cargo, it must agree to pull its airplanes allocated to CRAF out of commercial service and have them available for military needs within 24 to 48 hours. This civilian airlift reserve of airplanes and personnel has enabled our Nation to respond to events like the Berlin blockade, the Korean conflict, the Cuban missile crisis, and the struggle in Vietnam.

The CRAF program has provided enormous benefits to the Government, the air transport industry, and, most importantly, the entire Nation. This reserve fleet was obtained through private financing. In using the CRAF-participating airlines for military cargo and troop transportation—at rates below those paid by commercial passenger and shippers—the Government has not only stimulated a reserve airlift capability for wartime, but at a cost below what the taxpayers would pay if that fleet had been procured by the Air Force themselves.

METRO CONSTRUCTION

Mr. MATHIAS. Mr. President, the construction of the metro rapid rail transit system is proceeding rapidly in several parts of downtown Washington and across the Potomac in Virginia.

Yet to keep this massive project on schedule, prompt congressional action is required on the pending legislation to provide a Federal guarantee for metro bonds, and to authorize the additional funds which have been made necessary by the cost escalations of the past few years.

On March 1 and 2, the Senate Committee on the District of Columbia met with a subcommittee of the House Committee on the District of Columbia in joint public hearings on S. 2297 and H.R. 11877, the bond guarantee legislation submitted by the administration last year. Testimony on behalf of the legislation was received from the distinguished Senator from Virginia (Mr. Spong); my two colleagues from Maryland, Congressmen Gilbert Gude and Larry Hogan; the Secretary of Transportation; spokesmen for the Department of the Treasury, the District of Columbia government, the Council of Governments, and the Washington Metropolitan Transit Authority; and elected officials from all of the suburban Maryland and Virginia jurisdictions which are partners in this great regional project. Representatives of several leading citizens' groups also recorded their support for the pending bills.

In my view, these hearings were extremely constructive. The range of knowledgeable witnesses, representing all levels of government and nongovernmental groups, emphasized again the breadth and depth of support for the metro system. In the course of the two sessions, the committees had the opportunity to explore with these witnesses many of the complicated questions involved in the planning, financing, and operation of a regional mass transit system. The information gleaned during these hearings should provide a solid foundation for prompt congressional action on the bond guarantee bills.

As one of the sponsors of S. 297, I wish to express my appreciation for the cooperation on the part of the House District Committee which made these joint hearings possible. In particular, the distinguished Representative from Texas, (Mr. Cabell) chairman of the House subcommittee, should be commended for his sincere interest in the transportation problems of the Washington area and his desire to develop sound, prudent, and effective legislation to meet Metro's current needs.

I ask unanimous consent to have printed in the Record the statement I presented at the hearings and an editorial in support of the bond guarantee legislation, published in the Washington Evening Star of March 3.

There being no objection, the items were ordered to be printed in the Record, as follows:

Opening Statement of Senator Mathias

March 2, 1972

It is a pleasure to welcome you to this second day of joint Senate-House hearings on S. 2297 and H.R. 11877, legislation to provide a Federal guarantee for Metro bonds, and for other purposes.

This legislation is the next essential step in financing the construction of the 98-mile regional Metro system. The bills answer our two urgent needs: assuring that Metro's bonds can be marketed at reasonable cost, and providing the additional funds required because of the cost escalations of the past few years.

S. 2297 was introduced last year by the four Senators from Maryland and Virginia: Senators Beall, Spong, and Byrd as well as myself. This joint action symbolizes, I think, the regional unity which the entire Metro effort enjoys. It is a unity which is expressed not only on Capitol Hill, but throughout the entire National Capital area. The people and governments of all jurisdictions in the region have made substantial financial commitments to build tracks which in some cases will not reach their own neighborhoods for several years. They have worked together at each point of legislative decision in a common lobbying effort which has had impressive results and has been crucial in keeping Metro on the track.

The Metro system is essential to a sensible attack on the tremendous and complicated transportation problems of this region. But Metro's trains will do more than just carry people from place to place. The system will—in fact, already has begun to—forge a strong bond between the central city and the surrounding suburbs. It will promote the sense of regional cooperation which we will need to tackle other challenges of regional growth and change in the years ahead.

The legislation before us today has been carefully devised as a sound and prudent answer to the systems' current financial needs. I know that my colleagues on the Senate Committee and our counterparts in the House will examine the bill's provisions in detail to insure that this is really the best way to secure the greatest benefits at lowest cost. I intend to do my part in carrying out this review expeditiously, so that the Congress can act with dispatch and meet its own responsibilities to keep Metro moving ahead.

[From the Evening Star, Mar. 3, 1972]

FAITH IN THE METRO

It is no exaggeration to say, as a good many knowledgeable people have during the past two days, that the future of Washington's metro subway system is riding on Congress' approval of a federal guarantee of $1.2 billion worth of transit revenue bonds.

Recognizing the issue's importance, House and Senate District subcommittees have met this week—and the precedents for such action are rare—in joint session. What they heard from a parade of witnesses was unanimous support for legislation which the Nixon administration carefully has worked out to avert a severe fiscal crisis.

Two events require the bill's enactment. First, escalating subway construction costs, mainly due to inflation, have sharply increased the volume of revenue bonds needed to finance the system. Further, investment experts advise that, without the underpinning of a federal guarantee, the bonds would be difficult if not impossible to sell under present market conditions. This is understandable in view of the complicated formula under which the bulk of the system's financing depends upon regular, substantial contributions from the federal government and no less than eight local political jurisdictions.

The administration bill proposes changes to satisfy both needs. Along with a federal guarantee, the Treasury would assume one-fourth of the bonds' interest costs, thereby enabling the subway authority to market an additional $300 million worth of bonds. At the same time, making the bonds taxable—rather than tax-exempt as proposed earlier—would provide sufficient new federal revenues to offset the Treasury's 25-percent interest subsidy. And the local governments of this area, for their part, would increase contributions to the tune of $150 million to assure a fair local sharing of the total costs.

This new arrangement, as spokesmen for Treasury Secretary Connally testified, is consistent with the federal fiscal policy prevailing in a number of other programs. It would enable the subway authority to enter the bond market almost immediately to get dollars needed to maintain construction schedules.

But equally important, as Transportation Secretary Volpe testified, the plan reaffirms the federal government's already-expressed commitment to complete a system vital to the Nation's Capital. "With no additional cost to the federal government," Volpe said, "we are telling investors that we have faith in Metro, and they should, too."

The approval of this workable plan is not the only action required, however, to ensure the constant orderly financing of rapid transit. Congress' further obligation is to avoid, at all costs, any repetition of the nearly disastrous episode in which District subway appropriations were held hostage for two years because of congressional dissatisfaction over the progress of District freeway construction. The subway funds were freed as the result of a decisive floor fight in the House a few months ago. We trust that battle ended once and for all any effort to play one program against another.

Highway and subway construction are related to the degree that both are needed to provide the total diversified transportation network this city requires. But such highway issues as still exist, or which may arise in the future, must be resolved on their own merits, without imperiling a transit financing plan whch is at best delicate and exceedingly complex.

EARTH BENEFITS FROM SPACE AND SPACE TECHNOLOGY

Mr. CURTIS. Mr. President, the keynote speech at this year's Goddard Memorial Symposium was given by Dr. Wernher von Braun. Entitled "Earth Benefits From Space and Space Technology," it is a very worthwhile statement of the importance of space to life on earth.

Dr. von Braun has the rare ability to mix practical points with philosophical issues in a way that leaves his listeners entertained but, more importantly, enlightened.

Among the issues discussed by Dr. von Braun are the importance of technology to our standard of living, the necessity for maintaining high technology exports, and the dangers arising from those who would make America an inward-looking society. On the last mentioned point, Dr. von Braun tells of an episode in Chinese history which illustrates how a great nation can forfeit its legacy and consign itself to decay and outside invasion.

Tomorrow, the Aeronautical and Space Sciences Committee will hear testimony on space applications programs within NASA. Dr. von Braun's speech serves as an excellent context for those hearings.

Mr. President, I ask unanimous consent to have Dr. van Braun's memorable speech inserted in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

EARTH BENEFITS FROM SPACE AND SPACE TECHNOLOGY

(By Dr. Wernher von Braun)

We are here to explore the relevance of aerospace technology to industry and the community. It is not an easy assignment.

One of the most difficult tasks is to demonstrate for public understanding the relationship between a vigorous aerospace industry and the national economy, between American leadership in aerospace science and technology and America's high standard of living.

The major contributions to our standard of living by the aerospace industry are not felt directly by the bulk of our population, and therefore are not identified with the industry. Even more remote are the effects of large federal programs in developing aerospace science and technology which are basic to the industry's activities.

Superficially, it is deceptively easy to furnish numerous examples of innovations from aerospace programs which have entered non-aerospace fields of medicine, commerce, business, industry and education. The list is impressive. But, individually, and scattered throughout the economy, they make little or no impression on the public.

It is even harder to measure precisely the intangible gains from space activities in terms of national prestige, spirit, and life concepts. Yet the achievements in space have contributed significantly to all of these things. It is impossible to put numbers on these abstractions, but they may be the most important legacies of our activities in space.

One of the problems of informing Americans of the very real contributions made by the space program is the lack of visible, direct links between what we spend on space activities, and any important gains for society. There are literally no tangible, direct benefits that are *visible* to Americans which seem important.

We can talk all we want to, for example, about the important scientific and technological capabilities we are creating for the nation—capabilities which are basic to much of what the public wants done—and it means exactly nothing. People do not relate science and technology to the everyday business of living, fighting the daily traffic, and buying the groceries. If they do, they are apt to cuss it.

We can point in vain to communications and weather satellites which are revolutionizing worldwide telephone, television and weather forecasting techniques. People simply yawn. They rarely if ever phone Europe or Japan, they can still catch the ball game on TV, and they still get caught in snow storms.

So, who needs the space program?

In this Symposium, we are addressing ourselves to a narrower discussion of space technology transfer to community and industrial activities. Yet, I would hope that some thought for public understanding of the subject matter will be included in the presentations, for that is the ultimate aim of these deliberations.

Almost two years ago, Dr. William D. McElroy of the National Science Foundation told a House committee that "civilized man cannot long survive on this planet without increased creation of new knowledge and its enlightened use."

He added that the best means to insure continued support of basic science and its smooth transition to applications were the mission-oriented agencies.

Dr. McElroy was speaking for the need of a sweeping re-evaluation of science and technology and their roles in society. But he could have been describing the broad role of large NASA programs, such as Apollo and the manned space shuttle. NASA is a mission-oriented agency. Its programs, like Apollo and the shuttle, focus the energies, the brains and imaginations of large numbers of talented people working in all the disciplines in a concerted, coordinated effort which advances science and technology over a broad front. NASA grants have supported research for a broad body of basic studies, and our scientific spacecraft have telemetered back to Earth vast quantities of basic data on phenomena of the solar system and universe. Returns from the Apollo lunar explorations are so great that it will be years before we will know its full value to mankind, but already the increase to our knowledge and understanding is priceless.

These contributions alone go a long way to justify the space program. But the benefits to be derived are largely in the future, whereas the public is more sensitive and responsive to the here and now. Many examples exist of space technology adapted to nonspace use, but the significance of almost all of this has had little visible effect in the public consciousness.

Of course, we all expected it would be a little while before our space activities brought benefits easily identified as important in the public eye. What we did not foresee among future "benefits" was that Apollo would arouse a new, more Utopian concept of what government can do to improve the quality of life here and now on Earth. Demands and expectations for immediate improvements in society are on a scale which considerably exceed the cost of a manned expedition to Mars.

Ironically, in the general clamor to reorder national priorities, NASA—far from being credited for this service—found itself relegated to a level of decreased budgets.

Our difficulty is that as a nation of short-term pragmatists, Americans are not geared mentally to long-range planning and deferred benefits from advanced science and technology programs.

The coming decade may see some shift in the public attitude and a growing awareness of the contributions of space, however, as applications of technology from NASA programs gain prominence.

Space technology has a substantial value to the non-aerospace field. We all know it, but the problem is to get the public to know it. The simple fact is America has built its strength and its standard of living on its leadership in technology. In the past two decades or so, our high productivity in high technology products has kept us ahead of the competition from abroad. The only way to stay ahead is to continue to invest in our high technology-producing aerospace programs.

A glance at our big foreign trade surpluses tells why. The excess of annual U.S. exports over imports is in high technology products, such as aerospace, running at $3.6, computers at $1.1 billion, and machinery, $1.0 billion.

Just the reverse is shown by our low technology products. Motor vehicle imports over exports are $3.3 billion, followed by clothing and textiles, $1.9 billion, and iron and steel, $1.9 billion.

I think these illustrations indicate quite clearly which side our bread is buttered on: we are strongest in high technology, and weakest in low technology competition. American leadership in aerospace research and development has given us a world market in products which require constant advances in high technology and high productivity, activities in which we have excelled for a generation or more.

In the low technology fields, however, where products can be produced by cheaper labor, the competitive advantage lies with foreign industry where wages are lower. Although this country is the leading motor car producer in the world, for example, the bulk of our car market is within the United States, and export sales abroad meet stiff competition. Foreign car manufacturers, however, are increasingly building up their sales here because they are competing against labor costs, not high technology.

The importance of what we do in aerospace technology may be lost on some Americans who find it hard to relate their everyday lives to space projects and activities. But there can be little doubt that economically our standard of living depends upon our maintaining vigorous programs in developing aerospace science and technology.

This is the broad picture of the benefits coming out of our aerospace programs and industry. I think it is extremely important that we Americans gain an understanding of how basic the development of high technology—especially high aerospace technology—is to our standard of living.

Every industrially capable foreign country is ambitious to penetrate the lucrative markets our high technology has developed, of which the domestic American market is the prime target. Already there is a rising tide of competition from overseas in electronics, aircraft, instruments and controls, telecommunications, and others. It isn't hard to see where this trend will lead if we permit it. The only alternative visible—and I think you will agree that it is a most undesirable one—is for Americans to reduce wage levels so that we are competitive with overseas labor in the low technology areas.

Now let's look at some other benefits of space and space technology.

Space exploration has made a real impact on astronomy. Historically, astronomy has played a key role in the development of civilization for thousands of years, in agriculture, geography and navigation. In later times, astronomy has figured in a welter of discoveries in the physical sciences and their experimental tools—including optics, spectroscopy, specialized photography and infrared techniques. Traditionally also, astronomy has served to advance mathematics and philosophy.

Space technology has now added a new dimension to astronomy by providing better observation of celestial objects through the elimination of atmospheric refraction and systematic errors. Benefits range from a large number of new discoveries in planetary physics, geophysics, and the chemical and physical properties of the solar system and the galaxies beyond.

All these discoveries are changing our concepts of the universe and man's place in it profoundly. Concepts of man and the universe, and man in the universe, motivate our thinking and actions on Earth. Are contributions to such concepts unimportant to the quality of life Americans strive for today? On the contrary, I think they are basic to the definition of what we mean about quality in life. Without a growing precision of our definition of the universe and its elements, we cannot hope to improve more than the physical aspects of day-to-day living; predictably, life would then soon degenerate into crass materialism.

So, by providing spacecraft to carry the astronomer's instruments and telescopes, the space program is contributing to the fundamental welfare and betterment of mankind. True, these are long-term contributions. They will not directly put food in our mouths, roofs over our heads, or clothes on our backs. But surely no one will say they are unimportant, that we can put off acquiring the abstract benefits of space astronomy indefinitely because of more "urgent" problems. Is materialism our most urgent requirement?

The correct answer, I believe, must be to supply both our material and conceptual requirements simultaneously—sufficient to the physical welfare of people and the growth of cosmology and the sciences.

In the area of technological innovation or spinoff, some of which will be discussed here today and tomorrow, there have been major civilian applications that are now in commercial development. NASA has described many thousands of other potentially commercial space program developments which are available for use. However, because the time cycles of orthodox American industry—from invention in the laboratory to the appearance of a product on the market—range anywhere from 10 to 25 years, only a relative few examples of transfers have been documented.

In the medical field, there have been individual instrument and equipment transfers that are particularly impressive. These range from improvement in X-ray diagnostics and physiological sensors to special equipment for handicapped patients, and a widening use of remote monitoring of hospital patients.

Some contributions from the space program occur when research spurs consolidation within a field by developing an application for known technology not previously used in that manner. One such contribution, in fluid dynamics, was the consolidation of technology in very low pressure devices for control systems. A machine tool manufacturer noted its significance and studied it for use as a control principle in operating automatic turret lathes. A prototype proved successful, and the company has built these machines in three sizes. They have been sold in a price range of $35,000 to $75,000 each.

The petroleum industry has been aided by technology directly resulting from space research. High quality color photographs of the Earth taken by our astronauts have helped locate potential oil-producing sources. Navigation via satellite has allowed marine explorers to fix their positions regardless of the weather. Airborne multispectral scanners, developed for the Earth Resources progam, have provided color imagery of the terrain, permitting identification of different rock types, including oil-producing outcroppings. High speed gravity measuring techniques, used in studying lunar gravity, permit faster and less expensive survey of offshore areas. The magnetometer experiments deployed by Apollo astronauts are adding to our knowledge of continental drift which petroleum geologists find of direct interest in their work.

In addition to its contributions to liquefied natural gas carriers in shipbuilding, NASA-generated technology has opened new possibilities for the surgeon in cryogenic surgery. In surgery, cryogenics has been used to treat Parkinson's disease, remove tumors and cataracts, and for bloodless tonsilectomies. Cryogenic superconductivity signals a new generation of motors, computer memory cores, power transformers, magnets and transmission lines.

It now seems that the food industry, facing increasing problems in the use of food additives and nutritional quality, may be able to draw on NASA's extensive knowledge about food processing, preservation, and nutritional value. We have extremely rigid requirements for the food we supply the astronauts since any type of food system failure would have grave consequences. Food must be free from bacterial contamination; it must be of high, known nutritional value; it must be stable without refrigeration under wide temperature variation for long periods of time; and it must be capable of fast, reliable and fool-proof preparation.

The precautions we have taken with food for the astronauts have led to new and improved methods of processing, preserving and sterilizing it. These may have significant value to both the food industry and the consumer. For example, a floor company, responsible for a number of food items for NASA, has developed pre-cooked, prebuttered rolls that are preservable up to 600 days. In another case, a scientist under NASA contract produced an instant rice that is truly "instant." Normal hot tap water (about 155 degrees F) can be used, and it takes under three minutes to serve from shelf to table.

Using NASA-developed methods, certain foods can be prepared and stored for emergency situations. If a disaster occurred, the food could be immediately shipped to the stricken area with no loss in preparation time and no need for refrigeration.

Space research and aeronautics, as we all know, have a lot in common. Aeronautics has contributed a great deal to the advance of space systems, and similarly the space effort has reciprocated. One of the most notable examples that comes to mind is the space program's contribution to air navigation.

Before the airlines began populating the skies with 10-mile-a-minute jetliners, precise navigation—while important—was not so critical as it is becoming today. Now, however, thanks to Apollo, airline pilots have available a new navigation aid that gives them instantaneous and continuous position reports. It operates on the same basic principle that enables our Apollo astronauts to pinpoint their positions far out in space. The heart of this system is a computer fed by a series of accelerometers which sense every movement of the airplane, up or down, sideways or forward. The computer translates this data into the instant and continuous position reports required by pilots flying the crowded airways.

The system is self-contained, and therefore independent of radio, radar, weather, and interference. Because it is more accurate than previous navigation devices, it contributes to a shorter flight time and savings in fuel. Only the most modern airliners now have these navaids, but the new generation of aircraft being built will employ them widely.

Related to this benefit is another planned navigation aid of an even higher order. NASA, together with the airlines and other government agencies, has used the applications technology satellites to demonstrate how a satellite may serve as a space reference point.

We have shown that the satellite can provide position fixes of exceptional accuracy. The planned operational system will be a complementary means of navigation to individual aircraft. In contact with both airplane and land-based stations, the satellite can give the traffic-controller an independent means to follow the airliner's progress. Satellite-relayed data can confirm or correct the pilot's position reports, which are based on his onboard equipment.

Today there is profound concern about clean water and clean air. Space technology can play an important role in helping achieve both. Environmentalists may be interested in an advanced type of sensor that measures carbon monoxide concentrations; this device was developed in a program initiated by our Langley Center. The Langley experiment is designed to make global measurements of carbon monoxide over a period of a year in order to map the portions of the atmosphere with high, low and average concentrations of the gas. In this way, scientists hope to identify the so-called removal sinks in which the gas is changed to another compound.

This may help to solve the riddle and explain why the total concentration of the gas in the air is not increasing, although motor car exhausts, industrial activities and other sources generate some 200 million tons of carbon monoxide each year. Scientists have estimated that the atmosphere contains about 500 million tons of carbon monoxide, but measurements over a period of years have not shown appreciable increases. This implies there must be some natural mechanism that removes most of the gas as it is generated. It would aid environmental control efforts to know what the mechanism is and its capacity for converting carbon monoxide to another compound.

In the effort to obtain cleaner water, we have a lightweight precision sensor designed to detect color gradations in water so oceanologists can spot pollution. Called a multichannel ocean color sensor, it is more sensitive to color than the human eye, and will be flown initially on aircraft. Eventually, it may be placed aboard spacecraft for monitoring the oceans. Data it provides can also be used to spot areas where fish are likely to be, and to study marine biology.

Given repetitive exact color information from this device, oceanologists can chart trends in pollution and marine life for use in preserving and developing ocean resources.

The major contribution for environmental uses is, of course, the Earth Resources Technology Satellite, now scheduled to be launched in the first week of June. We believe this may have the greatest potential of all for realizing hard economic returns from space exploration.

Information from the ERTS' battery of sensors will be relayed to an Earth-based, computerized data-handling and analysis network. In this way, regional data banks all over the world will receive daily volumes of data that can be put to work for man's benefit in three basic directions:

The information will help provide more of everything through far better management of the world's resources.

It will uncover new resources.

It will identify trouble areas so that remedial action can be taken at the earliest possible time.

To give you an idea of the volume of data traffic to be received, the ERTS satellite will relay several hundred million bits of information daily to Goddard. Goddard in turn will produce some 300,000 color, black and white, and digital type photos of the Earth's surface each week.

Our Skylab, to be launched next spring, will tie into ERTS experiments by supplying complementary information from astronaut-monitored experiments aboard the space station. At the end of each manned visit to Skylab, the astronauts will bring back with them data on photographic film and digital data on magnetic tape. These Skylab experiments will form an important part of the development of instruments and sensors for the ERTS program because the astronauts will monitor their performance.

The space shuttle, however, offers the greatest potential for space benefits over the long term. It will be the first true space transport due to its versatility as a carrier of men and equipment, its flexibility in operations, and its ability to make repeated missions on a routine basis. While the civilian-oriented missions are the most intriguing in NASA's eyes, the Defense Department also sees its usefulness in military operations—for the launch and recovery of surveillance satellites, for example.

The shuttle's cargo bay can be used not only to carry a variety of spacecraft to be placed in desired Earth orbit, but also will accommodate a complete laboratory module in which scientists and engineers can conduct experiments under space environmental conditions. In addition to placing spacecraft in orbit, the shuttle can retrieve them for repair, or to install new experiments, and reuse. This means that scientific and other space satellites can be built less expensively than they can at present, because designs need not include such high standards for reliability. More off-the-shelf items can be used, resulting in large dollar and time savings.

The space shuttle now planned will be only the forerunner of much more advanced multiple-mission type spacecraft. The knowledge we shall gain from its design, construction and operational performance will teach us a great deal more about such vehicles and their uses. To fully utilize space for the benefit of man, the multiple-mission spaceship is a must.

The work that NASA is doing in advancing science and technology—pushing forward the frontiers of knowledge—cannot be overstated. The vigor with which we carry on the development of science and technology, the spirit with which we explore the unknown, are characteristic of vital, growing nations that will be ready with the answers to problems of the future.

There's a little-known anecdote from history which illustrates the role played by science and technology in the life of a great nation. It appears in Volume 4 of Joseph Needham's "Science and Civilization in China." It relates how political decisions dimmed and finally extinguished the final blaze of splendor of one of the world's great civilizations.

Needham says that a series of seven expeditions began to explore the seas to the south and west of China in 1405. Under command of Cheng Ho, the fleet carrying 37,000 men reached the town of Malindi in what is now Kenya three-quarters of a century before Columbus made his first voyage to America. By 1433, Cheng's fleet had reached Mecca, and by the time he left Africa for the last time the Portuguese had hardly begun to explore the continent's west coast.

Compared with contemporary European ship technology, the Chinese armada was a revelation. Sixty-two of the ships were 9-masted galleons 450 feet long from bow to stern and more than 180 feet in beam. The vessels not only had multiple masts, but also fore-and-aft rigged sails, and true axially mounted rudders. Strong bulkheads divided the hulls into naturally watertight compartments. The Chinese also installed pedal-operated bilge pumps, developed from the principle of the noria used in ancient China to raise water into irrigation channels. These last two items did not appear in European ships until the 18th century.

Besides these great ships, Columbus' vessels appear pitiful.

Cheng Ho's expeditions were, however, the last important explorations of the seas made by China. The political decisions that killed them, Needham says, were part of a decisive turning inward of China's civilization. Despite China's early and extensive lead over Europe in science and technology, it was not in China that the scientific revolution took place. Yet, a Chinese visitor to England in 1400 A.D. would have considered that country technologically backward.

Let us hope we can learn from history. There have been disquieting signs of an "inward turning" among Americans which we can only hope is but temporary. Carried to the extremes that occurred in China of the middle ages could be nothing less than a catastrophe to modern America.

Scientifically and technologically, however, we have built the foundations for America's greatest age. Space offers the opportunity to fulfill the requirements of the spirit while we increase our capabilities to meet the material needs of ourselves and fellowmen.

WELFARE REFORM

Mr. RIBICOFF. Mr. President, in the coming weeks the Senate will have an opportunity to debate the merits of welfare reform. The debate should focus on the facts, not on the mythical beliefs that have too long enshrouded welfare reform.

Recently the Department of Health, Education, and Welfare released parts I and II of the Findings of the 1971 AFDC Study. These data contain the most recent information available on the actual operation of the present public assistance program of aid to families with dependent children.

I asked unanimous consent that summaries of parts I and II be printed in the RECORD.

There being no objection, the summaries were ordered to be printed in the RECORD, as follows:

FINDINGS OF THE 1971 AFDC STUDY

PART I. DEMOGRAPHIC AND PROGRAM CHARACTERISTICS

This report provides information on demographic and program characteristics of the families who received an assistance payment in January 1971[1] under the aid to families

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[1] The study month was December 1970 for Wisconsin and October 1970 for California.

with dependent children program, including the unemployed parent segment. This is the first of two reports; Part II will provide information on the financial circumstances of the families. The reports provide information for the nation, for census divisions, and for 21 States.

The data were derived from a one percent [2] sample survey which included all States and jurisdictions except Guam. Findings from the study are inflated to represent all families receiving money payments during the study month. Data for States not shown separately are not available because their respective samples were not sufficiently large to produce reliable results. State welfare agencies were responsible for completion of the study schedules.

Changes in AFDC, 1969–71

1. *Three out of four AFDC families now live in a metropolitan area.* Families living in metropolitan areas, whether within or outside the central cities, increased from 72.4 to 74.4 percent.

2. *There was a decrease in black families receiving AFDC.* Black AFDC families declined from 45.2 to 43.3 percent, whereas there was little change in the other major racial groups.

Race	1969 percent	1971 percent
White	48.1	48.3
Black	45.2	43.3
American Indian	1.3	1.2
Other	.6	.7
Unknown	4.8	6.5

3. *For the average AFDC family, the time on assistance has become shorter, and there are more first-time recipients.* The median time on assistance, from the latest opening of the case until the study month, has dropped from 23 to 20 months. Consequently, there are relatively fewer long-term recipient families who have received AFDC for 5 or more years (the decrease, from 22.8 to 17.7 percent). Families receiving AFDC for the first time increased from 59.7 to 65.8 percent.

4. *There has been an increase in both small families and young families.* Families with only one or two child recipients increased from 49.6 to 54.2 percent. In 1971, 3 in 10 AFDC families have only one child recipient. From 1969 to 1971, the average number of child recipients per family dropped, the magnitude of the decrease being greatest for intact families.

Number of adult recipients	Average number of child recipients	
	1969	1971
None	2.2	2.1
1	3.0	2.7
2	3.9	3.5

The downward shift in age among AFDC families includes both parents and children. Mothers under age 25 increased from 24.2 to 28.2 percent; fathers under 25, from 13.2 to 15.7 percent.[3] The proportion of all children under age 6 rose from 32.5 to 34.3 percent.

5. *There was a decline in illegitimacy and in multi-parent families.* Families with one or more illegitimate children decreased from 45.1 to 43.5 percent. The proportion of all AFDC children who are illegitimate dropped from 32.1 to 31.4 percent. Multi-parent families, that is, families in which there are two or more children with different fathers or mothers, decreased from 31.0 to 27.6 percent.

6. *In most AFDC homes there is only one parent, but there was a small increase in two-parent homes, and more fathers in the home are unemployed.* Families with two adult recipients increased from 11.9 to 12.9 percent. Families with mothers in the home increased from 91.7 to 92.8 percent; with fathers in the home, from 18.2 to 18.7 percent. The proportion of fathers in the home who are unemployed rose from 1 in 4 to 1 in 3. (Unemployed fathers as a proportion of all fathers increased from 4.6 to 6.1 percent.) The increase in two-parent homes was accompanied by a drop in families with orphaned children. Families with father dead decreased from 5.5 to 4.3 percent; with mother dead, from 2.4 to 1.9 percent.

7. *There was a decrease in parents who are mentally or physically incapacitated.* Families with an incapacitated mother dropped from 13.7 to 11.3 percent, and with an incapacitated father, from 11.7 to 9.8 percent.

8. *Marital breakup remains the primary reason for absence of the father, with an increase in separations and divorce.* Close to half of all AFDC families now need assistance because as a consequence of marital breakup the father is absent. Families with divorced parents increased from 13.7 to 14.2 percent, and with parents separated, from 13.7 to 15.8 percent, almost all of the latter increase being in separations without court decree. Nonmarriage of the parents, the secondary reason for absence of the father, remains about the same.

Status of father	1969 percent	1971 percent
Absent:		
Marital breakup, total	43.3	45.2
Deserted	15.9	15.2
Separated	13.7	15.8
Divorced	13.7	14.2
Not married to mother	27.9	27.7
In prison	2.6	2.1
Other reason	1.6	1.2
Other status (dead, incapacitated, unemployed, other)	24.6	23.6

There was a slight decrease in desertion of the family by either parent: by the father, from 15.9 to 15.2 percent; by the mother, from 3.3 to 2.9 percent.

9. *There was a small increase in full-time employment of mothers, but more are needed in the home.* From 1969 to 1971, there was no overall change in the labor force attachment of AFDC mothers, which remained at 1 in 4 women who were either working, looking for work, or accepted in a work or training program. Within the individual categories, however, there were some changes: an increase in full-time employment from 7.5 to 8.3 percent, as well as slight decreases in part-time employment and work or training program acceptance. The absence of significant change in the employment status of mothers is related to small increases in mothers considered to have no marketable skills and in mothers who have never worked (from 22.8 to 23.5 percent). The increase in mothers needed in the home (from 35.5 to 37.1 percent) is probably due in part to the increase noted above in young AFDC children.

10. *Children of mothers working or being trained are most likely to be cared for in their own homes, but there was some shift to care outside the home.* In families with a mother employed or enrolled in a work or training program, there was a decrease in arrangements made for care of children in their own homes, whatever the age group. The shift to care outside the home included other persons' homes as well as group care centers, although the latter arrangement is much less common.

[In percent]

Child care arrangement [1]	Under age 3	Aged 3 to 5	Aged 6 to 14
In own home:			
1969	44.7	42.6	40.2
1971	42.1	39.7	36.1
In someone else's home:			
1969	35.6	30.9	20.3
1971	39.2	32.7	16.6
In group care center:			
1969	5.6	13.1	2.7
1971	6.8	14.3	3.5

[1] Residual categories not shown.

There was also an increase in the likelihood that children aged 6–14 would be unsupervised during the mother's absence from (16.8 to 18.7 percent).

11. *Nonmigrating mothers increased.* Mothers who had never lived outside their present state of residence increased from 37.9 to 40.3 percent. Mothers who had lived elsewhere were most likely to have come from the South, but there was a slight shift between 1969 and 1971 from the South to the Northeast or West regions as last place of residence.

12. *The educational attainment of AFDC parents has risen.* Mothers who have completed high school increased from 23.2 to 27.5 percent, and fathers, from 20.9 to 27.4 percent.[4]

13. *WIN referrals and enrollments increased.* Families with one or more members referred to WIN during the past year increased from 13.1 to 17.6 percent, and with one or more members enrolled, from 6.2 to 8.8 percent. The increase for mothers referred or enrolled was greater than for fathers. In 1971, about 1 in 3 unemployed fathers is enrolled in a work or training program. WIN referrals and enrollments of children aged 16 and over also increased slightly but remained relatively low.

[In percent]

Family member	Referred		Enrolled	
	1969	1971	1969	1971
Mother	9.1	12.5	3.7	6.0
Father	3.5	4.7	2.1	2.4
Child(ren) aged 16 and over	.9	1.0	.4	.5

14. *Although there was an overall drop in services to families, there was also evidence of a reduction in need for services.* Families provided one or more services during the past year decreased from 92.5 to 80.9 percent. However, among families for whom a service plan had been developed and recorded, those found not to need services rose from 8.5 to 15.9 percent. There were decreases in specific services in all categories except day care, which increased from 5.7 to 7.0 percent. In 1971, as in 1969, the types of services most frequently received by AFDC families were those related to employment or work training; obtaining or using medical care; improvement of housing, home, or financial management; and securing support of children. Counseling, guidance, or other diagnostic services related to employment or training for employment moved up from third to first place, with the lowest negative rate of change among the major types of services received. Family planning services,

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[2] Because of relatively large caseloads, California and New York submitted samples of one-half of one percent. Pennsylvania submitted a sample of one-half of one percent for Philadelphia only. Massachusetts submitted a sample of eight-tenths of one percent.

[3] The age of most mothers is known, but the age of over 3 in 10 fathers is unknown. Percentages are based upon totals for persons whose ages are known.

[4] The educational attainment is unknown for 2 in 10 mothers and about 6 in 10 fathers. Percentages are based upon total for persons whose education is known.

either with or without medical referral, also moved up into the top group of services received by at least 1 in 4 families in 1971.

15. *More families receiving AFDC have no other source of income.* Families with no money income other than public assistance increased from 54.7 to 59.9 percent. The increase in young families, mentioned above, is reflected in the drop (from 7.8 to 6.1 percent) in families receiving OASDI in addition to AFDC. There was also a decrease in families receiving partial support from the father, either by his earnings (from 3.6 to 2.8 percent) or by his contributions when absent from the home (from 14.3 to 13.4 percent).

16. *The use of food stamps has almost doubled.* Participation in the U.S. Department of Agriculture food stamp program rose from 29.6 to 52.9 percent. There was a corresponding drop in receipt of donated foods, which in 1971 are received by only 1 in 7 AFDC families.

Implications of the changes

There are a number of indications of an enhancement of the prospects of AFDC families being able to move off welfare. The indicators fall into several major groupings:

The indices of a healthy family have gone up. There are fewer incapacitated parents, and more of the fathers who are in the home are able-bodied although unemployed. The considerable increase in the use of food stamps means that many more families now have adequate diets.

The combination of more first-time recipients, decrease in average time on assistance, and in long-term assistance cases, points to a rise in short-term use of AFDC as a means of support during a time of financial need.

The decrease in need for services means that agencies are serving more families who need only financial help and presumably do not have other problems which they themselves cannot resolve.

The employment and training status of family members has improved. More mothers work full time, and WIN referrals and enrollment of family members during a year's time have increased. In addition, services related to employment or training now reach more families than any other type of agency service.

The increase in the educational level of AFDC parents should better their chances in the labor market.

Increases in small families and in young families mean that relatively fewer are encumbered by the economic burden of having several children or the labor market stigma of middle age.

Not all of the changes, however, are favorable.

Currently, when unemployment rates are much higher for persons under 25 than over,[5] the downward shift in parents' age can also mean a lessening of chances in the labor market.

The increase in mothers with no marketable skills and with no work experience, together with the need for more mothers in the home, means an overall increase in AFDC women who face barriers to employment.

The increase in children aged 6–14 who are unsupervised while the mother is working or being trained points out a need for child care which is not being met.

More families have no source of money income other than public assistance. In addition, the rise in parents divorced or separated was accompanied by a decrease in families receiving some contribution from an absent father, one of the principal sources of nonassistance income for those families not wholly dependent upon public assistance.

PART II. FINANCIAL CIRCUMSTANCES OF AFDC FAMILIES

The following is a brief summary of the major findings in regard to financial circumstances of AFDC families. The summary refers only to the total caseload. Between States, there is considerable variation in amounts for individual financial items. At the beginning of each section a short statement explaining that particular phase of the AFDC budget has been included for readers not familiar with the budgeting process.

REQUIREMENTS

For each AFDC family, a determination is made by the public assistance agency as to the amount of monthly income needed to purchase the goods and services considered necessary for maintaining the State's level of living established for the program. The amount covers all basic and special requirements, except those met through vendor payments for medical care.

The average monthly requirement for all families was $242.34 per family. This is close to the average requirement of $244.48 for families with only one adult recipient, which comprise 77 percent of all AFDC families. The average amount increases, of course, with number of persons in the assistance group, which includes the AFDC children, parent(s), or other needy caretaker, and other persons whose presence has been established as essential to the well-being of the children and whose needs are encompassed in those of the children.

Number of child recipients	Average monthly requirement of families with specified number of adult recipients[1]		
	None	1	2
All families	$132,97	$244.48	$313.75
1	78.38	167.72	224.61
2	132.70	216.53	266.51
3	183.36	261.11	298.17
4	216,86	303.21	339.40
5	286.81	333.16	361.91
6	[2] 301.07	372.48	392.56
7 or more		434.17	466.06

[1] In 9.9 percent of AFDC families there was no adult recipient; in 77.2 percent, 1 adult recipient; in 12.9 percent, 2 adult recipients.

[2] 6 or more child recipients.

NONASSISTANCE INCOME

Before the amount of the AFDC payment is determined, all nonassistance income of the family is taken into account. At the time of the study, 40.5 percent of AFDC families had nonassistance income from one or more sources. The average amount of such income, for families who had some from any source, was $159.41 per family. Earnings of family members and contributions from an absent father were the major sources of nonassistance income, although the average amount from an absent father was smaller than average amounts received from OASDI and unemployment compensation.

FAMILIES WITH NONASSISTANCE INCOME

Source	Percent of all families	Average monthly amount
Earnings of:		
Mother	13.7	$221.25
Father	2.8	244.60
Children	.6	102.72
Earnings or incentive payments from WIN	2.3	59.56
Contributions from absent father	13.4	84.89
OASDI benefits, total	6.1	118.29
Father dead	2.0	135.43
Father incapacitated	2.0	130.97
Other status of father	2.0	88.51
Unemployment compensation	1.0	178.66
Contributions from others in home, and other cash income	4.3	76.86
Income in kind	2.5	28.53

DISREGARDED NONASSISTANCE INCOME

Some or all of the nonassistance income of an AFDC family may be disregarded in the budget process which determines the amount of the AFDC payment. Employment costs and child care were the most common types of deductions from nonassistance income of the 21.2 percent of families who had some income disregarded. The highest average amount was for the support of dependents not in the assistance group.

FAMILIES WITH DISREGARDED NONASSISTANCE INCOME

Type of deduction	Percent of all families	Average monthly amount
Employment costs	15.2	$65.30
Child care while parent works	5.7	65.45
Support of other dependents	1.2	140.96
Other expenses	1.8	66.23
Future identifiable needs of children	.2	(1)
Other[2]	17.0	88.97

(1) Not computed; base too small.

[2] Includes required disregard of all earnings of a child who is a student and, in addition, the 1st $30 of earnings of all other persons in the assistance group plus ⅓ of earnings above that amount.

After deductions, 34.7 percent of AFDC families had some nonassistance income remaining. For these families, the average monthly amount of net nonassistance income was $94.65 per family.

ASSISTANCE INCOME

The average AFDC payment per family was $178.69. The amount of the payment varied by average number of children and also by status of the AFDC father. The highest average payment was for families with an unemployed father, although families with an incapacitated father had the highest average number of children. Both the mother and the father are AFDC recipients in 9 out of 10 families with an unemployed father. Both parents are AFDC recipients in less than 6 in 10 families with an incapacitated father; in the remainder of such families the father himself may be receiving another type of public assistance such as aid to the permanently and totally disabled (APTD) or aid to the blind (AB).

Status of father	Percent of families in status category	Average number of children	Average monthly AFDC payment
Incapacitated	9.8	3.5	$178.61
Unemployed	6.0	3.1	237.69
Absent from home, total	76.3	2.6	178.58
Divorced or legally separated	17.1	2.8	178.67
Separated without court decree	12.9	3.0	195.66
Deserting	15.2	3.0	201.22
Not married to mother	27.7	2.2	160.26
In prison, other reason	3.4	2.3	161.62
Dead	4.3	2.8	132.98
Other status	3.6	2.9	138.45

A relatively small group of families (2.1 percent) received general assistance, that is, State aid without matching federal funds, in addition to their AFDC payments. For such families, the average amount of the supplementary general assistance payment was $49.91 per family.

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[5] "The Employment Situation: October 1971," *NEWS*, U.S. Department of Labor, Office of Information, USDL–71–594, November 5, 1971, Table A–6.

TOTAL INCOME

The average amount of total income from all sources, excluding disregarded nonassistance income, was $212.62 per AFDC family.

Number of child recipients	Average monthly income of families with specified number of adult recipients		
	None	1	2
All families	$110.77	$216.22	$269.51
1	67.26	149.62	193.03
2	110.59	192.32	237.68
3	151.85	232.31	259.23
4	182.26	268.98	291.31
5	235.12	290.34	302.88
6	224.13	323.69	333.15
7[1]		374.30	388.70

[1] 6 or more child recipients.

UNMET NEED

Unmet need is the difference between the budgeted requirements for the family and income from all sources, excluding disregarded nonassistance income. At the time of the study, 46 percent of AFDC families had some unmet need, with an average amount per family of $64.60. Readers who wish to make interstate comparisons from the tabulations are requested to read first the paragraph on "recognized unmet need" in Appendix I, Glossary of Selected Terms.

AEC CRACKS DOWN ON OPPONENTS

Mr. GRAVEL. Mr. President, we who try to follow some of the intricate power plays which will determine the nuclear future of this country, owe a lot to the reports in Nucleonics Week. The March 2 issue brought us five particularly significant stories:

First, "Charges of Reprisals Against Staff ECCS Critics Denied by AEC, Idaho."

Second, "AEC's Revised Early-Siting Bill Getting the Finishing Touches This Week."

Third, "Two Kansas Legislature Resolutions Could Spike AEC's Waste Disposal Plan."

Fourth, "AEC Tells ECCS Board to Restrict Scope and Speed Hearing."

Fifth, "Senator William Proxmire Is Unlikely To Conduct an ECCS Probe."

Mr. President, I ask unanimous consent that the five stories be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Charges of Reprisals Against Staff ECCS Critics Denied by AEC, Idaho

The specter of reprisals against AEC staffers who have taken a strong conservative line on emergency core cooling was raised this week with charges from AEC sources that "troublesome" employes in AEC and at its Aerojet Nuclear contractor, National Reactor Testing Station, Idaho, had either been reassigned or would be. Other senior AEC people roundly denied the charges.

The first case is that of Morris Rosen, who was chief of the systems performance branch, Div. of Reactor Standards, until the recent regulatory reorganization in which he was reassigned as technical adviser to the director of the Div. of Reactor Licensing, Peter Morris. Rosen, when reached for comment this week, said of his new job: "You would really have to consider it as a promotion. It makes for broader responsibility." However, he added: "Of course, I am off ECCS—except in an overlook position. I will still be able to keep my thumbs on it."

A high source close to Rosen in the regulatory branch said, however: "It is not as clean as it looks. One has to look at the timing of it [Rosen's reassignment]." This source said that if pressed at the ECCS rulemaking hearing at which Rosen is to testify, the latter would "make statements" about the job change. Rosen himself said that it should be borne in mind that the regulatory reshuffle had been in the works for some time. He said that his position on ECCS—which came to light when AEC released a series of internal memoranda largely authored by himself and Robert Colmar, who used to work for him—had not changed. Rosen (and Colmar) had recommended in one memorandum that there be a 6–12-month moratorium on reactor power increases to provide a "breathing spell" for further understanding of ECCS limitations (NW, 17 Feb, 8). He said: "I believe that the position I have taken is a majority position [of AEC staffers concerned with ECCS]. I do not expect the ECCS hearing to vindicate me. I expect it to confirm my position as a majority one. I do not think it is the dissenting one."

The second case revolves around a proposed reorganization in the Div. of Nuclear Safety Programs at Aerojet Nuclear, where ECCS testing is carried out. That reorganization, according to an AEC source, is designed to shift responsibility for ECCS away from certain individuals. An Aerojet source said: "It is very hard for us to say anything because we feel we are in a fishbowl. If we say something we get flailed by the AEC's Div. of Reactor Development." Specifically, the charge being made about the Aerojet changes is that George Brockett, head of the nuclear safety development branch, is being moved because of his conservative approach to ECCS.

Reached for comment, Brockett said that the reorganization has not taken place but that "under the proposal that I have seen I would have a different responsibility." He said he was not aware of having been the subject of any pressure or coercion. However, he said: "Sure, I guess there are a lot of people in the industry who would like to see me removed." Brockett said his concern on ECCS was not with reactors at present operating, because "they are not big enough and there are not enough of them." He said he thought that more answers are needed on ECCS as "we move along toward bigger reactors nearer population centers. What we are trying to do here is to see that the parachute opens when you jump."

AEC sources in Washington said the proposed Aerojet reorganization "was suddenly rescinded a week ago." Brockett said all he knew was that the proposed reorganization plan was "being evaluated by management." AEC director of regulation L. Manning Muntzing said that he could not speak for Aerojet but that Rosen's reassignment bore no thought of a reprisal, although the timing could be construed to be unfortunate. He said the commission had certain objectives in the reorganization at the time and had decided to go ahead "with what had to be done." Muntzing said: "There was nothing sinister about it."

Another Aerojet source noted that reorganizations had taken place at Idaho over the years in almost all sections of the company except that of nuclear safety. Reorganization of the nuclear safety division had been under discussion since last June but talk of it dried up last month. The source said he had heard the same talk of reprisals against Idaho personnel but had seen no concrete evidence of it. He added: "If AEC does not like the way a man parts his hair, it would be naive to assume that he could not do something about it." A third Aerojet official maintained that the reorganizations of the company over the years had not been at AEC's behest and had nothing to do with employes' attitudes about ECCS.

AEC's Early Siting Bill

AEC's revised early-siting bill was getting the finishing touches this week at the Office of Management & Budget. The bill, which would dramatically reshape the procedure for obtaining an operating license, will probably be sent to Congress next week and will be discussed at a hearing before the Joint Committee on Atomic Energy on March 9. The bill has three main ingredients: 1. early site authorization prior to any construction; 2. an optional legislative-type hearing for the operating license that would be called only if intervenors produce prima facie evidence of new material affecting the public health and safety; 3. provision to aid plants affected by the Quad Cities decision; i.e., interim operation before completion of review under the requirements of the National Environmental Policy Act. Sources said the most significant aspect of the proposed legislation is revision of the operating-license procedures. They said the legislative-type hearing—where intervenors do not have rights of discovery and cross-examination—is intended to enable plants to go on the line as scheduled. The sources said the preliminary draft of the bill would probably be reworked in the OMB but that the basic objectives would be retained.

Two Kansas Legislature Resolutions

Two Kansas Legislature resolutions could spike AEC's waste-disposal plan in that state if they are passed within the next two weeks—and all indications are that they will be passed. One resolution supports the state governor in urging AEC to look beyond Kansas—and even beyond the continental U.S.—for sites to dispose of high-level radioactive waste. The other resolution would give the governor authority to decide whether the AEC plan is safe or not, and hence whether or not the commission can bury waste in Kansas. "There is little or no opposition to these resolutions in the legislature," said a governor's office official.

AEC, meanwhile, is marking time on the Lyons, Kans., salt mine burial site it had earmarked for a national radwaste repository. It is doing research on rock mechanics, heat-flow, and other generic subjects not necessarily connected to the Lyons site. "It is my understanding that they won't do anything until new funding becomes available in fiscal-1973 [which begins in July]," said one state source.

AEC Tells ECCS Board to Restrict Scope and Speed Hearing

AEC in effect has told Nathaniel Goodrich and the emergency core cooling rulemaking hearing board that he chairs, to start bearing down on participants and get the hearings on the track they were intended to take. The commission order issued last week also warned the hearing participants—especially the National Intervenors coalition being represented by lawyer Myron Cherry—to start cooperating in getting the hearing focused on the ECCS criteria and stop obstructing the procedure with extraneous matters. The AEC commissioners appeared still to be bending over backward to allow the hearing board to conduct the hearing as it sees fit, and as a reasonably independent unit with some court-like functions. But the AEC order also made it pretty clear that the commissioners don't think well of the ways things have gone thus far. And they made it clear that they expect Goodrich to start showing more of an iron hand within the velvet glove.

However, participants in and observers of the rulemaking hearing don't think the order will have any noticeable effect. Nuclear industry men and regulatory lawyers consider the order soft and mealy-mouthed ("That's not an order, that's a speech," said one) and from the environmentalist side there were far more derisive, uncomplimentary and unprintable descriptions of it.

Nevertheless, there were some specific indications in the order that the AEC commissioners want more rigid conduct of the hearing. "While the course of the proceeding to date has not diminished the commission's confidence in the basic soundness of the . . . objectives [of direct public participation and enhanced public understanding], it is clear from the present hearing record that their realization in this proceeding requires a measure of additional firm guidance from the commission," the order says in part. It went on to note AEC concern "with the slow pace at which the hearing is moving and with the relative lack of consideration of substantive issues" so far. The order commented on the kind and quality of cross-examination by National Intervenors: "[It] has been in the nature of discovery, has dealt essentially with historical and procedural matters, and appears to lack organization and preparation. That questioning has barely touched on the intrinsic merits of the ECCS criteria which are the subject of this proceeding."

In their order, the commissioners said the technical validity of the criteria, not the history of their formulation, are the subject of the hearing. A "reasonable amount" of examination into the background is all right, the commissioners said, but this has not been the case so far. In effect, the order directs the hearing board to get this into proportion and keep it that way.

As far as the schedule is concerned, the order noted that it had already been upset by "the somewhat oblique approach to the subject matter" in questioning to date and by "the participants' default" of the previously scheduled Feb. 11 filing of their prepared direct testimony. Now the schedule will have to be adjusted, said the commissioners, and they're inclined to some flexibility in that they'll leave this to the hearing board to do, rather than taking it upon themselves. But, said the order, the hearing board and the participants should understand "that the new time periods fixed should not be subject to further adjustment."

The order tells the hearing board to "use its powers firmly to assist the participants in maintaining . focus" on the ECCS criteria and suggests that—in view of the more limited time that they are intended to have—the participants should get together on such things as stipulations of facts. Let them make "the best use of the fixed time available to them for setting forth their respective positions," says the order, for the commissioners certainly "will take note of and give due consideration to the uses made by the participants of their allotted time as indicative of their priorities and perspectve." And if someone can't finsh up in his allotted time, he's not to get additional time but, instead, the hearing board can let him put his questions in writing and the board and commissioners can then decide whether further exploration in those areas is desirable.

PROXMIRE UNLIKELY TO CONDUCT ECCS PROBE

Sen. William Proxmire is unlikely to conduct an ECCS probe suggested by National Intervenors, the umbrella group of environmental organizations involved in the AEC rulemaking hearing on emergency core cooling. In a press conference last week, the group called for a "thorough investigation by an unbiased congressional committee" and suggested that the Joint Economic Committee chaired by Proxmire (D-Wis.) would be an appropriate body. Proxmire had been approached on this by National Intervenors but told the group that he has too many other things to do for him to get to ECCS for some time. "It's a question that would take a fairly low priority," commented a Proxmire aide. "He has said, 'Let me think about it.' He is very interested in nuclear safety but other things are presently more pressing."

A National Intervenors statement at the press conference cited internal memoranda written by AEC staffers Morris Rosen and Robert Colmar that present AEC criteria on emergency core cooling are inadequate. The statement went on to say: "We believe that this dissenting opinion by the AEC's own experts has been suppressed by Stephen Hanauer, head of the AEC task force appointed to investigate the problem. . . . We are convinced by reliable informants within the AEC that chairman [James] Schlesinger and other commissioners are unaware that many more AEC experts are uncertain whether the present criteria are safe enough."

The group suggested the Joint Economic Committee for the probe it wants because "of the tremendous financial loss that the industry will face, not to mention the economic hardship of those being made dependent upon nuclear-generated electricity, should the present plants be ruled unsafe."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ORDER FOR RECOGNITION OF SENATOR ROTH TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Delaware (Mr. ROTH) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND LAYING UNFINISHED BUSINESS BEFORE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Delaware (Mr. ROTH) on tomorrow, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR WEICKER ON FRIDAY, MARCH 24, 1972

Mr. BYRD of West Virginia. Mr. President. I ask unanimous consent that on Friday next, after the two leaders have been recognized under the standing order, the distinguished Senator from Connecticut (Mr. WEICKER) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later in the day this order was modified to provide for the Senate to convene at 9:30 a.m. tomorrow.)

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL RIGHTS FOR MEN AND WOMEN

The PRESIDING OFFICER (Mr. CHILES). Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

> H.J. Res. 208. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time for the quorum call not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

AMENDMENT NO. 1058

Mr. ERVIN. Mr. President, I call up Amendment No. 1058 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

> On page 1, line 12, after the period insert the following: "This article shall not apply to any law prohibiting sexual activity between persons of the same sex or the marriage of persons of the same sex.".
>
> On page 2, line 3, strike "amendment" and insert "article".

Mr. ERVIN. Mr. President, the Wall Street Journal for August 13, 1970, published an editorial entitled "The Ladies and the Constitution." I read that editorial:

> That Constitutional Amendment liberating women broke on the public consciousness

> so quickly no one's quite sure what its real effect would be.
>
> "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex," is what it says. Sounds fine, at least until the lawyers and courts get at it, but it's been languishing in Congress since 1923. Lately Congressman Celler, who's against it, has kept it bottled up without even committee hearings. But when Congresswoman Griffiths strong-armed it out on the floor with a discharge petition, it whizzed through the House by 346 to 15.
>
> The upshot is that it was passed with only an hour of debate, which wasn't exactly time enough to clear up all the little hazy areas. Everyone seems to think it would finally implement that unassailable principle that women ought to get the same pay as men for the same work, but someone ought to take time to notice the words do not mention private employers. We were assured that it wouldn't affect such things as maternity benefits or rape laws, somehow. And what with a volunteer army almost here we don't need to worry about its implications for the draft.
>
> Well, we're all for the ladies, but even so, before we write some new words into the Constitution it'd be nice to know what they really do mean.

Frankly, Mr. President, I do not know what the ERA means in one aspect. Therefore, I have offered the following amendment which would amend the joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women, as follows:

> On page 1, line 12, after the period insert the following: "This article shall not apply to any law prohibiting sexual activity between persons of the same sex or the marriage of persons of the same sex.".

Now, Mr. President, the idea that this law would legalize sexual activities between persons of the same sex or the marriage of persons of the same sex did not originate with me. I do not know what effect the amendment will have on laws which make homosexuality a crime or on laws which restrict the right of a man to marry another man or the right of a woman to marry a woman or which restricts the right of a woman to marry a man. But there are some very knowledgeable persons in the field of constitutional law, such as Prof. Paul Freund of Harvard Law School, Prof. James White of the Michigan Law School, and Prof. Thomas Emerson of Yale Law School, who take the position that if the equal rights amendment becomes law, it will invalidate laws prohibiting homosexuality and laws which permit marriages between men and women.

The constitutional amendment which the Senator from Indiana is proposing states that:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Professor Freund of the Harvard Law School and Professor White of the University of Michigan Law School have reasoned that the ERA will mean that activities which are permitted between members of different sexes cannot be the basis of criminal prosecution against members of the same sex. Thus, State criminal laws relating to sexual conduct between members of the same sex will be unconstitutional under the ERA because it denies them equality of rights because of their sex. Marriage laws, in the same way under the ERA, could not be restricted to members of different sexes. In other words, the professors reason that laws and activities which are allowed to members of different sexes will have to be extended to members of the same sex or they will be denied their "equality of rights" . . . on account of their sex, as the ERA states.

In the hearings before the Senate Judiciary Committee last year, Prof. James White of the Michigan Law School mentioned these bizarre results which would flow from passage of the ERA. Professor White said:

> With the exception of Illinois and perhaps a few other states, there are laws on the books which make it a crime to engage in certain kinds of homosexual activity. First of all, I suppose the amendment would bring in question all that law . . . I think the question is, is this the way we should do away with it or should we allow the states to control this themselves?

Prof. Paul Freund of the Harvard Law School also testified during the Judiciary Committee hearings that:

> Indeed, if the law must be as undiscriminating concerning sex as it is toward race, it would follow that laws outlawing wedlock between members of the same sex would be as invalid as laws forbidding miscegenation. Whether the proponents of the amendment shrink from these implications is not clear.

Prof. Thomas Emerson of the Yale Law School mentioned in an article in the Yale Law Journal that:

> Courts will most likely invalidate sodomy or adultery laws that contain sex discriminatory provisions, instead of solving the constitutional problems by extending them to cover men and women alike.

I do not agree with these results and frankly I do not feel the Members of the Senate intend the results which Professor Freund of the Harvard Law School, Professor White of the Michigan Law School, and Professor Emerson of the Yale Law School say will flow from the passage of the ERA regarding homosexual activity.

Mr. BAYH. Mr. President, will the Senator from North Carolina yield to me for a question, please?

Mr. ERVIN. I will be glad to yield to the Senator from Indiana for a question.

Mr. BAYH. That is exactly what I wanted to ask the Senator, and I appreciate his courtesy. I have not had a chance to give a great deal of lengthy study to homosexuality, but I would ask the Senator, is homosexuality limited to men or to women?

Mr. ERVIN. Some forms of it are and some are not. But if there is a problem here, as these legal scholars say, perhaps the Senator's Constitutional Amendments Subcommittee should study the subject before we pass a constitutional amendment which legal scholars say could effect this area of the law.

Mr. BAYH. Is homosexuality limited to men or to women? In other words, if a State legislature says it is against the law——

Mr. ERVIN. They make a distinction. Unlike this amendment, the phraseology relating to that matter does make a distinction between men and women, as a rule. It applies the term "homosexuality" to abnormal sexual activities between men——

Mr. BAYH. But, is this——

Mr. ERVIN (continuing). And sometimes to abnormal sexual activities between women.

Mr. BAYH. How is this term defined by the statutes which concern the Senator from North Carolina? I ask this question not to get involved in anything that might be embarrassing, but we do have to be specific here.

Mr. ERVIN. The Senator from Indiana is asking a question, but the Senator from North Carolina would not have the time, if he had the learning, to explain to the Senator from Indiana what the laws of the 50 States have to say on the subject. But, I will tell the Senator what some very smart constitutional lawyers, including Prof. Paul Feund of Harvard, Prof. James White of Michigan Law School, and Prof. Thomas Emerson of Yale Law School, have had to say about the effect of this amendment in the general field of sexual activity and marriage relations.

Mr. BAYH. The Senator has been kind to permit me to ask the question which he has not yet answered.

Mr. ERVIN. I profess my inability to educate the distinguished Senator from Indiana on the phraseology of all the laws of the 50 States which make homosexuality a crime, but they are multitudinous, and perhaps there should be a subcommittee study of them before the Senate acts.

Mr. BAYH. The Senator from Indiana would——

Mr. ERVIN. If the Senator will remember his Bible, he will recollect that sodomy was practiced in Nineveh and that was the reason Nineveh was wiped from the face of the earth.

Mr. BAYH. Let me suggest that the argument the Senator proposes at this point might have been relevant at the time of Nineveh, but it does not seem relevant today. I refer to the original question the Senator from North Carolina was considerate enough to accept from the Senator from Indiana. That, I do not think, has been answered. I think it is possible to make a real distinction between the sexuality of a man or woman and various acts they practice. There are, of course, very real physical differences between men and women.

Mr. ERVIN. But the act says that there are not.

Mr. BAYH. Mr. President, I asked the Senator——

Mr. ERVIN. The Senator is not now propounding a question.

Mr. BAYH. Yes I am. I am now trying to redefine it so that the Senator might finally answer it. He has not yet answered. I asked the question whether the word "homosexualty," or act of homosexuality, or statutes prohibiting homosexuality are confined to men or women.

Mr. ERVIN. It depends on the phraseology of the statute.

Mr. BAYH. I wish the Senator would describe a homosexual act.

Mr. ERVIN. I am not going to describe homosexual acts on the floor of the Senate.

Mr. BAYH. The Senator from Indiana did not want to embarrass anyone. However, I am trying to get at the different definitions of homosexuality. The Senator described various capacities that men or women have.

Mr. ERVIN. The Yale Review article by a great student of constitutional law, Thomas Emerson, who Senator BAYH has deemed a great legal scholar, says that this constitutional amendment would invalidate every statute which makes homosexuality or lesbian activity dependent on the sex of the participant.

Mr. BAYH. Would it be possible for a State legislature, after the passage of this amendment, to enact a statute saying that it shall be unlawful under the laws and statutes of State X to participate in any type of homosexuality whatsoever, p-e-r-i-o-d?

Mr. ERVIN. If the Senator had studied a little anatomy as well as a little law, he would find that there are some offenses which go under the general term of homosexuality which only men can commit. And that is true with respect to discrimination against sex being wiped out. This act of sexuality would be made lawful instead of unlawful under the amendment and I am against this result.

Mr. BAYH. Mr. President, we have time, and I would like to get the Senator's opinion. If he does not want to give it, that is all right. However, he has significant constitutional expertise. We might differ as to the wording of different statutes. However, the question I propound is whether it would be possible for such a State statute to be enacted. The Senator from Indiana is not an expert on anatomy. However, he is an expert on his own anatomy.

Mr. ERVIN. That ought to be enough to apprise the Senator from Indiana with the fact that there are certain acts of homosexuality that only men can commit.

Mr. BAYH. I have read about it. However, I have not had any expertise in that area.

Mr. ERVIN. I am not implying that the Senator had and neither have I.

The PRESIDING OFFICER (Mr. GAMBRELL). The Senators will suspend until the galleries come to order. There will be no demonstrations in the gallery with reference to what is taking place on the floor.

Mr. ERVIN. This is on my time, and I prefer to speak on my time. Let the Senator from Indiana speak on his time.

Mr. BAYH. Mr. President, may I yield myself 2 minutes?

Mr. ERVIN. No; I have the floor. The Senator from Indiana can have the floor after I have had a chance to speak. I do not mind the questions, but I do mind being heckled.

Mr. BAYH. Was the Senator from North Carolina being heckled?

Mr. ERVIN. Yes; the Senator from Indiana is heckling the Senator from North Carolina and trying to impede the Senator from North Carolina in his effort to explain the thoughts of Professor Freund of Harvard, Professor White of Michigan Law School and Professor Emerson of the Yale Law School who say that laws dealing with homosexual activity will be unconstitutional after passage of this amendment.

Mr. BAYH. Would the Senator from North Carolina permit me to strike my questions from the RECORD?

The PRESIDING OFFICER. Will the Senator from North Carolina yield to the Senator from Indiana? The Senator from North Carolina has the floor.

Mr. ERVIN. No; I do not yield.

Mr. BAYH. May I ask unanimous consent?

Mr. ERVIN. I do not yield for that purpose.

The PRESIDING OFFICER. The Senator from North Carolina has declined to yield, and the Senator from North Carolina has the floor.

Mr. BAYH. May I propound a parliamentary inquiry?

The PRESIDING OFFICER. Will the Senator from North Carolina yield for a parliamentary inquiry?

Mr. BAYH. Is not a parliamentary inquiry appropriate at any time? I merely want to find a way to remove whatever remarks I made that might cause my good friend to think that I was heckling him.

The PRESIDING OFFICER. The Chair has ruled that the Senator from North Carolina has the floor. No parliamentary inquiry may be made without the permission of the Senator from North Carolina.

Mr. BAYH. Will the Senator from North Carolina permit me to make a parliamentary inquiry?

Mr. ERVIN. I do not know why the Senator from Indiana wants to heckle the Senator from North Carolina and prevent the Senator from North Carolina from telling the Senate what these legal scholars think.

Mr. BAYH. The Senator knows that is not the intention of the Senator from Indiana.

Mr. ERVIN. The Senator from Indiana will not permit the Senator from North Carolina——and I hate to say it, but the truth compels me to say so—— to proceed for a minute without an interruption. And when the Senator from North Carolina yields for a question, the Senator from Indiana makes a speech on the time of the Senator from North Carolina.

If the Senator from Indiana thinks that the Senator from North Carolina ought not to be permitted to express his views on this matter uninterruptedly, the Senator from Indiana can continue to engage in this heckling. But the Senator from North Carolina, in order that he not be impeded too much and in order that he may be privileged to resume this discussion at a time when the Senator from Indiana and the Senator from North Carolina will have had an opportunity to read the statutes of some of the States, the Senator from North Carolina will temporarily withdraw the amendment.

Before withdrawing the amendment, I would like to say that President Nixon appointed an extremely able women, Mrs. Rita Hauser, who is a very fine lawyer, as one of America's representatives to the United Nations.

Mrs. Hauser made a speech at the American Bar Association, I believe, on the subject of human rights, in which she made some reference to the proposed equal rights amendment. She said this:

> Military service is another area which will be affected by the proposed Amendment. If enacted and we continue to have Selective Service, then women will be subject to the draft. I for one have never seen any reason whatsoever to exempt women from serving their country as men do. I think that women should be judged in the same way as men. Some men make soldiers and others don't. Some bang at the typewriters and some do bandage work and similarly women will be judged on their capabilities for being soldiers or otherwise and not on the basis of sex. Now, this may be an aspect that some women do not like and would not wish to see materialize, but I can personally see no justification legally or factually for excluding women from serving their country in the same way as men have been compelled to do. The Amendment would end that exclusion.

Then, after further discussion of other matters she stated:

> Even more so, and perhaps I am radical in this view, I believe that the whole area of laws dealing with sexual relations will be altered by adoption of the Amendment.
>
> Distinction in law on a basis of sex would, it appears, no longer be possible under the terms of the proposed Equal Rights Amendment. Therefore, it would follow that many provisions of criminal law would be altered to the extent they provide for different treatment and punishment of men and women.
>
> I also believe that the proposed Amendment, if adopted, would void the legal requirement or practice of the states' limiting marriage, which is a legal right, to partners of different sexes.

And so, we have one of President Nixon's high appointees saying that all laws dealing with homosexuality will be affected by the ERA.

Mr. President, I believe the Senate should know what it is doing in this regard, so I call attention, once again, to the testimony of Prof. James White of the Michigan Law School on the effects of the equal rights amendment. Professor White said:

> With the exception of Illinois and perhaps a few other states, there are laws on the books which make it a crime to engage in certain kinds of homosexual activity. First of all, I suppose the amendment would bring in question all that law . . . I think the question is, is this the way we should do away with it or should we allow the states to control this themselves?

Then, Professor White, of the Michigan Law School, amplified these remarks on pages 200 and 201 of his testimony with respect to this amendment.

> As a final point, and I think an appropriately bizarre one, let me talk about homosexual behavior and how the behavior might affect homosexual behavior.
>
> With the exception of Illinois and perhaps a few other States, there are laws on the books which make it a crime to engage in certain kinds of homosexual activity. First of all, I suppose the amendment would bring in question all that law. Personally, I guess I would favor doing away with that law, at least as it involves consenting adults. But again, I think the question is, is this the way we should do away with it, or should we allow the States to control this themselves?
>
> But the more interesting problem is raised by what is going on now in California where, as you may know, there is a Pro-

> testant minister who purports to marry members of the same sex. They go through a marriage ceremony. And he is a man with the capacity to marry a man and a woman.
>
> Let's take as an example, assume, as he is going now, he performs a marriage ceremony between two men, one of whom, let's say, is a movie star, makes a lot of money. They live together as man and wife for 4 years, during which the movie star makes several million dollars. Then they break up and the one who was performing the wifely function comes to court and he says we were married. This is a community property State and I want my half of the income which you earned in the 4 years of our marriage. A woman could claim that half and I have a right to claim that half.
>
> Well, I think this is a pretty bizarre kind of thing, probably not a very, not of crucial importance in connection with the amendment, but it is an example of the kinds of areas to which the amendment might reach and where there will certainly be litigation. I mean, these people are going through marriage ceremonies now. They are looking for every way to test the marriage laws of California. And, surely, it will be tested on this basis and conceivably a court would find that the State had to authorize marriage and recognize marital legal rights between members of the same sex.

Mr. President, to be sure that the Senate understands this let us look again at what another distinguished American lawyer had something to say on this subject. As I have said, Prof. Paul Freund of the Harvard Law School testified before the Committee on the Judiciary. He is one of the most distinguished constitutional lawyers in America and Professor Freund of the Harvard Law School stated:

> The strict model of racial equality, moreover, would require that there be no segregation of the sexes in prisons, reform schools, public restrooms, and other public facilities. Indeed, if the law must be as undiscriminating concerning sex as it is toward race, it would follow that laws outlawing wedlock between members of the same sex would be as invalid as laws forbidding miscegenation. Whether the proponents of the amendment shrink from these implications is not clear.

Like Professor Freund, I wonder if the Senators who support this amendment shrink from these implications.

Mr. President, in order to afford myself and the distinguished Senator from Indiana time to read some of the State statutes I withdraw this amendment for the time being.

The PRESIDING OFFICER (Mr. GAMBRELL). The amendment is withdrawn.

AMENDMENT NO. 1065

Mr. ERVIN. Mr. President, I call up Amendment No. 1065.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> At the end of section 1 add the following sentence:
>
> This article shall not impair, however, the validity of any laws of the United States or any State which exempts women from compulsory military service.

Mr. ERVIN. Mr. President, I yield to the distinguished Chairman of the Committee on Armed Services, who is as knowledgeable a man as this country has on the subject of recruitment of personnel for our Armed Forces, for such time as he may desire to use on the amendment.

Mr. STENNIS. I thank the Senator from North Carolina very much.

Mr. President, will the Chair call to my attention when 20 minutes have expired?

The PRESIDING OFFICER. The Senator will be recognized for 20 minutes.

Mr. STENNIS. The real effect of the women's rights resolution, Mr. President, is a very serious proposed constitutional amendment and it proposes a very grave question from the standpoint of national security as well as the treatment of womanhood.

First, I want to address myself briefly to the overall import of the proposed resolution.

The resolution purports to be a fair and evenhanded measure giving the women of this Nation equal legal rights, and if it were, it would be something that every Member of the Congress could readily accept and cosponsor. In past years I have cosponsored amendments requiring equal rights for women myself. But, Mr. President, the joint resolution now before us needs the changes proposed by the Senator from North Carolina, and without them its effect will almost certainly be very harmful to the stability and fairness of our laws and to the very fabric of our social system. I am prepared to vote for any bill or constitutional amendment which would really give equal rights to the women of this country and always have been but the resolution now before us, as it will probably be interpreted by the courts, has far more bad effects on both men and women than it has good.

It is my firm belief that the overwhelming majority of women in this country seek equality of the sexes under the law and not absolute sameness. The basic concern which most women have expressed to me about this resolution is its effect on the right of women to receive equal pay for equal work and to have equal job opportunities with men. In studying this problem over the past few years it has become clear to me that women in this country generally do not receive jobs or pay on a par with men. This situation continues to exist in spite of numerous laws on the books requiring equal treatment of all persons in this country, including: The 14th amendment to the United States Constitution, assuring equal protection of the laws to all persons; the Fair Labor Standards Act of 1938, with its 1966 amendments pertaining to women; the Equal Pay Act of 1963, explicitly requiring equal pay for equal work regardless of sex; Title VII of the 1964 Civil Rights Act specifically prohibiting employment discrimination based on sex; and numerous executive orders of Presidents Kennedy, Johnson, and Nixon.

In light of this large body of Federal law already abolishing employment discrimination against women, which so far has not been effectively enforced, it is clear that the need is not for further laws or constitutional amendments, but for solid enforcement of the laws already on the books. What we in Congress must not do is merely appear to favor the legal rights of women by voting for this resolution in this election year when its actual effect will be to destroy many useful laws favoring women which most men and women would wish to see preserved.

There is the key to the major part of the argument, I think, about this matter and resolution.

Although I feel sure that this resolution is offered in good faith and with high hopes that it will actually benefit the women of this Nation, I deeply fear that its actual effects will do much harm and little good for our country and for the women of our country. That is why I am speaking out in favor of the amendments to the resolution offered by Senator ERVIN. If those amendments are added to the present resolution, I will gladly support it.

As I see it, Mr. President, the basic flaw of the resolution as it now stands is that it legislates and requires absolute sameness as to men and women rather than legal equality. Only Senator ERVIN's amendments exempting women from the military draft and allowing legal distinctions between men and women based on physiological and functional differences can cure the defects of the resolution.

I would like to explain, with some specific examples from the laws of Congress and of my own State, what would be some of the negative effects of this resolution if it were enacted into law.

I know that each Senator has heard or read some of the objections which have been raised against this resolution as it now stands, but unfortunately there seems to be a kind of apathy about it, bred perhaps by a fear of appearing to oppose equal rights for women. I strongly urge every Senator to seriously consider the adverse effects of adopting this resolution without the Ervin amendments.

Under the resolution as it now stands no man in the United States could be drafted into the Army unless women were equally subject to the draft. The only way we could continue a military draft to provide for the defense of our country and to meet our treaty commitments would be to draft young women on exactly the same basis as men. How many Senators would want to see the young women of this country, many of them the mothers of small children, living in barracks, wearing combat boots, carrying M-16 rifles and hand grenades, driving tanks, going through boot camp and being taken prisoner in the jungles of Vietnam. Mr. President, if we adopt the resolution without amendment, that is what it will require, because the U.S. Army would not be allowed to exclude women from combat or other hazardous duty on the basis of sex, since that would discriminate against men, and the present resolution requires absolute sameness of treatment regardless of sex.

That might be a point that has been overlooked to a large degree. This amendment, as drawn, requires absolute sameness, and that means that unless we do draft women and put them in hazardous service where they are physically able, then the man or men drafted into the Army could absolutely put a stop to all draft calls, as far as they were concerned, on a claim, which could reasonably be interpreted as valid, that the men were being discriminated against, that they were not being treated in the same way, that they were being drafted and were being put in these hazardous places because they were men, and to that extent this amendment was being violated.

I do not think there is any duobt about the seriousness of that claim, and we had a complete and extended debate here last summer in which every conceivable phase of the application of the law that was finally passed, for a 2-year period at least, was considered, and every Senator already is familiar with the problems that go with the enforcement of that legislation. The final decision of the Congress was that it was necessary to have a military draft, and that we were going to try to carry along with it a volunteer system, at least on a trial basis.

Now we are trying this voluntary system and proceeding as rapidly as reasonably possible, with very close care being given, though, to getting the quality men, the quality personnel that can fill all these assignments, hazardous or not. It is a vrey serious experiment, very difficult to carry out, and the results are far from known.

My opinion is that we will have to continue the draft in some form for a considerable number of years to come. So we will be back here next year in all probability, for renewal in some form of the draft act. If we adopt the present women's rights resolution now, it will be hanging fire before the country, and there will be a question as to whether or not it will be adopted, and there will be great doubt, confusion, and even chaos as to just what this resolution means with reference to forced military service by women in this country.

I wish to emphasize that I do not for a moment doubt the courage or dedication of the women of this country who have served so unselfishly both in uniform and as civilians during past wars and now in Vietnam, and I remind those women who have served and now serve in the WAC's and WAVE's that those forces would also be effectively abolished by the proposed resolution.

Every Senator who seriously considers the picture of our young women being taken prisoner in combat will know that we could not and will not subject them to military service on the same basis as men. It is unthinkable. Since the present resolution would require sameness of treatment of men and women under the draft law and in the military generally, the obvious effect of adopting the resolution would be to abolish indirectly the draft, little more than a year after the Senate adopted the draft bill following lengthy debate. Although I recognize and share the current feelings of concern about the war in Vietnam, the way to deal with military problems is by full debate on military bills, as I have urged, and not by the back-door method of a measure purporting to grant equal rights to women. The Senate should remember that this resolution, unamended, would be in effect not only until the end of the war in Vietnam, but forever, and could seriously affect and impair the operation of our Army in operating efficiently to defend our own country. I strongly object to such an illogical and unreasoned result.

The organizations, with our military, have rendered tremendous service and have filled in and carried out in a fine way some of the bravest and most highly important assignments to be found anywhere in the military. There is no question about their dedication, but this is a question here of sameness and the treatment of the sexes alike, and in trying to get apparent equality we are going to destroy, I think, our ability to deal effectively with the men in our armed forces which is absolutely essential to carrying out military assignments.

Mr. President, I have another thing in mind. I have visited in countries where I saw gangs of women laborers out there in the street with pick and shovel, repairing the streets, with blacktop, hot, boiling, creosote material, laboring hour upon hour. With all deference to those countries, we do not have anything like that in mind for our womanhood. We do not want that. We want the very opposite, and it is in the opposite direction, as pointed out by State laws, that we have been traveling for many years and decades now. This amendment in its present form would wipe out those laws at the State level and at the Federal level. This is traveling in exactly the opposite direction from what we have been doing as a matter of policy and as a matter of legal requirement both in industry and at other levels, for many, many decades.

I do not have to picture our young women being taken prisoners in combat and going into the unthinkable consequences of those situations. It is possible perhaps even now that some could be captured in performing some of their very fine present services, but that is a wholly different situation and on a far smaller scale from what we would have here if the proposal now before us should be adopted without the Ervin amendments.

The only fair, sensible, and practical answer to this dilemma is to amend the resolution by clearly exempting women from the draft, and permitting legal distinctions between men and women under the resolution, based on recognized physiological and functional differences such as would certainly affect their fitness for combat service in the military. As I say, that is the only sane and sensible approach to this matter. I think we are going off chasing a theory, and we would bring great difficulty, chaos, and bitter disappointment to the womanhood of this Nation, who have had their expectations raised so high with respect to this resolution.

The unamended resolution would also require women to serve in the National Guard of each State on the same basis as men. In Mississippi the State constitution, article 8, section 214, makes all males aged 18 to 45 subject to State military duty; so does section 8519 of the Mississippi Code. Both these provisions, approved by the people of our State, would be abolished if the present resolution becomes an effective constitutional amendment, and the people of Mississippi, even if they opposed the constitutional amendment, would be forced to either disband the National Guard or make women subject to the same military service duties as men.

A similar area in which valid laws of my State would be abolished and voided is that of police duty. Under Mississippi Code, section 8079 hazardous duty with the Mississippi Highway Patrol is limited to men. This provision also would be rendered null and void by the present resolution.

Another vital area in which the proposed resolution would have serious bad effects is the area of laws regulating hours and working conditions of women. The sponsors of the resolution have contended that rather than allow these protections for our women workers to be struck down as unconstitutional, the State legislatures would need only to enact the same protective laws for men. No labor union official or labor lawyer would ever agree that this could be done. Laws protecting women from excessively long hours under unsanitary and dangerous conditions were enacted only after years of struggle in the State legislatures of this country. Extension of such protective legislation to men is highly unlikely, as Myra Wolfgang, vice president of the Hotel and Restaurant Employees International Union of the AFL–CIO testified before the Senate Judiciary Committee. In an honest attempt to aid and assist women in gaining equal rights, we must not foolishly throw away most of the valuable legislation protecting women from dangerous working conditions and excessively long working hours which they won after years of struggle.

As I say, the trend, the fight, has all been in that direction, and it has been a long, hard row to hoe. Now to sweep those achievements away here, with a gesture, through a resolution which I respectfully say has not been fully considered from a practical point of view, is unthinkable to me.

It is important to note that almost the only women seeking to abolish these protective laws are those in executive and managerial positions who contend that laws against required overtime for women prevent them from attaining job advancement equal to men, since the higher management jobs generally require extremely long hours and total commitment of time and energy.

Let me say, Mr. President, that I respect very highly the ability of the millions of women in this country who have penetrating minds and vision and understanding, and are in a position to apply them to their work and devote themselves primarily to those functions. No Member of this body has benefited more in that respect in his official duties here than I. It has been my good fortune to have the assistance of several young women of this quality. Since I have become chairman of the Armed Services Committee, we have had lady employees engaged in important research work, for example, that is proving highly valuable, and I have found that they have good judgment. I mention those things just to show that I am not, on the basis of some persosal belief or theory, opposed to clearing the way up or the way to responsibility for women. I think it should be encouraged. But there is no such thing as absolute sameness anyway, with the physical, and most significant, the psychological differences, the nervous systems and everything that go to make up the better species of the human race, the female. There is no such thing as absolute equality between things that are so different as the sexes, and the sameness that is attempted to be legislated here is therefore unrealistic and contrary to all the laws of nature.

The AFL–CIO representative before the Judiciary Committee, Mrs. Wolfgang, testified that the Equal Employment Opportunity Commission is now enforcing the requirement of the 1964 Civil Rights Act that women workers seeking overtime be allowed to work overtime on the same basis as men, any State laws to the contrary notwithstanding. Thus it appears that a remedy already exists and is open to women who feel they have been denied equal opportunity for overtime work.

Someone here in the Senate should speak on behalf of the millions of women working in factories and shops throughout this Nation and their continuing need for protective labor legislation. They are the ones whose rights would be most severely impaired if all State laws protecting women from long hours, coerced overtime, heavy lifting, and dangerous working conditions were abolished.

Taking the laws of my own State as an example, numerous such statutes would be held void and unenforceable, including: section 6978, requiring special State inspections of all factories and canneries in which women work; section 6986, regulating the hours which women may be required to work in any mill, cannery, workshop, factory or manufacturing establishment. Neither this law nor any other Mississippi law prevents women workers in Mississippi who have so-called white collar positions, and who wish to work overtime, from doing so, but adoption of the present resolution would automatically abolish all State and Federal legislation protecting women who do physical labor in the mills and factories of this Nation, which is unreasonable and unconscionable, and the Senate must not allow it. We may do much evil in trying to do a little good.

A third area of the present law which would be substantially affected by the pending resolution is separation of the sexes in certain situations. Taking Mississippi laws as an example, the State constitutional provision, article 8, section 213–A, and statutory provision, Mississippi Code section 6710, which provide for a separate State college for women, who wish to attend it, would be abolished, and all women students would be forced to attend a school with men whether they wished to or not. I would also point out that enrollments at other State institutions in my State are totally without regard to sex, and that no State institution is limited to men or predominantly male. I might say, Mr. President, that in my State we have the privilege of having the first State college ever established by law exclusively for women. The academic and educational virtues of separating the sexes voluntarily are well known and I shall not elaborate on them here other than to deplore the dictating and regimentation of a society which abolishes and denies separate education for women who wish it.

The Senate recently passed, as part of S. 659, the Higher Education Act, a measure requiring equal educational opportunities for women and forbidding any discrimination in admissions practices. Attached to that bill was an amendment specifically approving continuation of certain already established schools limited to men or women, which the present resolution would abolish almost before the ink was dry on the education bill approving them. That the Senate should pass such contradictory provisions, back-to-back, is absurd, and illustrates the lack of thought and unnecessary haste with which the present resolution has been allowed to proceed.

By analogy, Mr. President, I also ask whether Federal and State tax exemptions to religious institutions which require separation of the sexes, as with priests and nuns, would be constitutional under the proposed resolution? It seems to me that those tax exemptions could no longer be allowed.

As for other examples of separation of the sexes which would be held unconstitutional under the present resolution I mention: Mississippi Code sections 3374–135, 4259, and 7913, which require separate accommodations for men and women in State prisons, jails and penal farms, and section 1762–07, requiring separate accommodations for women jurors.

Although some have argued that courts would still allow separate rest rooms based on the right to privacy, that right is a relatively new one in terms of constitutional theory, and is not explicitly spelled out in the Constitution at all. I cite this as an illustration that the idea of absolute sameness is just not practical for the sexes under the plan of nature and the plan of God. There is little evidence that the so-called right of privacy would prevail over the specific language of this equal rights resolution.

Returning to consideration of the effect on laws of my own State, other useful and reasonable provisions of Mississippi law which would also be abolished by the present resolution are: section 2559, prohibiting the execution of a female convict while pregnant; section 24, allowing an action at law by a wife to recover her husband's gambling losses; and sections 3487, 3652, 7446, 7462, and 7529 which establish pensions for the widows of policemen, firemen, soldiers, State employees, and others. None of the foregoing laws could be upheld and the benefits they were intended to bestow on loyal wives and mothers would be swept away by the folly of Congress in adopting an ill-considered resolution thinking it was giving rights to women when it was actually taking them away.

Mr. President, there is only one other area of our law about which I wish to speak on the bad effects of the present resolution, and that is the law controlling families, and the relations of husbands and wives, mothers and fathers, parents and children.

I warn all Senators now that if they have not checked the laws of their States on these subjects and others, it is highly important that they do so; because when the provisions that would be swept away or could be swept away by the passage of this resolution are collected, Senators will be appalled. I know that many of the States have most of the laws I have already mentioned, with some variations, and I know that all the States have many laws within this general field. Nearly every law regulating family relationships would be affected by this resolution, including marriage, and the dissolution thereof, custody and support of children, age for marriage, alimony, and so forth. Family life is the basis of our society and any proposal before Congress promising to change it as drastically as this resolution does should be considered with great care and caution and should not be voted on with the unseemly haste which has dominated consideration both here in the Senate and in the House, and I urge my fellow Senators to pause before rushing in to change the fabric of our society in such deep and lasting ways.

Mr. President, we know by experience how the people are concerned and aroused when we dip into the family life, the community life, the school life, the religious life, and all the things that make up the basic principles of our great society which, thank God, is based primarily upon family, and family life.

So I urge a warning to stop, look, and listen, to weigh not the effects of this resolution in some election and not the effects of this resolution as to how it may be interpreted by some group, but how it is going to affect and change the vital elements, the basic foundations of our society, which needs strengthening and fortifying and support in its basic principles, instead of weakening by trying to pass a law that would sound good as a matter of language and that seems to be innocent, but which cuts at the very bases of our society.

These differences between men and women that are so fundamental cannot be legislated away. We cannot ignore these differences, and we cannot change these differences through legislation.

There are fundamental, primordial differences between men and women which cannot be legislated away, and if we voted to force ourselves by law to ignore our differences, we would be doing a terrible disservice to all the men and women of America.

Must life insurance rates be as high for women as for men even though women live longer? Must young women wait until the same age as young men to reach their majority even though women mature faster physically and therefore emotionally?

The only reasonable action now open to the Senate which would accomplish the purpose of insuring equal rights to the women of our country is to adopt the amendments to the present resolution offered by Senator ERVIN, exempting women from the military draft and recognizing for legal purposes the basic physiological and functional differences between men and women in determining whether laws requiring different treatment of men and women are unfairly discriminatory or simply a reasonable recognition of our natural and abiding differences.

I think that whenever any society or any government fails to recognize these natural and abiding differences between men and women, that nation and its system of laws is on the way to decay and decadence, because there are no other structures of society upon which to build an effective government that protects both groups.

Without such defining amendments as offered by Senator ERVIN, courts would be left almost total discretion in interpreting the constitutional amendment. Such unfettered discretion in the courts to decide all cases involving differences between men and women on a case-by-case basis would create chaos in the courts, and a power and an opportunity that the courts do not want. They cannot carry it, and they have practical judgment enough to know that.

Congress should give its guidance to the courts by establishing reasonable standards for interpretation of the proposed constitutional amendment, such as the standard recognizing physiological or functional differences in the amendment offered by Senator ERVIN.

It is obvious that some laws must treat men and women differently, and even the strongest advocates of the equal rights amendment recognize the need for legal recognition of certain differences. Laws protecting the rights of working women during pregnancy, and to establish paternity are good examples.

In conclusion, Mr. President, I urge the Senate to seriously consider and to vote for both of the amendments to be offered by Senator ERVIN to the present resolution, the first of which exempts women from the military draft, which, I think, is an absolute necessity, and the second requiring legal recognition of the abiding physiological and functional differences between men and women. Otherwise, we are standing in the realm of fantasy, we are standing on fictitious ground, and we will find, to our great regret, that we are destroying the basic fabric of the family as well as the foundation of our society.

I thank the Senator from North Carolina for his generosity in yielding to me, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I yield myself such time as I may require.

I listened with great interest to the speech of my friend, the Senator from Mississippi. He is one of the most responsible and conscientious Members of this body. I know very well that every word he utters comes not just from his mouth but from his heart as well. I make the following rebuttal with that premise in mind.

I would like, first, to deal with the rather general indictment—and I think it was a benevolent indictment but, nevertheless, an indictment—of the entire thrust of the equal rights amendment as delivered by the Senator from Mississippi; and then I will deal with the specific reference that both he and the Senator from North Carolina made concerning the specific amendment to the amendment, which is now the pending order of business, the amendment offered relative to draft and combat service, offered by my good friend from North Carolina. I feel, perhaps, that the best way to deal with the broad-based indictment of the Senator from Mississippi is to go down the line point by point. I do not think it is necessary to go into all of the infinite detail because much of the argument, in the judgment of the Senator from Indiana, was a bit redundant. But let me talk directly to some of the specific concerns expressed by the Senator from Mississippi.

Frankly, I feel that these are legitimate concerns but I feel, upon close reflection and careful study of the true impact of the amendment and the broad-based authority developed, that the concern legitimate at first blush dissipates and indeed disappears in toto.

The Senator from Mississippi was concerned about a State statute relative to police forces, suggesting that if this amendment passed, we are going to have to strike down the constitutionality of Mississippi statutes relative to the police.

I am not familiar with the situation in Mississippi, but most police forces in this country today have women in them already. There is a definite need for policewomen. What this amendment would do would say that we are going to have to let women risk their lives wearing the blue uniform, in the same way that men risk their lives wearing the blue uniform, in order to protect society, if women who are qualified wish to join police forces.

Why should that not be the case? Why should that not be the case for a woman undercover agent in a metropolitan police force to have her family protected with the same kind of pension benefits as a man doing the same work? That is what we are dealing with.

Mr. President, I think that the fear expressed by the Senator from Mississippi ignores the reality of life today. Women are willing to give themselves in order to protect their fellowman, property, and family. That is what is happening now.

Regarding hours and working conditions, the Senator from Mississippi expressed concern that we turn the clock back. I think his specific concern was expressed as exposing womanhood in this country to excessively long hours and unsafe working conditions. I would hope that the distinguished Senator from Mississippi, or any other Member of this body, will not suggest that we should subject the men in this country to excessively long hours and unsafe working conditions.

In fact, during the past year, we passed a major piece of legislation through Congress designed to upgrade the safety and working conditions of all our work forces—not just women but also men.

Anyone who works in a plant, a factory, or on a farm, should be given certain safeguards so that there is no needless loss of life or limb. What we are suggesting is that if there is an unsafe working condition for a woman, there is also an unsafe working condition for a man; that if certain machinery is being used by a man, women who are qualified should be able to use that same piece of machinery. We are not trying to strike down the laws which try to protect working women; we are trying to expand the laws to the whole of the work force.

The Senator, unfortunately, made the statement—which is not unique from his lips, but it is a general misconception—that the only people who are protesting equality for women are those in high executive positions, because they are the only ones who need protecting.

Let me say that it would not be accurate to suggest that women who desire professional careers do not need protecting, because they do. The highest incidence of discrimination exists in the area where women are denied the full utilization of their skills and their intellects, because of arbitrary and outdated quotas either real and published or, equally sinister, unpublished but practiced.

An infinitesimally small number of women are permitted to enter medical or law schools in this country, despite the fact that the average woman college entrant has higher standards intellectually and higher grades in high school than the average man. It is rather obvious to any woman who has tried to gain access into a blue ribbon law firm or to be an intern at a major hospital, and the evidence is significant, that the cards are stacked against a woman equally skilled to practice medicine or to defend a client before the bar in this country. Some States even go so far as to require that a woman who wants to go into business must first go to court to get a court order before she can go into business for herself. Not so for a man.

I suggest to the Senator from Mississippi—and he is absolutely right—that the woman who wants to have a professional career is in desperate need of protection. But it does not stop there. There are those who work at the lower end of the wage totem pole who are equally in need of protection. If we look at the work force across the board it is interesting—perhaps a better descriptive word would be alarming—to look at those women who have been fortunate enough to graduate and have a 4-year college diploma in their possession, to see how fairly they are compensated in the work force. Talk about equal pay for equal work. Some on the floor of the Senate say, "I am for equal pay for equal work, but I am not for equal rights for women." But can they get equal pay for equal work unless the women who work in the work force have an equal chance to get an equal pay check? Look at the facts. A woman with a college degree today earns an average income about the same as a man who has had an 8th grade education. That is a fact—an irrefutable fact.

Let us look at some of the well-intentioned laws that were passed, designed, I think, in all good conscience, to protect women in an era when they needed protecting desperately, just as, in that era, small children pushed carts filled with spinning material, or labored in the fields—and still labor in the fields, unfortunately—needed protection. I am not denying that when these measures were passed there was a real need. The enactment of these laws was a positive step. But I am suggesting, as forcefully as I can, that in this day and age, in the midst of the space age, not the dawning of the industrial age, but in the midst of the space age, these laws which at one time were designed and did in fact protect, are now discriminating against and punishing the very people they were designed to protect.

How can I say that? Let me mention the specific State laws that have been referred to in our committee reports and in our hearings that indeed do, in fact, exist today. There are some State laws that say a woman cannot hold a job if she is required to lift as much as a 30-pound weight, even once during an 8-hour day, one 30-pound weight. Some people may say that is rather reasonable and why should a woman be forced to lift a 30-pound weight? Is that not dangerous to her health if she has a job where, perhaps every hour or maybe at the end of the day, she has to close a machine by putting a 30-pound weight on the top of it? Is not such a law to her own best interest?

For those who argue that, let me suggest that we ought to be consistent. We ought to say to a housewife when she goes to the grocery store that she will not be allowed to carry a 30-pound bag of groceries. I do not hear any Senator suggesting that. I must say that I am shocked. Some of these grocery bags weigh 30 pounds and more. Yet, there are more women carrying grocery bags and leaning out of cars and endangering their own health than there are women working in the factory and lifting 30-pound weights.

What about the mother? Fortunately, the good Lord gave us a boy who was really a boy from the time he came into the world, kicking and screaming. At times he was all that his mother could handle and all that his father could handle. It did not take him long to get to 30 pounds. No one is suggesting that my wife, the child's mother, ought to be prohibited from carrying a 30-pound child, something for which there is very little remuneration, in a pecuniary sense, let me hasten to add.

These laws, well intentioned as they are, deny women the same access to some of the more lucrative jobs in this country. This may be unintentional but it is true. Not that a woman should not have to lift 30 pounds or maybe move a 150-pound or 200-pound refrigerator, I am not suggesting that. But I am saying that I have seen some men I would not want to trust with a 150-pound or 200-pound refrigerator. Should we not say that the weight to be lifted should not depend upon the sex of the individual, but rather upon the strength of the individual? Some women are capable of great strength, and some women are not. Some men are capable of great strength and some men are not. Let us let the chips fall where they may. Legal rights and responsibilities should turn on the ability of the individual and not the sexual characteristics the individual has.

What about the 40-hour limitation by law? The Senator from Mississippi described it as excessive hours of work. I do not want the women of this country exposed to excessive hours of work, nor the men either for that matter. However, let us look specifically at State *x*, and indeed there is more than one State *x*, which has a law that says that no woman shall be permitted to work for more than 40 hours p-e-r-i-o-d, end of statute.

What does this mean? This means that even if that woman wants to, she cannot work overtime and get time and a half. It means that even if they are ready to kick her out on the streets because she cannot pay the rent, she cannot work on Sundays and holidays and get double time, although the man right beside her can.

It means that she is limited to 40 hours a week and she will never move up into the supervisory personnel, because one does not get there unless one is able to work more than 40 hours a week. An individual cannot supervise a farm, a home, or anything else by working only 40 hours a week. By passing such a statute, the State is saying that women will not have a chance to make extra money for themselves and their families and will be precluded from holding more responsible and more lucrative positions. Whether that was the intention of the statute from the beginning, who is to say? However, that is the impact today. Does this really have a limited impact on the professional women or even on the women who work as electricians or as communication workers? I wonder, Mr. President. If we really look at where the sociological impact of this kind of legislation rests, it does not stop at the plant gate.

I want the record to show, well intentioned as these statutes are, 44 percent of the women in this country who work are the sole support of their families.

Some say that if we give women equal work and pay, a lot of women will run out and work.

Anyone who has read the recent labor statistics knows that there are a lot of women out there already, either because they want to or have to. What about those who are denying these women an opportunity to make this compensation? Who bears the brunt of this discrimination?

As I was saying a moment ago, of all the women who work, almost half—44 percent to be specific—as of the last Labor Department census, are the sole support of their family unit—44 percent.

So, when we say that a working woman cannot get overtime, that a working woman cannot get double time, that a working woman cannot work long enough to become a supervisor or a manager, we are saying that the children for whom she is the sole support are the ones who must bear the burdens and suffer the pains of this discrimination.

What about the business of the restrooms, prisons, and dormitories? Some say that we will have to send the little first graders, boys and girls, to the potty at the same time in order to subscribe to the conditions put down by the equal rights amendment.

Mr. President, I would share that concern, although perhaps not at the first grade level, but a little later on if that were the true impact of the amendment. Mr. President, I refer to college dormitories, public buildings, and school buildings. I ask unanimous consent to have printed at this point in the RECORD the case of Griswold against Connecticut, which pertains to the constitutional right of privacy.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

LEADING DECISIONS OF THE U.S. SUPREME COURT—GRISWOLD ET AL. v. CONNECTICUT, 381 U.S. 479 (1695)

Thomas I. Emerson argued the cause for appellants. With him on the briefs was *Catherine G. Roraback.*

Joseph B. Clark argued the cause for appellee. With him on the brief was *Julius Maretz.*

Briefs of *amici curiae,* urging reversal, were filed by *Whitney North Seymour* and *Eleanor M. Fox* for Dr. John M. Adams et al.; by *Morris L. Ernst, Harriet F. Pilpel* and *Nancy F. Wechsler* for the Planned Parenthood Federation of America, Inc.; by *Alfred L. Scanlon* for the Catholic Council on Civil Liberties, and by *Rhoda H. Karpatkin, Melvin L. Wulf* and *Jerome E. Caplan* for the American Civil Liberties Union et al.

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

Appellant Griswold is Executive Director of the Planned Parenthood League of Connecticut. Appellant Buxton is a licensed physician and a professor at the Yale Medical School who served as Medical Director for the League at its Center in New Haven—a center open and operating from November 1 to November 10, 1961, when appellants were arrested.

They gave information, instruction, and medical advice to *married persons* as to the means of preventing conception. They examined the wife and prescribed the best contraceptive device or material for her use. Fees were usually charged, although some couples were serviced free.

The statutes whose constitutionality is involved in this appeal are §§ 53–32 and 54–196 of the General Statutes of Connecticut (1958 rev.). The former provides:

"Any person who uses any drug, medicinal article or instrument for the purpose of preventing conception shall be fined not less than fifty dollars or imprisoned not less than sixty days nor more than one year or be both fined and imprisoned."

Section 54–196 provides:

"Any person who assists, abets, counsels, causes, hires or commands another to commit any offense may be prosecuted and punished as if he were the principal offender."

The appellants were found guilty as accessories and fined $100 each, against the claim that the accessory statute as so applied violated the Fourteenth Amendment. The Apellate Division of the Circuit Court affirmed. The Supreme Court of Errors affirmed that judgment. 151 Conn. 544, 200 A. 2d 479. We noted probable jurisdiction. 379 U.S. 926.

We think that appellants have standing to raise the constitutional rights of the married people with whom they had a professional relationship. *Tileston* v. *Ullman,* 318 U.S. 44, is different, for there the plaintiff seeking to represent others asked for a declaratory judgment. In that situation we thought that the requirements of standing should be strict, lest the standards of "case or controversy" in Article III of the Constitution become blurred. Here those doubts are removed by reason of a criminal conviction for serving married couples in violation of an aiding-and-abetting statute. Certainly the accessory should have standing to assert that the offense which he is charged with assisting is not, or cannot constitutionally be, a crime.

This case is more akin to *Truax* v. *Raich,* 239 U.S. 33, where an employee was permitted to assert the rights of his employer; to *Pierce* v. *Society of Sisters,* 268 U.S. 510, where the owners of private schools were entitled to assert the rights of potential pupils and their parents; and to *Barrows* v. *Jackson,* 346 U.S. 249, where a white defendant, party to a racially restrictive covenant, who was being sued for damages by the covenantors because she had conveyed her property to Negroes, was allowed to raise the issue that enforcement of the covenant violated the rights of prospective Negro purchasers to equal protection, although no Negro was a party to the suit. And see *Meyer* v. *Nebraska,* 262 U.S. 390; *Adler* v. *Board of Education,* 342 U.S. 485; *NAACP* v. *Alabama,* 357 U.S. 449; *NAACP* v. *Button,* 371 U.S. 415. The rights of husband and wife, pressed here, are likely to be diluted or adversely affected unless those rights are considered in a suit involving those who have this kind of confidential relation to them.

Coming to the merits, we are met with a wide range of questions that implicate to the Due Process Clause of the Fourteenth Amendment. Overtones of some arguments suggest that *Lochner* v. *New York,* 198 U.S. 45, should be our guide. But we decline that invitation as we did in *West Coast Hotel Co.* v. *Parrish,* 300 U.S. 379; *Olsen* v. *Nebraska,* 313 U.S. 236; *Lincoln Union* v. *Northwestern Co.,* 335 U.S. 525; *Williamson* v. *Lee Optical Co.,* 348 U.S. 483; *Giboney* v. *Empire Storage Co.,* 336 U.S. 490. We do not sit as a super legislature to determine the wisdom, need, and propriety of laws that touch economic problems, business affairs, or social conditions. This law, however, operates directly on an intimate relation of husband and wife and their physician's role in one aspect of that relation.

The association of people is not mentioned in the Constitution nor in the Bill of Rights. The right to educate a child in a school of the parents' choice—whether public or private or parochial—is also not mentioned. Nor is the right to study any particular subject or any foreign language. Yet the First Amendment has been construed to include certain of those rights.

By *Pierce* v. *Society of Sisters, supra,* the right to educate one's children as one chooses is made applicable to the States by the force of the First and Fourteenth Amendments. By *Meyer* v. *Nebraska, supra,* the same dignity is given the right to study the German language in a private school. In other words, the State may not, consistently with the spirit of the First Amendment, contract the spectrum of available knowledge. The right of freedom of speech and press includes not only the right to utter or to print, but the right to distribute, the right to receive, the right to read (*Martin* v. *Struthers,* 319 U.S. 141, 143) and freedom of inquiry, freedom of thought, and freedom to teach (see *Wieman* v. *Updegraff,* 344 U.S. 183, 195)—indeed the freedom of the entire university community. *Sweezy* v. *New Hampshire,* 354 U.S. 234, 249–250, 261–263; *Barenblatt* v. *United States,* 360 U.S. 109, 112; *Baggett* v. *Bullitt,* 377 U.S. 360, 369. Without those peripheral rights the specific rights would be less secure. And so we reaffirm the principle of the *Pierce* and the *Meyer* cases.

In *NAACP* v. *Alabama,* 357 U.S. 449, 462, we protected the "freedom to associate and privacy in one's associations," noting that freedom of association was a peripheral First Amendment right. Disclosure of membership lists of a constitutionally valid association, we held, was invalid "as entailing the likelihood of a substantial restraint upon the exercise by petitioner's members of their right to freedom of association." *Ibid.* In other words, the First Amendment has a penumbra where privacy is protected from governmental intrusion. In like context, we have protected forms of "association" that are not political in the customary sense but pertain to the social, legal, and economic benefit of the members. *NAACP* v. *Button,* 371 U.S. 415, 430–431. In *Schware* v. *Board of Bar Examiners,* 353 U.S. 232, we held it not permissible to bar a lawyer from practice, because he had once been a member of the Communist Party. The man's "association with that Party" was not shown to be "anything more than a political faith in a political party" (*id.,* at 244) and was not action of a kind proving bad moral character. *Id.,* at 245–246.

Those cases involved more than the "right of assembly"—a right that extends to all irrespective of their race or ideology. *DeJonge* v. *Oregon,* 299 U.S. 353. The right of "association," like the right of belief (*Board of Education* v. *Barnette,* 319 U.S. 624), is more than the right to attend a meeting; it includes the right to express one's attitudes or philosophies by membership in a group or by affiliation with it or by other lawful means. Association in that context is a form of expression of opinion; and while it is not expressly included in the First Amendment its existence is necessary in making the express guarantees fully meaningful.

The foregoing cases suggest that specific guarantees in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life and substance. See *Poe* v. *Ullman,* 367 U.S. 497, 516–522 (dissenting opinion). Various guarantees create zones of privacy. The right of association contained in the penumbra of the First Amendment is one, as we have seen. The Third Amendment in its prohibition against the quartering of soldiers "in any house" in time of peace without the consent of the owner is another facet of that privacy. The Fourth Amendment explicitly affirms the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." The Fifth Amendment in its Self-Incrimination Clause enables the citizen to create a zone of privacy which government may not force him to surrender to his detriment. The Ninth Amendment provides: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

The Fourth and Fifth Amendments were described in *Boyd* v. *United States,* 116 U.S. 616, 630, as protection against all governmental invasions "of the sanctity of a man's home and the privacies of life."* We recently referred in *Mapp* v. *Ohio,* 367 U.S. 643, 656, to the Fourth Amendment as creating a "right to privacy, no less important than any other right carefully and particularly reserved to the people." See Beaney, The Constitutional Right to Privacy, 1962 Sup. Ct. Rev. 212; Griswold, The Right to be Let Alone, 55 Nw. U.L. Rev. 216 (1960).

We have had many controversies over these penumbral rights of "privacy and repose." See, *e.g., Breard* v. *Alexandria,* 341 U.S. 622, 626, 644; *Public Utilities Comm'n* v. *Pollak,* 343 U.S. 451; *Monroe* v. *Pape,* 365 U.S. 167; *Lanza* v. *New York,* 370 U.S. 139; *Frank* v. *Maryland,* 359 U.S. 360; *Skinner* v. *Oklahoma,* 316 U.S. 535, 541. These cases bear witness that the right of privacy which presses for recognition here is a legitimate one.

The present case, then, concerns a relationship lying within the zone of privacy created by several fundamental constitutional guarantees. And it concerns a law which, in forbidding the *use* of contraceptives rather than regulating their manufacture or sale, seeks to achieve its goals by means having a maximum destructive impact upon that relationship. Such a law cannot stand in light of the familiar principle, so often applied by this Court, that a "governmental purpose to control or prevent activities constitutionally subject to state regulation may not be achieved by means which sweep unnecessarily broadly and thereby invade the area of protected freedoms." *NAACP* v. *Alabama,* 377 U.S. 288, 307. Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives? The very idea is repulsive to the notions of privacy surrounding the marriage relationship.

We deal with a right of privacy older than the Bill of Rights—older than our political parties, older than our school system. Marriage is a coming together for better or for worse, hopefully enduring, and intimate to the degree of being sacred. It is an association that promotes a way of life, not causes; a harmony in living, not political faiths; a bilateral loyalty, not commercial or social projects. Yet it is an association for as noble a purpose as any involved in our prior decisions.

Reversed.

MR. JUSTICE GOLDBERG, whom THE CHIEF JUSTICE and MR. JUSTICE BRENNAN join, concurring.

I agree with the Court that Connecticut's birth-control law unconstitutionally intrudes upon the right of marital privacy, and I join in its opinion and judgment. Although I have not accepted the view that "due process" as used in the Fourteenth Amendment incorporates all of the first eight Amendments (see my concurring opinion in *Pointer* v. *Texas,* 380 U.S. 400, 410, and the dissenting opinion of MR. JUSTICE BRENNAN in *Cohen* v. *Hurley,* 366 U.S. 117, 154), I do agree that the concept of liberty protects those personal rights that are fundamental, and is not confined to the specific terms of the Bill of Rights. My conclusion that the concept of liberty is not so restricted and that it embraces the right of marital privacy though that right is not mentioned explicitly in the Constitution [1] is supported both by numerous decisions of this Court, referred to in the Court's opinion, and by the language and history of the Ninth Amendment. In reaching the conclusion that the right of marital privacy is protected, as being within the protected penumbra of specific guarantees of the Bill of Rights, the Court refers to the Ninth Amendment, *ante,* at 484. I add these words to emphasize the relevance of that Amendment to the Court's holding.

The Court stated many years ago that the Due Process Clause protects those liberties that are "so rooted in the traditions and conscience of our people as to be ranked as fundamental." *Snyder* v. *Massachusetts,* 291 U.S. 97, 105. In *Gitlow* v. *New York,* 268 U.S. 652, 666, the Court said:

"For present purposes we may and do assume that freedom of speech and of the press—which are protected by the First Amendment from abridgment by Congress—are among the *fundamental* personal rights and 'liberties' protected by the due process clause of the Fourteenth Amendment from impairment by the States." (Emphasis added.)

And, in *Meyer* v. *Nebraska,* 262 U.S. 390, 399, the Court, referring to the Fourteenth Amendment, stated:

"While this Court has not attempted to define with exactness the liberty thus guaranteed, the term has received much consideration and some of the included things have been definitely stated. Without doubt, it denotes not merely freedom from bodily restraint but also [for example,] the right . . . to marry, establish a home and bring up children. . . ."

This Court, in a series of decisions, has held that the Fourteenth Amendment ab-

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Footnotes at end of article.

sorbs and applies to the States those specifics of the first eight amendments which express fundamental personal rights.[2] The language and history of the Ninth Amendment reveal that the Framers of the Constitution believed that there are additional fundamental rights, protected from governmental infringement, which exist alongside those fundamental rights specifically mentioned in the first eight constitutional amendments.

The Ninth Amendment reads, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." The Amendment is almost entirely the work of James Madison. It was introduced in Congress by him and passed the House and Senate with little or no debate and virtually no change in language. It was proffered to quiet expressed fears that a bill of specifically enumerated rights [3] could not be sufficiently broad to cover all essential rights and that the specific mention of certain rights would be interpreted as a denial that others were protected.[4]

In presenting the proposed Amendment, Madison said:

"It has been objected also against a bill of rights, that, by enumerating particular exceptions to the grant of power, it would disparage those rights which were not placed in that enumeration; and it might follow by implication, that those rights which were not singled out, were intended to be assigned into the hands of the General Government, and were consequently insecure. This is one of the most plausible arguments I have ever heard urged against the admission of a bill of rights into this system; but, I conceive, that it may be guarded against. I have attempted it, as gentlemen may see by turning to the last clause of the fourth resolution [the Ninth Amendment]." I Annals of Congress 439 (Gales and Seaton ed. 1834).

Mr. Justice Story wrote of this argument against a bill of rights and the meaning of the Ninth Amendment:

"In regard to . . . [a] suggestion, that the affirmance of certain rights might disparage others, or might lead to argumentative implications in favor of other powers, it might be sufficient to say that such a course of reasoning could never be sustained upon any solid basis. . . . But a conclusive answer is, that such an attempt may be interdicted (as it has been) by a positive declaration in such a bill of rights that the enumeration of certain rights shall not be construed to deny or disparage others retained by the people." II Story, Commentaries on the Constitution of the United States 626–627 (5th ed. 1891).

He further stated, referring to the Ninth Amendment:

"This clause was manifestly introduced to prevent any perverse or ingenious misapplication of the well-known maxim, that an affirmation in particular cases implies a negation in all others; and *e converso*, that a negation in particular cases implies an affirmation in all others." *Id.*, at 651.

These statements of Madison and Story make clear that the Framers did not intend that the first eight amendments be construed to exhaust the basic and fundamental rights which the Constitution guaranteed to the people.[5]

While this Court has had little occasion to interpret the Ninth Amendment,[6] "[i]t cannot be presumed that any clause in the constitution is intended to be without effect." *Marbury* v. *Madison*, 1 Cranch 137, 174. In interpreting the Constitution, "real effect should be given to all the words it uses." *Myers* v. *United States*, 272 U.S. 52, 151. The Ninth Amendment to the Constitution may be regarded by some as a recent discovery and may be forgotten by others, but since 1791 it has been a basic part of the Constitution which we are sworn to uphold. To hold that a right so basic and fundamental and so deep-rooted in our society as the right of privacy in marriage may be infringed because that right is not guaranteed in so many words by the first eight amendments to the Constitution is to ignore the Ninth Amendment and to give it no effect whatsoever. Moreover, a judicial construction that this fundamental right is not protected by the Constitution because it is not mentioned in explicit terms by one of the first eight amendments or elsewhere in the Constitution would violate the Ninth Amendment, which specifically states that "[t]he enumeration in the Constitution, of certain rights, shall not be *construed* to deny or disparage others retained by the people." (Emphasis added.)

A dissenting opinion suggests that my interpretation of the Ninth Amendment somehow "broaden[s] the powers of this Court." *Post*, at 520. With all due respect, I believe that it misses the import of what I am saying. I do not take the position of my Brother BLACK in his dissent in *Adamson* v. *California*, 332 U.S. 46, 68, that the entire Bill of Rights is incorporated in the Fourteenth Amendment, and I do not mean to imply that the Ninth Amendment is applied against the States by the Fourteenth. Nor do I mean to state that the Ninth Amendment constitutes an independent source of rights protected from infringement by either the States or the Federal Government. Rather, the Ninth Amendment shows a belief of the Constitution's authors that fundamental rights exist that are not expressly enumerated in the first eight amendments and an intent that the list of rights included there not be deemed exhaustive. As any student of this Court's opinions knows, this Court has held, often unanimously, that the Fifth and Fourteenth Amendments protect certain fundamental personal liberties from abridgement by the Federal Government or the States. See, *e.g.*, *Bolling* v. *Sharpe*, 347 U.S. 497; *Aptheker* v. *Secretary of State*, 378 U.S. 500; *Kent* v. *Dulles*, 357 U.S. 116; *Cantwell* v. *Connecticut*, 310 U.S. 296; *NAACP* v. *Alabama*, 357 U.S. 449; *Gideon v. Wainwright*, 372 U.S. 335; *New York Times Co.* v. *Sullivan*, 376 U.S. 254. The Ninth Amendment simply shows the intent of the Constitution's authors that other fundamental personal rights should not be denied such protection or disparaged in any other way simply because they are not specifically listed in the first eight constitutional amendments. I do not see how this broadens the authority of the Court; rather it serves to support what this Court has been doing in protecting fundamental rights.

Nor am I turning somersaults with history in arguing that the Ninth Amendment is relevant in a case dealing with a *State's* infringement of a fundamental right. While the Ninth Amendment—and indeed the entire Bill of Rights—originally concerned restrictions upon *federal* power, the subsequently enacted Fourteenth Amendment prohibits the States as well from abridging fundamental personal liberties. And, the Ninth Amendment, in indicating that not all such liberties are specifically mentioned in the first eight amendments, is surely relevant in showing the existence of other fundamental personal rights, now protected from state, as well as federal, infringement. In sum, the Ninth Amendment simply lends strong support to the view that the "liberty" protected by the Fifth and Fourteenth Amendments from infringement by the Federal Government or the States is not restricted to the rights specifically mentioned in the first eight amendments. Cf. *United Public Works* v. *Mitchell*, 330 U.S. 75, 94–95.

In determining which rights are fundamental, judges are not left at large to decide cases in light of their personal and private notions. Rather, they must look to the "traditions and [collective] conscience of our people" to determine whether a principle is "so rooted [there] . . . as to be ranked as fundamental." *Snyder* v. *Massachusetts*, 291 U.S. 97, 105. The inquiry is whether a right involved "is of such a character that it cannot be denied without violating those 'fundamental principles of liberty and justice which lie at the base of all our civil and political institutions' . . ." *Powell* v. *Alabama*, 287 U.S. 45, 67. "Liberty" also "gains content from the emanations of . . . specific [constitutional] guarantees" and "from experience with the requirements of a free society." *Poe* v. *Ullman*, 367 U.S. 497, 517 (dissenting opinion of MR. JUSTICE DOUGLAS).[7]

I agree fully with the Court that, applying these tests, the right of privacy is a fundamental personal right, emanating "from the totality of the constitutional scheme under which we live." *Id.*, at 521. Mr. Justice Brandeis, dissenting in *Olmstead* v. *United States*, 277 U.S. 438, 478, comprehensively summarized the principles underlying the Constitution's guarantees of privacy:

"The protection guaranteed by the [Fourth and Fifth] Amendments is much broader in scope. The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men."

The Connecticut statutes here involved deal with a particularly important and sensitive area of privacy—that of the marital relation and the marital home. This Court recognized in *Meyer* v. *Nebraska*, *supra*, that the right "to marry, establish a home and bring up children" was an essential part of the liberty guaranteed by the Fourteenth Amendment. 262 U.S., at 399. In *Pierce* v. *Society of Sisters*, 268 U.S. 510, the Court held unconstitutional an Oregon Act which forbade parents from sending their children to private schools because such an act "unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control." 268 U.S., at 534–535. As this Court said in *Prince* v. *Massachusetts*, 321 U.S. 158, at 166, the *Meyer* and *Pierce* decisions "have respected the private realm of family life which the state cannot enter."

I agree with MR. JUSTICE HARLAN's statement in his dissenting opinion in *Poe* v. *Ullman*, 367 U.S. 497, 551–552: "Certainly the safeguarding of the home does not follow merely from the sanctity of property rights. The home derives its pre-eminence as the seat of family life. And the integrity of that life is something so fundamental that it has been found to draw to its protection the principles of more than one explicitly granted Constitutional right. . . . Of this whole 'private realm of family life' it is difficult to imagine what is more private or more intimate than a husband and wife's marital relations."

The entire fabric of the Constitution and the purposes that clearly underlie its specific guarantees demonstrate that the rights to marital privacy and to marry and raise a family are of similar order and magnitude as the fundamental rights specifically protected.

Although the Constitution does not speak in so many words of the right of privacy in marriage, I cannot believe that it offers these fundamental rights no protection. The fact that no particular provision of the Constitution explicitly forbids the State from disrupting the traditional relation of the family—a relation as old and as fundamental as our entire civilization—surely does not show that the Government was meant to

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Footnotes at end of article.

have the power to do so. Rather, as the Ninth Amendment expressly recognizes, there are fundamental personal rights such as this one, which are protected from abridgment by the Government though not specifically mentioned in the Constitution.

My Brother Stewart, while characterizing the Connecticut birth control law as "an uncommonly silly law," *post*, at 527, would nevertheless let it stand on the ground that it is not for the courts to " 'substitute their social and economic beliefs for the judgment of legislative bodies, who are elected to pass laws.' " *Post*, at 528. Elsewhere, I have stated that "[w]hile I quite agree with Mr. Justice Brandeis that . . . 'a . . . State may . . . serve as a laboratory; and try novel social and economic experiments,' *New State Ice Co.* v. *Liebmann*, 285 U.S. 262, 280, 311 (dissenting opinion), I do not believe that this includes the power to experiment with the fundamental liberties of citizens . . ."[8] The vice of the dissenters' views is that it would permit such experimentation by the States in the area of the fundamental personal rights of its citizens. I cannot agree that the Constitution grants such power either to the States or to the Federal Government.

The logic of the dissents would sanction federal or state legislation that seems to me even more plainly unconstitutional than the statute before us. Surely the Government, absent a showing of a compelling subordinating state interest, could not decree that all husbands and wives must be sterilized after two children have been born to them. Yet by their reasoning such an invasion of marital privacy would not be subject to constitutional challenge because, while it might be "silly," no provision of the Constitution specifically prevents the Government from curtailing the marital right to bear children and raise a family. While it may shock some of my Brethren that the Court today holds that the Constitution protects the right of marital privacy, in my view it is far more shocking to believe that the personal liberty guaranteed by the Constitution does not include protection against such totalitarian limitation of family size, which is at complete variance with our constitutional concepts. Yet, if upon a showing of a slender basis of rationality, a law outlawing voluntary birth control by married persons is valid, then, by the same reasoning, a law requiring compulsory birth control also would seem to be valid. In my view, however, both types of law would unjustifiably intrude upon rights of marital privacy which are constitutionally protected.

In a long series of cases this Court has held that where fundamental personal liberties are involved, they may not be abridged by the States simply on a showing that a regulatory statute has some rational relationship to the effectuation of a proper state purpose. "Where there is a significant encroachment upon personal liberty, the State may prevail only upon showing a subordinating interest which is compelling," *Bates* v. *Little Rock*, 361 U.S. 516, 524. The law must be shown "necessary, and not merely rationally related, to the accomplishment of a permissible state policy." *McLaughlin* v. *Florida*, 379 U.S. 184, 196. See *Schneider* v. *Irvington*, 308 U.S. 147, 161.

Although the Connecticut birth-control law obviously encroaches upon a fundamental personal liberty, the State does not show that the law serves any "subordinating [state] interest which is compelling" or that it is "necessary . . . to the accomplishment of a permissible state policy." The State, at most, argues that there is some rational relation between this statute and what is admittedly a legitimate subject of state concern—the discouraging of extra-marital relations. It says that preventing the use of birth-control devices by married persons helps prevent the indulgence by some in such extra-marital relations.

The rationality of this justification is dubious, particularly in light of the admitted widespread availability to all persons in the State of Connecticut, unmarried as well as married, of birth-control devices for the prevention of disease, as distinguished from the prevention of conception, see *Tileston* v. *Ullman*, 129 Conn. 84, 26 A 2d 582. But, in any event, it is clear that the state interest in safeguarding marital fidelity can be served by a more discriminately tailored statute, which does not, like the present one, sweep unnecessarily broadly, reaching far beyond the evil sought to be dealt with and intruding upon the privacy of all married couples. See *Aptheker* v. *Secretary of State*, 378 U.S. 500, 514; *NAACP* v. *Alabama*, 377 U.S. 288, 307–308; *McLaughlin* v. *Florida*, *supra*, at 196. Here, as elsewhere, "[p]recision of regulation must be the touchstone in an area so closely touching our most precious freedoms." *NAACP* v. *Button*, 371 U.S. 415, 438. The State of Connecticut does have statutes, the constitutionality of which is beyond doubt, which prohibit adultery and fornication. See Conn. Gen. Stat. §§ 53–218, 53–219 *et seq.* These statutes demonstrate that means for achieving the same basic purpose of protecting marital fidelity are available to Connecticut without the need to "invade the area of protected freedoms." *NAACP* v. *Alabama*, *supra*, at 307. See *McLaughlin* v. *Florida*, *supra*, at 196.

Finally, it should be said of the Court's holding today that it in no way interferes with a State's proper regulation of sexual promiscuity or misconduct. As my Brother Harlan so well stated in his dissenting opinion in *Poe* v. *Ullman*, *supra*, at 553.

"Adultery, homosexuality and the like are sexual intimacies which the State forbids . . . but the intimacy of husband and wife is necessarily an essential and accepted feature of the institution of marriage, an institution which the State not only must allow, but which always and in every age it has fostered and protected. It is one thing when the State exerts its power either to forbid extra-marital sexuality . . . or to say who may marry, but it is quite another when, having acknowledged a marriage and the intimacies inherent in it, it undertakes to regulate by means of the criminal law the details of that intimacy."

In sum, I believe that the right of privacy in the marital relation is fundamental and basic—a personal right "retained by the people" within the meaning of the Ninth Amendment. Connecticut cannot constitutionally abridge this fundamental right, which is protected by the Fourteenth Amendment from infringement by the States. I agree with the Court that petitioners' convictions must therefore be reversed.

Mr. Justice Harlan, concurring in the judgment.

I fully agree with the judgment of reversal, but find myself unable to join the Court's opinion. The reason is that it seems to me to evince an approach to this case very much like that taken by my Brothers Black and Stewart in dissent, namely: the Due Process Clause of the Fourteenth Amendment does not touch this Connecticut statute unless the enactment is found to violate some right assured by the letter or penumbra of the Bill of Rights.

In other words, what I find implicit in the Court's opinion is that the "incorporation" doctrine may be used to *restrict* the reach of Fourteenth Amendment Due Process. For me this is just as unacceptable constitutional doctrine as is the use of the "incorporation" approach to *impose* upon the States all the requirements of the Bill of Rights as found in the provisions of the first eight amendments and in the decisions of this Court interpreting them. See, *e.g.*, my concurring opinions in *Pointer* v. *Texas*, 380 U.S. 400, 408, and *Griffin* v. *California*, 380 U.S. 609, 615, and my dissenting opinion in *Poe* v. *Ullman*, 367 U.S. 497, 522, at pp. 539–545.

In my view, the proper constitutional inquiry in this case is whether this Connecticut statute infringes the Due Process Clause of the Fourteenth Amendment because the enactment violates basic values "implicit in the concept of ordered liberty," *Palko* v. *Connecticut*, 302 U.S. 319, 325. For reasons stated at length in my dissenting opinion in *Poe* v. *Ullman*, *supra*, I believe that it does. While the relevant inquiry may be aided by resort to one or more of the provisions of the Bill of Rights, it is not dependent on them or any of their radiations. The Due Process Clause of the Fourteenth Amendment stands, in my opinion, on its own bottom.

A further observation seems in order respecting the justification of my Brothers Black and Stewart for their "incorporation" approach to this case. Their approach does not rest on historical reasons, which are of course wholly lacking (see Fairman, Does the Fourteenth Amendment Incorporate the Bill of Rights? The Original Understanding, 2 Stan. L. Rev. 5 (1949)), but on the thesis that by limiting the content of the Due Process Clause of the Fourteenth Amendment to the protection of rights which can be found elsewhere in the Constitution, in this instance in the Bill of Rights, judges will thus be confined to "interpretation" of specific constitutional provisions, and will thereby be restrained from introducing their own notions of constitutional right and wrong into the "vague contours of the Due Process Clause." *Rochin* v. *California*, 342 U.S. 165, 170.

While I could not more heartily agree that judicial "self restraint" is an indispensable ingredient of sound constitutional adjudication, I do submit that the formula suggested for achieving it is more hollow than real. "Specific" provisions of the Constitution, no less than "due process," lend themselves as readily to "personal" interpretations by judges whose constitutional outlook is simply to keep the Constitution in supposed "tune with the times" (*post*, p. 522). Need one go further than to recall last Term's reapportionment cases, *Wesberry* v. *Sanders*, 376 U.S. 1, and *Reynolds* v. *Sims*, 377 U.S. 533, where a majority of the Court "interpreted" "by the People" (Art. I, § 2) and "equal protection" (Amdt. 14) to command "one person, one vote," an interpretation that was made in the face of irrefutable and still unanswered history to the contrary? See my dissenting opinions in those cases, 376 U.S., at 20; 377 U.S., at 589.

Judicial self-restraint will not, I suggest, be brought about in the "due process" area by the historically unfounded incorporation formula long advanced by my Brother Black, and now in part espoused by my Brother Stewart. It will be achieved in this area, as in other constitutional areas, only by continual insistence upon respect for the teachings of history, solid recognition of the basic values that underlie our society, and wise appreciation of the great roles that the doctrines of federalism and separation of powers have played in establishing and preserving American freedoms. See *Adamson* v. *California*, 332 U.S. 46, 59 (Mr. Justice Frankfurter, concurring). Adherence to these principles will not, of course, obviate all constitutional differences of opinion among judges, nor should it. Their continued recognition will, however, go farther toward keeping most judges from roaming at large in the constitutional field than will the interpolation into the Constitution of an artificial and largely illusory restriction on the content of the Due Process Clause.[9]

Mr. Justice White, concurring in the judgment.

In my view this Connecticut law as applied to married couples deprives them of "liberty" without due process of law, as that

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Footnotes at end of article.

concept is used in the Fourteenth Amendment. I therefore concur in the judgment of the Court reversing these convictions under Connecticut's aiding and abetting statute.

It would be unduly repetitious, and belaboring the obvious, to expound on the impact of this statute on the liberty guaranteed by the Fourteenth Amendment against arbitrary or capricious denials or on the nature of this liberty. Suffice it to say that the Connecticut birth-control cases, *Tileston* v. *Ullman*, 318 U.S. 44; *Poe* v. *Ullman*, 367 U.S. 497, were not the first time this Court had occasion to articulate that the liberty entitled to protection under the Fourteenth Amendment includes the right "to marry, establish a home and bring up children," *Meyer* v. *Nebraska*, 262 U.S. 390, 399, and "the liberty . . . to direct the upbringing and education of children," *Pierce* v. *Society of Sisters*, 268 U.S. 510, 534–535, and that these are among "the basic civil rights of man." *Skinner* v. *Oklahoma*, 316 U.S. 535, 541. These decisions affirm that there is a "realm of family life which the state cannot enter" without substantial justification. *Prince* v. *Massachusetts*, 321 U.S. 158, 166. Surely the right invoked in this case, to be free of regulation of the intimacies of the marriage relationship, "come[s] to this Court with a momentum for respect lacking when appeal is made to liberties which derive merely from shifting economic arrangements." *Kovacs* v. *Cooper*, 336 U.S. 77, 95 (opinion of Frankfurter, J.).

The Connecticut anti-contraceptive statute deals rather substantially with this relationship. For it forbids all married persons the right to use birth-control devices, regardless of whether their use is dictated by considerations of family planning, *Trubek* v. *Ullman*, 147 Conn. 633, 165 A. 2d 158 health, or indeed even of life itself. *Buxton* v. *Ullman*, 147 Conn. 48, 156 A. 2d 508. The use statute, together with the general aiding and abetting statute, prohibits doctors from affording advice to married persons on proper and effective methods of birth control. *Tileston* v. *Ullman*, 129 Conn. 84, 26 A. 2d 582. And the clear effect of these statutes, as enforced, is to deny disadvantaged citizens of Connecticut, those without either adequate knowledge or resources to obtain private counseling, access to medical assistance and up-to-date information in respect to proper methods of birth control. *State* v. *Nelson*, 126 Conn. 412, 11 A. 2d 856; *State* v. *Griswold*, 151 Conn. 544, 200 A. 2d 479. In my view, a statute with these effects bears a substantial burden of justification when attacked under the Fourteenth Amendment. *Yick Wo* v. *Hopkins*, 118 U.S. 356; *Skinner* v. *Oklahoma*, 316 U.S. 535; *Schware* v. *Board of Bar Examiners*, 353 U.S. 232; *McLaughlin* v. *Florida*, 379 U.S. 184, 192.

An examination of the justification offered, however, cannot be avoided by saying that the Connecticut anti-use statute invades a protected area of privacy and association or that it demeans the marriage relationship. The nature of the right invaded is pertinent, to be sure, for statutes regulating sensitive areas of liberty do, under the cases of this Court, require "strict scrutiny," *Skinner* v. *Oklahoma*, 316 U.S. 535, 541, and "must be viewed in the light of less drastic means for achieving the same basic purpose." *Shelton* v. *Tucker*, 364 U.S. 479, 488. "Where there is a significant encroachment upon personal liberty, the State may prevail only upon showing a subordinating interest which is compelling." *Bates* v. *Little Rock*, 361 U.S. 516, 524. See also *McLaughlin* v. *Florida*, 379 U.S. 184. But such statutes, if reasonably necessary for the effectuation of a legitimate and substantial state interest, and not arbitrary or capricious in application, are not invalid under the Due Process Clause. *Zemel* v. *Rusk*, 381 U.S. 1.[10]

As I read the opinions of the Connecticut courts and the argument of Connecticut in this Court, the State claims but one justification for its anti-use statute. Cf. *Allied Stores of Ohio* v. *Bowers*, 358 U.S. 522, 530; *Martin* v. *Walton*, 368 U.S. 25, 28 (DOUGLAS, J., dissenting). There is no serious contention that Connecticut thinks the use of artificial or external methods of contraception immoral or unwise in itself, or that the anti-use statute is founded upon any policy of promoting population expansion. Rather, the statute is said to serve the State's policy against all forms of promiscuous or illicit sexual relationships, be they premarital or extramarital, concededly a permissible and legitimate legislative goal.

Without taking issue with the premise that the fear of conception operates as a deterrent to such relationships in addition to the criminal proscriptions Connecticut has against such conduct, I wholly fail to see how the ban on the use of contraceptives by married couples in any way reinforces the State's ban on illicit sexual relationships. See *Schware* v. *Board of Bar Examiners*, 353 U.S. 232, 239. Connecticut does not bar the importation or possession of contraceptive devices; they are not considered contraband material under state law, *State* v. *Certain Contraceptive Materials*, 126 Conn. 428, 11 A. 2d 863, and their availability in that State is not seriously disputed. The only way Connecticut seeks to limit or control the availability of such devices is through its general aiding and abetting statute whose operation in this context has been quite obviously ineffective and whose most serious use has been against birth-control clinics rendering advice to married, rather than unmarried, persons. Cf. *Yick Wo* v. *Hopkins*, 118 U.S. 356. Indeed, after over 80 years of the State's anti-use proscription, the legality of the sale of such devices to prevent disease has never been expressly passed upon, although it appears that sales have long occurred and have only infrequently been challenged. This "undeviating policy . . . throughout all the long years . . . bespeaks more than prosecutorial paralysis." *Poe* v. *Ullman*, 367 U.S. 497, 502. Moreover, it would appear that the sale of contraceptives to prevent disease is plainly legal under Connecticut law.

In these circumstances one is rather hard pressed to explain how the ban on use by married persons in any way prevents use of such devices by persons engaging in illicit sexual relations and thereby contributes to the State's policy against such relationships. Neither the state courts nor the State before the bar of this Court has tendered such an explanation. It is purely fanciful to believe that the broad proscription on use facilitates discovery of use by persons engaging in a prohibited relationship or for some other reason makes such use more unlikely and thus can be supported by any sort of administrative consideration. Perhaps the theory is that the flat ban on use prevents married people from possessing contraceptives and without the ready availability of such devices for use in the marital relationship, there will be no or less temptation to use them in extramarital ones. This reasoning rests on the premise that married people will comply with the anti-use ban in regard to their marital relationship, notwithstanding total nonenforcement in this context and apparent nonenforcibility, but will not comply with criminal statutes prohibiting extramarital affairs and the anti-use statute in respect to illicit sexual relationships, a premise whose validity has not been demonstrated and whose intrinsic validity is not very evident. At most the broad ban is of marginal utility to the declared objective. A statute limiting its prohibition on use to persons engaging in the prohibited relationship would serve the end posited by Connecticut in the same way, and with the same effectiveness, or ineffectiveness, as the broad anti-use statute under attack in this case. I find nothing in this record justifying the sweeping scope of this statute, with its telling effect on the freedoms of married persons, and therefore conclude that it deprives such persons of liberty without due process of law.

Mr. JUSTICE BLACK, with whom Mr. JUSTICE STEWART joins, dissenting.

I agree with my Brother STEWART's dissenting opinion. And like him I do not to any extent whatever base my view that this Connecticut law is constitutional on a belief that the law is wise or that its policy is a good one. In order that there may be no room at all to doubt why I vote as I do, I feel constrained to add that the law is every bit as offensive to me as it is to my Brethren of the majority and my Brothers HARLAN, WHITE and GOLDBERG who, reciting reasons why it is offensive to them, hold it unconstitutional. There is no single one of the graphic and eloquent strictures and criticisms fired at the policy of this Connecticut law either by the Court's opinion or by those of my concurring Brethren to which I cannot subscribe—except their conclusion that the evil qualities they see in the law make it unconstitutional.

Had the doctor defendant here, or even the nondoctor defendant, been convicted for doing nothing more than expressing opinions to persons coming to the clinic that certain contraceptive devices, medicines or practices would do them good and would be desirable, or for telling people how devices could be used, I can think of no reasons at this time why their expressions of views would not be protected by the First and Fourteenth Amendments, which guarantee freedom of speech. Cf. *Brotherhood of Railroad Trainmen* v. *Virginia ex rel. Virginia State Bar* 377 U.S. 1; *NAACP* v. *Button*, 371 U.S. 415. But speech is one thing; conduct and physical activities are quite another. See. *e.g.*, *Cox* v. *Louisiana*, 379 U.S. 536, 554–555; *Cox* v. *Louisiana*, 379 U.S. 559, 563–564; *id.*, 575–584 (concurring opinion); *Giboney* v. *Empire Storage & Ice Co.*, 336 U.S. 490; cf. *Reynolds* v. *United States*, 98 U.S. 145, 163–164. The two defendants here were active participants in an organization which gave physical examinations to women, advised them what kind of contraceptive devices or medicines would most likely be satisfactory for them, and then supplied the devices themselves, all for a graduated scale of fees, based on the family income. Thus these defendants admittedly engaged with others in a planned course of conduct to help people violate the Connecticut law. Merely because some speech was used in carrying on that conduct—just as in ordinary life some speech accompanies most kinds of conduct—we are not in my view any more justified in holding that the First Amendment forbids the State to punish their conduct. Strongly as I desire to protect all First Amendment freedom, I am unable to stretch the Amendment so as to afford protection to the conduct of these defendants in violating the Connecticut law. What would be the constitutional fate of the law if hereafter applied to punish nothing but speech is, as I have said, quite another matter.

The Court talks about a constitutional "right of privacy" as though there is some constitutional provision or provisions forbidding any law ever to be passed which might abridge the "privacy" of individuals. But there is not. There are, of course, guarantees in certain specific constitutional provisions which are designed in part to protect privacy at certain times and places with respect to certain activities. Such, for example, is the Fourth Amendment's guarantee against "unreasonable searches and seizures." But I think it belittles that Amendment to talk about it as though it protects nothing but "privacy." To treat it that way is to give it a niggardly interpretation, not the kind of liberal reading I think any Bill of Rights

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Footnotes at end of article.

provision should be given. The average man would very likely not have his feelings soothed any more by having his property seized openly than by having it seized privately and by stealth. He simply wants his property left alone. And a person can be just as much, if not more, irritated, annoyed and injured by an unceremonious public arrest by a policeman as he is by a seizure in the privacy of his office or home.

One of the most effective ways of diluting or expanding a constitutionally guaranteed right is to substitute for the crucial word or words, more or less flexible and more or less restricted in meaning. This fact is well illustrated by the use of the term "right of privacy" as a comprehensive substitute for the Fourth Amendment's guarantee against "unreasonable searches and seizures." "Privacy" is a broad, abstract and ambiguous concept which can easily be shrunken in meaning but which can also, on the other hand, easily be interpreted as a constitutional ban against many things other than searches and seizures. I have expressed the view many times that First Amendment freedoms, for example, have suffered from a failure of the courts to stick to the simple language of the First Amendment in construing it, instead of invoking multitudes of words substituted for those the Framers used. See, *e.g., New York Times Co.* v. *Sullivan,* 376 U.S. 254, 293 (concurring opinion); cases collected in *City of El Paso* v. *Simmons,* 379 U.S. 497, 517, n. 1 (dissenting opinion); Black, The Bill of Rights, 35 N.Y. U.L. Rev. 865. For these reasons I get nowhere in this case by talk about a constitutional "right of privacy" as an emanation from one or more constitutional provisions.[11] I like my privacy as well as the next one, but I am nevertheless compelled to admit that government has a right to invade it unless prohibited by some specific constitutional provision. For these reasons I cannot agree with the Court's judgment and the reasons it gives for holding this Connecticut law unconstitutional.

This brings me to the arguments made by my Brothers HARLAN, WHITE and GOLDBERG for invalidating the Connecticut law. Brothers HARLAN[12] and WHITE would invalidate it by reliance on the Due Process Clause of the Fourteenth Amendment, but Brother GOLDBERG, while agreeing with Brother HARLAN, relies also on the Ninth Amendment. I have no doubt that the Connecticut law could be applied in such a way as to abridge freedom of speech and press and therefore violate the First and Fourteenth Amendments. My disagreement with the Court's opinion holding that there is such a violation here is a narrow one, relating to the application of the First Amendment to the facts and circumstances of this particular case. But my disagreement with Brothers HARLAN, WHITE and GOLDBERG is more basic. I think that if properly construed neither the Due Process Clause nor the Ninth Amendment, nor both together, could under any circumstances be a proper basis for invalidating the Connecticut law. I discuss the due process and Ninth Amendment arguments together because on analysis they turn out to be the same thing—merely using different words to claim for this Court and the federal judiciary power to invalidate any legislative act which the judges find irrational, unreasonable or offensive.

The due process argument which my Brothers HARLAN and WHITE adopt here is based, as their opinions indicate, on the premise that this Court is vested with power to invalidate all state laws that it considers to be arbitrary, capricious, unreasonable, or oppressive, or on this Court's belief that a particular state law under scrutiny has no "rational or justifying" purpose, or is offensive to a "sense of fairness and justice." [13] If these formulas based on "natural justice," or others which mean the same thing,[14] are to prevail, they require judges to determine what is or is not constitutional on the basis of their own appraisal of what laws are unwise or unnecessary. The power to make such decisions is of course that of a legislative body. Surely it has to be admitted that no provision of the Constitution specifically gives such blanket power to courts to exercise such a supervisory veto over the wisdom and value of legislative policies and to hold unconstitutional those laws which they believe unwise or dangerous. I readily admit that no legislative body, state or nation, should pass laws that can justly be given any of the invidious labels invoked as constitutional excuses to strike down state laws. But perhaps it is not too much to say that no legislative body ever does pass laws without believing that they will accomplish a sane, rational, wise and justifiable purpose. While I completely subscribe to the holding of *Marbury* v. *Madison,* 1 Cranch 137, and subsequent cases, that our Court has constitutional power to strike down statutes, state or federal, that violate commands of the Federal Constitution, I do not believe that we are granted power by the Due Process Clause or any other constitutional provision or provisions to measure constitutionality by our belief that legislation is arbitrary, capricious or unreasonable, or accomplishes no justifiable purpose, or is offensive to our own notions of "civilized standards of conduct." [15] Such an appraisal of the wisdom of legislation is an attribute of the power to make laws, not of the power to interpret them. The use by federal courts of such a formula or doctrine or whatnot to veto federal or state laws simply takes away from Congress and States the power to make laws based on their own judgment of fairness and wisdom and transfers that power to this Court for ultimate determination—a power which was specifically denied to federal courts by the convention that framed the Constitution.[16]

Of the cases on which my Brothers WHITE and GOLDBERG rely so heavily, undoubtedly the reasoning of two of them supports their result here—as would that of a number of others which they do not bother to name, *e.g., Lochner* v. *New York,* 198 U.S. 45, *Coppage* v. *Kansas,* 236 U.S. 1, *Jay Burns Baking Co.* v. *Bryan,* 264 U.S. 504, and *Adkins* v. *Children's Hospital,* 261 U.S. 525. The two they do cite and quote from, *Meyer* v. *Nebraska,* 262 U.S. 390, and *Pierce* v. *Society of Sisters,* 268 U.S. 510, both were decided in opinions by Mr. Justice McReynolds which elaborated the same natural law due process philosopy found in *Lochner* v. *New York, supra,* one of the cases on which he relied in *Meyer,* along with such other long-discredited decisions as. *e.g., Adams* v. *Tanner,* 244 U.S. 590, and *Adkins* v. *Children's Hospital, supra. Meyer* held unconstitutional, as an "arbitrary" and unreasonable interference with the right of a teacher to carry on his occupation and of parents to hire him, a state law forbidding the teaching of modern foreign languages to young children in the schools.[17] And in *Pierce,* relying principally on *Meyer,* Mr. Justice McReynolds said that a state law requiring that all children attend public schools interfered unconstitutionally with the property rights of private school corporations because it was an "arbitrary, unreasonable and unlawful interference" which threatened "destruction of their business and property." 268 U.S., at 536. Without expressing an opinion as to whether either of those cases reached a correct result in light of our later decisions applying the First Amendment to the States through the Fourteenth,[18] I merely point out that the reasoning stated in *Meyer* and *Pierce* was the same natural law due process philosophy which many later opinions repudiated, and which I cannot accept.

Brothers WHITE and GOLDBERG also cite other cases, such as *NAACP* v. *Button,* 371 U.S. 415, *Shelton* v. *Tucker,* 364 U.S. 479, and *Schneider* v. *State,* 308 U.S. 147, which held that States in regulating conduct could not, consistently with the First Amendment as applied to them by the Fourteenth, pass unnecessarily broad laws which might indirectly infringe on First Amendment freedoms.[19] See *Brotherhood of Railroad Trainmen* v. *Virginia ex rel. Virginia State Bar,* 377 U.S. 1, 7–8.[20] Brothers WHITE and GOLDBERG now apparently would start from this requirement that laws be narrowly drafted so as not to curtail free speech and assembly and extend it limitlessly to require States to justify any law restricting "liberty" as my Brethren define "liberty." This would mean at the very least, I suppose, that every state criminal statute—since it must inevitably curtail "liberty" to some extent—would be suspect, and would have to be justified to this Court.[21]

My Brother GOLDBERG has adopted the recent discovery[22] that the Ninth Amendment as well as the Due Process Clause can be used by this Court as authority to strike down all state legislation which this Court thinks violates "fundamental principles of liberty and justice," or is contrary to the "traditions and [collective] conscience of our people." He also states, without proof satisfactory to me, that in making decisions on this basis judges will not consider "their personal and private notions." One may ask how they can avoid considering them. Our Court certainly has no machinery with which to take a Gallup Poll.[23] And the scientific miracles of this age have not yet produced a gadget which the Court can use to determine what traditions are rooted in the "[collective] conscience of our people." Moreover, one would certainly have to look far beyond the language of the Ninth Amendment[24] to find that the Framers vested in this Court any such awesome veto powers over lawmaking, either by the States or by the Congress. Nor does anything in the history of the Amendment offer any support for such a shocking doctrine.

The whole history of the adoption of the Constitution and Bill of Rights points the other way, and the very material quoted by my Brother GOLDBERG shows that the Ninth Amendment was intended to protect against the idea that "by enumerating particular exceptions to the grant of power" to the Federal Government, "those rights which were not singled out, were intended to be assigned into the hands of the General Government [the United States], and were consequently insecure." [25] That Amendment was passed, not to broaden the powers of this Court or any other department of "the General Government," but, as every student of history knows, to assure the people that the Constitution in all its provisions was intended to limit the Federal Government to the powers granted expressly or by necessary implication. If any broad, unlimited power to hold laws unconstitutional because they offend what this Court conceives to be the "[collective] conscience of our people" is vested in this Court by the Ninth Amendment, the Fourteenth Amendment, or any other provision of the Constitution, it was not given by the Framers, but rather has been bestowed on the Court by the Court. This fact is perhaps responsible for the peculiar phenomenon that for a period of a century and a half no serious suggestion was ever made that the Ninth Amendment, enacted to protect state powers against federal invasion, could be used as a weapon of federal power to prevent state legislatures from passing laws they consider appropriate to govern local affairs. Use of any such broad, unbounded judicial authority would make of this Court's members a day-to-day constitutional convention.

I repeat so as not to be misunderstood that this Court does have power, which it should exercise, to hold laws unconstitutional where they are forbidden by the Federal Constitu-

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Footnotes at end of article.

tion. My point is that there is no provision of the Constitution which either expressly or impliedly vests power in this Court to sit as a supervisory agency over acts of duly constituted legislative bodies and set aside their laws because of the Court's belief that the legislative policies adopted are unreasonable, unwise, arbitrary, capricious or irrational. The adoption of such a loose, flexible, uncontrolled standard for holding laws unconstitutional, if ever it is finally achieved, will amount to a great unconstitutional shift of power to the courts which I believe and am constrained to say will be bad for the courts and worse for the country. Subjecting federal and state laws to such an unrestrained and unrestrainable judicial control as to the wisdom of legislative enactments would, I fear, jeopardize the separation of governmental powers that the Framers set up and at the same time threaten to take away much of the power of States to govern themselves which the Constitution plainly intended them to have.[26]

I realize that many good and able men have eloquently spoken and written, sometimes in rhapsodical strains, about the duty of this Court to keep the Constitution in tune with the times. The idea is that the Constitution must be changed from time to time and that this Court is charged with a duty to make those changes. For myself, I must with all deference reject that philosophy. The Constitution makers knew the need for change and provided for it. Amendments suggested by the people's elected representatives can be submitted to the people or their selected agents for ratification. That method of change was good for our Fathers, and being somewhat old-fashioned I must add it is good enough for me. And so, I cannot rely on the Due Process Clause or the Ninth Amendment or any mysterious and uncertain natural law concept as a reason for striking down this state law. The Due Process Clause with an "arbitrary and capricious" or "shocking to the conscience" formula was liberally used by this Court to strike down economic legislation in the early decades of this century, threatening, many people thought, the tranquility and stability of the Nation. See, *e.g., Lockner* v. *New York*, 198 U.S. 45. That formula, based on subjective considerations of "natural justice," is no less dangerous when used to enforce this Court's views about personal rights than those about economic rights. I had thought that we had laid that formula, as a means for striking down state legislation, to rest once and for all in cases like *West Coast Hotel Co.* v. *Parrish*, 300 U.S. 379; *Olsen* v. *Nebraska ex rel. Western Reference & Bond Assn.*, 313 U.S. 236, and many other opinions.[27] See also *Lockner* v. *New York*, 198 U.S. 45, 74 (Holmes, J., dissenting).

In *Ferguson* v. *Skrupa*, 372 U.S. 726, 730, this Court two years ago said in an opinion joined by all the Justices but one [28] that—

> "The doctrine that prevailed in *Lockner, Coppage, Adkins, Burns*, and like cases—that due process authorizes courts to hold laws unconstitutional when they believe the legislature has acted unwisely—has long since been discarded. We have returned to the original constitutional proposition that courts do not substitute their social and economic beliefs for the judgment of legislative bodies, who are elected to pass laws."

And only six weeks ago, without even bothering to hear argument, this Court overruled *Tyson & Brother* v. *Banton*, 273 U.S. 418, which had held state laws regulating ticket brokers to be a denial of due process of law.[29] *Gold* v. *DiCarlo*, 380 U.S. 520. I find April's holding hard to square with what my concurring Brethren urge today. They would reinstate the *Lockner, Coppage, Adkins, Burns* line of cases, cases from which this Court recoiled after the 1930's, and which had been I thought totally discredited until now. Apparently my Brethren have less quarrel with state economic regulations than former Justices of their persuasion had. But any limitation upon their using the natural law due process philosophy to strike down any state law, dealing with any activity whatever, will obviously be only self-imposed.[30]

In 1798, when this Court was asked to hold another Connecticut law unconstitutional, Justice Iredell said:

> "[I]t has been the policy of all the *American* states, which have, individually, framed their state constitutions since the revolution, and of the people of the *United States*, when they framed the Federal Constitution, to define with precision the objects of the legislative power, and to restrain its exercise within marked and settled boundaries. If any act of Congress, or of the Legislature of a state, violates those constitutional provisions, it is unquestionably void; though, I admit, that as the authority to declare it void is of a delicate and awful nature, the Court will never resort to that authority, but in a clear and urgent case. If, on the other hand, the Legislature of the Union, or the Legislature of any member of the Union, shall pass a law, within the general scope of their constitutional power, the Court cannot pronounce it to be void, merely because it is, in their judgment, contrary to the principles of natural justice. The ideas of natural justice are regulated by no fixed standard: the ablest and the purest men have differed upon the subject; and all that the Court could properly say, in such an event, would be, that the Legislature (possessed of an equal right of opinion) had passed an act which, in the opinion of the judges, was inconsistent with the abstract principles of natural justice." *Calder* v. *Bull*, 3 Dall. 386, 399 (emphasis in original).

I would adhere to that constitutional philosophy in passing on this Connecticut law today. I am not persuaded to deviate from the view which I stated in 1947 in *Adamson* v. *California*, 332 U.S. 46, 90–92 (dissenting opinion):

> "Since *Marbury* v. *Madison*, 1 Cranch 137, was decided, the practice has been firmly established, for better or worse, that courts can strike down legislative enactments which violate the Constitution. This process, of course, involves interpretation, and since words can have many meanings, interpretation obviously may result in contraction or extension of the original purpose of a constitutional provision, thereby affecting policy. But to pass upon the constitutionality of statutes by looking to the particular standards enumerated in the Bill of Rights and other parts of the Constitution is one thing; to invalidate statutes because of application of 'natural law' deemed to be above and undefined by the Constitution is another. 'In the one instance, courts proceeding within clearly marked constitutional boundaries seek to execute policies written into the Constitution; in the other, they roam at will in the limitless area of their own beliefs as to reasonableness and actually select policies, a responsibility which the Constitution entrusts to the legislative representatives of the people.' *Federal Power Commission* v. *Pipeline Co.*, 315 U.S. 575, 599, 601, n. 4." [31] (Footnotes omitted.)

The late Judge Learned Hand, after emphasizing his view that judges should not use the due process formula suggested in the concurring opinions today or any other formula like it to invalidate legislation offensive to their "personal preferences," [32] made the statement, with which I fully agree, that:

> "For myself it would be most irksome to be ruled by a bevy of Platonic Guardians, even if I knew how to choose them, which I assuredly do not." [33]

So far as I am concerned, Connecticut's law as applied here is not forbidden by any provision of the Federal Constitution as that Constitution was written, and I would therefore affirm.

Mr. Justice Stewart, whom Mr. Justice Black joins, dissenting.

Since 1879 Connecticut has had on its books a law which forbids the use of contraceptives by anyone. I think this is an uncommonly silly law. As a practical matter, the law is obviously unenforceable, except in the oblique context of the present case. As a philosophical matter, I believe the use of contraceptives in the relationship of marriage should be left to personal and private choice, based upon each individual's moral, ethical, and religious beliefs. As a matter of social policy, I think professional counsel about methods of birth control should be available to all, so that each individual's choice can be meaningfully made. But we are not asked in this case to say whether we think this law is unwise, or even asinine. We are asked to hold that it violates the United States Constitution. And that I cannot do.

In the course of its opinion the Court refers to no less than six Amendments to the Constitution: the First, the Third, the Fourth, the Fifth, the Ninth, and the Fourteenth. But the Court does not say which of these Amendments, if any, it thinks is infringed by this Connecticut law.

We are told that the Due Process Clause of the Fourteenth Amendment is not, as such, the "guide" in this case. With that much I agree. There is no claim that this law, duly enacted by the Connecticut Legislature, is unconstitutionally vague. There is no claim that the appellants were denied any of the elements of procedural due process at their trial, so as to make their convictions constitutionally invalid. And, as the Court says, the day has long passed since the Due Process Clause was regarded as a proper instrument for determining "the wisdom, need, and propriety" of state laws. Compare *Lochner* v. *New York*, 198 U.S. 45, with *Ferguson* v. *Skrupa*, 372 U.S. 726. My Brothers Harlan and White to the contrary, "[w]e have returned to the original constitutional proposition that courts do not substitute their social and economic beliefs for the judgment of legislative bodies, who are elected to pass laws." *Ferguson* v. *Skrupa*, *supra*, at 730.

As to the First, Third, Fourth, and Fifth Amendments, I can find nothing in any of them to invalidate this Connecticut law, even assuming that all those Amendments are fully applicable against the States.[34] It has not even been argued that this is a law "respecting an establishment of religion, or prohibiting the free exercise thereof." [35] And surely, unless the solemn process of constitutional adjudication is to descend to the level of a play on words, there is not involved here any abridgment of "the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." [36] No soldier has been quartered in any house.[37] There has been no search, and no seizure.[38] Nobody has been compelled to be a witness against himself.[39]

The Court also quotes the Ninth Amendment, and my Brother Goldberg's concurring opinion relies heavily upon it. But to say that the Ninth Amendment has anything to do with this case is to turn somersaults with history. The Ninth Amendment, like its companion the Tenth, which this Court held "states but a truism that all is retained which has not been surrendered," *United States* v. *Darby*, 312 U.S. 100, 124, was framed by James Madison and adopted by the States simply to make clear that the adoption of the Bill of Rights did not alter the plan that the *Federal* Government was to be a government of express and limited powers, and that all rights and powers not delegated to it were retained by the people and the individual States. Until today no member of this Court has ever suggested that the Ninth Amendment meant anything else, and the idea that a federal court could ever use the Ninth Amendment to annul a law passed by the

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Footnotes at end of article.

elected representatives of the people of the State of Connecticut would have caused James Madison no little wonder.

What provision of the Constitution, then, does make this state law invalid? The Court says it is the right of privacy "created by several fundamental constitutional guarantees." With all deference, I can find no such general right of privacy in the Bill of Rights, in any other part of the Constitution, or in any case ever before decided by this Court.[40]

At the oral argument in this case we were told that the Connecticut law does not "conform to current community standards." But it is not the function of this Court to decide cases on the basis of community standards. We are here to decide cases "agreeably to the Constitution and laws of the United States." It is the essence of judicial duty to subordinate our own personal views, our own ideas of what legislation is wise and what is not. If, as I should surely hope, the law before us does not reflect the standards of the people of Connecticut, the people of Connecticut can freely exercise their true Ninth and Tenth Amendment rights to persuade their elected representatives to repeal it. That is the constitutional way to take this law off the books.[41]

FOOTNOTES

*The Court said in full about this right of privacy:

"The principles laid down in this opinion [by Lord Camden in *Entick* v. *Carrington,* 19 How. St. Tr. 1029] affect the very essence of constitutional liberty and security. They reach farther than the concrete form of the case then before the court, with its adventitious circumstances; they apply to all invasions on the part of the government and its employes of the sanctity of a man's home and the privacies of life. It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offence; but it is the invasion of his indefeasible right of personal security, personal liberty and private property, where that right has never been forfeited by his conviction of some public offence,—it is the invasion of this sacred right which underlies and constitutes the essence of Lord Camden's judgment. Breaking into a house and opening boxes and drawers are circumstances of aggravation; but any forcible and compulsory extortion of a man's own testimony or of his private papers to be used as evidence to convict him of crime or to forfeit his goods, is within the condemnation of that judgment. In this regard the Fourth and Fifth Amendments run almost into each other." 116 U.S.. at 630.

[1] My Brother Stewart dissents on the ground that he "can find no . . . general right of privacy in the Bill of Rights, in any other part of the Constitution, or in any case ever before decided by this Court." *Post,* at 530. He would require a more explicit guarantee than the one which the Court derives from several constitutional amendments. This Court, however, has never held that the Bill of Rights or the Fourteenth Amendment protects only those rights that the Constitution specifically mentions by name. See, *e. g., Bolling* v. *Sharpe,* 347 U. S. 497; *Aptheker* v. *Secretary of State,* 378 U. S. 500; *Kent* v. *Dulles,* 357, U. S. 116; *Carrington* v. *Rash,* 380 U. S. 89, 96; *Schware* v. *Board of Bar Examiners,* 353 U.S. 232; *NAACP* v. *Alabama,* 360 U. S. 240; *Pierce* v. *Society of Sisters,* 268 U. S. 510; *Meyer* v. *Nebraska,* 262 U. S. 390. To the contrary, this Court, for example, in *Bolling* v. *Sharpe, supra,* while recognizing that the Fifth Amendment does not contain the "explicit safeguard" of an equal protection clause, *id.,* at 499, nevertheless derived an equal protection principle from that Amendment's Due Process Clause. And in *Schware* v. *Board of Bar Examiners, supra,* the Court held that the Fourteenth Amendment protects from arbitrary state action the right to pursue an occupation, such as the practice of law.

[2] See, *e. g., Chicago, B. & Q. R. Co.* v. *Chicago,* 166 U. S. 226; *Gitlow* v. *New York, supra; Cantwell* v. *Connecticut,* 310 U.S. 296; *Wolf* v. *Colorado,* 338 U.S. 25; *Robinson* v. *California,* 370 U. S. 660; *Gideon* v. *Wainwright,* 372 U.S. 335; *Malloy* v. *Hogan,* 378 U. S. 1; *Pointer* v. *Texas, supra; Griffin* v. *California,* 380 U. S. 609.

[3] Madison himself had previously pointed out the dangers of inaccuracy resulting from the fact that "no language is so copious as to supply words and phrases for every complex idea." The Federalist, No. 37 (Cooke ed. 1961), at 236.

[4] Alexander Hamilton was opposed to a bill of rights on the ground that it was unnecessary because the Federal Government was a government of delegated powers and it was not granted the power to intrude upon fundamental personal rights. The Federalist, No. 84 (Cooke ed. 1961), at 578–579. He also argued,

"I go further, and affirm that bills of rights, in the sense and in the extent in which they are contended for, are not only unnecessary in the proposed constitution, but would even be dangerous. They would contain various exceptions to powers which are not granted; and on this very account, would afford a colourable pretext to claim more than were granted. For why declare that things shall not be done which there is no power to do? Why for instance, should it be said, that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed? I will not contend that such a provision would confer a regulating power; but it is evident that it would furnish, to men disposed to usurp, a plausible pretence for claiming that power." *Id.,* at 579.

The Ninth Amendment and the Tenth Amendment, which provides, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," were apparently also designed in part to meet the above-quoted argument of Hamilton.

[5] The Tenth Amendment similarly made clear that the States and the people retained all those powers not expressly delegated to the Federal Government.

[6] This Amendment has been referred to as "The Forgotten Ninth Amendment," in a book with that title by Bennett B. Patterson (1955). Other commentary on the Ninth Amendment includes Redlich, Are There "Certain Rights . . . Retained by the People"? 37 N.Y.U.L. Rev. 787 (1962), and Kelsey, The Ninth Amendment of the Federal Constitution, 11 Ind. L. J. 309 (1936). As far as I am aware, until today this Court has referred to the Ninth Amendment only in *United Public Workers* v. *Mitchell,* 330 U.S. 75, 94–95; *Tennessee Electric Power Co.* v. *TVA,* 306 U.S. 118, 143–144; and *Ashwander* v. *TVA,* 297 U.S. 288, 330–331. See also *Calder* v. *Bull,* 3 Dall. 386, 388; *Loan Assn.* v. *Topeka,* 20 Wall. 655, 662–663.

In *United Public Workers* v. *Mitchell, supra,* at 94–95, the Court stated: "We accept appellants' contention that the nature of political rights reserved to the people by the Ninth and Tenth Amendments [is] involved. The right claimed as inviolate may be stated as the right of a citizen to act as a party official or worker to further his own political views. Thus we have a measure of interference by the Hatch Act and the Rules with what otherwise would be the freedom of the civil servant under the First, Ninth and Tenth Amendments. And, if we look upon due process as a guarantee of freedom in those fields, there is a corresponding impairment of that right under the Fifth Amendment."

[7] In light of the tests enunciated in these cases it cannot be said that a judge's responsibility to determine whether a right is basic and fundamental in this sense vests him with unrestricted personal discretion. In fact, a hesitancy to allow too broad a discretion was a substantial reason leading me to conclude in *Pointer* v. *Texas, supra,* at 413–414, that those rights absorbed by the Fourteenth Amendment and applied to the States because they are fundamental apply with equal force and to the same extent against both federal and state governments. In *Pointer* I said that the contrary view would require "this Court to make the extremely subjective and excessively discretionary determination as to whether a practice, forbidden the Federal Government by a fundamental constitutional guarantee, is, as viewed in the factual circumstances surrounding each individual case, sufficiently repugnant to the notion of due process as to be forbidden the States." *Id.,* at 413.

[8] *Pointer* v. *Texas, supra,* at 413. See also the discussion of my Brother Douglas, *Poe* v. *Ullman, supra,* at 517–518 (dissenting opinion).

[9] Indeed, my Brother Black, in arguing his thesis, is forced to lay aside a host of cases in which the Court has recognized fundamental rights in the Fourteenth Amendment without specific reliance upon the Bill of Rights. *Post,* p. 512, n. 4.

[10] Dissenting opinions assert that the liberty guaranteed by the Due Process Clause is limited to a guarantee against unduly vague statutes and against procedural unfairness at trial. Under this view the Court is without authority to ascertain whether a challenged statute, or its application, has a permissible purpose and whether the manner of regulation bears a rational or justifying relationship with this purpose. A long line of cases makes very clear that this has not been the view of this Court. *Dent* v. *West Virginia,* 129 U.S. 114; *Jacobson* v. *Massachusetts,* 197 U.S. 11; *Douglas* v. *Noble,* 261 U.S. 165; *Meyer* v. *Nebraska,* 262 U.S. 390; *Pierce* v. *Society of Sisters,* 268 U.S. 510; *Schware* v. *Board of Bar Examiners,* 353 U.S. 232; *Aptheker* v. *Secretary of State,* 378 U.S. 500; *Zemel* v. *Rusk,* 381 U.S. 1.

The traditional due process test was well articulated, and applied, in *Schware* v. *Board of Bar Examiners, supra,* a case which placed no reliance on the specific guarantees of the Bill of Rights.

"A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment. *Dent.* v. *West Virginia,* 129 U.S. 114. Cf. *Slochower* v. *Board of Education,* 350 U.S. 551; *Wieman* v. *Updegraff,* 344 U.S. 183. And see *Ex parte Secombe,* 19 How. 9, 13. A State can require high standards of qualification, such as good moral character or proficiency in its law, before it admits an applicant to the bar, but any qualification must have a rational connection with the applicant's fitness or capacity to practice law. *Douglas* v. *Noble,* 261 U.S. 165; *Cummings* v. *Missouri,* 4 Wall. 277, 319–320. Cf. *Nebbia* v. *New York,* 291 U.S. 502. Obviously an applicant could not be excluded merely because he was a Republican or a Negro or a member of a particular church. Even in applying permissible standards, officers of a State cannot exclude an applicant when there is no basis for their finding that he fails to meet these standards, or when their action is invidiously discriminatory." 353 U.S., at 238–239. Cf. *Martin* v. *Walton,* 368 U.S. 25, 26 (Douglas, J., dissenting).

[11] The phrase "right to privacy" appears first to have gained currency from an article written by Messrs. Warren and (later Mr. Justice) Brandeis in 1890 which urged that States should give some form of tort relief to persons whose private affairs were exploited by

others. The Right to Privacy, 4 Harv. L. Rev. 193. Largely as a result of this article, some States have passed statutes creating such a cause of action, and in others state courts have done the same thing by exercising their powers as courts of common law. See generally 41 Am. Jur. 926–927. Thus the Supreme Court of Georgia, in granting a cause of action for damages to a man whose picture had been used in a newspaper advertisement without his consent, said that "A right of privacy in matters purely private is . . . derived from natural law" and that "The conclusion reached by us seems to be . . . thoroughly in accord with natural justice, with the principles of the law of every civilized nation, and especially with the elastic principles of the common law . . . ." *Pavesich* v. *New England Life Ins. Co.*, 122 Ga. 190, 194, 218, 50 S. E. 68, 70, 80. Observing that "the right of privacy . . . presses for recognition here," today this Court, which I did not understand to have power to sit as a court of common law, now appears to be exalting a phrase which Warren and Brandeis used in discussing grounds for tort relief, to the level of a constitutional rule which prevents state legislatures from passing any law deemed by this Court to interfere with "privacy."

[12] Brother HARLAN's views are spelled out at greater length in his dissenting opinion in *Poe* v. *Ullman*, 367 U.S. 497, 539–555.

[13] Indeed, Brother WHITE appears to have gone beyond past pronouncements of the natural law due process theory, which at least said that the Court should exercise this unlimited power to declare state acts unconstitutional with "restraint." He now says that, instead of being presumed constitutional (see *Munn* v. *Illinois*, 94 U.S. 113, 123; compare *Adkins* v. *Children's Hospital*, 261 U.S. 525, 544), the statute here "bears a substantial burden of justification when attacked under the Fourteenth Amendment."

[14] A collection of the catchwords and catch phrases invoked by judges who would strike down under the Fourteenth Amendment laws which offend their notions of natural justice would fill many pages. Thus it has been said that this Court can forbid state action which "shocks the conscience," *Rochin* v. *California*, 342 U.S. 165, 172, sufficiently to "shock itself into the protective arms of the Constitution," *Irvine* v. *California*, 347 U.S. 128, 138 (concurring opinion). It has been urged that States may not run counter to the "decencies of civilized conduct," *Rochin, supra*, at 173, or "some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental," *Snyder* v. *Massachusetts*, 291 U.S. 97, 105, or to "those canons of decency and fairness which express the notions of justice of English-speaking peoples," *Malinski* v. *New York*, 324 U.S. 401, 417 (concurring opinion), or to "the community's sense of fair play and decency," *Rochin, supra*, at 173. It has been said that we must decide whether a state law is "fair, reasonable and appropriate," or is rather "an unreasonable, unnecessary and arbitrary interference with the right of the individual to his personal liberty or to enter into . . . contracts," *Lochner* v. *New York*, 198 U.S. 45, 56. States, under this philosophy, cannot act "in conflict with deeply rooted feelings of the community," *Haley* v. *Ohio*, 332 U.S. 596, 604 (separate opinion), or with "fundamental notions of fairness and justice," *id.*, 607. See also, *e.g.*, *Wolf* v. *Colorado*, 338 U.S. 25, 27 ("rights . . . basic to our free society"); *Hebert* v. *Louisiana*, 272 U.S. 312, 316 ("fundamental principles of liberty and justice"); *Adkins* v. *Children's Hospital*, 261 U.S. 525, 561 ("arbitrary restraint of . . . liberties"); *Betts* v. *Brady*, 316 U.S. 455, 462 ("denial of fundamental fairness, shocking to the universal sense of justice"); *Poe* v. *Ullman*, 367 U.S. 497, 539 (dissenting opinion) ("intolerable and unjustifiable"). Perhaps the clearest, frankest and briefest explanation of how this due process approach works is the statement in another case handed down today that this Court is to invoke the Due Process Clause to strike down state procedures or laws which it can "not stomach." *Linkletter* v. *Walker, post*, p. 618, at 631.

[15] See Hand, The Bill of Rights (1958) 70: "[J]udges are seldom content merely to annul the particular solution before them; they do not, indeed they may not, say that taking all things into consideration, the legislators' solution is too strong for the judicial stomach. On the contrary they wrap up their veto in a protective veil of adjectives such as 'arbitrary,' 'artificial,' 'normal,' 'reasonable,' 'inherent,' 'fundamental,' or 'essential,' whose office usually, though quite innocently, is to disguise what they are doing and impute to it a derivation far more impressive than their personal preferences, which are all that in fact lie behind the decision." See also *Rochin* v. *California*, 342 U.S. 165, 174 (concurring opinion). But see *Linkletter* v. *Walker, supra*, n. 4, at 631.

[16] This Court held in *Marbury* v. *Madison*, 1 Cranch 137, that this Court has power to invalidate laws on the ground that they exceed the constitutional power of Congress or violate some specific prohibition of the Constitution. See also *Fletcher* v. *Peck*, 6 Cranch 87. But the Constitutional Convention did on at least two occasions reject proposals which would have given the federal judiciary a part in recommending laws or in vetoing as bad or unwise the legislation passed by the Congress. Edmund Randolph of Virginia proposed that the President

". . . and a convenient number of the National Judiciary, ought to compose a council of revision with authority to examine every act of the National Legislature before it shall operate, & every set of a particular Legislature before a Negative thereon shall be final; and that the dissent of the said Council shall amount to a rejection, unless the Act of the National Legislature be again passed, or that of a particular Legislature be again negatived by [original wording illegible] of the members of each branch." 1 The Records of the Federal Convention of 1787 (Farrand ed. 1911) 21.

In support of a plan of this kind James Wilson of Pennsylvania argued that:

". . . It had been said that the Judges, as expositors of the Laws would have an opportunity of defending their constitutional rights. There was weight in this observation; but this power of the Judges did not go far enough. Laws may be unjust, may be unwise, may be dangerous, may be destructive; and yet not be so unconstitutional as to justify the Judges in refusing to give them effect. Let them have a share in the Revisionary power, and they will have an opportunity of taking notice of these characters of a law, and of counteracting, by the weight of their opinions the improper views of the Legislature." 2 *id.*, at 73.

Nathaniel Gorham of Massachusetts "did not see the advantage of employing the Judges in this way. As Judges they are not to be presumed to possess any peculiar knowledge of the mere policy of public measures." *Ibid.*

Elbridge Gerry of Massachusetts likewise opposed the proposal for a council of revision:

". . . He relied for his part on the Representatives of the people as the guardians of their Rights & interests. It [the proposal] was making the Expositors of the Laws, the Legislators which ought never to be done." *Id.*, at 75.

And at another point:

"Mr. Gerry doubts whether the Judiciary ought to form a part of it [the proposed council of revision], as they will have a sufficient check agst. encroachments on their own department by their exposition of the laws, which involved a power of deciding on their Constitutionality. . . . It was quite foreign from the nature of ye. office to make them judges of the policy of public measures." 1 *Id.*, at 97–98.

Madison supported the proposal on the ground that "a Check [on the legislature] is necessary." *Id.*, at 108. John Dickinson of Delaware opposed it on the ground that "the Judges must interpret the Laws they ought not to be legislators." *Ibid.* The proposal for a council of revision was defeated.

The following proposal was also advanced:

"To assist the President in conducting the Public affairs there shall be a Council of State composed of the following officers—1. The Chief Justice of the Supreme Court, who shall from time to time recommend such alterations of and additions to the laws of the U.S. as may in his opinion be necessary to the due administration of Justice, and such as many promote useful learning and inculcate sound morality throughout the Union . . . ." 2 *id.*, at 342. This proposal too was rejected.

[17] In *Meyer*, in the very same sentence quoted in part by my Brethren in which he asserted that the Due Process Clause gave an abstract and inviolable right "to marry, establish a home and bring up children," Mr. Justice McReynolds also asserted the heretofore discredited doctrine that the Due Process Clause prevented States from interfering with "the right of the individual to contract." 262 U.S. at 399.

[18] Compare *Poe* v. *Ullman*, 367 U. S., at 543–544 (HARLAN, J., dissenting).

[19] The Court has also said that in view of the Fourteenth Amendment's major purpose of eliminating state-enforced racial discrimination, this Court will scrutinize carefully any law embodying a racial classification to make sure that it does not deny equal protection of the laws. See *McLaughlin* v. *Florida*, 379 U.S. 184.

[20] None of the other cases decided in the past 25 years which Brothers WHITE and GOLDBERG cite can justly be read as holding that judges have power to use a natural law due process formula to strike down all state laws which they think are unwise, dangerous, or irrational. *Prince* v. *Massachusetts*, 321 U.S. 158, *upheld* a state law forbidding minors from selling publications on the streets. *Kent* v. *Dulles*, 357 U.S. 116, recognized the power of Congress to restrict travel outside the country so long as it accorded persons the procedural safeguards of due process and did not violate any other specific constitutional provision. *Schware* v. *Board of Bar Examiners*, 353 U.S. 232, held simply that a State could not, consistently with due process, refuse a lawyer a license to practice law on the basis of a finding that he was morally unfit when there was no evidence in the record, 353 U.S., at 246–247, to support such a finding. Compare *Thompson* v. *City of Louisville*, 362 U.S. 199, in which the Court relied in part on *Schware*. See also *Konigsberg* v. *State Bar*, 353 U.S. 252. And *Bolling* v. *Sharpe*, 347 U.S. 497, merely recognized what had been the understanding from the beginning of the country, an understanding shared by many of the draftsmen of the Fourteenth Amendment, that the whole Bill of Rights, including the Due Process Clause of the Fifth Amendment, was a guarantee that all persons would receive equal treatment under the law. Compare *Chambers* v. *Florida*, 309 U.S. 227, 240–241. With one exception, the other modern cases relied on by my Brethren were decided either solely under the Equal Protection Clause of the Fourteenth Amendment or under the First Amendment, made applicable to the States by the Fourteenth, some of the latter group involving the right of association which this Court has held to be a part of the rights of speech, press and assembly guaranteed by the First Amendment. As for *Aptheker* v. *Secretary of State*, 378 U.S. 500, I am com-

pelled to say that if that decision was written or intended to bring about the abrupt and drastic reversal in the course of constitutional adjudication which is now attributed to it, the change was certainly made in a very quiet and unprovocative manner, without any attempt to justify it.

[21] Compare *Adkins* v. *Children's Hospital,* 261 U.S. 525, 568 (Holmes, J., dissenting):

"The earlier decisions upon the same words [the Due Process Clause] in the Fourteenth Amendment began within our memory and went no farther than an unpretentious assertion of the liberty to follow the ordinary callings. Later that innocuous generality was expanded into the dogma, Liberty of Contract. Contract is not specially mentioned in the text that we have to construe. It is merely an example of doing what you want to do, embodied in the word liberty. But pretty much all law consists in forbidding men to do some things that they want to do, and contract is no more exempt from law than other acts."

[22] See Patterson, The Forgotten Ninth Amendment (1955). Mr. Patterson urges that the Ninth Amendment be used to protect unspecified "natural and inalienable rights." P. 4. The Introduction by Roscoe Pound states that "there is a marked revival of natural law ideas throughout the world. Interest in the Ninth Amendment is a symptom of that revival." P. iii.

In Redlich, Are There "Certain Rights . . . Retained by the People"? 37 N.Y.U.L. Rev. 787, Professor Redlich, in advocating reliance on the Ninth and Tenth Amendments to invalidate the Connecticut law before us, frankly states:

"But for one who feels that the marriage relationship should be beyond the reach of a state law forbidding the use of contraceptives, the birth control case poses a troublesome and challenging problem of constitutional interpretation. He may find himself saying, 'The law is unconstitutional—but why?' There are two possible paths to travel in finding the answer. One is to revert to a frankly flexible due process concept even on matters that do not involve specific constitutional prohibitions. The other is to attempt to evolve a new constitutional framework within which to meet this and similar problems which are likely to arise." *Id.*, at 798.

[23] Of course one cannot be oblivious to the fact that Mr. Gallup has already published the results of a poll which he says show that 46% of the people in this country believe schools should teach about birth control. Washington Post, May 21, 1965, p. 2, col. 1. I can hardly believe, however, that Brother GOLDBERG would view 46% of the persons polled as so overwhelming a proportion that this Court may now rely on it to declare that the Connecticut law infringes "fundamental" rights, and overrule the long-standing view of the people of Connecticut expressed through their elected representatives.

[24] U.S. Const., Amend. IX, provides:

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

[25] 1 Annals of Congress 439. See also II Story, Commentaries on the Constitution of the United States (5th ed. 1891): "This clause was manifestly introduced to prevent any perverse or ingenious misapplication of the well-known maxim, that an affirmation in particular cases implies a negation in all others; and, *e converso,* that a negation in particular cases implies an affirmation in all others. The maxim, rightly understood, is perfectly sound and safe; but it has often been strangely forced from its natural meaning into the support of the most dangerous political heresies." *Id.*, at 651 (footnote omitted).

[26] Justice Holmes in one of his last dissents, written in reply to Mr. Justice McReynolds' opinion for the Court in *Baldwin* v. *Missouri,* 281 U.S. 586, solemnly warned against a due process formula apparently approved by my concurring Brethren today. He said:

"I have not yet adequately expressed the more than anxiety that I feel at the ever increasing scope given to the Fourteenth Amendment in cutting down what I believe to be the constitutional rights of the States. As the decisions now stand, I see hardly any limit but the sky to the invalidating of those rights if they happen to strike a majority of this Court as for any reason undesirable. I cannot believe that the Amendment was intended to give us *carte blanche* to embody our economic or moral beliefs in its prohibitions. Yet I can think of no narrower reason that seems to me to justify the present and the earlier decisions to which I have referred. Of course the words "due process of law," if taken in their literal meaning, have no application to this case; and while it is too late to deny that they have been given a much more extended and artificial signification, still we ought to remember the great caution shown by the Constitution in limiting the power of the States, and should be slow to construe the clause in the Fourteenth Amendment as committing to the Court, with no guide but the Court's own discretion, the validity of whatever laws the States may pass. 281 U.S., at 595. See 2 Holmes-Pollock Letters (Howe ed. 1941) 267–268.

[27] *E.g.,* in *Day-Brite Lighting, Inc.* v. *Missouri,* 342 U.S. 421, 423, this Court held that "Our recent decisions make plain that we do not sit as a superlegislature to weigh the wisdom of legislation nor to decide whether the policy which it expresses offends the public welfare."

Compare *Gardner* v. *Massachusetts,* 305 U.S. 559, which the Court today apparently overrules, which held that a challenge under the Federal Constitution to a state law forbidding the sale or furnishing of contraceptives did not raise a substantial federal question.

[28] Brother HARLAN, who has consistently stated his belief in the power of courts to strike down laws which they consider arbitrary or unreasonable, see, *e.g., Poe* v. *Ullman,* 367 U.S. 497, 539–555 (dissenting opinion), did not join the Court's opinion in *Ferguson* v. *Skrupa.*

[29] Justice Holmes, dissenting in *Tyson,* said:

"I think the proper course is to recognize that a state legislature can do whatever it sees fit to do unless it is restrained by some express prohibition in the Constitution of the United States or of the State, and that Courts should be careful not to extend such prohibitions beyond their obvious meaning by reading into them conceptions of public policy that the particular Court may happen to entertain." 273 U.S., at 446.

[30] Compare *Nicchia* v. *New York,* 254 U.S. 228, 231, upholding a New York dog-licensing statute on the ground that it did not "deprive dog owners of liberty without due process of law." And as I said concurring in *Rochin* v. *California,* 342 U.S. 165, 175, "I believe that faithful adherence to the specific guarantees in the Bill of Rights insures a more permanent protection of individual liberty than that which can be afforded by the nebulous standards" urged by my concurring Brethren today.

[31] *Gideon* v. *Wainwright,* 372 U. S. 335, and similar cases applying specific Bill of Rights provisions to the States do not in my view stand for the proposition that this Court can rely on its own concept of "ordered liberty" or "shocking the conscience" or natural law to decide what laws it will permit state legislatures to enact. *Gideon* in applying to state prosecutions the Sixth Amendment's guarantee of right to counsel followed *Palko* v. *Connecticut,* 302 U. S. 319, which had held that specific provisions of the Bill of Rights, rather than the Bill of Rights as a whole, would be selectively applied to the States. While expressing my own belief (not shared by MR. JUSTICE STEWART) that the provisions of the Bill of Rights were made applicable to the States by the Fourteenth Amendment, in my dissent in *Adamson* v. *California,* 332 U. S. 46, 89, I also said: "If the choice must be between the selective process of the *Palko* decision applying some of the Bill of Rights to the States, or the *Twining* rule applying none of them, I would choose the *Palko* selective process."

Gideon and similar cases merely followed the *Palko* rule, which in *Adamson* I agreed to follow if necessary to make Bill of Rights safeguards applicable to the States. See also *Pointer* v. *Texas,* 380 U. S. 400; *Malloy* v. *Hogan,* 378 U. S. 1.

[32] Hand, The Bill of Rights (1958) 70. See note 5, *supra.* See generally *id.,* at 35–45.

[33] *Id.,* at 73. While Judge Hand condemned as unjustified the invalidation of state laws under the natural law due process formula, see *id.,* at 35–45, he also expressed the view that this Court in a number of cases had gone too far in holding legislation to be in violation of specific guarantees of the Bill of Rights. Although I agree with his criticism of use of the due process formula, I do not agree with all the views he expressed about construing the specific guarantees of the Bill of Rights.

[34] The Amendments in question were, as everyone knows, originally adopted as limitations upon the power of the newly created Federal Government, not as limitations upon the powers of the individual States. But the Court has held that many of the provisions of the first eight amendments are fully embraced by the Fourteenth Amendment as limitations upon state action, and some members of the Court have held the view that the adoption of the Fourteenth Amendment made every provision of the first eight amendments fully applicable against the States. See *Adamson* v. *California,* 332 U.S. 46, 68 (dissenting opinion of MR. JUSTICE BLACK).

[35] U.S. Constitution, Amendment I. To be sure, the injunction contained in the Connecticut statute coincides with the doctrine of certain religious faiths. But if that were enough to invalidate a law under the provisions of the First Amendment relating to religion, then most criminal laws would be invalidated. See, *e.g.,* the Ten Commandments. The Bible, Exodus 20:2–17 (King James).

[36] U.S. Constitution, Amendment I. If all the appellants had done was to advise people that they thought the use of contraceptives was desirable, or even to counsel their use, the appellants would, of course, have a substantial First Amendment claim. But their activities went far beyond mere advocacy. They prescribed specific contraceptive devices and furnished patients with the prescribed contraceptive materials.

[37] U.S. Constitution, Amendment III.

[38] U.S. Constitution, Amendment IV.

[39] U.S. Constitution, Amendment V.

[40] Cases like *Shelton* v. *Tucker,* 364 U.S. 479 and *Bates* v. *Little Rock,* 361 U.S. 516, relied upon in the concurring opinions today, dealt with true First Amendment rights of association and are wholly inapposite here. See also, *e.g., NAACP* v. *Alabama,* 357 U.S. 449; *Edwards* v. *South Carolina,* 372 U.S. 229. Our decision in *McLaughlin* v. *Florida,* 379 U.S. 184, is equally far afield. That case held invalid under the Equal Protection Clause, a state criminal law which discriminated against Negroes.

The Court does not say how far the new constitutional right of privacy announced today extends. See, *e.g.,* Mueller, Legal Regulation of Sexual Conduct, at 127; Ploscowe, Sex and the Law, at 189. I suppose, however, that even after today State can constitutionally still punish at least some offenses which are not committed in public.

[41] See *Reynolds* v. *Sims,* 377 U.S. 533, 562. The Connecticut House of Representatives recently passed a bill (House Bill No. 2462)

repealing the birth control law. The State Senate has apparently not yet acted on the measure, and today is relieved of that responsibility by the Court. New Haven Journal-Courier, Wed., May 19, 1965, p. 1, col. 4, and p. 13, col. 7.

Mr. BAYH. It is the judgment of a lot of the members of the bar who have studied this matter—and I want the RECORD to show that at least this one Senator has studied it—believe that the Griswold case, protecting the rights of privacy of each American citizen, would be adequate grounds to keep separate restroom facilities, separate prison facilities, and separate dormitory facilities, after the equal rights amendment is ratified.

Mr. ERVIN. Mr. President, I have not interrupted the Senator, but I want to ask the Senator a question about the Griswold case.

Mr. BAYH. Please go ahead. I am sure that the Senator from North Carolina would not want to heckle the Senator from Indiana.

Mr. ERVIN. I have not asked a single question until now and I think that is quite a distinction. The only thing the Griswold case holds is that a man and wife have the right of privacy when they are in bed together. Is that not true?

Mr. BAYH. The Griswold case establishes the right of privacy in the specific instance mentioned by the Senator from North Carolina. The Senator from North Carolina has accurately described that. However, if he has read the rest of the case, as I know he has, it is broad enough to cover restroom facilities, and other areas where privacy must be respected.

Mr. ERVIN. It is as the Senator says about Reed against Reed. It only applies to what it applies to.

Mr. BAYH. The Senator is correct. It only applies to what it applies to, but it happens to apply to this, and that is sufficient for the Senator from Indiana.

Another concern expressed by the Senator from Mississippi was with respect to gambling debts, and that a State law which now apparently allows a woman in Mississippi to go into court to sue for recovery of her husband's gambling debts would be struck down. I submit that would not necessarily be the case. A husband or wife would have the same legal remedy against some skinflint who had managed to secure the salary or the wallet of one of the marriage partners.

Pensions for police widows I touched on a moment ago. We are saying that a widow or widower of a policeman would have equal access to pensions. It could not be said if a man who was a policeman and has been killed that his wife gets benefits, but if the woman has been the policeman, the husband could not get benefits. Each partner in the marriage would have to be treated equally on the merits.

Custody, child support, alimony—strike them down? Ridiculous. This would require not that we eliminate child support, and not that we eliminate child custody or alimony, but that any judge would have to consider the case on its merits. If the father were better able to provide support for the child the father would provide the support for the child, and if the mother were better able to provide support for the child she would provide the support for the child. In some instances perhaps both would provide support for the child.

Also, as far as custody of the child is concerned, does anyone in this body suggest that every mother in a divorce settlement is absolutely better qualified to care for the child? Nobody would make that ridiculous assertion. We would require that the judge would be required to determine which of the parents was better able to deal with the needs of the child and make that judgment on the merits and not on some age-old stereotype conclusion.

Let me turn to family relations and the institution of marriage. A moment ago when the Senator from North Carolina and I were about to embark on a discussion the question of marriage and the sexual relationship between men and women was brought before the Senate. I certainly hope that on reflection the Senator from North Carolina, when he has had a chance to read the RECORD, will not feel that his friend from Indiana was heckling him but was trying to get him to answer a question that I think he is imminently well qualified to answer. Indeed, if there was a misinterpretation of my motives, I want the RECORD to be very clear.

The equal rights amendment would not prohibit a State from saying that the institution of marriage would be prohibited to men partners. It would not prohibit a State from saying the institution of marriage would be prohibited to women partners. All it says is that if a State legislature makes a judgment that it is wrong for a man to marry a man, then it must say it is wrong for a woman to marry a woman—or if a State says it is wrong for a woman to marry a woman, then it must say that it is wrong for a man to marry a man.

Then, there is the old bugaboo of homosexuality. The Senator from North Carolina would not answer the question I posed a moment ago and that question was: Yes, you have sodomy, lesbianism, and a number of very—how do I describe it—suspicious and unacceptable sounding words, that are used to describe various types of homosexual acts. I do not pretend to be an expert in homosexuality. I have had absolutely no personal experience and I do not intend to gain any. I have done little reading about it. It does not pertain to me at all.

But the equal rights amendment does not prohibit a State from saying it shall be against the law of the State for any citizens therein to participate in a homosexual act—period. What the equal rights amendment does prohibit is for a State to say that if women participate in homosexuality, that is bad, but if men participate in homosexuality, that is all right. I do not think this requirement is anything but equity. If we are going to outlaw homosexuality, that is all right with me, and let us make it across the board. That is what I was trying to elicit from the Senator from North Carolina.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. BYRD of Virginia). The Senator from Indiana has 36 minutes remaining.

Mr. BAYH. I thank the Chair.

I would now like to deal with the specific amendment which is before us. I felt it important to lay a foundation for the specific discussion of the amendment in question inasmuch as the Senator from Mississippi had raised a lot of other issues which I think were relevant to the overall discussion, but not relevant or pertinent to the discussion of the specific amendment before us.

The Senator from Mississippi is one of the leading and acknowledged experts in this body in the area of the military and the armed services. I wish that he had directed more of his discussion to the impact this amendment would have on the military. In the minutes that remain to me in opposition to the amendment I want to deal with my reasons for opposing the amendment proposed by the Senator from North Carolina which states:

> This article shall not impair, however, the validity of any laws of the United States or any State which exempts women from compulsory military service or service in combat units of the Armed Forces.

Mr. ERVIN. Mr. President, for the information of the Senator, that is not the amendment pending. The amendment pending provides that the article shall not invalidate any laws which exempt women from compulsion of the draft.

Mr. BAYH. Mr. President, I ask unanimous consent that the clerk may read the amendment and that it may be substituted for my preceding words.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk read as follows:

> At the end of section 1 add the following sentence:
>
> This article shall not impair, however, the validity of any laws of the United States or any State which exempts women from compulsory military service.

Mr. BAYH. I thank the Senator from North Carolina for clarifying this matter.

In the judgment of the Senator from Indiana, who has been involved in the equal rights debate for a long, long time, the issue which is now joined is one of the most difficult with which to deal. I must say I share the concern of every Member of this body that the impact of this amendment and its relationship to the military will not be the kind of impact that will turn mothers away from their children or irreparably damage lives or home life. I can see how Members of this body can have a different opinion on this amendment. But I think it is important for us to consider its impact, or perhaps I should say the impact of the equal rights amendment on women in the military on the basis of the facts as they are now and as they are liable to be reasonably in the future, and not permit us to be deterred from a study of the facts by establishing straw men, by which we are led to believe that, if this equal rights amendment passes, every mother is going to be dragged, kicking and screaming from the cradle of her child.

This assertion, in the judgment of the Senator from Indiana, is a bit farfetched, to be kind.

Let us look at the entire picture of the military in the involvement of women and in the involvement of women if the equal rights amendment passes. First of all, in the very near future, we are going to be facing that type of military situation, I hope and pray, that has confronted our country throughout most of its history: namely, we will no longer have a war; thus, we will no longer have a draft. And, if there is no war and no draft, there are not going to be any women, mothers, whoever they may be, whatever their capacity in life, either being drafted or sent into combat.

Second, given a situation of a continuation of hostilities—which I hope will not be long, but given a situation in which we have sent citizens of this country into battle, to perhaps give their lives—there has been a great move in this body to increase the number in the military, if not all members of the military, to be a part of a volunteer service. Then the question has to be asked, well, if a woman wants to volunteer, should she be treated differently from a man?

By the words spoken by the Senator from Mississippi a while ago in his remarks, he suggested that WACS and WAVES and nurses that are now in the military are subjected to the hazards of actual combat, but that that is a different situation from actually drafting women against their normal will and forcing them into the military.

Let us look more specifically at the draft. No peace exists. A combat situation exists where we are not able to supply the manpower needs—and I use the word "manpower" advisedly—by voluntary means. What would be the role of the women of this country?

First of all, I think the role of the women of this country would be the same as the role of the men of this country traditionally throughout the years, inasmuch as Congress has traditionally established and allowed a number of exemptions in which, if a man qualifies, he can claim that exemption and he does not have to go.

The equal rights amendment requires that those exemptions would have to be sex-neutral exemptions rather than those that apply to one sex.

What type of exemptions are you talking about, Senator BAYH? Well, it is entirely possible that Congress would establish an exemption in which any parent could be exempted from the draft. Ridiculous, you say? Well, throughout most of the 1950's and 1960's this is exactly an exemption that applied to men and women—it did not apply to women, because they were not subject to the draft, but it did apply to every man. Any father was exempted. So that exemption could exist under the equal rights amendment. Any parent, mother or father, could claim that exemption and not be subjected to the draft.

Congress could also provide that the parent who has the primary duty of rearing the children or caring for the home would be exempt. In the judgment of the Senator from Indiana, this would be perfectly constitutional under the equal rights amendment. Congress would be excluding the parent there, whether it be mother or father; but, indeed, we can look around at most of the homes around the country, and in some of these homes, the wife is the primary wage earner, but in most homes the father is the primary wage earner and the mother has the primary responsibility for rearing the children and taking care of the house, and she could claim this sex-neutral exemption.

Congress could take a further look and provide that no more than one parent in any family would be subject to conscription.

Then, let us move past the exemptions. Let us look at those who are not able to claim an exemption and those who are subject to the draft. What size burden are we really talking about? Does every 17-, 18-, or 19-, or 22-year-old woman feel that she is going to be drafted?

Let us look at the facts as they are today as far as men are concerned. Let us take the 1971 draft call, the most recent draft call. There were, in 1971, 1.9 million men in this country eligible for the draft; 50.5 percent, or over half of those, were rejected for induction for one reason or another; 24.9 percent were rejected at induction.

So when we get right down to it, less than 25 percent of the men of this country were ever subjected to the draft in the first place. That number was between 400,000 and 500,000. Of this almost 500,000-man pool of men subjected to the draft after the various rejections, only 98,000 were ever called, and only 94,000 of those were ever inducted.

In other words, 5 percent of the eligible males in the country were inducted into the Army last year. Less than 15 percent—and I wish the Senator from Mississippi were here to verify this, because we are concerned about combat—out of that pool of 5 percent, almost 2 million men were assigned to combat branches. That means that less than 1 percent of the eligible males in the whole country that were ever assigned to a combat unit.

It might be fair to say that is about the same risk women would be subjected to, except it would be fairer to assume that the sex-neutral standards that would be established by the Armed Forces on the basis of physical competence would exclude an even greater percentage of women because of the ordinary physical standards required, such as pushups, chins, running, and other physical and combat characteristics that are necessary for any member of the armed services.

Now, of this less than 1 percent—and if you look at all of the physical rejections that could occur, you would get down to significantly less than 1 percent of all the women in the pool who would be drafted in the first place—would they be assigned to combat duty?

Admittedly, there is no way we can guarantee they would not be, but in the judgment of the Senator from Indiana, they would be assigned to duty as their commanders thought they were qualified to serve. Just as 85 percent of those who are now in the armed services and who are men are not assigned to combat duties, so the commander would not need to send a woman into the front trenches if he felt that it would not be in the best interests of the combat unit to make such an assignment.

I want to suggest that I hope the time will not come when we have women drafted and sent into combat. I hope the time will not come when they are drafted, very frankly. But I suggest that right now we have a significant number of women in all of our military services who are serving with distinction, and many of them are serving in combat zones. You ask a nurse serving in an Army hospital in Danang whether she is in a combat zone or not, and whether she might be spirited away or detained by the V.C., and I am sure she will tell you that is something she has thought about.

If we look at the kind of confrontation which may develop, God forbid, if we ever get involved in a nuclear exchange, then find me a noncombat zone, for I think that is where most of us would want to be.

I think the experience of other nations which have conscripted women might be of help in our deliberations on this subject. I have looked at this situation in Israel. I am sure many people may feel that Israeli women, having been conscripted, are sent into combat. That is really not the case. Women who are conscripted are given combat training, and why should they not be, in the event their position is attacked. But those women are not sent into combat areas, and the Senator from Indiana suggests that with very few exceptions that would be the case here if the equal rights amendment passes.

At this time, I ask unanimous consent to have printed in the RECORD a letter addressed to me from Col. Stella Levy, a military attaché to the Israeli Embassy, describing in more detail the condition which actually exists with respect to women in the armed services of Israel.

Although, as I said a moment ago, I personally hope that few women will be drafted and none will be forced to be sent into combat, I must say in all sincerity that if their country needs them, I see no alternative but to require their services. Reduced to that simple equation, I think most women would say, "Count me in if my country needs me."

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EMBASSY OF ISRAEL,
Washington, D.C., January 20, 1972.

The Honorable BIRCH BAYH,
Chairman, Committee on the Judiciary, Subcommittee on Constitutional Amendments, Washington, D.C.

DEAR SENATOR BAYH: Thank you for your letter of January 17, 1972 in which you request information concerning the "Chen" Women's Army Corps of Israel.

I hope that the following information will answer your questions:

(1) Israeli girls are recruited into the I.D.F. (Israel Defense Forces) just as men, by power of the Law of Military Service. According to this law, every girl upon reaching the age of eighteen, must report for 20 months of compulsory military service. After which she remains liable for reserve duty, even as a married woman, up to the age of 34 or until she becomes a mother. Officers and N.C.O.s can pursue a career in the Army even after marriage and childbirth.

The requirements are different for women as far as education is concerned. *Every* man is drafted, regardless of education, while women are drafted only after high school or primary school education plus two more years of school at least.

The exemptions available to women are based on religious, health or social welfare reasons.

(2) The women are not given the same combat training as men. In basic training, a girl must learn to use various types of light weapons, so as to be able to operate them in case of need, even if only in self-defense. This knowledge of weapons is essential, both during service when serving in combat units as well as later on, particularly since a fair number of "Chen" girls join units in border settlements.

(3) The girls are assigned to combat units, but when this is done, they fill non-combatant posts. Usually, after a five-week basic training course, the girls are posted to the different units of the Army, Navy and Air Force.

(4) Women are not required to engage in physical combat when the armed forces engage an enemy. They are mainly engaged in the performances of auxiliary tasks such as: clerical, communication and electronics, driving, nursing, etc. They follow up the units after combat has ended.

(5) Men and women have always fought side by side in Israel, so actually there are no significant difficulties which arise from this situation. In each unit the girls maintain separate and independent facilities. Service conditions of "Chen" girls are identical to those of the men—the monthly pay is based on rank, as applies to everybody serving in the I.D.F., whether in compulsory service or in the regular army. Direct command over groups of girl-soldiers in each unit is in the hands of the "Chen" unit officers, who are subordinate to Command or Corps Officers, and who are assisted by N.C.O.s. The "Chen" staff constitutes the only legal jurisdiction over girls serving in the Army.

I hope that in giving you this information I have been of some assistance.

In Hebrew, the word "Chen" means "charm".

Sincerely,

Col. Stella Levy,
Attaché for Women's Affairs.

Mr. BAYH. I suggest we are not talking about just a one-way street. In passing an equal rights amendment and thus raising the possibility that some of the women of this country are going to be drafted into the armed services, we are not just talking about a pure sacrifice on the part of the women. We are talking about a sacrifice; yes. We are talking about a responsibility; yes. But we are also talking about a significant benefit to be derived as a result of this service for the country.

I suggest that right now we are operating under a very unfortunate dual system, in which everyone admits that women volunteer and no one can deny that numbers of them now serve in combat zones but the quality and the criteria that must be met by a woman to gain admission to the armed services are different than those for a man. Even if a woman wants to volunteer today, she has to meet a higher standard.

We permit men to volunteer at age 17. A woman cannot volunteer until she reaches 18, despite the fact that most people believe that a woman matures significantly in advance of a man.

A woman, before she is even considered in our services today, must have a high school diploma. That is not true for a man. So the first impact of this equal rights amendment as far as the military services are concerned would be to say that any woman who wants to serve her country will have the same opportunity to do so, and will be either admitted or denied admission on the basis of the same grounds used to admit or deny men.

I want to look at what this means, because there are significant benefits that are denied to women of this country because of the way that they are denied equal access to the military services, either voluntarily or by conscription.

The GI educational bill which has provided the greatest reservoir of talent that this country has ever known, is the first example that comes to mind. This talent has been primarily limited to men, because the services have been primarily limited to men. I wonder how many young women would make the same choice that the Senator from Indiana and many other young men made. When trying to weigh whether I should volunteer or not, one of the things I considered was not only what I could do in the Army, but that if I went in the Army and served my country for a certain period of time, it would permit me, on my own self-reliance, to provide an educational opportunity for myself. Most young women in this country do not have that choice today. This amendment would give them that choice.

It would also give them the benefit of GI loans for homes, farms, and businesses. There are hundreds of thousands, in fact millions of our citizens today who finance the purchasing of a farm, a home, or a business, not because they have any unique talent, but because they have had the opportunity to serve in the U.S. Armed Forces. We do not make this financial capacity available to young women who may want to take advantage of it as well.

GI life insurance is another benefit that is gained if you serve in the Armed Forces. We would make the same benefit available to women. Veterans' mortgage insurance, up to a $30,000 guarantee on a mortgage, would be made available to young women as well as young men, as would nonservice-connected death benefits.

Perhaps the most insidious type of discrimination that results because of the way our Army is treated today is in the employment area. If you are a veteran, the Veterans' Administration seeks to assist you in seeking employment. There are a number of job opportunities, on-the-job apprentice training, and other tools provided. We know that there are certain types of employment by our U.S. Government where, if you are a man and you have been in the military, you get X number of points added to your score, to get the job over someone who may be a woman and has never been a veteran, even if that woman is smarter than you are and gets a higher score on the intellectual part of the test. By the time you add those points for service to your country, the woman goes to the bottom of the list.

What we are saying is not that this is bad. If persons serve their country, give them the extra points. They earned them. But make this opportunity available on an equal basis to the young women of this country. To suggest that this is all a one-way street, I think, is to suggest something that really is not borne out by the facts.

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Mr. President, the distinguished Senator from Indiana said that he hoped that women would never be drafted. There is one way he could make his hope a certainty, and that it is by voting for the amendment which I have offered, which exempts women from compulsory military service.

The way I see this amendment, I do not want any Senator to vote for the amendment I have offered unless he believes in his heart that women should not be drafted and sent into combat, where they will be slaughtered or maimed by the bayonets, the bombs, the bullets, the grenades, the mines, the napalm, the poison gas, or the shells of the enemy.

I say, furthermore, that every Senator who believes that women ought to be drafted and ought to be sent into combat, where they will be slaughtered or maimed by the bayonets, the bombs, the bullets, the handgrenades, the mines, the napalm, the poison gas, and the shells of the enemy, ought to vote against my amendment. Any Senator who hopes that women never will be drafted ought to vote for my amendment, if he honestly and sincerely hopes that women will never be drafted.

Now, as a matter of law, Congress has the power to draft women. Congress has the power now to provide that women can be enlisted for service in combat. I would suggest that any Senator who favors the equal rights amendment because it requires that women be drafted or because it requires that women be sent into combat ought to practice what he preaches and introduce a bill to provide for the drafting of women and the sending of women into combat. But a Senator ought not support an amendment which robs Congress of the power to exercise any discretion in this field.

If the equal rights amendment becomes law, it will put Congress in a straitjacket and will say to Congress, "You cannot draft anybody or send anybody into combat against an enemy unless you draft men and women alike and send them into combat under exactly the same conditions."

Frankly, I do not think that any man who has been subjected to combat in the armed services is in favor of drafting the daughters of America and subjecting them to the experience which combat gives to men.

I had the privilege of serving in a division which suffered 5,000 casualties in battle and suffered 20,000 casualties in wounds. I had the privilege of serving in a company which suffered 96 battle deaths and had only two men who served with it any length of time who were not killed or wounded.

I have seen the bodies of mortal casualties lying upon the field of battle many hours after they had suffered death in battle, and have witnessed the beginning of the putrefying process which the bodies of the dead go through in returning to dust. I have seen bodies of my comrades mangled and their limbs torn asunder.

I agree with the Senator from Indiana that if absolute necessity should require that women fight a foreign foe in order that our country not be destroyed, I could be reconciled to it. But as long as my country has a total population of more than 200 million and as long as it has the millions of young men who are able to fight for my country, I shall adamantly oppose any proposal that the Congress of the United States be deprived of the power to provide for the drafting of men unless it drafts women under exactly the same conditions.

I am going to talk about the privacy question later, when I offer an amendment on that subject. At that time, I expect to show that the supporters of this amendment do not know what its effect will be on the privacy of men and women and boys and girls.

The distinguished Senator from Indiana cited the case of Griswold against Connecticut. The only thing that the case of Griswold against Connecticut decided is that when a man and his wife are in bed together and desire to engage in sexual relations, a State cannot make their use of a contraceptive a crime. The case of Griswold against Connecticut has nothing whatever to do with the question of whether a constitutional amendment which prohibits any and all distinctions between men and women by law on the basis of sex would invalidate Federal and State laws which require separate rest rooms for the sexes in public buildings, or Federal and State laws which require separate rest rooms for boys and girls in public schools, or Federal and State laws which require the imprisonment of men and women in separate jail cells.

My good friend from Indiana made a great speech in favor of abolishing all the protections which the laws of this Nation now place around women who do work which is not entirely intellectual in nature. The strange thing about it is that virtually every one of the organizations which represent those women are opposed to the equal rights amendment. I have stated on several occasions during the course of this debate that my finite intellectual strength does not enable me to comprehend why business and professional women—and this does not apply to all business and professional women by any means—but why business and professional women, whose work is solely intellectual, wish to have a constitutional amendment adopted which will rob their sisters, who do work which is not entirely intellectual, of the protections which the laws throws around them against their will.

Another thing that I cannot understand about the demands of the militant members of the Women's Lib is this: There are 32,975,000 women in this Nation—44.1 percent, who are either working or are seeking work outside their home. Only a small fragment of that 32,975,000 women are business and professional women.

Why does this organization of business and professional women seek to rob the bulk of the 32,975,000 women of the protections which the organizations that represent these business and professional women find they need?

That is strange enough to comprehend, but there is something stranger than that: Why do a few—and I say a relatively few—business and professional women desire to rob, by this constitutional amendment, 41,715,000 women—55.9 percent, of all the women age 16 and upward in this country of the laws which give them protection?

Most of these 41,715,000 women elect to become wives and mothers. The overwhelming majority of the other 32,975,000 women also elect to become wives and mothers.

The proponents of this equal rights amendment shed actual or political or crocodile tears over the plight of married women, over the plight of mothers. But their actual or their political or their crocodile tears do not dampen in the slightest their desire to rob these women of their protections which the law now declares that a husband has the primary responsibility for supporting the wife and that the father has the prime responsibility for supporting the children of his marriage.

The supporters of this amendment say—and they say quite rightly—that the equal rights amendment will invalidate those laws because it makes a distinction between fathers and mothers and husbands and wives on the basis of sex. They also say that their objection in invalidating these laws is to put identically the same responsibility on the wife to support the husband that the law now puts upon the husband to support the wife, and the identical responsibility to support the children on the mother that the law now puts upon the father.

Mr. President, talk about congestion in the courts. Talk about confusion in litigation. There is nothing more calculated to produce such a confusion in litigation than a law which would require, in every case where a wife is denied adequate support by her husband, the court and jury to go into the question of whether the wife is qualified to be a better breadwinner than the husband, or vice versa; or in every case where little children are denied food, clothing, and shelter, that the court and the jury must go into the question of whether the father or the mother of those children is better qualified to furnish those children with food, clothing, and shelter.

Millions of American women are not business and professional women. Millions of American women are not trained to go outside the home to earn a living. In fact, 55.9 percent do not do so or attempt to do so. They stand before a clerk in their youth and are joined in marriage to their husbands. They become the mothers of children who require their care and require that they be given nurture and education in order that they may survive and be trained intellectually and spiritually.

After these duties which they have assumed and which, in my judgment, nature and God impose upon them, have been performed and they have become eligible to go out in the world and try to earn a living, at a time when it is too late for them to do so, and when they become widows without any means of earning a livelihood themselves, and oftentimes without any property to sustain them in their declining years, the advocates of this amendment propose that these widows be robbed of their dower rights in the property of their husbands and be denied a widow's allowance from the estates of their husbands, all for the sake of gratifying the demands of a few business and professional women who think that God made a serious mistake when he created two sexes instead of one and that the only way to correct God's mistake in this respect is to adopt a constitutional amendment which will say that every law passed by Congress in times past and every law passed by every one of the 50 legislative bodies in the country in times past that make any distinction between the legal and the constitutional rights of men and women should be nullified.

The PRESIDING OFFICER. The time of the Senator on the amendment has expired.

Mr. ERVIN. Mr. President, I yield myself 3 minutes on the bill.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for an additional 3 minutes.

Mr. ERVIN. Mr. President, in addition to that, they say that the Congress of the United States and the legislatures of the 50 States shall be robbed forever of the power to take into consideration the fact that God created mankind male and female when they enact a single piece of legislation.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, will the manager of the bill yield me 3 minutes?

Mr. BAYH. Mr. President, I am glad to yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The senior Senator from Illinois is recognized for 3 minutes.

Mr. PERCY. Mr. President, I support the proposed constitutional amendment to provide equal rights for men and women as provided in House Joint Resolution 208. The pending amendment to the resolution exempting women from the draft is one which I must vigorously oppose, however. It is, in my view, an attempt simply to defeat the basic amendment to the Constitution guaranteeing equal rights to men and women in this country.

I do feel very strongly that if women want equal rights, and I believe they do, then they should have full rights as well as responsibilities. There should be no attempt to exempt them, such as is now being proposed, from military service.

There are numerous jobs in the military service that women are highly qualified to perform and in that manner to relieve men for other jobs on the fighting front, for which they may be better qualified. I would point out that I have seen women in the armed forces of the State of Israel perform many jobs with tremendous effectiveness.

I tend to think in talking with the Israeli women who have served in the national forces that they have experienced a sense of exhileration in being a part of the defense of their country. They are under constant and steady threat of attack. They feel that it is their country, too, and that it is not a sacrifice to give their lives if necessary to the country.

I have testified and have mentioned on the floor of the Senate before my personal belief, as a result of talking to some of these women and having them describe to me the kind of duties they have performed, that they are proud of having performed their duty in the national interest and have fulfilled their own interests as a full citizen in the society.

I vigorously oppose the pending amendment for that reason.

Mr. BAYH. Mr. President, I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I support the Senator from Indiana in his effort to have the constitutional amendment passed by the Senate, and I shall support him fully in his efforts to secure passage of this important constitutional amendment.

Mr. BAYH. Mr. President, I yield myself 2 minutes

The PRESIDING OFFICER. The Senator from Indiana is recognized for 2 minutes.

Mr. BAYH. Mr. President, I appreciate the support of the Senator from New York and the Senator from Illinois. I think this matter has been debated rather fully. There are at the present time differences of opinion as to the effect of this matter. I think I pretty well expressed the position of the opposition a moment ago, and I see no reason to expand on it.

Mr. President, just a brief word in summary. Suffice it to say that even if the worst protestations of the supporters of the amendment were to come true, we are talking about the extremely small percentage of women in this country who would be drafted, and a significantly smaller percentage that would ever reach combat service. It is the prediction of the Senator from Indiana that there is an extremely small likelihood that any will really reach combat service. A number of women today are serving in combat-related environments and the amendment would not affect this.

We would require not only that women would be treated equally as far as responsibilities are concerned, but we are talking about the draft and the responsibility a citizen has to his country. We have discussed this at length.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. BAYH. Mr. President, let the spirit move me 1 additional minute.

I want to reemphasize the other side of that equation: Not just the responsibility but also the right. I emphasize that by pointing out, because of rights gained on the part of servicemen, primarily, serving their country, 12,769,200 veterans have used the various educational programs resulting from service to their country. There have been 7,781,837 veterans who have taken advantage of the various GI loans and GI financial benefits. The total value of GI loans resulting from military service is $82,380,601,000. To be specific, 13,563,000 veterans have been treated by various medical services.

So at the same time we are talking about the hardship, the responsibility that would be imposed on the young women of this country, that very infinitesimally small percentage that would go through the screening process, we are also talking about a specific right they would earn.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. I yield myself 1 additional minute.

Mr. President, we are talking about the large number of women who would like to volunteer on an equal basis, and we are giving them the opportunity to take advantage of this significant group of rights that have been given by Congress to any citizen who serves his or her country in the military.

The Senator from Indiana is prepared to yield back his time, and does so.

Mr. PEARSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. ERVIN. I object to a quorum call on my time.

The PRESIDING OFFICER. On whose time is the quorum call to be charged?

Mr. ERVIN. I do not object to the quorum call being charged against neither side.

Mr. BAYH. How about charging it against both sides.

Mr. ERVIN. Neither side.

Mr. PEARSON. Mr. President, I ask unanimous consent that there be a quorum call with the time charged against neither side.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PEARSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, as a cosponsor of this legislation and as a member of the Senate Judiciary Committee which has reported it favorably, I would like to take this opportunity to make a few comments about the need for an Equal Rights Amendment.

Without belaboring the history of this legislation—and it is lengthy—I would simply remind my colleagues that an Equal Rights Amendment has been before Congress for almost half a century. This year, the amendment passed the House by a huge margin and is being cosponsored by a majority of the members of the Senate. It has been endorsed by four Presidents; it has been recommended by both the Citizens Advisory Council on the Status of Women and the President's Task Force on Women's Rights; it has the support of numerous constitutional authorities, and its passage has been urged by a wide range of national organizations and groups. Equal rights for women have been thoroughly discussed in the press and in the House and Senate; congressional hearings have resulted in reams of testimony. But, regrettably, we have yet to pass an enabling amendment. Given all the years of debate, it might well be said of this issue that never have so many said so much and accomplished so little.

Essentially, the legal status of women has changed very little since the adoption of the 19th amendment in 1920. Certainly there is no denying the fact that women are still—and in some cases increasingly—subject to discrimination in many phases of everyday life. This is particularly true in the areas of legal rights, education, and employment. I emphasize these three areas because, over the years, there has been a subtle but steady change in our social fabric. Call it what you will—progress, social change or whatever—but it all adds up to a sort of credo of individual rights. We have been striving, as a Nation, to assure every citizen an equal opportunity to get an education to obtain employment, and to be protected against injustice. But we still have a big step left to take.

In the movement toward social liberation, we have taken on the task of improving the status of blacks, Indians, Spanish-speaking Americans, and other minority groups, but, in the process, we have overlooked another important group that has suffered from many forms of discrimination—women—which is all the more amazing because they are a majority rather than a minority group. According to the 1970 census, 51.3 percent of the people of this Nation are women, but we have yet to accord them the same rights our male citizens enjoy. Traditional attitudes which, all too often, have relegated American women to subordinate or inferior roles, do not die easily. Thus, a situation has evolved that has been aptly described in the April 1971 issue of the Yale Law Journal, as follows:

> In the present legal structure, some laws exclude women from legal rights, opportunities, or responsibilities. Some are framed as legislation conferring special benefits, or protection, on women. Others create or perpetuate a separate legal status without indicating on their face whether the position of women ranks below, or above, the position of men. Many of the efforts to create a separate legal status for women stem from a good faith attempt to advance the interests of women. Nevertheless, the preponderant effect has been to buttress the social and economic subordination of women.

Equality before the law is one of our cherished beliefs, yet many States still have statutes which provide different sentences for the same crime, depending on the sex of the offender. Passage of our equal rights amendment would eliminate the obvious inequities here without necessarily sacrificing those laws which protect women on the basis of a specific physical difference. States will have the option—and this is the reason for the 2-year delay in implementation of the amendment after its ratification—of either wiping out laws that "protect" women or extending their benefits to everybody.

With regard to domestic relations and property rights passage of an equal rights amendment will mean that certain laws will have to be revised. New legislation will more properly focus on the individual needs of a person in a particular situation rather than the sex factor which through tradition, have been incorporated into our statutes. Such changes will insure men and women more equitable treatment; in the case of divorce proceedings, for example, compensation to both would be based on the capability of either the man or woman to support himself or herself and not on the simple fact of sex as has so often been the case in the past.

Moving on to another area, let us look at education for a moment. Public education, an integral part of our American heritage, has also inherited a tradition of sex discrimination. This is particularly true in the admissions policies of some schools and in the practice of faculty hiring. Female applicants to colleges and universities are often required to have a higher scholastic average than their male counterparts, and in some cases they may not be eligible to participate in the full scholastic program. It is not just by accident that only 38 percent of the women between 18 and 24 go to college, as compared to a 60-percent ratio for men.

The disparity becomes even more noticeable in the area of graduate and professional study. During the 1968–69 school year, women earned 37 percent of all masters degrees but only 13 percent of the Ph. D.'s and only 4 percent of all professional degrees. Naturally, these statistics must be tempered by the fact that not all women may have sought the higher degree. But the fact remains that graduate and professional schools have consistently been more receptive to men than to women.

And when we look at the educators instead of those being educated, much the same pattern emerges. While 75 percent of all elementary school teachers are women, only 22 percent of the elementary school and only 4 percent of the high school principals are women. In short, women are simply not getting the chance to perform in any administrative or managerical capacities because these positions have traditionally been reserved for men.

One of the main thrusts of the equal rights amendment will be to assure that discriminatory admissions policies, faculty hiring practices, and artificial quota systems used by any State-supported school will be abolished.

Of all the types of sexual discrimination, one of the most blatant is in the area of employment. In 1971, women comprised 43.4 percent of the labor force but despite their numbers and their extensive contributions, salary levels, advancement opportunities, and general employment conditions for women are generally poorer than they are for men.

Insofar as salaries are concerned, there is incontrovertible evidence that the salaries of women are lower than those for men in comparable positions. It is an unfortunate fact, for instance, that the median salary earned by women is only 59.5 percent of that earned by men, and the situation is not improving. Moreover, as in the case of education, few women are to be found in top managerial or professional positions.

Legal status, education, employment—these are but a part of a pattern—a pattern of discrimination that ought to be stopped. It is not enough to say that more women are going to college or that the male to female ratio in top level executive positions is slowly decreasing. Times are changing. Today, more and more women than ever before are looking toward a rewarding career or are combining homemaking with a job. They deserve better than to have to face a series of closed doors or be forced to accept lower pay for equivalent work.

While this amendment will apply only to governmental action and will not affect either a private situation or strictly social relationships between members of the opposite sex, it will have a tremendous national impact. For the first time we will have a national policy on the matter, with the objective clearly set forth in the governing document of the Nation. The result will be an increased awareness by all of the existence of discrimination on the basis of sex and, hopefully, a determined effort to redress the balance that has so long been tilted against the women of this Nation.

The very fact that sexual discrimination still exists is proof that existing legislation is inadequate to properly deal with the problem. Furthermore, the rulings of the courts offer little hope for proper remedy. The courts, despite the recent Reed against Reed case, have not ruled that discrimination based on sex is equivalent to discrimination based on race; by adopting the reasonableness clause of the 14th amendment they have left the burden of proof of discrimination on the individual women. This means, in practice, that sex discrimination can only be resolved on a piecemeal case-by-case basis. Quite obviously, few women will have the time or money to take cases of discrimination to the courts. The solution to both these criticisms seems obvious—pass a constitutional amendment guaranteeing equal rights regardless of sex and settle the question once and for all.

Since the amendment, as it lies before us, is simply a general statement of principle, the intention of Congress is crucial to any understanding of how it will be implemented. Therefore, it should be made clear here and now that this amendment will not require the use of employment quotas nor will it compromise the right of privacy with regard to the use of public facilities. Neither will this amendment force private schools to go coeducational or if they are coeducational to integrate their dorms by sex. Also, the amendment does not require that women become combatants in the Armed Forces although it will subject them to the draft. As the Judiciary Committee report points out, equality should not be confused with sameness; to adhere to the principle of equality does not mean that the sexes must be regarded as identical or that reasonable classifications based on characteristics unique to one sex must be abandoned.

And as I noted before, in cases where conflicts between the amendment and existing law might occur, two options are open—repeal the inconsistent statutory provisions or apply them to everyone. By utilizing the second option, for instance, protective labor clauses, intended to benefit women but often found to be a source of discrimination against them, could be retained without their objectionable features.

Passage of the equal rights amendment will not only correct an injustice born of generations, but it will allow for greater flexibility under the law. Not only will women realize a greater freedom of action than ever before, but the men of this country will also benefit. For instance the burden of support in divorce cases will be more equitably apportioned; determination of need will be made on the basis of individual circumstance rather than on the sex factor. Also, some types of employment traditionally reserved for women—such as nursing will be opened to interested males. In short, passage of this amendment should help keep us apace of the rapidly changing times. Therefore, in the name of justice and commonsense, I urge the adoption of this amendment as quickly as possible.

The PRESIDING OFFICER. All time on the amendment has expired. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Minnesota (Mr. HUMPHREY). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Washington (Mr. JACKSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from Alabama (Mr. SPARKMAN), the Senator from Maine (Mr. MUSKIE), and the Senator from New Hampshire (Mr. MCINTYRE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 18, nays 73, as follows:

[No. 113 Leg.]

YEAS—18

Bennett
Buckley
Byrd, Va.
Byrd, W. Va.
Cooper
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Hansen
Hollings
Miller
Saxbe
Stennis
Talmadge
Thurmond

NAYS—73

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Curtis
Dole
Eagleton
Ellender
Fulbright
Gambrell
Gravel
Griffin
Gurney
Harris
Hart
Hatfield
Hruska
Hughes
Inouye

Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Tower
Tunney
Weicker
Williams
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Long, for.

NOT VOTING—8

Hartke
Humphrey
Jackson
McClellan
McIntyre
Mundt
Muskie
Sparkman

So Mr. ERVIN's amendment (No. 1065) was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 904) to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 11948. An act to amend the joint resolution authorizing appropriations for participation by the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law; and

H.J. Res. 984. Joint resolution to amend the joint resolution providing for United States participation in the International Bureau for the Protection of Industrial Property.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 3353) to provide for the striking of medals in commemoration of the First U.S. International Transportation Exposition.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. BYRD of West Virginia).

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred to the Committee on Foreign Relations:

H.R. 11948. An act to amend the joint resolution authorizing appropriations for participation by the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law; and

H.J. Res. 984. Joint resolution to amend the joint resolution providing for United States participation in the International Bureau for the Protection of Industrial Property.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 21, 1972, he presented to the President of the United States the enrolled bill (S. 3353) to provide for the striking of medals in commemoration of the First U.S. International Transportation Exposition.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from New York is recognized.

(The remarks Mr. JAVITS made on the introduction of S. 3382 are printed in the section of the RECORD devoted to the transaction of routine morning business under Statements on Introduced Bills and Joint Resolutions.)

EQUAL RIGHTS FOR MEN AND WOMEN

The Senate continued with the consideration of the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1066

Mr. ERVIN. Mr. President, I call up my amendment No. 10966.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> At the end of section 1 add the following sentence: "This article shall not impair the validity, however, of any laws of the United States or any State which exempt women from service in combat units of the Armed Forces.".

Mr. ERVIN. Mr. President, I yield myself such time on the amendment as I may use.

I am sure that the fathers and mothers of America are delighted to know that the Senate of the United States has voted 72 to 18 to draft their daughters into the military service of the country. But I can assure my colleagues that I still expect to be guided by the second verse of the 23d chapter of Exodus, which says:

> Thou shalt not follow a multitude to do evil.

Mr. President, while sufficient Senators are in the Chamber, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, this amendment is designed to prevent the conversion of Annapolis and West Point and the Air Force Academy and the other service academies into coeducational war colleges. It is also designed to prevent sending the daughters of America into combat, to be slaughtered or maimed by the bayonets, the bombs, the bullets, the grenades, the mines, the napalm, the poison gas, and the shells of the enemy.

Before I go into further detail about the purposes of this amendment, I want to say a few things about the effect of the amendment on this proposal and the effect of the amendment on other areas of life.

I hold in my hand an article by Richard Wilson which appeared in the Washington Star of August 14, 1970. The article is entitled "Women's Rights Amendment May End Protection." I read the article:

> Reading in the Congressional Record the hours of debate devoted to the so-called women's rights amendment is hard going but worth it for one reason.
>
> The House of Representatives went on record in favor of a constitutional amendment without a very clear idea of what it will mean. When unnumbered millions of women find out that they will lose privileged status so that their militant sisters may claim rights—and responsibilities—equal to men, they may not be very pleased.
>
> The woman who thinks that making a home and raising a family is the greatest career to which she aspires, and wishes to be protected in what she considers to be a noble and natural role, may quite conceivably find that she has lost some of this protection.
>
> Let us take, for example, a young woman of 20 who wishes to marry and settle for a long, rewarding life with children in a comfortable home. First, she may be subject to the draft, although the women in Congress assure us that she will not have to fight if she is not fitted for it.

I digress to observe that I saw many men who had to fight in the First World War who were not fitted for that task.

I resume reading the article:

> Some girls of 20 are, of course, quite equal to the ardors of military campaigning as they so ably demonstrate in the sports arena, and some of them can shoot straight, too.
>
> Once married, and if things go awry, some young women may find themselves liable to pay alimony to a wronged husband.

I digress to say that I am sure that the women of America will be delighted to know that if this amendment is adopted, they may be called upon to pay alimony to their husbands. Also, I venture to suggest that a few husbands would be delighted to know that they can collect alimony from their wives.

I resume reading the article:

> The responsibility for the financial support of children may lie equally upon her instead of solely upon a wayward husband.
>
> These details are mentioned with hesitancy and deferrence because we have the assurance of Mrs. Martha Griffiths, the able congresswoman who accomplished the amazing one-hour feat of putting across an amendment pending for 47 years, that 30 million women are at work nowadays and desire equality more than protection.
>
> In practical effect, as under the social security program, this equality will extend to men such privileges as are accorded women. But Mrs. Griffiths has a little different twist on it. She wishes to reserve for women some existing privileges based upon physiological differences. She asserted in the debate that separation of the sexes by law would be forbidden under the amendment except in situations shown to be necessary because of an overriding and compelling public interest. "For example, in our present culture," she said, "the recognition of the right of privacy would justify separate rest room facilities in public buildings."

I digress there to state that I do not see how that can be, because the segregation of the sexes in restrooms is a product of law, and this amendment will invalidate every law making any distinction of any kind in any respect between men and women. Prof. Paul Freund, of the Harvard Law School, and Phil Kurland, of the Chicago Law School, concur in this.

I resume reading the article:

> However, it seems to be admitted on all sides that the equal rights amendment raises hundreds of other questions in many states

concerning family relationship, divorce, separation, alimony, age of consent, military service, child custody, bastardy. The contention cannot be dismissed lightly that the equal rights amendment releases men from sole family and public responsibilities that society has traditionally imposed upon them and not upon women.

An overwhelming majority of the House of Representatives set aside these doubts, raised incidentally by orthodox liberals, largely out of the conviction that women are discriminated against in employment. This is demonstrably true and women are unjustly discriminated against in other ways.

Mrs. Griffiths dismisses the idea that any real protection will be lost to women but her opposition raised a great many telling points, which were not explored in debate nor were they the subject of prior hearings in the House of Representatives.

The amendment was passed over Judiciary Chairman Emmanuel Celler's plea to wait until after hearings he had scheduled in September. It can readily be understood that the women's rights advocates placed no trust in Celler's plea since in all the years he has been chairman of the Judiciary Committee he has been unmoved by continuous pressure for adoption of the amendment.

The House acted, and presumably the Senate will act also, under heavy pressure from women's organizations who desired this "Magna Carta" in tribute to the 50th anniversary of women's suffrage.

But much more seems to be expected from this simple amendment than it actually promises. Other enactments "liberate" women without sacrificing their protection. The prudent woman will wish her state legislature to take a long look at this deceptive amendment when the ratifying process begins. It was designed by men to get women's votes nearly a half century ago.

Mr. President, I now wish to read an editorial published in the Salisbury, N.C. Evening Post of August 17, 1970, entitled "Gals Gain Equality, But What Is Lost?":

"Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

Such is the tersely worded but sweeping text of the equal sexual rights amendment passed by the House of Representatives after 47 years of male-chauvinist dillydallying.

While the amendment has yet to be seconded by the Senate (though easy passage is expected there) and by the legislatures of 38 states before it becomes the law of the land as the 26th Amendment to the Constitution, legal experts are already worried about the possible ramifications of the act.

"It will open a Pandora's box of legal complications," warns eminent Harvard law professor Paul Freund. "The amendment expresses noble sentiments, but I'm afraid it will work much mischief in actual application."

What kind of mischief?

Every provision in the law which has a sexual basis, every statute dealing with the manifold relations of men and women in society, would be transformed into a constitutional issue that would ultimately have to be resolved by the Supreme Court, says Freund.

Such laws include those designed to protect women from heavy or hazardous work and limiting their working hours; and immense and varied body of laws governing divorce, child support and inheritance; laws setting the age of consent, which is lower for women than for men in 30 states.

Using this one example, the Wall Street Journal asks: To make things equal, should these states lower the age for men or raise it for women?

Others, with tongues not entirely in cheek, suggest that under the amendment, expectant fathers could demand maternity leave, women would be liable for the draft and divorcees' incomes would be subject to alimony deductions to support ex-husbands.

The more militant women liberationists, like those who recently sexually integrated a for-men-only bar in New York, will say that's fine. In fact, they are eager to assume such liabilities and responsibilities. The sillier objections they dismiss as typical male persiflage.

Not all women are liberationists, however, and not all of them feel oppressed because there are such things as men only clubs and bars. (It can also be guessed that even the most ardent female equalitarian would not graciously welcome the male who demanded the right to take a shower in the ladies' locker room of the YMCA.)

Which is to say that there are certain fundamental, inescapable differences between men and women and that to label them all as "inequalities" and to attempt to legislate them away is like passing a law giving women resonant voices, thus making them equally eligible for jobs as radio announcers.

Rep. Leonor K. Sullivan, D-Mo., one of 10 female members of the House, deliberately abstained from voting on the amendment because she fears it will strip women of too many protections she considers necessary and valuable.

It remains to be seen whether she represents a "silent feminine majority" which will rise up and make itself heard when the issue comes before the several state legislatures.

As Freund says, the amendment expresses noble sentiments. Its basic justice cannot be denied.

But neither can its mischief-making potential be blinked away.

We could be in for an interesting time.

Mr. President, I predict that we will have a very interesting time if this amendment submitted by the Congress is ratified by 38 States. If that happens, there are literally thousands and thousands of Federal and State laws which would be rendered null and void and would have nothing to take their place except a constitutional amendment which says that no law can exist now and no law can be enacted in the future which does not ignore the differences which do exist between men and women and which does not subvert men and women into identical legal beings with identical rights and identical responsibilities.

Mr. President, on August 24, 1970, an article entitled "Let's Save Women From Full Equality" was published in the National Observer. The article makes the following statement, among other things:

The question, which the feminists have not articulated very well, is at what point in the process of "liberation" would women begin to realize diminishing returns?

If fair-minded people agree that women should be treated equally in the job market, and that the aspirations of women to make the most of their lives and intellects merit something more than mockery, what else can be done? Should the cause of equality be pursued to such an extreme that the subtensions in man-woman relationships are destroyed? Those tensions, after all, go far to assuage the travail of living a human life.

Even casual relationships between men and women are different from those between members of the same sex. And no matter what the more radical feminists say, the reason lies not in custom but in nature. Beauty in a woman is forever a distraction to every man she meets; he may admire her other qualities and respect her for them, but is always aware he is not in the company of a man.

The tension, of course, is reciprocated. A woman may be mindful that the man at the next desk is a proficient worker and an amiable individual, but she is ever conscious that he is a male.

If this is true, then how is it possible to re-engineer society so that men and women will be treated identically? It can't be done. But are women really the losers because of it?

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Let Us Save Women From Full Equality

(By Edwin A. Roberts, Jr.)

Long before Voltaire employed it with historic effectiveness in his *Philosophical Dictionary*, the technique of weakening an institution or a movement by relentlessly mocking it was a staple in human arguments. And no cause has been so zealously mocked for so long as has the campaign for women's rights.

Mockery has many advantages. If you set about making fun of a concept, it's often not necessary to go to the trouble of debating the concept on its merits. The act of mocking carries with it the implication that the target is too ridiculous to rate serious analysis.

This is the attitude men have customarily adopted toward the efforts of feminists to win equal political and social rights. It is the attitude most often adopted today in the face of a powerful challenge by various women's groups to dispel many old myths and inequities that still burden the female sex. Women, in one context or another, have been the stuff of male jokes since the dawn of the race; and beneath the veneer of humor has lain a monumental contempt.

Rousseau wrote: "The education of women should always be relative to that of men. To please, to be useful to us, to make us love and esteem them, to educate us when young, to take care of us when grown up, to advise, to console us, to render our lives easy and agreeable; these are the duties of women at all times, and what they should be taught in their infancy."

LORD CHESTERFIELD'S VIEW

And Lord Chesterfield declared: "Women are only children of a larger growth . . . A man of sense only trifles with them, plays with them, humors and flatters them, as he does with a sprightly, forward child; but he neither consults them about, nor trusts them, with serious matters."

What is remarkable about the state of mind these observations reflect is not that it is a curiosity from the reactionary past, but that it is a state of mind persisting today. Usually without realizing it, most men continue to think of women as splendid, troublesome, useful accessories. They go well with wine and song; they seem to have a knack for housekeeping; and their childlike interest in clothes, gossip, and sentimental stories deserves only the baffled smile of the generously tolerant male.

Such is the prejudice women have been bucking for centuries. It shouldn't be surprising, then, that some particularly ardent feminists have set as their goal an exact equality with men; that is, there would never be sex discrimination, even if that discrimination amounted to a privilege for women. No more alimony. No more male door-holding. No more exclusion from the draft. No more anything that underlines a social distinction between men and women.

Well, it's possible to sympathize with women activists without buying the package insisted upon by their more radical fellows. Women, after all, have come a long way since 1879 when Henrik Ibsen wrote *A Doll's House,* the play that outraged society by laying bare the absurdly subservient role of wives in the Nineteenth Century. Still it was only 50 years ago that American women got the vote, and in England women weren't fully enfranchised until 1928.

The equal-rights amendment recently passed by the House of Representatives has been kicking around for 47 years, but at least it seems to be getting someplace now. Every male human on earth gives lip service to the proposition that women should be paid equally for equal work, and many of the old barriers aginst women holding more responsible jobs are being dismantled.

DIMINISHING RETURNS

The question, which the feminists have not articulated very well, is at what point in the process of "liberation" would women begin to realize diminishing returns?

If fair-minded people agree that women should be treated equally in the job market, and that the aspirations of women to make the most of their lives and intellects merit something more than mockery, what else can be done? Should the cause of equality be pursued to such an extreme that the subtle tensions in man-woman relationships are destroyed? Those tensions, after all, go far to assuage the travail of living a human life.

Even casual relationships between men and women are different from those between members of the same sex. And no matter what the more radical feminists say, the reason lies not in custom but in nature. Beauty in a woman is forever a distraction to every man she meets; he may admire her other qualities and respect her for them, but he is always aware he is not in the company of a man.

The tension, of course, is reciprocated. A woman may be mindful that the man at the next desk is a proficient worker and an amiable individual, but she is ever conscious that he is a male.

If this is true, then how is it possible to re-engineer society so that men and women will be treated identically? It can't be done. But are women really the losers because of it?

Let me tell a little story. Some years ago a young, single man living in New York made it a practice to go alone to the theater on Thursday nights. About half the time he wound up sitting next to a single woman, a different woman each Thursday night, who had also purchased only one ticket.

It was an easy matter for the man to strike up a conversation and, after the show, to invite the woman out for a post-theater snack. Emerging from the theater, the man would grasp the woman firmly by the arm, guide her to a taxi, see her into it and then climb in himself. Without asking the woman her preferences, he would tell the cabbie the name of the restaurant. Once there, the man would tell the head waiter what table he preferred, and he would then proceed to make some strong suggestions to the woman about what she might enjoy eating and drinking.

With the logistics taken care of, the man would then settle back and converse with the woman about whatever seemed to interest her. Once they were seated at the table, the man and the woman were indeed equals and the conversation took care of itself. The woman, far from resenting the man's control of the situation in getting them from theater to restaurant, was always pleased that that business had been handled by the man. As a result she quickly developed confidence in him while gaining confidence in herself—after all, he went to all that trouble for her.

FEMINISTS WOULD OBJECT

Radical feminists would undoubtedly despise the man's behavior. They would be happier if the couple discussed, in democratic fashion, what corner to head for to catch a taxi, what restaurant to go to, what table to sit at, and what in the world to have to eat. It probably would have been dawn by the time they agreed on what cab to hail.

It is not mockery or in any way belittling to observe that men and women, by nature, ask of each other certain considerations they would not ask of members of their own sex. A woman is no less "equal" for permiting the man to expedite the logistics of a date. Nor is a man contemptuous for assuming such responsibilities.

The feminists, when they hold their "strike" Aug. 26, would do themselves and society a favor if they made it a point to distinguish between economic sex discrimination and the natural differences between the social behavior of men and women.

That wouldn't settle the matter, but it would help bring the nation's fuzziest debate into far better focus.

Mr. ERVIN. Mr. President, the National Observer of August 17, 1970, carried an article entitled "Liberating Women or Harming Them?" This article said in part:

Rep. Leonor Sullivan was not in Washington last week when her colleagues in the House voted 350 to 15 for an amendment to the Constitution that would give women equality of rights with men and vice versa.

But nonetheless she says "I would not have stood up as the lone woman" of the 10 women in the House "and spoken against the resolution." She would quietly have voted no. "Men can oppose each other on an issue and nothing is said about it," she says, "but if women do, it becomes a 'cat fight' as far as the news media is concerned. I didn't want that."

The Missouri Democrat believes, along with 15 men who voted against the resolution, that "it will do more harm to women than has been anticipated." Rep. Emanuel Celler, chairman of the Judiciary Committee, which has kept the resolution bottled up without hearings for 47 years, regards it as a "blunderbuss proposal that will wipe out all the good as well as the bad." He, and other male opponents, believe that it will nullify state and Federal laws that were designed to protect women.

THE LAWS AFFECTED

These include: domestic and marital law concerning age of consent, alimony, divorce, community property, and child custody, support, and maintenance; labor law, concerning arduous work, manual and heavy weight-lifting requirements, night work, and rest periods; laws proclaiming differences in ages of legal responsibility and laws that now apply only to men, as rape and certain types of assault; the military draft.

Congresswoman Sullivan is concerned about the upheaval in the law that a Constitutional amendment would necessarily create. She agrees with Prof. Paul Freund of Harvard Law School who says, "It would transform every provision of law concerning women into a Constitutional issue to be ultimately resolved by the Supreme Court." But Mrs. Sullivan's concern goes beyond this to the social values that underpin the family unit. "I guess I'm old-fashioned, but I don't want to see the responsibility of the father taken away as head of the family and as the main financial support of the family." So many protections that women have now "will be thrown away by the drive for equality, equality in everything," she thinks. She was surprised that only 15 members of the House "had the courage to vote no. It was easier to vote yes and not have to explain why. This has become such an emotional thing."

Mr. President, I digress from the reading of this article to note that it is always easier to fight for the evil that the multitude wants than it is to fight for the small group who want to do the right thing. However, I am going to prophesy that in some of the forthcoming primaries and elections, the Members of Congress who have voted to draft the daughters of America are going to have to do a lot of explaining to the fathers and the mothers of those daughters—that is, if the legislatures of the 38 States follow the examples set for them by the votes thus far taken in Congress.

Mr. President, I resume the reading of the article:

Mrs. Sullivan is probably right that many congressmen didn't know exactly what they were voting for, but if the ladies wanted it, fine. Rep. Martha Griffiths, Democrat of Michigan, led the fight to get the resolution discharged from Mr. Celler's committee by petition and she didn't seem disturbed by the argument that it would create more troubles than it would dissipate. "None of the horrors which have been conjured up will occur," she said just before the vote.

AN HOUR'S DEBATE

Mrs. Griffiths did not say why they would not occur. But then, since there were no hearings and little over an hour of debate on the House floor, there was little time to explore the amendment's impact. It was assumed that insofar as the military draft is concerned women would not be able to pass the physical for combat duty. Rep. Shirley Chisholm, New York Democrat, didn't seem alarmed if women could pass the physical. "Each sex, I believe, should be liable when necessary to serve and defend this country," she declared. More important, she said, was straightening out the work of the Founding Fathers. "The Constitution they wrote was designed to protect the rights of white, male citizens. As there were no black Founding Fathers, there were no founding mothers—a great pity, on both counts."

I omit a portion of the article and resume reading:

The resolution has a long way to go to become a proposed constitutional amendment, of course. The Senate Judiciary Committee will hold hearings next month. It must pass the Senate by a two-thirds vote, then be ratified by the legislatures of 38 States.

Mr. President, I am glad the Constitution has a provision requiring ratification by three-fourth of the States. I have long deplored the centralization of power in Washington and particularly in Congress. I do this, because it is much easier to persuade one legislative body to lay aside wisdom than it is to persuade 50 legislative bodies to do so.

The Washington Star for August 16, 1970, published an article by James J. Kilpatrick entitled "Women's Rights Amendment: Wait a Minute!" The article reads as follows:

WOMEN'S RIGHTS AMENDMENT: WAIT A MINUTE!

(By James J. Kilpatrick)

The House of Representatives voted itself a three-week recess on Friday, but the vote came four days too late. In a monumental display of irresponsibility, far beyond the calls of lunacy, the House on Monday voted 346–15 to approve a "women's rights" amendment to the Constitution.

Gadzooks! Zounds! Horsefeathers! What in the world came over the House?

If you follow the course of constitutional amendments on the Hill, you might suppose this action reflected months of painstaking hearings, testimony by professors of law, studies by constitutional experts. None of this. There had not been a single hour of study in committee.

From the lopsided nature of the vote, you might suppose the amendment had overwhelming public support. Bosh! This constitutional time bomb is the contrivance of a gang of professional harpies, descendants in zealotry of the late Carry Nation. Her bag was Prohibition; theirs is "women's rights." They are as persistent as Secaucus mosquitoes and they are the biggest bores in town. The 346 who voted for this resolution, give or take a handful, had but one purpose in mind—to get these furies off their backs.

Now, mind you, there is an excellent case to be made for "equal rights for women" in certain well-defined areas of law and public policy. It is patently unfair for women to be paid less than men for performing the same work. This is more than unfair: It is unlawful, under the Civil Rights Act of 1964. The Department of Justice recently filed a major case to establish the point. Meanwhile, the Equal Employment Opportunities Commission has won scores of voluntary agreements in industry to halt discrimination against women workers

The equal protection clause of the existing Fourteenth Amendment also is being widely invoked these days, notably in suits to compel the admission of women on an equal basis with men at state-supported institutions of higher learning. Step by careful step, courts and legislatures are in fact adjusting to the changing status of women in America today.

All well and good. But the reckless action of the House on Monday is the very antithesis of this careful, reasoned approach to social and legal change. The proposed amendment says this: "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

Does anyone have even a foggy notion of what this amendment, as a matter of law, would accomplish? No, sir. The House record is as empty as a ping-pong ball. The Senate Judiciary Committee held three days of hearings this past May, but these were mostly my dear lady, how delighted we are to have you here. The hearings have not even been printed.

The most rudimentary study would have required of the House that it look into all the laws of all the states, along with the Federal Government, especially affecting women. It is a fair assumption that hundreds of such laws exist, affecting marriage, divorce, wills and estates, inheritance, abortion, military service, hazardous occupations. If this amendment were ratified in its present form, as Professor Paul Freund has said, it would "transform every provision of a law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court."

Look. This is serious. The U.S. Constitution, just as Gladstone said in his famous phrases, is in truth the most wonderful political work ever struck off at a given time by the brain and purpose of man. It ought never to be amended lightly or frivolously, or to soothe some passionate sopranos.

Perhaps the Senate will bury this proposal, but the resolution has 83 sponsors over there and the prospect seems unlikely. In the end, it may be up to the sovereign states, God bless them, to demonstrate the same courage and common sense shown by the 15 stout-hearted men who had the guts on Monday to stand up and vote no.

Mr. President, on August 14, 1970, the Durham, N.C., Morning Herald published an editorial entitled "Mischief in Rights Amendment," which states as follows:

Mischief in Rights Amendment

Men stand to benefit almost as much as women from the "equal rights for men and women" amendment which the House of Representatives passed overwhelmingly 350–15)—and seemingly thoughtlessly—Monday. Indeed women may find themselves the losers if this proposed amendment does eventually become a part of the Constitution.

The intent of the amendment is to prevent discrimination against women and in concept this is desirable. Equal pay with men for comparable work is, for example, a commendable objective. Such specific gains can be attained by legislation. A constitutional amendment is so broad and comprehensive that it will produce undesirable results along with the desirable.

Something of the danger inherent in this amendment has been forcefully put by Paul Freund, professor of law in the Harvard Law School:

"It will open a Pandora's box of legal complications. The amendment expresses noble sentiments, but I'm afraid it will work much mischief in actual application."

Women now enjoy certain considerations because of their sex: greater restrictions on working hours, restrictions on engaging in certain occupations because of the strenuous physical labor involved, exemption from the draft for military service, a lower age limit for marrying, receiving alimony and custody of children in the event of divorce.

Under this amendment, women could be required to work equal hours with men, to do the same work men do, their exemption from the draft could be ended, their age for marrying could be raised to that set for men, they could be made equally responsible for the financial support of the family with their husabnds, they could be denied alimony and husbands would get more consideration in determining custody of children.

The considerations given women are based on their anatomical and physical differences from men and the biological requirement that women be the bearers of children and in consequence the nuturers of children (we wonder how the women's liberation organization proposes to get child-bearing shared with men or turned over to them). These factors have been determined by nature and the long experience of the race; to upset them even to the degree proposed in this amendment will be deleterious to emotional health and to the welfare of children.

The more one considers this amendment the sillier it appears. That any Congress would seriously consider it reflects unfavorably on that Congress.

Mr. President, the Wall Street Journal for August 13, 1970, carried an article entitled "Proposal To Broaden the Rights of Women May Bring Surprises." I ask unanimous consent that the article be printed in full in the body of the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Proposal To Broaden the Rights of Women May Bring Surprises—Amendment to the Constitution Would Permit Them To Mine Coal, Be Drafted Into Army

(By Elliot Carlson)

WASHINGTON.—A new era of opportunity may await the American woman. Soon, perhaps, privileges long denied will be hers: The right to tend bar just like men, the right to work overtime just like men, the right to earn the same pay men get when she performs the same work.

On the other hand, she may be on the threshold of other, more dubious privileges: The right to be drafted into the army, the right to lift heavy weights, the right to pay alimony should she and her husband divorce.

All of these things could result if a long-simmering Constitutional amendment to provide "equal rights for men and women" finally becomes law. Repeatedly introduced in Congress since 1923, the amendment has a good chance of clearing Congress this year. It comes up for a vote in the House today and House leaders expect it to win the necessary two-thirds majority. Senate passage later seems assured. Then the measure would have to be adopted by three-fourth of the states.

Proponents—men, as well as many women's rights and women's liberation groups—believe the amendment will eliminate discriminatory practices against women in nearly every phase of life. But a few critics aren't so sure. They worry the new law will create years of legal confusion and, possibly, go too far in altering legal, economic and other relationships between the sexes.

"It will open a Pandora's box of legal complications," warns Paul Freund, professor of law at Harvard Law School. "The amendment expresses noble sentiments, but I'm afraid it will work much mischief in actual application."

A SWEEPING AMENDMENT

Clearly. the amendment's effects would be sweeping. It would render constitutionally suspect most Federal and state laws that make sexual distinctions. Among them: Laws that restrict the rights of married women to establish a legal domicile and, in some cases, engage in business; laws that exclude women from certain state colleges; laws that impose on them stiffer prison sentences; laws that govern the nation's arrangements as to marriage, divorce, alimony and child support; and also perhaps laws that exclude women from the military draft.

Paradoxically, many of these changes apparently would benefit men, such as the overturning of laws that now award alimony to ex-wives but not to ex-husbands.

Moreover, the amendment would nullify protective labor legislation for women covering maximum hours, night work, weightlifting and occupational prohibitions. States no longer could prohibit women from entering such fields as bartending and coal mining, as several now do. Ohio, which has unusually broad sexual restrictions, would be particularly affected: It would have to admit women to the now-closed ranks of bellhops, shoeshiners, pinsetters and meter readers.

Female backers of the amendment argue these so-called protective laws have sharply limited women's opportunities. "If the amendment means women lose certain privileges, so be it," snaps Mrs. Rita Hauser, U.S. representative to the United Nations Commission on Human Rights. "These laws might have been necessary once, but now they simply prevent women from economically improving themselves."

CLOGGING THE COURTS

But some experts fear the new law's chief effect would be to clog the courts with years of litigation over how to interpret it.

A sample problem: What will happen in the 30 states where women may marry without parental consent at an earlier age than men? To make things equal, should these states lower the age for men or raise it for women?

According to proponents, the problem would be solved by simply extending rights enjoyed by one sex to the other sex. But deciding what is and what isn't a right may not turn out to be so simple, says Harvard's Mr. Freund. He observes that lowering the marrying age for men might actually involve their surrendering certain rights—such as the right to annul marriages and contracts on the ground that they entered in them before reaching their maturity.

This problem seems mild compared to the question of women and the draft. Some women feel it's unjust for females to be denied eligibility for involuntary induction. "A lot of privileges go along with being in the military," and the opportunities for women to enlist are limited, says Adele T. Weaver, president of the National Association of Women Lawyers, "Men learn trades in the service—women should have this right, too."

Most likely, women would be selected through the same lottery system that selects men, legal experts think. This doesn't mean they would be assigned combat duty (though one women lawyer argues that "if it turns out women can shoot straight, they should be placed on the front lines"). Most authorities figure women would be assigned duties on the basis of physical suitability, meaning they would end up as clerks, typists, nurses and aides.

But other experts question whether Congress necessarily would interpret the amendment as making women draftable at all. Conceivably, says James J. White, professor of law at the University of Michigan Law School Congress could set exceedingly rigorous physical standards that would favor men but work against women. "The Government could then say that since so few women qualified, they should be cut out altogether," Mr. White suggests, "The women's lib groups would raise hell, but the courts are going to have to interpret this amendment reasonably or we'll have chaos."

Indeed, much will hinge on whether courts permit to stand any laws that make sexual distinctions. The sweeping and unconditional language of the two-sentence amendment works against this, say some legal authorities.

"The litigation could be endless," concedes Soia Mentschikoff, professor of law at the University of Chicago Law School. "The courts will have to decide whether sex can ever be a reasonable classification. For example, there's always been a certain presumption in favor of the mother in child custody cases. Courts probably won't alter these traditional roles overnight." Despite the sweeping language of the amendment, "the courts will have to deal with reality," she says.

Nonetheless, many experts believe the new amendment would indeed abrogate many age-old legal roles based solely on sex. One example: The common rule that the husband has the primary duty of support of his family. Instead, it would become "the legal duty of either spouse to support the other, more dependent spouse," explains Mrs. Weaver. In states where the law provides for alimony only for wives, courts could, under the new law, start awarding alimony to husbands. Also, both parties would assume responsibility for child support.

The amendment also would have important effects in the area of employment. While Title VII of the Civil Rights Act of 1964 already bars job discrimination on the basis of sex, the equal rights amendment probably would speed up the securing of employment rights for women. In addition of gaining opportunities to work more hours and at different jobs, women would receive some Social Security benefits that now apply only to men.

A few critics argue that the amendment's language is just too sweeping to be practical. Obviously, they say, states aren't going to strike down the sexual distinction in laws providing maternity benefits for women only.

Mrs. Weaver answers that such distinctions in law really aren't discriminations as to sex, but rather "medical matters."

A male lawyer, who asks to remain unidentified, isn't convinced by this argument. "This is silly—women reintroduce sexual distinctions into the law when it suits their purpose. They just put a different label on them."

Most critics of the equal rights amendment also argue that the same ends could be achieved through rigorous enforcement of the "equal protection" clause of the 14th Amendment—and without throwing into confusion every law involving sexual distinctions. Rep. Martha Griffiths (D., Mich.), who last year introduced the proposed amendment, agrees that the Constitution, if properly interpreted, could protect women's rights. But she says the Supreme Court, despite many opportunities in the past, has never done so.

Mr. ERVIN. Mr. President, to my mind this proposed equal rights amendment represents a great departure from sound principles of legislation and, even more, from sound principles of drafting constitutional amendments. The equal rights amendments came into existence back in 1923. Its proponents have insisted at all times that it be submitted to the States by the Congress without the Congress's altering a single dot or a single title in it. It is the only such legislative proposal made at any time during the 18 years in which I have had the honor to represent in part my State in the Senate of the United States. Every other legislative proposal—and they have run into untold thousands—has been subject to close scrutiny by committees of the Congress, and the members of congressional committees have sat down and studied the proposals and endeavored to find defects in them which could be removed and to ascertain if they could be perfected. Not so with the equal rights amendment.

As one of the persons who may be characterized as a legislative fool who rushes in where legislative angels fear to tread, I have been quite conscious of this. I have attempted at time in the committees to point out the dangers inherent in this equal rights amendment and to have changes made in it—all to no avail. So Congress is having to consider an equal rights amendment under circumstances in which the Congress is denied the right even to scrutinize the amendment.

How much better it would have been if the proponents of the amendment had been willing to let the Members of Congress sit down in the committees and try to work out an amendment which would give equality or right, equality of responsibility, to men and women in all of the circumstances of life in which such equality would be appropriate. Instead of that, we have an amendment which is based upon the theory that Congress shall have no right to exercise its intelligence hereafter in the making of laws—an amendment which is based upon the theory that Congress and the legislatures of 50 States must not even recognize, when they frame legislation, that God created mankind male and female—a constitutional amendment which places Congress and all of the 50 State legislatures in a straitjacket, and forbids them to make reasonable distinctions where reason prompts such distinctions between the rights and responsibilities of men and women.

A quite interesting advertisement appeared in this morning's Washington Post in which it complains about the Supreme Court. It says the U.S. Supreme Court has rationalized its decisions by holding that sex is a reasonable classification.

In other words, it is not reasonable for Congress, the Supreme Court, or a State legislature, to even recognize the existence of sex when it passes any kind of law on any subject whatsoever.

So, in the final analysis, this is an amendment designed not to bring about reasonable adjustments in the relationships of men and women, but an amendment which is designed to make constitutional, laws which are wholly irrational, laws which are wholly unreasonable, and laws which are wholly arbitrary.

Mr. President, I yield such time as he may use to the distinguished Senator from Hawaii (Mr. FONG).

Mr. FONG. I thank the distinguished Senator from North Carolina for yielding to me.

EQUAL RIGHTS FOR MEN AND WOMEN—IS THE PRESENT AMENDMENT THE RIGHT AMENDMENT?

Mr. President, I have long been aware of the fact that women have been treated differently, and I may say, often unfairly, in business, in industry, in the professions, and under our various Federal and State laws.

That fact is not disupted.

WHY THIS DEBATE?

Why then this debate?

Why has it taken since 1923, 49 years, to get the Congress to vote on this historic amendment?

Few, if any, of my colleagues, I am certain, oppose equal rights for men and women.

Few, if any, of my colleagues, I am certain, oppose equal opportunities for men and women, be those opportunities for education, for job training, for employment, for promotion.

Few, if any, of my colleagues, I am certain, oppose equal pay for equal work for men and women.

Few, if any, of my colleagues, I am certain, oppose equal treatment for men and women under our laws, be they Federal or State laws, criminal or civil laws.

Concededly, the protective legislation, so hard fought for by both men and women, and enacted early this century was intended to protect the health, safety, and morals of women.

Concededly, this protective legislation—including maximum hour laws for women, minimum wage laws for women, limitations on night work for women, limitations on the weight a woman may lift, the requirement that rest facilities be provided and maternal leave be granted women, though well intentioned, as more and more women joined the work force and provided more and more competition, have been used often to prevent or hinder the employment of women or their promotion to positions where their natural abilities, education, and training are utilized to the fullest extent.

As I declared in my statement at the opening of the hearings on an identical equal rights amendment on May 5, 1970, before the Senate Subcommittee on Constitutional Amendments, of which subcommittee I am the ranking minority member:

> Full utilization of all our human resources, whether manpower or women power, is, in

my opinion, essential if we are to achieve our maximum national potential.

Concededly, our maximum national potential is not being fully realized.

EFFORTS TO CORRECT DISCRIMINATION AND DISCRIMINATORY LEGISLATION

Discriminatory legislation—whether favorable or detrimental to women—still exists in our Federal and State laws.

Progress has been made:

Title VII of the Civil Rights Act of 1964, prohibited discrimination based on sex. But section 703(e) of that act provides that discrimination based on sex can be justified if it is pursuant to a "bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."

In 1963, prior to the Civil Rights Act, my State of Hawaii was among the 10 States without maximum hour laws applicable exclusively to women. Forty States and the District of Columbia according to the U.S. Department of Labor, Women's Bureau, then had maximum hour laws for women. In 1971, only 12 States retained such laws without major changes. I ask unanimous consent that the release of the U.S. Department of Labor, Employment Standards Administration, Women's Bureau, entitled "Status of State Hours Laws for Women Since Passage of Title VII of the Civil Rights Act of 1964," dated October 22, 1971, be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FONG. This progress admittedly is too slow.

Executive Order 11375, issued October 13, 1967, as amended, explicitly prohibits discrimination on the basis of sex in Federal employment and employment on Federal contracts.

This Executive order obviously is limited in scope—and, too few States have followed that Federal lead.

This program admittedly is too slow.

Reed against Reed, docket No. 70–4, unanimously decided by the Supreme Court on November 22, 1971, did invalidate a mandatory provision of the Idaho probate court that gives preference to men over women when persons of the same entitlement class apply for appointment as administrator of a decedent's estate as base solely on a discrimination prohibited by and therefore violative of the equal protection clause of the 14th amendment.

But, on March 6, 1972, in Forbush against Wallace, docket No. 71–929, the Supreme Court, without opinion, unanimously affirmed the validity of an Alabama law prohibiting the use by a married woman of her maiden name on her driver's license.

Case by case determination of the validity of such State and local laws—and Federal statutes also—is too uncertain of decision and too slow.

LANGUAGE OF AMENDMENT

Why then has it taken so long to pass so simply worded an amendment as is House Joint Resolution 208? Why have great constitutional lawyers been so split as to what effect this simple language is likely to have?

Because this language is not simple in its ramification.

It is simplistic to say, as proponents of this legislation say, the courts will extend good legislation to men and invalidate bad legislation.

A constitutional amendment even more than a statute stands on its own language.

What could be clearer:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

All the expectations, the hopes, the anticipations, and, I fear, the speeches of the proponents of this legislation will not cause the courts to alter the language of the proposed amendment—not that the language should be altered by the courts. That is the function of the legislatures—we have been elected to enact laws, including constitutional amendments. We cannot play ostrich and dodge our responsibilities.

We, as responsible legislators, must know what we are really doing when we pass a bill or a constitutional amendment. We are not sent here merely to rubber stamp the requests of our most vocal constituents. We are sent here to do what each of us, in our own conscience and with the benefits of all our training, experience, and background, honestly believe to be in the best interests of our country and our constituents.

And, if we are not certain of what a bill or an amendment will do, it is our duty to investigate and determine what will be the results of the language we pass—and if we do not fully agree with those results, it is our duty as human beings to stand up and say so and to state why we do not agree with the proposed language, and if possible, to offer amendments, so that the language used in the final version will be susceptible of only one interpretation—the one we believe to be most beneficial to our country and our constituents.

Senator ERVIN, in his minority views in Senate Report No. 92–689, dated March 14, 1972, quoted Prof. Jonathan H. Pincus, of the Yale Medical School, as asking:

> Is the Equal Rights Amendment to be the Tonkin Gulf Resolution of the American Social Structure?

That is the why of the debate.

As is conceded by even the proponents of this amendment and as the report of committee points out, under the language of the equal rights amendment, one standard will be applied to all—regardless of sex.

All persons will be treated alike.

Now, not all State or Federal laws that are discriminatory are detrimental to women.

Such outstanding constitutional lawyers as Prof. Paul Freund, of the Harvard Law School, feel that the language of this amendment will result in all discriminatory language—whether beneficial or detrimental to women, being declared unconstitutional under this amendment.

EFFECT OF LANGUAGE OF H.J. RES. 208

Because of the serious questions which have been raised by the testimony of many impartial and competent constitutional lawyers as to the possible legal effects of the language of the amendment and of the repercussions likely to ensue from its enactment, I made a cursory survey of some of the laws of Hawaii likely to be affected by the amendment, and I asked various administrative departments and agencies what effect on the legislation administered by them, the equal rights amendment, in its present form, is likely to have.

A. LAWS OF HAWAII

My State of Hawaii, true to its aloha spirit, has been in the forefront of the move to eliminate statutory discrimination based on sex. Our fair employment practice law, our minimum wage and overtime pay laws apply equally to men and women. Jury qualification for men and women is the same. Women, equally with men, have the right to contract and to own property.

But even in Hawaii some laws are different for men and women. To cite a few highlights under our Hawaiian Code illustrative of what women might lose if House Joint Resolution 208 became part of our Constitution of the United States:

> Widows' pensions are provided for widows of public officers and employees—none for widowers.
>
> Death benefits are payable to widows and dependents of members of the police force, fire department or band—none to widowers.
>
> Veteran's preferences in employment by governmental agencies are available to widows of deceased servicemen—none to widowers.
>
> State public housing preferences are available to a deceased veteran's widow—none to widowers.
>
> An illegitimate child is an heir of the mother—not of the father.

Even dower and curtesy rights vary under Hawaiian law. Here, it should be pointed out Hawaii has both, but many States have only dower rights. What happens to these widows where there are no dower rights or dower rights are greater than those afforded a widower?

Under Hawaiian laws, dower is outright and in one-third of all land owned by the husband at any time during the marriage plus one-third of the remaining property of the husband after payment of just debts.

Under Hawaiian law, curtesy is provided for. Real property descends to the heirs of the wife, subject to a life estate in the husband of one-third of the lands of which the wife was seized at the time of her death, plus one-third of her remaining property. Further, if for 1 year or more, the husband failed to provide maintenance for the wife, he is not entitled to any rights by way of curtesy.

So, Mr. President, there is a great distinction between curtesy and dower in my State, and I am sure there is a great distinction also in many of the other States.

Under Hawaiian law, a widow is given the right to occupy the lands of her husband while dower is unassigned.

Under Hawaiian law, the widow is given a right to remain in her husband's house for 60 days, rent free, with reasonable sustenance out of his estate.

Under Hawaiian law, a wife is not liable for her husband's debts. A husband is liable for a wife's debts, her proper support and maintenance. If he fails to provide suitable support, that is a ground for divorce, with temporary alimony and attorney's fees afforded only to women.

Provisions such as the above are clearly beneficial to only women, and that obviously was the intent of the Hawaiian Legislature.

Where the Legislature of Hawaii intended to treat both men and women alike, they did so in very clear terms:

Burial of veterans of both sexes and their widows and widowers is provided for;

Workmen's compensation death benefits for dependent widows and widowers is provided for;

Workmen's compensation entitlement to both widows and widowers is provided for;

Tax exemption of real property occupied by disabled veterans and his or her spouse as a home is provided for.

In view of this type of preferential treatment in our Hawaiian Code and the comments from other Senators that their States have even more discriminatory provisions favoring women, I feel we should not act on the language in the equal rights amendment until it is very sure that the courts will not penalize women because men were not treated equally favorably under State laws.

It seems to me that in any event each State should carefully review its own constitution and laws and eliminate those provisions with differing applications to men and women, retaining, if they so choose only such differing treatment as its citizens feel is needed to protect women, such as maternity leave provisions, restroom provisions, and so forth.

B. FEDERAL LAW

To determine what Federal legislation treats men and women differently and would need revision if the equal rights amendment in its present form were enacted, I wrote to the various departments and agencies likely to be affected, asking each whether any of the legislation administered by them would need revision if the equal rights amendment were to become part of our Constitution in its present form and what effect such revised laws, if enacted, would have on the programs administered by their department or agency.

(1) NO DISCRIMINATORY LEGISLATION

Fortunately, 10 responses indicated no discriminatory legislation affected any of the programs they administer. Hence, no revision of their statutes would be required.

These departments and agencies include: U.S. Civil Service Commission, General Services Administration, Department of Housing and Urban Development, National Labor Relations Board, U.S. Postal Service, U.S. Small Business Administration, National Aeronautics and Space Administration, Civil Aeronautics Board, National Credit Union Administration, and the Department of the Treasury.

(2) MINOR PROBLEMS WITH FEDERAL LEGISLATION

The Department of Interior has a few laws treating men and women differently for purposes of determining Indian tribal rights. That law is easy of amendment.

The Department of Agriculture reports the only legislation they administer that would be affected by the equal rights amendment is in regard to food and nutritional services for pregnant and lactating women. As queer as such amended statute would read, it could be amended to provide such services to qualifying persons, I presume.

The Department of State reports that under the statutes it administers, married men must at the time of their retirement elect a minimum survivor's annuity for the benefit of their wives; women need not do so. Likewise, a widow gets a minimum $2,400 annual death-in-service benefit, while there is no minimum for widowers. The State Department indicates they should like to have the minimum survivor's benefit made optional for both sexes and the minimum death benefit eliminated, and that the use the Civil Service formula. Both changes, I fear, would not inure to the benefit of women.

The problems of the U.S. Department of Labor center on: First, the survivor's disability and death benefits under the Compensation Act, which requires a widower to be dependent on the decedent, but does not have such dependency requirement for widows, and second, on the new amendments to the work incentive program of the Social Security Act which exempt from registration a mother or other female caretaker of a child, if the father or other adult male relative is in the home, with no similar exemption for male caretakers, and give differing priorities in the priorities for placement in work and training programs, in that first priority is given to unemployed fathers, second priority to mothers who volunteer for participation, and third priority to other mothers and pregnant women under 19 years of age.

Interestingly, the letter from Secretary Hodgson concludes:

> Your letter also asked for a cost estimate on eliminating the differences in treatment of men and women under these provisions. Such an estimate may not be feasible, however, as "equality" under the equal rights amendment may be achieved either by broadening definitions so that the sex discriminated against gets greater benefits or by narrowing those definitions to cover fewer persons of both sexes.

This is indicative of the problem which cannot be left to the courts, but must be determined by us as responsible Legislators.

But, these problems—and I put the word "problems" in quotes—pale when we turn to those some of the other agencies will encounter.

(3) SOCIAL SECURITY "PROBLEMS" UNDER EQUAL RIGHTS AMENDMENT

The Department of Health, Education, and Welfare, Social and Rehabilitation Service, not only administers the new work incentive provisions of the social security law—Public Law 92-223, effective July 1, 1972—which the Secretary of Labor referred to, but its Social Security Administration also administers the black lung program, title IV of the Federal Coal Mine Health and Safety Act of 1969, providing benefits for miners based on the number of dependents he has—and a dependent is defined as a wife or child, and payments to his widow based on the number of dependents after his death. This statute concededly is easy to amend to provide for women miners and their dependents.

But when it comes to Old-Age, Survivors, and Disability Insurance under title II of the Social Security Act and medicare, under title XVIII of that act, we are faced with a different problem.

I read from the response of Secretary Richardson on this subject:

> Old-Age, Survivors and Disability Insurance, Title II of the Social Security Act. In the area of entitlement to benefits, the conditions of eligibility of a wife differ from those of a husband. A wife is eligible at age 62 whether or not dependent on her wage-earner husband, or below age 62 if he has a child in her care. The husband, on the other hand, is eligible at age 62 only if he meets a test of dependency on his wage-earner wife. Further, certain divorced wives are eligible for wife's benefits as wives if they meet a test of dependency on their former husbands; a divorced husband is not eligible on the earnings record of his former wife (42 U.S.C. 402 (b), (c)). Likewise, after death, a widow is eligible if she is not married, regardless of dependency; a widower is eligible only if dependent and only if he has not remarried. Again, a divorced wife is eligible if dependent; a divorced husband is not eligible (sec. 402 (e), (f)). Provision is made also for mother's insurance benefits but not for fathers' benefits (sec. 402(g)). (Distinguish this last from parent's benefits, section 402(h)).
>
> In determining net earnings from self-employment, the income from community property generally is considered the husband's income (sec. 411(a)(5)).
>
> In determining insured status and in computing the amount of benefits to which a beneficiary may be entitled, the cutoff year for women is age 62, for men age 65 (sec. 414(a), 415(b)).
>
> Child eligibility is largely based on the right to inherit from the wage-earner. There is a special provision to make eligible an illegitimate child on the earnings record of its father from whom it has no such right; no such provision is ordinarily necessary to make it eligible on its mother's earnings record (sec. 416(h)).
>
> In determining special insured status and benefit rates for disability benefits, the cutoff year for women is age 62, for men age 65 (sec. 416(i), 423 (a)(2), (c)(1)).
>
> A transitional provision which provides benefits for individuals with less than the normally required quarters of coverage covers individuals and their wives and widows, but not husbands and widowers. (sec. 427).
>
> In the so-called "Prouty" provision, which also provides benefits to certain persons otherwise ineligible, when a husband and wife are both entitled, the husband gets the bigger benefit.
>
> #### MEDICARE—TITLE XVIII OF THE SOCIAL SECURITY ACT (SEC. 1395FF.)
>
> This title does not in terms differentiate between men and women; however, entitlement under Part A (Hospital Benefits) of the title depends (except for certain transitional cases) on entitlement to benefits under sec. 402 above. Accordingly, it is easier for a nonworking wife to become entitled to hospital insurance benefits on her husband's earning

> record than for a nonworking husband to become entitled on his wife's.
>
> Some, but not all, of the above discriminatory provisions will be eliminated if the pending H.R. 1 is enacted in the form passed by the House of Representatives.

When we asked for present program costs, such figures were readily available. The estimate of the additional costs of programs administered in the Department, were the equal rights amendment to be enacted, has as yet not been officially furnished me—but these dollar amounts, I am certain will interest my colleagues in determining which way legislation is to go—although this factor would not be a consideration for the courts were we to relegate our legislative function to courts to determine whether to extend benefits now available to women to men or to reduce benefits now available to women but not to men.

The figures furnished me as to present cost under the old-age, survivors, and disability insurance programs are:

> Payments to beneficiaries in current payment status for calendar year ending December 31, 1971 covered 27,290,000 beneficiaries and were $33.4 billion for Old-Age and Survivors Benefits and $3.8 billion for Disability Insurance, or a total of $37.2 billion.
>
> Payments under Medicare for the calendar year ending December 31, 1971 under the Hospital Insurance Program were $5.8 billion and $2.1 billion under the Supplementary Medical Insurance program for a total of $7.9 billion under Medicare.

I am advised that if the H.R. 1 computation of benefits, based on an age 62 computation for both men and women, graded on the last 3 years of earnings is to be applied only prospectively, the cost for the 12-month period beginning July 1972 will amount to an additional $6 million.

But, if the computation is to be equal, under the equal rights amendment, it must be applied to those men presently on the rolls and receiving benefits as well as those men and women who will become eligible in fiscal year 1973. That, I am informed unofficially, will cost in the neighborhood of an additional $1 billion for the first few years.

H.R. 1 is now before the Senate Finance Committee—full committee action has not yet been taken.

Can we unknowingly, unconcernedly, and uncaringly increase the costs of this program by $1 billion a year for the next few years just by enactment of House Joint Resolution 208—or should we pause and figure this out carefully?

I suggest the latter course is the one we should follow as responsible legislators.

For the information of my colleagues, I ask unanimous consent that the letter to me of Secretary Richardson, dated March 2, 1972, and its attachments be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

MILITARY SERVICE PROBLEMS UNDER THE EQUAL RIGHTS AMENDMENT

Mr. FONG. Mr. President, the balance of the replies I received to my inquiry as to the effect House Joint Resolution 208 would have on legislation administered by a department or agency involved replies from the Department of Defense, covering service in the Army, Navy, and Air Force; the Selective Service System, involving the draft; the Department of Transportation, covering the Coast Guard; the Department of Commerce, involving the merchant marine; and the Veterans' Administration, involving veterans' benefits.

DEPARTMENT OF DEFENSE

In answer to my request for a list of laws administered by the Department which might be affected by House Joint Resolution 208, the Department sent me a printout of the Federal statutes—I have it here. It is, as you can see, on sheets approximately 15 by 12 inches and is 1½ inches thick—a total of 1,285 documents.

Neither the Department of Defense nor I have as yet been able to analyze this information. Accordingly, I shall not at this time insert it in the RECORD.

Nor, in their letter of February 24, 1972, could the Department of Defense determine the precise effect of the amendment on individual statutes. In lieu thereof, they sent me a copy of a letter of like date to Senator BAYH in answer to his inquiry.

While endorsing the equal rights amendment, that letter states:

> We, like the Department of Justice, believe it important that full consideration be given to the complications and litigation that might result should the amendment be adopted.
>
> Depending on how the amendment was interpreted, the Department of Defense feels that two basic types of problems might arise—(1) those related to a requirement for assigning women to all types of duty, including combat duty, and (2) those related to whether or not separate facilities would be allowable and/or feasible to protect the privacy of both men and women.
>
> At the request of the House Subcommittee Chairman, Mr. Rehnquist sent a letter dated May 7, 1971 to the Subcommittee detailing the effect of the enactment of the Equal Rights Amendment on several areas of law including the military draft. With respect to the draft, the letter stated:
>
> "The question here is whether Congress would be required either to draft both men and women or to draft no one. A closely related question is whether Congress must permit women to volunteer on an equal basis for all sorts of military service, including combat duty. We believe that the likely result of passage of the equal rights amendment is to require both of those results. As has been pointed out by many of the amendment's supporters that would not require or permit women any more than men to undertake duties for which they are physically unqualified under some generally applied standard.
>
> "To what extent such integration of the services would extend to living conditions and training and working units is uncertain. Proponents have indicated that some segregation would be permissible."
>
> Further, there is the possibility that assigning men and women together in the field in direct combat roles might adversely affect the efficiency and discipline of our forces.
>
> On the other hand, if women were not assigned to duty in the field, overseas, or on board ships, but were entering the armed forces in large numbers, this might result in a disproportionate number of men serving more time in the field and on board ship because of a reduced number of positions available for their reassignment.
>
> If this amendment allowed no discrimination on the basis of sex even for the sake of privacy, we believe that the resulting sharing of facilities and living quarters would be contrary to prevailing American standards.
>
> Even if segregation of living quarters and facilities were allowed under the amendment, during combat duty in the field there are often, in effect, no facilities at all, and privacy for both sexes might be impossible to provide or enforced.

Mr. President, I ask unanimous consent that my correspondence of February 24, 1972, with the Department of Defense on this subject be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. FONG. Mr. President, if women were not drafted and assigned to duty on the same basis as men, as the Department of Defense points out, the practice would be discriminatory against men—and I suggest to you unconstitutional under the equal rights amendment.

As to the question of privacy—we talk of the "language" of *Griswold* v. *Connecticut*, 381 U.S. 479 (1965). That case involved Connecticut statutes prohibiting the use of contraceptives and the guilt of accessories to any offense. The appellants in that case were found guilty as accessories and "raise(d) the constitutional rights of the married people with whom they had a professional relationship."—Mr. Justice Douglas in Opinion of the Court. After citing the "freedom to associate and privacy in one's association"—*NAACP* v. *Alabama*, 357 U.S. 449—and the fact that "the first amendment has a penumbra where privacy is protected from governmental intrusion; the fact that the specific guarantees of the third amendment—prohibiting quartering of soldiers in any house in time of peace without the consent of the owner—the fourth amendment—guaranteeing right of persons to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, the fifth amendment—self-incrimination clause—and the ninth amendment—assuring the people that the enumeration of certain rights in the Constitution shall not be construed to deny or disparage others retained by the people—all "have penumbras, formed by emanations from those guarantees—that is, in the Bill of Rights—that help give them life and substance," the court held the Connecticut statute forbidding the use, and I stress the word "use," of contraceptives, as specifically distinguished from the regulation of their manufacture or sale, as having a destructive impact upon the marital relationship and hence unconstitutional.

Mr. Justice Goldberg, with whom the Chief Justice—Warren—and Mr. Justice Brennan joined, also discussed the "fundamental" personal right of privacy retained by the people and agreed that the conviction should be reversed.

Yet, based on a differing set of facts—"a more discriminately tailored statute, which does not like the present one sweep unnecessarily broadly, reaching beyond the evil sought to be dealt with and intruding upon the privacy of all married couples"—quote from Mr. Justice Goldberg—and the demand of either a man in service, a woman in service who desires to share facilities and the expediency of the situation, is not the Court likely to sustain a regulation such as the Department of Transportation proposes to promulgate for the Coast Guard so as "to allow female members of the crew to share—toilet and washing—facilities without restriction as to sex?"

I ask unanimous consent that a copy of the proposed rulemaking excerpt from the Federal Register, volume 37, No. 10—Saturday, January 15, 1972, and the extension of time for comments from the Federal Register, volume 37, No. 42—Thursday, March 2, 1972, be printed in the Record at the conclusion of my statement.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 4.)

Mr. **FONG**. Mr. President, if this amendment is to assure "equal treatment" under law, and a member of either sex alleges that separate treatment is not equal, is the Court not likely to distinguish that case from that of Griswold against Connecticut and hold that the right of privacy, which they carefully evolved from the Bill of Rights to meet a special situation violative of the sanctity and privacy of marriage, would not be extended to force those who are demanding equal rights not to surrender any rights of privacy.

This amendment, specifically giving "equal rights" might well be in derogation of those "rights of privacy" the Court sought to sustain in the Griswold case.

My own opinion is that this amendment could well and will likely be interpreted as in derogation of any unequal or separate treatment of persons based upon sex—as apparently the Department of Transportation feels is the correct interpretation.

However, even assuming that the legislature shall determine that separate facilities are warranted and the courts agree they are permissible under this amendment, what are the costs likely to be involved? As responsible legislators, while it should not be all-controlling, the cost should be considered.

These additional costs apparently are even impossible of estimation at this time.

In answer to my specific inquiry of the Department of Defense, the Department by letter of March 13, 1972, replied:

> The Department has not made such estimates and without specific programs for such "equal" service, it is impossible to make any estimate. One of the major areas that would contribute to increased costs would be separate facilities, both in terms of living quarters, as well as working facilities in areas where women are not currently stationed.
>
> Until a definitive plan is developed indicating where and under what circumstances women would serve in isolated areas, with combatant forces, aboard ships, etc., it is not possible to make a definitive estimate of costs. If extensive additional facilities or modifications to current facilities were required, the costs could be considerable.

(5) WOMEN VOLUNTEERS IN ARMED FORCES

We have heard much on the subject of the desire of women to serve in Armed Forces and to secure the benefits by way of education, loans, and so forth, available to veterans:

As of January 31, 1972, the Army had 12,186 enlisted women, 1,026 women officers;

As of March 1972, the Air Force had 11,259 enlisted women, 1,226 women officers;

As of December 30, 1971, the Marine Corps had 1,931 enlisted women. 280 women officers; and

The Navy has 5,674 enlisted women on "line duty"—that is, not in the health field, and 677 women officers.

There are on active duty, in all services, including staff, a total of 44,000 to 45,000 women.

I am also informed by the Department of Defense that while the pay increase has helped recruitment of women, the Air Force and Navy are just about meeting their desired strength. The Army and Marine Corps still have not reached full strength:

Are women so anxious to serve in our Armed Forces? Surely more would volunteer and enlist if these were the facts. More particularly, are they anxious to serve on combat duty?

(6) DRAFTING OF WOMEN FOR ARMED FORCES

If the equal rights amendment becomes part of our Constitution, women will be subject to the draft; that is conceded.

The Selective Service System by letter of February 25, 1972, advises:

> Should the legislation administered by our agency be affected by the amendment proposed in H.J. Res. 208, we would be required to register approximately two million more persons a year, twice the present number, with additional cost resulting in the areas of registration. If the additional registrants are further processed, additional costs for classification, examination and induction would result. Roughly, these costs would be doubled. The cost of operating national headquarters, the states' headquarters and the service centers, would not be materially increased but the work of the local boards and their employees would reach twice its present level.
>
> In more specific terms, in our budget for F.Y. 1973, service to registrants is $64,726,000. To double the number of registrants might not double the cost of this phase of our activity, but would substantially increase this item. Our examination services, budget at $1,107,000, is more closely related to the size of calls by the Department of Defense than to the number of registrants, and might not be substantially increased. Costs of administrative services and other activities would undoubtedly increase, but should not be doubled.

If we register 2 million women a year, what is the Department of Defense to do with them; especially, if they are not to be assigned to duty on the same basis as men? Is it worth the expenditure of $64 million a year just to register women as they attain the age of 18 years.

I submit to the Senate that the money could be used to better advantage elsewhere. And, as I indicated in the individual views which I filed to the Judiciary Committee report, drafting of women for compulsory military service, especially in view of the small number now volunteering for service, is something I cannot support.

Even as I have indicated, if we were to amend all Federal laws so as to provide equality of treatment for men and women—including equal benefits for men and women as a result of their military service, so that their "widows" and "widowers", their "dependents," their inservice and post-service benefits were equalized—I am not willing to support compulsory military service for women.

So that my colleagues may be aware of the effects of the equal rights amendment on the Coast Guard legislation, I ask unanimous consent that the letter of the Department of Transportation dated February 25, 1972 be printed in the Record at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 5.)

Mr. **FONG**. Mr. President, so that my colleagues may be aware of the difficulties the equal rights amendment will cause in connection with the merchant marine, I ask unanimous consent that the letter of the General Counsel of the Department of Commerce dated February 25, 1972, be printed in the Record at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered

(See exhibit 6.)

Mr. **FONG**. Mr. President, to point up the Veterans' Administration problem, I ask unanimous consent that the letter of the Administrator dated February 28, 1972, be printed in the Record at the conclusion of my statement.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 7.)

CONCLUSION: WHAT DOES THIS ALL MEAN?

Mr. **FONG**. In my opinion, with this background we are ready to face, and I trust solve, the real problems which will face us on passage of this equal rights amendment.

As responsible legislators, we must revise our Federal laws so that women are not disadvantaged because of sex.

However, it is my firm conviction that the great majority of American women do not wish to be drafted to serve in our Armed Forces or to perform combat duty. I, for one, am not ready to compel them to be drafted and to force them to become combatants. With this reservation, whether this amendment passes in its present form or not, I am preparing to introduce extensive amendments to our present laws, so that women will be treated equally under Federal law. I urge my colleagues to join as cosponsors of such legislation.

We can do no less—our Nation, our conscience demands that so that each woman is enabled to use her full abilities, training, and talents for the benefit of this Nation and all its people.

Each State must do the same—each State legislature must also review and revise its laws so that archaic detrimental provisions are eliminated and laws which benefit its citizens are extended to encompass both men and women, regardless of sex.

EXHIBIT 1

U.S. DEPARTMENT
OF LABOR, EMPLOYMENT
STANDARDS ADMINISTRATION,
WOMEN'S BUREAU,
Washington, D.C.

STATUS OF STATE HOURS LAWS FOR WOMEN SINCE PASSAGE OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

In 1963, 40 States and the District of Columbia had maximum hours laws for women in one or more occupations or industries.[1] In 1971 only 12 States retain such laws without major exclusions or change of status.

State laws providing special restriction or benefit for employed women in this country were enacted in the early 1900's, primarily to alleviate the poor working conditions and long hours to which women were subjected. After the passage of title VII of the Civil Rights Act of 1964, the status of these laws began to change. By 1969 the Equal Employment Opportunity Commission (EEOC), which administers title VII, had determined that the special restrictions originally designed to protect women now tend to discriminate rather than protect. In a few instances State-required benefits for women, such as premium pay for overtime, were extended to men.

The rapidly changing status of State hours laws specifically shows a trend toward the lessening of restrictions for working women through one or more of the following actions:

States have repealed hours laws or amended them to provide for voluntary overtime or have increased exemptions from hours laws;

State attorneys general have issued opinions invalidating hours laws for all female employees covered under title VII;

Courts have repeatedly, with few exceptions, invalidated State hours laws for women.

REPEALS

Since the enactment of title VII, the following 10 States have repealed their maximum hours laws for women:

Arizona—1970.
Colorado—1971.
Delaware—1965.
Montana—1971.
Nebraska—1969.
New Jersey—1971.
New York—1970.
Oregon—1971.
Vermont—1970.
Wisconsin—1971.[2]

ATTORNEY GENERAL OPINIONS

The following 13 jurisdictions have had attorney general opinions which conclude that their hours laws are not applicable to employers covered under title VII:

California—6/24/71.
District of Columbia—3/25/70 (by Corporation Counsel)
Illinois—10/2/70.
Kansas—1969 (by Commissioner of Labor).
Massachusetts—9/30/70, 3/5/71.
Michigan—12/30/69.
North Dakota—4/18/69.
Oklahoma—12/5/69.
Pennsylvania—11/4/69.[3]
Rhode Island—6/18/70.
South Dakota—2/27/69.
Washington—5/26/70.
Wisconsin—7/27/70.

The Attorney General of Kentucky has determined that the State hours laws will remain in effect until the U.S. Supreme Court holds otherwise, and the North Carolina Attorney General has stated that the hours laws in that State will remain in effect until a Federal court rules otherwise.

Footnotes at end of article.

FLSA COVERAGE

Since the passage of title VII, several States have exempted from the State hours laws employees who are covered under the provisions of the Federal Fair Labor Standards Act (FLSA).

All employees covered under FLSA are exempt from the State hours laws in:

Maryland—1969.
North Carolina—1967.
Tennessee—1969.
Virginia—1970.

VOLUNTARY OVERTIME

Two States amended their hours laws to provide for extended hours for women on a voluntary basis:

New Mexico—1969.
Texas—1971.

COURT DECISIONS

Federal courts have recently held that the State hours laws conflict with title VII in the following States:

California—1971.
Illinois—1970.
Massachusetts—1971.
Ohio—1971.[4]
Pennsylvania—1971.

HOURS LAWS RETAINED

Only 12 States retain hours laws at this time without major exclusions or change in status since 1964.[5] (Some States among these 12 provide for extended working hours for women by special permit from the State labor department under emergency conditions. States vary in definition of emergency and length of time for which such extensions are granted. In Minnesota, however, the labor department may grant a permanent exemption at its discretion; this provision has been used where employers and their employees apply for an exemption from the hours limitation on th basis of sex discrimination.) The States are:

Arkansas.
Connecticut.
Kentucky.
Louisiana.[6]
Maine.
Minnesota.
Mississippi.
Missouri.[6]
Nevada.
New Hampshire.
South Carolina.
Utah.

STATES WITH EQUAL RIGHTS PROVISIONS

One added development may have a long term effect on State protective legislation. Three States—Illinois, Pennsylvania, and Virginia—have ratified equal rights provisions which are included in their State constitutions. A similar provision will be voted upon by Texas citizens in the November 1972 elections.

FOOTNOTES

[1] The only States without such laws exclusively for women in 1963 were: Alabama, Alaska, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, West Virginia, and Wyoming.

[2] Another hours law was enacted, however, which applies to women employed in hotels and motels and resorts only; other women are not restricted in the hours they may work.

[3] The Attorney General opinion stated that the State Human Rights Act impliedly repeals the hours law for women, as does title VII.

[4] In a State court, a contrary decision is being appealed.

[5] In some instances different State offices have given dissimilar interpretation of the status of their State hours laws.

[6] In Louisiana and Missouri, Federal court decisions in 1968 and 1970, respectively, dismissed class actions brought by women to strike down the State hours laws.

October 22, 1971 (rev.), WB-72-104.

EXHIBIT 2

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., March 2, 1972.

Hon. HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: Thank you for your letter of February 9, 1972, requesting a description of the statutes administered by this Department which treat men and women differently. I enclose a list of such legislation, their citations in the United States Code, and an explanation of the distinctions which they make between men and women.

The enclosure should be considered preliminary only. In the short time available, we have not been able to complete an exhaustive review of all the statutes administered by the Department. Likewise, there has not been sufficient time to perform the complex task of estimating the additional costs of programs administered under these laws were H.J. Res. 208, the Equal Rights Amendment, to be adopted.

I hope that the enclosed information will be helpful to you in your consideration of the Amendment. Should you wish more detailed information, I shall be happy to direct that a further report be made for you.

With best regards,
Sincerely,
ELLIOT L. RICHARDSON,
Secretary.

PRELIMINARY LISTING OF DHEW ADMINISTERED LEGISLATION WHICH DISTINGUISHES BETWEEN MEN AND WOMEN

LEGISLATION ADMINISTERED BY THE SOCIAL SECURITY ADMINISTRATION

Black Lung Benefits Program Title IV of the Federal Coal Mine Health and Safety Act of 1969. If there were women coal miners, their husbands and widowers would not have the rights under this program of wives and widows of male coal miners. For the purposes of these benefit provisions, the term "dependent" is defined as a wife or child (30 U.S.C. 902); and benefits are payable to a miner during his lifetime based on the number of dependents he has, and to his widow also based on the number of dependents after his death (30 U.S.C. 922, 924).

2. *Old-Age, Survivors and Disability Insurance, Title II of the Social Security Act.* In the area of entitlement to benefits, the conditions of eligibility of a wife differ from those of a husband. A wife is eligible at age 62 whether or not dependent on her wage-earner husband, or below age 62 if she has a child in her care. The husband, on the other hand, is eligible at age 62 only if he meets a test of dependency on his wage-earner wife. Further, certain divorced wives are eligible to wife's benefits as wives if they meet a test of dependency on their former husbands; a divorced husband is not eligible on the earnings record of his former wife (42 U.S.C. 402 (b), (c)).[1] Likewise, after death, a widow is eligible if she *is not married*, regardless of dependency; a widower is eligible only if dependent and only if he *has not re-married*. Again, a divorced wife is eligible if dependents; a divorced husband is not eligible (sec. 402(e), (f)). Provision is also made for mothers' insurance benefits but not for fathers' benefits (sec. 402(g)). (Distinguish this last *from parent's benefits, section* 402(h)).

In determining net earnings from self-employment, the income from community property generally is considered the husband's income (sec. 411(a)(5)).

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[1] All further section references herein are to Title 42, United States Code.

In determining insured status and in computing the amount of benefits to which a beneficiary may be entitled, the cutoff year for women is age 62, for men age 65 (sec. 414(a), 415(b)).

Child eligibility is largely based on the right to inherit from the wage earner. There is a special provision to make eligible an illegitimate child on the earnings record of its father from whom it has no such right; no such provision is ordinarily necessary to make it eligible on its mother's earnings record (sec. 416(h)).

In determining special insured status and benefit rates for disability benefits, the cutoff year for women is age 62, for men age 65 (sec. 416(i), 423(a)(2), (c)(1)).

A transitional provision which provides benefits for individuals with less than the normally required quarters of coverage covers individuals and their wives and widows, but not husbands and widowers (sec. 427).

In the so-called "Prouty" provision, which also provides benefits to certain persons otherwise ineligible, when a husband and wife are both entitled, the husband gets the bigger benefit.

3. *Medicare—Title XVIII of the Social Security Act* (Sec. 1395 ff.) This title does not in terms differentiate between men and women; however, entitlement under Part A (Hospital Benefits) of the title depends (except for certain transitional cases) on entitlement to benefits under sec. 402 above. Accordingly, it is easier for a nonworking wife to become entitled to hospital insurance benefits on her husband's earning record than for a nonworking husband to become entitled on his wife's

Some, but not all, of the above discriminatory provisions will be eliminated if the pending H.R. 1 is enacted in the form passed by the House of Representatives.

LEGISLATION ADMINISTERED BY THE SOCIAL AND REHABILITATION SERVICE

1. *Sec. 602(a)(19)* Under the recent amendments to this section (P.L. 92-223, sec. 3, effective July 1, 1972), unemployed men have priority over women in receiving services which would prepare them for employment.

2. *Sec. 607* This section provides for aid to families with children if the father is unemployed. There is no provision for aid to families with children where the mother is unemployed.

EXHIBIT 3

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., February 24, 1972.

Hon. HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: This is in reply to your letters dated February 9, 1972 addressed to the Secretary of Defense and to the Secretaries of the Army, the Navy, and the Air Force requesting by February 28 a list of laws administered by the Department of Defense which would be affected should the Constitutional Amendment regarding equal rights for women be adopted as proposed in H.J. Res. 208.

We are making an attempt to identify the provisions of the United States Code administered by the Department of Defense which would be affected. Should we be successful in the time allotted, the list will be forwarded to you.

For the reasons stated in our letter to Senator Bayh, a copy of which is attached, the Department of Defense is unable to make a determination as to the precise effect of the Amendment on individual statutes.

Sincerely yours,

J. FRED BUZHARDT.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., February 24, 1972.

Hon. BIRCH BAYH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAYH: This refers to your letter of February 2, 1972, with respect to H.J. Res. 208 "Proposing an amendment to the Constitution of the United States relative to equal rights for men and women."

With respect to your first question, Mr. Rehnquist stated in his testimony before Subcommittee No. 4 of the House Judiciary Committee on April 1, 1971, that the President in 1968 endorsed the Equal Rights Amendment which is presently embodied in H.J. Res. 208 now pending before the Senate Judiciary Committee. The President and this Administration continue to wholeheartedly support the goal of establishing equal rights for women.

With respect to your second question, we, like the Department of Justice, believe it important that full consideration be given to the complications and litigation that might result should the amendment be adopted.

Depending on how the amendment was interpreted, the Department of Defense feels that two basic types of problems might arise—(1) those related to a requirement for assigning women to all types of duty, including combat duty, and (2) those related to whether or not separate facilities would be allowable and/or feasible to protect the privacy of both men and women.

At the request of the House Subcommittee Chairman, Mr. Rehnquist sent a letter dated May 7, 1971 to the Subcommittee detailing the effect of the enactment of the Equal Rights Amendment on several areas of law including the military draft. With respect to the draft, the letter stated:

"The question here is whether Congress would be required either to draft both men and women or to draft no one. A closely related question is whether Congress must permit women to volunteer on an equal basis for all sorts of military service, including combat duty. We believe that the likely result of passage of the equal rights amendment is to require both of those results. As has been pointed out by many of the amendment's supporters that would not require or permit women any more than men to undertake duties for which they are physically unqualified under some generally applied standard.

"To what extent such integration of the services would extend to living conditions and training and working units is uncertain. Proponents have indicated that some segregation would be permissible.

Further, there is the possibility that assigning men and women together in the field in direct combat roles might adversely affect the efficiency and discipline of our forces.

On the other hand, if women were not assigned to duty in the field, overseas, or on board ships, but were entering the armed forces in large numbers, this might result in an disproportionate number of men serving more time in the field and on board ship because of a reduced number of positions available for their reassignment.

If this amendment allowed no discrimination on the basis of sex even for the sake of privacy, we believe that the resulting sharing of facilities and living quarters would be contrary to prevailing American standards.

Even if segregation of living quarters and facilities were allowed under the amendment, during combat duty in the field there are often, in effect, no facilities at all, and privacy for both sexes might be impossible to provide or enforce.

We appreciate the opportunity to share our concerns with you and state what the implications might be for the Department of Defense should the Equal Rights Amendment be adopted.

Sincerely yours,

J. FRED BUZHARDT.

EXHIBIT 4

PROPOSED RULEMAKING

DEPARTMENT OF TRANSPORTATION—
COAST GUARD

[46 CFR Parts 72, 92, 190]

[CGFR 72-4]

WASHROOMS AND TOILET ROOMS

Proposed Unrestricted Use of Facilities by Female Crewmembers

The Coast Guard is considering amending the construction and arrangement regulations to allow female members of the crew to use washrooms and toilet rooms that are also used by a male crewmember.

Interested persons may participate in this proposed ruling making by submitting written data, views, or arguments to the U.S. Coast Guard (CMC), Washington, D.C. 20590. Each person submitting comments should include his name and address, identify the notice (CGFR 72-4), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC.

The Commandant, U.S. Coast Guard will evaluate all communications received before February 18, 1972, and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

Current regulations for passenger, cargo, miscellaneous, and oceanographic vessels require female crew members to have toilet and washing facilities in separate spaces from the facilities for other crew members. The tank vessel regulations are silent as to the required accommodations for the female members of the crew. The Coast Guard has found that the present passenger, cargo, miscellaneous, and oceanographic vessel regulations are unduly restrictive on most modern vessels which usually have facilities that are attached to rooms. In addition, the Coast Guard has determined that the present regulations may have been the basis for unintended discriminatory practices in the hiring of females for service aboard merchant vessels.

Accordingly, the Coast Guard proposes to amend §§ 72.20-25, 92.20-25, and 190.20-25 to allow female members of the crew to share facilities without restriction as to sex.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 46, Code of Federal Regulations as follows:

1. By revoking §§ 72.20-25(b)(3), 92.20-25 (b)(3), and 190.20-25(b)(3).

These amendments are proposed under the authority of R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), section 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655 (b)(1); and 49 CFR 1.46(b)).

Dated January 11, 1972.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief,
Office of Merchant Marine Safety.

[FR Doc. 72-622 Filed 1-14-72; 8:46 am]

DEPARTMENT OF TRANSPORTATION—COAST GUARD

[46 CFR Parts 72, 92, 190]

[CGFR 72-38]

WASHROOMS AND TOILET ROOMS

Extension of Time for Comments

The Coast Guard published a notice of proposed rule making, CGFR 72-4, in the FEDERAL REGISTER of Saturday, January 15, 1972 (37 F.R. 676), that proposed changes to the construction and arrangement regulations to allow female members of the crew to use washrooms and toilet rooms that are also used by male crewmembers.

In that document, commenters were given until February 18, 1972, to submit written data, views, or arguments. In response to the proposal, the Coast Guard has received written requests for extension of time to comment.

Extension of time is considered reasonable to allow all interested parties adequate opportunity to submit written data, views, arguments, and comments on the amendments proposed in CGFR 72-4.

In consideration of the foregoing, the time for submitting written data, views, arguments and comments proposed in CGFR 72-4 is extended to 20 March 1972.

(R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), section 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: February 25, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 72-3169 Filed 3-1-72; 8:54 am]

Exhibit 5

SECRETARY OF TRANSPORTATION,
Washington, D.C., February 25, 1972.
Hon. HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: This is in response to your inquiry of February 9, 1972 regarding the Equal Rights Amendment to the Constitution—H.J. RES. 208. You have inquired as to the affect of such an amendment on Federal legislation administered by the Department of Transportation should the Amendment become part of our Constitution. You also requested that I submit the following information: (1) a list of present Federal legislation administered by the Department which treats men and women differently—whether the discrimination is "beneficial" or "detrimental" to men or women; (2) the effect nullification of these "discriminatory" provisions will have on the persons affected; and (3) the estimated additional costs to the taxpayer if the beneficial effects of each affected legislation were extended to both sexes.

Within the Department of Transportation we do not have any Federal legislation which discriminates between the sexes except legislation administered by the United States Coast Guard. Therefore, the Federal legislation administered by the Department, with the exception of the United States Coast Guard, will not be affected should H.J. RES. 208 become part of our Constitution.

With regard to the United States Coast Guard, an initial review of the statutes in the time available indicates that the following provisions administered by the Coast Guard treat men and women differently:

(a) Title 10, §§ 505, 510, 591, 651, 1036, 1038, 1040, 1072, 1076-80, 1083-87, 1485-86, 2002, and 2031;

(b) Title 14, §§ 371-73, 762, 775, 780, 787 and 796;

(c) Title 33, §§ 771-72; and

(d) Title 37, §§ 401, 403, 405, 405a, 406, 406a, 407, 409, 427, 551, and 553-56.

Additionally, the provisions of Title 14 consistently use the term "enlisted men" or variations thereof. This may in some cases be read to include women enlisted members although clarification would be appropriate under the provisions of H.J. RES. 208.

If the amendment requires the United States Coast Guard to treat the sexes equally, clearly there will be many complex issues which will have a decided impact on the United States Coast Guard. However, at this time I am not able to predict the effect the nullification of the "discriminatory" provisions will have on persons affected.

Moreover, at the moment it is impossible to estimate the costs or administrative burden if the beneficial effects of the affected legislation were extended to both sexes. Much depends upon how literally the proposed amendment to the Constitution will be interpreted. As more definition attaches to the prospective operation of the proposed amendment, some specific estimate would be possible. Until that time no meaningful figures can be projected.

I hope that this information will be helpful to you in your deliberations.

Sincerely,

JAMES M. BEGGS,
Acting Secretary.

Exhibit 6

GENERAL COUNSEL OF
THE DEPARTMENT OF COMMERCE,
Washington, D.C., February 25, 1972.
Hon. HIRAM L. FONG,
United States Senate,
Washington, D.C.

DEAR SENATOR FONG: This is in reply to your recent letter relative to H.J. Res. 208, the proposed Equal Rights Amendment to the Constitution and your request of this Department for a listing of present statutes administered by the Department which treat men and women differently, whether the discrimination is "beneficial" or "detrimental" to men and women.

We have reviewed the statutes administered by the Department and are aware of only one such statute that discriminates as to sex.

The Merchant Marine Act of 1936, 46 U.S.C. 1126(b)(1), limits nominees for Canal Zone vacancies at the U.S. Merchant Marine Academy to sons of residents of the Canal Zone and sons of personnel of the U.S. Government and the Panama Canal Co. residing in the Republic of Panama. Additionally, the Maritime Administration's Regulations, 46 CFR 310.53, state under general requirements for eligibility that all candidiates nominated are required to be male.

Admission of women students to the Academy would require certain changes in the physical accommodations. However, although it is not now possible to estimate the cost, it is not anticipated that it would be large.

Of additional interest in regard to your inquiry is section 112 of P.L. 92-65, the Public Works and Economic Development Act Amendments of 1971 under which the Department's Economic Development Administration operates. That section provides:

"No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Public Works and Economic Development Act of 1965."

It paraphrases Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, which Act does not include sex discrimination, only race, color or national origin.

Since Executive orders have the force and effect of law, we wish also to maintain Executive Order No. 11246 (30 FR 12319; 3 CFR 1964-65 Comp. 339) as amended by Executive Order No. 11375 (32 FR 14303). Executive Order No. 11375 added the requirement that equal employment opportunity both in Federal employment and in employment by Federal contractors be without discrimination on the basis of sex. This Department has been given the responsibility by the Department of Labor in administering Executive Order No. 11246, as amended, for companies in water transportation and in shipbuilding and repair in the coastal states. We are also responsible for compliance with Executive Order No. 11246, as amended, where direct Commerce construction or Commerce-assisted construction is involved.

Please let us know if we can be of any further assistance to you in this matter.

Sincerely,

WILLIAM N. LETSON,
General Counsel.

Exhibit 7

VETERANS' ADMINISTRATION,
Washington, D.C., February 28, 1972.
Hon. HIRAM L. FONG,
Subcommittee on Constitutional Amendments, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR FONG: This is in response to your inquiry of February 9, 1972, concerning legislation administered by the Veterans Administration that would be affected by the adoption of the Equal Rights Amendment to the Constitution of the United States as set forth in H.J. Res. 208, 92d Congress.

With limited exceptions, discussed below, the laws providing veterans' benefits make no distinction between a female veteran and a male veteran.

Section 102(b) of title 38, United States Code, provides that for the purposes of that title the term "wife" includes the husband of any female veteran who is incapable of self-maintenance and is permanently incapable of self-support due to mental or physical disability. This provision is pertinent with respect to—

(1) payment of additional disability compensation to veterans with service-connected disabilities for a "wife" (38 USC 315 and 335);

(2) payment of increased educational assistance and subsistence allowances to a veteran pursuing a course of vocational training and education for a dependent (38 USC chaps. 31 and 34); and

(3) reduction of benefits payable to a veteran receiving hospitalization or similar care by the Veterans Administration, if he does not have a "wife" (38 USC 3203).

Similarly, section 102(b) provides that for a "widower" to have the same status as a "widow" with respect to survivor benefits, the widower must have been incapable of self-maintenance and permanently incapable of self-support due to mental or physical disability at the time of the veteran's death. This provision is significant in connection with the payment of monetary benefits to a widower under our programs of—

(4) service-connected death compensation (38 USC chap. 11);

(5) service-connected dependency and indemnity compensation (38 USC chap. 13); and

(6) non-service-connected death pension (38 USC chap. 15).

The law (38 USC 1801(a)(2)) provides that the widow of a qualified veteran is eligible for the loan guaranty and direct loan benefits which the Veterans Administration administers if the veteran died of a service-connected disability and the widow is not eligible for the benefits as a result of her own service. Because of the provisions of section 102(b), a widower of a female veteran would appear to be eligible for—

(7) loan guaranty and direct loan benefits (38 USC chap. 37)

only if he was incapable of self-maintenance and permanently incapable of self-support due to mental or physical disability at the time of the veteran's death.

Also, chapter 35 of title 38, United States Code, provides certain educational assistance to the "widow" of any person who died of a service-connected disability; to the "wife" of any member of the armed forces serving on active duty who at the time of the application for benefits has been listed for 90 days or more as missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power; and to the "wife" of any person who has a total disability permanent in nature resulting from a service-connected disability or the "widow" of a veteran who died while a disability so evaluated was in existence. Again, because of the provisions of section 102(b), a husband or widower of a female veteran would be eligible for—

(8) educational assistance (38 USC chap. 35)

only if he is incapable of self-maintenance and permanently incapable of self-support due to mental or physical disability.

There is one other distinction in the area of benefits between male and female veterans. Section 601(4)(c)(ii) of title 38, United States Code, defines "Veterans' Administration facilities" for the purpose of hospital care to include private facilities for which the Administrator contracts for purposes of providing such care "for women veterans of any war." The historical reason for this provision was that the Veterans Administration did not have adequate facilities to provide for the hospital care of female veterans in all cases and it was deemed more appropriate to contract for their care as necessary than to equip special facilities for them. This provision, therefore, was incorporated in the law as a matter of administrative convenience rather than to afford female veterans an additional benefit. In our view, this does not constitute a denial or abridgment of equal rights of either male or female veterans, within the scope of the Constitutional amendment proposed by H.J. Res. 208.

We do not believe that we can answer your question as to what effect the nullification of the foregoing "discriminatory" provisions of law would have on our benefit programs, with any degree of accuracy. Certainly, some additional husbands and widowers would become eligible for, and be paid, monthly benefits and educational assistance benefits. Based on available information, as a magnitude estimate, we believe that some 300 persons might qualify during the first year at an approximate additional cost of $500,000. This cost should remain at about the same level for each of the succeeding four years. Of course, if it should become necessary for the agency to add, or convert, and equip special facilities at all of our hospitals and domiciliary installations for female veterans, this would occasion an additional cost of many millions of dollars.

For your information, the Veterans Administration has reported favorably on several bills introduced in the 92d Congress (S. 2660, pending before the Senate Committee on Veterans Affairs; H.R. 2505 and H.R. 3965, pending before the House Committee on Veterans Affairs) that propose to remove from the law the additional requirements that must now be met in the case of husbands and widowers, as discussed above. The House Committee on Veterans Affairs added such provisions to H.R. 12828, 92d Congress, the proposed "Veterans' Education and Training Amendments of 1972" which was ordered favorably reported by the Committee on February 24, 1972. These provisions, if enacted, would eliminate any discriminatory criteria governing our benefit programs.

Sincerely,

DONALD E. JOHNSON,
Administrator.

Mr. COOK. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. Mr. President, I yield to the Senator from Kentucky such time as he requires.

Mr. COOK. Mr. President, amendment No. 1066 reads:

> This article shall not impair the validity, however, of any laws of the United States or any State which exempt women from service in combat units of the Armed Forces.

Thank goodness, Mr. President, that Joan of Arc did not know she could be exempt from the draft when she decided to take the French people and beat the English in the 100 Years War and win the Battle of Orleans. And thank goodness that no soldiers in the two respective campaigns thought that there would be some inconvenience in the battlefield because men and women would be together.

I am delighted that they did not understand the problems they would have, because somehow or other, they had to win the war.

And thank goodness that out in Frederick, Md., one of the ladies of history, Barbara Fritchie, did not know she would have some exemption under the Constitution and did not have to enter combat when she said, "Shoot, if you must, this old gray head." She did not mind that she was going to be shot. She just did not want anybody fooling with the American flag.

Is it not amazing, Mr. President, that there would be placed in the Constitution something which states in essence that this is the way our country shall be based and that this is the right that you shall have under this Constitution, that somehow or other, by some stretch of the imagination, 53 percent of the population of this Nation, if this country were invaded, do not have any responsibility to defend it? I cannot imagine by the farthest stretch of my imagination that that is what you would want to say.

But let us look at modern warfare. The Senator from Hawaii had us in the fields in France and marching across the fields of Germany, but look at what combat means today, and see if it might not be a little different.

Combat today may be a lady sitting at a computer at a missile site in North Dakota. Does that mean that when it says she does not have to be in combat that she can get up and walk out?

I suggest it might be wise for us to understand and realize that there are many, many nurses today in Southeast Asia that are in combat zones and who are being paid combat pay. I would only suggest that this is another means by which somehow or other we want to clutter up one of the most remarkable documents in the world, the Constitution of the United States.

Mr. BAYH. Mr. President, will the Senator yield before he goes ahead? I do not want to interrupt the Senator.

Mr. COOK. I yield to the Senator from Indiana.

Mr. BAYH. With respect to the point the Senator just made, there are also WACS, WAVES, and WAFS in combat service, and the position taken by the distinguished chairman of the Committee on Armed Services earlier was that they were different than men who might otherwise be conscripted. If that is the case, that is not the way we have been training men.

I notice the Department of Defense report which I have before me shows the draftees comprise 88 percent of the infantry riflemen in ground combat units, and thus the casualty rate is higher for them than for others. Of course, with respect to women, it is our expectation that few if any will be in combat.

I think the Senator is very much on the mark to point out that there are women there right now.

Mr. COOK. Not only that but let me say something that is a little more serious. This Senator has four daughters. My oldest daughter ventured into a new life for her, I guess, on Saturday when she was married. I would hate to have something in the Constitution that she might tell her children that if they happened to be female they do not have to ever worry, because they will not have to defend their country, that they can depend on all their brothers to defend it; and if the percentage goes from 53 percent female, which it is now, to perhaps, 60 or 65 percent female, they do not have to worry about it, because they will not have to do their part if their country gets into a military conflict.

This kind of follows the pattern that men have had themselves involved in wars throughout history, when they ran across the countryside, and the women grabbed the children and tried to find a basement in which to hide. They did not know if they would have a place to sleep, but the soldier did. There was a kitchen for him when he finished combat that night, and a tent which would be waiting for him or which he could put up himself, but the lady who had been bombed out had nothing to do but to keep going and to beg someone down the road to give her something to eat and a place to sleep. But we do not have those kinds of wars any more in our part of the world. In other parts of the world unfortunately they do and women are subject to combat.

I will refer Senators to the country of Israel where they do draft women and they are subject to military service. I do not think many people in Israel are without complete and absolute pride in their country, as they should have. We had many women who fought in our Civil War, and many women were involved in the underground in World War II in every country in Europe. It is a good thing their Constitution did not exempt them, because maybe they would have gotten used to the idea while they were growing up that they did not have a basic responsibility to their Nation.

I can only say to you, Mr. President, with respect to this business of talking about irrational and arbitrary laws, what is irrational and what is arbitrary about the necessity, if it should happen, and God forbid, I hope it never does, that all people of this Nation have to defend it? Are we then to say that, because my four daughters happen to be daughters and not sons that they have no responsibility to defend their country?

Mr. President, would you really write into the Constitution that this provision would apply not only to the Federal Government, but also to any laws of the States? Imagine the situation if there was an invasion of the United States which came through Texas from Mexico, and all of a sudden we said, "Do not worry about the Federal Constitution, because the Texas constitution says that women do not have to enter into combat, so do not worry about it." We are not really trying to fight that constitutional question on the floor of the Senate. As a matter of fact, what we are really trying to do with simplistic and sound language is to do something that should have been done 200 years ago, and that is to provide that everybody in this Nation was created equal under the Constitution.

The Senator from Indiana and I have wondered for a long, long time about the laws we talked about in committee and the laws we talked about in earlier debate that a woman could not hold a job that required her to lift over 15 pounds. My wife is a pretty strong gal. She does not weigh a great deal, but she has raised five children and Mr. President, I will tell you that at a certain stage in life she lifted and carried around the house a whale of a lot more than 15 pounds. But we are going to protect her. That is what it says. We are trying to protect these women, because they do not want to do these things. Well, they have to do it every time they raise a child. According to some of the arguments we hear in the Senate we are supposed to preserve them for that right.

But what we are trying to say in this language is that there was a flaw in the Constitution when it was written, a flaw that said, in fact, all men shall be created equal and that "men" meant everyone. But it has been interpreted they did not mean everyone, all of us, that it only meant men, us, and that was a defect and that defect has to be corrected. Anybody who lives in this Nation, in the freest nation in the world, under our constitutional form of government, shall not be discriminated against.

Use whatever term you want—whether for "Miss" or "Mrs." we have to use "Ms." which no longer becomes material—a constitutional form of government applies to everyone. If any of my daughters want to go to law school and graduate, it means that the large law firms in the United States cannot come to that school in the senior year and interview only the men. By the way, of the 717,000 veterans in the United States, all of whom happen to be in the category commonly referred to as females, as veterans, they do not receive the same benefits under the GI Bill of Rights as men. That is what we are talking about.

So I would suggest to remember what combat used to be like, but remember what it is like today.

Remember that combat may mean the availability to punch only one button, and that the one button to make that missile go somewhere to solve a problem to avoid a holocaust for this country may be a button that is going to be pushed by a woman, and if you are going to exclude her from combat, perhaps you have lost before you have started.

So I would only suggest that we have many dilatory amendments, but I referred at the beginning of my remarks to the fact that I am glad that Joan of Arc and Barbara Fritchie did not have an opportunity to be dilatory, that they were responsible citizens of their respective nations, that they understood the job and responsibility they had at that time and in that place in history, and that they took it. They assumed it and they did not ask anybody—they asked no man—to make one slightest difference, because they were women. One of them was willing to give up her life, and the other did, and they went down in history as pretty remarkable people in their countries.

I thank the Chair.

Mr. GRIFFIN. Mr. President, it may be defensible to say that women should be drafted along with men so long as it is necessary to have a draft law in effect. There are many military assignments and duties that women can, and do, perform as well as men.

However, I do not believe that drafted women should be assigned to combat.

And I do not believe it would cripple or defeat Senate Joint Resolution 208 to adopt this modification to make clear that drafted women will not be made subject by the equal rights amendment to combat duty in the Armed Forces. I feel very certain that the House of Representatives would quickly accept and adopt this modification.

Indeed, this modification would merely make clear what most proponents of the equal rights amendment say it is supposed to mean. But, unfortunately, there is no assurance now that the courts would agree with such an interpretation in the absence of this modification.

Mr. President, I believe that this one clarifying modification, which would have the limited effect of exempting women from combat duty in the Armed Forces, is needed and should be adopted.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I wish to compliment my colleague from Kentucky. He and I have stood shoulder to shoulder for quite some time on the Constitutional Amendments Subcommittee. I appreciate his eloquent opposition to the pending amendment.

Just one brief additional word to try to put into context just exactly what we are talking about here as a burden of the young women of America. Let me put in the Record here again so that we may have a consistent discussion vis-a-vis this amendment what I put in the Record the last time my friend from North Carolina was offering an amendment. I wish to show that if we look at the 1971 figures of the total male pool of eligible draftees, the figure is 1.9 million. Some 50.5 percent of them were rejected prior to induction. Another 24.9 percent were rejected at induction. So that, as of the time the draft calls went out, of the almost 2 million men eligible, only 98,000 were called, and only 94,092 were inducted.

The number of women who would pass through the screen applied, because of the physical strength requirements, in the judgment of the Senator from Indiana, would be significantly less, not based on sex, but based on the physical qualifications that might be needed in the various services.

Also I would like to reiterate what I said earlier, that less than 15 percent of those in the Armed Forces today are in combat branches. Add to this the fact that was alluded to earlier by the distinguished Senator from Kentucky that there are a number of women now serving in combat areas, and I think it puts the whole debate in proper perspective. I hope the Senate will not go along with this well-intentioned but unfortunately dilatory amendment of our distinguished colleague from North Carolina.

Mr. ERVIN. Mr. President, I yield myself such time on the bill as I may use.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ERVIN. Mr. President, it is apparent that some of the opponents of this amendment do not understand what it says. It does not prohibit sending women into combat; it merely says that the power of the Congress either to send or to refuse to send women into combat shall not be destroyed by the equal rights amendment.

If my amendment were adopted and Joan of Arc and Barbara Fritchie could be resurrected from the tongueless silence of dreamless dust in which they now sleep, the Congress of the United States could pass a law providing that both Barbara Fritchie and Joan of Arc could still be sent into combat.

All this amendment would do would merely be to say that Congress could be authorized to continue to legislate, in as intelligent a fashion as Congress is capable of legislating. It merely says that if Congress in its discretion refuses to send Joan of Arc and Barbara Fritchie, or their reincarnations, into combat, that power of Congress would not be stricken down by the equal rights amendment.

I do not know why my friends would want to put Congress in a straitjacket and compel it to send women into combat if there are plenty of men to make it unnecessary to send women into combat.

Furthermore, I do not know of any State in the Union that has a law which prohibits women from lifting more than 15 pounds. The Commonwealth of Massachusetts, to my recollection, once had such a law—I do not know whether it is still in force or not, but I submit if it is it would be invalidated by the equal protection clause of the 14th amendment.

My friend from Kentucky said that war is not quite as brutal as it used to be when men had nothing but sticks and rocks for weapons. It strikes me that war is far more brutal, because they have lethal weapons like poison gas that can consume a person's lungs and deprive them of the capacity to live. They have artillery that can blow their bodies into 50,000 pieces.

I would like to say the following words to every Senator who believes that Congress should be compelled in time of war to place the same obligations on women, as it does on men. Those who believe Congress ought not to have the power to wage war unless it sends the daughters of America into combat along with the boys of America, and who believes that women should suffer the same hazards as men, and who believe that Congress of the United States shall not have the power to exempt the daughters of America from being sent into battle to be slaughtered or maimed by bayonets, bombs, bullets, grenades, mines, napalm, poison gas, and shells of the enemy, ought to vote for this amendment, and then they ought to go around to the fathers and mothers of America and say that "I voted to compel Congress, when it sends American boys into battle, to send American girls alongside them, whether there is any necessity for so doing or not."

Mr. President, I believe the yeas and nays have already been ordered, and for that reason I yield the floor and am ready to vote.

Mr. BAYH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. TAFT). All remaining time having been yielded back, the question is on agreeing to the amendment No. 1066 of the Senator from North Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Minnesota (Mr. HUMPHREY). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting the Senator from Washington (Mr. JACKSON), the Senator from Alabama (Mr. SPARKMAN), the Senator from Maine (Mr. MUSKIE), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Washington (Mr. JACKSON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) would vote "nay."

The result was announced—yeas 18, nays 71, as follows:

[No. 114 Leg.]

YEAS—18

Bennett
Buckley
Byrd, Va.
Cooper
Eastland
Ervin
Fannin
Fong
Gambrell
Griffin
Hansen
Hollings
Long
Miller
Saxbe
Stennis
Talmadge
Thurmond

NAYS—71

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Burdick
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Ellender
Fulbright
Gravel
Gurney
Harris
Hart
Hatfield
Hruska
Hughes
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Tower
Tunney
Weicker
Williams
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, for.

NOT VOTING—10

Brooke
Goldwater
Hartke
Humphrey
Jackson
McClellan
McIntyre
Mundt
Muskie
Sparkman

So Mr. ERVIN's amendment (No. 1066) was rejected.

Mr. ERVIN. Mr. President, I am glad that most Senators are too old to be sent into combat.

AMENDMENT NO. 1067

Mr. President, I call up Amendment No. 1067 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> At the end of section 1 add the following sentence: "This article shall not impair the validity, however, of any laws of the United States or any State which extend protections or exemptions to women.".

Mr. ERVIN. Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, there are 32,975,000 women of the age of 16 years and up in the United States who are either employed or seeking employment outside their homes. A very small percentage of these women are business and professional women.

I am told that this amendment is backed by business and professional women. From my association with women in North Carolina, I confess that I am of the opinion that only a relatively small percentage of business and professional women favor this amendment.

The Senator from North Carolina realizes that society imposes discrimination in employment upon many women, both in respect to the compensation they receive and their promotional opportunities. These discriminations which are imposed upon women in this respect by the traditional customs and usages of society are not discriminations created by law and, for this reason, the equal rights amendment will not abolish discriminations of that character.

All of us who are familiar with the legislative action of the Congress and of the States in recent years know that Congress and the States have enacted much enlightened legislation which puts an end, if such legislation is properly invoked and enforced, to many of the discriminations against women in employment.

Moreover, the President of the United States and every department and agency of the Federal Government, and many of the executive agencies and departments of many States, have issued regulations prohibiting discrimination against women in employment in Federal and State services.

There is one group of women, however, who need no laws and need no regulations to abolish legally imposed discriminations against them.

That group is composed of business and professional women. Insofar as the law itself is concerned, business and professional women have the absolute legal right at the present moment, and without the equal rights amendment, to compete with men in all of the business or commercial activities of life. I wish to say, as I said in my opening remarks, that the submission of the equal rights amendment by Congress to the States and the ratification of the equal rights amendment by 38 States will not add one job or title to the position of business and professional women insofar as their legal rights to engage in business or commercial enterprises is concerned.

You know, Mr. President, the American people have a simplistic faith in law. Our great national delusion is based on the fact that we have a childlike faith that anything wrong in our civilization can be abolished by law and that all of life's problems lend themselves to legal solutions. It is doubtful whether many of the people who are in custody in institutions for the mentally ill in our land suffer under a greater delusion than that.

If this amendment is submitted by Congress to the States and is ratified by 38 States and made a part of the Constitution, all of the problems which life presents to women will remain. New problems will undoubtedly be presented to women from time to time by life. The chief effect of the equal rights amendment will be to handicap Congress and the legislatures of the 50 States in their efforts to solve the problems because the equal rights amendment says to the Congress and to the States that they must ignore the existence of sex when they attempt to solve the problems of women as well as when they undertake to solve the problems of men.

The most important fact in life is sex. No greater folly could be perpetrated than to place in the Constitution of the United States an amendment which says that Congress and the 50 States must absolutely ignore the existence of sex when they fashion the laws to solve the problems of men and women, all of whom belong to a sex.

As I stated in my opening remarks, borrowing the words of Omar Khayyam, the equal rights amendment will certainly shatter into bits what its militant supporters deem to be this sorry mess, this scheme of things in power, but it will not do anything to remold it nearer to their heart's desire.

One of the strange things about the solicitude which the proponents of the amendment profess to have for the vast majority of the 32,975,000 women who work or seek work outside of their homes, is that they seek to rob these women who do perform labor, other than intellectual labor, of all of the protections and all of the exemptions which those really concerned about them have fought for a century to secure for them.

A great many of these women belong

to unions which are affiliated with the AFL–CIO. I hold in my hand a newspaper clipping from the Washington Star for August 31, 1970.

At that time the so-called equal rights amendment—which would be far better designated as the unequal wrongs amendment—was under consideration and was exciting much comment. This newspaper clipping states the following:

> AFL–CIO President George Meany says the Labor Federation opposes the women's liberation movement for absolute equality because millions of women union members don't want to give up the job protections they have won in federal and state laws.
>
> There are laws in some states that women cannot work in coal mines, Meany said. Most women don't want to win the right to mine coal or to do other dangerous work, he said. For that reason, Meany said, AFL–CIO won't support the amendment to give women equality which was passed by the House and is pending in the Senate.

This amendment has been flitting around the halls of Congress since 1923. Some years ago it came before the Senate. One of the wisest men that ever sat in this body, former Senator Carl Hayden, the distinguished Senator from Arizona, told me that he was sitting in the Senate when the equal rights amendment came up for consideration and that he thought of a law that they had in Arizona which forbade employers to employ women to descend into the bowels of the earth in the copper mines of Arizona and mine copper.

I think that most people, except some of the business and professional women who work in offices, think that was a pretty good law. But they think that law should be nullified by a constitutional amendment. And that is one of the objectives of the amendment, to nullify that law.

The significant thing in this connection is that the women who are protected by laws of this kind are opposed to this amendment. One of the most knowledgeable women in this field and one of the wisest women I have ever had the privilege of knowing is Mrs. Myra K. Wolfgang, one of the chief officers of the Hotel and Restaurant Employees Union.

Mrs. Wolfgang knows whereof she speaks. She is a citizen. She is a woman. She is a widow. She is a mother. She is a worker. And she is a union official. She is an adamant and implacable foe of the equal rights amendment.

When the amendment was under consideration in 1970, the New York Times in its issue of September 10, 1970, made some comments concerning Mrs. Wolfgang's views. These comments were as follows:

> A representative of working-class women told Congress today that the proposed equal rights amendment to the Constitution would bring to women such as herself only "an equality of mistreatment" by employers.
>
> Myra K. Wolfgang, vice president of the Hotel and Restaurant Employes and Bartenders International Union, made the statement before the Senate Judiciary Committee.
>
> The committee opened hearings today on the amendment, which passed the House last month. The amendment would prohibit any government, Federal, State or local, from denying any right to any individual because of sex. If the amendment were passed, Mrs. Wolfgang said, all state laws establishing maximum hours of work for women would be invalidated.
>
> The result, she said, would be that many employers would force women to work longer hours than they wish to and longer hours than they are able to work while still taking care of their household responsibilities.
>
> ### CONTRAST IN POSITIONS
>
> Unrestricted hours of work "may be fine for lady lawyers" and other members of the National Federation of Business and Professional Women's Clubs, which is supporting the amendment, she said. "But it isn't fine for women working in the laundries, in the hotels and restaurants, on the assembly lines."
>
> Mrs. Wolfgang argued that all overtime work should be optional for both men and women, as it is now under many union contracts.
>
> But until it is, she said, hours-limitation laws for women "provide them with a shield against obligatory overtime to permit them to carry on their life at home as wives and mothers."
>
> Mrs. Wolfgang cited case after case of women in Michigan who were forced against their will to work more than 60 hours a week during the three-month period in 1967-68 when that state's maximum hours law was declared invalid. She named names of specific companies where she said this had occurred including, in particular, the Chrysler Corporation.
>
> President Nixon's advisory council on the status of women endorsed the equal rights amendment, Mrs. Wolfgang noted. She said the reason was that, unlike similar committees of the Johnson and Kennedy Administration, "it had no representation of working women but was made up of business and professional women. The Kennedy and Johnson groups opposed the amendment.
>
> The members of Mr. Nixon's group, she said, "are totally unaware of what real working women and housewives of America really want."
>
> "The business and professional women of America don't bake the bread for America, nor package the meat, nor clean the hotel rooms, nor wipe the noses, nor change the diapers, nor man the production lines, nor ring up your retail purchases," she said.
>
> Prof. Paul A. Freund of the Harvard University Law School the day's other witness, argued that adoption of the amendment would bring about vast changes that Congress had not adequately considered.
>
> For example, he noted that most of the amendment's advocates say that it would make women subject to being drafted if men were being drafted.

I digress to say so far as it lies within its powers the United States has done exactly that today, but I hope when Senators return to their home States they will tell the fathers and mothers of the daughters of America how they voted on that issue.

I continue to read from the article which appeared in the New York Times:

> If Congress really wants to draft women, he said, it can pass a law that would do so.

The reference there is to Professor Freund.

I digress to say it does not need any congressional amendment to give it that power, but this constitutional amendment takes power away from Congress in respect of the recruitment of personnel of the Armed Forces. It places Congress in a straitjacket, where it cannot legislate on this subject unless it places both men and women draftees under exactly the same conditions and converts men and women both into combat soldiers.

I continue to read from the statement:

> But a policy change of such importance "is customarily the subject of full and informed hearings before appropriate committees and is voted on after well-focused debate.
>
> "It may or may not be a desirable change to make, but in other circumstances it would surely be thought irresponsible to impose such a reform almost without attention, as a half-hidden implication of a motto."
>
> Professor Freund also expressed the view that adoption of the amendment could wipe out laws requiring men to support their wives and children.
>
> "Can it be said that the favorable treatment everywhere accorded to wives in respect to support is a manifestation of male oppression or chauvinism or domination?" he asked.
>
> He criticized the women's groups that have focused their energies on adoption of the equal rights amendment instead of bringing court cases under the 14th Amendment that, in his opinion, would have resulted in the invalidation of many discriminatory laws.
>
> Old Supreme Court cases denying women the protections of the 14th Amendment are "museum pieces" and would not be decided that way today, he said.
>
> He also challenged Congress to enact, as it could by simple majority vote, laws against discrimination against women in public educational institutions, in public accommodations and other fields.

Professor Freund had other things to say on this subject. He testified before the Committee on the Judiciary in September 1970, and he testified again before the Judiciary Committee of the House in February of this year, as I recall. He made some very wise observations concerning the effects of the so-called equal rights upon the social structure of this country and concerning the chaos which it will provoke in constitutional and legal fields.

I ask unanimous consent that the statement of Prof. Paul J. Freund, made in September 1970, before the Committee on the Judiciary and certain comments which I made thereon, at that time, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, Proceedings and Debates of the 91st Congress, Second Session, Washington, Thursday, Sept. 10, 1970]

STATEMENT OF PROF. PAUL J. FREUND OF THE HARVARD LAW SCHOOL BEFORE THE SENATE JUDICIARY COMMITTEE IN OPPOSITION TO SENATE JOINT RESOLUTION 61, THE EQUAL RIGHTS FOR WOMEN AMENDMENT

Mr. ERVIN. Mr. President, there is no doubt that the equal rights for women amendment has been subjected to very little analysis. In fact, the House of Representatives did not hold any hearings on this proposal, and the Senate hearings made no attempt to investigate the effects of such a constitutional amendment on the myriad State and Federal laws which make distinctions between men and women. It is a very real testament to the lack of consideration given to this matter that the definitive critical legal statement was written in 1945—25 years ago—by Prof. Freund of the Harvard Law School. Not only was Professor Freund not asked to bring his statement up to date by the House or the Senate subcommittee considering this problem, but very few, if any, legal scholars were asked to comment on the matter by anyone.

In the hearings called this month by the Senate Judiciary Committee to look into the problems posed by this amendment, Professor Freund has been finally asked to bring his views on this matter up to date. I recommend Professor Freund's statement to all Senators. He is an outstanding constitutional scholar, and he has explored in detail for the committee the chaotic legal conditions which will exist if this amendment passes. He realizes the dangers of dealing with the complex legal relationships between men and women by the simplistic approach taken by the House-passed amendment. On this point Professor Freund said:

"The truth is that a motto of four words, however noble in purpose, is hopelessly inept to resolve all the diverse issues of classification by sex in the law. It is as if the Constitution declared "all power to the people," and left it at that."

The equal rights for women amendment is receiving in the Senate Judiciary Committee the first thorough analysis it has received in 25 years. It is no compliment to the concept of equal rights for women that the advocates of this amendment are demanding that it should pass without adequate consideration. If any Senator doubts the seriousness of the changes which the equal rights for women amendment would bring about and the need for adequate consideration, I suggest he read Professor Freund's statement to the Senate Judiciary Committee on September 9, 1970.

Mr. President, I ask unanimous consent that Professor Freund's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF PAUL A. FREUND

I appreciate your invitation to appear and present my views on the Equal Rights Amendment. I am a professor at the Harvard Law School, specializing in Constitutional Law, and I am here in a purely personal capacity, having prepared a statement some twenty years ago in opposition to the Amendment when it was previously before the Senate.

I am anxious that my position not be misunderstood. I am in wholehearted sympathy with the efforts to remove from the statute books those vestigal laws that work an injustice to women, that are exploitative or oppressive discriminations on account of sex. Too many of such laws continue to disfigure our legal codes. I submit, however, that not every legal differentiation between boys and girls, men and women, husbands and wives, is of this obnoxious character, and that to compress all these relationships into one tight little formula is to invite confusion, anomaly, and dismay.

Let me illustrate. Consider two types of law that differentiate on the basis of sex. One prescribes heavier criminal penalties for men than for women who commit identical offenses. This can only be explained on some moralistic basis that has no rational relation to the purposes of the criminal law. The other type prescribes, or officially approves, different premium rates for life insurance for men and women; based on actuarial statistics of life expectancy, the rates for women are lower. Here is a legal recognition of the facts of life, which happen indeed to favor the position of women. Is there any reason to visit the same condemnation of these two kinds of laws, as if they were equally repugnant to our sense of justice, and to do so by a change in our fundamental law that would leave no freedom of action to any state? Anyone who sees an important difference in these two cases cannot in good conscience, I submit, support the proposed amendment.

It will not do to answer that the courts will make sensible distinctions and will not give a literal meaning to "equal rights under law." If only that were the purport of the Amendment it would be redundant of the equal protection guarantee of the Fourteenth Amendment. The Supreme Court has not held, as is sometimes loosely stated, that women are not "persons" within the meaning of that Amendment. Rather the Court has found in the past that certain laws do not discriminate unfairly against women. Very probably the Court would be less tolerant today in applying the guarantee of equal protection of differences based on sex, as it is less tolerant of unequal treatment in other fields. But it is precisely to avoid the necessity of submitting such questions to the courts, to strip the courts of any latitude of application, that the proponents of the Equal Rights Amendment urge the necessity of its adoption. Their model is not the generally flexible concept of equal protection, but the concept as it has now come to be applied to provisions of law based on race. The law, it is argued, must be sex-blind no less than color-blind.

Let us see whether the analogy to race is a satisfying one. It is now a constitutional principle that public schools and universities may not maintain a dual system for white and black students, respectively. Does it follow that men and women must be admitted without differentiation to West Point and Annapolis—not in separate but equal academies but in the same classes and in the same school activities? If this is indeed the will of Congress, it can be carried out by simple majority vote, on an experimental basis, without waiting for a binding mandate from three fourths of the states. If it is not the will of Congress, I assume the proposed Amendment will not be approved by this body. The strict model of racial equality, moreover, would require that there be no segregation of the sexes in prisons, reform schools, public rest rooms, and other public facilities. Indeed, if the law must be as undiscriminating concerning sex as it is toward race, it would follow that laws outlawing wedlock between members of the same sex would be as invalid as laws forbidding miscegenation. Whether the proponents of the Amendment shrink from these implications is not clear. It has been stated that equal treatment would not be required if it ran counter to prevailing standards in the present state of our culture. This is an escape valve not found in the Amendment itself and one of very uncertain dimensions. Some may believe that to permit women to work as coal miners offends prevailing mores; but evidently such an exemption from the Amendment's coverage would be strongly repudiated by the proponents.

Subjection of women to compulsory military service, along with men, raises a similar question. Again, the proponents appear to insist that the drafting of women as well as men for suitable military service would in fact be required under the Amendment. They assume, probably correctly, that equal "rights" would include obligations of service; and under the Amendment men could claim that the right" of exemption from the draft must be applicable without regard to sex. If this major innovation in the draft is truly the will of Congress, it can be achieved, like the opening up of West Point and Annapolis, by simple legislation, and at once, without waiting to be bound by the action of three fourths of the states. Draft policy is, after all, the responsibility of the national government. A change of policy of this magnitude in framing a draft law is customarily the subject of full and informed hearings before appropriate committees and is voted on after well-focused debate. It may or may not be a desirable change to make, but in other circumstances it would surely be thought irresponsible to impose such a reform almost without attention, as a half hidden implication of a motto which, in addition, would be frozen unalterably in the Constitution.

Consider next the field of domestic relations with its complex relationships of marital duties and parental responsibilities. Every State makes a husband liable for the support of his wife, without regard to the ability of the wife to support herself. The obligation of the wife to support her husband is obviously not identical to this; if it were, each would be duty bound to support the other. Instead, the wife's duty varies from State to State. In some jurisdictions there is no obligation on the wife, even if the husband is unable to support himself. In others, the wife does have a duty of support in such a case. In 1968 a recommendation on the subject was made by a Task Force on Family Law and Policy of the Citizen's Advisory Council on the Status of Women, a group that supports the Amendment. The recommendation was a progressive and equitable one: A wife should be responsible for the support for her husband if he is unable to support himself and she is able to furnish such support." (Report, p. 9). So far, so good. But under the mandate of the Equal Rights Amendment, what would be the effect on the rule fixing the husband's duty? Some members of the Task Force, but only some, took a position consistent with the principle of the Amendment:

"Some of the task force members believed that a husband should only be liable for the support of a wife who is unable to support herself due to physical handicap, acute stage of family responsibility or unemployability on other grounds." (*Ibid.*) This solution would be dictated by the Equal Rights Amendment but would be contrary to the law of every State. Can it be said that the favorable treatment everywhere accorded to wives in respect of support is a manifestation of male oppression or chauvinism or domination? Can it be expected that all the States will make an about-face on the law of support within a year of the adoption of the Amendment; and if they do not, what will be the reaction of housewives to the Equal Rights Amendment when husbands procure judicial decisions in its name relieving them of the duty of support?

The truth is that a motto of four words, however noble in purpose, is hopelessly inapt to resolve all the diverse issues of classification by sex in the law. It is as if the Constitution declared "All power to the people," and left it at that. A hundred years ago the framers of the Fourteenth Amendment resorted to a high-sounding but unexamined motto when they provided that no State might abridge the "privileges and immunities of citizens of the United States." What those privileges are is still is a subject of litigation and debate. We wonder how a phrase so unthought-through could have found its way into the Constitution as a mandate for legislatures and courts. We can at least profit from that experience. We can at least try to think things, not merely words, when amending our fundamental law. Of course no legal provision can anticipate unforeseeable or out-of-the-way problems that may arise. But when a proposal leaves the mind so unsatisfied regarding its effect on ordinary, obvious, recurring relationships, a more specific and concrete approach is clearly called for.

I would not want to leave the subject on a purely negative note. My concern, as I have said, is with the method proposed, which is too simplistic for the living issues at stake. It remains, then, to suggest alternative approaches. A great deal can be done through the regular legislative process in Congress.

Concrete guidelines are set forth in an April 1970 Report of the President's Task Force on Women's Rights and Responsibilities (not the same task force cited earlier). After recommending support of the proposed Amendment, the Report urges that Title VII of the Civil Rights Act of 1964 should be amended to empower the EEOC to enforce the law, and to extend coverage to State and local governments and to teachers; that Titles IV and IX of the Civil Rights Act be amended to authorize the Attorney General to assist in cases involving discrimination against girls and women in access to public education, and to require the Office of Education to make a survey on that subject; that Title II of the Civil Rights Act should be amended to prohibit discrimination because of sex in public accommodations; that the jurisdiction of the Civil Rights Commission be extended to include denial of civil rights because of sex; that the Fair Labor Standards Act be amended to extend coverage of its equal pay provisions to executive, administrative, and professional employees; that various amendments be made to the Social Security Act; and that liberalized provision be made for child care facilities. It is an extensive, important, and thoughtful set of proposals. If a two-thirds majority can be found for the abstraction of the Equal Rights Amendment, it would be puzzling to know why a simple majority could not even more readily be found to approve this concrete program.

In addition, Congress would give a vigorous and valuable lead by enacting model laws for the District of Columbia in the fields of labor legislation and domestic relations.

Moreover, a few significant decisions of the Supreme Court in well-chosen cases under the Fourteenth Amendment would have a highly salutary effect. And decisions under Title VII of the Civil Rights Act will clarify the role of state laws regulating employment with respect to the concept of bona fide occupational qualifications.

Finally—and this may seem to some to be a radical suggestion—Congress can exercise its enforcement power under the Fourteenth Amendment to identify and displace state laws that in its judgment work an unreasonable discrimination based on sex. This would be done on the analogy of the 18-year old voting legislation.

In this connection let me point out a serious deficiency in the proposed Amendment. Its enforcement clause gives legislative authority to Congress and the States "within their respective jurisdictions." This is a more restrictive authorization to Congress than is to be found in any other Amendment, including the Fourteenth. If the new Amendment is deemed to supersede the Fourteenth concerning equal rights with respect to sex, Congress will be left with less power than it now possesses to make the guarantee effective. This is the final anomaly.

A NOTE ON RULES OF CONSTRUCTION

What would be the effect of the amendment on various laws that are now applicable only to women, or that differentiate between men and women in their provisions? What would be the effect, for example, on state laws setting minimum wages for women only, or the law of dower where it is not equally applicable to men?

The question divides itself into two parts: what is the mandate addressed to legislatures, and what is the mandate addressed to courts?

So far as legislatures are concerned, I assume (perhaps mistakenly) that equality could be achieved by moving in either of two directions; that is, a special minimum wage law or industrial seating law for women could be repealed, leaving no minimum wage or seating law in effect, or it could be extended to men either in its present form or with new standards applicable across the board. If the legislature repeals such laws because of the increased burden on employers to extend them to men as well, equality of rights will have been achieved, but one can only ask, "What price equality?".

Suppose, however, that within the one-year period between adoption of the Amendment and its effective date a legislature does not act to equalize certain differentials based on sex, or acts in a way thought to be still incompatible with the Amendment. The problem then becomes the subject of litigation. Are the courts given the same latitude of direction as I have assumed the legislatures possess to accommodate the law to the Amendment?

The legislative history, such as it is, suggests that certain guidelines should control the action of the courts. Reference has frequently been made, in this connection, to the following passage in the memorandum of the Citizens Advisory Council on the Status of Women, March 1970:

"Where the law confers a benefit, privilege or obligation of citizenship, such would be extended to the other sex, i.e., the effect of the amendment would be to strike the words of sex identification. Thus, such laws would not be rendered unconstitutional but would be extended to apply to both sexes by operation of the amendment. . . .

"Where the law restricts or denies opportunities of women or men, as the case may be, the effect of the equal rights amendment would be to render such laws unconstitutional."

This guideline is far from clear. As was pointed out by Congresswoman Mink in the brief discussion in the House (Aug. 10, 1970, Cong. Rec. H. 7976–77). "Under this reasoning, however, both results could occur. For example, the minimum wage law for women only is a special benefit and under the first rationale would be extended to both sexes. But it is also a law which is discriminatory against men [and restrictive, one could add, of women's liberty of contract] and thus could be held unconstitutional."

Mrs. Mink would have liked to insert into the Amendment a clarifying proviso, as follows:

Provided, that any State or Federal law which confers rights, benefits and privileges on one sex only shall be construed to apply to both sexes equally."

However, on the assurance of Congresswoman Griffiths that the proviso was implicit in the Amendment and that Mrs. Mink's concerns were unfounded, she did not press her point and voted for the Amendment as it stands. (*Ibid*).

But even the proviso as offered by Mrs. Mink would hardly have been adequate as a guide. Consider the case of different ages of capacity to contract or marry; 18 for females, 20 for males, let us assume. From one point of view, only young women are given the benefit or privilege of contracting between 18 and 20, therefore the age should be lowered uniformly to 18. From another point of view, only young men are given the privilege or benefit of disaffirming an obligation between 18 and 20, therefore the age should be raised uniformly to 20. Or consider the problems of rights and duties *inter se,* as in the case of dower, in a state which grants that interest only to wives, or which grants it in larger measure than curtesy can be claimed by husbands. From one point of view, dower is a benefit granted to the woman and so should extend in corresponding measure to the man. From another point of view, the benefit is freedom during marriage of the wife's property from curtesy, so that it is the absence of such a marital property right to one another's property that should be the objective of the decision. How property held by a spouse is to be valued in this uncertainty, and how titles are to be secure when such property is conveyed, are questions that continue to give one pause, even after trying to apply the extrinsic guidelines. Surely the result cannot turn on whether a wife is seeking to convey property free of curtesy, or a widower is claiming the equivalent of dower on his wife's death.

Normally a legislature would focus on such problems of equalization as it revised its law of property or custody or marriage. But when 50 states are put under a new mandate of "equality" with respect to all aspects of law that have been regard to sex differentiation and where that mandate is self-executing through the courts, wholesale confusion is likely to occur. It should be remembered once more that the intervening hand of Congress, where states are laggard or confused, is precluded, except where Congress would independently have power, under the "respective jurisdictions" clause of the Amendment's enforcing provision.

Mr. ERVIN. Mr. President, I also ask unanimous consent that the statement which Professor Freund made before the House Judiciary Committee in February 1972 and certain comments that I made thereon be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Congressional Record,
Feb. 9, 1972]

HARVARD LAW PROFESSOR OPPOSES EQUAL RIGHTS AMENDMENT

Mr. Ervin. Mr. President, in the March 1971 issue of the Harvard Civil Rights-Civil Liberties Law Review. Prof. Paul A. Freund of the Harvard Law School has written a strong article against the equal-rights-for-women amendment.

Professor Ferund, one of the most outstanding legal scholars in this country, concludes that the ERA, or unisex amendment, will result in the destruction of any law that differentiates between men and women. As Professor Freund puts it:

"And so women must be admitted to West Point on a parity with men; women must be conscripted for military service equally with men (though classification on an individual basis for assignment to duties would be valid, it is asserted): girls must be eligible for the same athletic teams as boys in the public schools and state universities; Boston Boys' Latin School and Girls' Latin School must merge (not simply be brought into parity); and life insurance commissioners may not continue to approve lower life insurance premiums for women (based on greater life expectancy)—all by command of the Federal Constitution."

Professor Freund takes a special look at the laws relating to domestic relations which the ERA would destroy, and I hope that every Senator will have an opportunity to read this section to determine the effect of destroying the legal obligation, existent in every State, for the husband to support his family.

Prof. Jonathan H. Pincus of the Yale University School of Medicine has rightly termed this destructive element of the ERA, "the Tonkin Gulf resolution of the American social structure."

Mr. President, I highly recommend the article by Professor Freund in the Harvard Civil Rights-Civil Liberties Law Review to everyone interested in a brilliant expose of the equal rights for women amendment. I ask unanimous consent that it be printed in the Record.

THE EQUAL RIGHTS AMENDMENT IS NOT THE WAY

(By Paul A. Freund) *

My interest in the Equal Rights Amendment goes back twenty-five years, when I was encouraged to draft a statement in opposition on behalf of twenty lawyers and law professors, including Dean Pound of Harvard.[1] Last year I learned that this statement was being circulated anew by the AFL–CIO, and it became necessary to review my position on the subject.

The issue has always been over choice of means, not over ends. The objective is to nullify those vestigial laws that work an injustice to women, that are exploitative or impose oppressive discriminations on account of sex. Although such laws have been progressively superseded or held to be violative of equal protection,[2] some of these laws still disfigure our legal codes. Beyond this, the Women's Rights Movement seeks to achieve equal opportunity and equal treatment for women in business, professional, domestic, and political relationships, but unless equality is denied by a public agency or because of a law the Equal Rights Amendment by its terms has no application. If we want to see more women in law firms, in the medical profession, in the Cabinet—and I, for one, do—we must turn elsewhere than to the proposed amendment. The point is not the smug argument that we must change hearts and minds and attitudes (though that too is involved) rather than look to law; the point is that within the realm of law we have to compare the effects and effectiveness of a constitutional amendment on the one hand and the mandate of congressional legislation and judicial decisions on the other.

The proposed amendment attempts to impose a single standard of sameness on the position of the sexes in all the multifarious roles regulated by law—martial support, parental obligations, social security, industrial employment, activities in public schools, and military service—to mention the most prominent. It is necessary to try to analyze all these various applications of the single-standard formula in order to discern whether anomalies, uncertainties, and injustices would result. Unfortunately, we have no definitive guide in such an exploration, for neither in the House nor in the Senate was there a committee report on the amendment, which might have focused attention on concrete issues rather than on a generalized slogan—"equal rights under law"—which is intended to supplant "equal protection of the laws." The alternative legal course is to achieve changes in the relative position of women through paramount federal standards or to overcome invidious classifications on the ground that they are presently unconstitutional. The choice resembles that in medicine between a single broad-spectrum drug with uncertain and unwanted side-effects and a selection of specific pills for specific ills.

In comparing the problem of choice twenty-five years ago and today, I concluded that so far from the case for amendment being strengthened, the choice of the alternative course was even more strongly indicated. The reason is that during the intervening years both the scope of congressional power and the promise of judicial redress have been made clearer, while the dangers implicit in the amendment remain as before. Congressional power under the commerce clause, as the civil-rights legislation shows, is adequate to deal with discrimination (whether private or governmental) based on sex, as on race. This authority has been utilized to some extent in relation to sex discrimination in employment practices[3] but not to such discrimination in places of public accommodation. Discrimination in matters of family law could be reached under Congress' power to enforce the equal-protection guarantee, as set forth in *Katzenbach v. Morgan*.[4]

Recently, to be sure, a majority of the Court refused to extend that decision to the case of the claims of 18-year-olds to share in the suffrage; but the refusal hinged on a reluctance to regard the minimum voting age for elections as a subject coming within the guarantee of equal protection.[5] Even without benefit of congressional action, the guarantee has been markedly enlarged in recent years; it has served to invalidate legislative classifications based on such factors as poverty, illegitimacy, duration of residence.[6] Surely nineteenth-century decisions holding, for example, that women could be denied admission to the bar[7] are museum pieces and should not figure in any present discussion of equal rights.

The paucity of contemporary Supreme Court decisions can be ascribed partly to the failure of women's groups to mount a series of selected test cases challenging forms of discrimination, and in part to the fact that some discriminatory laws have been held invalid by lower courts, without further appeal.[8] One Supreme Court decision, however, is a target of indignation by proponents of the amendment: *Hoyt* v. *Florida*.[9] The Court held by a divided vote that a state law might relieve women of jury duty unless they signified their willingness to serve, while requiring men to present specific reasons for excuses. Experience had shown that a much higher percentage of women than of men had in fact secured excusal on an individual basis, because of household duties, and the law was tailored to reflect this experience in a differentiated procedure based on a differentiated presumption of fact. As the Justices were divided, so it seems to me, can reasonable persons of good will disagree among themselves on the decision. But to regard the decision as an invidious discrimination or a degrading affront to women that calls for redress by a constitutional amendment is surely far-fetched and obsessively sensitive. The classification more nearly resembled a factful generalization based on age or height than on race or color.

So far I have set out reasons why the amendment is not necessary or appropriate. Before leaving this point, let me add that even if the amendment were adopted, legislation on the state or federal level would be necessary to carry it out in its myriad applications. Four words will not in themselves remake the laws of age of consent, marital property rights, marital and parental legal duties, and protective factory legislation. The energies that have been spent for forty years in an effort to secure the submission of the amendment by Congress to the states would have to be followed, even if ultimately successful, by efforts to revise the laws in a satisfactory way. It is hard to believe that this preliminary struggle to obtain the support of two-thirds of Congress and three-fourths of the states is other than a diversion of energy from the essential task of revising the laws themselves.

In some fields a national mandate to the states is a useful, even necessary, prelude because there is a bloc of recalcitrant states or because individual states fear a loss of competitive advantage in raising their standards. The latter was the case, for example, with unemployment compensation, which lagged in the states until federal tax credit legislation took away the supposed advantage of holding out.[10] So far as women's rights are concerned, a similar situation conceivably might exist with respect to a disadvantaged position in industry; but there is a twofold answer to this supposition. So far as merely private discrimination is concerned, the amendment has no application, and all discrimination, private or governmental, is subject to the paramount power of Congress under the commerce clause. In non-commercial fields, such as marital property or parental duties, there is no need to go to the states for a preliminary mandate to change their laws. If three-fourths of the states are prepared to ratify the amendment, it is hard to see why they must first thus admonish themselves to do justice before they are prepared in fact to do justice. Although forty years of frustration ought to have carried a lesson, no doubt it seems easier to place a resounding and all-encompassing phrase in the Constitution than to identify specific wrongs and draft model laws to correct them. Yet it is the latter that sooner or later will have to be done, whatever the fate of the amendment—and I suggest that it be sooner.

Still it may be suggested, the amendment would serve importantly as a symbol—a symbol that the nation has made a commitment to justice for women under law. One gets the impression that much of the drive for the amendment owes its force to this psychological wellspring. The value of a symbol, however, lies precisely in the fact that it is not to be taken literally, that it is not meant to be analysed closely for its exact implications. A concurrent resolution of Congress, expressing the general sentiment of that body, would be an appropriate vehicle for promulgating a symbol. When, however, we are presented with a proposed amendment to our fundamental law, binding on federal and state governments, on judges, legislatures, and executives, we are entitled to inquire more circumspectly into the operational meaning and effects of the symbol. Lawyers, in particular, have an obligation to ask these questions and to weigh the answers that are given. For if the amendment is not only a needless misdirection of effort in the quest for justice, but one which would produce anomalies, confusion, and injustices, no symbolic value could justify its adoption. We turn, then, to these issues of meaning and effect.

A mandate that equal rights under law shall not be denied or abridged by the United States or any state on account of sex can have either of two conceivable meanings. It can mean that any classification based on sex must be justified by some good (or very good, or compelling) reason, or it can mean that no such classification can pass muster. To this question there is no authoritative answer to be found in the congressional history of the proposed amendment, but the literature of its main sponsors insists on an absolute meaning. This interpretation has been reinforced by the recent experience with the amendment in the Senate. After the original version was amended to death, Senator Bayh and other proponents offered a revised version, using the language "equal protection of the laws shall not be denied or abridged . . . on account of sex." This formulation, adopting the language of the fourteenth amendment but explicitly stressing its application to classifications based on sex, would have been accepted by a number of opponents of the original version. (I would not feel impelled to oppose the revised version, though doubting its necessity.) But it was the most active groups behind the amendment that refused to accept the substitute. They protested that courts or legislatures might find compelling reasons for certain classifications, and this result was unacceptable.[11] I should have thought that if there are compelling reasons and if the amendment would allow them to prevail, that outcome would be cause for satisfaction, not intransigent complaint.

A doctrinaire equality, then, is apparently the theme of the amendment. And so women with men; women must be conscripted for military service equally with men (though classification on an individual basis for as-

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Footnotes at end of article.

signment to duties would be valid, it is asserted),[12] girls must be eligible for the same athletic teams as boys in the public schools and state universities; Boston Boys' Latin School and Girls' Latin School must merge (not simply be brought into parity); and life insurance commissioners may not continue to approve lower life insurance preminums for women (based on greater life expectancy)[13]—all by command of the Federal Constitution.

Perhaps the country ought to consider conscripting women equally with men. My point is not that we must maintain the status quo; it is that a change so far-reaching and inflexible ought surely not be brought about as the half-hidden implication of a constitutional motto. Changes of far less import in the draft law have been the subject of full-scale hearings, committee reports, and debate in and out of Congress. Can we assume that every member of Congress who is prepared to vote for the amendment is equally prepared to explain and justify its effect on military service and to support that result before his constituents? A similar question has to be raised about each of the other foregoing illustrative consequences of the amendment. The irreverent thought obtrudes itself that either not every member of Congress has been adequately briefed on the amendment's implications or not every member takes seriously the possibility of its ratification. This irreverence is reinforced when it is remembered that such subjects as selective service or admission to West Point are wholly in the control of Congress, and there is no reason to wait for the mandate of three-fourths of the states if Congress really regards sex differentiation in those institutions as unacceptable and is bent on ending it. Indeed, the change could be brought about by simple majority vote, not the two-thirds required to submit a constitutional amendment.

Special scrutiny should be given to the field of domestic relations, with its complex relationships of marital duties and parental responsibilities. Every state makes a husband liable for the support of his wife, without regard to the ability of the wife to support herself. The obligation of the wife to support her husband is obviously not identical to this; if it were, each would be duty bound to support the other. Instead, the wife's duty varies from state to state. In some jurisdictions there is no obligation on the wife, even if the husband is unable to support himself. In others, the wife does have a duty of support in such a case.

In 1968 a recommendation on the subject was made by a Task Force on Family Law and Policy of the Citizens' Advisory Council on the Status of Women, a group that supports the amendment. The recommendation was a progressive and equitable one: "A wife should be responsible for the support of her husband if he is unable to support himself and she is able to furnish such support."[14] So far, so good. But what would be the effect on the rule fixing the husband's duty? Some members of the Task Force, but only some, took a position of reciprocity consistent with the principle of the amendment: "Some of the task force members believed that a husband should only be liable for the support of a wife who is unable to support herself due to physical handicap, acute stage of family responsibility or unemployability on other grounds."[15] This solution, dictated by the Equal Rights Amendment, would be contrary to the law of every state. Moreover, the support owed solely to "a wife who is unable to support herself" might be further eroded by the establishment of child-care centers. Where such centers are created, presumably a wife with small children would no longer be "unable" to support herself through employment, and so under the constitutional rule of reciprocity would lose the right of support from her husband. Thus child-care centers could, by a reflexive effect on the mother's ability to work outside the home, constitute a threat rather than an opportunity. Of course the spouses would be free to enter into an agreement regarding support, but the law is necessarily concerned with rules and presumptions in the absence of agreement.

Is the favorable treatment now everywhere accorded to wives in respect of support a manifestation of male oppression or chauvinism or domination? Can it be expected that all the states will make an about-face on the law of support within a year of the adoption of the amendment; and if they do not, what will be the reaction of wives to the Equal Rights Amendment when husbands procure judicial decisions in its name relieving them of the duty to support because an equal duty is not imposed on their wives?

It is sometimes said that a rigid requirement of equality is no less proper for the sexes than for the races, and no less workable. But the moral dimensions of the concept of equality are clearly not the same in the two cases. To hold separate Olympic competitions for whites and blacks would be deeply repugnant to our sensibilities. Do we—should we—feel the same repugnance, that same sense of degradation, at the separate competitions for men and women? A school system offering a triple option based on race—all-white, all-black, and mixed schools—would elevate freedom of choice over equal protection in an impermissible way. Are we prepared to pass that judgment as readily on a school system that offers a choice of boys', girls', and coeducational schools? A family that prefers to send its daughter to a girls' school or college and its son to a boys' school or college is not thereby committing an invidious discrimination; their judgment of relative educational advantages may be wise or unwise, but it is not so far beyond the bounds of legitimate discretion, experimentation, and good will as to call for a uniform constitutional mandate closing off that area of choice. One of the prime targets of the equal-rights movement has been the color-segregated public rest room. Whether segregation by sex would meet the same condemnation is at least a fair question to test the legal assimilation of racism and "sexism."

The answer proffered is that a counter-principle, a constitutional right of privacy, would be invoked at this point.[16] But this is only to restate the problem, which is whether there are not considerations other than identical treatment that ought to be taken into account in the various contexts of relations between the sexes. If privacy is one such consideration, though unexpressed in the amendment, when will it prevail and when will it not? Is privacy in fact the only unexpressed countervailing interest? Freedom of association is a constitutional right enjoying recognition even longer and firmer than privacy. It has been invoked without avail, as has the interest in privacy, to blunt the force of equal protection in the field of racial separation. Is it to have greater recognition (as in the area of public education) where relations between the sexes are concerned? Moreover, interests more social, less individual, than privacy or association are actually involved. If a public school conducts separate physical education classes for boys and girls, or a prison maintains separate cells for men and women, would the validity of the separation depend on a claim of privacy? If the pupils or prisoners waived any interest in privacy and wished to amalgamate the classes or the cells, would the school or the prison be required to conform? Or could the law respect a wider community sentiment that separateness was fitter and not invidious?

Constitutional amendments, like other laws, cannot always anticipate all the questions that may arise under them. Remote and esoteric problems may have to be faced in due course. But when basic, commonplace recurring questions are raised and left unanswered by text or legislative history, one can only infer a want of candor or of comprehension.

I would not wish to leave the subject on a purely negative note. My concern, as I have said, is with the method proposed, which is too simplistic for the living issues at stake. It remains, then, to suggest alternative approaches. A great deal can be done through the regular legislative process in Congress. Concrete guidelines are set forth in an April 1970 Report of the President's Task Force on Women's Rights and Responsibilities. After recommending support of the proposed amendment, the Reports urges that:

Title VII of the Civil Rights Act of 1964 be amended to empower the EEOC to enforce the law, and to extend coverage to state and local governments and to teachers;

Titles IV and IX of the Civil Rights Act be amended to authorize the Attorney General to assist in cases involving discrimination against girls and women in access to public education, and to require the Office of Education to make a survey on that subject;

Title II of the Civil Rights Act be amended to prohibit discrimination because of sex in public accommodations;

the jurisdiction of the Civil Rights Commission be extended to include denial of civil rights because of sex;

The Fair Labor Standards Act be amended to extend coverage of its equal pay provisions to executive, administrative, and professional employees;

liberalized provisions be made for child-care facilities.[17]

It is an extensive, important, and thoughtful set of proposals. If a two-thirds majority can be found for the abstraction of the Equal Rights Amendment, it would be puzzling to know why a simple majority could not even more readily be found to approve this concrete program.

In addition, Congress would give a vigorous and valuable lead by enacting model laws for the District of Columbia in the fields of labor legislation and domestic relations.

Moreover, a few significant decisions of the Supreme Court in well-chosen cases under the fourteenth amendment would have a highly salutary effect. And decisions under Title VII of the Civil Rights Act will clarify the role of state laws regulating employment in light of the statutory concept of bona fide occupational qualifications.[18]

Finally, Congress can exercise its enforcement power under the fourteenth amendment to identify and displace state laws that in its judgment work an unreasonable discrimination based on sex. In this connection let me point out a serious deficiency in the proposed amendment. Its enforcement clause gives legislative authority to Congress and the states "within their respective jurisdictions." This is a more restrictive authorization to Congress than is to be found in any other amendment, including the fourteenth. If the new amendment is deemed to supersede the fourteenth concerning equal rights with respect to sex, Congress will be left with less power than it now possesses to make the guarantee effective. This is the final anomaly.

The time has come for action, for meaningful action, for action based on a clear idea of just what it is that we are trying to correct and to bring about by law. For more than forty years there has been pursuit of the *ignis fatuus* of a constitutional amendment. This course has been opposed by individuals and groups whose commitment to civil rights and women's rights is not in question: groups that include the National Council of Negro Women, the National Council of Catholic Women, the National Council of Jewish Women, the American Association of University Women, and the Commission on the Status of Women, appointed by President Kennedy and chaired by Eleanor Roosevelt.[19] The real issue is not the legal status of women. The issue is the integrity and responsibility of the law-making process itself.

FOOTNOTES

*Carl M. Loeb University Professor, Harvard University.

[1] The statement appears in *Hearings on S.J. Res. 61 Before a Subcomm. of the Senate Comm. on the Judiciary,* 79th Cong., 1st Sess. 78–80 (1945). A list of signatories appears in the Congressional Record, vol. 116, pt. 22, p. 29670 (remarks of Sen. Ervin).

[2] *E.g.,* United States *ex rel.* Robinson v. York, 281 F. Supp. 8 (D. Conn.) (1968); Commonwealth v. Daniel, 430 Pa. 642, 243 A.2d 400 (1968). Both cases invalidated statutes providing for more severe penalties for women than for men convicted of certain offenses.

[3] Civil Rights Act of 1964, Title VII, 42 U.S.C. §§ 2000e—2000e–15 (1964).

[4] 384 U.S. 641 (1966).

[5] United States v. Arizona, 91 S. Ct. 260 (1970).

[6] *E.g.,* Shapiro v. Thompson, 394 U.S. 618 (1969) (residency); Levy v. Louisiana, 391 U.S. 68 (1968) (illegitimacy); Harper v. Virginia Bd. of Elections, 283 U.S. 663 (1966) (poverty); Douglas v. California, 372 U.S. 353 (1963) (poverty).

[7] *In re* Lockwood, 154 U.S. 116 (1894); Bradwell v. State, 83 U.S. (16 Wall.) 130 (1872).

[8] *See* note 2 *supra. See also* Kirstein v. Rector and Visitors of the Univ. of Va., 309 F. Supp. 184 (E.D. Va. of 1970) (requiring admission of women to all-male campus of the University of Virginia, where facilities open to women were not equal); White v. Crook, 251 F. Supp. 401 (M.D. Ala. 1966) (holding invalid the exclusion of women from jury service) .

[9] 368 U.S. 57 (1961).

[10] *See* Steward Machine Co. v. Davis, 301 U.S. 548, 587–88 (1937).

[11] N.Y. Times, Nov. 12, 1970, at 19, col. 3. *But cf.* "Separation of the sexes by law would be forbidden under the amendment except in situations where the separation is shown to be necessary because of an overriding and compelling public interest and does not deny individual rights and liberties." Citizens' Advisory Council on the Status of Women. *A Memorandum on the Proposed Equal Rights Amendment to the Constitution,* Congressional Record, vol. 116, pt. 7, pp. 9684–9687. The dimension of this escape hatch are left unexplored. The only example given is the maintenance of separate restrooms, which other proponents have explained as preserving a right of privacy. *see* p. 240 *infra.*

[12] Citizens' Advisory Council on the Status of women, supra note 11, Congressional Record, vol. 116, pt. 7, pp. 9686–9687.

[13] *Cf.* Gruenwald v. Gardner, 390 F.2d 591 (2d Cir.), *cert denied,* 393 U.S. 982 (1968) (higher Social Security retirement benefits for women sustained). Presumably the amendment would require a different result.

[14] Citizens' Advisory Council on the Status of Women, Report of the Task Force on Family Law and Policy 9 (1968).

[15] *Id.*

[16] Emerson, *In Support of the Equal Rights Amendment,* 6 Harv. Civ. Rights-Civ. Lib. Rev. 225, 233 (1971).

[17] President's Task Force on Women's Rights and Responsibilities, A Matter of Simple Justice iv-v (1970).

[18] *See* Phillips v. Martin Marietta Corp., 39 U.S.L.W 4160, 4160–61 (U.S. Jan. 25, 1971) (Marshall, J. concurring).

[19] *See also* the valuable recent report recommending against adoption of the amendment, Committee on Federal Legislation, *Amending the Constitution to Prohibit State Discrimination Based on Sex,* 26 Record of N.Y.C.B.A. 77 (1971).

Mr. ERVIN. Mr. President, Laurel Burley, a professional librarian, a working woman, and a union member of California, has made a very interesting statement concerning the equal rights amendment which she, as a professional librarian and as a working mother and as a union member condemns, as being inimical to the welfare of women whose labor is not entirely intellectual.

Mr. President, I ask unanimous consent that a copy of her statement and certain comments which I made thereon be printed in full at this point in the body of the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

[From the Congressional Record, Feb. 8, 1972]

UNIVERSITY OF CALIFORNIA LIBRARIAN OPPOSES EQUAL RIGHTS AMENDMENT

Mr. Ervin. Mr. President, the November, 1971, issue of the Library Journal contains a letter written by a librarian at the University of California Library, Laurel Burley, on some of the drastic consequences which will result from passage of the equal rights for women amendment, or unisex amendment, as Professor Kurland of the Chicago Law School has called it.

Although I do not subscribe to all her propositions, I do believe that her statement should make some very interesting reading for the middle and upper class women who are the most vocal supporters of the equal rights amendment and who have such small awareness of the benefits of protective labor legislation for women who are performing primarily physical tasks in their jobs.

She states that—

"The major danger in the proposed ERA lies in the fact that it would in one fell swoop invalidate all protective legislation enacted by the States to protect working women from exploitative employers. . . . Protective legislation not only sets maximum hours and minimum wage standards, but also mandates such provisions as rest areas, toilet facilities and elevators, adequate lighting and ventilation, rest and meal breaks (including the right to eat one's meal away from the immediate work area), adequate drinking water (important for women and children who are farmworkers), and protective garments and uniforms."

Maybe the upperclass women that are pushing so hard for the equal rights amendment say, "Fine, do away with all protective legislation," but I hope their dilettantish concern for lesser well-off women will not be lost on Members of the Senate.

Mr. President, for an interesting statement on one woman's view of the effects of the equal rights amendment on laboring women, I recommended Laurel Burley's letter. I ask unanimous consent that it be printed in the Record.

PROTECTIVE LAWS

(By Laurel Burley)

As a professional librarian, working woman, and union member, I disagree strongly with the statements concerning the Equal Rights Amendment (ERA) and protective legislation in the article "The Legal Status of Women" by Kay Cassell (p. 2600–03). The amendment as it stands is destructive to all working people, would in no way guarantee equal pay for equal work, and would not extend rights to women beyond those in the 5th and 14th amendments to the Constitution. The major danger in the proposed ERA lies in the fact that it would in one fell swoop invalidate all protective legislation enacted by the states to protect working women from exploitation employers, protective legislation which has been granted de facto to working men in some cases.

Protective legislation not only sets maximum hours and minmum wage standards, but also mandates such provisions as rest areas, toilet facilities and elevators, adequate lighting and ventilation, rest and meal breaks (including the right to eat one's meal away from the immediate work area), adequate drinking water (important for women and children who are farmworkers), and protective garments and uniforms. The only other protection women have in these areas is through union contracts (only 15 percent of working women are unionized), or through the Fair Labor Standards Act, which only covers about half the women connected in some way with interstate commerce. Protective legislation, in the few states where it remains, has sometimes been extended to men, the discriminatory aspects of not giving, for example, lunch breaks or toilet facilities to men in the same plant being obvious.

Some idea of what might be expected were the ERA to pass can already be seen in the use being made of Title VII of the Civil Rights Act. In late 1969 Fibreboard Corporation in Antioch, California began to force women to work 16 hours a day and to lift backbreaking weights. Pacific Telephone in 1970 began ignoring state protective legislation relating to minimum hours. In fall 1970 Oregon took away the right of women to have two ten-minute rest breaks in an eight-hour day; and another large California corporation, Crown Zellerbach, began denying meal breaks to both men and women working in the Antioch plant. In summer 1971 a U.S. Court of Appeals struck out the sections of the California Labor Code regulating maximum weight lifting and the eight-hour day, 48-hour week for women. All these actions were justified on the basis that Title VII and EEOC guidelines superseded state protective legislation. Such instances are mounting at an incredible rate. On the basis of Title VII, 17 states have either totally or substantially annulled or repealed protective legislation covering women. The ERA as it stands will add the finishing touch.

No one should be so naive as to assume that if the ERA passes and protective legislation is wiped out, working women not protected by union contract are somehow going to be granted decent working conditions, a living wage, and a minimum work week by benevolent employers. The National Right to work Committee has already stepped up it activity in several states. The ERA as it stands will put the lot of every working person, man, woman, and child back in the 19th Century. We have fought too hard and too long for what little legislation we have which betters our working conditions. The ERA should be amended to extend protective legislation to both men and women. Laws dealing with equal pay for equal work and equal employment opportunity should be strengthened and enforced. Women should continue to fight for full equality under the law, not forgetting that the struggle is to better our lot, not to worsen it.

Mr. ERVIN. Mr. President, the AFL–CIO's executive council has studied the equal rights amendment and has condemned it as repugnant to the best interests and the welfare of the working women of America.

I ask unanimous consent that a copy of the report of the executive council of the AFL–CIO on this point and certain comments I made thereon be printed at this point in the body of the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

[From the CONGRESSIONAL RECORD, Feb. 16, 1972]

AFL–CIO OPPOSES EQUAL RIGHTS FOR WOMEN AMENDMENT

Mr. ERVIN. Mr. President, the largest labor organization in the country, the AFL–CIO, has recommended that Congress not pass the equal rights amendment. In its resolution No. 122, the organization stated:

"We continue opposition to the so-called equal rights amendment as an unnecessary addition to the Constitution, ultimately more harmful than helpful to the legal rights of women."

Prior to the adoption of the resolution, the executive council of the AFL–CIO, in a report to its convention, said:

"We have opposed the equal rights amendment to the Constitution because of its potentially destructive impact on State labor legislation for women workers."

Before the Senate votes on this important measure, I hope each Senator will ponder these words of the AFL–CIO's report. It says:

"The proposed equal rights amendment would render all protective labor laws for women workers unconstitutional, as well as any other laws treating the sexes differently. Such laws, for example, include marriage laws which place primary responsibility for family support on husbands and fathers."

So, Mr. President, all laws which treat men and women differently, no matter how reasonable, will be unconstitutional. I hope this is understood, because it is the essence of my opposition to the amendment.

The AFL–CIO realized the significant impact the passage of the amendment could have when it mentioned that "laws which place primary responsibility for family support on husbands and fathers" will be held unconstitutional. Prof. Jonathan H. Pincus of the Yale University School of Medicine has called this aspect of the equal rights amendment the "Tonkin Gulf resolution of the American social structure."

Mr. President, I ask unanimous consent that the portion on the equal rights amendment of the AFL–CIO's executive council report to the ninth convention No. 122 be printed in the RECORD.

WOMEN WORKERS

Over the past two years the issue of discrimination on the basis of sex has come to the fore. Numerous women's groups have been formed to monitor and influence the enforcement of such anti-discrimination legislation as the Equal Pay Act and the sex discrimination provisions of the Equal Employment Opportunity section of the 1964 Civil Rights Act (Title VII), to seek elimination of sex discrimination by government contractors, to obtain the same coverage for women under general civil rights statutes as for racial, national and religious minorities, and to promote the so-called equal rights amendment to the Constitution.

The labor movement has traditionally supported measures to eliminate discrimination against women. But it has often disagreed with particular recommendations promoted by some non-labor groups. Especially, we have opposed the equal rights amendments to the Constitution because of its potentially destructive impact on state labor legislation wor women workers.

Much of such state protective labor legislation has been eliminated or weakened by the federal courts and state legislatures on the ground that it interferes with equal opportunity for women to work. Experience, to date, shows that "equality" has been used to remove labor law protections for women, rather than to extend them or adapt them to men. The proposed equal rights amendment would render all protective labor laws for women workers unconstitutional, as well as any other laws treating the sexes differently. Such laws, for example, include marriage laws which place primary responsibility for family support on husbands and fathers.

Labor continues to voice its opposition to the proposed equal rights amendment. The 14th Amendment to the Constitution guarantees "equal protection" to citizens. There are federal statutes against discriminatory practices. The legal remedy against discriminatory practices lies in enforcement of existing statutes and in new legislation rather than by constitutional amendment.

COUNCIL RECOMMENDATION

The labor movement seeks to be increasingly responsive to the needs and wishes of its women members, within the context of overall trade union objectives. These include economic security for all workers, the extension of minimum wage and other labor standards legislation, provision of day care centers, maternity leave and benefits, access to education and training, equal pay for equal work, and elimination of discriminatory employment practices based on sex.

The AFL–CIO affirms its commitment to non-discrimination on the basis of sex. We seek to honor this commitment in collective bargaining agreements, in the conduct of union affairs, and in legislative enactments.

We continue opposition to the so-called equal rights amendment as an unnecessary addition to the Constitution, ultimately more harmful than helpful to the legal rights of women.

RESOLUTION NO. 122—WOMEN WORKERS (E. C. REPORT, PAGE 100)

The labor movement seeks to be increasingly responsive to the needs and wishes of its women members, within the context of overall trade union objectives. These include economic security for all workers, the extension of minimum wage and other labor standards legislation, provision of day care centers, maternity leave and benefits, access to education and training, equal pay for equal work, and elimination of discriminatory employment practices based on sex.

The AFL–CIO affirms its commitment to non-discrimination on the basis of sex. We seek to honor this commitment in collective bargaining agreements, in the conduct of union affairs, and in legislative enactments.

We continue opposition to the so-called equal rights amendment as an unnecessary addition to the Constitution, ultimately more harmful than helpful to the legal rights of women.

Mr. ERVIN. Mr. President, Mrs. Myra Wolfgang appeared before the Senate Committee on the Judiciary in September 1970 and made a statement in opposition to the equal rights amendment. In this statement she set forth all of the objections which she as a citizen, a woman, a widow, a mother, a worker, and a union official entertains.

I might add that during the present week Mrs. Wolfgang appeared upon the "Today" show, and during the brief time allotted to her on that nationwide telecast, made a magnificent presentment of the basic reasons for being opposed to this amendment.

The statement that she made when she appeared before the Senate Committee on the Judiciary in September 1970 and a certain exhibit attached thereto, in the form of a previous statement made by her on the subject, appear on pages 28 to 56, both inclusive, of the document entitled "Hearings Before the Committee on the Judiciary, U.S. Senate, 91st Congress, Second Session, on Senate Joint Resolution 61 and Senate Joint Resolution 231, Proposing an Amendment to the Constitution of the United States Relative to Equal Rights for Men and Women."

Those resolutions embody virtually the same language which is now embodied in House Joint Resolution 208 now before the Senate.

I ask unanimous consent that the statement by Mrs. Wolfgang on that occasion be printed in full at this point in the body of the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF MRS. MYRA WOLFGANG, DETROIT, VICE PRESIDENT, HOTEL & RESTAURANT EMPLOYEES, MICHIGAN, OHIO, KENTUCKY, WEST VIRGINIA; SECRETARY-TREASURER, DETROIT HOTEL & RESTAURANT EMPLOYEES; MICHIGAN WOMEN'S COMMISSION

Mrs. WOLFGANG. Thank you, Senator.

My name is Myra K. Wolfgang. I reside in the city of Detroit, State of Michigan, and am represented in this body by Senator Philip Hart. I am sorry he isn't here. I am the vice president of the Hotel & Restaurant Employees and Bartenders International Union, AFL–CIO, and secretary-treasurer of its Detroit Local No. 705. I am a member of the Michigan State Minimum Wage Board and I have served on the mayor's committee of human relations. I am, presently, a member of the Michigan Women's Commission (the Governor's Commission on the Status of Women), the first such State commission to be organized, and I have been appointed commissioner by the past three Governors of our State. I agree these credentials aren't as imposing as the judge from North Carolina. I am not a legal expert. I certainly can't interpret the law as would Paul Freund, but I think my credentials do qualify me to speak on behalf of the working women of America.

I am opposed to the enactment of the equal rights amendment to our Constitution. I state my position after long and careful consideration, in spite of the fact that we find sex prejudice parading in the cloth of tradition everywhere. We are aware that it is tailored to the patterns of ignorance and special interest.

The principle of equal pay for equal work is being violated throughout the breadth and length of this Nation. Women are being discriminated against unjustly in hiring and in promotion. Our social security laws remain discriminatory. Equal access to our educational institutions is still denied women. Qualified women are, in the main, excluded from the policymaking bodies of this Nation from the Cabinet down to our county institutions.

Fully aware of all of the inequities visited upon the women of America, I still appear here today to oppose the equal rights amendment. I believe that the amendment is not only undemocratic and its effect will bring frustration and tragedy, but that it will accomplish the exact opposite its proponents claim it will do.

I think it can be safely stated that any law which adversely affects the majority of the people of this country is undemocratic in concept and should not be adopted. The equal rights amendment in its House-passed form, now under your consideration as Senate Joint Resolution 61, should be defeated or the adverse effects removed from its provisions before passage. A simple enough syllogism from which my testimony will flow.

My major premise includes not just the concept of women being the majority of this country, as indeed we are, it includes in that concept, the vast majority of men, our counterparts in their roles as fellow human beings and citizens, husbands and fathers, fellow workers and associates. Their welfare is so intricately tied up with what adversely affects the women of America in matters of this character, we are all indivisible. I intend to discuss the undemocratic concept of the amendment itself, its philosophy and the damage its passage would create.

As to my minor premise, my testimony is directed at proving the adverse effects of the passage of the amendment, covering not only the sociological field, but the economic and political fields as well. The conclusion is inescapable.

In less than 6 years, our country will celebrate the 200th anniversary of the Declaration of Independence. In 1987, we will also celebrate the bicentennial anniversary of our Constitution. Quite a pair of documents. You, the Judiciary Committee of the highest legislative body, provided for by that Constitution, now sit to determine the fate of an amendment to that very Constitution. Your considerations are being made in one of the most tempestuous times in our 200-year history. Seldom, if ever, has a Judiciary Committee been presented with so difficult a decision. I am sure you are fully aware of the fact that it is our Constitution, the most precious document we possess, that you are being asked to change. Not that I am necessarily opposed to change, per se, but I would hesitate to change the orbit of our world in order to get rid of smog. That the proposed change in our Constitution is submitted on the grounds that the substantive nature of the amendment will expand the equality concept of that instrument makes it all the more serious. For the fabric of our democratic concept is stitched together with the thread of equality. The fact that you consider this matter in the tumult of sexual confrontation that reaches into the homes of every American, makes your decision of all the more import. It's not a pot that you are about to tinker with. It is the needs and the wants of the overwhelming portion of the women of America. This is their special stake in the Constitution.

Until last week, I had many grave misgivings about the outcome of this legislation. I had seen the equal rights amendment run through the House of Representatives like a herd of stampeding cattle on a discharge petition maneuver. Never have so few business and professional women been so effective and done such harm. The hysteria created by bra-burning and other freak antics is not a justification for the action taken by the House of Representatives, nor is the fear of political reprisal. Let me assure you the threat is not borne of reality. It must have been this same type of hysteria that created the conditions for the passage of the Volstead Act. But now that the dust has settled and we begin to look around at the damaged past, the damaged present and the damaged future, more seasoned hands seem to be in the saddle.

Even though I appear here before you in by various capacities, capacities not usually associated by chauvinistic males with philosophical legislative considerations, I want you to know the women of America are not unaware of what Government is, what it means and what it should mean. We grow more aware daily. We know the theory around which our Constitution was conceived. Abigail Adams is not the only woman who had or has ideas about its structure, or about man's predilection for tyranny in designing laws. Molly Pitcher knew that we threw off the yoke of oppression with these words "we hold these truths to be self-evident that all men are created equal" comma, not period, for she knew that the Declaration of Independence continued on to further define equal with "that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness." And Martha Wayles Jefferson knew that her husband in penning the Virginia Declaration of Rights had written "that all men are by nature equally free and independent and have certain inherent rights; namely, the enjoyment of life and liberty, with the means of acquiring safety."

Yes, Dolly Madison knew, as I know, that our Constitution was based upon the best of man's thinking down through the ages. We know that the very foundation of all government worth having, is predicated upon laws designed to protect the unequal, those who are smaller and less strong from those who are larger and stronger.

We know that this concept is as American as squash and chitlins.

We know that the Book said "So God created man in His own image, male and female created He them." The Book also says "at the end of every 7 years thou shalt make a release." That debts shall be cancelled that men may be brought back to equal. That it says "if there be among you a poor man, thou shalt surely lend him sufficient for his need." That's the great legal equalizer. That all shall stand equal before God "from the least of them unto the greatest."

The primitive Israelite knew that all are created to be equal, that all are not of the same capacity, talent or ability, but that society shall make covenant and enact laws which shall protect those of lesser stature, no matter what the difference.

We know, as did Mrs. William Blount, and the wife of Hu Williamson know that John Locke had written that the rights of the individual was to liberty and equality. He reasoned in his second treatise on civil government that "When any number of men have, by their consent made a community, they have made that community one body with the power to act as one body, by the determination of the majority. They unite for the mutual preservation of their lives, liberties and estates." The goal of maintaining the concept of natural equality, was the prime internal function of that society.

The very basis of government is therefore to give equality by its laws and rules and regulations. John Rutledge and Patrick Henry repeatedly preached that the women in the drawing rooms of Philadelphia heard from Ben Franklin how the Greek playwrights dramatized the development of the idea of equal rights to "protect the lesser from the greater" and how Pericles orated at Thermopylae that democracy's laws 'afford equal justice to all in their private differences." How Socrates boasted that the Greeks were the best governed people because "we see that the principle of equity and equality had greater influence than elsewhere in the world."

One can trace the progress of government and indeed civilization through its increased concern and efforts to establish equality from inequality. Thomas Jefferson, 2 years before our Constitution was adopted, expressed real concern for ways to offset the inequality that he observed all over this country in his famous letter to Rev. James Madison.

Now, if one of the major and fundamental roles of government is this equalizing one, then the adoption of the so-called equal rights amendment will negate this same equalizing function under the guise of broadening it. The equal rights amendment will invalidate all the legislation, hundreds of pieces of it, which has been adopted over the last 100 years which were passed to permit a semblance of equality which had been denied women down through the ages.

There are various kinds of protection for women workers provided by State laws and regulations: (1) minimum wage; (2) overtime compensation; (3) hours of work, meal and rest period; (4) equal pay, (5) industrial homework; (6) employment before and after childbirth; (7) occupational limitations; and (8) other standards, such as seating and washroom facilities and weight-lifting limitations. It would be desirable for some of these laws to be extended to men, but the practical fact is that an equal rights amendment is likely to destroy the laws altogether rather than bring about coverage for both sexes. Those State laws that are outmoded or discriminatory, should be repealed or amended and should be handled on a case-by-case basis.

I am appalled by leaders of social institutions working hand in glove with industry leaders who wish to repeal the abovementioned laws. I warn the women of America who seek equality without repression to reject the old saw "You can't have your cake and eat it too." That admonition comes with a hollow ring, especially from those who enjoy their having a housekeeper, wife-mother, and breadwinner combined at their disposal.

The chief conflict between those who support the equal rights amendment and those of us who oppose it is not whether women should be discriminated against, but what constitutes a discrimination. We, who want equal opportunities, equal pay for equal work and equal status for women, know that frequently we obtain real equality through a difference in treatment, rather than identity in treatment. We think that democratic concept is an important part of our Constitution.

We believe that orderly legislative revision is the practical way to erase such "specific bills for specific ills." I oppose adoption of the equal rights amendment since I believe that the adoption of the amendment would jeopardize existing labor laws and standards that apply to women; that it would create endless confusion in the wide field of laws relating to property, personal status, and marriage. This will adversely affect the women of America and their families.

Equality of opportunity for men and women must be achieved without impairing the social legislation which promotes true equality for safeguarding the health, safety, and economic welfare of all.

For an example, the passage of an hours limitation law for women provided them with a shield against obligatory overtime to permit them to carry on their life at home as wives and mothers. While all overtime should be optional for both men and women, it is absolutely mandatory that overtime for women be regulated because of her double role in our society.

At the time that State protective legislation was initiated, there were relatively few women in the labor force, yet society recognized the need to protect women workers. At present, there are more than 30 million women in the labor force. Almost 60 percent of them are married and living with their husbands. Working mothers constitute 38 percent of all working women. Obviously, the majority of women workers have domestic responsibilities, and a very substantial number of them, almost 11 million have children under the age of 18 years. Even with the 40-hour workweek, such women—between their paid employment and their many hours of cooking, cleaning, shopping, child care and other household duties—work arduously long hours. While "the double income economy" has forced millions of women winners for their families, it has not released them from home and into the labor force, millions more to be the sole or major breadwinners for their families, it has not released them from home and family responsibilities.

To deprive women of protective legislation, for as long as 1 second, frustrates their basic constitutional right to safety and the pursuit of happiness and denies to them the fundamental reason for their participation in a government of law.

You must understand that the overwhelming portion of women who work, need to work. They need their job and the income it produces. Where women are unorganized, and that means 85 percent or more of them, they depend solely upon their employer's understanding of their home responsibilities. In most cases, he is a man more concerned with meeting production standards than he is for his female workers' children's safety and well-being. The records are replete with his answer posted on the bulletin board: "Beginning Monday, the new schedule will be 6 a.m. to 4 p.m., Monday through Saturday"—maybe even Sunday. That's how the auto plants in Detroit did it, when our hours law was temporarily repealed. The woman is then presented with the alternative of "If you cant' work, quit." Fortunately, for the vast majority of waitresses, maids, kitchen employees, that we represent, their union contracts make all overtime optional for both sexes.

In Michigan, however, only 25,000 employees are organized and covered by such provisions out of the 150,000 hospitality workers. The "take it or leave it" attitude of most of the employers on this matter is notorious. To permit this attitude to prevail, will adversely affect the welfare and safety of the women of America. This is especially true during periods of recession and a shrinking labor market. With unemployment on the increase, labor standards are under attack. The person who glibly states that no one has to work overtime, if they don't want to, does not understand that when there are not enough jobs to go around, people fight to keep those that are available. Thousands of women, because of economic necessity will submit to excessive hours without a law to protect them in order to obtain or hold a job. Thousands will work excessive hours, particularly when they see their employers calling for the nullification of protective legislation by urging passage of the equal rights amendment. They accede to this excessive overtime or quit the job. In the first instance, the children become the victims, in the second instance, the entire family suffers from the loss of that income or the mother and the family become public charges. This condition will be adversely affect not only the women of America but the vast majority of all Americans.

Let me cite a perfect example of sex inequity. Is a man who works 60–72 hours a week confronted with the same home and family responsibility that, say the mother of three children working 60–72 hours a week is? Don't talk theory to me, tell me the practice. Don't tell me the man should help his wife. He doesn't. In the first place, men are better able to work overtime than women and the testimony of New York University's Dr. Erwin. Tichauer, America's foremost biomechanical engineer and the British Industry Studies bear this out. Women's accident proneness and efficiency drop very substantially compared to men doing the same job in the same plant.

In the second place, who of the two is conditioned to accept, and indeed hold responsible to society, for the health, care, and safety of those children? Let the kids answer as they bob into the back door after school with a "where's mom?" Read some of the exhibits of statements and letters of this subject written by concerned women workers when Michigan's 54-maximum-hour law was threatened and which is attached to this testimony.

There are other various kinds of protection for female workers, provided by State law and regulation. To deprive them of the protection those laws afford, for so much as 1 second, I repeat, frustrates their basic constitutional right to "safety and the pursuit of happiness" and denies the fundamental reason for their participation in a government of law.

Gentlemen, I have said our Constitution is quite a document. Indeed it is, but it was designed by man nearly 200 years ago and the dynamics of our society makes its relevancy to some aspects of our society outdated and outmoded. But the designers, aware of that probability, made changes and updating possible.

We saw within the first 4 years, 10 amendments added to the structure. Since that time, many more amendments have been added to it. The most significant and controversial was the 14th amendment. Article I of that amendment as you know, provides "nor shall any State * * * deny to any person—the equal protection of the laws."

Now, I'm sure that Thaddeus Stevens and other Members of the 39th Congress did not have any sex in mind when they debated the issue. But they said "person," they said "any person" and they did not say "except females." I am a person and the Federal courts have so ruled and should be called upon to rule again.

That is why President Kennedy's Commission on the Status of Women after a great deal of study rejected the equal rights amendment. The Commission report stated "since the Commission is convinced that the U.S. Constitution now embodies equality of rights for men and women, we conclude that a constitutional amendment need not now be sought in order to establish that principle."

In 1968 President Johnson's Inter-Departmental Committee on the Status of Women issued the report "American Women, 1963–68" and like President Kennedy's Commission, did not recommend support for passage of the equal rights amendment.

More recently, President Nixon's Citizens Advisory Council on the Status of Women issued an endorsement of the equal rights amendment. President Nixon's Council was appointed in August 1969. Unlike the original Presidential Commission and successive Advisory Councils, it had no representation of working women but was made up of business and professional women. The Council held no public hearings and rather speedily came out with an endorsement of the equal rights amendment in February of this year. This endorsement cannot be said to represent the opinion of the majority of our citizens (silent or otherwise) as did the original President's Commission of 1963, and succeeding Advisory Councils.

President Kennedy's Commission considered the amendment with great care for a period of 2 years. Its Committee on Civil and Political Rights held open hearings on the question. I am aware of the reasons why two different administrations have two different attitudes about the adoption of the constitutional amendment approach—and it isn't because women have changed in the last 2 years, nor is it because the 14th amendment has lost its validity. The reason is the present President's Commission because of its unpresentative composition, holds a different concept of the purpose of Government and because they are totally unaware of what real working women and the housewives of America really want. Look at the membership of that Commission for the answer. The Business and Professional Women of America don't bake the bread for America, nor package the meat, nor clean the hotel rooms, nor wipe the noses, nor change the diapers, nor man the production lines, nor ring up your retail purchases.

Those of us in the struggle for the advancement of woman prefer to fight for positive measures such as equal pay for equal work and equal employment opportunities. We fought for the Civil Rights Act of 1964. We fought for and got title VII to the Civil Rights Act. In its positive application, title VII can be an effective instrument for overcoming discrimination against women in employment and can contribute substantially to their progress. However, some of the guidelines established by the Equal Employment Opportunity Commission, unfortunately, have invited an assault upon State protective legislation, without distinguishing between those provisions which might be viewed as discriminatory and those which are not, in fact, discriminatory. The result of such sweeping guidelines has made the equality that many have sought, an equality of mistreatment. May I add here it has been said that some women who work on assembly lines could be promoted to foreman if it weren't for State laws that limited the number of hours. Incidentally, I don't think that is true, because in most situations I know some attorneys in Detroit who have been handling complaints of women in the plants who are discriminated against and the hours law isn't usually the reason that is given, there is a whole gamut of reasons, discriminatory, of course. Let me point out even if that was true, for every one lady that could be promoted to a foreman, there are hundreds that would not be promoted to a foreman, and to compel them to work overtime in order to create the opportunity for the minority raises great questions as to the advisability, too.

In Detroit, six Penn Central System office women were assigned to jobs as checkers of freight cars at the Detroit area railroad yards, after they complained about sex discrimination to the Michigan Civil Rights Commission. The women had been employed as clerks and typists. Climbing in and out of boxcars as railroad checkers, is a backbreaking job, but a company executive said "They asked for equal rights, so what are they complaining about?"

Eleanor Hannon, 51, a widow with five children said, "I can't afford to quit, but I don't know how long I can last on this job, particularly if I have to work a night shift." The transfer from the office pool to the freight docks was within the scope of the railroad's contract with the Brotherhood of Railway Clerks.

Since one of my primary objections to the equal rights amendment is its destructive effect on State protective legislation, it appears to be necessary to review, briefly, the situation with regard to State protective legislation and why such protection is not obsolete at all—as is claimed by some—but still very much needed. Add excessive hours to the above-mentioned Eleanor's liberation and her problem is compounded. The denying of excessive overtime to women who do not want it is not a discrimination. Since women work endless additional hours performing domestic chores—the maximum number of hours that a woman can be compelled to work, is the heart of the matter of protective legislation. The lack of child-care centers makes it even more so. The communes that some feminists speak of are, as yet, nonexistent.

Fifty years of communism in Soviet Russia have torn down almost all of the "men only" signs that limit employment opportunities for women in most other nations of the world. In the Soviet Union more than 70 percent of the able-bodied women hold jobs. A vast number of them are doing work many men shun.

They dig ditches, drive trucks, herd cattle, lay bricks and shovel cement. They also perform surgery, command ships and airlines, manage factories, build bridges and rode a rocket into space. Medicine, a male stronghold in most countries, is a woman's world in the U.S.S.R. More than 80 percent of all medical doctors are women, and the percentage grows higher each year. Women dominate the traditionally female profession of teaching, but they also have a stronghold in engineering. Some of the Soviet Union's most impressive factories have females in positions ranging from blast furnace stoker to manager.

Though there is not a single woman pilot in America's vast fleet of commercial aircraft, women do the job in the Soviet Union, and they do it well. An all-female flight crew commanded by Capt. Lyubov Ullonova recently set three airline world records—for distance, speed, and altitude. Russia's most famous working woman is Valentina Tereshkova, the attractive cosmonaut who became the world's first spacewoman in a Soviet space spectacular of 1963. Yet, in "liberating" women from sexual discrimination in jobs, the Soviets have not liberated them from the age-old duties of wife, mother, and keeper of hearth and home. The result is a society of hard-working women who toil endlessly, cooking, washing, and standing in Russia's inevitable lines in addition to putting in a 40-hour work week at outside jobs. The Russian woman likes the job market the way it is, but she would like to see the liberation of her sex extended into the home as well. I believe that should would not mind bringing home the bacon so much if she did not also have to cook it. I feel that American women share this view.

Large numbers of America's women workers are employed in traditionally low-paying occupations and low-wage industries. Only 12 percent of women workers are covered by collective bargaining contracts. Average full-time women workers had a median income, scarcely above the poverty level in 1968, yet were heads of families, widowed or divorced.

What of this one-parent household? It is most difficult for widows or divorcees to remarry. This is not the case with men. When the man is left a widower with young children to care for, he usually remarries to get a mother for his children. Getting a father for a widow or divorcee's children is a solution not as readily available to women.

There are over 5 million more women than men in this country. The growth of the female population is exceeding that of the male by about 100,000 a year. The number of divorced women who do not marry is more than 30 percent larger than that of men in the same situation. Rarer, indeed, is the man who agrees to become the married ward of a builtin family. What is more, we are now living in a three-generation society. In many households, the working wife is the mother and daughter as well, caring for aged parents as well as growing children.

Do we disregard protective legislation for women, if we are unable to get such legislation for men? The passage of the equal rights amendment would do this, and it is wrong.

Ironically, many of the business and professional women, most vocal in advocating the overthrow of hour limitations, would not be affected at all, since many of the States with hour limitations already exempt them from these restrictions. I must remind those who are influenced by the business and professional women that the equal rights amendment does not require equal pay for equal work, nor does it require promotion of women to better or decisionmaking jobs. It does not elect more women to public office. It does not convince men to help with the housework.

The Federation of Business and Professional Women would do well to legislate for their own inclusion into the equal pay for equal work provision of our law rather than seek repeal of protective legislation for others as they do in a booklet published by them entitled, "How to Repeal Protective Legislation." Their booket states "The days of sweatshops and intolerable working conditions, in which exploitation of women workers was rampant, are largely passed. The notion that women are frail and require special protection is obsolete."

The days of exploitation are not over for thousands of women workers, among them the domestics who work in the homes of many of the business and professional women. They were not over for the thousands of Michigan women who worked without the protection of the State's hour limit laws during a 3-month period in 1967 and the beginning of 1968.

Let me review what occurred in Michigan for you. In the 1967 session, the Michigan Legislature passed senate bill 199 which repealed section 9 of act 285, the 10-hour day, 54 hours per week hours law for women. The same session of the legislature passed senate bill 225 establishing an occupational safety standards commission which was mandated to establish codes and occupational standards for the protection of "life, health and safety of employees" in all areas covered by act 285—proper ventilation, toilet facilities, adequate wash and dressing rooms, seats for females, safety devices, hours laws, and so forth—senate bill 225 further provided that "act 285 shall remain in full force and effect" until new standards are promulgated. In March 1968, Michigan's attorney general, Frank Kelley, resolved the conflict, by ruling that senate bill 225 went into effect prior to the repealer—senate bill 199—and therefore, the hours limitation law must remain in "full force and effect" until the new commission, conducted hearings and promulgated rules.

Legislators from both houses confessed complete ignorance as to why conflicting bills were passed. They assumed "women" wanted overtime. The secrecy with which this legislation passed—no hearings, no floor discussion—leaves no doubt, somebody knew the full repercussions of the repealer. The YWCA, the Council of Catholic Women, the Council of Jewish Women and most major women's groups and unions cheered the attorney general's decision to reinstate the 54-hour maximum workweek for women. (See exhibit of organizations.)

When the attorney general reinstated the 54-hour law, the Women's Department of the UAW dropped all pretense of wanting protective hours legislation for both men and women and blatantly offered to join the employers of Michigan in upsetting the attorney general's opinion. They did this in letters to the employer of UAW members signed by the Legal Department of the UAW (exhibit). This came as a complete shock to me since I am an admirer of that union.

The point at issue is the closing paragraph of the letter which discusses the attorney general's opinion and reads:

"It is for the foregoing reasons that we presently take the position that both the law of Michigan and the present agreement between us and the company precludes the company from denying women an opportunity to work more than 54 hours a week or more than 10 hours per day. You have indicated a desire to attempt to convince the Attorney General to reconsider his opinion. We stand ready to give you whatever assistance we can in that endeavor."

The occupational safety standards commission after holding hearings issued a regulation again, repealing the hours limitation laws for women. Then the women of Michigan really became incensed, swung into action and formed an Ad Hoc Committee Against Repeal of Protective Legislation. (See exhibit.) An outpouring of support came from all major women's organizations, church groups and labor unions, including many UAW local unions. Thousands of women signed petitions urging the reinstituting of the hours law and supported litigation started to request the court to restrain the occupational safety standards commission from repealing the hours law.

The litigation was started by Stephanie Prociuk, an employee of the Dodge Motor Co., Hamtramck Division. She was not only a member of the UAW but a shop steward and local committeewoman, as well. She had 33 years seniority, was single and the sole support of, and nurse to, an 81-year-old invalid father. She claimed in her suit that if the law remained repealed, Dodge would force her to work more than the 54-hour limit whenever they found it profitable to do so; that forced, and involuntary overtime would do "irreparable damage" to her and 200,000 other women the Ad Hoc Committee Against the Repeal of Protective Legislation represented. Her testimony revealed that Dodge did just that while the law was thought to be inapplicable in the late fall and winter of 1967–68. During that period, she testified she was called upon to work 69 hours a week, 6 days at 10 hours. On Sunday the company relented and had her work only 9 hours. She testified that women dropped over with fatigue and exhaustion and had to be removed by stretcher. This, gentlemen, took place in 1968—not at the turn of the century. She testified that forced overtime kept her from properly caring for her father, causing her undue worry and concern. She said she could not afford either a nurse or housekeeper, did her own housework, including her laundry. She said her union proved powerless to do anything about it and that the women's department of the union actually opposed any law "favoring women only."

Miss Prociuk was followed on the stand by a Chrysler employee who corroborated her testimony as to the hours worked. She was a widow with two daughters, 7 and 11, and a son, 9. She did all her own housework and had been on ADC prior to working at Chrysler's. When Chrysler was free to lengthen hours, they forced her to work 63 hours a week. She had no car, took two buses to get to work and said 3 weeks on this schedule caused her to become "sick in mind and body." She testified that if the hours law was repealed, she would "have to quit work and go back on ADC. Life is not worth living when you work like that," she added. That is, gentlemen, what I mean when I say that anything that permits the continuance of that imposition adversely affects the women of America and interferes with her right to safety and pursuit of happiness.

Another witness with 20 years' seniority in an auto factory testified that her husband was totally disabled, that she was the sole support for the family which also included an early teenage son. Her responsibilities at home took 4 hours a day and all Saturday and Sunday. Even though she got over $5 per hour for overtime. "It wasn't worth it," she said. "It's like being on a merry-go-round in a nightmare—you don't know where you are or what time it is."

Another witness, sole support of a disabled brother and a 67-year-old sister, said: "When the company could, they worked us 10 hours a day, 6 days a week, and 9 hours on Sunday," A witness employed at a meatpacking company, reported that when the hours limitation law was lifted "My boss ordered us to work 10 hours a day, 7 days a week." She pointed out that these hours "were worked in a refrigerated room when the temperature ranged from 32 to 40 degrees because it was meat we wrapped."

After hearing 2 days of testimony, Circuit Court Judge George T. Martin, ruled that the State occupational safety standards commission did not have the authority to repeal the State which restricts the number of hours a woman could work and issued an injunction restraining them from doing so. Judge Martin, in his opinion, stated—

"It has long been evident that working-women need protection against exploitation and hazard. It is evident that it would be dangerous to have no limitations whatever on women's hours of work, albeit some women could cope. The testimony is that the great majority of workingwomen feel that if they could not cope with additional overtime hours, they would be forced to either quit or else be fired and thereby suffer dire personal economic consequences."

The women of Michigan with an enormous sigh of relief said, "Hear. Hear." They had but a short time to enjoy the fruits of their victory for in the latter part of December 1969, Attorney General Frank Kelley, struck down the statute prohibiting women from working more than 54 hours a week or 10 hours a day for employees of employers of 25 or more persons. The attorney general's opinion was based on his interpretation of the Equal Employment Opportunity Commission's guidelines for administering title VII of the 1964 Civil Rights Act.

"The conflict is readily apparent" Attorney General Kelley said. "The Federal statute expresses a prohibition against any employment practice which discriminates against employees with respect to compensation, terms, conditions, and privileges—now we are calling it a privilege of overtime—of employment because of their sex, but under current Michigan law, an employer must not permit a woman to work longer than 10 hours a day or 54 hours a week. Since Michigan has no law limiting the number of hours a man may work, a woman is denied the same rights—now working over 10 hours a day is a right—of overtime compensation as her male counterpart in direct violation of the Federal act," he said. And all this in the name of equality. Since when is being forced to work over 10 hours a day a privilege? Those who have testified before the subcommittee on this matter and said that if the equal rights amendment were passed, women's protective laws would "automatically be extended to men," please take note. The attorney general of Michigan who that witness' union supports for reelection didn't extend the 54-hour maximum law to men. No, sir. He invalidated it for women as attorney generals in other States are doing. Try running a household and raising three children working under that condition, gentlemen. It may be fine for lady lawyers and it may be fine for me, I haven't got the responsibilities, but it isn't fine for the woman who is working in a laundry, in a hotel, in a restaurant, in a convalescent home, and on the assembly lines, if you please.

No sooner did the attorney general issue his opinion, than the merry-go-round of excessive overtime started anew, slowed somewhat by the fact that we have been in a recession since January 1970. In spite of this, an administrative bulletin (Bulletin 32) was issued by the director of personnel for the Dodge Motor Co. announcing that "Effective immediately, there will be no restriction on hours worked." (See exhibit marked "Trim Unit Notes.")

The impact on the number of hours a woman can be worked, resulting from the attorney general's order, would be catastrophic were it not for our being in a period of business recession, but with or without a recession, the impact of the passage of the equal rights amendment will reach into endless areas of working conditions.

Laws that treat women differently than men are not necessarily "discriminatory" or unfair. Conversely, laws that arbitrarily call for sameness of treatment can be grossly unfair, extravagant and self-defeating. Another such example is the guideline being devised by the Equal Employment Opportunity Commission dealing with the health, welfare, and pension program for workers.

I am a trustee of the Detroit Hotel and Restaurant Employees Insurance and Pension Fund, a multiemployer, jointly administered fund of around 300 contributing employers covering 20,000 employees. I am concerned with the impact of the Equal Employment Opportunity Commission's guidelines in this field.

A highlight of the guidelines established by the Equal Employment Opportunity Commission which will affect the pension and welfare field is an employer prohibition against distinction based on sex in employment opportunities, wages, hours, or other conditions of employment. Under this, an employer will not have violated the guidelines if his contributions for insurance, pensions, welfare programs, and similar fringe benefits are the same for men or women or if the resulting benefits are equal. Gentlemen, this is an impossibility, as I will subsequently show.

The guideline further provides that an employer must not specify any differences for male and female employees on the basis of sex in either mandatory or optional retirement age. Will the likely result of this be to raise the normal retirement age for women or to lower the normal retirement age for men? This question must be answered, for according to Adam Hess, secretary, group division, Aetna Life & Casualty Co., the cost of providing a pension for a woman aged 60 may be almost 50 percent greater than the cost of the same dollar amount of pension for a male at age 65.

Are insurance companies discriminating against women? Of course not, but they do recognize physical and biological differences among the persons covered. Insurance companies' premise of ratemaking may not be egalitarian: rates are based on cost and utilization. It is an established insurance fact that certain benefits are used to a higher degree by females than males because of biological differences.

A study of the fund that I represent made several years ago, and resulting incidentally, in doubling our premium rate, showed that in the previous year, the utilization rate of the Stouffer Restaurant employees of hospitalization benefits, was 118 percent of premium. The employees were all young and female; their hospitalization was for pregnancies and historectomies. We had no incidence of pregnancies among our male members. So, in effect, our many male particpants in the fund are contributing to the high cost of female benefits. Is this fair? Is it a discrimination or just a fact of life? Can this be changed or equalized?

Pension costs are also higher for women, because benefits to females are paid for a longer period of time, since women live longer than men. Is this an inequality, or a fact of life? Adjusting upward the retirement ages of women under existing plans to achieve equality may not be a step eagerly greeted by women who have been savoring their imminent retirement. A high price to pay for alleged equality.

The Equal Opportunity Commission has tentatively indicated that in some instances, a plan providing a widow's benefit, as contrasted to a spouse's benefit, might be found to violate title VII. Since, normally, a wife is dependent on her husband's pension, a husband usually not dependent on his wife's pension, many trustees of funds reasonably believe that providing death benefits under a retirement plan to husbands of deceased employees, especially if they have their own source of income, is an unnecessary diversion of moneys that could be used to improve benefits for employees living in retirement.

You will no doubt be told that our social security laws discriminate against women by allowing a widow's benefit in a different manner than a spouse's benefit—since women are the greatest recipients of medicare because of their longevity, perhaps the difference of survivors benefits is justified. No legislative act, gentlemen, will change the basic fact that physical and biological differences between men and women exist and affect all aspects of our life. The differences cannot be assimilated, altered, or ignored. The male participants of the hotel and restaurant employees insurance fund have had their "equality of rights under the law denied and abridged" by the insurance carrier of our fund. Our male member is receiving less benefit for the same contribution paid by the employer on his behalf than he would receive had the number of females covered by that fund been less.

Any fringe benefit given by an employer is, in effect, unpaid wages. Such employer labor cost can be given either in the form of wages or fringe benefits. If the benefit must be the same for both men and women and the contribution the same (though the rate becomes higher because of female exposure) then a larger unpaid wage to the male ensues. Yet, the Equal Employment Opportunity Commission says contributions, benefits, and wages must be the same. It can't be done.

Insurance companies will always consider human variables such as age, sex, physical differences in making natural assumptions. No equal rights amendment to the Constitution will alter the fact that unless physical limitations and differences are considered, then persons do not start out equal—and if they do not start out equal, equality is a myth, unless those differences are recognized and safeguarded.

These guidelines may be unreasonable, they have not been tested in the courts. While the Equal Employment Opportunity Commission may deal a blow to certain types of legislation, they cannot destroy or repeal laws. The equal rights amendment, however, permits no negotiation or compromise no matter what the circumstance.

The wording of the equal rights amendment may be simple, but its implications are enormous. Because of its enormity, a hysteria has been engendered. But hysteria is no justification for the passage of legislation. You don't satiate the appetite of some zealots by sacrificing the welfare of the vast majority of 82 million American women, their families, their children, their personal safety and well-being. That's what will happen if the so-called Equal Rights Act becomes our 26th amendment. That fact too makes it easy to show how the passage of the equal rights amendment will adversely affect the women of America, the vast majority of them, thereby depriving them of their right of safety and the pursuit of happiness and denies to her the fundamental reason for her participation in a government of law.

Fifty-three years ago, a similar hysteria prevailed in this country. It too, was initiated by those who would impose their beliefs on all others. It was dramatized by Carrie Nation and the Women's Christian Temperance Union. With hatchets in hand, they descended upon this Nation while her fighting men were in Europe. We ended with the infamous Volstead Act, a constitutional amendment. Can we ever forget our folly? It took 14 years to recall that mistake. Homebrew, gang wars, corruption, and the loss of billions of dollars in lost tax revenue plus millions spent in the unsuccessful attempts at law enforcement, plus the jobs of hundreds of thousands of workers were lost.

But we suffered a far greater loss in our general disregard and disrespect of the law among all segments of our population. Clearly, America had been stampeded into an ill-considered, ill-advised action. When we woke up, we rectified it. Lest we forget, the 18th amendment was the only amendment that had to be repealed. If the equal rights amendment becomes the 26th amendment, I predict it will meet the same fate. Recourse to law is but a small part of the struggle for equality. The tragedy of prohibition proved that amending our Constitution didn't change our habits, or our thirsts, or the people governed by its provisions.

Many of today's feminists oppose and resent protective legislation for women since they postulate that such legislation treats them as children whose lives have to be regulated by other adults. Yet the women's liberation groups wish to regulate the lives of other women and treat them as children telling them that the job of wife and mother is unfulfilling and unsatisfying. Should the woman, so being lectured, disagree, she is immediately charged with having been brainwashed.

Feminists, assuredly, do not represent the majority of women and do not correctly relate their needs and feelings. For the most part, women who join "liberation groups" are white, middle class, and college oriented. The most active of these women, who do the work of the organizations, are those with no or grown children. Working women, like the mothers of young children, are too busy to be liberated.

The National Organization of Women (NOW) one of the most vocal supporters of the equal rights amendment, claim to have about 3,000 members. They speak of the discontent of wives and mothers. They speak for a small minority when they urge passage of the equal rights amendment. They do not speak for Mary Dennison of the Congress of Racial Equality who is quoted as saying, "The women's liberation movement is a luxury that only bored white woman can afford." They do not speak for the divorced, separated, or abandoned mother when they urge passage of the equal rights amendment which will weaken the husband and father obligation for child support. Divorced, separated, and deserted wives struggling to support themselves and their children may find their claims to support even harder to enforce than they are right now.

The equal rights amendment could create new obligations for women to support their husbands and children. Wives and mothers who are not in the labor force (and they are a substantial majority) may find they can no longer choose to stay out of the labor force. Under the equal rights amendment, they might become obligated for furnishing half the family support. The right of choice for these women should be protected. For many American women, particularly for these in the lower brackets, losing that choice is a heavy and undemocratic price to pay for an illogical theory of equality. I know I for one and the Michigan Women's Commission who are opposed to the equal rights amendment, and I speak for myself now, resent receiving a letter from one representative of Government asking me how to write to my other representatives of Government to vote on this issue, particularly when the franking privilege was used for that purpose. And I have here a letter with a franking privilege on it that was sent to me, I assume it says, a member of the Michigan Commission on Status of Women, although it is now called the Michigan Women's Commission and it says:

"The Equal Rights Amendment, as you know, passed the House of Representatives August 10th. The overwhelming vote of 350 to 15 represented a tremendous victory for all Americans. It doesn't tell these women what is in the bill, just a little bit of ho, hi, and hip hip hurrah. The battle is not yet won. We must assure success in the Senate. Any help you can extend by contacting the Senators from your state urging early consideration and support of my resolution, House Joint Resolution 264, without any amendment would be gratefully appreciated.—Martha W. Griffiths."

I am a taxpayer and I resent having my taxpayer's money used for that type of literature.

Women's Liberation is the most misused and abused phrase in the English language. To some, the word means—liberation from marriage—liberation from housework—liberation from bearing and rearing children—liberation from all forms of social responsibility—copping out. To others, not so.

I believe women should be a part of a social movement dedicated to reforming our social structure to permit true equality between the sexes. It should accomplish for all women, young and old, married and single, housewives and breadwinners, mothers and the childless, wives and widows; their goals and aspirations. It should improve their life, gain recognition for their double role in society and the recognition of that responsibility. It should broaden the fruits of science to lessen the drudgery of our housework and to making clothing functional, yet enhancing. It should bring peace to the world and bring our teenagers home, going to colleges or learning a trade rather than working toward expanding the draft by including women to kill and destroy. It should fight to maintain the right to stay home as a housewife and mother, if circumstances permit, and that be the preference of the individual woman. It should fight to have an economy that is free from hunger and privation that affords freedom from want and need in a society that promises every man and woman equal pay for equal work. That's the kind of liberation I'm interested in.

Let's get over this notion that all women want the equal rights amendment. They don't. And when it is explained to them, the majority of them don't and they will rue the day that it is passed if it is ever passed.

Not everyone agrees with me, I am sure, for there is no more unanimity of opinion among women than among men. The plight of the black woman forced to leave her children untended as she goes off to clean the home of the rich woman is unbridgeable. Both may be wives and mothers, both are women, but they have little in common to cause them to be of one opinion.

We live in a world of socially prescribed differences, of fashion prejudices, of customs relating to masculinity and femininity. To achieve equality, we must start equal by recognizing physical and biological differences. We are different, and remember, different does not mean deficient.

I heard testimony before the judiciary subcommittee which favored passage of the equal rights amendment. One witness argued that although the passage of the equal rights amendment would obviously create many hardships for women, the long-term benefits would outweigh the short-term losses. I wondered about the cogency of such a position. I reread the testimony. Then I began to think about the basic contention advanced. I thought about the philosophical footings to such a position. I reject such an argument for the following reasons:

1. That kind of reasoning gives cogency to the specious male admonition "You can't have your cake and eat it too." But, we are not talking about anything as transitory as cake or some object which deteriorates upon usage. That philosophy assumes that rights don't grow, that there is no place for orderly advancement and expansions of a right. That philosophy presupposes no orderly progression for the rights of man, the opposite has been the case. Forcing a working mother, the sole support of her family, out of work and onto ADC, because she will not neglect her children by working excessive overtime, does not make sense either for her or the taxpayer. Particularly since the equal rights amendment may take 10 years to adjudicate as Congresswoman Griffiths, herself, considers a likely possibility. (As quoted in the Detroit News.) This is not like giving 18-year-olds the right to vote—for no one suffers in extending democracy. The adoption of the equal rights amendment will not extend democracy and will create suffering.

2. That kind of reasoning puts forth the idea—two birds in the bush is worth one bird in the hand—though we know those two birds, one's a vulture and the other a pterodactyl. That lack of reasoning is like saying that a mother of four children, who has difficulty collecting her child support payment from her divorced husband, will be happy to have his financial responsibility divided equally with hers. All that kind of immediate so-called equality to be theoretically on the same level as her husband and hope that some fine day she will be able to work unlimited overtime.

3. That type of philosophy advanced by the business and professional women can best be characterized by the expression, let's you and him fight or better still, as workingwomen, stand in the downpour to say every cloud has a silver lining. That's what Noah heard.

No gentlemen, women receive nothing, absolutely nothing from the equal rights amendment except a vague male guilt freeing generality about "pie in the sky, bye and bye"—what we lose may not be all we hope to get, but it's the fruit of our 100 years effort and we have it now today, we need it now today, and we don't propose giving it up today or in the immediate or even distant future.

I have attempted to convey to you my opposition to the equal rights amendment as a citizen, woman, widow, mother, worker and union official representing thousands of women (and men). I have tried to prove that women (and men, as well) will suffer adversely, socially, politically and economically. I have endeavored to prove to you that the action before you is based upon an undemocratic concept contrary to the philosophy embodied in our Constitution.

I urge you to oppose Senate Joint Resolution 61. The legislative process of enacting "specific bills for specific ills" must be invoked to correct the inequities in our society today.

The differences between men and women cannot be changed by an act of Congress—or by a constitutional amendment.

Thank you very much. I will be very happy to answer any questions.

Senator ERVIN. Let the record show that the exhibits attached to the statement of Mrs. Wolfgang will all be printed in full as part of the record at this point.

(The material referred to follows:)

TESTIMONY OF MYRA K. WOLFGANG

My name is Myra K. Wolfgang. I reside in the City of Detroit, State of Michigan, and am represented in this body by Senator Philip Hart. I am Vice President of the Hotel and Restaurant Employees and Bartenders International Union AFL-CIO and Secretary-Treasurer of its Detroit Local, No. 705. I am a member of the Michigan State Minimum Wage Board and I have served on the Mayor's Committee of Human Relations I am, presently, a member of the Michigan. Women's Commission (the Governor's Commission on the Status of Women).

I am opposed to the enactment of the Equal Rights Amendment to our Constitution. I state my position after long and careful consideration in spite of the fact that we find sex prejudice parading in the cloth of tradition everywhere. We are aware that it is tailored to the patterns of ignorance and special interest.

The principle of equal pay for equal work is being violated throughout the breadth and length of this Nation. Women are being discriminated against unjustly in hiring and in promotion. Our social security laws remain discriminatory. Equal access to our educational institutions is still denied women. Qualified women are, in the main, excluded from the policy making bodies of this nation from the Cabinet down to our County institutions.

Fully aware of all of the inequities visited upon the women of America, I still appear here today to oppose the Equal Rights Amendment. I believe that the amendment is not only undemocratic and its effects will bring frustration and tragedy, but that, it will accomplish the exact opposite its proponents claim it will do.

I think it can be safely stated that any law which adversely effects the majority of the people of this country is undemocratic in concept and should not be adopted. The Equal Rights Amendment in its House passed form, now under your consideration as S. J. Resolution #61 should be defeated or the adverse effects removed from its provisions before passage. A simple enough syllogism from which my testimony will flow.

My major premise includes, not just the concept of women being the majority of this country, as indeed we are, it includes in that concept, the vast majority of men, our counterparts in their roles as fellow human beings and citizens, husbands and fathers, fellow workers and associates. Their welfare is so intricately tied up with what adversely effects the women of America in matters of this character, we are all indivisible. I intend to discuss the undemocratic concept of the amendment itself, its philosophy and the damage its passage would create.

As to my minor premise, my testimony is directed at proving the adverse effects of the passage of the amendment, covering not only the sociological field, but the economic and political fields as well. The conclusion is inescapable.

In less than 6 years, our country will celebrate the 200th Anniversary of the Declaration of Independence. In 1987, we will also celebrate the bi-centennial Anniversary of our Constitution. Quite a pair of documents. You, the Judiciary Committee of the highest legislative body provided for by that Constitution now sit to determine the fate of an amendment to that very Constitution. Your considerations are being made in one of the most tempestuous times in our near 200 year history. Seldom, if ever, has a Judiciary Committee been presented with so difficult a decision. I am sure you are fully aware of the fact that it is our Constitution, the most precious document we possess, that you are being asked to change. Not that I am necessarily opposed to "change per se" but I would hesitate to change the orbit of our world in order to get rid of smog. That the proposed change in our Constitution is submitted on the grounds that the substantive nature of the amendment will expand the equality concept of that instrument makes it all the more serious. For the fabric of our democratic concept is stitched together with the thread of equality. The fact that you consider this matter in the tumult of sexual confrontation that reaches into the homes of every American, makes your decision of all the more import. It's not a pot that you are about to tinker with. It is the needs and the wants of the overwhelming portion of the women of America. This is their special stake in the Constitution.

Until last week I had many grave misgivings about the outcome of this legislation. I had seen the Equal Rights Amendment run through the House of Representatives like a herd of stampeded cattle on a discharge petition maneuver. Never, have so few business and professional women been so effective and done such harm. The hysteria created by bra-burning and other freak antics is not a justification for the action taken by the House of Representatives, nor is the fear of political reprisal. Let me assure you the threat is not borne of reality. It must have been this same type of hysteria that created the conditions for the passage of the Volstead Act. But now that the dust has settled and we begin to look around at the damaged past, the damage present and the damage future, more seasoned hands seem to be in the saddle.

Even though I appear here before you in my various capacities, capacities not usually associated by chauvinistic males with philosophical legislative considerations, I want you to know the women of America are not unaware of what government is, what it means and what it should mean. We grow more aware daily. We know the theory around which our Constitution was conceived. Abigail Adams is not the only woman who had or has ideas about its structure, or about man's predilection for tyranny in designing laws. Molly Pitcher knew that we threw off the yoke of oppression with these words "we hold these truths to be self-evident that all men are created equal" comma, not period, for she knew that the Declaration of Independence continued on to further define equal with "that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness." And Martha Wayles Jefferson knew that her husband in penning the Virginia Declaration of Rights, had written "that all men are by nature equally free and independent and have certain inherent rights, namely the enjoyment of life and liberty, with the means of acquiring *safety*".

Yes, Dolly Madison knew, as I know, that our Constitution was based upon the best of man's thinking down through the ages. We know that the very foundation of all government worth having, is predicated upon laws designed to protect the unequal, those who are smaller and less strong from those who are larger and stronger.

We know that this concept is as American as squash and chitlins.

We know that the Book said "So God created man in His own image, male and female created He them." The Book also says "at the end of every 7 years thou shalt make a release." That debts shall be cancelled that men may be brought back to equal. That it says "if there be among you a poor man, thou shalt surely lend him sufficient for his need." That's the great legal equalizer. That all shall stand equal before God "from the least of them unto the greatest."

The primitive Israelite knew that all are created *to be* equal, that all are not of the same capacity, talent or ability, but that society shall make covenant and enact laws which shall protect those of lesser stature, no matter what the difference.

We know, as did Mrs. William Blount, and the wife of Hu Williamson know that John Locke had written that the rights of the individual was *TO* liberty and equality. He reasoned in his second treatise on Civil Government that "When any number of men have, by their consent made a community, they have made that community one body with the power to act as one body, by the determination of the majority. They unite for the mutual preservation of their lives, liberties and estates". The goal of maintaining the concept of natural equality, was the prime internal function of that society.

The very basis of government is therefore to give equality by its laws and rules and regulations. John Rutledge and Patrick Henry repeatedly preached that the women in the drawing rooms of Philadelphia heard from Ben Franklin how the Greek playwrights dramatized the development of the idea of Equal Rights to "protect the lesser from the greater" and how Pericles orated at Thermopylae that Democracy's laws "afford equal justice to all in their private differences". How Isocrates boasted that the Greeks were the best governed people because "we see that the principle of equity and equality had greater influence than elsewhere in the world".

One can trace the progress of government and indeed civilization through its increased concern and efforts to establish equality from inequality. Thomas Jefferson, two years before our Constitution was adopted, expressed real concern for ways to offset the inequality that he observed all over this country in his famous letter to Reverend James Madison.

Now, if one of the major and fundamental roles of government is this equalizing one, then the adoption of the so-called Equal Rights Amendment will negate this same equalizing function under the guise of broadening it. The Equal Rights Amendment will invalidate all the legislation, hundreds of pieces of it, which has been adopted over the last 100 years which were passed to permit a semblance of equality which had been denied women down through the ages.

There are various kinds of protection for women workers provided by State laws and regulations (1) minimum wage; (2) overtime compensation; (3) hours of work, meal and rest period; (4) equal pay; (5) industrial homework; (6) employment before and after childbirth; (7) occupational limitations; and (8) other standards, such as seating and washroom facilities and weightlifting limitations. It would be desirable for some of these laws to be extended to men, but the practical fact is that an Equal Rights Amendment is likely to destroy the laws altogether rather than bring about coverage for both sexes. Those State laws that are outmoded or discriminatory, should be repealed or amended and should be handled on a "case by case" basis.

I am appalled by leaders of social institutions working hand in glove with industry leaders who wish to repeal the above mentioned laws. I warn the women of America who seek equality without repression to reject the old saw "you can't have your cake and eat it too". That admonition comes with a hollow ring, especially from those who enjoy their having a housekeeper, wife-mother, and breadwinner combined at their disposal.

The chief conflict between those who support the Equal Rights Amendment and those of us who oppose it, is not whether women should be discriminated against, but what constitutes a discrimination. We, who want equal opportunities, equal pay for equal work and equal status for women, know that frequently we obtain real equality through a difference in treatment, rather than identity in treatment. We think that democratic concept is an important part of our Constitution.

We believe that orderly legislative revision is the practical way to erase such "specific bills for specific ills". I oppose adoption of the Equal Rights Amendment since I believe that the adoption of the amendment would jeopardize existing labor laws and standards that apply to women. That it would create endless confusion in the wide field of laws relating to property, personal status and marriage. This will adversely affect the women of America and their families.

Equality of opportunity for men and women must be achieved without impairing the social legislation which promotes true equality for safeguarding the health, safety and economic welfare of all.

For an example, the passage of an hours limitation law for women provided them with a shield against obligatory overtime to permit them to carry on their life at home as wives and mothers. While all overtime should be optional for both men and women, it is absolutely mandatory that overtime for women be regulated because of her double role in our society.

At the time that State protective legislation was initiated, there were relatively few women in the labor force, yet, society recognized the need to protect women workers. At present, there are more than 30,000,000 women in the labor force. Almost 60% of them are married and living with their husbands. Working mothers constitute 38% of all working women. Obviously, the majority of women workers have domestic responsibilities, and a very substantial number of them, almost 11,000,000 have children under the age of 18 years. Even with the 40 hour work week, such women—between their paid employment and their many hours of cooking, cleaning, shopping, child-care and other household duties—work arduously long hours. While "the double income economy" has forced millions of women into the labor force, millions more the sole or major breadwinners for their families, it has not released them from home and family responsibilities.

To deprive women of protective legislation, for as long as one second, frustrates their basic constitutional right to safety and the pursuit of happiness and denies to them the fundamental reason for their participation in a government of law.

You must understand that the overwhelming portion of women who work, need to work. They need their job and the income it produces. Where women are unorganized and that means 85% or more of them, they depend solely upon their employer's understanding of their home responsibilities. In most cases, he is a man more concerned with meeting production standards than he is for his female workers' childrens safety and well-being. The records are replete with his answer posted on the bulletin board "beginning Monday, the new schedule will be 6 A.M. to 4 P.M.—Monday through Saturday" (maybe even Sunday). That's how the auto plants in Detroit did it, when our hours law was temporarily repealed. The woman is then presented with the alternative of "if you can't work, quit". Fortunately, for the vast majority of waitresses, maids, kitchen employees, that we represent, their Union contracts make all overtime optional for both sexes. In Michigan, however, only 25,000 employees are organized and covered by such provisions out of the 150,000 hospitality workers. The "take it or leave it" attitude of most of the employers on this matter is notorious.

To permit this attitude to prevail, will adversely affect the welfare and safety of the women of America. Especially is this true during periods of recession and a shrinking labor market. With unemployment on the increase, labor standards are under attack. The person who glibly states that no one has to work overtime, if they don't want to, does not understand that when there are not enough jobs to go around, people fight to keep those that are available. Thousands of women, because of economic necessity will submit to excessive hours without a law to protect them in order to obtain or hold a job. Thousands will work excessive hours, particularly when they see their employers calling for the nullification of protective legislation by urging passage of the Equal Rights Amendment. They accede to this excessive overtime or quit the job. In the first instance, the children become the victims, in the second instance, the entire family suffers from the loss of that income or the mother and the family become public charges. This condition will adversely affect not only the women of America but the vast majority of all Americans.

Let me cite a perfect example of sex inequity. Is a man who works 60–72 hours a week confronted with the same home and family responsibility that, say the mother of three children working 60–72 hours a week is. Don't talk theory to me, tell me the practice. In the first place, men are better able to work overtime than women and the testimony of New York University's Dr. Erwin Tichauer, America's foremost bio-mechanical engineer and the British Industry Studies bear this out. Women's accident proneness and efficiency drop very substantially compared to men doing the same job in the same plant.

In the second place, who of the two is conditioned to accept, and indeed hold responsible to society, for the health, care and safety of those children. Let the kids answer as they bob into the back door after school with a "where's Mom?" Read some of the exhibits of statements and letters of this subject written by concerned women workers when Michigan's 54-maximum hour law was threatened and which is attached to this testimony.

There are other various kinds of protection for female workers, provided by State law and regulation. To deprive them of the protection those laws afford, for so much as one second, I repeat, frustrates their basic constitutional right to "safety and the pursuit of happiness" and denies the fundamental reason for their participation in a government of law.

Gentlemen, I have said our Constitution is quite a document. Indeed it is, but it was designed by man nearly 200 years ago and the dynamism of our society makes its relevancy to some aspects of our society outdated and outmoded. But the designers, aware of that probability, made changes and updating possible.

We saw within the first four years, 10 amendments added to the structure. Since that time, many more amendments have been added to it. The most significant and controversial was the XIV Amendment. Article I of that amendment as you know, provides "nor shall any State . . . deny to any person the equal protection of the laws."

Now, I'm sure that Thaddeus Stevens and the other members of the 39th Congress did not have any sex in mind when they debated this issue. But they said "person," they said "any person" and they did not say except females. I am a person and the Federal Courts have so ruled.

That is why President Kennedy's Commission on the Status of Women after a great deal of study rejected the Equal Rights Amendment. The Commission report stated "since the Commission is convinced that the United States Constitution now embodies equality of rights for men and women, we conclude that a constitutional amendment need not now be sought in order to establish that principle."

In 1969 President Johnson's Inter-Departmental Committee on the Status of Women issued the report "American Women 1963–1968" and like President Kennedy's Commission, did not recommend support for passage of the Equal Rights Amendment.

More recently, President Nixon's Citizens Advisory Council on the Status of Women issued an endorsement of the Equal Rights Amendment. President Nixon's Council was appointed in August 1969. Unlike the original Presidential Commission and successive Advisory Councils, it had no representation of working women but was made up of business and professional women. The Council held no public hearings and rather speedily came out with an endorsement of the Equal Rights Amendment in February of this year. This endorsement cannot be said to represent the opinion of the majority of our citizens (silent or otherwise) as did the original President's Commission of 1963, and succeeding Advisory Councils.

President Kennedy's Commission considered the Amendment with great care for a period of two years. Its Committee on Civil and Political Rights held open hearings on the question. I am aware of the reasons why two different administrations have two different attitudes about the adoption of the Constitutional Amendment approach—and it isn't because women have changed in the last two years, nor it is because the 14th Amendment has lost its validity. The reason is the present President's Commission because of its unpresentative composition, holds a different concept of the purpose of government and because they are totally unaware of what real working women and the housewives of America really want. Look at the membership of that Commission for the answer. The Business and Professional Women of America don't bake the bread for America, nor package the meat nor clean the hotel rooms, nor wipe the noses, nor change the diapers, nor man the production lines, nor ring up your retail purchases.

Those of us in the struggle for the advancement of women prefer to fight for positive measures such as equal pay for equal work and equal employment opportunities. We fought for the Civil Rights Act of 1964. We fought for and got Title VII to the Civil Rights Act. In its positive application, Title VII can be an effective instrument for overcoming discrimination against women in employment and can contribute substantially to their progress. However, some of the guidelines established by the Equal Employment Opportunity Commission, unfortunately, have invited an assault upon State protective legislation, without distinguishing between those provisions which might be viewed as discriminatory and those which are not, in fact, discriminatory. The result of such sweeping guidelines has made the equality that many have sought, an equality of mistreatment.

In Detroit, six Penn Central System office women were assigned to jobs as checkers of freight cars at the Detroit-area railroad yards, after they complained about sex discrimination to the Michigan Civil Rights Commission. The women had been employed as clerks and typists. Climbing in and out of box cars as railroad checkers, is a back-breaking job, but a company executive said "they asked for equal rights, so what are they complaining about?"

Eleanor Hannon, 51, a widow with five children, said "I can't afford to quit, but I don't know how long I can last on this job, particularly if I have to work a night shift". The transfer from the office pool to the freight docks was within the scope of the railroad's contract with the Brotherhood of Railway Clerks.

Since, one of my primary objections to the Equal Rights Amendment is its destructive effect on State protective legislation, it appears to be necessary to review, briefly, the situation with regard to State protective legislation and why such protection is not obsolete at all—as is claimed by some—but still very much needed. Add excessive hours to the above mentioned Eleanor's liberation and her problem is compounded! The denying of excessive overtime to women who do not want it is not a discrimination. Since women work endless additional hours performing domestic chores—the maximum number of hours that a woman can be compelled to work, is the heart of the matter of protective legislation. The lack of child-care centers makes it even more so. The "communes" that some feminists speak of are, as yet, non-existent.

Fifty years of communism in Soviet Russia have torn down almost all of the "men only" signs that limit employment opportunities for women in most other nations of the world. In the Soviet Union more than 70% of the able-bodied women hold jobs. A vast number of them are doing work many men shun.

They dig ditches, drive trucks, herd cattle, lay bricks and shovel cement. They also perform surgery, command ships and airliners, manage factories, build bridges and rode a rocket into space. Medicine, a male stronghold in most countries, is a woman's world in the U.S.S.R. More than 80% of all medical doctors are women, and the percentage grows higher each year. Women dominate the traditionally female profession of teaching, but they also have a stronghold in engineering. Some of the Soviet Union's most impressive factories have females in positions ranging from blast furnace stoker to manager.

Though there is not a single woman pilot in America's vast fleet of commercial aircraft, women do the job in the Soviet Union, and they do it well. An all female flight commanded by Captain Lyubov Ullonova recently set three airline world records—for distance, speed and altitude. Russia's most famous working women is Valentina Tereshkova, the attractive cosmonaut who because the world's first spacewoman in a Soviet Space spectacular of 1963.

Yet, in "liberating" women from sexual discrimination in jobs, the Soviets have not liberated them from the age-old duties of wife, mother and keeper of hearth and home. The result in a society of hard-working women who toil endlessly, cooking, washing and standing in Russia's inevitable lines in addition to putting in a 40-hour work week at outside jobs. The Russian women likes the job market the way it is, but she would like to see the liberation of her sex extended into the home as well. I believe that she would not mind bringing home the bacon so much if she did not also have to cook it. I feel that American women share this view.

Large numbers of America's women workers are employed in traditionally low-paying occupations and low-wage industries. Only 12% of women workers are covered by collective bargaining contracts. Average full-time women workers had a median income, scarcely above the poverty level in 1968, yet were heads of families, widowed or divorced.

What of this one-parent household? It is most difficult for widows or divorcees to remarry. This is not the case with men. When the man is left a widower with young children to care for he usually re-marries to get "a mother for his children". Getting a father for a widow or divorcee's children is a solution not as readily available to women.

There are over 5 million more women than men in this country. The growth of the female population is exceeding that of the male by about 100,000 a year. The number of divorced women who do not remarry is more than 30% larger than that of men in the same situation. There are over 8 million widows in this Country. The widow is almost totally helpless in this situation. Rare, indeed, is the man who agrees to become the married ward of a built-in family. What is more, we are now living in a three-generation society. In many households, the working wife is the mother and daughter as well, caring for aged parents as well as growing children.

Do we discard protective legislation for women, if we are unable to get such legislation for men? The passage of the Equal Rights Amendment would do this, and it is wrong. Ironically, many of the Business and Professional women, most vocal in advocating the overthrow of hour limitations, would not be affected at all, since many of the States with hours limitations already exempt them from these restrictions. I must remind those who are influenced by the Business and Professional Women that the Equal Rights Amendment does not require equal pay for equal work, nor does it require promotion of women to better or "decision making jobs". It does not elect more women to public office. It does not convince men to help with the housework.

The Federation of Business and Professional Women would do well to legislate for their own inclusion into the equal pay for equal work provision of our law rather than seek repeal of protective legislation for others as they do in a booklet published by them entitled "How to Repeal Protective Legislation". Their booklet states "the days of sweat shops and intolerable working conditions, in which exploitation of women workers went rampant, are largely passed. The notion that women are frail and require special protection is obsolete".

The days of exploitation are not over for thousands of women workers, among them the domestics who work in the homes of many of the Business and Professional Women!! They were not over for thousands of Michigan women who worked without the protection of the State's hour limit laws during a three month period in 1967 and the beginning of 1968.

Let me review what occurred in Michigan for you. In the 1967 session, the Michigan Legislature passed Senate Bill 199 which repealed Section 9 of Act 285, the 10-hour day—54 hours per week hours law for women. The same session of the Legislature passed Senate Bill 225 establishing an Occupational Safety Standards Commission which was mandated to establish codes and occupational standards for the protection of "life, health and safety of employees" in all areas covered by Act 285 (proper ventilation, toilet facilities, adequate wash and dressing rooms, seats for females, safety devices, hours laws, etc.) Senate Bill 225 further provided that "Act 285 shall remain in full force and effect" until new standards are promulgated. In March 1968, Michigan's Attorney-General, Frank Kelley, resolved the conflict, by ruling that Senate Bill 225 went into effect prior to the repealer (Senate Bill 199) and therefore, the hours limitation law must remain in "full force and effect" until the new commission, conducted hearings and promulgated rules.

Legislators from both houses confessed complete ignorance as to why conflicting bills were passed. They assumed "women" wanted overtime. The secrecy with which this legislation passed (no hearings, no floor discussion) leaves no doubt, somebody knew the full repercussions of the repealer. The Y.W.C.A., the Council of Catholic Women, the Council of Jewish Women and most major women's groups and unions cheered the Attorney-General's decision to reinstate the 54-hour maximum work week for women. (see Exhibit of organizations).

When the Attorney-General re-instated the 54-hour law, the Women's Department of the U.A.W. dropped all pretense of wanting protective hours legislation for both men and women and blatantly offered to join the employers of Michigan in upsetting the Attorney-General's opinion. They did this in letters to the employers of U.A.W. members signed by the legal department of the U.A.W. (Exhibit.) This came as a complete shock to me since I am an admirer of that union.

The point at issue is the closing paragraph of the letter which discusses the Attorney-General's opinion and reads "It is for the foregoing reasons that we presently take the position that both the law of Michigan and the present agreement between us and the company precludes the company from denying women an opportunity to work *more* than 54-hours a week or *more* than 10-hours per day. You have indicated a desire to attempt to convince the Attorney-General to reconsider his opinion. We stand ready to give you whatever assistance we can in that endeavor."

The Occupational Safety Standards Commission after holding hearings issued a regulation again, repealing the hours limitation laws for women. Then the women of Michigan really became incensed, swung into action and formed an Ad-Hoc Committee against Repeal of Protective Legislation. (See Exhibit) An outpouring of support came from all major women's organizations, church groups and labor unions, including many U.A.W. local unions. Thousands of women signed petitions urging the re-instituting of the hours law and supported litigation started to request the court to restrain the Occupational Safety Standards Commission from repealing the hours law.

The litigation was started by Stephanie Prociuk, an employee of the Dodge Motor Company, Hamtramck Division. She was not only a member of the U.A.W. but a shop steward and local committee-woman, as well. She had 33 years seniority, was single and the sole support of, and nurse to, an 81-year old invalid father. She claimed in her suit that if the law remained repealed, Dodge would force her to work more than the 54-hour limit whenever they found it profitable to do so; that forced, and involuntary overtime would do "irreparable damage" to her and 200,000 other women the Ad-Hoc Committee Against the Repeal of Protective Legislation represented. Her testimony revealed that Dodge *did just that* while the law was thought to be inapplicable in the late fall and winter of 1967–68. During that period, she testified she was called upon to work 69 hours a week, six days at 10 hours. On Sunday the company relented and had her work only 9 hours. She testified that women dropped over with fatigue and exhaustion and had to be removed by stretcher. This gentlemen, took place in 1968—not at the turn of the Century!! She testified that forced overtime kept her from properly caring for her father causing her undue worry and concern. She said she could not afford either a nurse or housekeeper, did her own housework, including her laundry. She said her union proved powerless to do anything about it and that the women's department of the union actually opposed any law "favoring women only".

Miss Prociuk was followed on the stand by a Chrysler employee who corroborated her testimony as to the hours worked. She was a widow with two daughters, 7 and 11 and a son 9. She did all her own housework and had been on ADC prior to working at Chrysler's. When Chrysler was free to lengthen hours, they forced her to work 63 hours a week. She had no car, took two buses to get to work and said three weeks on this schedule caused her to become "sick in mind and body." She testified that if the hours law was repealed, she would "have to quit work and go back on ADC. Life is not worth living when you work like that" she added. That is, gentlemen, what I mean when I say that anything that permits the continuance of that imposition adversely affects the women of America and interferes with her right to safety and pursuit of happiness.

Another witness with 20 years seniority in an auto factory testified that her husband was totally disabled, that she was the sole support for the family which also included an early teenage son. Her responsibilities at home took four hours a day and all Saturday and Sunday. Even though she got over $5.00 per hour for overtime, "it wasn't worth it" she said. "It's like being on a merry go round in a nightmare—you don't know where you are or what time it is".

Another witness, sole support of a disabled brother and a 67-year-old sister, said "when the company could, they worked us 10 hours a day six days a week and 9 hours on Sunday." A witness employed at a meat packing company, reported that when the hours limitation law was lifted "my boss ordered us to work 10 hours a day seven days a week". She pointed out that these hours "were worked in a refrigerated room when the temperatures ranged from 32 to 40 degrees" because it was meat we wrapped.

After hearing two days of testimony, Circuit Court Judge George T. Martin, ruled that the State Occupational Safety Standards Commissions did not have the authority to repeal the State law which restricts the number of hours a woman could work and issued an injunction restraining them from doing so. Judge Martin, in his opinion, stated "it has long been evident that working women need protection against exploitation and hazard. It is evident that it would be dangerous to have no limitations whatever on women's hours of work, albeit some women could cope. The testimony is that the great majority of working women feel that if they could not cope with additional overtime hours, they would be forced to either quit or else be fired and thereby suffer dire personal economic consequences".

The women of Michigan with an enormous sigh of relief said "hear hear!". They had but a short time to enjoy the fruits of their victory for in the latter part of December 1969—Attorney-General Frank Kelley, struck down the statute prohibiting women from working more than 54 hours a week or 10 hours a day for employees of employers of 25 or more persons. The Attorney-General's opinion was based on his interpretation of the Equal Employment Opportunity Commission's guidelines for administering Title VII of the 1964 Civil Rights Act.

"The conflict is readily apparent" Attorney-General Kelley said. "The Federal statute expresses a prohibition against any employment practice which discriminates against employees with respect to compensation, terms, conditions and *privileges* of employment because of their sex, but under current Michigan law, an employer must not permit a woman to work longer than 10 hours a day or 54 hours a week. "Since Michigan has no law limiting the number of hours a man may work, a woman is denied the same rights of overtime compensation as her male counterpart in direct violation of the Federal Act" he said. And all this in the name of equality! Since when is being forced to work over 10 hours a day a privilege? Those who have testified before the Sub-Committee on this matter and said that if the Equal Rights Amendment were passed, women's protective laws would "automatically be extended to men", please take note. The Attorney-General of Michigan who that witness' union supports for reelection, didn't extend the 54-hour maximum law to men. No Sir! He invalidated it for women as Attorney-Generals in other States are doing.

No sooner did the Attorney-General issue his opinion, than the merry go round of excessive overtime started anew, slowed somewhat by the fact that we have been in a recession since January 1970. In spite of this, an administrative bulletin (Bulletin 32) was issued by the Director of Personnel for the Dodge Motor Company announcing that "Effective immediately, there will be no restrictions on hours worked." (See Exhibit marked "Trim Unit Notes).

The impact on the number of hours a woman can be worked, resulting from the Attorney-General's order, would be catastrophic were it not for our being in a period of business recession, but with or without a recession, the impact of the passage of the Equal Rights Amendment will reach into endless areas of working conditions.

Laws that treat women differently than men are not necessarily "discriminatory" or unfair. Conversely, laws that arbitrarily call for sameness of treatment can be grossly unfair, extravagant and self-defeating. Another such example is the guideline being devised by the Equal Employment Opportunity Commission dealing with the Health, Welfare and Pension program for workers.

I am a Trustee of the Detroit Hotel and Restaurant Employes Insurance and Pension Fund, a multi-employer, jointly administered fund of around 300 contributing employers covering 20,000 employees. I am concerned with the impact of the Equal Employment Opportunity Commission's guideline in this field.

A highlight of the guidelines established by the Equal Employment Opportunity Commission which will affect the pension and welfare field is an employer prohibition against distinction based on sex in employment opportunities, wages, hours or other conditions of employment. Under this, an employer will not have violated the guideline if his contributions for insurance, pensions, welfare programs and similar fringe benefits are the same for men or women or if the resulting benefits are equal. Gentlemen, this is an impossibility, as I will subsequently show.

The guideline further provides that an employer must not specify any differences for male and female employees on the basis of sex in either mandatory or optional retirement age. Will the likely result of this be to raise the normal retirement age for women or to lower the normal retirement age for men? This question must be answered for according to Adam Hess, Secretary, Group Division Aetna Life and Casualty Company, the cost of providing a pension for a woman age 60 may be almost 50% greater than the cost of the same dollar amount of pension for a male at age 65."

Are insurance companies discriminating against women? Of course not, but they do recognize physical and biological differences among the persons covered. Insurance companies premise of rate-making may not be egalitarian, rates are based on cost and utilization. It is an established insurance fact that certain benefits are used to a higher degree by females than males because of biological differences.

A study of the Fund that I represent, made several years ago, and resulting incidentally, in doubling our premium rate, showed that in the previous year, the utilization rate of the Stouffer Restaurant employees of hospitalization benefits, were 118% of premium. The employees were all young and female, their hospitalization was for pregnancies and hysterectomies. We had no incidence of pregnancies among our male members. So, in effect, our many male participants in the Fund are contributing to the high cost of female benefits. Is this fair? Is it a discrimination or just a fact of life? Can this be changed or equalized?

Pension costs are also higher for women, because benefits to females are paid for a longer period of time, since women live longer than men. Is this an inequality or, a fact of life? Adjusting upward the retirement ages of women under existing plans to achieve equality, may not be a step eagerly greeted by women who have been savoring their imminent retirement. A high price to pay for alleged equality!

The Equal Employment Opportunity Commission has tentatively indicated that in some instances, a plan providing a widow's benefit as contrasted to a spouse's benefit, might be found to violate Title VII. Since, normally, a wife is dependent on her husband's pension, a husband usually not dependent on his wifes pension, many Trustees of Funds reasonably believe that providing death benefits under a retirement plan to husbands of deceased employees, especially if they have their own source of income, is an unnecssary diversion of monies that could be used to improve benefits for employees living in retirement.

You will no doubt be told that our Social Security laws discriminate against women by allowing a widows benefit in a different manner than a spouses benefit—since women are the greatest recipients of Medicare because of their longevity, perhaps the difference of survivors benefits is justified. No legislative act, Gentlemen, will change the basic fact that physical and biological differences between men and women exist and affect all aspects of our life. The differences cannot be assimilated, altered or ignored. The male participants of the Hotel and Restaurant Employes Insurance Fund have had their "equality of rights under the law denied and abridged" by the insurance carrier of our fund. Our male member is receiving less benefit for the same contribution paid by the employer on his behalf than he would receive had the number of females covered by that Fund been less.

Any fringe benefit given by an employer is, in effect, unpaid wages. Such employer labor cost can be given either in the form of wages or fringe benefits. If the benefit must be the same for both men and women and the contribution the same (though the rate becomes higher because of female exposure) then a larger unpaid wage to the male ensues. Yet, the Equal Employment Opportunity Commission says contributions, benefits and wages must be the same. It cant be done!

Insurance companies will always consider human variables such as age, sex, physical differences in making actuarial assumptions. No Equal Rights Amendment to the Constitution will alter the fact that unless physical limitations and differences are considered, then persons do not start out equal—and if they do not start out equal, equality is a myth, unless those differences are recognized and safeguarded.

These guidelines may be unreasonable, they have not been tested in the Courts. While the Equal Employment Opportunity Commission may deal a blow to certain types of legislation, they cannot destroy or repeal laws. The Equal Rights Amendment, however, permits no negotiation or compromise no matter what the circumstance.

The wording of the Equal Rights Amendment may be simple, but its implications are enormous. Because of its enormity, a hysteria has been engendered. But hysteria is no justification for the passage of legislation. You don't satiate the appetite of some zealots by sacrificing the welfare of the vast majority of 82,000,000 American women, their families, their children, their personal safety and well-being. That's what will happen if the so-called Equal Rights Act becomes our 26th Amendment. That fact too makes it easy to show how the passage of the Equal Rights Amendment will adversely affect the women of America, the vast majority of them, thereby depriving them of their right of safety and the pursuit of happiness and denies to her the fundamental reason for her participation in a government of law.

Fifty-three years ago, a similar hysteria prevailed in this country. It too, was initiated by those who would impose their beliefs on all others. It was dramatized by Carrie Nation and the Women's Christian Temperance Union. With hatchets in hand, they descended upon this nation while her fighting men were in Europe. We ended with the infamous Volstead Act, a Constitutional Amendment. Can we ever forget our folly? It took 14 years to recall that mistake. Home-brew, gang wars, corruption and the loss of billions of dollars in lost tax revenue plus millions spent in the unsuccessful attempts at law enforcement, plus the jobs of hundreds of thousands of workers were lost.

But we suffered a far greater loss in our general disregard and disrespect of the law among all segments of our population. Clearly, America had been stampeded into an ill-considered, ill-advised action. When we woke up, we rectified it. Lest we forget, the 18th Amendment was the only Amendment that had to be repealed. If the Equal Rights Amendment becomes the 26th Amendment, I predict it will meet the same fate. Recourse to law is but a small part of the struggle for equality. The tragedy of Prohibition proved that amending our Constitution didn't change our habits, or our thirst or the people governed by its provisions.

Many of today's feminists oppose and resent protective legislation for women since they postulate that such legislation treats them as children whose lives have to be regulated by other adults. Yet the Women's Liberation groups wish to regulate the lives of other women and treat them as children telling them that the job of wife and mother is unfulfilling and unsatisfying. Should the women, so being lectured, disagree, she is immediately charged with having been brainwashed!

Feminists, assuredly, do not represent the majority of women and do not correctly relate their needs and feelings. For the most part, women who join "liberation groups" are white, middle-class and college-oriented. The most active of these women, who do the work of the organizations, are those with no or grown children. Working women, like the mothers of young children, are too busy to be liberated.

The National Organization of Women (N.O.W.) one of the most vocal supporters of the Equal Rights Amendment, claim to have about 3,000 members. They speak of the discontent of wives and mothers. They speak for a small minority when they urge passage of the Equal Rights Amendment. They do not speak for Mary Dennison of the Congress of Racial Equality who is quoted as saying "The Women's Liberation Movement is a luxury that only bored white women can afford". They do not speak for the divorced, separated or abandoned mother when they urge passage of the Equal Rights Amendment which will weaken the husband and father obligation for child support. Divorced, separated and deserted wives struggling to support themselves and their children may find their claims to support even harder to enforce than they are right now.

The Equal Rights Amendment could create new obligations for women to support their husbands and children. Wives and mothers who are not in the labor force (and they are a substantial majority) may find they can no longer choose to stay out of the labor force. Under the Equal Rights Amendment, they might become obligated for furnishing half the family support. The right of choice for these women should be protected. For many American women, particularly for those in the lower brackets, losing that choice is a heavy and undemocratic price to pay for an illogical theory of equality.

Women's Liberation is the most misused and abused phrase in the English Language. To some, the word means—liberation from marriage—liberation from housework—liberation from bearing and rearing children—liberation from all forms of social responsibility—copping out. To others, not so.

I believe women should be a part of a social movement dedicated to reforming our social structure to permit true equality between the sexes. It should accomplish for all women, young and old, married and single, housewives and breadwinners, mothers and the childless, wives and widows; their goals and aspirations. It should improve their life, gain recognition for their double role in society and the recognition of that responsibility. It should broaden the fruits of science to lessen the drudgery of our housework and to making clothing functional, yet enhancing. It should bring peace to the world and bring our teenagers home, going to colleges or learning a trade rather than working towards expanding the draft by including women to kill and destroy. It should fight to maintain the right to stay home as a housewife and mother, if circumstances permit, and that be the preference of the individual woman. It should fight to have an economy thats free from hunger and privation that affords freedom from want and need in a society that promises every man and woman equal pay for equal work. That's the kind of liberation I'm interested in.

Not everyone agrees with me, I am sure, for there is no more unanimity of opinion among women than among men. The plight of the black woman forced to leave her children untended as she goes off to clean the home of the rich women is unbridgeable. Both, may be wives and mothers, both are women, but they have little in common to cause them to be of one opinon.

We live in a world of socially prescribed differences, of fashion prejudices, of customs relating to masculinity and femininity. To achieve equality, we must start equal by recognizing physical and biological differences. We are different, and remember, different does not mean deficient.

I heard testimony before the Judiciary sub-committee which favored passage of the Equal Rights Amendment. One witness argued that although the passage of the Equal Rights Amendment would obviously create many hardships for women, the long term benefits would outweigh the short term losses. I wondered about the cogency of such a position. I re-read the testimony. Then I began to think about the basic contention advanced. I thought about the philosophical footings to such a position. I reject such an argument for the following reasons—

1. That kind of reasoning gives cogency to the specious male admonition "you can't have your cake and eat it too". But, we are not talking about anything as transitory as cake or some object which deteriorates upon usage. We are talking about a right, that develops, grows, enlarges upon usage. That philosophy assumes that rights don't grow, that there is no place for orderly advancement and expansions of a right. That philosophy pre-supposes no orderly progression for the rights of man, the opposite has been the case. Forcing a working mother, the sole support of her family, out of work and onto ADC, because she will not neglect her children by working excessive overtime, does not make sense either for her or the taxpayer. Particularly since the Equal Rights Amendment may take 10 years to adjudicate as Congresswoman Griffiths, herself, considers a likely possibility (as quoted in the Detroit News). This is not like giving 18 year olds the right to vote—for no one suffers in extending Democracy. The adoption of the Equal Rights Amendment will not extend Democracy and will create suffering.

2. That kind of reasoning puts forth the idea—two birds in the bush is worth one bird in the hand—though we know those two birds, one's a vulture and the other a pterodactyl. The lack of reasoning is like saying that a mother of four children, who has difficulty collecting her child support payment from her divorced husband, will be happy to have his financial responsibility divided equally with hers. All that kind of immediate so-called equality to be theoretically on the same level as her husband and hope that some fine day she will be able to work unlimited overtime.

3. What type of philosophy advanced by the Business and Professional Women can best be characterized by the expression, let's you and him fight or better still, as working women, stand in the downpour to say every cloud has a silver lining. That's what Noah heard.

No gentlemen, women receive nothing, absolutely nothing, from the Equal Rights Amendment except a vague male guilt freeing generality about "Pie in the sky, bye and bye"—What we lose may not be all we hope to get, but it's the fruit of our 100 years effort and we have it now today, we need it now today, and we don't propose giving it up today or in the immediate or even distant future.

I have attempted to convey to you my opposition to the Equal Rights Amendment as a citizen, woman, widow, mother, worker and union official representing thousands of women (and men). I have tried to prove that women (and men, as well) will suffer adversely, socially, politically and economically. I have endeavored to prove to you that the action before you is based upon an undemocratic concept contrary to the philosophy embodied in our Constitution.

I urge you oppose S.J. Res. 61. The legislative process of enacting "specific bills for specific ills" must be invoked to correct the inequities in our society today.

The differences between men and women cannot be changed by an Act of Congress—or by a Constitutional Amendment.

Mr. ERVIN. While this amendment was pending before the 91st Congress, the representatives of many organizations representing working women and many individuals made a statement to the 91st Congress in opposition to this amendment. The statement was entitled "The 'Equal Rights' Amendment . . . An attractive slogan . . . but is it good law?"

Among those who endorsed the statement were the following:

Chauncey Alexander, Executive Director, National Association of Social Workers.

Joseph A. Beirne, President, Communications Workers of America.

Margaret Berry, Executive Director, National Federation of Settlements, and Neighborhood Centers.

Mary E. Callahan, Former Member, President's Commission on the Status of Women Citizens' Advisory Council on the Status of Women.

Cesar Chavez, Director, United Farm Workers Organizing Committee.

Patrick E. Gorman, Secretary-Treasurer, Amalgamated Meat Cutters and Butcher Workmen.

Dorothy Height, President, National Council of Negro Women.

Dolores Huerta, Vice President, United Farm Workers Organizing Committee.

Paul Jennings, President, International Union of Electrical Radio and Machine Workers.

Mary Dublin Keyserling, Former Director, Women's Bureau—U.S. Department of Labor.

Margaret Mealey, Executive Director, National Council of Catholic Women.

Ruth Miller, Former Chairman, California Advisory Commission on the Status of Women.

Sarah Newman, General Secretary, National Consumers League.

William Pollock, President, Textile Workers Union of America.

Jacob S. Potofsky, President, Amalgamated Clothing Workers of America.

Louis Stulberg, President, International Ladies' Garment Workers Union.

Mary E. Switzer, Former Administrator, Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare.

Dr. Cynthia Wedel, Former Member, President's Commission on the Status of Women.

Elizabeth Wickenden, Professor of Urban Studies, City University of New York; Former Member Citizens' Advisory Council on the Status of Women.

Myra Wolfgang, Vice President, Hotel and Restaurant Employees' and Bartenders' International Union.

This statement contains three separate assertions in addition to a few thoughtful questions which it asks and answers. The statement warns American women in these words:

Don't buy a gold brick!

Here is what the statement says under that heading:

America's women are increasingly expert consumers.

They've learned the hard way that you can't always trust the language on the label . . . or extravagant advertising claims.

That's true for legislation, too.

The Equal Rights Amendment to the Constitution, for instance, sounds great . . . like the end of sex discrimination.

Sounds easy. . . . But most sex discrimination is a matter of private practice, not of public law, and will not be affected by the Amendment.

And laws that treat women differently are not necessarily "discriminatory" or unfair.

That's why many women's organizations, trade unions and individuals with long experience in human and industrial relations problems, urge rejection of the Equal Rights Amendment.

Let's keep the good laws we've won and see that they're enforced. Let's repeal or amend the bad laws . . . . and go on from there to achieve real equality for every American.

I have said that the statement contains two general warnings in addition to a few thoughtful questions and their answers. One of these warnings is entitled "Some Real Worries." It states this under that heading:

Nobody knows for sure what results the Equal Rights Amendment would bring. But here are some "real worries" you ought to think about:

Many state laws enacted to prevent harsh industrial or commercial exploitation of

> working women are likely to go out the window—whether women want them to or not. The "equality" arguments can be turned right around by powerful employer interests who don't want *any* of their workers protected by labor laws—either men *or* women. If the courts don't throw out the women's labor laws right away, the legislatures can be pressured into quick repeal.
>
> Divorced, separated, and deserted wives struggling to support themselves and their children through whatever work they can get may find their claims to support from the father even harder to enforce than they do right now.
>
> For many American women, particularly those in the lower income brackets, that's a heavy price to pay for a theory of equality.
>
> Wives and mothers who are not in the labor force—and they are a substantial majority—may find they can no longer choose to stay at home to care for their families.
>
> Under the Equal Rights Amendment, they may become obligated for furnishing half the family support. The right of choice for these women should be protected.

I digress from the reading of the statement to say that I agree with that last statement, that the right of choice for these women should be protected, and that is precisely what I am trying to do in pointing out the hazards which the equal rights amendment poses for the social structure of America, and in offering amendments to preserve the protections and exemptions which Federal and State laws now give to women who work in fields which are not entirely intellectual in nature.

This statement, made on behalf of organizations representing the working women of America and many individuals such as Mrs. Mary Dublin Keyserling poses this general question:

> What does equality mean under the Equal Rights amendment?

Then it asks three thoughtful questions. Moreover, it gives answers to those three thoughtful questions.

The first question is this:

> Does the Equal Rights amendment create new rights for women?

The answer is:

> No, it does not. In fact, the amendment . . .
>
> Does not require equal pay for equal work.
>
> Does not require promotion of women to better or "decision-making" jobs.
>
> Does not provide free 24-hour community-controlled children's day care centers for working mothers.
>
> Does not elect more women to public office.
>
> Does not abolish abortion laws or make available safe birth control devices.
>
> Does not convince men they should help with the housework.
>
> *and, furthermore*, does not put a woman astronaut into space!

The second of the thoughtful questions which the statement asks and answers is this:

> Could the Equal Rights amendment destroy some important women's rights?

The answer:

> Yes, it could destroy rights and cause new problems . . . by
>
> Creating new obligations for women to support their husbands and children.
>
> Weakening men's duty to support their wives and children.
>
> Wiping out laws fixing such benefits as minimum wages, maximum hours, and safety standards for women, simply because many of these laws don't apply to men.
>
> Drafting women into military service.
>
> Weakening the legal presumption that a woman should keep custody of her children and should receive financial support in the event of a divorce.
>
> Endangering the tax-exempt status of nonprofit "women only" institutions, such as the YWCA and Girl Scouts.
>
> Destroying laws that require separate rest rooms and dressing rooms for women workers.

Mr. President, I would like to emphasize that these representatives of working women and these individuals who joined in this statement stated that the equal rights amendment could destroy the laws that require separate restrooms and dressing rooms for women workers. Now, some of the proponents of the amendment claim that is not so. Well, these representatives of the working women and these individuals interested in their behalf think that it is so, and I agree with them. But whether they are right or whether I am right, or whether the proponents of this proposal are right, an abundance of caution on this point ought to inspire the proponents of this measure to accept an amendment which I shall offer later expressly providing that this article does not invalidate any laws of the United States or any State which secure privacy to men and women or boys and girls.

The proponents of this amendment are the first people I have encountered in my public life—which began when I was just a small boy in the North Carolina Legislature, and which has extended since that time to 18 years of service in the U.S. Senate—who are opposed to any amendment which would clarify and make certain what the proposal they are advocating would do.

The third thoughtful question asked by this statement is this:

> Is this constitutional amendment really needed to achieve women's rights?

The answer:

> No.

The answer is "No" because the statement asserts what the greatest legal luminaries in the United States have testified to be true—namely, that the Constitution already protects the rights of women, particularly under the fifth and 14th amendments.

The statement says that "no" is the answer for the additional reason that unfair or discriminatory laws can be repealed by legislatures or challenged in the courts under these amendments. That has already been done successfully in many cases.

Then it says that the answer to the third question is "no" for an additional reason—namely, that new rights and freedoms for women will come from enactment of new laws and the effective enforcement of existing ones, not from a new constitutional amendment.

What are the protections which existing laws throw around working women and which would be abolished by the equal rights amendment?

They are such laws as provide that an employer must furnish separate restrooms and separate dressing rooms for men and women employees.

They are laws which provide for minimum wages for women in States which have no other laws of that character for the protection of the economic interests of working women.

They are laws which provide maximum hours of employment for women who are obligated not only to earn livelihoods for themselves and their families but also to discharge the duties of mothers in their homes.

They are laws which place upon husbands the primary responsibility for furnishing reasonable support of wives and children.

They are laws which entitle a woman who is divorced by her husband to call upon her husband for alimony, not only to assist in her support but also in the support of the children which he has begotten upon her body.

I respectfully submit that in passing upon the amendment which is now pending before the Senate, Senators ought to pay heed to the representatives of the women and to the women who have studied this problem and to the women whose work is not entirely intellectual, rather than to a few business and professional women who already are absolutely free under the law to compete with men and who are not confronted by any of the problems which confront working women.

This equal rights amendment would practically destroy the social structure of America.

On previous occasions during this debate, I have referred to the article written by Prof. Thomas Emerson and three young Yale women law graduates.

The **PRESIDING OFFICER.** The 60 minutes of the Senator have expired.

Mr. **ERVIN.** I yield such additional time as I may use on the bill.

I am constrained to deduce that a very distinguished member of the medical faculty at Yale University read that article. After he did so, he wrote a letter to the editor of the New York Times which bore the heading "Rights Amendment: Is It Constructive?" This is the letter:

> If family stability plays an important role in the well-being of our nation, it is hard to envision the Equal Rights amendment just passed by the House of Representatives as a constructive act. The bill seems not to have been discussed adequately or maturely but rather shouted through under pressure from a relatively small band of zealots. It seems to me that the removal of legal responsibility from a man for supporting a family, giving the family a name and protecting his daughters from the sort of influences the U.S. Army might have in store for them before marriage is likely to have some effect on the manner in which men relate to their wives and children and vice versa; those traditional ties will be weakened.
>
> One must agree with women's liberation groups that the liberating effect of Equal Rights will apply to men as well as to women. What they are both being liberated from is nothing less than the restrictions of traditional roles in a family structure. One has the right, indeed the duty, to ask, "Is this good?" Marriage has received some rather bad publicity of late; it is considered a breeding ground of neurosis, a prelude to divorce in more than 30 of 100 cases and a burden to the free spirit seeking self-fulfillment. Day care, communal living arrangements and release of women and men from domestic duties are the modern vogue.
>
> Despite this, and supported by my ob-

servations as a physician, I am convinced that that solid, happy family life is the foundation of mental health and happiness. Basic to a healthy family is the concept of role: husband and father, wife and mother, son or daughter. With the restrictions and discipline which stem from these roles, allowing for individual variations, one has the cement which binds a family for life.

Perhaps I am unduly cynical about the ability of people liberated from their responsibilities to make wise choices concerning the path to happiness and contentment; but I would predict that the Equal Rights amendment and many of the other goals of its proponents will bring social disruption, unhappiness and increasing rates of divorce and desertion. Weakening of family ties may also lead to increased rates of alcoholism, suicide and, possibly, sexual deviation. Conceivably this is merely a theoretical parade of horribles. There are genuine questions which should be asked and discussed before our Constitution is amended for the purpose of producing social change. There is no evidence that such deliberations have been made or planned. Is the Equal Rights amendment to be the Tonkin Gulf Resolution of the American social structure?

Mr. President, that is the question posed by Jonathan H. Pincus, associate professor, Neurology, Yale University School of Medicine.

As I say, I deduce that he wrote the letter to the Editor of the New York Times after he had read the article in the Yale Law Journal which depicted the unhappy consequences which the equal rights amendment will produce in our society.

Mr. President, I yield the floor.

Mr. BAYH. Mr. President, I yield myself such time as I may require.

The amendment of my distinguished friend and colleague from North Carolina (Mr. ERVIN) which reads:

"This article shall not impair the validity, however, of any laws of the United States or any State which extend protections or exemptions to women,"

Is a well-intentioned addition to the Equal Rights Amendment.

I know that the Senator from North Carolina does not desire to discriminate against women, that he does desire to provide for their special protection. But the unfortunate fact of life is that many of these well-intentioned amendments which were originally designed in a bygone era to provide special protection for women now, indeed, instead, impose special penalties.

The best example of this is a statute which existed in the State of Michigan which that State thought would be beneficial to its women, which prohibited them from serving as bartenders, feeling that this would protect them from some of the atmosphere that might exist in a place where bartenders labor. Well, the practical effect of this was that women were denied the higher paying jobs as bartenders behind the bar, where they are protected by the hardware of the bar from whatever idiosyncrasies might exist among those who frequent bars; and yet the State law did not really provide for the protection of women as it denied the employment, insofar as serving alcoholic beverages was concerned, on the other side of the bar where the customers were in much closer proximity to the frail young things serving the alcoholic beverages.

The discriminatory impact of this legislation is obvious. The same is true of the 40-hour limitation, the weight limitation laws, and other similar laws. These are discussed in detail on pages 8 and 9 of the Senate committee report. We quote there the guidelines of the Equal Employment Opportunities Commission relative to sex discrimination:

The Commission has found that such laws and regulations do not take into account the capacities, preferences and abilities of individual females and tend to discriminate rather than protect. Child support laws and alimony laws, and pensions for police widows, and the like will simply become non-sex discriminatory after the amendment. Individual restrooms are an entirely different matter—the justification for which is the right to privacy.

I have discussed these points at length earlier in the day, so that I see no reason further to impose my temperate logic on my colleagues. Therefore, Mr. President, I yield back the remainder of my time.

Mr. ERVIN. Mr. President, I would suggest to the distinguished Senator from Indiana, inasmuch as it is now 5 minutes after 5 p.m., that we enter into a unanimous-consent agreement at this time to vote on this particular amendment, without further debate, immediately after the end of the morning hour tomorrow.

The PRESIDING OFFICER (Mr. BENTSEN). Is there objection to the request of the Senator from North Carolina?

Mr. BAYH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

All time having been yielded back, the question is on agreeing to the amendment No. 1067 of the Senator from North Carolina (Mr. ERVIN).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana, (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Georgia (Mr. TALMADGE), are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. SPARKMAN), the Senator from Maine (Mr. MUSKIE), the Senator from Washington (Mr. JACKSON), and the Senator from Minnesota (Mr. HUMPHREY), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. GOLDWATER) and the Senator from New York (Mr. JAVITS) are necessarily absent.

The Senator from Colorado (Mr. ALLOTT) is detained on official business, and if present and voting, would vote "nay."

If present and voting, the Senator from Delaware (Mr. BOGGS) and the Senator from Massachusetts (Mr. BROOKE) would each vote "nay."

The result was announced—yeas 11, nays 75, as follows:

[No. 115 Leg.]

YEAS—11

Bennett
Buckley
Byrd, Va.
Cooper
Eastland
Ervin
Fannin
Hansen
Hollings
Long
Stennis

NAYS—75

Aiken
Allen
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Brock
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Ellender
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Harris
Hart
Hatfield
Hruska
Hughes
Inouye
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—14

Allott
Boggs
Brooke
Goldwater
Hartke
Humphrey
Jackson
Javits
McClellan
McIntyre
Mundt
Muskie
Sparkman
Talmadge

So Mr. ERVIN's amendment (No. 1067) was rejected.

Mr. ALLOTT subsequently said: Mr. President, on the preceding vote, which I missed by about 2 minutes, I wish I had one of those great valid excuses other people have that their bells did not ring or that their lights did not go on. As a matter of fact, I was detained on official business in connection with some constituents and the Secretary of Agriculture.

I would like the RECORD to show that if I had voted I would have voted "nay."

The PRESIDING OFFICER. The RECORD will so show.

The Senate will be in order. The Senate will not proceed until the Senate is in order. Senators will please be seated or retire to the cloakroom. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that no further time, on the bill or any amendment to be offered today, be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROCK. Mr. President, I support this joint resolution, for I believe it to be in the interest of the future, a future in which male and female share in the responsibility of extending the challenge of freedom to our children.

For those who propose a series of "clarifying" amendments to this resolution, I would point out that elasticity is the beauty of our Constitution. It has made this a viable document equally in the 20th century as in the 18th. And it is this same resiliency which will make our amended Constitution viable as we enter on the 21st century. Thus, I can endorse and support no amendment to this resolution, for none are needed. The statement of commitment to a principle is clear and forthright.

Amendments to the Constitution are to be interpreted by men of the present and all effort should be made to retain interpretive freedom while maintaining the concept of justice and equity.

In sum, a constitutional amendment should be a broad statement of policy. The policy we seek would guarantee equality of rights and responsibilities without regard to differences of sex. There can be no legal discrimination in a truly free society—on the basis of sex or any other condition. This is the thrust of the proposed constitutional amendment, and I shall vote for it as it is written, without amendment.

Mr. ROTH. Mr. President, in 1969, I was a sponsor of the equal rights amendment while I was a Member of the House of Representatives. I am a cosponsor of the resolution we are considering today. The equal rights amendment would write into the Constitution the principle of legal equality for American citizens of both sexes. Its passage would demonstrate, more effectively than any other action, a national commitment to legal justice for our female citizens.

Mr. President, it is time that the Senate of the United States demonstrates that it has the courage and conviction to pass this legislation.

The equal rights amendment has been introduced in every Congress since 1923. The Senate has passed the amendment twice, each time adding a nullifying rider to the bill. The House of Representatives first passed the measure in the 91st Congress, but the Senate failed to act upon the bill. Today we have another chance. The House passed the equal rights amendment, unamended, last October 14. It is up to us to clear the measure in its original form and send it to the States for ratification.

Women have proved their capabilities in all fields of enterprise. I have personal experience in this. My wife is a practising attorney, and in my biased judgment, a very good one. I have on my staff female executive, legislative, and research assistants, as well as very competent secretaries. They have all shown great abilities in these positions. For too long, women have been denied equal access to education, training, employment, union membership, and promotion because of our fallacious notions about what a woman "should" do and what she "should" be. While women today are lawyers, stockbrokers, professors, doctors, and Members of Congress, in numbers they are not adequately represented and this indicates the problems they face. Those who have gained success have done so by overcoming obstacles not placed in the career paths of their male colleagues.

The scars of sex discrimination will take long to heal, and the problems will take long to correct. Passed from generation to generation, notions of "women's place," "men's" and "women's" work, and the limited choices and capabilities ascribed to women will not be eliminated totally with this amendment to the Constitution. But the women of this Nation have waited too long for the recognition that is due them as human beings with potential that has long been thwarted by our laws and prejudices.

I am proud that my State of Delaware was one of the first to abrogate all discriminatory legislation in this field. We in the Senate are asked to do nothing more than to correct an untenable situation—to guarantee to the women of our Nation the legal rights that should be their birthright as American citizens.

Mr. HANSEN. Mr. President, today the Senate is considering a most important measure, an amendment to the Constitution to provide equal rights for women. The subject of this legislation insures that it deserves and will receive the earnest consideration of this body. The fact that it is an amendment to the Constitution, the supreme law of the land, increases the pressures on the Senate to act with wisdom.

Coming from the equality State of Wyoming is a source of pride, and gives its citizens a heritage of equality to uphold. When Wyoming Territory was organized in 1860, it became the first government to grant women the right to vote. Esther Morris, whose statute stands in the Capitol, is given great credit for helping achieve this "first" for women, and served as the first woman justice of the peace. Wyoming's Gov. Nellie Tayloe Ross served as the Nation's first woman Governor and the longtime Director of the U.S. Mint. She now resides in Washington, D.C., and her vitality and interest at 95 reflects the great contribution which women have made, and will make to our great Nation.

Wyoming's action in 1869 set off a chain reaction which led to this Nation's commitment to equal rights for women. Today we are being challenged to renew that commitment in the form of an amendment to the Constitution. I share the interest of all in guaranteeing equal rights to all citizens of the United States.

I strongly support the goals of those who have worked so long and diligently for consideration and enactment of the bill now before us. I believe in equal pay for women. I believe in equal job opportunities for women. Women should enjoy the same legal rights as men.

However, our commitment to equal rights for women must not take a doctrinaire "unisex" approach. The simplistic approach taken by the proposed constitutional amendment ignores victories of women's rightists in the past who fought so long and hard to insure that women would not be treated as second class citizens.

Many differentiations are made throughout our society between men and women. Some of these may be valid and some invalid. However, before we throw them all out at once, we should look at the reasons behind their existence, and looking at them one at a time, decide if the specific distinction should be abandoned.

All citizens should enjoy equal rights and therefore the amendment, as proposed, should have the support of all. But on closer look it is obvious that the amendment has a much broader impact than most people understand or expect. Do individual citizens, both male and female, support abandonment of alimony payments, repeal of the presumption of a mother's custody of her child in divorce proceedings, and repeal of criminal and civil laws to protect women? Do young women expect and wish to be eligible for the military draft, especially at a time when young men are expressing their dissatisfaction with the draft system? Would it maximize our national security to have equal numbers of men and women not only in the Armed Forces, but on the front lines in time of battle? Anything less than this would encourage a challenge under this amendment by men who would charge discrimination. What happens when a young women is drafted and her young husband who has a higher number, is not?

These are all questions of great importance. They should be thoroughly debated and decided with a full understanding of the consequences. We must look at this question realistically and act to insure that women are given equal opportunity and equal rights without losing those rights and privileges which were won so long ago.

Mr. KENNEDY. I am pleased to give my strong support to House Joint Resolution 208, the equal rights amendment. I would especially like to commend Senator BAYH for his extensive efforts on behalf of this measure, not only now but in every recent Congress. I hope to see it passed this week without change by the Senate, and ratified promptly by the States as the 27th amendment to the Constitution.

The purpose of the equal rights amendment is to insure equality for men and women under the law, and thereby to end generations of discriminaiton in the area of sex.

The amendment is simple in language, but grand in scope. It provides:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Once the amendment is ratified, sex will cease to be a factor with regard to determining legal rights. At a single stroke, all laws whose burden falls solely on one sex will become unconstitutional.

We have all heard the statistics: women are unemployed at double the rate of men—98 percent of jobs paying over $15,000 are held by men. Male college graduates can expect to go to work for $15,000, but women graduates start at $7,000.

Although there have been small advances over the years toward equality for women, most of the progress has amounted to chipping away at a much larger problem. There is overwhelming evidence that women are discriminated against in all stratas of society—economically, socially, and culturally. Some States have already made efforts to balance the scale through legislation that revises outmoded discriminatory laws.

Three States have actually passed constitutional provisions forbidding discrimination by sex. This, however, is not enough—sex discrimination remains the general rule in most States. It continues to force women into roles below their intellectual and physical capabilities.

One of the more obvious areas of discrimination today is that of educational and professional opportunities. While approximately 75 percent of the college students in this country attend federally subsidized institutions of higher education, discriminatory practices against women are the general rule in far too many of them. In large measure, our colleges and universities have a great responsibility in training their students for future careers and other opportunities. And so, their discriminatory practices are bound to have undesirable consequences on the opportunities of their graduates. The colleges and universities help to set the tone for the wider society, because in deciding against accepting female students, in setting a quota for certain areas of study, they leave the business world free to reject the few women who actually break through the "males only" barrier.

Graduate schools are even more serious arenas of discrimination—despite the fact that female undergraduate academic achievements tend to surpass those of males. For example, as stated in the Senate Committee report, the number of women applying for admission to U.S. medical schools increased by more than 300 percent between 1929–30 and 1965–66, while male applicants increased by only 29 percent. Yet, as the report makes clear, the percentage of women applicants who were accepted declined during the same period.

It is small wonder, then, that women are discriminated against in employment. If our colleges do not encourage women to enter the professional and semiprofessional fields, can we question why they are discriminated against in all areas of employment, including even the least skilled jobs?

Women are also clearly discriminated against under so-called "protective" laws. Such legislation, much of it passed shortly after the turn of the century, is out-dated today, largely because of the successful efforts of labor organizations to secure the enactment of labor laws protecting the health and safety of workers for reasons independent of their sex. But the protective legislation based on sex is far more insidious. It invites employers, when considering the promotion of women to jobs that involve longer hours and higher pay, to promote men instead, solely on the basis of sex.

On many other fronts, our existing laws work against women. At present, although the 14th amendment supposedly requires that both sexes receive the equal protection of the laws, the burden of going to court to prove sex discrimination is so heavy that many are unwilling to run the gauntlet of the time and expense required for litigation. In the field of family law—divorce, alimony, and child care—there are obvious changes needed to equalize the treatment given to men and women. The ERA will serve to wipe these glaring inequities off the books, and end the years of discrimination that women have endured.

The demand for equal rights for women is not a new cause. It began in earnest almost 50 years ago, when the first equal rights amendment was submitted to Congress. Unfortunately, it had taken Congress many years before that to grant women the right to vote. Now at last the era of glacial progress toward equal rights is over, and Congress is about to take a giant step toward making those rights a modern reality.

I had originally thought that a constitutional amendment was not necessary to achieve the goals of the Equal Rights Amendment—that we could accomplish all the desired goals by other means. Recently, however, two of the most promising avenues have proved to be blind alleys, and the need for a constitutional amendment to reach the goal is clear.

In recent years, I have worked with many others in Congress to strengthen the enforcement of powers of the Equal Employment Opportunities Commission, which enforces the sex discrimination prohibition of the Civil Rights Act of 1964. Unfortunately, in recent weeks, our efforts were unsuccessful in both the Senate and the House.

I also was disappointed with the narrowness of the decision in the recent Supreme Court decision in Reed against Reed, applying the 14th amendment to the rights of women. It was my hope that this decision would be broad enough to end much of the discrimination against women. Although it did invalidate a discriminatory State law, the decision handed down did so in such a way as to leave the burden of proof on plaintiffs in individual cases to show that they had been the victims of discrimination. The precedent was too weak. For that reason, it simply became another argument reinforcing the need for a constitutional amendment.

For these reasons, I support the Equal Rights Amendment.

The objections to the resolution now before us have no merit. I have already discussed the issue of "protective" legislation. Such measures had their roots to a large extent in the sweatshop days at the turn of the century. Outmoded today, they hold a woman back from promotions to a higher position and higher salary.

Some say that women should not be drafted. They recoil at the thought of an 18-year-old woman being drafted for combat. Once in the service, however, both sexes should—and will, under the new amendment—be classified for various duties by their capabilities, according to their ability to serve in a given area and to the needs of the service. For example, a military manpower study reported that during World War II approximately half of the positions occupied by men could just have easily been occupied by women.

We should not lose sight, either, of the educational benefits, the medical care—both in service and in later access to veterans' hospitals—the job preferences and leadership opportunities offered by military service. Clearly, women should not be excluded from this role.

And, far from doing away with the child support laws, as some detractors fear, the equal rights amendment will serve to equalize them. It will give responsibility in caring for children to the parent most qualified, not solely to the mother in every case.

Finally, the equal rights amendment is not limited to women, although it deals in large part with legislation that is discriminatory against them. The equal rights amendment will balance laws that favor either sex. But, because the amendment applies only to governmental practices and State laws, however, it is not the whole or final answer to the problem of sex discrimination in our society. We must continue to work diligently to eliminate discriminatory employment practices in private industry, in education, and every other area. In the end, the equal rights amendment will mean equal rights for all.

AMENDMENT NO. 1068

Mr. ERVIN. Mr. President, I call up Amendment No. 1068.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> At the end of section 1 add the following sentence: "This article shall not impair the validity, however, of any laws of the United States or any State which extend protections or exemptions to wives, mothers, or widows.".

PROGRAM

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate there will be no more rollcall votes today. It is anticipated that there will be several rollcall votes tomorrow on amendments. It is hoped that the time may be reduced for consideration of amendments tomorrow. It is also hoped that final action will occur on the pending constitutional amendment tomorrow. That, of course, will necessitate a rollcall vote.

AMENDMENT OF MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

Mr. NELSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3054.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3054) to amend the Manpower Development and Training Act of 1962 which was to strike out all after the enacting clause, and insert:

> That section 310 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2620) is amended by striking out "1972" both times it appears and inserting in lieu thereof "1973".

Mr. NELSON. Mr. President, I move that the Senate disagree to the amendment of the House on S. 3054, agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon; and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. NELSON, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. STEVENSON, Mr.

RANDOLPH, Mr. TAFT, Mr. JAVITS, Mr. SCHWEIKER, Mr. DOMINICK, and Mr. BEALL conferees on the part of the Senate.

AMENDMENT OF UNIFORM TIME ACT

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 904.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 904) to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases which was to strike out all after the enacting clause, and insert:

> That section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a) is amended by striking out all after the semicolon and inserting the following in place thereof: "however, (1) any State that lies entirely within one time zone may by law exempt itself from the provisions of this subsection providing for the advancement of time, but only if that law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable during that period, and (2) any State with parts thereof in more than one time zone may by law exempt either the entire State as provided in (1) or may exempt the entire area of the State lying within any time zone."

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ORDER FOR ADJOURNMENT TO 9:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BUCKLEY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the Senator from Delaware (Mr. ROTH) tomorrow, the Senator from New York (Mr. BUCKLEY) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL THURSDAY, MARCH 23, AT 9:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 9:30 a.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS GRAVEL AND MONDALE ON THURSDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday after the two leaders have been recognized under the standing order, the following Senators be recognized for 15 minutes, in the order stated: Senator GRAVEL and Senator MONDALE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON THURSDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of all 15-minute unanimous consent orders on Thursday there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, before moving to adjourn, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the Senate will convene at 9:30 a.m. tomorrow, and after the two leaders have been recognized, the distinguished Senator from Delaware (Mr. ROTH) will be recognized for not to exceed 15 minutes, after which the distinguished Senator from New York (Mr. BUCKLEY) will be recognized for not to exceed 15 minutes.

There will then ensue a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business. The pending question will be on the adoption of the amendment, No. 1068, by the distinguished Senator from North Carolina (Mr. ERVIN).

There will be rollcall votes on amendments tomorrow, and it is anticipated that the time limitation of 2 hours, under the agreement, on amendments will not be fully used and that the time may be reduced on each amendment.

There will be a rollcall vote on final passage of the joint resolution. It is anticipated and hoped that that final vote will come sometime tomorrow afternoon, although perhaps late.

ADJOURNMENT UNTIL 9:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 a.m. tomorrow.

The motion was agreed to; and at 5:34 p.m. the Senate adjourned until tomorrow, Wednesday, March 22, 1972, at 9:30 a.m.

EXTENSIONS OF REMARKS

SURFACE MINING NEEDS ADVANCED TECHNOLOGY THROUGH RESEARCH, SENATOR MARLOW COOK ASSERTS IN APPROPRIATIONS STATEMENT

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 21, 1972

Mr. RANDOLPH. Mr. President, our able colleague from Kentucky (Mr. COOK) cogently and forthrightly addressed the subject of the need to expand technology as relates to the surface mining of coal when he appeared March 16, 1972, as a witness during hearings by the Interior Subcommittee of the Committee on Appropriations.

Pointing out that almost half of the coal roducped today is surface mined, the Senator from Kentucky asserted that:

> There is just no way in which we can declare a moratorium on surface mining and still meet the demands for this vital energy producing resource.

Even though, as he said:

> Surface mining unfortunately has undesirable side effects.

Senator COOK added—and I agree with him—that we must do something about these "undesirable side effects," and I associate myself with his appropriately expressed view that:

> The solution to our problem does not lie in moratoriums but, rather, in realistic and effective programs designed to place measures of control on mining operations and to reclaim that land which has been and is being surface mined. For these programs to be effective, we must develop advanced technology and this development will only be realized when we conduct adequate research in mining operations and reclamation.

The junior Senator from Kentucky then made what I consider to be a strong and effective case for Congress taking the lead in providing for "this research to develop this technology." I commend Senator COOK for his well-reasoned arguments and express the hope that there will be appropriations to finance the objectives for which he argued. He has my support.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the statement made to the Appropriations Subcommittee on Interior.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR MARLOW W. COOK

Mr. Chairman:

A recent report by the Federal Power Commission contained this statement:

"When a comparison of our fossile fuels is made on the basis of BTU content, it becomes evident that coal is the backbone of the fuel inventory, constituting about 73 percent of the total estimated ultimate recoverable fossil fuel resource."

We are fortunate to have been blessed with an abundance of coal. Our energy requirements establish very clearly the need for this coal. We can not afford to deny the people of this Nation the use of this valuable resource. As almost half of the coal produced today is surface-mined, there is just no way in which we can declare a moratorium on surface mining and still meet the demands for this vital energy producing resource.

Unfortunately surface mining has undesirable side effects. We see them—we don't like them—we must do something about them—there is no question that there is a certain percentage of land which can not be reclaimed adequatcly and therefore should not be surface mined. I submit that the solution to our problem does not lie in moratoriums but rather in realistic and effective programs designed to place some measure of control on mining operations and to reclaim that land which has been and is being surface mined. For these programs to be effective we must develop advanced technology and this development will only be realized when we conduct adequate research in mining operations and reclamation. It is to the requirement for this research that I shall address my remarks today.

I believe that we here in Congress have a responsibility to take the lead in providing for this research to develop this technology.

From an almost zero departure point reclamation technology has made great strides. Unfortunately this "know how" has not kept pace with the destruction wrought by the uncontrolled surface mining of minerals. We can and must do better. In 1962 a small research program for the reclamation of surface mined lands was initiated by the U.S. Forest Service at Berea, Kentucky. My good friend and colleague, the senior Senator from Kentucky, Senator COOPER, has long been associated with this project and I commend him for his foresight. The record of this committee contains testimony concerning the history and future plans of this activity.

The research program at Berea is designed to develop methods of reducing or preventing damage to the environment and forest resources during surface mining operations and to restore these values as quickly as possible after mining has ceased. It is the only sustained Federal research program of its kind in the Nation.

From the beginning Berea has been a "shoe string" operation. There are only nine professional personnel at Berea including a hydrologist, soil chemist, civil engineer, range scientist, ecologist, botanist, silviculturist, and two foresters. The facilities are limited to a renovated automobile shop, a greenhouse, a basement room at Berea College, and two bays of a garage. Let me repeat gentlemen that this is the only sustained Federal research program concerned with the reclamation of surface mined land.

In 1967 $40,000 was appropriated by Congress to develop detailed plans for a new office-laboratory building designed to accommodate the larger and more intensive research and demonstration programs planned for Berea. This facility would include the most modern types of equipment housed in laboratories with adequate space to permit professional staffs of sufficient size to pursue research projects and conduct demonstrations in this most vital area.

Architectural plans for the building have been completed and the Forest Service has testified that a contract can be let for construction as soon as funds in the amount of $1,320,000 are appropriated.

Even more important than the building itself are the research programs which must be pursued. We are pleased with the excellent progress that has been made in the current research programs at Berea. The results of this research have been used in Kentucky, West Virginia, Tennessee, and Maryland in forming their reclamation laws and regulations. Scalping requirements, access roads, and bench width limitations have been adopted. Estimates of sediment production from mining are being used by several states to determine the size of impoundments needed to trap silt. Water quality standards for surface mined areas have been developed in cooperation with State and other Federal agencies. Revegetation techniques have been adopted by all eastern States where surface mining has occurred during the past years. The research staff has consulted with or appeared at hearings in ten different States, including States as far west as Washington. Of particular interest to me is the fact that in the past year 17 mining companies requested and received assistance on reclamation problems and put many of the findings into practice.

These accomplishments show carefully that Forest Service research has found ways to improve surface mine reclamation and that results of this research are being used throughout the Nation.

However, as diligent and productive as these efforts have been, the results are very small indeed when compared to the magnitude of the problem. The most difficult and important research still lies ahead. The most urgent problems are in two general areas. First, in improving reclamation engineering practices to better protect the environment and in creating stable conditions for rapid restoration of disturbed areas following the mining operation. Second, water pollution control methods must be developed under realistic mining conditions on large experimental watersheds where all phases of mining and reclamation operations can be monitored, studied and controlled.

In addition demonstration areas are needed to test practical reclamation procedures and to provide a better understanding of total environmental and resource problems. These demonstration areas will also serve as pilot projects to develop cost data consistent with current mining and reclamation technology and show the best mix for a dependable coal supply with environmental quality requirements.

Mr. Chairman, in the interest of insuring that the technology for the reduction and/or elimination of the undesirable effects of surface mining throughout the Nation be made available to Federal, State, and private agencies, I urge that the operating budget of the Forest Service be increased by $1,575,000 to permit the implementation of the planned expansion of the research and demonstration program at Berea, Kentucky. I also urge that the funds in the amount of $1,320,000 be added to the Forest Service budget for the construction of the office—laboratory building which has been designed, with funds appropriated by Congress, to accommodate the larger and more intensive research and demonstration program.

TRUTH IN FOOD LABELING ACT

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. HATHAWAY. Mr. Speaker, today I am introducing the Truth in Food Labeling Act. This legislation is designed to help the consumer to purchase food products which are fresh and of good quality, by supplying enough information on package labels to enable him to make an educated choice. It will also help the store manager who wishes to sell fresh food in good condition but is often hampered in doing this by the complexity of present food labeling practices.

Most of us today know little about the food we buy and eat—its quality, its nutritional value, its ingredients, its freshness, even its manufacturer. These important facts remain hidden from consumers, sometimes because the information is buried in cryptic code numbers, more often because it is not indicated on the label at all.

The Truth in Food Labeling Act does away with the mystery surrounding the food we eat. In essence, it requires that certain basic information about the contents of that food be printed on the package label in plain and concise language. The following are the major provisions of the bill:

First, it establishes a uniform system of grade labeling for all consumer food products and requires that the grade designation appear in conspicuous and readable print on each food package. Under the system, all food products would be labeled grades "A" to "E" or "substandard." The only exception would be meat products, for which there is already an inspection and grading program administered by the Secretary of Agriculture.

Second, the bill requires that labels disclose all the ingredients contained in food products, and in their order of predominance. Now that we are becoming more aware of the potentially harmful effects of certain substances and food additives, we must insure that the consumer has full knowledge about the food he eats. Furthermore, on a more mundane level, a person who buys a can of stew should have some way of knowing whether the contents are mainly meat or mainly gravy.

Third, the bill requires that food product labels contain information about the product's nutritional content. Basically, the label would state what vitamins and other nutrients the product contains and what percentage of the adult minimum daily requirement in each category is provided by an average serving of the product. We see increasing evidence that the American diet is ample in calories but deficient in nutritional content. Labeling foods according to their nutritional value will give the consumer the means to upgrade the quality of his diet.

Fourth, the bill requires that all perishable and semiperishable foods indicate a "pull date" on the label. This date represents the latest date on which that product can be sold as fresh. Indications are that many outdated products are being sold every day. Baby food, canned goods, and packaged goods which were stale months or even years ago are sold as fresh products. Ironically, most perishable and semiperishable foods already do contain some sort of "pull date," but it is printed in a code form which is not decipherable by the consumer, nor by many foodstore managers who may want to provide only fresh and high quality goods. Under my proposal, the "pull date" would have to be clearly displayed and stated in the form of day, month, and year.

Fifth, the bill requires the name and place of the manufacturer, packager, and distributor to be printed on the packages of food, drugs, and cosmetics. This provision will enable a consumer to make better comparisons among competing brands of the same product and to buy at a lower price without sacrificing quality. It will also promote public safety at times when a question arises about a particular product, as in the *Bon Vivant* case, where the company had marketed its product under several different brand names. Clear display of the identity of the original manufacturer will protect consumers from the possibility of purchasing contaminated food. It will also prevent store managers from inadvertently selling the product and protect other manufacturers of the same product from having their reputations harmed by association.

Mr. Speaker, the Truth in Food Labeling Act will lessen substantially the difficulties which consumers face when purchasing food. This new system of product labeling will provide the consumer with all the information he needs to make an informed and rational judgment about the best product to buy, in light of his own needs and desires. It will also help him by promoting competition among food manufacturers and processors. The consumer today deserves and requires the protection and benefits he will receive under the Truth in Food Labeling Act.

FUTURE WATERWAY DEVELOPMENT

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. SNYDER. Mr. Speaker, we hear much rhetoric from those who are always willing to knock progress these days. Unfortunately, we hear too little from the more subdued voices of reasonableness with regard to this subject. One such voice was heard last week in St. Louis at the Water Resources Council hearing on the proposed new standards for planning water and related land resources.

Mr. Charles F. Lehman, on behalf of Waterway Operations Conference, submitted what I consider to be a very fair statement on the issues and concerns which are involved in future waterway development. I insert Mr. Lehman's remarks on behalf of the Waterway Operations Conference at this point in the RECORD.

The remarks follow:

STATEMENT OF CHARLES F. LEHMAN IN BEHALF OF THE WATERWAY OPERATIONS CONFERENCE REGARDING THE WATER RESOURCES COUNCIL "PROPOSED PRINCIPLES AND STANDARDS FOR PLANNING WATER AND RELATED LAND RESOURCES," MARCH 15, 1972

My name is Charles F. Lehman and I appear at these hearings today representing the Waterway Operations Conference which is composed of a group of inland water carriers which have a fleet cargo transporting capacity totaling approximately 50% of the waterborne commerce on the Western Rivers system.

In regards to my appearance here today, it is requested that my remarks be made a part of the official record regarding the Proposed Principles and Standards for Planning Water and Related Land Resources.

Not only are the views to be presented here those of an industry related group and the corporation which employs me, American Commercial Barge Line Company, but they are also those personal views I have as a man who has worked on the rivers of this nation in the profession of a river pilot for many years, traveling the waters of most all the great valley projects that Congress in its profound wisdom has authorized and seen fit to fund in the earnest endeavor to develop this great nation of ours.

I have seen the boaters enjoy weekends of pleasure with their families on lakes created by dams. I have seen businesses expand and locate on our inland rivers because of the river, its water supply, and the low cost transportation that the river provides with channel depths assured by projects that, in the future, may no longer be built because of the shortsighted philosophy now being devised which is only concerned with short term results.

What has happened to the visions of the great leaders of our past—the Bob Kerr's, the Mike Kirwan's, even Abe Lincoln who saw the need to develop the waters of this nation in order to assure that it remain powerful and reach the potential of a better life, a finer standard of living for the greatest number of its citizens?

Surely we must do the utmost to protect our environment making certain we pass on to those that follow adequate and clean waters. This must and can be accomplished while at the same time providing for the development of our natural resources, land and water. These developments must be continued if we are to solve the problems and crises our nation is now experiencing. New technology which most certainly will use increased amounts of energy will solve pollution, poverty problems, health difficulties and other perplexities we are facing if we have the courage to live up to our present responsibilities and the legacy we have inherited and must pass to our children.

To be able to expand the energy capabilities of the United States, resources must be developed and our capabilities to move these energy materials will have to be increased.

The *Objectives* of the proposals submitted by the Water Resources Council we applaud. They speak of "enhancement." To enhance the national economic development, to enhance the quality of the environment, to enhance regional development. Certainly these are the like objectives of any person concerned with the welfare and progress of his community, State or region.

It is with respect to the *Standards* that we feel critical questions must be answered. We will not speak, at this time, of the economic impact which will be imposed by the proposed standards, as studies have been made and will be shown in this regard and presented to the Council, but we do know that the discount rate which has been suggested would ring the graveyard bells for most water related projects presently authorized if evaluated by the criteria proposed. The suggested rate would effectively curtail any future projects whose benefits would be largely conferred in the later years of project life. We propose that the Council return to the methods of evaluating cost and benefits of projects as set forth in Senate Document 97 but never fully implemented.

We have read and heard a lot about "Opportunity Cost." We charge this concept is "Opportunity Apathy." The chance to develop our national resources must be accomplished without the delays which this "cost" criteria embodies in order that the "opportunities" are not lost forever.

"Opportunity Apathy" is how various organizations that are opposing the development of our resources have reacted. In the name of environmental considerations they have latched on to a costing principle that will effectively kill most projects that will benefit the greater amount of society in the future as well as today.

We certainly hope the Council will not be party to "Opportunity Apathy" but will seize the initiative to further the goals of the orderly development we have adhered to since this country was founded. We cannot and must not return to the age of dinosaurs. We cannot and must not be satisfied with the status quo if we believe in a better place to work, play and live. We cannot and must not acquiesce to "Opportunity Apathy."

In proposing and developing new projects, the principle of cost sharing we feel should recognize the capabilities of the local governments. To increase the costs of projects to certain states and/or urban areas becomes an impossible burden on the local citizenry and would defeat many projects before they were commenced. The present established criteria of cost sharing should be maintained as the benefits are seldom localized. A dam in the Missouri Valley helps control flood waters on the Lower Mississippi.

We also must protest the five year reevaluation concept. The delays that would entail and the increased costs for further study only leads to further "Opportunity Apathy." Projects that are worthy to be developed in order to continue the greatness of this nation take a long time to study and prepare in order that all the facets of any project be totally scrutinized as part of the public's and Congress' right to know. In this regard, it could become years before a project would reach fruition.

The Waterway Operations Conference fully supports the "Regional Development" approach in the new standards. All projects that are developed affect, as we have said before, much more than the local area where they are constructed. They *do* affect the populace of an entire region and should therefore be so evaluated.

Gentlemen, in closing it is hoped that you will reconsider the standards you are proposing and give heed to past performance that has made this country great. Its achievements have been consummated by seizing opportunity. We would therefore hope that the heading for the proposed standards as now written is not recorded in history books as "Opportunity Apathy."

POW'S AND MIA'S—SOMETHING WE CAN DO

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. PIKE. Mr. Speaker, one of the deepest and most frustrating concerns of all Americans is our inability to accomplish anything to effect the release of our POW's in Southeast Asia. People write to Congressmen saying "Do something," and Congress passes resolutions telling the President to "Do something," but no one really has any constructive ideas on what to do. The prisoners are in the hands of an enemy who recognizes their great value as hostages, and despite all the millions of letters addressed to Hanoi, continues to use them in violation of the Geneva Convention and any other civilized conduct merely as political pawns.

Last Saturday, in my district, an event took place which demonstrated a lot of things. It demonstrated a mature and hard recognition of the facts as they exist. It demonstrated love and concern for the POW's and the MIA's. It demonstrated faith in the future, and it served a useful purpose. It was as useful a gesture as anything which has been done in America. Of the several POW's and MIA's from my district, two are from Polish-American families—Capt. Arthur Grubb, USAF, missing in action, and Lt. Charles Zuhoski, USN known to be a prisoner of war. Last Saturday, in honor of these two young men, a testimonial cocktail party was held at the Polish Hall, Southampton. The party had a dual purpose: to honor these men, and to establish a library of books concerning Polish history, literature, and heritage, within the Southampton College Library. The cost was low, so everyone could come—and come they did. Hundreds and hundreds of people who wanted to "do something" turned up to show they had not forgotten the boys, to express their sympathy and respect for the families, to pray for their return, and to create an opportunity to pass on a little of the great Polish heritage in the form of books in a college library. It was not a wake, it was an act of faith.

No, it is not going to get the boys released. They may never be aware of it until they come home. But when they do, there will be tangible evidence for themselves and their own children that they were never forgotten. It will be evidence in which they can take great pride.

To Mrs. Stanley Grzybowski, who created the concept, and was the driving force behind its implementation, to President Edward Glanz of Southampton College, who cooperated fully with the project, to the parents of the boys honored, Mr. and Mrs. Peter Grubb of Southampton and Dr. and Mrs. Peter Zuhoski of Riverhead, to Mrs. Charles Zuhoski, to the committee of Mr. and Mrs. Bruno Rolle, Mr. and Mrs. Leonard Kobylenski, Mr. and Mrs. Thomas Rewinski, and Mr. and Mrs. Stanley Grzybowski, Joseph Deerkoski, and Raymond Mazgulski, to the honorary chairmen, Mayor Peter Majkowski and Mrs. Majkowski, my congratulations for having "done something" worthwhile. Until someone comes up with something better to do, it seems to me that they have set an example the entire Nation might well take note of.

DON JACKSON, WINNER OF VFW VOICE OF DEMOCRACY CONTEST

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. MAHON. Mr. Speaker, the Veterans of Foreign Wars and its ladies auxiliary conduct a Voice of Democracy contest throughout the Nation each year. I take pride in the fact that the winner of the contest in the State of Texas for 1972 is Don Jackson of the congressional district which I have the honor to represent in Congress. Don is a resident of Slaton, Lubbock County, Tex.

It is heartening to see the great interest which Don Jackson and scores of other young Americans are taking in the welfare of our great country. The Veterans of Foreign Wars is performing a notable service to the Nation through its annual sponsorship of this Voice of Democracy contest. Don Jackson's winning speech follows:

THE VOICE OF DEMOCRACY

(By Don Jackson)

The United States of America—richest, most powerful nation in the entire world. A nation that allows us freedom of religion, freedom of the press, and freedom of person under the protection of the habeas corpus; these are principles that have guided our steps through ages of revolution and reformation.

I am an American, and it is my responsibility both as an American and a young person to uphold the freedom that has made the United States of America the great nation it is today.

Americans throughout the history of the United States have suffered, fought, and died to preserve the principles on which this great nation was founded. The greatest glory of a free-born people is to transmit that freedom to its children. However, freedom is not just inherited; it must be earned.

My responsibility as an heir to this freedom is to protect it. We must protect it, for if today's Americans fail, so will America. If there is a future for America I must be an American myself. No man is free who is not master of himself. The only freedom which deserves the name is that of pursuing my own good, in my own way so long as I do not deprive others of their freedom, or impede their efforts to obtain it.

The work for freedom is hard but as a young person it is a challenge. Former President Lyndon Johnson once said, "Dream impossible dreams, young people, then make them happen." My responsibility to freedom is to make it happen.

To keep our freedom—to keep America—I, myself, as well as all Americans, must get right as a whole, one nation under God. People helping people.

I think the best example of the point that I am trying to prove is summed up in a story of a father and his 5 year old son. The father came home after a hard day at the office, got his house shoes and the newspaper, and sat down in his easy chair to relax.

The little boy came running in and asked his father to come and play with him. The father told his son he was just too tired. The little boy came back and asked the father several times to play with him. Finally, the father found a picture of the United States in a magazine and tore the picture into small pieces, gave it to the little boy and told him to put it back together and he would come and play with him.

About 30 minutes later the little boy showed the picture of the United States to his father all put back together correctly. The father asked the little boy how he did it and the little boy said, "On the back of that picture of the country was a picture of some people and I knew if I got the people right, then the country would be right, too."

The cause of freedom is identified with the destinies of humanity, and in whatever part of the world it gains ground, by and by it will be a common gain to all who desire it.

I desire it. This is my responsibility to freedom. Freedom of the people, by the people, and for the people; a freedom of the principles of eternal justice.

I am an American—this is my responsibility. We cannot fail.

ANOTHER GIANT STEP

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. ZWACH. Mr. Speaker, last month, the eyes of the world were focused on Communist China where President Nixon was opening the bamboo curtain.

How did the people of America react to that visit?

In general, in our Sixth Congressional District of Minnesota, the reaction was very favorable.

Typical of the editorial comment on this historic visit is the following from the Ortonville Independent, which, with your permission, and for the information of my colleagues and all of the others who read it, I would like to insert into the CONGRESSIONAL RECORD:

ANOTHER GIANT STEP!

Eyes of the world this week have been focused on Communist China, where President Nixon and the Chinese leaders are recording perhaps the greatest events of History ever in our generation. For the first time in over 20 years our nation has spread open the diplomatic curtain of the most populated nation in the world.

Indeed, President Nixon's China Trip will go down in the great pages of American and World History as another "Giant Step for Mankind" . . . perhaps equally as important to us as the first step so described when man first set foot on the Moon.

For the first time in many a year, this writer has once again felt deeply proud of our President and Country . . . . for finally some dignified action is taking the place of mere talk in bettering our Asian foreign policy relations and for bettering hopes of world peace.

What will ultimately come from Nixon's trip to China, naturally, remains to be seen. Rest assured the two great powers will never "sleep in the same bed" . . . for Communism and Christianity are like night and day . . . and we are certain both Nixon and the Chinese leaders are aware of this. But there's no reason that the peoples, as with all the peoples of the world, can't learn to respect and get along with each other in world peace, without war.

To this end, we feel more convinced than ever now, that President Nixon is deeply dedicated. And it seems, from viewing the events in China, that the Chinese, too, may be equally dedicated. We so pray, as, we feel, so does the entire world.

SECTION-BY-SECTION COMPARISON AND ANALYSIS OF EXECUTIVE ORDERS 10501 AND 11652, "CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL"

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. MOORHEAD. Mr. Speaker, on March 8, 1972, President Nixon issued Executive Order 11652, "Classification and Declassification of National Security Information and Material." It was accompanied by a Presidential statement containing more than the usual amount of flowery rhetoric, glib phraseology, and optimistic overkill. The administration's cleverly orchestrated news management of the announcement assured an initial series of press stories lauding the virtues of the new Nixon order. Seldom has any Presidential Executive order received such a hoopla build-up from the White House public relations team.

I regret to report, Mr. Speaker, that the results of a careful analysis of the new Executive Order 11652, prepared by the staff of the Foreign Operations and Government Information Subcommittee, do not bear out the grandiose claims made for it by the White House "flacks."

As I told the House on March 1 of this year, our subcommittee has for many years concentrated considerable attention on the Nation's security classification system—CONGRESSIONAL RECORD, pages 6335–6336. We held hearings last summer on the operation of the classification system, since the type of Executive order information affecting national defense or foreign policy falls within the language of the Freedom of Information Act—5 U.S.C. 552—on which the subcommittee has legislative as well as oversight jurisdiction.

A week before the President issued the new Executive order, I informed the House that such action was forthcoming and was obviously designed to head off the additional hearings planned by our subcommittee this spring and the hearings by the Special Subcommittee on Intelligence of the House Armed Services Committee headed by the gentleman from Michigan (Mr. NEDZI), on legislation related to the subject of the Executive order. I warned that Congress should have the opportunity to consider legislative alternatives to govern our security classification system and that our subcommittee would explore such legislation at our spring hearings. I also pointed out that a formal request to the White House for the opportunity to review the draft of the proposed new order had been refused and that any action by the President to deal prematurely with this complex problem to circumvent congressional prerogatives would only result in additional chaos.

In remarks to the House on March 8—RECORD, page 7594—I reported that the President chose not to heed my advice of a week earlier and had, in fact, gone ahead that morning with the massive public relations treatment to accompany the issuance of Executive Order 11652. I also reiterated our subcommittee's plans to continue public hearings on security classification matters prior to the effective date of the new order in search of a viable legislative approach to deal effectively with the abuses of the present system.

Mr. Speaker, the new Executive order unfortunately does not, in my judgment, remedy the defects set forth in the President's statement eloquently describing the massive dimensions of the security classification crisis which prompted our subcommittee's current investigation. He said:

> Unfortunately, the system of classification which has evolved in the United States has failed to meet the standards of an open and democratic society, allowing too many papers to be classified for too long a time. The controls which have been imposed on classification authority have proved unworkable, and classification has frequently served to conceal bureaucratic mistakes or to prevent embarrassment to officials and administrations.
>
> Once locked away in Government files, these papers have accumulated in enormous quantities and have become hidden from public exposure for years, for decades—even for generations. It is estimated that the National Archives now has 160 million pages of classified documents from World War II and over 300 million pages of classified documents for the years 1946 through 1954.
>
> The many abuses of the security system can no longer be tolerated. Fundamental to our way of life is the belief that when information which properly belongs to the public is systematically withheld by those in power, the people soon become ignorant of their own affairs, distrustful of those who manage them, and—eventually—incapable of determining their own destinies.
>
> Yet since the early days of the Republic, Americans have also recognized that the Federal Government is obliged to protect certain information which might otherwise jeopardize the security of the country. That need has become particularly acute in recent years as the United States has assumed a powerful position in world affairs, and as world peace has come to depend in large part on how that position is safeguarded. We are also moving into an era of delicate negotiations in which it will be especially important that governments be able to communicate in confidence.
>
> Clearly, the two principles of an informed public and of confidentiality within the Government are irreconcilable in their purest forms, and a balance must be struck between them.

Mr. Speaker, I heartily concur with this clear and succinct statement of the broad problem of security classification procedures under our democratic system. It is regrettable that the eloquence of this description does not carry over to the new Executive order in proposing basic reforms to correct these problems.

The section-by-section analysis that follows details major defects in the new Executive order that is scheduled to take effect on June 1, 1972. It clearly shows why I had urged the White House to make available the draft of the proposed new order so that our subcommittee could informally suggest improvements, based on our many years of oversight experience in this area, to really deal with root causes of the security classification problem. Major policy deficiencies, as well as obvious technical errors in the new Executive Order 11652, as described in our analysis can only intensify the security classification problem and will undoubtedly require amendments to the order even before it becomes operative.

Summarizing just a few of the major defects, Executive Order 11652:

First. Totally misconstrues the basic meaning of the Freedom of Information Act (5 U.S.C. 552);

Second. Confuses the sanctions of the Crimial Code that apply to the wrongful disclosure of classified information;

Third. Confuses the legal meaning of the terms "national defense" and "national security" and the terms "foreign policy and foreign relations" while failing to provide an adequate definition for any of the terms;

Fourth. Increases (not reduces) the limitation on the number of persons who can wield classification stamps and restricts public access to lists of persons having such authority;

Fifth. Provides no specific penalties for overclassification or misclassification of information or material;

Sixth. Permits executive departments to hide the identity of classifiers of specific documents;

Seventh. Contains no requirement to depart from the general declassification rules, even when classified information no longer requires protection;

Eighth. Permits full details of major defense or foreign policy errors of an administration to be cloaked for a minimum of three 4-year Presidential terms but loopholes could extend this secrecy for 30 years or longer;

Ninth. Provides no public accountability to Congress for the actions of the newly created Interagency Classification Review Committee;

Tenth. Legitimizes and broadens authority for the use of special categories of "classification" governing access and distribution of classified information and material beyond the three specified categories—top secret, secret, and confidential; and

Eleventh. Creates a "special privilege" for former Presidential appointees for access to certain papers that could serve as the basis for their private profit through the sale of articles, books, memoirs to publishing houses.

These are by no means all of the criticisms of the new Executive order, Mr. Speaker, and are only illustrative of the type of shoddy technical effort that is represented in the order. The administration has labored for 14 months on the new Executive order and has brought forth a mouse. It is a very restrictive document that does not correct the major security classification problems about which we are all gravely concerned. Indeed, it is a document written by classifiers, for classifiers.

The section by section comparison of Executive Order 10501—as amended, and Executive Order 11652—effective June 1, 1972, and the analysis of Executive Order 11652 follows:

EXECUTIVE ORDER NO. 10501

SAFEGUARDING OFFICIAL INFORMATION IN THE INTERESTS OF THE DEFENSE OF THE UNITED STATES

Whereas it is essential that the citizens of the United States be informed concerning the activities of their government; and

Whereas the interests of national defense require the preservation of the ability of the United States to protect and defend itself against all hostile or destructive action by covert or overt means, including espionage as well as military action; and

Whereas it is essential that certain official information affecting the national defense be protected uniformly against unauthorized disclosure;

Now, therefore, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows:

SECTION 1. *Classification Categories:* Official information which requires protection in the interests of national defense shall be limited to three categories of classification, which in descending order of importance shall carry one of the following designations: Top Secret, Secret, or Confidential. No other designation shall be used to classify defense information, including military information, as requiring protection in the interests of national defense, except as expressly provided by statute. These categories are defined as follows:

(a) *Top Secret:* Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense.

(b) *Secret:* Except as may be expressly provided by statute, the use of the classification Secret shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could result in serious damage to the Nation, such as by jeopardizing the international relations of the United States, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans, scientific or technological developments important to national defense, or information revealing important intelligence operations.

EXECUTIVE ORDER NO. 11652

(Effective June 1, 1972)

CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL

The interests of the United States and its citizens are best served by making information regarding the affairs of Government readily available to the public. This concept of an informed citizenry is reflected in the Freedom of Information Act and in the current public information policies of the executive branch.

Within the Federal Government there is some official information and material which, because it bears directly on the effectiveness of our national defense and the conduct of our foreign relations, must be subject to some constraints for the security of our Nation and the safety of our people and our allies. To protect against actions hostile to the United States, of both an overt and covert nature, it is essential that such official information and material be given only limited dissemination.

This official information or material, referred to as classified information or material in this order, is expressly exempted from public disclosure by Section 552(b)(1) of Title 5, United States Code. Wrongful disclosure of such information or material is recognized in the Federal Criminal Code as providing a basis for prosecution.

To ensure that such information and material is protected, but only to the extent and for such period as is necessary, this order identifies the information to be protected, prescribes classification, downgrading, declassification and safeguarding procedures to be followed, and establishes a monitoring system to ensure its effectiveness.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, it is hereby ordered:

Section 1. Security Classification Categories. Official information or material which requires protection against unauthorized disclosure in the interest of the national defense or foreign relations of the United States (hereinafter collectively termed "national security") shall be classified in one of three categories, namely "Top Secret," "Secret," or "Confidential," depending upon the degree of its significance to national security. No other categories shall be used to identify official information or material as requiring protection in the interest of national security, except as otherwise expressly provided by statute. These classification categories are defined as follows:

(A) *"Top Secret."* "Top Secret" refers to that national security information or material which requires the highest degree of protection. The test for assigning "Top Secret" classification shall be whether its unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Examples of "exceptionally grave damage" include armed hostilities against the United States or its allies; disruption of foreign relations vitally affecting the national security; the compromise of vital national defense plans or complex cryptologic and communications intelligence systems; the revelation of sensitive intelligence operations; and the disclosure of scientific or technological developments vital to national security. This classification shall be used with the utmost restraint.

(B) *"Secret."* "Secret" refers to that national security information or material which requires a substantial degree of protection. The test for assigning "Secret" classification shall be whether its unauthorized disclosure could reasonably be expected to cause serious damage to the national security. Examples of "serious damage" include disruption of foreign relations significantly affecting the national security; significant impairment of a program or policy directly

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ANALYSIS OF EXECUTIVE ORDER NO. 11652[1]

PREAMBLE

The statement in the 3rd paragraph, first sentence, represents a misunderstanding of the entire concept of the Freedom of Information Act on which Executive Order 11652 is based. The use of the term "expressly exempted" in reference to Section 552 (b)(1) of Title 5, U.S. Code implies that such exemptions are *mandatory* upon Executive agencies in responding to a request for information under the Act. *The exact opposite is true.* Such exemptions are *permissive only* and the clear purpose of the Freedom of Information Act cannot be changed by Executive Order.

The second sentence of paragraph 3 of the Preamble compounds the misinterpretation of exemption (b)(1) of Section 552 of Title 5. Prosecutive action for an alleged "wrongful disclosure" of classified information or material described in Executive Order 11652 would be proper only if it met the test of the types of information specifically referred to in the Criminal Code, not necessarily that specified in the Executive Order, and if the purpose or conditions of the alleged "wrongful disclosure" met the additional tests as contained in the Code and court decisions based on those sections. There is no basis in law for an Executive Order, in effect, to threaten Members of Congress, newsmen, or anyone else for what the Order refers to as a "wrongful disclosure."

Section 1

The new Executive Order reinstitutes the term "national security" which was used in Executive Order 10290 that was in effect before the issuance of Executive Order 10501 in 1953 by President Eisenhower. The narrower term "national defense" was then substituted for "national security." Executive Order 11652 states that the term "national security" includes "national defense or foreign *relations*." The Freedom of Information Act permits the withholding of matters that are "specifically required by Executive Order to be kept secret in the interest of the national defense or foreign *policy*." The reinstatement of the term "national security", with its broad application and vague meaning puts it at variance with the terminology of the Freedom of Information Act, upon which Executive Order 11652 relies for its authority. The semantic and legal differences between the terms "national defense" and "national security" and the terms "foreign policy" and "foreign relations" weaken the entire foundation of Executive Order 11652, while failing to correct a basic defect in Executive Order 10501—namely, its lack of a definition for the term "national defense." For example, "*relations*" is a much broader word than "*policy*" because it includes all operational matters, no matter how insignificant.

The conflict between the language of the Freedom of Information Act and the terms of Executive Order 11652 will force the courts to reverse a number of decisions already issued under the Act and look, *in camera,* at documents classified under the new order to

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[1] This analysis, prepared by the staff of the Foreign Operations and Government Information Subcommittee, House Government Operations Committee does not necessarily represent the views of Members of the Subcommittee or the full Committee.

EXECUTIVE ORDER No. 10501—Continued

(c) *Confidential:* Except as may be expressly provided by statute, the use of the classification Confidential shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could be prejudicial to the defense interests of the nation.

SECTION 2. *Limitation of authority to classify:* The authority to classify defense information or material under this order shall be limited in the departments, agencies, and other units of the executive branch as hereinafter specified.

(a) In the following departments, agencies, and Governmental units, having primary responsibility for matters pertaining to national defense, the authority for original classification of information or material under this order may be exercised by the head of the department, agency, or Governmental unit concerned or by such responsible officers or employees as he, or his representative, may designate for that purpose. The delegation of such authority to classify shall be limited as severely as is consistent with the orderly and expeditious transaction of Government business.

The White House Office
President's Science Advisory Committee
Bureau of the Budget
Council of Economic Advisers
National Security Council
Central Intelligence Agency
Department of State
Department of the Treasury
Department of Defense
Department of the Army
Department of the Navy
Department of the Air Force
Department of Justice
Department of Commerce
Department of Labor
Department of Transportation
Atomic Energy Commission
Canal Zone Government
Federal Aviation Agency
Federal Communiactions Commission
Federal Radiation Council
General Services Administration
Interstate Commerce Commission
National Aeronautics and Space Administration
National Aeronautics and Space Council
United States Civil Service Commission
United States Information Agency
Agency for International Development
Office of Emergency Planning
President's Foreign Intelligence Advisory Board
United States Arms Control and Disarmament Agency
Export-Import Bank of Washington
Office of Science and Technology

EXECUTIVE ORDER No. 11652—Continued

related to the national security; revelation of significant military plans or intelligence operations; and compromise of significant scientific or technological developments relating to national security. The classification "Secret" shall be sparingly used.

(C) *"Confidential."* "Confidential" refers to that national security information or material which requires protection. The test for assigning "Confidential" classification shall be whether its unauthorized disclosure could reasonably be expected to cause damage to the national security.

Section 2. Authority to Classify. The authority to originally classify information or material under this order shall be restricted solely to those offices within the executive branch which are concerned with matters of national security, and shall be limited to the minimum number absolutely required for efficient administration. Except as the context may otherwise indicate, the term "Department" as used in this order shall include agency or other governmental unit.

(A) The authority to originally classify information or material under this order as "Top Secret" shall be exercised only by such officials as the President may designate in writing and by:

(1) The heads of the Departments listed below;

(2) Such of their senior principal deputies and assistants as the heads of such Departments may designate in writing; and

(3) Such heads and senior principal deputies and assistants of major elements of such Departments, as the heads of such Departments may designate in writing.

Such offices in the Executive Office of the President as the President may designate in writing.

Central Intelligence Agency.
Atomic Energy Commission.
Department of State.
Department of the Treasury.
Department of Defense.
Department of the Army.
Department of the Navy.
Department of the Air Force.
United States Arms Control and Disarmament Agency.
Department of Justice.
National Aeronautics and Space Administration.
Agency for International Development.

(B) The authority to originally classify information or material under this order as "Secret" shall be exercised only by:

(1) Officials who have "Top Secret" classification authority;

(2) Such subordinates as officials with "Top Sercret" classification authority under (A) (1) and (2) above may designate in writing; and

(3) The heads of the following named Departments and such senior principal deputies or assistants as they may designate in writing.

Department of Transportation.

ANALYSIS OF EXECUTIVE ORDER No. 11652—Continued

determine whether the documents affect "national defense", "foreign policy", or "national security".

Executive Order 11652 uses the same key phrases affecting "Top Secret" and "Secret" information as in Executive Order 10501—"exceptionally grave damage" in the first category and "serious damage" in the second. The key phrase for "Confidential" has been changed slightly, but the substance is no different. One of the major defects in Executive Order 10501 was the confusion over these same key phrases—still unchanged—which has resulted in massive overclassification. We still have the antiquated system of individual judgment and preference that the Army and the Navy used before World War II. Thus, Executive Order 11652 does nothing to deal with this crucial problem. Examples of "serious damage" referred to in the "Secret" category of Executive Order 11652 include unauthorized disclosure of information or material that would result in "significant impairment of a program or policy directly related to the national security." Since that term now includes both "national defense" and "foreign relations," a literal interpretation of this expanded example would limit legitimate public and Congressional criticism of programs such as military assistance, foreign economic assistance, or dozens of other programs where maladministration, waste, or corruption could be hidden under the *security* label.

Section 2

Executive Order 10501 made no distinction in classification authority among the three classification categories. Some 48 agencies were given such authority under the old order; there are 33 under the new order. There are 12 agencies, plus 11 White House offices,[2] authorized for "Top Secret" classification authority under the new order and an additional 13 agencies authorized to classify "Secret" information or material. All of those agencies and offices can classify "Confidential". Agencies losing classification authority include the Canal Zone Government, Federal Aviation Agency, Federal Radiation Council, Interstate Commerce Commission, Peace Corps, Post Office Department, Department of the Interior, Department of Labor, Department of Agriculture, Panama Canal Company, Renegotiation Board, Small Business Administration, Subversive Activities Control Board, the Tennessee Valley Authority, and the Special Representative for Trade Negotiations. However, the provisions of Section 2(D) permit other agencies to be added by Executive Order.

Executive Order 10501 limited original "Secret" and "Confidential" classification authority within specified departments and agencies to the *head* of the activity and to "such responsible officers or employees as he, or his representative, may designate for that purpose." Also, it stipulated that "the delegation of such authority to classify shall be limited as severely as is consistent with the orderly and expeditious transaction of Government business."

Executive Order 11652 lifts the limitation on the number of persons who can "wield classification stamps. It permits the heads of 23 government departments, agencies and White House offices to give "Top Secret" classification authority to any of thousands of assistants in their own offices or in the bureaus and branches of the agencies. The number of persons granted authority to wield "Secret" stamps mushrooms under Executive Order 11652, for every person with "Top Secret" authority can designate without limitation, any subordinate to use "Secret" stamps. And the Order lists 13 additional departments and agencies in which the head of the organization can give authority to anyone he wants to use the "Se-

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Footnote No. 2 at end of comparative.

EXECUTIVE ORDER NO. 10501—Continued

The Special Representative for Trade Negotiations

(b) In the following departments, agencies, and Governmental units, having partial but not primary responsibility for matters pertaining to national defense, the authority for original classification of information or material under this order shall be exercised only by the head of the department, agency, or Governmental unit without delegation:

Post Office Department
Department of the Interior
Department of Agriculture
Department of Health, Education, and Welfare
Civil Aeronautics Board
Federal Maritime Commission
Federal Power Commission
National Science Foundation
Panama Canal Company
Renegotiation Board
Small Business Administration
Subversive Activities Control Board
Tennessee Valley Authority

(c) Any agency or unit of the executive branch not named herein, and any such agency or unit which may be established hereafter, shall be deemed not to have authority for original classification of information or material under this order, except as such authority may be specifically conferred upon any such agency or unit hereafter.

(Contain in section 4.)

SECTION 3. *Classification:* Persons designated to have authority for original classification of information or material which requires protection in the interests of national defense under this order shall be held responsible for its proper classification in accordance with the definitions of the three categories in section 1, hereof. Unnecessary classification and over-classification shall be scrupulously avoided. The following special

EXECUTIVE ORDER NO. 11652—Continued

Federal Communications Commission.
Export-Import Bank of the United States.
Department of Commerce.
United States Civil Service Commission.
United States Information Agency.
General Services Administration.
Department of Health, Education, and Welfare.
Civil Aeronautics Board.
Federal Maritime Commission.
Federal Power Commission.
National Science Foundation.
Overseas Private Investment Corporation.

(C) The authority to originally classify information or material under this order as "Confidential" may be exercised by officials who have "Top Secret" or "Secret" classification authority and such officials as they may designate in writing.

(D) Any Department not referred to herein and any Department or unit established hereafter shall not have authority to originally classify information or material under this order, unless specifically authorized hereafter by an Executive order.

Section 3. Authority to Downgrade and Declassify. The authority to downgrade and declassify national security information or material shall be exercised as follows:

(A) Information or material may be downgraded or declassified by the official authorizing the original classification, by a successor in capacity or by a supervisory official of either.

(B) Downgrading and declassification authority may also be exercised by an official specifically authorized under regulations issued by the head of the Department listed in Sections 2(A) or (B) hereof.

(C) In the case of classified information or material officially transferred by or pursuant to statute or Executive order in conjunction with a transfer of function and not merely for storage purposes, the receiving Department shall be deemed to be the originating Department for all purposes under this order including downgrading and declassification.

(D) In the case of classified information or material not officially transferred within (C) above, but originated in a Department which has since ceased to exist, each Department in possession shall be deemed to be the originating Department for all purposes under this order. Such information or material may be downgraded and declassified by the Department in possession after consulting with any other Departments having an interest in the subject matter.

(E) Classified information or material transferred to the General Services Administration for accession into the Archives of the United States shall be downgraded and declassified by the Archivist of the United States in accordance with this order, directives of the President issued through the National Security Council and pertinent regulations of the Departments.

(F) Classified information or material with special markings, as described in Section 8, shall be downgraded and declassified as require by law and governing regulations.

Section 4. Classification. Each person possessing classifying authority shall be held accountable for the proprietary of the classifications attributed to him. Both unnecessary classification and over-classification shall be avoided. Classification shall be solely on the basis of national security considerations. In no case shall information be classified in order to conceal inefficiency or administrative error, to prevent embarrassment

ANALYSIS OF EXECUTIVE ORDER NO. 11652—Con.

cret" stamp. And every government employee who gets the "Top Secret" or "Secret" stamp authority can grant authority, without limit, to any number of additional government employees who can wield the "Confidential" stamp.

This "trickle down" system for spreading the classification authority under Executive Order 11652 requires that each person who passes down authority to stamp "Top Secret", "Secret", and "Confidential" on government documents must do so in writing. But there is no requirement that the lists of persons wielding classification stamps shall be made public. Thus, the identity of the government censors will, itself, be censored.

Section 3

Section 3 of Executive Order 11652 spells out downgrading and declassification authority and is largely administrative in nature.

Section 4

Both of the Executive Orders warn against "unnecessary classification and overclassification," but experience under Executive Order 10501 since 1953 has shown an overwhelming tendency on the part of officials to *overclassify*, which had helped to create the classification crisis which prompted the change. Executive Order 11652 does contain a further warning against classification "to

EXECUTIVE ORDER No. 10501—Continued

rules shall be observed in classification of defense information or material:

(a) *Documents in General:* Documents shall be classified according to their own content and not necessarily according to their relationship to other documents. References to classified material which do not reveal classified defense information shall not be classified.

(b) *Physically Connected Documents:* The classification of a file or group of physically connected documents shall be at least as high as that of the most highly classified document therein. Documents separated from the file or group shall be handled in accordance with their individual defense classification.

(c) *Multiple Classifications:* A document, product, or substance shall bear a classification at least as high as that of its highest classified component. The document, product, or substance shall bear only one overall classification, notwithstanding that pages, paragraphs, sections, or components thereof bear different classifications.

(d) *Transmitted Letters:* A letter transmitting defense information shall be classified at least as high as its highest classified enclosure.

(e) *Information Originated by a Foreign Government or Organization:* Defense information of a classified nature furnished to the United States by a foreign government or international organization shall be assigned a classification which will assure a degree of protection equivalent to or greater than that required by the government or international organization which furnished the information.

(From section 4(f) and (g)).

(f) *Downgrading:* If the recipient of classified material believes that it has been classified too highly, he may make a request to the reviewing official who may downgrade or declassify the material after obtaining the consent of the appropriate classifying authority.

(g) *Upgrading:* If the recipient of unclassified information or material believes that it should be classified, or if the recipient of classified information or material believes that its classification is not sufficiently protective, it shall be safeguarded in accordance with the classification deemed appropriate and a request made to the reviewing official, who may classify the information or material or upgrade the classification after obtaining the consent of the appropriate classifying authority. The date of this action shall constitute a new date of origin insofar as the downgrading or declassification schedule (paragraph (a) above) is concerned.

SECTION 4. *Declassification, Downgrading, or Upgrading:* When classified information or material no longer requires its present level of protection in the defense interest, it shall be downgraded or declassified in order to preserve the effectiveness and integrity of the classification system and to eliminate classification of information or material which no longer require classification protection. Heads of departments or agencies originating classified information or material shall designate persons to be responsible for continuing review of such classified information or material on a document-by-document, category, project, program, or other systematic basis, for the purpose of declassifying or downgrading whenever national defense considerations permit, and for receiving requests for such review from all sources. However, Restricted Data and material formerly designated as Restricted Data shall be handled only in accordance with subparagraph 4(a)(1) below and section 13 of this order. The following special rules shall be observed with respect to changes of classification of defense information or material, including information or material heretofore classified:

EXECUTIVE ORDER No. 11652—Continued

to a person or Department, to restrain competition or independent initiative, or to prevent for any other reason the release of information which does not require protection in the interest of national security. The following rules shall apply to classification of information under this order:

(A) *Documents in General.* Each classified document shall show on its face its classification and whether it is subject to or exempt from the General Declassification Schedule. It shall also show the office of origin, the date of preparation and classification and, to the extent practicable, be so marked as to indicate which portions are classified, at what level, and which portions are not classified in order to facilitate excerpting and other use. Material containing references to classified materials, which references do not reveal classified information, shall not be classified.

(B) *Identification of Classifying Authority.* Unless the Department involved shall have provided some other method of identifying the individual at the highest level that authorized classification in each case, material classified under this order shall indicate on its face the identity of the highest authority authorizing the classification. Where the individual who signs or otherwise authenticates a document or item has also authorized the classification, no further annotation as to his identity is required.

(C) *Information or Material Furnished by a Foreign Government or International Organization.* Classified information or material furnished to the United States by a foreign government or international organization shall either retain its original classification or be assigned a United States classification. In either case, the classification shall assure a degree of protection equivalent to that required by the government or international organization which furnished the information or material.

(D) *Classification Responsibilities.* A holder of classified information or material shall observe and respect the classification assigned by the originator. If a holder believes that there is unnecessary classification, that the assigned classification is improper, or that the document is subject to declassification under this order, he shall so inform the originator who shall thereupon re-examine the classification.

ANALYSIS OF EXECUTIVE ORDER No. 11652—Con.

conceal inefficiency or administrative error, to prevent embarrassment," etc., but such admonitions will only be effective *if* they are enforced by penalties against those who *overclassify* as well as those who underclassify. *Such has not been the case in the past.* The broader criterion to be used for classification, "national security considerations," rather than the narrower "national defense" criterion, will be a factor in any possible future classification challenge.

New instructions regarding "Documents in General" expand the requirements of Executive Order 10501 as to details of classification markings, but many of these requirements already exist in agency directives.

Section 4(B) **deals with the identity of classifying authority. If this requirement were properly carried out so that identities of the classifiers were on each document, it would be an important step forward, thereby fixing responsibility on an individual for proper classification and perhaps tending to discourage overclassification. Unfortunately, the wording of this subsection negates the effect by the "unless" clause in the first sentence, which permits departments to hide the identity of classifiers. Defense Department objections to this identification requirement apparently were responsible for a watering-down of the original draft subsection.**

Subsection (D) broadens the requirement in Executive Order 10501 for a "recipient" of classified material to respect the assigned classification even though he believes it to be unnecessary. Use of the new designation "holder" would seem to include the supervisor of the classifier. To the extent that a supervisor would feel bound to respect a subordinate's classification, the correction of classification abuses could be inhibited.

Section 5. Declassification and Downgrading. Classified information and material, unless declassified earlier by the original classifying authority, shall be declassified and downgraded in accordance with the following rules:

(A) *General Declassification Schedule.*

(1) *"Top Secret."* Information or material originally classified "Top Secret" shall become automatically downgraded to "Secret" at the end of the second full calendar year following the year in which it was originated, downgraded to "Confidential" at the end of the fourth full calendar year following the year in which it was originated, and declassified at the end of the tenth full calendar year following the year in which it was originated.

(2) *"Secret."* Information and material originally classified "Secret" shall become automatically downgraded to "Confidential" at the end of the second full calendar year following the year in which it was originated, and declassified at the end of the eighth full calendar year following the year in which it was originated.

(3) *"Confidential."* Information and material originally classified "Confidential" shall become automatically declassified at the end

Section 5

Section 4 of Executive Order 10501 provides in its first sentence a downgrading/declassification system for classified information or material that "no longer requires its present level of protection in the defense interest." But Executive Order 11652 contains no such language. Section 5 contains no *requirement* to depart from the rules of the General Declassification Schedule that spread out Top Secret to declassification over a 10-year period, even when classified information no longer requires protection. The elimination of the previous mandatory downgrading/declassification instruction in the new order represents still another potential restriction on the "people's right to know."

The declassification and downgrading requirements of Executive Order 11652 as spelled out in Section 5(A) provide for a 10-year declassification schedule (except for information contained in the exemptions of subsection 5(B)), instead of the 12-year schedule contained in Executive Order 10501. Top Secret data would become Secret after 2 full calendar years and Confidential after 4 additional calendar years. It would be de-

EXECUTIVE ORDER No. 10501—Continued

(a) *Automatic Changes:* In order to insure uniform procedures for automatic changes, heads of departments and agencies have authority for original classification of information or material, as set forth in section 2, shall categorize such classified information or material into the following groups:

(1) *Group 1:* Information or material originated by foreign governments or international organizations and over which the United States Government has no jurisdiction, information or material provided for by statutes such as the Atomic Energy Act, and information or material requiring special handling, such as intelligence and cryptography. This information and material is excluded from automatic downgrading or declassification.

(2) *Group 2:* Extremely sensitive information or material which the head of the agency or his designees exempt, on an individual basis, from automatic downgrading and declassification.

(3) *Group 3:* Information or material which warrants some degree of classification for an indefinite period. Such information or material shall become automatically downgraded at 12-year intervals until the lowest classification is reached, but shall not become automatically declassified.

(4) *Group 4:* Information or material which does not qualify for, or is not assigned to, one of the first three groups. Such information or material shall become automatically downgraded at three-year intervals until the lowest classification is reached, and shall be automatically declassified twelve years after date of issuance.

To the fullest extent practicable, the classifying authority shall indicate on the information or material at the time of original classification if it can be downgraded or declassified at an earlier date, or if it can be downgraded or declassified after a specified event, or upon the removal of classified attachments or enclosures. The heads, or their designees, of departments and agencies in possession of defense information or material classified pursuant to this order, but not bearing markings for automatic downgrading or declassification, are hereby authorized to mark or designate for automatic downgrading or declassification such information or material in accordance with the rules or regulations established by the department or agency that originally classified such information or material.

(b) *Non-Automatic Changes:* The persons designated to receive requests for review of classified material may downgrade or declassify such material when circumstances no longer warrant its retention in its original classification provided the consent of the appropriate classifying authority has been obtained. The downgrading or declassification of extracts from or paraphrases of classified documents shall also require the consent of the appropriate classifying authority unless the agency making such extracts knows positively that they warrant a classification lower than that of the document from which extracted, or that they are not classified.

(c) *Material Officially Transferred:* In the case of material transferred by or pursuant to statute or Executive order from one department or agency to another for the latter's use and as part of its official files or property, as distinguished from transfers merely for purposes of storage, the receiving department or agency shall be deemed to be the classifying authority for all purposes under this order, including declassification and downgrading.

(d) *Material Not Officially Transferred:* When any department or agency has in its possession any classified material which has become five years old, and it appears (1) that such material originated in an agency which has since become defunct and whose files and other property have not been officially

EXECUTIVE ORDER No. 11652—Continued

of the sixth full calendar year following the year in which it was originated.

(B) *Exemptions from General Declassification Schedule.* Certain classified information or material may warrant some degree of protection for a period exceeding that provided in the General Declassification Schedule. An official authorized to originally classify information or material "Top Secret" may exempt from the General Declassification Schedule any level of classified information or material originated by him or under his supervision if it falls within one of the categories described below. In each case such official shall specify in writing on the material the exemption category being claimed and, unless impossible, a date or event for automatic declassification. The use of the exemption authority shall be kept to the absolute minimum consistent with national security requirements and shall be restricted to the following categories:

(1) Classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence.

(2) Classified information or material specifically covered by statute, or pertaining to cryptography, or disclosing intelligence sources or methods.

(3) Classified information or material disclosing a system, plan, installation, project or specific foreign relations matter the continuing protection of which is essential to the national security.

(4) Classified information or material the disclosure of which would place a person in immediate jeopardy.

(C) *Mandatory Review of Exempted Material.* All classified information and material originated after the effective date of this order which is exempted under (B) above from the General Declassification Schedule shall be subject to a classification review by the originating Department at any time after the expiration of ten years from the date of origin provided:

(1) A department or member of the public requests a review;

(2) The request describes the record with sufficient particularity to enable the Department to identify it; and

(3) The record can be obtained with only a reasonable amount of effort.

Information or material which no longer qualifies for exemption under (B) above shall be declassified. Information or material continuing to qualify under (B) shall be so marked and, unless impossible, a date for automatic declassification shall be set.

(D) *Applicability of the General Declassification Schedule to Previously Classified Material.* Information or material classified before the effective date of this order and which is assigned to Group I under Executive Order No. 10501, as amended by Executive Order No. 10964, shall be subject to the General Declassification Schedule. All other information or material classified before the effective date of this order, whether or not assigned to Groups 1, 2, or 3 of Executive Order No. 10501, as amended, shall be excluded from the General Declassification Schedule. However, at any time after the expiration of ten years from the date of origin it shall be subject to a mandatory classification review and disposition under the same conditions and criteria that apply to classified information and material created after the effective date of this order as set forth in (B) and (C) above.

(E) *Declassification of Classified Information or Material After Thirty Years.* All classified information or material which is thirty years old or more, whether originating before or after the effective date of this order, shall be declassified under the following conditions:

ANALYSIS OF EXECUTIVE ORDER No. 11652—Con.

classified after 6 more calendar years in that category. Certain non-exempt types of classified data are downgraded at 3-year intervals under Executive Order 10501 from the 12-year starting point.

The positive results of reduction of the declassification schedule from a 12-year to a 10-year period is more illusory than real, partly because of the time frames and partly because of the language affecting exemptions from the general schedule. With the 10-year schedule, a President could safely stay in office for his full two terms under the Constitution and make it possible for his Vice President or other candidate of his own political party to succeed him without the public knowing full details of major defense or foreign policy errors his administration had committed and hidden away under the classification stamp.

One political party could, therefore, have a minimum control of 12 years in the White House before even the information subject to the automatic downgrading would become totally available to the electorate. The 6-year static Confidential requirement could, in addition, spare the White House occupant the political misfortune of off-year election losses affecting his party control in Congress or in State Houses. The requirement would have the same hiding effect of a Top Secret or Secret document after the President serves two years in office.

When the implications of the four specific exemptions of Section 5(B) are added to this hypothesis, it is clear that much vital information needed by the Congress and the public can be withheld for a minimum of 30 years under Section 5(E), or even longer under certain circumstances.

Exemption (1) of Section 5(B) affects virtually any important subject area affecting the long-range conduct of our foreign policy or even a "specific foreign relations matter," as provided in Exemption (3). By removing such matters from public knowledge even *after* a 10-year period, an Executive could use these exemptions to build a self-protective wall around the White House and virtually remove his conduct of defense or foreign policy matters as issues in his campaign for re-election and the campaign of his political party's nominee to succeed him.

Section 5(C) provides that if someone makes a request, an exempted item of information or material may be reviewed for declassification after expiration of the 10-year period. However, the usefulness of the review procedure in speeding the declassification of previously exempted information or material is strictly limited by provisos (2) and (3) so that it is almost meaningless.

A "member of the public" who requests the review would be required to "describe the record with sufficient particularity to enable the Department to identify it." Moreover, it is required that "the record (can) be obtained with only a reasonable amount of effort." The judge-an-jury on the description, and on what is "reasonable" is, of course, the affected Department and Administration in power. Totally unanswered is the question: How does a citizen know such a record exists?

The 30-year "declassification" provision of Section 5(E) is diluted by the exception that permits the head of the originating Department to extend the secrecy of information or material deemed "to require continued protection . . . essential to the national security or disclosure (of which) would place a person in immediate jeopardy." An undetermined number of years of additional classification could then be ordered by such person. Opposition to the Defense Department to the original draft version of the new order apparently was the reason for the inclusion of this "savings" clause.

EXECUTIVE ORDER No. 10501—Continued

transferred to another department or agency within the meaning of subsection (c), above, or (2) that it is impossible for the possessing department or agency to identify the originating agency, and (3) a review of the material indicates that it should be downgraded or declassified, the said possessing department or agency shall have power to declassify or downgrade such material. If it appears probable that another department or agency may have a substantial interest in whether the classification of any particular information should be maintained, the possessing department or agency shall not exercise the power conferred upon it by this subsection, except with the consent of the other department or agency, until thirty days after it has notified such other department or agency of the nature of the material and of its intention to declassify or downgrade the same. During such thirty-day period the other department or agency may, if it so desires, express its objections to declassifying or downgrading the particular material, but the power to make the ultimate decision shall reside in the possessing department or agency.

(e) *Information or Material Transmitted by Electrical Means:* The downgrading or declassification of classified information or material transmitted by electrical means shall be accomplished in accordance with the procedures described above unless specifically prohibited by the originating department or agency. Unclassified information or material which is transmitted in encrypted form shall be safeguarded and handled in accordance with the regulations of the originating department or agency.

(Subsections (f) and (g) incorporated in part into section 4(D) of new Executive Order.)

(Subsection (b) incorporated in part into section 5(f) of new Executive Order.)

(i) *Notification of Change in Classification:* In all cases in which action is taken by the reviewing official to downgrade or declassify earlier than called for by the automatic downgrading-declassification stamp, the reviewing official shall promptly notify all addressees to whom the information or material was originally transmitted. Recipients of original information or material, upon receipt of notification of change in classification, shall notify addressees to whom they have transmitted the classified information or material.

(h) *Departments and Agencies Which Do Not Have Authority for Original Classification:* The provisions of this section relating to the declassification of defense information or material shall apply to departments or agencies which do not, under the terms of this order, have authority for original classification of information or material, but which have formerly classified information or material pursuant to Executive Order No. 10290 of September 24, 1951.

SECTION 5. *Making of Classified Material:* After a determination of the proper defense classification to be assigned has been made in accordance with the provisions of this order, the classified material shall be marked as follows:

(a) *Downgrading-Declassification Markings:* At the time of origination, all classified information or material shall be marked to indicate the downgrading-declassification schedule to be followed in accordance with paragraph (a) of section 4 of this order.

(b) *Bound Documents:* The assigned defense classification on bound documents, such as books or pamphlets, the pages of which are permanently and securely fastened together, shall be conspicuously marked or stemped on the outside of the front cover, on the title page, on the first page, on the back page and on the outside of the back cover. In each case the markings shall be applied to the top and bottom of the page or cover.

EXECUTIVE ORDER No. 11652—Continued

(1) All information and material classified after the effective date of this order shall, whether or not declassification has been requested, become automatically declassified at the end of thirty full calendar years after the date of its original classification except for such specifically identified information or material which the head of the originating Department personally determines in writing at that time to require continued protection because such continued protection is essential to the national security or disclosure would place a person in imediate jeopardy. In such case, the head of the Department shall also specify the period of continued classification.

(2) All information and material classified before the effective date of this order and more than thirty years old shall be systematically reviewed for declassification by the Archivist of the United States by the end of the thirtieth full calendar year following the year in which it was originated. In this review, the Archivist will separate and keep protected only such information or material as is specifically identified by the head of the Department in accordance with (E)(1) above. In such case, the head of the Department shall also specify the period of continued classification.

(F) *Departments Which Do Not Have Authority For Original Classification.* The provisions of this section relating to the declassification of national security information or material shall apply to Departments which, under the terms of this order, do not have current authority to originally classify information or material, but which formerly had such authority under previous Executive orders.

Section 6. Policy Directives on Access, Marking, Safekeeping, Accountability, Transmission, Disposition and Destruction of Classified Information and Material. The President acting through the National Security Council shall issue directives which shall be binding on all Departments to protect classified information from loss or compromise. Such directives shall conform to the following policies:

(A) No person shall be given access to classified information or material unless such person has been determined to be trustworthy and unless access to such information is necessary for the performance of his duties.

(B) All classified information and material shall be appropriately and conspicuously marked to put all persons on clear notice of its classified contents.

(C) Classified information and material shall be used, possessed, and stored only un-

EXECUTIVE ORDER No. 10501—Continued

Section 6

This section sets forth general guidelines to govern the issuance of directives by the President, through the National Security Council, to Executive agencies in the protection of classified information from loss or compromise. The detailed instructions to be issued will determine to a considerable extent the effectiveness of the new order.

Such detailed instructions are contained in Sections 5, 6, 7, 8, and 9 of Executive Order 10501.

It is noted that Section 7 of Executive Order 10501 limits dissemination to persons for "official" duties. The new order eliminated "official." This would seem to expand authorized dissemination far beyond the existing limits. This reflects the wider scope of the new order as compared to Executive Order 10501.

EXECUTIVE ORDER No. 10501—Continued

(c) *Unbound Documents:* The assigned defense classification on unbound documents, such as letters, memoranda, reports, telegrams, and other similar documents, the pages of which are not permanently and securely fastened together, shall be conspicuously marked or stamped at the top and bottom of each page, in such manner that the marking will be clearly visible when the pages are clipped or stapled together.

(d) *Charts, Maps and Drawings:* Classified charts, maps, and drawings shall carry the defense classification marking under the legend, title block, or scale in such manner that it will be reproduced on all copies made therefrom. Such classification shall also be marked at the top and bottom in each instance.

(e) *Photographs, Films and Recordings:* Classified photographs, films, and recordings, and their containers, shall be conspicuously and appropriately marked with the assigned defense classification.

(f) *Products or Substances:* The assigned defense classification shall be conspicuously marked on classified products or substances, if possible, and on their containers, if possible, or, if the article or container cannot be marked, written notification of such classification shall be furnished to recipients of such products or substances.

(g) *Reproductions:* All copies or reproductions of classified material shall be appropriately marked or stamped in the same manner as the original thereof.

(h) *Unclassified Material:* Normally, unclassified material shall not be marked or stamped *Unclassified* unless it is essential to convey to a recipient of such material that it has been examined specifically with a view to imposing a defense classification and has been determined not to require such classification.

(i) *Change or Removal of Classification:* Whenever classified material is declassified, downgraded, or upgraded, the material shall be marked or stamped in a prominent place to reflect the change in classification, the authority for the action, the date of action, and the identity of the person or unit taking the action. In addition, the old classification marking shall be cancelled and the new classification (if any) substituted therefor. *Automatic* change in classification shall be indicated by the appropriate classifying authority, through marking or stamping in a prominent place to reflect information specified in subsection 4(a) hereof.

(j) *Material Furnished Persons Not in the Executive Branch of the Government:* When classified material affecting the national defense is furnished authorized persons, in or out of Federal service, other than those in the executive branch, the following notation, in addition to the assigned classification marking, shall whenever practicable be placed on the material, on its container, or on the written notification of its asigned classification:

"This material contains information affecting the national defense of the United States within the meaning of the espionage laws, Title 18, U.S.C., Secs. 793 and 794, the transmission or revelation of which in any manner to an unauthorized person is prohibited by law."

Use of alternative marking concerning "Restricted Data" as defined by the Atomic Energy Act is authorized when appropriate.

SECTION 6. *Custody and Safekeeping:* The possession or use of classified defense information or material shall be limited to locations where facilities for secure storage or protection thereof are available by means of which unauthorized persons are prevented from gaining access thereto. Whenever such information or material is not under the personal supervision of its custodian, whether during or outside of working hours, the following means shall be taken to protect it:

EXECUTIVE ORDER No. 11652—Continued

der conditions which will prevent access by unauthorized persons or dissemination to unauthorized persons.

(D) All classified information and material disseminated outside the executive branch under Executive Order No. 10865 or otherwise shall be properly protected.

(E) Appropriate accountability records for classified information shall be established and maintained and such information and material shall be protected adequately during all transmissions.

(F) Classified information and material no longer needed in current working files or for reference or records purposes shall be destroyed or disposed of in accordance with the records disposal provisions contained in Chapter 33 of Title 44 of the United States Code and other applicable statutes.

(G) Classified information or material shall be reviewed on a systematic basis for the purpose of accomplishing downgrading, declassification, transfer, retirement and destruction at the earliest practicable date.

ANALYSIS OF EXECUTIVE ORDER No. 11652—Con.

EXECUTIVE ORDER No. 10501—Continued

(a) *Storage of Top Secret Information and Material:* As a minimum, Top Secret defense information and material shall be stored in a safe or safe-type steel file container having a three-position dial-type combination lock, and being of such weight, size, construction, or installation as to minimize the possibility of unauthorized access to, or the physical theft of, such information and material. The head of a department or agency, may approve other storage facilities which afford equal protection, such as an alarmed area, a vault, a vault-type room, or an area under continuous surveillance.

(b) *Storage of Secret and Confidential Information and Material:* As a minimum, Secret and Confidential defense information and material may be stored in a manner authorized for Top Secret Information and material, or in steel file cabinets equipped with steel lockbar and a changeable three-combination dial-type padlock or in other storage facilities which afford equal protection and which are authorized by the head of the department or agency.

(c) *Storage or Protection Equipment:* Whenever new security storage equipment is procured, it should, to the maximum extent practicable, be of the type designated as security filing cabinets on the Federal Supply Schedule of the General Services Administration.

(d) *Other Classified Material:* Heads of departments and agencies shall prescribe such protective facilities as may be necessary in their departments or agencies for material originating under statutory provisions requiring protection of certain information.

(e) *Changes of Lock Combinations:* Combinations on locks of safekeeping equipment shall be changed, only by persons having appropriate security clearance, whenever such equipment is placed in use after procurement from the manufacturer or other sources, whenever a person knowing the combination is transferred from the office to which the equipment is assigned, or whenever the combination has been subjected to compromise, and at least once every year. Knowledge of combinations shall be limited to the minimum number of persons necessary for operating purposes. Records of combinations shall be classified no lower than the highest category of classified defense material authorized for storage in the safekeeping equipment concerned.

(f) *Custodian's Responsibilities:* Custodians of classified defense material shall be responsible for providing the best possible protection and accountability for such material at all times and particularly for securely locking classified material in approved safekeeping equipment whenever it is not in use or under direct supervision of authorized employees. Custodians shall follow procedures which insure that unauthorized persons do not gain access to classified defense information or material by sight or sound, and classified information shall not be discussed with or in the presence of unauthorized persons.

(g) *Telephone Conversations:* Defense information classified in the three categories under the provisions of this order shall not be revealed in telephone conversations, except as may be authorized under section 8 hereof with respect to the transmission of Secret and Confidential material over certain military communications circuits.

(h) *Loss or Subjection to Compromise:* Any person in the executive branch who has knowledge of the loss or possible subjection to compromise of classified defense information shall promptly report the circumstances to a designated official of his agency, and the latter shall take appropriate action forthwith, including advice to the originating department or agency.

EXECUTIVE ORDER No. 11652—Continued

ANALYSIS OF EXECUTIVE ORDER No. 11652—Con.

EXECUTIVE ORDER No. 11652—Continued

SECTION 7. *Accountability and Dissemination:* Knowledge or possession of classified defense information shall be permitted only to persons whose official duties require such access in the interest of promoting national defense and only if they have been determined to be trustworthy. Proper control of dissemination of classified defense information shall be maintained at all times, including good accountability records of classified defense information documents, and severe limitation on the number of such documents originated as well as the number of copies thereof reproduced. The number of copies of classified defense information documents shall be kept to a minimum to decrease the risk of compromise of the information contained in such documents and the financial burden on the Government in protecting such documents. The following special rules shall be observed in connection with accountability for and dissemination of defense information or material:

(a) *Accountability Procedures:* Heads of departments and agencies shall prescribe such accountability procedures as are necessary to control effectively the dissemination of classified defense information, with particularly severe control on material classified Top Secret under this order. Top Secret Control Officers shall be designated, as required, to receive, maintain accountability registers of, and dispatch Top Secret material.

(b) *Dissemination Outside the Executive Branch:* Classified defense information shall not be disseminated outside the executive branch except under conditions and through channels authorized by the head of the disseminating department or agency, even though the person or agency to which dissemination of such information is proposed to be made may have been solely or partly responsible for its production.

(c) *Information Originating in Another Department or Agency:* Except as otherwise provided by section 102 of the National Security Act of July 26, 1947, c. 343, 61 Stat. 498, as amended, 50 U.S.C. sec. 403, classified defense information originating in another department or agency shall not be disseminated outside the receiving department or agency without the consent of the originating department or agency. Documents and material containing defense information which are classified Top Secret or Secret shall not be reproduced without the consent of the originating department or agency.

SECTION 8. *Transmission*: For transmission outside of a department or agency, classified defense material of the three categories originated under the provisions of this order shall be prepared and transmitted as follows:

(a) *Preparation for Transmission:* Such material shall be enclosed in opaque inner and outer covers. The inner cover shall be a sealed wrapper or envelope plainly marked with the assigned classification and address. The outer cover shall be sealed and addressed with no indication of the classification of its contents. A receipt form shall be attached to or enclosed in the inner cover, except that Confidential material shall require a receipt only if the sender deems it necessary. The receipt form shall identify the addressor, addressee, and the document, but shall contain no classified information. It shall be signed by the proper recipient and returned to the sender.

(b) *Transmitting Top Secret Material:* The transmission of Top Secret material shall be effected preferably by direct contact of officials concerned, or, alternatively, by specifically designated personnel, by State Department diplomatic pouch, by a messenger-courier system especially created for that purpose, or by electric means in encrypted form; or in the case of information transmitted by the Federal Bureau of Investigation, such means of transmission may be used as are currently approved by the Director, Federal Bureau of Investigation, unless ex-

EXECUTIVE ORDER No. 11652—Continued

ANALYSIS OF EXECUTIVE ORDER No. 11652—Con.

EXECUTIVE ORDER No. 10501—Continued

press reservation to the contrary is made in exceptional cases by the originating agency.

(c) *Transmitting Secret Information and Material:* Secret information and material shall be transmitted within and between the forty-eight contiguous States and the District of Columbia, or wholly within Alaska, Hawaii, the Commonwealth of Puerto Rico, or a United States possession, by one of the means established for Top Secret information and material, by authorized courier, by United States registered mail, or by the use of protective services provided by commercial carriers, air or surface, under such conditions as may be prescribed by the head of the department or agency concerned. Secret information and material may be transmitted outside those areas by one of the means established for Top Secret information and material, by commanders or masters of vessels of United States registry, or by the United States registered mail through Army, Navy, Air Force, or United States civil postal facilities; provided that the information or material does not at any time pass out of United States Government control and does not pass through a foreign postal system. For the purposes of this section registered mail in the custody of a transporting agency of the United States Post Office is considered within United States Government control unless the transporting agent is foreign controlled or operated. Secret information and material may, however, be transmitted between United States Government or Canadian Government installations, or both, in the forty-eight contiguous States, the District of Columbia, Alaska, and Canada by United States and Canadian registered mail with registered mail receipt. Soviet information and material may also be transmitted over communications circuits in accordance with regulations promulgated for such purposes by the Secretary of Defense.

(d) *Transmitting Confidential Information and Material:* Confidential information and material shall be transmitted within the forty-eight contiguous States and the District of Columbia, or wholly within Alaska, Hawaii, the Commonwealth of Puerto Rico, or a United States possession, by one of the means established for higher classifications, or by certified or first-class mail. Outside those areas confidential information and material shall be transmitted in the same manner as authorized for higher classifications.

(e) *Within an Agency:* Preparation of classified defense material for transmission, and transmission of it, within a department or agency shall be governed by regulations, issued by the head of the department or agency, insuring a degree of security equivalent to that outlined above for transmission outside a department or agency.

SECTION 9. *Disposal and Destruction:* Documentary record material made or received by a department or agency in connection with transaction of public business and preserved as evidence of the organization, functions, policies, operations, decisions, procedures or other activities of any department or agency of the Government, or because of the informational value of the data contained therein, may be destroyed only in accordance with the act of July 7, 1943, c. 192, 57 Stat. 380, as amended, 44 U.S.C. 366–380. Non-record classified material, consisting of extra copies and duplicates including shorthand notes, preliminary drafts, used carbon paper, and other material of similar temporary nature, may be destroyed, under procedures established by the head of the department or agency which meet the following requirements, as soon as it has served its purpose:

(a) *Methods of Destruction:* Classified defense material shall be destroyed by burning in the presence of an appropriate official or by other methods authorized by the head of an agency provided the resulting destruction is equally complete.

EXECUTIVE ORDER No. 11652—Continued

[illegible]

ANALYSIS OF EXECUTIVE ORDER No. 11652—Con.

[illegible]

EXECUTIVE ORDER No. 10501—Continued

SECTION 16. *Review to Insure That Information Is Not Improperly Withheld Hereunder:* The President shall designate a member of his staff who shall receive, consider, and take action upon, suggestions or complaints from non-Governmental sources relating to the operation of this order.

SECTION 17. *Review to Insure Safeguarding of Classified Defense Information:* The National Security Council shall conduct a continuing review of the implementation of this order to insure that classified defense information is properly safeguarded, in conformity herewith.

SECTION 18. *Review Within Departments and Agencies:* The head of each department and agency shall designate a member or members of his staff who shall conduct a continuing review of the implementation of this order within the department or agency concerned to insure that no information is withheld hereunder which the people of the United States have a right to know, and to insure that classified defense information is properly safeguarded in conformity herewith.

(b) *Records of Destruction:* Appropriate accountability records maintained in the department or agency shall reflect the destruction of classified defense material.

SECTION 10. *Orientation and Inspection:* To promote the basic purposes of this order, heads of those departments and agencies originating or handling classified defense information shall designate experienced persons to coordinate and supervise the activities applicable to their departments or agencies under this order. Persons so designated shall maintain active training and orientation programs for employees concerned with classified defense information to impress each such employee with his individual responsibility for exercising vigilance and care in complying with the provisions of this order. Such persons shall be authorized on behalf of the heads of the departments and agencies to establish adequate and active inspection programs to the end that the provisions of the order are administered effectively.

SECTION 11. *Interpretation of regulations by the Attorney General:* The Attorney General, upon request of the head of a department or agency or his duly designated representative, shall personally or through authorized representatives of the Department of Justice render an interpretation of these regulations in connection with any problems arising out of their administration.

SECTION 12. *Statutory requirements:* Nothing in this order shall be construed to authorized the dissemination, handling or transmission of classified information contrary to the provisions of any statute.

EXECUTIVE ORDER No. 11652—Continued

Section 7. Implementation and Review Responsibilities. (A) The National Security Council shall monitor the implementation of this order. To assist the National Security Council, an Interagency Classification Review Committee shall be established, composed of representatives of the Departments of State, Defense and Justice, the Atomic Energy Commission, the Central Intelligence Agency and the National Security Council Staff and a Chairman designated by the President. Representatives of other Departments in the executive branch may be invited to meet with the Committee on matters of particular interest to those Departments. This Committee shall meet regularly and on a continuing basis shall review and take action to ensure compliance with this order, and in particular:

(1) The Committee shall oversee Department actions to ensure compliance with the provisions of this order and implementing directives issued by the President through the National Security Council.

(2) The Committee shall, subject to procedures to be established by it, receive, consider and take action on suggestions and complaints from persons within or without the government with respect to the administration of this order, and in consultation with the affected Department or Departments assure that appropriate action is taken on such suggestions and complaints.

(3) Upon request of the Committee Chairman, any Department shall furnish to the Committee any particular information or material needed by the Committee in carrying out its functions.

(B) To promote the basic purposes of this order, the head of each Department originating or handling classified information or material shall:

(1) Prior to the effective date of this order submit to the Interagency Classification Review Committee for approval a copy of the regulations it proposes to adopt pursuant to this order.

(2) Designate a senior member of his staff who shall ensure effective compliance with and implementation of this order and shall also chair a Departmental committee which shall have authority to act on all suggestions and complaints with respect to the Department's administration of this order.

(3) Undertake an initial program to familiarize the employees of his Department with the provisions of this order. He shall also establish and maintain active training and orientation programs for employees concerned with classified information or material. Such programs shall include, as a minimum, the briefing of new employees and periodic reorientation during employment to impress upon each individual his responsibility for exercising vigilance and care in complying with the provisions of this order. Additionally, upon termination of employment or contemplated temporary separation for a sixty-day period or more, employees shall be debriefed and each reminded of the provisions of the Criminal Code and other applicable provisions of law relating to penalties for unauthorized disclosure.

(C) The Attorney General, upon request of the head of a Department, his duly designated representative, or the Chairman of the above described Committee, shall personally or through authorized representatives of the Department of Justice render an interpretation of this order with respect to any question arising in the course its adminstration.

Section 8. Material Covered by the Atomic Energy Act. Nothing in this order shall supersede any requirements made by or under the Atomic Energy Act of August 30, 1954, as amended. "Restricted Data," and material designated as "Formerly Restricted Data," shall be handled, protected, classified, downgraded and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission.

ANALYSIS OF EXECUTIVE ORDER No. 11652—Con.

Section 7

Section 7 describes responsibilities and procedures for the general implementation and review of the operation of Executive Order 11652.

Broad review responsibilities under Executive Order 10501 are contained in Sections 16, 17, and 18.

The classification crisis under the old order stems from certain deficiencies in proper implementation and enforcement of its provisions. Executive Order 11652 attempts to deal with this problem by establishing monitoring and review functions under the "Interagency Classification Review Committee."

The new Committee will consist of representatives of the State, Defense, and Justice Departments, the Atomic Energy Commission, the Central Intelligence Agency, and the National Security Council staff. The chairman is to be designated by the President. Section 7(A) (1), (2), and (3) detail the broad authority of the Interagency Committee. Nothing is said about accountability to Congress and, indeed, such a group might seek the sanctuary of the so-called "Executive privilege" doctrine in an effort to prevent Congressional scrutiny.

Subsection 7(B) requires clearance of proposed Department regulations and provides for departmental staff liaison compliance machinery.

The extent to which this new machinery may correct the existing magnitude of security classification problems is conjectural. No committee of employees can assure that a department head will do anything he chooses *not* to do. Real progress will depend entirely on the willingness of departments to enforce basic attitudinal changes on the inbred classification bureaucracy. Perhaps the "training" or "re-training" program envisioned in Section 7 (B) (3) may be a positive, if needlessly long-delayed, step in the right direction.

Subsection 7 (C) deals with interpretations of the new order, vested in the Attorney General or his duly designated representative—presumably the Assistant Attorney General, Office of Legal Counsel.

Section 8

Section 8 of Executive Order 11652 is comparable to Section 13 of Executive Order 10501, leaving the classification provisions of the Atomic Energy Act of 1954 and pertinent regulations intact.

EXECUTIVE ORDER NO. 10501—Continued

SECTION 13. *"Restricted Data," Material Formerly Designated as "Restricted Data," Communications Intelligence, and Cryptography:* (a) Nothing in this order shall supersede any requirements made by or under the Atomic Energy Act of August 30, 1954, as amended. "Restricted Data," and material formerly designated as "Restricted Data," shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission.

(b) Nothing in this order shall prohibit any special requirements that the originating agency or other appropriate authority may impose as to communications intelligence, cryptography, and matters related thereto.

SECTION 14. *Combat Operations:* The provisions of this order with regard to dissemination, transmission, or safekeeping of classified defense information or material may be so modified in connection with combat or combat-related operations as the Secretary of Defense may by regulations prescribe.

SECTION 15. *Exceptional Cases:* When, in an exceptional case, a person or agency not authorized to classify defense information originates information which is believed to require classification, such person or agency shall protect that information in the manner prescribed by this order for that category of classified defense information into which it is believed to fall, and shall transmit the information forthwith, under appropriate safeguards, to the department, agency, or person having both the authority to classify information and a direct official interest in the information (preferably, that department, agency, or person to which the information would be transmitted in the ordinary course of business), with a request that such department, agency, or person classify the information.

EXECUTIVE ORDER NO. 11652—Continued

Section 9. Special Departmental Arrangements. The originating Department or other appropriate authority may impose, in conformity with the provisions of this order, special requirements with respect to access, distribution and protection of classified information and material, including those which presently relate to communications intelligence, intelligence sources and methods and cryptography.

Section 10. Exceptional Cases. In an exceptional case when a person or Department not authorized to classify information originates information which is believed to require classification, such person or Department shall protect that information in the manner prescribed by this order. Such persons or Department shall transmit the information forthwith, under appropriate safeguards, to the Department having primary interest in the subject matter with a request that a determination be made as to classification.

ANALYSIS OF EXECUTIVE ORDER NO. 11652—Con.

Section 9

The provisions of Section 9 of the new order broaden the authority contained in Section 13 (b) of the old order to use special categories of "classification" governing access and distribution of classified information and material.

Thus, an agency may now legitimitize with specific authority of the new Executive Order such previously "informal" stamps as "Administratively Confidential," "Limited Official Use," "Eyes Only," "Sensitive," "Cosmic," "Roger Channel," "Limdis," "Exdis," and dozens of others.

This can only result in additional confusion, a growing proliferation of stamps, and add to the classification bureaucracy's strangle-hold over such information. For example, much important classified information could be distributed solely to political appointees. Career officers could be kept in the dark.

Section 10

This section of Executive Order 11652 restates the provision in Section 15 of Executive Order 10501 regarding the handling of information believed to require classification by a person or department not having classification authority.

No effort is made in the new order to eliminate the misuse of the procedure by which over-zealous classifiers assign a classification to information or material privately-generated and privately-owned by an individual or by a commercial firm.

Historical Research: As an exception to the standard for access prescribed in the first sentence of section 7, but subject to all other provisions of this order, the head of an agency may permit persons outside the executive branch performing functions in connection with historical research projects to have access to classified defense information originated within his agency if he determines that: (a) access to the information will be clearly consistent with the interests of national defense, and (d) the person to be granted access is trustworthy; *Provided,* that the head of the agency shall take appropriate steps to assure that classified information is not published or otherwise compromised.

Section 11. Declassification of Presidential Papers. The Archivist of the United States shall have authority to review and declassify information and material which has been classified by a President, his White House Staff or special committee or commission appointed by him and which the Archivist has in his custody at any archival depository, including a Presidential Library. Such declassification shall only be undertaken in accord with: (i) the terms of the donor's deed of gift, (ii) consultations with the Departments having a primary subject-matter interest, and (iii) the provisions of Section 5.

Section 12. Historical Research and Access by Former Government Officials. The requirement in Section 6(A) that access to classified information or material be granted only as is necessary for the performance of one's duties shall not apply to persons outside the executive branch who are engaged in historical research projects or who have previously occupied policy-making positions to which they were appointed by the President; *Provided,* however, that in each case the head of the originating Department shall:

(i) determine that access is clearly consistent with the interests of national security; and

(ii) take appropriate steps to assure that classified information or material is not published or otherwise compromised.

Access granted a person by reason of his having previously occupied a policy-making position shall be limited to those papers which the former official originated, reviewed, signed or received while in public office.

Section 13. Administrative and Judicial Action.

(A) Any officer or employee of the United States who unnecessarily classifies or overclassifies information or material shall be notified that his actions are in violation of the terms of this order or of a directive of

Section 11

Section 11, dealing with the declassification of Presidential Papers, is a subject area not previously contained in Executive Order 10501.

The inclusion of items (i), (ii), and (iii) as requirements under which the Archivist is severely restricted in his declassification authority leaves little substance to the overall intent of the section. Moreover, the recent incidents of private publication of Presidential memoirs after the conclusion of his service, often including references to previously classified information, makes this section somewhat academic because there is no procedure for declassifying information that already has been published.

Section 12

Section 12 restates the provision of Section 15 of Executive Order 10501 permitting persons outside the Executive Branch engaged in historical reseach projects to have access to classified information or material under certain conditions.

The section also contains a new access authorization for persons "who previously occupied policy-making positions to which they were appointed by the President." Access in such cases is permitted to those papers which the former official "originated, reviewed, signed, or received while in public office." This creates a special privilege for certain individuals who may wish to use their former public position for private profit through the sale of articles, books, memoirs, etc., to private publishing houses. This unjustifiable special favor policy could only have been adopted in anticipation of continued unnecessary classification and exemption from declassification.

Section 13

Section 13 of Executive Order 11652 restates the provisions of Section 19 of Executive Order 10501 dealing with the classification, overclassification, release or unauthorized disclosure of national security

EXECUTIVE ORDER No. 10501—Continued

SECTION 19. *Unauthorized Disclosure by Government Personnel:* The head of each department and agency is directed to take prompt and stringent administrative action against any officer or employee of the United States, at any level of employment, determined to have been knowingly responsible for any release or disclosure of classified defense information or material except in the manner authorized by this order, and where a violation of criminal statutes may be involved, to refer promptly to the Department of Justice any such case.

SECTION 20. *Revocation of Executive Order No. 10290:* Executive Order No. 10290 of September 24, 1951 is revoked as of the effective date of this order.

SECTION 21. *Effective Date:* This order shall become effective on December 15, 1953.

EXECUTIVE ORDER No. 11652—Continued

the President issued through the National Security Council. Repeated abuse of the classification process shall be grounds for an administrative reprimand. In any case where the Departmental committee or the Interagency Classification Review Committee finds that unnecessary classification or overclassification has occurred, it shall make a report to the head of the Department concerned in order that corrective steps may be taken.

(B) The head of each Department is directed to take prompt and stringent administrative action against any officer or employee of the United States, at any level of employment, determined to have been responsible for any release or disclosure of national security information or material in a manner not authorized by or under this order or a directive of the President issued through the National Security Council. Where a violation of criminal statutes may be involved, Departments will refer any such case promptly to the Department of Justice.

Section 14. Revocation of Executive Order No. 10501. Executive Order No. 10501 of November 5, 1953, as amended by Executive Orders No. 10816 of May 8, 1959, No. 10901 of January 11, 1961, No. 10964 of September 20, 1961, No. 10985 of January 15, 1962, No. 11097 of March 6, 1963 and by Section 1(a) of No. 11382 of November 28, 1967, are superseded as of the effective date of this order.

Section 15. Effective Date. This order shall become effective on June 1, 1972.

ANALYSIS OF EXECUTIVE ORDER No. 11652—Con.

information or material. If a criminal violation may be involved, departments are required to refer any such case to the Justice Department.

A new provision deals with "any officer or employee of the United States who unnecessarily classifies or overclassifies information or material." Section 13 (A) provides in such cases that the individual be notified that his actions are in violation of the Order or directive issued thereunder. It also provides for administrative followup through the Interagency Classification Review Committee or a departmental committee.

It provides for an "administrative reprimand" in cases of repeated abuse of the classification process by an individual. However, no actual disciplinary action is proposed in such cases and the reprimand applies only in cases of "repeated abuse."

Section 14

Section 14 provides for revocation of Executive Order 10501 and amendments thereto.

Section 15

Section 15 sets June 1, 1972, as the effective date for the new Order.

FOOTNOTE

[2] These 11 offices were designated by the President as follows:

THE WHITE HOUSE.

ORDER

Pursuant to Section 2(A) of the Executive Order of March 8, 1972, entitled Classification and Declassification of National Security Information and Material, I hereby designate the following offices in the Executive Office of the President as possessing authority to originally classify information or material "Top Secret" as set forth in said Order:

The White House Office
National Security Council
Office of Management and Budget
Domestic Council
Office of Science and Technology
Office of Emergency Preparedness
President's Foreign Intelligence Advisory Board
Council on International Economic Policy
Council of Economic Advisers
National Aeronautics and Space Council
Office of Telecommunications Policy

RICHARD NIXON.

THE WHITE HOUSE, *March 8, 1972.*

WITHDRAWAL OF PORTIONS OF ALASKA FROM PUBLIC SELECTION

HON. TED STEVENS

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 21, 1972

Mr. STEVENS. Mr. President, on Thursday, March 16, 1972 in 37 Federal Register No. 52, at pages 5572–91, the Secretary of the Interior published a series of public land orders withdrawing portions of Alaska from public selection. Because these public land orders—5169–88—are of such importance to the people of the State of Alaska, I ask unanimous consent that they be printed in the Extensions of Remarks in order that they may be available to the many people who will be interested in them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

Withdrawals for Selections by Village Corporations and Regional Corporation in Arctic Region and for Classification for Lands in Withdrawals

By virtue of the authority vested in the Secretary of the Interior in section 11(a)(3) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 696 (hereinafter called the "Act"), it is ordered as follows:

1. Subject to valid existing rights and prior appropriations, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 81–287 (1970), and are hereby reserved: (a) For selection under section 12 of said Act by the corporations established pursuant to section 8 of said Act for the villages named below (hereinafter called "Village Corporations"); and (b) for reallocation to Village Corporations under section 12(b) of said Act by the corporation established pursuant to section 7 of said Act as the Regional Corporation for the approximate area covered by the operation of the Arctic Slope Native Association (said corporation being referred to hereinafter as the "Regional Corporation"):

a. Barrow:

UMIAT MERIDIAN

PROTRACTED DESCRIPTIONS

Tps. 5 to 8 N., R. 41 W. (W½).
Tps. 5 to 8 N., R. 42.

The area described aggregates approximately 138,240 acres.

b. Kaktovik:

UMIAT MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 S., Rs. 21 to 23 E.
T. 2 S., Rs. 21 to 24 E.
T. 3 S., Rs. 22 to 25 E.
T. 4 S., Rs. 23 and 24 E.
T. 5 S., R. 24 E.
T. 5 S., R. 25 E.

The area described aggregates approximately 345,600 acres.

c. Point Hope:

UMIAT MERIDIAN

PROTRACTED DESCRIPTIONS

T. 9 S., Rs. 58 to 60 W.
T. 10 S., Rs. 58 to 60 W.
T. 11 S., Rs. 58 and 59 W.
T. 12 S., Rs. 57 to 59 W.

KATEEL RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

T. 33 N., Rs. 30 to 32 W.
T. 34 N., Rs. 30 to 32 W.

The area described aggregates approximately 391,690 acres.

2. Subject to valid existing rights and prior appropriations, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), and are hereby reserved for selection by said Regional Corporation under section 12 of said Act:

UMIAT MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., Rs. 1 and 2 E., that portion east of Naval Petroleum Reserve No. 4.
T. 1 N., Rs. 3 through 12 E.
T. 2 N., R. 2 E., that portion east of Naval Petroleum Reserve No. 4.
T. 2 N., Rs. 3 through 11 E.
T. 3 N., Rs. 3 through 11 E.
T. 4 N., Rs. 3 through 8 E.
T. 1 N., R. 41 W., that portion west of Naval Petroleum Reserve No. 4.
T. 1 N., Rs. 42, 43, and 44 W.
T. 2 N., R. 41 W., that portion west of Naval Petroleum Reserve No. 4.
T. 2 N., Rs. 42, 43, and 44 W.
T. 3 N., R. 41 W., that portion west of Naval Petroleum Reserve No. 4.
T. 3 N., R. 42 W.
T. 4 N., R. 41 W., that portion west of Naval Petroleum Reserve No. 4.
T. 4 N., R. 42 W.
T. 1 S., R. 1 W., that portion east of Naval Petroleum Reserve No. 4.
T. 1 S., R. 41 W., that portion west of Naval Petroleum Reserve No. 4.
T. 1 S., Rs. 42 through 45 W.
T. 2 S., Rs. 1, 42 through 45 W.
T. 2 S., R. 41 W., that portion west of Naval Petroleum Reserve No. 4.
T. 3 S., Rs. 1, 42 through 47 W.
T. 3 S., R. 41 W., that portion west of Naval Petroleum Reserve No. 4.
T. 3 S., R. 48 W. (fractional).
T. 4 S., Rs. 1, 42 through 48 W.
T. 4 S., R. 41 W., that portion west of Naval Petroleum Reserve No. 4.
T. 4 S., R. 49 W. (fractional).
T. 5 S., Rs. 1, 2, 3, 43 through 50 W.
T. 5 S., R. 42 W., that portion west of Naval Petroleum Reserve No. 4.
T. 5 S., Rs. 51 and 52 W. (fractional).
T. 6 S., Rs. 1, 2, 3, 43 through 51 W.
T. 6 S., R. 42 W., that portion west of Naval Petroleum Reserve No. 4.
T. 6 S., Rs. 52 through 55 W (fractional).
T. 7 S., Rs. 1, 2, 3, 43 through 55 W.
T. 7 S., R. 42 W., that portion west of Naval Petroleum Reserve No. 4.
T. 7 S., Rs. 56, 57, and 58 W. (fractional).
T. 8 S., Rs. 1 through 4, 43 through 58 W.
T. 8 S., R. 42 W., that portion west of Naval Petroleum Reserve No. 4.
T. 9 S., Rs. 1 through 4, 43 through 58 W.
T. 9 S., R. 42 W., that portion west of Naval Petroleum Reserve No. 4.
T. 10 S., Rs. 1, 2, 43 through 58 W.
T. 10 S., R. 42 W., that portion west of Naval Petroleum Reserve No. 4.
T. 11 S., Rs. 1, 2, 45 through 58 W.
T. 12 S., Rs. 1 through 4 W.
T. 13 S., Rs. 2, 3, and 4 W.
T. 14 S., Rs. 2, 3, and 4 W.
T. 15 S., Rs. 2, 3, and 4 W.
T. 1 S., Rs. 1 through 20 E.
T. 2 S., Rs. 1 through 20 E.
T. 3 S., Rs. 1 through 21 E.
T. 4 S., Rs. 1 through 18 E.
T. 5 S., Rs. 1 through 18 E.
T. 6 S., Rs. 1 through 18 E.
T. 7 S., Rs. 1 through 18 E.
T. 8 S., Rs. 1 through 18 E.
T. 9 S., Rs. 1 through 18 E.
T. 10 S., Rs. 1 through 18 E.
T. 11 S., Rs. 1 through 18 E.
T. 12 S., Rs. 1, 2, 3, 13 through 18 E.
T. 13 S., Rs. 13 through 18 E.
T. 14 S., Rs. 13 through 17 E.
T. 15 S., R. 13 E.

KATEEL RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

T. 31 N., Rs. 28 and 29 W.
T. 32 N., Rs. 26 through 29 W.
T. 33 N., Rs. 25 through 29 W.
T. 34 N., Rs. 22 through 29 W.

The area described aggregates approximately 9,700,000 acres.

3. After each Village Corporation has exhausted its rights of selection under subsections 12(a) and 12(b) of said Act in the area withdrawn in its behalf in paragraph 1 of this order, said Regional Corporation may select any of the remaining lands under section 12 of said Act.

4. Prior to the conveyance of any of the lands withdrawn by this order to any Village Corporation or said Regional Corporation, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

5. By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior in section 17(d)(1) of said Act, it is ordered as follows:

Subject to valid existing rights, the lands described in paragraph 1 and paragraph 2 of this order are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), but not from selection pursuant to section 12 of said Act by corporations formed pursuant to section 7 or section 8 of such Act, and are hereby reserved for study and review by the Secretary of the Interior for the purpose of classification or reclassification of any lands not conveyed pursuant to section 14 of said Act.

6. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332 (2)(C), is required.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 9, 1972.

[FR Doc. 72-3935 Filed 3-15-72; 8:45 am]

[Public Land Order 5170]

ALASKA

Withdrawals for Selections by Village Corporations and Regional Corporation in Bering Straits Region and for Classification for Lands in Withdrawals.

By virtue of the authority vested in the Secretary of the Interior in section 11(a)(3) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 696 (hereinafter called the "Act"), it is ordered as follows:

1. Subject to valid existing rights and prior appropriations, the following described lands are hereby withdrawn from all forms of appropriations under the public lands laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), and are hereby reserved: (a) For selection under section 12 of said Act by the corporations established pursuant to section 3 of said Act for the villages named below (hereinafter called "Village Corporation"); and (b) for reallocation to Village Corporations under section 12(b) of said Act by the corporation established pursuant to section 7 of said Act as the Regional Corporation for the approximate area covered by the operation of the Bering Straits referred to hereinafter as the "Regional Corporation");

a. Gambell:

KATEEL RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

T. 8 S., Rs. 37 and 38 W.
T. 8 S., R. 39 W. (fractional).
T. 9 S., Rs. 37 and 38 W.
T. 9 S., R. 39 W. (fractional).
T. 10 S., Rs. 37 to 39 W. (fractional).

The area described aggregates approximately 161,280 acres.

b. Inalik:

KATEEL RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., Rs. 41 and 42 W.
T. 2 N., Rs. 41 and 42 W.
T. 3 N., Rs. 41 and 42 W.
T. 4 N., Rs. 40 to 43 W.
T. 4 N., R. 44 W. (fractional).
T. 5 N., Rs. 40 to 42 W. (fractional).
T. 6 N., R. 41 W. (fractional).

The area described aggregates approximately 276,480 acres.

2. After each Village Corporation has exhausted its rights of selection under subsection 12(a) and 12(b) of said Act in the area withdrawn in its behalf in paragraph 1 of this order, said Regional Corporation may select any of the remaining lands under section 12 of said Act.

3. Prior to the conveyance of any of the lands withdrawn by this order to any Village Corporation or said Regional Corporation, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

4. By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (1 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior in section 17(d)(1) of said Act, it is ordered as follows:

Subject to valid existing rights, the lands described in paragraph 1 of this order are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181-287 (1970), but not from selection pursuant to section 12 of said Act by corporations formed pursuant to section 7 or section 8 of said Act, and are hereby reserved for study and review by the Secretary of the Interior for the purpose of classification or reclassification of any lands not conveyed pursuant to section 14 of said Act.

5. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332(2)(C), is required.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 9, 1972.

[FR Doc. 72-3936 Filed 3-15-72; 8:45 am]

[Public Land Order 5171]

ALASKA

Withdrawal for Selections by Village Corporations and Regional Corporation in Northwest Alaska Region and for Classification for Lands in Withdrawals.

By virtue of the authority vested in the Secretary of the Interior in section 11(a)(3) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 696 (hereinafter called the "Act"), it is ordered as follows:

1. Subject to valid existing rights and prior appropriations, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181-287 (1970), and are hereby reserved: (a) For selection under section 12 of said Act by the corporations established pursuant to section 8 of said Act for the villages named below (hereinafter called "Village Corporations"); and (b) for reallocation to Village Corporations under section 12(b) of said Act by the corporation established pursuant to section 7 of said Act as the Regional Corporation for the approximate area covered by the operation of the Northwest Alaska Native Association (said corporation being referred to hereinafter as the "Regional Corporation"):

a. Kotzebue:

KATEEL RIVER

PROTRACTED DESCRIPTIONS

T. 11 N., R. 15 W. (fractional).
T. 12 N., R. 14 W. (fractional).
T. 12 N., R. 15 W. (fractional).
T. 13 N., R. 15 W. (fractional).
T. 14 N., R. 16 W. (fractional).
T. 15 N., R. 16 W. (fractional).
T. 16 N., R. 16 W. (fractional).
T. 20 N., Rs. 16 through 20 W.

The area described aggregates approximately 207,360 acres.

2. After each Village Corporation has exhausted its rights of selection under subsections 12(a) and 12(b) of said Act in the area withdrawn in its behalf in paragraph 1 of this order, said Regional Corporation may select any of the remaining lands under section 12 of said Act.

3. Prior to the conveyance of any of the lands withdrawn by this order to any Village Corporation or said Regional Corporation, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

4. By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior in section 17(d)(1) of said Act, it is ordered as follows:

Subject to valid existing rights, the lands described in paragraph 1 of this order are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181-287 (1970) but not from selection pursuant to section 12 of said Act by corporations formed pursuant to section 7 or section 8 of said Act, and are hereby reserved for study and review by the Secretary of the Interior for the purpose of classification or reclassification of any lands not conveyed pursuant to section 14 of said Act.

5. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332(2)(C), is required.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 9, 1972.

[FR. Doc. 72-3937 Filed 3-15-72; 8:45 am]

[Public Land Order 5172]

ALASKA

Withdrawals for Selections by Village Corporations and Regional Corporation in Association of Village Council Presidents Region and for Classification for Lands in Withdrawals.

By virtue of the authority vested in the Secretary of the Interior in section 11(a)(3) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 696 (hereinafter called the "Act"), it is ordered as follows:

1. Subject to valid existing rights and prior appropriations, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181-287 (1970), and are hereby reserved: (a) For selection under section 12 of said Act by the corporations established pursuant to section 8 of said Act for the villages named below (hereinafter called "Village Corporations"); and (b) for reallocation to Village Corporations under section 12(b) of said Act by the corporation established pursuant to section 7 of said Act as the Regional Corporation for the approximate area covered by the operation of the Association of Village Council Presidents (said corporation being referred to hereinafter as the "Regional Corporataion"):

a. Cherfornak:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., Rs. 81, 82 W.
T. 1 N., R. 83 W. (E½).
T. 2 N., Rs. 81, 82 W.
T. 2 N., R. 83 W. (E½)
T. 3 N., R. 82 W.
T. 3 N., R. 83 W. (E½).
T. 4 N., R. 82 W.
T. 4 N., R. 83 (E½).
T. 5 N., R. 83 W. (fractional).
T. 6 N., R. 83 W. (fractional).

The area described aggregates approximately 207,360 acres.

b. Chevak:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 16 N., Rs. 85 to 87 W.
T. 17 N., Rs. 85 to 87 W.
T. 18 N., Rs. 85 to 87 W.
T. 19 N., Rs. 85 to 87 W.
T. 20 N., Rs. 85 to 87 W.

The area described aggregates approximately 345,600 acres.

c. Hooper Bay:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 21 N., Rs. 83 to 86 W.
T. 22 N., Rs. 83 to 86 W.

The area described aggregates approximately 184,320 acres.

d. Kotlik:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 31 N., R. 76 W.
T. 32 N., Rs. 75 and 76 W.

The area described aggregates approximately 69,120 acres.

e. Mekoryuk:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 4 N., Rs. 80 and 81 W.
T. 5 N., Rs. 80 to 82 W.
T. 6 N., Rs. 80 to 82 W.
T. 7 N., Rs. 80 and 81 W.
T. 7 N., R. 82 W. (fractional).
T. 8 N., Rs. 80 and 81 W.
T. 8 N., R. 82 W. (fractional).

The area described aggregate approximately 299,520 acres.

f. Napakiak:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 5 N., R. 76 W.
T. 6 N., Rs. 76 and 77 W.

The area described aggregates approximately 69,120 acres.

g. Napaskiak:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 4 N., Rs. 69 and 70 W.
T. 5 N., R. 69 W.

The area described aggregates approximately 69,120 acres.

h. Newtok:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 9 N., R. 82 W.
T. 9 N., R. 83 W. (fractional).
T. 9 N., R. 84 W. (fractional).
T. 10 N., R. 82 W.
T. 10 N., R. 83 W. (fractional).

The area described aggregates approximately 69,120 acres.

i. Nightmute:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 9 N., Rs. 80 and 81 W.
T. 10 N., Rs. 80 and 81 W.
T. 11 N., R. 80 W.
T. 12 N., R. 80 W.

The area described aggregates approximately 138,240 acres.

j. Toksook Bay:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., R. 80 W.
T. 2 N., R. 80 W.
T. 3 N., Rs. 80 and 81 W.
T. 6 N., Rs. 78 and 79 W.
T. 7 N., R. 79 W.
T. 8 N., R. 79 W.

The area described aggregates approximately 184,320 acres.

k. Tununak:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 16 N., Rs. 83 and 84 W.

T. 17 N., Rs. 83 and 84 W.

T. 18 N., Rs. 83 and 84 W.

The area described aggregates approximately 138,240 acres.

2. After each Village Corporation has exhausted its rights of selection under subsections 12(a) and 12(b) of said Act in the area withdrawn in its behalf in paragraph 1 of this order, said Regional Corporation may select any of the remaining lands under section 12 of said Act.

3. Prior to the conveyance of any of the lands withdrawn by this order to any Village Corporation or said Regional Corporation, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

4. By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior in section 17(d)(1) of said Act, it is ordered as follows:

Subject to valid existing rights, the lands described in paragraph 1 of this order are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), but not from selection pursuant to section 12 of said Act by corporations formed pursuant to section 7 or section 8 of said Act, and are hereby reserved for study and review by the Secretary of the Interior for the purpose of classification or reclassification of any lands not conveyed pursuant to section 14 of said Act.

5. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332(2)(C), is required.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 9, 1972.

[F.R. Doc. 72–3938 Filed 3–15–72; 8:45 am]

[Public Land Order 5173]

ALASKA

Withdrawals for Selections by Village Corporations and Regional Corporation in Tanana Region and for Classification for Lands in Withdrawals

By virtue of the authority vested in the Secretary of the Interior in section 11(a)(3) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 696 (hereinafter called the "Act"), it is ordered as follows:

1. Subject to valid existing rights and prior appropriations, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), and are hereby reserved: (a) For selection under section 12 of said Act by the corporations established pursuant to section 8 of said Act for the villages named below (hereinafter called "Village Corporations"); and (b) for reallocation to Village Corporations under section 12(b) of said Act by the corporation established pursuant to section 7 of said Act as the Regional Corporation for the approximate area covered by the operation of the Tanana Chiefs' Conference (said corporation being referred to hereinafter as the "Regional Corporation");

a. Minto:

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 4 N., R. 12 W.

T. 5 N., Rs. 10 to 12 W.

T. 6 N., Rs. 6 to 10 W.

T. 7 N., Rs. 7 to 10 W.

T. 8 N., R. 10 W.

The area described aggregates approximately 322,560 acres.

b. Nenana:

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 4 S., R. 4 W. (fractional).

T. 5 S., R. 4 W. (fractional).

T. 5 S., Rs. 5 and 6 W.

T. 6 S., R. 3 W. (fractional).

T. 6 S., Rs. 4 to 6 W.

T. 7 S., Rs. 4 to 6 W.

The area described aggregates approximately 230,400 acres.

2. Subject to valid existing rights and prior appropriations, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), and are hereby reserved for selection by said Regional Corporation under section 12 of said Act:

UMIAT MERIDIAN

PROTRACTED DESCRIPTIONS

T. 16 S., Rs. 31 and 32 E.

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., Rs. 26 through 30 E.

T. 2 N., Rs. 26 through 30 E.

T. 3 N., Rs. 26, 27, and 28 E.

T. 4 N., Rs. 26, 27, 32, and 33 E.

T. 5 N., Rs. 31 and 32 E.

T. 6 N., Rs. 29 through 32 E.

T. 7 N., Rs. 29 through 32 E.

T. 8 N., Rs. 21 through 32 E.

T. 9 N., Rs. 20 through 32 E.

T. 10 N., Rs. 21 through 32 E.

T. 11 N., Rs. 21 through 32 E.

T. 12 N., Rs. 21 through 32 E.

T. 13 N., Rs. 24 through 32 E.

T. 14 N., Rs. 24 through 32 E.

T. 15 N., Rs. 27 through 32 E.

T. 16 N., Rs. 27 through 32 E.

T. 17 N., Rs. 27 through 31 E.

T. 18 N., Rs. 27 through 31 E.

T. 19 N., Rs. 27 through 31 E.

T. 20 N., Rs. 27 through 31 E.

T. 21 N., Rs. 27 through 31 E.

T. 22 N., Rs. 27 through 31 E.

T. 23 N., Rs. 27 through 31 E.

T. 24 N., Rs. 27 through 31 E.

T. 25 N., Rs. 28, 29, and 30 E.

T. 26 N., Rs. 28, 29, and 30 E.

T. 27 N., Rs. 29 and 30 E.

T. 28 N., Rs. 29 and 30 E.

T. 31 N., R. 6 E., north of Venetie Indian Reserve.

T. 32 N., R. 6 E.

T 33 N., R. 6 E.

T. 34 N., Rs. 6 and 11 E.

T. 35 N., Rs. 6 and 11 E.

T. 35 N., R. 7 E., west of Venetie Indian Reserve.

T. 36 N., Rs. 6 and 11 E.

T. 36 N., R. E., west of Venetie Indian Reserve.

T. 37 N., Rs. 12 and 13 E. (fractional).

T. 2 N., Rs. 19, 25, 26, and 27 W.

T. 3 N., Rs. 19, 25, 26, and 27 W.

T. 4 N., Rs. 19, 25, 26, and 27 W.

T. 5 N., Rs. 24, 25, and 26 W.

T. 6 N., Rs. 19 and 24 W.

T. 7 N., Rs. 22, 23, and 24 W.

T. 13 N., Rs. 16 through 20 W.

T. 14 N., Rs. 16 through 21 W.

T. 15 N., Rs. 15 through 21 W.

T. 16 N., Rs. 21 and 22 W.

T. 17 N., Rs. 22 through 25 W.

T. 22 N., Rs. 17 through 21 W.

T. 23 N., Rs. 17 through 21 W.

T. 24 N., Rs. 17 and 18 W.

T. 27 N., Rs. 7 through 10 W.

T. 28 N., Rs. 7 through 10 W.

T. 29 N., Rs. 7 through 10 W.

T. 30 N., Rs. 7, 8, and 9 W.

T. 31 N., Rs. 7, 8, and 9 W.

T. 32 N., Rs. 7, 8, and 9 W.

T. 33 N., 7 and 8 W.

T. 34 N., R. 12 W.

T. 35 N., R. 12 W.

T. 36 N., R. 12 W.

T. 5 S., R. 14 W.

T. 6 S., R. 14 W.

T. 7 S., R. 15 W.

T. 8 S., Rs. 15 and 16 W.

T. 9 S., Rs. 16 through 28 W.

T. 10 S., Rs. 15 through 21, 27, and 28 W.

T. 11 S., Rs. 21, 27, and 28 W.

T. 12 S., Rs. 27 and 28 W.

T. 16 S., R. 4 W.

T. 17 S., Rs. 3 and 4 W.

T. 18 S., Rs. 2, 3, and 4 W.

T. 19 S., Rs. 1 through 4 W.

T. 19 S., R. 1 E.

T. 20 S., Rs. 1 through 8 E.

T. 21 S., Rs. 1 through 8 E.

COPPER RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

T. 19 N., R. 16 E.

T. 20 N., Rs. 13 through 16 E.

T. 21 N., Rs. 12 through 16 E.

T. 22 N., Rs. 10 through 13 E.

T. 23 N., Rs. 10 through 13 E.

T. 24 N., Rs. 10 through 13 E.

T. 25 N., Rs. 11, 12, and 13 E.

KATEEL RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., Rs. 3 and 4 E.

T. 2 N., Rs. 3 and 4 E.

T. 6 N., Rs. 18 and 19 E.

T. 7 N., Rs. 6 through 15, 18, and 19 E.

T. 8 N., Rs. 6 through 19 E.

T. 9 N., Rs. 6 through 19, 24 E.

T. 10 N., Rs. 24 and 25 E.

T. 11 N., Rs. 24, 25, and 26 E.

T. 12 N., Rs. 25 and 26 E.

T. 13 N., Rs. 25 and 26 E.

T. 14 N., Rs. 25 and 26 E.

T. 15 N., Rs. 25 and 26 E.

T. 16 N., Rs. 25, 26, and 27 E.

T. 17 N., Rs. 25, 26, and 27 E.

T. 12 S., R. 3 W.

T. 13 S., R. 3 W.

T. 14 S., R. 3 W.

T. 15 S., R. 3 W.

T. 16 S., Rs. 1, 2, and 3 W.

T. 17 S., Rs. 1 through 4 W.

T. 18 S., Rs. 3, 4, and 5 W.

T. 19 S., Rs. 3, 4, and 5 W.

T. 20 S., Rs. 1 through 5 W.

T. 21 S., Rs. 2 through 6 W.

T. 22 S., Rs. 5 and 6 W.

T. 23 S., Rs. 5 and 6 W.

T. 24 S., Rs. 5 and 6 W.

T. 25 S., Rs. 2 through 8 W.

T. 26 S., Rs. 3 through 8 W.

T. 27 S., Rs. 3 through 8 W.

T. 1 S., Rs. 3 and 4 E.

T. 2 S., Rs. 3 and 4 E.

T. 3 S., Rs. 3, 4, 27, 28, and 29 E.

T. 4 S., Rs. 3, 4, 24, 25, and 26 E.

T. 5 S., Rs. 3, 21 through 26, and 29 E.

T. 6 S., Rs. 19, 20, 24, 25, and 26 E.

T. 7 S., Rs. 1, 19, and 20 E.

T. 8 S., Rs. 1, 19, and 20 E.

T. 9 S., Rs. 1, 2, and 20 E.

T. 10 S., Rs. 1, 2, and 20 E.

T. 16 S., Rs. 22 through 30 E.
T. 17 S., Rs. 22 through 30 E.
T. 18 S., Rs. 22 through 30 E.
T. 19 S., Rs. 22 through 30 E.
T. 20 S., Rs. 22 through 27 E.
T. 21 S., Rs. 22 through 26 E.
T. 22 S., Rs. 22 through 25 E.
T. 23 S., Rs. 22 through 25 E.
T. 24 S., Rs. 22 through 25 E.

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 23 N., Rs. 51 through 54, 60, and 61 W.
T. 24 N., Rs. 45 through 54, 60, and 61 W.
T. 25 N., Rs. 39 through 54 W.
T. 26 N., Rs. 39 through 54 W.
T. 27 N., Rs. 39 through 55 W.
T. 29 N., Rs. 34 and 35 W.
T. 30 N., Rs. 34 and 35 W.

The area described aggregates 14,300,000 acres.

3. After each Village Corporation has exhausted its rights of selection under subsections 12(a) and 12(b) of said Act in the area withdrawn in its behalf in paragraph 1 of this order, said Regional Corporation may select any of the remaining lands under section 12 of said Act.

4. Prior to the conveyance of any of the lands withdrawn by this order to any Village Corporation or said Regional Corporation, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasings Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

5. By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior in section 17(d)(1) of said Act, it is ordered as follows:

Subject to valid existing rights, the lands described in paragraph 1 and paragraph 2 of this order are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), but not from selection pursuant to section 12 of said Act by corporations formed pursuant to section 7 or section 8 of said Act, and are hereby reserved for study and review by the Secretary of the Interior for the purpose of classification or reclassification of any lands not conveyed pursuant to section 14 of said Act.

6. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) is required.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 9, 1972.

[FR Doc. 72-3939 Filed 3-13-72; 8:45 am]

[Public Land Order 5174]

ALASKA

Withdrawals for Selections by Village Corporations and Regional Corporation in Cook Inlet Region and for Classification for Lands in Withdrawals.

By virtue of the authority vested in the Secretary of the Interior in section 11(a)(3) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 696 (hereinafter called the "Act"), it is ordered as follows:

1. Subject to valid existing rights and prior appropriations, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), and are hereby reserved: (a) for selection under section 12 of said Act by the corporations established pursuant to section 8 of said Act for the villages named below (hereinafter called "Village Corporations"); and (b) for reallocation to Village Corporations under section 12(b) of said Act by the corporation established pursuant to section 7 of said Act as the Regional Corporation for the approximate area covered by the operations of the Cook Inlet Association (said corporation being referred to hereinafter as the "Regional Corporation"):

a. Tyonek:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 10 N., R. 16 W. (W.½).
T. 10 N., Rs. 17 to 20 W.
T. 11 N., Rs. 17 to 20 W.
T. 12 N., Rs. 16 to 20 W.
T. 13 N., Rs. 16 to 20 W.
T. 14 N., Rs. 16 to 20 W.
T. 15 N., Rs. 15 to 20 W.
T. 16 N., Rs. 15 to 20 W.
T. 17 N., Rs. 15 to 20 W.
T. 18 N., Rs. 15 to 20 W.
T. 19 N., Rs. 15 to 18 W.
T. 20 N., Rs. 15 to 17 W.

The area described aggregates approximately 1,253,500 acres.

b. Eklutna:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 12 N., Rs. 4 and 5 E.
T. 13 N., Rs. 4 to 6 E.
T. 14 N., Rs. 4 to 7 E.
T. 15 N., Rs. 4 to 8 E.
T. 16 N., Rs. 4 to 10 E.
T. 17 N., Rs. 4 to 10 E.
T. 18 N., Rs. 4 to 10 E.
T. 19 N., Rs. 6 and 7 E.
T. 20 N., R. 3 E.
T. 21 N., Rs. 1 to 5 E.
T. 22 N., Rs. 1 to 4 E.
T. 23 N., R. 1 E.
T. 21 N., Rs. 1 and 2 W.
T. 22 N., Rs. 1 and 2 W.

The area described aggregates approximately 1,036,800 acres.

2. After each Village Corporation has exhausted its rights of selection under subsections 12(a) and 12(b) of said Act in the area withdrawn in its behalf in paragraph 1 of this order, said Regional Corporation may select any of the remaining lands under section 12 of said Act.

3. Prior to the conveyance of any of the lands withdrawn by this order to any Village Corporation or said Regional Corporation, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

4. By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior in section 17(d)(1) of said Act, it is ordered as follows:

Subject to valid existing rights, the lands described in paragraph 1 of this order are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), but not from selection pursuant to section 12 of said Act by corporations formed pursuant to section 7 or section 8 of said Act, and are hereby reserved for study and review by the Secretary of the Interior for the purpose of classification or reclassification of any lands not conveyed pursuant to section 14 of said Act.

5. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C., section 4332 (2)(C) is required.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 9, 1972.

[FR Doc. 72-3940 Filed 3-15-72; 8:45 am]

[Public Land Order 5175]

ALASKA

Withdrawals for Selections by Village Corporations and Regional Corporation in Aleut League Region and for Classification for Lands in Withdrawals.

By virtue of the authority vested in the Secretary of the Interior in section 11(a)(3) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 696 (hereinafter called the "Act"), it is ordered as follows:

1. Subject to valid existing rights and prior appropriations, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended 30 U.S.C. sections 181–287 (1970), and are hereby reserved: (a) for selection under section 12 of said Act by the corporations established pursuant to section 8 of said Act for the villages named below (hereinafter called "Village Corporations"); and (b) for reallocation to Village Corporations under section 12(b) of said Act by the corporation established pursuant to section 7 of said Act as the Regional Corporation for the operation of the Aleut League (said corporation being referred to hereinafter as the "Regional Corporation"):

a. Pauloff Harbor:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 55 S., R. 82 W.
T. 56 S., R. 81 W. (fractional).
T. 56 S., R. 82 W.
T. 56 S., R. 83 W. (fractional).
T. 58 S., R. 89 W. (fractional).
T. 59 S., R. 89 W.
T. 59 S., R. 90 W. (fractional).
T. 60 S., R. 89, 90 W. (fractional).
T. 60 S., R. 91 W. (fractional).
T. 57 S., R. 80 W. (island).
T. 58 S., R. 78 W. (island).
T. 59 S., R. 80 W. (island).

The area described aggregates approximately 207,360 acres.

b. Squaw Harbor:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 55 S., R. 77 W. (fractional).
T. 51 S., Rs. 66 and 68 W. (islands).
T. 58 S., Rs. 66 and 68 W. (islands).
T. 59 S., Rs. 66 to 68 W. (islands).
T. 60 S., Rs. 65 to 69 W. (islands).
T. 61 S., Rs. 65, 69, and 70 W. (islands).
T. 62 S., R. 70 W. (island).

The area described aggregates approximately 69,120 acres.

c. Sand Point:

Seward Meridian

PROTRACTED DESCRIPTIONS

T. 52 S., R. 66 W. (island).
T. 53 S., Rs. 66 and 67 W. (island).
T. 51 S., R. 69 W. (fractional).
T. 51 S., R. 70 W.
T. 51 S., R. 71 W. (fractional).
T. 52 S., Rs. 71 and 72 W. (fractional).
T. 53 S., R. 74 W., W½.
T. 53 S., Rs. 75 to 77 W.
T. 54 S., R. 74 W. (fractional).
T. 54 S., R. 75 W. (fractional).
T. 54 S., R. 76 W. (fractional).
T. 54 S., R. 77 W.

The area described aggregates approximately 207,360 acres.

d. Villages:

Akutan.
Atka.
Belkofsky.
Nikolski.
St. George.
St. Paul.
Unalaska.

All land in the Fox and Pribilof Island Group not withdrawn for the Aleutian Islands National Wildlife Refuge, containing approximately 2,150,000 acres.

2. After each Village Corporation has exhausted its rights of selection under subsections 12(a) and 12(b) of said Act in the area withdrawn in its behalf in paragraph 1 of this order, said Regional Corporation may select any of the remaining lands under section 12 of said Act.

3. Prior to the conveyance of any of the lands withdrawn by this order to any Village Corporation or said Regional Corporation, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

4. By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior in section 17(d)(1) of said Act, it is ordered as follows:

Subject to valid existing rights, the lands described in paragraph 1 and paragraph 2 of this order are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), but not from selection pursuant to section 12 of said Act by corporations formed pursuant to section 7 or section 8 of said Act, and are hereby reserved for study and review by the Secretary of the Interior for the purpose of classification or reclassification of any lands not conveyed pursuant to section 14 of said Act.

5. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332(2)(C), is required.

Rogers C. B. Morton,
Secretary of the Interior.

March 9, 1972.

[FR Doc. 72-3941 Filed 3-15-72; 8:45 am]

[Public Land Order 5176]

Alaska

Withdrawals for Selections by Village Corporations and regional Corporation in Chugach Region and for Classification for Lands in Withdrawals.

By virtue of the authority vested in the Secretary of the Interior in section 11(a)(3) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 696 (hereinafter called the "Act"), it is ordered as follows:

1. Subject to valid existing rights and prior appropriations, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 329, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), and are hereby reserved: (a) For selection under section 12 of said Act by the corporations established pursuant to section 8 of said Act for the villages named below (hereinafter called "Village Corporations"); and (b) for reallocation to Village Corporations under section 12(b) of said Act by the corporation established pursuant to section 7 of said Act as the Regional Corporation for the approximate area covered by the operation of the Chugach Native Association (said corporation being referred to hereinafter as the "Regional Corporation"):

a. English Bay:

Seward Meridian

PROTRACTED DESCRIPTIONS

T. 7 S., Rs. 7 and 8 W. (fractional).
T. 7 S., Rs. 9 and 10.
T. 8 S., Rs. 7 and 8 W. (fractional).
T. 8 S., Rs. 9 and 10.

The area described aggregate approximately 161,280 acres.

2. Subject to valid existing rights and prior appropriations, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. section 181–287 (1970), and are hereby reserved for selection by said Regional Corporation under section 12 of said Act.

Copper River Meridian

PROTRACTED DESCRIPTIONS

T. 7 S., Rs. 6 through 11 W.

T. 8 S., Rs. 4 and 8 through 11 W., north of Chugach National Forest.

T. 9 S., R. 2 W.

T. 10 S., Rs. 2, 3, and 4 W.

T. 10 S., R. 5 W., east Chugach National Forest.

T. 11 S., Rs. 2 and 3 W.

T. 11 S., Rs. 4 and 5 W., east of Chugach National Forest.

T. 12 S., R. 1 W.

T. 12 S., Rs. 2 and 3 W., east of Chugach National Forest.

T. 13 S., R. 1 W., east of Chugach National Forest.

T. 14 S., R. 1 W., east of Chugach National Forest.

T. 13 S., R. 1 E.

T. 14 S., R. 1 E., east of Chugach National Forest.

Seward Meridian

PROTRACTED DESCRIPTIONS

T. 1 S., Rs. 3, and 4 W.

T. 1 S., R. 5 W., east of Kenai National Moose Range.

T. 2 S., Rs. 2, 3, and 4 W.

T. 2 S., R. 5 W., east of Kenai National Moose Range.

T. 3 S., Rs. 2, and 3 W. (fractional).

T. 3 S., R. 4 W.

T. 3 S., R. 5 W., east of Kenai National Moose Range.

T. 4 S., Rs. 2, 3, and 4 W. (fractional).

T. 4 S., R. 5 W., east of Kenai National Moose Range.

T. 5 S., Rs. 2, 3, and 4 W. (fractional).

T. 5 S., R. 5 W., east of Kenai National Moose Range.

T. 6 S., Rs. 2, 3, 4, 5, 8, 9, and 10 W. (fractional).

T. 6 S., Rs. 6 and 7 W. (fractional), south of Kenai National Moose Range.

T. 7 S., Rs. 5 and 6 W. (fractional).

T. 8 S., R. 6 W. (fractional).

T. 9 S., Rs. 6 and 7 W. (fractional).

T. 10 S., Rs. 6 and 7 W. (fractional).

The area described aggregates approximately 1,100,000 acres.

3. After each Village Corporation has exhausted its rights of selection under subsection 12(a) and 12(b) of said Act in the area withdrawn in its behalf in paragraph 1 of this order, said Regional Corporation may select any of the remaining lands under section 12 of said Act.

4. Prior to the conveyance of any of the lands withdrawn by this order to any Village Corporation or said Regional Corporation, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

5. By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior in section 17(d)(1) of said Act, it is ordered as follows:

Subject to valid existing rights, the lands described in paragraph 1 and paragraph 2 of this order are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), but not from selection pursuant to section 12 of said Act by corporations formed pursuant to section 7 or section 8 of said Act, and are hereby reserved for study and review by the Secretary of the Interior for the purpose of classification or reclassification of any lands not conveyed pursuant to section 14 of said Act.

6. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332(2)(C), is required.

Rogers C. B. Morton,
Secretary of the Interior.

March 9, 1972.

[FR Doc. 72-3942 Filed 3-15-72; 8:45 am]

[Public Land Order 5177]

Alaska

Withdrawals for Selections by Village Corporations and Regional Corporation in Kodiak Region and for Classification for Lands in Withdrawals

By virtue of the authority vested in the Secretary of the Interior in section 11(a)(3) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 696 (hereinafter called the "Act"), it is ordered as follows:

1. Subject to valid existing rights and prior appropriations, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), and are hereby reserved: (a) For selection under section 12 of said Act by the corporations established pursuant to section 8 of said Act for the villages named below

(hereinafter called "Village Corporation"); and (b) for reallocation to Village Corporations under section 12(b) of said Act by the corporation established pursuant to section 7 of said Act as the Regional Corporation for the approximate area covered by the operation of the Kodiak Area Native Association (said corporation being referred to hereinafter as the "Regional Corporation"):

a. Akhiok:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 27 S., R. 45 W. (fractional).
T. 28 S., Rs. 43 to 45 W. (fractional).
T. 29 S., R. 42 W. (fractional).
T. 29 S., Rs. 43 to 45 W.
T. 30 S., R. 42 W. (fractional).
T. 30 S., Rs. 43 to 45 W.
T. 31 S., Rs. 42 and 43 W. (fractional).
T. 31 S., Rs. 44 and 45 W.
T. 32 S., R. 44 W. (fractional).
T. 32 S., R. 45 W.
T. 33 S., Rs. 44 and 45 W. (fractional).

The area described aggregates approximately 414,720 acres.

b. Larsen Bay:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 26 S., Rs. 40 to 42 W. (fractional).
T. 27 S., R. 40 W.
T. 28 S., R. 40 W.
T. 28 S., R. 41 W. (fractional).
T. 29 S., Rs. 40 and 41 W.
T. 30 S., Rs. 40 and 41 W. (fractional).
T. 31 S., Rs. 40 and 41 W. (fractional).

The area described aggregates approximately 184,320 acres.

c. Old Harbor:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 26 S., R. 39 W.
T. 27 S., R. 39 W.
T. 28 S., R. 39 W. (fractional).
T. 29 S., R. 39 W. (fractional).

The area described aggregates approximately 92,160 acres.

d. Ouzinkie:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 26 S., R. 38 W.
T. 27 S., R. 38 W.
T. 28 S., Rs. 37 and 38 W. (fractional).

The area described aggregates approximately 69,120 acres.

2. Subject to valid existing rights and prior appropriations, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), and are hereby reserved for selection by said Regional Corporation under section 12 of said Act:

Kodiak:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 27 S., R. 45 W. (fractional).
T. 28 S., R. 45 W.
T. 29 S., R. 46 W.

The area described aggregates approximately 57,000 acres.

3. After each Village Corporation has exhausted its rights of selection under subsections 12(a) and 12(b) of said Act in the area withdrawn in its behalf in paragraph 1 of this order, said Regional Corporation may select any of the remaining lands under section 12 of said Act.

4. Prior to the conveyance of any of the lands withdrawn by this order to any Village Corporation or said Regional Corporation, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

5. By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior in section 17(d)(1) of said Act, it is ordered as follows:

Subject to valid existing rights, the lands described in paragraph 1 and paragraph 2 of this order are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amedned, 30 U.S.C. sections 181–287 (1970), but not from selection pursuant to section 12 of said Act by corporations formed pursuant to section 7 or section 8 of said Act, and are hereby reserved for study and review by the Secretary of the Interior for the purpose of classification or reclassification of any lands not conveyed pursuant to section 14 of said Act.

6. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332 (2)(C), is required.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 9, 1972.

[FR Doc. 72-3943 Filed 3-15-72; 8:46 am]

[Public Land Order 5178]

ALASKA

Withdrawals for Selections by Regional Corporation in Copper River Region and for Classification for Lands in Withdrawals

By virtue of the authority vested in the Secretary of the Interior in section 11(a)(3) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 696 (hereinafter called the "Act") it is ordered as follows:

1. Subject to valid existing rights and prior appropriations, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), and are hereby reserved for selection under section 12 of said Act by the corporation established pursuant to section 7 of said Act as the Regional Corporation for the approximate area covered by the operation of the Copper River Native Association (said corporation being referred to hereinafter as the "Regional Corporation"):

COPPER RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., Rs. 4 through 8 E.
T. 2 N., Rs. 4 through 8 E.
T. 3 N., Rs. 4 through 8 E.
T. 4 N., Rs. 4 through 9 E.
T. 5 N., Rs. 4 through 9 E.
T. 6 N., Rs. 4 through 9 E.
T. 7 N., Rs. 7 through 17 E.
T. 8 N., Rs. 7 through 17 E.
T. 9 N., Rs. 1, 11 through 17 E.
T. 10 N., Rs. 1, 11, 15, and 16 E.
T. 10 N., Rs. 12, 13 and 14 E.; that portion south of Tetlin Indian Reserve.
T. 11 N., R. 1 E.
T. 12 N., Rs. 1 through 5 E.
T. 13 N., Rs. 1 through 5 E.
T. 14 N., Rs. 5 and 6 E.
T. 14 N., Rs. 1 through 4 E. (fractional).
T. 15 N., Rs. 5 and 6 E.
T. 1 N., Rs. 3 through 11 W.
T. 2 N., Rs. 3, 4, 10 and 11 W.
T. 7 N., Rs. 9 and 10 W.
T. 8 N., Rs. 9 and 10 W.
T. 9 N., Rs. 9 and 10 W.
T. 10 N., Rs. 9 and 10 W.
T. 11 N., R. 9 W.
T. 12 N., Rs. 3 through 8 W.
T. 13 N., Rs. 3 through 8 W.
T. 14 N., Rs. 3 through 7 W. (fractional).
T. 1 S., Rs. 3 through 11 W.
T. 2 S., Rs. 1 through 11 W.
T. 3 S., Rs. 1 through 11 W.
T. 4 S., Rs. 1 through 11 W.
T. 5 S., Rs. 1 through 11 W.
T. 6 S., Rs. 2 through 9 W.
T. 7 S., Rs. 2 through 5 W.
T. 1 S., Rs. 4 through 8 E.
T. 2 S., R. 8 E.
T. 3 S., Rs. 8 and 9 E.
T. 4 S., Rs. 8, 9, and 10 E.
T. 5 S., Rs. 8, 9, and 10 E.
T. 6 S., Rs. 8, 9, and 10 E.

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 15 N., R. 11 and 12 E.
T. 16 N., R. 11 and 12 E.
T. 17 N., R. 11 and 12 E.
T. 18 N., R. 11 and 12 E.
T. 19 N., R. 11 and 13 E.
T. 20 N., Rs. 11 and 12 E.
T. 21 N., Rs. 11 and 12 E.
T. 22 N., Rs. 11 and 12 E.
T. 26 N., R. 12 E.
T. 27 N., R. 12 E.
T. 28 N., R. 12 E.

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 21 S., Rs. 14, 15, and 16 E.
T. 22 S., Rs. 6, 7, 8, 10, 11, 14, 15, and 16 E.

The area described aggregates approximately 5,200,000 acres.

2. Prior to the conveyance of any of the lands withdrawn by this order to said Regional Corporation, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

3. By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior in section 17(d)(1) of said Act, it is ordered as follows:

Subject to valid existing rights, the lands described in paragraph 1 of this order are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970) but not from selection pursuant to section 12 of said Act by the corporation formed-pursuant to section 7 of said Act, and are hereby reserved for study and review by the Secretary of the Interior for the purpose of classification or reclassification of any lands not conveyed pursuant to section 14 of said Act.

4. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environ-

mental Policy Act of 1969, 42 U.S.C. section 4332(2)(C), is required.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH, 9, 1972.

[FR Doc. 72-3944 Filed 3-15-72; 8:46 am]

[Public Land Order 5179]

ALASKA

Withdrawal of Lands in Aid of Legislation Concerning Addition to or Creation of Units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems and for Classification

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior in section 17(d)(2)(A) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 709, it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selection by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181-287 (1970), and from selection by Regional Corporations under section 12 of the Alaska Native Claims Settlement Act, supra, and are hereby reserved for study and for possible recommendations to the Congress as additions to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems:

KATEEL RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., Rs. 5 through 17 E.

T. 2 N., Rs. 5 through 9, and 15 through 22 E.

T. 3 N., Rs. 5 through 9, and 15 through 22 E.

T. 4 N., Rs. 4 through 9, and 15 through 22 E.

T. 5 N., Rs. 4 through 9, and 14 through 23 E.

T. 6 N., Rs. 4 through 9, and 14 through 17 E.

T. 7 N., Rs. 4, 5, 16, and 17 E.

T. 15 N., Rs. 15 through 20 E.

T. 16 N., Rs. 15 through 20 E.

T. 17 N., Rs. 14 through 20 E.

T. 18 N., Rs. 1, 2, 15, and 19 through 26 E.

T. 18 N., R. 27 E. (fractional).

T. 19 N., Rs. 1, 2, and 19 through 26 E.

T. 19 N., R. 27 E. (fractional).

T. 20 N., Rs. 1, 2, and 19 through 26 E.

T. 20 N., R. 27 E. (fractional).

T. 21 N., Rs. 1, 2, 11, and 19 through 26 E.

T. 22 N., Rs. 1, 2, and 11 through 26 E.

T. 23 N., Rs. 1 through 26 E.

T. 24 N., Rs. 1 through 26 E.

T. 25 N., Rs. 1 through 25 E.

T. 25 N., R. 26 E (fractional).

T. 26 N., Rs. 1 through 25 E.

T. 26 N., R. 26 E. (fractional).

T. 27 N., Rs. 1 through 25 E.

T. 27 N., R. 26 E. (fractional).

T. 28 N., Rs. 1 through 25 E.

T. 28 N., R. 26 E. (fractional).

T. 29 N., Rs. 1 through 12 and 14 through 25 E.

T. 29 N., R. 26 E. (fractional).

T. 29 N., R. 13 E., south of Naval Petroleum Reserve No. 4.

T. 30 N., Rs. 1 through 12 and 14 through 25 E.

T. 30 N., R. 26 E. (fractional).

T. 30 N., R. 13 E., south of Naval Petroleum Reserve No. 4.

T. 31 N., Rs. 1 through 10 and 14 through 25 E.

T. 31 N., R. 26 E. (fractional).

T. 31 N., Rs. 11 and 12 E., south of Naval Petroleum Reserve No. 4.

T. 32 N., Rs. 1 through 8 and 14 through 25 E.

T. 32 N., R. 26 E. (fractional).

T. 32 N., Rs. 9 through 11 E., all south of Naval Petroleum Reserve No. 4.

T. 33 N., Rs. 1 through 4 and 14 through 24 E.

T. 33 N., R. 25 E. (fractional).

T. 33 N., Rs. 5 through 9 E., all south of Naval Petroleum Reserve No. 4.

T. 33 N., R. 13 E., east of Naval Petroleum Reserve No. 4.

T. 34 N., Rs. 1, 2, and 14 through 25 E., all fractional.

T. 34 N., Rs. 3 through 5 E., south of Naval Petroleum Reserve No. 4.

T. 34 N., R. 13 E., east of Naval Petroleum Reserve No. 4.

T. 1 N., Rs 21 through 25 W.

T. 2 N., Rs. 21 through 25 W.

T. 3 N., Rs. 21, 22, and 36 through 38 W.

T. 4 N., Rs. 36 through 38 W.

T. 5 N., Rs. 36 through 38 W.

T. 6 N., Rs. 36 through 38 W.

T. 6 N., Rs., 39 and 40 W. (fractional).

T. 7 N., Rs. 22 through 37 W.

T. 7 N., Rs. 38 through 40 W. (fractional).

T. 8 N., Rs. 26 through 32 W.

T. 8 N., Rs. 22 through 25, 33, and 38 W, (all fractional).

T. 9 N., Rs. 27 through 32 W.

T. 9 N., Rs. 14, 25, and 26 W. (all fractional).

T. 10 N., Rs. 26 through 32 W.

T. 10 N., Rs. 11 through 14, 24, and 25 W. (all fractional).

T. 11 N., Rs. 25 through 29 W.

T. 11 N., Rs. 11 through 13, 24, and 30 through 32 W. (all fractional).

T. 12 N., Rs. 9 through 12 and 25 through 28 W.

T. 12 N., Rs. 13, 24, and 29 W. (all fractional).

T. 13 N., Rs. 9 through 13 and 25 through 27 W.

T. 13 N., Rs. 14, 24, and 28 W. (all fractional).

T. 14 N., Rs. 9 through 13 W.

T. 14 N., Rs. 14, 15, and 23 through 28 W (all fractional).

T. 15 N., Rs. 9 and 14 W.

T. 15 N., R. 15 W. (fractional).

T. 16 N., R. 14 W.

T. 16 N., R. 15 W. (all fractional).

T. 17 N., R. 4 W.

T. 17 N., R. 14 W. (fractional).

T. 18 N., Rs. 1 through 4 W.

T. 18 N., R. 14 W. (fractional).

T. 19 N., Rs. 1 through 4 W.

T. 19 N., Rs. 14, 15, 21, and 22 W. (all fractional).

T. 20 N., Rs. 1 through 4, 10 through 15, and 21 W.

T. 20 N., Rs. 22 and 23 W. (fractional).

T. 21 N., Rs. 1 through 21 W.

T. 21 N., Rs. 22 and 23 W. (all fractional).

T. 22 N., Rs. 1 through 21 W.

T. 23 N., Rs. 1 through 17 W.

T. 24 N., Rs. 1 through 17 W.

T. 25 N., Rs. 1 through 16 W.

T. 26 N., Rs. 1 through 16 W.

T. 27 N., Rs. 1 through 16 W.

T. 28 N., Rs. 1 through 21 W.

T. 29 N., Rs. 1 through 20 W.

T. 30 N., Rs. 1 through 19 W.

T. 31 N., Rs. 30 and 31 W. (fractional).

T. 31 N., Rs. 30 and 31 W (fractional).

T. 32 N., Rs. 1 through 16, 30, and 31 W.

T. 32 N., R. 32 W. (fractional).

T. 33 N., Rs. 1 through 16 W.

T. 34 N., Rs. 1 through 16 W. (all fractional).

T. 1 S., Rs. 22 through 24 W.

T. 5 S., Rs. 34 through 39 W.

T. 5 S., Rs. 40 W. (fractional).

T. 6 S., Rs. 35 through 38 W.

T. 6 S., Rs. 39 and 40 W. (fractional).

T. 7 S., Rs. 21, 26 through 29, and 31 through 37 W.

T. 7 S., Rs. 38 and 39 W. (fractional).

T. 8 S., Rs. 21, 26 through 29, and 31 through 37 W.

T. 8 S., Rs. 38 and 39 W. (fractional).

T. 9 S., Rs. 21, 31, 37, and 38 W.

T. 9 S., Rs. 39 W. (fractional).

T. 10 S., Rs. 21 and 31 W.

T. 10 S, Rs. 37 through 39 W. (fractional).

T. 11 S., Rs. 31 W.

T. 11 S., Rs. 21, 29, and 30 W. (fractional).

T. 12 S., Rs. 21 through 23, 30, and 31 W. (all fractional).

T. 13 S., Rs. 20 and 21 W. (fractional).

T. 18 S., Rs. 1 and 2 W.

T. 19 S., Rs. 1 and 2 W.

T. 21 S., Rs. 1, 10, and 11 W.

T. 21 S., Rs. 12 W. (fractional).

T. 22 S., Rs. 1 through 4 and 11 W.

T. 22 S., Rs. 12 and 13 W. (fractional).

T. 23 S., Rs. 1 through 4 and 12 W.

T. 23 S., Rs. 13 through 15 W. (all fractional).

T. 24 S., Rs. 1 through 4 and 13 through 15 W.

T. 25 S., R. 1 W.

T. 26 S., Rs. 1, 2, 19, and 20 W.

T. 26 S., Rs. 21 and 22 W. (fractional).

T. 27 S., Rs. 1, 2, and 19 through 21 W.

T. 27 S., R. 22 W. (fractional).

T. 28 S., Rs. 1 through 4 and 19 through 22 W.

T. 1 S., Rs. 5 through 17 E.

T. 2 S., Rs. 5 through 13 E.

T. 3 S., Rs. 5 through 13 E.

T. 4 S., Rs. 5 through 13, 27, and 28 E.

T. 5 S., Rs. 9 through 13, 27, and 28E.

T. 5 S., R. 29 E. (fractional).

T. 6 S., Rs. 9 through 18, 20 through 22. 27, and 28 E.

T. 6 S., R. 29 E. (fractional).

T. 7 S., Rs. 12 through 14 and 21 through 28 E.

T. 7 S., R. 29 E. (fractional).

T. 8 S., Rs. 12 through 14 and 21 through 28 E.

T. 8 S., R. 29 E. (fractional).

T. 9 S., Rs. 13, 14, and 21 through 25 E.

T. 10 S., Rs. 7, 13, 14, and 21 through 25 E.

T. 11 S., Rs. 3 through 7 and 21 through 25 E.

T. 12 S., Rs. 3 through 7 and 21 through 25 E.

T. 13 S., Rs. 4 through 7 E.

T. 16 S., Rs. 1 and 2 E.

T. 17 S, Rs. 1 and 2 E.

T. 18 S., Rs. 1 through 8 E.

T. 19 S., Rs. 1 through 8 E.

T. 20 S., Rs. 1 through 12, 28, and 29 E.

T. 20 S., R. 30 E. (fractional).

T. 21 S., Rs. 1 through 12 and 27 through 29 E.

T. 21 S., R. 30 E. (fractional).

T. 22 S., Rs. 1 through 12 and 26 E.

T. 23 S., Rs. 1 through 9 and 26 E.

T. 24 S., Rs. 1 through 9 and 26 E.

T. 25 S., Rs. 1 through 9 and 25 through 27 E.

T. 26 S., Rs. 1 through 9 and 25 through 27 E.

T. 27 S., Rs. 1 through 8 and 25 through 27 E.

T. 27 S., R. 31 E. (fractional).

T. 28 S., Rs. 1 through 8 and 27 E.

T. 28 S., R. 31 E. (fractional).

UMIAT MERIDIAN

PROTRACTED DESCRIPTIONS

T. 4 S., Rs., 19 through 21 E.

T. 5 S., Rs., 19 through 21 E.

T. 5 S., R. 22 E., W½.

T. 6 S., Rs. 19 through 24 E.

T. 6 S., R. 25 E., W½.

T. 7 S., Rs. 19 through 24 E.

T. 7 S., R. 25 E., W½.

T. 8 S., Rs. 19 through 25 E.

T. 8 S., R. 26 E., S½.

T. 8 S., R. 27 E., SW¼.

T. 9 S., Rs. 19 through 29 E.

T. 10 S., Rs. 19 through 27 E.

T. 11 S., Rs. 19 through 25 E.

T. 12 S., Rs. 4 through 10 and 19 through 23 E.

T. 13 S., Rs. 5 through 10 and 19 through 21 E.

T. 14 S., Rs. 5 through 10, 39 through 48 E., all south of the Arctic National Wildlife Range.

T. 15 S., Rs. 5 through 10 and 40 through 47 E.

T. 15 S., Rs. 39 and 48 E., south of the Arctic National Wildlife Range.

T. 16 S., Rs. 40 through 47 E.

T. 16 S., R. 39 E., south of the Arctic National Wildlife Refuge.

T. 16 S., R. 48 E. (fractional).

T. 1 S., R. 2 W., south of Naval Petroleum Reserve No. 4.

T. 1 S., R. 46 W.

T. 1 S., R. 47 W. (fractional).

T. 2 S., R. 2 and 46 W.

T. 2 S., R. 3 and 4 W., south of Naval Petroleum Reserve No. 4.

T. 2 S., R. 47 W. (fractional)

T. 3 S., Rs. 2 through 4 W.

T. 3 S., Rs. 5 and 6 W., south of Naval Petroleum Reserve No. 4.

T. 4 S., Rs. 2 through 5 W.

T. 4 S., Rs. 6, 7, and 10 through 15 W., south of Naval Petroleum Reserve No. 4.

T. 5 S., Rs. 4 through 7 and 11 through 14 W.

T. 5 S., Rs. 8 through 10, 15, and 16 W., all south of Naval Petroleum Reserve No. 4.

T. 6 S., Rs. 4 through 15 W.

T. 6 S., R. 16 W., east of Naval Petroleum Reserve No. 4.

T. 6 S., R. 60 W. (fractional).

T. 7 S., Rs. 4 through 15 W.

T. 7 S., R. 16 W., east of Naval Petroleum Reserve No. 4.

T. 7 S., Rs. 59 and 60 W. (fractional).

T. 8 S., Rs. 5 through 15 and 59 W.

T. 8 S., R. 16 W., east of Naval Petroleum Reserve No. 4.

T. 8 S., R. 60 W. (fractional).

T. 9 S., Rs. 5 through 16 W

T. 9 S., Rs. 32 through 34 W., all south of Naval Petroleum Reserve No. 4.

T. 10 S., Rs. 3 through 16 and 33 W.

T. 10 S., Rs. 30 through 32 and 34 through 39. W., all south of Naval Petroleum Reserve No. 4.

T. 11 S., Rs. 3 through 16 and 31 through 43 W.

T. 11 S., Rs. 28 through 30 W., all south of Naval Petroleum Reserve No. 4.

T. 12 S., Rs. 5 through 16 and 29 through 44 W. (all fractional).

T. 12 S., Rs. 27 and 28 W., south of Naval Petroleum Reserve No. 4.

T. 13 S., R. 5 W. (fractional).

T. 14 S., R. 5 W. (fractional).

T. 15 S., R. 5 W. (fractional).

T. 16 S., Rs. 2 through 4 W.

T. 16 S., R. 5 W. (fractional).

T. 17 S., Rs. 1 through 4 W.

T. 1 N., Rs. 3, 4, and 5 E.

T. 1 N., R. 2 E., east of Kenai National Moose Range, Chugach National Forest.

T. 2 N., Rs. 3, 4, and 5 E.

T. 2 N., R. 2 E., east of Kenai National Moose Range, Chugach National Forest.

T. 3 N., Rs. 4 and 5 E.

T. 3 N., R. 3 E., east of Kenai National Moose Range, Chugach National Forest.

T. 4 N., Rs. 3 and 4 E., east of Kenai National Moose Range, Chugach National Forest.

T. 4 N., R. 5 E. (fractional).

T. 5 N., Rs. 4 and 5. (fractional) south of Kenai National Moose Range, Chugach National Forest.

T. 1 N., R. 2 W.

T. 1 N., Rs. 1, 3, and 4 W., outside of Kenai National Moose Range, Chugach National Forest.

T. 1 N., Rs. 2 through 29, 34, 35, 58, and 67 through 70 W.

T. 1 N., Rs. 20, 21, and 22 W. (fractional).

T. 2 N., Rs. 1, 2, and 3, W., south of Kenai National Moose Range, Chugach National Forest.

T. 2 N., Rs. 23 through 35, 58, and 67 through 70 W.

T. 2 N., Rs. 18 through 22 W. (fractional).

T. 3 N., Rs. 19 through 35 and 67 through 70 W.

T. 3 N., R. 18 W. (fractional).

T. 4 N., Rs. 19 through 33, 67, and 68 W.

T. 5 N., R. 18 W., E½.

T. 5 N., Rs. 19 through 29, 66, and 67 W.

T. 6 N., Rs. 19 through 29 and 66 W.

T. 7 N., Rs. 19 through 28 and 66 W.

T. 8 N., R. 19 W., S½.

T. 8 N., Rs. 20 through 28 W.

T. 9 N., R. 17 W., N ½. Rs. 18 through 27 W.

T. 10 N., Rs. 21 through 27 W.

T. 11 N., Rs. 21 through 27 and 61 through 63 W.

T. 12 N., Rs. 21 through 26, 61, 62, 63, and 72 through 77 W.

T. 13 N., Rs. 21 through 26, 60 through 63, and 68 through 77 W.

T. 14 N., Rs. 21 through 24, 60 through 63, and 68 through 77 W.

T. 15 N., Rs. 21, 22, 23, 64 through 67, and 72 through 77 W.

T. 16 N., Rs. 21, 22, 23, 64 through 67, and 72 through 83 W.

T. 17 N., Rs. 64, 65, 66, and 72 through 82 W.

T. 18 N., Rs. 64 and 72 through 82 W.

T. 19 N., Rs. 64 and 77 through 84 W.

T. 20 N., Rs. 60 through 64 and 79 through 84 W.

T. 21 N., Rs. 37, 59 through 64, 81, and 82 W.

T. 22 N., Rs. 37, 60 through 64, 81, and 82 W.

T. 23 N., Rs. 37, 38, 62 through 67, and 81 through 85 W.

T. 24 N., Rs. 37, 39, 62 through 73, and 81 through 85 W.

T. 25 N., Rs. 9 through 19, 36, 37, 38, 69 through 76, and 81 through 84 W.

T. 26 N., Rs. 9 through 19, 36, 37, 38, and 69 through 81 W.

T. 27 N., Rs. 9 through 19, 36, 37, 38, and 69 through 81 W.

T. 28 N., Rs. 9 through 19, 35, 36, 37, and 69 through 81 W.

T. 29 N., Rs. 7 through 18 and 68 through 77 W.

T. 30 N., Rs. 6 through 18 and 68 through 75 W.

T. 31 N., Rs. 6 through 17, 44 through 52, and 68 through 74 W.

T. 32 N., Rs. 5 through 11, 15, 16, 44 through 52, and 68 through 73 W.

T. 32 N., Rs. 12 through 14 W., south of Mount McKinley National Park.

T. 33 N., Rs. 43 through 53 and 67 through 72 W.

T. 33 N., Rs. 5 through 10, 15, and 16 W.

T. 33 N., Rs. 11, 12, and 14 W., south of Mount McKinley National Park.

T. 34 N., Rs. 43 through 54 and 67 through 72 W. (all fractional).

T. 1 S., Rs. 2, 3, 21 through 29, 35, 36, 59 through 63, and 68 through 71 W.

T. 1 S., Rs. 19 and 20 W. (fractional).

T. 1 S., R. 4 W., south of Kenai National Moose Range, Chugach National Forest.

T. 2 S., Rs. 2, 3, 21 through 25, 35, 36, 59 through 63, and 68 through 74 W.

T. 2 S., Rs. 20 and 75 W. (fractional).

T. 2 S., R. 4 W., south of Kenai National Moose Range Chugach National Forest.

T. 3 S., Rs. 4, 24, 25, 35, 36, 59 through 63, and 68 through 71 W.

T. 3 S., Rs. 2, 3, and 20 through 23 W. (fractional).

T. 3 S., R. 5 W., south of Kenai National Moose Range, Chugach National Forest.

T. 4 S., Rs. 4, 24, 25, 35, 36, 59 through 63, and 68 through 71 W.

T. 4 S., Rs. 2, 3, 22, and 23 W. (fractional).

T. 4 S., Rs. 5, 8, and 9 W., south of Kenai National Moose Range, Chugach National Forest.

T. 5 S., Rs. 5, 26, 36 through 42, 59 through 66, and 69 through 71 W.

T. 5 S., Rs. 1 through 4 and 22 through 25 W. (fractional).

T. 5 S., Rs. 5, 7, and 8 W., south of Kenai National Moose Range, Chugach National Forest.

T. 6 S., Rs. 8 through 10, 39 through 42, 59 through 66, and 69 through 71 W.

T. 6 S., Rs. 2 through 5, 22 through 26, 36, 37, and 38 W. (fractional).

T. 6 S., Rs. 6 and 7 W., south of Kenai National Moose Range, Chugach National Forest.

T. 7 S., Rs. 9, 10, 27, 28, 29, 40, 41, 42, 59 through 66, and 69 through 71 W.

T. 7 S., Rs. 5 through 8, 25, 26, 38, and 39 W. (fractional).

T. 8 S., Rs. 9, 10, 27, 28, 29, 41, 42, and 59 through 71 W.

T. 8 S., Rs. 5 through 8 and 26 W. (fractional.

T. 9 S., Rs. 30, 42, and 59 through 72 W.

T. 9 S., Rs. 6, 7, 27 through 29, 35, and 36 W. (fractional).

T. 10 S., Rs. 30, 35, 36, 42, and 59 through 70 W.

T. 10 S., Rs. 6, 7, 28, and 29 W. (fractional).

T. 11 S., Rs. 30 through 36, 42, 59 through 63, 69, and 70 W.

T. 11 S., R. 29 W. (fractional).

T. 12 S., Rs. 31 through 36, 42, 61, 62, 63, 69, and 70 W.

T. 13 S., Rs. 33 through 43 W.

T. 14 S., Rs. 16, 17, and 18 W. (fractional).

T. 14 S., R. 27 W., west of Katmai National Monument.

T. 14 S., Rs. 28 through 31 and 33 through 43 W.

T. 15 S., Rs. 29 through 36, 42, 43, and 44 W.

T. 15 S., Rs. 16, 17, and 18 W. (fractional).

T. 15 S., Rs. 27, 28, and 37 through 41 W., north of Katmai National Monument.

T. 16 S., Rs. 30 through 34 and 44 W.

T. 16 S., Rs. 35, 36, 37, and 41 thru 43 W., north of Katmai National Monument.

T. 17 S., R. 44 W.

T. 17 S., Rs. 31 through 35 W., north of Katmai National Monument.

T. 18 S., R. 43 W., west of Katmai National Monument.

T. 18 S., R. 44 W.

T. 19 S., Rs. 43 and 44 W.

T. 19 S., R. 42 W., west of Katmai National Monument.

T. 20 S., Rs. 41 and 42 W., west of Katmai National Monument.

T. 21 S., R. 43 W.

T. 21 S., Rs. 41 and 42 W., west of Katmai National Monument.

T. 22 S., Rs. 41 and 42 W., west of Katmai National Monument.

T. 23 S., Rs. 41 and 42 W., west of Katmai National Monument.

T. 24 S., Rs. 40 and 41 W., west of Katmai National Monument.

T. 25 S., Rs. 37 through 40 W., south of Katmai National Monument.

T. 26 S., Rs. 36 and 37 W., west of Katmai National Monument.

T. 27 S., R. 37 W. (fractional).

T. 27 S., Rs. 35 and 36 W. (fractional) west of Katmai National Monument.

T. 37 S., Rs. 55 and 56 W.

T. 38 S., Rs. 52 through 56 W.

T. 39 S., Rs. 53 through 56 W.

T. 39 S., Rs. 51 and 52 W. (fractional).

T. 40 S., Rs. 52 and 53 W. (fractional).

T. 41 S., Rs. 51, 52, 53, and 54 W. (fractional).

T. 44 S., Rs. 63 and 64 W.

T. 45 S., Rs. 64, 65, and 66 W.

T. 46 S., Rs. 64, 65, 66 and 67 W.

T. 47 S., R. 68 W.

T. 48 S., Rs. 68 and 69 W.

T. 49 S., R. 96 W.

T. 50 S., P. 70 W.

T. 50 S., Rs. 69, 71, and 72 W. (fractional).

T. 56 S., R. 76 W.

T. 57 S., Rs. 68 and 69 W. (fractional).

T. 60 S., R 66 W. (islands).

T. 61 S., R. 66, 67, 68, and 69 W. (islands).

T. 62 S., Rs. 67, 68 and 69 W. (islands).

T. 1 S., Rs. 4 and 5 E.

T. 1 S., R. 2 F., E½.

Fairbanks Meridian

PROTRACTED DESCRIPTIONS

T. 1 N., Rs. 18 through 24 E.

T. 2 N., Rs. 18 through 24 E.

T. 3 N., Rs. 19 through 25 E.

T. 4 N., Rs. 20 through 25 E.

T. 5 N., Rs. 22 through 30 E.

T. 6 N., Rs. 20 through 28 E.

T. 7 N., Rs. 19 through 28 E.

T. 8 N., Rs. 18 through 20 E.

T. 9 N., Rs 17 through 19 E.

T. 12 N., Rs. 6 through 15 E.

T. 13 N., Rs. 1 through 15 E.

T. 14 N., Rs. 1 through 15 E.

T. 15 N., Rs. 1 through 7 E.

T. 15 N., Rs. 12 through 26 E.

T. 16 N., Rs. 5 through 7 E.

T. 16 N., Rs. 12 through 26 E.

T. 17 N., Rs. 5 and 6 E.

T. 17 N., Rs. 12 through 26 E.

T. 18 N., Rs. 5 and 6 E.

T. 18 N., Rs. 15 through 26 E.

T. 19 N., Rs. 5 and 6 E.

T. 19 N., Rs. 15 and 16 E.

T. 19 N., Rs. 21 through 26 E.

T. 20 N., Rs. 5 through 7 E.

T. 20 N., Rs. 8 and 9 E. (fractional), south of Venetie Indian Reservation.

T. 20 N., Rs. 15 and 16 E.

T. 20 N., Rs. 21 through 26 E.

T. 21 N., Rs. 1 through 7 E.

T. 21 N., R. 8 E. (fractional), west of Venetie Indian Reservation.

T. 21 N., R. 9 E. (fractional), west of Venetie Indian Reservation.

T. 21 N., Rs. 14 and 15 E.

T. 21 N., Rs. 21 through 26 E.

T. 22 N., Rs. 1 through 7 E.

T. 22 N., R. 8 E. (fractional), west of Venetie Indian Reservation.

T. 22 N., Rs. 14 and 15 E.

T. 22 N., Rs. 21 through 26 E.

T. 23 N., Rs. 1 through 4 E.

T. 23 N., R. 10 E. (fractional), east of Venetie Indian Reservation.

T. 23 N., Rs. 11 through 15 E.

T. 23 N., Rs. 21 through 26 E.

T. 24 N., Rs. 1 through 4 E.

T. 24 N., R. 10 E. (fractional), east of Venetie Indian Reservation.

T. 24 N., Rs. 11 through 26 E.

T. 25 N., Rs. 1 through 3 E.

T. 25 N., R. 10 E. (fractional), east of Venetie Indian Reservation.

T. 25 N., Rs. 11 through 22 E.

T. 26 N., R. 1 E.

T. 26 N., R. 2 E. (fractional), southwest of Venetie Indian Reservation.

T. 26 N., 3 E. (fractional), southwest of Venetie Indian Reservation.

T. 26 N., R. 10 E. (fractional), east of Venetie Indian Reservation.

T. 26 N., Rs. 11 through 22 E.

T. 27 N., R. 1 E.

T. 27 N., R. 2 E. (fractional), west of Venetie Indian Reservation.

T. 27 N., R. 11 E. (fractional), east of Venetie Indian Reservation.

T. 27 N., Rs. 12 through 22 E.

T. 27 N., R. 28 E.

T. 28 N., 11 E. (fractional), southeast of Venetie Indian Reservation.

T. 28 N., Rs. 12 through 22 E.

T. 28 N., R. 28 E.

T. 29 N., Rs. 17 through 22 E.

T. 29 N., Rs. 27 through 30 E.

T. 30 N., Rs. 17 through 30 E.

T. 31 N., Rs. 17 through 30 E.

T. 32 N., Rs. 17 through 30 E.

T. 36 N., Rs. 27 through 29 E., N½ of townships.

T. 37 N., Rs. 20 through 29 E. (all fractional townships).

T. 1 N., Rs. 18 through 26 W.

T. 1 N., R. 27 W. (fractional township).

T. 2 N., R. 18 W.

T. 3 N., R. 18 W.

T. 4 N., R. 18 W.

T. 10 N., Rs. 5 and 6 W.

T. 11 N., Rs. 5, 6, and 7 W.

T. 12 N., R. 5 W.

T. 13 N., Rs. 1 through 4 W.

T. 14 N., Rs. 1 through 4 W.

T. 14 N., R. 10 W.

T. 15 N., Rs. 1 through 4 W.

T. 15 N., R. 10 W.

T. 16 N., Rs. 2 through 4 W.

T. 16 N., R. 10 W.

T. 16 N., Rs. 15 through 20 W.

T. 17 N., Rs. 2 through 11 W.

T. 17 N., Rs. 16 through 21 W.

T. 18 N., Rs. 2 through 11 W.

T. 18 N., Rs. 16 through 21 W.

T. 19 N., Rs. 2 through 9 W.

T. 19 N., Rs. 17 through 21 W.

T. 20 N., Rs. 2 through 6 W.

T. 20 N., Rs. 17 through 21 W.

T. 21 N., Rs. 1 through 6 W.

T. 21 N., Rs. 17 through 21 W.

T. 26 N., Rs. 15 and 16 W.

T. 27 N., Rs. 15 and 16 W.

T. 28 N., Rs. 14 through 16 W.

T. 29 N., Rs. 13 through 15 W.

T. 29 N., R. 24 W.

T. 30 N., Rs. 14 through 16 W.

T. 30 N., R. 24 W.

T. 31 N., Rs. 14 through 16 W.

T. 31 N., Rs. 19 through 24 W.

T. 32 N., Rs. 14 through 17 W.

T. 32 N., Rs. 19 through 24 W.

T. 33 N., Rs. 12 through 24 W.

T. 34 N., Rs. 12 through 24 W.

T 35 N., Rs. 12 through 24 W.

T. 36 N., Rs. 12 through 24 W.

T. 37 N., Rs. 11 through 24 W. (all fractional townships).

T. 1 S., Rs. 18 through 26 W.

T. 1 S., R. 27 W. (fractional).

T. 2 S., Rs. 14 through 17 W.

T. 3 S., Rs. 14 through 17 W.

T. 4 S., Rs. 14 through 17 W.

T. 5 S., Rs. 15 through 17 W.

T. 6 S., Rs. 15 through 17 W.

T. 7 S., Rs. 13 and 14 W.

T. 7 S., Rs. 16 and 17 W.

T. 8 S., Rs. 11 through 14 W.

T. 8 S., R. 17 W.

T. 9 S., Rs. 10 through 15 W.

T. 10 S., Rs. 9 through 14 W.

T. 11 S., Rs. 9 through 20 W.

T. 12 S., Rs. 12 through 21 W.

T. 13 S., Rs. 12 through 21 W.

T. 13 S., R. 27 W.

T. 13 S., R. 29 W. (fractional).

T. 14 S., R. 15 W. (fractional), west of Mount McKinley National Park.

T. 14 S., Rs., 16 through 22 W.

T. 14 S., R. 27 W.

T. 14 S., R. 28 W. (fractional).

T. 15 S., R. 15 W. (fractional), west of Mount McKinley National Park.

T. 15 S., Rs. 16 through 27 W.

T. 15 S., R. 28 W. (fractional).

T. 16 S., Rs. 15 through 18 W. (fractional), northwest of Mount McKinley National Park.

T. 16 S., Rs. 19 through 27 W.

T. 17 S., Rs. 18 through 21 W. (fractional), northwest of Mount McKinley National Park.

T. 17 S., Rs. 22 through 27 W.

T. 18 S., Rs. 10 and 11 W., south of Mount McKinley National Park.

T. 18 S., Rs. 21 through 23 W. (fractional), northwest of Mount McKinley National Park.

T. 18 S., Rs. 24 through 27 W.

T. 19 S., Rs. 11, 12, and 13 W. (fractional), southwest of Mount McKinley National Park.

T. 19 S., R. 10 W.

T. 19 S., Rs. 24 and 25 W. (fractional), northwest of Mount McKinley National Park.

T. 19 S., Rs. 26 through 28 W.

T. 20 S., Rs. 13 through 15 W. (fractional), south and east of Mount McKinley National Park.

T. 20 S., R. 24 W. (fractional), southwest of Mount McKinley National Park.

T. 20 S., Rs. 11, 12, and 25 through 28 W.

T. 21 S., Rs. 12 through 14 W.

T. 21 S., Rs. 15 through 17 W. (fractional), southeast of Mount McKinley National Park.

T. 21 S., R. 24 W. (fractional), southwest of Mount McKinley National Park.

T. 21 S., Rs. 25 through 28 W.

T. 22 S., Rs. 13 through 16 W.

T. 22 S., Rs. 17 through 19 W. (fractional), southeast of Mount McKinley National Park.

T. 22 S., Rs. 23 and 24 W. (fractional), southwest of Mount McKinley National Park.

T. 1 S., Rs. 18 through 25 E.

T. 2 S., Rs. 18 through 25 E.

T. 3 S., Rs. 18 through 23 E.

T. 4 S., Rs. 18 through 23 E.

T. 5 S., R. 23 E.

Copper River Meridian

PROTRACTED DESCRIPTIONS

T. 8 N., Rs. 4 through 7 W.

T. 9 N., Rs. 3 through 8 W.

T. 10 N., Rs. 3 through 8 W.

T. 11 N., Rs. 3 through 8 W.

T. 9 S., R. 1 W.

T. 10 S., R. 1 W.

T. 11 S., R. 1 W.

T. 5 S., R. 3 E.

T. 5 S., Rs. 20 to 24 E.

T. 6 S., Rs. 2 and 3 E.

T. 6 S., Rs. 19 through 24 E.

T. 7 S., Rs. 2 through 13 E.

T. 7 S., Rs. 17 through 24 E.

T. 8 S., Rs. 1 through 24 E.

T. 9 S., Rs. 1 through 24 E.

T. 9 S., R. 25 E. (fractional).

T. 10 S., Rs. 1 through 24 E.

T. 10 S., R. 25 E. (fractional).

T. 11 S., Rs. 1 through 24 E.

T. 11 S., R. 25 E. (fractional).

T. 12 S., Rs. 1 through 24 E.

T. 12 S., R. 25 E. (fractional).

T. 13 S., Rs. 2 through 24 E.

T. 13 S., R. 25 E. (fractional).

T. 14 S., Rs. 2 through 24 E.

T. 14 S., R. 25 E. (fractional).

T. 15 S., Rs. 4 through 24 E.

T. 15 S., R. 3 E., east of Chugach National Forest.

T. 15 S., R. 25 E. (fractional).

T. 16 S., Rs. 9 through 24 E.

T. 16 S., R. 25 E. (fractional).

T. 17 S., Rs. 9 through 24 E.

T. 17 S., R. 25 E. (fractional).

T. 18 S., Rs. 9 through 24 E.

T. 18 S., R. 25 E. (fractional).

T. 18 S., Rs. 33 through 36 E. (all fractional).

T. 19 S., Rs. 9 through 16 E.

T. 19 S., Rs. 18 through 25, 34, and 35 E.

T. 19 S., Rs. 26 through 32 and 36 E. (all fractional).

T. 20 S., Rs. 9 through 11 E.

T. 20 S., Rs. 18 through 35 E.

T. 20 S., R. 3 E. (fractional).

T. 21 S., Rs. 20 through 33 and 35 E.

T. 21 S., R. 34 E. (fractional).

T. 22 S., Rs. 24 E½, 25 through 33, 35 N½, and 36 N½ E.

T. 22 S., Rs. 34 and 37 E. (fractional).

T. 23 S., Rs. 25 through 32 E.

T. 23 S., Rs. 33, 34, 38, and 39 E. (fractional.)

T. 24 S., Rs. 26 through 31 E.

T. 24 S., Rs. 24, 25, 32, 33, 38, and 39 E. (fractional).

T. 25 S., Rs. 30 and 38 E.

T. 25 S., Rs. 26 through 29, 31, 32, and 39 E. (fractional).

T. 26 S., Rs. 25 through 31 E. (fractional).

T. 26 S., Rs. 38 and 39 E.

T. 27 S., Rs. 38, 39, and 40 E.

T. 27 S., Rs. 37 and 41 E. (fractional).

T. 28 S., Rs. 38, 39, and 40 E.

T. 28 S., Rs. 37 and 41 E. (fractional).

T. 29 S., Rs. 42 and 43 E.

T. 29 S., Rs. 38 through 41 E., north of Tongass National Forest.

T. 29 S., Rs. 44 and 45 E. (fractional).

T. 30 S., Rs. 43 and 44 E.

T. 30 S., Rs. 39, 40, and 41 E., north of Tongass National Forest.

T. 30 N., Rs. 42 and 43 E. (fractional).

T. 31 S., Rs. 43 and 44 E.

T. 31 S., R. 42 E., east of Tongass National Forest.

T. 31 S., Rs. 45 and 46 E. (fractional).

T. 32 S., R. 42 E., east of Tongass National Forest.

T. 32 S., Rs. 43 through 46 E.

T. 32 S., R. 47 E. (fractional).

T. 33 S., Rs. 43 through 46 E.

T. 33 S., R. 42 E., east of Tongass National Forest.
T. 33 S., R. 47 E. (fractional).
T. 34 S., Rs. 44 through 47 E.
T. 34 S., Rs. 42 and 48 E. (fractional).
T. 35 S., Rs. 43 through 47 E., North of Glacier Bay National Monument.

Copper River Meridian

PROTRACTED DESCRIPTIONS

T. 11 N., Rs. 16 through 23 E.
T. 12 N., Rs. 22 and 23 E.
T. 13 N., Rs. 22 and 23 E.
T. 14 N., Rs. 21 through 23 E.

The areas described aggregate approximately 80 million acres.

2. By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior in section 17(d)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 708, it is ordered as follows:

Subject to valid existing rights, all those lands described in paragraph 1 of this order are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), and from selection by Regional Corporations under section 12 of the Alaska Native Claims Settlement Act, supra, and are hereby reserved for study and review by the Secretary of the Interior for the purpose of classification or reclassification as appropriate.

3. Any lands withdrawn under this order shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

4. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursaunt to section 102(2)(C) of the National Environmental Policy Act of 1969, 43 U.S.C. section 4332 (2)(C), is required.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 9, 1972.

[FR Doc. 72-3945 Filed 3-15-72; 8:46 am]

[Public Land Order 5180]

ALASKA

Withdrawal of Lands for Classification and for Protection of Public Interest in Lands.

By virtue of the authority vested in the President by the Act of June 25, 1910, as amended, 43 U.S.C. section 141 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior by section 17(d)(1) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 708, it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws (except locations for metalliferous minerals), 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), and are hereby reserved for study to determine the proper classification of the lands under section 17(d)(1) of said Alaska Native Claims Settlement Act, and to ascertain the public values in the land which need protection:

Seward Meridian

PROTRACTED DESCRIPTIONS

T. 12 N., R. 6 E.
T. 12 N., Rs. 7, 10, and 11 E. (fractional).
T. 13 N., Rs. 7, 8, 11, and 12 E.
T. 13 N., Res. 9 and 10 E. (fractional).
T. 14 N., Rs. 8, 9, 11, and 12 E.
T. 14 N., R. 10 E. (fractional).
T. 15 N., Rs. 9 and 10 E.
T. 29 N., Rs. 1 through 12 E.
T. 30 N., Rs. 1 through 12 E.
T. 31 N., Rs. 1 through 12 E.
T. 32 N., Rs. 1 through 12 E.
T. 33 N., Rs. 1 through 12 E. (fractional).
T. 1 N., Rs. 36, 61 through 66 W.
T. 2 N., Rs. 36, 61 through 66 W.
T. 3 N., Rs. 36, 61 through 66 W.
T. 4 N., Rs. 34, 35, 36, 61 through 66 W.
T. 5 N., Rs. 61 through 65 W.
T. 6 N., Rs. 60 through 65 W.
T. 7 N., Rs. 60 through 65 W.
T. 8 N., Rs. 60 through 65 W.
T. 9 N., Rs. 59 through 64 W.
T. 10 N., Rs. 59 through 63 W.
T. 11 N., Rs. 59 and 60 W.
T. 12 N., Rs. 59 and 60 W.
T. 13 N., Rs. 56 through 59 W.
T. 14 N., Rs. 56 through 59 W.
T. 17 N., Rs. 36 and 37 W. (fractional).
T. 18 N., Rs. 32 through 37 W.
T. 19 N., Rs. 32 through 37 W.
T. 20 N., Rs. 32 through 37 W.
T. 21 N., Rs. 33 through 37 W.
T. 22 N., Rs. 33 through 37 W.
T. 23 N., Rs. 33 through 37 W.
T. 24 N., Rs. 33 through 37 W.
T. 25 N., Rs. 30 through 35 W.
T. 26 N., Rs. 29 through 35 W.
T. 27 N., Rs. 27 through 35 W.
T. 28 N., R. 38 W.
T. 29 N., Rs. 1 and 2 W.
T. 29 N., R. 25 W. (fractional).
T. 29 N., Rs. 26 through 33 and 36 through 38 W.
T. 30 N., Rs. 1 and 2 W.
T. 30 N., R. 25 W. (fractional).
T. 30 N., Rs. 26 through 33 and 36 through 38 W.
T. 31 N., R. 1 W.
T. 31 N., Rs. 30 through 32 W.
T. 32 N., R. 1 W.
T. 35 N., Rs., 30 through 32 W.
T. 33 N., Rs. 30 and 31 W.
T. 1 S., Rs. 37, 38, 45 through 50, and 64 through 68 W.
T. 2 S., Rs. 37, 38, 45 through 50, and 64 through 68 W.
T. 3 S., Rs. 37, 38, 49, 50, 64 through 68 W.
T. 4 S., Rs. 37, 38, 39, 49 through 52, and 64 through 68 W.
T. 5 S., Rs. 43, 44, 50 through 53, 67 and 68 W.
T. 6 S., Rs. 43, 44, 50 through 53, 67 and 68 W.
T. 7 S., Rt. 43, 44, 51, 52, 53, 67 and 68 W.
T. 8 S., Rs. 43, 44, 51, 52, 53 W.
T. 9 S., Rs. 43, 44, 45, 52, 53 W.
T. 10 S., Rs. 52 and 53 W.
T. 11 S., R., 52 W.
T. 12 S., Rs. 48 through 52 W.
T. 13 S., R. 48 W.
T. 14 S., R. 48 W.
T. 16 S., Rs. 67 and 68 W. (fractional).
T. 17 S., R. 44 W.
T. 17 S., Rs. 68 and 69 W. (fractional).
T. 18 S., R. 44 W.
T. 18 S., Rs. 68 and 69 W. (fractional).
T. 19 S., Rs. 43 and 44 W.
T. 20 S., Rs. 43 and 44 W.
T. 20 S., R. W. (fractional).
T. 26 S., R. 46 W. (fractional).
T. 27 S., R. 46 W. (fractional).
T. 28 S., Rs. 46 and 47 W.
T. 29 S., R. 47 W.
T. 30 S., Rs. 46 and 47 W.
T. 31 S., Rs. 46 and 47 W.
T. 32 S., Rs. 46 and 47 W.
T. 33 S., Rs. 46 through 48 W.
T. 33 S., Rs. 44 and 45 (fractional).
T. 34 S., Rs. 46 through 52 W.
T. 34 S., Rs. 44 and 45 (fractional).
T. 35 S., Rs. 46 through 50 W.
T. 35 S., Rs. 44 and 45 W. (fractional).
T. 36 S., Rs. 48 through 50 and 52 through 54 W.
T. 36 S., Rs. 45 through 47 W. (fractional).
T. 37 S., Rs. 49 through 54 W.
T. 37 S., Rs. 45 through 48 W. (fractional).
T. 38 S., Rs. 50 and 51 W.
T. 38 S., Rs. 47 through 49 W. (fractional).
T. 39 S., Rs. 49 through 51 W. (fractional).
T. 40 S., Rs. 54 through 58 W.
T. 41 S., Rs. 56 through 62 W.
T. 41 S., Rs. 54 and 55 (fractional).
T. 42 S., R. 62 W.
T. 42 S., Rs. 48 through 50 and 54 through 56 W. (fractional).
T. 43 S., Rs. 63 and 64 W.
T. 43 S., Rs. 54 through 56 W. (fractional).
T. 44 S., Rs. 54 and 55 W. (fractional).

Kateel River Meridian

PROTRACTED DESCRIPTIONS

T. 1 N., Rs. 1, 2, 18, and 19 E.
T. 2 N., Rs. 1 and 2 E.
T. 3 N., Rs. 1 through 4 E.
T. 4 N., Rs. 1 through 3 E.
T. 5 N., Rs. 1 through 3 E.
T. 6 N., Rs. 1 through 3 E.
T. 7 N., Rs. 1 through 3 E.
T. 8 N., Rs. 1 through 4 E.
T. 9 N., Rs. 1 through 4 E.
T. 10 N., Rs. 1 through 4 E.
T. 11 N., Rs. 1 through 4 E.
T. 12 N., Rs. 1 through 4 E.
T. 13 N., Rs. 1 through 4 E.
T. 14 N., Rs. 1 through 4 E.
T. 15 N., Rs. 1 through 4 E.
T. 16 N., Rs. 1 through 4 E.
T. 17 N., Rs. 1 through 4 E.
T. 1 N., Rs. 1, 2, 19 through 34, 40 W.
T. 2 N., Rs. 1, 2, 19 through 40 W.
T. 3 N., Rs. 1, 2, 19 through 35, 39, and 40 W.
T. 4 N., Rs. 1, 2, 19 through 35, 39 W.
T. 5 N., Rs. 1, 2, 19 through 34, 38, and 39 W.
T. 6 N., Rs. 1, 2, 22 through 34 W.
T. 7 N., Rs. 1 through 9 W.
T. 8 N., Rs. 1 through 9 W.
T. 9 N., Rs. 1 through 9 W.
T. 10 N., Rs. 1 through 10 W.
T. 11 N., Rs. 1 through 11 W.
T. 12 N., Rs. 1 through 3 W.
T. 13 N., Rs. 1 through 3 W.
T. 14 N., Rs. 1 through 3 W.
T. 15 N., Rs. 1 through 3 W.
T. 16 N., Rs. 1 through 3 W.
T. 17 N., Rs. 1 through 3 W.
T. 20 N., R. 28 W. (fractional).
T. 30 N., Rs. 27, 28, and 29 W. (fractional).
T. 1 S., Rs. 1, 2, 18, and 19 E.
T. 2 S., Rs. 1, 2, 14 through 19 E.
T. 3 S., 1, 2, 14 through 19 E.
T. 4 S., Rs. 1, 2, 14 through 19 E.
T. 5 S., Rs. 1, 2, 14 through 19 E.
T. 6 S., R. 1 E.
T. 9 S., Rs. 26 through 28 E.
T. 9 S., R. 29 E. (fractional).
T. 10 S., Rs. 26 through 28 E.
T. 10 S., R. 29 E. (fractional).
T. 11 S., Rs. 26 through 28 E.
T. 11 S., R. 29 E. (fractional).
T. 12 S., Rs. 26 through 28 E.
T. 12 S., R. 29 E. (fractional).
T. 26 S., Rc. 13 through 19 E.
T. 27 S., Rs. 13 through 19 E.
T. 28 S., R. 13 E.
T. 1 S., Rs. 1, 2, 19 through 34 W.
T. 2 S., Rs. 1, 2, 19 through 28, 34 W.
T. 3 S., Rs. 1, 2, 11 through 28, 34 W.
T. 4 S., Rs. 1, 2, 14 through 28, 34 W.
T. 5 S., Rs. 1, 2, 15 through 29 W.
T. 6 S., Rs. 1, 2, 18 through 29 W.
T. 6 S., Rs. 16, 17 W. (fractional).
T. 7 S., Rs. 1, 2, 19, and 30 W.
T. 7 S., Rs. 17, 18 W. (fractional).
T. 8 S., Rs. 1, 2, and 30 W.
T. 9 S., Rs. 1, 2, 9, 10, 27 through 30 W.

T. 9 S., R. 11 W. (fractional).
T. 10 S., Rs. 1, 2, 9, 10, 27 through 30 W.
T. 10 S., R. 11 W. (fractional).
T. 11 S., Rs. 3 through 10 W.
T. 12 S., Rs. 4 through 10 W.
T. 13 S., Rs. 4 through 10 W.
T. 14 S., Rs. 4 through 10 W.
T. 15 S., Rs. 4 through 10 W.
T. 16 S., Rs. 4 through 8 W.
T. 17 S., Rs. 5 through 8 W.
T. 18 S., Rs. 6 through 8 W.
T. 19 S., Rs. 6 through 8 W.
T. 20 S., Rs. 6 through 8 W.

COPPER RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., Rs. 9 through 23 E.
T. 1 N., R. 24 E. (fractional).
T. 2 N., Rs. 9 through 23 E.
T. 2 N., R. 24 E. (fractional).
T. 3 N., Rs 9 through 23 E.
T. 3 N., R., 24 E. (fractional).
T. 4 N., Rs. 10 through 23 E.
T. 4 N., R. 24 E (fractional).
T. 5 N., Rs. 10 through 23 E.
T. 5 N., R. 24 E. (fractional).
T. 6 N., Rs. 10 through 23 E.
T. 6 N., R. 24 E. (fractional).
T. 7 N., Rs. 17 through 23 E.
T. 7 N., R. 24 E. (fractional).
T. 8 N., Rs. 17 through 23 E.
T. 8 N., R. 24 E. (fractional).
T. 9 N., Rs. 17 through 23 E.
T. 9 N., R. 24 E. (fractional).
T. 10 N., Rs. 16 through 23 E.
T. 10 N., R. 24 E. (fractional).
T. 14 N., Rs. 9 and 10 E. (fractional).
T. 15 N., Rs. 21 and 22 E.
T. 15 N., R. 23 (fractional).
T. 16 N., Rs. 21 and 22 E.
T. 16 N., R. 23 E. (fractional).
T. 17 N., Rs. 17 through 22 E.
T. 17 N., R. 23 E. (fractional).
T. 18 N., Rs. 17 through 22 E.
T. 18 N., R. 23 E. (fractional).
T. 19 N., Rs. 17 through 22 E.
T. 19 N., R. 23 E. (fractional).
T. 20 N., Rs. 17 through 22 E.
T. 20 N., R. 23 E. (fractional).
T. 21 N., Rs. 17 through 22 E.
T. 21 N., R. 23 E. (fractional).
T. 22 N., Rs. 14 through 22 E.
T. 22 N., R. 23 E. (fractional).
T. 23 N., Rs. 14 through 22 E.
T. 23 N., R. 23 E. (fractional).
T. 24 N., Rs. 14 through 22 E.
T. 24 N., R. 23 E. (fractional).
T. 25 N., Rs. 5 through 10 and 15 through 22 E.
T. 26 N., Rs. 5 through 10 and 14 through 22 E.
T. 27 N., Rs. 5 through 10 and 14 through 22 E.
T. 11 N., R. 10 W. (fractional).
T. 12 N., R. 9 W.
T. 12 N., R. 10 W. (fractional).
T. 13 N., R. 9 W.
T. 1 S., Rs. 9 through 23 E.
T. 13 N., R. 10 W. (fractional).
T. 1 S., R. 24 E. (fractional).
T. 2 S., Rs. 9 through 23 E.
T. 2 S., R. 24 E. (fractional).
T. 3 S., Rs. 10 through 23 E.
T. 3 S., R. 24 E. (fractional).
T. 4 S., Rs. 11 through 23 E.
T. 4 S., R. 24 E. (fractional).
T. 5 S., Rs. 1, 12, and 13, 14 through 19 E. (fractional).
T. 6 S., Rs. 11 through 18 E. (fractional).
T. 7 S., Rs. 14 through 16 E.
T. 6 S., Rs. 10 and 11 W.

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 2 N., Rs. 11, 12, and 17 E., that portion north of the boundary of the Yukon Command Training Site—Tract A.

T. 3 N., Rs. 11, 12, 13, 14, and 16 E., that portion north of the boundary of the Yukon Command Training Site—Tract A.

T. 3 N., Rs. 17 and 18 E.
T. 4 N., Rs. 11 through 14 E. and 17 through 19 E.
T. 4 N., Rs. 15 and 16 E., that portion north of the boundary of the Yukon Command Training Site—Tract A.
T. 5 N., Rs. 1 through 4 and 9 through 21 E.
T. 6 N., Rs. 1 through 6 and 9 through 19 E.
T. 7 N., Rs. 1 through 7 and 9 through 18 E.
T. 8 N., Rs. 1 through 14, and 16 and 17 E.
T. 8 N., R. 15 E. (fractional).
T. 9 N., Rs. 1 through 16 E.
T. 10 N., Rs. 1 through 15 E.
T. 11 N., Rs. 1 through 15 E.
T. 12 N., Rs. 1 through 5 E.
T. 19 N., Rs. 10 through 12 E.
T. 20 N., Rs. 7 through 12 E.
T. 21 N., Rs. 7 through 12 E.
T. 22 N., Rs. 7 through 12 E.
T. 29 N., R. 4 E. (fractional).
T. 29 N., Rs. 12 through 15 E.
T. 30 N., Rs. 4, 5, and 11 E. (fractional).
T. 30 N., Rs. 12 through 16 E.
T. 31 N., Rs. 4 and 5, 12 through 16 E.
T. 31 N., R. 11 E. E½.
T. 32 N., Rs. 4 and 5, 12 through 16 E.
T. 32 N., R. 11 E., E½.
T. 33 N., Rs. 4 and 5, 12 through 16 E.
T. 33 N., R. 11 E., E½.
T. 34 N., Rs. 1 through 5 E.
T. 35 N., Rs. 1 through 5 E.
T. 36 N., Rs. 1 through 5 E.
T. 37 N., Rs. 1 through 5 E.
T. 4 N., R. 1 W.
T. 5 N., R. 1 W.
T. 6 N., Rs. 1 and 2 W.
T. 7 N., Rs. 1 through 3 W.
T. 7 N., R. 4 W., N½.
T. 8 N., Rs. 1 through 4 W.
T. 8 N., R. 5 W., E½.
T. 9 N., Rs. 1 through 5 W.
T. 10 N., Rs. 1 through 4 W.
T. 11 N., Rs. 1 through 4 W.
T. 12 N., Rs. 1 through 4 W.
T. 23 N., Rs. 6 through 12 and 21 through 24 W.
T. 23 N., R. 25 W. (fractional).
T. 24 N., Rs. 2 through 12 and 17 through 24 W.
T. 24 N., R. 25 W. (fractional).
T. 25 N., Rs. 1 through 11 and 16 through 24 W.
T. 26 N., Rs. 1 through 11 and 17 through 24 W.
T. 34 N., Rs. 1 through 8 W.
T. 35 N., Rs. 1 through 8 W.
T. 36 N., Rs. 1 through 8 W.
T. 2 S., Rs. 23 through 26 W.
T. 2 S., Rs. 22 and 27 W. (fractional).
T. 3 S., Rs. 23 through 26 W.
T. 3 S., R. 27 W. (fractional).
T. 4 S., Rs, 23 through 26 W.
T. 4 S., Rs, 22 and 27 (fractional).
T. 18 S., R. 10 W., that portion south of the boundary of the Mount McKinley National Park.
T. 19 S., R. 10 W.
T. 19 S., Rs 11 and 12 W., that portion south of the boundary of the Mount McKinley National Park.
T. 20 S., Rs. 1 through 4, 11 and 12 W.
T. 21 S., Rs. 1 through 9, and 12 W.
T. 22 S., Rs. 1 through 10 W.
T. 2 S., Rs. 12, 13, 14, and 15 E., that portion north of the Yukon Command Training Site—Tract A.
T. 2 S., Rs. 16 and 17, 26 through 30 E.
T. 3 S., Rs. 12 through 17 and 24 through 30 E.
T. 4 S., Rs. 10 through 17 and 24 through 33 E.
T. 5 S., Rs. 9 through 32 E.
T. 5 S., R. 33 E. (fractional).
T. 6 S., Rs. 9 through 33 E.
T. 6 S., R. 34 E. (fractional).
T. 7 S., Rs. 11 through 33 E.
T. 7 S., R. 34 E. (fractional).
T. 8 S., Rs. 14 through 33 E.
T. 8 S., R. 34 E. (fractional).
T. 22 S., Rs. 1 through 5 E.

UMIAT MERIDIAN

PROTRACTED DESCRIPTIONS

T. 10 S., Rs. 28 through 31 E.
T. 11 S., Rs. 26 through 31 E.
T. 11 S., R. 32 E., W½.
T. 12 S., Rs. 24 through 32 E.
T. 13 S., Rs. 22 through 33 E.
T. 13 S., R. 34 E., W½.
T. 14 S., Rs. 18 through 25 and 31 through 34 E.
T. 15 S., Rs. 14 through 25 and 31 through 34 E.
T. 15 S., R. 35 E. (fractional).
T. 16 S., Rs. 12 through 25 and 31 through 35 E.

In addition all lands listed in Public Land Order No. 5150 of December 28, 1971, 36 F.R. 25410–13, as amended by Public Land Order No. 5151 of December 29, 1971, 37 F.R. 142–3, and by Public Land Order No. 5182 of March 9, 1972, published in this issue.

The areas described aggregate approximately 47,100,000 acres.

2. While the lands described in this order remain withdrawn, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations and his authority to make contracts, and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

3. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. section 4332 (2) (C), is required.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 9, 1972.

[FR Doc.72–3946 Filed 3–15–72; 8:46 am]

[Public Land Order 5181]

ALASKA

Withdrawal of Lands for Classification and Study as Possible Additions to National Wildlife Refuge System

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior in section 17(d) (1) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 708, it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), and are hereby reserved for classification under the authority of section 17(d) (1) and for study as a possible addition under section 22(e) of the Alaska Native Claims Settlement Act, supra, to the National Wildlife Refuge System:

UMIAT MERIDIAN

PROTRACTED DESCRIPTIONS

T. 5 S., R. 26 E., E½.
T. 5 S., R. 27 E., that portion west of boundary of the Arctic National Wildlife Range established by PLO 2214.
T. 5 S., R. 28 E., that portion south of boundary of the Arctic National Wildlife Range established by PLO 2214.
T. 6 S., R. 26 E., E½.
T. 6 S., R. 27 E.
T. 6 S., R. 28 E.

T. 6 S., R. 29 E., that portion west of boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 7 S., R. 29 E.

T. 7 S., R. 30 E., that portion west of boundary of the Arctic National Wildlife Range established by PLO 2214.

SEWARD MERIDIAN

T. 23 N., Rs. 86, 87, and 88 W.

T. 23 N., R. 89 W. (fractional).

T. 24 N., Rs. 86 and 87 W.

T. 24 N., Rs. 88 and 89 W. (fractional).

T. 25 N., Rs. 85 and 86 W.

T. 25 N., Rs. 87 and 88 W. (fractional).

T. 26 N., R. 87 W. (fractional).

T. 8 S., R. 72 W.

T. 8 S., Rs. 73 and 74 W. (fractional).

T. 9 S., Rs. 72 and 73 W.

T. 9 S., R. 74 W. (fractional).

T. 13 S., Rs. 62, 63, 70, and 71 W.

T. 14 S., Rs. 70 and 71 W.

T. 14 S., Rs. 62 and 63 W. (fractional).

T. 15 S., R. 72 W., E½.

T. 15 S., Rs. 62, 63, 70, and 71 W. (fractional).

T. 16 S., R. 72 W., E½.

T. 16 S., Rs. 73 W. E½.

T. 17 S., Rs. 59, 60, and 74 W.

T. 17 S., R. 75 W., E½.

T. 17 S., Rs. 61 and 73 W. (fractional).

T. 18 S., R. 59 W.

T. 18 S., R. 75 W., E½ (fractional).

T. 18 S., Rs. 60, 61, 73, and 74 W. (fractional).

T. 19 S., Rs. 58 and 59 W.

T. 19 S., Rs. 57 and 60 W. (fractional).

T. 20 S., Rs. 57, 58, and 59 W. (fractional).

T. 21 S., Rs. 44 and 45 W.

T. 22 S., Rs. 44, 45, and 46 W.

T. 23 S., Rs. 44, 45, and 46 W.

T. 24 S., Rs. 44, 45, and 46 W. (fractional).

T. 25 S., R. 44 W. (fractional).

T. 51 S., R. 72 W., W½.

T. 52 S., Rs. 73, 74, 75, 76, 77, and 78 W.

T. 52 S., R. 72 W. and W½ (fractional).

T. 53 S., Rs. 81, 82, 83, and 84 W.

T. 53 S., Rs. 78, 79, 80, and 86 W. (fractional).

T. 54 S., Rs. 82, 83, and 84 W.

T. 54 S., Rs. 78, 79, 80, 81, and 86 W. (fractional).

T. 55 S., Rs. 82 and 84 W.

T. 55 S., R. 85 W., that portion east of the boundary of the Izembeck National Wildlife Refuge.

T. 55 S., Rs. 78, 79, 80, and 81 W. (fractional).

T. 56 S., Rs. 78, 79, and 80 W. (fractional).

The areas described aggregate approximately 1,840,000 acres.

2. While the lands described in this order remain withdrawn, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts, and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applicants for leases under the Mineral Leasing Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

3. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332(2)(C), is required.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 29, 1972.

[FR Doc. 72-3947 Filed 3-15-72; 8:46 am]

[Public Land Order 5182]

[Fairbanks 14223, Anchorage 6473]

ALASKA

Amendment to Public Land Order No. 5150.

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 5150 of December 28, 1971, as amended by Public Land Order No. 5151 of December 29, 1971, which withdrew lands for a utility and transportation corridor in Alaska, is hereby further amended by adding the following described lands to paragraph 1 thereof:

UMIAT MERIDIAN

PROTRACTED DESCRIPTIONS

T. N., R. 24 E.: Sec. 7; Secs. 17 to 20 inclusive; Secs. 28 to 34 inclusive; Secs. 5, 6, 8, 9, 16, 21, 22, 26, 27, 35, and 36, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 2 N., R. 24 E.: Secs. 19, 30, and 31, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 1 N., R. 23 E.

T. 2 N., R. 23 E.

T. 3 N., R. 23 E.: Secs. 19, 29, 30, 31, 32.

T. 2 N., R. 22 E.: Secs. 1 to 17 inclusive; Secs. 22 to 26 inclusive; Sec. 36.

T. 3 N., R. 22 E.: Secs. 4 to 11 inclusive; Secs. 13 to 36 inclusive.

T. 4 N., R. 22 E.: Secs. 18, 19, 29, 30, 31, 32.

T. 2 N., R. 21 E.: Secs. 1 and 2.

T. 3 N., R. 21 E.: Secs. 1 to 29 inclusive; Secs. 34 to 36 inclusive.

T. 4 N., R. 21 E.: Secs. 3 to 11 inclusive; Secs. 13 to 36 inclusive.

T. 5 N., 21 E.: Sec. 31.

T. 3 N., R. 20 Ex.: Secs. 1 to 4 inclusive; Secs. 11 to 13 inclusive.

T. 4 N., R. 20 E.: Secs. 1 to 30 inclusive; Secs. 32 to 36 inclusive.

T. 5 N., R. 20 E.: Secs. 17 to 22 inclusive; Secs. 25 to 36 inclusive.

T. 4 N., R. 19 E.: Secs. 1 to 5 inclusive; Secs. 9 to 15 inclusive; Secs. 23 to 25 inclusive.

T. 5 N., R. 19 E.: Secs. 3 to 36 inclusive.

T. 6 N., R. 19 E.: Secs. 29 to 33 inclusive.

T. 5 N., R. 18 E: Secs. 1 to 18 inclusive; Secs. 21 to 27 inclusive; Secs. 35 and 36.

T. 6 N., R. 18 E: Secs. 5 to 10 inclusive; Secs. 14 to 36 inclusive.

T. 7 N., R. 18 E.: Sec. 31.

T. 5 N., R. 17 E.: Secs. 1, 2, 12.

T. 6 N., R. 17 E.: Secs. 1 to 6 inclusive; Secs. 8 to 17 inclusive; Secs. 21 to 27 inclusive; Secs. 35 and 36.

T. 7 N., R. 17 E.: Secs. 5 to 9 inclusive; Secs. 15 to 23 inclusive; Secs. 25 to 36 inclusive.

T. 7 N., R. 16 E: Secs. 1 to 5 inclusive; Secs. 9 to 15 inclusive; Secs. 22 to 26 inclusive; Sec. 36.

T. 8 N., R. 16 E.: Secs. 3 to 10 inclusive; Secs. 14 to 23 inclusive; Secs. 25 to 36 inclusive.

T. 1 S., R. 24 E.: Secs 1 to 18 inclusive.

T. 1 S., R. 25 E.: Secs. 6 to 9 inclusive; Secs. 15 to 21 inclusive; Secs. 28 to 33 inclusive; Secs. 4, 5, 10, 14, 22, 27, and 34, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 2 S., R. 25 E.: Secs. 4 to 9 inclusive; Secs. 15 to 22 inclusive; Secs. 26 to 36 inclusive; Secs. 3, 10, 11, 14, 23, and 25, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 2 S., R. 26 E.: Sec. 31, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 3 S., R. 25 E.: Secs. 1 to 3 inclusive; Secs. 10 to 15 inclusive; Secs. 22 to 27 inclusive; Secs. 34 to 36 inclusive.

T. 3 S., R. 26 E.: Secs. 6 and 7; Secs. 16 to 21 inclusive; Secs. 27 to 34 inclusive; Secs. 5, 8, 9, 15, 22, 26, 35, 36, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 4 S., R. 25 E.

T. 4 S., R. 26 E., Secs. 2 to 11 inclusive; Secs. 13 to 36 inclusive; Secs. 1 and 12, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 4 S., R. 27 E.: Secs. 7, 18, 19, 30, and 31, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 5 S., R. 25 E.: Secs. 1 to 3 inclusive; Secs. 10 to 15 inclusive; Secs. 22 to 27 inclusive; Secs. 34 to 36 inclusive.

T. 5 S., R. 26 E.: Secs. 4 to 9 inclusive; Secs. 16 to 21 inclusive; Secs. 28 to 33 inclusive.

T. 6 S., R. 25 E.: Secs. 1 to 3 inclusive; Secs. 10 to 15 inclusive; Secs. 22 to 27 inclusive; Secs. 34 to 36 inclusive.

T. 6 S., R. 26 E.: Secs. 4 to 9 inclusive; Secs. 16 to 21 inclusive; Secs. 28 to 33 inclusive.

T. 7 S., R. 25 E.: Secs. 1 to 3 inclusive; Secs. 10 to 15 inclusive; Secs. 22 to 27 inclusive; Secs 34 to 36 inclusive.

T. 7 S., R. 26 E.

T. 7 S., R. 27 E.

T. 7 S., R. 28 E.

T. 8 S., R. 26 E.

T. 8 S., R. 26 E.: Secs. 1 to 18 inclusive.

T. 8 S., R. 27 E.: Secs 1 to 18 inclusive; Secs. 22 to 27 inclusive; Secs. 34 to 36 inclusive.

T. 8 S., R. 28 E.

T. 8 S., R. 29 E.

T. 8 S., R. 30 E.: Secs. 6 and 7; Secs. 17 to 21 inclusive; Secs. 26 to 36 inclusive; Secs. 5, 8, 16, 22, 23, 24, and 25, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 9 S., R. 30 E.

T. 9 S., R. 31 E.

T. 9 S., R. 32 E.: Secs. 19 to 36 inclusive.

T. 10 S., R. 31 E.: Secs. 1 to 18 inclusive.

T. 10 S., R. 32 E.

T. 10 S., R. 33 E.: Secs. 4 to 9 inclusive; Secs. 16 to 21 inclusive; Secs. 28 to 33 inclusive; Secs. 34 and 35, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 11 S., R. 32 E.: Secs. 1 to 3 inclusive; Secs. 10 to 15 inclusive; Secs. 22 to 27 inclusive; Secs. 34 to 36 inclusive.

T. 11 S., R. 33 E.: Sec. 3 to 11 inclusive; Secs. 14 to 36 inclusive; Secs. 2, 12, and 13, that portion west of the boundary of the Arctic National Wildlife Refuge established by PLO 2214.

T. 11 S., R. 34 E.: Sec. 31; Secs. 19, 30, and 32, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 12 S., R. 33 E.

T. 12 S., R. 34 E.: Secs. 6 and 7; Secs. 18 to 20 inclusive; Secs. 28 to 33 inclusive; Secs. 5, 8, 16, 17, 21, 27, 34, and 35, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 13 S., R. 34 E.

T. 13 S., R. 35 E.: Secs. 31 and 32; Secs. 6, 7, 18, 19, 28, 29, 30, and 33, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 14 S., R. 34 E.: Secs. 1 to 3 inclusive; Secs. 10 to 15 inclusive; Secs. 22 to 27 inclusive; Secs. 34 to 36 inclusive.

T. 14 S., R. 35 E.: Secs. 5 to 9 inclusive; Secs. 15 to 23 inclusive; Secs. 26 to 36 inclusive; Secs. 4, 10, 11, 13, 14, 24, and 25, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 15 S., R. 35 E.

T. 15 S., R. 36 E.: Secs. 6, 7, 18, 19, 20, 29, 30, 31, and 32; Secs. 5, 8, 17, 21, 28, and 33, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 16 S., R. 35 E.: Secs. 1 to 3 inclusive; Secs. 10 to 15 inclusive; Secs. 22 to 27 inclusive; Secs. 34 to 36 inclusive.

T. 16 S., R. 36 E.: Secs. 5 to 8 inclusive; Secs. 17 to 20 inclusive; Secs. 28 to 36 inclusive; Secs. 4, 9, 16, 21, 22, 25, 26, and 27, that portion west of the boundary of the

Arctic National Wildlife Range established by PLO 2214.

T. 16 S., R. 37 E.: Secs. 31, 32, 33, and 34, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 17 S., R. 35 E.: Sec. 1 (fractional).

T. 17 S., R. 36 E: Secs. 1 to 6 inclusive (fractional).

T. 17 S., R. 37 E.: Secs. 1 to 6 inclusive (fractional).

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 37 N., R. 17 E.: Secs. 25 to 30 inclusive (fractional); Secs. 31 to 36 inclusive.

T. 36 N., R 18 E: Secs. 1 to 18 inclusive.

T. 37 N., R. 18 E.: Secs. 25 to 30 inclusive (fractional); Secs. 31 to 36 inclusive.

T. 36 N., R. 19 E.

T. 37 N., R. 19 E.: Secs. 28 to 30 inclusive (fractional); Secs. 31 to 33 inclusive; Sec. 34, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 36 N., R. 20 E.; Secs. 1 to 4 inclusive; Secs. 7 to 36 inclusive; Secs. 5 and 6, that portion south of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 36 N., Rs. 21, 22, 23, 24 E.

T. 35 N., R. 25 E.: Secs. 1 to 18 inclusive.

T. 36 N., R. 25 E.

T. 35 N., R. 26 E.: Secs. 1 to 18 inclusive.

T. 36 N., R. 26 E.

T. 35 N., R. 27 E.: Secs. 1 to 18 inclusive.

T. 36 N., R. 27 E: Secs. 19 to 36 inclusive.

T. 35 N., R. 28 E.: Secs. 1 to 18 inclusive.

T. 36 N., R. 28 E.: Secs. 19 to 36 inclusive.

T. 35 N., R. 29 E.: Secs. 1 to 18 inclusive.

T. 36 N., R. 29 E.: Secs. 19 to 36 inclusive.

T. 35 N., R. 30 E., Secs. 6, 7, and 18.

T. 36 N., R. 30 E.: Secs. 19, 30, and 31.

The areas described, including both public and nonpublic lands, aggregate approximately 1,227,490 acres.

2. Public Land Order No. 5150, as amended by Public Land Order No. 5151, is also hereby amended by adding the following described lands to paragraph 2 thereof:

UMIAT MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., R. 24 E.: Secs. 7, 17, 18, 19, 20, 28, 29, 30, 33 and 34; Secs. 16, 21, 22, 26, 27, 35, and 36, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 1 N., R. 23 E.: Secs. 1 to 5 inclusive; Secs. 9 to 15 inclusive; Secs. 23 and 24.

T. 2 N., R. 23 E., Secs. 5 to 8 inclusive; Secs. 16 to 22 inclusive; Secs. 27 to 35 inclusive.

T. 3 N., R. 23 E.: Secs. 19, 29, 30, 31, and 32.

T. 2 N., R. 22 E.: Secs. 1 to 17 inclusive; Secs. 22 to 26 inclusive; Sec. 36.

T. 3 N., R. 22 E.: Secs. 4 to 11 inclusive; Secs. 13 to 36 inclusive.

T. 4 N., R. 22 E.: Secs. 18, 19, 29, 30, 31, 32.

T. 2 N., R. 21 E., Secs. 1 and 2.

T. 3 N., R. 21 E.: Secs. 1 to 29 inclusive; Secs. 34 to 36 inclusive.

T. 4 N., R. 21 E.: Secs. 3 to 11 inclusive; Secs. 13 to 36 inclusive.

T. 5 N., R. 21 E.: Sec. 31.

T. 3 N., R. 20 E.: Secs. 1 to 4 inclusive; Secs. 11 to 13 inclusive.

T. 4 N., R. 20 E.: Secs. 1 to 30 inclusive; Secs. 32 to 36 inclusive.

T. 5 N., R. 20 E.: Secs. 17 to 22 inclusive; Secs. 25 to 36 inclusive.

T. 4 N., R. 19 E.: Secs. 1 to 5 inclusive; Secs. 9 to 15 inclusive; Secs. 23 to 25 inclusive.

T. 5 N., R., 19 E.: Secs 3 to 36 inclusive.

T. 6 N., R. 19 E.: Secs. 29 to 33 inclusive.

T. 5 N., R. 18 E.: Secs. 1 to 18 inclusive; Secs. 21 to 27 inclusive; Secs. 35 and 36.

T. 6 N., R. 18 E.: Secs. 5 to 10 inclusive; Secs. 14 to 36 inclusive.

T. 7 N., R. 18 E.: Sec. 31.

T. 5 N., R. 17 E.: Secs. 1, 2, 12.

T. 6 N., R. 17 E.: Secs. 1 to 6 inclusive; Secs. 8 to 17 inclusive; Secs. 21 to 27 inclusive; Secs. 35 and 36.

T. 7 N., R. 17 E.: Secs. 5 to 9 inclusive; Secs. 15 to 23 inclusive; Secs. 25 to 36 inclusive.

T. 7 N., R. 16 E.: Secs. 1 to 5 inclusive; Secs. 9 to 15 inclusive; Secs. 22 to 26 inclusive; Sec. 36.

T. 8 N., R. 16 E.: Secs. 3 to 10 inclusive; Secs. 14 to 23 inclusive; Secs. 25 to 36.

T. 1 S., R. 24 E.: Sec. 1.

T. 1 S., R. 25 E.: Secs. 6, 8, 9, 16, 17, and 21: Secs. 4, 5, 22, 27, and 34, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 2 S., R. 25 E.: Secs. 15, 22, 26, 36; Secs. 3, 10, 11, 14, 23, and 25, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 2 S., R. 26 E.: Sec. 31, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 3 S., R. 26 E.: Secs. 6, 16, 17, 20, 21, 28, 29, 31, 32, and 33; Secs. 5 and 8, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 4 S., R. 25 E.: Secs. 1, 12, 13, and 14; Secs. 22 to 27 inclusive; Secs. 34 to 36 inclusive.

T. 4 S., R. 26 E.: Secs. 5, 6, 7, and 18.

T. 5 S., R. 25 E.: Secs. 1 and 2; Secs. 11 to 14 inclusive; Secs. 23 to 26 inclusive; Secs. 35 to 36.

T. 5 S., R. 26 E.: Sec. 6.

T. 6 S., R. 25 E.: Secs. 1 and 2; Secs. 11 to 14 inclusive; Secs. 23 to 26 inclusive; Secs. 35 and 36.

T. 7 S., R. 25 E.: Secs. 1, 2, 12, and 13.

T. 7 S., R. 26 E.: Secs. 6 to 8 inclusive; Secs. 16 to 29 inclusive; Secs. 33 to 36 inclusive.

T. 7 S., R. 27 E.: Secs. 19 to 36 inclusive.

T. 7 S., R. 28 E.: Secs. 19 to 36 inclusive.

T. 8 S., R. 27 E.: Secs. 1, 2, 3, and 12.

T. 8 S., R. 28 E.: Secs. 1 to 18 inclusive; Secs. 22 to 24 inclusive.

T. 8 S., R. 29 E.: Secs 6 to 10 inclusive; Secs 13 to 18 inclusive; Secs. 22 to 25 inclusive; Sec. 36.

T. 8 S., R. 30 E.: Secs. 19, 30, 31, and 32.

T. 9 S., R. 30 E.: Secs. 1 to 3 inclusive; Secs. 10 to 13 inclusive.

T. 9 S., R. 31 E.: Secs. 7 and 8; Secs. 15 to 18 inclusive; Secs. 20 to 22 inclusive; Secs. 25 to 29 inclusive; Secs. 33 to 36 inclusive.

T. 9 S., R. 32 E.: Secs. 29 to 33 inclusive.

T. 10 S., R. 32 E.: Secs. 3 to 5 inclusive; Secs. 9 to 11 inclusive; Secs. 14 and 15; Secs. 23 to 25 inclusive; Sec. 36.

T. 10 S., R. 33 E.: Sec. 19; Secs. 29 to 33 inclusive.

T. 11 S., R. 33 E.: Secs. 3 to 11 inclusive; Secs. 14 to 29 inclusive; Secs. 32 to 36 inclusive; Secs. 2, 12, and 13, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 11 S., R. 34 E.: Sec. 31; Secs. 19, 30, and 32, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 12 S., R. 33 E.: Secs. 1 to 4 inclusive; Secs. 10 to 15 inclusive; Secs. 23 to 25 inclusive; Sec. 36.

T. 12 S., R. 34 E.: Secs. 6 and 7; Secs. 18 to 20 inclusive; Secs. 28 to 33 inclusive; Secs. 5, 8, 16, 17, 21, 27, 34, and 35, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 13 S., R. 34 E.: Secs. 1 to 3 inclusive; Secs. 10 to 14 inclusive; Secs. 24 to 25.

T. 13 S., R. 35 E.: Secs. 31 and 32; Secs. 6, 7, 18, 19, 28, 29, 30, and 33, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 14 S., R. 35 E.: Secs. 5, 6, and 8; Secs. 15 and 16; Secs. 21 and 22; Secs. 26 and 28 inclusive; Secs. 34 to 36 inclusive; Secs. 4 and 9, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 15 S., R. 35 E.: Secs. 1 to 3 inclusive; Secs. 10 to 15 inclusive; Secs. 24 and 25; Sec. 36.

T. 15 S., R. 36 E.: Secs. 7, 18, 19, 20, 29, 30, 31, and 32; Secs. 21, 28, and 33, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 16 S., R. 36 E.: Secs. 5 to 8 inclusive; Secs. 17, 20, 28, 34, and 35; Secs. 4, 9, 16, 21, 22, 25, 26, 27, and 36, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 16 S., R. 37 E.: Secs. 31, 32, 33, and 34, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 17 S., R. 36 E.: Sec. 1 (fractional).

T. 17 S., R. 37 E.: Secs. 1 to 6 inclusive (fractional).

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 37 N., R. 18 E.: Secs 25 to 30 inclusive (fractional); Secs. 33 to 36 inclusive.

T. 37 N., R. 19 E.: Secs. 28 to 30 inclusive (fractional); Secs. 31 to 33 inclusive; Sec. 34, that portion west of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 36 N., R. 19 E.: Secs. 1, 2, 3, and 12.

T. 36 N., R. 20 E.: Secs. 7 to 14 inclusive; Secs. 5 and 6, that portion south of the boundary of the Arctic National Wildlife Range established by PLO 2214.

T. 36 N., R. 21 E.: Secs. 7 and 8; Secs. 13 to 18 inclusive.

T. 36 N., R. 22 E.: Secs. 13 to 18 inclusive.

T. 36 N., R. 23 E.: Secs. 13 to 18 inclusive.

T. 36 N., R. 24 E.: Secs. 14 to 18 inclusive; Secs. 20 to 25 inclusive.

T. 36 N., R. 25 E.: Secs. 19 to 30 inclusive.

T. 36 N., R. 26 E.: Secs. 19 to 22 inclusive; Secs. 25 to 30 inclusive.

T. 35 N., R. 27 E.: Secs. 1 to 4 inclusive; Sec. 12.

T. 36 N., R. 27 E.: Secs. 29 to 34 inclusive.

T. 35 N., R. 28 E.: Secs. 1 to 10 inclusive.

T. 36 N., R. 28 E.: Secs. 34 to 36 inclusive.

T. 35 N., R. 29 E.: Secs. 1 to 6 inclusive; Secs. 11 to 12.

T. 36 N., R. 29 E.: Secs. 27 and 28; Secs. 31 to 35 inclusive.

T. 35 N., R. 30 E.: Secs. 6 and 7.

The areas described, which are also included in the lands described in paragraph 1 of this order, aggregate approximately 595,930 acres.

This order does not otherwise serve to change the provisions and limitations of Public Land Order No. 5150 as herein amended.

3. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332(2) (C), is required.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 9, 1972.

[FR Doc. 72-3948 Filed 3-15-72; 8:46 am]

[Public Land Order 5183]

ALASKA

WITHDRAWAL FOR CLASSIFICATION AND IN AID OF LEGISLATION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior in section 17(d) (1) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 708, it is ordered as follows:

1. Subject to valid existing rights and the provisions of all prior withdrawals, the following described lands are hereby withdrawn from selection under section 12 of the Alaska Native Claims Settlement Act, supra, by the Regional Corporations established pursuant to section 7 of said Act (hereinafter called "Regional Corporations") and are hereby re-

served in aid of legislation and to insure that the public interest in said lands is properly protected:

a. All those lands withdrawn by section 11 of the Alaska Native Claims Settlement Act, supra, which are within the boundaries of the following withdrawals and reservations: Chugach National Forest, Kodiak National Wildlife Refuge, Clarence Rhode National Wildlife Range, Nunivak National Wildlife Refuge, Izembek National Wildlife Range, Arctic National Wildlife Range, Aleutian Islands National Wildlife Refuge, Kenai National Moose Range, Cape Newenham National Wildlife Refuge, Chamisso National Wildlife Refuge, Hazen Bay National Wildlife Refuge, and all other lands within the National Wildlife Refuge System which fall within any area withdrawn by section 11 of the Alaska Native Claims Settlement Act, supra.

b. The entire subsurface estate, including all mineral deposits, in those lands withdrawn by section 11 of the Alaska Native Claims Settlement Act, supra, which are within the boundaries of Naval Petroleum Reserve No. 4, including the right to prospect for, mine, and remove said mineral deposits.

2. Three times the amount of land which could have been selected by said Regional Corporations under section 12 of the Alaska Native Claims Settlement Act, supra, within the above described areas has been withdrawn by public land orders of even date, herewith, so that said Regional Corporations may make in lieu selections as provided in section 11(a)(3) of the Alaska Native Claims Settlement Act, supra.

3. The withdrawal made by this order does not affect the administrative jurisdiction of any Department or Agency over the lands described in paragraph 1 and does not otherwise affect the laws and regulations applicable to such except as herein provided.

4. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332(2)(C), is required.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 9, 1972.

[FR Doc. 72-3949 Filed 3-15-72; 8:46 am]

[Public Land Order 5184]

ALASKA

Withdrawal for Classification or Reclassification of Some of Areas Withdrawn by Section 11 of Alaska Native Claims Settlement Act.

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior in section 17(d)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 708 (hereinafter referred to as the Act), it is ordered as follows:

1. Subject to valid existing rights, all of those lands withdrawn by section 11 of the Act and which are not also withdrawn for any national forest, Naval Petroleum Reserve Number 4, or any part of the National Wildlife Refuge System and which are outside the area described in paragraph 2 of this order are hereby withdrawn: (a) From all forms of appropriation under the public land laws; (b) from location and entry under the mining laws, 30 U.S.C. ch. 2; (c) from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181-287 (1970); and (d) until December 18, 1975, from selection by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339; and said lands are hereby reserved for study and review by the Secretary of the Interior for the purpose of classification or reclassification of any lands not conveyed pursuant to section 14 of said Act.

2. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181-287 (1970), and are hereby reserved for study and review by the Secretary of the Interior for the purpose of classification or reclassification of any lands not conveyed pursuant to section 14 of said Act:

All of those lands withdrawn by section 11 of the Act lying between 58° N. and 64° N. latitude, and west of 161° W. longitude, and not withdrawn for any part of the National Wildlife Refuge System.

The area described aggregates approximately 11 million acres.

3. Prior to the conveyances to the State of Alaska of any lands described in paragraph 1 of this order, and prior to the conveyances under section 14 of said Act of any lands described in paragraph 1 or paragraph 2 of this order, the lands shall remain subject to administration by the Secretary of the Interior under applicable laws and regulations and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

4. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332(2)(C), is required.

5. The withdrawals made by this order shall not affect in any way the right of any corporation formed pursuant to section 7 or section 8 of said Act to make selections pursuant to said Act.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 9, 1972.

[FR. Doc.72-3950 Filed 3-15-72;8:46 am]

[Public Land Order 5185]

ALASKA

Preference Right of Alaska for Selection and Order Pertaining to Simultaneous Filing Under Public Land Laws

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and in accord with section 17(d)(1) and section 17(d)(2)(B) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 708, it is ordered as follows:

1. All public lands in Alaska which, on March 17, 1972, are vacant and unappropriated and are not withdrawn, reserved, or segregated shall be available to the State of Alaska for selection under the Alaska Statehood Act, 72 Stat. 339. By virtue of the preference right of selection provided to the State of Alaska under section 6(g) of the Alaska Statehood Act, supra, said vacant, unappropriated and unreserved lands in the State will not be available for application, location, or entry until 10 a.m. on June 19, 1972. At 10 a.m. on June 19, 1972, said vacant, unappropriated and unreserved lands shall be open to the operation of the public land laws generally, including locations for nonmetalliferous minerals under the mining laws, 30 U.S.C. ch. 2, and leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. section 181-287 (1970), subject to valid existing rights and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 19, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and will continue to be open to locations for metalliferous minerals under the mining laws. Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, AK 99501.

2. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332(2)(C), is required.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 9, 1972.

[FR Doc. 72-3951 Filed 3-15-72; 8:46 am]

[Public Land Order 5186]

ALASKA

Withdrawal for Classification and Protection of the Public Interest in Lands Not Selected by the State of Alaska.

By virtue of the authority vested in the President by the Act of June 25, 1910, as amended, 43 U.S.C. section 141 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior by section 17(d)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 708 (hereinafter called the "Act"), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including location and entry under the mining laws (except for locations for metalliferous minerals) 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181-287 (1970), but not from selection by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and are hereby reserved for study and review to determine the proper classification under section 17(d)(1) of said Act of lands not selected by the State of Alaska, so that the public interest in the lands will be protected.

FAIRBANKS MERIDIAN

(PROTRACTED DESCRIPTIONS)

T. 1 N., Rs. 5 and 8 E.
T. 1 N., R. 10 E., number of military reservation.
T. 2 N., Rs. 2, S½ 8, 9; and 10 E.
T. 3 N., Rs. 2 and 8 E.
T. 4 N., Rs. 1 and 2 E.
T. 8 N., Rs. 13 and S½ 15 E.
T. 1 N. Rs. 4, 5, 11, and 12 W.
T. 2 N., Rs. 2 through 5, 11, and 12 W.
T. 3 N., Rs. 1 through 5, 11, and 12 W.
T. 4 N., Rs. 4 through 11 W.
T. 5 N., Rs. 5 through 9 W.
T. 1 S., Rs. 4, 5, and 11 through 13 W.
T. 2 S., Rs. 4 and 11 through 13 W.
T. 3 S., Rs. 4, 5, and 11 through 13 W.
T. 4 S., Rs. 3 and 11 through 13 W.
T. 5 S., Rs. 11 through 13 W.
T. 6 S., Rs. 11 through 13 W.
T. 7 S., Rs. 7 and 10 through 12 W.
T. 7 S., Rs. 8 and 9 W., south of military reservation.
T. 8 S., Rs. 7 through 10 W.
T. 9 S., Rs. 5 through 9 W.
T. 10 S., R. 8 W.
T. 11 S., R. 8 W.
T. 12 S., Rs. 6, 7, and 9 through 11 W.
T. 13 S., Rs. 6 through 11 W.
T. 14 S., Rs. 6 and 7 W.
T. 15 S., Rs. 6 and 7 W.
T. 20 S., R. 10 W.

T. 21 S., Rs. 10 and 11 W.

T. 22 S., Rs. 11 and 12 W.

T. 1 S., Rs. 3 through 6 E.

T. 1 S., Rs. 7 and 8 E., north of military reservation.

T. 3 S., Rs. 8 through 11 E., south of military reservation.

T. 4 S., Rs. 8 and 9 E.

T. 4, Rs. 5 through 7 E., south of military reservation.

T. 5 S., Rs. 5 through 8 E.

T. 5 S., R. 4 E., east of military reservation.

T. 6 S., Rs. 5 through 8 E.

T. 6 S., R. 4 E. of military reservation.

T. 7 S., Rs. 4 through 6 E.

T. 8 S., Rs. 5 through 7 E. (all ½ townships).

T. 11 S., R. 6 E.

T. 12 S., Rs. 8, 11, and 12 E.

T. 13 S., Rs. 15 and 16 E.

T. 13 S., R. 10 E., south of military reservation.

T. 14 S., Rs. 15 and 16 E.

T. 18 S., Rs. 12 and 13 E.

T. 20 S., Rs. 11 and W½ 12 E.

T. 21 S., Rs. 9 and E½ 11 E.

T. 22 S., R. 9 E.

UMIAT MERIDIAN (PROTRACTED DESCRIPTIONS)

T. 1 N., Rs. 16 through 23 E.

T. 1 N., R. 24 E., west of Arctic National Wildlife Refuge.

T. 2 N., Rs. 12 and 16 through 23 E.

T. 2 N., R. 24 E., west of A.N.W.R.

T. 3 N., Rs. 12 and 16 through 23 E.

T. 3 N., R. 24 E., west of A.N.W.R.

T. 4 N., Rs. 9 through 12 and 16 through 23 E.

T. 4 N., R. 24 E., west of A.N.W.R.

T. 5 N., Rs. 4 through 12 and 16 through 22 E.

T. 5 N., R. 3 E., east of Naval Petroleum Reserve No. 4.

T. 5 N., R. 23 E., west of A.N.W.R.

T. 6 N., Rs. 4 through 12 and 16 through 22 E.

T. 6 N., R. 3 E., east of Naval Petroleum Reserve No. 4.

T. 6 N., R. 23 E., west of A.N.W.R.

T. 7 N., Rs. 3 through 12 and 16 through 22 E.

T. 7 N., R. 2 E., east of Naval Petroleum Reserve No. 4.

T. 7 N., R. 23 E., west of A.N.W.R.

T. 8 N., Rs. 5 through 12 and 16 through 24 E.

T. 8 N., Rs. 2 through 4 E., east of the Naval Petroleum Reserve No. 4.

T. 8 N., Rs. 25, 26 E., west of A.N.W.R.

T. 9 N., Rs. 5 through 19 and 22 E.

T. 9 N., Rs. 20, 21, and 23 through 26 E. (all fractional).

T. 9 N., R. 4 E., east of Naval Petroleum Reserve No. 4.

T. 10 N., Rs. 7 through 16 E.

T. 10 N., Rs. 17 through 25 E. (all fractional).

T. 11 N., Rs. 7 through 14 E.

T. 11 N., Rs. 15 through 20 E. (all fractional).

T. 12 N., Rs. 7 through 11 E.

T. 12 N., Rs. 12 through 16, 18, 19 E. (all fractional).

T. 13 N., Rs. 6 through 12 E. (all fractional).

T. 1 N., Rs. 45 and 46 W. (fractional).

T. 2 N., Rs. 45 and 46 W. (fractional).

T. 8 N., Rs. 42 and 43 W. (fractional).

T. 9 N., Rs. 40 and 41 W. (fractional).

T. 10 N., Rs. 40 and 41 W. (fractional).

T. 11 N., R. 40 W. (fractional).

SEWARD MERIDIAN (PROTRACTED DESCRIPTIONS)

T. 10 N., R. 2 E.

T. 11 N., R. 1 E.

T. 12 N., Rs. 1 though 3 E.

T. 13 N., Rs. 1 through 3 E.

T. 17 N., R. 3 E.

T. 18 N., R. 3 E.

T. 19 N., Rs. 1, N½ 2, 3, 4, 8 E.

T. 20 N., Rs. 1, 2, 4, N½ 7, N½ 8 E.

T. 23 N., R. 12 E.

T. 24 N., R. 12 E.

T. 25 N., R. 12 E.

T. 1 N., R. 1 W. (fractional) south of Kenai National Moose Range.

T. 1 N., R. 11 W., west of Kenai National Moose Range.

T. 1 N., Rs. 54 through 57 W.

T. 2 N., R. 11 W. (fractional), west of Kenai National Moose Range.

T. 2 N., Rs. 54 thorugh 57 W.

T. 3 N., R. 11 W., west of Kenai National Moose Range.

T. 3 N., R. 16 W. (fractional).

T. 3 N., Rs. 55 and 56 W.

T. 4 N., Rs. 15 and 16 W. (fractional).

T. 4 N., Rs. 55 and 56 W.

T. 5 N., R. 15 W. (fractional).

T. 5 N., R. 55 W.

T. 10 N., Rs. 1 and 2 W., north of Cook Inlet.

T. 11 N., Rs. 1 and 2 W.

T. 12 N., R. 2 W.

T. 12 N., R. 1 W., south of National Forest.

T. 13 N., R. 2 W.

T. 19 N., Rs. 1 and 2 W.

T. 20 N., Rs. 1 and 2 W.

T. 21 N., R. 3 W.

T. 22 N., R. 3 W.

T. 23 N., R. 3 W.

T. 24 N., R. 3 W.

T. 25 N., Rs. 3 and 4 W.

T. 26 N., Rs. 3 and 4 W.

T. 27 N., Rs. 3 and 4 W.

T. 28 N., Rs. 3 and 4 W.

T. 29 N., Rs. 3 through 6 W.

T. 30 N., Rs. 3 through 5 W.

T. 31 N., Rs. 2 through 5 W.

T. 32 N., Rs. 2 through 4 W.

T. 33 N., Rs. 2 through 4 W. (all fractional).

T. 1 S., Rs. 11 and 52 through 57 W., E ⅔ 58 W.

T. 1 S., R. 1 W. (fractional).

T. 2 S., Rs. 11 W. and 53 through 57 W., E⅔ 58 W.

T. 2 S., R. 1 W. (fractional).

T. 3 S., Rs. W½ 9, 10, 11, and 51 through 57, E⅔ 58 W.

T. 3 S., R. 1 W. (fractional).

T. 4 S., Rs. W½ 9, 10, 11, N½ 12, and 53 through 57, E⅔ 58 W.

T. 4 S., R. 1 W. (fractional).

T. 5 S., Rs. 54 through 58 W.

T. 5 S., R. 10 W. (fractional).

T. 6 S., Rs. 54 through 58 W.

T. 6 S., R. 11 W. (fractional).

T. 7 S., Rs. 54 through 58 W.

T. 7 S., R. 11 W. (fractional).

T. 8 S., Rs. 11 and 58 W.

T. 9 S., Rs. 10 and 12 W.

T. 9 S., Rs. 8, 9, 25, and 26 W. (all fractional).

T. 10 S., Rs. 8 through 12, 25, and 26 W. (all fractional).

T. 11 S., Rs. 10 through 16 W. (all fractional).

T. 13 S., Rs. 26 through 28 W. (all fractional).

T. 18 S., Rs. 19 and 20 W. (fractional).

T. 19 S., Rs. 19, 20, and 49 W. (all fractional).

T. 20 S., Rs. 48 through 51 W.

T. 20 S., R. 52 W. (fractional).

T. 21 S., R. 46 W.

T. 22 S., Rs. 16 and 17 W. (fractional).

T. 23 S., Rs. 16 and 17 W. (fractional).

T. 24 S., Rs. 24 and 25 W. (fractional).

T. 25 S., R. 25 W. (fractional).

T. 26 S., Rs. 47 through 50 W.

T. 26 S., R. 51 W. (fractional).

T. 27 S., Rs. 47 through 50 W.

T. 27 S., R. 51 W. (fractional).

T. 28 S., R. 48 W.

T. 29 S., Rs 18 through 20 W. (all fractional).

T. 30 S., Rs. 21 through 23 W.

T. 30 S., Rs. 18 through 20 W. (all fractional).

T. 31 S., R. 24 W.

T. 31 S., Rs. 19 through 23 and 54 W. (all fractional).

T. 32 S., R. 22 W.

T. 32 S., Rs. 21 and 54 W. (fractional).

T. 33 S., Rs. 53 and 54 W.

T. 33 S., Rs. 21, 22, and 54 through 56 W. (all fractional).

T. 34 S., Rs. 53 through 55 W.

T. 34 S., Rs. 56 and 57 W. (fractional).

T. 35 S., Rs. 51 through 56 W.

T. 36 S., Rs. 51, 56, and 57 W.

T. 37 S., Res. 25 and 26 W. (fractional).

T. 39 S., Rs. 27 and 28 W. (fractional).

T. 40 S., Rs. 59 through 61 W.

T. 40 S., Rs. 29 through 31, 62, and 63 W. (all fractional).

T. 41 S., R. 63 W.

T. 41 S., Rs. 31 through 34 and 64 through 66 W. (all fractional).

T. 42 S., Rs. 63 through 65 W.

T. 42 S., Rs. 30 through 34 W., 66 and 67 W. (all fractional).

T. 43 S., Rs. 65 through 67 W.

T. 43 S., Rs. 34, 35, and 68 W. (all fractional).

T. 44 S., Rs. 65 through 68 W.

T. 44 S., Rs. 35, 69, and 70 W. (all fractional).

COPPER RIVER MERIDIAN (PROTRACTED DESCRIPTIONS)

T. 12 N., R. 21 E.

T. 13 N., R. 21 E.

T. 3 N., Rs. 3, 4, and 10 W.

T. 4 N., Rs. 4 and 10 W.

T. 5 N., Rs. 4, 9, and 10 W.

T. 6 N., Rs. 4, 9, and 10 W.

T. 7 N., Rs. 4 through 8 W.

T. 8 N., R. 8 W.

T. 8 S., Rs. N½ 2, 3, S½ 5, 6, and 7 W.

T. 9 S., Rs. 3, 4, 5, S½ 6, and S½ 7 W.

T. 15 S., R. 3 W.

T. 19 S., R. 17 E.

T. 20 S., Rs. 13 through 17 E.

T. 20 S., R. 12 E. (fractional).

T. 21 S., Rs. 9 through 11, and 19 through 23 E.

T. 21 S., R. W½ 24 E.

T. 22 S., Rs. 9, 21, and 22 E.

T. 25 S., R. 60 E.

T. 26 S., Rs. 59 and 60 E.

T. 27 S., Rs. E½ 58, 59, W½ 60 E.

T. 28 S., R. 58 E.

T. 29 S., Rs. 58 and 59 E.

T. 45 S., Rs. 67 through 69 W.

T. 45 S., Rs. 70 and 71 W. (fractional).

T. 46 S., Rs. 68 through 70 W.

T. 46 S., Rs. 71 and 72 W. (fractional).

T. 47 S., R. 69 through 71 W.

T. 47 S., R. 72 W. (fractional).

T. 48 S., Rs. 70 and 71 W.

T. 48 S., Rs. 72 through 79 W. (all fractional).

T. 49 S., Rs. 70 and 71 W.

T. 49 S., Rs. 41 and 72 through 81 W. (all fractional).

T. 50 S., Rs. 77 through 80 W.

T. 50 S., Rs. 41, 42, 76, and 81 W. (all fractional).

T. 51 S., Rs. 76 through 81 W.

T. 51 S., Rs. 41, 42, 75, and 82 W. (all fractional).

T. 52 S., Rs. 79 through 83 W.

T. 52 S., R. 84 W. (fractional).

T. 53 S., R. 53 W. (fractional).

T. 54 S., R. 85 W., number of Izembeck National Wildlife Refuge.

T. 1 S., Rs. 1, 2, W½ 3, E.

T. 2 S., Rs. 1 through 5 E. (all fractional).

T. 3 S., Rs. 1 through 5 E. (all fractional).

T. 4 S., R. 1 E. (fractional).

T. 30 S., Rs. 58 through 60 E.

T. 31 S., Rs. 59 through 61 E.

T. 32 S., Rs. E½ 59, 60 and 61 E.

T. 40 S., Rs. S½ 66, SW¼ 67 E.

T. 41 S., Rs. E½ 66 and 67 E.

T. 55 S., Rs. 63 and W½ 64 E.

T. 56 S., Rs. N½ 63 and NW¼ 64 E.

T. 73 S., R. 90 E. (fractional).

COPPER RIVER MERIDIAN (PROTRACTED DESCRIPTIONS)

T. 16 N., Rs. 6 and 7 E.

T. 17 N., Rs. 5 through 7 E.

T. 18 N., Rs. 5 through 7 E.
T. 19 N., Rs. 5 through 7 E.

Fairbanks Meridian (Protracted Descriptions)

T. 2 N., Rs. 3 through 5 E.
T. 2 N., R. 6 E., W½.
T. 3 N., Rs. 3 through 6, 9, and 10 E.
T. 3 N., 7 E., W½ and NE¼.
T. 4 N., Rs. 3 through 10 E.
T. 5 N., Rs. 5 through 8 E.
T. 6 N., Rs. 7 and 8 E.
T. 7 N., R. 8 E.
T. 28 N., Rs. 1 and 2 E.
T. 28 N., R. 3 E., west of Venetie Indian Reservation.
T. 29 N., Rs. 1 through 3 E.
T. 30 N., Rs. 1 through 3 E.
T. 31 N., Rs. 1 through 3 E.
T. 32 N., Rs. 1 through 3 E.
T. 33 N., Rs. 1 through 3 and 17 through 29 E.
T. 34 N., Rs. 17 through 29 E.
T. 35 N., Rs. 17 through 23 E.
T. 35 N., Rs. 24 through 29 E. (S½ of each township for all).
T. 36 N., Rs. 17 and 18 E.
T. 6 N., R. 25 W.
T. 6 N., R. 26 W. (fractional).
T. 7 N., R. 25 W.
T. 7 N., R. 26 W. (fractional).
T. 27 N., Rs. 1 through 6 and 17 through 24 W.
T. 28 N., Rs. 1 through 6 and 17 through 24 W.
T. 29 N., Rs. 1 through 6 and 16 through 23 W.
T. 30 N., Rs. 1 through 6 and 17 through 23 W.
T. 31 N., Rs. 1 through 6, 17, and 18 W.
T. 32 N., Rs. 1 through 6 and 18 W.
T. 33 N., Rs. 1 through 6 W.
T. 7 S., Rs. 1 through 3 W.
T. 8 S., Rs. 1 through 6 W.
T. 9 S., Rs. 1 through 4 W.
T. 10 S., Rs. 1 through 5 W.
T. 11 S., Rs. 1 through 4 W.
T. 12 S., Rs. 1 through 5 W.
T. 13 S., Rs. 1 through 5 W.
T. 14 S., Rs. 1 through 5 W.
T. 15 S., Rs. 1 through 5 W.
T. 16 S., Rs. 1 through 3 W.
T. 17 S., Rs. 1 and 2 W.
T. 18 S., R. 1 W.
T. 7 S., Rs. 1 through 3 E.
T. 8 S., Rs. 1 through 4 E.
T. 8 S., R. 5 E., west of Military Reservation.
T. 9 S., Rs. 1 through 3 E.
T. 9 S., R. 4 E., west of Military Reservation.
T. 10 S., Rs. 1 through 3 E.
T. 10 S., R. 4 E., west of Military Reservation.
T. 11 S., R. 1 E.
T. 11 S., Rs. 2 and 3 E., west of Military Reservation.
T. 12 S., Rs. 1 and 2 E.
T. 12 S., R. 3 E., west of Military Reservation.
T. 13 S., Rs. 1, 2, 11, and 12 E.
T. 13 S., Rs. 3 through 7 E., all south of Military Reservation.
T. 14 S., Rs. 1 through 6 and 11 through 14 E.
T. 14 S., Rs. 7 and 8 E., south of Military Reservation.
T. 15 S., Rs. 6 through 8 and 11 through 16 E.
T. 17 S., Rs. 12 through 16E.
T. 18 S., Rs. 14 through 16 E.
T. 19 S., Rs. 14 through 16 E.

Kateel River Meridian (Protracted Descriptions)

T. 1 N., Rs. 20 through 27 E.
T. 1 N., R. 28 E. (fractional).
T. 14 N., Rs. 13 through 24 E.
T. 15 N., Rs. 13, 14, and 21 through 24 E.
T. 16 N., Rs. 13, 14, and 21 through 24 E.
T. 17 N., Rs. 13, 21 through 24 E.
T. 18 N., Rs. 13, 14, and 16 through 18 E.
T. 19 N., Rs. 13 through 18 E.
T. 20 N., Rs. 13 through 18 E.
T. 21 N., Rs. 12 through 18 E.
T. 1 N., Rs. 10 through 18 W.
T. 2 N., Rs. 10 through 18 W.
T. 3 N., Rs. 10 through 18 W.
T. 1 S., Rs. 10 through 18 W.
T. 2 S., Rs. 10 through 18 W.
T. 3 S., R. 10 W.
T. 1 S., Rs. 20 through 28 E.
T. 2 S., Rs., 20 through 28 E.
T. 3 S., Rs. 20 through 26 E.
T. 4 S., Rs. 20 through 28 E.
T. 5 S., R. 20 E.
T. 11 S., Rs. 13 and 14 E.
T. 12 S., Rs. 11 through 20 E.
T. 13 S., Rs. 11 through 21 E.
T. 14 S., Rs. 4 through 21 E.
T. 15 S., Rs. 4 through 21 E.
T. 16 S., Rs. 3 through 21 E.
T. 17 S., Rs. 3 through 21 E.
T. 18 S., Rs. 9 through 21 E.
T. 19 S., Rs. 9 through 21 E.
T. 20 S., Rs. 13 through 21 E.
T. 21 S., Rs. 13 through 21 E.
T. 22 S., Rs. 13 through 21 E.
T. 23 S., Rs. 10 through 21 E.
T. 24 S., Rs. 10 through 21 E.
T. 25 S., Rs. 10 through 19 E.
T. 26 S., Rs. 10 through 12 E.
T. 27 S., Rs. 8 through 12 E.
T. 28 S., Rs. 8 through 12 E.
T. 29 S., Rs. 8 through 12 E. (all fractional).

Seward Meridian (Protracted Descriptions)

T. 21 N., Rs. 6 through 10 E.
T. 22 N., Rs. 5 through 10 E.
T. 23 N., Rs. 2 through 11 E.
T. 24 N., Rs. 1 through 11 E.
T. 25 N., Rs. 1 through 11 E.
T. 26 N., Rs. 1 through 11 E.
T. 27 N., Rs. 1 through 11 E.
T. 28 N., Rs. 1 through 11 E.
T. 1 N., Rs. 37 through 52, 59, and 60 W.
T. 2 N., Rs. 37 through 52, 59, and 60 W.
T. 3 N., Rs. 37 through 54 and 57 through 60 W.
T. 4 N., Rs. 37 through 54 and 57 through 60 W.
T. 5 N., Rs. 30 through 54 and 56 through 59 W.
T. 6 N., Rs. 30 through 59 W.
T. 7 N., Rs. 29 through 59 W.
T. 8 N. Rs. 29 through 59 W.
T. 9 N., Rs. 28 through 58 W.
T. 10 N., Rs. 28 through 58 W.
T. 11 N., Rs. 28 through 58 W.
T. 12 N., Rs. 27 through 31 and 37 through 58 W.
T. 13 N., Rs. 27 through 31 and 37 through 57 W.
T. 14 N., Rs. 25 through 21 and 37 through 57 W.
T. 15 N., Rs. 24 through 31 and 37 through 50 W.
T. 16 N., Rs. 24 through 31 and 37 W.
T. 17 N., Rs. 21 through 31 W.
T. 18 N., Rs. 20 through 31 W.
T. 19 N., Rs. 19 through 31 W.
T. 20 N., Rs. 18 through 31 W.
T. 21 N., Rs. 15 through 31 W.
T. 22 N., Rs. 15 through 31 W.
T. 23 N., Rs. 15 through 31 W.
T. 24 N., Rs. 15 through 31 W.
T. 25 N., Rs. 20 through 29 W.
T. 26 N., Rs. 20 through 28 W.
T. 27 N., Rs 20 through 26 W.
T. 28 N., Rs. 20 through 26 and 39 through 52 W.
T. 29 N., Rs. 19 through 25 and 39 through 51 W.
T. 30 N., Rs. 19 through 25 and 39 through 51 W.
T. 31 N., Rs. 18, 19, and 39 through 43 W.
T. 32 N., Rs. 17, 18, and 39 through 43 W.
T. 33 N., Rs. 39 through 42 W.
T. 34 N., Rs. 39 through 42 W. (all fractional).

The areas described aggregate approximately 35 million acres.

2. Prior to the conveyance of any of the lands withdrawn by this order, the lands shall be subject to administration by the Secretary of the Interior under the applicable laws and regulations, and his authority to make contracts, and to grant leases, permits, rights-of-way, or easements, shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

3. It is hereby determined that the promulgation of this Public Land Order is not a major Federal action significantly affecting the quality of the human environment and no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332 (2)(C), is required.

Rogers C. B. Morton,
Secretary of the Interior.

March 15, 1972.

[FR Doc. 72-4138 Filed 3-15-72; 9:54 am]

[Public Land Order 5187]

ALASKA

Withdrawal of Lands for Classification and for Protection of the Public Interest in the Lands in Military Reservations

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior by section 17(d)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 708 (hereinafter called the "Act"), it is ordered as follows:

1. Subject to valid existing rights and the provisions of prior withdrawals, all of the lands embraced in defense or military reservations in Alaska of whatever nature (except those lands in Naval Petroleum Reserve No. 4 which are also withdrawn by section 11 of the Act) are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C., ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C., sections 181-287 (1970), and are hereby reserved for study and review to determine the proper classification of the lands under section 17(d)(1) of said Act, so that the public interest will be protected after the lands are no longer needed for military or defense purposes.

2. The withdrawal made by this order does not affect the administrative jurisdiction of the Department of Defense or any of its agencies over the land involved and does not otherwise affect the laws and regulations applicable to such lands except as herein provided.

3. It is hereby determined that the promulgation of this Public Land Order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332 (2)(C), is required.

Rogers C. B. Morton,
Secretary of the Interior.

March 15, 1972.

[FR Doc. 72-4139 Filed 3-15-72; 9:55 am]

[Public Land Order 5188]

ALASKA

Withdrawal of Lands for Classification and for Protection of the Public Interest in the Lands in Former Reservations for Use and Benefit of Alaska Natives.

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior by section 17(d)(1) of the Alaska Native Claims Settlement Act of

December 18, 1971, 85 Stat. 688, 708 (hereinafter called the "Act"), it is ordered as follows:

1. Subject to valid existing rights, all of the lands in the former reservations withdrawn by Public Land Order No. 5156 of February 4, 1972, 37 F.R. 3056, are hereby withdrawn from all forms of appropriation under public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C., ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), and are hereby reserved for study and review to determine the proper classification under section 17(d)(1) of the Act any of the lands which are not conveyed pursuant to the Act, so that the public interest in the lands can be properly protected.

2. Prior to the conveyance of any of the lands withdrawn by this order, the lands shall be subject to administration by the Secretary of the Interior under the applicable laws and regulations, and his authority to make contracts, and to grant leases, permits, rights-of-way, or easements, shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

3. It is hereby determined that the promulgation of this Public Land Order is not a major action significantly affecting the quality of the human environment and no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332(2)(C), is required.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 15, 1972.

[FR Doc. 72-4140 Filed 3-15-72; 9:55 am]

KENTUCKY WINNER OF VFW ANNUAL CONTEST

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. PERKINS. Mr. Speaker, each year the Veterans of Foreign Wars of the United States conducts a Voice of Democracy contest. Some 500,000 secondary school students took part in the contest this year. The winner from each State was brought here to Washington for final judging as guest of the Veterans of Foreign Wars.

The winner from my State was Robert Aaron Murray, of 3116 Mason Street, Ashland, Ky., son of Mr. and Mrs. Robert Murray. Young Robert is 17 and in the 12th grade at the Paul G. Blazer High School in Ashland. He hopes to attend the Worcester Institute, Worcester, Mass., after graduating from high school.

I am pleased to share with the Members his winning speech, entitled "My Responsibility to Freedom":

MY RESPONSIBILITY TO FREEDOM

(By Robert A. Murray)

Freedom can be compared to a fine glass container, heated in the fire of the Revolutionary War, blown with the sweet breath of liberty, and polished by the Constitution and the Bill of Rights. As it has come down through the years its surface has become highly glossed from everyday use and its workmanship prized because of the timeless beauty with which it was fashioned. It holds the lives of unborn generations, and embedded securely within it are our dreams for the future, our security of the present, and our remembrances of the past.

For nearly two centuries our forefathers fought and died to keep this fragile casing of freedom intact and they did so magnificently. Not once did freedom fall. Not once in ten score years did our glorious cause decline. In twenty decades freedom has continued to grow, a chain reaction of people protecting people, a marvelous movement; but now the responsibility is mine.

It is my duty to guard this precious heirloom from the hands of the unknowing children who would cast it down simply to see it shatter. It is my task to shield it from the blows of envying eyes, the foreign lands that disdain its brilliant light because they are shrouded in darkness. I must fight against apathetic attitudes of its own guardians and I should not be content to forestall problems. Unless difficulties are resolved when they appear they may soon grow out of proportion. The foot falls in freedom's path that arise now should not be allowed to exist long enough to trouble the next generation.

The burden of freedom is by no means a light one. It is weighted by the millions that died for it on forgotten beaches and lonely hillsides. It is laden with the lives of young men and women who sacrificed their dearest possession so that I might live free. Is it then too much to ask that I be loyal to their cause? I think not. But loyalty to freedom entails more than blind obedience. As the world changes so must our rules governing freedom change; and if I see a way that freedom's powers can be enhanced, then it is my duty to strive for this in a sane and orderly manner in accordance with the provisions in our constitution. In times such as these, freedom's protection is a weary task; but the fruit of our labors far outweighs the cost. This I believe is my responsibility to freedom.

AMERICAN AIRLINES OPENS NEW BASE IN SAN DIEGO

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. BOB WILSON. Mr. Speaker, I am delighted to share with you and my colleagues the news that American Airlines will open a new base in San Diego on April 1. The base will accommodate about 120 flight officers and 130 flight attendants—half of whom will arrive on April 1, and the remainder by the end of May.

Opening of this new facility at Lindbergh Field International Airport strongly reflects San Diego's increasing popularity as a business and tourist destination. It is also a good omen that the air travel segment of our national economy is on the upbeat.

I submit for inclusion in the CONGRESSIONAL RECORD today a copy of American Airlines' announcement of this most welcome facility. I am sure that the airline employees assigned to the base—and the growing numbers of passengers they serve—will find San Diego to be a most hospitable and friendly site.

The announcement follows:

SAN DIEGO, March 20.—More than 250 American Airlines pilots, stewardesses and other personnel will be settling here soon as the airline opens a new flight crew base at Lindbergh Field International Airport.

James E. Gainer, Jr., American's San Diego manager, announced today that American plans to open the base on April 1. It will be the tenth crew base on the airline's international route system. The others are at Boston, Buffalo, Chicago, Dallas, Los Angeles, Nashville, New York, San Francisco and Washington.

The base will include 120 flight officers—captains, first officers and flight engineers—and 130 stewardesses. Nearly half of the contingent will be here by April 1, and the remainder by the end of May.

Fred H. McCusker, American's Pacific Division vice president, said opening of the base would represent a major savings to the airline in scheduling costs.

"San Diego is an increasingly popular destination on our route system," McCusker said, "and the trend is toward future improvements in our service here."

American has leased 550 square feet from Western Airlines at Lindbergh Airport to be used for new flight administrative offices.

Mrs. Ernestine Schade, now a stewardess group supervisor for American in San Francisco, has been named manager of flight service and will be in charge of the stewardesses based here. Mrs. Schades' brother, Kenneth B. Roberson, is a manager of reliability analysis with American's space shuttle team working with General Dynamics Corporation in San Diego.

A base superintendent of flying to head the cockpit crews has not yet been selected by Captain Robert S. Davies, the airline's manager of flight for this area.

American Airlines has been serving San Diego since Dec. 12, 1941. The airline operates an average of 32 flights a day between here and major metropolitan areas in the east, midwest and southwest. It currently employs 250 people here in sales, services and maintenance positions.

STATEMENT BY DISABLED AMERICAN VETERANS BEFORE THE COMMITTEE ON VETERANS' AFFAIRS OF THE U.S. SENATE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 21, 1972

Mr. THURMOND. Mr. President, on March 14, 1972, Edward T. Conroy, national commander of the Disabled American Veterans, presented an outline of DAV legislative goals to the Veterans' Affairs Committee of the U.S. Senate. Accompanying Mr. Conroy was Charles L. Huber, legislative adviser to the DAV. I was also pleased to note that a number of South Carolina DAV representatives were present including South Carolina Commander Cecil Wiley of Charleston. Other South Carolina attendees were: David McWhorter of Charleston; Paul Greer and Daryl Lynn of Greer; W. S. Jackson of Gaston; Phillip Muller, George Mitchell, Chaplain James E. Rogers, John Taylor, and David Eldridge of Columbia.

Mr. President, the DAV legislative programs for this year are extremely comprehensive, and are proposals which deserve the utmost consideration of the Senate. The DAV has long been one of the most effective of our veterans' organizations, and the excellent work of this group in the past has been a great asset both to our veterans and to the Nation. On behalf of these veterans, I am very pleased to call this program to the attention of my colleagues in the Senate.

Mr. President, I ask unanimous consent that the statement of the Disabled American Veterans be printed in the Extensions of Remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF EDWARD T. CONROY

Mr. Chairman and Members of the Committee:

On behalf of the Disabled American Veterans, and as its spokesman, I want to thank you most sincerely for giving me the opportunity to discuss our organization's 1972 Legislative Program.

I come here today with a sense of deep personal pride in the knowledge that I am the first National Commander of the Disabled American Veterans to appear before this relatively new but highly distinguished Committee of the United States Senate—a Committee already celebrated for its solid record of achievements in the field of Veterans' Affairs. I wish to express my grateful appreciation for the compassionate support the Committee has always given to the proposed objectives of the Disabled American Veterans.

I also take this occasion to pay tribute to the very able staff members of the Committee, and to thank them for all the help, advice, and practical assistance they readily and willingly extend to our national officers.

Appearing here with me, Mr. Chairman, is a group of DAV leaders who are attending our National Executive Committee meeting and our Annual Conference of Department Commanders and adjutants. These annual conferences achieve two objectives—they allow for a series of discussions on matters of urgent concern to the DAV membership, and, at the same time, serve to assure a continuity of interest in the fundamental purpose for which our organization was created. That purpose, in part, urges all of us to do what is necessary "to advance the interest and work for the betterment of all wounded, injured and otherwise disabled war veterans." This objective—rightly and justifiably—includes consideration of the veteran's obligation to his family. Accordingly, the concerns of the disabled veteran's dependents and survivors must also be considered in any meaningful and rewarding assistance programs.

The primary mission of our organization is carried out principally through our National Service Officers who are stationed in offices of the Veterans Administration throughout the country. These 168 full time national employees—63 of whom are Vietnam veterans—assist veterans with their claims for compensation, pension, hospitalization, medical treatment, educational and vocational training, and sundry other benefits which have been provided by this Committee and the Congress. These services are extended with no charge to the veteran.

Let me assure you, Mr. Chairman, of the profound sense of pride I feel for the DAV service program and the prominence it has attained through the dedicated efforts of our National Service Officers.

The DAV participates actively in other programs which, although not too widely known, nevertheless, serve a very useful and humanitarian purpose.

Our scholarship program provides four years of college to needy children of service-connected disabled veterans. At present, we have approximately 47 students involved in the program.

Another on-going and growing program initiated by our organization is the DAV Scouting for the Handicapped. The Disabled American Veterans is the only veteran organization that has committed itself to a formal partnership with the Boy Scouts of America to help carry the load of scouting for the handicapped. The DAV's participation in this highly successful program reflects, in our view, a genuine desire to recognize the dignity of disabled youngsters, and to deliver the service which they need and which, indeed, they deserve and enjoy.

Our Employment Assistance Program involves itself deeply in the employment problems of disabled war veterans. Our National Interim Employment Committee is currently developing an expanded program of employment services to disabled veterans of the Vietnam era. We have recently sent questionnaires to these young veterans to determine the utilization and effectiveness of the Public Employment Service. Our survey indicates that approximately 50 percent of those responding are not registered with that agency. We have, therefore, instituted a pilot program which, at present, involves the states of Illinois, Connecticut and Aakansas. We have enlisted the cooperation of Veterans Employment Representatives and other officials to provide special counseling and placement assistance for those disabled veterans whose returned questionnaires indicate a need for such assistance.

We plan to expand this phase of our program to other states, and to establish contact with employers so as to improve their hiring practices with respect to disabled veterans. Hopefully, our efforts—in conjunction with employment service personnel—will result in substantially greater training and employment opportunities for thousands of disabled war veterans.

Before proceeding to the substance of our Legislative Program, Mr. Chairman, I want to take a moment to commend and to thank you and the Committee members for the legislative achievements of the 1st Session of the 92nd Congress. They represent the latest addition to an already well-established record of affirmative Committee actions on behalf of the nation's disabled war veterans, their dependents and survivors.

The increases in pension payments, the increases in dependency and indemnity compensation, the improvements in the home loan and medical programs are welcomed and appreciated by all members of the DAV and its Auxiliary.

We have great hope for what this distinguished Committee will accomplish this year. Indeed, we of the Disabled American Veterans, have been heartened by the overall atmosphere of hope and concern that has preceded this hearing. The proposed VA budget is at an all-time high and its medical budget is also the highest ever. Surely, this is encouraging.

On this note, Mr. Chairman, I would like now to turn directly to the heart of our testimony.

As you know, Mr. Chairman, DAV Legislative Programs spring from resolutions approved by our National Conventions and our National Executive Committee. On the basis of National Convention resolutions adopted last August, we believe our organization has fashioned a Legislative Program that is sound and reasonable—a kind of program that blends what we think is important, positive and feasible. It is recognized, of course, that times does not permit a full discussion of all facets of our program. However, it is my hope that when your Committee holds later hearings, you will allow us to appear and discuss in detail some of the matters I shall touch upon only briefly here today.

DISABILITY COMPENSATION

Throughout the years, Mr. Chairman, successive Congresses of the United States have given steadfast recognition to the concept that disabilities incurred as a result of service in our Armed Forces entitled the sufferer to very special recognition and gratitude from the nation. It has been accepted that compensation payments should be adequate to meet the particular needs of the service-connected disabled—and to meet those needs by providing payments based on the ingredients of compassion and understanding.

The basic rates of compensation payable in wartime cases currently range from $25 for a 10 percent disability to $450 per month for total disability.

It is the feeling of the DAV that there should be a substantial, and immediate, increase in these monthly payments. We feel that the increase must be so substantial as to take into account not only the loss in purchasing value since the last increase in July, 1970, but also an estimate of the additional loss which will occur between the present and the next review of the Disability Compensation Program.

Of the more than 2 million veterans on the VA compensation rolls, there are approximately 123,000 whose income is limited solely to monthly compensation payments.

Compared with average earnings, the present monthly rate for the totally disabled war veteran is grossly inadequate. Available statistical data show that the 1971 average earnings for production workers in private manufacturing industries was $7,809.36, while the compensation for the severely disabled unemployed war veteran is $5,400.00 per year. We do not believe that this veteran should be left behind in the "earnings" race.

Other data show that the median annual income of male veterans in the civilian population for calendar year 1970 was $8,660. Wages in both the public and private sectors have been increased approximately 12 percent since July, 1970. In this same period, non-service-connected disability payments have been raised on two occasions for a total of 16 percent.

It is our hope that serious study and thoughtful consideration of the facts set forth above will lead your Committee to give the highest priority to recommendations for well-deserved increases in the basic rates of service-connected disability compensation.

There are other compensation matters of high importance to the DAV which will draw our attention during the course of the year. We are particularly interested in legislation providing for dependency allowances for veterans whose disabilities are rated less than 50 percent, and a clothing allowance for veterans who, because of service-connected disability, wear prosthetic appliances which tear or wear out their clothing.

We think there is a very justifiable case for increases in the dependency allowances to restore their purchasing value; and a specially urgent case for increases to those veterans who receive the $47 monthly award for anatomical loss or loss of use of body organs. These special awards were last increased in 1952. The DAV has sponsored legislation to increase the $47 on numerous occasions with no headway. It is now more than 20 years after the last increase and the proposal is still prominently in our program.

During this entire period, the Veterans Administration has persistently opposed legislation to provide an increase in these awards on the pretext that it is conducting a study to "validate" the Disability Rating Schedule. We are told that recommendations based on the study may be available on April 1, 1972. However, we would point out that while the so-called validation may change some of the disability "percentage evaluations," it can have no effect on the supplemental statutory rate which the Congress authorized in consideration of factors "other than the economic loss" suffered by the veteran.

In its action, the Congress recognized that there was no way to adequately compensate a veteran who has lost a limb or an eye, or a veteran who has suffered irreparable psychological damage in the service of his country. Accordingly, the Congress rightfully sought to repay these disabled American veterans for the pain and suffering, the loss of physical and mental integrity, which these disabilities by their very nature often bring.

As mentioned earlier, Mr. Chairman, we would welcome the opportunity to discuss these and other items relating to the disability compensation program at future Committee hearings.

EDUCATION AND TRAINING

Mr. Chairman, we think it is generally accepted by the American people that those who serve in our Armed Forces bear a disproportionate burden of citizenship. While they are off serving their country, others of their age are preparing for occupational or professional careers. We think it only fair that the ex-serviceman be given the opportunity to secure educational and training advantages lost during his period of active military duty.

This opportunity would be greatly enhanced by legislation presently under consideration by your Committee. It contains a wide variety of features, one of which would provide a well-deserved increase in the monthly subsistence allowances paid to severely disabled veterans receiving training under the VA vocational rehabilitation program. Another provision would increase the monthly rates of educational assistance payable to veterans, and to wives, widows and children of service-connected totally disabled and decreased veterans under the War Orphans' and Widows' Educational Assistance Act.

NATIONAL CEMETERIES

At a recent appearance before this Committee, the DAV outlined its position with respect to the National Cemetery System as it is currently operated. We urged that the operational jurisdiction and control of the system be transferred from the Department of the Army to the Administrator of Veterans' Affairs.

The legislation on which the DAV testified would, in our opinion, eliminate the confusing and uncertain conditions currently associated with the cemetery program, and would result in the establishment of a unified and orderly system.

The officers and resources of our national organization are ready and on call to assist in helping resolve this urgent problem.

VA MEDICAL PROGRAM

Another item of real significance to the DAV relates to the program of hospital and medical care for disabled war veterans.

We believe that the well-being of the disabled veteran and the debt his nation owes him commands aggressive action to make certain he receives a high standard of medical service as a matter of right. In this regard, Mr. Chairman, I want to express here our grateful thanks to you and the Committee members for your action on legislation to improve the delivery of health services to eligible war veterans.

We are particularly pleased with one of the many excellent features of the Veterans Health Care Reform Act of 1971. It would provide hospital and medical care to the wife or child of a totally and permanently disabled service-connected veteran and to the widow or child of a veteran who has died as a result of service-connected disability.

As I mentioned earlier, Mr. Chairman, the DAV is encouraged by the fact that the VA medical budget for 1973 is the highest ever. Among other things, it calls for an increase of 11,000 new medical employees; for an increase in the number of veterans to be cared for both on an inpatient and outpatient basis; for construction; for prosthetic research and for VA nursing care units.

Despite these promising improvements, there is a growing concern among DAV members about a trend strongly under way to assimilate the VA medical system into a National Health Care Plan under the jurisdiction of HEW or some other social service agency.

The DAV recognizes that the problem of health care for the general population is swelling rapidly and that legislation is needed to deal realistically with all aspects of the health care issue. However, the DAV is unalterably opposed to any scheme which has as its object the absorption of the VA medical and hospital program into a sweeping national health insurance system. Conversely, we firmly advocate that the VA hospital program, as presently constituted, not only be preserved intact but also be expanded and improved for the benefit of America's war disabled.

Mr. Chairman, I have attempted here today to bring to notice some of the highlights of our objectives for the year 1972. As expressed earlier, we think our program is a reasonable one, is feasible and supportable, and represents what we believe to be needed improvements in veterans' programs.

AMNESTY

Before concluding my statement, Mr. Chairman, I want to say a brief word about the draft "amnesty" issue which, as you know, is evoking rancorous, bitter debate across the country.

This burning question must, in our opinion, be evaluated with the utmost honesty and frankness. Reports indicate that there are about 70,000 draft dodgers and deserters residing in Canada and Sweden. A large number have said they were obligated by conscience to take flight. We rather think they were motivated more by the basic instinct of self-preservation. In any event, the really astounding aspect of this whole matter is the present attitude of some of the defectors. At a recent press conference in Toronto, a representative group demanded "totally non-punitive restoration" of their civil rights if and when they return to the United States. They rejected without reservation any alternative service as a condition for amnesty.

We do not think these people will win favor with any veteran groups. It is our considered opinion that amnesty should not now be granted, that the merits of the individual case should be decided separately, and only after the conflict has ended and all who served their nation honorably have returned home.

Mr. Chairman, may I again express our grateful appreciation for giving us the opportunity to appear before you.

FORCED BUSING

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. SCHMITZ. Mr. Speaker, the following statement was prepared by the Committee for the Preservation of Local School Districts in St. Louis County, Mo., for submission to our Judiciary Committee during its hearings on measures to halt the forced busing of public school children for purposes of racial integration. This statement provides an excellent analysis of the usurpation of power in this area by the Federal courts and the limited value of any legislation which does not act directly to halt that usurpation. It concludes that legislation such as I have introduced, and which failed by only three votes recently to pass the Senate, depriving the Federal courts of jurisdiction in busing cases, is much the best way to be sure of bringing an end to forced busing which has angered the American people as few other Government actions have done in recent memory.

The committee's well stated views deserve the attention of a much larger proportion of Members of Congress than serve on the Judiciary Committee. Even committee members might overlook this particular document in the flood of written material on the busing issue which has been submitted to them. Consequently I am taking the opportunity to present to all of you the following statement on busing by the Committee for the Preservation of Local School Districts.

STATEMENT BY COMMITTEE FOR THE PRESERVATION OF LOCAL SCHOOL DISTRICTS

Gentlemen:

As a brief introduction to the concerns of The Committee For The Preservation of Local School Districts and to our position regarding the forced busing of public school children, allow us to establish the local situation in St. Louis County, Missouri.

On Sept. 3, 1971 the U.S. Justice Department filed a suit in U.S. District Court charging several local school districts with perpetuating illegal segregation in a neighboring, predominantly negro, school district. The federal allegations also include the illegal denial of equal protection of the law in violation of the fourteenth amendment to the U.S. Constitution and Title IV of the Civil Rights Act of 1964, in that State and Local school authorities have failed and refused to take the necessary steps to provide equal educational opportunities for the students in the predominantly black district. These allegations are not true and will be successfully refuted in court.

We see in this pending federal court action the seeds of destruction for the public schools of St. Louis County. If, however, the Justice Department, through legal manipulation, should prevail, then the presiding federal judge may choose to prescribe the busing of students by court order.

Since forced busing has become an issue because of the federal government's attempt to force integration and to eliminate segregation, perhaps a closer look at these fundamental terms is in order.

Integration—"to form into a whole; to unite, or become united." When applied to racial, ethnic or religious groups, integration is generally agreed to by an overwhelming number of Americans. Who in good conscience can disagree? The only question is, how do we achieve this goal? Will it be integration by the desires of the people, achieved peaceably with lasting results, or will it be integration by force of law—and as every lawmaker knows, law is force.

If our course is set on achieving integration by force of law, then who decides the ratios? How are these ratios to be achieved? How are these laws to be enforced? And the ultimate question, will integration be successfully achieved?

We are all aware of the civil rights movement of recent years, the bus boycotts, sit-ins, marches, demonstrations, violence, etc.; tactics that catapulted the ostensible goal of integration onto the front pages of our newspapers. These visible, and highly emotional tactics also succeeded in pressuring our federal government into the business of integration—integration by force of law! This pressure was manifested in federal civil rights commissions, anti-discrimination laws, civil rights laws, new social interpretations of our constitutions, more civil rights laws, pyramiding governmental agencies and finally, the war on poverty, all generally conceived to force integration.

Have these efforts met success? We think not. In fact, we can only conclude that governmental efforts to force integration has resulted in increasing racial friction and hatred. Ponder for a moment the governmental force that has been used, with the billions of taxpayers dollars that have been expended, all to force integration, resulting in failure so broad across our land that the proponents of these past schemes now propose to bus school children against the will of their parents!

California Congressman, John Schmitz, said it well recently when he said:

"Thus racism appears in a new form, as a vital aspect of an intolerant, totalitarian elitism which moves other peoples children around vast metropolitan areas like pawns on a chessboard, to obtain the sociological mix most satisfying to the dominant academic and bureaucratic cliques of the moment. That is the real meaning and importance of the nationwide controversy over bussing school children according to race. —"

Government can't solve social problems; it only imposes tyranny on all the people.

Segregation: to cut off from others or from the general mass, to isolate or seclude.

Obviously, to isolate or seclude an individual or group would require force. In our Constitutional Republic, the legal use of force is restricted to government—to law. (There are exceptions, of course.) When law, and its necessary agent force, is used to segregate people or groups, then law has been perverted and is being misused. It is then clearly the job of our legislators to rectify this misuse so as to preserve the peace and to restore the liberty of all. But, are such perversions, tagged de-jure segregation, widespread today? We think not. Instead of being broad in scope they are rather the exception in our land. If the above observation is correct, what do we then have that we call segregation. Do we have people living together because of similar racial or ethnic backgrounds, similar cultural tastes? Do we have people living together because of similar economic status, similar religious principles? What we actually have has been misnamed defacto segregation. It's not segregation at all, and it is certainly not immoral or illegal.

General Thomas Lane in his nationally syndicated column has said:

"If people through individual choice elect to associate chiefly with members of their own race, government has no authority whatsoever, in law or equity to force upon them patterns of association deemed desirable by politicians and educators.

We subscribe enthusiastically to that assertion.

To say that great confusion exists because of the activity of government to regulate the social structure of public education is to grossly understate the point.

Congress has enacted prohibitions on at least seven occasions against the federal government requiring the forced transportation of school children to achieve predetermined levels of attendance with regard to race, creed, or color within individual schools.

Section 401(b) of the Civil Rights Act of 1964 states:

"Desegregation shall not mean the assignment of students to schools in order to overcome racial imbalance."

Other legislation which expresses Congressional hostility to bussing includes the Elementary and Secondary Education Act of 1965, as amended in 1966, which forbids "any department, agency, officer or employee of the United States—to require the assignment or transportation of students or teachers to overcome racial imbalance."

While mentioning the above legislation it is necessary to state that, on other grounds, both of these laws are blatantly un-Constitutional, since there is no authorization whatsoever in the Constitution for the federal government to meddle in the fields of social relations or education.

Now comes the Supreme Court. The Warren Court's 1954 decision (Brown vs. Board of Education) specifically precluded race as a factor in assigning students to, or barring them from, public schools. But, the Burger Court's "Swann" decision actually makes race the chief criterion for assigning children to the schools affected.

President Nixon has repeatedly denounced school bussing to eliminate racial imbalance, yet, on the other hand the President approved a court appeal by the Justice Department from a federal judge's ruling in the Austin, Texas school desegregation case because that ruling provided for *too little* busing. The Department of Health, Education & Welfare pushes bussing, even offering to reimburse the local agencies from federal funds.

So if you want to obey the law of the land, what do you do? Congress has passed laws which ban busing, but the Courts and the Executive have issued edicts compelling busing!

Confusion reigns supreme as our Supreme Court moves us further away from constitutional government. Are Supreme Court decisions the law of the land? Or does Congress, with the authority of the Constitution, make the law?

If decisions of the Supreme Court are indeed the law of the land, where is the legal authorization for the Court's legislative activity? The first section of the first article of the Constitution states:

"All legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and House of Representatives." Further along, the Supremacy Clause (Article VI, Section 2) asserts: "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the law of the land . . . .".

Treaties. Laws of Congress. The Constitution itself. All are mentioned as being factors which combine as the supreme law of the land. But nothing is said about Supreme Court edicts.

In his excellent book, "Your American Yardstick," the noted Constitutional authority Hamilton A. Long explains:

"Supreme Court decisions *do not* constitute the supreme law of the land. Its decision in a case is limited by the facts involved and constitutes only the law of the case, binding merely the parties to the case. This is true as to all cases and all courts, including the Supreme Court. Even in a case involving consideration of the Constitution, therefore, the Supreme Court's decision, involving a mixture of legal rules and principles as applied to the facts involved, cannot and does not constitute a part of the supreme law of the land."

Our Supreme Court, which has un-Constitutionally legislated us into the forced busing business, must be restrained. This restraint must be and can be furnished by Congress. If Congress allows government to remain in the hands of the eminent tribunal, then the people will have ceased to be their own rulers.

The purpose of these Judiciary Committee hearings is to furnish the Members of the House with a reasonable appraisal of proposed laws pertaining to the busing of public school students to eliminate racial imbalance. Since this issue has given rise to a multitude of proposed laws including Amendments to the Constitution, perhaps a fundamental look at the function and substance of "law" itself is in order.

The following words are those of Frederic Bastiat, a French economist, statesman and author. His essay entitled "The Law", first published in 1850, contains eternal truths that will still be valid when another century has passed. His ideas deserve a serious hearing in our troubled times.

"*Law is force.* It is the substitution of a common force for individual force. And this common force is to do only what the individual forces have a natural and lawful right to do: to protect persons, liberties, and properties; to maintain the rights of each, and to cause justice to reign over us all."

"When law and force keep a person within the bounds of justice, they impose nothing but a mere negation, they violate neither his personality nor his liberty. They safeguard all of these. They are defensive, they defend *equally* the rights of all. But when the law, by means of its necessary agent, force, imposes upon men a regulation of social or economic relationship, then the law is no longer negative. It is then acting positively upon people. It substitutes the will of the legislator for their own wills; the initiative of the legislator for their own initiatives." And eventually the tyranny of dictatorship for the freedom of the individual.

"*Law is organized justice.* When justice is organized by law—that is, by force—this *excludes* the idea of using law (force) to organize any human activity whatever, whether it be labor, charity, agriculture, commerce, industry, education, art, or religion. The organizing by law of any of these would inevitably destroy the essential organization—*justice*. For truly, how can we imagine force being used against the liberty of citizens without it also being used against justice, and thus acting against its proper function."

The purpose of forced busing, we are told, is to produce quality education. The idea seems to be that if one child can be forced to sit next to another child who has a different color in his skin, the result will be quality education. What we are not told, however, is how this education by osmosis works.

Another benefit that supposedly results from forced busing is harmony, even brotherly love, between the races and between children of divergent economic and cultural backgrounds. Quite the contrary seems to be true. When you mix children from different neighborhoods, presumably from different racial, economic, or cultural backgrounds, when force is used to achieve this artificial condition, only one thing is created—*hostility*. Why? Students are transported to unfamiliar neighborhoods, sometimes even to hostile and unsafe areas. Students and parents that are content with their neighborhood school are hostile because their rights are not respected. They are hostile because they are unwillingly subjected to an unnecessary, time consuming, and expensive bus ride that cannot possibly add to the quality of their education. They have been reduced to nothing more than a computer number and a color.

When kids from the poorer environments, wearing recycled duds from the Salvation Army, are thrust into schools of relatively affluent neighborhoods, their economic differences suddenly achieve unrealistic proportions. They are understandably envious and even resentful, their envy turns to frustration and these frustrations create hostility, fear and chaos.

If forced bussing is desirable in theory, moral and legal, as our liberal educators and politicians claim, then is distance and time a factor? If a thirty minute bus ride to a neighboring school is beneficial, who can deny that a slightly longer trip across a county or state line is not also beneficial? Would not time, distance, and existing political boundaries prove to be surmountable technicalities? The obvious decadence of our system of law is feeding on ridiculous technicalities such as these.

It is very interesting to note that the liberals and the assorted variety of one world collectivists that have created this bussing Frankenstein are also in favor of Senate ratification of the Genocide Convention. These toilers for tyranny must not be aware that this treaty itself, defines genocide, in part, as follows; "forceably transferring children of the group to another group."

In our opinion the proposals before these Hearings of the House Judiciary Committee range from evil and ludicrous to those of seemingly good intent.

On the evil end of this spectrum we would place the bills offered by Mr. Griffin (H.R. 159), Mr. Abbitt (H.R. 5670) and Mr. Abernethy (H.R. 65). We reject these bills as evil because they are designed as amendments to the blatantly unconstitutional Civil rights act of 1964. We cannot accept amendments to existing legislation that has consistently demonstrated the inherent failures of governmental interference in social matters.

Mr. Flynt offers a bill (H.R. 1295) that proposes to further legitimize the legislative usurpations of the federal courts. He asks that court orders effecting "desegregation," apply uniformly to *all* public schools across our land. His desire to spread injustice uniformly is not commendable. What is almost commendable in Mr. Flynt's proposal is that he would not allow forced bussing to commence in midterm, but would postpone injustice until the beginning of a school term. These "benevolent" proposals surely guarantee the destruction of public education.

Mr. Sikes comes forward with his resolution (H.R. 135). After recognizing the chaos, disruption and confusion that now exists in our school because of previous federal court decrees, Mr. Sikes asks that the courts render their decisions on "segregation" at the earliest possible date in order to furnish our Nations school systems with guidelines to effect an orderly transition in the coming year. It is ludicrous indeed to ask a speed up in the very process of legislative usurpation that has plunged us to the depths of the present crisis in education. Perhaps Mr. Sikes will answer this question: —Transition to what?

A number of proposed Amendments to our Constitution have been offered. The intent of these Amendments, and of their sponsors, is apparently honorable and well meaning in that they are designed to prevent the forced bussing of students. The only question is—do we need an Amendment to the Constitution to correct the injustice of forced bussing? We believe not. We believe instead that our Constitution has *already* provided us with the means to correct the problem.

Our system of checks and balances based upon the diffusion of power between the Executive, Judicial and Legislative branches of government has suffered extensive damage at the hands of the federal courts. This is the primary reason for the existence of the present crisis. That the Executive branch has promoted, or at least has not seen fit to challenge these usurpations cannot, however, be denied.

Why not then limit or restrain the power of the federal courts, including the Supreme Court? This power is granted to the Congress by authority of Article III, Section I of the Constitution, which gives Congress full power to regulate or eliminate the jurisdiction of the Federal Courts in specific areas.

Since our federal courts seem to be on a fast toboggan ride as far as forced bussing edicts are concerned, it seems prudent to choose a swift remedy so as to subejct as few school districts as possible to these edicts.

Mr. Schmitz has proposed a bill (H.R. 10614) that states:

"The Supreme Court shall not have jurisdiction to review . . . any case arising out of any State statute, ordinance, rule, regulation, or part thereof, or arising out of any Act interpreting, applying or enforcing a State Statute . . . which relates to assigning or requiring any public school student to attend a particular school because of his race, creed or color."

This proposed bill further states:

"The district courts shall not have jurisdiction of any case or question which the Supreme Court does not have jurisdiction to review."

In simpler language Mr. Schmitz would deprive *all* federal courts of jurisdiction over cases involving the assignment of school children to schools on the basis of race creed or color. This proposal also recognizes that the assignment of students to public schools is not a matter of federal concern but is reserved to the states and to the people as authorized by the Tenth Amendment to the U.S. Constitution.

Mr. Schmitz is definitely on target with his proposal. *This bill deserves the opportunity of a complete hearing in the Halls of Congress.*

In closing we would like to quote from President Nixon's recent State of the Union Message.

"The leadership of America is here today, in this chamber—the Supreme Court, the Cabinet, the Senate, the House of Representatives. Together we hold the *future of the nation,* and the *conscience of the nation,* in our hands." (emphasis added.)

If indeed our future and our conscience are to be determined by government then we have gone far down the road to totalitarianism.

We hope history will show that government never becomes the master.

PROCEDURE FOR ENROLLMENT UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

HON. TED STEVENS

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 21, 1972

Mr. STEVENS. Mr. President, on Friday, March 17, in 37 Federal Register No. 53 at pages 5615–17, the Bureau of Indian Affairs promulgated its final regulations to 25 CFR 43h, setting forth the procedure for enrollment under the Alaska Native Claims Settlement Act—Public Law 92-203, 85 Stat. 688.

I believe these are of such great importance to the people of Alaska as well as to Alaskan Natives throughout the United States that they deserve to be reprinted in their entirety in the CONGRESSIONAL RECORD. I ask unanimous consent that they be so printed.

There being no objection, the regulations were ordered to be printed in the RECORD, as follows:

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior.

SUBCHAPTER F—ENROLLMENT

Part 43h—Preparation of a roll of Alaska Natives.

The general authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. section 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. sections 2 and 9).

Beginning on page 2679 of the FEDERAL REGISTER of February 4, 1972 (37 F.R. 2679), there was published a notice of proposed rule making to add a new Part 43h to Title 25 of the Code of Federal Regulations relating to the enrollment of Alaska Natives. The regulations were proposed pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92-203, 85 Stat. 688–715).

Interested persons were given 30 days in which to submit written comments, views, or arguments regarding the proposed regulations.

During this period, comments, suggestions, and objections were submitted by interested persons. Careful consideration was given to all the views and arguments received, and certain revisions were made as a result of them. Among the revisions are the following:

1. Deletion of the words "whose Alaska Native ancestry predates the Treaty of March 30, 1867, and who are", as they referred to Tsimshian Indians in the definition of "Native" in § 43h.1(g).

2. Addition of clarifying language in the definition of "Permanent residence" in § 43h.1(k).

3. Addition of a new paragraph (n) in § 43h.1 defining "Enumerator."

4. Addition of the word "permanent" in the heading of § 43h.4(a) and the insertion of "and village or other place" following "region" to indicate where permanent residents of Alaska shall be enrolled. The word "permanent," as a modifier of "resident" or "residence" has been inserted where appropriate throughout the new Part 43h.

5. Insertion of a new paragraph (b) in § 43h.6 to provide for a sponsor to file an application on behalf of classes of persons who require assistance in applying for enrollment. Subsequent paragraphs are redesignated accordingly.

6. A clarification of § 43h.6(e) to provide that enumerators shall be sent to all villages in Alaska, rather than to the principal villages.

7. Addition of a new paragraph (g) in § 43h.6 to provide for notice to regions of the name, date, and place of birth, and claimed residence of all applicants for enrollment, including dependents, and to each village of the name, date, and place of birth, and claimed residence of applicants for enrollment, including dependents, within its region. This revision also provides for protests within 30 days after receipt of notice by regions and/or villages against the allowance of any application for enrollment.

8. A complete revision of § 43h.7 to provide for notice to individual applicants or sponsors, and to the appropriate region and village, of decisions as to enrollment or as to the region or village in which an applicant is enrolled. Rights of appeal are specifically given to the regions and villages, as well as to the applicants.

9. A revision of § 43h.8 to provide for appeals from adverse decision of the Coordinator to be filed by individual applicants or sponsors, regions, or villages. The revision retains a 45-day appeal period, but also requires that a copy of each appeal petition shall be served by the appellant upon the individual, region, and/or village, as the case may be, and that proof of such service be filed with the Regional Solicitor within 15 days of the filing of the appeal petition.

10. The phrase "or other basis for determining eligibility" has been inserted following "degree of Native blood" in § 43h.9 as it relates to the information to be shown on the completed roll.

11. For administrative purposes enrollment applications will be accepted from all eligible Native Alaska members of the Metlakatla Indian Community. Later determinations will be made concerning individual eligibility for inclusion on the roll and entitlement to benefits under the Act. The word "non-Tsimshian" has been deleted from the title and first line of § 43h.11.

The Alaska Native Claims Settlement Act, supra, requires that the roll be prepared within 2 years from its date of enactment. In order to provide for appeals and final preparation within the time allowed, it is necessary that deadline of March 30, 1973, be fixed for the filing of enrollment applications. An additional delay in the effective date of these regulations would unnecessarily and inequitably shorten the period during which applications may be filed and might result in some Natives not being enrolled to receive benefits. The revisions made in the proposed regulations, and reflected in these final regulations, are in consonance with the comments received and within the limits of the underlying laws, and no benefits would be gained by deferring their effective date. Therefore, good cause exists and is so found that the 30-day deferred effective date or any other deferred effective date otherwise required by 5 U.S.C. section 553(d) should be dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. section 533. Accordingly, the new Part 43h will become effective upon the date of publication in the FEDERAL REGISTER (3-17-72).

HARRISON LOESCH,
Assistant Secretary of the Interior

MARCH 15, 1972.

Sec.
43h.1 Definitions.
43h.2 Purpose.
43h.3 Requirements for enrollment.
43h.4 Enrollment in regions.
43h.5 Enrollment in a 13th region.
43h.6 Applications of enrollment.
43h.7 Determination of eligibility.
43h.8 Appeals.
43h.9 Preparation, certification, and approval of the roll.
43h.10 Establishment of a 13th region.
43h.11 Metlakatla Community members.
43h.12 Special instructions.

AUTHORITY: The provisions of this Part 43th issued under 5 U.S.C. section 301; R.S. sections 463 and 465, 25 U.S.C. sections 2 and 9; and sec. 25, 85 Stat. 688, 715.

§ 43h.1 Definitions.

(a) "Act" means the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, Public Law 92-203.

(b) "Secretary" means the Secretary of the Interior or his authorized representative.

(c) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(d) "Area Director" means the Area Director, Bureau of Indian Affairs, Juneau, Alaska, or his authorized representative.

(e) "Coordinator" means the head of the Enrollment Coordinating Office, Pouch 7-1971, Anchorage, Alaska 99501, having the responsibility for coordinating all activities regarding preparation of the roll.

(f) "Roll" means the roll of Alaska Natives prepared pursuant to the Act.

(g) "Native" means a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native as any village or group.

(h) "Village" means any tribe, band, clan, group, village, community, or association in Alaska listed in sections 11 and 16 of the Act, or which meets the requirements of the Act, and which the Secretary determines was, on the 1970 census enumeration date (April 1, 1970), composed of 25 or more Natives.

(i) "Native group" means any tribe, band, clan, village, community, or village association of Natives in Alaska composed of less than 25 Natives, who comprise a majority of the residents of the locality.

(j) "Region" means the geographic area covered by the operation of one of the 12 existing Native associations recognized in section 7(a) of the Act, or its successor regional corporation, and may include the 13th region if established as provided by section 7(c) of the Act.

(k) "Permanent residence" means the place of domicile on April 1, 1970, which is the location of the permanent place of abode intended by the applicant to be his actual home. It is the center of the Native family life of the applicant to which he has the intent to return when absent from that place. A region or village may be the permanent residence of an applicant on April 1, 1970, even though he was not actually living there on that date, if he has continued to intend that place to be his home.

(l) "Regional Solicitor" means the officer in charge of the Anchorage Region of the Office of the Solicitor, Department of the Interior.

(m) "Sponsor" means a parent, recognized guardian, next friend, next of kin, spouse, executor, or administrator of estate, the Area Director or other person who files an application for enrollment on behalf of another person. It does not include an enumerator.

(n) "Enumerator" means a person officially engaged in gathering for the Secretary data and information concerning eligibility of individual applicants for enrollment.

§ 43h.2 Purpose.

The regulations in this part are to govern exclusively the preparation of a roll of Alaska Natives pursuant to section 5 of the Act. The provisions of Parts 2 and 42 of this chapter shall not be applicable to enrollment procedures and appeals provided for in this Part 43h.

§ 43h.3 Requirements for enrollment.

The roll shall consist of the names of all persons who meet the definition of Native and who were born on or before and were living on December 18, 1971.

§ 43h.4 Enrollment in regions.

(a) Permanent residents of Alaska: A Native permanently residing in Alaska at the time of filing his application for enrollment shall be enrolled in the region and village or other place in which he was a permanent resident on April 1, 1970.

(b) Nonresidents of Alaska: A Native who at the time of filing his application for enrollment is not a permanent resident of one of the regions in Alaska shall be enrolled according to the following order of priority:

(1) In the 13th region, if it is formed and he so elects, or

(2) In the region where he resided on April 1, 1970, if he had resided there without substantial interruption for 2 or more years, or

(3) In the region where he previously resided for an aggregate of 10 years or more, or

(4) In the region where he was born, or

(5) In the region from which an ancestor came.

(c) A Native may be enrolled in a different region when necessary to avoid enrolling members of the same family (i.e., parents and children) in different regions or otherwise avoid hardship.

(d) Eligible children born on or after April 2, 1970, and on or before December 18, 1971, shall be enrolled in the region in which one of their parents is enrolled.

§ 43h.5 Enrollment in a 13th region.

A Native eligible for enrollment who is 18 years of age or older and is not a permanent resident of one of the 12 regions may, on the date he files an application for enrollment, elect to be enrolled in a 13th region for Natives who are nonresidents of Alaska, if such region is established pursuant to subsection 7(c) of the Act. If such region is not established, he shall be enrolled as provided in subsection 4(b) of these regulations. His election shall apply to all dependent members of his household who are less than 18 years of age, but shall not affect the enrollment of anyone else.

§ 43h.6 Applications for enrollment.

(a) All applications for enrollment shall be in writing on forms provided by the Bureau of Indian Affairs and shall be signed by or for the head of each household, spouse, and/or the dependent members of his household under 18 years of age. A separate application shall be completed and signed by or for other members of a household 18 years of age or older.

(b) Applications for adopted children or other minors not living with their parents, mentally incompetent persons, members of the armed services and/or any eligible members of their immediate families, stationed outside the continental United States, or persons who have died since December 18, 1971, may be filed by a sponsor on or before the deadline specified in this section.

(c) The application shall contain, among other information, the applicant's social security number, name, address, sex, date, and place of birth, degree of Native blood, permanent residence as of April 1, 1970, the village from which his ancestors came, and for a nonresident of Alaska, his election regarding establishment and enrollment in a 13th region. Social security numbers and cards will be issued to those persons who do not have them.

(d) Completed applications must be filed with the Coordinating Office (Kaloa Building, 16th and C Streets), Pouch 7-1971, Anchorage, AK 99501, not later than March 30, 1973. For purposes of the regulations in this part, "filed" means received by the Coordinating Office.

(e) Residents of Alaska: Enumerators shall be sent to all villages to assist in the completion and filing of applications and centers will be established in urban areas to furnish assistance in the completion and filing of applications. Persons who are missed by the enumerators may apply to the Coordinating Office by mail or in person.

(f) Nonresidents of Alaska: Natives not residing in Alaska shall be furnished application forms, together with instructions for completing the forms, upon request made to the Commissioner, the Area Director, or the Coordinator.

(g) Notice to regions and villages: Each region shall be notified of the name, date, and place of birth, and claimed residence of every applicant for enrollment, including dependents. Each village shall be notified of the name, date, and place of birth, and claimed residence of every applicant for enrollment, including dependents, within its region. Any protest of any region or village against the allowance of any application for enrollment shall be filed with the Coordinator, accompanied by such evidence as it may care to submit, within 30 days after receipt of notice of such application.

§ 43h.7 Determination of eligibility.

(a) Determinations of eligibility shall be made by the Coordinator on the basis of information set forth in the application, records of the Bureau of Indian Affairs, village and tribal rolls and such other evidence as is available, including the submissions, if any, of the villages and regions: *Provided*, That no such determination shall be made less than 30 days after the notice required under § 43h.6(g).

(b) Each applicant shall be notified in writing of the decision. If such determination is favorable, the name of the applicant shall be placed on the roll. If the decision is adverse as to enrollment or as to the region or village in which enrolled, the applicant or sponsor shall be notified by certified mail, return receipt requested, of the decision together with the reasons for the decision and of his right of appeal.

(c) Each region shall be notified by certified mail, return receipt requested, of the Coordinator's decisions with respect to all enrollments and denials of enrollment, and each village shall be notified by certified mail, return receipt requested, of the Coordinator's decisions with respect to all enrollments and denials of enrollment in its regions; the regions and villages shall be further notified of their rights to appeal such decisions and the reasons for acceptance or rejection of the enrollment applications.

§ 43h.8 Appeals.

(a) Appeals by individuals from adverse decisions must be in writing and filed with the Coordinating Office not later than 45 days after the date of receipt of the notice thereof. Appeals by villages and regions from the Coordinator's decisions must be in writing and filed with the Coordinating Office not later than 45 days after receipt of the notice required under § 43h.7(c). No appeal of a village or region will be allowed unless a protest has been filed within the 30-day period provided by § 43h.6(g).

(b) Each appeal from a decision on an application for enrollment shall be by petition, which shall state the bases and reasons for the appeal, and which shall include or be accompanied by all arguments, briefs, records, or other evidence which the appellant urges as grounds for reversal. No additional presentation will be allowed except upon a showing satisfactory to the Regional Solicitor.

(c) A copy of each appeal petition and its supporting documents filed by an applicant shall be served upon the region and village whose names appear on the decision appealed from. A copy of each appeal petition and its supporting documents filed by a region shall be served upon the applicant for enrollment and upon the village whose name appears on the decision appealed from. A copy of each appeal petition and the supporting documents filed by a village shall be served upon the applicant for enrollment and upon the region whose name appears on the decision appealed from. Service shall be made at the time of filing in the manner provided in § 2.33 of this chapter, and proof of such service must be filed with the Regional Solicitor within 15 days of the filing of the appeal petition. Failure to serve copies of the appeal petition and its supporting documents or to file proof of service within the time allowed will subject the appeal to summary dismissal.

(d) Upon the receipt of an appeal petition, the Coordinator will forward the petition, with all records pertaining thereto, to the Regional Solicitor. Determination on appeals will be made by the Regional Solicitor on behalf of the Secretary and shall be final. The applicant and the appropriate village and region shall be notified in writing of the determination of the Regional Solicitor.

§ 43h.9 Preparation, certification, and approval of the roll.

The Coordinating Office shall prepare a roll listing enrollees by village or appropriate region. The roll shall contain for each person, his Social Security number, name, last known address, sex, date of birth, degree of Native blood or other basis for determining eligibility, permanent residence as of April 1, 1970, and the village and/or region in which he is enrolled. Upon completion the Coordinator shall affix to the roll a certificate indicating that to the best of his knowledge and belief the roll contains only the names of persons who were determined to meet the requirements for enrollment as Alaska Natives. The roll shall be submitted to the Secretary for approval.

§ 43h.10 Establishment of a 13th region.

If a majority of all eligible Natives 18 years of age or older who are not permanent residents of Alaska elect, pursuant to subsection 5(c) of the Act, to be enrolled in a 13th region for Natives who are nonresidents of Alaska, a region for the benefit of the Natives who elected to be enrolled therein shall be established and they may establish a regional corporation pursuant to the Act.

§ 43h.11 Metlakatla Community members.

Applications from Native Alaska members of the Metlakatla Indian Community will be conditionally accepted subject to a determination of their eligibility for inclusion on the Alaska Native roll and entitlement to benefits under the Act.

§ 43h.12 Special instructions.

To facilitate the work of the Area Director, the Commissioner may issue special instructions not inconsistent with the regulations in this part.

[FR Doc.72-4141 Filed 3-16-72;8:50 am]

REMARKS OF HON. DONALD E. JOHNSON AT DEDICATION OF NEW SAN DIEGO VETERANS' ADMINISTRATION HOSPITAL

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. BOB WILSON. Mr. Speaker, it is my pleasure to be able to introduce for the Record a description of a landmark event in the continuing program to insure that this Nation's veterans receive top quality medical care.

The event was the dedication of the new VA hospital in San Diego, Calif., on March 15 of this year.

The remarks delivered on that occasion by Administrator of Veterans' Affairs. Donald E. Johnson, contain a description of that hospital and why it was built. Don Johnson makes it clear not only that this new hospital is one of the finest hospitals in the world but also that we as a Nation can do no less than to insure that we continue to provide for veterans of our wars the latest advances that medical technology has to offer.

I respectfully request that the complete text of Administrator Johnson's remarks be carried in the Record.

The article follows:

Remarks of Hon. Donald E. Johnson

We are joined this morning to mark the formal opening of a magnificent and an unusual structure—and to dedicate it to a very special purpose: Service to those who have served the Nation in a very special way.

And, as we welcome this new hospital into the family of Veterans Administration hospitals, we also express our profound appreciation to the American public for its strong and continuing support of the veterans medical care program.

The hospital we dedicate today—a 35-million-dollar investment on the part of the public—is tangible and impressive evidence of that support. But I believe even more striking evidence may be seen in the fact that expenditures for the veterans medical care program will, in the coming fiscal year, reach two and one-half billion dollars! And this is an increase of one billion dollars in the very few years since President Nixon appointed me as his Administrator of Veterans Affairs. Could there be any more dramatic demonstration than this of the public's continuing willingness (if I might use Abraham Lincoln's famous phrase) "to care for him who shall have borne the battle"?

At the same time, let us recognize that—despite the magnitude of these figures—the veterans medical care program returns a large measure of compensating dividends to the public. For, in addition to providing health-restoring services to a significant portion of the total population, the Veterans Administration hospital system also serves—through its program of medical research—to advance medical knowledge and to improve techniques of health-care delivery for the benefit of all; and, it serves—through its program of medical education and training—to assist in providing an adequate supply of health service personnel for the entire Nation.

This hospital—the newest and most modern in our 166-hospital system—can be counted upon to return its share and more of these valuable dividends year after year. With its more than 800 beds and many specialized services, with its 44,000 square feet of research space—occupying the entire top floor, I might add—and with its 16,000 square feet of education space, this hospital—dedicated to the care of veterans—will play a substantial role in the furtherance of the essential triad of modern medicine: patient care . . . research . . . education. And, it will do so under the very highest of standards.

To carry out those high standards—traditional in the VA system—we shall rely, not only upon our own understanding staff, but upon a close affiliation of this hospital with the School of Medicine here at the San Diego campus of the University of California.

When I say close affiliation in this connection, I refer to more than mere physical proximity of the two institutions. In the foreseeable future, the VA hospital will be the medical school's main clinical teaching facility, and our training programs will be totally integrated with those of the University; the same will be true of the research projects to be conducted in our hospital; and, of course, the faculty and students of the medical school will be heavily and regularly involved in the care of our patients.

We are very proud of this affiliation. While the University's School of Medicine is relatively new, it has rapidly developed into a widely recognized center of excellence. I wish to assure the School's faculty and students that the VA—especially through its employees here—will do everything possible to enhance the fine reputation that they have already won for themselves in the field of academic medicine.

This affiliation will be for our mutual benefit. On our side, it will insure high quality care for our veteran patents—those for whom this hospital exists. On the other side, the potential of our hospital for supporting expansion of the programs of the University is enormous. The VA is ready and able within the context of its primary medical care mission to work with the medical school in this direction.

Thus, we—the VA hospital and the University—are joined in a partnership for health; we applaud the medical school's standard of excellence, and we accept it as our own.

Let me also assure the leaders and members of the great community in which this hospital is located, we will be a good neighbor. While our basic responsibility is to serve the 200,000 veterans among you, we know that this cannot be accomplished in isolation. You will find VA employees ready and willing to help promote the entire community's programs and objectives.

I believe our hospital is already making a favorable impact here. It represents an expansion of employment opportunities—a total of 1,900 jobs—and an annual payroll of nearly 15-million-dollars.

Earlier I said that this is an unusual structure that we dedicate today. I refer to both its design and its construction features. When the VA turned to Charles Luckman Associates for the planning of this new facility, the firm was asked to "throw away the book" and to design the hospital of the future. I believe that has been accomplished and accomplished well.

It is the first hospital in the United States to use a type of construction that eliminates the need for interior columns. This permits most inner walls to be moved for easy adjustment of room sizes of wards, laboratories, and officers. The exterior walls may also be moved at relatively low cost. This will permit future expansion should it be necessary to provide for changing patterns of medical technology or veteran population growth.

Every known safeguard against earthquakes has been built into this hospital. There are no solid walls . . . no poured concrete walls that tend to crack in earthquakes. And, the steel-bridge type of construction between the seismic towers at the periphery gives the entire building excellent protection.

These steel trusses run through what the designers refer to as "interstitial space", that is, a layer of space between each floor. This space is one of the more practical features of this new design because it accommodates all the utilities required by a large, modern building—air conditioning ducts, electrical and telephone lines, steam and water pipes, and pneumatic tubes. It also accommodates those special lines so necessary to a hospital—air, medical gas, vacuum and other patient support systems. Workmen can move about readily in this space and make repairs and adjustments to equipment with little or no interruption to patient care operations in the rooms above or below. Also, changes in the function of rooms can be made easily since the various support systems feed down through ceiling-mounted dispensing units, and not through the movable partitions.

Much more might be said about the design of this unusual hospital but I think you will agree that—because of its ready adaptability—we do have now "the hospital of the future."

Yet, it is also a hospital for the present. Each wing of the four patient-care floors has been designed to accommodate our current needs and to facilitate the delivery of health services. Each of the nursing wings is designed for 60 beds and divided into quadrants of 15 beds. During periods of high activity, these 15-bed nursing units are served by a mobile nursing station located at the center. During less active periods, the four units are served from a central nursing station in each wing.

Of the 800-plus beds to be activated here, 500 will be available for general medical and surgical patients, 180 for psychiatric patients, 60 for patients with neurological diseases, and 60 for those requiring nursing home care.

For a new facility, this hospital will be able to provide—in addition to the standard hospital services—an impressive number of specialized medical services. A partial listing includes: Cardiac Catheterization; Electron Microscopy; Hemodialysis and Home Dialysis Training; Nuclear Medicine; Speech Pathology; Pulmonary Function and Respiratory Care; Drug Dependence Treatment; and, of course, there will be intensive care and coronary care sections. With these special services we will be enabled to save and prolong the lives of many veterans, and we will be doing it in their home community.

For too long the veterans of the San Diego area have been without a veterans hospital and, for them, travel to distant VA hospitals has been an added and undue burden. With this fine institution we will now be able to provide the kind of service they have always deserved.

I am pleased to see so many representatives of the Spanish-speaking community here today because I know that many of our future patients will be veterans of Mexican-American heritage.

You will be glad to hear that our employees are being recruited with this fact in mind. We are determined that the personnel at this hospital will be fully representative of the community. Also, while there will be Spanish-speaking employees throughout the hospital, I have directed that the Veterans Assistance Officer stationed here be of the Spanish culture. There will be bi-lingual personnel in the Admissions Office as well. And, as I announced yesterday, the newly appointed Assistant Director of this hospital—Mr. Andrew Montano—is Spanish-American. May I add, too, that our Director—Doctor Turner Camp—feels quite at home with the Spanish language.

In my remarks I have referred several times to the Veterans Administration hospital system, of which this new hospital is now a part. Our 166 hospitals and other medical care facilities are linked together in several ways, but the word "system" most aptly describes the interrelationships. It is the largest grouping of hospitals under centralized management anywhere in the free world.

To underscore that our San Diego hospital is part of a system I need only point to the fact that the initial group of patients admitted here were transferred from our VA Center in Los Angeles. The hospital there had to be evacuated because a careful study by seismic experts found that most of its buildings could not survive a strong earthquake in the vicinity. Patients were transferred to other VA hospitals and domiciliaries throughout the system, as far away as New York State, Virginia, and Florida. Without centralized management, this large and delicate transfer operation—involving many patients with chronic illnesses—could not have been accomplished at all, much less in so short a span of time.

But when we speak of our network of hospitals as a system, we normally are not thinking of our ability to move patients from one facility to another. Rather, we are thinking of what we can do with our nationwide system to improve the health status, not of veterans alone but of the entire Nation. This is what President Nixon had in mind in April 1970 when he said that the potential of VA hospitals as a clinical training resource had been neglected, and that fuller reliance on the VA's system of 166 hospitals would help the entire Nation meet its requirements in the health manpower area.

With his urging and support, we are moving rapidly now to take full advantage of this great but previously under-utilized national asset. The VA will expand the number of health trainees in its facilities to approximately 62,000 in fiscal 1973, up nearly 10 percent over the current year. Thus, in just four years we will have increased the VA's health personnel training program by more than two-thirds of its level in fiscal 1969, the year I became Administrator.

The VA program has trainees in over 60 categories of health care workers. Many of these categories—such as nurses, social workers, and dietitians—will be represented in the training programs to be conducted at this hospital, as it commences to make its contribution to meeting the health manpower needs of the VA and of the community of which it is a part.

This hospital can also be expected to make significant contributions to the VA system's medical research efforts. Each year, VA supports over 5,000 separate research projects, and VA investigators have brought about numerous impressive developments in the care and cure of disease. Research at this VA hospital will emphasize heart disease, arthritis, metabolic diseases, and diseases of old age.

President Nixon has called for increased emphasis on biomedical research, and he is counting on the VA to help support this vital effort. In his Health Message delivered to the Congress only two weeks ago, the President mentioned especially the work the VA is doing in Sickle Cell research and stated that our medical care system "can be counted on to make an important contribution to the fight against sickle cell anemia." Earlier in that statement the President commended the Congress for responding to his 1970 message on needed improvements in the veterans medical care program, in which he requested funds for higher staffing ratios, additional specialty and medical services, and increased medical manpower training.

In the budget for the coming year, President Nixon has also included funds and authorization to start construction of two other hospitals that are of interest to California veterans. One will be a replacement for our Wadsworth, or Los Angeles, hospital, recently evacuated as an earthquake hazard; the other will be to replace the hospital we lost at San Fernando as a result of the major earthquake there a little more than a year ago. The replacement hospital will be located at Loma Linda.

When speaking of the San Fernando tragedy, I cannot help but recall with great sadness the lives lost there, both patients and VA employees. But I also recall the great heroism and dedication displayed there, also by VA employees.

Soon after that event, I had the privilege of presenting the Veterans Administration's Exceptional Service Award and Gold Medal—our agency's highest employee honor—to Joseph F. Heavey, who was Acting Director of our San Fernando Hospital when the earthquake struck with such devastating and deadly force.

Joe Heavey thereafter became Assistant Director of this San Diego Hospital—and was looking forward to continuing his distinguished career of outstanding and unselfish service to veterans. He was deeply involved in planning for this very dedication at the time of his death this past February 6.

Mere words cannot assuage the grief felt by his family and friends and fellow workers. But in his memory I would like to read from the Certificate which I presented to him less than 12 months earlier:

"When the earthquake struck Southern California, and the San Fernando Veterans Administration Hospital February 9, 1971, heroic employees at the hospital performed in a manner that will always be an inspiration in the Veterans Administration and throughout the Federal Service. They forgot themselves as they worked to save lives and relieve suffering. They went for help . . . they organized and helped to man a rescue effort that lasted for days . . . They went into the ruins for victims . . . patients and fellow employees . . . They provided medical care . . . They organized the evacuation of patients to other hospitals.

"They worked often at great personal risk and often despite injury. In many instances, they ignored personal loss and personal tragedy at home to remain on duty.

"They were inspired and led by Joseph F. Heavey, acting hospital director, who was untiring and unstinting in his devotion. Neither he nor the life-saving people who are his employees ever forgot that the mission of a hospital and its staff is to relieve suffering and to save lives."

In closing my remarks this morning, may I say that dedications of buildings—such as this hospital with its steel and glass and stone—are only what we do on the surface.

What we really dedicate here is our own resolve—for it will take men and women like Joe Heavey to make this building serve its purpose; in this case, the fundamental purpose is service—*service with compassion* to the men and women who served our Nation so well in our Armed Forces.

Thus, through this ceremony, we of the Veterans Administration re-dedicate our lives and careers to carrying out the true spirit of that very simple but profoundly meaningful word: Service.

Thank you very much.

EDUCATIONAL REVENUE SHARING

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. HANSEN of Idaho. Mr. Speaker, during the almost 12 full months that have passed since the administration's education revenue sharing legislation was first proposed, court decisions have focused national attention on the school finance situation confronting public education in the United States. One of the most frequent responses to the educational funding dilemma is the almost "automatic" call for increased Federal funding. In the speech that follows, however, Charles B. Saunders of the U.S. Office of Education sets forth a series of compelling arguments for better use and distribution of the education funds already provided by the Federal Government through the revenue sharing proposal. The speech, which was given at the annual convention of the American Association of School Administrators in Atlantic City, N.J., on February 16, 1972, follows:

EDUCATION REVENUE SHARING: AN ESSENTIAL REFORM

(Address by Charles B. Saunders, Jr., Deputy Commissioner for External Relations, U.S. Office of Education)

I appreciate this opportunity to discuss Education Revenue Sharing, because certainly school administrators would be primary beneficiaries of this important proposal to simplify and rationalize Federal assistance to elementary and secondary schools throughout the Nation.

Yet, since President Nixon sent the bill to Congress last April 6, I regret to report that it has not received the support it deserves from the education community. Hearings in both the House and the Senate have produced general agreement that program consolidation and simplification is desirable to rip away much of the red tape in which Federal aid is wrapped. The hearing record shows virtually unanimous support for the concept of the legislation—but almost no support for passage of the legislation itself.

So we seem to have a paradox. For years, educators have voiced growing complaints about the burden imposed on State and local agencies by the increasing number of Federal categorical aid programs and their accompanying mass of regulations, guidelines, and reporting and auditing requirements. Now, when a national Administration proposes for the first time to relieve this burden, the demand for action is underwhelming. Congress has not felt anything resembling the kind of pressures required to obtain passage of legislation to abolish (as we propose) 33 formula grant programs and replace them with a single formula grant which would allot funds proportionately among five broad areas of national concern: the disadvantaged, the handicapped, vocational education, districts with Federally-connected pupils, and supporting services.

For purposes of this discussion, I would like to propose that we put aside the question of whether substantial additional Federal assistance is needed for public elementary and secondary education. Let us stipulate that it is. As you know, President Nixon in his State of the Union message January 20 recognized the crisis in school finance as a top domestic priority for action, and pledged to make revolutionary proposals to deal with the crisis in the months ahead. I think the signs are clear that we are moving toward dramatic changes in the level and manner of Federal support for our school systems in the months and years immediately ahead.

So I would hope that our discussion today will not be sidetracked into arguments about how large new Federal funds should be provided. I think we must await the President's recommendations before we can responsibly evaluate the alternatives and reach specific conclusions on this issue.

Instead, let us focus on the question of what should be done with the *existing* formula grant programs which provide the bulk of current Federal support to State and local school systems: $3.2 billion to be specific, or 83% of total Federal assistance to elementary and secondary education. The various discretionary project grant programs, which provide the remaining 17% of the total on a non-formula, competitive basis, are not involved in this issue.

When the subject of how to reform and repackage existing formula grant programs is raised, I sometimes hear harassed school administrators react with impatience. As one of them told me forcefully: "I don't have time to waste in the exercise of putting existing Federal dollars into different pockets. I need additional dollars so desperately that you can't interest me in the question of what pockets they come from."

While his reaction is understandable in view of the urgent financial plight of many school districts, I submit that it is mistaken. The question of how to treat existing formula grant programs is not a trivial issue: it is of fundamental importance in the developing Federal role in support of elementary and secondary education, and it becomes all the more important—not less—with the growing prospect that substantial new Federal funds may be provided.

The developing Federal role requires a more rational policy for aid to education, and the consolidation and simplification of existing programs is an essential precondition, or a necessary accompaniment, to any large new Federal program which may be forthcoming.

So I hope I can dispell any illusion in this gathering that Education Revenue Sharing is a passing fancy, a gimmick which is likely to be quietly forgotten in the coming national debate over general aid. Far from it.

Education Revenue Sharing, or some version of it, will be necessary whatever the final outcome of the debate on financing the schools and relieving the property tax. The provision of general Federal aid, in whatever form and magnitude, will not eliminate the need for continuing support in the several broad areas already recognized as priority national concerns. Nor will it eliminate the need to reform and simplify the variety of existing programs in these areas of national concern.

The importance of this point calls for further elaboration, so before I proceed to describe what Education Revenue Sharing is and is not, I would like to explore the reasons why it is so fundamentally important. The reasons are basically two. First, the present structure of Federal aid distributes funds in a markedly inequitable way for a variety of activities which can no longer be viewed as educational priorities. Second, the unnecessary rigidities and complexities of the structure increasingly act as obstacles rather than incentives for effective use of Federal funds.

INEQUITIES AND OUTMODED PRIORITIES

To discuss the problem of the present Federal aid structure is inevitably to call into question the strategy which the education community has developed in the last two years (with some success) to obtain the full amount authorized for all existing programs. I would suggest that this strategy is rapidly becoming obsolete.

A powerful case can, of course, be made for selective increases in existing programs—but not, I would argue, for all programs across the board. My concern is that the full funding strategy ignores a number of difficult but very important questions about whether the system is working as it should, and how it should be improved. The strategy simply calls for more of the same, in obvious conflict with this Administration's serious proposals for needed changes to make Federal funds more effective.

The explicit assumption of the full funding strategy, that all existing programs should be maintained and increased indefinitely, demonstrates the need for a more rational Federal policy. And the implicit assumption that setting priorities among Federal programs is neither possible nor desirable underlines the need for intensive scrutiny of the whole array of existing programs and their cumulative impact on the school system.

An increasing body of scholarly research is providing a basis for such scrutiny. The most compelling deficiency which research has exposed in present Federal programs is that they fail to reach the children in greatest need. Cumulatively, they channel a proportionately greater share of aid to school districts in non-metropolitan areas, primarily in rural and small town schools.

The allocation pattern of Federal aid in eight major formula grant programs (representing more than 95% of the funds actually going to local districts) was examined last year by the Syracuse University Research Corporation, and found to be "grossly disappointing." The Syracuse study, of 573 districts in five urbanized states, revealed that non-metropolitan schools in California, Texas, and Michigan receive an average of 50% more aid per pupil than do metropolitan areas.

The study also concluded that the level of funding was inadequate to the enormous tasks confronting public education. But it cited problems of program administration as further diluting the effect of Federal dollars, and it noted that uneven fund flows for the various programs often cause harried school planners to shunt Federal aid funds to the least pressing, least important of their academic priorities.

A number of Federal programs were clearly shown to operate so as to help rich districts increase their wealth, while programs such as ESEA Title I which most effectively target aid directly to needier central-city schools still are insufficient to overcome the suburban advantage in locally-raised revenues and state aid.

The Syracuse scholars concluded: "That central cities—with their social, economic, and fiscal problems—should be averaging significantly and consistently less in per pupil revenues than their less threatened suburbs is no less than a national disgrace."

Not only do existing programs perform inadequately in targeting assistance to national priorities, the priorities themselves hardly reflect an assessment of our educational needs for the 1970's. The present array of categorical programs represent an accumulation of past priorities—from the vocational needs of the 1920's, to the impact of the military and defense buildup of the Korean War, to the NDEA needs of the 1950's and the concern of the 1960's with "innovation" and the disadvantaged.

Some of the most popular categorical programs, which have gone unquestioned by Congress for years, are really anachronisms—measures provided to deal with problems that no longer exist. A prime example is NDEA Title III, passed in 1958 on the basis of evidence that schools were not using the new educational technology. The program was quickly and demonstrably a success, and states were soon purchasing so much equipment and gadgetry that they matched the

Federal funds many times over. Its very success destroyed the original premise that the states needed special encouragement to do a necessary job, and the continued existence of this program raises a nagging policy question: why should Congress act, in effect, as a national school board, annually determining how much Federal money the states should spend on equipment?

Here, too, recent research demonstrates the inadequacy of the present categorical aid structure. The National Educational Finance Project, which reported last fall after a comprehensive three-year investigation of issues in school finance, noted acidly that "some Federal educational programs are intended to be temporary, but, like temporary buildings, they tend to persist beyond their planned termination dates."

The report cited other titles of the National Defense Education Act, and Title II (school library resources) of ESEA, as examples of programs which were originally designed to encourage greater attention to selected items in the school budget. They were expected to terminate, and not become part of the continuing school support program. But such programs generate a strong outside lobby group among its beneficiaries, as well as a vested interest within the Federal bureaucracy, and often continue far beyond their usefulness, the study found. These programs, too, place Congress in the position of deciding how local schools should spend their money long after the original national need has been met.

UNNECESSARY RIGIDITIES AND COMPLEXITIES

The National Educational Finance Project was particularly devastating in its findings on the structure of existing programs considered as a whole. The scholars found that:

". . . the combined effect of numerous categorical aids has produced a deluge of red tape that has hampered public schools; that educational talent is being wasted in writing up applications for small amounts of Federal money; that the emphasis upon innovation, and the search for funds to subsidize it, has resulted in the neglect of programs which have proved valuable in the past. In short, there is a growing conviction that the expanding list of Federal categorical aids has produced confusion, instability, and distinction of educational emphasis."

The problems created by the proliferation of categorical programs over the past decade are best known at the local level where, in theory, the various programs offer the potential for significant support. In practice, however, each categorical program requires a separate application—often to separate bureaus of the Office of Education. In most cases interim approval at the State level is necessary. Some programs require matching funds. Some only ask an acceptable project proposal for approval: others approve projects on a highly competitive basis. And each categorical program has its own complicated set of regulations, guidelines, and reporting requirements.

These requirements make it difficult for even the most affluent and best-staffed school district to put together a coherent package of Federal assistance. For smaller, poorer systems, the task is simply impossible: Just keeping informed of the array of programs available, how to apply for them; when, and where has come to be an undertaking beyond the competence of any local school superintendent unless he has professional assistance.

A recent computer analysis shows the extent to which OE programs have poliferated: there are currently 38 separate authorizations in support of instruction, 37 in support of low-income pupils, and 22 in support of reading instruction. If these separate purposes are combined into one broader heading—instruction of low-income students in reading—there are no fewer than 13 different categorical authorizations.

Growing problems with the categorical approach are also increasingly apparent at the State level, where the paperwork required is staggering. A typical State plan for a single formula grant program is several hundred pages long and takes thousands of man-hours to prepare. States often establish separate units to do this work for programs and projects that are Federally funded, because of the requirements for individual auditing and reporting. These units and their personnel are counterparts—reproductions on a smaller scale of the units that administer the programs in the Office of Education. They frequently work more closely with OE than with their own agencies, managing their Federal funds in isolation from State resources that are available for the same purposes—and isolated, too, from other Federally-assisted programs. This fragmentation, of course, only diminishes the possibility of comprehensive, coordinated educational planning at the State level.

Some of the other problems resulting from the poliferation of categorical programs may seem ludicrous, but they are very real to State and local officials. One employee of a State department of education received 17 checks each payday, because his time was apportioned among 17 Federally-funded programs. Monitoring procedures to assure that personnel and equipment charged to one program are not used for other purposes may mean that a secretary working for one program cannot use a typewriter purchased for another, or that a bookkeeping machine purchased with categorical funds must remain idle while other non-Federal units of the same offices are using hand ledgers. At both the State and local levels, paperwork involved in project grant applications sometimes results in administrative costs that actually exceed the amount of the eventual grant.

Existing programs, with their baggage of guidelines, regulations, and reporting and auditing requirements, rarely reinforce each other. It is difficult to write guidelines for a single program which are uniformly appropriate for 19,000 school districts—to say nothing of 33 separate sets of guidelines. Various Federal programs in a single city operate in relative isolation and seldom concentrate on the areas where the needs are greatest. Nothing in the laws encourages effective linkage of the categorical aid programs with the research and development efforts fostered in separate legislation.

At the Federal level, the proliferation of categorical programs also brings many problems. The paperwork generated at the local and state level flows into the Office of Education, where a great deal of manpower is assigned to reviewing reports, records, and plans. This expenditure of man-hours is largely wasted, for several reasons. Most of the work is essentially sterile—a matter of checking to see that all is in order, a bureaucratic function which the laws require, but which adds little or nothing to the content of the paper, aside from routing it from desk to desk and contributing to a cumulative delay in processing. Instead of supplying data that could be used to evaluate and improve a State's performance, these documents frequently amount to a pedestrian collection of routine program descriptions, assurances that Federal requirements are being met, and voluminous statistics of doubtful worth. The time required to shuffle them reduces the amount of time and manpower which the Office of Education might otherwise devote to worthwhile technical assistance to States and local educational agencies—just as the time preparing them reduces the capacity of State officials for comprehensive planning or productive work with local school authorities to improve educational programs.

I would like to emphasize that I am not criticizing individual categorical programs. The bulk of them have been notably successful in achieving their original purpose of stimulating new efforts to meet special educational needs. I assume that there will always be a need for some categorical programs: there will always be areas where support is deemed in the national interest, and new areas of need are constantly emerging which require special stimulation. Once special needs have been recognized, however, they should be replaced by broader forms of Federal aid. Once areas of particular national interest have been established in law, States and localities should be encouraged to find their own means of achieving national objectives instead of being circumscribed by detailed regulations which assume that Washington knows best how to deal with problems which differ in degree and intensity from State to State, district to district, and from school to school.

I have tried to show that existing programs do not add up to a coherent Federal policy. Their continued expansion, across the board, cannot accomplish needed reforms. Pouring more money into the same narrow categories will not solve our educational problems; will not make more effective use of Federal funds; will not do anything to correct inequities that glaringly exist in the present distribution of funds; will not deal with the fundamental fiscal crisis of the schools. Full funding, taken to its illogical conclusion, will only multiply existing problems of accounting, reporting, and administering the various categorical programs, and further distort our educational priorities.

A more rational structure for distribution of existing Federal funds is essential to provide a sound basis for additional support.

That is why President Nixon has proposed Education Revenue Sharing. After 13 years of growth in the number, complexity, and rigidity of categorical Federal aid, this Administration is saying that it is time to reverse the trend. It is time to reduce the number of categories, regulations, and guidelines; time to broaden and consolidate existing programs, foster comprehensive planning to use Federal funds more effectively, and place greater responsibility on the States and local districts to deal with their educational problems in ways which seem best to them in the light of their own priorities.

Education Revenue Sharing would substitute for 33 existing formula grants a single program which would automatically distribute funds to the States according to a statutory formula based on the total school-age population, the number of students from low-income families, and the number of students whose parents work or live on Federal property. As the education community has long requested, the bill makes provision for appropriations one full year in advance to promote stability and sound planning for use of the funds.

Under the automatic formula, more than half of the funds would be allotted to the disadvantaged. These funds, and the allotment for Federally-connected pupils whose parents live on Federal property, would pass directly through to the local educational agencies as a matter of right. The rest of the money would go to the States for distribution as they see fit. Up to 30 percent of funds for vocational education, education of the handicapped, Federally-connected children living off of Federal property, and supporting services could be transferred to any of the other national purpose areas, if they were determined to be of higher priority. Such determinations would be made through the development of a comprehensive State plan for use of the Federal funds.

The State plan is a central feature of Education Revenue Sharing. It would not be a routine document, but would be the product of broad public debate within the State, and the advice of an advisory council representative of the persons served by the Federal programs. The plan would be entirely the work of the people of the State, and there would be no requirement for submission to the Federal govermnent for approval. Likewise, the way funds would be used within each of the five national purpose areas would be a matter for determination within the State (subject to minimal necessary Federal requirements for auditing and other assurances that the funds are spent for the purposes authorized). Careful planning would be facilitated because the Federal appropriation would come in a lump sum, one year in advance. State and local administrative costs would be reduced because much of the tedious and expensive grant application process would be eliminated.

As I have noted, educators are so pressed for additional funds today that they find it hard to generate enthusiasm for reforms which do not necessarily provide increased Federal aid—even reforms as necessary as Education Revenue Sharing. It is important, however, to realize the full significance of this proposal for American education, and not be misled by critical reactions to some of the specifics of the proposed legislation.

One reaction has been to dismiss the bill "because it doesn't have enough money in it." This criticism only indicates misunderstanding, because there isn't any money in Education Revenue Sharing in the first place; the bill authorizes such sums as Congress appropriates. It is true that the President's 1973 budget request for ERS calls for $3.2 billion, or no more than the sum total of current funding for the programs proposed for consolidation. We are saying that we would like to spend these funds through the mechanism of revenue sharing. The total amount would in any case be a function of the annual appropriations process, not the authorization bill.

Another reaction is to ask: "are the States capable of spending the funds responsibly?" This question must be dismissed as sheer arrogance or rank hypocrisy. The States and local districts are currently spending 93% of all funds for public elementary and secondary education, and it is ridiculous to suggest that they are somehow unfit to spend the 7% put up by the Federal government. If we acknowledge that some States will spend the money more wisely than others, we must also ask how any State can be expected to be fully responsible as long as Federal programs deny them full responsibility.

Still another reaction is that "present programs would be more effective if they were fully funded, and then there would be no need for Education Revenue Sharing." This is perhaps the most attractive—and the most dangerous—argument against the proposal. As I have already pointed out, this viewpoint ignores the inequities and complexities of existing categorical programs. Full funding if achieved, would not eliminate the need for Education Revenue Sharing, but would make it an urgent necessity to save the elementary and secondary education system from strangulation by Federal red tape.

There are other criticisms of the bill, but they are mostly matters of detail: issues which should be relatively easy to resolve if there is a determination to achieve the objectives of the proposal. The specifics are not set in concrete: they represent a first attempt to embody an important concept in legislative language. We expect Congress to amend and improve our language as it shapes the final law, and we are prepared to work in full cooperation to this end.

The details, at this point, are not as important as the concept. Of overriding importance is the determination that greater authority and responsibility must be placed where it belongs, in the States and local education agencies. That is the essence of the New American Revolution which the President called for in his 1971 State of the Union message: "a peaceful revolution in which power (is) turned back to the people—in which government at all levels (is) refreshed and renewed, and made truly responsive."

PROGRESS REPORT ON BUSING

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. YOUNG of Florida. Mr. Speaker, as a result of the March 14 Florida primary election, there can no longer be any question as to how the people of Florida feel on the critical question involving the education of our children. The people of Florida spoke out against forced busing by a 3-to-1 majority; the vote was 1,104,700 for a constitutional amendment to prohibit busing, and 387,073 against. On the issue of equal educational opportunities, the vote was nearly 4 to 1 in favor, 1,066,123 to 290,003, thus demonstrating that Floridians, despite accusations by some, are not racists.

Because people come to Florida from every State in the Nation and their views are representative of the country as a whole, these results take on added significance. The people want an end to forced busing of children and they want to preserve our neighborhood schools. They want equal educational opportunities for all, regardless of race, creed, or color. The Florida straw ballot proves this conclusively—the people are crying out for their leaders to act.

Fortunately, we are finally making some headway in our fight to stop the forced busing of children to create an artificial racial balance in the classrooms. The chairman of the House Judiciary Committee, EMANUEL CELLER, finally agreed to hold hearings on the busing issue. These hearings began on February 28, and I was one of the first witnesses to testify.

The Congress repeatedly has opposed forced busing and affirmed its determination to preserve neighborhood schools. The antibusing amendment to the 1964 Civil Rights Act prohibited massive busing to create an artificial racial balance in the schools, and the Congress repeatedly has prohibited using Federal funds for busing in approving appropriations to education.

More recently, on March 16, in his schoolbusing report to the Nation, President Nixon reaffirmed his strong stand against massive forced busing and for equal educational opportunities for all. The President has now sent to Congress two bills regarding this problem, one of which calls for a moratorium on all new or additional busing orders and the other providing for a new program of special compensatory education.

In his message to the Nation, Mr. Nixon also stated that some Federal district courts have ordered busing far in excess of what the Supreme Court has required, and he said he was calling on the Justice Department to examine some of these cases. In my opinion, the Federal courts have done just that in my own congressional district in Pinellas County by mandating busing far beyond that required by the Supreme Court and, thus, creating a severe hardship on many children and parents. For this reason, I sent a telegram to the President, urging that the Pinellas County case be one of the first set for investigation by the Justice Department. The text of my telegram follows:

> The people of America applaud your strong stand—as outlined in your special television address last night—against massive forced busing and for equal educational opportunities for all. All children, regardless of race or religion, should be afforded the best possible education. I fully agree that we must continue efforts toward a Constitutional Amendment to preserve the right of children to attend their neighborhood school without regard to race, creed, religion or sex.
>
> While this is, as you pointed out, a time-consuming process, I believe it is the only truly effective way to preserve our neighborhood schools. Some Federal courts have consistently ignored the mandates of Congress against forced busing to create an artificial racial balance in the schools.
>
> Fully justified is your decision ordering the Justice Department to examine some of the busing plans mandated by the courts as going far beyond requirements of the Supreme Court. I would respectfully urge that one of the first cases investigated be in Pinellas County, Florida, in the 8th Congressional District, where, in my opinion, a grossly excessive busing plan far exceeds even the requirements set by the Supreme Court. This court ordered plan has created a severe hardship for many children and parents, and caused serious disruption in the community.
>
> C. W. BILL YOUNG,
> *Member of Congress.*

If the people want neighborhood schools, if the Congress wants neighborhood schools, and if the executive branch wants neighborhood schools, where, then, is the problem? The problem is within our Federal courts. Elected by no one, some Federal judges act as laws unto themselves and, under our system, they are not answerable to the people for their performance. Obviously, something must be done to reinforce the will of the majority of the people. Now it is up to the Congress to act. As elected representatives of the people, we must take the operation of our schools out of the hands of the judges and return the classrooms to our teachers. Our classrooms must be preserved for education—not social experimentation.

TV VIEWS FAVOR NATO TROOP WITHDRAWALS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. ASPIN. Mr. Speaker, recently I had the opportunity to appear on "The Advocates" television program to discuss the question of American troop withdrawals from NATO. I supported the position that the United States should reduce the number of troops stationed in Europe.

I am pleased to report that the vast majority of the viewers shared my view. Of a total of 2,657 views who mailed ballots to "The Advocates," 2,116 or 80 percent voted in favor of reducing the number of American troops in Europe.

Since I am sure that this is a matter of interest for my colleagues, I am inserting at this point in the RECORD a State-by-State breakdown of the votes cast:

STATE BREAKDOWN OF MAIL RESPONSE

State	Pro	Con.	Other
Alabama	2	2	0
Alaska	15	4	0
Arizona	32	7	1
Arkansas	4	3	0
California	389	102	5
Colorado	39	6	0
Connecticut	22	8	0
Delaware	4	0	0
District of Columbia	9	8	0
Florida	110	19	0
Georgia	4	3	0
Hawaii	12	3	0
Idaho	3	2	0
Illinois	93	15	0
Indiana	24	14	0
Iowa	15	3	0
Kansas	7	1	0
Kentucky	3	1	0
Louisiana	9	3	0
Maine	12	3	0
Maryland	18	2	0
Massachusetts	167	49	0
Michigan	35	12	0
Minnesota	46	7	1
Mississippi	7	2	0
Missouri	0	1	0
Montana	6	0	0
Nebraska	11	3	0
Nevada	6	1	0
New Hampshire	21	7	0
New Jersey	66	18	0
New Mexico	11	2	1
New York	210	47	2
North Carolina	39	7	1
North Dakota	1	0	0
Ohio	40	9	1
Oklahoma	26	10	0
Oregon	76	13	0
Pennsylvania	135	31	1
Rhode Island	11	6	0
South Carolina	6	0	0
South Dakota	9	0	0
Tennessee	11	7	0
Texas	63	22	0
Utah	5	0	0
Vermont	3	0	1
Virginia	26	16	0
Washington	90	28	2
West Virginia	12	2	0
Wisconsin	58	6	2
Wyoming	4	1	0
Unknown	88	8	0
Foreign	1	0	0
Total	2,116	534	18

FAA UNCERTAINTY CAUSING ECONOMIC DAMAGE

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. SANDMAN. Mr. Speaker, once again the 2,700 or so Federal employees at the National Aviation Facilities Experimental Center—NAFEC—have been thrust by circumstances under another cloud of uncertainty.

The Federal Aviation Administration, under which most of them are employed near Atlantic City in my congressional district, recently announced a reduction in force—RIF.

The intention of the RIF is so that the FAA can fulfill its obligation to meet the President's directive to all Federal agencies to reduce employment.

Certainly I, support the President fully in his overall efforts to attempt to reduce bureaucracy where it exists, but that worthy goal became garbled somehow in the translation.

On January 21, 1972, the FAA announced its intention to implement reduction-in-force procedures prior to June 30, 1972. Following is the text of the brief announcement, over signature of Assistant FAA Administrator Kenneth Smith:

> Federal agencies are supporting the President's economic program by reducing employment by 30 June 1972. The FAA is minimizing the impact of the reduction through an employment freeze, curtailing hiring to replace attrition, and by liberalizing the opportunity for retirement.
>
> Irrespective of the actions that we have taken to date, it now appears certain that we will need to conduct a Reduction-In-Force of 4 to 5 percent because of attrition fall-off and other factors. At this point in time, we are finalizing our plans to conduct a RIF and as these plans are finalized, we will keep you advised of all developments. Generally, we do not anticipate a need to conduct a RIF of employees in the agencies' field facilities. This means, of course, that the major impact from the RIF will affect regional headquarters, Washington, Aeronautical Center, and National Aviation Facilities Experimental Center (NAFEC) employees.

That was 2 months ago, Mr. Speaker. And, frankly, I have been unable to learn much more about the threatened RIF despite repeated and regular inquiries to the FAA on behalf of several constituents.

Result of the uncertainty has been severe economic damage to the Greater Atlantic City area. NAFEC employees, I am told, are holding off buying that new car, investing in the addition to the house, or making other commitments.

And there can be no doubt that job efficiency and performance has to be hurt by a general employee fear of being laid off.

Therefore, Mr. Speaker, I have written to Secretary of Transportation John Volpe to ask that the so-called reduction in force be either called off or executed promptly. This is a case where, clearly, the threat is more harmful than the deed.

I oppose and feel it would be a grave mistake for the FAA to conduct a RIF just for the sake of meeting a quota. Employees are people, not numbers. Instead, a hiring freeze and liberalization of retirement opportunities are the ways reduced employment can be achieved fairly, as necessary.

The current approach is counterproductive and should be abandoned immediately.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?